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Title of CFR	Revised as of Jan. 1, 1955	Revised as of July 1, 1955
1	None	None
2	None	None
3	None	None
4	None	None
5	None	None
6	None	None
7	None	None
8	None	None
9	None	None
10	None	None
11	None	None
12	None	None
13	None	None
14	None	None
15	None	None
16	None	None
17	None	None
18	None	None
19	None	None
20	None	None
21	None	None
22	None	None
23	None	None
24	None	None
25	None	None
26 (1939)	None	None
26 (1954)	None	None
27	None	None
28	None	None
29	None	None
30	None	None
31	None	None
32	None	None
32A	None	None
33	None	None
34	None	None
35	None	None
36	None	None
37	None	None
38	None	None
39	None	None
40	None	None
41	None	None
42	None	None
43	None	None
44	None	None
45	None	None
46	None	None
47	None	None
48	None	None
49	None	None
50	None	None

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TITLE 3—THE PRESIDENT

PROCLAMATION 3114

GENERAL PULASKI'S MEMORIAL DAY, 1955

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Count Casimir Pulaski, a Polish patriot, came as a young man to the United States and proffered his services to the Revolutionary forces, bringing, as he himself declared, nothing but the integrity of his heart and the fervency of his zeal; and

WHEREAS he earned the commission of brigadier general in the Continental Army, contributed nobly to the cause of American independence, and gave his life for that cause on October 11, 1779, when he died of a wound inflicted two days earlier while he was leading a cavalry attack on Savannah during the siege of that city; and

WHEREAS it is fitting that in recognition of his inspiring courage and transcendent love of liberty we should pay public tribute to Casimir Pulaski on the one hundred and seventy-sixth anniversary of his death:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Tuesday, the eleventh day of October, 1955, as General Pulaski's Memorial Day; and I direct that the flag of the United States be displayed on all Government buildings on that day. I also invite all our people to observe that day with ceremonies commemorative of General Pulaski's supreme sacrifice for freedom's sake.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of September in the year of our Lord nineteen hundred and fifty-five, and of the Independence of the United States of America the one hundred and eightieth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55-8004; Filed, Sept. 29, 1955; 3:21 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; WEST VIRGINIA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

WEST VIRGINIA

County:	*Average value*
Berkeley	$20,000
Boone	15,000
Braxton	15,000
Brooke	15,000
Cabell	20,000
Calhoun	15,000
Clay	15,000
Doddridge	15,000
Fayette	15,000
Gilmer	15,000
Grant	15,000
Greenbrier	20,000
Hampshire	20,000
Hancock	15,000
Hardy	15,000
Harrison	20,000
Jackson	22,000
Jefferson	20,000
Kanawha	20,000
Lewis	20,000
Lincoln	15,000
Logan	15,000
McDowell	10,000
Marion	15,000
Marshall	20,000
Mason	22,000
Mineral	16,000
Monongalia	15,000
Monroe	20,000
Morgan	18,000
Nicholas	15,000
Ohio	20,000
Pleasants	18,000
Pocahontas	18,000
Preston	15,000
Putnam	20,000
Raleigh	15,000

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WEST VIRGINIA—Continued

County—Continued	*Average value*
Taylor	$15,000
Wayne	15,000
Wetzel	15,000
Wood	22,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: September 27, 1955.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 55-7960; Filed, Sept. 30, 1955; 8:54 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 Payment Program (Pulled Wool), Amdt. 1]

PART 472—WOOL

SUBPART—1955 PAYMENT PROGRAM FOR LAMBS AND YEARLINGS (PULLED WOOL)

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service, containing the requirements of the 1955 Payment Program for Lambs and Yearlings (Pulled Wool), Revised, and published in 20 F. R. 5741, are hereby amended by deleting the last sentence of § 472.671 (c) (1) (iv) and substituting the following therefor: "An order buyer, commission firm, or dealer shall use a particular code symbol to refer to only one slaughterer, but may use more than one code symbol to refer to the same slaughterer, during the marketing year: *Provided*, That the order buyer, commission firm, or dealer who uses more than one code symbol to refer to the same slaughterer indicates on his file copy of each account of purchase or invoice, as the case may be, the code symbol he used in connection with such transaction in referring to the slaughterer to whom the account of purchase or invoice is addressed."

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912; 15 U. S. C. 714c, 7 U. S. C. 1781–1787, 1446)

Issued this 28th day of September 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture and President of Commodity Credit Corporation.

[F. R. Doc. 55-7957; Filed, Sept. 30, 1955; 8:52 a. m.]

[1955 C. C. C. Grain Sorghums Distress Loan Program Bulletin 1]

PART 473—SPECIAL PRICE SUPPORT PROGRAM

SUBPART—1955 CROP GRAIN SORGHUM DISTRESS LOAN PROGRAM

A price support program has been announced for the 1955 crop of grain sorghums and the applicable regulations (20 F. R. 3701 and 5447) have been issued by Commodity Credit Corporation. This bulletin contains the regulations applicable to the 1955-Crop Grain Sorghums Distress Loan Program through which, as an adjunct to the price support program, recourse loans on grain sorghums are made available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to in this bulletin as CCC and CSS, respectively). This program is designed to assist producers in holding their grain sorghums until they can qualify for the regular nonrecourse loans under the price support program.

Sec.
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473.252 Availability of loans.
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473.256 Eligible grain sorghums.
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473.259 Determination of quality.
473.260 Liens.
473.261 Service charges.
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473.268 Personal liability.
473.269 Loan rates.
473.270 Maturity.
473.271 Settlement.

AUTHORITY: §§ 473.251 to 473.271 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 473.251 *Administration.* The program to which this subpart applies will be administered by CSS under the general direction and supervision of the Executive Vice President, CCC, and, in the field, will be carried out by Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called State and county committees) and CSS commodity offices. All documents will be approved by the county office manager, or other employee of the county office designated by him to act in his behalf. Such designations shall be on file in the county office. Copies of all such documents shall be retained in the county office. County office managers, State and county committees, and CSS commodity offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

§ 473.252 *Availability of loans*—(a) *Approved forms.* Loans will be evidenced by promissory notes and loan agreements and secured by chattel mortgages.

(b) *Area.* Distress loans are authorized on grain sorghums (1) stored on the ground, or (2) stored in temporary facilities, in areas in any State where the State Committee determines that conditions are such that the grain sorghums can be so stored temporarily. In areas where it is not feasible to store grain sorghums on the ground, the State Committee may authorize distress loans on grain sorghums stored in temporary facilities only.

(c) *Where to apply.* Application for a distress loan should be made at the office of the county committee which keeps the farm program records.

(d) *When to apply.* Loans will be available from the date the program is announced for the area by the State Committee. The final date of availability of loans shall be 30 calendar days after the date the program is announced for the area, or 30 calendar days after the producer completed harvest of the grain sorghums tendered for loan, whichever is later, and the applicable loan documents must be signed by the producer and delivered to the county committee not later than the final date of availability of loans. The applicable loan documents are the Producer's Note and Supplemental Loan Agreement (Commodity Loan Form A); the Supplemental Loan Agreement—Distress Loans, and the Commodity Chattel Mortgage (Commodity Loan Form AA). It shall be the responsibility of the producer to ascertain from the county committee whether the program has been announced for the area and the date that the program was announced.

§ 473.253 *Disbursement of loans.* Disbursement of loans will be made to producers by county offices by means of sight drafts drawn on CCC, or by approved lending agencies under agreement with CCC. No disbursements shall be made later than 15 days after the final date of availability of loans unless authorized by the Executive Vice President, CCC. Payment in cash, credit to the

producer's account, or the drawing of a check or draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the grain sorghums are in existence and in good condition. If the grain sorghums were not in existence and in good condition at the time of disbursement, the proceeds shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

§ 473.254 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity, with which CCC has entered into a lending agency agreement.

§ 473.255 *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof, producing grain sorghums in 1955 as landowner, landlord, tenant, or sharecropper.

§ 473.256 *Eligible grain sorghums.* The conditions of eligibility for grain sorghums shall be the same as under the 1955-crop grain sorghums price support program (§ 421.1228 of 1955 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Grain Sorghums, 20 F. R. 3701), except that there shall be no requirement for storing grain sorghums for a specified period prior to inspection.

§ 473.257 *Storage.* (a) Temporary storage facilities shall be facilities which, in the opinion of the county committee, are suitable for the temporary storage of grain sorghums.

(b) Grain sorghums piled on the ground shall be protected from animals and shall be piled on ground which will afford maximum protection from water damage.

§ 473.258 *Determination of quantity.* (a) The quantity of grain sorghums placed under loan will be estimated, but measurements, threshing records, and other guides shall be used to the extent that they are practicable or available.

(b) The quantity of any grain sorghums delivered to CCC shall be determined by weight. In determining the quantity by weight, a unit of 100 pounds shall be 100 pounds grain sorghums free of dockage. In determining the quantity of sacked grain sorghums by weight, a deduction of three-fourths of a pound for each sack shall be made.

§ 473.259 *Determination of quality.* The class, subclass, grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Grain Sorghums, whether or not such determinations are made on the basis of an official inspection.

§ 473.260 *Liens.* If there are any liens or encumbrances on the grain sorghums, proper waivers must be obtained.

§ 473.261 *Service charges.* The producer shall pay a service charge of 2 cents per 100 pounds for each hundredweight of grain sorghums placed under a distress loan, or $3.00 whichever is greater. Such service charge shall be collected from the proceeds of the loan at the time the loan is disbursed. State committees, however, are authorized to require prepayment of $3.00 of the service charge at the time a producer applies for a loan. If, on or before the maturity date of the note, the producer obtains a regular price support loan on the grain sorghums under the 1955 grain sorghums price support program, he shall pay an additional service charge of 2 cents per 100 pounds if placed under farm-storage loan, and 1 cent per 100 pounds if placed under warehouse-storage loan, for each hundredweight by which the quantity of grain sorghums placed under the regular loan exceeds the total hundredweight placed under the distress loan. No refunds of service charges will be made.

§ 473.262 *Set-offs.* Set-offs shall be made against the proceeds of the distress loan in accordance with the provisions of § 421.1010 of 1955 C. C. C. Grain Price Support Bulletin 1, 20 F. R. 3017.

§ 473.263 *Interest rate.* Loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement of the loan, except that where there is a default in satisfaction of the loan, the deficiency shall bear interest at the rate of 6 percent per annum from the date of default.

§ 473.264 *Release of grain sorghums; transfer of producer's interest.* A producer may at any time obtain release of the grain sorghums under loan by paying to the holder of the note the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Upon presentation of the paid note, the county committee shall arrange for the release of the chattel mortgage. The producer shall not transfer either his remaining interest in or his right to redeem the grain sorghums mortgaged as security for a distress loan nor shall anyone acquire such interest or right. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the grain sorghums must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the grain sorghums from the premises when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers, at the office of the county committee.

§ 473.265 *Safeguarding of the grain sorghums.* The producer obtaining a distress loan shall take whatever action is practicable to keep the grain sorghums in good condition, and in the event of damage to the commodity, he shall notify the county committee in writing of such damage.

§ 473.266 *Insurance.* CCC will not require the producer to insure the commodity placed under loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest.

§ 473.267 *Losses in quantity or quality.* CCC will not assume losses in the quantity or quality of the grain sorghums occurring for any reason.

§ 473.268 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan or the conversion or unlawful disposition of any portion of the commodity by him, may render the producer subject to criminal prosecution under the Federal Law and shall render him personally liable not only for the amount of the loan (including interest) but also for any resulting expense incurred by any holder of the note.

§ 473.269 *Loan rates.* Loans will be made under this program at 80 percent of the regular county rate established for the grain sorghums under the 1955-crop grain sorghums price support program.

§ 473.270 *Maturity.* Loans will mature 90 days from the date of the note, or earlier on demand.

§ 473.271 *Settlement*—(a) *Producer eligible for regular loan.* If on or before maturity, the producer places the grain sorghums in approved farm-storage or in an approved warehouse, he may obtain a regular price support loan at the full support rate. The regular loan will be made at the full support rate on the basis of the quantity and quality of eligible grain sorghums which have been placed in an approved storage structure. When the regular loan is made, the principal of the distress grain sorghums loan, plus interest at the rate of 3½ percent per annum from the date of disbursement of the distress loan to the date of disbursement of the regular loan, shall be repaid to CCC either in cash or out of the proceeds of the regular loan. If the producer does not obtain a regular loan, he shall upon maturity repay his distress loan in cash or deliver the grain sorghums to CCC as set forth in paragraphs (c) and (d), respectively, of this section.

(b) *Producer not eligible for a regular loan.* If, on or before maturity, the producer does not place the grain sorghums in approved farm storage or approved warehouse storage, or if the grain sorghums are not eligible for a regular loan, the producer shall, upon maturity, repay his distress loan in cash or deliver the grain sorghums to CCC as set forth in paragraphs (c) and (d), respectively, of this section.

(c) *Repayment of distress loan.* Repayments made in satisfaction of distress loans shall be made in cash and shall include the amount of the principal due on the loan plus interest at the rate of 3½ percent per annum from the date of disbursement to the date of repayment (except that loans in default will bear interest at the rate of 6 percent from the date of default).

(d) *Delivery to CCC.* If the producer desires to deliver the grain sorghums he should, prior to maturity, give the county committee notice in writing of his intention to do so. Delivery of the grain sorghums to CCC shall be made in accordance with instructions issued by the county committee. When the grain sorghums are delivered to CCC under the distress loan, credit shall be given to the producer for the quantity and quality of grain sorghums actually delivered, at the market price at the time and place of delivery as determined by CCC. *Provided, however,* That if such grain sorghums are sold by CCC in order to determine the market price, the settlement value shall not be less than such sales price. If the amount of such credit exceeds the amount due on the principal of the loan plus interest, the amount of the excess shall be paid to the producer by sight draft drawn on CCC by the ASC county committee, subject to set-off in accordance with § 473.262. If the amount of such credit is less than the amount due on the principal of the loan plus interest, the amount of the deficiency plus interest thereon shall be paid to CCC. Any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC or any other agency of the United States, may be set off against such deficiency.

(e) *Payments and collections; amounts not exceeding $3.00.* To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of $3.00 or less will be paid only upon his request and a deficiency of $3.00 or less, including interest, may be disregarded by a producer unless demand for payment is made by CCC.

Issued this 27th day of September 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-7959; Filed, Sept. 30, 1955; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 2]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

PRORATION OF 1955 QUOTA FOR FOREIGN COUNTRIES OTHER THAN CUBA AND REPUBLIC OF THE PHILIPPINES

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948, as amended, hereinafter referred to as the "act", and is made for the purpose of prorating among those foreign countries other than Cuba and the Republic of the Philippines which will be able to fill additional prorations, that part of the basic quota for all such foreign countries which will not be filled by the countries to which it was originally prorated.

Section 204 (b) of the act provides that whenever the Secretary finds that any country will be unable to fill the proration to such country of the quota for foreign countries other than Cuba and the Republic of the Philippines established under section 202 (c) he may apportion such unfilled amount on such basis and to such countries as he determines is required to fill such proration.

This amendment increases the prorations of the quota to three specified countries.

In order to afford adequate opportunity to ship the sugar as authorized by this amendment, it is essential that the revised prorations be made effective immediately. Therefore, it is hereby found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein made shall become effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. Sup. 1100), and the Administrative Procedure Act (60 Stat. 237) section 811.74 of Sugar Regulation 811, as amended (19 F. R. 9209, 20 F. R. 5386), is amended by adding paragraphs (c) and (d) as follows:

§ 811.74 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines.* * * *

(c) *Deficit in prorations of foreign countries other than Cuba and the Republic of the Philippines.* It is hereby determined, pursuant to section 204 (b) of the act, that 4,285 short tons, raw value, of the quota for foreign countries other than Cuba and the Republic of the Philippines prorated to El Salvador in paragraph (b) of this section will not be filled by that country.

(d) *Allotment of unfilled prorations.* The amount of sugar determined in paragraph (c) of this section is hereby prorated pursuant to subsection (b) of section 204 of the act, as follows:

Country:	*Additional prorations in short tons, raw value*
Dominican Republic	2,835
Haiti	274
Mexico	1,176
Total	4,285

Statement of bases and considerations. This proration has been made in accordance with the provisions of section 204 (b) of the act heretofore stated, and subject to the provisions of section 204 (c) of the act which provides that the quota for any domestic area, the Republic of the Philippines, Cuba or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any such determination of a deficit.

El Salvador has not utilized any of its proration of the "full duty" quota nor has any sugar been entered from this country since 1949. All other countries receiving specific prorations have either filled their quota by September 1 or indicated their intention and ability to do so by December 31. Of the countries receiving specific prorations, the Dominican Republic, Haiti and Mexico participate in the International Sugar Agreement and have additional sugar available for importation before the end of the year. Therefore, the quantity of sugar determined in § 811.75 (c) has been prorated to the Dominican Republic, Haiti and Mexico in proportion to the prorations established in § 811.74 (b) of Sugar Regulation 811, Amendment 1 (18 F. R. 9209, 20 F. R. 5386).

After giving effect to the changes set forth in § 811.74 (d) the current adjusted prorations of quota for the "full-duty" countries are as follows:

Country:	*Adjusted prorations short tons, raw value*
Dominican Republic	31,433
El Salvador	-----
Haiti	3,041
Mexico	13,033
Nicaragua	8,105
Peru	53,790
Unspecified countries	5,758
Total	115,160

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 202, 204; 61 Stat. 924, as amended, 925, as amended; 7 U. S. C. 1112, 1114.)

Done at Washington, D. C., this 28th day of September 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Secretary of Agriculture.

[F. R. Doc. 55-7958; Filed, Sept. 30, 1955; 8:53 a. m.]

Subchapter C—Determination of Proportionate Shares

[Sugar Determinations 857.5, Amdt. 3; 857.6, Amdt. 1]

PART 857—SUGARCANE, PUERTO RICO

1952–53 AND 1953–54 CROPS

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), subparagraph (7) of paragraph (a), § 857.5 of the Determination of Proportionate Shares for Farms in Puerto Rico for the 1952–53 Crop, issued July 17, 1952 (17 F. R. 6666), as amended December 31, 1952 (18 F. R. 100) and May 25, 1953 (18 F. R. 3059); and subparagraph (5) of paragraph (a), § 857.6 of the Determination of Proportionate Shares for Farms in Puerto Rico for the 1953–54 Crop, issued November 6, 1953 (18 F. R. 7159); are hereby amended by adding the following sentence to the end of each of such subparagraphs: "Notwithstanding the table of tolerances provided in this subparagraph, the Director of the Sugar Division, Commodity Stabilization Service may authorize payment for the amount of sugar within the farm proportionate share in any case where he determines that a producer, exercising reasonable care not to exceed his proportionate share and relying upon either an incor-

rect notification or failure to receive notification from a processor with respect to the quantity of sugar recovered from sugarcane delivered or the quantity of sugarcane that could be delivered within the farm proportionate share, has delivered to a processor for the production of sugar or liquid sugar, sugarcane from which sugar or liquid sugar is recovered in excess of the farm proportionate share plus the applicable tolerance established under the preceding subparagraph."

Statement of bases and considerations. This revision of the original determinations of proportionate shares issued for the Puerto Rican sugarcane crops of 1952–53 and 1953–54, provides that the Director of the Sugar Division, Commodity Stabilization Service, may authorize payment to any producer who for reasons beyond his control markets sugarcane grown on his farm which yields an amount of sugar in excess of the farm's proportionate share, plus the applicable tolerance, and it is determined that such producer exercised reasonable care not to exceed his proportionate share.

Tolerances in marketings have been deemed necessary as it is impossible, because of the significant variations in the quality of the sugarcane during the grinding season, to gauge accurately the precise quantities of sugarcane which will result in the production of exact quantities of sugar. Processors determine yields of sugar from sugarcane periodically during the grinding season and maintain cumulative sugarcane delivery and sugar production records for individual producers. They advise producers from time to time during the milling season concerning the estimated quantities of sugarcane which may be marketed to fill individual farm proportionate shares. Accordingly, compliance with proportionate shares issued in terms of sugar is in part dependent upon close and timely cooperation between processors and producers. Therefore, when a processor fails to give proper or accurate information of the amount of sugarcane that could be delivered to fill the remaining portion of a grower's proportionate share, such grower would be disqualified for payment. To disqualify a producer for payment in cases in which the grower has undertaken to keep within compliance and has had reason to believe he was in compliance, would be unjustifiable.

Accordingly, I hereby find and conclude that the foregoing amendments to the Determinations of Proportionate Shares for Sugarcane Farms in Puerto Rico for the Corps of 1952–53 and 1953–54 will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Issued this 28th day of September 1955.

[SEAL] TRUE D. MORSE,
Secretary of Agriculture.

[F. R. Doc. 55-7956; Filed, Sept. 30, 1955; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 56]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA.

LIMITATION OF HANDLING

§ 922.356 *Valencia Orange Regulation 56*—(a) *Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on September 29, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., October 2, 1955, and ending at 12:01 a. m., P. s. t., October 9, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 415,800 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 30, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8023; Filed, Sept. 30, 1955; 11:25 a. m.]

[Docket No. AO-101-A21]

PART 941—MILK IN THE CHICAGO, ILL., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING OF MILK IN CHICAGO, ILL., MARKETING AREA

§ 941.0 *Findings and determination.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Chicago, Illinois, on August 24, 1955, upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand

for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than October 1, 1955, this order amending the order, as amended. This action is necessary in the public interest to reflect current marketing conditions. Accordingly, any delay in the effective date of this order beyond the aforesaid date, will seriously impair orderly marketing of milk in the Chicago, Illinois, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held on August 24, 1955, and a decision having been issued on September 23, 1955. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended, which is marketed within the Chicago, Illinois, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1955) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

In § 941.52 (a) (3) and (b) (3) change the periods at the end of the sentences to commas and add: "and except that in October and November 1955 this subparagraph shall not apply to shipments made by a handler on Friday and Saturday in each week which are not in excess of the handlers' total receipts of milk from producers on the same two days."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 29th day of September 1955, to be effective on and after the 1st day of October 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-7997; Filed, Sept. 30, 1955; 8:55 a. m.]

[Lemon Reg. 609]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.716 *Lemon Regulation 609.*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 28, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 2, 1955, and ending at 12:01 a. m., P. s. t., October 9, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 225 carloads;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 29, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8009; Filed, Sept. 30, 1955; 9:28 a. m.]

[957.313 Amdt. 4]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this

amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of § 957.313 (b) (1) (20 F. R. 4794, 5807, 6075, 6729) are hereby amended to read as follows:

(b) *Order.* (1) During the period from October 3, 1955, to June 30, 1956, both dates inclusive, no handler shall ship potatoes of any variety unless at least 90 percent of such potatoes are "fairly clean" and (i) if they are of the Kennebec variety such potatoes meet the requirements of the U. S. No. 2 or better grade, 2 inches minimum diameter or 4 ounces minimum weight, (ii) if they are of the long or other round white varities (including, but not limited to, the Russet Burbank, White Rose, and Early Gem varieties), such potatoes meet the requirements of the U. S. No. 2 or better grade, Size A, 5 ounces minimum weight, or meet the requirements of the U. S. No. 1 or better grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight, and (iii) if they are of the red skin varieties, such potatoes meet the requirements of the U. S. No. 2 or better grade, 2 inches minimum diameter, as such terms, grades, and sizes, are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 28th day of September 1955, to become effective October 3, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 55-7955; Filed, Sept. 30, 1955; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 1]

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

CAA RULES, POLICIES, AND INTERPRETATIONS

This supplement contains all the CAA rules, policies, and interpretations issued by the Administrator implementing Part 22 of the Civil Air Regulations. These rules, policies, and interpretations are published as Civil Aeronautics Manual 22 and provide an applicant with information relative to the issuance of a student (§ 22.10), private (§ 22.11), commercial (§ 22.12), or free balloon (§ 22.13) lighter-than-air pilot certificate.

Included for the guidance of an applicant are CAA policies regarding (1) where to obtain application forms and make application for lighter-than-air pilot certificates (§ 22.20); (2) the issuance of temporary certificates and the reissuance of certificates held by aliens (§ 22.21); and (3) who will give written examinations and flight tests (§ 22.24).

The type of airman identification acceptable to the Administrator, the form and manner of application are prescribed, together with an additional policy indicating that identification cards which meet the requirements of this part will also meet the requirements of other airman certificates the applicant may hold (§ 22.32).

The proposed rules for §§ 22.32-1 through 22.32-3 were published on November 20, 1953, in 18 F. R. 7364. Interested persons were afforded an opportunity to submit written views, data, or argument. Consideration has been given to all relevant data presented.

The following rules, policies, and interpretations are hereby adopted:

§ 22.10-1 *Where to obtain student lighter-than-air pilot certificates (CAA policies which apply to § 22.10).* Student lighter-than-air pilot certificates may be obtained by qualified applicants from Aviation Safety Agents in Aviation Safety District Offices.

§ 22.10-2 *Minor applicants (CAA interpretations which apply to § 22.10 (a)).* Unmarried applicants under 21 years of age must furnish the written consent of either parent, or legal or natural guardian, in the space provided on the application, or on a separate sheet. No consent is required for married male applicants under 21, but a married female applicant under 21 years of age must furnish the consent of her husband, who may be under 21.

§ 22.10-3 *Evidence of meeting physical standards (CAA policies which apply to § 22.10 (e)).* The Administrator, or his representative (Aviation Safety Agent or lighter-than-air pilot examiner) will accept a first-, second-, or third-class medical certificate issued within 24 months preceding the date of applicant as evidence of the applicant's meeting the physical standards.

§ 22.10-4 *Color deficiency limitation (CAA policies which apply to § 22.10 (e)).* When an applicant holds a medical certificate bearing the notation Defective Color Vision, the student pilot certificate will bear the limitation Not Valid for Night Flight or by Color Signal Control. This limitation may be removed by the successful completion of a special medical test authorized by the CAA Medical Division, W-265, Washington 25, D. C.

§ 22.11-1 *Evidence of meeting physical standards (CAA policies which apply to § 22.11 (e)).* The Administrator, or his representative (Aviation Safety Agent or lighter-than-air pilot examiner) will accept a first-, second-, or third-class medical certificate issued within 24 months preceding the date of application as evidence of the applicant's meeting the physical standards.

§ 22.11-2 *Color deficiency limitation (CAA policies which apply to § 22.11 (e)).* When an applicant holds a medical certificate bearing the notation Defective Color Vision, the private pilot certificate will bear the limitation Not Valid for Night Flight or by Color Signal Control. This limitation may be removed by the successful completion of a special medical test authorized by the CAA Medical Division, W-265, Washington 25, D. C.

§ 22.11-3 *Demonstration of aeronautical knowledge (CAA policies which apply to § 22.11 (f)).* Applicants for a private lighter-than-air pilot certificate will be required to pass the appropriate written examination furnished by the Administrator within 24 months prior to the date of issuance of the certificate. To pass the examination the applicant is required to answer correctly, within one hour, 45 of the 50 questions on the examination.[1] The applicant will be required to pass the written examination before the practical examination can be taken.

§ 22.11-4 *Prerequisite for taking written examination (CAA policies which apply to § 22.11 (f)).* Applicant will be required to hold a valid student lighter-than-air pilot certificate.

§ 22.11-5 *Evidence of flight experience (CAA policies which apply to § 22.11 (g)).* Flight experience required by § 22.11 (g) should be substantiated by a logbook maintained in accordance with the requirements of § 22.32 (f).

§ 22.11-6 *Flight test (CAA policies which apply to § 22.11 (h)).*—(a) Applicant will be required to successfully accomplish the following maneuvers: [2]

(1) Ground handling and mooring.
(2) Preflight checks.
(3) Run-ups.
(4) Takeoffs.
(5) Ascents.
(6) Turns (right and left) and figure 8's.
(7) Straight and level flight.
(8) Descents.
(9) Landings (positive static balance).
(10) Landings (negative static balance).

§ 22.11-7 *Quality of performance (CAA policies which apply to § 22.11 (h)).* The applicant will be required to demonstrate his ability to exercise reasonable judgment and smoothness in all required flight maneuvers. Exercise of reasonable judgment will be demonstrated when the conduct of the flight maneuver results in compliance with Part 60 of this subchapter, avoidance of critical situations which require corrective action by the agent or examiner to maintain continued safe operation, and the observance of accepted good operating practices for flight conditions encountered.

§ 22.11-8 *Conduct of flight test (CAA policies which apply to § 22.11 (h)).* The flight test will be conducted by an Aviation Safety Agent or a private or commercial lighter-than-air pilot examiner. The flight test, including all maneuvers, will be discussed thoroughly with the applicant so as to insure complete understanding of what is expected.

§ 22.11-9 *Military competence requirements; written examination; private lighter-than-air pilot (CAA policies which apply to § 22.11 (i)).* An applicant for a private lighter-than-air pilot certificate based on military competence will be required to accomplish satisfactorily within one hour an examination on Parts 43 and 60 of this subchapter with a passing grade of not less than 70 percent.

§ 22.11-10 *Documentary evidence acceptable for issuance of certificate based on military competence (CAA policies which apply to § 22.11 (i)).* (a) An official identification card indicating that the applicant is a member of the armed forces of the United States or a civilian employee of the ferry or transport services thereof is acceptable documentary evidence. Documentary evidence of flight status will consist of (1) official orders to solo flight status, or (2) a copy of USAF Form 5 or a copy of a USN flight log properly endorsed to show solo flight status, or (3) official orders showing graduation from and rating as a lighter-than-air pilot by a military flying school, or (4) a copy of orders showing duty involving flying as a rated lighter-than-air pilot, or (5) a properly executed Certificate of Pilot Status, Form ACA-356, signed by the appropriate commanding officer.

§ 22.11-11 *Evidence of military discharge or release; private lighter-than-air pilot (CAA policies which apply to § 22.11 (i)).* Documentary evidence of honorable discharge or release from the armed forces should consist of an original or photostatic copy of such discharge or release. Persons discharged from the service or removed from flight status for reasons of flight deficiency, for the good of the service, or as a result of disciplinary action will not be issued a lighter-than-air pilot certificate on the basis of military competency.

§ 22.12-1 *Evidence of meeting physical standards (CAA policies which apply to § 22.12 (e)).* The Administrator, or his representative, will accept a first- or second-class medical certificate issued within 12 months preceding the date of the application as evidence of the applicant's meeting the physical standards.

[1] Complete information on the coverage of the private pilot written examination is found in the CAA booklet, "Questions and Answers for Private Pilots," for sale at most airports, and at the U. S. Government Printing Office, Washington, D. C. (25 cents).

[2] See Appendix A for Guide to Satisfactory Performance of Required Maneuvers. Appendix A not filed with Federal Register Division.

§ 22.12-2 *Color deficiency limitation (CAA policies which apply to § 22.12 (e)).* When the applicant holds a medical certificate bearing the notation Defective Color Vision, the commercial pilot certificate will bear the limitation Not Valid for Night Flight or by Color Signal Control. This limitation may be removed by the successful completion of a special medical test authorized by the CAA Medical Division, W-265, Washington 25, D. C.

§ 22.12-3 *Demonstration of aeronautical knowledge; commercial lighter-than-air pilot (CAA policies which apply to § 22.12 (f)).* The applicant for a commercial lighter-than-air pilot certificate will be required to pass a written examination provided by the Administrator. A passing grade of at least 70 percent is required. Applicants who pass the written examination will be given a report of grade achieved. This report, and reports previously issued, will be accepted within a maximum period of 24 months from date of issuance as evidence of having met this certificate requirement.

§ 22.12-4 *Written examination (CAA policies which apply to § 22.12 (f)).* (a) The written examination for commercial lighter-than-air applicants will consist of the commercial pilot and instrument rating examinations. Subjects covered are as follows:

(1) Civil Air Regulations, including both visual and instrument flight rules.
(2) Navigation by dead reckoning, pilotage, and by radio.
(3) Meteorology.
(4) General servicing and operation of airships.

(b) The applicant will be required to pass the written examination before the practical examination can be taken. Written examinations will be valid for the issuance of a commercial lighter-than-air certificate for a period of 24 months.

(c) An applicant who holds a valid heavier-than-air commercial pilot certificate will be required to pass only the general servicing and operation of airship and instrument examination.

(d) An applicant who holds a valid heavier-than-air commercial pilot certificate with an instrument rating will be required to pass only the general servicing and operation of airships.

§ 22.12-5 *Prerequisite for taking written examination (CAA policies which apply to § 22.12 (f)).* To be eligible to take the commercial lighter-than-air written examination, an applicant will be required to hold either a private lighter-than-air pilot certificate or a valid student lighter-than-air certificate which has been endorsed for solo and cross country.

§ 22.12-6 *Evidence of flight experience (CAA policies which apply to § 22.12 (g)).* Flight experience required by §22.12 (g) should be substantiated by a logbook maintained in accordance with § 22.32 (f).

§ 22.12-7 *Flight test (CAA policies which apply to § 22.12 (h)).* (a) Applicant will be required to successfully accomplish the following maneuvers: [3]

(1) Ground handling and mooring.
(2) Preflight check.
(3) Run-ups.
(4) Takeoffs.
(5) Ascents.
(6) Turns (right and left) and figure 8's.
(7) Straight and level flight.
(8) Precision turns (180° and 360°).
(9) Climbing turns.
(10) Diving turns.
(11) Descents.
(12) In flight ETA computations.
(13) Radio operation and tuning.
(14) Radio orientation.
(15) Beam bracketing and tracking.
(16) Locating cone of silence.
(17) Traffic control and approach procedure.
(18) Landings (positive static balance).
(19) Landings (negative static balance).

§ 22.12-8 *Quality of performance (CAA policies which apply to § 22.12 (h)).* The applicant will be required to demonstrate his ability to exercise reasonable judgment and smoothness in all required flight maneuvers. Exercise of reasonable judgment will be demonstrated when the conduct of the flight maneuver results in compliance with Part 60 of this subchapter avoidance of critical situations which require corrective action by the agent or examiner to maintain continued safe operation, and the observance of accepted good operating practices for flight conditions encountered.

§ 22.12-9 *Conduct of flight test (CAA policies which apply to § 22.12 (h)).* The flight test will be conducted by an Aviation Safety Agent or a commercial lighter-than-air pilot examiner. The test, including all maneuvers, will be discussed thoroughly with the applicant so as to insure complete understanding of what is expected.[4]

§ 22.12-10 *Radio skill (CAA policies which apply to § 22.12 (i)).* Final approach procedures for airplanes need not necessarily be followed by lighter-than-air applicants. An applicant may elect to consider his initial approach as a final approach and go direct to the airport, if such procedure does not require more than 90° of turn over the station. Orientation and approach procedures will be discussed prior to the flight test. Orientation and approach may be made utilizing either LF or VHF range facilities.

§ 22.12-11 *Military competence requirement—written examination—commercial lighter-than-air pilot (CAA policies which apply to § 22.12 (j)).* An applicant for a commercial lighter-than-

[3] See appendix A for Guide to Satisfactory Performance of Required Maneuvers. Appendix A not filed with Federal Register Division.

[4] See appendix A for Guide to Satisfactory Performance of Required Maneuvers. Appendix A not filed with Federal Register Division.

air pilot certificate based on military competence will be required to accomplish satisfactorily within one hour an examination on Parts 43 and 60 of this subchapter, with a passing grade of not less than 70 percent.

§ 22.12–12 *Documentary evidence acceptable for issuance of certificate based on military competence (CAA policies which apply to § 22.12 (j)).* (a) An official identification card indicating that the applicant is a member of the armed forces of the United States or a civilian employee of the ferry or transport services thereof is acceptable documentary evidence. Documentary evidence of flight status will consist of (1) official orders to solo flight status, or (2) a copy of USAF Form 5 or a copy of a USN flight log properly endorsed to show solo flight status, or (3) official orders showing graduation from the rating as a lighter-than-air pilot by a military flying school, or (4) a copy of orders showing duty involving flying as a rated lighter-than-air pilot, or (5) a properly executed Certificate of Pilot Status, Form ACA–356, signed by the appropriate commanding officer.

§ 22.12–13 *Evidence of military discharge or release—commercial lighter-than-air pilot (CAA policies which apply to §22.12 (j)).* Documentary evidence of honorable discharge or release from the armed forces should consist of an original or photostatic copy of such discharge or release. Persons discharged from the service or removed from flight status for reasons of flight deficiency, for the good of the service, or as a result of disciplinary action will not be issued a lighter-than-air pilot certificate on the basis of military competency.

§ 22.13–1 *Written examination (CAA policies which apply to § 22.13 (f)).* Applicants for a free balloon pilot certificate will be required to pass the appropriate written examination furnished by the Administrator within 24 months prior to the date of issuance of the certificate. To pass the examination the applicant is required to answer correctly, within one hour, 45 of the 50 questions on the examination which covers Civil Air Regulations, meteorology, navigation, and general operation of free balloons.[1] The applicant will be required to pass the written examination before the practical examination can be taken.

§ 22.13–2 *Prerequisite for taking written examination (CAA policies which apply to § 22.13 (f)).* Applicant will be required to hold a valid student lighter-than-air pilot certificate.

§ 22.13–3 *Evidence of flight experience (CAA policies which apply to § 22.13 (g)).* Flight experience required by § 22.13 (g) must be substantiated by a logbook maintained in accordance with § 22.32 (f).

[1] Complete information on the coverage of the free balloon pilot written examination is found in the CAA booklet, Questions and Answers for Private Pilots, for sale at most airports, and at the U. S. Government Printing Office, Washington, D. C. (25¢)

§ 22.13–4 *Flight test (CAA policies which apply to § 22.13 (h)).* (a) Applicant will be required to successfully accomplish the following maneuvers:[2]

(1) Ground handling and mooring.
(2) Preflight checks.
(3) Takeoffs.
(4) Ascents.
(5) Descents.
(6) Landings (positive static balance).

§ 22.13–5 *Quality of performance (CAA policies which apply to § 22.13 (h)).* The applicant will be required to demonstrate his ability to exercise reasonable judgment in all required flight maneuvers. Exercise of reasonable judgment will be demonstrated when the conduct of the flight maneuver results in compliance with Part 60 of this subchapter, avoidance of critical situations, and the observance of accepted good operating practices for the flight conditions encountered.

§ 22.13–6 *Conduct of flight tests (CAA policies which apply to § 22.13 (h)).* Following successful completion of the written examination, the flight test will be conducted by an Aviation Safety Agent. The test, including all maneuvers, will be discussed thoroughly with the applicant so as to insure complete understanding of what is expected.

§ 22.20–1 *Where to obtain forms and make application (CAA policies which apply to § 22.20).* (a) Application forms are obtainable from a representative of the Administration or one of its regional, district, or field offices.

(b) An application for a lighter-than-air pilot certificate is to be presented in person to an Aviation Safety Agent or to a designated lighter-than-air pilot examiner.

(c) An applicant qualifying on the basis of military competency (see § 22.11 (i) and § 22.12 (j) is to present his application to an Aviation Safety Agent.

§ 22.21 (c)–1 *Reissuance of certificates held by aliens (CAA policies which apply to § 22.21 (c)).* Lighter-than-air pilot certificates or free balloon pilot certificates held by individuals other than United States citizens, which are about to expire or have expired, will be reissued by Aviation Safety Agents upon receipt of application for renewal.

§ 22.21–2 *Issuance of temporary lighter-than-air pilot certificates (CAA policies which apply to § 22.21 (d)).* Temporary lighter-than-air pilot certificates are issued to qualified applicants by Aviation Safety Agents and designated lighter-than-air pilot examiners pending the examination of the applicants' records and the issuance of certificates of greater duration by the Administrator.

§ 22.24–1 *Examinations and tests (CAA policies which apply to § 22.24).* Written examinations will be given only by Aviation Safety Agents. Flight tests may be conducted by Aviation Safety Agents or designated private or commercial lighter-than-air pilot examiners.

[2] See appendix A for Guide to Satisfactory Performance of Required Maneuvers. Appendix A not filed with Federal Register Division.

§ 22.32–1 *Airman identification card (CAA rules which apply to § 22.32 (g)).* An Airman Identification Card, Form ACA–2135, is issued by the Administrator and may be used to meet the requirements of § 22.32 (g).

§ 22.32–2 *Other identification cards acceptable to the Administrator (CAA rules which apply to § 22.32 (g)).* (a) Identification cards which are acceptable in lieu of Form ACA–2135 to meet the requirements of § 22.32 (g) are as follows:

(1) Aircrewman Identification Card, Form ACA–2116.1, issued by CAA.

(2) Crew Member Certificate, Form ACA–2116.1, issued by CAA. This certificate is a current revision of the Aircrewman Identification Card.

(3) Current identification cards issued to members on active duty or on reserve status by:

(i) U. S. Army.
(ii) U. S. Navy.
(iii) U. S. Air Force.
(iv) U. S. Marine Corps.
(v) U. S. Coast Guard.
(vi) U. S. Merchant Marine.
(vii) National Guard.
(viii) Civil Air Patrol.

§ 22.32–3 *Application (CAA rules which apply to § 22.32 (g)).* An applicant for an airman identification card shall comply with the following procedures:

(a) *Application.* The applicant shall apply in person to an Aviation Safety Agent, or an Aviation Safety District Office.

(b) *Form.* Application for Airman Identification Card, Form ACA–2134, shall be completed in single copy, typed or printed in ink, and contain precise information on each item.

(c) *Proof of identity.* The applicant shall furnish proof of his identity. The agent may exercise his discretion in the method by which he identifies the applicant. Identification of the applicant may be established by one or more of the following means:

(1) Airman Identification Card, Form ACA–935, issued by the CAA to the applicant during World War II.

(2) The agent's knowledge of the applicant's identity.

(3) The applicant's identification by a person known to the agent.

(4) Combinations of identification cards and licenses held by the applicant.

(5) Comparison of the applicant's signature with that on other cards and licenses held by him.

(d) *Proof of place and date of birth.* The following documentary evidence is satisfactory evidence of place and date of birth:

(1) Airman Identification Card, Form ACA–935, issued by CAA during World War II: (If he held this card and lost it, he may write to CAA, Airman Records Branch, Washington 25, D. C., and obtain confirmation that it was issued to him and the information it contained.)

(2) Birth certificate: (When the applicant's birth certificate does not contain the exact name now used by him, he shall explain the difference on the application form.)

(3) Baptismal record, if it contains the full name and place and date of birth.

(4) Naturalization papers, if place and date of birth are shown.

(5) Passport, expired or current.

(6) Aircrewman Identification Card, or Crew Member Certificate, Form ACA–2116.1.

(7) Statement from any State or Federal Government agency which has the applicant's birth certification on file.

(8) Statement from any military, State, municipal, local or Federal Government agency which has established, by investigation or otherwise, the applicant's place and date of birth.

(i) Applicants who cannot furnish any of the documents listed in subparagraphs (1) through (8) of this paragraph may present affidavits from attending physician, either parent, brother, sister, relative, or acquaintances who have personal knowledge of the applicant's place and date of birth.

(ii) Military identification cards, service records, discharge papers, drivers' licenses, and the like are not acceptable documentary evidence of place and date of birth.

(e) *Evidence of citizenship.* The following documentary evidence is satisfactory evidence of citizenship.

(1) Any document listed in paragraph (c) of this section if citizenship is claimed in the country of birth.

(2) Naturalization papers.

(3) Currently valid passport.

(4) Statement from an appropriate official of a foreign government that the applicant is a citizen of that country.

(5) Certified statements from persons, courts, or agencies in authority on cases of derivative citizenship, uncompleted naturalization, or other complex citizenship status. Such statements must contain information on the current status of the applicant's citizenship.

(f) *Photographs.* The applicant shall furnish two photographs which are:

(1) Taken from the same negative.

(2) One-inch square, full face, head only.

(3) Taken within the past 12 months, and

(4) Readily recognizable as photographs of applicant.

(g) *Fingerprints.* The applicant shall be fingerprinted only by an Aviation Safety Agent or other CAA employee authorized by the agent.

(h) *Reissuance of lost card.* An applicant who has lost his Airman Identification Card, Form ACA–2135, may obtain another by making application exactly as required for his original card, or by:

(1) Writing to the CAA Airman Record's Branch, W–253, Washington 25, D. C., and explaining the circumstances of the loss, and requesting a letter verifying that such card had been issued, and

(2) Presenting the letter and two photographs, as required for original issuance, to an Aviation Safety Agent who will issue a duplicate card.

§ 22.32–4 *Other airman certificates (CAA policies which apply to § 22.32 (g)).* An identification card which meets the requirements of this part for pilots will also meet the identification card requirements for any other airman certificates which he may hold.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

This supplement shall become effective November 15, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–7923; Filed, Sept. 30, 1955; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5897]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DOUBLEDAY AND COMPANY, INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.700 *Arbitrary or improper functional discounts;*[1] § 13.715 *Charges and price differentials;* § 13.770 *Quantity rebates or discounts.* Subpart—*Maintaining resale prices:* § 13.1145 *Discrimination:* Distributive channels and outlets generally.[2] In connection with the publication, sale, or distribution of trade books, in commerce, as defined, construed, and understood in the Federal Trade Commission Act and the Clayton Act: (1) Entering into, maintaining, or continuing any contract, agreement, or understanding of any nature with any book club or similar organization whereby respondent, while exempting said book club or organization from any responsibility for resale price maintenance, undertakes to fix, establish, or maintain the resale price, terms, or conditions of sale of any literary work which it publishes and sells and which it also sublicenses such book club or organization to publish and sell, in any area wherein said book club or organization and retail book sellers purchasing from respondent compete with one another in the sale of such work; and (2) discriminating, directly or indirectly, in the price of trade books published by it by selling to any purchaser at net prices higher than the net prices charged any other purchaser, competing in fact in the resale and distribution of said books; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, sec. 2, 49 Stat. 1526; 15 U. S. C. 45, 13) [Cease and desist order, Doubleday and Company, Inc., Long Island, N. Y., Docket 5897, August 31, 1955]

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission which (a) charged respondent with violation of the Federal Trade Commission Act in that (1) it granted publishing rights to book clubs while refusing to grant similar rights to competiting book sellers, (2) agreed that publication of publishers' editions would not precede publication of book club editions of the same book, and (3) fixed resale prices under fair trade laws on publishers' editions while exempting the book clubs from any form of resale price maintenance with respect to their editions (Count I); its efforts to fair-trade its publishers' editions of copyrighted books through book sellers were unlawful because said books were not in "free and open competition" with copyrighted books of other publishers and were therefore not within the exemption of the Miller-Tydings and McGuire Acts (Count II); and its efforts to fair-trade its books in a situation in which it occupied a dual role as a publisher and as a retailer operating stores in certain States amounted to a "horizontal" price-fixing arrangement beyond the immunity of said Act (Count III); and which (b) charged respondent, in Count IV, with violating section 2 (a) of the Clayton Act, as amended by the Robinson-Patman Act, by discriminating in favor of certain jobbers or wholesalers to the injury of others competing with them and to the injury of respondent's competitors; and upon respondent's answer, hearings, interlocutory rulings and action, and proposed findings, conclusions, and briefs submitted by counsel and by counsel of the Book-of-the-Month Club, Inc. (by leave).

Thereafter, the matter having come on for final consideration by said hearing examiner, theretofore duly designated by the Commission, on said complaint, answer thereto, etc., as above set forth, including rulings on interlocutory appeal as a result of which the Commission sustained the examiner's prior ruling that the exclusive grant of publishing rights to the book clubs was lawfully protected by copyright; remanded his holding and decision that the simultaneous release provision was beyond the protection of the Copyright Act, and unlawful, for a determination, as decisive, as to the reasonableness of such a condition in the light of appropriate standards; and remanded his ruling, dismissing Count III; said examiner made his initial decision in which he found the proceeding to be in the interest of the public; made his findings of facts and conclusions drawn therefrom, including his findings that the simultaneous release provision was reasonable and therefore lawful; his findings that the agreements with book clubs agreeing to impose resale price maintenance on publishers' editions under conditions which exempted and favored book clubs were illegal; his findings that respondent's copyrighted trade books effectively competed on price, in substantially all instances, and always, in various other respects, with the copyrighted trade books of other publishers, and were, therefore, as to said aspect, within the immunity of the McGuire Fair Trade Act; and his finding that respondent's price discrimination, as charged, had resulted in competitive in-

[1] Amended to read as set forth above.
[2] New.

jury in violation of the amended Clayton Act; and in which he dismissed, for reasons set forth, Count II, and dismissed Count III upon the authority of the Commission's decision, subsequent to said remand, in the matter of Eastman Kodak Co., Docket 6040, involving the same issue; and in which, as to charges thus found sustained, he issued order to cease and desist.

Thereafter, following the appeal from said initial decision by counsel supporting the complaint, as to the examiner's dismissal of Count II; by both counsel as to the examiner's holding with respect to the resale price maintenance phase of Count I; and by respondent as to the finding that the price discrimination charge had been sustained; and the opinion and decision of the Commission which, otherwise sustaining the examiner's disposition of the case as correct, held, for reasons there set forth, that the examiner's view of the resale price maintenance phase of Count I and his proposed order thereunder were unduly limited and that the said order, accordingly, should be enlarged, as there noted, and that while certain evidence offered by respondent in connection with Count IV was relevant and should have been admitted by the hearing examiner, respondent was not prejudiced, under the circumstances, by the examiner's ruling; the matter was disposed of by "Final Order" dated August 31, 1955, as follows:

Counsel in support of the complaint and respondent Doubleday and Company, Inc., having respectively filed an appeal from the initial decision of the hearing examiner in this proceeding; and the matter having been heard on briefs and oral arguments of counsel, and the Commission having rendered its decision granting in part and denying in part the appeal of counsel in support of the complaint and denying the appeal of respondent and affirming the initial decision as modified.

It is ordered, That the paragraph numbered 1 of the order contained in the initial decision be, and it hereby is, modified to read as follows:

Entering into, maintaining, or continuing any contract, agreement or understanding of any nature with any book club or similar organization whereby respondent, while exempting said book club or organization from any responsibility for resale price maintenance, undertakes to fix, establish or maintain the resale price, terms or conditions of sale of any literary work which it publishes and sells and which it also sub-licenses such book club or organization to publish and sell, in any area wherein said book club or organization and retail book sellers purchasing from respondent compete with one another in the sale of such work.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order contained in the initial decision as modified herein.

Order in the initial decision, which was modified by said "Final Order", as above set out, was as follows:

It is ordered, That the respondent, Doubleday and Company, Inc., a corporation, its officers, agents, representatives and employees,[3] directly or through any corporate or other device, in connection with the publication, sale or distribution of trade books, in commerce, as "commerce" is defined, construed and understood in the Federal Trade Commission Act (15 U. S. C. sec. 45) and the Clayton Act (15 U. S. C. sec. 13) do forthwith cease and desist from:

1. Entering into, maintaining, or continuing any contract, agreement or understanding of any nature or description, with any book club or similar organization whereby respondent undertakes to fix, establish or maintain, under applicable State laws, the resale prices, terms or conditions of sale of any literary work which it publishes and sells and which it also sublicenses such book club to publish and sell, in any State where respondent does in fact fix, establish or maintain resale prices, terms and conditions on its own publications and wherein respondent does in fact compete directly or indirectly in the resale to consumers of such publications with such book club and with retail bookseller purchasers from respondent.

2. Discriminating, directly or indirectly, in the price of trade books published by it by selling to any purchaser at net prices higher than the net prices charged any other purchaser, competing in fact in the resale and distribution of said books.

It is further ordered, That the motions of counsel for respondent to dismiss the entire complaint, and so much of Count I thereof as is covered by paragraph 1 of this order, supra, and to dismiss Count IV of the complaint be, and the same hereby are, denied.

It is further ordered, That the motions of counsel for respondent to dismiss that part of Count I of the complaint not covered by paragraph 1 of this order, supra, and to dismiss Counts II and III of the complaint are hereby granted, and the described portions of the complaint are herewith dismissed.

Issued: August 31, 1955.

By the Commission.[4]

ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-7929; Filed, Sept. 30, 1955; 8:48 a. m.]

[3] Since the factual picture, due to interlocking officers and directorates, and the manifold subsidiary and affiliated enterprises, owned, partly owned or controlled by respondent, is so different than that presented in R. J. Reynolds Tobacco Co. vs. F. T. C. 192 F. 2d 535, 540-4, this phrase is here included.

[4] Opinions of Chairman Howery and Commissioners Mason, Mead and Secrest filed as part of original document.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 54—GOLD REGULATIONS

RECORD RETENTION REQUIREMENT

This amendment provides that persons holding licenses or acquiring, holding, or disposing of gold, pursuant to the general authorizations in §§ 54.18 and 54.21 of the Gold Regulations, shall retain the records which they are required to keep for five years instead of three years as is presently the requirement. This amendment will conform the regulations to the act of September 14, 1954, which extended the general statute of limitations, which is applicable to offenses resulting from violations of the Gold Regulations, from three years to five years.

This amendment is issued after due consideration of all relevant views and material submitted pursuant to a notice of proposed rule making published in the FEDERAL REGISTER on May 27, 1955, (20 F. R. 3744) setting forth the substance and the text of the proposed rules and affording interested persons thirty days within which to submit their views in writing.

Accordingly, effective upon publication in the FEDERAL REGISTER, the first sentence of § 54.26 (b) of the Gold Regulations as amended effective July 14, 1954, is amended to read as follows:

(b) Every person holding a license issued under paragraph (a) of § 54.25, or acquiring, holding or disposing of gold pursuant to the authorizations in §§ 54.18 and 54.21, shall keep full and accurate records of all his operations and transactions with respect to gold, and such records shall be available for examination by a representative of the Treasury Department until the end of the fifth calendar year (or if such person's accounts are kept on a fiscal year) following such operations or transactions.

Dated: September 27, 1955.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-7952; Filed, Sept. 30, 1955; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 573—APPOINTMENT OF COMMISSIONED OFFICERS AND WARRANT OFFICERS

GENERAL ELIGIBILITY REQUIREMENTS

Section 573.10 is revised to read as follows:

§ 573.10 *General eligibility requirements.* The following general eligibility requirements, all of which must be met, will govern appointments in the Regular Army:

(a) Be a citizen of the United States.

(1) An applicant who is not a citizen by birth must furnish a certificate by an officer, notary public, or other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original certificate of Citizenship Number ____ (or certified copy of court order establishing citizenship) stating that

_____
(Full name)

was admitted to United States Citizenship by the Court of _____, _____
(County) (State)

on _____
(Date)

(2) An applicant who claims citizenship through naturalization of parent must furnish a certificate by an officer, notary public, or other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original Certificate of Citizenship No. ____ issued by the Immigration and Naturalization Service, Department of Justice, stating that _____, acquired citizenship on
(Name)

_____
(Date)

(b) Be found physically qualified for active military service by meeting the physical standards prescribed for the Regular Army as determined by final-type medical examination subscribed within 120 days of the effective date of appointment.

(c) Be of good moral character.

(d) Have a record free of conviction by any type of military or civil court for other than a minor traffic violation. Request for waiver may be made in the case of other minor violations which are noncurrent and which are not deemed prejudicial to performance of duty as an officer. Waivers for crimes involving moral turpitude will not be granted.

(e) Not be a conscientious objector. If applicant has been a conscientious objector, he will be required to furnish an affidavit which will express his abandonment of such beliefs and principles so far as they pertain to his unwillingness to bear arms and to give full and unqualified military service to the United States, and where appropriate, he must have demonstrated that he has changed his views by subsequent satisfactory military service.

(f) Not have been separated from any of the Armed Forces of the United States with other than an honorable discharge.

(g) Not be nor have been a member of any foreign or domestic organization, association, movement, group, or combination of persons advocating subversive policy or seeking to alter the form of Government of the United States by unconstitutional means.

(h) Applicants must have reached their 21st birthday but not their 27th birthday on date of appointment. For males, this maximum age may be increased by the number of years, months, and days of active Federal commissioned service performed in the Army of the United States after attaining the age of 21 years and subsequent to December 31, 1947, but not to exceed a total of 3 years; the maximum, therefore, precludes appointment after the attainment of the 30th birthday. In the case of Women's Army Corps applicants, age 27 may be advanced by the number of years, months, and days of active Federal commissioned service performed in the Army of the United States after attaining the age of 21 years and subsequent to December 31, 1947, but not to exceed a total of 5 years; the maximum, therefore, precludes appointment after attainment of the 32d birthday. Applications from Women's Army Corps applicants under this section will not be forwarded if applicant will be ineligible by virtue of excess age within 3 months of the date the completed file will be forwarded to the Department of the Army.

[AR 601-100, July 21, 1955] (Sec. 506, 61 Stat. 890; 10 U. S. C. 506c)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-7919; Filed, Sept. 30, 1955; 8:45 a. m.]

PART 575—ADMISSION TO THE UNITED STATES MILITARY ACADEMY

REVISION OF PART

Part 575 is revised to read as follows:

Sec.
575.1 Military Academy.
575.2 Admission; general.
575.3 Appointments.
575.4 Sources of nomination.
575.5 Entrance requirements.
575.6 Catalogue, U. S. Military Academy.

AUTHORITY: §§ 575.1 to 575.6 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply R. S. 1311, 1317, 1319, 1320, 1331, 34 Stat. 1063, 35 Stat. 441, as amended, 37 Stat. 252, 41 Stat. 548, 48 Stat. 73, as amended, 57 Stat. 383, 60 Stat. 311, as amended, 64 Stat. 303, as amended; 10 U. S. C. 486a, 1041, 1042, 1043, 1078, 1091-1, 1092a, 1093, 1093c, 1095-1099.

§ 575.1 *Military Academy*—(a) *Administration.* (1) The United States Military Academy is under the general direction and supervision of the Department of the Army. The Secretary of the Army has designated the Chief of Staff of the Army as the officer in direct charge of all matters pertaining to West Point.

(2) The immediate government and military command of the Academy and the military post at West Point are vested in the Superintendent. Subordinate to the Superintendent is the Dean of the Academic Board who has charge of the faculty and all academic work, and who acts as representative of the academic departments and as adviser on academic matters to the Superintendent. The administration and training of the Corps of Cadets is in charge of the Commandant of Cadets, who is also head of the Department of Tactics.

(b) *Mission.* (1) The mission of the United States Military Academy is to instruct and train the Corps of Cadets so that each graduate shall have the qualities and attributes essential to his progressive and continuing development throughout a lifetime career as an officer of the Regular Army.

(2) Inherent in the mission of the United States Military Academy are the objectives:

(i) To instill discipline.

(ii) To instill a high sense of honor.

(iii) To provide the knowledge and general education equivalent to that given by our leading universities, and particularly to develop the powers of analysis so that the mind may reason to a logical conclusion.

§ 575.2 *Admission; general.* (a) In one major respect the requirements for admission to the United States Military Academy differ from the normal requirements for admission to a civilian college or university: each candidate must obtain an official nomination to the Academy. The young man interested in coming to West Point should, therefore, apply for a nomination from one of the persons authorized to make nominations. The nominating authorities are listed in §§ 575.3 and 575.4. In his application the prospective candidate should request a nomination to the United States Military Academy, should give his residence, should state briefly his reasons for wanting to enter the Academy, and should give the status of his education and training.

(b) In addition to obtaining a nomination, the candidate must establish his mental and physical qualifications for admission.

(c) The specific mental examinations a candidate must take are dependent upon the amount of education he has had and upon the kind of nomination he has received. Nominations are of two kinds: noncompetitive and competitive. A noncompetitive nomination is one in which the candidate's priority for an appointment to enter the Academy (principal, first alternate, second alternate, third alternate) is designated by the nominating authority. Nominations by members of Congress constitute the greater part of noncompetitive nominations. A competitive nomination is one in which appointments to enter the Academy are awarded to those otherwise qualified candidates who make the highest scores on the mental examinations for entrance. For example, one competitive nomination category is available to men in the Armed Services. These two types of nomination are explained in detail in § 575.4.

(d) A candidate's mental qualifications for admission are determined by his performance on prescribed tests at one of the regular administrations of the College Entrance Examination Board series of tests. The Military Academy will consider scores made on the December, January, March, or May series at more than 700 College Board test centers throughout the United States and abroad; the March series is preferred. In general, a center will be within 75 miles of the candidate's home. Candidates register for the prescribed tests in accordance with the regular published instructions of the College Board and pay the required fee directly to the College Board.

(e) A competitive candidate must take the prescribed College Board tests at the March administration.

(f) A noncompetitive candidate nominated prior to the closing date for registration for the March College Board tests may take the tests prescribed for him at

the regular December, January, or March administrations; the March series is preferred.

(g) A noncompetitive candidate nominated subsequent to the closing date for registration for the March College Board tests may take the tests at the May administration of the College Board tests or the special administration of these tests held only at West Point in June.

(h) Every candidate who has completed satisfactorily the required secondary school units of study, but who has not completed at least one semester of college work will be required to take the College Board Scholastic Aptitude Test and the College Board achievement tests in Intermediate Mathematics and English Composition.

(i) All noncompetitive candidates who have completed satisfactorily the required secondary school units of study and who have also completed satisfactory work for at least one semester at college, will be required to take only the College Board Scholastic Aptitude Test.

(j) Any candidate who is unable to present evidence of satisfactory completion of a course in United States History must also take the College Board achievements test in Social Studies.

(k) The candidate's physical qualifications are determined by a thorough medical examination and physical aptitude test. To qualify, a candidate must be in good health, have good vision and hearing, have no deformities, and have the physical strength, endurance, coordination, and agility normally found in active young men in their late teens. The medical examination and physical aptitude test are held at selected military installations throughout the country (and overseas) on the Thursday and Friday preceding the regularly scheduled March administration of the College Board tests.

(l) By 1 May, candidates will have been advised whether or not they are qualified, and if fully qualified and eligible for admission, will be authorized to report to West Point on the first Tuesday in July. At that time they are sworn in as cadets of the United States Military Academy and assume an obligation to serve in the Army for a period of not less than 3 years following graduation from the Military Academy.

§ 575.3 *Appointments.* Admission to the Military Academy may be gained only by appointment to one of the 2,496 cadetships authorized by law. Graduation of the senior class normally leaves about 750 vacancies each year. Candidates may be nominated to qualify for these vacancies only during the year preceding the admission date, the first Tuesday in July. A candidate should apply for a nomination to one of the nominating authorities described in § 575.4. In the name of the President, the Department of the Army will issue a letter of notification to each candidate upon receipt of his nomination from one of the nominating sources. This letter of notification officially authorizes the candidate to be examined for appointment to enter the Academy to fill the vacancy for which he has been nominated. If, after undergoing the prescribed examinations, the nominee is appointed to fill the vacancy, he will be so advised by the Department of the Army.

§ 575.4 *Sources of nomination.* The 2,496 cadetships authorized at the Military Academy are allocated among the various sources of nomination as follows:

Noncompetitive:	
435 Representatives (4 each)	1,740
96 Senators (4 each)	384
Vice Presidential	3
Hawaii and Alaska (4 each)	8
District of Columbia	6
Canal Zone Government	2
Puerto Rico	4
Competitive:	
Army and Air Force:	
Regular Components	90
Reserve Components (National Guard of the United States; Air National Guard of the United States; Army Reserve; Air Force Reserve)	90
Presidential	89
Sons of Deceased Veterans	40
Honor Military and Honor Naval Schools	40
Total	2,496

(a) *Noncompetitive.* A noncompetitive nomination is one in which the candidate's priority for admission to the vacancy is designated by the nominating authority. Nominations of noncompetitive candidates are entirely in the hands of the nominating authorities who have the cadetships at their disposal, and all applications must be addressed to them. Many nominating authorities hold preliminary competitive examinations to select nominees. For each vacancy four candidates may be nominated: one name as principal, one as first alternate, one as second alternate, and one as third alternate. The first alternate, if qualified, will be admitted if the principal fails; the second alternate, if qualified, will be admitted if both the principal and the first alternate fail; and the third alternate, if qualified, will be admitted if the principal and the first and second alternates fail. The law requires that candidates appointed from States at large, congressional districts, the Territories, the District of Columbia, or the island of Puerto Rico, be actual residents of the geographical unit from which nominated.

(b) *Competitive.* Appointments to vacancies within competitive groups are awarded to these fully qualified candidates within each category who attain the highest scores on the College Board Achievement tests in Intermediate Mathematics and English Composition and on the Scholastic Aptitude Test. Candidates for these vacancies can qualify only by taking these three tests at the regular College Board administration in March, regardless of the extent of their education and regardless of performance on previous entrance examinations. Failure of a competitive candidate to report for the March College Board series—regardless of the circumstances—will vacate his nomination. There is no restriction on the residence of a competitive candidate. A description of the competitive nomination categories follows:

(1) *Army and Air Force.* One hundred and eighty cadetships at the Military Academy are divided equally between enlisted men of the United States Army and the United States Air Force as follows: Ninety from the Regular components (Regular Army and Regular Air Force); ninety from the Reserve components (National Guard of the United States, the Air National Guard of the United States, the Army Reserve, and the Air Force Reserve). On or about 1 June each year The Adjutant General estimates the number of vacancies that will be available for appointments to the class entering the Military Academy on the first Tuesday in July of the following year. The number of candidates nominated from each of the Regular components may be three times the number of available vacancies. For each available vacancy in the ninety cadet spaces authorized the non-Regular components, the Army and Air Force National Guard of the United States are authorized to nominate from among their combined enlisted personnel three candidates; and the Army Reserve and Air Force Reserve are authorized to nominate from among their combined enlisted personnel three candidates. Admission of candidates to fill Regular component vacancies is made from among all Regular Army and Regular Air Force competitors regardless of the command from which nominated; to fill Reserve component vacancies, from among all National Guard, Air National Guard, Army Reserve, and Air Force Reserve competitors regardless of the State, Territory, District, or command from which nominated.

(i) Regular components: An applicant must have completed at least one full year of active enlisted service in the Regular Army or Regular Air Force on the date of his admission to the Military Academy. Although his service need not have been continuous, he must be in an active enlisted status at the time of his admission. Candidates are selected nearly one year in advance of the scheduled date of admission to permit them to attend the United States Military Academy Preparatory School at Stewart Air Force Base, Newburgh, N. Y. A joint Army-Air Force publication, SR 350–90–2, AFR 35–88,[1] gives detailed directions for making application for Regular component appointments.

(ii) Reserve components: An applicant must be an enlisted man of one of the Reserve components at the time of nomination and at the time of his admission to the United States Military Academy. He must have served as an enlisted man in the component from which he nominated at least one year (not necessarily continuous) preceding the date of his admission. The Department of the Army issues a letter of appointment to each candidate selected authorizing him to report the following March for the annual entrance examination. A joint Army-Air Force publication, SR 350–90–2, AFR 35–88,[1] gives detailed directions for making application for Reserve component nomination.

[1] This publication may be obtained from the nearest Army or Air Force installation or by writing to The Adjutant General, Washington 25, D. C. Attn: AGPB–M.

(2) *Presidential.* Eighty-nine cadetships are reserved for disposition by the President of the United States. For nearly a century these appointments have been reserved by each President for the sons of members of the regular components of the Army, Air Force, Navy, Marine Corps, and Coast Guard, who are still in service, retired, or who died while serving therein. The administration of these appointments has been delegated to the Department of the Army. Applications by those eligible should be made by letter (no prescribed form) addressed to The Adjutant General, Department of the Army, Washington 25, D. C., Attn: AGPB–M, giving the name, grade, service number, and branch of service of the parent as a member of such regular component; and the full name, address, and date of birth of the applicant (complete military address and service number if in the Armed Forces). Adopted sons are eligible for appointment if they were adopted prior to their fifteenth birthday; a copy of the order of court decreeing adoption, duly certified by the clerk of the court, must accompany the application.

(3) *Sons of deceased veterans of World Wars I or II or the Korean conflict.* Forty cadetships are provided for the sons of members of the Armed Forces of the United States who were killed in action or who died of wounds, injuries, or disease resulting from active service during World Wars I and II or between June 27, 1950, and midnight of January 31, 1955. The Veterans' Administration determines the eligibility of all applicants, and its decisions are final and binding on the Department of the Army. Application should be made by letter (no form is prescribed) addressed to The Adjutant General, Washington 25, D. C., Attn: AGPB–M. The letter should state the full name, date of birth, and address of the applicant (complete service address should be given if the applicant is in the Armed Forces), and the name, grade, service number, and last organization of the veteran parent, together with a brief statement concerning the time, place, and cause of death. The claim number assigned to the veteran parent's case by the Veterans' Administration should also be furnished.

(4) *Honor Military and Honor Naval schools.* Forty cadetships are provided for Honor Military and Honor Naval schools. Each such school of the essentially military type, as determined by annual Department of the Army and Navy inspections, may nominate three candidates annually from among its honor graduates, to compete on the March entrance examination. The number of available vacancies will be filled in the order of merit established at the examination, regardless of the schools from which the candidates are nominated. Each nomination must contain a certification by the head of the institution that the candidate is an honor graduate of a year for which the institution was designated an honor military or naval school. No student may be rated as an honor graduate unless he has shown proficiency in subjects of his school work amounting to not less than the 15 units prescribed by the regulations for admission to the United States Military Academy. However, the institution is not limited to those graduates of the current year.

(c) *Sons of Congressional Medal of Honor winners.* Sons of recipients of the Congressional Medal of Honor may be appointed to the Military Academy, provided they are qualified for admission. The administration of these appointments has been delegated to the Department of the Army. Application by those eligible should be made by letter (no form is prescribed) to The Adjutant General, Washington 25, D. C., Attn: AGPB–M. The letter should contain the applicant's full name, address, and date of birth (complete service address should be given if the applicant is in the Armed Forces), the name, grade, and branch of service of the parent and a brief statement of the date and circumstances of the award. Candidates appointed from this source may qualify in the same manner as a congressional principal candidate. All who are found fully qualified will be admitted as cadets, regardless of the number.

(d) *Filipino cadets.* In addition to the 2,496 cadetships authorized, the Secretary of the Army may permit each entering class one Filipino, designated by the President of the Republic of the Philippines, to receive instruction at the United States Military Academy.

(e) *Foreign cadets.* The act of June 26, 1946 (as amended) authorizes the President of the United States to permit not more than 20 persons at a time from the Latin-American republics and Canada to receive instruction at the United States Military Academy. Not more than three persons from any one country may be cadets at the same time. Such persons receive the same pay and allowances (including mileage from their homes in proceeding to the Military Academy for initial admission) as cadets appointed from the United States. They are not entitled, however, by reason of their graduation to appointment in the United States Armed Forces. Citizens of other foreign countries have been permitted from time to time to attend the Military Academy upon specific authorization of the United States Congress in each case. Applications must be submitted to the United States Government through diplomatic channels by the governments concerned. Requirements for the admission, advancement, and graduation of foreign cadets are similar to those for United States cadets.

§ 575.5 *Entrance requirements.* This section describes the specific requirements which candidates must fulfill in addition to obtaining an appointment as outlined in § 575.4.

(a) *Age.* On 1 July of the year admitted to the Military Academy a candidate must have attained the age of 17 years and must not have reached the age of 22. The age requirements for all candidates are statutory and cannot be waived.

(b) *Citizenship.* A candidate must be a citizen of the United States, except for those appointed specifically as foreign cadets.

(c) *Character.* Every candidate must be of good moral character.

(d) *Marital status.* A candidate must never have been married. A cadet may not marry until he has graduated from the Academy; if any cadet is found to have been married, he will be immediately separated from the Academy.

(e) *Height and weight.* No candidate will be admitted who is shorter than 5 feet 6 inches, except that a candidate who is under 20 years of age on 1 July of the year of proposed admission may be granted a waiver of 1 inch below the minimum height. In exceptional cases, where a candidate has demonstrated outstanding abilities, or has an outstanding military record, or who possess exceptional educational qualifications, the Department of the Army may authorize a waiver of 2 inches below the minimum height. Individual requests for waivers will be considered at the time the candidate undergoes the entrance examination. The weight of a candidate must be within certain limits which depend upon his height.

(f) *Admission date.* New cadets report to West Point for admission on the first Tuesday in July, except when July 4th falls on Tuesday, in which event they report on the first Wednesday in July.

(g) *Engagements to serve.* Upon admission each cadet (except foreigners) must sign articles, with the consent of his parents or guardian if he is a minor, by which he shall engage, unless sooner discharged by competent authority:

(1) To complete the course of instruction; and

(2) If tendered an appointment as a commissioned officer in the Regular Army upon graduation from the United States Military Academy, to accept such appointment and to serve under such appointment for not less than three consecutive years immediately following the date of graduation; and

(3) In the event of the acceptance of his resignation from a commissioned status in the Regular component of such armed service prior to the sixth anniversary of his graduation, or in the event of an appointment in such Regular service not being tendered, to accept a commission which may be tendered him in the Reserve components of such Regular service and not to resign from such Reserve component prior to such sixth anniversary.

§ 575.6 *Catalogue, U. S. Military Academy.* The latest edition of the Catalogue, U. S. Military Academy, contains additional information regarding the Academy and requirements for admission thereto. This publication may be obtained free of charge from the Registrar, U. S. Military Academy, West Point, N. Y., or from The Adjutant General, Department of the Army, Washington 25, D. C., Attn: AGPB–M.

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–7920; Filed, Sept. 30, 1955; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PUGET SOUND AREA, WASH.

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.230 (a) (5) establishing and governing the use and navigation of an explosive anchorage in Puget Sound near Kingston, Washington, is hereby amended relocating the anchorage in more secluded waters south of Point Jefferson, Puget Sound, as follows:

§ 202.230 *Puget Sound Area, Wash*—(a) *The anchorage grounds.* • • •

(5) *Port Madison explosive anchorage, Puget Sound.* The waters of Port Madison south of the 3-fathom line between longitude 122° 28' 54'' and 122° 30' 00'', and north of latitude 47° 44' 00''.

• • • • •

[Regs., Sept. 15, 1955, 800.2121 (Puget Sound, Wash.)–ENGWO] (Sec. 7, 38 Stat. 1053; 33 U. S. C. 471)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-7921; Filed, Sept. 30, 1955; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

PROVISIONAL REGULATIONS; DEFINITION OF STEPCHILD AND STEPPARENT FOR PURPOSES OF SERVICEMEN'S INDEMNITY ACT OF 1951

A new § 4.463 is added as follows:

§ 4.463 *Definition of stepchild and stepparent for purposes of Servicemen's Indemnity Act of 1951*—(a) *Scope of act.* Public Law 172, 84th Congress is applicable to claims for servicemen's indemnity regardless of whether claims were filed or awards made before or after the date of the act.

(b) *Stepchild.* Under the terms of this law, a stepchild is eligible to receive servicemen's indemnity by devolution only if the child was a member of the serviceman's household at the date of his death. This requirement is applicable both as to a minor child and one who attained his majority prior to the date of the serviceman's death. A stepchild who was designated as beneficiary may receive indemnity even though the child was not at any time a member of the serviceman's household.

(c) *Stepparent.* The act eliminates as beneficiaries who are eligible to receive servicemen's indemnity by devolution, persons who bore the bare legal relationship of stepparent to the serviceman. Eligibility requires a showing that the claimant stood in loco parentis to the serviceman. A stepparent who was designated as beneficiary may receive indemnity even though foster relationship did not exist.

(d) *"In loco parentis".* The requirement that the claimant shall have stood in loco parentis to the serviceman will be considered to have been met if the relationship existed at any time prior to the serviceman's entry into the active service provided it commenced prior to his 21st birthday and continued for at least 1 year prior to his entry into the active service.

(e) *Discontinuance of running awards.* Awards currently in course of payment to or for a stepchild or stepparent who does not meet the new definition should be discontinued effective the day preceding the due date of the installment due in October 1955. An award to any succeeding beneficiary will be made to commence with the October 1955 installment "Subject to recovery of any overpayment to prior payee". (Instruction 1, Public Law 172, 84th Congress)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective October 1, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-7953; Filed, Sept. 30, 1955; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1227]

IDAHO

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF THE FOREST SERVICE AS ADMINISTRATIVE SITES, RECREATION AREAS, OR FOR OTHER PUBLIC PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites, recreation areas, or for other public purposes as indicated:

[Idaho 04318]

BOISE MERIDIAN

ST. JOE NATIONAL FOREST

Bearskull Administrative Site:
T. 43 N., R. 6 E.,
Sec. 2, NW¼ lot 4.
The tract described contains 9.73 acres.

Canyon Creek Administrative Site:
T. 42 N., R. 6 E.
Sec. 12, S½SE¼NW¼.
The tract described contains 20 acres.

Chickadee Administrative Site:
T. 42 N., R. 6 E.
Sec. 17, NW¼NW¼NE¼, NE¼NE¼NW¼
The tracts described contain 20 acres.

Roundtop Administrative Site:
T. 44 N., R. 5 E.,
Sec. 32, SW¼SE¼, W½SE¼SE¼.
The areas described aggregate 60 acres.

Twin Creek Administrative Site:
T. 43 N., R. 5 E.,
Sec. 12, W½NE¼, NW¼, E½SW¼.
The areas described aggregate 160 acres.

Nugget Administrative Site:
T. 45 N., R. 7 E.,
Sec. 27, lots 3 and 4.
The tracts described contain 71.76 acres.

Slate Creek Administrative Site:
T. 47 N., R. 4 E.,
Sec. 26, S½S½NE¼, N½NE¼SE¼.
The areas described aggregate 60 acres.

Elk Prairie Administrative Site:
T. 42 N., R. 8 E.,
Sec. 3, W½SW¼;
Sec. 4, E½SE¼.
The areas described aggregate 160 acres.

Gold Creek Administrative Site:
T. 44 N., R. 8 E.,
Sec. 23, E½SE¼SE¼;
Sec. 24, W½SW¼SW¼.
The areas described aggregate 40 acres.

Broken Leg Administrative Site:
T. 42 N., R. 9 E.,
Sec. 10, W½NW¼NE¼, NW¼SW¼NE¼, S½NE¼NW¼, N½SE¼NW¼.
The areas described aggregate 70 acres.

Red Ives Administrative Site:
T. 42 N., R. 9 E.,
Sec. 20, SW¼SE¼SE¼;
Sec. 29, W½E½NE¼.
The areas described aggregate 50 acres.

Mammoth Springs Campground:
T. 43 N., R. 7 E.,
Sec. 6, NE¼SE¼NW¼.
The tract described contains 10 acres.

Montana Creek Campground:
T. 43 N., R. 6 E.,
Sec. 27, NW¼SW¼NW¼.
The tract described contains 10 acres.

Little North Fork Campground:
T. 43 N., R. 5 E.,
Sec. 17, SE¼SE¼.
The area described aggregates 40 acres.

Hemlock Springs Campground:
T. 42 N., R. 4 E.,
Sec. 5, lots 3, 4;
Sec. 6, lots 1, 2.
The tracts described contain 167.99 acres.

Jug Camp Campground:
T. 42 N., R. 5 E.,
Sec. 3, N½SW¼, SW¼SW¼.
The areas described aggregate 120 acres.

Boehls Forks Campground:
T. 42 N., R. 5 E.,
Sec. 15, W½SW¼NW¼.
The track described contains 20 acres.

Pack Saddle Campground:
T. 45 N., R. 6 E.,
Sec. 20, S½ lot 3, S½ lot 4.
The tracts described contain 30.70 acres.

Coddington Campground:
T. 45 N., R. 6 E.,
Sec. 20, SW¼ lot 1.
The tract described contains 12.63 acres.

Tourist Creek Campground:
T. 45 N., R. 6 E.,
Sec. 14, lot 3;
Sec. 22, S½ lot 1;
Sec. 23, lot 6.
The tracts described contain 37.28 acres.

Turner Campground:
T. 45 N., R. 6 E.,
Sec. 23, lot 1 except N½N½, lot 3.
The tracts described contain 28.83 acres.

Bird Creek Campground:
T. 45 N., R. 6 E.,
Sec. 24, W½W½ lot 1, lot 3.
The tracts described contain 23.15 acres.

Tin Can Hill Campground:
T. 45 N., R. 7 E.,
Sec. 19, S½ lot 2, S½S½ lot 3.
The tracts described contain 36.74 acres.

Prospector Creek Campground:
T. 45 N., R. 7 E.,
Sec. 19, lot 4;
Sec. 20, lot 7.
The tracts described contain 41.70 acres.

Halfway Campground:
T. 45 N., R. 7 E.,
Sec. 21, lot 6, W½ lot 7;
Sec. 28, W½ lot 1, lot 4.
The tracts described contain 70.50 acres.

Bottle Creek Campground:
T. 45 N., R. 7 E.,
Sec. 20, W½SW¼NE¼, E½SE¼NW¼.
The areas described aggregate 40 acres.

Eagle Creek Campground:
T. 45 N., R. 7 E.,
Sec. 27, lot 9.
The tract described contains 12.71 acres.

Craddock Ridge Campground:
T. 45 N., R. 7 E.,
Sec. 34, SE¼ lot 1.
The tract described contains 11.50 acres.

Lintz Campground:
T. 44 N., R. 8 E.,
Sec. 14, W½SE¼NW¼.
The area described aggregates 40 acres.

Conrad Crossing Campground:
T. 44 N., R. 8 E.,
Sec. 14, SW¼SW¼NE¼, NW¼NW¼SE¼.
The tracts described contain 20 acres.

Gold Creek Campground:
T. 44 N., R. 8 E.,
Sec. 23, NE¼NE¼NE¼.
The tract described contains 10 acres.

Simmons Creek Campground:
T. 44 N., R. 8 E.,
Sec. 24, S½SE¼SW¼.
The tract described contains 20 acres.

Fly Flat Campground:
T. 44 N., R. 8 E.,
Sec. 36, W½NE¼SE¼.
The tract described contains 20 acres.

Beaver Creek Campground:
T. 43 N., R. 9 E.,
Sec. 8, SE¼NE¼SW¼.
The tract described contains 10 acres.

Spruce Tree Campground:
T. 43 N., R. 9 E.,
Sec. 29, SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, NW¼SE¼SE¼.
The areas described aggregate 40 acres.

Ruby Creek Campground:
T. 42 N., R. 9 E.,
Sec. 18, NW¼NE¼SE¼.
The tract described contains 10 acres.

Bad Bear Campground:
T. 43 N., R. 8 E.,
Sec. 22, NW¼NW¼NE¼.
The tract described contains 10 acres.

Bean Creek Campground:
T. 42 N., R. 9 E.,
Sec. 12, N½NE¼NW¼.
The tract described contains 20 acres.

[Idaho 05164]

SAWTOOTH NATIONAL FOREST

Lakefork Recreation Area:
T. 12 S., R. 29 E.,
Sec. 34, S½SE¼NE¼, N½NE¼SE¼.
The tracts described contain 40 acres.

[Idaho 05308]

SALMON NATIONAL FOREST

Cunningham Bar Recreation Area (Addition):
T. 23 N., R. 14 E., unsurveyed,
Sec. 1, SW¼SW¼NE¼, S½NW¼, N½NW¼SW¼;
Sec. 2, E½SE¼NE¼, NE¼NE¼SE¼.
The tracts described contain 140 acres.

This order shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 26, 1955.

[F. R. Doc. 55-7924; Filed, Sept. 30, 1955; 8:46 a. m.]

[Public Land Order 1228]

IDAHO

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF THE FOREST SERVICE AS ADMINISTRATIVE SITES, RECREATION AREAS, OR FOR OTHER PUBLIC PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites, recreation areas, or for other public purposes:

[Idaho 05126]

BOISE PRINCIPAL MERIDIAN

CARIBOU NATIONAL FOREST

Fall Creek Administrative Site:
T. 1 N., R. 42 E.,
Sec. 33, S½S½NW¼SE¼, SW¼SE¼, SE¼SE¼.
T. 1 S., R. 42 E.,
Sec. 3, lots 2 and 6.
The areas described aggregate 173.51 acres.

Brockman Administrative Site:
T. 2 S., R. 43 E.,
Sec. 19, E½E½SW¼NE¼, W½SE¼NE¼, N½N½NE¼SE¼, NE¼NE¼NW¼SE¼.
The areas described aggregate 42.5 acres.

Current Creek Administrative Site:
T. 2 S., R. 44 E.,
Sec. 2, lot 2.
The tract described contains 39.77 acres.

Dry Valley Administrative Site:
T. 9 S., R. 44 E.,
Sec. 2, SW¼NW¼SW¼.
The area described aggregate 10 acres.

Trail Administrative Site:
T. 7 S., R. 44 E.,
Sec. 18, NE¼SE¼.
The area described aggregate 40 acres.

Caribou Basin Administrative Site:
T. 3 S., R. 44 E.,
Sec. 20, E½NW¼NE¼, W½NE¼NE¼.
The areas described aggregate 40 acres.

Lanes Creek Administrative Site:
T. 6 S., R. 44 E.,
Sec. 3, lot 2.
The tract described contains 40.08 acres.

Bald Mt. Administrative Site:
T. 3 S., R. 44 E.,
Sec. 13, E½NE¼SE¼.
T. 3 S., R. 45 E.,
Sec. 18, lot 3.
The areas described aggregate 40.64 acres.

Stump Creek Administrative Site:
T. 7 S., R. 46 E.,
Sec. 21, E½SE¼, SW¼SE¼.
The areas described aggregate 120 acres.

Tincup Administrative Site:
T. 5 S., R. 45 E.,
Sec. 17, SW¼SE¼SE¼.
The area described aggregates 10 acres.

Elbow Administrative Site:
T. 12 S., R. 45 E.,
Sec. 34, SE¼NW¼.
The area described aggregates 40 acres.

Clear Creek Administrative Site:
T. 10 S., R. 45 E.,
Sec. 26, W½SW¼NW¼.
The area described aggregates 20 acres.

Georgetown Canyon Administrative Site:
T. 10 S., R. 44 E.,
Sec. 12, W½SE¼SE¼.
The area described aggregates 20 acres.

Summit View Administrative Site:
T. 10 S., R. 44 E.,
Sec. 15, E½NW¼NE¼, W½NE¼NE¼, N½SW¼NE¼, N½SE¼NE¼.
The areas described aggregate 80 acres.

Johnson Administrative Site:
T. 8 S., R. 45 E.,
Sec. 21, NW¼NW¼SE¼, N½NE¼SW¼, SW¼NE¼SW¼, SE¼NW¼, E½SW¼NW¼, W½NE¼NW¼, E½NW¼NW¼, SW¼NW¼NW¼.
The areas described aggregate 150 acres.

Inman Administrative Site:
T. 7 S., R. 37 E.,
Sec. 6, S½NE¼SW¼, N½SE¼SW¼.
The areas described aggregate 40 acres.

Pebble Administrative Site:
T. 8 S., R. 37 E.,
Sec. 2, lots 1 and 2.
T. 7 S., R. 37 E.,
Sec. 35, E½SW¼SE¼, SE¼NW¼SE¼, S½NE¼SE¼, SE¼SE¼.
The areas described aggregate 170.15 acres.

Toponce Administrative Site:
T. 6 S., R. 38 E.,
Sec. 30, lot 4;
Sec. 31, lot 1.

The tracts described contained 85.80 acres.

Bannock Administrative Site:
T. 8 S., R. 35 E.,
Sec. 7, lot 4, SE¼SW¼;
Sec. 18, lot 1, E½NW¼, NE¼SW¼.

The areas described aggregate 230.65 acres.

Mink Creek Administrative Site:
T. 8 S., R. 35 E.,
Sec. 20, NE¼;
Sec. 21, NW¼NW¼, W½NE¼NW¼.

The areas described aggregate 220 acres.

Spring Creek Recreation Area:
T. 1 N., R. 43 E.,
Sec. 4, lots 2 and 3.

The tracts described contain 59.76 acres.

Falls Recreation Area:
T. 1 N., R. 43 E.,
Sec. 11, lots 10, 12, 13, 14, 15, 16, 17, 18.

The tracts described contain 275.51 acres.

Gravel Creek Recreation Area:
T. 5 S., R. 43 E.,
Sec. 35 E½NW¼SE¼.

The tract described contains 20 acres.

Mill Creek Recreation Area:
T. 7 S., R. 44 E.,
Sec. 18, SW¼SE¼.

The area described aggregates 40 acres.

Pine Bar Recreation Area:
T. 5 S., R. 45 E.,
Sec. 20, S½NW¼NW¼.

The tract described contains 20 acres.

Tincup Recreation Area:
T. 5 S., R. 46 E.,
Sec. 7, NW¼NE¼NE¼.

The tract described contains 10 acres.

Montpelier Canyon Winter Sports Recreation Area:
T. 12 S., R. 45 E.,
Sec. 34, SW¼NE¼, NW¼SE¼.

The areas described aggregate 80 acres.

Montpelier Canyon Recreation Area:
T. 12 S., R. 45 E.,
Sec. 31, S½NE¼SE¼, N½SE¼SE¼, SW¼SE¼SE¼, SE¼SW¼SE¼, NE¼SW¼SE¼.

The areas described aggregate 70 acres.

Home Canyon Recreation Area:
T. 12 S., R. 45 E.,
Sec. 32, W½SE¼NW¼, E½E½SW¼NW¼, SW¼NE¼NW¼.

The areas described aggregate 40 acres.

Whitman Hollow Recreation Area:
T. 12 S., R. 45 E.,
Sec. 28, SE¼SW¼SE¼, SW¼SE¼SE¼;
Sec. 33, NW¼NE¼NE¼, NE¼NW¼NE¼.

The areas described aggregate 40 acres.

Pebble Canyon Recreation Area:
T. 8 S., R. 38 E.,
Sec. 17, NE¼NE¼NW¼.

The tract described contains 10 acres.

Big Springs Recreation Area:
T. 7 S., R. 37 E.,
Sec. 35, SW¼SE¼NW¼.

The tract described contains 10 acres.

Lead Draw Ski Recreation Area:
T. 8 S., R. 35 E.,
Sec. 9, NE¼SE¼SE¼.

The tract described contains 10 acres.

Scout Mt. Recreation Area:
T. 8 S., R. 35 E.,
Sec. 21, S½NE¼SE¼, SE¼NW¼SE¼, E½SW¼SE¼, SE¼SE¼;
Sec. 22, SW¼NW¼SW¼, W½SW¼SW¼;
Sec. 27, W½SW¼, W½NE¼SW¼;
Sec. 28, E½;
Sec. 33, N½NE¼;
Sec. 34, NW¼NW¼.

The areas described aggregate 660 acres.

Cherry Springs Recreation Area:
T. 8 S., R. 35 E.,
Sec. 5, W½;
Sec. 8, NW¼.

The areas described aggregate 480 acres.

Sky Line Winter Sports Recreation Area:
T. 7 S., R. 37 E.,
Sec. 29, E½SE¼NW¼, W½SW¼NE¼.

The areas described aggregate 40 acres.

Summit Canyon Recreation Area:
T. 12 S., R. 36 E.,
Sec. 29, NW¼SE¼, E½NE¼SW¼, SW¼NE¼SW¼, NW¼SE¼SW¼, N½SW¼SW¼.

The areas described aggregate 100 acres.

Cherry Creek Recreation Area:
T. 13 S., R. 37 E.,
Sec. 9, NW¼SE¼, NE¼SW¼SE¼, W½SW¼SE¼, E½SE¼SW¼.

The areas described aggregate 90 acres.

Dry Canyon Recreation Area:
T. 16 S., R. 37 E.,
Sec. 4, SW¼SW¼, N½SE¼SW¼, SE¼NE¼SW¼;
Sec. 5, SE¼SE¼SE¼.

The areas described aggregate 80 acres.

Tincup Public Service Site:
T. 5 S., R. 46 E.,
Sec. 7, NE¼NE¼NE¼.

The tract described contains 10 acres.

[Idaho 05282]

BOISE PRINCIPAL MERIDIAN

BOISE NATIONAL FOREST

Indian Creek Landing Field Administrative Site:
T. 17 N., R. 11 E.,
Sec. 34, lots 5 and 6.

The tracts described contain 60.80 acres.

Lake Creek Patrol Station Administrative Site:
T. 16 N., R. 11 E.,
Sec. 17, lots 5 and 6.

The tracts described contain 88.81 acres.

Little Creek Patrol Station Administrative Site:
T. 16 N., R. 12 E.,
Sec. 16, lots 5 and 6.

The tracts described contain 44.47 acres.

CHALLIS NATIONAL FOREST

Arco Pass Guard Station Administrative Site:
T. 6 N., R. 27 E.,
Sec. 36, SW¼SE¼NW¼.

The tract described contains 10 acres.

Basin Creek Forest Camp:
T. 11 N., R. 14 E.,
Sec. 21, NE¼SE¼NW¼SE¼, W½SW¼NE¼SE¼, SE¼SW¼NE¼SE¼, and lot 1.

The tracts described contain 21.08 acres.

Big Creek Forest Camp:
T. 13 N., R. 24 E.,
Sec. 22, W½E½NE¼NE¼SW¼, W½NE¼NE¼SW¼, E½E½NW¼NE¼NE¼SW¼.

The tracts described contain 10 acres.

Holman Creek Forest Camp:
T. 11 N., R. 16 E.,
Sec. 25, lot 9.

The tract described contains 42.84 acres.

Iron Bog Forest Camp:
T. 4 N., R. 23 E.,
Sec. 32, N½NW¼.

The area described aggregates 80 acres.

Lola Creek Forest Camp:
T. 12 N., R. 11 E.,
Sec. 3, lot 4, N½NW¼SW¼NW¼;
Sec. 4, lot 1, NE¼NE¼SE¼NE¼.

The tracts described contain 88.28 acres.

Mormon Bend Forest Camp:
T. 11 N., R. 14 E.,
Sec. 20, S½ lot 1, lot 7, and S½ lot 8.

The tracts described contain 57.66 acres.

Riverside Forest Camp:
T. 11 N., R. 14 E.,
Sec. 20, lots 2 and 4.

The tracts described contain 56.07 acres.

Snyder Springs Forest Camp:
T. 11 N., R. 16 E.,
Sec. 30, lots 3 and 8.

The tracts described contain 48.57 acres.

Stanley Lake Forest Camp:
T. 11 N., R. 12 E.,
Sec. 27, lots 1 and 2;
Sec. 28, lots 1 and 2;
Sec. 33, lots 1, 2, 3, and 4;
Sec. 34, lots 1 and 2.

The tracts described contain 293.70 acres.

This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect, the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 26, 1955.

[F. R. Doc. 55-7925; Filed, Sept. 30, 1955; 8:46 a. m.]

[Public Land Order 1229]

ARIZONA

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF THE FOREST SERVICE AS CAMP GROUNDS, RECREATION AREAS, OR FOR OTHER PUBLIC PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as camp grounds, recreation areas, or for other public purposes as indicated:

[Arizona 05427]

GILA AND SALT RIVER MERIDIAN

TONTO NATIONAL FOREST

Jones Water Forest Camp:
T. 3 N., R. 16 E., unsurveyed
Sec. 23, SW¼NE¼NE¼, S½NW¼NE¼, W½SW¼NE¼, NE¼SW¼NE¼, S½SE¼NW¼, N½NE¼SW¼, except that portion (6.80 acres) already withdrawn by the act of May 29, 1924.

The areas described aggregate 93.20 acres.

Oak Flat Picnic and Camp Ground:
T. 1 S., R. 13 E.,
Sec. 28, S½S½;
Sec. 29, SE¼SE¼;
Sec. 32, E½NE¼;
Sec. 33, N½, N½S½.

The areas described aggregate 760 acres.

Pioneer Pass Picnic Grounds:
T. 2 S., R. 15 E.,
Sec. 3, W½W½SE¼SE¼, E½SW¼SE¼;
Sec. 10, W½W½NE¼NE¼, E½NW¼NE¼, SW¼NW¼NE¼, SW¼NE¼.

The areas described aggregate 110 acres.

Federal Highway 9-K, Roadside Zone: A strip of land 200 feet on each side of center line of Federal Highway 9-K through the following legal subdivisions:

T. 9 N., R. 10 E.,
Sec. 3, NW¼;
Sec. 4, N½;
Sec. 5, E½;
Sec. 8, N½, SW¼.
T. 10 N., R. 10 E.,
Sec. 28, S½, NE¼;
Sec. 33, NW¼, S½;
Sec. 34, SW¼.

COCONINO NATIONAL FOREST

Red Rock Crossing Recreation Area:
T. 17 N., R. 5 E.,
Sec. 26, S½SW¼, SE¼SW¼NW¼SW¼, SE¼NW¼SW¼, S½NE¼SW¼, NE¼NE¼SW¼, N½NW¼NE¼SW¼.

The areas described aggregated 127.5 acres.

[Arizona 08550]

COCONINO NATIONAL FOREST

Bakers Butte Lookout Site:
T. 12 N., R. 9 E.,
Sec. 2, S½SW¼NW¼SW¼, SW¼SE¼NW¼SW¼, NW¼SW¼SW¼, W½NE¼SW¼SW¼, N½SW¼SW¼SW¼, NW¼SE¼SW¼SW¼; unsurveyed.
Sec. 3, SE¼SE¼NE¼SE¼, E½NE¼SE¼SE¼, NE¼SE¼SE¼SE¼.

The areas described aggregate 40 acres.

Buck Mountain Lookout Site:
T. 15 N., R. 9 E.,
Sec. 20, S½NW¼SE¼SE¼, SW¼NE¼SE¼SE¼, SW¼SE¼SE¼, W½SE¼SE¼SE¼, SE¼NE¼SW¼SE¼, E½SE¼SW¼SE¼;
Sec. 29, NE¼NE¼NW¼NE¼, N½NW¼NE¼NE¼, NW¼NE¼NE¼NE¼.

The areas described aggregate 40 acres.

Hutch Mountain Lookout Site:
T. 16 N., R. 9 E.,
Sec. 3, E½NW¼SW¼, E½W½NW¼SW¼, W½W½NE¼SW¼.

The areas described aggregate 40 acres.

Lee Butte Lookout Site:
T. 17 N., R. 8 E.,
Sec. 22, SE¼SW¼.

The area described aggregates 40 acres.

Mormon Lake Lookout Site:
T. 17 N., R. 9 E.,
Sec. 3, SE¼SE¼ Lot 3, S½SW¼ Lot 2, SW¼SE¼ Lot 2, NW¼SW¼NE¼, W½NE¼SW¼NE¼, N½SW¼SW¼NE¼, NW¼SE¼SW¼NE¼, E½NE¼SE¼NW¼, NE¼SE¼SE¼NW¼.

The areas described aggregate 40.05 acres.

East Pocket Knob Lookout Site:
T. 18 N., R. 6 E.,
Sec. 6, E½E½SW¼NE¼, W½SE¼NE¼, W½E½SE¼NE¼.

The areas described aggregate 40 acres.

Turkey Butte Lookout Site:
T. 19 N., R. 5 E.,
Sec. 18, NW¼NE¼.

The area described aggregates 40 acres.

Woody Mountain Lookout Site:
T. 20 N., R. 6 E.,
Sec. 3, SE¼NE¼NW¼SW¼, E½SE¼NW¼SW¼, S½NW¼NE¼SW¼, SW¼NE¼NE¼SW¼, SW¼NE¼SW¼, W½SE¼NE¼SW¼, NE¼NE¼SW¼SW¼, N½NW¼SE¼SW¼, NW¼NE¼SE¼SW¼.

The areas described aggregate 40 acres.

Mt. Elden Lookout Site:
T. 22 N., R. 7 E.,
Sec. 36, SE¼SE¼.

The area described aggregates 40 acres.

Saddle Mountain Lookout Site:
T. 24 N., R. 6 E.,
Sec. 26, SE¼NW¼NW¼, SW¼NE¼NW¼, NE¼SW¼NW¼, NW¼SE¼NW¼.

The areas described aggregate 40 acres.

Deadman Lookout Site:
T. 24 N., R. 7 E.,
Sec. 26, S½N½SW¼NE¼, S½SW¼NE¼, N½N½NW¼SE¼.

The areas described aggregate 40 acres.

T-6 Spring Recreation Area:
T. 18 N., R. 7 E.,
Sec. 25, S½SE¼, NE¼SE¼.

The areas described aggregate 120 acres.

O'Leary Peak Lookout Site:
T. 23 N., R. 8 E.,
Sec. 3, SE¼SE¼.

The area described aggregates 40 acres.

Lava River Cave Campground:
T. 23 N., R. 5 E.,
Sec. 26, E½SE¼SW¼, W½SW¼SE¼.

The areas described aggregate 40 acres.

Dairy Spring Campground:
T. 18 N., R. 8 E.,
Sec. 12, SE¼SE¼NE¼, NE¼NE¼SE¼.
T. 18 N., R. 9 E.,
Sec. 7, SW¼ of Lot 2, NW¼ of Lot 3.

The areas described aggregate 39.97 acres.

Double Springs Campground:
T. 18 N., R. 8 E.,
Sec. 13, SE¼SE¼NE¼, NE¼NE¼ SE¼.
T. 18 N., R. 9 E.,
Sec. 18, NW¼NW¼SW¼.

The areas described aggregate 29.83 acres.

Kehl Spring Campground:
T. 12 N., R. 10 E.,
Sec. 8, SW¼SW¼SE¼, SE¼SE¼SW¼;
Sec. 17, NE¼NE¼NW¼, NW¼NW¼NE¼.

The areas described aggregate 40 acres.

Knob Hill Administrative Site:
T. 21 N., R. 7 E.,
Sec. 15, N½SE¼SE¼NW¼NW¼, NE¼SE¼NW¼NW¼, N½NE¼, NE¼NW¼.

The areas described aggregate 123.75 acres.

General Spring Guard Station:
T. 12 N., R. 10 E.,
Sec. 1, Lots 1 and 2, SE¼NW¼, SW¼NE¼.

The areas described aggregate 162.44 acres.

This order shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

September 27, 1955.

[F. R. Doc. 55-7926; Filed, Sept. 30, 1955; 8:46 a. m.]

[Public Land Order 1230]

NEW MEXICO

RESERVING LANDS WITHIN APACHE NATIONAL FOREST FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES, CAMP SITES, LOOKOUTS, AND ROADSIDE ZONES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-described public lands within the Apache National Forest in New Mexico are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites, camp sites, lookouts, and roadside zones:

NEW MEXICO PRINCIPAL MERIDIAN

Bob Cat Administrative Site:
T. 7 S., R. 21 W., unsurveyed,
Sec. 7, E½NW¼NE¼.

The area described contains 20 acres.

Escudilio Ranger Station Administrative Site:
T. 4 S., R. 21 W.,
Sec. 26, W½NW¼, NW¼SW¼.

The area described contains 120 acres.

Hinkle Park Administrative Site:
T. 8 S., R. 21 W., unsurveyed,
Sec. 5, S½SW¼SE¼;
Sec. 8, N½NE¼NW¼.

The area described contains 40 acres.

Cottonwood Canyon Forest Camp:
T. 8 S., R. 20 W.,
Sec. 10, SE¼SW¼.

The area described contains 40 acres.

Jewett Ranger Station Administrative Site:
T. 4 S., R. 17 W.,
Sec. 8, E½.

The area described contains 320 acres.

Luna Ranger Station Administrative Site:
T. 5 S., R. 20 W.,
Sec. 32, N½NE¼.

The area described contains 80 acres.

Mangas Ranger Station Administrative Site:
T. 2 S., R. 15 W.,
Sec. 36, W½NE¼, NW¼, N½SW¼, NW¼SE¼.

The area described contains 360 acres.

Pueblo Park Forest Camp:
T. 8 S., R. 21 W., unsurveyed,
Sec. 24, E½SW¼.

The area described contains 80 acres.

Reserve Ranger Station Administrative Site:
T. 7 S., R. 19 W.,
Sec. 2, lots 15, 16, 17, 18.

The area described contains 146.94 acres.

Tularosa Administrative Camp Site:
T. 5 S., R. 17 W.,
Sec. 32, NE¼SE¼;
Sec. 33, SW¼NW¼, NW¼SW¼.

The area described contains 120 acres.

Tularosa Ranger Station Administrative Site:
T. 6 S., R. 18 W.,
Sec. 12, lot 4.

The area described contains 36.93 acres.

Cat Springs Lookout:
T. 3 S., R. 15 W.,
Sec. 16, S½S½SE¼;
Sec. 21, N½N½NE¼.

The area described contains 80 acres.

Eagle Peak Lookout:
T. 7 S., R. 17 W., unsurveyed,
Sec. 22, SW¼NE¼SE¼, NW¼SE¼SE¼, NE¼SW¼SE¼, SE¼NW¼SE¼.

The area described contains 40 acres.

El Caso Lookout:
T. 2 S., R. 16 W.,
Sec. 27, NW¼SE¼, SE¼SE¼.

The area described contains 80 acres.

Fox Mountain Lookout:
T. 3 S., R. 18 W.,
Sec. 3, SW¼NE¼, E½SE¼NW¼, NW¼SE¼.

The area described contains 100 acres.

John Kerr Lookout:
T. 6 S., R. 16 W., unsurveyed,
Sec. 10, S½SW¼NE¼, NW¼SE¼, NE¼SE¼.

The area described contains 100 acres.

Mangas Mountain Lookout:
T. 3 S., R. 14 W.,
Sec. 16, NE¼NW¼.

The area described contains 40 acres.

Saddle Mountain Lookout:
T. 8 S., R. 21 W., unsurveyed,
Sec. 15, W½NW¼;
Sec. 16, E½NE¼.

The area described contains 160 acres.

New Mexico State Highway No. 32 Roadside Zone:
A strip of land 200 feet on each side of the center line of New Mexico State Highway No. 32 where it traverses Forest land through the following legal subdivisions:
T. 1 S., R. 17 W.,
Secs. 16, 21, 28, 33.
T. 2 S., R. 17 W.,
Secs. 3, 4, 10, 15, 22, 27, 28, 33.
T. 3 S., R. 18 W.,
Secs. 13, 24, 25, 36.
T. 4 S., R. 17 W.,
Secs. 30, 31.
T. 4 S., R. 18 W.,
Secs. 1, 12, 13, 24.
T. 5 S., R. 17 W.,
Secs. 5, 8, 17, 20, 21, 28.

New Mexico State Highway No. 12 Roadside Zone:
A strip of land 200 feet from the center line on each side of New Mexico State Highway No. 12 where it traverses Forest land through the following legal subdivisions:
T. 4 S., R. 15 W.,
Secs. 27, 28, 29, 30, 31, 32.
T. 4 S., R. 16 W.,
Secs. 25, 33, 34, 35, 36.
T. 5 S., R. 17 W.,
Secs. 3, 4, 7, 8, 9.
T. 5 S., R. 16 W.,
Secs. 13, 14, 15, 21, 22, 28, 31, 32, 33.
T. 6 S., R. 18 W.,
Secs. 1, 2, 10, 11, 15, 16, 20, 21, 29, 30, 31.
T. 6 S., R. 19 W.,
Sec. 36.
T. 7 S., R. 18 W.,
Sec. 6.
T. 7 S., R. 19 W.,
Secs. 1, 2, 3, 4, 8, 9, 11, 12, 17, 18.
T. 7 S., R. 20 W.,
Sec. 13.

U. S. Highway No. 260 Roadside Zone:
A strip of land 200 feet from the center line on each side of U. S. Highway No. 260 where it traverses Forest land through the following legal subdivisions:
T. 5 S., R. 21 W.,
Secs. 34, 35, 36.
T. 6 S., R. 20 W.,
Secs. 6, 7, 18, 30, 31, 32.
T. 6 S., R. 21 W.,
Secs. 1, 2, 3, 4, 5, 6, 13, 24, 25.
T. 7 S., R. 20 W.,
Secs. 5, 6, 8, 9, 10, 11, 13, 14, 24, 25, 26, 34, 35.
T. 8 S., R. 20 W.,
Secs. 3, 10, 15, 21, 22, 28, 32, 33.
T. 9 S., R. 20 W.,
Secs. 5, 6, 7, 17, 18, 20, 29, 31, 32.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 27, 1955.

[F. R. Doc. 55-7927; Filed, Sept. 30, 1955; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Parts 40, 41, 42]

OPERATIONAL USE OF WEATHER REPORTS FOR INSTRUMENT APPROACH, LANDING, OR TAKEOFF

NOTICE OF PROPOSED RULE MAKING

The air carrier operating rules of the Civil Air Regulations provide in part that no instrument approach, landing, or takeoff shall be made when the latest weather report furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau indicates a ceiling or visibility below authorized minimums. Current CAA rules (§§ 40.406–1, 41.119–2, and 42.56–2) apply this requirement to a runway weather observation contained in the official weather report for a particular runway.

At airports where runway weather observations are made, when reporting runway visibility to a pilot conducting an instrument approach, the tower controller obtains the runway visibility from a direct reading visibility meter in the tower. This meter is electronically geared to an instrument in the Weather Bureau for graphically recording the runway visibility value measured by the transmissometer instrument. A repeater visibility meter for indicating runway visibility in fractional increments is also located in the Weather Bureau office. Since minimums for instrument approach according to the regulations are predicated on the latest weather report, the tower controller cannot report immediately to a pilot any substantial visibility change observed on the tower visibility meter without coordination with the Weather Bureau, which must issue a special observation report for each such change in visibility value observed. Particularly under variable visibility conditions, this prevents maximum utilization of the instrumentation used for measuring runway visibility. It also places an additional burden on the controller, which is undesirable under instrument weather conditions because his full attention should be directed to the control of air traffic. Also due to the various duties of the Weather Bureau observer, he may be preoccupied in performing some other function. For this reason the control tower operator is in a far better position to continually observe any change in visibility value indicated on the visibility meter and should be able to report such change in visibility to the pilot conducting an instrument approach as the official runway visibility without recording the observation or advising the Weather Bureau. In case any question should later arise as to the official runway visibility at any particular time, this information can be obtained from the Weather Bureau where it is continually recorded on graph recording. However, such visibility data may not be contained in the sequence weather report because of the time interval between the hourly and special observations made and recorded by the weather observer.

In view of the foregoing, the Administrator proposes the following revisions to §§ 40.406–1, 41.119–2, and 42.56–2 of this subchapter. All interested persons who desire to submit comments and suggestions for consideration in connection with the proposed rules shall send them to Director, Office of Aviation Safety, Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

1. Section 40.406–1 is revised to read as follows:

§ 40.406–1 *Takeoff and landing weather minimums (CAA rules which apply to § 40.406 (b))*—(a) *General.* The ceiling and visibility contained in the main body of the latest weather report furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau shall be used for instrument approach and landing or takeoff for all runways of an airport except as provided in paragraph (b) of this section.

(b) *Runway visibility.* Whenever the latest weather report furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau, including an aural report from the control tower, contains a visibility value specified as runway visibility for a particular runway of an airport, such visibility shall be used for a straight-in instrument approach and landing or takeoff for that runway only.[1]

2. Section 41.119–2 as published on March 20, 1954, in 19 F. R. 1536, is revised to read as follows:

§ 41.119–2 *Takeoff and landing weather minimums (CAA rules which apply to § 41.119).* (The rules which apply to this section are the same as those stated in § 40.406–1 of this subchapter.)

3. Section 42.56–2 as published on March 20, 1954, in 19 F. R. 1536, is revised to read as follows:

§ 42.56–2 *Takeoff and landing weather minimums (CAA rules which apply to § 42.56).* (The rules which apply to this section are the same as those stated in § 40.406–1 of this subchapter.)

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-7922; Filed, Sept. 30, 1955; 8:45 a. m.]

[1] Information respecting the official runway visibility observations reported by the control tower operator may be obtained from the Office of the U. S. Weather Bureau for the airport concerned. Such office maintains a continuous graph recording of the runway visibility shown on the visibility meter in the control tower.

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

SUBMARINE BASE AND AIR FACILITY

PERMIT

This permit, effective the first day of July 1954, executed by the United States, acting in this behalf by the Secretary of the Interior, hereinafter referred to as the "Secretary", to the Virgin Islands Corporation, a Federal instrumentality created by the act of June 30, 1949 (63 Stat. 350, 48 U. S. C., 1952 ed., sec. 1407 et seq.), hereinafter referred to as the "Permittee":

Witnesseth: Whereas the installations formerly known as the Marine Corps Air Facility and the Naval Submarine Base at St. Thomas, Virgin Islands, were transferred by the Navy Department to the Interior Department for operation and maintenance under a revocable permit dated January 1, 1948, subject to the terms and conditions set forth therein; and

Whereas by amendments dated February 4, 1949, and October 27, 1949, certain areas were withdrawn by the Navy Department from the jurisdiction of the Interior Department; and

Whereas by a lease agreement entered into on March 25, 1950, the Secretary leased to the Municipality of St. Thomas and St. John all of the installations known as the Marine Corps Air Facility and the Naval Submarine Base except for the areas withdrawn by the aforesaid amendments and except for certain areas made available by the Interior Department to the Civil Aeronautical Administration; and

Whereas by letter dated September 5, 1950, the Department of the Navy revoked the aforesaid amendments and restored the said areas to the jurisdiction of the Department of the Interior; and

Whereas by a supplement to the lease agreement of March 25, 1950, the Secretary leased to the Municipality of St. Thomas and St. John the areas thus restored to the jurisdiction of the Interior Department; and

Whereas by letter of June 23, 1954, the Secretary terminated the Lease Agreement of March 25, 1950, as supplemented, pursuant to paragraph 4 of the Supplement to the Lease Agreement, such termination to be effective July 1, 1954; and

Whereas it is the intention of the Secretary that the property be used to the greatest extent possible for the benefit of the people of the Virgin Islands:

Now therefore, The Secretary hereby grants to the Permittee a permit to use, occupy, and operate the installations formerly known as the Marine Corps Air Facility and the Naval Submarine Base at St. Thomas, described more fully on Navy Public Works Drawings 10–34 and 10–35 (except for (a) those areas made available by the Interior Department to the Civil Aeronautics Administration under permit and memorandum of agreement dated August 24, 1948, as supplemented on October 17, 1952, and (b) the power plant and related facilities made available to the Permittee under a permit of even date herewith and more fully described therein).

This permit is granted subject to the following terms and conditions:

1. The Permittee agrees to pay as rental for the said property the sum of $1.00 per year, payable in advance.

2. The Permittee shall use the said property to the greatest extent possible for the benefit of the people of the Virgin Islands.

3. The Permittee shall maintain the property in as good condition as when received and shall effect such repairs and replacements as are necessary to that end. In addition, the Permittee shall, in accordance with good management practices, endeavor to restore the property as rapidly as possible to its condition on January 1, 1948: *Provided,* That in so restoring the property, the Permittee shall expend no more than the amount received in revenues from the operation of the property, less reasonable costs of administration, unless it obtains the prior approval of the Secretary in writing.

4. The Permittee shall submit to the Secretary quarterly reports showing revenue received and expenditures made, by general categories, in connection with the operation of the property. Such reports shall contain the information listed in Exhibit A which is attached hereto and made a part hereof.

5. This permit shall continue in effect for a period coextensive with that of the revocable permit between the Navy and Interior Departments unless sooner terminated in accordance with this paragraph: *Provided,* That the Secretary may, in his discretion, modify or terminate this permit at any time: *Provided, further,* That the Permittee may, if it finds itself unable to perform any part of this permit, terminate this permit, in whole or in part, upon 60 days notice to the Secretary in writing.

6. Upon the expiration or termination of this permit, the Permittee shall return to the Secretary in as good condition as when received, reasonable wear and use, and Act of God excepted, all of the above described property, together with all replacements thereof and additions thereto, and the Secretary shall thereupon have the right immediately to reenter and take possession of the property, subject to the right of the Permittee to remove its property from the premises within a reasonable time thereafter.

7. It is expressly agreed that the Permittee may lease or license to public or private agencies or organizations, or to individuals, the properties covered by this permit: *Provided,* That except for such leases and licenses as may have been approved by the Secretary between July 1, 1954 and June 1, 1955, all such leases and licenses shall comply with the following terms and conditions:

(a) *General considerations for leases.* (i) Classes: Leases may be of three classes: Commercial, housing, and government.

Commercial leases may be made covering buildings, facilities, and land, or any combination thereof, for industrial and/or other income producing purposes under the direct control and management of the lessee. Leases for buildings used for multi-dwelling units (apartments) shall be classed as commercial.

Housing leases shall be limited to existing detached or semi-detached resi-

dential units (or structures easily adaptable to such purposes) for personal occupancy by the lessee and his immediate family.

Government leases may be made with the Government of the Virgin Islands, the Government of the United States, or any of their subdivisions, covering buildings, facilities, and land, or any combination thereof, for any lawful governmental purpose.

(ii) Land: Commercial, housing, and government leases may include land area, but should be limited to the minimum area necessary for the conduct of the activities contemplated or for the full enjoyment and protection of the leased premises.

In general, unimproved lands should not be leased. However, small areas may be the subject of (and limited to) commercial and government leases where a positive showing is made, in the case of commercial leasing, that the lessee (a) will promptly develop and improve the land in such a manner and to such an extent as will contribute materially to the economy of the Island of St. Thomas, (b) will make a substantial investment in such improvements, and (c) will agree that upon termination of the lease all improvements will vest in the lessor, and, in the case of government leasing, that the property is required in connection with a lawful and necessary governmental function.

(iii) Leases may be made with individuals, corporations, partnerships, or other lawful business entities.

(iv) Lessee. Commercial leases shall be made only after the lessee has shown to the satisfaction of the Virgin Islands Corporation that he (a) has a satisfactory personal and business reputation (b) has the necessary qualifications and experience to operate the particular business in an efficient and businesslike manner, (c) has sufficient financial strength and backing to carry on the contemplated commercial venture, to make needed improvements, and to contribute materially to the economy of the Island of St. Thomas, and (d) intends himself to operate the leased premises during the entire term of the lease.

No lease shall be made with any employee of the Virgin Islands Corporation, the Government of the Virgin Islands, the Government of the United States, or any of their subdivisions, except that this restriction shall not apply to the leasing to such an employee of a single residential unit for his personal occupancy. However, such leases shall, at the option of the Lessor, be cancellable at any time after thirty (30) days of the date of termination of employment with the governmental agency involved.

(b) *Lease terms.* All leases shall contain the following terms and provisions, as well as any others that may be necessary to protect the rights of the United States:

(i) *Secretarial approval.* All commercial and government leases shall be subject to the approval of the Secretary of the Interior.

(ii) *Form.* All leases shall be in writing except for leases for housing or residential units renting for less than $75.00 per month.

(iii) *Tenure.* Commercial leases for existing structures or facilities shall not exceed 20 years, except that in special cases, in the discretion of Virgin Islands Corporation, an option to renew for one additional 10 year period may be granted. Commercial leases for industrial uses shall not exceed five (5) years. Leases of unimproved land shall not exceed thirty (30) years, except that in special cases an option to renew for one additional ten (10) year period may be granted.

Housing leases may be made on a month to month, or yearly basis, but no such lease shall be longer than three (3) years.

The term of all government leases shall be for a period not in excess of one year beyond the period during which the facilities are under the control of the Virgin Islands Corporation.

(iv) *Rent.* Rent under all types of leases shall be comparable to rent charged for similar buildings and facilities available on the Island of St. Thomas.

Commercial and government leases shall provide that rents shall be subject to renegotiation every ten (10) years.

Bureau of the Budget Circular A–45, dated June 3, 1952, as promulgated by the Departmental Manual of Allowances for Quarters, Subsistence, and Services, issued August 7, 1952, as amended, shall govern the determination of rents for all properties occupied by employees of the Federal Government and any of its subdivisions.

Commercial and government leases shall provide that rents shall be payable no less frequently than quarter annually in advance. Housing rents shall be payable monthly in advance.

(v) *Assignment.* Any assignment of a lease must be approved in writing by the Secretary of the Interior. The proposed assignee must make the same showing as to personal and business reputation and financial resources as is required of original lessees.

Upon a lessee failing in business, filing a petition in voluntary bankruptcy, making an assignment for benefit of creditors, etc., the lease shall then and there be terminated and the premises shall immediately revert to the lessor.

Subletting shall be forbidden unless the prior written consent of the Virgin Islands Corporation is obtained.

(vi) *Discrimination.* Provision against discrimination in use and in employment based on race, creed or color shall be included.

(vii) *Maintenance.* Commercial and government lessees must maintain the buildings and facilities and property in accordance with the standards set by the Department of the Navy in its annual inspections and in accordance with any requirements established by the Virgin Islands Corporation.

(viii) *Insurance.* Each commercial and government lessee shall maintain fire and extended coverage insurance to the fair and reasonable value of the leased property.

(ix) *Navy Permit.* Each lease shall contain a provision providing for the automatic termination of such lease in the event the Department of the Navy exercises its right to revoke, in whole or in part, the revocable permit of January 1, 1948, pursuant to the following paragraph of the said permit:

> This Permit shall be for an indefinite term but shall be subject at any time hereafter to the right of the Navy Department, or higher military authority, to revoke this instrument in whole or in part, or as a temporary or a permanent measure, but it is the intention of the Navy Department that the right of revocation shall be exercised only in the event of military necessity or by reason of a National Emergency.

(x) *United States a party.* Each lease shall be entered into in the name of the United States, acting by and through the Virgin Islands Corporation.

8. No assignment or transfer of this permit or any part thereof shall be valid without the prior consent of the Secretary in writing. In the event of any such assignment or transfer, the Secretary shall have the right to terminate this permit immediately and without notice. In the event the property covered by this agreement reverts for any reason to the Secretary, the Secretary shall respect and be bound by the terms of any lawful outstanding leases or licenses theretofore entered into by the Permittee or its authorized agency.

9. This agreement shall be subject to the terms and conditions of the abovementioned revocable permit issued to the Interior Department by the Navy Department.

10. No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or any benefit which may arise therefrom unless it be made with a corporation for its general benefit.

11. Wherever the word "Secretary" is used in this agreement, it shall also mean his authorized representative, and whenever the terms "lease" or "lessee" are used, they shall be construed to include the terms "permit", "license", "permittee", or "licensee", as the case may be.

In witness whereof, I have hereunto set my hand as of the day, month, and year cited above.

THE UNITED STATES,
DOUGLAS MCKAY,
Secretary of the Interior.

AUGUST 29, 1955.

EXHIBIT A

The report required of the Permittee by paragraph 4 shall contain the following information:

Narrative Statement

1. Short resume of operations.
2. Maintenance completed.
3. New developments.
4. Difficult or unique problems of general interest.
5. Other.

Listing of Rentors and Lessees

1. Delinquents.
   a. Name.
   b. Building, land or water bill (Identify).
   c. Amount of delinquency.
   d. Date due.
2. Cancellation of rental agreements.
   a. Name.
   b. House number.
   c. Date.
3. New Rental agreements.
   a. Name.
   b. House number.
   c. Rental rate.
   d. Date.

Personnel

Appointed.
Per diem.

Statement of Income and Expense

Income:
1. Rentals.
   a. Housing.
   b. Commercial leases.
   c. Other.
2. Fees.
   a. Airplane landings.
   b. Dock.
   c. Parking.
   d. Beach.
   e. Storage.
   f. Water sales.

Expense:
Salaries and wages.
Materials and supplies.
Transportation.
Office expense.

Overhead

Net profit or loss.

[F. R. Doc. 55–7928; Filed, Sept. 30, 1955; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7186; Order E-9596]

LAKE CENTRAL AIRLINES, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE[1]

Lake Central Airlines, Inc. (Lake Central), on May 27, 1955, filed an application pursuant to section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended (the Act), requesting the Board to issue Lake Central a certificate of public convenience and necessity of unlimited duration for route No. 88 authorizing air transportation of persons, property and mail between certain named points.

Section 401 (e) (3) of the Act (effective May 19, 1955) provides: "If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1953, to the date of its application, it or its predecessor in interest, was an air carrier furnishing, within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property, and mail, under a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which the applicant or its predecessors in interest have no control) the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during the period since its last certification has been inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation between the terminal and intermediate points within the continental limits of the United States between which it, or its predecessor, so continuously operated between the date of enactment of this paragraph and the date of its application: *Provided*, That the Board in issuing the certificate is empowered to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points it finds have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification at such time."

Lake Central alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the Act. Proof of this fact has been submitted by Lake Central in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Lake Central further alleges in its application that it has continuously operated as an air carrier furnishing local or feeder air transportation of persons, property and mail within the continental limits of the United States during the period January 1, 1953, to the date of its application under a temporary certificate of public convenience and necessity for route No. 88 issued by the Board, except as to interruptions of service over which it had no control. The various schedules and reports required to be filed with the Board by local service carriers indicate that Lake Central has so continuously operated since January 1, 1953.

Section 401 (e) (3) of the Act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Lake Central that the service rendered by Lake Central during the period since its last certification has not been inadequate or inefficient. The Board during the said period has received no complaints from the public relating to the overall service provided by this carrier. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during the period from December 30, 1952, the date of Lake Central's last certificate for route No. 88, to the present has been inadequate or inefficient within the meaning of section 401 (e) (3) of the Act.

Lake Central further alleges in its application that it has from the date of the enactment of section 401 (e) (3) (May 19, 1955) to the date of its application, continuously served the following terminal and intermediate points:

Grand Rapids, Mich.	Columbus, Ohio.
Kalamazoo, Mich.	Marion, Ohio.
South Bend, Ind.	Mansfield, Ohio.
Kokomo-Logansport-Peru, Ind.	Lima, Ohio.
	Cleveland, Ohio.
Indianapolis, Ind.	Zanesville, Ohio.
Chicago, Ill.	Dover-New Philadelphia, Ohio.
Gary, Ind.	
Lafayette, Ind.	Pittsburgh, Pa.
Marion, Ind.	Youngstown, Ohio.
Richmond, Ind.	Bloomington, Ind.
Cincinnati, Ohio.	Terre Haute, Ind.
Dayton, Ohio.	Danville, Ill.
Springfield, Ohio.	

Section 401 (e) (3) provides in effect that all terminal points served by the local service carrier applicant during the period from May 19, 1955 to May 27, 1955 shall be certificated for a period of unlimited duration. The certificate we propose to issue to Lake Central (which is attached as Appendix A) accomplishes this.

Section 401 (e) (3) empowers the Board to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points the Board finds have generated insufficient traffic to warrant a finding that the public convenience and necessity require permanent certification. The Board has proposed an industry-wide traffic standard upon which to base a tentative conclusion as to whether a particular intermediate point should be permanently or temporarily certificated. A standard which can be applied on an industry-wide basis will assure that all the intermediate cities are equitably treated. The Board has concluded, on the basis of an analysis of the latest available traffic data, that an average of five or more passengers enplaned per day provides a reasonable basis for selection of those intermediate points to be permanently certificated at this time.

As indicated above, the recent amendment of the Act provides for the certification for an unlimited duration of all terminal points and of at least one-half of the intermediate points named in the certificate. This means that in the future the applicant carrier will be providing services over permanently certificated segments. During the years of local service carrier experience, the Board, in consideration of the subsidized nature of the operation, has found that on-line intermediate points generating in the neighborhood of 300 passengers on and off monthly have borne a reasonable share of the expense incurred by the carrier in providing service to the intermediate point on existing flights. In the past, the Board has also found that local service carrier points generating in the neighborhood of five or more enplaned passengers per day have warranted recertification. This leads us to conclude that in the absence of a further showing, the five passenger per day standard is a reasonable one for selecting those intermediate points to be permanently certificated.

The proposed certificate which is attached as Appendix A grants Lake Central permanent authority at those intermediate stations shown in Appendixes C, D, and E to have met this five-passenger per day standard and temporary authority at all other intermediate stations served by Lake Central during the period May 19, 1955 to May 27, 1955. Appendixes C and D set forth in tabular form, the average number of daily passengers enplaned at each Lake Central intermediate point for the calendar year 1954 and for the twelve month periods ending March 31, 1955 and June 30, 1955. The average number of passengers enplaned at intermediate points generating less than five passengers per day is set forth in Appendix E on a quarterly basis for the years 1952, 1953, 1954 and for the twelve month periods ending March 31, 1955 and June 30, 1955.

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

The Board believes that except for cities presenting special considerations warranting permanent certification, those intermediate points which have generated less than five enplaned passengers per day should be certificated for a temporary period of three years. Certification for this period will enable the Board to assess the future traffic development at these points and to consider at a later time whether or not they should be made permanent. These cities will be afforded an opportunity before the expiration of the temporary period to demonstrate their ability to generate a sufficient volume of traffic to warrant permanent certification or continuation of service for a further temporary period.

It is also the Board's tentative conclusion that under the provisions of section 401 (e) (3) of the Act a point named in the certificate of public convenience and necessity issued to Lake Central, but which point has never been served by Lake Central, is not eligible for inclusion as a point in any certificate that may be issued to Lake Central pursuant to said section of the Act.

As hereinafter set forth in this order, the Board is making a finding consistent with the above tentative conclusion as to the point Muncie, Indiana.

The Board further tentatively concludes that where since the last certificate issued to this carrier (1) the Board has authorized Lake Central, by exemption, to provide service to additional points, or (2) the Board has authorized Lake Central, by exemption, to provide service between points named in such certificate on segments different from that designated in the certificate, the said points are eligible to be certificated pursuant to section 401 (e) (3) of the Act as served by the carrier pursuant to such exemptions during the period from May 19, 1955 to May 27, 1955.

Thus, the Board proposes to require the carrier to show cause why Lima, Ohio, should not be certificated as an intermediate point on segment 6 of route No. 88, why Kokomo-Logansport-Peru, Indiana, should not be certificated as an intermediate point on segment 2 and as a terminal point on segment 6 of route No. 88, and why Marion, Indiana, should not be temporarily certificated as an intermediate point on segment 1 and segment 6 of route No. 88.

The Board further believes that the terms and conditions set forth in the certificate of public convenience and necessity last issued by the Board to Lake Central may not be expanded in a certificate to be issued pursuant to section 401 (e) (3) of the Act in such manner as to grant authority to said carrier in excess of or differing from that set forth in the certificate of public convenience and necessity last issued to this carrier.

Thus, the certificate which the Board proposes to issue to Lake Central under section 401 (e) (3) of the Act does not include the modifications requested by the carrier in paragraph IV, sub-paragraph B of its application to omit the requirement of service at Kokomo-Logansport-Peru, Indiana, through the Bunker Hill Airport. The presently effective temporary exemption authorization which permits Lake Central to serve Kokomo-Logansport-Peru through Kokomo Municipal Airport is, however, being continued in effect by the proposed supplemental order attached hereto as Appendix B.

The Board does not believe that authority granted to Lake Central pursuant to § 202.4 of the Economic Regulations of the Board or by temporary exemption, subsequent to the issuance of the last certificate of public convenience and necessity issued by the Board to said air carrier permitting on-segment changes in the service pattern should be incorporated in a certificate issued to Lake Central pursuant to section 401 (e) (3) of the act. In the interest of convenience and clarity the Board will restate the carrier's outstanding service pattern modifications in a single order, a draft of which is attached hereto as Appendix B.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (3) of the act, of permanent or temporary authority to serve points served by Lake Central during the period from May 19, 1955 to May 27, 1955. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Lake Central to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form attached hereto as Appendix A. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Lake Central's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Lake Central and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

It is also our intention to officially notice all reports, tariffs and schedules required to be filed with the Board by all air carriers, as well as all public Board reports based on these data,[2] so that these materials need not be specially compiled for the record in this proceeding.

On the basis of the foregoing considerations and the data set forth in Appendixes C, D, E, and F hereof, which are hereby incorporated into this order and shall constitute part of the record in this proceeding,[3] the Board finds that:

1. Lake Central is a citizen of the United States of America as defined by section 1 (13) of the act.

2. From January 1, 1953 to May 27, 1955 Lake Central was an air carrier providing within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property and mail pursuant to a temporary certificate of public convenience and necessity for route No. 88 issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which Lake Central had no control).

3. Lake Central has continuously served the following terminal and intermediate points during the period from May 19, 1955 to May 27, 1955:

Grand Rapids, Mich.	Columbus, Ohio.
Kalamazoo, Mich.	Marion, Ohio.
South Bend, Ind.	Mansfield, Ohio.
Kokomo-Logansport-Peru, Ind.	Lima, Ohio.
Indianapolis, Ind.	Cleveland, Ohio.
Chicago, Ill.	Zanesville, Ohio.
Gary, Ind.	Dover-New Philadelphia, Ohio.
Lafayette, Ind.	Pittsburgh, Pa.
Marion, Ind.	Youngstown, Ohio.
Richmond, Ind.	Bloomington, Ind.
Cincinnati, Ohio.	Terre Haute, Ind.
Dayton, Ohio.	Danville, Ill.
Springfield, Ohio.	

4. The service rendered by Lake Central during the period from December 30, 1952, the date of its last certification, to the present has been adequate and efficient within the meaning of section 401 (e) (3) of the Act.

5. The following intermediate points, which on the basis of the most recent available data have generated an average of five or more enplaned passengers per day, should be designated as points of unlimited duration:

(a) On Lake Central's segment 1, the intermediate points Kalamazoo, Mich., South Bend and Kokomo-Logansport-Peru, Ind.;

(b) On segment 2, the intermediate points Lafayette and Kokomo-Logansport-Peru, Ind.;

(c) On segment 3, the intermediate point Kokomo-Logansport-Peru, Ind.;

(d) On segment 4, the intermediate points Columbus and Mansfield, Ohio;

(e) On segment 6, the intermediate points Lima and Mansfield, Ohio;

(f) On segment 7, the intermediate points Terre Haute, Ind., and Danville, Ill.

6. On the basis of the most recent available data the following intermediate points have generated less than 5 enplaned passengers per day, and therefore have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification; but that certification of each of said points for a period of 3 years is warranted:

(a) On Lake Central's segment 1, the intermediate point Marion, Ind.;

(b) On segment 2, the intermediate point Gary, Ind.;

(c) On segment 3, the intermediate points Gary, Marion and Richmond, Ind.;

(d) On segment 4, the intermediate points Richmond, Ind., Dayton, Springfield and Marion, Ohio;

(e) On segment 5, the intermediate points Zanesville and Dover-New Philadelphia, Ohio;

(f) On segment 6, the intermediate points Marion, Ind. and Marion, Ohio;

(g) On segment 7, the intermediate point Bloomington, Ind.

7. The intermediate point, Muncie, Indiana is ineligible for certification pursuant to section 401 (e) (3) of the Act because it was never served by Lake Central; however, it is appropriate to include all Lake Central's effective certificate authority in one document. Therefore, Lake Central's present authority to serve Muncie should be carried forward in the certificate to be issued in this proceeding.

Therefore it is ordered, That:

1. Lake Central is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form attached hereto as Appendix A, and further issue the proposed supplementary order in the form attached hereto as Appendix B;

2. Lake Central and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate and supplementary order, shall, within 15 days from the date thereof, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Lake Central, the Mayor of Muncie, Indiana, the Mayor of each city served by Lake Central on route No. 88 during the period May 19, 1955 to May 27, 1955, and on every certificated air carrier serving a point served by Lake Central on route No. 88 during that period;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] M. C. MULLIGAN, *Secretary.*

[2] We will also officially notice the Origination-Destination Airline Traffic Surveys published by the Airline Finance and Accounting Conference from information compiled by the Board.

[3] Filed as part of original document.

[4] Rizley, Chairman; Adams, Vice Chairman; Lee and Denny, Members of the Board, concurred in the above statement and order.

Separate concurring and dissenting statement of Member Chan Gurney: Consistent with my dissent in Southwest Airways Permanent Certificate Case, Docket No. 7198, issued September 27, 1955, I do not concur in the proposal to establish a uniform period of three years' duration for all points renewed on a temporary basis. In all other respects I agree with the majority.

APPENDIX A

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE

Lake Central Airlines, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules and regulations issued thereunder, to engage in air transportation with respect to persons, property and mail, as follows:

1. Between the terminal point Grand Rapids, Mich., the intermediate points Kalamazoo, Mich., South Bend, Kokomo-Logansport-Peru (to be served through the Bunker Hill Airport) and Marion, Ind., and the terminal point Indianapolis, Ind.;

2. Between the terminal point Chicago, Ill., the intermediate points Gary, LaFayette, and Kokomo-Logansport-Peru (to be served through the Bunker Hill Airport) Ind., and the terminal point Indianapolis, Ind.;

3. Between the terminal point Chicago, Ill., the intermediate points Gary, Kokomo-Logansport-Peru (to be served through the Bunker Hill Airport), Marion, Muncie and Richmond, Ind., and the terminal point Cincinnati, Ohio;

4. Between the terminal point Indianapolis, Ind., the intermediate points Richmond, Ind., Dayton, Springfield, Columbus, Marion and Mansfield, Ohio, and the terminal point Cleveland, Ohio;

5. Between the terminal point Columbus, Ohio, the intermediate points Zanesville and Dover-New Philadelphia, Ohio, and (a) beyond Dover-New Philadelphia, the terminal point Pittsburgh, Pa., and (b) beyond Dover-New Philadelphia, the terminal point Youngstown, Ohio;

6. Between the terminal point Kokomo-Logansport-Peru, Ind. (to be served through the Bunker Hill Airport), the intermediate points Marion, Ind., Lima, Marion and Mansfield, Ohio, and the terminal point Dover-New Philadelphia, Ohio;

7. Between the terminal point Indianapolis, Ind., the intermediate points Bloomington and Terre Haute, Ind., Danville, Ill., and the terminal point Chicago, Ill.,

to be known as Route No. 88.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may regularly serve a point named herein through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of one of the seven numbered route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, or (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control.

(4) Notwithstanding the provisions of paragraph (3) above, the holder may on all trips scheduled over all or part of segment 7 omit any point or points to which the holder has scheduled at least two round trips a day, subject to the restriction that, except when the carrier serves Terre Haute, Ind., as an intermediate point, the holder shall schedule service to a minimum of two intermediate points on said segment.

(5) The holder shall comply with the conditions set forth in paragraph 3 of Order No. E–7054, dated December 30, 1952, as modified by Order No. E–9405, July 18, 1955.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of the certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall be effective on ------, 1955: *Provided, however,* That prior to the date on which the certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of --------, 1955 (Order No. E– ----), insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time.

The authorization to serve Gary, Richmond, Marion, and Bloomington, Ind., and Dayton, Springfield, Zanesville, and Dover-New Philadelphia, Ohio, on Segment 5, and the authorization to serve Marion, Ohio, shall continue in effect up to and including ----------. The authorization to serve Muncie, Ind., shall continue in effect up to and including December 31, 1955.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman, and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the -------- day of ----------, 1955.

[SEAL] ROSS RIZLEY, *Chairman.*

Attest:

------, ------, ------, *Secretary.*

APPENDIX B

PROPOSED DRAFT OF ORDER EXTENDING EFFECTIVE PERIOD OF TEMPORARY SERVICE AUTHORIZATIONS

The Board has by Order E-----, dated ----------, 1955, granted a certificate of public convenience and necessity of unlimited duration to Lake Central Airlines, Inc. (Lake Central) authorizing Lake Central to engage in air transportation of persons, property and mail over route No. 88. In the past Lake Central has been authorized to conduct operations differing in certain particulars from the authority stated in its temporary certificate of public convenience and necessity for route No. 88.

The term of effectiveness of some of these authorizations is unlimited, while others

would expire at the end of a stated period. The reasons for issuance of these temporary authorizations appear to be still applicable to Lake Central in its operation under the certificate of unlimited duration concurrently issued herewith. It, therefore, appears to the Board that it is in the public interest and consistent with the act to continue these outstanding temporary authorizations in effect for an additional period of time. In extending these authorizations, it appears desirable to include all currently effective authorizations which are not included in or disposed of in the new certificate in one order which will become effective at the same time the new certificate of unlimited duration becomes effective.

Accordingly, the Board, acting pursuant to sections 205 (a) and 416 (b) of the Civil Aeronautics Act of 1938, as amended, and to Part 202.4 of its Economic Regulations, finds:

1. That the enforcement of the provisions of section 401 (a) of the act and of Lake Central's certificate, insofar as it would otherwise prevent the operations hereinafter authorized, would be an undue burden upon Lake Central by reason of the limited extent of, or unusual circumstances affecting its operations and is not in the public interest;

2. That the enforcement of the condition in Lake Central's certificate which requires it on each flight over all or part of the several numbered route segments on route No. 88 to stop at each point named between the point of origin and the point of termination of such flight unless otherwise authorized by the Board, to the extent that it would prevent the service pattern hereinafter authorized, would prevent a service pattern which is in the public interest and which is consistent with Lake Central's performance of a local or feeder air transportation service and is not required by nor is it in the public interest;

3. The authority granted by ordering paragraph 1 (a) of Order E–7220, March 11, 1953, as amended by Order E–7754, September 24, 1953, and ordering paragraph 1 (a) of Order E–8835, December 21, 1954, authorizing Lake Central to serve Kokomo-Logansport-Peru, Ind., as an intermediate point on segment 2 of route No. 88 should and will be terminated because the point Kokomo-Logansport-Peru is included as an intermediate point on segment 2 of the certificate being issued to Lake Central concurrently with this order;

4. The authority granted by ordering paragraph 1 (b) of Order E–7220, March 11, 1953, insofar as it authorized Lake Central to serve Marion, Indiana, on segment 1 of route No. 88 should and will be terminated because the point Marion is included as an intermediate point on segment 1 of the certificate being issued to Lake Central concurrently with this order;

5. The authority granted by ordering paragraph 1 (c) of Order E–7220, March 11, 1953, authorizing Lake Central to serve Kokomo-Logansport-Peru as the western terminal of segment 6 of Route No. 88 until such time as airport facilities adequate for the scheduled operations of Lake Central become available at Marion, Indiana (the western terminal point of segment 6), should and will be terminated because the point Kokomo-Logansport-Peru is included as the western terminal point on segment 6 of the certificate being issued to Lake Central concurrently with this order;

6. The authority granted by Order E–7958, December 11, 1953, as amended by ordering paragraph 2 of Order E–8835, December 21, 1954, authorizing Lake Central to engage in air transportation of persons, property and mail to and from Lima, Ohio, as an intermediate point on segment 6 of route No. 88 should and will be terminated because the point Lima is included as an intermediate point on segment 6 of the certificate being issued to Lake Central concurrently with this order;

Accordingly, it is ordered, That:

1. Lake Central be and hereby is authorized to suspend service temporarily at Muncie, Indiana, until an economically adequate airport is available (previously authorized by Order E–7306);

2. Lake Central be and hereby is temporarily exempted from the provisions of section 401 (a) of the Act, insofar as said provisions would otherwise prevent Lake Central from serving either Kokomo, Ind. or Lafayette, Ind. on a flagstop basis on flights between Chicago and Indianapolis; *Provided,* That on each such flight a physical landing of its aircraft is made at either Kokomo or Lafayette (previously authorized by Order E–6750);

3. Lake Central be and hereby is temporarily exempted from the enforcement of section 401 of the Act and the terms and conditions of its certificate for route No. 88 insofar as it would otherwise prevent Lake Central from:

(a) Serving Marion, Indiana, as well as Kokomo-Logansport-Peru, Indiana, through the Kokomo Municipal Airport until such time as airport facilities adequate for the scheduled operations of Lake Central become available at Marion; and from serving Marion, Indiana, as aforesaid, on segments 3 and 6 of route No. 88 (previously authorized by ordering paragraph 1 (b) of Order E–7220);

(b) Serving Kokomo-Logansport-Peru, Indiana, through the Kokomo Municipal Airport until such time as Bunker Hill Airport is fully adequate for the scheduled operations of Lake Central and its facilities can be made available to such carrier (previously authorized by ordering paragraph 1 (d) of Order E–7220);

(c) Overflying Dover-New Philadelphia as the junction point of segments 5 and 6 of route No. 88 on flights scheduled to reach that point during hours of darkness, until such time as lighting facilities at Dover-New Philadelphia become adequate for night operations of Lake Central's aircraft (previously authorized by ordering paragraph 1 (e) of Order E–7220);

4. Lake Central be and hereby is authorized to overfly:

(a) Gary, Kokomo-Logansport-Peru and Lafayette on flights over segment 2: *Provided,* That on each of such flights at least one physical landing of the aircraft is made at one of the aforesaid intermediate points;

(b) Zanesville and Dover-New Philadelphia on segment 5 on flights between Columbus and Youngstown and, on flights between Columbus and Pittsburgh: *Provided,* That on each of such latter flights a physical landing of the aircraft is made at one of the said points;

(c) Marion, Ohio, and Mansfield on flights over segment 4: *Provided,* That on each of such flights a physical landing of the aircraft is made at one of the said points; and, on flights over segment 6; and *Provided further,* That on flights scheduled between Chicago and Pittsburgh over segments 3, 6 and 5 that at least two physical landings of the aircraft shall be made at intermediate points; and *Provided further,* That the authority hereinabove granted is subject to the condition that there shall be no persons, property or mail on the aircraft destined for such points and no such traffic is available for the flight at the time which would be its time of departure had a physical landing been made; and, *Provided still further,* That the Board in its discretion may at any time disapprove the use of such authority with respect to service to any of the said points on any flights or flight (previously authorized by ordering paragraph 2 of Order E–7220);

5. Lake Central be and hereby is authorized to overfly the point Gary, on segments 2 and 3 on flights scheduled to arrive at said point during hours of darkness until such time as airport lighting facilities are adequate for night operation of Lake Central's aircraft: *Provided,* That Gary shall be served by at least one round trip daily; and, *Provided further,* That on such flights a physical landing of the aircraft shall be made at either Lafayette or Kokomo-Logansport-Peru (previously authorized by ordering paragraph 3 of Order E–7220);

6. Lake Central be and hereby is authorized to overfly the point Dover-New Philadelphia, on segments 5 and 6 on flights scheduled to arrive at said point during hours of darkness until such time as airport lighting facilities are adequate for night operation of Lake Central's aircraft: *Provided,* That Dover-New Philadelphia shall be served by at least one round trip daily on flights over segment 6 and on flights between Columbus and Youngstown and by at least one round trip daily on flights between Columbus and Pittsburgh; and, *Provided, further,* That on each such flight between Columbus and Pittsburgh a physical landing shall be made at Zanesville, until airport lighting facilities at Dover-New Philadelphia are adequate for night operation of Lake Central's aircraft (previously authorized by ordering paragraph 4 of Order E–7220);

7. Lake Central be and hereby is authorized to serve Springfield, Ohio through the regular use of the Dayton Municipal Airport (previously authorized by Order E–9132);

8. Lake Central be and hereby is authorized to render flagstop service at any of the intermediate points between the terminal points Grand Rapids and Indianapolis on segment 1 of route No. 88, by omitting the physical landing of its aircraft at any intermediate point scheduled to be served on route segment 1 on a particular flight: *Provided,* That there are no persons, property or mail on the aircraft destined for such point and no such traffic available at such intermediate point for the flight at the scheduled time of departure: *Provided, further,* That the Board in its discretion may at any time disapprove the use of such authority with respect to service to any point on any flight or flights (previously authorized by Orders E–4346 and E–6139);

9. (a) Lake Central be and hereby is authorized to overfly intermediate points on flights over segments 2, 3, 4, 5, and 6 of route No. 88; *Provided,* That the authority hereinabove is subject to the condition that there shall be no persons, property, or mail on the aircraft destined for such points and no such traffic is available for the flight at the time which would be its time of departure had a physical landing been made;

(b) Lake Central be and hereby is temporarily exempted from section 401 of the Act and the terms and conditions of its certificate, insofar as it otherwise would be required on flights operating over two or more segments of route No. 88 to stop at the junction point of such segments; *Provided,* That the authority hereinabove is subject to the condition that there shall be no persons, property, or mail on the aircraft destined for such points and no such traffic is available for the flight at the time which would be its time of departure had a physical landing been made;

(c) That in the exercise of the authority granted in paragraphs (a) and (b) hereinabove Lake Central shall:

(1) Make one physical landing of its aircraft on flights between Chicago and Indianapolis, on flights between Columbus and Pittsburgh, on flights between Chicago and Dayton, and on flights between Chicago and Columbus;

(2) Make two physical landings of its aircraft on flights between Chicago and Cincinnati, and on flights between Chicago and Cleveland;

(3) Make three physical landings of its aircraft on flights between Chicago and Pittsburgh;

(d) That Lake Central be and hereby is authorized to overfly:

(1) Zanesville and Dover-New Philadelphia on all flights between Columbus and Youngstown in excess of one round trip daily;

(2) Richmond on all flights between Indianapolis and Dayton in excess of one round trip daily, and on flights between Indianapolis and Cincinnati in excess of one round trip daily;

(3) Springfield on all flights between Dayton and Columbus in excess of one round trip daily;

(4) Kokomo-Logansport-Peru on all flights between Indianapolis and South Bend in excess of one round trip daily;

(5) Kokomo - Logansport - Peru, South Bend, and Kalamazoo on all flights between Indianapolis and Grand Rapids in excess of one round trip daily; *Provided,* That South Bend shall receive service on a minimum of four one-way flights daily;

(e) That in the exercise of the authority hereinabove granted Lake Central shall not operate shuttle service between the following pairs of points: Indianapolis-Cincinnati, Indianapolis-Dayton, and Dayton-Columbus (previously authorized by Order E–8593);

10. The authority previously granted to Lake Central by Orders E–7306, E–7220, E–7754, E–8835, E–6750, E–4346 and E–6139 insofar as they pertain to Lake Central, E–7958, E–8593 and E–9132 shall be terminated on the date this order and the certificate of public convenience and necessity of unlimited duration for route No. 88 being issued to Lake Central concurrently with the issuance of this order become effective.

11. The change in service pattern and temporary exemption authorizations granted herein shall become effective ----------, concurrently with the effective date of the certificate issued to Lake Central in Docket No. 7186;

12. This order or any part thereof may be amended or revoked at any time in the discretion of the Board without notice and without hearing.

By the Civil Aeronautics Board:

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55–7961; Filed, Sept. 30, 1955; 8:54 a. m.]

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

TRADE AGREEMENT NEGOTIATIONS WITH GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

POSSIBLE ADJUSTMENT IN PREFERENTIAL RATES ON CUBAN PRODUCTS; NOTICE OF CORRECTIONS TO LIST OF ARTICLES

Reference is made to the notice of the Interdepartmental Committee on Trade Agreements dated September 21, 1955, and published September 23, 1955 (20 F. R. 7140) relating to trade agreement negotiations with foreign governments which are contracting parties to the General Agreement on Tariffs and Trade.

There is set forth below a list of corrections to the list of articles imported into the United States proposed for consideration in trade agreement negotiations annexed to the notice by the Committee dated September 21, 1955, and published September 23, 1955 (20 F. R. 7140). The list annexed to the notice of September 21, 1955, and published September 23, 1955, shall read as corrected by this notice.

By direction of the Interdepartmental Committee on Trade Agreements this 29th day of September 1955.

CARL D. CORSE, *Chairman, Interdepartmental Committee on Trade Agreements.*

CORRECTIONS TO LIST OF ARTICLES IMPORTED INTO THE UNITED STATES ANNEXED TO THE NOTICE OF SEPTEMBER 21, 1955, AND PUBLISHED SEPTEMBER 23, 1955

Par. 35: Delete the word "drugs".

Par. 217: Change the period at the end of the descriptive language to a comma and add "and if holding less than ¼ pint.".

Par. 218 (e) (h): After the word "filled" insert "with toilet preparations,".

Par. 230 (d): Delete the language "building blocks or bricks, crystal color, and pressed and polished but undecorated".

Par. 339: Change the word "household" the second time it appears to "hospital".

Par. 706. For the word "Offal", substitute "Edible animal livers, kidneys, tongues, hearts, sweetbreads, tripe, and brains, fresh, chilled, or frozen".

Par. 1003. Delete "20-pound but not finer in size than".

Par. 1021. Insert at the end of the descriptive language "(except grass or rice straw floor coverings)".

Par. 1531: Insert "straps and strops;" before "wearing apparel, wholly or in chief value of reptile leather;".

[F. R. Doc. 55–8021; Filed, Sept. 30, 1955; 10:26 a. m.]

TRADE AGREEMENT NEGOTIATIONS WITH GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

POSSIBLE ADJUSTMENT IN PREFERENTIAL RATES ON CUBAN PRODUCTS

Correction

In Federal Register Document 55–7713, published in the issue for Friday, September 23, 1955, at page 7140, Paragraph 1529 (a) in Schedule 15 of the List should read as follows:

Par.

*1528 (a) [8] The articles and materials described in this subparagraph (except articles and materials provided for in paragraph 915, 920, 1006, 1022, 1111, 1116 (a), 1504, 1505, 1513, 1518, 1523, 1529 (b), or 1530 (e), or in the Free List) shall be dutiable under this subparagraph, whether finished or unfinished, by whatever name known, to whatever use applied, and whether or not provided for elsewhere in this Act, when wholly or in chief value of beads, bugles, bullions, filaments, lame, metal threads, rayon or other synthetic textile, spangles, threads, tinsel wire, or yarns.

All-overs, edgings, flouncings, flutings, fringes, galloons, gimps, insertings, neck rufflings, ornaments, quillings, ruchings, trimmings, and tuckings:

[1] All-overs, edgings, flouncings, galloons, and insertings, if burnt-out laces or Swiss type.[9]

[2] *Other, if not described in subdivision 24, 25, 26, or 27.*

Articles (including fabrics), figured or plain, made on a lace or net machine:

[3] *Nets and nettings, not embroidered:*

Made on a bobbinet machine and wholly or in chief value of—

Cotton, having per square inch—

Under 225 holes.

225 or more holes.

Rayon or other synthetic textile.

Silk.

Other material.

Made on other than a bobbinet machine and wholly or in chief value of cotton, silk, or rayon or other synthetic textile.

[4] *Other, if not described elsewhere in this subparagraph.*

Articles (including fabrics), ornamented: [10]

[5] Antimacassars,

aprons,	mats,
bed sets,	motifs,
bedspreads,	napkins,
bolster cases,	oblongs,
boudoir caps,	ovals,
bridge and luncheon sets,	paneling,
bureau and table scarfs and sets,	panels,
chair arm and chair back covers,	piano scarfs,
collar and cuff sets,	pillowcases,
collars,	plastrons,
cuffs,	purses,
curtains,	rounds,
doilies,	sheets,
glove cases,	squares,
handbags,	tablecloths,
handkerchief cases,	valances, and
jabots,	yokes;

all the foregoing, if Swiss type,[11] whether or not described elsewhere in this subparagraph.

[6] *Articles not described elsewhere in this subparagraph:*

Wholly or in chief value of vegetable fiber:

Pillowcases, sheets, and *damask napkins and table cloths, not wholly or in chief value of cotton.*

Other.

Other.

See footnotes on p. 7347.

TRADE AGREEMENT NEGOTIATIONS WITH GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE—Continued

POSSIBLE ADJUSTMENT IN PREFERENTIAL RATES ON CUBAN PRODUCTS—continued

Par.		
*1528 (a)[8]		
[18]	*Wholly or in part of net or netting and not described elsewhere in this subparagraph:*	
	Wearing apparel (except gloves and mittens wholly or in chief value of wool).	
	Other.	
[19]	*Bandeaux-brassieres, brassieres, corsets, girdle-corsets, step-in-corsets; corsets, girdle-corsets, or step-in-corsets, attached to bandeaux-brassieres or brassieres; similar body-supporting garments; and articles to which any of the foregoing is attached; all the foregoing, whether or not described elsewhere in this subparagraph (except articles described in subdivision 10).*	
[20]	*Bedspreads and quilts, wholly or in chief value of cotton, in the piece or otherwise, block-printed by hand, and in part of fringe.*	
	Braids, loom woven and ornamented in the process of weaving, or made by hand or on a braiding, knitting, or lace machine:	
[21]	Suitable for making or ornamenting bonnets, hats, or hoods:	
	Wholly or in chief value of rayon or other synthetic textile, or of filaments, threads, or yarns other than cotton (including bandings or braids made wholly or in part of braids) and valued per pound—	
	Under $1.11½.	
	$1.11½ or more but not over $2.22½.	
	Over $2.22½.	
	Other.	
[22]	*Not suitable for making or ornamenting bonnets, hats, or hoods.*	
[23]	Bureau and table covers, centerpieces, doilies, napkins, runners, and scarfs, made of plain-woven cotton cloth, block-printed by hand, and in part of fringe.	
	Lace and lace articles, made by hand or on a braiding, knitting, lace, or net machine (not including products described in subdivision 1 or 28):	
[24]	*Made on a bobbinet-Jacquard machine, whether or not embroidered (except products described in subdivision 29).*	
[25]	Made on a Levers (including go-through) machine, whether or not embroidered (except products described in subdivision 29):	
	Made full gauge on a machine of 12 point or finer:	
	Wholly or in chief value of cotton and made with independent beams.	
	Wholly or in chief value of silk.	
	Other.	
	Not made full gauge on a machine of 12 point or finer:	
	Wholly or in chief value of cotton, rayon or other synthetic textile, or silk.	
	Other.	
[26]	Made on a machine other than a Levers (including go-through) or bobbinet-Jacquard machine (except products described in subdivision 29).	
	Made wholly by hand without the use of any machine-made product provided for in this subparagraph:	
[27]	*Over 2 inches wide and valued per pound—*	
	Not over $50:	
	Wholly or in chief value of vegetable fiber other than cotton.	
	Other.	
	Over $50 but under $150.	
	$150 or more.	
	Not over 2 inches wide:	
	Wholly or in chief value of vegetable fiber other than cotton.	
	Other.	

TRADE AGREEMENT NEGOTIATIONS WITH GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE—Continued

POSSIBLE ADJUSTMENT IN PREFERENTIAL RATES ON CUBAN PRODUCTS—continued

Par.		
*1528 (a)[8]		
[7]	Gloves and mittens, embroidered in any manner, wholly or in chief value of wool.	
[8]	*Hose and half-hose, embroidered in any manner (including those with embroidery known as clocking):*	
	Wholly or in chief value of cotton and valued per dozen pairs—	
	Not over $5.	
	Over $5.	
	Wholly or in chief value of wool and valued per dozen pairs—	
	Not over $3.50.	
	Over $3.50.	
[9]	*Wearing apparel not described elsewhere in this subparagraph (except gloves and mittens wholly or in chief value of wool).*	
	Articles (including fabrics) wholly or in part of any product provided for in this subparagraph:	
	If wholly of handmade lace, see subdivision 27.	
[10]	In chief value of all-overs, edgings, flouncings, galloons, or insertings, or of two or more of these products, if in chief value of burnt-out lace, or if Swiss type [9] and other than wearing apparel.	
[11]	*In part of braids not suitable for making or ornamenting bonnets, hats, or hoods, but not in part of lace and not ornamented [10] (except gloves and mittens wholly or in chief value of wool).*	
[12]	*In part but not wholly of handmade lace and containing no machine-made product provided for in this subparagraph, whether or not described elsewhere in this subparagraph:*	
	Wearing apparel (except articles described in subdivision 19 and except gloves and mittens wholly or in chief value of wool).	
	Other than wearing apparel:	
	If none of the lace is over 2 inches wide.	
	Other, valued per pound—	
	Not over $50.	
	Over $50 but under $150.	
	$150 or more.	
[13]	*In part of handmade lace but containing a machine-made product (other than lace) provided for in this subparagraph:*	
	Wearing apparel (except articles described in subdivision 10, 19, or 29, and except gloves and mittens wholly or in chief value of wool).	
	Other, if not described elsewhere in this subparagraph.	
[14]	*In part of machine-made lace and not described elsewhere in this subparagraph:*	
	Wearing apparel (except gloves and mittens wholly or in chief value of wool).	
	Other.	
[15]	*Not described elsewhere in this subparagraph (except hats, bonnets, and hoods, not knit or crocheted, wholly or in chief value of rayon or other synthetic textile and wholly or in part of braids suitable for making or ornamenting hats, bonnets, or hoods, but not in part of lace, lace fabrics, lace articles, or material which is ornamented).* [11]	
[16]	*Wholly or in chief value of lace, net, or netting, or of combinations of two or more of these materials, and made in designs or patterns formed wholly or in substantial part by joining (by applique or otherwise) machine-made, or handmade and machine-made, materials by handwork, if not described elsewhere in this subparagraph.*	
[17]	*Wholly or in part of all-overs, edgings, flouncings, flutings, fringes, galloons, gimps, insertings, neck ruffings, ornaments, quillings, ruchings, trimmings, or tuckings, if not in part of lace and not ornamented [12] (except articles described in subdivision 10 and except gloves and mittens wholly or in chief value of wool).*	

See footnotes on p. 7347.

TRADE AGREEMENT NEGOTIATIONS WITH GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE—Continued

POSSIBLE ADJUSTMENT IN PREFERENTIAL RATES ON CUBAN PRODUCTS—continued

Par.		
*1528 (a)[8]		
[28]	Lace window curtains.	
[29]	*Veils and veilings:*	
	Made on a lace or net machine, whether or not embroidered:	
	Wholly or in chief value of rayon or other synthetic textile or of silk.	
	Other.	
	Other, if not described elsewhere in this subparagraph.	

[8] Because of the complexity involved in the listing of items provided for in paragraph 1529 (a), Tariff Act of 1930, the full text of the descriptive language of paragraph 1529 (a), as restated in "United States Import Duties (1952)", is herein set forth and listed items are identified by italicizing of pertinent language.

[9] Wherever the term "Swiss type" is used in this subparagraph, it means "if embroidered or tamboured and in chief value of cotton, but not lace or lace articles made in any part on a lace machine, and not embroidered or tamboured in any part by hand nor (except for embroidery on the edge) otherwise than with the use of a Bonnaz, Cornely, or multiple-needle embroidery machine (but no product shall be excluded from this description by reason of the incidental ornamentation thereof by hand by means of faggotting, spider work, or similar stitches, extending across openwork resulting from the removal of part of the fabric)."

[10] Wherever the word "ornamented" is used in this subparagraph with a reference to this note, it means "embroidered (whether or not the embroidery is on a scalloped edge), tamboured, appliqued, ornamented with beads, bugles, or spangles, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the openwork, not including one row of straight hemstitching adjoining the hem."

[11] See note 9 to subdivision [1].

[12] See note 9 to subdivision [1].

[13] See note 10 to subdivision [5].

[14] See note 10 to subdivision [5].

[15] See note 10 to subdivision [5].

COMMITTEE FOR RECIPROCITY INFORMATION

TRADE AGREEMENT NEGOTIATIONS WITH GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

POSSIBLE ADJUSTMENT IN PREFERENTIAL RATES ON CUBAN PRODUCTS; CLOSING DATE FOR FILING BRIEFS BY PERSONS NOT DESIRING TO BE HEARD

Reference is made to the notice of the Committee for Reciprocity Information dated September 21, 1955, and published September 23, 1955 (20 F. R. 7152), regarding trade agreement negotiations with governments which are contracting parties to the General Agreement on Tariffs and Trade.

Notice is hereby given that written statements of persons who do not desire to be heard in regard to the proposed negotiations shall be submitted not later than 12:00 noon October 17, 1955. Such statements shall be addressed to "Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C." Fifteen copies thereof, either typed, printed, or duplicated shall be submitted, of which one copy shall be sworn to.

By direction of the Committee for Reciprocity Information this 29th day of September 1955.

EDWARD YARDLEY,
Secretary, Committee for Reciprocity Information.

[F. R. Doc. 55-8022; Filed, Sept. 30, 1955; 10:26 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3408]

NEW ENGLAND ELECTRIC SYSTEM AND NEW ENGLAND POWER CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF ADDITIONAL COMMON STOCK BY SUBSIDIARY TO PARENT

SEPTEMBER 26, 1955.

New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary New England Power Company ("NEPCO") having filed a joint application, and an amendment thereto, pursuant to sections 6 (b), 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions:

NEPCO will issue and sell to NEES, sole owner of NEPCO's presently outstanding 2,145,135 shares of common stock ($20 par value), 333,333 additional shares at the price of $30 per share, or an aggregate cash consideration of $9,999,990. NEES expects the required funds will be available in part from payment of indebtedness by its subsidiaries and in part from treasury funds. NEPCO proposes to apply said funds to the payment of short-term bank loans (now $5,500,000, with an anticipated increase prior to the receipt of the said funds) and the balance, if any, to pay for capitalizable expenditures or to reimburse its treasury therefor.

The issuance and sale by NEPCO of the additional shares as aforesaid has been approved by the Department of Public Utilities of Massachusetts, in which State NEPCO is organized and doing business as an electric-utility company; and such issuance and sale of additional shares by NEPCO has likewise been approved by the Public Utilities Commission of New Hampshire and by the Public Service Commission of Vermont, in which States the company also owns properties and does business as an electric-utility company.

Due notice having been given of the filing of said application, and a hearing not having been requested of or ordered by the Commission, and the Commission finding with respect to the transactions described herein that the applicable provisions of the Act and the Rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application, as amended, be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said application, as amended, be, and it hereby is, granted forthwith, subject to the conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R Doc. 55-7930; Filed, Sept. 30, 1955; 8:48 a. m.]

[File No. 70-3414]

NEW ENGLAND ELECTRIC SYSTEM AND QUINCY ELECTRIC CO.

NOTICE OF PROPOSED ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT

SEPTEMBER 27, 1955.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary Quincy Electric Company ("Quincy") have filed a joint application pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 (b), 9 (a) and 10 of the Act as applicable to the proposed transactions, which are summarized as follows:

Quincy, which now has outstanding 38,226 shares of capital stock (par value $25 per share), proposes to issue and sell for cash 13,000 additional shares at the price of $75 a share, as fixed by its directors, or a total cash consideration of $975,000. NEES, the sole stockholder of Quincy, proposes to acquire the additional shares, and in payment therefor to use available treasury funds. The proceeds from the sale of the additional shares will be applied by Quincy to the payment of a like amount of notes payable to NEES.

Quincy and NEES desire to consummate the transactions in order to finance permanently a portion of the capitalizable additions to Quincy's plant through the issuance of equity securities.

Quincy has applied to the Department of Public Utilities of Massachusetts, in which State the company is organized and doing business, for approval of the issuance and sale of the additional shares.

Total expenses of Quincy are estimated at $2,000 and of NEES at $300.

It is requested that the Commission's order be made effective upon issuance.

Notice is further given that any interested person may, not later than October 10, 1955 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application, as filed or as amended, may be granted as provided in Rule U-23 of the Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-7931; Filed, Sept. 30, 1955; 8:48 a. m.]

[File No. 54-215]

STANDARD POWER AND LIGHT CORP.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

SEPTEMBER 27, 1955.

The Commission having approved, on October 29, 1954, a plan filed by Standard Power and Light Corporation ("Power"), a registered holding company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act") settling certain claims between Power and R. M. Bylliesby and Company, the former parent of Power, which plan provided that Power would pay such fees and expenses as the Commission might allow in connection with the plan; and the Commission's order approving said plan having reserved jurisdiction with respect to the fees and expenses chargeable against Power; and

Thereafter, counsel for Power and certain of its stockholders having filed applications for the approval and allowance of fees and expenses in connection with services rendered herein; and Power's management having been requested by the Commission to conduct negotiations with the several applicants and to report to the Commission the fees and expenses which Power is willing to pay and which such applicants are willing to accept in payment for their respective services; and

By letter dated August 17, 1955, Power having reported to the Commission that, in addition to the fees and expenses of its own counsel, which had either been paid or as to which the amounts had been agreed upon, it had also reached agreement with the stockholders' representatives, who have indicated their willingness to accept amounts lower than originally requested—the several amounts being as follows:

Applicant	Fee	Expenses
Hellerstein & Rosier, company counsel	$45,000	$5,972.08
Seibert & Riggs, company counsel	10,000	191.71
Morton G. Rosenberg and Associates, counsel for common stockholders	6,000	430.53
Leo B. Mittelman, counsel for common stockholders	4,000	250.00

The Commission having reviewed the entire record and being of the opinion that the amounts of fees and expenses agreed upon as aforesaid are not unreasonable and are for necessary services, that such amounts should be approved, and that the jurisdiction heretofore reserved with respect thereto should be released:

It is ordered, That the applications, as amended, for allowances for services and reimbursement of expenses by the said applicants as stated above, be, and hereby are approved, and Power is directed to pay such amounts to the extent any portion thereof has not heretofore been paid.

It is further ordered, That the jurisdiction heretofore reserved with respect to the above fees and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-7932; Filed, Sept. 30, 1955; 8:49 a. m.]

[File No. 70-3403]

INTERSTATE POWER CO. AND EAST DUBUQUE ELECTRIC CO.

ORDER REGARDING LIQUIDATION OF WHOLLY-OWNED SUBSIDIARY

Interstate Power Company ("Interstate"), a Delaware corporation and a registered holding company, and East Dubuque Electric Company ("East Dubuque"), its wholly owned public utility subsidiary company and an Illinois corporation, having filed an application-declaration and amendments thereto with this Commission pursuant to sections 9 (a), 10, 12 (b), 12 (c), and 12 (f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules U-42, U-43, U-44, U-45 and U-46 promulgated thereunder, regarding certain proposed transactions, which are summarized as follows:

Applicants-declarants propose the dissolution and complete liquidation of East Dubuque and the acquisition by Interstate as sole stockholder of all of the properties and assets of East Dubuque, subject to the assumption by Interstate of all of the liabilities of East Dubuque.

The Illinois Commerce Commission has approved the disposition by East Dubuque of its properties, the acquisition thereof by Interstate, and the mortgaging of such properties by Interstate.

Fees and expenses are estimated to be as follows:

Legal fees—Springer, Bergstrom & Crowe	$3,000
Printing of supplemental indentures	1,500
Miscellaneous expenses including traveling, telephone and other expenses	1,500
Total	6,000

Notice of the filing of the application-declaration having been duly given in the manner provided by Rule U-23 of the Rules and Regulations promulgated under the Act and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that while the acquisition by Interstate of the utility assets presently owned by East Dubuque, having been expressly authorized by the Illinois Commerce Commission, is exempt from the provisions of sections 9 (a) and 10 of the Act by virtue of the provisions of section 9 (b) (1), such acquisition, as a transaction between affiliated companies is subject to the approval of the Commission pursuant to the provisions of Section 12 (f) and should be approved pursuant thereto, and that all other applicable provisions of the Act and the Rules thereunder are satisfied; that the fees and expenses set forth above are not unreasonable; and that the application-declaration should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that the application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-7933; Filed, Sept. 30, 1955; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-4579]

CITIES SERVICE OIL CO. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 26, 1955.

Take notice that Cities Service Oil Company, for itself and wholly owned subsidiaries, Cities Service Gas Development Company (formerly American Gas Production Company), and Cities Service Production Company (formerly Cities Production Corporation) hereinafter referred to as Applicant filed an application on October 26, 1954, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the Applicant to render service as reflected in the tabulation hereinafter set forth, subject to the jurisdiction of the Commission, all as more fully represented in the application on file with the Commission, and open to public inspection.

Applicant produces natural gas from the fields and locations, and sells it in interstate commerce to the purchasers shown, as described in the application filed in the above-designated docket, all shown in the following tabulation:

Docket No.	Purchaser	Field	County and State
G-4579	Northern Natural Gas Co	Hugoton	Morton, Grant Finney, Seward, Stevens, Kans.
	Colorado Interstate Gas Co	do	Haskell, Kearney, Kans.
	Panhandle Eastern Pipe Line Co	do	Kansas.
	Kansas-Nebraska Natural Gas Co	do	Do.
	Cities Service Gas Co	do	Do.
	Colorado Interstate Gas Co	Greenwood	Morton County, Kans.
	Northern Natural Gas Co	Hugoton	Texas County, Okla.
	Colorado Interstate Gas Co	Keyes	Texas and Cimarron Counties, Okla.
	Lone Star Gas Co	Katy	Garvin County, Okla.
	do	Cruce	Stevens County, Okla.
	Union Gas System, Inc	North Osage	Osage County, Okla.
		Antioch Plant	Garvin County, Okla.
	Cities Service Gas Co	Lindsay Plant	McClain County, Okla.
		Maysville Plant	Garvin and McClain, Okla.
		Panther Creek Plant	Garvin County, Okla.
	Trunkline Gas Co	Columbus	Colorado County, Tex.
	do	Ramsay	Do.
	El Paso Natural Gas Co	Dollarhide	Andrews County, Texas.
	Lone Star Gas Co	Panhandle	Moore and Wheeler Counties, Tex.
	Northern Natural Gas Co	do	Carson and Gray Counties, Tex.
	El Paso Natural Gas Co	Payton	Pecos and Ward Counties, Tex.
	Texas Gas Transmission Co	Carthage	Panola County, Tex.
	Texas Eastern Transmission Corp	do	Do.
	Arkansas-Louisiana Gas Co	do	Do.
	Southern Natural Gas Co	do	Do.
	United Gas Pipe Line Co	do	Do.
	Arkansas-Louisiana Gas Co	North Lansing	Harrison County, Tex.
	Transcontinental Gas Pipe Line Co	Mineral	Bee County, Tex.
	Tennessee Gas Transmission Co	New Ulm	Austin County, Tex.
	Texas Eastern Transmission Corp	Rudman	Bee County, Tex.
	do	South Cottonwood	DeWitt County, Tex.
	El Paso Natural Gas Co	Clara Conch	Crockett County, Tex.
	do	Northwest Wheeler	Winkler County, Tex.
	do	Southeast Lea County	Lea County, N. Mex
	do	do	Do.
	Permian Basin Pipe Line Co	do	Do.
	Trunkline Gas Corp	Lakeside	Cameron Parish, La.
	Texas Northern Gas Corp	Lewisburg	St. Landry and Acacia Parishes, La.
	United Gas Pipe Line Co	do	Do.
	Texas Northern Gas Corp	South Lewisburg	Acacia Parish, La.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on October 27, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 18, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-7935; Filed, Sept. 30, 1955; 8:49 a. m.]

[Docket No. G-9059]

GRAHAM OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 26, 1955.

Take notice that Graham Oil Company (Applicant), an independent producer with a principal office in Temple, Oklahoma, filed an application on June 20, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas from the Walters Field, Cotton County, Oklahoma, which will be sold in interstate commerce to Lone Star Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on October 28, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 19, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-7937; Filed, Sept. 30, 1955; 8:49 a. m.]

[Docket No. G-3183 etc.]

GAS TRANSMISSION CO., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 26, 1955.

In the matters of Gas Transmission Company, Docket No. G-3183; Gulf Oil Corporation, Docket Nos. G-7160, G-7161; Wm. Plack Carr, et al., Docket No. G-7165; Gulf Refining Company, Docket Nos. G-7172, G-7173, G-7175, G-7177; K. S. Williams, Docket Nos. 7183, G-7184; Edwin Adkins, Docket No. G-7190; Pasotex Petroleum Co., Docket Nos. G-7194, G-7195, G-7196; Standard Oil Co. of Texas, Docket Nos. G-7211, G-7215, G-7216, G-7217, G-7218, G-7219, G-7220, G-7221, G-7222, G-7223, G-7224; Forest Oil Corporation, Docket No. G-7227; King, Warren & Dye, Docket No. G-7228; Southwest Natural Production Co., Docket No. G-7229; Lee Drilling Company, Docket No. G-7238; J. S. Abercrombie, Docket No. G-7239; Aztec Oil & Gas Co., Docket No. G-7241; W. W. Hamilton, et al., Docket No. G-7291; Davis Oil Company, Docket No. G-7315; Sun Oil Company, Docket Nos. G-7344, G-7345, G-7346; Hugh K. Haddox, Docket No. G-7363; Cunningham & Sweeny, Docket No. G-7365; J. F. & P. C. Flanigan, Docket No. G-7366; Falcon Seaboard Drilling Co., Docket No. G-7367; Clinton Henry, Docket No. G-7450; F. C. Parker, Docket No. G-7456.

Take notice that the above-designated Applicants filed applications under above-numbered dockets as reflected in the tabulation set forth herein, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing each Applicant to render service as reflected in a tabulation set forth herein, subject to the jurisdiction of the Commission, all as more fully represented in the applications, which are on file with the Commission, and open for public inspection.

Applicants produce natural gas from the fields and locations and sell it in interstate commerce to the purchasers shown, as described in the applications filed in the dockets indicated, all shown in the following tabulation:

Docket No.	Purchaser	Field location		State
		Name	County	
G-3183	Cities Service Gas Co.	Silver City	Creek	Oklahoma.
G-7160	Permian Bason Pipeline Co.	Eumont, Jalmat, Blinebry, and Tubbs.	Lea	New Mexico.
G-7161	El Paso Natural Gas Co.	Keystone, Ellenburger	Winkler	Texas.
G-7165	do	Blanco, Mesa Verde, and Pictured Cliffs.	San Juan and Rio Arriba	New Mexico.
G-7172	Louisiana Natural Gas Corp.	Welsh	Jefferson Davis	Louisiana.
G-7173	Arkansas-Louisiana Gas Co.	Jeems, Bayou	Caddo	Do.
G-7175	do	Haynesville	Claiborne	Do.
G-7177	United Gas Pipeline Co.	Baxterville, Gwinville, and Soso.	Lamar, Marion, Jefferson Davis, Jasper, Jones, and Smith.	Mississippi.
G-7183	South Penn Natural Gas Co.	No name	Daybreak	West Virginia.
G-7184	do	do	do	Do.
G-7190	United Gas Fuel Co.	Laurel Hill District	Lincoln	Do.
G-7194	Warren Petroleum Co.	Southwest Maysville	Garvin	Oklahoma.
G-7195	do	do	do	Do.
G-7196	do	do	do	Do.
G-7211	El Paso Natural Gas Co.	Langlia-Mattix	Lea	New Mexico.
G-7215	Lone Star Gas Co.	Sivels, Bend	Cooke	Texas.
G-7216	Texas Gas Corp.	East Mayes and Northeast Jackson.	Chambers	Do.
G-7217	El Paso Natural Gas Co.	Mattrix Unit, Fowler	Lea	New Mexico.
G-7218	do	Langlia, Mattix	do	Do.
G-7219	J. R. Butler, assigned to Reef's Field Gaso Corp.	Hobo	Borden	Texas.
G-7220	Lone Star Producing Co., et al.	Wilshire, Ellenberger	Upton	Do.
G-7221	Warren Petroleum Corp.	Eunice, Monument	Lea	New Mexico.
G-7222	J. R. Butler, assigned to Reef's Field Gaso Corp.	East Vealmoor	Borden	Texas.
G-7223	El Paso Natural Gas Co.	Langlia, Mattix, Cooper Jal.	Lea	New Mexico.
G-7224	Warren Petroleum Corp.	Skogas-McKee	do	Do.
G-7227	Tennessee Gas Transmission Co.	South Grand, Chenier	Cameron	Louisiana.
G-7228	Shell Oil Co.	Wasson	Yoakum	Texas.
G-7229	South West Gas Producing Co.	Spraberry, North Ruston, and Unionville.	Lincoln	Louisiana.
G-7238	Lone Star Gas Co.	Katie	Garvin	Oklahoma.
G-7239	United Gas Pipeline Co.	Triple "A"	San Patricio	Texas.
G-7241	El Paso Natural Gas Co.	Jalmat and Blanco-Pictured Cliffs.	Lea	New Mexico.
			San Juan	Do.
G-7291	do		Rio Arriba	Do.
G-7315	Kansas-Nebraska Natural Gas Co., Inc.	Yenter	Logan	Colorado.
G-7344	Lone Star Gas Co.	For Graham	Carter	Oklahoma.
G-7345	do	Katie	Garvin	Do.
G-7346	do	do	do	Do.
G-7363	N. Y. State Natural Gas Corp.	Grant	Elk	Pennsylvania.
G-7365	Cumberland & Allegheny Gas Co.	Coper Creek, Shafer Base	Braxton	West Virginia.
G-7366	N. Y. State Natural Gas Corp.	Benzette Township	Elk	Pennsylvania.
G-7367	Lone Star Gas Co.	Helvet-Peck	Garvin	Oklahoma.
G-7450	Dorchester Corp.	West Panhandle	Carson	Texas.
G-7456	Southern Natural Gas Co.	Spider	De Soto	Louisiana.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and Commission's Rules of Practice and Procedure, a hearing will be held on October 28, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) or section 1.32 (b) where requested of the Commission's Rules of Practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 17, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7938; Filed, Sept. 30, 1955; 8:49 a. m.]

[Project No. 82]

ALABAMA POWER CO.

NOTICE OF ORDER MODIFYING PREVIOUS ORDER

SEPTEMBER 27, 1955.

Notice is hereby given that on September 14, 1955, the Federal Power Commission issued its order adopted September 8, 1955, modifying order of June 22, 1955 (20 F. R. 4830), approving revised exhibit and adjusting annual charges in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7939; Filed, Sept. 30, 1955; 8:49 a. m.]

[Docket No. G-5660]

SHELL OIL CO.

NOTICE OF CONTINUANCE OF HEARING

SEPTEMBER 26, 1955.

Upon consideration of the motion of Shell Oil Company, filed September 23, 1955, for continuance of the hearing in the above-designated matter now scheduled for October 6, 1955;

The hearing now scheduled for October 6, 1955, is postponed to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7940; Filed, Sept. 30, 1955; 8:50 a. m.]

[Docket No. G-8994]

COLUMBIAN FUEL CORP., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 27, 1955.

Columbian Fuel Corporation, a Delaware corporation whose address is 380 Madison Avenue, New York, New York, for itself and as Operator for Coltexo Corporation, United Producing Company, Inc., and Northern Natural Gas Producing Company, Applicants, filed an application on June 3, 1955, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act. A supplement to this application was filed August 9, 1955 by Columbian Fuel Corporation as Nonoperator for itself and on behalf of United Producing Company, Inc., Hughes Seewald and James Forrest Bourk, Applicants (all are Non-operators). Applicants, hereinafter referred to as Applicant, seek authority to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, as supplemented.

Applicant proposes to sell natural gas, from production in the Keyes Field, Cimarron County, Oklahoma, to Colorado Interstate Gas Company for transportation in interstate commerce for resale.

Commission letter dated June 30, 1955 granted temporary authorization to Columbian Fuel Corporation, et al., to sell natural gas in interstate commerce to Colorado Interstate Gas Company as proposed in its application filed on June 3, 1955 in Docket No. G-8994. Said grant was without prejudice to such final disposition of the application as the record might require.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on Friday, November 4, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 15, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7941; Filed, Sept. 30, 1955; 8:50 a. m.]

[Docket No. G-6762, etc.]

HUMBLE OIL & REFINING CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 26, 1955.

In the matters of Humble Oil & Refining Company Docket Nos. G-6762 to G-6767, incl., Docket Nos. G-6769 to G-6774, incl., Docket Nos. G-6776 to G-6780, incl., Docket No. G-6782, Docket Nos. G-6784 to G-6785, incl., Docket Nos. G-6788 to G-6805, incl.

Take notice that Humble Oil & Refining Company, Applicant, a Texas corporation whose address is Humble Building, Houston 1, Texas, filed on November 30, 1954, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant also filed: on December 17, 1954, amendments to applications docketed in G-6773 and G-6793; on July 21, 1955, an amendment to application docketed in G-6797; and on July 27, 1955, by letter dated July 26, a clarification of applications docketed in G-6796, G-6797 and G-6798.

Applicant sells natural gas, from production in wells and leases located as indicated below, to the persons as listed for resale after processing to other persons for transportation in interstate commerce for resale:

Docket No.	Source of gas	Purchaser
G-6778	North Goldsmith Field, Ector County, Tex.	Phillips Petroleum Co.
G-6779, G-6794, G-6795	Goldsmith Field, Ector County, Tex.	Do.
G-6770	Andector Field, Andrews and Ector Counties, Tex.	Do.
G-6773	Panhandle Field, Moore County, Tex.	Do.
G-6709, G-6762	McElroy Field, Crane County, Tex.	Do.
G-6762, G-6777, G-6805	Pampa Field, Gray County, Tex.	Do.
G-6772, G-6776, G-6788	Eunice Field, Lea County, N. Mex.	Do.
G-6771	Fullerton Field, Andrews County, Tex.	Phillips Petroleum Co., Fullerton Oil Co.[1]
G-6796, G-6797, G-6798, G-6800, G-6801	Cooper-Jal Field, Lea County, N. Mex.	El Paso Natural Gas Co.
G-6780	Langlie-Mattix Field, Lea County, N. Mex.	Do.
G-6793	Rincon Field, Starr County, Tex.	Continental Oil Co.
G-6763, G-6764, G-6765, G-6766, G-6767	Wasson Field, Gaines and Yoakum Counties, Tex.	Shell Oil Co.
G-6785	Kelly-Snyder Field, Scurry County, Tex.	Standard Oil Co. of Texas
G-6790, G-6791	Monument Field, Lea County, N. Mex.	Warren Petroleum Corp.
G-6789	Emperor-Holt Field, Winkler County, Tex.	C. V. Lyman.
G-6804	Terry-Blinebry Field, Lea County, N. Mex.	Skelly Oil Co.
G-6803	Arrowhead, Brunson, Drinkard, North Hare (McKee), Paddock and Penrose-Skelly Fields, Lea County, N. Mex.	Do.
G-6769	Slaughter Field, Terry and Hockley Counties, Tex.	Stanolind Oil & Gas Co.
G-6802	Hastings Field, Brazoria County, Tex.	Do.
G-6774	Sand Hills Field, Crane County, Tex.	Gulf Oil Corp.
G-6792	Cogdell Field, Scurry and Kent Counties, Tex.	The Texas Co.
G-6784	La Capita Field, Starr County, Tex.	Sun Oil Co.
G-6782	Keystone-Silurian Field, Winkler County, Tex.	Sid Richardson Gasoline Co.

[1] Fullerton Oil Co. on July 23, 1954, merged with and into Fullerton Oil & Gas Corp. which subsequently on Nov. 30 1954, conveyed, assigned and transferred substantially all of its assets and liabilities and obligations to Monterey Oil Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on Monday, October 31, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 11, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7936; Filed, Sept. 30, 1955; 8:49 a. m.]

[Docket No. G-9242]

MORRIS OIL AND GAS CO. INC.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 27, 1955.

Take notice that Morris Oil and Gas Company, Inc., Applicant, a West Virginia corporation whose address is Box 294, Grantsville, West Virginia, filed an application on August 19, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas, from production of 125 acres in Lockney Field, DeKalb District, Gilmer County, West Virginia, to Hope Natural Gas Company for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on Friday, November 4, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Pro-

cedure (18 CFR 1.8 or 1.10) on or before October 15, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7942; Filed, Sept. 30, 1955; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

DOMENICO MASTINI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Domenico Mastini, Milan, Italy, property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent Nos. 2,129,332 and 2,152,903. Claim No. 40637, Vesting Order No. 201.

Executed at Washington, D. C., on September 22, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-7946; Filed, Sept. 30, 1955; 8:50 a. m.]

FEDERICO MASTODANTE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Federico Mastodante, La Spezia, Italy, $2,573.72 in the Treasury of the United States. Claim No. 42228, Vesting Order No. 2023.

Executed at Washington, D. C., on September 22, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-7947; Filed, Sept. 30, 1955; 8:50 a. m.]

STEFANA IPPOLITO SICURELLA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Stefana Ippolito Sicurella, Agrigento, Province of Agrigento, Sicily, Italy, $1,199.03 in the Treasury of the United States. Giuseppa (Giuseppa) Ippolito Arnone, Agrigento, Province of Agrigento, Sicily, Italy, $1,199.03 in the Treasury of the United States. Grazia Ruggeri, Agrigento, Province of Agrigento, Sicily, Italy, $599.51 in the Treasury of the United States. Calogera Ruggeri, Rue Avenue Germinal 31, Paturages, Province of Mons, Belgium, $599.52 in the Treasury of the United States. Claim No. 48048, Vesting Order No. 1071.

Executed at Washington, D. C., on September 22, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-7948; Filed, Sept. 30, 1955; 8:51 a. m.]

STEFANIE CZEPKA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Stefanie Czepka, Elsenz-Baden, Kreis-Sinsheim, Germany, Claim No. 63035; Marie Hartmann, Weiler-Baden, Kreis-Sinsheim, Germany, Claim No. 63084; Anna Schaffer, Weiler-Baden, Kreis-Sinsheim, Germany, Claim No. 63085; Hedwig Teichmann, Steinsfurt-Baden, Kreis-Sinsheim, Germany, Claim No. 63174; Emma Kubitza, Steinsfurt-Baden, Kreis-Sinsheim, Germany, Claim No. 63182. All right, title, interest and claim of any kind or character whatsoever of Stefanie Czepka, also known as Stepanka Cepkova, Marie Hartmann, also known as Marie Hartmannova, Anna Schaffer, also known as Anna Schafferova, Hedwig Teichmann, also known as Hedvika Teichmannova, and Emma Kubitza, also known as Anna (Emma) Kubicova, acquired by the Attorney General pursuant to Vesting Order Nos. 16960 and 17411, in and to a sum of money in the amount of $9,842.30, deposited with the Treasurer of Mahoning County, Ohio, pursuant to an Order of the Probate Court of Mahoning County, Ohio, entered June 5, 1944. Such sum is in the process of administration by the Treasurer of Mahoning County, Ohio, as depositary, acting under the judicial supervision of the Probate Court of Mahoning County, Ohio.

Executed at Washington, D. C., on September 22, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-7949; Filed, Sept. 30, 1955; 8:51 a. m.]

ADOLPH SIMSICH AND PETER EUGENE SIMSICH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to § 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Adolf Simsich, $1,583.99. Peter Eugene Simsich, $2,213.61. Cash in the Treasury of the United States. Trieste, Italy. Claim No. 33270.

Executed at Washington, D. C., on September 23, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc 55-7950; Filed, Sept. 30, 1955; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 28, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31137: *Manufactured Tobacco—Louisville, Ky., to Alabama.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on manufactured tobacco, viz.: cigarettes, chewing, and smoking, carloads from Louisville, Ky., to Birmingham and Montgomery, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 239 to Agent Spaninger's I. C. C. 1062.

FSA No. 31138: *Tall Oil—De Ridder, La., to Goodyear, Miss.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude tall oil (product of acidification of skimmings of soda or sulphate black liquor), carloads from De Ridder, La., to Goodyear, La.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 101 to Agent Kratzmeir's I. C. C. 4087.

FSA No. 31139: *Merchandise—Chicago, Ill., to Smyrna, Tenn.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on various commodities, in mixed carloads from Chicago, Ill., and points grouped therewith and taking same rates to Smyrna, Tenn.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 15 to Agent Raasch's I. C. C. 789.

FSA No. 31140: *Iron and Steel Articles—Gadsden, Ala., Group to Cairo, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from Gadsden, Ala., and points grouped therewith to Cairo, Ill.

Grounds for relief: Circuitous routes operating in part west of the Mississippi River.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-7934; Filed, Sept. 30, 1955; 8:49 a. m.]

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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 20 NUMBER 193

Washington, Tuesday, October 4, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, subparagraphs (15), (16), (17), (18), and (19) are added to paragraph (l) of § 6.310 as set out below.

§ 6.310 *Department of the Interior.*

* * *

(l) *Office of Territories.* * * *

(15) Commissioner, Alaska Road Commission.

(16) One Special Assistant to the Governor of Alaska.

(17) One Special Assistant to the Governor of Alaska for Economic Affairs.

(18) One Clerical Assistant to the Governor of Alaska.

(19) Two Household Assistants to the Governor of Alaska.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-8007; Filed, Oct. 3, 1955; 8:53 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

SAVINGS DEPOSIT WITHOUT PASSBOOK

§ 217.111 *Savings deposit without passbook.* (a) The Board has received an inquiry as to whether the proposed use by a national bank of a particular form of "Savings Deposit Receipt" complies with the definition of "savings deposit" contained in paragraph (e) of § 217.1, as amended effective May 16, 1955 (20 F. R. 3305).

(b) The purpose of the May 16, 1955, amendment was to permit member banks, at their option, to classify deposits as "savings deposits," although not evidenced by a passbook. However, any such deposit must be evidenced by a written receipt or agreement, and the deposit must be one in respect to which the depositor is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than 30 days before such withdrawal is made, and withdrawals are permitted only through payment to the depositor himself but not to any other person whether or not acting for the depositor. Furthermore, the amendment made no change in the classes of persons whose deposits may be classified as "savings deposits".

(c) The "Savings Deposit Receipt" in question certifies that a certain sum has been deposited with the bank by a named depositor. It recites that payment of such amount "will be made to the named depositor" plus interest at 2½ percent per annum from date of the deposit, upon surrender of the receipt; that, upon request, interest will be paid and endorsed upon the receipt every six months; and that the bank shall have the option of redeeming the receipt at any time upon six months' written notice to the depositor. The receipt then states that "The bank reserves the right to require thirty days' prior notice in writing before paying this savings deposit receipt." Finally, the receipt states that it is "non-negotiable." It appears that the receipt constitutes the deposit contract between the bank and the named depositor.

(d) The inquiry explained that the national bank intended to use the savings deposit receipt "only in connection with deposits of school districts and any other savings deposits that might qualify under Regulation Q". The Board has indicated in earlier interpretations that deposits of "school districts" may be classified as "savings deposits."

(e) In the circumstances as outlined in this section, including the specific

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 32: Parts 400–699 ($5.75)
Parts 800–1099 ($5.00)
Part 1100 to end ($4.50)
Title 43 (Revised, 1954) ($6.00)

Previously announced: Title 3, 1954 Supp. ($1.75); Titles 4–5 ($0.70); Title 6 ($2.00); Title 7: Parts 1–209 ($0.60); Parts 210–899 ($2.50); Part 900 to end ($2.25); Title 8 ($0.45); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 15 ($1.25); Title 16 ($1.25); Title 17 ($0.55); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 21 ($1.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) ($2.50); Title 26: Parts 1–79 ($0.35); Parts 80–169 ($0.50); Parts 170–182 ($0.50); Parts 183–299 ($0.30); Part 300 to end and Title 27 ($1.25); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Title 32: Parts 1–399 ($4.50); Parts 700–799 ($3.75); Title 32A, Revised December 31, 1954 ($1.50); Title 33 ($1.50); Titles 35–37 ($0.75); Title 38 ($2.00); Title 39 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 46: Parts 1–145 ($0.40); Part 146 to end ($1.25); Titles 47–48 ($1.25); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60); Title 50 ($0.55)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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limitation in the savings deposit receipt that "Payment will be made to the named depositor," the Board is of the view that a deposit represented by the receipt described may be classified as a "savings deposit" under this part.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U. S. C. 264, 371, 371a, 371b, 461)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 55–7970; Filed, Oct. 3, 1955; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

[Sugar Reg. 811, Amdt. 2]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

[Sugar Determinations 857.5, Amdt. 3; 857.6, Amdt. 1]

PART 857—SUGARCANE, PUERTO RICO

Corrections

In F. R. Docs. 55–7958 and 55–7956 appearing at page 7323 of the issue for Saturday, October 1, 1955, the signatures should read "True D. Morse, *Acting Secretary of Agriculture.*"

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 945—TOMATOES GROWN IN FLORIDA

ORDER REGULATING HANDLING

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AUTHORITY: §§ 945.0 to 945.92 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 945.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), a public hearing was held at West Palm Beach, Florida, on March 7–10, 1955, upon a proposed marketing agreement and a proposed order regulating the handling of tomatoes grown in Florida. Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all the terms and conditions hereof, will tend to effectuate the declared policy of the act with respect to tomatoes produced in the production area, (i) by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices, (ii) and by protecting the interest of the consumer by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and by authorizing no action which has for its purpose the maintenance of prices to producers of

such tomatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such tomatoes as will be in the public interest;

(2) This order regulates the handling of tomatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) This order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of tomatoes grown in the production area; and

(5) All handling of tomatoes as defined in this order, is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

(b) *Additional findings.* It is hereby found that good cause exists for making the provisions of this order effective not later than the time hereinafter specified so that the Florida Tomato Committee, the administrative agency provided for in the order can be organized and start to function as soon as possible. In this manner, it will be possible for regulations to be formulated and issued so that producers will be in a position to obtain the benefits of this program on as much of their 1955 crop of tomatoes as is possible.

The provisions of the order are well known to handlers of tomatoes grown in the production area by reason of the following facts: (1) The public hearing, at which evidence was received from the industry and upon which this order is based, was held at West Palm Beach, Florida, March 7–10, 1955; (2) the recommended decision and the final decision were issued on May 27, 1955 (20 F. R. 3760), and July 19, 1955 (20 F. R. 5133), respectively; (3) copies of the regulatory provisions of the order were made available, prior to or during the course of the referendum which was held during the period September 10 through September 20, 1955, to determine whether producers of tomatoes in the production area approved or favored issuance of this order, to all known parties who may be subject thereto; and (4) all known handlers in the production area were mailed a copy of the marketing agreement, the regulatory provisions of which are the same as those contained in this order. Compliance with the regulatory provisions of this order will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto. It would be contrary to the public interest to delay the effective date hereof beyond the date hereinafter set forth (5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping tomatoes covered by this order) of more than 50 percent of the volume of tomatoes covered by this order have signed a marketing agreement regulating the handling of tomatoes grown in Florida, and

(2) The issuance of this order is favored or approved, in a referendum held during the period September 10 through September 20, 1955, by producers who, during the determined representative period (July 1, 1954–June 30, 1955), produced for market within the production area specified in this order, at least two-thirds of the volume of tomatoes produced for market within said production area by all producers who participated in the said referendum.

Order relative to handling. It is, therefore, ordered that on and after the effective time hereof, the handling of tomatoes grown in Florida shall be in conformity to and in compliance with the terms and conditions of this order and such terms and conditions are as follows:

DEFINITIONS

§ 945.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 945.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 945.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 945.4 *Production area.* "Production area" means all territory in the State of Florida south or east of the Suwannee River.

§ 945.5 *Tomatoes.* "Tomatoes" means all varieties of the edible fruit (Lycopersicon esculentum) commonly known as tomatoes and grown within the production area.

§ 945.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of tomatoes owned by another person) who handles tomatoes or causes tomatoes to be handled.

§ 945.7 *Handle.* "Handle" or "ship" means to transport, sell, or in any other way to place tomatoes in the current of commerce within the production area or between the production area and any point outside thereof: *Provided,* That such terms shall not include: (a) The transportation, sale, or delivery of tomatoes by a producer to a handler registered as such with the committee and who has adequate facilities within the production area for grading; or (b) the transportation to and sale of tomatoes at auction markets designated by the committee. In the event a producer sells tomatoes other than is indicated in paragraphs (a) and (b) of this section, such producer shall be the first handler of such tomatoes.

§ 945.8 *Producer.* "Producer" means any person engaged in a proprietary capacity in the production of tomatoes for market.

§ 945.9 *Grading.* "Grading" is synonymous with "preparation for market" and means the sorting or separation of tomatoes into grades, sizes, maturities, and packs for market purposes.

§ 945.10 *Grade and size.* "Grade" means any one of the established grades of tomatoes and "size" means any one of the established sizes of tomatoes as defined and set forth in U. S. Standards for Fresh Tomatoes (§§ 51.1855 to 51.1876 of this title) or U. S. Consumer Standards for Fresh Tomatoes (§§ 51.1900 to 51.1913 of this title), both issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon recommended by the committee and approved by the Secretary.

§ 945.11 *Pack.* "Pack" means any of the packs of tomatoes as defined and set forth in the United States Standards for Fresh Tomatoes issued by the United States Department of Agriculture (§§ 51.1855 to 51.1876 of this title), or any pack of tomatoes recommended by the committee and approved by the Secretary.

§ 945.12 *Maturity.* "Maturity" means various degrees of ripeness for tomatoes as established by the committee with approval of the Secretary.

§ 945.13 *Container.* "Container" means a box, bag, crate, hamper, basket, package, tube, bulk load or any other type of unit used in the packaging, transportation, sale, shipment, or handling of tomatoes.

§ 945.14 *Varieties.* "Varieties" means and includes all classifications or subdivisions of tomatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 945.15 *Committee.* "Committee" means the Florida Tomato Committee, established pursuant to § 945.22.

§ 945.16 *Fiscal period.* "Fiscal period" means the period beginning August 1 and ending July 31 following.

§ 945.17 *District.* "District" means each one of the geographic divisions of the production area initially established pursuant to § 945.24, or as reestablished pursuant to § 945.25.

§ 945.18 *Export.* "Export" means shipment of tomatoes beyond the boundaries of continental United States.

COMMITTEE

§ 945.22 *Establishment and membership.* (a) The Florida Tomato Committee, consisting of 15 producer members,

is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a committee member or alternate shall be an individual who is a producer, or an officer or an employee of a corporate producer, in the district for which selected and a resident of the production area.

§ 945.23 *Term of office.* (a) The term of office of committee members, and their respective alternates, shall be for 1 year and shall begin as of August 1 and end as of July 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 945.24 *Districts.* For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1. The counties of Broward and Dade in the State of Florida;

District No. 2. The counties of Brevard, Glades, Indian River, Martin, Osceola, Okeechobee, Palm Beach, and St. Lucie in the State of Florida;

District No. 3. The counties of Charlotte, Collier, Hendry, Lee and Monroe in the State of Florida;

District No. 4. The counties of De Soto, Hardee, Highlands, Hillsborough, Manatee, Pinellas, Polk and Sarasota in the State of Florida; and

District No. 5. All the remaining counties within the production area not included in Districts 1, 2, 3, and 4.

§ 945.25 *Redistricting.* The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in tomato acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 945.26 *Selection.* The Secretary shall select initially 3 members of the committee with their respective alternates, from each district.

§ 945.27 *Nomination.* The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers shall be held in each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart;

(b) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee and eligible voters at such meetings may ballot to indicate the ranking of their choice for each nominee;

(c) Nominations for committee members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15, of each year;

(d) Only producers may participate in designating nominees for members and alternates on the committee. In the event a person is engaged in producing tomatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts in which a person produces tomatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 945.28 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 945.27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 945.24 through 945.26 inclusive.

§ 945.29 *Acceptance.* Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 945.30 *Vacancies.* To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 945.27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 945.24 through 945.26 inclusive.

§ 945.31 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 945.32 *Procedure.* (a) Ten members of the committee shall be necessary to constitute a quorum and the same number of concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be promptly confirmed in writing: *Provided,* That if any assembled meeting is held, all votes shall be cast in person.

§ 945.33 *Expenses and compensation.* Committee members and alternates may be reimbursed for expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part.

§ 945.34 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 945.35 *Duties.* It shall be, among other things, the duty of the committee:

(a) At the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to tomatoes;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both;

(i) To investigate an applicant's claim for exemptions;

(j) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary or his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(k) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(l) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(m) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 945.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of tomatoes handled by him as the first handler thereof during a fiscal period and the total quantity of tomatoes handled by all handlers as first handlers thereof during such fiscal period.

§ 945.41 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 945.42 *Assessments.* (a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles tomatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all tomatoes which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective whether particular provisions thereof are suspended or become inoperative.

§ 945.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 945.44 *Refunds.* At the end of each fiscal period or other representative period used by the committee as a basis for seasonal accounting, monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this order to liquidate the affairs of the committee: *Provided,* That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of committee liquidation shall be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 945.48 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of tomatoes. The expenses of such projects shall be paid from funds collected pursuant to § 945.42.

REGULATION

§ 945.50 *Marketing policy.* Prior to or at the same time as initial recommendations are made pursuant to § 945.51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping tomatoes from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new or modified marketing policy because of changes in the demand and supply situation with respect to tomatoes. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of tomatoes, including prices by grades, sizes, and quality in different packs, and such prices by foreign competing areas;

(b) Supply of tomatoes, by grade, size, and quality in the production area, and in other production areas, including foreign competing production areas;

(c) Trend and level of consumer income;

(d) Marketing conditions affecting tomato prices; and

(e) Other relevant factors.

§ 945.51 *Recommendations for regulations.* The committee, upon complying with the requirements of § 945.50, may recommend regulations to the Secretary whenever it finds that such regulations, as are provided for in this subpart, will tend to effectuate the declared policies of the act.

§ 945.52 *Issuance of regulations.* The Secretary shall limit the handling of tomatoes whenever he finds from the recommendation and information submitted by the Committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may:

(a) Limit, in any or all portions of the production area, the handling of particular grades, sizes, qualities, or packs of any or all varieties of tomatoes during any period; or

(b) Limit the handling of particular grades, sizes, qualities, or packs of tomatoes differently, for different varieties, for different stages of maturity, for different portions of the production area, for different containers, for different markets, for different purposes specified in § 945.54, or any combination of the foregoing, during any period; or

(c) Limit the handling of tomatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(d) Fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of tomatoes.

§ 945.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which handling will be free from regulations issued or effective pursuant to §§ 945.42, 945.52, 945.54, 945.60, or any combination thereof.

§ 945.54 *Shipments for special purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 945.42, 945.52, 945.53, 945.60, or any combination thereof, in order to facilitate handling of tomatoes for the following purposes:

(a) For export;

(b) For relief or for charity;

(c) For processing; or

(d) For other purposes which may be specified by the committee, with the approval of the Secretary.

§ 945.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 945.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent handling of tomatoes pursuant to § 945.53 or § 945.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship tomatoes pursuant to §§ 945.53 and 945.54; or

(2) Handlers shall obtain inspection provided by § 945.60, or pay the assessment levied pursuant to § 945.42, or both, in connection with shipments made under § 945.54; or

(3) Handlers shall obtain Certificates of Privilege from the committee to handle tomatoes effected or to be effected under the provisions of §§ 945.53 and 945.54.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that tomatoes handled by him for the purposes stated in §§ 945.53 and 945.54 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of tomatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of tomatoes handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 945.60 *Inspection and certification.* (a) During any period in which handling of tomatoes are regulated pursuant to §§ 945.42, 945.52, 945.54, or any combination thereof, no handler shall handle tomatoes unless each such handling is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to § 945.53, or § 945.54, or both.

(b) Regrading, resorting, or repacking any lot of tomatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle tomatoes after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each lot of such tomatoes is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate: *Provided,* That the committee, with approval of the Secretary, may provide for waiving inspection requirements on any tomatoes in circumstances where it appears reasonably certain that, after regrading, resorting, or repacking, such tomatoes meet the applicable quality and other standards then in effect.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When tomatoes are inspected in accordance with the requirements of this section a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

EXEMPTIONS

§ 945.70 *Procedure.* The committee may adopt, with approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 945.71 *Granting exemptions.* The committee shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee, that by reason of a regulation issued pursuant to § 945.52 he will be prevented from handling as large a proportion of his production as the average proportion of production handled during the entire season, or such portion thereof as may be determined by the committee, by all producers in said applicant's immediate production area and that the grade, size, or quality of the applicant's tomatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of tomatoes specified thereon. Such certificate shall be transferred with such tomatoes at time of transportation or sale.

§ 945.72 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 945.73 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 945.74 *Records.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of tomatoes covered by such exemption certificates, a record of the amount of tomatoes handled under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right, to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 945.70, 945.71, 945.72, 945.73, or any combination thereof.

REPORTS

§ 945.80 *Reports.* Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of tomatoes received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such tomatoes; and (4) identification of

the inspection certificates and the exemption certificates, if any, pursuant to which the tomatoes were handled, together with the destination of each exempted disposition, and of all tomatoes handled pursuant to §§ 945.53 and 945.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the tomatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 945.81 *Compliance.* Except as provided in this subpart, no handler shall handle tomatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall handle tomatoes except in conformity to the provisions of this subpart.

§ 945.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 945.83 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 945.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operations of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal-period whenever he finds that such termination is favored by a majority of producers, who during a representative period, have been engaged in the production for market of tomatoes: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such tomatoes produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 945.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of liquidating the affairs of the committee of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 945.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 945.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 945.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 945.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 945.90 *Personal liability.* No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 945.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 945.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

Issued at Washington, D. C., this 29th day of September 1955, to become effective on and after 12:01 a. m., e. s. t., October 8, 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-8010; Filed, Oct. 3, 1955; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6314]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MERIT PHARMACAL CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale, or distribution of "X-TRON" preparations or of any preparations of substantially similar composition or possessing substantially similar properties, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., the purchase in commerce, of said preparations, which advertisements represent directly or by implication that the use of said preparations will: (a) Cause the permanent elimination of dandruff, itching or irritation of the scalp; (b) stop excessive hair fall; (c) have any effect in preventing or overcoming baldness; and (d) induce the growth of new hair; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Merit Pharmacal Company (Chicago, Ill.) et al., Docket 6314, August 31, 1955]

In the Matter of Merit Pharmacal Company, a Corporation, and A. B. Marks, M. A. Marks and A. Skadler, Individually and as Officers of Merit Pharmacal Company and Doing Business as Apex Pharmacal Company and as Apex Pharmacal Distributing Company and Anthony J. Kemp, Individually

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission which charged respondents with false and misleading advertising in connection with the offer and sale of their "X-Tron" hair preparations; and upon a stipulation between the parties which provided for entry of a consent order and which appears of record.

By the terms of said stipulation, all respondents admitted all the jurisdictional allegations set forth in the complaint; stipulated that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations; and stipulated that the agreement was for settlement purposes only and did not constitute an admission by respondents that they had engaged in any violation of law; and the parties to such stipulation expressly waived the filing of an answer; a hearing before the hearing examiner or the Commission; the making of findings of fact or conclusions of law by either; the filing of exceptions or oral argument before the Commission, and all other and further procedure before the hearing examiner and the Commission to which respondents might be entitled under the Federal Trade Commission Act or the Rules of Practice of the Commission.

Respondents further agreed in said stipulation that the order to be entered should have the same force and effect as if made after full hearing, presentation of evidence and findings and conclusions thereon, and specifically waived any and all right, power, or privilege to challenge or contest the validity of the order entered in accordance with the stipulation, and said stipulation further provided that it, together with the complaint, might be used in construing the terms of the aforementioned order, which order might be altered, modified, or set aside in the manner provided by statute for the orders of the Commission, and that said stipulation was subject to approval in accordance with Rules V and XXII of the Commission's Rules of Practice and that said order should have no force and effect unless and until it became the order of the Commission.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters, and, on the basis thereof, concluded that the proceeding was in the public interest and in conformity with the action contemplated and agreed upon by said stipulation made his order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated August 31, 1955, became, on said date, pursuant to § 3.21 of the Commission's Rules of Practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That the respondent Merit Pharmacal Company, a corporation, and its officers and respondents A. B. Marks, M. A. Marks and A. Skadler, individually and as officers of said corporation, and doing business as Apex Pharmacal Company and as Apex Pharmacal Distributing Company, or under any other name or names, and Anthony J. Kemp, individually, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of X-TRON preparations or of any preparations of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from:

1 Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication that the use of said preparations will:

(a) Cause the permanent elimination of dandruff, itching or irritation of the scalp;

(b) Stop excessive hair fall;

(c) Have any effect in preventing or overcoming baldness;

(d) Induce the growth of new hair.

2. Disseminating or causing to be disseminated by any means, any advertisement for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representations prohibited in subparagraphs (a), (b), (c), or (d) of paragraph 1 hereof.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 31, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-7972; Filed, Oct. 3, 1955; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53909]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

AMERICAN GOODS RETURNED

Section 10.3 (b), Customs Regulations, pertaining to the collection of duty equal to drawback on articles of American manufacture or production exported from the United States and returned, amended.

In view of further information received indicating that the duty assessment listed for rock bits does not represent the fair average amount of drawback allowed on such articles, § 10.3 (b) of the Customs Regulations is amended by deleting "Bits, rock (oil well drilling)—58 cents each".

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 201 (par. 1615), 46 Stat. 674, as amended; 19 U. S. C. 1201 (par. 1615))

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 26, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-8000; Filed, Oct. 3, 1955; 8:52 a. m.]

[T. D. 53908]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

EXEMPTIONS FOR RETURNING RESIDENTS

There is a limited instance in which alcoholic beverages and cigars may be entitled to entry free of duty and tax under the $300 exemption for returning residents of the United States provided for in paragraph 1798 (c) (2) (B) of the Tariff Act of 1930, as amended. To clarify the regulations in this respect, § 10.17 (d) of the Customs Regulations is amended to read as follows:

(d) *Tobacco products, alcoholic beverages, and foodstuffs.* Cigarettes, manufactured tobacco, and foodstuffs may be included in the exemptions to which a returning resident is entitled, but not more than 100 cigars nor an aggregate of over 1 wine gallon of alcoholic beverages may be included in such exemptions. If a returning resident is entitled to both the $200 and the $300 exemptions, any cigars or alcoholic beverages entitled to exemption shall be included in the $200 exemption. If the resident is not entitled to the $200 exemption (by reason of having claimed that exemption within the 30 days immediately preceding his arrival) but is entitled to the $300 exemption, not more than the above-stated quantities of cigars and alcoholic beverages may be allowed free entry under the $300 exemption if the resident did not claim exemption for any such articles under the last exemption he received under paragraph 1798 (c) (2) (A). The maximum of 1 wine gallon of alcoholic beverages may include more than one kind of beverage.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 201 (par. 1798), 46 Stat. 683, as amended; 19 U. S. C. 1201 (par. 1798))

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 27, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-7999; Filed, Oct. 3, 1955; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 185—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL IMPORT MILK ACT

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Import Milk Act (sec. 3, 44 Stat. 1102; 21 U. S. C. 143) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for the enforcement of the act (21 CFR Part 185) are amended by rewording §§ 185.6, 185.7, and 185.8 to read as follows:

§ 185.6 *Evaporated milk.* Evaporated milk conforms to the definition and standard of identity for such food as set out in § 18.520 of this chapter.

§ 185.7 *Sweetened condensed milk.* Sweetened condensed milk conforms to the definition and standard of identity for such food as set out in § 18.530 of this chapter.

§ 185.8 *Pasteurization.* Pasteurization is the process of heating every particle of milk or cream to at least 143° F., and holding it at such temperature continuously for at least 30 minutes, or to at least 161° F., and holding it at such temperature continuously for at least 15 seconds.

Notice and public procedure upon these amendments are impracticable and unnecessary, since the amendments are made to conform the regulations under the Federal Import Milk Act to those already in effect under the Federal Food, Drug, and Cosmetic Act, which are published at 21 CFR 18.520, 18.530, and 19.500 (d) (2). The amendment to § 185.8 concerning pasteurization is also made to conform the regulation under the Federal Import Milk Act to the Milk Ordinance and Code recommended by the United States Public Health Service and which States, counties, and municipalities throughout the United States have adopted.

Effective date. This order shall become effective 30 days from the date of publication in the FEDERAL REGISTER.

(Sec. 3, 44 Stat. 1102; 21 U. S. C. 143)

Dated: September 28, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-7971; Filed, Oct. 3, 1955; 8:47 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter R—Leases and Sale of Minerals, Restricted Indian Lands

PART 189—LEASING OF CERTAIN RESTRICTED ALLOTTED INDIAN LANDS FOR MINING

LEASES OF UNDIVIDED INHERITED LANDS

The regulations in this part are amended, as follows:

§ 189.9 *Leases of undivided inherited lands.* (a) If the allottee is deceased and the heirs to or devisees of any interest in the allotment have not been determined, or, if determined, some or all of them cannot be located, mining leases of such interests may be executed by the Superintendent, provided that such leases have been offered for sale to the highest responsible qualified bidder, at public auction, or on sealed bids, after at least 30 days notice and advertisement unless a shorter period is authorized by the Commissioner of Indian Affairs.

(b) If the heirs include a life tenant, the lease must be accompanied by an agreement between such life tenant and the remaindermen, providing for the division of the rents and royalties subject to approval of the Commissioner of Indian Affairs or his authorized representative.

(35 Stat. 783, 25 U. S. C. 396)

DOUGLAS MCKAY,
Secretary of the Interior.

SEPTEMBER 28, 1955.

[F. R. Doc. 55-7964; Filed, Oct. 3, 1955; 8:45 a. m.]

Subchapter Y—Trading With Indians

PART 276—LICENSED INDIAN TRADERS

MISCELLANEOUS AMENDMENTS

1. Section 276.4 is repealed.
2. Section 276.7 is repealed.
3. Section 276.18 is amended to read as follows:

§ 276.18 *Intoxicating liquors.* No trader shall use or permit to be used his premises for any unlawful conduct or purpose whatsoever. No trader shall use or permit to be used any part of his premises for the manufacture, sale, gift, transportation, drinking or storage of intoxicating liquors or beverages in violation of existing laws relating thereto. Violation of this section will subject the trader to criminal prosecution, revocation of license and such other action as may be necessary.

4. Section 276.20 is repealed.

(Sec. 5, 19 Stat. 200, sec. 1, 31 Stat. 1066, as amended; 25 U. S. C. 261, 262)

DOUGLAS MCKAY,
Secretary of the Interior.

SEPTEMBER 28, 1955.

[F. R. Doc. 55-7963; Filed, Oct. 3, 1955; 8:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 657—THE TOBACCO INDUSTRY IN PUERTO RICO

PART 693—MINIMUM WAGE RATE IN THE CIGAR AND CIGARETTE INDUSTRY IN PUERTO RICO

On June 10, 1955, pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (hereinafter called the Act), the Secretary of Labor, by Administrative Order No. 443 (20 F. R. 4090), directed Special Industry Committee No. 17-D (hereinafter called the Committee) to recommend the minimum rate or rates of wages to be paid under section 6 to employees in Puerto Rico engaged in commerce or in the production of goods for commerce in the Tobacco Industry in Puerto Rico.

Subsequent to an investigation and hearing, conducted pursuant to notice published in the August 12, 1955 issue of the FEDERAL REGISTER (20 F. R. 5882), the Committee filed with the Secretary a report containing its findings of fact and recommendations with respect to the matters referred to it. In this report the Committee divided the Tobacco Industry in Puerto Rico into two separate divisions for each of which it made separate recommendations. Accordingly, as authorized and required by section 8 of the Act and General Order No. 45A of the Secretary—(1) these recommendations are hereby published in the following amendments to the Code of Federal Regulations; and (2), effective October 20, 1955, Parts 693 and 657 of Title 29, Code of Federal Regulations, are amended as follows:

(I) Part 693 is hereby superseded.

(II) Part 657 is hereby amended to read as follows:

Sec.
657.1 Wage rates.
657.2 Notice of order.
657.3 Definitions of the tobacco industry in Puerto Rico and its divisions.

AUTHORITY: §§ 657.1 to 657.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply secs. 5 and 6, 52 Stat. 1062, as amended; 29 U. S. C. 205, 206.

§ 657.1 *Wage rates.* (a) Wages at a rate of not less than 31 cents an hour up to and including November 27, 1955, and thereafter wages at a rate of not less than 35 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Puerto Rico cigar filler tobacco processing division of the tobacco industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 50 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the general division of the tobacco industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 657.2 *Notice of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the tobacco industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this part as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notices as the Division may prescribe.

§ 657.3 *Definitions of the Tobacco Industry in Puerto Rico and its divisions.* (a) (1) The Tobacco Industry in Puerto Rico to which this part shall apply is defined as follows: The processing of leaf tobacco including, but without limitation, the grading, fermenting, stemming, chopping, packing, storing, drying, and handling of tobacco prior to use in the manufacture of cigars or other finished tobacco products; the manufacture of cigarettes, cigars, cheroots, and little cigars, including the stemming of wrappers or binders by a cigar manufacturer; and the manufacture of snuff, chewing tobacco, and smoking tobacco.

(2) This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include activities covered by the definition of this industry.

(b) The separable divisions of the industry, as defined in paragraph (a) (1) of this section to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Puerto Rican Cigar Filler Tobacco Processing Division.* This division consists of the processing of Puerto Rican cigar filler type tobacco, including, but without limitation, the grading, fermenting, stemming, packing, storing, drying, and handling of such tobacco prior to its use in the manufacture of cigars or other finished tobacco products: *Provided, however,* That the shredding, chopping, threshing, or stemming of such tobacco by machine and operations immediately incidental thereto shall not be included.

(b) *General Division.* This division consists of all products and activities in the tobacco industry in Puerto Rico, as defined in paragraph (a) (1) of this section, except products and activities included in the Puerto Rican cigar filler tobacco processing division, as defined in this section.

Signed at Washington, D. C., this 28th day of September 1955.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 55-8001; Filed, Oct. 3, 1955; 8:52 a. m.]

PART 673—FOOD AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

PART 696—BAKING PRODUCTS INDUSTRY IN PUERTO RICO, MINIMUM WAGE ORDER

PART 698—VEGETABLE, FRUIT, AND NUT PACKING AND PROCESSING INDUSTRY IN PUERTO RICO

On June 10, 1955, pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (hereinafter called the Act), the Secretary of Labor, by Administrative Order No. 443 (20 F. R. 4090) directed Special Industry Committee No. 17-C (hereinafter called the Committee) to recommend the minimum rate or rates of wages to be paid under section 6 to employees in Puerto Rico engaged in commerce or in the production of goods for commerce in the Food and Related Products Industry.

Subsequent to an investigation and hearing, conducted pursuant to notice published in the August 12, 1955 issue of the FEDERAL REGISTER (20 F. R. 5882), the Committee filed with the Secretary a report containing its findings of fact and recommendations with respect to the matters referred to it. In this report the Committee divided the Food and Related Products Industry in Puerto Rico into two separate divisions, for each of which it made separate recommendations. Accordingly, as authorized and required by section 8 of the Act and General Order No. 45A of the Secretary—(1) these recommendations are published in the following amendments to the Code of Federal Regulations; and (2) effective October 20, 1955, Parts 673, 696, and 698 of Title 29, Code of Federal Regulations, are amended as follows:

(I) Part 696 is superseded.

(II) Part 698 is superseded.

(III) Part 673 is amended to read as follows:

Sec.
673.1 Wage rates.
673.2 Notice of order.
673.3 Definitions of the food and related products industry in Puerto Rico and its divisions.

AUTHORITY: §§ 673.1 to 673.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply secs. 5 and 6, 52 stat. 1062, as amended; 29 U. S. C. 205, 206.

§ 673.1 *Wage rates.* (a) Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Citron Brining Division of the Food and Related Products Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 45 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the General Division of the Food and Related Products Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 673.2 *Notice of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Food and Related Products Industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notices as the Division may prescribe.

§ 673.3 *Definitions of the food and related products industry in Puerto Rico and its divisions.* (a) (1) The food and related products industry in Puerto Rico, to which this part shall apply, is defined as follows: The canning, preserving (including freezing, drying, dehydrating, curing, pickling, and similar processes), or other manufacturing or processing, and the packaging in conjunction therewith, of foods, ice, and non-alcoholic beverages, including, but without limitation, meat animals and meat animal products; poultry and poultry products; milk and dairy products; fish and seafood products; fruits or vegetables, and fruit or vegetable products; grains and grain products; bakery products; confectionery and related products; and miscellaneous foods and food products. The handling, grading, packing, or preparing in their raw or natural state of fresh vegetables, fresh fruits, or nuts, and the gathering of wild plant or animal life: *Provided, however,* That the definition shall not include any product or activity included in the sugar manufacturing industry or the chemical, petroleum and related products industries, or in the alcoholic beverage and industrial alcohol industry as defined in the wage orders for those industries in Puerto Rico.

(2) The definition in subparagraph (1) of this paragraph supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include activities covered by the definition of this industry.

(b) The separable divisions of the industry, as defined in paragraph (a) (1) of this section to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Citron Brining Division.* This division consists of the brining and other processing of fruit citron.

(2) *General Division.* This division consists of all products and activities in the food and related products industry, as defined in paragraph (a) (1) of this section, except those included in the Citron Brining Division, as defined in this section.

Signed at Washington, D. C., this 28th day of September 1955.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 55-8002; Filed, Oct. 3, 1955; 8:52 a. m.]

PART 671—COMMUNICATIONS, UTILITIES AND MISCELLANEOUS TRANSPORTATION INDUSTRIES IN PUERTO RICO, MINIMUM WAGE ORDER

TELEPHONE DIVISION, RADIO AND TELEVISION BROADCASTING, AND GAS UTILITY DIVISIONS

On June 10, 1955, pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (hereinafter called the Act), the Secretary of Labor, by Administrative Order No. 443 (20 F. R. 4090) directed Special Industry Committee No. 17-E (hereinafter called the Committee) to recommend the minimum rate or rates of wages to be paid under section 6 to employees in Puerto Rico engaged in commerce or in the production of goods for commerce in the telephone division, the radio and television broadcasting division, and the gas utility division of the communications, utilities, and miscellaneous transportation industries.

Subsequent to an investigation and hearing, conducted pursuant to notice published in the August 12, 1955 issue of the FEDERAL REGISTER (20 F. R. 5882),

the Committee filed with the Secretary a report containing its findings of fact and recommendations with respect to the matters referred to it. In this report the Committee divided the radio and television broadcasting division into two separate divisions, for each of which it made separate recommendations in addition to its recommendations for the telephone and the gas utility divisions. Accordingly, as authorized and required by section 8 of the act and General Order No. 45A of the Secretary—(1) these recommendations are hereby published in the following amendments to the Code of Federal Regulations; and (2) effective October 20, 1955, §§ 671.1 and 671.3 of Title 29, are amended as follows:

(I) Paragraphs (c), (d) and (e) of § 671.1 are hereby amended to read as follows:

(c) Wages at a rate of not less than 75 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Telephone Division of the Communications, Utilities, and Miscellaneous Transportation Industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 75 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Gas Utility Division of the Communications, Utilitities, and Miscellaneous Transportation Industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(e) Wages at a rate of not less than 65 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Radio Broadcasting Division of the Communications, Utilities, and Miscellaneous Transportation Industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(II) Section 671.1 is further amended by the addition of a new paragraph to read as follows:

(h) Wages at a rate of not less than 75 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Television Broadcasting Division of the Communications, Utilities, and Miscellaneous Transportation Industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(III) Section 671.3 (b) (7) is hereby amended to read as follows:

(7) *Miscellaneous division.* This division consists of all products and activities included within the Communications, Utilities, and Miscellaneous Transportation Industries in Puerto Rico, as defined in paragraph (a) of this section, except products or activities included within the telephone division, cable and radiotelephone division, radio broadcasting division, television broadcasting division, gas utility division, airline division, or tourist bureau and ticket agency division, as defined in this section.

(IV) Section 671.3 (b) is hereby amended by the addition of a new subparagraph to read as follows:

(8) *Television broadcasting division.* This division consists of the industry carried on by any concern engaged in television broadcasting.

(Sec. 8, 63 Stat. 915; 29 U. S. C. 208)

Signed at Washington, D. C., this 28th day of September 1955.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 55-8003; Filed, Oct. 3, 1955; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVII—Federal Civil Defense Administration

PART 1705—FCDA SURVIVAL PLAN PROJECTS

The following Regulation, Part 1705, FCDA Survival Plan Projects, is hereby issued.

Sec.
1705.1 Purpose.
1705.2 Definitions.
1705.3 Eligibility.
1705.4 Project Proposals.
1705.5 Submission of Proposals.
1705.6 Review of Proposals.
1705.7 Conditions of approval.
1705.8 Approval of Proposals.
1705.9 Project Agreements.
1705.10 Supervision of Projects.
1705.11 Costs and reimbursement.
1705.12 Advances.
1705.13 Return of unexpected funds.
1705.14 Interim reports.

AUTHORITY: §§ 1705.1 to 1705.14 issued under sec. 401, 64 Stat. 1254; 50 U. S. C. App. Supp. 2253.

§ 1705.1 *Purpose.* The purpose of the regulations in this part is to prescribe the conditions of eligibility of States and their political subdivisions and the procedures for, and conditions of, participating with FCDA in projects for survey, study, and development of measures for evacuation, reception and shelter of the population of evacuation areas including the formulation of an Operational Survival Plan.

§ 1705.2 *Definitions.* Except as otherwise stated, or as otherwise clearly required by the context, the following words and terms shall have the following meanings when used in the regulations in this part:

(a) *State.* Any State, Territory, or possession of the United States, and the District of Columbia.

(b) *Political subdivision.* Any county, city, district, or other local government of any State.

(c) *Eligible participants.* A State, or States, and the appropriate political subdivisions of the evacuation area that are specified in § 1705.3 as being eligible to participate in Projects under the regulations in this part (including the Authorities, Boards, and Commissions mentioned in § 1705.3), or any combination thereof.

(d) *Target area.* A target area identified as a critical target area in FCDA Advisory Bulletin No. 149, July 1, 1953, as revised, or an area adjacent to a base of military retiliation and/or a critical Atomic Energy Commission installation, or such other area as the FCDA Administrator may from time to time determine.

(e) *Urban fringe.* The urban fringe extends to and includes those portions of the urbanized area, contiguous to the thickly settled urban core of a metropolitan complex, which contain a population density of not less than 2,000 persons per square mile.

(f) *Reception area.* That area which surrounds the outer edge of the urban fringe of a target area which can reasonably be assumed to be safe for evacuees.

(g) *Evacuation area.* A target area and the reception area necessary to adequately support its evacuees.

(h) *Operational survival plan.* A detailed plan, completed to a state of operational readiness, designed to afford adequate protection for the population of target areas, including measures for the evacuation, reception and shelter of the population within a geographical area described in an approved Project Proposal.

(i) *Project.* The conduct of surveys and studies necessary to develop an Operational Survival Plan and the formulation of such a plan, including the testing thereof.

(j) *Project proposal.* A narrative statement submitted to FCDA by the eligible participants (see § 1705.2 (c)) covering in detail the manner and method suggested by such eligible participants for undertaking the required surveys, studies, and the formulation of the Operational Survival Plan.

(k) *Project agreement.* A contract, in writing, between FCDA and eligible participants describing in detail the manner and method by which surveys, studies and the formulation of the Operational Survival Plan will be undertaken, and containing an agreement relative to costs of the Project.

(l) *Evacuation.* The organized, timed, and supervised dispersal of civilians from target areas.

(m) *Reception.* The receiving and care, including quartering and supply of essential needs and services, of evacuees in a reception area.

(n) *Return.* The eventual movement and resettlement of evacuees.

(o) *Shelter.* Shelter providing protection against blast and thermal effect where necessary and cover providing protection against radioactive fallout for evacuees at assembly points, along evacuation routes, and in reception areas.

(p) *Support.* Transportation and supply of essential materials, manpower, supplies, and equipment, and other essential resources.

§ 1705.3 *Eligibility.* FCDA will select the target areas wherein Projects will be instituted. States and political subdivisions meeting the following requirements are eligible for selection by FCDA to participate in Projects under these regulations in this part:

(a) Any State having within its borders one or more target areas which agrees to complete surveys and studies and to formulate an Operational Survival Plan for one or more of its evacuation areas, or a State-wide Operational Survival Plan in accordance with the regulations in this part and FCDA Survival Plan Manual, M27-1; or

(b) Any State which agrees to complete surveys and studies and to formulate reception plans, or support plans, incident to an Operational Survival Plan involving a target area or areas without its borders in accordance with the regulations in this part and FCDA Survival Plan Manual, M27-1.

(c) Any political subdivision (or subdivisions) which constitutes the principal political subdivision (or subdivisions) of the evacuation area, which agrees to complete surveys and studies and to formulate an Operational Survival Plan for the evacuation area in accordance with these Regulations and FCDA Survival Plan Manual, M27-1: *Provided*, That the State wherein such political subdivision (or subdivisions) lies shall join in the Project Proposal and become a party to the Project Agreement.

(d) Any political subdivision (or political subdivisions) which constitutes a part of an evacuation area which agrees to complete surveys and studies and to formulate an Operational Survival Plan for a part of the evacuation area in accordance with the regulations in this part and FCDA Survival Plan Manual, M27-1; provided the principal political subdivision of the evacuation area of which it is a Part and the State wherein it lies have approved the Project Proposal; and provided further that the State wherein the political subdivision (and a part of the evacuation area) lies shall join in the Project Proposal and become a party to the Project Agreement.

(e) Any Commission, Board, or Authority, having a geographical jurisdiction encompassing an entire exacuation area, which has been duly constituted by a State or States (and the appropriate political subdivision thereof) and which is authorized to act for or on behalf of a State or States (and the appropriate political subdivision thereof) in connection with the completion of surveys and studies and the formulation of an Operational Survival Plan for its geographical jurisdiction, and which agrees to complete surveys and studies and to formulate an Operational Survival Plan for its geographical jurisdiction in accordance with the regulations in this part and FCDA Survival Plan Manual, M27-1.

§ 1705.4 *Project Proposal.* (a) A Project Proposal shall be submitted to FCDA only by an eligible participant. It shall be in narrative form and will include the detailed plan suggested by the eligible participant for undertaking the Project. The Proposal will cover the manner and method proposed by the eligible participant for conducting the survey and study phase of the Project as well as the proposed procedure and method of formulating the Operational Survival Plan.

(b) The Project Proposal will be developed following conferences between representatives of FCDA and the eligible participant. FCDA will, where necessary, furnish personnel to provide technical assistance and guidance to the eligible participant in developing the Proposal. Project Proposals will be developed in accordance with the regulations in this part and will conform to the standards and criteria established in FCDA Survival Plan Manual, M27-1.

§ 1705.5 *Submission of Proposals.* (a) A Project Proposal shall be submitted to FCDA only by an eligible participant as specified in § 1705.3, or by a combination of such eligible participants; Project Proposals shall be submitted in accordance with procedures, standards and criteria established by the regulations in this part and FCDA Survival Plan Manual, M27-1.

(b) A Project Proposal shall be signed by the Governor (or Governors) of the State (or States) involved or by his duly authorized representative; and in addition it shall be signed by the Chief Executive of the principal political subdivision, or subdivisions, of the evacuation area, or by his duly authorized representative; or in the case of a political subdivision (or subdivisions) comprising a part of an evacuation area, by its Chief Executive or his duly authorized representative.

§ 1705.6 *Review of Proposals.* FCDA will review each Project Proposal to determine that the Proposal conforms to the regulations in this part, and to procedures, standards, and criteria established by FCDA Survival Plan Manual, M27-1, and to the general objectives of this program, and FCDA will (a) approve, or (b) make such adjustments, revisions, and deletions as appear reasonable and necessary. In the event that changes are required, representatives of FCDA will, upon request, confer with the eligible participant to facilitate working out adjustments and revisions satisfactory to qualify the Proposal for approval.

§ 1705.7 *Conditions of approval.* (a) FCDA shall require that the following conditions be met precedent to approval of a Project Proposal:

(1) *FCDA selection of area.* Prior to final approval of a Project Proposal, FCDA must have selected and designated the geographical area covered by the Proposal as one where a Survival Plan Project will be undertaken. Although such selection and designation will normally be made prior to the submission to FCDA of the Project Proposal, such selection and designation by FCDA are a condition to approval of a Project Proposal and not a condition to the submission to FCDA of a Project Proposal.

(2) *States with target area.* If the proposing State (eligible participant) has within its borders one or more target areas, it shall agree to conduct and coordinate, with the assistance and guidance of FCDA, evacuation, shelter, and reception planning and operations between the target and reception areas of the State, and, to the extent of its authority, with other States, and with the Federal Government, and to develop an Operational Survival Plan for the geographical area covered by the Project; all in accordance with the regulations in this part and in conformance with the provisions of FCDA Survival Plan Manual, M27-1.

(3) *States without target area.* If the proposing State (eligible participant) has no target area or areas within its borders, it shall agree to conduct and coordinate, with the assistance and guidance of FCDA, surveys of resources and capabilities and develop operational plans for (i) reception of evacuees from another State or States, and/or (ii) support of areas in another State or States, all in accordance with the regulations in this part, and in conformance with the provisions of FCDA Survival Plan Manual, M27-1.

(4) *Area covered.* The geographical area to be covered by the project shall include the entire evacuation area, except that where prior approval is received from FCDA, a Project may cover a portion of an evacuation area where such Project is undertaken to complete surveys and studies and to formulate reception plans, or support plans, incident to an Operational Survival Plan covered by a Project Proposal which has been approved by FCDA.

(5) *Operations across political boundaries.* An agreement shall have been reached, or the State (or States) and political subdivisions comprising the eligible participants shall certify that efforts will be made to effect such an agreement, which will permit unified, coordinate evacuation, reception and shelter planning and operations across territorial borders of political subdivisions comprising the evacuation area.

(6) *Federal-State-local cooperation.* The State (or States) and the political subdivisions comprising the eligible participants shall agree to cooperate with each other, with FCDA, and, to the extent feasible, with other States and political subdivisions undertaking similar Projects pursuant to the regulations in this part and FCDA Survival Plan Manual, M27-1.

(7) *Use of existent studies and information.* The eligible participants shall agree to collect and utilize pertinent data developed in past surveys and studies and conclusions arrived at through the results of these studies; that care will be taken to utilize to the maximum extent existing information on any area covered by the Project; that a diligent effort will be made on the part of the eligible participants to avoid duplication of effort; and that they will utilize information made available by FCDA or other Federal departments and agencies or other organizations or groups.

(8) *Use of contractors furnished by FCDA.* The eligible participants shall agree to utilize the services of and to assist, to the maximum extent possible, such contractor or contractors as may be provided by FCDA pursuant to the terms of the Project Agreement.

(9) *Use of contractors engaged by eligible participants.* The eligible participants, for the accomplishment of various

portions of the Project, may engage such contractors as approved by FCDA. A description of the areas covered by such contracts shall be included as a part of the Project Proposal and in the terms of the Project Agreement. The State will not enter into such contracts without the prior approval of FCDA relative to both the provisions of the contract and the specific contractor involved.

(10) *Use of State and local personnel and resources.* The eligible participants shall agree to make maximum use of State and local civil defense staffs and, to the extent feasible, the technical staff of all agencies of State and local governments and of available data, materials, facilities, and equipment, in the conduct of surveys and studies and in the formulation of the Operational Survival Plan, all in accordance with the regulations in this part and in conformance with the provisions of FCDA Survival Plan Manual, M27–1.

(11) *Specialized and expert personnel.* Surveys and studies shall be conducted by qualified specialists in each field of study. All personnel employed by or contracted for by the eligible participants under Projects subject to the regulations in this part shall meet the basic standards established by the State or local Civil Service Commission or other local agency authorized to set such standards, or, in the absence of such State and local standards, by such standards as FCDA may establish for the specialist category area in which they will function.

(12) *Voluntary and uncompensated personnel.* The eligible participants shall agree to utilize such qualified and available voluntary and uncompensated personnel as may be obtained from any source.

(13) *Operational Survival Plan.* The plan developed under Projects subject to the regulations in this part shall be in writing and shall present a complete and balanced program, in accordance with the regulations in this part and in conformance with the scope, methods, and standards prescribed in FCDA Survival Plan Manual, M27–1, with no overemphasis of one phase or area of the program to the neglect or exclusion of any other, and shall include the development and formulation of plans for the evacuation of the population of the target area described in approved Project Proposal and reception of the population in reception areas, the shelter of the evaculated population along evacuation routes and in reception areas, and the return or resettlement of the evacuees, as well as plans and procedures demonstrating a state of readiness for activating, coordinating, controlling and directing the actual operations under the Survival Plan.

(14) *Methods of conducting Project.* The eligible participants shall make an estimate of (i) the extent of anticipated utilization of State and local facilities, materials, and personnel, including the use of services of educational institutions and other local organizations, and the portions of the Project to be accomplished by this method; and (ii) the extent of anticipated utilization of the services of contractors engaged by the eligible participants, and the portions of the Project to be accomplished by such contracting methods; and (iii) the extent of anticipated utilization of the services of contractors that may be furnished the eligible participants by FCDA, and the portions of the Project to be accomplished by such contractors, as well as any services to be furnished by FCDA itself or other departments or agencies of the Federal Government.

(15) *Estimated cost.* The eligible participants will estimate the cost of conducting the entire Project. This will include costs attributable to the utilization of State and local materials, facilities and personnel (including educational institutions and local organizations), the costs of contracts entered into by the eligible participants for the accomplishment of certain portions of the Project as well as an estimate of the cost (to be provided by FCDA) of the services of contractors furnished by FCDA, if any, or services furnished by other departments or agencies of the Federal Government. Certain direct costs of preparation of the Project Proposal are reimbursable and an itemization of such costs should be included (see Chapter 6, of FCDA Survival Plan Manual, M27–1) in the Project Proposal which can be reviewed and approved or disapproved by FCDA. The estimate of cost shall be based upon the prevailing rate of wages and fees in the evacuation area and the current fair market value of materials, equipment, and facilities required.

(b) *Certification.* The State (or States) and the political subdivisions comprising the eligible participants shall certify that they will comply with the regulations in this part, the terms and conditions contained in the Project Proposal, and the standards, methods, and criteria established by FCDA Survival Plan Manual, M27–1.

§ 1705.8 *Approval of Proposals.* (a) If a Project Proposal is found acceptable and approved without change by FCDA, a signed copy thereof evidencing such approval shall be returned to the eligible participants.

(b) If FCDA's approval of a Project Proposal is made subject to revisions or additional conditions, the Project Proposal shall be returned to secure the consent of the State (or States) and the political subdivisions comprising the eligible participants. If the eligible participants agree to such revisions and/or additional conditions, they shall so signify and return the Project Proposal. In the event that the eligible participants cannot agree to such revisions and/or additional conditions, then the State (or States) involved shall request a conference with representatives of FCDA to work out a mutually agreeable solution.

(c) If the Project Proposal is disapproved, it shall be returned to the eligible participants with a statement of the reasons for such disapproval.

§ 1705.9 *Project Agreement.* (a) Upon approval by FCDA of a Project Proposal, the eligible participants and FCDA shall negotiate a Project Agreement which will become effective when executed by the parties thereto, and will constitute the contract between FCDA and the eligible participants. The approved Project Proposal shall form the basis for negotiation of the Project Agreement. The Agreement shall contain provisions establishing the maximum cost of the Project and will specify the schedule of performance for completion of the various portions of the Project. The agreement of the parties relative to engaging contractors to accomplish certain portions of the Project will be included in the Agreement. This will involve not only such contractors as may be engaged by the eligible participants, but also services of contractors to be engaged and furnished by FCDA, if any, in connection with the particular Project. The agreement of the parties relative to those portions, if any, of the Project to be accomplished by services furnished by FCDA or by other departments or agencies of the Federal Government will be included in the Agreement. The Agreement will include, in addition to the foregoing, other provisions applicable to the conduct of the particular Project. The Agreement will incorporate by reference the terms, provisions, and conditions contained in the approved Project Proposal which describes in detail the scope of the Project, as well as the manner and method by which the various portions of the Project will be undertaken. The Project Agreement will require that the Project be conducted in accordance with these Regulations and in conformance with the procedures, standards, and criteria established in FCDA Survival Plan Manual, M27–1.

(b) Due to unforeseen developments or requirements, or a change in circumstances, it may become desirable to amend the Project Agreement. Such amendment may be accomplished only by the mutual agreement of FCDA and the eligible participants, and then only so long as the standards, criteria and procedures established by FCDA Survival Plan Manual, M27–1, are observed.

§ 1705.10 *Supervision of Projects.* Projects provided for under the regulations in this part shall be conducted under the supervision and guidance of FCDA. FCDA shall furnish technical assistance in the initiation of the Project and necessary guidance, supervision and auditing during progress.

§ 1705.11 *Costs and reimbursement*—(a) *Amount.* The reimbursable costs of any Project shall not exceed the actual costs nor the amount stipulated in the Project Agreement.

(b) *Retroactive.* No costs will be approved, of whatsoever nature, which were contracted for, obligated, or incurred prior to the consummation of the Project Agreement, except certain direct costs incurred in the preparation of the Projects Proposal subsequent to August 5, 1955, said cost having been approved by FCDA as a part of the Project Proposal.

(c) *Personnel and other expenses.* Approved costs under a Project shall include salaries, fees, or other compensation paid to staff or technical personnel engaged in work under the Project Agreement, travel of such personnel, consultant services, amounts paid under contracts previously approved and agreed to by FCDA, office materials and supplies, printing and such other expenses necessary or incident to the work as set out in FCDA Survival Plan Manual, M27–1, or such as are of a character acceptable to the FCDA Administrator.

(1) Per diem or consultant employment of specialized and/or expert personnel shall be subject to the prior approval of the FCDA, shall be upon such terms and conditions as prescribed in FCDA Survival Plan Manual, M27–1, and shall not exceed the amounts authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a).

(2) For the purpose of reimbursing eligible participants for travel and related expenses, the limitations of the Standardized Government Travel Regulations will apply.

(d) *Regular employees.* Salaries of regularly employed full-time civil defense personnel of a State and/or political subdivision will not be reimbursed. Salaries of other regularly employed personnel of a State and/or political subdivision will not be reimbursed except when such personnel may be detailed to work on an approved Project on a full-time basis of thirty continuous days' duration, or longer, unless the prior approval of FCDA is secured.

(e) *Reimbursement procedures.* Reimbursement shall be made to eligible participants for approved costs under a Project upon the presentation by the eligible participants of vouchers duly executed in accordance with the applicable provisions of FCDA Survival Plan Manual, M27–1.

§ 1705.12 *Advances.* (a) Upon execution by FCDA of a Project Agreement and upon application by the State (or States) involved, 25 percent of the estimated cost of the Project may be advanced to establish a working fund to be utilized solely in accordance with the regulations in this part, the provisions of the Project Agreement against which the advance was made, and in conformance with FCDA Survival Plan Manual, M27–1. Any advances so made will be accounted for in accordance with the applicable provisions of FCDA Survival Plan Manual, M27–1.

(b) In accepting an advance of Federal funds, the State (or States) must agree to:

(1) Deposit the advanced funds in a separate fund or account, under the sole custody of the Treasurer or comparable fiscal officer of the State (or States) involved.

(2) Withdraw such funds only upon the certification of the Governor or other authorized State official, and then only for the payment of approved costs under the Project Agreement against which the advance was made or for the purpose of making a portion of such advanced funds available to the other eligible participants under the Project to establish working funds, the State being accountable for the expenditure of all advanced funds in accordance with the regulations in this part, the Project Agreement involved, and the applicable provisions of FCDA Survival Plan Manual, M27–1.

(3) Keep such central records and accounts as are in accordance with accepted or prescribed methods of accounting, and in accordance with the receipt and expenditure of Federal funds advanced to it. Representatives of FCDA and the General Accounting Office shall be granted ready access to all records and accounts covering Projects subject to the regulations in this part.

§ 1705.13 *Return of unexpended funds.* The State must, upon completion of a Project, return to the Federal Government, within thirty days, any funds not obligated under the Project.

§ 1705.14 *Interim reports.* Upon request by FCDA, the eligible participants shall furnish FCDA with such interim reports of work accomplished as FCDA may require.

These Regulations shall be effective as of August 5, 1955.

[SEAL] VAL PETERSON,
Administrator,
Federal Civil Defense Administration.

[F. R. Doc. 55–7965; Filed, Oct. 3, 1955; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order—III–1 (Formerly DMO–11), Supp. 1]

DMO III–1, SUPP. 1—POLICY FOR THE ESTABLISHMENT OF EXPANSION GOALS FOR TAX AMORTIZATION

By virtue of the authority vested in me by Executive Order 10480 of August 14, 1953, as amended, the following is hereby ordered in connection with the establishment of expansion goals:

1. Expansion goals are for the purpose of establishing a quantitative limit of expansion which may be covered by certificates of necessity.

2. Expansion goals will be established after review by ODM, where the estimated availability of facilities, equipment or materials is inadequate to meet calculated full mobilization requirements. The goal will be stated quantitatively in terms of the total capacity of supply required, and will be specifically related to the needed increase over a stated base period.

3. Where experience has demonstrated that the tax amortization incentive has not resulted in any appreciable progress in the direction of reaching the goal, the goal will be closed for tax amortization purposes and consideration will be given to the possibility of developing other programs designed to meet essential defense needs.

4. The following criteria will be used in all future considerations for expansion goals:

a. Expansion goals shall be established only to fill those gaps in the mobilization base that must be filled for the successful prosecution of a war in the event of general mobilization. Determination of the gaps shall be made by studies of wartime supply and requirements derived in the following manner:

(1) *Requirements.* (a) Military requirements shall be based on data supplied by the Department of Defense and the Atomic Energy Commission.

(b) War-supporting requirements shall be based on military requirements.

(c) Civilian requirements will be set at the levels necessary to enable the civilian economy to provide adequate support for the mobilization program, including re-establishment of minimum essential services during the first six months following an attack.

(2) *Supply.* The estimated annual supply shall be that amount obtainable from domestic production, imports which can be counted upon in event of war, secondary recovery, and U. S. Government stockpiles on hand.

b. Expansion goals shall be based upon existing or potential shortages which, in the judgment of the delegate agency and ODM, require government incentives for the elimination of such shortages.

c. Expansion goals shall give consideration to substitutes; conservation of critical materials; conversion of existing facilities; and feasibility of extent of increase in capacity.

5. Special materials expansion goals applicable primarily to the pre-mobilization period:

a. Normally an expansion goal will be set in quantitative terms. However, where general programs are now under way, or are contemplated for exploration, development, and mining, research and development, or the development of substitute materials, special expansion goals may be established which properly describe and limit the program involved. Goals covering the above need not necessarily be expressed in quantitative terms.

b. In certain cases, notably those where imported materials normally provide a significant portion of United States requirements, stockpiling may be a preferable method of meeting wartime needs. Consequently, where the minimum stockpile objective is not likely to be completed under current conditions within a period of time consistent with the national security, then the responsible delegate agency shall recommend establishment of an expansion goal of sufficient size to permit completion of the minimum stockpile objective from domestic and/or foreign sources within a reasonable period of time.

6. Appropriate delegate agencies shall be responsible for proposing establishment, modification, or closing of expansion goals. The establishment of goals or any revision or change in status of a goal is the determination of the Director of the Office of Defense Mobilization who will file notice in the FEDERAL REGISTER of each determination as it relates to expansion goals.

7. This supplement shall take effect on September 29, 1955.

OFFICE OF DEFENSE MOBILIZATION,
AUTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-7979; Filed, Oct. 3, 1955; 8:48 a. m.]

[Defense Mobilization Order VII-6, Supp. 3]

DMO VII-6, SUPP. 3—EXPANSION GOALS FOR TAX AMORTIZATION

By virtue of the authority vested in me by Executive Order 10480 of August 14, 1953, as amended, the following is hereby ordered in connection with expansion goals and the issuance of necessity certificates pursuant to Section 168 of the Internal Revenue Code of 1954:

1. *Closed and suspended goals.* The issuance of necessity certificates shall be discontinued immediately in connection with the expansion goals included in List I attached and all other goals previously closed on August 11, 1955, by Supplement 1 to DMO VII-6, except as follows:

a. Any application filed with the government more than 60 calendar days prior to the date of suspension or closing of the applicable goal, whichever is earlier, shall be considered for certification under the terms and conditions of the expansion goal involved.

This means that applications will be eligible for certification on the basis of priority of filing and other factors to the extent of the unfilled portion of the goal at the time of suspension.

b. Any application filed with the government within 60 calendar days prior to the date of suspension or closing of the applicable expansion goal, whichever is earlier, shall be considered for certification only when it is determined by the government that an application covering similar facilities, filed on the same or a later date, was certified.

2. *Closed goals.* Applications for necessity certificates currently pending in closed goal areas shall be denied unless they qualify under the rules stated above. Such applications received hereafter shall be rejected.

3. *Suspended goals.* All expansion goals previously suspended by Supplement 1 to DMO-VII-6, dated August 11, 1955, are hereby transferred to the open or closed list in accordance with List I and List III set forth below with the exception of Goal No. 3, Iron Ore, Taconite.

4. *Open goals.* Necessity certificates shall be issued in accordance with the present or appropriately revised terms of the individual expansion goals in List III attached and in accordance with regulations and policies heretofore or hereafter established by competent authority. In addition, there is added to List III the following new expansion goal:

Goal No.	Title	Delegate agency
226	Oil and Gas Pipelines and Petroleum Storage Facilities (Specific Defense Programs).	Interior.

5. *General provisions.* Applications for tax amortization which do not fall within the scope of an open or suspended goal shall be denied. Future decisions to open, suspend, or close expansion goals shall be accomplished by further supplements to this order. Future decisions to modify expansion goals, upon approval of the Director of the Office of Defense Mobilization, shall be published as notices in the FEDERAL REGISTER.

6. This supplement shall take effect on September 29, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

LIST I—CLOSED

Goal No.	Title	Delegate agency
220	Airport Facilities	Commerce.
112	Antimony	Interior.
92	Banxite	Interior.
10	Cobalt	Interior.
4	Coke, By-Product	Interior.
83	Cryolite, Synthetic	Commerce.
130	Electrolytic Tin Plate	Commerce.
171	Gas Utility Industry, Pipe Lines.	Interior.
214	Grain-Oriented Steel Sheets	Commerce.
204	Gray Iron Castings (3,000 pounds and over).	Commerce.
218	Inland Waterway Terminal Facilities.	ICC.
98	Inland Waterway Vessels (Specific Types).	ICC.
132	Iron Ore	Interior.
152	Locomotives, Diesel	ICC.
96	Lumber and Wood Products (Debarking and Chipping Facilities).	Commerce.
216	Motor Truck Terminal and Repair Facilities).	ICC.
62C	Natural Gas Liquids Capacity	Interior.
3 65D	Oil Pipe Line (Domestic)	Interior.
3 65E	Oil Storage Facilities (Domestic).	Interior.
99	Ore Carriers, Great Lakes	ICC.
113	Ore Carriers, Ocean-Going	Commerce.
219	Port Facilities	ICC.
221	Railroad Passenger Cars	ICC.
135	Railroad Terminal and Road Facilities.	ICC.
114	Special Manufacturing Facilities—Metal Cans.	Commerce.
121	Titanium Metal	Interior.
217	Warehousing and Storage Facilities.	ICC.

LIST III—OPEN

1 148	Aircraft, Commercial	Commerce.
207	Alkylate	Interior.
1 222	Aluminum Forging Facilities	Commerce.
177	Aluminum Sheet Producing and Heat Treating Facilities.	Commerce.
1 20	Chromite, Chemical Grade	Interior
56	Copper	Interior.
1 55	Electric Power	Interior.
1 68	Freight Cars	ICC.
1 82	Glycerin	Commerce.
99	Heavy Aluminum Aircraft Forgings.	Commerce.
212	Heavy Steel Plates	Commerce.
1 122	High Voltage Switchgear	Commerce.
206	Laboratories, Research and Development (Defense).	Commerce.
1 187	Manganese Ore, Battery and Chemical Grade.	Interior.
198	Medical Supplies and Equipment.	Commerce.
64	Mercury	Interior.
16	Nickel	Interior.
1 65	Petroleum-Refining Capacity	Interior.
3 226	Oil and Gas Pipelines and Petroleum Storage Facilities (Specific Defense Programs).	Interior.
225	Power Facilities for Military, Atomic Energy and Defense Related Needs.	Interior.
224	Production Facilities for Military and Atomic Energy Procurement.	Commerce.
1 163	Rutile	Interior.
176	Scientific Instruments	Commerce.
178	Selenium	Interior.
76	Steam Boilers	Commerce.
74	Steam Turbines	Commerce.

[1] Previously suspended on Aug. 11, 1955.
[2] New goal.
[3] Superseded by Goal No. 226.

LIST III—OPEN—Continued

Goal No.	Title	Delegate agency
181	Steel Castings	Commerce.
1 27	Tankers, Ocean-Going	Commerce.
134	Tapered Aluminum Sheet	Commerce.
215	Titanium Melting Facilities	Commerce.
223	Titanium Processing Facilities	Commerce.
1 78	Transformers, Distribution	Commerce.
91	Welded Aluminum Tubing	Commerce.

[F. R. Doc. 55-7980; Filed, Oct. 3, 1955; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 909]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS, TO TRANSPORT FRUIT AND VEGETABLE CONTAINERS AND BOX SHOOKS

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of September A. D. 1955.

It appearing, that fruit and vegetable containers, box shooks and other packing material are now moving in box cars from origins in the States of Washington, Oregon or California, to destinations in the States of California and Washington; and that refrigerator cars are moving empty fom the same points of origin to the same destinations and that the substitution of refrigerator cars for such box cars will release the box cars for other and more essential transportation; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment: It is ordered, that:

§ 95.909 *Substitution of refrigerator cars for box cars, to transport fruit and vegetable containers and box shooks.* (a) (1) Except as provided in subparagraph (2) of this paragraph, common carriers by railroad subject to the Interstate Commerce Act transporting fruit and vegetable containers, box shooks or other packaging or packing materials, in carloads, from origins located in the States of Washington, Oregon or California, to destinations in the State of California and between origin points and destination points wholly within the State of Washington may, at their option, furnish and transport not more than three (3) refrigerator cars of FGEX, WFEX, BREX, PFE, SFRD or NP ownership, in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car.

(2) On shipments on which the carload minimum weight varies with the size of the car,

(i) Two (2) refrigerator cars may be furnished in lieu of one (1) box car ordered of a length of 40'7", or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(ii) Three (3) refrigerator cars may be furnished in lieu of one (1) box car ordered of a length of over 40'7", but not over 50'7", subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(b) *Application.* The provisions of this order shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Effective date.* This section shall become effective at 12:01 a. m., September 30, 1955.

(d) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1955, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(f) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, that this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-8012; Filed, Oct. 3, 1955; 8:54 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter E—Alaska Wildlife Protection

PART 46—TAKING ANIMALS, BIRDS, AND GAME FISHES

MISCELLANEOUS AMENDMENTS

Basis and purpose. On May 24, 1955, amendments to Part 46, Title 50, Code of Federal Regulations, were adopted to prescribe hunting, trapping, and fishing seasons and limits on game and fur animals, birds, and game fishes in Alaska for the season beginning July 1, 1955. These amendments were adopted pursuant to authority contained in section 9 of the Alaska Game Law of January 13, 1925, as amended (43 Stat. 743; 48 U. S. C. 198), and were published in the FEDERAL REGISTER on June 4, 1955 (20 F. R. 3895).

It has since been determined that additional amendments to these regulations are desirable to provide a definition of antlerless deer and to correct a typographical error which occurred when prescribing the closing date of the season for brown and grizzly bear in Southeastern Alaska. In the interest of indicating clearly the areas open to sport fishing, to clarify the scope of the special conditions applicable to the taking of game fishes within certain open areas, and to remove any possible doubts concerning the open season dates within such areas, it is also deemed advisable to revise and restate the schedule forming a part of § 46.156. Accordingly, the regulations under the Alaska Game Law are amended as follows:

1. A new § 46.23 is added under the center headnote "Definitions" reading as follows:

§ 46.23 *Antlerless deer.* Deer of either sex without antlers or having antlers not more than three inches in length (but not including fawns).

2. The schedule constituting a part of § 46.102 *Seasons, limits, and other provisions,* as the same appears in 20 F. R. 3896-3897, is amended in that part of the text following the subheading *"Brown and grizzly bear,"*[1] column heading "Areas open to hunting", by deleting the dates "Sept. 1-June 30" appearing in the column headed "Seasons" opposite the words "East of 141° W. longitude, Southeastern Alaska (except in the Thayer Mountain and Pack Creek areas as described in § 46.186)" and by substituting the dates "Sept. 1-June 20". As so amended, so much of the said schedule as relates to the hunting of brown and grizzly bear in Southeastern Alaska will read as follows:

Areas open to hunting [1]	Seasons	Limits
• • •	• • •	• • •
Brown and grizzly bear [1]		
East of 141° W. longitude, Southeastern Alaska (except in the Thayer Mountain and Pack Creek areas as described in § 46.186).	Sept. 1-June 20	2 a year.
• • •	• • •	• • •

3. The schedule constituting a part of § 46.156 *Seasons, limits, and other provisions,* as the same appears in 20 F. R. 6898 is revised and amended to read as follows:

Areas open to fishing	Seasons	Limits
Southeastern Alaska and coastal parts		
Southeastern Alaska (except in Lower Dewey Lake near Skagway) and westward south of the Coast Range to and including the drainage into Prince William Sound and on the Kodiak-Afognak Island group.	No closed season	15 fish but not to exceed 15 pounds and 1 fish daily. Possession limit: 2 daily bag limits.
Lower Dewey Lake near Skagway	July 1-Mar. 15	
Central and Interior Alaska		
The drainage into Cook Inlet: *Provided,* That fishing in Echo, Falk and Hidden Lakes is permitted only for persons under 16 years of age.	July 1-Mar. 31 and May 28-June 30.	10 fish daily or in possession: *Provided,* That such limit may not contain more than 2 fish over 18" in length, and that no fish under 12" in length may be taken in the Chatnika or the Big Delta Clearwater Rivers.
The Copper River Watershed: *Provided,* That fly fishing only is permitted in the outlet of Summit Lake (near Paxson) and for one mile downstream.		
The Naknek River in the Bristol Bay area and the waters of Naknek Lake within ½ mile of its outlet into Naknek River.		
The Tanana River Watershed (except in Fielding Lake and its inlets): *Provided,* That fishing in the stocked gravel pits along the Richardson Highway is permitted only for persons under 16 years of age: *Provided further,* That fly fishing only is permitted in the Salcha and Little Salcha Rivers.		
Fielding Lake and its inlets (within the Tanana River drainage).	July 1-Mar. 31 and June 10-June 30.	
The remainder of Alaska for which a season is not prescribed above.	No closed season	

(Sec. 9, 43 Stat. 743, as amended; 48 U. S. C. 198)

Since amendments numbered 1 and 3 constitute clarifying restatements of existing regulations and impose no additional restrictions on the taking of game and fur animals, birds, and game fishes in Alaska, notice and public procedure are unnecessary and the said amendments shall become effective immediately. Amendment numbered 2, which corrects a typographical error and prescribes a 10-day earlier closure of the brown and grizzly bear season in Southeastern Alaska, shall become effective 30 days after publication of this document in the FEDERAL REGISTER (5 U. S. C. 1003 (c)).

Issued at Washington, D. C., and dated September 27, 1955.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 55-7962; Filed, Oct. 3, 1955; 8:45 a. m.]

Subchapter F—Alaska Commercial Fisheries

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

OPEN SEASON

Basis and purpose. On the basis of a good abundance of chum salmon of excellent quality in the Haines gill net

area, it has been determined that additional fishing time is warranted there.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 118.4 is amended in text by changing "September 30" to "October 7."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

ARNIE J. SUOMELA,
Acting Director.

SEPTEMBER 30, 1955.

[F. R. Doc. 55-8047; Filed, Sept. 30, 1955; 4:13 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 22]

DRAWBACK; FOREIGN-TRADE ZONES

NOTICE OF PROPOSED RULEMAKING

In view of the fourth proviso to section 3 of the Act of June 18, 1934, as amended by section 1 of the Act of June 17, 1950 (19 U. S. C. 81c), relating to foreign-trade zones, whereby articles which have been taken into a zone from customs territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors), or storage, shall be considered to be exported for the purpose of the drawback provisions of the Tariff Act of 1930, as amended, and the regulations thereunder, notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that it is proposed to issue under the authority cited therefor the regulations set forth in tentative form below.

Part 22 of the Customs Regulations is amended as follows:

Sections 22.36, 22.37, 22.38, 22.39, and 22.40 are redesignated §§ 22.41, 22.42, 22.43, 22.44 and 22.45, respectively.

Footnote 16, appended to the centerhead "General Regulations Applicable to all Drawback Claims" above redesignated § 22.41, is redesignated footnote 17.

After § 22.35 a new centerhead and new §§ 22.36–22.40 are inserted reading as follows:

MERCHANDISE TRANSFERRED TO A FOREIGN-TRADE ZONE FROM CUSTOMS TERRITORY

§ 22.36 *Drawback allowance.* (a) Drawback of duties and taxes shall be allowed on merchandise transferred to a foreign-trade zone from customs territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors), or storage under the fourth proviso to section 3 of the act of June 19, 1934, as amended (19 U. S. C. 81c),[18] subject to compliance with §§ 22.37 to 22.40, inclusive.

(b) Such merchandise shall be given status as zone-restricted merchandise on proper application as prescribed in § 30.10 of this chapter.

(Sec. 3, 48 Stat. 999, as amended; 19 U. S. C. 81c)

§ 22.37 *Articles manufactured or produced in the United States.* (a) The procedure prescribed in this part as to the filing of an application for a rate of drawback and other required documents shall be followed, so far as applicable, in filing claims for drawback under the fourth proviso to section 3 of the act of June 18, 1934, as amended (19 U. S. C. 81c), on articles manufactured or produced in the United States with the use of imported or substituted merchandise, and on flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured or produced with the use of domestic tax-paid alcohol, except that notices of transfer on customs Form 7513 shall be filed in lieu of notices of exportation on customs Form 7511.

(b) Notices of transfer on customs Form 7513 shall be filed in triplicate with the collector of customs of the district in which the foreign-trade zone is located. Each notice shall show the number and location of the foreign-trade zone to which the articles are to be transferred, the number and kind of packages and their marks and numbers, the description of the articles and their weight (gross and net), gauge, measure, or number, the name of the transferor, and the name of the port where the drawback entry is to be filed.

(c) The notice of transfer shall be filed with the collector prior to the transfer of the articles to the zone, or within 3 years after receipt of the articles in the zone and, if filed after the transfer, shall state the foreign-trade zone lot number.

(d) The collector shall assign a number to each notice of transfer. After numbering, one copy of the notice shall be returned to the transferor for subsequent filing with the drawback entry. After the articles have been received in the zone, the customs officer at the zone shall certify on the copy of the notice of transfer received from the collector as to the receipt of the articles in the zone and forward the notice to the transferor, or the person designated by the transferor, for subsequent filing with the drawback entry. Prior to filing such certified copy with the drawback entry, the transferor shall obtain thereon the foreign-trade zone operator's certification as to the receipt of the articles in the zone.

(e) Drawback entries shall be filed on customs Forms 7573, 7575–A, 7575–B, 7579, or 7583, as applicable, modified to indicate that the merchandise was transferred to a foreign trade zone and the "Declaration of Exportation" shall be amended to read as follows:

DECLARATION OF TRANSFER TO A FOREIGN-TRADE ZONE

I, _____
(Member of firm, officer representing corporation, agent, or attorney)

of _____,
declare that, to the best of my knowledge and belief, the particulars of transfer stated in this entry, the notices of transfer, and receipts are correct, and such merchandise was transferred to a foreign-trade zone for the sole purpose of exportation, destruction, or storage, and is not to be returned to customs territory of the United States for domestic consumption.

_____
(Transferor or agent)

Date _____

(Sec. 3, 48 Stat. 999, as amended, 19 U. S. C. 81c)

§ 22.38 *Merchandise transferred to a foreign-trade zone from continuous customs custody.* (a) The procedure prescribed in §§ 22.27 to 22.30, inclusive, shall be followed, so far as applicable, in filing claims for drawback on merchandise transferred to a foreign-trade zone from continuous customs custody. Prior to the transfer of such merchandise, the importer or a person designated in writing by the importer for the purpose shall file with the collector an entry in triplicate on customs Form 7541. After the merchandise has been received in the zone, the customs officer at the zone shall certify on the copy of Form 7541 received from the collector as to the receipt of the merchandise in the zone and forward it to the transferor to obtain thereon the foreign-trade zone operator's certification as to the receipt of the articles in the zone, in lieu of the bill of lading required by § 22.39 (d), and resubmit the copy to the collector.

(b) Customs Form 7541 shall be modified to indicate that the merchandise is to be transferred to a foreign-trade zone and shall bear an endorsement in the following form, to be placed thereon by the transferor, for execution by the foreign-trade zone operator:

RECEIPT OF FOREIGN-TRADE ZONE OPERATOR

The merchandise described in this entry was received from _____ on _____, 19____, in Foreign-Trade Zone No. _____, _____
(City and State)

Exceptions: _____

By _____
(Name of operator)

By _____
(Name and title)

The "Exporter's Declaration" on Form 7541 shall be amended to read as follows:

TRANSFEROR'S DECLARATION

I, _____, one of the firm of _____, declare that the merchandise described in this entry was duly entered at the customhouse on arrival at this port; that the duties thereon have been paid as specified in this entry; and that it is to be transferred to Foreign-Trade Zone No. _____, located at _____, for the
(City and State)
sole purpose of exportation, destruction, or storage, and is not to be returned to customs territory of the United States for domestic consumption. I further declare that, to the best of my knowledge and belief, this merchandise is the same in quantity, quality, value, and package, unavoidable wastage and damage excepted, as it was at the time of importation; that no allowance nor reduction of duties has been made for damage or other cause except as specified in this entry; and that no part of the duties paid has been refunded by way of drawback or otherwise.

_____
(Transferor)

Date _____

(Sec. 3, 48 Stat. 999, as amended; 19 U. S. C. 81c)

§ 22.39 *Merchandise not conforming to sample or specification or shipped without the consent of the consignee.* (a) The procedure prescribed in §§ 22.31 to 22.35, inclusive, shall be followed, so far as applicable. The importer or a person designated in writing by the importer for the purpose shall file with the collector, prior to the transfer of any merchandise to a foreign-trade zone, an entry in duplicate on customs Form 7539. The procedure shall be the same, so far as applicable, as that governing the transfer of merchandise to a foreign-trade zone from continuous customs custody (§ 22.38).

(b) Customs Form 7539 shall be modified to indicate that the merchandise is to be transferred to a foreign-trade zone and shall bear an endorsement, for execution by the foreign-trade zone operator, of a receipt as provided for in § 22.38 (b). The "Exporter's Declaration" on Form 7539 shall be amended to read as follows:

TRANSFEROR'S DECLARATION

I, _____, one of the firm of _____, declare that the merchandise described in the within entry was duly entered at the customhouse on arrival at this port; that the duties thereon have been paid as specified in this entry; and that it is to be transferred to Foreign-Trade Zone No. ____, located at _____
(City and State)
_____, for the sole purpose of exportation, destruction, or storage, and is not to be returned to customs territory of the United States for domestic consumption. I further declare that, to the best of my knowledge and belief, the said merchandise is the same in quantity, quality, value, and package as specified in this entry; that no allowance nor reduction in duties has been made; and that no part of the duties paid has been refunded by way of drawback or otherwise.

Date _____

_____
(Transferor)

(Sec. 3, 48 Stat. 999, as amended; 19 U. S. C. 81c)

§ 22.40 *To whom payable.* The person named in the foreign-trade zone operator's receipt on the notice of transfer or the drawback entry, as the case may be, shall be held to be the transferor. The drawback shall be paid to the transferor or to the person to whom the transferor shall direct in writing that such drawback be paid. (Sec. 3, 48 Stat. 999, as amended; 19 U. S. C. 81c)

(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U. S. C. 1313, 1624)

Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Customs, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 26, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-7998; Filed, Oct. 3, 1955; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF DRIED FIGS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Dried Figs (§§ 52.1021–52.1035) under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.). This revision, if made effective, will be the third issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

The proposed revision is as follows:

PRODUCT DESCRIPTION, COLOR TYPES, STYLES, SIZES, GRADES

Sec.
52.1021 Product description.
52.1022 Color types of dried figs.
52.1023 Styles and types of packs of dried figs.
52.1024 Sizes of Style I (a), Whole, Loose, Dried figs.
52.1025 Grades of dried figs.

MOISTURE ALLOWANCES

52.1026 Moisture allowances for grades of dried figs.

DEFECT ALLOWANCES

52.1027 Allowances for defects in dried figs.

DEFINITIONS AND EXPLANATIONS OF TERMS

52.1028 Stages of maturity.
52.1029 Degrees of uniformity of size.
52.1030 Degrees of uniformity of color.
52.1031 Definitions of defects.
52.1032 Degrees of flavor and odor.

WORK SHEET

52.1033 Work sheet for grades of dried figs.

AUTHORITY: §§ 52.1021 to 52.1033 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, COLOR TYPES, STYLES, SIZES, GRADES

§ 52.1021 *Product description.* Dried figs are the fruit of the fig tree (Ficus carica) from which the greater portion of moisture has been removed. The dried figs are prepared from clean and sound fruit and are sorted and thoroughly cleaned to assure a clean, sound, wholesome product. The figs may or may not be sulphured or otherwise bleached.

§ 52.1022 *Color types of dried figs*—(a) *"White."* "White figs" (or "white type" figs) are white to dark brown in color and include such varieties as Adriatic, Calimyrna, and Kadota.

(b) *"Black."* "Black figs" (or "black type" figs) are black or dark purple in color as in the Mission varieties.

§ 52.1023 *Styles and types of packs of dried figs*—(a) *Style I, Whole.* "Style I, Whole" (or "whole figs") means dried figs in any of the following types of packs:

(1) "Whole, loose, figs", referred to as Style I (a), are whole dried figs, not materially changed from their original dried form, that are packed without special arrangement in a container.

(2) "Whole, pulled, figs", referred to as Style I (b), are whole dried figs which are changed from their original dried form by purposely flattening and shaping and are placed in a definite arrangement in a container. The dried figs may or may not be split slightly across the eye but are not split to the extent that the seed cavity is materially exposed.

(3) "Whole, layered, figs", referred to as Style I (c), are whole dried figs which are changed from their original dried form by purposely flattening and shaping and are placed in a staggered-layer arrangement in a container. The figs are split across the base to the extent that the seed cavity may be materially exposed.

(b) *Style II, Sliced.* "Style II, Sliced" (or "sliced figs") means dried whole figs

[18] "* * * *Provided further*, That under the rules and regulations of the controlling Federal agencies, articles which have been taken into a zone from customs territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors), or storage shall be considered to be exported for the purpose of—

(a) The draw-back, warehousing, and bonding, or any other provisions of the Tariff Act of 1930, as amended, and the regulations thereunder; and

(b) The statutes and bonds exacted for the payment of draw-back, refund, or exemption from liability for internal-revenue taxes and for the purposes of the internal-revenue laws generally and the regulations thereunder.

"Such a transfer may also be considered an exportation for the purposes of other Federal laws insofar as Federal agencies charged with the enforcement of those laws deem it advisable. Such articles may not be returned to customs territory for domestic consumption except where the Foreign-Trade Zones Board deems such return to be in the public interest, in which event the articles shall be subject to the provisions of paragraph 1615 (f) of section 1201 of this title: * * *" (19 U. S. C. 81c.)

that have been cut into slices not less than ¼ inch in thickness and such slices are not recut showing more than two cut surfaces.

§ 52.1024 *Sizes of Style I (a), whole, loose, dried figs*—(a) *Sizes.* The sizes of Style I (a), whole, loose, dried figs for the respective varieties are as follows:

Adriatic or Kadota

No. 1 size (jumbo size)—1 5/16 inches or larger in width.
No. 2 size (extra fancy size)—1 5/16 inches to, but not including, 1 9/16 inches in width.
No. 3 size (fancy size)—1 3/16 inches to, but not including, 1 5/16 inches in width.
No. 4 size (extra choice size)—1 1/16 inches to, but not including, 1 3/16 inches in width.
No. 5 size (choice size)—15/16 inch to, but not including, 1 1/16 inches in width.
No. 6 size (standard size)—Less than 15/16 inch in width.

Calimyrna

No. 1 size (jumbo size)—1 9/16 or larger in width.
No. 2 size (extra fancy size)—1 5/16 inches to, but not including, 1 9/16 inches in width.
No. 3 size (fancy size)—1 3/16 inches to, but not including, 1 5/16 inches in width.
No. 4 size (extra choice size)—1 1/16 inches to, but not including, 1 3/16 inches in width.
No. 5 size (choice size)—15/16 inch to, but not including, 1 1/16 inches in width.
No. 6 size (standard size)—Less than 15/16 inch in width.

Black Mission

No. 1 size (jumbo size)—1 3/16 inches or larger in width.
No. 2 size (extra fancy size)—1 3/16 inches to, but not including, 1 5/16 inches in width.
No. 3 size (fancy size)—1 1/16 inches to, but not including, 1 3/16 inches in width.
No. 4 size (extra choice size)—15/16 inch to, but not including, 1 1/16 inches in width.
No. 5 size (choice size)—13/16 inch to, but not including, 15/16 inch in width.
No. 6 size (standard size)—Less than 13/16 inch in width.

(b) *Ascertaining compliance for a single size.* In ascertaining compliance with the size requirements of this section, Style I (a), whole, loose, dried figs will be considered as a single size if not less than 80 percent by count of the figs are of one predominant size and not more than 14 percent by count of the figs are of a size or sizes smaller than that predominating size and not more than 6 percent by count of the figs are of a size or sizes larger than that predominating size. "Uniformity of size", as such, is not a grade requirement for Style I (a), whole, loose, dried figs.

§ 52.1025 *Grades of dried figs.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of whole or sliced dried figs in which Style I, whole figs, are of one variety and in which Style II, sliced figs, are of one variety or similar varieties; that are well-matured with not more than 5 percent, by count, of reasonably well-matured dried figs; that are practically uniform in size, except for Style I (a), whole, loose, figs and Style II, sliced figs; that possess a practically uniform typical color; that possess a good flavor; that are free from foreign material; and that do not exceed the maximum allowances and limitations as specified in Table I (Moisture) and Table IIA (Defects in White Figs) and Table IIB (Defects in Black Figs).

(b) "U. S. Grade B" or "U. S. Choice" is the quality of whole or sliced dried figs in which Style I, whole figs, are of one variety and in which Style II, sliced figs, are of one variety or similar varieties; that are reasonably well-matured with not more than 10 percent, by count, of fairly well-matured dried figs; that are reasonably uniform in size, except for Style I (a), whole, loose, figs and Style II, sliced figs; that possess a reasonably uniform typical color; that possess a reasonably good flavor; that are free from foreign material; and that do not exceed the maximum allowances and limitations as specified in Table I (Moisture) and Table IIIA (Defects in White Figs) and Table IIIB (Defects in Black Figs).

(c) "U. S. Grade C" or "U. S. Standard" is the quality of whole or sliced dried figs that are of one variety or of similar varieties; that are fairly well-matured with not more than 10 percent by count of figs that fail to meet the requirements for fairly well-matured dried figs; that are fairly uniform in size, except for Style I (a), whole, loose, figs and Style II, sliced figs; that possess a fairly uniform typical color; that possess a typical and normal flavor; that are free from foreign material; and that do not exceed the maximum allowances and limitations as specified in Table I (Moisture) and Table IVA (Defects in White Figs) and Table IVB (Defects in Black Figs).

(d) "Substandard" is the quality of dried figs that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

MOISTURE ALLOWANCES

§ 52.1026 *Moisture allowances for grades of dried figs*—(a) *Moisture limits.* Dried figs shall not exceed the moisture limits for the grades, color types, styles, and groups designated in Table I of this section. Group I includes figs in containers which do not completely enclose and seal the figs; such containers include, but are not limited to, wood boxes or fiber boxes. Group II includes figs packaged in completely sealed packages; such containers include, but are not limited to, cellophane, pliofilm, metal-foil wrapped bags or cartons, and hermetically sealed glass or metal containers.

TABLE I—MOISTURE ALLOWANCES FOR DRIED FIGS

Grades	Color types	Styles	Maximum moisture limits (by weight)	
			Group I	Group II
			Percent	*Percent*
U. S. Grade A or U. S. Fancy and U. S. Grade B or U. S. Choice and U. S. Grade C or U. S. Standard.	White	Whole	24	30
	White	Sliced	23	
	Black	Whole	23	30
	Black	Sliced	23	
	Black and White (mixed)	Whole	23	30
	Black and White (mixed)	Sliced	23	

(b) *Ascertaining compliance with moisture limits.* In ascertaining compliance with the moisture limits in Table I of this section, some of the samples which represent a specific lot of dried figs may possess no more than 1 percent additional moisture, if the average moisture for all samples representing the lot is within the limits stated in Table I of this section.

DEFECT ALLOWANCES

§ 52.1027 *Allowances for defects in dried figs.* The following tables in this section summarize the total maximum allowances and maximum limitations within the total allowances for the respective grades and styles as follows:

(a) U. S. Grade A or U. S. Fancy; Styles I and II:

Table II A—White figs.
Table II B—Black figs.

(b) U. S. Grade B or U. S. Choice; Styles I and II:

Table III A—White figs.
Table IIIB—Black figs.

(c) U. S. Grade C or U. S. Standard; Styles I and II:

Table IV A—White figs.
Table IV B—Black figs.

TABLE II A—ALLOWANCES FOR DEFECTS IN WHITE FIGS

(Style I, Whole; Style II, Sliced, except as indicated otherwise)

Grade	Total allowance [1]—Not more than a total of 5 percent [2]	Limited allowance—Not more than 3/5 of the total or 3 percent [2]
U. S. Grade A or U. S. Fancy.	Damaged by: scars or disease, sunburn, mechanical injury,[3] visible sugaring, other similar defects. Seriously damaged by: scars or disease, sunburn, mechanical injury,[3] other similar defects.	Seriously damaged by: scars or disease, sunburn, mechanical injury,[3] other similar defects.

[1] Total maximum allowances: *Provided*, that the appearance or edibility of the product is not more than slightly affected by such defects or by the presence of otherwise defective units.
[2] Percentages are by count.
[3] Not applicable to Style II, Sliced figs.

TABLE II B—ALLOWANCES FOR DEFECTS IN BLACK FIGS

(Style I, Whole; Style II, Sliced, except as indicated otherwise)

Grade	Total allowance [1]—Not more than a total of 10 percent [2]	Limited allowance—Not more than ½ of the total or 5 percent [2]
U. S. Grade A or U. S. Fancy.	Damaged by: scars or disease, sunburn, mechanical injury,[3] visible sugaring, other similar defects. Seriously damaged by: scars or disease, sunburn, mechanical injury,[3] other similar defects.	Seriously damaged by: scars or disease, sunburn, mechanical injury,[3] other similar defects.

[1] Total maximum allowances: *Provided*, that the appearance or edibility of the product is not more than slightly affected by such defects or by the presence of otherwise defective units.
[2] Percentages are by count.
[3] Not applicable to Style II, Sliced figs.

TABLE III A—ALLOWANCES FOR DEFECTS IN WHITE FIGS

(Style I, Whole; Style II, Sliced except as indicated otherwise)

Grade	Total allowance [1]—Not more than a total of 10 percent [2]	Limited allowance—Not more than ½ of the total or 5 percent
U. S. Grade B or U. S. Choice.	Damaged by: scars or disease, sunburn, mechanical injury,[3] visible sugaring, other similar defects. Seriously damaged by: scars or disease, sunburn, mechanical injury,[3] other similar defects.	Seriously damaged by: scars or disease, sunburn, mechanical injury,[3] other similar defects.

TABLE III B—ALLOWANCES FOR DEFECTS IN BLACK FIGS

(Style I, Whole; Style II, Sliced except as indicated otherwise)

Grade	Total allowance [1]—Not more than a total of 15 percent [2]	Limited allowance—Not more than 7/15 of the total or 7 percent [2]
U. S. Grade B or U. S. Choice.	Damaged by: scars or disease, sunburn, mechanical injury,[3] visible sugaring, other similar defects. Seriously damaged by: scars or disease, sunburn, mechanical injury,[3] other similar defects.	Seriously damaged by: scars or disease, sunburn, mechanical injury,[3] other similar defects.

[1] Total maximum allowances: *Provided*, That the appearance or edibility of the product is not materially affected by such defects or by the presence of otherwise defective units.
[2] Percentages are by count.
[3] Not applicable to Style II, Sliced figs.

TABLE IV A—ALLOWANCES FOR DEFECTS IN WHITE FIGS

(Style I, Whole; Style II, Sliced except as indicated otherwise)

Grade	Total allowance [1]—Not more than a total of 15 percent [2]	Limited allowance—Not more than 7/15 of the total or 7 percent [2]
U. S. Grade C or U. S. Standard.	Damaged by: scars or disease; sunburn; mechanical injury;[3] visible sugaring; other similar defects. Seriously damaged by: scars or disease; sunburn; mechanical injury,[3] other similar defects.	Seriously damaged by: scars or disease; sunburn, mechanical injury,[3] other similar defects.

TABLE IV B—ALLOWANCES FOR DEFECTS IN BLACK FIGS

(Style I, Whole, Style II, Sliced except as indicated otherwise)

Grade	Total allowance [1]—Not more than a total of 20 percent [2]	Limited allowance—Not more than 3/5 of the total or 8 percent [2]
U. S. Grade C or U. S. Standard.	Damaged by: scars or disease, sunburn, mechanical injury,[3] visible sugaring, other similar defects. Seriously damaged by: scars or disease, sunburn, mechanical injury,[3] other similar defects.	Seriously damaged by: scars or disease, sunburn, mechanical injury,[3] other similar defects.

[1] Total maximum allowances: *Provided*, That the appearance or edibility of the product is not seriously affected by such defects or by the presence of otherwise defective units.
[2] Percentages are by count.
[3] Not applicable to Style II, Sliced figs.

DEFINITIONS AND EXPLANATIONS OF TERMS

§ 52.1028 *Stages of maturity*—(a) *Well matured.* A "well-matured" dried fig means a dried fig which is well developed and in which the interior shows very good sugary tissue development that is sirupy and gumlike in consistency and texture.

(b) *Reasonably well matured.* A "reasonably well-matured" dried fig means a dried fig which is reasonably well developed and in which (1) the interior shows good sugary tissue development that is gummy but slightly fibrous in consistency and texture or (2) one-third or less of the interior of the fig may be entirely lacking in sugary tissue, if the remainder of the interior of the fig is sirupy and gumlike in consistency and texture.

(c) *Fairly well matured.* A "fairly well-matured" dried fig means a dried fig which is fairly well developed and in which (1) the sugary tissue in the interior of the fig is gummy and fibrous in consistency and texture, or (2) one-third or less of the interior of the fig may be entirely lacking in sugary tissue, if the remainder of the interior of the fig is gummy but slightly fibrous in consistency and texture, or (3) more than one-third, but less than one-half, of the interior of the fig may be entirely lacking in sugary tissue, if the remainder of the interior of the fig is sirupy and gumlike in consistency and texture.

§ 52.1029 *Degrees of uniformity of size.* Uniformity of size applies to Style I (b), whole, pulled, figs and Style I (c), whole, layered, figs, where the original shape has been materially changed.

(a) *Practically uniform in size.* "Practically uniform in size" means that not more than a total of 10 percent, by count, of dried figs may be conspicuously larger or smaller than the approximate average size of the dried figs in the container.

(b) *Reasonably uniform in size.* "Reasonably uniform in size" means that not more than a total of 15 percent, by count, of dried figs may be conspicuously larger or smaller than the approximate size of the dried figs in the container.

(c) *Fairly uniform in size.* "Fairly uniform in size" means that not more than a total of 20 percent, by count, of dried figs may be conspicuously larger or smaller than the approximate average size of the dried figs in the container.

§ 52.1030 *Degrees of uniformity of color*—(a) *White figs*—(1) *Practically uniform typical color.* "Practically uniform typical color" means, with respect to white varieties of dried figs that are light in color, that there may be not more than 5 percent, by count, of dried figs that are markedly dark figs; and, with respect to white varieties that are dark in color, that there may be not more than 5 percent, by count, of dried figs that are markedly light-colored figs.

(2) *Reasonably uniform typical color.* "Reasonably uniform typical color" means, with respect to white varieties of dried figs that are light in color, that there may be not more than 10 percent, by count, of dried figs that are markedly dark figs; and, with respect to white varieties that are dark in color, that there may be not more than 10 percent, by count, of dried figs that are markedly light-colored figs.

(3) *Fairly uniform typical color.* "Fairly uniform typical color" means, with respect to white varieties of dried figs that are light in color or are very light green in color, that there may be not more than 20 percent, by count, of dried figs that are markedly dark figs; and, with respect to white varieties that are dark in color, that there may be not more than 20 percent, by count, of dried figs that are markedly light-colored figs.

(b) *Black figs*—(1) *Practically uniform typical color.* "Practically uniform typical color" means, with respect to

Black varieties of dried figs, that the color is practically uniform and a typical natural black or dark reddish-brown color of dried figs and that not more than 10 percent, by count, of the dried figs may be, singly or in combination:

(i) Affected by very light-colored scars which are not calloused and which, singly or in the aggregate on a whole dried fig, are more than one-eighth but less than one-half of the exterior surface of the dried fig; or

(ii) Seriously damaged by scars or disease (as defined in § 52.1031 (b)) which affect the color of the dried fig.

(2) *Reasonably uniform typical color.* "Reasonably uniform typical color" means, with respect to Black varieties of dried figs, that the color is reasonably uniform and a typical natural black or dark reddish-brown color of dried figs and that not more than 20 percent, by count, of the dried figs may be, singly or in combination:

(i) Affected by very light-colored scars which are not calloused and which, singly or in the aggregate on a whole dried fig, are more than one-fourth but less than one-half of the exterior surface of the dried fig; or

(ii) Seriously damaged by scars or diseased (as defined in § 52.1031 (b)) which affect the color of the dried fig.

(3) *Fairly uniform typical color.* "Fairly uniform typical color" means, with respect to Black varieties of dried figs, that the color is fairly uniform and a typical natural black or dark reddish-brown color of dried figs and that not more than 30 percent, by count, of the dried figs may be, singly or in combination:

(i) Affected by very light-colored scars which are not calloused and which, singly or in the aggregate on a whole dried fig, are more than one-fourth but less than one-half of the exterior surface of the dried fig; or

(ii) Seriously damaged by scars or diseased (as defined in § 52.1031 (b)) which affect the color of the dried fig.

§ 52.1031 *Definitions of defects.*—(a) *Damaged by scars or disease.* "Damaged by scars or disease" means that the area of tough or calloused scars, singly or in the aggregate on a dried fig or portion of a dried fig, is equal to, or exceeds, the area of a circle ⅜ inch in diameter but is less than the area of a circle ½ inch in diameter.

(b) *Seriously damaged by scars or disease.* "Seriously damaged by scars or disease" means that the area of tough or calloused scars, singly or in the aggregate on a dried fig or portion of a dried fig, is equal to, or exceeds, the area of a circle ½ inch in diameter. Figs which possess very light-colored scars that are not calloused are considered as "seriously damaged by scars" if such scars, singly or in the aggregate on a whole dried fig, are equal to one-half or more of the exterior surface of the dried fig.

(c) *Damaged by sunburn.* "Damaged by sunburn" means any substantial damage from excessive heat to the skin evidenced by dry and tough surface areas.

(d) *Seriously damaged by sunburn.* "Seriously damaged by sunburn" means any substantial damage from excessive heat to the skin evidenced by dry and tough surface areas and which damage is accompanied by a lack of sugary tissue affecting one-third or more of the interior of a dried fig.

(e) *Damaged by mechanical injury.* "Damaged by mechanical injury" in Styles I (a), (b), and (c)—whole loose, whole pulled, and whole layered—dried figs means skin breaks that more than slightly affect the appearance of the product.

(f) *Seriously damaged by mechanical injury.* "Seriously damaged by mechanical injury" means injury to the styles of whole dried figs as follows: (1) In Style I (a), Whole, loose, figs and Style I (b), Whole, pulled, figs, the seed tissue is mashed out beyond the outer wall or there are excessive skin breaks which affect materially the appearance of the dried figs for the applicable style; (2) in Style I (c), Whole, layered, figs, there are excessive skin breaks (other than the normal splitting for the style) to the extent that a dried fig cannot be identified as a whole, layered, fig.

(g) *Damaged by visible sugaring.* "Damaged by visible sugaring" means white sugar crystals which form on the exterior surface of a dried fig or portion of a dried fig so as to damage materially the appearance. Units showing a few lightly sugared spots are not considered as "Damaged by visible sugaring" unless singly or in combination with other defective units they affect the appearance or edibility, or both, for the respective grade.

(h) *Damaged by other similar defects.* "Damaged by other similar defects" includes any exposed (external or cut surface) injury or defect not specifically mentioned (such as abnormally discolored areas other than from scars, disease, or sunburn) which more than slightly affects the appearance, edibility, or keeping quality of the dried figs, except that stems which attach the fig to the twig of the tree are not considered as "damage by other similar defects."

(i) *Seriously damaged by other similar defects.* "Seriously damaged by other similar defects" includes any exposed (external or cut surface) injury or defect not specifically mentioned (such as abnormally discolored areas other than from scars, disease, or sunburn) which affects materially the appearance, edibility, or keeping quality of the dried figs, except that stems which attach the fig to the twig of the tree are not considered as "seriously damaged by other similar defects."

§ 52.1032 *Degree of flavor and odor.*—(a) *Good flavor.* "Good flavor" means a clean and distinct dried fig flavor and odor free from any flavors or odors such as are characteristic of scorching or caramelization and free from other slight abnormal flavors or odors.

(b) *Reasonably good flavor.* "Reasonably good flavor" means a clean and distinct dried fig flavor and odor which may possess very slight flavors or odors such as are characteristic of slight scorching or slight caramelization or may possess other very slight abnormal flavors or odors.

(c) *Typical and normal flavor.* "Typical and normal flavor" means a clean and distinct dried fig flavor and odor which may possess slight flavors or odors such as are characteristic of scorching or caramelization but may not possess any flavor in amounts resulting in objectionable or off flavors.

WORK SHEET

§ 52.1033 *Work sheet for grades of dried figs.*

Size and kind of container							
Container mark or identification							
Label or brand							
Net weight							
Color type ( ) White ( ) Black							
Style (type of pack)							
Size or sizes (whole, loose, figs): ___% Size ___; ___% Size ___; ___% Size ___							
Moisture content							%
Varietal characteristics: Similar ___ Mixed ___							
Uniformity of color:							
White: Marked variation from Light ___ Dark ___							%
Black: ___ Uniform; Natural Black ___							
Very light scars (uncalloused, etc.)							%
Uniformity of size: (Whole, pulled, and layered). Conspicuously larger ___; smaller ___							%
Maturity and development:							
(A) Well-matured							%
(B) Reasonably well-matured							%
(C) Fairly well-matured							%
Flavor and odor: (A), (B), (C)							
Count (per sample)							

Defects	White figs			Black figs			
	A	B	C	A	B	C	
Seriously damaged by: scars or disease; sunburn, mechanical injury,[1] other similar defects	3%	5%	7%	5%	7%	8%	%
	Subtotal above defects						%
Damaged by: scars or disease, sunburn, mechanical injury,[1] other similar defects							%
Grand total all defects	5%	10%	15%	10%	15%	20%	%

U. S. Grade (including all factors)

[1] "Damaged or seriously damaged by mechanical injury" is not applicable to any grade of Style II, sliced figs.

Dated: September 28, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-7954; Filed, Oct. 3, 1955; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 1, 18, 24, 43]

ELIMINATION OF ANNUAL INSPECTION OF GENERAL AIRCRAFT

MISCELLANEOUS AMENDMENTS

Notice is hereby given that the Administrator of Civil Aeronautics contemplates the adoption of the following rules, policies, and interpretations to implement the proposed amendments by the Civil Aeronautics Board to Parts 1, 18, 24, and 43 of the Civil Air Regulations. The proposed amendments of the Board are set forth in a notice of proposed rule making published simultaneously herewith which contains a detailed explanation of the proposed provisions.

All interested persons who desire to submit comments and suggestions for consideration in connection with these proposed rules, policies, or interpretations should send them to the Director, Office of Aviation Safety, Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

1. By amending § 1.75–1 to read as follows:

§ 1.75–1 *Duration of experimental certificate (CAA policies which apply to § 1.75).* (a) Experimental certificates will be issued to expire on a specific date, or will indicate a condition under which the certificate will automatically expire. The duration of the experimental certificate may vary from one flight to a limited number of operating hours, or days. In any case, the duration will not exceed one year.

(b) It is the policy of the CAA to do everything possible to encourage legitimate experimentation leading to improvement in aircraft whenever this may be done without endangering the lives of persons or property not involved in the experimentation. Since it is recognized that a certain amount of danger to the operator is inherent in all experimental flying, the certificates issued for experimental aircraft will contain specific operating conditions and limitations designed to protect the lives and property of persons not involved in the experimentation.

2. By adding the following new sections to Part 18:

§ 18.10a–1 *Appropriately rated and certificated repair station (CAA interpretations which apply to § 18.10a (a), (b), and (c)).* An appropriately rated and certificated repair station is a repair station holding either Class Airframe or Limited Airframe ratings appropriate to the make and model of aircraft to be inspected.

§ 18.12–1 *Appropriately rated and certificated repair station (CAA interpretations which apply to § 18.12 (a), (b), and (c)).* An appropriately rated and certificated repair station is a repair station holding either Class Airframe or Limited Airframe ratings appropriate to the make and model of aircraft to be approved, and returned to service after undergoing 100-hour, periodic or progressive inspections.

§ 18.22–3 *Aircraft maintenance records (CAA rules which apply to § 18.22 (a)).*—(a) *Periodic inspections.* (1) The authorized mechanic, repair station, or aircraft manufacturer conducting a periodic inspection of an aircraft will complete the franked Form ACA–2350 entitled, "Aircraft Use and Inspection Report," in accordance with the instructions contained in appendix A,[1] and mail the form to the Aviation Safety District Office as soon as possible but not later than 48 hours following such inspection.

(2) In the event that a mechanic, repair station, or manufacturer conducting an inspection finds that an aircraft is unairworthy or does not conform with the applicable CAA aircraft specifications, airworthiness directives, or other approved data, the inspecting agency shall provide the aircraft owner or lessee with a signed and dated copy of a list of the discrepancies and forward a similar list with the Form ACA–2350 to the Aviation Safety District Office as soon as possible but not later than 48 hours following such inspection.

(b) *Progressive inspections.* (1) A mechanic, repair station, or manufacturer shall complete and mail the Aircraft Use and Inspection Report form to their local Aviation Safety District Office after the completion of the first complete inspection of an aircraft which is required at the commencement of a progressive inspection, as soon as possible but not later than 48 hours after such inspection. Thereafter, this form shall also be completed by the inspecting agency and submitted to the district office once each year during the month of January.

(2) When the progressive inspection system for a particular aircraft has been discontinued, the inspecting agency shall notify the local Aviation Safety District Office thereof by completing an Aircraft Use and Inspection Report form and adding the word "discontinued" (typed or written) over the box preceding "Progressive Inspection" and mailing such form to the district office as soon as possible but not later than 48 hours after the inspection is discontinued.

§ 18.30–18 *Periodic and 100-hour inspections (CAA rules which apply to § 18.30 (c)).*—(a) *General.* The inspecting agency shall employ an inspection form as a checklist while performing a periodic or 100-hour inspection. Such form may be developed by the mechanic, repair station, or the manufacturer similar to the form given in appendix A,[1] or provide the scope and detail of the items of inspection set forth in subdivisions (i) through (xi) of subparagraph (1) of this paragraph.

[1] Appendix A not filed with the Federal Register Division.

(1) *Inspection procedures.* Prior to inspection, all necessary inspection plates, access doors, fairing and cowling shall be opened or removed and the aircraft and engine thoroughly cleaned to properly reveal the actual condition of the parts being inspected. Airworthiness of the aircraft shall be determined by thoroughly inspecting the pertinent items in subdivisions (i) through (xi) of this subparagraph in accordance with instructions contained in the aforementioned subdivisions, manufacturers' inspection procedures, supplemental service information, and standard inspection practices. The aircraft shall conform with CAA aircraft specifications, airworthiness directives, or other approved data before being checked as airworthy.

(i) *Fuselage and hull group.* The fuselage and/or hull shall be carefully inspected for general condition; fabric or skin for deterioration, distortion, other evidence of failure, and security of attachment of fittings. The various systems and components installed in this group shall be checked to assure that they are properly installed with no apparent defects and are operating satisfactorily. When applicable, the same general inspection procedures will apply to lighter-than-air craft and a determination made of the condition of the envelop, gas bags, ballast tanks, etc. Rotary-wing-type aircraft or other craft utilizing rotor drive shafts or other similar systems shall have the shafts inspected in accordance with the manufacturer's maintenance manual.

(ii) *Cabin and cockpit group.* The cabin and cockpit shall be checked for cleanliness and/or loose equipment which might foul the controls; seats and safety belts for condition and apparent defects; windows and windshields for deterioration or breakage; instruments for condition, mounting, marking, and, where practicable, proper operation; flight and engine controls for proper installation and operation; batteries for installation and proper charge; the various systems for installation, general condition, apparent and obvious defects and security of attachment. The above inspection procedure will also apply to the control car of lighter-than-air craft.

(iii) *Engine and nacelle group.* All necessary engine cowling shall be removed and a visual inspection shall be made of the entire engine section for evidence of excessive oil, fuel, or hydraulic leaks. Any and all leaks shall be traced to their origin so that they may be corrected. All studs and nuts shall be checked for tightness or obvious defects. The general internal condition of the engine shall be determined by checking cylinder compression, condition of screens and sump drain plugs for foreign material and metal particles. Cylinders with weak compression shall be removed and the internal condition and clearances checked for tolerances. The engine mount shall be inspected for cracks, tightness of mounting, and security of engine attachment to mount. The flexible vibration dampeners shall be examined to insured they are in good condition. The engine controls shall be examined for defects, proper travel, and

safetying; lines for leaks and hoses and clamps for condition and tightness. Exhaust stacks shall be checked for cracks or other defects and satisfactory attachments. Accessories shall be examined for apparent defects and security of mounting. The various systems shall be inspected for proper installation, general condition, defects, and attachment. Cowling shall be inspected for cracks or other defects. On rotary-wing-type aircraft the main rotor transmission gear box shall be inspected for obvious defects as outlined in the manufacturer's maintenance manual.

(iv) *Landing gear group.* The landing gear shall be examined for general condition and security of attachment of all units. Shock-absorbing devices shall be in good condition and oleo fluid level shall be proper height. All linkage, trusses, and members shall be inspected for evidence of undue or excessive wear, fatigue, distortion, and security of attachment. The retracting and locking mechanisms, when installed, shall be examined for satisfactory operation. Hydraulic lines shall be checked for leakage and electrical systems for chafing and proper operation of switches. The wheels shall be removed and examined for cracks or other defects, condition of bearings, tires for wear or cuts, brakes for proper adjustment. If floats or skis are installed, they shall be inspected for security of attachment, general condition, and any obvious or apparent defects.

(v) *Wing and center section group.* The airworthiness of the wing and center section group shall be determined by thoroughly inspecting the complete assemblies for general condition, fabric or skin for deterioration, distortion, other evidences of failure, and for security of attachment. This inspection shall include the various systems installed which make up a complete wing assembly. Rotary-wing-type aircraft shall be inspected in accordance with the manufacturer's maintenance manual.

(vi) *Empennage group.* The complete empennage assemply shall be inspected for general condition; fabric or skin for deterioration, distortion, other evidences of failure, and for security of attachment. Components and systems which make up the complete assembly shall receive the same attention and it shall be determined that they are installed properly and operating satisfactorily. Lighter-than-air craft shall be inspected in the same manner. Helicopters shall have the tail rotors inspected in accordance with the manufacturer's maintenance manual.

(vii) *Propeller group.* All parts of the propeller shall be carefully examined for cracks, nicks, bends, or oil leakage, if hydraulically controlled. All bolts shall be properly torqued and safetied. The propeller anti-icing devices shall be checked for proper operation or obvious defects. The control mechanism shall operate satisfactorily, be securely mounted, and controls operate through full range of travel.

(viii) *Radio group.* Radio and electronic equipment shall be inspected for installation and security of mounting. Wiring and conduits shall be checked for proper routing and security of mounting to prevent short-circuiting and to insure that there are no other obvious defects. Bonding and shielding will be determined to be properly installed and in good condition. All antennas shall be inspected for condition and security and, if installed, trailing antenna mechanism shall be inspected for proper operation.

(ix) *Miscellaneous group.* When installed, the miscellaneous items of equipment shall be inspected to determine that the component or assembly is installed in accordance with accepted standard practices, and that the items are operating satisfactorily.

(x) *Operational check — preflight.* Prior to releasing an aircraft as airworthy for operation the engine or engines shall be run up to determine satisfactory performance by the power output (static and idle r. p. m.), magneto drop, fuel and oil pressure, cylinder and oil temperatures in accordance with the manufacturer's recommendations.

(xi) *Aircraft maintenance record entries—(a) Periodic or 100-hour inspections.* Where the aircraft is found to be in an airworthy condition after a periodic or 100-hour inspection, the mechanic, repair station, or manufacturer releasing the aircraft to service shall enter the following notation, inserting the type of inspection (i. e., 100-hour or periodic) in the aircraft maintenance records over the mechanic's signature and certificate number, repair station's or manufacturer's name, signature of authorized personnel, certificate number, and include time in service, and date of inspection:

I certify that this aircraft has been inspected in accordance with a ---------- (Insert type) inspection and was determined to be in airworthy condition.

(b) *Unairworthy aircraft.* Where the aircraft is found unairworthy because of needed maintenance or repairs or is found not to meet the requirements of the applicable specifications, airworthiness directives, or other approved data, such unairworthy items may be corrected by the inspecting mechanic, repair station, or manufacturer. In the event required maintenance is to be performed by a person other than the one who conducted the periodic inspection, the person making the periodic inspection shall provide the aircraft owner or lessee with a signed and dated copy of a list of the discrepancies and make the following statement in the aircraft maintenance records over the mechanic's signature and certificate number, the repair station's or manufacturer's name, signature of authorized personnel, certificate number, and include aircraft time in service and date of inspection:

I certify that this aircraft has been inspected in accordance with a periodic inspection and a list of the discrepancies and unairworthy items dated (date) has been provided for the aircraft owner or lessee.

The aircraft owner or his agent shall obtain a ferry flight authorization, in accordance with Part 1 of this subchapter, prior to ferrying an aircraft for the purpose of obtaining required maintenance or correcting discrepancies.

§ 18.30–19 *Progressive inspection (CAA rules which apply to § 18.30 (c))—(a) General.* The progressive inspection is designed to permit the increased utilization of an aircraft, particularly a multiengine type, by scheduling inspections through the use of a planned inspection schedule.

(b) *Routine and detailed inspections.* The inspection system will consist of a routine inspection which provides a visual examination or check of the aircraft and its components and systems insofar as practical, without disassembly, and a detailed inspection which will permit a thorough examination of the aircraft and its components and systems by such disassembly as necessary. Since the overhaul of a component or system includes a thorough examination, such overhaul will be considered to be a detailed inspection. The frequency and detail of both the routine and detailed inspections shall provide complete inspection of the aircraft within each 12 calendar months and be consistent with the manufacturer's recommendations, field service experience, and the type of operation in which the aircraft is engaged to insure that the aircraft and its components and systems are in an airworthy condition and conform with the applicable CAA aircraft specifications, airworthiness directives, or other approved data. Such inspections shall include, but not be limited to, the items specified in appendix A.[1]

(c) *Inspection schedule.* The frequency of both inspections shall be outlined in the form and manner specified in the progressive inspection schedule contained in appendix A[1] and shall specify the intervals when the inspection or overhauls will be performed, either in hours or days, as appropriate.

(d) *Inspection procedures.* A progressive inspection shall be conducted in accordance with the following procedures:

(1) The aircraft shall be inspected completely at the commencement of a progressive inspection. Thereafter, routine and detailed inspections shall be conducted at regular intervals in accordance with the inspection schedule. Normally, all inspection shall be conducted by the inspecting agency having responsibility for the progressive inspection of such aircraft. However, where an aircraft is en route when inspections become due, routine and detailed inspections may be performed by an appropriately rated and certificated mechanic, or repair station, or the manufacturer provided such inspections are conducted in accordance with the forms and procedures to be furnished by the inspecting facility which would otherwise conduct the inspection of the aircraft. Upon completion of the inspection, such inspection forms shall be returned to the inspecting agency furnishing the forms for their records. When an aircraft is no longer to be inspected in accordance with a progressive inspection, the first

[1] Appendix A not filed with Federal Register Division.

periodic will be due within 12 calendar months after the last complete inspection of the aircraft under the progressive. If passengers are carried for hire the 100-hour inspection will be due within 100 hours after such last complete inspection. A complete inspection of the aircraft, for the purpose of determining when the periodic and 100-hour inspections are due, will require a detailed inspection of the aircraft and all its components in accordance with the progressive inspection. For example, a routine inspection of the aircraft and a detailed inspection of several components will not be considered to be a complete inspection.

(e) *Records.* Upon the satisfactory completion of a routine or detailed inspection conducted in accordance with a progressive inspection system, the mechanic, repair station, or manufacturer conducting such inspection shall enter a brief description of the extent of the inspection accomplished and a statement in the aircraft maintenance records, over the mechanic's signature and certificate number, the repair station's or manufacturer's name, signature of authorized personnel, certificate number, and include time in service, and date of inspection as follows:

A routine inspection of ---------- (Identify whether aircraft or components) and a detailed inspection ---------- were performed in accordance with a progressive inspection and the aircraft is released to service.

3. By adding the following new sections to Part 24:

§ 24.43–1 *Inspection authorization (CAA rules which apply to § 24.43)—(a) Qualifications.* Authority to examine, inspect, and release aircraft for service in accordance with § 24.43 (a) will be granted to any certificated mechanic applying in accordance with paragraph (b) of this section who has the following additional qualifications:

(1) His airframe and powerplant ratings shall have been in effect continuously for a minimum of three years immediately preceding the date of application;

(2) He has been actively engaged in the inspection, maintenance, and repair of U. S. civil aircraft and engines for at least two years immediately preceding the date of application;

(3) He shall have a fixed base of operation at which he can be contacted in person or by telephone during a normal working week. The fixed base of operation does not necessarily have to be the location at which the applicant will exercise the inspection authority;

(4) He shall have available such equipment, facilities, and inspection data as are necessary for the competent and efficient inspection of airframes and powerplants to determine compliance with applicable Civil Air Regulations;

(5) He shall have a satisfactory record as a CAA Designated Aircraft Maintenance Inspector for at least one year immediately preceding the date of application, or

(6) He shall by examination satisfactorily demonstrate his knowledge and ability to conduct inspections in accordance with the prescribed safety standards for returning aircraft to service after major repairs and alterations performed in accordance with CAR 18 and the inspections required by § 43.22 of this subchapter.

(b) *Procedure for making application.* A certificated mechanic meeting the qualification requirements of paragraph (a) (1) through (5) of this section who desires the authorization to perform the privileges of § 24.43, shall make application on Form ACA–2353, entitled "Mechanic's Application for Inspection Authorization."[2] Applicants who only meet the requirements of paragraph (a) (1) through (4) of this section shall complete Form ACA–2353 and shall satisfactorily accomplish the examination required in paragraph (a) (6) of this section.[3] In the event an applicant fails the examination he may not apply for reexamination for 90 days.

(c) *Inspection authorization.* Applicants found qualified will be issued Form ACA–2354, entitled, "Inspection Authorization." This inspection authorization shall be kept readily available by the mechanic at all times when exercising the privileges of §24.43 and shall be available for inspection by the aircraft owner, by the mechanic submitting the aircraft or the repair for approval, or by an authorized representative of the Administrator or the Civil Aeronautics Board. The holder of an inspection authorization shall not exercise the privileges of the authorization when he has changed his fixed base of operation until written notification thereof has been given to the Aviation Safety District Office in the area in which the new base is established.

(d) *Duration of authorization.* An inspection authorization shall expire on March 31 of each year.

(e) *Proeedure for renewal of authorization.* The holder of an inspection Authorization, Form ACA–2354, may have the authorization extended until March 31 of the following year by:

(1) Presenting evidence, at an Aviation Safety meeting designated by the local Aviation Safety District Office during the month of March each year, to show that the holder has been actively engaged in exercising the privileges of the inspection authorization during the preceding 12 months in at least one of the following capacities:

(i) Conducted at least one periodic inspection for each 90 days[4] the authorization has been in effect since issuance or last renewal, or

(ii) Inspected for return to service at least two repairs or alterations for each 90 days[4] the authorization has been in effect since issuance or last renewal, or

(iii) Supervised or conducted progressive inspections in accordance with the standards prescribed by the Administrator.

(2) Reapplying for the inspection authorization in accordance with the procedures set forth in paragraph (b) of this section.

§ 24.43–2 *Prescribed standard (CAA interpretations which apply to § 24.43).* The phrase "standards prescribed by the Administrator" means the standards set forth in CAM 18 for returning major repairs and alterations to service and for returning aircraft to service after the inspections required by § 43.22 of this subchapter.

4. By adding the following new sections to Part 43:

§ 43.20–1 *General (CAA interpretations which apply to § 43.20).* (a) This section should be interpreted to mean that maintenance may be required between the inspections required by § 43.20.

(1) Primary responsibility for maintaining the aircraft in an airworthy condition is that of the aircraft owner unless other arrangements are made with the lessee. The owner or lessee must make the aircraft available for required inspections and necessary maintenance. Between the inspections required by § 43.22, the owner or lessee is expected to make the aircraft available for such maintenance as necessary to keep the aircraft in an airworthy condition. Various types of aircraft will require different degrees of maintenance. Factors such as kind of operation, climatic conditions, storage facilities, and age of the aircraft will influence the maintenance requirements. Experience has indicated that most aircraft will require some type of preventive maintenance every 25 hours or less and minor maintenance at least every 100 hours.

(2) The pilot, however, must assume responsibility for determining that an aircraft is in condition for safe flight or discontinuing the flight when unairworthy mechanical or structural conditions occur. In this connection, the pilot is expected to make a preflight inspection. The preflight inspection will include, but not be limited to, a visual inspection of the aircraft and its components for general condition and state of repair, a functional check of controls, powerplants, instruments, and a determination that sufficient fuel and oil are aboard for the proposed flight. The pilot must also assure himself that maintenance personnel have made appropriate entries in the aircraft and maintenance records to indicate that the aircraft has been released to service.

(3) The mechanic or agency must assume responsibility for the inspections which they conduct and for any maintenance which they perform. Further,

[2] Appendix B contains additional instructions for making application for mechanic's inspection authorization. Appendix B not filed with Federal Register Division.

[3] Appendix C contains additional information concerning the written examination. Appendix C not filed with Federal Register Division.

[4] Inspection authorizations which have been in effect less than 90 days will be renewed for another year provided the holder still meets the qualifications required for original appointment by § 24.43–1 (a) (1), (2), (3), and (4).

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they must provide the owner with evidence that such work has been accomplished in accordance with § 43.23.

§ 43.22–1 *Inspections (CAA interpretations which apply to § 43.22)*—(a) *General.* (1) An aircraft issued an airworthiness certificate containing an expiration date is permitted to operate in accordance with the provisions of § 43.22 prior to its revision. Upon expiration of such certificate the owner or lessee may apply for an airworthiness certificate of indefinite duration in accordance with Part 1 of this subchapter.

(2) The owner or lessee may at his option exchange an unexpired airworthiness certificate for an airworthiness certificate of indefinite duration by contacting a representative of the Administrator authorized to issue such certificates. Subsequent to exchanging the airworthiness certificate, the first periodic inspection would be required within 12 calendar months after the last annual inspection. If passengers are carried for hire a 100-hour inspection would be required within 100 hours of the last periodic or annual inspection. This interval may be exceeded by not more than 10% when necessary to complete a flight or trip.

(3) In the event the owner or lessee elects to use the progressive inspection an unexpired airworthiness certificate must be exchanged for a certificate of indefinite duration prior to commencing such inspection.

(b) *Periodic and 100-hour inspections.* Since the 100-hour and periodic inspections are defined as complete inspections of an aircraft, the periodic inspection will be accepted as a 100-hour inspection also the 100-hour inspection will be accepted as a periodic when performed by a person specified in § 18.10a (b) of this subchapter and approved for return to service by a person specified in § 18.12 (b) of this subchapter.

§ 43.22–2 *Progressive inspections (CAA rules which apply to § 43.22 (b)).* (a) If a registered aircraft owner or lessee elects to use the progressive inspection he shall provide the following inspection personnel, inspection procedures manual, facilities and technical information and submit a statement to this effect to the local Aviation Safety District Office (see appendix A [1] for example) prior to using such inspection:

(1) The services of an authorized mechanic, an airframe repair station, or the manufacturer of the aircraft to supervise or conduct the progressive inspection.

(2) An inspection procedures manual which must be maintained in a current condition at all times. It shall be available to and in a form that is readily understood by pilot and maintenance personnel. It shall contain the following information in detail:

(i) An explanation of the progressive inspection outlining continuity of inspection responsibility including responsibility for submission of reports and maintenance of records and technical reference material.

[1] Appendix A not filed with Federal Register Division.

(ii) An inspection schedule including instructions for exceeding an interval by not more than 10% while en route and for amending any interval on the basis of service experience.

(iii) Sample routine and detailed inspection forms, including instructions for their use.

(iv) Sample reports and records and instructions for their use.

(3) Sufficient housing and equipment for the necessary disassembly and proper inspection of the aircraft undergoing progressive inspection.

(4) Appropriate and current technical information for the aircraft undergoing progressive inspection shall be available to inspection personnel.

(b) Upon discontinuance of a progressive inspection the registered owner or lessee shall submit immediately to the local Aviation Safety District Office a written statement to this effect (see appendix A[1] for example).

5. Section 43.23–1 of Part 43 is amended to read as follows:

§ 43.23–1 *Aircraft and engine maintenance records (CAA rules which apply to § 43.23).* The maintenance records prescribed in § 43.23 shall provide a separate, current, and permanent record of the maintenance accomplished on the aircraft and each engine and shall be suitably identified as to the make, model, serial number, and, if applicable, registration number of the aircraft or engine involved. Each record shall be of sufficient size to accommodate the following basic information for the aircraft, and where applicable, each engine:

(a) *Maintenance.* The record of maintenance shall include the type and extent of maintenance, alterations, repair, overhaul, or inspection and reflect the time in service and date when completed.

(b) *Compliance with mandatory notes.* Chronological listing of compliance with service bulletins, airworthiness directives, etc., including a description of the method of compliance.

(c) *Weight and balance record.* Current empty weight, empty center of gravity and useful load.

(d) *Equipment list.* Entries shall be made to reflect optional equipment which has been added or removed. Required equipment shall not be listed except when exchanged or replaced by optional equipment.

(e) *Record of major repairs and major alterations.* Reference to repair and alteration Form ACA–337 by date or work order by number and approving agency is sufficient.

6. By adding a new § 43.23–2 to read as follows:

§ 43.23–2 *Maintenance of engine logs (CAA interpretations which apply to § 43.23).* A record of the previous operating time and history of all engines overhauled, repaired, or reassembled to standards other than those for rebuilt engines, as defined in § 43.24–1 shall be retained in the engine logbooks.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601–603, 52 Stat. 1007–1009, as amended; 49 U. S. C. 551–553)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–8020; Filed, Oct. 3, 1955; 8:56 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 1, 18, 24, 42, 43, 52]

ELIMINATION OF ANNUAL INSPECTION OF GENERAL AIRCRAFT

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Parts 1, 18, 24, 42, 43, and 52 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration before taking further action on the proposed rules, communications must be received by November 15, 1955. Copies of such communications will be available after November 18, 1955, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

On December 30, 1954, the Bureau issued a notice of proposed rule making which was published in the FEDERAL REGISTER (20 F. R. 232) and circulated as Civil Air Regulations Draft Release No. 54–27, a proposal to amend Parts 1, 18, 24, 43, and 52 of the Civil Air Regulations to eliminate the requirement for the annual inspection of general aircraft by a representative of the Administrator. The objective of the proposal was to simplify the present procedure for the inspection and return to service of non-air-carrier aircraft and to permit the industry to assume more responsibility for the continued airworthiness of such aircraft. The comments received in response to this proposal indicated that there was general agreement with the objective but considerable disagreement with the proposed requirements for periodic inspection, progressive inspection, and minimum activity of authorized mechanics. In addition, numerous requests were received for a public meeting in order that some segments of the industry might have an opportunity to discuss their particular problems with representatives of the Board and the Civil Aeronautics Administration (CAA). In view of these requests and the comments received, the Bureau determined that a public discussion would be of constructive assistance in the further development of these rules and the related Civil Aeronautics Manual material.

Accordingly, on April 13, 1955, a meeting was held in Washington, D. C., which was attended by representatives of most

segments of general aviation and representatives of the Board and the CAA. In the course of the meeting, the CAA presented alternate proposals with respect to requirements for the periodic inspection, progressive inspection, and minimum activity of authorized mechanics for those originally proposed in Draft Release No. 54–27. The representatives of the industry who were present voiced their approval of the alternate proposals and were informed that the Bureau of Safety Regulation would consider revising the proposals circulated in Draft Release No. 54–27 to incorporate the alternate proposals and publishing such a revision as another notice of proposed rule making. Such a revision is contained herein.

The original proposal provided that the periodic inspection be accomplished prior to each 100 hours of time in service. This new proposal would require all aircraft carrying passengers for hire or used for flight instruction for hire to be given a 100-hour inspection within each 100 hours of time in service with a 10 percent tolerance to permit exceeding the 100 hours in cases where the aircraft is en route and cannot return to its normal base before the 100-hour interval is reached. In the event the tolerance is used, the time would be included in the following 100-hour period. This inspection could be accomplished by any appropriately certificated mechanic, repair station, or by the manufacturer of the aircraft.

One periodic inspection of an aircraft would be required in each calendar year. The original proposal provided that this inspection be performed and approved by a certificated mechanic holding an inspection authorization, or by an appropriately certificated repair station. This new proposal would permit the manufacturer of the aircraft also to conduct and approve such an inspection.

With respect to the progressive inspection, the original proposal provided that this inspection be accomplished by an appropriately certificated repair station. This proposal would permit the aircraft owner or lessee to employ a progressive inspection if he arranges with a certificated mechanic holding an inspection authorization to perform or supervise this inspection when the proper facilities, equipment, and service information are available. In addition, the owner or lessee may arrange with an appropriately certificated repair station or the manufacturer of the aircraft to perform or approve this inspection.

The Administrator of Civil Aeronautics originally proposed to require an authorized mechanic to inspect and return to service at least two aircraft or two major repairs or major alterations of components in each month in order to retain an inspection authorization. The attached proposal of the Administrator provides that the individual must conduct at least one periodic inspection or two inspections of major repairs or major alterations for each 90 days his authorization is in effect, or that the individual must supervise or perform a progressive inspection throughout the year, on at least one aircraft, in order to retain the authorization.

In order that interested persons can acquaint themselves with the proposed rules, policies, and interpretations by which the Administrator intends to implement these proposals, the proposed manual material of the Administrator is being published concurrently with this notice of proposed rule making. Similarly, the coordinated draft releases of the Bureau of Safety Regulation and the Administrator are being circulated together to the industry.

In view of the foregoing, notice is hereby given that it is proposed to amend Parts 1, 18, 24, 42, 43, and 52 of the Civil Air Regulations as follows:

1. By amending § 1.64 (a) of Part 1 to read as follows:

§ 1.64 *Duration.* (a) Unless sooner surrendered, suspended, revoked, or a termination date is otherwise established by the Board, an airworthiness certificate shall remain in effect as long as the maintenance requirements of Part 43 of this chapter are complied with.

2. By redesignating §§ 1.75 and 1.76 of Part 1 as §§ 1.76 and 1.77, respectively, and by adding a new § 1.75 to read as follows:

§ 1.75 *Experimental certificates; duration.* (a)[1] An experimental certificate shall remain in effect for one year from the date of issuance or renewal, unless a shorter period is established by the Administrator.

(b) The Administrator may, from time to time, reinspect any aircraft or part thereof to see whether it is in an airworthy condition. The owner, operator, or bailee of the aircraft shall make it available for such inspection upon request.

(c) Upon suspension, revocation, or termination by order of the Board of an experimental certificate, the owner, operator, or bailee of an aircraft shall, upon request, surrender the certificate to an authorized representative of the Administrator.

3. By amending § 18.1 (a) of Part 18 by adding new subparagraphs (19a), (19b), (22a), and (24a) to read as follows:

§ 18.1 *Definitions.* (a) • • •

(19a) *One-hundred hour inspection.* A 100-hour inspection is an inspection required within each 100 hours of time in service of an aircraft used for the carriage of passengers for hire or used for flight instruction for hire and is a complete airworthiness inspection of such aircraft and its various components and systems in accordance with procedures prescribed by the Administrator.

(19b) *Periodic inspection.* A periodic inspection is an inspection required once each 12 calendar months and is a complete airworthiness inspection of an aircraft and its various components and systems in accordance with procedures prescribed by the Administrator.

• • • • • •

(22a) *Progressive inspection.* A progressive inspection is a continuing airworthiness inspection of an aircraft and its various components and systems at scheduled intervals in accordance with procedures prescribed by the Administrator.

• • • • • •

(24a) *Time in service.* Time in service, as used in computing maintenance and inspection time records, is the time from the moment an aircraft leaves the ground until it touches the ground at the end of a flight.

4. By adding a new § 18.10a to read as follows:

§ 18.10a *Persons authorized to perform one-hundred hour, periodic, and progressive inspections*—(a) *One-hundred hour inspection.* No person shall perform 100-hour inspections except as provided as follows:

(1) Certificated mechanics who together hold airframe and powerplant ratings, or a certificated mechanic holding both such ratings; or

(2) An appropriately rated certificated repair station; or

(3) The manufacturer, if the aircraft was built by him and he is operating under an approved production inspection system or production certificate.

(b) *Periodic inspection.* No person shall perform periodic inspections except as provided as follows:

(1) A certificated mechanic holding both airframe and powerplant ratings and an inspection authorization issued by the Administrator in accordance with Part 24 of this chapter; or

(2) An appropriately rated certificated repair station; or

(3) The manufacturer, if the aircraft was built by him and he is operating under an approved production inspection system or production certificate.

(c) *Progressive inspection.* No person shall perform or supervise progressive inspections except as provided as follows:

(1) A certificated mechanic holding both airframe and powerplant ratings and authorized by the Administrator in accordance with Part 24 of this chapter; or

(2) An appropriately rated certificated repair station; or

(3) The manufacturer, if the aircraft was built by him and he is operating under an approved production inspection system or production certificate.

5. By amending § 18.11 (b) by adding a new subparagraph (6) to read as follows:

§ 18.11 *Persons authorized to approve maintenance, repair, and alterations.* • • •

(b) *Major repairs and major alterations.* • • •

(6) A certificated mechanic holding both airframe and powerplant ratings when authorized by the Administrator in accordance with the provisions of Part 24 of this chapter, if the work has been performed in accordance with a manual, specification, or other technical data approved by the Administrator.

6. By adding a new § 18.12 to read as follows:

§ 18.12 *Persons authorized to approve aircraft following one-hundred hour, periodic, and progressive inspections*—

[1] Formerly designated § 1.64 (a) (1).

(a) *One-hundred hour inspection.* No aircraft which has undergone a 100-hour inspection may be approved and returned to service except by one of the following:

(1) An appropriately certificated mechanic; or

(2) An appropriately rated certificated repair station; or

(3) The manufacturer, if the aircraft was built by him and he is operating under an approved production inspection system or production certificate.

(b) *Periodic inspection.* No aircraft which has undergone a periodic inspection may be approved and returned to service except by one of the following:

(1) A certificated mechanic holding both airframe and powerplant ratings when authorized by the Administrator in accordance with Part 24 of this chapter; or

(2) An appropriately rated certificated repair station; or

(3) The manufacturer, if the aircraft was built by him and he is operating under an approved production inspection system or production certificate.

(c) *Progressive inspection.* No aircraft which is inspected in accordance with the progressive inspection system may be approved and returned to service except by one of the following:

(1) A certificated mechanic holding both airframe and powerplant ratings when authorized by the Administrator in accordance with Part 24 of this chapter; or

(2) An appropriately rated certificated repair station; or

(3) The manufacturer, if the aircraft was built by him and he is operating under an approved production inspection system or production certificate.

7. By adding a new § 18.22a to read as follows:

§ 18.22a *Form and disposition of periodic and progressive inspection records.* A record of periodic and progressive inspections shall be entered on a form prescribed by the Administrator. Such form shall be completed and disposed of in a manner prescribed by the Administrator.

8. By amending § 18.30 by adding a new paragraph (c) to read as follows:

§ 18.30 *Standard of performance; general.* • • •

(c) *Inspections.* One-hundred hour, periodic, and progressive inspections shall be accomplished in accordance with procedures prescribed by the Administrator.

9. By amending § 24.40 of Part 24 by adding the reference "24.43" after the reference "24.42".

10. By amending § 24.41 by adding the following sentence at the end thereof: "In addition, he may perform the 100-hour inspection required by Part 43 of this chapter on an airframe, or any component thereof, and may release the same for service."

11. By amending § 24.42 by adding the following sentence at the end thereof: "In addition, he may perform the 100-hour inspection required by Part 43 of this chapter on a powerplant or propeller, or any component thereof, and may release the same for service."

12. By adding a new § 24.43 to read as follows:

§ 24.43 *Airframe and powerplant ratings.* (a) A certificated mechanic holding both airframe and powerplant ratings and having such other qualifications as the Administrator may deem appropriate, when issued an inspection authorization by the Administrator under paragraph (b) of this section, may:

(1) Examine, inspect, and return to service aircraft or aircraft components thereof (excluding aircraft operated in accordance with the provisions of Part 40 or Part 41 of this chapter, and aircraft of more than 12,500 pounds maximum certificated take-off weight when operated in accordance with the provisions of Part 42 of this chapter) after major repairs and major alterations have been made in accordance with the provisions of Part 18 of this chapter; and

(2) Perform the periodic and perform or supervise the progressive inspections required by Part 43 of this chapter. The activities conducted under authority of this section shall be in accordance with procedures and standards prescribed by the Administrator.

(b) The Administrator shall issue an appropriate, written inspection authorization to any person qualified under paragraph (a) of this section who shall apply therefor, in the manner and form specified by the Administrator.

13. By amending § 42.31 (a) (2) of Part 42 to read as follows:

§ 42.31 *Inspections and maintenance.* (a) • • •

(2) Small aircraft shall be inspected in accordance with the inspection provisions of Part 43 of this chapter.

14. By amending § 43.20 of Part 43 to read as follows:

§ 43.20 *General.* No person shall operate an aircraft unless it is in an airworthy condition. Maintenance shall be performed in accordance with Part 18 of this chapter.

15. By amending § 43.22 to read as follows:

§ 43.22 *Inspections*—(a) *Periodic and one-hundred hour inspections.* No person shall operate an aircraft unless within the preceding 12 calendar months it has been given a periodic inspection in accordance with the requirements of Part 18 of this chapter and has been approved for return to service by a person authorized by Part 18 of this chapter. Additionally, an aircraft shall not carry passengers for hire or be used for flight instruction for hire unless within each 100 hours of time in service it has been inspected in accordance with the requirements of Part 18 of this chapter and has been approved for return to service by a person authorized in Part 18 of this chapter, except that this interval may be exceeded by not more than 10 hours when necessary to reach a point at which the inspection may be accomplished, in which event such time must be included in the next 100-hour interval. The periodic inspection required above will be accepted as a 100-hour inspection.

(b) *Progressive inspection.* An aircraft shall be exempt from the provisions of paragraph (a) of this section provided:

(1) The owner or operator provides or makes arrangements for suitable procedures, personnel, and facilities for progressive inspection as prescribed by the Administrator; or

(2) It is an aircraft inspected and maintained in accordance with the provisions of Part 40 or Part 41 of this chapter; or

(3) It is an aircraft of more than 12,500 pounds maximum certificated take-off weight operated in accordance with the provisions of Part 42 of this chapter.

NOTE: Until the expiration or exchange of the currently effective airworthiness certificate, an aircraft will be operated in accordance with the provisions of § 43.22 prior to its revision. However, the owner or operator may, at his option, exchange the old certificate at any time prior to its expiration date. For the purpose of implementing this amendment, the inspection for original issuance or renewal of the airworthiness certificate may be considered equivalent to the periodic inspection required by the amended § 43.22 (a). The periodic inspection required by § 43.22 (b) prior to this amendment will be considered equivalent to a 100-hour inspection required by the amended § 43.22 (a).

16. By amending § 43.23 to read as follows:

§ 43.23 *Aircraft and engine maintenance records.* The registered owner or operator shall maintain a maintenance record in a form and manner acceptable to or prescribed by the Administrator which shall contain a current, accurate, and permanent record of the total time in service on the aircraft and on each engine, a record of inspections, and the records of maintenance required by Part 18 of this chapter. Such record shall be (a) presented for required entries each time inspection or maintenance is accomplished on the aircraft or engine, (b) transferred to the new registered owner or operator upon disposition of the aircraft or engine involved, and (c) made available for inspection by authorized representatives of the Administrator or Board.

17. By amending § 43.70 by adding the following definitions:

§ 43.70. *Definitions.* • • •

Aircraft. An aircraft means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, including airframe, powerplant, propeller, and appliances.

Maintenance. Maintenance, which includes preventive maintenance, means the inspection, overhaul, repair, upkeep, and preservation of airframes, powerplants, propellers, and appliances, including the replacement of parts.

Operate. Operate means to cause or authorize the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft.

One-hundred hour inspection. A 100-hour inspection is an inspection required within each 100 hours of time in service of an aircraft used for the carriage of passengers for hire or used for flight instruction for hire and is a complete airworthiness inspection of such aircraft and its various components and systems in accordance with procedures prescribed by the Administrator.

Periodic inspection. A periodic inspection is an inspection required once each 12 calendar months and is a complete airworthiness inspection of an aircraft and its various components and systems in accordance with procedures prescribed by the Administrator.

Progressive inspection. A progressive inspection is a continuing airworthiness inspection of an aircraft and its various components and systems at scheduled intervals in accordance with procedures prescribed by the Administrator.

Time in service. Time in service, as used in computing maintenance and inspection time records, is the time from the moment an aircraft leaves the ground until it touches the ground at the end of a flight.

18. By amending § 52.22 (d) of Part 52 by deleting the words "annual inspections" and inserting in lieu thereof the words "100-hour, periodic, and progressive inspections".

19. By amending § 52.41 (d) by deleting the words "annual inspection" and inserting in lieu thereof the words "100-hour, periodic, and progressive inspections".

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 581–560)

Dated at Washington, D. C., September 28, 1955.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 55–8019; Filed, Oct. 3, 1955; 8:56 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

ZEMANEK & CO., LTD., ET AL.

ORDER TEMPORARILY DENYING EXPORT PRIVILEGES

In the matter of Zemanek & Co., Limited, P. Fisher, Chairman and Director, F. Gintz, Director, 46–47 Chancery Lane, London, W. C. 2, England, Respondents.

The respondents, Zemanek & Co., Limited, P. Fisher and F. Gintz are the subjects of an investigation concerning an alleged transshipment to Czechoslovakia of asbestos exported from the United States to Germany under a general license, the latter country having been designated as the country of ultimate destination and consumption, and the Director, Investigation Staff, Bureau of Foreign Commerce, has applied for an order temporarily denying to the respondents all export privileges pending completion of the investigation and the determination of any charges which may be brought against them. The application was made pursuant to § 382.11 (b) of the Export Regulations (Title 15, Chapter III, Subchapter B, CFR), and, in accordance with the practice thereunder, was referred to the Compliance Commissioner of the Bureau of Foreign Commerce who, after considering evidence in support thereof, has recommended that it be granted.

Now, upon receipt of the Compliance Commissioner's recommendation, after reviewing and considering the evidence submitted in support of the application, being of the opinion that there is reasonable ground to believe that the respondents have purchased from an American exporter and have transshipped to Czechoslovakia 8,000 bags of asbestos exported from the United States under a general license permitting their shipment to Germany as the country of ultimate destination and consumption, and that the respondents have purchased also another 150 bags of asbestos from and exported to them by an American exporter, both of which transactions were accomplished during the time when the respondents were subject to an order denying export privileges to them (18 F. R. 5372, September 4, 1953), which order terminated August 31, 1955, and that the respondents, unless prevented by action of this Department, may transship or attempt to transship to unauthorized destinations commodities exported from the United States under general license or under validated licenses, restricted to specified designations only, and, having concluded (a) that it is advisable that persons in the United States and in other parts of the world be informed by publication of this order of the provisions hereafter set forth so that the respondents may be prevented from receiving and so transshipping commodities exported from the United States, and (b) that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act,

It is hereby ordered:

(1) All outstanding validated export licenses in which the respondents appear or participate as purchasers, intermediate or ultimate consignees, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation;

(2) The respondents, their successors or assigns, directors, officers, partners, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation was accomplished prior to or subsequent to the date hereof. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondents' and such other persons' and firms' participation (a) as parties or as representatives of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

(3) This denial of export privileges shall apply not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith;

(4) This Order shall be published in the FEDERAL REGISTER, shall be effective forthwith and shall remain in effect until the completion of the investigation of the conduct of the respondents and until the final determination of any compliance proceeding which may be brought against them except insofar as this order may be amended or modified hereafter in accordance with the export control regulations;

(5) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall, without prior disclosure of the facts to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (2) and (3) hereof have any interest or participation of any kind or nature, direct or indirect.

(6) A certified copy of this order shall be served upon the respondents by registered mail.

(7) In accordance with the provisions of § 382.11 (c) of the export control regulations, the respondents may move at any time prior to the entry of a final order of suspension to vacate or modify this temporary suspension order by filing an appropriate application therefor, supported by evidence, with the Compliance Commissioner and it may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D. C., at the earliest possible date.

Dated: September 29, 1955.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 55-8008; Filed, Oct. 3, 1955; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5016 et al.]

RIDDLE AIRLINES, INC.; NORTH-SOUTH AIR FREIGHT RENEWAL CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of Riddle Airlines, Inc., and others for the transportation of air freight, express and mail.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 19, 1955, 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 28, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8014; Filed, Oct. 3, 1955; 8:54 a. m.]

[Docket No. 7301]

OZARK AIR LINES, INC.

NOTICE OF HEARING

In the matter of an investigation into whether the public convenience and necessity require the certification of Ozark Air Lines, Inc., to provide air transportation between Peoria, Illinois, and Fort Dodge, Iowa, via the intermediate points Galesburg, Illinois, Burlington, Ottumwa and Des Moines, Iowa.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 1001 of the act, that a hearing in the above-entitled proceeding is assigned to be held on October 18, 1955, and 10:00 a. m., c. s. t., at the Hotel Fort Des Moines, Des Moines, Iowa, before Examiner Walter W. Bryan.

Notice is further given that any person not a party to the proceeding desiring to be heard in opposition to the matters set forth in the case must file with the Board on or before October 18, 1955, a statement setting forth issues of fact or law which he desires to contest. Any person filing such a statement may appear and participate at the hearing in accordance with section 302.14 of the Procedural Regulations under Title IV of the Civil Aeronautics Act, as amended.

For further details of the proceeding and issues involved, interested persons are referred to the applications consolidated in the proceeding and to the report of the prehearing conference as well as other documents contained in the official docket in the case on file with the Civil Aeronautics Board.

Dated at Washington, D. C., September 27, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8015; Filed, Oct. 3, 1955; 8:55 a. m.]

[Docket No. 7261]

NORTH CENTRAL AIRLINES, INC.; PERMANENT CERTIFICATION CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of North Central Airlines, Inc. under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for route 86.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding now assigned for October 6, 1955, is postponed to October 7, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Consitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., September 29, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8016; Filed, Oct. 3, 1955; 8:55 a. m.]

[Docket No. 7280]

TRANS WORLD AIRLINES, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Trans World Airlines, Inc., for an amendment of its certificate of public convenience and necessity in foreign air transportation under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on October 11, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

Dated at Washington, D. C., September 29, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8017; Filed, Oct. 3, 1955; 8:55 a. m.]

[Docket No. 6064 etc.]

CITY OF CEDAR RAPIDS, IOWA, ET AL.

NOTICE OF PREHEARING CONFERENCE

City of Cedar Rapids, Iowa, Docket No. 6064; Rock Island County Airport Authority, Docket No. 6379; Ozark Air Lines, Inc., Docket No. 7192.

Notice is hereby given that a prehearing conference in the above-entitled proceedings is assigned to be held on October 10, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., September 29, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8018; Filed, Oct. 3, 1955; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11055, 11056; FCC 55M-817]

AIRCALL, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Aircall, Inc., Detroit, Michigan, Docket No. 11055, File No. 744-C2-P-54; John W. Bennett, d/b as Telephone Answering Service, Flint, Michigan, Docket No. 11056, File No. 276-C2-P-54; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration informal agreement of the parties with respect to continuance of the above-entitled proceeding;

It is ordered, This 23d day of September 1955, that the hearing now scheduled for September 27, 1955, is continued until October 21, 1955, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-7966; Filed, Oct. 3, 1955; 8:46 a. m.]

[Docket No. 11404; FCC 55M-816]

NIAGARA BROADCASTING SYSTEM (WNIA)

ORDER CONTINUING HEARING

In re application of Gordon P. Brown, tr/as Niagara Broadcasting System (WNIA), Cheektowaga, New York, Docket No. 11404, File No. BMP-6773; for modification of permit to extend completion date.

The Hearing Examiner having under consideration a petition filed by applicant on September 22, 1955, for continuance of the hearing now scheduled for September 26, 1955 until November 7, 1955, to afford time for action by the Commission on a pending petition for reconsideration, and additional time to the applicant to collect evidence and complete the preparation of his case;

It appearing that counsel for the Broadcast Bureau has no objection to the proposed continuance;

It is ordered, This 23d day of September 1955, that the petition for continuance is granted and that the hearing now scheduled for September 26 is continued until Monday, November 7, 1955, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-7967; Filed, Oct. 3, 1955; 8:46 a. m.]

[Docket No. 11446 etc.; FCC 55M-827]

CERRITOS BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Raymond B. Torian, John W. Doran, Foster Earl Rutledge and Harold B. Shideler, a partnership d/b as The Cerritos Broadcasting Co., Signal Hill, California, Docket No. 11446, File No. BP-8734; Melvin F. Berstler and Roy R. Cone, a partnership d/b as Oceanside-Carlsbad Broadcasting Co., Oceanside, California, Docket No. 11447, File No. BP-9207; Albert John Williams, Inglewood, California, Docket No. 11448, File No. BP-9509; Neil W. Owen and Julia C. Owen, a partnership d/b as Palomar Broadcasting Co., Escondido, California, Docket No. 11449, File No. BP-9676; for construction permits.

The Hearing Examiner having under consideration a Motion for Continuance filed September 15, 1955, on behalf of Palomar Broadcasting Co.; and

It appearing that petitioner requests that the date for the prehearing conference herein be continued from Tuesday, October 4, 1955, to a date convenient to the calendar of the Hearing Examiner and the parties hereto, but not earlier than October 25, 1955, and that the date for the hearing be continued from Monday, October 17, 1955, to a date not earlier than November 7, 1955, for the reasons that: (1) it does not appear possible for petitioner to complete certain field intensity measurements prior to October 4, and that after such measurements have been completed applicant Palomar will petition for leave to amend its application; (2) it will not be possible for petitioner to exchange engineering exhibits in accordance with section 1.841 of the Commission's Rules in sufficient time in advance of the October 17 hearing to be of value; and (3) the Commission has not yet ruled on the Petition to Enlarge Issues filed July 29, 1955, on behalf of Palomar, and, as a result, there will not be sufficient time without a continuance for the parties to prepare and exchange the required exhibits prior to the date of hearing as now scheduled, as fully stated in the motion; and

It further appearing that the calendar and other duties of the Hearing Examiner preclude the rescheduling of the prehearing conference prior to the date hereinafter specified, and that the date for commencing the hearing can best be determined at the time of the prehearing conference; and

It further appearing that no objection to the motion has been filed on behalf of any party and that good cause for granting the motion has been shown; now therefore

It is ordered This 27th day of September 1955, that the Motion for Continuance be and it is granted; that the prehearing conference now scheduled for October 4, 1955, be and it is hereby continued to 10:00 a. m. on Tuesday, November 15, 1955; and that the hearing herein now scheduled for October 17, 1955, be and it is hereby continued to a date to be fixed by subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-7968; Filed, Oct. 3, 1955; 8:46 a. m.]

[Docket No. 11455 etc.; FCC 55M-818]

ROBERT E. BOLLINGER ET AL.

ORDER CONTINUING HEARING

In re applications of Robert E. Bollinger, Portland, Oregon, Docket No. 11455, File No. BP-9320; Mercury Broadcasting Co., Inc. (KLIQ), Portland, Oregon, Docket No. 11456, File No. BP-9400; Docket No. 11457, File No. BP-2266; Albert L. Capstaff & Quenton Cox a partnership, d/b as Capstuff Broadcasting Co., Oreg. Ltd., Portland, Oregon, Docket No. 11458, File No. BP-9585; for construction permits and renewal of license.

At the pre-hearing conference held this date pursuant to the notice issued the 8th day of September 1955, Robert E. Bollinger and Capstaff Broadcasting Co., Oreg. Ltd., were represented by counsel. No person or counsel appeared on behalf of Mercury Broadcasting Co., Inc. (KLIQ).

On August 25, 1955, Robert E. Bollinger filed a petition requesting the Commission to dismiss the application of Mercury Broadcasting Co., Inc. (KLIQ) for failure to file an appearance as required by section 1.387 (a) of the Commission's Rules. On September 12, 1955, Mercury Broadcasting Co., Inc. (KLIQ) filed a petition requesting the Commission to accept its late appearance and stating the reasons why an appearance had not been filed earlier. Both petitions are pending.

It is ordered, This 22d day of September 1955, that the hearing conference be continued until 14 days after the Commission has acted upon the petition of Robert E. Bollinger to dismiss the application of Mercury Broadcasting Co., Inc. (KLIQ) and the petition of Mercury Broadcasting Co., Inc. (KLIQ) to accept late appearance.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-7969; Filed, Oct. 3, 1955; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-3902 etc.]

GORDON M. CONE ET AL.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 28, 1955.

In the matters of Gordon M. Cone, Docket No. G-3902; Warren Petroleum Corporation, Docket No. G-4140; Warren Petroleum Corporation, Docket No. G-4148; Warren Petroleum Corporation, Docket No. G-4164; Frank Hopkins, Trustee, Hubert L. Brown, Jr., Trust Estate, Mary Jane Brown Courtney, Trust Estate, Docket No. G-4596; Texas Gas Products Corporation, Docket No. G-4721; Barnett, Sears and Young, Docket No. G-5190; H. L. Hawkins, H. L. Hawkins, Jr., and Frank S. Kelly, Jr., Docket No. G-4406; L. D. Nutter, Agent for A. J. Heater Lease, O. N. Singleton Leases Nos. 1 & 2, and Bert Prunty Lease, Docket No. G-4788; L. D. Nutter, Agent for A. W. Carter and Lucy Ball Leases, Docket No. G-4804; Western Natural Gas Company, Docket No. G-4882; H. L. Brown, Docket No. G-5160; Barnett and Rector, Docket No. G-5188; Phil K. Cochran, Docket No. G-5205; Bass & Vessels, et al., Docket No. G-8804.

Notice is hereby given that on September 16, 1955, the Federal Power Commission issued its findings and orders adopted September 14, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7973; Filed, Oct. 3, 1955; 8:47 a. m.]

[Docket No. G-3625]

JACKSON BROTHERS

NOTICE OF APPLICATION AND DATE OF HEARING FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 28, 1955.

Take notice that Clyde D. & Carl D. Jackson, dba Jackson Brothers (Applicant), independent producers of natural gas, with a principal office in Parkersburg, West Virginia, filed on September 29, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Murphy District, Ritchie County, West Virginia, which is sold in interstate commerce to Sam T. Mallison, S. M. Vockel, C. E. Young and H. R. Jackson, Trustees for Penova Interests for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to

the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 7, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 24, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7974; Filed, Oct. 3, 1955; 8:47 a. m.]

[Docket No. G-9175]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 28, 1955.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation, having its principal place of business in Houston, Texas, filed an application on July 24, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the Applicant to render service as hereinafter described, subect to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission, and open for public inspection.

Applicant proposes to increase the daily contract quantity of natural gas being delivered to The Peoples Natural Gas Company (Peoples) from 25,000 Mcf to 40,000 Mcf, and to utilize natural gas facilities made the subject of an application in Docket No. G-8805, wherein the construction and operation of facilities are contemplated which will increase both Applicant's average and peak day capacity. The proposed new facilities will provide 32,196 Mcf (14.73 p. s. i. a.) of unallocated capacity, a portion of which will be used to render the increased service to Peoples.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 17, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7975; Filed, Oct. 3, 1955; 8:47 a. m.]

[Docket No. G-6505]

DORCHESTER CORP.

ORDER FIXING DATE OF HEARING

On December 6, 1954, Dorchester Corporation (Dorchester) tendered for filing its Supplement No. 4 to its FPC Gas Rate Schedule No. 2, providing for an increase to 10 cents of its rate for gas sold to Natural Gas Pipeline Company of America (Natural). By order issued December 29, 1954, the Commission suspended the proposed change in rates until March 1, 1955, and directed that a hearing be held upon a date to be fixed by further notice concerning the lawfulness of such proposed changes in rates and charges.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15, and 16 of the Natural Gas Act, and the Commission's Rules and Regulations, including Rules of Practice and Procedure (18 CFR Chapter I), a public hearing be held commencing on October 11, 1955, at 10:00 a. m. e. s. t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C., concerning the lawfulness of the proposed change in rates and charges.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: September 28, 1955.

Issued: September 28, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7976; Filed, Oct. 3, 1955; 8:48 a. m.]

[Docket No. G-8559]

OLIN GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

On March 10, 1955, the Commission issued its order suspending proposed tariff changes filed by Olin Gas Transmission Corporation (Applicant) and providing for a hearing to be held at a date to be thereafter fixed concerning the lawfulness of the rates, charges, classifications and services, or any of them, subject to the jurisdiction of the Commission.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15, and 16 of the Natural Gas Act, and the Commission's General Rules of Practice and Procedure (18 CFR, Chapter I) a public hearing be held on October 24, 1955, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above entitled proceedings.

(B) At the hearing, Applicant shall go forward first and shall present its complete case-in-chief with respect to the issues in these proceedings. Upon completion thereof, other parties to the proceedings, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct. Upon request of any party to the proceeding, including Staff Counsel, the hearing shall be recessed by the Presiding Examiner for such time or times as the Examiner may find appropriate and reasonable to permit proper preparation of such cross-examination.

(C) Following the presentation of Applicant's case and cross-examination, as provided in paragraph (B), other parties may present their testimony and evidence with respect to the issues in these proceedings.

(D) In the interest of expedition, Applicant shall, not later than 5 days next preceding the date hereinbefore fixed for the commencement of the hearings herein, serve upon the parties to these proceedings copies of all testimony and exhibits they propose to offer at the hearing, including five (5) copies thereof upon Commission Staff Counsel.

(E) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 28, 1955.

Issued: September 28, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7977; Filed, Oct. 3, 1955; 8:48 a. m.]

FEDERAL TRADE COMMISSION

[File No. 485]

STEEL BOBBY PIN AND HAIR PIN MANUFACTURING INDUSTRY

NOTICE OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Steel Bobby Pin and Hair Pin Manufacturing Industry will be held by the Federal Trade Commission in Room 332 of the Commission Building, Washington, D. C., on October 26, 1955, commencing at 10 a. m., e. s. t.

All persons, firms, corporations, and organizations engaged in the production and sale of steel bobby pins and hair pins are cordially invited to attend and participate in the conference proceedings.

The purpose of the conference is to afford industry members an opportunity to consider and propose for establishment, subject to Commission approval, a comprehensive set of trade practice rules for the industry designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses which are violative of laws administered by the Commission.

Subsequent to the conference on October 26, and before final rules are approved by the Commission, a draft of proposed rules in the form deemed appropriate will be made available to all interested and affected parties, including consumers, upon public notice affording them opportunity to present their views, criticisms, and suggestions respecting the rules, and to be heard at a public hearing, the time and place of which will be announced by the Commission.

Issued: September 29, 1955.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-7978; Filed, Oct. 3, 1955; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Expansion Goal No. 20, Revision 1]

CHROMITE, CHEMICAL GRADE

1. The expansion goal for the supply of chromite of chemical grade for chemical use, consisting of domestic production and imports, is hereby set at an annual rate of 225,000 long tons to be reached by December 31, 1956.

2. This level of domestic production and imports should be maintained through 1959.

Dated: September 29, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-7986; Filed, Oct. 3, 1955; 8:49 a. m.]

[Expansion Goal No. 55, Revision 3]

ELECTRIC POWER

1. The expansion goal for electric power is hereby modified to require the filing of applications for tax amortization by December 31, 1955, in order to be eligible for consideration.

Dated: September 29, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-7993; Filed, Oct. 3, 1955; 8:51 a. m.]

[Expansion Goal No. 56, Revision 1]

COPPER

1. The expansion goal for the supply of copper, including ore, imports and old scrap, is hereby set at 2,270,000 short tons annually by December 31, 1955.

2. This revision alters the previous goal only by advancing the target date from "beginning with the year 1955" to December 31, 1955.

Dated: September 29, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-7985; Filed, Oct. 3, 1955; 8:49 a. m.]

[Expansion Goal No. 64, Revision 2]

MERCURY

1. The expansion goal for the annual supply of mercury is hereby set at 80,000 flasks by December 31, 1957.

2. This revision alters the previous goal, Revision 1, only by advancing the target date to December 31, 1957.

Dated: September 29, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-7984; Filed, Oct. 3, 1955; 8:49 a. m.]

[Expansion Goal No. 65, Revision 3]

DOMESTIC PETROLEUM REFINING CAPACITY

1. The expansion goal for the construction of crude oil refining capacity in excess of abandonment is hereby set at 9,000,000 b/d to be achieved by January 1, 1957.

2. This revision represents an increase of 250,000 b/d over that established in Revision 2, issued October 20, 1953, with an achievement date of January 1, 1956.

Dated: September 29, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-7990; Filed, Oct. 3, 1955; 8:50 a. m.]

[Expansion Goal No. 68, Revision 4]

FREIGHT CARS

1. This expansion goal is modified to include cars for which firm orders have been placed, or, in case of company-built cars, for which construction has been authorized on or before December 31, 1955.

Dated: September 29, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-7983; Filed, Oct. 3, 1955; 8:49 a. m.]

[Expansion Goal No. 78, Revision 1]

TRANSFORMERS, DISTRIBUTION

1. The expansion goal for Transformers, Distribution, is hereby modified (a) to require the filing of applications for tax amortization by December 31, 1955, in order to be eligible for consideration and (b) to extend the completion date for this capacity to December 31, 1956.

Dated: September 29, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-7996; Filed, Oct. 3, 1955; 8:51 a. m.]

[Expansion Goal No. 82, Revision 3]

GLYCERIN

1. The expansion goal for the domestic production of glycerin is hereby set at an annual capacity of 325 million pounds by June 30, 1957.

2. Assuming an average annual potential production of natural glycerin of 140 million pounds annually, the present expansion goal calls for synthetic or "fermentation" glycerin capacity of 185 million pounds, an increase of 70 million pounds over the current available synthetic or fermentation capacity.

3. Applications for certificates of necessity under this goal must be filed by June 30, 1956.

Dated: September 29, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-7982; Filed, Oct. 3, 1955; 8:49 a. m.]

[Expansion Goal No. 122, Revision]

HIGH VOLTAGE SWITCHGEAR

1. The expansion goal for high voltage switchgear is hereby modified, (a) to require the filing of applications for tax amortization by December 31, 1955, in order to be eligible for consideration, and (b) to extend the completion date for this capacity to December 31, 1956.

Dated: September 29, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-7992; Filed, Oct. 3, 1955; 8:50 a. m.]

[Expansion Goal No. 148, Revision 2]

COMMERCIAL AIRCRAFT

1. The expansion goal for commercial carrier aircraft is hereby set at 900 aircraft, for which firm orders must be placed by December 31, 1955.

2. This revision represents an increase in 300 aircraft over the original goal of 600 set on August 1, 1952.

Dated: September 29, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-7994; Filed, Oct. 3, 1955; 8:51 a. m.]

[Expansion Goal No. 163, Revision 2]

RUTILE

1. The expension goal for the U. S. supply of rutile from both domestic and foreign sources is hereby set at 35,000 tons per year to be achieved by December 31, 1955.

2. This revision represents an increase in annual supply of 10,000 tons over that established in Revision 1, issued on September 18, 1952, and an increase of approximately 16,000 tons over existing capacity in 1951.

Dated: September 29, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-7988; Filed, Oct. 3, 1955; 8:50 a. m.]

[Expansion Goal No. 178, Revision 1]

SELENIUM

1. The expansion goal for the supply of selenium from domestic primary sources is hereby set at 1.2 million pounds annually to be reached by June 30, 1958.

2. This revision calls for a greater annual supply than that of the previous goal. It also excludes from the goal any imports of selenium and selenium bearing materials, as well as advancing the target date to June 30, 1958.

Dated: September 29, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMING,
Director.

[F. R. Doc. 55-7989; Filed, Oct. 3, 1955; 8:50 a. m.]

[Expansion Goal No. 187, Revision 1]

MANGANESE ORE, BATTERY AND CHEMICAL GRADES

1. The expansion goal for the U. S. annual supply of manganese ore of battery and chemical grades is hereby set at a combined total of 110,000 long tons by December 31, 1955. At least two-thirds of this manganese ore shall fully qualify as battery grade.

2. This revision alters the previous goal only by advancing the target date to December 31, 1955.

Dated: September 29, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-7987; Filed, Oct. 3, 1955; 8:49 a. m.]

[Expansion Goal No. 206, Revision 2]

LABORATORIES, RESEARCH AND DEVELOPMENT

1. The expansion goal for Laboratories, Research and Development, is hereby modified to cover only laboratories having contracts directly related to defense research and development and provides for construction to be completed by December 31, 1956.

2. This revision represents a change in the completion date of January 1, 1956 and a change in the types of facilities for which certificates will be granted, from that stated in Revision 1, dated February 15, 1954.

Dated: September 29, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-7991; Filed, Oct. 3, 1955; 8:50 a. m.]

[Expansion Goal No. 207, Revision 1]

ALKYLATE

1. The expansion goal for alkylate is hereby set at 55,000 b/d to be achieved by January 1, 1957.

2. This revision represents an increase in productive capacity of 25,000 barrels per day over that established on April 10, 1953.

Dated: September 29, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-7981; Filed, Oct. 3, 1955; 8:49 a. m.]

[Expansion Goal No. 226]

OIL AND GAS PIPELINES AND PETROLEUM STORAGE FACILITIES

1. Expansion Goal No. 226, Oil and Gas Pipelines and Petroleum Storage Facilities (Specific Defense Programs) is hereby established for the following purposes:

a. Oil and gas pipelines running directly to military installations or AEC projects.

b. Petroleum storage facilities erected solely for military use.

Dated: September 29, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-7995; Filed, Oct. 3, 1955; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3398]

UNION ELECTRIC CO. OF MISSOURI AND UNION ELECTRIC POWER CO.

ORDER RELEASING JURISDICTION IN RESPECT OF FEES AND EXPENSES

SEPTEMBER 28, 1955.

The Commission having, by order issued August 5, 1955, granted the application and permitted to become effective the declaration of Union Electric Company of Missouri ("Union Electric"), a registered holding company and a public utility company, and its public utility subsidiary, Union Electric Power Company ("Union Power"), in respect of the acquisition by Union Electric of the property and assets of Union Power and the dissolution of Union Power; and

The Commission having reserved jurisdiction over the fees and expenses of counsel and of the independent engineers and an amendment having been filed wherein it is stated that the fee to be paid to Keefe, Doerner, Schlafly & Griesedieck general counsel for Union Electric, is $5,000, the fee to be paid to Pope and Driemeyer, counsel for Union Power and also Illinois counsel for Union Electric, is $3,000, and that the fee to be paid to Kinsey and Brockoff, independent engineers for Union Electric, is $500; and

It appearing that such fees are not unreasonable, and, that it is appropriate that the jurisdiction heretofore reserved in respect of such fees should be released:

It is ordered, That the jurisdiction reserved in the order of August 5, 1955 in respect of fees and expenses of counsel and engineers be, and it hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-8005; Filed, Oct. 3, 1955; 8:53 a.m.]

[24SF-1976]

METAL & MINES CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 28, 1955.

I. Metal & Mines Company, 1011 East Fourth Street, Reno, Nevada, having filed with the Commission on October 13, 1954, a Notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to a proposed public offering of 2,950,000 shares Class A common stock, 10 cents par value, at 10 cents per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in that the Notification and offering circular filed as part thereof contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the following:

1. The issuer owns certain manganese mining claims known as the Blackbird group and the Black Prince group;

2. The issuer has under option and proposes to acquire certain copper claims known as Bonanza Copper Claims;

3. The issuer has under option and proposes to acquire certain uranium claims known as the Tulane group and the Dixie B group;

4. The issuer's sole liabilities consist of 1,000,000 shares of its Class A common stock outstanding issued in exchange for the Blackbird and Black Prince manganese claims;

5. The failure to disclose the agreement to issue up to 6,000,000 further shares of stock to promoters on the basis of 2 shares for each 1 share of stock to be otherwise issued or sold;

6. The failure to disclose the public would hold only 30 percent of the outstanding stock, while the promoters would hold 70 percent, if all the shares were sold; and

7. The failure to disclose a contingent liability resulting from sales of the issuer's stock in violation of section 5 of the act.

B. That the use of said offering circular in connection with the offering of the issuer's securities would and did operate as a fraud or deceit upon the purchasers.

III. *It is ordered* Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered That this Order and Notice shall be served upon Metal & Mines Company and C. Ray Lawyer, 2911 Shattuck Avenue, Berkeley, California, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-8006; Filed, Oct. 3, 1955; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 58]

ATLANTIC AND EAST CAROLINA RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, The Atlantic and East Carolina Railway Company, due to washout between New Bern and Havelock, North Carolina, is unable to transport traffic routed over its line between these points.

It is ordered, That:

(a) Rerouting traffic: The Atlantic and East Carolina Railway Company is hereby authorized to reroute or divert traffic moving over its line between New Bern and Havelock, North Carolina, due to washout, over any available route to expedite the movement.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:00 a. m., September 26, 1955.

(g) Expiration date: This order shall expire at 11:59 p. m., November 30, 1955, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 26, 1955.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 55-8011; Filed, Oct. 3, 1955; 8:54 a. m.]

[No. MC-C-1864]

NEW ENGLAND MOTOR RATE INCREASES—1955

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 19th day of September, A. D. 1955.

Upon consideration of a petition of the New England Motor Rate Bureau, Inc., on behalf of member motor common carriers, filed August 29, 1955, stating that substantial increases in the wages and employees of motor common carriers operating in interstate and foreign commerce in New England territory, as hereinafter described, retroactive to April 11, 1955, necessitate an immediate general increase of 6 percent in the rates and charges of the said motor common carriers; and praying for an early hearing and decision and the entry of an order of this Commission thereon requiring that all rates and charges of said motor common carriers as so increased be maintained for a period of not less than 90 days; and good cause appearing therefor:

It is ordered, That an investigation be, and the same is hereby, instituted into and concerning the reasonableness and lawfulness of the rates and charges, except on household goods, as defined by the Interstate Commerce Commission, livestock, lumber, commodities in bulk transported in dump trucks, and in tank trucks, of motor common carriers engaged in operations in interstate and foreign commerce between points in New England territory, as described in New England Motor Carrier Rates, 8 M. C. C., 287, at pages 330 and 331, and Motor Carrier Rates in New England, 49 M. C. C. 196, which descriptions are hereby referred to and made parts hereof, with a view to determining whether the said general increase, or other increase in rates and charges, should be authorized; or other relief, as prayed in the said petition, granted, and making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, That all common carriers by motor vehicle engaged in the transportation of property as described in the preceding ordering paragraph be, and they are hereby, made respondents in this proceeding.

And it is further ordered, That notice of this proceeding be given to the respondents and to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-8013; Filed, Oct. 3, 1955; 8:54 a. m.]

FEDERAL REGISTER

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TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6256]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GADGET-OF-THE-MONTH CLUB, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; Savings and Discounts Subsidized; § 13.200 *Sample, offer or order conformance:* § 13.275 *Undertakings, in general.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.2060 *Sample, offer or order conformance;* § 13.2070 *Special or trial offers, savings, and discounts;* § 13.2090 *Undertakings, in general.* In connection with the offering for sale, sale, and distribution in commerce, of miscellaneous articles of merchandise: (1) Representing, directly or by implication, that subscribers to the Gadget-of-the-Month Club, or other purchasers of respondents' merchandise, will receive any specified number of articles of merchandise within any stated period of time, unless the number of articles specified are actually delivered within the stated period of time; and (2) representing that the total retail price of the articles of merchandise delivered to subscribers is greater than the subscription price or misrepresenting in any manner the retail price of respondents' merchandise; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Gadget-of-the-Month Club, Inc., et al., Los Angeles, Calif., Docket 6256, September 8, 1955]

In the Matter of Gadget-of-the-Month Club, Inc., a Corporation, and Don L. Davis, and Mary Lou Moffitt Davis, Individually and as Officers of Said Corporation

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission which charged respondents with unfair and deceptive acts and practices in connection with the retail sale of miscellaneous articles of merchandise referred to as "gadgets", in violation of the Federal Trade Commission Act, and upon an Agreement for Consent Order which disposed of all the issues involved in the proceeding and which was submitted to the hearing examiner pursuant to agreement entered into by respondents with counsel supporting the complaint, subsequent to the filing with the Commission of their answer thereto.

By the terms of said agreement, respondents admitted all the jurisdictional allegations set forth in the complaint, and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance therewith, and all parties agreed that the answer theretofore filed by respondents be withdrawn; expressly waived a hearing before a hearing examiner or the Commission; the making of findings of fact or conclusions of law by the hearing examiner or the Commission; the filing of exceptions and oral argument before the Commission, and all further and other procedure before the hearing examiner and the Commission to which respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission.

Respondents agreed that the order contained in the agreement should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, specifically waiving any and all right, power, or privilege to challenge or contest the validity of such order, and it was also agreed that said Agreement for Consent Order, together with the complaint, should constitute the entire record in the proceeding, upon which the initial decision should be based, and that the complaint in the matter might be used in construing the terms of the aforesaid order, which might be altered, modified, or set aside in the manner provided by statute for orders of the Commission, and it was further provided that the signing of the Agreement for Consent Order was for settlement purposes only, and did not constitute an admission by respondents of any violation of law alleged in the complaint.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters, and that for all legal purposes respondents' answer would be regarded as withdrawn; set forth his conclusion, in view of the facts

(Continued on next page)

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FEDERAL REGISTER

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RECORD RETENTION REQUIREMENTS

Reprint Notice

A reprint of the Federal Register dated April 8, 1955, is now available.

This issue, containing a 57-page Index-digest of Federal laws and regulations relating to the retention of records by the public, is priced at 15 cents per copy.

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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indicated and the further fact that the order embodied in the aforesaid agreement was identical with that which accompanied the complaint, except for clarification of Paragraph "2" thereof by substitution of the word "price" for the word "value", since respondents' representations therein referred to were with respect to price rather than value, that such order would safeguard the public interest to the same extent as could be accomplished by the issuance of an order after full hearing and all other adjudicative procedure waived in said agreement; and, accordingly, in consonance with said agreement, accepted the Agreement for Consent Order submitted in the matter; found that the proceeding was in the public interest; and issued order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 8, 1955, became, on said date, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That Respondents, Gadget-of-the-Month Club, Inc., a corporation, and its officers, Don L. Davis and Mary Lou Moffitt Davis, individually and as officers of said corporation, and said Respondents' representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of miscellaneous articles of merchandise, do forthwith cease and desist from:

1. Representing, directly or by implication, that subscribers to the Gadget-of-the-Month Club, or other purchasers of Respondents' merchandise, will receive any specified number of articles of merchandise within any stated period of time, unless the number of articles specified are actually delivered within the stated period of time;

2. Representing that the total retail price of the articles of merchandise delivered to subscribers is greater than the subscription price or misrepresenting in any manner the retail price of Respondents' merchandise.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Gadget-of-the-Month Club, Inc., a corporation, and Don L. Davis, and Mary Lou Moffitt Davis, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 8, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-8029; Filed, Oct. 4, 1955; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 56]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Correction

In Federal Register Document 55-8023, published on page 7324 of the issue for Saturday, October 1, 1955, the signature at the end should read "G. R. Grange, *Acting Director*".

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases and Other Operations

[1955 C. C. C. Dry Edible Bean Bulletin 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955 NEW YORK DRY EDIBLE BEAN PURCHASE AGREEMENT PROGRAM

Correction

In Federal Register Document 55-7707, appearing at page 7123, issue of Friday, September 23, 1955, the following changes should be made:

1. In the next to last sentence of § 421.1204 (c) the word "More" should read "Mere".

2. In § 421.1207 (e) the reference should read "§ 421.1210 (e)".

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF CHLOROBENZILATE (ETHYL 4,4'-DICHLOROBENZILATE)

On April 18, 1955, a petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of Chlorobenzilate (ethyl 4,4'-dichlorobenzilate) in or on certain raw agricultural commodities. Subsequently, the petitioner submitted supplementary pharmacological data which resulted in changing the filing date to July 7, 1955.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g); 20 F. R. 759), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended as follows:

1. In § 120.101 *Specific tolerances for pesticide residues in or on fresh fruits and vegetables*, paragraph (c) (5) (i) is amended by inserting in the list of chlorinated hydrocarbons, immediately following the name "Chlorinated camphene (toxaphene)", the name "Chlorobenzilate (ethyl 4,4'-dichlorobenzilate)."

2. Part 120 is amended by adding the following new section:

§ 120.109 *Tolerances for residues of Chlorobenzilate (ethyl 4,4'-dichlorobenzilate)*. A tolerance of 5 parts per million is established for residues of Chlorobenzilate (ethyl 4,4'-dichlorobenzilate) in or on each of the following raw agricultural commodities: Apples, cantaloups, lemons, oranges, and pears.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, shall specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and may request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 511; 21 U. S. C. Sup. 346a)

Dated: September 29, 1955.

[SEAL] GEO P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 55-8046; Filed, Oct. 4, 1955; 8:51 a. m.]

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996) the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 1954 Supp., Parts 146, 146b, 146c, 146e; 20 F. R. 2481) are amended as indicated below:

1. In § 146.26 *Animal feeds containing penicillin* * * *, paragraph (b) (21) is amended by changing the numbers "100" and "200" to read "50" and "100", respectively.

2. In § 146b.116 *Streptomycylidene isonicotinyl hydrazine sulfate*, paragraph (c) *Labeling* is amended by changing the number "18" to read "36".

3. In § 146c.204 *Chlortetracycline capsules* * * *, subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the number "48" to "60".

4. Section 146c.207 *Chlortetracycline tablets* * * * is amended by deleting the period at the end thereof and adding the following clause: "and its expiration date is not more than 48 months."

5. In § 146e.411 *Bacitracin-neomycin ointment* * * *, paragraph (a) is amended by deleting subparagraph (2) and renumbering subparagraphs (3) and (4) as (2) and (3), respectively.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with inter-

ested members of the affected industry, since it conditionally relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that animal feeds containing antibiotic drugs specified in amendment 1 above need not comply with the requirements of sections 502 (l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy, provided they are used in the amounts and for the conditions specified.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: September 29, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8045; Filed, Oct. 4, 1955; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

MISCELLANEOUS AMENDMENTS

Section 577.3 is revised and §§ 577.21 and 577.24 are revoked, as follows:

§ 577.3 *Civilian medical care furnished personnel outside Army medical treatment facilities*—(a) *For whom authorized.* (1) Civilian medical care furnished outside Army medical treatment facilities at the expense of Army Medical Service funds is authorized for the following personnel, when the required care cannot be provided by available medical treatment facilities of the Department of Defense or other Federal agencies outside Department of Defense. Determination of availability of military or other Federal facilities will be made, except in emergencies, by the immediate commanding officer of the individual receiving such care.

(i) Officers, warrant officers, and enlisted personnel of the Regular Army and cadets of the United States Military Academy when on a duty status or when absent with authority on leave or pass. Such attendance will not be authorized when absent without authority. Charges incurred for civilian medical care when absent without authority are the sole responsibility of the individual concerned.

(ii) Officers, warrant officers, and enlisted personnel of the Army Reserve; the Federally recognized National Guard of the several States; Territories, and the District of Columbia; the National Guard of the United States; and the Army without specification as to component when ordered or called into active Federal service or when ordered to active or inactive duty training (see sec. 5, act April 3, 1939, 53 Stat. 557; 10 U. S. C. 456, as amended, and sec. 3, act June 20, 1949, 63 Stat. 202; 32 U. S. C. 160a).

(iii) Members of the Army Reserve and the National Guard of the United States not on active duty (limited to physical examination as deemed necessary for the Secretary of the Army). (See section 225, Armed Forces Reserve Act of 1952 (66 Stat. 488).)

(iv) Members of the Reserve Officers' Training Corps of the Army en route to, or from, or during their attendance at camps of instruction under section 47a, National Defense Act, as amended (41 Stat. 778; 10 U. S. C. 441).

(v) Applicants for enlistment or reenlistment and inductees under the Universal Military Training and Service Act (65 Stat. 75) as amended (limited to necessary physical and mental examination except as provided in subdivision (vi) of this subparagraph.

(vi) Applicants for entry into the Army or inductees whose physical fitness for military service cannot be determined without hospital duty.

(vii) Prisoners.

(viii) Prisoners of war, persons interned by the Army and other persons in military custody or confinement.

(ix) Civilian seamen in the service of vessels operated by the Department of the Army.

(x) Civilian employees of the Army will be afforded "on-the-job" medical and surgical service through the Army Federal Civilian Employees' Health Service Program.

(2) In the event a member of the Army Reserve, the Federally recognized National Guard of the several States, Territories, and the District of Columbia, the National Guard of the United States or the Army Reserve Officers' Training Corps is furnished medical care by civilian physicians or civilian medical treatment facilities after termination of camp or the prescribed tour of training duty for personal injury suffered or disease contracted not in line of duty, the member concerned is personally responsible for payment of charges for inpatient or outpatient care furnished by civilian physicians or civilian medical treatment facilities.

(b) *Elective treatment.* Elective medical treatment in civilian medical treatment facilities or by civilian physicians will not be authorized or paid for from Army Medical Service funds. The term "elective treatment" will be interpreted to mean such treatment which, in the opinion of competent medical authority, is not necessary to save life or preserve health, but is only advantageous to the patient.

§ 577.21 *Admission and treatment of American seamen in medical treatment facilities of the Department of the Army outside continental United States, its territories, and its possession.* [Revoked.]

§ 577.24 *Army and Navy Hospital, Hot Springs, Arkansas; regulations applicable.* [Revoked.]

[SR 40-505-11, June 10, 1954; DA Cir. 310-24, August 1, 1955] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-8025; Filed, Oct. 4, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1231]

[Anchorage 025744]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE IN CONNECTION WITH EKLUTNA PROJECT; PARTIALLY REVOKING PUBLIC LAND ORDER NO. 589 OF JUNE 9, 1949 AND THE DEPARTMENTAL ORDER OF SEPTEMBER 5, 1951

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and section 3 of the act of July 31, 1950 (64 Stat. 382; 48 U. S. C. 312) it is ordered as follows:

1. Subject to valid existing rights and to existing withdrawals for power purposes, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Interior in connection with construction, operation and maintenance of the Eklutna Project:

SEWARD MERIDIAN

T. 15 N., R. 2 E (unsurveyed),
Sec. 9, W½.
T. 16 N., R. 2 E.,
Secs. 29 and 32.

The tracts described contain approximately 1,600 acres.

2. The Departmental order of September 5, 1951, reserving public lands for the Eklutna Project is hereby revoked so far as it affects the following-described lands:

SEWARD MERIDIAN

T. 16 N., R. 2 E. (unsurveyed),
Sec. 17, E½;
Sec. 20, NE¼.

The tracts described aggregate approximately 480 acres.

3. Public Land Order No. 589 of June 9, 1949, withdrawing public lands for use of the Department of the Interior for such projects as might be authorized by Congress is hereby revoked so far as it affects the following-described lands:

SEWARD MERIDIAN

T. 15 N., R. 1 E. (unsurveyed),
Secs. 1 and 12.
T. 16 N., R. 1 E. (unsurveyed),
Sec. 13, N½SW¼;
Secs. 14, 23, 24, 25, and 36.
T. 15 N., R. 2 E. (unsurveyed),
Secs. 6 and 7.
T. 16 N., R. 2 E. (unsurveyed),
Sec. 19, S½;
Secs. 30 and 31.

The tracts described contain approximately 7,440 acres.

4. Part or all of the lands in secs. 1 and 12, T. 15 N., R. 1 E., and in secs. 6 and 7, T. 15 N., R. 2 E., released by paragraph 3 of this order are withdrawn for Power Project No. 350 or Power Site Classification No. 107.

5. Subject to any existing valid rights and the requirements of applicable laws, the lands described are hereby opened to settlement and to filing of such applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the applications and claims described in paragraph b (1) below, the lands, beginning 10:00 a. m. on November 3, 1955, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended. Beginning 10:00 a. m. on February 2, 1956, any remaining lands will be subject to settlement under these laws by other qualified persons.

b. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights confered by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on November 3, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications after that hour and before 10:00 a. m. on February 2, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on February 2, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands will be open to location under the United States mining laws, beginning 10:00 a. m. on February 2, 1956.

Persons claiming veterans preference rights under paragraph b (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 28, 1955.

[F. R. Doc. 55-8027; Filed, Oct. 4, 1955; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11181; FCC 55-982]

[Rules Amdt. 3-57]

PART 3—RADIO BROADCAST SERVICES

ORDER EXTENDING EFFECTIVE DATE

In the matter of amendment of § 3.614 (b) of the rules governing television broadcast stations, Docket No. 11181.

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 28th day of September 1955;

The Commission has before it for consideration its Report and Order (FCC 55-802), issued in the above-entitled proceeding on July 22, 1955, amending § 3.614 (b) of its rules relating to antenna height and power requirements for VHF television stations in Zone I.

The amendment was originally scheduled to become effective on August 31, 1955. However, on September 1, 1955, the Commission issued an Order Extending the Effective Date to October 1, 1955, pointing out that several petitions had been filed with the Commission for reconsideration of its action in this proceeding and requesting that the effectiveness of the amendment be stayed pending such reconsideration. It was noted, also, that several requests had been submitted seeking postponement of the effective date of the amendment until the present studies of the Air Coordinating Committee on the subject of tall towers are completed. Oppositions to the various petitions for reconsideration and requests for stay have also been filed.

Additional time will be necessary for the Commission to consider the above requests. Accordingly, the Commission believes that the public interest would be served by further staying the effectiveness of the amendment.

In view of the foregoing: *It is ordered,* That the effective date of the amendment of the Commission's rules and regulations adopted by its Report and Order issued July 22, 1955 in this proceeding, is extended to November 1, 1955.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8033; Filed, Oct. 4, 1955; 8:47 a. m.]

[Rules Amdt. 13-2; FCC 55-977]

PART 13—COMMERCIAL RADIO OPERATORS

POSTING REQUIREMENTS FOR OPERATOR

In the matter of amendment of § 13.74 of the Commission's rules to provide for issuance of verified statement (Form 759) to holders of the Restricted Radiotelephone Operator Permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of September 1955;

The Commission having under consideration amendment of § 13.74 of its Commercial Radio Operator Rules to provide for issuance of verified statements (Form 759) to holders of the Restricted Radiotelephone Operator Permit which is of the card form; and

It appearing that at certain classes of radio stations where holders of Restricted Radiotelephone Operator Permits are employed they are required to post their operator permits and that when such operators also wish to operate other stations where posting also is required or to operate mobile stations such as aircraft stations, the operator permits are not readily available either for posting at another station or to carry with them as required; and

It further appearing that § 13.74 should be amended to provide for issuance of verified statements to holders of Restricted Radiotelephone Operator Permits in order that they may be posted in lieu of such permits where needed; and

It further appearing that authority for the amendment herein ordered is contained in sections 4 (i) and 303 (l) and (r) of the Communications Act of 1934, as amended; and

It further appearing that Notice of proposed Rule-Making in this matter is unnecessary because the action herein relates to agency practice only, and, therefore, compliance with the public notice and rule making procedure required by sections 4 (a) and (b) of the Administrative Procedure Act is not required.

It is ordered, That, effective November 1, 1955, § 13.74 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 13.74 is amended by adding new paragraph (c) thereto, as follows:

(c) One or more verified statements (Form 759), as necessary, will be issued to the holder of a restricted radiotelephone operator permit (card form license) who because of an operator license posting requirement at one station would not otherwise be able to comply with a license posting requirement or to carry his permit on his person when so required at another station or stations.

[F. R. Doc. 55-8034; Filed, Oct. 4, 1955; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. 55]

PART 1—GENERAL RULES OF PRACTICE

MISCELLANEOUS AMENDMENTS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 19th day of September A. D., 1955.

It appearing that by notice entered on August 8, 1952, in the above-entitled proceeding, the Commission invited suggested amendments to its general rules of practice, adopted July 31, 1942, as amended (49 CFR Part 1, §§ 1.1 to 1.102);

Upon consideration of suggested amendments received, and good cause appearing therefor:

It is ordered, That the general rules of practice be, and the same are hereby, amended by deleting therefrom Rules 4 (a), 5 (g) and (h), 15, 19, 21 (b), 22 (a), 23 (a), 25 (d), 35 (a), 37, 42 (a) and (b), 55 (a), 76, 77, 84 (d), 87, 89, 90 (b), 96 (b) and Form No. 3 (49 CFR 1.4 (a), 1.5 (g) and (h), 1.15, 1.19, 1.21 (b), 1.22 (a), 1.23 (a), 1.25 (d), 1.35 (a), 1.37, 1.42 (a) and (b), 1.55 (a), 1.76, 1.77, 1.84 (d), 1.87, 1.89, 1.90 (b), 1.96 (b) and Form No. 3) and, in each instance, substituting in lieu of the deleted rule, or part thereof, or form, the correspondingly numbered rule, or part thereof, or form, set forth below, which is hereby incorporated into and made a part of this order.

It is further ordered, That Rule 71 of the general rules of practice (49 CFR 1.71) be amended by changing the designation of paragraph (b) thereof to "Appearances", by deleting the entire first sentence of that paragraph (b), by inserting a new paragraph (c) to read as follows:

(c) *Standards of conduct.* Contemptuous conduct by any person appearing at a hearing shall be ground for his exclusion by the presiding officer from the hearing.

and by renumbering current paragraph (c) therein as (d).

It is further ordered, That the effective date of this order shall be November 1, 1955;

It is further ordered, That this proceeding be, and it is hereby continued until the further order of the Commission;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 201, 54 Stat. 933, sec. 1, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

§ 1.4 *Communications and pleadings generally*—(a) *How addressed.* All communications, including correspondence concerning matters referred to boards, should be addressed to the Commission unless otherwise specifically directed. All communications should clearly designate the docket number, if any, and short title. The person communicating shall state his address, the party he represents, and how response should be sent to him if not by first class mail.

§ 1.5 *Definitions.* • • •

(g) The term "proposed report" means an officer's written statement of the issues, the facts, and the findings the officer proposes that the Commission should make, with the reasons therefor, but with no recommended order. Such term also means, and shall include, a "recommended decision" and a "tentative decision" as these last two terms are used in the Administrative Procedure Act.

(h) The term "report and recommended order" means an officer's written statement in a referred matter of the issues, the facts, the findings, reasons for such findings, and a recommended order. Such term also means, and shall include, an "initial decision" as the latter term is used in the Administrative Procedure Act.

§ 1.15 *Typographical specifications generally.* Except as otherwise provided respecting applications (§ 1.30 (a)), exhibits (§ 1.84 (a)), and informal complaints (§ 1.24 (a)), all pleadings, documents, and papers to be filed under these rules shall be on opaque, unglazed, durable paper not exceeding 8½ by 11 inches. To permit of binding in covers of uniform size, margins of at least 1½ and 1 inch, respectively, shall be allowed on the left and right margins. Binding shall be on the left margin. Reproduction may be by printing, printing by off-set press, multigraphing, or mimeographing, or by any other process, provided the copies are clear and permanently legible. White-line blueprints which cannot be reproduced by photography are not acceptable. If directly typewritten, or if in facsimile reproduction of typewriting, the impression must be on one side of the paper and must be double-spaced, except that long quotations shall be single-spaced and indented. If printed, adequate leading and nothing less than 10-point type shall be used, except that 8-point type may be employed in footnotes and in tabular matter where printing limitations so require. A pleading in excess of 50 pages (except one made under modified or shortened procedure) including cover pages, indexes, and appendixes, must be printed. Printing by off-set press will be accepted.

§ 1.19 *Pleadings part of record.* Recitals of material and relevant facts in a pleading filed prior to oral hearing in any proceeding, unless specifically denied in a counterpleading filed under these rules, shall constitute evidence and be a part of the record without special admission or incorporation therein, but if request is seasonably made, a competent witness must be made available for cross-examination on the evidence so included in the record. Pleadings may contain specific references to or quotation from the tariffs or schedules containing the several rates, fares, charges, schedules, classifications, regulations or practices alleged to be material.

§ 1.21 *Time.* • • •

(b) *Modification.* Except as to the maximum time periods provided by law or specified in this part respecting informal complaints seeking damages (§ 1.25), any time period prescribed or permitted in this part may, upon request and for good and sufficient cause be modified by the Commission in its discretion. Requests for extension or modifications of time must be served upon all parties of record at the same time and by the same method of communication as service is made on the Commission. A request for postponement of date for filing briefs or other documents must be filed not less than 10 days before the date in question, except in extraordinary circumstances, and where such requests are filed less than 10 days before the due date the petitioning party shall state the reasons for his failure to make such request within the prescribed 10 days. The original only of the request and certificate of service need be filed with the Commission.

§ 1.22 *Service; pleadings and papers to show*—(a) *Generally.* Except as otherwise provided in paragraph (b) of this section, or as otherwise provided respecting applications (§ 1.38 (b)), formal complaints (§ 1.34), informal complaints (§ 1.24 (b)), and petitions in intervention (§ 1.72 (d)), every pleading, document, or paper must, when filed, or tendered to the Commission for filing, include a certificate showing simultaneous service thereof upon all parties to the proceeding. Such service shall be made by delivery in person, or by first-class or air mail, or by express, properly addressed with charges prepaid, one copy to each party. Service shall be effected upon the parties to the proceeding by the same means of communication and class of service that is employed in making delivery to the Commission: *Provided, however*, That when delivery is made to the Commission in person, and it is not feasible to serve the other parties in person, service shall be made upon parties 1000 or more miles distant from the party effecting service by air mail and upon parties less than 1000 miles distant by first-class or air mail. When any party is represented by a practitioner, service upon such practitioner will be deemed service upon the party.

§ 1.23 *Replies*—(a) *Time for filing.* Except that a reply to a reply is not permitted, and except as otherwise provided respecting answers (§ 1.35 (c)), modified and shortened procedure (§§ 1.44 (c) and 1.51), and briefs (§§ 1.92 and 1.93), an adverse party may file and serve a reply to any pleading permitted under the rules in this part within 20 days after filing at the Commission.

§ 1.25 *Informal complaints seeking damages.* • • •

(d) *Copies.* The original of an informal complaint seeking damages must be accompanied by copies in sufficient number to enable the Commission to transmit one to each defendant named.

§ 1.35 *Answers and cross complaints to formal complaints*—(a) *Generally.* An answer may simultaneously be responsive to a formal complaint and to any amendment or supplement thereof. It should be drawn so as fully and completely to advise the parties and the Commission of the nature of the defense, including, if a departure from the requirements of section 4 (1) of the act is involved, the number of the particular application or order, if any, which protects such departure; and should admit or deny specifically and in detail each material allegation of the pleading answered. An answer may embrace a detail statement of any counter-proposal which a defendant may desire to submit. Unless the issue is such that separate answers are required, answer for all defendants may be filed on their behalf by one defendant in one document, in which event the answer must show clearly the names of all defendants joining therein, and their concurrence.

§ 1.37 *Satisfaction of complaint.* If a defendant satisfies a formal complaint, either before or after answering, a statement to that effect signed by the opposing parties must be filed (original only need be filed), setting forth when and how the complaint has been satisfied. This action should be taken as expeditiously as possible.

§ 1.42 *Petitions for suspension of tariffs or schedules*—(a) *Content.* The protested tariff or schedule sought to be suspended should be identified by making reference to the name of the publishing carrier, freight forwarder, or agent, to the Interstate Commerce Commission number, and to the specific items or particular provisions protested. Reference should also be made to the tariff or schedule, and the specific provisions thereof, proposed to be superseded. The protest should state the grounds in support thereof, indicate in what respect the protested tariff or schedule is considered to be unlawful and state what protestant offers by way of substitution. Such protests will be considered as addressed to the discretion of the Commission and no protest shall include a prayer that it also be considered a formal complaint. Should a protestant desire to proceed further against a tariff or schedule which is not suspended, or which has been suspended and the suspension vacated, a separate later formal complaint or petition should be filed.

(b) *When filed.* Protests against, and requests for suspension of, tariffs or schedules filed under the act will not be considered unless made in writing and filed with the Commission at Washington, D. C. Such protests and requests for suspension shall reach the Commission at least 12 days before the effective dates of the tariffs, schedules, or parts thereof to which they refer, unless the protested publications were filed on less than 30-days notice under the authority of this Commission, in which event the protests should be filed not less than 5 days before such effective dates. In an emergency, telegraphic protests will be acceptable if received within the time limits herein specified, provided they also fully comply with paragraph (a) of this section and copies thereof are immediately telegraphed by protestants to the respondent carriers or their publishing agents. Six copies of such telegrams should immediately be mailed by the protestants to the Commission at Washington.

§ 1.55 *Notice of hearing*—(a) *Assignment; service and posting of notice; requests for postponement.* In those proceedings in which a hearing is to be held, the Commission will, by order or otherwise, assign a time and place for hearing. Notice of such hearing will be posted in the office of the Secretary of the Commission and will be served upon the parties and such other persons as may be entitled to receive notice under the act. A party should be prepared for hearing at its assigned time. Requests for postponement of dates thereof should be made sparingly, and will not be granted except for good and sufficient cause.

§ 176 *Evidence; cumulative restriction.* It shall be the duty of the officer before whom any proceeding is being heard to limit the number of witnesses whose testimony may be merely cumulative. And in order to enforce this section, the officer may require a clear statement on the record of the nature of the testimony to be given by any witness proferred.

§ 1.77 *Evidence; prepared statements.* With the approval of the officer, a witness may read into the record, as his testimony, statements of fact or expressions of his opinion prepared by him, or written answers to interrogatories of counsel, or a prepared statement of a witness who is present at the hearing may be received as an exhibit, provided that the statement shall not include argument; that before any such statement is read, or admitted in evidence the witness shall deliver to the officer, the reporter, and to opposing counsel as may be directed by the officer, a copy of such statement or of such interrogatories and his written answers thereto; and that the admissibility of the evidence contained in such statement shall be subject to the same rules as if such testimony were produced in the usual manner, including the right of cross-examination of the witness. Such approval ordinarily will be denied when in the opinion of the officer the memory or demeanor of the witness may be of importance.

§ 1.84 *Evidence; exhibits.* • • •

(d) *Interchange prior to hearing.* Whenever practicable, the parties should interchange copies of exhibits or other pertinent material or matter before or at the commencement of the hearing; and the Commission or presiding officer may so direct.

§ 1.87 *Evidence; objections to.* Formal exception to a ruling of an officer at a hearing is unnecessary. It is sufficient that a party, at the time the ruling is made or sought, make known to the officer on the record the action which he desires the officer to take or his objection to the action of the officer and his grounds therefor. An objection not pressed in brief will be considered as waived. Where no brief is filed an objection will be considered as waived if not pressed in exceptions or reply to exceptions, if filed, or in a separate petition dealing only with that objection.

§ 1.89 *Continuance for further hearing.* A continuance may be granted by the presiding officer if it is impossible to conclude a hearing within the time available, or for any reason a continuance is necessary or advisable, but a joint board shall not set a date and place for a continued hearing without first consulting the Commission. If consultation with the Commission is impracticable, the hearing shall be adjourned by the joint board to such time and place as the Commission subsequently shall determine.

§ 1.90 *Transcript of record.* • • •

(b) *Corrections.* A suggested correction in a transcript ordinarily will be considered only if offered not later than 20 days after the date each transcript is filed with the Commission. A copy of the letter (original only need be filed with the Commission) requesting the suggested corrections shall be served upon all parties of record and with 2 copies to the official reporter.

§ 1.96 *Exceptions to officer's report.* • • •

(b) *When filed.* Within 30 days after service of the officer's report, any party may file and serve exceptions thereto and reasons in support thereof. Replies may be served and filed as provided in § 1.23. In any case the Commission may, in its discretion, upon notice to the parties reduce or extend the time for filing exceptions or replies.

APPENDIX

APPROVED FORMS

• • • • • •

No. 3. CERTIFICATE OF SERVICE [*]

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by (here state the precise manner of making service, which must be consistent with the provisions of Rule 22).

Dated at ----------, this ---- day of ----------, 19---.

(Signature) ----------

[F. R. Doc. 55-8041; Filed, Oct. 4, 1955; 8:49 a. m.]

[*] See § 1.22.

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 401]

DISCLOSURE OF INFORMATION IN CONNECTION WITH ENFORCEMENT OF IMMIGRATION AND NATIONALITY ACT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given pursuant to the Administrative Procedure Act approved June 11, 1946, that the amendment to regulation set forth in tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare, as an amendment to present Social Security Administration Regulation No. 1 as amended (20 CFR 401.1 et seq.). It is proposed to amend the existing regulation by authorizing disclosure of specific types of information in accordance with the provisions of section 290 (c) of the Immigration and Nationality Act.

Prior to the final adoption of the proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, at the Health, Education, and Welfare Building, Fourth and Independence Avenues, SW., Washington 25, D. C., within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are to be issued under the authority contained in sections 205 (a), 1102, and 1106 of the Social Security Act, 53 Stat. 1368 as amended, 49 Stat. 647 as amended, 64 Stat. 559, and section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18.

[SEAL] CHARLES I. SCHOTTLAND,
Commissioner of Social Security.

Approved: September 29, 1955.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

§ 401.3 *Information which may be disclosed and to whom.* Disclosure of any such file, record, report or other paper, or information, is hereby authorized in the following cases and for the following purposes:

* * * * *

(p) To any officer or employee of the Department of Justice of the United States lawfully charged with the administration of title II of the Immigration and Nationality Act, available information required to be furnished by section 290 (c) of such act, for the purpose of such administration only.

[F. R. Doc. 55-8026; Filed, Oct. 4, 1955; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 8]

[Docket No. 11510; FCC 55-974]

STATIONS ON SHIPBOARD IN MARITIME SERVICES

LIMITATION ON USE OF CERTAIN FREQUENCIES TO COMMUNICATION PERTAINING TO SAFETY, OPERATIONAL OR BUSINESS PURPOSES

In the matter of amendment of Part 8 with respect to limiting the use of certain 2 Mc intership frequencies to communication pertaining to safety, operational or business purposes; Docket No. 11510.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Part 8 of the Commission's rules provides that certain 2 Mc frequencies for intership communication are available for assignment to ship stations primarily for safety purposes. Communications other than safety communications are authorized upon condition that interference is not caused to safety communication. The instant proposal would clarify the present rule provision by restricting the secondary use of these frequencies to communications essential to the operation or, in the case of commercial transport vessels, the business of the ship. Since other types of communications would not be permissible, the present rule provision stating personal and social communications may be construed by the Commission to be superfluous communication would be deleted.

3. The proposed amendment to the rules is issued pursuant to the authority contained in section 303 (b) (f) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth below, may file with the Commission on or before November 8, 1955, written data, views or briefs setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: September 28, 1955.

Released: September 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 8 is amended as follows:

1. Section 8.6 is amended by adding new paragraphs (m) and (n) thereto as follows:

(m) *Operational communication.* Radiocommunication concerning the navigation, movement, or management of a ship or ships.

(n) *Business communication.* Radiocommunication pertaining to economic, commercial or governmental matters related directly to the purpose for which the ship is being used.

2. Section 8.358 (a) is amended to read as follows:

§ 8.358 *Frequencies below 3000 kc for safety purposes.* (a) Carrier frequencies below 3000 kc authorized for working between ship stations employing telephony for transmission and reception on the same radiochannel by means of amplitude modulation, primarily for safety communication, are designated herewith. The transmission of other than safety communication on these radiochannels is restricted to operational communication, except that commercial transport vessels and vessels of municipal or state governments may use these frequencies for ship business purposes as well as operational communication. The transmission of such operational and business communication is authorized upon condition that interference is not caused to safety communication. The use of these carrier frequencies is prohibited when the use of a licensed frequency above 30 Mc in lieu thereof would provide effective communication. Their use shall be in accordance with respective geographic areas as follows:

Frequency (kc) and geographic area in which use is authorized	
2003	Great Lakes only.
2738	All areas except the Great Lakes and the Gulf of Mexico.
2830	The Gulf of Mexico.
2638	All areas.

3. Delete the text of § 8.358 (b) and substitute therefor the word "[Reserved]".

4. Section 8.366 (g) is amended to read as follows:

(g) *Authorized use of 2003, 2638, 2738 and 2830 kc.* (1) The radio channels of which 2003, 2638, 2738 and 2830 kc are the authorized carrier frequencies, shall be used by mobile stations in accordance with the provisions of §§ 8.176, 8.177 (b) and 8.358.

(2) Ship stations licensed to transmit on the radio-channel of which 2638 kc is the authorized carrier frequency, shall, when on inland waters of the United States, restrict the use of this channel to a necessary minimum.

[F. R. Doc. 55-8035; Filed, Oct. 4, 1955; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 933]

HANDLING OF ORANGES, GRAPEFRUIT AND TANGERINES GROWN IN FLORIDA

EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1955-56 FISCAL PERIOD

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under Marketing Agreement No. 84, as amended, and Order No. 33, as amended (7 CFR, Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $162,000.00 will be necessarily incurred during the fiscal period August 1, 1955, to July 31, 1956, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as each handler's share of such expenses, the rate of assessment, which each handler shall pay during the aforesaid fiscal period in accordance with the aforesaid amended marketing agreement and order, at $0.0045 per standard packed box of fruit shipped by such handler during such fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handler," "shipped," "fruit," "fiscal period," and "standard packed box" shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 29, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8024; Filed, Oct. 4, 1955; 8:45 a. m.]

NOTICES

POST OFFICE DEPARTMENT

ASSISTANT POSTMASTER GENERAL; BUREAU OF FACILITIES

REDELEGATION OF AUTHORITY WITH RESPECT TO LEASES AND THE ACCEPTANCE AND ASSIGNMENT OF OPTIONS TO PROCURE PROPERTY

The following is the text of Order No. 101 of the Assistant Postmaster General, Bureau of Facilities, dated September 12, 1955:

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), and Order No. 55884, dated April 28, 1955 (20 F. R. 3548), authority is hereby delegated to the Director of Real Estate, Bureau of Facilities, to take final action, in my name—

(A) With respect to the acceptance and assignment of options to procure land, under authority of Section 903 of Title 39, United States Code, where the Post Office Department has no basic monetary investment in excess of one dollar;

(B) With respect to the procurement of space for postal purposes, as follows—

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $20,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $10,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $10,000 or less; or

4. To accept or enter into agreements to cancel proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for fifteen years or less and where the aggregate rental for the full term of the lease covered by the proposal is $100,000 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for fifteen years or less, and the aggregate rental for the renewal term of the lease under the option is $100,000 or less; or

6. To make agreements for amendments to proposals, leases, contracts, or agreements for increases or reductions in space, building requirements, services or improvements. The authority to enter into agreements for increases is restricted to cases where—

(a) The total cost is not in excess of $5,000 and is to be borne by the Post Office Department; or

(b) The total cost is to be borne by the proponent or lessor, as the case may be, and is to be amortized under the terms of a lease which is for a term of fifteen years or less, and where the aggregate rental for the full term of the lease is $100,000 or less;

or

7. To execute leases, contracts, or agreements for garage or parking space for periods of not in excess of one year where the rental is $10,000 a year, or less; or

8. To cancel leases, contracts, or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of Paragraphs 3 and 7 of this Order.

The authority delegated by this Order shall be exercised by the Director of Real Estate, Bureau of Facilities, throughout the United States, its Territories and Possessions, including Guam.

This supersedes and cancels Order No. 43, dated November 5, 1954. (19 F. R. 8042.)

DELEGATION OF AUTHORITY TO DEPUTY ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

The following is the text of Order No. 102 of the Assistant Postmaster General, Bureau of Facilities, dated September 12, 1955:

Subject to any restrictions or limitations imposed in Orders of the Postmaster General delegating authority to the Assistant Postmaster General, Bureau of Facilities, authority is hereby delegated to the Deputy Assistant Postmaster General, Bureau of Facilities, to execute and perform in his own name all powers, functions and duties vested in the Assistant Postmaster General, Bureau of Facilities, including authority to modify, suspend, or rescind orders, instructions, and regulations which have heretofore, or which may hereafter be issued in the name of the Assistant Postmaster General, Bureau of Facilities, except that I do hereby reserve to the Assistant Postmaster General, Bureau of Facilities, exclusive authority to modify, suspend, or rescind all or any part of the authority delegated to the Deputy Assistant Postmaster General, Bureau of Facilities, by this order.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b) 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55-8044; Filed, Oct. 4, 1955; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

AUTHORIZATION FOR CERTAIN ACTIVITIES UNDER SECTION 57a (3) (B) OF THE ATOMIC ENERGY ACT OF 1954

1. Notice is hereby given that, pursuant to Section 57a.(3)(B) of the Atomic Energy Act of 1954 (68 Stat.

932), the Atomic Energy Commission has determined that any activity which:

(a) Constitutes directly or indirectly engaging in the production of any special nuclear material in any foreign country other than countries or areas now or hereafter listed as Subgroup A countries or destinations in Section 371.3 of the Comprehensive Export Schedule of the United States Department of Commerce; and

(b) Does not involve the communication of Restricted Data or other classified defense information; and

(c) Is not in violation of other provisions of law; will not be inimical to the interest of the United States and is authorized by the Atomic Energy Commission.

Nothing in the foregoing determination or authorization shall relieve any person from compliance with other provisions of law or regulation, including rules, regulations or orders relating to the export of production or utilization facilities, or source, special nuclear, or byproduct materials, pursuant to the Atomic Energy Act of 1954 or relating to the export of commodities or technical data pursuant to the Export Control Act of 1949, as amended, the Mutual Security Act of 1954, or other law.

2. The Commission intends soon to promulgate regulations incorporating the foregoing determination and authorization. It is planned that such regulations will include provisions requiring persons who have engaged in certain activities pursuant to the authorization set forth in paragraph 1 of this Notice to submit a report to the Commission concerning such activity.

3. Inquiries concerning this Notice may be addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Civilian Application.

Dated at Washington, D. C., this 30th day of September 1955.

K. E. FIELDS,
General Manager.

[F. R. Doc. 55-8097; Filed, Oct. 3, 1955; 4:34 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7186]

LAKE CENTRAL PERMANENT CERTIFICATION CASE

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on October 18, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William F. Cusick.

Dated at Washington, D. C., September 30, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8013; Filed, Oct. 4, 1955; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 22, 1955.

The U. S. Fish and Wildlife Service has filed an application, Serial No. W-01923, for the withdrawal of the lands described below, from all forms of appropriation including the mining laws, but not the mineral leasing laws of the United States. The applicant desires the land for use by the State of Washington Department of Game for wildlife purposes in connection with the Sherman Creek Game Range.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Room 209, Federal Building, Spokane, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WASHINGTON

WILLAMETTE MERIDIAN

T. 36 N., R. 37 E.,
Sec. 15, NW¼NW¼, NW¼SW¼;
Sec. 17, NE¼, W½NW¼;
Sec. 29, S½SE¼;
Sec. 33, W½W½.

The total area aggregates approximately 560 acres.

J. M. HONEYWELL,
State Supervisor.

[F. R. Doc. 55-8028; Filed, Oct. 4, 1955; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11262; FCC 55M-825]

AMERICAN SOUTHERN BROADCASTERS (WPWR)

ORDER FOR THE CONDUCT OF HEARING

In re application of Carrol F. Jackson & D. N. Jackson, d/b as American Southern Broadcasters (WPWR), Laurel, Mississippi, Docket No. 11262, File No. BP-9440; for construction permit for new standard broadcast station.

Appearances. Carrol F. Jackson, on behalf of American Southern Broadcasters (WPWR); Vincent A. Pepper, on behalf of protestants, Southland Broadcasting Company (WLAU) and New Laurel Radio Station, Inc. (WAML); and David I. Kraushaar, on behalf of the Chief, Broadcast Bureau.

1. A pre-hearing conference in the above-entitled proceeding was held September 23, 1955. The appearances were as above indicated.

2. At the conference, it was disclosed that the issues as drawn and as reflected in the pleadings in this proceeding are clear and understood by all parties. The applicant and protestants wish to present a substantial part of their cases by documentary evidence. Oral testimony will be given by the applicant and the protestants in addition to the information contained in the several written exhibits.

3. The parties agree that because of the nature of this proceeding, a protest proceeding, further conferences on the record are not necessary and that each will be prepared to exchange the written exhibits referred to above on or before October 10, 1955, and will be ready to proceed with the introduction of the exhibits and oral testimony on October 25, 1955.

It is ordered, This the 23d day of September 1955, that pursuant to the agreements hereinabove referred to, all exhibits to be introduced by the parties in support of those issues from which he has the burden of proof will be exchanged on or before October 10, 1955, and further hearing in this proceeding will be held on October 25, 1955, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8036; Filed, Oct. 4, 1955; 8:48 a. m.]

[Docket No. 11384; FCC 55M-823]

WGNS, INC.

ORDER CONTINUING HEARING

In the matter of WGNS, Incorporated, Murfreesboro, Tennessee, Docket No. 11384; order to show cause why the license of AM Radio Station WGNS should not be revoked.

The Hearing Examiner having under consideration a petition filed on September 21, 1955, on behalf of WGNS, Incorporated, requesting that the hearing in the above-entitled proceeding be continued without date; and

It appearing that sufficient "good cause" has been set forth in the said petition to justify a grant of the relief requested herein; and

It further appearing that the Broadcast Bureau of this Commission, the only other party to the proceeding, has consented to a grant of the said petition and to a waiver of section 1.745 of the Commission's rules relating to the timely filing of motions;

It is ordered, This 23d day of September 1955, that the above petition be, and it is hereby, granted; and that the hearing in the above-entitled proceeding is hereby continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8037; Filed, Oct. 4, 1955; 8:48 a. m.]

[Docket No. 11469 etc.; FCC 55M-831]

ROLLINS BROADCASTING, INC., ET AL.

STATEMENT AND ORDER CONTINUING HEARING

In re applications of Rollins Broadcasting, Inc., Indianapolis, Indiana, Docket No. 11469, File No. BP-9414; Jules J. Paglin & Stanley W. Ray, Jr., d/b as OK Broadcasting Company, Indianapolis, Indiana, Docket No. 11470, File No. BP-9473; Charles N. Cutler & Earl T. Herzog, d/b as Wireless Broadcasters, Franklin, Indiana, Docket No. 11471, File No. BP-9494; Wabash-Peru Broadcasting Co., Inc. (WARU), Peru, Indiana, Docket No. 11472, File No. BP-9731; Twin Valley Broadcasters, Inc. (WTVB), Coldwater, Michigan, Docket No. 11473, File No. BP-9732; for construction permits.

Appearances. Leonard H. Marks, on behalf of Rollins Broadcasting, Inc.; D. F. Prince and Jack P. Blume, on behalf of OK Broadcasting Company; Leo Resnick, on behalf of Wireless Broadcasters; Omar L. Crook, on behalf of Radio St. Clair (WDOG), Respondent; and Thomas B. Fitzpatrick, on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. Pursuant to sections 1.813 and 1.841 (c) of the Commission's Rules as amended, the first pre-hearing conference in the above-entitled proceeding was held before the undersigned Hearing Examiner at the offices of this Commission, on September 21, 1955, in which all of the parties as shown above under "Appearances" were represented by counsel. On September 19, 1955, prior to this pre-hearing conference, Mr. Norman E. Jorgensen, counsel for Champion City Broadcasting Company (WBLY), respondent, advised the presiding Hearing Examiner by telephone that his client had caused a study to be made of the possibility of mutual interference involved in the operation of station WBLY and the proposed operations of Station WARU, Rollins Broadcasting, Inc., and OK Broadcasters Company, and that as a result thereof had concluded that this problem was not of sufficient importance to warrant its participation in the proceeding. He stated, therefore, that Champion City Broadcasting Company would not enter an appearance at the pre-hearing conference. On the morning of September 21, 1955, prior to the commencement of the pre-hearing conference, Mr. John H. Midlen, counsel for Wabash-Peru Broadcasting Company, Inc. (WARU) and Twin Valley Broadcasters Inc. (WTVB), applicants in this proceeding, notified the Hearing Examiner by telephone that he was confined to his home by illness and would be unable to attend this conference.

2. At the pre-hearing conference certain stipulations were reached between the parties present and procedures established governing the hearing subject to subsequent consent thereto by Mr. Midlen on behalf of his clients. However, with the exception of counsel for Rollins Broadcasting, Inc., it was agreed between these parties that the initial pre-hearing conference should be continued until October 21, 1955, in order to afford Mr. Midlen an opportunity to participate therein and to state on the record his position concerning the stipulations and procedures which had been agreed upon between the other parties and to allow additional time for counsel representing applicants who own or operate existing broadcast stations within which to attempt to reach stipulations concerning the character of the past operations of such stations or agreements concerning the type of proof to be offered on these subjects with the view to expediting the proceeding.[1] In view of these developments, the procedures established and the stipulations tentatively reached during the September 21, 1955, session of the initial pre-hearing conference are not discussed herein but will be included in a Statement and Order to be issued subsequent to the termination of this conference on October 21, 1955. It was further agreed at this pre-hearing conference that the date for the exchange of exhibits between the various parties should be set for November 10, 1955, and the date for the taking of testimony for November 18, 1955. Due to various uncertain factors, it was further agreed that the date for the final pre-hearing conference to follow the exchange of exhibits, as required under section 1.841 (c) of the Commission's rules, as amended, should be left open.

3. In view of the foregoing: *It is ordered,* This 28th day of September 1955, that the initial pre-hearing conference in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m., on Friday, October 21, 1955, in the offices of this Commission, Washington, D. C.; that the date for the exchange of exhibits between the parties to this proceeding is hereby fixed for Thursday, November 10, 1955; and that the date of the hearing is hereby postponed from October 10, 1955, until 10:00 o'clock a. m., on Friday, November 18, 1955, in the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8038; Filed, Oct. 4, 1955; 8:48 a. m.]

[1] Counsel for Rollins Broadcasting, Inc., took the position that it was not necessary to hold an additional session of this pre-hearing conference on October 21, 1955, in order to effectuate the purposes set forth above, but agreed that it would be attended on behalf of his client by an associate from his office.

[Docket Nos. 11508, 11509; FCC 55-970]

MIDWESTERN BROADCASTING CO. AND STRAITS BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Midwestern Broadcasting Company, Cheboygan, Michigan, Docket No. 11508, File No. BPCT-1992; R. E. Hunt d/b as Straits Broadcasting Company Cheboygan, Michigan, Docket No. 11509, File No. BPCT-1998; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of September 1955;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 4 in Cheboygan, Michigan; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that by letter dated September 12, 1955, R. E. Hunt d/b as Straits Broadcasting Company requested an additional period of three weeks within which to amend his application; that no amendment has been filed to date; and that further delay in designating the applications herein for hearing would not be warranted; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Midwestern Broadcasting Company is legally, technically, financially, and otherwise qualified to construct, own and operate the proposed television broadcast station except as to issue "(1)" below; and that R. E. Hunt d/b as Straits Broadcasting Company is legally qualified to construct, own and operate the proposed television station and is technically so qualified except as to issue "(3)" below;

It is ordered, That the request of R. E. Hunt d/b as Straits Broadcasting Company to withhold designating the applications herein for hearing pending the filing of his proposed amendment is denied.

It is further ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 28th day of November 1955 in Washington, D. C., upon the following issues:

(1) To determine whether the type and character of the program service proposed by Midwestern Broadcasting Company and R. E. Hunt d/b as Straits Broadcasting Company would meet the needs of the principal community to be served.

(2) To determine the financial qualifications of R. E. Hunt d/b as Straits Broadcasting Company to construct, own and operate the proposed television broadcast station.

(3) To determine the precise location of the television antenna proposed by R. E. Hunt d/b as Straits Broadcasting Company with respect to the radiator of Station WCBY (AM), the feasibility of such proximate location and the effect thereof upon the operation of WCBY (AM).

(4) To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience, and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8039; Filed, Oct. 4, 1955; 8:49 a. m.]

[Docket Nos. 11511, 11512; FCC 55-980]

BOOTH RADIO AND TELEVISION STATIONS, INC. AND EATON COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Booth Radio and Television Stations, Inc., Lansing Michigan, Docket No. 11511, File No. BP-9767; Roy W. McLean and Craig E. Davids, d/b as Eaton County Broadcasting Company, Charlotte, Michigan, Docket No. 11512, File No. BP-9876; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of September 1955;

The Commission having under consideration the above-entitled applications of Booth Radio and Television Stations, Inc., for a construction permit for a new standard broadcast station to operate on 1390 kilocycles with a power of 500 watts, daytime only, at Lansing, Michigan; and Roy W. McLean and Craig E. Davids, d/b as Eaton County Broadcasting Company, for a construction permit for a new standard broadcast station to operate on 1390 kilocycles with a power of 1 kilowatt, daytime only, employing a directional antenna, at Charlotte, Michigan; and

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually prohibitive interference; and that the operation proposed by Booth Radio and Television Stations, Inc. would cause interference to Station WSAM, Saginaw, Michigan (1400 kc, 250 w, Unl.); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated August 5, 1955 of the aforementioned deficiencies and that the Commisison was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply to the Commission's letter was filed by each of the applicants; and

It further appearing that in a letter dated August 16, 1955, Station WSAM requested that the application of Booth Radio and Television Stations, Inc., be designated for hearing on grounds that it would cause interference to WSAM; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary; and

It further appearing that no objections have been interposed by the Air Coordinating Committee to the antenna tower construction proposed by both applicants but that the tower heights are critical and should not be exceeded, and, accordingly, in the event of a grant of either proposal the permittee should be required to complete FCC Form 720 regarding "Critical Obstruction"; and

It further appearing that in order to eliminate any adverse effects on the directional antenna system proposed in the application of the Eaton County Broadcasting Company, in the event of a grant of this application, the permittee should be required to relocate the power lines now on its antenna site;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the operation proposed by Booth Radio and Television Stations, Inc., would involve objectionable interference with Station WSAM, Saginaw, Michigan; or any other existing stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine in light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-entitled applications would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

It is further ordered, That in the event of a grant of either subject proposal the permittee shall be required to complete FCC Form 720 regarding "Critical Obstruction";

It is further ordered, That in the event of a grant of the application of the Eaton County Broadcasting Company, the permittee shall be required to relocate the power lines now on its antenna site in order to eliminate any adverse effects on its proposed directional antenna system;

It is further ordered, That the Knorr Broadcasting Corporation, licensee of Station WSAM, Saginaw, Michigan, is made a party to the proceeding.

Released: September 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8040; Filed, Oct. 4, 1955; 8:49 a. m.]

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

TRADE AGREEMENT NEGOTIATIONS WITH GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

POSSIBLE ADJUSTMENT IN PREFERENTIAL RATES ON CUBAN PRODUCTS

Correction

In the notice of correction to Federal Register Document 55-7713, published at page 7345 in the issue for Saturday, October 1, 1955, the paragraph designation "1528" should have read "1529".

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 30, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31141: *Salt cake—Louisville, Ky., to Palatka, Fla.* Filed by R. E. Boyle, Agent, for interested rail carriers. Rates on salt cake (crude sulphate of soda), carloads from Louisville, Ky., to Palatka, Fla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 239 to Agent Spaninger's I. C. C. 1062.

FSA No. 31142: *Coal—Alabama mines to Florida and Georgia.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on bituminous coal, carloads from Group 3 mines in Alabama on the St. Louis-San Francisco Railway Company to Chattahoochee, Fla., Krannert and Yates, Ga.

Grounds for relief: Origin min group relations and circuitous routes.

Tariff: Supplement 12 to St. L-S. F. Ry. I. C. C. A-580.

FSA No. 31143: *Automobile parts—South Greensburg, Pa., to South.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on automobile parts, carloads from South Greensburg, Pa., to specified points in Alabama, Florida, Georgia, Louisiana, North Carolina and Tennessee.

Grounds for relief: Circuitous routes.

Tariff: Supplement 87 to Agent Boin's I. C. C. A-968.

FSA No. 31144: *Sodium phosphates—From the East to the South.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on sodium, di-sodium, and tri-sodium phosphates, carloads from specified points in Delaware, New Jersey, New York, and Pennsylvania to specified points in Alabama, Florida, Georgia, Mississippi and Tennessee.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 87 to Agent Boin's I. C. C. A-968.

FSA No. 31145: *Liquefied Petroleum Gas—Mid-Continent Origins to Maryland.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from specified points in Kansas, Louisiana (west of the Mississippi River), Missouri, Oklahoma and Texas to Hagerstown and Hancock, Md.

Grounds for relief: Maintenance of rates through higher-rated intermediate territories on prescribed bases, and circuity.

Tariff: Supplement 29 to Agent Kratzmeir's I. C. C. 4150.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-8042; Filed, Oct. 4, 1955; 8:50 a. m.]

[Notice 80]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 30, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when the circumstances require immediate action, an application for approval, under Section 210a (b) of the Act, of the temporary operations of motor carrier properties sought to be acquired in an application under Section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 2727 Sub 2, filed September 16, 1955, T. RUSSELL SPENCER and LLOYD LeROY SPENCER, doing business as SPENCER BROTHERS, 739 North 2nd Street, Lawrence, Kans. Applicant's attorney: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Natural Storage Cave located approximately five miles southwest of Bonner Springs, Kans., as an off-route point in connection with applicant's regular route operations between Kansas City, Mo., and Lawrence, Kans. Applicant is authorized to conduct operations in Kansas and Missouri.

No. MC 4405 Sub 268, filed September 20, 1955, DEALERS TRANSIT, INC., 12933 Stony Island Avenue, Chicago, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer chassis* and *semi-trailer chassis*, in initial movements, in truckaway service, from Lima, Ohio, to all points in the United States, and (2) *trailers, semi-trailers, trailer chassis* and *semi-trailer chassis*, in initial movements, in driveaway service, from Lima, Ohio, to all points in the United States except those in Arizona, Nevada, Oregon and Vermont. Applicant is authorized to conduct operations throughout the United States.

No. MC 7746 Sub 72, filed August 15, 1955, UNITED TRUCK LINES, INC., East 915 Springfield Ave., Spokane 2, Wash. For authority to operate as a *common carrier* (A) over regular routes, transporting: (1) *General commodities*, including *household goods*, as defined by the Commission, but excluding those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, (a) between Salt Lake City, Utah, and Boise, Idaho, over U. S. Highway 91 from Salt Lake City to junction U. S. Alternate Highway 91, thence over U. S. Alternate Highway 91, and also over U. S. Highway 91 to junction U. S. Highway 89, thence over U. S. Highway 91 to Brigham City, Utah, thence over U. S. Highway 30S to Burley, Idaho, thence over U. S. Highway 30 to Boise, and return over the same route, serving all intermediate points, and the off-route points of Magna, Garfield, Murray, Midvale, and Provo, Utah, (b) between Burley, Idaho, and Paul, Idaho, over unnumbered highway, serving all intermediate points, (c) between Tremonton, Utah, and St. Anthony, Idaho, over U. S. Highway 30S from Tremonton to junction U. S. Highway 191, thence over U. S. Highway 191 to Downey, Idaho, thence over U. S. Highway 91 to Idaho Falls, Idaho, thence over U. S. Highway 191 to St. Anthony, and return over the same route, serving all intermediate points, (d) between Brigham City, Utah, and Downey, Idaho, over U. S. Highway 91, and also over Utah Highway 69 from Brigham City to Logan, Utah, thence over U. S. Highway 91 to Downey, and return over the same route, serving all intermediate points, (e) between Pocatello, Idaho, and Bliss, Idaho, over U. S. Highway 30N to junction Idaho Highway 25, thence over Idaho Highway 25 to junction Idaho Highway 46, thence over Idaho Highway 46 to Gooding, Idaho, thence over U. S. Highway 26 to Bliss, and return over the same route, serving all intermediate points, (f) between Twin Falls, Idaho, and Jerome, Idaho, over U. S. Highway 93 from Twin Falls to junction Idaho Highway 25, thence over Idaho Highway 25 to Jerome, and return over the same route, serving all intermediate points, (g) between Rupert, Idaho, and Burley, Idaho, over U. S. Highway 30N, serving all intermediate points, (h) between Blackfoot, Idaho, and the nearest point on U. S. Highway 20 within the United States Atomic Energy Reactor Testing Station Reservation, over U. S. Highway 26 from Blackfoot to junction U. S. Highway 20, thence over U. S. Highway 20 to the United States Atomic Energy Reactor Testing Station Reservation, and return over the same route, with no service at intermediate points but serving the off-route area or points located within said United States Reservation, (i) between Boise, Idaho, and Lucky Peak Dam, Idaho, over Idaho Highway 21, serving all intermediate points, (j) between Wendell, Idaho, and Bliss, Idaho, over Idaho Highway 25, serving all intermediate points, (k) between junction

U. S. Highway 191 and U. S. Highway 26 at or near Iona, Idaho, and the Palisades Dam Site, over U. S. Highway 26, serving the intermediate point or Ririe, Idaho, and all other intermediate and off-route points located within five (5) miles of the Palisades Dam Site, with such intermediate and off-route point service being restricted to the pick-up or delivery of shipments moving to or from the Palisades Dam Site or points within five (5) miles thereof, (l) between Gooding, Idaho, and junction U. S. Highway 26 and highway known as Idaho Falls-Twin Buttes Highway (shown in Rand McNallys as U. S. Highway 20), approximately six (6) miles northwest of Midway (Atomic City), Idaho, over U. S. Highway 26 from Gooding to Shoshone, Idaho, thence over U. S. Alternate Highway 93 to Carey, Idaho, thence over U. S. Highway 20 to junction U. S. Highway 26, and return over the same route, with no service at intermediate points, (m) between Jerome, Idaho, and Idaho Falls, Idaho, over Idaho Highway 25 from Jerome to junction U. S. Highway 93, thence over U. S. Highway 93 to Shoshone, Idaho, thence over route described under (l) above (U. S. Alternate Highway 93 to Carey, Idaho, thence U. S. Highway 20) to junction U. S. Highway 26, approximately six (6) miles northwest of Midway (Atomic City), Idaho, thence over highway known as Idaho Falls-Twin Buttes Highway (shown in Rand McNallys as U. S. Highway 20) to Idaho Falls, and return over the same route, with no service at intermediate points, (n) between Gooding, Idaho, and Blackfoot, Idaho, over route described under (l) above (U. S. Highway 26) from Gooding to Shoshone, Idaho, thence over routes described under (l) and (m) above (U. S. Alternate Highway 93 to Carey, Idaho, thence U. S. Highway 20) to junction U. S. Highway 26, approximately six (6) miles northwest of Midway (Atomic City), Idaho, thence over U. S. Highway 26 to Blackfoot, and return over the same route, with no service at intermediate points, (o) between Jerome, Idaho, and Blackfoot, Idaho, over route described under (m) above (Idaho Highway 25 from Jerome to junction U. S. Highway 93, thence over U. S. Highway 93) to Shoshone, Idaho, thence over routes described under (l), (m), and (n) above (U. S. Alternate 93 to Carey, Idaho, thence U. S. Highway 20) to junction U. S. Highway 26, approximately six (6) miles northwest of Midway (Atomic City), Idaho, thence over route described under (m) above (U. S. Highway 26) to Blackfoot, and return over the same route, with no service at intermediate points, (p) between junction U. S. Highway 91 and Utah Highway 84 at Roy, Utah, and junction U. S. Highway 91 and Utah Highway 84 at Hot Springs, Utah, over Utah Highway 84, with no service at intermediate points, (q) between Ogden, Utah, and junction 12th Street and Utah Highway 84, over 12th Street, with no service at intermediate points, and serving the junction of 12th Street and Utah Highway 84 for joinder purposes only, (r) between Ogden, Utah, and junction Utah Highways 38 and 84, over Utah Highway 38, with no service at intermediate points, and serving the junction of Utah Highways 38 and 84 for joinder purposes only, (s) serving the Ticeska Dam Site near Bliss, Idaho, as an off-route point in connection with regular route operations to and from Bliss, Idaho, and (t) serving points on and within 15 miles of an unnumbered highway between Rupert, and Minidoka, Idaho, excepting Minidoka, and Acequia, Idaho, as off-route points in connection with regular route operations to and from Rupert, Idaho, (2) *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (a) between Sugar City, Idaho, and Victor, Idaho, over Idaho Highway 33, serving the intermediate points of Teton, Newdale, Clementsville, Tetonia, and Driggs, Idaho, and the off-route points of Drummond, and Felt, Idaho, (b) between Idaho Falls, Idaho, and Ammon, Idaho, east over an unnumbered highway (known as Ammon Road) for a distance of about three (3) miles from Idaho Falls to junction an unnumbered highway, thence south over said unnumbered highway to Ammon, and return over the same route, serving all intermediate points, (c) between Boise, Idaho, and the Idaho-Oregon State line, over Idaho Highway 44 from Boise to junction U. S. Highway 30, thence over U. S. Highway 30 Caldwell, Idaho, thence over Idaho Highway 19 through Homedale, Idaho to the Idaho-Oregon State line, and return over the same route, serving the intermediate points of Eagle, Star, Middleton, Caldwell, Wilder, and Homedale, Idaho, and the off-route points of Meridian, Huston, Marsing, Greenleaf, and Nampa, Idaho, (d) between Boise, Idaho, and the Idaho-Oregon State line, over U. S. Highway 30 from Boise to Caldwell, Idaho, thence over unnumbered highway to junction Idaho Highway 72, thence over Idaho Highway 72 to junction U. S. Highway 95, thence over U. S. Highway 95 to Homedale, Idaho, thence over Idaho Highway 19 to the Idaho-Oregon State line, and return over the same route, serving the intermediate points of Meridian, Nampa, Caldwell, Huston, Marsing, and Homedale, Idaho, and the off-route points of Eagle, Star, Middleton, Wilder, and Greenleaf, Idaho, (e) between Boise, Idaho, and New Meadows, Idaho, over Idaho Highway 44 from Boise to junction Idaho Highway 15, thence over Idaho Highway 15 to New Meadows, and return over the same route, serving all intermediate points, and the off-route points of Roseberry, Norwood, and Sylvan Beach, Idaho, (f) between Boise, Idaho, and New Meadows, Idaho, over Idaho Highway 44 from Boise to junction U. S. Highway 30, thence over U. S. Highway 30 to junction U. S. Highway 30N, thence over U. S. Highway 30N to Weiser, Idaho, thence over U. S. Highway 95 to New Meadows, and return over the same route, serving all intermediate points, restricted against pick-up or delivery of traffic at New Meadows, Idaho, or Boise, Idaho, moving to or from either of these points, (g) between Emmett, Idaho, and New Meadows, Idaho, over Idaho Highway 16 from Emmett to junction U. S. Highway 30, thence over route described under (f) above (U. S. Highway 30 to junction U. S. Highway 30N, thence U. S. Highway 30N to Weiser, Idaho, thence U. S. Highway 95) to New Meadows, and return over the same route, serving all intermediate points, restricted against pick-up or delivery of traffic at New Meadows, Idaho, or Boise, Idaho, moving to or from either of these points, (h) between Boise, Idaho, and New Meadows, Idaho, over route as described under (f) above, serving all intermediate points, (i) between Ontario, Oreg., and Payette, Idaho, over U. S. Highway 30 from Ontario to junction U. S. Highway 95, thence over U. S. Highway 95 to Payette, and return over the same route, serving all intermediate points, (j) between Ontario, Oreg., and Weiser, Idaho, over U. S. Highway 30 from Ontario to junction U. S. Highway 30N near Weiser, Idaho, thence over U. S. Highway 30N to Weiser, and return over the same route, serving all intermediate points, (k) between New Meadows, Idaho, and McCall, Idaho, over Idaho Highway 15, serving all intermediate points, and the off-route points of Old Meadows, and Sylvan Beach, Idaho; with service in performance of operations over routes described under (h), (i), (j), and (k) above being restricted against pick-up or delivery of traffic at Ontario, Oreg., Weiser, Idaho, and Payette, Idaho, moving to or from Ontario, Weiser, and or Payette, (1) between junction U. S. Highway 30 and Idaho Highway 52 near New Plymouth, Idaho, and Payette, Idaho, over Idaho Highway 52, with no service at intermediate points, and (m) between Boise, Idaho, and Caldwell, Idaho, over U. S. Highway 20, with no service at intermediate points, (3) *general commodities*, including *Class A and B explosives*, and *commodities in bulk*, but excluding those of unusual value, household goods as defined by the Commission, and those requiring special equipment, between Twin Falls, Idaho, and Clayton, Idaho, over U. S. Highway 93 from Twin Falls to Shoshone, Idaho, thence over U. S. Alternate Highway 93 to Tikura, Idaho, thence over unnumbered highway to Pacabo, Idaho, thence over Idaho Highway 22 (Rand McNally shows that it may be Idaho Highway 23) to Bellevue, Idaho (also over U. S. Highway 93 from Shoshone, Idaho to Bellevue, Idaho), thence over U. S. Highway 93 to Clayton, and return over the same highways, serving the intermediate points of Shoshone, Richfield, Picabo, Gannett, Bellevue, Ketchum, and Hailey, Idaho, and those between Ketchum and Clayton, and off-route points within 15 miles of the indicated portions of the specified highways, (4) *general commodities*, including *Class A and B explosives, household goods* as defined by the Commission, *commodities* in bulk, excepting petroleum, and *those requiring special equipment*, but excluding livestock, petroleum in bulk, and those of unusual value, between Salmon, Idaho, and Missoula, Mont., over U. S. Highway 93, serving all intermediate points, (5) *general commodities*, including *Class A and B explosives, those of unusual value, household goods* as defined by the Commission, *commodities in bulk*, and *those requiring special equipment* excepting articles exceeding the capacity of equipment, (a) between Roberts, Idaho, and Rigby, Idaho, over Idaho Highway 48, serving all intermediate points, and (b) between Idaho Falls, Idaho, and Salmon, Idaho, over U. S. Highway 91 from Idaho Falls to junction Idaho Highway 28, thence over Idaho Highway 28 to Salmon, and return over the same route, serving all intermediate points without restriction, and (1) the off-route points of Ammon, Idaho and brickyards within one mile thereof restricted to pick-up of brick only, and (2) the off-route point of the site of the Atomic Energy Reactor Testing Plant and Reservation and Naval Proving Grounds, located near Arco, Idaho, through all gateways thereto, restricted to the transportation of *general commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, and also restricted against the interchange of shipments at Idaho Falls destined to or originating at said reservation, and (6) *general commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Caldwell, Idaho, and Pasco, Wash., over U. S. Highway 30 from Caldwell to Pendleton, Oreg., thence over U. S. Highway 395 to Pasco, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with regular route operations between Boise, Idaho, and Seattle, Wash., restricted to traffic moving from, to or through Seattle, Wash., and also restricted to traffic originating at or destined to points west of Yakima on or north of U. S. Highway 410, and (B) over irregular routes, transporting: *General commodities*, except those of unusual value Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Boise, Idaho, on the one hand, and, on the other, Lewiston, Caldwell, Nampa, Twin Falls, Pocatello, Soda Springs, Blackfoot, Arco, Mackay, Challis, Salmon, and Idaho Falls, Idaho. Applicant is authorized to conduct both regular and irregular route operations in Idaho, Montana, Oregon, and Washington.

No. MC 10928 Sub 26, filed September 26, 1955, SOUTHERN-PLAZA EXPRESS, INC., 2001 Irving Boulevard, Dallas, Tex. Applicant's attorney: Dale C. Dillon, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Houston, Tex., and New Orleans, La., over U. S. Highway 90, serving all intermediate points, and off-route points within ten miles of New Orleans, La., those within 12 miles of Lake Charles, La., and those within the Houston, Tex., Commercial Zone as defined by the Commission.

NOTE: Applicant states that this application is being substituted for the application now pending in MC 10928 Sub 21, and set for hearing; the only difference between the two applications is the intermediate points to be served. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, Oklahoma, Tennessee, and Texas.

No. MC 11185 Sub 91, filed September 21, 1955, J–T TRANSPORT COMPANY, INC., 6504 East 37th Street, Kansas City, Mo. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *aircraft assemblies*, uncrated, from Kansas City, Mo., to Wichita, Kans. Applicant is authorized to conduct operations throughout the United States and the District of Columbia.

No. MC 30164 Sub 29, filed September 14, 1955, HIGHWAY TRANSPORTATION COMPANY, INC., 215 Lincoln Street, South Portland, Maine. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Portland and South Portland, Maine, to Wilsons Mills, Maine. Applicant is authorized to conduct operations in Maine, Massachusetts, New Hampshire, and Vermont.

No. MC 30837 Sub 191, filed September 20, 1955, KENOSHA AUTO TRANSPORT CORPORATION, 4519– 76th Street, Kenosha, Wis. Applicant's attorney: Louis E. Smith, 1800 N. Meridian Street, Suite 503, Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Self propelled street sweepers*, from Gardena and Los Angeles, Calif., to all points in the United States. Applicant is authorized to conduct operations thoughout the United States.

No. MC 30837 Sub 192, filed September 20, 1955, KENOSHA AUTO TRANSPORT CORPORATION, 4519– 76th Street, Kenosha, Wis. Applicant's attorney: Louis E. Smith, 1800 North Meridian Street, Suite 503, Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pre-cut houses* and *prefabricate houses*, from Kearns, Utah, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin and Wyoming. Applicant is not authorized to transport the commodities specified.

No. MC 39443 Sub 8, filed September 16, 1955, RAY E. THOMPSON & SONS, INC., 4800 Broadway, Quincy, Ill. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mineral mixture for livestock and poultry feeding, animal feed* and *poultry feed, insecticides*, (other than agricultural), *animal and poultry tonics and medicines, dry earth paint*, and *advertising matter*, from Quincy, Ill., to points in Monona, Crawford, Carroll, Harrison, Shelby, Audubon, Pottawattamie, Cass, Adair, Mills, Montgomery, Adams, Fremont, Page, and Taylor Counties, Iowa. Applicant is authorized to conduct operations in Illinois, Missouri, and Wisconsin.

No. MC 46036 Sub 7, filed September 20, 1955, ERNEST L. HARNER, doing business as HARNER'S EXPRESS, 908 Eastwind Road, Roxton, Md. Applicant's attorney: Harry F. Gillis, 804 Mills Bldg., Washington 6, D. C. For authority to operate as *common carrier*, over irregular routes, transporting: *Corrugated paper boxes and pulpboard corrugated boxes*, knocked down flat, and *paper products*, from Baltimore, Md., to Littlestown, Pa. and Petersburg, Va. Applicant is authorized to conduct irregular route operations in Maryland, Pennsylvania, Delaware, Virginia and the District of Columbia.

No. MC 52579 Sub 28, filed September 26, 1955, GILBERT CARRIER CORP., 645 W. 40th St., New York, N. Y. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wearing apparel*, on hangers, from Mayfield, Ky. and Erlanger, Ky. to points in the United States; *empty containers or other such incidental facilities* (not specified) used in transporting the above-named commodity on return. Applicant is authorized to conduct operations from named points to points in the United States.

No. MC 58948 Sub 75, filed August 11, 1955, UNION TRANSFER COMPANY, a corporation, doing business as UNION FREIGHTWAYS, 720 Leavenworth Street, P. O. Box 1586, Omaha, Nebr. For authority to operate as a *common carrier*, transporting: *Class A, B, and C explosives*, and *component parts thereof* (1) Serving an area on Caton Road, 100 yards west of U. S. Highway 66–A, near Rockdale, Ill., and (2) junction U. S. Highway 66 and 66–A, approximately 13 miles northeast of Joliet, Ill. (Welco Station), near Lemont, Ill., as off-route points in connection with carrier's regular route operations (a) between Omaha, Nebr., and Chicago, Ill., and (b) between junction U. S. Highway 30 and unnumbered highway (about four miles east of Round Grove, Ill.) and Chicago, Ill.

NOTE: The applicant states that the above points are for interchange only. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wyoming.

No. MC 64994 Sub 17, filed September 21, 1955, HENNIS FREIGHT LINES, INC., P. O. Box 612, Winston-Salem, N. C. Applicant's attorney: York & Boyd, 201–204 Jefferson Building, Greensboro, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General Commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, from Augusta, Georgia, to points in South Carolina. Applicant is authorized to conduct regular route operations in Indiana, North Carolina, Ohio, Virginia, and West Virginia, and irregular route operations in Indiana, Illinois, Maryland, Michigan,

North Carolina, Pennsylvania, South Carolina, Ohio, Virginia, and West Virginia.

No. MC 66562 Sub 1249, filed September 6, 1955, amended September 22, 1955, published in September 21, 1955 issue, page 7088, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N. Y. Applicant's attorneys: Alston, Sibley, Miller, Spann & Shackleford, 1220 Citizens and Southern National Bank Bldg., Atlanta, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, between Nashville, Tenn., and Crossville, Tenn., from Nashville over U. S. Highway 31–E to Madison, Tenn., thence over Tennessee Highway 45 via Old Hickory to junction U. S. Highway 70–N, thence over U. S. Highway 70–N to Crossville, and return over the same route, serving the intermediate points of Old Hickory, Lebanon, Carthage, Double Springs, Cookeville and Monterey, Tenn., and the off-route points of Watertown, Baxter and Algood, Tenn. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 Sub 1250, filed September 20, 1955, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 E. 42nd St., New York 17, N. Y. Applicant's attorney: James E. Thomas, Suite 1220, The Citizens & Southern National Bank Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excepting those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, moving in express service, (1) between Winston-Salem, N. C. and North Wilkesboro, N. C., from Winston-Salem over U. S. Highway 52 to Rural Hall, N. C., thence over North Carolina Highway 65 to junction with North Carolina Highway 67, thence over North Carolina Highway 67 to junction with U. S. Highway 21, thence over U. S. Highway 21 to Elkin, N. C., and thence over North Carolina Highway 268 to North Wilkesboro, N. C., and return over the same routes, serving the intermediate points of Rural Hall, Elkin, and Ronda, N. C. and the off-route point of Crutchfield, N. C., over U. S. Highway 601; (2) between Winston-Salem, N. C. and junction North Carolina Highway 65, from Winston-Salem over U. S. Highway 421 to junction with North Carolina Highway 67, thence over North Carolina Highway 67 to junction with North Carolina Highway 65, and return over the same routes. Applicant is authorized to conduct operations throughout the United States.

No. MC 67818 Sub 56, filed September 26, 1955, MICHIGAN EXPRESS, INC., 505 Monroe Avenue, N. W., Grand Rapids 2, Mich. Applicant's attorney: Robert H. Levy, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel articles*, between Trenton, Mich., and Gibraltar, Mich., on the one hand, and, on the other, points in Ohio, Indiana and Illinois. Applicant is authorized to conduct operations in Michigan, Ohio and Pennsylvania.

No. MC 69145 Sub 1, filed August 29, 1955, CHARLES MONTGOMERY MITCHELL, CHARLES MULLINS MITCHELL, AND WILLIAM EDWIN MITCHELL, doing business as C. M. MITCHELL & SONS TRANSFER CO., 2704 Fifth Street, Meridian, Miss. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Mt. Sterling, Ala., and Yantley, Ala., from Mt. Sterling over Alabama Highway 10 to junction unnumbered Farm to Market Road, near Nanatulia, Ala., thence over unnumbered Farm to Market Road in Yantley, and return over the same route, serving the intermediate points of Lavaca, Pennington, Nehoela, (located approximately 4½ miles northeast of Pennington), Robjohn, Choctaw, and Jachin, Ala., and the off-route point of the proposed site of the mill of the Marathon Corporation, near Nehoela.

NOTE: Applicant has contract carrier, irregular route authority in MC 111706—Section 210 may be involved. Applicant is authorized to conduct operations in Alabama and Mississippi.

No. MC 70330 Sub 24, filed August 1, 1955, J. TOM MILLER, doing business as MILLER TRUCK LINE, 901 N. E. 28th St., Ft. Worth, Tex. Applicant's attorney: Reagan Sayers, Century Life Bldg., Ft. Worth, Tex. For authority to operate as *contract carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as defined by the Commission, from Paris, Tex. to Baton Rouge, Alexandria, and New Orleans, La., and Mobile, Ala. *damaged shipments* of the above-named commodities on return. Applicant is authorized to conduct operations in Texas, Louisiana, New Mexico, Oklahoma, Arkansas and Mississippi.

No. MC 82083 Sub 10, filed September 21, 1955, CHARLES A. KUHNS DELIVERY, INC., 2259 Fairfield Avenue, Niagara Falls, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Benzyl chloride*, in bulk, in shipper-owned tank trailer, from Niagara Falls to Everett, Mass., and *empty trailers* or *rejected material* on return. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Ohio, Missouri, and Virginia.

No. MC 86782 Sub 3, filed September 12, 1955, RICHARD L. EDGAR, doing business as SAMSON TRUCK LINE, P. O. Box 926, Mountain Home, Idaho. Applicant's attorney: Raymond D. Givens, 1530 Idaho Street, P. O. Box 964, Boise, Idaho. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including household goods as defined by the Commission* and *commodities in bulk*, but excluding articles of unusual value, livestock, Class A and B explosives, petroleum products in bulk, and commodities requiring special equipment, between Mountain Home, Idaho, and Elko, Nev., from Mountain Home over Idaho Highway 51 to junction Nevada Highway 11, thence over Nevada Highway 11 to junction Nevada Highway 11–A, thence over Nevada Highway 11–A to junction Nevada Highway 43, thence over Nevada Highway 43 to junction Nevada Highway 11 north of Dinner Station, Nev., thence over Nevada Highway 11 to Elko, and return over the same route, serving all intermediate points, and off-route points within 15 miles along either side of the highways specified above. Applicant is authorized to conduct operations in Idaho and Nevada.

No. MC 96288 Sub 2, filed September 21, 1955, LEONARD L. LEIDING, 621 West Mulberry Street, Watseka, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand, gravel, crushed stone, limestone* and *dirt*, between points in Newton County, Ind., on the one hand, and, on the other, points in Kankakee County, Ill. Applicant is authorized to conduct operations in Indiana and Illinois.

No. MC 96448 Sub 1, filed September 23, 1955, BROOK LODGE, INC., 210 Main Street, Hackensack, N. J., Applicant's attorney: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Horses* (other than ordinary livestock) and *equipment and paraphernalia* incidental to the transportation, care and display of such horses, including *attendants and their personal property:* Between points in New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Kentucky, and the District of Columbia. Duplicating authority to be eliminated. Applicant is authorized to conduct operations in New York, New Jersey, Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia and West Virginia.

No. MC 103516 Sub 4, filed September 26, 1955, THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, 140 Cedar St., New York 6, N. Y. Applicant's attorney: Richard E. Costello, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, in substituted motor for rail service which is auxiliary to or supplemental of applicant's rail service, (1) between Norwich, N. Y. and Binghamton, N. Y. over New York Highway 12; (2) between Cortland, N. Y. and Binghamton, N. Y. over U. S. Highway 11; (3) between Binghamton, N. Y. and Owego, N. Y. over New York Highways 17 and 17C, serving all intermediate points which are stations on the rail lines. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 103880 Sub 155, filed September 22, 1955, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Columbia City, Ind., to points in Michigan, Ohio, Illinois, Kentucky, Wisconsin and Iowa. Applicant is authorized to

conduct irregular route operations in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, West Virginia and Wisconsin.

No. MC 103880 Sub 156, filed September 22, 1955, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Michigan. Applicant's attorney: Jack Goodman, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable Oils*, in bulk, in tank vehicles, from Chicago, Ill., to the ports of entry on the boundary of the United States and Canada at or near Port Huron, Mich., and at or near Detroit, Mich., and points in Indiana, Michigan, and Ohio.

No. MC 106223 Sub 34, filed September 12, 1955, BRUCE F. JARVIS, doing business as GREENLEAF MOTOR EXPRESS, 4606 State Avenue, Ashtabula, Ohio. Applicant's attorney: Edwin C. Reminger, 1016 Standard Building, Cleveland 13, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Latex, synthetic*, in bulk, in tank vehicles, from Ashland, Ohio, to points in Indiana. Applicant is authorized to conduct operations in Alabama, Connecticut, Illinois, Kentucky, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

No. MC 106943 Sub 54, filed September 19, 1955, EASTERN MOTOR EXPRESS, INC., P. O. Box 328, 128 Cherry St., Terre Haute, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Bldg., 17 W. Market St., Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of the Fairchild Engine & Airplane Corp. located at or near Deer Park, Long Island, New York, as an off-route point in connection with applicant's authorized route operations between West Springfield, Pa. and New York, N. Y. over U. S. Highways 6, 6N, 219, 120, 220, 11, 22, and 1, and Pennsylvania Highways 255 and 14. Applicant is authorized to conduct operations in Illinois, Indiana, Ohio, Pennsylvania, New Jersey, New York, Missouri, and Maryland.

No. MC 107028 Sub 25, filed September 14, 1955, ACME TRANSPORTATION, INC., Giant Road, San Pablo, Calif. Applicant's attorney: Bertram S. Silver, 1410 Shell Building, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid asphalt* and *road oils*, in insulated and non-insulated tank vehicles and trailers, from Martinez and Oleum, Calif., to Richmond, Calif., and points within five miles of Richmond. Applicant is authorized to conduct operations in California and Oregon.

No. MC 108207 Sub 44, filed September 15, 1955, FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, P. O. Box 5382, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Foods* and *Foodstuffs* requiring temperature control in transit, in temperature controlled vehicles only, between points in Texas, on the one hand, and, on the other, points in Louisiana, Mississippi, Arkansas, and Oklahoma, and Memphis, Tenn. Applicant is authorized to conduct operations in Arkansas, California, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

No. MC 110713 Sub 3, filed September 19, 1955, MELVIN G. FIDLER, 428 High Street, Jersey Shore, Pa. Applicant's attorney: James F. Harrington, 11 Beacon Street, Boston 8, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Clay sewer pipe* and *clay flue liners*, from Patton, Pa., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, and Maryland, except Cumberland, Hagerstown, Hancock and Salisbury, Md., and (2) *vitrified clay pipe (glazed)*, *vitrified wall coping (glazed)*, *common brick (unglazed)*, *face brick (glazed or unglazed)*, *drain tile (unglazed)*, from Patton, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, and West Virginia, and *defective or rejected shipments*, on return. Applicant is authorized to conduct operations in Pennsylvania, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Virginia and West Virginia.

No. MC 111068 Sub 2, filed September 6, 1955, KENNETH GROTH, Spring Grove, Minn. Applicant's attorney: Floyd S. Pearson, 301 West Broadway, Decorah, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, from Prairie du Chien., Wis., to points in Winnishiek County, Iowa:

NOTE: Applicant states that the purpose of this application is to remove the restriction in his certificate in order that he may transport fertilizer from Prairie du Chien, Wis., to points in Winnishiek County, Iowa, on an annual basis instead of a seasonal basis. Applicant is authorized to conduct operations in Iowa and Wisconsin.

No. MC 111383 Sub 2, filed January 28, 1955, amended September 21, 1955, BRASWELL MOTOR FREIGHT LINES, a corporation, P. O. Box 1961, El Paso, Tex. Applicant's attorney: W. Ward Bailey, Continental Life Bldg., Fort Worth 2, Texas. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Houston, Texas, and New Orleans, La., from Houston over U. S. Highway 90, through Lake Charles, La., to Iowa, La., thence over U. S. Highway 165 to Kinder, La., thence over U. S. Highway 190 to McCure, La., thence over U. S. Highway 71–190 to Baton Rouge, La., thence over U. S. Highway 61–65 to New Orleans, La., and return over the same route, serving all intermediate points, and all off-route points within 15 miles of New Orleans, La., and Lake Charles, La., and within 10 miles of Baton Rouge, La., and within five miles of Beaumont, Texas, and Orange, Texas. Applicant is authorized to conduct operations in California and Texas.

No. MC 111442 Sub 4, filed August 29, 1955, CONNELL TRANSPORT CO., Genessee Depot, Wis. Applicant's attorney: C. R. Dineen, 710 N. Plankinton Ave., Milwaukee 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Eggs*, in cases, from Random Lake, Wis. to Hillside and Rochelle Park, N. J.: *meats, meat products*, and *meat by-products, dairy products*, and *articles distributed by meat-packing houses*, as defined by the Commission, *bakery products, confectionery, prepared foods* and *frozen foods*, from Milwaukee, Wis, and Chicago, Ill. to Hillside and Rochelle Park, N. J.; *empty egg cases* from Hillside and Rochelle Park, N. J. to Milwaukee and Random Lake, Wis.

No. MC 112113 Sub 1, filed September 13, 1955, GYPSUM HAULAGE, INC., 2301 S. Newkirk Street, Baltimore 18, Md. Charles W. Singer, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Building materials* (except lumber, brick, sand and gravel), and *materials* and *supplies* used in the manufacture and distribution thereof, between the site of the National Gypsum Company plant located in Burlington Township, N. J., on the one hand, and, on the other, all points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, within 150 miles of the plantsite. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and in the District of Columbia.

No. MC 112520 Sub 6, filed September 19, 1955, SOUTH STATE OIL CO., New Quincy Road, P. O. Box 161, Tallahassee, Fla. Applicant's attorney: Dan R. Schwartz, Suite 716, Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *anhydrous ammonia*, in bulk, in tank vehicles, from points in Santa Rosa County, Fla., to points in Alabama and Georgia.

No. MC 113464 Sub 8, filed July 28, 1955, HARVEY WAKEFIELD, doing business as WAKEFIELD TRUCKING SERVICE, Box 171, Upton, Wyo. Applicant's attorney: Vincent A. Ross, 221–222 Majestic Bldg., Cheyenne, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ore*, in bulk, in dump trucks, from points in Niobrara County, Wyo., to Edgemont, S. Dak., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return. Applicant is authorized to conduct operations in South Dakota and Wyoming.

No. MC 114045 Sub 11, filed September 22, 1955, R. L. MOORE and JAMES T. MOORE, doing business as TRANS-

COLD EXPRESS, 1419 S. Fleming Street, Dallas 22, Texas. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, Meat Products and Meat By-Products* as defined by the Commission, from El Paso, Texas, to points in New Jersey, except Jersey City, Massachusetts, Connecticut, New York, Pennsylvania, except Harrisburg and Pittsburgh, Kentucky, except Louisville, Maryland, Delaware, Rhode Island, Virginia, West Virginia, and the District of Columbia.

No. MC 114939, filed September 3, 1954, reopened for further hearing, BULK CARRIERS LIMITED, Box 368, Sarnia, Ontario, Canada. Applicant's attorneys: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich., and Clifford H. Howard, 47 Howard Park, Toronto, Canada. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum products, liquid bituminous products, coal tar light oil*, and *liquid coal tar chemicals*, in tank vehicles, between the United States-Canada International Boundary Line at Port Huron, Mich., and points in the lower peninsula of Michigan.

NOTE: This proceeding is reopened for further hearing solely with respect to the need for the transportation of liquid petroleum products, except naphtha, in bulk, in tank vehicles, from Mt. Pleasant, Mich., to the United States-Canada boundary at Port Huron, Mich.

No. MC 115132 Sub 2, filed June 20, 1955, amended September 22, 1955, THOMAS W. BATH, JR., doing business as BILL BATH TRUCKING COMPANY, 406 Osage, Humboldt, Kansas. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay products* (brick and tile), from Humboldt, Kans., to points in Missouri on and west of U. S. Highway 63, points in Benton, Carrell, Boone, Marion, Baxter, Searcy, Newton, Madison, Washington, Crawford, Franklin, Johnson, Pope, Van Buren, Logan, Sebastian, Scott, and Yell Counties, Ark., and points in Oklahoma north and east of a line beginning at the Arkansas-Oklahoma State line at junction Oklahoma Highway 63, thence over Oklahoma Highway 63 to junction Oklahoma Highway 2, thence over Oklahoma Highway 2 to junction U. S. Highway 270 at Wilburton, Okla., thence west and north over U. S. Highway 270 to junction U. S. Highway 183 near Fort Supply, Okla., thence over U. S. Highway 183 to the Oklahoma-Kansas State line, including points on the indicated portions of the highways specified.

No. MC 115272 Sub 1, filed May 9, 1955, WALTER J. KURESKO, 55 Reel St., Coatesville, Pa. Applicant's attorney: Harold S. Shertz, 811–819 Lewis Tower Bldg., 225 S. 15th St., Philadelphia 2, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Milk* and *cream*, processed and non-processed, *dairy products*, and *fruit juices*, in glass, metal, paper, and other containers, from Camden, N. J. to points in Adams, Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Juniata, Lancaster, Lackawana, Lebanon, Lehigh, Luzerne, Montour, Monroe, Montgomery, Northumberland, Northampton, Perry, Philadelphia, Pike, Schuylkill, Wayne, and York Counties, Pa.; *empty containers* or *other such incidental facilities* (not specified) *used in transporting the above-named commodities*, on return.

No. MC 115349 Sub 5, filed September 14, 1955, LOUIS CORDI, doing business as SOUTHERN TIER GARMENT CARRIERS, 174 Front Street, Oswego, N. Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad St., Newark, 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wearing apparel*, on hangers, and *materials and supplies* used in the manufacture of wearing apparel, between Bethlehem, Pittston, Scranton, and Wilkes-Barre, Pa., on the one hand, and, on the other, points in Broome, Cayuga, Chemung, Chenango, Cortland, Onondaga, Schuyler, Steuben, Tioga, and Tompkins Counties, N. Y.

No. MC 115417, filed June 20, 1955, RAOUL D. AUGER, West Glover, Vt. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Farm fertilizer* and *lime*, in bags, from Boston, Mass., to points in Caledonia, Lamoille, Orleans and Washington Counties, Vt.

No. MC 115522, filed August 17, 1955, GANGESTAD TRUCK SERVICE, INC., 117 E. Dodge, Luverne, Minn. Applicant's attorney: H. Lauren Lewis, P. O. Box 747, Wilson Terminal Bldg., Sioux Falls, S. Dak. For authority to operate as *contract carrier*, over irregular routes, transporting: *Twine*, from New Orleans, La., and Houston, Tex. to points in Iowa, Minnesota, Nebraska, North Dakota, Montana, South Dakota, Wisconsin, and Wyoming; *fabricated sheet metal products, angle iron products*, and *wire mesh products*, from Sioux Falls, S. Dak., to points in Iowa, Minnesota, and Nebraska.

No. MC 115544, filed August 29, 1955, JACK JORDAN, INC., c/o Dalton Brick Company, Dalton, Ga. Applicant's attorney: H. E. Kinney, Bank of Dalton Building, Dalton, Ga. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brick* and *concrete block*, from Dalton, Ga., to points in Hamilton, Bradley, and Polk Counties, Tenn., and points in Cherokee County, N. C.

No. MC 115552, filed September 2, 1955, ALLEN TRANSFER & STORAGE, a corporation, 423 E. Florence Ave., Los Angeles 3, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture, fixtures*, and *equipment, crated, uncrated*, and blanket-wrapped for use in commercial establishments, such as cafes, stores, restaurants, hotels, motels, and apartment houses from points in Los Angeles County, Calif., to points in Arizona and Nevada.

NOTE: Applicant states that incidentals pieces that pertain to and are a part of any shipment are to be crated.

No. MC 115579, filed September 15, 1955, W. A. WARE, doing business as WARE COTTON STORAGE & MFG. CO., Corner 5th & Hook Sts., Tuscumbia, Ala. For authority to operate as a *contract carrier*, over regular routes, transporting: (1) *Cotton ties* and *buckles*, as more fully described in the application, from Tuscumbia, Ala., to New Orleans, La., operating from Tuscumbia over U. S. Highway 43 to Tuscaloosa, Ala., thence over U. S. Highway 11 to New Orleans; and (2) *sugar*, in paper bags and paper bundles, from New Orleans, La., to Tuscumbia, Ala., operating from New Orleans over U. S. Highway 11 to Tuscaloosa, thence over U. S. Highway 43 to Tuscumbia, serving no intermediate points.

No. MC 115582, filed September 19, 1955, DETROIT TERMINAL & CARTAGE COMPANY, a Michigan corporation, 2535 W. Hancock Street, Detroit, Mich. Applicant's attorney: V. J. Schaeffner, 4055 Penobscot Bldg., Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Parts, assemblies* and materials used in the manufacture of motor vehicles by the Ford Motor Company between points in Michigan within 40 miles from the City of Detroit: *Provided*, That such motor carrier equipment used herein shall be assigned to the exclusive use of the Ford Motor Company.

No. MC 115583, filed September 20, 1955, ALFRED BORGER, Moshannon, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Refractory* products (*including fire-brick, bonding mortar and hydrocon*), from points in Snowshoe Township, Centre County, Pa., to points in the States of Michigan, Ohio, New Jersey, New York, Delaware, Maryland, Virginia and West Virginia, and empty containers or other such *incidental facilities* (not specified) used in transporting the commodities specified in this application.

No. MC 115586, filed September 23, 1955, EARL McMANUS, doing business as EARL McMANUS FURNITURE CARRIER, 522 Pleasant Street, Attleboro, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods* as defined by the Commission, between Attleboro, North Attleboro, and Plainville, Mass., on the one hand, and, on the other, points in Bristol and Providence Counties, R. I.

No. MC 115587, filed September 23, 1955, JERRY'S SERVICE INCORPORATED, U. S. Route #41 and U. S. #173, Zion, Ill. Applicant's attorney: Anton Pecora, Antioch 612, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Used trucks, tractors, and trailers*, (relief vehicles) towed by automobile wrecker, between points in Minnesota, Michigan, Wisconsin, Illinois, Ohio, Indiana, and Missouri, and *wrecked and disabled trucks, tractors, and trailers* on return.

No. MC 115588, filed September 26, 1955, MILLER BROS. TRUCK LINES, INC., 723 5th Street, Greeley, Colo. Applicant's attorney: Barry and Hupp, 738 Majestic Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ore*, in bulk, between points in South Dakota, Colorado, Utah and Wyoming.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 3647 Sub 190, filed September 20, 1955, PUBLIC SERVICE COORDINATED TRANSPORT, 80 Park Place, Newark, N. J. Applicant's attorney: Winslow B. Ingham, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers*, and *their baggage* in the same vehicle with passengers, in special operations, in round-trip sightseeing or pleasure tours, (1) beginning and ending at Paterson, N. J., and extending to Bushkill Falls, Pa. (2) beginning and ending at Jersey City, Newark, Paterson, Hackensack, and Elizabeth, N. J., and extending to Shartlesville, Pa.; (3) beginning and ending at Jersey City, Newark, Paterson, and Elizabeth, N. J. and extending to Hershey, Pa.; (4) beginning and ending at Newark, Paterson, Elizabeth, and Hackensack, N. J. and extending to Danbury and Candlewood Lake, Conn. Applicant is authorized to conduct operations in New Jersey, New York, and to Philadelphia, Pa.

No. MC 3803 Sub 3, filed September 16, 1955, CAMDEN AND BURLINGTON COUNTIES BUS COMPANY, a corporation, 1500 Mickle Street, Camden, N. J. Applicant's attorney: Walter S. Anderson, Wilson Building, Broadway at Cooper Street, Camden 2, N. J. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Ellisburg, N. J. and Kingston Estates, N. J., from junction New Jersey Highway 70 and Kings Highway, Ellisburg, over Kings Highway to junction Chapel Avenue, thence over Chapel Avenue to junction Salsbury Avenue, thence over Salsbury Avenue to junction Hastings Avenue, thence over Hastings Avenue to Chapel Avenue, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey.

No. MC 36364 Sub 13, filed September 12, 1955, MISSOURI, KANSAS & OKLAHOMA COACH LINES, a corporation, 321 S. Cincinnati St., Tulsa, Okla. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Fairfax, Okla., and Skiatook, Okla., from Fairfax over Oklahoma Highway 18 to Ralston, Okla., thence over Oklahoma Highway 20 to Skiatook, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Kansas, Missouri, and Oklahoma.

No. MC 115474 Sub 1, filed September 2, 1955, PAUL J. BELANGER, doing business as BELLANGER BUS COMPANY, 112 Elm Street, Whitefield, N. H. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers*, between Whitefield, N. H. and Gilman, Vt. From Whitefield, over unnumbered highway, through Scott, N. H., to New Hampshire Highway 135, thence left over New Hampshire Highway 135 to Dalton, N. H., thence over Gilman Bridge to Gilman, and return, serving all intermediate points.

RESTRICTION: Transportation restricted to the employees of the Gilman Paper Co.

CORRECTION

No. MC 111717 Sub 13, TRACTOR TRANSPORT, INC., 535 South 8th Street, Milwaukee, Wis., published in the September 14, 1955, issued on page 6762. The State of Alabama should be inserted after Gadsden.

No. MC 113524 Sub 5, filed August 5, 1955, published on page 6205, issue of August 24, 1955, JAMES F. BLACK, doing business as PARKVILLE TRUCKING COMPANY, 3618 Pulaski Highway, Baltimore, Md. Newark, *N. Y.* should read Newark, *N. J.*

No. MC 113493 Sub 1, filed September 8, 1955, published in the September 21, 1955, issue on page 7090, K. C. BALDWIN, 25 Webster St., P. O. Box 319, Bradford, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Bldg., Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Machinery, equipment materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, between points in Pennsylvania, Ohio, West Virginia, Kentucky, and Tennessee, and (2) *Iron and steel conduit* from points in Pennsylvania to points in Kentucky and Tennessee. Applicant is authorized to conduct operations in New York, Ohio, Pennsylvania, and West Virginia.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC-F 6082. Authority sought for control by R. T. WHITING and FRANK WHITING, both of 1330 N. 205th, Seattle, Wash., of the operating rights and property of INLAND NORTHWEST FILM SERVICE, INC., 1720 4th Ave. South, Seattle, Wash. Applicant's attorney: Thomas J. Hanify, Hoge Bldg., Seattle 4, Wash. Operating rights sought to be controlled: *Motion picture film, supplies, equipment and merchandise* incidental to the operation and maintenance of motion picture theaters, *newspapers, magazines, periodicals, mail, popcorn, popcorn seasoning, candy, ice cream mix, vending machines*, and *laundry*, as a *common carrier* over regular routes, between Seattle, Wash., and Lewiston, Idaho, between Teanaway, Wash., and Omak, Wash., between Ellensburg, Wash., and Omak, Wash., and between Pasco, Wash., and Spokane, Wash., serving certain intermediate and off-route points; *popcorn, popcorn seasoning, vending machines, candy, ice cream mix, magazines, periodicals*, and *supplies and equipment* incidental to the operation and maintenance of motion picture theaters, in shipping units exceeding 200 pounds in weight, and *general commodities*, with certain exceptions including household goods, between Burke and Ritzville, Wash., between Quincy and Spokane, Wash., between Omak and Oroville, Wash., and between Seattle and North Bend, Wash., serving certain intermediate points; *milk*, in containers, *dressed poultry, Lard*, and *fresh, salted, smoked, cured*, or *preserved meats*, from Walla Walla, Wash., to Lewiston, Idaho, serving all intermediate points, *bakery products*, from Seattle, Wash., to Lewiston, Idaho, and from Lewiston, Idaho, to Kennewick, Wash., serving certain intermediate points. Applicants hold no authority from the Interstate Commerce Commission, but are affiliated with COLUMBIA TRANSPORT, INC., which is authorized to operate in Washington and Oregon. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6083. Authority sought for control and merger by RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., of the operating rights and property of INLAND FREIGHT LINES, UINTAH FREIGHT LINES, AND EASTERN UTAH TRANSPORTATION COMPANY, all of 1370 S. 2nd West St., Salt Lake City, Utah, and for acquisition by J. W. RINGSBY, also of Denver, of control of the operating rights and property through the transaction. Applicant's attorneys: John F. Mueller, Midland Savings Bldg., Denver, Colo., Loyal G. Kaplan, 924 City National Bank Bldg., Omaha, Nebr., and Lynn S. Richards, 716 Newhouse Bldg., Salt Lake City, Utah. Operating rights sought to be controlled and merged: (Inland Freight Lines) *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between Ogden, Utah, Sacramento, Cordelia and Fairfield, Calif., and San Francisco, Calif., between Spanish Fork, Utah, and Salt Lake City, Utah, between Salt Lake City, Utah, and Lake Point, Utah, between Galt, Calif., and junction California Highway 4 and U. S. Highway 40, between Fairfield, Calif., and the site of Benicia Arsenal, Calif., between Stockton, Calif., and Antioch, Calif., and between Pittsburg, Calif., and Pinole, Calif., serving all intermediate and certain off-route points; *fresh meats, packing-house products*, and *such commodities* as are dealt in by wholesale, retail, and general merchandise and food business houses, between Tremonton, Utah, and Ogden, Utah, serving the intermediate point of Brigham, Utah, and between Tremonton, Utah, and Brigham, Utah, for operating convenience only; (Uintah Freight Lines) *General commodities*, except household goods, as a *common carrier*, over regular routes, between Salt Lake City, Utah, and Vernal, Utah, serving certain intermediate points; (Eastern Utah Transportation Company): *General commodities* except household goods, as a *common carrier*, over regular routes, between Price, Utah, and the Utah-Colorado State line, serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods, between junction U. S. Highway 40 and Utah-Colorado State line, and Rangely, Colo., serving all intermediate and certain off-route points; *oilfield commodities*, over irregular routes, between points in that part of Colorado within 30 miles of Rangely, Colo., including Rangely, and between

points in the above-specified Colorado territory, on the one hand, and, on the other, points in that part of Utah within 30 miles of U. S. Highway 40 between the Utah-Colorado State line and Duchesne, and those in that part of Utah within 30 miles of Utah Highway 33 between Castlegate and Duchesne, Utah, east of U. S. Highway 50, including points on the indicated portions of the Highways specified. Ringsby Truck Lines, Inc., is authorized to operate in Colorado, Wyoming, Nebraska, Illinois, Iowa, Utah, and California. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6084. Authority sought for purchase by JESS EDWARDS, INC., P. O. Box 2287, McBride Lane, Corpus Christi, Texas, of the operating rights and property of CLARENCE O. LEE, P. O. Box 996, Farmington, N. Mex., and for acquisition by GLEN E. ALEXANDER, JESS EDWARDS, and J. D. KINSEY, all of Corpus Christi, of control of the operating rights and property through the purchase. Applicant's attorney: O. Russell Jones, P. O. Box 1437, Santa Fe, N. Mex. Operating rights sought to be transferred: *Oil field commodities*, as a *common carrier*, over irregular routes, between Midland, Tex., and points in Texas within 200 miles of Midland, on the one hand, and, on the other, points in New Mexico, and between points in Dolores, San Juan, Rio Grande, Alamosa, Montezuma, La Plata, Archuleta, and Conejos Counties, Colo., and in San Juan County, Utah, on the one hand, and, on the other, points in New Mexico on and north of U. S. Highway 60. Vendee is authorized to operate in Colorado, Kansas, New Mexico, Texas, Utah, Nebraska, Oklahoma, Wyoming, Idaho and Montana. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6085. Authority sought for purchase by WATSON BROS. TRANSPORTATION CO., INC., 802 S. 14th St., Omaha, Nebr., of a portion of the operating rights of S. & C. TRANSPORT COMPANY, INC., 65 State St., Hutchinson, Kansas, and for acquisition by FAY V. WATSON, RAY E. WATSON, and THOMAS W. WATSON, all of Omaha, of control of the operating rights through the purchase. Person to whom correspondence should be addressed: W. H. Thickett, 802 S. 14th St., Omaha, Nebr. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Kansas City, Mo., and Wichita, Kans., serving no intermediate points; *dairy products*, from Wichita, Kans., to St. Joseph, Mo.; *canned goods*, over irregular routes, from Nebraska City and Plattsmouth, Nebr., to Wichita, Kans., and from Wichita, Kans., to Lincoln, Superior, and Omaha, Nebr., and Kansas City, Mo.; *empty glass containers*, from Lincoln, Superior, and Omaha, Nebr., and Kansas City, Mo., to Wichita, Kans. Vendee is authorized to operate in Minnesota, Iowa, Nebraska, Kansas, Missouri, Illinois, Colorado, Arizona, New Mexico, California, Wyoming, Oklahoma, Utah, Idaho, Montana, Oregon, Washington, Indiana, Texas and Arkansas. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6086. Authority sought for control by RYDER SYSTEM, INC., 1642 N. W. 21st Terrace, Miami, Fla., of the operating rights and property of T. S. C. MOTOR FREIGHT LINES, INC., 400 Pinckney St., P. O. Box 2625, Houston, Texas and for acquisition by J. A. RYDER, R. N. REEDY, J. C. PARKER, and A. E. GREENE, JR., all of Miami, of control of the operating rights and property through the transaction. Applicant's attorney: Clarence D. Todd, 944 Washington Bldg., Washington, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Birmingham, Ala., and New Orleans, La., and between Meridian, Miss., and Jackson, Miss., serving all intermediate points; between Newton, Miss., and Laurel, Miss., serving no intermediate points. Applicant is not a motor carrier but owns all the capital stock of Great Southern Trucking Company, which is authorized to operate in the States of Alabama, Georgia, South Carolina, North Carolina, Florida and Tennessee. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6087. Authority sought for control by UNITED SHIPPING CO., 2601 Broadway Road, Minneapolis, Minn., of the operating rights and property of RED TRUCK LINE, INC., 1225 Dartmouth Ave., S. E., Minneapolis, Minn., and for acquisition by FRED B. WINES, also of Minneapolis, of control of the operating rights and property through the transaction. Applicant's attorney: Leonard E. Lindquist, 1010 Midland Bank Bldg., Minneapolis 1, Minn. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between St. Paul, Minn., and Grand Forks, N. Dak., serving certain intermediate and off-route points; *groceries*, between Duluth, Minn., and Forks, N. Dak., serving the intermediate point of Fargo, N. Dak.; *general commodities*, with certain exceptions including household goods, over irregular routes, between Minneapolis, St. Paul, South St. Paul, and Newport, Minn., and between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, the site of the Twin City Ordnance Plant in Mounds View Township, Ramsey County, Minn.; *Canned goods*, and *malt beverages*, from certain points in Wisconsin to certain points in Minnesota and North Dakota; Applicant is authorized to operate in Minnesota, Illinois, and Wisconsin. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6088. Authority sought for control by H. M. O'NEILL, F. J. O'NEILL and W. J. O'NEILL, all of 11700 Shaker Blvd., Cleveland, Ohio, of the operating rights and property of CONLEY'S EXPRESS, INC., 2400 S. Homan Ave., Chicago 23, Ill., and FOOD TRANSPORT, INC., 1601 Bronxdale Ave., Bronx 51, N. Y. Applicant's attorney: Roland Rice, 618 Perpetual Bldg., 1111 E Street, N. W., Washington 4, D. C. Operating rights sought to be controlled: (Conley's Express, Inc.), *Such commodities* (except uncrated furniture) as are dealt in by mail order houses and retail department stores, as a *contract carrier* over irregular routes, from Chicago, Ill., to certain points in Ohio, Michigan and Indiana; (Food Transport, Inc.), *Groceries*, as a *contract carrier* over irregular routes, from New York, N. Y., to points in Bergen, Hudson, Monmouth, and Union Counties, N. J., Fairfield, Hartford, and New Haven Counties, Conn., Dutchess, Nassau, Orange, Suffolk, Sullivan, and Ulster Counties, N. Y., Philadelphia, Pa., and Springfield, Mass. Applicants hold no authority from the Commission, but own controlling stock interest in ANCHOR MOTOR FREIGHT, INC., OF DELAWARE, ANCHOR MOTOR FREIGHT, INC., OF MICHIGAN, ANCHOR MOTOR FREIGHT, N. Y. CORP., RELAY TRANSPORT, INC., SIGNAL DELIVERY SERVICE, INC., and WAREHOUSE TRANSPORTATION CO., which are authorized to operate in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55–8043; Filed, Oct. 4, 1955; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31–417]

ISLANDS GAS AND ELECTRIC CO.

NOTICE OF APPLICATION OF SUBSIDIARY HOLDING COMPANY FOR MODIFICATION OF EXEMPTION HERETOFORE GRANTED

SEPTEMBER 29, 1955.

Notice is hereby given that the Islands Gas and Electric Company ("Islands"), a subsidiary exempt holding company in the system of Central Public Utility Corporation ("Central"), a registered holding company, has filed with this Commission an application pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935 ("Act") for modification of the qualified section 3 (b) exemption granted to it herein on July 31, 1941 (as heretofore extended), so as to remove the limitations prescribed therein and to grant to the applicant an exemption as a subsidiary company of Central which shall be unqualified except to the extent hereinafter stated. The grounds upon which Islands bases its present application may be summarized as follows:

Islands was granted exemption from registration as a holding company pursuant to section 3 (a) (5) of the Act by an order of the Commission dated June 29, 1936 (1 S. E. C. 533). Islands was also granted an exemption as a subsidiary of The Consolidated Electric and Gas Company, formerly a registered holding company subsidiary of Central which has been merged into Central, pursuant to section 3 (b) of the Act by the aforesaid order dated July 31, 1941 (9 S. E. C. 829); which exemption was subject to various limitations designed to make it applicable solely to acts and operations essentially foreign in their nature, preserving the jurisdiction of the Commission with respect to Islands' domestic activities.

Islands has four subsidiaries, one of which is inactive and the other three of which are utility companies whose utility assets and operations are in foreign countries (Haiti, Canary Islands, Philippine Islands). All the securities of Islands (consisting of common and preferred stocks, bonds and promissory notes) are owned by Central. Neither Central nor Islands has any utility assets or operations within the United States.

By order issued under section 11 (b) (2) of the Act of June 13, 1952 (Holding Company Act Release No. 11311), the Commission directed Central to take appropriate steps to terminate the existence of Islands. In a separate proceeding (File No. 31–626) which is now pending, Central has applied for an order requesting the Commission to modify the 1952 order aforesaid so as to permit Islands to continue in existence as a wholly-owned subsidiary. Central has also applied in the same proceeding for an order pursuant to section 3 (a) (5) of the Act exempting it and all of its subsidiaries as such from all duties and liabilities under the Act; which application if granted would render the instant application unnecessary. But Islands states that unforeseen obstacles have arisen which may delay final action upon Central's pending applications; hence this application by Islands for immediate relief, the granting of which, Islands states, will not affect in any way the Commission's 1952 order or Central's pending application for its modification.

Islands further states that it does not now and that it has never derived any material part of its income directly or indirectly from sources within the United States. As an inducement to the immediate granting of its section 3 (b) application, Islands agrees that while it shall remain an intermediate holding company it will not, without the prior approval of the Commission, incur any indebtedness, except by way of short-term bank loans payable within nine months and loans made to it by Central or by another subsidiary of Central, or issue or sell any security other than notes evidencing short-term bank loans, as aforesaid, except to Central or to another subsidiary of Central.

Notice is further given that any interested person may, not later than October 19, 1955, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application may be granted as filed or as amended, or the Commission may take such other action as it may deem proper under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–8031; Filed, Oct. 4, 1955; 8:47 a. m.]

[File No. 70–3416]

SOUTHERN CO. ET AL.

NOTICE OF PROPOSED ISSUE AND SALE BY HOLDING COMPANY OF ADDITIONAL COMMON STOCK PURSUANT TO UNDERWRITTEN RIGHTS OFFERING, AND PROPOSED ISSUE AND SALE BY SUBSIDIARIES OF ADDITIONAL COMMON STOCK AND ACQUISITION THEREOF BY HOLDING COMPANY

SEPTEMBER 29, 1955.

In the matter of The Southern Company, Alabama Power Company, Georgia Power Company, File No. 70–3416.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company, and its public-utility subsidiaries Alabama Power Company ("Alabama") and Georgia Power Company ("Georgia") have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 (a), 6 (b), 7, 9 (a), 10, 12 (c) and 12 (f) of the Act and Rules U-42, U-43 and U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

Stock issue by Southern and application of proceeds. Southern proposes to issue 1,507,303 additional shares of its authorized but unissued common stock (par value $5 per share), and to offer to the holders of its outstanding common stock the right to subscribe for such shares on the basis of 1 share of the additional stock for each 12 shares of common stock held on the record date. Rights to subscribe will be evidenced by transferable registered subscription warrants and the subscription offer will be open for approximately three weeks. No fractional shares will be issued. Southern will provide facilities through the subscription agent so that rights (not exceeding 11) may be sold or additional rights (not exceeding 11) may be purchased to enable the warrant holder to subscribe to a whole number of shares.

The offer of the additional common stock will be underwritten. Southern proposes to invite bids, pursuant to Rule U-50, such inviation to request prospective underwriters to name and amount of compensation to be paid by Southern to such underwriters for their services and agreement to purchase any shares not subscribed for as a result of the offering to stockholders, and also to purchase shares acquired by Southern, if any, in connection with its stabilizing activities referred to below.

The subscription price per share at which Southern proposes to offer the additional common stock to its common stockholders and to underwriters will be determined by the company. Prospective underwriters who have qualified to bid will be notified of the price per share as so determined by the company at least 20 hours prior to the time for the submission of bids. Such price will not be more than the last reported sale price on the New York Stock Exchange prior to the fixing thereof and not less than such last reported sale price less 15 percent.

Southern proposes, if it considers it necessary or desirable, to effect transactions which will stabilize or maintain the market price of its common stock for the purpose of facilitating the offering and distribution of the additional common stock. In connection therewith, the company may, during the period commencing with the first business day prior to the date when the price per share is to be determined by the company and continuing until the acceptance of a bid from underwriters, purchase shares of common stock of the company (but not in excess of 150,730 shares) on the New York Stock Exchange or otherwise, such purchases to be made through brokers with the payment of regular stock exchange commissions.

The proposed purchase contract will provide that the underwriters will agree that, in case any shares of additional common stock purchased by them thereunder shall be sold by the underwriters prior to the expiration of 30 days following the expiration of the subscription period for a price in excess of the subscription price plus $0.75 per share (the excess to be computed before the deduction of any expenses, selling commissions or concessions), the underwriters shall pay to Southern, in addition to the purchase price for shares purchased by them, a sum equal to 50 percent of such excess; such additional payment, if any, to be made by the underwriters to the company as promptly as practicable after the expiration of such 30 days.

Southern proposes to apply the proceeds from the sale of the additional common stock to the payment at or prior to maturity, February 1, 1956, of the outstanding $15,000,000 principal amount of the company's 3½ percent notes payable to banks and the balance of said proceeds, together with treasury funds to the extent required up to approximately $3,500,000, to the purchase at $100 per share (so far as such funds will extend and, as between the subsidiaries hereafter referred to, in the approximate proportions of the maximum numbers of shares to be purchased) up to 55,000 additional shares of common stock of Alabama and up to 85,000 additional shares of common stock of Georgia.

Stock issues by Alabama and Georgia and application of proceeds. Alabama and Georgia propose to issue up to an additional 55,000 shares and 85,000 shares, respectively, of their authorized but unissued common stock without par value; to sell such shares to Southern for an aggregate consideration of $5,500,000 in the case of Alabama and of

points in the above-specified Colorado territory, on the one hand, and, on the other, points in that part of Utah within 30 miles of U. S. Highway 40 between the Utah-Colorado State line and Duchesne, and those in that part of Utah within 30 miles of Utah Highway 33 between Castlegate and Duchesne, Utah, east of U. S. Highway 50, including points on the indicated portions of the Highways specified. Ringsby Truck Lines, Inc., is authorized to operate in Colorado, Wyoming, Nebraska, Illinois, Iowa, Utah, and California. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6084. Authority sought for purchase by JESS EDWARDS, INC., P. O. Box 2287, McBride Lane, Corpus Christi, Texas, of the operating rights and property of CLARENCE O. LEE, P. O. Box 996, Farmington, N. Mex., and for acquisition by GLEN E. ALEXANDER, JESS EDWARDS, and J. D. KINSEY, all of Corpus Christi, of control of the operating rights and property through the purchase. Applicant's attorney: O. Russell Jones, P. O. Box 1437, Santa Fe, N. Mex. Operating rights sought to be transferred: *Oil field commodities*, as a *common carrier*, over irregular routes, between Midland, Tex., and points in Texas within 200 miles of Midland, on the one hand, and, on the other, points in New Mexico, and between points in Dolores, San Juan, Rio Grande, Alamosa, Montezuma, La Plata, Archuleta, and Conejos Counties, Colo., and in San Juan County, Utah, on the one hand, and, on the other, points in New Mexico on and north of U. S. Highway 60. Vendee is authorized to operate in Colorado, Kansas, New Mexico, Texas, Utah, Nebraska, Oklahoma, Wyoming, Idaho and Montana. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6085. Authority sought for purchase by WATSON BROS. TRANSPORTATION CO., INC., 802 S. 14th St., Omaha, Nebr., of a portion of the operating rights of S. & C. TRANSPORT COMPANY, INC., 65 State St., Hutchinson, Kansas, and for acquisition by FAY V. WATSON, RAY E. WATSON, and THOMAS W. WATSON, all of Omaha, of control of the operating rights through the purchase. Person to whom correspondence should be addressed: W. H. Thickett, 802 S. 14th St., Omaha, Nebr. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Kansas City, Mo., and Wichita, Kans., serving no intermediate points; *dairy products*, from Wichita, Kans., to St. Joseph, Mo.; *canned goods*, over irregular routes, from Nebraska City and Plattsmouth, Nebr., to Wichita, Kans., and from Wichita, Kans., to Lincoln, Superior, and Omaha, Nebr., and Kansas City, Mo.; *empty glass containers*, from Lincoln, Superior, and Omaha, Nebr., and Kansas City, Mo., to Wichita, Kans. Vendee is authorized to operate in Minnesota, Iowa, Nebraska, Kansas, Missouri, Illinois, Colorado, Arizona, New Mexico, California, Wyoming, Oklahoma, Utah, Idaho, Montana, Oregon, Washington, Indiana, Texas and Arkansas. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6086. Authority sought for control by RYDER SYSTEM, INC., 1642 N. W. 21st Terrace, Miami, Fla., of the operating rights and property of T. S. C. MOTOR FREIGHT LINES, INC., 400 Pinckney St., P. O. Box 2625, Houston, Texas and for acquisition by J. A. RYDER, R. N. REEDY, J. C. PARKER, and A. E. GREENE, JR., all of Miami, of control of the operating rights and property through the transaction. Applicant's attorney: Clarence D. Todd, 944 Washington Bldg., Washington, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Birmingham, Ala., and New Orleans, La., and between Meridian, Miss., and Jackson, Miss., serving all intermediate points; between Newton, Miss., and Laurel, Miss., serving no intermediate points. Applicant is not a motor carrier but owns all the capital stock of Great Southern Trucking Company, which is authorized to operate in the States of Alabama, Georgia, South Carolina, North Carolina, Florida and Tennessee. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6087. Authority sought for control by UNITED SHIPPING CO., 2601 Broadway Road, Minneapolis, Minn., of the operating rights and property of RED TRUCK LINE, INC., 1225 Dartmouth Ave., S. E., Minneapolis, Minn., and for acquisition by FRED B. WINES, also of Minneapolis, of control of the operating rights and property through the transaction. Applicant's attorney: Leonard E. Lindquist, 1010 Midland Bank Bldg., Minneapolis 1, Minn. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between St. Paul, Minn., and Grand Forks, N. Dak., serving certain intermediate and off-route points; *groceries*, between Duluth, Minn., and Forks, N. Dak., serving the intermediate point of Fargo, N. Dak.; *general commodities*, with certain exceptions including household goods, over irregular routes, between Minneapolis, St. Paul, South St. Paul, and Newport, Minn., and between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, the site of the Twin City Ordnance Plant in Mounds View Township, Ramsey County, Minn.; *Canned goods*, and *malt beverages*, from certain points in Wisconsin to certain points in Minnesota and North Dakota; Applicant is authorized to operate in Minnesota, Illinois, and Wisconsin. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6088. Authority sought for control by H. M. O'NEILL, F. J. O'NEILL and W. J. O'NEILL, all of 11700 Shaker Blvd., Cleveland, Ohio, of the operating rights and property of CONLEY'S EXPRESS, INC., 2400 S. Homan Ave., Chicago 23, Ill., and FOOD TRANSPORT, INC., 1601 Bronxdale Ave., Bronx 51, N. Y. Applicant's attorney: Roland Rice, 618 Perpetual Bldg., 1111 E Street, N. W. Washington 4, D. C. Operating rights sought to be controlled: (Conley's Express, Inc.), *Such commodities* (except uncrated furniture) as are dealt in by mail order houses and retail department stores, as a *contract carrier* over irregular routes, from Chicago, Ill., to certain points in Ohio, Michigan and Indiana; (Food Transport, Inc.), *Groceries*, as a *contract carrier* over irregular routes, from New York, N. Y., to points in Bergen, Hudson, Monmouth, and Union Counties, N. J., Fairfield, Hartford, and New Haven Counties, Conn., Dutchess, Nassau, Orange, Suffolk, Sullivan, and Ulster Counties, N. Y., Philadelphia, Pa., and Springfield, Mass. Applicants hold no authority from the Commission, but own controlling stock interest in ANCHOR MOTOR FREIGHT, INC., OF DELAWARE, ANCHOR MOTOR FREIGHT, INC., OF MICHIGAN, ANCHOR MOTOR FREIGHT, N. Y. CORP., RELAY TRANSPORT, INC., SIGNAL DELIVERY SERVICE, INC., and WAREHOUSE TRANSPORTATION CO., which are authorized to operate in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–8043; Filed, Oct. 4, 1955; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31–417]

ISLANDS GAS AND ELECTRIC CO.

NOTICE OF APPLICATION OF SUBSIDIARY HOLDING COMPANY FOR MODIFICATION OF EXEMPTION HERETOFORE GRANTED

SEPTEMBER 29, 1955.

Notice is hereby given that the Islands Gas and Electric Company ("Islands"), a subsidiary exempt holding company in the system of Central Public Utility Corporation ("Central"), a registered holding company, has filed with this Commission an application pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935 ("Act") for modification of the qualified section 3 (b) exemption granted to it herein on July 31, 1941 (as heretofore extended), so as to remove the limitations prescribed therein and to grant to the applicant an exemption as a subsidiary company of Central which shall be unqualified except to the extent hereinafter stated. The grounds upon which Islands bases its present application may be summarized as follows:

Islands was granted exemption from registration as a holding company pursuant to section 3 (a) (5) of the Act by an order of the Commission dated June 29, 1936 (1 S. E. C. 533). Islands was also granted an exemption as a subsidiary of The Consolidated Electric and Gas Company, formerly a registered holding company subsidiary of Central which has been merged into Central, pursuant to section 3 (b) of the Act by the aforesaid order dated July 31, 1941 (9 S. E. C. 829); which exemption was subject to various limitations designed to make it applicable solely to acts and operations essentially foreign in their nature, preserving the jurisdiction of the Commission with respect to Islands' domestic activities.

Islands has four subsidiaries, one of which is inactive and the other three of which are utility companies whose utility assets and operations are in foreign countries (Haiti, Canary Islands, Philippine Islands). All the securities of Islands (consisting of common and preferred stocks, bonds and promissory notes) are owned by Central. Neither Central nor Islands has any utility assets or operations within the United States.

By order issued under section 11 (b) (2) of the Act of June 13, 1952 (Holding Company Act Release No. 11311), the Commission directed Central to take appropriate steps to terminate the existence of Islands. In a separate proceeding (File No. 31–626) which is now pending, Central has applied for an order requesting the Commission to modify the 1952 order aforesaid so as to permit Islands to continue in existence as a wholly-owned subsidiary. Central has also applied in the same proceeding for an order pursuant to section 3 (a) (5) of the Act exempting it and all of its subsidiaries as such from all duties and liabilities under the Act; which application if granted would render the instant application unnecessary. But Islands states that unforeseen obstacles have arisen which may delay final action upon Central's pending applications; hence this application by Islands for immediate relief, the granting of which, Islands states, will not affect in any way the Commission's 1952 order or Central's pending application for its modification.

Islands further states that it does not now and that it has never derived any material part of its income directly or indirectly from sources within the United States. As an inducement to the immediate granting of its section 3 (b) application, Islands agrees that while it shall remain an intermediate holding company it will not, without the prior approval of the Commission, incur any indebtedness, except by way of short-term bank loans payable within nine months and loans made to it by Central or by another subsidiary of Central, or issue or sell any security other than notes evidencing short-term bank loans, as aforesaid, except to Central or to another subsidiary of Central.

Notice is further given that any interested person may, not later than October 19, 1955, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application may be granted as filed or as amended, or the Commission may take such other action as it may deem proper under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–8031; Filed, Oct. 4, 1955; 8:47 a. m.]

[File No. 70–3416]

SOUTHERN CO. ET AL.

NOTICE OF PROPOSED ISSUE AND SALE BY HOLDING COMPANY OF ADDITIONAL COMMON STOCK PURSUANT TO UNDERWRITTEN RIGHTS OFFERING, AND PROPOSED ISSUE AND SALE BY SUBSIDIARIES OF ADDITIONAL COMMON STOCK AND ACQUISITION THEREOF BY HOLDING COMPANY

SEPTEMBER 29, 1955.

In the matter of The Southern Company, Alabama Power Company, Georgia Power Company, File No. 70–3416.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company, and its public-utility subsidiaries Alabama Power Company ("Alabama") and Georgia Power Company ("Georgia") have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 (a), 6 (b), 7, 9 (a), 10, 12 (c) and 12 (f) of the Act and Rules U-42, U-43 and U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

Stock issue by Southern and application of proceeds. Southern proposes to issue 1,507,303 additional shares of its authorized but unissued common stock (par value $5 per share), and to offer to the holders of its outstanding common stock the right to subscribe for such shares on the basis of 1 share of the additional stock for each 12 shares of common stock held on the record date. Rights to subscribe will be evidenced by transferable registered subscription warrants and the subscription offer will be open for approximately three weeks. No fractional shares will be issued. Southern will provide facilities through the subscription agent so that rights (not exceeding 11) may be sold or additional rights (not exceeding 11) may be purchased to enable the warrant holder to subscribe to a whole number of shares.

The offer of the additional common stock will be underwritten. Southern proposes to invite bids, pursuant to Rule U-50, such inviation to request prospective underwriters to name and amount of compensation to be paid by Southern to such underwriters for their services and agreement to purchase any shares not subscribed for as a result of the offering to stockholders, and also to purchase shares acquired by Southern, if any, in connection with its stabilizing activities referred to below.

The subscription price per share at which Southern proposes to offer the additional common stock to its common stockholders and to underwriters will be determined by the company. Prospective underwriters who have qualified to bid will be notified of the price per share as so determined by the company at least 20 hours prior to the time for the submission of bids. Such price will not be more than the last reported sale price on the New York Stock Exchange prior to the fixing thereof and not less than such last reported sale price less 15 percent.

Southern proposes, if it considers it necessary or desirable, to effect transactions which will stabilize or maintain the market price of its common stock for the purpose of facilitating the offering and distribution of the additional common stock. In connection therewith, the company may, during the period commencing with the first business day prior to the date when the price per share is to be determined by the company and continuing until the acceptance of a bid from underwriters, purchase shares of common stock of the company (but not in excess of 150,730 shares) on the New York Stock Exchange or otherwise, such purchases to be made through brokers with the payment of regular stock exchange commissions.

The proposed purchase contract will provide that the underwriters will agree that, in case any shares of additional common stock purchased by them thereunder shall be sold by the underwriters prior to the expiration of 30 days following the expiration of the subscription period for a price in excess of the subscription price plus $0.75 per share (the excess to be computed before the deduction of any expenses, selling commissions or concessions), the underwriters shall pay to Southern, in addition to the purchase price for shares purchased by them, a sum equal to 50 percent of such excess; such additional payment, if any, to be made by the underwriters to the company as promptly as practicable after the expiration of such 30 days.

Southern proposes to apply the proceeds from the sale of the additional common stock to the payment at or prior to maturity, February 1, 1956, of the outstanding $15,000,000 principal amount of the company's 3½ percent notes payable to banks and the balance of said proceeds, together with treasury funds to the extent required up to approximately $3,500,000, to the purchase at $100 per share (so far as such funds will extend and, as between the subsidiaries hereafter referred to, in the approximate proportions of the maximum numbers of shares to be purchased) up to 55,000 additional shares of common stock of Alabama and up to 85,000 additional shares of common stock of Georgia.

Stock issues by Alabama and Georgia and application of proceeds. Alabama and Georgia propose to issue up to an additional 55,000 shares and 85,000 shares, respectively, of their authorized but unissued common stock without par value; to sell such shares to Southern for an aggregate consideration of $5,500,000 in the case of Alabama and of

$8,500,000 in the case of Georgia, and to use the proceeds from such sales to provide a portion of the funds required to finance improvements, extensions and additions to their respective utility plants.

Expenditures during 1955 and 1956 for the construction or acquisition of property additions are estimated at $71,790,000 in the case of Alabama and $65,200,000 in the case of Georgia. Such additions have been financed in part by the sale during the second quarter of 1955 of $15,000,000 principal amount of bonds by Alabama and $12,000,000 principal amount of bonds by Georgia. It is estimated that in 1956 Alabama and Georgia will be required to raise, respectively, $17,000,000 and $10,500,000 by the sale of additional securities.

According to the filing, the issuance and sale of the additional shares by Alabama and Georgia are subject to the jurisdiction of the Alabama Public Service Commission and the Georgia Public Service Commission, respectively.

It is requested that the Commission's order herein be made effective upon issuance.

Notice is further given that any interested person may, not later than October 17, 1955 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8030; Filed, Oct. 4, 1955; 8:47 a. m.]

[File No. 70-3417]

CENTRAL PUBLIC UTILITY CORP. AND ISLANDS GAS AND ELECTRIC CO.

NOTICE OF PROPOSED DONATION OF PREFERRED STOCK BY PARENT TO SUBSIDIARY

SEPTEMBER 29, 1955.

Notice is hereby given that Central Public Utility Corporation ("Central"), a registered holding company, and its wholly owned subsidiary, The Islands Gas and Electric Company ("Islands"), an exempt holding company, have filed a joint declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") and have designated sections 12 and 15 of the Act and Rules U-26, U-42 and U-45 thereunder as applicable to the proposed transactions, which are summarized as follows:

Islands has outstanding bonds, notes, preferred stock and common stock all of which are owned by Central. As a step in the simplification of the capital structure of Islands, Central proposes to donate to Islands, as a contribution to its capital, 50,000 shares of $7 cumulative preferred stock of Islands (par value $1 per share), being all of the preferred stock which Islands now has outstanding. Central also proposes not to reduce or otherwise change, as a result of such contribution, the amount of the carrying value of its investment in the securities of Islands.

Islands proposes to acquire and thereafter, by appropriate amendment of its Certificate of Incorporation, to extinguish said 50,000 shares of its preferred stock. Islands also proposes, concurrently with the extinguishment of said shares, to reduce its capital stock and to increase its capital surplus to the extent of $50,000, being the aggregate par value of the shares extinguished.

Declarants estimate that the expenses to be incurred herein will not exceed $500, including $400 of legal fees and $100 of miscellaneous expenses.

It is requested that the Commission's order be made effective upon issuance.

Notice is further given that any interested person may, not later than October 18, 1955 at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8032; Filed, Oct. 4, 1955; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 195

Washington, Thursday, October 6, 1955

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by Commodity Credit Corporation and Commodity Stabilization Service published in 20 F. R. 4104 containing the specific requirements for the 1955-Crop Corn Price Support Program are hereby amended as follows:

1. Section 421.1142 (c) amends the requirements concerning the advance notice a producer must give the county committee prior to early delivery, so that the amended paragraph reads as follows:

§ 421.1142 *Maturity of loans and delivery.* • • •

(c) In areas where it is determined by the State committee that some producers may not be in a position to store corn safely for the full storage period (for reasons set forth in § 421.1137 (d)), the State committee may establish an earlier delivery period prior to maturity (in addition to the regular delivery period) during which producers may voluntarily deliver corn which is held in farm storage under loans and purchase agreements. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans and purchase agreements established by the State committee, and not before April 1, 1956. CCC will accept deliveries of corn during such early delivery period, provided the producer notifies the county committee at least 10 days prior to the date that he desires to deliver the corn.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714, 7 U. S. C. 1447, 1421)

Issued this 30th day of September 1955.

[SEAL] PRESTON RICHARDS, *Acting Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 55-8104; Filed, Oct. 5, 1955; 8:54 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Effective upon publication in the FEDERAL REGISTER, paragraph (o) (1) is added to § 6.105 as set out below.

§ 6.105 *Department of the Army.* • • •

(o) *Army Signal Corps.* (1) All positions on ocean-going cable barges operated by the Army Signal Corps.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 55-8089; Filed, Oct. 5, 1955; 8:53 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (8) is added to § 6.303 as set out below.

§ 6.303 *Treasury Department.* • • •

(a) *Office of the Secretary.* • • •

(8) One Confidential Assistant to the General Counsel.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 55-8090; Filed, Oct. 5, 1955; 8:53 a. m.]

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FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.8, Supp. 15]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

ILLINOIS FARM PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260), as amended (20 F. R. 1635), the Agricultural Stabilization and Conservation Illinois State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 2,095 acres established for Illinois by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at Room 232, U. S. Post Office and Court House, Springfield, Illinois, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Illinois. The bases and procedures incorporate the following:

§ 850.23 *Illinois*—(a) *Requests for proportionate shares:* A request for each farm proportionate share shall be filed at the local ASC County office on Form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(b) *Establishment of individual farm proportionate shares.* For each farm in Illinois for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 2,095 acres so as to coincide with the acreage of 1955-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop. If preliminary notice is given on the basis of the requested acreage or otherwise and the measurement of the planted sugar beet acreage on the farm subsequently discloses that the actual planted acreage differs from the acreage shown in such preliminary notice, the farm operator shall be furnished a Form SU–103 marked "Revised" showing a proportionate share which coincides with the planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Illinois State Committee for determining farm proportionate shares in Illinois in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted are smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 24, 1955.

[SEAL] EDMUND C. SECOR,
Chairman, Agricultural Stabilization and Conservation Illinois State Committee.

Approved: October 3, 1955.

EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 55–8167; Filed, Oct. 5, 1955; 8:55 a. m.]

[Sugar Determination 850.8, Supp. 16]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

INDIANA FARM PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260), as amended (20 F. R. 1635), the Agricultural Stabilization and Conservation Indiana State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 70 acres established for Indiana by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 215 E. New York Street, Indianapolis 4, Indiana, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Indiana. The bases and procedures incorporate the following:

§ 850.24 *Indiana*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(b) *Establishment of individual farm proportionate shares.* For each farm in Indiana for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 70 acres so as to coincide with the acreage of 1955-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop. If preliminary notice is given on the basis of the requested acreage or otherwise and the measurement of the planted sugar beet acreage on the farm subsequently discloses that the actual planted acreage differs from the acreage shown in such preliminary notice, the farm operator shall be furnished a form SU–103 marked "Revised" showing a propor-

tionate share which coincides with the planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Indiana State Committee for determining farm proportionate shares in Indiana in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to divide the State into proportionate share areas with separate allotments, to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: September 2, 1955.

[SEAL] REED W. WILSON,
Chairman, Agricultural Stabilization and Conservation Indiana State Committee.

Approved: October 3, 1955.

EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 55-8109; Filed, Oct. 5, 1955; 8:56 a. m.]

[Sugar Determination 850.8, Supp. 17]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

IOWA FARM PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260), as amended (20 F. R. 1635), the Agricultural Stabilization and Conservation Iowa State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 1,545 acres established for Iowa by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at the Iowa Building, 505 Sixth Avenue, Des Moines 7, Iowa, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Iowa. The bases and procedures incorporate the following:

§ 850.25 *Iowa*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(b) *Establishment of individual farm proportionate shares.* For each farm in Iowa for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 1,545 acres so as to coincide with the acreage of 1955-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop. If preliminary notice is given on the basis of the requested acreage or otherwise and the measurement of the planted sugar beet acreage on the farm subsequently discloses that the actual planted acreage differs from the acreage shown in such preliminary notice, the farm operator shall be furnished a form SU-103 marked "Revised" showing a proportionate share which coincides with the planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedure established by the Agricultural Stabilization and Conservation Iowa State Committee for determining farm proportionate shares in Iowa in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedures which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 30, 1955.

[SEAL] DWIGHT W. MEYER,
Chairman, Agricultural Stabilization and Conservation Iowa State Committee.

Approved: October 3, 1955.

EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 55-8110; Filed, Oct. 5, 1955; 8:56 a. m.]

[Sugar Determination 850.8, Supp. 18]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

KANSAS FARM PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260), as amended (20 F. R. 1635), the Agricultural Stabilization and Conservation Kansas State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 7,255 acres established for Kansas by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at the Wareham Building, 417 Humboldt Street, Manhattan, Kansas, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Kansas. The bases and procedures incorporate the following:

§ 850.26 *Kansas*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(b) *Establishment of individual farm proportionate shares.* For each farm in Kansas for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 7,255 acres so as to coincide with the acreage of 1955-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop. If preliminary notice is given on the basis of the requested acreage or otherwise and the measurement of the planted sugar beet acreage on the farm subsequently discloses that the actual planted acreage differs from the acreage shown in such preliminary notice, the farm operator shall be furnished a form SU-103 marked "Revised", showing a proportionate share which coincides with the planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Kansas State Committee for determining farm proportionate shares in Kansas in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to divide the State into proportionate share areas with separate allotments, to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 30, 1955.

[SEAL] BEN C. KIEFER,
Chairman, Agricultural Stabilization and Conservation Kansas State Committee.

Approved: October 3, 1955.

EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 55-8111; Filed, Oct. 5, 1955; 8:56 a. m.]

[Sugar Determination 850.8, Supp. 19]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

MICHIGAN FARM PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260), as amended (20 F. R. 1635), the Agricultural Stabilization and Conservation Michigan State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 81,420 acres established for Michigan by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at the Cahill Building, 200 North Capitol Avenue, Lansing 4, Michigan, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Michigan. The bases and procedures incorporate the following:

§ 850.27 *Michigan*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(b) *Establishment of individual farm proportionate shares.* For each farm in Michigan for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 81,420 acres, so as to coincide with the acreage of 1955-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop. If preliminary notice is given on the basis of the requested acreage or otherwise and the measurement of the planted sugar beet acreage on the farm subsequently discloses that the actual planted acreage differs from the acreage shown in such preliminary notice, the farm operator shall be furnished a form SU-103 marked "Revised" showing a proportionate share which coincides with the planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Michigan State Committee for determining farm proportionate shares in Michigan in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to divide the State into proportionate share areas with separate allotments, to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 26, 1955.

[SEAL] BRUCE F. CLOTHIER,
Chairman, Agricultural Stabilization and Conservation Michigan State Committee.

Approved: October 3, 1955.

EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 55-8112; Filed, Oct. 5, 1955; 8:57 a. m.]

[Sugar Determination 850.8, Supp. 20]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

WISCONSIN FARM PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260), as amended (20 F. R. 1635), the Agricultural Stabilization and Conservation Wisconsin State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 12,865 acres established for Wisconsin by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 3010 E. Washington Avenue, Madison, Wisconsin, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Wisconsin. The bases and procedures incorporate the following:

§ 850.28 *Wisconsin*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(b) *Establishment of individual farm proportionate shares.* For each farm in Wisconsin for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 12,865 acres so as to coincide with the acreage of 1955-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop. If preliminary notice is given on the basis of the requested acreage or otherwise and the measurement of the planted sugar beet acreage on the farm subsequently discloses that the actual planted acreage differs from the acreage shown in such preliminary notice, the farm operator shall be furnished a form SU-103 marked "Revised" showing a proportionate share which coincides with the planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Wisconsin State Committee for determining farm proportionate shares in Wisconsin in accordance with the determination of proportionte shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 24, 1955.

[SEAL] W. R. MERRIAM,
Chairman, Agricultural Stabilization and Conservation Wisconsin State Committee.

Approved: October 3, 1955.

EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 55-8108; Filed, Oct. 5, 1955; 8:56 a. m.]

Subchapter I—Determination of Prices

[Sugar Determination 873.8]

PART 873—SUGARCANE PRICES; FLORIDA

1955 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held at Clewiston, Florida, on May 5, 1955, the following determination is hereby issued:

§ 873.8 *Fair and reasonable prices for the 1955 crop of Florida sugarcane.* A producer of sugarcane in Florida who is also a processor of sugarcane (referred to in this part as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1955 crop grown by other producers and processed by him, prices determined in accordance with the following requirements.

(a) *Definitions.* For the purpose of this section, the term:

(1) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange (domestic contract) adjusted to a duty-paid basis by adding the U. S. duty prevailing on Cuban raw sugar, except, that if the Director of the Sugar Division determines that such price does not reflect the true market value of sugar, because of inadequate volume or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of sugar.

(2) "Raw sugar" means raw sugar of 96° polarization.

(3) "Net sugarcane" means sugarcane, as delivered by a producer to a processor, from which has been deducted the weight of trash determined in the customary manner.

(4) "Standard sugarcane" means sugarcane containing 12.5 percent sucrose in the normal juice.

(5) "Salvage sugarcane" means sugarcane containing less than 9.5 percent sucrose in the normal juice.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than $1.07 per ton for each one cent per pound of the average price of raw sugar obtained by weighting the simple average of daily prices of raw sugar for each month in which sugar is sold by or for the account of the processor by the quantity of 1955 crop raw sugar or raw sugar equivalent of the sugar sold during each month adjusted by deducting applicable storage and handling expenses actually incurred on such sugar as a result of marketing allotments. The allowable items of such expenses are listed in Schedule A below. Nothing in this subparagraph shall be construed as prohibiting expense deductions which may be necessary because of unusual circumstances: *Provided,* That the weighted average price of raw sugar and the deductions made therefrom as provided in this subparagraph shall be approved by the Florida State Committee of the Agricultural Stabilization and Conservation Service (hereinafter referred to as "State Committee").

(2) The basic price for salvage sugarcane shall be as agreed upon between the processor and the producer.

(c) *Conversion of net sugarcane to standard sugarcane.* Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane by multiplying the total quantity of net sugarcane delivered by each producer by the applicable quality factor in accordance with the following table:

Average percent sucrose in normal juice:	*Standard sugarcane quality factor* [1]
9.5	0.70
10.0	.75
10.5	.80
11.0	.85
11.5	.90
12.0	.95
12.5	1.00

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 15.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

Average percent sucrose in normal juice—Con.	*Standard sugarcane quality factor* [1]
13.0	1.05
13.5	1.10
14.0	1.15
14.5	1.20
15.0	1.25
15.5	1.30

(d) *Molasses payment.* For each ton of net sugarcane ground there shall be paid to the producer a molasses payment equal to the product of 5.95 and one-half of the net liquidation from the disposal of blackstrap or final molasses in excess of 4.75 cents per gallon, f. o. b. sugarhouse tanks, during the 12-month period ending May 31, 1956.

(e) *General.* (1) The price for sugarcane specified in this determination is applicable to sugarcane loaded on carts or trucks at the farm or, if sugarcane is customarily transported by railroad, loaded in railroad cars at the railroad siding nearest the farm: *Provided,* That if a producer delivers sugarcane directly to the mill the processor shall pay the producer for transportation of such sugarcane an amount equal to the cost of transporting sugarcane by railroad or by other common carrier whichever customarily is used.

(2) Methods of sucrose analysis, deductions for frozen sugarcane because of decreased boiling house efficiency, fiber content determinations and deductions, definitions of delivery schedules and similar terms employed in connection with the purchase of the 1955 crop shall be as set forth in the contract between the producer and the processor or, in the absence of such a contract, as employed in connection with the purchase of the 1954 crop.

(3) Nothing in subparagraphs (1) and (2) of this paragraph shall be construed as prohibiting modification of customs and practices which may be necessary because of unusual circumstances, any such modification to be approved by the State Committee.

(4) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose test of the sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor and as approved by the State Committee.

(5) The processor shall not reduce returns to the producer below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes fair and reasonable prices to be paid for sugarcane of the 1955 crop by a producer who processes sugarcane grown by other producers. It establishes the minimum requirements with respect to prices for sugarcane which must be met as one of the conditions for payment under the act.

(b) *Requirements of the act.* Section 301 (c) (2) of the act provides that the producer on the farm who is also, directly or indirectly, a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1955 fair price determination.* The 1955 price determination is the same as the 1954 determination except for two minor changes. One, admissible items of raw sugar marketing expenses resulting from marketing allotments are set forth in a separate schedule so as to identify such items. The second change is that the molasses payment to producers is based on 5.95 gallons per ton of sugarcane, the average production for the most recent five crops. The five-year average production used in the 1954 price determination was 6.0 gallons.

At the public hearing a processor representative recommended that the provisions of the 1954 price determination be continued for the 1955 crop. He stated that raw sugar marketing expenses have increased as a result of marketing restrictions and that producers should bear their share of such expenses on sugar which cannot be marketed in the manner customary to that followed prior to the imposition of marketing allotments. He stated there was no objection to listing admissible items of raw sugar selling and delivery expense in the determination but that interest on investment and administrative costs should be included in such list. There was no objection on the part of growers to the recommendations.

In making this determination, consideration has been given to the recommendations made at the public hearing, to information obtained through investigation, to the effects of problems arising as a result of raw sugar marketing allotments and to other pertinent factors. An analysis has been made of the comparative returns, costs and profits of the Florida sugarcane and raw sugar industry by survey for prior years and restated in terms of prospective conditions for the 1955 crop. The analysis indicates there has been little change during recent years in the sharing of costs and returns between producers and processors. Further, the changes made in this determination will have little effect on prices paid to producers for 1955 crop sugarcane compared with prices paid last year. On the basis of examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 3d day of October 1955.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

SCHEDULE A—DEFINITION OF ADMISSIBLE DEDUCTIONS FOR STORAGE AND HANDLING EXPENSES ON RAW SUGAR

Admissible deductions from the weighted average price of raw sugar are those additional storage and handling expenses actually incurred by the processor on 1955 crop raw sugar as a result of marketing allotments. Such deductible expenses shall not commence prior to moving of sugar from the mill and shall be limited to the sum of the following expenses actually incurred, net of any receipts which reduce such expenses:

1. Storage and handling charges;
2. Insurance;
3. Losses in weight or polarization in excess of average losses for other sugar of the same crop.

When storage and handling services are furnished by the processor, costs for each of the services rendered shall include only the following:

Direct and immediate supervisory labor;
Maintenance labor and supplies;
Taxes and insurance, retirement, pensions, bonus and vacation expenses properly allocable to such labor;
Direct supplies;
Depreciation, property taxes and insurance on handling and storage facilities;
Properly allocable administrative expenses; and
Interest on investment.

[F. R. Doc. 55-8106; Filed, Oct. 5, 1955; 8:55 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

BUDGET OF EXPENSES OF ALMOND CONTROL BOARD AND RATE OF ASSESSMENT FOR CROP YEAR BEGINNING JULY 1, 1955

Notice of proposed rule making with respect to the expenses of the Almond Control Board for the crop year beginning July 1, 1955, and the rate of assessment for such crop year, was published in the FEDERAL REGISTER of September 16, 1955 (20 F. R. 6968). This action was taken pursuant to the provisions of Marketing Agreement No. 119 and Order No. 9 regulating the handling of almonds grown in California (7 CFR, Part 909), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). The aforesaid notice provided interested persons the opportunity of submitting to the Department written data, views, or arguments concerning the proposal for consideration prior to the issuance of the final administrative rule. No such documents were received during the period provided in the notice.

After consideration of all relevant matters it is hereby found and determined that the budget of expenses of the Almond Control Board and rate of assessment should be as follows:

§ 909.305 *Budget of expenses of the Almond Control Board and rate of assessment for the crop year beginning July 1, 1955*—(a) *Budget of expenses.* For the crop year beginning July 1, 1955, expenses in the amount of $30,500 are reasonable and likely to be incurred by the Almond Control Board for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for the crop year beginning July 1, 1955, shall be, in lieu of the rate of assessment specified in § 909.121 (a) of said agreement and order, twelve and one-half hundredths (0.125) of a cent for each pound of edible almond kernels received by each handler for his own account, except as to receipts from other handlers on which assessments have been paid.

It is hereby found and determined that good cause exists for making this document effective on its publication in the FEDERAL REGISTER, instead of waiting 30 days after its publication, for the reasons that: (1) The action will apply to all almonds which handlers receive for their own accounts during the crop year which began on July 1, 1955, and no useful purpose would be served by delaying such effective date; (2) prior notice of such action was given all interested parties in the notice of proposed rule making which was published on September 16, 1955; and (3) no advance or special preparation for operations hereunder will be needed.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 30th day of September 1955, to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 55-8082; Filed, Oct. 5, 1955; 8:52 a. m.]

[958.318, Amdt. 1]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the area committee for Area No. 1, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient,

(ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of § 958.318 (b) (1) (FEDERAL REGISTER, July 8, 1955; 20 F. R. 4848) are hereby amended to read as follows:

(b) *Order.* (1) During the period from October 10, 1955, to May 31, 1956, both dates inclusive, no handler shall ship any potatoes (i) if they are of the long varieties (including, but not limited to, the Russet Burbank variety) unless such potatoes meet the requirements of the U. S. No. 2 or better grade, 6 ounces minimum weight, or meet the requirements of the U. S. No. 1 or better grade, 2 inches minimum diameter or 4 ounces minimum weight, and (ii) if they are of the round varieties (including, but not limited to, the Irish Cobbler, Katahdin, Kennebec, Pontiac, and Bliss Triumph varieties) unless such potatoes meet the requirements of the U. S. No. 1 or better grade, 2 inches minimum diameter and 25 ounces maximum weight, as such terms, grades and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 30th day of September 1955 to become effective October 10, 1955.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8083; Filed, Oct. 5, 1955; 8:52 a. m.]

PART 994—PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

RECODIFICATION

In accordance with the Revised Federal Register regulations (1 CFR Part 1), the format of the order (Order No. 94; 7 CFR Part 994) of the Secretary of Agriculture, regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (including the requisite findings and determinations set forth therein) is recodified as hereinafter set forth. To facilitate cross reference between the aforesaid order and the marketing agreement and to obviate possible difficulties in future amendatory proceedings, the regulatory sections of Marketing Agreement No. 111 shall be renumbered and the section headings redesignated to conform to the recodified order. The supplementary provisions of the said marketing agreement shall be renumbered as follows: §§ 994.95 *Counterparts;* 994.96 *Additional parties;* 994.97 *Request for order;* 994.98 *Record of unshelled pecans handled;* 994.99 *Authorization to correct typographical errors.*

This recasting of the format and recodification is not intended, nor shall it be deemed, to make any substantive change in the provisions of the aforesaid order of the Secretary, and the aforesaid marketing agreement.

Issued at Washington, D. C., October 3, 1955.

[SEAL] EARL L. BUTZ,
Acting Secretary.

SUBPART—ORDER REGULATING HANDLING

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994.0 Findings and determinations.

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AUTHORITY: §§ 994.0 to 994.94 issued under sec. 5, 48 Stat. 31, as amended, 7 U. S. C. 608c.

FINDINGS AND DETERMINATIONS

§ 994.0 *Findings and determinations—*(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. and Sup. 1 601 et seq.), and the rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Mobile, Alabama, beginning on May 31, 1949, and at Albany, Georgia, beginning on June 3, 1949, upon a proposed marketing agreement and a proposed marketing order regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order regulates the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina in the same manner as, and is applicable only to persons in the representative classes of industrial and commercial activity specified in a proposed marketing agreement upon which a hearing has been held.

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of said production area specified herein would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of pecans covered hereby that require the prescription of different terms applicable to different parts of the production area; and

(5) The handling, as defined herein, of pecans grown in the aforesaid States is in the current of interstate or foreign commerce.

(b) *Additional findings.* It is hereby found and proclaimed that:

(1) The purchasing power of pecans grown in said States cannot be satisfactorily determined from available statistics of the Department of Agriculture with respect to the period August 1909-July 1914;

(2) The purchasing power of such pecans can be satisfactorily determined from available statistics of the Department of Agriculture with respect to the period August 1919-July 1929, inclusive;

(3) The period August 1919–July 1929, inclusive, is the base period for determining the purchasing power of such pecans; and,

(4) It is hereby found and determined, on the basis hereinafter indicated, that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after such publication (60 Stat. 237; 5 U. S. C. 1001 et seq.). As soon as practicable after such effective date, it will be necessary for the Pecan Administrative Committee and the Secretary to initiate and complete various actions of both organizational and regulatory natures; and considerable time will be required in this regard. Further, regulation pursuant to the provisions of this order will require antecedent actions by the Pecan Administrative Committee and by the Secretary; and the time during which such actions will be concluded should be such that handlers will be able reasonably and adequately to prepare for such regulation. It is necessary that such regulation be in effect not later than the beginning of the shipping season of the 1949 pecan crop, which is expected to be about the middle of October so as to facilitate, promote, and maintain orderly marketing of unshelled pecans covered hereunder, and thereby permit the benefits of this regulatory program to be available to producers and handlers as soon as practicable. The provisions of the order are well known to the handlers of unshelled pecans, since the public hearing in connection with the entire order was concluded June 4 of this year, and the recommended decision and final decision were published in the FEDERAL REGISTER on July 21, 1949 (14 F. R. 4559), and August 16, 1949 (14 F. R. 5060), respectively. All known interested parties have received copies of the regulatory provisions; and compliance with such provisions will not require advance preparation on the part of handlers which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping unshelled pecans covered by this order) who during the period October 1, 1948, through June 30, 1949, handled not less than 50 percent of the volume of unshelled pecans covered by this order;

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (October 1, 1948, through June 30, 1949), were engaged, within the States of Georgia, Alabama, Florida, Mississippi, and South Carolina, in the production for market of unshelled pecans; and

(3) The issuance of this order is favored or approved by producers who participated in a referendum on the question of its approval and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of unshelled pecans represented in such referendum and produced within the States of Georgia, Alabama, Florida, Mississippi, and South Carolina for market.

Order relative to handling. It is, therefore, ordered that, on and after the effective date hereof, the handling of pecans, grown in Georgia, Alabama, Florida, Mississippi, and South Carolina, from those States to any point outside thereof shall be in conformity to, and in compliance with, the terms and conditions of said order; and the terms and conditions of said order are as follows:

DEFINITIONS

§ 994.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

§ 994.2 *Act.* "Act" means the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. and Sup. 1 601 et seq.).

§ 994.3 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 994.4 *Pecans.* "Pecans" means the nuts of the pecan tree Carya illinoensis.

§ 994.5 *Unshelled pecans.* "Unshelled pecans" means pecans from which the shells have not been removed and which were grown in the production area.

§ 994.6 *Handle.* "Handle" means to sell, ship, transport (except as a common or contract carrier of unshelled pecans owned by another person), or in any other way to place unshelled pecans in the current of commerce from the production area to any point outside thereof.

§ 994.7 *Handler.* "Handler" means any person who, either personally or through another person handles unshelled pecans.

§ 994.8 *Grower.* "Grower" is synonymous with "producer" and means any person who is engaged in the growing of unshelled pecans for market, and who has a proprietary interest therein.

§ 994.9 *Shell.* "Shell" means to crack pecans, and remove, sort, and otherwise prepare the kernels for market.

§ 994.10 *Process.* "Process" means to bleach, clean, grade, size, pack, or otherwise prepare pecans for distribution as unshelled pecans.

§ 994.11 *Fiscal period.* "Fiscal period" means the period beginning on October 1 of any year and ending on September 30 of the following year, both dates inclusive, except that the fiscal period ending September 30, 1950, shall begin on the effective date of this subpart.

§ 994.12 *Committee.* "Committee" means the Pecan Administrative Committee, established pursuant to § 994.30.

§ 994.13 *Council.* "Council" means the Handlers Advisory Council, established pursuant to § 994.45.

§ 994.14 *Production area or area.* "Production area" or "area" means the States of Georgia, Alabama, Florida, Mississippi, and South Carolina.

§ 994.15 *District.* "District" means any one of the following: District No. 1 (South Central Georgia); District No. 2 (Southwest Georgia); District No. 3 (Southeast Georgia); District No. 4 (North Georgia); District No. 5 (Florida); District No. 6 (Mississippi); District No. 7 (West Alabama); District No. 8 (East Alabama); and District No. 9 (South Carolina).

§ 994.16 *District No. 1 (South Central Georgia).* "District No. 1 (South Central Georgia)" means that part of the State of Georgia consisting of the counties of Stewart, Webster, Sumter, Crisp, Wilcox, Ben Hill, Irwin, Turner, Tift, Worth, Lee, Dougherty, Terrell, Calhoun, Randolph, Quitman, and Clay.

§ 994.17 *District No. 2 (Southwest Georgia).* "District No. 2 (Southwest Georgia)" means that part of the State of Georgia consisting of the counties of Early, Baker, Mitchell, Colquitt, Cook, Berrien, Miller, Seminole, Decatur, Grady, Thomas, and Brooks.

§ 994.18 *District No. 3 (Southeast Georgia).* "District No. 3 (Southeast Georgia)" means that part of the State of Georgia consisting of the counties of Lowndes, Lanier, Atkinson, Coffee, Telfair, Dodge, Bleckley, Laurens, Johnson, Emanuel, Jenkins and Screven, and all counties lying South and East thereof.

§ 994.19 *District No. 4 (North Georgia).* "District No. 4 (North Georgia)" means that part of the State of Georgia consisting of the counties of Chattahoochee, Marion, Schley, Macon, Dooly, Pulaski, Houston, Twiggs, Wilkinson, Washington, Jefferson and Burke, and all counties lying North thereof.

§ 994.20 *District No. 5 (Florida).* "District No. 5 (Florida)" means the State of Florida.

§ 994.21 *District No. 6 (Mississippi).* "District No. 6 (Mississippi)" means the State of Mississippi.

§ 994.22 *District No. 7 (West Alabama).* "District No. 7 (West Alabama)" means that part of the State of Alabama consisting of the counties of Limestone, Morgan, Cullman, Blount, Jefferson, Shelby, Chilton, Autauga, Lowndes, Butler and Covington and all counties lying West thereof.

§ 994.23 *District No. 8 (East Alabama).* "District No. 8 (East Alabama)" means that part of the State of Alabama consisting of the counties of Madison, Marshall, Etowah, St. Clair, Talladega, Coosa, Elmore, Montgomery, Crenshaw, Coffee, and Geneva, and all counties lying East thereof.

§ 994.24 *District No. 9 (South Carolina).* "District No. 9 (South Carolina)" means the State of South Carolina.

PECAN ADMINISTRATIVE COMMITTEE

§ 994.30 *Establishment.* A Pecan Administrative Committee consisting of nine members is hereby established to administer the terms and provisions of this subpart. For each member of the Committee there shall be an alternate member who shall have the same qualifications as the member; and all provisions of this subpart applicable to the member shall be applicable to the alternate.

§ 994.31 *Membership representation.* A grower in each district shall be selected to serve on the Committee. Each person nominated or selected to serve as a member of the Committee shall be a grower in the district from which nominated or selected, or an officer, employee, or agent of such grower, and shall have no interest in the marketing, processing or shelling of pecans other than those produced by said grower.

§ 994.32 *Selection of initial members.* The initial members of the Pecan Administrative Committee shall be selected by the Secretary and shall serve through June 30, 1950, and until their successors are selected and have qualified. For the consideration by the Secretary in making such initial selections, nominations for members may be submitted to him not later than the effective date of this subpart. Nominations for the member for each district may be submitted to the Secretary by growers in each such district; and such nominations may be made pursuant to elections conducted by groups of growers in each such district.

§ 994.33 *Successor member nomination elections.* Prior to April 30 of each year, after the effective date of this subpart, the Secretary shall hold, or cause to be held, a meeting or meetings of growers in each district for the purpose of designating nominees for successor members of the Committee. In obtaining such nominations, all growers shall be given a reasonable opportunity to vote. The Secretary shall give adequate notice of each such meeting to growers in the respective districts. Minutes shall be kept of each meeting. For the member position on the Committee, the names of not less than two growers shall be placed in nomination at each meeting and shall be voted on in arriving at a nominee. Each grower in the district in which an election is held shall be entitled to cast only one vote on behalf of himself, his agents, affiliates, subsidiaries, and representatives in such district for the position which is to be filled. At each such meeting the name of each person for whom a vote has been cast shall be announced, and the number of votes received by each shall be recorded in the minutes. The Secretary may prescribe additional rules and regulations, not inconsistent with the provisions hereof, relative to the election of nominees for members of the Committee. Such action may be pursuant to recommendations of the Committee.

§ 994.34 *Selection.* Selection of successor members of the Committee for terms commencing July 1, 1950, and thereafter, shall be made by the Secretary from nominations submitted or from among other growers in the respective districts. Such nominations shall be available to the Secretary by May 15 of each year. In the event that nominations from growers, for members of the Committee, are not available within the time specified herein, the Secretary may select such members among eligible growers without regard to nomination.

§ 994.35 *Term of office.* The term of office of each member of the Committee shall begin on July 1 of each fiscal period and end on June 30, inclusive, of the following fiscal period. In the event a successor to such member has not been selected and has not qualified by June 30, such member shall continue to serve until his successor is selected and has qualified.

§ 944.36 *Vacancies.* To fill any vacancy which occurs by reason of the failure of any person, selected as a member of the Committee, to file a written acceptance of appointment, or the death, removal, resignation, or disqualification of a member, a successor for his unexpired term of office shall be selected by the Secretary. Any grower or group of growers in the district affected may submit nominations to the Secretary for his consideration in making such selection. In the event that the nominations are not submitted within twenty days after the beginning of the vacancy, the Secretary may select a successor to fill such vacancy without regard to such nomination.

§ 994.37 *Acceptance.* Each person selected as a member of the Committee shall, prior to serving on the Committee, qualify by filing with the Secretary a written acceptance of appointment within 15 days after the date of his notice of selection.

§ 994.38 *Alternates.* An alternate for a member of the Commitee shall, in the event of the member's absence, act in the latter's place and stead; and, in the event of the member's removal, resignation, disqualification, or death, such alternate shall act in the place and stead of the member until a successor for the unexpired term of said member is selected and has qualified.

§ 994.39 *Compensation.* Members of the Committee shall serve without compensation, but shall be reimbursed for reasonable expenses necessarily incurred in the performance of their duties hereunder.

§ 994.40 *Powers.* The Committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with their terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 994.41 *Duties.* The Committee shall have the following duties:

(a) *Intermediary.* To act as intermediary between the Secretary and growers and handlers;

(b) *Minutes, books, and records.* To keep minutes, books, and other records which will clearly reflect all of its acts and transactions, and which shall be subject at any time to examination by the Secretary;

(c) *Audit.* To cause the books and other records of the Committee to be audited by one or more competent accountants as soon as practicable after the end of each fiscal period covering the operations of such period, and at such other times as it may deem necessary or as the Secretary may request, and to file with the Secretary a copy of each audit report made;

(d) *Research and service.* Subject to prior approval by the Secretary, to provide for and engage in such research and service activities relating to the handling of pecans as are appropriate in connection with the administration of the provisions of this subpart;

(e) *Assembling data.* To investigate and assemble such data relative to the growing, harvesting, and marketing conditions and utilization of pecans, as may be appropriate in connection with the administration of the provisions of this subpart;

(f) *Information.* To furnish to the Secretary information as to all of its activities, including a copy of the minutes of each meeting and a copy of all the recommendations received from the Council, and such other information as he may request;

(g) *Supervision.* To supervise the regulation of the handling of pecans pursuant to this subpart;

(h) *Recommendation for changes in districts and representation.* To recommend to the Secretary that any district be redefined, and that the representation on the Committee from any district be changed in any equitable manner whenever it is deemed advisable: *Provided,* That no State shall have less than one representative;

(i) *Employees.* To employ a Managing Agent who shall serve as the secretary of the Committee and as the secretary of the Council, and shall have such other duties as are specified herein or by the Committee for such agent; to employ such other employees as the Committee may deem necessary; and to determine the salaries and define the duties of such employees; and

(j) *Requirement for bond.* To require adequate bonds for such of its employees and members who are responsible for the receipt, custody, and disbursement of funds collected pursuant to the provisions of this subpart.

§ 994.42 *Procedure—(a) Organization and rules.* The Committee may, upon the selection and qualification of six of its members, organize and commence to function. It may hold meeting only after due notice to its members. The Secretary may designate the time and place of the first meeting. The Committee may adopt such rules, not inconsistent with the provisions of this subpart, relative to the method of conducting its business as it may deem advisable.

(b) *Committee officers.* The Committee shall select a chairman from its membership, and may select such other officers as it deems advisable. All communications from the Secretary may be addressed to the chairman or the Managing Agent at such addresses as may from time to time be filed with the Secretary.

(c) *Meeting notices.* The Secretary shall be given the same notice of the meetings of the Committee as is given to the members of the Committee; and in regard to meetings at which attendance of Council members is desired by the Committee, such notice shall be given to Council members.

(d) *Quorum.* A quorum shall consist of six members, including alternate members then serving in the place and stead of any members, in attendance at the meeting; and all decisions of the Committee shall require not less than five concurring votes of the members who are present at such meeting. The quorum and number of concurring votes requirements may be changed by the Secretary and may be upon a recommendation of the Committee.

(e) *Permissive method of voting.* The Committee may permit voting by mail or telegraph upon due notice to all members: *Provided,* That this method of voting shall not be used at an assembled meeting to obtain votes from absent members: *And provided further,* That when any proposition is so voted on at least five concurring votes shall be required for its adoption but one dissenting vote shall prevent its adoption.

(f) *Right of the Secretary.* Each member and alternate member of the Committee and each agent and employee appointed or employed by the Committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, and other act of the Committee shall be subject to the continuing right of the Secretary to disapprove the same at any time; and, upon such disapproval shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

HANDLERS ADVISORY COUNCIL

§ 994.45 *Establishment.* A Handlers Advisory Council, consisting of nine members, is hereby established. For each member of the Council there shall be an alternate member who shall have the same qualifications as the member; and all provisions of this subpart applicable to the member shall be applicable to the alternate.

§ 994.46 *Membership representation.* Except as otherwise provided, a handler in each district shall be selected to serve on the Council. Each person nominated or selected to serve as a member of the Council shall be a handler of unshelled pecans, at least some of which were produced by another person. Each such prospective member may be an officer, employee or agent of such handler.

§ 994.47 *Selection of initial members.* The initial members of the Handlers Advisory Council shall be selected by the Secretary and shall serve through June 30, 1950, and until their successors are selected and have qualified. For the consideration by the Secretary in making such initial selections, nominations for members may be submitted to him not later than the effective date of this subpart. Nominations for the member for each district may be submitted to the Secretary by handlers in each such district; and such nominations may be made pursuant to elections conducted by groups of handlers in each such district. If, for any district, no handler is nominated, and the Secretary does not have available names of persons from such district who are eligible and willing to serve and whom he desires to select, he shall select a member from among eligible handlers in other districts to complete the full Council membership.

§ 994.48 *Successor member nomination elections.* Prior to April 30 of each year, after the effective date of this subpart, the Secretary shall hold, or cause to be held, a meeting or meetings of handlers in each district for the purpose of designating nominees for successor members of the Council. In obtaining such nominations, all handlers shall be given a reasonable opportunity to vote. The Secretary shall give adequate notice of each such meeting to handlers in the respective districts. Minutes shall be kept of each meeting. For the member position on the Council, the names of not less than two handlers shall be placed in nomination at each meeting and shall be voted on in arriving at a nominee. Each handler in the district in which an election is held shall be entitled to cast only one vote on behalf of himself, his agents, affiliates, subsidiaries, and representatives in such district for the position which is to be filled. At each such meeting, the name of each person for whom a vote has been cast shall be announced, and the number of votes received by each shall be recorded in the minutes. The Secretary may prescribe additional rules and regulations, not inconsistent with the provisions of this subpart, relative to the election of nominees for members of the Council. Such action may be pursuant to recommendations of the Committee.

§ 994.49 *Selection.* Selection of successor members of the Council for terms commencing July 1, 1950, and thereafter, shall be made by the Secretary from nominations submitted or from among other handlers in the respective districts. Such nominations shall be available to the Secretary by May 15 of each year. In the event that nominations from handlers, for members of the Council, are not available within the time specified in this subpart, the Secretary may select such members from among eligible handlers without regard to nomination. If, for any district, no handler is nominated, and the Secretary does not have available names of persons from such district who are eligible and willing to serve and whom he desires to select, he shall select a member from among eligible handlers in other districts to complete the full Council membership.

§ 994.50 *Term of office.* The term of office of each member of the Council shall begin on July 1 of each fiscal period and end on June 30, inclusive, of the following fiscal period. In the event a successor to such member has not been selected and has not qualified by June 30, such member shall continue to serve until his successor is selected and has qualified.

§ 994.51 *Vacancies.* To fill any vacancy which occurs by reason of the failure of any person, selected as a member of the Council to file a written acceptance of appointment, or the death, removal, resignation, or disqualification of a member, a successor for his unexpired term of office shall be selected by the Secretary. Any handler or group of handlers in the district affected may submit nominations to the Secretary for his consideration in making such selection. In the event that the nominations are not submitted within 20 days after the beginning of the vacancy, the Secretary may select a successor to fill such vacancy without regard to such nomination.

§ 994.52 *Acceptance.* Each person selected as a member of the Council shall, prior to serving on the Council, qualify by filing with the Secretary a written acceptance of appointment within 15 days after the date of his notice of selection.

§ 994.53 *Alternates.* An alternate for a member of the Council shall, in the event of the member's absence, act in the latter's place and stead; and, in the event of the member's removal, resignation, disqualification, or death, such alternate shall act in the place and stead of the member until a successor for the unexpired term of said member is selected and has qualified.

§ 994.54 *Compensation.* Members of the Council shall serve without compensation, but shall be reimbursed for reasonable expenses necessarily incurred, with the prior written approval of the Committee, in the performance of their duties hereunder. Said duties shall include attendance at each meeting of the Council or Committee, if attendance at such meetings has been authorized by the Committee.

§ 994.55 *Duties.* The purpose of the Council is to act in an advisory capacity to the Committee concerning the administration of the provisions of this subpart, and in general to perform such ministerial functions as the Committee

from time to time may specify. The Council shall have such duties as are specified in this subpart for it and such other duties as may be incident thereto. The Council shall supply the Committee with information and estimates needed in preparation of the Committee's policy report including recommendations with respect to grade and size requirements and minimum standards of quality. It shall furnish information and recommendations to the Committee in regard to the budget of expenses and the assessment rate and in regard to other matters as is deemed advisable by it or the Committee, or as requested by the Secretary.

§ 994.56 *Procedure.* The Council shall select from its membership a chairman and such other officers as it may deem advisable. It shall keep proper records of all its proceedings, and shall adopt regulations governing its procedure. It may hold meetings when authorized by the Committee and after due notice to its members.

EXPENSES AND ASSESSMENTS

§ 994.60 *Uses of funds collected.* All funds received by the Committee pursuant to this subpart shall be used for the purposes authorized in this subpart.

§ 994.61 *Budget and expenses.* The Committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during the then current fiscal period for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions hereof, determine to be appropriate. The recommendation of the Committee as to its expenses for the initial fiscal period, together with all data supporting such recommendation, shall be submitted to the Secretary within 45 days from the effective date of this subpart. In succeeding fiscal periods, such recommendation shall be submitted on or before October 10 of the fiscal period to which it applies. The funds to cover such expenses shall be acquired by levying assessments upon handlers as hereinafter provided.

§ 994.62 *Requirement for payment of assessments.* Except as otherwise provided in this subpart, each handler who first handles unshelled pecans shall, with respect to such pecans, pay to the Committee such handler's pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, by the Committee during the said fiscal period. Each handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of unshelled pecans handled by such handler as the first handler thereof, during the applicable fiscal period, and the total quantity of unshelled pecans handled by all handlers as the first handlers thereof, during the same fiscal period. All pecans which are handled and which are exempt from assessments under the provisions of §§ 994.76 and 994.77 shall be excluded in computing the assessments. Said pro rata share of expenses shall be paid to the Committee by the 10th day of each month, or at such other times as the Committee may specify, for all unshelled pecans handled, as aforesaid, during the preceding month. Handlers may make advance payments of assessments in order to enable the Committee to carry out its functions under this subpart.

§ 994.63 *Rate of assessment.* The Secretary shall determine the rate of assessment per pound of assessable unshelled pecans handled, as aforesaid, after consideration of the Committee's recommendation as to such rate. The Secretary may increase the rate of assessment at any time during a fiscal period in order to secure sufficient funds to cover any later finding by him relative to the expenses of the Committee. Any such increase in the rate of assessment shall be applicable to all unshelled pecans handler, as aforesaid, during said fiscal period.

§ 994.64 *Refunds.* As soon as practicable after the end of a fiscal period, all money collected as assessments during the fiscal period in excess of expenses incurred therein by the Committee shall be credited to the accounts of handlers in accordance with their respective equities in such excess funds and thereafter refunded to them upon request.

§ 994.65 *Legal action for collection of assessments.* The Committee may, with the approval of the Secretary, maintain in its own name, or in the names of its members, legal action against any handler for the collection of such handler's pro rata share of expenses pursuant to this subpart.

§ 994.66 *Accountability of Committee members.* The Secretary may at any time require the Committee, its members, and all other persons to account for all receipts and disbursements for which they are responsible. Whenever any person ceases to be a member of the Committee, he shall account to his successor or to the Committee for all receipts, disbursements, funds and property (including but not being limited to books and other records), pertaining to the Committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or the Committee the right to all of such property and funds and all claims vested in such person.

REGULATION BY GRADES AND SIZES, AND MINIMUM STANDARDS OF QUALITY

§ 994.70 *Marketing policy.* Prior to October 10 of each fiscal period, the Committee shall prepare and submit to the Secretary a report setting forth its findings in regard to the marketing situation and outlook for unshelled pecans, and also its recommendations in regard to regulation on the basis of grades or sizes or minimum standards of quality. In the event it becomes advisable to revise such report and recommendations, the Committee shall submit a revised report and recommendations to the Secretary.

§ 994.71 *Report.* The Committee shall, on the basis of information obtained from the Council and other sources, prepare the aforesaid report setting forth the following:

(a) Estimated supply of unshelled pecans in the area as follows: estimated production of improved varieties for the current year; estimated production of seedlings for the current year; estimated carryover of improved varieties as of October 1; estimated carryover of seedlings as of October 1;

(b) Estimated quantity of such unshelled pecans as will meet the recommended grade and size regulations, if any, then in effect; and a separate estimate as to the portion of such quantity that will be handled for distribution as unshelled pecans;

(c) Estimates of the respective quantities of pecans which during the period beginning on October 1 of the preceding year and ending on September 30 of the current year moved outside the area for distribution as unshelled pecans and for commercial shelling;

(d) Estimated beginning dates of harvest of current pecan crop in the respective districts; and

(e) Other pertinent data and statistics used by the Committee in preparing its recommendation. The Committee shall furnish the Secretary with a detailed statement of the discussions at all meetings at which the report and recommendations were prepared.

§ 994.72 *Recommendations.* The aforesaid report to the Secretary shall include its recommendations in regard to the proposed grade and size requirements or minimum standards of quality, as the case may be, and such other matters relating to pecan marketing as are affected by the provisions of this subpart. Such recommenadtions shall be based on the factors listed in § 994.71.

§ 994.73 *Issuance of regulations.* The Secretary shall issue regulations on the basis of grades, sizes or minimum standards of quality for unshelled pecans that may be handled pursuant to this subpart, whenever he finds from the recommendations and information submitted by the Committee or from other available information that to do so would tend to effectuate the declared policy of the act: *Provided,* That no regulation shall be issued pursuant to this subpart in regard to sizes which would prevent the handling of unshelled pecans which are of any size larger than the size specified in the initial grade and size regulations stated in this section. Such regulations shall continue in effect until superseded by other regulations issued by the Secretary. The Secretary shall notify the Committee of each such regulation and the Committee shall give reasonable notice thereof to growers and handlers.

§ 994.74 *Initial grade and size regulations.* Beginning at such time after the effective date of this subpart as the Secretary may specify and continuing until superseded by other regulations issued by the Secretary, no person shall handle, except as provided in § 994.77, any unshelled pecans (a) unless such pecans meet the requirements of the U. S. Commercial grade, as such grade is defined in the United States Standards for Unshelled Pecans (14 F. R. 2543, 2608), and (b) unless they have a count per pound of less than 91 nuts, and the 10 smallest nuts in a representative 100-nut sample weigh at least 1.5 ounces.[1]

§ 994.75 *Inspection and certification procedure and requirements.* Except as otherwise provided in this section, no handler shall handle any unshelled pecans, during any period when regulations are in effect pursuant to this subpart, unless prior to such handling he has had such pecans inspected by, and had obtained an inspection certificate thereon from the Federal-State inspection service or the Federal Inspection Service. During the period November 1 through February of each fiscal period, such prior inspection and certification requirements shall be deemed to have been met if the pecans had been inspected and certified, as aforesaid, within 30 days immediately preceding such handling. During the other months of such fiscal period, such prior period of inspection and certification shall be 20 days. In addition to such other information as the Committee may require, the certificate shall show: (a) The identity of the handler and the lot, (b) date of inspection, (c) number of containers of each size and type in each lot, and (d) a statement stamped on such certificate by the inspector bearing substantially the following wording: "Pecans covered by this certificate meet grade and size, or minimum standards of quality (whichever is applicable) requirements prescribed pursuant to Federal Marketing Agreement 111 and Order 94." All lots so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of the Federal-State or Federal inspector or the Committee. Master containers may bear the identification instead of the individual containers within said master container. The first handler shall furnish a copy of the certificate to the Committe covering each lot handled.

§ 994.76 *Exemptions.* Unshelled pecans handled in quantities that do not total more than 200 pounds to any one person during any one day shall be exempt from the provisions contained in this section in regard to inspection and certification and shall also be exempt from assessment pursuant to § 994.62. Provisions of these exemptions may be changed by the Secretary on the basis of the recommendation of the Committee or other available information.[2]

§ 994.77 *Pecans for shelling or processing outside the area.* Unshelled pecans for shelling or processing outside the area may be handled without regard to the grade and size regulations then in effect and without regard to the inspection and certification requirements of this section only if, prior to the handling of such pecans, the handler thereof had insured to the satisfaction of the Committee, as it may require, that he will comply with the provisions set forth in this paragraph. The Secretary may prescribe, on the basis of the recommendation and the information which may be submitted to him by the Committee, or on the basis of other available information, additional safeguards to insure such compliance. Any such pecans which are subsequently processed for distribution as unshelled pecans and meet the grade and size requirements then in effect may be so distributed by the handler, only if they are inspected and certified pursuant to the provisions of this part. The assessment provisions hereof shall be applicable to such handler of the unshelled pecans with respect to the quantity distributed as unshelled pecans. All handlers of pecans which are shipped out of the area for shelling or processing, pursuant to the provisions of this section, shall furnish to the Committee satisfactory evidence that such pecans were shelled or distributed as the case may be, pursuant to the provisions of this section.

§ 994.78 *Compliance.* Each handler shall comply with all provisions of this subpart and all regulations effective hereunder. Nothing contained in this subpart shall be construed to prevent any grower or other person from selling or delivering within the area any pecans for processing, shelling, or use within such area.

BOOKS, RECORDS, AND REPORTS

§ 994.80 *Books and records.* Each handler and each subsidiary and affiliate thereof shall keep books and other records which will clearly show the details of the respective person's handling of unshelled pecans and which shall be available for examination by the Secretary for a period of two years after such transactions are completed.

§ 994.81 *Reports by handlers.* To enable the Committee to perform its functions under this subpart:

(a) Each handler shall furnish daily to the Managing Agent the following information with respect to unshelled pecans, and such other information as may be prescribed by the Committee and approved by the Secretary: date, quantity, and reported destination of shipment; license number (including State of registration) of the truck in respect to shipments by truck; and car number and initials for shipments by rail; number of the inspection certificate, if any, covering the shipment; and the handler's lot number or identification of the pecans. Information furnished to the Managing Agent shall be confidential and shall not be disclosed to any person (including members of the Committee and of the Council) except to the Secretary at his request, or to such person as the Secretary may designate.

(b) Each handler shall furnish to the Secretary each Friday during the period October 15 through January 31 of each fiscal period the following price information for the then current week: Prices paid by the handler to growers for orchard-run pecans by varieties as specified by the Committee.[3]

(c) Each handler shall furnish to the Secretary each Friday during the periods October 15 through January 31 and August 15 through September 30 of each fiscal period the following price information for the then current week: Prices received by the handler by grade, pack, and size on basis of either f. o. b. shipping point or delivered destination.[3]

(d) With the approval of the Secretary, the Committee may require that the information to be submitted pursuant to this section shall be at specified times and during specified periods other than as set forth in such section. The Committee may designate certain employees, directly under the supervision of and responsible to the Managing Agent, to assist in summarizing such reports as are submitted to the Managing Agent. Notwithstanding the provisions of this section, information furnished to the Managing Agent regarding specific shipments may be disclosed to the Committee when necessary to enable the Committee to carry out its functions hereunder. Information furnished to the Secretary or to the Managing Agent shall be compiled in summary form only, so as not to reveal the identity of individual informants; and such summaries shall be made available to the Committee and may be made public.

MISCELLANEOUS PROVISIONS

§ 994.85 *Amendments.* Amendment of this subpart may from time to time be proposed by the Committee or by the Secretary.

§ 994.86 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 994.87 *Personal liability.* No member or alternate member of the Committee or any employee or agent thereof, or any member or alternate member of the Council shall be held personally responsible, either individually or jointly with others in any way whatsoever, to any handler, sheller, or processor, or to any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate, employee or agent, except for acts of dishonesty.

§ 994.88 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance or thing shall not be affected thereby.

§ 994.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be in derogation or in modifi-

[1] These grade and size regulations were superseded, effective November 11, 1953, by § 994.102 (18 F. R. 7162). Said § 994.102 was suspended, effective August 26, 1955 (20 F. R. 6245). Unless and until such suspension is terminated, no grade and size regulations will be in effect.

[2] This 200 pound exemption was reduced, effective October 16, 1950, to 105 pounds (15 F. R. 6931). So long as the suspension of § 994.102 remains in effect (see footnote 1) there will be no regulation of pecans handled in any quantity.

[3] These provisions were suspended (19 F. R. 6785), effective October 21, 1954.

cation of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§994.90 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination hereof except with respect to acts done under and during the existence of this subpart.

§ 994.91 *Effective time.* The provisions of this subpart or of any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until terminated or suspended in any of the ways hereinafter specified.

§ 994.92 *Termination, suspension.* (a) The Secretary may, at any time, terminate or suspend the provisions of this subpart or any regulations issued pursuant hereto whenever he finds that such provisions or regulations obstruct or do not tend to effectuate the declared policy of the act; and such notice of the termination or suspension shall be given as the Secretary deems proper.

(b) The Secretary shall terminate the provisions hereof at the end of the then current fiscal period whenever he finds by referendum or otherwise that such termination is favored by more than 50 percent of the producers who, during the preceding calendar year, were engaged in the area in the production of pecans for market and produced more than 50 percent of the total quantity of the pecans produced during such period in such area: *Provided,* That in the event a referendum is conducted to ascertain producer approval of termination hereof, the aforesaid percentages shall be based upon the number of producers voting in the referendum and the volume of production represented therein. Such termination shall not, however, be effective unless announced prior to September 1 of the then current fiscal period. During the period April 1 through June 30 of the third fiscal period, if the provisions of this subpart are in effect, the Secretary shall conduct a referendum among producers to determine whether they favor the termination of the provisions of this subpart at the end of such third fiscal period.

(c) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 994.93 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the members of the Committee then functioning shall continue as trustees (for the purpose of liquidating the affairs of the Committee) of all funds and property then in the possession of or under the control of the Committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of said trustees.

(b) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all funds and property on hand, together with all books and records of the Committee and the trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee or the joint trustee pursuant to this subpart.

(c) Any funds collected or received pursuant to §§ 994.60, 994.61, 994.62, 994.63, and 994.65 and held by such trustees or such person over and above amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the trustees or such other person, in the performance of their duties under this subpart, shall, as soon as practicable after the termination of the provisions of this subpart, be disbursed among the handlers pro rata in proportion to their contributions pursuant to this subpart.

(d) Any person to whom funds, property or claims have been transferred or delivered by the Committe or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said Committee and upon said trustees.

§ 994.94 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation hereof or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

[F. R. Doc. 55-8100; Filed, Oct. 5, 1955; 8:54 a. m.]

[Docket No. AO-268]

PART 1002—HANDLING OF MILK IN GREATER WHEELING, WEST VIRGINIA MARKETING AREA

ORDER REGULATING THE HANDLING OF MILK

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AUTHORITY: §§ 1002.1 to 1002.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1002.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Greater Wheeling, West Virginia, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expenses, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe with respect to all butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 1002.45 (a) (2) and (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1002.62.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than October 16, 1955, and fully effective not later than November 1, 1955. Any delay beyond these dates will seriously threaten the orderly marketing of milk in the Greater Wheeling, West Virginia, marketing area. The provisions of this order are known to handlers. The public hearing upon which this order is based was conducted on February 8–17, 1955, and reconvened March 15–18, 1955. The recommended decision of the Acting Deputy Administrator, Agricultural Marketing Service, was published in the FEDERAL REGISTER on July 20, 1955 (20 F. R. 5184). The final decision, which contained the same requirements on the part of handlers as were in the recommended decision, was issued by the Acting Secretary of Agriculture on September 6, 1955, and published in the FEDERAL REGISTER on September 9, 1955. Thus, handlers have known of these impending requirements for some time and should be prepared. Furthermore, producers continue to lose substantial income, and marketing conditions continue to remain unstabilized, each day the effective date of the order is delayed. The order also provides that payments to producers during the months of March through July be based on their average daily deliveries of milk to handlers during as much of the period from September through December 1955, as is possible. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective October 16, 1955, and fully effective November 1, 1955, and that it would be contrary to the public interest to delay the effective date of this order for thirty days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, which is marketed within the Greater Wheeling, West Virginia, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area;

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance and who, during the determined representative period (July 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Greater Wheeling, West Virginia, marketing area shall be in conformity to and in compliance with the terms and conditions of this order as set forth below:

DEFINITIONS

§ 1002.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1002.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1002.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1002.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1002.5 *Greater Wheeling marketing area.* "Greater Wheeling marketing area," hereinafter called the "marketing area" means all territory included within the boundaries of (a) Jefferson and Belmont Counties, Ohio, (b) Hancock, Brooke, Ohio and Marshall Counties, West Virginia, (c) Liverpool, St. Clair, Wellsville, Yellow Creek, Madison and Washington townships in Columbiana County, Ohio, and (d) Londonderry, Oxford and Millwood townships in Guernsey County, Ohio.

§ 1002.6 *Producer.* "Producer" means any person except a producer handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority having jurisdiction in the marketing area, which milk is received during the month at a pool plant: *Provided,* That if such milk is diverted from a pool plant by a handler to a nonpool plant for his account any day during the months of March through July or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

§ 1002.7 *Approved plant.* "Approved plant" means all of the buildings, premises and facilities of a plant (a) in which milk or skim milk is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors), or through plant stores to wholesale or retail outlets (except pool plants) located in the marketing area, or (b) from which milk or skim milk eligible for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant.

§ 1002.8 *Distributing plant.* "Distributing plant" means an approved plant from which Class I milk equal to not less than 45 percent of its receipts of producer milk and fluid milk products from other pool plants during the months of April, May and June, and not less than 55 percent in all other months, is disposed of during the month on routes or through plant stores to wholesale or retail outlets (except pool plants) and from which Class I milk equal to no less than 5 percent of such receipts is disposed of during the month on routes or through plant stores to wholesale or retail outlets (except pool plants) located in the marketing area.

§ 1002.9 *Supply plant.* "Supply plant" means an approved plant from which fluid milk products equal to no less than 55 percent of its receipts of producer milk during the months of September, October, November, December and January are shipped during such month to distributing plants: *Provided,* That if a

supply plant qualifies in each of the designated months in the manner prescribed in this section, such plant shall, upon written application to the market administrator on or before January 31 following such compliance, be designated as a pool plant until the end of the following August.

§ 1002.10 *Pool plant.* "Pool plant" means a distributing plant, or a supply plant.

§ 1002.11 *Nonpool plant.* "Nonpool plant" means any milk plant other than a pool plant.

§ 1002.12 *Handler.* "Handler" means: (a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 1002.6; or (b) Any person in his capacity as the operator of one or more approved plants.

§ 1002.13 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant which during the month has no other source milk or producer milk.

§ 1002.14 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk (a) received at the plant directly from producers, or (b) diverted from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 1002.6.

§ 1002.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, egg nog, ice cream mix and aerated cream).

§ 1002.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1002.17 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and

(c) To have all of its activities under the control of its members.

§ 1002.18 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 1002.19 *Base milk.* "Base milk" means milk received at pool plants from a producer during any of the months of March through July which is not in excess of such producer's daily average base computed pursuant to § 1002.90, multiplied by the number of days in such month.

§ 1002.20 *Excess milk.* "Excess milk" means milk received at pool plants from a producer during any of the months of March through July which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 1002.90.

MARKET ADMINISTRATOR

§ 1002.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1002.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1002.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1002.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1002.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 1002.30 and 1002.31 or payments pursuant to §§ 1002.80 through 1002.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice of, the following:

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month, and

(2) The 11th day of each month, the uniform prices, computed pursuant to §§ 1002.71 and 1002.72, and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 1002.30 *Reports of sources and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his approved plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1002.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of April through August the aggregate quantity of base milk received at his pool plant(s) for the preceding month,

(2) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of March through July, the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions,

(3) On or before the day prior to diverting producer milk pursuant to § 1002.6 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

(4) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1002.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers and disbursement of money so deducted.

§ 1002.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1002.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for pool plants pursuant to § 1002.30 (a) shall be classified each month pursuant to the provisions of §§ 1002.41 through 1002.45.

§ 1002.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1002.42 through 1002.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat; (1) disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat; (1) used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of as skim milk and used for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (4) in shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1002.6) and other source milk: *Provided*, That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1002.6) and other source milk respectively.

§ 1002.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this order shall be classified Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1002.43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified Class I milk, unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1002.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the subtraction of other source milk pursuant to § 1002.45;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified Class I milk;

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool milk plant shall be classified Class I milk unless, (1) the transferee-plant is located less than 250 miles from the Court House in Wheeling, West Virginia, by the shortest hard surfaced highway distance, as determined by the market administrator, (2) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1002.30 for the month within which such transaction occurred, (3) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (4) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk; and

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1002.30, (2) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only" and the shipment is so invoiced, (3) the handler gives the market administrator sufficient notice to allow him to verify such shipment, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

§ 1002.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1002.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be con-

sidered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1002.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1002.41 (b),

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk except that to be subtracted pursuant to subparagraph (3) of this paragraph: *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was received from plants regulated under other orders issued pursuant to the act, less any equivalent amounts of skim milk in other source milk allocated to Class I milk at each of such plants, respectively: *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk,

(5) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1002.43 (a),

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph,

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk;

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1002.50 *Basic formula price.* The higher of the prices computed pursuant to paragraph (a), (b), or (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price resulting from the following computation:

(1) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed,

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month, and

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5;

(c) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5,

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

§ 1002.51 *Class prices.* Subject to the provisions of §§ 1002.52 and 1002.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received at his pool plant from producers during the month shall be determined as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1002.50) for the preceding month plus the following amount for the month indicated:

Month:	*Amount*
April, May, and June	$1.10
February, March, and July	1.55
All others	2.00

Provided; That this Class I price shall be increased or decreased by the amount of any "supply-demand adjustment" effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Stark County, Ohio, marketing area (Order No. 63, Part 963 of this chapter); and

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1002.50: *Provided,* That for the months of April, May and June the price shall be reduced 20 cents if the Class I price for the month is reduced by a supply-demand adjustment pursuant to the proviso in paragraph (a) of this section.

§ 1002.52 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1002.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.13; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

§ 1002.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 60 miles or more from the City Hall of Wheeling, West Virginia, East Liverpool, Ohio or Steubenville, Ohio, whichever is nearest, by shortest hard surfaced highway distance, as determined by the market administrator, and which is assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 1002.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the City Hall of Wheeling, West Virginia, East Liverpool or Steubenville, Ohio, whichever is nearest (miles):	*Rate per hundredweight (cents)*
60 but not more than 70	15.0
70 but not more than 80	16.5
80 but not more than 90	18.0
For each additional 10 miles or fraction thereof an additional	1.0

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 1002.45 (a) (1) through (4), and the comparable steps in § 1002.45(b) for such plant, such assignment to the transferring plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1002.54 *Rate of compensatory payments.* The rate of compensatory payment per hundredweight shall be calculated as follows except that the rate shall be zero in any month in which total deliveries by producers are less than 110 percent of all handlers' Class I sales:

(a) Subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price adjusted by the Class I butterfat differential and adjusted by the location differential rates set forth in § 1002.53 for the location of the plant at which the milk was received from farmers.

§ 1002.55 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1002.60 *Producer-handlers.* Sections 1002.40 through 1002.45, 1002.50 through 1002.53, 1002.61 and 1002.62, 1002.70 through 1002.75, and 1002.80 through 1002.87 shall not apply to a producer-handler.

§ 1002.61 *Plants subject to other Federal orders.* Upon application to the market administrator and a subsequent determination by the Secretary, a plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants or nonpool plants) in the Greater Wheeling marketing area than in the marketing area regulated pursuant to such order; and

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a pool plant for each of the preceding months of September through January.

§ 1002.62 *Handlers operating nonpool plants.* Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall on or before the 12th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month, by the rate of compensatory payment calculated pursuant to § 1002.54.

DETERMINATION OF PRICES TO PRODUCERS

§ 1002.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1002.45 by the applicable class price, total the resulting amounts, and add any amount necessary to reflect adjustments in location differential allowance required pursuant to the proviso of § 1002.53;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1002.45 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 1002.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1002.45 (a) (7) and (b) by the applicable class price; and

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1002.45 (a) (5) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1002.45 (a) (4) and (b) for the current month, whichever is less, respectively.

§ 1002.71 *Computation of the uniform price.* For each of the months of August through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f. o. b. market, as follows:

(a) Combine into one total the values computed pursuant to § 1002.70 for the producer milk of all handlers who submit reports prescribed in § 1002.30 and who are not in default of payments pursuant to § 1002.80 or § 1002.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1002.73, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1002.80 (a) (2);

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Add the total amount of payment due pursuant to § 1002.62;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

§ 1002.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f. o. b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 1002.30, and who are not in default of payments pursuant to §§ 1002.80 or 1002.82 as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the hundredweight of milk not included in subparagraph (1) of this paragraph by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers;

(c) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 1002.71 (a) through (d) then add the total amount of payments due pursuant to § 1002.62;

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content f. o. b. market.

§ 1002.73 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1002.52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 1002.74 *Location differential to producers.* The applicable uniform prices to be paid for producer milk received at a pool plant located 60 miles or more from the City Hall of Wheeling, West Virginia, East Liverpool, Ohio, or Steu-

benville, Ohio, whichever is nearest, by the shortest hard surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the following rate:

Distance from the City Hall of Wheeling, West Virginia, East Liverpool, Ohio, or Steubenville, Ohio, whichever is nearest (miles):	*Rate per hundredweight (cents)*
60 but not more than 70	15.0
70 but not more than 80	16.5
80 but not more than 90	18.0
For each additional 10 miles or fraction thereof an additional	1.0

§ 1002.75 *Notification of handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1002.30 at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of March through July the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 1002.71 and 1002.72 and the butterfat differential computed pursuant to § 1002.73; and

(d) The amounts to be paid by such handler pursuant to §§ 1002.82, 1002.85 and 1002.86, or 1002.62 and the amount due such handler pursuant to § 1002.83.

PAYMENTS

§ 1002.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph,

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1002.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1002.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of March through July the total pounds of base milk received, (iii) the amount or rate and nature of any deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1002.84.

§ 1002.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1002.62, 1002.82 and 1002.84, and out of which he shall make all payments pursuant to §§ 1002.83 and 1002.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1002.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1002.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 1002.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1002.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1002.84 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in monies due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1002.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1002.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1002.86 *Expenses of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator for each of his approved plants, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 1002.45 (a) (2) and (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1002.62.

§ 1002.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation.

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled, and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 1002.90 *Computation of daily average base for each producer.* Subject to the rules set forth in § 1002.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of December, inclusive, or by 90 whichever is more: *Provided*, That for the period from the effective date of this order through July 31, 1956, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the period from the effective date of this order through December 31, 1955, by the number of days from the first day of delivery by such producer during such period to December 31, 1955, inclusive, or by the result obtained by multiplying by 0.75 the number of days in the period from the effective date of this order through December 31, 1955, whichever is more.

§ 1002.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base calculated pursuant to § 1002.90 to each person for whose account producer milk was delivered to pool plants during the months of September through December; and

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 1002.92 *Announcement of established bases.* On or before February 15 of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily average base established by such producer.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1002.100 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1002.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1002.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1002.103 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1002.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1002.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 3d day of October 1955, to be effective as follows:

Sections 1002.0 through 1002.27 (j), 1002.30 through 1002.45 and 1002.87 through 1002.111 of this order shall be effective on and after October 16, 1955; and all of the remaining terms and provisions of this order (§§ 1002.27 (k) and 1002.50 through 1002.86) shall be effective on and after November 1, 1955.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 55-8102; Filed, Oct. 5, 1955; 8:54 a. m.]

[Docket No. AO-268]

PART 1009—HANDLING OF MILK IN CLARKSBURG, WEST VIRGINIA, MARKETING AREA

ORDER REGULATING THE HANDLING OF MILK

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AUTHORITY: §§ 1009.0 to 1009.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1009.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Clarksburg, West Virginia, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expenses, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe with respect to all butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 1009.45 (a) (2) and (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1009.62.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than October 16, 1955, and fully effective not later than November 1, 1955. Any delay beyond these dates will seriously threaten the orderly marketing of milk in the Clarksburg, West Virginia, marketing area. The provisions of this order are known to handlers. The public hearing upon which this order is based was conducted on February 8–17, 1955, and reconvened March 15–18, 1955. The recommended decision of the Acting Deputy Administrator, Agricultural Marketing Service, was published in the FEDERAL REGISTER on July 20, 1955 (20 F. R. 5184). The final decision, which contained the same requirements on the part of handlers as were in the recommended decision, was issued by the Acting Secretary of Agriculture on September 6, 1955, and published in the FEDERAL REGISTER on September 9, 1955. Thus, handlers have known of these impending requirements for sometime and should be prepared. Furthermore, producers continue to lose substantial income, and marketing conditions continue to remain unstabilized, each day the effective date of the order is delayed. The order also provides that payments to producers during the months of March through July be based on their average daily deliveries of milk to handlers during as much of the period from September through December 1955, as is possible. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective October 16, 1955, and fully effective November 1, 1955, and that it would be contrary to the public interest to delay the effective date of this order for thirty days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, which is marketed within the Clarksburg, West Virginia, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area;

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance and who, during the determined representative period (July 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Clarksburg, West Virginia, marketing area shall be in conformity to and in compliance with the terms and conditions of this order as set forth below:

DEFINITIONS

§ 1009.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1009.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1009.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1009.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1009.5 *Clarksburg marketing area.* "Clarksburg marketing area", hereinafter called the "Marketing Area" means all territory included within the boundaries of (a) Monongalia, Marion and Harrison Counties, (b) Grafton magisterial district in Taylor County, (c) Philippi magisterial district in Barbour County, (d) Leadsville magisterial district in Randolph County, (e) the City of Buckhannon in Upshur County, (f) the City of Western in Lewis County and (g) the Town of Kingwood in Preston County, all in the State of West Virginia.

§ 1009.6 *Producer.* "Producer" means any person except a producer handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority having jurisdiction in the marketing area, which milk is received during the month at a pool plant: *Provided*, That if such milk is diverted from a pool plant by a handler to a nonpool plant for his account any day during the months of March through July or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

§ 1009.7 *Approved plant.* "Approved plant" means all of the buildings, premises and facilities of a plant (a) in which milk or skim milk is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors), or through plant stores to wholesale or retail outlets (except pool plants) located in the marketing area, or (b) from which milk or skim milk eligible for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant.

§ 1009.8 *Distributing plant.* "Distributing plant" means an approved plant from which Class I milk equal to not less than 45 percent of its receipts of producer milk and fluid milk products from other pool plants during the months of April, May, and June, and not less than 55 percent in all other months, is disposed of during the month on routes or through plant stores to wholesale or retail outlets (except pool plants) and from which Class I milk equal to no less than 5 percent of such receipts is disposed of during the month on routes or through plant stores to wholesale or retail outlets (except pool plants) located in the marketing area.

§ 1009.9 *Supply plant.* "Supply plant" means an approved plant from which fluid milk products equal to no less than 55 percent of its receipts of producer milk during the months of September, October, November, December, and January are shipped during such month to distributing plants: *Provided*, That if a supply plant qualifies in each of the designated months in the manner prescribed in this section, such plants shall, upon written application to the market administrator on or before January 31 following such compliance, be designated as a pool plant until the end of the following August.

§ 1009.10 *Pool plant.* "Pool plant" means a distributing plant, or a supply plant.

§ 1009.11 *Nonpool plant.* "Nonpool plant" means any milk plant other than a pool plant.

§ 1009.12 *Handler.* "Handler" means: (a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 1009.6; or (b) any person in his capacity as the operator of one or more approved plants.

§ 1009.13 *Producer-handler.* "Producer-hander" means any person who operates a dairy farm and a distributing plant which during the month has no other source milk or producer milk.

§ 1009.14 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk (a) received at the plant directly from producers, or (b) diverted from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 1009.6.

§ 1009.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream, or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, egg nog, ice cream mix and aerated cream).

§ 1009.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1009.17 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and

(c) To have all of its activities under the control of its members.

§ 1009.18 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 1009.19 *Base milk.* "Base milk" means milk received at pool plants from a producer during any of the months of March through July which is not in excess of such producer's daily average base computed pursuant to § 1009.90, multiplied by the number of days in such month.

§ 1009.20 *Excess milk.* "Excess milk" means milk received at pool plants from a producer during any of the months of March through July which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 1009.90.

MARKET ADMINISTRATOR

§ 1009.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1009.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1009.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

Sec.
1009.8 Distributing plant.
1009.9 Supply plant.
1009.10 Pool plant.
1009.11 Nonpool plant.
1009.12 Handler.
1009.13 Producer-handler.
1009.14 Producer milk.
1009.15 Fluid milk product.
1009.16 Other source milk.
1009.17 Cooperative association.
1009.18 Chicago butter price.
1009.19 Base milk.
1009.20 Excess milk.

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1009.30 Reports of sources and utilization.
1009.31 Other reports.
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1009.33 Retention of records.

CLASSIFICATION OF MILK

1009.40 Skim milk and butterfat to be classified.
1009.41 Classes of utilization.
1009.42 Responsibility of handlers.
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1009.44 Computation of skim milk and butterfat in each class.
1009.45 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1009.50 Basic formula price.
1009.51 Class prices.
1009.52 Butterfat differentials to handlers.
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1009.60 Producer-handlers.
1009.61 Plants subject to other Federal orders.
1009.62 Handlers operating nonpool plants.

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1009.70 Computation of the value of producer milk for each handler.
1009.71 Computation of the uniform price.
1009.72 Computation of uniform prices for base milk and excess milk.
1009.73 Butterfat differential to producers.
1009.74 Location differential to producers.
1009.75 Notification of handlers.

PAYMENTS

1009.80 Time and method of payment for producer milk.
1009.81 Producer-settlement fund.
1009.82 Payments to the producer-settlement fund.
1009.83 Payments out of the producer-settlement fund.
1009.84 Adjustment of accounts.
1009.85 Marketing services.
1009.86 Expenses of administration.
1009.87 Termination of obligations.

DETERMINATION OF BASE

1009.90 Computation of daily average base for each producer.
1009.91 Base rules.
1009.92 Announcement of established bases.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

1009.100 Effective time.
1009.101 Suspension or termination.
1009.102 Continuing obligations.
1009.103 Liquidation.

MISCELLANEOUS PROVISIONS

1009.110 Agents.
1009.111 Separability of provisions.

AUTHORITY: §§ 1009.0 to 1009.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1009.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Clarksburg, West Virginia, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expenses, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe with respect to all butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 1009.45 (a) (2) and (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1009.62.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than October 16, 1955, and fully effective not later than November 1, 1955. Any delay beyond these dates will seriously threaten the orderly marketing of milk in the Clarksburg, West Virginia, marketing area. The provisions of this order are known to handlers. The public hearing upon which this order is based was conducted on February 8–17, 1955, and reconvened March 15–18, 1955. The recommended decision of the Acting Deputy Administrator, Agricultural Marketing Service, was published in the FEDERAL REGISTER on July 20, 1955 (20 F. R. 5184). The final decision, which contained the same requirements on the part of handlers as were in the recommended decision, was issued by the Acting Secretary of Agriculture on September 6, 1955, and published in the FEDERAL REGISTER on September 9, 1955. Thus, handlers have known of these impending requirements for sometime and should be prepared. Furthermore, producers continue to lose substantial income, and marketing conditions continue to remain unstabilized, each day the effective date of the order is delayed. The order also provides that payments to producers during the months of March through July be based on their average daily deliveries of milk to handlers during as much of the period from September through December 1955, as is possible. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective October 16, 1955, and fully effective November 1, 1955, and that it would be contrary to the public interest to delay the effective date of this order for thirty days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, which is marketed within the Clarksburg, West Virginia, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area;

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance and who, during the determined representative period (July 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Clarksburg, West Virginia, marketing area shall be in conformity to and in compliance with the terms and conditions of this order as set forth below:

DEFINITIONS

§ 1009.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1009.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1009.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1009.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1009.5 *Clarksburg marketing area.* "Clarksburg marketing area", hereinafter called the "Marketing Area" means all territory included within the boundaries of (a) Monongalia, Marion and Harrison Counties, (b) Grafton magisterial district in Taylor County, (c) Philippi magisterial district in Barbour County, (d) Leadsville magisterial district in Randolph County, (e) the City of Buckhannon in Upshur County, (f) the City of Western in Lewis County and (g) the Town of Kingwood in Preston County, all in the State of West Virginia.

§ 1009.6 *Producer.* "Producer" means any person except a producer handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority having jurisdiction in the marketing area, which milk is received during the month at a pool plant: *Provided,* That if such milk is diverted from a pool plant by a handler to a nonpool plant for his account any day during the months of March through July or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

§ 1009.7 *Approved plant.* "Approved plant" means all of the buildings, premises and facilities of a plant (a) in which milk or skim milk is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors), or through plant stores to wholesale or retail outlets (except pool plants) located in the marketing area, or (b) from which milk or skim milk eligible for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant.

§ 1009.8 *Distributing plant.* "Distributing plant" means an approved plant from which Class I milk equal to not less than 45 percent of its receipts of producer milk and fluid milk products from other pool plants during the months of April, May, and June, and not less than 55 percent in all other months, is disposed of during the month on routes or through plant stores to wholesale or retail outlets (except pool plants) and from which Class I milk equal to no less than 5 percent of such receipts is disposed of during the month on routes or through plant stores to wholesale or retail outlets (except pool plants) located in the marketing area.

§ 1009.9 *Supply plant.* "Supply plant" means an approved plant from which fluid milk products equal to no less than 55 percent of its receipts of producer milk during the months of September, October, November, December, and January are shipped during such month to distributing plants: *Provided,* That if a supply plant qualifies in each of the designated months in the manner prescribed in this section, such plants shall, upon written application to the market administrator on or before January 31 following such compliance, be designated as a pool plant until the end of the following August.

§ 1009.10 *Pool plant.* "Pool plant" means a distributing plant, or a supply plant.

§ 1009.11 *Nonpool plant.* "Nonpool plant" means any milk plant other than a pool plant.

§ 1009.12 *Handler.* "Handler" means: (a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 1009.6; or (b) any person in his capacity as the operator of one or more approved plants.

§ 1009.13 *Producer-handler.* "Producer-hander" means any person who operates a dairy farm and a distributing plant which during the month has no other source milk or producer milk.

§ 1009.14 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk (a) received at the plant directly from producers, or (b) diverted from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 1009.6.

§ 1009.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream, or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, egg nog, ice cream mix and aerated cream).

§ 1009.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1009.17 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and

(c) To have all of its activities under the control of its members.

§ 1009.18 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 1009.19 *Base milk.* "Base milk" means milk received at pool plants from a producer during any of the months of March through July which is not in excess of such producer's daily average base computed pursuant to § 1009.90, multiplied by the number of days in such month.

§ 1009.20 *Excess milk.* "Excess milk" means milk received at pool plants from a producer during any of the months of March through July which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 1009.90.

MARKET ADMINISTRATOR

§ 1009.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1009.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1009.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1009.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1009.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 1009.30 and 1009.31 or payments pursuant to §§ 1009.80 through 1009.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice of, the following:

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month, and

(2) The 11th day of each month, the uniform prices computed pursuant to §§ 1009.71 and 1009.72 and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS, AND FACILITIES

§ 1009.30 *Reports of sources and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his approved plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk,

(2) Fluid milk products received from other pool plants,

(3) Other source milk,

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1009.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of April through August the aggregate quantity of base milk received at his pool plant(s) for the preceding month,

(2) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, for the months of March through July, the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions,

(3) On or before the day prior to diverting producer milk pursuant to § 1009.6 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

(4) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1009.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 1009.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1009.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for pool plants pursuant to § 1009.30 (a) shall be classified each month pursuant to the provisions of §§ 1009.41 through 1009.45.

§ 1009.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1009.42 through 1009.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat: (1) Disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of as skim milk and used for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (4) in shrinkage not to exceed 2 percent, respectively of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1009.6) and other source milk: *Provided,* That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1009.6) and other source milk respectively.

§ 1009.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this order shall be classified Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1009.43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant

of another handler (except a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified Class I milk, unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1009.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the subtraction of other source milk pursuant to § 1009.45;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified Class I milk;

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool milk plant shall be classified Class I milk unless, (1) the transferee-plant is located less than 250 miles from the Court House in Clarksburg, West Virginia, by the shortest hard surfaced highway distance, as determined by the market administrator, (2) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1009.30 for the month within which such transaction occurred, (3) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (4) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk; and

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1009.30, (2) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only" and the shipment is so invoiced, (3) the handler gives the market administrator sufficient notice to allow him to verify such shipment, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided;* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

§ 1009.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1009.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided,* That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1009.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month,

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1009.41 (b),

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk except that to be subtracted pursuant to subparagraph (3) of this paragraph: *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in fluid milk products received from plants regulated under an other order(s) issued pursuant to the act and subject to the Class I pricing provisions of such other order(s): *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk,

(5) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1009.43 (a),

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph,

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk;

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1009.50 *Basic formula price.* The higher of the prices computed pursuant to paragraph (a), (b) or (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price resulting from the following computation:

(1) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed,

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month, and

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5;

(c) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5, and

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago

area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

§ 1009.51 *Class prices.* Subject to the provisions of §§ 1009.52 and 1009.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received at his pool plant from producers during the month shall be determined as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1009.50) for the preceding month plus the following amount for the month indicated:

Month:	Amount
April, May, and June	$1.35
February, March, and July	1.80
All others	2.25

Provided: That this Class I price shall be increased or decreased by the amount of any "supply-demand adjustment" effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Stark County, Ohio, marketing area (Order No. 63, Part 963 of this chapter); and

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1009.50: *Provided,* That for the months of April, May and June the price shall be reduced 20 cents if the Class I price for the month is reduced by a supply-demand adjustment pursuant to the proviso in paragraph (a) of this section.

§ 1009.52 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1009.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.13; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

§ 1009.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 60 miles or more from the City Hall of Clarksburg, West Virginia, by shortest hard surfaced highway distance, as determined by the market administrator, and which is assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 1009.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the City Hall of Clarksburg, West Virginia (miles):	Rate per hundredweight (cents)
60 but not more than 70	20
70 but not more than 80	22
80 but not more than 90	24
For each additional 10 miles or fraction thereof an additional	1

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 1009.45 (a) (1) through (4), and the comparable steps in § 1009.45 (b) for such plant, such assignment to the transferring plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1009.54 *Rate of compensatory payments.* The rates of compensatory payment per hundredweight shall be calculated as follows:

(a) Subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price adjusted by the Class I butterfat differential and the location differential rates set forth in § 1009.53 for the location of the plant at which the milk was received from farmers. In any month in which total producer deliveries are less than 110 percent of all handlers' Class I uses the rate pursuant to this paragraph shall be zero.

§ 1009.55 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1009.60 *Producer-handlers.* Sections 1009.40 through 1009.45, 1009.50 through 1009.53; 1009.61 and 1009.62, 1009.70 through 1009.75, and 1009.80 through 1009.87 shall not apply to a producer-handler.

§ 1009.61 *Plants subject to other Federal orders.* Upon application to the market administrator and a subsequent determination by the Secretary, a plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants or nonpool plants) in the Clarksburg marketing area than in the marketing area regulated pursuant to such other order; and

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a pool plant for each of the preceding months of September through January.

§ 1009.62 *Handlers operating nonpool plants.* Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall, on or before the 12th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by venders and sales through plant stores) in the marketing area during the month, by the rate of compensatory payment calculated pursuant to § 1009.54.

DETERMINATION OF PRICES TO PRODUCERS

§ 1009.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1009.45 by the applicable price, total the resulting amounts, and add any amount necessary to reflect adjustments in location differential allowance required pursuant to the proviso of § 1009.53;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1009.45 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 1009.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1009.45 (a) (7) and (b) by the applicable class price; and

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1009.45 (a) (5) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1009.45 (a) (4) and (b) for the current month, whichever is less, respectively.

§ 1009.71 *Computation of the uniform price.* For each of the months of August through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f. o. b. market, as follows:

(a) Combine into one total the values computed pursuant to § 1009.70 for the producer milk of all handlers who submit reports prescribed in § 1009.30 and who are not in default of payments pursuant to §§ 1009.80 or 1009.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed to § 1009.73, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1009.80 (a) (2);

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Add the total amount of payment due pursuant to § 1009.62;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

§ 1009.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f. o. b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 1009.30, and who are not in default of payments pursuant to §§ 1009.80 or 1009.82 as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the hundredweight of milk not included in subparagraph (1) of this paragraph by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers;

(c) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 1009.71 (a) through (d) then add the total amount of payments due pursuant to § 1009.62;

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content f. o. b. market.

§ 1009.73 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1009.52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 1009.74 *Location differential to producers.* The applicable uniform prices to be paid for producer milk received at a pool plant located 60 miles or more from the City Hall of Clarksburg, West Virginia, by the shortest hard surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the rates set forth in § 1009.53.

§ 1009.75 *Notification of handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1009.30 at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of March through July the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 1009.71 and 1009.72 and the butterfat differential computed pursuant to § 1009.73; and

(d) The amounts to be paid by such handler pursuant to §§ 1009.82, 1009.85, and 1009.86, or 1009.62 and the amount due such handler pursuant to § 1009.83.

PAYMENTS

§ 1009.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph,

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1009.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided,* That if by such date such handler has not received full payment from the market administrator pursuant to § 1009.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk, and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of March through July the total pounds of base milk received, (iii) the amount or rate and nature of any deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1009.84.

§ 1009.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1009.62, 1009.82 and 1009.84, and out of which he shall make all payments pursuant to §§ 1009.83 and 1009.84: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 1009.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1009.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 1009.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1009.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differen-

tials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1009.84 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records or accounts or other verification discloses errors resulting in monies due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1009.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1009.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1009.86 *Expense of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator, for each of his approved plants, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 1009.45 (a) (2) and (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1009.62.

§ 1009.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled, and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 1009.90 *Computation of dairy average base for each producer.* Subject to the rules set forth in § 1009.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of December, inclusive, or by 90, whichever is more: *Provided,* That for the period from the effective date of this order through July 31, 1956, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the period from the effective date of this order through December 31, 1955, by the number of days from the first day of delivery by such producer during such period to December 31, 1955, inclusive, or by the result obtained by multiplying by 0.75 the number of days in the period from the effective date of this order through December 31, 1955, whichever is more.

§ 1009.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1009.90 to each person for whose account producer milk was delivered to pool plants during the months of September through December; and

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 1009.92 *Announcement of established bases.* On or before February 15, of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily average base established by such producer.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1009.100 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1009.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1009.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1009.103 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1009.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1009.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 3d day of October 1955, to be effective as follows:

Sections 1009.0 through 1009.27 (j), 1009.30 through 1009.45 and 1009.87 through 1009.111 of this order shall be effective on and after October 16, 1955; and all of the remaining terms and provisions of this order (§§1009.27 (k) and 1009.50 through 1009.86) shall be effective on and after November 1, 1955.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 55–8101; Filed, Oct. 5, 1955; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter F—Poultry Improvement

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN (CHICKENS AND CERTAIN OTHER POULTRY)

PART 146—NATIONAL TURKEY IMPROVEMENT PLAN (TURKEYS AND CERTAIN OTHER POULTRY)

AMENDMENTS OF NATIONAL POULTRY IMPROVEMENT PLAN AND NATIONAL TURKEY IMPROVEMENT PLAN

On August 18, 1955, there appeared in the FEDERAL REGISTER (20 F. R. 6029) a notice that this Department was considering amending § 145.22 of the National Poultry Improvement Plan and §§ 146.4, 146.30 and 146.31 of the National Turkey Improvement Plan (9 CFR, 1954 Supp., 145.22, 146.4, 146.30 and 146.31). Such action was proposed under §§ 147.22 and 147.25 of Auxiliary Provisions on Poultry and Turkey Improvement Plans (9 CFR, 1954 Supp., 147.22 and 147.25) pursuant to section 101 (b) of the Department of Agriculture Organic Act of 1944, as amended (7 U. S. C. 429). After due consideration of all relevant matters presented pursuant to the aforesaid notice and under the authorities cited above, said §§ 145.22, 146.4, 146.30 and 146.31 are hereby amended as follows:

1. Section 145.22 *USROP annual summary* is amended by redesignating present subparagraphs (7) and (8) of paragraph (c) as (8) and (9) respectively and adding a new subparagraph (7) to paragraph (c) to read as follows:

(7) Basis of qualifying ROP females: Individual birds producing 219 eggs in 365 days based on 3 or more days of trapnesting a week; individual birds otherwise meeting the requirement of 60 percent production during at least 10 consecutive months; families of 6 or more meeting the requirement of 65 percent production during at least 10 consecutive months; families of 8 or more meeting the requirement of 70 percent production during at least 13 consecutive weeks; as provided in § 145.18.

2. Section 146.4 *General provisions for all participants* is amended by deleting paragraph (f) which provides that: "Standard and broad breasted turkeys of the same variety may not be kept on the same premises or hatched in the same hatchery", and redesignating paragraph (g) as paragraph (f).

3. Section 146.30 *General turkey meat production test* is amended by changing paragraph (b) to read:

(b) The entry shall consist of at least 100 poults, either straight-run or 50 percent of each sex.

4. Section 146.31 *On-the-farm turkey meat production test* is amended by deleting paragraph (e) which provides that: "Poults shall be brooded and reared separately from other birds" and redesignating paragraphs (f) and (g) as paragraphs (e) and (f) respectively.

The amendments set forth above in part relieve restrictions and to this extent may be made effective under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) less than 30 days after publication in the FEDERAL REGISTER. The amendments also provide for the inclusion of additional information in a report published by this Department which will be of value to participants in the National Poultry Improvement Plan and purchasers of poultry and poultry products produced under the Plan. In order to be of maximum benefit to the affected persons, these provisions should be made effective as soon as possible. Accordingly under said section 4, good cause is found for making such provisions effective less than thirty days after publication in the FEDERAL REGISTER.

The aforegoing amendments shall become effective on October 6, 1955.

(Sec. 101, 58 Stat. 734, as amended, 7 U. S. C. 429)

Done at Washington, D. C., this 3d day of October 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55–8103; Filed, Oct. 5, 1955; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6259]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FREDERICK C. BLOXOM, SR., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 13.800 *Buyers' agents:* § 13.820 *Direct buyers.* In connection with the purchase of food products or other commodities in commerce, and on the part of respondents Frederick C. Bloxom, Jr., and Kinne M. Hawes, individually or as copartners trading as F. C. Bloxom & Company, or under any other name, receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of food products, or other commodity, made for respondents' own account or where the Respondents Frederick C. Bloxom, Jr., and Kinne M. Hawes, individually or as copartners, trading as F. C. Bloxom & Company, or under any other name, are the agents, representatives, or other intermediaries acting for, or in behalf of, or subject to the direct or indirect control of any buyer; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Frederick C. Bloxom, Jr., et al., trading as F. C. Bloxom & Company, Seattle, Wash., Docket 6259, Sept. 8, 1955]

In the Matter of Frederick C. Bloxom, Sr., Frederick C. Bloxom, Jr., and Kinne M. Hawes, Individually and as Copartners Trading as F. C. Bloxom & Company.

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission which charged respondents Frederick C. Bloxom, Sr., Frederick C. Bloxom, Jr., and Kinne M. Hawes, individually and as copartners trading as F. C. Bloxom & Company, with violation of subsection (c) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act, by receiving and accepting, directly or indirectly, commissions, brokerage, or other compensation, or allowances or discounts in lieu thereof, from some but not all of the various sellers from whom they purchased food products in commerce for their own account for resale; and upon a Stipulation for Consent Or-

der which disposed of all the issues involved in the proceeding and which was submitted to said hearing examiner pursuant to an agreement entered into by respondents with counsel supporting the complaint, following the filing of their answer.

By the terms of said stipulation, which recited that respondent Frederick C. Bloxom, Sr., died prior to the service of the complaint in the instant matter, said remaining respondents admitted all the jurisdictional allegations set forth in the complaint, and stipulated that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance therewith; and all parties requested the withdrawal of respondents' answer, filed in the matter on December 1, 1954; expressly waived the filing of answer; a hearing before a hearing examiner or the Commission; the making of findings of fact or conclusions of law by the hearing examiner or the Commission; the filing of exceptions and oral argument before the Commission; and all further and other procedure before the hearing examiner and the Commission to which respondents might be entitled under the Clayton Act, as amended, or the rules of practice of the Commission.

Respondents agreed that the order contained in the stipulation should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, respondents specifically waiving any and all right, power, or privilege to challenge or contest the validity of such order, and it was also agreed that said Stipulation for Consent Order, together with the complaint, should constitute the entire record in the proceeding, upon which the initial decision should be based, and that the complaint in the matter might be used in construing the terms of said order, which might be altered, modified, or set aside in the manner provided by statute for orders of the Commission, and it was further provided that the signing of the Stipulation for Consent Order was for settlement purposes only, and did not constitute an admission by respondents of any violation of law alleged in the complaint.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters, and that for all legal purposes respondents' answer would be regarded as withdrawn; set forth his conclusion, in view of the facts indicated and the further fact that the order embodied in the aforesaid stipulation was identical with the order accompanying the complaint, except for the omission therefrom of the name of Frederick C. Bloxom, Sr., deceased—as to whom the complaint would, of course, be dismissed—that such order would safeguard the public interest to the same extent as could be accomplished by the issuance of an order after full hearing and all other adjudicative procedure waived in said stipulation; and accordingly, in consonance with the terms of the aforesaid stipulation, accepted said Stipulation for Consent Order submitted in the matter, found that the proceeding was in the public interest, and issued order to cease and desist as to respondents Frederick C. Bloxom, Jr., and Kinne M. Hawes, as above set forth, and order of dismissal as to respondent Frederick C. Bloxom, Sr., deceased.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 8, 1955, became, on said date, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order is as follows:

It is ordered, That Respondents Frederick C. Bloxom, Jr., and Kinne M. Hawes, individually or as copartners, trading as F. C. Bloxom & Company, or under any other name, their respective representatives, agents and employees, in connection with the purchase of food products or other commodities in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of food products, or other commodity, made for their own account or where the Respondents Frederick C. Bloxom, Jr., and Kinne M. Hawes, individually or as copartners, trading as F. C. Bloxom & Company, or under any other name, are the agents, representatives, or other intermediaries acting for, or in behalf of, or subject to the direct or indirect control of any buyer.

It is further ordered, That the complaint herein, insofar as it relates to Respondent Frederick C. Bloxom, Sr., deceased, be, and the same hereby is, dismissed.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That Respondents Frederick C. Bloxom, Jr., and Kinne M. Hawes, individually and as copartners trading as F. C. Bloxom & Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 8, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-8076; Filed, Oct. 5, 1955; 8:50 a. m.]

[Docket 6332]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MACKVINE CORP. ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition: Wool Products Labeling Act;* § 13.1325 *Source or origin:* Maker or seller, etc.: *Wool Products Labeling Act.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition.* Subpart—*Neglecting, unfairly or deceptively to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1900 *Source or origin:* Wool Products Labeling Act. I. In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of batts and battings or other "wool products", as such products are defined in and subject to said Wool Products Labeling Act which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, and on the part of respondent corporation, and its officers, and respondent Bernard E. Levine, individually and as an officer of said corporation, and respondents' representatives, etc., misbranding such products by: 1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein; 2. failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; and, II, in connection with the offering for sale, sale, or distribution of batts or battings or any other wool products in commerce, as "commerce" is defined in the Federal Trade Commission Act, and on the part of the aforesaid respondents, their representatives, etc., misrepresenting the constituent fibers of which respondents' wool products are composed, or the percentages or amounts thereof in sales invoices, shipping memoranda or in any other manner; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68c) [Cease and desist order, Mackvine Corporation et al., New Haven, Conn., Docket 6332, September 17, 1955]

In the Matter of Mackvine Corporation, a corporation; and Edward Levine, David Levine, and Bernard E. Levine, Individually and as Officers of Said Corporation.

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission which charged respondent corporation, and respondents Edward, David, and Bernard E. Levine, individually and as officers of said corporation, with having violated the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder, and the Federal Trade Commission Act, through the misbranding of certain wool products, including certain batts and battings, and through misrepresenting the constituent fibers, etc., of their said products in sales invoices, etc., in violation of the latter act; and upon an agreement for consent order, which was reached after the filing of respondents' answer and a hearing, adjourned without the taking of testimony to permit the reaching of an agreement in said matter, and which was submitted to said hearing examiner, in accordance with § 3.25 of the Commission's rules of practice, and was signed by counsel supporting the complaint, counsel for respondents, and the respondent corporation and respondent Bernard E. Levine, and was approved by the Director of the Commission's Bureau of Litigation.

By the terms of said agreement, respondents agreed to the withdrawal of their answer; admitted all the jurisdictional allegations of the complaint; and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations; and said agreement further provided that all parties expressly waived a hearing before the hearing examiner or the Commission, and all further and other procedure to which respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission; that respondents also agreed that the order to cease and desist issued in accordance with said agreement for consent order should have the same force and effect as if made after a full hearing, and specifically waived any and all right, power, or privilege to challenge or contest the validity of said order; and that the complaint in the matter might be used in construing the terms of the order provided for in said agreement, and that the signing of said agreement was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint.

As respects the fact that the order agreed upon was the same as that proposed in the "Notice" portion of the complaint, except for the elimination therefrom of respondents Edward Levine and David Levine, it appeared that there had been submitted to the hearing examiner three affidavits, each signed by one of the individual respondents, attesting to the fact that the respondents Edward Levine and David Levine were minority stockholders of the corporate respondent, did not formulate, direct, and control its acts, practices, and policies, and did not have their business address at the same address as said respondents, and that by memorandum transmitting the agreement for consent order and the aforesaid affidavits, counsel supporting the complaint had advised the hearing examiner that, based on the facts stated in the aforesaid affidavits, they recommended dismissal of the proceeding as to the two respondents not included in the order, and further that the agreement for consent order was entered into on the understanding and agreement between counsel that it was conditioned upon a dismissal of the proceeding as to said respondents.

Thereafter, the aforesaid proceeding having come on for final consideration by said hearing examiner on the complaint and the aforesaid agreement for consent order and accompanying affidavits, the answer previously filed by respondents being deemed withdrawn, said hearing examiner made his initial decision in which he set forth the aforesaid matters; and that being satisfied, on the basis of the statements made in said affidavits and in the transmittal memorandum of counsel supporting the complaint, that the aforesaid agreement for consent order provided for an appropriate disposition of the proceeding, the said agreement and accompanying affidavits were accepted and ordered filed by him upon becoming part of the Commission's decision in accordance with §§ 3.21 and 3.25 of the rules of practice; and in which he made certain jurisdictional findings, including findings as to said stipulating respondents, and findings that the Commission had jurisdiction of the subject matter of the proceeding and of the aforesaid respondents, and that the complaint stated a cause of action against them under the aforesaid acts, and the proceeding was in the interest of the public; and in which he issued his order, including order to cease and desist, and order of dismissal as to respondents Edward Levine and David Levine.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 9, 1955, became, on September 17, 1955, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order is as follows:

It is ordered, That the respondents Mackvine Corporation, a corporation, and its officers, and Bernard E. Levine, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of batts and battings or other "wool products," as such products are defined in and subject to said Wool Products Labeling Act which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the consitutent fibers contained therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicious manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939, and

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of Section 3 of the Wool Products Labeling Act of 1939, and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said Act or the Rules and Regulations promulgated thereunder.

It is further ordered, That respondents Mackvine Corporation, a corporation, and its officers, and Bernard E. Levine, individually and as an officer of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of batts or battings or any other wool products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Misrepresenting the constituent fibers of which their wool products are composed, or the percentages or amounts thereof in sales invoices, shipping memoranda or in any other manner.

It is further ordered, That the complaint be, and the same hereby is, dismissed without prejudice as to the respondents Edward Levine and David Levine.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents Mackvine Corporation, a corporation,

and its officers, and Bernard E. Levine, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 9, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-8096; Filed, Oct. 5, 1955; 8:53 a. m.]

[Docket 6360]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BROWNSVILLE WOOLEN MILLS ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition: Wool Products Labeling Act;* § 13.1325 *Source or origin:* Maker or seller, etc.: *Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1900 *Source or origin:* Wool Products Labeling Act. In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, of blankets or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, misbranding such products by: 1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers included therein; 2. failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Chester A. Page d. b. a. Brownsville Woolen Mills et al., Brownsville, Ore., Docket 6360, September 8, 1955]

In the Matter of Chester A. Page, Individually, Trading and Doing Business as Brownsville Woolen Mills, and Chester E. Page, Individually

This proceeding was heard by Everett F. Haycraft, hearing examiner, upon the complaint of the Commission which charged respondents with the misbranding of wool products in violation of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and with unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act, and upon an agreement entered into by respondents with counsel supporting the complaint, which provided for the entry of a consent order disposing of all the issues in the proceeding, was approved by the Director of the Bureau of Litigation, and was submitted to said hearing examiner, theretofore duly designated, for his consideration in accordance with §§ 3.21 and 3.25 of the Commission's rules of practice for adjudicative proceedings.

Said agreement set forth that respondents admitted all the jurisdictional allegations of the complaint and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations; further provided that respondents expressly waived the filing of an answer in the matter, a hearing before a hearing examiner, the making of findings of fact or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission and all further and other procedure before the hearing examiner and the Commission to which respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission; and set forth that respondents also agreed that the order to cease and desist issued in accordance with said agreement should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, and specifically waived any and all right, power, or privilege to challenge or contest the validity of said order.

It was also agreed that the aforesaid agreement, together with the complaint, should constitute the entire record in the matter; that the said complaint might be used in construing the terms of the order provided for in said agreement; that said agreement was subject to approval in accordance with §§ 3.21 and 3.25 of the Commission's rules of practice; that the order to be issued should have no force and effect unless and until it became the order of the Commission; and that the signing of said agreement was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint.

Thereafter, the matter having come on for final consideration by the hearing examiner on the complaint and the aforesaid agreement for consent order, said hearing examiner made his initial decision in which he set forth the aforesaid matters; his conclusion that said agreement provided for an appropriate disposition of the proceeding and his acceptance thereof; and his findings for jurisdictional purposes, including his findings as to respondents, and his findings that the Commission had jurisdiction of the subject matter of the proceeding and of said respondents, and that the complaint stated a cause of action against said respondents under the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; and in which he issued order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by the order of the Commission dated September 8, 1955, became, on said date, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent Chester A. Page, individually, trading and doing business as Brownsville Woolen Mills, or trading under any other name, and respondent Chester E. Page, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of blankets or other "wool products," as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939, and

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939, and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By said order of the Commission dated September 8, 1955, report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 8, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-8094; Filed, Oct. 5, 1955; 8:53 a. m.]

[Docket 6357]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HATHAWAY WATCH CO.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller: *Manufacturer;* § 13.70 *Fictitious or misleading guarantees;* § 13.130 *Manufacture or preparation;* § 13.155 *Prices:* Exaggerated as regular and customary. Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1980 *Guarantee, in general.* In connection with the offering for sale, sale, or distribution of watches in commerce, representing, directly or indirectly: (1) That the retail price of a watch is any amount which is in excess of the price at which said watch is usually and regularly sold at retail; (2) that a watch is a "jeweled" watch, or that it contains a jeweled movement, unless said watch contains at least 7 jewels, each of which serves a mechanical purpose as a frictional bearing; (3) that respondent manufactures the watches offered for sale, or sold by him, or that he is a watch manufacturer; and (4) that the watches he offers for sale or sells are guaranteed unless and until the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Irving Kathman d. b. a. Hathaway Watch Company, New York, N. Y., Docket 6357, September 13, 1955]

In the Matter of Irving Kathman, an Individual Doing Business as Hathaway Watch Company

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission which charged respondent with violation of the Federal Trade Commission Act in connection with certain misrepresentations relative to watches dealt in by him, and upon an "Agreement Containing Consent Order to Cease and Desist", which was entered into by respondent with counsel supporting the complaint, in conformity with the provisions of § 3.25 of the rules of practice and procedure of the Commission, and which, after approval by the Director, Bureau of Litigation, was submitted to the hearing examiner, who, being of the opinion that it effectually disposed of all the issues in the matter, accepted the same.

By said agreement, it was set forth, among other things, that respondent admitted all the jurisdictional facts alleged in the complaint and agreed that the record might be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations; that the agreement disposed of all of the proceeding as to all parties; and that respondent waived any further procedural steps before the hearing examiner and the Commission; the making of findings of fact or conclusions of law; and all of the rights he might have to challenge or contest the validity of the order to cease and desist entered in accordance with the agreement.

Said agreement further set forth that the record on which the initial decision and the decision of the Commission should be based should consist solely of the complaint and said agreement; that latter should not become a part of the official record unless and until it became a part of the decision of the Commission; that the agreement was for settlement purposes only and did not constitute an admission by respondent that it had violated the law as alleged in the complaint; and that the order to cease and desist involved might be entered in the proceeding by the Commission without further notice to respondent; that when so entered it should have the same force and effect as if entered after a full hearing; that it might be altered, modified, or set aside in the manner provided for other orders; and that the complaint might be used in construing the terms of the order.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters and, pursuant to said agreement, and in order to effectuate the intent thereof, being of the opinion that the order agreed upon would effectually safeguard the public interest, and that the proceeding was in the public interest, issued order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 13, 1955, became, on said date, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent, Irving Kathman, trading as Hathaway Watch Company, or trading under any other name, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watches in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That the retail price of a watch is any amount which is in excess of the price at which said watch is usually and regularly sold at retail;

2. That a watch is a "jeweled" watch, or that it contains a jeweled movement, unless said watch contains at least 7 jewels, each of which serves a mechanical purpose as a frictional bearing;

3. That he manufactures the watches offered for sale, or sold by him, or that he is a watch manufacturer;

4. That the watches he offers for sale or sells are guaranteed unless and until the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: September 13, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-8095; Filed, Oct. 5, 1955; 8:53 a. m.]

[Docket 6298]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

THE FUR DOCTOR

Subpart—*Advertising falsely or misleadingly:* § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.90 *History of product or offering;* § 13.135 *Nature:* Product or service; § 12.235 *Source or origin:* Place: *Foreign, in general.* Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition;* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1225 *History;* § 13.1260 *Nature;* § 13.1265 *Old, secondhand, reclaimed or reconstructed product as new;* § 13.1325 *Source or origin:* Maker or seller, etc.: *Fur Products La-*

beling Act; Place: *Foreign, in general.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition;* § 13.1623 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1650 *History of product;* § 13.1685 *Nature;* § 13.1695 *Old, secondhand, reclaimed or reconstructed as new;* § 13.1745 *Source or origin:* Maker or seller, etc.; Place: *Foreign, in general.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1854 *History of product:* Fur Products Labeling Act; § 13.1870 *Nature:* Fur Products Labeling Act; § 13.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Maker or seller, etc.; Place.* In connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act: (A) Misbranding fur products by: (1) Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured; (2) failing to affix labels to fur products showing: (a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations; (b) that the fur product contains or is composed of used fur, when such is a fact; (c) that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact; (d) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact; (e) the name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised, or offered it for sale in commerce, or transported or distributed it in commerce; (f) the name of the country of origin of any imported furs used in the fur product; (3) setting forth, on labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in "(A) (2) (a)" above; (4) setting forth on labels attached to fur products: (a) Required information in abbreviated form or in handwriting; (b) non-required information mingled with required information; (5) failing to show on labels attached to fur products made in whole or in part of imported fur the term "Fur Origin" preceding the country of origin on said labels, as required by Rule 12 (e) of the aforesaid rules and regulations; (B) Falsely or deceptively invoicing fur products by: (1) Failing to furnish invoices to purchasers of fur products showing: (a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations; (b) that the fur product contains or is composed of used fur, when such is a fact; (c) that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact; (d) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact; (e) the name and address of the person issuing such invoice; (f) the name of the country of origin of any imported furs contained in a fur product; (2) setting forth required information in abbreviated form; (C) Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which: (1) Fails to disclose: (a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations; (b) the country of origin of imported furs, as required by the Fur Products Labeling Act or in the manner and form permitted by Rule 38 (b) of the rules and regulations promulgated thereunder; (2) contains the name or names of any animal or animals other than the name or names provided for in paragraph 5 (a) (1) of the Fur Products Labeling Act; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, T. F. Denman t. a. The Fur Doctor, San Francisco, Calif., Docket 6298, September 8, 1955]

In the Matter of T. F. Denman, an Individual Trading as The Fur Doctor

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission which charged respondent with unfair and deceptive acts and practices in connection with the sale in commerce of imported and domestic fur products, in violation of the Fur Products Labeling Act and the Federal Trade Commission Act, and upon a Stipulation for Consent Order, which disposed of all the issues involved in the proceeding and which was submitted to the hearing examiner pursuant to an agreement entered into by respondent with counsel supporting the complaint, subsequent to the filing of respondent's answer.

By the terms of said stipulation, respondent admitted all the jurisdictional allegations set forth in the complaint, and stipulated that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance therewith; withdrew his answer; and expressly waived a hearing before a hearing examiner or the Commission; the making of findings of fact or conclusions of law by the hearing examiner or the Commission; the filing of exceptions and oral argument before the Commission; and all further and other procedure before the hearing examiner or the Commission to which respondent might be entitled under the Federal Trade Commission Act or the Rules of Practice of the Commission.

Respondent agreed that the order contained in the stipulation should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, respondent specifically waiving any and all right, power, or privilege to challenge or contest the validity of such order, and it was also agreed that said Stipulation for Consent Order, together with the complaint, should constitute the entire record in the proceeding, upon which the initial decision should be based, and it was further provided that the complaint in the matter might be used in construing the terms of the aforesaid order, which might be altered, modified, or set aside in the manner provided by statute for orders of the Commission, and that the signing of the Stipulation for Consent Order was for settlement purposes only, and did not constitute either an admission or a denial by respondent of any violation of law alleged in the complaint.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters and that for all legal purposes respondent's answer would be regarded as withdrawn; set forth his conclusion, in view of the facts indicated and the further fact that the order embodied in the aforesaid stipulation was identical with that which accompanied the complaint, that such order would safeguard the public interest to the same extent as could be accomplished by the issuance of an order after full hearing and all other adjudicative procedure waived in said stipulation; and, accordingly, in consonance with the terms of the aforesaid stipulation, accepted the Stipulation for Consent Order submitted in the matter; found that the proceeding was in the public interest; and issued order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 8, 1955, became, on said date, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent, T. F. Denman, an individual trading as The Fur Doctor or under any other trade name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

3. Setting forth, on labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in paragraph A (2) (a) above.

4. Setting forth on labels attached to fur products:

(a) Required information in abbreviated form or in handwriting;

(b) Non-required information mingled with required information.

5. Failing to show on labels attached to fur products made in whole or in part of imported fur the term "Fur Origin" preceding the country of origin on said labels, as required by Rule 12 (e) of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in a fur product.

2. Setting forth required information in abbreviated form.

C. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) The country of origin of imported furs, as required by the Fur Products Labeling Act or in the manner and form permitted by Rule 38 (b) of the rules and regulations promulgated thereunder.

2. Contains the name or names of any animal or animals other than the name or names provided for in paragraph 5 (a) (1) of the Fur Products Labeling Act.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent T. F. Denman, an individual, trading as The Fur Doctor, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: September 8, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-8077; Filed, Oct. 5, 1955; 8:51 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 270—GENERAL RULES AND REGULATIONS INVESTMENT COMPANY ACT OF 1940

PRO-RATA DISTRIBUTION

On February 7, 1955, the Securities and Exchange Commission published notice that it had under consideration the adoption of § 270.17a-5 (Rule N-17A-5) under the Investment Company Act of 1940 and invited all interested persons to comment upon the proposal. The Commission has considered all comments and suggestions received and has determined to adopt Rule N-17A-5 in the form set forth below.

The rule would exclude from the terms "purchase" and "sale" as used in section 17 (a) any pro-rata distribution in cash, or in kind by any company among the holders of its common stock. The Commission considers that none of the abuses against which section 17 of the act was directed are present in such a pro-rata distribution.

This action is taken pursuant to section 6 (c) and section 38 (a) of the Investment Company Act of 1940.

The text of the rule is as follows:

§ 270.17a-5 *Pro rata distribution neither "sale" nor "purchase."* When a company makes a pro-rata distribution in cash or in kind among its common stockholders without giving any election to any stockholder as to the specific assets which such stockholder shall receive, such distribution shall not be deemed to involve a sale to or a purchase from such distributing company as those terms are used in section 17 (a) of the act.

(Sec. 38, 54 Stat. 841; 15 U. S. C. 80a-37)

Effective September 28, 1955.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 27, 1955.

[F. R. Doc. 55-8078; Filed, Oct. 5, 1955; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9703]

PART 11—INDUSTRIAL RADIO SERVICES

SPECIAL INDUSTRIAL RADIO SERVICE

In the matter of revision of Subpart K of Part 11, Rules Governing the Special Industrial Radio Service; Docket No. 9703:

The Commission's Report and Order of September 7, 1955 (FCC 55-923), in the above entitled matter, which was published in the FEDERAL REGISTER on September 20, 1955 (20 F. R. 7039), is corrected as follows:

1. The last word of footnote 1 to the table of frequencies appearing in section 11.516 (b) should be corrected to read "18000 Mc" in lieu of "1800 Mc."

2. The table of frequencies appearing in § 11.516 (c) should be corrected to read as follows:

Mc.	*Mc.*	*Mc.*	*Mc.*
169.425	171.025	[1] 406.050	[2] 40.68
169.475	171.075	[1] 406.150	
169.525	171.125	[1] 406.250	
169.575	171.175	[1] 406.350	
170.225	171.825	[1] 406.450	
170.275	171.875	[1] 406.550	
170.325	171.925	[1] 406.650	
170.375	171.975	[1] 406.750	

[1] Primarily for use by Fixed Relay Stations.

[2] Use of the frequency 40.68 Mc is limited to stations located in the states of Pennsylvania and West Virginia only, and is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the same frequency.

3. The table of frequencies appearing in § 11.517 (c) should be corrected by the insertion of the heading "Mc" at the head of each column.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 30, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8091; Filed, Oct. 5, 1955; 8:53 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1955 Dept. Circular 1]

PART 129—VALUES OF FOREIGN MONEYS

CALENDAR YEAR; QUARTER BEGINNING OCT. 1, 1955

OCTOBER 1, 1955.

§ 129.18 *Calendar year, 1955.* • • •

(d) *Quarter beginning October 1, 1955.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units, are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning October 1, 1955, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted.]

Country	Monetary unit	Value in U. S. terms of money	Remarks
Colombia	Peso	$0.5128	Monetary Law No. 90 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.50637 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.1781	Parity of 0.158267 fine gram gold established by decree law effective Mar. 22, 1947.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By monetary law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 15 5/21 grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Philippines	Peso	.5000	International value according to the Central Bank Act approved June 15, 1948. Exchange control established.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Uruguay	Peso	.6583	Present gold content of 0.585018 gram fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-8086; Filed, Oct. 5, 1955; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

POINT-GAINING ACTIVITIES FOR AIR FORCE RESERVISTS

In Part 861 §§ 861.31 to 861.36 are rescinded and the following substituted therefor:

Sec.
861.31 Purpose and policy.
861.32 Definitions.
861.33 Period of equivalent training and duty.
861.34 Active and inactive duty points.
861.35 Limitations and minimum standards.
861.36 Maximum credits.

AUTHORITY: §§ 861.31 to 861.36 issued under sec. 251, 66 Stat. 495; 50 U. S. C. 1002. Interpret or apply secs. 101-259, 601-603, 66 Stat. 481-498, 501; 50 U. S. C. 901-1010, 1091-1093.

DERIVATION: AFR 45-15, May 26, 1955.

§ 861.31 *Purpose and policy*—(a) *Purpose.* Sections 861.31 to 861.36 establish the basis and standards for earning and awarding points for retirement benefits for personnel of the Air Force Reserve under title III, Army and Air Force Vitalization and Retirement Equalization Act of 1948 (62 Stat. 1087; 10 U. S. C. 1036) as amended by Act September 7, 1949 (63 Stat. 693; 10 U. S. C. 1036b). Sections 861.31 to 861.36 apply to all Reservists in an active status.

(b) *Policy*—(1) *Active Air Force Reserve program elements.* The active Air Force Reserve program elements include flying training units, air depot wings, Airways and Air Communications Service units, aerial port squadrons, personnel processing squadrons, navigation training squadrons, pilot training squadrons, air Reserve squadrons (Air National Guard nurse training); the Mobilization Assignment Reserve Section; numbered air Reserve center groups and squadrons; the Mobilization Designation Reserve Section; and the Non-affiliated Reserve Section. Points required to meet participation standards in these program elements will be awarded on the same basis as the points awarded for retirement purposes.

(2) *Persons assigned to Ineligible Reserve Section, on Inactive Status List, or in Retired Reserve.* Persons who are assigned to the Ineligible Reserve Section may not participate in point-gaining activities, but will be awarded 15 gratuitous points annually for Reserve membership. Persons who are on the Inactive Status List (Standby Reserve) or in the Retired Reserve are not eligible for participation in inactive duty training for the award of points.

(3) *Pay status.* Points may be earned pursuant to § 861.34 whether or not the persons are in a pay status, except that persons earning points under § 861.34 (h) must be in an inactive duty training pay status.

(4) *Reserve personnel of other services.* Reserve personel of other services attached for duty with the Air Force Reserve will be governed by appropriate regulations of their respective services.

(5) *Simultaneous participation in more than one activity.* Sections 861.31 to 861.36 will not be interpreted as permitting simultaneous participation in more than one activity for point-gaining purposes. For example, if points are being credited for attendance at a unit training assembly, points will not be credited for flying time accomplished in connection with such assembly.

§ 861.32 *Definitions*—(a) *Points.* Credits awarded members of the Air Force Reserve for military service on extended active duty; when not on extended active duty (but while in an active status); for performance of active duty training and inactive duty training; and gratuitous points for Reserve membership.

(b) *Active military service.* Full-time duty with the active establishment, either extended active duty or active duty for training. In §§ 861.31 to 861.36, the terms "active military service" and "active duty" are synonymous.

(c) *Active duty for training.* Full-time duty with the active establishment for training.

(d) *Inactive duty training.* Training, instruction duty, appropriate duties, or equivalent training, including hazardous duty, which has been authorized and performed with or without compensation by a member of the Air Force Reserve. (Such duty is performed while not on active duty or on active duty for training.) Inactive duty training also includes authorized additional duties performed in connection with the prescribed

training and maintenance activities of the unit to which the person is assigned or for studies in connection with the completion of USAF extension courses.

(e) *Training period.* An authorized period of instruction performed by persons who are training as individuals. Such training will normally be of 4 hours' duration but may not be of less than 2 hours' duration. Two training periods if conducted within one calendar day must total at least 8 hours. This term includes authorized attendance at a scheduled class of instruction under contract school training.

(f) *Unit training assembly.* An authorized and scheduled period of instruction conducted by T/O, unit manning document, and non-T/O units. Unit training assemblies will normally be of 4 hours' duration but may not be of less than 2 hours' duration. Two training assemblies if conducted in one calendar day must total at least 8 hours.

(g) *Active status.* The status of all Reservists except those on the Inactive Status List (Standby Reserve) and in the Retired Reserve.

§ 861.33 *Period of equivalent training and duty*—(a) *Period of equivalent training or instruction.* Attendance at, or participation in, any one of the following activities for a continuous period of normally 4 but not less than 2 hours:

(1) Supervised training on an inactive duty status with units or activities of the active establishments of the Armed Forces, when such training is specifically authorized and when the character of the training is such as to result in increased military proficiency of the person concerned, and when satisfactory participation is certified by the commander of the Regular unit or activity concerned.

(2) Training on inactive duty status with units of the Army, Navy, Marine Corps, or Coast Guard Reserve under the conditions specified in subparagraph (1) of this paragraph.

(3) Flight training performed by rated personnel in military aircraft when such flight training is accomplished in accordance with published minimum proficiency standards for the Reserve program element to which assigned provided that such training is not conducted as part of any other point-gaining activity specified herein.

(4) Group training of military personnel, other than unit training assemblies, when such training is pursuant to an approved course of training or otherwise specifically authorized.

(5) Duties performed by medical and dental personnel for the accomplishment of the following:

(i) A minimum of two authorized physical examinations for flying or three general physical examinations for personnel of any component of the United States Armed Forces and Air Force ROTC students, or for enlistment or appointment therein.

(ii) A minimum number of the following types of authorized dental examinations for personnel of any component of the United States Armed Forces and Air Force ROTC students, or for enlistment or appointment therein (a pro rata combination of various types of examinations is authorized):

(*a*) Three type 1 examinations.

(*b*) Six type 2 examinations (Standard Form 88, "Report of Medical Examination," is included in this type only when X-rays are taken).

(*c*) Eight type 3 examinations (SF 88 is included in this type when x-rays are not taken).

(*d*) Sixty type 4 examinations.

(iii) A minimum of 12 authorized inoculations.

(6) Duties performed in operation of Military Amateur Radio System supervised network drills.

(7) Instructor duties at Civil Air Patrol and Air Explorer assemblies and with the Ground Observer Corps groups pursuant to an authorized course of instruction when such duty is authorized.

(b) *Period of equivalent duty or appropriate duties.* Accomplishment of any one of the following duties, while on an inactive duty status, for a continuous period of normally 4 hours but not less than 2 hours:

(1) Duties performed under the jurisdiction of the Selective Service System when such duty is approved by the Director of Selective Service or by his authorized military representative, and when the appropriate supervisor has certified that the performance of such duty was satisfactory.

(2) Duty relating to procurement planning and industrial mobilization when certified as satisfactorily performed by the commander of the appropriate major command; Chief of Staff, USAF; Joint Chiefs of Staff; or Department of Defense agency under whose jurisdiction the work is performed.

(3) Recruiting duty when authorized and participation is certified as satisfactory by an authorized military representative of the recruiting service.

(4) Duty in connection with the planning supervision of training, administration and supply of the Reserve Forces, including administration, liaison and maintenance duties with Civil Air Patrol, when such duty is authorized and satisfactory accomplishment is certified by the officer under whose jurisdiction such duty was performed, and, under similar conditions, other duties which may be authorized from time to time by the Air Force.

(5) Duties in connection with the functions of the unit of assignment or in furtherance of its mission which may be assigned on a project basis.

§ 861.34 *Active and inactive duty points.* Air Force Reserve personnel will be awarded points as follows:

(a) Fifteen points for each year of membership in the Reserve of the Air Force, except as provided in § 861.31 (b) (2).

(b) One point for attendance at an authorized unit training assembly.

(c) One point for each day of active duty, including extended active duty and active duty training. This includes the active duty performed by a Reserve officer or warrant officer on extended active duty in other than his officer or warrant officer status.

(d) One point for accomplishment of an authorized training period.

(e) One point for participation in a period of equivalent training or instruction.

(f) One point for accomplishment of a period of equivalent duty or appropriate duties.

(g) One point for each 3 hours of extension courses satisfactorily completed. Points will be awarded to officers only for the completion of courses above precommissioning and indoctrination level.

(h) One point for each 4 hours of flying time performed in military aircraft by rated personnel and recorded on the person's AF Form 5, "Individual Flight Record (Pilot)," or AF Form 5A, "Individual Flight Record (Aircraft Observer)," when such flying time is accomplished pursuant to published minimum proficiency standards for the Reserve program element to which assigned. Flying time credited as a point-gaining activity for the purpose of §§ 861.31 to 861.36 need not be accomplished in a continuous or within any specified period of time and will be cumulative.

(i) One point for duty as instructor at:

(1) Authorized unit training assemblies.

(2) Authorized unit schools.

(3) Authorized group training of military personnel other than unit training assemblies, subject to conditions specified in §§ 861.32 (e) and 861.33 (a) (1).

(4) Air Force ROTC, Army ROTC, or Naval ROTC classes.

(5) Civil Air Patrol on Air Explorer assemblies and with ground Observer Corps groups pursuant to an authorized course of instruction when such duty is ordered by competent authority. (A person will not be credited for instructional duty accomplished at an assembly for which he is being credited with attendance. This restriction will not affect credit for preparation.)

(j) One point for preparation of each hour of instruction, but not to exceed two points for preparation of any one instruction period. If the subject is presented more than once, additional points will not be credited for subsequent preparation.

(k) Except for points awarded under paragraph (g) of this section, not more than one point will be credited to a person within any one calendar day for participation in, or accomplishment of any of the point-gaining activities outlined in paragraphs (a) through (j) of this section unless the total duration of such participation or accomplishment is at least 8 hours. In no case can more than two points be earned on any one day. Flying time, by itself or in combination with other activities, may not be credited under §§ 861.31 to 861.36 if such credit would result in the earning of more than two points in one calendar day, although such flying time will apply toward flying minimums.

§ 861.35 *Limitations and minimum standards*—(a) *Limitations.* Points are awarded under §§ 861.31 to 861.36 to provide an inducement or incentive for

members of the Reserve to participate in the various Reserve programs. These credits accrue towards retirement benefits as compensation for time and effort spent in maintaining proficiency in a military skill. The fact that a Reservist through his civilian pursuits may maintain proficiency in a military skill is incidental and does not imply sacrifice on the part of the person.

(b) *Minimum standards.* To qualify for the award of points for participation in any type of inactive duty training, the duty must:

(1) Be performed in the person's capacity as a Reservist and with a view toward enhancing his mobilization potential.

(2) Require an outlay of time and effort beyond that required in the normal course of his civilian occupation.

(3) Have been authorized by competent authority prior to commencement of the training.

(4) Be performed without remuneration other than pay as a member of the Air Force Reserve.

(5) Demonstrably improve the person's fitness to perform his prospective mobilization duties or similarly improve the fitness of others.

(6) Be controlled and/or supervised by the military.

(c) *Training in connection with professional or trade conventions.* Activities within the Air Force desiring to take advantage of a concentration of specialized Reservists in attendance at a professional or trade convention, may, with prior approval of Headquarters USAF, conduct a seminar for which Reservists in attendance may receive points. The seminar may be held in the same locality and on the same days as a convention but it must be separate from the convention program. Requests for credit for attendance at such seminars will be forwarded to the Director of Military Personnel, Headquarters USAF, Attention: Reserve Activities Group, Washington 25, D. C.

§ 861.36 *Maximum credit—*(a) *For inactive duty training.* Not more than 60 points for inactive duty training may be credited for retirement purposes during any one year.

(b) *For active duty or combined active duty and inactive duty training.* Not more than 365 points (366 during leap years) for active duty or a combination of active duty and inactive duty training may be credited for retirement purposes during any one year.

(c) *Gratuitous points.* Fifteen gratuitous points will be awarded annually, as authorized: *Provided*, That the totals established in paragraphs (a) and (b) of this section are not exceeded.

(d) *For purposes other than retirement.* Sections 861.31 to 861.36 do not limit the number of points a person may be awarded for purposes other than retirement for participation in authorized training activities.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 55-8049; Filed, Oct. 5, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[31 CFR Part 226]

PURCHASE OF BONDS TO COVER OFFICERS AND EMPLOYEES AND MILITARY PERSONNEL OF THE EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) that the Secretary of the Treasury is considering the issuance of regulations pursuant to the provisions of Pub. Law 323, 84th Cong.; 69 Stat. 618; 6 U. S. C. 14, to govern the purchase of bonds to cover civilian officers and employees and military personnel of the executive branch of the Federal Government.

It is proposed to prescribe new regulations to be contained in 31 CFR Part 226 as set forth in paragraphs 1 to 18 below:

1. *General.* The head of each department and independent establishment in the executive branch of the Federal Government shall, within the authority contained in the Act of August 9, 1955, 69 Stat. 618, (Public Law 323, 84th Congress) and in conformity with these regulations, obtain blanket, position schedule, or other types of surety bonds covering the civilian officers and employees and military personnel of such department or independent establishment who are required by law or administrative ruling to be bonded.

The term "executive department and independent establishment", and "the act of August 9, 1955" are hereinafter referred to as "agency" and "the act", respectively. The term "head of agency" as used hereinafter shall include a designee authorized pursuant to law by the head of such agency to act for him hereunder.

2. *Corporate sureties required; underwriting limitation.* Bonds shall be obtained only from corporate surety companies holding certificates of authority from the Secretary of the Treasury under the act of July 30, 1947 (6 U. S. C. 1–15) as acceptable sureties on Federal bonds.[1] The penal amount of a bond for any individual included in a blanket or position schedule bond or other type of bond executed by any company shall not exceed the underwriting limitation established for such company, unless the excess is protected as provided by Treasury Department regulations contained in 31 CFR 223.12.

3. *Types of bonds.* There are basically four types of bonds which may be obtained under the provisions of the act, namely:

(a) Individual bonds each of which covers a single employee for a specified amount.

(b) Name schedule bonds which cover the employees listed in a schedule attached to the bond, each for a specified amount.

(c) Position schedule bonds which cover employees who occupy the positions listed in the schedule attached to the bond, each incumbent of a position being covered for a specified amount.

(d) Blanket bonds which cover a group of employees without the necessity of a schedule or list of employees or positions. There are two general types of blanket bonds, namely, the multiple penalty bond which permits recovery in an amount equal to as many times the penalty for each employee as there are employees involved in the loss; and the aggregate penalty bond which limits recovery to the amount of the penalty of the bond regardless of the number of employees involved in the loss.

4. *Selection and review of coverage.* Agencies will select the type of coverage which most economically will meet their bonding needs for the number and type of personnel to be bonded. To the maximum extent practicable, blanket and schedule bonds should be obtained in order to reduce both the cost of procurement and the administrative expenses in the processing and filing of such bonds. However, this does not preclude the procurement of individual bonds where they are clearly more economical or advantageous.

Where the number of employees to be bonded by any agency in a particular location, region or district is sufficient from an operating standpoint to warrant the obtaining of a blanket or schedule bond, a separate blanket or schedule bond shall be obtained for each such location, region or district, as may be designated by the head of the agency, unless the head of the agency shall determine that considerations of economy or administrative efficiency render desirable the inclusion of such employees in a general bond or bonds covering all of the personnel of the agency, or in a general bond or bonds covering employees in more than one particular location, region or district.

Each agency, before initially procuring a bond or bonds pursuant to these regulations, and from time to time thereafter, but not less frequently than every second year, shall review the number of employees bonded to decrease or strengthen the amounts of coverage where such action is appropriate and to eliminate the

[1] A list of these companies is published annually (Treasury Department, Fiscal Service, Form 356, Revised).

bonding of employees where no need therefor exists; provided, however, that agencies should not eliminate the bonding of an employee required by statute to be bonded nor decrease a penalty fixed by statute.

5. *Congressional intent.* The Act provides that each bond shall be of the most economical type. In construing this provision, the conferenoe report states:

> • • • It is not the intent of this provision that a bond or bonds obtainable at the lowest premium rate per annum shall constitute in all cases a bond of the "most economical type." Such would seem to be the case as a general rule, all other factors and considerations being equal. However, in many cases, variations in such factors and considerations as differences in the relative financial standing and reliability of the surety, the terms of the respective surety bond contracts available, and the number and types of personnel to be bonded may require, in the interests of the Federal Government other than in the strictly financial sense, the purchase of such bonds at premium rates per annum which are higher than the lowest premium rates per annum actually obtainable. • • •

6. *Bonds where penal sum is fixed by statute and bonds of certifying officers.* Positions for which the penalty of the bond is fixed by statute may be included in a blanket, position schedule, name schedule, or other type of bond, provided the penalty of the bond for such positions is equal to the statutory requirement.

Certifying officers may be included in a position or name schedule bond limited to such officers alone, or may be included in a blanket bond or other type of bond covering other bonded personnel, or, where circumstances warrant, may be covered by individual bonds.

7. *Bond condition.* Each bond shall run solely in favor of the United States, except where a specific statutory provision requires that the bond shall run in favor of the United States and an additional obligee, or in favor of another obligee; each bond shall be conditioned upon the faithful performance of the duties of the individual or individuals so bonded and shall expressly provide that the term "faithful performance of the duties" shall be deemed to include the proper accounting for all funds or property received by reason of the position or employment of the individual or individuals so bonded and the discharge of all duties and responsibilities now or hereafter imposed upon such individual or individuals by law or by regulation issued pursuant thereto.

8. *Bond penalties.* The head of the agency shall fix the bond penalty applicable to employees or positions included in a bond procured pursuant to these regulations, except where the penalty is prescribed by statute, or by other authority. The penalty in a blanket bond shall be in the minimum amount estimated by the head of the agency as sufficient to protect the interests of the United States. The bond penalty for each position designated in a schedule bond, in cases not specified by law or other authority, shall be fixed in the minimum amount consistent with the duties and degree of responsibility of the position with due regard for the effectiveness of related internal control. Similar consideration should be given in fixing the penalties of other types of bonds. However, the bond penalties applicable to disbursing officers, assistant disbursing officers, agent officers, agent cashiers and imprest fund cashiers operating under delegation by the Secretary of the Treasury or the Division of Disbursement, Treasury Department, shall be fixed only with the concurrence of the Chief Disbursing Officer, Treasury Department.

9. *Bond premium period.* The bond premium may cover a period not exceeding two years. In view of the economies to be derived, premiums should be paid for a period of two years to the extent funds are available, except where a shorter period is more advantageous to the Government.

10. *Procurement of new coverage.* New coverage should be procured under these regulations at least every two years. Timely steps should be taken for such procurement in advance of the expiration of the prior premium period.

11. *Advertising for proposals.* If, in the opinion of the head of the agency concerned, the premium cost for any bond procured under the act covering officers or employees in the executive branch of the Federal Government will exceed the rate of $150 per annum, the procurement of such bond shall be made by the head of such agency after advertising for proposals for the furnishing of such bond.

There are several recognized methods of advertising, such as publication in the FEDERAL REGISTER, publication in newspapers, posting of notices in public places, and the sending of invitations to bid to persons or companies engaged in the industry. In this connection, a notice sent to the head office of each company appearing on the Treasury Department list [2] of approved surety companies doing a "direct writing" business will be regarded as a satisfactory method of advertising.

If the premium cost will not exceed the rate of $150 per annum, procurement may be made by the agency without advertising, but informal bids ordinarily should be solicited from at least three sources.

Specifications for alternate types of coverage may be included in invitations to bid in order to enable the agency to procure the most economical type of bond.

Advertising for proposals will not be required in any case in which the head of the agency determines that the public exigencies require the immediate procurement of such bond.

12. *Place of execution of bonds.* Bonds must be executed by a surety company in a state or other jurisdiction wherein it has obtained a license to transact a fidelity and surety business. This requirement shall not; however, preclude an agency from accepting bonds covering officers, employees or military personnel located where the surety is not licensed provided the bond is executed by the surety at its home office or within a state or other jurisdiction where it has obtained a license.

[2] See footnote 1, supra.

13. *Cancellation; limitation on recoveries.* No bond shall contain any provision for its cancellation at the option of the surety prior to the expiration of its term nor shall any bond contain any limitation upon the time in which a loss must be discovered in order to be recoverable under the bond, or any limitation upon the time in which recovery may be made on account of any loss arising thereunder. In this connection, attention is called to the provisions of 6 U. S. C. 5, as follows:

> If, upon the statement of the account of any official of the United States, or of any officer disbursing or chargeable with public money, by the accounting officers, it shall thereby appear that he is indebted to the United States, and suit therefor shall not be instituted within five years after such statement of said account, the sureties on his bond shall not be liable for such indebtedness.

14. *Examination and filing of bonds.* All surety bonds obtained in accordance with the act, together with a transmittal letter in duplicate listing the bond or bonds transmitted shall be sent to the Treasury Department, Bureau of Accounts, Surety Bonds Branch, for examination and approval of the authority of the surety executing the bond. After examination, the transmitting agency will be advised as to the sufficiency of execution by the surety. The bond will be returned to the agency concerned, or, at its request, will be held in the files of the Surety Bonds Branch.

15. *Existing bonds.* Any bond procured with agency funds prior to January 1, 1956, may be allowed by the agency to continue in effect until the expiration of its premium period.

In this connection, 6 U. S. C. 14, as amended by the act of August 9, 1955, provides:

> Whenever any civilian officers or employees or military personnel are covered by a bond under authority of this section, the surety or sureties on any existing bond of any such civilian officers or employees or military personnel shall not be liable for any defaults occurring subsequent to the date of the new coverage.

This language terminates the liability of a surety on a bond existing prior to obtaining coverage under the act, for any default occurring subsequent to the date of the new coverage, regardless of whether an existing bond was paid for from agency funds or the personal funds of a civilian officer, employee or military personnel.

16. *Reports.* In order for the Secretary of the Treasury to transmit to the Congress, on or before June 30, 1956, a comprehensive report of the operations of the agencies as required by the act, each agency that procures bonds under the act and these regulations shall furnish the Treasury Department with a report not later than June 1, 1956, with respect to operations under the act prior to April 30, 1956.

Thereafter, in order for the Secretary of the Treasury to transmit reports to the Congress on or before October 1 of each year, a report shall be submitted by each agency to the Treasury Depart-

ment not later than August 15 of each year, covering operations during the preceding fiscal year.

Both initial and subsequent reports will include the following information:

a. The number of officers and employees covered by bonds procured under the act.

b. The number and types of bonds procured under the act and the individual penal sums thereof.

c. The amounts of premiums paid for bonds procured under the act.

d. The number of officers and employees bonded, by types of bonds and penal sums, classified by duties for which bonded, e. g., disbursing, certifying, collecting.

e. The amounts of losses covered by bonds under the act and the number of officers and employees involved, classified by type of duties. There should be shown in this connection the amounts of claims filed with surety companies, the amounts recovered and the amounts of pending claims subject to adjustment by the sureties.

f. The direct costs of administration of operations under the act.

g. Such other information relating to the subject matter of these regulations as may be requested by the Fiscal Assistant Secretary of the Treasury, or as the reporting agency may consider of sufficient interest or importance.

Instructions covering the form and classification of the information to be submitted will be issued by the Fiscal Assistant Secretary of the Treasury.

17. *Reservation of right to amend.* The right is expressly reserved to amend, revise, or waive the foregoing, from time to time, to such extent not inconsistent with law, as may be considered necessary.

18. *Effective date.* These regulations shall take effect January 1, 1956.

Comments on the proposed regulations set forth above are invited and should be submitted in writing to the Fiscal Assistant Secretary, Treasury Department, Washington 25, D. C., in time to be received prior to the expiration of fifteen days after the date of publication of this notice. No hearing will be held to consider this matter.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

OCTOBER 3, 1955.

[F. R. Doc. 55-8098; Filed, Oct. 5, 1955; 8:54 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE (PROPERTIES AND INSTALLATIONS)

DELEGATION OF AUTHORITY TO DETERMINE AVAILABILITY OF HOUSING FACILITIES AT OR NEAR MILITARY TACTICAL INSTALLATIONS

By virtue of the authority vested in the Secretary of Defense, there is hereby delegated to the Assistant Secretary of Defense (Properties and Installations) the authority to determine the availability of adequate housing facilities at or near military tactical installations, and, on the basis of such determinations, to allocate to the Departments of the Army, Navy, and Air Force the authority under Section 515 of Public Law 161, 84th Congress (69 Stat. 352), or under similar provisions in future statutes, to lease housing facilities for assignment as public quarters.

C. E. WILSON,
Secretary of Defense.

[F. R. Doc. 55-8093; Filed, Oct. 5, 1955; 8:53 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[472.13]

TWISTED JUTE PACKING, SINGLE STRAND PACKING, AND PLUMBERS' OAKUM

PROSPECTIVE TARIFF CLASSIFICATION

After further review of the question of the proper tariff classification of twisted jute packing, single strand packing, and plumbers' oakum, the Secretary of the Treasury proposes to request an opinion of the Attorney General pursuant to section 502 (b) of the Tariff Act of 1930 (19 U. S. C. 1502 (b)) concurring in a reclassification of this merchandise under paragraph 1729, Tariff Act of 1930 (19 U. S. C. 1201, par. 1729), as oakum, free of duty.

Consideration will be given to any relevant data, views or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Secretary of the Treasury, Washington 25, D. C. To assure consideration, such communications must be received in the Treasury not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

SEPTEMBER 30, 1955.

[F. R. Doc. 55-8099; Filed, Oct. 5, 1955; 8:54 a. m.]

Fiscal Service, Bureau of the Public Debt

[1955 Dept. Circ. 968]

2¼ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES C-1956; TAX ANTICIPATION SERIES

OFFERING OF CERTIFICATES

OCTOBER 3, 1955.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for Tax Anticipation Certificates of Indebtedness of the United States, designated 2¼ percent Treasury Certificates of Indebtedness of Series C-1956. The amount of the offering is $2,750,000,000, or thereabouts. The books will be open only on October 3, 1955 for the receipt of subscriptions.

II. *Description of certificates.* 1. The certificates will be dated October 11, 1955, and will bear interest from that date at the rate of 2¼ percent per annum, payable with the principal at maturity on June 22, 1956. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will be accepted at par plus accrued interest to maturity in payment of income and profits taxes due on June 15, 1956.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit, but will be restricted in each case to an amount not exceeding one-half of the combined capital, surplus and undivided profits, of the subscribing bank. Subscriptions from all others must be accompanied by payment of 5 percent of the amount of certificates applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 5 percent payment in excess of 5 percent of the amount of certificates allotted may be released upon the request of the subscribers.

2. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for certificates allotted hereunder must be made or completed on or before October 11, 1955, or on later allotment. In every case where payment is not so completed, the payment with application up to 5 percent of the amount of certificates allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for certificates allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 55-8085; Filed, Oct. 5, 1955; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11180; FCC 55M-837]

BILL MATHIS

NOTICE OF HEARING

In re application of Bill Mathis, Abilene, Texas, Docket No. 11180, File No. BP-8917; for construction permit.

Pursuant to an order issued by the Federal Communications Commission on September 21, 1955, in which it determined, among other things, that a hearing in the above-entitled proceeding is necessary to resolve the issues therein, notice is hereby given that such hearing is scheduled to be held in the offices of this Commission at 10:00 o'clock a. m., on Thursday, November 3, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Dated: September 30, 1955.

[F. R. Doc. 55-8092; Filed, Oct. 5, 1955; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JOSEPH FABRE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Joseph Fabre, Marseille, France, $18,126.28 in the Treasury of the United States. Claim No. 61930, Vesting Order No. 17995.

Executed at Washington, D. C., on September 29, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 55-8087; Filed, Oct. 5, 1955; 8:53 a. m.]

Office of the Attorney General

[Order No. 100-55]

OFFICE OF ALIEN PROPERTY

AMENDMENT TO ORDER OF ESTABLISHMENT

The order establishing the Office of Alien Property, as amended, 16 F. R. 6895, is hereby amended to read as follows:

1. There is created in the Department of Justice the Office of Alien Property, at the head of which shall be a Director.

2. Subject to the provisions of Departmental Order No. 75-55, dated February 25, 1955, all the authority, rights, privileges, powers, duties, and functions vested in or transferred to the Attorney General by Executive Orders No. 9788 of October 14, 1946, No. 9989 of August 20, 1948, No. 10244 of May 17, 1951, No. 10254 of June 15, 1951, and No. 10587 of January 13, 1955, are hereby placed in the Office of Alien Property, Department of Justice.

(R. S. 161, 5 U. S. C. 22; sec. 5, 40 Stat. 415, as amended, 50 U. S. C. App. 5; Reorganization Plan No. 2 of 1950, 64 Stat. 1261; E. O. 8389 April 10, 1940, 5 F. R. 1400, as amended by E. O. 8785, June 14, 1941, 6 F. R. 2897; E. O. 8832, July 26, 1941, 6 F. R. 3715; E. O. 8963, Dec. 9, 1941, 6 F. R. 6348; E. O. 8998, Dec. 26, 1941, 6 F. R. 6785, 3 CFR, 1943 Cum. Supp.; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9788, Oct. 14, 1946, 3 CFR, 1946 Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891, 3 CFR, 1948 Supp.; E. O. 10244, May 17, 1951, 16 F. R. 4639, 3 CFR, 1951 Supp.; E. O. 10254, June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp.; E. O. 10587, Jan 13, 1955, 20 F. R. 361)

Dated: March 15, 1955.

[SEAL] HERBERT BROWNELL, JR.,
Attorney General.

[F. R. Doc. 55-8088; Filed, Oct. 5, 1955; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 69297]

CALIFORNIA

PARTIALLY REVOKING DEPARTMENTAL ORDER OF MAY 7, 1908, REVOKING DEPARTMENTAL ORDERS OF MARCH 27, 1908 AND AUGUST 22, 1908, WHICH WITHDREW NATIONAL FOREST LANDS FOR ADMINISTRATIVE SITES

SEPTEMBER 29, 1955.

Upon recommendation of the Department of Agriculture and in accordance with Departmental Order No. 2583, sec. 2.22 (a) of August 16, 1950, it is ordered as follows:

1. The order of the First Assistant Secretary of the Interior of May 7, 1908, reserving lands in the Stanislaus National Forest for use of the Forest Service, Department of Agriculture, as the Buckskin Administrative Site, is hereby revoked so far as it affects the following-described land:

MOUNT DIABLO MERIDIAN

T. 7 N., R. 21 E.,
Sec. 1, SE¼SE¼;
Sec. 12, E½NE¼, NE¼SE¼.

The areas described aggregate 160 acres.

2. The order of the First Assistant Secretary of the Interior of March 27, 1908, withdrawing the following-described public lands in the Stanislaus National Forest for use of the Forest Service, Department of Agriculture, as the Sierra Gem Administrative Site, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 3 N., R. 24 E.,
Sec. 22, E½NW¼SW¼, W½NE¼SW¼, SE¼SE¼;
Sec. 23, W½SW¼SW¼;
Sec. 26, NW¼SW¼;
Sec. 27, NE¼NE¼NE¼.

The areas described aggregate 150 acres.

3. The order of the First Assistant Secretary of the Interior of August 22, 1908, withdrawing the following-described public lands in the Mono National Forest for use of the Forest Service, Department of Agriculture, as the Big Hole Administrative Site, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 7 N., R. 23 E.,
Sec. 17, SW¼NW¼, NW¼SW¼;
Sec. 18, SE¼NE¼, NE¼SE¼.

The areas described aggregate 160 acres.

4. Subject to any valid existing rights and to the requirements of applicable law, the released lands are hereby opened to such applications, selections, and locations as are permitted on national forest lands, including the filing of applications and offers under the mineral-leasing laws and locations under the mining laws, as follows:

(1) Applications and offers under the mineral-leasing laws may be presented to the Manager, Bureau of Land Management, Sacramento, California, beginning on the date of this order. All such applications filed prior to 10:00 a. m. on November 4, 1955, will be considered as simultaneously filed at that hour. Rights under such applications and offers filed after that hour will be governed by the time of filing.

(2) The lands will be open to mining location under the United States mining laws, beginning at 10:00 a. m. on November 4, 1955.

Inquiries concerning applications and offers under the mineral-leasing laws and locations under the mining laws shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California. Other inquiries shall be addressed to the Regional Forester, Smith Building, 1479 Wells Avenue, Reno, Nevada.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55-8050; Filed, Oct. 5, 1955; 8:45 a. m.]

[Misc. 771486]

COLORADO

PARTIALLY REVOKING ORDER OF AUGUST 7, 1918, WHICH OPENED LANDS UNDER THE FOREST HOMESTEAD ACT

SEPTEMBER 29, 1955.

Upon request of the Department of Agriculture and pursuant to the authority delegated by Departmental Order No. 2583, Section 2.22 (a) of August 16, 1950, it is ordered as folows:

The Departmental order of August 7, 1918, opening lands in the Pike National Forest for entry under the act of June 11, 1906, as amended (34 Stat. 233; 16 U. S. C. secs. 506–509), is hereby revoked so far as it affects the lands hereinafter described:

(List No. 2-2314)

SIXTH PRINCIPAL MERIDIAN

T. 10 S., R. 73 W.,
Sec. 5, NE¼NW¼ of lot 4, NW¼NE¼ of lot 4, E½NE¼ of lot 4, S½S½ of lot 4;
Sec. 6, N½N½ of lot 2;
Sec. 9, N½SW¼SW¼SE¼, SE¼SE¼SE¼SW¼.
T. 9 S., R. 74 W.,
Sec. 8, W½NW¼SE¼, SW¼SW¼NE¼;
Sec. 22, W½NW¼SW¼;
Sec. 26, S½NE¼NW¼, N½SE¼SE¼.

The areas described aggregate 129.68 acres.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55-8051; Filed, Oct. 5, 1955; 8:45 a. m.]

[Misc. 69328]

UTAH

PARTIALLY REVOKING DEPARTMENTAL ORDERS OF JANUARY 21, 1908, AND OCTOBER 30, 1908, WHICH WITHDREW LANDS FOR USE OF FOREST SERVICE AS HUB ADMINISTRATIVE SITE

SEPTEMBER 29, 1955.

Upon recommendation of the Department of Agriculture and in accordance with Departmental Order No. 2583, sec. 2.22 (a) of August 16, 1950, it is ordered as follows:

The orders of the First Assistant Secretary of the Interior of January 21, 1908 and October 30, 1908, reserving public lands within the Uinta National Forest, Utah, for use of the Forest Service as the Hub Ranger Station Administrative Site, are hereby revoked so far as they affect the following-described lands:

UINTA MERIDIAN

T. 2 S., R. 12 W.,
Sec. 21, S½SW¼SW¼SE¼;
Sec. 28, SW¼NW¼NE¼NE¼, N½NW¼NW¼NE¼, SE¼NW¼NW¼NE¼, W½NE¼NW¼NE¼, SE¼NE¼NW¼NE¼.

The tracts described contain 22.5 acres.

Subject to any valid existing rights and to the requirements of applicable law, the released lands are hereby opened to such applications, selections and locations as are permitted on national forest lands, including the filing of applications and offers under the mineral-leasing laws and locations under the mining laws, as follows:

(1) Applications and offers under the mineral-leasing laws may be presented to the Manager, Bureau of Land Management, Salt Lake City, Utah, beginning on the date of this order. All such applications filed prior to 10:00 a. m. on November 4, 1955, will be considered as simultaneously filed at that hour. Rights under such applications and offers filed after that hour will be governed by the time of filing.

(2) The lands will be open to mining location under the United States mining laws, beginning at 10:00 a. m. on November 4, 1955.

Inquiries concerning applications and offers under the mineral-leasing laws and locations under the mining laws shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah. Other inquiries shall be addressed to the Regional Forester, Forest Service Building, Ogden, Utah.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55-8052; Filed, Oct. 5, 1955; 8:46 a. m.]

[Misc. 783114]

OREGON

REVOKING DEPARTMENTAL ORDER OF OCTOBER 10, 1918, WHICH OPENED LANDS UNDER FOREST HOMESTEAD ACT

SEPTEMBER 29, 1955.

Upon request of the Department of Agriculture and pursuant to the authority delegated by Departmental Order No. 2583, Section 2.22 (a) of August 16, 1950, it is ordered as follows:

The Departmental order of October 10, 1918, opening lands in the Rogue River National Forest, Oregon, for entry under the act of June 11, 1906, as amended (34 Stat. 233; 16 U. S. C. secs. 506–509), is hereby revoked:

(List No. 6-3030)

WILLAMETTE MERIDIAN

T. 38 S., R. 3 W.,
Sec. 14, lots 1, 2, 3, and 5.

The tracts described contain 56.30 acres.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55-8053; Filed, Oct. 5, 1955; 8:46 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 106

SEPTEMBER 27, 1955.

By virtue of the authority contained in the Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended and pursuant to Delegation of Authority contained in section 1.9 (o) Order No. 541 of April 21, 1954, Bureau of Land Management, it is ordered as follows:

1. Subject to valid existing rights, the public lands hereinafter described, which are situated in the Fairbanks, Alaska, Land District, are hereby classified as chiefly valuable for residence and business site purposes, as hereinafter indicated, for lease and sale under the Small Tract Act of June 1, 1938, supra:

FAIRBANKS AREA—EIELSON UNIT

FOR LEASE AND SALE—FOR RESIDENCE OR BUSINESS SITES

Fairbanks Meridian

T. 4 S., R. 3 E.,
Section 1: Lots 15, 18, 23, 26, 27, 30, 31, 34, 35, 38, 39, 42, 43, 46, 47, 50, 54, 55, 59, 62, 63, 66, 67, 70, 71, 74, 75, 78, 79, 82 and NW¼SW¼NW¼SE¼, NE¼SW¼NE¼, SW¼, SE¼SW¼NE¼SW¼, SW¼SW¼NW¼SE¼.

Comprising 30 tracts aggregating 91.91 acres.

2. The classification of the above-described lands segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands involved are located approximately 30 miles south and east of Fairbanks, lying immediately south of Eielson Air Force Base. All the tracts are adjacent to the Richardson Highway right-of-way and are readily accessible the year around. The area is flat, level, generally well drained and suitable for residence or business use purposes. The vegetative cover consists of black spruce, larch, birch and aspen. The soils are composed largely of micaceous, fine-grained alluvium, generally underlaid with permafrost at shallow depths. Aside from being serviced by the public road system, there are no other utilities available in the area. Stores, churches, and other public services are available at North Pole, Alaska, Mile Post 18 of the Richardson Highway.

4. The individual tracts vary in size from 1.08 to 4.87 acres. The supplemental plat of survey showing the location of each tract can be secured for $1.00 from the Area Cadastral Engineering Office, Bureau of Land Management, Juneau, Alaska. Brochures which describe the area and contain sketch maps of the platting of the small tracts can be obtained free of charge from the Manager, Fairbanks Land Office, Fairbanks, Alaska. The appraised values of the tracts vary from $280 to $660 per lot as shown below. As indicated on the "Appraisal Schedule", each lot is subject to a 50 foot easement for future east and west roadways joining the Richardson Highway. Each lot adjoins the right-of-way reserve of the Richardson Highway, which consists of a 150 foot parcel of land lying on either side of the centerline. The corners of these lots are not monumented by subdivisional survey markings, however, identification can be determined from temporary stakes located on the Highway shoulder and reference to a sketch map contained in the brochure concerning this small tract unit.

FAIRBANKS AREA—EIELSON SMALL TRACT UNIT—APPRAISAL SCHEDULE

Official description	Acreage	Advance rental (2 years)	Easements (50 feet)	Appraised value
Fairbanks Meridian, T. 4 S., R. 3 E., Section 1, Lot:				
15	1.58	$32	N	$320
18	1.08	28	N	280
23	1.46	32	S	320
26	1.23	28	S	280
27	3.27	50	N N	500
30	1.91	36	N N	360
31	2.36	40	S	400
34	2.82	44	S	440
35	4.87	66	N N	660
38	2.81	44	N N	440
39	3.26	50	S	500
42	4.42	60	S	600
43	3.96	56	N N	560
46	3.72	54	N N	540
47	4.16	58	S	580
50	3.52	52	S	520
54	2.12	38	N	380
55	2.61	42	S	420
59 and NW¼SW¼NW¼SE¼	4.43	60	N	600
62 and NE¼SW¼NE¼SW¼	3.22	48	N	480
63 and SE¼SW¼NE¼SW¼	3.94	56	S	560
66 and SW¼SW¼NW¼SE¼	3.68	54	S	540
67	2.93	46	N N	460
70	2.19	38	N N	380
71	2.94	46	S	460
74	2.18	38	S	380
75	3.93	56	N N	560
78	3.69	54	N N	540
79	4.44	60	S	600
82	3.18	48	S	480

5. Leases will be issued for a term of two years and will contain an option to purchase in accordance with 43 CFR 257.13 (Circular 1899). Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above at any time during the term of their leases providing that they have either (a) constructed the improvements specified in paragraph 6 or (b) filed a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required to either (a) construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet at least the following minimum standards. The home must be insulated and be suitable for year-round occupancy, be on a permanent foundation, contain at least 192 square feet of floor space (outside measure), and contain a minimum of one door and one window. The home must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed. Business structures must be suitable for the purpose indicated in the lease.

7. Beginning at 10:00 a. m., on October 19, 1955, the lands will be open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans through a legally authorized representative, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Fairbanks Land Office, Fairbanks, Alaska.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and submitted to the above-named official prior to 10:00 a. m. on November 9, 1955. A drawing will be held on that date to select the successful entrants who will be sent copies of the lease form, Form 4–776, with instructions as to their execution and return and as to payment of fees and rentals. All entrants will be notified of the results of the drawing.

For a period of 91 days or until the close of business on February 7, 1956, any tracts remaining unappropriated will be subject to filing in the order received by qualified veteran applicants. Such filings will be executed upon the lease form, Form 4–776.

During the 21-day period extending between 10:00 a. m. on January 18, 1956, and February 8, 1956, drawing-entry cards will be accepted from the general public on any unappropriated parcels of the subject land, however, during this 21-day period veteran priority rights still prevail. A drawing will be held at 10:00 a. m. on February 8, 1956, to select successful entrants, after which the unappropriated portions of the subject land will be open to application under this classification in order of filing. All entrants will be notified of the results of the drawing and successful entrants will be sent copies of the lease forms with instructions as to their execution. Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge.

The filing of the lease form, Form 4–776, must be accompanied by a filing fee of $10.00 plus the advance rental specified above. The advance rental for residence sites is determined as being a sum which amounts to 1/20th of the appraised value of the land for each of two years under lease, however, the minimum rental will be $5.00 per tract per year. The annual rental on tracts leased for business purposes will be 1/20th or $20.00 minimum to be adjusted at the end of the lease year in accordance with a percentage of the gross income as specified on lease Form 4–776. The advance rental for any unexpired full lease year, if any, subsequent to the filing of the application to purchase, will be subtracted from the sale price of the land as shown above. Failure to transmit the filing fee and the advance rental with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. All valid applications filed prior to December 2, 1938, will be granted the preference right provided for by 43 CFR 257.5 (a).

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-8054; Filed, Oct. 5, 1955; 8:46 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION NO. 107

SEPTEMBER 27, 1955.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands, totalling 34.52 acres in the Anchorage Land District, Alaska, as suitable for lease and sale for residence or business purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

KENAI AREA—UNIT NO. 6

FOR LEASE AND SALE—FOR RESIDENCE OR BUSINESS SITES

Seward Merdian

T. 6 N., R. 12 W.,
Sec. 11: Lots 1 and 2.

Containing 34.52 acres.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to the date of the signing of this order will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a). The subject land is embraced in a Special Land Use Permit (Anchorage 021376) issued to Raymond F. Trotochau.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55–8055; Filed, Oct. 5, 1955; 8:46 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 108

SEPTEMBER 30, 1955.

By virtue of the authority contained in the Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended and pursuant to Delegation of Authority contained in Section 1.9 (o) Order No. 541 of April 21, 1954, Bureau of Land Management, it is ordered as follows:

1. Subject to valid existing rights, the public lands hereinafter described, which are situated in the Anchorage, Alaska Land District, are hereby classified as chiefly valuable for residence site purposes, as hereinafter indicated, for lease and sale under the Small Tract Act of June 1, 1938, supra:

SITKA AREA—THIMBLEBERRY BAY UNIT

FOR LEASE AND SALE—FOR RESIDENCE SITES

U. S. Survey 3302: Lots 1–19, 19A, 20, 20A, 21–27.
U. S. Survey 3249: Lot 2.

Comprising 30 lots aggregating 88.72 acres.

2. The classification of the above-described lands segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands involved are located approximately 2½ to 3 miles southeast of Sitka, Alaska via the South Sitka Highway. Most of the lots are on the upper side of the Highway but a few lots are on the beach side of the Highway near the Forest Service boundary. Exposure is generally south and some lots contain excellent views of Sitka Sound. The area is covered with a non-commercial stand of hemlock, cedar and spruce, with the hemlock and cedar predominant. The undergrowth is generally heavy, consisting of reproduction and local shrubs. Soils are generally thin with some rock outcroppings present. The area is not presently served with any form of electric energy or telephone service. Stores, churches, schools and other public services are available in Sitka.

4. The individual tracts vary in size from 1.43 to 4.93 acres. The supplemental plat of survey showing the location of each tract can be secured for $1.00 from the Area Cadastral Engineering Office, Bureau of Land Management, Juneau, Alaska. Brochures which describe the area and contain sketch maps of the platting of the small tracts can be obtained free of charge from the Manager, Anchorage Land Office, Anchorage, Alaska. The appraised values of the tracts vary from $140 to $360 per lot as shown below.

As shown below on the Appraisal Schedule, some of the lots are subject to the easement for the right-of-way of the South Sitka Highway which extends 50 feet on either side of the centerline. The lots vary in the width of the right-of-way they embrace, however, the exact area subject to this easement can be determined from the official plat of survey, U. S. Survey No. 3302. Leases and subsequent patents, if issued, shall note the existence of this easement.

Lots 3, 4, 5, 6, 12, 13, 14, 15 and 25 are subject to easement for existing powerline and leases and subsequent patents will be subject to Section 24 of the Federal Power Act.

SITKA AREA SMALL TRACTS—THIMBLEBERRY BAY GROUP—APPRAISAL SCHEDULE

Official description	Acreage	Advance rental (2 years)	Easements	Appraised value
U. S. Survey 3302, Lot:				
1	2.63	$22	SW 100 ft.	$220
2	1.85	20	SW 100 ft.	200
3	3.03	24	(1 2)	240
4	4.58	32	(1 2)	320
5	4.36	32	(1 2)	320
6	4.91	32	(1 2)	320
7	3.15	24	(1)	240
8	3.20	24	(1)	240
9	1.57	16	(1)	160
10	1.91	16	(1)	160
11	2.60	22	SW 100 ft.	220
12	2.60	22	SW 100 ft. 2	220
13	2.60	22	SW 100 ft. 2	220
14	2.60	22	SW 100 ft. 2	220
15	2.96	22	(1 2)	220
16	2.78	24	SW 50 ft.	240
17	1.56	14	(1)	140
18	2.72	22	NE 50 ft.	220
19	3.05	24	NE 50 ft.	240
19A	2.47	28	None	280
20	2.96	22	(1)	220
20A	3.08	28	None	280
21	4.61	34	(1)	340
22	2.98	34	(1)	340
23	1.43	16	None	160
24 4	1.60	20	(1)	200
25 4	2.64	32	(1 3)	320
26	4.06	32	(1)	320
27 4	4.16	36	None	360
U. S. Survey 3249, Lot 2.	4.93	34	None	340

1 Unless otherwise specified these lots are subject to an easement for the existing South Sitka Highway which easement varies in width from zero to 100 feet. This is due to the method of survey and relocation of highway, and for accurate location the plat of survey or the Bureau of Public Roads rights-of-way maps should be consulted.

2 Subject to easement for existing powerline and patents will be subject to section 24 of the Federal Power Act covering said powerline right-of-way.

3 Subject to preference right by virtue of Petition for Classification under Small Tract Act and therefor not available for competitive filing.

4 Subject to preference right by virtue of Notice of Location and therefor not available for competitive filing.

5. Leases will be issued for a term of two years and will contain an option to purchase in accordance with 43 CFR 257.13 (Circular 1899). Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above at any time during the term of their leases providing that they have either (a) constructed the improvements specified in paragraph 6 or (b) filed a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required to either (a) construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet at least the following minimum standards. The home must be insulated and be suitable for year-around occupancy, be on a permanent foundation, contain at least 192 square feet of floor space (outside measure), and contain a minimum of one door and one window. The home must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed.

7. Beginning at 10:00 a. m. on October 6, 1955, the lands will be open for filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans through a legally authorized representative, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Anchorage Land Office, Anchorage, Alaska.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and submitted to the above-named official prior to 10:00 a. m. on October 27, 1955. A drawing will be held on that date to select the successful entrants who will be sent copies of the lease form, Form 4–776, with instructions as to their execution and return and as to payment of fees and rentals. All entrants will be notified of the results of the drawing.

For a period of 91 days or until the close of business on January 25, 1956, any tracts remaining unappropriated will be subject to filing in the order received by qualified veteran applicants. Such filings will be executed upon the lease form, Form 4–776.

During the 21 day period extending between 10:00 a. m., on January 5, 1956, and January 26, 1956, drawing-entry cards will be accepted from the general public on any unappropriated parcels of the subject land, however, during this 21 day period veteran priority rights still prevail. A drawing will be held at 10:00 a. m. on January 26, 1956, to select successful entrants, after which the unappropriated portions of the subject land will be open to application under this classification in order of filing. All entrants will be notified of the results of the drawing and successful entrants will be sent copies of the lease forms with instructions as to their execution. Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge.

The filing of the lease form, Form 4–776, must be accompanied by a filing fee of $10.00 plus the advance rental specified above. The advance rental for residence sites is determined as being a sum which amounts to 1/20th of the appraised value of the land for each of two years under lease, however, the minimum rental will be $5.00 per tract per year. The advance rental for any unexpired full lease year, if any, subsequent to the filing of the application to purchase, will be subtracted from the sale price of the land as shown above. Failure to transmit the filing fee and the advance rental with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. All valid applications filed prior to the effective date of this order will be granted the preference right provided for by 43 CFR 257.5 (a).

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55–8056; Filed, Oct. 5, 1955; 8:47 a. m.]

UTAH

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

A plat of survey of each township as described below will be officially filed in the Land Office, Salt Lake City, Utah, effective at 10:00 a. m. on November 2, 1955:

SALT LAKE MERIDIAN

T. 26 S., R. 10 E.,
Sections 2, 16, 32, and 36.

Area surveyed: 2,577.36 acres. Plat of survey accepted August 3, 1955.

T. 27 S., R. 10 E.,
Sections 2, 16, 31, 32, and 36.

Area surveyed: 3,218.29 acres. Plat of survey accepted August 3, 1955.

Public lands included in surveys aggregate 660.06 acres.

The primary purpose of these surveys was to accommodate the right of the State of Utah under Grant for Common Schools in the Act of July 16, 1894 (28 Stat. 107). It is presumed that the right of the State of Utah attached to Sections 2, 16, 32, and 36, of the above described townships on the date of acceptance of plats of survey, subject to valid existing rights and the provisions of existing withdrawals. Therefore, preference rights of veterans of World War II and the Korean conflict, and others, as provided for by the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, do not attach to these sections.

The soil of the lands in these townships is very poor quality and is very limited in supporting plant and animal life. Owing to the soft composition of the soil and lack of vegetation, the area is under a state of rapid erosion.

No application for these lands will be allowed under the homestead, desert-land small-tract, or any other nonmineral public-land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands in Section 31, Township 27 South, Range 10 East, of the Salt Lake Meridian, Utah, are hereby open to filing of applications in accordance with the following:

a. Applications under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on November 2, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on February 1, 1956, will be governed by the time of filing.

3. All valid applications under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on February 1, 1956, will be considered as simultaneously filed at that hour. Rights under such applications filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under Paragraph (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to Manager, Land Office, Room 312 Federal Building, P. O. Box 777, Salt Lake City 10, Utah.

WM. N. ANDERSEN,
State Supervisor.

SEPTEMBER 27, 1955.

[F. R. Doc. 55–8057; Filed, Oct. 5, 1955; 8:47 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 29, 1955.

The Bureau of Land Management has filed an application, Serial No. C–012310, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including mineral leasing and location under the mining laws. The applicant desires the land for the purpose of conducting various desert range land studies in the Badger Wash Area by the Bureau of Land Management, U. S. Forest Service, U. S. Geological Survey and U. S. Bureau of Reclamation.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 8 S., R. 103 W.,
Sec. 19: Lots 6, 7, 8, and Lot 12 of Tract 56;
Sec. 30: Lots 5, 6, 7, and Lots 10 and 11 of Tract 56;
Sec. 31: Lots 5, 6, 7, 8, 10, 11, 12, 13, 14 and 15.
T. 8 S., R. 104 W.
Sec. 24: E½; S½NW¼; E½SW¼; NW¼SW¼;
Sec. 25: All;
Sec. 26: SE¼NE¼; SE¼;
Sec. 35: E½; E½SW¼;
Sec. 36: All.

T. 9 S., R. 103 W.,
Sec. 6: Lots 3 and 4.

The area described above aggregates approximately 3,119.91 acres.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 55-8058; Filed, Oct. 5, 1955; 8:47 a. m.]

Bureau of Reclamation

MISSOURI RIVER BASIN PROJECT, MONTANA

FIRST FORM RECLAMATION WITHDRAWAL

MAY 5, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5005), I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by Section 3 of the Act of June 17, 1902 (32 Stat. 388):

MONTANA PRINCIPAL MERIDIAN

T. 30 N., R. 2 E.,
Sec. 24, SE¼SE¼;
Sec. 26, E½SW¼, W½SE¼;
Sec. 27, NW¼NE¼.
T. 30 N., R. 3 E.,
Sec. 28, NE¼NW¼;
Sec. 30, NE¼NW¼, NW¼NE¼.

The above areas aggregate 360.0 acres.

E. G. NIELSEN,
Assistant Commissioner.

[Montana—016008]

SEPTEMBER 29, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Missouri River Basin Project, Montana.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Montana, for use in connection with the proposed Lower Marias Unit, Marias Division, Missouri River Basin Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the Determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
Assistant Commissioner.

[F. R. Doc. 55-8059; Filed, Oct. 5, 1955; 8:47 a. m.]

Office of the Secretary

[Order 2802]

DIRECTOR, NATIONAL PARK SERVICE

DELEGATION OF AUTHORITY TO NEGOTIATE FOR SERVICES OF ARCHITECTURAL FIRMS

SEPTEMBER 29, 1955.

SEC. 1. *Delegation of authority.* (a) The Director, National Park Service, is authorized to exercise, subject to the provisions of paragraph (b) of this section, the authority delegated by the Administrator of General Services (20 F. R. 6111) to the Secretary of the Interior, for the period ending June 30, 1957, to negotiate, without advertising, under section 302 (c) (4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., sec. 252 et seq.), contracts for the services of architectural firms in connection with the construction activities of the National Park Service in Yosemite, Grand Canyon, and Grand Teton National Parks, located in California, Arizona, and Wyoming, respectively, and other areas under the administrative jurisdiction of the National Park Service.

(b) The authority granted in paragraph (a) of this section shall be exercised in accordance with the applicable limitations and requirements in the Act, particularly sections 304 and 307, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

SEC. 2. *Redelegation.* The Director, National Park Service, may, in writing, redelegate or authorize written redelegation of the authority granted in section 1 of this order. Each such redelegation shall be published in the FEDERAL REGISTER.

F. E. WORMSER,
Acting Secretary of the Interior.

[F. R. Doc. 55-8060; Filed, Oct. 5, 1955; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SEPTEMBER 1955 DOMESTIC AND EXPORT SALES LIST; AMENDMENT

SALES OF CERTAIN COMMODITIES

The September 1955 Domestic and Export Sales List (20 F. R. 6805) is amended with respect to rough and milled rice, soybeans and dry skim milk and such commodities are available for sale, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669), and subject to the conditions stated therein, in the quantities stated and on the price basis set forth:

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Rice, rough	*Export sales:* The 1955 support rate f. a. s., west Gulf Ports (port of CCC option), effective Sept. 1.
Rice, milled	*Export sales:* At prices quoted in August Export Sales List, f. a. s., West Gulf Ports (port of CCC option), effective Sept. 1, except U. S. No. 5 (35 percent brokens) 1953 crop lowered to $6 and price support Group IV varieties of 1954 crop to $6.49 per hundredweight, effective Sept. 13.
Soybeans (remaining stocks about 500,000 bushels).	*Domestic or export sales:* The market price, effective Sept. 14. Domestic sales for crushing only. Available through Chicago, Kansas City and Minneapolis CSS Commodity Offices.
Dry skim milk	*Export sales:* Restricted use (animal and poultry feed). Competitive bid under Announcement LD-20 f. a. s., port of export. Offers to be considered on and after Sept. 15 by the Livestock and Dairy Division, Washington 25, D. C.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: September 30, 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-8105; Filed, Oct. 5, 1955; 8:55 a. m.]

Office of the Secretary

PARK COUNTY, WYO.

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2(a)), as amended, it has been determined that in Park County, Wyoming a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

After December 31, 1956, production emergency loans will not be made in the above-named county except to borrowers who are indebted for such loans.

Done at Washington, D. C., this 30th day of September 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-8113; Filed, Oct. 5, 1955; 8:57 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522) special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24 as amended April 19, 1955, 20 F. R. 2304).

Ann Lee Frocks, Inc., 631 Fellows Avenue, Lyndwood, Pa., effective 9-15-55 to 9-14-56; 10 learners for normal labor turnover purposes (dresses).

Blue Bell, Inc., Rupley, Miss., effective 9-25-55 to 9-24-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

C. B. S. Dress Co., Inc., 116 Second Avenue, Henderson, Ky., effective 10-8-55 to 10-7-56; 5 learners for normal labor turnover purposes (women's and misses' cotton dresses).

Carwood Manufacturing Co., Monroe Plant No. 2, Atlanta Highway, Monroe, Ga.; effective 9-14-55 to 2-29-56; 40 learners for plant expansion purposes (men's and boys' cotton work clothing).

Elberton Manufacturing Co., Elberton, Ga., effective 9-15-55 to 9-14-56; 10 learners for normal labor turnover purposes (ladies' blouses).

Elizabethtown Manufacturing Co., Elizabethtown, N. C., effective 9-15-55 to 2-29-56; 30 learners for plant expansion purposes (cotton dresses).

Foster Bros. Manufacturing Co., P. O. Box 312, Luverne, Ala., effective 9-16-55 to 9-15-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' trousers).

Goldstone Bros., 300 Main Street, Petaluma, Calif., effective 9-19-55 to 9-18-56; 5 learners for normal labor turnover purposes (men's work clothes).

Goldstone Bros., 26 Sebestopel Avenue, Santa Rosa, Calif., effective 9-19-55 to 9-18-56; 5 learners for normal labor turnover purposes (men's work clothing).

Guin Manufacturing Corp., 22 Southside Eleventh Avenue, Guin, Ala., effective 9-19-55 to 9-18-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

The Jerold Corp., P. O. Box 708, Smithfield, N. C., effective 9-15-55 to 2-29-56; 10 learners for plant expansion purposes (outerwear, jackets and sportswear).

The Jerold Corp., P. O. Box 708, Smithfield, N. C., effective 9-15-55 to 9-14-56; 10 learners for normal labor turnover purposes (outerwear, jackets and sportswear).

Liberty Trouser Co., 2205-11 2217 First Avenue North, Birmingham, Ala., effective 9-15-55 to 9-14-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' overalls, trousers and dungarees).

Mauston Manufacturing Co., 424 LaCrosse Street, Mauston, Wis., effective 9-15-55 to 9-14-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's cotton dresses).

Oberman Manufacturing Co., Morrillton, Ark., effective 9-16-55 to 2-29-56; 10 learners for plant expansion purposes (men's and boys' single pants).

Opp Textiles, Inc., 307-09 Rear South Side Cummins Avenue, Opp, Ala., effective 9-15-55 to 9-14-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (hunting coats, pants, ski vests, parka, etc.)

Pierro Manufacturing Co., 20½ Commercial Avenue, Sanford, Fla., effective 9-15-55 to 9-14-56; 5 learners for normal labor turnover purposes (men's and boys' pajamas and shirts).

Pike Garments, Inc., Troy, Ala., effective 9-14-55 to 2-29-56; 25 learners for plant expansion purposes (men's and boys' pajamas).

Ridge Springs Garment Co., Stapleton, Ga., effective 9-15-55 to 2-29-56; 15 learners for plant expansion purposes (jackets).

Boris Smoler & Sons, Inc., 600-620 Crawford Avenue, Elkhart, Ind., effective 9-19-55 to 9-18-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton and synthetic dresses).

Boris Smoler & Sons, Inc., 507 Jefferson Street, La Porte, Ind., effective 9-19-55 to 9-18-56; 10 learners for normal labor turnover purposes (cotton and synthetic dresses).

Springfield Garment Manufacturing Co., Springfield, Mo., effective 9-13-55 to 9-12-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and semidress trousers).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended April 19, 1955, 20 F. R. 2304).

C. W. Anderson Hosiery Co., Inc., Clinton, S. C., effective 9-30-55 to 9-29-56; 5 learners for normal labor turnover purposes (full-fashioned hose).

Chattanooga Mills, Inc., Summerville, Ga., effective 9-14-55 to 9-14-56; 5 learners for normal labor turnover purposes (seamless).

Francis-Louise Full Fashion Mills, Inc., Valdese, N. C., effective 9-16-55 to 2-29-56; 25 learners for plant expansion purposes (full-fashioned).

Liberty Hosiery Mills, Inc., Liberty, N. C., effective 9-20-55 to 9-19-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304).

Brumby Knitting Mills, Young Harris, Ga., effective 9-14-55 to 2-29-56; 20 learners for plant expansion purposes (cotton knitted underwear; men's and boys' outerwear).

Dixie Belle Textiles, Gibsonville, N. C., effective 9-15-55 to 2-29-56; 10 learners for plant expansion purposes (ladies' and children's knitted underwear; ladies' and children's woven underwear).

Dixie Belle Textiles, Gibsonville, N. C., effective 9-15-55 to 9-14-56; 5 learners for normal labor turnover purposes (ladies' and children's knitted underwear; ladies' and children's woven underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Stony Point Chair and Bench Co., Route 1, Stony Point, N. C., effective 9-14-55 to 2-29-56; 7 learners for normal labor turnover purposes; in occupation of hand-woven bag and rug makers, 240 hours, at 65 cents an hour (ladies' hand woven bags, and rugs).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Esquire Manufacturing Corp., State Road No. 3, Km. 83.6 Humacao, P. R., effective 9-6-55 to 3-5-56; 100 learners on any one work day in the occupations hereinafter listed: Sewing machine operators, final pressers, cutters, and spreaders each 160 hours at 30 cents an hour; 160 hours at 36 cents an hour; and 160 hours at 42 cents an hour. Machine operations other than hand sewing, marking, collar turning, and snapping each 160 hours at 36 cents an hour. Final inspection, trimming, and matching each 160 hours at 36 cents an hour (men's and boys' pajamas).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 23d day of September 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-8061; Filed, Oct. 5, 1955; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6881 et al.]

AMERICAN AIRLINES, INC. ET AL.; FIRST-CLASS AND OTHER PREFERENTIAL MAIL RATE PROCEEDING

NOTICE OF HEARING

In the matter of the compensation to be paid to American Airlines, Inc.; Capital Airlines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; National Airlines, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; Slick Airways, Inc.; The Flying Tiger Line, Inc.; and Riddle Airlines, Inc.; for the transportation of first-class and other preferential mail (other than air mail and air parcel post) by aircraft, the facilities used and useful therefor, and the services connected therewith between Washington, D. C. and Chicago; between New York/Newark and Chicago, between New York/Newark and Jacksonville, Tampa and Miami; between Washington, D. C., and Jacksonville, Tampa and Miami; and between Chicago and Jacksonville, Tampa and Miami.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 406 and 1001 of said Act, that hearing in the above-indicated proceeding will be held on October 13, 1955, at 10 a. m., e. s. t., in Hearing Room "F", Interstate Commerce Commission, Twelfth Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., September 30, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8115; Filed, Oct. 5, 1955; 8:57 a. m.]

[Docket No. 7118]

PETER A. BERNACKI, INC. AND CROSS WORLD TRAVEL AGENCY, INC.; INTERLOCKING RELATIONSHIP

NOTICE OF HEARING

In the matter of the application of Peter A. Bernacki, Helen D. Bernacki, and Peter A. Bernacki, Inc., an air freight forwarder, for approval under sections 408 and 409 of control and interlocking relationships involving Cross World Travel Agency, Inc., a person engaged in a phase of acronautics, Docket No. 7118.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on October 12, 1955, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., October 3, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-8114; Filed, Oct. 5, 1955; 8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9411]

HUNT OIL CO.

ORDER GRANTING AND FIXING DATE FOR REHEARING

On September 9, 1955, Hunt Oil Company (Applicant), filed an Application for Rehearing and reconsideration of a letter of rejection dated August 11, 1955, by which action the Commission rescinded a prior acceptance of Applicant's FPC Gas Rate Schedule No. 13 and rejected the filing of an amendment to said Gas Rate Schedule.

In its application for rehearing, Applicant contends that it has a separate contract for the sale of gas involved in its gas rate schedule and that Applicant does not base its claims for increased gas rates upon the contract executed by the operator of the gas producing properties and the buyer Arkansas-Louisiana Gas Company.

The Commission finds:

(1) It is not clear from the terms and provisions of Applicant's FPC Rate Schedule No. 13 whether there exists a separate contract for the sale of gas involved in the said rate schedule No. 13.

(2) The application for rehearing should be granted.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 14, 15, 16, and 20, the application for rehearing filed by Hunt Oil Company on September 9, 1955, pertaining to its FPC Gas Rate Schedule No. 13 be and the same is hereby granted and a public hearing be held commencing December 12, 1955, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., covering the matters involved and the issues presented by the said application for rehearing.

(B) Applicant shall submit to the Commission, at least 5 days prior to the commencement of the hearing in its proceeding, as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Arkansas Louisiana Gas Company,

(ii) Major pipeline facilities by which the gas is transported from each well to the points of delivery to Arkansas Louisiana Gas Company,

(iii) Important pipeline facilities such as dehydration and gasoline plants, compressor stations product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(iv) All contracts and agreements, including operating agreements specifying an operator of facilities, pertaining to the gas sales transaction involved in Applicant's FPC Gas Rate Schedule No. 13.

(C) At the hearing, Applicant shall go forward first and shall present its complete case-in-chief with respect to the issues in this proceeding. Upon completion thereof, other parties to the proceeding, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(D) Following the presentation of Applicant's case and such cross-examination as is provided in paragraph (B), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in this proceeding.

(E) Upon completion of the proceeding as provided in paragraphs (B) and (C), upon request of any party to the proceedings, including Commission Staff Counsel, the hearing may be recessed by the Presiding Examiner to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State Commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 28, 1955.

Issued: September 30, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8062; Filed, Oct. 5, 1955; 8:48 a. m.]

[Docket No. G-9416]

J. M. HUBER CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

J. M. Huber Corporation (Applicant) on September 1, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of Change (undated)..	Northern Natural Gas Co...	Supplement No. 5 to FPC Gas Rate Schedule No. 2.	Oct. 2, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until March 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: September 28, 1955.

Issued: September 30, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8063; Filed, Oct. 5, 1955; 8:48 a. m.]

[Docket No. G-9417]

BYRD OIL CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Byrd Oil Corporation (Applicant) on September 2, 1955 tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of Change dated Sept. 1, 1955.	Mississippi River Fuel Corp.	Supplement No. 5 to FPC Gas Rate Schedule No. 6.	Oct. 26, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until March 26, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State Commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: September 28, 1955.

Issued: September 30, 1955.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8064; Filed, Oct. 5, 1955; 8:48 a. m.]

[Docket Nos. G-3718—G-3723; G-3726—G-3740; G-3742; G-3743 and G-4576]

TIDE WATER ASSOCIATED OIL CO.

NOTICE OF FINAL DECISION ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 29, 1955.

Notice is hereby given that the Presiding Examiner's Decision issuing certificates of public convenience and necessity in the above-designated matters was issued and served upon all parties August 29, 1955. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's Rules of Practice and Procedure, said Decision became effective on September 29, 1955, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8065; Filed, Oct. 5, 1955; 8:49 a. m.]

[2] Commissioner Digby dissenting.

[Docket No. G-2058]

GULF INTERSTATE GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 29, 1955.

Notice is hereby given that on September 23, 1955, the Federal Power Commission issued its findings and order adopted September 21, 1955, in the above-entitled matter, modifying order issuing a certificate of public convenience and necessity by removing the limitations and conditions contained in paragraph (C) (iii) of the Commission's order issued May 20, 1953, accompanying Opinion No. 251 (18 F. R. 3051), In the Matter of Gulf Interstate Gas Company, Docket No. G-2058, and paragraph (C) (iii) is hereby deleted.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8066; Filed, Oct. 5, 1955; 8:49 a. m.]

[Docket No. G-2578]

ALBERT PLUMMER

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 29, 1955.

Notice is hereby given that on September 29, 1955, the Federal Power Commission issued its findings and order adopted September 14, 1955, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8067; Filed, Oct. 5, 1955; 8:49 a. m.]

[Project No. 1574]

MANTI CITY CORP.

NOTICE OF ORDER AMENDING LICENCE

SEPTEMBER 29, 1955.

Notice is hereby given that on September 26, 1955, the Federal Power Commission issued its order adopted September 21, 1955, further amending license (Major) and dismissing application for amendment of license in the above-entitled matter.

[SEAL] LEON M. FUQAY, *Secretary.*

[F. R. Doc. 55-8068; Filed, Oct. 5, 1955; 8:49 a. m.]

[Project No. 2110]

CONSOLIDATED WATER POWER CO.

NOTICE OF ORDER ISSUING LICENSE

SEPTEMBER 29, 1955.

Notice is hereby given that on September 26, 1955, the Federal Power Commission issued its order adopted September 21, 1955, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8069; Filed, Oct. 5, 1955; 8:49 a. m.]

[Docket No. G-2505 etc.]

NORTHERN NATURAL GAS CO. ET AL

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Northern Natural Gas Company, Docket No. G-2505; Northern Natural Gas Producing Company, Docket No. G-9409; and Permian Basin Pipeline Company, Docket No. G-9410.

By order issued in Docket No. G-2505 on July 29, 1954, the Commission entered upon a public hearing concerning the lawfulness of rates, charges, and classifications contained in Northern Natural Gas Company's FPC Gas Tariff Original Volume No. 1, as proposed to be changed by First Revised Sheets Nos. 5, 6 and 9 which were tendered by Northern for filing on July 2, 1954. By the same order the Commission also suspended and deferred the use of said First Revised Sheets Nos. 5, 6 and 9 until December 27, 1954, and until such further time as they might be made effective in the manner prescribed by the Natural Gas Act. Thereafter, pursuant to appropriate motion of Northern, the First Revised Sheets Nos. 5, 6, and 9, became effective as of December 27, 1954, subject to such refunds as may hereafter be ordered by the Commission.

Pursuant to the Commission's Opinion No. 281 and the accompanying order, as modified, Northern, on July 5, 1955, filed its FPC Gas Tariff, First Revised Volume No. 1 (superseding Original Volume No. 1), which provides the tariff revisions required by said order. By order issued August 2, 1955, this First Revised Volume No. 1 of Northern's tariff was made

effective as of June 27, 1955, as to all sales of gas by Northern, subject to the jurisdiction of the Commission, subject to such refunds as may be hereafter ordered by the Commission in the proceedings in Docket No. G–2505. By this order the Commission provided that the schedule of rates and charges set forth in Northern's FPC Gas Tariff, First Revised Volume No. 1, be substituted as of June 27, 1955, for Northern's FPC Gas Tariff, Original Volume No. 1, as modified by First Revised Sheets 5, 6, and 9, subject to such refunds as may be hereafter ordered in the proceedings in Docket No. G–2505.

Concurrently herewith the Commission has adopted and issued orders instituting investigations into and concerning all rates and charges of Northern Natural Gas Producing Company and Permian Basin Pipeline Company for or in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission; and the Commission has fixed November 14, 1955, as the date for the commencement of hearings in such matters. Permian Basin Pipeline Company and Northern Natural Gas Producing Company are both subsidiaries of Northern Natural Gas Company and each is a major supplier of natural gas to the parent company. Under these circumstances it is appropriate and in the public interest that the three proceedings be consolidated for the purpose of hearing.

The Commission orders:

(A) The proceedings at Docket Nos. G–2505, G–9409, and G–9410, involving Northern Natural Gas Company, Northern Natural Gas Producing Company, and Permian Basin Pipeline Company, respectively, be and they are hereby consolidated for the purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4, 5 and 15 thereof, and the Commission's Rules of Practice and Procedure, a public hearing be held commencing on November 14, 1955, at 10:00 a. m., e. s. t., in a Hearing Room of the Commission at 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, or classifications demanded, observed, charged, or collected by Northern Natural Gas Company, Northern Natural Gas Producing Company, and Permian Basin Pipeline Company for or in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges, or classifications.

(C) Interested State Commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 28, 1955.

Issued: September 29, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–8070; Filed, Oct. 5, 1955; 8:49 a. m.]

[Docket No. G–4333]

PHILLIPS PETROLEUM CO.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On October 29, 1954, the Commission issued its order in this proceeding suspending proposed changes in rates filed by Phillips Petroleum Company (Applicant) pertaining to sales of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation (Transco).

The Commission finds: It is proper and in the public interest that this proceeding be set for hearing and that prior thereto Applicant submit the hereinafter specified material to the Commission for consideration in this proceeding.

The Commission orders:

(A) Pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 14, 15, and 16, a public hearing be held commencing November 15, 1955, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in this proceeding.

(B) Applicant submit to the Commission, at least 5 days prior to the commencement of the hearing in this proceeding as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Transco;

(ii) Major pipe line facilities by which the gas is transported from each well to the points of delivery to Transco; and,

(iii) Important pipe line facilities such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipe line facilities specified in (i) and (ii) above.

(C) At the hearing, Applicant shall go forward first and shall present its complete case-in-chief with respect to the issues in this proceeding. Upon completion thereof, other parties to the proceeding, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(D) Following the presentation of Applicant's case and such cross-examination as provided in paragraph (C), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in this proceeding.

(E) Upon completion of the proceeding as provided in paragraphs (C) and (D), upon request of any party to the proceeding, including Commission Staff Counsel, the hearing shall be recessed by the Presiding Examiner for the purpose of permitting the parties to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 28, 1955.

Issued: September 29, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–8071; Filed, Oct. 5, 1955; 8:49 a. m.]

[Docket No. G–6822]

SUNRAY MID-CONTINENT OIL CO.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On January 7, 1955, the Commission issued its order in this proceeding suspending proposed changes in rates filed by Sunray Mid-Continent Oil Company (formerly named Sunray Oil Corporation) (Applicant) pertaining to sales of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation, (Transco).

The Commission finds: It is proper and in the public interest that this proceeding be set for hearing and that prior thereto Applicant submit the hereinafter specified material to the Commission for consideration in this proceeding.

The Commission orders:

(A) Pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 14, 15, and 16, a public hearing be held commencing November 22, 1955, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented in this proceeding.

(B) Applicant submit to the Commission, at least 5 days prior to the commencement of the hearing in this proceeding as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Transco;

(ii) Major pipe line facilities by which gas is transported from each well to the points of delivery to Transco; and

(iii) Important pipe line facilities such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipe line facilities specified in (i) and (ii) above.

(C) At the hearing, Applicant shall be forward first and shall present its complete case-in-chief with respect to the issues in this proceeding. Upon completion thereof, other parties to the proceeding, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(D) Following the presentation of Applicant's case and such cross-examination as provided in paragraph (C), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in this proceeding.

(E) Upon completion of the proceeding as provided in paragraphs (C) and (D), upon request of any party to the proceeding, including Commission Staff Counsel, the hearing shall be recessed by the Presiding Examiner for the purpose of permitting the parties to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 28, 1955.

Issued: September 29, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–8072; Filed, Oct. 5, 1955; 8:50 a. m.]

[Docket No. G–9409]

NORTHERN NATURAL GAS PRODUCING CO.

ORDER INSTITUTING INVESTIGATION AND FIXING DATE OF HEARING

Northern Natural Gas Producing Company, a Delaware corporation, having its principal place of business at Omaha, Nebraska, is engaged in the production of natural gas in the States of Texas and Kansas and in the sale thereof in interstate commerce for resale for ultimate public consumption, and, therefore, is a natural-gas company within the meaning of the Natural Gas Act, as heretofore found by the Commission by order issued September 2, 1955, in Docket No. G–8589.

On the basis of data available to the Commission, it appears that the rates, charges, or classifications for or in connection with the sale or transportation of natural gas by Northern Natural Gas Producing Company, subject to the jurisdiction of the Commission, and the rules, regulations, practices, and contracts relating thereto may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds: It is necessary and proper, in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission on its own motion into and concerning all rates, charges, or classifications demanded, observed, charged, or collected by Northern Natural Gas Producing Company for or in connection with any transportation or sale of natural gas subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges or classifications.

The Commission orders:

(A) An investigation of Northern Natural Gas Producing Company be and it hereby is instituted for the purpose of enabling the Commission (1) to determine with respect to said Northern Natural Gas Producing Company whether in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, any rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential; and (2) if the Commission, after hearing has been had, shall find that any such rates, charges, or classifications, rules, regulations, practices, or contracts are unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders, just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5 and 15 thereof, and the Commission's Rules of Practice and Procedure, a public hearing be held commencing on November 14, 1955, at 10:00 a. m., e. s. t., in a Hearing Room of the Commission at 441 G Street NW., Washington, D. C., concerning the matters specified in paragraph (A) above.

(C) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 28, 1955.

Issued: September 29, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–8073; Filed, Oct. 5, 1955; 8:50 a. m.]

[Docket No. G–9410]

PERMIAN BASIN PIPELINE CO.

ORDER INSTITUTING INVESTIGATION AND FIXING DATE OF HEARING

Permian Basin Pipeline Company, a Delaware corporation, having its principal place of business at Omaha, Nebraska, owns and operates, among other facilities, a natural-gas pipeline system located in the States of Texas and New Mexico, and by such operations is engaged in the transportation and sale in interstate commerce of natural gas for resale for ultimate public consumption, and, therefore, is a natural-gas company within the meaning of the Natural Gas Act, as heretofore found by the Commission by order issued February 1, 1954, in Docket No. G–2283.

On the basis of data available to the Commission, it appears that the rates, charges, or classifications for or in connection with the sale or transportation of natural gas by Permian Basin Pipeline Company, subject to the jurisdiction of the Commission, and the rules, regulations, practices, and contracts relating thereto may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds: It is necessary and proper, in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission on its own motion into and concerning all rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential; and (2) if the Commission, after hearing has been had, shall find that any such rates, charges, or classifications, rules, regulations, practices, or contracts are unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders, just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5 and 15 thereof, and the Commission's Rules of Practice and Procedure, a public hearing be held commencing on November 14, 1955, at 10:00 a. m., e. s. t., in a Hearing Room of the Commission at 441 G Street NW., Washington, D. C., concerning the matters specified in paragraph (A) above.

(C) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 28, 1955.

Issued: September 29, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–8074; Filed, Oct. 5, 1955; 8:50 a. m.]

[Docket No. G–5165 etc.]

WESTERN OIL CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 29, 1955.

In the matters of Western Oil Company, Docket No. G–5165; Samedan Oil Corporation, et al., Docket Nos. G–5169

to G–5171, incl.; Martin Gas Company, Docket No. G–7587; John Gas Company, Docket No. G–7588; Woodall and Jackson Gas Company, Docket No. G–7589; Laurel Hill Gas Company, Docket No. G–7590; Sue Gas Company, Docket No. G–7591; Emery Gas Company, Docket No. G–7592; Triangle Gas Company, Docket No. G–7593; Templeton Gas Company, Docket No. G–7594; Houston Gas Company, Docket No. G–7595; R. H. Adkins, Trustee for Pridemore, et al., Docket No. G–7596; Hill Gas Company, Docket No. G–7597; Tincher Gas Company, Docket No. G–7598; Stockton Gas Company, Docket No. G–7599; Muriel Gas Company, Docket No. G–7600; Hoover Gas Company, Docket No. G–7601; Hamilton Creek Gas Company, Docket No. G–7602; Ethel Gas Company, Docket No. G–7603; McComas Gas Company, Docket No. G–7604; Harts Gas Company, Docket No. G–7605; Charley's Branch Gas Company, Docket No. G–7606; Elkins Branch Gas Company, Docket No. G–7607; Watson Gas Company, Docket No. G–7608; Juda Gas Company, Docket No. G–7609; Wolf Pen Gas Company, Docket No. G–7610; Barcamp Gas Company, Docket No. G–7611; Cooper Gas Company, Docket No. G–7612; Dean Gas Company, Docket No. G–7613; Toms Creek Gas Company, Docket No. G–7614; Edsel Gas Company, Docket No. G–7615; Midland Gas Company, Docket No. G–7616; Jenny's Creek Gas Company, Docket No. G–7617; Ranger Gas Company, Docket No. G–7618; Hall Gas Company, Docket No. G–7620; R. F. Turley, Agent, Docket No. G–7621; Morris Mizel, Docket No. G–8038; Graokla Gas Corporation, Docket No. G–8045; H. H. Coffield, Docket No. G–8046; Texas Gas Corporation, Docket No. G–8048; R. E. Hibbert, Docket No. G–8049; Husky Oil Company, Docket Nos. G–8052 and G–8053.

There have been filed with the Federal Power Commission applications as hereinafter specified.

Docket No.	Address	Date filed	Location of field	Buyer
G–5165	Ardmore, Okla.	Nov. 22, 1954	Drinkard Field, Lea County, N. Mex.	El Paso Natural Gas Co.
G–5169, G–5170	do	do	Jalmat Field, Lea County, N. Mex.	Do.
G–5171	do	do	Blinberry and Drinkard Field, Lea County, N. Mex.	Do.
G–7587	Hamlin, W. Va.	Dec. 2, 1954	Lincoln County, W. Va.	South Penn Natural Gas Co.
G–7588	do	do	do	United Fuel Gas Co.
G–7589	do	do	Wayne County, W. Va.	Do.
G–7590	do	do	Lincoln County, W. Va.	Do.
G–7591	do	do	Cabell County, W. Va.	South Penn Natural Gas Co.
G–7592	do	do	do	Do.
G–7593	do	do	Putnam County, W. Va.	United Fuel Gas Co.
G–7594	do	do	Cabell County, W. Va.	South Penn Natural Gas Co.
G–7595	do	do	Lincoln County, W. Va.	United Fuel Gas Co.
G–7596	do	do	do	Do.
G–7597	do	do	do	South Penn Natural Gas Co.
G–7598	do	do	Putnam County, W. Va.	United Fuel Gas Co.
G–7599	do	do	Lincoln County, W. Va.	Do.
G–7600	do	do	Wayne County, W. Va.	Do.
G–7601	do	do	Logan County, W. Va.	Do.
G–7602	do	do	Lincoln County, W. Va.	Do.
G–7603	do	do	Wayne and Mingo Counties, W. Val	Do.
G–7604	do	do	Cabell County, W. Va.	Do.
G–7605	do	do	Lincoln County, W. Va.	Do.
G–7606	do	do	do	Do.
G–7607	do	do	do	South Penn Natura Gas Co.
G–7608	do	do	do	United Fuel Gas Co.
G–7609	do	do	do	South Penn Natural Gas Co.
G–7610	do	do	do	Do.
G–7611	do	do	do	United Fuel Gas Co.
G–7612	do	do	Putnam County, W. Va.	South Pern Natural Gas Co.
G–7613	do	do	Lincoln County, W. Va.	United Fuel Gas Co.
G–7614	do	do	Cabell County, W. Va.	South Penn Natural Gas Co.
G–7615	do	do	Lincoln County, W. Va.	United Fuel Gas Co.
G–7616	do	do	Putnam County, W. Va.	Do.
G–7617	do	do	Mingo County, W. Va.	Do.
G–7618	do	do	Lincoln County, W. Va.	Do.
G–7620	do	do	Wayne County, W. Va.	Do.
G–7621	do	do	Putnam County, W. Va.	Do.
G–8038	905 Kennedy Bldg., Tulsa, Okla.	Dec. 6, 1954	West Panhandle Field, Hutchinson County, Tex.	Frank C. Henderson Trust No. 2.
G–8045	902 Chrysler Bldg., New York 17, N. Y.	do	Scholein Alechem Field, Carter County, Okla.	Lone Star Gas Corp.
G–8046	Roekdale, Tex.	do	West Weesatchie Field, Goliad County, Tex.	Wilcox Trend Gathering System, Inc.
G–8048	Honston, Tex.	do	Stowell, South Mayes, East Mayes and East Jackson Pasture Fields, Chambers County, Tex.; East Mayes, Stowell, Big Hill and Fannett Fields, Jefferson County, Tex.; North Port Neches and West Port Neches Fields, Orange County, Tex.	Texas Eastern Transmission Corp.
G–8049	do	do	Pletzsch Bend Field, Wharton County, Tex.	Transcontinental Gas Pipe Line Corp.
G–8052	P. O. Box 380, Cody, Wyo.	do	Ace Unit Field, Moffatt County, Colo.	Mountain Fuel Supply Co.
G–8053	do	do	Salt Wells Unit Area Field, Sweetwater County, Wyo.	Do.

Each has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render services as hereinbefore described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas for transportation in interstate commerce for resale, as indicated above.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on October 31, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 17, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–8075; Filed, Oct. 5, 1955; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 3, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31146: *Zinc—To Watuppa and Fitchburg, Mass.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on zinc, pig, slab or spelter and zinc anodes, straight or mixed carloads from specified points in Arkansas, Oklahoma, and Texas to Watuppa and Fitchburg, Mass.

Grounds for relief: Carrier competition and circuity.

Tariff: Supplement 75 to Agent Kratzmeir's I. C. C. 4045.

FSA No. 31147: *Salt—Ojibway, Ontario, to Official Territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on salt, rock (sodium chloride), carloads from Ojibway, Ont., Canada to specified points in Illinois, Indiana, Michigan, Missouri, Ohio, and Wisconsin.

Grounds for relief: Circuitous routes with respect to certain rates and water-truck and water-rail competition and circuity with respect to other rates.

Tariff: Agent R. K. Watson's tariff I. C. C. No. 191.

FSA No. 31148: *Cast iron pipe—To Northern Illinois, Southern and extended Zone "C" Territory in Wisconsin.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on cast iron pressure pipe and fittings, carloads from points in official territory to points in northern Illinois, southern Wisconsin and extended zone "C" in Wisconsin.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 6 to Agent Boin's I. C. C. No. A–1062.

FSA No. 31149: *Citrus pomace syrup—Florida to Philadelphia, Pa.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on citrus pomace final syrup, tank-car loads from specified points in Florida to Philadelphia, Pa.

Grounds for relief: Truck-barge competition and circuity.

Tariff: Supplement 29 to Agent Spaninger's I. C. C. 1240.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–8084; Filed, Oct. 5, 1955; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3379]

OHIO EDISON CO.

ORDER PERMITTING EXCHANGE OF UTILITY ASSETS

SEPTEMBER 30, 1955.

Ohio Edison Company ("Ohio Edison"), a registered holding company and a public utility company has filed an application-declaration and amendments thereto pursuant to the applicable sections of the Public Utility Holding Company Act of 1935 ("Act") and Rule U-44 promulgated thereunder involving the exchange of certain properties pursuant to an exchange agreement with the Toledo Edison Company ("Toledo"), a nonaffiliated public utility company organized and operating in the State of Ohio. The proposed transactions are set forth in the application-declaration and the amendments thereto and are summarized as follows:

Ohio Edison proposes to acquire from Toledo certain electric distribution and transmission facilities which are interconnected with Ohio Edison's remaining properties and proposes to transfer to Toledo certain of its distribution and transmission facilities which are interconnected or capable of interconnection with Toledo's other properties, and to pay Toledo a cash adjustment balance of $1,460,000 subject to certain closing entries to adjust for taxes, unbilled revenues, accounts receivable, etc.

The original cost of the properties to be conveyed has not been finally determined. The cash adjustment to be paid by Ohio Edison to Toledo was determined on the basis of multiplying by four the difference in the gross revenues from the distribution properties being exchanged and adding to that product the difference in the transmission and related properties taken at their reproduction cost new less depreciation.

The proposed transactions have been approved by the Public Utilities Commission of Ohio and it is represented that the accounting entries by Ohio Edison with respect to the proposed acquisition and disposition will be made in accordance with and subject to the requirements of the uniform system of accounts of the Federal Power Commission. The filing further indicates that when the original cost and accrued depreciation of the properties to be acquired and disposed of are finally determined, Ohio Edison will eliminate any debit amount includible in Account 100.5, Electric Plant Acquisition Adjustments, under the aforementioned system of accounts, by a contra entry to earned surplus or any credit amount by a contra entry to the depreciation reserve.

Notice of filing of said application-declaration having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the Act, and the Commission not having received a request for a hearing with respect thereto, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to all the transactions proposed in said application-declaration, as amended, including the proposed acquisition and disposition of electric distribution, transmission and related facilities by Ohio Edison, that the requirements of the applicable provisions of the Act and Rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration, as amended, be granted and permitted to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–8079; Filed, Oct. 5, 1955; 8:51 a. m.]

[File No. 70–3411]

NEW ENGLAND ELECTRIC SYSTEM AND SOUTHERN BERKSHIRE POWER & ELECTRIC CO.

NOTICE OF PROPOSED RIGHTS OFFERING BY SUBSIDIARY, WITH PARENT COMPANY PROPOSING TO PURCHASE ALL SHARES UNSUBSCRIBED BY MINORITY STOCKHOLDERS AND TO OFFER TO PURCHASE ALL SHARES HELD BY MINORITY STOCKHOLDERS

SEPTEMBER 30, 1955.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary Southern Berkshire Power & Electric Company ("Southern Berkshire"), have filed an amended joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 (b), 9 (a), and 10 of the Act as applicable to the proposed transactions, which are summarized as follows:

Southern Berkshire, which presently has outstanding 30,368 shares of capital stock (par value $25 per share), proposes to issue and sell for cash 15,184 additional shares, which will be offered to its stockholders at the par value of $25 per share, on the basis of one new share for each two shares held. Rights to subscribe will be evidenced by full and half-share warrants, exercisable during a subscription period of 15 days. Full shares only will be issued.

NEES, which now owns 27,928 shares (91.965 percent) of Southern Berkshire's capital stock, proposes to exercise its rights to subscribe for 13,964 additional shares to which it will be entitled. New England Gas and Electric Association ("NEGEA"), an exempt holding company, owns 2,256 shares (7.43 percent) of Southern Berkshire's capital stock. The remaining 184 shares of such stock are owned by eleven holders.

NEES proposes to offer to purchase from all minority stockholders for $25 per share their present holdings of Southern Berkshire's stock and any shares which they may acquire through exercise of their subscription rights for a period of 60 days following the date of the initial offer of additional capital stock by Southern Berkshire. NEGEA has agreed to sell its share to NEES pursuant to said offer.

It is stated that the price of $25 per share for the additional capital stock to be issued by Southern Berkshire was fixed by its directors after consideration of the earnings and book value of the stock and of the market price and earnings of other comparable utility-company stocks.

NEES will use treasury funds for its proposed acquisitions. The proceeds from the sale of the additional capital stock, amounting to $379,600, will be applied by Southern Berkshire to the payment of a like amount of notes payable to NEES.

Southern Berkshire and NEES desire to consummate the proposed transac-

tions in order to finance permanently a portion of the capitalizable additions to Southern Berkshire's plant through the issuance of equity securities. NEES also desires to invest funds not otherwise required in its business in acquiring the minority interest in Southern Berkshire.

The Massachusetts Department of Public Utilities, the regulatory commission of the State in which Southern Berkshire is organized and doing business, has approved the issuance and sale of the new shares by Southern Berkshire and the direct sale of any unsubscribed shares to NEES at the price of $25 per share.

Total expenses of Southern Berkshire herein are estimated at $3,100 and of NEES at $300.

It is requested that the Commission's order be made effective upon issuance.

Notice is further given that any interested person may, not later than October 11, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as now amended or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8080; Filed, Oct. 5, 1955; 8:51 a. m.]

[File No. 70-3406]

DELAWARE POWER & LIGHT CO.

ORDER AUTHORIZING BANK LOANS AGGREGATING $12,000,000

SEPTEMBER 30, 1955.

Delaware Power & Light Company ("Delaware"), a registered holding company and a public utility company, has filed a declaration and an amendment thereto pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions:

Delaware proposes to borrow funds for construction purposes from time to time prior to February 1, 1958, under an agreement which it has entered into with a group of seven banks in Wilmington, Delaware and New York City whereby the banks will hold for its use for a period extending from August 1, 1955 to February 1, 1958, a revolving credit in the amount of $12,000,000. At the time of each advance to it from the revolving credit Delaware will issue unsecured promissory notes due in 90 days from the date of each such issue. Until August 1, 1957, the interest rate will be the highest prime rate charged on the date of the loan by any of the participating banks which are members of the New York Clearing House Association, but not in excess of 3½ percent per annum; after August 1, 1957, the interest rate will be such highest prime rate on the date of the loan, even though in excess of 3½ percent per annum. The notes may be prepaid at any time without penalty, except that Delaware may not prepay any note in whole or in part from the proceeds of any subsequent loan under the agreement at a lower rate of interest. No commitment or similar fee is being paid to the banks for their extension of credit.

The names of the lending banks and their respective participations are as follows:

Wilmington Trust Co	$1,800,000
Irving Trust Co	4,800,000
The First National City Bank of New York	2,400,000
The New York Trust Co	1,200,000
Equitable Security Trust Co	900,000
The President, Directors and Company of the Farmers Bank of The State of Delaware	600,000
Delaware Trust Co	300,000
Total	12,000,000

It is contemplated that notes aggregating close to the full $12,000,000 credit may be outstanding from time to time during the period of the agreement.

Delaware plans to repay amounts borrowed under the revolving credit agreement by the subsequent sale from time to time during the next 30 months of bonds and equity securities in the aggregate amount of $42,000,000. The proceeds of such permanent financing not required for the payment of the temporary bank loans will be used for construction purposes, estimated to aggregate $68,000,000 for the years 1955, 1956, and 1957. The nature and extent of the permanent financing will be determined by conditions existing at the time, but it is anticipated that such financing will include the issuance of bonds, preferred and common stocks in amounts which will maintain conservative capitalization ratios. Such permanent financing will be the subject of separate filings.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the Act and the Rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said declaration as amended be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8081; Filed, Oct. 5, 1955; 8:51 a. m.]

FEDERAL REGISTER

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OCT 10 1955

MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING AND CERTIFICATION)

MISCELLANEOUS AMENDMENTS

The amendment to the regulations governing the inspection, sampling and certification of cottonseed sold or offered for sale for crushing purposes (7 CFR Part 61), hereinafter set forth, is hereby promulgated to be effective upon publication in the FEDERAL REGISTER, pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The primary purpose of the amendment is to delete obsolete provisions and to clarify the provisions relating to the handling of official samples.

The Department finds that it is impracticable, unnecessary, and contrary to the public interest to issue a notice of proposed rule making on this amendment or to postpone the effective date of the amendment until thirty (30) days after publication in the FEDERAL REGISTER for the following reasons: (1) The changes are in the nature of clarifying procedural amendments or deletions of obsolete provisions; and (2) the changes require no preparation on the part of users of the service.

The amendment is as follows:

1. Change paragraph (a) of § 61.2 to read as follows:

(a) *The act.* The applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) or any other act of Congress conferring like authority.

2. Delete the last sentence in paragraph (b) of § 61.16 and substitute therefor the following: "In any case where the original sample is lost or destroyed before analysis, the duplicate thereof retained by the licensed cottonseed sampler as provided in § 61.34 shall become the official sample. Each licensed chemist shall retain for at least two weeks a portion of each official sample first analyzed; and in any case where a review is requested under § 61.8 such retained portion shall be considered an official sample for purposes of review analysis."

3. Delete paragraph (c) of § 61.25.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624)

Done at Washington, D. C., this 4th day of October 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-8140; Filed, Oct. 6, 1955; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 104]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.365 *Grapefruit Regulation 104*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice,

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 32: Parts 400–699 ($5.75)
Parts 800–1099 ($5.00)
Part 1100 to end ($4.50)
Title 43 (Revised, 1954) ($6.00)

Previously announced: Title 3, 1954 Supp. ($1.75); Titles 4–5 ($0.70); Title 6 ($2.00); Title 7: Parts 1–209 ($0.60); Parts 210–899 ($2.50); Part 900 to end ($2.25); Title 8 ($0.45); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 15 ($1.25); Title 16 ($1.25); Title 17 ($0.55); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 21 ($1.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) ($2.50); Title 26: Parts 1–79 ($0.35); Parts 80–169 ($0.50); Parts 170–182 ($0.50); Parts 183–299 ($0.30); Part 300 to end and Title 27 ($1.25); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Title 32: Parts 1–399 ($4.50); Parts 700–799 ($3.75); Title 32A, Revised December 31, 1954 ($1.50); Title 33 ($1.50); Titles 35–37 ($0.75); Title 38 ($2.00); Title 39 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 46: Parts 1–145 ($0.40); Part 146 to end ($1.25); Titles 47–48 ($1.25); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60); Title 50 ($0.55)

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engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on September 29, 1955, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of grapefruit at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., October 9, 1955, and ending at 12:01 a. m., P. s. t., December 18, 1955, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit are at least fairly well colored, and otherwise grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than 3 1/16 inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than 3 9/16 inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than 3 1/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 4 2/16 inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than 3 9/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3 13/16 inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "fairly well colored" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 4, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–8137; Filed, Oct. 6, 1955; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6336]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LILLI ANN CORP. ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition: Wool Products Labeling Act;* § 13.1325 *Source or origin:* Maker or seller, etc.: *Wool Products Labeling Act.* Subpart—*Misrepresenting oneself and goods*—GOODS: § 13.1590 *Composition.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1900 *Source or origin:* Wool Products Labeling Act. I. In connection with the importation into the United States or the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of fabrics or ladies' coats or other "wool products," as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, misbranding or misrepresenting such products by: 1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers included therein; 2. failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; 3. failing to set forth on fiber content labels or tags the common generic names of the fiber contents in respondents' wool products; 4. stamping, tagging, labeling, or otherwise identifying such products as containing the hair or fleece of the Cashmere goat without setting out in a clear and conspicuous manner on each such stamp, tag, label, or other means of identification, the percentage of such Cashmere content therein; and 5. failing to stamp, tag, label, or otherwise identify such products in terms of the English language; and, II, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of fabrics, ladies' coats, or other products; I. Using the word "Cashmere" or any simulation thereof, either alone or in conjunction with other words, to designate, describe, or refer to any product which is not composed entirely of the hair of the Cashmere goat; and 2. representing in any manner that said products contain a greater percentage of cashmere than is the fact; prohibited, subject to the provision, however, as respects prohibition "5" of part "I" with regard to failure to stamp, tag, label, or otherwise identify products concerned in terms of the English language, that in the event such stamps, tags, labels, or other means of identification contain any of the required information in a language other than English, all of the required information shall appear both in such other language and in the English language; that the provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939, and that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder; and that, as respects the prohibited use of the word "Cashmere," etc., to designate, etc., any product not composed entirely of the hair of the Cashmere goat, as set forth in "1" of part "II," that in the case of any product composed in part of the hair of the Cashmere goat and in part of other fibers or materials, such term may be used as descriptive of the Cashmere content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully designating such other constituent fibers or materials.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Lilli Ann Corp. et al., San Francisco, Calif., Docket 6336, Sept. 22, 1955.]

In the Matter of Lilli Ann Corp., a Corporation; and Soufflet-America, Inc., a Corporation; and Adolph P. Schuman, Individually and as an Officer of Said Corporations

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission which charged respondents Lilli Ann Corp., Soufflet-America, Inc., and Adolph P. Schuman, individually and as an officer thereof, with having violated the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder, and the Federal Trade Commission Act, through the misbranding of certain wool products, including certain fabrics and ladies' coats, through the practice, among others, of labeling such coats made of sheep wool, rabbit hair, and cashmere as "Cashmere of France—Woven in Paris for Lilli Ann", mislabeling certain fabrics as to their content, and using, in certain instances, information on labels in French without an accompanying English translation, and with violation of the Federal Trade Commission Act through falsely representing in invoices, orders, and confirmations of orders the content of piece goods; and upon a stipulation which was entered into by respondents with counsel supporting the complaint, provided

for the entry of a consent order disposing of all the issues in the proceeding, was signed by counsel supporting the complaint, counsel for respondents, and respondents, was approved by the Director of the Commission's Bureau of Litigation, and was submitted to said hearing examiner, theretofore duly designated, and was followed by a statement by counsel for respondents, for the record, by way of explaining the circumstances surrounding the particular violations charged and in extenuation thereof, received with the understanding that said remarks did not constitute an admission by respondents concerning any of the substantive allegations of the complaint, and that they did not impair the effectiveness of the stipulation submitted to the hearing examiner, including the order therein provided for.

Said stipulation set forth that respondents admitted all the jurisdictional allegations of the complaint and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations; that all parties expressly waived a hearing before the hearing examiner or the Commission, and all further and other procedure to which the respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission; that respondents also agreed that the order to cease and desist issued in accordance with said stipulation should have the same force and effect as if made after a full hearing, and specifically waived any and all right, power, or privilege to challenge or contest the validity of said order; and that the complaint in the matter might be used in construing the terms of the order provided for in said stipulation, and that the signing of said stipulation was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint.

Thereafter the aforesaid proceeding having come on for final consideration by said hearing examiner on the complaint and the aforesaid stipulation for consent order, said hearing examiner made his initial decision in which he set forth the aforesaid matters, and his conclusion, it appearing that the order provided for in said stipulation conformed in all respects to the proposed order in the "notice" portion of the complaint, that said stipulation provided for an appropriate disposition of the proceeding; his acceptance thereof, which he ordered filed upon becoming part of the Commission's decision in accordance with §§ 3.21 and 3.25 of the Commission's rules of practice; and in which he accordingly made certain jurisdictional findings, including findings as to said respondents, and findings that the Commission had jurisdiction of the subject matter of the proceeding and of the aforesaid respondents, that the complaint stated a cause of action against them under the Wool Products Labeling Act of 1939 and the Federal Trade Commission Act, and that the proceeding was in the interest of the public; and in which he issued order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 9, 1955, became, on September 22, 1955, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That the respondents Lilli Ann Corp., a corporation; Soufflet-America, Inc., a corporation; and the officers of each of said corporations, and Adolph P. Schuman, individually and as an officer of each of said corporations; and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the importation into the United States or the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of fabrics or ladies' coats or other "wool products," as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said Act, do forthwith cease and desist from misbranding or misrepresenting such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Failing to set forth on fiber content labels or tags the common generic names of the fiber contents in their wool products;

4. Stamping, tagging, labeling, or otherwise identifying such products as containing the hair or fleece of the Cashmere goat without setting out in a clear and conspicuous manner on each such stamp, tag, label, or other means of identification, the percentage of such Cashmere content therein;

5. Failing to stamp, tag, label or otherwise identify such products in terms of the English language; provided that in the event such stamps, tags, labels, or other means of identification contain any of the required information in a language other than English, all of the required information shall appear both in such other language and in the English language.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondents Lilli Ann Corp., a corporation, Soufflet-America, Inc., a corporation, and the officers of each of said corporations, and Adolph P. Schuman, individually and as an officer of each of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of fabrics, ladies' coats, or other products, do forthwith cease and desist from directly or indirectly:

1. Using the word "Cashmere" or any simulation thereof, either alone or in conjunction with other words, to designate, describe, or refer to any product which is not composed entirely of the hair of the Cashmere goat: *Provided, however*, That in the case of any product composed in part of the hair of the Cashmere goat and in part of other fibers or materials, such term may be used as descriptive of the Cashmere content if there are used in immediate connection or conjunction therewith, letters of at least equal size and conspicuousness, words truthfully designating such other constituent fibers or materials.

2. Representing in any manner that said products contain a greater percentage of Cashmere than is the fact.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 9, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 55-8135; Filed, Oct. 6, 1955; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 163]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			
							Condition	Type aircraft		If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
ANNETTE, ALASKA. Annette Airport, 119', SBRAZ-VPDTX. ANN. Procedure No. 1. Effective date: October 20, 1955. Amendment No. 8. Supersedes No. 7, dated May 10, 1955. Major changes: (1) Minimums revised upward for circling to agree with criteria and minimum (2) MSA established. (3) minimum omitted, not applicable.				W side of S course:** 141° outbound. 321° inbound. 1,500' within 10 miles.		123—1.8	2 engines or less T-dn *300-1 C-dn 700-1½ A-dn 800-2			Within 0 mile after passing Annette LFR turn left, climb to 2,800' on S course of Annette LFR within 23½ miles. *Runway 2: T-d 600-1; T-n not authorized. Runway 2-20 unlighted. Turn left immediately after take-off Runway 2. Caution: Mountains to 2,900' 3½ miles NE; 3,600' 6 miles NE; 1,000' contour within 2 miles of airport N through E. **Nonstandard procedure turn for more favorable terrain.
							More than 2 engines T-dn *200-½ C-dn 700-2 A-dn 800-2			
BATTLE CREEK, MICH. Kellogg Field, 941'. BTL-LFR-1. Procedure No. 1. Effective date: October 20, 1955. Amendment No. 8. Supersedes No. 7, dated August 15, 1953. Major changes: (1) Deletes MFA, all directions column 2, (2) column 5 distance revised in accordance with policy; (3) column 7 distance revised; (4) new format on minimums.				E side of S course: 138° outbound. 003° inbound. 2,100' within 10 miles.		003—3.3	2 engines or less T-dn 300-1 C-dn 500-1 400-1 8-dn 36 400-1 A-dn 800-2			Within 3.3 miles, climb to 2,200' on N course (003°) within 10 miles.
							More than 2 engines T-dn 200-½ C-dn 400-1 8-dn 36 400-1½ A-dn 800-2			

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
EUGENE, OREG. Mahlon Sweet, 365'. SBRAZ-DTV EUG. Procedure No. 1. Amendment No. 7. Effective: October 29, 1955. Supersedes Amendment 6, dated June 4, 1954. Major changes: New format; minor course and distance corrections; add EUG-VOR; reduce altitude from cottage Grove FM; reduce altitude on procedure turn; reduce altitude on missed approach; lower take-off minimum on 4-engine airplanes.	Cottage Grove FM	330—29.0	3,700	W side of N course: 356° outbound. 176° inbound. 2,500' within 10-miles. Not authorized beyond 10 miles.	1,500	150—4.5	2 engines or less			Within 4.5 miles, turn right and climb to 2,000' on N course of EUG-LFR within 25 miles.
	EUG-VOR	263—0.5	2,500				T-dn	300-1	300-1	
							C-dn	500-1	500-1½	
							S-dn			
							Runway 16	400-1	400-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	600-1½	
							S-dn			
							Runway 16	----------	400-1	
							A-dn	----------	800-2	
GRAND ISLAND, NEBR. Grand Island, 1,846'. SBMRLZ-VDF, GRI. Procedure No. 1. Effective date: October 29, 1955. Amendment No. 9. Supersedes No. 8, dated November 25, 1953. Major changes: (1) Courses and distances revised to conform with criteria and C&G, columns 3, 5, 7, and 11; (2) column 6 altitude lowered to conform with criteria; (3) new format used on minimums; (4) alternate minimums lowered to comply with policy.	Grand Island VOR	345—1.0	3,100	W side of N course: 345° outbound. 165° inbound. 3,100° within 10 miles.	2,400	165—1.5	2 engines or less			Within 1.5 miles, climb to 3,200' on S course within 25 miles.
							T-dn	300-1	300-1	
							C-dn	400-1	500-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	500-1½	
							A-dn	----------	800-2	
GRAND RAPIDS, MICH. Kent County Airport, 692'. SBMRLZ-VDT-GRR. Procedure No. 1. Effective date: October 29, 1955. Amendment No. 8. Supersedes No. 7 dated December 20, 1953. Major changes: (1) Columns 3, 4, 5 and 6 revised to conform with policy; (2) format revised on minimums; (3) item 11 revised.	Alaska FM (final)	303—10.0	1,500	E side of SE course: 123° outbound. 303° inbound. 2,000' within 10 miles.	1,500	303—2.0	2 engines or less			Within 2 miles, climb to 1,900' on NW course GRR-LFR within 25 miles. CAUTION: 907' mean sea level stack located 0.5 mile WSW airport. 930' mean sea level tower located 2 miles S of airport. AIR CARRIER NOTE: * 200-½ authorized on runways 18L and 36R only.
							T-dn	300-1	300-1	
							C-d	500-1	500-1	
							C-n	500-1½	500-1½	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	*300-1	
							C-dn	----------	500-1½	
							A-dn	----------	800-2	

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
LONG BEACH, CALIF. Municipal, 58'. SBMRLZ-DTV LGB. Procedure No. 1. Amendment No. 9. Effective date: October 29, 1955. Supersedes Amendment No. 8, dated July 2, 1955. Major changes: Raise missed approach altitude at San Pedro Intersection 2,500'. S course LAX LFR realined.	La Habra FM	208—15.0	1,500	W side of SE course: 118° outbound. 298° inbound. 1,500' within 10 miles. Beyond 10 miles not authorized.	1,000	298—3.9	2 engines or less			Within 3.9 miles, climb to 800' on NW course, then turn left to 250° continuing climb to intersection S course of LAX LFR and proceed to San Pedro Intersection at minimum of 2,500'. CAUTION: 500' hill with oil derricks 1 mile S of airport. *300-1 required for take-off runways 16, 16R, 25L, 34R. Standard clearance not provided over obstructions for circling minimums.
	Huntington Beach FM (final).	298—11.0	1,000				T-dn	300-1	300-1	
							C-dn	500-1	600-1	
	Long Beach VOR	237— 2.5	1,500				S-dn, Runway 30	500-1	500-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	*200-½	
							C-dn	----------	600-2	
							S-dn, Runway 30	----------	500-1	
							A-dn	----------	800-2	
REDMOND, OREG. Roberts Field, 3,077'. SBRAZ DTV RDM. Procedure No. 1. Amendment No. 5. Effective date: October 29, 1955. Supersedes Amendment 4, dated July 12, 1950. Major changes: New format; add RDM-VOR, limit procedure turn to 10 miles; change shuttle to SE course.	RDM-VOR	285—4.5	6,000	N side of NW course: 282° outbound. 102° inbound. 6,000' within 10 miles. Not authorized beyond 10 miles. Procedure: Turn N for more favorable terrain.	4,600	102—4.3	2 engines or less			Within 4.3 miles, turn right and climb to 7,000' on S course of RDM-LFR within 15 miles. SHUTTLE: To 7,000' on SE course within 10 miles of RDM-LFR.
							T-dn	300-1	300-1	
							C-d	700-1	700-1	
							C-n	700-1½	700-1½	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	700-1½	
							A-dn	----------	800-2	
WASHINGTON, D. C. National, 16'. SBRA-DTXV DCA. Procedure No. 1. Amendment No. 6. Effective date: October 29, 1955. Supersedes Amendment 5, dated June 20, 1954. Major change: Procedure turn distance limited to 10 miles.	Radar transition altitudes: 2,500' in the E, W, and S quadrants of the Washington DFR and 1,800' in the N quadrant within 25 miles of the Washington National Airport; 2,500' in all quadrants within 40 miles exclusive of danger and prohibited areas. Radar fixes may be substituted for all fixes shown. (Radar distances shown in nautical miles.)			E side of SW course: 212° outbound. 032° inbound. 1,500 within 10 miles.	1,000	001—5.3	2 engines or less			Within 5.3 miles, make a left climbing turn as soon as practicable, climb to 1,800' (or to a higher altitude when requested by ATC) on NW course to Herndon Intersection. *300-1 required for runways 9 and 27. These procedures and airport minimums do not provide standard clearance over the following obstructions: 422' monument 1.7 miles W of final approach course, 193' stacks 1.5 miles S of airport, and 596' monument 1.8 miles N of airport. AIR CARRIER NOTES: No sliding scale or reduction in visibility authorized for take-off on runways 9 and 27.
							T-dn	300-1	300-1	
							C-dn	600-1	600-1	
							S-dn 3	500-1	500-1	
							33, 36	400-1	400-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	*200-½	
							C-dn	----------	600-1½	
							S-dn 3	----------	500-1	
							33, 36	----------	400-1	
							A-dn	----------	800-2	

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
WASHINGTON, D. C. National, 16'. 8BRA-DTXV DCA. Procedure No. 2. Amendment No. 5. Effective date: October 29, 1955. Supersedes amendment 4, dated June 21, 1954. Major change: Procedure turn distance limited to 10 miles.	Radar transition altitudes; 1,500' in the E, W and S quadrants of the Washington LFR and 1,800' in the N quadrant within 25 miles of the Washington National Airport; 2,500' in all quadrants within 40 miles exclusive of danger and prohibited areas. Radar fixes may be substituted for all fixes shown. (Radar distances shown in nautical miles.)			W side of course:* 181° outbound. 001° inbound. 1,400' within in 10 miles.	1,000	001—5.3	2 engines or less T-dn C-dn S-dn 3 33, 36 A-dn	300-1 600-1 500-1 400-1 800-2	300-1 600-1 500-1 400-1 800-2	Within 5.3 miles, make a left climbing turn as soon as practicable, climb to 1,800' (or higher altitude when requested by ATC) on course of 320° to Herndon Intersection. *Nonstandard procedure turn to avoid traffic at Andrews AFB. **300-1 required for Runways 9 and 27. These procedures and airport minimums do not provide standard clearance over the following obstructions: 422' monument 1.7 miles W of final approach course, 193' stacks 1.5 miles S of airport, 596' monument approximately 1.8 miles N of airport. AIR CARRIER NOTES: No sliding scale or reduction in visibility authorized for takeoff on Runways 9 and 27.
							More than 2 engines T-dn C-dn S-dn 3 33, 36 A-dn	---------- ---------- ---------- ---------- ----------	**200-½ 600-1½ 500-1 400-1 800-2	

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
AUSTIN, TEX. Mueller, 631'. BVOR-AUS. Procedure No. 1. Amendment 5. Effective date: October 29, 1955. Supersedes Amendment 4, June 18, 1955. Major changes: Lower procedure turn altitude.	Austin LFR	014—5.0	2,000	W side of course 355° outbound, 175° inbound, 2,000' within 10 miles. Beyond 10 miles not authorized.	AUS-VOR 1,600. AUS-FM or NE course AUS-LFR 1,300.	175—5.6	2 engines or less T-dn C-dn S-dn 16R	300-1 400-1 400-1	300-1 500-1 400-1	Within 5.6 miles turn left, climb to 2,000' on radial 100° within 25 miles. (1) Descent below 1,300' authorized after passing AUS FM or NE course AUS LFR. If AUS FM or NE course of AUS LFR not received, descent below 1,300' not authorized. CAUTION: Tank 855' mean sea level 1.2 miles W final approach track 2.3 miles NW of airport. *Runways 16R, 34L, 12R and 30L only.
							More than 2 engines T-dn C-dn S-dn 16R	---------- ---------- ----------	300-1 *200-½ 500-1½ 400-1	
							All aircraft A-dn	800-2	800-2	

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
EUGENE, OREG. Mahlon Sweet, 365'. BVOR-EUG. Procedure No. 1. Amendment No. 2. Effective date: October 29, 1955. Supersedes Amendment No. 1, Dated June 4, 1954. New format: Add Cottage Grove FM; minor course and distance corrections; lower altitude under column 4; lower altitude on procedure turn; lower altitude on missed approach.	EUG-LFR	083—0.5	2,500	E side of course:* 338° outbound. 158° inbound. 2,500' within 10 miles. Not authorized beyond 10 miles.	1,500	158—4.4	2 engines or less T-dn C-dn S-dn Runway 16 A-dn	300-1 500-1 400-1 800-2	300-1 500-1½ 400-1 800-2	Within 4.4 miles turn right and climb to 2,000' on 355° radial within 25 miles of EUG-VOR. *Procedure turn E for more favorable terrain.
	Cottage Grove, FM	332—29.0	3,700							
	Intersection N course EUG-LFR and 338° radial of EUG-VOR.	158—1.6	2,500				More than 2 engines T-dn C-dn S-dn Runway 16 A-dn	---------- ---------- ---------- ----------	200-½ 600-1½ 400-1 800-2	
GRAND ISLAND, NEBR. Grand Island, 1,846'. BVOR-GRI. Procedure No. 1. Effective date: October 29, 1955. Amendment No. 2. Supersedes 1, dated March 22, 1954. Major changes: (1) Column 5 distance revised to conform with policy; (2) column 6 altitude lowered to conform to criteria; (3) new format on minimums.	Grand Island LFR	165—1.0	3,100	W side of course: 349° outbound. 169° inbound. 3,100' within 10 miles.	2,400	169—0.5	2 engines or less T-dn C-dn A-dn	300-1 500-1 800-2	300-1 600-1 800-2	Within 0.5 mile climb to 3,200' on course of 169° from GRI-VOR within 25 miles.
							More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	200-½ 600-1½ 800-2	
GREEN BAY, WIS. Austin-Straubel, 694'. BVOR-DTV-GRB. Procedure No. 1. Effective date: October 29, 1955. Amendment No. 2. Supersedes 1, dated July 10, 1954. Major changes: (1) column 5 revised to 10 miles; (2) format revised on minimums; (3) column 11 revised.	----------	----------	----------	W side of course: 324° outbound. 144° inbound. 1,900' within 10 miles.	1,400	144—5.3	2 engines or less T-dn C-dn S-dn 12 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	Within 5.3 miles, climb immediately to 2,700' on R-144 within 25 miles. CAUTION: Radio tower 1,650' mean sea level 8 miles SE airport.
							More than 2 engines T-dn C-dn S-dn 12 A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 500-1 800-2	
REDMOND, OREG. Roberts field, 3,077'. BVOR-RDM. Procedure No. 1. Amendment No. 1. Effective date: Oct. 29, 1955. Supersedes original, dated June 12, 1953. New format: Authorize lower landing minimums when utilizing RDM-LFR; change missed approach to en route radial; change shuttle to the 105° radial.	RDM-LFR (final)*	105—4.5	6,000	N side of course: 285° outbound. 105° inbound. 6,000' within 10 miles. Not authorized beyond 10 miles.	4,600 *3,800	On airport	2 engines or less T-dn* C-dn A-dn	300-1 1,500-1 1,500-2	300-1 1,500-1 1,500-2	Within 0 mile execute climbing right turn, climb to 7,000' on the 172° radial within 15 miles of RDM-VOR. *Descent to 3,800' (final) authorized after passing RDM-LFR. Landing minimums 700-1 day, 700-1½ night when RDM-LFR used for final approach fix. If RDM-LFR not received, maintain 4,600' to RDM-VOR. SHUTTLE: To 7,000' on 105° radial within 10 miles of RDM-VOR.
							More than 2 engines T-dn* C-dn A-dn	---------- ---------- ----------	200-½ 1,500-1½ 1,500-2	

4. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; Procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
WASHINGTON, D. C. National, 16'. TVOR-33. Amendment Number 3. Effective date: October 29, 1955. Supersedes Amendment 2, dated June 20, 1954. Major change: Procedure published under Part 609.	Springfield MHW	071—12	1,800	W side of course:* 160° outbound. 340° inbound. 1,600' within 10 miles of TVOR.	#500	330—0.7	2 engines or less			Make a left climbing turn, climb to 1,800' (or a higher altitude when requested by ATC) on course 300° and proceed to Herndon VOR. #Maintain 700' until after passing Int. NE course Washington LFR. *Procedure turn W to avoid Andrews AFB traffic. **300-1 required for Runways 9 and 27. CAUTION: Circling minimums do not provide standard obstruction clearance over 596' monument 1.8 miles N of airport. AIR CARRIER NOTES: No sliding scale or reduction in visibility authorized for takeoff on Runways 9 and 27.
	Herndon VOR	123—25	1,800				T-dn	300-1	300-1	
	Andrews LFR	327—15	1,500				C-dn	600-1	600-1	
	Washington LFR	002—6	1,500				S-dn 33	500-1	500-1	
	Intersection NE course Washington LFR (final).	340—4	#500				A-dn	800-2	800-2	
	Radar transition altitudes: 1,500' in the E, W, and S quadrants of the Washington LFR and 1,800' in the N quadrant within 25 miles of the Washington National Airport; 2,500' in all quadrants within 40 miles exclusive of danger and prohibited areas. Radar fixes may be substituted for all fixes shown. (Radar distances shown in nautical miles.)						More than 2 engines			
							T-dn	----------	**200-½	
							C-dn	----------	600-1½	
							S-dn 33	----------	500-1	
							A-dn	----------	800-2	
WASHINGTON, D. C. National, 16'. TVOR-36. Amendment No. 3. Effective date: October 29, 1955. Supersedes amendment 2, dated June 20, 1954. Major change: Procedure turn distance limited to 10 miles.	Springfield MHW	071—12	1,800	W side of course: 157° outbound. 007° inbound. 1,400' within 10 miles of Washington LFR. Procedure turn W to avoid Andrews LFR.	400	003—.5 from Alexandria Intersection 6.0 miles.	2 engines or less			Make a left climbing turn as soon as practical, climb to 1,800' (or at a higher altitude when requested by ATC) on course 300° from TVOR and proceed to Herndon VOR. *Descend to landing minimums after passing Alexandria Intersection. (Intersection NW course Washington LFR and 007° course to TVOR.) **300-1 required for Runways 9 and 27. These procedures and airport minimums do not provide standard clearance over the following obstructions 596' monument 1.8 miles N of airport, 422' monument 1.7 miles W of final approach course, and 193' stacks 1.5 miles S of airport. AIR CARRIER NOTES: No sliding scale or reduction in visibility authorized for takeoff on Runways 9 and 27.
	Herndon VOR	123—25	1,800		Maintain 1,000' until passing Alexandria Intersection.*		T-dn	300-1	300-1	
	Andrews LFR	327—15	1,500				C-dn	600-1	600-1	
	Washington LFR	002—6	1,500				S-dn 36	400-1	400-1	
	Radar transition altitudes: 1,500' in the E, W, and S quadrants of the Washington LFR and 1,800' in the N quadrant within 25 miles of the Washington National Airport; 2,500' in all quadrants within 40 miles exclusive of danger and prohibited areas. Radar fixes may be substituted for all fixes shown. (Radar distances shown in nautical miles.)						A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	**200-½	
							C-dn	----------	600-1½	
							S-dn 36	----------	400-1	
							A-dn	----------	800-2	

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
When ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
EUGENE, OREG. Mahlon Sweet, 365'. ILS-I-EUG. LOM-EU. Combination ILS and ADF. Procedure No. 1. Amendment No. 10. Effective date: October 29, 1955. Supersedes amendment 9, dated June 4, 1954. Major changes: New format. Change 2-engine takeoff minimum to 300-1 required by criteria; delete air carrier restriction note; add ADF procedure.	EUG-LFR	LOM	059—0.6	2,000	E side N course:* 338° outbound. 158° inbound. 2,000' within 5 miles.	ILS 2,000	1,570—4.6	550—0.6	2 engines or less			Within 4.6 miles after passing LOM (ADF) turn right and climb to 2,000' on N course of EUG-LFR or climb to 2,000' on 355° radial of EUG-VOR within 25 miles. *Procedure turn E for more favorable terrain.
	EUG-VOR	LOM	338—0.2	2,000		ADF 1,500 at LOM			T-dn	300-1	300-1	
	Cottage Grove FM	S course ILS	320—12.0	3,100					C-dn	500-1	500-1½	
									S-dn Runway 16 ILS	300-¾	400-1	
									ADF	400-1	400-1	
									A-dn ILS	600-2	600-2	
									ADF	800-2	800-2	
									More than 2 engines			
									T-dn	----------	200-½	
									C-dn	----------	600-1½	
									S-dn Runway 16 ILS	----------	400-1	
									ADF	----------	400-1	
									A-dn ILS	----------	600-2	
									ADF	----------	800-2	
FORT WORTH, TEX. Amon Carter, 568.' ILS-IACF. Procedure No. 2. Amendment 3. Effective date: October 29, 1955. Supersedes Amendment 2, dated June 19, 1955. Major changes: Reverse direction and reduce altitude of procedure turn. Reduce straight-in landing minima. Add alternate missed approach procedure.	Duncanville FM	Hensley Intersection# (final).	309—11	1,300	E side SE course: 129° outbound. 309° inbound. 2,000' within 10 miles of Hensley Intersection.# Beyond 10 miles not authorized.	No glide slope 1,300' at Hensley Intersection #4 miles from approach end of runway 31.			2 engines or less			Within 4 miles of Hensley Intersection,# climb to 1,900' on NW course of ILS within 25 miles, or proceed to Fort Worth LFR via NW course of ILS and E course LFR, climbing to 2,000'. CAUTION: Radio tower 1,221' mean sea level located 5 miles ENE of outer marker. #Hensley Intersection may be indentified as intersection of SE course ILS, and: (1) DAL R-238, or (2) W course DAL LFR, or (3) bearing 215° to GRP.
	Grand Prairie MHW	Hensley Intersection.#	035—4.5	2,000					T-dn	300-1	300-1	
									C-dn	400-1	500-1	
									S-dn 31	300-1	300-1	
									A-dn	800-2	800-2	
									More than 2 engines			
									T-dn	----------	200-½	
									C-dn	----------	500-1½	
									S-dn 31	----------	300-1	
									A-dn	----------	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
HURON, S. DAK. W. W. Howes, 1,287'. ILS-HON. LOM-HO. Procedure No. 1, Amendment 3 Combination ILS-ADF. Effective date: October 29, 1955. Supersedes Amendment 2, dated May 26, 1954. Major changes: (1) Item 4, 6 courses revised to agree with Coast and Geodetic; (2) Item 6, distance revised in accordance with policy; (3) ADF altitude added, Item 7; (4) Distances added Items 8 and 9; (5) New format on minimums; (6) Within 4.5 miles added Item 13, and tower° height corrected to agree with C & G.	Huron LFR	LOM	332—3.0	2,500	W side NW course: 298° outbound. 118° inbound. 2,500' within 10 miles.	ILS 2,500 ADF 1,900 over LOM	2,433—4.5	1,480—6.0	2 engines or less T-dn C-d C-n S-dn 12 ILS ADF A-dn More than 2 engines T-dn C-dn S-dn 12 ILS ADF A-dn	300-1 400-1 400-1½ 300-¾ 400-1 800-2 200-½ 500-1½ 300-¾ 400-1 800-2	300-1 500-1 500-1½ 300-¾ 400-1 800-2	Within 4.5 miles (ADF) climb to 2,800' on SE course ILS within 25 miles, or if directed by ATC, climb to 3,000' on NE course, HON-LFR within 25 miles. CAUTION: Radio tower 1,484' mean sea level 1¼ miles S of airport. No approach lights.
	Huron VOR	LOM	157—1.0	2,500								
LANSING, MICH. Capital City, 858'. ILS-ILAN. LOM-LA. Procedure No. 1. Combination ILS-ADF. Effective date: October 29, 1955. Amendment No. 3. Supersedes amendment 2, dated July 17, 1954. Major changes: (1) Transitions revised; (2) new format used; (3) air carrier note revised; (4) distance item 6 revised to 10 miles in accordance with policy.	Lansing VOR	LOM	070—11.0	2,400	N side E course: 099° outbound. 273° inbound. 2,000' within 10 miles.	ILS 2,000 ADF 1,500 over LOM	1,959—4.3	1,040—6.0	2 engines or less T-dn C-dn S-dn 27 ILS ADF A-dn More than 2 engines T-dn C-dn S-dn 27 ILS ADF A-dn	300-1 400-1 300-¾ 400-1 800-2 *200-½ 500-1½ 300-¾ 400-1 800-2	300-1 500-1 300-¾ 400-1 800-2	Within 4.3 miles of LOM, climb to 2,200' on W course ILS within 25 miles or when directed by ATC, make right turn climb, climbing to 2,000' on NW course. LAN-LFR within 25 miles. CAUTION: Tower 1,880' mean sea level 6.5 miles SE of LOM. *300-1 required on NW-SE runway. No approach lights. AIR CARRIER NOTE: 400-1 required when glide path inoperative.
	Lansing LFR	LOM	080— 2.0	2,400								
	Intersection LAN-VOR 269° radial and back course ILS or 093° bearing to LOM.	LOM	093—22.0	2,400								
	Intersection LAN-VOR 321° radial and back course ILS or 093° bearing to LOM.	LOM	093—18.0	2,400								
	Flint LOM	Intersection 221° bearing from Flint LOM and ILS course.	221—17.0	2,000								
	Intersection 221° bearing from Flint LOM and ILS course.	LOM final	273—23.0	2,000								
	Intersection 112° radial LAN-VOR and bearing 340° to LOM.	LOM	340—10.0	2,900								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No. effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound) altitudes limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6				10	11	12	13
LANSING, MICH. Capital City, 858'. ILS-ILAN. Procedure No. 2. Effective date: October 29, 1955. Amendment No. 1. Supersedes original, dated July 17, 1954. Major changes: (1) Distance revised column 6; (2) new format on minimums in accordance with policy.	LAN VOR	Grand Ledge Intersection*	360—4.5	2,000	S side W course: 273° outbound. 093° inbound. 2,000' within 10 miles.	No glide slope 1,500' over Grand Ledge Intersection.	No outer marker 093—5.0	No middle marker.	2 engines or less T-dn C-dn S-dn 9 A-dn More than 2 engines T-dn C-dn S-dn 9 A-dn	300-1 400-1 400-1 800-2 **200-½ 500-1½ 400-1 800-2	300-1 500-1 400-1 800-2	Within 5 miles of Grand Ledge Intersection climb to 2,400' on front course ILS, proceed to LOM or when directed by ATC make left turn climbing to 2,000' on NW course LAN LFR within 25 miles. *Grand Ledge Intersection: Intersection W course LAN ILS and LAN VOR 360° radial. NOTE: Procedure not authorized unless aircraft equipped to receive ILS and VOR simultaneously. **300-1 required on NW-SE runway.
	LAN LFR	Grand Ledge Intersection.*	277—8.0	2,200								
	Intersection W course LAN ILS and LAN VOR 293° radial.	Grand Ledge Intersection.*	093—11.0	Final 1,500								
	LAN LOM	Grand Ledge Intersection.*	273—10.0	2,400								
LONG BEACH, CALIF. Municipal, 56'. ILS-LGB LOM-LG. Combination ILS-ADF. Procedure No. 1. Amendment No. 7. Effective October 29, 1955. Supersedes amendment No. 6, dated April 30, 1955. Major changes: Raise missed approach altitude at San Pedro Intersection to 2,500', S course LAX LFR realigned.	LGB LFR	LOM	135—1.6	1,500	S side SE course: 121° outbound. 301° inbound. 1,500' within 10 miles o LOM. Beyond 10 miles not authorized.	1,400 ILS 1,100 ADF	1,320—5.4	245—0.7	2 engines or less T-dn C-dn S-dn Runway 30 ILS ADF A-dn ILS ADF More than 2 engines T-dn C-dn S-dn Runway 30 ILS ADF A-dn ILS ADF	300-1 500-1 300-¾ 500-1 600-2 800-2 *200-½ 600-2 300-¾ 500-1 600-2 800-2	300-1 600-1 300-¾ 500-1 600-2 800-2	Within 5.4 miles after passing LOM (ADF) climb to 800' on NW course LGB LFR, turn left to 250° continuing climb to intersection S course LAX LFR and proceed to San Pedro Intersection at minimum of 2,500'. CAUTION: Standard clearance over obstructions not provided for circular minimums. 500' hill with oil derricks 1 mile S of airport. *300-1 required for takeoff runways 16, 16R, 25L, 34R.
	Huntington Beach FM	LOM	295—9.0	1,400								
	San Pedro Intersection	LOM	039—7.0	1,500								
	LGB VOR	LOM	203—2.0	1,500								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
LOS ANGELES, CALIF. International, 125'. ILS-LAX LOM-LA. Combination ILS-ADF. Procedure No. 1. Amendment No. 12. Effective date: October 29, 1955. Supersedes Amendment 11, dated March 12, 1955. Major changes: Add note requiring aircraft leaving Downey inbound to leave 3,000' at the same time; add transition from LAX VOR.	LAX LFR	LOM	074—2.0	2,000	S side of E course: 068° outbound. 248° inbound. 2,000' within 10 miles, and in no case farther E than Downey FM or Radiobeacon.	ILS 1,700	1,700—6.04	310—0.64	2 engines or less			Within 6 miles, after passing LOM (ADF) climb to 2,000' on W course LAX LFR. NOTE: 300-1 required for takeoff Runway 16. *Leave 3,000' after passing Downey. #On ADF approach cross LAX LFR inbound at minimum of 1,000' mean sea level.
	Downey FM or Radiobeacon	LOM	253—9.0	(ILS) *1,700		ADF #1,500			T-dn	300-1	300-1	
				(ADF) *1,500					C-dn	400-1	600-1	
	LGB LFR	LOM	304—16.0	(ILS) 1,700					S-dn 25L ILS	200-½	200-½	
				(ADF) 1,500					ADF	400-1	400-1	
	Hollywood Hills FM	LOM	133—14.0	3,000					A-dn ILS	600-2	600-2	
	LAX VOR	LOM	068—9.0	2,000					ADF	800-2	800-2	
									More than 2 engines			
									T-dn	----------	200-½	
									C-dn	----------	600-1½	
									S-dn 25L ILS	----------	200-½	
									ADF	----------	400-1	
									A-dn ILS	----------	600-2	
									ADF	----------	800-2	
PORTLAND, OREG. International, 23'. ILS-PDX Radiobeacon SVY. Combination ILS-ADF. Procedure No. 1. Amendment No. 6. Effective date: October 29, 1955. Supersedes ILS-ADF. Procedure No. 1. Amendment No. 5, dated July 23, 1955. Major changes: Column 8 add ADF over OM altitude.	Woodland FM	SVY	178—22.0	3,000	S side of course: 278° outbound. 098° inbound. 3,000' within 10 miles of SVY radiobeacon. Not authorized beyond 10 miles.	3,000	1,370—4.5	280—0.6	2 engines or less			Within 0 mile, after passing LMM (ADF) climb to 1,500' on course of 098° within 10 miles of LMM; thence make climbing right turn to a heading of 230° proceeding to S course of PDX-LFR at 3,000' or proceed to 175° radial of PDX-VOR at 3,000' within 15 miles of VOR. Alternate missed approach: When directed by arte climb to 1,500' on back course of ILS localizer within 10 miles of LMM, making climbing left turn, proceed direct to PDX-LFR or to PDX-VOR at 3,000'. *300-1 required on runways 7-25, 11, 2-29. **If OM not received visually and aurally, maintain 1,600' to LMM, then climb to 3,000' on S course of PDX range within 10 miles of LFR.
	La Center FM	SVY	197—13.0	3,000		** ADF 1,600 over OM			T-dn	300-1	300-1	
	PDX VOR	SVY	221—12.0	3,000					C-d	600-1	600-1	
	PDX LFR	SVY	259—10.0	3,000					C-n	600-1	700-1	
	Willamette FM	SVY	330—22.0	3,000					S-dn Runway 10 ILS	200-½	200-½	
	UBG VOR	SVY	360—23.0	3,000					ADF	600-1	600-1	
	All fixes within 25 nautical miles of GCA station may be determined by surveillance radar.								A-d ILS	600-2	600-2	
									ADF	800-2	800-2	
									A-n ILS	600-2	700-2	
									ADF	800-2	800-2	
									More than 2 engines			
									T-dn	----------	*300-½	
									C-d	----------	600-1½	
									C-n	----------	700-1½	
									S-dn Runway 10 ILS	----------	200-½	
									ADF	----------	600-1	
									A-d ILS	----------	600-2	
									ADF	----------	800-2	
									A-n ILS	----------	700-2	
									ADF	----------	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
WASHINGTON, D. C. National, 16'. ILS DCA. Procedure No. 1. Amendment No. 7. Effective date: October 29, 1955. Supersedes amendment 6, dated June 20, 1954. Major changes: Procedure turn distance limited to 10 miles.	Andrews LFR	OM	305—10	1,500	W side of S course: * 183° outbound. 003° inbound. 1,400' within 10 miles.	1,400	1,360—5.3	205—0.6	2 engines or less			If contact not established at LMM, make climbing turn to left as soon as practicable and climb to 1,800' (or higher altitude if directed by ATC) on NW course Washington LFR to Herndon Intersection. CAUTION: Circling minimums do not provide standard clearance over 596' monument 1.3 miles N of airport, minimums with glide slope inoperative do not provide standard clearance over 193' stacks 1.5 miles S of airport. *Nonstandard procedure turn to avoid Andrews Air Force Base traffic. AIR CARRIER NOTES: No sliding scale or reduction in visibility authorized for takeoff on Runways 9 and 27. #300-1 required for takeoff on Runways 9 and 27.
	Springfield MHW	OM	103—12	1,500					T-dn	300-1	300-1	
	Radar terminal area transition altitudes. (Radar distances shown in nautical miles.)	OM	E, W and S quadrants of DCA LFR.	1,500' within 25 miles of OM.					C-dn	600-1	600-1	
									S-dn 36	200-½	200-½	
									A-dn	600-2	600-2	
			N quadraut.	1,800' within 25 miles.					More than 2 engines			
									T-dn	----------	#200-½	
									C-dn	----------	600-1½	
									S-dn 36	----------	200-½	
			All quadrants (exclusive of restricted areas).	2,500' within 40 miles.					A-dn	----------	600-2	

6. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State; airport name, elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Runway No.	Condition	Ceiling and visibility minimums: Precision approach (PAR) 2 engines or less: 75 m. p. h. or less	Precision approach (PAR) 2 engines or less: More than 75 m. p. h.	Surveillance approach (ASR): 75 m. p. h. or less	Surveillance approach (ASR): More than 75 m. p. h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds, (b) directed by ground controller, (c) visual reference is not established upon descent to the authorized landing minimums, or (d) landing is not accomplished
1	2	3	4	5	6	7	8	9
CINCINNATI, OHIO, Greater Cincinnati, 890'. Amendment No. 1. Effective date: October 29, 1955. Supersedes Amendment "Original", dated August 20, 1955. Major change: Corrects runway identification.	From 022° through 105° 2,500' within 30 nautical miles.	All	T-dn	300-1	300-1	300-1	300-1	Runways 4, 36, and 31, climb to 2,300' and proceed to New Baltimore Intersection. Runways 9, 13, 18, 22, and 27, climb to 2,000' and proceed to ILS LOM.
	From 105° through 190° 2,000' within 15 nautical miles, 2,500' within 30 nautical miles.	4, 9, 13, 18, 31, 36.	B-dn	400-1	400-1	400-1	400-1	
		22, 27	C-dn	700-1	700-1	700-1	700-1	
		4, 9, 13, 18, 31, 36.	C-dn	600-1	600-1	600-1	600-1	
		22, 27	A-dn	700-1	700-1	700-1	700-1	
		All	A-dn	800-2	800-2	800-2	800-2	
				More than 2 engines				
		All	T-dn	200-½	200-½			
		4, 9, 13, 18, 31, 36.	S-dn	400-1	400-1			
		22, 27	C-dn	500-1½	500-1½			
		4, 9, 13, 18, 31, 36.	C-dn	700-1½	700-1½			
		22, 27	A-dn	800-2	800-2			
		All	A-dn					

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-7752; Filed, Oct. 6, 1955; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

CHLORTETRACYCLINE OINTMENT

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for certification of chlortetracycline (or tetracycline) and chlortetracycline- (or tetracycline-) containing drugs are amended as follows:

In § 146c.202 *Chlortetracycline ointment* • • •, subparagraphs (2) and (4) of paragraph (c) *Labeling* are amended by deleting therefrom the words "tetracycline hydrochloride,".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendment set forth above.

Effective date. This amendment shall become effective 90 days from the date of publication of this order in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: October 3, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8132; Filed, Oct. 6, 1955; 8:48 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (4) is added to § 6.309 as set out below.

§ 6.309 *Post Office Department.* • • •
(b) *Bureau of Facilities.* • • •
(4) One Deputy Assistant Postmaster General.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-8134; Filed, Oct. 6, 1955; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter E—Production Credit System

[FCA Order No. 636]

PART 50—RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS

PAYMENT OF DIVIDENDS

The rules and regulations for Production Credit Associations are hereby amended by adding thereto a new section reading as follows:

§ 50.26 *Payment of dividends.* (a) A PCA may pay dividends on its outstanding class A and class B stock, without preference, or on class A stock alone, at a rate not to exceed 7 per centum per annum when (1) it has met all dividend requirements prescribed by the production credit corporation of the district, and the corporation has approved such payment, (2) the association has retired all of its class A stock owned by the corporation, and (3) its surplus account (after payment of dividends) is in an amount at least equal to the minimum amount prescribed by the corporation as required by law: *Provided, however,* That, except with the approval of the Farm Credit Administration, no dividend may be paid by an association if its surplus account (after payment of dividends) is in an amount less than 7½ per centum of the maximum amount of its outstanding loans during the most recent 3-year period.

(b) A production credit association may pay dividends on its outstanding class C stock in accordance with the terms and conditions of each issue of such stock, when such payment is approved by the production credit corporation of the district.

(Secs. 20, 23, 48 Stat. 259, 266, sec. 202, 69 Stat. 663; 12 U. S. C. 1131d, 1131g)

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 55-8130; Filed, Oct. 6, 1955; 8:48 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 3, Amdt. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP CORN RESEAL LOAN PROGRAM

AVAILABILITY; TIME

The regulations issued by Commodity Credit Corporation and Commodity Stabilization Service, published in 19 F. R. 3365, 6902, 7155 and 20 F. R. 411 and 3815 and containing the specific requirements for the 1954-Crop Corn Reseal Loan Program, are hereby amended as follows:

Section 421.727 (b) (3) is amended to allow producers with corn under purchase agreements who notified the county committee before July 31, 1955, of their intention to participate in the reseal loan program more time for the execution of loan documents by changing the date in the third sentence from September 30, 1955, to November 30, 1955, so that the amended subparagraph (3) reads as follows:

§ 421.727 *Availability.* • • •
(b) *Time.* • • •
(3) The producer who signed a purchase agreement on farm-stored corn is required, under the 1954 Corn Price Support Program, to notify the county committee not later than July 31, 1955, if he intends to sell the corn to CCC. If the producer has notified the county committee on or before July 31, 1955, of his intention to sell the corn to CCC, or to participate in this program, he may obtain a farm-storage loan on the corn. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions, or on or before November 30, 1955, if the producer has not requested or received delivery instructions. The loan documents must be presented for disbursement within 15 days after execution. Disbursement of loans will be made to producers by approved lending agencies under an agreement with CCC, or by ASC county offices by means of sight drafts drawn on CCC. Payment in cash, credit to the producer's account or the drawing of a check or draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the corn is in existence and in good condition. If the corn was not in existence and in good condition at the time of disbursment, the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 4th day of October 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-8142; Filed, Oct. 6, 1955; 8:51 a. m.]

[1955 CCC Cotton Bulletin 1, Amdt. 4]

PART 427—COTTON

SUBPART—1955 COTTON LOAN PROGRAM

REVISION OF BAGGING (BALE COVERING) REQUIREMENTS

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service published in 20 F. R. 4353, 6151, 6238, and 6373 and containing the instructions and require-

ments with respect to the 1955 Cotton Loan Program are hereby amended as follows:

Section 427.606 (g) as amended is further amended to eliminate the requirement that heads of bales be completely covered so that the amended paragraph reads as follows:

(g) Each bale of cotton must weigh not less than 300 nor more than 700 pounds, gross weight, and must be adequately packaged in new material manufactured for cotton bale covering, except used jute and sugar bagging will be acceptable if such bagging is clean and in sound condition. New bagging used in the Cotton Experimental Bale Cover Program sponsored by the National Cotton Council, Memphis, Tennessee (hereinafter referred to as "Experimental Bale Cover Program") will be acceptable provided there is attached to each bale covered with such bagging a tag which indentifies such bale with the program, the type of cover used on such bale and which shows the actual tare weight and the number of pounds to be added to the gross weight of the bale for the purpose of adjusting the bale to the normal gross weight under such program.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 3d day of October 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 55-8143; Filed, Oct. 6, 1955; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1953

CERTAIN DEATH BENEFITS SPECIFICALLY EXCLUDED FROM GROSS INCOME

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that, pursuant to the Administrative Procedure Act, approved June 11, 1946, the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 101 (d) and 7805 of the Internal Revenue Code of 1954 (68A Stat. 27, 917; 26 U. S. C. 101 (d), 7805).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

The following regulations under section 101 of the Internal Revenue Code of 1954 are hereby prescribed with respect to amounts received by reason of the death of an insured or an employee occuring after August 16, 1954:

Sec.
1.101 Statutory provisions; certain death benefits.
1.101-1 Exclusion from gross income of proceeds of life insurance contracts payable by reason of death.
1.101-2 Employees' death benefits.
1.101-3 Interest payments.
1.101-4 Payment of life insurance proceeds at a date later than death.
1.101-5 Alimony, etc., payments.
1.101-6 Effective date.

ITEMS SPECIFICALLY EXCLUDED FROM GROSS INCOME

§ 101 *Statutory provisions; certain death benefits.*

SEC. 101. *Certain death benefits*—(a) *Proceeds of life insurance contracts payable by reason of death*—(1) *General rule.* Except as otherwise provided in paragraph (2) and in subsection (d), gross income does not include amounts received (whether in a single sum or otherwise) under a life insurance contract, if such amounts are paid by reason of the death of the insured.

(2) *Transfer for valuable consideration.* In the case of a transfer for a valuable consideration, by assignment or otherwise, of a life insurance contract or any interest therein, the amount excluded from gross income by paragraph (1) shall not exceed an amount equal to the sum of the actual value of such consideration and the premiums and other amounts subsequently paid by the transferee. The preceding sentence shall not apply in the case of such transfer—

(A) If such contract or interest therein has a basis for determining gain or loss in the hands of a transferee determined in whole or in part by reference to such basis of such contract or interest therein in the hands of the transferor, or

(B) If such transfer is to the insured, to a partner of the insured, to a partnership in which the insured is a partner, or to a corporation in which the insured is a shareholder or officer.

(b) *Employees' death benefits*—(1) *General rule.* Gross income does not include amounts received (whether in a single sum or otherwise) by the beneficiaries or the estate of an employee, if such amounts are paid by or on behalf of an employer and are paid by reason of the death of the employee.

(2) *Special rules for paragraph (1)*—(A) *$5,000 limitation.* The aggregate amounts excludable under paragraph (1) with respect to the death of any employee shall not exceed $5,000.

(B) *Nonforfeitable rights.* Paragraph (1) shall not apply to amounts with respect to which the employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living (other than total distributions payable, as defined in section 402 (a) (3), which are paid to a distributee, by a stock bonus, pension, or profit-sharing trust described in section 401 (a) which is exempt from tax under section 501 (a), or under an annuity contract under a plan which meets the requirements of paragraphs (3), (4), (5), and (6) of section 401 (a), within one taxable year of the distributee by reason of the employee's death).

(C) *Joint and survivor annuities.* Paragraph (1) shall not apply to amounts received by a surviving annuitant under a joint and survivor's annuity contract after the first day of the first period for which an amount was received as an annuity by the employee (or would have been received if the employee had lived).

(D) *Other annuities.* In the case of any amount to which section 72 (relating to annuities, etc.) applies, the amount which is excludable under paragraph (1) (as modified by the preceding subparagraphs of this paragraph) shall be determined by reference to the value of such amount as of the day on which the employee died. Any amount so excludable under paragraph (1) shall, for purposes of section 72, be treated as additional consideration paid by the employee.

(c) *Interest.* If any amount excluded from gross income by subsection (a) or (b) is held under an agreement to pay interest thereon, the interest payments shall be included in gross income.

(d) *Payment of life insurance proceeds at a date later than death*—(1) *General rule.* The amounts held by an insurer with respect to any beneficiary shall be prorated (in accordance with such regulations as may be prescribed by the Secretary or his delegate) over the period or periods with respect to which such payments are to be made. There shall be excluded from the gross income of such beneficiary in the taxable year received—

(A) Any amount determined by such proration, and

(B) In the case of the surviving spouse of the insured, that portion of the excess of the amounts received under one or more agreements specified in paragraph (2) (A) (whether or not payment of any part of such amounts is guaranteed by the insurer) over the amount determined in subparagraph (A) of this paragraph which is not greater than $1,000 with respect to any insured.

Gross income includes, to the extent not excluded by the preceding sentence, amounts received under agreements to which this subsection applies.

(2) *Amount held by an insurer.* An amount held by an insurer with respect to any beneficiary shall mean an amount to which subsection (a) applies which is—

(A) Held by any insurer under an agreement provided for in the life insurance contract, whether as an option or otherwise, to pay such amount on a date or dates later than the death of the insured, and

(B) Is equal to the value of such agreement to such beneficiary

(i) As of the date of death of the insured (as if any option exercised under the life insurance contract were exercised at such time), and

(ii) As discounted on the basis of the interest rate and mortality tables used by the insurer in calculating payments under the agreement.

(3) *Surviving spouse.* For purposes of this subsection, the term "surviving spouse" means the spouse of the insured as of the date of death, including a spouse legally separated but not under a decree of absolute divorce.

(4) *Application of subsection.* This subsection shall not apply to any amount to which subsection (c) is applicable.

(e) *Alimony, etc., payments*—(1) *In general.* This section shall not apply to so much of any payment as is includible in the gross income of the wife under section 71 (relating to alimony) or section 682 (relating to income of an estate or trust in case of divorce, etc.).

(2) *Cross reference.* For definition of "wife", see section 7701 (a) (17).

(f) *Effective date of section.* This section shall apply only to amounts received by reason of the death of an insured or an employee occurring after the date of enactment of this title. Section 22 (b) (1) of the Internal Revenue Code of 1939 shall apply to amounts received by reason of the death of an insured or an employee occurring on or before such date.

§ 1.101-1 *Exclusion from gross income of proceeds of life insurance contracts payable by reason of death*—(a) *In general.* Section 101 (a) (1) states the general rule that the proceeds of life insurance policies, if paid by reason of the death of the insured, are excluded from the gross income of the recipient. Death benefit payments under workmen's compensation insurance contracts, or under accident and health insurance contracts, having the characteristics of life insurance proceeds payable by reason of death, are covered by this provision. For provisions relating to death benefits paid by or on behalf of employers, see section 101 (b) and § 1.101-2. The exclusion from gross income allowed by section 101 (a) applies whether payment is made to the estate of the insured or to any beneficiary (individual, corporation or partnership) and whether it is made directly or in trust. The extent to which this exclusion applies in cases where life insurance policies have been transferred for valuable consideration is stated in section 101 (a) (2) and in paragraph (b) of this section. In cases where the proceeds of a life insurance policy, payable by reason of the death of the insured, are paid other than in a single sum at the time of such death, the amounts to be excluded from gross income may be affected by the provisions of section 101 (c) (relating to amounts held under agreements to pay interest) or section 101 (d) (relating to amounts payable at a date later than death). See §§ 1.101-3 and 1.101-4. For rules governing the taxability of insurance proceeds constituting benefits payable on the death of an employee under pension, profit-sharing, or stock bonus plans described in section 401 (a) and exempt under section 501 (a), or under annuity plans meeting the requirements of section 401 (a) (3), (4), (5), and (6), see also sections 402 (a) and 403 (a) and the regulations thereunder.

(b) *Transfers of life insurance policies.* (1) In the case of a transfer, by assignment or otherwise, of a life insurance policy or any interest therein for a valuable consideration, the amount of the proceeds attributable to such policy or interest which is excludable from the transferee's gross income is limited to the sum of (i) the actual value of the consideration for such transfer, and (ii) the premiums and other amounts subsequently paid by the transferee (see section 101 (a) (2) and example (1) of subparagraph (5) of this paragraph). However, this limitation on the amount excludable from the transferee's gross income does not apply (except in certain special cases involving a series of transfers), where the basis of the policy or interest transferred, for the purpose of determining gain or loss with respect to the transferee, is determinable, in whole or in part, by reference to the basis of such contract or interest in the hands of the transferor (see section 101 (a) (2) (A) and examples (2) and (4) of subparagraph (5) of this paragraph). Neither does the limitation apply where the policy or interest therein is transferred to the insured, to a partner of the insured, to a partnership in which the insured is a partner, or to a corporation in which the insured is a shareholder or officer (see section 101 (a) (2) (B)). For rules relating to gratuitous transfers, see subparagraph (2) of this paragraph. For special rules with respect to certain cases where a series of transfers is involved, see subparagraph (3) of this paragraph.

(2) In the case of a gratuitous transfer, by assignment or otherwise, of a life insurance policy or any interest therein, as a general rule the amount of the proceeds attributable to such policy or interest which is excludable from the transferee's gross income under section 101 (a) is limited to the sum of (i) the amount which would have been excludable by the transferor (in accordance with this paragraph) if no such transfer had taken place, and (ii) any premiums and other amounts subsequently paid by the transferee. (See example (6) of subparagraph (5) of this paragraph.) However, where the transfer in question is made to the insured, to a partner of the insured, to a partnership in which the insured is a partner, or to a corporation in which the insured is a shareholder or officer, the entire amount of the proceeds attributable to the policy or interest transferred shall be excludable from the transferee's gross income (see section 101 (a) (2) (B) and example (7) of subparagraph (5) of this paragraph).

(3) In the case of a series of transfers, if the last transfer of a life insurance policy or an interest therein is for a valuable consideration—

(i) The general rule is that the final transferee shall exclude from gross income, with respect to the proceeds of such policy or interest therein, only the sum of—

(*a*) The actual value of the consideration paid by him, and

(*b*) The premiums and other amounts subsequently paid by him;

(ii) If the final transfer is to the insured, to a partner of the insured, to a partnership in which the insured is a partner, or to a corporation in which the insured is a shareholder or officer, the final transferee shall exclude the entire amount of the proceeds from gross income;

(iii) Except where subdivision (ii) of this subparagraph applies, if the basis of the policy or interest transferred, for the purpose of determining gain or loss with respect to the final transferee, is determinable, in whole or in part, by reference to the basis of such policy or interest therein in the hands of the transferor, the amount of the proceeds which is excludable by the final transferee is limited to the sum of—

(*a*) The amount which would have been excludable by his transferor if no such transfer had taken place, and

(*b*) Any premiums and other amounts subsequently paid by the final transferee himself.

(4) For the purposes of section 101 (a) (2) and subparagraphs (1) and (3) of this paragraph, a "transfer for a valuable consideration" is any absolute transfer for value of a right to receive all or a part of the proceeds of a life insurance policy. Thus, the creation, for value, of an enforceable contractual right to receive all or a part of the proceeds of a policy may constitute a transfer for a valuable consideration of the policy or an interest therein. On the other hand, the pledging or assignment of a policy as collateral security is not a transfer for a valuable consideration of such policy or an interest therein, and section 101 is inapplicable to any amounts received by the pledgee or assignee.

(5) The application of this paragraph may be illustrated by the following examples:

Example (1). A pays premiums of $500 for an insurance policy in the face amount of $1,000 upon the life of B, and subsequently transfers the policy to C for $600. C receives the proceeds of $1,000 upon the death of B. The amount which C can exclude from his gross income is limited to $600 plus any premiums paid by C subsequent to the transfer.

Example (2). The A Corporation purchases for a single premium of $500 an insurance policy in the face amount of $1,000 upon the life of X, one of its employees, naming the A Corporation as beneficiary. The A Corporation transfers the policy to the B Corporation in a tax-free reorganization (the policy having a basis for determining gain or loss in the hands of the B Corporation determined by reference to its basis in the hands of the A Corporation). The B Corporation receives the proceeds of $1,000 upon the death of X. The entire $1,000 is to be excluded from the gross income of the B Corporation.

Example (3). The facts are the same as in example (2) except that, prior to the death of X, the B Corporation transfers the policy to the C Corporation for $600. The C Corporation receives the proceeds of $1,000 upon the death of X. The amount which the C Corporation can exclude from its gross income is limited to $600 plus any premiums paid by the C Corporation subsequent to the transfer of the policy to it.

Example (4). The facts are the same as in example (3) except that, prior to the death of X, the C Corporation transfers the policy to the D Corporation in a tax-free reorganization (the policy having a basis for determining gain or loss in the hands of the D Corporation determined by reference to its basis in the hands of the C Corporation). The D Corporation receives the proceeds of $1,000 upon the death of X. The amount which the D Corporation can exclude from its gross income is limited to $600 plus any premiums paid by the C Corporation and the D Corporation subsequent to the transfer of the policy to the C Corporation.

Example (5). The facts are the same as in example (3) except that, prior to the death of X, the C Corporation transfers the policy of the E Corporation, in which X is a shareholder. The E Corporation receives the proceeds of $1,000 upon the death of X.

The entire $1,000 is to be excluded from the gross income of the E Corporation.

Example (6). A pays premiums of $500 for an insurance policy in the face amount of $1,000 upon his own life, and subsequently transfers the policy to his wife B for $600. B later transfers the policy without consideration to C, who is the son of A and B. C receives the proceeds of $1,000 upon the death of A. The amount which C can exclude from his gross income is limited to $600 plus any premiums paid by B and C subsequent to the transfer of the policy to B.

Example (7). The facts are the same as in example (6) except that, prior to the death of A, C transfers the policy without consideration to A, the insured. A's estate receives the proceeds of $1,000 upon the death of A. The entire $1,000 is to be excluded from the gross income of A's estate.

§ 1.101–2 *Employees' death benefits*—(a) *In general.* (1) Section 101 (b) states the general rule that amounts up to $5,000 which are paid to the beneficiaries or the estate of an employee, or former employee, by or on behalf of an employer and by reason of the death of the employee shall be excluded from the gross income of the recipient. This exclusion from gross income applies whether payment is made to the estate of the employee or to any beneficiary (individual, corporation or partnership), whether it is made directly or in trust, and whether or not it is made pursuant to a contractual obligation of the employer. The exclusion applies whether payment is made in a single sum or otherwise, subject to the provisions of section 101 (c), relating to amounts held under an agreement to pay interest thereon (see § 1.101–3).

(2) The exclusion does not apply to amounts constituting income in respect of decedents under section 691, such as payments for uncollected salary or unused leave, nor to certain other amounts with respect to which the deceased employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living (see section 101 (b) (2) (B) and paragraph (d) of this section), nor to amounts received as an annuity under a joint and survivor annuity obligation where the employee was the primary annuitant and the annuity starting date occurred before the death of the employee (see section 101 (b) (2) (C) and paragraph (e) (1) (ii) of this section). In the case of amounts received by a beneficiary as an annuity (but not as a survivor under a joint and survivor annuity with respect to which the employee was the primary annuitant), the exclusion is applied indirectly by means of the provisions of section 72 and the regulations thereunder (see section 101 (b) (2) (D) and paragraph (e) (1) (iii) and (iv) of this section).

(3) The total amount excludable with respect to any employee may not exceed $5,000 regardless of the number of employers or the number of beneficiaries (for allocation of the exclusion among beneficiaries, see paragraph (c) of this section). For rules governing the taxability of benefits payable on the death of an employee under pension, profit-sharing, or stock bonus plans described in section 401 (a) and exempt under section 501 (a), or under annuity plans meeting the requirements of section 401 (a) (3), (4), (5), and (6), see also sections 402 (a) and 403 (a) and the regulations thereunder.

(b) *Payments under certain employee benefit plans.* Where a payment is made by reason of the death of an employee by a welfare fund or a trust, including a stock bonus, pension, or profit-sharing trust described in section 401 (a), or by an insurance company (if such payment does not constitute "life insurance" within the purview of section 101 (a)), the payment shall be considered to have been made by or on behalf of the employer to the extent it exceeds amounts contributed by, plus amounts which are income in respect of, the deceased employee. For provisions governing the taxability of distributions payable on the death of an employee participant under a trust described in section 401 (a) and exempt under section 501 (a), which has purchased annuity contracts, life insurance contracts, or retirement income contracts with life insurance protection, see § 1.402 (a)–1 (a) (4).

(c) *Allocation of the exclusion.* (1) where the aggregate payments by or on behalf of an employer or employers as death benefits to the beneficiaries or the estate of a deceased employee exceed $5,000, the $5,000 exclusion shall be apportioned among them in the same proportion as the amount received by or the present value of the amount payable to each bears to the total death benefits paid or payable by or on behalf of the employer or employers.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. The M Corporation, the employer of A, a deceased employee who died November 30, 1954, makes payments in 1955 to the beneficiaries of A as follows: $5,000 to W, A's widow, $2,000 to X, the son of A, and $3,000 to Y, the daughter of A. No other amounts are paid by any other employer of A to his estate or beneficiaries. By application of the apportionment rule stated above, W, the widow, will exclude $2,500 ($5,000/$10,000, or one-half, of $5,000); X, the son, will exclude $1,000 ($2,000/$10,000, or one-fifth, of $5,000); and Y, the daughter, will exclude $1,500 ($3,000/$10,000, or three-tenths, of $5,000).

(d) *Nonforfeitable rights.* (1) Except as provided in subparagraph (3) of this paragraph, the exclusion provided by section 101 (b) does not apply to amounts with respect to which the deceased employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living. Section 101 (b) (2) (B). For the purpose of section 101 (b) and this paragraph, an employee shall be considered to have had a nonforfeitable right with respect to—

(i) Any amount to which he would have been entitled—

(*a*) If he had made an appropriate election or demand, or

(*b*) Upon retirement or termination of his employment,

immediately before his death (see examples (5) and (6) of subparagraph (2) of this paragraph); or

(ii) The present value (immediately before his death) of—

(*a*) Amounts payable as an annuity (as defined in § 1.72–2 (b), whether immediate or deferred) by or on behalf of the employer (see example (1) of subparagraph (2) of this paragraph), or

(*b*) Amounts which would have been so payable if the employee had terminated his employment and continued to live;

or

(iii) Any amount to the extent it is paid in lieu of amounts described in either subdivision (i) or subdivision (ii) of this subparagraph. See examples (2), (3), and (4) of subparagraph (2) of this paragraph.

For purposes of subdivision (iii) of this subparagraph, any amount paid in discharge of an obligation which arose solely because of the existence of a particular fact or circumstance subsequent to the employee's death shall not be considered an amount paid in lieu of amounts described in subdivision (i) or (ii) of this subparagraph. Subdivision (iii) of this subparagraph shall apply, however, to the extent indicated therein, to amounts payable without regard to any such contingency (to the extent that such amounts are equal to or less than those described in subdivisions (i) and (ii) of this subparagraph which are not paid).

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following examples, in which it is assumed that the plans are not "qualified" plans:

Example (1). A, who was a participant under the B Company pension plan, retired on December 31, 1953. He had made no contributions to the plan. Upon his retirement, he became entitled to monthly payments of $100 payable for life, or 120 months certain. A died on October 31, 1954, having received 10 monthly payments of $100 each. After his death, the monthly payments became payable to his estate for the remaining 110 months certain. No exclusion from gross income is allowed to A's estate (or any beneficiary who receives the right to such payments from the estate), since the employee's right to the monthly payments was nonforfeitable at the date of his death.

Example (2). C, a participant under the D Company pension plan, died on December 15, 1954, while actively in the employment of the Company, survived by a widow and minor children. Because of his years of service, he would have been entitled to an annuity for life, his own contributions to the plan and interest thereon being guaranteed, if he had retired or terminated his employment at a time immediately before his death. The plan further provides that: (a) If, but only if, an employee is survived by a widow and minor children, his widow is to receive an annuity for her life without regard to whether or not the employee had begun his annuity; (b) any payments made with respect to his widow's annuity are to reduce the guaranteed amount to an equal extent; and (c) if the employee is not so survived, the guaranteed amount is payable to his beneficiary or estate, but no amount is payable to anyone with respect to what would have been the widow's annuity. In view of these provisions, that portion of the present value of the annuity payable to C's widow which exceeds the guaranteed amount shall be considered paid neither as an amount, nor in lieu of an amount, which C had a nonforfeitable right to receive while living. The reason for this result is that the payment of such excess is contingent upon C's being survived by a widow and minor children, a circumstance existing subsequent to his death. Conversely, to the extent that the present value of the annuity payable to C's widow does not exceed the guaranteed amount, annuity payments attributable to such present value shall be considered paid in lieu of an amount which C had a nonforfeitable right to receive while living.

Example (3). M, a participant under the Y Company pension plan, died on January 1, 1955, while actively in the employment of the Company. The Y Company plan provides that where an employee dies in service the present value of the accumulated credits which he could have obtained at that time if he had instead separated from the service shall be paid in a single sum to his surviving spouse or to his estate if no widow survives him. The present value of M's accumulated credits, at the time of his death, was $10,000. However, the plan also provides that a surviving spouse may elect to take, in lieu of a single sum, an annuity the present value of which exceeds such sum by $2,500. M's widow elects to receive an annuity (the present value of which is $12,500). Therefore, $2,500 is an amount to which the exclusion of section 101 (b) and this section shall apply.

Example (4). N, an employee of the B Company, continues to work after reaching the normal retirement age of 60 years, although he could have retired at that age and obtained an annuity of $3,000 per year for his life. N is not entitled to any part of the annuity while he is employed and receiving compensation. N dies at the age of 67 while still in active employment. Since he had passed normal retirement age, his additional years of service did not entitle him to a larger annuity at age 67 than that which he could have obtained at age 60. However, the plan of the B Company provides that in the event of an employee's death prior to separation from the service, his widow is to be paid an annuity for her life in the same amount per year as that which the employee could have obtained if he had instead retired, but if no widow survives him, the present value of the annuity which the employee could have obtained at a time just before his death is to be paid a named beneficiary or the estate of the employee. Assuming that the present value of the annuity to N's widow, whose age is 61 years, is $36,000 and the present value of the annuity which would have been payable to N at age 67 if he had then retired is $23,500, the present value of the widow's annuity, to the extent of $23,500, is an amount which is payable in lieu of amounts which the employee had a nonforfeitable right to receive while living because it does not exceed the value of his nonforfeitable rights and is not otherwise paid. On the other hand, the excess of the value of the widow's annuity over the value of the employee's annuity, $12,500 ($36,000 minus $23,500), is an amount to which section 101 (b) applies since the employee had no right to any part of it. If no other death benefits are payable, a $5,000 exclusion is available (see section 101 (b) (2) (D) and paragraph (e) of this section).

Example (5). The trustee of the C Corporation noncontributory profit-sharing plan is required under the provisions of the plan to pay to the beneficiary of B, an employee of the C Corporation who died on July 1, 1955, the benefit due on account of the death of B. The provisions of the profit-sharing plan give each participating employee in case of involuntary termination of employment a 10 percent vested interest in the amount accumulated in his account for each year of participation in the plan, but if such an employee leaves the corporation's employ voluntarily before retirement, he forfeits the entire amount in his account. In case of death, the entire credit in the participant's account is to be paid to his beneficiary. At the time of B's death, he has been a participant for three years and the accumulation in his account is $8,000. After his death this amount is paid to his beneficiary. At the time of B's death, the amount distributable to him on account of involuntary termination of employment would have been $2,400 (30 percent of $8,000). The difference of $5,600 ($8,000 minus $2,400), payable to the beneficiary of B is an amount payable solely by reason of B's death. Accordingly, $5,000 of the $5,600 may be excluded from the gross income of the beneficiary receiving such payment (assuming no other death benefits are involved). However, if it is assumed that the facts are the same as above, except that at the time of his death B has been a participant for 6 years, the amount distributable to him on account of involuntary termination of employment would have been $4,800 (60 percent of $8,000). The difference of $3,200 ($8,000 minus $4,800), payable to B's beneficiary, is an amount payable solely by reason of B's death. Accordingly, $3,200 may be excluded from the gross income of the beneficiary receiving such payment (assuming no other death benefits are involved).

Example (6). The X Corporation instituted a trust, forming part of a pension plan, for its employees, the cost thereof being borne entirely by the corporation. The plan provides, in part, that if, after 10 or more years of service, an employee leaves the employ of the corporation involuntarily, before retirement, a percentage of the reserve provided for the employee in the trust fund will be paid the employee as follows: 10 to 15 years of service, 25 percent; 15 to 20 years of service, 50 percent; 20 to 25 years of service, 75 percent; 25 or more years of service, 100 percent. The plan further provides that if an employee dies before reaching retirement age, his beneficiary will receive a percentage of the reserve provided for the employee in the trust fund, on the same basis as shown in the preceding sentence. However, no amount will be paid an employee who voluntarily leaves the corporation's employ. Y, an employee of the X Corporation for 17 years, died before attaining retirement age while in the employ of the corporation. At the time of his death, $15,000 was the reserve provided for him in the trust. His beneficiary receives $7,500, an amount equal to 50 percent of the reserve provided for Y's retirement. No exclusion from gross income may be made by the beneficiary with respect to such payment since Y, prior to his death, had a nonforfeitable right to receive $7,500.

(3) (i) Notwithstanding the rule stated in subparagraph (1) of this paragraph and illustrated in subparagraph (2) of this paragraph, the exclusion from gross income provided by section 101 (b) applies to the receipt of certain amounts, paid under "qualified" plans, with respect to which the deceased employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living (see section 101 (b) (2) (B)). The payments to which this exclusion applies are—

(*a*) "Total distributions payable" by a stock bonus, pension, or profit-sharing trust described in section 401 (a) which is exempt from tax under section 501 (a), and

(*b*) "Total amounts" paid under an annuity contract under a plan meeting the requirements of section 401 (a) (3), (4), (5), and (6),

provided such distributions or amounts are paid in full within one taxable year of the distributee (see example (3) of subdivision (ii) of this subparagraph). For the purpose of applying section 101 (b), "total distributions payable" means the balance to the credit of an employee which becomes payable to a distributee on account of the employee's death, either before or after separation from the service (see section 402 (a) (3) (C), the regulations thereunder, and examples (2) and (4) of subdivision (ii) of this subparagraph); and "total amounts" means the balance to the credit of an employee which becomes payable to the payee by reason of the employee's death, either before or after separation from the service (see section 403 (a) (2) (B), the regulations thereunder, and example (1) of subdivision (ii) of this subparagraph).

(ii) The application of the provisions of subdivision (i) of this subparagraph may be illustrated by the following examples:

Example (1). The widow of an employee elects, under a "qualified" plan, to receive in a lump sum the present value of the annuity which C, the deceased employee, could have obtained at a time just before his death if he had retired at that time. Such present value is $6,000. Of this amount, $5,000 is excludable from the widow's gross income despite the fact that C had a nonforfeitable right to the amount in lieu of which the payment is made, since such payment is an amount to which subdivision (i) applies (assuming no other death benefits are involved).

Example (2). The trustee of the C Corporation noncontributory, "qualified", profit-sharing plan is required under the provisions of the plan to pay to the beneficiary of B, an employee of the C Corporation who died on July 1, 1955, the benefit due on account of the death of B. The provisions of the profit-sharing plan give each participating employee, in case of voluntary or involuntary termination of employment, a 10 percent vested interest in the amount accumulated in his account for each year of participation in the plan, but, in case of death, the entire credit to the participant's account is to be paid to his beneficiary. At the time of B's death, he had been a participant for five years. The accumulation in his account was $8,000, and the amount which would have been distributable to him in the event of voluntary or involuntary termination of employment was $4,000 (50 percent of $8,000). After his death, $8,000 is paid to his beneficiary in a lump sum. (It may be noted that these are the same facts as in example (5) of subparagraph (2) except that the employee has been a participant for five years instead of three, the plan is a "qualified" plan, and payments do not depend on whether an employee leaves voluntarily or involuntarily.) It is immaterial that the employee had a nonforfeitable right to $4,000, because the payment of the $8,000 to the beneficiary is the payment of the "total distributions payable" within one taxable year of the distributee to which subdivision (i) applies. Assuming no other death benefits are involved, the beneficiary may exclude $5,000 of the $8,000 payment from gross income.

Example (3). The facts are the same as in example (2) except that the beneficiary is entitled to receive only the $4,000 to which the employee had a nonforfeitable right and elects to receive it over a period of ten years. Since the "total distributions payable" are not paid within one taxable year of the distributee, no exclusion from gross income is allowable with respect to the $4,000.

Example (4). The X Corporation instituted a trust, forming part of a "qualified", profit-sharing plan for its employees, the cost thereof being borne entirely by the corporation. The plan provides, in part, that if, after 10 or more years of service, an employee leaves the employ of the corporation, either

voluntarily or involuntarily, before retirement, a percentage of the reserve provided for the employee in the trust fund will be paid the employee as follows: 10 to 15 years of service, 25 percent; 15 to 20 years of service, 50 percent; 20 to 25 years of service, 75 percent; 25 or more years of service, 100 percent. The plan further provides that if an employee dies before reaching retirement age, his beneficiary will receive a percentage of the reserve provided for the employee in the trust fund, on the same basis as shown in the preceding sentence. Y, an employee of the X Corporation for 17 years, died before attaining retirement age while in the employ of the corporation. At the time of his death, $15,000 was the reserve provided for him in the trust fund. His beneficiary receives $7,500 in a lump sum, an amount equal to 50 percent of the reserve provided for Y's retirement. (It may be noted that these are the same facts as in example (6) of subparagraph (2) except that the plan is a "qualified" plan and payments do not depend on whether an employee leaves voluntarily or involuntarily.) The beneficiary may exclude from gross income (assuming no other death benefits are involved) $5,000 of the $7,500, since the latter amount constitutes "total distributions payable" paid within one taxable year of the distributee, to which subdivision (i) applies.

(e) *Annuity payments.* (1) Where death benefits are paid in the form of annuity payments, the following rules shall govern for purposes of the exclusion provided in section 101 (b):

(i) The exclusion from gross income provided by section 101 (b) does not apply to amounts, paid as an annuity, with respect to which the employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living, or to amounts paid in lieu thereof. See paragraph (d) of this section.

(ii) No exclusion is allowed under section 101 (b) (2) (C) for amounts received by a surviving annuitant under a joint and survivor's annuity contract if the annuity starting date (as defined in section 72 (c) (4) and § 1.72–4 (b)) occurs before the death of the employee. If the annuity starting date occurs after the death of the employee, the joint and survivor's annuity contract shall be treated as an annuity to which section 101 (b) (2) (D) applies. See subdivision (iii) of this subparagraph.

(iii) (*a*) Subject to the other limitations stated in section 101 (b) and in this section (see section 101 (b) (2) (D)), the amount to which the exclusion of section 101 (b) shall apply, with respect to amounts to be paid as an annuity (as defined in § 1.72–2 (b)), shall be the amount by which the present value of the annuity to be paid the beneficiary, computed as of the date of the employee's death, exceeds the value (if any) of whichever of the following is the larger:

(*1*) Amounts contributed by the employee, or

(*2*) Amounts with respect to which the employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living, or amounts paid in lieu thereof (see paragraph (d) of this section).

(*b*) The present value of an annuity (immediately before the death of the employee), to the employee, or (immediately after the death of the employee), to his estate or beneficiary, shall be determined as follows:

(*1*) In the case of an annuity paid by an insurance company, by use of the discount interest rates and mortality tables used by the insurer in determining the installment benefits;

(*2*) In the case of an annuity paid by an organization (other than an insurance company) regularly engaged in issuing annuity contracts, by reference to the cost of a comparable contract purchased from an insurance company; and,

(*3*) In the case of an annuity to which neither of the foregoing is applicable, by use of the appropriate tables of § 81.10 (i) of Regulations 105 (26 CFR (1939) 81.10 (i)) (pertaining to the estate tax), as supplemented by "Actuarial Values for Estate and Gift Tax" (Internal Revenue Service publication No. 11, 1955).

(iv) Any amount excludable under section 101 (b) (2) (D) (see subdivision (iii) of this subparagraph) shall, for purposes of section 72, be treated as additional consideration paid by the employee. See regulations issued under section 72.

(v) Where more than one beneficiary, or more than one death benefit, is involved, the exclusion provided by section 101 (b) shall be apportioned to the various beneficiaries and benefits in accordance with the proportion that the present value of each benefit bears to the total present value of all the benefits.

(2) The application of these principles may be illustrated by the following examples:

Example (1). (i) Under the profit-sharing plan of the C Corporation, W, the widow of employee X, who is 55 years old at the time of X's death, is entitled to an immediate annuity of $2,000 per year during her life and C, the minor child of X, is entitled to receive $1,000 per year for 15 years. X made no contributions under the plan and died while still employed by the C Corporation. At the time of X's death, the amount in his account is $18,000. Under the terms of the plan, this amount would have been distributable to him on account of voluntary termination of employment, but would not have been payable after his death except in the form of the annuities just described. This amount, accordingly, constitutes a nonforfeitable interest in lieu of which the annuities are paid. The exclusion does not apply, except to the extent that the present value of the annuities exceeds $18,000, whether or not the plan is "qualified", since the total of the amount in X's account will not be paid within one taxable year of the distributees. See subdivision (i) of subparagraph (1).

(ii) The computation of the exclusion applicable to the interests of W and C (assuming that the payments will not be made by an insurance company or some other organization regularly engaged in issuing annuity contracts) is, by application of the tables in § 81.10 (i) of Regulations 105 (26 CFR (1939) 81.10 (i)) (pertaining to the estate tax), as follows: The present value of W's interest is $26,243.60, determined by multiplying the annual payment of $2,000 by 13.1218 (the factor in Table I for a person aged 55); the present value of C's interest is $11,517.40, determined by multiplying the yearly payment of $1,000 by 11.5174 (the factor in Table II for payments for a term certain of 15 years). The present value of both annuities is $37,761.00 and (assuming no other death benefits are involved), the total amount excludable is $5,000, because the total present value of the annuities exceeds the employee's nonforfeitable interest by more than $5,000 ($37,761 minus $18,000 equal $19,761). The exclusion allocable to W's interest is $26,243.60/$37,761.00 times $5,000 or $3,474.96; the exclusion allocable to C's interest is $11,517.40/$37,761.00 times $5,000 or $1,525.04. That portion of the death benefit exclusion as so determined for each beneficiary is to be treated as consideration paid by the employee, for purposes of section 72.

Example (2). The facts are the same as in example (1), except that the nonforfeitable interest of X, at the time of his death, amounted to $33,761.00. Since the present value of both annuities (namely, $37,761.00) exceeds the value of such nonforfeitable interest by only $4,000, the latter amount is the total amount excludable from the gross income of the beneficiaries. This $4,000 exclusion is to be divided in the same proportions as those indicated in example (1). Thus, the exclusion allocable to W's interest is $26,243.60/$37,761.00 times $4,000 or $2,779.97, and the exclusion allocable to the interest of C is $11,517.40/$37,761.00 times $4,000 or $1,220.03. That portion of the death benefit exclusion as so determined for each beneficiary is to be treated as consideration paid by the employee, for purposes of section 72.

§ 1.101–3 *Interest payments.* Section 101 (c) provides that if any amount excluded from gross income by section 101 (a) (relating to life insurance proceeds) or section 101 (b) (relating to employees' death benefits) is held under an agreement to pay interest thereon, the interest payments shall be included in gross income. This provision applies to payments made (either by an insurer or by or on behalf of an employer) of interest earned on any amount so excluded from gross income which is held without substantial diminution of the principal amount during the period when such interest payments are being made or credited to the beneficiaries or estate of the insured or the employee. For example, if a monthly payment is $100, of which $99 represents interest and $1 represents diminution of the principal amount, the principal amount shall be considered held under an agreement to pay interest thereon and the interest payment shall be included in the gross income of the recipient. Section 101 (c) applies whether the election to have an amount held under an agreement to pay interest thereon is made by the insured or employee or by his beneficiaries or estate, and whether or not an interest rate is explicitly stated in the agreement. Section 101 (d), relating to the payment of life insurance proceeds at a date later than death, shall not apply to any amount to which section 101 (c) and this section apply. See section 101 (d) (4).

§ 1.101–4 *Payment of life insurance proceeds at a date later than death—*(a) *In general.* (1) (i) Section 101 (d) states the provisions governing the exclusion from gross income of amounts received under a life insurance contract (paid by reason of the death of the insured) which are paid to a beneficiary on a date or dates later than the death of the insured. Section 101 (d) (1) (A) provides an exclusion from gross income of any amount determined by a proration, under applicable regulations, of "the amount held by an insurer with respect to any beneficiary." The quoted phrase is defined in section 101 (d) (2) (see paragraph (b) of this section), and the regulations governing proration are stated in paragraph (c) of this section. The prorated amounts are to be excluded from the gross income of the beneficiary regardless of the taxable year in which they are actually received (see subparagraph (4) of paragraph (c) of this section).

(ii) Section 101 (d) (1) (B) provides an additional exclusion where life insurance proceeds are paid to the surviving spouse of an insured. For purposes of this exclusion, the term "surviving spouse" means the spouse of the insured as of the date of death, including a spouse legally separated, but not under a decree of absolute divorce (section 101 (d) (3)). To the extent that the total payments made in excess of the amounts determined by proration under section 101 (d) (1) (A) do not exceed $1,000 in the taxable year of receipt, they shall be excluded from the gross income of the surviving spouse (whether or not payment of any part of such amounts is guaranteed by the insurer). See subparagraph (4) of paragraph (c) of this section.

(2) The principles of this paragraph may be illustrated by the following example:

Example. A surviving spouse elects to receive all of the life insurance proceeds with respect to one insured, amounting to $150,000 in ten annual installments of $16,500 each, based on a certain guaranteed interest rate. The prorated amount is $15,000 ($150,000÷10). As the second payment, the insurer pays $17,850, which exceeds the guaranteed payment by $1,350 as the result of earnings of the insurer in excess of those required to pay the guaranteed installments. The surviving spouse shall include $1,850 in gross income and exclude $16,000—determined in the following manner:

Fixed payment (including guaranteed interest)	16,500
Excess interest	1,350
Total payment	17,850
Prorated amount	15,000
Excess over prorated amount	2,850
Annual excess over prorated amount excludable under section 101 (d) (1) (B)	1,000
Amount includible in gross income	1,850

(b) *Amount held by an insurer.* For the purpose of the proration referred to in section 101 (d) (1) (A), an "amount held by an insurer with respect to any beneficiary" means an amount equal to the present value to such beneficiary (as of the date of death of the insured) of an agreement by the insurer under an insurance policy (whether as an option or otherwise) to pay such beneficiary an amount or amounts at a date or dates later than the death of the insured (section 101 (d) (2)). The present value of such agreement is to be computed as if the agreement under the life insurance policy had been entered into on the date of death of the insured, except that such value shall be determined by discounting the amount or amounts to be later paid on the basis of the same mortality tables and interest rate as used by the insurer in calculating payments to be made to the beneficiary under such agreement. See paragraph (c) of this section for detailed provisions governing computation of the "amount held by an insurer."

(c) *Method of computation.* (1) If proceeds of life insurance are paid to a beneficiary in installments, that portion of each installment which does not exceed the prorated portion of an "amount held by an insurer" with respect to such beneficiary at the time of the insured's death is excludable from the recipient's gross income. The "amount held by the insurer" is to be prorated over the period or periods with respect to which the payments are to be made. Thus, where an insurance policy provides for payment to the beneficiary at the death of the insured of $75,000 in a lump sum, but an option is selected by the beneficiary for the payment of 10 equal installments of $8,750 per year, the excludable portion of each installment is $7,500 ($75,000÷10) and the amount of each installment to be included in gross income is $1,250.00 ($8,750 minus $7,500.00). However, if the beneficiary is the insured's surviving spouse, the further exclusion of $1,000 is allowed for each taxable year of receipt and the amount to be included in gross income is $250 in any year in which only a single payment is received. In every case in which the contract provides for an option to take the proceeds of the policy in a lump sum at the time of the insured's death (whether such option was exercisable by the insured, by the beneficiary, or by either) such lump sum shall be considered the "amount held by an insurer." If the payments are to be made over a fixed period, such amounts shall be prorated as set forth in the example above. If, however, installment payments to continue during the life of the beneficiary are elected, the exclusion will be determined by dividing the lump sum figure by the life expectancy in years of the beneficiary concerned. Such life expectancy shall be determined in accordance with the tables prescribed in § 1.72–9, relating to annuities.

(2) If the insurance policy has no provision for the payment of a particular amount immediately upon the death of the insured, but periodic payments to one or more beneficiaries are to be paid under it, the "amount held by the insurer" is determined by finding the present value (with respect to each beneficiary under a particular policy) of the agreement, as of the date of death of the insured, by discounting the payments to be made on the basis of the same interest rate and mortality table as used by the insurer in determining the payments to be made to the beneficiary under such agreement. Thus, if a contract provides merely for the payment of $5,000 per year to the surviving spouse during her life, the present value of such agreement is determined by application of the prescribed interest rate and mortality tables. If such value is $60,000 and if the life expectancy of the beneficiary is determined under section 72 and § 1.72–9 to be 20 years, $3,000 of each $5,000 payment ($60,000 divided by 20) is excludable as the prorated portion of the "amount held by the insurer". For each taxable year in which a payment is made, an additional $1,000 is excludable from the gross income of the surviving spouse. Hence, if she receives only one $5,000 payment in her taxable year, only $1,000 is includible in her gross income in that year with respect to such payment ($5,000 minus the total amount excludable, $4,000). If the policy provides, in addition to the annuity for the surviving spouse, for payments of $2,000 per year for 10 years to the daughter of the insured, the present value of such agreement is to be computed separately for purposes of determining the excludable portion of each payment to the daughter. If such value is $15,000, then $1,500 of each $2,000 payment ($15,000÷10) is excludable as the prorated portion of the amount held by the insurer, and the remaining $500 shall be included in the gross income of the daughter. If the "amount held by an insurer" with respect to a beneficiary cannot be determined except by reference to the beneficiary's life expectancy, the value of any refund feature to a subsequent beneficiary or the estate of the insured shall be disregarded in determining the "amount held by an insurer." Such refund, when received, is excludable from the income of the recipient.

(3) If proceeds of a life insurance policy are paid to a beneficiary other than as an annuity (as defined in § 1.72–2 (b)), but such proceeds are not paid until a date subsequent to the date of the insured's death, the total amount excludable from the gross income of the recipient under section 101 (d) shall not exceed the "amount held by an insurer" at the date of the insured's death. Such amount shall be either—

(i) The lump sum, if any, payable to the beneficiary at the date of the insured's death, or

(ii) In the case of an insurance policy which has no provision for the payment of a lump sum immediately upon the death of the insured, the sum ascertained by discounting the amount of the proceeds of the policy to the date of the insured's death on the basis of the interest rate used by the insurer in determining such amount.

However, in the case of a surviving spouse, $1,000 shall be added (for each taxable year of the surviving spouse in which an amount is received other than as an annuity) to amounts determined under subdivision (i) or (ii) of this subparagraph.

(4) The amounts excludable from gross income as the result of the prorating of an "amount held by an insurer" in accordance with the provisions of this paragraph shall be excludable from the gross income of the recipient without regard to the taxable year of the recipient in which they are actually received. However, the additional exclusion provided with respect to a surviving spouse under section 101 (d) (1) (B) and the provisions of this paragraph cannot exceed $1,000 for any taxable year of the recipient despite the number of payments actually received in such year or the number of contracts of life insurance under which such payments are

received with respect to a particular insured.

(d) *Limitations on application of section 101 (d).* Section 101 (d) is inapplicable to interest payments on any amount held by an insurer under an agreement to pay interest thereon (see sections 101 (c) and 101 (d) (4), and § 1.101–3).

§ 1.101–5 *Alimony, etc., payments.* Proceeds of life insurance policies paid by reason of the death of the insured to his separated wife, or payments excludable as death benefits under section 101 (b) paid to a deceased employee's separated wife, if paid to discharge legal obligations imposed by a decree of divorce or separate maintenance, by a written separation agreement executed after August 16, 1954, or by a decree of support entered after March 1, 1954, shall be included in the gross income of the separated wife if section 71 or 682 is applicable to the payments made. For definition of "wife", see section 7701 (a) (17) and the regulations thereunder.

§ 1.101–6 *Effective date.* (a) The provisions of section 101 and §§ 1.101–1, 1.101–2, 1.101–3, 1.101–4, and 1.101–5 are applicable only with respect to amounts received by reason of the death of an insured or an employee occurring after August 16, 1954. In the case of such amounts, these sections are applicable even though the receipt of such amounts occurred in a taxable year beginning before January 1, 1954, to which the Internal Revenue Code of 1939 applies.

(b) Section 22 (b) (1) of the Internal Revenue Code of 1939 and the regulations pertaining thereto shall apply to amounts received by reason of the death of an insured or an employee occurring before August 17, 1954, regardless of the date of receipt.

[F. R. Doc. 55–8129; Filed, Oct. 6, 1955; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

FROZEN PLUMS

U. S. STANDARDS FOR GRADES [1]

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Frozen Plums pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.). This issuance, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

PRODUCT DESCRIPTION, COLOR TYPES, STYLES, AND GRADES

Sec.
52.2911 Product description.
52.2912 Color types of frozen plums.
52.2913 Styles of frozen plums.
52.2914 Grades of frozen plums.

FACTORS OF QUALITY

52.2915 Ascertaining the grade.
52.2916 Ascertaining the rating for the factors which are scored.
52.2917 Color.
52.2918 Size.
52.2919 Defects.
52.2920 Character.

LOT CERTIFICATION TOLERANCES

52.2921 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2922 Score sheet for frozen plums.

AUTHORITY: §§ 52.2911 to 52.2922 issued under sec. 205, 60 Stat. 1090, 7 U. S. C. 1624.

PRODUCT DESCRIPTION, COLOR TYPES, STYLES, AND GRADES

§ 52.2911 *Product description.* Frozen plums means the frozen product prepared from clean, sound, fresh fruit of any commercial varieties of plums; which are: sorted, washed, and pitted; properly drained before filling into containers; may be packed with or without the addition of a nutritive sweetening ingredient; and are frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.2912 *Color types of frozen plums.* (a) Purple or Blue (such as Italian Prune Plum).

(b) Red (such as Satsuma or Santa Rose).

(c) Yellow-Green (such as Yellow Egg and Green Gage).

§ 52.2913 *Styles of frozen plums.* (a) "Halved" means frozen plums that have been prepared by cutting whole plums longitudinally into approximate halves.

(b) "Whole" means frozen plums that have been prepared from whole plums in a manner that the plums are not crushed, mutilated, or broken in removing the pits.

(c) "Crushed and broken" (machine pitted) means frozen plums that have been prepared from whole plums in a manner that most of the plums are crushed, mutilated, or broken in removing the pits.

§ 52.2914 *Grades of frozen plums.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen plums that possess similar varietal characteristics; that possess a normal flavor; that possess a good color; that are practically uniform in size; that are practically free from defects; that possess a good character; and that score not less than 90 points when scored in accordance with the scoring system outlined in this subpart: *Provided,* That frozen plums may be only reasonably uniform in size, if the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen plums that possess similar varietal characteristics; that possess a normal flavor; that possess a reasonably good color; that are reasonably uniform in size; that are reasonably free from defects; that possess a reasonably good character; and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart: *Provided,* That the frozen plums may be only fairly uniform in size, if the total score is not less than 80 points.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of frozen plums that possess similar varietal characteristics; that possess a normal flavor; that possess a fairly good color; that are fairly uniform in size; that are fairly free from defects; that possess a fairly good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of frozen plums that fail to meet the requirements of U. S. Grade C or U. S. Standard.

FACTORS OF QUALITY

§ 52.2915 *Ascertaining the grade*—(a) *General.* The grade of frozen plums is determined immediately after thawing to the extent that the units may be separated easily and are free from ice crystals. In addition the grade of frozen plums is ascertained by examining the product and considering all of the grade requirements as follows:

(1) *Factors not rated by score points.* (i) Varietal characteristics.

(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	25
Size	20
Defects	30
Character	25
Total score	100

(b) "Normal flavor" means that the product has a normal, characteristic flavor and odor for the varietal type and is free from objectionable flavors and objectionable odors of any kind.

§ 52.2916 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "22 to 25 points" means 22, 23, 24, or 25 points).

§ 52.2917 *Color*—(a) *(A) classification.* Frozen plums that possess a good color may be given a score of 22 to 25 points. "Good color" means that the frozen plums, internally and externally, possess a practically uniform, bright, typical color of well ripened, properly prepared, and properly processed frozen plums of similar varietal characteristics.

(b) *(B) classification.* Frozen plums that possess a reasonably good color may be given a score of 20 to 21 points. Frozen plums that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen plums, internally and externally, possess a reasonably uniform, bright, typical color of reasonably well ripened, properly prepared, and properly processed frozen plums of similar varietal characteristics and that the units are practically free from any brown color due to oxidation, improper processing or other causes, which color may affect no more than slightly the appearance or edibility of the product.

(c) *(C) classification.* Frozen plums that possess a fairly good color may be given a score of 16 to 19 points. Frozen plums that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the frozen plums, internally and externally, may vary noticeably in typical color of fairly well ripened and properly processed frozen plums of similar varietal characteristics and that none of the units may possess discoloration due to oxidation or other causes that materially affects the appearance of the product.

(d) *(SStd) classification.* Frozen plums that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2918 *Size*—(a) *General.* The factor of uniformity of size for crushed and broken frozen plums is not based on any detailed requirements and is not scored; the other three factors (color, defects, and character, as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) *(A) classification.* Halved or whole styles of frozen plums that are practically uniform in size may be given a score of 18 to 20 points. "Practically uniform in size" in halved or whole styles means that in 90 percent, by count, of the units which have the most uniform size, the weight of the largest unit does not exceed the weight of the smallest unit by more than 50 percent.

(c) *(B) classification.* Halved or whole styles of frozen plums that are reasonably uniform in size may be given a score of 16 to 17 points. "Reasonably uniform in size" in halved or whole styles means that in 90 percent, by count, of the units which have the most uniform size, the weight of the largest unit is not more than twice the weight of the smallest unit.

(d) *(C) classification.* Halved or whole styles of frozen plums that are fairly uniform in size may be given a score of 14 or 15 points. "Fairly uniform in size" in halved or whole styles means that the frozen plums may be variable in size but not to the extent that the appearance is seriously affected.

(e) *(SStd) classification.* Halved or whole styles of frozen plums that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2919 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from: harmless extraneous matter; units that are crushed or broken with respect to halved and whole styles; pits or pit material; damaged and seriously damaged units; and any other defects which detract from the appearance and eating quality of the product.

(1) "Harmless extraneous matter" means any vegetable substance (including, but not limited to, a leaf, stem, or portions thereof) that is harmless.

(2) "Crushed or broken unit" means a unit in halved or whole styles that is torn, ragged or otherwise mutilated to the extent that the unit does not retain its formal shape. In halved style, halves of plums that are slightly split are not considered crushed or broken. In whole style, plums that are slit or perforated by the pitting operation are not considered crushed or broken unless the unit is ragged or otherwise mutilated to the extent that the appearance of the unit does not have the approximate shape of a whole pitted plum.

(3) A "pit or pit material" means any whole pit or any piece of pit material regardless of size.

(4) "Damaged unit" means any unit possessing injury which singly or in the aggregate on a unit, or in a unit, materially affects the appearance and eating quality of the unit and includes, but is not limited to:

(i) Surface areas blemished by sunburn, scab, or other serious discoloration having an aggregate area exceeding that of a circle ¼ inch in diameter and not extending into the fruit tissue;

(ii) Areas blemished by sunburn, scab, or other serious discoloration extending into the fruit tissue so that the flesh is materially discolored or toughened;

(iii) Abnormalities, such as growth cracks which materially affect the appearance of the unit and "doubles," ("shriveled" areas are not considered abnormalities).

(5) "Seriously damaged unit" is any unit possessing injury which singly or in the aggregate on a unit, or in a unit, seriously affects the appearance and eating quality of the unit.

(b) *(A) classification.* Frozen plums that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that, individually and collectively, harmless extraneous matter; crushed and broken units with respect to halved and whole styles; pits and pit material; damaged and seriously damaged units; and other defects do not more than slightly affect the appearance and eating quality of the product; and that there may be present:

(1) Not more than 5 percent, by weight, of crushed or broken units in halved and whole styles;

(2) Not more than 10 percent, by weight, of damaged and seriously damaged units: *Provided,* That not more than 5 percent, by weight, of all the units may be seriously damaged; and

(3) Not more than 1 piece of pit per 30 ounces or 1 whole pit per 100 ounces of net contents.

(c) *(B) classification.* Frozen plums that are reasonably free from defects may be given a score of 24 to 26 points. Frozen plums that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that, individually and collectively, harmless extraneous matter; crushed and broken units with respect to halved and whole styles; pits and pit material; damaged and seriously damaged units; and other defects do not more than slightly affect the appearance and eating quality of the product; and that there may be present:

(1) Not more than 10 percent, by weight, of crushed or broken units in halved and whole styles;

(2) Not more than 15 percent, by weight, of damaged and seriously damaged units: *Provided,* That not more than 8 percent, by weight, of all the units may be seriously damaged; and

(3) Not more than 1 piece of pit per 30 ounces or 1 whole pit per 100 ounces of net contents.

(d) *(C) classification.* Frozen plums that are fairly free from defects may be given a score of 21 to 25 points. Frozen plums that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that, individually and collectively, harmless extraneous matter; crushed and broken units with respect to halved and whole styles; pits and pit material; damaged and seriously damaged units; and other defects do not more than slightly affect the appearance and eating quality of the product; and that there may be present:

(1) Not more than 20 percent, by weight, of crushed or broken units in halved and whole styles;

(2) Not more than 20 percent, by weight, of damaged and seriously damaged units: *Provided,* That not more than 12 percent, by weight, of all the units may be seriously damaged; and

(3) Not more than 1 piece of pit per 30 ounces or 1 whole pit per 100 ounces of net contents.

(e) *(SStd) classification.* Frozen plums that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2920 *Character*—(a) *General.* The factor of character refers to the degree of ripeness, the texture and tenderness of the frozen plums, and to shriveled areas of skin.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(b) (*A*) *classification.* Frozen plums that possess a good character may be given a score of 23 to 25 points. "Good character" means that the units possess a tender, fleshy texture, typical of well ripened, properly processed frozen plums; and that not more than 10 percent, by weight, of the units may possess a reasonably good character or possess shriveled areas that do not materially affect the appearance of the unit.

(c) (*B*) *classification.* Frozen plums that possess a reasonably good character may be given a score of 20 to 22 points. Frozen plums that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units possess the texture of reasonably well ripened frozen plums that are properly processed; the texture is reasonably fleshy and the units reasonably tender, or the tenderness may be variable from slightly soft to slightly firm; and that not more than 20 percent, by weight, of the units may possess a fairly good character or possess shriveled areas that do not materially affect the appearance of the unit.

(d) (*C*) *Classification.* Frozen plums that possess a fairly good character may be given a score of 17 to 19 points. Frozen plums that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the units possess the texture of fairly well ripened, frozen plums that are properly processed, which may be variable in fleshiness but are fairly fleshy; the units may be soft or very firm, but not tough; and may possess shriveled areas that do not seriously affect the appearance of the frozen plums.

(e) (*SStd*) *classification.* Frozen plums that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 16 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.2921 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen plums, the grade for such lot will be determined by averaging the total score of the containers comprising the sample, if:

(1) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug and Cosmetic Act and in effect at the time of the aforesaid certification; and

(2) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(3) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(4) None of the containers falls more than one grade below the grade indicated by the average of such total scores:

(5) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of such total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2922 *Score sheet for frozen plums.*

Size and kind of container			
Container mark or identification			
Net weight (ounces)			
Type			
Style			
Factors	**Score points**		
Color	25	(A)	22–25
		(B)	[1] 20–21
		(C)	[1] 16–19
		(SStd)	[1] 0–15
Size	20	(A)	18–20
		(B)	16–17
		(C)	14–15
		(SStd)	[1] 0–13
Defects	30	(A)	27–30
		(B)	[1] 24–26
		(C)	[1] 21–23
		(SStd)	[1] 0–20
Character	25	(A)	23–25
		(B)	[1] 20–22
		(C)	[1] 17–19
		(SStd)	[1] 0–16
Total score	100		
Normal flavor			
Grade			

[1] Indicates limiting rule.

Dated: October 4, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55–8139; Filed, Oct. 6, 1955; 8:50 a. m.]

[7 CFR Part 911]

[Docket No. AO–262]

HANDLING OF MILK IN TEXAS PANHANDLE MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Texas Panhandle marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D. C., not later than the close of business on the 15th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on the record of which the recommended marketing agreement and order were formulated was called by the Agricultural Marketing Service, United States Department of Agriculture, following receipt of a petition filed by the Tri-State Milk Producers Association. The hearing was held at Amarillo, Texas, January 31–February 7 and April 12–13, 1955, pursuant to notice duly published in the FEDERAL REGISTER on January 8, 1955 (20 F. R. 198) and March 24, 1955 (20 F. R. 1785), respectively. The period until June 1, 1955, was allowed interested parties for the filing of briefs on the record.

The material issues of record related to:

1. Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a marketing agreement or order; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification of milk;

(c) The level and method of determining class prices;

(d) The method to be used in distributing proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

1. *Character of commerce.* The handling of milk in the proposed marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in milk and its products.

The marketing area specified in the proposed order, hereinafter referred to as the Texas Panhandle marketing area, includes all the territory in the counties of Armstrong, Briscoe, Carson, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Moore, Oldham, Ochiltree, Potter, Randall, Roberts, Sherman, and Wheeler, all in the State of Texas. Milk handled in the marketing area moves in large volumes and in many forms back and forth over State lines. The production areas from which milk is received by the various handlers who distribute milk in the marketing area overlap State boundaries. Milk from the farms of many producers in Oklahoma and New Mexico is received at plants in the marketing area where it is processed and packaged for distribution to consumers. From a country station at Arnett, Oklahoma, milk received from producers is moved regularly to a milk plant at Amarillo, Texas, from which plant it is distributed for fluid consumption throughout the marketing area and in Oklahoma. During those months in recent years when producer deliveries were inadequate for the needs of the market, milk for fluid distribution in the marketing area was purchased by handlers in tank lots from

plants in Oklahoma, Missouri, Wisconsin, and Illinois.

Handlers operating plants located in the marketing area are the principal distributors in the market. From several of such plants, distribution of Grade A milk for fluid consumption in New Mexico and Oklahoma represents a significant portion of their business. Routes emanating from Elk City, Oklahoma, deliver substantial quantities of milk in the marketing area. In addition, deliveries are made regularly at some localities in the marketing area from a plant in Dodge City, Kansas.

Manufactured milk products made from excess milk in the plants of handlers, or at plants to which it has been transferred or diverted, are sold throughout various southwestern States. A principal outlet for Grade A milk received from producers which is in excess of that needed for fluid use is the Quint County Creamery at Mangum, Oklahoma. During the months of heavy production large quantities of milk are transferred or diverted by marketing area handlers to the Quint County plant. In addition to processing and packaging milk for fluid distribution in the nearby Texas and Oklahoma communities, a variety of manufactured dairy products which are moved in interstate commerce is made at this plant.

Routes of handlers under the Central West Texas and Southwest Kansas Federal milk marketing orders extend into the proposed marketing area, where milk is sold in competition with distributors who would be handlers under the Texas Panhandle order. At the plants of these handlers who are regulated by other Federal orders the interstate commerce factor is indicated by the receipts of milk from and distribution to locations outside the State of Texas.

2. *Need for an order.* Marketing conditions in the Texas Panhandle marketing area justify the issuance of a marketing agreement and order.

There is no overall plan whereby farmers supplying the Texas Panhandle marketing area are assured of payment for their milk in accordance with its use. Neither is there a procedure whereby farmers may participate in the price determinations throughout the area necessary for the marketing of their milk, which because of its perishability must be delivered to the market soon after it is produced. Farmers cannot retain milk on their farms in order to await favorable price conditions. Production of milk for fluid use, under the sanitary requirements prevailing in the proposed marketing area, requires substantial investment.

A certain amount of reserve milk in excess of actual trade sales is necessary to assure consumers of an adequate supply of milk at all times. Fluctuations brought on by the seasonal nature of milk production, coupled with a relatively uniform pattern of consumption, necessitate the disposition of some of the Grade A milk produced for the market into manufacturing channels. Such excess milk must be manufactured into products and sold in competition with similar products produced from ungraded milk. Milk marketed in this manner returns considerably less than that marketed for fluid use. Consequently, a well-defined and uniformly applied plan of use classification and the proper pricing of milk in such uses is necessary to prevent such excess milk from depressing the market price of all Grade A milk. To be successful, the classification of milk in accordance with its use and the payments to producers on a use basis, require full participation and cooperation of those engaged in the industry.

Orderly marketing of the milk produced for fluid consumption requires uniformly dependable methods for determining prices according to the use made of the milk. It also requires uniformity of pricing according to the use made of milk by each handler, and a means whereby lower average returns resulting from the maintenance of the necessary reserve supplies of milk may be shared equitably among producers.

The problems of unstable marketing encountered by producers in the Texas Panhandle marketing area are not uncommon in fluid milk markets. The problems, which have resulted in unrest and instability in this area, are similar to those characteristic of the fluid milk industry in the absence of regulation or a well-defined classified pricing plan. A marketing order as herein proposed will promote orderly marketing by assuring producers prices equivalent to those contemplated under the act.

The buying practices of various handlers in the market have caused chaotic conditions and instability in the marketing of milk. Prices paid farmers for milk for fluid use have frequently been below the Class I prices an order would provide. Producers have no means of ascertaining how their milk is utilized at the various plants to which they deliver, or whether the basis on which they are being paid from month to month will be revised. Accuracy of weights and butterfat tests have been ascertained infrequently. Payment of surplus prices by handlers for milk which producers believe was needed in the market for fluid consumption is one of the causes of instability and uncertainty in the market.

Several handlers in the area have dealt with farmers in such a way as to discourage cooperative action by these farmers. Some handlers refused to make deductions for cooperative dues from payments due member producers, even though such deductions had been properly authorized by the producers. Failure to make such deductions has limited the cooperative in instituting check weighing and testing programs.

Representatives of the principal producer cooperative association stated that major handlers in the market have refused or failed to recognize or to bargain with the association as to price, or any other terms with respect to the sale of the milk of its members. Some handlers in the area used various means to attempt to deter producers from affiliating with the cooperative association. They advised producers that they preferred to deal with them individually and in some instances indicated that preferential treatment would be given those producers who did not become members of the cooperative. Activity by producers in behalf of the cooperative association was looked upon with disfavor by handlers. A producer who was active in the soliciting of new members for the association was cut off by the handler to whom he was making deliveries because "his milk did not come up to the company's standards." Information from the Health Department indicated that it had never ordered the producer cut off or degraded and that the bacteria count of his milk was rarely over 5,000.

Producers contended that their milk is frequently rejected by handlers when such rejection is not warranted. It was stated that milk was rejected by a handler as being off flavor only when such handler had an excess supply of milk in his plant. Producers were further aggravated by the fact that a red coloring was added by the handler to rejected milk before it was returned to the producer, thus destroying the value such producer might realize from the sale of such rejected milk at a manufacturing plant.

Evidence adduced at the hearing indicated that the rates charged a large number of producers in the market by handlers for hauling are considerably greater than the actual cost of transporting such producers' milk from their farms to the handlers' plants. This has caused considerable dissatisfaction among producers, and has resulted in unjustly depressing producer returns. One producer, who complained that a rate of 95 cents per hundredweight was being deducted from his pay check for hauling for which the hauler was paid 75 cents per hundredweight, was advised by the handler to find another market for his milk if he was not satisfied.

Producers whose milk is received at a country plant at Arnett, Oklahoma (150 to 155 miles from Amarillo) are charged 75 cents per hundredweight by the handler for moving their milk to Amarillo in his tank truck. This 75-cent charge is in addition to the hauling cost, from their farms to the country plant, which cost is as high as 50 cents per hundredweight for some producers. When milk from the Arnett plant is not needed in the handler's Amarillo plant for Class I purposes it is usually moved to the ungraded portion of the handler's plant in Arnett for manufacturing purposes. Under such circumstances, producers are still charged a 75-cent assessment for hauling, the same as though the milk had been moved to Amarillo. Producers at the hearing contended that the 75-cent hauling charge to Amarillo which they are required to pay the handler on all their deliveries is unwarranted in that it exceeds by a wide margin the actual costs incurred in moving producer milk after it has been received at Arnett, even if all such milk were moved to Amarillo. Producers claimed that an order with appropriate pricing and location differential provisions would tend to correct such inequities as they contend have resulted from the various hauling charge arrangements which now prevail in the market.

The stated base and excess prices paid producers are generally at the option of

the handler and not meaningful. Since no complete systematic verification is made of the way milk is utilized, payment to a producer at the excess, or surplus price, for any of his milk does not indicate that such milk was not used for fluid purposes. It was testified that arbitrary methods have been used in some instances in arriving at the percentages of milk to be paid for at the base and excess prices. Most handlers deal with their producers on an individual basis so that it is difficult for producers to ascertain the overall basis used in determining the rate of payment for their deliveries.

The conditions complained of by producers, and herein cited, with regard to the unstable marketing conditions are not peculiar to one or several localities in the marketing area, but apply throughout the area. Moreover, those handlers who would be regulated by the attached order compete with one handler throughout the area.

The record indicates that there is a lack of detailed market information relative to the procurement of milk for and disposition of milk throughout the marketing area. Such information is essential to the effectuation of orderly marketing and in achieving a level of Grade A milk production commensurate with consumer demand for Grade A milk. Some data on receipts and utilization of milk for fluid and manufacturing uses were made available for the hearing by various handlers. This information is incomplete with regard to the overall receipts and utilization of milk and milk products by all handlers operating in the area, and it, therefore, does not portray marketing conditions for the whole area.

It is concluded that the issuance of a marketing agreement and order for the Texas Panhandle marketing area would contribute substantially to the improvement of many of the conditions complained of and would tend to effectuate the declared policy of the act. The adoption of a classified price plan based on the audited utilization of handlers will provide a uniform system of minimum prices to handlers for milk purchased from producers and a fair division among all producers of the proceeds from the sale of this milk. The public hearing procedure required by the Agricultural Marketing Agreement Act will provide opportunity for representation of producers, handlers and the public in presenting information on marketing conditions and participating in the determination of prices for milk in the area.

3. (a) *Scope of regulation.* It is necessary to designate clearly what milk and what persons would be subject to the various provisions of the order. This can best be done by providing definitions which set forth the categories of persons, plants and milk products for purposes of classification of milk and of application of other provisions of the order.

Marketing area. The marketing area should include all the territory within the counties of Armstrong, Briscoe, Carson, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Moore, Oldham, Ochiltree, Potter, Randall, Roberts, Sherman and Wheeler, all in the State of Texas.

According to the 1950 census, the population of the 20 counties which constitute the proposed marketing area was approximately 250,000. It was indicated at the hearing that since 1950 there has been a substantial overall increase in population throughout the area. Because a relatively large portion of the sales of fluid milk in this area is in rural communities and because of the substantial population immediately surrounding the various cities, the marketing area should be defined on the basis of county rather than city boundaries. To a large extent, health ordinances in effect in this area apply to both the county and the cities and towns therein.

Grade A milk products sold for fluid consumption throughout the proposed 20-county area must be approved by health authorities who are governed by health ordinances, practices and procedures patterned after the United States Public Health Milk Ordinance and Code. Movements of milk both in bulk and packaged form between cities and counties take place through reciprocal approval of the respective health authorities. Ratings by the United States Public Health Service are recognized as a basis for approval of outside sources of milk. The degree of similarity of minimum health standards throughout the area justifies uniform regulation for milk marketed throughout the area.

Amarillo, which is centrally located with respect to the marketing area is the largest city in the area. Its 1950 population was 74 thousand and that for the next largest cities—Borger and Pampa—was 18 and 17 thousand, respectively. All of these cities have substantial populations surrounding their boundaries. Amarillo is the principal point at which milk from producers is processed and packaged for distribution throughout the marketing area. The four handlers whose plants are located in Amarillo receive milk from approximately three-fourths of the estimated 500 producers supplying handlers who would be regulated by the proposed order. From these plants in Amarillo, milk is distributed on routes in each of the 20 counties in the marketing area. Three other plants in the marketing area which would be fully regulated by the order and sell milk in competition principally with Amarillo handlers are located in Borger, Pampa, and Herford. A distributor whose plant is located at Elk City, Oklahoma, distributes milk in the proposed marketing area in competition with a number of the aforementioned handlers and it is likely that milk at this plant would be fully subject to the order. Except for a relatively small volume of milk which is sold in a few counties on the outer edges of the marketing area by other plants located outside of the area, all milk distributed in the marketing area would be fully subject to the order.

The marketing area which was suggested in the proposals submitted by various parties to the hearing included, in the aggregate, 51 counties (40 in Texas, 6 in New Mexico and 5 in Oklahoma), an area of more than 53,000 square miles. A preliminary investigation and examination of the available data relative to the supply of milk for and the distribution throughout the overall area indicated that the intent of the act would be best effectuated by limiting consideration at that time to an order in which the marketing area was defined as not greater than the territory within Potter County and the cities of Borger and Pampa, Texas. The hearing notice which was issued to that effect also provided that if evidence adduced at the hearing indicated that it would not be feasible to promulgate an order for that limited area or that additional territory should properly be included under any proposed order for the Texas Panhandle area the hearing would be reopened for the purpose of giving further consideration to an appropriate marketing area. The hearing was convened on January 31 and continued through February 7, 1955. On the basis of evidence presented at that time, however, it was evident that it would not be feasible to promulgate an order with a marketing area limited to Potter County and the cities of Borger and Pampa. Accordingly, the hearing was reopened on April 12 to afford interested parties the opportunity to submit additional evidence with respect to the marketing area and other provisions of a proposed order. For the purpose of the reopened hearing, consideration was given to a marketing area composed of all the territory within 28 counties, including in addition to the 20 herein designated as the marketing area, the counties of Castro, Childress, Collingsworth, Cottle, Hale, Lipscomb, Parmer and Swisher.

It is neither administratively feasible nor necessary to include all territory in the marketing area in which handlers to be regulated distribute milk. Furthermore, it would not be possible to designate a marketing area of reasonable size which would include all sales outlets of each and every handler that would be subject to regulation. As additional territory would be added, the problems associated with the extension of regulation to distributors that make a substantial portion of their fluid milk sales outside of the marketing area would be increased many fold. Difficulties would be encountered also in the pooling of returns from milk which is only remotely associated with the market. It is necessary, therefore, to define an area which in conjunction with other order provisions will promote orderly marketing of milk of those producers which should be priced and pooled under the order.

The counties of Cottle, Childress, Collingsworth, and Lipscomb, which append to the east and south of the proposed area, and which some handlers urged be a part of the marketing area, are not included in the marketing area herein recommended. The population of these counties is relatively small. There is only one city in these counties of more than 4,000 people (Childress—population 7,600). In Lipscomb, Childress, and Cottle Counties, a portion of

the milk sold is already subject to regulation under other Federal orders.

Sufficient milk is sold in Collingsworth and Childress Counties from a distant plant in Oklahoma to extend the regulation to this milk if these counties were included in the marketing area. To do so would extend unnecessarily the scope of the regulation. This would result in the pooling under the order of milk which is not primarily associated with the principal market outlets of the Texas Panhandle area. The main competition for sales outlets of a major portion of the milk at this plant would not be subject to regulation.

The counties of Hale, Swisher, Castro and Parmer, which attach to the south of the proposed marketing area were also considered for inclusion therein. According to the 1950 census, these counties had populations of 28.2, 8.2, 5.4 and 5.8 thousand, respectively. Total sales by Amarillo handlers in this four-county area are about 40 percent of the fluid milk distributed in such area. The percentages of the total distribution by Amarillo handlers is 20 percent in Hale, 65 in Castro and 80 percent in each Swisher and Parmer Counties. This is in contrast to the 20 counties recommended wherein handlers who would be regulated by the proposed order are essentially the only distributors who furnish milk to them.

Plainview (population 14,000), the principal city in Hale County, is 76 miles south of Amarillo and 46 miles north of Lubbock, Tex. Relatively small quantities of milk are distributed in Hale County by Amarillo handlers. The major distributor in Hale County, whose plant is in Plainview, also disposes of significant quantities of milk throughout Swisher and Castro Counties. The largest urban area included in the sales territory of the Plainview distributor is the city of Lubbock (72,000 population). The primary competition of the Plainview distributor, therefore, is not from Amarillo handlers but from Lubbock distributors who in turn distribute no milk in the proposed 20-county marketing area. This is true, not only throughout Lubbock and Hale Counties but also in the less populous counties adjacent to them. Hale County, geographically and from the viewpoint of milk distribution, is more closely associated with the Lubbock area than that of Amarillo.

Historically, prices paid producers at Plainview and Lubbock plants for base milk have been above those paid by Amarillo handlers. At the time of the hearing, the Plainview distributor was paying dairy farmers $5.83 per hundredweight for milk of 4 percent butterfat content compared to $5.55 and $5.58 paid by the two major Amarillo handlers. The comparable price paid to their dairy farmers by Lubbock distributors was $6.05. As stated below in this decision, the average Class I price pursuant to the proposed order for the Texas Panhandle area would have averaged $5.55 per hundredweight for the year of 1954. Although Swisher and Castro Counties are about equi-distant from Amarillo and Lubbock, it is concluded that it is unnecessary to include them in the proposed marketing area at this time. To incorporate these counties in the proposed marketing area would result in extending regulations to the Plainview distributor who operates primarily in the orbit of the Lubbock distribution area.

Parmer County which lies between Castro County and the eastern border of New Mexico was considered for inclusion in the marketing area. Milk is distributed in the county by distributors from nearby Clovis and Portales, New Mexico. Prices reported to have been paid by these New Mexico distributors have been higher historically than prices paid by Amarillo handlers. At the time of the hearing, the base price paid by such distributors for milk of 4 percent butterfat content was $5.77 per hundredweight. Marketing conditions in Parmer County are similar to those described above for Swisher and Castro Counties and, therefore, should not be included in the marketing area.

It was not shown on the record that the inclusion of Hale, Swisher, Castro, and Parmer Counties in the marketing area is necessary to effectuate orderly marketing conditions in the proposed Texas Panhandle marketing area at this time. The record does not indicate that unregulated handlers operating in these counties adjacent to the marketing area would have a price advantage in the procurement of milk over regulated handlers who dispose of milk in this area. In addition, by providing for a marketing area as proposed herein, the extension of regulation to milk distributors located outside of the marketing area is at a minimum and their operation will not be disturbed with respect to the major portion of their sales area wherein they compete with other distributors who would not be regulated by the proposed order.

Certain handlers testified that they distribute Class I milk in other counties in addition to those proposed to be included in the marketing area. Extension of regulation to those counties and the numerous other counties which had been suggested would bring additional handlers under regulations who in turn have important other sales which would be unregulated. The volume of milk sold outside the marketing area from pool plants as defined under the proposed order is not in itself justification for the inclusion of these counties in the marketing area, nor are marketing conditions in these counties such that their exclusion would be inappropriate or unjustified at this time.

The handlers who would be regulated pursuant to the attached order are in competition throughout the marketing area. The various communities throughout the marketing area in which milk is distributed are closely related marketwise. Uniform regulations through the device of a marketing order wil promote orderly and stable marketing conditions throughout the proposed area.

Definition of plants. The minimum class prices of the order should apply to that milk eligible for distribution as Grade A milk in the marketing area which is received from dairy farmers at plants primarily engaged in supplying fluid milk products for sale on retail and wholesale routes in the marketing area. Such plants would be defined as "pool plants."

Determining which plants shall be pool plants under the order, and thereby fully subject to regulation, requires that definitive standards be prescribed. Such standards should be clearly set forth in the order and apply uniformly to all plants, wherever located. Pool plant status should not be determined solely on an occasional shipment of milk to the market, or on approval by a specified health authority. Such a method for determining which plants shall be subject to regulation would not provide a workable basis for administering an order for the Texas Panhandle marketing area. In order to effectuate the intent of the act, it is concluded that pool plant status under the order should be determined on the basis of specified performance standards.

As indicated elsewhere in this decision, marketwide pooling of producer returns is considered essential to the stable and orderly functioning of this market. Since a marketwide pool results in payment to all producers on an average utilization for the market, individual handlers are relieved of any responsibility for maintaining a high Class I utilization in order to support their pay rates to producers. Whatever utilization of milk a handler may have, his rate of pay to producers will be the same as that of all other handlers in the market. Thus, it is possible that status with respect to the pool may become a determining factor in guiding a handler's operation.

The scope of pooling or the rules for distributing the returns from Class I sales under the order must be such that the differentials over manufacturing milk values paid by users of Class I milk will serve the purpose for which they are intended. Class I milk prices of the order are fixed at a level which exceeds the value of the milk for manufacturing uses by stated amounts. This premium, or differential, over the manufactured milk price is essential as an incentive to producers for producing milk of the quality and volume required by the market. Extra costs are involved in meeting the sanitary requirements relative to the maintenance of a dairy herd for the production of Grade A milk and in providing milk during the fall and winter months when feed and housing costs are high. Extra costs are involved also on farms since milk for fluid use must be handled through sanitary utensils and facilities, refrigerated and marketed promptly.

The extra costs thus involved for Grade A or fluid milk producers must be borne by that share of the milk which is marketed as Class I milk. Excess or "surplus" milk, although an essential part of a fluid milk business, cannot be expected to return more to producers than a manufactured milk value. The only outlet for reserve milk not needed for fluid use is in the form of manufactured products. Such products must be marketed in competition with similar products made throughout the country.

Since the production of high quality milk involves extra expenses, it is im-

portant that the amount of milk produced under Grade A inspection be no more than the minimum necessary to provide the market with an adequate and dependable supply of quality milk. To encourage more than enough production of such milk would represent an economic waste, since the expenditures involved in producing Grade A milk not an essential part of the market supply would result in no extra value to consumers.

One of the primary problems, then, in setting up a marketwide pool is to establish rules which will provide for the sharing of Class I sales (Class I differentials) among the producers who are an essential and regular part of the milk supply for the marketing area.

Class I prices must first be set as nearly as possible at the minimum levels which will encourage the necessary amount of milk production and the resulting returns should be distributed in such a way as to assure the market of the maximum dependable supply of quality milk which can be obtained at these prices. In order to do this, provision is made that equalization of market sales should be only to plants meeting reasonable performance standards with respect to supplying their producer milk to the market.

Performance standards should apply uniformly to all plants. Any plant, regardless of its location, should have equal opportunity to comply with the standards and thereby to participate in the marketwide pool and have its producers share in the Class I sales of the market. Any producer who meets the necessary health department requirements should be permitted, under the order, to sell his milk to plants meeting the standards of qualification. Whether or not plants and producers choose to supply the Texas Panhandle market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs, and alternative outlets.

Performance standards should be such that any plant which has as its major function the supplying of milk to the market would pool its sales and share in the marketwide equalization. On the other hand, plants only casually, or incidentally, associated with the market should not be subject to complete regulation, nor should they be permitted or required to equalize their sales with all handlers in the market. If a milk plant were to be permitted to share on a pro-rata basis the Class I utilization of the entire market without being genuinely associated with the market, then the premiums or differentials paid by users of Class I milk would be dissipated without accomplishing their intended purpose. If a plant were to be qualified and fully regulated merely by making a token shipment of milk or cream into the market for sale as Class I milk, then any milk plant which found itself in a position where it was selling a smaller share of its milk in Class I than the average for all regulated handlers might make such shipment and receive equalization payments from the pool. The only qualification such a plant would be required to meet would be compliance with the necessary health department standards.

The mere circumstance of having obtained health department approval, plus the token shipment of milk, is not sufficient justification for equalizing the sales of such plant with the market. There are many plants having milk of suitable quality for sale in the marketing area which are in no way, or are only incidentally, associated with the market. Different health authorities have jurisdiction in various parts of the marketing area. In the absence of performance standards, approval by any one of these authorities or reciprocal acceptance of permits by them would entitle a plant to participate in the equalization pool. A health officer gives his approval to a plant in terms of sanitary consideration. There is no reason to think that he would make his determination of approval only on the economic bases contemplated by the Agricultural Marketing Agreement Act of 1937. Consequently, the standards appropriate to the act for determining pool plant qualification must be set out in the order.

Since reserve milk is an essential part of any fluid milk business there will always be some excess milk in the plants of handlers supplying other markets This will be particularly true in the months of flush production. Plants selling primarily to other markets, or plants shipping milk on an opportunity basis to any market where supplies happen to be short, do not represent sources of milk on which the Texas Panhandle market may depend. If such plants were allowed to sell a token quantity of milk in the marketing area and pool their surplus whenever Class I outlets were not available to them, the result would be that such handler could gain an advantage in paying producers through receipt of equalization payments from the Texas Panhandle pool.

The Texas Panhandle market, however, would gain no advantage from the payment of equalization to such a handler. Such a distribution of equalization payments would, in fact, reduce the blend price to producers regularly supplying the market, thereby having an adverse effect on the milk supplies upon which the market depends. This could result in the need for higher Class I prices than would otherwise be required to supply the market adequately.

Performance standards must be flexible enough to allow a plant which is primarily associated with the market to maintain its association with the pool under the changing conditions which occur from year to year, and yet not permit the distribution of equalization payments to plants not part of the essential supply. The performance standards herein provided are such that these objectives should be accomplished.

Because of the difference in marketing practices and in demands for supply of milk from distributing plants as related to supply plants, two sets of performance standards have been provided. A "distributing plant" under the order would be defined as a plant in which milk is processed or packaged and from which any fluid milk product (as hereinafter defined) is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area. "Supply plant" would be defined to mean a plant (except a distributing plant) from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant which is qualified as a pool plant.

In order to qualify as a pool plant, a distributing plant should be required to distribute at least 15 percent of its milk from producers and other pool plants during the month as Class I milk on retail or wholesale routes to outlets in the marketing area.

A distributing plant having more than 85 percent of its business outside the marketing area or in other outlets should not be considered as essentially associated with the market. It is not considered advisable to bring such a plant under full regulation because of the minor share of its business which is in the marketing area. Full regulation in such case would not be necessary to accomplish the purposes of the order, and might well place such plant at a competitive disadvantage in relation to its competitors in supplying the unregulated market.

Such a minimum is necessary also to avoid the possibility that a plant otherwise not associated with the market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market, by means of minor sales in the marketing area.

It is contemplated that only plants primarily engaged in route distributions of fluid milk products should be qualified as pool plants under this definition. In order to preserve this distinction, a further condition is placed on distributing plants that their total distribution of Class I milk on routes to wholesale or retail outlets, both inside and outside the marketing area, must amount to at least 50 percent of their receipts during the month of milk from dairy farmers and from other plants. Any plant which does not qualify on this basis should be deemed to be primarily a supply plant and its status under the pool should be judged by the standards applied to such plants.

Evidence in the record indicates that most plants doing business in the marketing area dispose of their milk in such a way as to exceed by a considerable margin the minimum performance standards necessary to qualify as pool plants. There may be plants supplying milk to the marketing area which would not qualify for pool status. Such plants would be subject to payments hereinafter discussed if they are not fully subject to regulation.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that the Texas Panhandle market is a deficit market in that producer milk is not adequate on an annual basis for the needs of the market. Throughout most months of the year distributors in the market have needed all of the milk available from producers in order to keep their Class I outlets fully supplied. In order to assure that all the producer milk which is pooled with the market will be available for Class I, supply plant standards should be set at levels which require that the milk will be available. If conditions in the market should change so that Class I outlets are adequately supplied with producer milk and the percentage standards herein recommended are not necessary to assure the availability of such producer milk for Class I sales, the recommended standards should be subject to further review.

Under present circumstances it is concluded that a supply plant should dispose of at least 50 percent of its receipts of milk from dairy farmers in any month in the form of supplemental supplies of fluid milk products, as hereinafter defined, shipped to distributing plants in order to qualify for pool plant status. Unless more than half of the milk from such plant is disposed of in this manner, a supply plant should not under the present conditions in the Texas Panhandle market be considered as primarily associated with the regulated market.

It is recognized, however, that the demand for milk from supply plants may vary seasonally and will be greatest during the season of low production. For sustained periods during the months of flush production supplies of milk received at plants located in or near the marketing area may be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the most distant milk in the country for manufacture, and use local supplies for Class I use. The performance provisions should not force milk to be transported to distributing plants in the summertime where it must be manufactured in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant may maintain pool plant status throughout the year if it supplies a substantial portion of its producer milk to distributing plants during the months when milk production tends to be lowest. The proposed standards require that a supply plant provide distributing plants with milk to the extent of 75 percent of its producer milk receipts during the months of September through November to maintain automatic pool status for the months of March through June.

Any distributing plant or supply plant which does not meet the standards for a pool plant should be required to file reports and submit to audits by the market administrator to verify the status of such plant.

Some handlers in the market receive milk from both Grade A and ungraded producers. Where such an operation takes place, it is generally the practice of the handler to maintain the ungraded operation physically apart from that of his Grade A operation. Several of the ungraded operations of such dual plants have historically been associated with the market as important outlets for reserve supplies of milk during the months of seasonally high production. These plants receive such reserve supplies not only from the Grade A operations of the handler operating such ungraded plants but also from other Grade A plants in the market. The handler who operates an ungraded plant which is in the adjoining or same building as his Grade A plant should not be restricted in the operation of his ungraded plant to any greater degree than the operator of any other ungraded plant. However, proper safeguards should be provided in the order to insure that the ungraded and graded portions of a plant operated by the same handler are maintained as separate entities. It is concluded therefore, that if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it should not be considered a part of a pool plant. However, if the graded and ungraded operations of a plant are not maintained separately, the entire operation of such plant would be considered as that of a pool plant, and all ungraded milk received at such plant would be considered as other source milk received at a pool plant.

Some milk that is distributed in the marketing area is from plants which are fully subject to the classification, pricing and pooling provisions of other Federal milk marketing orders. It is not necessary to extend full regulation under this order to such plants which dispose of a major portion of their receipts in another area and are subject to such regulation. To do so would subject such plants to duplicate regulation. However, in order that the market administrator may be fully apprised of the continuing status of such a plant, the operator thereof should, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

Handler. Handler should be defined as any person in his capacity as the operator of one or more distributing or supply plants. The definition should also include any cooperative association with respect to the milk from producers diverted for the account of such association from a pool plant to a nonpool plant.

The handler is the person who receives milk from producers and who is responsible for reporting receipts and utilization of milk and payment therefor. A cooperative association which markets the milk of its producer members may for short periods of time need to divert producers' milk from pool plants to nonpool plants. If the association is defined as a handler for such milk, even though it has no plant, the producers whose milk is so diverted will continue to receive the uniform prices under the order and their milk production will be available for fluid use when needed in the fall months or at other times.

In case a person operates more than one pool plant, he should be a handler with respect to the combined operation of such plants. If the handler operates a plant not associated with the regulatory market, he would not be a handler with respect to such plant.

Producer-handlers and operators of distributing plants and supply plants which do not qualify as pool plants should be considered handlers in order to require such persons to report to the market administrator as is needed to determine their status. With regard to distributing plants, which are nonpool plants, such reports also are necessary to determine the amount payable by the operator of such plant on unpriced milk distributed in the marketing area.

Producer. Producer should be defined as any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority and such milk is received at a pool plant.

When producer milk is not needed in the market for Class I purposes, the movement of such milk to nonpool plants for manufacturing purposes should be facilitated. Allowing for unlimited diversion during those months when reserve supplies of milk are heaviest will contribute to this end. Unlimited diversion is neither necessary nor desirable during the other months of the year when milk of producers regularly associated with the market is needed to supply the Class I needs of the market. It is necessary, however, to provide for limited diversion during such months to enable handlers to divert producer milk on such occasions as weekends or holidays when the milk is not needed in the market for Class I purposes.

Provision should be made so that the milk of producers regularly received at a pool plant may be diverted for the account of a handler to a nonpool plant any day during the flush production months and on not more than 15 days during any other months and still retain producer milk status under the order. Diverted milk shall be deemed to have been received at the plant from which it was diverted.

Producer-handler. Producer-handler should be defined as any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers. The order is not intended to establish minimum prices for such operators, but they should be required to make reports to the market administrator. Such reports are necessary to make a determination as to whether the operator is a producer-handler and to facilitate accounting with respect to transfer of milk from other handlers.

Classification provisions of the proposed order should provide that any milk, skim milk, or cream transferred by a handler to a producer-handler will be Class I milk. Any supplemental supplies of milk which may be obtained from other handlers may, by virtue of the type of operation involved, be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from other handlers and still maintain his status as a producer-handler.

Pursuant to the proposed order, any milk which a handler receives from a producer-handler would be other source milk and would, therefore, be allocated to the lowest class utilization at the pool plant(s) of a handler after the allocation of shrinkage on producer milk. Milk disposed of to another handler by a producer-handler must be presumed to be surplus to the operation of the producer-handler.

Fluid milk product. Fluid milk product should be defined as milk, skim milk, buttermilk, milk drinks, cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated products, eggnog, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). The items designated as fluid milk products pursuant to this definition are those products which when disposed of by handlers are considered as Class I milk.

Other source milk. Other source milk should be defined as all skim milk and butterfat contained in fluid milk products utilized by the handler in his operations except milk received from producers and fluid milk products received from other pool plants. Thus, other source milk would represent skim milk and butterfat which may not be subject to the pricing provisions of this order. It will include all milk products from plants other than pool plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It will include those manufactured products from a plant's own production which are made and are reprocessed or converted into another product during the same or a later month.

(b) *Classification of milk.* Milk and milk products received by handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, such skim milk and butterfat was used or disposed of as either Class I milk or Class II milk.

Under an order, only producer milk is priced. Milk is received, however, at pool plants directly from producers, from other handlers and from other sources. Milk from all of these sources is intermingled in handlers' plants. It is necessary, therefore, to classify all receipts of milk to afford a means to establish the classification of producer milk and apply the classified price plan.

The products which should be included in Class I milk are those required by health authorities in the marketing area to be obtained from milk or milk products from approved "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products somewhat above the ungraded or manufacturing milk price. This higher price should be at such a level that it will yield a blend price to producers that will encourage production of enough milk to meet market needs.

Excess milk not needed seasonally or at other times for Class I use must be disposed of for manufactured products. These products are less perishable and must be sold in competition with products made from ungraded milk. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

In accordance with these standards, Class I milk should comprise all skim milk (including concentrated and reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream, and any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, eggnog, ice cream mixes, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers); and skim milk and butterfat not accounted for as Class II milk.

Class I products which contain concentrated skim milk solids such as skim milk drinks to which extra solids have been added or concentrated whole milk disposed of for fluid use, would be included under the Class I milk definition. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed cans would not be considered as concentrated milk.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. Included as Class II milk are products such as ice cream, ice cream mix and other frozen desserts and mixes; aerated cream products and eggnog; butter, cheese, including cottage cheese; evaporated and condensed milk (plain and sweetened); nonfat dry milk solids; dry whole milk; condensed or dry buttermilk; and any other products not specified as Class I milk. The health ordinances applicable in the marketing area do not require that these products be made from approved milk.

Cream which is placed in storage and frozen should be classified as Class II milk. Such cream is intended primarily for use in ice cream and ice cream mixes. Any frozen cream or other Class II products which are used later in a pool plant would be considered as other source milk at the time of such use and assigned to the lowest price utilization in the plant. The skim milk and butterfat in any fluid milk product which is disposed of and used for livestock feed should be classified as Class II milk.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. The accounting procedure will be facilitated by providing that month-end inventories of all fluid milk products be classified in Class II milk, regardless of whether such products are held in bulk or in packages. Inventories of such products on hand will then be subtracted under the proposed allocation procedure from any available Class II milk in the following month. The higher use value of any fluid milk products in inventory which are allocated to Class I milk in the following month should be reflected in returns to producers. The mechanics of the attached order provide for the reclassification of inventories on that basis.

Inventories of products designated as Class I milk on hand at a pool plant at the beginning of any month during which such plant becomes a pool plant for the first time should likewise be allocated to any available Class II utilization of the plant during the month. This will preserve the priority of assignment of current producer receipts to current Class I use.

Shrinkage should be determined by subtracting from the total pounds of skim milk and butterfat received by the handler his total established utilization of skim milk and butterfat, respectively. Shrinkage not in excess of 2 percent of the handler's receipts of producer and other source milk should be prorated between producer and other source milk on the basis of the pounds received from each source. None of the shrinkage should be assigned to milk received from other pool plants because shrinkage on such milk will be allowed to the transferring handler. A plant which is operated in a reasonably efficient manner, and for which complete and accurate records of receipts and utilization are maintained, should have total shrinkage of less than 2 percent of total receipts. It is concluded that shrinkage which is not more than 2 percent of total receipts of producer milk and other source milk should be classified as Class II milk and any shrinkage in excess of this quantity should be classified as Class I milk.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from producers, and therefore should be classified separately according to their separate uses. The skim milk and butterfat content of milk products received and disposed of by a handler, can be determined through certain testing procedures. Some of these products, such as ice cream and condensed products, present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable, in the case of such products, to provide an acceptable means of ascertaining the amount of skim milk and butterfat contained in, or used to produce, these products. This may be accomplished through the use of adequate plant records made available to the market administrator or by means of standard conversion factors of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any concentrated milk product such as condensed milk or nonfat dry milk solids should be based on the pounds of milk or skim milk required to produce such product.

Butterfat and skim milk used to produce Class II products should be considered to be disposed of when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of any product including products in Class I milk should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from producers should be responsible for establishing the classification of, and making payment to producers for, such milk. Fixing responsibility in this manner is a practice which is consistently followed in regulated markets and is necessary to effectively administer the provisions of the order. The operator of a plant at which milk is first received from producers is the person with whom contractual relations have been made by producers or their representatives. It would be unreasonable to expect producers to look elsewhere for payment for their deliveries. Moreover, producers would be without adequate protection if the order did not prescribe specifically which handler shall be responsible for the classification and payment of their milk. Except for such limited quantities of shrinkage, which under certain conditions (as set forth elsewhere in this decision) may be classified in Class II, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use. It is necessary to place the burden of proof on the handler to establish the utilization of any milk as other than Class I.

Transfers. Classification of butterfat and skim milk used in the production of Class II milk items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, some Class I items may be disposed of to other plants for Class II use. Classification of any product so transferred to another plant should, under certain circumstances, be determined according to its utilization in the plant to which transferred.

Milk, skim milk, cream, or other fluid milk products transferred by a handler to the pool plant of another handler, except that of a producer-handler, should be classified as Class I milk unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II milk. However, sufficient Class II utilization must be available at the transferee-plant for such assignment after prior allocation of shrinkage and other source milk. On the other hand, if the transferring handler had other source milk during the month, the assignment of fluid milk products transferred to another plant to the Class I utilization of such plant should be limited so that other source milk in the transferring handler's plant will not be allocated to Class I milk while producer milk is allocated to Class II milk in the transferee-handler's plant.

Milk, skim milk and cream disposed of to a nonpool plant, including milk which is diverted (sent directly to the nonpool plant from the producer's farm) should be classified as Class I milk, unless certain conditions are met. The operator of the nonpool plant, if requested, must make his books and records available to the market administrator for the purpose of verifying the receipt and utilization of milk in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to effectuate the clarification procedure and assure that producer milk will be paid for in accordance with its utilization. In order to classify such diversions as Class II milk the fluid milk products disposed of from the receiving nonpool plant should not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers directly supplying such plant. This recognizes the principle that is incorporated in this order that the dairy farmers regularly supplying such a plant should have prior claim to supply the milk for fluid distribution in this market and at the same time assures that producer milk which is diverted for Class I use will be paid for accordingly. The provision for classifying milk, skim milk or cream as Class II milk should not be extended to include milk transferred to nonpool plants located more than 300 miles from the nearest point in the marketing area. The area thus described is adequate to dispose of reserve milk for Class II uses. Fluid milk products moving greater distances are normally for Class I uses.

When milk or skim milk in bulk has been transferred or diverted to a nonpool plant located not more than 300 miles from the nearest point in the marketing area, the market administrator is required to verify the utilization claimed by such nonpool plant. It may reasonably be expected that the market administrator will be able to make such verification within such "surplus disposal area" without incurring undue expense. It would not, however, be administratively feasible or otherwise justifiable to have a surplus disposal area of unlimited expense or to cover a geographical area which is larger than that provided herein. Making such provision might well tend to make unreasonable demands on the market administrator in connection with the verification of occasional or irregular shipments to nonpool plants located beyond the area wherein Texas Panhandle handlers normally dispose of reserve supplies of milk for Class II purposes.

As stated elsewhere in this decision, any fluid milk product transferred to a producer-handler should be classified in Class I and should not be subject to reclassification.

Allocation. The order class prices apply only to producer milk. It is necessary, therefore, if a plant has butterfat or skim milk other than that received in milk from producers, to determine the quantities of milk in each class to be assigned to producers. It is recognized that some supplemental milk may be needed when supplies are short in the Texas Panhandle market.

Other source milk from unregulated sources should be assigned to Class II milk first. The plants supplying such milk may not have purchased such milk from dairy farmers on a classification and use basis and it is not feasible to determine this or other conditions of sale. There is no assurance that such milk would not be used to displace producer milk in Class I to the advantage of the purchasing handler.

The milk of producers who are primarily engaged in supplying the Texas Panhandle market, however, should be given priority in the assignment to the Class I utilization at regulated plants. This is necessary to insure the stability of the classified pricing program of the order. If the order permitted handlers to obtain other source milk whenever it was advantageous to do so for Class I use while producer milk in the plant was utilized in Class II, the order would not be effective in carrying out the purpose of the act. Also, the market would be deprived of a dependable supply of milk. Much of the supplemental milk has in the past been brought in from other Federal order markets. Handlers bringing in such milk have assisted the market in keeping Class I outlets fully supplied.

When such supplemental milk is actually needed and is obtained under conditions which assure that it was paid for at Class I prices under another Federal order, a more limited priority of assignment to Class I should be permitted under the order. Provision should be made, therefore, that 5 percent of producer milk may be assigned to Class II before any assignment of Federally regulated other source milk to such class. This will permit a handler whose producer milk supplies run short to bring in milk from other Federal markets and have it assigned to Class I, even though he has a small amount of reserve milk in his plant. Such other source milk will be assigned to any Class II milk in excess of 5 percent of producer milk. This is necessary to assure producers that no more than the necessary reserve supplies will be allocated to Class II use when milk is imported from other regulated markets.

If, after making the various assignments of skim milk and butterfat pursuant to the allocation provisions of the owner, the total of all Class I and Class II milk assigned to producer milk exceeds the amount of producer milk reported to have been received by the handler for whose pool plant the computation is being made, such "overage" should be assigned first to the available Class II utilization and any remainder to Class I. Such overage should be paid for by the handler at the applicable class prices.

(c) *Class prices.* Class I prices should be established at a level which, in conjunction with the Class II prices hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate but not excessive supply of quality milk to meet the requirements of the marketing area. If prices remain too low, insufficient quantities of milk will be produced to assure that the Class I market will be fully supplied. Conversely, if prices are too high, production will be overstimulated and consumption curtailed. This would cause more milk to be produced than is needed to satisfy the demand for Class I milk, resulting in the develop-

ment of unnecessary and uneconomic surpluses.

When milk produced locally is insufficient to meet the Class I needs of the market, supplemental supplies of Grade A milk are purchased by handlers in the marketing area from plants outside the regular supply area. Prices of this milk fluctuate to a considerable extent with the value of milk produced for manufacture. Other items which determine the prices at which such milk will be available to Texas Panhandle handlers include the cost of transporting such milk to the marketing area and the alternative outlets for such milk.

Proper recognition must be given the prices at which alternative sources of supply are available, especially since any milk plant wherever located may, by meeting the prescribed qualifications, become a pool plant under the order. It is necessary, therefore, that the Class I prices in the proposed Texas Panhandle milk marketing order should not be set at levels which will bring the cost of such milk above the cost of obtaining regular and dependable Grade A milk supplies from other areas.

The Class I price should be fixed in relation to the general level of the value of milk used to produce manufactured dairy products. To achieve this end a basic price should be adopted which will reflect this general level and to which differentials should be added to result in the appropriate Class I price. Such basic price should be the higher of (a) the average of the prices paid by the 13 "Midwestern Condenseries" or (b) a price computed on the basis of the daily quotations for 92-score butter at Chicago and the carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plants in the Chicago area.

The purpose of such basic price is to give consideration to the national economic factors underlying the price for milk and manufactured dairy products and which in turn also influence the local market prices. Prices for milk used for fluid purposes in competitive markets are related to the prices paid for milk used for manufacturing purposes. Production and marketing of milk for each type of manufacturing outlet are subject to many of the same economic factors. Since the market for most manufactured products is countrywide, prices of manufactured dairy products reflect, to a large extent, changes in general economic conditions affecting the supply and demand for milk. For these reasons, fluid milk markets have used butter, nonfat dry milk solids, and cheese prices, or the prices paid by condenseries with differentials over these basic or manufacturing prices to establish fluid milk prices. These differentials are needed to cover the cost of meeting quality requirements in the production of market milk, transportation costs to the fluid market, and to furnish the necessary incentive to get such milk produced.

The basic formula proposed herein is similar to that used in many other Federally regulated markets and the price resulting therefrom will usually be the same as or will closely approximate the basic formula price which is applicable in determining the Class I price in the various Federal orders in the Southwest. The price computed under the formula would have averaged $3.47 for 1954. The differential to be added to this basic price in determining the Class I price would be applicable to all skim milk and butterfat included in the Class I definition of the proposed order. Consequently, the total quantities of producer milk classified in Class I under the order may be significantly greater than the quantities of producer milk now allocated to Class I under the various classification schemes now in effect in the market. It is concluded that the differentials to be added to the basic formula price should be $1.85 for the months of March through June and $2.15 for all other months.

The seasonality of the Class I differential herein proposed—30 cents less in March through June than in other months—gives greater incentive to the production of milk for the market in those months when it is needed for Class I purposes. It also serves to provide price changes more nearly in accord with seasonal price changes in other markets both regulated and unregulated.

The average Class I milk price which would have been provided under the proposed formula for the year 1954 is $5.55. The prices paid producers at the time of the hearing by the two principal handlers in the market for base or "Class I milk" of four percent butterfat content delivered to their plants in Amarillo were $5.55 and $5.58, respectively. It was indicated at the hearing that these prices are representative of the Class I or base prices paid by the other handlers in the market at their plants in the marketing area.

Evidence at the hearing indicated that eight handlers receiving milk from approximately 500 Grade A producers would be fully subject to regulation under the order. Detailed information relative to the combined receipts and Class I disposition of six of these handlers for the year 1954 was presented at the hearing. These six handlers, who receive milk from approximately five-sixths of the producers on the market, distribute Class I milk throughout the marketing area from plants in Amarillo, Borger, and Pampa. Producer deliveries of raw milk to the plants of these handlers in 1954 totaled 81.5 million pounds, and Class I disposition from these plants in the same period was 77.5 million pounds.

Producers proposed a Class I differential of $2.25 compared with the average monthly differential of $2.05 which is provided in the attached order. Prices paid their producers by handlers in nearby markets must be considered in establishing the Class I price under the Texas Panhandle order. Handlers who would be regulated by the proposed order compete for business in some areas with handlers regulated by other Federal orders. In addition, substantial quantities of milk are at times moved into the market from plants subject to such other orders. In 1954 supplemental supplies of milk for Class I purposes were purchased by local handlers from plants under the Oklahoma City, North Texas, Ozarks (Springfield, Missouri), and Chicago Federal orders.

In the absence of regulation, the value of Grade A milk f. o. b. the marketing area is not greater than the price of such milk in the nearest major production area from which substantial quantities of milk are available plus the cost of transporting the milk to the market. More supplemental supplies of milk in 1954 were moved to the Texas Panhandle market from the Producers' Creamery Company plant at Springfield, Missouri, than from any other source. The Springfield plant is in the Ozarks marketing area and the Class I differentials under that order range from 63 cents for the months of April, May and June to $1.08 for the 3 fall months of lowest production. The average monthly Class I differential applicable under the Ozarks order at Springfield is 78 cents. The cost of moving milk the 580 miles from Springfield to Amarillo in tank trucks of 27,500 pound capacity is $1.02 per hundredweight. This transportation cost plus the average Class I differential under the Ozark order is 25 cents less than the average Class I differential of $2.05 which is provided in the attached order. The margin of 25 cents per hundredweight is less than is customarily charged as a receiving, cooling and handling allowance on milk moved from Springfield to the Texas Panhandle marketing area.

The Class I price under the Federal order for the North Texas marketing area is widely accepted and used as a basis for determining the Class I prices in various other milk marketing areas throughout Texas. Large quantities of milk throughout the State are sold on the basis of the North Texas Class I price, and some of this milk is distributed in competition with milk from the plants of Texas Panhandle handlers. The average monthly Class I differential under the North Texas order is $2.13. Dallas, which is the largest city in the North Texas marketing area, is 361 miles southeast of Amarillo.

At least one handler subject to the Central West Texas order distributes some milk in the proposed Texas Panhandle marketing area. The applicable Class I price under this order at two of the principal cities in the marketing area, Abilene and Midland, is the North Texas Class I price plus 25 and 45 cents, respectively. Midland is 260 miles directly south of Amarillo. Abilene, which is 146 miles east of Midland, is 270 miles from Amarillo.

Reference at the hearing was made to the competition from milk priced under the Southwest Kansas order. Dodge City, Kansas, which is the largest city in the Southwest Kansas marketing area, is 244 miles north of Amarillo. There was no evidence at the hearing to indicate an overlapping of the production areas for that market and for the Texas Panhandle market. On the distribution side, a Dodge City handler distributes a relatively small quantity of milk in several communities near the northern boundary of the proposed marketing area.

The Class I differential under the Southwest Kansas order is $1.65. After giving consideration to the transportation costs, handlers under the Southwest Kansas order would have no advantage in competing with local handlers for sales in the Texas Panhandle marketing area, and local handlers would have no incentive to replace producer milk with bulk tank shipments from plants under the Southwest Kansas order. The average monthly differential of 40 cents by which the Class I differential under the Texas Panhandle order exceeds that of the Southwest Kansas order will provide a relationship of prices which is economically sound. This is also very near the historical relationship of prices between the two markets.

Consideration at the hearing was given to making provision in the order for adjusting the Class I price upward or downward each month as supplies of producer milk changed in relation to the demand for Class I milk in the market. A supply-demand adjustment provision in the order to reflect such changing conditions could be helpful in providing proper price adjustments within the market and a proper price relationship between the Texas Panhandle market and other markets.

It was contended at the hearing that any supply-demand formula which would be provided in the order should not be made effective until the order has been in operation for at least 12 months. It would not be feasible to make provision in the order on the basis of the information now available for a supply-demand formula to become effective a year after the inception of the order. It was evident at the hearing that adequate data were not available which would serve as a proper basis to formulate an appropriate supply-demand adjustment provision. Such a provision could be better formulated after the order had been in effect for a reasonable period of time and the necessary detailed statistical data were available.

It is concluded, therefore, that a supply-demand adjustment provision should not be incorporated in the order at the present time. However, such a provision should be given consideration at an amendment hearing at such a time after adequate experience in the operation of the order has been realized and the statistical data necessary for its proper formulation are available. At such a hearing it would be timely and appropriate to review in a detailed manner the Class I pricing formula which is herein provided. Provision is made therefore that the Class I pricing formula in the attached order shall not be effective beyond August 31, 1957. Such a provision would insure a reappraisal of the level of the Class I price and the components used in its determination within a reasonable period after the order became effective.

The Class I price should be announced by the fifth day of the month. In order to do this, it is necessary to use price quotations for the preceding month in calculating the basic formula price.

Class II price. Some milk in excess of Class I requirements is necessary in order to maintain an adequate supply of fluid milk for the market on an annual basis. The Class II price for such excess milk should be maintained at the highest level consistent with facilitating its movement to manufacturing outlets when it is not needed in the market for Class I purposes. The Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

Most handlers in the proposed area have extremely limited facilities for handling any milk above that needed for their day to day fluid operations. A few handlers manufacture such by-products as cottage cheese and ice cream mix for the needs of their own trade. However, most milk not needed for fluid distribution in the market must be transferred or diverted from the plant at which it is usually received to a plant having adequate manufacturing facilities.

During the spring months of heavy production producer milk which is not needed by handlers is moved to manufacturing plants after being received by the handler or is diverted directly to the manufacturing plant for the account of the handler. Returns to producers for such milk have been that which the handler realized in its sale to the manufacturing plant. Payments to producers at other times for "overbase" milk which was utilized or disposed of for manufacturing purposes followed no consistent pattern.

Prices paid by manufacturing plants may differ because of changes in the relative prices of the products which they manufacture. Handlers will dispose of excess milk to those plants which are paying the highest price at the time of such disposal. Because of small volume and inefficient means of handling, it is possible that some handlers may, at times, incur losses in handling their necessary reserve supply of milk. The handling of such reserve milk is incidental, however, to the handling of fluid milk.

The pricing of milk in the months of flush production should be at the rate at which milk produced for the market will be handled so that such seasonal reserves will not disrupt the orderly marketing of milk. The level of such pricing should not be below that paid for ungraded milk, since such pay prices represent the lowest value in the milkshed for milk for manufacturing purposes. Handlers who need and desire the entire output of producers during periods of short supply should assume the responsibility of paying producers at least the competitive manufacturing prices for Class II milk throughout the months of flush production. During the months of short production, a higher level of prices for Class II milk should be provided in the order so as to encourage the transfer or allocation of the available supplies of milk from manufacturing uses to fluid uses.

The Class II price for the months of March through June should be the average of the prices paid for milk received from dairy farmers by selected manufacturing plants in the area. The four such plants whose pay prices should be so used are Plains Creamery, Arnett, Oklahoma; Price Creamery, Portales, New Mexico; Quint County Creamery, Mangum, Oklahoma; and Swisher County Creamery, Tulia, Texas. These plants are the principal buyers of ungraded milk in the milkshed of the proposed marketing area.

For each of the months of July through February the Class II price should be the higher of either the price computed pursuant to a butter-nonfat solids formula which will reflect changes in manufactured product values in the general area; or the average of the prices paid by the four local manufacturing plants.

For the year 1954, the Class II price herein proposed for milk containing 4 percent butterfat would have averaged $3.26 per hundredweight. The comparable average price paid by the four local manufacturing plants during the same period was $2.93. However, during those months when the quantity of Class II milk on the market is largest, March through June, the Class II price (based on the paying price of the four local manufacturing plants) would have averaged $2.88 in 1954.

Provision is made in the attached order to permit a handler to divert directly to manufacturing plants any milk not needed in his own operations. Handlers who need and desire the entire output of producers during periods of short supply should assume the responsibility of paying producers at least the competitive manufacturing prices for Class II milk throughout the year.

Butterfat differentials. As pointed out previously herein, it is concluded that butterfat and skim milk should be accounted for separately for classification purposes. It will be necessary, therefore, to adjust Class I and Class II prices of milk in accordance with the average test of milk in each class by a butterfat differential which will reflect differences in value due to variations in the butterfat content of each product. The values resulting from multiplying the average price of 92-score butter at Chicago by 0.120 for Class I milk and by 0.110 for Class II milk will provide an appropriate basis for adjusting such prices in this market. The use of butter prices in this manner will reflect changes in the central market prices of butterfat and follows standard practices in most fluid milk markets for adjusting for butterfat variations. The basing point from which such adjustments are made should be 4.0 percent butterfat. This is the basis now used in the Texas Panhandle marketing area.

In order that the Class I butterfat differential may be announced early each month, it is provided that the Class I differential be based on the average price of butter in the preceding month. This will permit the announcement of the Class I differential at the same time that the Class I price is announced.

Class II prices and butterfat differentials will not be announced until after the end of the month. Although han-

dlers will not know the exact cost of such milk as it is utilized, they will know that their cost will tend to follow movements in daily or weekly dairy product prices and in any event the cost of milk of their principal competitors for manufactured product outlets.

The butterfat differential used in making payments to producers should be calculated at the average of the return actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sale value of their butterfat at the class prices provided in the order. The producer butterfat differential in no way affects the handlers' cost of milk but merely prorates returns among producers whose milk differs in butterfat test.

It was indicated at the hearing that the average test of producer receipts exceeds that of Class I sales. The butterfat differentials recommended herein for Class I and Class II milk should tend to encourage the production of milk with a fat test more in line with the fat requirements of the market.

Location differentials. It was proposed at the hearing that handlers be allowed a location differential with respect to milk moved from a receiving plant to a processing plant.

The record discloses that some of the milk normally supplied to the marketing area is received by handlers at a distance from the plant which processes and distributes the milk. In addition, some of the milk is brought to the marketing area in packaged form.

It is customary for handlers to pay producers delivering milk to country receiving stations a lesser price per hundredweight than is paid producers delivering directly to bottling plants. To the extent that this represents a lower price because of the location of the milk, such difference in value should be recognized under the order. Location differentials should be included in the pricing arrangements to recognize differences in the value of producer milk in relation to its location with respect to the market.

The principal supply plant to which the location differential herein provided would be applicable is at Arnett, Oklahoma, 150 to 155 miles from Amarillo. Milk is received at this plant from approximately 100 Grade A producers and is moved by the handler in tank trucks to his processing plant in Amarillo. At such times that this milk is not needed by the handler in Amarillo for Class I purposes it is utilized by the handler in his ungraded operation at Arnett or otherwise dispose of for manufacturing purposes.

Producers delivering to the Arnett plant are paid 75 cents per hundredweight less than producers delivering directly to the same handler's plant in Amarillo. The handler proposed that the 75-cent rate be incorporated in the order as an appropriate location differential on milk received at the Arnett plant. He contended that although this amount is greater than the actual cost of moving the milk from Arnett to Amarillo, such charge is necessary in order to compensate him for having established, and to enable him to continue to maintain, the receiving station facilities at that location. In addition, he contended that incorporation of the 75-cent rate within the framework of the order is justified since that is the rate which has been maintained for some time.

Various suggestions were made at the hearing relative to location differentials other than the 75-cent rate proposed by the handler. One of these would provide a location differential of 35 cents applicable to the Arnett plant and not otherwise make any provision for a location differential in the order. Another proposal would use as a basis for a location differential the rates prescribed by the Railroad Commission of Texas on intrastate shipments of milk in bulk tank trucks by regulated carriers. For a 150 to 155-mile haul, the distance from Arnett to Amarillo, the rate fixed by the Commission is 50 to 52 cents per hundredweight. The rates for the same distance charged by the Dairyland Transport Corporation, Springfield, Missouri, a company specializing in hauling milk and milk products in tank trucks, are 29 to 31 cents per hundredweight.

Producers shipping to the Arnett plant are an integral part of the supply for the Texas Panhandle market. If this plant were closed as a receiving station for the Amarillo market, producers would be required to ship directly to Amarillo or to find another market for their Grade A milk. It was not shown that such other markets are readily available to these producers. Neither was it shown that it would be more practicable for the producers now shipping to Arnett to ship directly to the handler's plant in Amarillo.

In view of the above stated considerations, the Class I price at a pool plant should be reduced by 35 cents per hundredweight of milk for the first 100 miles and by 1.6 cents per hundredweight of milk for each additional 10 miles or fraction thereof that such plant is from the primary center of consumption of the proposed area. The City Hall of Amarillo, Texas, affords the most appropriate point in the marketing area for the market administrator to determine the rates applicable at such plants.

The location differential which is provided in the attached order is economically sound and will be equitable to all handlers wherever located. The proposed rates are representative of the cost of hauling milk by an efficient means to the market. To make provision in the Texas Panhandle order for a location differential the applicability of which would be limited to one and only one plant or to provide a differential predicated solely on the historical experience of one plant in the market without giving consideration to all other relevant factors would be neither feasible nor justifiable.

Prices paid producers supplying plants to which location differentials apply should be reduced to reflect the lower value of such milk f. o. b. the point to which delivered.

No adjustment should be made in the Class II price because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with the location of the plant receiving the milk. This is true because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices paid for ungraded milk received at various sections of the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk in the most advantageous possible manner. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk. To do otherwise would remove part of the incentive for keeping handling costs at a minimum. To insure that milk will not be moved unnecessarily at the expense of producers under the marketwide pool, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that any milk transferred be assigned to any Class II use remaining in the transferee plant after a maximum assignment of 5 percent of the direct producer receipts to Class II milk at such plant.

Payments on unpriced milk. The order should provide that payments be made into the producer settlement fund of the marketwide pool with respect to milk not priced under the order which is allocated to Class I milk in a pool plant.

Testimony at the hearing indicated that substantial quantities of milk which would not be subject to the pricing provisions of the Texas Panhandle order are being sold in the proposed marketing area. Without the payment provisions on unpriced milk which are herein provided the sale of such milk in the marketing area would seriously jeopardize the successful operation of the classified pricing provisions of the order.

Receipts of milk in excess of actual Class I disposition is necessary to operate a fluid milk business. Because of seasonal fluctuations in production not matched by seasonal changes in consumption, this excess is particularly large in certain months of the year. Such excess or reserve milk is surplus to the fluid operation, and can be marketed only in manufactured form in competition with products made from ungraded milk produced in the major low cost dairying areas of the United States. Thus, such reserve milk yields a considerably lower return than is necessary to sustain graded milk production in the Texas Panhandle milkshed. Likewise, it yields a lower price than would be necessary to purchase graded milk on a regular basis in other supply areas and pay the cost of transportation to the Texas Panhandle marketing area.

The existence of this reserve Grade A milk, which must be marketed at a lower price, is the primary cause of the instability which may affect all fluid milk

markets. If a handler is able to use milk he purchases at Class II prices for Class I use, he stands to gain advantage, but in so doing he demoralizes the Class I market price.

One of the paramount reasons why regulation of prices is considered necessary in the Texas Panhandle market is to insure that the position of handlers paying producers a Class I price for fluid milk will not be undermined by other handlers using the market's excess or surplus producer milk for Class I use. It is equally important that the Class I market be protected from the use of seasonal or other excess milk from other markets as well as from its own surplus. If the order failed to provide such protection, a handler could curtail purchases of producer milk to his own advantage and secure low cost reserve supplies from other markets for Class I use.

Seasonal supplies are easily and cheaply acquired during the months of flush production when most markets are receiving milk greatly in excess of their current fluid needs. If adjacent milksheds dispose of seasonal surplus in each other's Class I markets, the result will soon be market chaos, particularly in the spring months. Class I prices would be demoralized and the rate of milk production for both markets on a permanent basis would be seriously impaired. Such marketing conditions would be contrary to the stated purpose of the act. It is necessary, therefore, in order to insure the effectiveness of the classified pricing program and to promote orderly marketing, that some measure be taken to remove the incentive which handlers have to acquire unpriced milk and undermine the Class I pricing structure.

One possible alternative would be to extend price regulation in accordance with order provisions to all milk plants which supply milk either directly or indirectly to the Texas Panhandle market. This alternative is both economically and administratively unacceptable within the framework of the proposed order. It would open the market pool to anyone who applied merely a token quantity of milk to a plant serving the marketing area. The objections to such distribution of pooled funds was discussed earlier in the decision in connection with the recommendations for standards of pool participation.

Such regulation would have the further disadvantage of being cumbersome, expensive, difficult to enforce, and it would interfere with the acquisition of needed supplemental milk supplies for the market. It would not be possible or desirable to limit the number of plants or area from which milk might be purchased. However, in order to bring such plants under regulation, it would be necessary to establish individually tailored transfer and allocation rules according to the various plant locations, markets and supplies. Milk would have to be accounted for in its disposition from these plants to its various destinations and uses to determine classification. Also, it would be necessary to ascertain sources of supply other than receipts directly from farmers and determine what priority should be given such supplies in the allocation of Class I milk. In the case of a plant which made an incidental shipment of milk, perhaps at the end of the month, or in the case of such items as storage cream, additional complications would be involved. Earlier inventories as well as sales would have to be ascertained and classified. Classification might depend upon transactions made in the past concerning which adequate records were not kept. Producer prices would be fixed for milk already purchased and sold. Required record keeping and auditing problems would be greatly multiplied with such regulation.

It is concluded that it is not feasible to price all milk which may enter the market and that provision is necessary in the order which will insure against the displacement of producer milk by such unpriced milk for the purpose of cost advantage. There is no choice as to what type of provision can be used for this purpose. The only alternative available under the order is to levy a charge against unpriced milk used in Class I to whatever extent is necessary to remove the advantage there may be in using such milk instead of priced milk from producers.

Several problems are involved in formulating the provisions for any charge or payment designed to bring about the removal of the advantage of using unregulated milk. The rate of payment for this purpose must not be so low that it will permit a handler to have temporary or permanent advantage through sale of unpriced milk as Class I in the marketing area. It should not be so high that it will penalize suppliers of unpriced milk who offer milk needed by the market and who are not in a position of gaining an unfair advantage by such sale of milk. The payment must be provided for in a manner which is administratively feasible and which does not bring about unjustified administrative inconvenience or expense.

One method for setting the rate of payment would be to ascertain the actual cost to the regulated handler of milk which he purchases from unregulated plants and charge as a compensation payment any amount by which the Class I price exceeded the cost of the unregulated milk used in Class I. Such a scheme is not sound from the standpoint of administrative feasibility and it would not necessarily remove the advantage in using unregulated milk even though it were feasible. Rates at which milk sales are billed may not represent actual cost to the purchaser. In the case of a firm which owns or controls pool plants under the proposed order as well as unregulated plants, the rate of payment from one plant to another, if any were made, would have little or no significance. If such a provision were to be adopted, the billing rate might be deliberately set in each instance at a level which would avoid any payments without regard to the value of the milk. Thus, the intended effect of this provision might be circumvented by merely adjusting the bookkeeping procedure.

A handler having no unregulated plants would no doubt find it possible to arrange a billing price on purchased milk which would avoid any compensatory payments. If a handler had the choice of paying money to the market-wide pool or to a person from whom he was buying milk, he would probably choose the latter. A kick-back arrangement or offsetting purchase and sale might readily be arranged, perhaps through a third party. Since the billing price for milk would be a self-serving figure for both parties to the transaction, it would be virtually impossible to ascertain that it represented the true cost to the purchaser.

If the stated purchase price were a true cost, it would still not fulfill the purpose of removing the advantage to unregulated milk to base compensation payments on the difference between such price and the Class I price. Sales of priced milk between regulated handlers ordinarily take place at the class price plus a handling charge. This handling charge varies according to circumstances, but represents a payment to the receiver of the milk to offset his purchasing and receiving costs, such as dumping, weighing, testing and cooling the milk, paying producers, and other costs of doing business. The cost of receiving the milk in bulk form is somewhat less than receiving it from producers. Thus, in order to remove the advantage to unregulated milk, it would be necessary to provide that the cost of bulk unregulated milk be somewhat more than the Class I price. It would be exceedingly difficult to determine what this rate should be, particularly in the case of products such as condensed skim milk and cream, where the allocation of additional processing costs among more than one end product is involved. Furthermore, the marketing agreement act does not give the Secretary express authority to enforce prices other than producer prices. This scheme for removing the advantage in using unregulated milk is rejected for these reasons.

Another suggested method is to determine the price actually paid dairy farmers by the unregulated milk dealer who first received the milk, and base the compensation payment thereon. This method has several shortcomings. The various payment plans which are used in paying farmers for milk would make the determination of pay rates to individual farmers an exceedingly difficult task. For example, unregulated milk dealers may use varying rates of butterfat differentials, different types of base rating plans, or payments based on volume of deliveries. Various devices such as these for paying farmers often make it impossible to determine actual rate of payment per hundredweight of milk. In this case as with bulk milk purchases stated prices are often illusory. The cost of the milk itself may be modified by unrealistic charges for various items of supplies and services. A milk dealer affected by such a provision might increase his producer price and increase hauling rates an offsetting amount. Whatever payment plan an unregulated milk dealer may use is a matter of his own choice and it can be changed readily. Pricing or paying arrangements he may have with farmers are not subject to regulation. Cal-

culation of compensation payments according to this suggestion would give any affected dealer special incentive to resort to these special payment plans suggested here or others he might devise for purposes of evading payments.

The further problem of establishing the rate of payment to be required would in itself preclude use of the actual cost of the milk purchased from farmers by unregulated handlers as a basis for calculating the payment to be required. If a payment were to be required on the unregulated milk based on the difference between prices paid farmers and some other price, the unregulated handler could avoid payments by increasing his prices to farmers. This would give an unregulated handler the advantage over regulated handlers in that a regulated handler has no choice as to what he is required to pay producers nor how this money is to be distributed. Likewise, it would enable unregulated suppliers to dispose of Class I milk in the marketing area with no obligation to equalize such sales with other suppliers of the market.

Even though the rate of payment to producers for all milk might be known, it would still be impossible to ascertain the rate of payment on that portion of the milk disposed of in the marketing area. Since milk marketed outside the marketing area would represent most of the total supply in the unregulated plant, it would be necessary to determine payment for milk marketed to the various outlets. When handlers have both surplus as well as Class I milk in their plants, it is not realistic to assume that the purchase price for milk for each use is the same.

It has been suggested that in order to overcome this objection the plant of the unregulated handler be subject to audit and that the rate of compensation payment be based on the difference between the average utilization value at order prices in the unregulated plant and the average rate of payment to producers. This method would not recover the entire advantage of selling surplus milk as Class I in the marketing area. This method has not only the disadvantages associated with other schemes which assume the determination of actual pay rates to producers, but it would involve, in the case of the Texas Panhandle market, an extremely complicated and administratively impractical system of accounting and determination in such plants. The unregulated plants which are potential sources of supply of supplemental milk and milk products are numerous and widely scattered. Determination of utilization value in these plants would involve the same complications and administrative expense and difficulties as discussed earlier which would be involved in complete regulation of such plants. To make the detailed accounting necessary to establish classification, such unregulated dealers would need to maintain the same detailed records as wholly regulated handlers.

An alternative method for determining the rate of compensation payments would be to base the rate of payment on the difference between blend prices prevailing in an area and the Class I price. This method has been suggested because it is assumed that unregulated handlers will be forced by competition to pay farmers approximately average blend prices. While this approach eliminates the need for attempting to determine actual pay rates, it could not be used without modification and still prevent the displacement of regulated milk with surplus milk from other markets at all times throughout the year. Unregulated plants, as well as regulated plants, may have some surplus milk at all times and particularly during the seasons of flush production. As a result, prices paid farmers are, in fact, blend prices made up of returns from the sale of milk in Class I outlets, as well as sales to the surplus market. If an unregulated plant were in a position to sell its surplus milk for Class I use in the marketing area and maintain its regular Class I outlets, it would have a competitive advantage over regulated handlers who found it necessary to dispose of part of their milk as surplus.

None of these suggestions presents an acceptable approach to the problem of compensation payments, to be applied to other source milk allocated to Class I in pool plants. It is necessary, therefore, to resort to a different procedure. The only sound method of dealing with this problem is one based on a recognition of the economics involved as they affect producers and handlers. This approach resolves itself primarily into a question of market values of milk.

Fully regulated handlers under the order seeking to purchase unregulated milk will naturally resort to the lowest cost source from which suitable milk is available. In fixing the rate of compensation payment, it is necessary, therefore, to determine what the lowest cost source may be and to base the payment on the difference between the cost of such milk and the cost of milk priced under the order for similar use. Milk supplies are larger in spring and summer than in fall and winter, and because of relatively constant sales of fluid milk, the excess increased production must be marketed largely as manufactured products. This outlet represents the opportunity cost of the surplus milk since it is the highest price at which the milk can otherwise be sold. It is this opportunity cost or value of such milk which would be effective in determining the price at which the unregulated plant would sell such milk.

Since considerable volumes of Grade A milk must be disposed of as surplus by various unregulated plants from which the Texas Panhandle market may obtain milk, it is evident that handlers under the order could obtain such milk at prices reflecting its value as surplus milk. In short, the actual value of seasonal or reserve milk is not the blend price paid to dairy farmers but rather the price which can be obtained for it in the market when disposed of as surplus milk.

Therefore, for the months of March through June, during which period surplus milk may be available in substantial volumes to the Texas Panhandle market from nonpool sources, the compensation payment on the receipts of other source fluid milk products which are allocated to Class I milk should be based on the difference between the minimum price of producer milk used for surplus and the applicable Class I price under the Texas Panhandle order. The Class II price established by the order is a fair and economic measure of the value of milk in surplus uses in the Texas Panhandle area.

During the months of July through February the milk supplies for the Texas Panhandle market tend to be shorter than in other seasons of the year. It is not likely that other source fluid milk products will be available to the market at surplus prices. The compensation payment during these months should be the difference between the marketing area uniform price to producers and the Class I price adjusted to the location of the plant from which such fluid milk products are supplied. The relationship between the supply of milk and the demand for milk in the Texas Panhandle market during the July through February period tends to fluctuate from year to year according to marketing conditions. These conditions will generally prevail also in surrounding markets which are potential sources of supply for unpriced milk. Thus, the rate of compensation payment based on the difference between Class I and uniform prices will adjust itself automatically in these months according to the changes in the demand for and the price of outside supplies. If supplies of producer milk are relatively plentiful, unpriced milk can be expected to be cheaper. Therefore, in order to equalize costs of milk the rate of compensation payment should be somewhat higher. On the other hand, as milk supplies in the area tend to be shorter, it is to be expected that the cost of unregulated milk will increase. Under these circumstances the rate of compensation payment will be correspondingly less.

In some instances there will be no and in all cases insignificant transportation charges per hundredweight experienced by handlers on other source milk used in the form of concentrated milk products under the skim milk equivalent basis of accounting provided for in the order. For this reason, other source milk from such products should be considered to be from a source at the location of the pool plant where it is used. In other words, the compensation payment on such other source milk derived from concentrated products, such as condensed milk or nonfat dry milk solids, which is allocated to Class I milk will be equal to the difference between the market area Class I price and the corresponding uniform blend price or Class II price, as the case may be. By following this procedure, other source milk derived from Grade A manufactured products which may be made from producer milk in handlers' plants or purchased from outside sources will be subject to identical reclassification changes. This will remove to the greatest extent that it is administratively possible, any advantage there may be in utilizing the products from unregulated sources for producer milk. It also will tend to promote the use and storage of producer milk in the form of manufactured products during periods when receipts of

producer milk are greater than the Class I requirements of the market.

By choosing a rate of compensation payment which reflects the cost of the cheapest other source milk which may be expected to be available to regulated handlers, any advantage to one handler relative to the others in obtaining such cheap milk and substituting it for producer milk in Class I, is removed insofar as is administratively possible. No handler is given the clear opportunity to gain an unfair advantage over his competitors which otherwise would exist. However, if other source milk is to be purchased, the incentive for purchasing the cheapest of such milk remains, because the lower the price which a handler pays for other source milk, the lower will be his total cost of purchasing such milk. This follows from the fact that the measure of the compensation payment is an objective one and does not depend upon the particular price which the handler paid for the other source milk.

As indicated elsewhere in this decision, the process of marketwide pooling creates special incentive for milk to come into the market to gain certain advantages. Such milk would not be associated with the market in the absence of regulation.

The act requires that prices fixed under the order for milk purchased from producers or associations of producers be uniform as to all handlers, subject only to usual adjustments, such as those for butterfat content and location of the milk. The only prices fixed under the order are those for producer milk, and it is hereby determined that they are uniform as required by the act. Class prices for pool milk under the order are for raw milk as received from farmers, f. o. b. the loading platform at the plant where first received.

In calculating the payments on other source milk the Class I price must relate to and be fixed as of the point where the milk is received from farmers at the first receiving plant, so as to be properly comparable with the minimum Class I price for producer milk at that level of marketing. No allowance should be made for subsequent handling costs and profits in this farm level comparison between producer and other source milk because such costs and profits attach at stages of marketing subsequent to the basing point to which minimum Class I prices for producer milk refer. They are in no way regulated by the order with respect to producer milk. Neither the act nor the proposed order contemplates, authorizes or provides for the regulation of subsequent handling charges or profits or the establishment of uniform resale prices between handlers, whether the milk be from producers or other sources.

The compensation payments herein provided are not only incidental, but necessary to sustain the classification and pricing of milk according to its use in the market. The rates of payment specified are those which are necessary and appropriate to accomplish this purpose.

Testimony in the hearing record concerning availability of milk supplies to Texas Panhandle handlers indicates that the rate of payment recommended here will tend to equalize the competitive position of priced and unpriced milk, and will avoid displacement of producer milk for reasons of cost. However, if experience proves that milk is available to handlers in the future at prices different than those now indicated, or that such payments otherwise interfere with the purposes of the order, then it will be necessary to reconsider the rate of compensation payment on the basis of that experience.

In addition to that other source milk which would enter the marketing area through pool plants, some nonpool milk may be distributed within the marketing area from nonpool plants. It would not be possible to stabilize the market under the classified pricing program if distribution in the marketing area of unpriced milk from nonpool plants without compensation payments were allowed. Such milk should be classified and priced the same as unpriced milk distributed through any other channels.

Handlers distributing such unpriced milk in the marketing area from nonpool distributing plants have the same opportunity to buy milk at the opportunity cost level as do the operators of pool plants who purchase other source milk. Such milk may be purchased and distributed in the marketing area. In addition, however, the operator of the nonpool plant in all probability has surplus milk in his own plant which he would want to dispose of on any basis which would yield a higher return than the surplus value. It would be particularly easy to dispose of such milk for Class I use in the marketing area by supplying contract business such as hospitals and defense establishments. With surplus outlets as the alternative, and no compensation payments to make, the nonpool handlers would have considerable incentive or margin to underbid the seller of priced milk for such sales. A nonpool plant might also use such price advantage in selling his surplus milk to Class I outlets for the purpose or establishing a regular trade on retail or wholesale routes to homes and stores in the marketing area. The nonpool plant might sell up to 15 percent of its milk into the marketing area as Class I without becoming subject to regulation. To allow a nonpool plant to use its surplus milk in this manner for establishing a regular trade in the marketing area without compensation payments would mean that such plant would have a marked competitive advantage over regulated handlers selling priced milk. Such conditions could readily lead to disorderly marketing conditions.

It is considered inappropriate also to subject a plant to full regulation if only a small share of its milk is sold in the marketing area. Such regulation might place a plant of this kind at a distinct disadvantage in relation to its unregulated competition. In some cases, a nonpool plant may be disposing of a larger share of its milk as Class I than the average utilization for the market. In such cases, the compensation payments herein provided might cost the handler less than the equalization payments such plant would pay into the marketwide pool if fully regulated as a pool plant. In these instances, the sale of small quantities of milk in the marketing area would be more likely to take place under the compensation payment provisions herein provided than if full regulation were extended to all plants.

The rate of compensation payment provided for nonpool plants making distribution directly in the marketing area should be the same as that for pool plants which obtain and use unpriced milk in Class I. The administrative feasibility of any other method of levying compensation payments is substantially the same as that described in the case of unpriced milk distributed in the marketing area by pool plants.

No compensation payments should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where Texas Panhandle handlers might obtain supplemental supplies approximate or exceed the Texas Panhandle Class I prices, as adjusted for location of the supplying plants. Since handlers operating plants under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to unload their surplus producer milk into the Texas Panhandle market for Class I use at less than Class I prices. If it should develop that such other plants have Class I sales in excess of producer milk and a compensatory payment is not applicable to such milk, further consideration may be given to the question of a payment on such milk.

Any funds collected in the form of compensatory payments should be added to the producer-settlement fund. It is the purpose of the order to insure that a sufficient and dependable supply of quality milk be available for Class I needs of the market. To the extent that Class I sales are displaced through the disposition of surplus milk from unpriced sources, producers stand to lose income from the sale of milk to the market which they are expected to supply. This loss of income would mean that the prices contemplated under the order would not be realized by producers. As a result, production might suffer, in which case consumers would stand to lose because of the disappearance of milk supplies from the regular and dependable sources which have provided milk to the market on a year-round basis. Otherwise, Class I prices would have to be increased to offset the loss of income to producers. There is no alternative source of dependable milk supplies which would cost consumers less over a period of time than the milk supplied by the regular producers. Thus, there is justification in terms of overall benefit to the market for returning to producers the difference between the value of such milk at its opportunity cost, which would otherwise be its value to the seller, and the Class I price. There is no other alternative disposition of funds from compensation payments under the authority of the act other than that herein provided.

It is necessary that the order specify the handler who is obligated to make the compensation payments. If the un-

This method has been suggested because

Texas Panhandle handlers indicates that plant would pay into the marketwide compensation payments. If the un-

priced milk is distributed in the marketing area from a nonpool plant, the operator of such plant should make the payment. In the case of supplemental milk received at pool plants from unpriced sources, either the buying or selling plant might be assessed. From the standpoint of the economics involved, it would make no difference, since the amount of payment would be the same in both cases.

From the standpoint of administration and enforcement, it would be much easier and simpler for the regulated plant to make the payment. The market administrator has regular dealings with the pool plant handler. Such handler would be expected to know and understand the terms and provisions of the order. He is the handler who assumes the responsibility for distributing the milk in the regulated market. Whether or not a compensation payment would be required would depend upon the application of the allocation provisions of the order to the pool plant of the receiving handler.

The seller, on the other hand, would not be aware until later whether a compensation payment would be required, and might not even know at the time of the sale, particularly if the sale took place through a broker, whether or not his milk would be moved to a regulated market for disposition. If enforcement proceedings were to be required, it would be more convenient and logical to bring the case to court in the area of the regulated market where the problem arose.

The compensation payments herein provided will not prohibit the marketing of milk nor limit the marketing of milk products from any production area of the United States. The rate of payment required would be uniform for all plants similarly situated with respect to their location in relation to the marketing area.

The quantity of milk and milk products which may be sold in any regulated market is dependent at least to some extent upon the price fixed under the order for the particular class of utilization. Such influence should not be construed, however, as a limitation of the type precluded under the act. No price can be fixed without influencing, to some extent, the quantity of milk and milk products which may be sold from either regulated or unregulated sources. No quantitative limitations are imposed in the proposed order on the amounts of unpriced milk which may be disposed of in the marketing area nor does it prohibit such use or any other use of unpriced nonpool milk or milk products. The compensation payment herewith provided will not discriminate against producers by areas, but will provide for equalization of competitive prices by type of transaction with respect to regulated and unregulated milk.

The payment will not deprive suppliers of unpriced milk of a high priced market which they would otherwise enjoy. The alternative sale value of the unpriced milk is recognized, and this value is returned to these sources when sale is made to the Texas Panhandle market. If marketing facilities and outlets are such that it is advantageous for nonpool plants to dispose of their surplus milk to the Texas Panhandle Class I market, under the provisions of the attached order, they may be expected to and undoubtedly will do so, and the return they receive should be the full surplus value for such milk.

The compensation payment herewith provided has as its primary purpose the elimination of economic incentives for handlers to use unpriced milk to displace minimum priced milk in Class I sales. The rate of payment found to be appropriate for this purpose is one which recognizes general competitive conditions in the purchase and sale of regulated and unregulated milk. It is recognized, however, that general competitive conditions do not prevail in all cases. Each handler is situated differently and each individual transaction is made under different circumstances. It is not possible, however, to adjust prices or payments to individual circumstances or transactions. Such an individual approach would not be administratively or economically feasible. Compensatory payments must therefore be applied at a definite and specified rate applicable to all handlers similarly situated. No single rate of payment can be determined, however, which would result in complete equality of cost to all handlers. Consequently, instances will undoubtedly arise which will appear to indicate that the objectives of the compensatory payment are not being achieved in particular cases. In some cases, the payments required may seem harsh.

It is necessary in seeking an overall solution to problems of this nature to adopt provisions which will be reasonable and as liberal as possible, and at the same time will still guarantee the integrity of regulation. To provide inadequate payments would leave the door open to practices which would render the program ineffective. Commerce in milk is entirely at the option of handlers. They are free to complete only those transactions which are most favorable to themselves. Order provisions must recognize this fact. They must recognize, also, that the varying conditions under which milk transactions occur give rise to great complexity and some doubtful circumstances. Where marginal problems arise, they must be resolved in favor of producers under the order, otherwise the advantage may go to unregulated milk and to dealers and farmers who are not required to abide by any rules of procedure or price making.

(d) *Distribution of the proceeds to producers.* A marketwide equalization pool should be included in the order as a means of distributing to producers the proceeds from the sale of their milk. Such a pool will assure each producer supplying the market that he will receive a return based on his pro rata share of the Class I sales of the entire market. The "blend", "base", and "excess" prices, as the case may be, that a producer receives will depend on the overall utilization of all producer milk received at the pool plants of all regulated handlers during the month. Although each handler subject to the order will be required to pay uniform prices for producer milk in accordance with the classification of such milk pursuant to the order, the minimum blend prices payable to producers will be the same for all producers in the market, irrespective of the use made of such milk by the individual handler.

The uniformity of payments to producers which is provided under a marketwide pool permits a handler either to maintain a manufacturing operation in his plant to handle the seasonal and daily reserve supplies of milk or to limit the operation at his plant to the handling of milk for Class I purposes only, without affecting the blend prices payable to his producers as against other producers in the market. The facilities in the plants of Texas Panhandle handlers for handling producer milk which is in excess of that needed for Class I purposes, vary considerably. Some of the handlers are equipped to handle limited amounts of the seasonal reserve supplies of milk in the market. Most of the Texas Panhandle handlers, however, have very limited facilities in their plants for the manufacture of dairy products. Under these conditions a marketwide pool in the Texas Panhandle marketing area will facilitate the marketing of producer milk. A marketwide pool will make it possible for the producers' associations to assist in diverting seasonal reserve milk and thus keeping producers on the market which are needed to fulfill the year-round requirements of the market. It assists in spreading the cost of carrying the necessary reserve for the market among all producers where otherwise this burden may be placed on individual groups of producers. A marketwide pool will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk.

Base and excess plan. A "base and excess" plan of distributing the returns for milk among producers should be employed in connection with the marketwide pool.

Base and excess plans, although they vary considerably among handlers, have been commonly used throughout the milkshed area. The base and excess method of distributing milk returns during the months of heaviest production has wide support among both producers and handlers and should be continued. Interruption in the use of a base plan at this time might result in increased seasonality of production to the detriment of the market.

Because of the seasonal variations in the production of milk, there is need for an incentive to maintain production in the fall and winter months relative to spring and summer levels. Some handlers have difficulty in utilizing efficiently all milk delivered to them in the months of seasonally high production. By providing returns related directly to a producer's ability to deliver additional milk in the fall and winter as compared with deliveries during the season of flush production, a more even milk production pattern will be encouraged.

The base-excess plan provided in the attached order would establish for each producer in the market a base which would depend upon his deliveries of milk

to pool plants during the months of September through December. During these months, as well as all other months in the period of July through February, producers would receive the marketwide blend or uniform price for all milk which they deliver to pool plants.

For each of the months of March through June separate uniform prices for "base milk" and "excess milk" would be computed so that Class I sales would first be allotted to base milk. Base milk would be milk received at a pool plant from a producer during any of the months of March through June which is not in excess of an amount equal to the daily base of such producer multiplied by the number of days in such month. Class II disposition in the market would first be allotted to excess milk. If Class I disposition is more than the base milk received from producers in any month, such additional Class I milk would be allocated to excess milk and the excess blend price increased accordingly.

The daily base of each producer would be calculated by the market administrator by dividing the total pounds of milk received at all pool plants from such producer during the months of September through December by the number of days from the first day such milk is received during those months to the last day of November, inclusive, but not less than 112 days. On or before February 15 of each year the market administrator would be required to notify each producer and the handler receiving milk from him, the daily base established by such producer.

It was proposed by producers that February also be included in the base operating period. The record does not indicate that February is a month of high production or that the handling of reserve supplies of milk for the Texas Panhandle market during that month is burdensome. In fact, in recent years producer receipts in the market during February have been comparatively low in relation to receipts in other months of the year.

The uniform prices, including uniform base and excess prices, which are required to be paid producers by each handler should be computed for milk containing 4.0 percent butterfat which is in accordance with past and current market practice. In distributing proceeds to producers, a differential should be applied to recognize different values of milk in accordance with its butterfat content. This differential should be determined on the basis of the weighted average value of producer butterfat according to its utilization at the class prices of the order.

Location differentials heretofore discussed should be applied to prices paid producers for base milk. Since excess milk will represent principally producer milk classified in Class II to which no location differential is applicable, the producer price for excess milk should likewise not be subject to the location differential provision of the order.

It is necessary to provide certain rules in connection with the establishment and transfer of bases in order to provide reasonable administrative workability of the plan. Such rules should outline specifically the method for calculating the base for each producer and set forth clearly and unequivocally the procedure to be followed for transferring bases. It is desirable that the need for administrative discretion and restrictive conditions in connection with the application of the base rules be kept at a minimum. To accomplish this, it is necessary that transfer of bases be limited to the entire base of a producer.

It is recognized, that a producer who adjusts his production under the base-excess plan to even out seasonal variations may suffer financial loss if he must discontinue production before having availed himself of the benefit of the base earned by him. It was proposed by producers at the hearing that in the event of death, retirement or entry into military service, a producer would be permitted to transfer his base to a member of his immediate family who carries on the dairy operations. In addition, it was proposed that a base be transferable by a producer discontinuing production to a person to whom the entire herd of such producer was sold.

The base rules relative to the transfer of bases which were proposed by producers lend themselves to various interpretations and would tend to result in numerous administrative determinations by the market administrator. For example, producers at the hearing were not explicit as to what would constitute retirement of a producer under this proposal.

The term "retirement" could be interpreted in numerous ways and by various standards to mean any producer who was going out of the dairy business. It would be impracticable for the market administrator to interpret such a term precisely. Moreover, regardless of the interpretation which may be applied, producers might be encouraged to resort to subterfuge if they stand to lose because of operation of the base rules. To circumscribe in an unnecessarily restrictive manner the rules for the transfer of bases might frequently result in undue hardship on producers who must liquidate their business at a time other than at the beginning of a base forming period.

A free transfer of entire bases as proposed herein will facilitate the operation and contribute toward carrying out the intent of the base-excess plan. The purpose of the base-excess plan is to encourage fall production by providing for each producer to share in the Class I market during the spring months of high production along with other producers in proportion to his deliveries to the market during the preceding fall months. Transfers of bases as herein recommended will give added assurance to a producer that he will have the full benefit of the base he has made whether or not he is able to continue milk production for his own account through the following months of flush production. This assurance should increase the effectiveness of the base-excess plan in encouraging production of milk during the months of the year when it is most needed on the market.

Bases should be transferred by the market administrator to be effective only on the first day of a month following receipt of a statement, on an approved form, showing the holder of such base, the person to whom it is to be transferred and signed by both parties.

Payment to producers. The order should provide that each handler shall pay each producer for milk received from such producer, and for which payment is not made to a cooperative association, at not less than the applicable uniform price(s) on or before the 15th day after the end of each month. Since it has been the practice in this area for handlers to pay producers semi-monthly, provision should be made for partial payments to such producers on or before the last day of each month for milk delivered during the first 15 days of such month at not less than the Class II milk price per hundredweight for the preceding month. No adjustment for butterfat content is required on such partial payment.

It was proposed by producers that provision be made for a cooperative association to receive payment for the producer milk which it causes to be delivered to a pool plant. The taking of title to milk of its members and the blending of the proceeds from the sale of such milk will tend to promote the orderly marketing of milk and will assist the cooperative association in discharging its responsibility to its members and to the market and such functions can be accomplished more expediently if the association is collecting payments for the sales of members milk.

The contract with its members of the principal cooperative in the market authorizes it to collect payment for their milk. The act provides for the payment by handlers to cooperative associations of producers for milk delivered by them and permits the blending of all proceeds from the sale of members' milk. It is concluded, therefore, that each handler shall, if requested in writing by a cooperative association, pay such association an amount equal to the sum of the individual payments otherwise payable to such producers. Handlers should be required to make such payments to the cooperative association on or before the 26th of the month for milk received during the first 15 days of the month and make the final settlement for milk received during the month on or before the 13th day of the following month.

Provision should also be made for the handler, if authorized in writing by the producer, to make proper deductions for goods or services furnished to or for payments made on behalf of the producer. At the time final settlement is made for milk received from producers during the month, the handler should be required to furnish to each producer a supporting statement. Such statement should show the pounds and butterfat tests of milk received from him, the rate(s) of payment for such milk and a description of any deductions claimed by the handler.

Producer-settlement fund. Because all producers will receive payment at the rate of the marketwide uniform price(s) each month and because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of

equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers for such milk at the applicable uniform price(s) would pay the difference into the producer-settlement fund, and each handler whose obligation for producer milk is less than the applicable uniform price value would receive payment of the difference from the fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached order is similar to that contained in all other Federal orders with marketwide pools.

Experience has indicated that it is desirable to set aside a reasonable reserve or balance in such fund at the end of each month. Such a reserve is necessary in order to provide for contingencies such as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the attached order at net less than four nor more than five cents per hundredweight of producer milk in the pool for the month. The unobligated balance in the producer-settlement fund remaining from the preceding month would be added to the values used in calculating the uniform prices each month. The amount of the reserve which is provided herein should be adequate to enable the producer-settlement fund to perform its function efficiently.

As indicated elsewhere in this decision, compensatory payments received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited into the producer-settlement fund would be included in the uniform price computation and thereby be distributed to all producers on the market.

In order that producers may be paid in full no later than on the dates prescribed in the order, it is necessary that payments owed the producer-settlement fund be made promptly. This is necessary so that money will be available to the market administrator to make payment to those handlers to whom money is due from the fund so that they may make payment in full to their producers. A handler's failure to make payment when due to the producer-settlement fund could obstruct the clearing of the producer equalization pool.

Sufficient time is provided in the order between the billing date and the due date of the various payments which are required to be made to the market administrator. If payments to the market administrator are not made when due, interest should be charged at the rate of 6 percent per annum. Such charge is not a penalty but represents a fair interest rate for the use of money. Charging interest will avoid giving a handler any incentive to retain money temporarily for use in his business at no cost until compliance can be enforced.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers would be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount. The remaining amounts due such handlers from the fund would be paid as soon as the balance in the fund becomes adequate to meet such payments, and handlers would then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has not made the payments required of him into the producer-settlement fund would be eliminated in the computation of the uniform prices in subsequent months until such handler has completed all delinquent payments.

(e) *Administrative provisions.* Provisions should be included in the order with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term denotes the same meaning. Such terms as are defined in the attached order are common to many other Federal milk orders.

Market Administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

Records and reports. Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make reports necessary to establish classification of producer milk and payments due therefor. Time limits must be prescribed for filing such reports and for making the payments to producers.

Handlers should maintain and make available to the market adminstrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the order.

As indicated elsewhere in this decision detailed reports to the market administrator and complete records available for his inspection by all handlers would be used to determine whether the plants of such handlers qualify as pool plants. Reports of handlers operating nonpool plants from which fluid milk products are distributed in the marketing area are needed by the market administrator in order to compute the amounts payable to the producer-settlement fund on such unpriced milk.

In addition to the regular reports required of handlers, provision is made for a handler to notify the market administrator when he intends to divert producer milk or when he intends to import other source milk. This will facilitate the check-testing program of the market administrator. Such information on a marketwide basis also may assist handlers in locating local sources of producer milk and expedite the transfer of such milk among handlers.

It is necessary that handlers retain records to prove the utilization of the milk and that proper payments were made to producers. Since the books and records of all handlers cannot be completed or audited immediately after the milk has been delivered to a plant, it therefore becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain such books and records and on the period of time in which obligations under the order shall terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

Expense of administration. Each handler should be required to pay the market administrator, as his pro rata share of the cost of administering the order, not more than 5 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on (a) producer milk, (b) other source milk at a pool plant which is classified as Class I milk, and (c) Class I milk disposed of on routes in the marketing area from a nonpool plant which is not fully subject to the classification, pricing and pooling provisions of another order issued pursuant to the act.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. The record indicates that other source milk is received by some handlers to supplement local producer supplies of milk. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (which includes a handler's own production) and other source milk allocated to Class I milk.

Plants not subject to the classification and pricing provisions of the order may distribute limited quantities of Class I milk in the marketing area. The records of such plants must be checked to verify their status under the order. Assessment of administrative expense with respect to such milk sold in the marketing area will help to defray the costs of such verification.

In view of the anticipated volume of milk and the costs of administering orders in markets of comparable circumstances, it is concluded that an initial rate of 5 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 5 cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

Marketing services. Provision should be made in the order for furnishing marketing services to producers, such as verifying of tests and weights and furnishing market information. These services should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a cooperative association is performing such services for any member producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own service.

There is a need for a marketing services program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are based on the pricing provisions of the order, and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

An important phase of the marketing service program is to furnish producers with current market information. Detailed information regarding market conditions is not now regularly available either to producers or to cooperative associations. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a marketwide basis to all producers.

To enable the market administrator to furnish such services, provision should be made for a maximum deduction of 6 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the extent of the milkshed and the volume of milk involved with that of several other markets now under Federal regulation indicates that this will reflect the maximum cost of such services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

General Findings. (a) The proposed marketing agreement and the order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Written arguments and proposed findings and conclusions submitted on behalf of interested persons were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

Recommended marketing agreement and order. The following order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order.

DEFINITIONS

§ 911.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 911.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 911.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 911.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 911.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 911.6 *Texas Panhandle marketing area.* "Texas Panhandle marketing area," hereinafter called the "marketing area," means all the territory within the counties of Armstrong, Briscoe, Carson, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchison, Moore, Oldham, Ochiltree, Potter, Randall, Roberts, Sherman and Wheeler, all in the State of Texas.

§ 911.7 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association (1) any day during the months of March through June and (2) on not more than 15 days during any of the months of July through February: *Provided,* That milk diverted pursuant to this section shall be deemed to have been received at the location of the plant from which diverted.

§ 911.8 *Distributing plant.* "Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 911.9 *Supply plant.* "Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 911.10 (a).

§ 911.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 50 percent of the Grade A milk received at such point from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area: *Provided,* That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided,* That if such shipments are not less than 75 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year: *And provided further,* That if a portion of a plant is physically apart from the Grade A por-

tion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

§ 911.11 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 911.12 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of one or more distributing or supply plants, or (b) any cooperative association with respect to the milk from producers diverted by the association for the account of such association from a pool plant to a nonpool plant.

§ 911.13 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers.

§ 911.14 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 911.7.

§ 911.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, eggnog, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 911.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 911.17 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

§ 911.18 *Base milk.* "Base milk" means milk received at a pool plant from a producer during any of the months of March through June which is not in excess of such producer's daily base computed pursuant to § 911.95 multiplied by the number of days in such month.

§ 911.19 *Excess milk.* "Excess milk" means milk received at a pool plant from a producer during any of the months of March through June which is in excess of base milk received from such producer during such month, and milk received during such month from a producer for whom no base can be computed pursuant to § 911.95.

MARKET ADMINISTRATOR

§ 911.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 911.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 911.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 911.88 (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 911.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 911.30 and 911.31, or payments pursuant to §§ 911.80, 911.84, 911.86, 911.87, and 911.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk, pursuant to § 911.51 (a), and the Class I butterfat differential, pursuant to § 911.52 (a), both for the current month; and the minimum price for Class II milk, pursuant to § 911.51 (b), and the Class II butterfat differential, pursuant to § 911.52 (b), both for the preceding month;

(2) The 10th day after the end of the months of July through February the uniform price pursuant to § 911.72 and the producer butterfat differential pursuant to § 911.81;

(3) The 10th day after the end of each of the months of March through June, the uniform prices for base milk and excess milk pursuant to § 911.73 and the producer butterfat differential pursuant to § 911.81; and

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests, the percentage of the milk caused to be delivered by the cooperative association or by its members to the pool plant(s) of each handler during the month, which was utilized in each class. For the purpose of this report, the milk so delivered shall be allocated to each class for each handler in the same ratio as all producer milk received by such handler during the month.

REPORTS, RECORDS AND FACILITIES

§ 911.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk, and the aggregate quantities of base and excess milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 911.7;

(e) Inventories of fluid milk products on hand at the beginning and end of the month; and

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 911.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, for the months of March through June, the total pounds of base and excess milk, (iii) the number of days, if less than the entire month for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

§ 911.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 911.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 911.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 911.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 911.41 through 911.46.

§ 911.41 *Classes of utilization.* Subject to the conditions set forth in § 911.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2) of this section) and (2) not accounted for as Class II milk:

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) disposed of and used for livestock feed; (3) contained in inventory of fluid milk products on hand at the end of the month; and (4) in shrinkage allocated to receipts of producer milk and other source milk (except milk diverted to a nonpool plant pursuant to § 911.7) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively.

§ 911.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 911.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 911.44 *Transfers.* Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to the pool plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 911.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 911.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of fluid milk product;

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 300 miles by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area;

(d) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located not more than 300 miles by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 911.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided,* That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products so transferred or diverted and classified as Class I milk: *And provided further,* That if the total skim milk and butterfat in fluid milk products which were transferred by all handlers to such nonpool plant during the month is less than the skim milk and butterfat classified as Class I milk pursuant to the preceding proviso hereof, the assignment to Class I milk shall be prorated over the claimed Class II classification reported by each such handler on transfers to the nonpool plant.

§ 911.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be

an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk.

§ 911.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 911.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 911.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source received in the form of fluid milk products which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 911.44 (a);

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(9) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 911.50 *Basic formula price.* The basic formula price shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest cent.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Clarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price obtained by adding together the amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Subtract 3 cents from the Chicago butter price and multiply the remainder by 4.8; and

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.16.

§ 911.51 *Class prices.* Subject to the provisions of §§ 911.52 and 911.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* From the effective date of this part through August, 1957, the Class I milk price shall be the basic formula price for the preceding month, plus $2.15 during the months of July through February and plus $1.85 during all other months.

(b) *Class II milk price.* The Class II milk price shall be:

(1) For the months of March through June, the average of the prices reported to have been paid or to be paid for ungraded milk of 4 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator or the Department:

Present Operator and Location

Plains Creamery, Arnett, Okla.
Price Creamery, Portales, N. Mex.
Quint County Creamery, Mangum, Okla.
Swisher County Creamery, Tulia, Tex.

(2) For the months of July through February, the higher of the prices computed pursuant to subparagraph (1) of this paragraph and paragraph (b) of § 911.50.

§ 911.52 *Butterfat differentials to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 911.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II prices.* Multiply the Chicago butter price for the current month by 0.110.

§ 911.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 100 miles or more from the City Hall, Amarillo, Texas, by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to a distributing plant which is a pool plant in the form of a fluid milk product and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 911.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Amarillo City Hall (miles):	*Rate per hundredweight (cents)*
100 but less than 110	35.0
For each additional 10 miles or fraction thereof an additional	1.6

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 911.46 (a) (5), and the comparable steps in (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 911.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 911.60 *Producer-handlers.* Sections 911.40 through 911.46, 911.50 through 911.53, 911.70 through 911.73, 911.80 through 911.88, and 911.95 through 911.97 shall not apply to a producer-handler.

§ 911.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless: (a) Such plant is qualified as a pool plant pursuant to § 911.10 (a) and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets (excluding pool plants) in the Texas Panhandle marketing area than in the marketing area regulated pursuant to such other order, or (b) such plant is qualified as a pool plant pursuant to § 911.10 (b): *Provided,* That the operator of a distributing plant or a supply plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 911.30) and allow verification of such reports by the market administrator.

§ 911.62 *Handlers operating nonpool plants.* None of the provisions from §§ 911.44 through 911.53, inclusive, or from §§ 911.70 through 911.85, inclusive, shall apply in the case of a handler in his capacity as the operator of a nonpool plant, except that such handler shall, on or before the 13th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month, by the rate determined pursuant to § 911.63.

§ 911.63 *Rate of payment on unpriced milk.* The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount calculated as follows:

(a) During the months of March through June, subtract from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through February subtract from the Class I price f. o. b. such nonpool plant the uniform price to producers adjusted by the Class I butterfat differential.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 911.70 *Computation of value of milk for each handler.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 911.46 (a) (9) and the corresponding step of (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II less shrinkage during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 911.46 (a) (8) and the corresponding step of (b), whichever is less; and

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 911.46 (a) (2) and (3) and the corresponding step of (b), by the rate of payment on unpriced milk determined pursuant to § 911.63 at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided,* That if the source of any such fluid milk product received at a pool plant is not clearly established or if such skim milk and butterfat is received or used in a form other than as a fluid milk product such product shall be considered to have been received from a source at the location of the pool plant where it is classified.

§ 911.71 *Computation of aggregate value used to determine uniform prices.* For each month the market administrator shall compute an aggregate value from which to determine uniform prices per hundredweight for producer milk, of 4.0 percent butterfat content, f. o. b. plants located within 100 miles of the City Hall of Amarillo, Texas, as follows:

(a) Combine into one total the values computed pursuant to § 911.70 for all handlers who made the reports prescribed in § 911.30 for such month, except those in default of payments required pursuant to § 911.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 4.0 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 911.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 911.72 *Computation of uniform price.* For each of the months of July through February, the market administrator shall compute a uniform price for producer milk of 4.0 percent butterfat content f. o. b. pool plants located within 100 miles of the City Hall of Amarillo, Texas, as follows:

(a) Divide the aggregate value computed pursuant to § 911.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The resulting figure shall be the uniform price for producer milk.

§ 911.73 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, f. o. b. pool plants located within 100 miles of the City Hall of Amarillo, Texas, as follows:

(a) From the reports submitted by handlers pursuant to § 911.30, determine the aggregate classification of producer milk included in the computation of value pursuant to § 911.71 and the total hundredweight of such milk which is base milk and which is excess milk;

(b) Determine the value of such excess milk on a 4 percent butterfat basis by multiplying the total hundredweight of such milk which is not greater than the total Class II milk pursuant to paragraph (a) of this section by the Class II milk price and by adding thereto the value obtained by multiplying the hundredweight of such excess milk which is greater than the quantity of such Class II milk by the Class I milk price;

(c) Divide the value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk, and subtract not less than 4 nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for excess milk;

(d) Subtract the value of excess milk obtained in paragraph (c) of this section from the aggregate value of all milk obtained in § 911.71; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for base milk.

§ 911.80 *Time and method of payment for producer milk.* Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month, for milk received during the first 15 days of the month, at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform prices per hundredweight pursuant to §§ 911.72 and 911.73 subject to the butterfat differential computed pursuant to § 911.81 plus or minus adjustments for errors made in previous payments to such producer; and less (1) payment made pursuant to paragraph (a) of this section, (2) location differential deductions pursuant to § 911.82, (3) marketing service deductions pursuant to § 911.87 and (4) proper deductions authorized by such producer: *Provided,* That if such handler has not received full payment for such month pursuant to § 911.85 he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator. The handler shall make such balance of payment to those pro-

ducers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 13th and 26th days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer, including for the months of March through June, the pounds of base milk and excess milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 911.81 *Butterfat differentials to producers.* The applicable uniform prices to be paid each producer pursuant to § 911.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 911.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 911.82 *Location differentials to producers.* In making payment pursuant to § 911.80 the uniform price pursuant to § 911.72 and the uniform price for base milk pursuant to § 911.73 to be paid for milk which is received from producers at a pool plant located 100 miles or more from the City Hall, Amarillo, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Amarillo City Hall (miles):	*Rate per hundredweight (cents)*
100 but less than 110	35.0
For each additional 10 miles or fraction thereof an additional	1.6

§ 911.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 911.62, 911.84, and 911.86, and out of which he shall make all payments pursuant to §§ 911.85 and 911.86: *Provided,* That payments due to any handler shall be offset by payments due from such handler.

§ 911.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the value of milk for such handler, pursuant to § 911.70, for such month exceeds the obligation, pursuant to § 911.80, of such handler to producers for milk received during the month.

§ 911.85 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 911.80, of such handler to producers for milk received during the month exceeds the value of milk for such handler computed pursuant to § 911.70. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the appropriate funds are available.

§ 911.86 *Adjustment of errors in payment.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 911.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 911.85, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 911.80, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

§ 911.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 911.80 (b), shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from such producer (except such handler's own farm production), during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 911.88 *Expense of administration.* As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator, on or before the 15th day after the end of each month, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to butterfat and skim milk contained in (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 911.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

§ 911.89 *Adjustment of overdue accounts.* There shall be added to any balance due the market administrator pursuant to §§ 911.62, 911.84, 911.86, 911.87, and 911.88 an amount equal to one-half of one percent of such balance for each month or any portion thereof that payment of the balance is overdue.

§ 911.90 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 911.95 *Daily base.* The daily base for each producer shall be the amount obtained by dividing the total pounds of producer milk received from such producer by all handlers during the months of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of December inclusive, less the number of days for which no deliveries are made, but not less than 112 days.

§ 911.96 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the months of September through December;

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the first day of any month following receipt by the market administrator of an application for such transfer. Such application shall be on a form approved by the market administrator and shall be signed by the baseholder and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders.

§ 911.97 *Announcement of established bases.* On or before February 15 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 911.100 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 911.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 911.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment or which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 911.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under this control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 911.110 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 911.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 4th day of October 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,

[F. R. Doc. 55-8141; Filed, Oct. 6, 1955; 8:51 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 130]

REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT; NEW DRUGS

EXTENSION OF TIME FOR FILING WRITTEN COMMENTS UPON PROPOSED RULE MAKING

On September 8, 1955, a notice of proposed rule making concerning new drugs was published in the FEDERAL REG-

ISTER (20 F. R. 6584). Interested persons were given 30 days to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C.

The Commissioner of Food and Drugs, having been requested to extend the time within which such written documents may be filed: *It is ordered*, That the time for filing written comments be extended until November 8, 1955, and that such extension shall apply to all interested persons.

Dated: October 3, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8131; Filed, Oct. 6, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

DESCRIPTION OF CENTRAL AND FIELD AGENCIES

STATEMENT OF ORGANIZATION AND FUNCTIONS

Paragraph (e) of section 1 of the Statement of organization and functions of the Department of the Army, appearing at 15 F. R. 6639, October 3, 1950, and amended at 16 F. R. 8144, August 16, 1951, 19 F. R. 6349, October 1, 1954, 20 F. R. 691, February 1, 1955, 20 F. R. 1382, March 8, 1955, and 20 F. R. 5238, July 21, 1955, is further amended by revising subparagraph (6) and adding subparagraph (6-1), as follows:

SECTION 1. *Description of Central and Field Agencies.* * * *

(e) *Organization of Department of the Army.* * * *

(6) *Deputy Chief of Staff for Plans.* The Deputy Chief of Staff for Plans is responsible to the Chief of Staff for directing, supervising, and coordinating development of all Army plans and Primary Programs, and as the Army Operations Deputy of the Joint Chiefs of Staff, for advising the Chief of Staff on Joint Chiefs of Staff matters and representing the Chief of Staff in the Joint Chiefs of Staff organization as appropriate.

(6-1) *Chief of Research and Development*—(i) *General.* The Chief of Research and Development is responsible to the Chief of Staff for planning, coordinating, directing, and supervising all Army research and development. Within his scope of responsibility, the Chief of Research and Development's relationship to the Chief of Staff and the Army Staff corresponds to that of a Deputy Chief of Staff. In the fulfillment of his responsibilities, the Chief of Research and Development deals directly with the technical staffs and services but coordinates closely with the Deputy Chief of Staff for Logistics before issuing any directives. (Personnel and funds for research and development activities of the technical services will be allotted to the Deputy Chief of Staff for Logistics and suballotted by the Deputy Chief of Staff for Logistics to the technical services as requested by the Chief of Research and Development.)

(ii) *Major functions*—(a) *Policies plans, and programs.* Formulates, coordinates, directs, and supervises the execution of Army research and development policies, plans, and programs, including those pertaining to operations, human resources, and global environmental research; monitors the materiel segment of the Army Combat Development Program; supervises engineering and user test programs; and effects coordination of the Army's research and development programs with other Army programs and activities, as necessary.

(b) *Research and development projects and priorities.* Assigns and allocates responsibility for research and development projects; assigns and revises research and development project priorities in consonance with Army plans; and recommends, to the Deputy Chief of Staff for Logistics, construction priorities for research and development facilities.

(c) *Military characteristics of new items.* Formulates and establishes, in coordination with interested Department of the Army agencies, the Department of the Army position with respect to new inventions and the military characteristics of new items.

(d) *Qualitative requirements.* Establishes, in coordination with interested Department of the Army agencies, a Department of the Army position on qualitative requirements for items of equipment to be used by the Army.

(e) *Combat and technical intelligence.* In coordination with the Assistant Chief of Staff, G-2, monitors research and development aspects of combat and technical intelligence.

(f) *Scientific manpower.* Plans, coordinates, and supervises Army programs for the utilization of scientific manpower, in consonance with manpower utilization policies of the Army Establishment.

(g) *Standardization programs.* Establishes policies and procedures for and supervises Army participation in the American-British-Canadian Army Standardization Program, the Mutual Weapons Development Program, and the research and development portion of the North Atlantic Treaty Organization Materiel Standardization Program; and makes recommendations to the Deputy Chief of Staff for Logistics regarding requests by the British and Canadian governments for the loan of standard equipment under the provisions of the ABC Army Standardization Program.

(h) *Army plans and estimates.* Prepares the research and development section of Army plans and estimates as appropriate. Furnishes the Deputy Chief of Staff for Plans with estimates of technological progress under Research and Development Programs and estimates of technological capabilities for specific periods of time.

(i) *Budget.* In conformance with policies and procedures established by the Comptroller of the Army, assists in the preparation and execution of the research and development portions of the Army budget. Provides the Deputy Chief of Staff for Logistics with implementing instructions for inclusion in logistics budget directives to the technical services.

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-8116; Filed, Oct. 6, 1955; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 599]

HEARINGS OFFICER

DELEGATION OF AUTHORITY TO ACT FOR DIRECTOR

OCTOBER 3, 1955.

1. Pursuant to section 1.5 of Order No. 2583, as amended February 16, 1954 (19 F. R. 1021), John R. Rampton, Jr. and Graydon Holt are hereby designated to perform the functions of hearings officers for the Director.

2. The above designated persons are authorized to conduct and preside at such contests and hearings as may be assigned to them from time to time and to render decisions thereon to the same effect and in the same manner as the managers of land offices are authorized by section 1.4 of Order No. 2583, and otherwise.

3. They shall conduct such proceedings and shall take all necessary actions with respect thereto, including the issuance of decisions, in accordance with the applicable laws, and the regulations (Title 43 of the Code of Federal Regulations, particularly Parts 220, 221, 222 and 223 thereof). Such actions shall be subject to the right of appeal to the Director to the same extent as similar actions of the managers. All actions in a proceeding before them shall be signed by the designees as "Hearings Officer."

4. The authority herein granted shall in no way interfere with or diminish the authority of the land office managers with respect to proceedings not assigned to the hearings officers.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55-8117; Filed, Oct. 6, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FRESH IRISH POTATOES

NOTICE OF DIVERSION PAYMENT PROGRAM WMD 3a

In order to encourage the further utilization of fresh Irish potatoes by diverting them from the normal channels of trade and commerce into the manufacture of potato starch and potato flour, in accordance with Section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, a diversion payment program was made effective on September 15, 1955, and will continue as needed to and including June 30, 1956, in areas where potato surpluses have created serious marketing problems and where starch and flour manufacturing facilities are available. Payments will be made to processors who participate in the program under contracts with the Department of Agriculture, for potatoes of the specified minimum grade and size diverted into the manufacture of starch and flour. The rate of diversion payment per 100 pounds of potatoes meeting the requirements of Diversion Specification A, which are diverted as prescribed, will be 50 cents for potatoes diverted during the months of September, October, November and December, 1955; 40 cents during the months of January, February, and March, 1956; and 30 cents during the months of April, May, and June 1956. Information relative to this diversion program may be obtained from: Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended, 7 U. S. C. and Sup. 612c)

Done at Washington, D. C., this 4th day of October, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8138; Filed, Oct. 6, 1955; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4294]

NORTHWEST AIRLINES, INC., PITTSBURGH RESTRICTION

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 17, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., October 4, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8136; Filed, Oct. 6, 1955; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2534 etc.]

ALABAMA-TENNESSEE NATURAL GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 3, 1955.

In the matters of Alabama-Tennessee Natural Gas Company, Docket No. G-2534; Tennessee Gas Transmission Company, Docket No. G-8805; The Superior Oil Company, Docket No. G-8812; United Gas Pipe Line Company, Docket No. G-8813; The California Company, Docket Nos. G-8817 and G-8818; Shell Oil Company, Docket No. G-8837; East Tennessee Natural Gas Company, Docket No. G-8899; E. J. Hudson, et al., Docket No. G-8938; M. L. Mayfield Company, et al., Docket No. G-8971.

Notice is hereby given that on September 23, 1955, the Federal Power Commission issued its findings and order adopted September 21, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8121; Filed, Oct. 6, 1955; 8:46 a. m.]

[Docket No. E-6633]

ST. JOSEPH LIGHT & POWER CO.

NOTICE OF ORDER AUTHORIZING MERGER OF FACILITIES

OCTOBER 3, 1955.

Notice is hereby given that on September 22, 1955, the Federal Power Commission issued its order adopted September 21, 1955, authorizing merger or consolidation of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8122; Filed, Oct. 6, 1955; 8:46 a. m.]

[Docket No. E-6641]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

OCTOBER 3, 1955.

Notice is hereby given that on September 21, 1955, the Federal Power Commission issued its order adopted September 21, 1955, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8123; Filed, Oct. 6, 1955; 8:46 a. m.]

[Docket No. G-3911]

PAUL E. KAHLE

NOTICE OF ORDER VACATING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 3, 1955.

Notice is hereby given that on September 22, 1955, the Federal Power Commission issued its order adopted September 21, 1955, vacating order issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8124; Filed, Oct. 6, 1955; 8:46 a. m.]

[Docket Nos. G-4870, G-6998]

LAMAR HUNT ET AL.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 3, 1955.

In the matters of Lamar Hunt, Docket No. G-4870; Mercantile National Bank at Dallas, trustee of the M. J. Florance Trust, Docket No. G-6998.

Notice is hereby given that on September 26, 1955, the Federal Power Commission issued its findings and orders adopted September 21, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8125; Filed, Oct. 6, 1955; 8:46 a. m.]

[Docket Nos. G-8614, G-8695]

PAN AMERICAN PRODUCTION CO. AND PHILLIPS PETROLEUM CO.

NOTICE OF ORDERS MAKING EFFECTIVE PROPOSED RATE CHANGES

OCTOBER 3, 1955.

In the matters of Pan American Company, Docket No. G-8614; Phillips Petroleum Company, Docket No. G-8695.

Notice is hereby given that on September 22, 1955, the Federal Power Commission issued its orders adopted September 21, 1955, making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8126; Filed, Oct. 6, 1955; 8:47 a. m.]

[Docket No. G-8993]

A. W. GREGG

NOTICE OF ORDER MAKING EFFECTIVE PROPOSED RATE CHANGES

OCTOBER 3, 1955.

Notice is hereby given that on September 22, 1955, the Federal Power Commission issued its order adopted September 21, 1955, making effective proposed rate changes upon filing of bond to assure refund of excess charges in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8127; Filed, Oct. 6, 1955; 8:47 a. m.]

[Docket No. G-9025]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 3, 1955.

Notice is hereby given that on September 22, 1955, the Federal Power Com-

mission issued its findings and order adopted September 21, 1955, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8128; Filed, Oct. 6, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 4, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31150: *Substituted rail service—Norfolk and Western and Pennsylvanian Railroads.* Filed by Middle Atlantic Conference, Agent, for Norfolk and Western Railway Company and Pennsylvania Railroad Company, and interested motor carriers. Rates on commodities, various, in highway trailers loaded on railroad flat cars between Roanoke, Va., and Bristol, Va.-Tenn., on the one hand, and Kearny, N. J., and Philadelphia, Pa., on the other.

Grounds for relief: "Trailer-on-flat-car" motor-truck competition.

Tariff: Middle Atlantic Conference tariff I. C. C. No. 2.

FSA No. 31151: *Substituted rail service—Pennsylvania Railroad.* Filed by Middle Atlantic Conference, Agent, for Pennsylvania Railroad Company and interested motor carriers. Rates on commodities, various, in highway trailers, loaded on railroad flat cars between Pittsburgh, Pa., and Kearny, N. J.

Grounds for relief: "Trailer-on-flat-car" motor-truck competition.

Tariff: Middle Atlantic Conference tariff I. C. C. No. 2.

FSA No. 31152: *Slate and stone between points in Southern Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on slate, paving, or flagging and stone, bridge, curbing, flagging, paving, etc., carloads between base points in southern territory and points grouped with such base points in the National Rate Basis tariff.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 7 to Agent Spaninger's I. C. C. 1483.

FSA No. 31153: *Coal and coal briquettes to Holt, Ala.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on coal and coal briquettes, carloads from specified points in West Virginia on C. & O. and Virginian Railways, to Holt, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 27 to C. & O. Ry. Co. I. C. C. No. 13007.

FSA No. 31154: *Clay from Wrens, Ga., to the South.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on clay, kaolin or pyrophyllite, carloads from Wrens, Ga., to specified points in Georgia, Mississippi, and South Carolina.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariff: Supplement 90 to Agent Spaninger's I. C. C. 1323.

FSA No. 31155: *Clay—Wrens, Ga., to Official Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, carloads from Wrens, Ga., to specified points in Illinois, Indiana, Michigan, Missouri, Pennsylvania and Wisconsin.

Grounds for relief: Modified short-line distance formula and circuity.

Tariff: Supplement 90 to Agent Spaninger's I. C. C. 1323.

FSA No. 31156: *Liquefied petroleum gas—New York and Ohio to Central Territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Buffalo and Harriet, N. Y., and Canton, Ohio to specified points in Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia.

Grounds for relief: Short-line distance formula, truck competition, and circuity.

Tariff: Supplement 88 to Agent Hinsch's I. C. C. 4446.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-8120; Filed, Oct. 6, 1955; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 5]

CAST IRON SOIL PIPE

NOTICE OF INVESTIGATION AND PUBLIC HEARING

The United States Tariff Commission announces a public hearing, to begin at 10 a. m. on October 21, 1955, in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, D. C., in connection with Investigation No. 5 under section 201 (a) of the Antidumping Act, 1921, as amended, with respect to cast iron soil pipe, described in the public notice of this investigation previously given (20 F. R. 5667).

Request to appear at hearing: Parties interested will be given opportunity to appear and to be heard at the above-mentioned hearing. Such parties desiring to appear at the hearing should notify the Secretary of the Commission, in writing, in advance of the date of the hearing.

Issued: October 4, 1955.

By order of the United States Tariff Commission, the 4th day of October 1955.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 55-8133; Filed, Oct. 6, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30-230]

WISCONSIN SOUTHERN GAS CO., INC.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING IT HAS CEASED TO BE A HOLDING COMPANY

OCTOBER 3, 1955.

Notice is hereby given that Wisconsin Southern Gas Company, Inc., which on August 9, 1955, was granted an exemption as a holding company, pursuant to order of the Commission (Holding Company Act Release No. 12960) under section 3 (a) (1) of the Public Utility Holding Company Act of 1935 ("Act"), has filed an application with the Commission pursuant to Section 5 (d) of the Act, requesting an order declaring that it has ceased to be a holding company.

The application states that the applicant's only subsidiary company, Wisconsin Southern Gas Company, was merged into applicant on August 18, 1955, and has ceased to exist and that, accordingly, Wisconsin Southern Gas Company, Inc., has ceased to be a holding company.

Notice is further given that any interested person may, not later than October 18, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application, as filed or as amended, may be granted, or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8119; Filed, Oct. 6, 1955; 8:45 a. m.]

[File No. 812-957]

SECURED UNDERWRITERS, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING CERTAIN TRANSACTIONS BETWEEN AFFILIATES

OCTOBER 3, 1955.

Notice is hereby given that Secured Underwriters, Inc. ("Underwriters"), a registered investment company, has filed an amended application pursuant to section 17 (b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17 (a) of the Act certain transactions described below incident to a proposed offering of securities.

Such application, as amended, makes the following representations:

Underwriters holds in its portfolio 84,053 shares (7.31 percent) of the common stock of Secured Insurance Company ("Insurance") and 17,959 shares (5.97 percent) of the common stock of Secured Development Company ("Development"). Persons unaffiliated with Underwriters have expressed an interest in the block of stock of Insurance held by Underwriters but Underwriters proposes to give the security holders of Underwriters, Insurance, and Development who reside in Indiana the first opportunity to purchase such stock.

The offering price of such stock is $2.84 per share, payable (a) in full upon demand, or (b) $0.84 in cash upon demand, $1.00 within four months after the date of said demand, and the balance of $1.00 within eight months after said demand, with interest at 4 percent per annum upon the deferred portions from the date of demand to the date of payment.

The offering is extended only to persons who are bona fide residents of the State of Indiana and who are not purchasing for resale to nonresidents of the State of Indiana.

In the event Underwriters does not receive offers to purchase all the 84,053 shares of Insurance, Underwriters reserves the right to decline all offers to purchase. In the event Underwriters receives offers to purchase aggregating more than the 84,053 shares, each offer to purchase will constitute an offer to purchase that proportion of the number of shares stated therein which corresponds to the ratio of 84,053 to the aggregate shares stated in all such offers to purchase.

The offering price represents approximately the sum of the capital, surplus, and 35 percent of the unearned premium reserve of Insurance applicable to each share of its stock. Such price is represented to be the fair value of the shares being offered.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) grants an exemption from the provisions of section 17 (a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

Since certain of the offerees are affiliated persons of Underwriters, certain of the proposed transactions are subject to the provisions of Section 17 (a) of the act. The application requests an order under Section 17 (b) exempting these transactions.

Notice is further given that any interested person may, not later than October 24, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the Rules and Regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8118; Filed, Oct. 6, 1955; 8:45 a. m.]

UNIVERSITY
OF MICHIGAN

OCT 10 1955

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FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 20 — 1934 — NUMBER 197

Washington, Saturday, October 8, 1955

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 CCC Peanut Bulletin 721 (Peanuts 55)–1, Amdt. 1]

PART 446—PEANUTS

SUBPART—1955 CROP PEANUT PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation (hereinafter referred to as "CCC") with respect to the 1955 crop Peanut Price Support Program (20 F. R. 5615) are amended by the addition of the following rules and regulations governing the purchase of No. 2 shelled peanuts which meet the eligibility requirements in § 446.721 (hereinafter referred to as "No. 2 peanuts"). Shellers located in an area specified below who are interested in selling No. 2 peanuts to CCC in accordance with the rules and regulations outlined herein should so notify the Association listed for such area (hereinafter called either "cooperative" or "association") within 30 days after the date this amendment is published in the FEDERAL REGISTER. Purchases will be made from only those shellers who have indicated such intention within the time prescribed.

Southeastern area: GFA Peanut Association.

Southwestern area: Southwestern Peanut Growers' Association.

Virginia-Carolina area: Peanut Growers Cooperative Marketing Association.

Sec.

446.720 Purchase of No. 2 shelled peanuts.
446.721 Eligibility requirements for No. 2 shelled peanuts.
446.722 Sheller's agreement to service producers and the association.
446.723 Period in which offers will be accepted.
446.724 Minimum quantity and terms of offer.
446.725 Inspecting, grading, sealing, and rejecting No. 2 peanuts offered.
446.726 Net weight.
446.727 Delivery and passage of title.
446.728 Payment.
446.729 Records and reports.
446.730 Assignment.
446.731 Officials not to benefit.
446.732 Contingent fees.

AUTHORITY: §§ 446.720 to 446.732 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 201, 68 Stat. 899; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 446.720 *Purchase of No. 2 shelled peanuts.* Subject to the terms and conditions in §§ 446.720 to 446.732, CCC will purchase from shellers No. 2 peanuts offered by the shellers to the association designated by CCC to accept such peanuts in the area on behalf of CCC.

§ 446.721 *Eligibility requirements for No. 2 shelled peanuts.* No. 2 peanuts of any type offered to CCC must—

(a) Meet the U. S. Standards for U. S. No. 2 shelled peanuts of such type: *Provided, however,* That (1) such peanuts shall contain 7 percent or less damaged kernels, 9 percent or less moisture, and 2 percent or less foreign material, (2) Virginia type peanuts may contain 3 percent or less small shriveled kernels, and (3) whole kernels of Spanish type peanuts which pass through a 16/64 inch screen shall not be put back with peanuts which ride the screen (i. e., whole kernels passing through the screen are to be considered as small shriveled kernels);

(b) Be free and clear of all liens and encumbrances;

(c) Not exceed the quantity of No. 2 peanuts which CCC determines that the sheller could reasonably produce from 1955 crop farmers stock peanuts eligible for price support which the sheller purchased from producers and for which the type and grade were determined by inspectors authorized or licensed by the Secretary of Agriculture.

§ 446.722 *Sheller's agreement to service producers and the association.* Each sheller who notifies the association of his intention to offer No. 2 peanuts to CCC shall, upon, request (a) inform a producer of the amount he could obtain for his peanuts under a price support loan to the cooperative and also inform the producer where he may deliver his peanuts to the cooperative, and (b) make

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FEDERAL REGISTER

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RECORD RETENTION REQUIREMENTS

Reprint Notice

A reprint of the Federal Register dated April 8, 1955, is now available.

This issue, containing a 57-page index-digest of Federal laws and regulations relating to the retention of records by the public, is priced at 15 cents per copy.

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available to the cooperative warehouse space for storage of loan peanuts under contract CCC peanut Form 28 (1955), except that if the sheller demonstrates to the cooperative that he needs the space for his customary business operations, he will not be required to make such space available.

§ 446.723 *Period in which offers will be accepted.* (a) A sheller may offer, in writing, No. 2 peanuts to CCC from October 8, 1955 through May 31, 1956, unless a later date is approved in writing by CCC: *Provided, however,* That CCC may, at any time prior to May 31, 1956, or such later date as is approved by CCC, terminate its obligation to accept any offers of No. 2 peanuts under §§ 446.720 to 446.732. The date the offer is received by the association shall be deemed to be the date of the offer. The offer, the provisions of §§ 446.720 to 446.732, and the written acceptance by the association shall constitute the contract between the sheller and CCC.

(b) At any time prior to the end of the period during which offers will be accepted, the association may send the sheller a written request for information with respect to the quantity of No. 2 peanuts in the sheller's inventory which are eligible for sale to CCC, and the sheller shall furnish such information within 5 days after the date of the request. The association may, by written notice dated not more than 10 days after receipt of such information from the sheller, request the sheller to offer a specified quantity of No. 2 peanuts, which quantity may be all or any part, but not less than 25,000 pounds, of his inventory of No. 2 peanuts which are eligible for sale to CCC. If he does not offer such quantity of No. 2 peanuts within 5 days after the date of the request for an offer, CCC shall not be obligated to buy any No. 2 peanuts from such sheller for a period of 60 days after the date of such request.

(c) If the sheller fails to furnish, within the 5-day period specified above, information with respect to the quantity of peanuts eligible for sale to CCC, CCC shall not be obligated thereafter to purchase any peanuts from such sheller.

§ 446.724 *Minimum quantity and terms of offer.* (a) The minimum quantity of No. 2 peanuts which may be offered at any one time is 25,000 pounds. One offer shall include all No. 2 peanuts offered at one time for delivery at one location.

(b) Each offer shall be made in the manner prescribed by CCC and shall contain the sheller's certification that (1) the offer is made pursuant to the terms and conditions of §§ 446.720 to 446.732, (2) the peanuts meet the eligibility requirements in § 446.721, (3) the sheller has fulfilled all the obligations of §§ 446.720 to 446.732, which are required to be fulfilled prior to the submission of an offer, and (4) the sheller will carry out all of the obligations of §§ 446.720 to 446.732 which remain to be performed after the offer is made.

§ 446.725 *Inspecting, grading, sealing, and rejecting No. 2 peanuts offered.* (a) The type and grade of the No. 2 peanuts purchased by CCC pursuant to each offer shall be determined by inspectors, authorized or licensed by the Secretary of Agriculture, and evidenced by inspection certificates issued by such inspectors. The sheller shall pay the cost of inspection and grading.

(b) The inspection data shall be used to determine (1) that the No. 2 peanuts meet the eligibility requirements with respect to grade and quantity specified in § 446.721, (2) the net weight, and (3) the price which CCC will pay for No. 2 peanuts. Any determination of grade shall be subject to appeal in accordance with the inspection agency procedure.

(c) Each bag of No. 2 peanuts purchased by CCC shall be identified with a seal furnished by CCC and affixed in accordance with instructions issued by Federal-State Inspection Service. CCC shall have the right to re-inspect the No. 2 peanuts at its own expense within 5 days after receipt at destination.

(d) CCC may reject all or any part of the quantity offered in one offer if any bag of peanuts included in such offer at the time of the original inspection or re-inspection does not meet the eligibility requirements in § 446.721.

§ 446.726 *Net weight.* The net weight of a lot of No. 2 peanuts shall be that weight obtained by multiplying the gross weight, including bags, by a percentage equal to 100 percent minus the percentage of foreign material shown on the inspection certificate issued pursuant to § 446.725. The gross weight shall be determined by actual weight, as prescribed by CCC.

§ 446.727 *Delivery and passage of title.* (a) (1) The sheller shall deliver No. 2 peanuts in accordance with instructions issued by the association. Such delivery instructions, except as provided in paragraph (b) of this section, shall be issued within 25 days after the date of the association's written acceptance of the offer.

(2) The sheller shall deliver all No. 2 peanuts in bags of uniform size, which are packed in accordance with good commercial practices. Such bags shall be made of new burlap of not less than 10-ounce weight material. Plain unprinted bags stenciled in accordance with instructions issued by CCC may be required in some instances.

(3) If the sheller fails to exercise rodent and insect control to the extent that the No. 2 peanuts offered to CCC are subject to seizure by the Food and Drug Administration, Department of Health, Education and Welfare, such peanuts shall not be eligible for delivery to CCC, and any amount paid to the sheller therefor shall be refunded to CCC.

(4) If the sheller fails to deliver, as prescribed in the delivery instructions, a quantity of No. 2 peanuts equal to at least 95 percent of the quantity offered by him and accepted by the association, or if he delivers a quantity of No. 2 peanuts in excess of the quantity eligible for delivery to CCC pursuant to § 446.721, he shall pay to CCC, as liquidated damages and not as a penalty, an amount equal to 2 cents per pound (i) for the quantity by which the quantity delivered is less than 95 percent of that offered by the sheller and accepted by CCC; or (ii) for the quantity delivered which is in excess of the quantity eligible for delivery to CCC. Because of the difficulty in ascertaining the exact damages which CCC would suffer in either situation, CCC and the sheller agree that such liquidated damages constitute a reasonable estimate of the probable actual damages.

(b) Title to the No. 2 peanuts shall pass to CCC upon delivery from the sheller's plant, f. o. b. railroad cars or trucks at CCC's option; except that in the event the association does not issue

delivery instructions within 25 days after the date of its written acceptance of the offer, title shall pass to CCC on the 30th day after the date of such written acceptance if the sheller, on or before such 30th day, places the No. 2 peanuts in identity preserved storage in a facility approved by CCC and delivers to CCC a storage certificate, in a form approved by CCC accompanied by an inspection certificate issued by an authorized inspector showing that the peanuts meet the quality requirements for eligibility. The gross weight of the peanuts for which the storage certificate is issued shall be determined after the expiration of the 25-day period within which the association was to have issued shipping instructions, by a weighmaster and on scales approved by CCC. The sheller shall be responsible for deterioration after passage of title to CCC which is due to his fault, negligence, or failure to exercise such care in storing or handling such peanuts as a reasonably prudent owner thereof would exercise. If the sheller fails to issue the storage certificate, title shall not pass until the peanuts are delivered in accordance with instructions issued by the association, and CCC shall not pay any storage or handling charges with respect to such peanuts.

§ 446.728 *Payment.* (a) The price per pound net weight of No. 2 peanuts purchased by CCC shall be as follows:

No. 2 peanuts containing damaged kernels of—	Runner, Southeast Spanish and Southwest Spanish types	Virginia type
	Cents	*Cents*
2 percent	14.5	14.75
3 percent	14.37	14.62
4 percent	14.25	14.5
5 percent	13.5	13.75
6 percent	12.75	13.0
7 percent	11.75	12.0

(b) With respect to No. 2 peanuts stored by the sheller and for which title has passed to CCC pursuant to § 446.727 (b), payment for warehouse charges shall be the sum of:

(1) $.50 per net weight ton for handling-in charges,

(2) $.50 per net weight ton for handling-out charges (delivery f. o. b. railroad cars or trucks at CCC's option), and

(3) $1.00 per net weight ton per month, fractions of ton and month in proportion, for storage charges. The storage month shall begin on the date title passes to CCC and shall run from that date to, but not including, the corresponding day of the next calendar month. The storage period shall end on the day prior to the date the peanuts are delivered from storage.

(c) (1) Payment for the No. 2 peanuts and for any warehouse charges shall be made, at the time specified below, upon presentation to the association of a proper invoice and supporting documents prescribed by CCC.

(2) Payment for the No. 2 peanuts for which title passed to CCC upon delivery shall be made, after delivery, on the net weight determined from the gross weight obtained at the time the No. 2 peanuts are loaded out of the sheller's plant.

(3) Payment for the No. 2 peanuts for which title passed to CCC while the peanuts remained in the sheller's storage facilities, as provided in § 446.727 (b), shall be made after title has passed to CCC; but payment of the warehouse charges specified in paragraph (b) of this section for such No. 2 peanuts shall be made after the peanuts are delivered. The net weight on which the amount of payment for both the No. 2 peanuts and the warehouse charges is determined, shall be the net weight of the peanuts for which the storage certificate was issued.

§ 446.729 *Records and reports.* The records of the sheller shall at all times show (a) with respect to farmers stock peanuts purchased from producers and for which the type and grade were determined by inspectors authorized or licensed by the Secretary of Agriculture, the date and place received, the names and addresses of the producers, the types, grades, and the pounds of each such grade received from each producer, (b) the types, grades, and quantity of farmers stock peanuts purchased without inspection by inspectors authorized or licensed by the Secretary of Agriculture, and (c) the types, grades, and quantity of No. 2 peanuts produced. The sheller shall keep such accounts and other records and shall furnish such information and reports relating to the No. 2 peanuts and the farmers stock peanuts from which No. 2 peanuts were produced, as may be prescribed or requested by CCC. The association or CCC may examine and audit the accounts and records of the sheller and may require the sheller to make all his records available at his main office at any time an audit is made. All books, accounts, and records shall be retained for a period of two years after the last No. 2 peanuts are delivered to CCC.

NOTE: The reporting and record keeping requirements contained herein have been approved by, and subsequent reporting requirements will be subject to approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 446.730 *Assignment.* No contract, claim, or payment pursuant to §§446.720 to 446.732 shall be assigned in whole or in part by the sheller without the prior written approval of CCC, and any such assignment shall be in such form as may be approved or prescribed by CCC.

§ 446.731 *Officials not to benefit.* No Member of or Delegate to the Congress of the United States shall be admitted to any share or part of any agreement or contract between the sheller and CCC pursuant to §§ 446.720 to 446.732, or to any benefit to arise therefrom, but this provision shall not be construed to extend to benefit arising from such agreement or contract if accruing to a corporation.

§ 446.732 *Contingent fees.* The sheller shall not employ any person to solicit or secure any contract pursuant to §§ 446.720 to 446.732 upon any stipulation for a commission, percentage, brokerage, or contingent fee. Breach of this provision shall give CCC the right to annul the contract, or in its discretion, to deduct from any amount due the sheller the amount of such commission, percentage, brokerage, or contingent fee.

Issued this 5th day of October 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-8178; Filed, Oct. 7, 1955; 8:50 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF LABOR

Effective upon publication in the FEDERAL REGISTER, paragraphs (i) (2) and (j) (2) of § 6.313 are revoked, and a new subparagraph (2) is added to paragraph (i) as set out below.

§ 6.313 *Department of Labor* • • •

(i) *Wage and Hour and Public Contracts Divisions* • • •

(2) One Confidential Assistant to the Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-8157; Filed, Oct. 7, 1955; 8:47 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

CIVIL AERONAUTICS BOARD

Effective upon publication in the FEDERAL REGISTER, paragraph (j) is added to § 6.337 as set out below.

§ 6.337 *Civil Aeronautics Board* • • •

(j) One Private Secretary to the Congressional Liaison Officer.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-8164; Filed, Oct. 7, 1955; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRADES OF DRIED APPLES; CORRECTIONS

In F. R. Doc. 55-7681, beginning on page 7095 of the issue for Thursday, September 22, 1955, the following corrections have been made:

1. In § 52.2481, last sentence, change third complete word to "apples" instead of "applies".

2. In § 52.2482 (d), change the second word to "consist" instead of the word "consists".

3. In § 52.2486 (c), change the second word to "are" instead of the word "is".

4. In § 52.2490, Work sheet for dried apples, in the first column and following the phrase "Seeds (maximum) • • •", change the phrase to "4 per 16 ounces" instead of "3 per 16 ounces".

Dated: October 5, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-8177; Filed, Oct. 7, 1955; 8:50 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 729—PEANUTS

NATIONAL MARKETING QUOTA, NATIONAL ACREAGE ALLOTMENT, AND APPORTIONMENT TO STATES OF NATIONAL ACREAGE ALLOTMENTS FOR 1956 CROP

§ 729.701 *Basis and purpose.* Section 358 (a) of the Agricultural Adjustment Act of 1938, as amended, provides that between July 1 and December 1 of each calendar year the Secretary of Agriculture shall proclaim a national marketing quota for peanuts for the crop produced in the next succeeding calendar year in terms of the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the immediately preceding five years, adjusted for current trends and prospective demand conditions. Section 358 (a) further provides that the national marketing quota established for the crop produced in the calendar year 1941 shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres, and that the national marketing quota established for any subsequent year shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than that established for the crop produced in the calendar year 1941.

Except for the preceding limitation, the national marketing quota would be 666,000 tons and the national acreage allotment would be 1,454,139 acres. In order to obtain the minimum national acreage allotment of 1,610,000 acres, the national marketing quota must be set at 719,670 tons. Section 358 (a) also provides that the national marketing quota shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre for the United States.

Section 358 (c) of the said Act provides that the national acreage allotment, less the acreage to be allotted to new farms under section 358 (f), shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made.

Section 729.702 of this proclamation establishes the national marketing quota, the normal yield per acre, and the national acreage allotment for the 1956 crop of peanuts. Section 729.703 apportions the 1956 national acreage allotment among the several peanut-producing States. The determinations in these sections are based on the latest available statistics of the Federal Government.

Public notice of the proposed proclamation and determinations to be made with respect to the 1956 national marketing quota, the national acreage allotment, and apportionment of such allotment among the States was given (20 F. R. 4142) in accordance with the Administrative Procedure Act. The proclamation is made after due consideration of recommendations submitted in response to such notice.

§ 729.702 *Proclamation and determination with respect to national marketing quota, normal yield per acre, and national acreage allotment for peanuts for the crop produced in the calendar year 1956*—(a) *National marketing quota.* The amount of the national marketing quota for peanuts for the crop produced in the calendar year 1956 is 719,670 tons.

(b) *Normal yield per acre.* The normal yield per acre of peanuts for the United States is 894 pounds.

(c) *National acreage allotment.* The national acreage allotment for the crop produced in the calendar year 1956 is 1,610,000 acres.

§ 729.703 *Apportionment of the national peanut acreage allotment for the crop produced in the calendar year 1956.* The national peanut acreage allotment proclaimed in § 729.702 is hereby apportioned as follows:

State:	*1955 State acreage allotment*
Alabama	217,965
Arizona	717
Arkansas	4,220
California	940
Florida	54,777
Georgia	524,611
Louisiana	1,963
Mississippi	7,557
Missouri	246
New Mexico	4,906
North Carolina	168,813
Oklahoma	137,323
South Carolina	13,743
Tennessee	3,564
Texas	355,063
Virginia	105,542
Total apportioned to States	1,601,950
Reserve for new farms	8,050
Total, United States	1,610,000

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1372, 1373, 1374, 1376, 1388)

Issued at Washington, D. C., this 5th day of October 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-8179; Filed, Oct. 7, 1955; 8:50 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 3]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND QUOTAS

MISCELLANEOUS AMENDMENTS

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the "act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1955 and to establish pursuant to section 202 of the act, sugar quotas for the supplying areas in terms of short tons of sugar, raw value (formerly Part 813), equal to the quantity determined by the Secretary of Agriculture to be needed in 1955.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1955 is necessary. The purpose of this amendment is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act and give effect to the revised determination.

After providing for quotas in specific amounts for domestic sugar producing areas and the Republic of the Philippines, section 202 of the act provides that the difference between the sum of such quotas and total requirements shall be prorated to foreign countries other than the Republic of the Philippines on the basis of stated percentages. Thus, the statute states specifically how quotas are to be revised when there is a change in sugar requirements. Furthermore, in order to make available the additional sugar authorized by this amendment to meet current demand at stable prices and thereby protect the interests of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), is impracticable, unnecessary and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. 1100), and the Administrative Procedure Act (60 Stat. 237) §§ 811.70, 811.72, 811.74 (b), (c), (d) and 811.75 (b) (1) of Sugar Regulation 811,

as amended (19 F. R. 9209, 20 F. R. 5386; 20 F. R. 7323) are amended to read as hereinafter set forth.

1. Section 811.70 is amended to read:

§ 811.70 *Sugar requirements, 1955.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1954 is hereby determined to be 8,400,000 short tons, raw value.

2. Section 811.72 is amended to read:

§ 811.72 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1955 the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Republic of the Philippines	977,000
Cuba	2,859,840
Other foreign countries	119,160

3. Paragraphs (b), (c) and (d) of § 811.74 are amended to read:

§ 811.74 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines.* • • •

(b) *Basic prorations.* The 1955 quota for foreign countries other than Cuba and the Republic of the Philippines is hereby prorated pursuant to subsection (c) of section 202 of the act, among such countries as follows:

Country:	*Proration in short tons, raw value*
Dominican Republic	29,591
El Salvador	4,434
Haiti	2,863
Mexico	12,269
Nicaragua	8,387
Peru	55,658
Unspecified countries	5,958
Total	119,160

(c) *Deficit in prorations of foreign countries other than Cuba and the Republic of the Philippines.* It is hereby determined pursuant to section 204 (b) of the act, that of the prorations of the quota for foreign countries other than Cuba and the Republic of the Philippines, 4,434 short tons, raw value, prorated to El Salvador will not be filled by that country.

(d) *Allotment of unfilled prorations.* The quantity of sugar determined in paragraph (c) of this section is hereby prorated pursuant to subsection (b) of section 204 of the act, as follows:

Country:	*Additional prorations in short tons, raw value*
Dominican Republic	2,934
Haiti	284
Mexico	1,216
Total	4,434

§ 811.75 *Direct-consumption portion of quotas or prorations.* • • •

(b) *Other areas.* (1) Pursuant to subsections (d), (e) and (h) of section 207 of the act, the quotas established in § 811.72 for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

Area:	*Direct-consumption sugar, short tons, raw value*
Republic of the Philippines	59,920
Cuba	375,000
Other foreign countries	40,514

BASIS AND CONSIDERATIONS

Sugar requirements. Although sugar consumption for 1955 was estimated at 8,500,000 short tons, raw value, on December 21, 1954, total sugar quotas were established as 8,200,000 tons. The difference of 300,000 tons represented an allowance for constructive deliveries in 1954 for consumption in 1955, for possible error in the estimate and for stabilizing prices. In recognition of accelerated distribution which occurred about midyear, total quotas were increased by 100,000 tons to 8,300,000 tons on July 27, 1955. Since that time distribution has continued to run well ahead of the rate for the preceding year and total distribution is now approximately 250,000 tons greater than for the comparable period of 1954.

It is probable that sugar users and distributors in the North Central States have added substantially to their inventories in anticipation of the withdrawal of concessions and price increases announced in most parts of that region during the summer months. Elsewhere, however, there is no evidence that users and distributors are carrying much more than minimum stocks.

Beet sugar processors to date have distributed a disproportionately large share of their quota for the year, thus reducing the quantity of sugar which they may market during the balance of the year. This condition which became apparent some months ago contributed to the strengthening of the relatively weak market situation which had existed in the North Central States for almost two years. Also, this condition will result in a disproportionately large distribution by refiners of cane sugar during the balance of the year.

In view of the continued strong demand for sugar and the relatively larger proportion of consumer needs during the balance of the year which necessarily must be supplied by refiners of cane sugar, it is evident that additional sugar is needed within the quotas. Accordingly, the total of the sugar quotas (sugar requirements) is increased by 100,000 tons to 8,400,000 short tons, raw value.

Quotas. To give affect to the increase in sugar requirements the quotas for Cuba and Foreign Countries other than Cuba and the Republic of the Philippines have been increased by the amendments made herein to §§ 811.72, 811.74 (b) and 811.75 (b) (1). In § 811.74 (c) and (d) the proration to El Salvador of the quota for foreign countries other than Cuba and the Republic of the Philippines was prorated to the Dominican Republic, Haiti and Mexico. The proration to El Salvador prior to the increase in sugar requirements made effective by this amendment was prorated to the above named countries by Sugar Regulation 811, Amendment 2 (20 F. R. 7323). All other countries receiving specific prorations have either filled their quota by September 1 or indicated their intention and ability to do so by December 31. Of the countries receiving specific prorations, the Dominican Republic, Haiti and Mexico participate in the International Sugar Agreement and have additional sugar available for importation before the end of the year. Therefore, the quantity of sugar determined in § 811.74 (c) has been prorated to the Dominican Republic, Haiti and Mexico in proportion to the prorations established in § 811.74 (b).

(Sec. 403, 61 Stat. 932, as amended; 7 U. S. C. 1153. Interpret or apply secs. 202, 204, 207, 210, 61 Stat. 924, 925, 927, 928 as amended; 7 U. S. C. 1112, 1114, 1117, 1120)

Done at Washington, D. C., this 5th day of October 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-8180; Filed, Oct. 7, 1955; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 57]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.357 *Valencia Orange Regulation 57*—(a) *Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on October 6, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., October 9, 1955, and ending at 12:01 a. m., P. s. t., October 16, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 369,600 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 7, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8256; Filed, Oct. 7, 1955; 11:24 a. m.]

[Grapefruit Reg. 228]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.745 *Grapefruit Regulation 228*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 10, 1955. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until October 10, 1955; the recommendation and supporting information for continued regulation subsequent to October 9, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 4; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 10, 1955, and ending at 12:01 a. m., e. s. t., October 24, 1955, no handler shall ship:

(i) Any grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 2;

(ii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(iii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in § 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by § 601.17 (Chapters 25149 and 28090) and also by § 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 5, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agriculturale Marketing Service.

[F. R. Doc. 55-8176; Filed, Oct. 7, 1955; 8:50 a. m.]

[Orange Reg. 282]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.746 *Orange Regulation 282*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 10, 1955. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement

and order, and will so continue until October 10, 1955; the recommendation and supporting information for continued regulation subsequent to October 9, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 4; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 10, 1955, and ending at 12:01 a. m., e. s. t., October 24, 1955, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel mailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; the term "standard 1⅗ bushel nailed box" is synonymous with "standard nailed box" as used in the revised United States Standards for Florida Oranges (§§ 51.1140–51.1186, 18 F. R. 7122); and the terms "U. S. No. 1 Russet," "standard pack," and "standard 1⅗ bushel nailed box" shall have the same meaning as when used in said revised United States Standards for Florida Oranges or in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title, 20 F. R. 7205), whichever is in effect.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 5, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–8175; Filed, Oct. 7, 1955; 8:50 a. m.]

[Lemon Reg. 610]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.717 *Lemon Regulation 610*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 5, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a.m., P. s. t., Ocober 9, 1955, and ending at 12:01 a. m., P. s. t., October 16, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 150 carloads;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 6, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–8216; Filed, Oct. 7, 1955; 9:20 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 212—DOCUMENTARY REQUIREMENTS FOR NONIMMIGRANTS: ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. The first proviso of subparagraph (2) of paragraph (b) of § 212.3 *Nonimmigrants not required to present passports, visas, or border-crossing identification cards* is amended to read as follows: "Provided, That such alien is in possession of a travel document which is valid for his entry into a foreign country for a period of not less than 30 days after the date his immediate and continuous transit through the United States begins:"

2. Section 212.81 is amended to read as follows:

§ 212.81 *Application for permission to enter the United States temporarily; prior to application for admission at a port of entry.* An application for the exercise of discretion under section 212 (d) (3) of the act, prior to the alien's application for admission, is made on Form I–192 before a consular officer if a visa is required, and such officer may forward a report to the Visa Office of the State Department. If a favorable recommendation is made by the consular officer or the Secretary of State, the matter is submitted by the Visa Office to the Assistant Commissioner, Examinations Division for his approval or disapproval. In all other cases where application is made prior to the alien's application for admission and the alien is in possession of appropriate documents or has been granted a waiver thereof, the application shall be submitted to the district director having jurisdiction over the intended port of entry, unless the ground of inadmissibility is within paragraph (9), (10) or (28) of section 212 (a) of the act. In such cases, the application shall be submitted to the regional commissioner having jurisdiction over the intended port of entry. If Form I–192 is not readily available and the case is one of unforeseen emergency, the application shall be in writing and shall contain all the information required by such form. The applicant shall be notified of the decision and, if the application is denied, of the reasons therefor and of his right to appeal to the Board within 10 days from the receipt of such notification in accordance with Part 6 of this chapter.

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

1. Paragraph (c) of § 243.3 *Execution of warrants of deportation* is amended to read as follows:

(c) *Permission to depart when ordered deported.* District directors and officers in charge may, in their discretion, permit an alien who has been ordered deported to leave the United States at his own expense and to a destination of his own choice. Any alien who has so left the United States is considered to have been deported in pursuance of law.

2. Section 243.31 is added to read as follows:

§ 243.31 *Fees.* Except as otherwise provided in this section and § 2.5 of this chapter, a stay of deportation requested by an alien under this part shall be accompanied by a fee of $25 as prescribed by, and remitted in accordance with, the provisions of Part 2 of this chapter. In any case in which an alien or other party affected is unable to pay the fee for requesting a stay of deportation, he shall file with the request for a stay his affidavit stating the nature of the request for a stay, the affiant's belief that he is entitled to redress, his inability to pay the required fee, and request permission to prosecute the stay without prepayment of such fee. If such an affidavit is filed, the district director, if the request for a stay of deportation is made pursuant to the provisions of § 243.3 (b) (1), may, in his discretion, stay deportation without prepayment of fee. If such an affidavit is filed and the request for a stay of deportation is made pursuant to the provisions of § 243.3 (b) (2), the special inquiry officer shall, if he believes that the request for a stay is not made in good faith, certify in writing his reasons for such belief for consideration by the regional commissioner. The regional commissioner may, in his discretion, withhold deportation without prepayment of fee.

PART 263—REGISTRATION OF ALIENS IN THE UNITED STATES: PROVISIONS GOVERNING SPECIAL GROUPS

Paragraph (a) of § 263.2 *Certain Canadian citizens and British subjects; agricultural workers* is amended to read as follows:

(a) The duty imposed on aliens in the United States by section 262 of the Immigration and Nationality Act to apply for registration shall not be applicable to Canadian citizens or British subjects admitted to the United States under the provisions of § 212.3 (a) (1), (2), or (7) of this chapter who depart from the United States within six months of admission. If such an alien's stay in the United States is to exceed six months, an application for registration in accordance with the provisions of section 262 of the Immigration and Nationality Act shall be made prior to the expiration of the six-month period.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than that which relates to a matter of agency procedure, relieve restrictions and are clearly advantageous to persons affected thereby.

Dated: September 30, 1955.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 55–8185; Filed, Oct. 7, 1955; 8:50 a. m.]

Chapter II—Office of Alien Property, Department of Justice

PART 502—RULES OF PROCEDURE FOR CLAIMS UNDER THE TRADING WITH THE ENEMY ACT

Part 502 sets forth the rules of procedure of the Office of Alien Property applicable to claims under sections 9 (a), 32 and 34 of the Trading With the Enemy Act, as amended (50 U. S. C. App. 9 (a), 32 and 34). The part also prescribes the procedure under section 20 of that Act (50 U. S. C. App. 20) for determination of fees of agents, attorneys and representatives in connection with such claims. It presently provides that in all cases the final decisions of the Office with respect to such claims and fees shall be the decisions of the Hearing Examiners or of the Director, as the case may be. It has been determined that in all cases the Hearing Examiners shall issue recommended decisions subject to review by the Director who shall issue the final decision of the Office except in cases of claims involving $50,000 or more and in cases of fees involving $25,000 or more. In these excepted cases the decision of the Director shall be subject to review by the Attorney General at the discretion of the latter. Accordingly, Part 502 requires amendment to conform it to this procedure. Since the amendment is one of procedure, neither notice nor hearing thereon is required by statute.

Part 502 is hereby amended to read as follows:

Subpart A—General Rules

Sec.
502.1 Scope of part.
502.2 Definitions.
502.3 Indispensable party.
502.4 Appearance.
502.5 Intervention.
502.6 Forms.
502.7 Amendment and withdrawal of claim.
502.8 Order for hearing.
502.9 Designation of Hearing Examiner.
502.10 Removal of a claim proceeding and hearing by the Director.
502.11 Pre-hearing conferences.
502.12 Consolidation of claims.
502.13 Hearings.
502.14 Witnesses.
502.15 Subpoenas.
502.16 Depositions.
502.17 Documents in a foreign language.
502.18 Motions.
502.19 Withdrawal of papers.
502.20 Oral Argument.
502.21 Proposed findings and conclusions.
502.22 Hearing Examiner's decision.
502.23 Review of the Hearing Examiner's recommended decision.
502.24 Waiver by the Director or the Attorney General.
502.25 Motion to dismiss.
502.26 Service.
502.27 Computation of time.
502.28 Continuances and extensions.
502.29 Fees.
502.30 Filing of debt claims by depositors of Yokohama Specie Bank, Ltd., Honolulu Branch.
502.31 Filing of claim as condition precedent to suit.
502.32 Effect of disallowance of claim in determining period of limitations for filing suit.

Subpart B—Title Claims

502.100 Definitions.
502.101 Order of processing.
502.102 Procedure for allowance without hearing.
502.103 Requirement for hearing.
502.104 Hearing calendar.
502.105 National interest.
502.106 Publication of notice of intention to return vested property.
502.107 Revocation of notice of intention to return vested property.
502.108 Return order.
502.109 Final audit.
502.110 Return of vested property.

Subpart C—Debt Claims

502.200 Definitions.
502.201 Procedure for allowance and payment without hearing of claims against debtors' solvent estates.
502.202 Claims against debtors' insolvent estates.
502.203 Requirement for hearing.
502.204 Payment of allowed claims.
502.205 Future payments.

Subpart D—General Claims

502.300 General claims.

AUTHORITY: §§ 502.1 to 502.300 issued under 40 Stat. 411, as amended; 50 U. S. C. App. 1–40. E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9725, May 16, 1946, 11 F. R. 5381, 3 CFR, 1946 Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp.; E. O. 10254, June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp.

SUBPART A—GENERAL RULES

§ 502.1 *Scope of part.* (a) Sections 502.1 to 502.32 shall be applicable solely to title and to debt claims.

(b) Sections 502.100 to 502.110 shall be applicable solely to title claims.

(c) Sections 502.200 to 502.205 shall be applicable solely to debt claims.

(d) Section 502.300 shall be applicable to all claims other than title and debt claims as defined in § 502.2 (e) and (f).

§ 502.2 *Definitions.* As used in this part, unless the context otherwise requires:

(a) The term "act" means the Trading With the Enemy Act, as amended. The term "section" refers to a section of the act.

(b) The term "Office" means the Office of Alien Property.

(c) The term "rules" means the rules of the Office set forth in this part.

(d) The term "Director" means the Director, Office of Alien Property, or other person duly authorized to perform his functions.

(e) The term "title claim" means a claim under sections 9 (a) or 32.

(f) The term "debt claim" means a claim under section 34.

(g) The term "claim" refers to a title claim or a debt claim and shall include the Notice of Claim form, any amendment thereto, and such other material as may have been filed by the claimant with respect to the claim.

(h) The term "excepted claim" means (1) any title claim which involves the return of assets having a value of $50,000 or more and any debt claim in the amount of $50,000 or more; (2) any title claim which the Director finds will, as a practical matter, control the disposition of related title claims involving, with the principal claim, assets having a value of $50,000 or more; and any debt claim which the Director finds will, as a practical matter, control the disposition of related debt claims in the aggregate amount, including the principal claim, of $50,000 or more; (3) any title claim or debt claim presenting a novel question of law or a question of policy which, in the opinion of the Director, should receive the personal attention of the Attorney General.

(i) The term "non-excepted claim" shall mean any claim other than an "excepted claim".

(j) The term "claimant" means the person in whose behalf a claim is filed.

(k) The term "claim proceeding" means the administrative processing of a claim and includes the claim.

(l) The term "parties" includes the claimant and the Chief of the Claims Section.

(m) The term "vested property" means any property or interest vested in or transferred to the Alien Property Custodian or the Attorney General of the United States pursuant to the act (other than any property or interest so acquired by the United States prior to December 18, 1941), or the net proceeds thereof.

(n) The term "filing" means receipt by the Office or appropriate officer or employee thereof.

(o) The term "Chief Hearing Examiner" refers to the hearing examiner designated as such by the Director.

(p) The term "docketed claim" means a claim which has been referred by the Director or the Chief of the Claims Section to the Chief Hearing Examiner for hearing and has been given a docket number.

(q) The term "hearing" means the proceedings upon a docketed claim.

§ 502.3 *Indispensable party.* The Chief of the Claims Section shall be a necessary party in all claim proceedings.

§ 502.4 *Appearance.*[1] (a) A claimant may appear in a claim proceeding in person or may be represented by an agent, attorney in fact or at law. A member of a partnership may represent the partnership; an officer of a corporation, trust or association may represent the corporation, trust or association, and an officer or employee of a federal, state or territorial agency, office or department may represent the agency, office or department.

(b) Any person appearing in a claim proceeding in a representative capacity may be required to file a power of attorney showing his authority to act in such capacity.

§ 502.5 *Intervention.* Any person who claims to have a substantial interest in a docketed claim proceeding may file a specification of such interest in writing with the Hearing Examiner after serving a copy thereof upon the parties. Upon a finding by the Hearing Examiner that the petitioner has a substantial interest which may be adversely affected by the proceeding he may authorize the petitioner to participate in the proceeding upon such conditions as may be imposed.

§ 502.6 *Forms.* (a) Claims shall be filed on forms authorized or prescribed by the rules of this Office.

(b) Subject to the provisions of sections 33 and 34 (b) of the act, the Director or the Chief of the Claims Section may expressly waive the requirement of paragraph (a) of this section.

NOTE: Section 501.80 of this chapter prescribes forms for use in filing claims. Section 501.50 (d) of this chapter provides that when allowance of a claim under the act is dependent on issuance of a license under Executive Order 8389, 3 CFR, 1943 Cum. Supp., as amended, the filing of a claim is deemed to include an application for a requisite license.

§ 502.7 *Amendment and withdrawal of claim.* (a) Subject to the provisions of sections 33 and 34 (b) of the act, the claimant may amend his claim prior to hearing, or after the opening of a hearing in a claim proceeding by consent of the Chief of the Claims Section or as allowed by the Hearing Examiner or the Director.

(b) The claimant may at any time withdraw his claim by notice in writing to that effect.

§ 502.8 *Order for hearing.* The Director, or the Hearing Examiner in any docketed claim proceeding, may issue an order for hearing. In fixing the time for hearing, due regard shall be given to the status of the claim proceeding and the convenience of the parties. The order shall specify the time, place, and nature of the hearing. The order shall be served on all parties a reasonable time, but not less than ten (10) days, in advance of the hearing, unless the parties shall agree to a shorter time.

§ 502.9 *Designation of Hearing Examiner.* Prior to a hearing, a Hearing Examiner shall be designated by the Chief Hearing Examiner.

§ 502.10 *Removal of a claim proceeding and hearing by the Director.* The Director may personally conduct a hearing and may exercise the other functions appropriate to the Hearing Examiner. The Director, at any stage of a claim proceeding before a Hearing Examiner, may remove the claim proceeding from the Hearing Examiner. Decisions of the Director under this section shall first be issued in tentative form and the Director shall fix a time within which all parties may submit exceptions and briefs with reference thereto and after which he shall render his final decision. In the case of non-excepted claims, this decision shall be the decision of the Office. In the case of excepted claims, the Director shall deliver a copy of this decision to the Attorney General immediately upon its issuance, together with the record and all exceptions and briefs. Such decision shall become the decision of the Office unless within 60 days from the date thereof the Attorney General by order directs review thereof. An order for review shall fix a time within which the parties may submit exceptions and briefs with reference to the decision of the Director. After the expiration of such time the Attorney General shall render a final decision which shall be the decision of the Office. The decision of the Attorney General shall be returned to the Director for service on all parties and for the Director's further action in accordance with the rules in this part.

§ 502.11 *Pre-hearing conferences.* (a) At any time after a claim has been docketed with the Chief Hearing Examiner and prior to hearing, the Hearing Examiner may arrange for the parties to appear before him at a designated time and place for the purpose of determining the issues between the parties and obtaining admissions or stipulations with respect to any matters, records, or documents which will be relied upon by any party at the hearing.

(b) At the conclusion of the conference, the Hearing Examiner shall prepare an order setting forth the issue or issues to be determined at the hearing and describing the matters, records, or documents which the parties have admitted or stipulated. Such order shall be presented to each of the parties for their approval and when approved by them shall be made a part of the record in the claim preceeding and shall be conclusive as to the action embodied therein.

§ 502.12 *Consolidation of claims.* The Director, the Chief Hearing Examiner, or the designated Hearing Examiner, may, where such action will expedite the disposition of claims and further the ends of justice, consolidate docketed claims.

§ 502.13 *Hearings.* (a) All hearings, except hearings before the Director, shall be conducted by a Hearing Examiner. At any time prior to hearing, a Hearing Examiner may be designated to

[1] *Cross reference.* For limitations on representative activities, see § 505.60 of this chapter. For powers of attorney, see § 505.1 (d) of this chapter.

take the place of the Hearing Examiner previously designated to conduct the hearing. In the case of the death, illness, disqualification or unavailability of the Hearing Examiner presiding in any claim proceeding, another Hearing Examiner may be designated to take his place. Hearing Examiners shall, so far as practicable, be assigned to cases in rotation.

(b) The Hearing Examiner may withdraw from a case when he deems himself disqualified or he may be withdrawn by the Director after affidavits alleging personal bias or other disqualifications have been filed with the Director and the matter has been considered by the Director or by a Hearing Examiner upon referral by the Director.

(c) Hearings shall be open to the public unless otherwise ordered by the Director or the Hearing Examiner.

(d) Subject to the Rules of this Office, including this part, Hearing Examiners presiding at hearings shall have the hearing powers set forth in section 7 (b) of the Administrative Procedure Act.

(e) Hearing Examiners shall act independently in the performance of their duties as examiners and perform no duties inconsistent with their duties and responsibilities as examiners. Save to the extent required for the disposition of ex parte matters, no Hearing Examiner shall consult any person or party as to any fact in issue unless upon notice and opportunity for all parties to participate.

(f) The claimant shall be the moving party and shall have the burden of proof on all the issues involved in the claim proceeding. The claimant shall proceed first at the hearing.

(g) A presumption of the accuracy and the validity of the findings in a vesting order as to ownership of the property immediately prior to vesting shall be operative in all claims. Such findings shall be deemed accurate and valid unless contested or put in issue by a party, in which event such party shall have the burden of proving his allegations as to ownership of the property involved immediately prior to vesting.

(h) Any party, and the Hearing Examiner shall have the right and power to call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence.

(i) In a claim proceeding, the rules of evidence prevailing in courts of law and equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial or unduly repetitious evidence.

(j) Any record, document or other writing, or any portion thereof, from the files of any foreign industrial, business or commercial enterprise, or from the official files of a foreign government, or any subdivision or agency thereof, shall, if otherwise relevant, be admissible in evidence in a claim proceeding as competent evidence of the matters therein contained, when authenticated by a certificate of an investigator of this Office or any other agency of the United States, or by a duly designated representative of the allied military or civilian authority of occupation, stating that such record, document or other writing came from the files of such enterprise, or from the official files of such foreign government. All circumstances in the making of such record, document or writing, as well as the lack of opportunity for cross-examination, shall be considered by the Attorney General, the Director or the Hearing Examiner in determining its weight, but shall not affect its admissibility. A copy of such record, document or writing shall be equally admissible as the original when accompanied by a certificate of any of the persons hereinabove designated, stating that it conforms to the original. The methods of authentication provided for in this rule shall be in addition to, and not exclusive of, other methods of authentication.

(k) All investigative reports, affidavits, or other written statements of persons that reside at a distance of more than 100 miles from the place of a hearing or are otherwise unavailable as witnesses, when signed by an investigator of this Office or any other agency of the United States, or by the person making such affidavit or statement, shall be accepted as evidence and made a part of the record in a claim proceeding. All circumstances in the making of such investigative report, affidavit, or other written statement, as well as the lack of opportunity for cross-examination shall be considered by the Attorney General, the Director or the Hearing Examiner in determining its weight, but shall not affect its admissibility. A copy of any investigative report shall be equally admissible as the original when accompanied by a statement of an official of this Office or other agency of the United States that it is a copy of such report.

(l) In the discretion of the Hearing Examiner, the hearing may be adjourned from day to day or adjourned to a later date or to a different place by announcement thereof at the hearing by the Hearing Examiner or by appropriate notice.

(m) In the discretion of the Hearing Examiner, any witness may be excluded until he is called upon to testify. Contemptuous conduct at any hearing before a Hearing Examiner shall be ground for exclusion from the hearing. Failure or refusal of a witness to appear at any such hearing or to answer any question which has been ruled to be proper may be ground for the striking out of all testimony which may have been previously given by such witness on related matters.

(n) Hearings shall be stenographically reported by a reporter designated by the Director or Chief Hearing Examiner and a transcript of such report shall be a part of the record and the sole official transcript of the proceeding. Such transcript shall include a verbatim report of the hearings. Nothing shall be omitted therefrom except as directed on the record by the Director or the Hearing Examiner. Corrections in the official transcript may be made with the consent of the Hearing Examiner to make it conform to the evidence presented at the hearing. Parties desiring copies of the transcript may obtain such copies from the official reporter upon payment of the fees fixed therefor.

(o) Hearings may be waived by the parties and the claim submitted to the Hearing Examiner, or to the Director, with his consent, on a stipulated record or an agreed statement of facts.

§ 502.14 *Witnesses.* (a) Witnesses shall be examined orally under oath or affirmation, to be administered by the Hearing Examiner, except that for good cause testimony may be taken by deposition.

(b) Witnesses summoned before the Director or the Hearing Examiner shall be paid the same fees and mileage which are paid witnesses in the Courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

§ 502.15 *Subpoenas.* (a) The Director, or in the case of any docketed claim the Chief Hearing Examiner or the Hearing Examiner, shall upon application by any party, and upon a showing of general relevance and reasonable scope of the evidence sought, issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence under oath, including books, records, correspondence or documents. Application for the issuance of subpoenas duces tecum shall specify the books, records, correspondence or other documents sought.

(b) The Director, Chief Hearing Examiner or the Hearing Examiner, before issuing any subpoena, may require a deposit of an amount adequate to cover the fees and mileage involved.

§ 502.16 *Depositions.* (a) Any party desiring to take a deposition shall make application therefor in writing, setting forth the reasons why such deposition should be taken, the name and residence of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition. Thereupon, the Director, or in the case of a docketed claim the Chief Hearing Examiner or the Hearing Examiner, may, in his discretion, issue an order which will name the witness whose deposition is to be taken, state the scope of the testimony to be taken and specify the time when, the place where, and the officer before whom the witness is to testify. Such order shall be served upon all parties by the Director, the Chief Hearing Examiner, or the Hearing Examiner, as the case may be, a reasonable time in advance of the time fixed for taking testimony.

(b) The testimony shall be taken under oath or affirmation and shall be reduced to writing by the officer or under his direction, after which the deposition shall be subscribed by the witness and certified by the officer.

(c) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. When a deposition is taken upon written interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, a stenographic reporter, and the officer shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-

interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words.

(d) Where the deposition is taken in a foreign country and the officer designated in the authorization is unavailable, it may be taken before a secretary of an embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or before such person as may be agreed upon by the parties stipulating in writing.

(e) A witness whose deposition is taken pursuant to the rules in this part and the officer taking the deposition, unless he be employed by the Office, shall be entitled to the same fees and mileage paid for like service in the Courts of the United States, which fees shall be paid by the party at whose instance the deposition is taken, who may be required to deposit in advance an amount adequate to cover the fees and mileage involved.

§ 502.17 *Documents in a foreign language.* Every document, exhibit or paper written in a language other than English, which is filed in any claim proceeding, shall be accompanied by complete English translation thereof duly verified to be a true and accurate translation. Each copy of every such document, exhibit or paper filed shall be accompanied by a separate copy of the translation. For good cause verification may be waived. If a document, exhibit or paper in a foreign language is offered in evidence at a hearing any dispute as to the accuracy of the translation thereof shall be determined as is any other issue of fact.

§ 502.18 *Motions.* (a) All motions and requests for rulings addressed to the Director, Chief Hearing Examiner or the Hearing Examiner shall state the purpose of and the relief sought, together with the reasons in support thereof.

(b) All motions and requests for rulings made during a hearing in a claim proceeding may be stated orally and shall be made a part of the transcript.

(c) Motions and requests which relate to the introduction or striking of evidence, or which relate to procedure during the course of a hearing, or to any other matters within the authority of the Hearing Examiner, may be stated orally and shall be ruled on by the Hearing Examiner. No exception need be taken to any ruling in order to entitle a party thereafter in the claim proceeding to assign the ruling as error.

§ 502.19 *Withdrawal of papers.* (a) No paper, document or claim officially filed shall be returned unless the Director shall allow such return. The granting of a request to dismiss a claim or withdraw a paper, document or claim does not authorize the removal of the paper, document or claim from the records of the Office.

(b) Where the original of a record, document or other paper is offered in evidence at a hearing a photostatic or conformed copy thereof may be substituted during the course of the hearing with the approval of the Hearing Examiner.

§ 502.20 *Oral argument.* The Director or the Hearing Examiner, as the case may be, may grant to any party at the close of a hearing a reasonable period for oral argument and such argument may, with the consent of the hearing officer, be included in the stenographic report of the hearing.

§ 502.21 *Proposed findings and conclusions.* (a) At the close of the reception of evidence before the Hearing Examiner or within a reasonable time thereafter, to be fixed by the Hearing Examiner, any party may, and if directed by the Hearing Examiner shall, submit to the Hearing Examiner proposed findings and conclusions together with a brief in support thereof. Such proposals shall be in writing and shall contain appropriate references to the record. Copies thereof shall be served on all parties. Reply briefs may be filed with the permission of the Hearing Examiner within a reasonable time, to be fixed by him. As far as practicable the procedure shall be followed of having claimant's brief filed first, followed by the brief of the Chief of the Claims Section with any reply briefs filed in the same order.

§ 502.22 *Hearing Examiner's decision.* (a) The Hearing Examiner, as soon as practicable after receipt of the complete transcript, all exhibits and briefs, shall make a recommended decision which shall include proposed findings and conclusions as well as the reasons or basis therefor upon all the material issues of fact or law presented on the record. Such recommended decision shall become part of the record.

(b) At any time prior to the filing of his recommended decision, the Hearing Examiner may, for good cause, re-open the case for the reception of further evidence.

(c) A copy of the Hearing Examiner's recommended decision shall be served upon each party.

(d) In the case of the death, illness, disqualification or unavailability of the Hearing Examiner who presided at the hearing, the Director shall make a tentative decision or shall designate another Hearing Examiner to make a recommended decision.

(e) At any time prior to the filing of exceptions to a recommended decision of a Hearing Examiner and if the time for filing such exceptions has not expired pursuant to § 502.23, the Hearing Examiner shall have authority to amend, modify or vacate orders issued by him, to the extent that such amendment, modification or vacation may be desirable to correct typographical or procedural errors or to make purely ministerial changes therein, but not otherwise.

§ 502.23 *Review of the Hearing Examiner's recommended decision.* Within 30 days after service of the Hearing Examiner's recommended decision, any party objecting thereto shall file exceptions with the Director. Where exceptions are filed the Director shall fix a time for the filing of briefs. If no exceptions are filed within 30 days of the service of the Hearing Examiner's recommended decision, any party shall have an additional 15 days within which to file a brief with the Director. After the expiration of the time for filing of briefs the Director shall, in non-excepted claims, render his decision which shall be the decision of the Office. After the expiration of such time in the case of excepted claims the Hearing Examiner shall certify the entire record to the Director for initial decision. The Director shall then render an initial decision which shall be served on the parties and a copy thereof immediately delivered to the Attorney General, together with the record and all exceptions and briefs. Such initial decision shall become the decision of this Office unless within 60 days from the date thereof the Attorney General by order directs review thereof. An order for review shall fix a time within which the parties may submit exceptions and briefs with reference to the initial decision of the Director. After the expiration of such time the Attorney General shall render a final decision which shall be the decision of this Office. The decision of the Attorney General shall be returned to the Director for service on all parties and for the Director's further action in accordance with the rules in this part.

§ 502.24 *Waiver by the Director or the Attorney General.* The Director or the Attorney General, as the case may be, may, with the consent of the parties, waive any of the requirements of this part, when, in his opinion, the ends of justice would thereby be served.

§ 502.25 *Motion to dismiss.* (a) Motion to dismiss any claim may be made by the Chief of the Claims Section, which motion shall be in writing and shall state the reasons in support thereof and may be accompanied by supporting documents. The Chief of the Claims Section shall obtain from the Chief Hearing Examiner a date and place of hearing. Thereupon the Chief of the Claims Section shall serve a copy of the motion, together with a notice of the date and place of hearing, upon all parties, and shall docket the motion and statement of service with the Chief Hearing Examiner.

(b) Hearing on the motion shall be held at the time and place specified in the notice, or at such other time and place as may be fixed by the Hearing Examiner.

(c) The claimant shall file any affidavits, papers or documents in opposition to the motion with the Hearing Examiner, after service upon the Chief of the Claims Section not later than five (5) days prior to the date of hearing.

(d) Briefs may be submitted within the time fixed by the Hearing Examiner.

(e) Hearing before a Hearing Examiner may be waived by the parties and, with the consent of the Director, the matter submitted to him for decision.

(f) A claim shall be dismissed when it appears that there is no genuine issue as to any material fact and the claim cannot be allowed as a matter of law or when the claim has been abandoned.

(g) A claim shall be deemed abandoned when after request to do so the claimant has not furnished relevant information in support of his claim, or where by virtue of his failure to respond to inquiries regarding the claim it appears that he does not wish to pursue it further. The Hearing Examiner may on his own motion enter a recommended order dismissing a docketed claim as abandoned when the claimant fails to produce any information or document ordered so produced by the Hearing Examiner.

(h) All decisions or orders of the Hearing Examiners on motions to dismiss shall be recommended decisions or orders only and shall be subject to review in accordance with the provisions of § 502.23.

(i) Notwithstanding the provisions of this section the Chief of the Claims Section may serve a notice upon the claimant that, after the expiration of a time fixed in the notice, which time shall not be less than thirty (30) days, he intends to apply to the Director for an order dismissing the claim. The notice shall state the grounds for dismissal and the claimant may, within the time indicated in the notice, file a statement specifying his objections to dismissal, together with his reasons in support thereof; any evidence or other material in support of the claim which has not previously been filed with this Office shall be filed by the claimant with the statement of objections. Upon application by the Chief of the Claims Section for an Order dismissing the claim, the Director will consider the objections if any which may have been filed. The Director thereafter may remand the application to the Chief of the Claims Section for further proceeding under these rules, or in the case of non-excepted claims if it appears to him that there is no genuine issue may issue an order dismissing the claim. In cases of excepted claims where the Director is of the opinion there is no genuine issue he shall transmit the record together with any objections which have been filed to the dismissal of the claim to the Attorney General, and upon approval by the Attorney General, the Director shall enter an order dismissing the claim.

§ 502.26 *Service*—(a) *By the Chief Hearing Examiner.* Decisions, notices of hearing, and orders shall be served by the Chief Hearing Examiner by registering and mailing a copy thereof to the parties, addressed to the claimant, his agent or attorney. Notices of all other actions may be served by ordinary mail, except where other methods are specifically required by the rules of this part. When service is not made by registered mail, it may be made by anyone duly authorized by the Chief Hearing Examiner by delivering a copy thereof at the principal place of business of the party to be served within reasonable office hours. The return of the person making service shall be proof of such service.

(b) *By the Chief of the Claims Section.* Service by the Chief of the Claims Section of a notice of the date and place of hearing of a motion or of a notice pursuant to § 502.25 (i) shall be by registered mail.

(c) *By the Director.* Any action taken by the Attorney General or the Director in a claim proceeding shall be served by the Director in the manner provided in paragraph (a) of this section.

(d) *By parties.* Motions, briefs, proposed findings and conclusions, notices and all other papers filed in a claim proceeding, when filed with the Director or Hearing Examiner, shall show service thereof upon the parties to the claim proceeding. Such service shall be made by delivering in person or by mailing except as otherwise provided by the rules of this part.

(e) *Service upon attorneys or agents.* When any party has appeared by attorney or agent, service upon the attorney or agent shall be deemed service upon the party.

(f) *Date of service.* The date of service shall be the day when the matter is deposited in the United States mail or delivered in person, as the case may be.

§ 502.27 *Computation of time.* In computing any period of time prescribed or allowed by this part, the last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the last day which is neither a Saturday, Sunday nor legal holiday.

§ 502.28 *Continuances and extensions.* Continuance with respect to any claim proceeding or hearing and extension of time for filing, or performing any act required or allowed to be done within a specified time, may be granted by the Attorney General, the Director, Chief Hearing Examiner or the Hearing Examiner upon motion, for good cause shown, except where time for performance or filing is limited by the act.

§ 502.29 *Fees.* (a) In the making of the fee determination required by section 20 of the Trading With the Enemy Act, as amended, all recommended fee determinations of $25,000 or more shall be treated in the same manner as excepted claims and recommended fees of less than $25,000 shall be treated in the same manner as non-excepted claims for the purposes of the rules in this part. The procedures set forth in § 502.201 of the rules in this part shall govern a fee determination without a hearing.

(b) The Chief of the Claims Section may docket any issue as to a fee determination for a hearing by a Hearing Examiner. At any hearing before the Hearing Examiner involving a fee determination the parties and their counsel shall have the right to offer evidence and oral or written arguments. The review provisions of § 502.23 shall be applicable to the recommended decision of the Hearing Examiner with respect to fees.

(c) No fees shall be approved for an agent, attorney or representative in any case where upon request such agent, attorney or representative neglects or refuses to furnish to this Office a schedule of his fees or such other information which may be required. In such cases it shall be conclusively presumed that no fee shall be charged by such agent, attorney or representative.

§ 502.30 *Filing of debt claims by depositors of Yokohama Specie Bank, Ltd., Honolulu Branch.* Notices of Claim for Return of Property heretofore filed by depositors of the Yokohama Specie Bank, Ltd., Honolulu Branch, in respect of principal and interest accruing to the date of the closing of said bank on December 7, 1941, shall be considered as including Notices of Claim for Payment of Debt under section 34 of the act covering interest accruing subsequent to the closing of said bank. Releases and receipts executed by such claimants on account of return orders issued in connection with their Notices of Claim for Return of Property shall not be a bar to the allowance of their debt claims for post-closing interest in the event the Director subsequently determines that such post-closing interest is payable. The foregoing shall not be construed as a present determination by the Director as to the validity of such debt claims. (E. O. 9567, June 8, 1945, 10 F. R. 6917; 3 CFR, 1945 Supp.)

§ 502.31 *Filing of claim as condition precedent to suit.* The filing, heretofore or hereafter, of a claim under section 32 of the act shall constitute the filing of notice required by section 9 of the act as a condition precedent to the filing of a suit in equity for the return of property vested in or transferred to the Attorney General of the United States pursuant to the act.

§ 502.32 *Effect of disallowance of claim in determining period of limitations for filing suit.* The final disallowance under the rules of this part of any claim for the return of property filed under the act shall constitute a disallowance for the purpose of determining the period of limitations, prescribed in section 33 of the act, within which a suit pursuant to section 9 of the act may be instituted.

SUBPART B—TITLE CLAIMS

§ 502.100 *Definitions.* As used in §§ 502.100 to 502.110, applicable solely to title claims, unless the context otherwise requires:

(a) The term "taxes" refers to taxes as defined under section 36 (d) of the act.

(b) The term "national interest" means the interest of the United States under section 32 (a) (5) of the act.

(c) The term "conservatory expenses" means expenses expended or incurred in the conservation, preservation or maintenance of vested property.

§ 502.101 *Order of processing.* Except in cases where hardship or other special circumstances exist, claims shall be processed, as nearly as practicable, in the order of their filing.

§ 502.102 *Procedure for allowance without hearing.* (a) The Chief of the Claims Section may initiate a proceeding for allowance of a claim, or a separable part thereof, which he deems entitled to allowance without the necessity of a hearing thereon, by submitting to the Director a recommendation for allowance.

(b) The record in a claim proceeding under this procedure shall include the Notice of Claim, the evidence with respect thereto, and the recommendation for allowance.

(c) In the case of non-excepted claims the Director shall consider the record and may allow the claim. In the case of

excepted claims the Director shall transmit the record with his recommendation for allowance to the Attorney General who may approve the recommendation. In such cases the claim shall be returned to the Director for further proceedings in accordance with the rules in this part.

(d) If the Attorney General or the Director shall disagree with a recommendation for allowance, the claim shall be remanded to the Chief of the Claims Section for hearing or such other action as may be appropriate.

(e) A claim under this procedure may be allowed notwithstanding the fact that the Chief of the Claims Section makes no recommendation with respect to taxes or conservatory expenses. However, no return will be made prior to a determination of such matters and adequate provision made therefor.

§ 502.103 *Requirement for hearing.* No claim shall be allowed or disallowed except after hearing, unless the claim has been determined pursuant to § 502.25 (i), § 502.102 or § 502.105.

§ 502.104 *Hearing calendar.* The Chief Hearing Examiner shall maintain a hearing calendar and docket of all docketed claim proceedings.

§ 502.105 *National interest.* (a) In the case of non-excepted claims where it appears to the satisfaction of the Director that a return of vested property is not in the national interest pursuant to section 32 (a) (5) of the act, he may (1) by order disallow the claim by citation of this section, or (2) by order suspend, for a fixed or indefinite time, further action by the Office in the claim proceeding by citation of this section. In the case of excepted claims where it appears to the satisfaction of the Director that a return of vested property is not in the national interest as aforesaid he shall transmit the record to the Attorney General for his consideration and the Attorney General may (1) by order disallow the claim by citation of this section, (2) by order suspend for a fixed or indefinite time further action by the Office of Alien Property in the claim proceeding by citation of this section, or (3) return the claim to the Director for such action as the Attorney General deems appropriate.

(b) The Director may direct with respect to any question of fact relating to national interest, that a hearing be held before himself, a Hearing Examiner or such other person or persons as he may designate. In such a hearing the hearing officer or officers shall prepare recommended findings of fact only which shall be submitted to the Director with a transcript of the hearing.

§ 502.106 *Publication of notice of intention to return vested property.* In compliance with section 32 (f) of the act, prior to the return of vested property the Director will issue and file for publication with the FEDERAL REGISTER a notice of intention to return vested property, except that no such notice need be published where the return is to be made to a resident of the United States or a corporation organized under the laws of the United States, or any State, Territory, or possession thereof, or the District of Columbia.

§ 502.107 *Revocation of notice of intention to return vested property.* (a) The notice of intention to return vested property may be revoked by the Director at any time prior to return.

(b) Notice of such revocation shall be served on the parties and filed for publication with the FEDERAL REGISTER.

§ 502.108 *Return order.* Where no notice of intention to return vested property has been issued, an order directing return will issue at the time the claim is allowed or as soon thereafter as practicable. Where notice of intention to return vested property has been issued, an order directing return will issue as soon as practicable after the expiration of thirty (30) days following the publication of the notice, except where the notice has been revoked in accordance with § 502.107.

§ 502.109 *Final audit.* Prior to making full and final return of property pursuant to a return order, a final audit with respect to the property involved will be made. Any transactions occurring in the administration of such property shall be given effect in determining the actual amount of cash and other property to be returned pursuant to the return order.

§ 502.110 *Return of vested property.* After issuance of the return order, completion of the final audit and final administrative determination with respect to taxes, fees and conservatory expenses, appropriate instruments and papers will issue returning the property claimed. The claimant receiving such property shall execute papers in such form as the Director shall determine, acknowledging receipt of the property returned.

SUBPART C—DEBT CLAIMS

§ 502.200 *Definitions.* As used in §§ 502.200 to 502.205 applicable solely to debt claims, unless the context otherwise requires:

(a) The term "vested property of a debtor" means property of a debtor which he owned immediately prior to its becoming vested property.

(b) The term "money available for payment of claims" means such money included in, or received as net proceeds from the sale, use, or other disposition of vested property of a debtor as shall remain after deduction of expenses and taxes.

(c) The term "expenses" means the amount of the expenses of the Office of Alien Property, the former Office of Alien Property Custodian, and the former Philippine Alien Property Administration, including both expenses in connection with vested property of the debtor involved and such portion as the Director shall fix of the other expenses of these agencies, and such amount, if any, as the Director may establish as a cash reserve for the future payment of such expenses.

(d) The term "taxes" means taxes as defined in section 36 (d) of the act, and includes taxes paid by the Director in respect of vested property of the debtor involved and such amount, if any, as the Director may establish as a cash reserve for the future payment of such taxes.

(e) The term "debtor's solvent estate" means money available for payment of claims which money at the time of computation exceeds the aggregate of claims filed against a particular debtor.

(f) The term "debtor's insolvent estate" means money available for payment of claims which money at the time of computation is less than the aggregate of claims filed against a particular debtor.

(g) The term "proposed payment" refers to payment proposed to be made to claimants whose claims against a debtor's insolvent estate have been allowed in whole or in part.

§ 502.201 *Procedure for allowance and payment without hearing of claims against debtors' solvent estates.* (a) With respect to claims against debtors' solvent estates, the Chief of the Claims Section may initiate a proceeding for allowance of a claim, or a separable part thereof which he deems entitled to allowance, without the necessity of a hearing thereon, by submitting to the Director a recommendation for allowance.

(b) The record in a claim proceeding under this procedure shall include the Notice of Claim, the evidence with respect thereto and the recommendation for allowance.

(c) In the case of non-excepted claims the Director shall consider the record and may allow the claim. In the case of excepted claims, the Director shall transmit the record with his recommendation for allowance to the Attorney General who may approve the recommendation. In such cases the Attorney General shall return the claim to the Director for further proceeding in accordance with the rules in this part.

(d) If the Attorney General or the Director shall disagree with a recommendation for allowance the claim shall be remanded to the Chief of the Claims Section for hearing or such other action as may be appropriate.

§ 502.202 *Claims against debtors' insolvent estates.* (a) Notices of claims filed with this Office against a particular debtor's insolvent estate shall be available for inspection by all claimants in respect of such estate in accordance with the provisions of § 503.1 (b) of this chapter.

(b) With respect to claims against a particular debtor's insolvent estate the Chief of the Claims Section may submit to the Director a recommendation for allowance of any claim or a separable part thereof which he deems entitled to allowance. The record shall include the Notice of Claim, the evidence with respect thereto and the recommendation for allowance. All such claims submitted to the Director shall be dealt with by him or the Attorney General in accordance with the procedures set forth in § 502.201 (c) and (d).

(c) Where the Chief of the Claims Section concludes for any reason that he cannot recommend allowance of a claim against a particular debtor's insolvent estate, the claim may be docketed for hearing. At such hearing, any other claimant against the particular debtor's insolvent estate may file an application to be heard in accordance with the provisions of § 502.5. The recommended decision of a Hearing Examiner with respect to the claim is subject to review in accordance with the provisions of § 502.23.

(d) The Director may issue a tentative schedule showing all debt claims proposed to be allowed by him with the priorities assigned thereto and the payment to be made to each claimant. Notice of the issuance of the tentative schedule shall in the manner provided by § 502.26 be served on all claimants in respect of the particular debtor's estate, whose claims are then pending, together with notice that objections to such tentative schedule may be filed within the period prescribed in the notice, which period shall not be less than thirty (30) days. The tentative schedule shall be made available for inspection at the Office of Alien Property, Washington, D. C. With the consent of all claimants, the tentative schedule may be omitted.

(e) The Director shall consider any objection to the tentative schedule that may have been timely filed, and shall take such action as may be appropriate. As soon thereafter as appropriate, the Director shall as required by section 34 (f) of the act prepare and serve by registered mail on all claimants in respect of a particular debtor's insolvent estate, a final schedule of the debt claims allowed, with the priorities assigned thereto, and the proposed payment to each claimant.

(f) The Director may issue a tentative schedule and a final schedule limited to claims, payment of which, in accordance with the priorities assigned thereto by the Director pursuant to the provisions of section 34 (g) of the act, would not adversely affect the payment of any other claim in respect of the particular debtor's insolvent estate.

§ 502.203 *Requirement for hearing.* No claim shall be allowed or disallowed except after hearing, unless the claim has been determined pursuant to § 502.25 (i), § 502.201 or § 502.202.

§ 502.204 *Payment of allowed claims.* As soon as practicable after the allowance of a claim, in whole or in part, the claim will be paid to the extent allowed: *Provided, however,* That with respect to claims against a debtor's insolvent estate, pending determination of any complaint for review filed under section 34 (f) of the act, payment may be made only to an extent, if any, consistent with the contentions of all claimants for review.

§ 502.205 *Future payments.* If additional monies become available for the payment of claims after the first payment on allowed claims in respect of a debtor's insolvent estate, the Director shall order further payments in accordance with the final schedule theretofore issued by him, or as modified on review under section 34 (f) of the act.

SUBPART D—GENERAL CLAIMS

§ 502.300 *General claims.* All claims against the Attorney General of the United States relating to the Office of Alien Property or against his predecessors, the Alien Property Custodian and the Philippine Alien Property Administrator, other than title and debt claims as defined in § 502.2 (e) and (f) and claims arising out of the seizure by or transfer to the Alien Property Custodian of property prior to December 18, 1941, shall be known as "general claims" under this part. Unless forms have been prescribed or authorized for the filing or assertion thereof, general claims may be filed or asserted by letter addressed to the Director of the Office of Alien Property containing a statement of the details of the claim.

Executed at Washington, D. C., on October 3, 1955.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 55-8172; Filed, Oct. 7, 1955; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 5]

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

MAJOR AND MINOR APPLIANCE ALTERATIONS

This supplement is issued for the guidance of users of approved radio equipment in making alterations. Alterations to radio communication and navigation equipment considered to be major appliance alterations are listed in § 18.1-1 (d), while minor alterations to the same equipment are listed in § 18.1-4 (d). New policies and interpretations are added for the testing of approved radio equipment after major alterations (§§ 18.30-20, 18.30-21).

1. Section 18.1-1 (d) as it appeared in 18 F. R. 7387 on November 21, 1953, is amended by adding a new subparagraph:

§ 18.1-1 *Major alterations (CAA interpretations which apply to § 18.1 (a) (15)).* • • •

(d) *Appliance major alterations.* • • •

(1) *Radio communication and navigation equipment approved under type certification or the Technical Standard Order System.* Changes in the basic design which have an effect on frequency stability, noise level, sensitivity, selectivity, distortion, spurious radiation, AVC characteristics, or ability to meet environmental test conditions or any other changes which have an effect on the performance of the equipment are considered to be major appliance alterations.

2. Section 18.1-4 (d) as it appeared in 18 F. R. 7388 on November 21, 1953, is amended by adding a new subparagraph:

§ 18.1-4 *Minor alterations (CAA interpretations which apply to § 18.1 (a) (18)).* • • •

(d) *Appliance minor alterations.* • • •

(1) *Radio communication and navigation equipment approved under type certification or the Technical Standard Order System.* Minor alterations include but are not limited to substitution of standard parts of one manufacturer for those of another. Such parts include but are not limited to tubes, semiconducting devices such as crystal diodes and transistors, resistors, capacitors, chokes, tube sockets, relay and standard hardware.

3. Section 18.11-2 as it appeared in 18 F. R. 7390 on November 21, 1953, and amended in 19 F. R. 4185, July 9, 1954, is further amended by adding a new paragraph (r) as follows:

§ 18.11-2 *Contacting CAA representative prior to alteration (CAA policies which apply to § 18.11).* • • •

(r) Major alterations to radio equipment approved under type certification or the TSO system which are not performed in accordance with a manual, specification, or other data approved by the Administrator, or with alteration data furnished by the manufacturer of an item under the TSO system.

4. Section 18.30-9 as it appeared in 18 F. R. 7413, November 21, 1953, is amended by adding a new paragraph (h) as follows:

§ 18.30-9 *Aircraft equipment (CAA policies which apply to § 18.30).* • • •

(h) *Radio equipment.* For information pertaining to alterations and testing of radio equipment, see §§ 18.30-20 and 18.30-21.

5. A new § 18.30-20 is added as follows:

§ 18.30-20 *Procedures covering major alteration of approved radio equipment (CAA interpretations which apply to § 18.30 (b)).*—(a) *Radio equipment approved under Part 16 of this subchapter.* (1) When any major alteration is accomplished on radio equipment type certificated prior to January 1, 1953, such equipment shall comply with the requirements of Part 16 of this subchapter which were effective on the date of its type certification, provided the environmental test procedures contained in RTCA Paper 100-54/DO-60 may be used in lieu of the test procedures prescribed under Part 16 of this subchapter.

(2) When any major alteration is accomplished on radio equipment type certificated on or after January 1, 1953, such equipment shall comply with the requirements of Part 16 of this subchapter and RTCA Paper 100-54/DO-60,[1] which are the environmental test requirements specified in § 16.30-3 of this subchapter.

6. A new § 18.30-21 is added as follows:

§ 18.30-21 *Testing approved radio equipment after alteration (CAA policies*

[1] RTCA Paper 100-54/DC-60 was made effective as part of radio equipment type certification requirements by § 16.30-3 of this subchapter, as amended on April 15, 1955. The amendment made no changes in the requirements contained in RTCA Paper 50-52/DO-44 which was referred to in § 16.30-3 of this subchapter, effective January 1, 1953.

which apply to § 18.30 (b)). Where a CAA representative approval of major alteration to approved radio equipment is required, it will be necessary that such equipment, prior to such approval and at the discretion of the CAA representative, be subjected to any or all tests prescribed in Part 16 of this subchapter or the pertinent Technical Standard Order as applicable in order to determine whether the equipment meets the prescribed airworthiness requirements.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 605, 52 Stat. 1007 as amended, 1010; 49 U. S. C. 551, 554)

This supplement shall become effective October 31, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-8146; Filed, Oct. 7, 1955; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 40]

PART 371—GENERAL LICENSES

PART 374—PROJECT LICENSES

MISCELLANEOUS AMENDMENTS

The following amendments represent merely editorial revisions of existing regulations.

1. Section 371.8 *General license GRO; shipments of non-Positive List commodities* is amended to read as follows:

§ 371.8 *General license GRO; shipments of non-Positive List commodities*—(a) *Scope of license.* (1) A general license designated GRO is hereby established, authorizing the exportation to all destinations of all commodities not included on the Positive List of Commodities (§ 399.1 of this subchapter), subject to the limitations set forth in this section.

(2) No exportations may be made under this general license to Subgroup A destinations. In addition, no such exportations ultimately destined to Hong Kong or Macao may be made except fresh fruits (Schedule B Nos. 130100 through 131990), fresh vegetables (Schedule B Nos. 120710 through 122490), and cut flowers (Schedule B No. 259910).

NOTE: Gift parcels containing commodities not on the Positive List may be shipped under General License GRO. Any commodity on the Positive List requires a validated license for export, even though intended as a gift, unless exportable under one of the other general licenses such as Gift (see § 371.21), GO (see § 371.7), or GLV (see § 371.10).

(b) *Shipments to redistribution points.* (1) Exportations may be made under this general license to a free zone or other redistribution point for redistribution to a destination not identified on the export documents provided that neither the redistribution point nor the destination to which the commodities are distributed is included in paragraph (a) (2) of this section, except that commodities listed in § 371.23 may be redistributed to Hong Kong.

(2) For exportations to redistribution points, the Declaration and the Bill of Lading covering the shipment must show, as the ultimate destination, the country from which distribution will be made followed by the words "For redistribution to other countries." In addition, both documents shall show in the commodity description item, the following statement:

None of this merchandise will be shipped to Macao, a Soviet Bloc destination, or a Communist-controlled area in the Far East, and none of these commodities except commodities listed in § 371.23 will be shipped to Hong Kong.

(c) *Government surplus agricultural commodities.* Persons making export shipments, under export sales transactions amounting to $100,000 or more, of agricultural and vegetable fiber commodities acquired directly or indirectly from U. S. Government stocks, shall file with Collector of Customs one additional copy of the Shipper's Export Declaration, and send one copy of the On-board Ocean Bill of Lading (for rail export shipments, one copy of the Railroad Bill of Lading) to the Bureau of Foreign Commerce, Washington 25, D. C., Attention FC-1210. The additional copy of the Shipper's Export Declaration and the copy of the Bill of Lading shall bear the following notation in the upper right corner: "FC-1210." (See § 373.5 of this subchapter.)

2. Section 374.2 *Application procedure*, paragraph (c) *Submission of Form IT- or FC-375* is amended to read as follows:

(c) *Submission of Form IT- or FC-375*—(1) *Dollar limit (DL) project licenses*—(i) *Restricted commodities.* For the initial quarter, and thereafter for each successive calendar quarter, Form IT- or FC-375 (Materials Requirements List) must be submitted in duplicate for each commodity which is identified on the Positive List of Commodities by the letter "B" in the column headed "Commodity Lists." Related commodities on the Positive List having the same processing code and related commodity group number may be included on one set of Form IT- or FC-375. The commodity or related commodities must be described in terms of the Schedule B number, commodity description, and quantity in the unit of quantity shown for that commodity on the Positive List, as well as in terms of total dollar value. Commodities which do not have the same processing code and related commodity group number must be submitted on separate Forms IT- or FC-375. Each Form IT- or FC-375 shall indicate the full license number, including the symbol prefix (SP or DL) and division code symbol, of the project license to which it refers.

(ii) *Time of submission.* When specific time schedules are established for submission of applications covering particular commodities, the schedules must be observed in the submission of Form IT- or FC-375. In all other cases Form IT- or FC-375 must be submitted not later than 30 days prior to the calendar quarter in which the commodity will be exported. However, where a commodity is placed under restricted commodity control invalidating the license with respect to that commodity less than 30 days prior to a calendar quarter, Form IT- or FC-375 may be submitted immediately.

NOTE: 1. *Statement of essentiality.* A statement of the essentiality of the particular commodity in relation to the project will be helpful in expediting action on the application.

2. *Time schedules.* The commodities for which Form IT- or FC-375 must be submitted during particular periods are set forth in Supplement 1 to Part 373, Time Schedules for Submission of Applications for Licenses To Export Certain Positive List Commodities.

(2) *Special project (SP) licenses*—(i) *Manner of submission.* For the initial quarter, and thereafter for each successive calendar quarter, a Form IT- or FC-375 must be submitted, in duplicate, for each commodity for which a validated license is required. Related commodities on the Positive List, that is, those having the same processing code and related commodity group number, may be included on one set of Form IT- or FC-375. Each Form IT- or FC-375 shall indicate the full license number, including the symbol prefix (SP or DL) and division code symbol, of the project license to which it refers. The commodity or related commodities must be described in terms of the Schedule B number, commodity description, and unit of quantity shown for that commodity on the Positive List, as well as in terms of total dollar value. Commodities which do not have the same processing code and related commodity group number must be submitted on separate Forms IT- or FC-375.

(ii) *Time of submission of firm requirements.* When specific time schedules are established for submission of applications covering particular commodities, such schedules must be observed in the submission of Form IT- or FC-375 covering quarterly firm requirements when so provided. In all other cases Form IT- or FC-375 must be submitted not later than 30 days prior to the calendar quarter in which the commodity will be exported.

NOTE: The commodities for which Form IT- or FC-375 must be submitted during particular periods are set forth in Supplement 1 to Part 373, Time Schedues for Submission of Applications for Licenses to Export Certain Positive List Commodities.

(3) *Special provisions.* The requirements of the special provisions set forth in Part 373 of this subchapter with respect to particular commodities must be fulfilled as a part of making application for the export of such commodities under a project license.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55-8166; Filed, Oct. 7, 1955; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53913]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

REMISSION OR REFUND OF DUTIES ON VESSEL REPAIRS AND EQUIPMENT

Since the delegation was made to the collectors of customs by T. D. 51584 (11 F. R. 14511) of the authority to remit or refund duties on repairs and equipment of vessels, it has been the position and intention of the Bureau of Customs and the Treasury Department that the delegation to the collectors has continued in effect, and no subsequent orders have been intended to be interpreted as revoking that delegation.

However, because of uncertainty and confusion that has resulted from the decision of the United States Customs Court in International Navigation Company Inc. v. United States, (1955) C .D. 1721, the Customs Regulations are being amended as set forth below for the purpose of reaffirming the delegation to the collectors.

Section 4.14 (j) is hereby amended by adding at the beginning thereof the following new sentence: "The authority under section 3115 of the Revised Statutes, as amended, to remit or refund duties is delegated to the several collectors of customs and their successors in office."

(R. S. 161, 251, 3114, as amended, 3115, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 257, 258, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 30, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-8168; Filed, Oct. 7, 1955; 8:49 a. m.]

[T. D. 53915]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURES

ASSESSMENT AND COLLECTION OF CERTAIN CUSTOMS FEES

SEPTEMBER 30, 1955.

In order to provide that fees submitted with applications requesting:

(1) Recordation of a trademark, trade name, or copyright;

(2) Designation of a common carrier as a carrier of customs bonded merchandise;

(3) Establishment of a customs bonded warehouse;

(4) Issuance of a customs cartage or lighterage license; and

(5) Issuance of a customhouse broker's license

will no longer be refunded if the application is denied, and to provide that the fee collected for item (1), above, will be applicable to applications for the recordation of a renewal or change of ownership of a trademark or copyright, § 24.12 (a) of the Customs Regulations is amended to read as follows:

§ 24.12 *Customs fees; charges for storage.* (a) A table of the rates of fees, prescribed by law or hereafter in this paragraph shall be kept posted in each collector's, surveyor's, and comptroller's office. When payment of such fee is received by any customs employee a receipt therefor shall be issued.

(1) A customs fee in the amount indicated shall be collected for each application for the following actions whether the action requested is granted or denied:

(i) Recording a trademark, trade name, or copyright; or recording a renewal or change of ownership of a trademark or copyright, $25. (See §§ 11.15, 11.16, and 11.19 of this chapter.)

(ii) Designating a common carrier as a carrier of customs bonded merchandise, $35. (See § 18.1 of this chapter.)

(iii) Establishment of a customs bonded warehouse, $50. (See § 19.2 of this chapter.)

(iv) Issuance of a customs cartage or lighterage license, $35. (See § 21.1 of this chapter.)

(v) Issuance of a customhouse broker's license, $100.

The fee in subdivision (iii) of this subparagraph shall be assessed and collected for an application requesting the initial establishment of a customs bonded warehouse or for the rebonding of a warehouse after its discontinuance. Such fee shall not be collected for action in connection with the discontinuance or alteration of a customs bonded warehouse or the reactivation of such a warehouse after its temporary suspension.

The fee in subdivision (iv) of this subparagraph shall be assessed and collected for an application requesting the initial issuance of a customs cartage or lighterage license or the issuance of a new license after the previous license has been canceled or revoked, but not for renewing such a license.

(2) Unless otherwise prescribed by law, a fee of 20 cents shall be collected for each official certification.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies R. S. 2635, as amended, 2654, as amended, 4383, as amended, sec. 501, 65 Stat. 290; 5 U. S. C. 140, 19 U. S. C. 58, 59, 46 U. S. C. 383)

Notice of the proposed issuance of the foregoing amendments was published in the FEDERAL REGISTER on July 16, 1955 (20 F. R. 5099), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). No representations were received and the amendments set forth above are hereby adopted.

This amendment is not retroactive and shall be effective only on applications received on or after the effective date of this amendment.

This amendment shall become effective upon the expiration of 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 30, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-8170; Filed, Oct. 7, 1955; 8:49 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regulations No. 4, Further Amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950- ——)

FILING OF APPLICATIONS AND OTHER FORMS

Regulations No. 4, as amended (20 CFR, Cum. Supp.; 404.1 et seq.) are further amended as follows:

1. Subpart G is amended to read as follows:

Subpart G—Filing of Applications and Other Forms

Sec.
404.601 Meaning of terms.
404.602 Prescribed application forms.
404.603 Execution of applications.
404.604 Evidence of authority to execute an application on behalf of another.
404.605 Place of filing applications.
404.606 Filing of application for monthly benefits in advance of entitlement to such benefits.
404.607 Filing of application for monthly benefits after first month in which individual can become entitled to such benefits.
404.608 When an application is considered to have been filed.
404.609 Time of filing applications for lump sums.
404.610 Execution and filing of requests and notices.
404.611 Applications filed with the Railroad Retirement Board.
404.612 Extensions of filing periods by Soldiers' and Sailors' Civil Relief Act of 1940.
404.613 Written statement considered an application on a prescribed form.
404.614 Written statement requesting annuity or lump sum payment from Railroad Retirement Board considered an application on a prescribed form.
404.615 Withdrawal of applications and requests for revision of records of earnings.

§ 404.601 *Meaning of terms.* For purposes of this subpart:

(a) Unless otherwise specified, the term "application" refers only to an application on a form prescribed in section 404.602, and includes an application for monthly benefits, lump-sum death payment, and recomputation of a primary insurance amount (see Subpart C of this part).

(b) The term "claimant" refers to the individual who is applying for monthly benefits, lump-sum death payment, or recomputation of a primary insurance

amount, and with respect to whom an application for such benefits, lump-sum death payment, or recomputation is filed or, as authorized by the provisions of this subpart, may be filed.

(c) Except as provided in §§ 404.611, 404.613, and 404.614, an individual has not "filed an application" for purposes of section 202 of the Act or for purposes of recomputation of a primary insurance amount until an application on a form prescribed in § 404.602 has been filed in accordance with the regulations in this subpart.

§ 404.602 *Prescribed application forms.* Applications shall be made as provided in the regulations in this subpart and on such forms and in accordance with such instructions (printed thereon or attached thereto) as are prescribed by the Administration. The prescribed forms may be obtained from any office of the Bureau.

§ 404.603 *Execution of applications.* Where a claimant has attained the age of 18 and is mentally competent, the application shall be executed by him. In all other situations, the Administration shall determine who is the proper party to execute the application. Such determinations will be made in accordance with the following general rules:

(a) If the claimant (regardless of his age) has a legally appointed guardian, committee, or other legal representative, the application may be executed by such guardian, committee, or representative. For authority to file an application on behalf of an estate which is equitably entitled, see § 404.341.

(b) If the claimant is between the ages of 16 and 18, is mentally competent, has no guardian, committee, or other legal representative, and is not in the care of any person, such claimant may execute the application upon filing a statement on the prescribed form, indicating capacity to act on his own behalf.

(c) If the claimant is mentally incompetent (regardless of his age), or is mentally competent, but has not attained the age of 18, the application may be executed by the person who has the claimant in his care.

Where the proper person to execute the application is an institution, the manager or principal officer of such institution may execute such application. For good cause shown and for purposes of paragraphs (a), (b), or (c) of this section, the Administration may accept an application executed by person other than one described above, but only if the claimant (other than an equitably entitled estate) is alive when the application is executed by such other person.

§ 404.604 *Evidence of authority to execute an application on behalf of another.* Where the application is executed by a person other than the claimant, such person shall, at the time of filing the application, or within a reasonable time thereafter, file evidence of his authority to execute the application on behalf of such claimant in accordance with the following rules:

(a) If the person executing the application is the legally appointed guardian, committee, or other legal representative of such claimant, the evidence shall be a certificate executed by the proper official of the court of appointment.

(b) If the person executing the application is not such a legal representative, the evidence shall be a statement describing his relationship to the claimant and, except where the application is executed by a parent on behalf of a child with whom he is living, the extent to which he has the care of such claimant, or his position as an officer, of the institution of which such claimant is an inmate. The Administration may, at any time, require additional evidence to establish the authority of any such person.

§ 404.605 *Place of filing applications.* Applications shall be filed (in person, by mail, or otherwise) at an office of the Bureau, or with an employee of the Administration who has been duly authorized to receive such applications at a place other than such an office; or, in cases of claimants who are not residing in the United States, such applications may be filed at an office maintained outside the United States by the United States Foreign Service.

§ 404.606 *Filing of application for monthly benefits in advance of entitlement to such benefits.* An application for monthly benefits (but not including an application for recomputation of a primary insurance amount) will be accepted as an application for the purposes of title II of the act if it is filed not more than 3 months prior to the first month for which the claimant could become entitled to such benefits and any application filed within such 3-month period shall be deemed filed in such first month; except that this section shall not apply where any of the provisions in this part become effective on the basis of an application filed after a specific date (see, for example, § 404.322 (f) and § 404.107 (b)).

§ 404.607 *Filing of application for monthly benefits after first month in which individual can become entitled to such benefits.* An application for monthly benefits (but not including an application for recomputation of a primary insurance amount) filed at any time after the first month for which the claimant could have been entitled to such benefits will be accepted as an application for monthly benefits for the purposes of title II of the act, beginning with any of the following:

(a) 6 months immediately preceding the month in which it is filed, if such application is filed prior to September 1954, or

(b) 12 months immediately preceding the month in which it is filed, if such application is filed after August 1954, except that in such a case the application cannot be accepted as an application for any month prior to February 1954. For purposes of determining whether the individual has met all conditions of eligibility in such prior months, the application shall have the same effect as though it has been filed in such months.

EXAMPLE 1: H is entitled to an old-age insurance benefit. W, his wife, will be 65 in May 1955. If she files her application in the period June 1955 through May 1956 she may become entitled to wife's insurance benefits beginning with May 1955, but if she files in June 1956, June 1955 is the first month for which she could become entitled.

If W is living with H in May 1955, she will be entitled to benefits beginning with that month if she files application in the period June 1955 through May 1956, even though she is not living with H in the month in which she files. For the purpose of determining whether she has met the conditions of entitlement, her application will have the same effect as though it had been filed in May 1955. Likewise, if she is living with H in June 1955 she will be entitled to benefits beginning with that month if she files application in the period July 1955 through June 1956, even though she is not living with him in the month in which she files.

§ 404.608 *When an application is considered to have been filed.* Except as otherwise provided in this subpart, an application is considered to have been filed only as of the date the application is received at an office of the Bureau or by an employee of the Administration authorized to receive it or, in cases of claimants who are not residing in the United States, at an office maintained outside the United States, by the United States Foreign Service. If the application is deposited in and transmitted by the United States mail and the fixing of the date of delivery as the date of filing would result in a loss or impairment of benefit rights, the application will be considered to have been received as of the date of mailing. The date appearing on the postmark (when available and legible) shall be prima facie evidence of the date of mailing.

§ 404.609 *Time of filing applications for lump sums.* An application for a lump-sum death payment must be filed within 2 years after the date of the death of the individual upon the basis of whose wages and self-employment income such lump sum is claimed (see § 404.338 (b)) with the following exceptions:

(a) As provided in § 404.612;

(b) Where the death of such individual occurred outside the forty-eight States and the District of Columbia after August 1950, and prior to April 1956, while he was in the active military or naval service of the United States, and where he is returned to any of such States, the District of Columbia, Alaska, Hawaii, Puerto Rico, or the Virgin Islands for interment or reinterment, such application may be filed prior to the expiration of 2 years after the date of such interment or reinterment, but only if it is filed by or on behalf of the person equitably entitled to the lump-sum death payment (see § 404.340).

§ 404.610 *Execution and filing of requests and notices.* Except as otherwise provided in this subpart, any request for a determination or decision relating to a person's right to monthly benefits, a lump-sum death payment, or a recomputation of a primary insurance amount, or relating to the revision of records of earnings, or any notice, provided for by the regulations in this part, shall be in writing and shall be signed by the person authorized to execute an application under § 404.603 of this subpart. Such requests and notices shall be filed at an office of the Bureau or with an employee of the Administration who is authorized to receive them, or, in cases of persons who are not residing in the United States, they may be filed at an office maintained outside the United States by the United States Foreign Service.

§ 404.611 *Applications filed with the Railroad Retirement Board.* Notwithstanding the provisions of the regulations in this part restricting the place for filing an application, any application filed with the Railroad Retirement Board on its prescribed forms

(a) On or after October 1, 1946, by a survivor of a deceased insured individual for an insurance annuity or lump-sum payment under section 5 of the Railroad Retirement Act (as defined in § 404.1001 (t)), based on the death of such insured individual, or

(b) On or after August 1, 1951, by an individual who at the time of filing such application had less than 10 years of service in the railroad industry (as defined in § 404.1403), by his spouse, or by or on behalf of his child,

shall be deemed to be an application under title II of the act, and shall be deemed filed with the Administration on the date as of which the Railroad Retirement Board certifies that such application is deemed filed with that agency.

§ 404.612 *Extensions of filing periods by Soldiers' and Sailors' Civil Relief Act of 1940*—(a) *Exclusion of periods of military service.* Pursuant to the Soldiers' and Sailors' Civil Relief Act of 1940, in computing the periods allowed for the filing of an application for lump-sum death payment under section 202 (i) (see § 404.338), filing of proof of a husband's, or widower's, or parent's support under section 202 (c), (f), and (h) (see §§ 404.309, 404.322, and 404.328), filing of a request for revision of records of earnings under section 205 (c) (see § 404.810), filing of a request for reconsideration (see Subpart J), filing of a request for a hearing (see Subpart J), and filing of a request for review (see Subpart J), by an individual in military service or by a surviving civilian relative of such individual in military service meeting the test of wife, husband, widow, widower, child, or parent as defined in the act, there shall not be included that portion of the period of his military service (as defined in the Soldiers' and Sailors' Civil Relief Act of 1940) falling within the period so to be computed.

(b) *Commencement of period of military service.* The period of military service referred to in paragraph (a) of this section with the effective date of the Soldiers' and Sailors' Civil Relief Act of 1940 (October 17, 1940) or the date of the entrance into active military service of the individual, whichever is later.

(c) *Termination of period of military service.* The period of military service, referred to in paragraph (a) of this section, ends upon the date the Soldiers' and Sailors' Civil Relief Act of 1940 ceases to be in force or the date of the individual's death or discharge from service, whichever is earlier. If the individual was reported missing and is subsequently found (actually or presumptively) to have died, then the period of military service shall end upon

(1) The date such death is reported to or found by the proper service department, or

(2) The date such finding is made by a court of competent jurisdiction, or

(3) 6 months after the Soldiers' and Sailors' Civil Relief Act of 1940 ceases to be in force, whichever date is earliest. For the purposes of this section, the Soldiers' and Sailors' Civil Relief Act will cease to be in force when it is repealed or otherwise terminated by a subsequent act of the Congress.

(d) *Definition of "individual in military service."* The term "individual in military service" as used in this subpart shall include members of the Army of the United States, the United States Navy, the United States Air Force, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or Navy.

§ 404.613 *Written statement considered an application on a prescribed form*—(a) *Written statement filed by claimant.* Where a claimant files with the Bureau (or in the case of a claimant who is not residing in the United States, with an office maintained outside the United States by a United States Foreign Service Office) a written statement which indicates an intention to claim monthly benefits, a lump-sum death payment, or a recomputation of a primary insurance amount, and such statement bears his signature or his mark properly witnessed, such claimant shall, unless he otherwise indicates, be deemed to have "filed an application" for purposes of section 202 of the act or a recomputation of a primary insurance amount. No initial determination, as required by § 404.901 (§ 403.706 (a) of this chapter, Regulations No. 3), shall be made by the Bureau with respect to such application until the claimant files an application on a form prescribed in § 404.602. The Bureau shall notify the claimant in writing that an initial determination will be made with respect thereto only if a prescribed application form is filed within 6 months from the date of such notification. If the claimant does not file such prescribed application form within such 6-month period, the claimant shall be deemed to have indicated that the filing of such written statement is not to be considered the filing of an application for purposes of section 202 of the act or a recomputation of a primary insurance amount.

(b) *Written statement filed by person other than claimant.* The provisions of paragraph (a) of this section shall apply to a written statement filed by an individual on behalf of the claimant if:

(1) Such statement meets the conditions of such paragraph (a) and contains the signature of such individual or his mark properly witnessed,

(2) The individual is the spouse of the claimant or he is the proper party to execute an application on a prescribed form on behalf of the claimant, as determined by § 404.603, and

(3) The claimant (other than an equitably entitled estate) is alive at the time such application on a prescribed form (§ 404.602) is executed.

§ 404.614 *Written statement requesting annuity or lump-sum payment from Railroad Retirement Board considered an application on a prescribed form.* Where a claimant files with the Railroad Retirement Board a written statement which indicates an intention to claim any payment under the Railroad Retirement Act and such statement bears his signature or his mark properly witnessed and no application is filed with the Railroad Retirement Board on one of its prescribed forms, such statement shall, after it is transmitted to the Bureau by the Railroad Retirement Board, be considered a statement filed with the Bureau. The provisions of § 404.613 shall thereafter apply to such statement. Where such statement is filed on behalf of a claimant, the provisions of § 404.613 shall apply only if the conditions of paragraph (b) of § 404.613 are satisfied.

§ 404.615 *Withdrawal of applications and requests for revision of records of earnings.* An application or a request for revision of records of earnings of the Administration filed by a claimant or on his behalf by a person authorized to execute an application under § 404.603 may be withdrawn only if the claimant or such other person files a written notice of such withdrawal with the Bureau and such notice is filed prior to the Bureau's determination upon such application or request. Thereafter, further action will be taken only upon the filing of a new application or request.

2. The appendix to Subpart G of Part 404 of Regulations No. 4 is repealed.

3. Section 404.901 is amended to read as follows:

§ 404.901 *Procedures, payment of benefits, and representation of parties.* The provisions contained in §§ 403.705–403.713 of this chapter (Regulations No. 3) and the appendix to Subpart G of Part 403 of this chapter (Regulations No. 3), to the extent that they apply to the Social Security Act, as amended in 1950 and subsequent years shall, except for the provisions in such appendix relating to "informal disallowances," govern this subpart.

Effective date. All provisions of the foregoing amendments shall become effective as of the date filed for publication in the FEDERAL REGISTER; except that § 403.701 (k) of this chapter (Regulations No. 3), to the extent that it is incorporated in Subpart G of Part 404 of Regulations No. 4, shall remain effective for 90 days after the date these amendments are filed for publication in the FEDERAL REGISTER provided an application on a form prescribed in § 404.602 is filed within such 90-day period.

(Sec. 205, 49 Stat. 624, as amended, sec. 1102, 49 Stat. 647, sec. 218, 64 Stat. 514; 42 U. S. C. 405, 418, 1302)

[SEAL] C. I. SCHOTTLAND,
Commissioner of Social Security.

Approved: October 5, 1955.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 55-8165; Filed, Oct. 7, 1955; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6148]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

INVOLUNTARY LIQUIDATION OF LIFO INVENTORIES

On July 12, 1955, notice of proposed rule making regarding the regulations for taxable years ending after June 30, 1950, and before January 1, 1955, under section 1321 (relating to involuntary liquidation of lifo inventories) of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (20 F. R. 4956). All comments regarding the proposed regulations having been considered and no change having been found necessary, the regulations as so published are hereby adopted as set forth below.

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: October 4, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

The following regulations are hereby promulgated under section 1321 of the Internal Revenue Code of 1954:

§ 1.1321 *Statutory provisions; involuntary liquidation of lifo inventories.*

SEC. 1321. *Involuntary liquidation of lifo inventories*—(a) *Adjustment of taxable income and resulting tax.* If, for any taxable year ending after June 30, 1950, and before January 1, 1955, the closing inventory of a taxpayer inventorying goods under the method provided in section 22 (d) of the Internal Revenue Code of 1939 reflects a decrease from the opening inventory of such goods for such year, and if the taxpayer elects, at such time and in such manner and subject to such regulations as the Secretary or his delegate may prescribe, to have this section apply, and if it is established to the satisfaction of the Secretary or his delegate, in accordance with such regulations, that such decrease is attributable to the involuntary liquidation of such inventory as defined in section 22 (d) (6) (B) of the Internal Revenue Code of 1939 (as modified by subsection (b) of this section), and if the closing inventory of a subsequent taxable year, ending before January 1, 1956, reflects a replacement, in whole or in part, of the goods so previously liquidated, then the taxable income of the taxpayer otherwise determined for the year of such involuntary liquidation shall be increased by an amount equal to the excess, if any, of the aggregate cost of such goods reflected in the opening inventory of the year of involuntary liquidation over the aggregate replacement cost, or decreased by an amount equal to the excess, if any, of the aggregate replacement cost of such goods over the aggregate cost thereof reflected in the opening inventory of the year of the involuntary liquidation. The taxes imposed by this chapter (and by chapters 1 and 2 of the Internal Revenue Code of 1939) for the year of such liquidation, for preceding taxable years, and for all taxable years intervening between the year of liquidation and the year of replacement shall be redetermined, giving effect to such adjustments. Any increase in such taxes resulting from such adjustments shall be assessed and collected as a deficiency but without interest, and any overpayment so resulting shall be credited or refunded to the taxpayer without interest.

(b) *Definitions.* For purposes of this section, the term "involuntary liquidation" shall have the meaning given to it in section 22 (d) (6) (B) of the Internal Revenue Code of 1939 and, in addition, it shall mean a failure, as referred to in that section, on the part of the taxpayer due, directly and exclusively, to disruption of normal trade relations between countries. For purposes of this section, the words "enemy" and "war", as used in such section 22 (d) (6) (B), shall be interpreted, pursuant to regulations prescribed by the Secretary or his delegate, in such a way as to apply to circumstances, occurrences and conditions, lacking a state of war, which are similar, by reason of a state of national preparedness, to those which would exist under a state of war.

(c) *Special rules.* Subparagraphs (C) and (E) of section 22 (d) (6) of the Internal Revenue Code of 1939, to the extent that they refer to any taxpayer subject to subparagraph (A) of such section or to the adjustments specified in or resulting from the effect of subparagraph (A) of such section, shall apply to a taxpayer subject to this section or to adjustments specified in or resulting from the effect of this section as though they specifically referred to this section. If, for any taxable year ending after June 30, 1950, and before January 1, 1953, subparagraph (C) of such section 22 (d) (6) applies with respect to involuntary liquidations of goods of the same class subject to both subparagraph (A) of such section and to this section, the involuntary liquidations of such goods subject to this section shall be considered for the purpose of such subparagraph (C) as having occurred before the involuntary liquidations of such goods subject to subparagraph (A) of such section 22 (d) (6). For the purpose of this subsection, and with respect to the taxable years covered by this section, the reference in subparagraph (E) of such section 22 (d) (6) to section 734 (d) shall be taken as a reference to section 452 (d) of the Internal Revenue Code of 1939, and, with respect to any taxable year to which any provision of the Internal Revenue Code of 1939 may not be applicable, references in such subparagraph to such provision shall, where applicable, be deemed a reference to the corresponding provision of the Internal Revenue Code of 1954.

§ 1.1321–1 *Involuntary liquidation of lifo inventories.* (a) Section 22 (d) (6) (B) of the Internal Revenue Code of 1939 provides as follows:

(B) *Definition of involuntary liquidation.* The term "involuntary liquidation", as used in this paragraph, means the sale or other disposition of goods inventoried under the method described in this subsection, either voluntary, or involuntary, coupled with a failure on the part of the taxpayer to purchase, manufacture, or otherwise produce and have on hand at the close of the taxable year in which such sale or other disposition occurred such goods as would, if on hand at the close of such taxable year, be subject to the application of the provisions of this subsection, if such failure on the part of the taxpayer is due, directly and exclusively, (i) to enemy capture or control of sources of limited foreign supply; (ii) to shipping or other transportation shortages; (iii) to material shortages resulting from priorities or allocations; (iv) to labor shortages; or (v) to other prevailing war conditions beyond the control of the taxpayer.

(b) (1) If, during any taxable year ending after June 30, 1950, and before January 1, 1955, the disruption of normal trade relations between countries, or one or more of the conditions attributable to a state of national preparedness and beyond the control of the taxpayer, as prescribed by section 22 (d) (6) (B) of the Internal Revenue Code of 1939, as modified by section 1321 (b) of the Internal Revenue Code of 1954, should render it impossible during such period for a taxpayer using the last-in first-out inventory method to have on hand at the close of the taxable year a stock of merchandise in kind and description like that included in the opening inventory for the year, or in a quantity equal to that of the opening inventory, the resulting inventory decrease for the year will be regarded, at the election of the taxpayer, as reflecting an involuntary liquidation subject to replacement. If the taxpayer notifies the Commissioner within the period prescribed below that he intends to effect a replacement of the liquidated stock, in whole or in part, and that he desires to have applied in his case the involuntary liquidation and replacement provisions of section 1321, and if he establishes to the satisfaction of the Commissioner the involuntary character of the liquidation to which his stock has been subjected, effect shall be given, when replacement has been made, in whole or in part, but only to the extent made in taxable years ending before January 1, 1956, to an adjustment of taxable income for the year of liquidation in the amount of the difference between the replacement costs incurred and the original inventory cost of the liquidated base stock inventory that is replaced. The notification is to be given within 6 months after the filing by the taxpayer of his income tax return for the year of the liquidation. However, if the liquidation occurs in a taxable year ending after December 31, 1953, the notification may be given at any time within 3 months after the promulgation of regulations under section 1321, or prior to the expiration of the 6-month period following the filing of the return, whichever expiration date later occurs.

(2) If the replacement costs exceed such inventory costs, the taxable income of the taxpayer otherwise computed for the year of liquidation shall be reduced by an amount equal to such excess. If the replacement costs are less than the inventory costs, taxable income otherwise computed for the year of liquidation shall be increased to the extent of such difference. Any deficiency in the income or excess profits tax of the taxpayer, or any overpayment of such taxes, attributable to such adjustment shall be assessed and collected or credited or refunded to the taxpayer without interest.

(c) (1) A failure on the part of the taxpayer to have on hand in his closing inventory for the taxable year merchandise of the kind, description, and quantity of that reflected in his opening inventory will be considered as an involuntary liquidation only if it is established to the satisfaction of the Commissioner that such failure is due wholly to his inability to purchase, manufacture, or otherwise produce and procure delivery of such merchandise during the taxable year of liquidation by reason of the disruption of normal trade relations between countries or by reason of certain war conditions, described in section 22 (d) (6) (B) of the Internal Revenue Code of 1939, as modified by section 1321 (b). Such war conditions are (i) shortages in the source of foreign supply by reason of capture or control by an enemy; (ii) shipping or other transportation shortages; (iii) material shortages resulting from priorities or allocations; (iv) labor shortages; and (v) similar war conditions beyond the control of the taxpayer. For the purpose of the preceding sentence, the words "enemy" and "war" shall be interpreted to apply to circumstances, occurrences, and conditions lacking a state of war, which are similar, by reason of a state of national preparedness, to those which would exist under a state of war.

(2) The various directives, orders, regulations, and allotments issued by the Federal Government in connection with national preparedness are among such circumstances and conditions which might be recognized as effecting an involuntary liquidation under this section. Likewise, a voluntary compliance with a request of an authorized representative of the Federal Government made upon an industry or an important segment thereof, or a voluntary allocation of materials by an industry or important segment thereof sanctioned by the Federal Government, if made in connection with the national preparedness program, might be considered as such a circumstance or condition. Similarly, so much of an inventory decrease as is directly and exclusively attributable to the Federal Government's stockpiling program for periods during which an item is not subject to allotment shall also be considered as subject to the provisions of section 1321. Thus, so much of an inventory decrease as is due wholly to the effect of directives, orders, regulations, or allotments issued pursuant to the Defense Production Act of 1950, as amended (50 U. S. C. App. 2061), or to any other circumstance or condition which is solely dependent upon other action taken by the Federal Government in furtherance of the national preparedness program, ordinarily shall be considered as an involuntary liquidation under section 1321 and this section; however, to the extent that such a decrease is due to the disposition of goods acquired in violation of such directives, orders, regulations, or allotments, such decrease shall not be considered as such an involuntary liquidation. An inventory decrease due directly and exclusively to a disruption of normal trade relations between countries shall be considered as an involuntary liquidation subject to the rules and requirements prescribed in this section, including the requirement that the taxpayer establish to the satisfaction of the Commissioner the cause of the involuntary liquidation. A disruption of normal trade relations between countries may be reflected by unusual export limitations imposed by a foreign government, by unusual exchange restrictions, or by other unusual circumstances or conditions beyond the control of the taxpayer.

(3) A voluntary shift by the taxpayer, in the exercise of business judgment, to merchandise of a different character, description, or use, or to merchandise processed out of a substantially different kind of raw materials while raw materials of the type originally used are still available will not be considered as an involuntary liquidation notwithstanding the fact that such a shift in merchandise stocked was prompted by a shifting market demand attributable to the above conditions. The term "involuntary liquidation" presupposes a physical inability to maintain a normal inventory as distinguished from a financial or business disinclination on the part of the taxpayer to do so.

(d) If the taxpayer would have the involuntary liquidation and replacement provisions applicable with respect to any inventory decrease, he must so elect within the time prescribed by this section. In making such election, the taxpayer shall attach to his return and make a part thereof, or he shall furnish separately to the Commissioner, a statement setting forth the following matters: (1) The desire of the taxpayer to invoke the involuntary liquidation and replacement provisions; (2) a detailed list or other identifying description of the items of merchandise claimed to have been subjected to involuntary liquidation and the extent to which replacement is intended; (3) the circumstances relied upon as rendering the taxpayer unable to maintain throughout the taxable year a normal inventory of the items involved, including evidence of the applicable inventory control figures for the beginning and the close of the taxable year submitted to the appropriate Federal agency in control of defense production (or if none, a statement to that effect), allotments applied for, allotments received, and reason for failure to place allotments received; (4) detailed proof of such circumstances to the extent that they may not be the subject-matter of common knowledge; (5) a full description of what efforts were made on the part of the taxpayer to effect replacement during the taxable year and the result of such efforts; and (6) in the case of an election made pursuant to an extension of time granted by the Commissioner, the circumstances relied upon as justifying the election at such time, together with a disclosure of the extent, if any, to which replacements have already been made.

(e) The election of the taxpayer to treat an involuntary decrease of inventory as subject to the replacement adjustments is to be exercised separately for each taxable year reflecting such a decrease and the election, once exercised with respect to a given year, shall be irrevocable with respect to the particular decrease involved and its replacement, and shall be binding for the year of liquidation, the year of replacement, and all prior, intervening, and subsequent years to the extent that such prior, intervening, and subsequent years are affected by the adjustments authorized. The ultimate replacement and the resulting adjustment for the year of liquidation may have consequences, among others, in the earnings and profits of intervening years and the inventory accounts of subsequent years. They may have consequences in the prior years by reason of adjustments in net operating loss or unused excess profits credit carrybacks, and in intervening and subsequent taxable years by reason of adjustments in carryovers. Adjustments are to be made for the several years affected consistent with the adjustments made for the year of liquidation. Detailed records shall be maintained such as will enable the Commissioner, in his examination of the taxpayer's return for the year of replacement, readily to verify the extent of the inventory decrease claimed to be involuntary in character and the facts upon which such claim is based, all subsequent inventory increases and decreases, and all other facts material to the replacement adjustment authorized. For taxable years subject to the Internal Revenue Code of 1939, an election under § 39.22 (d)–7 (e) of Regulations 118 or § 29.22 (d)–7 of Regulations 111 to have the involuntary liquidation and replacement provisions of section 22 (d) (6) of the Internal Revenue Code of 1939 apply with respect to any inventory decrease for taxable years to which such section applies, shall be given the same effect as if such election had been made under this section. (See section 7807 (b) (2).)

(f) Notwithstanding the ultimate purchase price or the cost of production ultimately incurred by the taxpayer in effecting replacement of a stock involuntarily liquidated, the merchandise reflecting the replacement shall be taken into purchases and included in the closing inventory for the year of replacement, and shall be included in the inventories of subsequent taxable years, at the inventory cost figure of the merchandise replaced.

(g) The goods reflected in any inventory increase in a year subsequent to a year of involuntary liquidation, to the extent that they constitute items of the kind and description liquidated in prior years, whether or not in a year of involuntary liquidation, shall be deemed, in the order of their acquisition, as having been acquired by the taxpayer in replacement of like goods most recently liquidated and not previously replaced. In a case involving involuntary liquidations of goods of the same class subject to the provisions of both section 22 (d) (6) (A) of the Internal Revenue Code of 1939 and section 1321 of the Internal Revenue Code of 1954, the involuntary liquidations of such goods subject to the provisions of section 1321 shall, for the purpose of replacements made in taxable years ending before January 1, 1953, be considered as having occurred prior to the involuntary liquidations of such goods subject to the provisions of sec-

tion 22 (d) (6) (A) of the Internal Revenue Code of 1939. To the extent that the items of increase are allocated to items liquidated voluntarily, no adjustment will be required or permitted. Such replacement merchandise will be carried in the inventory at its actual cost of acquisition. To the extent that replacements are allocated to items involuntarily liquidated, however, the provisions of this section shall apply, both with respect to adjustments for the year of liquidation and other taxable years affected and with respect to inventory computations for the year of replacement and all subsequent taxable years.

(h) In some cases it may appear that, at the time of the filing of the income tax return for the year of replacement, or within three years thereafter, an adjustment with respect to the income or excess profits taxes for the year of the involuntary liquidation, or for some prior, intervening, or subsequent taxable year, is prevented by the running of the statute of limitations, by the execution of a closing agreement, by virtue of a court decision which has become final, or by reason of some other provision or rule of law other than section 7122 (relating to compromises) and other than the inventory replacement provisions. The adjustments provided for in connection with the involuntary liquidation and replacement of inventory shall nevertheless be made, but only if, within a period of three years after the date of the filing of the income tax return for the year of replacement, a notice of deficiency is mailed or a claim for refund is filed. No credit or refund will be allowed under such circumstances, whether within or without such three-year period, in the absence of a claim for refund duly filed; nor will a resulting deficiency be assessed or collected under section 6213 (d) relating to waivers of restrictions. The issuance of the statutory notice of deficiency or the filing of a claim for refund are statutory conditions upon which depend the provisions of section 22 (d) (6) (E) of the Internal Revenue Code of 1939, referred to in section 1321 (c) of the Internal Revenue Code of 1954. The adjustment authorized by section 22 (d) (6) (E) of the Internal Revenue Code of 1939 is limited further to the tax attributable solely to the replacement adjustments. The amount of the adjustment shall be computed by reference to the amount of the tax previously determined, and without regard to factors affecting the taxable year involved to which no effect was given in such prior determination. The tax previously determined shall be ascertained in accordance with the principles stated in section 452 (d) of the Internal Revenue Code of 1939. Any deficiency paid or any overpayment credited or refunded under these circumstances shall not be subject to recovery on a claim for refund or a suit for the recovery of an erroneous refund in any case in which such claim or suit is based upon factors other than those giving rise to the adjustments made.

§ 1.1321-2 *Liquidation and replacement of lifo inventories by acquiring corporations.* For additional rules in the case of certain corporate acquisitions referred to in section 381 (a), see section 381 (c) (5) and the regulations thereunder.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply sec. 1321, 68A Stat. 342; 26 U. S. C. 1321)

[F. R. Doc. 55-8173; Filed, Oct. 7, 1955; 8:49 a. m.]

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

PART 280—DEALERS IN TOBACCO MATERIALS

On August 2, 1955, a notice of proposed rulemaking with respect to regulations designated as Part 280 of Title 26 (1954) of the Code of Federal Regulations was published in the FEDERAL REGISTER (20 F. R. 5497). The purposes of the proposal were to implement the Internal Revenue Code of 1954, which necessitated the issuance of new regulations, and to supersede 26 CFR (1939) Part 140, Subpart C, "Sale of Leaf Tobacco by a Farmer or Grower of Tobacco and by a Tobacco Growers' Cooperative Association," and Subpart D, "Dealers in Leaf Tobacco." No data, views, or arguments pertaining thereto having been received during the 15 days from the date of publication of said notice, the regulations so published are hereby adopted as set forth below, subject to the following changes:

PARAGRAPH 1. The preamble is amended by adding a new paragraph 3.

PAR. 2. Section 280.85 is amended by striking therefrom the word "as" after the words "corporation operating".

PAR. 3. Section 280.89 is amended by inserting in the proviso of the second sentence which begins, "The application shall be supported", the phrase ", for a stated period," after the word "authorize".

PAR. 4. Section 280.102 is amended by striking therefrom the first sentence and inserting in lieu thereof new material.

PAR. 5. Section 280.121 is amended by striking therefrom the second, third, and fourth sentences, which begin, "Before such tobacco", "The dealer shall", and "All copies of the applicable form", respectively, and adding in lieu thereof the following new sentences: "Before such tobacco materials are released to him, the dealer shall prepare and furnish to the collector of customs having custody of the tobacco materials, a notice of release of tobacco materials, Form 2146. Upon release of the tobacco materials, the collector of customs shall complete the form as to date of release, signature, and title, and shall return one copy to the dealer, retain one copy for his records, and transmit one copy to the assistant regional commissioner shown thereon."

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: October 4, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

Preamble. 1. These regulations, 26 CFR Part 280, "Dealers in Tobacco Materials," supersede 26 CFR (1939) Part 140, Subpart C, "Sale of Leaf Tobacco by a Farmer or Grower of Tobacco and by a Tobacco Growers' Cooperative Association," and Subpart D, "Dealers in Leaf Tobacco," and are promulgated in order to implement the Internal Revenue Code of 1954.

2. These regulations shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

3. The regulations in this part shall be effective on the date of publication in the FEDERAL REGISTER. These regulations are necessary for the enforcement of the applicable provisions of the Internal Revenue Code of 1954, effective January 1, 1955. It is hereby found that it is contrary to the public interest to issue these regulations subject to the effective date limitation of section 4 (c) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003 (c)).

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280.141 Suspension and revocation of permit.

AUTHORITY: §§ 280.1 to 280.141 issued under 68A Stat. 917; 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 280.1 *Dealers in tobacco materials.* This part contains the regulations governing the sale, shipment, or delivery of tobacco materials by dealers in tobacco materials, and the qualification of, maintenance of records by, and operations of such dealers.

§ 280.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including bonds, applications, and permits. Information called for thereon shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 280.10 *Meaning of terms.* The terms used in this part shall have the meanings ascribed in this subpart, unless the context otherwise indicates.

§ 280.11 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to and functions under the direction and supervision of the Regional Commissioner.

§ 280.12 *Black Fat.* "Black Fat" shall mean tobacco which is normally treated with oil under pressure and results in black tobacco, and shall include all tobacco similarly treated and referred to by such other terms as Black Horse, etc.

§ 280.13 *Clippings.* "Clippings" shall mean the tobacco which is clipped or cut off the ends of cigars in the manufacture thereof.

§ 280.14 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 280.15 *Cuttings.* "Cuttings" shall mean the tobacco remaining after the binders and wrappers for cigars are cut out of the leaf.

§ 280.16 *Dealer in tobacco materials.* "Dealer in tobacco materials" shall mean every person who handles tobacco materials for sale, shipment, or delivery solely to another qualified dealer in such materials, to a qualified manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States. Dealer in tobacco materials shall include every person who produces Perique or Black Fat for sale, shipment, or delivery, in accordance with this part. Dealer in tobacco materials shall not include (a) an operator of a warehouse who stores tobacco materials solely for a dealer in tobacco materials, for a manufacturer of tobacco products, for a farmer or grower of tobacco, or for a bona fide association of farmers or growers of tobacco; or (b) a farmer or grower of tobacco who sells leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco which sells only leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm.

§ 280.17 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division," shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 280.18 *Establishment.* "Establishment" shall mean the premises of a dealer in tobacco materials in which he carries on such business.

§ 280.19 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine, partnerships, associations, companies, corporations, estates, and trusts.

§ 280.20 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 280.21 *Leaf tobacco.* "Leaf tobacco" shall mean—

(a) Unstemmed—tobacco from which the stem or mid-rib has not been removed, and

(b) Stemmed—tobacco from which the stem or mid-rib has been removed, also known as "strips."

§ 280.22 *Manufactured tobacco.* "Manufactured tobacco" shall mean all tobacco other than cigars and cigarettes, prepared, processed, manipulated, or packaged for consumption by smoking or for use in the mouth or nose. Any other tobacco not exempt from tax under Chapter 52, I. R. C., which is sold or delivered to any person contrary to such chapter and regulations thereunder, shall be regarded as manufactured tobacco.

§ 280.23 *Manufacturer of tobacco.* "Manufacturer of tobacco" shall mean every person who manufactures tobacco by any method of preparing, processing, or manipulating, except for his own personal consumption or use; or who packages any tobacco for consumption by smoking or for use in the mouth or nose; or who sells or delivers any tobacco, not exempt from tax under Chapter 52, I. R. C., to any person, contrary to the provisions of such chapter and regulations thereunder. The term "manufacturer of tobacco" shall not include—(a) a farmer or grower of tobacco who sells leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco which sells only leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm; or (b) a dealer in tobacco materials who handles tobacco solely for sale, shipment, or delivery, in bulk, to another dealer in such materials or to a manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States.

§ 280.24 *Perique.* "Perique" shall mean tobacco, such as that produced in Louisiana, cured in its own juices and given other treatment peculiar to this type of tobacco.

§ 280.25 *Person.* "Person" shall mean and include an individual, partnership, association, company, corporation, estate, or trust.

§ 280.26 *Region.* "Region" shall mean the area, designated by the Secretary or his delegate, comprising the geographical jurisdiction of a regional commissioner of internal revenue.

§ 280.27 *Regional commissioner.* "Regional commissioner" shall mean the Regional Commissioner of Internal Revenue of an internal revenue region.

§ 280.28 *Revenue Officer.* "Revenue officer" shall mean any officer or employee of the United States acting in connection with any internal revenue law of the United States.

§ 280.29 *Scraps.* "Scraps" shall mean portions of leaf tobacco.

§ 280.30 *Siftings.* "Siftings" shall mean the particles of tobacco salvaged in the process of sifting or screening the residue of tobacco.

§ 280.31 *Stems.* "Stems" shall mean the stems or mid-ribs of tobacco.

§ 280.32 *Tobacco in process.* "Tobacco in process" shall mean tobacco which has been, or is being, manipulated or processed, but is to undergo further manipulation, processing, or handling, prior to removal for consumption by smoking or for use in the mouth or nose.

§ 280.33 *Tobacco materials.* "Tobacco materials" shall mean tobacco in process, Perique, Black Fat, leaf tobacco, and tobacco scraps, cuttings, clippings, siftings, dust, stems, and waste.

§ 280.34 *Tobacco products.* "Tobacco products" shall mean manufactured tobacco, cigars, and cigarettes.

§ 280.35 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 280.36 *Waste.* "Waste" shall mean tobacco, including dust, and foreign substances resulting from the handling, manipulation, or processing of tobacco, and which are worthless for use in the manufacture of tobacco products and have no market value for that purpose.

SUBPART C—GENERAL

§ 280.40 *Authority of revenue officers to enter premises.* The dealer shall permit any internal revenue officer to enter the premises where the dealer keeps tobacco materials for the purpose of examining such materials, and the records maintained by the dealer.

§ 280.41 *Interference with administration.* Whoever, corruptly or by force or threats of force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation or intended violation of this part, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U. S. C. 7212)

§ 280.42 *Disposal of forfeited, condemned, and abandoned tobacco materials.* When in the opinion of any officer having custody of forfeited, condemned, or abandoned tobacco materials, upon which the Federal tax has not been paid, the sale thereof will not bring a price equal to such tax due and payable thereon, and the expenses incident to the sale thereof, he shall not sell, nor cause to be sold, such materials for consumption in the United States. Where the materials are not sold, the officer may deliver them to a Federal or State hospital or institution (if they are fit for human consumption) or cause their destruction in the manner provided in § 280.125. Where such materials are sold, they shall not be released by the officer having custody thereof until they are properly packaged and internal revenue stamps (the cost of which stamps shall be considered as a portion of the sales price) are affixed to each package to denote the payment of tax. In the case of such materials held by or for the Federal Government, the sale thereof shall be subject to the applicable provisions of the Regulations of the General Services Administration, Title 1, Personal Property Management.

(68A Stat. 716, 831; 26 U. S. C. 5753, 6807)

§ 280.43 *Variations from requirements*—(a) *Methods of operation.* The Director, Alcohol and Tobacco Tax Division, may in case of emergency approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue, and where such variations are not contrary to any provision of law. Where it is proposed to employ methods of operation other than those provided for by this part, prior approval shall be obtained in accordance with the provisions of paragraph (b) of this section.

(b) *Application.* A dealer in tobacco materials who proposes to employ methods of operation, other than as provided in this part, shall submit an application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the necessity therefor. The assistant regional commissioner shall make such inquiry as is necessary to ascertain the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation.

§ 280.44 *Penalties and forfeitures.* Anyone who fails to comply with the provisions of this part becomes liable to the civil and criminal penalties, and forfeitures, provided by law.

(68A Stat. 717, 718; 26 U. S. C. 5761, 5762, 5763)

SUBPART D—PERSONS EXEMPT AS DEALERS IN TOBACCO MATERIALS

§ 280.50 *Warehouseman or fumigator.* A person who merely stores or fumigates tobacco materials solely for a dealer in tobacco materials, for a manufacturer of tobacco products, for a farmer or grower of tobacco, or for a bona fide association of farmers or growers of tobacco, shall be exempt from the provisions of this part.

(68A Stat. 706; 26 U. S. C. 5702)

§ 280.51 *Farmer or grower.* A farmer or grower of tobacco who sells leaf tobacco of his own growth or raising, and in the condition as cured on the farm, shall be exempt from the provisions of this part with respect to such tobacco. The farmer or grower may sell such leaf tobacco to any person and in any quantity, either loose or in a hogshead, case, bale, or other container. Where a farmer acquires any of the crop of tobacco grown on his farm by another person, in payment of rent or as his share of the crop, such tobacco, for purposes of this part, shall be regarded as having been grown by the farmer.

(68A Stat. 706; 26 U. S. C. 5702)

§ 280.52 *Farmer's or grower's agent.* A farmer or grower of tobacco, or a group or association of farmers or growers of tobacco, may employ an agent to sell his or their leaf tobacco for him or them. With respect to the sale of such tobacco, the agent may sell the tobacco in the same manner as the farmer or grower thereof provided he—

(a) Does not, in the storage of the tobacco, mingle the tobacco received from one farmer or grower with that of another;

(b) Conducts all sales in the name of his principal or principals;

(c) Transmits to his principal or principals the proceeds of such sales, less the necessary selling expenses and the agent's salary or commission; and

(d) Keeps records of all receipts and sales of tobacco, to be open to inspection by revenue officers, showing—

(1) With respect to tobacco received, the date thereof, the quantity received, and the name and address of the principal or principals, and

(2) With respect to tobacco sold, the date thereof, the quantity sold, the name and address of the purchaser, and the selling price.

The agent may sell by mail, and checks, drafts, and money orders in payment for tobacco sold by him may be made payable to his order.

(68A Stat. 706; 26 U. S. C. 5702)

§ 280.53 *Co-operative association.* A co-operative association comprised of farmers or growers of tobacco, marketing their leaf tobacco in the condition as cured on the farm, and turning back to them the proceeds of sales, less the necessary selling expenses, on the basis of the quality and quantity of leaf tobacco furnished by them, shall, with respect to such tobacco, be exempt from the provisions of this part, except as to the requirement to keep records. Proof that an association is entitled to such exemption, in the form of certified copies of the by-laws, agreements, and contracts, under which it shall operate, shall be furnished to the assistant regional commissioner upon demand. The association may sell such leaf tobacco to any person and in any quantity, either loose or in a hogshead, case, bale, or other container. Such association shall keep records of all receipts and sales of tobacco, which shall be made available for inspection by any revenue officer upon his request.

(68A Stat. 706; 26 U. S. C. 5702)

§ 280.54 *Speculator.* A person who buys leaf tobacco on the floor of an auction warehouse, or who buys leaf tobacco from a farmer or grower and places the tobacco on the floor of such a warehouse, and has the tobacco resold on the floor of the same warehouse, or who purchases warehouse receipts for tobacco materials and thus acquires title thereto, but sells such warehouse receipts and passes title to the tobacco, without taking physical possession of the tobacco, shall be exempt from the provisions of this part.

SUBPART E—QUALIFICATION REQUIREMENTS

§ 280.60 *Persons required to qualify.* Every person who intends to engage in the business of a dealer in tobacco materials, as defined in this part, shall qualify as such in accordance with the provisions of this part. Such qualification is required with respect to each establishment where the dealer will conduct such business: *Provided, however,* That where such a person operates or controls a group of warehouses solely for the storage of his tobacco materials, in any location in the United States, a single qualification covering all such storage places is sufficient if a consolidated record covering all tobacco materials received into and shipped or delivered from each such storage place is maintained at the establishment of the dealer in tobacco materials having direction and control thereof.

(68A Stat. 706; 26 U. S. C. 5702)

§ 280.61 *Application for permit*—(a) *Persons entering business.* Every person, before commencing business as a dealer in tobacco materials, shall make application, on Form 2093, to the assistant regional commissioner for, and obtain, the permit provided for in § 280.69. The application shall fully set forth the location of the establishment where he intends to carry on such business and of each outside place where his tobacco materials will be stored, if such outside place of storage is not separately qualified as the establishment of a dealer in tobacco materials. Separate application for permit shall be required with respect to each establishment for which qualification is required under § 280.60. All documents required under this part to be furnished with such application shall be made a part thereof.

(b) *Dealers operating on effective date.* Dealers in tobacco materials, as defined in this part, who are operating either as dealers in leaf tobacco or quasi manufacturers of tobacco on the effective date of this part, shall also make application for permit in the manner required by paragraph (a) of this section within 30 days after such date. Such persons may continue their operations pending final action by the assistant regional commissioner with respect to such application.

(68A Stat. 711; 26 U. S. C. 5712)

§ 280.62 *Corporate documents.* Every corporation, before commencing business as a dealer in tobacco materials, shall furnish with its application for permit required by § 280.61, a true copy of the corporate charter or a certificate of corporate existence or incorporation, executed by the appropriate officer of the State in which incorporated. The corporation shall also furnish, in duplicate, evidence which will establish the authority of the officer or other person who executes the application for permit to execute the same; the authority of persons to sign other documents, required by this part, for the corporation; and the identity of the officers and directors, and each person who holds more than ten percent of the stock of such corporation. Where a corporation has previously filed such documents or evidence with the same assistant regional commissioner, a written statement by the corporation, in duplicate, to that effect will be sufficient for the purpose of this section.

(68A Stat. 711; 26 U. S. C. 5712)

§ 280.63 *Articles of partnership or association.* Every partnership or association, before commencing business as a dealer in tobacco materials, shall furnish with its application for permit, required by § 280.61, a true copy of the articles of partnership or association, if any, or certificate of partnership or association where required to be filed by any State, county, or municipality. Where a partnership or association has previously filed such documents with the same assistant regional commissioner, a written statement by the partnership or association, in duplicate, to that effect will be sufficient for the purpose of this section.

(68A Stat. 711; 26 U. S. C. 5712)

§ 280.64 *Trade name certificate.* Every person, before commencing business under a trade name as a dealer in tobacco materials, shall furnish with his application for permit, required by § 280.61, true copies, in duplicate, of the certificate or other document, if any, issued by a State, county, or municipal authority in connection with the transaction of business under such trade name. If no such certificate or other document is so issued, a written statement by such person, in duplicate, to that effect will be sufficient for the purpose of this section.

(68A Stat. 711; 26 U. S. C. 5712)

§ 280.65 *Bond.* Every person, before commencing business as a dealer in tobacco materials, shall, with respect to each establishment (including places of storage operated thereunder) where he intends to carry on such business, file, in connection with his application for permit, a bond, Form 2101, in accordance with the applicable provisions of Subpart G of this part, conditioned upon compliance with the provisions of Chapter 52, I. R. C., and regulations thereunder, including, but not limited to, the timely payment of taxes imposed by such chapter and penalties and interest in connection therewith for which he may become liable to the United States.

(68A Stat. 711; 26 U. S. C. 5711)

§ 280.66 *Power of attorney.* If the application for permit or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, company, or corporation, or by one of the partners for a partnership, or by an officer of an association or company, or in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 280.62, power of attorney conferring authority upon the person signing the documents shall be manifested on Form 1534 and furnished to the assistant regional commissioner.

§ 280.67 *Additional information.* The assistant regional commissioner may require such additional information as he may deem necessary in connection with the qualification of persons under this subpart.

§ 280.68 *Investigation of applicant.* The assistant regional commissioner shall promptly cause such inquiry or investigation to be made, as he deems necessary, to verify the information furnished in connection with an application for permit and to ascertain whether the applicant is, by reason of his business experience, financial standing, and trade connections, likely to maintain operations in compliance with Chapter 52, I. R. C., and regulations thereunder; whether such person has disclosed all material information required or made any material false statement in the application for such permit; and whether the premises of the establishment on which it is proposed to operate as a dealer in tobacco materials are adequate to protect the revenue. If the assistant regional commissioner has reason to believe that the applicant is not entitled to a permit, he shall promptly give the applicant notice of the contemplated disapproval of his application and opportunity for hearing thereon in accordance with 26 CFR (1939) Part 200, "Rules of Practice in Permit Proceedings," which part (including the provisions relating to the recommended decision and to appeals) is made applicable to such proceedings. If, after such notice and opportunity for hearing, the assistant regional commissioner finds that the applicant is not entitled to a permit, he shall, by order stating the findings on which his decision is based, deny the permit.

(68A Stat. 711; 26 U. S. C. 5712)

§ 280.69 *Issuance of permit.* If the application for permit, bond, and supporting documents, required under this part, are approved by him, the assistant regional commissioner shall issue a permit, Form 2096, to the dealer in tobacco materials who shall keep it posted conspicuously at all times within his establishment. The permit shall bear a number, shall fully set forth where the business of the dealer is to be conducted, and shall indicate whether the dealer also operates outside places of storage. The assistant regional commissioner shall issue an additional permit of the same number, which shall be posted at each such outside place of storage as shown in the application, to cover only the place of storage where it will be posted.

(68A Stat. 712; 26 U. S. C. 5713)

SUBPART F—CHANGES SUBSEQUENT TO ORIGINAL QUALIFICATION

CHANGES IN NAME

§ 280.80 *Change in individual name.* Where there is merely a change in the name of an individual operating as a dealer in tobacco materials, he shall, within 30 days of such change, make application, on Form 2098, for an amended permit, which shall be supported by an extension of coverage of his bond, in accordance with the provisions of § 280.105.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 280.81 *Change in trade name.* Where there is merely a change in the trade name of a dealer in tobacco materials, he shall, within 30 days of the adoption of the new trade name, make application, on Form 2098, for an amended permit, which shall be supported by an extension of coverage of bond, in accordance with the provisions of § 280.105. The dealer shall also furnish true copies, in duplicate, of any new trade name certificate or document issued to him, or statement in lieu thereof, required by § 280.64.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 280.82 *Change in corporate name.* Where there is merely a change in the name of a corporate dealer in tobacco materials, the dealer shall, within 30 days of such change, make application, on Form 2098, for an amended permit, which shall be supported by an extension of the coverage of bond, in accordance with the provisions of § 280.105. The dealer shall also furnish such documents as may be reasonably necessary to establish that the corporate name has been changed.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

CHANGES IN OWNERSHIP AND CONTROL

§ 280.83 *Fiduciary successor.* If an administrator, executor, receiver, trustee, assignee, or other fiduciary, is to take over the business of a dealer in tobacco materials, as a continuing operation, such fiduciary shall, before commencing operations, make application for permit and file bond as required by Subpart E of this part, and furnish certified copies, in duplicate, of the order of the court, or other pertinent documents, showing his appointment and qualification as such fiduciary. However, where a fiduciary intends merely to liquidate the business, qualification as a dealer in tobacco materials will not be required if he promptly files with the assistant regional commissioner a statement to that effect, together with an extension of coverage of the predecessor's bond, executed by the fiduciary, also by the surety on such bond, in accordance with the provisions of § 280.105.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 280.84 *Transfer of ownership.* If a transfer is to be made in ownership of a dealer in tobacco materials establishment (including a change in the identity of the members of a partnership or association), such dealer shall give notice, in writing, to the assistant regional commissioner, naming the proposed successor and the desired effective date of such transfer. The proposed successor shall, before commencing operations, qualify as a dealer in tobacco materials, in accordance with the applicable provisions of Subpart E of this part. The dealer shall give such notice of transfer, and the proposed successor shall make application for permit and file bond, as required, in ample time for examination and approval thereof before the desired date of such change. Upon qualification of the successor, the predecessor shall surrender his permit to the assistant regional commissioner.

(68A Stat. 711, 712; 26 U. S. C. 5711, 5712, 5713)

§ 280.85 *Change in officers or directors of a corporation.* Where there is any change in the officers or directors of a corporation operating a dealer in tobacco materials establishment, the dealer shall furnish to the assistant regional commissioner notice, in writing, of the election of the new officers or directors within 30 days after such election.

(68A Stat. 711; 26 U. S. C. 5712)

§ 280.86 *Change in stockholders of a corporation.* Where the issuance, sale, or transfer of the capital stock of a corporation, operating as a dealer in tobacco materials, results in a change in the identity of the principal stockholders exercising actual or legal control of the operations of the corporation, the corporate dealer shall, within 30 days after the change occurs, make application for a new permit; otherwise, the present permit shall be automatically terminated at the expiration of such 30 day period, and the dealer shall dispose of all tobacco materials on hand and surrender his permit to the assistant regional commissioner. If the application for a new permit is timely made, the present permit shall continue in effect pending final action by the assistant regional commissioner with respect to such application.

(68A Stat. 711, 712; 26 U. S. C. 5712, 5713)

CHANGES IN LOCATION

§ 280.87 *Change in location within same region*—(a) *Transfer to a new location.* Whenever a dealer in tobacco materials contemplates changing the location of his establishment within the same region, the dealer shall, before commencing operations at the new location, make application, on Form 2098, for an amended permit. The application shall be supported by an extension of coverage of the bond filed under this part, in accordance with the provisions of § 280.105.

(b) *Mere change in address.* Whenever any change occurs in the address, but not the location, of the establishment of a dealer in tobacco materials, as a result of action of local authorities, the dealer shall, within 30 days of such change, make application, on Form 2098, for an amended permit, which shall be supported by an extension of coverage of the bond filed under this part, in accordance with the provisions of § 280.105.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 280.88 *Change in location to another region.* Whenever a dealer in tobacco materials contemplates changing the location of his establishment to another region, the dealer shall, before commencing operations at the new location, qualify as such a dealer in the new region, in accordance with the applicable provisions of Subpart E of this part. The dealer shall notify the assistant regional commissioner of the region from which he is removing of his qualification in the new region, giving the address of the new location of his dealer's establishment and the number of the permit issued to him in the new region, and surrender the permit for his old location.

(68A Stat. 711, 712; 26 U. S. C. 5711, 5712, 5713)

§ 280.89 *Addition or discontinuance of place of storage.* Whenever a dealer in tobacco materials adds a place of storage for his tobacco materials, he shall make application, on Form 2098, to the assistant regional commissioner who issued his permit, for an additional permit, Form 2096, which shall bear the same number as the permit for his establishment, and shall cover only the location of such additional place of storage where it shall be posted. The application shall be supported by an extension of coverage of his bond, in accordance with § 280.105: *Provided*, That in an emergency, the assistant regional commissioner may, where in his opinion such action is warranted and the revenue will not be jeopardized, authorized, for a stated period, the temporary use of a place for the temporary storage of tobacco materials without making the application or furnishing the extension of coverage required under this section. Whenever a dealer discontinues a place of storage, he shall so notify the assistant regional commissioner and surrender to him the permit for such place of storage.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

SUBPART G—BONDS AND EXTENSIONS OF COVERAGE OF BONDS

§ 280.100 *Corporate surety.* Surety bonds, required under the provisions of this part, may be given, only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Power of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of such corporate sureties shall be filed with, and passed upon by, the Surety Bonds Branch, Division of Deposits and Investments, Bureau of Accounts, Treasury Department. Limitations concerning corporate sureties are prescribed by the Secretary in Treasury Department Form 356, revised. The surety shall have no interest whatever in the business covered by the bond.

(68A Stat. 711, 61 Stat. 646; 26 U. S. C. 5711, 6 U. S. C. 6)

§ 280.101 *Deposit of bonds, notes, or obligations in lieu of corporate surety.* Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by a dealer in tobacco materials as security in connection with bond to cover his operations, in lieu of the corporate surety, in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). Such bonds or notes which are nontransferable, or the pledging of which will not be recognized by the Treasury Department, are not acceptable as security in lieu of corporate surety.

(68A Stat. 711, 61 Stat. 646; 26 U. S. C. 5711, 6 U. S. C. 15)

§ 280.102 *Amount of bond.* The amount of the bond required by this part shall be based on the monthly average quantity of tobacco materials received at the rate of $1,000 for each approximate 100,000 pounds of such materials. In the case of a dealer who has been qualified during the twelve months preceding the month in which the bond is to be filed, this monthly average shall be determined on the basis of all tobacco materials received by him during such twelve months, divided by twelve. The bond shall be supported by a statement of the dealer certifying as to the total tobacco materials received during such twelve-month period. In the case of a dealer commencing business, or of a dealer operating for less than twelve months, the monthly average of tobacco materials received shall be estimated for the purpose of this section. The amount of any such bond (or the total amount where original and strengthening bonds are filed) shall not exceed $20,000 nor be less than $1,000.

(68A Stat. 711, 26 U. S. C. 5711)

§ 280.103 *Strengthening bond.* Where the assistant regional commissioner determines that the amount of the bond, under which a dealer in tobacco materials is currently carrying on such business, no longer adequately protects the revenue, the assistant regional commissioner may require the dealer to file a strengthening bond in an appropriate amount with the same surety as that on the bond already in effect, in lieu of a superseding bond to cover the full liability on the basis of § 280.102. The assistant regional commissioner shall refuse to approve any strengthening bond where any notation is made thereon which is intended or which may be construed as a release of any former bond, or as limiting the amount of either bond to less than its full amount. Such strengthening bonds shall have placed thereon, by the obligors at the time of execution, the notation "Strengthening Bond."

(68A Stat. 711; 26 U. S. C. 5711)

§ 280.104 *Superseding bond.* A dealer in tobacco materials shall file a new bond to supersede his current bond, immediately when (a) the corporate surety on the current bond becomes insolvent, (b) the assistant regional commissioner approves a request from the surety on the current bond to terminate his liability under the bond, (c) payment of any liability under a bond is made by the surety thereon, or (d) the assistant regional commissioner considers such a superseding bond necessary for the protection of the revenue.

(68A Stat. 711; 26 U. S. C. 5711)

§ 280.105 *Extension of coverage of bond.* An extension of the coverage of any bond filed under this part shall be manifested on Form 2105 by the dealer in tobacco materials and by the surety on the bond with the same formality and proof of authority as required for the execution of the bond.

(68A Stat. 711; 26 U. S. C. 5711)

§ 280.106 *Approval of bond and extension of coverage of bond.* No person shall commence operations under any bond, nor extend his operations, until he receives from the assistant regional commissioner notice of his approval of the bond or of an appropriate extension of coverage of the bond required under this part.

(68A Stat. 711; 26 U. S. C. 5711)

§ 280.107 *Termination of liability of surety under bond.* The liability of a surety on any bond required by this part shall be terminated only as to operations on and after the date of approval of a superseding bond, or the date of approval of the discontinuance of operations by the dealer in tobacco materials, or otherwise in accordance with the termination provisions of the bond. The surety shall remain bound in respect of any liability for unpaid taxes, penalties, and interest, not in excess of the amount of the bond, incurred by the dealer while the bond is in force.

(68A Stat. 711; 26 U. S. C. 5711)

§ 280.108 *Release of bonds, notes, and obligations.* Bonds, notes, and other obligations of the United States, pledged and deposited as security in connection with bonds required by this part, shall be released only in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). When the assistant regional commissioner who has accepted such security is satisfied that it is no longer necessary to hold such security, he shall fix the date or dates on which a part or all of such security may be released. At any time prior to the release of such security, the assistant regional commissioner may, for proper cause, extend the date of release of such security for such additional length of time as in his judgment may be appropriate.

(68A Stat. 711, 61 Stat. 646; 26 U. S. C. 5711, 6 U. S. C. 15)

SUBPART H—OPERATIONS

§ 280.120 *Restrictions on handling, shipment, and delivery of tobacco materials.* A dealer in tobacco materials may handle such materials in any manner, provided he does not package them for consumption by smoking or for use in the mouth or nose. He may ship or deliver tobacco materials, under his bond, only to (a) another qualified dealer in tobacco materials; (b) a qualified manufacturer of tobacco products; (c) a State institution; (d) a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States; or (e) any person for experimental or display purposes when authorized by the assistant regional commissioner. A dealer in tobacco materials may similarly ship or deliver stems and waste to any person for use by him as fertilizer or insecticide or in the production of fertilizer, insecticide, or nicotine.

(68A Stat. 708, 714; 26 U. S. C. 5704, 5731)

§ 280.121 *Tobacco materials released from customs custody.* Tobacco materials imported into the United States from a foreign country, or brought in from Puerto Rico, the Virgin Islands, or a possession of the United States, may be released from customs custody, without the payment of tax, to a qualified dealer in tobacco materials under his bond, solely for receipt into premises covered by the dealer's bond. Before such tobacco materials are released to him, the dealer shall prepare and furnish to the collector of customs having custody of the tobacco materials, a notice of release of tobacco materials, Form 2146. Upon release of the tobacco materials, the collector of customs shall complete the form as to date of release, signature, and title, and shall return one copy to the dealer, retain one copy for his records, and transmit one copy to the assistant regional commissioner shown thereon. The copy returned to the dealer shall be retained by him for two years after the close of the year of such release, and shall be made available for inspection by any revenue officer upon his request.

(68A Stat. 708; 26 U. S. C. 5704)

§ 280.122 *Fumigation of tobacco materials.* Tobacco materials held by, or released or in transit to, a dealer in tobacco materials may be delivered to a person, who is not qualified as a dealer in tobacco materials or manufacturer of tobacco products, solely for purposes of fumigation by such person and return or delivery to the dealer. Such tobacco materials shall be covered by the bond of the dealer and shall not be regarded as shipped by the dealer for purposes of § 280.127.

§ 280.123 *Exportation.* A dealer in tobacco materials may ship or deliver tobacco materials, under his bond, without payment of tax, to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, in accordance with the applicable provisions of Part 290 of this chapter.

(68A Stat. 708; 26 U. S. C. 5704)

§ 280.124 *Samples of tobacco materials.* Samples of tobacco materials, received by a dealer in tobacco materials, which are to be consumed, used, or destroyed for purposes of sampling, testing, or experimenting, shall be exempt from the provisions of § 280.127.

(68A Stat. 715; 26 U. S. C. 5741)

§ 280.125 *Destruction of tobacco materials*—(a) *Stems and waste.* Where a dealer in tobacco materials desires to destroy stems and waste, he shall do so by burning or by mixing thoroughly with lime, sulphur, bone dust, ashes, or other such substance.

(b) *Other materials.* Where a dealer desires to destroy tobacco in process, Perique, Black Fat, leaf tobacco, scraps, cuttings, clippings, and siftings, and obtain credit therefor in the records kept by him under § 280.127, he shall notify the assistant regional commissioner of the kind and quantity of such tobacco materials and the date on which he desires to destroy such tobacco mate-

rials. The assistant regional commissioner may assign a revenue officer to supervise the destruction of the tobacco materials, or he may authorize the dealer to destroy the tobacco materials in the manner provided in paragraph (a) of this section.

(68A Stat. 715; 26 U. S. C. 5741)

§ 280.126 *Credit for loss of tobacco materials by theft or destruction.* Every loss of tobacco materials by theft, or destruction by fire, casualty, or act of God, while in the possession or ownership of a dealer in tobacco materials, shall be reported to the assistant regional commissioner and the facts of such loss shall be established to his satisfaction before credit therefor in the records of such dealer may be authorized.

(68A Stat. 715; 26 U. S. C. 5741)

§ 280.127 *Records.* Every dealer in tobacco materials shall maintain at his establishment complete and adequate records consistent with accepted commercial practice, of all tobacco materials received (except with respect to samples as provided by § 280.124), lost or destroyed, and shipped or delivered by him. The records shall show (a) with respect to tobacco materials received, the date, kind, quantity, and the name and address of each person from whom received, (b) with respect to materials lost or destroyed, the date, kind, and quantity, as well as pertinent details as to such loss or destruction, and (c) with respect to materials shipped or delivered, the date, kind, quantity, and the name and address of each person to whom shipped or delivered. Such records, to include purchase and sales invoices, shall be retained for two years following the close of the year covered in such records, and made available for inspection by any revenue officer upon his request.

(68A Stat. 715; 26 U. S. C. 5741)

§ 280.128 *Statement of shipments and deliveries.* Every dealer in tobacco materials shall on demand of any revenue officer, furnish a true and complete statement, in the form required, of the quantity of all tobacco materials shipped or delivered to any person named in such demand, giving all pertinent details in connection with each such shipment or delivery.

(68A Stat. 714; 26 U. S. C. 5732)

§ 280.129 *Inventory.* When the interests of the Government may demand, a revenue officer may require a dealer in tobacco materials to make an inventory of all such materials held by the dealer.

§ 280.130 *Liability of dealer in tobacco materials.* Tobacco materials shipped or delivered contrary to the provisions of § 280.120 shall be regarded as manufactured tobacco, subject to tax at the rate imposed on manufactured tobacco, and the dealer in tobacco materials shipping or delivering such materials shall be regarded as a manufacturer of tobacco subject, as such, to the internal revenue laws and to Part 275 of this chapter relating to manufacturers of tobacco.

(68A Stat. 714; 26 U. S. C. 5731)

§ 280.131 *Assessment of tax.* The tax determined to be due under § 280.130 on tobacco materials shipped or delivered by a dealer in tobacco materials contrary to the provisions of this part shall be assessed, subject to the limitations prescribed in section 6501, I. R. C., against such dealer. The tax so assessed shall be in addition to any penalties prescribed by law for failure to pay such tax: *Provided*, That, except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded such dealer to show cause against assessment. The dealer will be allowed 30 days from the date of such notice to show cause, in writing, against such assessment.

(68A Stat. 707, 836; 26 U. S. C. 5703, 6862)

§ 280.132 *Claim for abatement of assessment.* Claim for abatement of the unpaid portion of the assessment of any tax on tobacco, or any liability in respect of such tax, alleged to be excessive in amount, assessed after the expiration of the period of limitation applicable thereto, or erroneously or illegally assessed, shall be filed on Form 843, in duplicate, with the assistant regional commissioner. Such claim shall set forth the reasons relied upon for the allowance of the claim and be accompanied by evidence necessary to support the claim.

(68A Stat. 792; 26 U. S. C. 6404)

§ 280.133 *Claim for refund of tax.* The tax paid on tobacco materials may be refunded where the tax has been paid in error. Any dealer who paid the tax may file claim for refund thereof under this section. The claim for refund, Form 843, shall be filed in duplicate within three years from the date of payment of the tax, with the assistant regional commissioner for the region in which the tax was paid, and the claim shall be supported by evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(68A Stat. 709; 26 U. S. C. 5705)

SUBPART I—SUSPENSION AND DISCONTINUANCE OF OPERATIONS

§ 280.140 *Discontinuance of operations.* Every dealer in tobacco materials who desires to discontinue operations and close out his establishment shall dispose of all tobacco materials on hand, in accordance with this part, and surrender his permit to the assistant regional commissioner as notice of such discontinuance and to permit the assistant regional commissioner to terminate the liability of the surety on the bond of the dealer.

§ 280.141 *Suspension and revocation of permit.* Where the assistant regional commissioner has reason to believe that a dealer in tobacco materials has not in good faith complied with the provisions of Chapter 52, I. R. C., and regulations thereunder, or with any other provision of the I. R. C. with intent to defraud, or has violated any condition of his permit, or has failed to disclose any material information required or made any material false statement in the application for the permit, or has failed to maintain his premises in such manner as to protect the revenue, the assistant regional commissioner shall issue an order, stating the facts charged, citing such dealer to show cause why his permit should not be suspended or revoked after hearing thereon in accordance with 26 CFR (1939) Part 200, "Rules of Practice in Permit Proceedings," which part (including the provisions relating to appeals) is made applicable to such proceedings. If the hearing examiner, or the Director, Alcohol and Tobacco Tax Division, on appeal, decides the permit should be revoked or suspended for such time as to him seems proper, the assistant regional commissioner shall by order give effect to such decision.

(68A Stat. 712; 26 U. S. C. 5713)

[F. R. Doc. 55-8171; Filed, Oct. 7, 1955; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.268]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

VALIDITY OF PASSPORTS PRESENTED BY ALIENS IN TRANSIT

Part 41, Chapter 1, Title 22 of the Code of Federal Regulations, is hereby amended in the following respect:

Subparagraph (2) of paragraph (b) of § 41.6 is amended to read as follows:

(2) An alien not within the purview of paragraph (b) (1) of this section who is being transported in immediate and continuous transit through the United States without stopover from one foreign place to another in accordance with the terms of a contract, including a bonding agreement, entered into by a transportation line and the Attorney General under the provisions of section 238 (d) of the act, to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country: *Provided*, That such alien is in possession of a travel document which is valid for his entry into a foreign country for a period of not less than 30 days after the date his immediate and continuous transit through the United States begins: *And provided further*, That at all times such alien is not aboard an aircraft which is in flight through the United States he shall be in the custody of an officer of the United States or, if the Attorney General finds that such custody is not practicable, in such other custody as may be approved by the Attorney General.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulation contained therein involves a foreign affairs function of the United States.

Dated: September 19, 1955.

SCOTT MCLEOD,
Administrator, Bureau of Security and Consular Affairs, Department of State.

Dated: September 28, 1955.

J. M. SWING,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

[F. R. Doc. 55-8163; Filed, Oct. 7, 1955; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

TEXAS CITY DISASTER CLAIMS

Rules of procedure for Texas City disaster claims are added to Part 536, as follows:

Sec.
536.110 Purpose.
536.111 Scope.
536.112 Law applicable.
536.113 Action by claimant.
536.114 Investigation.
536.115 Designation of approving authority.
536.116 Amounts payable.
536.117 Settlement agreement and assignment.
536.118 Acceptance of award.
536.119 Payment.
536.120 Subrogation.
536.121 Transfers and assignments.
536.122 Attorney's and agents' fees.
536.123 Penalty for violations.
536.129 DA Form 1572.

AUTHORITY: §§ 536.110 to 536.129 issued under Public Law 378, 84th Congress.
SOURCE: AR 25-150, September 29, 1955.

§ 536.110 *Purpose.* The regulations in §§ 536.110–536.129 set forth the rules of procedure for handling claims against the United States for death, personal injury, and property losses proximately resulting from the explosions and fires at Texas City, Texas, on 16 and 17 April 1947, under the act of 12 August 1955 (Public Law 378, 84th Cong.; 69 Stat. 707), hereinafter referred to as the "act".

§ 536.111 *Scope*—(a) *Limitations as to claimants.* Only those claims which were a part of a civil action against the United States in a United States district court prior to 25 April 1950 shall be entertained under the regulations of §§ 536.110–536.129, except that this limitation date may be waived where it is determined by the approving authority that for good cause, and by reason of infancy, insanity, or other legal reason, claimant was unable to bring such civil action.

(b) *Limitation as to time for filing.* Claimants are required to submit their claims in writing before 9 February 1956.

(c) *Limitations as to amount of award.* No claim based on death may be approved in an amount in excess of $25,000.00, no claim for personal injuries may be approved in an amount in excess of $25,000.00, and no claim for property losses may be approved in an amount in excess of $25,000.00.

§ 536.112 *Law applicable.* Except as otherwise provided in the act, the law of the State of Texas shall apply.

§ 536.113 *Action by claimant*—(a) *Claimant.* Claims for awards based on death shall be submitted only by duly authorized legal representatives. Claims for personal injuries or property losses may be submitted by persons entitled to awards therefor under the act, or by their duly authorized agents or representatives.

(b) *Form of claim.* Claims should be submitted by presenting properly completed in triplicate, DA Form 1572 (one-time) which has been prepared for Texas City disaster claims, shown in § 536.129. Supply of forms may be procured from the Chief, Claims Division, Office of the Judge Advocate General, Department of the Army, Fort Holabird, Baltimore 19, Maryland, or from the Chief of any field branch of that office which may be established in Texas. If forms are not available, reproduction by claimants is authorized and will be accepted.

(c) *Signature.* DA Form 1572 and all other papers requiring the signature of the claimant should be signed by the claimant, personally, or by a duly authorized agent or representative. The signature should include the given name, middle initial, if any, and surname, of the signer. In claims for death, only a duly authorized legal representative may sign. All signatures must be in ink and should be identical on all papers. When a claim is signed by a married woman, it should be signed in her given name, e. g., "Mary A. Roe" instead of "Mrs. John Roe". A claim signed by a representative or agent will show his title or capacity and will be accompanied by evidence of the authority of such person to act.

(d) *Presentation.* The claim must be submitted before 9 February 1956 to the Chief, Claims Division, Office of The Judge Advocate General, Department of the Army, Fort Holabird, Baltimore 19, Maryland, or to the Chief of any field branch of that office which may be established in Texas. The claim should be accompanied by all competent evidence available to the claimant, in duplicate, concerning the cause of the property loss, personal injury or death for which claim is made; indicating that the claim was a part of a civil action filed against the United States in a United States district court prior to 25 April 1950, or providing good cause for the failure to file such civil action, and that the claimant is otherwise entitled to receive an award under the act; and establishing the propriety of the amount claimed, to include evidence of all insurance benefits or other payments or settlements of any nature previously paid with respect to the claim. Upon receipt of the claim, the date of receipt will be stamped or otherwise noted on all copies of the claims form by the office to which the claim has been presented.

§ 536.114 *Investigation.* Every claim will be investigated under the direction of the Chief, Claims Division, Office of The Judge Advocate General, Department of the Army, Fort Holabird, Baltimore 19, Maryland. The investigation should be as complete as practicable, consideration being given to all facts and circumstances of significance to the merits of the claim and the quantum of damages, if any, in the light of the Act and the regulations of §§ 536.110–536.129. So far as consistent with the mentioned applicable authorities, the provisions of SR 25-20-1, special regulations of the Army pertaining to the investigation of claims, will be followed as a guide.

§ 536.115 *Designation of approving authority.* Claims presented under the regulations of §§ 536.110–536.129 may be settled by the Chief, Claims Division, Office of The Judge Advocate General, Department of the Army, or any officer of The Judge Advocate General's Corps assigned to the Claims Division, subject to such limitations as the Chief, Claims Division, may prescribe. The amount of awards, if any, in each claim under the act and the regulations of §§ 536.110–536.129 will be determined and fixed by the approving authority within 12 months from the date on which the claim was submitted by the claimant.

§ 536.116 *Amounts payable.* (a) See § 536.111 (c).

(b) The approving authority will reduce any amount determined to be payable upon a claim by an amount equal to the total of insurance benefits (except life insurance benefits), or other payments, or settlements of any nature, previously paid.

(c) The approving authority will not include in an award any amount for reimbursement to any insurance company, compensation insurance fund or other insurer for loss payments made by such company, fund or other insurer.

§ 536.117 *Settlement agreement and assignment.* (a) When a claim within the monetary jurisdiction of the approving authority has been approved, the claimant or his duly authorized agent or representative will be requested to sign and return to the approving authority, in triplicate, a settlement agreement and assignment substantially as follows:

I hereby agree to accept $_____ in full satisfaction and final settlement of all claims which I have or may have against the United States, its officers, agents, employees, or instrumentalities for (death) (personal injuries) (property losses) resulting from the disaster at Texas City, Texas, on 16 and 17 April 1947; and I hereby transfer, set over, and assign to the United States any and all rights of action against a third party arising from the (death) (personal injuries) (property losses) claim with respect to which settlement is made.

(b) If the claim is presented in an amount in excess of $25,000.00 and the approving authority considers that it is meritorious in an amount not in excess of $25,000.00, the approving authority

will so inform the claimant and request a settlement agreement and assignment. If the claim is considered meritorious in an amount in excess of $25,000.00, the claimant will be advised that there is no statutory authority to award more than $25,000.00 and that the claim can be approved only if he voluntarily consents to accept $25,000.00 in settlement; that in the absence of such acceptance the claim will be disposed of pursuant to section 10 (a) of the act.

§ 536.118 *Acceptance of award.* The acceptance by a claimant or his authorized agent or representative of any award or settlement made pursuant to the act and the regulations of §§ 536.110–536.129 shall constitute a complete release by the claimant of any and all claims against the United States, its officers, agents, employees, or instrumentalities arising out of the Texas City disaster of 16 and 17 April 1947.

§ 536.119 *Payment.* Awards made by the approving authority under the act and the regulations of §§ 536.110–536.129 shall be paid, pursuant to the act, by the Secretary of the Treasury.

§ 536.120 *Subrogation.* Payments approved on death, personal injury and property loss claims, shall not be subject to insurance subrogation claims, in any respect.

§ 536.121 *Transfers and assignments.* No claim cognizable under the act and the regulations of §§ 536.110–536.129 will be assigned or transferred except to the United States as provided in § 536.117.

§ 536.122 *Attorneys' and agents' fees.* Attorneys' and agents' fees shall be paid by claimants out of the awards made pursuant to the act and the regulations of §§ 536.110–536.129. No attorney or agent, on account of services rendered in connection with a claim, shall receive in excess of 10 per centum of the award made, any contract to the contrary notwithstanding.

§ 536.123 *Penalty for violations.* The act provides for punishment for violation of its provisions by a fine in a sum not to exceed $5,000.00.

§ 536.129 *DA Form 1572*—(a) *Front.* The front of DA Form 1572 reads as follows:

TEXAS CITY DISASTER CLAIM — Submit To:

(For use only for Texas City disaster claim)

(AR 25–150)

Notice to Claimant: In order that your claim for damages may receive proper consideration you are requested to supply the information called for on this form. All material facts should be substantiated by the best evidence available, as such evidence will be the basis of further action upon your claim. The instructions on the reverse side should be read carefully before the form is prepared. Submit this form in triplicate and all supporting documents in duplicate. Use additional sheets for continuation of numbered items, identifying each by number. Use ink or typewriter.

1a. Name of claimant (Last, first, middle initial).

b. Address. April 1947. / At present.

2a. Name of attorney or agent (if any) with respect to this claim.

b. Address.

3. Amount of claim (Itemize on schedules).
Death ---------- $
Personal injury ---------- $
Property ---------- $
Total ---------- $

4a. Date of death, injury or loss.
---------- 16 April 1947. ---------- 17 April 1947. ---------- Other (specify).

b. Time (indicate a. m. or p. m.).

5a. Cause of death
------- Blast. ------- Fire. ------- Collapse of building.
------- Flying debris. ------- Demolition. ------- Incident to emergency rescue work.
------- Other (specify).

b. Statement of all relevant facts and circumstances indicating where and how each element of damage resulted from the disaster.

6a. This claim was a part of civil action No. ---- filed in the ---------- Division, U. S. District Court for the District of ----------, on ----------, under the title ----------, ----------, ---------- vs. United States.

b. No civil action was filed against the United States to recover the damages alleged herein. Good cause for not filing such court action prior to 25 April 1950 is: (State fully).

7a. The claimant received compensation incident to the death, injury, or property loss, for which this claim is made, as follows: (If none, so state here ----------.)

Basis (insurance, including policy number and type)	Name an address of payor	Amount

b. Details of all demands on insurance companies, including denied demands.

8. Witnesses.

Name	Address

9. Criminal penalty for presenting fraudulent claim or making false statements.
Fine of not more than $10,000 or imprisonment for not more than 5 years or both. (See 62 Stat. 698, 749; 18 U. S. C. 287, 1001.)
Civil penalty for presenting fraudulent claim.
The claimant shall forfeit and pay to the United States the sum of $2,000, plus double the amount of damages sustained by the United States. (See R. S. § 3490, 5438; 31 U. S. C. 231.)
Penalty for violation of Act of 12 August 1955.
Fine of not to exceed $5,000. (Pub. Law 378, 84th Congress.)

I declare under the penalties of perjury that the amount of this claim covers only damages and injuries caused by the incident above described. I agree to accept said amount in full satisfaction and final settlement of this claim.

---------- Signature of claimant (Given name, middle initial, if any, and surname)

---------- (Date of claim)

(b) *Back.* The back of DA Form 1572 reads as follows:

10. Death.

a. Decedent's name.

b. Age at death.

c. Salary for three years preceding decedent's death (per year).

d. Survivors entitled under death statute.

Name	Address	Relationship	Age	Dependent upon deceased (yes—no)

11. Personal injury.

a. Nature and extent of injuries.

b. Names and addresses of attending physicians.

c. Names and addresses of hospitals, etc., where claimant received care and inclusive dates.

12. Real property damage.

(1) Location and description of property	(2) Nature and extent of damage
(3) Value before damage*	(4) Value after damage*
(5) Date repairs made	(6) Cost of repairs

(7) Persons having an interest in the property (including claimant)

Type of interest	Name	Address

*Not applicable with respect to property repaired.

13. Personal property.

Line NR	Quantity	Description of article (includes trademark or brand name if known)	Month and year of acquisition	Purchase price (value if acquired other than by purchase)	Value when lost or destroyed	Cost of repairs (if damaged only)	Value after incident (if damaged and not economically reparable)
a	b	c	d	e	f	g	h

Instructions. Claims for awards based on death shall be signed and submitted only by duly authorized legal representatives. Claims for personal injury or property loss may be signed and submitted by persons entitled to awards therefor under the act, or by their duly authorized agents or representatives. A claim signed by an agent or representative will show his or her title or capacity, and be accompanied by evidence establishing the authority of such person to act.

The amount claimed should be substantiated by competent evidence as follows:

a. As to claims for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital or burial expenses incurred. Claims for loss of time or loss of earnings should be supported by a written report from the claimant's employer showing the claimant's age, occupation, wage or salary time lost from work, whether or not a full time employee and actual period of employment by dates. If the claimant is self employed, his claim for loss of earnings must be supported by competent evidence as to the amount of earnings actually lost.

b. As to claims for damage to property which has been or can be economically repaired, the claimant should submit an itemized signed statement or estimate by a reliable, disinterested concern or, if payment has been made, an itemized signed receipt evidencing payment.

c. As to claims for damage to property which was not economically reparable, or if the property was lost or destroyed, the claimant should submit a statement substantiating his averments as to the value of the property, both before and after the incident. Such statement should be by a disinterested competent person, preferably a reputable dealer or official familiar with the type of property damaged.

Any further instructions or information necessary in the preparation of your claim will be furnished, upon request, by the office indicated on the front of this form.

[SEAL]

JOHN A. KLEIN,
Major General, USA, The Adjutant General.

[F. R. Doc. 55–8144; Filed, Oct. 7, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1233]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF BUREAU OF INDIAN AFFAIRS FOR SCHOOL PURPOSES AND REINDEER RESERVE; PARTIALLY REVOKING EXECUTIVE ORDER OF JANUARY 7, 1903, AND EXECUTIVE ORDER NO. 2141 OF FEBRUARY 27, 1915

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and the act of May 31, 1938 (52 Stat. 593; 48 U. S. C. 353a) it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use by the Bureau of Indian Affairs:

PORT GRAHAM

[59648]

FOR SCHOOL PURPOSES

Beginning at a point located S. 66° 30' W., 480 feet from witness corner located 25 links south of Corner No. 1 of U. S. Survey 510, thence South 156 feet to a point; West 35 feet to a point; South 844 feet to a point; West 310 feet to a point; North 700 feet to a point; East 75 feet to a point; North 300 feet to a point; East 270 feet to the point of beginning.

The tract described contains 6.7 acres.

KOTSEBUE

[63537]

AS A REINDEER RESERVE

That part of U. S. Survey No. 2407 described as follows:

Beginning at a point on line 1–6 U. S. S. 2407 from which Corner No. 1 bears S. 45° 55' E., 158.80 feet, thence N. 45° 55' W., 117.40 feet along line 1–6, U. S. S. 2407; S. 44° 05' W., 135 feet; S. 45° 55' E., 117.40 feet; N. 44° 05' E., 135 feet to point of beginning.

The tract described contains 0.36 acre.

GAMBELL

[59035]

FOR SCHOOL PURPOSES

Beginning at a point from which the northwest corner of the Alaska Native Service school building bears Easterly, 40 feet and Southerly 11 feet 8 inches, in approximate latitude 63° 47′ N., longitude 171° 45′ W., thence Southerly, 106 feet; Northerly, 100 feet; Southeasterly, 50 feet; Southwesterly, 100 feet; Southeasterly, 58 feet; Northeasterly, 100 feet; Southeasterly, 62.5 feet; Southwesterly, 100 feet; Northwesterly, 62.5 feet; Southwesterly, 144 feet; Southeasterly, 40 feet; Southwesterly, 94 feet; Northwesterly, 40 feet; Northeasterly, 86 feet; Northwesterly, 224 feet; Northeasterly, 152 feet to point of beginning.

The tract described contains 1.10 acres.

TYONEK

[62914]

FOR SCHOOL PURPOSES

Beginning at a point in the Native Village of Tyonek from which M. C. 12, U. S. Survey 1865 bears southwesterly 551 feet, in approximate latitude 61°04′ N., longitude 151°10′ W., thence N. 65° W., 250 feet; N. 25° E., 250 feet; S. 65° E., 250 feet; S. 25° W., 250 feet to point of beginning.

The tract described contains 1.4 acres.

2. The Executive order of January 7, 1903, reserving St. Lawrence Island for use as a reindeer station is hereby revoked so far as it affects the above described lands at Gambell.

3. Executive Order No. 2141 of February 27, 1915, reserving certain public lands in Alaska for use of the United States Bureau of Education is hereby revoked so far as it affects the above described lands at Tyonek.

OCTOBER 4, 1955.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

[F. R. Doc. 55-8147; Filed, Oct. 7, 1955; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 2-8]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

TABLE OF FREQUENCY ALLOCATIONS

In the matter of revision of Part 2 of the Commission's rules to effect certain editorial changes therein; Rules Amdt. 2-8.

1. The Commission having under consideration the desirability of making certain editorial changes in Part 2 of its rules; and

2. It appearing that, on November 20, 1953, the Commission adopted an order which, in part, amended Part 2 of its rules to reflect a change in station designation from "Interim FM relay station" to "FM inter-city relay station" in footnote NG14 to § 2.104 (a) (5); and

3. It further appearing that this change is not reflected in the latest reprinting of Part 2 of the Commission's rules, as revised effective July 1, 1955; and

4. It further appearing that the amendments adopted herein are editorial in nature, and therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

5. It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i) and 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Organization, Delegations of Authority and Other Information;

6. *It is ordered,* This 4th day of October 1955, that, effective immediately, Part 2 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 5, 48 Stat. 1068, as amended, sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 155, 303)

Released: October 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 2, § 2.104 (a) (5) in the following particulars:

Delete the present wording of footnote NG14 and substitute the following in lieu thereof:

NG14 FM inter-city relay stations may be authorized to use the band 940–952 Mc on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

[F. R. Doc. 55-8181; Filed, Oct. 7, 1955; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 78]

BRUCELLOSIS IN DOMESTIC ANIMALS

INTERSTATE MOVEMENT OF ANIMALS

On April 8, 1954, there was published in the FEDERAL REGISTER (19 F. R. 2020), a notice with respect to proposed amendments of Subchapter C, Chapter I, Title 9, Code of Federal Regulations. After consideration of all data, views, and arguments submitted in connection with the proposed amendments, it has been determined that certain modifications should be made therein. Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that, pursuant to the provisions of sections 6, 7, and 13 of the Act of May 29, 1884, as amended (21 U. S. C. 114a–1, 115, 117), sections 1 and 2 of the Act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 3 of the Act of March 3, 1905, as amended (21 U. S. C. 125), it is now proposed that the following regulations be issued in lieu of the provisions of paragraph (h) of § 78.1 and Subpart C as set forth in the notice published on April 8, 1954:

§ 78.1 *Definitions.* As used in this part, the following terms shall have the meanings set forth in this section except as otherwise clearly indicated.

• • • • • •

(h) *Official vaccinate.* A bovine animal vaccinated against brucellosis from 4 through 8 months of age, or a bovine animal of a beef breed in a range or semirange area, vaccinated against brucellosis from 4 to 12 months of age, under the supervision of a Federal or State veterinary official, with a vaccine approved by the Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture; permanently identified as such a vaccinate; and reported at the time of vaccination to the appropriate State and Federal Agency cooperating in the eradication of brucellosis.

• • • • • •

SUBPART C—RESTRICTIONS ON MOVEMENT OF CATTLE BECAUSE OF BRUCELLOSIS

§ 78.10 *General restriction.* Cattle may not be moved interstate except as provided in the regulations in this subpart.

§ 78.11 *Designation of modified certified brucellosis-free areas.* The following States, counties, and municipalities, are hereby designated as modified certified brucellosis-free areas:

(a) The State of Maine;
(b) The State of New Hampshire;
(c) The State of North Carolina;
(d) Cherokee, Douglas, Gilmer, Gwinnett, Murray, Paulding, and Pickens Counties, in Georgia;
(e) Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, and Shoshone Counties, in Idaho;
(f) Crawford County, in Indiana;
(g) Garrett, Somerset, Wicomico, and Worcester Counties, in Maryland;
(h) Alger, Antrim, Arenac, Baraga, Benzie, Charlevoix, Cheboygan, Chippewa, Delta, Dickinson, Emmet, Gogebic, Grand Traverse, Houghton, Iron, Kalkaska, Keweenaw, Leelanau, Luce, Mackinac, Marquette, Menominee, Ogemaw, Ontonagon, Otsego, Presque Isle, Schoolcraft, and Wexford Counties, in Michigan;
(i) Aitkin, Becker, Beltrami, Big Stone, Blue Earth, Brown, Carlton, Cass, Chippewa, Clay, Clearwater, Cook, Cottonwood, Hubbard, Itasca, Kittson, Koochiching, Lake, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Pope, Red Lake, Redwood, Renville, Rosseau, St. Louis, Stevens, Traverse, Wasena, Wilkin, Wright, and Yellow Medicine Counties, in Minnesota;
(j) Beaverhead, Carbon, Cascade, Daniels, Lake, Mineral, Missoula, and Sheridan Counties, in Montana;
(k) Hillmore and York Counties, in Nebraska;

(l) Cape May County, in New Jersey;
(m) Benson, Burke, Cavalier, Divide, Eddy, Grand Forks, Griggs, Mercer, Morton, Montrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Renville, Rolette, Trail, Walsh, Ward, Wells, and Williams Counties, in North Dakota;
(n) Clatsop, Coos, Curry, and Josephine Counties, in Oregon;
(o) Allegheny, Armstrong, Blair, Butler, Cameron, Carbon, Clarion, Clearfield, Clinton, Columbia, Dauphin, Elk, Forest, Greene, Huntingdon, Indiana, Juniata, Jefferson, Lawrence, Luzerne, Lycoming, McKean, Schuylkill, Somerset, Sullivan, Venango, Washington, and Wyoming Counties, in Pennsylvania;
(p) Allendale, Bamberg, Barnwell, Cherokee, Chester, Marlboro, Union, and York Counties, in South Carolina;
(q) Benton, Chelan, Clark, Columbia, Cowletz, Douglas, Franklin, Island, Kitsap, Garfield, Grant, Grays Harbor, Lewis, Lincoln, Pacific, Pend Orellle, San Juan, Skamania, Spokane, Stevens, and Wahkiakum Counties, in Washington;
(r) Barbour, Cabell, Doddridge, Fayette, Grant, Greenbrier, Harrison, Marshall, Mineral, Ohio, Raleigh, Roane, Upshur, and Wetzel Counties, in West Virginia;
(s) Vilas County, in Wisconsin; and
(t) Adjuntas, Aguadilla, Aguada, Aguas, Buenas, Anasco, Arroyo, Barceloneta, Camuy, Ciales, Cidra, Corozal, Guanico, Guayanilla, Hatillo, Isabela, Jayuya, Lares, Las Marias, Manati, Maricao, Maunabo, Moca, Morovia, Orocovis, Patillas, Penuelas, Quebradillas, Rincon, Rio Grande, San German, Sabana Grande, San Juan, Santa Isabel, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Villalba, and Vauco Municipalities, in Puerto Rico.

§ 78.12 *Movement of brucellosis reactor cattle.* Cattle which have reacted to a test recognized by the Secretary of Agriculture for brucellosis may be moved interstate in accordance with the regulations in Subpart B of this part.

§ 78.13 *Movement of other cattle.*[1] (a) Steers and spayed heifers and calves under 8 months of age, not known to be affected with brucellosis, may be moved interstate without restriction under this subpart.

(b) Cattle of the following classes, not known to be affected with brucellosis, may be moved interstate without other restriction under this subpart, if accompanied by a certificate issued by a Federal or State inspector or an accredited veterinarian showing the identification tag, tattoo, or registration number of each animal and showing the specific class in which the cattle fall:

(1) Cattle originating in certified brucellosis-free herds;

(2) Cattle originating in the modified certified brucellosis-free areas specified in § 78.11;

(3) Cattle which are official vaccinates under 30 months of age at the time of interstate movement;

(4) Cattle from herds, under Federal-State supervision for the control of brucellosis, in which all animals over eight months of age, except official vaccinates under thirty months of age, have been subjected to a blood agglutination test, recognized by the Secretary of Agriculture for brucellosis, under the supervision of a Federal or State veterinary official, within 90 days prior to the date of movement interstate and found negative; the individual animals to be moved interstate having been subjected to another such test at least 30 days from the date of the previous herd test and within 30 days prior to the date of movement interstate and found negative;

(5) Cattle which are official vaccinates over 30 months of age at the time of movement interstate; which have been subjected to a test, recognized by the Secretary of Agriculture for brucellosis, under the supervision of a Federal or State veterinary official, after 30 months of age and found not to disclose a reaction exceeding incomplete agglutination in a dilution of 1:100; and which are moved interstate under a permit from the State of destination to be maintained in quarantine in such State until they are negative to another such test or until their death by slaughter or from natural causes;

(6) Bulls and female cattle of the beef type moved interstate, for feeding or grazing purposes only, to a State which has laws, rules, or regulations, which provide for the segregation or quarantine of such cattle brought into the State, and under a permit from such State of destination; and

(7) Cattle which have been subjected to a blood agglutination test, recognized by the Secretary of Agriculture for brucellosis, under the supervision of a Federal or State veterinary official, within 30 days prior to the date of movement interstate and found negative, and which are moved interstate under a permit from the State of destination to be maintained in quarantine in such State separate from other cattle until they are negative to another such test administered not less than 30 days after the date of the interstate movement or until their death by slaughter or from natural causes.

(c) Cattle of the following classes, not known to be affected with brucellosis, may be moved interstate under this subpart, except into the modified certified brucellosis-free areas specified in § 78.11, if accompanied by a certificate issued by a Federal or State inspector or an accredited veterinarian showing the identification tag number, tattoo, or registration number of each animal and showing the specific class in which the cattle fall:

(1) Cattle which have been subjected to a test, recognized by the Secretary of Agriculture for brucellosis, under the supervision of a Federal or State veterinary official, within 30 days prior to the date of movement interstate and found negative;

(2) Cattle which are official vaccinates over 30 months of age at the time of movement interstate; which have been subjected to a test, recognized by the Secretary of Agriculture for brucellosis, under the supervision of a Federal or State veterinary official, within 30 days prior to the interstate movement and found not to disclose a reaction exceeding incomplete agglutination in a dilution of 1:100; and

(3) Bulls and female cattle of the beef type moved interstate, for feeding or grazing purposes only, to a State which has laws, rules, or regulations, which provide for the segregation or quarantine of such cattle brought into the State.

(d) Cattle, not known to be affected with brucellosis, may be moved interstate under this subpart for immediate slaughter direct to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 71 et seq.), or to a slaughtering establishment operating under State meat inspection, or to a slaughtering establishment designated by the proper State livestock sanitary official of the State of destination with approval of the Branch, if accompanied by a waybill or similar document, or a certificate signed by the owner or shipper of the cattle, stating: (1) The destination of the animals; (2) the purpose for which they are to be moved; (3) the number of animals covered by the waybill or similar document or certificate; (4) the point from which the animals are moved interstate; and (5) the address of such owner or shipper.

(e) Cattle, not known to be affected with brucellosis, may be moved interstate direct to a public stockyard without compliance with the foregoing provisions of this section, if accompanied by a waybill or similar document, or a certificate signed by the owner or shipper of the cattle, stating: (1) The destination of the animals; (2) the purposes for which they are to be moved; (3) the number of animals covered by the waybill or similar document or certificate; (4) the point from which the animals are moved interstate; and (5) the address of such owner or shipper: *Provided, however,* That the movement of said cattle from such public stockyard to another destination must comply with the provisions of this part the same as if the cattle had been originally consigned direct from the point of origin to such destination.

(f) The Chief of the Animal Disease Eradication Branch, Agricultural Research Service, may authorize the movement, not otherwise authorized by this section, of cattle, not known to have reacted to a test for brucellosis, under such conditions as he may prescribe to prevent the spread of brucellosis.

Any person who wishes to submit written data, views, or arguments concerning the foregoing proposed amendments may do so by filing them with the Chief, Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture, Washington, D. C., within 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 4th day of October 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-8153; Filed, Oct. 7, 1955; 8:46 a. m.]

[1] In each instance, the regulations of the State of destination should be consulted before interstate shipments are made.

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Ch. II]

[Docket No. 783]

PACIFIC COAST EUROPEAN TRADE; SECTION 19 INVESTIGATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to section 19, Merchant Marine Act, 1920 (46 U. S. C. 876), section 22, Shipping Act, 1916 (46 U. S. C. 821), and sections 204 and 214, Merchant Marine Act, 1936 (46 U. S. C. 1114 and 1124), the Federal Maritime Board has instituted an investigation and proposes the following rule:

(a) That every common carrier by water in the trade from ports of the Pacific Coast of the United States to ports of Great Britain, Northern Ireland, Irish Free State, Continental Europe, Baltic, and Scandinavian ports, and ports in the Mediterranean Sea, shall file with the Federal Maritime Board and keep open to public inspection schedules showing all the rates and charges for or in connection with the transportation of property in such trade, or any part thereof, except cargo loaded and carried in bulk without mark or count. The schedules filed as aforesaid by any such common carrier by water shall show the point from and to which each such rate or charge applies; and shall contain all the rules and regulations which in anywise change, affect, or determine any part of the aggregate of such aforesaid rates or charges.

(b) No change shall be made in any such rate or charge which has been filed and made public as required by this section except by the filing and publishing as aforesaid of a new schedule or schedules which shall become effective not earlier than the date of filing thereof with the Board, and such schedule or schedules shall plainly show the changes proposed to be made in the schedule or schedules then in force, and the time when the rates, fares, charges as changed are to become effective.

(c) Provided further, the Board upon good cause shown may exempt from the requirements of this section the rates and charges applicable to specific commodities.

(d) That every such common carrier file with the Federal Maritime Board a statement of the rate of brokerage paid by it wherever brokerage is paid by the said carrier in connection with the movement of cargo in the said trade. Thereafter, a memorandum of any change in or departure from such rate of brokerage shall be filed within thirty days from the date such change becomes effective or such departure takes place.

Any person having an interest in the proceeding and grounds for intervention within the meaning of the Board's Rules of Practice and Procedure, Rule 5 (n) (46 CFR 201.74), may intervene in the said proceeding of investigation by compliance with the said Rule, and notifying the Secretary, Federal Maritime Board, Washington 25, D. C., within fifteen (15) days from the date of publication hereof in the FEDERAL REGISTER, of an intention to do so.

By order of the Board.

Dated: October 6, 1955.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 55-8186; Filed, Oct. 6, 1955; 10:43 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Customs Delegation Order No. 1; T. D. 53914]

DELEGATION OF AUTHORITY

CLARIFYING AMENDMENT

SEPTEMBER 30, 1955.

Pursuant to Treasury Department Order No. 165, Revised (T. D. 53654; 19 F. R. 7241), Customs Delegation Order No. 1, (T. D. 53161; 17 F. R. 11705), as revised by T. D. 53694 (19 F. R. 8756), is hereby amended, for the purpose of clarification, by adding a new paragraph 4, reading as follows:

4. The delegations made by this order to the Chiefs of Divisions of the Bureau relate to decisions to be made and functions to be performed at the headquarters office of the Bureau of Customs, and no such delegation to the Chief of a Division shall be interpreted as revoking or modifying any delegation made to customs field officers.

[SEAL] RALPH KELLY, *Commissioner of Customs.*

[F. R. Doc. 55-8169; Filed, Oct. 7, 1955; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

SMALL TRACT CLASSIFICATION ORDER NO. 110

OCTOBER 4, 1955.

Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby amend all Small Tract Classification Orders applying to public lands in Clark County, Nevada. Until further notice, applications on Form 4-776 for lands classified in Clark County, Nevada, under previous classification orders will not be accepted, will not be considered as filed, and if filed, will be returned to the applicant.

E. R. GREENSLET, *State Supervisor.*

[F. R. Doc. 55-8174; Filed, Oct. 7, 1955; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

PEANUTS

REDELEGATION OF FINAL AUTHORITY BY ARKANSAS STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE

Section 729.731 of the Marketing Quota Regulations for the 1956 Crop of Peanuts (20 F. R. 6033), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376), provides that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State Committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Arkansas State Agricultural Stabilization and Conservation Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the person to whom the authority has been redelegated:

ARKANSAS

Sections 729.711 (a) (5), 729.717 (b) (5), 729.718, 729.720 (a), 729.722 (a), and 729.728 Administrative Officer or Acting Administrative Officer of the Office of the State ASC Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended; 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1372, 1373, 1374, 1376, 1388)

Issued at Washington, D. C., this 4th day of October 1955.

[SEAL] EARL M. HUGHES, *Administrator, Commodity Stabilization Service.*

[F. R. Doc. 55-8154; Filed, Oct. 7, 1955; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

ARBUCKLE, SMITH & CO., LTD.

ORDER TERMINATING TEMPORARY SUSPENSION ORDER

In the matter of: Arbuckle, Smith & Co., Ltd., Adelaide House, Lower Thames Street, London E. C. 3, England, Respondent.

An application having been made on behalf of Arbuckle, Smith & Co., Ltd., to vacate and terminate the order temporarily denying to it export privileges, issued July 1, 1955 (20 F. R. 4927, published July 9, 1955), and the evidence in support of said application having been referred to and considered by the Compliance Commissioner, who has recommended that the application be granted as hereinafter provided:

It is hereby ordered, That the order temporarily denying export privileges to Arbuckle, Smith & Co., Ltd. (20 F. R. 4927, published July 9, 1955), be and the same hereby is vacated without prejudice to any future action or proceeding which may be taken herein upon a proper showing of reasons for such action.

Dated: October 5, 1955.

JOHN C. BORTON, *Director, Office of Export Supply.*

[F. R. Doc. 55-8167; Filed, Oct. 7, 1955; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11308, 11438; FCC 55M-841]

UMATILLA BROADCASTING ENTERPRISES ET AL.

ORDER SETTING PRE-HEARING CONFERENCE

In re applications of John M. Carroll tr/as Umatilla Broadcasting Enterprises, Pendleton, Oregon, Docket No. 11308, File No. BP-9510; Robert R. Moore tr/as Othello Broadcasting Company, Othello, Washington, Docket No. 11438, File No. BP-9723; for construction permits.

The Hearing Examiner having under consideration a petition filed September 30, 1955, by Umatilla Broadcasting Enterprises, requesting that a pre-hearing conference in the above-entitled proceeding be held on October 14, 1955;

It appearing that the hearing in such proceeding is now scheduled to commence on November 14, 1955; that section 1.841 of the Commission's Rules requires the exchange of exhibits by the parties at least 20 days prior to the hearing date; and that a conference in accordance with section 1.813 of the Commission's rules is necessary in order to expedite the hearing by consideration, among other things, of the following matters:

(1) The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

(2) Admissions of fact and of documents which will avoid unnecessary proof;

(3) The possibility of stipulating with respect to facts;

(4) Assumptions regarding the availability of equipment;

(5) Need, if any, for depositions;

(6) The numbering of exhibits;

(7) The order of offer of proof with relationship to docket number;

(8) The date for the exchange of exhibits between the applicants, as required by Section 1.841, *supra;* and

(9) Such other matters as will be conducive to an expeditious conduct of the hearing;

It further appearing that public interest requires an early consideration of such petition and good cause has been shown for the grant thereof;

It is ordered, This 4th day of October 1955, that the petition be and it is hereby granted; and that a pre-hearing conference for the purposes hereinabove described be held in the above-entitled proceeding at the offices of this Commission, at 10:00 a. m., on Friday, October 14, 1955, and the parties are ordered and directed to appear, either in person or by counsel, at such conference prepared to discuss the matters enumerated above.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-8182; Filed, Oct. 7, 1955; 8:50 a. m.]

[Docket Nos. 11474, 11475; FCC 55 M-838]

NORTHERN INDIANA BROADCASTERS, INC., ET AL

ORDER CONTINUING HEARING

In re applications of Northern Indiana Broadcasters, Incorporated, South Bend, Indiana, Docket No. 11474, File No. BP-9602; St. Joseph Valley Broadcasting Corporation (WJVA), Mishawaka, Indiana, Docket No. 11475, File No. BP-9778; for construction permits.

The Hearing Examiner having under consideration a motion filed September 29, 1955, by St. Joseph Valley Broadcasting Corporation (WJVA) requesting a continuance of the pre-hearing conference scheduled for September 30, 1955, as well as the hearing scheduled to begin on October 12, 1955; and

It appearing that St. Joseph Valley Broadcasting Corporation (WJVA) has been engaged in negotiations which, if consummated, may result in their withdrawal from this proceeding, a fact which would render a comparative hearing unnecessary; and

It appearing that counsel for all the parties have consented to the requested continuance, and for immediate consideration of the motion and good cause for continuance having been shown;

It is ordered, This the 29th day of September 1955, that the motion for the continuance of the pre-hearing conference and of the hearing be and the same is hereby granted; the pre-hearing conference and the start of the hearing are continued to a date which will be designated later by the Hearing Examiner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-8183; Filed, Oct. 7, 1955; 8:50 a. m.]

[Amdt. 0-12]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND OTHER INFORMATION

MISCELLANEOUS AMENDMENTS

The Commission having under consideration the desirability of making certain editorial changes in section 0.49 of its Statement of Organization, Delegations of Authority and Other Information; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph 0.341 of the Commission's Statement of Organization, Delegations of Authority and Other Information.

It is ordered, This 5th day of October 1955, that, effective immediately, section 0.49 of the Commission's Statement of Organization, Delegations of Authority and Other Information is amended as set forth below.

Released: October 5, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

1. In section 0.49 (a), change the heading of the last column in the table to read "Counties" and change the addresses of the following Radio District Offices:

Radio District	*and New Address*
5	(Delete "Ship Office: Room 200, U. S. Post Office Bldg., Newport News, Va." listed under Radio District No. 5.)
6	718 Atlanta National Bldg., 50 Whitehall St. SW., Atlanta 3, Ga. Sub-Office: P. O. Box 77, 214 Post Office Bldg., Savannah, Ga.
8	608 Federal Bldg., 600 South St., New Orleans 12, La. Sub-Office: 419 U. S. Courthouse and Customhouse, Mobile 10, Ala.
9	(NOTE: Main office address unchanged—change Sub-Office address to read as follows:) Sub-Office: P. O. Box 1527 (329 Post Office Bldg., 300 Willow St.), Beaumont, Tex.
10	P. O. Box 5238, 500 U. S. Terminal Annex Bldg., (Houston and Jackson Sts.), Dallas 22, Tex.
12	323-A Customhouse (555 Battery St.), San Francisco 26, Calif.
14	802 Federal Office Bldg., (First Ave. and Marion), Seattle 4, Wash.
15	521 New Customhouse (19th between California and Stout Sts.), Denver 2, Colo.
17	3100 Federal Office Bldg., 911 Walnut St., Kansas City 6E, Mo.
18	626 U. S. Courthouse, 219 South Clark St., Chicago 4, Ill.
23	(NOTE: Main office address unchanged—change Sub-Office address to read as follows:) Sub-Office: P. O. Box 1421, 5 Shattuck Bldg., Juneau, Alaska.
24	Briggs Bldg., 22d and E Sts. NW., Washington 25, D. C.

2. In section 0.49 (b) change the address of Regional Office No. 2 to read as follows:

Region No. 2, 718 Atlanta National Bldg., 50 Whitehall St. SW., Atlanta 3, Ga.—To include: District Nos. 6, 7, 8, 9, 10, and 22.

3. In section 0.49 (c) change the address of the Powder Springs, Ga., Pri-

mary Monitoring Station to read as follows:

Federal Communications Commission, P. O. Box 4, Powder Springs, Ga.

[F. R. Doc. 55-8184; Filed, Oct. 7, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-3175]

PHILLIPS PETROLEUM CO.

ORDER PERMITTING SUBSTITUTION OF REVISED RATE SCHEDULE AND SUSPENDING PROPOSED RATES AND CHARGES IN SUBSTITUTED RATE SCHEDULE

Phillips Petroleum Company (Applicant), on August 31, 1955, tendered for filing a contract, designated as Applicant's FPC Gas Rate Schedule No. 262, in substitution and in lieu of Applicant's FPC Gas Rate Schedule No. 26, including Supplements 1 through 11 thereto, and in lieu of Applicant's FPC Gas Rate Schedule No. 28 and Supplements 1 through 4 thereto, all pertaining to sales and deliveries of gas by Applicant to Northern Natural Gas Company.

Applicant's FPC Gas Rate Schedule No. 262 consists of a new contract to supersede Applicant's FPC Gas Rate Schedules Nos. 26 and 28 and effective October 1, 1955, which is the expiration date proposed in the present contracts. Applicant's FPC Gas Rate Schedule No. 262 makes no change in service but changes the rate only to the extent of making the proposed tax escalation clause applicable to all gas sold. Applicant's FPC Gas Rate Schedule No. 28 contains a tax escalation clause, whereas Applicant's FPC Gas Rate Schedule No. 26 does not contain a tax escalation clause. Applicant's FPC Gas Rate Schedule No. 262 effects an increase on that portion of gas presently sold under Applicant's FPC Gas Rate Schedule No. 26.

Applicant has requested permission of the Commission to substitute its FPC Gas Rate Schedule No. 262 in the foregoing designated docket for the previously filed Rate Schedules Nos. 26 and 28 pertaining to this same service and be made effective on October 1, 1955. The increased rates and charges proposed in the aforesaid filing of Applicant's FPC Gas Rate Schedule No. 262 have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

This proceeding, which was instituted pursuant to Sections 4 and 15 of the Natural Gas Act for the purpose of determining the lawfulness of the increased rates and charges proposed by Applicant, has not been concluded, nor decision rendered therein.

The Commission finds:

(1) Good cause exists to permit the substitution of Applicant's FPC Gas Rate Schedule No. 262 filed on August 31, 1955, in lieu of Applicant's FPC Gas Rate Schedule No. 26, including Supplements 1 through 11 thereto, and in lieu of Applicant's FPC Gas Rate Schedule No. 28 and Supplements 1 through 4 thereto.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes as provided in Applicant's FPC Gas Rate Schedule No. 262 in this proceeding, and that Applicant's FPC Gas Rate Schedule No. 262 be suspended and the use thereof deferred as hereinafter ordered.

(3) It is appropriate and necessary in carrying out the provisions of the Natural Gas Act to require Applicant, as a condition to its making effective rates under suspension, to file an undertaking.

The Commission orders:

(A) Applicant's FPC Gas Rate Schedule No. 262 filed on August 31, 1955, be and it is hereby substituted in lieu of Applicant's FPC Gas Rate Schedule No. 26, including Supplements 1 through 11 thereto, and in lieu of Applicant's FPC Gas Rate Schedule No. 28 and Supplements 1 through 4 thereto.

(B) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges in Applicant's FPC Gas Rate Schedule No. 262; and, pending such hearing and decision thereon, the above-designated rate schedules and supplements be and the same hereby are suspended and the use thereof deferred until October 2, 1955, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 28, 1955.

Issued: October 3, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8148; Filed, Oct. 7, 1955; 8:45 a. m.]

[Docket No. E-6645]

SOUTHEASTERN POWER ADMINISTRATION

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES FOR SALE OF POWER BY SOUTHEASTERN POWER ADMINISTRATION

OCTOBER 3, 1955.

In the matter of United States Department of the Interior, Southeastern Power Administration, Center Hill, Dale Hollow, and Wolf Creek Projects.

Notice is hereby given that the United States Department of the Interior on behalf of the Southeastern Power Administration (SEPA), has filed with the Federal Power Commission a contract dated December 18, 1948, as amended by a supplemental agreement dated July 26, 1955, together with supporting data, covering the sale by SEPA to the Tennessee Valley Authority (TVA) of power and energy generated at the Center Hill, Dale Hollow, and Wolf Creek projects in the Cumberland River Basin in Kentucky and Tennessee. Confirmation and approval of the rates and charges contained therein is requested for a period of five years pursuant to the Flood Control Act of 1944 (58 Stat. 887). The subject contract as amended provides, in summary, as follows:

The total power and energy generated at the above Cumberland River Basin projects, less power and energy required by the United States Army Corps of Engineers in connection with operation of the projects, shall be delivered at the project sites to TVA. The projects will be operated in accordance with a separate operating agreement between TVA and the Army.

As compensation for the power and energy delivered to it, TVA shall make a basic annual payment of $3,950,000, subject to adjustment for variations in the average unregulated flow of water into Wolf Creek reservoir for each year ending June 30. The annual payment shall be increased $560,000 for each 750 cubic feet per second or fraction thereof by which such flow exceeds 9,250 cubic feet per second, or decreased $560,000 for each 500 cubic feet per second or fraction thereof by which such flow is less than 8,500 cubic feet per second; provided, that the adjusted annual payment shall not be less than $1,710,000, nor more than $6,190,000.

Payments shall be made in monthly installments of $150,000 during the months from July through December of each year, and in accordance with computed amounts, based upon estimated average stream flow as provided in the agreement, during the months from January through June. In the event that the sum of the monthly installments at the end of the fiscal year exceeds the applicable annual charge, the excess shall be credited against installments due the following fiscal year.

Anyone desiring to make representation with respect to the foregoing should submit the same on or before October 25, 1955, to the Federal Power Commission, Washington 25, D. C. The proposed rates and charges are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8149; Filed, Oct. 7, 1955; 8:46 a. m.]

[Docket No. G-3908, etc.]

LIVEZEY GAS CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 3, 1955.

In the matters of Livezey Gas Corporation, Docket No. G-3908; Oil Participations, Inc., Docket Nos. G-4363 and G-4364; Doham Gas Company, Docket No. G-4883; Brady Gas Company, Docket No. G-6011; Fez Gas Company, Docket No. G-6012; Sweetland Land and Mineral Company; Docket Nos. G-6013, G-6015, G-6017; Delhi Oil Company, Docket No. G-6306; Delta Gulf Drilling Company, Docket Nos. G-6331, G-6332, G-6333, and G-6334.

Take notice that there have been filed with the Federal Power Commission applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the respective Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open for public inspection.

The above-named Applicants produce and sell natural gas for transportation in interstate commerce for resale, as indicated below:

Docket No.	Location of field	Purchaser
G-3908	West Sinton and South Sinton Fields, San Patricio County, Tex.	Tennessee Gas Transmission Co.
G-4363	Corpus Channel Field, Nueces County, Tex.	Do.
G-4364	Spartan Field, San Patricio County, Tex.	Do.
G-4883	McClelland District, Doddridge County, W. Va.	Manufacturers Light & Heat Co.
G-6011	Laurel Hill District, Lincoln County, W. Va.	United Fuel Gas Co.
G-6012	Fez Creek Field, Lincoln County, W. Va.	Do.
G-6013	Mud River Field, Lincoln County, W. Va.	Do.
G-6015	Harts Creek District, Lincoln County, W. Va.	Do.
G-6017	Laurel Hill District, Lincoln County, W. Va.	Do.
G-6306	North Magnolia City Field, Jim Wells County, Tex.	Tennessee Gas Transmission Co.
G-6331	Carthage Field, Panola County, Tex.	Texas Gas Transmission Corp.
G-6332	Driftwood Field, Elk and Cameron Counties, Pa.	Sylvania Corp.
G-6333	Driftwood Field, Cameron County, Pa.	Manufacturers Light & Heat Co.
G-6334	Wharton Field, Porter County, Pa.	United Natural Gas Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 9, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8150; Filed, Oct. 7, 1955; 8:46 a. m.]

[Docket No. G-8616 etc.]

SENECA DEVELOPMENT CO. ET AL.

NOTICE OF ORDERS MAKING EFFECTIVE PROPOSED RATE CHANGES

OCTOBER 4, 1955.

In the matters of Seneca Development Company, Docket No. G-8616; Hassie Hunt Trust, Docket No. G-8618; H. L. Hunt, Docket No. G-8620.

Notice is hereby given that on September 30, 1955, the Federal Power Commission issued its orders adopted September 28, 1955, making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8159; Filed, Oct. 7, 1955; 8:47 a. m.]

[Docket No. G-8617, etc.]

KATHLEEN O'BOYLE TRUST NO. 2 ET AL.

NOTICE OF ORDERS MAKING EFFECTIVE PROPOSED RATE CHANGES

OCTOBER 4, 1955.

In the matters of Kathleen O'Boyle Trust No. 2, Docket No. G-8617; Hunt Oil Company, Docket No. G-8619; Continental Oil Company, Docket No. G-8696.

Notice is hereby given that on September 29, 1955, the Federal Power Commission issued its orders adopted September 28, 1955, making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8160; Filed, Oct. 7, 1955; 8:47 a. m.]

[Docket No. G-8697, etc.]

STANOLIND OIL AND GAS CO. ET AL.

NOTICE OF ORDER AFFIRMING RULING

OCTOBER 4, 1955.

In the matters of Stanolind Oil and Gas Company, Docket No. G-8697; Continental Oil Company, Docket No. G-8696; Mississippi River Fuel Corporation, Docket No. G-9097.

Notice is hereby given that on September 28, 1955, the Federal Power Commission issued its order adopted September 28, 1955, affirming ruling of Presiding Examiner in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8161; Filed, Oct. 7, 1955; 8:47 a. m.]

[Docket No. G-8839 etc.]

NATURAL GAS PIPELINE CO. OF AMERICA ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 4, 1955.

In the matters of Natural Gas Pipeline Company of America, Docket No. G-8839; Texas Company, Docket No. G-8820; Phillips Petroleum Company, Docket No. G-8876.

Natural Gas Pipeline Company of America, and hereinafter referred to as Natural, a Delaware corporation with its principal place of business at 20 North Wacker Drive, Chicago 6, Illinois, filed, on May 2, 1955, its application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing to construct and operate gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

(1) To construct and operate a side-tap connection to Natural's main transmission line system in the Southwest corner of Beaver County, Oklahoma.

(a) In addition to (1) above, Natural is to construct a gathering system in Texas and Beaver Counties, Oklahoma, consisting of 2.07 miles of 4-inch, 4.60 miles of 6-inch, and 5.05 miles of 8-inch pipelines.

(b) To construct wellhead meters and alcohol injection equipment.

(2) To construct and operate a side-tap connection in Hansford County, Texas, on Natural's Sinclair-Lips gas field lateral line approximately one mile southeast of the point of connection of the Sinclair-Lips line with Natural's main transmission system.

(a) In addition to (2) above, Natural is to construct gathering facilities consisting of approximately 0.9 mile of 4-inch pipeline.

(b) One wellhead meter and alcohol injection equipment.

The purpose of the above project is to enable Natural to take deliveries, into its main transmission system, of additional supplies of gas under new purchase contracts with Texas Company, United Producing Company, Inc., Rip C. Underwood, Cities Service Gas Development Company (formerly American Gas Production Company), and Phillips Petroleum Company.

The Texas Company and Phillips Petroleum Company (hereinafter referred to as Texas and Phillips respectively), are Delaware corporations with their principal places of business located at Houston, Texas, and Bartlesville, Oklahoma, respectively. Texas

filed its application on April 28, 1955, and Phillips filed on May 9, 1955, both filings were for certificates of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Texas and Phillips to render service as hereinafter described, subject to the jurisdiction of the Commission all as more fully represented in their respective application which are on file with the Commission and open for public inspection.

Texas and Phillips propose to produce natural gas from the Cambrick field, Texas County, Oklahoma, and the Blakemore area, Hansford County, Texas, which will be sold to Natural for transportation in interstate commerce for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 3, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 22, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8162; Filed, Oct. 7, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 5, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31157: *Commodities between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on oleomargarine, packing house products, dressed beef, pork and mutton, carloads between points in Texas over interstate routes.

Grounds for relief: Intrastate competition and circuity.

Tariff: Supplement 5 to Agent Brown's I. C. C. 865.

FSA No. 31159: *Lime to Boutte, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on lime, carloads from various interstate origins to Boutte, La.

Grounds for relief: Short-line distance formula, grouping and circuity.

Tariff: Supplement 20 to Agent Kratzmeir's I. C. C. 4021.

FSA No. 31160: *Fertilizer and materials—Florida to Official Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from Apalachicola and Franklin, Fla., to specified points in official territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 55 to Agent Spaninger's I. C. C. 1366.

FSA No. 31161: *Slag—Sheffield, Ala., to Illinois Points.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on slag, expanded or water granulated, carloads from Sheffield, Ala., to Benton, Harrisburg, and Sesser, Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 26 to Agent Spaninger's I. C. C. 1469.

FSA No. 31162: *Asphalt filler—Chatsworth, Ga., to Rutherford, N. J.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on asphalt filler, carloads from Chatsworth, Ga., to Rutherford, N. J.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 144 to Agent Spaninger's I. C. C. 1324.

FSA No. 31163: *Hides—Meridian, Miss., to Philadelphia, Pa.* Filed by R. E. Boyd, Jr., Agent, for interested rail carriers. Rates on hides, pelts or skins, carloads from Meridian, Miss., to Philadelphia, Pa.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 144 to Agent Spaninger's I. C. C. 1324.

FSA No. 31164: *Hides—Center Hill, Fla., to Eastern Points.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on hides, pelts or skins, carloads from Center Hill, Fla., to Peabody, Mass., and South Paris, Maine.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 144 to Agent Spaninger's I. C. C. 1324.

FSA No. 31165: *Hides—Greenwood, S. C., to Endicott, N. Y.* Filed by R. E. Boyle, Jr., for interested rail carriers. Rates on hides, pelts or skins, carloads from Greenwood, S. C., to Endicott, N. Y.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 144 to Agent Spaninger's I. C. C. 1324.

FSA No. 31166: *Acetone—Holston and Kingsport, Tenn., to Houston, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on acetone, noibn, tank-car loads from Holston and Kingsport, Tenn., to Houston, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 88 to Agent Kratzmeir's I. C. C. 4115.

FSA No. 31167: *Superphosphate to Forest City, Iowa.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on superphosphate (acid phosphate), other than ammoniated or defluorinated, carloads from specified points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee to Forest City, Iowa.

Grounds for relief: Short line distance formula and circuity.

Tariff: Supplement 21 to Agent Spaninger's I. C. C. 1433.

AGGREGATE OF INTERMEDIATES

FSA No. 31168: *Commodities between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on oleomargarine, packing house products, dressed beef, pork, and mutton, and anhydrous ammonia, carloads between points in Texas over interstate routes.

Grounds for relief: Maintenance of rates proposed between points in Texas not applicable as factors in constructing combination rates lower than through one-factor rates from or to points beyond Texas.

Tariff: Supplement 5 to Agent Brown's I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-8155; Filed, Oct. 7, 1955; 8:46 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 59]

INDIANA HARBOR BELT RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Indiana Harbor Belt Railroad Company, because of work stoppage, is unable to transport traffic routed over and to points on its lines.

It is ordered, That:

(a) Rerouting traffic: The Indiana Harbor Belt Railroad Company, and its connections, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 p. m., September 30, 1955.

(g) Expiration date: This order shall expire at 11:59 p. m., October 31, 1955, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 30, 1955.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 55-8156; Filed, Oct. 7, 1955; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 44]

TOWELING, OF FLAX, HEMP, OR RAMIE

NOTICE OF INVESTIGATION

Investigation instituted. Upon application of the Stevens Linen Associates, Inc., Dudley, Massachusetts, received August 29, 1955, the United States Tariff Commission, on the 4th day of October, 1955, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether toweling, of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value, classifiable under paragraph 1010 of the Tariff Act of 1930, is, as a result in whole or in part of the duty or other customs treatment reflecting the concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the Tariff Commission on the 4th day of October 1955.

Issued: October 5, 1955.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 55-8158; Filed, Oct. 7, 1955; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-958]

STATE BOND AND MORTGAGE CO.

NOTICE OF FILING OF APPLICATION REGARDING THRIFT PLAN FOR EMPLOYEES

OCTOBER 3, 1955.

Notice is hereby given that State Bond and Mortgage Company (the "Company"), a registered investment company, has filed an application pursuant to Rule N-17D-1 of the rules and regulations promulgated under the Investment Company Act of 1940 ("Act") for an order under the rule granting such application in respect of a Thrift Plan for Employees.

The application describes the operation of the Plan in summary as follows:

The Plan is to be voluntary as to those persons in the employ of the company at the time of its adoption and compulsory as to persons becoming employees thereafter.

The allocation of the Company contribution among the various members will vary in direct proportion to the amount of their voluntary contribution, which contribution may be either 1 percent, 2 percent, 3 percent, 4 percent, or 5 percent of the employees' annual compensation. The Company contribution for each fiscal year of the Plan is to be the smallest of the following sums: (1) 50 percent of member contributions during the year; (2) 5 percent of annual net profit of the company; or (3) the excess of net profit over 15 percent of capital funds as of the beginning of the year. No stock of the Company may be held in the Plan. The Plan will be administered by a Trustee.

Company contributions will vest in the employee upon termination of employment (other than by retirement or death) only to the following extent depending upon years of employment:

	Percent
Less than five	0
Five to eight	25
Eight to ten	50
Ten or more	100

The Plan also provides that there shall be no vesting in case of discharge for proven fraud or dishonesty. Any forfeitures will vest in the other members of the Plan and will not inure to the benefit of the Company.

The Plan has been formally approved by the Board of Directors, but will not be submitted to security holders of the Company. It will be put into operation retroactively for the current fiscal year of the Company upon its clearance and approval by the Internal Revenue Service and by the Securities and Exchange Commission.

Rule N-17D-1 provides, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment or of any company controlled by any such registered investment company to participate in, or effect any transaction in connection with any bonus, profit-sharing or pension plan in which any such registered investment company or controlled company is a participant unless an application regarding such plan has been granted by the Commission, prior to the adoption thereof if not submitted to stockholders for approval.

Since affiliated persons of the Company would be eligible to participate, the Thrift Plan is subject to the provisions of Rule N-17D-1.

Notice is further given that any interested person may, not later than October 14, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the Rules and Regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8151; Filed, Oct. 7, 1955; 8:46 a. m.]

[File No. 70-3412]

AMERICAN NATURAL GAS CO. AND MICHIGAN CONSOLIDATED GAS CO.

ORDER REGARDING ISSUANCE OF COMMON STOCK BY PUBLIC UTILITY COMPANY AND ACQUISITION THEREOF BY PARENT COMPANY

OCTOBER 4, 1955.

American Natural Gas Company ("American Natural"), a registered holding company, and Michigan Consolidated Gas Company ("Michigan Consolidated"), a gas utility subsidiary company of American Natural, having filed with this Commission an application-declaration, and an amendment thereto, pursuant to sections 6 (a) (2), 6 (b), 7 (e), 9, 10, and 12 (f) of the Public Utility Holding Company Act of 1935 ("Act") and Rule U-43 promulgated thereunder regarding certain proposed transactions which are summarized as follows:

UNIVERSITY OF MICHIGAN

Michigan Consolidated proposes to issue and sell to American Natural, and American Natural proposes to buy from Michigan Consolidated, 930,000 shares of Michigan Consolidated common stock, par value $14 per share, for a cash consideration of $13,020,000, which is equal to the aggregate par value thereof. American Natural proposes to pay such purchase price out of the proceeds obtained from its recent offering of common stock. Michigan Consolidated will use the net proceeds from the sale of Michigan Consolidated common stock for the payment of construction costs and to reimburse its treasury for funds so used.

Michigan Consolidated further proposes to amend its Articles of Incorporation so as to increase its authorized shares of common stock from 4,500,000 shares (of which 4,475,000 shares are presently outstanding) to 5,500,000 shares.

The transactions proposed to be consummated by Michigan Consolidated have been expressly authorized by the Michigan Public Service Commission, the State commission of the State in which Michigan Consolidated is organized and doing business. The application-declaration states that no other commission, other than the Securities and Exchange Commission, has jurisdiction over any of the proposed transactions.

Fees and expenses in connection with the foregoing transactions are estimated as follows:

Federal original issue tax	$14,322
Michigan Public Service Commission fee	13,020
Michigan Corporation and Securities Commission fee	7,000
Counsel fees:	
Sidley, Austin, Burgess & Smith	750
Dyer, Meek, Ruegsegger & Bullard	750
American Natural Gas Service Company, services at cost	500
Miscellaneous telephone, telegraph, duplicating, traveling and other expenses and contingency fund	658
Total	37,000

Notice of the filing of the application-declaration having been duly given in the manner prescribed by Rule U-23, and no hearing having been ordered by or requested of the Commission; and the Commission finding that the applicable provisions of the Act and the Rules thereunder are satisfied; that the fees and expenses set forth above are not unreasonable; and that the application-declaration, as amended, should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said application-declaration, as amended, be and the same hereby is granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8152; Filed, Oct. 7, 1955; 8:46 a. m.]

UNIVERSITY OF MICHIGAN
OCT 13 1955
MAIN READING ROOM

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 20 NUMBER 198

Washington, Tuesday, October 11, 1955

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Security Servicing and Liquidations

[FHA Instruction 465.8]

PART 372—FARM OWNERSHIP LOANS

SUBPART C—ASSIGNMENT OF INSURED MORTGAGES

ASSIGNMENT OF AN INSURED MORTGAGE BY PRIVATE HOLDER TO PRIVATE BUYER

Section 372.125, Title 6, Code of Federal Regulations (20 F. R. 1047) is revised to prescribe the use of a new form and reads as follows:

§ 372.125 *Assignment of an insured mortgage by a private holder to a private buyer.* (a) Upon receipt of notice from a holder of intention to assign an insured mortgage, the Director, Finance Office, will send any accumulated payments on the loan to the holder and furnish the holder with appropriate information on how to complete the assignment. The Director, Finance Office, also will send the holder a copy of Form FHA–756, "Notice and Acknowledgment of Sale," a statement of account, and assignment forms, if needed.

(b) If the Director, Finance Office, receives information that an insured mortgage has already been assigned, he will inform the holder of any additional steps that are needed to complete the assignment and request the holder to furnish a completed Form FHA–756.

(c) Upon receipt of a properly completed Form FHA–756 and a conformed copy of the instrument of assignment, if a separate instrument of assignment was used, the Director, Finance Office, will execute, and date the acknowledgment section of Form FHA–756. He will send a facsimile of the completed Form FHA–756 to the assignee, to the assignor, and to the County Supervisor, and retain the original. Upon execution of the acknowledgment of notice of sale on Form FHA–756, the assignment shall be binding upon the Government from the date of the assignment, provided a valid assignment of the note and mortgage has been effected, and provided further that, except when the mortgaged property is located in Colorado, Missouri, Puerto Rico, Tennessee, or Virginia, the assignment has been properly recorded in the land records. The Government assumes no liability for any payment transmitted to the assignor prior to the date of the acknowledgment of notice of sale on Form FHA–756.

(d) The Finance Office will transmit payments to the assignee after the date of the acknowledgment on Form FHA–756 and will notify the assignor and assignee of any payments processed to the assignor subsequent to the date of the assignment or the statement of account, whichever is earlier, and prior to the date of the acknowledgment. The Farmers Home Administration will assume no liability for failure to give such notice and for adjustment of these payments between the assignor and assignee.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies secs. 12 (f) (1), (1), 60 Stat. 1077; 7 U. S. C. 1005b (f) (1), (1))

Dated: October 5, 1955.

[SEAL] R. B. MCLEAISH, *Administrator, Farmers Home Administration.*

[F. R. Doc. 55-8219; Filed, Oct. 10, 1955; 8:58 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

TEXAS; ADDITION TO LIST OF BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 20 F. R. 3595 and 6813 and containing the specific requirements for the 1955-crop rye support program are hereby amended as follows:

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Section 421.1383 (c) is amended by adding the following to the list of basic county support rates:

TEXAS	
County:	*Rate (No. 2 or better)*
Reeves	$1.05

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714, 7 U. S. C. 1447, 1421)

Issued this 6th day of October 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55–8218; Filed, Oct. 10, 1955; 8:57 a. m.]

PART 475—1955 EMERGENCY FEED PROGRAM

This bulletin contains regulations pertaining to the 1955 Emergency Feed Program and is issued by the Commodity Credit Corporation.

Sec.
475.15 General statement.
475.16 Administration.
475.17 Definitions.
475.18 Farmer's Purchase Orders.
475.19 Dealer's Certificates.
475.20 Presentation of Dealer's Certificates to CCC.
475.21 Limitations on rights of transferees.
475.22 Suspension of Feed Dealer's Agreements.
475.23 Extension of time.
475.24 Termination.

AUTHORITY: §§ 475.15 to 475.24 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055, sec. 301, Pub. Law 480, 83d Cong.; 7 U. S. C. 1427.

§ 475.15 *General statement.* The program provided for in this part will be carried out by the United States Department of Agriculture through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter called CCC and CSS, respectively) and is a part of the 1955 Emergency Feed Program formulated by the Department of Agriculture. The eligibility of applicants for assistance under the 1955 Emergency Feed Program will be determined by the Farmers Home Administration pursuant to the regulations contained in §§ 388.1 to 388.6 of this title (19 F. R. 5199). The regulations contained in this part state the terms and conditions (a) under which approved applicants in designated areas will be issued Farmer's Purchase Orders which may be tendered to dealers as part payment for designated surplus feed grains for use as livestock feed, (b) under which dealers who accept Farmer's Purchase Orders will be issued Dealer's Certificates, and (c) under which Dealer's Certificates may be presented to CCC for the purchase of available designated CCC-owned surplus feed grains.

§ 475.16 *Administration.* The program provided for in this part will be administered by CSS, under the general direction and supervision of the Executive Vice President, CCC, and in the field will be carried out by the Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called State and county ASC Committees) and CSS commodity offices. Each county ASC committee will authorize in writing one or more representatives to approve and issue documents on behalf of the county ASC committee. State and county ASC committees and CSS commodity offices, and representatives and employees of any of the above, do not have authority to modify or waive any of the provisions of this part or any amendments or supplements hereto.

§ 475.17 *Definitions.* Unless the context or subject matter otherwise requires, as used in all forms and documents in connection herewith, except as otherwise specifically defined in the "Feed Dealer's Agreement—1955 Emergency Feed Program," and as used in this Part the following terms shall have the following meanings:

(a) "Designated surplus feed grains" means barley, corn, grain sorghums and oats. The term "corn" includes ear corn. At the time of issuance of a Farmer's Purchase Order, the county ASC committee will enter on such Purchase Order the conversion factor to be used to convert the quantity of ear corn, which may be delivered, to shelled corn. Such conversion factor shall be the one used in the locality, as determined by the county ASC committee, except that if the county ASC committee determines that no recognized conversion factor is used in the locality or that the conversion factor used is out of line with prevailing conditions, the conversion factor entered on the Purchase Order shall be that established by the State ASC Committee.

(b) "Approved mixed feed" means Mixed Feed A which must contain at least 75 percent by weight of designated surplus feed grain(s) or Mixed Feed B which must contain at least 60 percent by weight of designated surplus feed grain(s), or both. Prior to delivery to farmers, bags containing approved mixed feeds must be appropriately labeled to show substantially as follows, depending on the type of approved mixed feed involved:

(1) "Mixed Feed A—containing at least 75 percent by weight of designated surplus feed grain(s)," or

(2) "Mixed Feed B—containing at least 60 percent by weight of designated surplus feed grain(s)."

(c) "Designated CCC-owned surplus feed grains" means barley, corn, grain sorghums and oats.

(d) "Farmer" means a farmer, rancher or stockman whose application (Form FHA 937) for assistance under the 1955 Emergency Feed Program has been approved by a Farmers Home Administration county committee.

(e) "Dealer" means any person (including but not limited to an individual, partnership, corporation, cooperative, or other business entity) engaged in selling designated surplus feed grains or approved mixed feeds.

(f) "CCC storage sites" means CCC-owned structures, CCC-leased facilities, and those facilities operated by CCC under right of entry. (Such structures and facilities are commonly called CCC binsites.)

§ 475.18 *Farmer's Purchase Order—*(a) *Area.* Farmer's Purchase Orders (hereinafter refered to as "Purchase Orders") will be issued only in areas which have been designated by the President under Public Law 875, 81st Congress, as areas of major disaster, and also by the Secretary of Agriculture under Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, as areas in which assistance of the nature provided for herein is needed.

(b) *Issuance.* (1) The original of an application (Form FHA 937) approved by a Farmers Home Administration county committee pursuant to the regulations contained in 19 F. R. 5199 (§§ 388.1 to 388.6 of this title) shall be presented by the farmer named therein at the office of the county ASC committee of the county in which such application was filed within fifteen calendar days after the date of approval shown on such application.

(2) After receipt of such an approved application within the time specified in subparagraph (1) of this paragraph, the county ASC committee will issue a Purchase Order to the farmer named in the application. At the farmer's request, the county ASC committee may issue two or more Purchase Orders based on one application. If only one Purchase Order is issued with respect to an application, the Purchase Order will show the number of hundredweight of designated surplus feed grains for which the application was approved. If more than one Purchase Order is issued with respect to an application, the total number of hundredweight of designated surplus feed grains shown on such Purchase Orders shall not exceed the number of hundredweight for which the application was approved. If a Purchase Order has been issued and the farmer requests two or more Purchase Orders in lieu thereof, the first Purchase Order must be returned to the county ASC committee for voiding prior to the issuance of the new Purchase Orders. In the event that more than one Purchase Order is issued with respect to one application, all such Purchase Orders shall show the same date of issuance as the first Purchase Order, and, as required by paragraph (c) (2) of this section, all such Purchase Orders will be invalid unless transferred by the farmer to the dealer within 60 calendar days after the date of issuance shown thereon. It shall be solely the responsibility of the farmer to request the issuance of additional Purchase Orders with respect to an application in sufficient time to permit transfer by him of such Purchase Orders within the required period of time.

(c) *Transfer by farmer.* (1) A Purchase Order may be transferred by the farmer to whom issued to a dealer as part payment for designated surplus feed grains or approved mixed feed. A dealer to whom a Purchase Order is transferred is required, in order to obtain a Dealer's Certificate based thereon, to accept such Purchase Order as part payment to the full extent of the value thereof, as specified in paragraph (d) of this section, for each hundredweight of designated surplus feed grains and approved mixed feed purchased and delivered, up to the maximum value of the Purchase Order.

(2) The date of transfer of a Purchase Order by a farmer to a dealer shall not be later than 60 calendar days after the date of issuance shown on the Purchase Order. The date of transfer shall be that date on which the farmer signs section IV of the Purchase Order which must be on or after the purchase by and actual delivery to the farmer of all of the designated surplus feed grains or approved mixed feed specified in section III of the Purchase Order.

(d) *Value.* The maximum total value of any Purchase Order shall be an amount equal to the number of hundredweight shown in section I of the Purchase Order multiplied by $1.00. Subject to such maximum, the actual total value of a Purchase Order shall be determined by the number of hundredweight of des-

ignated surplus feed grains or approved mixed feed purchased by and delivered to the farmer. The value for each hundredweight of designated surplus feed grains or approved mixed feed purchased by and delivered to the farmer shall be as follows:

(1) Designated surplus feed grains (excluding ear corn and approved mixed feed): $1.00.

(2) Ear corn; the conversion factor (e. g. if the conversion factor is 70 percent, the value shall be $0.70).

(3) Mixed Feed A; $0.75.

(4) Mixed Feed B; $0.60.

Mixed feeds containing less than sixty percent of designated surplus feed grain(s) shall have no value whatsoever. Dealers shall not be entitled to a Dealer's Certificate based in whole or part on any such mix and in the event that a Dealer's Certificate is issued based on any such mix the dealer shall not be entitled to any credit or allowance whatsoever for the quantity of designated surplus feed grain(s) contained in any such mix. Approved mixed feed may contain more than the minimum percentage of designated surplus feed grains, but approved mixed feed will in no event be valued at other than the amounts stated in subparagraphs (3) and (4) of this paragraph.

§ 475.19 *Dealer's Certificates*—(a) *Basis of issuance.* A dealer may present a Purchase Order transferred to him by a farmer to the county ASC committee which issued it and obtain a Dealer's Certificate based thereon, provided he has entered into a "Feed Dealer's Agreement—1955 Emergency Feed Program" signed on behalf of CCC by an authorized representative of the county ASC committee which issued the Purchase Order, and is entitled under the terms and conditions of such Agreement to present such Purchase Order. (A dealer must enter into a separate "Feed Dealer's Agreement—1955 Emergency Feed Program" for each county in which he presents Purchase Orders). A dealer who accepts the transfer of a Purchase Order prior to the time that he enters into an applicable "Feed Dealer's Agreement—1955 Emergency Feed Program" does so at his own risk and CCC shall not be liable to the dealer in any way for refusal to enter into such an Agreement with the Dealer. There must be compliance with the following conditions with respect to each Purchase Order presented:

(1) The date of transfer of a Purchase Order from a farmer to the dealer must have been within 60 calendar days after the date of issuance shown on the Purchase Order. (The date of transfer shall be determined as specified in § 475.18 (c) (2)).

(2) A Purchase Order must be received at the office of the county ASC committee which issued it within 30 calendar days after the date of transfer of the Purchase Order from the farmer to the dealer.

(3) The dealer must have sold and actually delivered to the farmer the quantity of designated surplus feed grains or approved mixed feed listed in the table set forth in section III of the Purchase Order. In the event that any designated surplus feed grains were delivered trackside to the farmer named in the Purchase Order, the sales price to the farmer must have been no more than the cost of such feed grains to the dealer plus a handling margin no larger than that which has been determined by the State ASC Committee to be reasonable. (Information as to the handling margin determined by the State ASC Committee to be reasonable will be available at the county ASC committee office and should be obtained from such office).

(4) The dealer must have accepted the transfer of the Purchase Order in part payment for the quantity of designated surplus feed grains or approved mixed feed listed in the table set forth in section III of the Purchase Order to the full extent of the value, as specified in § 475.18 (d) for each hundredweight so listed up to the maximum value of the Purchase Order.

(5) The dealer must submit to the county ASC office with each Purchase Order copies of sales tickets, sales slips, or invoices, for the designated surplus feed grains or approved mixed feed delivered to the farmer, showing the kinds and quantities of grains or feeds actually delivered, the date of such deliveries, the price per hundredweight charged the farmer, and the credit allowed on the purchase price for the Purchase Order.

(6) Sections III and IV of the Purchase Order must have been duly executed.

(b) *Face value.* The face value of a Dealer's Certificate shall be an amount equal to the actual total value of the Purchase Order or Purchase Orders which form the basis for issuance of the Dealer's Certificate.

(c) *Transfer.* Dealer's Certificates may be transferred by the dealer to any supplier, broker, agent or other person, and may subsequently be transferred from person to person. The transfer of Dealer's Certificates shall be made by endorsement on the reverse side thereof, giving the address of the endorser, and date of the endorsement.

§ 475.20 *Presentation of Dealer's Certificates to CCC.* Subject to all of the provisions of this part, valid Dealer's Certificates, if presented to CCC by the holder within 120 calendar days after the date of issuance, will be accepted at face value for the purchase of available designated CCC-owned surplus feed grains.

(a) *Where to purchase.* Holders of Dealer's Certificates (1) may purchase carload lots of designated CCC-owned surplus feed grains from any CSS Commodity Office which has such surplus feed grains available for sale, or (2) may purchase carload lots or less of designated CCC-owned surplus feed grains stored in CCC storage sites from any county ASC committee located in a designated disaster area, as defined in § 475.18 (a), which has such surplus feed grains available for sale. Information as to CSS Commodity Offices having such surplus feed grains available for sale may be obtained from the following CSS Commodity Offices: Chicago CSS Commodity Office, 623 South Wabash Avenue, Chicago 5, Illinois; Dallas CSS Commodity Office, 3306 Main Street, Dallas 26, Texas; Kansas City CSS Commodity Office, Federal Office Bldg., 911 Walnut Street, Kansas City 6, Missouri; Minneapolis CSS Commodity Office, 1006 West Lake Street, Minneapolis 8, Minnesota; and Portland CSS Commodity Office, 1218 Southwest Washington Street, Portland 5, Oregon. Information as to the location of CCC storage sites within the State in the designated disaster area may be obtained from the State ASC Committee. Information as to the availability of designated CCC-owned surplus feed grains in CCC storage sites may be obtained from the county ASC committee of the county in which the CCC storage site is located.

(b) *Purchase from CSS Commodity Office*—(1) *Offer to purchase.* In making an offer to purchase, the holder of a Dealer's Certificate must specify the class, grade, quality and quantity of the designated CCC-owned surplus feed grain which he desires to purchase, together with the destination and the consignee to whom such feed grain is to be shipped.

(2) *Confirmation of sale.* The CSS Commodity Office will accept or reject the offer within 72 hours from the time the offer is received (such acceptance or rejection will be by collect wire if requested): *Provided,* That any acceptance shall be conditioned on the signing and return by the purchaser to the CSS Commodity Office of a confirmation of sale issued by such office containing terms and conditions applicable to the sale. Such confirmation of sale, together with the provisions contained in this Section shall constitute the sales contract.

(3) *Price.* All sales will be made by the CSS Commodity Office in carload lots at the market price, as determined by CCC, "in store" or f. o. b. car at point determined by CCC.

(4) *Election to cancel.* CCC shall have the election to cancel the sales contract if Dealer's Certificates of a value at least equal to the value of the designated CCC-owned surplus feed grains contracted for are not received by the CSS Commodity Office within 10 calendar days after the date of its issuance of the confirmation of sale.

(5) *Delivery.* (i) Delivery of designated surplus CCC-owned feed grains will be made "in store" or f. o. b. cars at point determined by CCC. In advance of delivery of any such feed grains, the purchaser must submit valid Dealer's Certificates of face value sufficient to cover the sales value of the feed grain purchased. CCC does not guarantee delivery within any specified period of time following receipt of the Dealer's Certificate(s) but will exercise all available means to secure prompt delivery. The purchaser, if he so requests, will be advised by collect wire of cars being shipped.

(ii) The basis for determination of the quality and quantity of feed grains delivered shall be stated in the confirmation of sale issued by the CSS Commodity Office.

(6) *Basis of settlement*—(i) *At end of each sale.* (a) In the event that the Dealer's Certificates submitted to CCC have a total face value which is less than the value of the feed grains delivered, because of over-delivery or other cause, the purchaser shall pay to CCC, in cash, the difference between the total face value of the Certificates submitted and the value of the feed grain delivered, calculated on the basis of the specified sales price.

(b) In the event the purchaser submits Dealer's Certificates having a total face value in excess of the value of the feed grain delivered, the purchaser will be issued a new Dealer's Certificate for the excess value.

(c) To avoid administrative costs of issuing Dealer's Certificates in small denominations, Dealer's Certificates for excess value of $3 or less will be issued only upon request. Deficiencies of $3 or less owed to CCC may be disregarded unless demand for payment is made by CCC.

(ii) *At termination of program.* Upon termination of the 1955 Emergency Feed Program, any holder of valid Dealer's Certificates having a total face value insufficient to purchase a carload lot of any of the available designated CCC-owned surplus feed grains may (a) purchase from a CSS Commodity Office a carload lot of any such feed grain and submit to the CSS Commodity Office the Dealer's Certificates held by him, plus an amount of cash sufficient to cover the remainder of the price of the carload of feed grain purchased, or (b) purchase from a CSS Commodity Office for delivery "in store" a quantity of available designated CCC-owned surplus feed grains equal in price to the face value of such Dealer's Certificates and submit such Dealer's Certificates to the CSS Commodity Office in payment therefor. The foregoing provisions of this section shall be applicable to such purchases except to the extent that such provisions are inconsistent with this subdivision.

(c) *Purchase from County ASC Committees.* Sales of available designated CCC-owned surplus feed grain from CCC storage sites will be made under the direction of the county ASC committee responsible for the operation of the storage site.

(1) *Price.* All sales from CCC storage sites will be made in carload lots or less at the local market price as determined by the county ASC committee on the date of sale.

(2) *Time of payment.* Payment shall be made by presentation to the county ASC committee, prior to delivery of the feed grain, of valid Dealer's Certificates of an aggregate face value equal to the total price of the feed grain purchased. The provisions of paragraph (b) (6) (i) of this section shall be applicable to sales from CCC storage sites.

§ 475.21 *Limitation on rights of transferees.* The right of a transferee in due course of a Dealer's Certificate to present the Dealer's Certificate and obtain designated CCC-owned surplus feed grains shall not be limited except as follows:

(a) A Dealer's Certificate will not be accepted if presented later than 120 calendar days after the date of issuance.

(b) In the event that, after issuance of a Dealer's Certificate, there has been any alteration increasing the face value thereof, such Certificate will be accepted only for the face value thereof at the time of issuance.[1]

(c) Any transferee who acquires the Dealer's Certificate knowing or having good cause to know that the dealer who originally obtained such Certificate from the county ASC committee did so on the basis of false or fraudulent certifications or representations shall not be entitled to present the Dealer's Certificate. A transferee of a Dealer's Certificate who acquires such Certificate without knowing or having good cause to know of any such false or fraudulent certifications or representations shall be entitled to present the Certificate and obtain designated CCC-owned surplus feed grains.

§ 475.22 *Suspension of Feed Dealer's Agreements.* CCC may suspend the right of a dealer who has entered into Feed Dealer's Agreement or Agreements to participate in the 1955 Emergency Feed Program by notification in writing to the dealer if it has good reason to believe that the dealer has failed to comply with the provisions of such Agreement(s) with respect to any Purchase Order presented by him to the county ASC committees. Any such suspension shall be effective as to all Feed Dealer's Agreements entered into by the dealer under the 1955 Emergency Feed Program. In the event of suspension, the dealer shall not be entitled to present any Purchase Order to any county ASC committee unless and until such suspension is removed by CCC. In the event a suspension is removed only in part, the dealer shall be entitled to present only Purchase Orders covered by such removal of suspension.

§ 475.23 *Extension of time.* The executive Vice President, CCC, may when he deems it to be in the best interests of the program, extend the time within which a Purchase Order or Dealer's Certificate may be transferred or presented and he may, under such terms and conditions as he determines will serve the best interests of the program, delegate to others the authority to extend the time within which a purchase order or Dealer's Certificate may be transferred or presented.

§ 475.24 *Termination.* The program provided for in this part may be terminated at any time upon issuance of public notice in the FEDERAL REGISTER. Such termination shall not apply with respect to any Purchase Order or Dealer's Certificate issued prior to the effective date of such termination.

Issued this 5th day of October 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-8217; Filed, Oct. 10, 1955; 8:57 a. m.]

[1] Any false certification or representation, willful alteration, or other fraudulent act may be subject to prosecution under Federal Criminal statutes and to action under Federal civil frauds statutes.

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL POWER COMMISSION

Effective upon publication in the FEDERAL REGISTER, paragraph (f) of § 6.325 is amended as set out below:

§ 6.325 *Federal Power Commission.*

* * *

(f) One Technical Assistant to each Commissioner.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-8200; Filed, Oct. 10, 1955; 8:50 a. m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.269]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts,* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following June 18, 1955, paragraph (a) is amended by the addition of the following post:

Ishigaki Island, Ryukyus.

2. Effective as of the beginning of the first pay period following October 8, 1955, paragraph (b) is amended by the addition of the following post:

Ascension Island.

3. Effective as of the beginning of the first pay period following August 27, 1955, paragraph (c) is amended by the addition of the following post:

San Julian, Cuba.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary
for Administration.

SEPTEMBER 30, 1955.

[F. R. Doc. 55-8210; Filed, Oct. 10, 1955; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, Revised, Supp. 5]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS UNDER REGULATIONS SUPPLEMENTAL TO KHAPRA BEETLE QUARANTINE

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle

Quarantine (7 CFR Supp. 301.76–2, 20 F. R. 1012) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), revised administrative instructions issued as 7 CFR Supp. 301.76–2a (20 F. R. 4361), effective June 22, 1955, as amended effective July 13, 1955, July 30, 1955, August 17, 1955, and September 17, 1955 (20 F. R. 4979, 5447, 5961, 6992), are hereby further amended in the following respects:

(a) The designation as regulated areas of the following premises, included in the list contained in such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

ARIZONA

Neal Collins Ranch, Thirteenth and one-half Street, Yuma.

CALIFORNIA

Giesby Bros. Grain & Milling Co., 148 East Olive Avenue, Monrovia.

Sumner Peck Ranch Co., Inc., Highway 33, 12 miles south of Mendota, Mendota.

Wattenbarger Feed & Hardware Store, 2521 East California Avenue, Bakersfield.

(b) The following premises are added to the list, contained in such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist. Such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations:

ARIZONA

Arizona Flour Mills, Tempe.
Box O Ranch, P. O. Box 424, Coolidge.
Grubbs Hatchery, P. O. Box 1806, Yuma.
Henry Leivas Farm, Route 1, Box 48–B, Parker.
Arthur McCoy Property, Route 1, Box 754, Yuma.
Pablo Ortiz Property, 220 Water Street, Yuma.
R. F. Richter Feed Store, Box 51, Parker.
Vita-Gro Feed Store, 155 West Main Street, Mesa.

CALIFORNIA

W. Denewiler Ranch, Route 1, Box 77, Blythe.
Gilbert Hayden Ranch, located at northwest corner of West 26 and F Road. Mail address P. O. Box 195, Imperial.
Holly Sugar Co. Feed Lot, located at intersection of East B and Road 34, Brawley.
D. H. Johnson Ranch, Route 2, Box 104, Imperial.
K. W. Taylor Feed Lot, located at intersection of West H and Road 9, Route 2, Box 45A, El Centro.
E. W. Thornton Ranch, Route 2, Box 2, Imperial.
Ray Willis Ranch, Route 1, Box 106, Brawley.

This amendment shall be effective October 11, 1955.

Subsequent to the fourth amendment of these instructions, effective September 17, 1955, an infestation of the khapra bettle was discovered on the Hubert Thacker property on Route 1, Box 777–A, Yuma, Arizona. Movement of regulated articles from this property was immediately stopped. Within a few days such infested premises had been fumigated and declared free of khapra beetle infestation. Accordingly, this property is not being included in this amendment.

This amendment revokes the designation as regulated areas of certain premises, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds additional premises to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

This amendment in part imposes restrictions supplementing khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of presently regulated areas. It must be made effective promptly in order to carry out the purposes of the regulations and to permit unrestricted movement of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 6th day of October 1955.

[SEAL] E. D. BURGESS,
Acting Chief,
Plant Pest Control Branch.

[F. R. Doc. 55–8211; Filed, Oct. 10, 1955; 8:54 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

EXPENSES AND RATE OF ASSESSMENT FOR 1955–56 FISCAL PERIOD

On September 21, 1955, notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 7082) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1955–56 fiscal period under Marketing Agreement No. 89, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 939.208 *Expenses and rate of assessment for the 1955–56 fiscal period*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Control Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning July 1, 1955, and ending June 30, 1956, both dates inclusive, will amount to $27,915.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles pears shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at six mills ($0.006) per standard western pear box of pears, or its equivalent of pears in other containers or in bulk.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) in accordance with the provisions of said amended marketing agreement and order, the rate of assessment is applicable to all pears shipped during the 1955–56 fiscal period; (2) shipments of such pears are now being made; and (3) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Control Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

As used herein, the terms "handler," "handles," "shipments," "shipped," "pears," "standard western pear box," and "fiscal period" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 6th day of October 1955, to become effective on the date of publication hereof in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55–8191; Filed, Oct. 10, 1955; 8:47 a. m.]

PART 940—PEACHES GROWN IN THE COUNTY OF MESA IN COLORADO

EXPENSES AND FIXING RATE OF ASSESSMENT FOR 1955–56 FISCAL YEAR

Pursuant to the marketing agreement, as amended, and Order No. 40, as amended (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the proposals submitted by the Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 940.207 *Expenses and rate of assessment for the 1955–56 fiscal year*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning March 1, 1955, and ending February 29, 1956, will amount to $10,710.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at $0.008554 per bushel basket of peaches, or its equivalent of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) said Administrative Committee at a meeting held on August 18, 1955, proposed an itemized budget of expenses and a rate of assessment based upon information then available as to production of peaches during the 1955 season and anticipated expenses; (2) necessary supplemental information supporting the proposed budget and rate of assessment was not made available to the Department until September 19, 1955; (3) shipments of peaches from Mesa County in Colorado have, since 12:01 a. m., M. s. t., August 26, 1955, been subject to the regulatory provisions of Peach Order 1 (§ 940.307; 20 F. R. 6211); (4) the rate of assessment is, in accordance with the amended marketing agreement and order, applicable to all fresh peaches shipped during the 1955–56 fiscal year; and (5) it is essential that the specification of the assessment be issued immediately so that the aforesaid assessments may be collected and thereby enable said Administrative Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

As used herein, the terms "handler," "shipped," "peaches," and "fiscal year" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 6th day of October 1955, to become effective on the date of publication hereof in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55–8192; Filed, Oct. 10, 1955; 8:47 a. m.]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

LIMITATION OF SHIPMENTS

§ 959.313 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959; 20 F. R. 7068), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said amended marketing agreement and amended order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of potatoes grown in the production area, as such term was defined in Order No. 59, as amended, prior to September 21, 1955—the effective date of the latest amendment (20 F. R. 7068) to said order—are currently subject to regulation (§ 959.312; 20 F. R. 7030) and, unless sooner modified or terminated, will so continue until November 1, 1955, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (v) reasonable time is permitted, under the circumstances, for such preparation, and (vi) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from October 12, 1955, to June 30, 1956, both dates inclusive, no handler shall ship potatoes of any variety grown in any district unless the potatoes meet the requirements (i) of the U. S. No. 1 or better grade, 2 inches minimum diameter or 4 ounces minimum weight or (ii) of the U. S. No. 2 or better grade, 6 ounces minimum weight: *Provided,* That potatoes grown in District No. 3 which meet the requirements of the U. S. No. 2 or better grade up to, but not including, the U. S. No. 1 grade, may be shipped if such potatoes are of a size not smaller than 1⅞ inches minimum diameter.

(2) During the period from October 12, 1955, to November 1, 1955, both dates inclusive, no handler shall ship any lot of potatoes of any variety if such potatoes are more than "slightly skinned" as such term is defined in the United States Standards for potatoes (§§ 51.1540 to 51.1559 of this title), which means that not more than ten percent of such potatoes have more than one-fourth of the skin missing or "feathered": *Provided,* That during such period, not to exceed 100 hundredweight of each variety of such potatoes may be handled every seven days without regard to the aforesaid skinning requirements if the handler thereof reports, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(3) Pursuant to § 959.53, each handler may ship not in excess of five hundredweight of potatoes per week without regard to the limitations set forth in subparagraphs (1) and (2) of this paragraph and §§ 959.42 and 959.60.

(4) Except as otherwise provided in this section, the limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Grading or storing within the district where grown; (ii) certified seed potatoes; (iii) export; (iv) canning or freezing; (v) dehydration or manufacture or conversion into starch, flour, or alcohol; (vi) charity; (vii) potato chipping; (viii) livestock feed within the district where grown, except that potatoes grown in District No. 2 or District No. 4 may be shipped for livestock feed within, or to, such districts for such purpose.

(5) During the period October 12, 1955, to June 30, 1956, both dates inclusive: (i) No handler shall ship (*a*) potatoes for export which do not meet the requirements of the U. S. No. 1 or better grade, 1½ inches minimum diameter, or (*b*) potatoes for dehydration or manufacture or conversion into starch, flour, or alcohol which do not meet the requirements of 85 percent of the U. S. No. 1 or better grade, 1½ inches minimum diameter; (ii) potatoes grown in a particular district and which fail to meet applicable grade and size requirements of this section because of damage from shriveling or sprouting caused by the conditioning of the potatoes for potato chipping may be shipped for use for potato chipping; (iii) potatoes grown in a particular district and which by clipping second growth could be made to meet the aforesaid applicable grade and size requirements may be shipped for use for potato chipping without such clip-

ping; and (iv) potatoes grown in a particular district and which meet the aforesaid applicable grade and size requirements may be commingled in the handling thereof for use for potato chipping.

(6) Each handler making shipments of potatoes authorized pursuant to subparagraph (4) of this paragraph shall with respect to such shipments other than those for grading or storing and for livestock feed: (i) File an application for a Certificate of Privilege pursuant to §§ 959.130 and 959.131; (ii) pay the required assessments pursuant to § 959.42; (iii) have such shipments (except shipments of certified seed potatoes) inspected pursuant to § 959.60; and (iv) for each such shipment (except shipments of certified seed potatoes) furnish a record of shipment applicable thereto to the committee: *Provided,* That each application to ship potatoes for export, for canning or freezing, for dehydration or manufacture or conversion into starch, flour, or alcohol, for charity, or for potato chipping, shall be accompanied by a copy of the applicable bill of lading and the applicant handler's certification and the buyer's certification that the potatoes to be shipped are to be used for the purpose stated in the application: *Provided, further,* That each handler agrees, in his application to make shipments for canning or freezing, or for dehydration or manufacture or conversion into starch, flour, or alcohol, or for potato chipping, to bill each such shipment directly to the applicable processor and, if a particular shipment is not so billed, to furnish copies of the bill of lading and related diversion orders covering such shipment.

(7) Pursuant to § 959.60 (b), the inspection requirements of § 959.60 applicable to the handling of regraded, resorted, or repacked potatoes are suspended during the effective time of this § 959.313 with respect to any such potatoes which prior to the regrading, resorting, or repacking thereof, were inspected pursuant to § 959.60 (a) and the inspection certificate is valid at the time of handling such regraded, resorted or repacked potatoes.

(8) For the purpose of operations under this part, each required inspection certificate is hereby determined, pursuant to § 959.60 (c), to be valid for a period not to exceed 14 days following completion of inspection as shown on the certificate.

(9) Except as otherwise provided, the various grades and sizes referred to in this section shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein, and the terms "District No. 1," "District No. 2," "District No. 3," "District No. 4," and all other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and Order No. 59, as amended (§§ 959.1 to 959.88; 20 F. R. 7068).

(10) The provisions of § 959.312 (20 F. R. 7030) are hereby terminated October 12, 1955.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 7, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8278; Filed, Oct. 10, 1955; 8:55 a. m.]

[Docket No. AO-233-A3]

PART 963—MILK IN THE STARK COUNTY, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 963.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous finding and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Stark County, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this amendatory order effective upon publication in the FEDERAL REGISTER. Such action is necessary in the public interest in order to reflect current marketing conditions and to facilitate the orderly marketing of milk produced for the Stark County, Ohio, marketing area. Milk needed in the market for Class I continues, during the current period of short supply, to be utilized for manufacturing purposes.

Accordingly, any further delay in the effective date of this order will seriously threaten the orderly marketing of milk in the marketing area. The provisions of this amendatory order are well known to handlers and producers, the public hearing having been convened on August 29, 1955; a recommended decision in this proceeding, to which interested parties were given an opportunity to file written exceptions, was filed on September 22, 1955; and a final decision was issued on October 6, 1955.

Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended,) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers, who during the determined representative period (July 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Stark County, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Amend § 963.52 by adding after paragraph (c) the following: "*Provided,* That from the effective date of this proviso through November 1955, in lieu of the "basic formula price" referred to in paragraphs (a) and (c) of this section, use the basic formula price computed pursuant to § 963.50 plus 30 cents."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 7th day of October 1955, to be effective on and after the date of publication in the FEDERAL REGISTER.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-8279; Filed, Oct. 10, 1955; 9:00 a. m.]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

CONTROL PERCENTAGES

Pursuant to the provisions of Marketing Agreement No. 105, as amended, and Order No. 84, as amended (20 F. R. 5387), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of estimates and recommendations of the Walnut Control Board and other available information it is hereby determined that the percentages hereinafter established will tend to effectuate the declared policy of the act.

Available data indicate that the 1955–56 supply of walnuts will not be sufficient to satisfy the combined demands of the inshell and shelled markets, thus justifying a marketable percentage of 100 and a surplus percentage of zero. It appears that returns from the 1955 crop would not be improved by restricting the quantity of walnuts available for the inshell market. A relatively strong demand for shelled walnuts during the 1955–56 marketing year is indicated, and handlers should be permitted to dispose of walnuts in either the inshell or shelled outlets without restriction.

Therefore, the administrative rule is as follows:

§ 984.207 *Control percentages for walnuts during the marketing year beginning August 1, 1955.* During the marketing year beginning August 1, 1955, the following percentages shall be in effect: Merchantable free percentage, 100 percent; merchantable restricted percentage, zero percent; marketable percentage 100 percent; surplus percentage, zero percent.

It is hereby found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or to postpone the effective date of the aforesaid administrative rule later than the date of its publication in the FEDERAL REGISTER for the reason that (1) the percentages were recommended unanimously by the Walnut Control Board, the industry agency charged with responsibility for operating this program, and (2) the result of this action will be merely to notify handlers that no set-aside requirements will be imposed on them for the current marketing year.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 6th day of October 1955 to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 55-8214; Filed, Oct. 10, 1955; 8:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6226]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BRAINERD L. MELLINGER ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.55 *Demand, business, or other opportunities;* § 13.60 *Earnings;* § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts.* In connection with the offering for sale, sale, and distribution of courses of instruction in reweaving in commerce, representing, directly or by implication: (1) That invisible French reweaving can be learned easily or quickly by taking respondents' course; (2) that it is easy to learn reweaving, or that one can become an expert reweaver by taking respondents' course of instruction, unless it is restricted to the patch or overlay method of reweaving and unless it is disclosed that anyone taking said course of instruction must have normal use of hands, good eyesight, with or without glasses, and is temperamentally disposed to learn reweaving; (3) that the potential earnings for persons completing respondents' course of instruction are greater than they are in fact; (4) that French reweaving is little known or is easy to perform; (5) that persons completing respondents' course can successfully operate a reweaving business by mail; (6) that reweaving is not available in small communities or that only a few reweaving establishments are operated in cities; (7) that any respondent received greater compensation for reweaving than is the fact; (8) that the issuance of certificates to persons who have completed respondents' course qualifies them as skilled reweavers; (9) that an organization known as Skil-Weavers Guild exists or that the Skil-Weavers insignia is of any validity; (10) that respondents, or any one in their behalf, provide national advertising for the benefit of persons who have completed their course; and (11) that through the efforts of respondents dry cleaners, department stores, laundries, or similar business organizations supply reweaving work to persons who have completed respondents' course, or that the amount of such reweaving work available at such sources is greater than it is in fact; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Brainerd L. Mellinger et al. d. b. a. Skil-Weave Co. et al., Los Angeles, Calif., Docket 6226, September 22, 1955]

In the Matter of Brainerd L. Mellinger and Sibyle O. Mellinger, Copartners Trading and Doing Business as Skil-Weave Co., and Brainerd L. Mellinger, Jr., and Augustine Ott, Individuals

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission which charged respondents with unfair and deceptive acts and practices in connection with the sale in commerce of a course of instruction designed to prepare students thereof for work as commercial reweavers, in violation of the Federal Trade Commission Act, and upon a Stipulation for Consent Order which disposed of all the issues involved in the proceeding and which was submitted to the hearing examiner pursuant to an agreement entered into by respondent with counsel supporting the complaint subsequent to the filing of respondents' answer.

By the terms of said stipulation, respondents admitted all the jurisdictional allegations set forth in the complaint; stipulated that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance therewith and expressly waived a hearing before a hearing examiner or the Commission; the making of findings of fact or conclusions of law by the hearing examiner or the Commission; the filing of exceptions and oral argument before the Commission; and all further and other procedure before the hearing examiner or the Commission to which respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission.

Respondents agreed that the order contained in the stipulation should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, respondents specifically waiving any and all right, power, or privilege to challenge or contest the validity of such order; and it was also agreed that said Stipulation for Consent Order, together with the complaint, should constitute the entire record in the proceeding, upon which the initial decision should be based; and it was further provided that the complaint in the matter might be used in construing the terms of the aforesaid order, which might be altered, modified, or set aside in the manner provided by statute for orders of the Commission; and that respondents specifically refrained from admitting or denying that they had engaged in any of the acts or practices stated in the complaint to be in violation of the law.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters and that for all legal purposes respondents' answer would be regarded as withdrawn; set forth his conclusion, in view of the facts indicated and the further fact that the order embodied in the aforesaid stipulation differed from the order accompany-

ing the complaint in the matter in minor particulars only, that such order would safeguard the public interest to the same extent as could be accomplished by the issuance of an order after full hearing and all other adjudicative procedure waived in said stipulation; and accordingly, in consonance with the terms of the aforesaid stipulation, accepted the Stipulation for Consent Order submitted in the matter; found that the proceeding was in the public interest; and issued order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance," dated September 22, 1955, became, on said date, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That the respondents, Brainerd L. Mellinger and Sibyl O. Mellinger (Spelled Sibyle O. Mellinger in the complaint), as individuals or as copartners trading as Skil-Weave Co., or under any other name, and respondents Brainerd L. Mellinger, Jr., and Augustine S. Ott, individually, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of courses of instruction in reweaving in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That invisible French reweaving can be learned easily or quickly by taking respondents' course;

2. That it is easy to learn reweaving, or that one can become an expert reweaver by taking respondents' course of instruction, unless it is restricted to the patch or overlay method of reweaving and unless it is disclosed that anyone taking said course of instructions must have normal use of hands, good eyesight, with or without glasses, and is temperamentally disposed to learn reweaving;

3. That the potential earnings for persons completing respondents' course of instruction are greater than they are in fact;

4. That French reweaving is little known or is easy to perform;

5. That persons completing respondents' course can successfully operate a reweaving business by mail;

6. That reweaving is not available in small communities or that only a few reweaving establishments are operated in cities;

7. That any respondent received greater compensation for reweaving than is the fact;

8. That the issuance of certificates to persons who have completed respondents' course qualifies them as skilled reweavers;

9. That an organization known as Skil-Weavers Guild exists or that the Skil-Weavers insignia is of any validity;

10. That respondents, or any one in their behalf, provide national advertising for the benefit of persons who have completed their course;

11. That through the efforts of respondents dry cleaners, department stores, laundries or similar business organizations supply reweaving work to persons who have completed respondents' course, or that the amount of such reweaving work available at such sources is greater than it is in fact.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Brainerd L. Mellinger and Sibyl O. Mellinger (spelled Sibyle O. Mellinger in the complaint), copartners trading and doing business as Skil-Weave Co., and Brainerd L. Mellinger, Jr., and Augustine Ott, individuals, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 22, 1955.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 55-8199; Filed, Oct. 10, 1955; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter B—Transportation

PART 35—LOADING RULES, TEST LOADINGS AND TEST SHIPMENTS

Sec.
35.1 Purpose.
35.2 Applicability.
35.3 General.

AUTHORITY: §§ 35.1 to 35.3 issued under sec. 202, 61 Stat. 500; 5 U. S. C. 171a.

§ 35.1 *Purpose.* This part provides uniform requirements and procedures with respect to loading rules, test loadings, and test shipments for the transportation of freight by railroads within the Continental United States.

§ 35.2 *Applicability.* The provisions of this part shall be applicable to all departments and agencies of the Department of Defense within the Continental United States.

§ 35.3 *General*—(a) *Loading rules*—(1) *Background.* The Association of American Railroads (AAR) publishes loading rules for the purpose of providing uniform, safe, and economical methods for loading shipments in or on rail cars. The rules contained in AAR Circular No. 42–B, "General Rules Covering Loading of Carload Shipments of Commodities in Closed Cars," and in all AAR pamphlets covering the loading of shipments on open top cars are mandatory; other rules contained in closed car pamphlets are recommendatory. Lists of pamphlets containing these rules may be obtained from the Secretary, Association of American Railroads, 59 East Van Buren Street, Chicago 5, Illinois.

(2) *Compliance.* (i) All activities of the military departments shall observe as minimum requirements the methods for loading, blocking, and bracing shipments in or on railroad cars as set forth in appropriate loading rules pamphlets of the Association of American Railroads, except that other methods in general use providing equivalent or superior protection may be substituted for recommendatory methods set forth in those pamphlets.

(ii) When it is considered necessary in the interest of safe transportation to prescribe particular carloading methods in a given Invitations for Bids and Request for Proposals covering the purchase of supplies, or in related transportation or packaging specifications, the required methods shall be specified in adequate detail. However, no provision shall be made in the above mentioned documents which will prevent contractors from employing, in lieu of recommendatory methods contained in AAR carloading pamphlets, commercial methods in general use which provide protection equivalent to or better than that afforded by the recommendatory methods.

(iii) If a contractor desires to use carloading methods other than those prescribed in accordance with subdivision (ii) of this subparagraph, the contractor shall be required to provide sufficient evidence to satisfy the military department concerned that such proposed substitute methods are adequate.

(3) *Proposed changes, exceptions, or additions.* (i) Any activity proposing a change, exception, or addition to loading rules of the AAR shall submit the proposal to the organizational element designated by the department concerned for coordination with the other departments.

(ii) The Department of the Army is hereby delegated the authority to act as the Department of Defense liaison agent with the Association of American Railroads for the purpose of developing new or revised loading rules.

(b) *Test loading and test shipments.* (1) Test loadings and test shipments are conducted for the purpose of determining the adequacy of shipping containers or loading, blocking, or bracing methods not specifically provided for in carriers' classifications, tariffs, loading rules, or other publications, and for developing new or revised packaging specifications or loading rules. Test loadings are conducted under simulated shipping conditions in the local area, with the car being subjected to impacts which may be encountered during actual shipping operations. Test shipments involve linehaul movements and are governed by AAR loading rules and pertinent sections of applicable tariffs and freight classifications.

(2) Any activity desiring to conduct a test loading or test shipment for the purpose of determining the adequacy of loading, blocking, or bracing methods or developing new or revised loading rules shall submit the proposal to the organizational element designated by the department concerned. If the department approves the conduct of the test, the other departments and the Director of Transportation and Communications, Office of the Assistant Secretary of Defense (Supply and Logistics) shall be informed of the time, place, and purpose of the test. If the Association of American Railroads is to participate in the test the Department of the Army shall be responsible for arranging such participation.

(3) At the conclusion of each test the sponsoring department shall make available to the other departments and to the Director of Transportation and Communications, Office of the Assistant Secretary of Defense (Supply and Logistics) the conclusions and recommendations on the test. Based on these conclusions and recommendations, the Department of the Army shall, if appropriate, act as liaison in arranging for negotiations on behalf of the sponsoring department with the Association of American Railroads for new or revised loading rules to reflect requirements developed by the test.

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

OCTOBER 3, 1955.

[F. R. Doc. 55-8193; Filed, Oct. 10, 1955; 8:48 a. m.]

PART 36—REGULATION FOR TRANSPORTATION OF HOUSEHOLD GOODS BY MOTOR VAN CARRIERS

Sec.
36.1 Purpose.
36.2 Statutory authority and basic regulations.
36.3 Selection of carrier.
36.4 Distribution of traffic.
36.5 Rate adjustments.
36.6 Engagement of service.
36.7 Execution and distribution of service tender.
36.8 Execution of accessorial services certificate.
36.9 Processing of Government bills of lading and supporting papers.
36.10 Payment of transportation and accessorial charges to carrier(s) for shipments consigned to storage in transit at destination.
36.11 Household goods service tender.
36.12 Packing requirements, Appendix II.

AUTHORITY: §§ 36.1 to 36.12 issued under sec. 202, 61 Stat. 500; 5 U. S. C. 171a.

§ 36.1 *Purpose.* The purpose of this part is to establish uniform procedures to be followed by the Military Departments in the shipment at Government expense of household goods of their uniformed personnel by motor van carriers to, from, or between points in the Continental United States.

§ 36.2 *Statutory authority and basic regulations.* The statutory authority for the transportation of household goods of uniformed personnel at Government expense is contained in section 303 (c) of the Career Compensation Act of 1949 (63 Stat. 802) and the Missing Persons Act (56 Stat. 143, as amended). Basic regulations are set forth in Joint Travel Regulations promulgated jointly by the Secretaries of the following Departments: Army; Navy; Air Force; Treasury; Commerce; and Health, Education and Welfare. Chapter 8, Joint Travel Regulations, provides that shipments of household goods of uniformed personnel may be made at Government expense without regard to comparative costs; that is, by ordinary rail and/or water freight, ordinary motor freight, air or railway express, freight forwarder, or commercial van carrier, whichever, in the judgment of the shipping officer, will serve the best foreseeable interests of the Government and the owner of the property.

§ 36.3 *Selection of carrier.* The rule stated in § 36.2 with respect to comparative costs applies only to the mode or method of transportation, and does not apply to the selection of an individual carrier within a given mode. When, in the judgment of the _____ officer, commercial van service is to be used, selection of the carrier will be based primarily on the requirements of the individual shipment, the carrier's ability to perform the required services satisfactorily, and the cost of such services to the Government. In determining costs, consideration will be given to rates and charges in all applicable rate tenders and tariffs. It is not intended that relatively inconsequential differences in overall costs must be considered in the selection of carriers since the administrative costs involved could well offset any gains the Government might receive from such differentials. Shipments will be tendered only to carriers who are qualified, willing, and able to provide the service which will, in the judgment of the _____ officer, serve the best foreseeable interest of the Government and property owners. Carriers to which shipments are tendered must have proper operating rights from origin to destination or must have made satisfactory arrangements for joint carriage with other carriers properly qualified under Part II of the Interstate Commerce Act, as amended, or the laws of the State having jurisdiction of the carriage: *Provided, however*, That no carrier shall be eligible to accept shipments unless it has executed and filed with the _____ officer at origin a Household Goods Service Tender which conforms with §§ 36.11. If the destinations are beyond the territory authorized in its operating certificate, the carrier must also have filed with the _____ officer a Service Tender jointly executed by it and such other duly certificated carrier or carriers as will participate in the joint carriage of the shipments.

§ 36.4 *Distribution of traffic.* Subject to the conditions previously set forth, traffic will be equitably distributed among those qualified carriers affording the lowest over-all cost to the Government. Each _____ officer will maintain a list of qualified carriers as well as records indicating the distribution of traffic. Traffic will be distributed according to originating carrier rather than according to agent; e. g., the amount of traffic tendered to a carrier having a single agent will be equal to that received by a carrier with multiple agents in the same metropolitan area, other factors being equal. When a joint carriage arrangement is utilized, the full weight of the shipment will be charged to each participating carrier holding authority to serve the origin point.

§ 36.5 *Rate adjustments.* (a) Tenders by motor van carriers of rates or charges below those in tariffs will be in writing and will contain a provision that they may be cancelled or modified only by written notice of not less than thirty days by either party to the other, except that a shorter notice may be given by mutual agreement of the parties concerned. Such tenders will be filed in the local shipping office. No review by, or distribution to, higher authority is required for such tenders unless requested by that authority.

(b) When required, negotiations for rates or charges on volume transportation of household goods will be conducted by the headquarters of the Military Department concerned or as delegated and controlled by such headquarters.

§ 36.6 *Engagement of service.* (a) Subject to the exceptions noted in paragraph (b) of this section, Government bills of lading will be used to obtain linehaul transportation of household goods by motor van carriers and authorized accessorial services performed in connection therewith, such as packing, drayage (at origin and destination), storage in transit, unpacking at destination, etc. Such Government bills of lading will be prepared and executed in accordance with the regulations of the respective Military Departments. The name of the originating carrier will appear on the bill of lading in the space entitled "name of initial transportation company," and the names of all carriers participating in joint carriage will appear in the space entitled "via," in the order of the performance of service. In addition, the following information will be shown under "Description of Articles" on the Government bill of lading:

(1) Gross, tare, and net weights, if such information is available at the time the bill of lading is prepared;

(2) Number and date of the applicable Household Goods Service Tender;

(3) Rate(s) and charge(s) per cwt., or other definable measures applying on the shipment, if ascertainable at the time the bill of lading is prepared. If such rate(s) or charge(s) is not a normally applicable tariff rate(s) or charge(s), the word "Special" will be added in parentheses.

(4) Tariff identification or other reference for rate(s) and charge(s).

(b) Purchase orders may be issued in lieu of Government bills of lading for obtaining drayage or other types of local service.

(c) When storage in transit is desired, the bill of lading will be annotated accordingly. If the _____ officer desires such storage at origin or destination, the annotation will be "storage in transit not to exceed _____ days is authorized and will be at origin" or "storage in transit not to exceed _____ days is authorized and will be at destination," as appropriate. The name of the storage warehouse will not be specified by the _____ officer.

§ 36.7 *Execution and distribution of service tender.* The _____ officer will, upon request of a carrier, provide

the carrier two copies of the Household Goods Service Tender with Appendices I,[1] II, and III[1] thereto (reproduced locally) for execution. The original Household Goods Service Tender, after execution by the carrier, will be assigned an identifying serial number and retained in the files of the -------- officer. The duplicate copy of the Household Goods Service Tender will be retained by the carrier.

§ 36.8 *Execution of accessorial services certificate.*[1] A certificate (DD Form 619) verifying the accessorial services rendered by a motor van carrier in connection with the line-haul transportation must be executed in triplicate by the motor van carrier and the property owner, when applicable. Sufficient copies of this form will be provided the carrier by the -------- officer.

§ 36.9 *Processing of Government bills of lading and supporting papers.* (a) As soon as possible after pick-up of the household goods, the carrier will furnish the ordering activity:

(1) Two memorandum copies, numbers 6 and 8, of the applicable bill of lading showing gross, tare and net weights, signature of the carrier's agent, dates of pick-up and dispatch of shipment by the carrier, the transportation rate, and total charges accrued.

(2) One copy of the inventory list.

(3) One copy of the completed Accessorial Services Certificate, DD Form 619,[1] with the words "at origin" added after the name of the shipping activity or installation. (This is required only when accessorial services are performed and so noted on the Government bill of lading.)

(b) The carrier will furnish the property owner or his agent at the time of pick-up:

(1) Memorandum Copy No. 9 of the Government bill of lading.

(2) A copy of the inventory list.[1]

(c) The carrier will submit to the origin -------- officer for the purpose of receiving payment:

(1) Original and memorandum copy No. 5 of the accomplished bill of lading.

(2) Original and copy of Public Voucher (Standard Forms 1113 and 1113A).

(3) Original or certified copies of certificates showing gross and tare weights furnished by a certified weighmaster or obtained from a certified scale.

(4) Original of Accessorial Services Certificate (DD Form 619).[1] (This is required only when accessorial services are performed and so noted on the Government bill of lading.)

(5) Two copies of the carrier's bill of lading, freight bill, or combination form.

(d) Carriers will not be required to furnish a greater number of copies of a Government bill of lading and/or supporting papers than is established in this Part. In the event any copies of these documents (except the original Government bill of lading) are lost or destroyed, legible photostatic copies of the same size as the document reproduced, are acceptable. If the original Government bill of lading should become lost or destroyed it will be replaced by a Certificate in Lieu of lost U. S. Government Bill of Lading (Standard Form 1108).

(e) To facilitate timely payment to the carrier, the origin ------ officer will:

(1) Promptly assemble and review the voucher and supporting papers required by the disbursing procedures of the Military Department concerned; and

(2) Promptly dispatch such papers to the appropriate disbursing office.

§ 36.10 *Payment of transportation and accessorial charges to carrier(s) for shipments consigned to storage in transit at destination.*—(a) Payment of transportation charges. The payment of transportation charges from the point of shipment to the destination storage point on shipments of household goods forwarded for account of the Department of the Army, the Department of the Navy (Including the Marine Corps), or the Department of the Air Force, and stored in transit for account of the Motor Carrier and for ultimate delivery to the Consignee or owner may be made upon completion of the transportation to the carrier's destination storage point and prior to ultimate delivery to the consignee, *Provided:* The carrier hauling the shipment to the destination storage point certifies as follows over the signature of its duly authorized representative.

The household goods described on -------- (Government bill of lading No.) ---------- were placed in the carrier's storage warehouse at ---------- (Destination and will be warehouse) ---------- on ---------- (Date) permitted to remain there for a period of ---------- (Number of days) or such shorter period as may meet the consignee's or owner's demands. Carrier(s) assumes full carrier liability for the shipment during such storage and until delivery to the consignee or owner within the designated storage period.

(Signature and title of carrier's authorized representative)

(b) The certification required in paragraph (a) of this section will be made on the covering Government bill of lading except when there is not sufficient space on the bill of lading for this purpose. In the latter case the certification with reference to the appropriate Government bill of lading number may be made on plain paper and securely attached to said bill of lading.

(c) *Payment of accessorial charges.* When transportation charges have been paid as authorized in paragraph (a) of this section, the payment of accessorial charges, if any, accruing against the shipment after delivery into storage may be made upon presentation by the motor carrier of a claim therefor on Standard Form No. 1113, which should bear the same bill number as the carrier's original bill for transportation charges but carrying a letter suffix (Example—No. 12345–A). The claims for accessorial charges must identify the Government bill of lading covering the transportation service, show the basis for the accessorial charges claimed, and be supported by an additional original Accessorial Services Certificate (DD Form 619) for services rendered at destination, signed by the consignee, showing—

(1) The accessorial services ordered and furnished (space No. 11 may be left blank).

(2) Receipt of the shipment by the consignee or owner; and

(3) Loss or damage to the shipment, if any (use space captioned "Explanation or Remarks" for this information).

§ 36.11 *Household Goods Service Tender.*

To: ----------
(Name of installation or activity)

(Post office address)

Date ----------
Service Tender No. ----------
Name of Carrier ----------
Basic Federal or State Permit No. ----------
Name of Carrier ----------
Basic Federal or State Permit No. ----------

36.11–1 The undersigned motor carrier(s) (hereinafter called the carrier), representing that ---------- ---------- qualified
(It is) (They are)
under Part II of the Interstate Commerce Act and/or laws of the State of ---------- to perform van service, offer(s) the following in addition to tariff and legal requirements:

(a) All shipments will be moved from origin to destination in vehicles owned or operated by the carrier and under its direct responsibility, or in joint carriage with other duly certificated carriers. Joint carriage is defined for the purpose of this Tender as (1) the physical exchange of equipment between carriers or the receipt by one carrier of equipment from another carrier in furtherance of a through movement of traffic, at a point or points which such carriers are authorized to serve, and the simultaneous interlining of the shipment with the carrier receiving such exchanged equipment, or (2) the interline of shipments between authorized carriers.

(b) A notation will be made on the face of the pertinent Government bill of lading or purchase order indicating accessorial services performed and the charges therefor, when applicable.

(c) (1) The carrier will inform the ------- officer at origin of all shipments not dispatched at the end of the seventh calendar day after the day of pickup. It is understood that if a shipment has not been dispatched by this time the -------- officer has the option to remove the shipment from the carrier and engage another carrier to move the shipment to destination. It is further understood that if another carrier is engaged to transport the shipment, settlement of the accrued charges will be made with the initial carrier, except that no charge will be honored for drayage or storage that occurred because of the initial carrier's inability to transport the shipment.

(2) When the carrier accepts a shipment, both the origin and destination of which are within the scope of its certificated authority, but finds because of unavoidable circumstances that it is unable to physically transport the shipment, it may arrange with another duly authorized carrier at origin to perform the required service, provided the substitute carrier has a Service Tender on file with the installation or activity which tendered the shipment. In such cases the carrier which originally accepted the shipment will inform the -------- officer of the name of the carrier to whom the shipment has been transferred. The carrier which originally accepted the shipment will continue to be shown on the bill of lading as the initial carrier and will retain full common carrier liability for the shipment.

(d) All packing, materials, vans and equipment, and the loading and unloading of vans, are subject to inspection and approval by the -------- officer or his authorized representative at origin, to be performed in a manner and during such time so as not to restrict or unduly delay the carrier in the performance of its service.

(e) (1) Pickup will be made on the specific date(s) agreed upon between the hours of 7:00 a. m. and 7:00 p. m. unless the property owner gives advance approval to a change in date(s) or hour(s).

(2) Delivery to military installations will not be made on Saturdays, Sundays or holidays unless the carrier has advised the -------- officer or his representative sufficiently in advance of the arrival of the household goods and the -------- officer or his representative agrees to such delivery. Delivery to the owner's residence will not be made on Sundays or holidays unless the carrier has advised the owner or his representative sufficiently in advance of the arrival of the household goods and the owner or his representative agrees to such delivery.

(f) Vehicles used to transport household goods (including those used for intra-city hauls) will be closed furniture vans. The interiors thereof will be clean and sanitary and will be provided with a sufficient quantity of clean sanitized pads, covers, and other protective equipment to insure safe transit and delivery of the household goods. Unless specifically approved by the ordering -------- officer, the owner, or his agent, household goods will not be loaded on the tailgates of vans. When tailgate loading is approved, the load will not extend beyond the surfaces of the tailgate or above the top exterior surface of the vehicle.

(g) The tare weight of each vehicle used in the transportation of household goods will be determined by having it weighed prior to the transportation of each shipment, without the crew or any other person thereon, by a certified weighmaster or on a certified scale, and when so weighed the gasoline tank on each such vehicle will be full and the vehicle will contain only such blankets, pads, chains, dollies, hand trucks, and other equipment as is needed in the transportation of the shipment. The carrier will retain in the vehicle, subject to inspection, a weighmaster's certificate or weight ticket for each such vehicle showing the tare weight, the date weighed, and a list of equipment needed to transport the shipment. After the vehicle has been loaded it will be weighed, without the crew or any other person or thing thereon except the load of household goods being transported plus the material and equipment as indicated in the first sentence of this subparagraph, prior to delivery of the shipment, and the net weight will be determined by deducting the tare weight from the loaded weight. In the transportation of part loads the provisions of this paragraph will apply in all respects, except that the gross weight of the vehicle containing one or more part loads will be used as the tare weight of such vehicle as to part loads subsequently loaded thereon. Except when otherwise approved by the -------- officer concerned, the bill of lading when submitted for payment by the carrier will be accompanied by such duly certified weighmaster's weight certificate. All tare, gross, and net weights will be properly certified to by the person(s) who ascertains such weights. Constructive weights (seven pounds per cubic foot) will be used only upon authorization of the -------- officer at origin.

(h) In conjunction with the owner or his agent, the carrier will prepare in triplicate an inventory list of all articles received, bearing the signature of the owner or his agent together with the signature of the carrier, both certifying to the correctness of the inventory (Appendix III to this tender). (See also paragraph D, Appendix II.)

(i) A certificate (DD Form 619) itemizing the accessorial (additional) services performed will be prepared and signed by the carrier and the owner or his agent in connection with household goods shipped under this tender.

(j) Packing of household goods will be performed in accordance with the requirements attached hereto in Appendix II.

(k) (1) As soon as possible after pickup of the household goods the carrier will furnish the ordering activity:

a. Two memorandum copies, numbers 6 and 8, of the applicable bill of lading showing gross, tare and net weights, signature of carrier's agent, date of pick-up and dispatch of shipment by the carrier, the transportation rate, and total charges accrued.

b. One copy of the completed Accessorial Services Certificate, DD Form 619, with the words "at origin" added after the name of the shipping activity or installation. (This is required only when accessorial services are performed and so noted on the Government bill of lading.)

c. One copy of the inventory list.

(2) The carrier will furnish the property owner or his agent at time of pickup:

a. Memorandum copy No. 9 of Government bill of lading.

b. A copy of the inventory list.

(3) The carrier will submit to the origin -------- officer for the purpose of receiving payment:

a. Original and memorandum copy No. 5 of the accomplished bill of lading.

b. Original and copy of Public Voucher (Standard Forms 1113 and 1113A).

c. Original or certified copies of certificates showing gross and tare weights furnished by a certified weighmaster or obtained from a certified scale.

d. Original of Accessorial Services Certificate (DD Form 619). (This is required only when accessorial services are performed and so noted on the Government bill of lading.)

e. Two copies of the carrier's bill of lading, freight bill, or combination form.

(l) If the carrier loses or destroys any copies of the Government bill of lading (except the original) or supporting papers which are required to obtain payment for services rendered, it will provide the Government with legible photostatic copies thereof, the same size as the document reproduced. If the original Government bill of lading is lost or destroyed, it will be replaced by a Certificate in Lieu of Lost U. S. Government Bill of Lading (Standard Form 1108).

36.11–2 This is not a rate tender.

36.11–3 The carrier understands that submission of this service tender to the shipping activity is prerequisite to its consideration for transportation of household goods, that it does not obligate the Government in the distribution of traffic, and that such submission indicates that the carrier is qualified, willing, and able to accept shipments from that activity and seeks such business under the terms hereof.

36.11–4 This offer shall be effective upon the date first above written, shall continue in effect until withdrawn by the carrier upon thirty (30) days' notice in writing to the -------- officer (or his successor) to whom tendered, and shall, while effective, be applicable only to shipments of household goods which the undersigned carrier moves and services on Government bills of lading or purchase orders, and shall form a part of the conditions thereof.

(Official's name and title)

(Name of carrier)

(Official's name and title)

(Name of carrier)

§ 36.12 *Packing Requirements, Appendix II.*

36.12–1 *General*—(a) *Boxes.* Wood or fiberboard boxes used as specified hereinafter shall be as follows: wood-cleated fiberboard, wood-cleated plywood, nailed wood, corrugated fiber, or solid fiber boxes. Boxes shall be new or in sound condition; if not new they shall be free of all marks pertaining to any previous shipment and free of any substance injurious to the articles being packed. Boxes may be made of lumber, plywood or solid fiber; they shall be well manufactured and free from imperfections which may affect their utility. Size and spacing of nails will be in accordance with the best commercial practice. All unclinched nails shall be either cement coated or chemically etched.

(b) *Cartons.* Cartons, new or used, of solid or corrugated fiberboard may be used for packing linens, books, bedding, mattresses, lamp shades, draperies or other articles. All cartons used shall be adequate for the use employed, and must be dry, clean, and free from vermin, acid, paint, grease, and other substances injurious to the owner or his agent or to the articles packed. After packing, cartons must be glued, stapled or sealed by taping lengthwise at the joint on top and bottom. The sidewalls and ends of the corrugated or solid fiber cartons shall be of a minimum average bursting strength per square inch of 200 pounds. With the exception of mattress cartons, the inside dimensions of the carton, length, width and depth totaled, shall not exceed 75 inches with a weight limitation of 65 pounds. Egg crates, orange crates and similar type boxes will not be used. When determined by the -------- officer as necessary to assure protection and safe transportation of the articles, boxes may be used in lieu of cartons.

(c) *Barrels and fiber drums.* Wooden barrels, fiber drums, or other drum type containers with a capacity of not less than 5 cubic feet are to be used for packing glassware, chinaware, bric-a-brac, table lamp bases, and other fragile articles. All such containers, whether new or used, must be clean, in sound condition and free of all substances which might be injurious to the owner or his agent or to the material packed therein. Fiber drums will not contain more than 120 pounds and shall have a sidewall bursting strength per square inch of a minimum average of 400 pounds. Corrugated containers of not less than 5 cubic feet may be used in lieu of a barrel or drum type container for packing. The sidewalls and ends of the container shall be of a minimum bursting strength per square inch of 350 pounds. Not more than 120 pounds of material shall be packed therein. The sum of the interior horizontal and vertical girths shall be not less than 157 inches for wooden barrels, fiber drums, or other drum type containers. The cubic capacity of corrugated containers may be determined by actual measurements.

(d) *Filler material.* Good quality wood excelsior, wood wool excelsior, shredded paper, "kimpak," newspaper, fiberboard or Kraft paper shall be used as a filler for general packing. Filler material shall be clean, dry and free from vermin or any substances injurious to the articles to be packed.

(e) *Padding.* New or good quality used wood excelsior or shredded paper pads, or other equally suitable material, shall be used when required.

(f) *Paper wrapping.* All wrapping paper used shall be new or clean, Kraft type of not less than 30 pounds weight except as otherwise provided herein.

(g) *Paper—waxed or treated.* All waxed paper used shall be manila wax or equivalent of not less than 30 pounds weight. Treated paper may be used if of "Butcher" paper type, free from creases and folds.

[1] Filed as part of original document.

36.12-2 *Manner of packing.* (a) All packing shall be performed in a manner requiring the least cube measurement, producing packages that will withstand normal movement by motor van without damage to container or contents and at a minimum of weight. Further, the number and weight of containers will not be greater than necessary to accomplish efficient movement.

(b) All finished surfaces shall be so protected as to prevent scratching or marring.

(c) The use of damp, wet, or unclean packing materials is prohibited.

(d) Care shall be exercised to prevent loss or damage of household goods in process of packing, and the carrier shall properly and amply protect household effects in its possession by proper protective measures and by not piling effects in a manner likely to cause damage.

(e) When necessary for safe transportation, or storage-in-transit, all barrels or fiber drums shall be securely headed, the barrels or fiber drums shall be marked "This End Up."

36.12-3 *Specific*—(a) *Books.* Books shall be placed in cartons. All books of similar size shall be packed together in rows. Pads of solid or corrugated fiberboard shall be inserted between rows and packed tightly, wedged with pads or paper if necessary to fill out the carton and prevent chafing. Books normally shall be packed not more than two rows high in a carton.

(b) *Chinaware, glassware, crockery, lamps, clocks, jardinieres, statuary, vases, and bric-a-brac.* Each barrel, fibre drum or other container shall be padded in the bottom with sufficient excelsior, shredded paper, newspaper or other adequate cushion material. Items shall be wrapped separately, except groups of flat items properly divided may be wrapped in bundles properly cushioned. The heaviest items shall be placed in the bottom, the lightest items on top. Barrels, fibre drums, and other containers shall be packed as compactly as possible. Padding shall be pressed gently but firmly around each item and as many pieces be put in the containers as possible with safety. Any surface or edge of an article that is fragile must be protected by cushioning. Stemware shall be packed in containers bottom side up, and bundles of flatware shall be placed in containers on edge.

(c) *Electrical equipment—fans, heaters, portable stoves, sunlamps, vibrators, and like items.* When necessary to protect the items for safe transportation or storage-in-transit they shall be completely wrapped in paper or newspaper and packed in a carton with enough padding to provide insulation necessary to prevent contact of one article with another and to eliminate movement of any article in the container. When packing is not necessary, the items shall be properly wrapped or padded for protection.

(d) *Kitchenware.* All kitchenware, flat irons, electric irons, etc. shall be packed and padded into cartons. The heavier items shall be kept to the bottom of the container and the lighter items to the top of the container.

(e) *Linen, draperies, clothing, and like items.* When not considered as safe for carriage in drawers, chests, dressers, trunks, etc., linen, towels, bedding, draperies, clothing (unless a wardrobe is to be used), small pictures, mirrors and other items of this type shall be packed carefully into cartons which shall be properly sealed at residence.

(f) *Mirrors, pictures, glass table tops and stone table tops.* Large mirrors shall be wrapped and packed in a crate. Not more than four furniture mirrors will be packed in any one crate. Specifications for packing mirrors are applicable to glass tops, large glass-faced pictures, and all other glass articles of this type. Stone table tops shall be packed separately.

(g) *Lampshades.* All lampshades, Christmast ornaments, small toys and other small items easily crushed, shall be wrapped and placed in cartons and shall be insulated from the carton walls and from other items. Silk and parchment lampshades shall be wrapped individually with clean paper, not newspaper, and placed in cartons and cushioned to prevent shifting or damage.

(h) *Mattresses.* Mattresses with innersprings and those containing foam rubber, or mattresses consigned to storage, must be placed in cartons at the residence. All cartons used shall have a minimum average bursting strength per square inch of 200 pounds. Mattresses without internal springs and those not containing foam rubber must be placed in cartons, bags or similar containers at the residence. Paper bags, if used, shall be of not less than 60 pound Kraft paper. All containers used must be clean and free from vermin.

36.12-4 *Inventory.* The carrier will use diligence to record in the inventory (not applicable to the contents of pieces of furniture or containers of any type) any unusual conditions of the goods so received. The inventory shall list the articles of furniture and words such as "Household goods" or other general descriptive terms will not be used. Special care shall be exercised to ensure that the inventory reflects the true condition of the property. General terms such as marred, scratched, soiled, worn, torn, gouged, and the like shall be avoided unless they are supplemented with a statement describing the degree and location of the exception. (Care in the preparation of the initial inventory will assist in protecting the owner of the property and the carrier in the event of loss and/or damage. Appendix III* is a suggested format for the body of the inventory form but its use is not mandatory. Inventory forms which specify name of owner of goods, the date of shipment and name of carrier, and contain on the form an explanation of the condition symbols and location symbols are acceptable.) However, the carrier will provide means or recording on the inventory prepared by the initial carrier exceptions and the nature of such exceptions to the initial listing in each unloading, warehousing, and reloading of the goods. Household goods will be properly identified at time of pickup by affixing a tag or tape (or marking in case of containers) containing identification information to each article (not applicable to individual items in containers of any type). Each lot will be separately identified and each article will be assigned a number which must correspond with the piece number as indicated in the inventory. The type of identification used and the method of affixing it to the article will be such as not to injure any article so identified.

36.12-5 *Preparation of articles.* Articles having surfaces liable to damage by scratching, marring, or chafing will be wrapped at time of loading in furniture pads, covers, burlaps or wrappers which are a part of the carrier's regular equipment. Any and all servicing necessary to protect the mechanical or other functions of washing machines, refrigerators, ironers, sewing machines, vacuum cleaners, heaters, ranges, radios, clocks, phonographs, television sets, deep freezers, dryers, and other similar items during their transportation shall not be at the responsibility or the expense of the carrier. The servicing of such items shall be provided prior to delivery of the shipment to the carrier for transportation and without expense to the carrier.

36.12-6 *Packing and loading at origin.* Packing and loading at origin shall include removing from the owner's premises all empty containers, packing materials, and other debris accumulated incident to packing and loading, unless relieved of this responsibility by the owner.

36.12-7 *Unloading and unpacking at destination.* Unloading at destination shall include, when goods are delivered to the owner's residence, the placement of the goods in appropriate rooms of the dwelling so they are readily available to the owner's use. Unpacking service shall be performed unless specifically waived by the owner, when goods are delivered to the owner's residence at destination either direct from the carrier's van or from a storage-in-transit warehouse. Unpacking service shall consist of the following: (a) Unpacking all barrels, boxes, cartons, and/or crates originally packed by the carrier, and placement of the contents so they are readily available to the owner; (b) recording all damages found while unpacking and furnishing the owner a copy of such record; and (c) removing from the owner's premises all empty containers, packing materials, and other debris, accumulated incident to unpacking, unless specifically requested otherwise by the owner.

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

OCTOBER 3, 1955.

[F. R. Doc. 55-8194; Filed, Oct. 10, 1955; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I-2, Amdt. 2]

DMO I-2—COMMITTEE ON DEFENSE TRANSPORTATION AND STORAGE

POST OFFICE DEPARTMENT

1. Paragraph 1 of Defense Mobilization Order I-2, dated August 19, 1953, is hereby amended by adding the Post Office Department to the list of agencies forming the membership of the Committee on Defense Transportation and Storage.

2. This amendment is effective immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMING,
Director.

[F. R. Doc. 55-8266; Filed, Oct. 7, 1955; 2:16 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1234]

[Oregon 02708]

[Misc. 752231]

OREGON

MODIFYING EXECUTIVE ORDERS OF DECEMBER 12, 1917, CREATING POWER SITE RESERVES NOS. 659 AND 662 AND DEPARTMENTAL ORDER OF DECEMBER 12, 1917, CLASSIFYING LANDS AS WATER POWER DESIGNATION NO. 14

By virtue of the authority contained in section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and sections 2 and 3 of the act of June 9, 1916 (39 Stat. 218), it is ordered as follows:

The Executive Order of December 12, 1917, creating Power Site Reserves No. 659 and No. 692, and the Departmental order of December 12, 1917, classifying certain lands as Water Power Designation No. 14, all as construed by Departmental Interpretation No. 20 of May 10, 1922, are hereby modified to the extent necessary to permit the granting of a right-of-way under section 2477, United States Revised Statutes (43 U. S. C. 932), to the County of Tillamook, Oregon, for the construction of a highway over the lands hereinafter described, and as shown on maps on file in the Bureau of Land Management (Oregon 02708), on the condition that the use of the highway in whole or in part shall be discontinued without liability or expense to the United States or its licensees when found by the Secretary of the Interior to be in conflict with project works authorized by the United States, and on the further condition that the timber resources within the right-of-way limits shall be subject to disposal only by the Bureau of Land Management, and the cutting of such timber shall be accordance with and subject to such stipulations as shall be prescribed by that Bureau.

The following lands are affected by this order:

WILLAMETTE MERIDIAN

T. 3 S., R. 6 W.,
Sec. 7, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 18, lots 1 and 2, NE¼NE¼;
T. 3 S., R. 7 W.,
Sec. 13, SE¼NE¼, S½SE¼, NE¼SE¼;
Sec. 23, SE¼SE¼;
Sec. 24, N½NE¼, SW¼NE¼, SE¼NW¼, SW¼;
Sec. 26, E½NE¼, SW¼NE¼;
Sec. 27, SW¼NW¼, NW¼SW¼, NE¼SE¼.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

OCTOBER 5, 1955.

[F. R. Doc. 55-8187; Filed, Oct. 10, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 963]

[Docket No. AO-233-A3]

MILK IN STARK COUNTY, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Canton, Ohio, on August 29, 1955, pursuant to notice thereof which was issued on August 19, 1955 (20 F. R. 6193).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on September 22, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on September 27, 1955 (20 F. R. 7196).

The material issues and the findings and conclusions of the recommended decision (20 F. R. 7196; F. R. Doc. 55-7757) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein.

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of July 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Stark County, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Stark County, Ohio, Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Stark County, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 6th day of October 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Stark County, Ohio, Marketing Area

§ 963.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Canton, Ohio, on August 29, 1955, upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Stark County, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Stark County, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended as set forth below:

Amend § 963.52 by adding after paragraph (c) the following: "*Provided,* That in October and November, 1955 in lieu

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

of the 'basic formula price' referred to in paragraphs (a) and (c) of this section, use the basic formula price computed pursuant to § 963.50 plus 30 cents."

[F. R. Doc. 55-8220; Filed, Oct. 10, 1955; 8:59 a. m.]

[7 CFR Part 989]

RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

PROPOSED FREE, RESERVE, AND SURPLUS PERCENTAGES FOR 1955–56 CROP YEAR AND LIST OF COUNTRIES FOR EXPORT SALE OF SURPLUS TONNAGE THROUGH HANDLERS

Notice is hereby given that there is being considered proposed rules to establish free tonnage percentages, reserve tonnage percentages, surplus tonnage percentages, and a list specifying the countries to which sale in export of surplus tonnage raisins may be made by or through handlers, as hereinafter set forth, in connection with standard raisins produced from raisin variety grapes grown in California and acquired by handlers during the 1955–56 crop year. These percentages and the list of specified countries are proposed after consideration of the recommendations submitted by the Raisin Administrative Committee and other information available to the Secretary, in accordance with applicable provisions of Marketing Agreement No. 109, as amended, and Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the fifth day after the date of the publication of this notice in the FEDERAL REGISTER, except that, if said fifth day after publication should fall on a legal holiday, Saturday, or Sunday, such submission should be received by the Director not later than the close of business on the next following business day. In reaching final determinations in this regard, consideration will be given to the information available at that time, including later estimates of production and the then apparent off-grade content of the crop, and such final determinations will differ from the proposed rule set forth herein if necessary to achieve appropriate allocation or other program objectives.

The proposed percentages for standard natural Thompson Seedless raisins are based on the following estimates[1] with respect to such raisins: (1) Handler carrying on September 1, 1955 of about 18,000 tons; (2) preliminary indications of an average size 1955 production approximating 200,000 tons; (3) a total supply of about 218,000 tons (item 1 plus item 2); (4) a historically based estimate of Western Hemisphere and handler carryout (August 31, 1956) needs of about 158,000 tons, which approximates the quantity made available for these purposes in the 1954–55 crop year; (5) application of a free percentage of 70 percent to item 2 for a free tonnage of about 140,000 tons which, added to the handler carryin of 18,000 tons, would make available a total supply of about 158,000 tons to meet the estimated requirements set forth in item 4; (6) a conservative reserve percentage of 10 percent for a reserve tonnage of about 20,000 tons which could be used, if needed, to satisfy increases in domestic demand and is based on the expectation of a generally strong demand and the early need for raisins in both the free and surplus outlets; and (7) a surplus percentage of 20 percent for a surplus tonnage of about 40,000 tons for export to European and other markets outside of the Western Hemisphere.

The total supply of other varietal types of raisins is expected to approximate 32,000 tons and this supply is not deemed to be in excess of that which can be marketed as free tonnage and provide a reasonable carryout.

On the basis of the information now available to the Department, it appears that the estimated average price of raisins to producers for the crop year beginning September 1, 1955 will not exceed the price level contemplated in section 2 (1) of the act.

1. The proposed percentage rule is as follows:

§ 989.209 *Free, reserve, and surplus tonnage percentages for the 1955–56 crop year.* The percentage of each varietal type of standard raisins acquired by handlers during the crop year beginning September 1, 1955 and ending August 31, 1956, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, is as follows: (a) Natural (sun-dried) Thompson Seedless raisins: Free tonnage percentage, 70 percent; reserve tonnage percentage, 10 percent; and surplus tonnage percentage, 20 percent; and (b) each of the other varietal types, including natural (sun-dried) Muscat, natural (sun-dried) or artificially dehydrated Sultana, natural (sun-dried) or artificially dehydrated Zante Currants, Layer Muscat, Golden Seedless, Sulfur Bleached, Soda Dipped, or Valencia raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent.

2. The proposed list of countries is as follows:

§ 989.210 *Countries to which sale in export of surplus tonnage raisins may be made by or through handlers.* The countries to which sale in export of surplus tonnage raisins acquired by handlers during the crop year beginning September 1, 1955, and ending August 31, 1956, may be made by or through handlers shall include all countries outside of the Western Hemisphere except: (a) Australia, Cyprus, Greece (including Crete), Iran, Turkey, Spain, and the Union of South Africa; and (b) those countries and areas listed in Subgroup A of Group R of the Comprehensive Export Schedule, as amended (15 CFR 371.3 (a); 20 F. R. 1048) issued by the Bureau of Foreign Commerce, United States Department of Commerce, or as the same may be further amended during the period while surplus tonnage raisins of such crop year are being sold in export. For purposes of this section, "Western Hemisphere" shall include Greenland and the area east of the International Date Line and West of 30 degrees W. longitude.

Issued at Washington, D. C., this 6th day of October 1955.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 55-8213; Filed, Oct. 10, 1955; 8:56 a. m.]

[1] All tonnage figures herein are in terms of natural condition weight.

Agricultural Research Service

[9 CFR Part 40]

IDENTIFICATION SERVICE FOR MEAT AND OTHER PRODUCT

CERTIFICATION

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Department of Agriculture, pursuant to the authority conferred by sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622, 1624) as amended and section 520 of the Revised Statutes (5 U. S. C. 511), proposes to amend Part 40 of the Meat Inspection Regulations (9 CFR, 1954 Supp., Part 40, as amended 20 F. R. 2080) as follows:

1. The heading of Part 40 would be amended to read as follows: "Part 40—Identification and Certification Service for Meat and Other Product."

2. Section 40.3 would be amended by adding the following sentence at the end thereof: "In order to meet requirements of a purchaser, or of a supplier, or others that are not imposed or are in addition to those imposed by the Federal Meat Inspection Act or regulations, with respect to such carcass, tank carload, or other basic unit, service may be furnished, upon application, under the regulations in this part to certify such characteristics of or factors concerning the product as may be requested in the application for service."

3. Section 40.4 would be amended to read as follows:

§ 40.4 *Availability of service.* Service under the regulations in this part will be available only with respect to meat or other product which is sound, healthful, wholesome, and fit for human food at the time the service would be furnished; which can be identified as a portion of a carcass, tank carload, or other basic unit which was federally inspected and so marked; and, in the case of identification service, which is on premises other than those of an official establishment.

The proposed amendments would provide for a certification service relating to requirements that are not imposed or are in addition to those imposed by the Federal Meat Inspection Act or regulations.

The additional certification for lard, as an example, could cover such factors as maximum moisture and free fatty acid, melting point, titer range, smoke point, and minimum number of hours stability.

Any interested person who wishes to submit written data, views, or arguments on the proposed amendments may do so by filing them with the Chief of Meat Inspection Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C. within 30 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 5th day of October 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-8215; Filed, Oct. 10, 1955; 8:57 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1955. 114th Supp.]

STATE AUTOMOBILE MUTUAL INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

OCTOBER 5, 1955.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $1,744,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office and State in which incorporated: Ohio; State Automobile Mutual Insurance Company, Columbus.

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-8201; Filed, Oct. 10, 1955; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

HAWAIIAN SUGARCANE

NOTICE OF HEARING ON PRICES AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsection (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to fair price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held as follows:

At Hilo, on the Island of Hawaii, in the Auditorium of the Hilo Electric Light Company, Limited, on Kilauea Avenue, on November 7, 1955, at 9:30 a. m.

The purpose of the hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, pursuant to the provisions of section 301 (c) (2) of said Act, fair and reasonable prices for the 1956 crop of Hawaiian sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said Act.

The hearing after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to the foregoing matter.

A. A. Greenwood, Ward S. Stevenson, and Will N. King are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 5th day of October 1955.

[SEAL] THOS. H. ALLEN,
Acting Director, Sugar Division.

[F. R. Doc. 55-8212; Filed, Oct. 10, 1955; 8:56 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

Blount Manufacturing Co., Blountsville, Ala., effective 9–23–55 to 2–15–56; 20 learners for plant expansion purposes (children's pants and boxer longies).

The Butler Shirt Co., Butler, Pa., effective 9–22–55 to 9–21–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's sport shirts).

Carolina Underwear Co., Inc., Forsyth Division, Forsyth Street, Thomasville, Ga., effective 10–1–55 to 2–29–56; 15 learners for plant expansion purposes (women's, misses' and children's panties).

Carolina Undergarment Co., Inc., Forsyth Division, Forsyth Street, Thomasville, Ga., effective 10–1–55 to 9–30–56; 10 learners for normal labor turnover purposes (women's, misses' and children's panties).

Cleveland Overall Co., 1768 East 25th Street, Cleveland, Ohio, effective 9–27–55 to 9–26–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work garments).

Greensboro Manufacturing Corp., 1900 East Bessemer Avenue, Greensboro, N. C., effective 9–25–55 to 9–24–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's and children's flannelette and cotton night gowns).

Harde Manufacturing Co., Inc., Blackstone, Va., effective 9–26–55 to 9–25–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' jackets, hobby jeans and walking shorts).

Hartsville Garment Corp., P. O. Box 215, Hartsville, Tenn., effective 9–22–55 to 2–29–56; 25 learners for plant expansion purposes (sport shirts).

F. Jacobson & Sons, Inc., Charlottesville, Va., effective 10–7–55 to 10–6–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's pajamas).

Leiter Manufacturing Co., 217 Craik, Marlin, Texas, effective 9–19–55 to 2–29–56; 25 learners for plant expansion purposes. (Learners are not authorized to be employed at subminimum wage rates in the production of separate skirts.) (Ladies' sportswear and dresses.)

Louisville Garment Co., Inc., Louisville, Miss., effective 9–19–55 to 2–29–56; 75 learners for plant expansion purposes. (Replacement certificate.) (Men's and boys' pants.)

Meyers & Son Manufacturing Co., Corner First and Jefferson Streets, Madison, Ind., effective 9–25–55 to 9–24–56; 10 learners for normal labor turnover purposes (men's one piece work suits).

Miller Westernwear, Inc., Walnut Street, Baxley, Ga., effective 9–22–55 to 2–29–56; 25

learners for plant expansion purposes (boys' and girls' Western type shirts).

Old Hickory Co., Inc., 39 Second Street Place SW., Hickory, N. C., effective 9–22–55 to 9–21–56; 8 learners for normal labor turnover purposes (men's overalls, coveralls, dungarees and work pants; ladies' dungarees).

Scottsboro Manufacturing Co., 102 South Houston Street, Scottsboro, Ala., effective 9–19–55 to 9–18–56; 5 learners for normal labor turnover purposes (children's knit and woven sportswear from purchased fabric).

Rosenau Bros., Inc., Fulton Street, Ephrata, Pa., effective 10–6–55 to 10–5–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Levi Strauss & Co., 220 North Houston Avenue, Denison, Tex., effective 9–27–55 to 9–26–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (denim coats, jackets, and slacks).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended April 19, 1955, 20 F. R. 2304).

Budd Cigar Co., Dothan, Ala., effective 9–22–55 to 9–21–56; 10 percent of the total number of factory production workers engaged in the occupations listed hereinafter: Cigar machine operating, 320 hours; cigar packing (cigars retailing for 6 cents or less), 160 hours; and machine stripping, 160 hours. All at 65 cents an hour.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended April 19, 1955, 20 F. R. 2304).

Liberty Hosiery Mills, Inc., Gibsonville, N. C., effective 9–20–55 to 9–19–56; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

C. A. Wanner, Inc., Fleetwood, Pa., effective 9–26–55 to 9–25–56; 5 learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304).

Shadowline, Inc., Morgantown, N. C., effective 9–22–55 to 2–29–56; 15 learners for plant expansion purposes (nylon and acetate knitted lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 845).

Cox Handmade Leather Goods Co., 165 Fifth Street, Russellville, Ala., effective 9–26–55 to 2–29–56; 10 learners for plant expansion purposes (leather billfolds).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Vega Alta Corp., Vega Alta, P. R., effective 9–12–55 to 3–11–56; 100 learners may be employed in any one work day in the occupations listed hereinafter: (1) Grinding operators; automatic screw machine operators; and tool makers; each for 320 hours at 50 cents an hour; 320 hours at 55 cents an hour; and 320 hours at 60 cents an hour. (2) Heat treat operators; lapping operators; milling machine operators; straightener operators; welding operators; assembly and bench operators (excluding loaders, spring assemblers, filing, rubber stoppers assemblers, assemblying motor to case, and name plate assembler); inspection operators (excluding inspection of plastic cases); and plating operators each for 240 hours at 50 cents an hour, and 240 hours at 60 cents an hour. (3) Punch press operators, for 240 hours at 55 cents an hour. (Electric shavers.)

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 29th day of September 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55–8188; Filed, Oct. 10, 1955; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–2573]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF OPINION NO. 286 AND ORDER

OCTOBER 5, 1955.

Notice is hereby given that on September 30, 1955, the Federal Power Commission issued its opinion and order adopted September 30, 1955, in the above-entitled matter, directing Texas Eastern Transmission Corporation to establish two delivery points on its Penn Jersey Line near Annville and Temple, Pennsylvania, and to deliver additional volumes of natural gas to United Gas Improvement Company for the account of The Manufacturers Light and Heat Company, and denying request of United Gas Improvement Company that Texas Eastern be directed to sell to it up to 3,500 Mcf per day for the 1955–1956 heating season.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–8195; Filed, Oct. 10, 1955; 8:48 a. m.]

[Docket Nos. G–8865, G–8866]

KEARNEY GAS PRODUCTION CO. ET AL.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 5, 1955.

In the matters of Kearney Gas Production Company, and Deerfield Gas Production Company, Docket No. G–8865; Kansas-Nebraska Natural Gas Company, Docket No. G–8866.

Notice is hereby given that on October 4, 1955, the Federal Power Commission issued its findings and order adopted September 28, 1955, issuing a certificate of public convenience and necessity, and permitting abandonment of facilities in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–8196; Filed, Oct. 10, 1955; 8:49 a. m.]

[Docket No. G–9062]

SOUTHERN PRODUCTION CO., INC.

NOTICE OF FINDINGS AND ORDER AUTHORIZING ABANDONMENT OF SERVICE

OCTOBER 5, 1955.

Notice is hereby given that on September 30, 1955, the Federal Power Commission issued its order adopted September 28, 1955, authorizing abandonment of service to Texas Eastern Transmission Corporation in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–8197; Filed, Oct. 10, 1955; 8:49 a. m.]

[Docket No. G–9207]

OHIO FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 5, 1955.

Notice is hereby given that on October 3, 1955, the Federal Power Commission issued its findings and order adopted September 28, 1955, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–8198; Filed, Oct. 10, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1698]

FOREMOST DAIRIES, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 5, 1955.

In the matter of application by the, Boston Stock Exchange, for unlisted trading privileges in Foremost Dairies, Inc., Common Stock, $2 Par Value.

The above named stock exchange, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York, Midwest, Los Angeles and San Francisco Stock Exchanges.

Upon receipt of a request, on or before October 20, 1955, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–8202; Filed, Oct. 10, 1955; 8:51 a. m.]

[File No. 7–1736]

FRUEHAUF TRAILER CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 5, 1955.

In the matter of application by the Philadelphia-Baltimore Stock Exchange, for unlisted trading privileges in Fruehauf Trailer Company, Common Stock, $1 Par Value.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the Detroit, Los Angeles, New York and San Francisco Stock Exchanges.

Upon receipt of a request, on or before October 20, 1955, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–8203; Filed, Oct. 10, 1955; 8:51 a. m.]

[File No. 7–1700]

GREAT LAKES OIL & CHEMICAL CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 5, 1955.

In the matter of application by the San Francisco Stock Exchange, for unlisted trading privileges in Great Lakes Oil & Chemical Company, Common Stock, $1 Par Value.

The above named stock exchange, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the American, Detroit, Los Angeles and Midwest Stock Exchanges.

Upon receipt of a request, on or before October 20, 1955, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C: If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–8204; Filed, Oct. 10, 1955; 8:51 a. m.]

[File No. 7–1699]

ELECTRODATA CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 5, 1955.

In the matter of application by the San Francisco Stock Exchange, for unlisted trading privileges in Electrodata Corporation, Capital Stock, $1 Par Value.

The above named stock exchange, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the American and Los Angeles Stock Exchanges.

Upon receipt of a request, on or before October 20, 1955, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–8205; Filed, Oct. 10, 1955; 8:51 a. m.]

[File No. 54–72, etc.]

STANDARD POWER AND LIGHT CORP. ET AL.

NOTICE OF AND ORDER FOR HEARING WITH RESPECT TO FEE CLAIM

OCTOBER 5, 1955.

In the matter of Standard Power and Light Corporation, Standard Gas and Electric Company and Philadelphia Company; File Nos. 54–72, 54–173, 54–191, 54–199.

The above-entitled proceedings involved plans filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act") to enable the system of Standard Power and Light Corporation, Standard Gas and Electric Company ("Standard Gas"), and Philadelphia Company, all registered holding companies, to effectuate compliance with section 11 (b) of the act and the Commission's orders thereunder requiring the liquidation and dissolution of such companies. These plans together with the Commission's orders approving the same provided, among other things, that the companies would pay only such fees and expenses for services rendered in connection with such plans and related proceedings as the Commission might approve, award or allow.

Applications for allowances of fees and expenses were subsequently filed with the Commission by various participants in the proceedings, including a joint application filed by Guggenheimer & Untermyer and associated counsel ("Guggenheimer & Untermyer") for fees and expenses on account of legal services. Extensive hearings were held in connection with the claim of Guggenheimer & Untermyer, and during the course thereof a settlement was reached and approved by the Commission on May 13, 1955.

On July 28, 1955, Standard Gas filed a petition herein stating, inter alia, that in connection with the proceedings on the Guggenheimer & Untermyer fee application aforesaid, it employed James P. McGranery as a legal expert; that it had received a claim from McGranery for a fee in the amount of $10,000 which it was unwilling to pay; and that pursuant to the Commission's order of December 23, 1953 (Holding Company Act Release No. 12272), it had conducted negotia-

tions with McGranery but had been unable to agree upon a settlement of such claim; and Standard Gas requests that the Commission set down for hearing the aforesaid claim of McGranery and after such hearing, fix the amount of the fee, if any, to be paid by Standard Gas to said McGranery.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the claim asserted by McGranery against Standard Gas:

It is ordered, That a hearing he held on the claim of James P. McGranery as aforesaid, which hearing shall commence on November 7, 1955, at 10 o'clock a. m. at the office of the Commission, 425 Second Street NW., Washington, D. C. On such date the hearing-room clerk in Room 193 will advise as to the room in which the hearing will be held. Any person who is not already a party, or who has not been granted leave to participate in the above-entitled proceedings, and who desires to be heard or otherwise to participate in such hearing shall file with the Secretary of this Commission on or before November 2, 1955, a request relative thereto as provided in Rule XVII of the Commission's Rules of Practice.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated is and are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's Rules of Practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the aforesaid petition filed by Standard Gas with respect to said fee claim, and that on the basis thereof the following matters and questions are presented without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the services of the said James P. McGranery for which remuneration is sought are compensable and whether it is lawful or appropriate to grant any allowance from the estate of Standard Gas on account of such services;

2. Whether the fee requested by the said James P. McGranery was incurred in rendering services which were necessary in connection with the reorganization plans involved and whether the requested amount is reasonable;

3. Whether there are any other factors apart from the nature and value of the services rendered and the capacity in which rendered which would make improper the claim for compensation asserted by the said James P. McGranery;

It is further ordered, That particular attention be directed at the hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this Notice and Order by registered mail on Standard Gas and on James P. McGranery; and that notice of the entry of this Notice and Order shall be given to all other persons by general release of the Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8206; Filed, Oct. 10, 1955; 8:52 a. m.]

[File No. 24NY-3391]

BLAZE-MASTER, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

OCTOBER 5, 1955.

I. Blaze-Master, Inc., the last known address of which was No. 222 Flint Building, Auburn, New York, having filed with the Commission on May 25, 1953, a notification on Form 1-A and exhibit specified by Rule 219 (b) and an amendment thereto on June 2, 1953, relating to a proposed offering of 50,000 shares of Class "A" stock, $1.00 par value, to be offered at $1.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission, having been advised:

A. That a judgment of permanent injunction was issued on April 5, 1954, in the New York State Supreme Court for Cayuga County, against Blaze-Master, Inc., F. Dale Bacon, its president and director, and Edward T. Wiley, its secretary-treasurer and director, permanently enjoining said persons from engaging in or continuing any business relating to the purchase and sale of any security.

B. That the terms and conditions of Regulation A have not been complied with in that the notification on Form 1-A and exhibit and amendment thereto, filed as part thereof, among other things, failed to disclose: the affiliation between Blaze-Master and Point of View, Inc., the last known address of which was 254 West 31st Street, New York 1, New York, in that both companies were subject to the control of F. Dale Bacon, their president and director.

C. That the issuer failed to file with the Commission, as required by Rule 224, four copies of a report on Form 2-A containing the information called for thereby.

III. *It is ordered*, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this Order and Notice shall be served upon Blaze-Master, Inc., F. Dale Bacon and Edward T. Wiley personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8207; Filed, Oct. 10, 1955; 8:52 a. m.]

[File No. 24FW-936]

VACTRON CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

OCTOBER 5, 1955.

I. Vactron Corporation (hereinafter referred to as the "issuer"), P. O. Box 11153, Fort Worth, Texas, having filed with the Commission on May 13, 1955, a notification, on Form 1-A relating to a proposed public offering of 300,000 shares of its common stock, $1.00 par value, at $1.00 per share through Zone Investment Company, 2901 Cleburne Road, Fort Worth, Texas, as underwriter (hereinafter referred to as the "underwriter") for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That an exemption under Regulation A is not available to the issuer in that the aggregate offering price of the issuer's securities would exceed the limitation of $300,000 prescribed by Rule 217 (a) since said securities are being offered in excess of $1.00 per share.

B. That the terms and conditions of Regulation A have not been complied with in that the offering circular used in connection with the offering of said securities contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made, not misleading, particularly with respect to the following:

1. The amount of underwriting discounts or commissions to be received by the underwriter;

2. The amount of proceeds to be received by the issuer.

C. That the terms and conditions of Regulation A have not been complied with in that the issuer failed to file, as required by Rule 219 (e), the offering circular being used in connection with the offering.

D. That the use of said offering circular would and did operate as a fraud and deceit upon the purchasers of such securities.

III. *It is ordered*, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this Order and Notice shall be served upon Vactron Corporation, P. O. Box 11153, Fort Worth, Texas, and Zone Investment Company, 2901 Cleburne Road, Fort Worth, Texas, personally or by registered mail or confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8208; Filed, Oct. 10, 1955; 8:53 a. m.]

[File No. 24SF-2108]

URANIUM AND OIL DEVELOPMENT PROJECT, INC.

ORDER TEMPORARILY DENYING EXEMPTION, STATEMENT OF REASONS THEREFORE, AND NOTICE OF OPPORTUNITY FOR HEARING

OCTOBER 5, 1955.

I. The Uranium and Oil Development Project, Inc., 3411 North 14th Place, Phoenix, Arizona, having filed with the Commission on July 5, 1955, a Notification on Form 1-A and an offering circular, and amendments thereto on September 6, 1955, relating to an offering of 1,250,000 shares of common stock, 10¢ par value, at 10¢ per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3 (b) of the Act and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in that the Notification and offering circular, filed as part thereof, contain untrue statements of material facts, and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading particularly with respect to the following:

1. The statement on page 4 of the offering circular under "Property and Development" in discussing the unpatented mining claims held by the issuer that "The presence of both uranium and rare earths in this dike is believed to be in commercial quantities";

2. The statement on page 6 of the offering circular under "Development Funds Required" that "Development of the Lucky Horse Shoe mining claims and mill site to prepare for mining operation will require approximately $55,382.50";

3. The statement in paragraph 3, page 2 of the "Report on Uranium and Rare Earths Mining Property by P. H. Lund, Registered Mining Engineer", attached as an exhibit to the offering circular, that "A liberal quantity of samples were taken from exposed formation on each claim and thoroughly mixed and quartered down to make an average of the mineral contents of the entire dike as near as possible from surface exposures."

4. The failure to disclose in Item 4 of the Notification that P. H. Lund and P. H. Lund Engineering Company are affiliates of the issuer;

5. The failure to disclose in Item 3 of the Notification information as to the sale of securities by P. H. Lund during the year prior to the filing of the Notification;

6. The failure to disclose in the offering circular that P. H. Lund holds title to oil and gas leases on land adjoining that owned by the issuer and the resulting benefits which may accrue to Lund if a well is drilled on the issuer's properties;

7. The failure to disclose in the offering circular that the portion of Arizona in which the issuer's oil and gas leases are located has been classified as being "unfavorable" in its relative likelihood of yielding oil in commercial quantities;

8. The failure to disclose in the offering circular the distance to the nearest commercial oil production from the issuer's leases and the distance to the nearest commercial gas production;

9. The failure to disclose in the report entitled "Report on Uranium and Rare Earths Mining Property" by P. H. Lund, attached as an exhibit to the Notification, that there is no known rare earths and uranium on the unpatented mining claims held by the issuer; and

10. The failure to disclose in the report entitled "Report on the Marana Potential Oil and Gas Field" by P. H. Lund, attached as an exhibit to the Notification, that no evidence has been furnished to show the existence of the anticlines, folds, domes and faults mentioned in such report.

B. That the use of the offering circular in connection with any offering of the shares to which the Notification relates would operate as a fraud and deceit upon the purchasers thereof;

III. *It is ordered*, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily denied.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of denial should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

It is further ordered, That this Order and Notice shall be served upon The Uranium and Oil Development Project, Inc., 3411 North 14th Place, Phoenix, Arizona, and Emmett R. Feighner, 150 West Palm Lane, Phoenix, Arizona, personally or by registered mail or by confirmed telegraphic notice and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8209; Filed, Oct. 10, 1955; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 59-A]

INDIANA HARBOR BELT RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 59 and good cause appearing therefor: *It is ordered*, That:

(a) Taylor's I. C. C. Order No. 59, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 12:01 p. m., October 1, 1955.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., October 1, 1955.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 55-8189; Filed, Oct. 10, 1955; 8:45 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 60]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the St. Louis-San Francisco Railway Company due to bridge out of service between Vernon, Texas, and Snyder, Oklahoma, is unable to transport traffic

routed over its line between these points: *It is ordered*, That:

(a) Rerouting traffic: The St. Louis-San Francisco Railway Company is hereby authorized to reroute or divert traffic moving over its lines between Vernon, Texas, and Snyder, Oklahoma, due to bridge out of service, over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 7:00 a. m., October 4, 1955.

(g) Expiration date: This order shall expire at 11:59 p. m., November 4, 1955, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., October 4, 1955.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 55-8190; Filed, Oct. 10, 1955; 8:46 a. m.]

UNIVERSITY
OF MICHIGAN

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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 20 NUMBER 199

Washington, Wednesday, October 12, 1955

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1023 (Peanuts-56)-1, Amdt. 1]

PART 729—PEANUTS

CHANGE OF DATE

Basis and purpose. The amendment herein is issued under the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1393), for the purpose of correcting an error. Since the amendment is to make a correction, it is hereby determined and found that compliance with the notice, public procedure and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary, and the amendment contained herein shall be effective upon the publication of this document in the FEDERAL REGISTER.

Section 729.720 (a) of the Marketing Quota Regulations for the 1956 Crop of Peanuts (20 F. R. 6033) line 31, is amended by changing the year "1955" to "1956".

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Done at Washington, D. C., this 6th day of October 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-8257; Filed, Oct. 11, 1955; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Tokay Grape Order 2, Amdt. 1]

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California, effective under the applicable provision of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such grapes that may be handled during specified allotment periods, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) In the instance of deciduous fruits, determination as to the need for, and the extent of, regulation must be deferred awaiting development of the particular crop. Recommendations for this amendment was made at a meeting of said Industry Committee on October 8, 1955, after consideration of all available information relative to supply and demand conditions for Tokay grapes. It is hereby further found, therefore, that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date, and good cause exists for making the provisions hereof effective not later than October 13, 1955. Shipments of Tokay grapes of the current crop are subject to regulation by grades and sizes pursuant to Tokay Grape Order 1 (§ 951.319; 20 F. R. 6244), which has been in effect since August 27, 1955, and is to continue until January 1, 1956; the total quantity of such of the Tokay grapes as are eligible for shipment on the basis of such Tokay Grape Order 1 during each allotment period was fixed at 414,375 standard packages

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(For use during 1955)

The following Supplements are now available:

Title 32: Parts 400–699 ($5.75)
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pursuant to Tokay Grape Order 2 (§ 951.320; 20 F. R. 6813); Tokay Grape Order 2 will terminate, unless its termination date is postponed, at 12:01 a. m., P. s. t., October 13, 1955; a reasonable determination as to the need for continued regulation of the volume of shipments of Tokay grapes after October 12, 1955, must await the availability of information relative to the probable supply and demand conditions for such grapes; information available to the committee on October 8, 1955, was to the effect that, without regulation of the volume of shipments during the period from October 13, 1955, through October 16, 1955, the supply of eligible Tokay grapes will exceed the demand therefor, and recommendation and supporting information for continued regulation on the same basis as set forth in said Tokay Grape Order 2 was forwarded promptly to the Department and made available to handlers and producers of Tokay grapes; the provisions of this amendment, including the period during which it will be effective, are the same as the aforesaid recommendation of the committee; and compliance with the provisions of this amendment will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

Order, as amended. Tokay Grape Order 2 (§ 951.320; 20 F. R. 6813) is hereby amended by deleting from § 951.320 (b) (1) the date "October 13, 1955" and inserting, in lieu thereof, the date "October 17, 1955."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October ~~10,~~ 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8306; Filed, Oct. 11, 1955; 8:57 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, subparagraphs (6) and (13) of paragraph (a) of § 6.302 are amended as set out below.

§ 6.302 *Department of State.*

(a) *Office of the Secretary.* * * *

(6) One Special Assistant for International Cooperation Affairs to the Under Secretary.

* * * * *

(13) One Private Secretary to the Special Assistant for International Cooperation Affairs to the Under Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-8273; Filed, Oct. 11, 1955; 8:56 a. m.]

PART 6—EXEMPTIONS FROM THE COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (8) of § 6.342 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-8272; Filed, Oct. 11, 1955; 8:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6291]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MASTERLINE CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees:* § 13.75 *Free goods or services:* § 13.110 *Indorsements, approval and testimonials;* § 13.155 *Prices:* Comparative; Product or quantity covered; § 13.170 *Qualities or properties of product or service;* § 13.260 *Terms and conditions.* Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly:* § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1955 *Free goods:* § 13.1980 *Guarantee, in general;* § 13.2080 *Terms and conditions.* In connection with the sale or distribution of aluminum storm doors, aluminum storm windows, or aluminum awnings in commerce, and on the part of respondent corporation, its officers, agents, etc. (the complaint having been dismissed as to individual respondents), representing, directly or by implication: (1) That credit customers have free use of items for the period preceding the due date of the initial payment, when in fact they are charged with interest during such period; (2) that any of said products are fully guaranteed, or are unconditionally guaranteed, or are sold with a lifetime guarantee, or that installations are guaranteed for a lifetime of service or that the guarantee assures users of a lifetime of trouble-free performance; (3) that any of said products are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform are clearly and conspicuously disclosed; (4) that their Alumatic windows are nationally approved; (5) that the locks or latches with which their storm doors and windows are equipped are burglar proof; (6) that any of said products are free or may be purchased at reduced prices, without clearly and conspicuously disclosing in immediate conjunction with any such offer all of the terms and conditions thereof, including the need to purchase additional merchandise, if such is the case; (7) that any of said products are offered at America's lowest price; (8) by pictorial illustrations or otherwise, that the advertised price of any of said products includes any equipment or accessories for which an additional charge is made; and (9) that products are offered for sale when such offer is not a bona fide offer to sell the products, so, and as, offered; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Masterline Corporation et al., Philadelphia, Pa., Docket 6291, September 1, 1955]

In the Matter of Masterline Corporation, a Corporation, and Morris Marder, Henry Yusem, Myrna Yusem, and Rita Marder, Individually and as Officers of Said Corporation

This proceeding was heard by Earl J. Kolb, hearing examiner, upon the complaint of the Commission which charged respondents with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of the Federal Trade Commission Act in connection with the sale and distribution of aluminum storm windows, aluminum storm doors, and aluminum awnings.

Respondent corporation failed to file its answer in the proceeding or to appear before the hearing examiner on the date set for initial hearing in the complaint, and was declared in default. Upon motion of the attorney in support of the complaint, the proceeding was continued to May 12, 1955, when he presented an affidavit executed by two of the individual respondents stating that they were officers of respondent corporation at the time of issuance of the complaint and that the other two individuals were nominal officers and not engaged in operation of said corporation; that said corporation was declared bankrupt by order of the U. S. District Court, Eastern District of Pennsylvania, and its assets were being disposed of by a receiver in bankruptcy appointed by said court; that said respondents were no longer engaged in the storm window business and did not intend to resume said business; and that in any business in which they might engage in the future they would not permit themselves to be part of practices of the types alleged in the complaint.

Attorney in support of the complaint thereupon moved that the individual respondents be dismissed, which motion having been sustained by the hearing examiner and default having been entered against corporate respondent, the hearing examiner made his findings as to the facts,[1] conclusions[1] drawn therefrom, and order.

Thereafter said initial decision, including said order as announced and decreed by "Decision of the Commission and Order To File Report of Compliance", dated September 22, 1955, became, on September 1, 1955, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent Masterline Corporation, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device in connection with the sale or distribution of aluminum storm doors, aluminum storm windows, or aluminum awnings in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That credit customers have free use of items for the period preceding the due date of the initial payment, when in fact they are charged with interest during such period.

2. That any of said products are fully guaranteed, or are unconditionally guaranteed, or are sold with a lifetime guarantee, or that installations are guaranteed for a lifetime of service or that the guarantee assures users of a lifetime of trouble-free performance.

3. That any of said products are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform are clearly and conspicuously disclosed.

4. That their Alumatic windows are nationally approved.

5. That the locks or latches with which their storm doors and windows are equipped are burglar proof.

6. That any of said products are free or may be purchased at reduced prices, without clearly and conspicuously disclosing in immediate conjunction with any such offer all of the terms and conditions thereof, including the need to purchase additional merchandise, if such is the case.

7. That any of said products are offered at America's lowest price.

8. By pictorial illustrations or otherwise, that the advertised price of any of said products includes any equipment or accessories for which an additional charge is made.

9. That products are offered for sale when such offer is not a bona fide offer to sell the products, so, and as, offered.

It is further ordered, That the complaint be, and the same is hereby, dismissed as to the individual respondents Morris Marder, Henry Yusem, Myrna Yusem and Rita Marder.

By said "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That respondent Masterline Corporation, a corporation, shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 22, 1955.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 55-8277; Filed, Oct. 11, 1955; 8:57 a. m.]

[1] Filed as part of original document.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53917]

PART 11—PACKING AND STAMPING; MARKING; TRADEMARKS AND TRADE NAMES; COPYRIGHTS

METHOD OF MARKING TO INDICATE COUNTRY OF ORIGIN OF IMPORTED ARTICLES (OR CONTAINERS)

In order to clarify the marking requirements with respect to articles imported into a possession of the United States and reshipped to the United States, § 11.8 (f) of the Customs Regulations is amended to read as follows:

(f) Articles of foreign manufacture or production imported into any possession of the United States outside its customs territory (section 401 (k), Tariff Act of 1930, as amended) and reshipped to the United States are subject to all marking requirements applicable to like articles of foreign origin imported directly from a foreign country to the United States.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 304, 46 Stat. 687, as amended; 19 U. S. C. 304)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 5, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-8269; Filed, Oct. 11, 1955; 8:56 a. m.]

[T. D. 53919]

MISCELLANEOUS AMENDMENTS TO CHAPTER

It has become evident that collectors of customs and their staffs have become conversant with the standards for settling claims for liquidated damages under various customs bonds and that delegation of greater authority to settle such claims in the field is warranted. Therefore, to more effectively serve the public by promoting the prompt disposition of such claims, the Customs Regulations are amended as set forth below.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. Section 10.39 is hereby amended as follows:

a. Paragraph (e) is amended by substituting "$20,000" for "$1,000" in the second sentence.

b. Paragraph (f) is amended by substituting "$20,000" for "$1,000".

(Secs. 308, 623, 46 Stat. 690, as amended 759, as amended; 19 U. S. C. 1308, 1623)

2. Section 10.92 is hereby amended by deleting the parenthetical matter at the end of paragraph (c) and adding a new paragraph (d) reading as follows:

(d) The collector of customs may cancel liquidated damages not in excess of $20,000 incurred under a bond mentioned in this section upon payment of less than the full amount, or without the payment of any amount if no loss of revenue is involved, as he may deem appropriate under the law and in view of the circumstances.

(Par. 1101, sec. 1, 46 Stat. 646, as amended; 19 U. S. C. 1001 (Par. 1101))
(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 11—PACKING AND STAMPING: TRADEMARKS AND TRADE NAMES, COPYRIGHTS

Section 11.11 (d) is amended by substituting "$20,000" for "$1,500".

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies secs. 304, 623, 46 Stat. 687, as amended, 759, as amended; 19 U. S. C. 1304, 1623)

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

Section 18.8 is hereby amended by deleting the parenthetical matter at the end of paragraph (c) and by adding a new paragraph (d) reading as follows:

(d) In any case in which liquidated damages imposed in accordance with this section do not aggregate over $20,000 and the collector is satisfied by evidence submitted to him that all the merchandise in respect of which the liquidated damages were incurred has actually been exported or destroyed, and that any failure to obtain customs supervision was without any intent to evade any law or regulation, he may cancel the claim for such liquidated damages upon the payment of any lesser amount, or without the payment of any amount, as he may deem appropriate under the circumstances.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies secs. 551, 623, 46 Stat. 742, as amended, 623, as amended; 19 U. S. C. 1551, 1623)

PART 21—CARTAGE AND LIGHTERAGE

Section 21.8 is hereby amended by adding a new paragraph (c) reading as follows:

(c) The collector may cancel liquidated damages not in excess of $20,000 incurred under a cartman's bond or a lighterman's bond upon the payment of such lesser amount, or without the payment of any amount, as he may deem appropriate under the circumstances.

(Secs. 565, 624, 46 Stat. 747, 759; 19 U. S. C. 1565, 1624. Interprets or applies sec. 623, 46 Stat. 759, as amended; 19 U. S. C. 1623)

PART 25—CUSTOMS BONDS

Section 25.17 is hereby amended as follows:

1. Paragraph (g) is deleted, paragraph (h) is redesignated as (g), and redesignated paragraph (g) is amended by substituting "$200" for "$100".

2. A new paragraph (h) is added, reading as follows:

(h) If the interested party is not satisfied with the collector's decision on any application for relief from liquidated damages under a bond given pursuant to a law or regulation administered by the Customs Service, he may file a further application with the collector to be forwarded to the Bureau for reconsideration of the case. A statement to that effect shall be contained in the notification to the applicant of the collector's action.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 623, 46 Stat. 759, as amended; 19 U. S. C. 1623)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 4, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-8270; Filed, Oct. 11, 1955; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter G—Regulations Under Tax Conventions

[T. D. 6149]

PART 509—THE SWISS CONFEDERATION

General regulations under the income tax convention between the United States and the Swiss Confederation, proclaimed by the President of the United States on October 1, 1951, subject to the protocol of exchange signed on September 27, 1951.

Sec.
509.101 Introductory.
509.102 Applicable provisions of law.
509.103 Scope of the convention.
509.104 Definitions.
509.105 Industrial and commercial profits.
509.106 Control of a United States enterprise by a Swiss enterprise.
509.107 Income from operation of ships or aircraft.
509.108 Dividends.
509.109 Interest.
509.110 Patent and copyright royalties and film rentals.
509.111 Real property income and natural resource royalties.
509.112 Compensation for labor or personal services.
509.113 Government wages, salaries, and pensions.
509.114 Private pensions and life annuities.
509.115 Visiting professors or teachers.
509.116 Students or apprentices.
509.117 Dividends and interest paid by a foreign corporation.
509.118 Credit against United States tax for Swiss tax.
509.119 Exchange of information.
509.120 Double taxation claims.
509.121 Beneficiaries of an estate or trust.
509.122 Swiss partnerships.

AUTHORITY: §§ 509.101 to 509.122, issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

On June 16, 1955, notice of proposed rule making regarding the general regulations under the income tax convention between the United States and the Swiss Confederation, proclaimed by the President of the United States on October 1, 1951, was published in the FEDERAL REGISTER (20 F. R. 4211). No comments regarding the regulations proposed were received during the 30-day period prescribed in such notice, and the regulations set forth below are hereby adopted:

§ 509.101 *Introductory.* The income tax convention between the United States and the Swiss Confederation, signed May 24, 1951, and proclaimed by the President of the United States on October 1, 1951, subject to the understanding expressed in the protocol of exchange, hereinafter referred to as the convention, provides as follows, effective for taxable years beginning on or after January 1, 1951:

ARTICLE I

(1) The taxes referred to in this Convention are:

(a) In the case of the United States of America: The Federal income taxes, including surtaxes and excess profits taxes.

(b) In the case of The Swiss Confederation: The federal, cantonal and communal taxes on income (total income, earned income, income from property, industrial and commercial profits, etc.).

(2) The present Convention shall also apply to any other income or profits tax of a substantially similar character imposed by either contracting State subsequently to the date of signature of the present Convention.

ARTICLE II

(1) As used in this Convention:

(a) The term "United States" means the United States of America, and when used in a geographical sense means the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(b) The term "Switzerland" means The Swiss Confederation.

(c) The term "permanent establishment" means a branch, office, factory, workshop, warehouse or other fixed place of business, but does not include the casual and temporary use of merely storage facilities, nor does it include an agency unless the agent has and habitually exercises a general authority to negotiate and conclude contracts on behalf of an enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. An enterprise of one of the contracting States shall not be deemed to have a permanent establishment in the other State merely because it carries on business dealings in such other State through a commission agent, broker or custodian or other independent agent acting in the ordinary course of his business as such. The fact that an enterprise of one of the contracting States maintains in the other State a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. The fact that a corporation of one contracting State has a subsidiary corporation which is a corporation of the other State or which is engaged in trade or business in the other State shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation. The maintenance within the territory of one of the contracting States by an enterprise of the other contracting State of a warehouse for convenience of delivery and not for purposes of display shall not of itself constitute a permanent establishment within that territory even though offers of purchase have been obtained by an agent of the enterprise in that territory and transmitted by him to the enterprise for acceptance.

(d) The term "enterprise of one of the contracting States" means, as the case may be, "United States enterprise" or "Swiss enterprise".

(e) The term "United States enterprise" means an industrial or commercial enterprise or undertaking carried on in the United States by a resident (including an individual, fiduciary and partnership) of the United States or by a United States corporation or other entity; the term "United States corporation or other entity" means a corporation or other entity created or organized under the law of the United States or of any State or Territory of the United States.

(f) The term "Swiss enterprise" means an industrial or commercial enterprise or undertaking carried on in Switzerland by an individual resident in Switzerland or by a Swiss corporation or other entity; the term "Swiss corporation or other entity" means a corporation or institution or foundation having juridical personality, or a partnership (association "en nom collectif" or "en commandite"), or other association without juridical personality, created or organized under Swiss laws.

(g) The term "competent authorities" means, in the case of the United States, the Commissioner of Internal Revenue as authorized by the Secretary of the Treasury; and in the case of Switzerland, the Director of the Federal Tax Administration as authorized by the Federal Department of Finances and Customs.

(h) The term "industrial or commercial profits" includes manufacturing, mercantile, mining, financial and insurance profits, but does not include income in the form of dividends, interest, rents or royalties, or remuneration for personal services: Provided, however, that such excepted items of income shall, subject to the provisions of this Convention, be taxed separately or together with industrial or commercial profits in accordance with the laws of the contracting States.

(2) In the application of the provisions of the present Convention by one of the contracting States any term not otherwise defined shall, unless the context otherwise requires, have the meaning which such term has under its own tax laws.

ARTICLE III

(1) (a) A Swiss enterprise shall not be subject to taxation by the United States in respect of its industrial and commercial profits unless it is engaged in trade or business in the United States through a permanent establishment situated therein. If it is so engaged the United States may impose its tax upon the entire income of such enterprise from sources within the United States.

(b) A United States enterprise shall not be subject to taxation by Switzerland in respect of its industrial and commercial profits except as to such profits allocable to its permanent establishment situated in Switzerland.

(2) No account shall be taken in determining the tax in one of the contracting States of the mere purchase of merchandise therein by an enterprise of the other State.

(3) Where an enterprise of one of the contracting States is engaged in trade or business in the territory of the other contracting State through a permanent establishment situated therein, there shall be attributed to such permanent establishment the industrial or commercial profits which it might be expected to derive if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment.

(4) In the determination of the industrial or commercial profits of the permanent establishment there shall be allowed as deductions all expenses which are reasonably applicable to the permanent establishment, including executive and general administrative expenses so applicable.

(5) The competent authorities of the two contracting States may lay down rules by agreement for the apportionment of industrial and commercial profits.

ARTICLE IV

Where an enterprise of one of the contracting States, by reason of its participation in the management or the financial structure of an enterprise of the other contracting State, makes with or imposes on the latter, in their commercial or financial relations, conditions different from those which would be made with an independent enterprise, any profits which would normally have accrued to one of the enterprises, but by reason of those conditions have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

ARTICLE V

Income which an enterprise of one of the contracting States derives from the operation of ships or aircraft registered in that State shall be taxable only in the State in which such ships or aircraft are registered.

ARTICLE VI

(1) The rate of tax imposed by one of the contracting States upon dividends derived from sources within such State by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall not exceed 15 percent: Provided, however, that this paragraph shall have no application to Swiss tax in the case of dividends derived from Switzerland by a Swiss citizen (who is not also a citizen of the United States) resident in the United States.

(2) It is agreed, however, that such rate of tax shall not exceed five percent if the shareholder is a corporation controlling, directly or indirectly, at least 95 percent of the entire voting power in the corporation paying the dividend, and if not more than 25 percent of the gross income of such paying corporation is derived from interest and dividends, other than interest and dividends received from its own subsidiary corporations. Such reduction of the rate to five percent shall not apply if the relationship of the two corporations has been arranged or is maintained primarily with the intention of securing such reduced rate.

(3) Switzerland may collect its tax without regard to paragraphs (1) and (2) of this Article but will make refund of the tax so collected in excess of the tax computed at the reduced rates provided in such paragraphs.

ARTICLE VII

(1) The rate of tax imposed by one of the contracting States on interest on bonds, securities, notes, debentures or on any other form of indebtedness (including mortgages or bonds secured by real property) derived from sources within such contracting State by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall not exceed five percent: Provided, however, that this paragraph shall have no application to Swiss tax in the case of interest derived from Switzerland by a Swiss citizen (who is not also a citizen of the United States) resident in the United States.

(2) Switzerland may collect its tax without regard to paragraph (1) of this Article but will make refund of the tax so collected in excess of the tax computed at the reduced rate provided in such paragraph.

ARTICLE VIII

Royalties and other amounts derived, as consideration for the right to use copyrights, artistic and scientific works, patents, designs, plans, secret processes and formulae, trademarks, and other like property and rights (including rentals and like payments in respect to motion picture films or for the use of industrial, commercial or scientific equipment), from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall be exempt from taxation in such former State.

ARTICLE IX

(1) Income from real property (including gains derived from the sale or exchange of such property but not including interest from mortgages or bonds secured by real property) and royalties in respect of the operation of mines, quarries, or other natural resources, shall be taxable only in the contracting State in which such property, mines, quarries, or other natural resources are situated.

(2) A resident or corporation or other entity of one of the contracting States deriving any such income from such property within the other contracting State may, for any taxable year, elect to be subject to the tax of such other contracting State, on a net basis, as if such resident or corporation or entity were engaged in trade or business within such other contracting State through a permanent establishment therein during such taxable year.

ARTICLE X

(1) An individual resident of Switzerland shall be exempt from United States tax upon compensation for labor or personal services performed in the United States (including the practice of the liberal professions and rendition of services as director) if he is temporarily present in the United States for a period or periods not exceeding a total of 183 days during the taxable year and either of the following conditions is met:

(a) His compensation is received for such labor or personal services performed as an employee of, or under contract with, a resident or corporation or other entity of Switzerland, or

(b) His compensation received for such labor or personal services does not exceed $10,000.

(2) The provisions of paragraph (1) of this Article shall apply mutatis mutandis, to an individual resident of the United States with respect to compensation for such labor or personal services performed in Switzerland.

(3) The provisions of this Article shall have no application to the income to which Article XI (1) relates.

(4) The provisions of paragraph (1) (a) of this Article shall not apply to the compensation, profits, emoluments or other remuneration of public entertainers such as stage, motion picture or radio artists, musicians and athletes.

ARTICLE XI

(1) (a) Wages, salaries and similar compensation, and pensions paid by the United States or by the political subdivisions or territories thereof to an individual (other than a Swiss citizen who is not also a citizen of the United States) shall be exempt from Swiss tax.

(b) Wages, salaries and similar compensation and pensions paid by Switzerland or by any agency or instrumentality thereof or by any political subdivisions or other public authorities thereof to an individual (other than a United States citizen who is not also a citizen of Switzerland) shall be exempt from United States tax.

(2) Private pensions and life annuities derived from within one of the contracting States and paid to individuals residing in the other contracting State shall be exempt from taxation in the former State.

(3) The term "pensions", as used in this Article, means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

(4) The term "life annuities" as used in this Article, means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

ARTICLE XII

A professor or teacher, a resident of one of the contracting States, who temporarily visits the other contracting State for the purpose of teaching for a period not exceeding two years at a university, college, school or other educational institution in the other contracting State, shall be exempted in such other contracting State from tax on his remuneration for such teaching for such period.

ARTICLE XIII

A student or apprentice, a resident of one of the contracting States, who temporarily visits the other contracting State exclusively for the purposes of study or for acquiring business or technical experience shall not be taxable in the latter State in respect of remittances received by him from abroad for the purposes of his maintenance or studies.

ARTICLE XIV

(1) Dividends and interest paid by a corporation other than a United States domestic corporation shall be exempt from United States tax where the recipient is a nonresident alien as to the United States resident in Switzerland or a Swiss corporation, not having a permanent establishment in the United States.

(2) Dividends and interest paid by a corporation other than a Swiss corporation shall be exempt from Swiss tax where the recipient is a resident or corporation of the United States, not having a permanent establishment in Switzerland.

ARTICLE XV

(1) It is agreed that double taxation shall be avoided in the following manner:

(a) The United States in determining its taxes specified in Article I of this Convention in the case of its citizens, residents or corporations may, regardless of any other provision of this Convention, include in the basis upon which such taxes are imposed all items of income taxable under the revenue laws of the United States as if this Convention had not come into effect. The United States shall, however, subject to the provisions of section 131, Internal Revenue Code, as in effect on the date of the entry into force of this Convention, deduct from its taxes the amount of Swiss taxes specified in Article I of this Convention. It is agreed that by virtue of the provisions of subparagraph (b) of this paragraph, Switzerland satisfies the similar credit requirement set forth in section 131 (a) (3), Internal Revenue Code.

(b) Switzerland, in determining its taxes specified in Article I of this Convention in the case of its residents, corporations or other entities, shall exclude from the basis upon which such taxes are imposed such items of income as are dealt with in this Convention, derived from the United States and not exempt from, and not entitled to the reduced rate of, United States tax under this Convention; but in the case of a citizen of the United States resident in Switzerland there shall be excluded all items of income derived from the United States. Switzerland, however, reserves the right to take into account in the determination of the rate of its taxes also the income excluded as provided in this paragraph.

(2) The provisions of this Article shall not be construed to deny the exemptions from United States tax or Swiss tax, as the case may be, granted by Article XI (1) of this Convention.

ARTICLE XVI

(1) The competent authorities of the contracting States shall exchange such information (being information available under the respective taxation laws of the contracting States) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or the like in relation to the taxes which are the subject of the present Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than those concerned with the assessment and collection of the taxes which are the subject of the present Convention. No information shall be exchanged which would disclose any trade, business, industrial or professional secret or any trade process.

(2) Each of the contracting States may collect such taxes imposed by the other contracting State as though such taxes were the taxes of the former State as will ensure that the exemption or reduced rate of tax granted under Articles VI, VII, VIII and XI (2) of the present Convention by such other State shall not be enjoyed by persons not entitled to such benefits.

(3) In no case shall the provisions of this Article be construed so as to impose upon either of the contracting States the obligation to carry out administrative measures at variance with the regulations and practice of either contracting State or which would be contrary to its sovereignty, security or public policy or to supply particulars which are not procurable under its own legislation or that of the State making application.

ARTICLE XVII

(1) Where a taxpayer shows proof that the action of the tax authorities of the contracting States has resulted, or will result, in double taxation contrary to the provisions of the present Convention, he shall be entitled to present the facts to the State of which he is a citizen or a resident, or, if the taxpayer is a corporation or other entity, to the State in which it is created or organized. Should the taxpayer's claim be deemed worthy of consideration, the competent authority of such State shall undertake to come to an agreement with the competent authority of the other State with a view to equitable avoidance of the double taxation in question.

(2) Should any difficulty or doubt arise as to the interpretation or application of the present Convention, or its relationship to Conventions between one of the contracting States and any other State, the competent authorities of the contracting States may settle the question by mutual agreement.

ARTICLE XVIII

(1) The provisions of this Convention shall not be construed to deny or affect in any manner the right of diplomatic and consular officers to other or additional exemptions now enjoyed or which may hereafter be granted to such officers.

(2) The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance now or hereafter accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

(3) The citizens of one of the contracting States shall not, while resident in the other contracting State, be subjected therein to other or more burdensome taxes than are the citizens of such other contracting State residing in its territory. The term "citizens" as used in this Article includes all legal persons, partnerships and associations created or organized under the laws in force in the respective contracting States. In this Article the word "taxes" means taxes of every kind or description, whether Federal, State, cantonal, municipal or communal.

ARTICLE XIX

(1) The competent authorities of the two contracting States may prescribe regulations necessary to carry into effect the present Convention within the respective States.

(2) The competent authorities of the two contracting States may communicate with each other directly for the purpose of giving effect to the provisions of this Convention.

ARTICLE XX

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Berne as soon as possible. It shall have effect for the taxable years beginning on or after the first day of January of the year in which such exchange takes place: Provided, however, that if such exchange takes place on or after October 1 of such year, Article VI (except paragraph (2) thereof) and Article VII of the Convention shall have effect only for taxable years beginning on or after the first day of January of the year immediately following the year in which such exchange takes place.

(2) The present Convention shall continue effective for a period of five years beginning with the calendar year in which the exchange of the instruments of ratification takes place and indefinitely after that period, but may be terminated by either of the contracting States at the end of the five-year period or at any time thereafter, provided that at least six months' prior notice of termination has been given and, in such event, the present Convention shall cease to be effective for the taxable years beginning on or after the first day of January next following the expiration of the six-month period.

Done at Washington, in duplicate, in the English and German languages, the two texts having equal authenticity, this 24th day of May, 1951.

For the President of the United States of America:

[SEAL] DEAN ACHESON.

For the Swiss Federal Council:

[SEAL] CHARLES BRUGGMANN.

PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES DATED OCTOBER 1, 1951

* * * * *

And whereas the Senate of the United States of America, by their resolution of September 17, 1951, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the aforesaid convention, subject to a reservation, as follows:

"The Government of the United States of America does not accept paragraph (4) of Article X of the Convention, relating to the profits or remuneration of public entertainers."

And whereas the text of the aforesaid reservation was communicated by the Government of the United States of America to the Government of the Swiss Confederation and the aforesaid reservation was accepted by the Government of the Swiss Confederation;

And whereas the aforesaid convention was duly ratified by the President of the United States of America on September 20, 1951, in pursuance of the aforesaid advice and consent of the Senate and subject to the aforesaid reservation, and the aforesaid convention was duly ratified on the part of the Swiss Confederation;

And whereas the respective instruments of ratification of the aforesaid convention were duly exchanged at Bern on September 27, 1951, and a protocol of exchange of instruments of ratification, in the English and French languages, was signed at that place and on that date by the respective Plenipotentiaries of the United States of America and the Swiss Confederation, the said protocol containing a statement that it is understood by the two Governments that the convention aforesaid, upon entry into force in accordance with its provisions, is modified in accordance with the aforesaid reservation, so that, in effect, paragraph (4) of Article X of the convention is deemed to be deleted;

And whereas, so far as appertains to an exchange of instruments of ratification prior to October 1 of any year, it is provided in Article XX of the aforesaid convention that upon the exchange of instruments of ratification the convention shall have effect for the taxable years beginning or [sic] after the first day of January of the year in which such exchange takes place;

Now, therefore, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the aforesaid convention to the end that the said convention and each and every article and clause thereof, subject to the aforesaid reservation, may be observed and fulfilled with good faith by the United States of America and by the citizens of the United

States of America and all other persons subject to the jurisdiction thereof.

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§ 509.102 *Applicable provisions of law*—(a) *General.* The Internal Revenue Code of 1954 provides in part as follows:

SUBTITLE A—INCOME TAXES

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SEC. 894. *Income exempt under treaty.* Income of any kind, to the extent required by any treaty obligation of the United States, shall not be included in gross income and shall be exempt from taxation under this subtitle.

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SUBTITLE F—PROCEDURE AND ADMINISTRATION

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SEC. 7805. *Rules and regulations*—(a) *Authorization.* Except where such authority is expressly given by this title to any person other than an officer or employee of the Treasury Department, the Secretary or his delegate shall prescribe all needful rules and regulations for the enforcement of this title, including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary or his delegate may prescribe the extent, if any, to which any ruling or regulation, relating to the internal revenue laws, shall be applied without retroactive effect.

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(b) *Internal Revenue Code of 1939.* Any reference in §§ 509.101 to 509.122 to any provision of the Internal Revenue Code of 1954 shall, where applicable, be deemed also to refer to the corresponding provision of the Internal Revenue Code of 1939.

(c) *Effective date of regulations.* Pursuant to sections 894 and 7805 of the Internal Revenue Code of 1954, Article XIX of the convention, and other provisions of the internal revenue laws, §§ 509.101 to 509.122 are hereby prescribed effective for taxable years beginning on or after January 1, 1951. All regulations inconsistent herewith are modified accordingly.

§ 509.103 *Scope of the convention*—(a) *Purposes of convention.* The primary purposes of the convention, to be accomplished on a reciprocal basis, are to avoid double taxation upon certain items of income derived from sources in one country by residents or corporations or other entities of the other country and to provide for administrative cooperation between the competent tax authorities of the two countries looking to the avoidance of double taxation and the prevention of fiscal evasion.

(b) *Exemption from United States tax.* The following items of income from sources within the United States are exempt from United States tax for taxable years beginning on or after January 1, 1951, subject to the respective articles of the convention:

(1) Industrial and commercial profits of a Swiss enterprise having no permanent establishment in the United States (Article III);

(2) Income derived by a Swiss enterprise from the operation of ships or aircraft registered in Switzerland (Article V);

(3) Patent and copyright royalties, and other like amounts, including motion picture film rentals, derived by a nonresident alien who is a resident of Switzerland, or by a Swiss corporation or other entity, if such alien, corporation, or other entity has no permanent establishment in the United States (Article VIII);

(4) Compensation, subject to certain limitations, for personal services performed in the United States by a nonresident alien individual who is a resident of Switzerland (Article X);

(5) Compensation and pensions paid by Switzerland to an alien individual, and to a citizen of Switzerland who is also a citizen of the United States, including such items as are from sources without the United States (Article XI);

(6) Private pensions and life annuities paid to a nonresident alien individual who is a resident of Switzerland (Article XI);

(7) Remuneration derived from certain teaching in the United States by a professor or teacher who is a nonresident alien residing in Switzerland (Article XII); and

(8) Dividends and interest paid by a foreign corporation to a nonresident alien who is a resident of Switzerland, or to a Swiss corporation, if such alien or corporation has no permanent establishment in the United States (Article XIV).

(c) *Students or apprentices.* Remittances received from abroad for the purpose of maintenance or studies by a student or apprentice, a nonresident alien residing in Switzerland, who is temporarily present in the United States under specified circumstances are also exempt from United States tax (Article XIII).

(d) *Reduced rates of United States tax.* Dividends and interest derived from sources within the United States by a nonresident alien who is a resident of Switzerland, or by a Swiss corporation or other entity, are subject to United States tax at reduced rates, if such alien, corporation, or other entity has no permanent establishment in the United States (Articles VI and VII).

(e) *Witholding regulations.* For regulations pertaining to the release of excess tax withheld, and to exemption from, or reduction in the rate of, withholding of United States tax at source, in the case of dividends, interest, patent and copyright royalties, film rentals, private pensions, and life annuities, received from sources within the United States by a nonresident alien who is a resident of Switzerland, or by a Swiss corporation or other entity, see Treasury Decision 5867, approved November 21, 1951 (26 CFR (1939) 7.300 through 7.309).

(f) *United States citizens, residents, and corporations.* (1) Any citizen of Switzerland who is a resident of the United States is liable to United States tax as though the convention had not come into effect; however, such alien resident of the United States is entitled to the foreign tax credit in accordance with Article XV and is also entitled to the benefits of Article XI (1) and Article XVIII.

(2) A citizen of the United States, even though resident in Switzerland, or a domestic corporation, even though engaged in trade or business in Switzerland through a permanent establishment situated therein, is also liable to United States tax as though the convention had not come into effect but is entitled to the foreign tax credit and, to the extent, applicable, to the benefits of Article XI (1).

(g) *Other provisions applicable to Swiss residents and corporations.* Except as otherwise expressly provided by the convention, the United States tax liability of a nonresident alien who is a resident of Switzerland, or of a Swiss corporation or other entity, is determined in accordance with the provisions of the Internal Revenue Code of 1954 relating to nonresident alien individuals and foreign corporations.

§ 509.104 *Definitions*—(a) *General.* Any term defined in the convention or §§ 509.101 to 509.122 shall have the meaning so assigned to it; any term not so defined shall, unless the context otherwise requires, have the meaning which such term has under the internal revenue laws of the United States.

(b) *Specific terms.* As used in §§ 509.101 to 509.122—

(1) *United States tax.* The term "United States tax" means the Federal income taxes, including surtaxes and excess profits taxes, and any other income or profits tax of a substantially similar character imposed by the United States after May 24, 1951.

(2) *Swiss tax.* The term "Swiss tax" means the federal, cantonal, and communal taxes on income—that is, on total income, earned income, income from property, industrial and commercial profits, etc.—and any other income or profits tax of a substantially similar character imposed by Switzerland after May 24, 1951.

(3) *United States.* The term "United States" means the United States of America; and, when used in a geographical sense, means the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(4) *Switzerland.* The term "Switzerland" means the Swiss Confederation.

(5) *Permanent establishment*—(i) *Fixed place of business.* The term "permanent establishment" means an office, factory, workshop, warehouse, branch, or other fixed place of business, but does not include the casual and temporary use of merely storage facilities. It implies the active conduct of a business enterprise. The mere ownership, for example, of timberlands or a warehouse in the United States by a Swiss enterprise does not mean that such enterprise, in the absence of any business activity therein, has a permanent establishment in the United States. Moreover, the maintenance within the United States by a Swiss enterprise of a warehouse for convenience of delivery, and not for purposes of display, does not of itself constitute a permanent establishment in the United States, even though offers of purchase have been obtained by an agent therein of the Swiss enterprise and transmitted by him to the Swiss enterprise for acceptance. The fact that a Swiss enterprise maintains in the United States an office or other fixed place of business used exclusively for the purchase for such enterprise of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise.

(ii) *Subsidiary corporation.* The fact that a Swiss corporation has a domestic subsidiary corporation, or a foreign subsidiary corporation which is engaged in trade or business in the United States through a permanent establishment situated therein, does not of itself constitute either subsidiary corporation the United States permanent establishment of the Swiss parent corporation.

(iii) *Agency.* A Swiss enterprise which has an agency in the United States does not thereby have a permanent establishment in the United States, unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or unless he has a stock of merchandise from which he regularly fills orders on its behalf. If the enterprise has an agent in the United States who has power to contract on its behalf, but only at fixed prices and under conditions determined by such principal, it does not thereby necessarily have a permanent establishment in the United States. The mere fact that an agent of a Swiss enterprise—assuming he has no general authority to negotiate and conclude contracts on behalf of his principal—maintains samples, or occasionally fills orders from incidental stocks of goods maintained, in the United States does not of itself mean that such enterprise has a permanent establishment in the United States. The mere fact that salesmen, employees of a Swiss enterprise, promote the sale of their employer's products in the United States or that a Swiss enterprise transacts business in the United States by means of mail order activities does not mean that such enterprise has a permanent establishment in the United States. A Swiss enterprise shall not be deemed to have a permanent establishment in the United States merely because it carries on business dealings in the United States through a commission agent, broker, custodian, or other independent agent, acting in the ordinary course of his business as such.

(6) *Enterprise.* The term "enterprise" means any commercial or industrial enterprise or undertaking carried on by any person, for example, by an individual partnership, or corporation. It includes such activities as manufacturing, merchandising, mining, processing, banking, and insuring. It does not include the rendition of personal services. Hence, a nonresident alien individual who is resident of Switzerland and who performs personal services is not, merely by reason of such services, engaged in a Swiss enterprise within the meaning of the convention; consequently, his liability to United States tax is not determined under Article III of the convention, if he has not otherwise carried on a Swiss enterprise.

(7) *Swiss enterprise.* The term "Swiss enterprise" means an enterprise carried on in Switzerland by a nonresident alien individual who is a resident of Switzerland, or by a Swiss corporation or other entity. Thus, an enterprise carried on wholly outside Switzerland by a Swiss corporation is not a Swiss enterprise within the meaning of the convention.

(8) *Swiss corporation or other entity.* The term "Swiss corporation or other entity" means a corporation or institution or foundation having juridical personality, or a partnership (association "en nom collectif" or "en commandite"), or other association without juridical personality, created or organized under Swiss laws.

(9) *United States enterprise.* The term "United States enterprise" means an enterprise carried on in the United States by a resident of the United States (including an individual, fiduciary, and partnership) or by a United States corporation or other entity.

(10) *United States corporation or other entity.* The term "United States corporation or other entity" means a corporation or other entity created or organized under the law of the United States or of any State or Territory of the United States.

(11) *Industrial and commercial profits.* The term "industrial and commercial profits" means profits arising from industrial, commercial, mercantile, manufacturing, and like activities of an enterprise, including mining, financial, and insurance profits. It does not include income in the form of dividends, interests, rents, royalties, or remuneration for personal services. In determining the industrial and commercial profits from sources within the United States of a Swiss enterprise, no profits shall be deemed to arise from the mere purchase of goods or merchandise within the United States by such enterprise. Moreover, in determining such profits of the United States permanent establishment of such enterprise, there shall be allowed as deductions all expenses which are reasonably applicable to the permanent establishment, including executive and general administrative expenses so applicable. See sections 861 through 864, Internal Revenue Code of 1954, and the regulations thereunder.

(12) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue or his authorized representative.

(13) *Director of the Federal Tax Administration.* The term "Director of the Federal Tax Administration" means the Director of the Federal Tax Administration (Direktor der eidgenoessischen Steuerverwaltung) of Switzerland.

§ 509.105 *Industrial and commercial profits*—(a) *General.* (1) Article III of the convention adopts the principle that an enterprise of one of the contracting States shall not be taxable by the other contracting State upon its industrial and commercial profits unless it is engaged in trade or business in the latter State through a permanent establishment situated therein. Accordingly, a Swiss enterprise is subject to United States tax upon its industrial and commercial profits, to the extent of such profits from sources within the United States, only if it is engaged in trade or business in the United States at some time during the taxable year through a permanent establishment situated therein.

(2) From the standpoint of the United States tax the article has application only to a Swiss enterprise and its industrial and commercial profits from sources within the United States. Thus, a nonresident alien individual who is a citizen of Switzerland, or a Swiss corporation or other entity, carrying on an enterprise which is not Swiss, is subject to tax on such income of such enterprise pursuant to section 871 (c) or section 882 (a), Internal Revenue Code of 1954, if such alien, corporation, or other entity has engaged in trade or business in the United States at any time during the taxable year, even though it has not had a permanent establishment therein at any time within such year.

(b) *No United States permanent establishment.* A Swiss enterprise is not subject to United States tax upon its industrial and commercial profits from sources within the United States, nor shall such profits be included in gross income, if it has not at any time during the taxable year engaged in trade or business in the United States through a permanent establishment situated therein. For example, if during the taxable year an enterprise carried on in Switzerland by a nonresident alien individual who is a resident of Switzerland, or by a Swiss corporation, were to sell merchandise, such as watches, dairy products, or liqueurs, in the United States through a commission agent or broker in the United States acting in the ordinary course of his business as such agent or broker, the profits arising from such sale would not be included in gross income and would be exempt from United States tax under Article III of the convention. Similarly, if during the taxable year such enterprise were to secure orders in the United States for such merchandise through its sales agents whose sole function in the United States is sales promotion, the orders being transmitted to Switzerland for acceptance, then the profits arising from such sales would not be included in gross income and would be exempt from United States tax.

(c) *United States permanent establishment*—(1) *General.* A Swiss enterprise is subject to United States tax upon its industrial and commercial profits from sources within the United States to the same extent as are nonresident aliens or foreign corporations which are subject to tax pursuant to section 871 (c) or section 882 (a), Internal Revenue Code of 1954, if such enterprise has at any time during the taxable year engaged in trade or business in the United States through a permanent establishment situated therein. If it is so engaged, it is subject to United States tax upon its entire income from sources within the United States except to the extent otherwise exempt from United States tax.

(2) *Allocation of profits.* In the determination of the income taxable to such enterprise for purposes of the United States tax, all industrial and commercial profits from sources within the United States shall be deemed to be allocable to the permanent establishment in the United States. Hence, if a Swiss

enterprise which has a permanent establishment in the United States at some time during the taxable year were to sell in the United States, through a commission agent therein acting in the ordinary course of his business as such, merchandise which has been produced in Switzerland, the profits arising from such sale would be allocable to the permanent establishment to the extent they are derived from sources within the United States, even though the sale is made independently of the permanent establishment.

(3) *Independent basis.* The industrial and commercial profits of the permanent establishment in the United States shall be determined as if the establishment were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length, or on an independent basis, with the enterprise of which it is a permanent establishment.

§ 509.106 *Control of a United States enterprise by a Swiss enterprise.* In effect, Article IV of the convention provides that, if a Swiss enterprise by reason of its control of a United States enterprise imposes on the latter enterprise conditions different from those which would result from normal business relations between independent enterprises, the accounts between the enterprises shall be adjusted in order to ascertain the true taxable income of each enterprise. The purpose is to place the controlled United States enterprise on a tax parity with an uncontrolled United States enterprise by determining, according to the standard of an uncontrolled enterprise, the true taxable income from the property and business of the controlled enterprise. The basic objective of the article is that, if the accounting records do not truly reflect the taxable income from the property and business of the United States enterprise, the Commissioner shall intervene and, by making such distributions, apportionments, or allocations as he may deem necessary of gross income, deductions, credits, or allowances, or of any item or element affecting taxable income, between the United States enterprise and the Swiss enterprise by which it is controlled or directed, shall determine the true taxable income of the United States enterprise. The provisions of section 482 of the Internal Revenue Code of 1954, and the regulations thereunder, shall, insofar as applicable, be followed in the determination of the taxable income of the United States enterprise.

§ 509.107 *Income from operation of ships or aircraft.* Under Article V of the convention so much of the income from sources within the United States of a Swiss enterprise as consists of earnings derived from the operation of ships or aircraft documented or registered in Switzerland shall not be included in gross income and shall be exempt from United States tax, even though at some time during the taxable year such enterprise has engaged in trade or business in the United States through a permanent establishment situated therein.

§ 509.108 *Dividends*—(a) *General.* (1) The rate of United States tax imposed by the Internal Revenue Code of 1954 upon dividends derived from sources within the United States by a nonresident alien individual who is a resident of Switzerland, or by a Swiss corporation or other entity, shall not exceed 15 percent under the provisions of Article VI of the convention, if such alien, corporation, or other entity at no time during the taxable year in which such dividends are derived has a permanent establishment in the United States.

(2) If, for example, a nonresident alien individual who is a resident of Switzerland performs personal services within the United States during the taxable year, but has at no time during such year a permanent establishment within the United States, he is entitled to the reduced rate of tax with respect to dividends derived in that year from United States sources, as provided in Article VI of the convention, even though under the provisions of section 871 (c) of the Internal Revenue Code of 1954 he has engaged in trade or business within the United States during such year by reason of his having performed personal services therein.

(b) *Dividends paid by related corporation.* The rate of United States tax imposed by the Internal Revenue Code of 1954 upon dividends derived from sources within the United States by a Swiss corporation shall not exceed 5 percent under the provisions of Article VI (2) of the convention if:

(1) The Swiss corporation is a shareholder which controls, directly or indirectly, at the time the dividend is paid 95 percent or more of the entire voting power in the corporation paying the dividend;

(2) Not more than 25 percent of the gross income of the paying corporation for the three-year period immediately preceding the taxable year in which the dividend is paid consists of dividends and interest (other than dividends and interest received by such paying corporation from its own subsidiary corporations, if any);

(3) The relationship between the paying corporation and the Swiss corporation has not been arranged or maintained primarily with the intention of securing the reduced rate of 5 percent; and

(4) The Swiss corporation at no time during the taxable year in which such dividends are derived has a permanent establishment in the United States.

§ 509.109 *Interest.* The rate of United States tax imposed by the Internal Revenue Code of 1954 upon interest on bonds, securities, notes, debentures, or on any other form of indebtedness, including interest on obligations of the United States, obligations of instrumentalities of the United States, and mortgages and bonds secured by real property, which is derived from sources within the United States by a nonresident alien individual who is a resident of Switzerland, or by a Swiss corporation or other entity, shall not exceed 5 percent under the provisions of Article VII of the convention, if such alien, corporation, or other entity at no time during the taxable year in which such interest is derived has a permanent establishment in the United States.

§ 509.110 *Patent and copyright royalties and film rentals.* Royalties and other amounts representing consideration for the right to use copyrights, artistic and scientific works, patents, designs, plans, secret processes and formulae, trademarks, and other like property and rights, including rentals and like payments in respect to motion picture films or for the use of industrial, commercial, or scientific equipment, which are derived from sources within the United States by a nonresident alien individual who is a resident of Switzerland, or by a Swiss corporation or other entity, are exempt from United States tax under the provisions of Article VIII of the convention if such alien, corporation, or other entity at no time during the taxable year in which such items of income are derived has a permanent establishment in the United States.

§ 509.111 *Real property income and natural resource royalties*—(a) *General.* Income of whatever nature derived by a nonresident alien who is a resident of Switzerland, or by a Swiss corporation or other entity, from real property situated in the United States, including gains derived from the sale or exchange of such property, rentals from such property, and royalties in respect of the operation of mines, quarries, or other natural resources situated in the United States, is not exempt from United States tax by the convention. Such items of income are subject to taxation under the provisions of the Internal Revenue Code of 1954 generally applicable to the taxation of nonresident alien individuals and foreign corporations. See Article IX of the convention. Interest derived from mortgages and bonds secured by real property does not constitute income from real property for purposes of this section but is subject to the provisions applicable to interest generally. See § 509.109.

(b) *Net basis*—(1) *General.* Notwithstanding the provisions of paragraph (a) of this section, a nonresident alien who is a resident of Switzerland, or a Swiss corporation or other entity, who during the taxable year derives from sources within the United States any income from real property as described in such paragraph may elect for such taxable year to be subject to United States tax on a net basis as though such alien, corporation, or other entity were engaged in trade or business in the United States during such year through a permanent establishment situated therein.

(2) *Manner of electing.* Such nonresident alien (including an individual, fiduciary, and member of a partnership) shall signify his election to be subject to tax on such a basis by filing Form 1040B clearly marked at the top of the first page thereof as follows: "Return of Resident of Switzerland Electing to File on a Net Basis Pursuant to Article IX of Swiss Income Tax Convention". Such corporation shall signify its election to be subject to tax on such a basis by filing Form 1120 clearly marked at the top of the first page there of as follows: "Return of Swiss Corporation Electing to File on a Net Basis Pursuant to Article IX of Swiss Income Tax Convention". The election so signified shall be irrevocable for the taxable year for which such election is made. All income from sources within the United States, including gains from the sale or exchange of capital assets or of other property, shall be disclosed on the return so filed. See sections 871 and 882 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 509.112 *Compensation for labor or personal services*—(a) *Exemption from tax.* Under Article X of the convention compensation received by a nonresident alien individual who is a resident of Switzerland for labor or personal services, including the practice of the liberal professions and the rendition of services as a director, performed in the United States shall not be included in gross income and shall be exempt from United States tax in either of the following situations:

(1) *Swiss employer.* Where such individual is temporarily present in the United States for a period or periods not exceeding in the aggregate a total of 183 days during a taxable year beginning on or after January 1, 1951, any compensation received by him (irrespective of when received, if received in taxable years beginning on or after January 1, 1951) for such labor or personal services performed in the United States during such year as an employee of, or under contract with, a nonresident alien (including a nonresident alien individual and fiduciary) who is a resident of Switzerland, or a Swiss corporation or other entity, whether or not such alien, corporation, or other entity is engaged in trade or business within the United States, shall not be included in gross income and shall be exempt from United States tax.

(2) *Other employers.* Where such individual is temporarily present in the United States for a period or periods not exceeding in the aggregate a total of 183 days during a taxable year beginning on or after January 1, 1951, any compensation received by him (irrespective of when received, if received in taxable years beginning on or after January 1, 1951) for such labor or personal services performed in the United States during such year shall not be included in gross income and shall be exempt from United States tax if such compensation does not exceed $10,000 in the aggregate. Thus, if a nonresident alien individual who is a resident of Switzerland performs personal services in the United States during the taxable year as an employee of a domestic corporation for which he receives compensation of $15,000 in the aggregate, none of such compensation shall be exempt from United States tax even though such individual is present in the United States during such year for a period or periods not exceeding a total of 183 days, since the aggregate compensation received is in excess of $10,000.

(b) *Definitions.* For purposes of this section, the term "compensation for labor or personal services" shall include, but shall not be limited to, the compensation, profits, emoluments, or other remuneration of public entertainers, such as, stage, motion picture, television, or radio artists, musicians, and athletes. For the allocation or segregation as between sources within, and sources without, the United States in the case of compensation for labor or personal services, see sections 861 through 864, Internal Revenue Code of 1954, and the regulations thereunder.

(c) *Exception.* The provisions of this section have no application to the income to which Article XI (1) of the convention relates.

§ 509.113 *Government wages, salaries, and pensions*—(a) *General.* Under Article XI of the convention any wage, salary, or similar compensation, or any pension, paid by Switzerland or any agency or instrumentality thereof, or by any political subdivisions or other public authorities of Switzerland, to any alien individual (whether or not a resident of the United States) or to any individual who occupies the dual status of a citizen of the United States and a citizen of Switzerland shall not be included in gross income and shall be exempt from United States tax, even though at some time during the taxable year such individual has engaged in trade or business in the United States through a permanent establishment situated therein.

(b) *Definition.* As used in this section, the term "pensions" means periodic payments made in consideration for services rendered or by way of compensation for injuries received. Under Article XV (2) of the convention the exclusion from gross income, and exemption from United States tax, provided by this section shall not be denied despite the provisions of Article XV. See § 509.118.

(c) *Cross reference.* For the taxation generally of compensation of alien employees of foreign governments and the consequences of executing and filing the waiver provided for in section 247 (b) of the Immigration and Nationality Act, see section 893 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 509.114 *Private pensions and life annuities*—(a) *General.* Private pensions and life annuities derived from sources within the United States and paid to a nonresident alien individual who is a resident of Switzerland shall not be included in gross income and shall be exempt from United States tax, in accordance with Article XI of the convention, even though at some time during the taxable year such individual has engaged in trade or business in the United States through a permanent establishment situated therein.

(b) *Definitions.* As used in this section, the terms "pensions" means periodic payments made in consideration for services rendered or by way of compensation for injuries received; and the term "life annuities" means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

§ 509.115 *Visiting professors or teachers*—(a) *General.* Pursuant to Article XII of the convention, a professor or teacher, a nonresident alien who is a resident of Switzerland, who temporarily visits the United States for the purpose of teaching for a period not exceeding two years at any university, college, school, or other educational institution situated within the United States shall, for a period not exceeding two years from the date of his initial arrival in the United States, be exempt from United States tax with respect to his remuneration earned in taxable years beginning on or after January 1, 1951, for such teaching during such period not in excess of two years.

(b) *More than two years.* The exemption granted by Article XII is applicable to remuneration earned during such part of the individual's visit as does not exceed two years from the date of arrival even though the total period of his presence in the United States may extend beyond two years, provided that during such entire period he may be considered to be temporarily visiting the United States.

(c) *Residence.* Such exemption shall not apply to the remuneration of an alien who is a resident of the United States or who is not a resident of Switzerland.

(d) *Nonresidence presumed.* An individual who otherwise qualifies for the exemption from United States tax granted by Article XII shall, for a period of not more than two years immediately succeeding the date of his arrival within the United States for the purpose of such teaching, be deemed to have the tax status of a nonresident alien in the absence of proof of his intention to remain indefinitely in the United States. See section 871 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 509.116 *Students or apprentices*—(a) *General.* Under Article XIII of the convention, a student or apprentice, a nonresident alien who is a resident of Switzerland, who temporarily visits the United States exclusively for the purposes of study or for acquiring business or technical experience shall not include in gross income, and shall be exempt from United States tax with respect to, amounts derived by him in taxable years beginning on or after January 1, 1951, and received during such years from without the United States as remittances for the purposes of his maintenance or studies.

(b) *Residence.* The exemption shall not apply to remittances received by an alien who is a resident of the United States or who is not a resident of Switzerland.

§ 509.117 *Dividends and interest paid by a foreign corporation*—(a) *General*—(1) *Dividends.* A dividend paid by a foreign corporation constitutes, in whole or in part, income from sources within the United States and is subject to tax by the United States when received by a nonresident alien individual or other foreign corporation, if 50 percent or more of the gross income of the paying corporation for the statutory period was

derived from sources within the United States. See section 861 (a) (2) (B), section 872 (a), and section 882 (b), Internal Revenue Code of 1954; and the regulations thereunder.

(2) *Interest.* Interest on bonds, notes, and other interest-bearing obligations of resident foreign corporations constitutes, in its entirety, income from sources within the United States and is subject to tax by the United States when received by a nonresident alien individual or other foreign corporation, if 20 percent or more of the gross income of the paying corporation for the statutory period was derived from sources within the United States. See section 861 (a) (1) (B), section 872 (a), and section 882 (b), Internal Revenue Code of 1954; and the regulations thereunder.

(b) *Exemption from United States tax.* Notwithstanding the provisions of paragraph (a) of this section, Article XIV (1) of the convention provides that dividends and interest paid by any foreign corporation and derived by a nonresident alien who is a resident of Switzerland, or by a Swiss corporation, shall not be included in gross income and shall be exempt from United States tax if such alien or corporation at no time during the taxable year in which such items of income are derived has a permanent establishment in the United States. The exemption so provided shall apply even though the corporation paying the dividends or interest is a resident foreign corporation at the time of payment and without regard to the percentage of its gross income from sources within the United States.

§ 509.118 *Credit against United States tax for Swiss tax*—(a) *General*—(1) *Taxable as though no convention.* Notwithstanding any other provision of the convention the United States, in determining the United States tax of a citizen or resident of the United States, or of a domestic corporation, may, under Article XV (1) (a) of the convention, include in the basis upon which such tax is imposed all items of income taxable under the revenue laws of the United States, as though the convention had not come into effect. For example, despite the exemption from United States tax granted by Article VIII of the convention with respect to a copyright royalty derived from sources within the United States by a resident of Switzerland, such royalty shall be included in gross income and is subject to United States tax when so derived by a resident of Switzerland who is a citizen of the United States, even though such resident has no permanent establishment in the United States.

(2) *Exception.* Notwithstanding the provisions of subparagraph (1) of this paragraph, the exclusion from gross income, and exemption from United States tax, granted by Article XI (1) of the convention with respect to wages, salaries, and similar compensation, and pensions, paid by Switzerland or any agency or instrumentality thereof, or by any political subdivisions or other public authorities of Switzerland, shall not be denied. See Article XV (2) of the convention.

(b) *Application of credit*—(1) *General.* For the purpose of mitigating double taxation, Article XV (1) (a) of the convention provides that a citizen or resident of the United States, or a domestic corporation, deriving income from sources within Switzerland shall be allowed a credit against the United States tax for the amount of Swiss tax paid or accrued during the taxable year. This credit shall be made in accordance with the provisions of section 131 of the Internal Revenue Code of 1939 as in effect on September 27, 1951, but subject to the provisions of Article XVIII (2) of the convention.

(2) *Similar credit requirement.* (i) Article XV (1) (a) further provides that, by virtue of the provisions of Article XV (1) (b) of the convention, relating to the exclusion from basis for computing the Swiss tax, Switzerland satisfies the similar credit requirement set forth in section 901 (b) (3), Internal Revenue Code of 1954, relating to alien residents of the United States, etc.

(ii) This provision of Article XV (1) (a) shall be taken to mean that, solely by reason of the exclusion granted by it under Article XV (1) (b) and without reference to concessions otherwise made by such country, Switzerland satisfies the similar credit requirement only with respect to taxes paid to Switzerland, and not with respect to taxes paid to another foreign country. Nothing in this subdivision shall be construed, however, to prevent Switzerland from otherwise satisfying the similar credit requirement, in accordance with section 901 of the Internal Revenue Code of 1954 and the regulations thereunder, with respect to taxes paid to another foreign country. Thus, if pursuant to a convention between Switzerland and another foreign country, Switzerland were to exempt from its income taxes the income received from sources within such other foreign country by a United States citizen residing in Switzerland, then Switzerland would, in accordance with such regulations under section 901, satisfy the similar credit requirement of section 901 (b) (3) with respect to income taxes paid to such other country by a Swiss citizen residing in the United States.

§ 509.119 *Exchange of information*—(a) *General.* (1) By Article XVI of the convention the United States and Switzerland adopt the principle of exchange of such information as is necessary for carrying out the provisions of the convention, preventing fraud, or detecting practices which are aimed at the reduction of the revenues of either country, but not including information which would be contrary to public policy or which would disclose any trade, business, industrial, or professional secret or any trade process.

(2) The information and correspondence relative to exchange of information may be transmitted directly by the Commissioner to the Director of the Federal Tax Administration.

(b) *Return of information by withholding agents.* (1) To facilitate compliance with Article XVI of the convention, every United States withholding agent shall make and file in duplicate with the District Director of Internal Revenue, Baltimore 2, Maryland, an information return on Form 1042 Supplement, with respect to persons having addresses in Switzerland, which shall be filed for the calendar year 1955 and subsequent calendar years. This return shall be filed simultaneously with Form 1042.

(2) There shall be reported on such Form 1042 Supplement all items of fixed or determinable annual or periodical income (and amounts described in section 402 (a) (2), section 631 (b) and (c), and section 1235 of the Internal Revenue Code of 1954, which are considered to be gains from the sale or exchange of capital assets) derived from sources within the United States and paid to nonresident aliens (including nonresident alien individuals, fiduciaries, and partnerships) and to nonresident foreign corporations, whose addresses at the time of payment were in Switzerland, including such items of income upon which, in accordance with the withholding regulations under the convention, no withholding of United States tax is required; except that any of such items which constitute interest in respect of which Form 1001–S or substitute Form 1001–S has been filed in duplicate with the withholding agent is not required to be reported on such Form 1042 Supplement.

(c) *Information to be furnished in ordinary course.* In compliance with the provisions of Article XVI of the convention the Commissioner will transmit to the Director of the Federal Tax Administration, as soon as practicable after the close of the calendar year 1955 and of each subsequent calendar year during which the convention is in effect, the following information relating to such preceeding calendar year:

(1) The duplicate copy of each available Form 1042 Supplement filed pursuant to paragraph (b) of this section; and

(2) The duplicate copy of each available ownership certificate, Form 1001–S, and substitute Form 1001–S, filed pursuant to the withholding regulations under the convention, in connection with coupon bond interest.

(d) *Information in specific cases.* Under the provisions and limitations of Article XVI of the convention and upon request of the Director of the Federal Tax Administration, the Commissioner shall furnish to the Director information available to, or obtainable by, the Commissioner relative to the tax liability of any person under the revenue laws of Switzerland in any case in which such information is necessary for carrying out the provisions of the convention or for the prevention of fraud or the like in relation to the taxes which are the subject of the convention.

§ 509.120 *Double taxation claims*—(a) *General.* Under Article XVII of the convention, where the taxpayer shows proof that the action of the tax authorities of the United States or Switzerland has resulted, or will result, in double taxation contrary to the provisions of the convention, he is entitled to present the facts to the country of which he is a citizen; or, if he is not a citizen of either country, to the country of which he is a resident; or, if the taxpayer is a corporation or other entity, to the country in which it is created or organized. The article provides that, should the taxpayer's claim be deemed worthy of consideration, the competent authority of the country to which the facts are presented shall undertake to come to an agreement with the competent authority of the other country with a view to equitable avoidance of the double taxation in question.

(b) *Manner of filing claim.* Such a claim on behalf of a United States citizen, corporation, or other entity, or on behalf of a resident of the United States who is not a Swiss citizen, shall be filed with the Commissioner. The claim shall be set up in the form of a letter addressed to "The Commissioner of Internal Revenue, Washington 25, D. C." and shall show fully all facts and law on the basis of which the claimant alleges that such double taxation has resulted or will result. If the Commissioner determines that there is an appropriate basis for the claim under the convention, he shall take up the matter with the Director of the Federal Tax Administration with a view to arranging an agreement of the character contemplated by Article XVII.

§ 509.121 *Beneficiaries of an estate or trust*—(a) *Qualified beneficiary.* If he otherwise satisfies the requirements of the respective articles concerned, a nonresident alien who is a resident of Switzerland and who is a beneficiary of an estate or trust shall be entitled to the exemption from, or reduction in the rate of, United States tax granted by Articles VI, VII, VIII, and XIV of the convention with respect to dividends, interest, and royalties and other like amounts, to the extent that (1) any amount paid, credited, or required to be distributed by such estate or trust to such beneficiary is deemed to consist of such items and (2) such items would, without regard to the convention, be includible in his gross income.

(b) *Amounts otherwise includible in gross income of beneficiary.* For the determination of amounts which, without regard to the convention, are includible in the gross income of the beneficiary, see subchapter J of chapter 1 of the Internal Revenue Code of 1954, and the regulations thereunder.

§ 509.122 *Swiss partnerships*—(a) *General.* Whether an individual, corporation, or other entity, a member of a partnership created or organized under Swiss laws, is subject to United States tax upon such person's distributive share of the income of such partnership depends upon both the status of the partnership and the status of such member.

(b) *Citizen partner.* A citizen or resident of the United States, or a domestic corporation, is subject to United States tax upon such person's distributive share of the income of such partnership as though the convention had not come into effect, but subject to the provisions of § 509.118; even though other members, by reason of benefits granted by the convention, are not subject to United States tax upon their distributive share of such income.

(c) *Noncitizen partner.* In any case in which income is derived from sources within the United States by a partnership created or organized under Swiss laws, any member of such partnership who has a permanent establishment in the United States or who is either a nonresident alien not a resident of Switzerland or is a foreign corporation which is not Swiss is not entitled, with respect to such member's distributive share of such income, to any benefit granted by the convention solely to nonresident aliens residing in Switzerland, or to Swiss corporations or other entities, having no permanent establishment in the United States. Conversely, any member of such partnership who individually complies with the requirements for obtaining any such benefit will be entitled thereto with respect to such member's distributive share of such income. A member of a Swiss partnership which has a permanent establishment in the United States shall likewise be considered to have a permanent establishment in the United States.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: October 6, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55–8231; Filed, Oct. 11, 1955; 8:48 a. m.]

[T. D. 6150]

PART 510—NORWAY

General regulations under the income tax convention between the United States and the Kingdom of Norway, proclaimed by the President of the United States on December 13, 1951, subject to the protocol of exchange signed on December 11, 1951.

Sec.

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AUTHORITY: §§ 510.101 to 510.120 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

On June 16, 1955, notice of proposed rule making regarding the general regulations under the income tax convention between the United States and the Kingdom of Norway, proclaimed by the President of the United States on December 13, 1951, was published in the FEDERAL REGISTER (20 F. R. 4219). No objections to the regulations proposed having been received during the 30-day period prescribed in the notice, the regulations set forth below are hereby adopted:

§ 510.101 *Introductory.* The income tax convention between the United States and the Kingdom of Norway, signed June 13, 1949, and proclaimed by the President of the United States on December 13, 1951, subject to the understanding expressed in the protocol of exchange, hereinafter referred to as the convention, provides as follows, effective for taxable years beginning on or after January 1, 1951:

ARTICLE I

(1) The taxes referred to in this Convention are:

(a) In the case of the United States of America: The Federal income tax, including surtaxes.

(b) In the case of Norway: The national and the communal income taxes, including the old age pension tax, the war pension tax, the tax on bank deposits and the seamen's tax.

(2) The present Convention shall also apply to any other income taxes of a substantially similar character imposed by either contracting State subsequently to the date of signature of the present Convention.

ARTICLE II

(1) As used in this Convention:

(a) The term "United States" means the United States of America, and when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(b) The term "Norway" means the Kingdom of Norway; the provisions of the Convention shall not, however, extend to Svalbard and Jan Mayen, nor do they apply to the Norwegian dependencies outside Europe.

(c) The term "permanent establishment" means a branch office, factory, workshop, warehouse or other fixed place of business, but does not include the casual and temporary use of merely storage facilities, nor does it include an agency unless the agent has and exercises a general authority to negotiate and conclude contracts on behalf of an enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. An enterprise of one of the contracting States shall not be deemed to have a permanent establishment in the other State merely because it carries on business dealings in such other State through a bona fide commission agent, broker or custodian acting in the ordinary course of his business as such. The fact that an enterprise of one of the contracting States maintains in the other State a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. The fact that a corporation of one contracting State has a subsidiary corporation which is a corporation of the other State or which is engaged in trade or business in the other State shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation.

(d) The term "enterprise of one of the contracting States" means, as the case may be, "United States enterprise" or "Norwegian enterprise".

(e) The term "enterprise" includes every form of undertaking whether carried on by an individual, partnership, corporation, or any other entity.

(f) The term "United States enterprise" means an enterprise carried on in the United States by a resident of the United States or by a United States corporation or other entity; the term "United States corporation or other entity" means a partnership, corporation or other entity created or organized in the United States or under the law of the United States or of any State or Territory of the United States.

(g) The term "Norwegian enterprise" means an enterprise carried on in Norway by a resident of Norway or by a Norwegian corporation or other entity; the term "Norwegian corporation or other entity" means a partnership, corporation or other entity created or organized in Norway or under Norwegian laws.

(h) The term "competent authorities" means, in the case of the United States, the Commissioner of Internal Revenue or his authorized representative; and in the case of Norway, the Ministry of Finance and Customs.

(2) In the application of the provisions of the present Convention by one of the contracting States any term not otherwise defined shall, unless the context otherwise requires, have the meaning which such term has under its own tax laws.

ARTICLE III

(1) An enterprise of one of the contracting States shall not be subject to taxation in the other contracting State in respect of its industrial and commercial profits unless it is engaged in trade or business in such other State through a permanent establishment situated therein. If it is so engaged such other State may impose its tax upon such profits of the enterprise from sources within such other State.

(2) In determining the industrial or commercial profits from sources within the territory of one of the contracting States of an enterprise of the other contracting State, no profits shall be deemed to arise from the mere purchase of goods or merchandise within the territory of the former contracting State by such enterprise.

(3) Where an enterprise of one of the contracting States is engaged in trade or business in the territory of the other contracting State through a permanent establishment situated therein, there shall be attributed to such permanent establishment the industrial or commercial profits which it might be expected to derive if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment and the profits so attributed shall, subject to the law of such other contracting State, be deemed to be income from sources within the territory of such other contracting State.

(4) The competent authorities of the two contracting States may lay down rules by agreement for the apportionment of industrial and commercial profits.

ARTICLE IV

Where an enterprise of one of the contracting States, by reason of its participation in the management or the financial structure of an enterprise of the other contracting State, makes with or imposes on the latter, in their commercial or financial relations, conditions different from those which would be made with an independent enterprise, any profits which would normally have accrued to one of the enterprises, but by reason of those conditions have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

ARTICLE V

(1) Income which an enterprise of one of the contracting States derives from the operation of ships or aircraft shall be exempt from taxation in the other contracting State.

(2) The provisions of this Article shall be deemed to suspend the arrangement between the United States and Norway providing for relief from double income taxation on shipping profits, effected by exchanges of notes dated November 26, 1924, January 23, 1925, and March 24, 1925.

ARTICLE VI

Interest on bonds, securities, notes, debentures, or on any other form of indebtedness derived from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall be exempt from taxation in such former State.

ARTICLE VII

Royalties and other amounts derived, as consideration for the right to use copyrights, artistic and scientific works, patents, designs, secret processes and formulas, trade-marks and other like property (including rentals and like payments in respect of motion picture films), from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall be exempt from taxation in such former State: *Provided*, That each of the contracting States reserves the right according to the principles of Article IV to deny a deduction to the payor thereof for such royalty or any portion thereof as is not considered by the revenue authorities of such State to be reasonable consideration for the right to use the property referred to in this Article.

ARTICLE VIII

(1) Income from real property (not including interest derived from mortgages and bonds secured by real property) and royalties in respect of the operation of mines, quarries, or other natural resources, shall be taxable only in the contracting State in which such property, mines, quarries, or other natural resources are situated.

(2) A resident or corporation of one of the contracting States deriving any such income from sources within the other contracting State may, for any taxable year, elect to be subject to the tax of such other contracting State, on a net basis, as if such resident or corporation were engaged in trade or business within such other contracting State through a permanent establishment therein during such taxable year.

ARTICLE IX

Gains derived from the sale or exchange of real property shall be taxable only in the contracting State in which such property is situated.

ARTICLE X

(1) A resident of Norway shall be exempt from United States tax upon compensation for labor or personal services (including the practice of the liberal and artistic professions) if he is temporarily present in the United States for a period or periods not exceeding a total of 183 days during the taxable year and either of the following conditions is met:

(a) His compensation is received for labor or personal services performed as an employee, or under contract with, a resident, or corporation or other entity of Norway, or

(b) His compensation received for labor or personal services does not exceed $10,000.

(2) The provisions of paragraph (1) of this Article shall apply *mutatis mutandis*, to a resident of the United States with respect to compensation for such labor or personal services performed in Norway.

(3) The provisions of paragraphs (1) and (2) of this Article shall have application to directors' fees representing reasonable compensation for services rendered whether or not the recipient of such fees has been present at any time during the taxable year in the contracting State from which payment of such fees has been made.

(4) The provisions of this Article shall have no application to the income to which Article XI (1) relates.

ARTICLE XI

(1) (a) Wages, salaries and similar compensation, and pensions paid by the United States or by the political subdivisions or territories thereof to an individual (other than a Norwegian citizen who is not also a citizen of the United States) shall be exempt from Norwegian tax.

(b) Wages, salaries and similar compensation, and pensions paid either directly by, or from funds or institutions created by, Norway or Norwegian communities or counties (fylker) to an individual (other than a United States citizen who is not also a citizen of Norway) shall be exempt from United States tax.

(2) Private pensions and life annuities derived from within one of the contracting States and paid to individuals residing in the other contracting State shall be exempt from taxation in the former State.

(3) The term "pensions", as used in this Article, means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

(4) The term "life annuities" as used in this Article means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

ARTICLE XII

A professor or teacher, a resident of one of the contracting States, who temporarily visits the other contracting State for the purpose of teaching for a period not exceeding two years at a university, college, school or other educational institution in the other contracting State, shall be exempted in such other contracting State from tax on his remuneration for such teaching for such period.

ARTICLE XIII

A student or apprentice, a resident of one of the contracting States, who temporarily visits the other contracting State exclusively for the purposes of study or for acquiring business or technical experience shall not be taxable in the latter State in respect of remittances received by him from abroad for the purposes of his maintenance or studies.

ARTICLE XIV

(1) It is agreed that double taxation shall be avoided in the following manner:

(a) The United States in determining its taxes specified in Article I of this Convention in the case of its citizens, residents or corporations may, regardless of any other provision of this Convention, include in the basis upon which such taxes are imposed all items of income taxable under the revenue laws of the United States as if this Convention had not come into effect. The United States shall, however, subject to the provisions of section 131, Internal Revenue Code, as in effect on the date of the entry into force of this Convention, deduct from its taxes the amount of Norwegian taxes specified in Article I of this Convention.

(b) Norway in determining its taxes specified in Article I of this Convention in the case of its residents or corporations may, regardless of any other provision of this Convention, include in the basis upon which

such taxes are imposed all items of income taxable under the revenue laws of Norway as if the Convention had not come into effect. Norway shall, however, deduct from the taxes so calculated that portion of such tax liability which the taxpayer's income from sources in the United States (not exempt from United States tax under this Convention) bears to his entire income. The competent authority of Norway may, however, decide that the deduction shall not exceed the United States tax on income taxable in the United States.

(2) The provisions of this Article shall not be construed to deny the exemptions from United States tax or Norwegian tax, as the case may be, granted by Article XI (1) of this Convention.

ARTICLE XV

With a view to the more effective imposition of the taxes to which the present Convention relates, each of the contracting States undertakes, subject to reciprocity, to furnish such information in the matter of taxation, which the authorities of the State concerned have at their disposal or are in a position to obtain under their own law, as may be of use to the authorities of the other State in the assessment of the taxes in question and to lend assistance in the service of documents in connection therewith. Any information so exchanged shall be treated as secret and shall only be disclosed to persons (including a court) concerned with the assessment, determination and collection of the taxes which are the subject of the present Convention, or the determination of appeals in relation thereto. No information shall be exchanged which would disclose a trade, business, industrial or professional secret. Information and correspondence relating to the subject matter of this Article shall be exchanged between the competent authorities of the contracting States in the ordinary course or on request.

ARTICLE XVI

In accordance with the preceding Article and insofar as may be found to be practicable, the competent authorities of each contracting State shall forward to the competent authorities of the other contracting State as soon as practicable after the close of each calendar year the following information relating to such calendar year:

The names and addresses of all addressees within such other State deriving from sources within the former State dividends, interest, royalties, pensions, annuities, wages, salaries, rents, or other fixed or determinable annual or periodical income, showing the amount of such income with respect to each addressee.

ARTICLE XVII

(1) The contracting States undertake to lend assistance and support to each other in the collection of the taxes which are the subject of the present Convention, together with interest, costs, and additions to the taxes.

(2) In the case of applications for enforcement of taxes, revenue claims of each of the contracting States which have been finally determined may be accepted for enforcement by the other contracting State and may be collected in that State in accordance with the laws applicable to the enforcement and collection of its own taxes.

(3) Any application shall include a certification that under the laws of the State making the application the taxes have been finally determined.

(4) The assistance provided for in this Article shall not be accorded with respect to the citizens, corporations, or other entities of the State to which application is made.

ARTICLE XVIII

The State to which application is made for information or assistance shall comply as soon as possible with the request addressed to it except that such State may refuse to comply with the request for reasons of public policy or if compliance would involve violation of a trade, business, industrial or professional secret.

ARTICLE XIX

Where a taxpayer shows proof that the action of the revenue authorities of the contracting States has resulted, or will result, in double taxation contrary to the provisions of the present Convention, he shall be entitled to lodge a claim with the State of which he is a citizen or, if he is not a citizen of either of the contracting States, with the State of which he is a resident, or, if the taxpayer is a corporation or other entity, with the State in which it is created or organized. Should the claim be upheld, the competent authority of such State shall undertake to come to an agreement with the competent authority of the other State with a view to equitable avoidance of the double taxation in question.

ARTICLE XX

(1) The provisions of this Convention shall not be construed to deny or affect in any manner the right of diplomatic and consular officers to other or additional exemptions now enjoyed or which may hereafter be granted to such officers.

(2) The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance now or hereafter accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

(3) Should any difficulty or doubt arise as to the interpretation or application of the present Convention, or its relationship to Conventions between one of the contracting States and any other State, the competent authorities of the contracting States may settle the question by mutual agreement.

ARTICLE XXI

(1) The competent authorities of the two contracting States may prescribe regulations necessary to carry into effect the present Convention within the respective States. With respect to the provisions of this Convention relating to exchange of information, service of documents, and mutual assistance in the collection of taxes, such authorities may, by common agreement, prescribe rules concerning matters of procedure, forms of application and replies thereto, conversion of currency, disposition of amounts collected, costs of collection, minimum amounts subject to collection and related matters.

(2) The competent authorities of the two contracting States may communicate with each other directly for the purpose of giving effect to the provisions of this Convention.

ARTICLE XXII

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible. It shall have effect for the taxable years beginning on or after the first day of January of the year in which such exchange takes place.

(2) The present Convention shall continue effective for a period of five years and indefinitely after that period, but may be terminated by either of the contracting States at the end of the five-year period or at any time thereafter, provided that at least six months' prior notice of termination has been given and, in such event, the present Convention shall cease to be effective for the taxable years beginning on or after the first day of January next following the expiration of the six-month period.

Done at Washington, in duplicate, in the English and Norwegian languages, the two texts having equal authenticity, this thirteenth day of June, 1949.

For the President of the United States of America:

[SEAL] JAMES E. WEBB.

For his Majesty the King of Norway:

[SEAL] WILHELM MUNTHE MORGENSTIERNE.

PROCLAMATION OF THE PRESIDENT OF THE UNITED STATES DATED DECEMBER 13, 1951

* * * * *

And whereas the Senate of the United States of America, by their resolution of September 17, 1951, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the aforesaid convention subject to an understanding as follows:

"It is understood that the application of Article XVII of the convention shall be confined and limited as granting authority to each Contracting State to collect only such taxes imposed by the other Contracting State as will insure that the exemption or reduced rate of tax granted under the present convention by such other State, shall not be enjoyed by persons not entitled to such benefits.";

And whereas the text of the aforesaid understanding was communicated by the Government of the United States of America to the Government of the Kingdom of Norway and the aforesaid understanding was accepted by the Government of the Kingdom of Norway;

And whereas the aforesaid convention was duly ratified by the President of the United States of America on November 26, 1951, in pursuance of the aforesaid advice and consent of the Senate and subject to the aforesaid understanding, and the aforesaid convention was duly ratified on the part of the Kingdom of Norway;

And whereas the respective instruments of ratification of the aforesaid convention were duly exchanged at Washington on December 11, 1951, and a protocol of exchange was signed at that place and on that date by the respective Plenipotentiaries of the United States of America and the Kingdom of Norway, the said protocol containing a statement that it is understood by the two Governments that, upon entry into force of the aforesaid convention in accordance with its provisions, Article XVII thereof shall be applied in accordance with the aforesaid understanding;

And whereas it is provided in Article XXII of the aforesaid convention that the convention shall have effect for the taxable years beginning on or after the first day of January of the year in which the exchange of instruments of ratification takes place;

Now, therefore, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the aforesaid convention to the end that the said convention and each and every article and clause thereof, subject to the aforesaid understanding, may be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

* * * * *

§ 510.102 *Applicable provisions of law*—(a) *General.* The Internal Revenue Code of 1954 provides in part as follows:

SUBTITLE A—INCOME TAXES

* * * * *

SEC. 894. *Income exempt under treaty.* Income of any kind, to the extent required by any treaty obligation of the United States, shall not be included in gross income and shall be exempt from taxation under this subtitle.

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SUBTITLE F—PROCEDURE AND ADMINISTRATION

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SEC. 7805. *Rules and regulations*—(a) *Authorization.* Except where such authority is expressly given by this title to any person other than an officer or employee of the Treasury Department, the Secretary or his delegate shall prescribe all needful rules and regulations for the enforcement of this title, including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary or his delegate may prescribe the extent, if any, to which any ruling or regulation, relating to the internal revenue laws, shall be applied without retroactive effect.

• • • • •

(b) *Internal Revenue Code of 1939.* Any reference in §§ 510.101 to 510.120 to any provision of the Internal Revenue Code of 1954 shall, where applicable, be deemed also to refer to the corresponding provision of the Internal Revenue Code of 1939.

(c) *Effective date of regulations.* Pursuant to sections 894 and 7805 of the Internal Revenue Code of 1954, Article XXI of the convention, and other provisions of the internal revenue laws, §§ 510.101 to 510.120 are hereby prescribed effective for taxable years beginning on or after January 1, 1951. All regulations inconsistent herewith are modified accordingly.

§ 510.103 *Scope of the convention*—(a) *Purpose of convention.* The primary purposes of the convention, to be accomplished on a reciprocal basis, are to avoid double taxation upon certain items of income derived from sources within one country by residents or corporations or other entities of the other country and to provide for administrative cooperation between the competent tax authorities of the two countries looking to the avoidance of double taxation and the prevention of fiscal evasion.

(b) *Exemption from United States tax.* The following items of income from sources within the United States are exempt from United States tax for taxable years beginning on or after January 1, 1951, subject to the respective articles of the convention:

(1) Industrial and commercial profits of a Norwegian enterprise having no permanent establishment in the United States (Article III);

(2) Income derived by a Norwegian enterprise from the operation of ships or aircraft (Article V);

(3) Interest derived by a nonresident alien who is a resident of Norway, or by a Norwegian corporation or other entity, if such alien, corporation, or other entity has no permanent establishment in the United States (Article VI);

(4) Patent and copyright royalties, and other like amounts, including motion picture film rentals, derived by a nonresident alien who is a resident of Norway, or by a Norwegian corporation or other entity, if such alien, corporation, or other entity has no permanent establishment in the United States (Article VII);

(5) Compensation, subject to certain limitations, for personal services performed in the United States by a nonresident alien individual who is a resident of Norway (Article X);

(6) Compensation and pensions paid by Norway to an alien individual, and to a citizen of Norway who is also a citizen of the United States, including such items as are from sources without the United States (Article XI);

(7) Private pensions and life annuities paid to a nonresident alien individual who is a resident of Norway (Article XI); and

(8) Remuneration derived from certain teaching in the United States by a professor or teacher who is a nonresident alien residing in Norway (Article XII).

(c) *Students or apprentices.* Remittances received from abroad for the purpose of maintenance or studies by a student or apprentice, a nonresident alien residing in Norway, who is temporarily present in the United States under specified circumstances are also exempt from United States tax (Article XIII).

(d) *Withholding regulations.* For regulations pertaining to the release or refund of excess tax withheld, and to exemption from withholding of United States tax at source, in the case of interest, patent and copyright royalties, film rentals, private pensions, and life annuities, received from sources within the United States by a nonresident alien who is a resident of Norway, or by a Norwegian corporation or other entity, see Treasury Decision 5956, approved December 9, 1952 (26 CFR (1939) 7.100 through 7.109).

(e) *United States citizens, residents, and corporations.* (1) Any citizen of Norway who is a resident of the United States is liable to United States tax as though the convention had not come into effect; however, such alien resident of the United States is entitled to the foreign tax credit in accordance with Article XIV of the convention and is also entitled to the benefits of Article XI (1) and Article XX.

(2) A citizen of the United States, even though resident in Norway, or a domestic corporation, even though engaged in trade or business in Norway through a permanent establishment situated therein, is also liable to United States tax as though the convention had not come into effect but is entitled to the foreign tax credit and, to the extent applicable, to the benefits of Article XI (1).

(f) *Other provisions applicable to Norwegian residents and corporations.* Except as otherwise expressly provided by the convention, the United States tax liability of a nonresident alien who is a resident of Norway, or of a Norwegian corporation or other entity, is determined in accordance with the provisions of the Internal Revenue Code of 1954 relating to nonresident alien individuals and foreign corporations.

§ 510.104 *Definitions*—(a) *General.* Any term defined in the convention or §§ 510.101 to 510.120 shall have the meaning so assigned to it; any term not so defined shall, unless the context otherwise requires, have the meaning which such term has under the internal revenue laws of the United States.

(b) *Specific terms.* As used in §§ 510.101 to 510.120—

(1) *United States tax.* The term "United States tax" means the Federal income tax, including surtaxes, of the United States and any other income tax of a substantially similar character imposed by the United States after June 13, 1949.

(2) *Norwegian tax.* The term "Norwegian tax" means the national and the communal income taxes of Norway, including the old age pension tax, the war pension tax, the tax on bank deposits and the seamen's tax, and any other income tax of a substantially similar character imposed by Norway after June 13, 1949.

(3) *United States.* The term "United States" means the United States of America; and, when used in a geographical sense, includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(4) *Norway.* The term "Norway" means the Kingdom of Norway, but does not include Svalbard, Jan Mayen, or the Norwegian dependencies outside Europe.

(5) *Permanent establishment* — (i) *Fixed place of business.* The term "permanent establishment" means a branch office, factory, workshop, warehouse, or other fixed place of business, but does not include the casual and temporary use of merely storage facilities. It implies the active conduct of a business enterprise. The mere ownership, for example, of timberlands or a warehouse in the United States by a Norwegian enterprise does not mean that such enterprise, in the absence of any business activity therein, has a permanent establishment in the United States. The fact that a Norwegian enterprise maintains in the United States an office or other fixed place of business used exclusively for the purchase for such enterprise of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise.

(ii) *Subsidiary corporation.* The fact that a Norwegian corporation has a domestic subsidiary corporation, or a foreign subsidiary corporation which is engaged in trade or business in the United States through a permanent establishment situated therein, does not of itself constitute either subsidiary corporation the United States permanent establishment of the Norwegian parent corporation.

(iii) *Agency.* A Norwegian enterprise which has an agency in the United States does not thereby have a permanent establishment in the United States, unless the agent has and exercises a general authority to negotiate and conclude contracts on behalf of such enterprise or unless he has a stock of merchandise from which he regularly fills orders on its behalf. If the enterprise has an agent in the United States who has power to contract on its behalf, but only at fixed prices and under conditions determined by such principal, it does not thereby necessarily have a permanent establishment in the United States. The mere fact that an agent of a Norwegian enterprise—assuming he has no general authority to negotiate and conclude contracts on behalf of his principal—maintains samples, or occasionally fills orders from incidental stocks of goods maintained, in the United States does not of itself mean that such enterprise has a permanent establishment in the United States. The mere fact that salesmen, employees of a Norwegian enterprise, promote the sale of their employer's products in the United States or that a Norwegian enterprise transacts business in the United States by means of mail order activities does not mean that such enterprise has a permanent establishment in the United States. A Norwegian enterprise shall not be deemed to have a permanent establishment in the United States merely because it carries on business dealings in the United States through a bona fide commission agent, broker, or custodian, acting in the ordinary course of his business as such.

(6) *Enterprise.* The term "enterprise" means any commercial or industrial undertaking carried on by any person, for example, by an individual, partnership, or corporation. It includes such activities as manufacturing, merchandising, mining, processing, banking, and insuring. It does not include the rendition of personal services. Hence, a nonresident alien individual who is a resident of Norway and who performs personal services is not, merely by reason of such services, engaged in a Norwegian enterprise within the meaning of the convention; consequently, his liability to United States tax is not determined under Article III of the convention, if he has not otherwise carried on a Norwegian enterprise.

(7) *Norwegian enterprise.* The term "Norwegian enterprise" means an enterprise carried on in Norway by a nonresident alien individual who is a resident of Norway, or by a Norwegian corporation or other entity. Thus, an enterprise carried on wholly outside Norway by a Norwegian corporation is not a Norwegian enterprise within the meaning of the convention.

(8) *Norwegian corporation or other entity.* The term "Norwegian corporation or other entity" means a partnership, corporation, or other entity created or organized in Norway or under Norwegian laws.

(9) *United States enterprise.* The term "United States enterprise" means an enterprise carried on in the United States by an individual who is a resident of the United States or by a United States corporation or other entity.

(10) *United States corporation or other entity.* The term "United States corporation or other entity" means a partnership, corporation, or other entity created or organized in the United States or under the law of the United States or of any State or Territory of the United States.

(11) *Industrial and commercial profits.* The term "industrial and commercial profits" means profits arising from industrial, commercial, mercantile, manufacturing, and like activities of an enterprise. It does not include dividends, interest, rents, royalties, or other mere investment income, or remuneration for personal services. In determining the industrial and commercial profits from sources within the United States of a Norwegian enterprise, no profits shall be deemed to arise from the mere purchase of goods or merchandise within the United States by such enterprise.

(12) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue or his authorized representative.

(13) *Ministry of Finance and Customs.* The term "Ministry of Finance and Customs" means the Ministry of Finance and Customs (Finans- og Tolldepartementet) of Norway.

§ 510.105 *Industrial and commercial profits*—(a) *General.* (1) Article III of the convention adopts the principle that an enterprise of one of the contracting States shall not be taxable by the other contracting State upon its industrial and commercial profits unless it is engaged in trade or business in the latter State through a permanent establishment situated therein. Accordingly, a Norwegian enterprise is subject to United States tax upon its industrial and commercial profits, to the extent of such profits from sources within the United States, only if it is engaged in trade or business in the United States at some time during the taxable year through a permanent establishment situated therein.

(2) From the standpoint of the United States tax the article has application only to a Norwegian enterprise and its industrial and commercial profits from sources within the United States. Thus, a nonresident alien individual who is a citizen of Norway, or a Norwegian corporation or other entity, carrying on an enterprise which is not Norwegian, is subject to tax on such income of such enterprise pursuant to section 871 (c) or section 882 (a), Internal Revenue Code of 1954, if such alien, corporation, or other entity has engaged in trade or business in the United States at any time during the taxable year, even though it has not had a permanent establishment therein at any time within such year.

(b) *No United States permanent establishment.* A Norwegian enterprise is not subject to United States tax upon its industrial and commercial profits from sources within the United States, nor shall such profits be included in gross income, if such enterprise at no time during the taxable year in which such profits are derived has engaged in trade or business in the United States through a permanent establishment situated therein. For example, if during the taxable year an enterprise carried on in Norway by a nonresident alien individual who is a resident of Norway, or by a Norwegian corporation, were to sell merchandise, such as textiles, furs, or canned fish products, in the United States through a bona fide commission agent or broker in the United States acting in the ordinary course of his business as such agent or broker, the profits arising from such sale would not be included in gross income and would be exempt from United States tax under Article III of the convention. Similarly, if during the taxable year such enterprise were to secure orders in the United States for such merchandise through its sales agents whose sole function in the United States is sales promotion, the orders being transmitted to Norway for acceptance, then the profits arising from such sales would not be included in gross income and would be exempt from United States tax.

(c) *United States permanent establishment*—(1) *General.* A Norwegian enterprise is subject to United States tax upon its industrial and commercial profits from sources within the United States to the same extent as are nonresident aliens or foreign corporations which are subject to tax pursuant to section 871 (c) or section 882 (a), Internal Revenue Code of 1954, if such enterprise at any time during the taxable year in which such profits are derived has engaged in trade or business in the United States through a permanent establishment situated therein. If it is so engaged, it is subject to United States tax upon its entire income from sources within the United States except to the extent otherwise exempt from United States tax.

(2) *Allocation of profits.* In the determination of the income taxable to such enterprise for purposes of the United States tax, all industrial and commercial profits from sources within the United States shall be deemed to be allocable to the permanent establishment in the United States. Hence, if a Norwegian enterprise which has a permanent establishment in the United States at some time during the taxable year were to sell in the United States, through a bona fide commission agent therein acting in the ordinary course of his business as such, merchandise which has been produced in Norway, the profits arising from such sale would be allocable to the permanent establishment to the extent they are derived from sources within the United States, even though the sale is made independently of the permanent establishment.

(d) *Independent basis.* The industrial and commercial profits of the permanent establishment in the United States shall be determined as if the establishment were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length, or on an independent basis, with the enterprise of which it is a permanent establishment. Any such profits so attributed to such permanent establishment shall, subject to the provisions of the Internal Revenue Code of 1954, be deemed to be income from sources within the United States.

§ 510.106 *Control of a United States enterprise by a Norwegian enterprise.* In effect, Article IV of the convention provides that, if a Norwegian enterprise by reason of its control of a United States enterprise imposes on the latter enterprise conditions different from those which would result from normal business relations between independent enterprises, the accounts between the enterprises shall be adjusted in order to ascertain the true taxable income of each enterprise. The purpose is to place the controlled United States enterprise on a tax parity with an uncontrolled United States enterprise by determining, according to the standard of an uncontrolled enterprise, the true taxable in-

come from the property and business of the controlled enterprise. The basic objective of the article is that, if the accounting records do not truly reflect the taxable income from the property and business of the United States enterprise, the Commissioner shall intervene and, by making such distributions, apportionments, or allocations as he may deem necessary of gross income, deductions, credits, or allowances, or of any item or element affecting taxable income, between the United States enterprise and the Norwegian enterprise by which it is controlled or directed, shall determine the true taxable income of the United States enterprise. The provisions of section 482 of the Internal Revenue Code of 1954, and the regulations thereunder, shall, insofar as applicable, be followed in the determination of the taxable income of the United States enterprise.

§ 510.107 *Income from operation of ships or aircraft*—(a) *Exempt from tax.* Under Article V of the convention so much of the income from sources within the United States of a Norwegian enterprise as consists of earnings derived from the operation of ships or aircraft, whether or not they are documented or registered in or under the laws of Norway, shall not be included in gross income and shall be exempt from United States tax, even though at some time during the taxable year such enterprise has engaged in trade or business in the United States through a permanent establishment situated therein.

(b) *Prior arrangement suspended.* The provisions of Article V shall be deemed to suspend the arrangement between the United States and Norway providing for relief from double income taxation on shipping profits, effected by exchanges of notes dated November 26, 1924, January 23, 1925, and March 24, 1925 (Executive Agreement Series, No. 15; 47 Stat. 2617). Accordingly, while the provisions of Article V are in effect, no exemption from United States tax shall be accorded pursuant to, or by reason of, any agreement effected by the exchange of such notes. This paragraph shall not be construed, however, to restrict any exemption which, without reference to an exchange of notes, is accorded by section 872 (b) and section 883 of the Internal Revenue Code of 1954. See Article XX (2) of the convention.

§ 510.108 *Interest.* (a) Interest on bonds, securities, notes, debentures, or on any other form of indebtedness, including interest on obligations of the United States, interest on obligations of instrumentalities of the United States, and interest on mortgages and bonds secured by real property, which is derived from sources within the United States by a nonresident alien individual who is a resident of Norway, or by a Norwegian corporation or other entity, shall not be included in gross income and shall be exempt from United States tax under the provisions of Article VI of the convention if such alien, corporation, or other entity at no time during the taxable year in which such interest is derived has a permanent establishment in the United States.

(b) If, for example, a nonresident alien individual who is a resident of Norway performs personal services within the United States during the taxable year, but has at no time during such year a permanent establishment within the United States, he is entitled to the exemption from United States tax with respect to interest derived in that year from United States sources, as provided in Article VI of the convention, even though under the provisions of section 871 (c) of the Internal Revenue Code of 1954 he has engaged in trade or business within the United States during such year by reason of his having performed personal services therein.

§ 510.109 *Patent and copyright royalties and film rentals*—(a) *General.* Royalties, and other amounts, representing consideration for the right to use copyrights, artistic and scientific works, patents, designs, secret processes and formulas, trademarks, and other like property, including rentals and like payments in respect of motion picture films, which are derived from sources within the United States by a nonresident alien individual who is a resident of Norway, or by a Norwegian corporation or other entity, shall not be included in gross income and shall be exempt from United States tax under the provisions of Article VII of the convention if such alien, corporation, or other entity at no time during the taxable year in which such items of income are derived has a permanent establishment in the United States.

(b) *Items not deductible.* Under the provisions of Article VII the United States reserves the right, according to the principles of Article IV and § 510.106, to deny a deduction to the payer thereof for such royalties and other like amounts, or any portion thereof, as is considered by the Commissioner not to be reasonable consideration for the right to use the property involved.

§ 510.110 *Real property income and natural resource royalties*—(a) *General.* Income of whatever nature derived by a nonresident alien who is a resident of Norway, or by a Norwegian corporation or other entity, from real property situated in the United States, including gains derived from the sale or exchange of such property, rentals from such property, and royalties in respect of the operation of mines, quarries, timber, or other natural resources situated in the United States, is not exempt from United States tax by the convention. Such items of income are subject to taxation under the provisions of the Internal Revenue Code of 1954 generally applicable to the taxation of nonresident alien individuals and foreign corporations. See Articles VIII (1) and IX of the convention. Interest derived from mortgages and bonds secured by real property does not constitute income from real property for purposes of this section but is subject to the provisions applicable to interest generally. See § 510.108.

(b) *Net basis*—(1) *General.* Notwithstanding the provisions of paragraph (a) of this section, a nonresident alien who is a resident of Norway, or a Norwegian corporation, who during the taxable year derives from sources within the United States any income from real property as described in such paragraph may elect for such taxable year to be subject to United States tax on a net basis as though such alien or corporation were engaged in trade or business in the United States during such year through a permanent establishment situated therein. See Article VIII (2) of the convention.

(2) *Manner of electing.* Such nonresident alien (including an individual, fiduciary, and member of a partnership) shall signify his election to be subject to the tax on such a basis by filing Form 1040B clearly marked at the top of the first page thereof as follows: "Return of Resident of Norway Electing to File on a Net Basis Pursuant to Article VIII of Norwegian Income Tax Convention." Such corporation shall signify its election to be subject to tax on such a basis by filing Form 1120 clearly marked at the top of the first page thereof as follows: "Return of Norwegian Corporation Electing to File on a Net Basis Pursuant to Article VIII of Norwegian Income Tax Convention". The election so signified shall be irrevocable for the taxable year for which such election is made. All income from sources within the United States, including gains from the sale or exchange of capital assets or of other property, shall be disclosed on the return so filed. See sections 871 and 882 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 510.111 *Compensation for labor or personal services*—(a) *Exemption from tax.* Under Article X of the convention compensation received by a nonresident alien individual who is a resident of Norway for labor or personal services, including the practice of the liberal and artistic professions, performed in the United States shall not be included in gross income and shall be exempt from United States tax in either of the following situations:

(1) *Norwegian employer.* Where such individual is temporarily present in the United States for a period or periods not exceeding in the aggregate a total of 183 days during a taxable year beginning on or after January 1, 1951, any compensation received by him (irrespective of when received, if received in taxable years beginning on or after January 1, 1951) for such labor or personal services performed in the United States during such year as an employee of, or under contract with, a nonresident alien (including a nonresident alien individual and fiduciary) who is a resident of Norway, or a Norwegian corporation or other entity, whether or not such alien, corporation, or other entity is engaged in trade or business within the United States, shall not be included in gross income and shall be exempt from United States tax.

(2) *Other employers.* Where such individual is temporarily present in the United States for a period or periods not exceeding in the aggregate a total of

183 days during a taxable year beginning on or after January 1, 1951, any compensation received by him (irrespective of when received, if received in taxable years beginning on or after January 1, 1951) for such labor or personal services performed in the United States during such year shall not be included in gross income and shall be exempt from United States tax if such compensation does not exceed $10,000 in the aggregate. Thus, if a nonresident alien individual who is a resident of Norway performs personal services in the United States during the taxable year as an employee of a domestic corporation for which he receives compensation of $15,000 in the aggregate, none of such compensation shall be exempt from United States tax even though such individual is present in the United States during such year for a period or periods not exceeding a total of 183 days, since the aggregate compensation received is in excess of $10,000.

(b) *Definitions.* For purposes of this section, the term "compensation for labor or personal services" shall include, but shall not be limited to, the compensation, profits, emoluments, or other remuneration of public entertainers, such as, stage, motion picture, television, or radio artists, musicians, and athletes. It shall also include directors' fees representing reasonable compensation for services rendered, whether or not the recipient of such fees has been present at any time during the taxable year in the contracting State from which payment of such fees has been made. For the allocation or segregation as between sources within, and sources without, the United States in the case of compensation for labor or personal services, see sections 861 through 864, Internal Revenue Code of 1954, and the regulations thereunder.

(c) *Exception.* The provisions of this section have no application to the income to which Article XI (1) of the convention relates.

§ 510.112 *Government wages, salaries, and pensions*—(a) *General.* Under Article XI of the convention any wage, salary, or similar compensation, or any pension, paid directly by the Government of Norway or by Norwegian communities or counties (fylker), or paid from funds or institutions created by such Government, communities, or counties, to any alien individual (whether or not a resident of the United States) or to any individual who occupies the dual status of a citizen of the United States and a citizen of Norway shall not be included in gross income and shall be exempt from United States tax, even though at some time during the taxable year such individual has engaged in trade or business in the United States through a permanent establishment situated therein.

(b) *Definition.* As used in this section, the term "pensions" means periodic payments made in consideration for services rendered or by way of compensation for injuries received. Under Article XIV (2) of the convention the exclusion from gross income, and exemption from United States tax, provided by this section shall not be denied despite the provisions of Article XIV. See § 510.116.

(c) *Cross reference.* For the taxation generally of compensation of alien employees of foreign governments and the consequences of executing and filing the waiver provided for in section 247 (b) of the Immigration and Nationality Act, see section 893 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 510.113 *Private pensions and life annuities*—(a) *General.* Private pensions and life annuities derived from sources within the United States and paid to a nonresident alien individual who is a resident of Norway shall not be included in gross income and shall be exempt from United States tax, in accordance with Article XI of the convention, even though at some time during the taxable year in which such items of income are derived such individual has engaged in trade or business in the United States through a permanent establishment situated therein.

(b) *Definitions.* As used in this section, the term "pensions" means periodic payments made in consideration for services rendered or by way of compensation for injuries received; and the term "life annuities" means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

§ 510.114 *Visiting professors or teachers*—(a) *General.* Pursuant to Article XII of the convention a professor or teacher, a nonresident alien who is a resident of Norway, who temporarily visits the United States for the purpose of teaching for a period not exceeding two years at any university, college, school, or other educational institution situated within the United States shall, for a period not exceeding two years from the date of his initial arrival in the United States, be exempt from United States tax with respect to his remuneration earned in taxable years beginning on or after January 1, 1951, for such teaching during such period not in excess of two years.

(b) *More than two years.* The exemption granted by Article XII is applicable to remuneration earned during such part of the individual's visit as does not exceed two years from the date of arrival even though the total period of his presence in the United States may extend beyond two years, provided that during such entire period he may be considered to be temporarily visiting the United States.

(c) *Residence.* Such exemption shall not apply to the remuneration of an alien who is a resident of the United States or who is not a resident of Norway.

(d) *Nonresidence presumed.* An individual who otherwise qualifies for the exemption from United States tax granted by Article XII shall, for a period of not more than two years immediately succeeding the date of his arrival within the United States for the purpose of such teaching, be deemed to have the tax status of a nonresident alien in the absence of proof of his intention to remain indefinitely in the United States. See section 871 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 510.115 *Students or apprentices*—(a) *General.* Under Article XIII of the convention a student or apprentice, a nonresident alien who is a resident of Norway, who temporarily visits the United States exclusively for the purposes of study or for acquiring business or technical experience shall not include in gross income, and shall be exempt from United States tax with respect to, amounts derived by him in taxable years beginning on or after January 1, 1951, and received during such years from without the United States as remittances for the purposes of his maintenance or studies.

(b) *Residence.* The exemption shall not apply to remittances received by an alien who is a resident of the United States or who is not a resident of Norway.

§ 510.116 *Credit against United States tax for Norwegian tax*—(a) *General*—(1) *Taxable as though no convention.* Notwithstanding any other provision of the convention the United States, in determining the United States tax of a citizen or resident of the United States, or of a domestic corporation, may, under Article XIV (1) (a) of the convention, include in the basis upon which such tax is imposed all items of income taxable under the revenue laws of the United States, as though the convention had not come into effect. For example, despite the exemption from United States tax granted by Article VI of the convention with respect to interest derived from sources within the United States by a resident of Norway, such interest shall be included in gross income and is subject to United States tax when so derived by a resident of Norway who is a citizen of the United States, even though such resident has no permanent establishment in the United States.

(2) *Exception.* Notwithstanding the provisions of subparagraph (1) of this paragraph, the exclusion from gross income, and exemption from United States tax, granted by Article XI (1) of the convention with respect to wages, salaries, and similar compensation, and pensions, paid by Norway or Norwegian communities or counties shall not be denied. See Article XIV (2) of the convention.

(b) *Application of credit.* For the purpose of mitigating double taxation Article XIV (1) (a) of the convention provides that a citizen or resident of the United States, or a domestic corporation, deriving income from sources within Norway shall be allowed a credit against the United States tax for the amount of Norwegian tax paid or accrued during the taxable year. This credit shall be made in accordance with the provisions of section 131 of the Internal Revenue Code of 1939 as in effect on December 11, 1951, but subject to the provisions of Article XX (2) of the convention.

§ 510.117 *Exchange of information*—(a) *General.* (1) By Article XV of the

convention the United States and Norway adopt the principle of exchange of such information as may be of use for carrying out the provisions of the convention, preventing fraud, or detecting practices which are aimed at the reduction of the revenues of either country, but not including information which would be contrary to public policy or which would disclose any trade, business, industrial, or professional secret.

(2) The information and correspondence relative to exchange of information may be transmitted directly by the Commissioner to the Ministry of Finance and Customs.

(b) *Return of information by withholding agents.* (1) To facilitate compliance with Article XVI of the convention, every United States withholding agent shall make and file in duplicate with the District Director of Internal Revenue, Baltimore 2, Maryland, an information return on Form 1042 Supplement, with respect to Norwegian addressees, which shall be filed for the calendar year 1955 and subsequent calendar years. This return shall be filed simultaneously with Form 1042.

(2) There shall be reported on such Form 1042 Supplement all items of fixed or determinable annual or periodical income (and amounts described in section 402 (a) (2), section 631 (b) and (c), and section 1235 of the Internal Revenue Code of 1954, which are considered to be gains from the sale or exchange of capital assets) derived from sources within the United States and paid to nonresident aliens (including nonresident alien individuals, fiduciaries, and partnerships) and to nonresident foreign corporations, whose addresses at the time of payment were in Norway, including such items of income upon which, in accordance with the withholding regulations under the convention, no withholding of United States tax is required; except that any of such items which constitute interest in respect of which Form 1001–NO or substitute Form 1001–NO has been filed in duplicate with the withholding agent is not required to be reported on such Form 1042 Supplement.

(c) *Information to be furnished in ordinary course.* In compliance with the provisions of Article XVI of the convention the Commissioner will transmit to the Ministry of Finance and Customs, as soon as practicable after the close of the calendar year 1955 and of each subsequent calendar year during which the convention is in effect, the following information relating to such preceding calendar year:

(1) The duplicate copy of each available Form 1042 Supplement filed pursuant to paragraph (b) of this section; and

(2) The duplicate copy of each available ownership certificate, Form 1001–NO, and substitute Form 1001–NO, filed pursuant to the withholding regulations under the convention, in connection with coupon bond interest.

(d) *Information in specific cases.* Under the provisions and limitations of Articles XV and XVIII of the convention and upon request of the Ministry of Finance and Customs, the Commissioner shall furnish to the Ministry information available to, or obtainable by, the Commissioner relative to the tax liability of any person under the revenue laws of Norway in any case in which such information is necessary to the administration of the provisions of the convention or of statutory provisions against tax avoidance, or in which such information is necessary for the prevention of fraud.

§ 510.118 *Double taxation claims*—(a) *General.* Under Article XIX of the convention, where the taxpayer shows proof that the action of the revenue authorities of the United States or Norway has resulted, or will result, in double taxation contrary to the provisions of the convention, he is entitled to lodge a claim with the country of which he is a citizen; or, if he is not a citizen of either country, with the country of which he is a resident; or, if the taxpayer is a corporation or other entity, with the country in which it is created or organized. The article provides that, should the claim be upheld, the competent authority of the country with which the claim is lodged shall undertake to come to an agreement with the competent authority of the other country with a view to equitable avoidance of the double taxation in question.

(b) *Manner of filing claim.* Such a claim on behalf of a United States citizen, corporation, or other entity, or on behalf of a resident of the United States who is not a Norwegian citizen, shall be filed with the Commissioner. The claim shall be set up in the form of a letter addressed to "The Commissioner of Internal Revenue, Washington 25, D. C." and shall show fully all facts and law on the basis of which the claimant alleges that such double taxation has resulted or will result. If the Commissioner determines that there is an appropriate basis for the claim under the convention, he shall take up the matter with the Ministry of Finance and Customs with a view to arranging an agreement of the character contemplated by Article XIX.

§ 510.119 *Beneficiaries of an estate or trust*—(a) *Qualified beneficiary.* If he otherwise satisfies the requirements of the respective articles concerned, a nonresident alien who is a resident of Norway and who is a beneficiary of an estate or trust shall be entitled to the exemption from United States tax granted by Articles VI and VII of the convention with respect to interest, and patent royalties and other like amounts, to the extent that (1) any amount paid, credited, or required to be distributed by such estate or trust to such beneficiary is deemed to consist of such items and (2) such items would, without regard to the convention, be includible in his gross income.

(b) *Amounts otherwise includible in gross income of beneficiary.* For the determination of amounts which, without regard to the convention, are includible in the gross income of the beneficiary, see subchapter J of chapter 1 of the Internal Revenue Code of 1954, and the regulations thereunder.

§ 510.120 *Norwegian partnerships*—(a) *General.* Whether an individual, corporation, or other entity, a member of a partnership created or organized in Norway or under Norwegian laws, is subject to United States tax upon such person's distributive share of the income of such partnership depends upon both the status of the partnership and the status of such member.

(b) *Citizen partner.* A citizen or resident of the United States, or a domestic corporation, is subject to United States tax upon such person's distributive share of the income of such partnership as though the convention had not come into effect, but subject to the provisions of § 510.116; even though other members, by reason of benefits granted by the convention, are not subject to United States tax upon their distributive share of such income.

(c) *Noncitizen partner.* In any case in which income is derived from sources within the United States by a partnership created in Norway or under Norwegian laws, any member of such partnership who has a permanent establishment in the United States or who is either a nonresident alien not a resident of Norway or is a foreign corporation which is not Norwegian is not entitled, with respect to such member's distributive share of such income, to any benefit granted by the convention solely to nonresident aliens residing in Norway, or to Norwegian corporations or other entities, having no permanent establishment in the United States. Conversely, any member of such partnership who individually complies with the requirements for obtaining any such benefit will be entitled thereto with respect to such member's distributive share of such income. A member of a Norwegian partnership which has a permanent establishment in the United States shall likewise be considered to have a permanent establishment in the United States.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: October 6, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55–8232; Filed, Oct. 11, 1955; 8:48 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 516—RECORDS TO BE KEPT BY EMPLOYERS

MISCELLANEOUS AMENDMENTS

On August 6, 1955, notice was published in the FEDERAL REGISTER (20 F. R. 5701), of a proposal to amend §§ 516.5 (a) (2) (iv) and 516.18 (a) (2) of Part 516, issued pursuant to section 11 (c) of the Fair Labor Standards Act. Interested persons were given 30 days in which to submit their views and comments relative to the proposed amendment. No objections have been received, but cognizance is hereinafter taken of suggestions for clarification.

Accordingly, pursuant to authority contained in section 11 (c) of the Fair Labor Standards Act of 1938, as amended, (29 U. S. C. 201 et seq.) and General Order No. 45–A (15 F. R. 3290), I hereby amend §§ 516.5 (a) (2) (iv) and 516.18 (a) (2) of this part to read as follows:

Section 516.5 (a) (2) (iv) is amended to read:

(iv) Written agreements or memoranda summarizing the terms of oral agreements or understandings under section 7 (f) of the Act, and

Section 516.18 (a) (2) is amended to read:

(2) A copy of the written agreement or, if there is no such agreement, a memorandum summarizing the terms of the oral agreement or understanding to use this method of computation. If the employee is part of a group, all of whom have agreed to use this method of computation, a single memorandum will suffice.

These amendments shall become effective on the 14th day of November 1955.

(Sec. 11, 52 Stat. 1066, as amended; 29 U. S. C. 211)

Signed at Washington, D. C., this 6th day of October 1955.

NEWELL BROWN,
Administrator, Wage and Hour Division, United States Department of Labor.

[F. R. Doc. 55–8265; Filed, Oct. 11, 1955; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

BURIAL EXPENSES

Sections 536.51 through 536.57 are revoked and the following substituted therefor:

§ 536.51 *Categories of eligibles.* (a) Members of the United States Army and the reserve components thereof who die while on extended active duty.

(b) Members of the Army Reserve, members of the federally recognized National Guard (in respect of duty for which they are entitled by law to receive pay from the Federal Government), and members of the National Guard of the United States, who die while:

(1) On active duty for training or while performing authorized travel to or from such service.

(2) On inactive duty training pursuant to proper authority.

(3) Hospitalized or undergoing treatment at Government expense, as authorized by law, for injuries, illness, or disease contracted or incurred while on active duty for training or performing authorized travel thereto or therefrom, or while on inactive duty training pursuant to proper authority.

(c) Members of the Reserve Officers' Training Corps of the Army, who die while:

(1) Attending training camps pursuant to proper authority, or while performing authorized travel to or from such camps.

(2) Hospitalized or undergoing treatment at Government expense, as authorized by law, for injury, illness, or disease contracted or incurred while attending such camps or while on such authorized travel.

(d) Accepted applicants for enlistment in the Army.

(e) Former enlisted members of the Army who will have been discharged in United States Government hospitals and who continue as patients in such hospitals to the date of their death.

(f) Retired members of the Army, and the reserve components thereof, hospitalized during periods of extended active duty, who continue as patients in United States Government hospitals to the date of their death.

(g) Military prisoners (defined as persons, other than prisoners of war or internees, in custody or in confinement within military jurisdiction) who die (or are executed) while in the custody of the Army.

(h) The following civilian employees paid from appropriate funds of the Army and/or the Department of the Army:

(1) *Citizen employees.* As used in this section "United States citizens" include citizens of the United States of America, its Territories and possessions.

(i) An employee who is a United States citizen who, while traveling on official business in the Territory or country of his domicile, dies away from his home and away from his official station.

(ii) An employee who is a United States citizen who dies while traveling on official business outside the country or Territory of his domicile.

(iii) An employee who is a United States citizen who dies while on assignment to a post outside the country or Territory of his domicile, or who dies while performing authorized travel to or from such assignment.

(iv) Foreign nationals: An employee who is a foreign national who dies while on assignment to a post outside the country of his domicile or while en route to or from such assignment, provided the employee would be entitled to travel to his home at Army expense upon termination of his employment.

(i) Enemy prisoners of war and interned enemy aliens who die while in the custody of the United States Army.

(j) Indigent patients who die in hospitals maintained and operated by the Army, and persons who die on Army reservations, provided proper disposition of such remains cannot otherwise be made.

(k) Dependents of members of the Army on active duty, when the dependent dies abroad while residing with the sponsoring member of the Army at a place of duty outside continental United States, or while on authorized travel to or from such place of duty abroad.

(l) Dependents of civilian employees enumerated in paragraph (h) (1) (iii) of this section, when the dependent dies abroad while residing with the sponsoring employee at his place of duty or while traveling to or from such place of duty.

§ 536.52 *Authorized expenses*—(a) *For personnel described in paragraphs (a) through (g) of § 536.51.* (1) Recovery and identification of remains.

(2) Items of care and preparation.

(i) Notification to the next of kin or other appropriate person.

(ii) Embalming and other preservative measures.

(iii) Hearse for removing remains from the place of death to a funeral director's establishment and for delivery of remains to a local cemetery or to a railroad station.

(iv) Funeral director's services.

(v) Casket (or suitable receptacle for cremation purposes) and/or urn, with outside box when required.

(vi) Burial and shipping permits.

(3) Cremation upon request of the person recognized as the one to direct disposition of remains.

(4) Clothing. (i) The clothing of the deceased will be used to clothe the remains, if available and in a clean and serviceable condition.

(ii) Necessary clothing will be provided when decedent's own is not available or is not suitable for use.

(5) An interment flag to drape the casket and to be presented to the person recognized as the one to direct disposition of remains, except that a flag will not be authorized in the case of a prisoner whose sentence includes a discharge other than honorable or in case of nonmilitary persons.

(6) Transportation. (i) Necessary transportation is authorized to ship the remains (accompanied by an escort of one person) to any town or city, in either the United States or its possessions or in a foreign country, designated by the person directing disposition of remains, or to a national or post cemetery, either prior to or after temporary interment.

(ii) If the destination designated is a common carrier terminal, common carrier transportation will be used for the entire distance. If the destination designated is not a common carrier terminal, common carrier transportation will be used from the place of death to the common carrier terminal nearest the destination and hearse transportation may be used from the common carrier terminal nearest the destination to the destination.

(iii) For method of shipment and by whom determined, see § 633.6 of this chapter.

(7) Services incident to interment.

(i) When interment is made in a private cemetery—an allowance not to exceed $125.

(ii) When interment is made in a national or post cemetery—an allowance not to exceed $75.

(b) *For civilian employees described in § 536.51 (h) (1) (i).* (1) Preparation of remains, at a cost not to exceed $150, including embalming, cremation if requested by the person recognized as the one to direct disposition of remains, clothing, and casket.

(2) Transportation.

(i) Hearse service, including removal of remains from place where death occurred to a funeral director's establishment, removal from funeral director's establishment to a common carrier, and one removal at the place of interment from the common carrier to a funeral

director's establishment or other place of immediate delivery.

(ii) Procurement of burial and shipping permits.

(iii) Furnishing of outside box for shipment (including, when necessary, the sealing of such shipping case). No allowance for outside case will be made if conveyance is by hearse.

(iv) Shipment of remains by common carrier to the home or official station of the decedent or to such other place as may be designated as the appropriate place of interment, provided that in no case will the cost incurred by the Army for transportation of the remains to the place designated exceed the cost which would have been incurred had the remains been transported to the home or the official station of the decedent, whichever is the greater distance. Transportation expenses of an escort for the remains will not be allowed; however, this will not be construed to prohibit the use by an escort of one of the two tickets required to ship the remains as baggage by railroad when that mode of transportation is utilized. Instead of conveyance by common carrier, removal of remains overland by hearse (including ferry charges, bridge tolls, and similar items) may be allowed provided the total charges for transportation do not exceed the total cost of transportation had conveyance been made by common carrier.

(c) *For civilian employees described in § 536.51 (h) (1) (ii) and (iii) and (2).* (1) Preparation of remains, including all the ordinary costs of:

(i) Embalming.

(ii) Cremation, if requested by the person recognized as the one to direct disposition of remains.

(iii) Necessary clothing.

(iv) Casket or container suitable for shipment to the place of interment.

(v) Any expenses necessarily incurred in complying with local laws and laws at the port of entry relative to the preparation of remains for transportation and burial.

(2) Transportation. (i) Hearse service, including removal of remains from the place where death occurred to a funeral director's establishment, removal from the funeral director's establishment to a common carrier, and one removal at the place of interment from the common carrier.

(ii) Shipment of remains by common carrier to the home or official station of the decedent, or to such other place as may be designated as the appropriate place of interment, provided that in no case will the cost incurred by the Army for transportation of the remains to the place designated exceed the cost which would have been incurred had the remains been transported to the home or official station of the decedent, whichever is the greater distance. Transportation expenses of an escort for the remains will not be allowed; however, this will not be construed to prohibit the use by an escort of one of the two tickets required to ship the remains as baggage by railroad when that mode of transportation is utilized. The remains may be transported by means other than by common carrier, provided that when conveyance by common carrier is available there will be allowed toward the expense of such other transportation an amount not in excess of the sum allowable had the remains been transported by common carrier.

(d) *For enemy prisoners of war and interned enemy aliens.* (1) Notification to the next of kin or other appropriate person.

(2) Preparation of the remains for burial, including cremation.

(3) Casket and/or urn, with outside box when required.

(4) Necessary articles of clothing.

(5) Transportation of remains by the most economical means to the town, city, or cemetery designated by The Quartermaster General.

(6) Interment of the remains at a cost not to exceed $125.

(e) *For indigent patients and other persons described in § 536.51 (j).*

(1) Notification to next of kin or other appropriate person.

(2) Preparation of remains for burial, including cremation.

(3) Casket and/or urn, with outside box when required.

(4) Necesary articles of clothing.

(5) Transportation of remains, by the most economical means, to a cemetery designated by The Quartermaster General.

(6) Interment of the remains at a cost not to exceed $125.

(f) *For dependents of members of the Army and civilian employees of the Army.* Transportation from the place of death to the home (or to such other place as may be designated as the appropriate place of interment) in accordance with the procedures and limitations set forth in pertinent Army regulations.

• § 536.53 *Disposition of remains.* (a) The general policy is that disposition of remains will be effected immediately in accordance with the wishes of the person recognized as having the right to direct disposition of the remains.

(b) If temporary disposition is required because of local health laws or inability to contact the person recognized as having the right to direct disposition of the remains, disposition of remains of Army personnel will be made in accordance with instructions in pertinent Army regulations. When final disposition may be effected, such disposition will be in accordance with the wishes of the person recognized as having the right to direct disposition of the remains.

(c) If disposition of remains is made at Government expense in accordance with the expressed wishes of the person having the right to direct disposition, subsequent disinterment or shipment of the remains will not be made at Government expense.

(d) If the person recognized to direct disposition insists that the Army dispose of the remains, the only disposition which will be effected is burial in a national cemetery.

§ 536.54 *Reimbursement of expenses borne by individuals.* (a) When expenses for personnel enumerated in § 536.51 (a) through (h) are borne by individuals, reimbursement may be made to such individuals in an amount not in excess of the cost normally incurred in furnishing such supplies and services as are authorized.

(b) In the case of civilian employees enumerated in § 536.51 (h) (1) (i), applicable limitation is contained in § 536.52 (b). For all other personnel enumerated in § 536.51 (a) through (h), if at the time and place of death a Contract for Care of Remains was in force, the amount to be allowed for items normally obtained under such contract will be limited to the sum that such contract would have allowed for a similar case. However, if no such contract was in effect at the time and place of death, determination of the amount to be allowed will be made by The Quartermaster General. It is not compulsory for relatives to utilize the services of the contract funeral director where a contract is in effect, but the Department of the Army may allow for reimbursement on the items covered by the contract only the amount the Department would have paid thereunder for such items.

§ 536.55 *Cremation*—(a) *When remains may be cremated.* Remains may be cremated only upon written request of the person recognized as the one to direct the disposition of remains.

(1) Remains will not be cremated when there is any doubt whatever as to what person may have the ultimate legal right to direct disposition.

(2) Even when the cause of death or the condition of remains precludes shipment of the body in accordance with the wishes of the person recognized as having the right to direct disposition of remains, cremation will be effected only with the consent of such person.

(3) Under no circumstances will cremation be suggested by Army authorities as an expedient in effecting disposition of remains, and every effort will be made to discourage such suggestion by a funeral director.

(4) Because of custom or religious tenets, cremation is to certain peoples the accepted mode of disposal of remains; therefore, there is no objection to informing relatives of decedents of oriental ancestry that cremation may be effected upon written request of the person recognized as the one to direct disposition of the remains.

(b) *Where remains may be cremated.* When cremation is requested, Army authorities will arrange for cremation prior to delivery to ultimate destination provided facilities are available at or in the immediate vicinity of the place of death or at a port of entry or an armed forces command through which remains normally will be shipped. If facilities for cremation are not available at the place of death (or at an installation or command through which remains will normally be shipped), the person directing disposition of remains will be so informed and advised of costs which may be allowed if relatives arrange for cremation at destination.

(c) *Costs.* (1) The cost of cremation, including the cost of a suitable urn if no casket was furnished for shipment of remains to final destination, and any costs necessary to transport the remains to a local crematory are expenses allowable in addition to the costs of normal preparation, shipment, and allowance toward interment. If cremation is arranged for by military authorities, cost of cremating will not exceed the prevailing rate in the locality in which cremation is effected, and the cost of a suitable urn normally should not exceed $100.

(2) If cremation is arranged for by relatives, reimbursement of allowable costs incurred may be obtained; however, claim must be accompanied by authorization for cremation signed by the person recognized as the one to direct disposition of remains. The amount allowed for cremation will be in accordance with the prevailing charge in the locality in which remains were cremated. Allowance for a suitable urn normally will not exceed $100; however, no allowance will be made for an urn when the casket in which remains were shipped to final destination has been provided at Army expense. When relatives have purchased both a casket and an urn, allowance may be made for either the casket or the urn but not for both.

[AR 638-40 and AR 638-45, 17 August 1955] (R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 1, 54 Stat. 743, 68 Stat. 478, 5 U. S. C. 103a, 5 U S. C. Sup. 2151-2163. E. O. 8557, 5 F. R. 3888; 3 CFR 1940 Supp., as amended by E. O. 10209, 16 F. R. 1001; 3 CFR, 1951 Supp.)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-8248; Filed, Oct. 11, 1955; 8:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

CHUCKATUCK CREEK, VA.

Pursuant to the provisions of section 4 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 governing the operation of drawbridges where constant attendance of draw tenders is not required over navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, is hereby amended prescribing subparagraph (f) (13-a), to govern the operation of the Virginia Department of Highways bridge across Chuckatuck Creek, Virginia, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(f) *Waterways discharging into Chesapeake Bay.* • • •

(13-a) Chuckatuck Creek, Va.; Virginia Department of Highways bridge at Crittenden. Between 9:00 p. m. and 5:00 a. m., at least 30 minutes' advance notice required to be given to the person in charge of the Nansemond River Bridge Toll Plaza. Between 5:00 a. m. and 9:00 p. m., the regulations contained in § 203.240 shall govern the operation of this bridge.

• • • • • •

[Regs., 22 Sep. 1955, 823.01 (Chuckatuck Creek, Va.)—ENGWO] (Sec. 4, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-8247; Filed, Oct. 11, 1955; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1235]

[Misc. 62646]

FLORIDA

RESERVING CERTAIN PUBLIC LANDS AS ADDITION TO NATIONAL KEY DEER REFUGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Monroe County, Florida, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved under jurisdiction of the Department of the Interior as an addition to the National Key Deer Refuge:

TALLAHASSEE MERIDIAN

T. 66 S., R. 28 E.,
Sec. 23, lots 4 and 10.
T. 66 S., R. 28 E.,
Sec. 8, lot 2;
Sec. 18, lot 4;
Sec. 20, lot 8.

The areas described aggregate 70.97 acres.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

OCTOBER 6, 1955.

[F. R. Doc. 55-8250; Filed, Oct. 11, 1955; 8:52 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 109—FEDERAL ASSISTANCE UNDER TITLE IV, SINCE JULY 1, 1955, IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Part 109 is added to 45 CFR, Subtitle B, Chapter I, and, among other things, establishes regulations for the filing and processing of applications for Federal grants for school construction under Title IV of Public Law 815, 81st Congress (64 Stat. 967), as added by Public Law 246, 83d Congress (67 Stat. 522), and as extended and amended by Public Law 382, 84th Congress (69 Stat. 713); establishes a cutoff date for filing such applications; and provides for priority indices to establish the order of approval of such applications and of making payments from funds available on the cutoff date.

Part 109 reads as follows:

Subpart A—Filing and Processing of Complete Applications

Sec.
109.1 Definitions.
109.2 Procedure if funds are inadequate to make all payments.
109.3 Determination of priority indices for applications under Section 401.
109.4 Determination of available and usable school facilities.
109.5 Certification of payments.
109.6 Priority and approval of applications; conditioned upon readiness to proceed with construction.
109.10 Preceding provisions not exhaustive of jurisdiction of the Commissioner.

Subpart B—Establishment of Deadline for Filing Applications

Sec.
109.20 Deadline for applications during fiscal year 1956.

AUTHORITY: §§ 109.1 to 109.20 issued under sec. 208, 64 Stat. 975; 20 U. S. C. 278. Interpret or apply sec. 210, 64 Stat. 976; secs. 1, 2, 67 Stat. 522, sec. 6, 69 Stat. 713; 20 U. S. C. 280.311.

SUBPART A—FILING AND PROCESSING OF COMPLETE APPLICATIONS

§ 109.1 *Definitions.* All terms used in this part which are defined in Public Law 815, 81st Congress (64 Stat. 967), as added by Public Law 246, 83d Congress (67 Stat. 522), and as amended by Public Law 731, 83d Congress (68 Stat. 1005), and Public Law 382 (69 Stat. 713), and not defined in this section shall have the meaning given to them in Public Law 815 as amended. As used in this part, for purposes of this part and determinations under the Act as hereinafter defined, the following terms shall have the meaning indicated in paragraphs (a) to (q) of this section:

(a) *Act.* "The Act" means title IV of Public Law 815, 81st Congress (64 Stat. 967), as added by Public Law 246, 83d Congress (67 Stat. 522), and as extended and amended by Public Law 382 (69 Stat. 713), and such provisions of titles I and II of Public Law 815 as are made applicable to title IV by Public Law 246.

(b) *Title IV.* "Title IV" means title IV of Public Law 815, 81st Congress, as added by Public Law 246, 83d Congress, extended and amended by Public Law 382, 84th Congress, and such provisions of titles I and II of Public Law 815 as are made applicable to it by Public Law 246.

(c) *Commissioner.* "Commissioner" means the Commissioner of Education, Department of Health, Education, and Welfare or his delegatee.

(d) *Local educational agency.* "Local educational agency" means a board of education or other legally constituted local school authority (including, where applicable, a State agency which directly operates and maintains facilities for providing free public education) having exclusive administrative control and direction of free public education, or some phase thereof, in a county, township, independent, or other school district located within a State. If the local

educational agency so defined does not have responsibility for providing school facilities and such responsibility is vested in a State agency, the term shall include such State agency together with the agency having exclusive administrative control and direction of other phases of free public education.

(e) *Free public education.* "Free public education" means education which is provided at public expense, under public supervision and direction, and which is provided as elementary or secondary school education in the applicable State. Elementary education may include kindergarten education meeting the above criteria for the first year prior to the first elementary grade.

(f) *Applicant.* An "Applicant" is a local educational agency which has filed a complete application for assistance in school construction under the act and this part.

(g) *Complete application.* Where an applicant submits only one project by a filing date, the "complete application" at that time consists of both Part I (Maximum Grant) and Part II (Project) of the application Form RSF–2 prescribed by the Commissioner for use under this act, properly completed and executed, together with all documents, amendments, and communications in support thereof. Where applicant submits more than one project by a filing date, the Part I form and all Part II forms, properly executed and completed, together with all documents, amendments, and communications in support thereof on file at that time, shall be considered as the "complete application." Where more than one Part II application is submitted by an applicant, the applicant shall indicate the order in which its project applications are to be considered by the Commissioner. Only applications meeting the conditions for approval under title IV and this part shall be considered complete applications under title IV.

(h) *Project application.* "Project application" means Form RSF–2, Part II, properly completed and executed, making application for Federal assistance for providing school facilities under title IV.

(i) *Filing of applications.* An application will not be deemed to be "filed" unless all necessary parts of the complete application, bearing the required certifications and verifications by the State educational agency, are received by the Commissioner, or enclosed in a cover addressed to the Commissioner and postmarked, on or before the applicable filing date as established by Subpart B of this part.

(j) *Minimum school facilities.* "Minimum school facilities" means those instructional and auxiliary rooms (and initial equipment), exclusive of single purpose auditoriums, single purpose gymnasiums and any built-in spectator space, necessary to operate a program of free public education for the school members of the applicant at normal capacity in accordance with the laws and customs of the State.

(k) *Available and usable school facilities.* "Available and usable school facilities" means those facilities containing pupil stations counted in ascertaining children who are "unhoused" or "without minimum school facilities."

(l) *Normal capacity.* The "normal capacity" of a school room is the number of pupil stations which the room accommodates under ordinary conditions in accordance with the laws and customs of the State governing free public education, provided that where kindergartens may be conducted on a two-session-per-day basis the number of pupil stations of the rooms used for that purpose shall be doubled in determining kindergarten needs.

(m) *Children who are unhoused or without minimum school facilities.* Children who are "unhoused" or "without minimum school facilities" are those children in excess of the normal capacity of available and usable minimum school facilities.

(n) *Membership.* Unless governed by State law or State regulation, a pupil is a "member" of a class or school from the date he presents himself at school and is placed on the current roll until he permanently leaves the class or school for one of the causes recognized as sufficient by the State. The date of permanent withdrawal should be the date on which it is officially known that the pupil has left school, and not necessarily the first day after the date of last attendance.

(o) *Average daily membership.* In a given school year, the "average daily membership" for a given school is the aggregate days of membership of individual children in the school divided by the number of days school was actually in session. Only days on which pupils were under the guidance and direction of teachers in the teaching process may be considered as days in session. The average daily membership for groups of schools having varying lengths of terms is the sum of the average daily memberships obtained for the individual schools.

(p) *Priority indices.* The "priority indices" are the indices established pursuant to this part based on relative urgency of need for the purpose of determining, under title IV, the order of approval of applications and the order of payments.

(q) *Substantial percentage.* An application will not be considered to meet the "substantial percentage" requirement under section 401 (a) (1) of title IV which does not show that the total number of children who reside on Federal property (for whom the applicant is providing or, upon completion of the school facilities for which provision is made in section 401 (a), will provide free public education, and whose membership in the schools of such applicant has not formed and will not form the basis for payments under title II or title III of Public Law 815, as amended) is in excess of 15 and represents at least 10 percent of the total number of children for whom the applicant is providing free public education.

§ 109.2 *Procedure if funds are inadequate to make all payments.* Section 401 (c), title IV, reads in part as follows:

In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications and the nature and extent of the Federal responsibility.

§ 109.3 *Determination of priority indices for applications under section 401.* When the Commissioner has set a date by which complete applications must be filed, the priority indices for approval of such applications shall be determined as follows:

(a) A priority index will be determined for the first construction project for each applicant under section 401 by adding (1) the percentage that the estimated membership of the eligible federally connected children of the school district is of the total estimated membership of all children of such school district at the close of the regular school year 1955–56 to (2) the percentage of the estimated school membership within the school district which at the same time is without minimum school facilities: *Provided*, That in no case shall the total of the two percentages used in determining the priority index exceed twice the percentage in subparagraph (1) of this paragraph.

(b) In those cases where an applicant has filed more than one project application, the priority index for the second project will be determined by: (1) Dividing the normal capacity of the first project by the total estimated membership at the close of the regular school year 1955–56; and (2) reducing the applicant's priority index by twice the percentage so obtained. Where more than two project applications have been filed, the applicant's priority index for each succeeding project shall be reduced by the cumulative total capacity, as provided in the first sentence of this paragraph, of all the approved projects of the applicant.

§ 109.4 *Determination of available and usable school facilities.* The following school facilities shall be counted as usable and available in determining "unhoused children" or "children without school facilities":

(a) All school facilities which were constructed for school use and which have been used continuously for classroom purposes shall be considered as available and usable unless such facilities have become unsafe or otherwise unusable to the extent that use of such facilities or partial use of such facilities has been abandoned or must be abandoned during the fiscal year in which the application is approved. Basement rooms, hallways, or other space the use of which for classroom purposes, in view of their character, inaccessibility, or other equally cogent reason, seriously prejudices educational objectives or has impaired or will impair the health or safety of the school children, will not be considered to be available and usable. These criteria shall apply to all facilities owned by other Federal agencies which are available or which may be made available for the education of children counted by applicants.

(b) All school facilities for the construction of which contracts have been let on or before any final date for filing applications shall be considered to be available and usable for the purpose of the applications filed on such date; and all school facilities which have been approved under title II, title III, or title IV of Public Law 815 shall be considered as available and usable as of the date of approval.

(c) All minimum school facilities which with full utilization of practically available financial resources could be provided from local, State, or other Federal sources shall be considered as available and usable in making determinations under title IV. The capacity of school facilities which could be so provided shall be determined by dividing the sum of such resources by the cost per pupil of providing minimum school facilities in the applicant's school district.

§ 109.5 *Certification of payments.* Payments to an applicant will be made only on the basis of a complete application satisfying conditions for payment under the act and this part, and will be restricted in amount to the cost of providing minimum school facilities for unhoused children; however: Payments under title IV shall not exceed the portion of the cost of minimum school facilities which the Commissioner estimates is attributable to children who reside on Federal property, and which has not been, and is not to be, recovered by the applicant from other sources, including payments by the United States under any other provisions of Public Law 815, 81st Congress, as amended, or any other law; and such payments may be upon such terms and in such amounts, subject to the provisions of title IV, as the Commissioner may consider to be in the public interest.

§ 109.6 *Priority and approval of applications; conditioned upon readiness to proceed with construction.* Initial approval of a project application meeting the conditions for approval under the act and under this part will be subject to cancellation in the event the applicant is not ready to proceed with construction within 90 days after the date of initial approval, unless such period is extended by the Commissioner for good cause shown; and the applicant's rights to approval and payment may be subordinated by reason thereof to other project applications of lower rank or the applicant may forfeit its priority in the discretion of the Commissioner.

§ 109.7 *Preceding provisions not exhaustive of jurisdiction of the Commissioner.* No provision of this part now or hereafter promulgated shall be deemed exhaustive of the jurisdiction of the Commissioner under the act. The provisions of this part may be modified or further regulations may be issued hereafter as circumstances may warrant.

SUBPART B—ESTABLISHMENT OF DEADLINE FOR FILING APPLICATIONS

§ 109.20 *Deadline for applications during fiscal year 1956.* Pursuant to section 401 (c) of title IV, February 15, 1956, is fixed as the date on or before which all complete applications for payments to which applicants may be entitled under title IV from funds then available shall be filed.

Dated: October 2, 1955.

[SEAL] S. M. BROWNELL,
United States Commissioner of Education.

Approved: October 6, 1955.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 55–8267; Filed, Oct. 11, 1955; 8:55 a. m.]

PART 110—FEDERAL ASSISTANCE IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES UNDER TITLE III IN AREAS AFFECTED BY FEDERAL ACTIVITIES WITH RESPECT TO APPLICATIONS FILED AFTER JULY 15, 1955

Part 110 is added to 45 CFR, Subtitle B, Chapter I, and, among other things, establishes regulations for the filing and processing of applications for Federal Grants for school construction under title III of Public Law 815, 81st Congress (64 Stat. 967), as added by Public Law 246, 83d Congress (67 Stat. 522), and as amended by Public Law 731, 83d Congress (68 Stat. 1005), and by Public Law 382, 84th Congress (69 Stat. 713); establishes regulations for a new method of determining available facilities; establishes a second cutoff date for filing applications with respect to funds available during fiscal year 1956; and provides for priority indices to establish the order of approval of applications and of making payments from funds available on a cutoff date.

Part 110 reads as follows:

Subpart A—Filing and Processing of Complete Applications

Sec.
110.1 Definitions.
110.2 Procedure if funds are inadequate to make all payments.
110.3 Determination of priority indices for applications under section 305.
110.4 Determination of available and usable school facilities.
110.5 Criteria for waiver under section 305 (e), title III of the act.
110.6 School facilities for children whose membership is of temporary duration only.
110.7 Certification of payments.
110.8 Additional payments under section 308 of the act.
110.9 Priority and approval of applications; conditioned upon readiness to proceed with construction.
110.10 Preceding provisions not exhaustive of jurisdiction of the Commissioner.

Subpart B—Establishment of Deadlines for Filing Applications

110.20 Second deadline for applications with respect to funds available during fiscal year 1956.

AUTHORITY: §§ 110.1 to 110.20 issued under sec. 205, 64 Stat. 975; 20 U. S. C. 278. Interpret or apply secs. 210, 301–311, 64 Stat. 975, secs. 1, 2, 67 Stat. 522, secs. 1–8, 68 Stat. 1005, secs. 4, 5, 7, 69 Stat. 713; 20 U. S. C. 273, 280, 291–301.

SUBPART A—FILING AND PROCESSING OF COMPLETE APPLICATIONS

§ 110.1 *Definitions.* All terms used in this part which are defined in Public Law 815, 81st Congress (64 Stat. 967), as added by Public Law 246, 83d Congress (67 Stat. 522), and as amended by Public Law 731, 83d Congress (68 Stat. 1005), and Public Law 382, 84th Congress (69 Stat. 713), and not defined in this section shall have the meaning given to them in Public Law 815 as amended. As used in this part, for purposes of this part and determinations under the act as hereinafter defined, the following terms shall have the meaning indicated in paragraphs (a) to (q) of this section:

(a) *Act.* "The act" means title III of Public Law 815, 81st Congress (64 Stat. 967), as added by Public Law 246, 83d Congress (67 Stat. 522), and as amended by Public Law 731, 83d Congress (68 Stat. 1005) and Public Law 382, 84th Congress (69 Stat. 713), and such provisions, of titles I and II of Public Law 815, as amended, as are made applicable to title III by Public Law 246, as amended.

(b) *Title III.* "Title III" means title III of Public Law 815, 81st Congress, as added by Public Law 246, 83d Congress, and as amended by Public Law 731, 83d Congress, and Public Law 382, 84th Congress, and such provisions of titles I and II of Public Law 815, as amended, as are made applicable to it by Public Law 246, as amended.

(c) *Commissioner.* "Commissioner" means the Commissioner of Education, Department of Health, Education, and Welfare or his delegatee.

(d) *Local educational agency.* "Local educational agency" means a board of education or other legally constituted local school authority (including, where applicable, a State agency which directly operates and maintains facilities for providing free public education) having exclusive administrative control and direction of free public education, or some phase thereof, in a county, township, independent, or other school district located within a State. If the local educational agency so defined does not have responsibility for providing school facilities and such responsibility is vested in a State agency, the term shall include such State agency together with the agency having exclusive administrative control and direction of other phases of free public education.

(e) *Free public education.* "Free public education" means education which is provided at public expense, under public supervision and direction, and which is provided as elementary or secondary school education in the applicable State. Elementary education may include kindergarten education meeting the above criteria.

(f) *Applicant.* An "applicant" is a local educational agency which has filed a complete application for assistance in school construction under the act and this part.

(g) *Complete application.* Where an applicant submits only one project by a filing date, the "complete application" at that time consists of both Part I (Maximum Grant) and Part II (Project) of the application Form RSF–2 prescribed by the Commissioner for use un-

der this act, properly completed and executed, together with all documents, amendments, and communications in support thereof. Where applicant submits more than one project by a filing date, the Part I form and all Part II forms, properly executed and completed, together with all documents, amendments, and communications in support thereof on file at that time, shall be considered as the "complete application." Where more than one Part II application is submitted by an applicant, the applicant shall indicate the order in which its project applications are to be considered by the Commissioner. Only applications meeting the conditions for approval under title III (other than section 306 (b) (3)) and this part shall be considered complete applications under title III.

(h) *Project application.* "Project application" means Form RSF–2, Part II, properly completed and executed, making application for Federal assistance for constructing school facilities under title III.

(i) *Filing of applications.* An application will not be deemed to be "filed" unless all necessary parts of the complete application, bearing the required certifications and verifications by the State educational agency, are received by the Commissioner, or enclosed in a cover addressed to the Commissioner and postmarked, on or before the applicable filing date as may be established by Subpart B of this part.

(j) *Minimum school facilities.* "Minimum school facilities" means those instructional and auxiliary rooms (and initial equipment), exclusive of single purpose auditoriums, single purpose gymnasiums and any built-in spectator space, necessary to operate a program of free public education for the school members of the applicant at normal capacity in accordance with the laws and customs of the State.

(k) *Available and usable school facilities.* "Available and usable school facilities" means those facilities containing pupil stations counted in ascertaining children who are "unhoused" or "without minimum school facilities."

(l) *Normal capacity.* The "normal capacity" of a school room is the number of pupil stations which the room accommodates under ordinary conditions in accordance with the laws and customs of the State governing free public education, provided that where kindergartens may be conducted on a two-session-per-day basic the number of pupil stations of the rooms used for that purpose shall be doubled in determining kindergarten needs.

(m) *Children who are unhoused or without minimum school facilities.* Children who are "unhoused" or "without minimum school facilities" are those children in excess of the normal capacity of available and usable minimum school facilities.

(n) *Membership.* Unless governed by State law or State regulation, a pupil is a "member" of a class or school from the date he presents himself at school and is placed on the current roll until he permanently leaves the class or school for one of the causes recognized as sufficient by the State. The date of permanent withdrawal should be the date on which it is officially known that the pupil has left school, and not necessarily the first day after the date of last attendance.

(o) *Average daily membership.* In a given school year, the "average daily membership" for a given school is the aggregate days of membership of individual children in the school divided by the number of days school was actually in session. Only days on which pupils were under the guidance and direction of teachers in the teaching process may be considered as days in session. The average daily membership for groups of schools having varying lengths of terms is the sum of the average daily memberships obtained for the individual schools.

(p) *Membership of children of temporary duration only.* "Membership of children of temporary duration only" means the school membership of children whose residence in the school area the Commissioner determines probably will be for less than six years beyond the date of the approval of the complete applications and whose number is required to be excluded from computation of maximum payments under section 305.

(q) *Priority indices.* The "priority indices" are the indices established pursuant to this part based on relative urgency of need for the purpose of determining, under title III, the order of approval of applications, and the order of payments.

§ 110.2 *Procedure if funds are inadequate to make all payments.* Section 303, title III, reads in part as follows:

> The Commissioner shall from time to time set dates, the last of which shall not be later than June 30, 1956, by which applications for payments under this title with respect to construction projects must be filed. If the funds appropriated under this title and remaining available on any such date for payments to local educational agencies are less than the Federal share of the cost of the projects with respect to which applications have been filed prior to such date (and for which funds under this title have not already been obligated), the Commissioner shall by regulation prescribe an order of priority, based on relative urgency of need, for approval of such applications.

§ 110.3 *Determination of priority indices for applications under section 305.* When the Commissioner has set a date by which complete applications must be filed, the priority indices for approval of such applications shall be determined as follows:

(a) A priority index will be determined for the first construction project for each applicant under section 306 by adding (1) the percentage that the estimated membership of the eligible Federally-connected children in the school district (or in the approved attendance area) is of the total estimated membership of all children in such area at the close of the regular school year 1955–56 to (2) the percentage of the estimated school membership within the school district (or in the approved attendance area) which at the same time is without minimum school facilities: *Provided,* That in no case shall the total of the two percentages used in determining the priority index exceed twice the percentage in subparagraph (1) of this paragraph. No priority shall be established for any applicant having less than 20 unhoused children in the school district (or in the approved attendance area).

(b) In those cases where an applicant has filed more than one project application, the priority index for the second project will be determined by: (1) Dividing the normal capacity of the first project by the total estimated membership at the close of the regular school year 1955–56; and (2) reducing the applicant's priority index by twice the percentage so obtained. Where more than two project applications have been filed, the applicant's priority index for each succeeding project shall be reduced by the cumulative total capacity, as provided in the first sentence of this paragraph, of all the approved projects of the applicant.

(c) In those cases where the jurisdictional area of the applicant with respect to which the application is made comprises an extensive territory and the Federal activity is localized within the area served by one or more attendance centers, and the other attendance centers within the district are practically unavailable to meet the needs of the attendance areas affected by Federal activities, then, in such case, the percentages described in subparagraphs (1) and (2) of paragraph (a) of this section will be determined with respect to the "Federally affected attendance areas," and not with respect to the entire school district. (The conditions of this paragraph may be met only in large county unit school systems and, possibly, in other extensive districts having large housing projects constructed for defense workers or military personnel which have overburdened one or more attendance centers to such an extent that additional school facilities are required to house the children.)

§ 110.4 *Determination of available and usable school facilities.* The following school facilities shall be counted as usable and available in determining "unhoused children" or "children without school facilities":

(a) All school facilities which were constructed for school use and which have been used continuously for classroom purposes shall be considered as available and usable unless such facilities have become unsafe or otherwise unusable to the extent that use of such facilities or partial use of such facilities has been abandoned or must be abandoned during the fiscal year in which the application is approved. Basement rooms, hallways, or other space the use of which for classroom purposes, in view of their character, inaccessibility or other equally cogent reason, seriously prejudices educational objectives or has impaired or will impair the health or safety of the school children will not be considered to be available and usable. These criteria shall apply to all facilities owned by other Federal agencies which are available or which may be made available for the education of children counted by applicants.

(b) Effective December 1, 1954, section 5 (a) of P. L. 382, 84th Congress, amends section 304 (a) of title III of P. L. 815, as amended, to provide that the estimated number of children who will be in membership of the schools of a local educational agency at the close of the regular school year 1955–56, and who will otherwise be without minimum school facilities at such time "shall be determined by reference to those facilities which (1) are built or under contract as of the earliest date set by the Commissioner under section 303, on or before which the application for such project is filed, or (2) as of the date the application for such project is approved, are included in a project for which funds have been set aside under title II, or in a project the application for which has been approved under this title." Thus contracts for the construction of school facilities after any cut-off date on or before which the applicant filed an application shall not be counted as capacity available, with respect to such application regardless of the appropriation under which the applicant receives its approval and payment for such application. This change in subsection 304 (a) will apply to those applications with respect to which December 1, 1954, was the cut-off date, as well as to subsequent applications with respect to which later cut-off dates are established by the Commissioner under title III of P. L. 815, as amended.

§ 110.5 *Criteria for waiver under section 305 (e) of the act.* (a) The Commissioner's authority in section 305 (e) of the act to waive or reduce the percentage requirement or requirements in section 305 (c), to waive the requirement contained in the first sentence of subsection 305 (d) thereof, or to reduce the percentage specified in clause (2) of such sentence will not be exercised unless:

(1) The applicant meets all conditions of eligibility under title III or, on the basis of the authorized waiver or reduction of one or more of the requirements, would meet such conditions;

(2) The applicant specifically states the extent to which it desires the Commissioner to exercise his authority to waive or reduce one or more of such requirements and makes appropriate requests therefor, agreeing that, if such a request is granted in whole or in part, in computing maximum payment under title III only membership of children within the federally impacted attendance area shall be considered;

(3) The applicant has two or more attendance centers, and its jurisdictional area is county-wide or is sufficiently extensive as to be reasonably analogous to a county-wide school system;

(4) There has been an unusually large Federal impact from the close of the regular school year 1953–54 to the close of the regular school year 1955–56 in an attendance area affecting one or more attendance centers;

(5) It would not be practicable to transport students in the federally impacted attendance area to other available school facilities of the applicant because of distance, topography or other equally cogent reasons; and

(6) The Commissioner of Education determines that other exceptional circumstances exist which in his judgment require such waiver or reduction to avoid inequity and to avoid defeating the purposes of title III.

(b) If the Commissioner, on the basis of the minimum criteria above set forth, determines, under subsection 305 (e), to exercise his authority to waive or reduce one or more of the specified requirements:

(1) He shall determine which requirement or requirements he will waive, or reduce, and if the latter, the extent of such reduction;

(2) He shall determine the geographical area of the applicant which shall be considered as constituting the "federally impacted attendance area"; and

(3) The application otherwise will be processed under title III and this part, taking into consideration only the established "federally impacted attendance area" but in no case shall payments hereunder exceed the amounts computable on the basis of the district as a whole taking into consideration the waivers or reductions approved by the Commissioner.

§ 110.6 *School facilities for children whose membership is of temporary duration only.* (a) If the Commissioner determines that the membership of some of the children of the applicant, representing otherwise countable Federal increases under section 305 of the act, will be of temporary duration only, as defined in § 110.1 (p), the membership of such children will be excluded in computing maximum payments under section 305.

(b) The Commissioner, when proper request therefor is made in a Part I application, (1) may make available to such applicant such temporary school facilities as may be necessary to take care of the membership of such children as the Commissioner determines will be members of the applicant's school system for a sufficient period of time to justify the expense; or (2) he may, where the applicant gives assurance in a complete application that at least minimum school facilities will be provided for such children, pay (on such terms and conditions as he deems appropriate to carry out the purposes of title III) to such applicant for use in constructing school facilities an amount not greater than the amount which he estimates will be necessary to make available temporary facilities for such children, provided that the amount so paid shall not exceed the cost, in the school district of the applicant, of constructing minimum school facilities for such children. In no case will provision for such children be made unless they are deemed to be without minimum school facilities.

(c) Section 4 of P. L. 382 (amending sections 203 and 309 of P. L. 815) authorizes the transfer of temporary school facilities built and owned by the Federal Government pursuant to section 203 or 309 of P. L. 815 to the local educational agency concerned; and provides that "any such transfer shall be without charge, but may be made on such other terms and conditions, and at such time, as the Commissioner deems appropriate to carry out the purposes of" titles II and III. It will be the policy of the Commissioner to transfer such facilities in those cases where there is need on a continuing basis for such facilities for school purposes, and where the use of such facilities is not inconsistent with overall State plans for providing school facilities. Applications for such transfers shall contain or be supported by the assurances required under section 205 (b) (1) (B), (C) and (F).

§ 110.7 *Certification of payments.* Payments to an applicant will be made only on the basis of a complete application satisfying conditions for payment under the act and this part, and will be restricted in amount to the cost of providing minimum school facilities for unhoused children; however:

(a) Within the maximum otherwise payable under title III (except as provided in § 110.8), the Federal share of the cost of a title III project which will be certified for payment shall be equal to the cost but shall in no case exceed the cost in the school district of the applicant of constructing minimum school facilities and shall in no case exceed the cost in such district of constructing minimum school facilities for the estimated number of children who will be in the membership of the school of such applicant at the close of the regular school year 1955–56 and who will otherwise be unhoused.

(b) Nothing contained in the regulations in this part shall be deemed to bar an applicant under title III, with the approval of the State educational agency, from using for an approved project, in addition to the Federal grant, monies otherwise obtained to provide a higher type or larger or better implemented school facility. The applicant will be required to show in such cases that the added cost is being thus independently met.

§ 110.8 *Additional payments under section 308 of the act.* Pursuant to the authority vested in the Commissioner by section 308 of the act:

(a) Not to exceed 10 per centum of any amount appropriated under title III (exclusive of any sums appropriated for administration) is reserved and may be used by the Commissioner to make grants to applicants under title III when (1) the application would be approved under the title but for the applicant's inability, unless aided by such grant, to finance the non-Federal share of the cost of a project; or (2) after the approval of the application the project cannot, without such grant, be completed because of flood, fire or similar emergency affecting either the work on the project or the applicant's ability to finance the non-Federal share of the cost of the project.

(b) Under the authority of paragraph (a) (1) of this section, a complete application under title III (except an application with respect to which the Commissioner has waived or reduced eligibility requirements under section 305 (e) of the act and § 110.5) may be considered for payment of part or all of the non-Federal share of the cost of any project

which does not include more than minimum facilities for unhoused children, provided: (1) That the application contains a request for payment hereunder; (2) that the estimated number of children countable for payment under title III for the school year 1955–56 equals or exceeds the number obtained by taking 10 percent of the average daily membership of the applicant district for the school year 1953–54; (3) that the applicant has exhausted all fiscal resources, including State aid, bonding authority and Federal aid, which are practicably available to it and is unable to pay the non-Federal share of the cost of the project; (4) that it has been reached on the priority indices established by this part; and (5) that Federal monies reserved under paragraph (a) of this section are available. The additional payment to the applicant under this provision shall not exceed the non-Federal share of the cost of the project less all financial resources practicably available to the applicant; nor shall it exceed the difference between the average cost in the State of providing minimum school facilities for the federally connected pupils eligible for payment under the act, and the Federal funds made available to the school district under section 305 of the act.

(c) Under the authority of paragraph (a) (2) of this section, a request by the applicant may be considered for the additional payment of part or all of the funds required to complete a project (to the extent that the completed project will not provide more than minimum school facilities for unhoused children) for which a project application under title III has been approved, provided: (1) Federal monies reserved under paragraph (a) of this section are available; (2) the applicant cannot complete the project because of flood, fire or similar emergency affecting either the work on the project or the applicant's ability to finance the non-Federal share of the cost of the project; and (3) that the applicant has exhausted all financial resources practicably available to it, including State aid, bonding authority and Federal aid. The payment to be made under this paragraph shall not exceed the amount required to pay the additional cost caused by the emergency less any financial resources of the applicant practicably available for such purpose, including the proceeds of any insurance.

§ 110.9 *Priority and approval of applications; conditioned upon readiness to proceed with construction.* Initial approval of a project application meeting the conditions for approval under the act and under this part will be subject to cancellation in the event the applicant is not ready to proceed with construction within 90 days after the date of initial approval, unless such period is extended by the Commissioner for good cause shown; and the applicant's rights to approval and payment may be subordinated by reason thereof to other project applications of lower rank or the applicant may forfeit its priority in the discretion of the Commissioner.

§ 110.10 *Preceding provisions not exhaustive of jurisdiction of the Commissioner.* No provisions of this part now or hereafter promulgated shall be deemed exhaustive of the jurisdiction of the Commissioner under the act. The provisions of this part may be modified or further regulations may be issued hereafter as circumstances may warrant.

SUBPART B—ESTABLISHMENT OF DEADLINES FOR FILING APPLICATIONS

§ 110.20 *Second deadline for applications with respect to funds available during fiscal year 1956.*[1] Pursuant to section 303 of title III, December 1, 1955, is fixed as the date on or before which all complete applications for payments to which applicants may be entitled under title III from funds then available shall be filed. Complete applications heretofore filed in compliance with the act since June 30, 1954, and for which funds have not been reserved shall be considered as filed for the purposes of this section subject to the right of the applicant to modify or amend the same on or before December 1, 1955.

Dated: October 2, 1955.

[SEAL] S. M. BROWNELL,
United States Commissioner of Education.

Approved: October 6, 1955.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 55–8268; Filed, Oct. 11, 1955; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 31]

EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

NOTICE OF PROPOSED RULE MAKING

Pursuant to the Administrative Procedure Act, approved June 11, 1946, proposed regulations under sections 3401 (a), 6001, and 6051 of the Internal Revenue Code of 1954 were published in tentative form with a notice of proposed rule making in the FEDERAL REGISTER for March 30, 1955 (20 F. R. 1973). After consideration of all relevant matter presented by interested persons regarding the rules proposed, notice is hereby given that such proposed regulations are hereby withdrawn.

Further, notice is hereby given, pursuant to the Administrative Procedure Act, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, in substitution for the proposed regulations hereinbefore withdrawn. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 6051 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 747, 917; 26 U. S. C. 6051, 7805).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

The following regulations are hereby prescribed under sections 3401 (a), 6001, and 6051 of the Internal Revenue Code of 1954:

§ 31.3401 (a) *Statutory provisions; definitions; wages.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration (other than fees paid to a public official) for services performed by an employee for his employer, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include remuneration paid—• • •

§ 31.3401 (a)–1 *Wages.* • • •

(b) *Certain specific items.* • • •

(8) *Amounts paid under wage continuation plans*—• • •

(ii) *Amounts paid after December 31, 1955—(a) In general.* The term "wage continuation payment", as used in this subdivision, means any payment to an employee which is made after December 31, 1955, under a wage continuation plan (as defined in § 1.105–4 (a) of this chapter) for a period of absence from work on account of personal injuries or sickness, to the extent such payment is attributable to contributions made by the employer which were not includible in the employee's gross income or is paid by the employer. Any such payment, whether or not excluded from gross income under section 105 (d), constitutes "wages" (unless specifically excepted under any of the numbered paragraphs of section 3401 (a) or under section 3402 (e)) and withholding thereon is required except as provided in (*b*) and (*c*) of this subdivision.

(*b*) *Amounts paid by employer for whom services are performed.* Withholding is not required with respect to any or all employees upon the amount of any wage continuation payment made to an employee directly by the employer for whom he performs services to the extent that such payment is excludable from the gross income of the employee

[1] See § 108.21 of this chapter for first deadline date.

under section 105 (d), provided the records maintained by the employer—

(*1*) Separately show the amount of each such payment and the excludable portion thereof, and

(2) Establish the facts necessary to show that the employee is entitled, with respect to such amount, to the exclusion provided by section 105 (d), either by means of a written statement from the employee as to the injury, illness, or hospitalization, or by any other information which the employer reasonably believes to be accurate and which he is willing to accept for purposes of payments under the wage continuation plan.

For purposes of this section, computation of the amount excludable from the gross income of the employee under section 105 (d) shall be made on the basis of the wage continuation payments which are made directly by the employer for whom the employee performs services, without regard to any such payments made on behalf of the employer by a person who is regarded as an employer under section 3401 (d) (1) or made by any other employer.

(*c*) *Amounts paid by person other than the employer for whom services are performed.* No tax shall be withheld upon any wage continuation payment, whether or not such payment is excluded from gross income under section 105 (d), made to an employee by a person who is not the employer for whom the employee performs services but who is regarded as an employer under section 3401 (d) (1). For example, no tax shall be withheld with respect to accident or health benefits paid by an insurance company under an accident or health policy, by a separate trust under an accident or health plan, or by a State agency from a sickness and disability fund maintained under State law.

(*d*) *Cross references.* See sections 6001 and 6051 and the provisions thereunder in subpart G of the regulations in this part for rules with respect to the records which must be maintained in connection with wage continuation payments and for rules with respect to the statements which must be furnished an employee in connection with wage continuation payments, respectively. See also section 105 and the provisions thereunder in Part 1 of this chapter.

§ 31.6001 *Statutory provisions; notice or regulations requiring records, statements, and special returns.*

SEC. 6001. *Notice or regulations requiring records, statements, and special returns.* Every person liable for any tax imposed by this title, or for the collection thereof, shall keep such records, render such statements, make such returns, and comply with such rules and regulations as the Secretary or his delegate may from time to time prescribe. Whenever in the judgment of the Secretary or his delegate it is necessary, he may require any person, by notice served upon such person or by regulations, to make such returns, render such statements, or keep such records, as the Secretary or his delegate deems sufficient to show whether or not such person is liable for tax under this title.

§ 31.6001–5 *Additional records in connection with collection of income tax at source on wages.* (a) Every employer required under section 3402 to deduct and withhold income tax upon the wages of employees shall keep records of all remuneration paid to such employees. Such records shall show with respect to each employee—

• • • • •

(12) In the case of the employer for whom services are performed, with respect to payments made after December 31, 1955, under a wage continuation plan as defined in § 1.105–4 (a) of this chapter—

(i) The amount and date of each such payment to the extent that it was attributable to contributions made by the employer which were not includible in the employee's gross income or was paid directly by the employer (for rules relating to determination of amount attributable to employer contributions, see the provisions relating to section 105 (a) as set forth in Part 1 of this chapter);

(ii) The weekly rate of each such payment (for rules relating to determination of the weekly rate of payment, see the provisions relating to section 105 (d) as set forth in Part 1 of this chapter); and

(iii) The beginning and ending dates of each period of absence from work on account of which such payment was made.

Such records shall be maintained whether or not such payment is excludable from gross income under section 105 (d), and whether such payment is made directly by the employer or on his behalf by a person who is regarded as an employer under section 3401 (d) (1), but the employer is not required to maintain any records with respect to payments made on his behalf by a governmental agency from a sickness and disability fund maintained under the law of a State, Territory, or the District of Columbia.

§ 31.6051 *Statutory provisions; receipts for employees.*

SEC. 6051. *Receipts for employees*—(a) *Requirement.* Every person required to deduct and withhold from an employee a tax under section 3101 or 3402, or who would have been required to deduct and withhold a tax under section 3402 if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect of the remuneration paid by such person to such employee during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of remuneration is made, a written statement showing the following:

(1) The name of such person,

(2) The name of the employee (and his social security account number if wages as defined in section 3121 (a) have been paid),

(3) The total amount of wages as defined in section 3401 (a),

(4) The total amount deducted and withheld as tax under section 3402,

(5) The total amount of wages as defined in section 3121 (a), and

(6) The total amount deducted and withheld as tax under section 3101.

(b) *Special rule as to compensation of members of Armed Forces.* In the case of compensation paid for service as a member of the Armed Forces, the statement shall show, as wages paid during the calendar year, the amount of such compensation paid during the calendar year which is not excluded from gross income under chapter 1 (whether or not such compensation constituted wages as defined in section 3401 (a)); such statement to be furnished if any tax was withheld during the calendar year or if any of the compensation paid is includible under chapter 1 in gross income.

(c) *Additional requirements.* The statements required to be furnished pursuant to this section in respect of any remuneration shall be furnished at such other times, shall contain such other information, and shall be in such form as the Secretary or his delegate may by regulations prescribe.

(d) *Statements to constitute information returns.* A duplicate of any statement made pursuant to this section and in accordance with regulations prescribed by the Secretary or his delegate shall, when required by such regulations, be filed with the Secretary or his delegate.

§ 31.6051–1 *Statements for employees*—(a) *Requirement if wages are subject to withholding of income tax*—(1) *General rule.* • • •

(iii) (*a*) In the case of statements furnished by the employer for whom services are performed, with respect to wages paid after December 31, 1955, "the total amount of wages as defined in section 3401 (a)", as used in section 6051 (a) (3), shall include all payments made by and on behalf of such employer under a wage continuation plan which constitute wages in accordance with § 31.3401 (a)–1 (b) (8) (ii) (*a*). Such payments are included in wages even though they are not subject to withholding in accordance with § 31.3401 (a)–1 (b) (8) (ii) (*b*) or (*c*). However, any payments made on behalf of the employer by a governmental agency from a sickness and disability fund maintained under the law of a State, Territory, or the District of Columbia shall not be included.

(*b*) In the case of any such statement, the amount of any wages on which tax was not withheld in accordance with § 31.3401 (a)–1 (b) (8) (ii) (*b*) shall be shown separately on Form W–2, with proper identification and in such manner that it may be read on each copy of the form.

[F. R. Doc. 55–8271; Filed, Oct. 11, 1955; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11514; FCC 55–992]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing television broadcast stations; Docket No. 11514; FCC 55–992.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. On April 6, 1955, WJPB–TV, Inc., permittee of television Station WJPB–TV, Fairmont, West Virginia, filed a petition requesting rule making to amend the television Table of Assignments, contained in § 3.606 of the Commission's rules and regulations, so as to make Channel 5, presently assigned to Weston,

West Virginia, and reserved for non-commercial educational use, available for commercial applicants. A letter supplementing this petition was filed on May 27, 1955, by WJPB–TV, Inc. A letter in support of petitioner's proposal was filed by Fairmont State College on June 24, 1955. An Opposition to the instant petition was filed on May 25, 1955, by Salem College, Salem, West Virginia; and letters in opposition to the petition were filed by Congressman Cleveland M. Bailey, Third District, West Virginia; West Virginia's Research Center, Inc.; and West Virginia University, Morgantown, West Virginia.

3. In support of the requested amendment, petitioner submits that since Station WJPB–TV ceased operation on Channel 35 at Fairmont, a large number of persons in north central West Virginia are without adequate or even any television service; that Channel 12 at Clarksburg, West Virginia, is the only VHF assignment in the area; and that no application has been filed for Channel 5, reserved for non-commercial educational use at Weston, for a period of one year. Petitioner urges that a station on Channel 5 at Weston would serve a large area and population; that if the proposed amendment is adopted, WJPB–TV, Inc. will file an application for a station at Weston with auxiliary studios at Fairmont; and that in the event an application for the new station is granted to petitioner, a minimum of 25 percent of the total air time of the station will be offered, without charge, to West Virginia's Research Center, Inc., and all other educational groups in the area. In support of petitioner's proposal, Fairmont State College states that, while it agrees with the other educational institutions in the area that an educational station would be a fine thing, it lacks the funds for entering into such a venture, as well as the staff and means for carrying on extensive television programming. The College believes that in the event petitioner is permitted to construct a commercial station on Channel 5, Fairmont State College will be offered all the time it is presently equipped to use profitably.

4. The parties opposing the instant proposal urge that the request for rule making to delete the educational reservation at Weston is untimely and basically unfair to the educational interests in the central West Virginia area. They point out that the educational reservation at Weston has been available for application for only a year and that it has not been reserved long enough to justify its deletion. They assert that, as educational developments go, one year is an extremely short period and that considerably more time is needed to permit the educational institutions in this area to develop their educational television plans to the point where an application can be filed. They state that a continuing effort is being made to promote an educational station at Weston and that there is a growing interest for the establishment of such a station; but that because of the drastic economic conditions in West Virginia during the past year, it has not, as yet, been possible to secure the funds necessary to construct a station. It is urged that this condition is only temporary and that as economic conditions in the state improve, funds will become available for the establishment of an educational station. It is further urged that a reasonable chance should be given educational interests to establish a station on Channel 5 since there is a great need for educational television in the central West Virginia area, and Weston, which is located in the center of an area surrounded by seven educational institutions, is ideally suited for an educational station.

5. The Commission is of the view that rule-making proceedings should be instituted in this matter in order that all interested parties may submit their views and the Commission may have the benefit of such views prior to taking final action.

6. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 7, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: October 5, 1955.

Released: October 6, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–8221; Filed, Oct. 11, 1955; 8:45 a. m.]

[47 CFR Part 3]

[Docket No. 11515; FCC 55–993]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing television broadcast stations; Docket No. 11515; FCC 55–993.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on July 5, 1955, by John M. Lawrence III, individually and as trustee for W. C. Mitchell, Frank Seale, G. S. Parker, Brazos A. Varisco, and John M. Lawrence, all of Brazos County, Texas, requesting it to amend the Table of Assignments in § 3.606 of its rules and regulations, by removing the reservation for non-commercial educational use from Channel 3, presently assigned to College Station, Texas, and making it available for commercial use. Petitioner proposes that since Bryan and College Station are one unit for commercial purposes, Channel 3 be assigned jointly to both cities for commercial use, and that either Channel 48, assigned to College Station, or Channel 54, assigned to Bryan, be reserved for non-commercial educational use in place of Channel 3.

3. In support of the proposed amendment petitioner urges that there has been no application for Channel 3 in College Station and that there appears to be no prospect of an application for educational use within the foreseeable future. Petitioner notes that no local action was taken, or interest indicated, to have Channel 3 designated for non-commercial educational use at College Station when it was originally assigned. Petitioner submits that Bryan and College Station are rapidly developing cities in need of local television service; that the Bryan-College Station area receives outside VHF signals and is consequently equipped with VHF receivers; and that a commercial station located at Bryan-College Station should therefore be VHF. Petitioner represents that if Channel 3 is made available for commercial use, he will apply for a station.

4. The Commission is of the view that rule-making proceedings should be instituted in this matter in order that interested parties may submit their views, and that the Commission may be apprised of such views prior to taking further action.

5. Authority for the issuance of the instant Notice is contained in sections 4 (i), 301, 303 (c) (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested person who is of the view that the proposal herein should not be adopted may file with the Commission on or before November 7, 1955, written data, views, or arguments setting forth his comments. Comments in support of the proposal may also be filed on or before the same date. Comments or briefs in reply to such original comments as may be submitted should be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for filing such additional comments is established. The Commission will consider all such additional comments submitted before taking further action in this matter, and if any comments appear to warrant the holding of a hearing, oral argument, or demonstration, notice of the time and place of such hearing, oral argument or demonstration will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: October 5, 1955.

Released: October 6, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–8222; Filed, Oct. 11, 1955; 8:45 a. m.]

[47 CFR Parts 6, 9]

[Docket No. 11513; FCC 55–987]

PUBLIC RADIOCOMMUNICATIONS SERVICES; AVIATION SERVICES

USE OF SINGLE SIDEBAND TRANSMISSION IN CERTAIN FIXED RADIOTELEPHONE SERVICE

In the matter of amendment of Parts 6 and 9 of the Commission's rules and regulations to require the use of single sideband transmission in fixed radiotelephone service below 25,000 kc, except Alaskan and maritime fixed; Docket No. 11513; FCC 55–987.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The purpose of this proceeding is to carry out the Commission's obligation to provide for the growing public need for radio communication facilities by making available for additional use radio frequency space now occupied by emissions not actually necessary for satisfactory communications in the fixed service using radiotelephony in the frequency spectrum below 25,000 kc.

3. Existing Commission rules for the use of amplitude modulation (AM) radiotelephone communication are patterned after the type of radio equipment developed soon after World War I. Conventional AM systems transmit two sidebands, one above the carrier frequency and the other below with the same intelligence being transmitted in each sideband. One sideband is, however, sufficient for satisfactory communication. An objective of the instant proposal is to provide for the emission of one sideband only for each radiotelephone communication, thus freeing the spectrum space now occupied by the other superfluous sideband for new or additional communication facilities.

4. The Commission believes that the benefits in terms of spectrum savings which would be achieved by the universal employment of single sideband telephony in all cases where double sideband now is employed will not be fully obtainable unless all users in the fixed and mobile services take parallel action. However, there is at present no international agreement to this effect and there would have to be, in any event, a decision on the part of the Commission to require single sideband in lieu of double sideband before the United States could propose or become a party to such an international agreement. As a forerunner to more universal use of single sideband techniques, it is proposed herein to amend the Commission's Rules so as to require such techniques in the fixed service using telephony. Many stations already are voluntarily using this transmission method in the foreign and overseas radiotelephone service. At present most of the stations in this service use single sideband techniques for their transmissions in both directions. On the other hand, for those stations in the fixed service not now employing such techniques, the Commission is quite aware of the obsolescence problem which will be created in converting from double sideband to single sideband operation and believes, therefore, that this factor should be taken into account in establishing schedules for change-over to single sideband operation.

5. Accordingly, the Commission proposes to amend its rules to require single sideband type of transmission by all radio stations in the fixed service, except Alaskan and maritime fixed, now employing amplitude modulation for telephony in the frequency bands below 25,000 kc. It is further proposed that any such amendments provide adequate periods of time, e. g. five to ten years, for continued use of existing apparatus so that minimum inconvenience would result, consistent with the need for improved spectrum utilization. Moreover, it may be that in certain branches of the fixed service, the problem will be more complex than in others and different time schedules may be appropriate for these different branches. Further notice of proposed rule making in this matter may be issued with respect to certain types of stations in the fixed service should the comments appear to so warrant.

6. The Commission desires comments with respect to the foregoing proposal and, in particular, with respect to the following matters.

(a) Rules, standards, and technical specifications covering single sideband AM telephone communication systems, including but not limited to the following items:

(1) Earliest date, within a period of approximately two to five years, by which new AM telephone transmitters authorized at a station in the fixed service should be capable of single sideband operation.

(2) Earliest date by which all AM telephone transmissions, except for tests, at fixed stations should be by means of single sideband techniques.

(3) The degree of carrier reduction.

(4) Whether receiver response characteristics should be specified in the Commission's rules.

(5) Bandwidth requirements for single and multichannel operation.

(b) Economic effect of and the manner of achieving an orderly transition to the single sideband system.

(c) Any other matters considered pertinent.

7. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted as proposed herein, may file with the Commission on or before December 30, 1955, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless: (1) Specifically requested by the Commission, or (2) good cause for the filing of additional comments is established. The Commission will consider all such comments prior to taking final action in this matter; and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

8. This proposal is issued under the authority contained in section 4 (i) and 303 of the Communications Act of 1934, as amended.

9. Pursuant to the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs or comments should be furnished the Commission.

Adopted: October 5, 1955.

Released: October 5, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–8223; Filed, Oct. 11, 1955; 8:45 a. m.]

NOTICES

DEPARTMENT OF LABOR

Office of the Secretary

MINNESOTA

CERTIFICATION OF COMMISSIONER OF DEPARTMENT OF EMPLOYMENT SECURITY

The Department of Employment Security of the State of Minnesota having duly submitted to the Secretary of Labor, pursuant to the provisions of section 3303 (b) (3) of the Internal Revenue Code of 1954, as amended, the Minnesota Employment Security Law; and

The Secretary of Labor having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 3303 of the Internal Revenue Code of 1954;

The Secretary of Labor hereby finds that:

(1) Said law provides for a pooled fund as defined in section 3303 (c) (2) of the Internal Revenue Code of 1954; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 3303 (a) (1) of the Internal Revenue Code of 1954.

Pursuant to the provisions of section 3303 (b) (3) of the Internal Revenue Code of 1954, the Secretary of Labor hereby directs that the foregoing findings be certified to the Commissioner of the Department of Employment Security of the State of Minnesota.

Dated: October 5, 1955.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 55-8264; Filed, Oct. 11, 1955; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 67318]

NEBRASKA AND WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM NORTH PLATTE IRRIGATION DISTRICT

OCTOBER 6, 1955.

An order of the Bureau of Reclamation of June 21, 1954, concurred in by the Acting Director, Bureau of Land Management, July 23, 1954, as amended by an order of March 16, 1955, concurred in by the Associate Director, Bureau of Land Management, April 25, 1955, revoked the Departmental orders of February 11 1903, May 3, 1904, November 21, 1904, December 5, 1904, September 21, 1906, October 23, 1907, April 23, 1908, August 10, 1908, September 1, 1908, January 20, 1909, May 5, 1909, October 6, 1909, July 8, 1916, February 28, 1931, and October 13, 1933, so far as they withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following-described lands in connection with the North Platte Project, Nebraska and Wyoming, and provided that such revocation should not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands described:

NEBRASKA

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 51 W.,
Sec. 11, E½SW¼;
Sec. 14, S½NW¼NW¼, SW¼NW¼, NW¼SW¼;
Sec. 15, NE¼;
Sec. 22, E½SE¼ W½NE¼;
Sec. 27, SE¼.
T. 22 N., R. 52 W.,
Sec. 35, NE¼NE¼, S½NE¼, NE¼SE¼.
T. 22 N., R. 53 W.,
Sec. 1, lot 1, SE¼NE¼;
Sec. 13, S½NE¼.
T. 23 N., R. 54 W.,
Sec. 13, NW¼;
Sec. 14, N½NW¼SW¼.
T. 22 N., R. 57 W.,
Sec. 16, SW¼NE¼, SW¼NW¼, SW¼SE¼.
T. 25 N., R. 57 W.,
Sec. 32, NW¼NW¼.
T. 24 N., R. 58 W.,
Sec. 10, E½W½, SW¼SW¼;
Sec. 26, NW¼NE¼, N½NW¼, N½SE¼NW¼.
T. 25 N., R. 58 W.,
Sec. 26, lots 2 and 4.

WYOMING

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 60 W.,
Sec. 4, SE¼NE¼.
T. 22 N., R. 60 W.,
Sec. 10, lots 1 and 5, N½NW¼NE¼, N½S½NW¼NE¼, N½NE¼NW¼, N½S½NE¼NW¼, S½SW¼NE¼NW¼.
T. 24 N., R. 60 W.,
Sec. 8, W½NE¼, E½E½NW¼, NW¼SE¼;
Sec. 9, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.
T. 23 N., R. 61 W.,
Sec. 20, S½NE¼;
Sec. 30, N½NE¼, SW¼NE¼.
T. 25 N., R. 61 W.,
Sec. 28, N½NW¼NW¼, SW¼NW¼NW¼.
T. 23 N., R. 62 W.,
Sec. 4, lot 3, SE¼NW¼, NE¼SW¼, NW¼SE¼.
T. 25 N., R. 62 W.,
Sec. 27, SE¼SW¼, S½SE¼;
Sec. 34, NE¼NW¼.
T. 26 N., R. 62 W.,
Sec. 25, NW¼SW¼.
T. 26 N., R. 63 W.,
Sec. 30, SW¼NE¼, S½NE¼SW¼.
T. 23 N., R. 64 W.,
Sec. 1, lots 1 and 2.
T. 26 N., R. 64 W.,
Sec. 20, SW¼NE¼;
Sec. 24, N½SE¼;
Sec. 35, lots 5 and 6.
T. 26 N., R. 65 W.,
Sec. 12, N½NE¼.
T. 27 N., R. 67 W.,
Sec. 3, W½SE¼;
Sec. 10, NE¼, NW¼SE¼.
T. 26 N., R. 84 W.,
Sec. 30, SE¼NW¼.

The areas described aggregate 3,480.24 acres.

1. The following-described lands are included in allowed homestead entries and are, therefore, not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others:

NEBRASKA

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 51 W.,
Sec. 11, E½SW¼;
Sec. 14, S½NW¼NW¼, SW¼NW¼, NW¼SW¼;
Sec. 15, NE¼;
Sec. 22, W½NE¼;
Sec. 27, SE¼.
T. 22 N., R. 52 W.,
Sec. 35, NE¼NE¼, S½NE¼, NE¼SE¼.
T. 22 N., R. 53 W.,
Sec. 1, lot 1, SE¼NE¼;
Sec. 13, S½NE¼.
T. 23 N., R. 54 W.,
Sec. 13, NW¼.

WYOMING

SIXTH PRINCIPAL MERIDIAN

T. 24 N., R. 60 W.,
Sec. 8, W½NE¼, E½E½NW¼, NW¼SE¼;
Sec. 9, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.
T. 23 N., R. 61 W.,
Sec. 20, S½NE¼;
Sec. 30, N½NE¼, SW¼NE¼.
T. 25 N., R. 62 W.,
Sec. 27, SE¼SW¼, S½SE¼;
Sec. 34, NE¼NW¼.

The areas described aggregate 1,939.95 acres.

2. The E½W½, sec. 10, and N½NW¼, NW¼NE¼, N½SE¼NW¼, sec. 26, T. 24 N., R. 58 W., 6th P. M., Nebraska, are patented lands. The remaining lands, aggregating approximately 1,440.39 acres, vary from choppy sand hills with deep sandy soils to nearly level lands with very heavy clay soils. Due to the topography and soils, none of the lands are suitable for the growing of domestic agricultural crops. No water rights are attached to any of these lands. The sandy soils support a stand of native grasses and sage brush, while the heavy clay soils support a stand of short and mid grasses.

3. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitabe for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified. The Desert Land Laws do not apply to lands in Nebraska.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws and applications and offers under the mineral-leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective date shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on November 11, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on February 10, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral-leasing laws, presented prior to 10:00 a. m. on February 10, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on February 10, 1956.

5. Persons claiming veteran's preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55-8249; Filed, Oct. 11, 1955; 8:51 a. m.]

Bureau of Reclamation

MOUNTAIN HOME DIVISION, SNAKE RIVER PROJECT, IDAHO

ORDER OF REVOCATION

NOVEMBER 25, 1952.

Pursuant to the authority delegated by Department Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of April 30, 1951, insofar as said order affects the following described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 4 S., R. 2 E.,
Sec. 5, Lot 4.

The above area aggregates 36.32 acres.

ALFRED R. GOLZE,
Acting Assistant Commissioner.

[Misc. 61715]

OCTOBER 6, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands were classified as power sites (Power Site Classification No. 435) by order of the Acting Director, Geological Survey of August 16, 1955 (20 F. R. 6105).

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55-8251; Filed, Oct. 11, 1955; 8:52 a. m.]

Southwestern Power Administration

ADVERTISING

DELEGATION OF AUTHORITY

Pursuant to Departmental Order 2735, amendment No. 1, January 1, 1954, the Chief, Division of Administrative Services, the Chief, Branch of Office Services, and the Purchasing Agent may authorize the publication of advertisements, notices or proposals.

DOUGLAS G. WRIGHT,
Administrator.

[F. R. Doc. 55-8252; Filed, Oct. 11, 1955; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 55-995]

[Amdt. 0-13]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND OTHER INFORMATION

MISCELLANEOUS AMENDMENTS

In the matter of amendment to Part 0 of the Commission's rules to abolish the Office of the Chief Accountant and transfer its component divisions to the Common Carrier and Broadcast Bureaus.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of October 1955.

The Commission having under consideration the abolition of the Office of the Chief Accountant; and

It appearing that the amendments herein ordered would promote greater efficiency in Commission operations; and

It further appearing that the amendments herein ordered are procedural in nature, and, therefore, compliance with public notice and rule-making procedure required by sections 4 (a) and (b) of the Administrative Procedure Act is not required;

It is ordered, That pursuant to sections 4 (f) and 5 (g) of the Communications Act of 1934, as amended, the Office of the Chief Accountant is abolished and Part 0 of the Commission's Rules is hereby amended, effective October 31, 1955, as set forth below.

Released: October 6, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 0.5 is amended to read as follows:

SEC. 0.5 *General description of Commission organization.* The Commission's staff is divided into the following principal units:

(a) Broadcast Bureau.
(b) Common Carrier Bureau.
(c) Field Engineering and Monitoring Bureau.
(d) Safety and Special Radio Services Bureau.
(e) Office of Hearing Examiners.
(f) Office of Administration.
(g) Office of General Counsel.
(h) Office of Chief Engineer.
(i) Office of the Secretary.
(j) Office of Opinions and Review.
(k) Office of Reports and Information.
(l) Office of Defense Coordination.

Section 0.13 is amended to read as follows:

SEC. 0.13 *Units in the Bureau.* The Broadcast Bureau is divided into the following units:

(a) The Office of the Chief of Bureau.
(b) Broadcast Facilities Division.
(c) Renewal and Transfer Division.
(d) Hearing Division.
(e) Rules and Standards Division.
(f) Economics Division.
(g) License Division.

Add new section 0.19 as follows:

SEC. 0.19 *Economics Division.* The Economics Division prepares and compiles economic data and compiles economic reports to the Commission on the condition and status of the broadcast industry; studies the social and economic factors affecting communications; provides technical advice and assistance to the bureau and the Commission on statistical aspects of questionnaires, sampling, industry economic trends and statistical methods, and acts as a clearing house on sources for obtaining pertinent economic data from within the Commission and from government and private organizations.

Section 0.24 is amended to read as follows:

SEC. 0.24 *The Office of the Bureau Chief.* The immediate Office of the Chief of the Bureau includes:

(a) Office of the Field Coordinator which supervises and coordinates the work of the field offices;

(b) Office of Administrative Assistant which performs the administrative function of the Bureau; and

(c) Office of Accounting Systems which formulates uniform systems of accounts, annual report forms and related rules and regulations, and cooperates with the NARUC committees dealing with these matters.

Section 0.26 is amended by deleting the expression "Office of Chief Accountant" and substituting therefore "Office of Accounting Systems".

Section 0.28 is amended to read as follows:

SEC. 0.28 *Telephone Division.* The Telephone Division is responsible for the Bureau's functions pertaining to domestic telephone matters and telegraph operations of carriers engaged principally in non-record communication; for rules and applications relating to authorizations for domestic common carrier radio services, including domestic telegraph radio services; and, in addition, for international telephone rate matters. The Telephone Division includes a Services and Facilities Branch, an Accounting Compliance Branch, a Rates and Revenue Requirements Branch, and a Depreciation Rates Branch.

Delete the heading following section 0.92 which reads "Office of Chief Accountant".

Delete the following sections:

Section 0.101.
Section 0.102.
Section 0.103.
Section 0.104.

Section 0.111 (g) is amended by deleting the expression "and the Chief Accountant".

Section 0.121 (d) is amended by deleting the expression "and the Chief Accountant".

Section 0.241 is amended by adding a new paragraph as follows:

(q) To administer, interpret, and apply orders or rules of practice and procedure promulgated by the Commission relating to financial and statistical data of stations in the broadcast service and broadcast networks and chains, including applications for extension of time in which to file financial and statistical statements and reports.

Section 0.254 is amended to read as follows:

SEC. 0.254 *Authority concerning section 220 of the Act.* The Chief of the Common Carrier Bureau or, in his absence, the Acting Chief of the Common Carrier Bureau, is delegated authority to interpret the regulations and to act upon the administration of such regulations promulgated by the Commission pursuant to section 220 of the Communications Act, relating to accounts, records, and memoranda to be kept by carrier subject to the jurisdiction of the Commission.

Delete the heading following section 0.301 which reads: "Chief Accountant".

Delete the following sections:

Section 0.311.
Section 0.312.

[F. R. Doc. 55-8224; Filed, Oct. 11, 1955; 8:46 a. m.]

[Docket Nos. 6584, 6585; FCC 55M-851]

ALBUQUERQUE BROADCASTING CO. (KOB)

ORDER CONTINUING HEARING

In re applications of Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, Docket No. 6584, File No. BMP-1738; for modification of construction permit. Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, Docket No. 6585, File No. BL-1799, BZ-1583; for license to cover construction permit as modified and authority to determine operating power by direct measurement of antenna power.

The Hearing Examiner having under consideration the record of a formal prehearing conference in the above-entitled proceeding which, pursuant to appropriate notice, was held on September 23, 1955, in the offices of this Commission, Washington, D. C., and attended by counsel for all of the parties thereto, as well as the Baptist General Convention of Texas (KWBU), a proposed intervenor therein; and

It appearing that the unanimous opinion was expressed therein by the attending parties that a postponement of the hearing beyond the date now scheduled, namely, October 17, 1955, is necessary in order to provide such parties additional time within which to effectuate stipulations of the evidence to be adduced under the issues presently specified therein and to afford the Commission an opportunity to rule on the numerous petitions now pending before it affecting the status of parties and the addition, deletion or modification of issues to be resolved therein; and

It further appearing that all of the parties to the proceeding have been making diligent efforts to arrive at stipulations on the evidence to be presented and that substantial results can reasonably be expected therefrom but that additional time is needed for this purpose, in view of the number, complexity and uncertain status of the issues to be resolved therein; and

It further appearing that it is impossible to proceed with the hearing until after such time as the Commission has ruled on the above pleadings, involving a determination of the rights of parties to participate in the proceeding, the number and character of the issues to be resolved therein and other questions vitally affecting the scope and course of such hearing; and

It further appearing that all of the parties in attendance have agreed that another pre-hearing conference should be held on December 1, 1955, for the purpose of submitting to the Hearing Examiner on that date all stipulations which can be effectuated between them of evidence relating to the issues presently specified in the proceeding; and

It further appearing that if such proposed stipulations are effectuated the result would be to shorten and simplify the hearing and thus facilitate a review of the record by the Hearing Examiner and the Commission; and

It further appearing that under the above circumstances a continuance of the hearing in the above-entitled proceeding is necessary and would be conducive to its expedition, in conformance with the Commission's directive, as set forth in its Memorandum Opinion and Order, adopted on May 26, 1955; and

It further appearing from the foregoing that a compelling showing has been made that such continuance would serve the public interest, convenience and necessity;

It is ordered, This 4th day of October 1955, that the hearing in the above-entitled proceeding is hereby continued without date; that a pre-hearing conference will be called by the Hearing Examiner immediately subsequent to the Commission's actions on the various petitions now pending therein, at which a definite date will be set for the commencement of the hearing; and that another pre-hearing conference will be held at 10:00 o'clock a. m., on Friday, December 1, 1955, in the offices of this Commisson, Washington, D. C., for the purpose of receiving stipulations on the evidence to be presented under all of the issues presently specified in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8225; Filed, Oct. 11, 1955; 8:46 a. m.]

[Docket No. 11202, etc.; FCC 55-1001]

MINERS BROADCASTING SERVICE, INC., ET AL.

ORDER AMENDING ISSUES

In re applications of Miners Broadcasting Service, Inc., Ambridge, Pennsylvania, Docket No. 11202, File No. BP-9102; Louis Rosenberg, Tarentum, Pennsylvania, Docket No. 11203, File No. BP-9192; Theodore H. Oppegard and Carl R. Lee, d/b as Somerset Broadcasting Company, Painesville, Ohio, Docket No. 11204, File No. BP-9358; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of October 1955;

The Commission having under consideration (1) petition for reconsideration filed August 4, 1955, by Theodore H. Oppegard and Carl R. Lee, d/b as Somerset Broadcasting Company, Painesville, Ohio; (2) opposition to said petition filed August 15, 1955, by Louis Rosenberg; and (3) reply to said petition filed August 15, 1955, by Chief, Broadcast Bureau;

It appearing that, by order dated June 29, 1955, the Commission denied the petition of Theodore H. Oppegard and Carl R. Lee, d/b as Somerset Broadcasting Company, filed May 6, 1955, requesting the severance of the proceeding on its application from the consolidated proceedings involving the applications of Miners Broadcasting Service, Inc., Ambridge, Pennsylvania, and Louis Rosenberg, Tarentum, Pennsylvania; and that by the subject petition Somerset is now requesting that the Commission reconsider this denial;

It further appearing that Somerset Broadcasting Company contends that evidence now of record establishes that its proposal complies with section 3.28 (c) of the Commission's Rules ("10% Rule"); that operation of its proposed station will not cause sufficient interference to either of the other two proposals so as to cause either to be in violation of section 3.28 (c), and hence its application is not mutually exclusive with either; and that Miners and Rosenberg on the one hand have agreed with Somerset to accept whatever interference may result to either from the operation of the Somerset proposal while Somerset has agreed to accept whatever interference may result to the Somerset operation from the operation of either of the other proposals;

It further appearing that, because of the foregoing, Somerset contends that the proceeding on its application may be severed from the proceeding on the other two applications without having an impact upon that proceeding; and that by such severance, a grant of its application may be made sooner than if retained in the consolidated proceeding;

It further appearing that Louis Rosenberg opposes the petition on the ground that a grant thereof would deny substantive rights of the other applicants;

It further appearing that the evidence of record indicates that the mutual interference which would result between the Somerset proposal and either one of the other two proposals, together with any interference which would result from existing stations, would not cause the Somerset proposal or either one of the other two proposals to violate section 3.28 (c) of the Commission's Rules;

It further appearing that, in view of the limited extent of the mutual interference and in view of the above-described agreement among the parties, mutual interference and any questions presented by such interference are not substantive factors requiring resolution in a consolidated proceeding; and that the rights of the other parties would not be prejudiced by a severance of the application of Somerset Broadcasting Company;

It further appearing that a severance of the Somerset application would result in an earlier consideration of its application and under the circumstances here, would be conducive to the proper dispatch of the Commission's business;

It is ordered, That the application of Theodore H. Oppegard and Carl R. Lee d/b as Somerset Broadcasting Company is retained in hearing docket (Docket No. 11204); and that the proceeding on the Somerset application is severed from the proceeding on the applications of Miners Broadcasting Service, Inc. and Louis Rosenberg;

It is further ordered, That the issues on which the Somerset application was designated for hearing are deleted; and that the following issues are substituted therefor:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

2. To determine whether the operations proposed by the Somerset Broadcasting Company and the Miners Broadcasting Service, Inc. would involve objectionable interference with each other, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the operations proposed by Louis Rosenberg and the Somerset Broadcasting Company would involve objectionable interference with each other, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the installation and operation of the station proposed by Somerset Broadcasting Co. would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to providing the required minimum of interference-free service within its normally protected daytime contour (0.5 mv/m) because of interference from Station WBNS, Columbus, Ohio, and either the proposal of Miners Broadcasting Service, Inc., or the proposal of Louis Rosenberg.

It is further ordered, That Issue No. 3 (a) as now promulgated in the above-entitled consolidated proceeding is deleted; and that the remaining issues thereof are retained as the issues in the consolidated proceeding on the applications of Miners Broadcasting Service, Inc. (Docket No. 11202), and Louis Rosenberg (Docket No. 11203).

Released: October 6, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8226; Filed, Oct. 11, 1955; 8:46 a. m.]

[Docket No. 11446 etc.; FCC 55M-852]

CERRITOS BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of Raymond B. Torian, John W. Doran, Foster Earl Rutledge and Harold B. Shideler, a partnership d/b as The Cerritos Broadcasting Co., Signal Hill, California, Docket No. 11446; File No. BP-8734; Melvin F. Berstler and Roy R. Cone, a partnership d/b as Oceanside-Carlsbad Broadcasting Co., Oceanside, California, Docket No. 11447, File No. BP-9207; Albert John Williams, Inglewood, California, Docket No. 11448, File No. BP-9509; Neil W. Owen and Julia C. Owen, a partnership d/b as Palomar Broadcasting Co., Escondido, California, Docket No. 11449, File No. BP-9676; for construction permits.

The Hearing Examiner having under consideration: (1) A Petition and Supplemental Petition for Leave to Amend Application with the associated amendment filed by the applicant Williams on August 4 and September 6, 1955; (2) a joint Petition for Reconsideration of an order of continuance filed September 27, 1955 by the three applicants Cerritos, Oceanside-Carlsbad and Williams; (3) a Petition for Leave to Amend and accompanying amendment filed September 26, 1955 by Oceanside Carlsbad, and an Opposition thereto filed October 3, 1955 by Palomar; (4) the procedural facts shown by the docket files in this proceeding; and (5) the statements made by counsel for Broadcast Bureau and for each applicant except Palomar who attended at an informal oral argument this day conducted upon Items 1 through 3 above; and

It appearing that the Williams Petition to Amend as supplemented shows good cause for allowing the amendment which increases the proposed power from 500 watts to 1000 watts, changes the antenna site and other engineering and construction cost information as specified in the amendment, and that no objection to the amendment has been interposed by any party, and accordingly that said petition should be granted; and

It further appearing that the Oceanside-Carlsbad petition and amendment and the Palomar opposition present controversial questions upon which the Hearing Examiner desires to be advised further by briefs of the adversary parties which were requested at the oral argument, and accordingly action on this matter should be postponed; and

It further appearing that the joint Petition for Reconsideration requests that a date certain, not later than November 21, 1955, be fixed for the commencement of the hearing in this proceeding in lieu of the indefinitely continued date which was ordered by the Hearing Examiner's order dated September 27, 1955, and that counsel for the applicants represented at the oral argument[1] and counsel for the Broadcast Bureau have agreed to the fixing of the hearing date as hereinafter ordered; and

It further appearing that counsel for each represented applicant stated that the applicants will be ready to proceed with the hearing on Thursday, December 1, 1955, and that the applicants and their engineers and attorneys will confer among themselves and with Bureau officials sufficiently in advance of the scheduled prehearing conference date of November 15, 1955, so as to be prepared at that prehearing conference to submit and exchange all written direct affirmative case exhibits to be offered in evidence pursuant to the issues as they are now constituted in this proceeding (which issues pertain only to engineering questions of interference and matters pertinent to the Section 307 (b) inquiry specified in Issue No. 5 of the hearing order dated July 6, 1955), and accordingly that good cause exists for fixing the dates for exchange of exhibits and for commencement of the hearing as above indicated and as hereinafter ordered; and

It further appearing that the parties, their locations and their representatives are so numerous and diversified[2] as to render impractical, inconvenient, expensive, and dilatory the holding of prehearing conferences in the manner and sequence contemplated by sections 1.813 and 1.841 of the Commission's Rules, and that the purposes of the usual first prehearing conference will be served by the informal conferences referred to above, and accordingly that it will conduce to the orderly dispatch of the Commission's business and to the ends of justice to omit a formal prehearing conference prior to the exchange of the written direct affirmative case exhibits at the time and place above indicated and hereinafter ordered; now therefore

It is ordered, This 4th day of October 1955, that the Petition and Supplemental Petition to Amend filed by the applicant Williams, Item 1 above, be and it is hereby granted, and the amendment therewith tendered is accepted; and

[1] The applicant Palomar was not represented by counsel at the oral argument, but its Petition for Continuance which prompted the September 27 order, herein reconsidered and modified, requested a hearing date not earlier than November 7, 1955; consequently, it is expected that Palomar will be ready to proceed to prehearing and hearing on the specified dates which comport with the relief first requested.

[2] There are nine parties (individuals, partnerships, corporations, a trustee and the Bureau Chief) in this proceeding: four applicants, four respondents, and the Chief of the Broadcast Bureau. Three applicants and three respondents and Bureau are represented by attorneys in Washington, D. C., one applicant is represented by an attorney in California, and one respondent does not appear to be represented by any attorney. The business residences of the eight private parties are in eight cities in California.

It is further ordered, That the Oceanside-Carlsbad Petition to Amend, Item 3 above, be and the same is hereby taken under advisement; and

It is further ordered, That the joint Petition for Reconsideration, Item 2 above, as modified by counsels' statements, be and it is hereby granted, and so much of the order of September 27, 1955 as continued the hearing to an indefinite date is hereby set aside; and

It is further ordered and directed, Pursuant to sections 1.813 and 1.841 of the Commission's Rules, that the applicants herein shall hold informal conferences, of which informal and reasonable notice and opportunity for participation shall be extended to all other parties herein, so as to enable the applicants to exchange at the prehearing conference on November 15, 1955, their written direct affirmative case exhibits upon the matters now at issue; and

It is further ordered, That the hearing of evidence in this proceeding shall be commenced at 10:00 a. m. on Thursday, December 1, 1955, at the offices of the Commission in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8227; Filed, Oct. 11, 1955; 8:47 a. m.]

[FCC 55-988]

MOBILE RADIO TELEPHONE SERVICE

FUTURE SINGLE SIDEBAND OPERATION

OCTOBER 6, 1955.

The Commission plans future consideration of single sideband operation in all of the mobile service and Alaskan and maritime fixed service now using radiotelephone on frequencies below 25,000 kilocycles. Among the radio stations that would be affected are those in the Public Safety, Maritime Mobile, Aeronautical Mobile, Industrial, and Remote Pickup Broadcast services. At present, stations in these services use conventional double sideband operation, which requires a radio frequency channel more than twice as wide as the band of frequencies actually needed for communication. Since only one sideband is necessary for communications, the elimination of the extra sideband offers a possible means for reducing the radio frequency bandwidth occupied by each station. Additional channels might, thereby, be made available for new stations or to relieve congestion on existing channels.

Single sideband has been used for many years in the international radiotelephone service. Looking toward further use of this transmission method, the Commission today adopted a Notice of Proposed Rule Making proposing the use of single sideband transmission by all radiotelephone stations in the fixed service except Alaskan and maritime fixed, below 25,000 kc. In the mobile service, and Alaskan and maritime fixed service, however, there are special problems involving equipment and operation. Consequently, the Commission is not proposing to require single sideband operation in these services at this time. At a future date, however (in about one year), the Commission plans to give further consideration to requiring single sideband operation in the mobile service and the Alaskan and maritime fixed services. In the meantime, it is expected that users, manufacturers and professional groups with expert knowledge in this field of radio communication will conduct tests, studies and analyses to provide a sound technical background for the future consideration of this matter. This announcement is being made at this time to enable all interested parties to prepare to offer constructive comments to help in enlarging the use of this improved transmission method.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8228; Filed, Oct. 11, 1955; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8420]

BILLY BRIDEWELL AND R. H. HEDGE

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 5, 1955.

Take notice that Billy Bridewell and R. H. Hedge (Applicant), independent producers of natural gas, with a principal office in Tyler, Texas, filed on January 31, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas from the Fulshear Field, Fort Bend County, Texas, which will be sold in interstate commerce to Texas Illinois Natural Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 15, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of Section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 3, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8233; Filed, Oct. 11, 1955; 8:49 a. m.]

[Docket No. G-8871]

COLORADO INTERSTATE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 5, 1955.

Take notice that Colorado Interstate Gas Company (Applicant), a Delaware corporation having its principal place of business in Colorado Springs, Colorado, filed, on May 9, 1955, as supplemented July 13, 1955, an application for a certificate of public convenience and necessity pursuant to sectoin 7 (c) of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities and the sale of natural gas for resale as hereinafter described.

Applicant proposes to construct and operate the following facilities and to make the following sales: (A), a meter and regulator station and 5.5 miles of 2-inch pipeline from its 20-inch Lakin-Denver line to the town of Kit Carson, Cheyenne County, Colorado, and to sell natural gas to Eastern Colorado Utility Company for resale in said town. Estimated cost of facilities is $20,832 and estimated firm peak day requirements in the third year of operation in the town of Kit Carson are 405 Mcf. (B), a meter and regulator station on its Lakin-Denver line, and to sell natural gas to Eastern Colorado Utility Company for resale in the town of Sheridan Lake, Kiowa County, Colorado. Estimated cost of facilities is $2,751 and estimated firm peak day requirements in the third year of operation are 128 Mcf. (C), a meter and regulator station on its 22-inch, Bivins-Denver pipeline, and to sell natural gas to Pueblo Gas and Fuel Company for resale in the town of Vineland, Colorado. Estimated cost of facilities is $2,179 and estimated firm peak day requirements in the third year of operation are 111 Mcf.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on October 28, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 26, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8234; Filed, Oct. 11, 1955; 8:49 a. m.]

[Docket No. G-9142]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 5, 1955.

Take notice that The Manufacturers Light and Heat Company (Applicant), a Pennsylvania Corporation with its principal place of business in Pittsburgh, Pennsylvania, filed an Application on July 18, 1955, as supplemented on August 29, 1955, for a disclaimer of jurisdiction or, in the alternative for a certificate of public convenience and necessity; pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities necessary for the sale and delivery of natural gas from existing transmission lines for industrial interruptible service to McLain Firebrick Division of H. K. Porter Company, Inc. (McLain), National Galvanizing Company (National), Layton Brick Company (Layton) and Aircraft-Marine Products, Inc. (Aircraft-Marine), as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

The facilities necessary to initiate service to McLain consist of approximately 676 feet of 6-inch line to be connected to Applicant's existing 8-inch transmission line No. 5 in Columbiana County, Ohio, two meters, a regulator and miscellaneous equipment.

The facilities proposed by Applicant to initiate service to National consist of 15 feet of 4-inch line to be connected to its existing 8-inch transmission line 1011 in Allegheny County, Pennsylvania, two meters, a regulator and miscellaneous valves and fittings.

The facilities necessary to serve Layton consist of approximately 10 feet of 4-inch line to be connected to applicant's existing 6-inch transmission line 7191 in Fayette County, Pennsylvania, two meters, a regulator and miscellaneous equipment.

Aircraft-Marine will be served from Applicant's existing 6-inch line No. 136 at a point in Codorus Township, York County, Pennsylvania. The facilities necessary to serve this new customer consist of approximately 40 feet of 4-inch line, a meter, two regulators and miscellaneous equipment.

The annual and peak day requirements of the respective customers for 1955-56 are as follows:

Customer	Annual	Peak day
	Mcf	*Mcf*
McLain	230,000	710
National	20,000	80
Layton	96,000	285
Aircraft-Marine	9,000	50

The total estimated cost of the proposed facilities is $23,967 and will be financed by applicant out of funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 8, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8235; Filed, Oct. 11, 1955; 8:49 a. m.]

[Docket No. G-9228]

SIGNAL OIL AND GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 5, 1955.

Take notice that Signal Oil and Gas Company (Signal), a Delaware corporation having its principal place of business in Los Angeles, California, filed an application on August 15, 1955, and a supplement thereto on August 28, 1955, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Signal to sell natural gas to Montana-Dakota Utilities Co., and render the service hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the application and supplement on file with the Commission and open for public inspection.

The application of Signal recites that it proposes to sell the residue gas resulting from the processing of casinghead gas at its Tioga Plant in Williams County, North Dakota, which will comprise 12.5 percent of the quantity of gas which Montana-Dakota may dispose of in Williston, North Dakota, and in Fairview, Sidney, Savage and Glendive, Montana, plus 12.5 percent of the quantity of gas which can be transported through Montana-Dakota's present facilities from Willison, North Dakota to its Baker, Montana storage reservoir in excess of the quantity disposed of in the above-mentioned towns, provided such total quantity shall not be less than 1935 Mcf daily.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 14, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR, 1.8 or 1.10) on or before November 1, 1955. Failure of any part to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Signal to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8236; Filed, Oct. 11, 1955; 8:49 a. m.]

[Docket No. G-9253]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

OCTOBER 5, 1955.

Take notice that Montana-Dakota Utilities Co. (Montana-Dakota), a Delaware corporation with its principal place of business at Minneapolis, Minnesota, filed an application on August 23, 1955, and a supplement thereto on September 22, 1955, pursuant to section 7 of the

Natural Gas Act for a certificate of public convenience and necessity, authorizing the construction and operation of (1) approximately 41.8 miles of 12¾ inch O. D. natural gas transmission pipeline extending from Tioga to Williston, North Dakota, (2) for lateral pipelines extending from (a) to Ray (8,000 feet of 3-inch), to Wheelock (2,100 feet of 2-inch), to Epping (1,000 feet of 2-inch), and to Springbrook (380 feet of 2-inch), all in North Dakota, and in which Montana-Dakota proposes to operate local distribution systems, and (3) authority to establish an emergency connection between the proposed Tioga-Williston interstate line, all as more fully described in the application and supplement on file with the Commission and open for public inspection.

The application of Signal Oil and Gas Company in Docket No. G–9228 recites that it proposes to sell the residue gas resulting from the processing of casinghead gas at its Tioga Plant in Williams County, North Dakota, which will comprise 12.5 percent of the quantity of gas which Montana-Dakota may dispose of in Williston, North Dakota, and in Fairview, Sidney, Savage and Glendive, Montana, plus 12.5 of the quantity of gas which can be transported through Montana-Dakota's present facilities from Williston, North Dakota to its Baker, Montana, storage reservoir in excess of the quantity disposed of in the abovementioned towns, provided such total quantity shall not be less than 1935 Mcf daily.

The application of Montana-Dakota recites that the proposed Tioga-Williston line will transport gas west from Signal's plant at Tioga, North Dakota, to Montana-Dakota's interstate system in Montana and South Dakota, and will provide a new source of gas supply (peak-day flow westward from Tioga of 19,910 Mcf and a flow of 9,290 per day eastward from Tioga to Minot during the 1958–59 heating season is indicated) for Montana-Dakota's system.

The application of Montana-Dakota further recites that the total estimated construction cost of the transmission mains involved is $1,257,020, and will in part be defrayed from funds to be made available from bank loans approximately $6,500,000 which will be funded during the year 1956.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 24, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–8237; Filed, Oct. 11, 1955; 8:49 a. m.]

[Docket Nos. G–4454 and G–9250]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 6, 1955.

Take notice that Hope Natural Gas Company, a West Virginia Corporation (Applicant), with a principal office in Clarksburg, West Virginia, filed on October 19, 1954, an application for a certificate of public convenience and necessity, and on August 22, 1955, an application for permission to abandon service, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render and terminate service as described in the respective applications, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

The application in Docket No. G–4454 recites Applicant produces natural gas in the named counties and sells in interstate commerce to the named buyers: Logan County to South Penn Natural Gas Company; Roane County to United Fuel Gas Company; Barbour County to Cumberland and Allegheny Company; Raleigh County to Amere as Utilities; Monongalia County to Carnegie Natural Gas Company; Boone County to Pond Fork Oil and Gas Company; all in West Virginia.

The application in Docket No. G–9250 recites that declining production from Applicant's wells Nos. 9544, 9545 and 9559 in Monongalia County, West Virginia, has caused a loss, and that continued operation of the designated wells has made operation economically unprofitable; and that Applicant and Carnegie Natural Gas Company have mutually agreed to terminate their contracts, and the wells will be sold to the landowners for domestic consumption purposes.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 16, 1955 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 4, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–8238; Filed, Oct. 11, 1955; 8:50 a. m.]

[Docket No. G–6939]

CASE POMEROY OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 6, 1955.

Take notice that Case Pomeroy Oil Corporation (Applicant), independent producer of natural gas, with a principal office in New York, New York, filed on November 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Benezette Field, Elk County, Pennsylvania, which is sold in interstate commerce to (1) The Sylvania Corporation, (2) The Manufacturers Light & Heat Company, and (3) New York State Natural Gas Corporation for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 18, 1955, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 4, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–8239; Filed, Oct. 11, 1955; 8:50 a. m.]

[Docket Nos. G–8762 and G–9238]

D. L. JOHNSON ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 6, 1955.

In the matters of D. L. Johnson, et al., Docket No. G–8762; Cities Service Gas Company, Docket No. G–9238.

Take notice that D. L. Johnson, Ira L. McCollister, George Rahal and Leonard C. Blood, independent producers of natural gas with a principal office in Dallas, Texas, filed an application in Docket No. G–8762 on April 13, 1955, and Cities Service Gas Company, a Delaware corporation with a principal office in Oklahoma City, Oklahoma, filed an application in Docket No. G–9238 for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing each Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicants at Docket No. G–8762 propose to produce natural gas from the North Schlegel Field, Payne County, Oklahoma, which will be sold in interstate commerce to Cities Service Gas Company for resale. Cities Service Gas Company in Docket No. G–9238 proposes to construct and operate a meter setting and appurtenances in Payne County, Oklahoma, to take gas from D. L. Johnson, et al., named in Docket No. G–8762.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 17, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of Section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 4, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–8240; Filed, Oct. 11, 1955; 8:50 a. m.]

[Docket No. G–9135]

SOURBOURNE OIL AND GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 6, 1955.

Take notice that Sourbourne Oil and Gas Company (Applicant), an independent producer of natural gas, with a principal office in Grantsville, West Virginia, filed on July 13, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas from the Lee District, Calhoun County, West Virginia, which will be sold in interstate commerce to Hope Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 18, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 4, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–8241; Filed, Oct. 11, 1955; 8:50 a. m.]

[Docket No. G–9139]

SUMMERS OIL AND GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 6, 1955.

Take notice that Summers Oil and Gas Company (Applicant), an independent producer of natural gas, with a principal office in Grantsville, West Virginia, filed on July 15, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas from the Lee District, Calhoun County, West Virginia, which will be sold in interstate commerce to Hope Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 18, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 4, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–8242; Filed, Oct. 11, 1955; 8:50 a. m.]

[Docket No. G–9195]

F. E. KEITH GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 6, 1955.

Take notice that F. E. Keith Gas Company (Applicant), independent producer

of natural gas, with a principal office in Millstone, West Virginia, filed on August 4, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas from the Washington District, Calhoun County, West Virginia, which will be sold in interstate commerce to Hope Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission's Rules of Practice and Procedure, a hearing will be held on November 17, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 4, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8243; Filed, Oct. 11, 1955; 8:50 a. m.]

[Docket No. G-9245]

PRICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 6, 1955.

Take notice that Price Gas Company, Independent producer of natural gas (Applicant), by C. W. Beecher, as agent, with a principal office in Big Bend, West Virginia, filed on August 19, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas from the Millstone Field, Calhoun County, West Virginia, which will be sold in interstate commerce to Hope Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 16, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 4, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8244; Filed, Oct. 11, 1955; 8:50 a. m.]

[Project No. 2135]

MONTANA POWER CO. AND BUFFALO HYDROELECTRIC DEVELOPMENT

NOTICE OF LAND WITHDRAWAL; MONTANA

OCTOBER 6, 1955.

Conformable to the provision of Section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power project No. 2135 for which completed amendatory application for preliminary permit was filed July 23, 1953 by the Montana Power Company of Butte, Montana for the Buffalo Hydroelectric Development. Under said section 24 all lands of the United States lying within the boundaries of the project, as delimited upon the map (Amended Exhibit H) filed in support thereof, are from said date of filing, reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MONTANA PRINCIPAL MERIDIAN

T. 22 N., R. 21 W.,
Sec. 10, Lots 1, 2 and 3;
Sec. 11, Lots 1, 2, 3, 4, 5 and 9;
Sec. 14, NWNW;
Sec. 15, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11;
Sec. 21, Lots 1, 2, 7 and 8;
Sec. 22, Lots 1, 2, 3, 4, 5, 6 and NWNE.

The area reserved pursuant to the filing of this application is approximately 952.70 acres, wholly within the Flathead Indian Reservation, all of which have previously been reserved in connection with application for earlier project No. 5. Of this area 912.70 acres were reserved by the Secretary of the Interior, June 29, 1908, for water power purposes under Acts of April 23, 1904 (33 Stat., 302) and June 21, 1906 (34 Stat. 325-355) and 40.00 acres were withdrawn by the Secretary of the Interior, February 23, 1910 for power sites or reservoirs under Act of March 3, 1909 (35 Stat. 796), in the interest of the Flathead Indians. Copies of the amended project map (FPC 2135-1) have been transmitted to the Bureau of Land Management, Geological Survey and the Bureau of Indian Affairs.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8245; Filed, Oct. 11, 1955; 8:51 a. m.]

[Docket No. G-6358]

AMERE GAS UTILITIES CO. ET AL.

ORDER FIXING DATE OF HEARING

In the matters of Amere Gas Utilities Company, Atlantic Seaboard Corporation, Central Kentucky Natural Gas Company, United Fuel Gas Company, The Ohio Fuel Gas Company, Cumberland and Allegheny Gas Company, Home Gas Company, The Manufacturers Light and Heat Company, and Natural Gas Company of West Virginia.

On November 30, 1954, Amere Gas Utilities Company, et al., subsidiaries of The Columbia Gas System, Inc., hereinafter referred to as Columbia Companies, filed a petition for the issuance of a declaratory order, relating to the methods of depreciation permitted by section 167 of the Internal Revenue Code of 1954. Columbia Companies state that the Uniform System of Accounts Prescribed for Natural Gas Companies makes no provisions for the accounting treatment of the depreciation methods permitted by said section 167 of the Internal Revenue Code and that an uncertainty has arisen as to the proper treatment of such permitted depreciation for both accounting and rate purposes. Columbia Companies request a declaratory order to permit them to book normal depreciation and to set up in a reserve the difference in taxes resulting from the use of the new depreciation methods; and to allow both normal depreciation and normal taxes for rate making purposes.

The Commission *orders:*

(A) Pursuant to the authority contained in and subject to the jurisdiction of the Federal Power Commission, particularly sections 8, 9, 10, 15 and 16 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 7, 1955, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such petition of the Columbia Companies, filed on November 30, 1954.

(B) Interested State Commissions may participate as permitted by section 9 of the Natural Gas Act and in the manner provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f).)

Adopted: October 5, 1955.

Issued: October 6, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8246; Filed, Oct. 11, 1955; 8:51 a. m.]

[Docket No. G-7240]

PLAINS EXPLORATION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 6, 1955.

Take notice that Plains Exploration Company for itself as Operator, and on behalf of Creek-More-Drilling Company and William E. Porter (Applicant), independent producer of natural gas, with a principal office in Denver, Colorado, filed on December 1, 1954, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Johnson Hill, East Field, Logan County, Colorado, which is sold in interstate commerce to Kansas-Nebraska Natural Gas Company, Inc., for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 22, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules and Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 8, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8274; Filed, Oct. 11, 1955; 8:57 a. m.]

[Docket No. G-5259]

TENNESSEE GAS TRANSMISSION CO.

ORDER SEPARATING ZONING ISSUE FOR SEPARATE HEARING AND FIXING NEW DATE FOR RECONVENING OF HEARING

The Presiding Examiner has certified to the Commission an appeal by Tennessee Gas Transmission Company from his ruling at the hearing on September 7 and 8, 1955, in the above case, where the Examiner received in evidence a zoning proposal by certain New England interveners under which the current Tennessee method of allocating cost-of-service between its existing zones would be changed, to the advantage of the New England zone. The Examiner also certified an appeal by interveners in other zones, who would suffer a disadvantage if the New England proposal were adopted, from a ruling requiring that their alternative zoning proposals, if any, must be presented at a session scheduled for October 17, 1955. The non-New England interveners contend that they would need from four to six months to prepare their zoning presentation, and the Staff alleges that it would need at least four months to make the necessary study of the Tennessee system in connection with the zoning question which has now been injected into the instant rate case.

This proceeding involves an application under section 4 (e) of the Natural Gas Act for a rate increase. The proposals by the New England interveners raise a question as to whether under section 4 (e) the Commission has authority to make an apportionment of the total cost of service between customers or between zones. Section 4 (e) provides that when a company files for a change in rates, the Commission, after a hearing, "may make such orders with reference thereto as would be proper in a proceeding initiated after it had become effective." A "proceeding initiated after it [a rate] had become effective" can only be one under section 5 (a) of the Act (Hope Natural Gas Company v. Federal Power Commission, 196 F. 2d 803, 805). Under Section 5 (a) the Commission's authority extends, inter alia, to the question as to whether rates are "unduly discriminatory or preferential." The scope of the authority under section 4 (e) in this respect therefore is as broad as that under section 5 (a) and embraces all issues relating to the determination and apportionment of costs between interstate wholesale customers whether or not the customers be assigned to one zone or to different zones. Accordingly, the Examiner correctly ruled that the question of possible unlawful rates between zones is a relevant issue in a rate proceeding, as we have held in Opinion No. 281, In the Matter of Northern Natural Gas Company and in other cases.

The zone boundaries and rate differentials between the zones served by Tennessee have not been prescribed by a Commission order but have been carried only in the rate schedules filed by Tennessee. In a system as complex as that operated by Tennessee the charges of unjustness in the rates as between zones require a thorough and exhaustive study to determine proper zone boundaries and what method of allocating costs between zones would be fair and equitable to all concerned, in order that just and reasonable rates may be prescribed for each zone.

By reason of the peculiar circumstances in the present case, the question of zone rates may reasonably be separated for hearing purposes from the question of the cost of service involved in the balance of this rate proceeding. It seems appropriate, therefore, to separate the zoning issue from the pending rate proceeding, allowing the interested parties sufficient time to prepare the evidence in the zoning case.

The Commission orders: The hearing previously scheduled by the Presiding Examiner in the instant rate case for October 17, 1955, is hereby postponed to November 21, 1955, to resume at 10:00 o'clock a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., at which time the testimony and evidence shall be confined to the question of cost of service to the Tennessee Gas Transmission Company as a whole and the rate level. Upon the conclusion of the testimony with respect to the cost of service and the rate level, the Examiner should allow such period as may be necessary for the preparation of evidence respecting the reasonableness of the suspended rates which are involved in this proceeding.

Adopted: October 5, 1955.

Issued: October 6, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8275; Filed, Oct. 11, 1955; 8:57 a. m.]

[Docket No. G-6504]

DELHI-TAYLOR OIL CORP. AND MAYFAIR MINERALS, INC.

ORDER REVERSING RULING OF PRESIDING EXAMINER AND GRANTING CONTINUANCE OF THE PROCEEDINGS

On September 21, 1955, Delhi-Taylor Oil Corporation (Delhi) and Mayfair Minerals, Inc. (Mayfair), filed with the Commission an appeal from the Ruling of the Presiding Examiner made in the foregoing designated proceedings, denying the request of Delhi and Mayfair for a continuance of these proceedings in

order to present the balance of its evidence in support of its proposed increase in rates.

Pursuant to order of the Commission, hearings in the foregoing designated proceedings were held on September 12, 13, and 14, 1955. On September 14, 1955, at the conclusion of the presentation of the available direct evidence, Delhi and Mayfair made a motion for a continuance of the proceedings until October 24, 1955, at which time Delhi and Mayfair expected that further evidence will be available for presentation. The Presiding Examiner denied the motion for a continuance and granted a recess in the proceedings until October 10, 1955, for the preparation of cross-examination. In the appeal, Delhi and Mayfair state that the serious illness of an important witness, the unavailability of another vital witness, and the impossibility of preparing complete statistical evidence have all combined to prevent the presentation of their complete direct evidence at the hearings already held in these proceedings, and it is now expected that their further evidence will not be available until approximately November 7, 1955.

The Commission finds adequate grounds have been shown to justify a continuance of these proceedings in order to permit Delhi and Mayfair to complete the presentation of all of its evidence, and, in view of Staff commitments, the first available date for further resumption of hearings is November 21, 1955.

The Commission orders:

(A) The ruling of the Presiding Examiner denying Delhi and Mayfair a continuance of the proceedings in order to present further evidence be and the same is hereby reversed.

(B) These proceedings be and the same are hereby continued to reconvene on November 21, 1955, at the same time and place specified by the Presiding Examiner.

Adopted: October 5, 1955.

Issued: October 6, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8276; Filed, Oct. 11, 1955; 8:57 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 7, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31168: *Petroleum carbon coke and briquettes—Missouri points to Western Trunk-line points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on petroleum carbon (petroleum coke), and petroleum coke briquettes, carloads, from Kansas City, Mo.-Kans., and Sugar Creek, Mo., to specified points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin.

Grounds for relief: Modified short-line distance formula and circuity.

Tariff: Supplement 20 to Agent W. J. Prueter's I. C. C. A-3863.

FSA No. 31169: *Latex—Naugatuck, Conn., to Alabama and Louisiana.* Filed jointly by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on latex (liquid crude rubber), natural or synthetic, carloads, from Naugatuck, Conn., to Birmingham, Ala., Baton Rouge and New Orleans, La.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 58 to Agent O. E. Swenson's I. C. C. 610.

FSA No. 31170: *Grain and products—Nebraska to Colorado, Kansas and Missouri.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain, grain products, and related articles, carloads, from specified points in Nebraska to specified points in Colorado, Kansas, and Missouri.

Grounds for relief: Carrier competition and circuity.

Tariff: Supplement 19 to Agent W. J. Prueter's I. C. C. A-3992.

FSA No. 31171: *Crude sulphur—Charleston, S. C., to Spartanburg, S. C.* Filed by R. E. Boyle, Jr., Agent, for the Piedmont and Northern Railway Company and the Seaboard Air Line Railroad Company. Rates on crude sulphur (brimstone), carloads, from Charleston, S. C., to Spartanburg, S. C.

Grounds for relief: Circuitous routes through North Carolina.

Tariff: Supplement 108 to Agent C. A. Spaninger's I. C .C. 1221.

FSA No. 31172: *Iron and steel articles—Cincinnati, Ohio, to North Atlantic ports.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on iron and steel bars, ingots, and slabs, carloads, from Cincinnati, Ohio, to specified Hampton Roads and North Atlantic ports.

Grounds for relief: Competition with Gulf ports and circuity.

Tariff: Supplement 73 to Agent H. R. Hinsch's I. C. C. 4350.

FSA No. 31173: *Logs—Virginia Points to Points in North Carolina.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on logs, native and Canadian wood, or Mexican pine, carloads, from specified points in western Virginia to Cleveland, Lenoir, and Statesville, N. C.

Grounds for relief: Short-line distance scale and circuity.

Tariff: Supplement 89 to Agent C. A. Spaninger's I. C. C. 1297.

FSA No. 31174: *Methanol—Sterlington, La., to Chicago, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on methanol (methyl alcohol), tank-car loads, from Sterlington, La., to Chicago, Ill., and specified points in the inner zone of the Chicago switching district.

Grounds for relief: Barge competition and circuity.

Tariff: Supplement 82 to Agent F. C. Kratzmeir's I. C. C. 4064.

AGGREGATE OF INTERMEDIATES

FSA No. 31175: *Methanol—Sterlington, La., to Chicago, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on methanol (methyl alcohol), tank-car loads, from Sterlington, La., to Chicago, Ill., and specified points in the inner zone of the Chicago switching district.

Grounds for relief: Maintenance of proposed rates without requiring their use as factors in constructing combination rates lower than present through one-factor rates from or to points beyond the considered points.

Tariff: Supplement 82 to Agent F. C. Kratzmeir's I. C. C. 4064.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-8229; Filed, Oct. 11, 1955; 8:47 a. m.]

[Notice 81]

MOTOR CARRIER APPLICATIONS

OCTOBER 7, 1955.

Protests, consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when the circumstances require immediate action, an application for approval, under Section 210a (b) of the Act, of the temporary operations of motor carrier properties sought to be acquired in an application under Section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 339 Sub 4, filed September 8, 1955, LINCOLN MOVING & STORAGE COMPANY, INC., 1217 East Pike Street, Seattle 22, Wash. Applicant's attorney: John M. Hickson, Yeon Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, and *emigrant moveables*, between points in Grant County, Wash. Applicant is authorized to conduct operations in California, Oregon and Washington.

No. MC 8948 Sub 31, filed July 29, 1955, WESTERN TRUCK LINES, LTD., 2835 Santa Fe Avenue, Los Angeles 58, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A, B and C explosives*, as defined by the Commission, *ammunition*, not included in Class A, B and C explosives, and *component parts* thereof, between all points presently authorized to be served in the performance of regular, alternate, and irregular route operations in and through Arizona, California, and Texas, and the site of the Hughes Aircraft Co. Plant, located approximately 5½ miles south of Tucson, Ariz.

NOTE: Applicant states that the authority sought herein will also be used in interchanging traffic with other authorized carriers.

No. MC 11185 Sub 92, filed September 21, 1955, J-T TRANSPORT COMPANY, INC., 6504 East 37th Street, Kansas City, Mo. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Uncrated aircraft assemblies*, in special equipment, from Hawthorne and El Segundo, Calif., to points in St. Louis County, Mo. Applicant is authorized to conduct operations throughout the United States and the District of Colombia.

No. MC 11207 Sub 189, filed September 26, 1955, DEATON TRUCK LINE, INC., 3409 10th Avenue North, P. O. Box 1271, Birmingham, Ala. Applicant's attorney: John W. Cooper, 818-821 Massey Building, Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Aircraft engines*, between Brookley Field, near Mobile, Ala., on the one hand, and, on the other, Air Force Installations and contractors' and interchange points located in Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Kentucky, Tennessee, Georgia, North Carolina, South Carolina, and Florida.

NOTE: Applicant has authority to transport "Machinery" between points in Alabama, on the one hand, and, on the other, points in Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. Applicant states, however, that a question has arisen as to whether or not airplane engines are included in the "machinery" authorization. This application is filed as a precaution in the event aircraft engines are not included and also to seek new territorial authority consisting of points in Arkansas, Oklahoma, and Texas. Applicant has authority to conduct operations in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

No. MC 14978 Sub 3, filed September 26, 1955, JOHN GRASS COMPANY, a corporation, Dunbar, Pa. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Explosives* and *blasting supplies*, between Mount Braddock, Pa., and points in Fayette County, Pa., within ten miles of Mount Braddock, on the one hand, and on the other, points in Tennessee. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Maryland, Missouri, New York, Ohio, Pennsylvania, Virginia, and West Virginia.

No. MC 16650 Sub 6, filed August 22, 1955, DODSON S. WAUGH, doing business as WAUGH TRUCKING COMPANY, 312 Fairfax St., Berkeley Springs, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Empty tin cans* and *can lids*, from Baltimore, Md., to Amaranth, Pa., and (2) *tomatoes*, in cans, from Amaranth, Pa., to points in Virginia, points in that part of Ohio on and east of U. S. Highway 21, and those points in Maryland, Pennsylvania, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Maryland, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

No. MC 17593 Sub 21, filed September 8, 1955, PIERCE AUTO FREIGHT LINES, INC., 2825 N. W. Yeon Ave., Portland 10, Oreg. Applicant's attorney: Wm. P. Ellis, 1102 Equitable Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *those of unusual value, Class A and B explosives, household goods* as defined by the Commission, and *those requiring special equipment*, but excluding commodities in bulk, (1) between Portland, Oreg., and Hubbard, Oreg., over U. S. Highway 99W from Portland to junction Oregon Highway 57, thence over Oregon Highway 57 to junction Oregon Highway 51, thence over Oregon Highway 51 to junction U. S. Highway 99E, thence over U. S. Highway 99E to Hubbard, and return over the same route, serving all intermediate points, (2) between North Junction Salem, Oreg. By-Pass and U. S. Highway 99E, and South Junction Salem, Oreg. By-Pass and U. S. Highway 99E, over Salem, Oreg. By-Pass, serving no intermediate points, (3) between North Junction unnumbered highway and U. S. Highway 99E, and South Junction unnumbered highway and U. S. Highway 99E, over said unnumbered highway through Jefferson, Oreg., serving the intermediate point of Jefferson, Oreg., (4) between Eugene, Oreg., and junction U. S. Highway 99 and Oregon Highway 225 at or near Goshen, Oreg., over U. S. Highway 126 from Eugene to junction Oregon Highway 225, thence over Oregon Highway 225 to junction U. S. Highway 99, and return over the same route, serving all intermediate points, (5) between Anlauf, Oreg., and Rice Hill, Oreg., over Oregon Highway 45 through Drain, Oreg., serving all intermediate points, (6) between Oakland, Oreg., and Shady Point, Oreg., over Oregon Highway 234, serving all intermediate points, and (7) between Sweet Home, Oreg., and Foster, Oreg., over U. S. Highway 20, serving all intermediate points. Applicant is authorized to conduct operations in California and Oregon.

NOTE: This application with the exception of the route specified under item (7) is in effect a request to have present authority amended because of relocation of portions of U. S. Highway 99E and 99W so that carrier may use the new highways recently constructed in connection with operations over the older more circuitous highways.

No. MC 23942 Sub 5, filed August 15, 1955, ATLANTIC COAST LINE RAILROAD COMPANY, A Corporation, Box 461, Wilmington, N. C. Applicant's attorney: U. B. Ellis, Law Department, Atlantic Coast Line Railroad Company (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including express and mail*, (1) between junction U. S. Highway 301 and North Carolina Highway 481 near Enfield, N. C., and junction North Carolina Highways 481 and 125, over North Carolina Highway 481, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Richmond, Va., and Wilmington, N. C., (b) Richmond, Va., and Watha, N. C., (c) Richmond, Va., and Dunn, N. C., (d) Richmond, Va., and Clinton, N. C., (e) Richmond, Va., and Robersonville, N. C., and (f) Richmond, Va., and Williamston, N. C., (2) between junction North Carolina Highways 11 and 33 near Bethel, N. C., and Washington, N. C., over North Carolina Highway 33, serving the intermediate points of Stokes and Pactolus, N. C., (3) between Faison, N. C., and Clinton, N. C., over North Carolina Highway serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Richmond, Va., and Wilmington, N. C., (b) Richmond, Va., and Watha, N. C., (c) Richmond, Va., and Dunn, N. C., and (d) Richmond, Va., and Clinton, N. C., and (4) between junction North Carolina Highway 410 and U. S. Highway 701 near Tabor City, N. C., and Whiteville, N. C., over U. S. Highway 701, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) New Bern, N. C., and Waycross, Ga., and (b) Rowland, N. C., and Myrtle Beach, S. C.; subject to the same restrictive conditions imposed in applicant's Certificates Nos. MC 23942 Subs 1, 3, and 4. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, South Carolina and Virginia.

No. MC 25643 Sub 36, filed September 19, 1955, EVERTS' COMMERCIAL

TRANSPORT, INC., 815 Garfield Street, Eugene, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Phenol*, in bulk, in tank vehicles, from points in Contra Costa County, Calif., to Springfield and Portland, Oreg., and Seattle, Wash. Applicant is authorized to conduct operations in California, Oregon, and Washington.

No. MC 25869 Sub 2, filed September 26, 1955, MYRON R. NOLTE AND MAURICE D. NOLTE, doing business as NOLTE BROS., Farnhamville, Iowa. Applicant's representative: William A. Landau, 1307 E. Walnut St., Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients*, in bulk and in bags, from Omaha, Nebr., to Lohrville, Iowa, and points within 25 miles of Lohrville, and Auburn, Iowa, and points within 15 miles of Auburn. Any duplicating authority will be eliminated.

No. MC 26907 Sub 9, filed September 29, 1955, RIPON TRUCKING CO., A Corporation, Oshkosh Street, Ripon, Wis. Applicant's attorney: Edward A. Solie, 715 First National Bank Bldg., Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cookies*, in containers, from Ripon, Wis., to points in Kentucky and Tennessee. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, South Dakota and Wisconsin.

No. MC 30657 Sub 7, filed September 26, 1955, DIXIE HAULING COMPANY, 717 Memorial Drive, S. E., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Bldg., Atlanta 3, Ga. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Garbage cans, tubs, pails, and empty oil containers*, galvanized, from Atlanta, Ga., to points in Oklahoma and Texas; and *damaged shipments* of the above-described commodities on return. Applicant is authorized to conduct irregular route operations in Alabama, Florida, Georgia, Mississippi, Tennessee, Louisiana, Arkansas, North Carolina and South Carolina.

No. MC 30837 Sub 194, filed September 28, 1955, KENOSHA AUTO TRANSPORT CORPORATION, 4519–76th Street, Kenosha, Wisc. Applicant's attorney: Louis E. Smith, Suite 503, 1800 No. Meridian St., Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles*, in initial movements, in truckaway service, from Kenosha, Wisc., to points in Arizona, California, Nevada, Oregon and Washington. Applicant is authorized to conduct irregular route operations to all points in the United States.

No. MC 36473 Sub 60, filed September 8, 1955, amended September 29, 1955, CENTRAL TRUCK LINES, INC., 1000 Jackson St., Tampa, Fla. For authority to operate as a common carrier, over irregular routes, transporting: *Paper and paper products*, from Palatka and Yulee, Fla., to New Orleans, La., and points within 7 miles thereof, and Mobile, Ala., and points within 7 miles thereof, and to points on U. S. Highway 90 between Mobile, Ala., and New Orleans, La. Applicant is authorized to conduct operations in Georgia, Florida, and Alabama.

No. MC 41349 Sub 1, filed September 26, 1955, NELSON W. DEWEY, doing business as DEWEY'S VAN SERVICE, 476 Glen Street, Glens Falls, N. Y. Applicant's attorney: John J. Brady, Jr. 75 State Street, Albany 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Warren, Saratoga, Washington, and Essex Counties, N. Y., on the one hand, and, on the other, points in Virginia, New York, Connecticut, Massachusetts, Maryland, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Applicant is authorized to conduct operations in New York, Connecticut, Massachusetts, Maryland, New Jersey, Pennsylvania, Rhode Island, Vermont, and the District of Columbia.

No. MC 49304 Sub 2, filed September 16, 1955, JAMES LEONARD BOWMAN, doing business as JAMES L. BOWMAN, P. O. Box 6, Stephens City, Va. Applicant's attorney: Betty Winn, 1500 Massachusetts Ave., N. W., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Lime*, and *limestone* products, from Middletown, Va., and points within six (6) miles thereof, to points in Maryland, and points in Allegheny, Washington, Greene, Fayette, Somerset, Bedford, Fulton, Franklin, Adams, York, Lancaster, Chester, Delaware, and Dauphin Counties, Pa., and Jefferson, Berkeley, Morgan, Hampshire, Hardy, Grant, Mineral, Pendleton, Randolph, Tucker, Upshur, Barbour, Preston, Monongalia, Marion, Taylor, Harrison, and Lewis Counties, W. Va., (2) *firebrick and clay*, from Baltimore, Md., and points in Clearfield, and Center Counties, Pa., to Middletown, Va., and points within six (6) miles thereof, (3) *fertilizer*, in bags and in bulk, from Baltimore, Md., to points in Fauquier, Clarke, Frederick, and Shenandoah Counties, Va., and those in Jefferson County, W. Va., and (4) *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, from above specified destination points and points in above specified destination territories, to above specified origin points and points in above specified origin territories. Applicant is authorized to conduct operations in Maryland, Virginia, West Virginia, and the District of Columbia.

No. MC 52460 Sub 31, filed September 21, 1955, HUGH BREEDING, INC., 1420 West 35th Street, P. O. Box 9515, Tulsa, Okla. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Tulsa, Okla., to all points in Louisiana, and *refused shipments of lubricating oil* on return. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, Oklahoma, and Texas.

No. MC 52460 Sub 32, filed September 21, 1955, HUGH BREEDING, INC., 1420 West 35th Street, P. O. Box 9515, Tulsa, Okla. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Creosote oil* and *coal tar*, in straight or mixed loads, in bulk, in tank vehicles, from Waterloo, Iowa, and Granite City, Ill., to St. Joe, Ark., and *refused shipments* of the above-specified commodities on return.

No. MC 52565 Sub 6, filed July 26, 1955, (Amended), MYERS TRANSFER & STORAGE, INC., 418 Third Avenue, Huntington, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, uncrated, from Huntington, W. Va., to points in Illinois, New Jersey, Indiana, Kentucky, Maryland, the southern Peninsula of Michigan, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, Georgia, South Carolina, Florida, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Illinois, Indiana, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, Kentucky, and West Virginia.

No. MC 52579 Sub 27, filed August 17, 1955, GILBERT CARRIER CORP., 645 W. 40th St., New York, N. Y. Applicant's attorney: Harris J. Klein, 260 Broadway, New York 7, N. Y. For authority to operate as a common carrier, transporting: *Garments and wearing apparel on hangers*, and *hangers*, serving Kearny, N. J., as an off-route point, solely for the purpose of picking up and delivering laden semitrailers at the yards of the Pennsylvania Railroad in substituted service in connection with applicant's authorized regular route operations between Chicago, Ill., on the one hand, and, on the other, New York, N. Y., Philadelphia, Pa., and Vineland, N. J. Applicant is authorized to conduct operations from and to Chicago, Ill., Philadelphia, Pa., Vineland, N. J., and New York, N. Y., and to points in the United States except those in Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maine, and Vermont.

No. MC 54855 Sub 1, filed September 26, 1955, LOUISVILLE, NEW ALBANY AND CORYDON RAILROAD COMPANY, a corporation, Corydon, Ind. Applicant's attorney: James R. Regester, 100½ West Sixth Street, Bloomington, Ind. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, IRREGULAR ROUTES: Between points in Harrison and Floyd Counties, Ind., on and east of Indiana Highway 135, on and south of unnumbered County Highway extending between Central, Ind., and New Amsterdam, Ind., south of U. S. Highway 460 (formerly Indiana Highway 62) and west and north of the Ohio River; and REGULAR ROUTES: (1) Between Corydon Junction, Ind., and Central Barren, Ind., over County Pike and Indiana Highway 135, and (2) Between Corydon Junction, Ind., and Crandall, Ind., over County Pike, and Indiana Highways 135 and 335, and return over routes (1) and (2) above, serving no intermediate points.

NOTE: Applicant states that any duplication of authority granted under this application shall be construed as a single right. Applicant is authorized to conduct operations in Indiana and Kentucky.

No. MC 55811 Sub 27, filed October 3, 1955, CRAIG TRUCKING, INC., Albany, Indiana. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pulpboard* (consisting of not less than 80% wood pulp), *scrap paper, straw*, and *mixtures of scrap paper and straw*, from Federal, Ill., to Battle Creek, Mich., and *damaged shipments of pulpboard*, on return. Applicant is authorized to conduct operations in Illinois, Indiana, and Ohio.

No. MC 64994 Sub 18, filed September 26, 1955, HENNIS FREIGHT LINES, INC., P. O. Box 612, Winston-Salem, N. C. Applicant's attorney: York & Boyd, 201–204 Jefferson Bldg., Greensboro, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquors*, alcoholic, from Lawrenceburg, Ind., to Raleigh, N. C., Columbia and Charleston, S. C., Augusta and Savannah, Ga., and Richmond, Va. Applicant is authorized to conduct regular route operations in Ohio, Virginia, North Carolina and West Virginia, and irregular route operations in Ohio, West Virginia, Virginia, Indiana, Michigan, Illinois, South Carolina, Maryland, Pennsylvania and North Carolina.

No. MC 66562 Sub 1249, filed September 6, 1955, published September 21, 1955, page 7088, amended September 22, 1955, and further amended October 3, 1955, published October 5, 1955. The restrictive amendment of October 3, 1955, is included in this republication. RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York, N. Y. Applicant's attorneys: Alston, Sibley, Miller, Spann & Shackleford, 1220 Citizens and Southern National Bank Bldg., Atlanta, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, between Nashville, Tenn., and Crossville, Tenn., from Nashville over U. S. Highway 31–E to Madison, Tenn., thence over Tennessee Highway 45 via Old Hickory to junction U. S. Highway 70–N, thence over U. S. Highway 70–N to Crossville, and return over the same route, serving the intermediate points of Old Hickory, Lebanon, Catthage, Double Springs, Cookeville and Monterey, Tenn., and the off-route points of Watertown, Baxter and Algood, Tenn. Applicant is authorized to conduct operations throughout the United States. RESTRICTION: Proposed service shall be limited to service which is auxiliary to or supplemental of express service and shipments proposed to be transported shall be limited to those moving on a through bill of lading or an express receipt covering, in addition to a motor carrier movement, an immediately prior or immediately subsequent movement by rail or air.

No. MC 72300 Sub 27, filed September 1, 1955, AMERICAN CARLOADING CORPORATION, 261 Hastings Street, Detroit, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Ford Motor Company plant near Seventeen Mile Road and Mound Road in Sterling Township, Macomb County, Mich., as an off-route point in connection with carrier's regular route operations to and from Detroit, Mich., and Pontiac, Mich., over U. S. Highways 12, 16, 24, 25, and 112 and Michigan Highways 53 and 112. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Ohio.

No. MC 89684 Sub 16, filed August 8, 1955, WYCOFF COMPANY, INCORPORATED, 346 West 6th South, P. O. Box 366, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, 721 Continental Bank Building, Salt Lake City, Utah. For authority to operate as a *common carrier*, over regular and irregular routes, transporting:

(A) REGULAR ROUTES: *Motion picture films, motion picture supplies* and *motion picture advertising matter*, as defined by the Commission; *newspapers, magazines, periodicals* and *books*, (1) serving Kemmerer, Wyo., as an off-route point in connection with carrier's regular route operations between Salt Lake City, Utah, and Rock Springs, Wyo., over U. S. Highway 30, (2) between Twin Falls, Idaho, and Sun Valley, Idaho, over U. S. Highway 93, serving no intermediate points, and the off-route point of Cary, Idaho, (3) between Salt Lake City, Utah, and Preston, Idaho, over U. S. Highway 91, serving no intermediate points, and the off-route points of Lewiston and Hyrum, Utah, (4) between Ashton, Idaho, and West Yellowstone, Mont., over U. S. Highway 191, serving no intermediate points, between May 1st and September 15th of each year, (5) between Sugar City, Idaho, and Victor, Idaho, over Alternate U. S. Highway 20, serving all intermediate points, (6) between Dillon, Mont., and Butte, Mont., from Dillon over Montana Highway 41 to junction U. S. Highway 10–S, thence over U. S. Highway 10–S to Butte, and return over the same route, serving the intermediate point of Twin Bridges, Mont., and the off-route point of Sheridan, Mont., (7) between Elsinore, Utah, and Kanab, Utah, over U. S. Highway 89, serving all intermediate points, and the off-route points of Escalante and Tropic, Utah, (8) between Nephi, Utah, and St. George, Utah, over U. S. Highway 91, serving all intermediate points, and the off-route points of Hurricane and Springdale, Utah, (9) serving Adrian, Oreg., as an off-route point in connection with carrier's regular route operations between Ontario, Oreg., and Weiser, Idaho, over U. S. Highway 95, (10) see route numbered 10 in this application under irregular routes, below, (11) between Green River, Utah, and Monticello, Utah, from Green River over U. S. Highway 50 to Crescent Junction, Utah, thence over U. S. Highway 160 to Monticello, and return over the same route, serving all intermediate points, and the off-route points of Blanding, Utah, Dover Creek, Dolores and Durango, Colo., and Shiprock, N. Mex., and (12) serving the off-route points of Thayne and Afton, Wyo., in connection with carrier's regular route operations between St. Anthony, Idaho, and Ashton, Idaho, over U. S. Highway 191.

IRREGULAR ROUTES: The following route is numbered 10 in this application. Between Salt Lake City, Utah, on the one hand, and, on the other, points in Tooele County, Utah. Applicant states he seeks clarification as to his present rights in Tooele County.

(B) REGULAR ROUTES: *Magazines, periodicals*, and *books*, over all regular routes authorized to applicant in Certificate No. MC 89684, from, to, and/or between points in Idaho, Montana, Nevada, Oregon, Utah and Wyoming. Applicant is authorized in Certificate No. MC 89684 to transport films and articles associated with the exhibition of motion pictures as described by the Commission, and newspapers. Applicant is authorized to conduct operations in Idaho, Montana, Nevada, Oregon, Utah and Wyoming.

No. MC 95749 Sub 12, filed September 12, 1955, F. O. STROMBERG, doing business as UNITED TRANSFER & STORAGE CO., 2 Fifth Avenue, Havre, Mont. Applicant's attorney: Max P. Kuhr, Citizens Bank Building, Havre, Mont. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Glasgow, Mont., and the U. S. A. C. Airbase, approximately 19 miles north of Glasgow, Mont., over unnumbered highway. Applicant is authorized to conduct operations in Montana.

No. MC 97357 Sub 5, filed October 3, 1955, ALLYN TANK LINE, INC., 14011 South Central Avenue, Los Angeles 59, Calif. Applicant's attorney: Bailey & Poe, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid fertilizers*, in bulk, in tank vehicles, between points in Orange and Los Angeles Counties, Calif., and the port of entry to the Republic of Mexico near Calexico, Calif. Applicant conducts operations under Section 206 (a) (1) of the Interstate Commerce Act pursuant to filing in Docket No. MC 97357 Sub 4.

No. MC 101075 Sub 34, filed July 22, 1955, TRANSPORT, INC., 1213 Center, Moorhead, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn.

For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum*, and *petroleum products*, in bulk, in tank vehicles, (1) from Columbus, Nebr. and points within ten miles thereof, to points in South Dakota, (2) from Rock Rapids, Iowa and points within ten miles thereof, to points in South Dakota, and (3) from points in Pennington and Meade Counties, S. Dak., to points in Nebraska, Wyoming, and North Dakota. Applicant is authorized to conduct operations in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

No. MC 102616 Sub 615, filed September 27, 1955, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street, N. W., Washington 6, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Flammable lacquer*, in bulk, in tank trucks, from Reading, Pa., to Stamford, Conn. Applicant is authorized to conduct operations in Maryland, West Virginia, Pennsylvania, Virginia, New Jersey, Ohio, New York, Illinois, Indiana, Kentucky, Connecticut, Massachusetts, Rhode Island, North Carolina, South Carolina, Michigan, Tennessee, Wisconsin, Delaware, and the District of Columbia.

No. MC 103993 Sub 58, filed September 28, 1955, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 W. Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by truckaway method, from points in Kentucky, (except Louisville), to all points in the United States, and *damaged shipments* of the commodity specified in this application on return. Applicant is authorized to conduct operations throughout the United States.

No. MC 106398 Sub 47, filed September 28, 1955, NATIONAL TRAILER CONVOY, INC., 1916 N. Sheridan Road, P. O. Box 896 Dawson Station, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 W. Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting; *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by the truckaway method, from all points in Kentucky, except Louisville, to all points in the United States. *Damaged shipments of trailers*, from all points in the United States to all points in Kentucky, except Louisville. Applicant is authorized to conduct operations throughout the United States.

No. MC 106644 Sub 30, filed September 30, 1955, SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place, N. E., Atlanta, Ga. Applicant's attorney: Reuben G. Grimm, 805 Peachtree Bldg., Atlanta 5, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Paper, pulp and textile mill rolls, aircraft assemblies*, and *commodities requiring special equipment*, between points in Texas and Arkansas, on the one hand, and, on the other, points in Georgia. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.

No. MC 106977 Sub 12, filed September 6, 1955, and amended September 26, 1955, T. S. C. MOTOR FREIGHT LINES, INC., P. O. Box 2625, 400 Pinckney Street, Houston 1, Tex. Applicant's attorney: Reagan Sayers, Century Life Bldg., Fort Worth, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Baton Rouge, La., and Poplarville, Miss., from Baton Rouge over U. S. Highway 190 to Hammond, La., thence over Louisiana Highway 36 to Covington, La., thence over Louisiana Highway 21 to Bogalusa, La., thence over Louisiana Highway 10 to the Mississippi-Louisiana State line, thence over Mississippi Highway 26 to Poplarville, Miss., and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, and serving Hammond, La., for joinder purposes only.

No. MC 107107 Sub 71, filed September 15, 1955 (Amended), published page 7241 issue of September 28, 1955, ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th St., Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, meat by-products; dairy products; frozen foods; fresh and processed fruits, vegetables, fish, seafood, and nuts; condiments; spices; bakery supplies, materials, and products; candy; confectionery; salad dressings; cocoa; coffee; pie filler; mince meat; cereals; olives; flavoring compounds, syrups, and extracts; edible and cooking oils; macaroni; spaghetti;* and *rice*, (1) from the New York, N. Y., Commercial Zone, as defined by the Commission, and points in Nassau, Suffolk, Rockland, and Westchester Counties, N. Y., and those in Bergen, Passaic, Union, Essex, Middlesex, Somerset, and Morris Counties, N. J., to Atlanta, Ga., and Savannah, Ga., and points in Florida; (2) from points in the Philadelphia, Pa., Commercial Zone, as defined by the Commission, to Atlanta, Ga., and Savannah, Ga.; *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

NOTE: Applicant will surrender any duplicating authority now held. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Wisconsin, and the District of Columbia.

No. MC 108836 Sub 8, filed September 28, 1955, COATES-NORRELL MOTOR EXPRESS, INCORPORATED, 614 West Holmes Street, Huntsville, Ala. Applicant's attorney: Blaine Buchanan, 1024 James Building, Chattanooga 2, Tenn. For authority to operate as a common carrier, over irregular routes, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Huntsville, Ala., and Hobbs Island, Ala. Applicant is authorized to conduct operations in Alabama and Tennessee.

No. MC 109132 Sub 9, filed October 1, 1955, FREIGHTWAYS, INC., 1309 North Mosley Street, Wichita, Kans. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Avenue, Suite 1010, Kansas City 5, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those injurious or contaminating to other lading, (a) between Garden City, Kans., and Tulsa, Okla., (1) from Garden City over U. S. Highway 83 to junction U. S. Highway 64, thence over U. S. Highway 64 to Tulsa, and return over the same route, serving the intermediate points of Liberal, Kans., and Enid and Perry, Okla.; (2) from Garden City over U. S. Highway 83 to junction U. S. Highway 64, thence over U. S. Highway 183, thence over U. S. Highway 183 to junction U. S. Highway 270, thence over U. S. Highway 270 to junction Oklahoma Highway 3, thence over Oklahoma Highway 3 to junction U. S. Highway 66 at Oklahoma City, and thence over U. S. Highway 66 to Tulsa, and return over the same route, serving the intermediate points of Liberal, Kans., and Oklahoma City and Sapulpa, Okla.; (3) from Garden City over U. S. Highway 50–S to junction U. S. Highway 283, thence over U. S. Highway 283 to junction U. S. Highway 64, thence over the routes specified in (1) and (2) above, to Tulsa, and return over the same routes, serving the intermediate points of Dodge City, Kans., and Enid, Perry, Oklahoma City and Sapulpa, Okla.; (4) from Garden City over U. S. Highway 50–S to junction U. S. Highway 154, thence over U. S. Highway 154 to junction U. S. Highway 54, thence over U. S. Highway 54 to junction U. S. Highway 281, thence over U. S. Highway 281 to junction U. S. Highway 64, and thence over U. S. Highway 64 to Tulsa, and return over the same routes, serving the intermediate points of Dodge City and Pratt, Kans., and Enid and Perry, Okla.; (5) from Garden City, Kans., to Enid, Okla., as specified in routes (1) and (4) above, thence over U. S. Highway 81 to junction Oklahoma Highway 3, thence over the routes specified in (2) above, to Tulsa, and return over the same routes, serving the intermediate points specified in (1), (2) and (4) above; and (6) from Garden City over U. S. Highway 50–S to junction U. S. Highway 154, thence over U. S. Highway 154 to junction U. S. Highway 54, thence over U. S. Highway 54 to junction U. S. Highway 77, thence over U. S. Highway 77 to junction U. S. Highway 60, thence over U. S. Highway 60 to junction Oklahoma Highway 11, and thence over Oklahoma Highway 11 to Tulsa, and return over the same routes, serving the intermediate points of Dodge City, Pratt, and Wichita, Kans.; (b) between Wichita, Kans., and Liberal, Kans., from Wichita over U. S. Highway 54 to Liberal, and return over the same route, serving the intermediate point of Pratt, Kans.; (c) between Wichita, Kans., and Garden City, Kans., from Wichita over U. S. Highway 54 to junction U. S. Highway 154, thence over U. S. Highway 154 to Dodge City, thence over U. S. Highway 50–S to Garden City, and return over the same route, serving the intermediate point of Dodge City, Kans., and serving the junction of Kansas Highway 45 and U. S. Highway 154 for purpose of joinder only; (d) between Garden City, Kans., and Liberal, Kans., from Garden City over U. S. Highway 83 to Liberal, and return over the same route, serving no intermediate points except the junction of U. S. Highway 83 and Kansas Highway 45 at or near Sublette, Kans.; (e) between Liberal, Kans., and St. Louis, Mo., from Liberal over U. S. Highway 54 to Wichita, thence over U. S. Highway 81 to Newton, Kans., thence over U. S. Highway 50–S to Emporia, Kans., thence over Kansas Highway 99 to junction U. S. Highway 50–N, thence over U. S. Highway 50–N to junction U. S. Highway 75, thence over U. S. Highway 75 to Topeka, and thence over U. S. Highway 40 to St. Louis, and return over the same route, serving the intermediate points in Kansas, except Kansas City, Kans.; and (f) between Garden City, Kans., and St. Louis, Mo., from Garden City over U. S. Highway 50–S to Dodge City, thence over U. S. Highway 154 to junction U. S. Highway 54, thence over U. S. Highway 54 to Wichita, thence over the routes described immediately above to St. Louis, and return over the same route, serving the intermediate point of Dodge City, Kans.

NOTE: By this application applicant proposes to convert certain of its irregular routes to regular routes. No new points are to be served and no duplication of routes is sought. Applicant is authorized to conduct operations in Illinois, Kansas, Missouri and Oklahoma.

No. MC 109382 Sub 12, filed August 22, 1955, JONAS P. DONMOYER, Uno, Pa. Applicant's representative: John W. Frame, 603 North Front St., Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick* and *clay products*, from New Oxford (Adams County), Pa., to points in New York, New Jersey, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in New York and Pennsylvania.

No. MC 109761 Sub 4, filed September 19, 1955, CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Applicant's attorney: Benjamin J. Brooks, Washington Loan and Trust Bldg., Washington 4, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fruits and fruit juices*, and *vegetables and vegetable juices*; (not frozen), canned or in packages, (including containers), from points in Florida to points in Connecticut, Illinois, Indiana, Massachusetts, Minnesota, Ohio, Rhode Island, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities on return movements. Applicant is authorized to conduct operations in Florida, Illinois, Indiana, Michigan, Minnesota, and Wisconsin.

No. MC 110478 Sub 4, filed September 23, 1955, WATKINS TRUCKING, INC., 818 Gorley Street, Uhrichsville, Ohio. Applicant's attorney: Ralph W. Sanborn, Hartman Bldg., Columbus, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay products* and *fire clay*, palletized and non-palletized, from points in Tuscarawas County, Jefferson County, and Palmyra Township, Portage County, Ohio, to points in Wisconsin, and *Empty containers, pallets, corrigated sheeting, cardboard, lumber, machinery, machinery parts and supplies* used in the manufacture, packing or shipping of clay products and fire clay, on return. Applicant is authorized to conduct irregular route operations in Delaware, Kentucky, Illinois, Indiana, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia and the District of Columbia.

No. MC 110525 Sub 282, filed September 23, 1955, CHEMICAL TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. Applicant's attorney: GERALD L. PHELPS, JR., Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, (including but not restricted to those defined by the Commission), in bulk, in tank vehicles, from (1) Mogadore, Ohio, to Milwaukee, Wis., and (2) from Ashland, Ohio, to Monticello, Ark. Applicant is authorized to conduct operations in New Jersey, Illinois, Indiana, Michigan, New York, Massachusetts, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Kentucky, Delaware, Connecticut, Alabama, Tennessee, Missouri, Minnesota and the District of Columbia.

No. MC 110525 SUB 283, filed September 27, 1955, CHEMICAL TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal tar products, acids* and *chemicals*, in bulk, in tank vehicles, from points in Burlington County, N. J., to points in Montgomery County, Pa. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC 110779 Sub 7, filed September 15, 1955. Published September 28, 1955 issue on page 7242. LEWIS TRANSPORT, INC., Columbia, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, such as *lubricating oils and greases*, in containers, (1) from Cincinnati, Ohio, to Brookville, Butlerville, Corydon, Greensburg, Mitchell, Orleans, Salem, Scottsburg and Seymour, Ind., and (2) from Cincinnati, Ohio, to points in Kentucky. Applicant is authorized to conduct operations in Kentucky, Ohio, Tennessee, Virginia, and Indiana.

No. MC 111472 Sub 31, filed August 22, 1955, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Ave., Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 W. Doty St., Madison 3, Wis. For authority to operate as *contract carrier*, over irregular routes, transporting: *Agricultural machinery, implements* and *parts*, as defined by the Commission, from (1) Appleton and Racine, Wis., on the one hand, to points in Montana and Colorado, on the other; (2) from West Bend, Wis., on the one hand, to points in Montana, on the other. Applicant is authorized to conduct operations in Iowa, North Dakota, South Dakota, Illinois, Indiana, Minnesota, Missouri, Nebraska, Wisconsin, Ohio, Michigan.

NOTE: In conducting the proposed operations, applicant will traverse all intervening states.

No. MC 112584 Sub 11, filed September 28, 1955, FRED A. SHELTON, McCaysville, Ga. Applicant's attorney: Blaine Buchanan, 1024 James Building, Chattanooga 2, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sulphur dioxide*, in bulk, in tank vehicles, from Copperhill, Tenn., to Canton, N. C., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity on return.

NOTE: Applicant states that irregular routes are requested in order to select, from time to time, best route to avoid winter weather and tourist traffic. Applicant is authorized to conduct operations in Alabama, Georgia, Mississippi, North Carolina, and Tennessee.

No. MC 112584 Sub 12, filed September 28, 1955, FRED A. SHELTON, McCaysville, Ga. Applicant's attorney: Blaine Buchanan, 1024 James Building, Chattanooga 2, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sulphur dioxide*, in bulk, in tank vehicles, from Copperhill, Tenn., to Foley, Fla., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity. Applicant is authorized to conduct operations in Alabama, Georgia, Mississippi, North Carolina, and Tennessee.

No. MC 113192 Sub 6, filed September 8, 1955, amended September 19, 1955, A. E. SCHUELKE, doing business as SCHUELKE TRUCKING, 213 State St., New London, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fresh and processed butter, milk, eggs, sugar, empty*

barrels and containers, and miscellaneous supplies used in connection therewith, for A. Sturn and Sons, from points in Michigan, Indiana, Illinois, Minnesota, and Iowa, to Manawa, Wis.

No. MC 113482 Sub 3, filed September 26, 1955, G. F. ARDERY, doing business as G. F. ARDERY OIL TRANSPORT, 1107 Rockford Road, Charles City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients*, in bulk and in bags, (1) from Charles City, Iowa, to points in Minnesota, South Dakota and Wisconsin, (2) from Sioux City, Iowa, to points in Minnesota, Nebraska and South Dakota.

No. MC 114045 Sub 14, filed September 29, 1955, R. L. MOORE and JAMES T. MOORE, doing business as TRANSCOLD EXPRESS, P. O. Box 5082, Dallas 22, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen fruits* and *frozen vegetables, puree* and *concentrates*, from Laredo, Tex., to points in New York, New Jersey, Pennsylvania, and Massachusetts. Applicant does not presently hold a certificate from this Commission but report and order was issued on March 22, 1955 in Docket No. MC 114045 Sub 1 granting authority to conduct operations in Arkansas, Connecticut, Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, New York, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and the District of Columbia.

No. MC 114569 Sub 4, filed August 29, 1955, SHAFFER TRUCKING, INC., Elizabethville, Pa. Applicant's attorney: James W. Hagar, Commerce Building, P. O. Box 432, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Uncrated cabinets*, and *component parts thereof and accessories* when moving in connection therewith, from Shamokin, Pa. and points in Delaware Township, Juniata County, Pa., to points in Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Maine, Maryland, Michigan, Missouri, New York, New Jersey, New Hampshire, North Carolina, Ohio, Pennsylvania, Massachusetts, Rhode Island, South Carolina, Vermont and Virginia; and *materials and accessories* used in the manufacture of cabinets and *refused and damaged uncrated cabinets*, and *component parts thereof and accessories* when moving in connection therewith, on return movements. Applicant is not now authorized to transport the commodities specified herein.

No. MC 114569 Sub 5, filed September 30, 1955, SHAFFER TRUCKING, INC., Elizabethville, Pa. Applicant's attorney: James W. Hagar, Commerce Building, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Products, byproducts*, and *parts of dead or slaughtered animals unfit for human consumption*, between points in Washington Township, Dauphin County, Pa., and Franconia Township, Montgomery County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Rhode Island and Vermont.

No. MC 114834 Sub 3, filed September 28, 1955, PAUL K. BUSS AND BERNICE A. BUSS, doing business as BUSSIE'S LANDING, Hewitt, N. J. Applicant's representative: Bert Collins, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Boats*, outboard, uncrated, not exceeding 6,000 pounds in weight, requiring the use of special equipment, from the plant site of Lyman Boat Works at Sandusky, Ohio, to Howard Beach, N. Y., and New York, N. Y., and points in Orange County, N. Y., and Rahway, N. J., and Hewitt, N. J.

No. MC 115504, filed August 8, 1955, KENISON TRUCKING, INC., 413 S. Second West, Salt Lake City, Utah. Applicant's attorney: Harold N. Wilkinson, Inland Bldg., 240 S. Second East, Salt Lake City 1, Utah. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fertilizer*, between Garfield, Utah, and Midvale, Utah, on the one hand, and, on the other, points in Idaho, Nevada, California, Montana, and Oregon; *exempt commodities* when transported on a vehicle on which non-exempt commodities are also transported at the same time for compensation, on return.

No. MC 115510, filed September 23, 1955, HARRY D. STRUNK, doing business as McCOOK DAILY GAZETTE, 422 Norris Ave., McCook, Nebr. Applicant's attorney: William W. Lyons, Reed Bldg., McCook, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *Newspapers*, and *general commodities* not to exceed 50 pounds in weight, excepting those of unusual value, Class A and B explosives, and household goods as defined by the Commission, between McCook, Nebr., and McCook, Nebr., from McCook south over U. S. Highway 83 to junction with Nebraska Highway 89, thence east on Nebraska Highway 89 to Marion, Nebr., and Danbury, Nebr., thence west on Nebraska Highway 89 to junction with U. S. Highway 83, thence south on U. S. Highway 83 to Oberlin, Kans., thence west on U. S. Highway 36 to junction with Kansas Highway 117, thence north on Kansas Highway 117 to Herndon, Kans., thence south on Kansas Highway 117 to junction with U. S. Highway 36, thence west on U. S. Highway 36 to Atwood, Kans., thence north on Kansas Highway 25 and Nebraska Highway 25 to Trenton, Nebr., thence west on U. S. Highway 34 to Stratton, Max, and Benkelman, Nebr., and thence east on U. S. Highway 34 to McCook, Nebr., serving all intermediate points.

No. MC 115564, filed September 12, 1955, FRANCIS J. BALTHAZOR, Willow Street, Bear Creek, Outagamie County, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Purinia feeds*, from Minneapolis, Minn., to Marion, Clintonville, Embarrass, Bear Creek, Symco, and New London, Wis., and (2) *canned foods, industrial products* and *wood products*, and *canned food products*, from the above destination points to Minneapolis on return movements.

No. MC 115567, filed August 29, 1955, MAURICE PAQUETTE, Lac-des-Ecorces, Labelle County, Province of Quebec, Canada. Applicant's attorney: Henri Courtemanche, Rue De La Madone, Case Postale 499, Mont-Laurier, Quebec, Canada. For authority to operate as a *contract carrier*, over a regular route, transporting: *Granite*, from the International Boundary Line between the United States and Canada at port of entry near Highgate Springs, Vt., to Barre, Vt., from said International Boundary Line over U. S. Highway 7 to Burlington, thence over U. S. Highway 2 to Montpelier, and thence over U. S. Highway 302 to Barre, serving no intermediate points.

No. MC 115568, filed September 12, 1955, OMER BEAUBIEN, Lac-des-Ecorces, Labelle County, Province of Quebec, Canada. Applicant's attorney: Henri Courtemanche, Attorney, Rue De La Madone, Case Postale 499, Mont-Laurier, Quebec, Canada. For authority to operate as a *contract carrier*, over a regular route, transporting: *Granite*, from the International Boundary Line between the United States and Canada at port of entry near Highgate Springs, Vt., to Barre, Vt., from said International Boundary Line over U. S. Highway 7 to Burlington, thence over U. S. Highway 2 to Montpelier, and thence over U. S. Highway 302 to Barre, serving no intermediate points.

No. MC 115569, filed August 29, 1955, M. HONORE BRUNET, Lac-des-Ecorces, Co. Labelle, Province of Quebec, Canada. Applicant's attorney: Henri Courtemanche, Rue De La Madone, Case Postale 499, Mont-Laurier, Quebec, Canada. For authority to operate as a *contract carrier*, over a regular route, transporting: *Granite*, from the International Boundary Line between the United States and Canada at port of entry near Highgate Springs, Vt., to Barre, Vt., from said International Boundary Line over U. S. Highway 7 to Burlington, thence over U. S. Highway 2 to Montpelier, and thence over U. S. Highway 302 to Barre, serving no intermediate points.

No. MC 115590, filed September 27, 1955, CLIFTON MOODY McCLURE, III, doing business as SERVICE ROLLAWAY, 121 Sharpe Street Building, Anderson, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: Mobile homes, between all points in the States of South Carolina, North Carolina, and Georgia on the one hand, and, on the other, all points in the United States, and the District of Columbia.

No. MC 115592, filed September 29, 1955, ELIZABETH JENNIGES, doing business as JENNIGES TRANSFER, Springfield, Minn. Applicant's attorney: A. R. Fowler, Agent, Associated Motor Carriers Tariff Bureau, 2288 University Avenue, Saint Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Clay products*, from Springfield, Minn., to points in Iowa, North Dakota, South Dakota and Wisconsin; and commodities specified above from Ft. Dodge, Iowa to Springfield, Minn., on return.

No. MC 115593, filed September 29, 1955, W. H. FRADY and J. C. FRADY, doing business as FRADY'S SERVICE, Main Street, Walhalla, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, and *general commodities*, except those of unusual value, Class A and B explosives, petroleum products, in bulk, and commodities requiring special equipment, between points in Oconee County, S. C., on the one hand, and, on the other, points in Georgia.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 228 Sub 16, filed June 22, 1955, published in the August 10, and September 21, 1955, issues, on pages 5800 and 7092, respectively, and amended October 5, 1955, HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N. J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round trip operations, during the racing seasons of the following Race Tracks: Beginning and ending in Suffern, Goshen, Middletown, Wurtsboro, Monticello, Liberty, Binghamton, Endicott, Port Jervis, and Newburgh, N. Y., Milford and Carbondale, Pa., and Mahwah, N. J., and extending to Saratoga Race Track, Saratoga Springs, N. Y., Roosevelt Raceway, Westbury, Long Island, N. Y., and Yonkers Raceway, Yonkers, N. Y., Monmouth Park Race Track, Oceanport, N. J., Garden State Race Track, Delaware, N. J., Freehold Trotting Track, Freehold, N. J., and Atlantic City Race Track, Hamilton Township, N. J., Delaware Park Race Track, Wilmington, Del., Pimlico Race Track, Baltimore, Md., Bowie Race Track, Bowie, Md., and Laurel Race Track, Laurel, Md., and Lincoln Downs Race Track, Lincoln, R. I. Applicant is authorized to conduct regular route operations in New Jersey, New York and Pennsylvania. Note: Applicant states all of the above places of origin are points presently served by applicant on applicant's presently authorized regular routes.

No. MC 228 Sub 17, filed October 3, 1955, HUDSON TRANSIT LINES, INC., doing business as SHORT LINE SYSTEM, Franklin Turnpike, Mahwah, N. J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, during the period extending from June 20 to September 15, both inclusive, of each year, (1) between Barryville, N. Y., and junction U. S. Highways 106 and 6, in Wayne County, Pa., from Barryville over New York Highway 97 to junction U. S. Highway 106 in Narrowsburg, N. Y., thence over U. S. Highway 106 to junction U. S. Highway 6, in Wayne County, and (2) between junction New York Highways 97 and 52, in the Town of Tusten, N. Y., and junction New York Highway 52 and unnumbered New York Highway leading to Lake Huntington in the Town of Cochecton, N. Y., over New York Highway 52, and return over the above routes, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

No. MC 599 Sub 2, filed September 21, 1955, BINGLER VACATION TOURS, INC., 140 Market Street, Paterson, N. J. Applicant's attorney: Edward G. Weiss, Citizens Trust Building, 140 Market Street, Paterson 1, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special round-trip operations during the racing seasons, beginning and ending at New York, N. Y., and extending to Monmouth Park Race Track, Oceanport, N. J., Garden-State Race Track, Delaware Township, N. J., Freehold Trotting Track, Freehold, N. J., and Atlantic City Race Track, Hamilton Township, N. J. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia and the District of Columbia.

No. MC 1504 Sub 124, filed October 3, 1955, ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Building, Charleston, W. Va. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Ave., N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers, express, mail, newspapers, and baggage* in the same vehicle with passengers, between the junction of Old U. S. Highway 220 and Relocated U. S. Highway 220 south of Boones Mill, Va., and the junction of Old U. S. Highway 220 and Relocated U. S. Highway 220, north of Rocky Mount, Va., from the junction of Old U. S. Highway 220 and Relocated U. S. Highway 220 south of Boones Mill over Relocated U. S. Highway 220 to its junction with Old U. S. Highway 220 north of Rocky Mount, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Ohio, West Virginia, Virginia, Pennsylvania, South Carolina, North Carolina, Tennessee, Georgia, Florida, and the District of Columbia.

No. MC 3647 Sub 189, filed September 20, 1955, PUBLIC SERVICE COORDINATED TRANSPORT, 80 Park Place, Newark, N. J. Applicant's attorney: Winslow B. Ingham, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers* and *their baggage* in the same vehicle with passengers, in special operations, during the authorized racing seasons of each year, from Newark, N. J. and Paterson, N. J. to Yonkers Raceway, Yonkers, N. Y., and return. Applicant is authorized to conduct operations in New Jersey and New York, and to Philadelphia, Pa.

No. MC 3647 Sub 191, filed September 23, 1955, PUBLIC SERVICE COORDINATED TRANSPORT, 80 Park Place, Newark, N. J. Applicant's attorney: Winslow B. Ingham, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage*, and *express* and newspapers in the same vehicle with passengers, from junction of the New Jersey Turnpike at Newark Airport Interchange No. 14 in Newark, N. J. over New Jersey Turnpike Extension (Newark Bay-Hudson County Section) and ramps and access roads to junction with highways leading to Holland Tunnel (12th Street) in Jersey City, N. J.; return from Holland Tunnel in Jersey City (14th Street-Boyle Plaza) over ramps and access roads to New Jersey Turnpike Extension (Newark Bay-Hudson County Section) thence over New Jersey Turnpike Extension to junction with New Jersey Turnpike at Newark Airport Interchange No. 14. Applicant is authorized to conduct operations in New Jersey and New York, and to Philadelphia, Pa.

No. MC 10922 Sub. 3, filed September 22, 1955, V-K BUS LINES, INC., 150 Laredo Avenue, Lemay, Mo. Applicant's attorney: Harry B. La Tourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage, and express, mail and newspapers* in the same vehicle with passengers, between Vienna, Mo., and Nevada, Mo., from Vienna over Missouri Highway 42 to junction U. S. Highway 54, thence over U. S. Highway 54 to Nevada, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Illinois and Missouri.

No. MC 29889 Sub 3, filed August 22, 1955, amended September 29, 1955, published September 8, 1955 issue, page 6598, ROCKLAND TRANSIT CORPORATION, 126 North Washington Ave., Bergenfield, N. J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip special operations, during the authorized racing seasons, beginning and ending at the following points in Rockland County, N. Y.: Tallman, Monsey, Spring Valley, Nanuet, Pearl River, New City, Orangeburg, Tappan, Sparkill, Piermont, Grand View, South Nyack, Nyack, Upper Nyack, West Nyack, Rockland Lake, Valley Cottage, Congers, Haverstraw, West Haverstraw and Stony Point, N. Y., and extending to the Monmouth Park Jockey Club Race Track, Oceanport, N. J., Garden State Race Track, Delaware Township, N. J., Freehold Trotting Track, Freehold, N. J., Atlantic City Race Track, Hamilton Township, N. J., Aqueduct Race Track and Jamaica Race Track, New York City, N. Y., Belmont Race Track, Nassau County, N. Y., Roosevelt Raceway, Westbury, Long Island, N. Y., Delaware Park Race Track, Wilmington, Del., Pimlico Race Track, Baltimore, Md., Bowie Race Track, Bowie, Md., Laurel Park Race Track, Laurel, Md., and Lincoln Downs Race

Track, Lincoln, R. I. Applicant is authorized to conduct operations in New York and New Jersey.

No. MC 58915 Sub 29, filed September 29, 1955, LINCOLN TRANSIT CO., INC., U. S. 46, East Paterson, N. J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, in a seasonal operation during the racing seasons of each year (1) between Cologne, N. J., and McKee City, N. J., from junction U. S. Highway 30 and Atlantic County Road 50 at Cologne, over Atlantic County Road 50 to junction Atlantic County Road 70, thence over Atlantic County Road 70 to the Atlantic City Race Track at McKee City, and return over the same route, serving no intermediate points, (2) between Port Republic City, N. J., and McKee City, N. J., from junction Garden State Parkway and Atlantic County Road 45 in Port Republic City, over Garden State Parkway Interchange Road 44 to junction Atlantic County Road 45, thence over Atlantic County Road 45 to junction Atlantic County Road 83 at Pomona, N. J., thence over Atlantic County Road 83 to junction U. S. Highway 40, thence over U. S. Highway 40 to the Atlantic City Race Track at McKee City, and return over the same route, serving no intermediate points, and (3) between Pleasantville, N. J., and McKee City, N. J., from junction U. S. Highway 9 (Shore Road) and U. S. Highway 40 in Pleasantville, over U. S. Highway 40 to the Atlantic City Race Track at McKee City, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 61616 Sub 58, filed September 30, 1955, MISSOURI PACIFIC TRANSPORTATION COMPANY, a corporation, 1601 Missouri Pacific Bldg., St. Louis 3, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *newspapers and light express packages*, in the same vehicle with passengers, (1) between junction of 75th Street and Nall Avenue and junction of 79th Street and Tomahawk Road, Kansas City, Mo., from junction of 75th Street and Nall Avenue south over Nall Avenue to junction 83rd Street and Nall Avenue; thence west over 83rd Street to junction 83rd Street and Tomahawk Road, thence north over Tomahawk Road to junction Tomahawk Road and 79th Street, and return over the same route, serving all intermediate points; and (2) between junction of U. S. Highway 50 and Antioch Road and junction of 75th Street and U. S. Highway 50, Kansas City, Mo., from junction U. S. Highway 50 and Antioch Road south over Antioch Road to junction 75th Street and Antioch Road, thence west over 75th Street to junction of 75th Street and U. S. Highway 50, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Kansas and Missouri.

No. MC 107583 Sub 6, filed August 1, 1955, SALEM TRANSPORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, 291 Broadway, New York 7, N. Y. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting, *Passengers*, and *their baggage* in the same vehicle with passengers, in special operations, in non-scheduled door-to-door service, limited to the transportation of not more than six passengers in any one vehicle, not including the driver thereof, and not including children under ten years of age who do not occupy a seat or seats, (1) between points in Westchester County, N. Y., on the one hand, and, on the other, Atlantic City, Brigantine, Ventnor, Margate and Longport, N. J.; (2) between points in New York, N. Y., on the one hand, and, on the other, Brigantine, Ventnor, Margate, and Longport, N. J.; (3) between points in the Philadelphia, Pa. Commercial Zone, as defined by the Commission, Wilmington, Del., Baltimore, Md., and Washington, D. C., on the one hand, and, on the other, Brigantine, Ventnor, Margate, and Longport, N. J.; (4) between points in the Philadelphia, Pa. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Atlantic City, N. J.

NOTE: Applicant requests elimination of duplicating authority, if any. Applicant is authorized to conduct the above-described operations between New York, N. Y., and Philadelphia, Pa., on the one hand, and, on the other, Atlantic City, N. J.; and between Atlantic City, N. J., on the one hand, and, on the other, Wilmington, Del., Baltimore, Md., and Washington, D. C.

No. MC 107583 Sub 7, filed August 1, 1955, SALEM TRANSPORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, 291 Broadway, New York 7, N. Y. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers* and *their baggage*, in the same vehicle with passengers, in special operations, in non-scheduled door-to-door service, limited to the transportation of not more than six passengers in any one vehicle, not including the driver thereof, and not including children under ten years of age who do not occupy a seat or seats, between Fort Dix, McGuire Air Force Base, Wrightstown, and points within the townships of New Hanover, North Hanover, Chesterfield, Bordentown, Mansfield, Springfield, and Pemberton, in Burlington County, N. J., on the one hand, and, on the other, points in the Philadelphia, Pa. Commercial Zone as defined by the Commission, Westchester County, N. Y., and New York, N. Y. Applicant is authorized to conduct operations between New York, N. Y., and Philadelphia, Pa., on the one hand, and, on the other Atlantic City, N. J., and between Atlantic City, on the one hand, and, on the other, Wilmington, Del., Baltimore, Md., and Washington, D. C.

CORRECTION

No. MC 108449 Sub 36 (amended), filed August 8, 1955, published on page 7241 in issue of September 28, 1955. INDIANHEAD TRUCK LINE, INC., 1947 W. County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 W. Doty St., Madison 3, Wis. Now corrected to reflect (1) substitution of a comma in lieu of the semicolon shown after the word containers in line 17 thereof, and (2) deletion of the commas shown after (a) the word Minnesota in line 25 thereof, (b) the word Canada in line 29 thereof, and (c) the word Minnesota in line 30 thereof.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

CORRECTION

No. MC-F 6076, published in the September 28, 1955, issue of the FEDERAL REGISTER on page 7244. The name of Harry C. Ames, Jr., 227 Transportation Bldg., Washington 6, D. C., was inadvertently omitted as applicants' attorney.

No. MC-F 6089. Authority sought for control by GEORGE M. HUGHES, P. O. Box 851, Charleston, S. Car., of the operating rights and property of M. P. & ST. L. EXPRESS, INC., 800 Jones St., Paducah, Ky. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier* over irregular routes, between points within one mile of Paducah, Ky., not including Paducah, on the one hand, and, on the other, points in Kentucky on Kentucky Highway 286, not including Wickliffe, Ky., between St. Louis, Mo., on the one hand, and, on the other, points in Ballard County, Ky., between Paducah, Ky., and certain points in Illinois and Tennessee, on the one hand, and, on the other, certain points in Kentucky near but not including La Center, between points in a certain area in Illinois, including East St. Louis, on the one hand, and, on the other, points in a certain area in Kentucky including La Center; *cheese, feed, roofing materials, wire-fencing, lard cans*, and *packinghouse products and by-products*, including fresh meats, from East St. Louis, Ill., to points in Ballard and McCracken Counties, Ky.; *livestock*, between points in Ballard and McCracken Counties, Ky., on the one hand, and, on the other, East St. Louis, Ill. Applicant holds no authority from the Commission, but is affiliated with Hughes Transportation, Inc., which is authorized to operate in South Carolina, North Carolina, Georgia, Kentucky, Indiana, Louisiana, Delaware, Florida, Maryland, Mississippi, Tennessee, Virginia, and West Virginia. Application has been filed for temporary authority under Section 210a (b).

No. MC-F 6090. Authority sought for control and merger by E. & L. TRANSPORT COMPANY, 14201 Schaden Ave., Dearborn, Mich., of the operating rights and property of E. & L. TRANSPORT, INC. OF INDIANA, 14201 Schaden Ave., Dearborn, Mich., and for acquisition by ANTHONY J. D'ANNA, EFFIE M. LAWSON, and LLOYD LAWSON, all of Dearborn, of control of the operating rights and property through the transaction. Applicant's attorney: George S. Dixon, 2150 Guardian Bldg., Detroit 26, Mich. Operating rights sought to be controlled and merged: *New automobiles, new trucks, new tractors, new bodies*, and *new chassis*, restricted to initial movements, in truckaway service, from Detroit and Dearborn, Mich., Cincinnati, Ohio, Indianapolis, Ind., and Chicago and Hegewisch, Ill., to Louisville, Ky., points in Indiana, and certain points in Illinois: *automobiles, trucks, tractors, bodies*, and *chassis*, new, used, unfinished, and/or wrecked, restricted to secondary movements, in truckaway service, between all points described above: *new automobiles, new trucks, new tractors*, and *new chassis*, restricted to initial movements, in driveaway service, from Dearborn, Mich., to points in Indiana, and certain points in Illinois; *new automobiles, automobile bodies, automobile chassis*, and *automobile parts and accessories* moving in connection therewith, *automobile show equipment and paraphernalia*, and *farm and garden tractors and parts*, and *accessories* thereof moving in connection therewith, restricted to initial movements, in truckaway service, from Willow Run, Mich., to Louisville, Ky., points in Indiana, and certain points in Illinois; *commercial automotive vehicles, new trucks, new bodies, new cabs, new buses, new trailers*, new chassis, and *parts thereof*, restricted to initial movements, in driveaway service, from points in Wayne County, Mich., to points in the United States, except those in Maine, Oregon, and Washington. E. & L. Transport Company is authorized to operate in Michigan, Ohio, West Virginia, Pennsylvania, Virginia, Kentucky, New York, Indiana, Illinois, Wisconsin, Missouri, North Carolina, Tennessee, Iowa, Alabama, Louisiana, Mississippi, Texas, Maryland, Delaware, Georgia, Florida, Oklahoma, and New Jersey. Application has not been filed for temporary authority under Section 210a (b).

No. MC-F 6091. Authority sought for control and merger by SPECTOR FREIGHT SYSTEM, INC., 3100 S. Wolcott St., Chicago, Ill., of the operating rights and property of SCHUMACHER MOTOR EXPRESS, INC., 715 N. Oxford Ave., Eau Claire, Wis. Applicant's attorneys: Axelrod, Goodman & Steiner, 39 S. LaSalle St., Chicago 2, Ill. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, including routes between Chicago, Ill., and Minneapolis, Minn., between Eau Claire, Wis., and Chippewa Falls, Wis., and between Northfield, Wis., and Eau Claire, Wis., serving certain intermediate and off-route points; authority to use two regular routes for operating convenience only; *dry rendered tankage*, in bulk, from Chippewa Falls, Wis., to Chicago, Ill.; *eggs, poultry, machinery*, and *twine*, between River Falls, Wis., and Chicago, Ill., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods, over irregular routes, between Minneapolis, St. Paul, South St. Paul, Invergrove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron Lake, Fort Snelling, and State Fair Grounds, Minn., between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, Twin City Ordnance Plant in Mounds View Township, Ramsey County, Minn.; *General commodities*, with certain exceptions not including *household goods*, as defined by the Commission, between Eau Claire, Wis., on the one hand, and, on the other, points in Minnesota. Spector Freight System, Inc., is authorized to operate in Missouri, Massachusetts, Indiana, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Illinois, Maryland, Ohio, Wisconsin, Virginia, and the District of Columbia. Application has been filed for temporary authority under Section 210a (b).

No. MC-F 6092. Authority sought for purchase by PRATHER TRUCK LINE, INC., 2034 Maxwell Lane, Houston, Texas, of the operating rights of J. L. (ROY) NEWLIN, INC., Industrial Blvd., (P. O. Box 5236), Houston, Texas, and for acquisition by JAMES E. PRATHER, also of Houston, of control of the operating rights through the purchase. Applicant's attorney: John C. Ridley, 2606 Niels Esperson Bldg., Houston 2, Texas. Operating rights sought to be transferred: *Oil field commodities*, as a *common carrier* over irregular routes, between points in Louisiana, Oklahoma, and Texas, Vendee is authorized to operate in Texas under the Second Proviso of Section 206 (a) (1) of the Interstate Commerce Act. Application has not been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-8230; Filed, Oct. 11, 1955; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3419]

CONSOLIDATED NATURAL GAS CO. AND EAST OHIO GAS CO.

NOTICE OF FILING REGARDING PROPOSED INCREASE IN NUMBER OF AUTHORIZED SHARES AND REDUCTION OF PAR VALUE OF COMMON STOCK BY PUBLIC UTILITY COMPANY AND ISSUANCE OF NEW SHARES FOR OLD SHARES HELD BY PARENT HOLDING COMPANY

OCTOBER 5, 1955.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and The East Ohio Gas Company ("East Ohio"), a wholly owned gas utility subsidiary of Consolidated, have filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and have designated sections 6 (a), 7, 9, 10 and 12 of said Act as applicable to the proposed transactions which are summarized as follows:

East Ohio proposes to increase the number of its presently authorized shares from 750,000 shares of capital stock of the par value of $100 each, of which 697,129 shares are issued and outstanding, to 2,500,000 shares of the par value of $50 each, of which 2,091,387 shares, having an aggregate par value of $104,569,350, will be issued.

The new shares will be substituted for the 697,129 shares of the presently issued and outstanding $100 par value shares which have an aggregate par value of $69,712,900 and the sum of $34,856,450 will be transferred from the earned surplus account to the capital stock account of East Ohio, thus making the capital stock account total $104,569,350.

The transactions proposed by East Ohio have been approved by The Public Utilities Commission of Ohio.

It is estimated that the expenses to be incurred in connection with the issuance of the new shares will be $44,000 of which $38,500 represents Federal stamp tax.

It is requested that the Commission's order herein be issued to become effective by October 25, 1955.

Notice is further given that any interested person may, not later than October 21, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by such filing which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application-declaration, as filed or as it may hereafter be amended, may be granted and permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8253; Filed, Oct. 11, 1955; 8:53 a. m.]

[File Nos. 7-1701—7-1735]

AMERICAN & FOREIGN POWER CO., INC., ET AL.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 5, 1955.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privilege in the 35 stocks itemized below. All of these stocks are listed and registered on the New York Stock Exchange. All are listed or admitted to unlisted trading on the Los Angeles Stock Exchange, the purpose of this application being substantially to enhance the usefulness of the direct wire recently installed between the San Francisco and Los Angeles Stock Exchanges. Four of the stocks are listed on the Midwest Stock Exchange, and one on the Pittsburgh Stock Exchange.

Upon receipt of a request prior to October 17, 1955, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take thereat. If no one requests a hearing, the application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

EXHIBIT

Name of issuer, title of security	Public distribution in vicinity of exchange [1]				Volume public trading, Northern California [4]	
	California [2]		Northern California [3]		Number of transactions	Shares
	Holders	Shares	Accounts	Shares		
American & Foreign Power Co., Inc., Com. no p. v.			[2] 78	17,505	384	41,004
Ashland Oil & Refining Co., Com., $1 p. v.	3,070	622,091	127	16,371	728	69,825
Barker Bros. Corp., Com., $10 p. v.	1,037	143,308	40	4,594	218	18,976
Bond Stores, Inc., Com., $1 p. v.			97	12,730	277	29,424
Burlington Industries, Inc., Com. $1 p. v.			109	13,985	521	52,672
Capital Airlines, Inc., Com., $1 p. v.			23	2,985	120	11,518
Carrier Corp., Com., $10 p. v.			82	7,007	267	26,458
Chicago Corp., Com., $1 p. v.	886	131,202	139	18,006	391	50,636
Cudahy Packing Co., Com., $5 p. v.	290	48,189	71	13,988	238	31,846
Decca Records Inc., Cap. 50 cents p. v.	830	173,930	71	14,179	452	53,988
Deere & Co., Com., $10 p. v.			550	31,317	916	59,270
Douglas Aircraft Co., Inc., Cap. no p. v.			194	26,275	1,022	87,142
Dresser Industries, Inc., Com., 50 cents p. v.	3,100	480,000	151	16,909	619	48,245
Erie Railroad Co., Com., no p. v.	770	65,123	117	16,308	573	72,808
Flintkote Co., Com., $5 p. v.			208	10,384	709	35,710
Garrett Corp. Com., $2 p. v.			37	5,970	210	21,899
General Public Service Corp., Com., 10 cents p. v.	833	273,500	87	22,615	297	50,067
Grumman Aircraft Engineering Corp., Com., $1 p. v.			114	14,934	588	58,767
Gulf Oil Corp., Cap $25 p. v.			253	18,152	397	29,166
Hoffman Electronics Corp., Com., 50 cents p. v.	1,772	411,392	52	4,553	434	42,477
Liggett & Myers Tobacco Co., Com., $25 p. v.	1,683	129,773	167	14,926	661	56,295
Lorillard (P) Co., Com., $10 p. v.	1,613		61	4,954	279	23,610
Mission Development Co., Cap., $5 p. v.	978	55,829	52	7,770	241	19,735
Morris (Philip) Inc., Com., $5 p. v.			154	13,774	1,045	93,267
Republic Pictures Corp., Com., 50 cents p. v.			52	9,255	606	88,392
Rexall Drug, Inc., Cap., $2.50 p. v.			68	26,465	607	84,129
Rohr Aircraft Corp., Com., $1 p. v.	981	484,986	58	7,158	503	52,204
St. Louis-San Francisco Ry. Co., Com., no p. v.			1,158	53,153	961	84,811
Seaboard Finance Co., Com., $1 p. v.	3,048	741,646	125	9,722	259	19,775
Standard Oil Co., (Ohio) Com., $10 p. v.			89	7,197	390	26,758
Twentieth Century-Fox Film Corp., Com., $1 p. v.			162	25,074	558	60,298
Vanadium Corporation of America, Cap., $1 p. v.	152	16,508	79	9,887	364	38,719
Westinghouse Air Brake Co., Com., $10 p. v.	3,022	295,728	208	14,695	771	64,009
Wheeling Steel Corp., Com., $10 p. v.			75	9,901	615	34,143
Youngstown Sheet & Tube Co., Com., no p. v.	1,197	116,965	95	10,510	446	37,363

[1] Vicinity of exchange: The statement in previous applications under section 12 (f) clause 2, the most recent of which was dated Aug. 31, 1954, is hereby incorporated by reference thereto.
[2] Supplied by issuer.
[3] As of Aug. 31, 1955, from reports of member firms.
[4] For the 12 months period ended Aug. 31, 1955, from reports of member firms.

"Com"—Indicates common stock.
"Cap"—Indicates capital stock.
"p. v."—indicates par value per share.

[F. R. Doc. 55–8254; Filed, Oct. 11, 1955; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HILDE FISCHER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hilde Fischer, nee Klinke, Claim No. 44721; $2,572.79 in the Treasury of the United States. Ida Klinke, Rudolf Klinke, Jr., Irma Kindermann and Anna Klinke, Claim No. 44965; $5,028.84 in the Treasury of the United States; $1,571.51 thereof to Ida Klinke, $1,414.36 each thereof to Rudolf Klinke, Jr., and Irma Kindermann and $628.61 thereof to Anna Klinke. All of Vienna, Austria, Vesting Order No. 1852.

Executed at Washington, D. C., on October 5, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 55–8258; Filed, Oct. 11, 1955; 8:53 a. m.]

FILIPPO FRANGIALLI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Filippo Frangialli, Paris, France, Claim No. 41404; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to Patent Application Ser. No. 305,040 (now U. S. Letters Patent No. 2,313,288).

Executed at Washington, D. C., on October 5, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 55–8259; Filed, Oct. 11, 1955; 8:53 a. m.]

ERNESTO GENTILI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ernesto Gentili, La Spezia, Italy, Claim No. 44040; Giuseppi Gentili, Tresano, Italy, Claim No. 44041; Achille Gentili, La Spezia, Italy, Claim No. 44042; Vittorio Gentili, La Spezia, Italy, Claim No. 44043; Giulia Cufini, La Spezia, Italy, Claim No. 44044; Palmiro Gentili, a/k/a Domenica Gentili, Tresana, Italy, Claims Nos. 44045 and 59738; $772.42 in the Treasury of the United States, 1/6th thereof to each of the claimants; and all right, title and interest of the Attorney General of the United States in and to a graveholding evidenced by Deed No. 887, dated November 3, 1942, from the Trustees of St. Patrick's Cathedral in the City of New York to Alfonso Poppalnedo, Executor of the Estate of Emilio Gentili, deceased, for the privilege of burial in one grave No. 18 in Plot 41, Section 17, in Calvary Cemetery, New York; and all right, title, and interest of the Attorney General of the United States in and to a deposit of $100.00 made by Alfonso Poppalnedo, Executor, to the Calvary Cemetery Plot Improvement Fund for the permanent care of the above described graveholding, all of the above described interests having been assigned by Alfonso Poppalnedo, Executor, to the Estate of Emilio Gentili by an instrument dated February 29, 1948, which instrument, together with Deed No. 887 and a receipt for the $100.00 deposit referred to above, was transmitted to the Office of Alien Property, Washington, D. C.

Executed at Washington, D. C., on October 4, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 55–8260; Filed, Oct. 11, 1955; 8:54 a. m.]

LEOPOLD GOTTWALD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Leopold Gottwald, Bavaria, Germany, Claim No. 63308, Vesting Order No. 11986; $173.86 in the Treasury of the United States.

Executed at Washington, D. C., on October 4, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 55–8261; Filed, Oct. 11, 1955; 8:54 a. m.]

L. LUENGAS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mr. L. Luengas, Bilbao, Espartero 6, Spain. Claim No. 43084, Vesting Order No. 5905; $94.95 in the Treasury of the United States.

Executed at Washington, D. C., on October 4, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 55–8262; Filed, Oct. 11, 1955; 8:54 a. m.]

MAGNESIUM PRODUCTION CO. LTD.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Magnesium Production Company, Ltd., Paris, France, Claim No. 42628; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to United States Patent Application Serial No. 326,724 (now United States Letters Patent No. 2,384,370).

Executed at Washington, D. C., on October 4, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 55–8263; Filed, Oct. 11, 1955; 8:54 a. m.]

UNIVERSITY OF MICHIGAN
OCT 17 1955
NATIONAL ARCHIVES

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OCT 17 1955
MAIN READING ROOM

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 20 NUMBER 200

Washington, Thursday, October 13, 1955

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10638

AUTHORIZING THE DIRECTOR OF THE OFFICE OF DEFENSE MOBILIZATION TO ORDER THE RELEASE OF STRATEGIC AND CRITICAL MATERIALS FROM STOCK PILES IN THE EVENT OF AN ATTACK UPON THE UNITED STATES

WHEREAS section 5 of the Strategic and Critical Materials Stock Piling Act, as amended by the act of July 23, 1936, 60 Stat. 596 (50 U. S. C. 98d), provides, in part, that during a national emergency with respect to common defense proclaimed by the President strategic and critical materials may be released from stock piles for use, sale, or other disposition on the order of such agency as may be designated by the President; and

WHEREAS the existence of a national emergency with respect to common defense has been proclaimed by the President by Proclamation No. 2914 of December 16, 1950; and

WHEREAS an enemy attack on the continental United States might create shortages of strategic and critical materials requiring immediate release of such materials from stock piles to meet military and essential civilian requirements:

NOW, THEREFORE, by virtue of the authority vested in me by the said section 5 of the Strategic and Critical Materials Stock Piling Act, it is hereby ordered as follows:

In the event of enemy attack upon the continental United States (exclusive of Alaska), the Director of the Office of Defense Mobilization is authorized and directed to order the release by the Administrator of General Services of such materials from stock piles established under the Strategic and Critical Materials Stock Piling Act, in such quantities, for such uses, and on such terms and conditions, as the Director determines to be necessary in the interests of the national defense.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 10, 1955.

[F. R. Doc. 55-8370; Filed, Oct. 11, 1955; 2:55 p. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

[Amdt. 1]

PART 424—BARLEY CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

MISCELLANEOUS AMENDMENTS

The above identified regulations (19 F. R. 9315) are hereby amended, effective beginning with the 1956 crop year, as follows:

1. Section 424.3 is amended to read as follows:

§ 424.3 *Application for insurance.* Application for insurance on a form prescribed by the Corporation may be made by any person to cover his interest as landlord, owner-operator, or tenant, in a barley crop. For any crop year applications shall be submitted to the county office on or before the following applicable closing date preceding such crop year except that in the state of Washington an application for insurance may be filed until the February 28 following the closing date provided that in such cases, winter barley will not be insured for the first crop year of the contract.

State and Closing Date

California, August 31.
Washington, October 31.
All other states, March 31.

2. Subsection (a) of section 13 of the policy shown in § 424.6 is amended to read as follows:

(a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before the applicable cancellation date, which shall be the April 30 for California, the June 30 for Washington, and the December 31 for all other states, preceding the crop year for which the cancellation is to become effective: *Provided, however,* That the contract shall terminate as if canceled by the Corporation prior to such cancellation date (1) if by the March 31 following such cancellation date for all counties with a December 31 cancellation date any amount

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THE PRESIDENT

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FEDERAL REGISTER

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Reprint Notice

A reprint of the Federal Register dated April 8, 1955, is now available.

This issue, containing a 57-page index-digest of Federal laws and regulations relating to the retention of records by the public, is priced at 15 cents per copy.

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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due the Corporation under this contract remains unpaid, or (2) if by such cancellation date for all other counties any amount due the Corporation under this contract, except the premium due on the crop harvested or to be harvested in the calendar year in which the cancellation date occurs, remains unpaid. Any notice of cancellation by the insured shall be in writing and shall be filed with the county office. The Corporation shall mail any notice of cancellation to the insured's last known address and mailing shall constitute notice to the insured.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on October 4, 1955.

[SEAL] C. S. LAIDLAW,
Secretary,
Federal Crop Insurance Corporation.

Approved on October 10, 1955.

J. A. MCCONNELL,
Assistant Secretary.

[F. R. Doc. 55-8314; Filed, Oct. 12, 1955; 8:52 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter C—Determination of Proportionate Shares

[Sugar Determination 855.3]

PART 855—MAINLAND CANE SUGAR AREA

1956 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 855.3 *Proportionate shares for sugarcane farms in the Mainland Cane Sugar Area for the 1956 crop*—(a) *Farm proportionate share.* A 1956-crop proportionate share for each sugarcane farm in the mainland cane sugar area shall be established in terms of acres (acreage or acres as used herein means the area on which sugarcane is grown on the farm and marketed (or processed) for the extraction of sugar or liquid sugar, or harvested for seed, and the area of sugarcane abandoned and classified as bona fide abandonment under procedure issued by the Commodity Stabilization Service) as follows:

(1) *Farm bases.* The farm base for each farm for which a proportionate share was established pursuant to § 855.2 (Determination of Proportionate Shares for the 1955 Crop) shall be such share, except that if the 1955 acreage on any farm was less than 80 percent of its 1955 proportionate share, due to a cause other than drought, flood, storm, freeze, disease, or insects, as determined by the appropriate Agricultural Stabilization and Conservation County Committee (hereinafter referred to as County Committee) the base shall be the larger of 5 acres or 125 percent of such 1955 acreage.

(2) *Farms with bases.* The proportionate share for any farm for which a farm base is established under subparagraph (1) of this paragraph shall be the largest of (i) 5 acres; (ii) the farm base, but not in excess of 25.0 acres; and (iii) 87.0 percent of such farm base.

(3) *New farms.* The proportionate share for any farm without a farm base and on which there was no sugarcane acreage during the 1955-crop year, shall be 5.0 acres.

(4) *Transfer of farm bases*—(i) *Land acquired by Federal or State Agency.* The base established, or which would have been established pursuant to subparagraph (1) of this paragraph for any land which is removed from sugarcane production because of acquisition by purchase or lease by any Federal or State Agency having the right of eminent domain shall be available for use in providing an equitable base for land owned, purchased, or leased by the owner of the land so acquired by any of such agencies. Upon application to the appropriate Agricultural Stabilization and Conservation State Office (hereinafter referred to as State Office) within five years from the date of such acquisition, any such owner shall be entitled to a base for any other land owned, purchased, or leased by him equal to the farm base which would have been established for such other land, plus the farm base which would have been established for the land so acquired, as determined by the appropriate State Office.

(ii) *Dividing or combining ownership tract acreage records.* (a) Where an ownership tract of land (a farm or a portion of a farm which is separately owned) which was part of a farm as constituted for the 1955 program becomes a part of another farm or a separate farm under the 1956 program, a base for such tract shall be determined by multiplying the 1955 proportionate share for the farm of which such tract was a part by the percentage that the total acreage of sugarcane for the tract for the crop years 1951–54 plus the 1955 measured acreage within the proportionate share is of the total sugarcane acreage within the farm's proportionate shares in this period for all tracts comprising the 1955 farm of which it was a part. Where an ownership tract of land which was part of a 1955 farm is subdivided, the base for each subdivision shall be determined by multiplying the base established for the tract in accordance with the above method by the percentage that the total cropland acreage in each subdivision of the tract suitable for the production of sugarcane is of the total acreage of such cropland in the tract. Where a 1955 farm consisting of one ownership tract is subdivided, the base for each subdivision shall be obtained by multiplying the 1955 proportionate share by the percentage that the total cropland acreage suitable for the production of sugarcane in each subdivision of the tract is of the total acreage of such cropland in the ownership tract. Where the County Committee determines that the use of the cropland relationships in any case results in the establishment of a base which is not representative of the crops growing on the 1955 farm at the time of subdivision or combination or is inconsistent with written evidence of sugarcane acreage records supplied by the parties affected, such base shall be adjusted by the County Committee taking into consideration the foregoing factors.

(b) The base for such tract or subdivision thereof determined as heretofore provided shall, for the purposes of determining a farm base under subparagraph (1) of this paragraph, be considered as the 1955-crop proportionate share for such tract or subdivision thereof, if it becomes a separate farm, or as a part of the 1955-crop proportionate share of the farm of which the tract or subdivision thereof becomes a part.

(c) Where two or more farms, for each of which a 1955 proportionate share was established, are combined as one farm for the 1956 crop, the sum of the 1955 proportionate shares established for each of the farms combined shall, for the purposes of determining a farm base under subparagraph (1) of this paragraph, be considered as the 1955-crop porportionate share for such combined farm.

(d) A farm proportionate share shall be established as provided in this section for each farm involved in a division or combination under this paragraph.

(5) *Appeals.* (i) A producer of sugarcane who believes that the proportionate share established for his farm pursuant to this section is inequitable may file an appeal in writing at the local county Agricultural Stabilization and Conservation office (hereinafter referred to as county office) not later than July 1, 1956. The county committee shall make such adjustments as are necessary due to the use of any incorrect data in determining the proportionate share. In other cases, the county committee shall, after review of all of the facts, forward the case, together with its recommendation, to the State Committee. The State Committee shall consider the appeal and the county committee's recommendation in light of the interest of the appellant as related to the interests of all other producers of sugarcane in the State and shall return the case to the county committee, indicating the appropriate disposition.

(ii) Upon receipt thereof, the county committee shall notify the producer in writing as soon as possible regarding the decision on his appeal. If the producer is dissatisfied with the decision, he may appeal in writing before September 1, 1956, to the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C., whose decision shall be final.

(6) *Delegation.* Farm bases and farm proportionate shares shall be established by the county committee in accordance with this section.

(b) *Share tenant and sharecropper protection and compliance with other conditions for payment.* In addition to compliance with the proportionate share for the farm in accordance with this section, eligibility for payment of any producer of sugarcane shall be subject to the following conditions:

(1) That the number of share tenants or sharecroppers engaged in the production of sugarcane of the 1956 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the State Committee. In considering such approval the State Committee shall be guided by whether the reduction was the result of a voluntary action of the share tenant or sharecropper, or whether the reduction was beyond the control of the producer;

(2) That such producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect; and

(3) That such producer has met the requirements of the act with respect to child labor, wage rates and, in the case of a processor-producer, prices paid for sugarcane.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. Section 301 (b) of the Act provides as a condition for payment to producers that there shall not have been marketed (or processed) an amount of sugarcane grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm as de-

termined by the Secretary pursuant to section 302 of the act. For the mainland cane sugar area, the term "proportionate share" means the individual farm's share of the total acreage of sugarcane required to enable the area to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary, for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Section 302 (a) of the Act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm.

Section 302 (b) provides that in determining the proportionate share for a farm, the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugarcane, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants or sharecroppers.

General. Pursuant to the foregoing provisions of the act, proportionate shares for sugarcane farms must be established for each crop since the marketing of sugarcane within such shares by producers constitutes one of the conditions for payment. Restrictive proportionate shares are required in any area when the indicated production will be greater than the quantities needed to fill the quota and provide a normal carryover inventory for such area.

Restrictive proportionate shares, as established for the 1954 and 1955 crops, were designed to maintain a proper balance between sugar supplies and marketing quotas. However, new varieties of sugarcane, improved production practices and unusually favorable weather conditions have resulted in increased yields of sugar per planted acre and increases in the effective inventory of sugar (i. e., sugar on hand at the beginning of the calendar year, plus sugar processed after January 1 from the sugarcane crop of the previous year's designation).

During the First Session of the 84th Congress, several bills were introduced providing for amendments to the Sugar Act of 1948, as amended, which would have increased the quotas for the domestic sugar-producing areas, including the mainland sugarcane area. However, no legislation in this respect was enacted. It is likely that further consideration will be given to this matter in the next Session of Congress.

The Senate adopted a resolution urging the Department to carry out loans, purchases or other operations with respect to 100,000 tons of sugar produced from the 1955 or previous crops in the continental United States sugar-producing areas to help alleviate the inventory situation in such areas.

Situation indicated for 1956. The effective inventory of sugar on January 1, 1955, was approximately 396,000 tons, or about 110,000 tons higher than a year earlier. The August 1955 crop estimate by the Department indicates a 1955 crop in the mainland sugarcane area of about 560,000 tons of sugar if the recovery of sugar per ton of cane approximates the average recovery for the past three years. A crop of this size, together with the effective inventory of 396,000 tons on January 1, 1955, and 1955 marketings within the present quota of 500,000 tons, would result in an effective inventory of about 456,000 tons on January 1, 1956. This would exceed the average for the six-year period, 1950 through 1955, by approximately 236,000 tons and would exceed the average of the five-year period 1950 through 1954, by approximately 271,000 tons. If the upward trend in yields of sugar per planted acre achieved during the past few years continues for the 1955 crop, production would exceed that based on the August Crop Report. Clearly, restrictions are required for the 1956 crop to prevent the further accumulation of stocks greater than those needed to fill the quota and provide a normal carryover inventory.

Public hearing. An informal public hearing was held in New Orleans on July 13, 1955, for the purpose of receiving information and recommendations for establishing farm proportionate shares for the 1956 crop. To provide a basis for discussion at the hearing, the Department issued a press release on June 28, 1955, suggesting that the provisions of the 1956-crop determination be similar to those issued for the 1955 crop. In addition, the Department asked for views on the quantity of sugar which should be considered as a normal inventory, taking into consideration the probable effective inventory on January 1, 1956, and freeze and other possible damage to the 1956 crop. It was pointed out that while the normal carryover inventory should be established at a level which would provide for deficiencies, it should, nevertheless, be low enough to prevent the accumulation of future abnormally high surpluses of sugar in the area. The hearing was attended by approximately 40 persons from Louisiana and Florida. Testimony was presented by four persons with one individual testifying on behalf of growers producing a large percentage of the sugarcane in the area. In addition, two briefs were filed.

There was general concurrence with the Department's proposal relative to the establishment of proportionate shares. However, no recommendations were received with respect to the 1956 acreage objective in view of the uncertainty existing at the time of the hearing relative to the outcome of legislation then pending relative to amendments to the act. The briefs filed since the hearing include recommendations that the acreage level for 1956 not be reduced below the 1955 acreage level.

Determinaton. In determining the level of 1956 sugarcane acreage, the basic problem is to make available an acreage which will enable the area to fill its quota and provide a normal carryover inventory. Accordingly, consideration must be given to the factors which affect production, such as variations in yields of sugar per acre and the possibilities of crop damage from freeze. In developing this determination, consideration has been given to the foregoing factors as well as to the testimony presented at the hearing, to the possibility of additional marketings, to the prospective sugar supply and inventory situation, and to experience under the current and previous proportionate share programs.

Although the carryover inventory resulting from the acreage provided for in this determination may be large and in excess of what may constitute a normal carryover under most conditions, it would be too drastic to attempt to reduce inventories to average conditions quickly. In the circumstances, therefore, this determination will permit the production of sufficient sugar to enable the area to fill its quota and provide a normal carryover.

The determination repeats in large part the provisions issued for the 1955 crop. Farm bases will be established generally from the proportionate shares established under the 1955-crop determination, thus reflecting the same weightings assigned to the standards of "ability to produce" and "past production" and the results obtained under the provisions relating to special classes of farms.

The adjustment factor of 0.87, which will be applied to farm bases for large farms, was obtained by subtracting the estimated 1956 acreage resulting from the provisions relating to small farms, new farms, appeals and minimum shares from the estimated total acreage required (including an allowance for deficit plantings within individual proportionate shares) and dividing the result by the total of the bases for the farms subject to the factor.

As was the case under the 1955 determination, new producers will be entitled to a proportionate share of 5 acres, which will also be the minimum proportionate share for all old producers.

Three new provisions have been incorporated in this determination. They relate to: (1) A limitation on the farm base of 125 percent of the 1955 acreage if such acreage is less than 80 percent of the 1955 proportionate share due to a cause other than drought, flood, storm, freeze, disease or insects; (2) the transfer of base acreage history to other land in cases where land previously devoted to the production of sugarcane is expropriated by a Federal or State agency; and (3) the basis upon which acreage history is to be divided in cases involving the transfer of the control of land.

The limitation under (1) above, will have the effect of reducing the farm base for a farm where for reasons within the control of the producer he did not utilize up to 80 percent of the 1955 proportionate share. The provision referred to under (2) above, permits a land owner to transfer within five years the proportionate share rights attached to his land to other land under his control when the original land is expropriated by a Federal or State Agency. Under the provision referred to in (3), above, the base acreage history for part of a farm involved in a transfer will be established on the basis of the relationship between the sugarcane acreage on the part to be transferred and the acreage of the entire farm during the crop years 1951 through 1955. Where an ownership tract is subdivided, the relationship between the sugarcane cropland acreage on each of the parts of the subdivision and the sugarcane cropland of the whole tract will be used. In any case involving a subdivision or combination where the county committee determines that the use of cropland acreage results in the establishment of an inequitable base, the base may be adjusted in a manner that will result in equity. Although a recommendation was received suggesting that the division of a farm's proportionate share be accomplished by agreement between the parties involved, the use of this method where acreage records are available would be contrary to the provisions of the act.

The provisions relating to share tenant and sharecropper protection remain unchanged from last year's determination. However, guides have been added to assist the State Committee in determining whether reductions in the number of share tenants or sharecroppers are justifiable. At the public hearing it was unanimously recommended that provision be made to permit the giving of special consideration by the State Committee to producers who are located in one isolated mill district and who are thus limited to marketing sugarcane to one sugar mill because of relatively high transportation charges to other mills. In this area, sugarcane is produced for both sugar and sirup. Because of the marketing of sugarcane for sirup, certain producers have not utilized fully their proportionate shares. This has reduced seriously the cane supply for the processing facility and it is alleged that unless larger supplies are obtained, processing may be discontinued. Although extensive effort has been devoted to developing a special provision of the determination to give effect to this recommendation, no satisfactory legal basis has been found to justify the establishment of disproportionately large shares for certain of these producers.

It is believed that this determination, with its various special provisions, provides an equitable basis for establishing proportionate shares. Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Issued this 10th day of October 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-8309; Filed, Oct. 12, 1955; 8:51 a. m.]

Subchapter H—Determination of Wage Rates

[Sugar Determination 864.3]

PART 864—WAGES; SUGARCANE; LOUISIANA

FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN HARVESTING OF 1955 CROP AND PRODUCTION AND CULTIVATION DURING CALENDAR YEAR 1956

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Thibodaux, Louisiana, on July 29, 1955, the following determination is hereby issued:

§ 864.3 *Fair and reasonable wage rates for persons employed in Louisiana in the harvesting of the 1955 crop of sugarcane and production and cultivation of sugarcane during the calendar year 1956—*(a) *requirements.* A producer of sugarcane in Louisiana shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in the harvesting of the 1955 crop of sugarcane and the production and cultivation of sugarcane during the calendar year 1956 shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but not less than the rates specified below. Wage rates applicable to the harvesting of the 1955 crop shall be effective on the date of publication of this section in the FEDERAL REGISTER and wage rates applicable to production and cultivation of sugarcane during the calendar year 1956 shall be effective on January 1, 1956.

(i) *For work performed on a time or piecework basis.*

Class of Worker or Operation	*Rate per hour*
Harvest of 1955 crop:	
Cutters, toppers, strippers, scrappers	$0.475
Loaders, spotters, ropemen, grabmen	.550
Cutters and loaders, pilers, hoist operators	.500
Tractor drivers, truck drivers	.575
Teamsters	.550
Operators of mechanical loading or harvesting equipment	.625
All other harvesting workers	.425
	Rate per ton
Cutting top and bottom:	
Large barrel varieties [1]	$1.000
Small barrel varities [2]	1.200
	Rate per hour
Production and cultivation, calendar year 1956:	
Tractor drivers	$0.500
All other production and cultivation workers	.400

[1] Large barrel varieties: Co. 290, C. P. 29/103; C. P. 29/116; C. P. 32/243; C. P. 36/13; C. P. 36/105; C. P. 29/120; C. P. 43/47; C. P. 44/101; C. P. 44/155; and N. Co. 310.

[2] Small barrel varities: All other.

(ii) *Workers between 14 and 16 years of age when employed on a time basis.* For workers between 14 and 16 years of age, the wage rate per hour (maximum employment is 8 hours per day for such workers without deduction from Sugar Act payments to the producer) shall be not less than three-fourths of the applicable hourly wage rate for adults provided under subdivision (i) of this subparagraph.

(iii) *Other piecework rates.* The piecework rate for any operation specified in subdivision (i) of this subparagraph, when performed on a unit basis other than a ton, or the piecework rate for any operation not specified shall be that as agreed upon between the producer and the worker: *Provided*, That for such agreed upon piecework rate the hourly rate of earnings of each worker, for the time involved, shall be not less than the applicable hourly rate specified in subdivisions (i) and (ii) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point, tractor shed, etc., located on the farm, time spent in transit to and from the field is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, a charge may be made for equipment furnished any worker for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined herein through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the local County Agricultural Stabilization and Conservation Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at that office. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the county office shall thereupon notify the producer against whom the claim is made

concerning the representation made by the worker. The county ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Office, 1517 Sixth Street, Alexandria, Louisiana, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the harvesting of the 1955 crop of sugarcane and in the production and cultivation of sugarcane during the 1956 calendar year, as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301 (c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i. e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various producing areas.

(c) *1955 harvest and 1956 production and cultivation wage determination.* This determination differs from the wage determination applicable to the harvesting of the 1954 crop and the production and cultivation of sugarcane during the calendar year 1955 in the following respects: (1) Wage rates on a time basis for the several classes of workers or operations are increased on the average by about five percent, and are expressed on an hourly basis instead of on a 9-hour-day basis: (2) piecework rates for hand harvesting of sugarcane are increased on the average by about 10 percent and the number of hand operations covered is one operation instead of five which were applicable to prior crops; (3) the wage-price escalator provision is eliminated; and (4) the provision requiring producers to furnish workers the customary perquisites has also been eliminated. Further, minor revisions in language have been made and an additional variety of sugarcane has been added to the large barrel category for piecework rate purposes.

A public hearing was held in Thibodaux, Louisiana on July 29, 1955 at which interested persons offered testimony with respect to fair and reasonable wage rates for work performed during the 1955 harvest season and for production and cultivation work during the calendar year 1956. Representatives of the Labor Committee of the American Sugar Cane League and the Louisiana Farm Bureau testified for producers, while workers' views were presented by representatives of the United Packinghouse Workers of America, CIO, and the National Agricultural Workers' Union, American Federation of Labor.

Representatives of producers recommended that no changes be made in the 1955–56 wage determination, except that an additional large barrel variety of sugarcane be included for piecework rate purposes. Representatives of workers recommended a minimum wage of $1.00 per hour for unskilled workers; the maintenance of existing differentials for higher skilled jobs; and the elimination of the wage-price escalator. One of the representatives recommended that the perquisite provision be eliminated.

Consideration has been given to the recommendations made at the public hearing, to the returns, costs, and profits of sugarcane producers obtained by survey in a recent prior year and restated for the current year in terms of price and production conditions likely to prevail, to information obtained as a result of investigations of labor conditions in the production and harvesting of sugarcane in Louisiana and to other pertinent factors.

The increases in time and piecework rates provided in this determination are within producers' ability to pay as indicated by an analysis of costs, returns, and profits of sugarcane production. The analysis indicates that the average sugarcane producer has operated at a profit during recent years and it is expected that 1955 crop operations will also be profitable. Further, there have been substantial gains in labor productivity on sugarcane farms, many of which are associated with the marked improvement in yields of recent years, and there is evidence that additional gains may be achieved. The rates provided in this determination are lower than prevailing wages being paid generally for work on sugarcane farms. During each of the preceding three years actual wages paid to workers have exceeded wage rates under applicable determinations by about 15 percent.

The wage rates on a time basis provided by this determination are expressed in terms of an hourly wage rather than the 9-hour-day basis used in prior years. Recent investigations indicate that many producers have adopted the hourly basis. This change is in keeping with the generally accepted expression of minimum wage rates and it will provide a better basis for producers to appraise labor costs in relation to wages and man-hour inputs.

A wage-price escalator provision has been included in wage determinations since 1949. Most producers have reported that wage increases have been made when the average price of raw sugar increased above the base price range although compensating downward adjustments in wages have not been made when the raw sugar price declines. Further, since the average prevailing wage paid in recent years has been in excess of the determination minimum rates the action of the wage-price escalator has largely been nullified. The elimination of the wage-price escalator is not expected to have any appreciable effect on wage rates.

Approximately 90 percent of the 1954 crop of sugarcane in Louisiana was mechanically harvested. Investigation of the use of piecework rates in Louisiana indicates that such rates are used primarily by producers who do not mechanically harvest their sugarcane. Most producers who use the piecework rate system of payment hire workers for the operation of cutting sugarcane top and bottom. Very few producers employ workers to strip sugarcane and to load sugarcane by hand. The piecework rates specified in this determination are for the operations most commonly used and reflect to a closer degree the average wage levels which have been paid in recent years. The piecework method of payment may be used for other hand harvesting operations and, in such cases, the piecework rate is to be as agreed upon between the producer and worker. However, such rates are subject to a minimum hourly guarantee of earnings to workers.

Determinations in prior years have specified that producers must furnish workers in addition to cash wages the perquisites which customarily have been furnished. Currently the items of perquisites furnished to workers vary significantly from farm to farm. The perquisite requirement tends to perpetuate inequities among both producers and workers. Representatives of producers have indicated that those perquisites required to obtain and retain labor would continue to be furnished to workers in the absence of a requirement in the determination. However, the elimination of the provision will afford an opportunity for a reevaluation and appropriate adjustments in the perquisite system.

After consideration of all the factors the wage rates and other provisions of the determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 10th day of October 1955.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 55-8308; Filed, Oct. 12, 1955; 8:50 a. m.]

Subchapter I—Determination of Prices

[Sugar Determination 874.8]

PART 874—SUGARCANE: LOUISIANA

1955 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "Act"), after investigation, and due consideration of the evidence presented at the public hearing held in Thibodaux, Louisiana, on July 29, 1955, and September 7, 1955, the following determination is hereby issued:

§ 874.8 *Fair and reasonable prices for the 1955 crop of Louisiana sugarcane.* A producer of sugarcane in Louisiana who is also a processor of sugarcane (hereinafter referred to as "processor") shall have paid, or contracted to pay, for sugarcane of the 1955 crop grown by other producers and processed by him, prices determined in accordance with the following requirements:

(a) *Definitions:* For the purpose of this section the term:

(1) "Price of raw sugar" means the price of 96° raw sugar quoted by the Louisiana Sugar Exchange, Inc.; except that if the Director of the Sugar Division determines that such price does not reflect the true market value of sugar, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of sugar.

(2) "Price of blackstrap molasses" means the price per gallon of blackstrap molasses quoted by the Louisiana Sugar Exchange, Inc.; except that if the Director of the Sugar Division determines that such price does not reflect the true market value of blackstrap molasses, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of blackstrap molasses.

(3) "Standard sugarcane" means sugarcane, free of trash, containing 12 percent sucrose in the normal juice with a purity of at least 76.00 but not more than 76.49.

(4) "Net sugarcane" means the quantity of sugarcane obtained by deducting the weight of trash from the combined weight of sugarcane and trash delivered by a producer.

(5) "Salvage sugarcane" means sugarcane containing either less than 9.5 percent sucrose in the normal juice or less than 68 purity in the normal juice.

(6) "Trash" means green or dried leaves, loose sugarcane tops, attached sugarcane tops at or above the green leaf roll, dirt and all other extraneous material which is representative of the quantity of sugarcane from which the sample for trash determination is taken.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than $1.06 per ton for each one cent per pound of the average price of raw sugar determined in accordance with either of the following as agreed upon:

(i) The simple average of the daily prices of raw sugar for the week in which the sugarcane is delivered; or

(ii) The simple average of the weekly prices of raw sugar for the period October 7, 1955, through April 26, 1956; *Provided,* That the average price of raw sugar as determined under this subdivision (i) of this subparagraph or this subdivision may be reduced by not more than the following:

(*a*) 0.022 cent for all mills except those located in the areas defined in (*b*) and (*c*) below;

(*b*) 0.097 cent for mills located north of Bayou Goula between the Atchafalaya and Mississippi Rivers and southeast of New Iberia west of the Atchafalaya River; or

(*c*) 0.147 cent for mills located north and west of New Iberia west of the Atchafalaya River.

(2) The basic price for salvage sugarcane shall be as agreed upon between the processor and the producer, subject to the approval of the State Administrative Officer of the Louisiana State Agricultural Stabilization and Conservation Office (hereinafter referred to as "State Officer.")

(c) *Conversion of net sugarcane to standard sugarcane.* Net sugarcane (except for salvage sugarcane) shall be converted to standard sugarcane as follows:

(1) By multiplying the quantity of net sugarcane by the applicable quality factor in accordance with the following table:

Percent sucrose in normal juice of net sugarcane:	*Standard sugarcane quality factor* [1]
9.5	.60
10.0	.70
10.5	.80
11.0	.90
11.5	.95
12.0	1.00
12.5	1.05
13.0	1.10
13.5	1.15
14.0	1.20
14.5	1.25

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 14.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

and,

(2) By multiplying the quantity determined pursuant to subparagraph (1) of this paragraph by the applicable purity factor in the following table:

STANDARD SUGARCANE PURITY FACTOR [1]

Purity of normal juice		Percent sucrose in normal juice																
		At least 9.50	9.70	9.90	10.10	10.30	10.50	11.00	11.50	12.00	12.50	13.00	13.50	14.00	14.50	15.00	15.50	
At least—	But not more than—	But not more than 9.69	9.89	10.09	10.29	10.49	10.99	11.49	11.99	12.49	12.99	13.49	13.99	14.49	14.99	15.49	15.99	
68.00	68.24	1.000	0.989	0.978	0.967	0.956	0.945	0.936	0.929	0.922	0.915	0.908	0.901	0.894	0.887	0.880	0.873	
68.25	68.49	1.005	.993	.982	.971	.960	.949	.941	.934	.927	.920	.913	.906	.899	.892	.885	.878	
68.50	68.74	1.010	.998	.987	.976	.965	.954	.945	.938	.931	.924	.917	.910	.904	.897	.890	.884	
68.75	68.99	1.016	1.003	.992	.981	.970	.959	.950	.943	.936	.929	.922	.915	.909	.902	.895	.890	
69.00	69.49	1.021	1.009	.997	.986	.975	.964	.955	.948	.941	.934	.927	.920	.914	.908	.902	.896	
69.50	69.99	1.025	1.013	1.001	.990	.979	.968	.960	.953	.945	.938	.931	.924	.918	.912	.906	.900	
70.00	70.49	1.030	1.018	1.006	.995	.984	.973	.965	.958	.950	.943	.936	.929	.923	.917	.911	.905	
70.50	70.99	1.035	1.023	1.011	.999	.988	.977	.969	.962	.954	.947	.940	.933	.927	.921	.915	.909	
71.00	71.49	1.040	1.028	1.016	1.004	.993	.982	.974	.966	.959	.951	.945	.938	.932	.926	.920	.914	
71.50	71.99	1.045	1.033	1.021	1.009	.998	.987	.978	.970	.963	.955	.949	.942	.936	.930	.924	.918	
72.00	72.49	1.050	1.038	1.026	1.014	1.003	.992	.983	.975	.967	.960	.954	.947	.940	.934	.928	.922	
72.50	72.99	1.055	1.043	1.031	1.019	1.007	.996	.987	.979	.971	.964	.958	.951	.944	.938	.932	.926	
73.00	73.49	1.060	1.048	1.036	1.024	1.012	1.000	.991	.984	.976	.968	.962	.955	.948	.942	.936	.930	
73.50	73.99	1.065	1.052	1.040	1.028	1.016	1.004	.995	.988	.980	.972	.966	.959	.952	.946	.940	.934	
74.00	74.49	----	1.057	1.044	1.032	1.020	1.008	1.000	.992	.984	.977	.970	.963	.956	.950	.944	.938	
74.50	74.99	----	1.062	1.049	1.036	1.024	1.012	1.004	.996	.988	.981	.974	.967	.960	.954	.948	.942	
75.00	75.49	----	----	1.054	1.041	1.028	1.016	1.008	1.000	.992	.985	.978	.971	.964	.958	.952	.946	
75.50	75.99	----	----	1.059	1.046	1.033	1.020	1.011	1.004	.996	.988	.981	.974	.967	.960	.954	.949	
76.00	76.49	----	----	----	1.051	1.038	1.025	1.015	1.008	1.000	.992	.985	.978	.971	.965	.959	.953	
76.50	76.99	----	----	----	1.054	1.041	1.028	1.019	1.011	1.004	.996	.989	.981	.975	.969	.963	.957	
77.00	77.49	----	----	----	----	1.045	1.032	1.023	1.015	1.008	1.000	.993	.985	.979	.973	.967	.961	
77.50	77.99	----	----	----	----	1.049	1.035	1.027	1.019	1.011	1.003	.996	.989	.982	.976	.970	.964	
78.00	78.49	----	----	----	----	----	1.039	1.031	1.023	1.015	1.007	1.000	.993	.986	.980	.974	.968	
78.50	78.99	----	----	----	----	----	1.042	1.035	1.026	1.018	1.010	1.003	.996	.989	.983	.977	.971	
79.00	79.49	----	----	----	----	----	----	1.039	1.030	1.022	1.014	1.007	1.000	.993	.987	.981	.975	
79.50	79.99	----	----	----	----	----	----	1.043	1.033	1.025	1.017	1.010	1.003	.996	.990	.984	.978	
80.00	80.49	----	----	----	----	----	----	----	1.037	1.029	1.021	1.014	1.007	1.000	.994	.988	.982	
80.50	80.99	----	----	----	----	----	----	----	1.040	1.032	1.024	1.017	1.010	1.003	.997	.991	.985	
81.00	81.49	----	----	----	----	----	----	----	----	1.036	1.028	1.021	1.014	1.006	1.000	.994	.988	
81.50	81.99	----	----	----	----	----	----	----	----	1.039	1.032	1.024	1.017	1.009	1.003	.997	.991	
82.00	82.49	----	----	----	----	----	----	----	----	----	1.035	1.027	1.020	1.013	1.007	1.000	.995	
82.50	82.99	----	----	----	----	----	----	----	----	1.038	1.030	1.023	1.016	1.010	1.004	.998		
83.00	83.49	----	----	----	----	----	----	----	----	----	1.033	1.027	1.019	1.013	1.007	1.000		
83.50	83.99	----	----	----	----	----	----	----	----	----	1.036	1.030	1.022	1.016	1.010	1.004		
84.00	84.49	----	----	----	----	----	----	----	----	----	----	1.033	1.025	1.019	1.013	1.007		
84.50	84.99	----	----	----	----	----	----	----	----	----	----	----	1.028	1.022	1.016	1.010		

[1] Factors applicable to higher sucrose and purity of the normal juice than shown in this table shall be determined by the same method of calculation used to compute the factors specified and shall be furnished by the Louisiana State ASC Office, Alexandria, Louisiana upon request.

(d) *Molasses payment.* For each ton of net sugarcane (except salvage sugarcane) there shall be paid an amount equal to the product of 7.2 and one-half of the average price per gallon of blackstrap molasses in excess of 6 cents. The average price of blackstrap molasses shall be either the simple average of the daily prices for the week in which the sugarcane is delivered, or the simple average of the weekly prices of blackstrap molasses for the period October 7, 1955 through February 23, 1956, as agreed upon between the processor and the producer.

(e) *General.* (1) The sucrose and purity of the normal juice shall be determined by acceptable methods of analysis on sugarcane as delivered, such methods to be subject to the approval of the State Officer.

(2) Because of decreased boiling house efficiency deductions may be made from the payment for frozen sugarcane accepted by the processor provided such deductions are at rates not in excess of 1.5 percent of the payment, computed without regard to the molasses payment, for each 0.1 cc. of acidity above 2.50 cc. of N/10 alkali per 10 cc. of juice but not in excess of 4.75 cc. (intervening fractions are to be computed to the nearest multiple of 0.05 cc.). Frozen sugarcane testing in excess of 4.75 cc. of acidity shall be considered as having no value. Sugarcane shall not be considered as frozen, even after being subjected to freezing temperature, unless and until there is evidence of damage having taken place because of the freeze, such evidence to be certified by the State Officer.

(3) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose and purity tests of sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor, subject to approval by the State Officer: *Provided,* That the payment for each ton of net sugarcane shall be not less than an amount equal to the total returns from raw sugar and molasses actually recovered from such sugarcane, determined on the basis of the simple average of the weekly price of raw sugar for the period October 7, 1955 through April 26, 1956 and the simple average of the weekly prices of blackstrap molasses for the period October 7, 1955 through February 23, 1956, less an amount not to exceed $3.00 per gross ton of sugarcane for processing and less actual costs of hoisting, field weighing and transporting such sugarcane.

(4) A processor who paid the costs for hoisting and weighing sugarcane of the 1954 crop shall also pay such costs with respect to the 1955 crop: *Provided,* That nothing in this subparagraph shall be construed as prohibiting negotiations with respect to such costs, any change to be approved by the State Officer.

(5) A processor who made allowances to producers for transporting sugarcane from the customary delivery points to the mill for the 1954 crop, shall also make such allowances for the 1955 crop: *Provided,* That nothing in this subparagraph shall be construed as requiring the processor to make allowances to producers in excess of the actual costs or rates charged by a commercial carrier for the customary method of transportation: *Provided further,* That where the only available practicable means of transportation is by railroad and the distance to the nearest mill is in excess of 50 miles or where, because of unusual circumstances, the cost of transporting sugarcane is in excess of customary allowances, such costs may be shared by the processor and the producer by agreement, subject to the approval of the State Officer.

(6) If a processor and the producers delivering sugarcane to such processor mutualy agree upon a plan for improving harvesting and delivery operations, there may be deducted from the price per ton of sugarcane an amount equal to one-half of the cost of such plan. Such deduction may not be made until the plan has been approved by the State Officer.

(7) The processor shall not reduce the returns to the producer below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes fair and reasonable prices to be paid for sugarcane of the 1955 crop by a producer who processes sugarcane grown by other producers. It establishes the minimum requirements with respect to prices for sugarcane which must be met by such producer as one of the conditions for payment under the act.

(b) *Requirements of the act.* Section 301 (c) (2) of the act provides that the producer on the farm who is also, directly or indirectly, a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1955 price determination.* The 1955 price determination is the same as the 1954 determination except that (1) the raw sugar pricing period used as the basis for computing the payment for sugarcane delivered by producers has been extended to cover a period of approximately seven months; (2) the area freight rate differentials have been readjusted to compensate processors for an increase in freight rates on raw sugar; (3) the definition of standard sugarcane has been changed by lowering the purity factor; and (4) the molasses payment to producers is based on 7.2 gallons per ton of sugarcane to reflect the most recent 5-year average recovery. Minor changes in language also have been made in certain provisions of the determination.

A public hearing was held in Thibodaux, Louisiana, on July 29, 1955, regarding fair and reasonable prices for the 1955 crop of sugarcane. At this hearing a representative of the Louisiana Grower-Processor Committee stated that the Committee was not prepared to offer recommendations because of unresolved problems relating to marketing allotments and other considerations involving the 1955 crop. This representative requested a recess in the hearing until a later date. The hearing was reconvened on September 7, 1955, and testimony was presented by one processor representative and two producer representatives. The processor representative recommended that the raw sugar pricing period used as the basis for payments for sugarcane be extended through April 1956, that an adjustment be made in the raw sugar freight differential to compensate processors for increases in raw sugar freight costs, and that producers share in the average cost of storing raw sugar which is not marketable during the calendar year 1955. A producer representative recommended that no change be made in the determination except that the raw sugar pricing period be extended through April 1956. Another producer representative recommended that the standard sugarcane purity factor be revised downward by 1.25 points in relation to normal juice sucrose, that the normal juice sucrose quality factors be revised to reflect a closer relationship to sugar recoveries at low sucrose levels, that no change be made which would require producers to bear any portion of the increases in freight rates on raw sugar, and that processors be required to continue to absorb all costs of storing raw sugar which is not marketable in the year in which produced.

Consideration has been given to the recommendations made at the public hearing, to information obtained as a result of investigations, to the returns, costs and profits of producing and processing sugarcane obtained by survey for recent years and restated in terms of prospective conditions for the 1955 crop and to other pertinent factors.

Analysis of the economic position of producers and processors indicates that a close relationship is expected to exist in the sharing of costs and returns with respect to the 1955 crop. The changes in the freight and purity provisions of this determination will not appreciably affect the distribution of total returns between producers and processors. Because of the expected equitable relationship the recommendation of processors that producers absorb a portion of the storage expense on raw sugar which is not marketable during the calendar year 1955 has not been adopted.

An examination of the standard sugarcane purity factor scale as related to normal juice sucrose of sugarcane indicates that during recent years changes in sugarcane varieties and in methods of harvesting have resulted in a sucrose-purity relationship which does not appear to be equitable to producers. Accordingly, the former purity scale has been adjusted downward in relation to the normal juice sucrose scale. Prior determinations defined standard sugarcane as sugarcane containing 12.0 percent sucrose in normal juice with a purity of at least 76.50, but not more than 76.99. This determination defines standard sugarcane as containing 12.0 percent sucrose in normal juice with a purity of at least 76.00 but not more than 76.49. Sucrose-purity relationships at other levels have also been adjusted.

Freight rates on sugarcane and raw sugar were increased substantially during 1954. Processors recommended that the raw sugar freight differentials applicable to certain mill areas under prior determinations be increased to recognize the raw sugar freight rate increase. The freight allowances provided in this determination reflect the increase in freight rates on raw sugar and maintain the customary differentials heretofore established.

Recent determinations have provided for a raw sugar pricing period from approximately the first week in October to the last week of February. In view of the large quantities of raw sugar which cannot be marketed until 1956, processors and producers believed that a longer pricing period will be required. The pricing period recommended by both groups has been adopted.

On the basis of analysis of all pertinent factors the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination is fair and reasonable and will effectuate the price provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 10th day of October, 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-8310; Filed, Oct. 12, 1955; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 30]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

MAINTENANCE REQUIREMENTS

The purpose of this supplement is to revise § 42.32-2 (b) by removing the restrictive language with respect to the maintenance of air carrier aircraft by persons other than air carriers. As a result of this revision, the requirements relative to the maintenance of air carrier aircraft will be identical with the general requirements for maintenance of aircraft set forth in §§ 18.10 and 18.11 of this subchapter.

Section 42.32-2 (b) is revised to read as follows and subparagraphs (1) and (2) of paragraph (b) are deleted.

§ 42.32-2 *Arrangements acceptable to the Administrator (CAA policies which apply to § 42.32 (a)).* • • •

(b) The inspection, maintenance, overhaul, and repair of the air carrier's aircraft, inoluding airframes, powerplants, propellers, and appliances is performed, inspected, and/or approved by an appropriately rated certificated repair station, appropriate certificated air carrier, or manufacturer in accordance with §§ 18.10 (b), (d), or (e), 18.11 (a) (2), (3), or (4), and 18.11 (b) (2), (3), or (4); *Provided,* That maintenance, minor repairs, and minor alterations may be performed and/or approved by a certificated mechanic in accordance with §§ 18.10 (a) and 18.11 (a) (1) of this subchapter.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 555)

This supplement shall become effective November 1, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-8283; Filed, Oct. 12, 1955; 8:45 a. m.]

[Supp. 2]

PART 52—REPAIR STATION CERTIFICATES

LISTING OF SUPERVISORY PERSONNEL

Currently, Civil Aeronautics Manual 52 requires a listing on Form ACA-394 of the names of the management officials, the chief inspector, inspectors, and technical supervisors. In addition, a roster of and employment summaries for all supervisory and inspection personnel are required. The purpose of this supplement is (1) to require only the listing on Form ACA-394 of the name of the individual responsible for the overall management of the repair station and the name(s) of the individual(s) responsible for the release of items from the repair station, and (2) to require employment summaries for only those individuals responsible for the release of items from the repair station. As a result of these changes, an applicant for a repair station certificate need not submit a roster of and employment summaries for all supervisory and inspection personnel; and the holder of a certificate need not amend the original application whenever changes occur in station personnel.

This revision is a relaxation of requirements and is minor in nature. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary and not required.

The following revisions are hereby adopted:

1. Section 52.5-1 is revised by changing paragraph (b) (1) (i) and (ii), and paragraph (c) (2) to read as follows: and by deleting subparagraph (4) of paragraph (c).

§ 52.5-1 *Procedure for applying for a repair station certificate (CAA rules which apply to § 52.5).* • • •

(b) *Application file.* (1) • • •

(i) An executed application for a Certificated Repair Station, Form ACA-394. Item 8a of this form shall include only the name of the individual responsible for the overall management of the repair station. Item 8b of this form shall include only the name(s) of the individual(s) responsible for the release of items from the repair station.

(ii) Employment summaries, providing the information in numerical sequence as required by § 52.24-1 for the chief inspector or other individual(s) having technical responsibility for final release of items from the repair station. If the management official retains the privilege of final airworthiness determination, an employment summary shall be included for such official.

• • • • • •

(c) *Modifications or amendments to certificate.* • • •

(2) Changes in personnel involving officials responsible for overall management and individuals responsible for release of items from the repair station.

2. Section 52.24-1 is revised by deleting the last sentence of paragraph (b) and adding a new paragraph (c) to read as follows:

§ 52.24-1 *Records of supervisory and inspection personnel. (CAA rules which apply to §§ 52.5 and 52.24).* • • •

(c) *Maintenance of records.* The roster and employment summaries required by paragraph (a) of this section and any changes made in accordance with paragraph (b) of this section shall be submitted to the local Aviation Safety Agent for personnel evaluation and shall thereafter be retained in the repair station administrative office. The current roster and employment summaries shall be made available for inspection by any authorized representative of the Administrator or Board on request.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 607, 52 Stat. 1007, 1011, as amended; 49 U. S. C. 551, 557)

This supplement shall become effective November 1, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-8282; Filed, Oct. 12, 1955; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 136]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.15, the Camp Hale, Colorado, temporary area (R-482), published on September 13, 1955 in 20 F. R. 6699, is amended by changing the "Time of Designation" column to read: "September 13, to June 30, 1956."

2. In § 608.18, the Oak Hill, Florida, area (R-68), amended on April 9, 1955 in 20 F. R. 2301, is rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on October 15, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-8281; Filed, Oct. 12, 1955; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 16—LAND TRANSPORTATION RADIO SERVICES

RECAPITULATION OF REGULATIONS

Because of the number of outstanding amendments to Part 16 since it was last recapitulated in the FEDERAL REGISTER (March 21, 1953, 18 F. R. 1616), Part 16 is recapitulated as of September 1, 1955, to read as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

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Sec.
16.1 Basis and purpose.
16.2 General limitations on use.
16.3 Cooperative use of facilities.
16.4 General citizenship restrictions.
16.5 Transfer and assignment of station authorization.
16.6 Definition of terms.
16.8 Policy governing the assignment of frequencies.

Subpart B—Applications, Authorizations, and Notifications

16.51 Station authorization required.
16.52 Procedure for obtaining a radio station authorization and for commencement of operation.
16.53 Special temporary authority.
16.54 Filing of applications.
16.55 Who may sign applications.
16.56 Standard forms to be used.
16.58 Supplemental information to be submitted with application.
16.59 Partial grant.
16.60 Defective applications.
16.61 Amendment or dismissal of applications.
16.62 Construction period.
16.63 License term.
16.64 Change in authorized stations.
16.65 Discontinuance of station operation.

Subpart C—Technical Standards

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16.103 Types of emission.
16.104 Emission limitations.
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16.106 Power and antenna height.
16.107 Transmitter control requirements.
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16.157 Inspection of stations.
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16.206 Special provisions.
16.207 Authorization subject to change or cancellation: Supplementary statement required.
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16.251 Eligibility for license.
16.252 Frequencies available for base and mobile stations.
16.253 Frequencies available for operational fixed stations.
16.254 Frequencies available for Base, Mobile and Operational Fixed Stations.
16.255 Limitations on installation and use.
16.256 Amortization period.
16.257 Modification of licenses to shift frequencies.

Subpart G [Reserved]

Subpart H—Railroad Radio Service

16.351 Eligibility.
16.352 Frequencies available for base and mobile stations.
16.353 Frequencies available for fixed stations.
16.354 Operator requirements, fixed and base stations.
16.355 Relay stations.
16.356 Frequencies available for Base, Mobile and Operational Fixed Stations.

Subpart I—Taxicab Radio Service

16.401 Eligibility.
16.402 Frequencies available for Base Stations and Mobile Stations.
16.403 Special limitations.
16.404 Frequencies available for Base, Mobile and Operational Fixed Stations.

Subpart J [Reserved]

Subpart K—Automobile Emergency Radio Service

16.501 Eligibility.
16.502 Permissible communications.
16.503 Frequencies available for base and mobile stations.
16.504 Frequencies available for Base, Mobile and Operational Fixed Stations.

AUTHORITY: §§ 16.1 to 16.504 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303.

SUBPART A—GENERAL INFORMATION

§ 16.1 *Basis and purpose.* (a) The basis for the rules following in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. The rules in this part are issued pursuant to the authority contained in Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations.

(b) The purpose of the rules and regulations in this part is to prescribe the conditions under which parts of the radio spectrum may be employed for radiocommunication and control facilities in certain land transportation operations.

§ 16.2 *General limitations on use.* The radio facilities authorized under this part shall not be used to render a communications common carrier service or to carry program material of any kind for use in connection with radio broadcasting.

§ 16.3 *Cooperative use of facilities.* (a) A person who is engaged in any one of the transportation operations for which a radio service is available may receive radiocommunication service from a base station licensed to another person operating transportation facilities in the same service or from a non-profit corporation or association licensed in the same service and organized for the sole purpose of furnishing such a radiocommunication service. The rendition of such service, however, will not be required of the base station licensee without his consent except as provided in § 16.252. Such cooperative arrangements will be governed by the following:

(1) Persons who are to receive mobile radiocommunication service from a base station licensed to another person may, themselves, be the licensees of the radio units to be installed in their respective vehicles: *Provided*, That prior to receiving an authorization for the mobile units the person from whom the service is to be received files a request for authority to render such communication service to each person who is to receive service. The request must be notarized but may be in letter form submitted in duplicate. Upon approval of the request the Commission will designate the persons to whom service may be rendered on the base station authorization.

(2) The licensee of a base station may install licensed mobile units in the vehicles of other persons engaged in the same type of transportation: *Provided*, That in each case such persons shall enter into a written agreement verifying that the licensee has the sole right of control of the mobile radio units, that the vehicle operators shall operate the radio units subject to the orders and instructions of the base station operator and that the licensee shall at all times have such access to and control of the mobile equipment as will enable him to carry out his responsibilities under the license. A copy of the agreement with vehicle owners required hereby shall be kept with the station records and held available for inspection by the Commission representatives.

(b) All cooperative arrangements entered into under the provisions of this section shall be governed by the following requirements as to costs and charges:

(1) The arrangement must be established on a non-profit, cost-sharing basis by written contract between the parties and a copy of the contract must be kept with the records of the base station and held available for inspection by Commission representatives.

(2) Contributions to capital and operating expenses may be accepted only on a cost-sharing, non-profit basis, said costs to be prorated on an equitable basis among all persons who are parties to the cooperative arrangement. Records which reflect the cost of the service and its non-profit, cost-sharing nature, shall be maintained by the base station licensee and held available for inspection

by Commission representatives. An audited financial statement reflecting the non-profit, cost-sharing nature of the arrangement shall be submitted annually to the Commission's Washington office no later than three months after the close of the licensee's fiscal year.

§ 16.4 *General citizenship restrictions.* A station license may not be granted to or held by:

(a) Any alien or the representative of any alien;

(b) Any foreign government or the representative thereof;

(c) Any corporation organized under the laws of any foreign government;

(d) Any corporation of which any officer or director is an alien;

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representative thereof; or any corporation organized under the laws of a foreign country;

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representatives thereof; or any corporation organized under the laws of a foreign government—if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 16.5 *Transfer and assignment of station authorization.* A station authorization, the frequencies authorized to be used by the grantee of such authorization, and the rights therein granted by such authorization shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such authorization, to any person, unless the Commission shall, after securing full information, decide that the said transfer is in the public interest. Requests for authority to assign a station authorization may be submitted in accordance with § 16.56 (b) while a request for authority to transfer control of a corporation, as by sale of controlling stock interest, shall be submitted in accordance with § 16.56 (d).

§ 16.6 *Definition of terms.* For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter, Frequency Allocations and Treaty Matters; General Rules and Regulations.

(a) *Assigned frequency.* The frequency appearing on a station authorization, from which the carrier frequency may deviate by an amount not to exceed that permitted by the frequency tolerance.

(b) *Authorized bandwidth.* The frequency band, specified in kilocycles and centered on the carrier frequency, containing those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power.

(c) *Base station.* See paragraph (l) of this section, Land station.

(d) *Control station.* An operational fixed station, the transmissions of which are used to automatically control the emissions or operation of another radio station at a specified location.

(e) *Fixed service.* A service of radio communication between specified points.

(f) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the regulations in this part. (For purposes of this definition only, a safety service is any radio service whose operation is directly related, whether permanently or temporarily, to the safety of human life and the safeguarding of property.)

(g) *Motor Carrier Radio Service.* A radiocommunication service for use in connection with the operation of a motor carrier land transportation system.

(h) *Motor Carrier.* Any streetcar, bus, truck or other land motor vehicle operated over public streets or highways by a common or contract carrier and used for the transportation of passengers or property (freight) for compensation: *Provided, however*, That motor vehicles used as taxicabs, livery vehicles or school buses, and motor vehicles used for sightseeing or special charter purposes, shall not be included within the meaning of this term as used in the Motor Carrier Radio Service.

(i) *Land station.* A station in the mobile service not intended for operation while in motion. (Of the various types of land stations, only the Base station is pertinent to this part, and will be used interchangeably with Land stations.)

(j) *Landing area.* A landing area means any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

NOTE: Consideration of aeronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the CAA as of the filing date of the application for such radio facilities.

(k) *Mobile service.* A service of radiocommunication between mobile and land stations, or between mobile stations.

(l) *Mobile station.* A station in a mobile service intended to be used while in motion or during halts at unspecified points.

(m) *Operational fixed station.* A fixed station, not open to public correspondence, operated by, and for the sole use of those agencies operating their own radiocommunication facilities in the Public Safety, Industrial, Land Transportation, or Aviation Services. (This term includes all stations licensed in the fixed service under this part.)

(n) *Person.* An individual, partnership, association, joint stock company, trust, or corporation.

(o) *Railroad Radio Service.* The term "Railroad Radio Service" as used in this part means a radiocommunication service for use in connection with the operation and maintenance of a railroad common carrier.

(p) *Fixed relay station.* An operational fixed station in the fixed service, established to receive radio signals directed to it from any source and to retransmit them automatically on a fixed service frequency for reception at one or more fixed points.

(q) *Mobile relay station.* A base station in the mobile service, authorized primarily to retransmit automatically on a mobile service frequency communications originated by mobile stations. (Authorized in the railroad radio service only.)

(r) *Station authorization.* Any construction permit, license, or special temporary authority issued by the Commission.

(s) *Taxicab Radio Service.* The term "Taxicab Radio Service", as used in this part, means a radiocommunication service for use in connection with the transportation facilities of a taxicab common carrier.

(t) *Telemetering.* Automatic radiocommunication, in a fixed or mobile service, intended to indicate or record a measurable variable quantity at a distance.

(u) *Common Carrier.* As used in the Motor Carrier Radio Service, a person who holds himself out to the general public to engage in the transportation of passengers or property without discrimination, for compensation as a regular occupation or business.

(v) *Automobile Emergency Radio Service.* The term "Automobile Emergency Radio Service" as used in this part means a radiocommunication service for use in connection with the dispatching of emergency road service vehicles by associations of owners of private automobiles and public garages.

(w) *Antenna structure.* The term "antenna structure" includes the radiating system and its supporting structures.

(x) *Contract carrier.* As used in the Motor Carrier Radio Service, a person who under individual contracts or agreements engages in the transportation of passengers or property for compensation as a regular occupation or business.

(y) *Urban area.* As used in the Motor Carrier Radio Service, one or more contiguous, incorporated or unincorporated, cities, boroughs, towns, or villages, having aggregate population of 2,500 or more persons.

§ 16.8 *Policy governing the assignment of frequencies.* (a) The frequencies which may be assigned to stations operating in the Land Transportation Radio Services are listed in the applicable subpart of this part. Each frequency or band of frequencies, available for assignment to stations in these services is available on a shared basis only, and will

not be assigned to more than one station in the same area on the same frequency except as provided in paragraph (b) of this section. Assignments will be made only when the proposed operation will not cause harmful interference to the operation of any station using the same frequency in accordance with the allocation table in this part.

(b) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(c) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(d) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(e) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(f) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(g) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(h) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(i) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(j) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(k) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(l) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(m) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(n) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(o) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(p) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(q) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(r) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(s) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(t) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(u) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(v) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(w) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(x) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

(y) Where the applicant for a station in the Motor Carrier Radio Service is a motor carrier operating in two or more urban areas, the Commission may assign the same frequency to stations in those areas, provided the applicant shows that the stations will not cause harmful interference to each other.

not be assigned for the exclusive use of any one applicant. All applicants for, and licensees of, stations in these services shall cooperate in the selection and use of the frequencies assigned in order to minimize interference and thereby obtain the most effective use of the authorized facilities. In the event that two or more licensees are unable to make an equitable division of transmission time the Commission, at its discretion, may specify a time sharing arrangement. The use of any of these frequencies may be restricted to one or more geographical areas.

(b) Outside the continental limits of the United States and waters adjacent thereto, frequencies above 152 Mc, listed elsewhere in this part as available for assignment to Base Stations or Mobile Stations in particular Services are also available for assignment to Operational Fixed Stations in the same Service on condition that no harmful interference be caused to mobile service operations.

(c) Frequencies assigned to Federal Government radio stations under Executive order of the President may be authorized for use by stations licensed under this part upon appropriate showing by the applicant that such assignment is necessary for inter-communication with Federal Government stations or required for coordination with activities of the Federal Government, provided the Commission determines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

(d) The following criteria shall govern the authorization and use of frequencies within the band 72–76 Mc to and by fixed stations:

(1) All authorizations are subject to the condition that no harmful interference will be caused to television reception on Channels 4 and 5.

(2) The applicant agrees to eliminate any harmful interference caused by his operation to TV reception on either Channel 4 or 5 that might develop by whatever means are found necessary within 90 days of the time knowledge of said interference is first brought to his attention by the Commission. If said interference is not cleared up within the 90-day period, operation of the fixed station will be discontinued.

(3) Vertical polarization is used.

(4) Whenever it is proposed to locate a 72–76 Mc fixed station less than 80, but more than 10 miles from the site of a TV transmitter operating on either Channel 4 or 5, or from the post office of a community in which such channels are assigned but are not in operation, the fixed station shall be authorized only if:

(i) There are fewer than 100 family dwelling units[1] located within a circle centered at the location of the proposed fixed station[2] the radius of which shall be determined by use of the chart entitled, "Chart for Determining Radius From Fixed Station in 72–76 Mc Band to Interference Contour Along Which 10 Percent of Service From Adjacent Channel Television Station Would Be Destroyed." Two charts are provided, one for Channel 4 and one for Channel 5: *Provided, however,* That the Commission may, in a particular case, authorize the location of a fixed station within a circle as determined under subdivision (i) of this subparagraph containing 100 or more family dwelling units upon a showing that:

(*a*) The proposed site is the only suitable location.

(*b*) It is not feasible, technically or otherwise to use other available frequencies.

(*c*) The applicant has a plan to control any interference that might develop to TV reception from his operations.

(*d*) The applicant is financially able and agrees to make such adjustments in the TV receivers affected as may be necessary to eliminate interference caused by his operations.

(5) All applications seeking authority to operate with a separation of less than 10 miles will be returned without action.

[1] As defined by the U. S. Bureau of Census.

[2] Family dwelling units 70 or more miles distant from the TV antenna site are not to be counted.

SUBPART B—APPLICATIONS, AUTHORIZATIONS, AND NOTIFICATIONS

§ 16.51 *Station authorization required.* No radio transmitter shall be operated in the Land Transportation Radio Services except under and in accordance with a valid station authorization granted by the Federal Communications Commission.

§ 16.52 *Procedure for obtaining a radio station authorization and for commencement of operation.* (a) Persons desiring to install and operate radio transmitting equipment should first submit an application for a radio station authorization in accordance with § 16.56 (a).

(b) When construction permit only has been issued for a base, fixed or mobile station and installation has been completed in accordance with the terms of the construction permit and the applicable rules of the Commission, the permittee shall proceed further as follows:

(1) Notify the Engineer-in-Charge of the local radio district of the date on which the transmitter will first be tested in such manner as to produce radiation, giving name of the permittee, station location, call sign, and frequencies on which tests are to be conducted. This notification shall be made in writing at least two days in advance of the test date. FCC Form 456 may be used for this purpose. No reply from the radio district office is necessary before the tests are begun.

(2) After testing, but on or before the date when the station is first used for operational purposes, mail to the Commission in Washington, D. C., an application on FCC Form 400 for license or modification of license, as appropriate in the particular case. The station may thereafter be used as though licensed, pending Commission action on the license application.

(c) When a construction permit and license for a new base, fixed or mobile station are issued simultaneously the licensee shall notify the Engineer-in-Charge of the local radio district of the date on which the transmitter will be placed in operation, giving name of licensee, station location, call sign, and operating frequencies. This notification shall be made in writing on or before the day on which operation is commenced. FCC Form 456 may be used for this purpose.

(d) When a construction permit and modification of license for a base, fixed or mobile station are issued simultaneously, operation may be commenced without notification to the Engineer-in-Charge of the local radio district, except where operation on a new, or different frequency results by reason of such modification, in which event the notification procedure set forth in paragraph (c) of this section must be observed.

§ 16.53 *Special temporary authority.* (a) (1) In cases of emergency found by the Commission involving danger to life or property, or due to damage to equipment, temporary authorization for the construction and operation of a radio station may be granted for the duration of such emergency. Requests for such temporary authorization may be filed without regard to the provisions of § 16.56 in letter form or by telegram, but shall contain the following information:

(i) Name, address, and citizenship status of applicant;

(ii) Statement of facts upon which the request for emergency authorization is based, including estimated duration of emergency, and explanation why a formal application could not have been submitted in time to get a regular license;

(iii) Class of station and nature of service;

(iv) Location of station including, when appropriate, geographical coordinates;

(v) Equipment to be used, specifying manufacturer, model number and number of units, frequencies desired, plate power input to final radio frequency stage, and type of emission.

If any of the foregoing information is presently on file with the Commission, such information may be included by reference. The applicant may be required, whenever such action may be considered necessary by the Commission, to supplement the information enumerated by filing as soon as practicable a formal application on the prescribed form.

(2) In cases where an urgent need is shown for operation of an authorized station for a limited time only, in a manner other than that specified in the existing authorization, but not in conflict with the rules, or

(3) For the purpose of conducting a field survey to determine necessary data in connection with the filing of formal applications for installation of a radio system in some service under this part. In this case, the authority, if issued, will be for developmental operation only, and the applicable sections of Subpart E of this part shall also apply to the grant.

(b) An application for special temporary authority other than that to which paragraph (a) (1) of this section applies, may be filed as an informal application in the manner prescribed by § 16.56 (g) and shall contain the following information:

(1) Name, address, and citizenship status of applicant.

(2) Need for special action.

(3) Type of operation to be conducted.

(4) Purpose of operation.

(5) Time and date of operation desired.

(6) Class of station and nature of service.

(7) Location of station.

(8) Equipment to be used, specifying manufacturer.

(9) Frequency(s) desired.

(10) Plate power input to final radio frequency stage.

(11) Type of emission.

§ 16.54 *Filing of applications.* (a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Land Transportation Radio Services are discussed in § 16.56, and may be obtained from the Washington, D. C., office of the Commission, or from any of its engineering field offices. Concerning matters where no standard form is applicable, the procedure outlined in § 16.56 (g) should be followed.

(b) Any application for radio station authorization, and all correspondence relating thereto, shall be submitted to the Commission's office at Washington 25, D. C., and should be directed to the attention of the Secretary.

(c) Unless otherwise specified, an application shall be filed at least sixty days prior to the date on which it is desired that Commission action thereon be completed.

(d) Failure on the part of the applicant to provide all the information required by the application form, or to supply the necessary exhibits or supplementary statements may constitute a defect in the application.

(e) Applications involving operation at temporary locations:

(1) When a base station or a fixed station is to remain at a single location for less than one year, the location is considered to be temporary. An application for authority to operate at temporary locations shall specify the general geographic area within which the operation will be confined. The area specified may be a city, a county or counties, a state or states, "Gulf Coast area", "Eastern U. S.", etc.

(2) When a base station or fixed station authorized to operate at temporary locations remains at a single location for more than one year, an application for modification of the station authorization to specify the permanent location shall be filed within thirty days after expiration of the one year period.

§ 16.55 *Who may sign applications.* One copy of each application for an authorization shall be signed under oath or affirmation by the applicant if the applicant be an individual, or any one of the partners if an applicant be a partnership, by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association: *Provided, however,* That applications may be signed by the attorney for an applicant in case of (a) physical disability of the applicant, or (b) his absence from the continental United States. If it be made by a person other than the applicant, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant.

§ 16.56 *Standard forms to be used.* (a) A separate application shall be submitted on FCC Form 400 for the following:

(1) New station authorization for a base or fixed station.

(2) New station authorization for any required number of mobile units (including hand-carried or pack-carried units) to be operated in the same service.

NOTE: An application for mobile units may be combined with an application for a single base station for such mobile units as will operate with that base station only.

(3) License for any class of station upon completion of construction or installation in accordance with the terms and conditions set forth in the construction permit.

(4) Modification of a combined construction permit and station license for changes outlined in § 16.64 (a).

(5) Modification of construction permit.

(6) Modification of station license.

Any of the foregoing applications will, upon approval and authentication by the Commission, be returned to the applicant as a specifically designated type of authorization.

(b) When the holder of a station authorization desires to assign to another person the privilege to construct or use a radio station, he shall submit to the Commission a letter setting forth his desire to assign all right, title, and interest in and to such authorization, stating the call sign and location of station. This letter shall also include a statement that the assignor will submit his current station authorization for cancellation upon completion of the assignment. Enclosed with this letter shall be an application for Assignment of Authorization on FCC Form 400 prepared by and in the name of the person to whom the station is being assigned.

(c) A separate application may be submitted on FCC Form 400–A for certain changes to authorized stations as specified in § 16.64 (b).

(d) A separate application shall be submitted on FCC Form 703 whenever it is proposed to change the control of a corporate permittee or licensee.

(e) FCC Form 456 "Notification of Completion of Radio Station Construction" may be used to advise the Engineer-in-Charge of the local district office that construction of the station is complete and that operational tests will begin.

(f) Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(g) Informal applications:

(1) An application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original signed under oath or affirmation. Each application shall be clear and complete within itself as to the facts presented and action desired.

(2) A request for special temporary authorization must include full particulars as to the purpose for which the request is made and such request should be submitted at least 10 days prior to the date of the proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reason for the delay in submitting the request. The information necessary to Commission action on requests for Special Temporary Authority is set forth in § 16.53 of this subpart.

§ 16.58 *Supplemental information to be submitted with application.* Each application for station authorization shall be accompanied by such supplemental information listed below as may be required:

(a) Any statements or showings required by the applicable subpart of this part, in connection with the use of the frequency requested.

(b) Statements justifying the need when more frequencies are desired than are normally assigned to a single applicant under the applicable subpart of this part.

(c) Statement describing the type of emission to be used if it cannot be described as "8A3" or "40F3" pursuant to Subpart C of this part.

(d) Description of the antenna system, on FCC Form 401–A in quadruplicate, in all cases when:

(1) The antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level: *Provided, however,* That FCC Form 401–A is not required when the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet; or

(2) The antenna structure proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area: *Provided, however,* That FCC Form 401–A is not required when the antenna does not exceed 20 feet above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the

over-all height of such man-made structure or natural formation by more than 20 feet.

(e) A functional system diagram and a detailed description of the manner in which the interrelated stations will operate when the station is, or will be, part of a system involving two or more stations at different fixed locations.

(f) Copies of all agreements and statements which may be required under § 16.3 if operation is desired in connection with any cooperative or joint use of the proposed radio communication facilities.

(g) Statements required by the Rules in connection with developmental operation. See §§ 16.202, 16.203, 16.207.

(h) Description of any equipment, proposed to be used, which does not appear on the Commission's List of Equipments Acceptable for Licensing, and designated for use in the Public Safety, Industrial and Land Transportation Radio Services.

(i) Any statements or other data required under special circumstances as set forth in the applicable subpart of this part, or required upon request by the Commission.

§ 16.59 *Partial grant.* Where the Commission, without a hearing, grants an application in part, or with any privileges, terms or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action and set the application for hearing.

§ 16.60 *Defective applications.* (a) An application which is not prepared in accordance with the Commission's rules or other requirements will be considered defective and will be returned to the applicant.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompanied by a petition to amend any rule or regulation with which the application is in conflict.

§ 16.61 *Amendment or dismissal of applications.* Any application may be amended or dismissed without prejudice upon request of the applicant prior to the time the application is granted or designated for hearing. Each amendment to, or request for dismissal of an application shall be signed, authenticated, and submitted in the same manner and with the same number of copies as required for the original application. All subsequent correspondence or other material which the applicant desires to have incorporated as a part of an application already filed shall be submitted in the form of an amendment to the application.

§ 16.62 *Construction period.* (a) Each radio station construction permit issued by the Commission will specify the date of grant as the earliest date of commencement of construction and installation, and a maximum of eight months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission in any particular case.

(b) In cases where the station is not ready for operational use on or before the expiration date of the construction permit, application for extension of time to construct shall be filed on FCC Form 400–A.

§ 16.63 *License term.* (a) For all stations in the Land Transportation Radio Services, except those engaged in developmental operation the license period shall be as follows:

(1) Each station license will be issued for a term of from one to five years from the effective date of grant, the term varying as may be necessary to permit the orderly scheduling of renewal applications.

(2) Each station license normally will be renewed, upon proper application, for a term of four years from the effective date of renewal.

(b) Instruments of authorization for stations engaged in developmental operation will be made upon a temporary basis for a specific period of time, but in no event to extend beyond one year from date of grant.

§ 16.64 *Changes in authorized stations.* Authority for certain changes in authorized stations must be obtained from the Commission before these changes are made, while other changes do not require prior Commission approval. The following paragraphs describe the conditions under which prior Commission approval is or is not necessary:

(a) Proposed changes which will result in operation inconsistent with any of the terms of the current authorization require that an application for modification of construction permit and/or license be submitted to the Commission and, except as set forth in paragraph (b) of this section, shall be on Form 400 and shall be accompanied by exhibits and supplementary statements as required by § 16.58.

(b) Any of the following changes to authorized stations may be made upon approval by the Commission of a "Request for Amendment of Radio Station Authorization" submitted on FCC Form 400–A:

(1) Change in presently authorized location of transmitter control point.

(2) Addition or deletion of control point(s) for presently authorized transmitter.

(3) Reduction in antenna height. If painting and/or lighting of the antenna supporting structure is required, FCC Form 401–A must also be submitted.

(4) A reduction in the over-all number of transmitters authorized for mobile use.

(5) An increase in the over-all number of transmitters authorized for mobile use. This form may be used only when adding mobile transmitters which are included in the Commission's "List of Equipments Acceptable for Licensing" and designated for use in the Public Safety, Industrial, and Land Transportation Radio Services.

(6) An extension of the time limit specified in a construction permit.

(c) Proposed changes which will not depart from any of the terms of the outstanding authorization for the station involved may be made without prior Commission approval. Included in such changes is the substitution of various makes of transmitting equipment at any station provided the particular equipment to be installed is included in the Commission's "List of Equipments Acceptable for Licensing" and designated for use in the Public Safety, Industrial, and Land Transportation Radio Services and provided the substitute equipment employs the same type of emission and does not exceed the power limitations as set forth in the station authorization.

§ 16.65 *Discontinuance of station operation.* In case of permanent discontinuance of operation of a station in this service, the licensee shall forward the station license to the Washington, D. C. office of the Commission for cancellation. A copy of the request for cancellation of the license shall be forwarded to the Commission's Engineer in Charge of the district in which the station is located. For purposes of this rule, a station which is not operated for a period of one year is considered to have been permanently discontinued.

SUBPART C—TECHNICAL STANDARDS

§ 16.101 *Frequencies.* The frequencies available for use in these services are listed in the applicable subpart of this part. The separation shown between assignable frequencies in the various bands does not necessarily indicate the actual amount of separation required for satisfactory operation of two or more systems within the same geographical area. Accordingly, grants of adjacent channel assignments in all bands will be in the discretion of the Commission.

§ 16.102 *Frequency stability.* (a) The carrier frequency of each authorized transmitter in these services shall be maintained within the following percentage of the assigned frequency, except as provided in paragraph (b) of this section:

Frequency range:	Frequency tolerance (percent)
Below 50 Mc	0.01
From 50–220 Mc	.005
Above 220 Mc	(1)

[1] To be specified in the authorization.

(b) For transmitters authorized to operate with a maximum plate power input to the final radio frequency stage of 3 watts or less, the frequency may be maintained as shown in the table below in lieu of the requirements in paragraph (a) of this section:

Frequency range:	Frequency tolerance (percent)
Below 50 Mc	0.02
From 50–220 Mc	.01

§ 16.103 *Types of emission.* (a) Except as provided in paragraph (b) of this section, stations in these services will be authorized to use only A3 or F3 emission for radiotelephony. The authorization to use A3 or F3 emission will be construed to include the use of tone signals or signaling devices whose sole function is to establish and maintain communication between stations.

(b) Other types of emission not described in paragraph (a) of this section may be authorized upon a satisfactory showing of need therefor. An application requesting such authorization shall fully describe the emission desired, shall indicate the bandwidth required for satisfactory communication, and shall state the purpose for which such emission is required. For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2 of this subchapter.

§ 16.104 *Emission limitations.* (a) Each authorization issued to a station operating in these services will show, as the prefix to the emission classification, a figure specifying the maximum authorized bandwidth in kc to be occupied by the emission. The specified band shall contain those frequencies upon which a total of 99 percent of the radiated power appears extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power. Any radiation in excess of the limits specified in paragraph (c) of this section is considered to be an unauthorized emission.

(b) The emission prefix figures referred to in paragraph (a) of this section for the types of emission covered by § 16.103 (a) are listed in the table below:

Type of emission:	Authorized bandwidth (kc.)
A–3	8
F–3	40

(c) For purpose of demonstrating compliance with paragraph (a) of this section, the following limits apply:

(1) Any emission appearing on any frequency removed from the carrier frequency by at least 50 percent, but not more than 100 percent, of the maximum authorized bandwidth shall be attenuated not less than 25 db below the unmodulated carrier.

(2) Any spurious or harmonic emission appearing on any frequency removed from the carrier frequency by at least 100 percent of the maximum authorized bandwidth shall be attenuated below the unmodulated carrier by not less than the amount indicated in the following table:

Maximum authorized plate power input to the final radio frequency stage	Attenuation (db)
3 watts or less	40
Over 3 watts and including 150 watts	60
Over 150 watts and including 600 watts	70
Over 600 watts	80

(d) When an unauthorized emission results in harmful interference, the Commission may, in its discretion, require appropriate technical changes in equipment to alleviate the interference.

§ 16.105 *Modulation requirements.* (a) The maximum frequency required for satisfactory radiotelephone intelligibility in these services is considered to be 3000 cycles per second, and the transmission of higher frequencies is unauthorized.

(b) When amplitude modulation is used for telephony, the modulation percentage shall be sufficient to provide efficient communication and shall be normally maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(c) When phase or frequency modulation is used for telephony, the deviation arising from modulation shall not exceed plus or minus 15 kc from the unmodulated carrier.

(d) Each transmitter authorized or installed after July 1, 1950 shall be provided with a device which will automatically prevent modulation in excess of that specified in paragraphs (b) and (c) of this section which may be caused by greater than normal audio level: *Provided, however,* That this requirement shall not be applicable to transmitters authorized to operate with a maximum plate power input to the final radio frequency stage of 3 watts or less.

§ 16.106 *Power and antenna height.* (a) The power which may be used by a station in these services shall be no more than the minimum required for the satisfactory technical operation commensurate with the size of the area to be served and local conditions which affect radio transmission and reception. In cases of harmful interference, the Commission may order a change in power or antenna height, or both.

(b) Except where the power that may be used on a designated frequency is specifically limited to a lower value, plate power input to the final radio frequency stage will not be authorized in excess of the following tabulation:

Frequency:	Maximum plate power input to the final radio stage (watts)
30–100 Mc	500
100–220 Mc	120
Above 220 Mc	(1)

[1] To be specified in authorization.

(c) The plate power input to the final r. f. stage under actual operation shall not exceed by more than 10 percent the plate power input shown in the Radio Equipment List, Part C, for transmitters included in this list, or the manufacturer's rated plate power input for the particular transmitter specifically listed on the authorization.

§ 16.107 *Transmitter control requirements.* (a) Each transmitter shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(b) A control point is an operating position which meets all of the following conditions:

(1) The position must be under the control and supervision of the licensee;

(2) It is a position at which the monitoring facilities required by this section are installed; and

(3) It is a position at which an operator responsible for the operation of the transmitter is stationed.

(c) Each station shall be provided with a control point, the location of which will be specified in the license. It will be assumed that the location of the control point is the same as that of the transmitting equipment unless the application includes a request for a different location. Authority must be obtained from the Commission for the installation of additional control points.

(d) A dispatch point is a position from which messages may be transmitted under the supervision of a control point operator. Dispatch points may be installed without authorization from the Commission.

(e) At each control point the following facilities shall be installed:

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or, in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to produce radiation: *Provided, however,* That the provisions of this subparagraph shall not apply to hand-carried or pack-carried transmitters;

(2) Equipment to permit the operator to aurally monitor all transmissions originating at dispatch points under his supervision;

(3) Facilities which will permit the operator either to disconnect the dispatch point circuits from the transmitter or to render the transmitter inoperative from any dispatch point under his supervision; and

(4) Facilities which will permit the operator to turn the transmitter carrier on and off at will.

§ 16.108 *Transmitter measurements.* (a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter, authorized to operate with a plate input power to the final radio frequency stage in excess of three watts, is maintained within the tolerance prescribed in this part. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the carrier frequency or the stability thereof;

(3) At intervals not to exceed six months, for transmitters employing crystal-controlled oscillators;

(4) At intervals not to exceed one month, for transmitters not employing crystal-controlled oscillators.

(b) The licensee of each station shall employ a suitable procedure to determine that the plate power input to the final radio frequency stage of each base station or fixed station transmitter, authorized to operate with a plate power input to the final radio frequency stage in excess of three watts, does not exceed the maximum figure specified on the current instrument of authorization. Where the transmitter is so constructed that a direct measurement of plate cur-

rent in the final radio frequency stage is not practicable, the plate power input may be determined from a measurement of the cathode current in the final radio frequency stage. When the plate input to the final radio frequency stage is determined from a measurement of the cathode current, the required record entry shall indicate clearly the quantities that were measured, the measured values thereof, and the method of determining the plate power input from the measured values. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may increase the transmitter power input;

(3) At intervals not to exceed six months.

(c) The licensee of each station shall employ a suitable procedure to determine that the modulation of each transmitter, authorized to operate with a plate power input to the final radio frequency stage in excess of three watts, does not exceed the limits specified in this part. This determination shall be made and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the modulation characteristics;

(3) At intervals not to exceed six months.

(d) The determinations required by paragraphs (a), (b) and (c) of this section may, at the option of the licensee, be made by any qualified engineering measurement service, in which case, the required record entries shall show the name and address of the engineering measurement service as well as the name of the person making the measurements.

(e) In the case of mobile transmitters, the determinations required by paragraphs (a) and (c) of this section may be made at a test or service bench: *Provided*, The measurements are made under load conditions equivalent to actual operating conditions: *And provided further*, That after the installation the transmitter is given a routine check to determine that it is capable of being received satisfactorily by an appropriate receiver.

§ 16.109 *Acceptability of transmitters for licensing.* (a) From time to time the Commission will publish a list of equipment entitled "Radio Equipment List, Part C, List of Equipment Acceptable for Licensing." Copies of this list are available for inspection at the Commission's Offices in Washington, D. C. and at each of its field offices. This list will include type approved and type accepted equipment and equipment which was included in this list on May 16, 1955. Such equipment will continue to be included on the list unless it is removed therefrom by Commission action.

(b) Except for transmitters used at developmental stations, each transmitter utilized by a station authorized for operation under these rules must be of a type which is included on the Commission's current "List of Equipment Acceptable for Licensing" and designated for use in this service or be of a type which has been type accepted by the Commission for use in this service. Until January 1, 1965, however, equipment presently in use may continue to be used by the licensee, his successors, or assigns in business provided the operation of such equipment does not result in harmful interference due to the failure of such equipment to comply with the current technical standards of the rules.

§ 16.110 *Type acceptance of equipment.* (a) Any manufacturer of a transmitter to be built for use in this service may request "type acceptance" for such transmitter following the type acceptance procedure set forth in Part 2 of this chapter.

(b) Type acceptance for an individual transmitter may also be requested by an applicant for a station authorization by following the type acceptance procedure set forth in Part 2 of this chapter. Such transmitters, if accepted, will not normally be included on the Commission's "Radio Equipment List, Part C, List of Equipment Acceptable for Licensing" but will be individually enumerated on the station authorization.

(c) Additional rules with respect to type acceptance are set forth in Part 2 of this chapter. These rules include information with respect to withdrawal of type acceptance, modification of type accepted equipment and limitations on the findings upon which type acceptance is based.

SUBPART D—STATION OPERATING REQUIREMENTS

§ 16.151 *Permissible communications.* (a) Except as provided in § 16.502, stations licensed under this part may transmit the following types of communications:

(1) Any communication related directly to the safety of life or the protection of important property;

(2) Communications required for the efficient operation of the transportation system, as described in the application for authorization and defined in the rule of eligibility for the particular service; subject to the condition that harmful interference is not caused to safety communications of stations licensed under this part, and further subject to the condition that the transmission of each message shall be accomplished as quickly as possible and without superfluous language.

(b) A station licensed under this part may communicate with other stations without restriction as to type, service, or license when the communications to be transmitted are related directly to the safety of life or protection of important property.

(c) For transmission of all communications other than those described in paragraph (a) (1) of this section, a station licensed under this part shall communicate only as follows:

(1) Each unit of a mobile station is authorized primarily to communicate with other units of the mobile station, and with associated base stations. Secondarily, each unit of a mobile station is authorized to communicate with associated fixed stations.

(2) Each base station is authorized primarily to communicate with the units of an associated mobile station. Secondarily, each base station may communicate with an associated base station, fixed stations, or fixed receiver when:

(i) The messages to be transmitted are of immediate importance to mobile units; or

(ii) Wireline communication facilities between such points are inoperative, economically impracticable, or unavailable from communications common carrier sources;

(3) Each fixed station is authorized primarily to communicate with associated fixed stations and fixed receivers. Secondarily, each fixed station is authorized to communicate with units of an associated mobile station, and, subject to the limitations of subparagraph (2) of this paragraph, with associated base stations.

(4) Subject to the other conditions of this paragraph, stations licensed under this part may communicate with stations of other licensees and with U. S. Government stations in those cases which require cooperation or coordination of activities: *Provided, however*, That where communication is desired with stations authorized to operate under the authority of a foreign jurisdiction, prior approval of this Commission must be obtained.

(d) All communications, regardless of their nature, shall be restricted to the minimum practicable transmission time, and a standard uniform operating procedure shall be employed by each licensee. Continuous radiation of an unmodulated carrier is prohibited, except when necessary for test purposes, or when specifically authorized in writing by the Commission.

(e) The licensee of any station in these services may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication without regard to the limitations of this section: *Provided*, That:

(1) As soon as possible after the beginning of such emergency use, notice be sent to the Commission in Washington, D. C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the emergency and the use to which the station is being put;

(2) The emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and the Commission in Washington, D. C., and the Engineer in Charge be notified immediately when such special use of the station is terminated; and

(3) The Commission may at any time order the discontinuance of such special use of the authorized facilities.

(f) Tests may be conducted by any licensed station, as required for proper station and system maintenance, but such tests shall be kept to a minimum

and precautions shall be taken to avoid interference to other stations.

§ 16.152 *Station identification.* (a) A base station or mobile in the Land Transportation Service must be identified at the end of each transmission, except, that in event of a continued exchange of communications, identifications shall be made at the end of a series of such transmissions or at the end of each 15-minute period if the exchange continues without substantial interruption.

(b) Identification shall be by assigned call letters unless a different method is specifically authorized by the Commission. Licensees may submit to the Commission's Engineer in Charge of the local area a proposal for special mobile unit designations and, upon receipt from the Commission of a notification or authorization, may identify individual mobile units by this method in lieu of the use of assigned call letters. However, this authority will not be granted in those cases where there is a possibility of harmful international interference, such as might be caused by stations operating on frequencies below 50 Mc. or stations operating in areas within 50 miles of an international boundary, or in those instances where it appears to the Engineer in Charge that the proposed method of identification will not serve to clearly distinguish the mobile units of the applicant from the mobile units of other licensees in the area.

(c) Stations in the Railroad Radio Service may be identified, in lieu of the use of assigned call letters, by the name of the railroad and the train number, caboose number, engine number or name of fixed wayside station; or, if that is not practicable, by such other number or name as may be specified by the railroad concerned for the use of employees of the railroad to identify the fixed point or mobile unit. Where identification is made other than by train number, caboose number or engine number, a list of such identification shall be maintained by the railroad. An abbreviated name or initial letters of the railroad may be used where such name or initial letters are in general usage. In those cases where it is shown that no difficulty would be encountered in identifying the transmissions of a particular station, as for example where stations of one licensee are located in a yard isolated from other radio installations, approval may be given to a request of the licensee for permission to omit station identification.

§ 16.153 *Suspension of transmissions required.* The radiations of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization until such deviation is corrected, except for transmissions concerning the immediate safety of life or property, in which case the transmissions shall be suspended as soon as the emergency is terminated.

§ 16.154 *Operator requirements.* (a) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment: *Provided, however,* That only persons holding a first or second class commercial radiotelegraph operator license shall perform such functions at radiotelegraph stations transmitting by any type of the Morse Code.

(b) Except under the circumstances specified in paragraph (a) of this section, only a person holding a commercial radiotelegraph operator license or permit of any class issued by the Commission shall operate a station during the course of normal rendition of service when transmitting radiotelegraphy by any type of the Morse Code.

(c) Except under the circumstances specified in paragraphs (a) and (b) of this section, except as limited by paragraphs (g) through (j) of this section, an unlicensed person may operate a mobile station during the course of normal rendition of service when transmitting on frequencies above 25 Mc. after being authorized to do so by the station licensee.

(d) Except under the circumstances specified in paragraphs (a) and (b) of this section, except as limited by paragraphs (g) through (j) of this section, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc.: *Provided, however*, That an unlicensed person, after being authorized to do so by the station licensee, may operate such a mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc. while it is associated with and under the operational control of a base station.

(e) Except under the circumstances specified in § 16.354 and in paragraphs (a) and (b) of this section and except as limited by paragraphs (g) through (j) of this section, base stations and fixed stations shall be operated in accordance with the following when transmitting during the course of normal rendition of service:

(1) From a control point, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a base station or fixed station.

(2) From a dispatch point, an unlicensed person may operate a base station or fixed station after being authorized to do so by the station licensee: *Provided, however*, That such operation shall be under the direct supervision and responsibility of a person who (i) holds a commercial radio operator license or permit of any class issued by the Commission, and who (ii) is on duty at a control point meeting the requirements of Subpart C of this part.

(f) Except under the circumstances specified in paragraph (a) of this section, except as limited by paragraphs (g) through (j) of this section, no person, whether or not a licensed operator, is required to be in attendance at a station when transmitting during the course of normal rendition of service and when either (1) transmitting for telemetering purposes or (2) retransmitting by self-actuating means a radio signal received from another radio station or stations.

(g) The provisions of this section authorizing certain unlicensed persons to operate certain stations when transmitting during the course of normal rendition of service, shall be applicable only to stations in the domestic service except that the provisions of paragraph (e) (2) of this section shall be applicable to stations in either the domestic or international service. For the purposes of this section, a station in the domestic service is one which is located within the United States, its territories or possessions and which, when communicating with other stations, is in communication exclusively with one or more other United States stations which are also located in the United States, its territories or possessions; a station in the International service is one which is not in the domestic service as just defined.

(h) The provisions of this section authorizing certain unlicensed persons to operate mobile stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof), or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.

(i) Notwithstanding any other provisions of this section, unless the transmitter is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, such transmitter shall be operated by a person holding a first or second class commercial radio operator license (either radiotelephone or radiotelegraph as may be appropriate for the type of emission being used), issued by the Commission.

(j) Any reference in this section to a commercial radio operator license or permit of any class issued by the Commission shall not be construed to include Aircraft Radiotelephone Operator Authorizations.

§ 16.155 *Posting of operator license.* (a) The original license of each base or fixed station operator, other than an operator exclusively performing service and maintenance duties, shall be posted or kept immediately available at the place where he is on duty as an operator: *Provided, however*, That if an operator who is on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from such document of the diploma form) or holds a valid license verification card (FCC Form 758–F) attesting to the existence of any other valid commercial radio operator license, he may have such permit or verification card, as the case may be, in his personal possession in lieu of complying with the above requirement.

(b) Whenever a licensed operator is required for a mobile station, the original license of each such operator, other than an operator exclusively performing service and maintenance duties, shall be kept in his personal possession whenever he performs the duties of an operator at such station: *Provided*, That in lieu of an original license of the diploma form (as distinguished from such document of the card form) he may have in his personal possession a valid verification card attesting to its existence.

(c) The original license of every station operator who exclusively performs service and maintenance duties at that station shall be posted at the transmitter involved whenever the transmitter is in actual operation while service or maintenance work is being performed by him or under his immediate supervision and responsibility: *Provided*, That in lieu of posting his license, he may have on his person his license or a valid verification card.

§ 16.156 *Transmitter identification card and posting of station license.* (a) The current authorization for each mobile station shall be retained as a permanent part of the station record, but need not be posted. A Transmitter Identification Card (FCC Form No. 452–C, Revised) properly executed shall be affixed to each mobile transmitter or associated control equipment. When the transmitter is not in view from the control position or is not readily accessible for inspection, the identification card should be affixed to the control equipment at the transmitter operating position. The following information shall be entered on the card by the permittee or licensee:

(1) Name of permittee or licensee;

(2) Station call signal assigned by the Commission;

(3) Exact location or locations of the transmitter records;

(4) Frequency or frequencies on which the transmitter to which attached is adjusted to operate; and

(5) Signature of the permittee or licensee, or a designated official thereof.

(b) The current authorization for each base or fixed station shall be posted at the principal control position of that station, except that in the Railroad Radio Service a licensee may post a full size photocopy in lieu of the original license. At all other control points listed on the station authorization, a photocopy of the authorization shall be posted. In addition, a Transmitter Identification Card (FCC Form No. 452–C, Revised) properly executed shall be affixed to each transmitter operated at a fixed location, when such transmitter is not in view from the control position or is not readily accessible for inspection.

(c) In lieu of the Transmitter Identification Card, FCC Form 452–C, Revised, as required by paragraphs (a) and (b) of this section, a permittee or licensee may at his option employ a plate of metal or other substantial material which shall bear the title "Radio Transmitter Identification," and shall clearly display all the information required to be shown on the FCC Form 452–C, Revised, with the exception of the signature.

§ 16.157 *Inspection of stations.* All stations and records of stations in these services shall be made available for inspection at any time while the station is in operation or shall be made available for inspection upon reasonable request of an authorized representative of the Commission.

§ 16.158 *Inspection and maintenance of tower marking and associated control equipment.* The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, and/or Part 17 of this subchapter, shall operate and maintain the tower marking and associated control equipment in accordance with the following:

(a) The tower lights shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or, alternatively, there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the tower lights and to provide indication of such failure to the licensee.

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure, shall be reported immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) All automatic or mechanical control devices, indicators, and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three months, to insure that such apparatus is functioning properly.

(d) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(e) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(f) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

§ 16.159 *Answers to a notice of violation.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act or treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The reply shall set forth the steps taken to prevent a recurrence of improper operation.

§ 16.160 *Station records.* Each licensee in these services shall maintain station records in accordance with the following:

(a) For all stations, the results and dates of the transmitter measurements required by § 16.108, and the name of the person or persons making the measurements.

(b) For all stations, when service or maintenance duties are performed which may affect their proper operation, the responsible operator shall sign and date an entry in the station record concerned, giving:

(1) Pertinent details of all duties performed by him or under his supervision;

(2) His name and address; and

(3) The class, serial number, and expiration date of his license: *Provided, however*, That the information called for under subparagraphs (2) and (3) of this paragraph, so long as it remains unchanged, is not required to be repeated in the case of a person who is regularly employed on a full-time basis at the station.

(c) For base stations and fixed stations at which licensed operators are required, the name or names of persons responsible for the operation of the transmitting equipment each day, together with the period of their duty.

(d) For base stations at which licensed operators are required when they communicate with other base stations or with fixed stations:

(1) Call signal of other station;

(2) Nature of such communications; and

(3) Date, time, and approximate duration of each transmission.

(e) When a Base Station or Fixed Station has an antenna structure which is required to be illuminated, appropriate entries shall be made as follows:

(1) The time the tower lights are turned on and off each day, if manually controlled.

(2) The time the daily check of proper operation of the tower lights was made.

(3) In the event of any observed or otherwise known failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed or otherwise noted.

(iii) Date, time and nature of the adjustments, repairs, or replacements made.

(iv) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(4) Upon completion of the three-month periodic inspection required by § 16.158:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the

date such adjustments, replacements, or repairs were made.

(f) The records shall be kept in an orderly manner, and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the record.

(g) Each entry in the records of each station shall be signed by a person qualified to do so by reason of having actual knowledge of the facts to be recorded.

(h) No record or portion thereof shall be erased, obliterated or wilfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry, who shall strike out the erroneous portion, initial the correction made and indicate the date of correction.

(i) Records required by this part shall be retained by the licensee for a period of at least one year.

SUBPART E—DEVELOPMENTAL OPERATION

§ 16.201 *Eligibility.* An authorization for developmental operation in any of the services under this part will be issued only to those persons who are eligible to operate stations in such service on a regular basis.

§ 16.202 *Showing required.* (a) Except as provided in paragraph (b) of this section, each application for developmental operation shall be accompanied by a showing that:

(1) The applicant has an organized plan of development leading to a specific objective.

(2) A point has been reached in the program where actual transmission by radio is essential to the further progress thereof.

(3) The program has reasonable promise of substantial contribution to the expansion or extension of the radio art, or is along lines not already investigated.

(4) The program will be conducted by qualified personnel.

(5) The applicant is legally and financially qualified, and possesses adequate technical facilities for conduct of the program as proposed; and

(6) The public interest, convenience, or necessity will be served by the proposed operation.

(b) The provisions of paragraph (a) of this section do not apply when an application is made for developmental operation solely for the reason that the frequency requested is limited to developmental use.

§ 16.203 *Limitations on use.* Stations used for developmental operation shall be constructed and used in such a manner as to conform with all of the technical and operating requirements of Subparts C and D of this part, unless deviation therefrom is specifically provided in the instrument of authorization.

§ 16.204 *Frequencies available for assignment.* Stations engaged in developmental operation may be authorized to use a frequency, or frequencies, available for the particular service in which they propose to operate. The number of channels assigned will depend upon the specific requirements of the developmental program and the number of frequencies available in the particular area where the station will be operated.

§ 16.205 *Interference.* The operation of any station engaged in developmental work shall be subject to the condition that no harmful interference is caused to the operation of stations licensed on a regular basis under any part of the Commission's rules.

§ 16.206 *Special provisions.* (a) The developmental program as described by the applicant in the application for authorization shall be substantially followed unless the Commission shall otherwise direct.

(b) Where some phases of the developmental program are not covered by the general rules of the Commission and the rules in this part, the Commission may specify supplemental or additional requirements or conditions in each case, as deemed necessary in the public interest, convenience, or necessity.

(c) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 16.207 *Authorization subject to change or cancellation: Supplementary statement required.* Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

§ 16.208 *Report of operation.* A report on the results of the developmental program shall be filed with and made a part of each application for renewal of authorization, or in cases where no renewal is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commission's information, and will not be publicly disclosed without permission of the applicant. The report shall include comprehensive and detailed information on the following:

(a) The final objective.

(b) Results of operation to date.

(c) Analysis of the results obtained.

(d) Copies of any published reports.

(e) Need for continuation of the program.

(f) Number of hours of operation on each frequency.

SUBPART F—MOTOR CARRIER RADIO SERVICE

§ 16.251 *Eligibility for license.* (a) Authorizations for stations in the Motor Carrier Radio Service will be issued only to:

(1) Persons primarily engaged in providing a common or contract motor carrier passenger transportation service between urban areas.

(2) Persons primarily engaged in providing a common or contract motor carrier passenger transportation service within a single urban area.

(3) Persons primarily engaged in providing a common or contract motor carrier property transportation service between urban areas.

(4) Persons solely engaged in providing a common or contract carrier transportation service limited to the local distribution or collection of property which is destined for or continued in intercity, interstate, or international shipment.

(5) A non-profit corporation or association organized for the purpose of furnishing a radiocommunication service on cost-sharing basis to persons all of whom are actually engaged in activities set forth in one of the preceding subparagraphs of this paragraph.

(b) For the purpose of establishing eligibility under paragraph (a) of this section, proof of the possession of a valid certificate of public convenience and necessity, or permit, issued by the Interstate Commerce Commission, or equivalent document issued by a state, territorial or local regulatory body, shall be submitted by each applicant or, in the case of a non-profit corporation or association for which provision is made in this section, the application shall be accompanied by a listing of all persons to whom radiocommunication service will be furnished together with proof of the possession of such certificate or permit by each such participant. Certificates, permits or similar documents to which reference is made for the purpose of establishing eligibility under the provisions of this section shall be identified by document title and number, together with the name of the issuing jurisdiction and date of issuance. In addition, applications submitted by common or contract motor carriers eligible under paragraph (a) (4) of this section shall be accompanied by supporting letters from the principal carriers served attesting to the extent, the need, and the importance of the service rendered.

§ 16.252 *Frequencies available for base and mobile stations.* (a) The following frequencies are available to the Motor Carrier Radio Service for assignment to Base Stations and Mobile Stations of common and contract carriers of passengers operating between urban areas:

Mc	*Mc*
43.70	43.90
43.74	43.94
43.78	43.98 [1]
43.82	44.02 [1]
43.86	44.06 [1]

[1] The frequencies 43.98, 44.02, and 44.06 Mc are available on a shared basis with stations of common and contract carriers of property.

(b) The following frequencies are available to the Motor Carrier Radio Service for assignment to base stations and mobile stations of common and contract carriers of passengers within a single urban area.

Mc	*Mc*
44.46	44.54
44.50	44.58

(c) The following frequencies are available to the Motor Carrier Radio Service on a shared basis with other services, for assignment to base stations and mobile stations of common and contract carriers of passengers within a single urban area.

Mc	*Mc*
30.66	30.94
30.70	30.98
30.74	31.02
30.78	31.06
30.82	31.10
30.86	31.14
30.90	

(d) The following frequencies are available to the Motor Carrier Radio Service for assignment to Base and Mobile Stations of common or contract carriers of property operating between urban areas, (1) for communications with vehicles when such vehicles are themselves engaged in the transportation of property between urban areas regardless of the location of the vehicles at the time a particular communication takes place; or (2) for communications with vehicles used to supervise, tow, repair or maintain the vehicles referred to in subparagraph (1) of this paragraph.

Mc.	*Mc.*
43.98 [1]	44.22
44.02 [1]	44.26
44.06 [1]	44.30
44.10	44.34
44.14	44.38
44.18	44.42

[1] The frequencies 43.98, 44.02 and 44.06 Mc are available on a shared basis with stations of common and contract carriers of passengers.

(e) Only those frequencies listed in paragraph (f) of this section are available to motor carriers of property who are eligible under the provisions of § 16.251 (a) (4) of this subpart.

(f) The following frequencies are available to all persons eligible in the Motor Carrier Radio Service on a shared basis with stations in the Railroad Radio Service, under the terms of a developmental authorization only:

Base and Mobile (Mc.)	*Mobile Only (Mc.)*
452.65	457.65
452.75	457.75
452.85	457.85
452.95	457.95

(g) Frequencies in the bands listed below are available for assignment to Base Stations and Mobile Stations in the Motor Carrier Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency or the authorized channel will be specified in the authorization:

Mc.	*Mc.*
[1] [2] 2450–2500	[2] 6425–6575
[2] 3500–3700	[2] 11700–12200

[1] Use of frequencies in the band 2450–2500 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 2450 Mc.

[2] Subject to the proceedings in Docket No. 10797.

§ 16.253 *Frequencies available for operational fixed stations.* (a) Frequencies listed in this Section are available for assignment for fixed service operations in this service on a limited basis; however, extensive licensing of point-to-point systems must await further development of the Commission's microwave program. Accordingly, requests for point-to-point facilities will be considered on a case-by-case basis. In general, requests for such point-to-point facilities should clearly establish either (1) that a number of fixed stations at permanent locations are required to provide communications between isolated establishments or from such establishments to points at which established communication facilities are available, or (2) that the use of a remotely located base station, with which a requested fixed control and fixed relay link is proposed to be used, is necessary to maintain communications with mobile units for the conduct of authorized communications. Point-to-point facilities will not be authorized for the transmission of any type of signal or communication between two locations within the same Standard Metropolitan Area except for the purpose of providing a fixed control and fixed relay link where the remote placement of a base station has been justified.

(b) Subject to the conditions that no harmful interference will be caused to reception of television channel No. 4 or 5, the following frequencies are available for assignment to operational fixed stations in the Motor Carrier Radio Service on a shared basis with other services:

Mc	*Mc*	*Mc*	*Mc*
72.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	75.42
72.26	73.06	73.86	75.46
72.30	73.10	73.90	75.50
72.34	73.14	73.94	75.54
72.38	73.18	73.98	75.58
72.42	73.22	74.02	75.62
72.46	73.26	74.06	75.66
72.50	73.30	74.10	75.70
72.54	73.34	74.14	75.74
72.58	73.38	74.18	75.78
72.62	73.42	74.22	75.82
72.66	73.46	74.26	75.86
72.70	73.50	74.30	75.90
72.74	73.54	74.34	75.94
72.78	73.58	74.38	75.98

(c) Frequencies in the bands listed below are available for assignment to Operational Fixed Stations in the Motor Carrier Radio Service on a shared basis with other services and under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

Mc.	*Mc.*
[1] [2] 890–940	6575–6675
952–960	9800–9900
1850–1990	12200–12700
2110–2200	[1] 16000–18000
[1] 2450–2500	26000–30000
2500–2700	

[1] Use of frequencies in the bands 890–940, 2450–2500 and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 915, 2450 and 18000 Mc.

[2] Subject to the proceedings in Docket No. 10797.

§ 16.254 *Frequencies available for Base, Mobile and Operational Fixed Stations.* The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed Stations in this service on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequency 27.12 Mc.

§ 16.255 *Limitations on installation and use.* Mobile units authorized in this service may be installed only in vehicles used for the carriage of passengers or property for compensation; or in vehicles used to supervise, tow, repair or maintain such vehicles or, in the case of a streetcar system, vehicles used in connection with the maintenance of associated trackage, right-of-way or electric power facilities. Common and contract motor carriers of property are limited to communications directly relating to the routing or rerouting of trucks.

§ 16.256 *Amortization period.* Persons authorized to operate in the Highway Truck Radio Service whose operations have not been transferred into the Special Industrial Radio Service in accordance with the proceedings in Dockets 9703 and 10742 and who are ineligible in the Motor Carrier Radio Service, may continue to operate until March 15, 1960. During this period, such persons will not be authorized, however, to expand their facilities or operations.

§ 16.257 *Modification of licenses to shift frequencies.* The common and contract carriers of property licensed in the Highway Truck Radio Service may apply for modification of their licenses to shift frequencies in order to conform with this subpart at any time after March 15, 1955, but shall do so not later than 60 days prior to the expiration of their current licenses. Pending such modification of licenses, operations on the frequencies assigned under the Highway Truck Radio Service rules shall be subject to the limitations on communications and use contained in § 16.252 (d).

SUBPART G [RESERVED]

SUBPART H—RAILROAD RADIO SERVICE

§ 16.351 *Eligibility.* (a) The following persons are eligible to hold authorizations to operate radio stations in the Railroad Radio Service:

(1) Persons regularly engaged in offering to the public a passenger or freight transportation service by railroad common-carrier.

(2) A non-profit organization or association organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged in the activity set forth under subparagraph (1) of this paragraph.

(b) Each application for authority to operate in the Railroad Radio Service shall be accompanied by a statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section.

§ 16.352 *Frequencies available for base and mobile stations.* (a) Base and mobile radio stations used primarily for end to end, fixed point to train, or train to train communications in connection with the operation of railroad trains over a track or tracks extending through yards and between stations upon which trains are operated by timetable, train order, or both, or the use of which is governed by block signals may use the following frequencies:

Mc.	*Mc.*	*Mc.*	*Mc.*
159.51	160.17	160.77	161.37
159.57	160.23	160.83	161.43
159.63	169.29	160.89	161.49
159.69	160.35	160.95	161.55
159.75	160.41	161.01	161.61
159.81	160.47	161.07	161.67
159.87	160.53	161.13	161.73
159.93	169.59	161.19	161.79
159.99	160.65	161.25	[1] 161.85
160.05	160.71	161.31	160.11

[1] Available for assignment in Chicago area only.

These frequencies may also be used on a secondary basis for intercommunication between adjacent base stations, provided interference is not caused to communications involving radio stations aboard railroad rolling stock.

(b) All frequencies in paragraph (a) of this section may also be assigned to base and mobile stations to be operated primarily within railroad yards, terminal areas, or to be used for communications which are of a practical necessity in connection with railroad operation and maintenance, provided, interference is not caused to stations eligible under the provisions of paragraph (a) of this section. However, each application requesting the assignment of 159.57, 159.81, 160.53, 161.01, 161.31 or 161.67 Mc. must outline circumstances which indicate that the proposed operation will not interfere with the use of the frequencies by stations authorized under paragraph (a) of this section.

(c) For the purpose of developmental operations, the following frequencies are available for assignment to Base Stations and Mobile Stations in the Railroad Radio Service, on a shared basis with stations in the Motor Carrier Radio Service:

Base and Mobile (Mc)	*Mobile (Mc)*
452.65	457.65
452.75	457.75
452.85	457.85
452.95	457.95

(d) Frequencies in the bands listed below are available for assignment to base and mobile stations for developmental operations in the Railroad Radio Service, on a shared basis with other services. The exact frequency, and the authorized bandwidth, will be specified in the authorization.

Mc.	*Mc.*
2450–2500	6425– 6575
3500–3700	11700–12200

NOTE: Use of frequencies in the band 2450 to 2500 Mc. is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 2450 Mc.

§ 16.353 *Frequencies available for fixed stations.* (a) Subject to the condition that no harmful interference will be caused to reception of television channel 4 or 5, the following frequencies are available for assignment to fixed stations in the Railroad Radio Service on a shared basis with other services:

Mc.	*Mc.*	*Mc.*	*Mc.*
72.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	75.42
72.26	73.06	73.86	75.46
72.30	73.10	73.90	75.50
72.34	73.14	73.94	75.54
72.38	73.18	73.98	75.58
72.42	73.22	74.02	75.62
72.46	73.26	74.06	75.66
72.50	73.30	74.10	75.70
72.54	73.34	74.14	75.74
72.58	73.38	74.18	75.78
72.62	73.42	74.22	75.82
72.66	73.46	74.26	75.86
72.70	73.50	74.30	75.90
72.74	73.54	74.34	75.94
72.78	73.58	74.38	75.98

(b) Frequencies in the bands listed below are available for assignment to fixed stations for developmental operations in the Railroad Radio Service on a shared basis with other services. The exact frequency, or the authorized channel, will be specified in the authorization.

Mc.	*Mc.*
890– 940	6575– 6875
952– 960	9800– 9900
1850–1990	12200–12700
2110–2200	16000–18000
2450–2500	26000–30000
2500–2700	

NOTE: Use of frequencies in the bands 890–940, 2450–2500 and 17850–18000 Mc. is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 915, 2450 and 18000 Mc.

(c) Pursuant to the provisions of § 16.8, and for the specific purpose of transmitting hydrological or meteorological data, the frequencies listed in this paragraph are available for assignment to Operational Fixed stations in this Service: *Provided, however,* That harmful interference shall not be caused to Federal Government stations: *And provided further,* That the hydrological or meteorological data is made available to interested government agencies. Notwithstanding the provisions of § 16.151, Operational Fixed stations authorized to operate on frequencies listed in this paragraph shall not communicate with or accept communications from any Mobile station or Base station unless written authorization to do so has been obtained from the Commission. Persons who desire to operate stations in accordance with the provisions of this paragraph should communicate with the Commission prior to filing formal application and request instructions concerning the procedure to be followed. The following frequencies are available for assignment:

Mc	*Mc*	*Mc*
[2] 40.68	171.025	[1] 406.050
169.425	171.075	[1] 406.150
169.475	171.125	[1] 406.250
169.525	171.175	[1] 406.350
169.575	171.825	[1] 412.450
170.225	171.875	[1] 412.550
170.275	171.925	[1] 412.650
170.325	171.975	[1] 412.750
170.375		

[1] Primarily for use by Fixed Relay Stations.

[2] Use of the frequency 40.68 Mc is limited to stations located in the States of Pennsylvania and West Virginia, and is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the same frequency.

§ 16.354 *Operator requirements, fixed and base stations.* (a) Notwithstanding the provisions of § 16.154 (e), the employees of Class I, II and III railroads of the United States may, without holding any class of commercial radio operator license issued by the Commission, operate fixed stations and base stations in the Railroad Radio Service when specifically authorized to do so by the station licensee: *Provided, however,* That:

(1) The terms of this section shall apply only to the employees of those railroads which shall have adopted and published Railroad Radio General and Operating Rules in a form which has been approved by the Commission, and

(2) The terms of this section shall apply only to those railroad employees who shall have successfully passed an examination given by railroad examiners on the applicable Railroad Radio General and Operating Rules. The first such examination shall be given prior to the operation of any radio transmitting apparatus by the employee and re-examinations shall thereafter be given at intervals not in excess of two years.

(3) The terms of this section shall apply only to the employees of those railroads who maintain suitable records showing the name and position of each employee who has been examined with respect to the applicable Railroad Radio General and Operating Rules, the date of the employee's last successfully completed examination and the name of the railroad examiner. Such records shall be made available to duly accredited representatives of the Federal Communications Commission upon request.

(b) The provisions of this section authorizing certain unlicensed persons to operate fixed and base stations in the Railroad Radio Service shall not be construed to change or diminish in any respect the responsibility of station licensees to have and maintain control over the stations licensed to them (including all transmitter units thereof), or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.

§ 16.355 *Relay stations*—(a) *General.* Relay stations are used to extend the range of communication between another radio station and the point with which it is desired to communicate. For the purposes of the rules in this part, there are two types of relay stations: Mobile relay stations and fixed relay stations. For definitions, see § 16.6.

(b) *Mobile relay stations.* The policies governing authorization and operation of this type of relay station are as follows:

(1) Each application for a new mobile relay station authorization shall be accompanied by a satisfactory showing that the applicant has a substantial requirement for prompt mobile-to-mobile communication over ranges greater than can be realized consistently by direct communication on the frequency presently assigned, or in the case of a proposed new radio system, on any available frequency. (Except for radio systems in railroad yard or terminal areas, range measurements obtained by use of

low-power transmitters of the hand-carried or pack-carried type will not be accepted in satisfaction of the requirements of this subparagraph.)

(2) A mobile relay station may be authorized to operate on any mobile service frequency available for assignment to base stations.

(3) Each mobile relay station shall be so designed and installed that it normally will be activated only by means of a coded signal or signals or such other means as will effectively prevent its activation by undesired signals: *Provided, however,* That this requirement may be waived when both of the following conditions are met:

(i) The radio system is shown to be so designed that the mobile relay station normally is capable of activation only by signals received on frequencies above 50 Mc; and

(ii) The applicant for a mobile relay station authorization either verifies that no person having equal rights to the frequency in question is operating on the mobile relay station frequency within a radius of seventy-five miles of the proposed mobile relay station location or, alternatively, obtains and submits with the application the written consent of each such person to installation of the proposed mobile relay station and its operation on a regular basis for a trial period of one year from the date a station license is granted by the Commission.

In any event, a waiver granted under the provisions of this subparagraph may be cancelled after ninety days notice by the Commission if it develops that the mobile relay station is, in fact, consistently activated by undesired signals and thereby causes harmful interference to other licensees.

(4) Each mobile relay station shall be so designed and installed that it will be deactivated automatically when its associated receiver or receivers are not receiving a signal on the frequency or frequencies which normally activate it.

(5) Each mobile relay station required by the terms of subparagraph (3) of this paragraph to be activated by a coded signal shall be so designed and installed that it will be deactivated upon receipt or cessation of a coded signal or signals, and, in addition, shall be provided with an automatic time-delay or clock device which will deactivate the station not more than three minutes after its activation.

(6) A mobile station associated with one or more mobile relay stations may be authorized to operate on any available mobile service frequency.

(7) An operational fixed (control) station associated with one or more mobile relay stations may be assigned any frequency available for assignment to operational fixed stations or, at the option of the applicant, the mobile service frequency assigned to the associated mobile station. Use of the mobile service frequency by such operational fixed (control) stations is subject to the condition that harmful interference shall not be caused to stations of other licensees operating in the mobile service in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

(8) In any radio system which employs more than one mobile relay station, where there is a requirement that stations in the vicinity of one mobile relay station be able to communicate automatically with stations in the vicinity of other mobile relay stations, any necessary circuits for interconnection of the mobile relay stations shall be provided by means of wire lines or radio stations operating on fixed service frequencies.

(9) A base station which is used intermittently as an operational fixed (control) station for one or more associated mobile relay stations of the same licensee will be authorized to operate only on the mobile service frequencies assigned to the associated mobile relay station and/or mobile station. Special authority for such dual station classification and use must be shown in the instrument of station authorization.

(c) *Fixed relay stations.* Fixed relay stations will be authorized to operate only on frequencies available for use by operational fixed stations.

§ 16.356 *Frequencies available for Base, Mobile and Operational Fixed Stations.* The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed stations in this service on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

SUBPART I—TAXICAB RADIO SERVICE

§ 16.401 *Eligibility.* (a) The following persons are eligible to hold authorizations to operate radio stations in the Taxicab Radio Service:

(1) Persons regularly engaged in furnishing to the public for hire a non-scheduled passenger land transportation service not operated over a regular route or between established terminals.

(2) A non-profit corporation or association organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged in the activity set forth under subparagraph (1) of this paragraph.

(b) Each application for authority to operate in the Taxicab Radio Service shall be accompanied by a statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section.

§ 16.402 *Frequencies available for Base Stations and Mobile Stations.* (a) Not more than one Base Station frequency and one Mobile Station frequency will be assigned to a licensee, unless it clearly appears from a supplemental showing attached to the license application that the grant of an additional frequency or frequencies would be in the public interest by reason of a cooperative arrangement of local taxicab interest or other special circumstances.

(b) The following frequencies are available for assignment to Base Stations and Mobile Stations in the Taxicab Radio Service only:

Base and Mobile (*Mc*)	*Mobile* (*Mc*)
152.27	157.53
152.33	157.59
152.39	157.65
152.45	157.71

(c) The following frequencies are available for assignment to Base Stations and Mobile Stations for developmental operations in the Taxicab Radio Service only:

Base and Mobile (*Mc*)	*Mobile* (*Mc*)
452.05	457.05
452.15	457.15
452.25	457.25
452.35	457.35
452.45	457.45

(d) Frequencies in the bands listed below are available for assignment to base and mobile stations for developmental operations in the Taxicab Radio Service, on a shared basis with other services. The exact frequency, and the authorized bandwidth, will be specified in the authorization.

(*Mc*)	(*Mc*)
2450–2500	6425–6575
3500–3700	11700–12200

NOTE: Use of frequencies in the band 2450–2500 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 2450 Mc.

§ 16.403 *Special limitations.* (a) All mobile units authorized in the Taxicab Radio Service shall be permanently installed in motor vehicles, and such installation shall be made only in vehicles used (1) for the carriage of passengers for hire, (2) by supervisory personnel in the discharge of their official duties, or (3) for the towing or repair of disabled motor vehicles of the licensee.

(b) Use of Mobile Station facilities by supervisory personnel shall be limited as follows:

(1) Communications addressed to other mobile units shall relate directly to safety of life or property, routing or rerouting of taxicabs to avoid hazards or abnormal traffic conditions, or enforcement of public laws and company instructions; and

(2) Communications addressed to the licensee's Base Station shall relate directly to safety of life or property or supervisory control of motor vehicles of the licensee.

(c) Each radio-equipped vehicle which is used by supervisory personnel in the discharge of their official duties shall be conspicuously and permanently marked with the name under which the licensee conducts his taxicab business.

(d) Mobile units installed in vehicles used by supervisory personnel in the discharge of their official duties may be authorized, upon application, to operate on Base Station frequencies.

§ 16.404 *Frequencies available for Base, Mobile and Operational Fixed Stations.* The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed stations in this service on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

SUBPART J [RESERVED]

SUBPART K—AUTOMOBILE EMERGENCY RADIO SERVICE

§ 16.501 *Eligibility.* (a) The following persons are eligible to hold authorizations to operate radio stations in the Automobile Emergency Radio Service:

(1) Associations of owners of private automobiles which provide private emergency road service.

(2) Public garages operating emergency road service vehicles.

(3) A non-profit corporation or association organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged in either of the activities set forth under subparagraphs (1) and (2) of this paragraph.

(b) Each application for authority to operate in the Automobile Emergency Radio Service shall be accompanied by a statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section.

§ 16.502 *Permissible communications.* Stations licensed under this subpart may transmit only the following types of communications:

(a) Any communication related to the safety of life or the protection of important property.

(b) Communications required for dispatching repair trucks to disabled vehicles.

§ 16.503 *Frequencies available for base and mobile stations.* (a) The frequencies 35.70 and 35.98 Mc are primarily available for assignment to Base and Mobile stations operated by public garages. In addition, these frequencies may, at the discretion of the Commission, be assigned to Base and Mobile stations operated by or on behalf of associations of owners of private automobiles, upon a showing that: (1) The same applicant has previously held an authorization for the operation of a station or stations in the same area on that frequency, or (2) one or both of the frequencies specified in paragraph (b) of this section are currently assigned to stations operated in the same area by or on behalf of another such association with which the applicant is not directly affiliated.

(b) For the purpose of developmental operations, the following frequencies are available for assignment to base and mobile stations in the Automobile Emergency Radio Service which are to be operated only by or on behalf of associations of owners of private automobiles:

Base and Mobile (*Mc*)	*Mobile* (*Mc*)
452.55	457.55

§ 16.504 *Frequencies available for Base, Mobile and Operational Fixed Stations.* The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed stations in this service on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

[F. R. Doc. 55-8294; Filed, Oct. 12, 1955; 8:47 a. m.]

PART 20—DISASTER COMMUNICATIONS SERVICE

RECAPITULATION OF REGULATIONS

Because of the number of outstanding amendments to Part 20 since it was last recapitulated in the FEDERAL REGISTER (March 6, 1951, at page 2079), Part 20 is recapitulated as of September 1, 1955, to read as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Subpart A—General Information

Sec.
20.1 Basis and purpose.
20.2 Disaster defined.
20.3 Disaster communications service and station defined.
20.4 Associated station defined.
20.5 Portable station defined.
20.6 Disaster communications defined.
20.7 Competent local authority defined.
20.8 Antenna structure defined.
20.9 Aircraft landing area defined.

Subpart B—Station License or Authorization

20.11 Eligibility.
20.12 Organization of networks.
20.13 Applications.
20.14 Limitation on antenna structures.
20.15 License term.

Subpart C—Use of Stations

20.21 Activation of stations.
20.22 Points of communications.
20.23 Limitations on use.
20.24 Permissible communications.
20.25 Station identification.
20.26 Radio station log.

Subpart D—Operating Requirements

20.29 Limitations on use of frequencies.
20.30 Liaison with licenses in the Industrial Radiolocation Service.
20.31 Assigned frequencies and authorized emissions.
20.32 Transmitting power.
20.33 Equipment requirements.
20.34 Operator requirements.
20.35 Availability of station and operator licenses.

AUTHORITY: §§ 20.1 to 20.35 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 301, 48 Stat. 1081; 47 U. S. C. 301.

SUBPART A—GENERAL INFORMATION

§ 20.1 *Basis and purpose.* (a) The basis of this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. This part is issued pursuant to authority contained in Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations.

(b) The purpose of this part is to provide for the licensing or authorizing of radio stations to provide essential communications incident to or in connection with disasters or other incidents which involve loss of communication facilities normally available or which require the temporary establishment of communication facilities beyond those normally available.

§ 20.2 *Disaster defined.* As used in this part, the terms "disaster" or "disaster or other incident" are defined as meaning an occurrence of such nature as to involve the health or safety of a community or large area, or the health or safety of any group of individuals in an isolated area to whom no normal means of communications are available, and include, but are not limited to, floods, earthquakes, hurricanes, explosions, aircraft or train wrecks, and consequences of armed attack.

§ 20.3 *Disaster communications service and station defined.* (a) The disaster communications service is defined as a service of fixed, land, and mobile stations licensed, or authorized, to provide essential communications incident to or in connection with disasters or other incidents which involve loss of communications facilities normally available or which require the temporary establishment of communications facilities beyond those normally available.

(b) A disaster station is defined as any government or non-government radio station able to function as a fixed, land, or mobile station and authorized, if government, by its controlling federal government agency or licensed, if non-government, by the Federal Communications Commission to operate in the Disaster Communications Service. A single disaster station may consist of more than one unit, each capable of being operated independently as a fixed, land, or mobile station.

§ 20.4 *Associated station defined.* For the purposes of this part, a disaster station is considered to be associated with a licensed station in some other service when both stations are licensed to the same licensee at the same location and both stations are included in at least one coordinated disaster communications plan of the area concerned. A portable station or a mobile station in the Disaster Communications Service will be considered to be associated with the station in the other service which is located at its base of operations.

§ 20.5 *Portable station defined.* For the purposes of this part, a portable station is defined as a land station in the Disaster Communications Service which is capable of being moved from place to place and is in fact, from time to time, moved to and operated at unspecified fixed locations for the purpose of communicating with other fixed, land, or mobile stations.

§ 20.6 *Disaster communications defined.* Disaster communications are defined as:

(a) Communications essential to the establishment and maintenance of communication channels to be used in connection with disasters or other incidents involving loss of communications facilities normally available or which demand the temporary establishment of communications facilities beyond those normally available, including communications

necessary or incidental to drills and simulated disaster relief activity on the part of persons or organizations participating in the use of such communication channels; or

(b) Communications or signals essential to the public welfare, or that of any segment of the public, including communications directly concerning safety of life, preservation of property, maintenance of law and order, and alleviation of human suffering and need, in the case of any actual or imminent disaster or other such incident.

§ 20.7 *Competent local authority defined.*[1] For the purposes of this part, competent local authority is defined as meaning that authority within a community or larger area which is so designated in the coordinated disaster communications plan for the area concerned, including any alternate authority who may be so designated in such plan. In the absence of the specifically designated authority, the individual in charge of the net control station, or his representative, for the organized disaster station network established in accordance with the coordinated disaster communications plan, shall be considered as competent authority for the activation of the stations of that network.

§ 20.8 *Antenna structure defined.* The term "antenna structure" includes the radiating system and its supporting structures.

§ 20.9 *Aircraft landing area defined.* An aircraft landing area means any locality, either on land or water, including airports and intermediate landing fields, which is used, or approved for use, for landing and take-off of aircraft whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

SUBPART B—STATION LICENSE OR AUTHORIZATION

§ 20.11 *Eligibility.* (a) A license for a station to be operated in the Disaster Communications Service may be granted to any person eligible to hold a station license under the provisions of the Communications Act of 1934, as amended: *Provided*, That the station or proposed station is shown to constitute an element of a bona fide disaster communications network organized or to be organized and operated in accordance with a locally or regionally coordinated disaster communications plan under responsible leadership and direction.[1]

(b) Authorization for a United States Government station to operate in the Disaster Communications Service will be granted by the appropriate United States Government agency controlling that station.

§ 20.12 *Organization of networks.* (a) Local disaster communications networks may be organized by any responsible local group or groups that may be in a position to provide such service. In any particular area there may be several such networks and each network may be independent of the others. Whenever there is more than one network in the same area, however, they must all share the available frequencies in an efficient and orderly manner, under a single coordinated disaster communications plan. Any particular network shall be organized and set up along such lines and in accordance with such disaster communications plan that an inspection of the written records of the network will show that there is in fact a local disaster network of definitely identified stations with appropriate and responsible leadership and rules for self government that provide for an orderly and efficient service. The various networks in adjacent areas shall establish proper liaison arrangements, which will become a part of their respective disaster communications plans, to provide for efficient use of the available frequencies and that, in case of need, communications may be handled on an inter-area basis.

(b) Each disaster communications network shall establish a basic operating procedure for the type or types of transmission to be employed; which operating procedure shall be based on a generally understood procedure in common use in other services for the types of communications and the types of transmissions to be employed.

§ 20.13 *Applications.* (a) Application for construction permit and new license for a station to be operated in the Disaster Communications Service shall be submitted on FCC Form No. 525, signed by the applicant and countersigned by the competent local authority in charge of the disaster communications network in which the station is, primarily, intended to be operated. To facilitate a determination of eligibility, such application shall be accompanied by a statement describing in detail the purpose of the proposed station which shall include a copy of the locally coordinated disaster communications plan under which the station is intended to be operated unless such information has already been submitted to the Commission, in which case the application shall clearly identify that plan and the competent local authority under whose direction the station is proposed to be operated. In cases where a description of the station's antenna is required to be submitted on FCC Form No. 401–A, in accordance with the provisions of § 20.14, such form shall be submitted concurrently with the application for construction permit and license.

(b) A single application for construction permit and station license may be filed to cover all transmitter units normally located or based at one specified fixed location. Separate applications must, however, be filed to cover each separate disaster station, as defined in § 20.3.

(c) Unless otherwise directed by the Commission, application for modification of station license in the Disaster Communications Service shall be submitted on FCC Form No. 525 in the same manner as application for construction permit and new license, whenever the license or the basic location of a licensed station is proposed to be changed.

(d) Application for renewal of station license shall be submitted on FCC Form No. 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

§ 20.14 *Limitation on antenna structures.* (a) No new antenna structure shall be erected for use by any station licensed or proposed to be licensed in the Disaster Communications Service, and no changes shall be made in any existing antenna structure for use or intended to be used by any station licensed or proposed to be licensed in the Disaster Communications Service so as to increase its over-all height above ground level, without prior approval by the Commission, in any case when either (1) the antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level, except in the case where the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet, or (2) the antenna structure proposed to be erected will exceed an over-all height of one foot above the established elevation of any landing area for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except in the case where the antenna structure does not exceed 20 feet in over-all height above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation more than 20 feet as a result of such mounting. Application for Commission approval, when such approval is required, shall be submitted, in triplicate, on FCC Form 401–A.

(b) In cases where FCC Form 401–A is required to be filed, further details as to whether an aeronautical study and/or obstruction marking may be required, and specifications for obstruction marking when required, may be obtained from Part 17 of this subchapter, "Construction, Marking and Lighting of Antenna Towers and Supporting Structures". Information regarding requirements as to inspection of obstruction marking, recording of information regarding such inspection, and maintenance of antenna structures is also contained in Part 17 of this subchapter.

§ 20.15 *License term.* A license to operate a radio station in the Disaster Communications Service will be issued for a term of from one to five years from the effective date of grant as the Commission may determine in each case to permit the orderly scheduling of renewals, and for a renewal term of four years from the effective date of renewal.

[1] Duly designated civil defense officials will be considered competent local authority in the organization or operation of disaster communications radio networks and stations, and in the coordination of disaster communications plans.

SUBPART C—USE OF STATIONS

§ 20.21 *Activation of stations.* (a) All stations in the Disaster Communications Service are authorized to be operated on the frequencies and with the types of emission specified by this part only when competent local authority either (1) determines that an impending or actual disaster or other such incident warrants their activation, or (2) schedules training operations, practice drills or tests to keep the networks and associated stations alert and efficient.

(b) Except during scheduled training operations, practice drills or tests, the scene of disaster frequency shall be used only (1) by the station or stations actually located in the disaster area and those stations with which the station or stations actually in such disaster area are in direct communication, or (2) as a notification frequency, for the transmission of any authorized emission including automatic alarm signals, when a disaster is imminent or has occurred, or (3) in an impending disaster situation, as a calling frequency for preliminary contacts in establishing or alerting nets, or (4) as a calling frequency for non-net stations seeking contact with the control station of a net for disaster-related communications.

(c) Nothing in this section shall be deemed to prevent any radio station from operating on the scene of disaster frequency, using such equipment and such power as may be available or necessary, and communicating in accordance with the provisions of paragraph (b) of this section at any time the safety of life or property within the area of responsibility of that station is in danger as a result of an impending or actual disaster or other such incident.

§ 20.22 *Points of communications.* All stations in the Disaster Communications Service, when activated in accordance with the provisions of § 20.21 are authorized to communicate with each other, with stations in the Amateur Radio Service, and with stations of the United States Government which are authorized by their controlling federal government agencies to communicate with stations in the Disaster Communications Service; and are further authorized to communicate with any station in any service licensed by the Federal Communications Commission whenever such station is authorized to communicate with stations in the Disaster Communications Service by the provisions of the Commission's rules governing the class of station concerned or in accordance with the provisions of § 2.405 of this chapter.

§ 20.23 *Limitations on use.* (a) Stations operating in the Disaster Communications Service are authorized to transmit and to receive only those types of communications set forth in § 20.24 for:

(1) Liaison purposes for the coordination of the activities of various local or larger mutual aid organizations, between established individual or network stations authorized to operate in other services and engaged in disaster communications on their own regularly assigned service frequencies; or

(2) Direct operation as a part of a disaster communications network established for the purpose of providing disaster communications for an organization or organizations having no other frequencies available or none satisfactory for the distances or locations to be covered.

(b) Stations operating in the Disaster Communications Service are authorized to retransmit, by automatic means, authorized disaster communications being transmitted by other stations of the same disaster communications network, and to originate and transmit, by automatic means, distinctive signals, on the scene of disaster frequency only, for the alerting of the disaster communications network and/or for the actuation of selective signaling, calling or alerting devices: *Provided*, That when such automatic transmission or retransmission is employed, such stations shall not emit radio-frequency energy except when actually transmitting authorized disaster communications.

(c) Nothing in this section shall be construed to prevent the operation of a station in the Disaster Communications Service for the purpose of brief tests or adjustments during or coincident with the installation, servicing or maintenance of such station: *Provided*, That the transmissions of that station during such tests or adjustments shall not cause harmful interference to the conduct of communications by any other station.

(d) A station in the Disaster Communications Service shall not be used to transmit or to receive messages for hire, nor for communications for material compensation, direct or indirect, paid or promised.

§ 20.24 *Permissible communications.* Stations in the Disaster Communications Service are authorized to transmit and to receive only the following types of disaster communications:

(a) Communications when there is no impending or actual disaster:

(1) Necessary drills and tests to insure the establishment and maintenance of efficient networks of stations in the Disaster Communications Service and other authorized services. These drills and tests may include the prearranged exchange of communications by stations of established networks with stations outside any established network where the purpose of such exchange is to provide training and practice in the establishment and maintenance of liaison and coordination between such networks and non-network stations. Such drills and tests shall not be permitted, in any way, to interfere with communications in connection with any actual or impending disaster or other such incident.

(b) Communications when there is an impending or actual disaster:

(1) Communications directly concerning:

(i) The activation of a disaster network, or

(ii) The establishment and maintenance of liaison and coordination between:

(*a*) The stations of one network and the stations of any other network, or

(*b*) Any network station and any non-network station of any agency possessed of its own system of radiocommunication which is actually engaged in averting or overcoming the effects of the disaster, or

(*c*) Any non-network station of one agency possessed of its own system of radiocommunication which is actually engaged in averting or overcoming the effects of the disaster and any non-network station of any other agency possessed of its own system of radiocommunication which is actually engaged in averting or overcoming the effects of the disaster.

(2) Communications directly concerning the conduct of service by an activated disaster network.

(3) Communications directly concerning safety of life, preservation of property, maintenance of law and order, and alleviation of human suffering and need by authorized government and relief agencies.

(4) Communications directly concerning the accumulation and dissemination of public information regarding safety of life, preservation of property, maintenance of law and order, or alleviation of human suffering and need by authorized government or relief agencies.

(5) Communications directly concerning the transaction of business essential to the public welfare.

(6) Communications concerning personal matters of individuals directly affected by the disaster.

(c) The order of priority of communications when there is an impending or actual disaster shall be as determined by the competent local authority activating the station or network, or his authorized representative.

§ 20.25 *Station identification*—(a) *Call signs.* Disaster stations licensed by the Commission will be assigned distinctive call signs, consisting of four letters and one digit, in accordance with the table of geographical assignment of call signs contained in § 2.303 of this chapter. Stations of the United States Government authorized to operate in the Disaster Communications Service will be assigned appropriate call signs by their cognizant United States Government agencies from the call signs available to such agencies.

(b) *Use of call signs*—(1) *Radiotelegraph.* When transmitting by radiotelegraphy, each disaster station shall transmit the call sign of the station being called followed by its own call sign at the beginning of each series of communications with the called station, at least once each fifteen minutes of such operation, and when terminating communications with the called station. One-way transmissions intended for several stations shall be identified in the same manner except that a general call may be used in place of the call signs of the several stations intended to receive the transmissions. Test transmissions of a station making adjustments shall be identified by the transmission of the station call sign at the beginning and end of the test period and at least each 30 seconds during such period.

(2) *Radiotelephone.* When transmitting by radiotelephony, each disaster station shall identify itself and the sta-

tion or stations being called in the same manner prescribed in this section for identification during radiotelegraph transmissions, except that, if there is no possibility of confusion, the name, location, or other designation of the station may be used in lieu of the call sign when that name, location, or other designation is the same as that of an associated station in some other service and is authorized to be used by such associated station when identifying itself on its regularly assigned frequencies.

(3) *Multiple units.* When two or more separate units of a station are operated at different locations, each unit shall separately identify itself by the addition of a unit name, number or other designation at the end of its call sign or other authorized means of identification. When transmitting by radiotelegraphy, such additional identification shall be separated from the call sign by use of the "slant" or fraction bar.

(4) *Additional identifications.* A list of all general or collective call signs, unit designators, and other authorized substitutes for or additions to assigned call signs used in each disaster station network shall be maintained at the control station of such network, and shall be made available for inspection upon reasonable request from any authorized representative of the federal government.

(c) *Automatic operation.* Stations which are entirely automatic in their operation, including automatic modulation of the carrier, shall be exempt from the requirements of paragraph (b) of this section.

§ 20.26 *Radio station log.* (a) The licensee of each radio station licensed in the Disaster Communications Service shall keep an accurate log of all operations in the 1750–1800 kc. band, which shall include the following:

(1) Name and address of the disaster station licensee, station call sign used in the disaster communications service, date of expiration of the disaster station license, and d. c. plate power input to the vacuum tube or tubes supplying energy to the transmitting antenna system. This information need be entered only once in the log unless there is a change in any of the above items. Each change shall be entered with the date the change is made.

(2) Date and time of beginning and end of each period during which the disaster station is operated.

(3) Signature of each licensed operator who manipulates the key of a manually operated radiotelegraph transmitter or the signature of each licensed operator who operates a transmitter using any other type of emission, and the name (or signature) of any person not holding an operator license who transmits by voice over the facilities of that station other than by automatic relay of the signal of another station or stations. The signature of the operator shall be entered with the date and time at both the beginning and the end of each period during which he is manning the controls of the disaster station and at least once on each page additional to the first page covering the period for which he is the responsible operator. The signature of any additional operator who operates the station during the regular watch of another operator shall be entered in the proper space for that additional operator's transmissions.

(4) Upon the completion of each period of operation for drill, training, liaison or test purposes and each period of operation in connection with an impending or actual disaster, there shall be entered in the log a summary of such operation describing its nature and giving pertinent details.

(5) There shall be no erasures, obliterations or destruction of any part of the disaster station log. Corrections shall be made by striking out erroneous portions and initialing and dating the correction.

(b) The current portion of the log of a licensed disaster station shall be kept at the location of the control position of such station. Other portions of the log shall be retained by the licensee for a period of at least one year, at such place as he may deem appropriate and advisable: *Provided,* That the log of a disaster station shall be made available for inspection upon reasonable request by any authorized representative of the federal government: *And provided further,* That those portions of any disaster station log covering operation of such station in connection with any actual disaster shall not be destroyed unless prior approval for such destruction shall have been received from the Commission.

(c) Stations which are entirely automatic in their operation, including automatic modulation of the carrier, shall be exempt from the requirements of paragraph (a) (2), (3) and (4) of this section, with respect to all operation of such stations which is adequately recorded in the log of any other station of the same disaster network.

SUBPART D—OPERATING REQUIREMENTS

§ 20.29 *Limitations on use of frequencies.* (a) The assigned frequencies in the band 1750–1800 kc are available to stations in this Service upon a shared basis with stations in the Industrial Radiolocation Service also assigned frequencies within that band: *Provided however,* That, except when transmitting in connection with an actual or imminent disaster in any area, stations in the Disaster Communications Service shall not cause harmful interference to stations in the Industrial Radiolocation Service between the times at New Orleans, Louisiana, of sunrise and sunset.[1] *And provided further,* That stations in the Industrial Radiolocation Service shall not cause harmful interference to stations in the Disaster Communications Service between the times at New Orleans, Louisiana, of sunset and sunrise,[1] or at any time during an actual or imminent disaster in any area.

(b) During the periods specified in paragraph (a) of this section when stations in the Disaster Communications Service shall not cause harmful interference to stations in the Industrial Radiolocation Service, the operation of a disaster station for the purpose of drills or tests shall not be permitted if the licensee of such station has reason to believe or has been informed that such operation might reasonably be expected to cause harmful interference to stations in the Industrial Radiolocation Service,[2] except by mutual agreement between the licensees in both Services through the channels of liaison prescribed in § 20.30.

§ 20.30 *Liaison with licensees in the Industrial Radiolocation Service.* To carry into effect the requirements of § 20.29, and of § 11.611 of this chapter, "Rules Governing Industrial Radio Services", including a positive means whereby operation in the Industrial Radiolocation Service can be suspended to protect stations in this Service against harmful interference during operation in connection with an actual or imminent disaster or during other hours when stations in this Service have priority on the use of frequencies in the 1750–1800 kc band, there shall be established an adequate and reliable system of notification and liaison between licensees in this Service and licensees in the Industrial Radiolocation Service. The extent and division of responsibility for various phases of the notification and liaison system shall be as follows:

(a) Organization and establishment of a system of liaison within the Industrial Radiolocation Service; the devising of a system for the receipt and distribution of notification information; and the installation, operation and maintenance of such a system shall be the responsibility of licensees in the Industrial Radiolocation Service authorized to operate in the band 1750–1800 kc.

(b) Organization and establishment of a system of liaison within the Disaster Communications Service; and the devising of a method for the dispatch of notification information to the person or persons designated by licensees in the Industrial Radiolocation Service shall be the responsibility of licensees in the Disaster Communications Service authorized to operate in the band 1750–1800 kc.

(c) The responsibility for the initiation of liaison between licensees in the Industrial Radiolocation Service and the licensees in the Disaster Communications Service shall be the responsibility of the former.

[1] The average times of sunrise (SR) and Sunset (SS) at New Orleans, Louisiana, based on Central Standard Time, are as follows:

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
SR	7:00	6:45	6:15	5:30	5:15	5:00	5:15	5:30	5:45	6:00	6:30	6:45
SS	5:15	5:45	6:15	6:30	6:45	7:00	7:00	6:45	6:00	5:30	5:00	5:00

[2] Stations in the Industrial Radiolocation Service are authorized to use frequencies in the 1750–1800 kc band under the condition, among others, that such use shall be limited to locations within 150 miles of the shoreline of the Gulf of Mexico.

(d) Once initiated, the maintenance, review and improvement of liaison between licensees in the two Services shall be the joint responsibility of both groups.

(e) Issuance of notification to suspend operation in the Industrial Radiolocation Service due to an impending or actual disaster shall be the responsibility of licensees in the Disaster Communications Service. Such notification shall be by those means which have been mutually agreed upon as sufficiently adequate, prompt and reliable to effectuate the purpose of this section. Any desired communication method or combination of methods may be utilized, and may be supplemented as necessary in case of failure of the agreed-upon method of notification.

(f) When stations in the Industrial Radiolocation Service have discontinued transmitting to protect disaster communications in connection with an imminent or actual disaster, and when the point has been reached where there is no reasonable possibility that radiolocation transmissions will cause harmful interference to the disaster communications, it shall be the responsibility of licensees in the Disaster Communications Service to communicate this information promptly to the licensees in the Industrial Radiolocation Service so that they may resume operation at will.

(g) The notification and liaison procedure hereby required to be established shall be limited to that geographical area within which there is a reasonable anticipation, determined by actual tests whenever practicable, that harmful interference may be caused by a licensee in the Industrial Radiolocation Service to licensees in the Disaster Communications Service.

§ 20.31 *Assigned frequencies and authorized emissions.* (a) The following frequencies in the frequency band 1750–1800 kc are assigned, on a nonexclusive basis, to all stations in the Disaster Communications Service. The selection and use of these frequencies shall be in accordance with a coordinated local area and adjacent area disaster communications plan [1] the specific types of emission herein indicated and the other applicable provisions of this part:

Channel No.	*Channel width*	*Assigned frequency*	*Authorized emission*
(1) Radiotelegraph channels			
1	1 kc.	1750.5 kc.	0.5 A1
2	1 kc.	1751.5 kc.	0.5 A1
3	1 kc.	1752.5 kc.	0.5 A1
4	1 kc.	1753.5 kc.	0.5 A1
5	1 kc.	1754.5 kc.	0.5 A1
6	1 kc.	1755.5 kc.	0.5 A1
7	1 kc.	1756.5 kc.	0.5 A1
8	1 kc.	1757.5 kc.	0.5 A1
(2) Scene of Disaster channel			
9	7 kc.	1761.5 kc.	0.5 A1, 2.5 A2, or 6 A3
(3) Radiotelephone channels			
10	7 kc.	1768.5 kc.	6 A3
11	7 kc.	1775.5 kc.	6 A3
12	7 kc.	1782.5 kc.	6 A3
13	7 kc.	1789.5 kc.	6 A3
14	7 kc.	1796.5 kc.	6 A3

(b) In the foregoing table, a figure specifying the maximum authorized bandwidth in kilocycles to be occupied by the emission is shown as a prefix to the authorized emission classification. The specified bandwidth shall contain those frequencies upon which a total of 99 percent of the radiated power appears, and shall include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power. Any radiation in excess of the limits specified is considered to be an unauthorized emission.

(c) When an unauthorized emission results in harmful interference, the Commission may, in its discretion, require appropriate technical changes in equipment to alleviate the interference.

§ 20.32 *Transmitting power.* The transmitting equipment of a radio station in the Disaster Communications Service shall be adjusted in such a manner as to produce the minimum radiation necessary to carry out the communications desired when such station is operating in the frequency band 1750–1800 kilocycles. No station in the Disaster Communications Service shall be operated on these frequencies using a direct current plate power input to the vacuum tube or tubes supplying energy to the antenna in excess of 500 watts, except when operating on the scene of disaster frequency in accordance with the provisions of § 20.21 (c).

§ 20.33 *Equipment requirements.* (a) All stations in the Disaster Communications Service, except those intended only for the transmission of an automatic alarm or alerting signal, shall be capable of both transmitting and receiving on the scene of disaster frequency.

(b) The carrier frequency of each licensed station in the Disaster Communications Service shall be maintained within 0.015 percent of the assigned frequency.

(c) When the radio frequency carrier of a station in the Disaster Communications Service is amplitude modulated, such modulation shall not exceed 100 percent on negative peaks.

(d) The licensee of each station in the Disaster Communications Service which is utilized for the transmission of Type A–1 or Type A–3 emission shall use adequately filtered direct-current plate power supply for the transmitter to minimize modulation from that source.

§ 20.34 *Operator requirements.* (a) Except under the conditions specified in paragraph (d) of this section, one or more licensed radio operators of the class or grade specified in paragraph (b) of this section shall be on duty at the place where the transmitting apparatus of each licensed disaster station is located, or at the control position of such station if the control position is located at a place other than the location of the transmitting apparatus, and in actual charge thereof whenever it is being operated for the purpose of transmitting disaster communications, as defined in § 20.6, or is otherwise placed in a condition so as to produce radiation of radio frequency energy. No person shall manipulate the radiotelegraph key of a licensed disaster station for the purpose of manually transmitting radiotelegraph signals except under and in accordance with the authority of an operator license granting appropriate radiotelegraph operating privileges in accordance with the provisions of paragraph (b) of this section.

(b) Disaster stations licensed by the Federal Communications Commission may be operated, when properly transmitting in accordance with the provisions of this part, by the holders of:

(1) Any amateur radio operator license issued by the Federal Communications Commission which authorizes the holder thereof to operate an amateur radio station in the amateur segments of the 1800–2000 kc. frequency band; or

(2) Any commercial radio operator license issued by the Federal Communications Commission: *Provided,* That the holder of such commercial radio operator license shall perform or be responsible for only those operating duties and responsibilities at a disaster station which he is authorized, under the authority of such license, to perform or be responsible for at some other class of station licensed by the Commission when using the same type of emission and method of operation on a frequency or frequencies below 25 mc.

(c) When a station of the United States Government is authorized by the appropriate United States Government agency concerned to be operated in the Disaster Communications Service, the operator requirements for that station will be determined by the authorizing agency.

(d) Stations which are entirely automatic in their operation, including automatic modulation of the carrier, shall be exempt from the provisions of paragraph (a) of this section during the course of the normal rendition of the service of such stations: *Provided,* That all adjustments or tests during or coincident with the installation, servicing or maintenance of such stations shall be performed only by or under the immediate supervision and responsibility of a duly licensed operator whose license authorizes him to operate the station under those conditions in accordance with the provisions of paragraph (b) of this section: *And provided further,* That the station shall be so designed and installed as to be inaccessible to unauthorized personnel and incapable of any unauthorized transmission.

§ 20.35 *Availability of station and operator licenses.* (a) The original station license for a station in the Disaster Communications Service, or a photocopy thereof, shall be permanently attached to each transmitter of such station if the transmitter is readily accessible, or permanently posted at the control position of such station if the control position is located at a place other than the location of the transmitter.

[1] Duly designated civil defense officials will be considered competent local authority in the organization or operation of disaster communications radio networks and stations, and in the coordination of disaster communications plans.

(b) The original radio operator license or verification card (FCC Form No. 758–F) of the operator controlling the emissions of a licensed station in the Disaster Communications Service shall be carried on his person or kept immediately available at the place where he is operating the station.

(c) Whenever the original station license is not posted in accordance with the provisions of paragraph (a) of this section, or whenever the original operator license is not readily available at the place where the operator is on duty, such original license shall be made available for inspection upon reasonable request from any authorized representative of the federal government.

[F. R. Doc. 55–8295; Filed, Oct. 12, 1955; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53921]

PART 1—CUSTOMS DISTRICTS AND PORTS

APPRAISER'S HEADQUARTERS TRANSFERRED

Effective November 1, 1955, the appraiser's headquarters in Customs Collection District No. 7 (St. Lawrence) shall be transferred from Ogdensburg, New York, to Rouses Point, New York.

Accordingly, § 1.6 of the Customs Regulations is amended by substituting "Rouses Point, N. Y." for "Ogdensburg, N. Y." in the column headed "Location of Headquarters" and substituting "Route 9–B" for "127 North Water St." in the column headed "Address of Appraiser of Merchandise" both opposite "St. Lawrence."

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 5, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55–8301; Filed, Oct. 12, 1955; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 CCC Peanut Bulletin 721 (Peanuts–55)–1, Amdt. 2]

PART 446—PEANUTS

SUBPART—1955 CROP PEANUT PRICE SUPPORT PROGRAM

MINIMUM MOISTURE CONTENT

The regulations issued by Commodity Credit Corporation with respect to the 1955 crop peanut price support program (20 F. R. 5615) are amended by the addition of a provision establishing a minimum moisture content for peanuts eligible for price support.

The regulations in §§ 446.701 to 446.719, inclusive, are hereby amended by the addition of the following sentence at the end of § 446.707 (a): "Peanuts which have been mechanically dried must contain at least 5 percent moisture when received in the warehouse to be pledged as collateral for a loan to the cooperative or when placed under a farm storage loan, and must not show evidence of damage from the drying process, including (but not limited to) slippage of the skin."

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 201, 68 Stat. 899; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 7th day of October 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President.
Commodity Credit Corporation.

[F. R. Doc. 55–8313; Filed, Oct. 12, 1955; 8:51 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950– ——)

LUMP-SUM DEATH PAYMENT; PERSONS EQUITABLY ENTITLED

Regulations No. 4, as amended (20 CFR, Cum. Supp., 404.1 et seq.), are further amended as follows:

1. Subparagraph (2) of § 404.340 (a) is amended by substituting a semicolon for the period at the end thereof.

2. Section 404.340 (a) is amended by adding at the end thereof a new subparagraph, designated as (3), to read as follows:

§ 404.340 *Lump-sum death payment; to persons equitably entitled.* (a) When payment is made to persons equitably entitled. • • •

(3) A home for the aged or sick exempt from the payment of taxes under section 501 (c) of the Internal Revenue Code of 1954, paying the expenses of, or furnishing goods and services in connection with, the burial of an inmate or guest, but only if the home was not under an express contractual obligation to pay, or provide, for such burial (see paragraph (b) (2) of this section).

3. The foregoing amendments shall be effective on the date filed with the FEDERAL REGISTER.

(Sec. 205, 49 Stat. 624, as amended, sec. 1102, 49 Stat. 647, sec. 218, 64 Stat. 514; 42 U. S. C. 405, 418, 1302. Interprets or applies sec. 202, 49 Stat. 623, as amended; 42 U. S. C. 402)

[SEAL] W. L. MITCHELL,
Acting Commissioner of Social Security.

Approved: October 7, 1955.

HEROLD C. HUNT,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 55–8302; Filed, Oct. 12, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Parts 220, 221, 225]

PRODUCTION OF DISTILLED SPIRITS AND BRANDY; WAREHOUSING OF DISTILLED SPIRITS

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

In order to effect administrative decisions (a) by eliminating requirements for the weighing, prior to shipment, of packages transferred in sealed conveyances between internal revenue bonded warehouses and by transferring to proprietors the responsibility for weighing and recording the weights thereof of all packages transferred whether in sealed or unsealed conveyances, (b) by eliminating the requirement that packages be weighed prior to the dumping of spirits into tanks for gauging for either taxpayment or bottling in bond, (c) by providing for recoopering and repairing of packages under general supervision of an internal revenue officer, (d) by permitting taking of samples of spirits under general supervision of an internal revenue officer, (e) by transferring to warehousemen the responsibility for performing and recording certain original gauges of containers filled from storage tanks, (f) by modifying the requirements for the preparation of Form 52C, (g) by authorizing the storekeeper-gaugers to approve applications to change the kind of cooperage, (h) by providing that warehousemen shall furnish storekeeper-gaugers in charge with advance schedules of planned operations, (i) by authorizing the transfer of spirits by pipeline to the bottling-in-bond department for regauge therein, (j) by providing for affixing brand labels or State stamps to bottled spirits (bearing all mandatory information) after removal from the premises where the spirits were bottled, (k) by removing restrictions as to bottle sizes for bottled-in-bond spirits to be exported, (l) by requiring the warehouseman to prepare Form 1620 when spirits

are returned to the storage portion of the warehouse from the bottling-in-bond department, (m) by correcting discrepancies in Part 225 with respect to the preparation of Form 1520, the use of facsimile signature stamps on wholesale liquor dealer's stamps, and an incomplete cross reference, and (n) by modifying the degree of supervision to be exercised by internal revenue officers over various warehouse activities such as the transfer of spirits from one storage tank to another, transfer of spirits between warehouse buildings on the same premises, pipeline removals, filling of tank cars and tank trucks, and the transfer of rum for denaturation, 26 CFR (1954) Parts 220, 221, and 225 are amended as follows:

PARAGRAPH 1. 26 CFR (1954) Part 220, Production of Distilled Spirits, is amended as follows:

(A) Section 220.595 is amended by placing a period after the phrase "transferred in sealed conveyances" in the third sentence, which begins "If the applicant", and striking the remainder of the sentence.

(B) Section 220.611 is amended as follows:

(1) By changing the headnote to read: *"Certificate of removal."*.

(2) By inserting in the first sentence, immediately after the phrase "removal of the spirits", the phrase "in containers other than packages".

(3) By inserting immediately after the second sentence the following new sentence: "If the spirits are transferred in packages the distiller shall certify on all copies of Form 236 as to the accuracy of the description of the packages and the removal thereof, and if the spirits are contained in a conveyance sealed with Government cap seals the storekeeper-gauger will note on Form 236 the serial numbers of the cap seals used."

(4) By striking from the third sentence, which begins "He will retain", the word "He" and inserting in lieu thereof the words "The storekeeper-gauger".

(C) Section 220.612 is amended by placing a period after the phrase "transferred in sealed conveyances" in the third sentence, which begins "If the applicant", and striking the remainder of the sentence.

(D) Section 220.619 is amended as follows:

(1) By changing the headnote to read: *"Certificate of removal."*.

(2) By inserting in the first sentence, immediately after the phrase "removal of the spirits", the phrase "in containers other than packages".

(3) By inserting immediately after the second sentence the following new sentence: "If the spirits are transferred in packages the distiller shall certify on all copies of Form 236 as to the accuracy of the description of the packages and the removal thereof, and if the spirits are contained in a conveyance sealed with Government cap seals the storekeeper-gauger will note on Form 236 the serial numbers of the cap seals used."

(4) By striking from the third sentence, which begins "He will retain", the word "He" and inserting in lieu thereof the words "The storekeeper-gauger".

PAR. 2. 26 CFR (1954) Part 221, Production of Brandy, is amended as follows:

(A) Section 221.595 is amended by placing a period after the phrase "transferred in sealed conveyances" in the third sentence, which begins "If the applicant", and striking the remainder of the sentence.

(B) Section 221.611 is amended as follows:

(1) By changing the headnote to read: *"Certificate of removal."*.

(2) By inserting in the first sentence, immediately after the phrase "removal of the brandy", the phrase "in containers other than packages".

(3) By inserting immediately after the second sentence the following new sentence: "If the brandy is transferred in packages the distiller shall certify on all copies of Form 236 as to the accuracy of the description of the packages and the removal thereof, and if the brandy is contained in a conveyance sealed with Government cap seals the storekeeper-gauger will note on Form 236 the serial numbers of the cap seals used."

(4) By striking from the third sentence, which begins "He will retain", the word "He" and inserting in lieu thereof the words "The storekeeper-gauger".

(C) Section 221.612 is amended by placing a period after the phrase "transferred in sealed conveyances" in the third sentence, which begins "If the applicant", and striking the remainder of the sentence.

(D) Section 221.619 is amended as follows:

(1) By changing the headnote to read: *"Certificate of removal."*.

(2) By inserting in the first sentence, immediately after the phrase "removal of the brandy", the phrase "in containers other than packages".

(3) By inserting immediately after the second sentence the following new sentence: "If the brandy is transferred in packages the distiller shall certify on all copies of Form 236 as to the accuracy of the description of the packages and the removal thereof, and if the brandy is contained in a conveyance sealed with Government cap seals the storekeeper-gauger will note on Form 236 the serial numbers of the cap seals used."

(4) By striking from the third sentence, which begins "He will retain", the word "He" and inserting in lieu thereof the words "The storekeeper-gauger".

PAR. 2. 26 CFR (1954) Part 225, Warehousing of Distilled Spirits, is amended as follows:

(A) Section 225.244 is amended as follows:

(1) By changing the headnote to read: *"Reports."*.

(2) By striking from the first sentence the phrase "complete Form 52C and".

(3) By striking from the first sentence the phrase "on such form" and inserting in lieu thereof "on Form 52C prepared".

(B) By inserting a new section, reading as follows, immediately after § 225.351:

§ 225.351a *Proprietor's schedule of operations.* The proprietor shall furnish daily to the storekeeper-gauger in charge a schedule of operations for the next succeeding work day. This schedule shall show activities which would require the immediate supervision or attention of a storekeeper-gauger, such as, the approximate number of containers of spirits to be received and withdrawn (identify kinds of withdrawals), the quantity of spirits to be bottled in bond, bulk regauge and taxpayment operations, the time and approximate number of packages to be recoopered, number and quantity of samples to be taken, number of containers to be filled from storage tanks or consolidation tanks, and repairs which will involve the breaking or replacing of seals or the manipulation of Government locks.

(C) Section 225.353 is amended by inserting in the first sentence, immediately after the phrase "equipped for locking", the parenthetical phrase "(if required by this part)".

(D) Section 225.358 is amended to read as follows:

§ 225.358 *Supervision of operations.* In all instances where immediate supervision by the storekeeper-gauger of any operation is not required by this part the storekeeper-gauger shall, from time to time, make spot checks of the operations being conducted by the warehouseman to satisfy himself of the propriety of the operation. Where the storekeeper-gauger finds significant discrepancies in entries or records made by the warehouseman, the marks or brands required to be placed on any container, or finds any operation being conducted contrary to the provisions of this part, the warehouseman shall take such corrective action as may be required by the storekeeper-gauger.

(68A Stat. 644; 26 U. S. C. 5241)

(E) By inserting a new section, reading as follows, immediately after § 225.358:

§ 225.358a *Inspection of packages in storage.* The assistant regional commissioner will, from time to time, assign internal revenue officers for the purpose of inspecting packages of distilled spirits to determine the extent of tampering or losses through theft.

(F) Section 225.378 is amended by striking from the last sentence the word "immediate".

(G) Section 225.380 is amended as follows:

(1) By striking the word "storekeeper-gauger" in the two places it appears in the first sentence and inserting in lieu thereof in each instance the word "warehouseman".

(2) By striking in the first sentence the phrase "immediate vicinity so the transfer" and inserting in lieu thereof the phrase "immediate vicinity and so located that the transfer".

(3) By inserting immediately after the first sentence the following new sentences: "If weighing is not required the warehouseman may elect to weigh the packages and enter the receiving gross weights on Form 1520 or 1619. When conveyances are received upon which the Government cap seals are not intact, or if packages bear evidence of damage in transit, the warehouseman

will weigh each package under the supervision of the storekeeper-gauger. The warehouseman shall report the receipt of packages in unsealed conveyances to the storekeeper-gauger who shall inspect such packages and supervise the weighing thereof."

(H) Section 225.381 is amended to read as follows:

§ 225.381 *Examination of packages.* Where packages of spirits are received bearing evidence of having sustained unusual losses in transit, or where material discrepancies are found by the comparison of the shipping weight with the receiving weight, the storekeeper-gauger will (a) examine the condition of the cooperage of each such package and (b) gauge each such package and enter the details thereof in the appropriate columns on Form 1520 or 1619, as the case may be, and in the loss column enter the difference in weight between the amount shipped and the amount received. The storekeeper-gauger will note on the reverse of the Form 1520 or 1619 the condition of the cooperage and whether in his opinion the loss was occasioned by theft, accident, or other determinable cause. In the event the loss sustained from any package appears to have been the result of theft, such package will be detained and a report made to the assistant regional commissioner in accordance with § 225.486.

(68A Stat. 604; 26 U. S. C. 5011)

(I) Section 225.406 is amended to read as follows:

§ 225.406 *Facilities for recoopering.* The proprietor shall provide a suitable enclosed area, in which the repair or recoopering of all packages, involving exposure of spirits, shall be conducted. The proprietor shall lock the enclosure when spirits are exposed therein unless the employee responsible for recoopering activities is present: *Provided,* That locking of the enclosure is not required if the spirits have been deposited in locked containers. The facilities to be used must be so arranged and the work so performed that supervision by storekeeper-gaugers can be performed readily and expeditiously and unnecessary loss or wastage of spirits or unauthorized commingling will be prevented.

(68A Stat. 633, 634, 643; 26 U. S. C. 5193, 5194, 5231)

(J) Section 225.407 is amended to read as follows:

§ 225.407 *Gauging.* Distilled spirits may be drawn into packages from storage tanks in accordance with this part. If the distilled spirits in the tank are found to be other than a whole degree of proof, adjustment to a whole degree shall be made by the proprietor before withdrawal into packages: *Provided,* That such adjustment will not be required when the packages are to be regauged prior to taxpayment. Where the proof is not adjusted to a whole degree, it shall be determined to the nearest tenth and rounded to a whole degree in accordance with Part 186 of this title and so recorded. Each package will be carefully gauged by the warehouseman, under the general supervision of the storekeeper-gauger, and the details thereof will be entered by the warehouseman on Form 1520: *Provided,* That where the warehouseman has indicated that packages are to be taxpaid on the original gauge the storekeeper-gauger shall make such gauge and report the details thereof on Form 1520, noting thereon, "Taxpay on original gauge". Any cask or package which contains or has on its interior or exterior any substance that will prevent the correct ascertainment of tare shall not be used. The tare of the empty package will be determined and will be marked on the package and recorded on Form 1520. Weights shall be determined in pounds and one-half pounds.

(68A Stat. 633, 634; 26 U. S. C. 5193, 5194)

(K) Section 225.408 is amended by striking from the second sentence the word "immediate."

(L) Section 225.409 is amended by striking from the fifth sentence, which begins "All marking", the word "immediate".

(M) Section 225.410 is amended by changing the first sentence to read: "The date of original entry for deposit and the proof of distillation of the spirits shall be noted on each copy of Form 1520."

(N) Section 225.413 is amended by changing the third sentence, which begins "The storekeeper-gauger", to read: "The tare of the new package will be determined and will be marked on the package before transfer of the spirits."

(O) Section 225.414 is amended by striking the word "immediate".

(P) Section 225.415 is amended as follows:

(1) By striking the words "assistant regional commissioner" and inserting in lieu thereof the word "storekeeper-gauger".

(2) By placing a period after the phrase "spirits are stored" and striking the remainder of the sentence.

(Q) Section 225.416 is amended to read as follows:

§ 225.416 *Request to storekeeper-gauger.* The request for permission to change the kind of cooperage must give the serial number of the package or packages, kind of original cooperage, kind of cooperage desired to be used, name of the distiller, registered number and location (city or town, and State) of the distillery at which the spirits were produced and the reason why the change is desired. Storekeeper-gaugers in charge may approve the request when internal revenue officers are available for necessary supervision.

(R) Section 225.417 is amended to read as follows:

§ 225.417 *Marking new packages.* Each new package will be given the same serial number, marks, and brands (except the tare and kind of cooperage) as the original package, and will contain only spirits from one package. The tare of the new package will be determined and will be marked on the new package before the transfer, and upon completion of the transfer the proprietor will prepare and sign a label to be affixed to the head of each new package in the manner prescribed in this part for the affixing of wholesale liquor dealer's stamps. The label shall be in the following form:

The spirits contained in this package, serial No. ——, were transferred to new ———— barrel under date of
(Kind of cooperage)
———— by authority of letter dated ———— The package from which the spirits herein were transferred was a ———— barrel.
(Kind of cooperage)
————
(Proprietor)

When such a change of package is made, the storekeeper-gauger will note the tare of the new package on Form 1520 or Form 1619 covering deposit of the spirits. If the new package should be transferred in bond the proprietor will make a notation on the transfer Form 1619 showing the date of the change of package and the tare of the new package.

(S) Section 225.433 is amended by striking from the first sentence the phrase "and the spirits shall be transferred under the supervision of the storekeeper-gauger" and inserting in lieu thereof the phrase "and may then effect the transfer".

(T) Section 225.485 is amended by striking the fifth sentence, which begins "A similar application".

(U) By inserting a new section, reading as follows, immediately after § 225.485:

§ 225.485a *Losses determined at time of recoopering.* Where the warehouseman determines at the time of recoopering that a package has sustained an unusual loss, and a report and determination of the loss is not required by the provisions of § 225.485, he shall make a report of gauge on Form 1698. A copy of the form will be securely attached to the package and two copies will be delivered to the storekeeper-gauger. When Form 1698 is prepared by the warehouseman for any package the new gross weight, date, and the serial number of the Form 1698 will be noted by the storekeeper-gauger on the deposit form.

(68A Stat. 604; 26 U. S. C. 5011)

(V) Section 225.536 is amended as follows:

(1) By inserting immediately after the word "removed" in item (d) the following phrase: "and specific information as to the location of the package or packages in the warehouse".

(2) By striking immediately before item (k) the word "and".

(3) By changing the period at the end of the last sentence to a comma and adding the following: "and (l) the approximate time the samples will be taken.".

(W) Section 225.537 is amended by striking from the last sentence the phrase "(j) and (k)" and inserting in lieu thereof the phrase "and (j) through (l)".

(X) Section 225.540 is amended to read as follows:

§ 225.540 *Removal under supervision.* The removal of samples will be subject to the supervision of the storekeeper-gauger.

(68A Stat. 667; 26 U. S. C. 5373)

(Y) Section 225.541 is amended as follows:

(1) By changing the period at the end of the third sentence, which begins "The proprietor" to a semicolon and adding the following: "(i) the words "Subject to taxpayment" where the label is to be placed upon a sample taken subject to payment of tax."

(2) By changing the fourth and fifth sentences, which begin "Upon completion," and "Where the label", respectively, to read: "Such label and copy shall be signed and dated by the employee responsible for taking the sample and immediately above the signature there will appear the following statement: 'I certify that this sample was taken in the quantity and from the package described above and from no other package.' The employee shall affix the label to the sample container and give the copy to the storekeeper-gauger."

(Z) Section 225.542 is amended by striking from the last sentence the phrase "At the time of preparing Form 1520 or Form 1619 covering the" and inserting in lieu thereof the word "Upon".

(AA) Section 225.562 is amended as follows:

(1) By striking from the first sentence the words "to be".

(2) By striking the last sentence.

(BB) Section 225.563 is amended to read as follows:

§ 225.563 *Preparation of withdrawal reports by storekeeper-gauger.* When spirits are withdrawn from a storage tank in an internal revenue bonded warehouse into packages which are to be taxpaid on the original gauge, or when spirits are removed by pipeline or in tank cars or tank trucks, the storekeeper-gauger will prepare and complete the Form 1520 in accordence with the instructions in this part.

(68A Stat. 639, 649; 26 U. S. C. 5215, 5250)

(CC) Section 225.565 is amended to read as follows:

§ 225.565 *Withdrawal on original gauge.* Distilled spirits in packages, tank cars, or tank trucks may be withdrawn from an internal revenue bonded warehouse on the original gauge if such gauge was made by a storekeeper-gauger. Where the gauge was made pursuant to notification from the distiller or warehouseman, as the case may be, that the spirits would be taxpaid on the original gauge, and the deposit forms for such spirits bear the notification "Taxpay on the original gauge"; the spirits must be taxpaid on the original gauge unless permission for a regauge is first obtained from the assistant regional commissioner.

(68A Stat. 647; 26 U. S. C. 5245)

(DD) Section 225.571 is amended to read as follows:

§ 225.571 *Weighing packages.* During the process of weighing, care will be taken to note the correct reading of the scale to the half pound and in case of doubt as to which graduation shall apply, the graduation denoting the lesser weight will prevail.

(68A Stat. 639; 26 U. S. C. 5212)

(EE) Section 225.572 is amended by striking the first and second sentences and inserting in lieu thereof the following new sentences: "The proof of spirits shall be determined in accordance with the instructions set forth in the Gauging Manual (Part 186 of this title). The storekeeper-gauger shall determine, or verify, as the case may be, the proof of all spirits gauged."

(FF) Section 225.573 is revoked.

(GG) Section 225.576 is amended by striking the second sentence, which begins "The spirits", and inserting in lieu thereof the following new sentence: "The spirits will be carefully gauged and the details entered on the report of gauge as provided in this part."

(HH) Section 225.580 is amended to read as follows:

§ 225.580 *Pipeline removals.* Pipelines used for the transfer of spirits to qualified establishments on the same or contiguous premises, or to tank cars or tank trucks for shipment, must conform to the requirements of § 225.124, except that the spirits may be transferred into or from a tank car or tank truck by means of a hose connection where the operation can be under the observation of an internal revenue officer. The valves on such pipelines shall be kept closed and locked, except during the transfer of spirits, which transfer shall be under the supervision of an internal revenue officer.

(68A Stat. 599, 634, 636; 26 U. S. C. 5006, 5194, 5195)

(II) Section 225.586 is amended to read as follows:

§ 225.586 *Proprietor's monthly report, Form 52C.* The proprietor of every internal revenue bonded warehouse shall render a monthly report of spirits removed from the warehouse on Form 52C, as provided in Subpart VV of this part.

(68A Stat. 637; 26 U. S. C. 5197)

(JJ) Section 225.590 is amended as follows:

(1) By inserting in the first sentence, immediately after the words "will be determined", the phrase ", under the supervision of the storekeeper-gauger,".

(2) By striking the second sentence, which begins "The storekeeper-gauger".

(KK) Section 225.601 is amended by striking from the third sentence, which begins "If the", the words "entered in columns 11 and 12" and inserting in lieu thereof the words "shown on Form 1520".

(LL) Section 225.630 is amended as follows:

(1) By changing the comma following the phrase "stated on Form 179" in the second sentence, which begins "Where the spirits", to a period and striking the remainder of the sentence.

(2) By striking from the fourth sentence, which begins "Where the capacity", the phrase "a separate Form 1520 must be prepared for each such gauging tank listing the packages to be gauged therein, and".

(3) By striking from the last sentence the phrase "in accordance with §§ 225.632 to 225.636".

(MM) Section 225.632 is amended as follows:

(1) By changing the first sentence to read as follows: "If the spirits to be withdrawn are in packages, the storekeeper-gauger, upon receipt of the Form 179, will carefully examine each package and will verify the identity of the spirits."

(2) By inserting immediately after the second sentence, which begins "Where it is", the following new sentence: "The storekeeper-gauger will satisfy himself that each package which does not bear such evidence has been dumped into the gauging tank."

(3) By changing the tenth sentence, which begins "The spirits in", to read as follows: "The spirits in the gauging tank will be gauged with an official hydrometer and the details of the gauge and the number of the gauging tank shall be entered by the storekeeper-gauger on Form 1520, in quintuplicate."

(4) By inserting immediately after the tenth sentence the following new sentence: "A separate Form 1520 must be prepared by the storekeeper-gauger for each gauging tank."

(NN) Section 225.637 is amended by striking from the second sentence, which begins "The removal of", the word "immediate".

(OO) Section 225.675 is amended by placing a period after the phrase "provisions of §§ 225.642 and 225.643" in the first sentence and striking the remainder of the sentence.

(PP) Section 225.732 is amended as follows:

(1) By inserting in the first sentence immediately after the words "weighing of spirits" the words "prior to transfer or".

(2) By inserting in the third sentence, which begins "If the conveyance", immediately after the words "packages at the" the words "consignor and".

(QQ) Section 225.733 is amended by placing a period after the phrase "transferred in sealed conveyances" in the third sentence, which begins "If the applicant", and striking the remainder of the sentence.

(RR) Section 225.735 is amended to read as follows:

§ 225.735 *Transfers in packages.* When the proprietor of the shipping warehouse desires to make shipment of spirits in packages, he will prepare an original and five copies of Form 1619 filling in the heading and giving details as to serial numbers, date of original entry for deposit, original gauge and last gauge (if other than the original) and will identify any packages designated to be taxpaid on the original gauge by the notation "Taxpay on original gauge". In the case of blended brandies the proprietor shall also show on Form 1619 the date and serial number of the Form 1685 covering the blending of the brandies, the date of the original entry of the oldest brandy in the blend and the date of the original entry of the youngest brandy in the blend. The proprietor shall execute on the six copies of Form 236 a description of the packages to be transferred. If the proprietor elects to ship the packages in a Government-

sealed conveyance when the consignee-warehouseman has not previously requested a sealed conveyance as provided by § 225.733, he should indicate on Form 236 that the packages are to be transferred in sealed conveyances; otherwise the proprietor should indicate that the packages are to be shipped in unsealed conveyances. The weighing of packages is not required where the spirits are transferred in conveyances sealed with Government cap seals, or where the spirits are to be transferred to an internal revenue bonded warehouse operated by the consignor or an affiliate or subsidiary of the consignor in the immediate vicinity and so located that the transfer can be under observation by internal revenue officers; however, if the warehouseman elects to weigh such packages he will enter the shipping gross weights on Form 1619. Where packages are to be shipped in conveyances not sealed with Government cap seals the warehouseman will examine and weigh each package under the supervision of the storekeeper-gauger and enter the shipping gross weight on Form 1619. Where it is determined by the warehouseman or the storekeeper-gauger that any package bears evidence of unusual loss that cannot be satisfactorily explained, or of tampering, such package will be detained pending further investigation in accordance with the applicable provisions of §§ 225.480 to 225.495. Where a damaged package which has sustained an unusual loss from obvious cause other than theft or unauthorized voluntary destruction is found upon preparation for transfer, the package will be weighed and proofed and the apparent cause noted on Form 1619 in accordance with the applicable provisions of § 225.485. The quantity to be transferred shall not exceed the maximum stated in the application. Upon withdrawal for transfer to noncontiguous premises, the word "Transferred" followed by the date of transfer, the number of the receiving warehouse, and the State in which such warehouse is located, will be plainly and durably stenciled on the Government head of the package in letters and figures not less than one-half inch in height. These marks may be abbreviated as follows:

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Upon completion of the lading of the packages and the preparation of Forms 236 and 1619 the proprietor will deliver all copies of each form to the storekeeper-gauger. Forms 236 and 1619 will be disposed of in accordance with the provisions of § 225.750.

(68A Stat. 606, 647; 26 U. S. C. 5023, 5246)

(SS) Section 225.738 is amended as follows:

(1) By changing the first sentence to read as follows: "When the proprietor desires to transfer spirits in packages, tank cars, or tank trucks, to be filled from warehouse storage tanks, he will deliver a copy of Form 236 with a complete description of the spirits to the storekeeper-gauger in charge of the warehouse."

(2) By changing the third sentence, which begins "The storekeeper-gauger", to read: "The proof at which the spirits were distilled shall be noted on the original and five copies of Form 1520 covering the report of gauge."

(3) By inserting in the fourth sentence, which begins "The quantity", immediately after the words "six copies of Form 1520", the parenthetical phrase "(except when Form 1520 was prepared by the proprietor as provided in § 225.407)".

(TT) Section 225.747 is amended as follows:

(1) By striking the first and second sentences and inserting in lieu thereof the following new sentence: "Tank cars or tank trucks will be filled under the supervision of the storekeeper-gauger."

(2) By striking the fourth sentence, which begins "The officer" and inserting in lieu thereof the following new sentence: "The officer will enter, for each compartment of the conveyance, on Form 1520 (covering the gauge of the spirits) the level of the spirits above or below the full mark, and the temperature of the spirits at filling, for example: 'Filled two inches above full mark at 80° F.'"

(UU) Section 225.750 is amended as follows:

(1) By changing the headnote to read: *"Certificate of removal."*

(2) By inserting in the first sentence immediately after the words "of the spirits" the phrase "in containers other than packages".

(3) By inserting immediately after the first sentence the following new sentence: "If spirits are transferred in packages the warehouseman shall certify on all copies of Form 236 as to the accuracy of the description of the packages and the removal thereof, and if the spirits are contained in a conveyance sealed with Government cap seals the storekeeper-gauger will note on Form 236 the serial numbers of the cap seals used."

(VV) Section 225.751 is amended as follows:

(1) By changing the headnote to read: *"Receipt of spirits at warehouse."*.

(2) By striking the first three sentences and inserting in lieu thereof the following new sentences: "Upon receipt of the spirits at the receiving warehouse, losses or discrepancies will be ascertained and noted on Form 1520, 1619, or 1620, as the case may be, as provided in §§ 225.381, 225.382, and 225.384. The warehouseman will examine and weigh packages of spirits as provided in § 225.380 and will execute the certificate of receipt and deposit on Form 236. If the spirits are contained in a conveyance sealed with Government cap seals the storekeeper-gauger will indicate on all copies of Form 236 whether the conveyance was received with the seals intact and if the spirits are received in containers other than packages will execute the certificate of receipt and deposit."

(WW) Section 225.752 is amended by placing a period after the phrase "transferred in sealed conveyances" in the third sentence, which begins "If the applicant", and striking the remainder of the sentence.

(XX) Section 225.755 is amended as follows:

(1) By changing the headnote to read: *"Certificate of removal."*.

(2) By inserting in the first sentence immediately after the words "of the spirits" the phrase "in containers other than packages".

(3) By inserting immediately after the first sentence the following new sentence: "If spirits are transferred in packages the warehouseman shall certify on all copies of Form 236 as to the accuracy of the description of the packages and the removal thereof, and if the spirits are contained in a conveyance sealed with Government cap seals the storekeeper-gauger will note on Form 236 the serial numbers of the cap seals used."

(YY) Section 225.756 is amended as follows:

(1) By changing the headnote to read: *"Receipt of spirits at warehouse."*.

(2) By striking the first three sentences and inserting in lieu thereof the following new sentences: "Upon receipt of the spirits at the receiving warehouse, losses or discrepancies will be ascertained and noted on Form 1520, 1619, or 1620, as the case may be, as provided in §§ 225.381, 225.382, and 225.384. The warehouseman will examine and weigh packages of spirits as provided in § 225.380 and will execute the certificate of receipt and deposit on Form 236. If the spirits are contained in a conveyance sealed with Government cap seals the storekeeper-gauger will indicate on all copies of Form 236 whether the conveyance was received with the seals intact and if the spirits are received in containers other than packages will execute the certificate of receipt and deposit."

(ZZ) Section 225.935 is amended by striking from the first sentence the word "immediate".

(AAA) Section 225.951 is amended as follows:

(1) By changing the comma following the word "quadruplicate" in the first sentence to a period and striking the remainder of the sentence.

(2) By changing the second sentence, which begins "Upon receipt", to read: "Upon receipt of the application the storekeeper-gauger will satisfy himself that the spirits are eligible for bottling in bond and will inspect the packages."

(3) By striking from the fifth sentence, which begins "The packages", the words "and weighed".

(4) By striking the last sentence.

(BBB) Section 225.952 is amended to read as follows:

§ 225.952 *Gauge.* Packages of distilled spirits to be bottled in bond may be (a) dumped and gauged in the storage portion of the warehouse, (b) dumped in the storage portion of the warehouse and transferred to the bottling-in-bond department for gauging, or (c) removed to the bottling-in-bond department, dumped, and gauged. If the spirits are to be gauged and transferred to the bottling-in-bond department by pipeline, the packages will be dumped in the bulk gauge tank in the warehouse. The storekeeper-gauger will make his gauge of the spirits, report the details thereof on Form 1520, in triplicate, and complete his report on Form 1515. The storekeeper-gauger will also enter on Form 1520 the number of the gauging tank. If the spirits are to be removed in packages to the bottling-in-bond department or are to be gauged after receipt by pipeline in the bottling-in-bond department, the storekeeper-gauger in the warehouse will complete his certificate of removal for bottling on Form 1515. When the spirits have been released for transfer to a bottling-in-bond department, all copies of the application and the Form 1520, if gauged in a warehouse gauging tank, will be furnished to the storekeeper-gauger assigned to the bottling-in-bond department in order that such officer may inspect the spirits prior to the bottling thereof. If the spirits are received in the bottling-in-bond department in packages, they will be dumped for bulk gauging in dumping and reducing or in bottling tanks. Where the spirits are transferred to the bottling-in-bond department by pipeline prior to gauging they will be deposited in dumping and reducing or in bottling tanks. The storekeeper-gauger will make his gauge, either by weight or by volume, and will report the gauge on Forms 1520 and 1515 in the same manner as if the spirits had been gauged in the warehouse. He will at that time return the original of the Form 1520 to the storekeeper-gauger in charge of the warehouse. When the bottling is completed, the storekeeper-gauger will enter the details of the cases on Form 1515, forward one copy, with the Form 1520 attached, to the assistant regional commissioner, deliver one copy of each form to the proprietor, return one copy of Form 1515 to the storekeeper-gauger in charge of the warehouse, and file the remaining copy of Form 1515 in the bottling-in-bond department. Spirits taxpaid from the bottling department shall be considered as constructively returned to the storage portion of the warehouse. The storekeeper-gauger shall account for, as deposited, on Forms 1621 and 1513, all spirits bottled. Prior to the removal of cases of distilled spirits from the bottling-in-bond department, the proprietor will prepare Form 1620, in triplicate, and submit it to the storekeeper-gauger for signature. One copy of the form will be forwarded to the assistant regional commissioner, one copy will be given to the warehouseman, and the remaining copy will be filed as a permanent record as provided in § 225.1102.

(68A Stat. 645; 26 U. S. C. 5243)

(CCC) Section 225.953 is amended by striking the period at the end of the second sentence and all of the third sentence, which begins "The proprietor", and inserting in lieu thereof the following: "and deliver all copies to the storekeeper-gauger in charge of the warehouse.".

(DDD) Section 225.954 is amended as follows:

(1) By changing the first sentence to read: "Upon receipt of Form 1515 the storekeeper-gauger will examine the application and request for gauge."

(2) By striking from the last sentence the words "no discrepancies are found in the Form 1520 and".

(EEE) Section 225.955 is amended by changing the fifth sentence, which begins "Prior to", to read: "Prior to the removal of cases of spirits from the bottling-in-bond department, the proprietor will prepare Form 1620, in triplicate, and submit it to the storekeeper-gauger for signature."

(FFF) Section 225.960 is amended by inserting in the first sentence immediately after the words "tank for bottling in bond" the phrase "or which have been dumped in the warehouse but are to be gauged in the bottling-in-bond department".

(GGG) Section 225.966 is amended by striking from the first sentence the word "immediate".

(HHH) Section 225.972 is amended by striking from the last sentence the word "immediate".

(III) Section 225.974 is amended as follows:

(1) By inserting in the proviso of the first sentence, immediately after the phrase "brand labels or State stamps", the phrase "or the transfer in bond to another internal revenue bonded warehouse where brand labels or State stamps will be affixed".

(2) By inserting in the proviso of the third sentence, immediately after the phrase "provided in this section", the phrase "unless the cases are to be transferred to another internal revenue bonded warehouse prior to the affixing of the brand labels or State stamps,".

(3) By striking the last sentence and inserting in lieu thereof the following new sentences: "When spirits in cases temporarily sealed are returned to the bottling-in-bond department or are transferred in bond to another internal revenue bonded warehouse they must be kept apart from other spirits in the bottling-in-bond department until the work of attaching the brand label, or State stamp, or both, and permanent sealing of the cases has been completed; where the consignee warehouse does not have a bottling-in-bond department the assistant regional commissioner may authorize the labeling where space and facilities for such activities are available. The brand label to be affixed by the consignee warehouseman must be covered by an appropriate certificate of label approval or a certificate of exemption from label approval issued under the Federal Alcohol Administration Act."

(JJJ) Section 225.985 is amended by striking the first and second sentences and inserting in lieu thereof the following new sentence: "Distilled spirits shall be bottled in bond for export in bottles containing less than 5 wine gallons."

(KKK) Section 225.997 is amended by striking the word "quintuplicate" and inserting in lieu thereof the word "quadruplicate".

(LLL) Section 225.1016 is revoked.

(MMM) Section 225.1046 is amended as follows:

(1) By striking from the first sentence the words "and in no other".

(2) By inserting immediately after the first sentence the following new sentence: "When bottles containing spirits are of sizes for which stamps in the exact denominations are not provided, the warehouseman will use stamps of the denomination nearest the actual quantity of spirits contained in the bottles, and will strike out the original denomination and print or write on the stamps the exact quantity of spirits contained in the bottles."

(NNN) Section 225.1103 is amended by changing the first sentence to read as follows: "When spirits are to be withdrawn, the storekeeper-gauger shall, upon presentation of the proper withdrawal form by the proprietor, secure from his file the Form 1520, 1619, or 1620, covering the deposit of the spirits, including blended brandy returned to the storage portion of the warehouse from the brandy-blending department, or spirits contained in consolidated packages, and except for packages transferred in bond shall verify the details of the entry gauge transcribed to the withdrawal form."

(OOO) Section 225.1120 is amended to read as follows:

§ 225.1120 *Record and report of removals from warehouse.* Every proprietor of an internal revenue bonded warehouse shall file with the assistant regional commissioner a monthly report, on Form 52C, of the total quantities of bulk and bottled-in-bond distilled spirits removed from the internal revenue bonded warehouse during the month, not later than the 10th day of the month succeeding that for which rendered. Every proprietor shall prepare a commercial record covering the physical removal of each lot of taxpaid distilled spirits which shall show (a) name and address of consignee, (b) date of removal, (c) kind of spirits, (d) name and registry number of the distiller, (e) number of packages and cases, (f) quantity of spirits (tax gallons), and (g) serial numbers of the cases or packages, unless serial numbers are shown on commercial papers attached thereto. Taxpaid removals of spirits shall be entered in commercial records before the close of the business day next succeeding the day on which the transactions occur. Form 52C will be provided by the proprietor at his own expense and shall, together with the commercial records, if any, be preserved on the premises of the warehouse for 2 years, and during such period shall be available, during business hours, for inspection and the taking of abstracts therefrom by internal revenue officers.

(68A Stat. 619, 637; 26 U. S. C. 5114, 5197)

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

[Docket No. AO–243]

HANDLING OF MILK IN CENTRAL ARKANSAS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Little Rock, Arkansas, on January 4–12, 1955, pursuant to notice thereof which was issued December 15, 1954 (19 F. R. 8709), upon a proposed marketing agreement and order regulating the handling of milk in the Central Arkansas marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on July 15, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on July 20, 1955 (20 F. R. 5166).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues of record related to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a milk marketing agreement or order;

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

The hearing notice included proposals to include as part of the marketing area the counties of Howard, Sevier, Hempstead, Miller, Lafayette, Columbia, and Ouachita in Arkansas and Bowie in Texas. The record evidence indicates that marketing conditions in the aforementioned counties are not similar to the extent that it would be advisable to include them under an order with the Central Arkansas area. Decision on the material issues as they pertain to the enumerated counties is reserved for later determination.

Findings and conclusions. The findings and conclusions with respect to the material issues for the area being considered, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

1. *Character of commerce.* The handling of milk in the proposed Central Arkansas marketing area is in the current of interstate commerce, and directly burdens, obstructs or affects interstate commerce in milk and its products.

The marketing area specified in the proposed order, hereinafter known as the Central Arkansas marketing area, includes all of the territory within the boundaries of the counties of Pulaski, Jefferson, Faulkner, White, Clark and Garland. All of the counties are in the State of Arkansas. Approximately 1000 producers located in the State of Arkansas supply about 9 million pounds of milk per month to about 12 milk plants which distribute fluid milk to consumers in the proposed area. Milk from two major distributors in this group is distributed regularly in Tennessee. Nearly half of the Class I sales from one plant are to outlets in the Memphis, Tennessee marketing area. One of the plants also distributes milk in Oklahoma.

Local supplies of milk have been inadequate to meet Class I needs plus adequate reserves each month of the year for several years. Handlers who supplied fluid milk to the proposed marketing area have been required to make frequent imports of bulk Grade A milk from sources in Oklahoma, Illinois, Missouri, Tennessee, and Wisconsin. The record indicates that between 6 and 7 million pounds of supplemental milk was received by these handlers from sources other than producers during the year prior to the hearing. This milk was commingled with milk received from local producers and marketed to fluid outlets both in the State of Arkansas and elsewhere.

2. *Marketing conditions.* The issuance of a marketing agreement or order will tend to effectuate the declared policy of the act.

The Central Arkansas market is characterized by unstable marketing conditions. The conditions which have resulted in unrest and instability in this area are typical of those encountered in the fluid milk industry in the absence of a well-defined marketwide classified pricing plan.

The record discloses that a large proportion of the producers in the proposed marketing area are members of the Central Arkansas Milk Producers Association. The association has had contracts for the sale of its producers' milk for the past two or three years with all but one of the major handlers. These contracts covered most of the producer milk received by Little Rock handlers, and part of that received by handlers doing business in the surrounding areas which would be included under this proposed order.

Such contracts provided a base rating plan as a method for paying producers. Under this plan producers received a price equal to the average of Class I prices in eight Federally regulated markets for all milk delivered during a six-month base forming period. Throughout the remainder of the year, they received such base price for all or a portion of their base milk. All excess milk, and at times some base milk, has been paid for at surplus prices. The proportion of base milk paid for at surplus prices has been the same for all handlers.

Under the foregoing arrangement, the handlers' costs of milk have not been dependent upon the utilization made of milk, and have varied from one handler to the next. Such variations in the average cost of milk are accounted for largely by differences in seasonal pattern of purchases from producers, and in part by differences in the proportion of milk purchased from outside sources at different prices. Under conditions such as these, any handler could obtain lower than overage cost for producer milk used in Class I, even though prices were the same to all handlers, through regulating the amount of milk he accepted from producers at different seasons of the year.

Thus, each handler has the incentive to receive milk in such a way as to obtain as much of his milk as possible at surplus prices. To the extent a handler can use his excess milk for Class I sales, he stands to gain an advantage of 2 to 4 cents per quart of milk relative to his competition. It is possible to increase the use of excess milk for Class I sales by expanding Class I sales in the months of flush production, or by establishing a low wintertime base in relation to his bottled or Class I sales. The latter can be accomplished by receiving less milk from producers and by placing increased reliance during the fall and winter on milk from other sources. The net result of such competitive conditions is to interfere with the maximum production of milk at prevailing prices, and to weaken the incentive for handlers to maintain the dependable supplies of quality milk needed by the market. It has resulted also in competition for milk sales at price levels insufficient to assure orderly marketing of quality milk in the Central Arkansas area.

Producer representatives testified that efforts to get handlers to purchase milk on a utilization basis have failed. The uncertainty among handlers as to product cost of competitors, and the incentives to buy milk on a basis so as to avoid the Class I costs incident to the producer contract, have brought about substantial market instability. Two large handlers have given notice to the association of intention to cancel the contract, such cancellation to become effective 9 months after notice. The association was unable to obtain reinstatement of the contract.

Another unstabilizing element in the Central Arkansas market is the fact that one of the major handlers has been regulated at times under Order No. 76 regulating the handling of milk in the Fort Smith, Arkansas, area, while another has been subject to Order No. 18 regulating the handling of milk in the Memphis, Tennessee, area. The pricing, payment, and base rating provisions of these orders are somewhat different, and producers claim that such variations have led to disturbances in the purchasing and marketing of producer milk in the area.

The hearing record indicates rather general agreement among various interests in the market that the instability and market chaos are such that an overall system of classification and pricing of milk should be adopted, and that for such a system to be effective it must be carried out under governmental authority.

The record indicates also that there is a lack of market statistics for this area. Such information is essential in achieving a level of Grade A milk production commensurate with consumer demand for Grade A fluid products at different seasons of the year. Some data are available from health authorities. The producers' association has partial figures on local milk supplies. This information, however, is not fully satisfactory to the needs of the market, since current monthly data are required by both handlers and producers to evaluate changes in supply and demand conditions for the purpose of arriving at appropriate prices.

It is concluded that the issuance of a marketing agreement and order for the Central Arkansas marketing area would contribute substantially to the improvement of many of the conditions complained of, and tend to effectuate the declared policy of the act; namely, to establish and maintain, by means of the regulatory provisions expressly provided for in the act for such purposes, such orderly marketing conditions in the area as will tend to establish prices to the producers of milk for the marketing area at a level as will reflect the factors set forth in Section 8 (c) (18) of the act, insure a sufficient quantity of pure and wholesome milk for the marketing area, and be in the public interest.

3. *Order provisions*—(a) *Scope of regulation—Marketing area.* The Central Arkansas marketing area should include all of the territory within the boundaries of the counties of Clark, Faulkner, Garland, Jefferson, Pulaski and White, all in the State of Arkansas. The largest urban centers in these counties are Little Rock, Hot Springs, Conway, Searcy, Pine Bluff and Arkadelphia.

The proposed area is served primarily by a group of about twelve handlers. These handlers distribute by far the largest share of their fluid milk sales either in the proposed area, or in marketing areas regulated under other Federal orders. A comparatively small percentage of their fluid milk sales outside the proposed area are in competition with unregulated handlers.

Because of the small proportion of the total milk sales by Central Arkansas handlers in competition with handlers who would be unregulated, it is considered unnecessary to include within the marketing area all of the counties proposed for regulation. It would be impossible to define a marketing area where no overlapping of sales would be involved. Extension of the marketing area to include the entire area in which regulated handlers distribute milk would bring handlers and areas dominated by somewhat different marketing conditions under uniform regulations with handlers doing business primarily in the central part of the State. The evidence does not indicate that failure to bring under regulation areas not herein recommended will result in instability to market conditions in the proposed area, or that regulation on such a scale would solve more problems than it would create.

There is a large degree of competition of milk sales in the proposed area among handlers who would be regulated. Most of the handlers serving Pulaski County compete with each other throughout the metropolitan area of Little Rock. One or more of these handlers has substantial sales in each of the counties outside Pulaski, recommended for inclusion in the marketing area. Four distribute milk in Faulkner, two in Garland, three in Jefferson, three in White, and one in Clark.

State health regulations with respect to quality standards and labeling of Grade A milk apply uniformly throughout the proposed marketing area. No milk may be sold in the area for fluid consumption unless it meets the minimum Grade A standards of the state.

Several of the cities within the proposed area have health ordinances of their own, which have standards at least equal to those imposed by the state. State officials recognize the inspection services of these individual cities, but make periodic checks to verify the enforcement of such local ordinances.

The record indicates that milk sold throughout the area is of approximately equal minimum quality. Milk from the Little Rock market is accepted throughout the area. There is no evidence that milk from any of the local health jurisdictions has been refused under present ordinances or would not now be acceptable in all other such jurisdictions in the area as well as to the state authorities.

Designation of plants and milk to be subject to regulation. Provision should be made in the order to designate clearly what milk will be subject to pricing provisions of the order. For this reason, definitions of handlers, milk plants, producers, producer milk, and other source milk should be provided. Such definitions will permit unequivocal reference to these persons or items throughout the order.

The term "handler" should be used to designate the operator of a milk plant which supplies or distributes milk for fluid consumption in the marketing area. Handlers are the persons who should be required to report the sources and utilization of milk, the handling of which is to be regulated, and should be held responsible for paying for milk received from producers in accordance with the terms of the order. In case a person operates more than one plant which is subject to the order, he should be a handler with respect to the combined operations of such plants, unless the plants are operated on a completely independent basis, so far as Class I sales and procurement of producer milk are concerned. If the handler operates other plants in no way associated with the regulated market, he would not be a handler with respect to such plants. Producer-handlers (who produce their own milk supply) and operators of approved plants which do not qualify as pool plants should be included as handlers in order to require such persons to report to the market administrator as necessary to verify their status.

A cooperative association which markets the milk of its producer members may, during periods of flush production, need to divert producers' milk from pool plants to nonpool plants for disposal as Class II milk. If such an association is defined as a handler for such milk, the producers whose milk is so diverted may continue to share in the overall utilization of milk under the order. The provisions of the order should be such that milk of such producers will be available for fluid use when needed in the regulated market in the fall months, or at other times.

The minimum class prices of the order should apply to that milk eligible for distribution as Grade A milk in the marketing area, which is received from dairy farmers at plants primarily engaged in distributing fluid milk on retail and wholesale routes in the marketing area, or in supplying bulk milk to such distributing plants. These plants should be defined as "pool plants." Each plant from which a substantial share of the milk is supplied to the marketing area should be fully subject to the pricing and pooling provisions of the order. This is necessary to assure the effectiveness of the order in achieving the objectives of the Agricultural Marketing Agreement Act. A plant not supplying such portions of its milk to the market should not be subject to pricing and pooling under the order.

As pointed out elsewhere herein, the order should provide for a marketwide pool. Such a pool is considered essential to the stable and orderly functioning of the market. Since the marketwide pool results in payment to all producers on an average utilization for the market, individual handlers are relieved of any responsibility for maintaining a high Class I utilization in order to support their pay rates to producers. Whatever utilization of milk a handler may have, his rate of pay to producers will be the same as that of all other handlers in the market. Thus, it is possible that status with respect to the pool may become a determining factor in guiding a handler's operation.

The scope of pooling, or the rules for distributing the returns from Class I sales under the order must be such that the differentials over manufacturing milk values paid by users of Class I milk will serve the purpose for which they are intended.

The premium, or differential, over the manufactured milk price paid for Class I milk is essential as an incentive to producers for producing milk of the quality required, and at the time needed by consumers. Extra costs are involved in providing sanitary surroundings for the dairy herd, and in maintaining milk production during the fall and winter months when feeding and housing costs increase. Extra costs are involved also in handling of milk for fluid use, since

it must be refrigerated, handled through sanitary utensils and facilities, and marketed promptly.

The extra costs thus involved for Grade A or fluid milk producers must be borne by that share of the milk which is marketed as Class I milk. Excess or reserve milk, although an essential part of a fluid milk business, cannot be expected to return more to producers than a manufactured milk value. The only outlet for reserve milk not needed for fluid use is in the form of manufactured products. Such products must be marketed in competition with similar products made from ungraded milk throughout the country.

Since the production of high quality milk involves extra expenses, it is important that the amount of milk produced under Grade A inspection be no more than the minimum necessary to provide the market with an adequate and dependable supply of quality milk. To encourage more than enough production of such milk would represent an economic waste, since the expenditures involved in producing Grade A milk not an essential part of the market supply would not result in extra value to consumers equal to the cost involved.

One of the primary problems, then, in defining pool plants is to establish rules which will provide for the sharing of Class I sales (Class I differentials) among the sources which are primarily associated with the Central Arkansas market and which are a regular part of the milk supply.

The Class I prices proposed herein are set as nearly as possible at the minimum levels considered necessary to encourage the required amount of milk production. The resulting returns should be distributed in such a way as to assure the market of the maximum dependable supply of quality milk which can be obtained at these prices. In order to do this, provision is made that equalization of market sales should be only to plants meeting reasonable performance standards with respect to supplying their producer milk to the market.

Plants only casually, or incidentally associated with the market should not be subject to complete regulation, nor should they be permitted or required to equalize their sales with all handlers in the market. If a milk plant were permitted to share, on a pro rata basis, the Class I utilization of the entire market, without being genuinely associated with the market, then the premiums or differentials paid by users of Class I milk would be subject to dissipation without accomplishing their intended purpose. If a plant were to be qualified and fully regulated merely by making a token shipment of milk or cream into the market for sale as Class I milk, then any milk plant which found itself in a position where it was selling a smaller share of its milk in Class I than the average for all regulated handlers might make such shipment and receive equalization payments from the pool. The only qualification such a plant would be required to meet would be in compliance with the necessary health department standards.

The mere circumstance of having obtained health department approval, plus the token shipment of milk, is not sufficient justification for equalizing the sales of such plant with the market. There are several different health authorities having jurisdiction in various parts of the marketing area. In the absence of pool plant performance standards, approval by any one of these authorities, or reciprocal acceptance of permits by them, might entitle a plant to participate in the equalization pool. There is no reason to assume that each of these health departments would refuse an application for approval because they had determined that the milk from an applicant plant was not entitled to pool with the market, or that the basis for such refusal would be uniform for each health authority, or that such standards as might be applied for this purpose would be appropriate to effectuate the declared policy of the act.

Since reserve milk is an essential part of any fluid milk business, there will always be some excess milk in the plants of handlers supplying other markets. This will be particularly true in the months of flush production. Plants selling primarily to other markets, or plants shipping milk on an opportunity basis to any market where supplies happen to be short, do not represent sources of milk on which the market may depend. If such plants were allowed to sell a token quantity of milk in the marketing area, and pool their surplus whenever Class I outlets were not available to them, the result would be that such handler could gain an advantage in paying producers through receipt of equalization payments from the pool.

The market, however, would gain no advantage from the payment of equalization to such handler. Such distribution of equalization payments would, in fact, reduce the blend price to producers regularly supplying the market, thereby having an adverse effect on the milk supplies upon which the market depends. This could result in the need for higher Class I prices than would otherwise be required to supply the market adequately.

Performance standards are necessary also to avoid unnecessary or undesirable extension of regulation. Full regulation of all supply plants might handicap the market in the business of securing supplemental milk supplies during the months of low production, since unregulated plants would be unlikely to sell one or two tankloads of milk, if such sales resulted in regulation under the proposed order. The record discloses that Central Arkansas handlers normally require supplemental supplies of milk to meet their Class I sales in the months of lowest production. Under the proposed order, an unregulated plant may supply some of this milk without incurring full regulation.

Performance standards should be flexible enough to allow a plant which is primarily associated with the market to maintain its association with the pool under the changing conditions which occur from year to year, and yet not permit the distribution of equalization payments to plants not part of the essential supply. The performance standards herein provided are such that these objectives should be accomplished.

Milk plants primarily associated with other Federally regulated markets, and subject to full regulation under another order, should be exempt from regulation under the Central Arkansas order.

All facilities, premises, and buildings of a milk plant should be considered as part of the same pool plant, regardless of health authority restrictions on the use of any portion thereof. This will enable the market administrator to enforce the order more fully, and assure the assignment of producer milk to all Class I milk disposition from the plant.

If a handler operating a dual plant is disposing of nothing but Class II products from the ungraded portion of his plant, this may have no effect on his milk cost, since the skim milk and butterfat he uses in the nonfluid portion of the plant will be assigned to the Class II dispositions involved. If any Class I disposition is made from any portion of a plant, it should be assigned first to producer milk to the extent producer milk is available. It is not feasible, or necessary, for a market administrator to attempt to follow milk or milk products through a plant to determine which product is used for which purpose. If Class I milk is to be disposed of from any portion of the plant, it is logical to assume that the plant operator would use his best quality product for such purposes to the extent it is available.

Because of the difference in marketing practices, and in demands for supplies of milk from plants which are primarily in the business of distributing Class I milk, as contrasted to supply plants which furnish bulk milk to distributing plants, two sets of performance standards have been provided. These standards, and reasons therefor, are as follows:

In order to qualify as a pool plant, a "distributing plant" should be required to distribute at least 10 percent of its milk from producers and other pool plants during the month as Class I milk on retail or wholesale routes to outlets in the marketing area. Distribution of milk through vendors or plant stores should be included to the extent that sales through such outlets are in the marketing area.

A distributing plant having more than 90 percent of its business outside the marketing area, or in other outlets, should not be considered as essentially associated with the market. It is not considered advisable to bring such a plant under full regulation, in order to control the minor share of its business which is in the marketing area. Full regulation, in such case, would not be necessary to accomplish the purposes of the order, and might well place such plant at a disadvantage in relation to its competitors in supplying the unregulated market.

Such a minimum is necessary, also, to avoid the possibility that a plant otherwise not associated with the market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market, by means of minor sales in the marketing area.

It is contemplated that only plants primarily engaged in route distribution of fluid milk, and Class I products should be qualified as pool plants under this definition. In order to preserve this distinction, a further condition is placed on distributing plants that their total distribution of Class I milk on routes to wholesale or retail outlets, both inside and outside the marketing area, must amount to at least 50 percent of their receipts during the month of milk from producers and from other pool plants. Any plant which does not qualify on this basis should be deemed to be primarily a bulk supply plant, and its status under the pool should be judged by the standards applicable to such plants.

Evidence in the record indicates that most plants doing business in the marketing area dispose of their milk in such a way as to exceed, by a considerable margin, the minimum performance standards necessary to qualify as pool plants under this order.

There are, at the present time, no "supply plants" primarily associated with the Central Arkansas market. However, in case a handler should desire to supply the market through use of a supply plant, and bring such plant under the pool, provision should be made in the order whereby this would be possible. The performance standards for supply plants to qualify for pool status should reflect the fact that Central Arkansas is typically a short market. Distributors need all of the milk available from producers in order to keep their Class I outlets fully supplied on an annual basis. In order to assure that all the producer milk which is pooled with the market will be available for Class I sale, percentage standards should be set at levels which require that the milk will be available. If conditions in the market should change so that Class I outlets are adequately supplied with producer milk, and the percentage standards proposed herein are not necessary to assure the availability of such producer milk for Class I sales, the standards should be subject to review.

Under present circumstances, it is concluded that a plant should dispose of at least 50 percent of its receipts of milk from producers in any month in the form of supplemental supplies of milk, skim milk or cream shipped to distributing plants, in order to qualify for pool status. Unless more than half of the milk from such plant is disposed of in this manner, a supply plant should not, under the present conditions in the area, be considered as primarily associated with the market.

It is recognized, however, that the demand for milk from supply plants is rather seasonal. The primary function of most supply plants, particularly those on the fringes of any milkshed, will be to furnish milk to distributing plants during the season of low production. In the months of flush production, supplies of milk received at plants located in or near the marketing area may be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the most distant milk in the country for manufacture, and use local supplies for Class I use. The performance provisions should not force milk to be transported to distributing plants in the spring and summer to be manufactured, in order to maintain the eligibility of supply plants to pool.

In order to provide for handling the milk in the manner described, a supply plant should be allowed to remain in the pool throughout the year, if it qualifies under the foregoing standards during each of the months of August through January.

The order should provide a definition of "producer" in order to designate the dairy farmers whose milk is to be subject to the pricing provisions of the order. This definition should include any person who produces milk in compliance with Grade A standards, and ships such milk to a plant fully regulated under the order. Because of the widespread use of reciprocal inspections by health authorities, the Grade A inspection of any duly constituted health authority should be considered appropriate to qualify a person as a producer. Any Grade A milk which enters a plant may be distributed for fluid use, and as a result, be subject to the same pricing provisions of the order.

The record discloses that some milk, not needed for Class I use in the area, has been diverted from producer farms directly to manufacturing plants for disposal. This has obviated duplication in handling at fluid plants which are not equipped to manufacture such reserve supplies of milk. Provision should be made in the order, therefore, to allow a handler to maintain milk of regular producers under the pooling and pricing provisions of the order, even though it may be diverted from manufacture during periods of excess supply. Diversion privileges should not be extended during periods of market shortages, since handlers might thereby be enabled to keep milk pooled with the market, even though such milk were not available for Class I use when needed. Excess supplies during the months of lowest production normally occur only on weekends or holidays. Provision for diversion of a producer's milk on no more than 10 days during any of these months should provide adequate opportunity for disposal of excess milk in this period.

Cooperative associations of producers, which qualify as bona fide representatives of producers, and which are authorized to market the milk of member producers, should be allowed the same diversion privileges as fully regulated handlers.

"Producer milk" should be defined in the order to identify the milk received from producers at pool plants. This milk would include milk diverted in accordance with order provisions, and represents the milk which is to be priced. "Other source" milk should be defined as fluid milk (Class I) products received from sources other than producers or pool plants, and should include nonfluid products, if they are reprocessed or reconverted in a pool plant. The latter products should be included, since they may enter into the Class I market if they are utilized by the plant in the production of other items. Other source milk, therefore, represents the skim milk and butterfat at the plant which enters into the operation in such form that it may be utilized in Class I milk, but which originates from sources not priced as Class I milk under the order.

(b) *Classification of milk.* Milk received by regulated handlers should be classified on the basis of the form in, or the purpose for which it is used, as either Class I milk or Class II milk.

The products which should be classified Class I milk are those distributed to the consumer in fluid form. This includes milk, skim milk, cream, and various mixtures thereof, including those flavored or cultured. These are the perishable products which require expedited handling and careful quality control. These are the products which are normally made from milk inspected and supervised from point of production by local health authorities. The extra cost of getting approved milk produced and delivered to the market, in the quantities required, makes it necessary to provide a price for milk used in Class I products somewhat above the manufacturing milk price. Through classification, milk utilized for these purposes may be priced in accordance with the needs of the market for maintaining production of quality milk.

Excess milk not needed seasonally or at other times for Class I use, must be disposed of for use in manufactured products. These products are not required to be made from inspected milk and must be sold in competition with products made throughout the country from unapproved milk. Milk so used should be classified as Class II milk, and priced in accordance with its value in such outlets.

In accordance with these standards, Class I milk should comprise all skim milk (including concentrated or reconstituted nonfat milk solids) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream and any mixture of cream and milk or skim milk (except sterilized products in hermetically sealed containers, eggnog, ice cream mix and aerated cream); and (2) not accounted for as Class II milk.

Fluid milk products such as skim milk drinks and buttermilk, to which extra nonfat solids have been added, should be included under the Class I milk definition, and all of the solids therein should be priced at the same rate. Products, such as evaporated or condensed milk in hermetically sealed cans, should not be considered Class I milk, since they may be made from ungraded milk, and need not be handled as the more perishable fresh fluid items.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from producers, and therefore should be classified separately according to their separate uses. The skim milk solids and butterfat content of milk products received and disposed of by a handler, can be determined through testing procedures. Some manufactured products, such as ice cream and condensed products, present a more difficult problem of

testing in that some of the water contained in the milk has been removed. It is desirable, in the case of such products, to provide an acceptable means of ascertaining the amount of skim milk and butterfat contained in, or used to produce, these products. This may be accomplished through the use of adequate plant records made available to the market administrator, or by means of standard conversion factors of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any condensed milk product should be based on the pounds of milk or skim milk required to produce such product.

Butterfat and skim milk disposed of from the plant in the form of the aforementioned fluid milk items should be classified Class I milk when they leave the plant, subject to reclassification only in case they are transferred to other milk plants for manufacture, under conditions hereinafter described.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. Included as Class II milk are products such as ice cream mix, butter, cheese, cottage cheese; evaporated and condensed milk (plain and sweetened) and nonfat dry milk solids.

Butterfat and skim milk used to produce Class II products should be considered to be disposed of when so utilized, and will not enter into the classification picture again unless reused or reconverted. Handlers will need to maintain stock records on such products, however, to permit audit of their records by the market administrator to verify utilization in Class II milk. Class II products from any source, including those produced in the plant, which are utilized for further processing or manufacture, should be considered as a receipt of other source milk.

Handlers must be held responsible for a full accounting of all their receipts of skim milk or butterfat in any form. A handler who first receives milk from producers should be responsible to the market administrator to establish the classification of, and make payment to producers for, such milk. Except for a normal amount of shrinkage which may be classified in Class II, all skim milk and butterfat which is received, and for which the handler cannot establish utilization, should be classified Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records, and to assure that producers receive full value for their milk on the basis of its use. It is necessary to place the burden of proof on the handler, in order to establish the utilization of any butterfat or skim milk as other than Class I milk, since the market administrator cannot assume primary responsibility for tracing the utilization a handler makes of his milk.

Pool plants normally will have inventories of fluid milk products on hand at the beginning and end of each month, which must be considered in accounting for current sources and utilization of butterfat and skim milk. Accounting procedure will be facilitated by providing that month-end inventories of all products designated as Class I milk, regardless of whether such products are held in bulk or in packages, should be classified Class II milk. Inventories of products so classified will then be assigned to Class II use the following month. If any fluid milk products, derived from producer milk, are classified Class II milk because they are held in month-end inventories, and then later used in Class I milk, the higher use value should be reflected to producers.

Inventories of fluid milk products on hand at a pool plant at the beginning of any month during which such plant becomes a pool plant for the first time should likewise be subtracted from the Class II utilization of the plant during the month. This will preserve the priority of assignment of current producer receipts to current Class I use.

Although handlers should be expected to keep complete account of their utilization of skim milk and butterfat, there is normally a certain amount of shrinkage for which no disposition can be shown. The record shows that 2 percent is a reasonable maximum shrinkage allowance based on operating experience.

Shrinkage should be determined by subtracting, from the total pounds of skim milk and butterfat received by the handler, his total established utilization thereof, respectively, in various products. Shrinkage not in excess of 2 percent of the handler's producer milk and other source milk should be prorated on the basis of the pounds from each of these sources. None of the shrinkage should be assigned to milk received from other pool plants, because shrinkage on such milk will be allowed to the transferring handler.

It is concluded that shrinkage of butterfat or skim milk, which is not more than 2 percent of total amount thereof in producer milk and other source milk should be classified as Class II milk, and any shrinkage in excess of this quantity should be classified Class I milk.

Transfers. As pointed out previously, some fluid milk products may be disposed of to other plants for Class II disposition. Classification of any product transferred or diverted to another plant should, under certain circumstances, be determined according to its utilization in the plant to which transferred.

Fluid milk products transferred from one pool plant to a pool plant of another handler, except that of a producer-handler, should be classified Class I milk, unless both handlers indicate, in their reports to the market administrator, that they desire such milk to be classified Class II milk. However, sufficient Class II utilization must be available at the receiving plant for such assignment, after prior allocation of shrinkage and other source milk as hereinafter described. On the other hand, if the transferring handler had other source milk during the month, the assignment of products transferred to another pool plant to the Class I utilization of such plant should be limited so that other source milk in the transferring handler's plant will not be allocated to Class I milk while producer milk is allocated to Class II milk in the receiving handler's plant.

Milk, skim milk and cream disposed of in bulk form to a nonpool plant, including milk which is diverted (sent directly to the nonpool plant from the producer's farm) should be classified Class I milk, unless certain conditions are met. One of these conditions is that the operator of the nonpool plant, if requested, must make his books and records available to the market administrator for the purpose of verifying the source and utilization of milk in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to assure that producer milk will be paid for in accordance with its utilization. Classification as Class II milk should be limited to the amounts of such actual use in the nonpool plant.

Class I milk items transferred to a producer-handler should not be subject to reclassification, since such handlers normally purchase these items strictly for Class I use. Milk received from producer-handlers should be treated as other source milk, since such milk is unpriced.

The class prices of the order apply only to producer milk. It is necessary, therefore, if a plant has butterfat or skim milk other than that received in milk from producers, to determine the quantities of milk in each class to be assigned to producers. The milk of producers (as defined under the order), who are primarily engaged in supplying the Central Arkansas market, should be assigned to Class I utilization first. This is necessary to insure the stability of the classified pricing program. If the order permitted handlers to obtain other source milk for Class I use, whenever it was advantageous to do so, while producer milk in the plant was utilized in Class II milk, the order would not be effective in carrying out the purposes of the act. Also, the market might be deprived of a dependable supply of quality milk. Class II items utilized in reprocessing or manufacturing at the plant during the month will also be assigned as other source milk. This will mean that such products also will be allocated first to Class II use, thus maintaining priority of assignment for current receipts of producer milk to Class I sales. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in § 908.45 of the attached order.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described above should be carried out with respect to all milk received during each month. Some variations in utilization and importation of other source milk may occur from day to day throughout the month, but all handlers will be on an equal basis in this respect.

(c) *Class prices.* Class I prices should be established at a level which, in conjunction with the Class II prices hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate, but not excessive, supply of quality milk to meet the fluid requirements of the marketing area.

The maintenance of stable conditions in the market requires that Class I prices

be adjusted whenever the supply of milk is out of line in relation to sales of milk for fluid use. If prices remain too low, insufficient quantities of milk will be produced to assure that the Class I market will be fully supplied. Conversely, if prices are too high, production will be overstimulated and consumption curtailed. This would cause more milk to be produced than is needed to satisfy the demand for Class I milk, resulting in the development of unnecessary and uneconomic surpluses.

When milk produced locally is insufficient to meet the Class I needs of the market, supplemental supplies of Grade A milk are purchased by handlers in the Central Arkansas area from plants located over a wide geographic area. Prices of this milk fluctuate to a considerable extent on the basis of changes in the value of milk produced for manufacture. Other items which determine the prices at which such milk will be available to Central Arkansas handlers include the cost of transporting such milk to the marketing area, and other Class I outlets for it, such as sale to surrounding markets.

Proper recognition must be given the prices at which alternative sources of supply are available, especially since any milk plant wherever located may, by meeting the prescribed qualifications, become a pool plant under the order. It is necessary, therefore, that the Class I price under the proposed order should not be set at levels which will bring the cost of such milk above the cost of obtaining Grade A milk supplies regularly from other sources.

It is concluded that the Class I price for the Central Arkansas area should be fixed in relation to the general level of the value of milk used to produce manufactured dairy products. To achieve this end, a basic price formula should be adopted which will reflect such general level, and to which differentials should be added to reach the appropriate Class I price. Such basic price should be the higher of (a) the average of the prices paid by the 13 "Midwestern Condenseries," (b) a price computed on the basis of the daily quotations for 92-score butter at Chicago and prices paid for nonfat dry milk solids f. o. b. manufacturing plants in the Chicago area or (c) a price based primarily on the value of milk used for cheese manufacture.

The purpose of such basic price is to give consideration to the national economic factors underlying the price for milk for manufacturing uses, which prices, it has been determined, influence the local market prices. Prices for milk used for fluid purposes in competitive markets are related to the prices paid for milk used for manufacturing purposes. Production and marketing of milk for each type of manufacturing outlet are subject to many of the same economic factors. Since the market for most manufactured products is countrywide, prices of manufactured dairy products reflect, to a large extent, changes in general economic conditions affecting the supply and demand for milk. Fluid markets are affected to a large extent by these conditions in that producers may and do shift between ungraded and graded milk production. It is for these reasons, most of the fluid milk markets from which Central Arkansas handlers may purchase alternative, or supplemental milk, or to which they sell milk have Class I pricing formulas based on butter, nonfat dry milk solids, and cheese prices, or the prices paid by condenseries subject, in each case, to differentials over these basic or manufacturing prices. Such differentials are those considered appropriate in each case to cover the cost of meeting quality requirements in the production of adequate supplies of market milk, and transportation costs to the particular fluid market.

The alternative prices in the basic formula proposed herein are the same as those used under the Memphis, Tennessee, order and are similar to those used in many other Federally regulated markets. The price computed under this basic formula averaged $3.57 for 1954.

Memphis is the market with which Central Arkansas handlers are in primary competition. As pointed out heretofore, one major handler serving the proposed area sells nearly half of his milk on routes to the Memphis market. One other large handler in Little Rock has sold substantial volumes of milk to contract outlets as well as on retail or wholesale outlets in the Memphis area. The evidence does not indicate, however, that any Memphis handler distributes milk in the Central Arkansas area.

The price received by Central Arkansas producers for 4.0 percent base milk under the association's contract with handlers averaged $5.12 for the year 1954. The record indicates that this is not a true cost for Class I milk however, since all producer milk utilized by handlers as Class I milk was not paid for at the base price. Excess prices were somewhat below $3.00 most of the time.

The hearing record does not contain complete data which accurately reflect the receipts and sales of fluid milk in the Central Arkansas area. It appears clear, however, that prices which have prevailed in the area have not resulted in milk production sufficient to meet Class I requirements at all times during the year. It is questionable, on the other hand, whether the system of milk purchasing which has existed in the market has been fully effective in encouraging maximum milk production at the prices actually paid. In the absence of adequate data, and because the previous price and supply history of the market cannot be fully relied upon, it is not possible to arrive at an appropriate Class I price for Central Arkansas on the basis of local experience alone. However, because of the large degree of sales competition between the Memphis and Central Arkansas markets, and because of the general location of both markets in relation to other supply and sales areas, it is concluded that for the present at least, the same stated Class I differentials over basic formula price should be provided for Central Arkansas as are provided for the Memphis market. Handlers in the two markets compete not only for Class I sales in the Memphis area, but both markets often require substantial volumes of supplemental milk. Handlers from both areas may be expected to purchase such milk on the same general competitive market. The distance of the two markets from alternative supplies is in general approximately the same.

The pricing formula proposed herein will result in the same price for the two markets, except that the Memphis order contains a supply-demand provision which adjusts the price under that order in accordance with local shortages or surpluses. While the hearing record discloses some need for a similar provision in the Central Arkansas area, data presently available do not provide an adequate basis for drafting one which could be expected to adjust Central Arkansas prices in line with local market needs. It is concluded, therefore, that for the period through August 1956 a Class I differential of $1.28 for the 6 months of highest production and $1.68 for the months of lowest production should be provided. Data which became available during this period should then be reviewed to ascertain whether a supply-demand adjustment or some other provision would be appropriate for fixing a Class I price in line with the needs of the market.

Class I prices should be announced by the market administrator by the fifth day of the month. In order to do this, it is necessary to use price quotations for the preceding month in calculating the basic formula price.

Class II price. The Class II price should be at such a level that handlers will accept and market such quantities of milk in excess of Class I needs as may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

In order to have an adequate supply of producer milk in the fall and winter months, handlers normally accept surplus milk from producers during the months of flush production. Outlets for Class II milk disposed of during the flush production season generally are not as favorable as those available in the fall of the year, when the supply of producer milk available for Class II is lower. With a limited supply of milk for Class II, the market for those products which will command the best return are served first. Such outlets may include cottage cheese and eggnog for which fresh quality milk is particularly desirable. During those months of high production, when the supply is excessive, large quantities of milk are disposed of for use in those products which are least profitable or may actually result in a loss to those handlers receiving milk from producers. Frequently there are additional hauling costs because of inadequacy of local processing facilities.

The record indicates that only minor quantities of excess Grade A milk are produced in the Central Arkansas area during most months of the year. During those months when some excess milk is available, the milk is disposed of locally or to nearby outlets. Such milk is disposed of primarily to the same general market or in competition with excess milk from the Fort Smith market.

The record shows that much of the excess milk which is produced in Cen-

tral Arkansas is diverted directly into local manufacturing plants for disposal, without involving extra haul. It appears, therefore, that prices paid by such local manufacturing plants represent a reasonable minimum price for such milk. It is concluded that during the months of February through July, when most of the excess is produced, the Class II milk price should be the average of the prices paid producers for milk testing 4.0 percent butterfat by the Sugar Creek Creamery at Russellville, the Ozark Creamery Co. at Ozark, and the Pet Milk Co. at Siloam Springs, all in Arkansas. This is the same price as fixed for Class II milk during these months under the Fort Smith order.

During the remaining months of the year, when there is very little excess milk available, such milk should be priced on the basis of the foregoing price plus 25 cents, provided that such price shall not exceed the basic formula price.

Butterfat differentials. As pointed out previously herein, it is concluded that butterfat and skim milk should be accounted for separately for classification purposes. It is necessary, therefore, to adjust Class I and Class II prices of milk in accordance with the average butterfat test of milk in each class by a differential which will reflect differences in value due to variations in the butterfat content of each product.

It is concluded that the values resulting from multiplying the average price of 92-score butter at Chicago each month by 0.120 will provide an appropriate basis for adjusting the price for Class I milk in this market. The butterfat differential to be used in adjusting the Class II price should be calculated during the months of lowest production by multiplying the Chicago 92-score butter price by 0.115 and during other months by 0.110.

The foregoing butterfat differentials are generally in line with those prevailing in other surrounding markets and will place Central Arkansas handlers on an approximately equal basis in this respect with their competitors. The proposed seasonal variation in Class II differentials will serve to properly pro rate the Class II price heretofore found appropriate for the different seasons between the butterfat and skim milk components of the excess milk. The basing point from which butterfat adjustments are made should be 4.0 percent butterfat. This is the basic test now used by all handlers serving the proposed marketing area. The use of butterfat differentials in this manner follows standard practices in most fluid milk markets for adjusting for butterfat variations.

In order that the Class I butterfat differential may be announced early each month, it is provided that the Class I differential be based on the average price of butter in the preceding month. This will permit the announcement of the Class I differential at the same time that the Class I price is announced. Class II prices and butterfat differentials will not be announced until after the end of the month. Although handlers will not know the price of Class II milk as it is utilized, they will know that their cost will follow that of their principal competitors for manufactured milk outlets.

Location differentials. To the extent that producer milk is received at plants located some distance from the market, the handlers purchasing such milk should be allowed a lower Class I price. The reduction in price should be based on the distance from the central market to the plant where the producers deliver the milk. Milk located at a distance from the market has less value to the market. If handlers did not assume the costs of moving milk to the market they must otherwise be borne by the producer, since the producer would be compelled to meet such costs, if he were to sell this milk in the market. The value of a producer's milk is therefore deemed to be less than the central market price by the amount it costs to transport such milk to market.

It is concluded that the price of milk used for Class I disposition should be reduced for plants receiving such milk more than 60 miles from the central market. The transportation allowance for such plants should be 10 cents per hundredweight of milk plus 1.5 cents for each additional 10 miles, or fraction thereof, that such plants are from the primary center of consumption in the proposed area. Benton, Arkansas, is centrally located to the primary sales areas of the proposed marketing area, and is therefore proposed as the basing point for location differentials. The rate of location differential adjustment herein provided, is based on the approximate cost of hauling milk in bulk tank lots, which is the most efficient method generally available in the area for transporting milk. Handlers should be expected to make any necessary movements of milk to market by the most efficient means available. The transportation differential rates herein provided are representative of those prescribed in other Federal milk marketing orders, and are based on actual cost of hauling milk as shown in the hearing record.

The class prices for milk proposed in the attached order are designed only to price milk at its value in relation to the marketing area to be regulated pursuant to the proposed order. Milk may have greater or lesser value than reflected by these prices if marketed in one of the many markets throughout the South Central states which would not be subject to this order. It would not be administratively feasible, however, to provide a different price for each lot of milk according to its ultimate destination. To attempt to do this would be unsound also, in that it would make producers bear the cost of hauling beyond the central market, and thereby remove from handlers the incentive to market milk at the location where it will yield its greatest net return.

No adjustment should be made in the Class II price because of differences in location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with the location of the plant receiving the milk. This is true because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices shown in the record, paid for ungraded milk received at various sections of the milkshed, do not indicate any difference in value associated with location. Class II milk should not be hauled to the central market for manufacture if there are more convenient facilities available.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk to the best advantage. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk, otherwise part of the incentive for keeping handling cost at a minimum is removed. To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that any milk transferred be assigned to any Class II use remaining in the transferee plant after prior assignment of other source milk.

Compensatory payments on unpriced milk. The class prices heretofore described apply only to that milk received at pool plants from producers. As previously mentioned in connection with the findings and conclusions concerning pool plant standards, milk may be disposed of for Class I use in the marketing area by or from plants which are not fully regulated. Any plant which is not fully subject to classification and pricing is not required to pay producers for milk in accordance with the utilization made of the milk.

Milk from unregulated plants may be sold as Class I in the regulated area through distribution directly to consumers on routes operated by such plants, or it may be received in bulk form from such plants by pool plants which use it in supplying their own Class I outlets. The proposed order does not prohibit any plant, whether it has pool status or not, from selling milk in the marketing area, nor does it specify where any plant must purchase its milk.

The primary purpose of the order is to provide a classified pricing system, whereby the producers primarily engaged in furnishing milk for sale in the marketing area will be paid for such milk according to its utilization. It has been pointed out previously herein, that payment of a premium or differential for milk used in Class I is necessary to encourage adequate production of quality milk needed for fluid use. Such higher prices cannot be maintained, however, unless the Class I market is protected from the competition of reserve, or excess milk. Due to irregular variations in production and consumption each fluid milk market needs to have some reserve milk production available to insure that supplies will be adequate at all times for Class I use. The volume of this reserve milk normally is largest in the spring months of flush milk production. That quantity of milk which is in excess of the Class I sales each day must be marketed in manufactured outlets. Such milk is of

the same quality and is available, except under a classified pricing program, for disposition as Class I milk.

Since milk returns somewhat less if manufactured than if sold for fluid use, a natural pressure develops for handlers to attempt to obtain Class I outlets for all their excess milk even though this may mean a return of somewhat less than a reasonable Class I price on a portion of the milk. Since all milk cannot be marketed in Class I, the tendency is for fluid milk prices to be forced down toward the level of the manufactured milk price. The purpose of compulsory classification and pricing is to provide that price competition from such excess milk may not break the market for Class I milk, and destroy the premium prices necessary to encourage Grade A production.

A classified pricing system as proposed herein can be effective, however, only in controlling the milk of those producers and the plants which by virtue of their primary association with the market, are fully subject to the order. Such regulation is not applicable to and therefore not effective in protecting the Class I market from sales by plants not primarily associated with the market. Since unregulated plants may under some circumstances sell up to half of their milk in the market without incurring regulation, it would be possible for such plants to dispose of considerable volumes of surplus or reserve milk to Class I outlets in competition with the handlers who must abide by the classified pricing program. Such a situation obviously would be characterized by instability. It is necessary, therefore, to provide some protection for the Class I market in addition to that afforded by the classified pricing program as applied to fully regulated plants.

In the absence of any direct control over the pricing of milk from unregulated plants, it is necessary to provide an alternative method of bringing such milk under the classified pricing system without subjecting the originating plant to full regulation. The method provided in the attached order consists of a compensatory payment with respect to unpriced milk utilized for Class I sales. This payment should have the effect, so far as the market is concerned, of classifying the milk as Class I, in that it will remove the cost advantage, which an unregulated plant would have in disposing of unpriced milk, to the regulated Class I market. At the same time, such a payment will involve no extension of regulation.

It is important that the rate of compensatory payment used to bring the unpriced milk into line with the Class I market be appropriate to market conditions. It must not be so low that it will permit a handler to have temporary or permanent advantage through sale of unpriced milk as Class I in the marketing area. It should not be so high that it will penalize suppliers of unpriced milk who offer supplies needed by the market and who are not in a position of gaining an unfair advantage through the sale of such milk. The payment must be provided for in a manner which is administratively feasible and which does not bring about unjustified administrative inconvenience or expense.

Several methods were described on the hearing record for determining what rate of payment would be appropriate for bringing the unpriced milk under the classification program. One of these is to ascertain the actual cost to the regulated handler of milk which he purchases from unregulated plants and charge as a compensatory payment any amount by which the Class I price exceeds the cost of the unregulated milk used in Class I. Such a scheme is not sound from the standpoint of administrative feasibility and it would not necessarily remove the advantage in using unregulated milk even though it were feasible. Rates at which milk sales are billed may not represent actual cost to the purchaser. In the case of a firm which owns or controls a pool plant under the Central Arkansas order as well as unregulated plants, the price charged for milk transferred from unregulated plants would have little or no significance. The billing rate, if any, between such plants might be deliberately set without regard to the value of the milk at the level necessary to avoid any payments. Thus, the intended effect of such an order provision might be circumvented by merely adjusting the bookkeeping procedure.

A handler having no unregulated plants may find it possible to arrange a billing price on purchased milk which would avoid any compensatory payments. A kick-back arrangement or offsetting purchase and sale might readily be arranged, perhaps through a third party. Since the billing price for milk would be a self-serving figure for both parties to the transaction, it would be virtually impossible to ascertain that it represented the true cost to the purchaser. In any case, if a handler had the choice of paying money to the market-wide pool or to a person from whom he was buying milk, he would probably choose the latter.

If the stated purchase price were a true cost, it would still not fulfill the purpose of removing the advantage to unregulated milk to base compensatory payments on the difference between such price and the Class I price. The record discloses that sales of priced milk between regulated handlers ordinarily take place at the class price plus a handling charge. This handling charge varies according to circumstances, but represents a payment to the receiver of the milk to offset his purchasing and receiving costs, such as dumping, weighing, testing and cooling the milk, and paying producers. The cost of receiving the milk in bulk form is somewhat less than receiving it from producers. Thus, in order to remove the advantage to unregulated milk, it would be necessary to provide that the cost of bulk unregulated milk be somewhat more than the Class I price. It would be exceedingly difficult to determine what this excess rate should be, particularly in the case of products such as condensed skim milk and cream, where the allocation of additional processing costs among more than one end product is involved. Furthermore, it would be unsound economics to charge handlers on the basis of costs. This would remove the incentive for a plant to be efficient, or to purchase milk from the most economical sources, and would place the administration of the order program in the position of determining rate of profits for individual concerns. The position of distributors in relation to their competition should be determined by their efficiency, and not through recognition of individual costs.

Suggested methods of fixing compensatory payments on the basis of the cost of unpriced milk as reflected by prices paid producers are also considered unacceptable. In the absence of price enforcement, it is impossible to determine actual rates of payment by unregulated plants to producers or to know what portion of such payments should be attributed to any particular lot of milk. Producers are normally paid blend prices, which may be influenced if the occasion arises by various unrealistic charges or credits for services or supplies. In any event such prices are probably only averages reflecting usages in fluid and surplus outlets with widely different values.

The only practicable method suggested for dealing with the problem of calculating an appropriate compensatory payment is one based on a recognition of the market values which affect the purchase and sale of unpriced milk. Fully regulated handlers under the order seeking to purchase unregulated milk may be expected to seek out the lowest cost source from which suitable milk is available. In fixing the rate of compensatory payment, it is necessary, therefore, to determine what the lowest cost source may be and to base the payment on the difference between the cost of such milk and the cost of milk priced under the order for similar use.

The record shows that milk supplies are invariably larger in surrounding markets in spring and summer than in fall and winter, and that because of relatively constant sales of fluid milk, the excess or increased production must be marketed largely as manufactured products. Sale for manufacture, therefore, represents the opportunity cost of this surplus milk during the months of flush production since it is the highest price at which the milk can otherwise be sold. The opportunity cost or value will normally be effective in determining the price at which the unregulated plant would sell such milk. Under the foregoing circumstances, the minimum asking price of the unregulated supplier of such milk probably would be the return which he would realize if the milk were disposed of for surplus use. Since considerable volumes of Grade A milk must be disposed of as surplus by various unregulated plants from which Central Arkansas handlers may obtain milk, it is evident that milk could be obtained at prices reflecting its value as surplus.

For the months of January through August, during which period surplus milk may be available in substantial volumes from nonpool sources, it is concluded that the compensatory payment on other source milk or milk products used for Class I sales should be based on the difference between the minimum price of

Class II producer milk and the applicable Class I price under the order. The Class II price established by the order appears to be a fair and economic measure of the value of milk for surplus uses in the Central Arkansas area.

During the months of September through December, when milk supplies tend to be shorter, it is concluded that other source milk will not be available to handlers in the Central Arkansas market at surplus prices. It is concluded that during these months the compensatory payment should be based on the difference between the Class I and the blend prices under the order. Generally speaking, during these months the relationship between the supply of milk in the general area and the demand for such milk will tend to fluctuate considerably from year to year, according to production and demand conditions. It is concluded that these fluctuations will generally tend to be similar in Central Arkansas and surrounding milksheds. Thus, the rate of compensatory payment based on the difference between Class I and blend prices will adjust itself automatically in these months, according to the changes in demand for and prices of outside supplies. If supplies of producer milk are relatively plentiful, unpriced milk can be expected to be cheaper, and therefore, the rate of payment should be somewhat higher. On the other hand, as milk supplies in the area tend to be short, it is to be expected that the cost of unregulated milk will increase. Under these circumstances, the rate of payment will be correspondingly less.

By choosing a rate of compensatory payment which reflects the most economical cost of other source milk which may be expected to be available to regulated handlers, any advantage to one handler relative to the others, in obtaining such milk and substituting it for producer milk in Class I, is removed insofar as administratively possible and no handler is given the clear opportunity to gain an unfair advantage which otherwise would exist.

In calculating the payments on other source milk, the Class I price must relate to and be fixed as of the point where the milk is received from farmers, so as to be properly comparable with minimum class prices which apply to producer milk at that level of marketing. No allowance should be made for subsequent handling costs and profits in this farm level comparison between producer and other source milk because such costs and profits are involved at subsequent stages of marketing of the producer milk as well as other source milk. Prices at subsequent stages of marketing are not regulated by the order either with respect to producer milk or other source milk. No adjustment for location is necessary with respect to the Class II price, or for manufactured milk items for the same reasons described heretofore in connection with the findings concerning the need for location differentials with respect to the producer milk used in Class II outlets.

Testimony in the hearing record concerning availability of milk supplies to Central Arkansas handlers indicates that the rate of payment proposed herein will tend to equalize the competitive position of priced and unpriced milk, and will avoid displacement of producer milk for reasons of cost. However, if experience proves that milk is available to handlers for Class I use in the future at prices different than those now indicated, or that the proposed compensatory payments otherwise interfere with the purposes of the order, then it will be necessary to reconsider the rate of such payment on the basis of that experience.

The rate of payment provided for nonpool plants making distribution directly in the marketing area should be the same as that for pool plants which obtain and use unpriced milk in Class I. The administrative feasibility of any other method of levying compensatory payments and the economics involved are substantially the same as that in the case of unpriced milk used for Class I purposes by pool plants.

The Class I milk price proposed herein is deemed to be in appropriate alignment with other regulated markets. Because of the degree of sales competition between the Memphis and Central Arkansas markets, and because of the proximity of both markets to each other, it was concluded in a previous section discussed herein that the same differentials over the basic formula price should be provided for the Central Arkansas market as for the Memphis market. The pricing formula proposed herein results in the same f. o. b. market price for the two markets when these factors are computed.

It was also indicated in a previous section that the Memphis order contains a supply-demand provision, which adjusts the Class I milk price. It was concluded herein that a supply-demand provision for the Central Arkansas market would not be appropriate at this time because of insufficient marketing data upon which to construct such a provision. In this respect, the Memphis and Central Arkansas prices are not precisely the same. The Memphis supply-demand adjustment has added certain amounts to the Class I price computed pursuant to the basic formula and the Class I differential.

Another factor which determines the price relationship between the two markets is the location differential in each. Evidence in the record justifies a location differential for the Central Arkansas marketing area. This was discussed in a previous section. Location adjustments are not identical for all milk markets operating under Federal regulation. The reason for this, of course, is that the economic factors involved in computing location adjustments are not identical in all markets. The location adjustment deemed appropriate for the Central Arkansas market is not the same as that which is included in the Memphis order.

The record discloses that there is a plant operating in Conway, Arkansas, located approximately 30 miles from the city of Little Rock. This plant is also located in the 60-mile zone within which no location adjustments apply under this proposed order. Conway, Arkansas, is also approximately 150 miles from Memphis. This plant is presently regulated under the Memphis order because a greater portion of this plant's Class I sales is in the Memphis marketing area than is in the proposed Central Arkansas marketing area. The percentage distribution, however, is quite close, being approximately 51 percent in the Memphis marketing area, and 49 percent in the proposed Central Arkansas marketing area.

The action of the Memphis supply-demand adjustment during the first eight months of 1955 increased the Memphis Class I price an average of approximately six cents per hundredweight. The location of the Conway, Arkansas plant with reference to Memphis allows it an adjustment of approximately 28 cents per hundredweight. This location adjustment coupled with the Memphis Class I price adjusted for supply-demand, has resulted during this period in a Class I price approximately twenty-two cents per hundredweight less at Conway, Arkansas, for the handler regulated under the Memphis order than if he were regulated by the order proposed for Central Arkansas.

Normally, reliance is placed upon gaining an appropriate alignment of prices among Federal order markets so that milk may be transferred freely among them. In this particular case, however, an appropriate alignment of prices at the marketing areas necessarily results in a misalignment for the plant at Conway and at other locations in the proposed marketing area.

Consequently, provision must be made so that this plant may not purchase milk for sale as Class I milk on routes in the Central Arkansas area at less than the price paid by other handlers in that area. It is necessary, therefore, to provide that such a handler be required to pay into the producer-settlement fund any amount by which the Central Arkansas Class I price exceeds that charged him under another order for all Class I milk disposed of within the Central Arkansas marketing area. Such handler should also be required to report to the market administrator regularly so that the amount of milk disposed of within the area may be ascertained.

The compensatory payment on milk from another Federal order proposed herein applies specifically to the conditions described above. In addition, there may be plants regulated under Federal orders other than Order 18 selling milk to handlers regulated under the proposed order for Central Arkansas. To the extent that such plants have Class I sales in excess of producer milk, the proposed compensatory payment on unpriced milk should be applicable to such milk to the extent it is marketed for Class I in the Central Arkansas area. The effect of such milk on the market price structure in Central Arkansas would be no different than if the milk were received directly from an unregulated plant by a regulated handler.

(d) *Distribution of proceeds to producers.* Returns from the sale of milk in various classes should be distributed to producers on the basis of a market-wide equalization pool. Such a pool will provide that each producer supplying the market will receive a return based on his pro rata share of the Class I sales of the entire market.

The primary problem of the Central Arkansas market, with respect to pooling, is one of providing a means under the order for facilitating the establishment and maintenance of adequate and regular sources of milk to supply the needs of the market. Under a marketwide pool, the prices set by the order should be effective in determining the level of milk supplies, since the price incentive to producers to supply milk will be allowed to operate freely. Those producers producing milk most efficiently would serve as the source of supply. Additional producers may readily be added if they care to produce milk at the prices prevailing under the order. This will avoid an undesirable situation where producers might be selectively dropped from the market, or others would be denied a market, even though they might be willing to produce and ship milk at the prices being paid.

The record indicates also that some of the excess milk of the market has been marketed by a cooperative association of producers. The producers whose milk was so marketed were needed in the market during most months of the year. The marketwide pool will permit equal sharing of such excess milk among all producers. Class II pricing and pool plant standard provisions proposed herein should assure that all available milk will be offered for Class I sale as needed even though any handler's producer pay price in relation to that of other handlers will not be affected by the use he makes of milk.

The uniform price including base and excess prices which are required to be paid producers under the order should be computed for milk containing 4.0 percent butterfat.

In distributing proceeds to producers, a differential should be applied to recognize differences in value of milk because of variations in butterfat content. The butterfat differential used in making such payments to producers should be calculated at the average of the return from the sale of butterfat in producer milk as reflected by its utilization at class prices. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class. Calculation of the producer butterfat differential in this way does not affect the handlers' cost of milk, but merely prorates returns among producers whose milk differs in butterfat test.

The record indicates that the average butterfat test of producer milk in Central Arkansas exceeds that of Class I sales. The butterfat differentials proposed herein for Class I and Class II milk should tend to encourage the production of milk with butterfat content more in line with the requirements of the market.

Location differentials heretofore discussed should be applied in making payments to producers who deliver their milk to plants located at a distance from the central market. The reduction in price reflects the cost of hauling the milk to market by the most efficient means available. The rates to be applied should be the same as those found necessary for Class I milk.

Payments to producers. The order should provide that each handler make final payment to each producer for milk received at the appropriate uniform price(s) on or before the 15th day after the end of each month. Since it has been the practice in this area for handlers to pay producers semi-monthly, provision has been made for partial payments to producers on or before the last day of each month for milk delivered during the first 15 days of such month at not less than the Class II price per hundredweight, for the preceding month. No adjustment for butterfat content or location is required on such advance payment.

Provision should also be made for the handler, if authorized in writing by the producer, to make proper deductions for goods or services furnished, or for payments made on behalf of the producer.

The order should provide that handlers shall, if so requested, make payment directly to qualified cooperative associations for milk received from producer members of such association. This provision is necessary to enable producer cooperative associations to carry out their essential functions as authorized by the act.

The successful operation of any classified pricing program and of a milk marketing order is dependent in large measure upon the cooperative marketing activity of producers supplying the market.

The collective marketing activities of cooperative associations are of benefit not only to member producers, but also to producers not members of the association who are able to market their milk in a stable and orderly market at prices comparable to those received by association members. Under such marketing conditions, all producers are assured that they will be paid for their fair share of the fluid milk sales. They are assured, also, that their milk will not be displaced with milk purchased from other producers at lower prices than they receive. The stable and orderly marketing conditions which may be achieved and maintained by cooperative action of producers likewise are of benefit to consumers and distributors in that they foster a dependable supply of pure and wholesome milk.

In order for a cooperative association to be able to carry out these functions, it is important that such association have full authority and not be impeded in collective bargaining and in selling milk. In order for a cooperative association to be able to market milk effectively and distribute returns therefrom to producer members, it may be necessary for them to receive payment for such milk. Thus, payments to all members of the association may be made in accordance with the association's pooling program authorized by the act. Under the authority of the Marketing Agreement Act, payments may be received by a cooperative association on behalf of its members for milk caused to be marketed by the association.

The record indicates that a cooperative association representing a majority of the producers supplying Central Arkansas handlers is active in marketing producer milk as Class II during the months of flush production. The milk of these producers is needed to supply the Class I requirements of the market during the fall months. Not all of the milk so marketed may be moved at the Class II price. On other occasions, the cooperative may market milk for Class I use. The activities of the cooperative association in disposing of producer milk may result in financial losses or gains to the association. These activities benefit the entire market through increased stability and maintenance of class prices under the order. However, unless the association is in a position to share any such losses or gains over the entire membership, it will impair the association's ability to continue marketing milk in this way. It would not be practical for the association to maintain an orderly marketing program and keep all members on an equal footing in this respect unless it collects for the milk which it sells for all its members and distributes payments to such members. The association also has members not in the Central Arkansas milkshed. The milk of such members is sold to plants which will not be regulated under the proposed order. Returns on this milk may vary from time to time and may be different than that reflected by the blend price. It may be necessary for the association to be in a position to equalize returns between members who are producers under the order as well as members not selling under the order. This would not be possible unless the association received payment for milk of its members marketed to regulated handlers.

At the time handlers make payment to producers or to cooperative associations for milk they should be required to furnish each such producer or cooperative association with a statement. This statement should show the pounds and butterfat tests of milk received, together with the rate or rates of payment for such milk and a description of any deductions claimed by the handler.

Base and excess plan. A "base and excess" plan of distributing the returns for milk among producers should be employed in connection with the market-wide pool.

Base and excess plans in one form or another are now used generally throughout the milkshed area, although these programs vary somewhat. They have been used as a means to overcome the widespread tendency of milk production to vary widely from one season to the next. Because the rate of fluid milk consumption is comparatively uniform throughout the year it is desirable that an even flow of milk production be achieved which will avoid alternating excesses and shortages of milk.

The base and excess method of distributing milk returns during the months of flush production has been in effect for considerable time in the Central Arkansas area. In spite of this fact production of milk in the area still shows

considerable seasonal variation. Consequently, there is a need for continued incentive to maintain production in the fall and winter months relative to spring and summer levels. Abandonment of the base-excess plan at this time might result in increased seasonality of production to the detriment of the market.

By providing returns related directly to a producer's ability to deliver additional milk in the fall and winter, as compared with deliveries during the season of flush production, a production pattern more closely fitted to the sales pattern of fluid milk products is encouraged.

The base-excess plan proposed herein would establish for each producer in the market a base equal to his average daily deliveries of milk during the months of September through December (total deliveries of milk by such producer to all handlers divided by the number of days in the period). Although the order will not be effective during the month of September, 1955, it is desirable that the base program operate as fully as possible this coming fall and winter. For this reason, it is designated that the base forming period extend from October 1955 through January 1956, and the months of September through December thereafter.

For each of the months of February through July, separate uniform prices for "base milk" and "excess milk" would be computed so that Class I sales would first be allocated to "base milk." A producer's base milk for any of these months would be that quantity of milk he delivered during the month which is not in excess of his average daily base multiplied by the number of days in the month. The base price would reflect the sale value of such milk at class prices with Class I sales assigned first to the base milk and then to excess milk. The "excess milk" price would be the minimum order Class II price unless Class I sales exceed base milk in which case such excess sale of Class I milk would be reflected in an excess blend price.

It was proposed at the hearing that the base operating period, during which payment for milk would be pooled separately for base and excess milk, be extended to eight months. It is concluded that a base operating period which covers the months of February through July is sufficient to accommodate the needs of the market. Surplus milk is not available in sufficient quantities during the additional two months to justify extension of the base plan to such months. Also, under the proposed plan needed flexibility will be provided. Omission of August from the base operating period will allow time for producers to adjust their production programs in advance of the fall shortage months, without being influenced by the base plan operating during this month. Also, limitation of the base forming period to fewer months gives added incentive to increase production during the more critical months of short supply. The proposed months for establishing bases (September through December) are normally those of relatively low production in relation to fluid sales.

A producer should be permitted to transfer his entire base to any other dairy farmer so long as the transfer is made as of the first of the month and with advance notice. This will alleviate hardship and will not defeat the purpose of the base-excess plan, which is to encourage level production. Under the base plan the producer has an incentive to increase fall and winter production so he may enjoy a larger share of the Class I market during the following season of high production. Transfer of bases, as proposed herein, will give added assurance to a producer that he will have the full benefit of any base he is able to build, whether or not he is able to continue milk production for his own account through the following spring. This additional certainty should increase the effectiveness of the base-excess plan in encouraging production of milk during the base forming period.

Free transfer of bases was proposed to alleviate possible hardship cases which may arise when a dairyman needs to discontinue milk production before the end of the base operating period. Permission for transfer of entire bases will accomplish this purpose. The hearing record discloses no need for transfer of partial bases in the Central Arkansas area. Permission for transfer of partial bases would result in considerable administrative difficulty, and would tend to defeat one purpose of the base-excess plan, namely, the encouragement to each producer to adjust his own production pattern to the Class I milk sales pattern of the market. Also, partial transfers would facilitate arrangements whereby producers might attempt to gain regular financial advantage by disposing of any portion of their base which they could not use themselves. Splitting of jointly held bases should not be permitted since such splitting in conjunction with the free transfer provision could readily be used to effectuate transfer of partial bases. Either partner should be allowed to take over an entire base jointly held.

Bases should be transferred by the market administrator only as of the first of the month, and only upon advance receipt of a statement, on approved forms, indicating the holder of such base and the person to whom the base is to be transferred, and signed by both parties.

It was proposed that a cooperative association be assigned the collective base of its members so that such base might be pooled. Under this arrangement any under-base deliveries by one member could be used to benefit other members who delivered over-base milk.

This proposal does not conform with the primary purpose of the base rating plan, namely to encourage even production. There is little reason to believe that any individual producer member of an association would make a serious effort to increase fall production solely for the benefit of the other members. Nor does the fact that other members would receive base prices for over-base deliveries appear to give them added incentive to level production. It might in fact have the opposite effect.

The order should provide that the market administrator will notify each producer, and the handler to whom he is currently selling milk, of the amount of his daily base on or before January 25 of each year. The daily base established by each producer will be calculated by the market administrator from handlers' payroll records.

(e) *Other administrative provisions.* Certain other provisions should be included in the order to carry out administratively the purposes of the regulation.

In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term implies the same meaning. Definitions for base and excess milk are included. Such other terms as are defined in the attached order are common to many other Federal milk orders.

Market administrator. Provision should be made for the appointment by the Secretary of an agency known as the market administrator to administer the order, and setting forth the powers and duties for such agency.

Records and reports. Provisions should be included in the order for the purpose of requiring handlers to maintain adequate records of their operations and to make certain reports as necessary to carry out the classification and pricing of milk. Time limits must be prescribed for filing such reports and for making payments to producers. Dates must also be established for the announcement of prices by the market administrator. The following schedule will afford interested parties adequate time to perform the indicated function:

Day of Month and Function

5th—Announcement by market administrator of the Class I price and Class I butterfat differential for the current month.

5th—Announcement by the market administrator of Class II price and Class II butterfat differential for preceding month.

7th—Monthly report to the market administrator, by handlers, of sources and utilization of skim milk and butterfat for the preceding month.

7th—Handlers report to cooperatives to which payments are to be made, the pounds of milk and butterfat content thereof received daily, from member producers, and total for the month and the amount and nature of deductions made.

11th—Announcement by market administrator of uniform price and the producer butterfat differential for the preceding month.

12th—Report by the market administrator to cooperative association the percentage of producer milk delivered by members which was used in each class by the handler receiving such milk.

15th—Final payments by handlers to producers for milk received during preceding month and payments for marketing services.

20th—Submission of producer payroll report by handlers for preceding month.

25th—Report by handlers of the amount of milk received from producers during the first 15 days of the month.

Last—Partial payments to producers for milk received during first 15 days of the month.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator, or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the order.

In addition to the regular reports required of handlers, provision is made for handlers to notify the market administrator of their intention to import other source milk, and to divert producer milk. Such information, on a marketwise basis, may assist handlers in locating local sources of producer milk, and expedite the transfer of such milk among handlers. Advance information concerning diversions will facilitate check testing and weighing of producer milk at the location where received.

It is necessary that handlers retain records which prove the utilization of milk and to establish that proper payments were made producers. Since the books and records of all handlers cannot be completed or audited immediately after the milk has been delivered to a plant, it therefore becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain such books and records and on the period of time in which obligations under the order shall terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

Producer-settlement fund. Provision should be made in the order for the establishment of a producer-settlement fund. Such fund is necessary for clearing payments between handlers in connection with marketwide equalization of utilization. Money received from handlers with higher than average Class I utilization and paid to those with utilization below average should move through the fund en route to producers.

A small balance should be retained in the fund to permit clearing of accounts with handlers in connection with audit adjustments discovered during the month.

Expense of administration. Each handler should be required to pay the market administrator, as his pro rata share of the cost of administering the order, not more than 4 cents per hundredweight, or such lesser amount as the Secretary may, from time to time, prescribe, on (a) producer milk (including such handler's own production), (b) other source milk in a pool plant which is classified Class I milk, and (c) Class I milk disposed of in the marketing area from a nonpool plant.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. The record indicates that other source milk is received by most handlers to supplement local producer supplies of milk. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (including handlers' own production) and other source milk allocated to Class I milk.

Plants not subject to the classification and pricing provisions of the order may distribute Class I milk in the marketing area. These plants must be checked periodically to verify their status under the order and to check the accuracy of compensatory payments required. Assessment of administrative expense with respect to such milk sold in the marketing area will help to defray the costs of such periodic checks.

In view of the anticipated volume of milk and the costs of administering orders in markets of comparable circumstances, it is concluded that an initial rate of 4 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the initial rate of 4 cents per hundredweight without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

Marketing services. A provision should be included in the order for furnishing marketing services to producers, such as verifying tests and weights and furnishing market information. These should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a cooperative association is performing such services for any member producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are based on the pricing provisions of the order, and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

An important phase of the marketing service program is to furnish producers with current market information. As previously discussed, detailed information regarding market conditions is not now regularly available either to producers or to cooperative associations. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a marketwide basis to all producers.

To enable the market administrator to furnish such service, provision should be made for a maximum deduction of 5 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing service. Comparison of the number and distribution of the plants involved, and the volume of milk at such plants with similar conditions in several other markets in the area now under Federal regulation, leads to the conclusion that this will reflect the maximum cost of such service. If later experience indicates that marketing service can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

General findings. (a) The proposed marketing agreement and the order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order of the Secretary directing that a referendum be conducted among the producers supplying milk to the Central Arkansas Marketing Area; determination of representative period and designation of an agent to conduct such referendum. Pursuant to section 8 (c) (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608 (c) (19)), it is hereby directed that a referendum be conducted among producers (as defined in the proposed order regulating the handling of milk in the Central Arkansas marketing area) who, during the month of August 1955, were engaged in the production of milk for sale in the marketing area specified in the aforesaid proposed order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed herewith.

The month of August 1955, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order regulating the handling of milk in the Central Arkansas marketing area in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Hobart E. Crone is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 577), such referendum to be com-

pleted on or before the 20th day from the date this referendum order is issued.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Central Arkansas Marketing Area," and "Order Regulating the Handling of Milk in the Central Arkansas Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order which will be published with this decision.

This decision filed at Washington, D. C., this 7th day of October 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Regulating the Handling of Milk in the Central Arkansas Marketing Area

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908.0 Findings and determinations.

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AUTHORITY: §§ 908.0 to 908.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 908.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and order, regulating the handling of milk in the Central Arkansas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expenses, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe with respect to all butterfat and skim milk contained in (i) producer milk, (ii) other source milk allocated to Class I milk pursuant to § 908.41 (a), or (iii) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 908.62.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Central Arkansas marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 908.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 908.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 908.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture, or such other Federal agency as may be authorized to perform the price reporting functions specified in this part.

§ 908.4 *Central Arkansas Marketing Area.* "Central Arkansas Marketing Area" hereinafter called the "Marketing Area" means all territory included within the boundaries of the counties of Pulaski, Jefferson, Faulkner, White, Clark and Garland, all in the State of Arkansas.

§ 908.5 *Person.* "Person" means any individual, partnership, corporation, association or other business unit.

§ 908.6 *Producer.* "Producer" means any person other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received during the month at a pool plant: *Provided,* That if such milk is diverted from a pool plant by a handler to a nonpool plant for his account any day during the months of February through August, or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

§ 908.7 *Approved plant.* "Approved plant" means all of the buildings, premises and facilities of a plant (a) in which milk or skim milk is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors and sales through plant stores) to wholesale or retail outlets (except pool plants) located in the marketing area, or (b) from which milk or skim milk eligible for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant.

§ 908.8 *Distributing plant.* "Distributing plant" means an approved plant from which Class I milk equal to not less than 50 percent of its receipts of producer milk and fluid milk products from other pool plants is disposed of during the month, on routes or through plant stores, to wholesale or retail outlets (except pool plants) and from which Class I milk equal to not less than 10 percent of such receipts is disposed of during the month on routes or through plant stores, to wholesale or retail outlets (except pool plants) located in the marketing area.

§ 908.9 *Supply plant.* "Supply plant" means an approved plant from which fluid milk products equal to not less than 50 percent of its receipts of producer milk during the month are shipped during such month to distributing plants: *Provided,* That any plant which qualifies as a supply plant for each of the months during the period August through January shall, upon written application to the market administrator, on or before the end of such period, be designated as a supply plant for the following months of February through July.

§ 908.10 *Pool plant.* "Pool plant" means a distributing plant, or a supply plant, except a plant of a producer-handler.

§ 908.11 *Nonpool plant.* "Nonpool plant" means any milk, manufacturing or processing plant other than a pool plant.

§ 908.12 *Handler.* "Handler" means: (a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 908.6; or

(b) Any person in his capacity as the operator of one or more approved plants: *Provided,* That if a person operates more than one pool plant he may, upon written application to the market administrator, be considered as a separate handler for the month with respect to one or more of his pool plants if no fluid milk products or producers are transferred during the month between such plant(s) and other pool plant(s) of such handler.

§ 908.13 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 908.14 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant which during the month has no other source milk or producer milk.

§ 908.15 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the plant directly from producers, or (b) diverted from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the act), in accordance with the provisions of § 908.6.

§ 908.16 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream, or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix and aerated cream).

§ 908.17 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 908.18 *Base milk.* "Base milk" means milk received at pool plants from a producer during any of the months of February through July which is not in excess of such producer's daily average base computed pursuant to § 908.90 multiplied by the number of days in such month.

§ 908.19 *Excess milk.* "Excess milk" means milk received at pool plants from a producer during any of the months of February through July which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 908.90.

§ 908.20 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 908.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 908.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To Administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 908.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 908.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses (except those incurred under § 908.85) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 908.30 and 908.31 or payments pursuant to §§ 908.80 through 908.86.

(g) Submit his books and records to examination by the Secretary and fur-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

nish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit of the records of such handler or any other handler or person to whom skim milk and butterfat are transferred, or by such other means as are necessary.

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified publicly announce, and mail to each handler at his last known address a notice of the following:

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential; both for the preceding month;

(2) The 11th day of each month, the uniform price, and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 908.30 *Reports of sources and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his approved plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 908.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of March through August the aggregate quantity of base milk received at his pool plant(s) for the preceding month;

(2) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, for the months of February through July, the pounds of base milk, (iii) the days for which milk was received from such producer, if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions;

(3) On or before the first day other source milk is received in the form of a fluid milk product at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(4) On or before the day prior to diverting producer milk pursuant to § 908.6 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted; and

(5) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 908.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 908.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 908.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for pool plants pursuant to § 908.30 (a) shall be classified each month by the market administrator, pursuant to the provisions of §§ 908.41 through 908.45.

§ 908.41 *Classes of utilization.* Subject to the conditions set forth in §§ 908.42 through 908.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat; (1) disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of as skim milk and used for livestock feed; and (4) in shrinkage not to exceed 2 percent respectively of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 908.6) and other source milk: *Provided*, That if shrinkage of skim milk or butterfat is less than such 2 percent, it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 908.6) and other source milk respectively.

§ 908.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this part shall be classified Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified Class II milk.

§ 908.43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified Class I milk, unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 908.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the subtraction of other source milk pursuant to § 908.45.

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified Class I milk.

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool plant from which no fluid milk products are distributed on routes and which is located less than 250 miles by the shortest hard surfaced highway distance, as determined by the market administrator, from

the plant from which transferred or diverted shall be classified Class I milk unless, (1) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 908.30 for the month within which such transaction occurred, (2) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 908.30, (2) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only," (3) the handler gives the market administrator sufficient notice to allow him to verify such Class II disposition in advance, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) such cream is not disposed of by the transferee under Grade A label.

§ 908.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 908.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 908.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 908.41 (b);

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk except that to be subtracted pursuant to subparagraph (3) of this paragraph: *Provided*, That if the pounds of skim milk to be subtracted exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in fluid milk products received in bulk from plants regulated pursuant to other orders issued pursuant to the act, less any equivalent amounts of skim milk in other source milk allocated to Class I milk at each of such plants respectively: *Provided*, That, if the pounds of skim milk to be subtracted exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk.

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

(5) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 908.43 (a);

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk.

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk.

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 908.50 *Basic formula price.* The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) To the average of the basic (or field) prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Company, Mount Pleasant, Mich.
Borden Company, New London, Wis.
Borden Company, Orfordville, Wis.
Carnation Company, Oconomowoc, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Sparta, Mich.
Pet Milk Company, Belleville, Wis.
Pet Milk Company, Coopersville, Mich.
Pet Milk Company, Hudson, Mich.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Wayland, Mich.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

Add an amount computed by multiplying the Chicago butter price for the month by 0.6.

(b) The price computed by adding together any plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.8;

(2) Deduct five cents from the simple average as computed by the market administrator of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, and multiply by 7.5.

(c) The price resulting from the following calculations:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin primary markets ("cheddars," f. o. b. Wisconsin assembly points, cars or truckloads) as reported by the Department of Agriculture during the month;

(2) Add 0.902 times the Chicago butter price for the month;

(3) Subtract 34.3 cents; and

(4) Add an amount computed by multiplying the Chicago butter price for the month by 0.6.

§ 908.51 *Class prices.* Subject to the provisions of §§ 908.52 and 908.53, the class prices per hundredweight of milk containing 4.0 percent butterfat shall be determined for each month as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.28 from the effective date hereof through August 1955, and for the months of March through August 1956; and plus $1.68 for the months of September 1955 through February 1956.

(b) *Class II milk price.* For the months of February through July the Class II milk price shall be the price determined pursuant to subparagraph (1) of this paragraph rounded to the nearest cent. For all other months it shall be the basic formula price, or the price determined pursuant to subparagraph (1) of this paragraph, plus 25 cents, whichever is less.

(1) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the month.

Present Operator and Location

Sugar Creek Creamery, Russellville, Ark.
Ozark Creamery Co., Ozark, Ark.
Pet Milk Co., Siloam Springs, Ark.

§ 908.52 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to §908.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the previous month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11 for the months of February through July, and by 0.115 for all other months.

§ 908.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 60 miles or more from the city limits of Benton, Arkansas, by shortest highway distance, as determined by the market administrator, and which is transferred to another pool plant in the form of fluid milk products and assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 908.51 (a) shall be reduced at the rate of 1.5 cents for each 10 miles or residual fraction thereof that such plant is from such city limits where such milk is received from producers: *Provided,* That for the purpose of calculating such location differential, fluid milk products which are transferred betwen pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculation prescribed in § 908.45 (a) (1) through (4), and the comparable steps in paragraph (b) thereof for such plant, such assignment to the transferring plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 908.54 *Rate of compensatory payments on unpriced milk.* The rate of compensatory payment per hundredweight shall be calculated as follows:

(a) For the months of February through July, subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price, adjusted by the Class I butterfat differential and in the case of fluid milk products by the Class I location differential.

(b) For the months of August through January, subtract the uniform or the weighted average of the base and excess prices to producers from the Class I milk price.

APPLICATION OF PROVISIONS

§ 908.60 *Producer-handlers.* Sections 908.40 through 908.45; 908.50 through 908.53; 908.61, 908.62 and 908.70 through 908.75; and 908.80 through 908.87 shall not apply to a producer-handler.

§ 908.61 *Plants subject to other Federal orders.* A plant specified in paragraphs (a) or (b) of this section shall be a nonpool plant for purposes of this order except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 908.30), and allow verification of such reports by the market administrator.

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk was disposed of from such plant during the six months period immediately preceding to retail or wholesale outlets (except pool plants or nonpool plants) in the Central Arkansas marketing area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a pool plant for each of the preceding months of August through January.

(c) In case skim milk or butterfat, which is priced under Federal Order No. 18 for the Memphis, Tennessee, marketing area, is disposed of as Class I milk in the marketing area on a route operated by or for a person subject to regulation as a handler defined in such order, and the price which such handler is required to pay under Federal Order No. 18 for milk which would be classified as Class I milk under this part, is less than the Class I price provided by this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all milk disposed of as Class I milk on routes in the marketing area) an amount equal to the difference between the value as determined pursuant to this part and its value as determined pursuant to Federal Order No. 18.

§ 908.62 *Handlers operating nonpool plants.* Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall, on or before the 15th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month, by the rate of compensatory payment calculated pursuant to § 908.54.

DETERMINATION OF PRICES TO PRODUCERS

§ 908.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 908.45 by the applicable class price, and total the resulting amounts (and add any amount necessary to reflect adjustments in location differential allowance required pursuant to the proviso of § 908.53);

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 908.45 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 908.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 908.45 (a) (7) and (b) by the applicable class price;

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 908.45 (a) (5) and (b) for the preceding months or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 908.45 (a) (4) and (b) for the current month, whichever is less, respectively.

§ 908.71 *Computation of the uniform price.* For each of the months of August through January, the market administrator shall compute the uniform price per hundredweight of producer milk of 4.0 percent butterfat content, f. o. b. market, as follows:

(a) Combine into one total the values computed pursuant to § 908.70 for the producer milk of all handlers who submit reports prescribed in § 908.30 and who have made payments for the previous month pursuant to § 908.80 or § 908.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the variation in the average butterfat content of such milk from 4.0 percent by the butterfat differential computed pursuant to § 908.73 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 908.80 (a) (2);

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 908.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of February through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, f. o. b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 908.30, and who have made payments for the previous month pursuant to §§ 908.80 or 908.82 as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price; (2) multiply any additional hundredweight of such milk by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the aggregate value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers;

(c) Subtract an amount determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 908.71 (a) through (d).

(d) Divide the result obtained pursuant to paragraph (c) of this section by the total hundredweight of base milk of handlers included in these computations.

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content f. o. b. market.

§ 908.73 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 908.52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 908.74 *Location differential to producers.* The applicable uniform prices to be paid for producer milk received at a pool plant located 60 miles or more from the city limits of Benton, Arkansas, by the shortest highway distance, as determined by the market administrator, shall be reduced according to the distance of the plant from such city limits at the rate of 1.5 cents for each 10 miles or residual fraction thereof.

§ 908.75 *Notification of handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 908.30, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of February through July the amounts and value of his base and excess milk respectively;

(c) The uniform price(s) computed pursuant to §§ 908.71 and 908.72 and the butterfat differential computed pursuant to § 908.73; and

(d) The amounts to be paid by such handler pursuant to §§ 908.82, 908.85, 908.86, or 908.62; and the amount due such handler pursuant to § 908.83.

PAYMENTS

§ 908.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) in this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 908.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided,* That if by such date such handler has not received full payment from the market administrator pursuant to § 908.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section.

(c) Each handler shall furnish the person to whom payment is to be made pursuant to this section with the following information;

(1) On or before the 25th day of the month, the pounds of milk received from the producer or from each member of the cooperative association during the first 15 days of such month;

(2) On or before the 7th day of the following month to a cooperative association for its individual members, or on or before the 15th day of the following month to producers (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of February through July the pounds of base milk received, (iii) the amount or rate and nature of deductions made from payments and (iv) the amount and nature of payments due pursuant to § 908.84.

§ 908.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 908.62, 908.82 and 908 84, and out of which he shall make all payments pursuant to §§ 908.83 and 908.84: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 908.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 908.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 908.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 908.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 908.84 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 908.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 908.80, shall deduct 5 cents per hundredweight, or such amount not ex-

ceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 908.86 *Expense of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator, for each of his approved plants, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 908.45 (a) (2) and (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

§ 908.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to Section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 908.90 *Computation of daily average base for each producer.* Subject to the rules set forth in § 908.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of October 1955 through January 1956 by the number of days from the first day of delivery by such producer during such months to the last day of January 1956, inclusive, or by 90, whichever is more. The daily average base for each producer thereafter shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of December inclusive or by 90, whichever is more.

§ 908.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 908.90 to each person for whose account producer milk was delivered to pool plants during the months of October 1955 through January 1956, and during the months of September through December thereafter.

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 908.92 *Announcement of established bases.* On or before February 25, 1956 and January 25 of each year thereafter, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily average base established by such producer.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 908.100 *Effective time.* The provisions of the part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 908.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 908.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 908.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except §§ 908.34, 908.89, and 908.91 through 908.93, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 908.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 908.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 55-8292; Filed, Oct. 12, 1955; 8:47 a. m.]

[7 CFR Part 1004]

[Docket No. AO-271]

HANDLING OF MILK IN CENTRAL ARIZONA MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and orders (7 CFR Part 900), a public hearing was conducted at Phoenix, Arizona, on April 19-23, 1955, pursuant to a notice thereof issued March 29, 1955 (20 F. R. 2084).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 25, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. This decision and notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 30, 1955 (20 F. R. 6340). A notice of extension of time for filing exceptions was filed by the Acting Deputy Administrator, Agricultural Marketing Service, on September 9, 1955, and published in the FEDERAL REGISTER of September 14, 1955 (20 F. R. 6751).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues of record related to:

1. Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a marketing agreement or order; and

3. If an order is issued, what its provisions should be with respect to:

(a) The scope of regulation,

(b) The classification of milk,

(c) The level and method of determining class prices,

(d) The method to be used in distributing proceeds to producers, and

(e) Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

(1) *Character of commerce.* All milk which will be regulated under the proposed marketing agreement and order is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products.

Milk produced in California is purchased on both regular and supplemental bases to meet the demand for fluid milk products of consumers in the Central Arizona marketing area as defined in the proposed order. On a regular basis, four milk producers (of the twelve supplying Yuma) whose farms are located in Bard, California, regularly supply milk to handlers located in Yuma, Arizona. A distributor in Yuma disposes of bottled milk in the Bard-Winterhaven area in California. Also, a distributor operating a milk depot in the marketing area processes milk that is sold on vendor routes in New Mexico.

On a supplemental basis, substantial quantities of milk produced in California and Utah are imported each year to supply part of the raw milk requirements of nearly all handlers in the Central Arizona marketing area. Such imports have been necessary each year during July through October (the months of seasonally-short production of milk in the area); in some years milk is imported for periods as long as 7 months (1951) to 10 months (1952). In 1952 importations of Grade A milk into Phoenix and Tucson totaled nearly 69 million pounds; in 1954 they totaled about 29 million pounds. Milk so imported was commingled with locally-produced milk and distributed to consumers throughout Arizona. The record shows that handlers operating in this manner compete actively throughout the entire marketing area with handlers buying all, or most, of their milk supplies from local producers.

In addition to the importations of whole milk just described, substantial quantities of such concentrated Grade A milk products as nonfat dry milk solids are imported from out-of-state sources and regularly used in the fortification of such fluid milk products as buttermilk and skim milk drinks. Imported nonfat dry milk solids are also used in making reconstituted fluid milk products for sale in the Central Arizona marketing area during several months of the year.

Substantial quantities of such manufactured dairy products as cottage cheese and ice cream distributed in the marketing area originate from locations outside the State of Arizona. For example, a handler located in the marketing area distributes ice cream that is processed and manufactured in company-affiliated plants located in Texas. Seasonal surpluses of locally-produced Grade A milk are used in the manufacture of cottage cheese and ice cream, and must, in turn, be sold in competition with similar products manufactured in areas outside Arizona from milk produced outside of the State.

(2) *The need for regulation.* The marketing and pricing conditions in the Central Arizona marketing area require the issuance of a Federal milk marketing agreement and order to establish and maintain orderly marketing conditions and effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

The problems encountered by producers in the Central Arizona marketing area are typical of those occurring in unregulated fluid milk markets where producers are unorganized or where producer cooperative associations have been unsuccessful in establishing effective bargaining relationships with handlers. The Federal milk marketing order proposed herein for Central Arizona will implement the declared congressional policy of establishing and maintaining orderly marketing conditions by:

(a) Providing a regular and dependable method for determining minimum prices to producers at levels comparable to those contemplated under the act;

(b) Establishing uniform prices to handlers for milk received from producers according to a classification plan based on the use made of such milk by the handler;

(c) Providing an impartial audit of handler's records of receipts and utilization to further insure uniform prices for milk purchased;

(d) Providing all producers with a means whereby the weighing and testing of their milk can be checked to insure accuracy;

(e) Establishing uniform returns to producers supplying the area and insuring that the lower returns from the sale of reserve milk are shared equitably among all producers;

(f) Establishing uniform rules for the operation of a market-wide base and excess plan that will (i) acquaint producers with the rules for establishing bases and determining base and excess prices; and (ii) encourage producers to balance seasonal fluctuations in the production of milk with a relatively steady consumer demand for such production; and

(g) Providing market-wide information on the receipts, sales and other data relating to milk market problems in the area.

The hearing record contains considerable testimony on the chaotic marketing conditions in Central Arizona created by the wide variety of classification and

pricing planes used by different distributors serving the area, the resultant lack of uniformity in prices paid producers for milk, and the ineffectiveness of the producers in protecting themselves against sharp cuts in producer prices during periods of milk price wars among distributors.

The effects of a milk price war became widespread in the latter part of 1954 when distributors lowered paying prices on successive occasions until producers were receiving approximately $1.00 a hundredweight less for milk in December than in June. The depressed and erratic producer prices have persisted. Record testimony indicates these actions have lowered prices to producers to the point where a continuous and adequate supply of pure and wholesome milk for the area is threatened. Producers need a regular and dependable method for determining minimum prices for their milk that will provide price levels that reflect general economic conditions, local supply and demand, and be in harmony with those contemplated under the enabling act.

Under present marketing conditions no two handlers pay producers on exactly the same basis. Prices paid producers vary greatly between handlers. This lack of uniformity, and uncertainty, of prices to producers fosters market instability and permits inequities to occur among and between handlers in the prices paid for producer milk. As an example, the record indicates that one handler was paying $6.36 a hundredweight for 4.0 percent milk during the same period that another handler was paying as low as $5.08. The classification and pricing plan of the attached order is the only available means of establishing uniform prices among handlers for milk received from producers according to the use made of such milk by each handler. This use-classification plan is equitable and will apply similarly to all handlers. To insure equity among handlers and full accountability to producers, the use-classification plan must be supplemented by an impartial audit of handlers' records of receipts and utilization. The market-wide pooling provisions of the order proposed herein will provide a means of insuring uniform returns to producers and equitable sharing of the burden of the inevitable seasonal excesses of producer milk.

Many producers supplying handlers in the Central Arizona area have no effective means of insuring the accuracy of the weights and tests of their regular deliveries of milk. In addition, only part of the handlers permit an audit of their records by the producer associations for the purpose of establishing the accuracy of the proportions of milk paid for as base and as excess under the handler-operated base-excess plans now in use. These plans are individual to each plant, there is no uniformity in methods of figuring the proportion of excess milk, and there are indications that some handlers have manipulated the plan to benefit favored producers. There is need for a Federal order to correct these inequities.

The record also indicates that producers have no regular and dependable method for participating in the price-determining decisions that govern the sale of their milk. Handlers and their representatives have used various means to discourage producers from joining the proponent producers' cooperative association. They further hamper the growth of the association by refusing to make deductions for association dues even though the producer-members authorized such deductions. Such actions have kept producers from having an effective role in determining the prices they receive for milk, or the proportion of their milk to be paid for as base milk and excess milk. An order will give producers a voice in the deliberations as to what price they should receive for their milk, and will provide a means whereby the producers associations can carry out a full scale marketing service program applicable to all handlers with which the members have business. The classified use plan of the attached order, together with the pricing formula herein established, should insure a sufficient quantity of pure and wholesome milk for the marketing area, will protect the interests of producers, handlers, and consumers and be in the public interest.

(3) *Order provisions*—(a) *Scope of regulation.* Federal milk orders achieve marketing and pricing stability by using techniques authorized by the Agricultural Marketing Agreement Act of 1937, as amended. Important among these techniques are the requirements that (1) regulated distributors (handlers) pay at least specified minimum prices to producers in accordance with a classified use plan established in an order, and (2) these payments be distributed to each producer on a uniform basis through either an individual-handler pool or a marketwide pool. Under the circumstances it is important to establish clearly which plants and which milk will be subject to all or part of the pricing provisions of an order and, in turn which producers will participate in the distribution of returns through the specified pool. To identify such persons and to facilitate reference to them throughout this decision and in the proposed order, such terms as "marketing area", "producer", "pool plant", "handler", "producer milk", and "other source milk" are defined and are used herein.

Marketing area. The Central Arizona marketing area should be defined to include all of the territory within the counties of Maricopa, Pima, Pinal, and Graham, and all the territory south of 33° latitude (North from the Equator) in Yuma County, all in the State of Arizona.

Fluid milk products sold for consumption in this area must be approved by health authorities who are governed by health ordinances, practices and procedures generally patterned after the United States Public Health Service Milk Ordinance and Code. The record testimony indicates that within this defined area the health standards are substantially equal and are under the jurisdiction of operating health authorities. These conditions support the adoption of milk marketing regulations that are applied equally within the defined area.

Marketing areas, as defined in Federal milk orders, are designed to cover as nearly as is practicable, areas in which milk is sold to consumers rather than the areas where the milk may be produced. The proposed order would regulate distributing plants that are in substantial sales competition with one another within and outside the defined marketing area. Record data show that four handlers, all with plants located in Maricopa County (the central part of the marketing area), compete with each other in all of the five counties included in the marketing area. Handlers with plants located in the southern part of Yuma County also compete with a handler located in Pinal County. Handlers selling only in Graham County compete with two handlers located in Tucson in addition to the four handlers selling in all five counties. The marketing area thus includes the most densely populated places in Central Arizona and comprises the most important sales territory served by handlers located within the area.

It will be noted that the marketing area defined herein includes less territory than that requested by both the producers' associations and by various handlers. Although all territory originally requested by handlers was not included in the notice of hearing, the notice did state that if the evidence adduced at the hearing indicated it would not be feasible to promulgate an order for all or part of the area set forth in the notice, or that additional territory should properly be included under any proposed order, the hearing would be reopened for the purpose of giving further consideration to appropriate extensions of the marketing area. A careful review of the record testimony indicates that it is clearly feasible to issue an order for the marketing area proposed herein without reopening the hearing to consider extending the defined marketing area.

The vast majority of the milk produced in Arizona is produced and processed within the Central Arizona marketing area. This milk will be subject to regulation by the attached order regardless of where it might be sold. The record shows that regulated handlers sell a substantial proportion of the milk consumed in most counties located outside the defined marketing area. Individual handlers will not be disadvantaged significantly in making sales in these out-of-area counties because (1) their principal competitors also will be regulated by the same order, (2) the economies of scale inherent in the large-scale processing and distribution of milk in paper containers will tend to offset any short-run advantage in producer prices that might accrue to an occasional unregulated handler, (3) 90 percent of the milk produced in Arizona will be subject to the minimum pricing provisions of the order, (4) in some of the outlying counties the only competition encountered by regulated handlers is a local producer-handler (who would be exempt from the pricing provisions of the attached order), (5) for the most part the remainder of the State of Arizona is a deficit milk production area, and (6) in some counties producers selling to local dairies have an alternative of shipping to regulated handlers in the Central Arizona marketing area should they become dissatisfied with pricing and marketing conditions under which they have to sell milk to local unregulated plants (which should have the effect of stabilizing producer prices in out-of-area counties at levels close to those to be paid producers whose milk is priced by the order). It is neither administratively feasible nor necessary to include within the marketing area all the territory in which handlers may be distributing any portion of their sales of fluid milk products. In fact, it would be impracticable, if not impossible, to extend the marketing area to include all the territory in which there would be some competition with unregulated distributors. However, should handlers regulated herein be forced into a disadvantageous competitive condition in any of the unregulated portions of the State after the order has become effective (because of the failure to extend the marketing area), the consideration of an appropriately enlarged marketing area can be handled expeditiously at a public hearing called for that purpose. Market-wide data on sales in and out of the marketing area obtained under the order will assist in evaluating any developments affecting the future appropriateness of the size of the defined marketing area.

The marketing area should not include the territory in Yuma County lying North of the 33° latitude. No handler in the Central Arizona area sells milk in that portion of the county. This excluded territory is located 85 to 165 miles from Phoenix and is rural in nature (having only one town with a population of more than 1000 persons in 1950). Nearly all the milk sold there originates in Los Angeles, California, is paid for as Class I milk under the California Milk Control Act, and is sold by one person on a wholesale route in conjunction with other food items. Furthermore, milk sold in this area has no effect on the competitive relationships with and between regulated handlers in the Central Arizona marketing area.

Accordingly, it appears that the marketing area defined herein includes the territory which will minimize the problems of competition with unregulated distributors and at the same time regulate enough sales area to restore and maintain orderly marketing conditions for producer milk.

Definition of plants and milk to be subject to regulation. Record testimony indicates that milk plants supplying the Central Arizona marketing area are distributing plants located within the area that dispose of the major portion of their milk receipts as fluid milk products. These "fluid milk products" are required to be made from milk produced in compliance with the Grade A requirements of the duly constituted health authorities having jurisdiction in the area and include such products as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream and mixtures in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, yogurt, ice cream mix and aerated cream). Plants disposing of their producer receipts in such form in the marketing area by delivery to retail or wholesale outlets, including delivery by a vendor or a sale from a plant or a plant store, should be fully regulated under the order. They are herein defined as "pool plants".

The order shall also provide standards for plants from which pool plants making route sales draw supplemental supplies of milk. Plants shipping supplemental supplies to a market generally fall into two broad categories. One category includes plants that supply milk to the market in such a manner as to be considered closely associated with the market. Although the record discloses that no such plants from any area, including out-of-state areas, are serving the Central Arizona marketing area with regularity, some provision should be made to regulate plants of this type that might become closely associated with the market. Such plants are a normal part of milk procurement facilities in many markets and nothing in this order will preclude any plant wherever located from serving the market in the future should a need for their services arise. This objective can best be accomplished by defining also as a "pool plant" any plant that ships to pool plants making route sales in the areas as Class I milk a majority (at least 50 percent) of its receipts of producer milk in the current month during the period of July through October, and 20 percent in the current month during the period November through June: *Provided*, That, if a plant meets these standards during the months of July through October, such plant should be permitted, upon written application to the market administrator on or before October 31 following such compliance, to be designated as a "pool plant" until the end of the following June. Plants not qualified under these standards cannot be considered as closely associated with the Central Arizona market, and receipts from them should be considered as other source milk. The standards recommended herein will provide the framework for appropriate regulation of plants shipping supplemental supplies if such plants should become regularly associated with the market.

A "pool plant" is defined to include any plant subject to full regulation under the proposed order.

A "handler" is defined to be the operator of any pool plant. Such handler is the person to whom the provisions of the order are applicable. The handler receives the milk and thus must be held responsible for reporting the receipt and utilization of it. If the milk is priced, he is responsible for paying producers the specified minimum prices. A "handler" should include a cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant for its account. If a handler also operates an unregulated plant(s), this definition is not intended to include such person in his capacity as an operator of such plant(s). This definition should include producer-handlers in order that they may be required to report to the market administrator whenever necessary to determine their status.

"Producer" should be defined as any person other than a "producer-handler" who produces milk in compliance with the Grade A requirements of a duly constituted health authority having jurisdiction within the marketing area, which milk is received at a pool plant. Provision should be made so that the milk of producers regularly received at a pool plant may be diverted for the account of a handler to a nonpool plant without such producers losing their status under the order. This will permit milk regularly associated with the market to be diverted to manufacturers during periods of flush production and over weekends and holidays when supply and demand relationships may require some reserve and surplus milk to be manufactured in plants not regulated by the order. Producers whose milk is so diverted will continue to receive the uniform price under the order and their milk will be available for fluid use when needed. Diverted milk should be deemed to have been received at the plant from which it was diverted. Producer milk should include all skim milk and butterfat contained in milk produced by producers and received at pool plants directly from producers or diverted by a handler from such plant.

"Producer-handler" should be defined as a person who operates a pool plant in which he handles only milk of his own production and such milk from other handlers as is priced under the order at such other handler's plant. A producer-handler should be subject to the order only to the extent that he must submit reports to the market administrator as required and maintain and make available to the market administrator, accounts, records and facilities so that the market administrator may verify that such person is a producer-handler. It seems unnecessary to require under the order that a producer-handler pay any particular price for milk produced on his own farm.

Classification provisions of the proposed order should provide that any milk, skim milk, or cream transferred by a handler to a producer-handler should be Class I milk. Any supplemental supplies of milk which may be obtained from other handlers may, by virtue of the type of operation involved, be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from other handlers and still maintain his status as a producer-handler. Pursuant to the proposed order any milk which a handler receives from a producer-handler would be other source milk and would, therefore, be allocated to the lowest class utilization at the pool plant(s) of a handler after the allocation of shrinkage on producer milk. This method of allocating producer-handler milk will preserve producers' priority on the Class I sales in the marketing area. Thus, the producer-handler who, by being exempt, enjoys the full advantage of his fluid milk sales, will not also share in the Class I market of other producers.

"Other source milk" should be defined as all skim milk and butterfat utilized by the handler in his operations except fluid milk products received from pool plants, inventory, and current receipts of producer milk. This includes any nonfluid milk products from any source, including those produced at the handler's plant during the same or an earlier month which are reprocessed or converted to other products during the month in the plant. Thus, other source milk would represent butterfat and skim milk from sources not subject to the Class I pricing provisions of the attached order. Defining other source milk in this manner will insure uniformity among all handlers under the allocation and pricing provisions of the order.

(b) *Classification of milk.* Milk received by regulated handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, it is used, as either Class I milk or Class II milk.

A classified-use plan of this type will insure that minimum prices for milk will be uniform among handlers according to use, that a price may be fixed for the milk disposed of as Class I at a level that will bring forth an adequate supply of pure and wholesome milk, and that a necessary reserve of quality milk may be maintained at all times (and used at prices in line with its value when processed into manufactured dairy products) without disrupting marketing and pricing conditions within and outside the established marketing area.

The products which should be included in Class I milk are those distributed to the consumer in fluid form and required by health authorities in the proposed marketing area to be obtained from milk or milk products from approved "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products somewhat above the ungraded, or manufacturing, milk price. This higher price should be at such a level that it will yield a blend price to producers that will encourage the production of enough milk to meet market needs.

Reserve milk not needed seasonally or at other times for Class I use must be disposed of for use in manufactured products. These products are less perishable, are not required to be made from inspected milk, and must be sold in competition with products made from unapproved milk produced throughout the United States. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

In accordance with these standards, Class I milk should comprise all skim milk (including reconstituted and concentrated nonfat milk solids) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream or any mixture in fluid form of milk, skim milk and cream (except eggnog, ice cream, ice cream mixes, yogurt, aerated cream, and sterilized products contained in hermetically sealed containers); and (2) not accounted for as Class II milk.

Fluid milk products which contain concentrated skim milk solids, such as skim milk drinks and buttermilk to which extra solids have been added, or concentrated whole milk disposed of for fluid use, should be included under the Class I milk definition and all the solids therein should be priced at the same rate. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed cans would not be considered as Class I milk; they need not be handled as fluid milk products nor need they be made from Grade A milk exclusively.

Skim milk and butterfat are not used in many products in the same proportions as contained in the milk received from producers, and therefore should be classified separately according to their separate uses. The skim milk serum and butterfat content of milk products, received and disposed of by a handler, can be determined through certain recognized testing procedures. Some of these products, such as ice cream and condensed products, present a difficult problem of testing (and accounting) in that some of the water contained in the milk has been removed. It is necessary, in the case of such products, to provide an acceptable means of ascertaining the amount of skim milk and butterfat contained in, or used to produce, these products. This may be accomplished through the use of adequate plant records made available to the market administrator in the case of products manufactured by a handler, or by means of standard conversion factors of skim milk and butterfat used to produce such products in the case of products purchased by a handler or where plant production records are inadequate.

The accounting procedure to be used in the case of any condensed milk product should be based on the pounds of milk or skim milk required to produce such product. The record discloses that (1) concentrated skim milk solids are used to fortify Class I milk products, (2) that such solids are required to come from Grade A milk, and (3) that they would be paid for on the basis of the Class II price, if derived from milk covered by the order or at the price for manufacturing milk, closely in line with the Class II price, if derived from milk processed at a non-regulated plant. Under the circumstances, the value of each pound of nonfat milk solids utilized by addition to, or as, a Class I product has a value to the handler the same as every other pound contained therein. Neither the form in which, nor the source from which, such solids are obtained alter their value to the handler for this purpose. Solids contained in producer skim milk are in fluid form and are paid for on the basis of all the water originally associated with the solids. In order to account for skim milk solids in powdered or concentrated form on a basis comparable to that used in accounting for liquid skim milk in producer milk it is necessary to account for such solids on the basis of the amount of skim milk necessarily used in producing such solids. Therefore, the accounting procedure to be used in the case of this and any condensed milk product should be based on the pounds of milk or skim milk required to produce such product.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from producers should be responsible for establishing the classification of, and making payment to producers for, such milk. Fixing responsibility in this manner is a practice which is followed consistently in both regulated and unregulated markets. It is necessary to administer effectively the provisions of the order in order to achieve equality of cost among handlers. The operator of the plant at which milk is first received from producers is the person with whom contractual relations have been made by producers or their representatives. Except for the limited quantities of shrinkage which may be classified in Class II under certain conditions set forth elsewhere in this decision, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. Included as Class II milk are products such as ice cream, ice cream mix, and other frozen desserts and mixes; eggnog; yogurt; aerated cream; butter; cheese, including cottage cheese; evaporated and condensed milk (plain and sweetened); nonfat dry milk solids, dry whole milk; condensed or dry buttermilk; and any other products not specified as Class I milk. Skim milk and butterfat disposed of to commercial food product manufacturing plants, other than dairy plants, which do not dispose of fluid milk products for fluid consumption, should be Class II milk. The health ordinances applicable in the marketing area do not require that these products be made from locally approved milk.

Cream placed in storage and frozen should be classified as Class II milk. Such cream is intended primarily for use in ice cream and ice cream mixes. Skim milk disposed of as animal feed also should be classified as Class II. Any frozen cream or other Class II products which are used later in a pool plant would be considered as other source milk at the time of such use and assigned to the lowest priced utilization in the plant.

Butterfat and skim milk used to produce Class II products should be considered to be disposed of when so used, and will not enter into the classification problem again unless reused or reconverted. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source, including

those produced in the plant from producer milk, which are used for further processing or manufacture, should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Handlers have inventories of fluid milk products at the beginning and end of each month which enter into the problem of accounting for current receipts and utilization. Inventory is intended to include stocks on hand of bulk milk, skim milk, and cream and bottled milk and other fluid milk products designated as Class I milk. Manufactured products (Class II) on hand are not included in the inventory account because the milk used to produce such products will already have been accounted for as Class II milk. As previously indicated, handlers will need to keep stock records of such products but they will not be included in inventory for the purpose of accounting for current receipts.

It is concluded that inventory should be accounted for as Class II milk. If fluid milk products in inventory are accounted for as Class II milk at the end of the month, it will be necessary to provide a method to deal with the producer milk inventory which is used in the current month for Class I purposes but which the handler accounted for to producers as Class II milk at the end of the previous month. Handlers, at times, also use other source milk in their operations. Producer milk from inventory should have prior claim on Class I sales over current receipts of other source milk. This can be accomplished by considering the ending inventory in one month as a receipt in the following month and subtracting such receipt (under the allocation procedure) in series starting with Class II milk following the subtraction of other source milk. To the extent that opening inventory is allocated to Class I milk and there was an equivalent amount of producer milk classified in Class II milk in the previous month (after the allocation of other source milk) a reclassification charge should be made at the difference between the Class I price in the current month and the Class II price in the preceding month. This will promote equality in the cost of milk among handlers and returns to producers, irrespective of whether or not such producer milk is from the previous month's ending inventory or is a current receipt.

Shrinkage should be determined by subtracting from the total pounds of skim milk and butterfat received by the handler his total established utilization of skim milk and butterfat, respectively, in various products. Shrinkage not in excess of 2 percent of the handler's receipts of skim milk and butterfat from producers and other source milk should be prorated between producer and other source milk on the basis of the pounds received from each source. None of the shrinkage should be assigned to milk received from other pool plants because shrinkage on such milk will be allowed to the transferring handler. The evidence indicates that a plant operated in a reasonably efficient manner, and for which complete and accurate records of receipts and utilization are maintained, should be able to keep total shrinkage at less than 2 percent of total receipts. It is concluded, therefore, that shrinkage not in excess of 2 percent of total receipts of producer milk and other source milk should be classified as Class II milk; any in excess of this quantity should be classified as Class I milk.

Transfers. Classification of butterfat and skim milk used in the production of Class II milk items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of by the handler. However, since some Class I items may be disposed of to other plants for processing, specific classification procedures should be prescribed for transfers to other plants.

Milk, skim milk, cream or other products designated as Class I milk transferred by a handler to the plant of another handler, except that of a producer-handler, should be classified as Class I milk unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II milk. However, sufficient Class II utilization must be available at the transferee plant for such assignment after prior allocation of shrinkage and other source milk. Furthermore, the assigning to classes must be such as will result in the maximum amount of producer milk of both handlers being assigned to Class I milk. These actions will carry out the recognized principle that the highest-valued uses should be assigned first to those producers regularly supplying the market.

In order to reduce the administrative expense of verifying the use of milk or skim milk transferred great distances, transfers of milk or skim milk to plants 250 miles or more from the nearer (by the shortest hard-surfaced highway distance) of the respective City Halls of Phoenix or Tucson, Arizona, should be Class I in all cases. The costs involved in transporting milk or skim milk in fluid form such a distance appear such that it would not be economically feasible to move the milk farther for Class II disposition.

Cream presents a somewhat different problem because its value is so much greater in relation to its bulk that it may be transported long distances for manufacture. In order to provide for such transfer and at the same time provide reasonable assurance that the butterfat is being classified according to use, it should be provided that cream may be Class II if the following conditions are met: (1) The transferring handler requests such a classification, (2) it is clearly labeled as manufacturing grade cream and the shipment is so invoiced, (3) if the operator of the nonpool plant maintains books and records of utilization at the plant which are made available on request of the market administrator for verification of usage, (4) if prior notice of the intended shipment is furnished to the market administrator, and (5) the nonpool plant used an equivalent amount of skim milk and butterfat in the use indicated.

The more common form of transfer to a nonpool plant is the movement of excess milk to nearby manufacturing plants. It is provided that transfers of milk, skim milk, or cream from a pool plant to a nonpool plant located within a radius of 250 miles be Class I unless Class II use is affirmatively established. Evidence of Class II use consists of a certification by the pool plant operator that the transfer was intended for Class II use, and verification by the market administrator of the records made available by the nonpool plant operator to establish that the milk was not utilized for other than manufacturing purposes.

Allocation. Because the order class prices apply only to the producer milk, it is necessary, if a pool plant has butterfat or skim milk other than that received in producer milk, to determine the quantities of milk in each class to be assigned to current receipts from producers. The milk of producers who are regularly engaged in supplying the market should be assigned the Class I utilization first. This is necessary to insure the effectiveness of the classified pricing program of the order. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in detail in the order.

In general this procedure requires that skim milk and butterfat, respectively, remaining in each class be assigned to producer milk by making the following deductions from the gross utilization of each handler starting with Class II milk, except as otherwise noted:

(1) Class II shrinkage of producer milk;
(2) Other source milk;
(3) Beginning inventory;
(4) Receipts from other handlers (according to classification); and
(5) Overage.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described above should be carried out with respect to all milk received during each month. To apply a shorter accounting period would place an accounting and reporting burden upon handlers and increase the cost of administering the order.

(c) *Class prices.* In order to restore and maintain orderly marketing conditions in the Central Arizona area, minimum Class I and Class II prices for producer milk must be established at levels that will reflect economic conditions affecting the market supply and demand for milk or its products and assure the maintenance of a supply of quality milk adequate for the needs of the market. The enabling act requires that minimum prices established by Federal milk orders meet this standard. An important point in this requirement is that the prices shall be at a level that over a reasonable period of time, due consideration being given the need for a reserve of milk and the seasonal variation in production, the supply of milk meeting the quality standards of a market will be about equal to the needs of the market for milk of that quality. This means, in turn, that the minimum prices provided for in the order can be related to general economic conditions, but cannot be maintained out of

line with such conditions. If producer prices are too low, not enough milk of acceptable quality will be produced to supply fully the Class I needs of the market. If such prices are too high, on the other hand, milk production will be over stimulated and fluid consumption will tend to be curtailed. These actions would cause more milk to be produced than is needed to supply the demand for Class I milk, including the necessary reserves, and would eventually result in the shifting of agricultural resources toward the production of unnecessary and uneconomic surpluses and this would depress the blend price to producers.

The concept of adjusting minimum class prices in response to changes in supply and demand conditions, and thereby influencing production of milk through consequent changes in producers' blend prices, has wider geographical implications today than in the past. In earlier days producers were limited to supplying milk to local markets because of inadequate transportation facilities and the local nature of health regulations and milk distribution systems. Today the technological advances in milk production, including the widespread use of milk cooling equipment on farms; the rapid motor transportation from farms to a number of cities instead of one or two, especially through the advent of bulk farm tank milk pickup; the increased efficiency of milk processing equipment and plants; the increasing importance of paper containers for packaging milk; the use of refrigerated delivery trucks; the sale of milk through vendors and stores in distant cities; and the corollary trend among health authorities of approving sources of milk derived from a wider supply area under agreements for reciprocal inspection—all these factors enable milk to be transported and sold long distances from the point of production and processing. The hearing record was replete with testimony showing that these developments have and are influencing the marketing organization and price structure for producer milk and for fluid milk products in Arizona. That these developments affect the level of prices paid for milk produced in Arizona is borne out by the many references in the record to the need of keeping Arizona prices in reasonable alignment with those in other areas, particularly California.

Class I prices. Producers proposed that the Class I price for 4 percent milk be established for each month by adding a differential of $3.05 to a "basic formula price" that reflects the values on a nation-wide basis of manufacturing milk used for butter and powder (through a butter-nonfat dry milk solids formula) and condensing (through the Mid-west condensery price series). They requested a further provision that for producer milk received at plants in Pima County (Tucson) the price be 36 cents a hundredweight higher. Handlers requested a 3.5 percent basis for pricing and a Class I differential of $1.90 over the basic formula price.

The evidence demonstrates that pricing should be based on milk of 3.8 percent butterfat test and that the appropriate price level for Class I milk of such test in Central Arizona would be the basic formula price plus $2.80 for plants in the Tucson zone, $2.50 a hundredweight for plants in the Phoenix-Safford zone and $2.40 for those plants in the Yuma zone.

The general price level for Grade A milk in Phoenix from May 1953 through June 1954 (the most recent period when the market was not involved in pricing or marketing disturbances) was $6.12 a hundredweight for 3.8 percent milk (purchased on a butterfat basis at the rate of $1.61 a pound butterfat). In July 1954, this price was reduced 2 cents a pound butterfat by at least two handlers. By August 1954, this level of prices decreased further, with the result that producers supplying plants in Phoenix received between $1.515 and $1.60 a pound butterfat for their milk (equal to $5.76 to $6.08 for 3.8 percent milk). This decrease was approximately commensurate to the reduction in the price support levels for dairy products. A price level of $1.50 to $1.59 a pound butterfat ($5.70 to $6.04 a hundredweight of 3.8 percent milk) remained in effect in the Phoenix area until upset by the marketing conditions reviewed earlier in this decision. Except for periods of unsettled conditions, the price for milk in Tucson has been higher by at least the amount of extra transportation charges involved. On this basis, the Tucson price normally has been about 34 cents a hundredweight higher for 3.8 percent milk. However, producers in the Salt River Valley, when shipping to plants in the Tucson area (as an alternative to shipping to plants in the Phoenix area) incur extra transportation costs of about 30 cents a hundredweight. On this basis the Class I price level in Tucson should remain 30 cents a hundredweight higher than the Class I price level in the Phoenix-Safford area.

The level of prices existing in the area before the market became unstabilized in late 1954 maintained enough local production to meet the fluid needs of the area during months of flush production, but had not induced enough local production to meet year-round demands in the market. The market was not oversupplied on a year-round basis. This indicates that a price of $1.50 to $1.55 a pound butterfat under present nation-wide marketing conditions is not and has not been too high. At the present time, however, the economic conditions affecting the cost of producing milk in Arizona and the relative profitability of dairying compared with other agricultural enterprises are slightly more favorable to dairying than heretofore. This situation is reflected in the current slightly upward trend in local milk production. These conditions and trends indicate that a Class I price of $5.80 for 3.8 percent milk at Phoenix area plants, with appropriate differentials for other locations, will induce an adequate supply for the Central Arizona marketing area. Furthermore, if producers need any added incentive pricewise, it should be supplied through the market-wide blend price by the effects of those order provisions that require classification, check weighing and testing, and full and accurate accountability to producers for milk sold to handlers. These conclusions can be carried out in Central Arizona by adding a Class I differential of $2.80 each month of the year to a basic formula price which reflects the value of manufacturing milk at a national level. This Class I differential would apply to plants located in or within 60 miles of Tucson, Arizona, and would be adjusted downward through appropriate location differentials (discussed elsewhere in this decision). This further action has the effect of setting a Class I differential of $2.50 for producers shipping to plants in the Phoenix-Safford zone and $2.40 for those shipping to plants in the Yuma zone.

Record evidence indicates that, under present conditions, this level of prices appears to be in appropriate alignment with prices established for Grade A milk in the Los Angeles, California market under regulations promulgated by the State of California, Department of Agriculture, Bureau of Milk Control.

The basic formula price recommended herein is comparable with that proposed at the hearing and with those presently used in the Federal order markets in the State of Texas. The purpose of this basic formula price is to reflect the general economic factors underlying the price for milk used in manufactured dairy products. Because the market for most manufactured products is nation-wide, prices of such products reflect, to a large extent, changes in general economic conditions affecting the supply and demand for milk. These prices, in turn, influence the local market prices for the same uses of milk. Prices for milk used for fluid purposes are related to prices paid for milk used for manufacturing purposes since the production and marketing of inspected milk for fluid purposes is influenced by many of the same economic conditions. Also, manufacturing milk plants serve as alternative outlets for milk which farmers produce for fluid markets. For these reasons, most fluid milk markets have used the prices for butter and nonfat dry milk solids, or the prices paid by condenseries (with differentials over these basic manufacturing prices), to establish fluid milk prices. The differential that is added to the basic formula price should, in general, reflect the additional costs of getting Grade A milk produced and delivered to consumers in the quantities required to meet the needs for fluid consumption in the Central Arizona marketing area.

The basic formula price to be used in establishing the current price for Class I milk of 3.8 percent butterfat test should be the higher of the following for the preceding month: (1) The prices paid to farmers at Mid-west condenseries for milk of 3.5 percent butterfat content adjusted to a 3.8 percent basis, and (2) a formula price based on the market prices of butter and nonfat dry milk solids on the Chicago, Illinois, wholesale market. Chicago, Illinois, is a large central market for butter and nonfat dry milk solids and changes in prices at that point reflect the changing conditions affecting the supply and demand for milk and its products throughout the country. The use of these alternative components in the basic formula price will reflect the value of manufactured milk; the use of the higher price resulting therefrom is appropriate because alternative supplies of milk must be obtained at any given time in competition with the most favorably priced manufacturing outlet. Subtracting 3 cents from the Chicago butter price, adding 20 percent and multiplying by 3.8 makes appropriate allowances, respectively, for the costs of manufacturing butter, for the overrun involved, and for the pounds of butterfat contained in the milk. The deduction of 5.5 cents from the average price for spray and roller nonfat dry milk solids in Chicago is a manufacturing allowance; multiplying the result by 8.5 adjusts for the pounds of solids obtained from a hundredweight of skim milk; and multiplying the result by 0.962 adjusts for the pounds of skim milk in a hundredweight of milk containing 3.8 percent butterfat.

Handlers recommended that the order provide for a basic test of 3.5 percent butterfat rather than the 4 percent basis proposed by the Arizona Dairymen's League. Handlers based their recommendation on the facts that the market-wide average test of milk received from producers and the average test of products sold to consumers are both somewhat less than 4 percent. Moreover, Los Angeles, California, is the nearest market from which Central Arizona handlers can purchase raw milk when local production is insufficient to meet sales requirements and the only market to which any substantial quantity of milk, surplus to the needs of the Central Arizona marketing area, can be sold for processing. The Bureau of Milk Control of the State of California announces its Class I prices for Los Angeles in terms of 3.8 percent milk. Because of marketing interrelationships, it would seem appropriate to announce Central Arizona prices on a basis comparable with those in California. For these reasons, a reasonable butterfat test on which to calculate and announce prices in the Central Arizona marketing area, especially during the period immediately after the attached order would go into effect, is 3.8 percent. Setting the basic test at this level rather than at 4 percent will not, in itself, alter the level of returns to producers because the price structure established herein has been adjusted to that basis.

If experience indicates that the proposed level, or the basis or method of pricing, fails to bring forth a satisfactory level of producer milk receipts in the marketing area, it will be appropriate to re-examine these provisions in conjunction with the complete marketing information that will become available after the order has been in effect. Although the basic formula is designed to respond to general supply and demand conditions affecting the production of milk, it also is important to have the Class I price responsive to local conditions. An important local condition is the relationship between the supply of milk immediately available to the market and the proportion of this milk disposed of for Class I purposes. However, because of limitations on accurate market-wide data, no automatic adjustment of Class I prices based on changing supply-demand relationships is proposed herein. It is concluded, however, that after the accumulation of at least one-year's data the basis or method of pricing should be reexamined at a public hearing called for that purpose. For this reason the Class I price differential adopted will be effective for a period of only 18 months.

The market administrator should announce the Class I price near the beginning of each month. In order to do this, it will be necessary to use price quotations for the previous month in determining the basic formula price. These quotations will be available in time for the market administrator to announce the Class I prices on or before the 6th day of the month to which the price applies.

Class II prices. Every fluid milk market needs a "reserve" supply of Grade A milk to meet day to day fluctuations in receipts from producers and in Class I sales. In the Central Arizona marketing area, sales of milk vary considerably on a daily basis, but do not change greatly from season to season. Milk supplies, on the other hand, because of the seasonal variations in production, are greater during the winter and spring months than during the summer and fall months. The result is that handlers must process on a year-round basis the daily and seasonal surpluses into various manufactured products. Since milk going into these products must be paid for at the Class II price, this price should be fixed at a level which will induce handlers to accept and market whatever quantities of such milk may be offered from time to time by the producers who provide the market's regular fluid supply. It is of equal importance to establish a price that will return to producers full value for their milk.

All products included in Class II may be made from unapproved milk. Approved milk which may be used in some of these products by regulated handlers and, therefore, must be priced at a level that is competitive with the cost of alternative supplies of milk or in line with the cost of milk products that would otherwise be used in the Class II products processed by handlers in this area. The record shows that ice cream, cottage cheese, and condensed milk are the most important outlets for reserve and surplus milk in this area.

There is no group of plants in Central Arizona carrying on extensive manufacturing operations whose prices can be used as a basis for fixing the Class II price under the order. The two plants that represent the most important outlets for surplus milk in the area are owned and operated by persons who would be handlers under the order. Obviously, the pay prices at these plants for ungraded milk may not be used to determine the level of Class II prices under the order.

The record shows that because of a lack of local ungraded milk, and, at times, reserve and surplus milk, handlers in Central Arizona must rely on imports of cream and nonfat solids in processing Class II products and even Class I products. The record also indicates that these ingredients cannot be purchased locally at less than the level of prices for such manufactured products. It seems clear, then, that the most appropriate formula for a Class II price is one based on wholesale prices of butter and nonfat dry milk solids.

Handlers suggested a butter-nonfat dry milk solids formula that averaged about 25 cents per hundredweight lower in price in 1954 than the butter-nonfat dry milk solids formula used herein in connection with the basic formula price (section 50 (b)). The price level proposed by handlers coincided almost exactly with the level of prices reported paid for ungraded manufacturing milk by the two plants located in the marketing area. The Class II formula should reflect a price that will insure that surplus milk will move into manufacturing uses during flush production months, yet will be high enough in the months of short production to insure its use in meeting the Class I requirements of the market. To effectuate this the Class II price should be established by using the butter-nonfat dry milk solids formula in the basic formula price (section 50 (b)) during the short production months of July through December and the price resulting from the same formula less 25 cents per hundredweight during the months of January through June.

In order that the Class II price may be kept in line with current changes in manufacturing values, the central market prices for butter and nonfat milk solids during the current month should be used for determining Class II prices under the order.

Location differentials. Class I milk products because of their bulky, perishable nature incur a relatively high transportation cost if such products or the milk used to produce them are moved a considerable distance. Milk delivered directly by farmers to plants in or near the urban centers in the defined marketing area is therefore worth more to a handler than milk which is received from farmers at a plant located many miles from the market. This is so because in the latter instance the handler must incur the additional costs of moving that milk into the central market. The producer, in turn, receives less for milk delivered to points distant from the central market in lieu of incurring the additional costs of hauling his milk into the central market. Under these conditions the value of producer milk delivered to plants located some distance from the central market is reduced in proportion to the distance (and cost of transporting such milk) from the point of receipt to the central market.

In order to allow for the cost of moving Class I milk from distant plants that are, or might become, regular sources of supply for Central Arizona, it is necessary to establish the Class I price for milk delivered to plants at a point in the marketing area and then provide a schedule of deductions from the Class I milk price as location differentials or adjustments. The city of Tucson is one of two principal consuming areas in Arizona and, at the same time, represents the point at which producer prices

have been, and will continue to be, the highest. It also represents the part of the marketing area most expensive to supply (because of its location with respect to the main segment of the Central Arizona milkshed). Accordingly, the distances used in determining the location differentals should be measured from the City Hall of Tucson, Arizona, and should apply at plants located more than 60 miles by shortest hard-surfaced highway distance as determined by the market administrator.

The rates should begin with 30 cents at plants located in the 60–160 mile zone (notably Phoenix and Safford), 40 cents at plants located in the 160–260 mile zone (notably Yuma), and 1 cent for each additional 10 miles or fraction thereof as measured from the City Hall in Tucson. Handlers can be expected to move milk into the market in the most efficient and feasible manner. In the Central Arizona marketing area this means hauling in bulk by tank truck. The location differentials proposed herein are based on the record data relating to the actual cost of hauling milk by this method both within the area (as discussed earlier in this decision in connection with the Class I price) and between points in Arizona and California. They also are comparable with those contained in other Federal milk marketing orders. The rates should apply to all milk assigned to or otherwise classified as Class I.

A method is provided for determining, if necessary, the priority of milk from various plants in allocating milk to Class I for purposes of computing the aggregate of location adjustments to be allowed. Such adjustments would be made in sequence beginning with those plants nearest Tucson.

The value of milk used in manufactured dairy products is affected little, if any, by the location of the plant receiving and processing such milk (in contrast to the situation with respect to Class I fluid milk products). This phenomenon occurs because of a very significant difference in the costs of transporting the two types of dairy products—fluid milk products are bulky, easily contaminated, and almost non-storeable, whereas such manufactured products as butter and cheese, for example, are easily stored for use over long periods of time, easily transported for use in any areas of the country or world, may be made from ungraded milk, and have a high value relative to the cost of transporting them. For these reasons the prices for Class II products vary little as distance from the consuming market becomes greater. These phenomena are borne out in the record by noting the tendency for comparable prices to be paid for ungraded milk into similar uses in different parts of Arizona and California. Accordingly, no adjustment should be made in the Class II price for reason of location of the plant to which the producer milk is delivered.

In line with the economic considerations which affect the value of milk for fluid market uses when it is delivered by farmers to plants located some distance from the consuming market, it is necessary and appropriate that the uniform prices paid producers delivering milk to plants to which location differentials apply also should be reduced by the same rates applicable to handlers to reflect the lower value of such milk f. o. b. the point of actual delivery (in contrast to its value when delivered to Tucson plants where the cost of obtaining milk supplies is greatest).

Butterfat differentials. In an earlier section of this decision it was concluded that butterfat and skim milk should be accounted for separately for classification purposes. It will be necessary, therefore, to adjust Class I and Class II milk prices in accordance with the average test of milk in each class by a butterfat differential that will reflect differences of value due to variations in the butterfat content in each product. As pointed out earlier in this decision, the basing point from which such adjustments are to be made should be 3.8 percent butterfat.

The butterfat differentials for Class I milk and Class II milk should be appropriate to the level of class prices provided for herein for Class I and Class II milk. Also, the differential for Class I milk must reflect the continuing necessity for appropriate price alignment of Class I prices with California markets. This is necessary and desirable since the Class I prices proposed in this decision are in alignment with those prices. To effectuate this the Class I price should be increased or decreased for each one-tenth of one percent of butterfat above or below 3.8 percent, respectively, by the value obtained by multiplying the Chicago butter price for the preceding month by 0.175. The Class II butterfat differential would be determined by multiplying the Chicago butter price for the current month by 0.115.

The use of butterfat differentials in this manner follows standard practice in most fluid milk markets for adjusting for butterfat variations. At these levels they reflect the recommendations of the market interests at the public hearing and are such as will ease the transition of the market from a direct ratio butterfat basis of payment to a butterfat-skim milk basis of payment. In order that the Class I butterfat differential may be announced early each month, it is provided that the Class I differential be based on the average price of butter in the preceding month. This will permit the announcement of the Class I differential at the same time that the Class I price is announced.

Class II prices and butterfat differentials will not be announced until after the end of the month. Although handlers will not know the cost of such milk as it is utilized, they do know that in any sales competition with other processors located throughout the nation their competitors also will be paying for milk on the basis of current market values.

The butterfat differential used in making payments to producers should be calculated at the average of the returns actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sale value of their butterfat at the class prices provided in the order. In the Central Arizona area this should mean, for most months, a producer butterfat differential at or near the value of the Class I butterfat differential. The producer butterfat differential in no way affects the differentials used in calculating a handler's obligation at class prices; it merely prorates returns among producers whose milk differs in butterfat test.

Compensatory payments on unpriced milk. Compensatory payments on unpriced milk disposed of as Class I milk in the Central Arizona marketing area are unnecessary under prevailing marketing conditions and the terms of the order proposed herein.

Over 90 percent of the production of the Central Arizona marketing area, as defined herein, is concentrated in the Salt River Valley. Inter-market competition from unregulated areas for route sales in the area is nonexistent. Except for producer-handlers, no plants, other than pool plants, distribute Class I milk on routes in the area. All such distributors will be handlers and will be treated equally under the complete classification and pricing provisions of this order. As pointed out previously in this decision, the Central Arizona marketing area has no year-round surplus. Any supply plant that becomes closely associated with the market by meeting the specified requirements will be a fully regulated pool plant. Milk from supply plants not meeting those standards will be considered as other source milk. The allocation provisions pertaining to other source milk should provide adequate protection for the equitable operation of the market-wide pool and still permit the importation of milk.

The Class I pricing formula adopted herein is an appropriate alignment with the price for Class I milk in Los Angeles, California. Under those circumstances, and as long as any milk coming into the Central Arizona marketing area is paid for in accordance with the classification and pricing provisions promulgated by the State of California Bureau of Milk Control, the need for compensatory payments on milk emanating in California seems unnecessary. Although the above conclusions with respect to the need for compensatory payments are clear under present marketing conditions, it is conceivable that competitive conditions or operating practices of regulated and unregulated handlers, both in and outside the marketing area, can change enough to create a need for remedial action with appropriate compensatory payment provisions. If such developments occur, appropriate modifications in the attached order can be proposed by the industry and reconsidered on relatively short notice at a public hearing called for that purpose.

Considerable testimony was adduced at the hearing relative to the need for, and the amount of, a compensatory payment to meet the peculiar marketing problem in the northern portion of Yuma County occasioned by a vendor operating out of Blythe, California. This problem is automatically obviated by the finding that regulation of that area as part of the Central Arizona Marketing area is unnecessary.

(d) *Payments to producers*—(a) *Type of pool.* The order should provide that the proceeds from the sale of milk in both classes by all handlers be combined and distributed to producers through a "market-wide" type of equalization pool. Under this type of pool each producers will receive minimum prices that are uniform with those received by all producers delivering milk to the Central Arizona area, subject, of course, to butterfat and location differentials. The "blend" price, and the "base" and "excess" prices during the months of January through June, will be a weighting of the proportions of all producers' milk paid for at Class I and Class II prices, and will, in effect, return to each producer his share of the Class I sales of the market.

Under the marketing conditions and the organizational structure of the industry in Central Arizona, as set forth in the record, it is clear that the market-wide type of equalization pool is a necessary part of any effective program to establish and maintain orderly marketing and pricing conditions.

Only two handlers in Central Arizona are equipped to process reserve and surplus milk in their own plants. For this reason, and those already pointed out in the discussion of the necessity for an appropriate Class II price, it is imperative that a pool be established that will provide for an equitable sharing, particularly during the flush production season, of the lower returns that are inevitable with an adequate and necessary reserve of milk. Because many plants do not have facilities for processing reserve and surplus milk, the adoption of an individual-handler pool, wherein plants operating on a Class I basis can pay a higher blend price than those who would carry the reserve needs of the market, would automaticaly deter handlers from handling such milk or from equipping their plants for that purpose. The burden of carrying the necessary reserve supplies of milk would continue to be shouldered by only a part of the producers who share in the year around Class I sales in the area.

A market-wide pool will permit any handler to bid on such business as that offered by military installations and other public institutions and to obtain the supplies for such sales without upsetting the market whenever the business might shift from one handler to another.

The producer cooperative associations in Central Arizona assume the responsibility for marketing the reserve and surplus milk of their member-producers. A market-wide pool will facilitate the movement of milk supplies by these associations between handlers to meet their individual needs or to those non-pool processing plants that can make the most efficient use of such milk. A market-wide pool will aid the market in retaining qualified, experienced and willing producers during periods of seasonal surpluses (by permitting them to receive the market-wide uniform price), hence their milk will be available to fill the Class I requirements of the market at other seasons of the year. These factors, taken in conjunction with the variations in amount of reserve supplies among plants, all support the adoption of a market-wide pool.

Base-excess plan. A base and excess plan of distributing returns for milk among producers should be employed in connection with the market-wide pool established herein. Record evidence indicates that receipts vary between the spring and fall months to a greater extent than Class I sales. In addition, same handlers have difficulty in utilizing efficiently all milk delivered to them during periods of seasonally high production. Consequently, there is a need for an incentive to maintain production in the late summer and fall months relative to that of the winter and spring months.

Handlers and producers serving the Central Arizona market are now relying and have relied on various forms of base-excess plans to provide the incentive needed to induce local dairymen to strive for a more nearly even level of milk production throughout the year. Producers and handlers alike feel that the presently-operated base-excess plans perform a much-needed function, even though their actual operation in many cases leaves much to be desired from the standpoint of equity between handlers and fairness to producers. These latter conditions can arise because distributors themselves establish the rules of the base-excess plan and control the adjustment and transfer of bases.

Base and excess plans are effective means of improving the seasonal pattern of milk deliveries because they relate producer returns directly to delivery of additional milk in the late summer and fall as compared with usual deliveries in the winter and spring. Such a plan will help to achieve a production pattern more nearly fitted to the sales pattern for fluid milk products in the area. Were some version of this plan not included in the attached order, the most likely result would be an increased seasonality of production with its attendant problems of surplus disposal in the flush production months and the need for additional imports in the short production months. Any movement in this direction will work against market stability in this area. It is concluded, therefore, that a base-excess plan, uniformly applied to all producers by being made a part of the attached order, will play an essential role in stabilizing marketing and pricing conditions in the Central Arizona area.

The base-excess plan proposed herein would establish for each producer a base equal to his average daily deliveries during the four months of August through November. If a producer did not deliver milk to the market during the entire period, the days of actual delivery from the first day of delivery but not less than 90 would be used.

In their exceptions producers and handlers urged that the base-excess plan be kept operative in the market by adopting some method for establishing bases of individual producers during the period from the effective date of the order through June 30, 1956. Several parties suggested that the problem be resolved by using producer deliveries during the months of October and November, 1955, for base-forming purposes.

In view of the fact that the order cannot be made effective before October, 1955, the most equitable period for base-forming purposes during 1955 is October–November. In order to carry out this plan, it is necessary to require handlers to report to the market administrator such information on receipts of milk from each producer during the months of October and November, 1955, as is necessary to establish bases for the base-paying period of January–June, 1956.

During the months January through June separate uniform prices would be computed for base milk and excess milk for the purpose of allocating Class I sales first to base milk. Base milk would be that quantity of milk delivered by each producer up to his average daily base multiplied by the number of days in the month during which he delivers milk to any handler. The excess milk price would be the Class II price except in those months when the total Class I sales exceed the total quantity of base milk. During such months the excess milk price would be a blend of a Class I and Class II usage of excess milk. Provision is made for producers who may enter the market after the start of the base-forming period to establish a full base by delivering a minimum of 90 days during the specified period. Producers delivering milk for less than 90 days will have their bases calculated by dividing their total deliveries during the base-forming period by 90. The base-operating period (when payments are made for base milk and excess milk) should be limited to the 6-month period, January–June. These are the months in which the production of milk and the inadequacy of surplus processing facilities combine to create difficult marketing conditions.

Any producer should be permitted to transfer his entire base provided the market administrator is given advance notice and the transfer is made as of the first of a month. Permitting bases to be so transferred will alleviate situations wherein a producer discontinues the production of milk before the end of the base-paying period of January–June. Such a provision will give a producer added incentive to increase production during the August–November period because he can benefit from all the base he can establish even though he discontinues milk production in the spring. This action will encourage a more level pattern of seasonal production, and is, therefore, compatible with the need for and the purposes of a base-excess plan.

(b) *Payments to individual producers and to members of cooperative associations.* Handlers should make payments to each producer for milk delivered by such producer at the appropriate uniform price. Payments due any producer for milk should be paid by the handler to a cooperative association that makes a written request for such payments if the producer has given the cooperative association written authorization, in the form of a contract or in any other form, to collect such payments. The association's request should also agree to in-

demnify the handler for any loss incurred because of an improper claim. In making such payments for producer milk to a cooperative association the handler should at the same time furnish the cooperative association with a statement showing the name of each producer for whom payment is being made to the cooperative association, the volume and average butterfat content of milk delivered by each such producer, and the amount of and reasons for any deductions which the handler withheld from the amount payable to each producer. This statement is necessary so the cooperative association can make proper distribution of the money it collects to the producer-members for whom it makes collections.

Qualified cooperative associations of dairymen, if they so request, should be permitted to receive payment from handlers for their producer-members as a group. A provision authorizing handlers to make payment directly to such qualified cooperative associations for milk received from producer-members is necessary to enable an association to carry out its essential functions authorized by the enabling act. A cooperative association, if it is to carry out these essential functions, must have full authority in the collective bargaining and selling of members' milk.

The record shows that the proponent cooperative association operating in the Central Arizona area has responsibility for marketing surplus producer milk during months of flush production. This milk may be sold within or outside the marketing area. Such sales may result in financial losses or gains to the association, hence the association must be in a position to spread such losses or gains over the entire membership if it is to handle such milk effectively and efficiently. The Agricultural Marketing Agreement Act authorizes a qualified producer cooperative association to collect payments on behalf of all its members for milk caused to be marketed to all types of outlets by such association and to reblend the proceeds from its entire sales. The order should provide that payment to such a cooperative association is a proper satisfaction of the payments required by the order to be made to individual producer-members.

(c) *Producer-settlement fund.* Since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperative associations, it is necessary to provide for some method of balancing these amounts. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations should pay the difference into the producer-settlement fund; all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal, except for minor differences that may result from rounding of uniform prices. In order to permit this rounding of prices, to allow for unavoidable delays in receiving payments from handlers, and to permit payments to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the proposed order should be sufficient for these purposes. This reserve would be adjusted each month.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has not made payments required of him into the producer-settlement fund should not be considered in the computation of the uniform price in subsequent months until such handler has completed all delinquent payments.

(e) *Other administrative provisions.* Certain other provisions are needed in the order to carry out the administrative steps necessary to accomplish the purposes of the proposed regulation.

Terms and definitions. In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to insure that each usage of the term implies the same meaning. Definitions for base and excess milk are included. Other terms defined in the proposed order are common to many other Federal milk orders.

Marketing administrator. Provisions should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of his office.

Records and reports. Provisions should be included in the order to advise handlers that they are required to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of producer milk and payments due producers for such milk. Time limits must be prescribed for filing such reports and for making payments to producers. Dates must also be established for the announcement of prices by the market administrator.

It should be provided that the market administrator report to the cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the utilization of members' milk in each handler's plant will be prorated to each class in the proportion that total receipts of producer milk were used in each class by such handler. In addition to the regular reports of handlers, provision is made for the handler, prior to the diversion of the milk of a producer, to notify the market administrator and the cooperative association, if such producer is a member of an association, of his intention to divert such milk. These reports are necessary if a cooperative association is to market to best advantage the milk of its member producers.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, and such facilities as are necessary to determine the accuracy of the information reported to the market administrator as he may deem necessary or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled and to verify all payments required under the order.

It is necessary that handlers retain records to prove the utilization of the milk received from producers and that proper payments were made therefor. Since the books of all handlers associated with the market cannot be audited immediately after the milk has been delivered to a plant, it necessary that such records be kept for a reasonable period of time.

The order should provide for specific limitations of the time that handlers should be required to retain their books and records and of the period of time in which obligations under the order should terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitations of claims is equally applicable in this situation and is adopted as a part of this decision. Without a provision for termination of obligations after a reasonable period of time has elapsed, handlers may file claims which, because the period involved might extend back over many years, could be in substantial amounts. This creates uncertainties which would endanger, the stability of the market and lead to serious inequities. The order should provide that any obligation to pay a handler shall terminate two years after the month in which the milk was received if an underpayment is claimed, or within two years after payment was made if a refund is claimed, unless within such period of time the handler files a petition pursuant to section 8c (15) (A) of the act, claiming such money. Handlers also need the protection of provisions terminating their obligations to make payments. Since handlers cannot be forewarned always as to contingent liabilities, it is extremely difficult and burdensome for them to make adequate provisions therefor by setting up reserves or by taking other precautionary measures. The obligation of any handler to pay money should, except under

certain extraordinary conditions, such as litigation, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. It is concluded that in general, a period of two years is a reasonable time within which a market administrator should complete his auditing and inspection work and render any billings for money due under the order. Provisions are necessary, also, as contained in the order included herewith, to meet such contingencies as failure of the handler to submit required books and records and to deal with situations where fraud or willful concealment of information may be involved.

It was proposed that if a handler fails to make the required reports or payments, his name shall be publicly announced at the discretion of the market administrator. Such announcement is provided for by the act, and it is concluded that its adoption will facilitate the enforcement of the terms of the order.

Expenses of administration. Each handler should be required to pay the market administrator as his pro rata share of the cost of administering the order not more than 4 cents per hundredweight or such lesser amounts as the Secretary may, from time to time, prescribe on (a) producer milk (including such handler's own production), and (b) other source milk in pool plants which is allocated to Class I milk.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers.

One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. The record indicates that other source milk is received by handlers to supplement local producer supplies of milk. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (including handlers' own production) and to other source milk allocated to Class I milk.

Proponents of the order suggested a rate of 5 cents per hundredweight to provide the funds needed to administer properly the attached regulation. In view of the anticipated volume of milk and the costs of administering orders in markets of comparable circumstances, it is concluded that an initial rate of 4 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 4 cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

Marketing services. A provision should be included in the order for furnishing market services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a cooperative association is performing such services for any member-producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are in accordance with the Classification, pricing and pooling provisions of the order, and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

In the case of producers who are members of cooperatives having plants, the matter of milk-testing and milk-weighing is under the complete control of such producers and is assessed against such producers either through an association check-off or as a plant operating cost. Bargaining associations in the area are performing check-weighing and check-testing services for their members under their association check-off. In order to place such services on a market-wide basis, the market administrator should also provide them for producers not otherwise receiving services through a cooperative association. The additional service of providing market information to producers is carried on to some extent at present by the cooperatives although detailed information regarding market prices, supplies, and the utilization of milk is not available to either the cooperative associations and their members or the independent producers.

An important phase of the marketing service program of the order is to furnish producers with correct market information. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a market-wide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 5 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing. In the event any qualified cooperative association of producers is determined by the market administrator to be performing such services for its members, handlers would be required to pay to the cooperative association such association dues as are authorized by its members.

General findings. (a) The proposed marketing agreement and the order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which a hearing has been held.

Order of the Secretary directing that a referendum be conducted among the producers supplying milk to the Central Arizona Marketing Area; determination of representative period and designation of an agent to conduct such referendum. Pursuant to Section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Central Arizona marketing area) who, during the month of August 1955, were engaged in the production of milk for sale in the marketing area specified in the aforesaid proposed order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of August 1955, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order regulating the handling of milk in the Central Arizona marketing area in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Andrew T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this referendum order is issued.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Central Arizona Marketing Area" and "Order Regulating the Handling of Milk in the Central Arizona Marketing Area," which have been

decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order, which will be published with this decision.

This decision filed at Washington, D. C., this 7th day of October 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Regulating the Handling of Milk in the Central Arizona Marketing Area

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§ 1004.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Central Arizona marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expenses, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe with respect to all butterfat and skim milk contained in (i) producer milk (including such handler's own production), and (ii) other source milk in pool plants which is allocated to Class I milk.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Central Arizona marketing area shall be in conformity to and in compliance with the terms and conditions of this order as set forth below:

DEFINITIONS

§ 1004.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 1004.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1004.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1004.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1004.5 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk for its members.

§ 1004.6 *Central Arizona marketing area.* "Central Arizona marketing area" hereinafter called the "marketing area" means all territory included within the counties of Maricopa, Pima, Pinal, Graham, and the territory south of 33 degrees latitude (North from the Equator) in Yuma County, all in the State of Arizona.

§ 1004.7 *Producer.* "Producer" means any person other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority having jurisdiction within the marketing area and whose milk is received at a pool plant or is diverted from a pool plant by the handler who operates such pool plant, or by a cooperative association, to a plant which is not a pool plant for the account of such handler or cooperative association. "Producer" does not mean any dairy farmer with respect to milk received by a handler who is partially exempted from the provisions of this part pursuant to § 1004.61.

§ 1004.8 *Pool plant.* "Pool plant" means any milk plant:

(a) Approved or recognized by any health authority having jurisdiction within the marketing area for the receipt or processing of Grade A milk and from which Class I milk is disposed of on a route(s) in the marketing area;

(b) Supplying to any agency of the United States Government located within the marketing area Class I milk products; or

(c) Any plant which ships fluid milk products approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume equal to not less than 50 percent of its receipts of milk (from dairy farmers who would be producers if this plant qualifies as a pool plant) in the current month during the period of July through October or 20 percent in the current month during the period November through June to a plant specified in paragraph (a) of this section: *Provided*, That if a plant qualifies in each of the months of July through October in the manner prescribed in this section such plant shall upon written application to the market administrator on or before October 31 following such compliance, be designated as a pool plant until the end of the following June.

(d) For the purpose of this definition, milk diverted from a pool plant to a nonpool plant as described in § 1004.7 shall be deemed to have been received at the pool plant from which such milk was diverted.

§ 1004.9 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1004.10 *Handler.* "Handler" means (a) any person in his capacity as the operator of a pool plant; or (b) a cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 1004.7.

§ 1004.11 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and the operator of a pool plant in accordance with § 1004.8 (a) or (b), but who receives no milk from producers or other dairy farmers: *Provided*, That, such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled (other than that received from pool plants) is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (b) the operation of such pool plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

§ 1004.12 *Market administrator.* "Market administrator" means the person designated pursuant to § 1004.20 as the agency for the administration of this part.

§ 1004.13 *Producer milk.* "Producer milk" means all skim milk and butterfat produced by a producer, which is received at a pool plant directly from such producer.

§ 1004.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

§ 1004.15 *Fluid milk product.* "Fluid milk product" means milk (including frozen or concentrated milk), skim milk, buttermilk, flavored milk, flavored milk drinks and cream in fluid form or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, yogurt, ice cream mix and aerated cream).

§ 1004.16 *Route.* "Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or a plant store) of milk or any milk product classified as Class I milk pursuant to § 1004.41 (a) other than a delivery to a plant described in § 1004.8 (a).

§ 1004.17 *Base milk.* "Base milk" means producer milk received by handlers from a producer during the months of January through June which is not in excess of such producer's daily base determined pursuant to § 1004.90, multiplied by the number of days during the month for which milk was received from such producer.

§ 1004.18 *Excess milk.* "Excess milk" means producer milk received by handlers from a producer which is in excess of base milk received from such producer during the months of January through June of each year.

§ 1004.19 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1004.20 *Designation.* The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1004.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1004.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditions upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1004.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1004.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1004.30 through 1004.32 or payments pursuant to §§ 1004.80 through 1004.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such han-

dler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice of, the following:

(1) The 6th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month, and

(2) The 11th day of each month, the uniform price, and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS, AND FACILITIES

§ 1004.30 *Reports of sources and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk,

(2) Fluid milk products received from other pool plants,

(3) Other source milk,

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1004.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of February through July the aggregate quanttiy of base milk received at his pool plant(s) for the preceding month,

(2) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer; including, for the months of January through June, the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any authorized deductions,

(3) On or before the first day other source milk is received in the form of a fluid milk product at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(4) On or before the day prior to diverting producer milk pursuant to § 1004.7 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

(5) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

(c) Each handler operating a pool plant shall report the total quantity of milk received from each producer and the number of days of such delivery for each of the months of October 1955 and November 1955, together with such other information relating to the computation of bases to be in effect in the January–June 1956 period as the market administrator may prescribe.

§ 1004.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 1004.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1004.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for pool plants pursuant to § 1004.30 (a) shall be classified each month by the market administrator, pursuant to the provisions of §§ 1004.41 through 1004.45.

§ 1004.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1004.42 through 1004.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted and concentrated nonfat milk solids) and butterfat; (1) disposed of from the plant in the form of fluid milk products, except those classified pursuant to subparagraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat; (1) used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of as skim milk for livestock feed; and (4) in shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1004.7) and other source milk: *Provided,* That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1004.7) and other source milk, respectively.

§ 1004.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1004.43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1004.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the subtraction of other source milk pursuant to § 1004.45;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified as Class I milk;

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool milk plant shall be classified as Class I unless, (1) the transferee-plant is located less than 250 miles from the City Hall of Phoenix or Tucson, Arizona, whichever is nearer, by the shortest hard-surfaced highway distance, as determined by the market administrator, (2) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1004.30 for the month within which such transaction occurred, (3) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (4) not less than an equivalent amount of skim milk and buttterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual used shall be classified as Class I milk; and

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1004.30, (2) the handler attaches tags or labels to each container of such cream bearing the words "Grade C cream for manufacturing uses only" and the shipment is so invoiced, (3) the handler gives the market administrator sufficient notice to allow him to verify the shipment, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided,* That, if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified as Class I milk.

§ 1004.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 1004.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided,* That, the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1004.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1004.41 (b),

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk: *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk,

(4) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1004.43 (a),

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk. Any amount so subtracted shall be called "overage";

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk;

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1004.50 *Basic formula price.* The higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic, or field, prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.8.

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, muliply by 8.5, and then multiply by 0.962.

§ 1004.51 *Class prices.* Subject to the provisions of §§ 1004.52 and 1004.53, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant(s) from producers during the month shall be as follows:

(a) *Class I milk price.* For each month during an eighteen month period following the effective date of this order, the minimum price per hundredweight of Class I milk containing 3.8 percent butterfat shall be the basic formula price for the preceding month plus $2.80.

(b) *Class II milk price.* The Class II milk price shall be the "butter-powder" price computed pursuant to § 1004.50 (b) during the months of July through December, and that price less 25 cents during the months of January through June.

§ 1004.52 *Butterfat differentials to handlers.* For each class of milk containing more or less than 3.8 percent butterfat, the class prices calculated pursuant to § 1004.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.175; and

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.115.

§ 1004.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 60 miles or more from the City Hall, Tucson, Arizona, by the shortest hard-surfaced highway distance as determined by the market administrator and which is assigned to Class I milk pursuant to the proviso of this section when moved to another pool plant, or classified as Class I milk without such movement, the price specified in § 1004.51 (a) shall be reduced at the rate set forth in the following schedule according to

the location of the pool plant where such milk is received from producers:

	Rate per hundredweight (cents)
Distance from the City Hall of Tucson, Ariz. (miles):	
60 but not more than 160	30.0
160 but not more than 260	40.0
For each additional 10 miles or fraction thereof an additional	1.0

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 1004.45 (a) (1) through (4), and the comparable steps in (b) for such plant, such assignment to the transferring plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1004.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1004.60 *Producer-handler.* Sections 1004.40 through 1004.45, 1004.50 through 1004.53, 1004.70 through 1004.75, and 1004.80 through 1004.87 shall not apply to a producer-handler.

§ 1004.61 *Plants subject to other Federal orders.* Upon application to the market administrator and a subsequent determination by the Secretary, any plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any pool plant which (1) would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, and (2) does not dispose of a greater volume of Class I milk to retail or wholesale outlets (except pool plants or nonpool plants) in the Central Arizona marketing area than in the marketing area regulated pursuant to such other order; and

(b) Any plant which (1) would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, and (2) qualified as a pool plant for each of the preceding months of July through October in accordance with the provisions of § 1004.8 (c).

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1004.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1004.45 by the applicable class price, total the resulting amounts; and add any amount necessary to reflect adjustments in location differential allowance required pursuant to the proviso of § 1004.53;

(b) Add an amount computed by multiplying the pounds of any overage deducted from either class pursuant to § 1004.45 (a) (6) and (b) by the applicable class price; and

(c) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1004.45 (a) (4) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1004.45 (a) (3) and (b) for the current month, whichever is less.

§ 1004.71 *Computation of the uniform price.* For each of the months of July through December, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.8 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 1004.70 for the producer milk of all handlers who submit reports prescribed in § 1004.30 and who are not in default of payments pursuant to §§ 1004.80 or 1004.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.8 percent, or add, if such average butterfat content is less than 3.8 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 1004.73, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1004.74;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 1004.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of January through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.8 percent butterfat content, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 1004.30, and who are not in default of payments pursuant to §§ 1004.80 or 1004.82 as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the hundredweight of excess milk not included in subparagraph (1) hereof by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat content received from producers;

(c) Subtract the total value of excess milk, determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk, from the total value of producer milk for the month as determined according to the calculations set forth in § 1004.71 (a) through (d) (using location differentials applicable to base and excess milk);

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.8 percent butterfat content.

§ 1004.73 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.8 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1004.52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 1004.74 *Location differential to producers.* The applicable uniform prices computed pursuant to §§ 1004.71 and 1004.72 (for base milk) to be paid for producer milk received at a pool plant located 60 miles or more from the City Hall at Tucson, Arizona, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the rates set forth in §1004.53. The rates applicable to excess milk shall be determined by dividing the quantity of excess milk specified in § 1004.72 (a) (2) by the total quantity of excess milk and multiplying the result by the rates applicable to base milk.

§ 1004.75 *Notification of handlers.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) For the months of January through June the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 1004.71 and 1004.72 and the butterfat differential computed pursuant to § 1004.73; and

(d) The amounts to be paid by such handler pursuant to §§1004.82, 1004.85, and 1004.86 and the amount due such handler pursuant to § 1004.83.

PAYMENTS

§ 1004.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is receiving during the month as follows:

(1) On or before the 27th day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph,

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1004.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1004.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of January through June the total pounds of base and excess milk received, (iii) the amount or rate and nature of any authorized deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1004.84.

§ 1004.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1004.82 and out of which he shall make all payments pursuant to §§ 1004.83: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1004.82 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1004.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 1004.83 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1004.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1004.84 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1004.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1004.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1004.86 *Expense of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator, for each of his approved plants, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, and (b) other source milk allocated to Class I milk pursuant to § 1004.45 (a) (2) and (b).

§ 1004.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the amount for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market

administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

BASE RATING

§ 1004.90 *Computation of daily average base for each producer.* (a) Subject to the rules set forth in § 1004.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of August through November immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of November, inclusive, or by 90, whichever is more: *Provided,* That for the period from the effective date of this part through June 30, 1956, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of October 1955 and November 1955, by the number of days from the first day of delivery by such producer during such months to the last day of November, inclusive, or by 45, whichever is more.

§ 1004.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases.

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1004.90 to each person for whose account producer milk was delivered to pool plants during the months of August through November; and

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 1004.92 *Announcement of established bases.* On or before December 25 of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily average base established by such producer.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1004.100 *Effective time.* The provisions of the part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1004.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1004.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1004.103 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1004.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1004.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 55-8293 Filed, Oct. 12, 1955; 8:47 a. m.]

Commodity Stabilization Service

[7 CFR Part 811]

SUGAR REQUIREMENTS, QUOTAS, AND QUOTA DEFICITS FOR CALENDAR YEAR 1956

NOTICE OF PROPOSED RULE MAKING

Pursuant to the authority contained in the Sugar Act of 1948 (7 U. S. C. Sup. 1100), the Secretary of Agriculture is preparing to determine the sugar requirements and to establish sugar quotas for the calendar year 1956 (1) for the continental United States pursuant to sections 201 and 202 of the act, and (2) for local consumption in Hawaii and in Puerto Rico pursuant to sections 201 and 203 of the act. The Secretary is also preparing to determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market the quota for such area in 1956 and to reallot, pursuant to section 204, any quota deficit so determined.

Section 201 of the act provides that the Secretary of Agriculture shall determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States. In making such determinations, the Secretary is directed to use as a basis the amount of sugar distributed for consumption during the 12 months ending October 31 of the preceding calendar year and to adjust such amount for any deficiency or surplus in inventories of sugar and for changes in consumption because of the changes in population and demand conditions. The Secretary is also directed to take into consideration certain standards with a view to providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry. The standards to be taken into consideration include those enumerated above and also the level and trend of consumer purchasing power and the relationship between the prices at wholesale for refined sugar that would result from such determination and the general cost of living in the United States as compared with the relationship between prices at wholesale for refined sugar and the general cost of living in the United States obtaining during 1947 prior to the termination of price control.

Section 202 of the act provides for fixed quotas for the domestic areas and for the Republic of the Philippines and for the apportionment of the balance of the requirements to foreign countries other than the Republic of the Philippines in accordance with stated percentages.

Section 203 of the act provides that the Secretary also shall determine in accordance with such provisions of section 201 as he deems applicable, the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and shall establish quotas for local consumption in such areas equal to the amounts so determined.

Section 204 of the act provides that the Secretary shall from time to time determine whether in view of various factors specified in the act, any area will be unable to market the quota for such area. Section 204 further provides that upon a finding that any such area will be unable to market its quota, the deficit so determined shall be reallocated, in accordance with a stated formula.

A public hearing will be held in Washington, D. C., in the Auditorium, South Building, United States Department of Agriculture, on November 2, 1955, at 10:00 a. m., e. s. t., for the purpose of affording interested persons an opportunity to present orally any data, views, or arguments with respect to the determination of sugar requirements and the establishment of sugar quotas for the continental United States for the calendar year 1956. The principal matters for consideration at the hearing relate to (1) the manner of determining deficiencies or surpluses in inventories of sugar, (2) the effect upon requirements of various changes in demand conditions, (3) the effect of the prospective 1956 level and trend of consumer purchasing power, (4) the manner in which the relationship between the wholesale price of refined sugar and the general cost of living in the United States should be employed or considered, and (5) the relative importance of the foregoing factors in determining the sugar requirements for 1956.

Prior to the issuance of regulations setting forth the sugar requirements for the continental United States for the calendar year 1956 and the sugar quotas for 1956 for domestic and foreign areas, consideration will be given to any data, views, or arguments pertaining thereto which are presented at the hearing or which are submitted in writing to the Director, Sugar Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. Prior to the issuance of regulations setting forth (1) the sugar requirements for Hawaii and for Puerto Rico for the calendar year 1956 and the sugar quotas for 1956 for local consumption in such areas, and (2) the amount by which any area will be unable to market the quota for such area in 1956 and the reallotment of such deficit, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Sugar Division, Commodity Stabilization Service. Written data, views, or arguments must be submitted in duplicate and must be received not later than November 21, 1955. Such data, views, or arguments submitted at the hearing will be accepted as a part of the record, but will not be copied into the transcript of the oral testimony given at the hearing. All such data, views or arguments will be available for examination at the office of the Hearing Clerk.

Issued at Washington, D. C., this 7th day of October 1955.

[SEAL] EARL M. HUGHES, *Administrator.*

[F. R. Doc. 55-8311; Filed, Oct. 12, 1955; 8:51 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Maritime Administration

ESSENTIALITY AND U. S. FLAG SERVICE REQUIREMENTS OF ROUND-THE-WORLD EASTBOUND SERVICE

NOTICE OF FINAL CONCLUSIONS AND DETERMINATIONS

Notice is hereby given that the Acting Maritime Administrator has considered the comments and views submitted by interested persons, firms or corporations with respect to the tentative conclusions and determinations regarding the essentiality and United States flag service requirements of Round-the-World Eastbound Service as published in the FEDERAL REGISTER issue of June 22, 1955 (20 F. R. 4374) and has ordered that Paragraph No. 2 thereof be modified to read as follows:

2. United States flag sailing requirements are approximately three to four sailings monthly, including one sailing monthly with combination ships, all serving the U. S. and foreign areas specified in paragraph No. 1 hereof; such sailings to complement U. S. flag liner sailings on Trade Routes Nos. 4, 10, 12, 17, 18, 28 and 29.

The Acting Maritime Administrator, acting pursuant to Section 211 of the Merchant Marine Act, 1936, as amended, has affirmed the previously published conclusions and determinations regarding Round-the-World Eastbound Service as so modified, and has directed that notice of his action with respect to such modification and affirmance be published in the FEDERAL REGISTER.

Dated: October 7, 1955.

By order of the Acting Maritime Administrator.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 55-8298; Filed, Oct. 12, 1955; 8:48 a. m.]

ESSENTIALITY AND U. S. FLAG SERVICE REQUIREMENTS OF ROUND-THE-WORLD WESTBOUND SERVICE

NOTICE OF CHANGES IN CONCLUSIONS AND DETERMINATIONS

Notice is hereby given that the Acting Maritime Administrator has considered the comments and views submitted by interested persons, firms or corporations with respect to the conclusions and determinations regarding the essentiality and United States flag service requirements of Round-the-World Westbound Service as published in the FEDERAL REGISTER issue of June 22, 1955 (20 F. R. 4373) and has ordered that the following modification thereof be published in the FEDERAL REGISTER:

Paragraph No. 2 shall be revised to read:

2. United States flag sailing requirements are approximately four sailings monthly, including one sailing monthly with combination ships, all serving the U. S. and foreign areas specified in Paragraph No. 1 hereof; such sailings to complement U. S. flag liner sailings on Trades Route Nos. 4, 10, 12, 17, 18, 28 and 29.

All other conclusions and determinations with respect to Round-the-World Westbound Service as published in the above-mentioned issue of the FEDERAL REGISTER shall stand unchanged.

Dated: October 7, 1955.

By order of the Acting Maritime Administrator.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 55-8299; Filed, Oct. 12, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 10, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31176: *Oats—Estill, S. C., to Spartanburg, S. C.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on oats, in bulk, carloads, from Estill, S. C., to Spartanburg, S. C.

Grounds for relief: Circuitous interstate route.

Tariff: Supplement 101 to Agent C. A. Spaninger's I. C. C. 1325.

FSA No. 31177: *Commodities—W. T. L. Points to the South.* Filed by W. J. Prueter, Agent, for interested rail carriers.

Rates on syrup, corn; wool or mohair; or tags and wallboard; carloads, from specified points in western trunk-line territory to specified destinations in southern territory.

Grounds for relief: Carrier competition and circuity.

FSA No. 31178: *Plasterboard—Heath, Mont., to Wild's Spur, Colo.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on plasterboard, carloads, from Heath, Mont., to Wild's Spur, Colo.

Grounds for relief: Maintenance of existing higher rates to points in intermediate territory, and circuity.

Tariff: Supplement 62 to Agent W. J. Prueter's I. C. C. 1560.

FSA No. 31179: *Petrolatum from Kansas, Louisiana, Missouri and Oklahoma.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude petrolatum, tank-car loads, from specified points in Kansas, Louisiana, Missouri, and Oklahoma, to Cleveland, Coshocton, Ohio, and New Market, N. J. (additional destinations).

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 32 to Agent F. C. Kratzmeir's I. C. C. 4150.

FSA No. 31180: *Sulphuric acid—Nitro, W. Va., to Jeffersonville, Ind.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads, from Nitro, W. Va., to Jeffersonville, Ind.

Grounds for relief: Barge competition and circuity.

Tariff: Supplement 9 to New York Central Railroad Company I. C. C. 1612.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-8296; Filed, Oct. 12, 1955; 8:48 a. m.]

FOURTH SECTION APPLICATION FOR RELIEF; CORRECTION

OCTOBER 10, 1955.

The fourth section application listed under Aggregate-of-Intermediates, in the FEDERAL REGISTER of October 8, 1955, 20 F. R. 7558, should bear the F. S. A. No. 31158, Commodities Between Points in Texas.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-8297; Filed, Oct. 12, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-164, 59-14]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

NOTICE OF FILING OF APPLICATIONS FOR ALLOWANCES IN CONNECTION WITH CERTAIN PLANS AND NOTICE OF AND ORDER FOR HEARING ON CERTAIN OF SUCH APPLICATIONS

OCTOBER 7, 1955.

I. The above-entitled proceedings involve plans filed pursuant to section 11 (d) of the Public Utility Holding Company Act of 1935 ("Act") to enable Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), a registered holding company now in process of reorganization before the Commission and the United States District Court for the District of Massachusetts ("Court"), to effectuate compliance with section 11 (b) of the Act. In connection with its approval of such plans, orders have been entered by the Commission reserving jurisdiction with respect to the fees and expenses paid or to be paid by the Trustee for services rendered in the proceedings.

Pursuant to Rule U-63 of the Commission's General Rules and Regulations promulgated under the Act, the Commission has heretofore disposed of various applications for allowances filed by the Trustee and his counsel and by representatives of the debenture-holders of IHES. The Commission subsequently notified the other participants that it would receive applications for allowances with respect to services rendered to the estate up to September 30, 1954, and various applications were filed.

As a first step in fixing the procedure to be followed by the Commission in determining the maximum allowances which it should approve, the Commission entered an order dated January 13, 1955 (Holding Company Act Release No. 12780), under the authority conferred by section 11 (f) of the Act, directing the Trustee to file with the Commission a report or reports setting forth:

(1) The amounts of fees and expenses claimed by the various applicants for services rendered in connection with these proceedings:

(2) The amounts of fees and expenses which the Trustee has already paid or is prepared to pay to such applicants without modification;

(3) The amounts of fees and expenses, if any, which the Trustee is willing to pay to such applicants and which, after negotiation with the Trustee, they have indicated a willingness to accept; and

(4) In cases where such negotiations have been unsuccessful, the amounts of fees and expenses which the Trustee considers to be reasonable and which he is prepared to recommend for payment to such applicants; such part of the Trustee's report to be submitted directly to the Chairman of the Commission and to be kept confidential until a further order of the Commission shall require otherwise.

In accordance with the Commission's aforesaid order of January 13, 1955, the Trustee has filed his report indicating the amounts of fees and expenses which he is willing to pay to certain claimants hereinafter named in Table I, who, in all cases, after negotiation with the Trustee, have indicated a willingness to accept the amounts which the Trustee is willing to pay as settlement in full of their claims for compensation and reimbursement of expenses for services rendered in these proceedings; and where such amounts are less than the amounts requested in their original applications, such claimants have amended their applications accordingly.

TABLE I

Claimant and capacity	Fee	Expenses
Erwin N. Griswold, tax consultant employed by Trustee	$75,000.00	----------
LeBoeuf, Lamb & Leiby, special counsel employed by Trustee for work before New York Public Service Commission	42,500.00	$1,639.05
Hutchinson, Pierce, Atwood & Scribner, special counsel employed by Trustee in connection with conveyance of ENYP properties	350.00	20.29
Ropes, Gray, Best, Coolidge & Rugg, special counsel to old Board of Directors	3,000.00	----------
Buchman & Buchman, counsel for preferred stockholders in Paper Company litigation	2,000.00	493.00
"Carter" Preferred Stockholders Committee:		
C. Shelby Carter and Ralph H. Haas, committeemen	7,000.00	1,318.94
Harold P. Seligson and Edmund Burke, Jr., counsel	180,000.00	8,566.02
J. Samuel Hartt, engineering adviser	37,000.00	6,984.58
Preferred Stockholders Group:		
William Stuberfield and Joseph D. Allen, committeemen	2,750.00	(1)
Percival E. Jackson, counsel	[2] 75,000.00	4,642.18
Equity Holding Corporation	----------	3,926.69
Estate of Frank Bailey	----------	3,926.69
William M. Greve	----------	3,926.69
Paul H. Todd, Class A stockholder, in behalf of Class A stockholders	----------	[3] 69,712.50
Root, Ballentine, Bushby & Palmer and Purcell & Nelson, counsel	[4] 180,133.33	(5)
Drexel & Company, financial adviser	28,000.00	100.68
Class A Stockholders Committee:		
James A. Davis, John M. McGrath and Anthony Shimko, committeemen	10,000.00	----------
Harold Barnett, committeeman	3,000.00	----------
Nemerov & Shapiro, counsel	[6] 107,500.00	8,129.43
Theodore R. Mackoul, financial adviser	[7] 48,950.00	963.22
Total	802,183.33	114,369.96

[1] $500 advanced to Reis & Chandler was reimbursed by Equitable Holding Corporation, Estate of Frank Bailey, and William M. Greve, and the amount is included in their claims.

[2] In addition, Jackson received a fee of $10,000 from Equitable Holding Corporation, Estate of Frank Bailey, and William M. Greve, and the amount is included in their claims.

[3] This amount includes $44,866.67 advanced to counsel.

[4] This amount is exclusive of $44,866.67 advanced by Todd.

[5] Expenses of $15,397.77 were reimbursed by Todd and are included in his claim.

[6] Including $7,500, to be paid by Nemerov & Shapiro to Leo B. Mittelman, associate counsel.

[7] This amount is exclusive of $1,050 advanced by Nemerov & Shapiro and included in their claim for expenses.

Notice is hereby given that any interested person may, not later than October 31, 1955 at 5:30 p. m., request the Commission in writing that a hearing be held with respect to the above-listed claims or any of them, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said claims or any of them which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the aforesaid claims may be approved as maximum amounts to be paid by the Trustee for fees and expenses, pursuant to Rule U-63 and the applicable provisions of the Act, or the Commission may take such other action with respect thereto as it may deem appropriate.

II. The Trustee of IHES having advised the Commission, pursuant to the aforesaid order dated January 13, 1955, that no agreements have been reached with respect to certain claimants who have requested allowances of fees and expenses for services alleged to have been rendered in connection with the above-entitled proceedings:

Notice is hereby given that applications for the allowance of fees and reimbursement of expenses have been filed by the following persons and in the indicated amounts:

TABLE II

Claimant and capacity	Fee	Expenses
Christian A. Johnson, Class A stockholder	$60,000.00	$1,823.93
Central-Illinois Securities Corporation, Class A stockholder and prospective purchaser of ENYP properties	----------	27,047.48
Northern Investors Corporation, prospective purchaser of ENYP properties	----------	48,074.16
Baker, Weeks & Co., agent in making offers to purchase ENYP properties	50,000.00	1,128.19
Kaye, Scholer, Fierman & Hays, counsel for Baker, Weeks & Co.	13,625.00	177.54
White & Case, counsel for Christian A. Johnson and Central-Illinois Securities Corporation	36,500.00	2,526.04
Reis & Chandler, Inc., financial adviser to Preferred Stockholders Group	[1] 10,000.00	26.43
Sullivan and Sullivan, financial and engineering experts for Paul H. Todd	73,540.00	690.27
S. Philip Cohen, counsel for certain Class A stockholders	12,500.00	720.40
Total	256,165.00	82,214.44

[1] Net fee claim after crediting $500 advanced by client.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the applications set forth in Table II:

It is ordered, That a hearing be held on the applications listed in Table II, which hearing shall commence on November 15, 1955, at 10 a. m. at the office of the Commission, 425 Second Street NW., Washington, D. C. On such date the hearing-room clerk in Room 193 will advise as to the room in which the hearing will be held. Any person who is not already a party, or who has not been granted leave to participate in the above-entitled proceedings, and who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of this Commission on or before November 10, 1955, a request relative thereto as provided in Rule XVII of the Commission's Rules of Practice.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated is and are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's Rules of Practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of said applications set forth in Table II, and that on the basis thereof the following matters and questions are presented, without prejudice however, to the presentation of additional matters and questions for examination:

1. Whether the services and disbursements for which remuneration is sought are compensable out of the estate of IHES, and whether it is lawful or appropriate to grant any allowances for fees and expenses to the persons making such claims;

2. Whether the requested amounts for fees and expenses were incurred in rendering services which were necessary in connection with the reorganization plans involved, and whether the requested amounts are reasonable; and if not, what amounts should be fixed by the Commission;

3. Whether there are any other factors apart from the nature and value of the services rendered and the capacity in which rendered which would make any of the requests for compensation or reimbursement improper.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Bartholomew A. Brickley, Trustee, and on each of the claimants named herein; and that notice of the entry of this order shall be given to all other persons by general release of the Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8289; Filed, Oct. 12, 1955; 8:46 a. m.]

[File No. 70-3413]

WORCESTER COUNTY ELECTRIC CO.

ORDER AUTHORIZING ISSUANCE AND SALE AT COMPETITIVE BIDDING OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

OCTOBER 7, 1955.

Worcester County Electric Company ("Worcester"), an electric utility subsidiary of New England Electric System, a registered holding company, has filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule U-50 thereunder, regarding the following proposed transaction:

Worcester proposes to issue and sell, pursuant to competitive bidding requirements of Rule U-50, $8,500,000 principal amount of Series D Bonds, to be dated as of October 1, 1955 and to mature October 1, 1985. The interest rate (which shall be a multiple of ⅛ of 1 percent and not in excess of 3¾ percent) and the price, exclusive of accrued interest, to be paid to Worcester therefor (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount) will be determined by competitive bidding.

The bonds will be issued under a First Mortgage Indenture and Deed of Trust dated as of July 1, 1949, as amended and supplemented, and will be secured equally and ratably with the presently outstanding Series A, B and C bonds of Worcester.

The proceeds from the sale of said bonds will be applied to the payment of Worcester's short-term note indebtedness (which aggregated $7,700,000 at September 19, 1955), and the balance to pay for capitalizable expenditures or to reimburse the treasury therefor.

The issuance and sale of the bonds have been approved by the Massachusetts Department of Public Utilities, which is the State commission of the State in which Worcester is organized and doing business.

Worcester's expenses herein other than underwriting discounts and commissions are estimated at $49,000, including attorneys' fees of $9,000, engineering fees of $4,600, trustee's fees of $5,500, and accounting fees of $1,000. The legal fee and expenses of independent counsel to the underwriters are estimated at $5,000 and $300, respectively.

Due notice having been given of the filing of said application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding with respect to the proposed transaction that the applicable provisions of the Act and the Rules promulgated thereunder are satisfied and that no adverse findings are necessary; and deeming it appropriate in the public interest and in the interest of investors and consumers that the amended application be granted, effective forthwith, subject to the conditions below set out:

It is ordered, pursuant to Rule U-23 and the applicable provisions of the Act, that said application as amended be, and it hereby is, granted, effective forthwith, subject to the conditions prescribed in Rule U-50 and Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8290; Filed, Oct. 12, 1955; 8:47 a. m.]

[File No. 70-3418]

PHILADELPHIA CO. AND STANDARD GAS AND ELECTRIC CO.

NOTICE OF PROPOSED RENEWAL OF PROMISSORY NOTE

OCTOBER 7, 1955.

Notice is hereby given that Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company ("Standard Gas") and Standard Power and Light Corporation, also registered holding companies, and its parent Standard Gas have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 (a), 7, 9 and 10 thereof as applicable to the proposed

transaction which is summarized as follows:

The companies propose that Philadelphia will issue and deliver to Standard Gas a renewal promissory note in replacement of a promissory note in the principal amount of $2,500,000 which matured September 10, 1955, and which bore interest at the rate of 3 percent per annum, payable monthly. The renewal note, in the same principal amount, will bear interest, payable monthly, at the rate of 3¼ percent per annum, which is stated to be the prime interest rate prevailing for short-term commercial bank loans, and will mature September 10, 1956, with the right of the issuer to anticipate at any time the payment of all or any part of the principal thereof.

The filing states that the expenses, if any, in connection with the proposed transaction will be nominal in amount.

Notice is further given that any interested person may, not later than October 21, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8291; Filed, Oct. 12, 1955; 8:47 a .m.]

FEDERAL POWER COMMISSION

[Docket No. G-9443]

ATLANTIC REFINING CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

The Atlantic Refining Company (Applicant) on September 8, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Aug. 25, 1955.	United Fuel Gas Co.	Supplement No. 1 to FPC Gas Rate Schedule No. 63.	Nov. 1, 1955
Do	do	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 115.	Do.

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until April 1, 1956, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: October 5, 1955.

Issued: October 7, 1955.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8285; Filed, Oct. 12, 1955; 8:46 a. m.]

[Docket No. G-1479]

BANGOR GAS CO.

NOTICE OF APPLICATION

OCTOBER 7, 1955.

Bangor Gas Company (Applicant), a Pennsylvania corporation and a public utility under the laws of that Commonwealth, filed on August 12, 1955, an application for an amendment of the order issued October 3, 1952, In the Matters of Warwick Gas Corporation, et al., Docket Nos. G-1476, et al., insofar as it relates to this proceeding. The order of October 3, 1952, modified and affirmed as modified the initial decision of the Presiding Examiner issued August 4, 1952. By such order the Commission affirmed the issuance of a certificate of public convenience and necessity to Applicant to construct and operate natural-gas transmission pipe-line facilities for the transportation of natural gas in interstate commerce and required The Manufacturers Light and Heat Company (Manufacturers), pursuant to section 7 (a) of the Natural Gas Act, to supply Applicant up to 541 Mcf per day—425 Mcf per day for Applicant and 116 Mcf for Pen Argyl Gas Company (Pen Argyl).

It appears from the application that the merger of the Applicant and Pen Argyl became effective on January 26, 1954, and Applicant has been receiving natural gas from Manufacturers in volumes not in excess of 541 Mcf per day.

Applicant requests that the Commission remove the limitation of 541 Mcf per day applicable to the volumes of natural gas which Manufacturers is obligated to sell and deliver to Applicant. In support of such request, Applicant avers that its peak day requirements already exceed 541 Mcf per day and that the requirements of its customers of a peak day for the next five years will increase from 800 Mcf to 1500 Mcf per day.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 27, 1955.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8286; Filed, Oct. 12, 1955; 8:46 a. m.]

[1] Commissioner Digby dissenting.

[Docket Nos. G-9223, G-9224]

OTHA H. GRIMES AND SKELLY OIL CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 7, 1955.

In the matters of Otha H. Grimes, Docket No. G-9223; Skelly Oil Company, Docket No. G-9224.

Take notice that Otha H. Grimes (Grimes), Applicant, an individual whose address is Tulsa, Oklahoma, filed on August 12, 1955, an application for permission to abandon service pursuant to section 7 (b) of the Natural Gas Act, authorizing Applicant to sell certain facilities and to terminate service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection; and that concurrently therewith, Skelly Oil Company (Skelly), Applicant, a Delaware corporation whose address is Tulsa, Oklahoma, filed on August 12, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to acquire and operate the aforesaid facilities heretofore owned and operated by Grimes and to take over, commence and continue to render the aforesaid service heretofore rendered by Grimes, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant Grimes, pursuant to contract dated August 8, 1955, and effective September 1, 1955, between Otha H. Grimes and Mildred B. Grimes, his wife (Sellers), and Skelly Oil Company (Buyer), proposes to sell, transfer, set over and assign to Buyer among other things: (1) A gasoline plant located in Lea County, New Mexico, known as Lovington Plant which is owned and operated by Sellers, (2) all gathering and residue lines owned, maintained and operated by Sellers in connection with the operation of said plant, (3) all of Seller's casinghead gas contracts under which they purchase or acquire casinghead gas for processing in said plant, and (4) the gas sales contract dated October 2, 1954, between Otha H. Grimes (Seller) and Permian Basin Pipeline Company covering sale by Sellers of available surplus residue gas from said plant to said pipeline company.

Applicant Skelly proposes: (1) To take over, carry out, perform and continue making the sales of residue gas to Permian Basin Pipeline Company under and pursuant to aforesaid Gas Purchase Contract dated October 2, 1954, between Otha H. Grimes (Seller) and Permian Basin Pipeline Company (Buyer) and to assume all obligations and be entitled to all benefits under said contract; and (2) to purchase and operate aforesaid Lovington Gasoline Plant and attendant facilities.

Applicant Skelly incorporates by reference and makes a part of its own application for all purposes the application for a section 7 (c) certificate by Otha H. Grimes in Docket No. G-6868 filed with the Commission on January 10, 1955, as supplemented on February 28 and March 14, 1955, wherein Grimes sought and was granted authorization for the sale of residue gas from the aforesaid Lovington Gasoline Plant to Permian. The natural gas involved in all of these dockets, viz., G-6868, G-9223 and G-9224, is the same and is purchased and gathered by Applicant Grimes from certain sellers and is produced from the Southeast Lovington Field, Lea County, New Mexico.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on Wednesday, November 16, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 24, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8288; Filed, Oct. 12, 1955; 8:46 a. m.]

[Docket No. G-9100]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 7, 1955.

Take notice that Texas Eastern Transmission Corporation (Applicant), a Delaware Corporation whose address is Shreveport, Louisiana, filed on July 5, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, and its supplement thereto filed on August 25, 1955, authorizing Applicant to make temporary sales of additional quantities of natural gas for transportation and sale for resale in interstate commerce for the period of November 16, 1955, through April 15, 1956, under its WPS Rate Schedule to the existing customers as hereinafter listed, subject to the jurisdiction of the Commission all as more fully represented in the application which is on file with the Commission and open for public inspection.

WINTER PEAKING SERVICE

(Nov. 16, 1955 through Apr. 15, 1956)

[Mcf at 14.73 p. s. i. a.]

Company	Maximum daily quantity	Winter contract quantity
Arkansas-Missouri Power Co. and Associated Natural Gas Co., joint buyers	1,020	77,522
Belmont, Miss., Town of	51	3,876
Borough of Chambersburg, Pa.	51	3,876
City Gas Co. of New Jersey	51	3,876
Consumers Gas Co. (Illinois)	204	15,504
Indiana Gas & Water Co., Inc.	1,020	77,522
Missouri Utilities Co.	1,020	77,522
National Gas & Oil Co. (Ohio)	510	38,761
New Jersey Natural Gas Co.	5,100	387,610
The Permian Oil & Gas Co. (Ohio)	20	1,550
Philadelphia Electric Co.	40,800	3,100,883
Philadelphia Gas Works	2,040	155,044
Public Service Electric & Gas Co.	15,300	1,102,831
Somerset, Ky., City of	204	15,504
Waynesburg Home Gas Co. (Pennsylvania)	204	15,504
Huntingdon Gas Co. (Pennsylvania)	20	1,550

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 1, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with, the Federal Power Commission, Washington 25, D. C., in accordance with Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 27, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8287; Filed, Oct. 12, 1955; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 5, 1955.

The United States Atomic Energy Commission has filed an application, Serial No. Los Angeles 0124077, for withdrawal of the lands described below from all forms of appropriation except under the mineral leasing laws, and subject to valid existing rights.

The applicant desires the land for use in connection with classified programs of the Atomic Energy Commission.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, at Room 801 California Fruit Building, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will

be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 10 S., R. 9 E.
Sec. 24, SE¼SW¼.

The area described contains 40 acres of public land.

R. R. BEST,
State Supervisor.

[F. R. Doc. 55-8284; Filed, Oct. 12, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 5125]

ARKANSAS

LOAN ANNOUNCEMENT

SEPTEMBER 2, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 28P Conway	$100,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-8315; Filed, Oct. 12, 1955; 8:52 a. m.]

[Administrative Order 5126]

FLORIDA

LOAN ANNOUNCEMENT

SEPTEMBER 7, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Florida 30P Walton	$410,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-8316; Filed, Oct. 12, 1955; 8:52 a. m.]

[Administrative Order 5127]

NORTH CAROLINA

AMENDMENT OF LOAN ANNOUNCEMENT

SEPTEMBER 7, 1955.

I hereby amend:

(a) Administrative Order No. 935, dated July 23, 1945, as amended by Administrative Order No. 4396, dated November 3, 1953, which reduced the allocation of $25,000 by $6,643, by further reducing the allocated balance of $18,357 therein made for "North Carolina 4606681 Chowan" by $10,000 so that the reduced allocation shall be $8,357.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-8317; Filed, Oct. 12, 1955; 8:52 a. m.]

[Administrative Order 5128]

ILLINOIS

LOAN ANNOUNCEMENT

SEPTEMBER 7, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 37TU Saline	$740,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-8318; Filed, Oct. 12, 1955; 8:52 a. m.]

[Administrative Order 5129]

FLORIDA

LOAN ANNOUNCEMENT

SEPTEMBER 9, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Florida 34M Bay	$240,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8319; Filed, Oct. 12, 1955; 8:52 a. m.]

[Administrative Order 5130]

ARKANSAS

LOAN ANNOUNCEMENT

SEPTEMBER 9, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 13X Johnson	$50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8320; Filed, Oct. 12, 1955; 8:52 a. m.]

[Administrative Order 5131]

MINNESOTA

LOAN ANNOUNCEMENT

SEPTEMBER 9, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 101F Clearwater	$100,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8321; Filed, Oct. 12, 1955; 8:53 a. m.]

[Administrative Order 5132]

MISSOURI

LOAN ANNOUNCEMENT

SEPTEMBER 9, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 43Y Laclede	$1,362,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8322; Filed, Oct. 12, 1955; 8:53 a. m.]

[Administrative Order 5133]

IOWA

LOAN ANNOUNCEMENT

SEPTEMBER 9, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 83EF Cedar Rapids	$11,173,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8323; Filed, Oct. 12, 1955; 8:53 a. m.]

[Administrative Order 5134]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

SEPTEMBER 9, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 27X Marlboro	$50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8324; Filed, Oct. 12, 1955; 8:53 a. m.]

[Administrative Order 5135]

OKLAHOMA

LOAN ANNOUNCEMENT

SEPTEMBER 9, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 25W Rogers	$833,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8325; Filed, Oct. 12, 1955; 8:53 a. m.]

[Administrative Order 5136]

NEBRASKA

LOAN ANNOUNCEMENT

SEPTEMBER 9, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nebraska 78AC Dawson D. P.	$340,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8326; Filed, Oct. 12, 1955; 8:53 a. m.]

[Administrative Order 5137]

NEW MEXICO

LOAN ANNOUNCEMENT

SEPTEMBER 9, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 9X Curry	$367,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8327; Filed, Oct. 12, 1955; 8:53 a. m.]

[Administrative Order 5138]

ARIZONA

LOAN ANNOUNCEMENT

SEPTEMBER 14, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arizona 22H Kingman	$146,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8328; Filed, Oct. 12, 1955; 8:54 a. m.]

[Administrative Order 5139]

OHIO

LOAN ANNOUNCEMENT

SEPTEMBER 14, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Ohio 88X Gallia	$50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8329; Filed, Oct. 12, 1955; 8:54 a. m.]

[Administrative Order 5140]

TEXAS

AMENDMENT OF LOAN ANNOUNCEMENT

SEPTEMBER 14, 1955.

I hereby amend:

(a) Administrative Order No. 4856, dated January 28, 1955, by reducing the loan of $500,000 therein made for "Texas 45M Limestone" by $245,000 so that the reduced loan shall be $255,000.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8330; Filed, Oct. 12, 1955; 8:54 a. m.]

[Administrative Order 5141]

NORTH CAROLINA

LOAN ANNOUNCEMENT

SEPTEMBER 15, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 47N Wake	$50,000

[SEAL] ROBERT T. BEALL,
Acting Administrator.

[F. R. Doc. 55-8331; Filed, Oct. 12, 1955; 8:54 a. m.]

[Administrative Order 5142]

IOWA

LOAN ANNOUNCEMENT

SEPTEMBER 16, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 57M Mitchell	$250,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-8332; Filed, Oct. 12, 1955; 8:54 a. m.]

[Administrative Order 5143]

PENNSYLVANIA

LOAN ANNOUNCEMENT

SEPTEMBER 16, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Pennsylvania 13AA Tioga	$250,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-8333; Filed, Oct. 12, 1955; 8:54 a. m.]

[Administrative Order 5144]

WYOMING

LOAN ANNOUNCEMENT

SEPTEMBER 21, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wyoming 21 G Carbon	$175,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-8334; Filed, Oct. 12, 1955; 8:54 a. m.]

[Administrative Order 5145]

WISCONSIN

LOAN ANNOUNCEMENT

SEPTEMBER 22, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Wisconsin 47V Jackson---------- $261,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8335; Filed, Oct. 12, 1955; 8:55 a. m.]

[Administrative Order 5146]

IOWA

LOAN ANNOUNCEMENT

SEPTEMBER 22, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Iowa 33L Calhoun---------- $118,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8336; Filed, Oct. 12, 1955; 8:55 a. m.]

[Administrative Order 5147]

COLORADO

LOAN ANNOUNCEMENT

SEPTEMBER 23, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Colorado 37R Douglas---------- $940,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8337; Filed, Oct. 12, 1955; 8:55 a. m.]

[Administrative Order 5148]

NORTH CAROLINA

LOAN ANNOUNCEMENT

SEPTEMBER 26, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
North Carolina 39T Union------ $265,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8338; Filed, Oct. 12, 1955; 8:55 a. m.]

[Administrative Order 5149]

ARKANSAS

LOAN ANNOUNCEMENT

SEPTEMBER 26, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Arkansas 10AA Pulaski---------- $50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8339; Filed, Oct. 12, 1955; 8:55 a. m.]

[Administrative Order 5150]

MONTANA

AMENDMENT OF LOAN ANNOUNCEMENT

SEPTEMBER 26, 1955.

I hereby amend:

(a) Administrative Order No. 318, dated January 31, 1939, by reducing the allocation of $8,000 therein made for "Montana R9015W1 Fergus" by $4,625.66, so that the reduced allocation shall be $3,374.34.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8340; Filed, Oct. 12, 1955; 8:55 a. m.]

[Administrative Order 5151]

TEXAS

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Texas 64Z San Augustine----- $1,333,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8341; Filed, Oct. 12, 1955; 8:55 a. m.]

[Administrative Order 5152]

TEXAS

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Texas 113L Dickens---------- $900,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8342; Filed, Oct. 12, 1955; 8:55 a. m.]

[Administrative Order 5153]

NORTH DAKOTA

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
North Dakota 17S McHenry------ $125,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8343; Filed, Oct. 12, 1955; 8:56 a. m.]

[Administrative Order 5154]

MINNESOTA

AMENDMENT OF LOAN ANNOUNCEMENT

SEPTEMBER 29, 1955.

Inasmuch as The Rural Cooperative Power Association has transferred certain of its properties and assets to Arrowhead Electric Cooperative, Inc., and Arrowhead Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America, of The Rural Cooperative Power Association, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 975, dated October 16, 1945, as amended by Administrative Order No. 4279, dated June 30, 1953, by changing the project designation appearing therein as "Minnesota 70F Hennepin" in the amount of $478,494.45 to read "Minnesota 70F Hennepin" in the amount of $446,494.45 and "Minnesota 104TP1 Cook (Minnesota 70F Hennepin)" in the amount of $32,000.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc, 55-8344; Filed, Oct. 12, 1955; 8:56 a. m.]

[Administrative Order 5155]

MINNESOTA

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Minnesota 75R Red Lake------- $50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8345; Filed, Oct. 12, 1955; 8:56 a. m.]

[Administrative Order 5156]

MINNESOTA

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Minnesota 97N Roseau---------- $50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8346; Filed, Oct. 12, 1955; 8:56 a. m.]

[Administrative Order 5157]

NORTH CAROLINA

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
North Carolina 34U Anson------- $50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8347; Filed, Oct. 12, 1955; 8:56 a. m.]

[Administrative Order 5158]

NORTH DAKOTA

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
North Dakota 13P Foster-------- $50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8348; Filed, Oct. 12, 1955; 8:56 a. m.]

[Administrative Order 5160]

ALL STATES

LOAN ANNOUNCEMENTS

SEPTEMBER 29, 1955.

Pursuant to Section 3 (c) of the Rural Electrification Act of 1936, as amended, and upon information and data in the files of the Rural Electrification Administration, I hereby determine that the number of farms not receiving central station electric service for each state and the number of such farms for the United States at the beginning of the current fiscal year are as set forth in the following schedule, and I hereby allot from the sum of $40,000,000, being twenty-five per centum of the total sum available for the current fiscal year, the respective sums for loans in the several States as hereinafter set forth.

	Farms without Central Station Electric Service July 1, 1955	Allotment for loans during the fiscal year ending June 30, 1956
United States	341,000	$40,000,000
Alabama	17,900	2,099,707
Arizona	1,250	146,628
Arkansas	10,400	1,219,941
California	6,950	815,249
Colorado	5,300	621,701
Connecticut	150	17,595
Delaware	400	46,921
Florida	6,900	809,384
Georgia	11,600	1,360,704
Idaho	1,200	140,763
Illinois	5,500	645,161
Indiana	4,500	527,859
Iowa	4,550	533,724
Kansas	11,200	1,313,783
Kentucky	17,200	2,017,595
Louisiana	6,850	803,519
Maine	1,400	164,223
Maryland	1,750	205,279
Massachusetts	300	35,191
Michigan	3,400	398,827
Minnesota	9,100	1,067,449
Mississippi	52,700	6,181,818
Missouri	12,100	1,419,355
Montana	5,050	592,375
Nebraska	7,450	873,900
Nevada	800	93,842
New Hampshire	250	29,326
New Jersey	200	23,460
New Mexico	4,100	480,938
New York	7,100	832,845
North Carolina	13,800	1,618,768
North Dakota	9,650	1,131,965
Ohio	3,050	357,771
Oklahoma	10,900	1,278,592
Oregon	1,500	175,953
Pennsylvania	5,500	645,161
Rhode Island	50	5,865
South Carolina	8,890	1,032,258
South Dakota	8,400	985,337
Tennessee	14,900	1,747,801
Texas	22,300	2,615,836
Utah	700	82,112
Vermont	400	46,921
Virginia	7,000	821,114
Washington	1,100	129,032
West Virginia	8,650	1,014,663
Wisconsin	5,000	586,510
Wyoming	1,750	205,279

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8350; Filed, Oct. 12, 1955; 8:57 a. m.]

[Administrative Order 5159]

IOWA

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Iowa 51N Winnebago---------- $216,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8349; Filed, Oct. 12, 1955; 8:56 a. m.]

[Administrative Order 5161]

MONTANA

LOAN ANNOUNCEMENT

SEPTEMBER 30, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Montana 12N Missoula--------- $327,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-8351; Filed, Oct. 12, 1955; 8:57 a. m.]

[Administrative Order 5162]

NORTH CAROLINA

LOAN ANNOUNCEMENT

SEPTEMBER 30, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
North Carolina 36X Randolph---- $50,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-8352; Filed, Oct. 12, 1955; 8:57 a. m.]

[Administrative Order 5163]

TEXAS

LOAN ANNOUNCEMENT

SEPTEMBER 30, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Texas 60T Lynn---------- $442,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-8353; Filed, Oct. 12, 1955; 8:57 a. m.]

UNIVERSITY OF MICHIGAN

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FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 20 NUMBER 201

Washington, Friday, October 14, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3115

COLUMBUS DAY, 1955

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Christopher Columbus, with a fleet of three vessels, daringly set sail upon an unknown sea and persevered until he landed upon a strange shore, thus discovering a new continent and a new world; and

WHEREAS appropriate recognition should be given to the memory of this great navigator, whose exploits have inspired other brave men throughout the centuries to seek those opportunities which lie beyond the horizon; and

WHEREAS October 12, 1492, the date of the sighting of land by Columbus' intrepid crew, marks the beginning of a new epoch in mankind's ever-widening search for a freer and a richer life; and

WHEREAS a grateful Congress, in appreciation of the debt we owe to Christopher Columbus, by a joint resolution approved April 30, 1934 (48 Stat. 657), requested the President to issue a proclamation designating October 12 of each year as Columbus Day:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Wednesday, the twelfth day of October, 1955, as Columbus Day, and I direct that the flag of the United States be displayed on all Government buildings on that day. I also invite our citizens to observe this anniversary with ceremonies designed to honor the discoverer of America.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of October in the year of our Lord nineteen hundred and fifty-five, and of the Independence of the United States of America the one hundred and eightieth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55-8397; Filed, Oct. 12, 1955; 1:39 p. m.]

EXECUTIVE ORDER 10639

AMENDMENT OF THE TARIFF OF UNITED STATES FOREIGN SERVICE FEES

By virtue of and pursuant to the authority vested in me by section 1745 of the Revised Statutes of the United States, as amended (22 U. S. C. 1201), it is hereby ordered as follows:

The Tariff of United States Foreign Service Fees, prescribed by section V–15 of the Foreign Service Regulations of the United States (Executive Order No. 7968, as amended; 22 CFR 103.1), is amended by deleting therefrom Items No. 1, 2, 3, 4, and 5.

All prior Executive orders inconsistent herewith are amended accordingly.

This order shall become effective ten days after the date of its publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 10, 1955.

[F. R. Doc. 55-8415; Filed, Oct. 13, 1955; 12:00 m.]

EXECUTIVE ORDER 10640

THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE PHYSICALLY HANDICAPPED

By virtue of the authority vested in me as President of the United States, and in order to provide for the carrying out of the provisions of the Joint Resolution approved July 11, 1949, ch. 302, 63 Stat. 409, as amended, and the provisions of section 8 of the Vocational Rehabilitation Act, as amended by section 2 of the Vocational Rehabilitation Amendments of 1954 (68 Stat. 659; 29 U. S. C. 38), it is ordered as follows:

SECTION 1. *Composition of the Committee.* (a) There is hereby continued, subject to the provisions of this order and under the name of the President's Committee on Employment of the Physically Handicapped, the now existing committee of that name (heretofore sometimes referred to as the President's Committee on National Employ the Physically Handicapped Week).

(b) The President's Committee on Employment of the Physically Handicapped (hereinafter referred to as the Committee or as the President's Com-

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FEDERAL REGISTER

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at any time terminate the service of any member of the President's Committee, except any member appointed by the President.

(c) The Chairman of the President's Committee, upon the advice of the Executive Committee, may designate as, or invite to be, associate members of the President's Committee any heads of Federal departments and agencies which have responsibility for rehabilitation services or promotional activities touching the field of interest of the Committee or which are leading utilizers of physically handicapped personnel, Governors of States and territories, and representatives of such heads or Governors.

SEC. 2. *Functions of the Committee.* The President's Committee shall facilitate the development of maximum employment opportunities for the physically handicapped. To this end the Committee shall supply information to employers, conduct a program of public education, and enlist the aid and cooperation of Federal officials, State officials, Governor's committees, local committees, professional trade groups, and organized labor. In carrying out the functions vested in it by section 8 of the Vocational Rehabilitation Act, as amended, the Committee shall work closely with the Department of Labor, Department of Health, Education, and Welfare, the Veterans' Administration, State employment-security agencies, and State vocational-rehabilitation agencies. Representatives of industry, labor, and public and private agencies may be invited to attend meetings of the President's Committee.

SEC. 3. *Executive Committee.* (a) There is hereby established the Executive Committee of the President's Committee on Employment of the Physically Handicapped. The Executive Committee shall be composed of the Chairman of the President's Committee, who shall also be the Chairman of the Executive Committee, the Vice Chairmen of the President's Committee, and so many additional members as will provide an Executive Committee of not less than fifteen and not more than forty members. The said additional members shall be appointed annually by the Chairman of the President's Committee, from among the members of the President's Committee or otherwise. The Chairman of the President's Committee may at any time terminate the service of any member of the Executive Committee.

(b) The Executive Committee shall advise and assist the Chairman of the President's Committee in the conduct of the business of the President's Committee and, as authorized by the President's Committee or the Chairman thereof (with due regard for the responsibilities of other Federal agencies), shall study the problems of the physically handicapped in obtaining and retaining suitable employment, invite authorities in the various professional, technical, and other pertinent fields to assist in the exploration of those problems, and review and develop plans and projects for promoting the employment of the physically handicapped.

SEC. 4. *Advisory Council.* There is hereby established the Advisory Council on Employment of the Physically Handicapped, which shall advise the President's Committee with respect to the responsibilities of the Committee. The Council shall be composed of the Chairman of the President's Committee, who shall also be the Chairman of the Council, and of the following-named officers, or their respective alternates: the Secretary of Commerce, Secretary of Labor, the Secretary of Health, Education, and Welfare, the Administrator of Veterans' Affairs, and the Chairman of the United States Civil Service Commission.

SEC. 5. *Administrative and incidental matters.* (a) The President's Committee, the Executive Committee, and the Advisory Council shall each meet on the call of the Chairman of the President's Committee at a time and place designated by him. In the case of the President's Committee and the Executive Committee, the Chairman shall call at least one meeting and two meetings, respectively, to be held during each calendar year.

(b) In the absence of designation by the President, the Chairman of the President's Committee may from time to time designate a Vice Chairman of the President's Committee to be one or more of the following-named in the absence of the Chairman: Acting Chairman of the President's Committee, Acting Chairman of the Executive Committee, and Acting Chairman of the Advisory Council. The Chairman of the President's Committee shall from time to time assign other duties to the Vice Chairmen thereof.

(c) The Chairman of the President's Committee shall on behalf of the President direct the Committee and its functions.

(d) The Chairman may from time to time prescribe such necessary rules, procedures, and policies relating to the President's Committee, the Executive Committee, and the Advisory Council, and their affairs, as are not inconsistent with law or with the provisions of this order.

(e) All members (including the Chairman and Vice Chairmen) of the President's Committee, the Executive Committee, and the Advisory Council shall serve without compensation. The Chairman and the Vice Chairmen of the President's Committee may receive transportation and per-diem allowances as authorized by law for persons serving without compensation.

(f) Employees of the Committee shall be appointed, subject to law, and shall be directed, by the Chairman of the Committee. To such extent as may be mutually arranged by the Chairman of the Committee and the Secretary of Labor, employees of the Committee shall be subject to the administrative rules, regulations, and procedures of the Department of Labor.

(g) The Department of Labor is requested to make available to the President's Committee necessary office space and to furnish the Committee, under such arrangements respecting financing as may be appropriate, necessary equipment, supplies, and services. The estimates of appropriations for the operations of the Committee shall be included within the framework of the appropriation structure of the Department of Labor, in such manner as the Director of the Bureau of the Budget may prescribe. The Chairman of the Committee, in cooperation with the Budget Office of the Department of Labor, shall be responsible for the preparation and justification of the estimates of appropriations for the Committee.

SEC. 6. *Prior orders.* To the extent that this order is inconsistent with any provision of any other order, or with any provision of any regulation or other measure or disposition, issued, made, or taken by the President or by any other officer of the executive branch of the Government, this order shall control.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 10, 1955.

[F. R. Doc. 55-8416; Filed, Oct. 13, 1955; 12:00 m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; NEBRASKA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

NEBRASKA	*Average value*
County:	
Adams	$23,000
Antelope	22,000
Arthur	22,000
Banner	25,000
Blaine	22,000
Boone	22,000
Box Butte	25,000
Boyd	22,000
Brown	22,000
Buffalo	25,000
Burt	25,000
Butler	25,000
Cass	25,000
Cedar	22,000
Chase	25,000
Cherry	22,000
Cheyenne	25,000

NEBRASKA—Continued

County—Continued	Average value
Clay	$23,000
Colfax	25,000
Cuming	25,000
Custer	22,000
Dakota	25,000
Dawes	25,000
Dawson	25,000
Deuel	25,000
Dixon	22,000
Dodge	25,000
Douglas	25,000
Dundy	25,000
Fillmore	23,000
Franklin	23,000
Frontier	23,000
Furnas	23,000
Gage	23,000
Garden	25,000
Garfield	22,000
Gosper	23,000
Grant	22,000
Greeley	22,000
Hall	25,000
Hamilton	25,000
Harlan	23,000
Hayes	23,000
Hitchcock	23,000
Holt	22,000
Hooker	22,000
Howard	22,000
Jefferson	23,000
Johnson	23,000
Kearney	25,000
Keith	25,000
Keya Paha	22,000
Kimball	25,000
Knox	22,000
Lancaster	25,000
Lincoln	25,000
Logan	22,000
Loup	22,000
McPherson	22,000
Madison	22,000
Merrick	25,000
Morrill	25,000
Nance	22,000
Nemaha	25,000
Nuckolls	23,000
Otoe	25,000
Pawnee	23,000
Perkins	25,000
Phelps	25,000
Pierce	22,000
Platte	25,000
Polk	25,000
Redwillow	23,000
Richardson	25,000
Rock	22,000
Saline	23,000
Sarpy	25,000
Saunders	25,000
Scotts Bluff	25,000
Seward	25,000
Sheridan	25,000
Sherman	22,000
Sioux	25,000
Stanton	22,000
Thayer	23,000
Thomas	22,000
Thurston	25,000
Valley	22,000
Washington	25,000
Wayne	22,000
Webster	23,000
Wheeler	22,000
York	25,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: October 11, 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55-8377; Filed, Oct. 13, 1955; 8:51 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; NEW JERSEY

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

NEW JERSEY

County:	Average value
Atlantic	$20,000
Bergen	35,000
Burlington	25,000
Camden	20,000
Cape May	20,000
Cumberland	20,000
Gloucester	20,000
Hunterdon	30,000
Mercer	25,000
Middlesex	25,000
Monmouth	25,000
Morris	30,000
Ocean	20,000
Somerset	30,000
Sussex	30,000
Warren	30,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: October 11, 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55-8378; Filed, Oct. 13, 1955; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

ESTABLISHMENT OF ADDITIONAL GRADE REGULATIONS FOR THE 1955-56 CROP YEAR

In accordance with the provisions of Marketing Agreement No. 127 and Order No. 103 (20 F. R. 5056) regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and upon the basis of the recommendation of the Date Administrative Committee established under the aforesaid marketing agreement and order, and other available information, it is hereby found that the additional grade regulation hereinafter provided, applicable to the shipment of Deglet Noor dates during the effective period thereof, will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and postpone the effective date of this regulation later than October 14, 1955 (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation to comply with the regulation; and good cause exists for making the provisions hereof effective at the indicated time.

The shipment of early varieties of 1955 crop dates has already begun and it is expected that shipments of Deglet Noor dates, the principal variety, will approach significant volume during the next few weeks. All shipments of dates in whole and pitted form since September 1, 1955, have been subject to the minimum standards of quality (Grade C of the effective U. S. Standard for Grades of Dates) provided for in § 1003.39 of the agreement and order. Early inspections of 1955 crop Deglet Noor dates have shown that lots meeting the minimum requirements of Grade C have, in some instances, been below that state of maturity which it is deemed in the public interest should be required for domestic sale in whole or pitted form. The additional grade regulation set forth below will result in an improvement in the average quality of dates sold to consumers during 1955-56.

It is therefore ordered that the shipment of Deglet Noor dates shall be in accordance with the following regulation during the effective period thereof:

§ 1003.202 *Additional grade regulation.* Beginning at 12:01 a. m., P. s. t., October 14, 1955 and ending at 12:01 a. m., P. s. t., August 1, 1956, Deglet Noor whole and pitted dates handled under this part shall meet the requirements of U. S. Grade C of the United States Standards for Grades of Dates, effective August 26, 1955 (20 F. R. 5755): *Provided*, That, such dates shall score not less than 30 points for character, as defined in § 52.1009 of this chapter.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 11, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8374; Filed, Oct. 13, 1955; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6296]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MAX FEUER ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller: *Manufacturer;* § 13.30 *Composition of goods;* § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.155 *Prices:* Comparative; § 13.235 *Source or origin:* Maker or seller, etc. Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition;* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1260 *Nature;* § 13.1325 *Source or origin:* Maker or seller, etc.: *Fur Products Labeling Act;* Place: *Foreign, in general.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition;* § 13.1623 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1685 *Nature;* § 13.1745 *Source or origin:* Maker or seller, etc.; Place: *Foreign, in general;* [*Misrepresenting oneself and goods*]—Prices: § 13.1785 *Comparative.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1870 *Nature:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Maker or seller, etc.; Place.* I. In connection with the introduction, or the manufacture for introduction, or the sale, advertisement, offer for sale, transportation, or distribution of fur products in commerce, or in connection with the manufacture for sale, sale, advertising, offer for sale, transportation, or distribution of fur products made in whole or in part of fur which had been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act (all other charges in the complaint not specifically covered in the order having been dismissed as to both respondents): (A) Misbranding fur products by: (1) Failing to affix labels to fur products showing: (a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations; (b) that the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact; (c) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact; (d) the name, or other identification issued and registered by the Commission of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered for sale in commerce, or transported or distributed it in commerce; (e) the name of the country of origin of any imported furs used in the fur product; (2) setting forth on labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in "(A) (1) (a)" above; (3) setting forth on labels attached to fur products, non-required information mingled with required information; (B) falsely or deceptively invoicing fur products by: (1) Failing to furnish invoices to purchasers of fur products showing: (a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations; (b) that the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact; (c) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact; (d) the name and address of the person issuing such invoices; (e) the name of the country of origin of any imported furs contained in the fur products; (2) using on invoices the name or names of any animal or animals other than the name or names provided for in "(B) (1) (a)" above; (3) setting forth on invoices pertaining to fur products, required information in abbreviated form; (C) falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice, which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which: (1) Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations; (2) fails to disclose that fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur when such is the fact; (3) uses abbreviated words or terms of required information or which, if printed, fails to state in type of equal size all parts of the required information; (4) represents, directly or by implication: (a) That a sale price enables purchasers of fur products to effectuate any savings in excess of the difference between the said price and the price at which comparable products were sold during the time specified or, if no time is specified, in excess of the difference between said price and the current price at which comparable products are sold; (b) that any fur products were manufactured or designed by respondents, when such is contrary to the fact; (5) makes the pricing claims or representations referred to in "(C) (4) (a)" above, unless there is maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based, as required by Rule 44 (e) of the rules and regulations; and (D) failing to maintain and preserve full and adequate records, in the manner and form required by Rules 40 and 41 of the rules and regulations, showing the information set forth on labels which respondents have removed from fur products and in lieu thereof substituted and affixed respondents' labels thereto; and, II, in connection with the offering for sale, sale, and distribution of fur products in commerce, as "commerce" is defined in the Federal Trade Commission Act, making, directly or by implication, any of the representations prohibited in "(C) (4)" of the instant order; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Max Feuer et al. t. a. Feuer Fur Company, Chicago, Ill., Docket 6296, September 16, 1955]

In the Matter of Max Feuer and Sue Feuer, Individually and as Copartners Trading as Feuer Fur Company

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission which charged respondents with the use of unfair acts and practices in commerce in violation of the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act and the rules and regulations promulgated under the latter, and upon a stipulation between the parties providing for the entry of a consent order, by the terms of which respondents admitted all the jurisdictional allegations set forth in the complaint, agreed that the record in the matter might be taken as if findings of jurisdictional facts had been made in accordance with such allegations, and expressly waived any further procedural steps before the hearing examiner or the Commission; the making of findings of facts and conclusions of law by either; and all the rights they might have to challenge or contest the validity of the order to cease and desist in accordance with the stipulation.

It was set forth in said stipulation that the record, on which the initial decision and the decision of the Commission should be based, should consist solely of the complaint and the agreement; that the agreement should not become part of the official record unless and until it became a part of the decision of the Commission; that the agreement was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint.

Said stipulation further provided that all portions of the complaint which charged that respondents misrepresented that they were "Chicago's Largest Exclusive Furriers" as alleged in Paragraphs Four (e) and Seventeen (d) be dismissed for lack of proof and that the stipulation disposed of the proceeding as to all parties.

Thereafter said hearing examiner concluded that the proceeding was in the public interest; that such stipulation was an appropriate disposition thereof; and, in accordance with the action contemplated and agreed upon, made his order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 16, 1955, became, on said date, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order is as follows:

It is ordered, That respondents, Max Feuer and Sue Feuer, individually and as copartners trading as Feuer Fur Company, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or the manufacture for introduction, or the sale, advertisement, offer for sale, transportation or distribution of fur products in commerce, or in connection with the manufacture

for sale, sale, advertising, offer for sale, transportation or distribution of fur products which have been made in whole or in part of fur which had been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact;

(c) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur when such is a fact;

(d) The name, or other identification issued and registered by the Commission of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered for sale in commerce, or transported or distibuted it in commerce.

(e) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in paragraph A (1) (a) above.

3. Setting forth on labels attached to fur products, non-required information mingled with required information.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact;

(c) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact;

(d) The name and address of the person issuing such invoices;

(e) The name of the country of origin of any imported furs contained in the fur product.

2. Using on invoices the name or names of any animal or animals other than the name or names provided for in paragraph B (1) (a) above.

3. Setting forth on invoices pertaining to fur products, required information in abbreviated form.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice, which is intended to aid, promote or assist, directly or indirectly in the sale or offering for sale of fur products, and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

2. Fails to disclose that fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur when such is the fact;

3. Uses abbreviated words or terms of required information or which, if printed, fails to state in type of equal size all parts of the required information;

4. Represents directly or by implication:

(a) That a sale price enables purchasers of fur products to effectuate any savings in excess of the difference between the said price and the price at which comparable products were sold during the time specified or, if no time is specified, in excess of the difference between said price and the current price at which comparable products are sold;

(b) That any fur products were manufactured or designed by respondents, when such is contrary to the fact.

5. Makes the pricing claims or representations referred to in paragraph C (4) (a) above, unless there is maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based, as required by Rule 44 (e) of the rules and regulations.

D. Failing to maintain and preserve full and adequate records, in the manner and form required by Rules 40 and 41 of the rules and regulations, showing the information set forth on labels which respondents have removed from fur products and in lieu thereof substituted and affixed respondents' labels thereto.

It is further ordered, That respondents Max Feuer and Sue Feuer, individually and as copartners trading as Feuer Fur Company, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of fur products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do further cease and desist from making, directly or by implication, any of the representations prohibited by paragraph C (4) of this order.

It is further ordered, That all other charges contained in the complaint not specifically covered in the above order are herewith dismissed as to both respondents.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 16, 1955.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 55-8366; Filed, Oct. 13, 1955; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

REVISION OF PART

Because of the number of outstanding amendments to Part 1 there follows a revision of Part 1 incorporating all amendments thereto which were in effect on October 1, 1955.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

Part 1—Certification, Identification, and Marking of Aircraft and Related Products

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AUTHORITY: §§ 1.0 to 1.110 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, 1026, as amended; 49 U. S. C. 551, 553, 672.

APPLICABILITY AND DEFINITIONS

§ 1.0 *Applicability of this part.* This part establishes administrative requirements for the issuance of type, production, and airworthiness certificates, and for the identification and marking of aircraft and related products.

§ 1.1 *Definitions.* As used in this part, terms are defined as follows:

(a) *Administration*—(1) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(2) *Applicant.* An applicant is a person or persons applying for approval of an aircraft or any part thereof.

(3) *Approved.* Approved, when used alone or as modifying terms such as means, devices, specifications, etc., shall mean approved by the Administrator.

(4) *Authorized representative of the Administrator.* An authorized representative of the Administrator means any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform any of the duties delegated to the Administrator by the provisions of this part.

(5) *Person.* Person means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.[1]

[1] As defined in section 1 of the Civil Aeronautics Act of 1938, as amended.

(6) *Prime manufacturer.* A prime manufacturer means the person who initiated the design and construction of the product and who applied for the type certificate, or any person to whom a current right to reproduce the product has been transferred.

(7) *Subsidiary manufacturer.* A subsidiary manufacturer means the person who contracted with the prime manufacturer to produce and to supply to the prime manufacturer major assemblies and components which are manufactured in conformity with the prime manufacturer's approved drawings and data for the fabrication of the product.

(8) *United States.* United States means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the Territorial waters and the overlying air space thereof.[1]

(b) *Design*—(1) *Aircraft.* An aircraft means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air.[1]

(2) *Aircraft engine.* An aircraft engine means an engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof other than propellers.[1]

(3) *Appliances.* Appliances mean instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes and including communication equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight), and which are not a part or parts of aircraft, aircraft engines, or propellers.[1]

(4) *Product.* The term product, as used in this part, means: (i) An aircraft, (ii) an aircraft engine, (iii) a propeller, or (iv) any appliance specified in this subchapter (the Civil Air Regulations) as eligible for a type certificate.

(5) *Propeller.* A propeller includes all parts, appurtenances, and accessories thereof.[1]

§ 1.2 *Type design.* The type design shall consist of such drawings and specifications as are necessary to disclose the configuration of the product and all the design features covered in the requirements of that part of the regulations in this subchapter under which the product is certificated, such information on dimensions, materials, and processes as is necessary to define the structural strength of the product, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent products of the same type.

TYPE CERTIFICATES

§ 1.10 *Application.* Any person, whether or not a citizen of the United States, may apply for the issuance of a type certificate. The application for a type certificate for a specified product shall be made upon a form and in a manner prescribed by the Administrator.

§ 1.11 *Products for which issued.* A type certificate may be issued for an aircraft, aircraft engine, propeller, or any appliance for which certification is provided elsewhere in this subchapter.

§ 1.12 *Requirements for issuance.* A type certificate for a product shall be issued when:

(a) The applicant has submitted the type design (see § 1.2), test reports, and computations as may be required by that part of the regulations in this subchapter under which the product is to be certificated.

(b) Upon examination of the type design and the completion of all tests and inspections, the Administrator finds that the type design meets the requirements of the applicable regulations in this subchapter.

§ 1.13 *Location of manufacturing facilities.* No type certificate for a product shall be issued if the manufacturing facilities therefor are located outside the United States, unless where facilities are located outside the United States the Administrator finds that no undue burden on the Government is created in administering applicable requirements of the act or regulations issued thereunder.

§ 1.14 *Transferability.* A type certificate may be transferred or made available to third persons by licensing agreements, and the grantor shall immediately notify the Administrator in writing of any transfer, licensing agreement, or termination thereof. The provisions of § 1.13 shall be complied with.

§ 1.15 *Inspections and tests.* (a) A representative of the Administrator shall be permitted to make such inspections and, in the case of aircraft, flight tests as may be necessary to determine compliance with applicable requirements.

(b) A product manufactured under a type certificate only shall be required to undergo inspection by a representative of the Administrator to determine whether individual products conform with the type design.

(c) The manufacturer of a product being manufactured under a type certificate only shall maintain at the place of manufacture such technical data and drawings as may be necessary to determine whether the product or any part thereof conforms to the current type design.

(d) A manufacturer producing a product under the terms of a type certificate without a related production certificate shall provide, for products manufactured after six months from the date of issuance of the type certificate, a production inspection system approved by the Administrator which will give assurance that each article produced is in conformity with the type design and is in a condition for safe operation.

§ 1.16 *Duration.* A type certificate shall remain in effect until surrendered, suspended, revoked, or a termination date is otherwise established by the Board.

1.17 *Display.* Type certificates shall be made available for examination by an authorized representative of the Board or of the Administrator.

§ 1.18 *Privileges.* The holder or licensee of a type certificate for a product may, in the case of aircraft, obtain airworthiness certificates (see applicable §§ 1.60 through 1.72), or in the case of engines, propellers, or other products, obtain approval for installation on certificated aircraft; he may obtain a production certificate for such products (see §§ 1.30 through 1.46).

§ 1.19 *Statement of conformity.* (a) The holder of a type certificate only or of a current right to the benefits of a type certificate only under a licensing arrangement, upon the initial transfer by him of the ownership of any product manufactured under such type certificate or upon application for original issuance of an airworthiness certificate for an aircraft, shall furnish to an authorized representative of the Administrator a statement of conformity for such product on a form prescribed by the Administrator. For aircraft manufactured under a type certificate only, there shall be included a statement that the aircraft referred to has been flight checked. For aircraft engines and for variable pitch propellers manufactured under a type certificate only, there shall be included a statement that the engine or propeller referred to has been subjected by the manufacturer to a final operational check. When a production certificate is held in addition to the type certificate, the provisions of § 1.35 shall apply. The Administrator may consider military acceptance in lieu of a statement of conformity for a product which has been manufactured for the military service.

(b) A statement of conformity shall be furnished to an authorized representative of the Administrator, upon a form and in a manner prescribed by the Administrator, for any prototype product presented for type certification.

CHANGES IN TYPE DESIGN

§ 1.20 *General.* When the type design is changed, the applicant shall demonstrate that the product complies with the requirements of that part of the regulations in this subchapter under which it was certificated.

§ 1.21 *Classification of changes.* Changes shall be classified as minor and major. A minor change shall be one which has no appreciable effect on the weight, balance, structural strength, reliability, operational characteristics, or other characteristics affecting the airworthiness of the product. A major change shall be one not classified as a minor change.

§ 1.22 *Approval of minor changes.* Minor changes in a type design may be approved in accordance with a method acceptable to the Administrator prior to the submittal to the Administrator of any substantiating or descriptive data.

§ 1.23 *Approval of major changes.* Major changes in a type design shall be approved only after receipt by the Administrator of substantiating data and necessary descriptive data for inclusion in the type design.

§ 1.24 *Service experience changes.* (a) Where the Administrator finds as a result of service experience that an unsafe condition exists with respect to a design feature, part or characteristic of any product, and that such a condition is likely to exist or develop in other products of the same type design, he shall provide notice[2] thereof for all operators of products of that type, and the product shall not thereafter be operated until the unsafe condition has been corrected, unless otherwise authorized by the Administrator under specified conditions and limitations, including inspections. In addition, the provisions of subparagraphs (1) and (2) of this paragraph shall apply.

(1) When the Administrator finds that design changes are necessary to correct the unsafe condition of the product, the holder of the type certificate, upon request of the Administrator, shall submit appropriate design changes for the approval of the Administrator.

(2) Upon approval, the descriptive data covering the changes shall be made available by the holder of the type certificate to all operators of products previously certificated under such type certificate.

(b) Where no current unsafe condition exists but the Administrator or the holder of the type certificate finds through service experience that changes in type design will contribute to the safety of the product, the holder of the type certificate may submit appropriate design changes for the approval of the Administrator. Upon approval of such changes the manufacturer shall make available to all operators of the same type of product information on the design changes.

SUPPLEMENTAL TYPE CERTIFICATES

§ 1.25 *Supplemental type certificates.* When a person, other than the holder of the type certificate for a product, alters the product by introducing a major change (see § 1.21) in a previously approved type design, and the change is not so extensive as to require application for a new type certificate (see §§ 3.11 (e), 4b.11 (e), 5.11 (e), 6.11 (e), 13.11 (e), and 14.11 (e) of this chapter), such person shall apply for the issuance of a supplemental type certificate covering the design change. The application shall be made upon a form and in a manner prescribed by the Administrator.

§ 1.26 *Applicable requirements.* The applicant for a supplemental type certificate shall demonstrate that the altered product meets the airworthiness requirements which are applicable to the product involved (see §§ 3.11 (d), 4b.11 (d), 5.11 (d), 6.11 (d), 13.11 (d), and 14.11 (d) of this chapter).

§ 1.27 *Requirements for issuance.* Upon receipt of an application and a satisfactory demonstration of compliance with the applicable requirements in accordance with §§ 1.25 and 1.26, the Administrator shall indicate approval of the change in type design. Such approval together with the previously issued type certificate for the product shall constitute a supplemental type certificate.

§ 1.28 *Privileges.* The holder or licensee of a supplemental type certificate for an altered product may, in the case of aircraft, obtain airworthiness certificates (see applicable §§ 1.60 through 1.72), or in the case of engines, propellers, or other products, obtain approval for installation on certificated aircraft; he may obtain a production certificate (see §§ 1.30 through 1.46) with respect to the change in the type design for which approval was obtained in accordance with § 1.27.

NOTE: The provisions of this section are not intended to affect in any way the proprietary rights of the holder of a type certificate or of a supplemental type certificate.

PRODUCTION CERTIFICATES

§ 1.30 *Application.* Any person, whether or not a citizen of the United States, may apply for the issuance of a production certificate. The application for a production certificate shall be made upon a form and in a manner prescribed by the Administrator.

§ 1.31 *Products for which issued.* A production certificate shall be issued only for products for which a type certificate is currently in effect. The applicant shall hold a currently effective type certificate for the product to be manufactured or shall hold a current right to the benefits of such certificate under a licensing agreement.

§ 1.32 *Requirements for issuance.* A person shall be issued a production certificate when the Administrator finds, after examination of the supporting data and after inspection of the organization and production facilities, that the applicant complies with the requirements of §§ 1.33 through 1.36.

§ 1.33 *Location of manufacturing facilities.* No production certificate for a product shall be issued if the manufacturing facilities therefor are located outside the United States, unless where facilities are located outside the United States the Administrator finds that no undue burden on the Government is created in administering applicable requirements of the act or regulations issued thereunder.

§ 1.34 *Quality control.* The applicant shall show that he is adequately prepared to manufacture and control the quality of any product for which he requests production certification, so that each article shall conform with the design provisions of the pertinent type certificate. A product manufactured under a production certificate may be required to undergo inspection by a representative of the Administrator to determine whether the individual product conforms to the type design.

§ 1.35 *Privileges.* It shall not be necessary for the holder of a production certificate to furnish a statement of conformity for each of the products produced under the terms of the production certificate. The holder of a production certificate may obtain an airworthiness certificate in the case of aircraft (see § 1.67 (a)) and in the case of engines, propellers, or other products may obtain approval for installation on certificated aircraft.

[2] Notification of any unsafe condition, of the required corrective action, and of compliance dates is usually provided through the medium of Airworthiness Directives issued by the Administrator.

§ 1.36 *Quality control data requirements; prime manufacturer.* The applicant shall submit for approval by the Administrator, as evidence of his ability to control the quality of any product for which he requests a production certificate, data describing the inspection and test procedures necessary to insure that each article produced is in conformity with the type design and is in a condition for safe operation. The data submitted shall include such of the following as are applicable to the product involved:

(a) A statement describing assigned responsibilities and delegated authority of the quality control organization, together with a chart indicating the functional relationship of the quality control organization to management and to other organizational components and indicating the chain of authority and responsibility within the quality control organization.

(b) A description of inspection procedures applying to raw materials, outside purchased items, and parts and assemblies produced by subsidiary manufacturers. The information shall include the methods used to insure acceptable quality of parts and assemblies which cannot be completely inspected for conformity and quality when delivered to the prime manufacturer's plant.

(c) A description of the methods used for production inspection of individual parts and complete assemblies, including the identification of any special manufacturing processes involved, the description of the means used to control such processes, a description of the final test procedure for the complete product, and, in the case of aircraft, a copy of the manufacturer's production flight test procedure and checkoff list.

(d) An outline of the materials review system, including the procedure for recording review board decisions and disposing of rejected parts.

(e) An outline of a system by means of which company inspectors are kept currently informed regarding changes in engineering drawings, specifications, and quality control procedures.

(f) A list or chart showing location and type of inspection stations.

§ 1.37 *Information on subsidiary manufacturers.* The prime manufacturer shall make available information regarding all major inspections accomplished by a subsidiary manufacturer for acceptance of parts or assemblies for which the prime manufacturer is responsible.

§ 1.38 *Changes in quality control system.* Subsequent to the issuance of a production certificate, any changes to the quality control system shall be subject to review by the Administrator. The holder of a production certificate shall immediately notify the Administrator in writing of any such changes affecting the data prescribed in § 1.36.

§ 1.39 *Multiple products.* The Administrator may authorize more than one type certificated product to be manufactured under the terms of one production certificate provided that the products have similar production characteristics.

§ 1.40 *Production limitation record.* A production limitation record shall be issued as part of a production certificate. The record shall list the type certificate of every product which the applicant is authorized to manufacture under the terms of a production certificate. Where different models of a basic type approved under the same type certificate number require different fabrication methods and processes, the Administrator may list the model designation of the product for which authorization is given, as well as the type certificate number, on the production limitation record.

§ 1.41 *Modification of the production limitation record.* The holder of a production certificate desiring the addition of a type certificate and/or model to the production certificate shall submit an application therefor upon a form and in a manner prescribed by the Administrator. The applicant shall comply with the applicable requirements of §§ 1.32 through 1.36 and 1.38.

§ 1.42 *Transferability.* A production certificate shall not be transferred.

§ 1.43 *Inspections and tests.* A representative of the Administrator shall be permitted to make such inspections and, in the case of aircraft, flight tests as may be necessary to determine compliance with the requirements of the regulations in this subchapter.

§ 1.44 *Duration.* A production certificate shall remain in effect until surrendered, suspended, revoked, or a termination date is otherwise established by the Board, or the location of the manufacturing facility is changed.

§ 1.45 *Display.* A production certificate shall be prominently displayed in the main office of the factory.

§ 1.46 *Responsibility of holder.* The holder of a production certificate shall maintain the quality control system in conformity with the data and procedures approved for the production certificate. He also shall determine that each completed product submitted for airworthiness certification or approval is in conformity with the type design and is in a condition for safe operation.

AIRCRAFT AND PRODUCT IDENTIFICATION

§ 1.50 *Identification.* (a) Each product manufactured under the terms of a type or production certificate shall display permanently such data as may be required to show its identity. The data shall include such of the following items as the Administrator finds appropriate: (1) Manufacturer's name, (2) model designation, (3) manufacturer's serial number (if article is numbered serially), otherwise the date of manufacture, except that articles subject to deterioration as a result of aging (parachutes, parachute flares, etc.), shall bear the date of manufacture in addition to the serial number, if any, (4) type certificate number, (5) production certificate number, (6) capacity or rating.

REPLACEMENT AND MODIFICATION PARTS

§ 1.55 *Applicable rules.* Any person other than the holder of the type certificate producing replacement or modification parts for sale for installation on a type certificated product shall comply with §§ 1.12 (a) and (b), 1.13, 1.15 (a) and (d), 1.20, and 1.50 (also see § 1.25).

NOTE: The provisions of this section are not applicable to parts produced under the terms of a type and/or production certificate, to parts produced by owners or operators for maintaining or altering their own product, or to standard parts (such as bolts and nuts) conforming to established industry or Government specifications; e. g., SAE and military specifications, and CAA Technical Standard Orders.

AIRWORTHINESS CERTIFICATES

§ 1.60 *Application.* Any U. S. citizen may apply for issuance of an airworthiness certificate for an aircraft provided that he is the registered owner of the aircraft or his agent. The application for an airworthiness certificate shall be made upon a form and in a manner prescribed by the Administrator.

§ 1.61 *Aircraft categories for which airworthiness certificates are issued.* Airworthiness certificates are issued for aircraft whose type design has been certificated under the normal, utility, acrobatic, or transport categories, for aircraft of the restricted category, and for surplus military aircraft in the limited category. In addition, experimental certificates and special flight permits are issued.

§ 1.62 *Amendment or modification.* An airworthiness certificate may be amended or modified only upon application to the Administrator.

§ 1.63 *Transferability.* An airworthiness certificate shall be transferred with the aircraft.

§ 1.64 *Duration.* (a) Unless sooner surrendered, suspended, revoked, or a termination date is otherwise established by the Board, the duration of an airworthiness certificate shall be in accordance with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) *Experimental aircraft.* An experimental certificate shall remain in effect for one year from the date of issuance or renewal, unless a shorter period is established by the Administrator.

(2) *Aircraft maintained under a continuous maintenance system.* An airworthiness certificate issued for an aircraft maintained under an approved continuous maintenance system shall remain in effect without renewal during the period the aircraft is maintained in accordance with such a system.

(3) *Other aircraft.* Except as provided in subparagraphs (1) and (2) of this paragraph, airworthiness certificates on other aircraft shall remain in effect for one year after the date of issuance or renewal. The airworthiness certificate shall be renewed upon satisfactory completion of the annual inspection elsewhere required in the regulations of this subchapter.

(b) The Administrator may, from time to time, reinspect any aircraft or part thereof to see whether it is in an airworthy condition. The owner, operator, or bailee of the aircraft shall make it available for such inspection upon request.

(c) Upon suspension, revocation, or the general termination by order of the Board of an airworthiness certificate, the owner, operator, or bailee of an aircraft shall, upon request, surrender the certificate to an authorized representative of the Administrator.

§ 1.65 *Display.* An airworthiness certificate shall be carried in the aircraft at all times, and shall be displayed as prescribed by the Administrator.

§ 1.66 *Airworthiness certificates for normal, utility acrobatic, and transport categories.* Aircraft certificated in the normal, utility, acrobatic, and transport categories may be used for the carriage of persons and property for compensation or hire. This provision shall also apply to import aircraft certificated in accordance with Part 10 of this subchapter and § 1.67 (c) of this part.

§ 1.67 *Airworthiness certificate; requirements for issuance.* The requirements for the issuance of an airworthiness certificate are stated in paragraphs (a) through (c) of this section.

(a) *Aircraft manufactured under a production certificate.* An applicant for the original issuance of an airworthiness certificate for an aircraft, whose type design was certificated in categories other than the limited category, manufactured under the terms of a production certificate, may be issued such certificate without further showing. The Administrator may inspect the aircraft to see if it conforms to the type design.

(b) *Aircraft manufactured under type certificate only.* An applicant for the original issuance of an airworthiness certificate for an aircraft, whose type design was certificated in categories other than the limited category, manufactured under the terms of a type certificate only, shall be issued such certificate upon presentation of a statement of conformity for such aircraft issued by the manufacturer when, upon inspection of the aircraft, the Administrator finds that the aircraft conforms to the type design, and is in a condition for safe operation.

(c) *Import aircraft.* An applicant for the original issuance of an airworthiness certificate for an import aircraft type certificated in accordance with Part 10 of this subchapter shall be issued such certificate when the government of the country where the aircraft was manufactured certifies, or the Administrator finds, that the aircraft conforms to the type design and is in a condition for safe operation.

§ 1.68 *Airworthiness certificates for restricted category aircraft.* Aircraft certificated in the restricted category shall not be used for the carriage of persons or cargo for compensation or hire. For purposes of this section, crop dusting, seeding, and other similar specialized operations are not considered as the carriage of persons or cargo for compensation or hire. Other special limitations for such aircraft are prescribed under the provisions of Part 8 of this subchapter. This section shall also apply to import aircraft certificated in accordance with Part 10 of this subchapter and § 1.69 of this part.

§ 1.69 *Airworthiness certificates for restricted category aircraft; requirements for issuance.* The requirements for issuance of an airworthiness certificate for an aircraft in the restricted category are as stated in paragraphs (a) and (b) of this section.

(a) *Aircraft manufactured under a production certificate or type certificate only.* An applicant for the original issuance of an airworthiness certificate for an aircraft in the restricted category, type certificated under the provisions of § 8.10 (a) (1) of this subchapter, shall comply with the appropriate provisions of § 1.67.

(b) *Other aircraft.* An applicant for the issuance of an airworthiness certificate for aircraft of the restricted category other than those referred to in paragraph (a) of this section, such as surplus military aircraft and modified civil aircraft, may be issued such certificate when he demonstrates compliance with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The aircraft has been type certificated under the provisions of § 8.10 (a) (2) of this subchapter, or modified under the provisions of § 8.10 (b) of this subchapter;

(2) The aircraft has been inspected by the Administrator and found by him to be in a good state of preservation and repair and in condition for safe operation; and

(3) The Administrator has prescribed operating limitations in accordance with Part 8 of this subchapter.

§ 1.70 *Multiple airworthiness certification.* Multiple airworthiness certification shall conform to the provisions of paragraphs (a) and (b) of this section.

(a) An aircraft shall be issued an airworthiness certificate in the restricted category and in any one or more of the other airworthiness categories prescribed by the regulations in this subchapter, if the applicant shows compliance with the requirements for each category when the aircraft is in the configuration for that category and if the aircraft can be converted from one category to another by removal or addition of equipment by simple mechanical means.

(b) Any aircraft certificated in the restricted and any other category shall be inspected and approved by an authorized representative of the Administrator, or by a certificated mechanic with an appropriate airframe rating, to determine airworthiness each time the aircraft is converted from the restricted category to another category for the carriage of passengers for compensation or hire, unless the Administrator finds this unnecessary for safety in a particular case.

§ 1.71 *Airworthiness certificate for limited category aircraft.* Airworthiness certificates in the limited category are issued for surplus military aircraft type certificated under Part 9 of this subchapter. Aircraft in the limited category may not be used for the carriage of persons or property for compensation or hire.

§ 1.72 *Airworthiness certificate for limited category aircraft; requirements for reissuance.* An applicant for an airworthiness certificate for an aircraft in the limited category shall show that the aircraft has been previously type certificated in the limited category, and that the aircraft complies fully with the requirements of Part 9 of this subchapter.

§ 1.73 *Experimental certificates.* Experimental certificates are issued for amateur-built aircraft and for aircraft which are to be used for experiment, for exhibition, for air racing, and to show compliance with the regulations in this subchapter for the issuance of type certificates and related purposes.

§ 1.74 *Experimental certificates; requirements for issuance.* The requirements for the issuance of experimental certificates are as stated in paragraphs (a) and (b) of this section.

(a) In applying for an experimental certificate the applicant shall submit:

(1) A statement upon a form and in a manner prescribed by the Administrator setting forth the purpose for which the aircraft is to be used,

(2) Sufficient data, such as photographs, to identify the aircraft, and

(3) Upon inspection of the aircraft, any pertinent information found necessary by the Administrator to safeguard the general public.

(b) The Administrator shall prescribe appropriate operating restrictions for the use of experimental aircraft. Such restrictions shall include the prohibition of carrying persons or property for compensation or hire.

§ 1.75 *Special flight permits.* A special flight permit may be issued for an aircraft which may not currently meet applicable airworthiness requirements, but which is capable of safe flight, for the purpose of permitting the aircraft to be flown to a base where repairs or alterations are to be made, or to permit the delivery or export of the aircraft, or to permit production flight tests of new production aircraft.

§ 1.76 *Special flight permits; requirements for issuance.* The requirements for the issuance of special flight permits are as stated in paragraphs (a) and (b) of this section.

(a) Where found necessary by the Administrator, an applicant for a special flight permit shall submit a statement in a form approved by the Administrator indicating the purpose of the flight, the proposed itinerary, the duration of authorization requested, the persons to be on board the aircraft, the particulars, if any, in which the aircraft does not comply fully with the applicable airworthiness requirements, and the restrictions, if any, deemed necessary for safe operation of the aircraft.

(b) The Administrator shall accomplish, or shall require the applicant to accomplish, such appropriate inspections or tests as the Administrator may deem necessary in the interest of safety.

(c) Nothing in paragraphs (a) and (b) of this section shall prevent the issuance to an air carrier by the Administrator of a general authorization to conduct ferry flights for specified purposes as provided in those paragraphs, under such terms and conditions as may from time to time be prescribed by the Administrator.

AIRCRAFT NATIONALITY AND REGISTRATION MARKS

§ 1.100 *General.* The identification of each aircraft shall be marked, and the markings shall be displayed as required in §§ 1.101 through 1.107. No design, mark, or symbol which modifies or confuses the identification marks shall be placed on an aircraft, except with the approval of the Administrator.

§ 1.101 *Display of identification marks.* Identification marks shall be displayed in accordance with the provisions in paragraphs (a) and (b) of this section.

(a) Aircraft registered for the first time after December 31, 1948, shall display identification marks consisting of the Roman capital letter "N", denoting United States registration, followed by the registration number. Other aircraft which display identification marks containing an airworthiness symbol "C", "R", "X", or "L" and which are operated solely within the United States may display such identification marks until the first time such aircraft are recovered or refinished to an extent necessitating the reapplication of the identification mark. Thereafter, such aircraft, and after December 31, 1950, all aircraft of United States registry operated outside of the United States, shall display identification marks consisting of the Roman capital letter "N", denoting United States registration, followed by the registration number.

(b) When an identification mark including only the Roman capital letter "N" and the registration number is utilized, limited and restricted category aircraft and experimental aircraft shall display the words "limited," "restricted," or "experimental," respectively, near each entrance to the cabin or cockpit of the aircraft. These markings shall be in letters not less than 2 inches nor more than 6 inches in height.

§ 1.102 *Location of identification marks.* Identification marks shall be located in accordance with paragraphs (a) through (e) of this section.

(a) *Fixed-wing aircraft.* The requirements of subparagraphs (1) through (3) of this paragraph shall be applicable to fixed-wing aircraft.

(1) *Wing surfaces.* Identification marks shall be displayed on the right half of the upper surface and the left half of the lower surface of the wing structure. As far as possible, the marks shall be located an equal distance from the leading and trailing edges of the wing. The top of the marks shall be toward the leading edge of the wing.

(2) *Vertical tail surfaces.* Identification marks shall be displayed on the upper half of the vertical tail surface. They shall be displayed on both sides of a single tail surface and on the outer sides of multitail surfaces. They may be placed either horizontally or vertically.

(3) *Fuselage surfaces.* Identification marks shall be displayed on the fuselage when the aircraft does not have a vertical tail surface. The marks shall be located on each side of the top half of the fuselage, just forward of the leading edge of the horizontal tail surface. They may be placed either horizontally or vertically.

(b) *Rotorcraft.* The requirements of subparagraphs (1) and (2) of this paragraph shall be applicable to rotorcraft.

(1) *Bottom fuselage surfaces.* Identification marks shall be displayed on the bottom surface of the fuselage or cabin. The top of the marks shall be toward the left side of the fuselage.

(2) *Side fuselage surfaces.* Identification marks shall be displayed below the window lines and as near the cockpit as possible.

(c) *Airships.* The requirements of subparagraphs (1) and (2) of this paragraph shall be applicable to airships.

(1) *Horizontal stabilizer surfaces.* Identification marks shall be displayed on the upper surface of the right horizontal stabilizer and on the under surface of the left horizontal stabilizer. The top of the marks shall be toward the leading edge of the stabilizer. The marks shall be placed horizontally.

(2) *Vertical stabilizer surfaces.* Identification marks shall be displayed on each side of the bottom half of the vertical stabilizer. The marks shall be placed horizontally.

(d) *Spherical balloons.* Identification marks for spherical balloons shall be displayed on two places diametrically opposite, and shall be located near the maximum horizontal circumference of the balloon.

(e) *Nonspherical balloons.* Identification marks for nonspherical balloons shall be displayed on each side. They shall be located near the maximum cross section of the balloon, immediately above either the rigging band or the points of attachment of the basket or cabin suspension cables.

§ 1.103 *Measurements of identification marks.* The measurements of identification marks shall conform to the provisions of paragraphs (a) through (d) of this section.

(a) *Fixed-wing aircraft.* The requirements of subparagraphs (1) and (2) of this paragraph shall be applicable to fixed-wing aircraft.

(1) *Wing surfaces.* The height of the identification marks on the wings shall be at least 20 inches.

(2) *Fuselage and vertical tail surfaces.* Identification marks shall be such as to leave at least a margin of 2 inches along each edge of the surface. Within these stipulations, the marks shall be as large as practicable, except that this rule shall not be interpreted as requiring the use of marks exceeding 6 inches in height or permitting the use of marks smaller than 2 inches in height. The letters and numbers of each separate group of identification marks shall be of equal height.

(b) *Rotorcraft.* The requirements of subparagraphs (1) and (2) of this paragraph shall be applicable to rotorcraft.

(1) *Fuselage or cabin bottom surfaces.* Identification marks shall be at least ⅔ as high as the fuselage is wide, but need not be more than 20 inches high.

(2) *Fuselage or cabin side surfaces.* Identification marks shall conform to requirements stipulated in subparagraph (a) (2) of this section.

(c) *Lighter-than-air aircraft.* The requirements of subparagraph (1) of this paragraph shall be applicable to lighter-than-air aircraft.

(1) On each airship, spherical balloon, or nonspherical balloon identification marks shall be at least 20 inches high.

(d) *All aircraft.* The requirements of subparagraphs (1) through (3) of this paragraph shall be applicable to all aircraft.

(1) *Width.* Identification marks shall be ⅔ as wide as they are high with the exception of number "1" which shall be ⅙ as wide as it is high.

(2) *Thickness.* Identification marks shall be formed by solid lines of a thickness equal to ⅙ of the character height.

(3) *Spacing.* The space between the identification numbers and letters shall be not less than ¼ of the character width.

§ 1.104 *Color.* On each aircraft, identification marks shall contrast in color with the background.

§ 1.105 *Affixation.* On each aircraft, identification marks shall be painted or shall be affixed by such other means as will insure a similar degree of permanence and legibility, except that aircraft intended for immediate delivery to a foreign purchaser may display identification marks affixed with readily removable material.

§ 1.106 *Design.* On each aircraft, identification marks shall have no ornamentation.

§ 1.107 *Maintenance.* On each aircraft, identification marks shall be kept clean and legible at all times.

§ 1.108 *Identification marks for nonconventional aircraft.* The identification marking rules prescribed in §§ 1.101 through 1.107 are intended to apply to conventional aircraft as they are known today. When aircraft are developed which do not conform to the general configuration of present-day aircraft, a procedure for identification marking shall be prescribed by the Administrator.

§ 1.109 *Identification marks for export aircraft.* An aircraft manufactured in the United States for delivery outside the United States or its possessions may display such identification marks as are required by the State of registry of the aircraft. Such aircraft shall be operated only for the purpose of test and demonstration flights for a limited period of time or while in necessary transit to the purchaser.

§ 1.110 *Removal of aircraft identification marks.* When an aircraft of United States registry is sold to a citizen of a foreign country, the United States identification marks must be removed from such aircraft by the United States registered owner or his agent prior to its delivery to the purchaser.

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Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 164]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
CROSS CITY, FLA. Cross City, 42'. SBRAZ-CTY. Procedure No. 1. Amendment 6. Effective date: November 5, 1955. Supersedes Amendment 5, dated July 2, 1955. Major changes: reduce alternate minima.	Cross City VOR	264—1.0	1,200	E side of SE course: 135° outbound. 315° inbound. 1,200' within 10 miles.	700	315—2.7	2 engines or less T-dn C-dn S-dn 31 More than 2 engines T-dn C-dn S-dn 31 All aircraft A-dn	300-1 400-1 400-1 ---------- ---------- ---------- 800-2	300-1 500-1 400-1 200-½ 500-1½ 400-1 800-2	Within 2.7 miles climb to 1,300' on NW course (315°) within 25 miles.
DAYTONA BEACH, FLA. Daytona Beach, 34'. SBMLZ-DTV DAB. Procedure No. 1. Amendment 7. Effective date: November 5, 1955. Supersedes Amendment 6, dated July 9, 1955. Major changes: Raise transition altitude.	Daytona Beach VOR	042—4.5	1,200	S side of W course: 281° outbound. 101° inbound. 1,300' within 10 miles.	600	101—2.1	2 engines or less T-dn C-dn S-dn 10 A-dn More than 2 engines T-dn C-dn S-dn 10 A-dn	300-1 400-1 400-1 800-2 ---------- ---------- ---------- ----------	300-1 500-1 400-1 800-2 200-½ 500-1½ 400-1 800-2	Within 2.1 miles climb to 1,400' on E course within 15 miles.
SHREVEPORT, LA. Downtown, 179'. SBRAZ-DTV SHV. Procedure No. 1. Amendment 7. Effective date: November 5, 1955. Supersedes Amendment 6, dated October 9, 1954. Major changes: Increase procedure turn altitude. Increase circling ceiling minima for aircraft less than 75 miles per hour stall. Add notes.	Shreveport VOR Dixie MHW (final)	159—14.0 146—10.0	1,700 1,100	E side of NW course:* 326° outbound. 146° inbound. 1,900' within 10 miles. Beyond 10 miles not authorized.	1,200	152—1.8	2 engines or less T-dn C-d C-n A-dn More than 2 engines T-dn C-n A-dn	300-1 600-1 600-1½ NA ---------- ---------- ----------	300-1 600-1 600-1½ NA 300-1 600-1½ NA	Within 1.8 miles climb to 1,500' on S course (172°) within 25 miles. *Turn nonstandard due ATC. No weather or communications available at this airport. CAUTION: 480' mean sea level TV tower located 1.6 miles S of airport. 1,446' mean sea level and 1,403' TV antennas located approximately 12 miles WNW of SHV LFR. AIR CARRIER NOTE: Air carrier use not authorized.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
SHREVEPORT, LA. Greater Shreveport, 251'. SBRAZ-DTV SHV. Procedure No. 1. Amendment 4. Effective date: November 5, 1955. Supersedes Amendment 3, dated November 19, 1954. Major changes: Increase procedure turn altitude.	Shreveport VOR Dixie MHW (final)	159—14.0 146—10.0	1,700 1,100	E side of NW course:* 326° outbound. 146° inbound. 1,900' within 10 miles. Beyond 10 miles not authorized.	1,200	196—9.0	2 engines or less T-dn C-d C-n A-dn More than 2 engines T-dn C-d C-n A-dn	300-1 600-1 600-2 800-2 ---------- ---------- ---------- ----------	300-1 600-1 600-2 800-2 200-½ 600-1½ 600-2 800-2	Within 9 miles turn left, climb to 1,400' on course of 135°, intercept and proceed south on S course (172°) of SHV LFR within 25 miles, or when directed by ATC, climb to 1,500' intercept and proceed SW on SW course (233°) of BAD LFR within 25 miles. *Turn nonstandard due ATC. CAUTION: 1,446' and 1,403' TV antennas located approximately 12 miles WNW of SHV LFR.

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic: Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
SAGINAW, MICH. Tri-City, 667'. BMH-TV-MBS. Procedure No. 2. Effective date: November 5, 1955. Amendment No.: original Supersedes: None. Major changes: None.	----------	----------	----------	S side of course: 275° outbound. 095° inbound. 1,800' within 10 miles.	1,300	At airport	2 engines or less T-dn C-dn A-dn More than 2 engines T-dn C-dn A-dn	300-1 600-1 800-2 ---------- ---------- ----------	300-1 600-1 800-2 200-½ 600-1½ 800-2	Within 0 mile climb to 2,200' on course of 095° within 25 miles of radiobeacon. CAUTION: 1,160' mean sea level tower 13 miles 110° from radiobeacon. 940' mean sea level tower 3.5 miles 170° from airport. 780' mean sea level elevator 2.5 miles W of airport.
SAGINAW, MICH. Tri-City, 667'. BMH-TV-MBS. Procedure No. 3. Amendment No.: Original. Effective date: November 5, 1955. Supersedes: None. Major changes: None.	----------	----------	----------	S side of course: 230° outbound. 50° inbound. 1,900' within 10 miles.	1,400	At airport	2 engines or less T-dn C-dn A-dn More than 2 engines T-dn C-dn A-dn	300-1 700-1 800-2 ---------- ---------- ----------	300-1 700-1 800-2 200-½ 700-1½ 800-2	Within 0 mile climb to 2,000' on course of 50° within 25 miles of radiobeacon. CAUTION: 940' mean sea level tower 3.5 miles 170° from airport. 780' mean sea level elevator 2.5 miles W of airport.

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Ceiling and visibility minimums: Type aircraft: Condition: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: Condition: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distances specified, or if landing not accomplished	Minimum altitude over facility on final approach course (ft.)
1	2	3	4	5	9	10	11	6
LANSING, MICH. CAPITAL LAN. 857. VOR-LAN. Procedure No. 2. Combination LFR-VOR. Amendment No.: Original. Effective date: November 5, 1955. Supersedes: None. Major changes: None.	Lansing LFR	247—9.0	2,200	N side of course: 054° outbound. 234° inbound 1,900' within 10 miles.	Within 2.2 miles, climb to 2,200' proceed to Lansing VOR. *Intersection: Intersection LAN VOR 054 radial and NW course LAN LFR. **NOTE: 300-1 required on SE-NW runway.			1,400 over intersection.*
					2 engines or less			
					T-dn 300-1			
					C-dn 500-1			
					S-dn 24 500-1			
					A-dn 800-2			
					More than 2 engines			
					T-dn *200-½			
					C-dn 500-1½			
					S-dn 24 500-1			
					A-dn 800-2			

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Ceiling and visibility minimums: Altitude of glide slope and distance to approach end of runway at— Outer marker	Ceiling and visibility minimums: Altitude of glide slope and distance to approach end of runway at— Middle marker	Ceiling and visibility minimums: Type aircraft: Condition: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: Condition: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished	Minimum altitude over facility on final approach course (ft.)
1	2	3	4	5	6	7	8	9	10	11	7
WINSTON-SALEM, N. C. Smith Reynolds 900'. ILS-LOM-LFR-VOR-LOM-IN. Combination ILS and ADF. Procedure No. 1. Amendment 4. Effective date: November 5, 1955. Supersedes Amendment 3, dated: August 13, 1954. Major changes: Revises missed approach.	Winston-Salem LFR	LOM	328—0.5	2,200	W side SE course: 148° outbound. 328° inbound. 2,200' within 10 miles. Beyond 10 miles not authorized.	ILS 2,200	2,200—4.5	2 engines or less T-dn 300-1 C-dn 500-1	More than 2 engines T-dn 200-½ C-dn 500-1½	4.6 miles after passing LOM (ADF) climb to 4,000' on NW course. LFR or 299° radial GSO VOR within 4.7 miles. When directed by ATC turn right immediately climb to 2,200' on SE course. ILS or 148 course LOM within 10 miles. CAUTION: Immediate right turn necessary to avoid Greensboro *200-½ authorized in accordance with CAM 40.406 2 (c) (6) (i) note 7.	1,400 over LOM
	Wallburg Intersection	LOM	328—6.0	2,200				S-dn 33 *ILS 300-¾	300-¾		ADF 1,700 over LOM
	Greensboro VOR	OM	282—11.0	2,300				ADF 400-1	400-1		
	Thomas Intersection	LOM	328—12.0	2,200							
	Greensboro LFR	LOM	263—15.0	2,300							

PAR. 2. Subpart C, including the heading thereof, is amended to read as follows:

SUBPART C—PROVISIONS RELATING TO DISTILLED SPIRITS, WINE, BEER, TOBACCO, AND CERTAIN FIREARMS

DISTILLED SPIRITS, WINE, AND BEER

Sec.
601.301 Imposition of taxes, qualification requirements, and regulations.
601.302 Taxes.
601.303 Claims.
601.304 Preparation and filing of claims.
601.305 Offers in compromise.
601.306 Application for approval of interlocking directors and officers under section 8 of the Federal Alcohol Administration Act.
601.307 Rulings.
601.308 Conferences.
601.309 Attorneys and agents.
601.310 Forms.

TOBACCO PRODUCTS, TOBACCO MATERIALS, AND CIGARETTE PAPERS AND TUBES

601.311 Imposition of taxes; regulations.
601.312 Special qualification and bonding requirements.
601.313 Collection of taxes.
601.314 Rulings.
601.315 Proposed assessments of additional or delinquent taxes.
601.316 Administrative remedies available to taxpayers after the purchase of tobacco tax stamps or after assessment or payment of tobacco taxes.
601.317 Offers in compromise.
601.318 Forms.

FIREARMS

601.319 Applicable laws.
601.320 Taxes relating to machine guns and certain other firearms.
601.321 Licensing under the Federal Firearms Act of manufacturers of, and dealers in, firearms or ammunition.
601.322 Seizures of vessels, vehicles, and aircraft in connection with contraband firearms.

AUTHORITY: §§ 601.301 to 601.322 issued under R. S. 161; 5 U. S. C. 220.

§ 601.301 *Imposition of taxes, qualification requirements, and regulations—*(a) *Imposition of taxes.* Subchapter A, of chapter 51 of the Internal Revenue Code of 1954 imposes taxes on distilled spirits (including alcohol), wine, and beer. Except as specifically provided, additional taxes are imposed when distilled spirits and wine are rectified by blending, compounding, etc. Subchapter A of chapter 51 of the Code also imposes taxes on stills, and condensers used to produce spirits. Occupational taxes are imposed upon still manufacturers, brewers, rectifiers, dealers in liquors, and as a prerequisite for drawback under section 5134 of the Code, upon manufacturers of nonbeverage products.

(b) *Qualification requirements.* Distillers, winemakers, brewers, warehousemen, denaturers, rectifiers, bottlers, liquor bottle manufacturers, dealers in specially denatured alcohol, users and transporters of tax-free and specially denatured alcohol, and wholesalers and importers of liquors, are required to qualify with the Internal Revenue Service, usually by filing notice or application and bond with, and procuring permit from, the assistant regional commissioner (alcohol and tobacco tax) of the region in which operations are to be conducted. Detailed information respecting such qualification, including the forms to be used and the procedure to be followed, is contained in the respective regulations described in paragraph (c) of this section.

(c) *Regulations.* The procedural requirements with respect to matters relating to liquors which are within the jurisdiction of the Alcohol and Tobacco Tax Division are published in the regulations described in this paragraph. These regulations contain full information as to the general course and method by which the functions concerning liquors are channeled and determined, including the nature and requirements of formal and informal procedures, the forms and other documents required and the contents of applications, notices, registrations, permits, bonds, and other documents. Copies of prescribed forms may be obtained from the offices of assistant regional commissioners (alcohol and tobacco tax) excepting Forms 45, 52–A, 52–B, 52–C, 52–D, 52–E, 52–F, 122, 230, 237, 338, 2051, and 2054–2060, and Records 133 and 134 which may be purchased from commercial printers who may procure specimen copies of the forms from such offices. The following is a brief description of the several regulations arranged according to the principal subjects and operations concerned:

(1) *Production and disposition of industrial alcohol.* Part 182 of this chapter contains the regulations relative to the production, disposition, and use of industrial alcohol, including denatured alcohol. The regulations cover the establishment and operation of industrial alcohol plants, bonded warehouses, and denaturing plants, the production, taxpayment, transfer, exportation, and denaturation of alcohol, formulas for denaturation, the use of alcohol free of tax, the sale and use of denatured alcohol, the transportation of tax-free and specially denatured alcohol, the packaging, labeling, and sale of articles containing denatured alcohol, and the bringing into this country of alcohol and articles containing alcohol. The regulations also cover the issuance of permits covering the production of alcohol and denatured alcohol, the sale of specially denatured alcohol, and the transportation and use of tax-free and specially denatured alcohol.

(2) *Production and removal of distilled spirits.* Part 220 of this chapter, contains the regulations relative to the production of distilled spirits and the removal thereof from a registered distillery. The regulations cover the location, construction and equipment of the distillery; action by the assistant regional commissioner (alcohol and tobacco tax) in connection with the establishment and operation of the distillery; control and supervision of the distillery; production and removal of distilled spirits; and concern the sale, shipment, losses, records and reports, of distilled spirits. The term "distilled spirits" includes whisky, brandy, rum, gin and spirits, but excludes alcohol. (The production of rectified products, such as blended whisky, liqueurs and cordials, is governed by Part 235 of this chapter.)

(3) *Production and removal of brandy.* Part 221 of this chapter contains the regulations relative to the production of brandy and the removal thereof from a fruit distillery under the exemptions from certain provisions of law as provided in such regulations pursuant to section 5215 of the Code. The regulations cover the location, construction and equipment of the distillery; action by the assistant regional commissioner (alcohol and tobacco tax) in connection with the establishment and operation of the distillery; control and supervision of the distillery; production and removal of brandy; and concern the sale, shipment, losses, records and reports, of brandy.

(4) *Warehousing and bottling in bond of distilled spirits.* Part 225 of this chapter contains the regulations relative to the warehousing of distilled spirits (other than alcohol), and the bottling in bond, taxpayment and withdrawal thereof from internal revenue bonded warehouses. The regulations cover the location, construction and equipment of the warehouse; action by the assistant regional commissioner (alcohol and tobacco tax) in connection with the establishment and operation of the warehouse; control, custody, and supervision of the warehouse; deposit of spirits in the warehouse; losses of spirits in the warehouse or in transit thereto; withdrawal of distilled spirits from the warehouse for taxpaid or tax-free purposes; bottling of spirits in bond; alternate operations of bottling-in-bond department as taxpaid bottling house; transfers in bond between internal revenue bonded warehouses; exportation and shipment of distilled spirits; and records and reports of distilled spirits deposited, stored, bottled in bond, and withdrawn from internal revenue bonded warehouses.

(5) *Bottling of taxpaid distilled spirits.* Part 230 of this chapter contains the regulations relative to the bottling of taxpaid distilled spirits. The regulations cover the location, construction and equipment of the bottling house; alternate operations of the taxpaid bottling house as a bottling-in-bond department of an internal revenue bonded warehouse; the bottling of distilled spirits under trade names; action by the assistant regional commissioner (alcohol and tobacco tax) in connection with the establishment and operation of the bottling house; the operation and supervision of the taxpaid bottling house; the transfer of spirits to the taxpaid bottling house; the dumping, bottling, rebottling, labeling, relabeling, stamping, and restamping of bottled spirits; the removal of spirits from the taxpaid bottling house for exportation and shipment; and records and reports of spirits bottled at the taxpaid bottling house.

(6) *Rectification of distilled spirits and wines.* Part 235 of this chapter contains the regulations relative to the rectification of spirits and wines. The regulations cover the location, construction and equipment of the rectifying plant; action by the assistant regional commissioner (alcohol and tobacco tax) in connection with the establishment and operation of the rectifying plant; the operation and supervision of the rectfying plant; the receipt, dumping, rectification, bottling, rebottling, packaging, stamping, restamping, labeling, and relabeling of spirits; the removal of spirits from the rectifying plant; special taxes; and records and reports of operations at rectifying plants.

(7) *Gauging of alcohol and distilled spirits.* Part 188 of this chapter, contains the regulations for measuring alcohol at industrial alcohol plants, bonded warehouses and denaturing plants and distilled spirits at registered distilleries, fruit distilleries, internal revenue bonded warehouses, rectifying plants and taxpaid distilled spirits bottling houses.

(8) *Manufacture and use of containers for distilled spirits.* Part 175 of this chapter, contains the regulations relative to the traffic in containers of distilled spirits. The regulations cover the manufacture and sale of bottles for packaging distilled spirits; use of bottles for packaging distilled spirits; reports and inventories of liquor bottles; imports and exports of liquor bottles; labeling of distilled spirits; permits and revocation proceedings; and the purchase, sale and possession of used containers.

(9) *Labeling and advertising of distilled spirits.* Regulations No. 5 (27 CFR Part 5), issued under the Federal Alcohol Administration Act, as amended, contain the requirements relative to the labeling and advertising of distilled spirits, including standards of identity for distilled spirits, standards of fill for bottled distilled spirits, and the issuance of certificates of label approval and certificates of exemption from label approval.

(10) *Denaturation of rum.* Part 216 of this chapter contains the regulations relative to the denaturation of rum and its withdrawal from the distillery denaturing bonded warehouse. The regulations cover the location, construction and equipment of the distillery denaturing bonded warehouse; action by the assistant regional commissioner (alcohol and tobacco tax) in connection with the establishment and operation of the warehouse; the control, custody, and supervision of the warehouse; transfer of rum to the warehouse; the denaturation of rum; the disposition of denatured rum; and the use, exportation, shipment, losses, records and reports, of rum and denatured rum.

(11) *Production and removal of beer.* Part 245 of this chapter contains the regulations relative to the production, taxpayment, and withdrawal from breweries of beer and cereal beverages. The regulations cover the location and use of breweries, brewery construction, equipment and meters; action by the assistant regional commissioner (alcohol and tobacco tax) in connection with the establishment and operation of the brewery; special taxes; tax on beer; marks, and brands; exportation, free of tax, of beer; use of beer as supplies on vessels and aircraft; and the maintenance of records and filing of reports in connection with the foregoing operations and conditions.

(12) *Labeling and advertising of malt beverages.* Regulations No. 7 (27 CFR Part 7), issued under the Federal Alcohol Administration Act, as amended, contain the requirements relative to the labeling and advertising of malt beverages, including the withdrawal of imported malt beverages from customs custody and the issuance of certificates of label approval and release for imported malt beverages, and certificates of approval of labels for malt beverages domestically bottled or packed.

(13) *Production and removal of wine.* Part 240 of this chapter contains the regulations relative to the establishment and operation of bonded wine cellars, including bonded wineries, for the production, cellar treatment, and storage of wines, including amelioration, sweetening, addition of wine spirits, blending, and other cellar treatment; the taxpayment, exportation, and use of wine for distilling material and manufacture of vinegar.

(14) *Bottling of taxpaid wine.* Part 231 of this chapter contains the regulations relative to the bottling of taxpaid wine at premises other than rectifying plants and taxpaid distilled spirits bottling houses. The regulations cover the establishment and operation of taxpaid wine bottling houses for the bottling and packaging of taxpaid United States and foreign wines, including the bottling or packaging of wine under trade names.

(15) *Labeling and advertising of wine.* Regulations No. 4 (27 CFR Part 4), issued under the Federal Alcohol Administration Act, as amended, contain the requirements relative to the labeling and advertising of wine under the Federal Alcohol Administration Act, including standards of identity for wine, standards of fill for containers of wine, and the issuance of certificates of label approval and certificates of exemption from label approval.

(16) *Bulk sales and bottling of distilled spirits.* Regulations No. 3 (27 CFR Part 3), issued under the Federal Alcohol Administration Act, as amended, contain the requirements relative to bulk sales and bottling of distilled spirits under the Federal Alcohol Administration Act, including the terms of warehouse receipts for distilled spirits in bulk.

(17) *Wholesale and retail dealers in liquors.* Part 194, of this chapter, contains the regulations relative to the payment of occupaitonal taxes by liquor dealers, maintenance of records, destruction of marks on containers, and packaging of alcohol for industrial purposes.

(18) *Removals of alcoholic liquors, tobacco products and other articles of domestic manufacture to foreign-trade zones.* Part 253 of this chapter contains the regulations governing the removal to, and deposit in, foreign-trade zones, of liquor, flavoring extracts, medicinal or toilet preparations made with taxpaid alcohol, stills, and condensers, and tobacco and tobacco products, under the fourth proviso of section 3 of the Foreign-Trade Zones Act (48 Stat. 999; 19 U. S. C. 81c), as amended. The regulations also cover requirements governing the filing of applications, and the issuance of permits, for the removal of such articles to foreign-trade zones; the filing of bonds and consents of surety covering such removals; and the accounting for the deposit of articles in foreign-trade zones.

(19) *Importation of liquors.* Part 251 of this chapter contains the regulations relative to the importation of distilled spirits, wine, and beer into the United States, and includes requirements relative to special (occupational) and commodity taxes, permits, marking, branding, labeling, and stamping of containers and packages, and records and reports.

(20) *Liquors and articles from Puerto Rico and Virgin Islands.* Part 250 of this chapter, contains the regulations relative to the collection of internal revenue taxes on alcoholic products coming into the United States from Puerto Rico and the Virgin Islands, including procedure in those countries in connection with shipment of the products to the continental United States, the submission of formulas, and the stamping and marking of containers.

(21) *Drawback of tax on distilled spirits, wine and beer.* Part 252 of this chapter, contains the regulations relative to the allowance of drawback of internal revenue tax on (i) domestic alcohol used in the manufacture or production of flavoring extracts, and medicinal or toilet preparations (including perfumery), upon the exportation of such products, (ii) distilled spirits and wine bottled or packaged especially for export, upon the exportation thereof, (iii) distilled spirits exported in distillers' original packages containing not less than 20 wine gallons each, and (iv) beer brewed or produced in the United States, and exported .

(22) *Drawback of tax on distilled spirits used in the manufacture of nonbeverage products.* Part 197 of this chapter, contains the regulations relative to the allowance of drawback of internal revenue tax on taxpaid domestic distilled spirits used in the manufacture or production of medicine, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes, including payment of occupational tax, maintenance of records, and filing of claims for drawback.

(23) *Nonindustrial use of distilled spirits and wine.* Regulations No. 2 (27 CFR Part 2), issued under the Federal Alcohol Administration Act, as amended, contain the requirements relative to the nonindustrial use of distilled spirits and wine under the Federal Alcohol Administration Act, including distilled spirits in containers of a capacity of one gallon or less.

(24) *Disposition of substances used in the manufacture of distilled spirits, and articles.* Part 173 of this chapter contains the regulations relative to the returns and records of the dispositions of substances or articles of the character used in the manufacture or recovery of distilled spirits.

(25) *Production of vinegar by the vaporizing process.* Part 195 of this chapter contains the regulations relative to the production of vinegar by the vaporizing process (fermentation and distillation of alcoholic liquid), including

the location, use, construction, equipment, process used, and records of vinegar plants using such process.

(26) *Production of volatile fruit-flavor concentrates.* Part 198 of this chapter contains the regulations relative to the manufacture of volatile fruit-flavor concentrates; the storage, removal, sale, transportation, and use of such concentrates and the mash and juice from which produced; the alcoholic content thereof; and the addition of substances that will render the concentrates unfit for use as beverages. The regulations cover the location, use and qualification of concentrate plants; their construction and equipment; action by the assistant regional commissioner (alcohol and tobacco tax) in connection with the establishment and operation of concentrate plants; and the recording and reporting of the receipt, use, removal and disposal of concentrates and the mash and juice from which produced.

(27) *Stills and distilling apparatus.* Part 196 of this chapter contains the regulations relative to the manufacture, taxpayment, removal, use, and registration of stills and worms or condensers, and the exportation of stills with benefit of drawback of internal revenue tax and the exportation free of tax of distilling apparatus not intended for use in distilling spirits.

(28) *Basic permit requirements under the Federal Alcohol Administration Act.* Regulations No. 1 (27 CFR Part 1), contain the requirements relative to the procurement of basic permits by importers, producers, rectifiers, blenders, bottlers, warehousemen, and wholesalers of distilled spirits, wine, or malt beverages.

(29) *Rules of practice in permit proceedings.* Part 200 of this chapter contains the regulations for the issuance of citations covering the contemplated disapproval of initial or renewal applications and for orders to show cause why basic permits should not be suspended, revoked or annulled. The procedures set forth therein apply to all permit proceedings under the Federal Alcohol Administration Act (27 U. S. C. 201) and chapters 51 and 52 of the Internal Revenue Code of 1954. Such rules also govern, insofar as applicable, any adversary proceeding involving adjudication required by statute to be determined on the record, after opportunity for hearing, under laws administered by the Alcohol and Tobacco Tax Division.

(30) *Inducements furnished to retailers.* Regulations No. 6 (27 CFR Part 6), issued under the Federal Alcohol Administration Act, as amended, contain the requirements relative to the furnishing of equipment, fixtures, signs, supplies, money, services, or other things of value to retailers of distilled spirits, wine, and malt beverages, by other members of the liquor industry (principally vendors), including the furnishing of samples and advertising cuts.

(31) *Credit period to be extended to retailers of alcoholic beverages.* Regulations No. 8 (27 CFR Part 8), contain the requirements relative to the credit period which may be extended to retailers of alcoholic beverages under the Federal Alcohol Administration Act.

(32) *National emergency transfers of distilled spirits.* Treasury Decision 5864, which added Subpart G to 26 CFR (1939) Part 171, Miscellaneous Regulations Relating to Liquor, contains requirements, in addition to the applicable provisions of Regulations 3, 4, 5, and 10 (26 CFR (1939) Parts 182, 183, 184, 185), concerning national emergency transfers of distilled spirits, including removals, free of tax, for use of the United States, pursuant to section 3183 of the 1939 Internal Revenue Code, as made applicable to section 5217 of the 1954 Code by Treasury Decision 6091.

(33) *Remission or mitigation of forfeitures.* Treasury Decision 5535, which added Subpart E to 26 CFR (1939) Part 171, Miscellaneous Regulations Relating to Liquor, contains the regulations concerning remission or mitigation of forfeitures under section 3726 of the 1939 Internal Revenue Code, as made applicable to section 7327 of the 1954 Code by Treasury Decision 6091.

§ 601.302 *Taxes*—(a) *Collection.* Taxes on distilled spirits are paid principally by stamps purchased from the district director of internal revenue. In the case of distilled spirits taxpaid in bulk gauging tanks for removal in tank cars, tank trucks or by pipeline, there is the optional method of paying by purchase of a certificate of payment (Form 1595) or by use of distilled spirits excise tax stamps (series of 1950), issued in various denominations. Form 1595 is attached to the tank and later, in the case of removal by pipeline, canceled and surrendered to the appropriate internal revenue officer. In the case of removals in tank cars and tank trucks it is canceled and attached to the route board of such container for removal and scalping at the consignee premises. The distilled spirits excise tax stamps are canceled and surrendered in the exact amount to the appropriate internal revenue officer. In the case of removals in tank cars and tank trucks, a wholesale liquor dealer stamp is issued by the appropriate internal revenue officer for attachment to the route board of such container for removal and scalping at the consignee premises. Distilled spirits excise tax stamps are also used to taxpay distilled spirits bottled in bond and the cases are marked appropriately to indicate taxpayment. Taxes on wine are paid by return (Form 2050), filed with remittance with the district director of internal revenue. Taxes on beer are paid by return (Form 2034), filed with remittance with the district director of internal revenue. Special tax stamps are issued to denote the payment of occupational taxes by liquor dealers and others. Such stamps are required to be posted in the taxpayer's place of business as evidence of taxpayment. Detailed information respecting the payment of taxes on liquors and the payment of occupational taxes by still manufacturers, brewers, rectifiers, dealers in liquors, and manufacturers of nonbeverage products, including the forms to be used and the procedure to be followed, is contained in the respective regulations described in § 601.301.

(b) *Assessment.* If additional or delinquent tax liability is disclosed by an investigation, or by an examination of records, of a qualified plant or permittee, a notice (except where delay may jeopardize collection of the tax, or where the amount involved is nominal or the result of an evident mathematical error) is sent to the taxpayer advising him of the basis and amount of the liability and affording him an opportunity to submit a protest, with supporting facts, or to request a conference.

§ 601.303 *Claims*—(a) *Claims for remission.* When untaxpaid distilled spirits or wine have been lost or destroyed the assistant regional commissioner (alcohol and tobacco tax) may require the person responsible for the tax to file a claim for remission if such person desires to be relieved of the liability. Upon receipt of the claim, the assistant regional commissioner (alcohol and tobacco tax) makes a factual determination and notifies the claimant of the allowance or rejection of the claim. If the claim for remission of tax on distilled spirits is rejected, and the circumstances warrant, the assistant regional commissioner (alcohol and tobacco tax) may require that the spirits be immediately taxpaid upon the original quantity entered into the warehouse.

(b) *Claims for abatement.* When the tax on distilled spirits, wine or beer, or the rectification tax is assessed and the taxpayer thinks that the tax is not due under the law, he may file a claim for abatement of the tax on Form 843 with the district director of internal revenue. Forms 843 may be procured from a district director. The district director forwards the claim to the assistant regional commissioner (alcohol and tobacco tax) for consideration, and the district director may call upon the taxpayer to file a bond in double the amount of the tax in order to insure collection of the tax if the claim is rejected. When the claim is acted upon, both the taxpayer and the district director are notified of the allowance or rejection of the claim. If the claim is rejected, the district director will proceed to collect the tax.

(c) *Claims for refund.* The taxpayer may, after payment of the tax, file a claim for refund on Form 843 with the district director of internal revenue to whom the tax was paid. Such claim must be filed within three years (two years under certain circumstances) after the date of payment of the tax. The district director forwards the claim to the assistant regional commissioner (alcohol and tobacco tax) for consideration. If the claim is rejected, the taxpayer is notified of the rejection by registered mail, and he may then bring suit in the United States District Court or the Court of Claims for recovery of the tax. Such suits must be filed generally within two years from the date of mailing of the rejection notice. If the claim is allowed, an appropriate notice of allowance with a check for the amount of the refund and allowable interest is forwarded to the taxpayer, unless there are other unpaid taxes outstanding against the taxpayer, in which event delivery of the refund check to the taxpayer is held in abeyance pending payment of the unpaid taxes.

§ 601.304 *Preparation and filing of claims*—(a) *Alcohol.* Claims for remission of tax on alcohol lost at industrial alcohol plants, bonded warehouses, and denaturing plants, and for losses of tax-free and specially denatured alcohol at denaturing plants and at dealers' and users' premises, must be prepared and filed in accordance with Part 182 of this chapter. The regulations in Part 182 of this chapter contain full information in respect to the procedure in the verification and examination of such claims.

(b) *Distilled spirits at distilleries.* Claims for remission of tax on distilled spirits lost at distilleries must be prepared and filed in accordance with Parts 220 and 221 of this chapter, which contain complete information respecting the procedure followed in verifying and examining such claims.

(c) *Distilled spirits at bonded warehouses.* Claims for losses of spirits at bonded warehouses and for losses of spirits withdrawn free of tax for exportation, etc., must be prepared and filed in accordance with Part 225 of this chapter. The regulations in Part 225 of this chapter contain full information relative to the investigation and consideration of such claims.

(d) *Rum.* Claims for losses of rum and specially denatured rum at distillery denaturing bonded warehouses and in transit after removal from the warehouse must be prepared and filed in accordance with Part 216 of this chapter, which set out the procedure followed in the handling and consideration of such claims.

(e) *Low wines at vinegar plants.* Claims for remission of tax on low wines (distilled spirits) lost at vinegar plants producing vinegar by the vaporizing process must be prepared and filed in accordance with Part 195 of this chapter, which regulations set forth the procedure followed in the handling of such claims.

(f) *Special taxes.* Claims for abatement or refund of occupational taxes and penalties erroneously assessed or collected, and claims for redemption of special tax stamps for occupational taxes, must be prepared and filed in accordance with Part 194 of this chapter. When claim for redemption of a special tax stamp is filed, the stamp (or a Certificate in Lieu of Lost or Destroyed Special Tax Stamp, accompanied by affidavits attesting to destruction of the stamp) must be surrendered with the claim and the claim must be submitted within three years from the date of payment of the tax.

(g) *Stills and distilling apparatus.* Claims for drawback of tax paid on stills or distilling apparatus manufactured for export and actually exported must be prepared and filed in accordance with Part 196 of this chapter, which regulations set forth the procedure to be followed and the forms to be used.

(h) *Drawback of tax on distilled spirits and wines.* Claims for drawback of taxes paid on (1) domestic alcohol used in the manufacture of flavoring extracts, medicinal or toilet preparations, which are exported, (2) distilled spirits and wines bottled or packaged especially for export and actually exported, (3) distilled spirits exported in distillers' original packages, and (4) beer exported, must be prepared and filed in accordance with Part 252 of this chapter. The regulations in Part 252 of this chapter contain full information in respect to the procedure to be followed, the forms to be used, the time within which the claims must be filed, and the supporting documents which must be submitted with the claim.

(i) *Drawback of tax on distilled spirits used in non-beverage products.* Claims for drawback of tax on domestic distilled spirits used in the manufacture or production of medicine, medicinal preparations, food products, flavors, or flavoring extracts, which are unfit for beverage purposes, must be prepared and filed in accordance with Part 197 of this chapter. Such claims must be filed within the three months next succeeding the quarter in which the spirits are used. Part 197 of this chapter contains full information respecting the preparation of such claims, the supporting documents to be filed therewith, and the verification of, and action on, the claims by the assistant regional commissioner (alcohol and tobacco tax).

§ 601.305 *Offers in compromise*—(a) *Liability under Internal Revenue Code.* Persons desiring to submit offers in compromise in order to avoid forfeiture or prosecution proceedings, and taxpayers who disclaim liability for the amount of taxes assessed, or claim inability to pay the taxes in full, may submit offers in compromise to the district director of internal revenue, or to an internal revenue officer. (For offers in compromise generally, see § 601.203.) Form 656 is used in all cases where the amount of the offer is tendered in full at the time the offer is filed. Form 656–C is used when the offer is payable in installments. Such offers are forwarded by the district director to the assistant regional commissioner (alcohol and tobacco tax) for consideration and transmittal to the Commissioner for appropriate action. When the offer is acted upon, the district director and the assistant regional commissioner (alcohol and tobacco tax) are notified of the acceptance or rejection of the offer, and the assistant regional commissioner (alcohol and tobacco tax) in turn notifies the proponent. If the offer is rejected, the sum submitted with the offer is returned to the proponent and forfeiture, prosecution, or collection proceedings are resumed. If the offer is accepted, the taxpayer is notified and the case is closed. Acceptance of an offer in compromise of civil liabilities does not remit criminal liabilities, nor does acceptance of an offer in compromise of criminal liabilities remit civil liabilities.

(b) *Violations of Federal Alcohol Administration Act.* The Federal Alcohol Administration Act provides penalties for violations of its provisions. The Director of the Alcohol and Tobacco Tax Division in the National Office is authorized to compromise such liabilities. Persons desiring to submit offers in compromise of such liabilities, in order to avoid prosecution proceedings, may submit offers in compromise on Form 656–D to the assistant regional commissioner (alcohol and tobacco tax) or one of his inspectors. Such offers are considered by such assistant regional commissioner and are forwarded to the Director of the Alcohol and Tobacco Tax Division for final action. When the offer is acted upon, the proponent and the assistant regional commissioner (alcohol and tobacco tax) are notified of the acceptance or rejection of the offer. If the offer is rejected, the sum submitted with the offer in compromise is returned to the proponent. If the offer is accepted, the proponent is notified and the case is closed.

§ 601.306 *Application for approval of interlocking directors and officers under section 8 of the Federal Alcohol Administration Act.* Any person who is an officer or director of a corporation now engaged in business as a distiller, rectifier or blender of distilled spirits, or of an affiliate thereof, who desires to take office in other companies similarly engaged, must obtain permission to do so from the Director of the Alcohol and Tobacco Tax Division. Applications for such permission to take office shall be prepared and filed in accordance with AT-Circular, A. T. No. 956, issued January 15, 1948, copies of which have been furnished to distillers, rectifiers, and blenders of distilled spirits, and additional copies of which may be procured from the assistant regional commissioner (alcohol and tobacco tax) or from the Director of the Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C.

§ 601.307 *Rulings.* Any person who is in doubt as to any matter arising in connection with his operations or transactions with respect to liquors may request a ruling thereon by addressing a letter to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., or to the assistant regional commissioner (alcohol and tobacco tax) of the region in which his business is located.

§ 601.308 *Conferences.* Any person desiring a conference in the office of the assistant regional commissioner (alcohol and tobacco tax) of his region or of the Director, Alcohol and Tobacco Tax Division, in Washington, relative to any matter arising in connection with his operations, will be accorded such a conference upon request. No formal requirements are prescribed for such conference.

§ 601.309 *Attorneys and agents.* Attorneys and agents representing taxpayers before the Service, in the office of the Director, Alcohol and Tobacco Tax Division, or in the office of the assistant regional commissioner (alcohol and tobacco tax), must be enrolled to practice before the Treasury Department and be authorized by power of attorney, filed with the Service, to represent the taxpayer in the matter under discussion. (See Subpart E of this part.)

§ 601.310 *Forms.* For forms to be used, see § 601.301 (c).

TOBACCO PRODUCTS, TOBACCO MATERIALS, AND CIGARETTE PAPERS AND TUBES

§ 601.311 *Imposition of taxes; regulations*—(a) *Taxes.* Subchapter A of chapter 52 of the Internal Revenue Code imposes certain taxes on cigars, cigarettes, tobacco, and cigarette papers and tubes manufactured in or imported into the United States.

(b) *Regulations.* Rules bearing upon the functions of the Service, the forms used, etc., in connection with these taxes are contained in the following regulations:

(1) Part 270 of this chapter, relating to the taxes on cigars and cigarettes, and the operations of manufacturers and importers of and dealers in such products.

(2) Part 275 of this chapter, relating to the taxes on manufactured tobacco and the operations of manufacturers and importers of and dealers in such products.

(3) Part 280 of this chapter, relating to the operations of dealers in tobacco materials and the purchase and sale of tobacco materials.

(4) Part 285 of this chapter, relating to the taxes on cigarette papers and tubes and the operations of manufacturers and importers of and dealers in such articles.

(5) Part 290 of this chapter, relating to exportation of tobacco materials, tobacco products, and cigarette papers and tubes, without payment of tax, or with benefit of drawback of tax.

(6) Part 295 of this chapter, relating to removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United States.

§ 601.312 *Special qualification and bonding requirements*—(a) *Manufacturers and dealers.* Before commencing business, every dealer in tobacco materials, manufacturer of tobacco, cigars, or cigarettes, and cigarette papers and tubes must make application to the appropriate assistant regional commissioner (alcohol and tobacco tax) for a permit to carry on such business. The application shall show his name or style, and place where the business is to be carried on. The application for permit form is Form 2093, copies of which may be obtained from any assistant regional commissioner (alcohol and tobacco tax). Every person required to file application for permit must support such application by a bond, in duplicate, on the prescribed form and in such amount, as well as other documents, required by the applicable regulations referred to in § 601.311 (b). When the application for permit, supporting bond and other required documents are received and approved by the assistant regional commissioner (alcohol and tobacco tax), he will issue to the person named in the application an appropriate permit. This permit must be posted in accordance with the requirements of the regulations in this chapter.

(b) *Warehouse proprietors.* Every proprietor of an internal revenue tobacco warehouse, as defined in Part 290 is also required to file application to establish such a warehouse and furnish a bond to the proper assistant regional commissioner (alcohol and tobacco tax) to cover the operation of the warehouse to protect the Government with respect to any liability incurred in connection with the operation of the warehouse. A proprietor of a customs bonded manufacturing warehouse, Class 6, desiring to remove cigars from his warehouse, without payment of tax, for export to a foreign country or a possession of the United States, shall, prior to making the first removal, file with the assistant regional commissioner (alcohol and tobacco tax) a bond on the prescribed form.

(c) *Drawback of tax.* Tobacco products on which the tax has been paid may be exported with benefit of drawback of such tax.

§ 601.313 *Collection of taxes*—(a) *Cigars, cigarettes, and manufactured tobacco.* The taxes on cigars, cigarettes, and manufactured tobacco are paid by stamps affixed to the box or package, and are due upon removal of domestic products from the factory and release of imported products from customs custody. Information reports are required to be filed monthly with the assistant regional commissioner (alcohol and tobacco tax) of the region in which the manufacturer is located, on or before the 20th day of the month following the month in which domestic products are removed from the factory. Such reports show the quantities of tobacco materials, tobacco products, and internal revenue tobacco products tax stamps handled. In addition to the monthly information reports, each manufacturer is required to prepare on the prescribed form and submit to the assistant regional commissioner (alcohol and tobacco tax) a true inventory of any tobacco materials, tobacco products and tax stamps on hand, at commencement of business and at the time of discontinuing business.

(b) *Cigarette papers and tubes.* The taxes on cigarette papers and tubes, unlike the taxes on tobacco and tobacco products, are payable by the manufacturer or importer by return. In the case of a domestic manufacturer the return, accompanied by remittance of tax, must be filed with the proper district director on or before the 10th day of the month following that in which the liability to tax occurs. With respect to cigarette papers and tubes subject to tax, which are imported into the United States, importers are required to file a return covering each importation, accompanied by remittance of the amount of the tax.

§ 601.314 *Rulings.* The procedure to be followed in securing a ruling on any question arising in connection with the tobacco taxes is the same as set forth in § 601.307.

§ 601.315 *Proposed assessments of additional or delinquent taxes.* When additional or delinquent tax liability with respect to tobacco, tobacco products, cigarette papers and tubes, is discovered a notice to show cause against the proposed assessment of such tax shall be forwarded to the taxpayer. (See section 5703 (d) of the Internal Revenue Code.)

§ 601.316 *Administrative remedies available to taxpayers after the purchase of tobacco tax stamps or after assessment or payment of tobacco taxes*—(a) *Redemption of stamps.* Tobacco products tax stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or have been used in excess of the amount of tax actually due, or affixed to tobacco products withdrawn from the market, or affixed to tobacco products which are lost (otherwise than by theft) or destroyed by fire, casualty, or act of God while in the possession or ownership of the manufacturer or importer, may be redeemed if proper claim is filed with the assistant regional commissioner (alcohol and tobacco tax). Such claims must be prepared on Form 843 in accordance with the instructions shown on the form and in accordance with the provisions of the regulations referred to in § 601.311 (b). Copies of Form 843 are obtainable from offices of assistant regional commissioners (alcohol and tobacco tax).

(b) *Drawback claims.* Section 5706 of the Internal Revenue Code authorizes allowance of drawback of internal revenue taxes paid on tobacco products, and cigarette papers and tubes which are shipped from the United States for consumption or use beyond the jurisdiction of the internal revenue laws of this country. Form 2147 is required to be used for this purpose. Copies are obtainable from offices of assistant regional commissioners (alcohol and tobacco tax). As a condition precedent to the allowance of any such drawback claim, the claimant is required to file a bond on Form 2148 in a penal sum equal to the amount for which the claim is made, conditioned that he will furnish satisfactory evidence that the articles covered by his claim have been landed at a port outside the jurisdiction of the United States, or that the articles were lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, and have not been relanded within the limits of the United States.

(c) *Claims for abatement or refund.* Where a tobacco tax has been paid other than by stamp, the taxpayer may file a claim for refund for any part of the payment. Similarly, any person against whom an assessment has been made but which has not been paid, may file a claim for abatement. In either case, the procedure to be followed by the claimant is the same as that set forth in the case of claims for abatement or refund of taxes as described in § 601.303 (b) and (c). All claims for refund of tobacco taxes paid pursuant to an assessment must be filed within three years after payment of the tax..

(d) *Claims for remission of tax.* Where tobacco products on which the tax has not been paid, are lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, while in the possession or ownership of the manufacturer, a claim for remission of such tax may be filed. Such claim shall be in letter form, in duplicate, accompanied by evidence necessary to support the claim.

(e) *General.* Detailed instructions as to the requirements necessary to be complied with in connection with the filing of claims for redemption, drawback, refund, and remission are fully set forth in the regulations referred to in § 601.311 (b).

§ 601.317 *Offers in compromise.* The procedure in the case of offers in compromise of liability under the Internal Revenue Code relating to tobacco, cigars, cigarettes, and cigarette papers and tubes, is the same as that set forth in § 601.305 (a).

§ 601.318 *Forms.* Detailed information as to all forms prescribed for use in connection with the taxes referred to in § 601.311 (a) is contained in the regulations referred to in § 601.311 (b). Copies of these regulations, together with copies of all necessary forms and instructions as to their preparation and filing, may be obtained from assistant regional commissioners (alcohol and tobacco tax).

FIREARMS

§ 601.319 *Applicable laws.* Chapter 53 of the Internal Revenue Code of 1954 (26 U. S. C. 5801–5862), the provisions of which are chiefly derived from the National Firearms Act, as amended (act of June 26, 1934, 48 Stat. 1236), imposes a tax on the manufacture, and transfer in the United States, of machine guns and certain types of short-barreled firearms, and an occupational tax upon every importer and manufacturer of, and dealer and pawnbroker in, such machine guns and firearms. Section 1 (b) (2) of the act of August 9, 1939 (53 Stat. 1291; 49 U. S. C. 781–788) makes provision for the seizure of vessels, vehicles and aircraft on which are transported, carried, or possessed, any firearm with respect to which there has been committed any violation of the National Firearms Act or any regulations issued pursuant thereto. The Federal Firearms Act (53 Stat. 1250; 15 U. S. C. 901–909) makes it unlawful for any manufacturer or dealer (except a manufacturer or dealer having a license issued under the provisions of the act), or any person who is under indictment or who has been convicted of a crime of violence or who is a fugitive from justice, to transport, ship, or receive any firearms or ammunition in interstate or foreign commerce.

§ 601.320 *Taxes relating to machine guns and certain other firearms.* Part 179 of this chapter contains the regulations relative to the (a) payment of special taxes by manufacturers and importers of, and dealers (including pawnbrokers) in, certain types of firearms, including machine guns and silencers or mufflers, (b) payment of the tax on the making or transfer of such firearms, (c) registration, identification, importation and exportation of such firearms, (d) keeping of books and records and rendering of returns, and (e) the forfeiture and disposition of seized firearms under the provisions of the National Firearms Act.

§ 601.321 *Licensing under the Federal Firearms Act of manufactures of, and dealers in, firearms or ammunition.* Part 315 (26 CFR (1939)) contains the regulations relative to the licensing of manufacturers of, and dealers in, firearms and ammunition, the records required to be kept by the licensees, and the forfeiture and disposition of seized firearms or ammunition, under the provisions of the Federal Firearms Act.

§ 601.322 *Seizures of vessels, vehicles, and aircraft in connection with contraband firearms.* Part 468 (26 CFR (1939)) covered by section 1 (b) (2), act of August 9, 1939, and Treasury Decision 5067, approved August 29, 1941, as amended by Treasury Decision 5791, approved May 22, 1950, contain the procedural and substantive requirements relative to the seizure of vessels, vehicles, and aircraft in connection with contraband firearms, the custody and disposition including forfeitures of such conveyances or firearms, the filing of claims therefor and petitions for remission or mitigation of forfeiture, and awards for seizures or furnishing information leading to forfeiture by persons not officers of the United States.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

[F. R. Doc. 55–8369; Filed, Oct. 13, 1955; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 527—EMPLOYMENT OF STUDENT WORKERS

Pursuant to authority under Section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended, 29 U. S. C. 214), Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), and General Order No. 45A (15 F. R. 3290), the Administrator of the Wage and Hour Division, United States Department of Labor, hereby issues Regulations, Part 527, entitled Employment of Student Workers, to read as follows:

Sec.
527.1 Applicability of the regulations contained in this part.
527.2 Definitions.
527.3 Application for a student-worker certificate.
527.4 Procedure for action upon an application.
527.5 Conditions governing issuance for a student-worker certificate.
527.6 Terms and conditions of employment under student-worker certificates.
527.7 Employment records to be kept.
527.8 Amendment or replacement of a student-worker certificate.
527.9 Amendment to the regulations in this part.

AUTHORITY: §§ 527.1 to 527.10 issued under sec. 14, 52 Stat. 1068, as amended; 29 U. S. C. 214.

§ 527.1 *Applicability of the regulations contained in this part.* The regulations contained in this part are issued under section 14 of the Fair Labor Standards Act of 1938, as amended, to provide for the employment under special certificates of student-workers at wages lower than the minimum wage applicable under section 6 of the act. Such certificates shall be subject to the terms and conditions hereinafter set forth.

§ 527.2 *Definitions.* As used in the regulations contained in this part: A "student-worker" is a student who is receiving instruction in an educational institution and who is employed on a part-time basis in shops owned by the educational institution, for the purpose of enabling the student to defray part of his school expenses.

§ 527.3 *Application for a student-worker certificate.* (a) Whenever the employment of student-workers as learners at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, is believed necessary to prevent curtailment of opportunities for employment in a specified educational institution, an application for a special certificate authorizing the employment of such student-workers as learners at subminimum wage rates may be filed by an appropriate official of the educational institution with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D. C. A copy of such application shall be filed simultaneously with the appropriate Regional Office of these Divisions.

(b) Application must be made on the official form furnished by these Divisions and must contain all information required by such form, including among other things, the industries and occupations within each industry in which the student-workers are to be employed as learners, the number of student-workers requested, their proposed hourly rates and learning periods in number of hours, the number of full-time experienced workers in such ocupations and their straight-time average hourly earnings during the past year, and a description of the products being manufactured in the school-operated industry. Any applicant may also submit such additional information as may be pertinent.

(c) Any application which fails to present the information required by the forms may be returned to the applicant with a notation of deficiencies and without prejudice against submission of a new or revised application.

§ 527.4 *Procedure for action upon an application.* (a) Upon receipt of an application for the employment of student-workers as learners, the Administrator or his authorized representative shall issue a special certificate or deny the application or, in appropriate circumstances, provide an opportunity to interested parties to present their views on the application prior to granting or denying a student-worker certificate.

(b) If a student-worker certificate is issued, it shall be mailed to the educational institution. If a student-worker certificate is denied, notice of such denial shall be sent to the educational institution and such denial shall be without prejudice to the filing of any subsequent application.

(c) If a student-worker certificate is issued, there shall be published in the FEDERAL REGISTER a statement of the terms of such certificate.

§ 527.5 *Conditions governing issuance of a student-worker certificate.* The following conditions shall govern the issuance of a special certificate authorizing the employment of student-workers as learners at subminimum wage rates:

(a) The employment of the student-workers at subminimum wages authorized by the special certificate must be necessary to prevent curtailment of opportunities for employment in a specified educational institution;

(b) The student-workers must be at least 16 years of age or at least 18 years of age if employed in any occupation declared to be particularly hazardous by order of the Secretary of labor pursuant to the Fair Labor Standards Act of 1938, as amended;

(c) The occupation for which the student-workers are receiving training must require a sufficient degree of skill to necessitate an appreciable learning period;

(d) The issuance of a student-worker certificate will not tend to create unfair competitive labor cost advantages nor have the effect of impairing or depressing wage or working standards established for experienced workers for work of a like or comparable character in the industry;

(e) There have been no serious outstanding violations of the provisions of a student-worker certificate previously issued to the educational institution, nor have there been any serious violations of the act which provide reasonable grounds to conclude that the terms of a student-worker certificate may not be complied with, if issued.

§ 527.6 *Terms and conditions of employment under student-worker certificates.* (a) The student-worker certificate, if issued, shall specify, among other things: (1) The name and address of the educational institution employing the student-workers; (2) the particular industry and the occupations in which the student-workers are to be trained; (3) the number of student-workers authorized to be employed on any one day; (4) the subminimum wage rates permitted during the authorized learning period; (5) the learning period for each authorized learner occupation or group of occupations within each industry; and (6) the effective and expiration dates of the certificate.

(b) The subminimum wage rate shall be not less than 75 percent of the wage rate applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, or the progressive wage schedule shall average not less than 75 percent of such applicable minimum over the authorized learning period.

(c) No student-worker certificate may be issued retroactively.

(d) A student-worker certificate may be issued for a period not to exceed the length of one school year, unless a longer period is found to be justified by extraordinary circumstances.

(e) No provision of a student-worker certificate shall excuse noncompliance with higher standards applicable to student-workers employed as learners which may be established under any other Federal law, or any State law, or municipal ordinance.

§ 527.7 *Employment records to be kept.* In addition to any other records required under the record keeping regulations (Part 516 of this chapter), the educational institution shall keep the following records specifically relating to student-workers employed as learners at subminimum wage rates:

(a) Each student-worker employed as a learner under a student-worker certificate shall be designated as such on the payroll records kept by the school, with each student-worker's occupation and rate of pay being shown.

(b) The records required in this section, including a copy of any special certificate issued, shall be kept and made available for inspection at all times for at least three years from the last effective date of the certificate.

§ 527.8 *Amendment or replacement of a student-worker certificate.* The Administrator upon his own motion may amend the provisions of a student-worker certificate when it is necessary by reason of the amendment of these regulations, or may withdraw a student-worker certificate and issue a replacement certificate when necessary to correct omissions or apparent defects in the original certificate.

§ 527.9 *Amendment to the regulations in this part.* The Administrator may at any time upon his own motion or upon written request of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of the regulations contained in this part.

These regulations shall become effective October 14, 1955.

Signed at Washington, D. C., this 10th day of October 1955.

[SEAL] NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 55-8367; Filed, Oct. 13, 1955; 8:50 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 21—COMMISSIONED OFFICERS

PRESCRIPTION OF NUMBERS IN GRADE

Section 21.111 of Subpart G is amended to read as follows:

§ 21.111 *Prescription of numbers in grade.* The following maximum number of officers is authorized to be on active duty in the Regular Corps in each of the grades from the junior assistant grade to the director grade, inclusive, during the fiscal year beginning July 1, 1955, and ending June 30, 1956:

Director grade	240
Senior grade	450
Full grade	415
Senior assistant grade	335
Assistant grade	60
Junior assistant grade	0

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interprets or applies sec. 206, 58 Stat. 694, as amended; 42 U. S. C. 207)

This amendment shall be effective as of July 1, 1955.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved October 10, 1955.

HEROLD C. HUNT,
Acting Secretary.

[F. R. Doc. 55-8365; Filed, Oct. 13, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 955]

HANDLING OF GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIFORNIA, AND THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1955-56 FISCAL PERIOD

Consideration is being given to the following proposals submitted by the Administrative Committee, established under Marketing Agreement No. 96, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $20,250.00 will be necessarily incurred during the fiscal period August 1, 1955, to July 31, 1956, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as the share of such expenses which each handler who first ships grapefruit shall pay during the aforesaid fiscal period in accordance with the aforesaid amended marketing agreement and order, the rate of assessment at $0.015 per standard box of fruit shipped by such handler as the first handler thereof during such fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used in this section, "handler," "shipped," "fruit," "fiscal period" and "standard box" shall have the same meaning as is given to each term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 11, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8375; Filed, Oct. 13, 1955; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 7, 1955.

The Department of the Navy has filed an application Serial Number Los Angeles 099557, for the withdrawal of the lands described below from all forms of appropriation including grazing, mining, and mineral leasing.

The applicant desires the land for use by the Fleet Marine Force, Pacific, as an artillery range and an air support training area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, at Room 801, California Fruit Building, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 5 N., R. 5 E.,
Secs. 2, 3, 10, 11, 12, and 24.
T. 6 N., R. 5 E.,
Sec. 1, N½SW¼NW¼, N½S½SW¼NW¼, and SW¼NW¼NW¼;
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 22 to 24, and 26 to 28, inclusive;
Secs. 34 and 35.
T. 7 N., R. 5 E.,
Secs. 11, 12, 14, 15, and 20;
Secs. 22 to 24, inclusive;
Sec. 25, SW¼ and S½SE¼;
Secs. 26 to 28, 30 to 32, inclusive;
Secs. 34 and 35 and those parts of Secs. 2, 3, 8, 10, 18, and 19, lying south of right-of-way of Southern California Edison Co.
T. 2 N., R. 6 E.,
Secs. 1, 2, 11 and 12.
T. 3 N., R. 6 E.,
Secs. 1 to 16, and 22 to 27, inclusive;
Sec. 34;
Sec. 35, N½, SE¼.
T. 4 N., R. 6 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Sec. 13, S½S½;
Secs. 14 and 15;
Sec. 17, S½ and S½N½;
Secs. 18 to 20, inclusive;
Sec. 21, N½ and SW¼;
Sec. 22, N½, E½SE¼, NW¼SE¼, and NE¼SW¼;
Secs. 23 to 26, inclusive;
Sec. 27, SE¼, S½SW¼ and NW¼SW¼;
Secs. 28 to 35, inclusive;
Sec. 36, N½ and SE¼.
T. 5 N., R. 6 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, inclusive;
Secs. 22 and 23;
Sec. 24, S½, NE¼, S½NW¼;
Secs. 26 to 28, inclusive;
Sec. 30;
Sec. 31, N½, SE¼, N½SW¼, SE¼SW¼;
Secs. 32, 34, and 35.
T. 6 N., R. 6 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 7 N., R. 6 E.,
Sec. 4;
Secs. 6 to 8, inclusive;
Secs. 10 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 2 N., R. 7 E.,
Secs. 1 to 18, inclusive;
T. 3 N., R. 7 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 33, inclusive;
Sec. 34, N½, SW¼ and W½SE¼;
Sec. 35, N½, and SE¼.
T. 4 N., R. 7 E.,
Secs. 2 to 4, 6 to 8, 10 to 12, inclusive;
Secs. 14 and 15;
Sec. 17, S½S½;
Secs. 18 to 24, inclusive;
Sec. 25, SW¼;
Secs. 26 to 35, inclusive.
T. 5 N., R. 7 E.,
Secs. 2 to 4, 6 to 8, 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, incl;
Secs. 34 and 35.
T. 6 N., R. 7 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 7 N., R. 7 E.,
Secs. 19 and 20;
Secs. 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 2 N., R. 8 E.,
Sec. 1;
Sec. 2, N½, SE¼ and W½SW¼;
Secs. 3 to 18, inclusive;
Sec. 24, NE¼.
T. 3 N., R. 8 E.,
Secs. 2 to 4, inclusive;
Sec. 5, S½ and W½NW¼;
Secs. 6 to 8, inclusive;
Sec. 9, W½ and SE¼;
Secs. 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 17 to 19, inclusive;
Sec. 20, N½, SW¼, W½SE¼ and SE¼SE¼;
Secs. 21 to 25, inclusive;
Sec. 36, N½ and SE¼.
T. 4 N., R. 8 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 5 N., R. 8 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 6 N., R. 8 E.,
Secs. 19 and 20;
Secs. 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 2 N., R. 9 E.,
Secs. 1 to 15, inclusive;
Secs. 17 and 18;
Sec. 19, N½ and NE¼SE¼;
Secs. 20 to 24, inclusive;
Sec. 27, W½;
Sec. 28;
Sec. 29, E½, E½W½ and NW¼NW¼;
Sec. 32, NE¼;
Sec. 33, E½E½;
Sec. 34, W½NW¼ and NW¼SW¼.
T. 3 N., R. 9 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, and 22 to 24, inclusive;
Sec. 25, W½SW¼;
Secs. 26 to 36, inclusive.
T. 4 N., R. 9 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusively;
Secs. 34 and 35.
T. 5 N., R. 9 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12;
Secs. 14 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusively;
Secs. 34 and 35.
T. 6 N., R. 9 E.,
Secs. 19 and 20;
Secs. 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 3 N., R. 10 E.,
Secs. 2 to 4, inclusive;
Sec. 5, S½NE¼SE¼, W½SE¼SE¼, SE¼SW¼SE¼;
Secs. 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, and 22 to 24, 26 to 28, and 30 to 32, inclusive;
Sec. 33, SW¼, S½SE¼, S½NW¼;
Secs. 34 and 35.
T. 4 N., R. 10 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 5 N., R. 10 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 18 to 20, 22 to 24, and 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.

T. 3 N., R. 11 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 4 N., R. 11 E.,
Secs. 3 and 4;
Secs. 6 to 8, inclusive;
Secs. 10 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 5 N., R. 11 E.,
Secs. 6 to 8, inclusive;
Secs. 10 and 15;
Secs. 18 to 20, inclusive;
Secs. 22, 27 and 28;
Secs. 30 to 32, inclusive;
Sec. 34.
T. 3 N., R. 12 E.,
Sec. 4;
Secs. 6 to 8, and 18 to 20, inclusive;
Sec. 28;
Secs. 30 to 32, inclusive.
T. 4 N., R. 12 E.,
Secs. 19 and 20;
Sec. 28, W½;
Secs. 30 to 32, inclusive.

The areas described contain approximately 449,000 acres of public land.

R. R. BEST,
State Supervisor.

[F. R. Doc. 55-8360; Filed, Oct. 13, 1955; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

DIRECTOR, COTTON DIVISION

DELEGATION OF AUTHORITY

Pursuant to the authority vested in me by the Administrator of the Agricultural Marketing Service on January 1, 1954 (19 F. R. 35) the Director, Cotton Division, Agricultural Marketing Service, under my supervision and direction, is hereby delegated authority to exercise the powers and functions, except promulgation of new or revised regulations and standards, vested in the Administrator of the Agricultural Marketing Service by the regulations hereinafter set forth.

The regulations are as follows:

1. 7 CFR Part 27—Cotton Classification under Cotton Futures Legislation.
2. 7 CFR Part 28—Cotton Standards.
3. 7 CFR Part 61—Cottonseed Sold or Offered for Sale for Crushing Purposes (Inspection, Sampling, and Certification).

The Director of the Cotton Division is further authorized to redelegate any or all of the aforesaid authority to any officer or employee of the Agricultural Marketing Service under his supervision.

Any action heretofore taken by the Director or his delegates with respect to the foregoing matters is hereby ratified and confirmed, and shall remain in full force and effect unless and until expressly modified, amended, suspended, revoked, or terminated.

The delegation of authority set forth herein shall not preclude the Administrator or the Deputy Administrator, Agricultural Marketing Service, from exercising any of the powers and functions or from performing any of the duties conferred hereby, and the delegation is subject at all times to withdrawal or amendment by the Administrator or Deputy Administrator.

Done at Washington, D. C., this 11th day of October 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-8376; Filed, Oct. 13, 1955; 8:51 a. m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

OCTOBER 1955 DOMESTIC AND EXPORT SALES LISTS

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669), and subject to the conditions stated therein, the following commodities are available for sale in the quantities stated and on the price basis set forth:

OCTOBER 1955 MONTHLY SALES LIST

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy products	Domestic prices apply "in store" [1] at location of stocks. Export prices apply f. a. s. U. S. port of export, or in store at location of stocks at f. a. s. price less export freight rate to agreed port of export. Available through Cincinnati and Portland CSS Commodity Offices for domestic sale, and through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C., for export sale.
Nonfat dry milk solids (in carloads only); Spray, 32,000,000 pounds; roller, as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade: In barrels and drums, 17 cents per pound; in bags, 16.15 cents per pound. Roller process, U. S. Extra Grade: In barrels and drums, 15.25 cents per pound; in bags, 14.40 cents per pound. Domestic, restricted use (animal and poultry feed): 11¼ cents per pound delivered in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, and Michigan. 12½ cents per pound delivered in all other States and in the District of Columbia. Sales to be made under Announcement LD-14 and Supplements. Export, unrestricted use: Spray process, U. S. Extra Grade: In barrels and drums, 11.75 cents per pound; in bags, 10.90 cents per pound. Roller process, U. S. Extra Grade: In barrels and drums, 10 cents per pound; in bags, 9.15 cents per pound. Special export: Competitive bid on 4,000,000 pounds, spray process in accordance with Announcement LD-5. Offers to be considered daily until this quantity is sold or program is terminated.
Salted creamery butter (in carloads only), 120,000,000 pounds.	Domestic, unrestricted use: U. S. Grade A and higher: 61.25 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States 60.5 cents per pound. U. S. Grade B: 2 cents per pound, less than Grade A prices. Domestic, restricted use: Competitive bid in accordance with Announcement DA-111 and supplements for use as an extender for cocoa butter in the manufacture of chocolate. Export, unrestricted use: U. S. Grade A: Not less than 41 cents per pound. U. S. Grade B: Not less than 39 cents per pound. Export, restricted use: Competitive bid (1) in accordance with Announcement DA-111 and supplements for use, (a) in recombining with U. S. produced nonfat dry milk solids into liquid milk and evaporated milk, and (b) in making butter oil or ghee, and (2) in accordance with Announcement LD-19 and supplements for industrial uses. Special export: Competitive bid on 8,000,000 pounds butter in accordance with Announcement LD-7. Offers to be considered daily until this quantity is sold or program is terminated.
Cheddar cheese: Cheddars, flats, twins and rindless blocks (standard moisture basis in carloads only), 268,000,000 pounds.	Domestic: U. S. Grade A and higher: 36¼ cents per pound, for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Ocean and Gulf of Mexico. All other States 35¼ cents per pound. U. S. Grade B: 1 cent per pound, less than Grade A prices. Export: U. S. Grade A: 25.5 cents per pound, basis port of export. U. S. Grade B: 24.5 cents per pound, basis port of export. Cheese prices are subject to usual adjustments for moisture content.
Wool, shorn and pulled grease (including small quantities of scoured) 149,000,000 pounds.	Domestic or export: Prices basis ex-warehouse where stored, as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area. No change in pricing policy through Oct. 31, 1955.
Cotton, Upland and Extra Long Staple.	Domestic or export: Competitive bid but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Detailed terms and conditions will be issued by the New Orleans CSS Commodity Office. A catalog showing quantities, qualities, and locations may be obtained for a nominal fee from that office.[4]
Cotton linters	Domestic or export: Competitive bid in carlot quantities as follows: (a) First Cut Linters and Mill Run Linters catalogued on U. S. Grades, (b) Second Cut and Mill Run Linters and Hull Fiber catalogued on Cellulose Content, and will be sold on basis of 73 percent cellulose, with premiums and discounts of 0.04 cent per pound, fractions in proportion, for each 1 percent of cellulose above or below 73 percent. Detailed terms and conditions are available from the New Orleans CSS Commodity Office. A catalog showing quantities, qualities, and locations may be obtained for a nominal fee from that office.[4]
Cottonseed oil, refined	Domestic: Limited quantities on competitive bid but not less than the market price on date of sale f. o. b. tankcars or tankwagons at points of storage locations. Available New Orleans CSS Commodity Office and Oils and Peanut Division, CSS, USDA, Washington 25, D. C. Export: Competitive bid on limited quantities as announced by the New Orleans CSS Commodity Office, subject to the terms and conditions of NO-CS-12.[3]
Linseed oil	Domestic: Market price on date of sale but not less than equivalent of the 1954 support price for flaxseed. No change in pricing policy through Oct. 31, 1955. Available Cincinnati CSS Commodity Office. Export: Competitive bid as announced by the Cincinnati CSS Commodity Office; subject to the terms and conditions of CT-OP-4 and CT-OP-6.
Tung oil	Domestic or export: Competitive bid as announced by the Cincinnati CSS Commodity Office; subject to the terms and conditions of CT-OP-7 and amendments thereto.
Soybeans, bulk (domestic sales for crushing only). Flaxseed, bulk (as available domestic sales for crushing only).	Domestic or export: Market price on date of sale. Limited quantities available Chicago, Kansas City, and Minneapolis CSS Commodity Offices. Domestic: On LCL lots, market price on date of sale, basis in store. On all other storable lots market price but not less than the 1954 support price. No change in pricing policy through Oct. 31, 1955. Available Chicago and Minneapolis CSS Commodity Offices.

See footnotes at end of table.

OCTOBER 1955 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale				
Rice, milled, 1,000,000 hundredweight.	Domestic: For U. S. No. 2 (4 percent brokens), the market price but not less than the legal minimum price (the equivalent loan rate for rough rice by varieties plus 5 percent, adjusted for milling margins and converted to cents per hundredweight). Examples of minimum prices of milled rice per hundredweight, as milled:				
		Head U. S. No. 2 (4 percent brokens)	U. S. No. 5 (35 percent brokens)	Second heads U. S. No. 3	
	Blue bonnet	$11.13	$8.08	$6.50	
	Zenith	9.41	7.81	6.00	
	Export: A schedule of prices to be announced by Dallas CSS Commodity Office. Examples of prices of milled rice per hundredweight, f. a. s., West Gulf ports (port at option of CCC):				
		U. S. No. 2 head (7 percent brokens)	U. S. No. 5 (35 percent brokens)	Second heads U. S. No. 3	
			1954 crop	1953 crop	
	Blue bonnet	$10.20	$7.80		$4.45
	Zenith	8.70	6.49	$6.00	4.20
	Pearl	8.70	6.49		4.20
	1953 crop rice (U. S. No. 5, 35 percent brokens) is available f. o. b. Mexican border points at same price as at West Gulf ports. Available Dallas CSS Commodity Office.				
Rice, broken (as available, domestic sales for feed only).	Domestic or Export: Competitive bid as announced by the Dallas CSS Commodity Office for domestic or export sale.[3]				
Grain sorghums, bulk	Domestic: Market price, basis in store,[4] but not less than the legal minimum price (1955 applicable loan rate for class, grade, quality and location plus 3 cents per bushel). Example of minimum price per hundredweight: Kansas City, No. 2 or better, $2.44. Available Dallas and Kansas City CSS Commodity Offices. Export: Competitive bid as announced by Dallas Commodity Office.
Dry edible beans (bagged)	Prices for domestic sale are for U. S. No. 1, f. o. b. indicated points of production. For other grades of field in freight to be added as applicable. Domestic: Market price basis, adjust by market differentials. Available Minneapolis, Kansas City, Dallas, and Portland CSS Commodity Offices. Export: Competitive bid as announced by the Kansas City CSS Commodity Office.
Pinto beans, 1954 crop, 500,000 hundredweight.	Domestic: Market price but not less than $6.55 per 100 pounds, points of production, Denver rate area. For other areas adjust by the 1955 support price differentials. Available Minneapolis, Kansas City, Dallas, and Portland CSS Commodity Offices. Export: Competitive bid as announced by the Kansas City CSS Commodity Office.
Pink beans, 1954 crop, 260,000 hundredweight.	Domestic: Market price but not less than $7.31 per 100 pounds, California points of production. Available Portland CSS Commodity Office. Export: Competitive bid as announced by the Portland CSS Commodity Office.
Small red beans, 1954 crop, 300,000 hundredweight.	Domestic: Market price but not less than $7.42 per 100 pounds. Available Portland CSS Commodity Office. Export: Competitive bid as announced by the Portland CSS Commodity Office.
Large lima beans, 1954 crop, 175,000 hundredweight.	Domestic or export: Market price but not less than $10.42 per 100 pounds. California points of production. Available Portland CSS Commodity Office.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Corn, bulk, 50,000,000 bushels	Domestic: Commercial corn-producing area: Market price, basis in store,[1] but not less than the legal minimum price (1955 applicable loan rate for class, grade, and quality plus 10 cents per bushel, basis point of production). Examples of minimum price per bushel including average paid-in freight: No. 2 yellow, $1.87, Minneapolis, No. 3 yellow, $1.78; Kansas City, No. 3 yellow, $1.85; Portland, No 3 yellow, $1.99. Available Chicago, Portland, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Noncommercial corn-producing area: Market price, basis in store,[1] but not less than 133 percent of applicable 1955 loan rate, plus 10 cents per bushel. Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Kansas City, Minneapolis, Dallas, Portland, and Chicago CSS Commodity Offices.
Wheat	Domestic, unrestricted use: Commercial wheat producing area: Market price, basis in store,[1] but not less than the legal minimum price (1955 loan rate for class, grade, quality, and location, plus 19 cents per bushel). Examples of minimum price per bushel: Chicago, No. 1 RW, $2.57; Minneapolis, No. 1 DNS, $2.80; Kansas City, No. 1 HW, $2.57. Noncommercial wheat producing area: Market price, basis in store,[1] but not less than 133 percent of applicable 1955 county loan rate plus 19 cents per bushel.
Oats, bulk	Domestic, restricted use (for feed only): Small quantities in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, and West Virginia. Market price for feed, basis in store. Available Dallas and Chicago CSS Commodity Offices. Export: Pursuant to Announcements GR-212, 261, and 262 at prices announced by the Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices for export sale.[3] Domestic, unrestricted use: Market price, basis in store,[1] but not less than the legal minimum price (1955 loan rate basis point of production for class, grade, and quality plus 9 cents per bushel). Example of minimum price per bushel including average paid-in freight: Chicago, No. 2 or better, $0.83; Minneapolis, No. 3 oats or better, $0.73. Domestic, restricted use (for feed only): Small quantities in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia and West Virginia. Competitive bid as announced by Chicago and Dallas CSS Commodity Offices. Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Minneapolis, Chicago, Kansas City, Portland, or Dallas CSS Commodity Offices.[3]
Barley, bulk	Domestic, unrestricted use: Market price, basis in store,[1] but not less than the legal minimum price (1955 applicable loan rate for class, grade, quality, and location plus 12 cents per bushel). Example of minimum price per bushel: Minneapolis, No. 2 barley, $1.26. Domestic, restricted use (for feed only): Small quantities in states of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. Market price, for feed, basis in store. Available Chicago and Dallas CSS Commodity Offices. Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Minneapolis, Kansas City, Chicago, Dallas, or Portland CSS Commodity Offices.[3]
Rye, bulk	Domestic, unrestricted use: Market price, basis in store,[1] but not less than the legal minimum price (1955 applicable loan rate for class, grade, quality, and location plus 14 cents per bushel). Example of minimum price per bushel: Minneapolis, No. 2 or better, $1.53. Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Minneapolis, Kansas City, Dallas, Chicago, and Portland CSS Commodity Offices.[3]
Rice, rough, 500,000 hundredweight.	Domestic: Market price as determined by CCC, but not less than the legal minimum price (1955 loan rate basis point of production plus 5 percent plus 21 cents per hundredweight). Export: 1955 support rate, f. a. s. West Gulf ports (port at option of CCC). Where deliveries are made at points other than ports, deductions will be made for minimum freight charges to port. Available Dallas CSS Commodity Office for domestic or export sale.[3]

See footnotes at end of table.

OCTOBER 1955 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Hay, pasture and cover crop seeds, (bagged).	F. o. b. point of production plus any paid-in freight as applicable basis current freight rate at time of sale. Premiums and discounts may be obtained from the commodity offices for qualities above or below basic specification. Offers will not be accepted for less than warehouse receipt lot or minimum weight carlot as prescribed by railroad carrier's regulation at point of storage.
Birdsfoot Trefoil seed, 1,000 hundredweight.	Domestic: $65 per 100 pounds. Available Portland CSS Commodity Office. Export: Competitive bid as announced by Portland CSS Commodity Office.
Alfalfa Seed Northern, 47,000 hundredweight.	Domestic: $35 per 100 pounds.[4] Available Minneapolis and Portland CSS Commodity Offices. Export: Competitive bid as announced by Portland CSS Commodity Office.
Alfalfa seed (certified), Ladak, 2,500 hundredweight; Buffalo, 22,000 hundredweight.	Domestic: $40 per 100 pounds. Ladak available Portland and Kansas City, and Buffalo available Portland CSS Commodity Offices.[4] Export: Competitive bid as announced. Ladak by Kansas City, and Buffalo by Portland CSS Commodity Offices.
Tall Fescue seed (common), 23,000 hundredweight.	Domestic: $18 per 100 pounds. Available Portland, Kansas City, Dallas, and Chicago CSS Commodity Offices.[4] Export: Competitive bid as announced by Chicago CSS Commodity Office.
Tall Fescue seed (certified), 84,000 hundredweight.	Domestic: $20 per 100 pounds. Available Portland, Dallas, and Chicago CSS Commodity Offices.[4] Export: Competitive bid as announced by Portland CSS Commodity Office.
Gum rosin (in galvanized metal drums averaging 517 pounds net).	Domestic or export: Offer and acceptance, "as is" in the stated quantities at the designated storage yards, subject to the prices, terms, and conditions of Announcement TB-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Gum turpentine (bulk in tanks)..	Domestic or export: Offer and acceptance, "as is" in the stated quantities in the designated storage tanks, subject to the prices, terms, and conditions of Announcement TB-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.
[2] Sales of grains made under Title I, P. L. 480, may be made on terms and conditions of GR 301 and GR 302. Other commodities under the announcement indicated.
[3] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehousemen for storage documents.
[4] Prices for basic specifications will not be reduced through the period ending June 30, 1956.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: October 7, 1955.

[SEAL] EARL M. HUGHES,
Executive Vice-President,
Commodity Credit Corporation.

[F. R. Doc. 55-8307; Filed, Oct. 12, 1955; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

A. C. M. Corp., Winder, Ga., effective 9-29-55 to 9-28-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' dress pants).

Allen Garment Co., College Street, Franklin, Ky., effective 10-12-55 to 10-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sport shirts).

Archbald Sewing Co., 140 Cherry Street, Archbald, Pa., effective 10-8-55 to 10-7-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Ashland-Benton Corp., Ashland, Miss., effective 10-11-55 to 10-10-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton shirts).

Blue Bell, Inc., Belmont, Miss., effective 10-13-55 to 10-12-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants).

Blue Bell, Inc., Tupelo, Miss., effective 10-13-55 to 10-12-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (western-type shirts).

Cassie Sportswear, Inc., 306-10 Catawissa Street, Nesquehoning, Pa., effective 10-27-55 to 10-26-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' blouses).

Cowden Manufacturing Co., 120 South Bank Street., Mount Sterling, Ky., effective 10-23-55 to 10-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work suits and coats; Denim dungarees and wash slacks).

Crystal Springs Shirt Corp., Crystal Springs, Miss., effective 10-21-55 to 10-20-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' shirts).

Empire Manufacturing Co., Winder, Ga., effective 9-29-55 to 9-28-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants and shirts).

The Enro Shirt Co., Inc., 1010 South Preston Street, Louisville, Ky., effective 10-19-55 to 10-18-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's pajamas, shirts and sportshirts).

Lebanon Garment Co., East Market Street, Lebanon, Tenn.; effective 10-4-55 to 10-3-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' trousers).

The Owenby Manufacturing Co., Andrews, N. C., effective 9-30-55 to 2-29-56; 50 learners for plant expansion purposes (dresses).

Page Manufacturing Co., 508 West Main Street, Lexington, Ky., effective 9-30-55 to 2-29-56; 10 learners for plant expansion purposes (ladies' cotton dresses).

Page Manufacturing Co., 508 West Main Street, Lexington, Ky., effective 9-30-55 to 9-29-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' cotton dresses).

Reliance Manufacturing Co., Dixie Factory, 100 Ferguson Street, Hattiesburg, Miss.; effective 9-30-55 to 2-7-56; 20 learners for plant expansion purposes (work shirts and pants).

Rosenau Bros., West Bertsch Street, Lansford, Pa., effective 10-21-55 to 10-20-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Rosenau Bros., Inc., Main Street, Red Hill, Pa., effective 10-6-55 to 10-5-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Sandye Shirt Corp., Portland, Tenn.; effective 9-29-55 to 2-29-56; 60 learners for plant expansion purposes (men's and boys' sport shirts).

Selma Garment Co., 1508 Water Avenue, Selma, Ala., effective 10-3-55 to 10-2-56; 10 learners for normal labor turnover purposes (western style blue jeans).

Southland Manufacturing Co., Inc., 1510 South Third Street, Wilmington, N. C., effective 9-27-55 to 9-26-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sport shirts).

T and T Pants Manufacturing Co., Inc., 1101 Wyoming Avenue, Scranton, Pa., effective 10-4-55 to 10-3-56; 10 learners for normal labor turnover purposes (men's trousers).

Wilgree Manufacturing Co., Inc., 28 South Scott Street, Camilla, Ga., effective 9-28-55 to 9-27-56; 25 learners for plant expansion purposes (men's sport and dress shirts).

Williamson-Dickie Manufacturing Co., P. O. Box 1551, McAllen, Tex., effective 9-28-55 to 9-27-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304).

Good Luck Glove Co., Carbondale, Ill., effective 10-15-55 to 10-14-56; 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton, Jersey and leather combination work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304).

Ilena Mills, Inc., Manufacturers' Road, Chattanooga, Tenn.; effective 10-3-55 to 10-2-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, women's and children's knitted underwear).

Kain-Murphey Corp., Manufacturers' Road, Chattanooga, Tenn.; effective 10-3-55 to 10-2-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's knitted sleeping garments).

Knickerbocker Manufacturing Co., West Point, Miss.; effective 10-13-55 to 10-12-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's woven sleepwear and shorts).

Rockwood Garment Co., Inc., Rockwood, Pa., effective 10-8-55 to 10-7-56; 5 learners for normal labor turnover purposes (ladies' rayon panties).

Signal Knitting Mills, Manufacturers' Road, Chattanooga, Tenn.; effective 10-3-55 to 10-2-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, women's and children's knitted underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Debmar Corp., Canovanas, P. R., effective 9-21-55 to 3-20-56; 100 persons may be employed as learners on any one workday in the occupation of Sewing Machine Operator for 240 hours at 45 cents an hour, and 240 hours at 50 cents an hour (brassieres).

Standard Products Co., Inc., 461 Francia Street, Hato Rey, P. R., effective 9-12-55 to 3-11-56; 34 persons may be employed as learners on any one workday in the occupations of multiple winding; coil processing; stacking; saw operators; testing; finishing; and press operators. In each occupation 240 hours at 50 cents an hour, and 240 hours at 60 cents an hour. (Assembly of transformers.)

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 5th day of October 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-8361; Filed, Oct. 13, 1955; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7189; Order E-9627]

BONANZA AIR LINES, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE[1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 6th day of October 1955.

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

In the matter of the application of Bonanza Air Lines, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 105.

Bonanza Air Lines, Inc. (Bonanza), on May 31, 1955, filed an application pursuant to section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended (the Act), requesting the Board to issue Bonanza a certificate of public convenience and necessity of unlimited duration for route No. 105 authorizing air transportation of persons, property and mail between certain named points.

Section 401 (e) (3) of the Act (effective May 19, 1955) provides: "If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1953, to the date of its application, it or its predecessor in interest, was an air carrier furnishing, within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property, and mail, under a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which the applicant or its predecessors in interest have no control) the Board, upon proof of such fact only, shall unless the service rendered by such applicant during the period since its last certification has been inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation between the terminal and intermediate points within the continental limits of the United States between which it, or its predecessor, so continuously operated between the date of enactment of this paragraph and the date of its application: *Provided*, That the Board in issuing the certificate is empowered to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points it finds have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification at such time."

Bonanza alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the Act. Proof of this fact has been submitted by Bonanza in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Bonanza further alleges in its application that it has continuously operated as an air carrier furnishing local or feeder air transportation of persons, property and mail within the continental limits of the United States during the period January 1, 1953 to the date of its application under a temporary certificate of public convenience and necessity for route No. 105 issued by the Board, except as to interruptions of service over which it had no control. The various schedules and reports required to be filed with the Board by local service carriers indicate that Bonanza has so continuously operated since January 1, 1953.

Section 401 (e) (3) of the Act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Bonanza that the service rendered by Bonanza during the period since its last certification has not been inadequate or inefficient. The carrier in its application for such certificate filed May 31, 1955, alleges its service rendered during the aforesaid period has been adequate and efficient. The Board during the said period has received no complaints from the public relating to the overall service provided by this carrier. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during the period from January 25, 1955, the date of Bonanza's last certificate for route No. 105, to the present has been inadequate or inefficient within the meaning of section 401 (e) (3) of the Act.

Bonanza further alleges in its application that it has from the date of the enactment of section 401 (e) (3) (May 19, 1955) to the date of its application, continuously served the following terminal and intermediate points:

Reno, Nev.	San Diego, Calif.
Hawthorne, Nev.	Santa Ana-Laguna Beach, Calif.
Tonopah, Nev.	Los Angeles, Calif.
Las Vegas, Nev.	Burbank, Calif.
Kingman, Ariz.	Blythe, Calif.
Prescott, Ariz.	Indio, Calif.
Phoenix, Ariz.	Riverside-Ontario, Calif.
Yuma, Ariz.	
El Centro, Calif.	

Section 401 (e) (3) provides in effect that all terminal points served by the local service carrier applicant during the period from May 19, 1955 to May 31, 1955 shall be certificated for a period of unlimited duration. The certificate we propose to issue to Bonanza (which is set forth below as Appendix A) accomplishes this.

Section 401 (e) (3) empowers the Board to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points the Board finds have generated insufficient traffic to warrant a finding that the public convenience and necessity require permanent certification. The Board has proposed an industry-wide traffic standard upon which to base a tentative conclusion as to whether a particular intermediate point should be permanently or temporarily certificated. A standard which can be applied on an industry-wide basis will assure that all the intermediate cities are equitably treated. The Board has concluded, on the basis of an analysis of the latest available traffic data, that an average of five or more passengers enplaned per day provides a reasonable basis for selection of those intermediate points to be permanently certificated at this time.

As indicated above, the recent amendment of the Act provides for the certification for an unlimited duration of all terminal points and of at least one-half of the intermediate points named in the certificate. This means that in the future the applicant carrier will be providing services over permanently certificated segments. During the years of local service carrier experience, the Board, in consideration of the subsidized nature of the operation, has found that

on-line intermediate points generating in the neighborhood of 300 passengers on and off monthly have borne a reasonable share of the expense incurred by the carrier in providing service to the intermediate points on existing flights. In the past, the Board has also found that local service carrier points generating in the neighborhood of five or more enplaned passengers per day have warranted recertification. This leads us to conclude that in the absence of a further showing, the five passenger per day standard is a reasonable one for selecting those intermediate points to be permanently certificated.

The proposed certificate which is set forth below as Appendix A grants Bonanza permanent authority at those intermediate stations shown in Appendixes C, D and E[2] to have met this five-passenger per day standard and temporary authority at all other intermediate stations served by Bonanza during the period May 19, 1955 to May 31, 1955. Appendixes C and D set forth in tabular form, the average number of daily passengers enplaned at each Bonanza intermediate point for the calendar year 1954 and for the twelve-month periods ended March 31, 1955 and June 30, 1955. The average number of passengers enplaned at intermediate points generating less than five passengers per day is set forth in Appendix E on a quarterly basis for the years 1952, 1953, 1954 and for the twelve-month periods ended March 31, 1955 and June 30, 1955.

The Board believes that except for cities presenting special considerations warranting permanent certification, those intermediate points which have generated less than five enplaned passengers per day should be certificated for a temporary period of three years. Certification for this period will enable the Board to assess the future traffic development at these points and to consider at a later time whether or not they should be made permanent. These cities will be afforded an opportunity before the expiration of the temporary period to demonstrate their ability to generate a sufficient volume of traffic to warrant permanent certification or continuation of service for a further temporary period.

It is also the Board's tentative conclusion that under the provisions of section 401 (e) (3) of the Act a point named in Bonanza's presently effective certificate of public convenience and necessity for route No. 105 which has never been served by Bonanza, is not eligible for inclusion as a point in any certificate that may be issued to Bonanza pursuant to said section of the Act.

Thus, the certificate which the Board proposes to issue to Bonanza pursuant to section 401 (e) (3) of the act, will carry forward Bonanza's authority to serve Gabbs, Nevada, and Oceanside, California, only for the term of its present temporary authorization. The presently effective temporary suspension of service at Oceanside is being continued by the proposed supplementary order set forth below as Appendix B.

[2] Filed as part of the original document.

The Board further believes that the general terms and conditions set forth in the certificate of public convenience and necessity last issued by the Board to Bonanza may not be expanded in a certificate to be issued pursuant to section 401 (e) (3) of the act in such manner as to grant authority to said carrier in excess of that set forth in the certificate of public convenience and necessity last issued to this carrier.

The Board does not believe that authority granted to Bonanza pursuant to § 202.4 and Part 205 of the Economic Regulations of the Board, subsequent to the issuance of the last certificate of public convenience and necessity issued by the Board to said air carrier permitting on-segment changes in the service pattern, should be incorporated in a certificate issued to Bonanza pursuant to section 401 (e) (3) of the act. In the interest of convenience and clarity the Board will restate the carrier's outstanding service pattern modifications in a single order, a draft of which is set forth below as Appendix B.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (3) of the Act, of permanent or temporary authority to serve points served by Bonanza during the period from May 19, 1955 to May 31, 1955. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Bonanza to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below as Appendix A. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Bonanza's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Bonanza and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

It is also our intention to officially notice all reports, tariffs and schedules required to be filed with the Board by all air carriers, as well as all public Board reports based on these data,[3] so that these materials need not be specially compiled for the record in this proceeding.

[3] We will also officially notice the Origination-Destination Airline Traffic Surveys published by the Airline Finance and Accounting Conference from information compiled by the Board.

On the basis of the foregoing considerations and the data set forth in Appendixes C, D, E and F[2] hereof, which are hereby incorporated into this order and shall constitute part of the record in this proceeding, the Board finds that:

1. Bonanza is a citizen of the United States of America as defined by section 1 (13) of the Act.

2. From January 1, 1953, to May 31, 1955, Bonanza was an air carrier providing within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property and mail pursuant to a temporary certificate of public convenience and necessity for route No. 105 issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which Bonanza had no control).

3. Bonanza has continuously served the following terminal and intermediate points during the period from May 19, 1955, to May 31, 1955:

Reno, Nev.	San Diego, Calif.
Hawthorne, Nev.	Santa Ana - Laguna Beach, Calif.
Tonopah, Nev.	Los Angeles, Calif.
Las Vegas, Nev.	Burbank, Calif.
Kingman, Ariz.	Blythe, Calif.
Prescott, Ariz.	Indio, Calif.
Phoenix, Ariz.	Riverside-Ontario,
Yuma, Ariz.	Calif.
El Centro, Calif.	

4. The service rendered by Bonanza during the period from January 25, 1955, the date of its last certification, to the present has been adequate and efficient within the meaning of section 401 (e) (3) of the Act.

5. The following intermediate points, which, on the basis of the most recent available data have generated an average of five or more enplaned passengers per day, should be designated as points of unlimited duration:

(a) On Bonanza's segment 1, the intermediate points Las Vegas, Nevada and Prescott, Arizona;

(b) On Segment 2, the intermediate points Yuma, Arizona and El Centro, Santa Ana-Laguna Beach, and San Diego, California;

(c) On segment 3, the intermediate point Riverside-Ontario, California.

6. On the basis of the most recent available data the following intermediate points have generated less than an average of five enplaned passengers per day, and therefore have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification; but that certification of each of said points for a period of three years is warranted:

(a) On Bonanza's segment 1, the intermediate points Hawthorne and Tonopah, Nevada and Kingman, Arizona;

(b) On segment 3, the intermediate points Blythe and Indio, California.

7. The intermediate points Gabbs, Nevada, and Oceanside, California, are ineligible for certification pursuant to the terms of section 401 (e) (3) of the Act because the points were never served by Bonanza. It is, however, appropriate to include all Bonanza's effective authority in one document, so Bonanza's present authority to serve Gabbs and Oceanside should be carried forward in the certificate to be issued in this proceeding: *Therefore, it is ordered*, That:

1. Bonanza is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below as Appendix A, and further issue the proposed supplementary order in the form attached hereto as Appendix B;

2. Bonanza and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate and supplementary order, shall, within 15 days from the date hereof, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Bonanza, the Mayors of Gabbs, Nevada and Oceanside, California, the Mayor of each city served by Bonanza during the period May 19, 1955 to May 31, 1955, and on every certificated air carrier serving a point served by Bonanza during that period;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

APPENDIX A

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE

Bonanza Air Lines, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules and regulations issued thereunder, to engage in air transportation with respect to persons, property and mail, as follows:

1. Between the terminal point Reno, Nev., the intermediate points Hawthorne, Gabbs, Tonopah and Las Vegas, Nev., Kingman and Prescott, Ariz., and the terminal point Phoenix, Ariz.;

2. Between the terminal point Phoenix, Ariz., the intermediate points Yuma, Ariz., El Centro, San Diego, Oceanside and Santa Ana-Laguna Beach, Calif., and the co-terminal points Los Angeles and Burbank, Calif.;

3. Between the terminal point Phoenix, Ariz., the intermediate points Blythe, Indio and Riverside-Ontario, Calif., and the co-terminal points Los Angeles and Burbank, Calif.,

to be known as Route No. 105.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed, regularly serve a point named herein through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of segments 2 and 3 of the three route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (1) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (2) the holder is authorized by the Board to suspend service, or (3) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control.

(4) Each trip scheduled between the co-terminal points Los Angeles and Burbank, Calif., on the one hand, and the intermediate point San Diego, Calif., on the other shall originate or terminate at Phoenix, Ariz.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall be effective on ------, 1955; *Provided, however*, That prior to the date on which the certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of ----------, 1955, (Order E-__) insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time.

The authority of the holder to serve Gabbs, Nev., shall terminate March 26, 1956. The authority of the holder to serve Oceanside, Calif., shall continue in effect up to and including December 31, 1957. The authority of the holder to serve Kingman, Ariz., Blythe and Indio, Calif. and Hawthorne and Tonopah, Nev., shall continue in effect up to and including ----------.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman, and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the -------- day of ----------, 1955.

[SEAL] ROSS RIZLEY,
Chairman.

Attest:

----------,
Secretary.

APPENDIX B

PROPOSED DRAFT OF ORDER EXTENDING EFFECTIVE PERIOD OF TEMPORARY SERVICE AUTHORIZATIONS

The Board has by Order E-____, dated ---------- 1955, granted a certificate of public convenience and necessity of unlimited duration to Bonanza Air Lines, Inc. (Bonanza) authorizing Bonanza to engage in air transportation of persons, property and mail over route No. 105. In the past, Bonanza has been authorized to conduct operations differing in certain particulars from the authority stated in its temporary certificate of public convenience and necessity for route No. 105.

The term of effectiveness of these authorizations is unlimited. The reasons for issuance of these temporary authorizations appear to be still applicable to Bonanza in its operation under the certificate of unlimited duration concurrently issued herewith. It, therefore, appears to the Board that it is in the public interest and consistent with the Act to continue these outstanding temporary authorizations in effect for an additional period of time. In extending these authorizations, it appears desirable to include all currently effective authorizations which are not included in or disposed of in the new certificate in one order which will become effective at the same time the new certificate of unlimited duration becomes effective.

Accordingly, The Board, acting pursuant to sections 205 (a) of the Civil Aeronautics Act of 1938, as amended, and to § 202.4 and Part 205 of its Economic Regulations, finds:

1. That the enforcement of the condition in Bonanza's certificate which requires it on each flight over all or part of the several numbered route segments on route No. 105 to stop at each point named between the point of origin and the point of termination of such flight unless otherwise authorized by the Board, to the extent that it would prevent the service pattern hereinafter authorized, would prevent a service pattern which is in the public interest and which is consistent with Bonanza's performance of a local or feeder air transportation service and is not required by nor is it in the public interest;

2. That the temporary suspensions of service authorized hereinafter do not substantially change the character of the service for which the certificate of public convenience and necessity of unlimited duration is being granted to Bonanza and are otherwise in the public interest;

Accordingly, it is ordered, That:

1. Bonanza be and hereby is authorized to suspend service temporarily at Oceanside, California, an intermediate point on segment 2 of its route No. 105 until such time as adequate airport facilities at Oceanside, California, are available for use by Bonanza in its scheduled air carrier operations (previously authorized by Order E-6614);

2. Bonanza be and hereby is authorized to omit service to any point or points on trips scheduled over all or part of segment 1 (previously authorized by Order E-3597);

3. The authority previously granted to Bonanza by Orders E-3597 and E-6614 shall be terminated on the date this order and the certificate of public convenience and necessity of unlimited duration for route No. 105 being issued to Bonanza concurrently with the issuance of this order become effective.

4. The change in service pattern and temporary suspension authorizations granted herein shall become effective, ----------, concurrently with the effective date of the certificate issued to Bonanza in Docket No. 7189;

5. This order or any part thereof may be amended or revoked at any time in the discretion of the Board without notice and without hearing.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-8354; Filed, Oct. 13, 1955; 8:45 a. m.]

[Docket No. 7338; Order E-9631]

SOUTHERN AIRWAYS, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE [1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 7th day of October 1955.

In the matter of the application of Southern Airways, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 98.

Southern Airways, Inc. (Southern), on August 2, 1955, filed an application pursuant to section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended (the Act), requesting the Board to issue Southern a certificate of public convenience and necessity of unlimited duration for Route No. 98 authorizing air transportation of persons, property and mail between certain named points.

Section 401 (e) (3) of the Act (effective May 19, 1955) provides: "If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1953, to the date of its application, it or its predecessor in interest, was an air carrier furnishing, within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property, and mail, under a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which the applicant or its predecessors in interest have no control) the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during the period since its last certification has been inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation between the terminal and intermediate points within the continental limits of the United States between which it, or its predecessor, so continuously operated between the date of enactment of this paragraph and the date of its application: *Provided*, That the Board in issuing the certificate is empowered to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points it finds have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification at such time."

Southern alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the Act. Proof of this fact has been submitted by Southern in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Southern further alleges in its application that it has continuously operated as an air carrier furnishing local or feeder air transportation of persons, property and mail within the continental limits of the United States during the period January 1, 1953, to the date of its application under a temporary certificate of public convenience and necessity for route No. 98 issued by the Board, except as to interruptions of service over which it had no control. The various schedules and reports required to be filed with the Board by local service carriers indicate that Southern has so continuously operated since January 1, 1953.

Section 401 (e) (3) of the Act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Southern that the service rendered by Southern during the period since its last certification has not been inadequate or inefficient. The carrier in its application for such certificate filed August 2, 1955, alleges its service rendered during the aforesaid period has been adequate and efficient. The Board during the said period has received no complaints from the public relating to the overall service provided by this carrier. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during the period from April 14, 1953, the date of Southern's last certificate for route No. 98, to the present has been inadequate or inefficient within the meaning of section 401 (e) (3) of the Act.

Southern further alleges in its application that it has from the date of the enactment of section 401 (e) (3) (May 19, 1955) to the date of its application, continuously served the following terminal and intermediate points:

Memphis, Tenn.	Moultrie, Ga.
Tupelo, Miss.	Valdosta, Ga.
Columbus, Miss.	Jacksonville, Fla.
Tuscaloosa, Ala.	Greenville, Miss.
Birmingham, Ala.	Monroe, La.
Gadsden, Ala.	Vicksburg, Miss.
Atlanta, Ga.	Jackson, Miss.
Athens, Ga.	Natchez, Miss.
Greenwood, S. C.	Baton Rouge, La.
Greenville, S. C.	New Orleans, La.
Spartanburg, S. C.	Laurel, Miss.
Charlotte, N. C.	Gulfport-Biloxi, Miss
Columbus, Ga.	Mobile, Ala.
Albany, Ga.	

Section 401 (e) (3) provides in effect that all terminal points served by the local service carrier applicant during the period from May 19, 1955 to August 2, 1955 shall be certificated for a period of unlimited duration. The certificate we propose to issue to Southern (which is set forth below as Appendix A) accomplishes this.

Section 401 (e) (3) empowers the Board to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points the Board finds have generated insufficient traffic to warrant a finding that the public convenience and necessity require permanent certification. The Board has proposed an industry-wide traffic standard upon which to base a tentative conclusion as to whether a particular intermediate point should be permanently or temporarily certificated. A standard which can be applied on an industry-wide basis will assure that all the intermediate cities are equitably treated. The Board has concluded, on the basis of an analysis of the latest available traffic data, that an average of five or more passengers enplaned per day provides a reasonable basis for selection of those intermediate points to be permanently certificated at this time.

As indicated above, the recent amendment of the Act provides for the certification for an unlimited duration of all terminal points and of at least one-half of the intermediate points named in the certificate. This means that in the future the applicant carrier will be providing services over permanently certificated segments. During the years of local service carrier experience, the Board, in consideration of the subsidized nature of the operation, has found that on-line intermediate points generating in the neighborhood of 300 passengers on and off monthly have borne a reasonable share of the expense incurred by the carrier in providing service to the intermediate point on existing flights. In the past, the Board has also found that local service carrier points generating in the neighborhood of five or more enplaned passengers per day have warranted recertification. This leads us to conclude that in the absence of a further showing, the five passenger per day standard is a reasonable one for selecting those intermediate points to be permanently certificated.

The proposed certificate which is set forth below as Appendix A grants Southern permanent authority at those intermediate stations shown in Appendixes C, D and E [2] to have met this five-passenger per day standard and temporary authority at all other intermediate stations served by Southern during the period May 19, 1955, to August 2, 1955. Appendixes C and D set forth in tabular form, the average number of daily passengers enplaned at each Southern intermediate point for the calendar year 1954 and for the twelve month periods ended March 31, 1955, and June 30, 1955. The average number of passengers enplaned at intermediate points generating less than five passengers per day is set forth in Appendix E on a quarterly basis for the years 1952, 1953, 1954 and for the twelve month periods ended March 31, 1955 and June 30, 1955.

The Board believes that except for cities presenting special considerations warranting permanent certification, those intermediate points which have generated less than five enplaned passengers per day should be certificated for a temporary period of three years. Certification for this period will enable the Board to assess the future traffic development at these points and to consider at a later time whether or not they should be made permanent. These cities will be afforded an opportunity before the expiration of the temporary period to demonstrate their ability to generate a sufficient volume of traffic to warrant permanent certification or continuation of service for a further temporary period.

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

[2] Filed as part of the original document.

The Board further believes that a point named in the last certificate issued to the carrier as a point on more than one designated segment in the certificate, but as to which point, pursuant to section 205 of the Board's Economic Regulations, a temporary suspension of service has been granted to the carrier and which point has been served on only one segment because of the authorized temporary suspension of service on the other segment, is eligible to be certificated pursuant to the provisions of section 401 (e) (3) of the act only as a point on the segment where the point was served during the period from May 19, 1955, to August 2, 1955.

Thus, the certificate which the Board proposes to issue to Southern pursuant to section 401 (e) (3) of the act will carry forward Southern's authority to serve the terminal point Columbus, Mississippi, on segment 4 only for the term of its present temporary authorization. The presently effective temporary suspension of service at Columbus on segment 4 will be continued by the proposed supplementary order set forth below as Appendix B.

The Board further tentatively concludes that a point which has been authorized for service, has received service from the carrier, but which was not served during the statutory grandfather period because service had been temporarily suspended for economic reasons, is not eligible for certification pursuant to section 401 (e) (3) of the act. Such a point is ineligible because it was not served during the statutory grandfather period for economic reasons advanced and supported by the carrier.

Thus, the certificate which the Board proposes to issue to Southern in this proceeding will carry forward Southern's authority to serve Clarksdale, Mississippi and La Grange, Georgia only for the term of its present temporary authority. The presently effective temporary suspension of service at these points is being continued by the proposed supplementary order set forth below as Appendix B.

The Board further believes that the general terms and conditions set forth in the certificate of public convenience and necessity last issued by the Board to Southern may not be expanded in a certificate to be issued pursuant to section 401 (e) (3) of the Act in such manner as to grant authority to said carrier in excess of that set forth in the certificate of public convenience and necessity last issued to this carrier.

The Board does not believe that authority granted to Southern pursuant to § 202.4 and Part 205 of the Economic Regulations of the Board, subsequent to the issuance of the last certificate of public convenience and necessity issued by the Board to said air carrier permitting on-segment changes in the service pattern, should be incorporated in a certificate issued to Southern pursuant to section 401 (e) (3) of the Act. In the interest of convenience and clarity the Board will restate the carrier's outstanding service pattern modifications in a single order, a draft of which is set forth below as Appendix B.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (3) of the Act, of permanent or temporary authority to serve points served by Southern during the period from May 19, 1955, to August 2, 1955. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Southern to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below as Appendix A. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Southern's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Southern and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

It is also our intention to officially notice all reports, tariffs and schedules required to be filed with the Board by all air carriers, as well as all public Board reports based on these data,[3] so that these materials need not be specially compiled for the record in this proceeding.

On the basis of the foregoing considerations and the data set forth in Appendixes C, D, E and F [2] hereof, which are hereby incorporated into this order and shall constitute part of the record in this proceeding, the Board finds that:

1. Southern is a citizen of the United States of America as defined by section 1 (13) of the Act.

2. From January 1, 1953, to August 2, 1955, Southern was an air carrier providing within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property and mail pursuant to a temporary certificate of public convenience and necessity for route No. 98 issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which Southern had no control).

3. Southern has continuously served the following terminal and intermediate points during the period from May 19, 1955, to August 2, 1955:

Memphis, Tenn.	Moultrie, Ga.
Tupelo, Miss.	Valdosta, Ga.
Columbus, Miss.	Jacksonville, Fla.
Tuscaloosa, Ala.	Greenville, Miss.
Birmingham, Ala.	Monroe, La.
Gadsden, Ala.	Vicksburg, Miss.
Atlanta, Ga.	Jackson, Miss.
Athens, Ga.	Natchez, Miss.
Greenwood, S. C.	Baton Rouge, La.
Greenville, S. C.	New Orleans, La.
Spartanburg, S. C.	Laurel, Miss.
Charlotte, N. C.	Gulfport-Biloxi,
Columbus, Ga.	Miss.
Albany, Ga.	Mobile, Ala.

4. The service rendered by Southern during the period from April 14, 1953, the date of its last certification, to the present has been adequate and efficient within the meaning of section 401 (e) (3) of the Act.

5. The following points, which on the basis of the most recent available data have generated an average of five or more enplaned passengers per day, should be designated as points of unlimited duration:

(a) On Southern's segment 1, the intermediate points Tupelo and Columbus, Miss., Tuscaloosa, Birmingham and Gadsden, Ala., Atlanta and Athens, Ga., and Greenville, S. C.;

(b) On segment 2, the intermediate points Columbus, Albany, Moultrie and Valdosta, Ga.;

(c) On segment 3, the intermediate points Greenville, Miss., Monroe, La., Vicksburg, Jackson and Natchez, Miss. and Baton Rouge, La.;

(d) On segment 4, the intermediate points Jackson and Gulfport-Biloxi, Miss.

6. On the basis of the most recent available data the following intermediate points have generated less than an average of five enplaned passengers per day, and therefore have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification; but that certification of each of said points for a period of three years is warranted:

(a) On Southern's segment 1, the intermediate points Greenwood and Spartanburg, S. C.;

(b) On segment 4, the intermediate point Laurel, Miss.

7. The points Clarksdale, Miss., La Grange, Ga., and Columbus, Miss. on segment 4, are ineligible for certification pursuant to section 401 (e) (3) of the Act since they were not served by Southern during the period May 19, 1955 to August 2, 1955 because service was temporarily suspended for reasons within the carrier's control. It is, however, appropriate to include all Southern's effective certificate authority in one document, so Southern's present authority to serve Clarksdale, Miss., La Grange, Ga., and Columbus, Miss. on segment 4, should be carried forward in the certificate to be issued in this proceeding: *Therefore it is ordered*, That:

1. Southern is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below as Appendix A, and further issue the pro-

[3] We will also officially notice the Origination-Destination Airline Traffic Surveys published by the Airline Finance and Accounting Conference from information compiled by the Board.

posed supplementary order in the form set forth below as Appendix B.

2. Southern and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate and supplementary order, shall, within 15 days from the date hereof, file written notice of objection with the Board.

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed.

4. Copies of this order shall be served on Southern, the Mayors of La Grange, Ga. and Clarksdale, Miss., the Mayor of each city served by Southern during the period May 19, 1955 to August 2, 1955, and on every certificated air carrier serving a point served by Southern during that period.

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

APPENDIX A

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE

Southern Airways, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules, and regulations issued thereunder, to engage in air transportation with respect to persons, property, and mail, as follows:

1. Between the terminal point Memphis, Tenn., the intermediate points Tupelo and Columbus, Miss., Tuscaloosa, Birmingham and Gadsden, Ala., Atlanta and Athens, Ga., Greenwood, Greenville and Spartanburg, S. C., and the terminal point Charlotte, N. C.;

2. Between the terminal point Atlanta, Ga., the intermediate points La Grange, Columbus, Albany, Moultrie and Valdosta, Ga., and the terminal point Jacksonville, Fla.;

3. Between the terminal point Memphis, Tenn., the intermediate points Clarksdale and Greenville, Miss., Monroe, La., Vicksburg, Jackson and Natchez, Miss., Baton Rouge, La., and the terminal point New Orleans, La.;

4. Between the terminal point Columbus, Miss., the intermediate points Jackson, Laurel, and Gulfport-Biloxi, Miss., and the terminal point Mobile, Ala.

to be known as Route No. 98.

The service herein authorized is subject to the following terms, conditions, and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed, regularly serve a point named herein through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of one of the four numbered route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, or (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control.

(4) Notwithstanding the provisions of paragraph (3) above, the holder, on each trip scheduled over all or part of segment 3, may omit a point or points on such segment, subject to the following conditions:

(a) On each trip on which service is scheduled between Memphis and Jackson, the holder shall schedule, between such points, service to a minimum of two intermediate points on such segment,

(b) On each trip on which service is scheduled between Jackson and New Orleans, the holder shall schedule, between such points, service to a minimum of two intermediate points on such segment, and

(c) On each trip on which service is scheduled between Memphis and New Orleans, the holder shall schedule service to a minimum of three intermediate points on such segment, except that if Jackson is scheduled for service on such trip, the holder shall comply with conditions (a) and (b) above.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall be effective on ------, 1955: *Provided, however,* That prior to the date on which the certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of ------, 1955, (Order E-----) insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time. The authorization to serve Greenwood and Spartanburg, S. C. and Laurel, Miss. shall continue in effect up to and including ------. The authorization to serve Columbus, Miss., on segment 4, Clarksdale, Miss. and La Grange, Ga. shall continue in effect up to and including December 31, 1956.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman, and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the ---------- day of ------, 1955.

[SEAL] ROSS RIZLEY,
Chairman.

Attest:

Secretary.

APPENDIX B

PROPOSED DRAFT OF ORDER EXTENDING EFFECTIVE PERIOD OF TEMPORARY SERVICE AUTHORIZATIONS

The Board has by Order E-----, dated ----------, 1955, granted a certificate of public convenience and necessity of unlimited duration to Southern Airways, Inc. (Southern) authorizing Southern to engage in air transportation of persons, property and mail over route No. 98. In the past, Southern has been authorized to conduct operations differing in certain particulars from the authority stated in its temporary certificate of public convenience and necessity for route No. 98.

The term of effectiveness of some of these authorizations is unlimited, while others would expire sixty days after final determination by the Board in any proceeding involving renewal of route No. 98. The reasons for issuance of these temporary authorizations appear to be still applicable to Southern in its operation under the certificate of unlimited duration concurrently issued herewith. It, therefore, appears to the Board that it is in the public interest and consistent with the Act to continue these outstanding temporary authorizations in effect for an additional period of time. In extending these authorizations, it appears desirable to include all currently effective authorizations which are not included in or disposed of in the new certificate in one order which will become effective at the same time the new certificate of unlimited duration becomes effective.

Accordingly, the Board, acting pursuant to sections 205 (a) of the Civil Aeronautics Act of 1938, as amended, and to § 202.4 and Part 205 of its Economic Regulations, finds:

1. That the enforcement of the condition in Southern's certificate which requires it on each flight over all or part of the several numbered route segments on route No. 98 to stop at each point named between the point of origin and the point of termination of such flight unless otherwise authorized by the Board, to the extent that it would prevent the service pattern hereinafter authorized, would prevent a service pattern which is in the public interest and which is consistent with Southern's performance of a local or feeder air transportation service and is not required by nor is it in the public interest;

2. That the temporary suspensions of service authorized hereinafter do not substantially change the character of the service for which the certificate of public convenience and necessity of unlimited duration is being granted to Southern and are otherwise in the public interest: *Accordingly, it is ordered,* That:

1. Southern be and hereby is authorized to suspend service at Clarksdale, Mississippi, an intermediate point on segment 3 of its route No. 98 (previously authorized by Order E-7975);

2. Southern be and hereby is authorized temporarily to suspend service at La Grange, Georgia, an intermediate point on segment 2 of its route No. 98 (previously authorized by Order E-8178);

3. Southern be and hereby is authorized to temporarily suspend service at Columbus, Mississippi, as a terminal point on segment 4 of route No. 98 (previously authorized by Order E-8772);

4. Southern be and hereby is authorized to omit service to La Grange, Ga., and Greenwood, S. C., on flights in excess of two daily round trips (previously authorized by Order E-6929);

5. Southern be and hereby is authorized to omit service at Gulfport-Biloxi, Mississippi, an intermediate point on segment 4 of route No. 98, on one scheduled flight daily (previously authorized by Order E-8733);

6. Southern be and hereby is authorized to render flag-stop service on its route No. 98 by omitting the physical landing of its aircraft at any intermediate point scheduled to be served on a particular flight: *Provided,* That there are no persons, property, or mail on the aircraft destined for such point and no such traffic available at such point for the flight at the scheduled time of departure: *Provided, further,* That the Board in its discretion may at any time disapprove the use of such authority with respect to service to any point on any flight or flights (previously authorized by Orders E-5592 and E-6139);

7. The authority previously granted to Southern by Orders E-5592 and E-6139 insofar as they pertain to Southern, E-6929, E-7975, E-8178, E-8733 and E-8772, shall be terminated on the date this order and the certificate of public convenience and necessity of unlimited duration for route No. 98 being issued to Southern concurrently with the issuance of this order become effective;

8. The change in service pattern and temporary suspension authorizations granted herein shall become effective ------, ------, concurrently with the effective date of the certificate issued to Southern in Docket No. 7338;

9. This order or any part thereof may be amended or revoked at any time in the discretion of the Board without notice and without hearing.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-8355; Filed, Oct. 13, 1955; 8:45 a. m.]

[Docket No. 7178; Order E-9637]

CENTRAL AIRLINES, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE [1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 7th day of October 1955.

In the matter of the application of Central Airlines, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 81.

Central Airlines, Inc. (Central) on May 25, 1955, filed an application pursuant to section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended (the act), requesting the Board to issue Central a certificate of public convenience and necessity of unlimited duration for route No. 81 authorizing air transportation of persons, property and mail between certain named points.

Section 401 (e) (3) of the act (effective May 19, 1955) provides: "If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1953, to the date of its application, it or its predecessor in interest, was an air carrier furnishing, within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property, and mail, under a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which the applicant or its predecessors in interest have no control) the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during the period since its last certification has been inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation between the terminal and intermediate points within the continental limits of the United States between which it, or its predecessor, so continuously operated between the date of enactment of this paragraph and the date of its application: *Provided,* That the Board in issuing the certificate is empowered to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points it finds have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification at such time."

Central alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Central in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Central further alleges in its application that it has continuously operated as an air carrier furnishing local or feeder air transportation of persons, property and mail within the continental limits of the United States during the period January 1, 1953, to the date of its application under a temporary certificate of public convenience and necessity for route No. 81 issued by the Board, except as to interruptions of service over which it had no control. The various schedules and reports required to be filed with the Board by local service carriers indicate that Central has so continuously operated since January 1, 1953.

Section 401 (e) (3) of the act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Central that the service rendered by Central during the period since its last certification has not been inadequate or inefficient. The Board during the said period has received no complaints from the public relating to the overall service provided by this carrier. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during the period from February 19, 1953, the date of Central's last certificate, to the present has been inadequate or inefficient within the meaning of section 401 (e) (3) of the act.

Central further alleges in its application that it has from the date of the enactment of section 401 (e) (3) (May 19, 1955) to the date of its application, continuously served the following terminal and intermediate points:

Amarillo, Tex.	Ada, Okla.
Borger, Tex.	Ardmore, Okla.
Woodward, Okla.	Stillwater, Okla.
Enid, Okla.	Lawton-Fort Sill, Okla.
Ponca City, Okla.	Duncan, Okla.
Bartlesville, Okla.	Fayetteville, Ark.
Tulsa, Okla.	Fort Smith, Ark.
Muskogee, Okla.	Hot Springs, Ark.
McAlester, Okla.	Little Rock, Ark.
Dallas, Tex.	Kansas City, Mo.
Fort Worth, Tex.	Joplin, Mo.
Paris, Tex.	
Wichita, Kans.	
Oklahoma City, Okla.	

Section 401 (e) (3) provides in effect that all terminal points served by the local service carrier applicant during the period from May 19, 1955, to May 25, 1955, shall be certificated for a period of unlimited duration. The certificate we propose to issue to Central (set forth below as Appendix A) accomplishes this.

Section 401 (e) (3) empowers the Board to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points the Board finds have generated insufficient traffic to warrant a finding that the public convenience and necessity require permanent certification. The Board has proposed an industry-wide traffic standard upon which to base a tentative conclusion as to whether a particular intermediate point should be permanently or temporarily certificated. A standard which can be applied on an industry-wide basis will assure that all the intermediate cities are equitably treated. The Board has concluded, on the basis of an analysis of the latest available traffic data, that an average of five or more passengers enplaned per day provides a reasonable basis for selection of those intermediate points to be permanently certificated at this time.

As indicated above, the recent amendment of the Act provides for the certification for an unlimited duration of all terminal points and of at least one-half of the intermediate points named in the certificate. This means that in the future the applicant carrier will be providing service over permanently certificated segments. During the years of local service carrier experience, the Board, in consideration of the subsidized nature of the operation, has found that on-line intermediate points generating in the neighborhood of 300 passengers on and off monthly have borne a reasonable share of the expense incurred by the carrier in providing service to the intermediate point on existing flights. In the past, the Board has also found that local service carrier points generating in the neighborhood of five or more enplaned passengers per day have warranted recertification. This leads us to conclude that in the absence of a further showing, the five passenger per day standard is a reasonable one for selecting those intermediate points to be permanently certificated.

The proposed certificate which is set forth below as Appendix A grants Central permanent authority at those intermediate stations shown in Appendixes C, D and E to have met this five-passenger per day standard and temporary author-

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

ity at all other intermediate stations served by Central during the period May 19, 1955, to May 25, 1955. Appendixes C and D set forth in tabular form, the average number of daily passengers enplaned at each Central intermediate point for the calendar year 1954 and for the twelve month periods ended March 31, 1955, and June 30, 1955. The average number of passengers enplaned at intermediate points generating less than five passengers per day is set forth in Appendix E [2] on a quarterly basis for the years 1952, 1953, 1954, and for the twelve month periods ended March 31, 1955, and June 30, 1955.

The Board believes that except for cities presenting special considerations warranting permanent certification, those intermediate points which have generated less than five enplaned passengers per day should be certificated for a temporary period of three years. Certification for this period will enable the Board to assess the future traffic development at these points and to consider at a later time whether or not they should be made permanent. These cities will be afforded an opportunity before the expiration of the temporary period to demonstrate their ability to generate a sufficient volume of traffic to warrant permanent certification or continuation of service for a further temporary period.

The Board further believes that a point named in the last certificate issued to the carrier as a point on more than one designated segment in the certificate, but as to which point, pursuant to section 205 of the Board's Economic Regulations, a temporary suspension of service has been granted to the carrier and which point has been served on only one segment because of the authorized temporary suspension of service on the other segment, is eligible to be certificated pursuant to the provisions of section 401 (e) (3) of the act only as a point on the segment where the point was served during the period from May 19, 1955, to May 25, 1955.

Thus, this order will provide that Central will be required to show cause why Paris, Texas, should not be certificated as a point on segment 7 only.

The Board further tentatively concludes that where since the last certificate issued to this carrier the Board has authorized Central, by exemption, to provide service to additional points on a segment or to provide service between points named in such certificate on segments different from that designated in the certificate, the said points are eligible to be certificated pursuant to section 401 (e) (3) of the act as served by the carrier pursuant to such exemptions during the period from May 19, 1955, to May 25, 1955.

Thus, the Board proposes to require the carrier to show cause why the service between the points Ada and Tulsa, Oklahoma, should not be certificated in the manner service was performed during the period from May 19, 1955, to May 25, 1955, and why on segment 7 Dallas, Texas, should not be certificated as an intermediate point and Fort Worth, Texas, as a terminal point, in lieu of the present certificate designation providing for service to the terminal point Dallas-Fort Worth, Texas, through the Amon Carter Airfield.

The Board further concludes that a point which has been authorized for service, has received service from the carrier, but where service has been interrupted and temporarily suspended because of inadequate airport facilities, is eligible for certification pursuant to section 401 (e) (3) of the act even though no service was rendered during the statutory grandfather period, because it is a point at which service has been interrupted for reasons over which the carrier had no control.

Thus, the certificate which the Board proposes to issue to Central pursuant to section 401 (e) (3) of the act, provides for the certification for a period of three years of the intermediate point Sherman-Denison, Texas. The presently effective temporary suspension of service at this point is being continued by the proposed supplementary order set forth below as Appendix B.

The Board further tentatively concludes that a point which has been authorized for service, has received service from the carrier, but which was not served during the statutory grandfather period because service had been temporarily suspended for economic reasons, is not eligible for certification pursuant to section 401 (e) (3) of the act. Such a point is ineligible because it was not served during the statutory grandfather period for economic reasons advanced and supported by the carrier.

Thus, the certificate which the Board proposes to issue to Central in this proceeding will carry forward Central's authority to serve Shawnee and Chickasha, Oklahoma, and Paris, Texas, on segment 2 only for the term of its present temporary authorization.

The Board further believes that the general terms and conditions set forth in the certificate of public convenience and necessity last issued by the Board to Central may not be expanded in a certificate to be issued pursuant to section 401 (e) (3) of the act in such manner as to grant authority to said carrier in excess of that set forth in the certificate of public convenience and necessity last issued to this carrier.

The Board does not believe that authority granted to Central pursuant to § 202.4 and Part 205 of the Economic Regulations of the Board or by temporary exemption, subsequent to the issuance of the last certificate of public convenience and necessity issued by the Board to said air carrier permitting onsegment changes in the service pattern should be incorporated in a certificate issued to Central pursuant to section 401 (e) (3) of the act. In the interest of convenience and clarity the Board will restate the carrier's outstanding service pattern modifications in a single order, a draft of which is set forth below as Appendix B.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (3) of the act, of permanent or temporary authority to serve points served by Central during the period from May 19, 1955, to May 25, 1955. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Central to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below as Appendix A. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Central's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Central and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

It is also our intention to officially notice all reports, tariffs and schedules required to be filed with the board by all air carriers, as well as all public Board reports based on these data,[3] so that these materials need not be specially compiled for the record in this proceeding.

On the basis of the foregoing considerations and the data set forth in Appendixes C, D, E and F [2] hereof, which are hereby incorporated into this order and shall constitute part of the record in this proceeding, the Board finds that:

1. Central is a citizen of the United States of America as defined by section 1 (13) of the act.

2. From January 1, 1953, to May 25, 1955, Central was an air carrier providing within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property and mail pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which Central had no control).

3. Central has continuously served the following terminal and intermediate points during the period from May 19, 1955, to May 25, 1955:

Amarillo, Tex.
Borger, Tex.
Woodward, Okla.
Enid, Okla.
Ponca City, Okla.
Bartlesville, Okla.
Tulsa, Okla.
Muskogee, Okla.
McAlester, Okla.
Dallas, Tex.
Fort Worth, Tex.
Wichita, Kans.
Oklahoma City, Okla.
Ada, Okla.
Ardmore, Okla.
Stillwater, Okla.
Lawton-Fort Sill, Okla.
Duncan, Okla.
Fayetteville, Ark.
Fort Smith, Ark.
Hot Springs, Ark.
Little Rock, Ark.
Kansas City, Mo.
Joplin, Mo.
Paris, Tex.

4. The intermediate point Sherman-Denison, Texas, is eligible for certification pursuant to section 401 (e) (3) although not served during the period May 19, 1955, to May 25, 1955, because service was interrupted for reasons over which Central had no control.

5. The service rendered by Central during the period from February 19, 1953, the date of its last certification, to the present has been adequate and efficient within the meaning of section 401 (e) (3) of the act.

6. The following intermediate points, which, on the basis of the most recent available data have generated an average of five or more enplaned passengers per day, should be designated as points of unlimited duration:

(a) On Central's segment 1, the intermediate point Borger, Tex., Enid, Ponca City, and Bartlesville, Okla.;

(b) On segment 2, the intermediate points Muskogee, Okla., and Dallas, Tex.;

(c) On segment 3, the intermediate points Ponca City, Enid, Oklahoma City, Okla., and Dallas, Tex.;

(d) On segment 5, the intermediate points Lawton-Fort Sill and Duncan, Okla.;

(e) On segment 6, the intermediate points Muskogee, Okla., Fayetteville, Fort Smith, and Hot Springs, Ark.;

(f) On segment 7, the intermediate points Joplin, Mo., Muskogee, Okla., Fayetteville and Ft. Smith, Ark., and Dallas, Texas.

7. On the basis of the most recent available data the following intermediate points have generated less than 5 enplaned passengers per day, and therefore have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification; but that certification of each of said points for a period of 3 years is warranted:

(a) On Central's segment 1, the intermediate point Woodward, Okla.;

(b) On segment 2, the intermediate point McAlester, Okla.;

(c) On segment 3, the intermediate points Ada and Ardmore, Okla.;

(d) On segment 4, the intermediate point Stillwater, Okla.;

(e) On segment 7, the intermediate point Paris, Tex.

8. The intermediate points, Shawnee and Chickasha, Oklahoma, and Paris, Texas, on segment 2 are ineligible for certification pursuant to section 401 (e) (3) of the act since they were not served by Central during the period May 19, 1955, and May 25, 1955, because service was temporarily suspended for economic reasons. It is, however, appropriate to include all Central's effective certificate authority in one document, so Central's present authority to serve Shawnee, Chickasha, and Paris on segment 2 should be carried forward in the certificate to be issued in this proceeding: *Therefore, it is ordered,* That:

1. Central is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below as Appendix A, and further issue the proposed supplementary order in the form set forth below as Appendix B;

2. Central and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate and supplementary order, shall, within 15 days from the date hereof, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Central, the Mayors of Shawnee and Chickasha, Okla., and Sherman-Denison, Texas, the Mayor of each city served by Central during the period May 19, 1955, to May 25, 1955, and every certificated air carrier serving a point served by Central during that period;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

APPENDIX A

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSARY FOR LOCAL OR FEEDER SERVICE

Central Airlines, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules and regulations issued thereunder, to engage in air transportation with respect to persons, property and mail, as follows:

1. Between the terminal point Amarillo, Tex., the intermediate points Borger, Tex., Woodward, Enid, Ponca City and Bartlesville, Okla., and the terminal point Tulsa, Okla.;

2. Between the terminal point Tulsa, Okla., the intermediate points Muskogee and McAlester, Okla., Paris and Dallas, Tex., and the terminal point Fort Worth, Tex.;

3. Between the terminal point Fort Worth, Tex., the intermediate points Dallas and Sherman-Denison, Tex., Ardmore and Ada, Okla., and (a) beyond Ada, the terminal point Tulsa, Okla., and (b) beyond Ada, the intermediate points Shawnee, Oklahoma City, Enid and Ponca City, Okla., and the terminal point Wichita, Kans.;

4. Between the terminal point Tulsa, Okla., the intermediate point Stillwater, Okla., and the terminal point Oklahoma City, Okla.;

5. Between the terminal point Oklahoma City, Okla., the intermediate points Chickasha, Lawton-Fort Sill, and Duncan, Okla., and the terminal point Dallas-Fort Worth, Tex. (to be served through the Amon Carter Air Field);

6. Between the terminal point Tulsa, Okla., the intermediate point Muskogee, Okla., and (a) beyond Muskogee, the intermediate points Fayetteville, Fort Smith and Hot Springs, Ark., and the terminal point Little Rock, Ark., and (b) beyond Muskogee, the intermediate points Fort Smith and Hot Springs, Ark., and the terminal point Little Rock, Ark.;

7. Between the terminal point Kansas City, Mo., the intermediate point Joplin, Mo., the alternate intermediate points Muskogee, Okla., and Fayetteville, Ark., the intermediate points Fort Smith, Ark., Paris and Dallas, Tex., and the terminal point Fort Worth, Tex.,

to be known as Route No. 81.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may regularly serve a point named herein through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of one of the seven numbered route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, or (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control.

(4) On each trip scheduled between Little Rock, Ark., and Kansas City, Mo., the holder shall schedule service at a minimum of four points between said points.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of the certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall be effective on ------, 1955: *Provided, however,* That prior to the date on which the certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of --------, 1955 (Order No. E---), insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time.

[1] Filed as part of the original document.

[2] We will also officially notice the Origination-Destination Airline Traffic Surveys published by the Airline Finance and Accounting Conference from information compiled by the Board.

The authority to serve Paris, Tex., on segment 7, and Woodward, McAlester, Ada, Ardmore and Stillwater, Okla., and Sherman-Denison, Tex., shall continue in effect up to and including _____. The authorization to serve Paris, Tex., on segment 2 and Shawnee and Chickasha, Okla., shall continue in effect up to and including February 19, 1956.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman, and the seal of the Board to be affixed hereto, attested by the Secretary of the Board on the ------ day of --------, 1955.

[SEAL] _____
Chairman.

Attest:

_____
Secretary.

APPENDIX B

PROPOSED DRAFT OF ORDER EXTENDING EFFECTIVE PERIOD OF TEMPORARY SERVICE AUTHORIZATIONS

The Board has by Order E-____, dated _____ 1955, granted a certificate of public convenience and necessity of unlimited duration to Central Airlines, Inc. (Central), authorizing Central to engage in air transportation of persons, property and mail over route No. 81. In the past, Central has been authorized to conduct operations differing in certain particulars from the authority stated in its temporary certificate of public convenience and necessity for route No. 81.

The term of effectiveness of some of these authorizations is unlimited, while others would expire sixty days after final determination by the Board in any proceeding involving renewal of route No. 81 or at the end of a stated period. The reasons for issuance of these temporary authorizations appear to be still applicable to Central in its operation under the certificate of unlimited duration concurrently issued herewith. It, therefore, appears to the Board that it is in the public interest and consistent with the Act to continue these outstanding temporary authorizations in effect for an additional period of time. In extending these authorizations, it appears desirable to include all currently effective authorizations which are not included in or disposed of in the new certificate in one order which will become effective at the same time the new certificate of unlimited duration becomes effective.

Accordingly, the Board, acting pursuant to sections 205 (a) and 416 (b) of the Civil Aeronautics Act of 1938, as amended, and to § 202.4 and Part 205 of its Economic Regulations, finds:

1. That the enforcement of the provisions of section 401 (a) of the Act and of Central's certificate, insofar as it would otherwise prevent the operations hereinafter authorized, would be an undue burden upon Central by reason of the limited extent of, or unusual circumstances affecting its operations and is not in the public interest;

2. That the enforcement of the condition in Central's certificate which requires it on each flight over all or part of the several numbered route segments on route No. 81 to stop at each point named between the point of origin and the point of termination of such flight unless otherwise authorized by the Board, to the extent that it would prevent the service pattern hereinafter authorized, would prevent a service pattern which is in the public interest and which is consistent with Central's performance of a local or feeder air transportation service and is not required by nor is it in the public interest;

3. That the temporary suspensions of service authorized hereinafter do not substantially change the character of the service for which the certificate of public convenience and necessity of unlimited duration is being granted to Central and are otherwise in the public interest;

4. The authority granted by ordering paragraph 1 of Order E-8688, October 7, 1954, authorizing Central to provide service between Ada and Tulsa, Okla., should be terminated because the point Tulsa is included as a terminal point on segment 3 of the certificate being issued to Central concurrently with this order.

5. The authority granted by Order E-8765, November 17, 1954, which exempted Central from serving the point Ft. Worth-Dallas on segment 7 through Amon Carter Air Field and authorized Central to serve Dallas through Love Field as an intermediate point on segment 7 should be terminated because Dallas is included as an intermediate point on segment 7 in the certificate being issued to Central concurrently with this order: *Accordingly, it is ordered*, That:

1. Central be and hereby is authorized to suspend service temporarily at Chickasha, Oklahoma, an intermediate point on segment 5 of route No. 81 (previously authorized by Order E-9016);

2. Central be and hereby is authorized to suspend service at Sherman-Denison, Tex., on segment 3 of route No. 81 until adequate airport facilities are available at said point for use by Central with equipment operated by it in scheduled air carrier operations (previously authorized by Order E-5395);

3. Central be and hereby is authorized temporarily to suspend service at Shawnee, Oklahoma, and Paris, Texas on segment 2. This authority shall expire on December 31, 1955 (previously authorized by ordering paragraph 2 of Order E-8688);

4. Central be and hereby is authorized to omit service at Enid or Ponca City, Oklahoma, but not both, on flights in excess of two one-way trips per day over segment 1. This authority shall expire on December 31, 1955 (previously authorized by ordering paragraph 3 of Order E-8688);

5. Central be and hereby is authorized to omit service at Woodward, Oklahoma, an intermediate point on segment 1 of route No. 81, on all flights in excess of one round trip per day at said point for the duration of its existing authority to serve the said point (previously authorized by Order E-8360);

6. Central be and hereby is exempted temporarily from the provisions of section 401 (a) of the act, insofar as the said provisions would otherwise prevent Central from serving Sherman-Denison, Texas, as an intermediate point between Dallas, Texas, and McAlester, Oklahoma, on segment 2 of its route No. 81 in lieu of service to and from the aforesaid point on segment 3 of its route. This authority shall continue in effect for a period of one year from September 26, 1955 (previously authorized by Order E-9588);

7. Central be and hereby is authorized to render flag-stop service on its route No. 81 by omitting the physical landings of its aircraft at any intermediate point scheduled to be served on a particular flight: *Provided*, That there are no persons, property or mail on the aircraft destined for such point and no such traffic available at such point for the flight at the scheduled time of departure: *Provided, further*, That the Board in its discretion may at any time disapprove the use of such authority with respect to service to any point on any flight or flights (previously authorized by Order E-6545);

8. The authority previously granted to Central by Orders E-5395, E-6545, E-8360, E-8688, E-8765, E-9016 and E-9588 shall be terminated on the date this order and the certificate of public convenience and necessity of unlimited duration for route No. 81 being issued to Central concurrently with the issuance of this order become effective.

9. The change in service pattern, temporary suspension and temporary exemption authorizations granted herein shall become effective _____, _____, concurrently with the effective date of the certificate issued to Central in Docket No. 7178;

10. This order or any part thereof may be amended or revoked at any time in the discretion of the Board without notice and without hearing.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-8359; Filed, Oct. 13, 1955; 8:47 a. m.]

[Docket No. 7357; Order E-9634]

PIEDMONT AVIATION, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE [1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 7th day of October 1955.

In the matter of the application of Piedmont Aviation, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 87.

Piedmont Aviation, Inc. (Piedmont) on August 15, 1955, filed an application pursuant to section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended (the act), requesting the Board to issue Piedmont a certificate of public convenience and necessity of unlimited duration for route No. 87 authorizing air transportation of persons, property and mail between certain named points.

Section 401 (e) (3) of the act (effective May 19, 1955) provides: "If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1953, to the date of its application, it or its predecessor in interest, was an air carrier furnishing, within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property, and mail, under a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which the applicant or its predecessors in interest have no control) the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during the period since its last certification has been inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation between the terminal and intermediate points within the continental limits of the United States between which it, or its predecessor, so continuously operated between the date of enactment of this paragraph and the date of its application: Provided, That the Board in issuing the certificate is empowered to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points it finds have generated

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification at such time."

Piedmont alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Piedmont in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Piedmont further alleges in its application that it has continuously operated as an air carrier furnishing local or feeder air transportation of persons, property and mail within the continental limits of the United States during the period January 1, 1953, to the date of its application under a temporary certificate of public convenience and necessity for route No. 87 issued by the Board, except as to interruptions of service over which it had no control. The various schedules and reports required to be filed with the Board by local service carriers indicate that Piedmont has so continuously operated since January 1, 1953.

Section 401 (e) (3) of the act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Piedmont that the service rendered by Piedmont during the period since its last certification has not been inadequate or inefficient. The carrier in its application for such certificate filed August 15, 1955, alleges its service rendered during the aforesaid period has been adequate and efficient. The Board during the said period has received no complaints from the public relating to the overall service provided by this carrier. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during the period from May 26, 1952, the date of Piedmont's last certificate for route No. 87, to the present has been inadequate or inefficient within the meaning of section 401 (e) (3) of the act.

Piedmont further alleges in its application that it has from the date of the enactment of section 401 (e) (3) (May 19, 1955) to the date of its application, continuously served the following terminal and intermediate points:

Cincinnati, Ohio.
Louisville, Ky.
Lexington, Ky.
London-Corbin, Ky.
Bristol, Virginia-Tennessee-Kingsport-Johnson City, Tenn.
Asheville, N. C.
Hickory, N. C.
Charlotte, N. C.
Fayetteville, N. C.
Wilmington, N. C.
New Bern, N. C.
Winston-Salem, N. C.
Greensboro-High Point, N. C.
Raleigh-Durham, N. C.
Kinston, N. C.
Norfolk, Va.
Newport News-Hampton-Warwick, Va.
Richmond, Va.
Lynchburg, Va.
Roanoke, Va.
Princeton-Bluefield, W. Va.
Beckley, W. Va.
Charleston, W. Va.
Parkersburg, W. Va.-Marietta, Ohio.
Columbus, Ohio.
Ashland, Kentucky-Huntington, W. Va.
Danville, Va.
Knoxville, Tenn.

Piedmont is authorized to serve Morehead City-Beaufort, North Carolina, and Myrtle Beach, South Carolina, only during the period between May 1 and September 30, inclusive, of each year and to serve Southern Pines-Pinehurst-Aberdeen, North Carolina only during the period from October 1 to April 30, inclusive, of each year. By Order E-8183, March 25, 1954, the Board authorized Piedmont to suspend service at Morehead City-Beaufort and Myrtle Beach from May 1 through May 31, inclusive, of each year and for that part of September beginning twenty-four hours after Labor Day through September 30, inclusive, of each year. Therefore, Morehead City-Beaufort and Myrtle Beach were not continuously served during the statutory grandfather period, May 19, 1955, to August 15, 1955, and Southern Pines-Pinehurst-Aberdeen received no service during the grandfather period. All three points were continuously served throughout the seasonal period authorized for service by the Board; therefore, we believe the points are eligible for certification in this proceeding. Since the purpose of the amendment to the Act appears to be the desire of Congress to preserve services as previously operated, we do not believe section 401 (e) (3) should be interpreted to exclude points continuously served on a seasonal basis during particular months of the year which do not coincide with the period established by the Act, namely May 19, 1955 to August 15, 1955. See Mayflower Airlines, Inc.-Grandfather Certificate, 2 CAB 175 (1940); Pan American Airways, Inc., Fairbanks-Nome-Bethel, 3 CAB 902 (1942).

Section 401 (e) (3) provides in effect that all terminal points served by the local service carrier applicant during the period from May 19, 1955, to August 15, 1955, shall be certificated for a period of unlimited duration. The certificate we propose to issue to Piedmont (which is set forth below as Appendix A) accomplishes this.

Section 401 (e) (3) empowers the Board to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points the Board finds have generated insufficient traffic to warrant a finding that the public convenience and necessity require permanent certification. The Board has proposed an industry-wide traffic standard upon which to base a tentative conclusion as to whether a particular intermediate point should be permanently or temporarily certificated. A standard which can be applied on an industry-wide basis will assure that all the intermediate cities are equitably treated. The Board has concluded, on the basis of an analysis of the latest available traffic data, that an average of five or more passengers enplaned per day provides a reasonable basis for selection of those intermediate points to be permanently certificated at this time.

As indicated above, the recent amendment of the act provides for the certification for an unlimited duration of all terminal points and of at least one-half of the intermediate points named in the certificate. This means that in the future the applicant carrier will be providing services over permanently certificated segments. During the years of local service carrier experience, the Board, in consideration of the subsidized nature of the operation, has found that on-line intermediate points generating in the neighborhood of 300 passengers on and off monthly have borne a reasonable share of the expense incurred by the carrier in providing service to the intermediate point on existing flights. In the past, the Board has also found that local service carrier points generating in the neighborhood of five or more enplaned passengers per day have warranted recertification. This leads us to conclude that, in the absence of a further showing, the five passenger per day standard is a reasonable one for selecting those intermediate points to be permanently certificated.

The proposed certificate which is set forth below as Appendix A grants Piedmont permanent authority at those intermediate stations shown in Appendixes C, D and E [2] to have met this five-passenger per day standard and temporary authority at all other intermediate stations served by Piedmont during the period May 19, 1955, to August 15, 1955. Appendixes C and D set forth in tabular form, the average number of daily passengers enplaned at each Piedmont intermediate point for the calendar year 1954 and for the twelve-month periods ended March 31, 1955, and June 30, 1955. The average number of passengers enplaned at intermediate points generating less than five passengers per day is set forth in Appendix E on a quarterly basis for the years 1952, 1953, and 1954 and for the twelve-month periods ended March 31, 1955, and June 30, 1955.

The Board believes that except for cities presenting special considerations warranting permanent certification, those intermediate points which have generated less than five enplaned passengers per day should be certificated for a temporary period of three years. Certification for this period will enable the Board to assess the future traffic development at these points and to consider at a later time whether or not they should be made permanent. These cities will be afforded an opportunity before the expiration of the temporary period to demonstrate their ability to generate a sufficient volume of traffic to warrant permanent certification or continuation of service for a further temporary period.

It is also the Board's tentative conclusion that under the provisions of section 401 (e) (3) of the act a point named in Piedmont's presently effective certificate of public convenience and necessity for route No. 87 which has never been served by Piedmont or where service was first instituted after the statutory grandfather period, is not eligible for inclusion as a point in any certificate that may be issued to Piedmont pursuant to said section of the Act.

[2] Filed as part of the original document.

Thus, the certificate which the Board proposes to issue to Piedmont pursuant to section 401 (e) (3) of the act, will carry forward Piedmont's authority to serve Charlottesville, Virginia, on segment 2, and Middlesboro-Harlan, Kentucky, only for the term of its present temporary authorization. The presently effective temporary suspension of service at Middleboro-Harlan is being continued by the proposed supplementary order set forth below as Appendix B.

The Board further tentatively concludes that a point which has been authorized for service by the Board by certificate amendment becoming effective during the statutory grandfather period but which point was not served by the carrier pursuant to that authority during the grandfather period is ineligible for permanent certification pursuant to section 401 (e) (3) of the act because the point was not continuously served during the statutory grandfather period. See, Pan American Airways, Inc.-Certificate of Public Convenience, 2 C. A. B. 111 (1940). The Board will, therefore, carry forward the carrier's present temporary authority to serve such points for the term of the temporary authorization.

Thus, the proposed certificate set forth below as Appendix A carries forward Piedmont's temporary certificate authority to serve the intermediate point Charlottesville, Virginia, and the terminal point Washington, D. C., on segment 4 for the term of Piedmont's present temporary authorization.

The Board further believes that a point named in the last certificate issued to the carrier as a point on more than one designated segment in the certificate, but as to which point, pursuant to § 202.4 of the Board's Economic Regulations, a temporary omission of service has been granted to the carrier and which point has been served on only one segment because of the authorized temporary omission of service on the other segment, is eligible to be certificated pursuant to the provisions of section 401 (e) (3) of the act only as a point on the segment where the point was served as authorized.

Thus, this order will require Piedmont to show cause why the point Morehead City-Beaufort, North Carolina, should not be certificated pursuant to the provisions of section 401 (e) (3) of the act as a terminal point on segment 1 (b) only. Piedmont's present authority to serve Morehead City-Beaufort on segment 1 (a) will be carried forward in the certificate to be issued in this proceeding for the term of its present temporary authorization and the presently effective authorization to omit service at Morehead City-Beaufort on segment 1 (a) will be carried forward in the supplementary order set forth below as Appendix B.

The Board further tentatively concludes that where since the last certificate issued to this carrier the Board has authorized Piedmont, by exemption, to provide service between points named in such certificate on segments different from that designated in the certificate, the said points are eligible to be certificated pursuant to section 401 (e) (3) of the act as served by the carrier pursuant to such exemption during the period from May 19, 1955, to August 15, 1955.

Thus, the Board proposes to require the carrier to show cause why Ashland, Kentucky-Huntington, West Virginia, should not be permanently certificated as an alternate intermediate point to Lexington, Kentucky, on segment 1 and why Princeton-Bluefield, West Virginia, should not be permanently certificated as an intermediate point on segment 4.

The Board further believes that the general terms and conditions set forth in the certificate of public convenience and necessity last issued by the Board to Piedmont may not be expanded in a certificate to be issued pursuant to section 401 (e) (3) of the act in such manner as to grant authority to said carrier in excess of that set forth in the certificate of public convenience and necessity last issued to this carrier.

The Board does not believe that authority granted to Piedmont pursuant to § 202.4 and Part 205 of the Economic Regulations of the Board, subsequent to the issuance of the last certificate of public convenience and necessity issued by the Board to said air carrier permitting on-segment changes in the service pattern should be incorporated in a certificate issued to Piedmont pursuant to section 401 (e) (3) of the act. In the interest of convenience and clarity the Board will restate the carrier's outstanding service pattern modifications in a single order, a draft of which is set forth below as Appendix B.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (3) of the act, of permanent or temporary authority to serve points served by Piedmont during the period from May 19, 1955, to August 15, 1955. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Piedmont to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below as Appendix A. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Piedmont's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Piedmont and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

It is also our intention to officially notice all reports, tariffs and schedules required to be filed with the Board by all air carriers, as well as all public Board reports based on these data,[2] so that these materials need not be specially compiled for the record in this proceeding.

On the basis of the foregoing considerations and the data set forth in Appendixes C, D, E, and F[1] hereof, which are hereby incorporated into this order and shall constitute part of the record in this proceeding, the Board finds that:

1. Piedmont is a citizen of the United States of America as defined by section 1 (13) of the Act.

2. From January 1, 1953, to August 15, 1955, Piedmont was an air carrier providing within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property and mail pursuant to a temporary certificate of public convenience and necessity for route No. 87 issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which Piedmont had no control).

3. Piedmont has continuously served the following terminal and intermediate points during the period from May 19, 1955, to August 15, 1955:

Cincinnati, Ohio.
Louisville, Ky.
Lexington, Ky.
London-Corbin, Ky.
Bristol, Virginia-Tennessee-Kingsport-Johnson City, Tenn.
Asheville, N. C.
Hickory, N. C.
Charlotte, N. C.
Fayetteville, N. C.
Wilmington, N. C.
New Bern, N. C.
Winston-Salem, N. C.
Greensboro-High Point, N. C.
Raleigh-Durham, N. C.
Kinston, N. C.
Norfolk, Va.
Newport News-Hampton-Warwick, Va.
Richmond, Va.
Lynchburg, Va.
Roanoke, Va.
Princeton-Bluefield, W. Va.
Beckley, W. Va.
Charleston, W. Va.
Parkersburg, W. Va.-Marietta, Ohio.
Columbus, Ohio.
Ashland, Kentucky-Huntington, W. Va.
Danville, Va.
Knoxville, Tenn.

4. Piedmont has continuously served the points Morehead City-Beaufort, North Carolina, on segment 1 (b), Myrtle Beach, South Carolina, and Southern Pines - Pinehurst - Aberdeen, North Carolina, during the period of its seasonal authorization and these points are eligible for certification on a seasonal basis pursuant to section 401 (e) (3) of the act.

5. The service rendered by Piedmont, during the period from May 26, 1952, the date of its last certification, to the present has been adequate and efficient within the meaning of section 401 (e) (3) of the act.

[1] Filed as part of the original document.

[2] We will also officially notice the Origination-Destination Airline Traffic Surveys published by the Airline Finance and Accounting Conference from information compiled by the Board.

6. The following intermediate points, which on the basis of the most recent available data have generated an average of five or more enplaned passengers per day, should be designated as points of unlimited duration:

(a) On Piedmont's segment 1, the intermediate points Lexington, Kentucky, Ashland, Kentucky-Huntington, West Virginia, Bristol, Virginia-Tennessee-Kingsport, Tennessee-Johnson City, Tennessee, Ashville, Hickory, Charlotte, Southern Pines-Pinehurst-Aberdeen, Fayetteville, Wilmington, Winston-Salem, Greensboro-High Point, Raleigh-Durham, Kinston, North Carolina, New Bern, North Carolina on segment 1 (b);

(b) On segment 2, the intermediate points Newport News-Hampton-Warwick, Richmond, Lynchburg, Roanoke, Virginia, Princeton-Bluefield, Beckley, Charleston, West Virginia, Parkersburg, West Virginia-Marietta, Ohio, Ashland, Kentucky-Huntington, West Virginia, and Lexington, Kentucky;

(c) On segment 3, the intermediate points Winston-Salem, Greensboro-High Point, Raleigh-Durham, and Fayetteville, North Carolina, and Myrtle Beach, South Carolina;

(d) On segment 4, the intermediate points Bristol, Virginia-Tennessee-Kingsport-Johnson City, Tennessee, Princeton-Bluefield, West Virginia, Roanoke, and Lynchburg, Virginia.

7. On the basis of the most recent available data the following intermediate points have generated less than an average of five enplaned passengers per day, and therefore have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification; but that certification of each of said points for a period of three years is warranted:

(a) On Piedmond's segment 1, the intermediate point London-Corbin, Kentucky;

(b) On segment 3, the intermediate point Danville, Virginia.

8. The points Charlottesville, Virginia, Washington, D. C., Morehead City-Beaufort, North Carolina, on segment 1 (a) and Middlesboro-Harlan, Kentucky, are ineligible for certification pursuant to section 401 (e) (3) of the act because they were not served by Piedmont during the period May 19, 1955, to August 15, 1955. It is, however, appropriate to include all Piedmont's effective certificate authority in one document, so Piedmont's present temporary authority to serve these points should be carried forward in the certificate to be issued in this proceeding: *Therefore it is ordered*, That:

1. Piedmont is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form attached hereto as Appendix A, and further issue the proposed supplementary order in the form set forth below as Appendix B;

2. Piedmont and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate and supplementary order, shall, within 15 days from the date hereof, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Piedmont, the Mayors of Charlottesville, Virginia, Middlesboro-Harlan, Kentucky, Southern Pines, Pinehurst, and Aberdeen, North Carolina, the Board of Commissioners of the District of Columbia, the Mayor of each city served by Piedmont during the period May 19, 1955, to August 15, 1955, and on every certificated air carrier serving a point served by Piedmont during that period;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

APPENDIX A

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE

Piedmont Aviation, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules and regulations issued thereunder, to engage in air transportation with respect to persons, property, and mail, as follows:

1. Between the alternate terminal points Cincinnati, Ohio, and Louisville, Ky., the alternate intermediate points Lexington, Ky., and Ashland, Ky.-Huntington, W. Va., the intermediate points London-Corbin and Middlesboro-Harlan, Ky., and Bristol, Va.-Tenn.-Kingsport-Johnson City, Tenn., and (a) beyond Bristol, Va.-Tenn.-Kingsport-Johnson City, Tenn., the alternate intermediate points Asheville and Hickory, N. C., the intermediate points Charlotte, Southern Pines-Pinehurst-Aberdeen, Fayetteville, Wilmington, Morehead City-Beaufort, N. C., and the terminal point New Bern, N. C., and (b) beyond Bristol, Va.-Tenn.-Kingsport-Johnson City, Tenn., the intermediate points Hickory, Winston-Salem, Greensboro-High Point, Raleigh-Durham, Kinston and New Bern, N. C., and the terminal point Morehead City-Beaufort, N. C.;

2. Between the terminal point Norfolk, Va., the intermediate points Newport News-Hampton-Warwick, Richmond, Charlottesville, Lynchburg and Roanoke, Va., Princeton-Bluefield and Beckley, W. Va., and (a) beyond Beckley, W. Va., the intermediate point Lexington, Ky., and the terminal point Louisville, Ky., and (b) beyond Beckley, W. Va., the intermediate point Charleston, W. Va., and (1) beyond Charleston, W. Va., the intermediate point Parkersburg, W. Va., Marietta, Ohio, and the terminal point Columbus, Ohio, and (11) beyond Charleston, W. Va., the intermediate point Ashland, Ky.-Huntington, W. Va., and the terminal point Cincinnati, Ohio;

3. Between the terminal point Roanoke, Va., the alternate intermediate points Danville, Va., and Winston-Salem, N. C., the intermediate points Greenboro-High Point, Raleigh-Durham, and Fayetteville, N. C., Myrtle Beach, S. C., and the terminal point Wilmington, N. C.;

4. Between the terminal point Knoxville, Tenn., the intermediate points Bristol, Va.-Tenn.-Kingsport-Johnson City, Tenn., Princeton-Bluefield, W. Va., Roanoke and Lynchburg, Va., and (a) beyond Lynchburg, Va., the intermediate point Charlottesville, Va., and the terminal point Washington, D. C., and (b) beyond Lynchburg, Va., the terminal point Richmond, Va.,

to be known as Route No. 87.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may regularly serve a point named herein through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of one of the four numbered route segments in this certificate, the holder shall stop at each point named between the point or origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, or (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control.

(4) The holder shall serve Morehead City-Beaufort, N. C., on segment No. 1, above; and Myrtle Beach, S. C., on segment No. 3, above, only during the period between May 1 and September 30, inclusive, of each year.

(5) The holder shall serve Southern Pines-Pinehurst-Aberdeen, N. C., on segment No. 1, above, only during the period between October 1 and April 30, inclusive, of each year.

(6) Notwithstanding the provisions of paragraph (3) above, the holder may operate nonstop service between Charleston, W. Va., and Columbus, Ohio.

(7) The holder shall not serve on the same flight Washington, D. C., on the one hand, and Danville, Va., Richmond, Va., Norfolk, Va., Winston-Salem, N. C., or Greensboro-High Point, N. C., on the other hand.

(8) The holder shall not serve Ashland, Ky.-Huntington, W. Va., on flights serving Louisville, Ky., on segment 1.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall be effective on ------, 1955; *Provided, however*, That prior to the date on which the certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of ------,

1955, (Order E-____) insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time. The authority to serve Morehead City-Beaufort, N. C., on segment 1 (a) shall terminate on July 25, 1953.[1] The authority to serve segment 4 between Lynchburg, Va., and Washington, D. C., via Charlottesville, Va., shall terminate on July 15, 1958. The authority to serve London-Corbin, Kentucky and Danville, Virginia shall continue in effect up to and including ----------. The authority to serve Charlottesville, Virginia, on segment 2 and Middlesboro-Harlan, Kentucky shall continue in effect up to and including December 31, 1957.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the ____ day of ----------, 1955.

[SEAL] ROSS RIZLEY,
Chairman.

Attest:

Secretary.

APPENDIX B

PROPOSED DRAFT OF ORDER EXTENDING EFFECTIVE PERIOD OF TEMPORARY SERVICE AUTHORIZATIONS

The Board has by Order E-__, dated ----------, 1955, granted a certificate of public convenience and necessity of unlimited duration to Piedmont Aviation, Inc. (Piedmont) authorizing Piedmont to engage in air transportation of persons, property and mail over route No. 87. In the past, Piedmont has been authorized to conduct operations differing in certain particulars from the authority stated in its temporary certificate of public convenience and necessity for route No. 87.

The term of effectiveness of some of these authorizations is unlimited, while others would expire sixty days after final determination by the Board in any proceeding involving renewal of route No. 87 or at the end of a stated period. The reasons for issuance of these temporary authorizations appear to be still applicable to Piedmont in its operation under the certificate of unlimited duration concurrently issued herewith. It, therefore, appears to the Board that it is in the public interest and consistent with the act to continue these outstanding temporary authorizations in effect for an additional period of time. In extending these authorizations, it appears desirable to include all currently effective authorizations which are not included in or disposed of in the new certificate in one order which will become effective at the same time the new certificate of unlimited duration becomes effective.

Accordingly, the Board, acting pursuant to section 205 (a) of the Civil Aeronautics Act of 1938, as amended, and to § 202.4 and Part 205 of the Economic Regulations, finds that:

1. The enforcement of the condition in Piedmont's certificate which requires it on each flight over all or part of the several numbered route segments on route No. 87 to stop at each point named between the point of origin and the point of termination of such flight unless otherwise authorized by the Board, to the extent that it would prevent the service pattern hereinafter authorized, would prevent a service pattern which is in the public interest and which is consistent with Piedmont's performance of a local or feeder air transportation service and is not required by nor is it in the public interest;

2. The temporary suspensions of service authorized hereinafter do not substantially change the character of the service for which the certificate of public convenience and necessity of unlimited duration is being granted to Piedmont and are otherwise in the public interest;

3. Piedmont was authorized by Order E-6605, July 14, 1952, to omit service at Beckley, West Virginia, on flights scheduled to arrive during hours of darkness provided that the point be served by two round trip flights daily. Subsequently the carrier was authorized by Order E-6633, July 25, 1952, to omit stops at Beckley on all flights in excess of two daily round trips on segment 2 (a) and on segment 2 (b). By Order E-7488, June 17, 1953, Piedmont was authorized to omit service at Beckley on all flights in excess of one daily round trip over segment 2 (a). The authority granted by Orders E-6605, E-6633, and E-7488 should and will be terminated and the presently effective authority granted to Piedmont by these orders will be restated in this order.

4. The authority granted by Order E-8714, October 19, 1954, insofar as it authorized service to Ashland-Huntington, West Virginia, as an alternate intermediate point to Lexington, Kentucky, on segment 1 and service to Princeton-Bluefield, West Virginia, as an intermediate point between Roanoke, Virginia, and Bristol, Virginia-Tennessee-Kingsport-Johnson City, Tennessee, on segment 4 should and will be terminated because the point Ashland-Huntington is included as an alternate intermediate point to Lexington on segment 1, and Princeton-Bluefield is included as an intermediate point on segment 4 of the certificate to be issued to Piedmont concurrently with this order: *Accordingly, it is ordered,* That:

1. Piedmont be and hereby is authorized to suspend service temporarily at Middlesboro-Harlan, Ky., until such time as adequate airport facilities become available (previously authorized by Order E-1163);

2. Piedmont be and hereby is authorized to omit service at Asheville, N. C., on flights over segment 1 of route No. 87, which flights would serve Asheville, N. C., during hours of darkness: *Provided,* That Piedmont shall serve Asheville, N. C., on at least two daily round trip flights over segment 1 of said route until such time as the lighting facilities at Asheville-Henderson Airport are adequate to permit scheduled air carrier operations at said airport during hours of darkness (previously authorized by Order E-3329);

3. Piedmont be and hereby is authorized to omit stops at the following points authorized to be served under the certificate issued for route No. 87:

(a) At Hickory, N. C., on segment 1 (b) on flights in excess of one round trip daily;

(b) At Aberdeen-Southern Pines-Pinehurst, N. C., on flights in excess of one round trip daily;

(c) At Lynchburg and Newport News, Va., on flights in excess of three daily round trips over segment 2 (previously authorized by ordering paragraph 3 of Order E-6460);

4. Piedmont be and hereby is authorized to omit service at Beckley, West Virginia, an intermediate point on segment 2 of route No. 87, on flights scheduled to arrive at said point during hours of darkness until such time as lighting facilities at the Beckley airport are adequate to permit landings by Piedmont during hours of darkness: *Provided,* That Piedmont shall serve Beckley on at least one round trip daily on segment 2 (a) and on at least two rounds trips daily on segment 2 (b) (previously authorized by Orders E-6605, E-6633, and E-7488);

5. Piedmont be and hereby is authorized to omit service at Morehead City-Beaufort, North Carolina, an intermediate point on its route segment 1 (a) of route No. 87 between Wilmington, North Carolina, and New Bern, North Carolina, during the period May 1 through September 30 of each year: *Provided,* That during that period Morehead City-Beaufort is served on at least one round trip flight daily on segment 1 (b). This authority shall continue in effect until 60 days after final decision has been made by the Board in Piedmont's application in Docket No. 6059 (previously authorized by Order E-7302);

6. Piedmont be and hereby is authorized to omit service at Lexington, Kentucky, on one round-trip flight daily between Louisville, Kentucky, and Bristol, Virginia-Tennessee-Kingsport, Tennessee-Johnson City, Tennessee, over segment 1 of route No. 87: *Provided,* That Lexington shall continue to be served by at least two daily round trip flights to and from Bristol, Virginia-Tennessee-Kingsport, Tennessee-Johnson City, and Louisville, Kentucky (previously authorized by Order E-7360);

7. Piedmont be and hereby is authorized to overfly London-Corbin, an intermediate point on segment 1 of route no. 87, on flights in excess of one daily one-way trip southbound, and in excess of two daily one-way trips northbound, through December 31, 1955 (previously authorized by Order E-8660);

8. Piedmont be and hereby is authorized to omit service at Princeton-Bluefield, West Virginia, an intermediate point on segment 2 of route No. 87, on flights in excess of three daily round trips (previously authorized by Order E-9202);

9. Piedmont be and hereby is authorized to suspend service at Morehead City-Beaufort, a terminal point on segment 1 of route No. 87, and at Myrtle Beach, an intermediate point on segment 3 of the aforesaid route No. 87, from May 1 through May 31, inclusive, each year and for that part of September beginning 24 hours after Labor Day and through September 30, inclusive, each year (previously authorized by Order E-8183);

10. Piedmont be and hereby is authorized to render flag-stop service on its route No. 87, by omitting the physical landing of its aircraft at any intermediate point scheduled to be served on a particular flight: *Provided,* That there are no persons, property or mail on the aircraft destined for such point and no such traffic available at such point for the flight at the scheduled time of departure: *Provided, further,* That the Board in its discretion may at any time disapprove the use of such authority with respect to service to any point on any flight or flights (previously authorized by Orders E-5695 and E-6139);

11. The authority previously granted to Piedmont by Orders E-1163, E-3329, E-5695, and E-6139 insofar as they pertain to Piedmont, ordering paragraph 3 of E-6460, E-6605, E-6633, E-7488, E-7302, E-7360, E-8669, E-9202, E-8183 and E-871 shall be terminated on the date this order and the certificate of public convenience and necessity of unlimited duration for route No. 87 being issued to Piedmont concurrently with the issuance of this order become effective.

12. The change in service pattern and temporary suspension authorizations granted herein shall become effective ----------, ----------, concurrently with the effective date of the certificate issued to Piedmont in Docket No. 7357;

13. This order or any part thereof may be amended or revoked at any time in the discretion of the Board without notice and without hearing.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-8358; Filed, Oct. 13, 1955; 8:46 a. m.]

[1] On April 1, 1953, the holder filed an application, Docket No. 6059, for an amendment to this certificate to renew this authorization.

[Docket No. 7206; Order No. E-9632]

OZARK AIR LINES, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE[1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 7th day of October 1955.

In the matter of the application of Ozark Air Lines, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 107.

Ozark Air Lines, Inc. (Ozark) on June 10, 1955, filed an application pursuant to section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, (the act), requesting the Board to issue Ozark a certificate of public convenience and necessity of unlimited duration for Route No. 107 authorizing air transportation of persons, property and mail between certain named points.

Section 401 (e) (3) of the act (effective May 19, 1955) provides: "If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1953, to the date of its application, it or its predecessor in interest, was an air carrier furnishing, within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property, and mail, under a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which the applicant or its predecessors in interest have no control) the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during the period since its last certification has been inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation between the terminal and intermediate points within the continental limits of the United States between which it, or its predecessor, so continuously operated between the date of enactment of this paragraph and the date of its application: *Provided,* That the Board in issuing the certificate is empowered to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points it finds have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification at such time."

Ozark alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Ozark in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Ozark further alleges in its application that it has continuously operated as an air carrier furnishing local or feeder air transportation of persons, property and mail within the continental limits of the United States during the period January 1, 1953, to the date of its application under a temporary certificate of public convenience and necessity for route No. 107 issued by the Board, except as to interruptions of service over which it had no control. The various schedules and reports required to be filed with the Board by local service carriers indicate that Ozark has so continuously operated since January 1, 1953.

Section 401 (e) (3) of the act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Ozark that the service rendered by Ozark during the period since its last certification has not been inadequate or inefficient. The Board during the said period has received no complaints from the public relating to the overall service provided by this carrier. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during the period from August 20, 1954, the date of Ozark's last certificate for route No. 107, to the present has been inadequate or inefficient within the meaning of section 401 (e) (3) of the act.

Ozark further alleges in its application that it has from the date of the enactment of section 401 (e) (3) (May 19, 1955) to the date of its application, continuously served the following terminal and intermediate points:

Milwaukee, Wis.	Cape Girardeau, Mo.
Rockford, Ill.	Cairo, Ill.
Davenport, Iowa-	Paducah, Ky.
Moline, Ill.	Nashville, Tenn.
Peoria, Ill.	Columbia, Mo.
Springfield, Ill.	Jefferson City, Mo.
St. Louis, Mo.	Springfield, Mo.
Decatur, Ill.	Joplin, Mo.
Champaign-Urbana, Ill.	Pittsburg, Kans.
Danville, Ill.	Chanute, Kans.
Indianapolis, Ind.	Wichita, Kans.
Chicago, Ill.	Kansas City, Mo.
Mattoon-Charleston, Ill.	Quincy, Illinois-
Marion-Herrin, Ill.	Hannibal, Mo.
	Bloomington, Ill.
	Clinton, Iowa.

Section 401 (e) (3) provides in effect that all terminal points served by the local service carrier applicant during the period from May 19, 1955, to June 10, 1955, shall be certificated for a period of unlimited duration. The certificate we propose to issue to Ozark (which is attached as Appendix A) accomplishes this.

Section 401 (e) (3) empowers the Board to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points the Board finds have generated insufficient traffic to warrant a finding that the public convenience and necessity require permanent certification. The Board has proposed an industry-wide traffic standard upon which to base a tentative conclusion as to whether a particular intermediate point should be permanently or temporarily certificated. A standard which can be applied on an industry-wide basis will assure that all the intermediate cities are equitably treated. The Board has concluded, on the basis of an analysis of the latest available traffic data, that an average of five or more passengers enplaned per day provides a reasonable basis for selection of those intermediate points to be permanently certificated at this time.

As indicated above, the recent amendment of the act provides for the certification for an unlimited duration of all terminal points and of at least one-half of the intermediate points named in the certificate. This means that in the future the applicant carrier will be providing services over permanently certificated segments. During the years of local service carrier experience, the Board, in consideration of the subsidized nature of the operation, has found that on-line intermediate points generating in the neighborhood of 300 passengers on and off monthly have borne a reasonable share of the expense incurred by the carrier in providing service to the intermediate points on existing flights. In the past, the Board has also found that local service carrier points generating in the neighborhood of five or more enplaned passengers per day have warranted recertification. This leads us to conclude that in the absence of a further showing, the five passenger per day standard is a reasonable one for selecting those intermediate points to be permanently certificated.

The proposed certificate which is set forth below as Appendix A grants Ozark permanent authority at those intermediate stations shown in Appendixes C, D and E[2] to have met this five-passenger per day standard and temporary authority at all other intermediate stations served by Ozark during the period May 19, 1955, to June 10, 1955. Appendixes C and D set forth in tabular form, the average number of daily passengers enplaned at each Ozark intermediate point for the calendar year 1954 and for the twelve-month period ended March 31, 1955. The average number of passengers enplaned at intermediate points generating less than five passengers per day is set forth in Appendix E on a quarterly basis for the years 1952, 1953, 1954, and for the twelve-month period ended March 31, 1955.

The Board believes that except for cities presenting special considerations warranting permanent certification, those intermediate points which have generated less than five enplaned passengers per day should be certificated for a temporary period of three years. Certification for this period will enable the Board to assess the future traffic development at these points and to consider at a later time whether or not they should be made permanent. These cities will be afforded an opportunity before the expiration of the temporary period to demonstrate their ability to generate a sufficient volume of traffic to warrant permanent certification or continuation of service for a further temporary period.

The Board tentatively concludes that a point which has been authorized for service by the Board by certificate amendment becoming effective during or after the statutory grandfather period but which point was not served by the carrier pursuant to that authority during the grandfather period, or a point served

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

[2] Filed as part of original document.

during part but not all of the grandfather period is ineligible for permanent certification pursuant to section 401 (e) (3) of the act because the point was not continuously served during the statutory grandfather period. See Pan American Airways, Inc.-Certificate of Public Convenience, 2 C. A. B. 111 (1940). The Board will, therefore, carry forward the carrier's present temporary authority to serve such points for the term of the temporary authorization.

Thus, the proposed certificate set forth below as Appendix A carries forward Ozark's temporary certificate authority to serve the intermediate point Owensboro, Kentucky, and the terminal point Louisville, Kentucky, on segment 4 (b), the intermediate point Clarksville, Tennessee - Fort Campbell - Hopkinsville, Kentucky, on segment 4 (a) and the intermediate point Galesburg, Illinois, on segment 2, and to serve segment 8 for the term of Ozark's present temporary authorization.

Ozark requests that the certificate of unlimited duration to be issued in this proceeding not include authorization to serve the intermediate point Cairo, Illinois.[3] The points to be included in certificates issued under section 401 (e) (3) are those which the applicant carrier continuously served from May 19, 1955, the date of enactment of the section, to June 10, 1955, the date of Ozark's application. Since Ozark continuously served Cairo during said period, it should be included in the certificate to be issued in this proceeding.

The Board further believes that the general terms and conditions set forth in the certificate of public convenience and necessity last issued by the Board to Ozark may not be expanded in a certificate to be issued pursuant to section 401 (e) (3) of the act in such manner as to grant authority to said carrier in excess of that set forth in the certificate of public convenience and necessity last issued to this carrier.

The Board does not believe that authority granted to Ozark pursuant to § 202.4 and Part 205 of the Economic Regulations of the Board, subsequent to the issuance of the last certificate of public convenience and necessity issued by the Board to said air carrier permitting on-segment changes in the service pattern should be incorporated in a certificate issued to Ozark pursuant to section 401 (e) (3) of the act. In the interest of convenience and clarity the Board will restate the carrier's outstanding service pattern modifications in a single order, a draft of which is set forth below as Appendix B.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (3) of the act, of permanent or temporary authority to serve points served by Ozark during the period from May 19, 1955, to June 10, 1955. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Ozark to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below as Appendix A. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Ozark's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Ozark and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

It is also our intention to officially notice all reports, tariffs and schedules required to be filed with the Board by all air carriers, as well as all public Board reports based on these data,[4] so that these materials need not be specially compiled for the record in this proceeding.

On the basis of the foregoing considerations and the data set forth in Appendixes C, D, E, and F[3] hereof, which are hereby incorporated into this order and shall constitute part of the record in this proceeding, the Board finds that:

1. Ozark is a citizen of the United States of America as defined by section 1 (13) of the act.

2. From January 1, 1953, to June 10, 1955, Ozark was an air carrier providing within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property and mail pursuant to a temporary certificate of public convenience and necessity for route No. 107 issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which Ozark had no control).

3. Ozark has continuously served the following terminal and intermediate points during the period from May 19, 1955, to June 10, 1955:

Milwaukee, Wis.	Cape Girardeau, Mo.
Rockford, Ill.	Cairo, Ill.
Davenport, Iowa-Moline, Ill.	Paducah, Ky.
Peoria, Ill.	Nashville, Tenn.
Springfield, Ill.	Columbia, Mo.
St. Louis, Mo.	Jefferson City, Mo.
Decatur, Ill.	Springfield, Mo.
Champaign-Urbana, Ill.	Joplin, Mo.
Danville, Ill.	Pittsburg, Kans.
Indianapolis, Ind.	Chanute, Kans.
Chicago, Ill.	Wichita, Kans.
Mattoon-Charleston, Ill.	Kansas City, Mo.
Marion-Herrin, Ill.	Quincy, Illinois-Hannibal, Mo.
	Bloomington, Ill.
	Clinton, Iowa.

4. The service rendered by Ozark during the period from August 20, 1954, the date of its last certification, to the present has been adequate and efficient within the meaning of section 401 (e) (3) of the act.

5. The following intermediate points, which on the basis of the most recent available data have generated an average of five or more enplaned passengers per day, should be designated as points of unlimited duration:

(a) On Ozark's segment 1, the intermediate points Rockford, Illinois, Davenport, Iowa-Moline, Illinois, Peoria and Springfield, Illinois;

(b) On segment 2, the intermediate points Peoria, Springfield, Decatur, and Champaign-Urbana, Illinois;

(c) On segment 3, the intermediate points Champaign-Urbana, Decatur, and Springfield, Illinois;

(d) On segment 4, the intermediate point Paducah, Kentucky;

(e) On segment 5, the intermediate points Columbia, Jefferson City, Springfield, and Joplin, Missouri;

(f) On segment 6, the intermediate points Jefferson City and Columbia, Missouri, Quincy, Illinois-Hannibal, Missouri, Springfield, Peoria, and Bloomington, Illinois;

(g) On segment 7, the intermediate point Rockford, Illinois.

6. On the basis of the most recent available data the following intermediate points have generated less than an average of five enplaned passengers per day, and therefore have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification; but that certification of each of said points for a period of three years is warranted:

(a) On Ozark's segment 2, the intermediate point Danville, Illinois;

(b) On segment 3, the intermediate point Mattoon-Charleston, Illinois;

(c) On segment 4, the intermediate points Marion-Herrin, Illinois, Cape Girardeau, Missouri, and Cairo, Illinois;

(d) On segment 5, the intermediate points Pittsburg and Chanute, Kansas;

(e) On segment 7, the intermediate point Clinton, Iowa.

7. The intermediate point Owensboro and the terminal point Louisville, Kentucky, on segment 4 (b), the intermediate point Galesburg, Illinois, on segment 2 and the various terminal and intermediate points on segment 8 are ineligible for certification pursuant to section 401 (e) (3) of the act because they were not served by Ozark during the period May 19, 1955, to June 10, 1955. It is, however, appropriate to include all of Ozark's effective certificate authority in one document, so Ozark's present temporary authority to serve these points should be carried forward in the certificate to be issued in this proceeding.

8. The intermediate point Clarksville, Tennessee-Fort Campbell-Hopkinsville, Kentucky, is ineligible for certification pursuant to section 401 (e) (3) of the act because it was not continuously served by Ozark during the period May 19, 1955, to June 10, 1955. It is, however, appropriate to include all of Ozark's effective certificate authority in one document, so Ozark's present temporary authority to serve this point should be carried forward in the certificate to be issued in this proceeding: *Therefore it is ordered*, That:

1. Ozark is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below as Appendix A, and further issue the proposed supplementary order in the form set forth below as Appendix B;

2. Ozark and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate and supplementary order, shall, within 15 days from the date hereof, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Ozark, the Mayors of Galesburg, Illinois, Fort Campbell, Hopkinsville, Owensboro, and Louisville, Kentucky, Clarksville, Tennessee, Sioux City, Fort Dodge, Waterloo, Mason City, and Dubuque, Iowa, the Mayor of each city served by Ozark during the period May 19, 1955, to June 10, 1955, and on every certificated air carrier serving a point served by Ozark during that period;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

APPENDIX A

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE

Ozark Air Lines, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules and regulations issued thereunder, to engage in air transportation with respect to persons, property and mail, as follows:

1. Between the terminal point Milwaukee, Wis., the intermediate points Rockford, Ill., Davenport, Iowa-Moline, Ill., Peoria and Springfield, Ill., and the terminal point St. Louis, Mo.;

2. Between the terminal point Davenport, Iowa-Moline, Ill., the intermediate points Galesburg, Peoria, Springfield, Decatur, Champaign-Urbana, and Danville, Ill., and the terminal point Indianapolis, Ind.;

3. Between the terminal point Chicago, Ill., the intermediate points Champaign-Urbana and Decatur, Ill., and (a) beyond Decatur, Ill., the intermediate point Springfield, Ill., and the terminal point St. Louis, Mo., and (b) beyond Decatur, Ill., the intermediate point Mattoon - Charleston, Ill., and the terminal point St. Louis, Mo.;

4. Between the terminal point St. Louis, Mo., the intermediate points Marion-Herrin, Ill., Cape Girardeau, Mo., Cairo, Ill. and Paducah, Ky., and (a) beyond Paducah, Ky., the intermediate points Clarksville, Tenn.-Fort Campbell-Hopkinsville, Ky., and the terminal point Nashville, Tenn., and (b) beyond Paducah, Ky., the intermediate point Owensboro, Ky., and the terminal point Louisville, Ky.;

5. Between the terminal point St. Louis, Mo., the intermediate points Columbia, Jefferson City, Springfield, and Joplin, Mo., Pittsburg and Chanute, Kans., and the terminal point Wichita, Kans.;

6. Between the terminal point Kansas City, Mo., the intermediate points Jefferson City and Columbia, Mo., Quincy, Ill.-Hannibal, Mo., and Springfield, Ill., and (a) beyond Springfield, Ill., the intermediate point Peoria, Ill., and the terminal point Chicago, Ill., and (b) beyond Springfield, Ill., the intermediate point Bloomington, Ill., and the terminal point Chicago, Ill.;

7. Between the terminal point Davenport, Iowa-Moline, Ill., the intermediate points Clinton, Iowa, Rockford, Ill., and the terminal point Chicago, Ill.;

8. Between the terminal point Sioux City, Iowa, the intermediate points Fort Dodge, Mason City, Waterloo, and Dubuque, Iowa, and Rockford, Ill., and the terminal point Chicago, Ill.,

to be known as Route No. 107.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may regularly serve a point named herein through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of one of the eight numbered route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control, or (d) the holder has scheduled at least two round trips a day, in which case it may omit such point or points on any additional trip scheduled over all or part of such segment, subject to the restrictions set forth in paragraphs (4) and (5) below.

(4) Except with respect to trips confined to segment seven, the holder shall schedule service to a minimum of two intermediate points between terminals, whether such terminals be on the same or different segments.

(5) The holder shall not schedule nonstop service between Chicago and Springfield, Ill., nor between Peoria, Ill., and St. Louis, Mo.

(6) The holder in operating over segment 5 or 6 may omit service to Jefferson City, Mo., on flights serving Columbia, Mo., or omit service to Columbia, Mo., on flights serving Jefferson City, Mo.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall be effective on ----------, 1955: *Provided, however*, That prior to the date on which the certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of ----------, 1955 (Order E-----) insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time.

The authority to serve Cape Girardeau, Mo., Clinton, Iowa, Marion-Herrin, Mattoon-Charleston, Cairo, and Danville, Ill., and Pittsburg and Chanute, Kans., shall continue in effect up to and including ----------. The authority of the holder to serve Owensboro and Louisville, Ky., on segment 4 (b) shall, unless otherwise continued, terminate with final Board action on Eastern's application (Docket No. 4732) in the Additional Southwest-Northeast Service Case, Docket No. 2355 et al. The authority to serve Galesburg, Ill., Clarksville, Tenn., Fort Campbell-Hopkinsville, Ky., and to serve segment 8 shall continue in effect up to and including September 30, 1958.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman, and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the -- day of ---------- 1955.

[SEAL] ROSS RIZLEY, *Chairman.*

Attest:

----------, *Secretary.*

APPENDIX B

PROPOSED DRAFT OF ORDER EXTENDING EFFECTIVE PERIOD OF TEMPORARY SERVICE AUTHORIZATIONS

The Board has by Order E-__, dated ----------, 1955, granted a certificate of public convenience and necessity of unlimited duration to Ozark Air Lines, Inc. (Ozark), authorizing Ozark to engage in air transportation of persons, property and mail over route No. 107. In the past, Ozark has been authorized to conduct operations differing in certain particulars from the authority stated in its temporary certificate of public convenience and necessity for route No. 107.

The term of effectiveness of some of these authorizations is unlimited, while others would expire at the end of a stated period. The reasons for issuance of these temporary authorizations appear to be still applicable to Ozark in its operation under the certificate of unlimited duration concurrently issued herewith. It, therefore, appears to the Board that it is in the public interest and consistent with the Act to continue these outstanding temporary authorizations in effect for an additional period of time. In extending these authorizations, it appears desirable to include all currently effective authorizations which are not included in or disposed of in the new certificate in one order which will become effective at the same time the new certificate of unlimited duration becomes effective.

Accordingly, the Board, acting pursuant to section 205 (a) of the Civil Aeronautics Act of 1938, as amended, and to § 202.4 and Part 205 of its Economic Regulations, finds:

[3] Amendment No. 1 to Application of Ozark Air Lines, Inc., for Certificate of Unlimited Duration filed September 9, 1955.

[4] Filed as part of original document.

[5] We will also officially notice the Origination-Destination Airline Traffic Surveys published by the Airline Finance and Accounting Conference from information compiled by the Board.

1. That the enforcement of the condition in Ozark's certificate which requires it on each flight over all or part of the several numbered route segments on route No. 107 to stop at each point named between the point of origin and the point of termination of such flight unless otherwise authorized by the Board, to the extent that it would prevent the service pattern hereinafter authorized, would prevent a service pattern which is in the public interest and which is consistent with Ozark's performance of a local or feeder air transportation service and is not required by nor is it in the public interest;

2. That the temporary suspensions of service authorized hereinafter do not substantially change the character of the service for which the certificate of public convenience and necessity of unlimted duration is being granted to Ozark and are otherwise is in the public interest: *Accordingly, it is ordered*, That:

1. Ozark be and hereby is authorized to suspend service temporarily at Chanute Municipal Airport, Chanute, Kansas, until such time as adequate runway repairs have been made (previously authorized by Order E-9444);

2. Ozark be and hereby is authorized to suspend service temporarily at Columbia, Missouri, on segments 5 and 6 on its route No. 107 until the runway at Columbia Municipal Airport is made safe for scheduled service (previously authorized by Order E-9507);

3. Ozark be and hereby is authorized to render flag-stop service on its route No. 107 by omitting the physical landing of its aircraft at any intermediate point scheduled to be served on a particular flight: *Provided*, That there are no persons, property or mail on the aircraft destined for such point and no such traffic available at such point for the flight at the scheduled time of departure: *Provided, further*, That the Board in its discretion may at any time disapprove the use of such authority with respect to service to any point on any flight or flights (previously authorized by Order E-6477);

4. The authority previously granted to Ozark by Orders E-6477, E-9444, and E-9507 shall be terminated on the date this order and the certificate of public convenience and necessity of unlimited duration for route No. 107 being issued to Ozark concurrently with the issuance of this order become effective.

5. The change in service pattern and temporary suspension authorizations granted herein shall become effective ------, ------, concurrently with the effective date of the certificate issued to Ozark in Docket No. 7206;

6. This order or any part thereof may be amended or revoked at any time in the discretion of the Board without notice and without hearing.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-8356; Filed, Oct. 13, 1955; 8:45 a. m.]

[Docket No. 7355; Order No. E-9633]

ALLEGHENY AIRLINES, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE [1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 7th day of October 1955.

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

In the matter of the application of Allegheny Airlines, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 97.

Allegheny Airlines, Inc. (Allegheny), on August 12, 1955, filed an application pursuant to section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended (the act), requesting the Board to issue Allegheny a certificate of public convenience and necessity of unlimited duration for Route No. 97 authorizing air transportation of persons, property and mail between certain named points.

Section 401 (e) (3) of the act (effective May 19, 1955) provides: "If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1953, to the date of its application, it or its predecessor in interest, was an air carrier furnishing, within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property, and mail, under a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which the applicant or its predecessors in interest have no control) the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during the period since its last certification has been inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation between the terminal and intermediate points within the continental limits of the United States between which it, or its predecessor, so continuously operated between the date of enactment of this paragraph and the date of its application: *Provided*, That the Board in issuing the certificate is empowered to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points it finds have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification at such time."

Allegheny alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Allegheny in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Allegheny further alleges in its application that it has continuously operated as an air carrier furnishing local or feeder air transportation of persons, property and mail within the continental limits of the United States during the period January 1, 1953, to the date of its application under a temporary certificate of public convenience and necessity for route No. 97 issued by the Board, except as to interruptions of service over which it had no control. The various schedules and reports required to be filed with the Board by local service carriers indicate that Allegheny has so continuously operated since January 1, 1953.

Section 401 (e) (3) of the act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Allegheny that the service rendered by Allegheny during the period since its last certification has not been inadequate or inefficient. The carrier in its application for such certificate filed August 12, 1955, alleges its service rendered during the aforesaid period has been adequate and efficient. The Board during the said period has received no complaints from the public relating to the overall service provided by this carrier. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during the period from April 10, 1953, the date of Allegheny's last certificate for route No. 97, to the present has been inadequate or inefficient within the meaning of section 401 (e) (3) of the act.

Allegheny further alleges in its application that it has from the date of the enactment of section 401 (e) (3) (May 19, 1955) to the date of its application, continuously served the following terminal and intermediate points:

Washington, D. C.
Baltimore, Md.
Hagerstown, Md.
Altoona, Pa.
Johnstown, Pa.
Pittsburgh, Pa.
Cumberland, Md.
Easton-Cambridge, Md.
Salisbury, Md.
Georgetown-Rehoboth Beach, Del.[2]
Cape May, N. J.
Dover, Del.
Atlantic City, N. J.
Asbury Park-Long Branch-Monmouth Beach, N. J.
New York, N. Y.
Newark, N. J.
Harrisburg, Pa.
Scranton-Wilkes-Barre, Pa.
Lancaster, Pa.
Wilmington, Del.
Philadelphia, Pa.-Camden, N. J.
Oil City-Franklin, Pa.
Bradford, Pa.
Jamestown, N. Y.
Buffalo, N. Y.
Wheeling, W. Va.
Parkersburg, W. Va.
Huntington, W. Va.
Clearfield-DuBois-Philipsburg, Pa.
Bellefonte-State College, Pa.
Lock Haven, Pa.
Williamsport, Pa.
Cleveland, Ohio.
Erie, Pa.

Allegheny is authorized by its present temporary certificate of public convenience and necessity to provide air service to Georgetown-Rehoboth Beach, Delaware, commencing not earlier than June 1 or later than June 15 and terminating not earlier than September 1 or later than September 15, inclusive of each year, except that the Board may enlarge said period if the Board determines that said period does not permit adequate seasonal service. Although Georgetown-Rehoboth Beach was not continuously served during the period May 19, 1955, to the date of Allegheny's

[2] Seasonal operation.

application, we believe the point is eligible for certification in the present proceeding as a point continuously served during the period of its seasonal authorization. Since the purpose of the amendment to the act appears to be the desire of Congress to preserve services as previously operated, we do not believe section 401 (e) (3) should be interpreted to exclude points continuously served on a seasonal basis during particular months of the year which do not coincide with the period established by the act, namely May 19, 1955, to August 12, 1955. See Mayflower Airlines, Inc.—Grandfather Certificate, 2 CAB 175 (1940).

Section 401 (e) (3) provides in effect that all terminal points served by the local service carrier applicant during the period from May 19, 1955, to August 12, 1955, shall be certificated for a period of unlimited duration. The certificate we propose to issue to Allegheny (which is set forth below as Appendix A) accomplishes this.

Section 401 (e) (3) empowers the Board to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points the Board finds have generated insufficient traffic to warrant a finding that the public convenience and necessity require permanent certification. The Board has proposed an industry-wide traffic standard upon which to base a tentative conclusion as to whether a particular intermediate point should be permanently or temporarily certificated. A standard which can be applied on an industry-wide basis will assure that all the intermediate cities are equitably treated. The Board has concluded, on the basis of an analysis of the latest available traffic data, that an average of five or more passengers enplaned per day provides a reasonable basis for selection of those intermediate points to be permanently certificated at this time.

As indicated above, the recent amendment of the act provides for the certification for an unlimited duration of all terminal points and of at least one-half of the intermediate points named in the certificate. This means that in the future the applicant carrier will be providing services over permanently certificated segments. During the years of local service carrier experience, the Board, in consideration of the subsidized nature of the operation, has found that on-line intermediate points generating in the neighborhood of 300 passengers on and off monthly have borne a reasonable share of the expense incurred by the carrier in providing service to the intermediate point on existing flights. In the past, the Board has also found that local service carrier points generating in the neighborhood of five or more enplaned passengers per day have warranted recertification. This leads us to conclude that in the absence of a further showing, the five passenger per day standard is a reasonable one for selecting those intermediate points to be permanently certificated.

The proposed certificate which is set forth below as Appendix A grants Allegheny permanent authority at those intermediate stations shown in Appendixes C, D, and E,[3] to have met this five-passenger per day standard and temporary authority at all other intermediate stations served by Allegheny during the period May 19, 1955, to August 12, 1955. Appendixes C and D set forth in tabular form, the average number of daily passengers enplaned at each Allegheny intermediate point for the calendar year 1954 and for the twelve-month periods ended March 31, 1955, and June 30, 1955. The average number of passengers enplaned at intermediate points generating less than five passengers per day is set forth in Appendix E on a quarterly basis for the years 1952, 1953, 1954, and for the twelve-month periods ended March 31, 1955, and June 30, 1955.

The Board believes that except for cities presenting special considerations warranting permanent certification, those intermediate points which have generated less than five enplaned passengers per day should be certificated for a temporary period of three years. Certification for this period will enable the Board to assess the future traffic development at these points and to consider at a later time whether or not they should be made permanent. These cities will be afforded an opportunity before the expiration of the temporary period to demonstrate their ability to generate a sufficient volume of traffic to warrant permanent certification or continuation of service for a further temporary period.

It is also the Board's tentative conclusion that under the provisions of section 401 (e) (3) of the act a point named in Allegheny's presently effective certificate of public convenience and necessity for route No. 97 which has never been served by Allegheny, is not eligible for inclusion as a point in any certificate that may be issued to Allegheny pursuant to said section of the act.

Thus, the certificate which the Board proposes to issue to Allegheny pursuant to section 401 (e) (3) of the act, will carry forward Allegheny's authority to serve Stroudsburg-East Stroudsburg, Pennsylvania, only for the term of its present temporary authorization. The presently effective temporary suspension of service at this point is being continued by the proposed supplementary order set forth below as Appendix B.

The Board further tentatively concludes that a point which has been authorized for service by the Board by certificate amendment or by temporary exemption authorization becoming effective before or during the statutory grandfather period but which point was served by the carrier pursuant to that authority during part but not all of the statutory grandfather period is ineligible for permanent certification pursuant to section 401 (e) (3) of the act because the point was not continuously served during the statutory grandfather period. See Pan American Airways, Inc.—Certificate of Public Convenience and Necessity, 2 C. A. B. 111 (1940). The Board will, therefore, carry forward the carrier's present temporary authority to serve such points for the term of the temporary authorization.

[3] Filed as part of original document.

Thus, the proposed certificate set forth below as Appendix A carries forward Allegheny's temporary certificate authority to serve the intermediate point Trenton, New Jersey, and the coterminal points New York, New York, and Newark, New Jersey, on segment 3 for the term of Allegheny's present temporary authorization. Allegheny's present temporary exemption authority to serve the intermediate points Oil City-Franklin, Clearfield-DuBois-Philipsburg, and Bellefonte-State College, Pennsylvania, on segment 7 will be carried forward in the proposed supplementary order set forth below as Appendix B for the term of its present temporary authorization.

The Board tentatively concludes that where since the last certificate issued to this carrier, the Board has authorized Allegheny, by exemption, to provide service between points named on separate legs of a route segment, the points are eligible to be certificated pursuant to section 401 (e) (3) of the act as served by the carrier during the period May 19, 1955 to August 12, 1955.

Thus, the Board proposes to require Allegheny to show cause why Cumberland, Maryland and Altoona, Pennsylvania, should not be certificated as successive intermediate points on segment 1.

The Board further believes that the general terms and conditions set forth in the certificate of public convenience and necessity last issued by the Board to Allegheny may not be expanded in a certificate to be issued pursuant to section 401 (e) (3) of the act in such manner as to grant authority to said carrier in excess of that set forth in the certificate of public convenience and necessity last issued to this carrier.

The Board does not believe that authority granted to Allegheny pursuant to § 202.4 and Part 205 of the Economic Regulations of the Board or by temporary exemption, subsequent to the issuance of the last certificate of public convenience and necessity issued by the Board to said air carrier permitting on-segment changes in the service pattern should be incorporated in a certificate issued to Allegheny pursuant to section 401 (e) (3) of the act. In the interest of convenience and clarity the Board will restate the carrier's outstanding service pattern modifications in a single order, a draft of which is set forth below as Appendix B.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (3) of the act, of permanent or temporary authority to serve points served by Allegheny during the period from May 19, 1955, to August 12, 1955. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Allegheny to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below as Appendix A. After

allowing interested persons a reasonable period within which to submit objections to the Board's order, Allegheny's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Allegheny and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain arguments or factual data which the objecting party intends to rely on at the hearing in support of its objections.

It is also our intention to officially notice all reports, tariffs and schedules required to be filed with the Board by all air carriers, as well as all public Board reports based on these data,[4] so that these materials need not be specially compiled for the record in this proceeding.

On the basis of the foregoing considerations and the data set forth in Appendixes C, D, E, and F[3] hereof, which are hereby incorporated into this order and shall constitute part of the record in this proceeding, the Board finds that:

1. Allegheny is a citizen of the United States of America as defined by section 1 (13) of the act.

2. From January 1, 1953, to August 12, 1955, Allegheny was an air carrier providing within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property and mail pursuant to a temporary certificate of public convenience and necessity for route No. 97 issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which Allegheny had no control).

3. Allegheny has continuously served the following terminal and intermediate points during the period from May 19, 1955, to August 12, 1955:

Washington, D. C.
Baltimore, Md.
Hagerstown, Md.
Altoona, Pa.
Johnstown, Pa.
Pittsburgh, Pa.
Cumberland, Md.
Easton-Cambridge, Md.
Salisbury, Md.
Georgetown-Rehoboth Beach, Del.[2]
Cape May, N. J.
Dover, Del.
Atlantic City, N. J.
Asbury Park-Long Branch-Monmouth Beach, N. J.
New York, N. Y.
Newark, N. J.
Harrisburg, Pa.
Scranton-Wilkes-Barre, Pa.
Lancaster, Pa.
Wilmington, Del.
Philadelphia, Pa.-Camden, N. J.
Oil City-Franklin, Pa.
Bradford, Pa.
Jamestown, N. Y.
Buffalo, N. Y.
Wheeling, W. Va.
Parkersburg, W. Va.
Huntington, W. Va.
Clearfield-DuBois-Philipsburg, Pa.
Bellefonte-State College, Pa.
Lock Haven, Pa.
Williamsport, Pa.
Cleveland, Ohio.
Erie, Pa.

4. Allegheny has continuously served the intermediate point Georgetown-Rehoboth Beach, Delaware, during the period of its seasonal authorization and Georgetown-Rehoboth Beach is a point eligible for certification on a seasonal basis pursuant to section 401 (e) (3) of the act.

5. The service rendered by Allegheny during the period from April 10, 1953, the date of its last certification, to the present has been adequate and efficient within the meaning of section 401 (e) (3) of the act.

6. The following intermediate points, which, on the basis of the most recent available data have generated an average of five or more enplaned passengers per day, should be designated as points of unlimited duration:

(a) On Allegheny's segment 1, the intermediate points Hagerstown, Maryland, Altoona and Johnstown, Pennsylvania;

(b) On segment 2, the intermediate points Salisbury, Maryland, Georgetown-Rehoboth Beach, Delaware, Cape May and Atlantic City, New Jersey;

(c) On segment 3, the intermediate points Johnstown, Altoona, Harrisburg, and Lancaster, Pennsylvania, and Philadelphia, Pennsylvania-Camden, New Jersey;

(d) On segment 4, the intermediate points Oil City-Franklin and Bradford, Pennsylvania, and Jamestown, New York;

(e) On segment 5, the intermediate points Wheeling and Parkersburg, West Virginia;

(f) On segment 6, the intermediate points Johnstown, Altoona, Clearfield-DuBois-Philipsburg, Bellefonte-State College, Williamsport, and Scranton-Wilkes-Barre, Pennsylvania;

(g) On segment 7, the intermediate points Jamestown, New York, Erie, Bradford, Williamsport, Scranton-Wilkes-Barre, Harrisburg, and Lancaster, Pennsylvania.

7. On the basis of the most recent available data the following intermediate points have generated less than an average of five enplaned passengers per day, and therefore have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification; but that certification of each of said points for a period of three years is warranted:

(a) On Allegheny's segment 1, the intermediate point Cumberland, Maryland;

(b) On segment 2, the intermediate points Easton-Cambridge, Maryland, Dover, Delaware, and Asbury Park-Long Branch-Monmouth Beach, New Jersey;

(c) On segment 3, the intermediate point Wilmington, Delaware;

(d) On segment 6, the intermediate point Lock Haven, Pennsylvania;

(e) On segment 7, the intermediate point Wilmington, Delaware.

8. The intermediate point Stroudsburg-East Stroudsburg, Pennsylvania, is ineligible for certification pursuant to section 401 (e) (3) of the act because the point was never served by Allegheny. It is, however, appropriate to include all Allegheny's effective certificate authority in one document, so Allegheny's present authority to serve Stroudsburg-East Stroudsburg should be carried forward in the certificate to be issued in this proceeding.

9. The intermediate point Trenton, New Jersey, and the coterminal points New York, New York, and Newark, New Jersey, on segment 3 are ineligible for certification pursuant to section 401 (e) (3) of the act because they were not continuously served during the period May 19, 1955, to August 12, 1955. Allegheny's present authority to serve these points should, however, be carried forward in the certificate to be issued in this proceeding for the term of its present temporary authorization.

10. The intermediate points Oil City-Franklin, Clearfield-DuBois-Philipsburg, and Bellefonte-State College, Pennsylvania, on segment 7 are ineligible for certification pursuant to section 401 (e) (3) of the act because they were not continuously served during the period May 19, 1955, to August 12, 1955. Allegheny's present authority to serve these points on segment 3 should, however, be carried forward in the supplementary order to be issued in this proceeding for the term of its present temporary authorization: *Therefore it is ordered*, That:

1. Allegheny is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below as Appendix A, and further issue the proposed supplementary order in the form set forth below as Appendix B;

2. Allegheny and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate and supplementary order, shall, within 15 days from the date hereof, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Allegheny, the Mayor of Stroudsburg-East Stroudsburg, Pennsylvania, the Mayor of each city served by Allegheny on route No. 97 during the period May 19, 1955, to August 12, 1955, and on every certificated air carrier serving a point served by Allegheny on route No. 97 during that period;

[2] Seasonal operation.
[3] Filed as part of the original document.
[4] We will also officially notice the Origination-Destination Airline Traffic Surveys published by the Airline Finance and Accounting Conference from information compiled by the Board.

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

APPENDIX A

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE

Allegheny Airlines, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules, and regulations issued thereunder, to engage in air transportation with respect to persons, property and mail, as follows:

1. Between the coterminal points Washington, D. C., and Baltimore, Md., the intermediate points Hagerstown and Cumberland, Md., Altoona and Johnstown, Pa., and the terminal point Pittsburgh, Pa.;

2. Between the coterminal points Washington, D. C., and Baltimore, Md., the intermediate points Easton-Cambridge and Salisbury, Md., Georgetown-Rehoboth Beach, Del., Cape May, N. J., Dover, Del., Atlantic City and Asbury Park-Long Branch-Monmouth Beach, N. J., and the coterminal points New York, N. Y.-Newark, N. J.;

3. Between the terminal point Pittsburgh, Pa., the intermediate points Johnstown, Altoona and Harrisburg, Pa., and (a) beyond Harrisburg, Pa., the terminal point Scranton-Wilkes-Barre, Pa., and (b) beyond Harrisburg, Pa., the intermediate points Lancaster, Pa., Wilmington, Del., Philadelphia, Pa.-Camden, N. J., and (i) beyond Philadelphia, Pa.-Camden, N. J., the intermediate point Trenton, N. J., and the coterminal points New York, N. Y.-Newark, N. J., and (ii) beyond Philadelphia, Pa.-Camden, N. J., the terminal point Atlantic City, N. J.;

4. Between the terminal point Pittsburgh, Pa., the intermediate points Oil City-Franklin and Bradford, Pa., Jamestown, N. Y., and the terminal point Buffalo, N. Y.;

5. Between the terminal point Pittsburgh, Pa., the intermediate points Wheeling and Parkersburg, W. Va., and the terminal point Huntington, W. Va.;

6. Between the terminal point Pittsburgh, Pa., the intermediate points Johnstown, Altoona, Clearfield-Dubois-Philipsburg, Bellefonte-State College, Lock Haven, Williamsport, Scranton-Wilkes-Barre, and Stroudsburg-East Stroudsburg, Pa., and the coterminal points Newark, N. J., and New York, N. Y.;

7. Between the terminal point Cleveland, Ohio, the intermediate points Erie, Pa., Jamestown, N. Y., Bradford and Williamsport, Pa., and (a) beyond Williamsport, Pa., the intermediate points Scranton-Wilkes-Barre and Stroudsburg-East Stroudsburg, Pa., and the coterminal points New York, N. Y., and Newark, N. J., and (b) beyond Williamsport, the intermediate points Harrisburg and Lancaster, Pa., Wilmington, Del., and the terminal point Philadelphia, Pa.-Camden, N. J.,

to be known as Route No. 97.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed, regularly serve a point named herein through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of one of the seven numbered route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, or (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control.

(4) Notwithstanding the provisions of paragraph (3) above, the holder on each trip scheduled over all or part of Segments 2, 3, 6, and 7 may omit a point or points subject to the following conditions:

(a) A minimum of four intermediate points shall be scheduled to be served on each trip scheduled between Cleveland, Ohio, on the one hand, and New York, N. Y./Newark, N. J., or Philadelphia, Pa.-Camden, N. J., on the other hand;

(b) A minimum of three intermediate points shall be scheduled to be served on each trip scheduled between New York, N. Y./Newark, N. J., and Washington, D. C./Baltimore, Md.; between Pittsburgh, Pa., and Atlantic City, N. J.; and between Pittsburgh, Pa., and New York, N. Y./Newark, N. J.;

(c) A minimum of two intermediate points shall be scheduled to be served on each trip scheduled between Bradford, Pa., and New York, N. Y./Newark, N. J.; and between Bradford, Pa., and Philadelphia, Pa.-Camden, N. J.;

(d) A minimum of one intermediate point shall be scheduled to be served on each trip scheduled between Atlantic City, N. J., and New York, N. Y./Newark, N. J.; between Atlantic City, N. J., and Washington, D. C./Baltimore, Md.; between Harrisburg, Pa., and Pittsburgh, Pa.; between Harrisburg, Pa., and New York, N. Y./Newark, N. J.; and between Bradford, Pa. and Cleveland, Ohio.

(5) The authority granted in paragraph (4) above to operate skip-stop service on Segment 6 is subject to the condition that at least two round trips per day shall be scheduled to serve every intermediate point on such segment.

(6) The authority granted in paragraph (4) above to operate skip-stop service on Segment 3 between Harrisburg, Pa., and the co-terminal points New York, N. Y., and Newark, N. J., is subject to the condition that at least two round trips per day shall be scheduled to serve Trenton, N. J.

(7) The intermediate points Georgetown-Rehoboth Beach, Del., Cape May, N. J., and Stroudsburg-East Stroudsburg, Pa., shall only be served during the period commencing not earlier than June 1 or later than June 15 and terminating not earlier than September 1 or later than September 15, inclusive of each year, except that the Board may enlarge said period if the Board determines that said period does not permit adequate seasonal service.

(8) Notwithstanding the provisions of paragraph (3) of these terms, conditions and limitations, the holder may render nonstop service between Hagerstown, Md., on the one hand, and Altoona, Pa., on the other hand, and between Cumberland, Md., on the one hand, and Johnstown, Pa., on the other hand.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

The certificate shall be effective on _____, 1955: *Provided, however*, That prior to the date on which the certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of _____, 1955 (Order E-____) insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from that time. The authorization to serve Cumberland and Easton-Cambridge, Md., Dover and Wilmington, Del., Asbury Park-Long Branch-Monmouth Beach, N. J., and Lock Haven, Pa., shall continue in effect up to and including _____. The authorization to serve Stroudsburg-East Stroudsburg, Pa.; the authorization to serve the intermediate point Trenton, N. J., and the coterminal points New York, N. Y., and Newark, N. J., on segment 3; condition (6), above; and condition (4) (d), above, insofar as it pertains to service between Harrisburg, Pa., and New York, N. Y./Newark, N. J., shall continue in effect up to and including December 31, 1956.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman, and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the day of _____, 1955.

[SEAL] ROSS RIZLEY,
Chairman.

Attest:

_____,
Secretary.

APPENDIX B

PROPOSED DRAFT OF ORDER EXTENDING EFFECTIVE PERIOD OF TEMPORARY SERVICE AUTHORIZATIONS

The Board has by Order E-__, dated _____ 1955, granted a certificate of public convenience and necessity of unlimited duration to Allegheny Airlines, Inc. (Allegheny) authorizing Allegheny to engage in air transportation of persons, property, and mail over route No. 97. In the past, Allegheny has been authorized to conduct operations differing in certain particulars from the authority stated in its temporary certificate of public convenience and necessity for route No. 97.

The term of effectiveness of some of these authorizations is unlimited, while others would expire sixty days after final determination by the Board in any proceeding involving renewal of route No. 97 or at the end of a stated period. The reasons for issuance of these temporary authorizations appear to be still applicable to Allegheny in its operation under the certificate of unlimited duration concurrently issued herewith. It, therefore, appears to the Board that it is in the public interest and consistent with the act to continue these outstanding temporary authorizations in effect for an additional period of time. In extending these authorizations, it appears desirable to include all currently effective authorizations which are not included in or disposed of in the new certificate in one order which will become effective at the same time the new

certificate of unlimited duration becomes effective.

Accordingly, the Board, acting pursuant to sections 205 (a) and 416 (b) of the Civil Aeronautics Act of 1938, as amended, and to § 202.4 and Part 205 of its Economic Regulations, finds:

1. That the enforcement of the provisions of section 401 (a) of the act and of Allegheny's certificate, insofar as it would otherwise prevent the operations hereinafter authorized, would be an undue burden upon Allegheny by reason of the limited extent of, or unusual circumstances affecting its operations and is not in the public interest;

2. That the enforcement of the condition in Allegheny's certificate which requires it on each flight over all or part of the several numbered route segments on route No. 97 to stop at each point named between the point of origin and the point of termination of such flight unless otherwise authorized by the Board, to the extent that it would prevent the service pattern hereinafter authorized, would prevent a service pattern which is in the public interest and which is consistent with Allegheny's performance of a local or feeder air transportation service and is not required by nor is it in the public interest;

3. That the temporary suspensions of service authorized hereinafter do not substantially change the character of the service for which the certificate of public convenience and necessity of unlimited duration is being granted to Allegheny and are otherwise in the public interest;

4. The authority granted by Order E–7969, December 16, 1953, insofar as it authorized Allegheny to serve Cumberland, Maryland and Altoona, Pennsylvania, on the same flight on segment 1 of route No. 97 should and will be terminated because Cumberland and Altoona are included as successive intermediate points on segment 1 of the certificate being issued to Allegheny concurrently with this order; *Accordingly, it is ordered*, That:

1. Allegheny be and hereby is authorized to continue temporary suspension of service at Stroudsburg-East Stroudsburg, Pennsylvania, an intermediate point on its route No. 97 until such time as adequate airport facilities are available at said point for scheduled air operations by Allegheny (previously authorized by Order E–7452);

2. a. Allegheny be and hereby is temporarily exempted from the provisions of section 401 of the act and the terms and conditions of its certificate of public convenience and necessity insofar as they would otherwise require Allegheny on each trip scheduled between Bradford, Pa., and New York, N. Y./Newark, N. J., or Philadelphia, Pa./Camden, N. J., to schedule service to a minimum of two intermediate points, and on each trip scheduled between Bradford, Pa., and Cleveland, Ohio, to schedule service to a minimum of one intermediate point, such exemption to continue in effect for such period of time as service by United at Bradford is suspended;

b. Allegheny be and hereby is temporarily exempted from the provisions of section 401 of the act and the terms and conditions of its certificate of public convenience and necessity to the extent necessary to permit it on trips scheduled between Cleveland, Ohio, on the one hand, and New York, N. Y./Newark, N. J., or Philadelphia, Pa./Camden, N. J., on the other hand, to omit service to all intermediate points in excess of three;

c. The authority granted in paragraphs (a) and (b) above is subject to the condition that at least two round trips per day shall be scheduled to serve every intermediate point on segment 7 (previously authorized by Order E–8549);

3. Allegheny be and hereby is temporarily exempted from the terms of its certificate insofar as they would otherwise prevent it from overflying Johnstown and Altoona, Pennsylvania, on flight scheduled over segment 6 of route No. 97; *Provided*, That Allegheny serve Altoona and Johnstown on at least four daily round trips and provide at least one daily westbound flight from Clearfield/DuBois/Philipsburg to Pittsburgh via Johnstown; *And, provided, further*, That Allegheny shall operate at least one daily single-plane, round-trip service between Johnstown and Altoona, on the one hand, and Scranton-Wilkes-Barre and New York/Newark, on the other hand. This authority shall terminate one year from September 24, 1954 (previously authorized by Order E–8651);

4. Allegheny be and hereby is temporarily exempted from the provisions of section 401 of the Act and the terms of its certificate of public convenience and necessity, with respect to segment 6 of route No. 97, insofar as they would otherwise require Allegheny during the period of the year when daylight saving time is not in effect to schedule service to Lock Haven, Pennsylvania, in excess of one daily round-trip flight (previously authorized by Order E–8872);

5. Allegheny be and hereby is temporarily exempted from the provisions of section 401 (a) of the Act, and the terms, conditions and restrictions of its temporary certificate insofar as they would otherwise prevent Allegheny from serving Oil City-Franklin, Clearfield-DuBois-Philipsburg, and Bellefonte-State College on one round-trip flight scheduled daily over segment 7 of route No. 97 between the terminal points Cleveland and Philadelphia/Camden, and from serving Oil City-Franklin on one round-trip flight scheduled daily over segment 7 between the terminal points Cleveland and New York. This authority shall expire one year from April 27, 1955 (previously authorized by Order E–9141);

6. Allegheny be and hereby is authorized to conduct nonstop service between Pittsburgh, Pennsylvania, and Atlantic City, New Jersey, over segment 3 of its route No. 97: *Provided*, That Allegheny continues to operate the quantity of service presently provided to intermediate points on trips operating between Pittsburgh and Atlantic City. This authority shall remain in effect through September 30, 1955 (previously authorized by Order E–9260);

7. Allegheny be and hereby is authorized to extend its service to and from Cape May, New Jersey, until November 1, 1955, on a trial basis for the 1955 summer season (previously authorized by Order E–9571);

8. Allegheny be and hereby is authorized to render flag-stop service on its route No. 97 by omitting the physical landing of its aircraft at any intermediate point scheduled to be served on a particular flight: *Provided*, That there are no persons, property or mail on the aircraft destined for such point and no such traffic available at such point for the flight at the scheduled time of departure: *Provided, further*, That the Board in its discretion may at any time disapprove the use of such authority with respect to service to any point on any flight or flights (previously authorized by Orders E–3920 and E–6139);

9. The authority previously granted to Allegheny by Orders E–3920 and E–6139 insofar as they pertain to Allegheny E–7452, E–7969, E–8549, E–8651, E–8872, E–9141, E–9260, and E–9571, shall be terminated on the date this order and the certificate of public convenience and necessity of unlimited duration for route No. 97 being issued to Allegheny concurrently with the issuance of this order become effective;

10. The change in service pattern, temporary suspension and temporary exemption authorizations granted herein shall become effective ----------, ---------, concurrently with the effective date of the certificate issued to Allegheny in Docket No. 7355;

11. This order or any part thereof may be amended or revoked at any time in the discretion of the Board without notice and without hearing.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55–8357; Filed, Oct. 13, 1955; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

DESCRIPTION OF ORGANIZATION

TRANSPORT MOBILIZATION STAFF

OCTOBER 10, 1955.

The following is added to the description of the organization of bureaus and offices of the Interstate Commerce Commission:

Transport Mobilization Staff. This staff, under the direction of the Commissioner who is responsible for the supervision of the Bureau of Safety and Service, performs duties pertaining to the administration and performance of the functions with respect to domestic transportation, storage and port facilities, as that term is defined in section 601 (k) of Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), delegated to the Commission and redelegated to said Commissioner under the Defense Production Act of 1950, as amended.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55–8364; Filed, Oct. 13, 1955; 8:49 a. m.]

[Sec. 5a Application 58]

MACHINERY HAULERS ASSN.

APPLICATION FOR APPROVAL OF AGREEMENT

OCTOBER 12, 1955.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed October 10, 1955.

A. R. Fowler, Secretary, Machinery Haulers Association, 2288 University Avenue, St. Paul 14, Minn.

Agreement involved: An agreement between and among common carriers by motor vehicle, members of the Machinery Haulers Association, relating to rates, classifications, divisions, allowances, and charges (including charges between carriers and compensation paid or received for the use of facilities and equipment), and rules and regulations pertaining thereto, governing the transportation of machinery or related articles between points in the United States.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the General Rules of Practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55–8373; Filed, Oct. 13, 1955; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11482, 11483; FCC 55M–857]

AMERICAN COLONIAL BROADCASTING CORP. AND SUPREME BROADCASTING CO., INC.

NOTICE OF PREHEARING CONFERENCE

In re applications of American Colonial Broadcasting Corporation, Caguas, Puerto Rico, Docket No. 11482, File No. BPCT–1980; Supreme Broadcasting Company, Inc., Caguas, Puerto Rico, Docket No. 11483, File No. BPCT–1991; for construction permits for new television broadcast stations.

Notice is hereby given that pursuant to Section 1.813 of the Commission's Rules a prehearing conference in the above-entitled proceeding will be held at 10:00 a. m., Friday, October 14, 1955, in Washington, D. C.

Dated: October 6, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55–8371; Filed, Oct. 13, 1955; 8:50 a. m.]

[Mexican Change List 183]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

SEPTEMBER 26, 1955.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the Appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214–6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power	Antenna	Schedule	Class	Probable date of operation
		960 kilocycles				
XENO	Ciudad Lerdo, Durango (change in call letters from XENQ).	100 w	-------	D	IV	Sept. 26, 1955
		1150 kilocycles				
XEAD	Guadalajara, Jalisco (increase in daytime power).	1 kw D/125 w N	ND	U	IV	Dec. 26, 1955
		1260 kilocycles				
XECV	Ciudad Valles, San Luis Potosi (change in call letters from XEII).	1 kw	ND	D	III	Sept. 26, 1955
XEBL	Culiacan, Sinaloa (increase in daytime power).	5 kw D/500 w N	ND	U	III–B	Dec. 26, 1955
		1340 kilocycles				
XECK	Durango, Durango (increase in daytime power).	1 kw D/250 w N	ND	U	IV	Do.
		1360 kilocycles				
XESA	Culiacan, Sinaloa (increase in daytime power).	5 kw D/500 w N	ND	U	III–B	Do.
		1580 kilocycles				
XENQ	Tulancingo, Hidalgo (assignment of call letters).	500 w N/5 kw D	-------	U	II	Sept. 26, 1955

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55–8372; Filed, Oct. 13, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–7212, etc.]

STANDARD OIL COMPANY OF TEXAS ET AL.

NOTICE OF FINDINGS AND ORDERS

OCTOBER 7, 1955.

In the matters of Standard Oil Company of Texas, Docket No. G–7212; D. C. Latimer, Docket No. G–7237; Baldwin Gas Company, Docket No. G–8114; T. E. Bickel, Estate, Docket No. G–8412; Summit Gas & Development Company, Docket No. G–8414; J. F. Pritchard, Docket No. G–8524; Fairfax Oil & Gas Company, Docket No. G–8532; The Otto-Nelle Oil & Gas Company, Docket Nos. G–8535, G–8537; P. O. Burgy and B. S. Marshall, Docket No. G–8536; Peters, Writer and Christensen, Inc., Docket No. G–8545; Jake L. Hamon, Docket No. G–8557; Moon Gas Company, Docket Nos. G–8596, G–8642; J. B. Murphy et al., Docket No. G–8597; H. H. Howell, Docket No. G–8639; W. L. Heeter, Docket No. G–8823; Atmar Producing Company, Docket No. G–8911; John R. LeBosquet et al., Docket No. G–8935; Lorentz C. Hamilton, Jr., Docket No. G–8961; Hays and Anderson, Docket No. G–9108; R. D. Gas Company, Docket No. G–9110; Robinson Oil & Gas Company, Docket No. G–9148; Texas Gas Transmission Corporation, Docket No. G–9203.

Notice is hereby given that on October 4, 1955, the Federal Power Commission issued its findings and orders adopted September 28, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–8362; Filed, Oct. 13, 1955; 8:48 a. m.]

[Docket No. G–9201]

SOUTHERN NATURAL GAS CO.

NOTICE OF HEARING

OCTOBER 11, 1955.

Take notice that Southern Natural Gas Company (Applicant), a Delaware corporation whose address is Watts Building, Birmingham, Alabama, filed on August 8, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate facilities for the transportation of natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct as an integral part of its present system approximately 100 feet of 4½ inch pipeline for the purpose of transporting, selling and delivering natural gas on an interruptible basis to Southern Nitrogen Company (Nitrogen) for industrial use in its synthetic nitrogen plant to be constructed by Nitrogen near Savannah, Georgia.

Said line will run from a tap on Applicant's existing 14 inch Savannah line for approximately 100 feet in a westerly direction to a meter station to be located at or near the proposed plant.

Applicant also proposes (1) to construct a measuring and regulating station at the terminus of said line, (2) to increase by 1,000 horsepower the existing compression facilities at the Ocmulgee compressor station by supercharging four 1,100 horsepower engines so as to add 250 horsepower to each unit, and (3) to construct a new compressor station at Wrens, Georgia, having a single portable compressor of 660 horsepower.

The estimated cost of constructing Applicant's proposed facilities is $266,800.00 The cost of construction will be defrayed from cash on hand or to be derived from current operations. It is estimated that the full cost of constructing the facilities will be recovered in about 1½ years based upon the estimated net annual operating revenues arising from the proposed sale.

Applicant proposes to supply Nitrogen with its entire plant requirements of natural gas for process gas and for fuel, estimated at a maximum of 11,000 Mcf per day and 500 Mcf per hour, subject to curtailment or interruption of deliveries

at any time and from time to time except that no interruption is annually anticipated from June 1 to October 31 except as may be necessary during this period on account of force majeure.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on Friday, October 28, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8368; Filed, Oct. 13, 1955; 8:50 a. m.]

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MAIN
READING ROOM

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 20 NUMBER 202

Washington, Saturday, October 15, 1955

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 729—PEANUTS

NATIONAL MARKETING QUOTA, NATIONAL ACREAGE ALLOTMENT, AND APPORTIONMENT TO STATES OF NATIONAL ACREAGE ALLOTMENT FOR 1956 CROP; CORRECTION

FEDERAL REGISTER Document 55-8179 which was published in the FEDERAL REGISTER issue of October 8, 1955, page 7525 is corrected as follows:

The apportionment column of § 729.703 is corrected to read "1956 State Acreage Allotment."

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-8391; Filed, Oct. 14, 1955; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-247-RO-1]

PART 916—HANDLING OF MILK IN UPSTATE MICHIGAN MARKETING AREA

Sec.

916.0 Findings and determinations.

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AUTHORITY: §§ 916.0 to 916.101 issued under sec. 5, 49 Stat. 758, as amended; 7 U. S. C. 608c.

§ 916.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing

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FEDERAL REGISTER

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(For use during 1955)

The following Supplements are now available:

Title 32: Parts 400–699 ($5.75)
Parts 800–1099 ($5.00)
Part 1100 to end ($4.50)
Title 43 (Revised, 1954) ($6.00)

Previously announced: Title 3, 1954 Supp. ($1.75); Titles 4–5 ($0.70); Title 6 ($2.00); Title 7: Parts 1–209 ($0.60); Parts 210–899 ($2.50); Part 900 to end ($2.25); Title 8 ($0.45); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 15 ($1.25); Title 16 ($1.25); Title 17 ($0.55); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 21 ($1.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) ($2.50); Title 26: Parts 1–79 ($0.35); Parts 80–169 ($0.50); Parts 170–182 ($0.50); Parts 183–299 ($0.30); Part 300 to end and Title 27 ($1.25); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Title 32: Parts 1–399 ($4.50); Parts 700–799 ($3.75); Title 32A, Revised December 31, 1954 ($1.50); Title 33 ($1.50); Titles 35–37 ($0.75); Title 38 ($2.00); Title 39 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 46: Parts 1–145 ($0.40); Part 146 to end ($1.25); Titles 47–48 ($1.25); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60); Title 50 ($0.55)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of milk from producers and other source milk which is classified as Class I milk and which is not subject to administrative assessment under another Federal order.

(b) *Additional findings.* In view of the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers should be put into effect prior to the effective date of the provisions relating to prices and payments to producers, in order that handlers may have opportunity to make necessary adjustments in their accounting and other operational procedures to conform with all provisions of the order. As of the date upon which the record hearing and reporting provisions become effective, the only action required of handlers is the taking of a physical inventory of milk and milk products on hand. Reasonable time will have been afforded parties to prepare to comply with the aforesaid provisions. It is hereby found and determined, in view of the aforesaid facts and circumstances that good cause exists for making all of the terms and provisions of this order except §§ 916.22 (i), 916.50 through 916.72, 916.74 and 916.75 effective on October 16, 1955 and that it would be contrary to the public interest to delay such effective date beyond that specified.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order which is marketed within the Upstate Michigan marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least three-fourths of the producers who participated in a referendum on the question of approval of its issuance and who during the determined representative period (June, 1955) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Upstate Michigan marketing area shall be in conformity to and in compliance with the following terms and conditions as set forth below:

DEFINITIONS

§ 916.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 916.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 916.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 916.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 916.5 *Upstate Michigan marketing area.* "Upstate Michigan marketing area", hereinafter referred to as the "marketing area" means all of the territory, including all municipal corporations, within: the counties of Manistee, Benzie, Grand Traverse, Kalkaska, Crawford, Leelanau, Antrim, Otsego, Charlevoix, Emmett, and Cheboygan; Presque Isle County except for the civil townships of Krakow and Presque Isle; and the Townships of Wexford, Springville, and Hanover in Wexford County.

§ 916.6 *Fluid milk plant.* "Fluid milk plant" means all the premises, buildings, and facilities of any milk receiving, processing, or packaging plant from which:

(a) Any fluid milk product is disposed of during the month in the marketing area either on the premises or to retail or wholesale routes, directly or through vendors; or

(b) Milk or skim milk is delivered to a plant(s) described in paragraph (a) of this section on 11 or more days in any of the months of July through November or on 6 or more days in any of the months of December through June; and all or a portion of the skim milk and butterfat in the milk or skim milk so delivered is assigned to Class I utilization in the transferee plant pursuant to § 916.46 or § 916.47.

§ 916.7 *Handler.* "Handler" means (a) a person who operates a fluid milk plant or any other plant from which fluid milk products are disposed of during the month in the marketing area, or (b) a cooperative association with respect to milk customarily received by a handler as described under paragraph (a) of this section, which is diverted to a nonhandler for the account of the association.

§ 916.8 *Producer.* "Producer" means a person, other than a producer-handler, who produces milk in conformity with the sanitation requirements of any duly constituted health authority relating to milk for consumption in the marketing area in the form of a fluid milk product, which milk is received directly from the farm at a fluid milk plant or is diverted from such plant for the account of a cooperative association.

§ 916.9 *Producer-handler.* "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers.

§ 916.10 *Producer milk.* "Producer milk" means milk delivered by one or more producers.

§ 916.11 *Other source milk.* "Other source milk" means all skim milk and butterfat received at a fluid milk plant in any form, other than that contained in producer milk.

§ 916.12 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which the Secretary determines:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales or marketing milk or its products for its members.

§ 916.13 *Fluid milk product.* "Fluid milk product" means milk, flavored milk, skim milk, buttermilk, or half-and-half.

MARKET ADMINISTRATOR

§ 916.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 916.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 916.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned

orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Upstate Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure

upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 916.73:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 916.74, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 916.30 and 916.31, or (2) payments pursuant to §§ 916.70, 916.72, 916.73, and 916.74;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum class prices for the preceding month computed pursuant to §§ 916.51 and 916.52, and the handler butterfat differential computed pursuant to § 916.53, and

(2) On or before the 12th day of each month the uniform price for each handler for the preceding month, computed pursuant to § 916.61, and the producer butterfat differential computed pursuant to § 916.71.

REPORTS, RECORDS, AND FACILITIES

§ 916.30 *Monthly reports of receipts and utilization.* On or before the 5th working day of each month, each handler shall report to the market administrator for the preceding month, in the detail and on forms prescribed by the market administrator, the following with respect to (a) all producer milk received, (b) all skim milk and butterfat in any form received from other handlers, and (c) all other source milk (except any nonfluid milk product which is disposed of in the same form as received) received at a plant(s) described in § 916.6:

(1) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(2) The utilization or disposition of such receipts; and

(3) Such other information with respect to such receipts and their utilization or disposition as the market administrator may prescribe.

§ 916.31 *Other reports.* (a) Each producer-handler and each handler shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of milk received from each producer and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer (or to a cooperative association); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 916.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form, (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled, and (c) payments to producers and cooperative associations.

§ 916.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 916.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a handler plant (a) in milk from producers or from a cooperative association, (b) in any form from other handlers, and (c) in other source milk required to be reported pursuant to § 916.30, shall be classified (separately as skim milk and butterfat) in the classes set forth in § 916.41.

§ 916.41 *Classes of utilization.* Subject to the conditions set forth in §§ 916.42 and 916.43, the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat (1) disposed of for consumption in fluid form as milk, flavored milk, skim milk, buttermilk, and half-and-half or other mixtures of cream and milk containing less than 18 percent butterfat; and (2) not accounted for as Class II utilization.

(b) Class II utilization shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of as fluid cream or for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; (3) in shrinkage of producer milk up to 2 percent of receipts from producers; or (4) in shrinkage of other source milk.

§ 916.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received for the purpose of weighing and testing in the transferor handler's plant shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferor handler in computing his shrinkage.

§ 916.43 *Transfers.* (a) Skim milk and butterfat disposed of from a fluid milk plant to another handler in the form of milk or skim milk shall be Class I utilization, unless Class II utilization is indicated by both handlers in their reports submitted pursuant to § 916.30: *Provided,* That in no event shall the amount so classified in Class II be greater than the amount of producer milk used in such class by the transferee handler after allocating other source milk in his plant in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk or skim milk from a fluid milk plant to a person not a handler shall be Class I utilization unless all of the following conditions are met:

(1) Class II utilization is indicated by the handler in his report submitted pursuant to § 916.30;

(2) The operator of the transferee plant had actually used in the month of such movement an equivalent amount of skim milk and butterfat in Class II, or moved such amount to another plant not operated by a handler which meets the requirments of subparagraph (3) of this paragraph and utilized in the month an equivalent amount of skim milk and butterfat in Class II.

(3) The operator of the transferee plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such Class II utilization.

(c) Skim milk and butterfat disposed of from a fluid milk plant to a producer handler shall be Class I utilization.

§ 916.44 *Responsibility of handlers and reclassification.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 916.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for such handler.

§ 916.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § 916.41 (b) (3);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received from a plant(s) other than those subject to another marketing agreement or order issued pursuant to the act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received in bulk from a plant(s) which is subject to another marketing agreement or order issued pursuant to the act;

(d) Subtract from the pounds of butterfat in each class the pounds of butterfat contained in milk or milk products received in packaged form which were classified and priced under another marketing agreement or order issued pursuant to the act and disposed of in the same form as received.

(e) Subtract from the remaining pounds of butterfat in each class, the pounds of butterfat received from other handlers in such classes pursuant to § 916.43 (a); and

(f) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section;

(g) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 916.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 916.46.

MINIMUM PRICES

§ 916.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the U. S. D. A.:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month; subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., deduct 5.5 cents and then multiply by 8.2.

(c) The average of the basic or field prices per hundredweight reported to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

Beatrice Foods Co., Cadillac, Mich.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Kraft Cheese Co., Clare, Mich.

§ 916.51 *Class I milk price.* During the 18-month period following the effective date of this subpart the minimum price per hundredweight to be paid by each handler, f. o. b. his plant as described in § 916.6 for milk of 3.5 percent butterfat content received from producers or from cooperative associations, during the month, which is classified as Class I utilization shall be the basic formula price plus $1.15.

§ 916.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant as described in § 916.7 for milk of 3.5 percent butterfat content received from producers or from a cooperative association, during the month, which is classified as Class II utilization, shall be the price as computed by the market administrator pursuant to § 916.50 (c).

§ 916.53 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to §§ 916.51 and 916.52, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent an amount equal to the producer butterfat differential determined pursuant to § 916.71.

§ 916.54 *Handler location adjustments.* For milk which is received from producers at a fluid milk plant located more than 90 miles but not more than 100 miles, by shortest highway distance, as determined by the market administrator, from the court house in either Gaylord or Traverse City, whichever is closer, and utilized as Class I (prorating to such milk the utilization of all producer milk received at the plant), the price shall be the price effective pursuant to § 916.51, less 18 cents, and less 1 cent additional for each 10 miles or fraction thereof over 100 miles.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 916.60 *Value of producer milk.* The value of producer milk received by each handler during the month shall be the sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class by the applicable class prices and adding together the resulting amounts, and adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator: *Provided,* That, if a handler, after the subtraction of other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which on the basis of his reports for the month, pursuant to § 916.30, has been credited to his producers as having been received from them there shall be added to the value of his producer milk a further amount computed by multiplying the pounds in each class as subtracted pursuant to § 916.46 (g) and the corresponding step of § 916.47 by the applicable class price.

§ 916.61 *Computation of uniform price.* For such month the market administrator shall compute for each handler a "uniform price" per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants located in the marketing area, as follows:

(a) To the value computed pursuant to § 916.60 add an amount equal to the total value of the location differentials computed pursuant to § 916.72;

(b) Subtract from the value of milk computed for such handler pursuant to § 916.60, if the weighted average butterfat test of all producer milk represented by such value is greater than 3.5 percent or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent, by the

butterfat differential computed pursuant to § 916.71 multiplied by 10;

(c) Adjust the resulting amount by the sum of money used in adjusting the uniform price, pursuant to paragraph (e) of this section for the previous month to the nearest cent;

(d) Divide the result by the total hundredweight of producer milk represented by the amounts computed pursuant to § 916.60; and

(e) Adjust the resulting figure to the nearest cent.

§ 916.62 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price for such handler computed pursuant to § 916.61, and the butterfat differential computed pursuant to § 916.71; and

(c) The amounts to be paid by such handler pursuant to §§ 916.72 and 916.73.

PAYMENT FOR MILK

§ 916.70 *Time and method of payment.* (a) Except as provided in paragraph (b) of this section, on or before the 15th day after the end of each month each handler who received milk from producers shall pay for milk received during such month to each producer for milk received from him the uniform price as provided in § 916.61 adjusted by the butterfat differential pursuant to § 916.71 and the location adjustment pursuant to § 916.72.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the 16th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association written information which shows for each such member-producer (i) the total pounds of milk received from him during the preceding month, (ii) the total pounds of butterfat contained in such milk, (iii) the number of days on which milk was received, and (iv) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination.

§ 916.71 *Producer butterfat differential.* In making payments pursuant to § 916.70, the uniform price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by a butterfat differential of 7 cents when the average price of butter as described in § 916.50 (b) (1) is 60 cents, which differential shall be increased one-half cent for each full 5 cents variance in such price of butter above 60 cents and decreased one-half cent for each full 5-cent variance in such price of butter below 64.99 cents.

§ 916.72 *Producer location adjustments.* In making payments to producers or cooperative associations pursuant to § 916.70 a handler may deduct, with respect to all milk received by him from producers at a plant located by shortest highway distance as determined by the market administrator, more than 90 miles from the court house in either Gaylord or Traverse City area the amount per hundredweight applicable to the plant as set forth in § 916.54.

§ 916.73 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 13th day after the end of each month 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of milk from producers, including milk of such handlers' own production, and to any other source milk allocated to Class I pursuant to §§ 916.46 and 916.47.

§ 916.74 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 916.70 for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 916.70 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ 916.75 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 916.76 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 916.72, 916.73, and 916.74 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 916.77 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 916.80 *Milk caused to be delivered by cooperative associations.* Milk referred to in this part as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association.

§ 916.81 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 916.31, 916.32, and 916.33.

§ 916.82 *Handler Exemption.* A handler who operates a plant from which an average of less than 200 points (one point being defined as one-half pint of cream or one quart of any other Class I product) of Class I milk per day is disposed of in the marketing area during the delivery month on a route(s) operating wholly or partly within the marketing area, or a handler who operates a plant which the Secretary finds is subject, during the delivery month, to another Federal order shall, with respect to such plant, be exempted for such delivery period from all provisions of this subpart except §§ 916.31, 916.32, and 916.33.

§ 916.83 *Milk subject to other Federal orders.* Milk received at the plant of a handler at which the handling of milk is fully subject during the month to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk in the other Federal marketing area, either during the month or during the average of the 12 preceding months, exceeds that in the Upstate Michigan marketing area shall be exempted for such month from all the provisions hereof except §§ 916.31, 916.32, and 916.33 unless the Secretary determines that such plant is more appropriately regulated under this part.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 916.90 *Effective time.* The provisions of this part, or of any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 916.91 *When suspended or terminated.* The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 916.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 916.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 916.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 916.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 13th day of October 1955, to be effective as follows: §§ 916.0 through 916.22 (h), 916.30 through 916.47, 916.73, and 916.76 through 916.101 shall be effective on and after October 16, 1955, and all of the remaining terms and provisions of this order (§§ 916.22 (i), 916.50 through 916.72, 916.74, and 916.75) shall be effective on and after November 1, 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-8413; Filed, Oct. 14, 1955; 8:51 a. m.]

[Valencia Orange Reg. 58]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.358 *Valencia Orange Regulation 58*—(a) *Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on October 13, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto

which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., October 16, 1955, and ending at 12:01 a. m., P. s. t., October 23, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 323,400 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 14, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8445; Filed, Oct. 14, 1955; 11:49 a. m.]

[Lemon Reg. 611]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.718 *Lemon Regulation 611*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 12, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 16, 1955, and ending at 12:01 a. m., P. s. t., October 23, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 150 carloads;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 13, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8437; Filed, Oct. 14, 1955; 8:56 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

INCREASE OF REGISTRATION FEES

By virtue of the authority vested in the Secretary of Agriculture under section 8a of the Commodity Exchange Act (7 U. S. C. 12a), as amended by Public Law 248, 84th Congress, 1st Session, approved August 5, 1955 (69 Stat. 535), and pursuant to notice published in the FEDERAL REGISTER on August 24, 1955 (20 F. R. 6193), Part 1 of Chapter I, Title 17, Code of Federal Regulations, as amended, is hereby further amended as follows:

1. By amending § 1.11 to read:

§ 1.11 *Registration fees; form of remittance.* Each application for registration, or renewal thereof, as futures commission merchant shall be accompanied by a fee of $25. Each application for registration, or renewal thereof, as floor broker shall be accompanied by a fee of $15. Duplicates of registration certificates may be procured on request upon payment of $2 for each duplicate. Fees shall be remitted by money order, bank draft, or check, payable to the Commodity Exchange Authority, U. S. D. A. Applications and fees shall be forwarded to the Commodity Exchange Authority, United States Department of Agriculture, Washington 25, D. C.

2. By changing the headnote of § 1.12 to read: "*Posting of registration certificate.*"

3. By deleting the last paragraph of § 1.12.

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER except that the present $10 fee shall remain in effect with respect to applications for registration, or renewal thereof, for the period ending December 31, 1955.

These amendments in part implement section 8a (4) of the Commodity Exchange Act, as amended August 5, 1955, by Public Law 248, 84th Congress, 1st Session, by increasing fees relating to registration periods beginning after December 31, 1955, in conformity with the provision of the Independent Offices Appropriation Act, 1952, that agencies should recover the aggregate cost of registration and licensing "to the full extent possible," and to this extent should be made effective as soon as possible in the public interest. Registration fees are deposited in the Treasury as general receipts and are not available for expenditure by the Department of Agriculture. The amendments also consolidate into § 1.11 those provisions of present § 1.12 related to fees for duplicates of registration certificates. This change is administrative in nature and will not affect the rights or obligations of any person subject to the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the latter change are unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 8a, as added by sec. 10, 49 Stat. 1500, as amended; 69 Stat. 535; 7 U. S. C. 12a)

Issued this 12th day of October 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-8392; Filed, Oct. 14, 1955; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 165]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

When a LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distances	Minimum altitude (ft.)	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances
1	2	3	4	5	6	7	8	9
ANCHORAGE, ALASKA. Elmendorf Air Force Base, ZAK-VPDTX-ANC. SBRAZ-VPDTX-ANC. Procedure No. 1. Amendment No. 8. Effective date: November 12, 1955. Supersedes Amendment M-7, dated June 30, 1954.	Instrument approach to be conducted in accordance with standard instrument approach procedure contained in current USC & GS chart AL 1106 ENG.			2 engines or less				
				T-dn	300-1	300-1		
				C-dn	500-1	500-1		
				A-dn	800-2	800-2		
				More than 2 engines				
				T-dn	----------	200-½		
				C-dn	----------	500-1½		
				A-dn	----------	800-2		
OGDEN, UTAH. Municipal, 4,455'. SBRAZ-DTX-OGD. Procedure No. 1. Amendment No. 4. Effective date: November 12, 1955. Supersedes Amendment 3, dated February 12, 1955. Minor changes. Add transition altitude from Huntsville FM.	Corinne FM/HW	152—23.0	10,000	All aircraft	400-1	400-1	Within 0 mile, climb to 9,000' on W course Ogden LFR within 25 miles. SHUTTLE: To 10,000' on N course within 20 miles. All turns W of course. AIR CARRIER NOTE: Sliding scales not authorized except that landing minimums are authorized down to 1 mile visibility, provided ceiling is unlimited and top of visibility restriction is below 7,500' mean sea level.	W side of S course: 152° outbound. 332° inbound. 7,500' within 10 miles.
				T-dn	800-2	800-2		
				C-dn	800-3	800-3		
				A-dn	800-2	800-2		
				A-m	800-3	800-3		
	Layton FM (final)	332—11.0	5,300					
	Ogden VOR	001—1.0	11,000					
	Huntsville FM	244—19.0	11,000					
				2 engines or less				
				T-dn	300-1	300-1		
				C-dn	400-1	400-1		
				A-dn	800-2	800-2		
				More than 2 engines				
				T-dn	----------	200-½		
				C-dn	----------	500-1½		
				A-dn	----------	800-2		
WILMINGTON, DEL. New Castle County, 79'. SBRAZ-DTX-ILG. Procedure No. 1. Amendment No. 7. Effective date: November 12, 1955. Supersedes Amendment 6, dated October 15, 1954. Minor changes. Deletes straight-in minimums due to excessive rate of descent.							Within 2.6 miles make climbing left turn and climb to 1,600' on S course within 10 miles. CAUTION: Turn left as soon as practicable to avoid high terrain 3 miles E of LOM. Maintain 1,600' until 5 miles. *Procedure turn within 10 miles to avoid conflict with traffic on Green 5. This procedure not authorized for ADF.	E side of S course: 188° outbound. 008° inbound. 1,600' within 10 miles.* Not authorized beyond 10 miles.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
WINSTON-SALEM, N. C. Smith Reynolds, 969'. SMRLZ-D INT. Procedure No. 1. Amendment No. 15. Effective date: November 12, 1955. Supersedes Amendment 14, dated August 27, 1954. Major change: Revise missed approach procedure.	Wallburg Intersection (final)	328—5	1,700	W side of SE course: 148° outbound. 328° inbound. 2,300' within 10 miles.	1,700	328—5.1	2 engines or less T-dn C-dn S-dn 33 More than 2 engines T-dn C-dn S-dn 33 All aircraft A-dn	300-1 500-1 400-1 800-2	300-1 500-1 400-1 200-½ 500-1½ 400-1	Within 5.1 miles climb to 4,000' on NW course (328) within 15 miles. Building 1,307' mean sea level 2.3 miles SW of airport.

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
MIDDLETON ISLAND, ALASKA. Middleton Island, 70'. BH-PVDT-MDO. Procedure No. 1. Amendment No. 2. Effective date: November 12, 1955. Supersedes Amendment M-1, dated June 30, 1954. Major changes: (1) New format; (2) procedure turn altitude raised; (3) final approach altitude over facility raised in accordance with criteria; (4) circling minimums raised to provide approach for landing.	----------	----------	----------	N side of course: 095° outbound. 275° inbound. 1,200' within 10 miles.	700	On airport	2 engines or less T-dn C-dn A-dn More than 2 engines T-dn C-dn A-dn	300-1 600-1 800-2 	300-1 600-1 800-2 200-½ 600-1½ 800-2	Within 0 mile, climb to 2,000' on course of 095° outbound within 25 miles.

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ASHEVILLE, N. C. Asheville-Hendersonville, 2,090'. VORW-AVL. Procedure No. 1. Amendment No. 1. Effective date: November 12, 1955. Supersedes Amendment. Original, dated September 10, 1955. Major changes: Delete notes. Lower T. O. minima.	Asheville Radiobeacon	100—11.0	6,000	N side of course: 100° outbound. 280° inbound. 5,000' within 10 miles.	4,500	280—11.0	2 engines or less T-d T-n C-d C-n A-d A-n More than 2 engines Not authorized	2,000-1 NA 2,000-2 NA 2,000-2 NA	2,000-1 NA 2,000-2 NA 2,000-2 NA	Within 11 miles, turn left, climb SE to 6,000' on radial 310° of the Spartanburg VOR within 25 miles.
KNOXVILLE, TENN. McGhee-Tyson, 989'. BVOR-TYS. Procedure No. 1. Amendment No. 2. Effective Nov. 12, 1955. Supersedes Amendment 1, dated November 19, 1954. Major changes: Lowers 2-engine day visibility and minor changes in degrees and distances.	Inskip FM Piedmont FM (final)# Knoxville LFR	143—10 243—18 053—5	3,000 1,900 2,400	N side of course: 063° outbound. 243° inbound. 3,000' within 10 miles.	1,900 over VOR 1,600 over Rockford fix.*	222—7.9 3.6	2 engines or less T-dn C-d C-n S-22R d n A-dn More than 2 engines T-dn C-dn T-dn S-22R d n A-dn	300-1 500-1 500-1½ 500-1 500-1½ 800-2 	300-1 500-1 500-1½ 500-1 500-1½ 800-2 200-½ 500-1½ 500-1½ 500-1 500-1½ 800-2	Within 7.9 miles after passing BVOR climb to 3,000' on radial 250 within 25 miles. *Rockford fix: Intersection final approach course (221°) and 90° bearing from LFR. Descent below 1,600' not authorized unless 90° bearing from LFR received. #Maintain 2,400' until 6 miles past Piedmont FM.
NEWPORT, OREG. Newport, 160'. VORW-ONP. Procedure No. Original. Effective date: November 12, 1955.	----------	----------	----------	W side of course:* 170° outbound. 350° inbound. 2,700' within 10 miles. Not authorized beyond 10 miles.	1,200	Facility on airport	2 engines or less T-dn C-d C-n A-dn More than 2 engines T-dn C-d C-n A-dn	500-1 1,000-1 1,000-3 NA 	500-1 1,000-1 1,000-3 NA 500-1 1,000-1½ 1,000-3 NA	Climb to 4,500' on 002° radial within 15 miles of ONP-VOR. *Procedure turn W side for more favorable terrain. CAUTION: 550' hills 2 to 3 miles E and SE of airport. No weather reporting facilities not authorized for air carrier operation.

VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
PITTSBURGH, PA. Allegheny County, 1,252'. BVOR-DTV-PIT. Procedure No. 1. Amendment No. 2. Effective date: November 12, 1955. Supersedes Amendment 1, dated September 30, 1954. Major changes: Straight-in approach authorized. Radar transition authorized.	Pittsburgh LFR	218—6	2,500	S side of course: 232° outbound. 052° inbound. 2,500' within 10 miles.	2,000	052—7.5	2 engines or less T-dn	300–1	300–1	Within 7.5 miles, climb to 3,000' on course of 072° within 10 miles of Pittsburgh VOR. Washington Intersection: Intersection of Wheeling VOR 110° radial and Pittsburgh VOR 232° radial. Transition by Pittsburgh radar authorized to Washington Intersection. Radar transition altitudes (using Greater Pittsburgh radar), 3,000' within 40 miles of Greater Pittsburgh Airport or MEA when lower.
							C-dn	600–1	700–1	
							A-dn	800–2	800–2	
	Washington Intersection	052—10 (Final)	2,000				More than 2 engines T-dn	----------	200–½	
							C-dn	----------	700–1½	
							A-dn	----------	800–2	
PRINCETON, MAINE. Municipal, 250'. VORW-PNN. Procedure No. 1. Amendment No. 2. Effective date: November 12, 1955. Supersedes Amendment 1, dated July 24, 1954. Major changes: Missed approach changed so that instrument flight can be completed in controlled airspace. Weather note added. Alternate minimums deleted.	Intersection NE course Bangor LFR and S course Houlton LFR (Topsfield Intersection).	207—8	2,500	W side of course: 344° outbound. 164° inbound. 2,500' within 10 miles. Not authorized beyond 10 miles.	2,000	164—10.6	2 engines or less T-d	300–1	300–1	Within 5 miles, make a left climbing turn. Climb to 2,500' returning to Princeton VOR and hold within 10 miles on course of 344° from Princeton VOR. *Descend to authorized landing minimums within 5 miles of facility. No weather reporting service available.
							T-n	NA	NA	
							S-d	800–2	800–2	
							S-n 15	NA	NA	
							C-d	800–2	800–2	
							C-n	NA	NA	
							A-dn	NA	NA	
PUEBLO, COLO. Pueblo Municipal No. 2, 4,712'. BVOR-DTV-PUB. Procedure No. 1. Original. Effective June 28, 1954.	PROCEDURE CANCELED—SEPTEMBER 16, 1955.									

4. The very high frequency omnirange procedures prescribed in § 609.9 (c) are amended to read in part:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Elevations and altitude are in feet MSL.

If a VOR/DME instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator of Civil Aeronautics for such airport. Initial approaches shall be made over specific routes. Minimum altitude(s) shall correspond with those established for enroute operation in the particular area or as set forth below.

NOTE: Distances are in nautical miles unless otherwise indicated except visibilities, which are in statute miles.

Oklahoma City, Okla.; Will Rogers Field; elevation 1,283'; facility BVOR-DME; identification OKC; amendment No. 1; effective date November 12, 1955, Original; supersedes amendment, dated October 15, 1955.

Transition to facility or transition to DME orbit: From—(mi.)	To—(mi.)	Radial	Minimum altitude (ft.)	Procedure turn; side of approach radial; altitudes; limiting distances	Minimum altitude on approach radial: From—(mi.)	To—(mi.)	Radial	Minimum altitude (ft.)	Procedure No.; direct or right or left turn to final approach orbit; Runway No.	Minimum altitude on final approach orbit: From radial	To radial	Minimum altitude (ft.)	Ceiling and visibility minimums: Condition	Two engines or less: 65 knots or less	Two engines or less: More than 65 knots	More than two engines: More than 65 knots	If visual contact not established at authorized landing minimums at fix specified, or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
DME not required for Procedure No. 1.				S side 277°, 2,500' within 10 miles.	10	0	277	1,900	Procedure No. 1 direct to airport, Runway 12.	----------	----------	----------	T-dn	300–1	300–1	*200–½	Within 8.1 miles climb to 2,700' on radial 97° within 25 miles.
					0	8.1	097	1,800 final					C-dn	500–1	500–1	500–1½	
													S-dn 12	500–1	500–1	500–1	
													A-dn	800–2	800–2	800–2	
					20	15	100	2,700	Procedure No. 2 back course to Runway 30.	----------	----------	----------	T-dn	300–1	300–1	*200–½	Within 8.9 miles climb to 3,100' on N course of OKC ILS (350° outbound) within 25 miles.
					15	8.9	100	1,700 final					C-dn	400–1	500–1	500–1½	
													S-dn 30	400–1	400–1	400–1	
													A-dn	800–2	800–2	800–2	
----------	----------	----------	----------	S side 277°, 2,500' within 10 miles.	10	0	277	1,900	Procedure No. 3 right 8.6, Runway 17.	068	096	1,700	T-dn	300–1	300–1	*200–½	After passing radial 096°, turn left, climb to 2,700' on radial 097° within 25 miles.
					0	8.6	068	1,900					C-dn	400–1	500–1	500–1½	
													S-dn 17	400–1	400–1	400–1	
													A-dn	800–2	800–2	800–2	
----------	----------	----------	----------	S side 277°, 2,500' within 10 miles.	10	0	277	1,900	Procedure No. 4 right 8.7, Runway 21.	068	096	1,700	T-dn	300–1	300–1	*200–½	After passing radial 096°, turn right, climb to 3,100' on N course OKC ILS (350° outbound) within 25 miles.
					0	8.7	068	1,900					C-dn	400–1	500–1	500–1½	
													S-dn 21	400–1	400–1	400–1	
													A-dn	800–2	800–2	800–2	
----------	----------	----------	----------	S side 277°, 2,500' within 10 miles.	10	0	277	1,900	Procedure No. 5 left 8.3, Runway 3.	133	101	1,700	T-dn	300–1	300–1	*200–½	After passing radial 101° turn right, climb to 2,700' on radial 097° within 25 miles.
					0	8.3	133	1,700					C-dn	400–1	500–1	500–1½	
													S-dn 03	400–1	400–1	400–1	
													A-dn	800–2	800–2	800–2	
----------	----------	----------	----------	S side 277°, 2,500' within 10 miles.	10	0	277	1,900	Procedure No. 6 left 9.0, Runway 35.	133	103	1,700	T-dn	300–1	300–1	*200–½	After passing radial 103°, climb to 3,100' on N course of OKC ILS (350° outbound) within 25 miles.
					0	9.0	133	1,900					C-dn	400–1	500–1	500–1½	
													S-dn 35	400–1	400–1	400–1	
													A-dn	800–2	800–2	800–2	
10	8.6	068	1,900	----------	----------	----------	----------	----------	Procedure No. 7 left 8.6, runway 17.	068	096	1,700	T-dn	300–1	300–1	*200–½	After passing radial 096°, turn left, climb to 2,700' on radial 097° within 25 miles.
													C-dn	400–1	500–1	500–1½	
													S-dn 17	400–1	400–1	400–1	
													A-dn	800–2	800–2	800–2	
10	8.7	068	1,900	----------	----------	----------	----------	----------	Procedure No. 8 left 8.7, runway 21.	068	096	1,700	T-dn	300–1	300–1	*200–½	After passing radial 096°, turn left climb to 2,700' on radial 097° within 25 miles.
													C-dn	400–1	500–1	500–1½	
													S-dn 21	400–1	400–1	400–1	
													A-dn	800–2	800–2	800–2	
10	9.0	133	1,900	----------	----------	----------	----------	----------	Procedure No. 9 right 9.0, runway 35.	133	103	1,700	T-dn	300–1	300–1	*200–½	After passing radial 103°, climb to 3,100' on N course of OKC ILS (350° outbound) within 25 miles.
													C-dn	400–1	500–1	500–1½	
													S-dn 35	400–1	400–1	400–1	
													A-dn	800–2	800–2	800–2	

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Oklahoma City, Okla.; Will Rogers Field—Continued

Transition to facility or transition to DME orbit				Procedure turn; side of approach radial; altitudes; limiting distances	Minimum altitude on approach radial				Procedure No.; direct or right or left turn to final approach orbit; Runway No.	Minimum altitude on final approach orbit			Ceiling and visibility minimums				If visual contact not established at authorized landing minimums at fix specified, or if landing not accomplished—
From—(mi.)	To—(mi.)	Radial	Minimum altitude (ft.)		From—(mi.)	To—(mi.)	Radial	Minimum altitude (ft.)		From radial	To radial	Minimum altitude (ft.)	Condition	Two engines or less: 65 knots or less	Two engines or less: More than 65 knots	More than two engines: More than 65 knots	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
10	8.3	133	1,900	----------	----------	----------	----------	----------	Procedure No. 10, right 8.3, Runway 3.	133	101	1,700	T-dn C-dn S-dn 03 A-dn	300–1 400–1 400–1 800–2	300–1 400–1 400–1 800–2	*200–½ 500–1½ 400–1 800–2	After passing radial 101°, turn right, climb to 2,700′ on radial 097° within 25 miles. *300–1 required on Runways 8-26. NOTE: When authorized by ATC, DME may be used within 10 nautical miles at 2,400′ orbiting altitude to position aircraft for a final approach, with the elimination of a procedure turn. Major changes: Revise altitudes columns 9 and 13; revise wording of missed approaches; add notes; correct distances.

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
ALBUQUERQUE, N. MEX. Kirtland Air Force Base/Municipal, 5,352′. Procedure No. 1. Amendment No. 12. Effective date: November 12, 1955. Supersedes Amendment 11, dated June 18, 1955. Major changes: Add 2 transitions to outer marker.	Albuquerque LFR	LOM	159—1.5	7,000	W side of S course: 170° outbound. 350° inbound. 7,000′ within 5 miles.	6,400	6,400—4.3	5,530—0.7	2 engines or less T-dn C-dn S-dn Runway 35 A-dn	 300–1 400–1 200–½ 600–2	 300–1 500–1 200–½ 600–2	Turn left to 325° magnetic heading and climb to 8,000′ on N course ABQ LFR or ABQ VOR course 010° within 25 miles. Alternate missed approach: When directed by ATC turn left and climb to 8,000′ on 250° course. ABQ VOR within 25 miles. CAUTION: Terrain exceeding 8,000′ in E sectors of ILS and LFR. All turns to be made W of course.
	Albuquerque VOR	LOM	104—12.0	7,000					More than 2 engines T-dn C-dn S-dn Runway 35 A-dn	 	 200–½ 500–1½ 200–½ 600–2	
	La Joya Intersection	LOM	354—29.0	7,500								
	Peralta FM (final)	LOM	350—11.0	6,400								
	Aden Intersection	LOM	170—30.0	9,000								
	Weiler Intersection	LOM	170—19.0	7,000								
	Kirtland Intersection	LOM	170—6.0	7,000								
	Intersection 090° magnetic radial from ABQ VOR and ILS S course.	LOM	170—3.0	7,000								
	Intersection 107° magnetic radial from ABQ VOR and ILS S course.	LOM	350—0.7	7,000								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
ATLANTA, GA. Atlanta, 1,024′. ILS-IATL. VOR-ATL. Procedure No. 2. Amendment No. 4. Effective date: November 12, 1955. Supersedes Amendment 3, dated December 10, 1954. Major changes: Substitute Rex Intersection for Forest Intersection.	Atlanta LFR	Rex Intersection.	070—6.0	2,100	S side of E course: 088° outbound. 268° inbound. 2,200′ within 10 miles.	Rex Intersection, 1,700	Rex Intersection, 6.7 miles	----------	2 engines or less T-dn C-dn S-dn 27L	 300–1 400–1 400–1	 300–1 500–1 400–1	Climb to 2,200′ on W course ILS within 10 miles. CAUTION: 1,182′ tower ¾ mile W of airport.
	Atlanta VOR	Rex Intersection.	046—14.0	2,100					More than 2 engines T-dn C-dn S-dn 27L	 	 200–½ 500–1½ 400–1	
	Campbellton LFR	Rex Intersection.	091—22.0	2,200								
	Norcross VOR	Rex Intersection.	204—23.0	3,500					A-dn	All aircraft 800–2		
BILLINGS, MONT. Billings Airport, 3,612′. ILS-BIL. Procedure No. 2. Original. Effective date: November 26, 1954.	PROCEDURE CANCELED—SEPTEMBER 15, 1955.											
CLEVELAND, OHIO. Cleveland-Hopkins, 789′. ILS-CLE. (Back course.) Procedure No. 2. Amendment No. 3. Effective date: November 12, 1955. Supersedes Amendment 2, dated October 15, 1955. Major changes: Radar gate changed to 4 nautical miles.	Radar transition to ILS NE course to be conducted in accordance with established ASR patterns for Runway 23R.				Procedure turn not authorized. Inbound course 234°.	No glide slope or markers. Minimum altitude to 4 nautical miles fix 2,000′. Descend to landing minimums after passing 4 nautical miles fix as determined by surveillance radar.			2 engines or less T-dn C-dn S-dn 23R A-dn	 300–1 400–1 400–1 800–2	 300–1 500–1 400–1 800–2	Within 4 nautical miles after passing radar fix climb to 2,200′* on SW course ILS to LOM. *Or at higher altitude when requested by ATC. This procedure authorized only in conjunction with airport surveillance radar. No glide slope and no altitude information given on final approach between ASR 4 nautical miles fix and airport unless requested. NOTE: The following radar transition altitudes are applicable to all procedures; S, NW, and N quadrants of Cleveland LFR within 10 nautical miles 2,000′, within 30 nautical miles 3,000′, in SE quadrant within 30 nautical miles 3,000′; in all quadrants in accordance with established radar patterns. CAUTION: 1,970′ TV towers approximately 7 miles ESE of airport.
									More than 2 engines T-dn C-dn S-dn 23R A-dn	 	 200–½ 500–1½ 400–1 800–2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No. effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
NEW BEDFORD, MASS. Municipal, 79'. ILS-I-EWB. LMM-WB. Combination ILS-ADF. Procedure No. 1. Amendment No. 6. Effective date: November 12, 1955. Supersedes Amendment No. 5, dated August 1, 1954. Major changes: Transitions, procedure turn and missed approach altitude changed to 1,500'.	Intersection E course Providence LFR and SW course ILS.	OM	233—1.3	1,500	S side of SW course: 233° outbound. 053° inbound. 1,500' within 10 miles of LMM. Not authorized beyond 10 miles.	ILS 1,500 ADF 800# over LMM	1,240—4.5	265—0.7	2 engines or less T-dn C-dn	300-1 500-1	300-1 600-1	Within 0.7 mile after passing LMM (ADF), make a climbing left turn as soon as practical, climb to 1,500' on SW course ILS or bearing 233° from LMM, hold on S side course within 10 miles of LMM. #Descent to straight-in-minimums authorized after passing OM. If OM not received, maintain 800' to LMM and circling minimums apply.
	Intersection E course Providence LFR and bearing 053° to LMM.	LMM	053—2.0	1,500					S-dn 5 ILS ADF A-dn	200-½ 500-1 800-2	200-½ 500-1 800-2	
									More than 2 engines T-dn C-dn	---------- ----------	200-½ 600-1½	
									S-dn 5 ILS ADF A-dn	---------- ---------- ----------	200-½ 500-1 800-2	
ONTARIO, CALIF. International, 952'. ILS-ONT-LOM-ON. Combination ILS/ADF. Procedure No. 1. Amendment No. 5. Effective November 12, 1955. Supersedes Amendment 4, dated July 30, 1955. Major changes: Raises top restrictions for D/F procedure; deletes top restrictions on ILS transition from ONT VOR and Fontana FM; changes transition from RIV LFR. Add transition from Corona Intersection.	Ontario VOR	LOM	013—10.0	*3,200	ILS S side ILS E course. ADF S side of 075° outbound, 255° inbound, track on LOM. 3,200' within 10 miles of LOM. Beyond 10 miles not authorized.	ILS 2,700 ADF 2,700 over LOM	2,120—4.5	1,140—0.66	2 engines or less T-dn C-dn	300-1 600-1	300-1 600-1	Climb to 4,000' on localizer course or 255° track from LOM, and hold in nonstandard 2-minute pattern E of intersection of NE course LGB LFR and ILS W course (255° outbound track from LOM). *Must be on top with tops not above 7,000' MSL for ADF approach. #Must be on top with tops not above 7,000' MSL for either ILS or ADF approach. %With tops 5,000' mean sea level of below straight-in ILS or ADF approach authorized from intersection N course RIV LFR and ILS E course (or 255° bearing to LOM). SHUTTLE: To 4,000' between LOM and intersection NE course LGB and W course of localizer (ADF) outbound track of 255° from LOM), all turns S. CAUTION: High terrain N—All maneuvering on S side of localized course or ADF track.
	Fontana FM	LOM	211—10.0	*5,000					S-dn Runway 25 ILS ADF A-dn	300-¾ 600-1 800-2	300-¾ 600-1 800-2	
	Riverside LFR	LOM	288—16.0	*4,000					More than 2 engines T-dn C-dn	---------- ----------	300-½ 600-1½	
	Downey Radiobeacon	LOM	064—34.0	#3,200					S-dn Runway 25 ILS ADF A-dn	---------- ---------- ----------	300-¾ 600-1 800-2	
	Riverside LFR	Intersection N course RIV LFR and E course ILS or 255° bearing to LOM.	324—9.0	%5,000								
	Corona Intersection	Ont. VOR	345—13.0	6,700								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
SHREVEPORT, LA. Greater Shreveport, 251'. ILS-ISHV. LOM-SH. Combination ILS and ADF. Procedure No. 1. Amendment No. 4. Effective date: November, 12, 1955. Supersedes Amendment 3, dated October 9, 1954. Major changes: Increase transition, procedure turn, and ADF final approach altitudes.	Shreveport LFR	LOM	227—8.0	1,500	W side of NW course: 315° outbound. 135° inbound. ILS 1,700' within 10 miles. ADF 2,400' within 10 miles.	ILS 1,400 ADF over LOM 900	1,400—4.3	.455—0.6	2 engines or less T-dn C-dn	300-1 400-1	300-1 500-1	Climb to 1,400' on SE course ILS; within 4.3 miles after passing LOM (ADF) climb to 1,400' on course of 135°. When directed by ATC climb to 1,500' intercept and proceed SW on SW course BAD LFR or climb to 1,500' on radial 200° within 25 miles. *400-¾ required when glide slope not utilized. CAUTION: 1,446' and 1,403' TV antennas approximately 12 miles NNW of LOM.
	Shreveport VOR	OM	183—19.0	1,900					S-dn 13 *ILS ADF	200-½ 400-1	200-½ 400-1	
	Dixie MHW	LOM	182—14.0	1,900					More than 2 engines T-dn C-dn	---------- ----------	200-½ 500-1½	
	Blanchard Intersection (final) ILS.	LOM	135—8.0	1,400					S-dn 13 *ILS ADF	---------- ----------	200-½ 400-1	
	Forbing Intersection	LOM	315—11.0	1,400					All aircraft A-dn ILS	----------	600-2	
	Lucien Intersection	LOM	315—8.0	1,400					ADF	----------	800-2	
	Caddo Lake Intersection	LOM	135—25.0	2,400								
	Blanchard Intersection (final) ADF.	LOM	135—8.0	900								
SHREVEPORT, LA. Greater Shreveport 251'. ILS-ISHV. Back course ILS. Procedure No. 2. Amendment No. 1. Effective date: November 12, 1955. Supersedes Amendment. Original, dated July 9, 1955. Major changes: Increase transition from Caddo Lake Intersection and missed approach altitudes. Adds caution note.	Shreveport LFR	Forbing Intersection.	172—14.0	1,500	S side of SE course: 135° outbound. 315° inbound. 1,400' within 10 miles of Forbing Intersection.	No glide slope 900° at Forbing Intersection 5.9 miles from approach end of Runway 31.			2 engines or less T-dn C-dn S-dn 31	300-1 400-1 400-1	300-1 500-1 400-1	Within 5.9 miles of Forbing Intersection climb to 2,400' on NW course of ILS within 25 miles. Back course not approved for automatic approaches. Procedure turn nonstandard due ATC. CAUTION: 1,446' and 1,403' TV antennas approximately 12 miles NNW of LOM.
	Shreveport VOR	Forbing Intersection.	165—28.0	1,700					More than 2 engines T-dn C-dn S-dn 31	---------- ---------- ----------	200-½ 500-1½ 400-1	
	Barksdale LFR	Forbing Intersection.	233—9.0	1,400					All aircraft A-dn	800-2	800-2	
	Blanchard Intersection	Forbing Intersection.	135—19.0	1,400								
	Minden Intersection	Forbing Intersection.	233—24.0	1,700								
	Caddo Lake Intersection	Forbing Intersection.	135—36.0	2,400								

6. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GOA STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a GOA instrument approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified fix or final approach course at or above minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. Procedure must be conducted with GOA to final authorized landing minimums, the instructions of the GOA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State; airport name, elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums: Runway No.	Condition	Precision approach (PAR): 75 m. p. h. or less	Precision approach (PAR): More than 75 m. p. h.	Surveillance approach (ASR): 75 m. p. h. or less	Surveillance approach (ASR): More than 75 m. p. h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds, (b) directed by ground controller, (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished
1	2	3	4	5	6	7	8	9
SALT LAKE CITY, UTAH. Salt Lake City No. 1, 4,222'. Procedure No. original. Effective date: November 12, 1955.	Sector azimuths progress clockwise, with bearings to the station. Within 5 nautical miles: 181°–240°— 8,000'* 241°–290°— 6,000' 291°–100°— 5,400' 101°–180°— 5,400' Within 10 nautical miles: 181°–300°— 11,500'* 301°–360°— 6,000' 001°–070°— 10,500' 071°–120°— 6,000' 121°–180°— 5,400' Within 15 nautical miles: 181°–330°— 13,500'* 331°–360°— 7,500' 001°–070°— 12,500' 071°–096°— 7,000' 097°–136°— 8,500' 137°–180°— 5,400' Within 20 nautical miles: 155°–330°— 13,500'* 331°–360°— 12,500' 001°–096°— 8,000' 097°–136°— 8,500' 137°–155°— 6,500' Within 25 nautical miles: 155°–330°— 13,500'* 331°–360°— 12,500'* 001°–136°— 9,000' 137°–154°— 6,500'	16L, 16R, 34L, 34R, 14	#T-dn C-dn S-dn A-dn	2 engines or less: 200-1, 500-1, 500-1, 800-2	More than 2 engines: 200-½, 600-1½, 500-1, 800-2	200-1, 500-1, 500-1, 800-2		Turn W, climb to 8,000' on W course Salt Lake City LFR to Stansbury Intersection, then to 9,000' on track of 335° to promontory, point W, climb to ALTERNATE Same as Landing Minimums. 11,000' on W course Salt Lake City LFR or on 248° outbound track from Salt Lake City VOR. *Continuous radar coverage not available. #500-2 required for takeoff Runway 7.

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-8255; Filed, Oct. 14, 1955; 8:45 a. m.]

[Amdt. 92]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

ALTERATIONS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated.)

Section 610.14 *Green civil airway 4* is amended to read in part:

From—	To—	Minimum altitude
Cuervo INT, N. Mex..	Tucumcari,[1] N. Mex., LFR.	7,000

[1] 6,000'—minimum crossing altitude at Tucumcari LFR, westbound.

Section 610.15 *Green civil airway 5* is amended to read in part:

From—	To—	Minimum altitude
Riverside,[1] Calif., LFR.	Palm Springs INT, Calif.	13,000
Banning, Calif., FM...	Riverside, Calif., LFR westbound only.	10,000
Palm Springs[2] INT., Calif.	Blythe, Calif., LFR..	8,000

[1] 11,000'—minimum crossing altitude at Riverside LFR, eastbound.
[2] 13,000'—minimum crossing altitude at Palm Springs INT, westbound.

Section 610.16 *Green civil airway 6* is amended to read in part:

From—	To—	Minimum altitude
Lake Charles, La., LFR.	Lafayette, La., LF/RBN.	1,500
Lafayette, La., LF/RBN.	New Orleans, La., LFR.	1,400
New Orleans, La., LFR.	Horn INT, Miss.....	1,400
Horn INT, Miss.....	Bay Minette, Ala., LF/RBN.	1,600

Section 610.20 *Green civil airway 10* is amended to read in part:

From—	To—	Minimum altitude
Pendleton,[1] Oreg., LFR.	Baker, Oreg., LFR...	10,000
La Grande, Oreg., FM..	Pendleton, Oreg., LFR, northwestbound only.	7,000

[1] 4,500'—minimum crossing altitude at Pendleton LFR, southeastbound.

Section 610.107 *Amber civil airway 7* is amended to read in part:

From—	To—	Minimum altitude
West Palm Beach, Fla., LFR.	Melbourne, Fla., LFR.	1,300

Section 610.210 *Red civil airway 10* is amended to read in part:

From—	To—	Minimum altitude
Hainsville INT, Tex...	Shreveport, La., LFR.	1,900

Section 610.211 *Red civil airway 11* is amended to read in part:

From—	To—	Minimum altitude
Springfield, Mo., LFR..	Vichy, Mo., LF/RBN.	2,600
Vichy, Mo., LF/RBN..	St. Peters INT, Mo...	2,200

Section 610.230 *Red civil airway 30* is amended to read in part:

From—	To—	Minimum altitude
Shreveport, La., LFR..	Converse INT, La....	1,600
Converse INT, La.....	Alexandria, La., LFR.	1,500

Section 610.238 *Red civil airway 38* is amended to read in part:

From—	To—	Minimum altitude
Medina INT, Tex.....	Beckmann INT, Tex..	2,700
Beckmann INT, Tex..	San Antonio, Tex. LFR.	2,200

Section 610.253 *Red civil airway 53* is amended to read in part:

From—	To—	Minimum altitude
Walla Walla, Wash., LFR.	Spokane, Wash., LFR.	5,000

Section 610.271 *Red civil airway 71* is amended to read in part:

From—	To—	Minimum altitude
Roswell, N. Mex., LFR.	Elkins INT, N. Mex..	5,600

Section 610.272 *Red civil airway 72* is amended to read in part:

From—	To—	Minimum altitude
Hartly INT, Del.....	New Castle, Del., LFR.	1,600

Section 610.273 *Red civil airway 73* is amended to read in part:

From—	To—	Minimum altitude
New Castle, Del., LFR.	Elmer INT, N. J.....	1,600

Section 610.298 *Red civil airway 98* is amended to read:

From—	To—	Minimum altitude
Vichy, Mo., LF/RBN..	Belleville, Ill., Scott AFB, LFR.	2,500

Section 610.601 *Blue civil airway 1* is amended to read in part:

From—	To—	Minimum altitude
Miami, Fla., LFR.....	La Belle INT, Fla....	1,100
La Belle INT, Fla.....	Tampa, Fla, LFR....	1,300

Section 610.613 *Blue civil airway 13* is amended to read in part:

From—	To—	Minimum altitude
Shreveport, La., LFR.	Texarkana, Ark., LFR.	1,900

Section 610.687 *Blue civil airway 87* is amended to read in part:

From—	To—	Minimum altitude
Lexington, Ky., LF/RBN.	Cincinnati, Ohio, LFR.	2,300
Cincinnati, Ohio, LFR.	Wright Patterson, AFB, Dayton, Ohio, LFR.	2,500

Section 610.1001 *Direct route, U. S.* is amended to read in part:

From—	To—	Minimum altitude
Richmond, Tex., LFR.	Fairbanks INT, Tex..	1,800

Section 610.1001 *Direct route, U. S.* is amended by adding:

From—	To—	Minimum altitude
Houston, Tex., LFR...	Prairie Hill, Tex., LF/RBN.	1,800

Section 610.6003 *VOR civil airway 3* is amended to delete:

From—	To—	Minimum altitude
Vero Beach, Fla., VOR, via W alter.	Daytona Beach, Fla., VOR, via W alter.	1,400

Section 610.6004 *VOR civil airway 4* is amended to read in part:

From—	To—	Minimum altitude
Evansville, Ind., VOR	Apalona INT, Ind	2,500
Apalona INT, Ind	Elizabeth INT, Ind.[1]	2,500
Elizabeth INT, Ind	Louisville, Ky., VOR	2,500
Louisville, Ky., VOR	Mt. Eden INT., Ky.[2]	2,200
Mt. Eden INT, Ky.[2]	Lexington, Ky., VOR	2,200

[1] 4,200′—Minimum reception altitude.
[2] 4,000′—Minimum reception altitude.

Section 610.6006 *VOR civil airway 6* is amended to read in part:

From—	To—	Minimum altitude
Wells, Nev., VOR	Lucin, Utah, VOR	12,000
Lucin, Utah, VOR	Ogden, Utah, VOR	11,000

Section 610.6008 *VOR civil airway 8* is amended to read in part:

From—	To—	Minimum altitude
Mansfield, Ohio, VOR	Mt. Hope INT, Ohio[1]	2,500
Mt. Hope INT, Ohio[1]	Bergholz INT, Ohio	2,500
Bergholz INT, Ohio	Pittsburgh, Pa., VOR	2,700

[1] 4,000′—minimum reception altitude.

Section 610.6010 *VOR civil airway 10* is amended to delete:

From—	To—	Minimum altitude
Emporia, Kans., VOR, via N alter.	Kansas City, Mo., VOR, via N alter.	[1] 3,700

[1] 2,500′—minimum terrain clearance altitude.

Section 610.6011 *VOR civil airway 11* is amended to read in part:

From—	To—	Minimum altitude
Houston, Tex., VOR	Lufkin, Tex., VOR	[1] 4,000

[1] 1,600′—minimum terrain clearance altitude.

Section 610.6011 *VOR civil airway 11* is amended by adding:

From—	To—	Minimum altitude
Evansville, Ind., VOR, via E alter.	Scotland, Ind., VOR, via E alter.	2,000

Section 610.6012 *VOR civil airway 12* is amended to delete:

From—	To—	Minimum altitude
Emporia, Kans., VOR, via N alter.	Kansas City, Mo., VOR, via N alter.	2,500
Kansas City, Mo., VOR, via S alter.	Columbia, Mo., VOR, via S alter.	[1] 4,000

[1] 2,400′—minimum terrain clearance altitude.

Section 610.6012 *VOR civil airway 12* is amended to read in part:

From—	To—	Minimum altitude
Dayton, Ohio, VOR	West Jefferson, INT, Ohio.[1]	2,500
West Jefferson INT, Ohio.[1]	Columbus, Ohio, VOR.	2,500

[1] 3,800′—minimum reception altitude.

Section 610.6012 *VOR civil airway 12* is amended by adding:

From—	To—	Minimum altitude
Winslow, Ariz., VOR, via N alter.	Zuni, N. Mex., VOR, via N alter.	10,000

Section 610.6013 *VOR civil airway 13* is amended to delete:

From—	To—	Minimum altitude
Butler, Mo., VOR. via E alter.	Kansas City, Mo., VOR, via E alter.	3,000

Section 610.6013 *VOR civil airway 13* is amended to read in part:

From—	To—	Minimum altitude
Houston, Tex., VOR	Lufkin, Tex., VOR	[1] 4,000
Lufkin, Tex., VOR	Shreveport, La., VOR	2,400

[1] 1,600′—minimum terrain clearance altitude.

Section 610.6015 *VOR civil airway 15* is amended to read in part:

From—	To—	Minimum altitude
Houston, Tex., VOR	College Station, Tex., VOR.	1,800

Section 610.6018 *VOR civil airway 18* is amended to read in part:

From—	To—	Minimum altitude
Anniston, Ala., VOR, via S alter.	Roopville INT, Ga., via S alter.	4,000
Roopville INT, Ga., via S alter.	Atlanta, Ga., VOR, via S alter.	[1] 3,000

[1] 2,200′—minimum terrain clearance altitude.

Section 610.6022 *VOR civil airway 22* is amended to read in part:

From—	To—	Minimum altitude
Marianna, Fla., VOR, via N alter.	Calvary INT, Fla., via N alter.	1,500
Calvary INT, Fla., via N alter.	Tallahassee, Fla., VOR, via N alter.	1,400

Section 610.6022 *VOR civil airway 22* is amended by adding:

From—	To—	Minimum altitude
New Orleans, La., VOR	Cat INT, La.[1]	[2] 3,600
Cat INT, La.	Mobile, Ala., VOR	1,400

[1] 3,600′—minimum reception altitude.
[2] 1,600′—minimum terrain clearance altitude.

Section 610.6023 *VOR civil airway 23* is amended by adding:

From—	To—	Minimum altitude
White Oaks INT, Calif.	Bakersfield, Calif., VOR, N-bound only.	6,000
Portland, Oreg., VOR, via W alter.	Toledo INT, Wash., via W alter.	5,000
Toledo INT, Wash., via W alter.	Olympia, Wash. VOR, via W alter.: Southbound	5,000
	Northbound	4,000
Olympia, Wash., VOR, via W alter.	Shelton INT, Wash., via W alter.	3,000
Shelton INT, Wash., via W alter.	Seattle, Wash., VOR, via W alter.	3,000

Section 610.6025 *VOR civil airway 25* is amended to delete:

From—	To—	Minimum altitude
Los Angeles, Calif., VOR.[1]	Fillmore, Calif., VOR.	5,000
Shoreline INT, Calif.	Los Angeles, Calif., VOR, southeast-bound only.	3,000
Fillmore, Calif., VOR[2]	Paso Robles, Calif., VOR.	[3] 12,500

[1] 3,000′—minimum crossing altitude at Los Angeles, VOR, northwestbound.
[2] 10,500′—minimum crossing altitude at Fillmore, VOR, northwestbound.
[3] 9,500′—minimum terrain clearance altitude.

Section 610.6025 *VOR civil airway 25* is amended by adding:

From—	To—	Minimum altitude
Camarillo, Calif., LFR.	Santa Barbara, Calif., VOR.	6,000
Santa Barbara, Calif., VOR.	Paso Robles, Calif., VOR.	8,000

Section 610.6027 *VOR civil airway 27* is amended to read in part:

From—	To—	Minimum altitude
Hoquiam, Wash., VOR	Shelton INT, Wash.	3,500
Shelton INT, Wash.	Seattle, Wash., VOR	3,000

Section 610.6027 *VOR civil airway 27* is amended by adding:

From—	To—	Minimum altitude
Camarillo, Calif., LFR.	Santa Barbara, Calif., VOR.	6,000

Section 610.6029 *VOR civil airway 29* is amended to read in part:

From—	To—	Minimum altitude
Dover, Del., VOR	West Chester, Pa., VOR.	1,600

Section 610.6032 *VOR civil airway 32* is amended to read in part:

From—	To—	Minimum altitude
Elko, Nev. VOR	Bonneville, Utah, VOR.	13,000
Elko, Nev., VOR, via N alter.	Wells, Nev., VOR, via N alter.	13,000
Wells, Nev., VOR, via N alter.	Bonneville, Utah, VOR, via N alter.	12,000
Bonneville, Utah, VOR.	Salt Lake City, Utah, VOR.[1]	11,000

[1] 12,000′—minimum crossing altitude at Salt Lake City VOR, eastbound.

Section 610.6035 *VOR civil airway 35* is amended to read in part:

From—	To—	Minimum altitude
Tallahassee, Fla., VOR.	Albany, Ga., VOR	1,500

Section 610.6039 *VOR civil airway 39* is amended to read in part:

From—	To—	Minimum altitude
Allentown, Pa., VOR.	Stroudsburg, Pa., VOR.	2,700
Stroudsburg, Pa., VOR.	Poughkeepsie, N. Y., VOR.	3,000

Section 610.6043 *VOR civil airway 43* is amended to read in part:

From—	To—	Minimum altitude
Tiverton INT, Ohio	Mt. Hope INT, Ohio[1]	[1] 4,000
Mt. Hope INT, Ohio	Marchand INT, Ohio	[1] 4,000

[1] 4,000′—minimum reception altitude.
[2] 2,500′—minimum terrain clearance altitude.

Section 610.6051 *VOR civil airway 51* is amended to read in part:

From—	To—	Minimum altitude
Daytona Beach, Fla., VOR.	Jacksonville, Fla., VOR.	1,300

Section 610.6053 *VOR civil airway 53* is amended to read in part:

From—	To—	Minimum altitude
Lexington, Ky., VOR	Mt. Eden INT, Ky.[1]	[2] 2,200
Mt. Eden INT, Ky.[1]	Louisville, Ky., VOR	[2] 2,200

[1] 4,000′—minimum reception altitude.

From—	To—	Minimum altitude
Louisville, Ky., VOR via W alter.	Martinsburg[2] INT, Ind., via W alter[1]	[3] 3,000
Martinsburg INT, Ind., via W alter.	Mitchell INT, Ind., via W alter[4]	[3] 3,000
Louisville, Ky., VOR	Henryville[2] INT, Ind.	2,600
Henryville INT, Ind.	Banta INT, Ind.	2,600
Banta INT, Ind.	Indianapolis, Ind., VOR.	2,300

[1] 3,600′—minimum reception altitude.
[2] 2,600′—minimum terrain clearance altitude.
[3] 3,000′—minimum reception altitude.
[4] 3,100′—minimum reception altitude.

Section 610.6054 *VOR civil airway 54* is amended to read in part:

From—	To—	Minimum altitude
Chattanooga, Tenn., VOR.	Crandall INT, Ga.	[1] 4,000
Crandall INT, Ga.	Murphy INT, N. C.	[2] 6,600
Murphy INT, N. C.	Cleveland INT, S. C.	7,000
Cleveland INT, S. C.	Spartanburg, S. C., VOR.	4,000

[1] 3,500′—minimum terrain clearance altitude.
[2] 6,000′—minimum terrain clearance altitude.

Section 610.6068 *VOR civil airway 68* is amended to read in part:

From—	To—	Minimum altitude
Kingsville INT, Tex.	Brownsville, Tex., VOR.	[1] 6,000

[1] 1,300′—minimum terrain clearance altitude.

Section 610.6069 *VOR civil airway 69* is amended to read in part:

From—	To—	Minimum altitude
Farmington, Mo. VOR	Crystal City[1] INT, Mo.	2,500
Crystal City INT, Mo.	Troy, Ill., VOR	2,200

[1] 3,000′—minimum reception altitude.

Section 610.6069 *VOR civil airway 69* is amended by adding:

From—	To—	Minimum altitude
Little Rock, Ark., VOR.	Lonoke INT, Ark.	1,500
Lonoke INT, Ark.	Walnut Ridge, Ark., VOR.	[1] 2,500

[1] 1,700′—minimum terrain clearance altitude.

Section 610.6070 *VOR civil airway 70* is amended to read in part:

From—	To—	Minimum altitude
Baton Rouge, La., VOR.	Madisonville[1] INT, La.	2,000

[1] 2,000′—minimum reception altitude.

Section 610.6071 *VOR civil airway 71* is amended to delete:

From—	To—	Minimum altitude
Springfield, Mo., VOR, via E alter.	Butler, Mo., VOR, via E alter.	2,500
Butler, Mo., VOR, via E alter.	Kansas City, Mo., VOR, via E alter.	3,000

Section 610.6071 *VOR civil airway 71* is amended to read in part:

From—	To—	Minimum altitude
Springfield, Mo., VOR.	Schell City[1] INT, Mo.	2,500
Schell City[1] INT, Mo.	Butler, Mo., VOR	2,500

[1] 4,000′—minimum reception altitude.

Section 610.6076 *VOR civil airway 76* is amended to read in part:

From—	To—	Minimum altitude
San Angelo, Tex., VOR.	Brady INT, Tex.	[1] 5,000
Brady INT, Tex.	Kingsland INT, Tex.	[2] 7,500
Kingsland INT, Tex.	Lake Travis INT, Tex.	[3] 5,000
Lake Travis INT, Tex.	Austin, Tex., VOR.	3,000

[1] 3,500′—minimum terrain clearance altitude.
[2] 3,100′—minimum terrain clearance altitude.
[3] 2,500′—minimum terrain clearance altitude.

Section 610.6088 *VOR civil airway 88* is amended to delete:

From—	To—	Minimum altitude
Crystal City INT, Mo.	Red Bud INT, Ill.	[1] 3,000
Red Bud INT, Ill.	Centralia, Ill., VOR	2,500

[1] 2,500′—minimum terrain clearance altitude.

Section 610.6092 *VOR civil airway 92* is amended to read in part:

From—	To—	Minimum altitude
Mansfield, Ohio, VOR.	Mt. Hope[1] INT., Ohio.	2,500
Mt. Hope[1] INT, Ohio.	Bergholz INT, Ohio.	2,500
Bergholz INT, Ohio.	Pittsburgh, Pa., VOR.	2,700

[1] 4,000′—minimum reception altitude.

Section 610.6097 *VOR civil airway 97* is amended to read in part:

From—	To—	Minimum altitude
Tallahassee, Fla., VOR.	Albany, Ga., VOR	1,500
Cincinnati, Ohio, VOR.	Acton[1] INT, Ind.	2,300
Acton[1] INT, Ind.	Indianapolis, Ind., VOR.	2,200

[1] 4,000′—minimum reception altitude.

Section 610.6097 *VOR civil airway 97* is amended by adding:

From—	To—	Minimum altitude
Cincinnati, Ohio, VOR.	Acton[1] INT, Ind.	2,300
Acton[1] INT, Ind.	Indianapolis, Ind., VOR.	2,200

[1] 4,000′—minimum reception altitude.

Section 610.6098 *VOR civil airway 98* is amended to read in part:

From—	To—	Minimum altitude
Lufkin, Tex., VOR	Shreveport, La., VOR	[1] 4,000

[1] 1,600′—minimum terrain clearance altitude.

Section 610.6098 *VOR civil airway 98* is amended by adding:

From—	To—	Minimum altitude
Winslow, Ariz., VOR, via N alter.	Zuni, N. Mex., VOR, via N alter.	10,000

Section 610.6100 *VOR civil airway 100* is amended to read in part:

From—	To—	Minimum altitude
Anniston, Ala., VOR, via S alter.	Roopville INT, Ga., via S alter.	4,000
Roopville INT, Ga., via S alter.	Atlanta, Ga., VOR, via S alter.	[1] 3,000

[1] 2,200′—minimum terrain clearance altitude.

Section 610.6102 *VOR civil airway 102* is amended to read in part:

From—	To—	Minimum altitude
Houston, Tex., VOR	Lufkin, Tex., VOR	[1] 4,000
Lufkin, Tex., VOR	Shreveport, La., VOR	2,400

[1] 1,600′—minimum terrain clearance altitude.

Section 610.6102 *VOR civil airway 102* is amended by adding:

From—	To—	Minimum altitude
Winslow, Ariz., VOR, via N alter.	Zuni, N. Mex., VOR, via N alter.	10,000

Section 610.6103 *VOR civil airway 103* is amended to read in part:

From—	To—	Minimum altitude
Anniston, Ala., VOR, via S alter.	Roopville INT, Ga., via S alter.	4,000
Roopville INT, Ga., via S alter.	Atlanta, Ga., VOR, via S alter.	[1] 3,000

[1] 2,200′—minimum terrain clearance altitude.

Section 610.6104 *VOR civil airway 104* is amended to read in part:

From—	To—	Minimum altitude
Houston, Tex., VOR	Lufkin, Tex., VOR	[1] 4,000
Lufkin, Tex., VOR	Shreveport, La., VOR	2,400

[1] 1,600′—minimum terrain clearance altitude.

Section 610.6104 *VOR civil airway 104* is amended by adding:

From—	To—	Minimum altitude
Winslow, Ariz., VOR, via N alter.	Zuni, N. Mex., VOR, via N alter.	10,000

Section 610.6105 *VOR civil airway 105* is amended to read in part:

From—	To—	Minimum altitude
Anniston, Ala., VOR, via S alter.	Roopville INT, Ga., via S alter.	4,000
Roopville INT, Ga., via S alter.	Atlanta, Ga., VOR, via S alter.	[1] 3,000

[1] 2,200′—minimum terrain clearance altitude.

Section 610.6106 *VOR civil airway 106* is amended to read in part:

From—	To—	Minimum altitude
Houston, Tex., VOR	Lufkin, Tex., VOR	[1] 4,000
Lufkin, Tex., VOR	Shreveport, La., VOR	2,400

[1] 1,600′—minimum terrain clearance altitude.

Section 610.6106 *VOR civil airway 106* is amended by adding:

From—	To—	Minimum altitude
Winslow, Ariz., VOR, via N alter.	Zuni, N. Mex., VOR, via N alter.	10,000

Section 610.6107 *VOR civil airway 107* is amended to read in part:

From—	To—	Minimum altitude
Anniston, Ala., VOR, via S alter.	Roopville INT, Ga., via S alter.	4,000
Roopville INT, Ga., via S alter.	Atlanta, Ga., VOR, via S alter.	[1] 3,000

[1] 2,200′—minimum terrain clearance altitude.

Section 610.6108 *VOR civil airway 108* is amended to read in part:

From—	To—	Minimum altitude
Houston, Tex., VOR	Lufkin, Tex., VOR	[1] 4,000
Lufkin, Tex., VOR	Shreveport, La., VOR	2,400

[1] 1,600′—minimum terrain clearance altitude.

Section 610.6108 *VOR civil airway 108* is amended by adding:

From—	To—	Minimum altitude
Winslow, Ariz., VOR, via N alter.	Zuni, N. Mex., VOR, via N alter.	10,000

Section 610.6109 *VOR civil airway 109* is amended to read in part:

From—	To—	Minimum altitude
Anniston, Ala., VOR, via S alter.	Roopville INT, Ga., via S alter.	4,000
Roopville INT, Ga., via S alter.	Atlanta, Ga., VOR, via S alter.	[1] 3,000

[1] 2,200′—minimum terrain clearance altitude.

Section 610.6110 *VOR civil airway 110* is amended to read in part:

From—	To—	Minimum altitude
Houston, Tex., VOR	Lufkin, Tex., VOR	[1] 4,000
Lufkin, Tex., VOR	Shreveport, La., VOR	2,400

[1] 1,600′—minimum terrain clearance altitude.

Section 610.6110 *VOR civil airway 110* is amended by adding:

From—	To—	Minimum altitude
Winslow, Ariz., VOR, via N alter.	Zuni, N. Mex., VOR, via N alter.	10,000

Section 610.6107 *VOR civil airway 107* is amended to read in part:

From—	To—	Minimum altitude
Fillmore,[1] Calif., VOR.	Coalinga, Calif., VOR.	11,000
Maricopa [1] INT, Calif.	Coalinga, Calif., VOR, northbound only.	6,000
Pines INT, Calif.	Fillmore, Calif., VOR southbound only.	9,500
Hines INT, Calif.	Fillmore, Calif., VOR southbound only.	7,000

[1] 9,000′—minimum crossing altitude at Fillmore VOR northbound.
[2] 9,500′—minimum crossing altitude at Maricopa INT, southbound.

Section 610.6114 *VOR civil airway 114* is amended to read in part:

From—	To—	Minimum altitude
Gregg County, Tex., VOR, via N alter.	Shreveport, La., VOR, via N alter.	2,400

Section 610.6137 *VOR civil airway 137* is amended by adding:

From—	To—	Minimum altitude
White Oaks INT, Calif.	Bakersfield, Calif., VOR, northbound only.	6,000

Section 610.6140 *VOR civil airway 140* is amended by adding:

From—	To—	Minimum altitude
Chelsea [1] INT, Okla., via N alter.	Fayetteville, Ark., VOR, via N alter.	2,000

[1] 2,600′—minimum reception altitude.

Section 610.6143 *VOR civil airway 143* is amended to read in part:

From—	To—	Minimum altitude
Charlotte, N. C., VOR.	Mint Hill [1] INT, N. C.	[1] 2,500
Mint Hill [1] INT, N. C.	Greensboro, N. C., VOR.	[2] 2,500

[1] 4,000′—minimum reception altitude.
[2] 2,300′—minimum terrain clearance altitude.

Section 610.6152 *VOR civil airway 152* is amended to read in part:

From—	To—	Minimum altitude
Tampa, Fla., VOR, via N alter.	Dade City INT, Fla., via N alter.	1,500
Dade City INT, Fla., via N alter.	Orlando, Fla., VOR, via N alter.	[1] 2,500

[1] 1,700′—minimum terrain clearance altitude.

Section 610.6161 *VOR civil airway 161* is amended by adding:

From—	To—	Minimum altitude
Tulsa, Okla., VOR.	Butler, Mo., VOR.	[1] 4,300
Butler, Mo., VOR.	Blue Springs, Mo., VOR.	[2] 4,000
Blue Springs, Mo., VOR.	Excelsior INT, Mo.	[2] 4,000
Excelsior INT, Mo.	Polo INT, Mo.	2,400
Polo INT, Mo.	Jameson [3] INT, Mo.	[3] 2,900
Jameson INT, Mo.	Lamoni, Iowa, VOR.	[3] 2,900
Lamoni, Iowa VOR.	Osceola INT, [4] Iowa.	2,300
Osceola INT, Iowa.	Des Moines, Iowa, VOR.	2,300

[1] 2,300′—minimum terrain clearance altitude.
[2] 2,400′—minimum terrain clearance altitude.
[3] 3,000′—minimum reception altitude.
[4] 4,300′—minimum reception altitude.

Section 610.6171 *VOR civil airway 171* is amended to read in part:

From—	To—	Minimum altitude
Louisville, Ky., VOR.	Martinsburg INT, Ind.[1]	[2] 3,000
Martinsburg INT, Ind.	Mitchell [1] INT, Ind.	[2] 3,000
Joliet, Ill. VOR.	Sycamore INT, Ill.	2,100
Sycamore INT, Ill.	Janesville, Wis., VOR.	2,000

[1] 3,600′—minimum reception altitude.
[2] 2,600′—minimum terrain clearance altitude.
[3] 3,000′—minimum reception altitude.

Section 610.6174 *VOR civil airway 174* is amended to read in part:

From—	To—	Minimum altitude
Mitchell [1] INT, Ind.	Martinsburg,[2] INT, Ind.	[3] 3,000
Martinsburg INT, Ind.	Louisville, Ky., VOR.	[3] 3,000
York, Ky. VOR.	Henderson INT., W. Va.	[3] 3,500
Henderson INT, W. Va.	Sandyville INT, W. Va.	[4] 4,000
Sandyville INT, W. Va.	Clara INT, W. Va.	3,000
Clara INT, W. Va.	Elkins, W. Va., VOR.	5,000

[1] 3,000′—minimum reception altitude.
[2] 3,600′—minimum reception altitude.
[3] 2,600′—minimum terrain clearance altitude.
[4] 2,500′—minimum terrain clearance altitude.

Section 610.6176 *VOR civil airway 176* is amended to delete:

From—	To—	Minimum altitude
Farmington, Mo., VOR.	Centralia, Ill., VOR.	2,400

Section 610.6177 *VOR civil airway 177* is amended to read:

From—	To—	Minimum altitude
Naperville, Ill., VOR.	Janesville, Wis., VOR.	2,200

Section 610.6191 *VOR civil airway 191* is amended to read:

From—	To—	Minimum altitude
Farmington, Mo., VOR.	Crystal City [1] INT, Mo.	2,500
Crystal City INT, Mo.	Troy, Ill., VOR.	2,200

[1] 3,000′—Minimum reception altitude.

Section 610.6195 *VOR civil airway 195* is amended by adding:

From—	To—	Minimum altitude
Bay Point, Calif., FM.	Sacramento, Calif., VOR, eastbound only.	2,000

Section 610.6200 *VOR civil airway 200* is amended to read in part:

From—	To—	Minimum altitude
Ukiah, Calif., VOR.	Williams, Calif., VOR.	7,000

Section 610.6204 *VOR civil airway 204* is added to read:

From—	To—	Minimum altitude
Hoquiam, Wash., VOR.	Olympia, Wash., VOR.	4,300

Section 610.6206 *VOR civil airway 206* is added to read:

From—	To—	Minimum altitude
Blue Springs, Mo., VOR.	Lexington INT, Mo.	[1] 4,000
Lexington INT, Mo.	Kirksville, Mo., VOR.	[1] 3,100

[1] 2,400′—minimum terrain clearance altitude.

Section 610.6208 *VOR civil airway 208* is added to read:

From—	To—	Minimum altitude
Thermal, Calif., VOR.	Needles, Calif., VOR.	[1] 10,000

[1] 6,500′—Minimum terrain clearance altitude.

Section 610.6209 *VOR civil airway 209* is added to read:

From—	To—	Minimum altitude
Los Angeles,[1] Calif., VOR.	Fillmore, Calif., VOR.	5,000
Shoreline INT, Calif.	Los Angeles, Calif., VOR, southeastbound only.	3,000
Fillmore,[2] Calif., VOR.	Paso Robles, Calif., VOR.	[1] 12,500

[1] 3,000′—minimum crossing altitude at Los Angeles VOR, northwestbound.
[2] 10,500′—minimum crossing altitude at Fillmore VOR, northwestbound.
[3] 9,500′—minimum terrain clearance altitude.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective November 3, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–8280; Filed, Oct. 14, 1955; 8:45 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regulations No. 4, Further Amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950– ——)

FILING OF APPLICATIONS AND OTHER FORMS

Correction

In F. R. Document 55–8165, appearing in the issue for Saturday, October 8, 1955, at page 7537, make the following changes:

1. In § 404.604 (b), line 9, delete the comma following the word "officer".
2. In § 404.612 (b), line 4, insert the word "commences" following the word "section".

PART 422—STATEMENTS OF PROCEDURE

Part 422 of Title 20, Code of Federal Regulations (20 CFR 422.1 et seq.), is amended to read as follows:

Subpart A—Bureau of Old-Age and Survivors Insurance

Sec.
422.1 Procedures of the Bureau of Old-Age and Survivors Insurance.
422.2 Inspection of official records.

Subpart B—Office of the Appeals Council

422.6 Procedures of the Appeals Council.
422.7 Inspection of official records.

AUTHORITY: §§ 422.1 to 422.7 issued under sec. 1102, 49 Stat. 647, as amended; 42 U. S. C. 1302. Interpret or apply sec. 205, 49 Stat. 624, as amended, sec. 218, 64 Stat. 514; 42 U. S. C. 405, 418.

SUBPART A—BUREAU OF OLD-AGE AND SURVIVORS INSURANCE

§ 422.1 *Procedures of the Bureau of Old-Age and Survivors Insurance*—(a) *Account and identification numbers*—(1) *Individual's account number.* (i) The Bureau maintains a record of the earnings reported for each individual. Every individual who has a social security account receives a social security account number card. The individual's name, together with the number on his card, identifies his account so that the wages or self-employment income reported on informational returns can be properly posted to his record. The form which an individual uses to apply for an account number is Treasury Department Form SS–5 "Application for Social Security Account Number."

(ii) Any person who wishes to file an application for an account number may do so by filing Form SS–5. Form SS–5 may be obtained at any social security district office. Upon request, the district office will distribute Forms SS–5 to labor or other representative organizations. All post offices, except the main post office in cities having a social security district office, supply Forms SS–5 on request. Except in cities having a social security district office, the United States Employment Service offices will upon request furnish applicants for jobs and unemployment compensation Forms SS–5. Form SS–5 is available also from district directors of internal revenue.

(iii) The social security district offices will assign an account number to an applicant on the basis of a completed Form SS–5. If it appears probable that an account number has been previously established for any applicant, his application is checked against the central files located in the Division of Accounting Operations, Bureau of Old-Age and Survivors Insurance, Candler Building, Baltimore 2, Maryland. In such case, if the applicant states that he needs a social security card at once, the district office prepares and gives to the applicant Form OAAN–5028 Temporary Unnumbered card.

(iv) As soon as it is determined that no account has been previously established for an applicant, the district office prepares and delivers Form OA–702, Account Number Card. The card shows the applicant's name and the number of his social security account.

(v) The Division of Accounting Operations uses the Forms SS–5 and duplicate copies of the Forms OA–702 to establish the necessary records for the maintenance of individual records of earnings. The duplicate copies of Form OA–702 are sent to State employment security offices which want them for use in establishing a numerical file of account numbers in that office. Form SS–5 is retained by the Division of Accounting Operations for use in identifying the individual to whom the account number is assigned.

(vi) In the event that a social security card is lost or damaged, an individual may obtain a duplicate card bearing the same account number. Any social security district office will issue a duplicate card at once upon presentation by an individual of the lower portion of the account number card previously issued to him.

(vii) An individual may obtain a duplicate account number card by submitting a properly completed Form SS–5, Application for Social Security Account Number, noted "Duplicate Requested" to any district office or to the Division of Accounting Operations, Baltimore 2, Md. A facsimile Form SS–5 is attached to Form Letter OAAN–L7012, sent to applicants by district offices in response to a letter requesting a duplicate card, if the letter contains insufficient identifying information. If an individual is in urgent need of a duplicate account number card, any district office will assist him in preparing a telegram to the Division of Accounting Operations, giving the necessary identifying information. Upon receipt of the request, the Division of Accounting Operations makes an immediate search for the account number and notifies the individual by telegram "collect" of the results of the search. If a previously assigned account number is located, the district office will issue a duplicate account number card. If no previously assigned number can be found, the district office will assign a new account number.

(viii) Form OAAN–7003, Request for Change in Your Social Security Records, should be completed by any person who wishes to correct or change the information he submitted previoulsy. These may be obtained from any district office, from the Division of Accounting Operations, or from one of the sources mentioned earlier where Forms SS–5 may be obtained. The completed request for change in records may be submitted to any office of the Bureau.

(2) *Employer's identification number.* (i) For every State or instrumentality of two or more States which enters into an agreement with the Secretary of Health, Education, and Welfare under section 218 of the Social Security Act, the Division of Accounting Operations assigns an employer's identification number to each State and each political subdivision or each instrumentality included in the agreement. The Division sends to the appropriate official of the State or instrumentality a Form OAR–S14, "Notice of Employer Identification Number," for each number assigned, and where appropriate, Form OAR–5002, "Register of Employer Identification Numbers Issued," covering all the numbers assigned to the State or its political subdivisions.

(ii) For all employers other than States, political subdivisions, or instrumentalities, identification numbers are issued by district directors of internal revenue and the appropriate procedures will be found in the Internal Revenue Service sections of the Code of Federal Regulations.

(b) *Records of earnings*—(1) *Maintenance of records of earnings.* (i) District Offices furnish employers with information on the established methods for insuring correct and complete reporting.

(ii) If an employer reports an employee without an account number, the Division of Accounting Operations corresponds with the employer regarding each of the incompletely reported earnings items. The employer is asked to furnish the missing account number or other identifying information. When an employer is unable to furnish the employee's account number or satisfactory identifying information and does furnish an address for the employee, the Division of Accounting Operations corresponds with the employee and requests him to furnish the necessary information so that the earnings reported may be properly posted to his account. For self-employment earnings items reported without an account number, the Division of Accounting Operations corresponds with the self-employed individual to obtain the missing account number.

(iii) If an employer reports an employee under an account number or name different from that shown on the employee's account number card and the

Division of Accounting Operations is unable to identify the employee from its records, correspondence is initiated with the employer regarding such unidentified incorrectly reported earnings items. When an employer is unable to furnish the corrected information and does furnish an address for the employee, the Division of Accounting Operations corresponds with the employee requesting him to furnish the necessary information so that the earnings reported may be properly posted to his account. When self-employment earnings items are reported with an incorrect name or account number and the Division of Accounting Operations is unable to identify the individual from its records, correspondence is initiated with the self-employed individual.

(iv) If an employer or self-employed individual fails to reply to the Division of Accounting Operations' correspondence regarding incompletely or incorrectly reported earnings items, copies of such correspondence are forwarded to the district office servicing the employer or self-employed individual. The copy of the correspondence is used by the district office in making an educational contact with the employer or self-employed individual to improve his reporting practices, to improve his response to correspondence received from the Division of Accounting Operations, and to secure the necessary information.

(v) The Division of Accounting Operations also corresponds with employers when the employer continually reports an employee under the same incorrect identifying information. In such cases, if the employer fails to correct his records on the basis of correspondence received from the Division of Accounting Operations, the district office servicing the employer's address is asked to make a personal call on the employer.

(2) *Statements of earnings.* An individual may obtain a statement of earnings recorded in his old-age and survivors insurance account by filling out and mailing Form OAR–7004, Request for Statement of Earnings, or by a signed written request giving his social security account number and date of birth addressed to Bureau of Old-Age and Survivors Insurance, Candler Building, Baltimore 2, Md. Upon receipt of this form or the required letter, the Bureau forwards to the individual a Form OAR–7014, Statement of Amounts Recorded in Your Old-Age and Survivors Insurance Account, containing the requested information. The Form OAR–7014 will show a grand total of earnings reported to date, the total for each of the last three complete years, and the amount of earnings reported since the last complete year. Itemized statements of earnings will not be furnished unless the itemization is needed for purposes related to Title II of the Social Security Act.

(3) *Wage discrepancies.* (i) If an individual disagrees with statement of earnings credited to his social security account he may request a revision by executing Form OAR–7008, Statement of Employment and Self-Employment. These forms may be obtained at any district office or from the Bureau of Old-Age and Survivors Insurance, Candler Building, Baltimore 2, Md. Upon receipt of this form the Bureau will initiate an investigation of his records of earnings.

(ii) District offices are authorized to investigate questions of coverage raised by individuals and requests for revision of records of earnings which cannot be resolved through examination of the Division of Accounting Operations records. In conducting such investigations, district office representatives may request employers and employees to submit information concerning the employment in question. On the basis of information submitted, the district office may determine, subject to review, whether the employment is covered by the Social Security Act. In the event that earnings cannot be established on the basis of the records of the employer, the district office will accept earnings evidence on behalf of the employee and will determine, subject to review, whether the evidence is sufficient to establish payment of the alleged earnings.

(iii) When self-employment income is involved, district offices will contact the self-employed individual to determine whether or not an income tax return (schedule Ca) had been filed or if the self-employed activity was covered under the provisions of the Social Security Act. From these contacts, the district office may advise the individual to contact the District Director of Internal Revenue and file a tax return; that his self-employment activity was not covered; to submit evidence of having filed a tax return; and of action to be taken to establish his self-employment income.

(iv) After the field investigation has been completed, and the results reviewed by the Division of Accounting Operations, the Bureau notifies the individual of the status of his record of earnings. The individual will also be informed of any determinations with respect to earnings or coverage questions which arose from the investigation and of his right to a reconsideration, hearing, or appeal.

(v) Form OAR–L5069, Letter Advising Employee of an Adverse Adjustment to His Account, is addressed to the employee to notify him of the adverse adjustment received subsequent to the issuance of the statement of earnings previously sent to him. The employee is requested to notify the Bureau if he disagrees with the adjustment to his account. This notice of disagreement must be received by the Bureau before the elapsed 6 months subsequent to the date indicated on the letter or within three years, two months, and 15 days after the year to be adjusted, whichever is later.

(4) *Compensation credited under the Railroad Retirement Act combined with earnings received for employment covered by the Social Security Act in certain cases.* Under certain circumstances, compensation credited under the Railroad Retirement Act is combined with earnings received for employment covered by the Social Security Act for the purpose of determining insurance benefits under Title II of the Social Security Act to railroad employees who have less than 10 years of railroad employment and to certain dependents and survivors of such employees. Where railroad employees have 10 years or more of railroad employment, such compensation and earnings will be combined under certain conditions to determine insurance benefits under Title II for certain survivors of such employees. Procedure has been established whereby the Bureau and the Railroad Retirement Board exchange information regarding earnings and compensation.

(c) *Claims procedure.* (1) The district offices provide local facilities for the public to file claims and to obtain assistance in perfecting them. To become entitled to any benefit or payment or to a recomputation of benefits, the apropriate application form, which can be obtained from any district office, must be filed with a Bureau office. (See §§ 404.601 and 403.701 of this chapter.) The application forms and related forms used by the public to file claims are as follows:

1. OA–C1, Application for Old-Age Insurance Benefits.
2. OA–C1.1, Application for Recomputation of Benefits.
3. OA–C1.2, Application for Recomputation of Primary Insurance Amount Based on Additional Work Since 1950.
4. OA–C1.4, Application for Recomputation of Primary Insurance Amount Based on Presumed Work Deductions Under a Retroactive State Agreement.
5. OA–C2, Application for Wife's Insurance Benefits.
6. OA–C3, Husband's Certification (this form must accompany the wife's application, Form OA–C2 above).
7. OA–C4, Application for Insurance Benefits for Child of Living Wage Earner or Self-Employed Person.
8. OA–C5, Application for Survivors Insurance Benefits (to be used by applicant for widow's benefits, mother's benefits, children's benefits).
9. OA–C6, Application on Behalf of Child for Survivors Insurance Benefits.
10. OA–C7, Application of Parent for Survivors Insurance Benefits.
11. OA–C8, Application for Lump-Sum Death Payment.
12. OA–C10, Application for Widow's or Widower's Insurance Benefits (to be used where widow or widower had previously filed for monthly benefits or a lump-sum on the same account).
13. OA–C11, Application for Substitution of Payee (for use when substitute payee files application to receive insurance benefits on behalf of self, minor child, or incompetent beneficiary).
14. OA–C12, Application by Divorced Wife for Mother's and Child's Insurance Benefits.
15. OA–C13, Application for Widower's Insurance Benefits.
16. OA–C14, Application for Husband's Insurance Benefits.
17. OA–C15, Wife's Certification (this form must accompany the husband's application, form OA–C14, above).
18. OA–D801, Application to Establish a Period of Disability.

(2) In addition to filing the appropriate application form, the claimant must establish by satisfactory evidence the material allegations in his application, except as to earnings shown in the Bureau's records. (See §§ 404.701 et seq. of this chapter). Claims application forms, instructions, report forms, and forms for the various proofs necessary to support the claims are available to the public in district offices, itinerant

stations, and resident stations. These offices assist claimants in preparing their applications and in obtaining the proofs required to support their claims. Claims adjudicated in the district offices are reviewed by one of the six area offices of the Bureau. Applications filed with the Railroad Retirement Board shall be deemed filed with the Bureau as of the date such forms were filed with the Railroad Retirement Board where compensation credited under the Railroad Retirement Act is considered in determining entitlement and the amount of benefits payable under the Social Security Act. The area office notifies claimants of the action taken on their claims, informing them at the same time of their right to a reconsideration, hearing, or appeal.

(3) The district offices also provide facilities for the public to file applications to establish a period of disability and to obtain assistance in perfecting these applications. To establish a period of disability an individual must file with a Bureau office an application form (OA–D801, Application to Establish a Period of Disability). In addition, the applicant must submit satisfactory medical evidence to support his claim for a disability determination. Determinations of disability are initially made by a designated State agency if the agency has entered into an appropriate agreement with the Secretary of Health, Education, and Welfare, and the case of the applicant is not in a class of individuals excluded from such an agreement. The Division of Disability Operations will make the determination of disability if the individual is in a State which has no agreement with the Secretary or is in a class or classes of individuals not included in the agreement of his State, or is outside the United States. When an applicant is already receiving OASI benefit, the appropriate area office will notify him of the action taken on his application for a disability determination, and the effect, if any, on his benefit amount informing him at the same time of his right to a reconsideration, hearing, or appeal. The area office will also notify all beneficiaries who may be receiving benefits on the account number of the applicant. In cases where the applicant is not entitled to OASI benefits, the Division of Disability Operations will notify him of the action taken on his application for a disability determination.

(4) Legislation enacted in 1946 extends protection of the survivors provisions of the Social Security Act in certain instances to survivors of servicemen who served in World War II and who died within 3 years after a discharge occurring prior to July 27, 1951. In addition, under the 1950 amendments to the act, wage credits of $160 for each month or fraction thereof are allowed, in certain cases, for periods of active military or naval service during World War II (September 16, 1940, to July 24, 1947), in determining entitlement to and computing monthly benefits for months after August 1950. Also, the 1952, 1953, 1954, and 1955 amendments provide similar wage credits of $160 for each month of active service beginning with the end of World War II through March 31, 1956. This applies to monthly benefits for months after August 1952. These wage credits are determined at the time of application for benefits and are not made part of the records of earnings.

(5) Recipients of monthly benefits are obligated to report to the Bureau the occurrence of certain events which suspend or terminate benefits. A post card, Form OA–C611a, for reporting these events is given the claimant at the time he files application for benefits. Additional ones may be obtained from any district office.

(d) *Reconsideration and hearing.* Provisions regarding requests for reconsideration of Bureau determinations are contained in §§ 404.901, 403.707 and 403.708 of this chapter. Provisions regarding requests for hearing with respect to Bureau determinations are contained in §§ 404.901, 403.707 and 403.709–403.711a, inclusive, of this chapter. Such requests may be filed with any Bureau office.

§ 422.2 *Inspection of official records.* Section 1106 of the Social Security Act prohibits disclosure of any official records except as prescribed by regulations of the Secretary of Health, Education, and Welfare. Circumstances under which disclosure may be made are set out in Part 401 of this chapter.

SUBPART B—OFFICE OF THE APPEALS COUNCIL

§ 422.6 *Procedures of the Appeals Council.*—(a) *Request for hearing by referee.* A claimant who is dissatisfied with a determination of the Bureau of Old-Age and Survivors Insurance of the Social Security Administration may file a request for a hearing of his case before a referee of the office of the Appeals Council. This request may be made on Form AC–501, Request for Hearing, which may be obtained at any referee's office or any office of the Bureau. Instead of executing the form, the request for hearing may be made by an informal letter. The executed form or informal letter may be filed at or mailed to any office of the Bureau or the office of any referee or the office of the Appeals Council. The request must be made within 6 months from date of mailing of notice of the Bureau's initial determination or within 3 months from date of mailing of notice of the Bureau's reconsidered determination. This time may be extended by a referee upon a showing of good cause.

(b) *Hearing by referee.* The referee holds a hearing, upon 10 days' notice to the claimant unless such notice is waived, at a place reasonably convenient to a claimant. A stenographic record of the testimony taken at the hearing is made. This record is not transcribed except where necessary in the judgment of the referee or where required by law. The referee may render a decision or certify the case to the Appeals Council in Washington for decision. In either case the claimant is furnished with a copy of the decision.

(c) *Review of referee's decision by Appeals Council.* If a claimant is dissatisfied with the referee's decision he may file a request for review of the decision by the Appeals Council in Washington. This request may be made on Form AC–520, Request for Review of Referee's Decision, which may be obtained at any referee's office or office of the Bureau, or the request for review may be made by an informal letter. The request may be filed at or mailed to any referee's office, any office of the Bureau, or the office of the Appeals Council in Washington. Such request must be made within 30 days after the date of mailing of the referee's notice of decision. It is within the discretion of the Appeals Council to grant or deny the request for review. If it denies the request the referee's decision stands as the final decision of the Department of Health, Education, and Welfare. If the request for review is granted the Appeals Council renders a decision either with or without the taking of further evidence. The Appeals Council also renders a decision in cases which are certified to it by a referee.

(d) *Judicial review.* A claimant may secure a court review of a decision by a referee, if the Appeals Council has denied the claimant's request for review, or of a decision by the Appeals Council by instituting a civil action in the United States District Court of his residence. Such action must be filed within 60 days of the Appeals Council's notice of denial of request for review of the referee's decision or notice of decision by the Appeals Council. This time may be extended by the Appeals Council upon a showing of good cause.

(e) *Where detailed procedural regulations are located.* Detailed procedural regulations relating to the work of the office of the Appeals Council may be found in Regulations No. 3 (Part 403 of this chapter) which have, by reference, been made a part of § 404.901 of Regulations No. 4 (Part 404 of this chapter), under the following subjects and section numbers.

Right to hearing; § 403.709 (a).
Time and place of filing request for hearing; § 403.709 (b).
Parties to a hearing; § 403.709 (c).
Referee; § 403.709 (d).
Time and place of hearing; § 403.709 (e).
Subpoenas; § 403.709 (f).
Conduct of hearing and evidence; § 403.709 (g).
Joint Hearings; § 403.709 (h).
Waiver of right to appear and present evidence; § 403.709 (i).
Dismissal of request for hearing; § 403.709 (j).
Referee's decision remanding to Bureau, or certification to Appeals Council; § 403.709 (k).
Effect of referee's decision or revision by Bureau; § 403.709 (l).
Removal of hearings to Appeals Council; § 403.709 (m).
Procedure before Appeals Council on certification by the referee; § 403.710 (a).
Review of referee's decision or Bureau's revised determination; § 403.710 (b).
Procedure before Appeals Council on review of referee's decision or Bureau's revised determination; § 403.710 (c).
Decision by Appeals Council or remanding of case; § 403.710 (d).
Effect of Appeals Council's decision or refusal to review; § 403.710 (e).
Extension of time; § 403.711 (a).
Revision for error; § 403.711 (b).
Hearing and review in cases involving wartime maritime services in the employ of the

United States and certain services in the employ of the Bonneville Power Administration; § 403.711a.

§ 422.7 *Inspection of official records.* Section 1106 of the Social Security Act prohibits disclosure of any official records, except as prescribed by regulations of the Secretary of Health, Education, and Welfare. Circumstances under which disclosure may be made are set out in Part 401 of this chapter.

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: October 7, 1955.

HEROLD C. HUNT,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 55-8303; Filed, Oct. 14, 1955; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

LABELING OF DRUG PREPARATIONS CONTAINING SALICYLATES

By authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701 (a), 52 Stat. 1055, 21 U. S. C. 371 (a)) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), and pursuant to the provisions of the Administrative Procedure Act (sec. 3, 60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of interpretation is issued:

§ 3.43 *Labeling of drug preparations containing salicylates.* (a) Because salicylate preparations enjoy widespread use as analgesics and such articles are ordinarily not toxic in the amounts required for producing an analgesic action, they are frequently regarded by the public as harmless. Actually, salicylates are capable of causing injury and even death when consumed in excessive quantities. Salicylate preparations have caused a number of deaths through accidental misuse by both adults and children, which might have been avoided had the users been aware of their potential hazards.

(b) On the basis of a study and conclusions by the Medical Advisory Panel on the Accidental Ingestion and Misuse of Salicylate Preparations by Children, under date of February 14, 1955, and in the interest of protecting the public health, the following recommendations are made concerning the labeling that should be employed for salicylate preparations to meet the requirements of section 502 (f) (1) and (2) of the Federal Food, Drug, and Cosmetic Act.

(1) The labels of all packages of salicylate preparations that are labeled with directions for use should bear, clearly visible and in bold-face type, some such statement as one of the following:

(i) "Warning—Keep out of the reach of children"; or

(ii) "Warning—Keep this and all medications out of the reach of children."

(2) In lieu of specific dosage recommendations for children under three years of age, the labeling of salicylate preparations for oral use should bear a statement such as: "For children under 3 years of age, consult your physician."

(c) The labeling recommendations in paragraph (b) of this section are applicable to preparations containing aspirin, salicylamide, salicylic acid and its salts, and other salicylic acid derivatives used as analgesics, except as provided in paragraph (d) of this section.

(d) To the extent shown in this paragraph, the labeling recommendations of paragraph (b) of this section do not apply to the following preparations.

(1) Paragraph (b) (1) of this section does not apply to wintergreen oil subject to § 3.35.

(2) Paragraph (b) (1) of this section does not apply to effervescent salicylate preparations since such preparations do not lend themselves to accidental use or overdosage.

(3) Paragraph (b) (1) and (2) of this section does not apply to preparations of para-aminosalicylic acid and its salts, which are not labeled with directions for use as analgesics.

(e) This statement in no way exempts salicylate preparations from complying in all other respects with the requirements of the Federal Food, Drug, and Cosmetic Act.

(f) Copies of the recommendations adopted by the Medical Advisory Panel on the Accidental Ingestion and Misuse of Salicylate Preparations by Children, which convened on February 14, 1955, may be obtained from the Department of Health, Education, and Welfare, Food and Drug Administration, upon request.

(g) Six months will be allowed for modification of existing labeling to comply with this statement.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 502, 52 Stat. 1050, as amended; 21 U. S. C. 352)

Dated: October 11, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8392; Filed, Oct. 14, 1955; 8:49 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 41 [1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 371.23 *General License GHK; shipments of certain commodities to Hong Kong*, paragraph (a) *Scope* is amended in the following particulars:

a. The following commodities are added to the list of commodities:

Dept. of Commerce Schedule B No.	Commodity
030050–030570	Cattle and kip side upper leather, and calf and whole kip upper leather.
032400	Sole leather (bends, backs and sides).
032500	Boot and shoe cut stock.
033000	Belting leathers for industrial belts.
033210	Sole, welting and belting leather offal.
489900	Art corners, albums and paper tags only.
596098	Other non-metallic mineral products, the following only: agate articles, except jewelry; agates; blast furnace slag; carbon elinkers; cinders; crude chalk, except precipitated; crude vermiculite; dantore plaster aggregate; feldspar; firestone; fluxing stone; glaze frits; glazing stones; ground coal (sea coal); lava, unmanufactured; meerschaum, imitation and natural, unmanufactured; obsidianite; sea coal; slag, except basic; stucco; Supercel filter powder; and volcanic ash and earth.
705715	Electric household type refrigerators.
706100	Electric free air circulating fans.
706812–706820	Electric household laundry equipment.
706910–706930	Electric household vacuum cleaners, and specially fabricated parts and accessories, n. e. c.
706950	Electric household dishwashers.
707010	Electric household mixers, juicers, and blenders.
707050	Electric household motor-driven appliances, n. e. c. (except freezers, 705725), and specially fabricated parts, n. e. c.
707100	Electric flatirons.
707200–707220	Electric household cooking ranges, and specially fabricated parts, n. e. c.
707310	Electric household storage water heaters.
707360–707380	Electric household cooking and heating appliances and utensils, n. e. c., and specially fabricated parts, n. e. c.
709998	Parts, n. e. c., specially fabricated for electric free air circulating fans.
770970	Self-contained household water systems (with or without tanks).
958950	Parts, n. e. c., specially fabricated for watches.

This part of the amendment shall become effective as of 12:01 a. m., October 6, 1955.

b. The following commodities are deleted from the list of commodities:

Dept. of Commerce Schedule B No.	Commodity
487150	Bags of any size and shape made of film, foil or plastic, for use as primary containers for packaging less than 25 pounds of any commodity, or bags used as liners for other containers irrespective of capacity.

[1] This amendment was published in Current Export Bulletin No. 756, dated October 6, 1955.

This part of the amendment shall become effective as of 12:01 a. m., October 13, 1955, except that with respect to any commodities removed from General License GHK, shipments which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., October 13, 1955, may be exported under the previous General License GHK provisions up to and including November 5, 1955. Any such shipment not laden aboard the exporting carrier on or before November 5, 1955, requires a validated license for export.

2. Section 373.2 *Confirmation of country of ultimate destination and verification of actual delivery, paragraph* (a) *Scope* is amended by adding a footnote symbol following the word "Austria" in subparagraph (1) (ii) and a footnote relating thereto to read as follows:

[2] Also see § 373.66 for requirement of Austrian Identification Number.

3. Section 373.66 *Austria* is amended to read as follows:

§ 373.66 *Austria.*[1] (a) Each applicant for a license to export commodities to Austria shall show in the import permit number item on the Application for Export License (Form IT- or FC-419), the Austrian import identification number on which the application is based. These numbers run in series from 1,000 to 339,999 inclusive, and in all instances will be preceded by the letters "IKN".

However, the Bureau of Foreign Commerce will consider the granting of an exception to this requirement where the ultimate consignee is unable to furnish the U. S. exporter with the Austrian Import Identification Number and the granting of an exception will not be contrary to the objectives of the United States export control program. The Bureau of Foreign Commerce may waive the requirement where it is shown that the inability of the foreign importer to provide the required information was due to discrimination against the U. S. exporter by the foreign government or for any other valid reason of similar importance.

(b) Each request for exception shall be by letter, in duplicate, accompanying the license application to which it applies, addressed to the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. The letter request should include, among other things, (1) the nature and duration of the business relationship between the applicant and the importer shown on the license application; (2) the reason or reasons for the foreign importer's inability to obtain the Austrian Import Identification number from his government; (3) a statement as to whether the exporter has previously submitted to the Bureau of Foreign Commerce any Austrian Import Identification numbers issued in the name of the importer and a listing of Bureau of Foreign Commerce Case Numbers to which such certificates applied; and (4) any other facts which would justify the granting of an exception. The applicant should also attach to his letter request, or have on file in the Bureau of Foreign Commerce, a statement from the consignee and purchaser in accordance with § 373.65. No request will be considered or granted unless such statement is submitted or is on file in the Bureau of Foreign Commerce.

(c) Where the letter request relates to more than one license application, whether submitted at the same time or at a later date, the original letter request shall be attached to one application and a copy of the letter request shall be attached to each additional application to which it is equally applicable. Any application to which a copy of the letter request is attached shall contain a reference (Bureau of Foreign Commerce Case Number, if known, or applicant's reference number) to the application to which the original letter request was attached.

4. Section 382.51 *Table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders* is amended in the following particulars:

a. The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Angloparts, Piazza della Republica 25, Milan, Italy.	1-31-55	1-30-56	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Alberto Leonelli, which see.)	20 F. R. 775, 2-4-55.
Corodex, N. V., Noorderduinweg 48, Zandvoort, Netherlands.	12-28-53	12-28-58	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to N. V. Amsterdamsche Maatschappij voor Industrie en Handel—"Hydrocarbon."	19 F. R. 37, 1-1-54.
Etablissment Henri Elaerts, 38 Rue du Beguinage, Brussells, Belgium.	7-28-55	Until further notice.	General and validated, all commodities, any destination.	20 F. R. 5510, 8-2-55.
Goetze-Werke, Via Fabio Filzi 15, Trieste, Italy.	1-31-55	1-30-57	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Antonio Sabbadini, which see.)	20 F. R. 775, 2-4-55.
Krueger, Herbert, Krueger, Luise (Johannsen), Hanau-Wilhelmsbad, Hohe Tanne 101, Germany.	4-21-54	Duration	General and validated, all commodities, any destination. (Related to Hanke Chemie, et al., which see.)	19 F. R. 2432, 4-24-54.
Nova-Dur, Via Ferdinando di Savola 2, Milan, Italy.	1-31-55	1-30-57	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Antonio Sabbadini, which see.)	20 F. R. 775, 2-4-55.
Prodaleo, S. a. r. l., 15 rue de la Cite, Geneva, Switzerland.	6- 9-55	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Les Fils de Basile Abegi et al., which see.)	20 F. R. 4190, 6-15-55.
Rohimport Trust, Vaduz, Leichtenstein.	4-21-54	do	General and validated, all commodities, any destination. (Related to Hanke Chemie, et al., which see.)	19 F. R. 2432, 4-24-54.
Societe d'Etudes et de Recherches Technique et Industrielles (SERTI, S. A.), 15 rue de la Cite, Geneva, Switzerland.	6- 9-55	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Les Fils de Basile Obegi et al., which see.)	20 F. R. 4190, 6-15-55.
Thiel, Reynold, 15 rue de la Cité, Geneva, Switzerland.	6- 9-55	do	do	20 F. R. 4190, 6-15-55.

b. The following entries are deleted:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
American Ore & Metal Corp., 92 Liberty St., New York, N. Y., and/or 101 Cedar St., New York, N. Y.	6- 3-54	7-11-55	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Sidney L. Jaffe, which see.)	19 F. R. 3403, 6-9-54. 19 F. R. 7356, 11-13-54.
Easy Enterprises, Inc., Pier 3, Miami, Fla.	2- 8-54	8-31-55	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 806, 2-11-54.
Easy Machinery Export Corp., 6427 Southwest 16th St., Miami, Fla., and 824 92d St., Surfside, Fla.	2- 8-54	8-31-55	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Isadore Marks, which see.)	19 F. R. 806, 2-11-54.
Fisher, P., 22 Hanway St., London, W. 1, England.	9- 1-53	9-1-55	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F. R. 5372, 9-4-53.
Gintz, Franz, 22 Hanway St., London W. 1, England.	9- 1-53	9-1-55	do	18 F. R. 5372, 9-4-53.
Goldman, Benjamin, 2465 Harine St., Brooklyn 35, N. Y.	6- 3-54 10-21-54	7-11-55	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Sidney L. Jaffe, which see.)	19 F. R. 3403, 6-9-54. 19 F. R. 7356, 11-13-54.

[1] Also see § 373.2 for requirement for submission of import certificate.

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Reus, Andres, Aguiar No. 556, Apt 6, Havana, Cuba.	(10–28–55)	(7–28–55) [1]	General and validated licenses, all commodities, any destination, also exports to Canada. (On probation for entire period 10–28–55–7–28–55).	19 F. R. 7202, 11–10–54.
Rofe, Charles Y., 15 Whitehall St., New York 4, N. Y.	10– 1–53	10–22–54 (10–2–55) [1]	Validated licenses, all commodities, any destination, also exports to Canada.	18 F. R. 6365, 10–6–53; 19 F. R. 6885, 10–27–54.
Sealand Machinery Co., 6427 Southwest 16th St., Miami, Fla.	2– 8–54	8–31–55	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 806, 2–11–54.
Stein, Steven, 110–37 64th Ave., Forest Hills, N. Y.	7–14–54	8–31–54 (7–14–55) [1]	do	19 F. R. 4429, 7–17–54; 19 F. R. 5633, 9–3–54.
Trans-World Corp., 92 Liberty St., New York, N. Y., and/or 101 Cedar St., New York, N. Y.	6– 3–54 10–21–54	7–11–55 2–22–55	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Sidney L. Jaffe, which see).	19 F. R. 3403, 6–9–54; 19 F. R. 7356, 11–13–54.
von Hornung, Gustav "Hanira" Transit-Handelsgesellschaft, St. Jakobstrasse 81, Basel, Switzerland.	7–18–52	7–18–55	General and validated licenses, all commodities, any destination, also exports to Canada.	17 F. R. 6796, 7–24–52.
Zornado & Co., 22 Hanway St., London W. 1, England.	9– 1–53	9–1–55	do	18 F. R. 5372, 9–4–53.

c. The following entries are amended to read as follows:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Hanpfeld, Dr. Georg, Stein Bei Hennef (Sieg), Germany.	4–21–54 5–31–55	5–31–55 (Duration) [1]	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 2432, 4–24–54; 20 F. R. 3021, 6–4–55.
Kollsch, Leopold, Van Uden's Transport Bureau, N. V., also known as Nederlands Transport Bureau, N. V. Willemskade 17, Rotterdam, Netherlands.	9–24–51 3–31–55	Duration (3–31–56) [1]	do	16 F. R. 10088, 10–3–51; 20 F. R. 4590, 6–29–55.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55–8304; Filed, Oct. 14, 1955; 8:48 a. m.]

[7th Gen. Rev. of Export Regs., Amdt. P. L. 23 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Synthetic rubbers (report synthetic liquid latex in terms of total dry latex solids (TDLS)) (report compounded or semi-processed in 209800):				
209098	Polytrifluorochloroethylene elastomer. (1) [18]	Lb.	RUBR 2	None	RO
	Other nonmetallic mineral products, except precious:				
596098	Lithium-containing minerals (e. g., Amblygonite, and spodumene). [4] [5]	----------	MINL	None	RO
	Nonferrous metallic ores and concentrates, n. e. c. (specify by name) (report radium ore concentrates in 829940):				
664598	Lithium ores (e. g. lepidolite), and lithium ore concentrates. [4] [5]	Lb.	MINL	None	RO
	Nonferrous metals and alloys in crude form, scrap, and semifabricated forms, n. e. c. (specify by name):				
664998	Lithium metals and alloys. (5) [4]	Lb.	MINL	None	RO
	Electrical apparatus, n. e. c., and parts, n. e. c. (specify by name):				
709998	Thermistors. (9) [13]	No.	RARA 52	100	RO
	Internal-combustion engines, n. e. c., and parts, n. e. c.:				
714500	Diesel and semi-Diesel (specify brake horsepower at normal speed, and revolutions per minute): Marine, 50 up to and including 200 brake horsepower, when the nonmagnetic content exceeds 50 percent of total weight. (1) [3]	No.	TRAN 7	None	RO
714500	Other marine, 50 up to and including 200 brake horsepower. (2) [3]	No.	TRAN 7	None	R
714620	Marine, over 200, up to and including 500 brake horsepower, when the nonmagnetic content exceeds 50 percent of total weight. (1) [3]	No.	TRAN 7	None	RO
714640	Marine, over 500, up to and including 1,000 brake horsepower when the nonmagnetic content exceeds 50 percent of total weight. (1) [3]	No.	TRAN 7	None	RO
715900	Parts and accessories, n. e. c., specially fabricated for Diesel engines included on the Positive List under Schedule B Nos. 714500 through 714760 for which validated license is required to R country destinations only. (Specify type of engine, brake horsepower, and revolution per minute). (1) [3]	----------	TRAN 7	500	R
715900	Parts and accessories, n. e. c., specially fabricated for Diesel engines included on the Positive List under Schedule B Nos. 714500 through 714760 for which validated license is required to both R and O country destinations. (Specify type of engine, brake horsepower, and revolution per minute.) (2) [3]	----------	TRAN 7	500	RO
	Other industrial chemicals:				
839900	Molybdenum salts and compounds, n. e. c. (including refined grades of calcium molybdate, molybdenum oxide, molybdenum trioxide and molybdic acid other than laboratory reagents; report molybdic oxide ore concentrate in 664550; and laboratory reagents in 829970). (12) [2]	Lb.	SALT 64	100	RO

[1] The GLV dollar-value limit is increased.
[2] The processing code is changed or related commodity group number is changed (see § 372.5 (f) of this subchapter).
[3] The letter "A" is added in the column headed "Commodity Lists," indicating that the commodity is subject to the IC/DV procedure (see § 373.2 of this subchapter), effective Nov. 21, 1955.
[4] The letter "B" is added in the column headed "Commodity Lists," indicating that the commodity is subject to DL restrictions (see § 374.2 of this subchapter), and is excepted from the Time Limit licensing procedure (see Part 377 of this subchapter), effective Nov. 7, 1955.
[5] The letter "C" is added in the column headed "Commodity Lists," indicating that the commodity may no longer be exported under the provisions of General License GIT (see § 371.9 (c) of this subchapter), effective Nov. 7, 1955.
[13] The commodity description is revised without substantive change.
[18] The entry is revised to reflect the appropriate Schedule B numbers applicable to all grades of molybdenum compounds.

This amendment shall become effective as of October 6, 1955, unless otherwise indicated in the footnotes.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55–8305; Filed, Oct. 14, 1955; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII–6, Supp. 4]

DMO VII–6—EXPANSION GOALS

ROLL-ON, ROLL-OFF SHIPS

1. Defense Mobilization Order VII–6, dated December 3, 1953 (18 F. R. 7876), is supplemented by adding to List III, Open, the following new expansion goal:

Goal No.	Title	Delegate agency
227	Roll-on, roll-off ships	Commerce.

2. This supplement shall be effective on October 13, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55–8418; Filed, Oct. 13, 1955; 2:51 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1216]

ALASKA

WITHDRAWING LANDS FOR USE OF BUREAU OF INDIAN AFFAIRS AND ALASKA ROAD COMMISSION; REVOKING EXECUTIVE ORDER OF MARCH 10, 1903, EXECUTIVE ORDER NO. 1347 OF MAY 6, 1911, AND EXECUTIVE ORDER NO. 1361 OF MAY 26, 1911, PARTLY REVOKING EXECUTIVE ORDER OF JUNE 30, 1904

Correction

In F. R. Document 55–7539, appearing in the issue for Saturday, September 17, 1955, at page 7004, make the following change in paragraph 1: Under [60507] line 3, "U. S. Survey 1496" should read "U. S. Survey 1495".

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 54—GOLD REGULATIONS

RECORD RETENTION REQUIREMENT

Correction

In F. R. Document 55–7952, appearing in the issue for Saturday, October 1, 1955, at page 7330, make the following change in line 12 of paragraph (b): Following the word "year" and preceding the close parenthesis mark, add the following words: "basis, until the end of the fifth fiscal year".

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 959]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959; 20 F. R. 7068), regulating the handling of Irish

potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 959.208 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended, to enable such committee to perform its functions pursuant to the provisions of aforesaid amended marketing agreement and order, during the fiscal period ending June 30, 1956, will amount to $26,100.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended, shall be one-half of one cent ($0.005) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and Order No. 59, as amended (§§ 959.1 to 959.88; 20 F. R. 7068).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c).

Dated: October 12, 1955.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 55-8389; Filed, Oct. 14, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BLUE HILL SALES CO. ET AL.

PROPOSED POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the livestock markets named below are stockyards as defined in Section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Blue Hill Sales Company, Blue Hill, Nebraska.
Oxford Livestock Commission Company, Oxford, Nebraska.
Republican Valley Livestock Auction, Franklin, Nebraska.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 11th day of October 1955.

[SEAL] DAVID M. PETTUS,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 55-8390; Filed, Oct. 14, 1955; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7189]

BONANZA PERMANENT CERTIFICATION CASE

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on October 25, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., October 12, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8399; Filed, Oct. 14, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-3864]

LEXIA BUCHANAN ET AL.

NOTICE OF FINDINGS AND ORDERS

OCTOBER 7, 1955.

In the matters of Lexia Buchanan, et al., Docket No. G-3864; Grover, Lowe, Trustee, Docket No. G-4791; Anna Lowe, Agent, Docket No. G-4792; Anna Lowe, Trustee, Docket No. G-4793; R. G. Piper, Docket No. G-4877; E. A. Graham, Docket No. G-4885; Floyd C. Ramsey, Docket No. G-5937; Edwin Nielsen, et al., Docket No. G-6327; Robert Mosbacher, et al., Docket No. G-6438; Haught Oil & Gas Company, Docket No. G-4963; Fluharty-Riddle Oil & Gas Company, Docket No. G-4970; Lauren C. Gruver, Docket No. G-5765; McAlester Fuel Company, Docket No. G-6006; The Sharpless Oil Corporation, Docket No. G-6081; J. M. Huber Corporation, Docket Nos. G-6284, G-6285, G-6286, G-6287, G-6288, G-6289, G-6290, G-6292, G-6293, G-6295; Danube Oil Company, Docket No. G-6425; Burnett & Cornelius, Docket No. G-6738.

Notice is hereby given that on October 4, 1955, the Federal Power Commission issued its findings and orders adopted September 28, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8381; Filed, Oct. 14, 1955; 8:46 a. m.]

[Docket No. G-2734]

S. D. JOHNSON

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 10, 1955.

Take notice that S. D. Johnson (Applicant), independent producer of natural gas, with a principal office in Denver, Colorado, filed on September 13, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Sandusky Field, Grayson County, Texas, which is sold in interstate commerce to Texas Natural Gasoline Corporation and H. W. Bass & Sons, Inc., for resale to Lone Star Gas Company.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 23, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 9, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8382; Filed, Oct. 14, 1955; 8:46 a. m.]

[Docket No. G-8875]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 10, 1955.

Take notice that Hope Natural Gas Company, a West Virginia corporation (Applicant), with a principal office in Clarksburg, West Virginia, filed on May 9, 1955, an application for permission to abandon service pursuant to section 7 of the Natural Gas Act, authorizing Applicant to terminate service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The application recites that Applicant proposes to abandon an existing service being rendered to South Penn Natural Gas Company under Applicant's sale contract No. 124, and relating to natural gas being produced from Applicant's well No. 8987 on the Martha Pauley, et al, lease, the volumes from which are sold in the interstate commerce to South Penn Natural Gas Company for resale. Abandonment of service is allegedly due to well depletion although the small volumes of gas continuing to flow from the well will be taken and marketed by Pipe Line Construction and Drilling Company under agreement with Pipe Line Construction and Drilling Company. Applicant and South Penn have mutually agreed to the termination of service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 22, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 9, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8383; Filed, Oct. 14, 1955; 8:46 a. m.]

[Docket No. G-9445]

SUNRAY-MIDCONTINENT OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Sunray-Midcontinent Oil Company (Applicant) on September 14, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Sept. 9, 1955.	United Fuel Gas Co	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 71.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: October 5, 1955.

Issued: October 10, 1955.

By the Commission.[1]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8384; Filed, Oct. 14, 1955; 8:46 a. m.]

[Docket No. G-9446]

SHELL OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Shell Oil Company (Applicant) on September 15, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Sept. 14, 1955.	United Fuel Gas Co	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 26.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred

[1] Commissioner Digby dissenting.

until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: October 5, 1955.

Issued: October 10, 1955.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8385; Filed, Oct. 14, 1955; 8:47 a. m.]

Docket Nos. G-2409, G-2399, G-2458, G-2465, G-4259, G-4260, G-4261

NORTHERN NATURAL GAS CO.

ORDER REOPENING AND CONSOLIDATING PROCEEDINGS FOR A HEARING

On August 15, 1955, the Presiding Examiner filed an initial decision in Docket No. G-2409 involving an application by Northern Natural Gas Company (Northern) for a certificate of public convenience and necessity pursuant to the Natural Gas Act to construct facilities for the purpose of making a sale of natural gas to Northern States Power Company for its own use in a power plant. Northern, on September 6, 1955, filed exceptions to this decision and a motion for oral argument before the Commission. Prior thereto, on August 29, 1955, the National Coal Association, et al. interveners filed a motion for oral argument in the event exceptions were filed to the initial decision.

Subsequently, Northern filed on September 12, 1955, a supplemental application in Docket Nos. G-2399, G-2458, G-2465, G-4259, G-4260 and G-4261, for a certificate of public convenience and necessity pursuant to the Natural Gas Act to construct facilities for the sale of gas to (1) existing customers, (2) the cities of Duluth, Minnesota, and Superior, Wisconsin, and certain towns along the route of the proposed pipeline, (3) the cities of Aberdeen, South Dakota, and certain towns along the route of the proposed pipeline, (4) Allied Chemical & Dye Corporation, at La Platte, Nebraska, and (5) certain other towns along its existing system.

This additional service represents an increase in contract demand of 93,789 Mcf of gas to be supplied from existing sources, and the question of availability of gas, when consideration is given to the subsequently filed supplemental application is further enlarged. Any determination at this time of Docket No. G-2409 might prejudice later determination of the service proposed in the supplemental application which hearing will be held in the near future.

The Commission finds: It is in the public interest that the Commission on its own motion reopen the proceeding in Docket No. G-2409, and consolidate said docket with Docket Nos. G-2399, G-2458, G-2459, G-4260 and G-4261, for the purpose of permitting the parties to introduce further evidence relating to the applications that may be pertinent, and enable consideration by the Commission of all of the above applications at one time. Further, the above motions for oral argument should be denied.

The Commission orders:

(A) The proceedings in Docket No. G-2409 be and the same hereby are reopened.

(B) The proceedings in Docket Nos. G-2409, G-2399, G-2458, G-2465, G-4259, G-4260 and G-4261, be and the same hereby are consolidated for the purpose of hearing, to be held at a time to be hereafter fixed by the Commission.

(C) The aforesaid motions for oral argument be and the same hereby are denied.

Adopted: October 5, 1955.

Issued: October 11, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8394; Filed, Oct. 14, 1955; 8:49 a. m.]

[Docket No. G-9447]

SOUTHERN PRODUCTION CO., INC.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Southern Production Company, Inc. (Applicant) on September 12, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change (undated)..	Southern Natural Gas Co...	Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 3.	Dec. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by Sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: October 5, 1955.

Issued: October 10, 1955.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8386; Filed, Oct. 14, 1955; 8:47 a. m.]

[1] Commissioner Digby dissenting.

OFFICE OF DEFENSE MOBILIZATION

[Expansion Goal 227]

ROLL-ON ROLL-OFF SHIPS

1. An expansion goal for 25 roll-on roll-off type vessels is hereby established.

2. All vessels to be considered under this goal shall be ocean going.

3. Firm contracts for the construction of vessels to be certified under this goal must be entered into by December 31, 1956.

Dated: October 13, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 55-8419; Filed, Oct. 13, 1955; 2:51 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-964]

NATIONAL AVIATION CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF TRANSACTIONS

OCTOBER 10, 1955.

Notice is hereby given that National Aviation Corporation ("National"), a registered closed-end, non-diversified investment company, has filed an application pursuant to sections 10 (f) and 17 (b) of the Investment Company Act of 1940 ("Act") for an order of the Commission (1) exempting from the provisions of section 10 (f) of the Act the proposed purchase by National of not to exceed 5,000 shares of the 243,469 shares of Preference Stock, -- percent Series of 1955, $100 par value ("preferred stock") to be issued by United Aircraft Corporation ("United"), and (2) exempting from the provisions of section 17 (a) of the Act the sale to National of shares of such preferred stock by Hornblower & Weeks.

United, a manufacturer of aircraft equipment, proposes to issue pro rata to its common stockholders rights in the form of transferable warrants to subscribe for 243,469 shares of preferred stock to be issued by United. It is expected that such warrants will be admitted to trading on the New York Stock Exchange. The shares of preferred stock which are not subscribed for are to be underwritten and offered publicly by a syndicate of underwriters, of which the firm of Hornblower & Weeks is expected to be a principal underwriter. National proposes to purchase not to exceed 5,000 shares of the preferred stock (in addition to 1,013 shares to which it will be entitled to subscribe as a holder of approximately 0.4 percent of the common stock of United) either (a) by the purchase of warrants on the New York Stock Exchange at the market price and their exercise at the subscription price; or (b) from Hornblower & Weeks or any of the other underwriters at the public offering price upon the public offering of the shares; or (c) by a combination of such means.

National states that Charles S. Sargent, a director of National, is a general partner in the firm of Hornblower & Weeks. Since Sargent is, by definition under the Act, an affiliated person of National and of Hornblower & Weeks, the latter is an affiliated person of an affiliated person of National. Section 10 (f) of the Act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person, unless the Commission by order grants an exemption therefrom. Section 17 (a) of the Act provides, among other things, that it shall be unlawful for an affiliated person of an affiliated person of a registered investment company, acting as principal, knowingly to sell any security to such registered investment company, with certain exceptions not pertinent here, unless the Commission by order pursuant to Section 17 (b) grants an exemption from such prohibition.

The Commission may by order upon application grant an exemption from the provision of section 10 (f) of the Act if and to the extent that such exemption is consistent with the protection of investors. The Commission shall upon application pursuant to section 17 (b) of the Act grant an exemption from the provisions of section 17 (a) if it finds that the terms of the proposed transaction, including the considerations to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

United has filed a registration statement under the Securities Act of 1933 covering the proposed offering of 243,469 shares of its preferred stock. National states that it understands that the subscription price, dividend rate, conversion rate, and other terms of the preferred stock will be fixed immediately prior to the distribution of the subscription rights to the common stockholders of United of record at the close of business on October 18, 1955, with the subscription rights to expire as of the close of business on November 1, 1955, at which time the underwriters will purchase and offer publicly the unsubscribed shares of preferred stock. The terms and conditions of the offering and the underwriting discount or commission will be arrived at through negotiations between United and the underwriters which, the applicant believes, will be at arm's length.

Notice is further given that any interested person may, not later than October 21, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the Rules and Regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8387; Filed, Oct. 14, 1955; 8:47 a. m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 115-55]

CALIFORNIA LABOR SCHOOL, INC.

HEARING ON REGISTRATION AS COMMUNIST-FRONT ORGANIZATION

Herbert Brownell, Jr., Attorney General of the United States, petitioner, v. California Labor School, Inc., respondent.

Notice is hereby given that, pursuant to the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, Pub. Law 831, 81st Cong. 50 U. S. C. 781 et seq.), particularly section 13 of said Act (50 U. S. C. 792), a hearing in the above-entitled proceeding on the petition of the Attorney General for an order of the Board requiring the Respondent to register as a Communist-front organization pursuant to section 7 of said Act (50 U. S. C. 786), will be held commencing on Monday, November 7, 1955, at 10:00 a. m., e. s. t., in Room 111, Lafayette Building, 811 Vermont Avenue NW., Washington, D. C.

Dated at Washington, D. C., October 12, 1955.

[SEAL] THOMAS J. HERBERT, *Chairman.*

[F. R. Doc. 55-8396; Filed, Oct. 14, 1955; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 61]

MACKINAC TRANSPORTATION CO.

DIVERSION AND REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, The Mackinac Transportation Company, account of an accident to car ferry, which caused the Mackinaw City and St. Ignace, Michigan car ferry to be removed from service for repairs, is unable to transport traffic offered to it for movement over the said car ferry:

It is ordered, That:

(a) Rerouting traffic: The Mackinac Transportation Company, and its connections, being unable to transport traffic offered to it for movement over the Mackinaw City and St. Ignace, Michigan car ferry, account car ferry out of service due to accident, is hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 8:00 a. m., October 10, 1955.

(g) Expiration date: This order shall expire at 11:59 p. m., October 20, 1955, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., October 10, 1955.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 55-8398; Filed, Oct. 14, 1955; 8:50 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 12, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31181: *Carpets and related commodities, from, to and between points in W. T. L. Territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on carpets, carpeting, mats, mattings or rugs, carloads between (1) specified stations in western trunk-line territory and between such points and points in Illinois territory (2) specified stations in western trunk-line territory, on one hand and points in central trunk line and New England territories, on the other and (3) specified stations in Missouri, and between such points, on one hand, and in central-eastern Illinois, and western trunk-line territories, on the other.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 4 to Agent Prueter's I. C. C. A-4106 and two other tariffs.

FSA No. 31182: *Sulphuric acid to St. Louis, Mo., area.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads, also spent sulphuric acid, tank-car loads from Baton Rouge, La., to St. Louis, Mo., E. St. Louis, Wood River and Roxana, Ill., and in the reverse direction on spent acid.

Grounds for relief: Barge-truck competition and circuity.

Tariffs: Supplement 96 to Agent Spaninger's I. C. C. 1357; Supplement 63 to Agent Raasch's I. C. C. 776.

FSA No. 31183: *Ammunition boxes—La Grange, Ga., to Joliet Arsenal, Ill.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on ammunition boxes, carloads from La Grange, Ga., to Joliet Arsenal (Area 2), Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 162 to Agent Spaninger's I. C. C. 1351.

FSA No. 31184: *Asphalt filler—Chattsworth, Ga., to Follansbee, W. Va.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on asphalt filler, carloads from Chattsworth, Ga., to Follansbee, W. Va.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 162 to Agent Spaninger's I. C. C. 1351.

FSA No. 31185: *Agricultural implements and parts—Decatur, Ill., to Western Points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on agricultural implements and parts, and related articles, carloads from Decatur, Ill., to specified points in Colorado, Idaho, New Mexico, Oregon and Utah.

Grounds for relief: Rates made on defined formula basis and circuitous routes.

Tariff: Supplement 272 to Agent Prueter's I. C. C. A-3560.

FSA No. 31186: *Iron and steel borings—Twin Cities to Keokuk, Iowa.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on iron or steel borings, filings, and scrap iron briquettes, carloads from Minneapolis, Minnesota Transfer, and St. Paul, Minn., to Keokuk, Iowa.

Grounds for relief: Barge competition and circuitous routes.

Tariff: Supplement 99 to Agent Prueter's I. C. C. A-3910.

FSA No. 31187: *Phosphate feed supplements from and to points in the South.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphatic feed supplements, carloads from specified points in Alabama, Florida, Mississippi and Tennessee to specified points in southern territory, also to St. Louis, Mo., and Washington, D. C.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 17 to Agent Spaninger's I. C. C. 1434.

FSA No. 31188: *Sodium phosphates—New Jersey to Natchez, Miss.* Filed by St. Louis-San Francisco Railway Company for itself and interested rail carriers. Rates on phosphate of sodium, di-sodium phosphate and tri-sodium phosphate, straight or mixed carloads from Carteret and Grasselli, N. J., to Natchez, Miss.

Grounds for relief: Circuitous routes operating in part west of the Mississippi River.

FSA No. 31189: *Electrolytic manganese metal from Marietta, Ohio.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on electrolytic manganese metal, carloads from Marietta, Ohio to specified points in Illinois and central territories.

Grounds for relief: Competition and circuity.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-8388; Filed, Oct. 14, 1955; 8:47 a. m.]

UNIVERSITY OF MICHIGAN

UNIVERSITY OF MICHIGAN
OCT
MAIN READING ROOM

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 20 NUMBER 203

Washington, Tuesday, October 18, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3116

THANKSGIVING DAY, 1955

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

The custom of devoting one day each year to national thanksgiving is a wise and an ancient one, hallowed by observance in the days before we became a Nation, and sanctioned throughout the succeeding generations. It is therefore in keeping with our oldest traditions that at the fruitful season of the waning year we turn again to Almighty God in grateful acknowledgment of His manifold blessings.

At this time of thanksgiving, may we express our deep appreciation of those forebears who, more than three centuries ago, celebrated the first Thanksgiving Day. Through their industry and courage, our Nation was hewn from the virgin forest, and through their steadfastness and faith, the ideals of liberty and justice have become our cherished inheritance.

May we lift up our hearts in special prayers of gratitude for the abundance of our endowments, both material and spiritual, for the preservation of our way of life, in its richness and fullness, and for the religious faith which has wielded such a beneficent influence upon our destiny. May we show our thanks for our own bounty by remembrance of those less fortunate, and may the spirit of this Thanksgiving season move us to share with them to alleviate their need.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, having in mind the joint Congressional resolution of December 26, 1941, which designated the fourth Thursday of November in each year as Thanksgiving Day and made that day a legal holiday, do hereby proclaim Thursday, the twenty-fourth day of November, 1955, as a day of national thanksgiving; and I urge all our citizens to observe the day with reverence. Let us, on the appointed day, in our homes and our accustomed places of worship, each according to his own faith, bow before God and give him humble thanks.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of October in the year of our Lord nineteen hundred and [SEAL] fifty-five, and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55-8451; Filed, Oct. 14, 1955; 1:11 p. m.]

LETTER OF OCTOBER 3, 1955

[PURSUANT TO PROCLAMATION CARRYING OUT PROTOCOL OF TERMS OF ACCESSION BY JAPAN TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE AND FOR OTHER PURPOSES]

MEMORANDUM FOR THE SECRETARY OF THE TREASURY

Denver, Colorado, October 3, 1955.

Reference is made to my proclamation of July 22, 1955 [1] carrying out the Protocol of Terms of Accession by Japan to the General Agreement on Tariffs and Trade.

On September 5, 1955 Italy gave to the Executive Secretary to the Contracting Parties to the General Agreement the notification referred to in paragraph 3 of the Protocol for the accession of Japan, of intention to apply on October 5, 1955 concessions which it had negotiated initially with Japan. Accordingly, pursuant to the procedure described in Part I (b) (1) of the above-mentioned proclamation, I hereby notify you that both items 1531 in Part I of Schedule XX to the said Protocol shall not be withheld pursuant to paragraph 4 of the said Protocol on or after October 5, 1955.

DWIGHT D. EISENHOWER

[F. R. Doc. 55-8453; Filed, Oct. 14, 1955; 2:28 p. m.]

[1] Proc. 3105, 20 F. R. 5379.

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POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (1), (b) (1), (3), (4), and (c) (2) of § 6.109 are revoked, paragraph (b) (5) of § 6.109 is amended, paragraphs (a) (3) and (f) (2) of § 6.309 are amended, and paragraphs (a) (7), (8), (b) (5), (c) (6), (7), (d) (2), (e) (2), (f) (3), (4), and (g) (1), (2), and (3) of § 6.309 are added as set out below.

§ 6.109 *Post Office Department.* • • •

(b) *Office of the Postmaster General.* • • •

(5) Two Information Specialists.

§ 6.309 *Post Office Department*—(a) *Office of the Postmaster General.* • • •

(3) Four Special Assistants to the Postmaster General.

• • • • • •

(7) Two Confidential Assistants to the Postmaster General.

(8) One Private Secretary to the Executive Assistant to the Postmaster General.

(b) *Bureau of Facilities.* • • •

(5) One Private Secretary to the Deputy Assistant Postmaster General.

(c) *Bureau of Transportation.* • • •

(6) One Confidential Assistant to the Assistant Postmaster General.

(7) One Private Secretary to the Assistant Postmaster General.

(d) *Bureau of Personnel.* • • •

(2) One Private Secretary to the Assistant Postmaster General.

(e) *Office of the Solicitor.* • • •

(2) One Private Secretary to the Solicitor.

(f) *Bureau of Post Office Operations.* • • •

(2) Two Special Assistants to the Assistant Postmaster General.

(3) One Staff Assistant to the Assistant Postmaster General.

(4) One Private Secretary to the Assistant Postmaster General.

(g) *Bureau of Finance.* (1) One Confidential Assistant to the Assistant Postmaster General and Controller.

(2) One Special Representative to the Assistant Postmaster General and Controller.

(3) One Private Secretary to the Assistant Postmaster General and Controller.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–8412; Filed, Oct. 17, 1955; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRAPEFRUIT (TEXAS AND STATES OTHER THAN FLORIDA, CALIFORNIA AND ARIZONA) [1]

On September 21, 1955, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 7077) regarding a proposed revision of United States Standards for Grapefruit (Texas and States other than Florida, California and Arizona).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grapefruit (Texas and States other than Florida, California and Arizona) are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GRADES

Sec.
51.620 U. S. Fancy.
51.621 U. S. No. 1.
51.622 U. S. No. 1 Bright.
51.623 U. S. No. 1 Bronze.
51.624 U. S. Combination.
51.625 U. S. No. 2.
51.626 U. S. No. 2 Russet.
51.627 U. S. No. 3.

UNCLASSIFIED

51.628 Unclassified.

TOLERANCES

51.629 Tolerances.
51.630 U. S. Fancy Grade.
51.631 U. S. No. 1 and U. S. No. 1 Bright Grades.
51.632 U. S. No. 1 Bronze Grade.
51.633 U. S. Combination Grade.
51.634 U. S. No. 2 Grade.
51.635 U. S. No. 2 Russet Grade.
51.636 U. S. No. 3 Grade.

APPLICATION OF TOLERANCES

51.637 Application of tolerances.

STANDARD PACK

51.638 Standard pack.

DEFINITIONS

51.639 Similar varietal characteristics.
51.640 Well colored.
51.641 Firm.
51.642 Well formed.
51.643 Smooth texture.
51.644 Injury.
51.645 Discoloration.
51.646 Fairly well colored.
51.647 Fairly well formed.
51.648 Fairly smooth texture.
51.649 Damage.
51.650 Fairly firm.
51.651 Slightly misshapen.
51.652 Slightly rough texture.
51.653 Serious damage.
51.654 Slightly colored.
51.655 Misshapen.
51.656 Slightly spongy.
51.657 Very serious damage.
51.658 Diameter.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

AUTHORITY: §§ 51.620 to 51.658 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.620 *U. S. Fancy.* "U. S. Fancy" consists of grapefruit of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture, free from ammoniation, bird pecks, bruises, buckskin, cuts which are not healed, decay, growth cracks, scab, sprayburn, and free from injury caused by green spots or oil spots, pitting, scale, scars, thorn scratches, and free from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, disease, insects, or mechanical or other means.

(a) In this grade not more than one-tenth of the surface, in the aggregate, may be affected with discoloration. (See §§ 51.630 and 51.637.)

§ 51.621 *U. S. No. 1.* "U. S. No. 1" consists of grapefruit of similar varietal characteristics which are fairly well colored, firm, fairly well formed, mature, and of fairly smooth texture; free from bruises, cuts which are not healed, decay, growth cracks, sprayburn, and free from damage caused by ammoniation, bird pecks, buckskin, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprouting, sunburn, thorn scratches, disease, insects, or mechanical or other means.

(a) In this grade not more than one-half of the surface, in the aggregate, may be affected with discoloration. (See §§ 51.631 and 51.637.)

§ 51.622 *U. S. No. 1 Bright.* The requirements for this grade are the same as for U. S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration. (See §§ 51.631 and 51.637.)

§ 51.623 *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except that more than 10 percent but not more than 75 percent, by count, of the fruits shall have in excess of one-half of their surface, in the aggregate, affected with discoloration: *Provided,* That when the predominating discoloration on each of 75 percent or more, by count, of the fruits is caused by rust mite, all fruits may have in excess of one-half of their surface affected with discoloration. (See §§ 51.632 and 51.637.)

§ 51.624 *U. S. Combination Grade.* Any lot of grapefruit may be designated "U. S. Combination" when not less than 40 percent, by count, of the fruits in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade. (See §§ 51.633 and 51.637.)

§ 51.625 *U. S. No. 2.* "U. S. No. 2" consists of grapefruit of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen or slightly rough, and which are free

from bruises, cuts which are not healed, decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, buckskin, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprayburn, sprouting, sunburn, thorn scratches, disease, insects, or mechanical or other means.

(a) Each grapefruit may be only slightly colored.

(b) In this grade not more than two-thirds of the surface, in the aggregate, may be affected with discoloration. (See §§ 51.634 and 51.637.)

§ 51.626 *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of two-thirds of their surface, in the aggregate, affected with discoloration. (See §§ 51.635 and 51.637.)

§ 51.627 *U. S. No. 3.* "U. S. No. 3" consists of grapefruit of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and free from decay, and free from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, dryness or mushy condition, pitting, scab, scale, sprayburn, sprouting, sunburn, thorn punctures, disease, insects, or mechanical or other means.

(a) The fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See §§ 51.636 and 51.637.)

UNCLASSIFIED

§ 51.628 *Unclassified.* "Unclassified" consists of grapefruit which has not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no definite grade has been applied to the lot.

TOLERANCES

§ 51.629 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.630 to 51.636 are provided as specified.

§ 51.630 *U. S. Fancy Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.631 *U. S. No. 1 and U. S. No. 1 Bright Grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.632 *U. S. No. 1 Bronze Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-half of their surface, in the aggregate, affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.633 *U. S. Combination Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may have more than the amount of discoloration specified. No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 required in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 required or specified: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.634 *U. S. No. 2 Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.635 *U. S. No. 2 Russet Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of two-thirds of their surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.636 *U. S. No. 3 Grade.* Not more than 15 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

APPLICATION OF TOLERANCES

§ 51.637 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided,* That not more than one grapefruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package, and in addition, en route or at destination, not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.638 *Standard pack.* (a) Fruits shall be fairly uniform in size, unless specified as uniform in size. When packed in boxes, fruit shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) When packed in 1⅘ bushel or 1⅗ bushel nailed boxes, each container shall show a minimum bulge of 2 inches, except that boxes packed with grapefruit of a pack size 80 or smaller need only show a bulge of 1½ inches.

(d) "Fairly uniform in size" means that not more than a total of 10 percent, by count, of the fruits in any container is outside the range of diameters given in the applicable one of the following tables 1 and 2 for the various pack sizes and size of boxes:

TABLE I—1⅘ BUSHEL BOX

[Diameter in inches]

Pack size	Minimum	Maximum
54's or 56's	4 2/16	4 13/16
64's	3 15/16	4 5/16
70's or 72's	3 13/16	4 2/16
80's	3 10/16	4 1/16
96's	3 6/16	3 15/16
112's or 113's	3 2/16	3 10/16
125's or 120's	3	3 6/16

TABLE II—1⅗ bushel box

[Diameter in inches]

Pack size	Minimum	Maximum
36's	5	5 9/16
45's or 46's	4 13/16	5 5/16
54's or 56's	4 6/16	4 15/16
64's	4 3/16	4 12/16
70's or 72's	3 15/16	4 5/16
80's	3 12/16	4 5/16
96's	3 8/16	4 2/16
112's or 113's	3 7/16	4
125's or 120's	3 5/16	3 15/16

(e) "Uniform in size" means that for 1⅘ bushel or 1⅗ bushel boxes, not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

(1) 64 size and smaller—not more than 9/16 inch in diameter; and,

(2) 54 size and larger—not more than 9/16 inch in diameter.

(f) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

DEFINITIONS

§ 51.639 *Similar varietal characteristics.* "Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.640 *Well colored.* "Well colored" means that the fruit is yellow in color with practically no trace of green color.

§ 51.641 *Firm.* "Firm" means that the fruit is not soft, or noticeably wilted or flabby, and the skin is not spongy or puffy.

§ 51.642 *Well formed.* "Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.643 *Smooth texture.* "Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.644 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Green spots or oil spots when appreciably affecting the appearance of the individual fruit;

(b) Scale when more than a few adjacent to the "button" at stem end, or when more than 6 scattered on the other portions of the fruit;

(c) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(d) Thorn scratches when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

§ 51.645 *Discoloration.* "Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth, superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.646 *Fairly well colored.* "Fairly well colored" means that, except for one inch in the aggregate of green color, the yellow color predominates over the green color on that part of the fruit which is not discolored.

§ 51.647 *Fairly well formed.* "Fairly well formed" means that the fruit may not have the shape characteristic of the variety but is not elongated or pointed or otherwise deformed.

§ 51.648 *Fairly smooth texture.* "Fairly smooth texture" means that the skin is not materially rough or coarse and that the skin is not thick for the variety.

§ 51.649 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Ammoniation when not occurring as light speck type similar to melanose;

(b) Dryness or mushy condition when affecting all segments more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(c) Green spots or oil spots when the aggregate area exceeds the area of a circle 1 inch in diameter on a grapefruit 4¼ inches in diameter. Smaller sizes shall have lesser areas of green spots or oil spots and larger sizes may have greater areas: *Provided,* That the appearance of the grapefruit is not affected to a greater extent than the area permitted on a grapefruit 4¼ inches in diameter;

(d) Scab when it cannot be classed as discoloration, or appreciably affects shape or texture;

(e) Scale when the appearance of the fruit is affected to a greater extent than that of a grapefruit 4¼ inches in diameter which has a blotch the area of a circle seven-eighths inch in diameter or a ring 1⅜ inches in diameter;

(f) Scarring which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars when the appearance of the fruit is affected to a greater extent than that of a grapefruit 4¼ inches in diameter which has a very deep or very rough scar aggregating the area of a circle one-half inch in diameter;

(2) Scars when the appearance of the fruit is affected to a greater extent than that of a grapefruit 4¼ inches in diameter which has a deep or rough scar aggregating 1 inch in diameter;

(3) Scars which are slightly rough or of slight depth and aggregate more than 10 percent of the fruit surface; and,

(4) Scars which are smooth or fairly smooth with no depth and affect the appearance of the grapefruit to a greater extent than the amount of discoloration permitted. (Smooth or fairly smooth scars with no depth shall be scored against the discoloration tolerance);

(g) Sunburn when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard; and,

(h) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified in this section.

§ 51.650 *Fairly firm.* "Fairly firm" means that the fruit may be slightly soft, but not bruised, and the skin is not spongy or puffy.

§ 51.651 *Slightly misshapen.* "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably

elongated or pointed or otherwise deformed.

§ 51.652 *Slightly rough texture.* "Slightly rough texture" means that the skin is not smooth or fairly smooth but is not excessively rough or excessively thick, or materially ridged, grooved or wrinkled.

§ 51.653 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Ammoniation when scars are cracked, or when dark and aggregating more than the area of a circle three-fourths inch in diameter, or when light colored and aggregating more than the area of a circle 1¼ inches in diameter;

(b) Buckskin when aggregating more than 25 percent of the fruit surface or the fruit texture is seriously affected;

(c) Dryness or mushy condition when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(d) Green spots or oil spots when the aggregate area exceeds the area of a circle 1½ inches in diameter on a grapefruit 4¼ inches in diameter. Smaller sizes shall have lesser areas of green spots or oil spots, and larger sizes may have greater areas: *Provided*, That the appearance of the grapefruit is not affected to a greater extent than the area permitted on a grapefruit 4¼ inches in diameter;

(e) Scab when it cannot be classed as discoloration, or when materially affecting shape or texture;

(f) Scale when the appearance of the fruit is affected to a greater extent than that of a grapefruit 4¼ inches in diameter which has a blotch the area of a circle 1⅛ inches in diameter or a ring 1⅝ inches in diameter;

(g) Scarring which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars when the appearance of the fruit is affected to a greater extent than that of a grapefruit 4¼ inches in diameter which has a very deep or very rough scar aggregating the area of a circle 1 inch in diameter;

(2) Scars which are deep or rough and aggregate more than 5 percent of the fruit surface;

(3) Scars which are of slight depth or slightly rough and aggregate more than 15 percent of the fruit surface; and,

(4) Scars which are smooth or fairly smooth with no depth and affect the appearance of the grapefruit to a greater extent than the amount of discoloration permitted. (Smooth or fairly smooth scars with no depth shall be scored against the discoloration tolerance);

(h) Sprayburn which seriously affects the appearance of the fruit or is hard, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration;

(i) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration; and,

(j) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified in this section.

§ 51.654 *Slightly colored.* "Slightly colored" means that except for two inches in the aggregate of green color, the portion of the fruit surface which is not discolored shows some yellow color.

§ 51.655 *Misshapen.* "Misshapen" means that the fruit is decided elongated, pointed or flat sided.

§ 51.656 *Slightly spongy.* "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.657 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(a) Growth cracks that are seriously weakened, gummy or not healed;

(b) Ammoniation when aggregating more than the area of a circle 2 inches in diameter, or which has caused serious cracks;

(c) Bird pecks when not healed;

(d) Caked melanose when more than 25 percent in the aggregate of the surface of the fruit is caked;

(e) Buckskin when rough and aggregating more than 50 percent of the surface of the fruit;

(f) Dryness or mushy condition when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(g) Scab when aggregating more than 25 percent of the surface of the fruit;

(h) Scale when covering more than 25 percent of the surface of the fruit;

(i) Sprayburn when seriously affecting more than one-third of the fruit surface;

(j) Sunburn when seriously affecting more than one-third of the fruit surface; and,

(k) Thorn punctures when not healed or the fruit is seriously weakened.

§ 51.658 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

The United States Standards for Grapefruit (Texas and States other than Florida, California and Arizona) contained in this subpart shall become effective 15 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Grapefruit (Texas and States other than Florida, California and Arizona) which have been in effect since August 20, 1954 (7 CFR 51.620–51.658).

It is hereby found that it is impracticable, unnecessary and contrary to the public interest to postpone the effective date of these standards until 30 days after publication hereof in the FEDERAL REGISTER because packing of Texas grapefruit will begin the latter part of October and it is in the public interest that the standards be in effect as soon as possible; and a reasonable time is permitted, under the circumstances for preparation.

Dated: October 13, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Service.

[F. R. Doc. 55–8438; Filed, Oct. 17, 1955; 8:53 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

PROCLAMATION RELATING TO NATIONAL MARKETING QUOTA AND NATIONAL ACREAGE ALLOTMENT FOR THE 1956 CROP OF UPLAND COTTON

Sec.
722.701 Basis and purpose.
722.702 Findings and determinations with respect to a national marketing quota for the 1956 crop of cotton.
722.703 Determination of a national acreage allotment for the 1956 crop of cotton.

AUTHORITY: § 722.701 to 722.703 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply Secs. 301, 341–348; 52 Stat. 38, as amended; 7 U. S. C. 1301, 1341–1348.

§ 722.701 *Basis and purpose.* (a) This proclamation is issued to announce findings made by the Secretary of Agriculture with respect to the total supply and the normal supply of upland cotton for the marketing year beginning August 1, 1955, and to proclaim whether, upon the basis of such findings, a national marketing quota and a national acreage allotment for the 1956 crop of upland cotton are required under the provisions of the Agricultural Adjustment Act of 1938, as amended (referred to herein as the "act"). The term "upland cotton" (referred to herein as "cotton") and the data appearing in §§ 722.702 and 722.703 do not include extra long staple cotton described in section 347 (a) of the act or similar types of such cotton which are imported. Section 342 of the act provides, in part, that, whenever during any calendar year the Secretary determines that the total supply of cotton for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of cotton produced in the next calendar year. Whenever a national marketing quota is proclaimed, the Secretary is required by section 344 (a) of the act to determine and proclaim a national acreage allotment for the crop of cotton to be produced in the next calendar year. The act further provides that the proclamation with respect to a national marketing quota shall be made not later than October 15 of the calendar year in which the determinations relating thereto are made.

(b) The terms "total supply", "carry-over", and "normal supply", as they relate to cotton, are defined in section 301 of the act as follows:

"Total supply" of cotton for any marketing year shall be the carry-over at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins and the estimated imports of cotton into the United States during such marketing year.

"Carry-over" of cotton for any marketing year shall be the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current.

"Normal supply" of cotton for any marketing year shall be the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of the sum of such consumption and exports as an allowance for carry-over.

(c) The findings and determinations made by the Secretary are contained in §§ 722.702 and 722.703 and have been made on the basis of the latest available statistics of the Federal Government. Prior to making such findings and determinations, notice was published in the FEDERAL REGISTER (20 F. R. 6387) in accordance with the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary was preparing to examine the supply situation with respect to cotton to determine if quotas were required under the act and that any interested person might express his views in writing with respect thereto, postmarked not later than 15 days from the date of publication of the notice, which was August 31, 1955. All written expressions submitted pursuant to such notice have been duly considered in connection with making the findings and determinations.

§ 722.702 *Findings and determinations with respect to a national marketing quota for the 1956 crop of cotton—*(a) *Total supply.* The total supply of cotton for the marketing year beginning August 1, 1955 (in the terms of running bales or the equivalent), is 24,403,162 bales, consisting of (1) a carry-over on August 1, 1955, of 10,633,262 bales, (2) estimated production from the 1955 crop of 13,719,900 bales, and (3) estimated imports into the United States during the marketing year beginning August 1, 1955, of 50,000 bales.

(b) *Normal supply.* The normal supply of cotton for the marketing year beginning August 1, 1955 (in terms of running bales or the equivalent), is 15,600,000 bales, consisting of (1) estimated domestic consumption for the marketing year beginning August 1, 1955, of 9,000,000 bales, (2) estimated exports during the marketing year beginning August 1, 1955, of 3,000,000 bales, and (3) 30 percent of the sum of subparagraphs (1) and (2) of this paragraph as an allowance for carry-over, or 3,600,000 bales.

(c) *National marketing quota.* It is hereby determined and proclaimed that the total supply of cotton for the marketing year beginning August 1, 1955, will exceed the normal supply of cotton for such marketing year. Therefore, a national marketing quota shall be in effect for the crop of cotton produced in the calendar year 1956. It is further determined and proclaimed that the amount of the national marketing quota for the 1956 crop of cotton shall be 10,000,000 bales (standard bales of 500 pounds gross weight). The amount of such quota has been determined under section 342 of the act which, in effect, provides that the 1956 quota shall be the larger of the following:

(1) The number of bales of cotton (standard bales of 500 pounds gross weight) adequate, together with (i) the estimated carry-over at the beginning of the 1956–57 marketing year and (ii) the estimated imports during the 1956–57 marketing year, to make available a normal supply of cotton. The number of bales of cotton determined under this provision is 3,828,731 bales.

(2) The number of bales of cotton (standard bales of 500 pounds gross weight) equal to the smaller of (i) 10,000,000 bales, or (ii) 1,000,000 bales less than the estimated domestic consumption plus exports of cotton for the marketing year ending July 31, 1955. The number of bales of cotton determined under subdivision (ii) of this subparagraph would be 11,264,108 bales. Therefore, the smaller of subdivisions (i) and (ii) would be 10,000,000 bales.

§ 722.703 *Determination of national acreage allotment for the 1956 crop of cotton.* It is hereby further determined and proclaimed that a national acreage allotment shall be in effect for the crop of cotton produced in the calendar year 1956. The amount of such national acreage allotment shall be 17,391,304 acres. The amount of such national acreage allotment has been determined under section 344 (a) of the act, which provides that the national acreage allotment for cotton shall be that acreage, based upon the national average yield per acre of cotton for the 5 years immediately preceding the calendar year in which the national marketing quota is proclaimed, required to make available from such crop an amount of cotton equal to the national marketing quota.

Done at Washington, D. C., this 14th day of October 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–8458; Filed, Oct. 14, 1955; 2:51 p. m.]

PART 722—COTTON

PROCLAMATION RELATING TO NATIONAL MARKETING QUOTA AND NATIONAL ACREAGE ALLOTMENT FOR THE 1956 CROP OF EXTRA LONG STAPLE COTTON

Sec.
722.1301 Basis and purpose.
722.1302 Findings and determinations with respect to a national marketing quota for the 1956 crop of extra long staple cotton.
722.1303 Determination of a national acreage allotment for the 1956 crop of extra long staple cotton.

AUTHORITY: §§ 722.1301 to 722.1303 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply Secs. 301, 341–348, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1341–1348.

§ 722.1301 *Basis and purpose.* (a) This proclamation is issued to announce findings made by the Secretary of Agriculture with respect to the total supply and the normal supply of extra long staple cotton for the marketing year beginning August 1, 1955, and to proclaim whether, upon the basis of such findings, a national marketing quota and a national acreage allotment for the 1956 crop of extra long staple cotton are required under the provisions of the Agricultural Adjustment Act of 1938, as amended (referred to herein as the "act").

(b) The term "extra long staple cotton", as used in § 722.1302 (a) and (b), means the kinds of cotton described in section 347 (a) of the act, including all American-Egyptian cotton, Sea Island cotton in both the continental United States and Puerto Rico, and Sealand cotton, and all imports of similar type cotton produced in Egypt and Peru. The term "extra long staple cotton", as used in §§ 722.1302 (c) and 722.1303, means the kinds of cotton described in section 347 (a) of the act. The term "carry-over" as used herein does not include the stocks of extra long staple cotton acquired pursuant to, or under the authority of, the Strategic and Critical Materials Stockpiling Act. Section 347 (c) of the act provides that, with certain exceptions, all provisions of the act shall, insofar as applicable, apply to marketing quotas and acreage allotments for extra long staple cotton.

(c) The terms "total supply", "carry-over", and "normal supply", as they relate to cotton, are defined in section 301 of the act as follows:

"Total supply" of cotton for any marketing year shall be the carry-over at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins and the estimated imports of cotton into the United States during such marketing year.

"Carry-over" of cotton for any marketing year shall be the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current.

"Normal supply" of cotton for any marketing year shall be the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of the sum of such consumption and exports as an allowance for carry-over.

(d) Section 347 (b) of the act provides that whenever during any calendar year, not later than October 15, the Secretary of Agriculture determines that the total supply of extra long staple cotton for the marketing year beginning in such calendar year will exceed the normal supply thereof for such marketing year by more than 8 per centum, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of such cotton produced in the next calendar year. Whenever a national marketing quota is proclaimed under the act, the Secretary is also required to determine and proclaim a national acreage allotment for the crop to be produced in the next calendar year.

(e) The findings and determinations made by the Secretary are contained in §§ 722.1302 and 722.1303 and have been made on the basis of the latest available statistics of the Federal Government. Prior to making such findings and determinations, notice was published in the FEDERAL REGISTER (20 F. R. 6388) in accordance with the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary was preparing to examine the supply situation with respect to extra long staple cotton to determine if quotas were required under the act and that any interested person might express his views in writing with respect thereto, postmarked not later than 15 days from the date of publication of such notice, which was August 31, 1955. All written expressions submitted pursuant to such notice have been duly considered in connection with making the findings and determinations.

§ 722.1302 *Findings and determinations with respect to a national marketing quota for the 1956 crop of extra long staple cotton*—(a) *Total supply.* The total supply of extra long staple cotton for the marketing year beginning August 1, 1955 (in terms of running bales or the equivalent), is 319,593 bales, consisting of (1) a carry-over on August 1, 1955, of 174,493 bales, (2) estimated production from the 1955 crop of 45,100 bales, and (3) estimated imports into the United States during the marketing year beginning August 1, 1955, of 100,000 bales.

(b) *Normal supply.* The normal supply of extra long staple cotton for the marketing year beginning August 1, 1955 (in terms of running bales or the equivalent), is 149,500 bales, consisting of (1) estimated domestic consumption for the marketing year beginning August 1, 1955, of 110,000 bales, (2) estimated exports during the marketing year beginning August 1, 1955, of 5,000 bales, and (3) 30 percent of the sum of subparagraphs (1) and (2) of this paragraph as an allowance for carry-over, or 34,500 bales.

(c) *National marketing quota.* It is hereby determined and proclaimed that the total supply of extra long staple cotton for the marketing year beginning August 1, 1955, will exceed the normal supply of such cotton for such marketing year by more than 8 per centum. Therefore, a national marketing quota shall be in effect for the crop of extra long staple cotton produced in the calendar year 1956. It is further determined and proclaimed that the amount of the national marketing quota for the 1956 crop of extra long staple cotton shall be 35,300 bales of cotton (standard bales of 500 pounds gross weight). Under section 347 (b) of the act, the amount of the national marketing quota in terms of the quantity of cotton needed to make available a normal supply, taking into account the estimated carryover on August 1, 1956, and the estimated imports during the 1956–57 marketing year, would be substantially smaller than 30,000 bales. However, section 347 (b) of the act also provides that the national marketing quota for the 1956 crop of extra long staple cotton shall not be less than the larger of 30,000 bales or the number of bales equal to 30 per centum of the estimated domestic consumption plus exports for the 1955–56 marketing year. Thirty per centum of the estimated domestic consumption plus exports for the 1955–56 marketing year is 35,300 bales of cotton (standard bales of 500 pounds gross weight).

§ 722.1303 *Determination of national acreage allotment for the 1956 crop of extra long staple cotton.* It is hereby determined and proclaimed that the national acreage allotment for the 1956 crop of extra long staple cotton shall be 45,305 acres. The amount of such national acreage allotment has been determined under section 344 (a) of the act, which provides that the national acreage allotment shall be that acreage, based upon the national average yield per acre of cotton for the 5 years immediately preceding the calendar year in which the national marketing quota is proclaimed, required to make available from such crop an amount of cotton equal to the national marketing quota.

Done at Washington, D. C., this 14th day of October 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–8459; Filed, Oct. 14, 1955; 2:51 p. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

MODIFICATION OF MINIMUM GRADE AND CONDITION STANDARDS FOR NATURAL CONDITION RAISINS AND MINIMUM GRADE STANDARDS FOR PACKED RAISINS

Pursuant to the Marketing Agreement No. 109, as amended, and Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California, hereinafter referred to as the "order," effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and upon the basis of information supplied by the Raisin Administrative Committee established under the order, and other available information, it is hereby found that to modify for the remainder of the current crop year the minimum grade and condition standards for natural condition raisins and the minimum grade standards for packed raisins as hereinafter provided will tend to effectuate the declared policy of the act.

The changes which will be effected by this document will be to remove, for the remainder of the current crop year, the existing requirements with respect to the maximum permissible moisture content of Layer Muscat raisins, both in regard to their natural condition form and in regard to their packed form. Experience indicates that such moisture requirements should be discontinued for such period because the existing maximum moisture restrictions appear to be inappropriate. It is contemplated that operations under such a relaxation will be studied with a view to determining whether the presently existing maximum moisture content restrictions on Layer Muscat raisins should again be effective for the next crop year and, if not, what, if any, moisture restrictions in that regard should be made effective. It is anticipated that, in the absence of putting other maximum moisture content restrictions on Layer Muscat raisins in effect as of September 1, 1956, the provisions in that regard, which are contained in the order will again be in effect as of that time.

To accomplish the aforementioned objectives, it is hereby ordered that effective as of the date of the publication of this document in the FEDERAL REGISTER and continuing until 12:00 midnight, P. s. t., August 31, 1956:

(1) Section 989.97 B 3 is amended so as to change the parenthetical phrase therein reading "(except Layer Muscats shall not exceed 18 percent)" to read "(except that there shall be no moisture content restrictions with respect to Layer Muscats)" and by changing subparagraph d of said section to read as follows:

d. Of such quality and condition that, when processed in accordance with good commercial practice, will, except with respect to moisture content, meet "U. S. Grade B" or better grade as defined in the effective United States Standards for Grades of Processed Raisins.

(2) The requirement set forth in § 989.59 (a) (2) (iii) that Layer Muscat raisins in packed form at least meet the minimum grade standards prescribed in "U. S. Grade B" as contained in "effective United States Standards for Grades of Processed Raisins" (now in 20 F. R. 5760) is, pursuant to the authority contained in § 989.59 (b) of the order, modified, insofar as operations under the order is concerned, to eliminate therefrom the moisture content restriction set forth in § 52.1847a (b) of said standards.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and postpone the effective date of this document later than the date of its publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) because the existing maximum permissible moisture content of Layer Muscat raisins is unnecessarily restricting the marketing of such raisins; it is necessary that the restrictions be relaxed immediately so that normal marketing of such raisins may proceed; handlers require no time for preparation to comply with the changed regulation; and, in the circumstances, good cause exists for making the provisions of this document effective at the indicated time.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 14, 1955.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 55–8470; Filed, Oct. 17, 1955; 8:57 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6154]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NORTH SHORE PRODUCTS COMPANY, INC., AND HARVEY GOULD

Subpart—*Using, selling, or supplying lottery devices:* Sec. 13.2475 *Devices for lottery selling;* § 13.2480 *In merchandising.* In connection with the offering for sale, sale, or distribution of watches, electric coffee sets, electric food mixers, electric power tools, wallets, or other merchandise in commerce: (1) Supplying to or placing in the hands of others push cards or other lottery devices, either with merchandise or separately, which said push cards or other lottery devices are designed or intended to be used in the sale or distribution of said merchandise to the public; and (2) selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, North Shore Products Company, Inc., et al., Skokie, Ill., Docket 6154, September 19, 1955]

In the Matter of North Shore Products Company, Inc., a Corporation, and Harvey Gould, an Individual

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission which charged respondents with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of the Federal Trade Commission Act, through furnishing lottery devices to operators and members of the public to be used in the sale of their merchandise; respondents' answer; hearings at which testimony and other evidence, duly recorded and filed in the office of the Commission, were received in support of the allegations of said complaint; respondents, aside from cross-examination of the one witness heard in the proceeding, offering no testimony or other evidence in opposition; and proposed findings as to the facts and conclusions, oral argument not having been requested by either counsel.

Thereafter the proceeding came on for final consideration by said hearing examiner who, having duly considered the record, found that the proceeding was in the public interest, and made his initial decision, including findings as to the facts[1] and conclusions[1] drawn therefrom, and order to cease and desist.

Thereafter, following appeal from said hearing examiner's initial decision by respondents' counsel and the decision of the Commission denying said appeal for the reasons therein set forth, the matter was disposed of by the Commission's "Final Order", dated September 19, 1955, as follows:

The respondents having filed an appeal from the hearing examiner's initial decision in this proceeding; and the matter having come on to be heard upon the record including the briefs of counsel, and the Commission having rendered its decision denying the appeal and affirming the initial decision:

It is ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the aforesaid initial decision.

The order in said initial decision, thus affirmed as the decision of the Commission, is as follows:

It is ordered, That respondents, North Shore Products Company, Inc., a corporation, and its officers, and respondent, Harvey Gould, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of watches, electric coffee sets, electric food mixers, electric power tools, wallets or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease from:

1. Supplying to or placing in the hands of others push cards or other lottery devices, either with merchandise or separately, which said push cards or other lottery devices are designed or intended to be used in the sale or distribution of said merchandise to the public.

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

Issued: September 19, 1955.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 55–8428; Filed, Oct. 17, 1955; 8:51 a. m.]

[1] Filed as part of original document.

[Docket 6148]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HOUSEHOLD SEWING MACHINE CO.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* Exaggerated as regular and customary; Product or quantity covered; Savings and discounts subsidized; § 13.200 *Sample, offer or order conformance;* § 13.235 *Source or origin:* Place: *Imported products or parts as domestic.* Subpart—*Appropriating trade name or mark wrongfully:* § 13.295 *Appropriating trade name or mark wrongfully:* Competitor; Product. Subpart—*Misbranding or mislabeling:* § 13.1325 *Source or origin:* Maker or seller, etc.; Place: *Imported product or parts as domestic.* Subpart—*Misrepresenting oneself and goods*—goods: § 13.1745 *Source or origin:* Maker or seller, etc.; Place: *Imported product or parts as domestic;* [*Misrepresenting oneself and goods*]—Prices: § 13.1795 *Coverage or extras;* § 13.1805 *Exaggerated as regular and customary.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1900 *Source or origin:* Foreign product as domestic. Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1980 *Guarantee, in general;* § 13.2060 *Sample, offer or order conformance.* Subpart—*Passing off:* § 13.2105 *Passing off.* Subpart—*Using misleading name*—Goods: § 13.2345 *Source or origin:* Maker; Place: *Foreign product or parts as domestic;* [*Using misleading name*]—Vendor: § 13.2385 *Identity.* In connection with the offering for sale, sale, or distribution of sewing machines, sewing machine heads, or other merchandise in commerce (the complaint having been dismissed with respect to issues other than those to which the order relates): (1) Offering for sale, selling, or distributing foreign-made sewing machine heads or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads the country of origin thereof, in such a manner that it cannot readily be hidden or obliterated; (2) representing, directly or by implication, that a specified amount is the value of merchandise being offered for sale when such amount is in excess of the price at which said merchandise is regularly and customarily sold in the normal course of business in the same trade territory; (3) representing, directly or by implication, that any savings are afforded on the sale of merchandise represented as having a certain value, unless the represented savings are based upon the price at which said merchandise is regularly and customarily sold in the normal course of business in the same trade territory; (4) representing, directly or by implication, that certain merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered; (5) representing, directly or by implication, that respondents' sewing machine heads or sewing machines are guaranteed for 20 years or for any period

of time, or that they are otherwise guaranteed, without clearly and conspicuously disclosing the existence of any material limitations upon the nature and extent of such guarantee or the manner of performance thereof, and the identity of the guarantor; (6) representing, directly or by implication, that the price of a sewing machine includes any attachments for which an additional charge is made; and (7) using the word "Home", or any simulation thereof, as a trade or brand name, or as a part of a trade or brand name, to designate, describe, or refer to respondents' sewing machines or sewing machine heads; or representing, through the use of any other word or words, or in any other manner, that their sewing machines or sewing machine heads are made by anyone other than the actual manufacturer; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Barbara E. Martin et al. d. b. a. Household Sewing Machine Company, Washington, D. C., Docket 6148, September 16, 1955]

In the Matter of Barbara E. Martin, Herschel Martin and Dennis Martin, Copartners Doing Business as Household Sewing Machine Company

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission which charged respondents with failing to properly disclose the country of origin on certain Japanese sewing machines sold by them, with improperly using American trade names on such machines, with engaging in what is commonly known as "bait advertising", and with engaging in certain other false and deceptive practices with respect to the prices of the sewing machines advertised by them, the nature of the guarantee covering such machines, and other terms and conditions of sale; respondents' answer in which they denied having engaged in certain of the illegal practices charged, and alleged that they had discontinued others prior to the issuance of the complaint in the matter; and hearings on various dates between March 30, 1954, and January 6, 1955, at which testimony and other evidence, duly recorded and filed in the office of the Commission, were offered in support of and in opposition to the allegations of the complaint.

At the close of the evidence in support of the complaint, counsel for respondents moved to dismiss the complaint for insufficiency of evidence, and, pursuant to leave granted, memoranda were filed in support of and in opposition to said motion, which was denied, except as to one allegation of the complaint, and at the close of all the evidence, counsel for respondents renewed their motion to dismiss, which was disposed of in accordance with the order as below set forth.

Thereafter, following the filing of proposed findings of fact [1] and conclusions [1] of law by counsel supporting the complaint, and also by counsel for respondents, together with a supporting memorandum and a motion for oral argument upon their proposals which was denied in view of the fact that the issues were fully discussed in the proposed findings and supporting memorandum, and of the further fact that there were no novel or unusually complex issues involved in the proceeding, the examiner found that the proceeding was in the public interest and issued his order to cease and desist.

Thereafter, said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 22, 1955, became, on September 16, 1955, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order is as follows:

It is ordered, That respondents Barbara E. Martin, Hershel Martin and Dennis Martin, individually and as copartners doing business as Household Sewing Machine Company, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machines, sewing machine heads, or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing foreign-made sewing machine heads or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads the country of origin thereof, in such a manner that it cannot readily be hidden or obliterated.

2. Representing, directly or by implication, that a specified amount is the value of merchandise being offered for sale when such amount is in excess of the price at which said merchandise is regularly and customarily sold in the normal course of business in the same trade territory.

3. Representing, directly or by implication, that any savings are afforded on the sale of merchandise represented as having a certain value, unless the represented savings are based upon the price at which said merchandise is regularly and customarily sold in the normal course of business in the same trade territory.

4. Representing, directly or by implication, that certain merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered.

5. Representing, directly or by implication, that their sewing machine heads or sewing machines are guaranteed for 20 years or for any period of time, or that they are otherwise guaranteed, without clearly and conspicuously disclosing the existence of any material limitations upon the nature and extent of such guarantee or the manner of performance thereof, and the identity of the guarantor.

6. Representing, directly or by implication, that the price of a sewing machine includes any attachments for which an additional charge is made.

7. Using the word "Home," or any simulation thereof, as a trade or brand name, or as a part of a trade or brand name, to designate, describe, or refer to their sewing machines or sewing machine heads; or representing, through the use of any other word or words, or in any other manner, that their sewing machines or sewing machine heads are made by anyone other than the actual manufacturer.

It is further ordered, That with respect to any issue raised by the complaint other than those to which this order relates, the complaint be, and the same hereby is, dismissed.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 22, 1955.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 55-8429; Filed, Oct. 17, 1955; 8:51 a. m.]

[1] Filed as part of original document.

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, Further Amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950- ——)

DEDUCTION OVERPAYMENTS; WAIVER OF ADJUSTMENT OR RECOVERY

Regulations No. 4, as amended (20 CFR, Cum. Supp; 404.1 et seq.) is further amended to read as follows:

1. Paragraph (n) of § 404.510 is amended and new paragraphs (p) and (q) have been added as set forth below:

§ 404.510 *When an individual is "without fault" in a deduction-overpayment.* • • •

(n) Unawareness that his employment after 1950 was covered by virtue of the Social Security Act Amendments of 1950 or that his income from his self-employment activity became net earnings from self-employment by virtue of such act, when he reasonably believed that such employment was not covered or that his income was not net earnings from self-employment. The provisions of this paragraph shall apply only with respect to benefits for months prior to 1953, except that in the case of employment covered after 1952 and prior to January 1955 by virtue of an agreement or modification of an agreement pursuant to section 218 of the act or a certificate filed pursuant to section 1426 (1) (1) of the Internal Revenue Code of 1939 these provisions shall apply with respect to benefits for months prior to 1955.

• • • • • •

(p) Reasonable belief that the method by which deductions were to be imposed as a result of the Social Security Amendments of 1954 (§ 404.408 (a) (4)) became operative, with respect to the rendition of services in employment, in months after July 1954 and, with respect to net earnings from self-employment, in taxable years beginning in 1954; except that this provision shall apply only in the cases of monthly benefits for months after July 1954 and prior to 1955.

(q) Occurrences of unusual or unavoidable circumstances the nature of which demonstrate that the beneficiary was unaware (or could not reasonably be expected to have been aware) of a violation of the deduction provisions of the act in effect prior to the effective date of such provisions enacted by the Social Security Amendments of 1954 (see §§ 404.408 and 404.414 (c)).

2. Paragraph (b) of § 404.512 is amended to read as follows:

§ 404.512 *When adjustment or recovery will be waived in a deduction-overpayment.* • • •

(b) *Adjustment or recovery deemed "against equity and good conscience" under certain circumstances.* In the situations described in § 404.510 (c) to (k), inclusive, and in § 404.510 (m) to (q), inclusive (other than situations arising under such sections with respect to deductions under section 203 (b) (2) of the act), if the monthly net cash earnings ("take-home" pay) did not exceed the total benefits affected, there shall be no adjustment or recovery since it will be deemed that under such circumstances adjustment or recovery would be "against equity and good conscience." Where the net cash earnings exceeded the total benefits or where in such situations the deduction is with respect to an event arising under section 203 (b) (2) of the act, adjustment or recovery shall be waived only if it appears that adjustment or recovery would "defeat the purpose of title II" or would otherwise be "against equity and good conscience."

3. Subpart F is amended by adding at the end thereof a new section, designated as § 404.514, to read as follows:

§ 404.514 *References in §§ 404.510 and 404.512.* References in §§ 404.510 and 404.512 to section 203 (b) of the act, to the extent that such section is applicable to deductions under paragraph (1) or (2) thereof, apply only to such section in effect prior to the effective date of the Social Security Amendments of 1954.

(Sec. 205, 49 Stat. 624, as amended, sec. 1102, 49 Stat. 647; 42 U. S. C. 405, 1302. Interpret or apply sec. 204, 49 Stat. 624, as amended; 42 U. S. C. 404.)

[SEAL] C. I. SCHOTTLAND, *Commissioner of Social Security.*

Approved: October 12, 1955.

HEROLD C. HUNT, *Acting Secretary.*

[F. R. Doc. 55-8400; Filed, Oct. 17, 1955; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter A—Armed Services Procurement Regulations

[Amdt. 7]

MISCELLANEOUS AMENDMENTS

This subchapter is amended as follows:

PART 1—GENERAL PROVISIONS

SUBPART C—BASIC POLICIES

1. The Department of Labor has revised the method of designation of labor surplus areas. § 1.302-4 (a) (1), as revised, cites the publications in which the new designations will be found.

§ 1.302-4 *Firms performing contracts in labor surplus areas*—(a) *Definitions.* (i) "Labor Surplus Areas" are those set forth in a list entitled "Areas of Substantial Labor Surplus" issued by the Department of Labor in conjunction with the "Bi-Monthly Summary of Labor Market Developments in Major Areas." This list includes both major and smaller areas.

2. Deletions from § 1.306 broaden the scope of exceptions to the policy with regard to place of delivery. Sections 1.306-1 and 1.306-2, as revised, read as follows:

§ 1.306 *Place of delivery.*

§ 1.306-1 *Shipments originating within the Continental United States for ultimate delivery within the Continental United States.* Unless there are valid reasons to the contrary the procurement of supplies from sources and for delivery within the continental limits of the United States shall be in accordance with the following policy:

(a) When it is estimated that a contract will require no shipment to a single destination which will equal a minimum carload or truckload lot, delivery shall be made on the basis of all transportation charges paid to destination.

(b) When it is estimated that a contract will require a shipment of a minimum carload or truckload lot, delivery shall be either on the basis of (1) f. o. b. carrier's equipment, wharf, or freight station (at the Government's option) at or near contractor's plant, at a specified city or shipping point, or (2) all transportation charges paid to destination, whichever is the more advantageous to the Government. In formally advertised procurements the Invitation for Bids shall provide that bidders may bid on either or both bases set forth in this subparagraph. Bids shall be evaluated on the basis of overall cost to the Government.

In the absence of specific information to the contrary, a minimum carload or truckload lot shall be deemed to be one which weighs approximately 20,000 pounds.

§ 1.306-2 *Shipments originating within the Continental United States for ultimate delivery outside the Continental United States.* Unless there are valid reasons to the contrary purchases of supplies within the continental United States for ultimate delivery to destinations outside of the continental United States, wherever possible, regardless of the quantity of the shipment, shall be made on the basis of delivery f. o. b. carrier's equipment, wharf, or freight station (at the Government's option), at or near contractor's plant, at a specified city or shipping point. Shipments included in this policy are those in which supplies are shipped directly to a port area for export or to storage areas for subsequent reshipment to a port area for export.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151-162)

PART 2—PROCUREMENT BY FORMAL ADVERTISING

SUBPART B—SOLICITATION OF BIDS

1. A new § 2.204-8 has been added setting forth the policy regarding release of bidders' mailing lists. Such lists will not be released except to other Government agencies, and then only upon condition that they will not be made available to anyone outside of the Government, as follows:

§ 2.204-8 *Release of bidders' mailing lists.* Except as provided below, the list of prospective bidders to whom invitations for bids or requests for proposals have been submitted will not be released outside the Department of Defense, and will not be made available for inspection to individuals, firms, or trade organizations. Such lists may be made available to other Government agencies, at their specific written request, and upon the condition that the lists will not be made available for inspection to anyone outside the Government.

2. Detailed instructions for preparation and transmittal of information in connection with proposed procurements and awards have been deleted from §§ 2.206 and 2.408. Such instructions will hereafter be found in Departmental procedures. However, the policy to publish such information remains unchanged, except that synopses of awards need not be publicized in the United States with respect to contracts to be wholly performed outside of the continental United States. Section 2.206, as revised, reads as follows:

§ 2.206 *Synopses of proposed procurements.*

§ 2.206-1 *Statement of policy.* All proposed unclassified procurements made in the continental United States, which may result in an award in excess of $10,000, will be publicized promptly in the Department of Commerce publication "Synopsis of U. S. Government Proposed Procurement, Sales and Contract Awards," except the following:

(a) Procurement of research and development.

(b) Procurement of studies or surveys.

(c) Procurement of perishable subsistence supplies.

(d) Sole source procurement.

(e) Procurement where competition is known to be limited by patents, copyrights, or secret processes.

(f) Procurement which must be made too quickly to permit prospective contractors, dependent on the Department of Commerce Synopsis for information, to obtain invitations for bids or requests for proposals in time to prepare and submit their bids or proposals.

(g) Procurements not in the foregoing categories which nevertheless must be accomplished under such circumstances or conditions as to clearly preclude any benefit to industry or the Government by such publication. Justification in each case, for not publicizing the procurement under this exception, shall be in writing, approved by the chief of the purchasing office or his designee, and made part of the procurement file.

§ 2.206–2 *Supply of invitation for bids and request for proposals at purchasing offices.* A reasonable number of copies of each invitation for bids and request for proposals publicized in the Department of Commerce Synopsis, including data and specifications, shall be maintained by the issuing office for supplying requests therefor.

§ 2.206–3 *Responsibility of Small Business Specialists.* The Small Business Specialists in each purchasing office are responsible for screening all proposed procurements to assure that prompt action is taken with respect to publicizing such procurements through the Department of Commerce Synopsis in accordance with the requirements of this § 2.206. When determined appropriate by the Small Business Specialist, and approved by the Contracting Officer, a proposed procurement may be publicized in the Department of Commerce Synopsis even though it is excepted from such requirement under § 2.206–1. In those offices where no Small Business Specialist is assigned, the Contracting Officer or other designated representative will be assigned the responsibilities of the Small Business Specialist under this section.

§ 2.206–4 *Individual procurement action report.* Prior to submission of DD Form 350 for review and approval, the Contracting Officer shall note on the form that the procurement was or was not publicized in the Department of Commerce Synopsis, and if it was not so publicized, giving the reason therefor by reference to the appropriate exception in § 2.206–1.

SUBPART D—OPENING OF BIDS AND AWARD OF CONTRACTS

Section 2.408, as amended, reads as follows:

§ 2.408 *Synopses of contract awards.* Awards of unclassified contracts to be performed in whole or in part within the United States, exceeding $25,000 in amount, whether entered into after formal advertising or negotiation, shall be published in the Department of Commerce "Synopsis of U. S. Government Proposed Procurement, Sales and Contract Awards."

(R. S. 161; 5 U. S. C. 22. Interpret of apply 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151–162)

PART 5—INTERDEPARTMENTAL PROCUREMENT

SUBPART B—PROCUREMENT FROM GENERAL SERVICES ADMINISTRATION STORES DEPOTS

1. This subpart has been revised to express the general policy that, consistent with military necessity, the Department of Defense will place maximum reliance on producer or commercial distributive systems for the supplying of required materiel. This subpart, as revised, reads as follows:

Sec.
5.201 General.
5.202 Stores Stock Catalog.
5.203 Procedure for procurement from General Services Administration Stores Depots.
5.204 General Services Administration Stores Depots and regional offices.

§ 5.201 *General.* It is the general policy of the Department of Defense, when consistent with military necessity, to place maximum reliance on producer or commercial distributive systems for supplying requirements of the military departments. However, items and classes of material which have been designated for supply through local purchase and which normally are stocked by General Services Administration Stores Depots will be procured through the appropriate General Services Administration Stores Depot, provided that—

(a) The delivered price from the General Services Administration Stores Depot is not greater than the delivered price of the item from commercial sources;

(b) The service rendered by the General Services Administration Stores Depot, in terms of availability and procurement lead time, is equal to or better than that of commercial sources; and

(c) Such procurement is consistent with Subparts D and E of this part.

The procurement of items stocked by General Services Administration Stores Depots which are under DOD–GSA interagency purchase assignments will be in accordance with the implementing procedures relating to such assignments.

§ 5.202 *Stores Stock Catalog.* The General Services Administration periodically publishes an illustrated "Stores Stock Catalog" which sets forth, among other things (i) all standard supplies carried in stock for issue by the stores depots listed in § 5.204, (ii) special supplies carried in stock for issue only by certain of the depots, and (iii) price information on a portion of the supplies listed. Copies of the "Stores Stock Catalog," and additional price lists may be obtained, upon request, from any of the regional offices or depots listed in § 5.204.

§ 5.203 *Procedure for procurement from General Services Administration Stores Depots.* Procurement from General Services Administration Stores Depots of supplies listed in the "Stores Stock Catalog" shall be made by submitting a delivery order on DD Form 702 or DD Form 738, as appropriate, (see § 16.003 and § 16.008) to that General Services Administration Stores Depot which can best serve the procuring activity or installation, taking into consideration transportation costs, shipping time, and the regional boundaries of the Stores Depots. The delivery order shall contain the information required by the ordering instructions in the catalog.

§ 5.204 *General Services Administration Stores Depots and regional offices.* The General Services Administration operates stores depots and regional offices located in or near the cities listed below, serving the areas indicated on the back cover page of the "Stores Stock Catalog." The addresses shown are the mailing addresses to which all orders and correspondence should be forwarded.

GSA Region		Address
1	Boston, Mass.	620 Post Office and Court House Building, Boston 9, Mass.
2	New York, N. Y.	110 Edison Place, Newark, N. J.
3	Washington, D. C.	Room 5450, Seventh and D Streets SW., Washington 25, D. C.
4	Atlanta, Ga.	Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta 5, Ga.
5	Chicago, Ill.	Room 575, U. S. Court House, 219 South Clark Street, Chicago 4, Ill.
	Cleveland, Ohio	Room 212, Federal Building, Public Square, Cleveland 14, Ohio.
6	Kansas City, Mo.	2306 East Bannister Road, Kansas City, Mo.
7	Dallas, Tex.	P. O. Box 1315, Fort Worth, Tex.
8	Denver, Colo.	Denver Federal Center, Denver, Colo.
9	San Francisco, Calif.	49 Fourth Street, San Francisco 3, Calif.
	Los Angeles, Calif.	Orders for shipment by this Depot should be directed to the San Francisco address.
10	Seattle, Wash.	Federal Office Building, 909 First Avenue, Seattle 4, Wash.

SUBPART D—PROCUREMENT OF PRISON-MADE SUPPLIES

Sections 5.404 and 5.406 have been amended to substitute General Services Administrative Stores Depots for Federal Supply Service Depots wherever the references appear. Sections 5.404 and 5.406, as amended, read as follows:

§ 5.404 *Mandatory procurement of prison-made supplies.*

§ 5.404–1 *Mandatory procurement from Federal Prison Industries, Inc.* Supplies listed in the Schedule shall be procured directly from Federal Prison Industries, Inc., when—

(a) Supplies require oversea packaging or packing;

(b) Supplies are required in carload lots, as described in the Consolidated Freight Classification for the commodity concerned; or

(c) Supplies are required in less than carload lots, but are not stocked by General Services Administration Stores Depots.

§ 5.404–2 *Mandatory procurement of prison-made supplies from General Services Administration Stores Depots.* Supplies listed in the Schedule which are required in less than carload lots and which are stocked by General Services Administration Stores Depots shall be procured from such Depots, except that procurement shall be made directly from Federal Prison Industries, Inc., when (a) the procuring activity or installation is so located that it is more practical and economical to procure directly from Federal Prison Industries, Inc., rather than from or through the General Services Administration, or (b) the General Services Administration Stores Depot is temporarily unable to furnish the required supplies, in which instance the Depot will so advise the procuring activity or installation so that the procurement may be made directly from Federal Prison Industries, Inc.

§ 5.406 *Procurement procedure.*

§ 5.406–1 *Procurement from Federal Prison Industries, Inc.* Procurement directly from Federal Prison Industries, Inc., will be made by placing a delivery order, using DD Form 702 (Order for Purchase of Supplies or Services), or DD Form 738 (Order and Voucher for Purchase of Supplies and Services) as appropriate (see §§ 16.003 and 16.008), with Federal Prison Industries, Inc., % Department of Justice, Washington 25, D. C.

§ 5.406–2 *Procurement from General Services Administration Stores Depots.* Procurement from General Services Administration Stores Depots of prison-made supplies listed in the Schedule shall be made by submitting a delivery order, using DD Form 702 or DD Form 738 as appropriate (see §§ 16.003 and 16.008), to the General Services Administration Regional Office which normally serves the procuring activity or installation.

SUBPART E—PROCUREMENT OF BLIND-MADE SUPPLIES

Sections 5.503, 5.504 and 5.506 have been amended to substitute General Services Administration Stores Depots wherever Federal Supply Service Stores Depots appears. In addition in § 5.503 a reference correction has been made from 5.203 to 5.204. Sections 5.503, 5.504, and 5.506, as amended, read as follows:

§ 5.503 *Schedule of supplies which are blind-made.* Supplies manufactured by agencies for the blind are listed in the "Schedule of Blind-Made Products" (referred to in this Subpart E as the "Schedule"), now printed in separate loose leaf form, copies of which may be obtained from any of the General Services Administration Regional Offices or Depots listed in § 5.204. Items available from stocks at General Services Administration Stores Depots are so identified in the Schedule.

§ 5.504 *Mandatory procurement of blind-made supplies.* Supplies listed in the Schedule shall be procured from agencies for the blind through National Industries for the Blind when—

(a) Supplies require overseas packaging or packing;

(b) Supplies are required in carload lots, as described in the Consolidated Freight Classification for the commodity concerned;

(c) Supplies are stocked by General Services Administration Stores Depots, but the procuring activity or installation is so located that it is more practical and economical to purchase directly from the agency for the blind which manufactures the supplies, rather than from the Stores Depot; or

(d) The supplies are not stocked by General Services Administration Stores Depots as indicated in the Schedule.

§ 5.506 *Procurement procedure.*

§ 5.506–1 *Carload lots.* Blind-made supplies in carload lots (or in the case of nonstock items whether over or under a carload) shall be procured by forwarding a purchase order to a designated agency for the blind in accordance with an allocation issued by National Industries for the Blind, 15 West 16th Street, New York 11, New York. Complete instructions for obtaining supplies manufactured by agencies for the blind are set forth in the Schedule.

§ 5.506–2 *Less than carload lots.* Except as otherwise permitted in §§ 5.504 and 5.505 procurement of less than carload lots of blind-made supplies which are listed in the Schedule as stocked by General Services Administration Stores Depots shall be made by submitting an order to the General Services Administration regional office which normally serves the procuring activity or installation.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151–162)

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

OCTOBER 12, 1955.

[F. R. Doc. 55–8420; Filed, Oct. 17, 1955; 8:48 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 12—INSPECTION OF VESSELS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Governor by Rule 155 of Executive Order No. 4314 of September 25, 1925, section 153 of Title 2 of the Canal Zone Code, approved June 19, 1934, and § 4.158 of Title 35, Code of Federal Regulations, as adopted by Canal Zone Order 30, January 6, 1953 (18 F. R. 280), §§ 12.1 and 12.2 are amended to read as follows, and new § 12.2a is added as set forth below:

§ 12.1 *Marine Director as Supervising Inspector.* Except as provided in § 12.2a, the Marine Director shall act as Supervising Inspector of the Canal Zone in matters of a marine character.

§ 12.2 *Officials constituting Board of Local Inspectors.* The Port Captain, Cristobal, or the official acting in such capacity; the Port Captain, Balboa, or the official acting in such capacity; and the Chief, Industrial Division, or, in his absence, the Assistant to the Chief, Industrial Division, shall constitute the Board of Local Inspectors, referred to in this part as "the Board." Except as provided below, the senior of the two Port Captains shall be the Chairman of the Board. In the discretion of the Governor, accident investigations may be conducted by one regularly constituted member of the Board. In the event the Governor deems it appropriate, he may designate alternates to serve in the place of any of the above-named members in any investigation or hearing. In any case in which the Marine Director is designated as such an alternate, he shall serve as Chairman of the Board.

§ 12.2a *Lieutenant Governor to act in place of Supervising Inspector and Marine Director in certain cases.* The Lieutenant Governor shall serve in the place of the Marine Director as Supervising Inspector or approving official, as the case may be, with respect to any investigation or hearing conducted by the Board of Local Inspectors in which the Marine Director participates as an alternate member of the Board, as provided in § 12.2.

(Sec. 1, 47 Stat. 811; 2 C. Z. Code 153, 48 U. S. C. 1336a).

Issued at Balboa Heights, Canal Zone, September 30, 1955.

[SEAL] J. S. SEYBOLD,
Governor.

[F. R. Doc. 55–8409; Filed, Oct. 17, 1955; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 10267, 10304; FCC 55–1010]

[Rules Amdt. 2–9]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of certain frequency bands to the Aeronautical mobile (OR) service, Docket No. 10267; amendment of Part 2 of the Commission's rules and regulations concerning the allocation of certain frequency bands to the aeronautical mobile (R) service, Docket No. 10304.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of October 1955;

The Commission having under consideration the above-mentioned matter; and

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, general notices of proposed rule making (FCC 52–780 and FCC 52–833) in these matters, which made provisions for the submission of written comments by interested parties, were published in the FEDERAL REGISTER 17 F. R. 7153 on August 6,

1952 (Docket 10267), and 17 F. R. 7549 on August 19, 1952 (Docket 10304), and the period for filing comments has now expired; and

It further appearing that comments were filed by Aeronautical Radio Inc. (ARINC) and by the American Telephone and Telegraph Co. (AT&T) in each of the above-referenced dockets; and

It further appearing that the Commission after consideration of the above comments on January 12, 1955, adopted a Report and Order in each of the above-captioned dockets (FCC–52–25 and FCC 55–26) making final the allocation of all Aeronautical Mobile (OR) and (R) service bands subject to these proceedings with the exception of the (OR) band 3025–3155 kc and the (R) bands 4650–4700 kc and 5450–5680 kc because of then existing non-Government frequency assignment conflicts in these three bands; and

It further appearing that each of the aforementioned Reports and Orders provided for the allocation of these three remaining bands to be made final as soon as all non-Government out-of-band conflicting assignments could be removed therefrom; and

It further appearing that all non-Government out-of-band, conflicting assignments will be removed from these three remaining bands as of August 1, 1955; and

It further appearing that the public interest, convenience and necessity will be served by the amendment contained in the attached appendix and herein ordered, the authority for which action is contained in section 303 (c) (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective November 1, 1955, Part 2 of the Commission's Rules is amended as set forth below.

It is further ordered, That the proceedings in each of these dockets are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: October 13, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 2.104 (a) (3) (i) is amended by changing the table of frequency bands therein to read as follows:

2495–2850 kc	7300–8195
3155–3400	8476–8745
4238–4650	11400–11700
4750–5450	

[F. R. Doc. 55–8422; Filed, Oct. 17, 1955; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter C—Carriers by Water

PART 323—UNIFORM SYSTEM OF ACCOUNTS FOR MARITIME CARRIERS

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 29th day of September A. D. 1955.

The matter of accounting regulations prescribed for maritime carriers being under consideration pursuant to provisions of section 313 of the Interstate Commerce Act, as amended (54 Stat. 944, 49 U. S. C. 913); and,

It appearing, that certain modifications are necessary to clarify provisions of those regulations as they relate to reserve funds required to be maintained under provisions of the Merchant Marine Act, 1936; and,

It further appearing, that the changes in substance to be effected by such modifications are permissive in nature or are otherwise such that the public rule making requirements of section 4 of the Administrative Procedure Act are deemed unnecessary:

It is ordered, That:

(1) *Effective date.* The modifications which are attached hereto and made a part hereof shall become effective November 1, 1955.

(2) *Notice.* A copy of this order shall be served on all carriers by water subject to provisions of the Interstate Commerce Act which also operate vessels in foreign service, and every lessor thereof, and on every receiver, trustee, executor, administrator, or assignee of any such carrier or lessor, and notice of this order shall be given to the general public by depositing a copy with the attached modifications in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

1. In § 323.120 *Marketable securities* cancel the text of the account as now in effect and substitute the following for it:

§ 323.120 *Marketable securities.* This account shall be subdivided as follows:

121. United States Government securities.
122. State, county, and municipal securities.
125. Other marketable domestic securities.
126. Foreign marketable securities.

These accounts shall include the cost of government securities and temporary investments in other readily marketable securities which are available for general purposes of the business. Securities issued or assumed by the carrier or by a related company shall not be included in these accounts.

129 *Discounts and premiums.* This account may be charged with accumulation of any discount and may be credited with amortization of any premium on marketable securities, at the time of accrual or collection of interest thereon, with contra entry to account 679, "Interest income—Marketable securities," if it is the practice of the carrier to adjust that account to a yield basis. When the securities are disposed of, any balance applicable thereto in this account shall be transferred to the account in which the cost of such securities is recorded.

2. In § 323.301 *Capital reserve fund* cancel the text of the account as now in effect and substitute the following for it:

§ 323.301 *Capital reserve fund.* This account shall be subdivided as follows:

301–1 *Cash and securities.* This account shall be charged with cash and the approved value of securities deposited in this fund, and shall be credited with withdrawals therefrom in accordance with the provisions of section 607 (b) of the Merchant Marine Act, 1936, as amended, and under such rules and regulations as the Maritime Administration may issue from time to time. Subsidiary accounts are to be subdivided as to depositories or trustees, as the case may be, and further subdivided to show the amount of (1) cash and (2) marketable securities.

301–2 *Discounts and premiums.* This account may be charged with accumulation of any discount and may be credited with amortization of any premium on securities, at the time of accrual or collection of interest thereon, with contra entry in account 680, "Interest income—Special funds and deposits," if it is the practice of the carrier to adjust that account to a yield basis. When such securities are disposed of, any balance applicable thereto in this account shall be transferred to account 301–1.

3. In § 323.302 *Special reserve fund* cancel the text of the account as now in effect and substitute the following for it:

§ 323.302 *Special reserve fund.* This account shall be subdivided as follows:

302–1 *Cash and securities.* This account shall be charged with cash and the approved value of securities deposited in this fund, and shall be credited with withdrawals therefrom in accordance with the provisions of section 607 (c) of the Merchant Marine Act, 1936, as amended, and under such rules and regulations as the Maritime Administration may issue from time to time. Subsidiary accounts are to be maintained as described in account 301–1.

302–2 *Discounts and premiums.* This account may be charged with accumulation of any discount and may be credited with amortization of any premium on securities, at the time of accrual or collection of interest thereon, with contra entry in account 680, "Interest income—Special funds and deposits," if it is the practice of the carrier to adjust that account to a yield basis. When such securities are disposed of, the balance applicable thereto in this account shall be transferred to account 302–1.

4. In § 323.365 *Interest accruals for deposit in capital reserve fund* cancel the title and text of the account as they are now in effect and substitute the following for them:

§ 323.365 *Interest accruals for deposit in statutory reserve funds.* This account shall include the periodic (not less frequent than annual) accruals of interest on cash and securities on deposit in account 301, "Capital reserve fund," and account 302, "Special reserve fund," with corresponding credit to account 680, "Interest income—Special funds and deposits."

5. In § 323.675 *Interest income* cancel paragraph (a) of the text of the account as now in effect and substitute the following for it:

(a) This account shall be credited with all interest accrued. If it is the practice of the carrier to adjust such interest to a yield basis, this account shall be charged with amortization of any premium and shall be credited with accumulation of any discount on securities at the time of accrual or collection of interest thereon.

(Sec. 12, 24 Stat. 383, as amended, 54 Stat. 933; 49 U. S. C. 12, 904)

[F. R. Doc. 55–8417; Filed, Oct. 17, 1955; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 814]

1956 SUGAR QUOTA FOR MAINLAND CANE SUGAR AREA

HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. Sup. 1100), and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq), and on the basis of information before me, I do hereby find that the allotment of the 1956 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held at Washington, D. C., in Room 2W, Administration Building, of the Department of Agriculture, on November 3, 1955, at 2:00 p. m., e. s. t.

The finding made above is in the nature of a preliminary finding based on the best information now available. It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or evoke such preliminary finding.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to establish fair, efficient, and equitable allotments of a portion of the quota which will enable persons who process sugar and liquid sugar from sugarcane grown in the continental United States to market such sugar and liquid sugar in an orderly manner during the period of January 1, 1956, to the date the Secretary prescribes allotments of the Mainland Cane Sugar Area quota for the calendar year 1956.

To avoid disorderly marketing by any allottee who might market early in 1956 a quantity of sugar larger than its allotment of the entire 1956 sugar quota for the Mainland Cane Sugar Area, it is necessary to make allotments effective on January 1, 1956. Much of the evidence necessary to provide an adequate basis for establishing allotments of the entire 1956 quota for the full calendar year cannot be adduced on the date for which the hearing is called. Therefore, the testimony on that date will be limited to data, views and arguments regarding consideration of the factors cited in section 205 (a) of the Act pertinent to establishing allotments of a portion of the quota to be in effect from January 1, 1956, to the date allotments of the entire quota for the calendar year 1956 are established.

On the date specified for the hearing, the Government witness will propose that for the period January 1, 1956, to the date allotments of the entire quota for the calendar year 1956 are prescribed, allotments of the 1956 Mainland Cane Sugar Area quota be established on the basis of 80 percent of the allotments of the Mainland Cane Sugar Area quota for 1955 as published in the FEDERAL REGISTER on September 23, 1955 (20 F. R. 7126). Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the quota or proration thereof for the purpose of allotting any deficit in the allotment for any allottee.

Upon notice hereafter to be given in accordance with applicable rules of practice and procedure, a public hearing will be held early in 1956 for the purpose of receiving evidence to enable the Secretary to establish allotments of the entire 1956 Mainland Cane Sugar Area quota for the calendar year 1956 under the provisions of the Sugar Act of 1948, as amended.

Issued this 13th day of October 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–8439; Filed, Oct. 17, 1955; 8:53 a. m.]

[7 CFR Part 814]

1956 SUGAR QUOTA FOR DOMESTIC BEET SUGAR AREA

HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. Sup. 1100), and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of the 1956 sugar quota for the Domestic Beet Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held at Washington, D. C., in Room 2W, Administration Building, of the Department of Agriculture, on November 3, 1955, at 10:00 a. m., e. s. t.

The finding made above is in the nature of a preliminary finding based on the best information now available. It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary finding.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to establish fair, efficient, and equitable allotments of a portion of the quota which will enable persons who process sugar and liquid sugar from sugar beets grown in the continental United States to market such sugar and liquid sugar in an orderly manner during the period of January 1, 1956, to the date the Secretary prescribes allotments of the Domestic Beet Sugar Area quota for the calendar year 1956.

To avoid disorderly marketing by any allottee who might market early in 1956 a quantity of sugar larger than its allotment of the entire 1956 sugar quota for the Domestic Beet Sugar Area, it is necessary to make allotments effective on January 1, 1956. Much of the evidence necessary to provide an adequate basis for establishing allotments of the entire 1956 quota for the full calendar year cannot be adduced on the date for which the hearing is called. Therefore, the testimony on that date will be limited to data, views and arguments regarding consideration of the actors cited in section 205 (a) of the Act pertinent to establishing allotments of a portion of the quota to be in effect from January 1, 1956, to the date allotments of the entire quota for the calendar year 1956 are established. It also will be appropriate at the hearing to present evidence relative to the manner in which allotments should apply to sugar or liquid sugar processed under contracts providing for sugar beets to be sold to and processed for the account of one allottee by another.

On the date specified for the hearing, the Government witness will propose that for the period January 1, 1956, to the date allotments of the entire quota for the calendar year 1956 are prescribed, allotments of the 1956 Domestic Beet Sugar Area quota be established on the basis of 80 percent of the allotments of the Domestic Beet Sugar Area quota for 1955 as published in the FEDERAL REGISTER on June 9, 1955 (20 F. R. 3999).

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the quota or proration thereof for the purpose of allotting any deficit in the allotment for any allottee.

Upon notice hereafter to be given in accordance with applicable rules of practice and procedure, a public hearing will be held early in 1956 for the purpose of receiving evidence to enable the Secretary to establish allotments of the entire 1956 Domestic Beet Sugar Area quota for the calendar year 1956 under the provisions of the Sugar Act of 1948, as amended.

Issued this 13th day of October 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–8440; Filed, Oct. 17, 1955; 8:54 a. m.]

[7 CFR Part 815]

REQUIREMENTS RELATING TO MARKETING OF SUGAR AND LIQUID SUGAR PRODUCED FROM SUGAR BEETS AND SUGARCANE GROWN IN CONTINENTAL UNITED STATES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Secretary of Agriculture, pursuant to authority vested in him by the Sugar Act of

1948, as amended (61 Stat. 922 as amended by 65 Stat. 318; 7 U. S. C. 1100), is considering amendment of Sugar Regulation 815 (19 F. R. 7930) as hereinafter proposed. The purposes of this amendment are to clarify the manner in which this regulation relates to the disposition of mainland sugar and to modify the requirements relating to the refining and storage of mainland sugar under bond until released within an applicable quota or allotment.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed regulation shall file the same in quadruplicate with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 10 days from the date of the publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

Basis and purpose. Paragraph (c) (1) of § 815.6 establishes a limit on the movement of mainland sugar which is permitted to be marketed by the processors for refining and storage until released within an applicable quota and allotment. In view of the continued increase in year-end inventories of processors of raw mainland cane sugar, it is imperative that the provision permit the fullest possible use of storage facilities ordinarily used by refiners who are permitted to receive such sugar under the provisions of this paragraph consistent with the maintenance of adequate quota controls. The amendment of this paragraph is believed to accomplish this purpose.

Section 815.3 has been amended to include a clarifying provision that mainland sugar removed from the continental United States for consumption out of the continental United States is not chargeable to the quotas and allotments thereof for the domestic beet sugar area or the mainland cane sugar area.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (60 Stat. 922, 65 Stat. 318, 7 U. S. C. 1100), and the Administrative Procedure Act (60 Stat. 237), § 815.3 and § 815.6 of Sugar Regulation 815 are hereby amended as follows:

1. Paragraph (c) (1) of § 815.6 is amended to read as follows:

§ 815.6 *Provisions of bond.* • • •

(c) *Conditions.* • • •

(1) In the case of any application approved by the Secretary to market to the principal named in the bond a quantity of mainland sugar for refining and storage, the principal shall hold and store, until release thereof is authorized by the Secretary, all of such quantity of mainland sugar, or an equivalent quantity of sugar or liquid sugar. Such sugar or liquid sugar must be held and stored at the refinery where the mainland sugar was received or at other storage facilities where the quantity of sugar or liquid sugar refined or to be refined at such refinery is placed in storage after receipt of the mainland sugar under the bond.

2. The following paragraph (c) is added to § 815.3:

§ 815.3 *Effect of marketings on quotas and allotments.* • • •

(c) A marketing of mainland sugar for which it is established to the satisfaction of the Secretary by sales and shipping documents of the processor and buyers, available pursuant to § 815.7, or otherwise that such mainland sugar was removed from the continental United States for consumption outside thereof.

Issued at Washington, D. C., this 12th day of October 1955.

[SEAL] WALTER C. BERGER,
Acting Administrator.

[F. R. Doc. 55-8414; Filed, Oct. 17, 1955; 8:48 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF HYDROGEN CYANIDE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by American Cyanimid Company, 30 Rockefeller Plaza, New York, New York, proposing the establishing of a tolerance of 25 parts per million for residues of hydrogen cyanide in or on the following raw agricultural commodities: Cocoa beans, peanuts, dried beans (including navy beans, lima beans, and kidney beans), dried peas (including cow peas, chick peas, and blackeyed peas), almonds, cashews, pecans, walnuts, and the following grains: barley, corn, popcorn, rice (rough and polished), rye, and wheat.

Methods for determining residues of hydrogen cyanide are set out in the book "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, in sections 22.53 and 22.54 (Eighth Edition, sections 22.55 and 22.56).

Dated: October 12, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8421; Filed, Oct. 17, 1955; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 249]

[Economic Regs. Draft Release 76A]

PRESERVATION OF ACCOUNTS, RECORDS AND MEMORANDA

SUPPLEMENTAL NOTICE OF PROPOSED RULE-MAKING

OCTOBER 14, 1955.

In the notice of proposed rule-making on this matter, published in the FEDERAL REGISTER on September 20, 1955 (20 F. R. 7049), it was stated that the Board would consider all relevant matter in communications received on or before October 18, 1955. The Board has been requested by several interested parties to extend the date by which comments must be filed by at least one month. Since the Draft Release proposed a comprehensive revision of Part 249, which contains the Board's requirements concerning the retention of both economic and safety records, extensive changes in the record-keeping methods of the entire industry will be necessitated. Consequently the Board finds that the request for a one month extension beyond the normal time for return of comment is not unreasonable under the circumstances.

Accordingly, the second sentence of the last paragraph of the aforementioned notice is amended to read as follows: "All relevant matter in communications received on or before November 18, 1955, will be considered by the Board before taking final action on the proposed rule."

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 407, 52 Stat. 1000; 49 U. S. C. 487)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-8474; Filed, Oct. 17, 1955; 8:57 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

MISSOURI RIVER BASIN PROJECT, MONTANA

FIRST FORM RECLAMATION WITHDRAWAL

FEBRUARY 24, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby withdraw the following-described land from public entry, under the first form of withdrawal, as provided by Section 3 of the Act of June 17, 1902 (32 Stat. 388):

PRINCIPAL MERIDIAN, MONTANA

T. 27 N., R. 50 E.,
Sec. 15, Lots 2 and 3.

The above areas aggregate 36.69 acres.

E. G. NIELSEN,
Acting Commissioner.

OCTOBER 12, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Missouri River Basin Project, Montana.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the term of the above order withdrawing certain public land in the State of Montana, for use in connection with the Nickwall Unit, Missouri River Basin Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
Acting Commissioner.

[F. R. Doc. 55-8402; Filed, Oct. 17, 1955; 8:45 a. m.]

SENTINEL AND COLORADO RIVER STORAGE PROJECTS, ARIZONA

ORDER OF REVOCATION

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of October 18, 1918, and March 14, 1929, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 S., R. 5 W.,
Sec. 31, all.
T. 5 S., R. 5 W.,
Secs. 6 to 8, inclusive, all.
T. 4 S., R. 6 W.,
Secs. 19 to 21, inclusive, and 25 to 36, inclusive, all.
T. 5 S., R. 6 W.,
Secs. 1 to 6, inclusive, and 9 to 12, inclusive, all.
T. 4 S., R. 7 W.,
Secs. 6 and 7, 17 to 29, inclusive, and 33 to 36, inclusive, all.
T. 5 S., R. 7 W.,
Secs. 1 to 4, inclusive, 10 and 11, all.
T. 3 S., R. 8 W.,
Secs. 34 to 36, inclusive, all.
T. 4 S., R. 8 W.,
Secs. 1 to 4, inclusive, and 8 to 12, inclusive, all;
Sec. 13, N½, E½SW¼, and SE¼;
Sec. 14, N½, SW¼, W½SE¼;
Secs. 15 to 36, inclusive, all.
T. 5 S., R. 8 W.,
Secs. 1 to 12, inclusive, all.
T. 4 S., R. 9 W.,
Secs. 35 and 36, all.
T. 5 S., R. 9 W.,
Secs. 1 to 21, inclusive, and 23 and 24, all.
T. 5 S., R. 10 W.,
Secs. 11 to 14, inclusive, all;
Sec. 15, NW¼ and S½;
Secs. 21 to 24, inclusive, and 28 to 30, inclusive, all;
Sec. 31, N½.
T. 5 S., R. 11 W.,
Secs. 25, 26, and 33 to 36, inclusive, all.
T. 6 S., R. 11 W.,
Secs. 3 to 10, inclusive, and 17, all.
T. 6 S., R. 12 W.,
Secs. 10 to 22, inclusive, all;
Sec. 23, N½N½;
Sec. 28, NW¼;
Sec. 29, N½ and SW¼;
Sec. 30, Lots 1 to 3, inclusive; NE¼, E½NW¼, NE¼SW¼, SE¼.
T. 6 S., R. 13 W.,
Secs. 19 to 32, inclusive, all;
Sec. 33, N½, N½S½, SW¼SW¼;
Secs. 34 to 36, inclusive, all.

The above area aggregates approximately 118,310.00 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[Misc. 806097]

OCTOBER 12, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are included in an application, Arizona 04855, of the Department of the Army for their withdrawal in connection with the Painted Rock Reservoir Project. They will not be subject to any further disposition unless and until an appropriate order of restoration is issued by an authorized officer of the Bureau of Land Management.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55-8401; Filed, Oct. 17, 1955; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7355]

ALLEGHENY AIRLINES INC.; PERMANENT CERTIFICATION CASE

NOTICE OF HEARING

In the matter of the application of Allegheny Airlines, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 97.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on November 1, 1955, at 10:00 a. m., e. s. t., in Room 2044, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William F. Cusick.

Dated at Washington, D. C., October 12, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8432; Filed, Oct. 17, 1955; 8:52 a. m.]

[Docket No. 7206]

OZARK AIR LINES, INC.; PERMANENT CERTIFICATION CASE

NOTICE OF HEARING

In the matter of the application of Ozark Air Lines, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 107.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 31, 1955, at 10:00 a. m., e. s. t., in Room 5855, Commerce Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., October 12, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8433; Filed, Oct. 17, 1955; 8:52 a. m.]

[Docket No. 7357]

PIEDMONT AVIATION, INC.; PERMANENT CERTIFICATION CASE

NOTICE OF HEARING

In the matter of the application of Piedmont Aviation, Inc., under Section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 87.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 31, 1955, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., October 12, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8434; Filed, Oct. 17, 1955; 8:52 a. m.]

[Docket No. 7338]

SOUTHERN AIRWAYS INC., PERMANENT CERTIFICATION CASE

NOTICE OF HEARING

In the matter of the application of Southern Airways, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 98.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on November 1, 1955, at 10:00 a. m.,

e. s. t., in Room 1512, Temporary Building No. 4, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., October 12, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8435; Filed, Oct. 17, 1955; 8:52 a. m.]

[Docket Nos. 5770 and 6024]

NORTH CENTRAL AIRLINES, INC., AND LAKE CENTRAL AIRLINES, INC.; ACQUISITION OF CONTROL AND INTERLOCKING DIRECTORATE PROCEEDING

NOTICE OF HEARING

In the matter of the joint application for approval of certain interlocking relationships involving North Central Airlines, Inc. and Lake Central Airlines, Inc., and the matter of the proposed acquisition of the control of Lake Central Airlines, Inc., by North Central Airlines, Inc. pursuant to sections 408 and 409 (a) of the Civil Aeronautics Act of 1938, as amended, under Dockets Nos. 5770 and 6024.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, hereinafter called the Act, that a hearing in the above-entitled proceeding will be held on October 24, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, 16th and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues presented by the applications and investigations consolidated herein, particular attention will be directed to the following matters:

(1) Whether the acquisition of control of Lake Central Airlines, Inc., by North Central Airlines, Inc., would result in creating a monopoly or monopolies and thereby restrain competition or jeopardize a third air carrier and would not be consistent with the public interest pursuant to section 408 of the Act?

(2) Whether the interlocking relationships of Howard A. Morey, Frank N. Buttomer, Grove Webster, Arthur E. Schwandt, Arthur E. A. Mueller, Joe Decoursin, Francis M. Higgins, Don Olen, Harold Emch, Harold N. Carr, A. L. Wheeler and Robert B. Stewart, North Central Airlines, Inc., and Lake Central Airlines, Inc., will not adversely affect the public interest within the meaning of section 409 (a) of the act?

For further details of the issues involved in this proceeding interested persons are referred to the applications and amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before October 24, 1955, a statement setting forth the issues of fact or law to be presented.

Dated at Washington, D. C., October 12, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8436; Filed, Oct. 17, 1955; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11300; FCC 55-1022]

ALLEGHENY-KISKI BROADCASTING CO. (WKPA)

ORDER AMENDING ISSUES

In re Application of Allegheny-Kiski Broadcasting Co. (WKPA), New Kensington, Pennsylvania, Docket No. 11300, File No. BP-9546; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of October 1955:

The Commission having under consideration (1) a motion to enlarge issues, filed by Allegheny-Kiski Broadcasting Co. (WKPA) on March 22, 1955; (2) a partial opposition to the above-mentioned petition to enlarge the issues filed by the Storer Broadcasting Company on April 1, 1955; (3) and an answer to the above-mentioned partial opposition filed by Allegheny-Kiski Broadcasting Co. on April 5, 1955.

It appearing that, by Order released March 10, 1955, the Commission designated the above-entitled application for hearing upon three issues designed to determine, inter alia; the areas and populations which may be expected to gain or lose primary service from the operation proposed by WKPA and the availability of other primary service to such areas and populations; whether the operation of Station WKPA as proposed would involve objectionable interference with Station WWVA, Wheeling, West Virginia, and, if so, the nature and extent of such interference; and to determine whether the operation proposed by WKPA would serve the public interest, convenience and necessity.

It further appearing that, Allegheny-Kiski Broadcasting Co. requests that the issues be enlarged to include the following three additional issues: [1]

"3. To determine the type and character of program service proposed by the applicant.

"4. To determine what program service is being rendered by Station WWVA to the area to be affected by the proposed operation of Station WKPA.

"5. To determine whether any other station serving the area which will be affected by the proposed operation of Station WKPA substantially duplicates all or any portion of said WWVA program services."

It further appearing that, Allegheny-Kiski Broadcasting Co. requests the addition of the aforelisted new Issues Nos. 3 and 4 in order that the Commission may make a determination as to the relative merits of the program service proposed by WKPA in the interference area as compared to the program service which WWVA presently renders in that area.

It further appearing that, Allegheny-Kiski Broadcasting Co., in its motion, requested that the Commission place on Storer Broadcasting Company the burden of proof in connection with the presentation of evidence concerning proposed Issue No. 4 but that this request was later modified, in petitioner's answer to the partial opposition of Storer, so as to change the "burden of proof" to the "burden of proceeding" with the introduction of evidence concerning proposed Issue No. 4;

It further appearing that, Storer Broadcasting Company does not oppose the enlargement of the Hearing Issues as proposed by Allegheny-Kiski Broadcasting Co., but does oppose the suggestion that it be assigned the burden of proof in connection with the presentation of evidence concerning proposed new Issue No. 4 and that Storer requests that the Commission place on Allegheny-Kiski Broadcasting Co. the burden of proof in connection with presenting evidence concerning all Hearing Issues in the instant proceeding.

It further appearing that, Storer Broadcasting Company requests that the Commission, should it grant the request of Allegheny-Kiski Broadcasting Co. for new Issue No. 5, adopt as Issue No. 5 (a), the following:

"5 (a) To determine whether any other station serving the area which will be affected by the proposed operation of Station WKPA substantially duplicates all or any portion of the proposed Station WKPA program service."

It further appearing that, for the reasons advanced by Allegheny-Kiski Broadcasting Co., the enlargement of issues by the addition of proposed new Issues Nos. 3 and 4 is warranted;

It further appearing that, Storer Broadcasting Company (WWVA) may reasonably be expected to be the best source of evidence as to the programs of Station WWVA;

It further appearing that, section 3.24 (b) of the Commission's Rules does not require the consideration of stations which will not be subject to interference from a proposed operation and that enlargement of the issues to include new Issue No. 5, as proposed by Allegheny-Kiski Broadcasting Co., and new Issue No. 5 (a), as proposed by Storer Broadcasting Company, would not be helpful to the Commission in making a determination in the instant proceeding;

It is ordered, That the above entitled petition of Allegheny-Kiski Broadcasting Company to enlarge the issues is granted insofar as to enlarge issues by the addition of the above listed new Issues Nos. 3 and 4 and to place the burden of proceeding with the introduction of evidence concerning new Issue No. 4 on Storer Broadcasting Company. In all other respects this petition is denied.

It is further ordered, That existing Issue No. 3 of the Hearing Order released March 10, 1955, is renumbered Issue No. 5 and that the issues in the above entitled proceeding are amended to read as follows:

"1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WKPA as proposed and the availability of other primary service to such areas and populations.

"2. To determine whether the operation of Station WKPA as proposed would involve objectionable interference with Station WWVA, Wheeling, West Virginia, or with any other existing station, and, if so, the nature and extent of such interference.

"3. To determine the type and character of program service proposed by the applicant.

"4. To determine what program service is being rendered by Station WWVA to the area to be affected by the proposed operation of Station WKPA.

"5. To determine whether, in light of the evidence adduced pursuant to the foregoing issues, the operation of Station WKPA as proposed would serve the public interest, convenience and necessity."

Released: October 13, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8423; Filed, Oct. 17, 1955; 8:50 a. m.]

[Docket No. 11310; FCC 55M-867]

NORTHERN CORP. (WMEX)

ORDER CHANGING PLACE OF HEARING

In re application of The Northern Corporation (WMEX), Boston, Massachusetts, Docket No. 11310, File No. BR-833; for renewal license.

The Hearing Examiner having under consideration a petition, filed on September 29, 1955, on behalf of the Chief of the Broadcast Bureau of this Commission, requesting that the place of the hearing in the above-entitled proceeding, now scheduled to be held on October 25, 1955, be changed from the City of Washington, D. C., to the City of Boston, Massachusetts; an opposition to the said petition filed on October 7, 1955, on behalf of The Northern Corporation (WMEX), the applicant herein; and an oral argument which was held, on October 7, 1955, on the said petition and opposition; and

It appearing from the above petition and oral argument that as a general rule hearings are held on applications for renewal of licenses in the cities in which the licensees are located since it has been found to be a more convenient practice than holding such hearings in the Commission's offices in Washington, D. C.,[1] and

It further appearing that there is now a reasonable expectancy that at least nine witnesses, and possibly a tenth, living in Boston or its environs will be called to testify in the proceeding on behalf of the Commission, and that, in addition, it is the present intention of the Broadcast Bureau to have the officers and directors of The Northern Corporation (WMEX), all of whom are residents of the Boston area, available for examination at the hearing, either with or without the service of subpoenas; and

It further appearing that there are a number of books, minutes, logs and other records, some of which cannot at present be specified, relating to the operation of Station WMEX, which may be required to be obtained by the Broadcast Bureau by means of subpoenas and introduced at the hearing and that it would be preferable to have such documents available in Boston in order that they may be properly identified and explained, if necessary, by persons living in that area associated with the operation of that station; and

It further appearing from the foregoing facts, and especially in view of the substantial number of witnesses who may be required to testify therein, that the proceeding would be expedited if held in Boston, and would be less costly to the government from a budgetary standpoint than if it were held in Washington, D. C.; and

It further appearing from the opposition to the above petition and oral argument thereon that counsel for The Northern Corporation (WMEX) has set forth no convincing reasons why the hearing should not be held in Boston or to show that the rights of that party would be in any respect prejudiced by conducting the proceeding in that city;

It is ordered, This 7th day of October 1955, that the above petition be, and it is hereby, granted; and that the hearing in the above-entitled proceeding is hereby moved from Washington, D. C., to Boston, Massachusetts, to be held in that city on October 25, 1955, the exact time and place thereof to be announced in a notice subsequently to be issued.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8424; Filed, Oct. 17, 1955; 8:50 a. m.]

[Docket No. 11394, FCC 55M-870]

IREDELL BROADCASTING CO. (WDBM)

NOTICE OF PREHEARING CONFERENCE

In re Application of Walter A. Duke d/b as Iredell Broadcasting Company (WDBM), Statesville, North Carolina, Docket No. 11394, File No. BP-9527; for construction permit.

Notice is hereby given that pursuant to section 1.813 of the Commission's Rules a prehearing conference in the above-entitled proceeding will be held at 9:00 a. m., Thursday, October 20, 1955, in Washington, D. C.

Dated: October 11, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8425; Filed, Oct. 17, 1955; 8:50 a. m.]

[Docket Nos. 11417 and 11418; FCC 55M-872]

TAYLOR BROADCASTING CO. AND GARDEN OF THE GODS BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Taylor Broadcasting Co., Colorado Springs, Colorado, Docket No. 11417, File No. BP-9439 and Garden of the Gods Broadcasting Co., Manitou Springs, Colorado, Docket No. 11418, File No. BP-9462; for construction permits.

The Hearing Examiner having under consideration two motions, both of which were made on the record at the session of the hearing held October 11, 1955: (1) A motion made by respondent Boulder Radio Station KBOL, Inc., to declare the applicant, Garden of the Gods Broadcasting Company, in default; and (2) a motion made by counsel for the Broadcast Bureau to continue the hearing indefinitely with respect to Taylor Broadcasting Company;

It appearing that the hearing was convened at the time heretofore recited in the Hearing Examiner's Statement and Order of September 23, 1955, and that Garden of the Gods Broadcasting Company did not appear by counsel or otherwise; and

It further appearing that no evidence was adduced by Taylor Broadcasting Company nor would it have been proper to receive it under the Commission's ruling in Jesse Mae Cain, 11 R. R. 1285, because the only issues pertaining to that applicant were of a comparative nature; and

It further appearing that the Commission in its order of June 22, 1955, has found Taylor Broadcasting Company to be legally, technically, financially and otherwise qualified but designated its application for hearing because of the mutually prohibitive interference which would be involved with the operation proposed by Garden of the Gods Broadcasting Company; and

It further appearing that the motion made by counsel for the Broadcast Bureau, which was supported by counsel for KBOL and was not opposed by Taylor Broadcasting Company, contemplates an expeditious disposition of the application now remaining in hearing; and

It further appearing that an indefinite continuance would not be advisable for administrative reasons but that a continuance to December 1, 1955, would be proper in order to permit the parties to file pleadings with the Commission which would terminate this proceeding; and the Hearing Examiner having expressed an intention to confirm his action of

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[1] Petitioner suggests that Issue No. 3 as contained in the Commission's Order of March 10 be renumbered Issue No. 6.

[1] See Mid-Atlantic Broadcasting Company (WMID), (Docket No. 11045), Atlantic City, New Jersey, 12 RR, P. 838; Community Broadcasting Service, Inc., (WWBZ), (Docket No. 10133), Vineland, New Jersey, 11 RR, P. 1273; St. Joseph Valley Broadcasting Corporation (WJVA), (Docket No. 9692), South Bend, Indiana, 8 RR, P. 766; and Oil City Broadcasting Company (KELT), (Docket No. 9652), Electra, Texas, 7 RR, P. 1.

record granting such motion through this order;

It is ordered this 12th day of October 1955, that both of the foregoing motions are granted; that the applicant, Garden of the Gods Broadcasting Company is found to be in default and that the hearing with respect to Taylor Broadcasting Company is continued to December 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8426; Filed, Oct. 17, 1955; 8:50 a. m.]

[Docket No. 11516; FCC 55-1017]

ELIZABETH EVANS AND W. COURTNEY EVANS (WSUX)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Elizabeth Evans and W. Courtney Evans (WSUX), Seaford, Delaware, Docket No. 11516, File No. BMP-6870; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of October 1955;

The Commission having under consideration the above-entitled application of Elizabeth Evans and W. Courtney Evans, a partnership, for a construction permit to increase the power of Station WSUX, Seaford, Delaware (1280 kilocycles, daytime only) from 500 watts to 1 kilowatt;

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate the station as proposed but that operating as proposed Station WSUX may cause interference to Station WHVR, Hanover, Pennsylvania (1280 kc, 1 kw-LS, 500 w, DA-N, U); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated August 18, 1955, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant filed a timely reply to the Commission's letter; and

It further appearing that in a reply dated September 16, 1955, WHVR requested that the subject application be designated for hearing on the grounds of the above-described interference and that it be made a party to the hearing; and

It further appearing that the Commission, after consideration of the subject application and the above-described communications is of the opinion that a hearing is necessary;

It is ordered, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and population which would gain or lose primary service if Station WSUX were permitted to operate as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of Station WSUX as proposed would involve objectionable interference with Station WHVR, Hanover, Pennsylvania, or any other existing broadcast station, and, if so, the nature and extent thereof, the areas and population affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced with respect to the foregoing issues, if a grant of the subject application would serve the public interest, convenience or necessity.

It is further ordered, That Radio Hanover, Inc., licensee of Station WHVR, Hanover, Pennsylvania, is made a party to the proceeding.

Released: October 13, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8427; Filed, Oct. 17, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6647]

FLORIDA POWER CORP.

NOTICE OF APPLICATION

OCTOBER 12, 1955.

Take notice that on October 10, 1955, an application was filed with the Federal Power Commission pursuant to Section 204 of the Federal Power Act by Florida Power Corporation (Applicant), a corporation organized under the laws of the State of Florida and doing business in said State, with its principal business office at St. Petersburg, Florida, seeking an order authorizing the issuance of $20,000,000 principal amount of unsecured promissory notes to a group of banks from which it will borrow funds. Applicant proposes to issue said notes on or after November 10, 1955, which will become due and payable on or before August 10, 1956, to the banks and in the amounts indicated below:

Guaranty Trust Co. of New York	$7,800,000
The Hanover Bank	4,000,000
The Chase Manhattan Bank	2,000,000
Chemical Corn Exchange Bank	2,000,000
Bankers Trust Co	2,000,000
Irving Trust Co	1,000,000
The Florida National Bank at St. Petersburg	450,000
The First National Bank at Orlando	300,000
Union Trust Co., St. Petersburg	200,000
The First National Bank in St. Petersburg	200,000
Bank of Clearwater	50,000
Total	20,000,000

All as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 31st day of October 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's Rules of Practice and Procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8403; Filed, Oct. 17, 1955; 8:46 a. m.]

[Docket No. G-6716, etc.]

E. A. CULBERTSON ET AL.

APPLICATIONS AND DATE OF HEARING

OCTOBER 11, 1955.

In the Matter of E. A. Culbertson & Wallace W. Irwin, Docket Nos. G-6716 and G-6717; W. N. Price, Docket No. G-6744; W. N. Price, L. M. Price and G. Kelley Stout, Docket No. G-6745.

Take notice that the above designated Applicants, hereinafter referred to singly and collectively as Applicant, independent producers of natural gas in Texas and New Mexico, filed applications for certificates of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to continue to render service, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open to public inspection.

E. A. Culbertson and Wallce W. Irwin produce natural gas in New Mexico, which is sold in interstate commerce to El Paso Natural Gas Company for resale. W. N. Price produces natural gas in Texas, which is sold in interstate commerce to Shamrock Oil & Gas Corporation for resale. W. N. Price in association with L. M. Price and G. Kelley Stout produce natural gas in New Mexico which is sold in interstate commerce to El Paso Natural Gas Company for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Section 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 15, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure. Under the procedure hercin provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 4, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8404; Filed, Oct. 17, 1955; 8:46 a. m.]

[Docket No. G-9154]

ATLANTIC REFINING CO.

POSTPONEMENT OF HEARING

OCTOBER 11, 1955.

Upon consideration of the request of Commission Staff Counsel, filed October 11, 1955, for postponement of the hearing now scheduled for October 26, 1955, in the above-designated matter;

The abridged hearing heretofore fixed to be held on October 26, 1955 (20 F. R. 6758), is canceled and a hearing in this matter is scheduled to be held on November 17, 1955, at 10:00 a. m., e. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8405; Filed, Oct. 17, 1955; 8:46 a. m.]

[Project No. 2193]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

OCTOBER 12, 1955.

Public notice is hereby given that Sacramento Municipal Utility District, of Sacramento, California, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed waterpower Project No. 2193, to be located on the North, Middle, and South Forks of the American River in El Dorado and Placer Counties, California, and to consist of four developments: (1) Auburn Dam, to consist of a concrete gravity dam about 360 feet high located on the North Fork of American River one mile east of Auburn and about 1½ miles downstream from the confluence of the Middle Fork with the North Fork; a reservoir with gross capacity of 514,000 acre-feet at elevation 880; and a powerhouse located about 1,000 feet below the dam with installed capacity of 45,000 kilowatts; (2) Kelsey Dam, to consist of a concrete arch dam about 140 feet high located on the South Fork of American River less than a mile below the mouth of Kelsey Canyon; a reservoir with gross capacity of 18,000 acre-feet at elevation 1000; a penstock about 700 feet long, and a powerhouse located a short distance downstream from the dam with installed capacity of 12,000 kilowatts; (3) Coloma Dam, to consist of a concrete gravity dam over 300 feet high located on the South Fork of American River 1.6 miles upstream from the mouth of Webber Creek; a reservoir with gross capacity of 511,410 acre-feet at elevation 850; and a powerhouse located about 1,000 feet downstream from the dam and having an installed capacity of 45,000 kilowatts; and (4) Salmon Falls Dam, to consist of a concrete gravity dam about 75 feet high on the South Fork of American River 0.8 mile downstream from the mouth of Webber Creek; a reservoir with gross capacity of 2,500 acre-feet; and a powerhouse located about 400 feet downstream from the dam with installed capacity of 12,000 kilowatts. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is November 18, 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8406; Filed, Oct. 17, 1955; 8:46 a. m.]

[Docket No. E-6646]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

OCTOBER 11, 1955.

Take notice that on October 3, 1955, an application was filed with the Federal Power Commission pursuant to Section 204 of the Federal Power Act by California Electric Power Company (Applicant), a corporation organized under the laws of the State of Delaware and doing business in the States of California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance of $10,000,000 principal amount of promissory notes, maturing by their terms prior to twelve months from date of issue, to the Bank of America National Trust and Savings Association. Applicant proposes to issue said notes on various dates during September 1955 to July 1956 in amounts varying from $500,000 to $1,500,000. The notes will be issued to evidence borrowings which the Applicant proposes to make from the bank and the proceeds will be used to finance the cost of additions, betterments and improvements to Applicant's properties; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 31st day of October 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's Rules of Practice and Procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8407; Filed, Oct. 17, 1955; 8:47 a. m.]

[Docket Nos. G-6762—G-6767, G-6769—G-6774, G-6776—G-6780, G-6782, G-6784—G-6785, G-6788—G-6805]

HUMBLE OIL & REFINING CO.

NOTICE OF POSTPONEMENT OF HEARING

OCTOBER 10, 1955.

Upon consideration of the request of Counsel for Humble Oil & Refining Company, filed October 4, 1955, for postponement of the hearing now scheduled for October 31, 1955, in the above-designated matters;

The hearing now scheduled for October 31, 1955, is postponed to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8408; Filed, Oct. 17, 1955; 8:47 a. m.]

[Docket No. G-5933, etc.]

TEXAS CO. ET AL.

APPLICATIONS AND DATE OF HEARING

OCTOBER 12, 1955.

In the matters of The Texas Company, Docket No. G-5933; F. William Carr, et al., Docket No. G-6706; The Tacony Company, Docket No. G-8435.

The above-designated Applicants produce natural gas from gas fields in Texas and Mississippi and each proposes to sell natural gas so produced to United Gas Pipe Line Company for transportation in interstate commerce for resale under contracts and at prices indicated in applications filed pursuant to section 7 of the Natural Gas Act for certificates of public convenience and necessity authorizing each Applicant to render the proposed service described, subject to the jurisdiction of the Commission, all as more fully represented in each application on file with the Commission and open for public inspection.

The pertinent data reflected in each application are set forth below:

Docket No.	Date filed	Applicant	Location of field
G-5933	Nov. 26, 1954	The Texas Co	McFaddin Field, Victoria County, Tex.
G-6706	Nov. 30, 1954	F. William Carr, et al	Weesatche Field, Goliad County, Tex.
G-8435	Feb. 4, 1955	The Tacony Co	Pistol Ridge Field, Forrest County, Miss.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 22, 1955, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 7, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8430; Filed, Oct. 17, 1955; 8:52 a. m.]

[Docket No. G-9126, etc.]

CITIES SERVICE GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 12, 1955.

In the matters of Cities Service Gas Company, Docket No. G-9126; Falcon Seaboard Drilling Company, et al., Docket G-9121; Buffalo Oil Company, Docket No. G-9127; Davon Oil and Gas Company, et al., Docket No. G-9128.

Take notice that (1) Cities Service Gas Company (Cities Service), a Delaware corporation with a principal office in Oklahoma City, Oklahoma, filed an application in Docket No. G-9126 on July 11, 1955, (2) Falcon Seaboard Drilling Company (Falcon Seaboard), a Delaware Corporation with a principal office in Tulsa, Oklahoma, as operator, and for Harold B. Ward and C. W. Lane, filed an application in Docket No. G-9121 on July 11, 1955, (3) Davon Oil and Gas Company (Davon Oil), a partnership consisting of E. Julian Davis, Aaron Weitzenhoffer, H. W. O'Keeffe and William T. Morrison, Jr., with a principal office in Oklahoma City, Oklahoma, as operator and for Anchor Petroleum Company and Manhattan Construction Company, filed an application in Docket No. G-9128, on July 11, 1955, and (4) Buffalo Oil Company (Buffalo Oil), a Maryland corporation, with a principal Office in Tulsa, Oklahoma, filed an application in Docket No. G-9127, all for certificates of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing (a) Cities Service to construct and operate approximately 7 miles of 6⅝-inch pipe line beginning at a point of connection with an existing 20-inch pipe line in the Northwest Quarter of Section 35, Township 18 North, Range 2 West, and extending West to a point of connection with a proposed gathering system in the Southwest Quarter of Section 3, Township 17 North Range 3 West, Logan County, Oklahoma, together with a meter setting and appropriate appurtenances thereto, and (b) Falcon Seaboard, Davon Oil, and Buffalo Oil respectively to make sales of natural gas in interstate commerce to Cities Service for resale, all subject to the jurisdiction of the Commission, and as more fully described in the applications referred to hereinabove, on file with the Commission, and open for public inspection.

Cities Service proposes by means of the proposed described facilities to take natural gas from the West Lawrie Field, Logan County, Oklahoma, proposed to be produced by Buffalo Oil and Falcon Seaboard, and to be sold in interstate commerce to Cities Service for resale; and to take natural gas proposed to be produced by Davon Oil and Gas Company, Anchor Petroleum Company and Manhattan Construction Company, and to be sold in interstate commerce to Cities Service for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on December 5, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after, a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 16, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8431; Filed, Oct. 17, 1955; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3411]

NEW ENGLAND ELECTRIC SYSTEM AND SOUTHERN BERKSHIRE POWER & ELECTRIC CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARY PURSUANT TO RIGHTS OFFERING, AND ACQUISITION OF COMMON STOCK OF SUBSIDIARY BY PARENT

OCTOBER 12, 1955.

New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary Southern Berkshire Power & Electric Company ("Southern Berkshire") have filed a joint application and amendments thereto pursuant to sections 6 (b), 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions:

Southern Berkshire, which presently has outstanding 30,368 shares of capital stock (par value $25 per share), proposes to issue and sell for cash 15,184 additional shares, which will be offered to its stockholders at the par value of $25 per share, on the basis of one new share for each two shares held. Rights to subscribe will be evidenced by full and half-share warrants, exercisable during a subscription period of 15 days. Full shares only will be issued.

NEES, which now owns 27,928 shares (91.965 percent) of Southern Berkshire's capital stock, proposes to exercise its rights to subscribe for 13,964 additional shares to which it will be entitled, and to purchase all unsubscribed shares offered to the minority stockholders.

NEES will also offer to purchase from the minority stockholders, at a price of $25 per share and for a period of sixty days following the date of the initial offer of additional capital stock by Southern Berkshire, their present holdings of Southern Berkshire's capital stock and any shares which they may acquire pursuant to said rights offering. New England Gas and Electric Association, an exempt holding company, which holds 2,256 of the 2,440 minority shares outstanding in the hands of the public, has agreed to sell such shares to NEES at the price of $25 per share.

NEES will use treasury funds for its proposed acquisitions. The proceeds from the sale of the additional capital stock, amounting to $379,600, will be used by Southern Berkshire to apply on its outstanding note indebtedness to NEES.

Southern Berkshire and NEES desire to consummate the proposed transactions in order to finance permanently a portion of the capitalizable additions to Southern Berkshire's plant through the issuance of equity securities. NEES also desires to invest funds not otherwise required in its business in acquiring the minority interest in Southern Berkshire.

The Massachusetts Department of Public Utilities, the regulatory commission of the State in which Southern Berkshire is organized and doing business, has approved the issuance and sale of the new shares by Southern Berkshire and the sale of any unsubscribed shares to NEES at the price of $25 per share.

Due notice having been given of the filing of said amended application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding with respect to the proposed transactions that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and deeming it appropriate in the public interest and in the interest of investors and consumers that the amended application be granted, effective forthwith:

It is ordered, pursuant to Rule U-23 and the applicable provisions of the act, that said application as amended be, and it hereby is, granted, effective forthwith, subject to the conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8410; Filed, Oct. 17, 1955; 8:47 a. m.]

[File No. 812-960]

INTERAMERICAN CAPITAL CORP.

APPLICATION FOR ORDER EXEMPTING ACQUISITION OF SECURITIES OF AN INVESTMENT COMPANY

OCTOBER 12, 1955.

Notice is hereby given that Interamerican Capital Corporation ("Applicant"), a corporation organized under the laws of the Republic of Panama, has made application to the Securities and Exchange Commission for an order pursuant to section 6 (c) of the Investment Company Act of 1940 ("Act") exempting from the provisions of section 12 (d) of the Act a proposed investment in securities of Applicant by the Pennroad Corporation ("Pennroad") a registered investment company.

The application makes the following representations:

Applicant was formed on September 15, 1955, for the purpose of making investments in Latin American enterprises. The proposal for the organization of Applicant developed out of the Inter-American Investment Conference held at New Orleans in March of 1955. One of the purposes of that meeting was to stimulate private investment in Latin America and thereby to contribute to the development of that area.

It is expected that Applicant will provide private capital to take participations in new or existing industrial enterprises in the Western Hemisphere of a type not eligible generally for investments or loans by the International Bank or the Export Import Bank.

Applicant has an authorized capitalization consisting of 100,000 shares of convertible preferred stock of the par value of $25 per share and 2,500,000 shares of common stock of the par value of 10 cents per share. The Board of Directors has authorized, in addition, issuance of $5,000,000, principal amount of 3 percent convertible cumulative income debentures. The preferred stock, (taken at $50 per share), is convertible into common stock at $7 per share of common stock. The principal amount of each debenture will be convertible into common stock at $8 per share of common stock. Such conversion prices are, and will be, subject to adjustment in case of dilution.

The income debentures, convertible preferred stock and 750,000 shares of the common stock are proposed to be sold as five thousand units, each consisting of one $1,000 debenture, twenty shares of preferred stock and 150 shares of common stock. The proposed price per unit is $2,015, the debenture being included at 100 percent of its principal amount, the preferred stock at $50 per share and the common stock at 10 cents per share. Not more than 80,000 shares of common stock are to be reserved for issuance on exercise of options which may be granted in connection with a proposed management contract. Such options are limited to the purchase, in the aggregate, of not more than 9 percent of the number of shares outstanding at any given time.

It is proposed to arrange for the sale of the five thousand units to a limited group of investors. Such group of investors will not exceed 90 investment firms and their partners and officers and other corporate and individual investors of substantial means. Each purchaser will confirm in writing that the purchases were made for investment and not with a view to public distribution.

As a first step in the financing of Applicant, Pennroad has subscribed to twenty units at a selling price of $40,300 and Time, Inc. ("Time"), has entered into a similar commitment, subject to the investment by Pennroad. Neither Time nor Pennroad will make a total investment in Applicant of more than $503,750, consisting of 250 of the above units. Hence, at the completion of the financing program of Applicant outlined above, neither Pennroad's nor Time's total investment in Applicant will be in excess of 5% of Applicant's total outstanding capitalization of $10,075,000. It is intended to restrict the offering of Applicants securities so that no other individual or business organization will own 10 per centum or more of the outstanding voting securities of the Applicant at any one time (except to the extent that such ownership might be acquired through exercise of conversion rights by one or a small number of security holders).

Section 12 (d) (1) of the Act, among other things, makes it unlawful for any registered investment company to purchase or otherwise acquire any security issued by any other investment company if such registered investment company and any company controlled by it own in the aggregate, or as a result of such purchase will own, more than 5% of the total outstanding stock of such other investment company if the policy of such other investment company is the concentration of investments in a particular industry or group of industries.

The investment by Pennroad is prohibited by section 12 (d) of the act only to the extent that applicant falls within the definition of an investment company in section 3 of the act. Applicant would satisfy the provisions of section 3 (c) (1), and hence would not be an investment company, except that Time and Pennroad, both publicly held corporations, will own more than 10% of the outstanding voting securities of the applicant in the early stages of the financing program.

Applicant seeks the exemption order herein applied for in order to permit the proposed investment by Pennroad up to the maximum of $503,750.

Section 6 (c) of the act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than October 24, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the Rules and Regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8411; Filed, Oct. 17, 1955; 8:47 a. m.]

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TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

[Canal Zone Order 41]

PART 24—SANITATION, HEALTH, AND QUARANTINE

By virtue of the authority vested in the President of the United States by section 371 of title 2 of the Canal Zone Code, approved June 19, 1934, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10595 of February 7, 1955, Subpart D of Part 24 of Title 35, Code of Federal Regulations, as adopted and amended by Canal Zone Order 39 of February 26, 1955, 20 F. R. 1392, is further amended to read as follows, and new Subparts E and F are added as set forth below:

Subpart D—Compulsory Vaccination

Sec.
24.150 Compulsory smallpox vaccination of persons residing or working in Canal Zone.

Subpart E—Physical Examination of Barbers, Beauticians and Manicurists

24.160 Compulsory examination.
24.161 Certificates of examination.
24.162 Fee for examinations.
24.163 Punishment for violations.

Subpart F—Examination of Food Handlers; Inspection of Food-Handling Establishments

24.170 Applicability.
24.171 Definitions.
24.172 Initial examination.
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24.175 Certificate of examination.
24.176 Condition of food-handling establishments.
24.177 Supervision of food handlers.
24.178 Inspection of food-handling establishments.
24.179 Punishment for violations.

AUTHORITY: §§ 24.150 to 24.179 issued under sec. 1, 39 Stat. 527, as amended, 2 CZ Code 371, 372; 48 U. S. C. 1310.

SUBPART D—COMPULSORY VACCINATION

§ 24.150 *Compulsory smallpox vaccination of persons residing or working in Canal Zone.* (a) Every person residing or working in the Canal Zone shall present himself for smallpox vaccination at such places and times as shall be prescribed by authority of the Health Director of the Canal Zone Government; and every person residing in the Canal Zone having the care, custody or control of any child over three months of age shall likewise present such child for vaccination. Every person appearing for vaccination, as hereinbefore required, shall submit to vaccination to the satisfaction of the Health Director or such officer as he may designate: *Provided, however,* That there shall be exempt from the requirement of vaccination persons who, in the judgment of the Health Director or such officer as he may designate, have been successfully vaccinated within three years prior to the time designated as aforesaid, or have acquired immunity to smallpox, or are found not to be fit subjects for vaccination. Vaccinations performed under this section shall be without charge: *Provided, however,* That for vaccination of persons employed by agencies of the United States (other than the Panama Canal Company or the Canal Zone Government) and their dependents the Governor of the Canal Zone may, in his discretion, prescribe a reasonable fee to be paid by the agency concerned. Certificates of successful vaccination shall be issued by the Health Director or such officer as he shall designate. Notices of the time and places prescribed for appearance for vaccination may be given either by personal service or by mail or by publication in such manner as shall be prescribed by the Health Director with the approval of the Governor of the Canal Zone.

(b) A violation of any of the provisions of this subpart is punishable, as provided in section 373 of title 2 of the Canal Zone Code, by a fine of not more than $25, or by imprisonment in jail for not more than thirty days, or by both; and each day such violation continues constitutes a separate offense.

SUBPART E—PHYSICAL EXAMINATION OF BARBERS, BEAUTICIANS AND MANICURISTS

§ 24.160 *Compulsory examination.* Every person engaged in the occupations of barber, beautician, or manicurist at any place in the Canal Zone shall, no less frequently than once each year, present himself at such place as shall be designated by the Health Director of the Canal Zone Government and submit to a physical examination for (a) tuberculosis, (b) syphilis, (c) infectious skin disease, and (d) other communicable or contagious diseases, which examination

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FEDERAL REGISTER

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RECORD RETENTION REQUIREMENTS

Reprint Notice

A reprint of the Federal Register dated April 8, 1955, is now available.

This issue, containing a 57-page index-digest of Federal laws and regulations relating to the retention of records by the public, is priced at 15 cents per copy.

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may include X-ray and serology and must meet generally accepted medical standards. Every person who hereafter enters any of those occupations or commences an apprenticeship therein shall first submit to the examination prescribed by this section and secure a certificate thereof: *Provided, however,* That by authority of the Health Director temporary clearance for initial employment may be given pending completion of the physical examination. In addition to the foregoing annual and initial examinations, the Health Director or such officer as he may designate shall require a special physical examination of any person engaged in the enumerated occupations whenever he has reason to suspect the presence of any of the aforesaid diseases: *And provided further,* That this subpart shall not apply to any military reservation within the Canal Zone.

§ 24.161 *Certificates of examination.* Certificates of satisfactory examination shall be issued and, when necessary, revoked by the Health Director or such officer as he shall designate, and no person shall engage in any of the aforesaid occupations in the Canal Zone unless he is in possession of a valid certificate so issued.

§ 24.162 *Fee for examinations.* The Governor of the Canal Zone may, in his discretion, prescribe a reasonable fee for the annual and initial examinations required by this subpart.

§ 24.163 *Punishment for violations.* A violation of any of the provisions contained in this subpart is punishable, as provided in section 373 of title 2 of the Canal Zone Code, by a fine of not more than $25, or by imprisonment in jail for not more than thirty days, or by both; and each day such violation continues constitutes a separate offense.

SUBPART F—EXAMINATION OF FOOD HANDLERS; INSPECTION OF FOOD-HANDLING ESTABLISHMENTS

§ 24.170 *Applicability.* The provisions of this subpart shall apply to establishments operated by or for any Government agency, or private or public organization in the Canal Zone which regularly process, manufacture, package, prepare, serve, or sell food or beverages and to the food handlers employed therein: *Provided, however,* That none of the said provisions shall apply to any military reservation within the Canal Zone.

§ 24.171 *Definitions.* (a) The term food handler as used in this subpart is defined as a person engaged in the processing, manufacture, packaging, cooking, preparation, dispensing, serving, or selling of any foodstuffs, beverages, or other items intended for human consumption: *Provided, however,* That the term shall not include persons who handle only unprocessed fruits and vegetables or foodstuffs or beverages that are fully protected by sealed containers or packaging.

(b) The term food-handling establishment is defined as any place where food handlers are employed.

§ 24.172 *Initial examination.* Every person, upon being employed as a food handler in the Canal Zone, shall present himself at such place as shall be designated by the Health Director of the Canal Zone Government and submit to a physical examination for (a) tuberculosis, (b) syphilis, (c) infectious skin disease, and (d) other communicable or contagious diseases, which examination may include X-ray, serology, and tests for enteric diseases and must meet generally accepted medical standards.

§ 24.173 *Annual examination.* Every food handler shall submit, no less frequently than once each year, to physical re-examination in the same manner as provided by § 24.172 for initial examination. The Governor of the Canal Zone may, in his discretion, prescribe a reasonable fee for the examinations required by this section and § 24.172.

§ 24.174 *Special examination.* Whenever he has reason to suspect the presence of any of the diseases enumerated in § 24.172, the Health Director or such officer as he may designate shall require a special examination of the food handler concerned.

§ 24.175 *Certificate of examination.* The Health Director or such officer as he may designate shall issue to each food handler who satisfactorily passes the aforesaid physical examination a certificate to that effect valid, unless sooner revoked, for no longer than one year. A copy of such certificate shall be furnished to the establishment where the food handler is employed where it shall be kept on file and be made available upon request of the sanitation inspector or other authorized representative of the Canal Zone Government. No person shall work as a food handler nor shall any food-handling establishment hire such person unless a valid certificate of satisfactory examination has been issued in his case and remains in effect: *Provided, however,* That by authority of the Health Director temporary clearance for initial employment may be given pending completion of the physical examination. Compliance with this provision shall be jointly the responsibility of the food handler and the food-handling establishment.

§ 24.176 *Condition of food-handling establishments.* All food-handling establishments shall maintain their premises in a clean orderly and hygenic condition and at all times shall provide for the use of food handlers sanitary facilities and supplies which, in the opinion of the Health Director, meet generally accepted minimum standards. No person shall be retained as a food handler who repeatedly evidences unhygenic practices with respect to his person or dress.

§ 24.177 *Supervision of food handlers.* All food-handling establishments shall designate a sufficient number of responsible personnel (a) to supervise their food handlers and enforce suitable standards of personal cleanliness, (b) to note all instances when such standards are not maintained on an examination record for the individual food handler, and (c) to discover disqualifying defects or other indications of illness or disease among their food handlers when they appear. The following shall be considered disqualifying defects and upon their discovery the food-handling establishment shall require the food handler concerned to report for examination and treatment at a hospital or clinic to be designated by the Health Director: lesions, rashes on exposed skin surfaces, coughing, fever, sore throat, nasal discharge, and diarrhea.

§ 24.178 *Inspection of food-handling establishments.* At such intervals as may be prescribed by the Health Director, all food-handling establishments shall be inspected by a sanitation inspector or other authorized representative of the Canal Zone Government. Such inspection shall be conducted in company with the supervisor or person in charge of the establishment. It shall include (a) an examination of the premises to determine compliance with this subpart and (b) inspection of the file of certificates and examination records for the food handlers employed which is to be maintained by the establishment.

§ 24.179 *Punishment for violations.* A violation of any of the provisions contained in this subpart is punishable, as provided in section 373 of title 2 of the Canal Zone Code, by a fine of not more than $25, or by imprisonment in jail for not more than thirty days, or by both; and each day such violation continues constitutes a separate offense.

WILBER M. BRUCKER,
Secretary of the Army.

OCTOBER 11, 1955.

[F. R. Doc. 55-8441; Filed, Oct. 18, 1955; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6345]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

EDWARD M'SWIGGAN AND UNIVERSAL TRAINING SERVICE

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Government connection; Government indorsement; Non-profit character; Personnel or staff; § 13.85 *Government approval, action, connection, or standards:* Civil Service Commission connections or recognition; Government indorsement; § 13.105 *Individual's special selection or situation;* § 13.115 *Jobs and employment service:* Government; § 13.125 *Limited offers or supply;* § 13.205 *Scientific or other relevant facts.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1425 *Government connection;* § 13.1430 *Government indorsement, sanction or sponsorship;* § 13.1495 *Non-profit character;* § 13.1520 *Personnel or staff;* [*Misrepresenting oneself and goods*]—Goods:

§ 13.1670 *Jobs and employment;* § 13.1740 *Scientific or other relevant facts.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1985 *Individual's special selection or situation;* § 13.1995 *Job guarantee and employment;* § 13.2000 *Limited offers or supply;* § 13.2063 *Scientific or other relevant facts.* Subpart—*Securing orders falsely, misleadingly or improperly:* § 13.2170 *Securing orders falsely, misleadingly or improperly.* Subpart—*Securing signatures wrongfully:* § 13.2175 *Securing signatures wrongfully.* In connection with the offering for sale, sale, and distribution in commerce of courses of study and instruction: (1) Representing, directly or by implication: (a) That respondent, his school, his agents, or representatives, or any one of them, have any connection with the United States Civil Service Commission or any other agency of the United States Government; (b) that any civil service position is open to all persons, unless such is the fact; (c) that the completion of respondent's course of instruction assures or guarantees a civil service position; (d) that prospective students lose the opportunity to enroll for respondent's course of study unless they enroll at the time of the first visit of respondent's agent or representative; (e) that respondent's school is a nonprofit organization or is sponsored by the United States Government or any agency thereof; (f) that every prospective student or purchaser of respondent's course of study is especially recommended or selected; (g) that completion of respondent's course of study makes persons eligible for appointment to, or assures them of, or guarantees them, United States Civil Service positions or employment immediately or at any time; (h) that there is any assurance that persons who complete respondent's course of study and obtain civil service positions will be employed at any particular location; (i) that respondent's course of study must be taken in order to qualify for civil service positions or that it is difficult to obtain such positions without taking respondent's course of study; (j) that civil service requirements as to veterans' status, physical, mental, educational, and experimental qualifications do not apply to persons taking respondent's course of study; (k) that persons holding positions under the United States Civil Service are exempt from service in the Armed Services; (2) using the word "registrar" or any word of similar import to designate or describe respondent's agents or representatives; or otherwise representing that respondent's agents or representatives perform the functions usually performed by officers of educational institutions known as registrars; and (3) soliciting, procuring or accepting contracts for respondent's course of study, without permitting prospects to read the same over fully and thoroughly; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Edward McSwiggan d. b. a. Universal Training Service, Miami, Fla., Docket 6345, September 17, 1955.]

In the Matter of Edward McSwiggan, Individually and Doing Business Under the Name of Universal Training Service

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission which charged respondent with violation of the Federal Trade Commission Act through the use of certain practices in connection with the sale of his correspondence courses of study for civil service examinations; and an agreement entered into by respondent and counsel supporting the complaint providing, among other things, that respondent admitted all the jurisdictional allegations in the complaint; that the answer theretofore filed might be withdrawn, and that the complaint and agreement should constitute the entire record in the proceeding; that the inclusion of findings of fact and conclusions of law in the decision disposing of the matter was waived, together with any further procedural steps before the hearing examiner and the Commission, to which respondent might be entitled under the Federal Trade Commission Act or the Commission's rules of practice.

It was also agreed that the order hereinafter set forth might be entered in disposition of the proceeding with the same force and effect as if made after a full hearing, presentation of evidence and findings and conclusions thereon, respondent specifically waiving any and all right, power, and privilege to challenge or contest the validity of such order; that the order might be altered, modified, or set aside in the manner provided by the Federal Trade Commission Act for other orders of the Commission; and that the signing of the agreement was for settlement purposes only, and did not constitute an admission by respondent that he had violated the law as alleged in the complaint.

The hearing examiner made his initial decision in which he set forth the aforesaid matters and his opinion that they provided an appropriate basis for settlement and disposition of the proceeding, accepted the agreement and made it a part of the record, made findings that the Federal Trade Commission had jurisdiction of the subject matter and of respondent, and that the proceeding was in the public interest, and issued his order to cease and desist.

Thereafter, said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 16, 1955, became, on September 17, 1955, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That the respondent, Edward McSwiggan, individually and doing business under the name of Universal Training Service, or any other name, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That respondent, his school, his agents or representatives, or any one of them, have any connection with the United States Civil Service Commission or any other agency of the United States Government.

(b) That any civil service position is open to all persons, unless such is the fact.

(c) That the completion of respondent's course of instruction assures or guarantees a civil service position.

(d) That prospective students lose the opportunity to enroll for respondent's course of study unless they enroll at the time of the first visit of respondent's agent or representative.

(e) That respondent's school is a nonprofit organization or is sponsored by the United States Government or any agency thereof.

(f) That every prospective student or purchaser of respondent's course of study is especially recommended or selected.

(g) That completion of respondent's course of study makes persons eligible for appointment to, or assures them of, or guarantees them United States Civil Service positions or employment immediately or at any time.

(h) That there is any assurance that persons who complete respondent's course of study and obtain civil service positions will be employed at any particular location.

(i) That respondent's course of study must be taken in order to qualify for civil service positions or that it is difficult to obtain such positions without taking respondent's course of study.

(j) That civil service requirements as to veteran's status, physical, mental educational and experimental qualifications do not apply to persons taking respondent's course of study.

(k) That persons holding positions under the United States Civil Service are exempt from service in the Armed Services.

2. Using the word "registrar" or any word of similar import to designate or describe respondent's agents or representatives; or otherwise representing that respondent's agents or representatives perform the functions usually performed by officers of educational institutions known as registrars.

3. Soliciting, procuring or accepting contracts for respondent's course of study, without permitting prospects to read the same over fully and thoroughly.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: September 16, 1955.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 55-8469; Filed, Oct. 18, 1955; 8:51 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter G—Emergency Operations

[General Order 75, Amdt. 3]

PART 308—WAR RISK INSURANCE

SUBPART D—SECOND SEAMEN'S WAR RISK INSURANCE (1955)

Section 308.306 (46 CFR 308.306) is hereby deleted in its entirety and superseded by the following new section:

§ 308.306 (a) *Standard form of Second Seamen's War Risk Policy (1955).* The following is the standard form of Second Seamen's War Risk Policy (1955):

Form MA-242 (8-55)

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE, MARITIME ADMINISTRATION

SECOND SEAMEN'S WAR RISK POLICY

(1955 Standard Form)

Crew Life, Disability, Loss of Effects, and Detention — No. SSWR _____ Date _____

Total number of men insured for life and injury _____ for $_____ each
Total amount insured, life or injury _____ $_____ Rate ___% Premium $_____
Total amount insured, personal effects _____ $_____ Rate ___% Premium $_____
Total amount annual wages and emergency wages _ $_____ Rate ___% Premium $_____
Total Premium _____ $_____

The United States of America (herein called the "Underwriter"), represented by the Maritime Administrator, acting for the Secretary of Commerce, in consideration of the payment by _____ (herein, for identification purposes only, called the "Operator") of a premium of $_____, and in accordance with applicable provisions of law and subject to all limitations thereof, particularly title XII, Merchant Marine Act, 1936, as amended, insures the master, officers and crew, as hereinafter set forth, of the vessel _____ (Official No. _____), during the period described herein commencing on or about _____ against loss of life, disability (including dismemberment and loss of function), loss of or damage to personal effects, and detention (including the occurrence of other situations hereinafter provided), from the perils and causes hereinafter stated, payable in case of claim in funds current in the United States in accordance with the following schedules and as hereinafter stated.

SCHEDULE 1—LOSS OF LIFE

Master, officers and crew, each ------ $5,000

The amount for which each person is covered by this schedule is the principal sum.

SCHEDULE 2—DISABILITY, INCLUDING DISMEMBERMENT AND LOSS OF FUNCTION

For disability proximately caused by the risks and perils insured against herein, and which arises within ninety days from the date of the happening of such risks and perils, and for dismemberment and loss of function caused by the risks and perils insured against herein, and which result from such a disability or otherwise occur within ninety days from the happening of such risks or perils, the Underwriter will pay to the insured the benefits set forth in the stipulations and conditions.

SCHEDULE 3—CREW EFFECTS

For loss of or damage to the personal effects of the master, officers or members of the crew proximately caused by the risks and perils insured against herein, the Underwriter will pay the amount set forth in the Stipulations and Conditions for the loss of or damage to said effects during the entire period of this policy as hereinafter set forth, and for the loss of or damage to effects proximately caused by the risks and perils insured against herein, purchased or otherwise acquired during the policy to replace effects lost or damaged by the risks and perils insured against herein, the Underwriter will pay not exceeding $50.00 for each such loss or damage.

SCHEDULE 4—DETENTION AND REPATRIATION BENEFITS

For detention of the master, officers or members of the crew during the period covered by this policy, and under other situations hereinafter provided, the Underwriter will pay benefits to the insured or for his or their account, as set forth in the stipulations and conditions.

This policy is made and accepted subject to the foregoing and to the following:

STIPULATIONS AND CONDITIONS

Art.
1. Persons insured.
2. Additional insurance.
3. Risks and perils.
4. Period of coverage.
5. Extension of period of coverage.
6. Payment for loss of life.
7. Beneficiaries of insurance for loss of life.
8. (A) Designation and change of beneficiary; (B) continuing designation.
9. Claims.
10. Time for payment of insurance for loss of life.
11. Proof of death.
12. Disability and dismemberment.
13. Physical examination.
14. Personal effects defined.
15. Amount of payment for loss of, or damage to, personal effects.
16. Death of an insured prior to payment for loss of or damage to personal effects.
17. Detention and repatriation benefits.
18. Payment constituting a discharge.
19. Nonassignability.
20. Amount permitted to be paid agents or attorneys.
21. Notice of loss and claim.
22. Limitation of suit.
23. Deviation and change of voyage.
24. "Administrator" defined.
25. Multiple claims against the United States.
26. Amendments and modifications.
27. Payment of premium and cancellation.
28. Extension.

ARTICLE 1. *Persons insured.* The persons insured by this policy are the master, officers and crew of the vessel described on the face of this policy. Except as to merchant seamen, membership in the vessel's gun crew shall not of itself constitute an individual a member of the crew of the vessel, as that phrase is used herein. Any person or persons insured under any other or similar policy, including the Second Seamen's War Risk Policy (1952), insuring against loss of life or disability (including dismemberment and loss of function) or loss of or damage to personal effects or detention (including the occurrence of other situations hereinafter provided) shall not to the extent of such prior coverage, be entitled to coverage under this policy while such other insurance is in force and effect.

ART. 2. *Additional insurance.* In the event that any person is employed as a master or officer or member of the crew of said vessel after the commencement of the voyage, the amount of the premium shall be increased proportionately, provided, however, that the failure to pay such additional premium shall not affect the additional coverage.

ART. 3. *Risks and perils.* The insurance is for loss of life, disability (including dismemberment and loss of function), loss of or damage to personal effects, and detention (including the occurrence of other situations hereinafter provided) of the insured, directly and proximately caused by risks of war and warlike operations, including capture, seizure, destruction by men-of-war, sabotage, piracy, takings at sea, arrests, restraints and detainments, acts of kings, princes and peoples in the prosecution of hostilities or in the application of sanctions under international agreements, whether before or after declaration of war and whether by a belligerent or otherwise, including factions engaged in civil war, revolution, rebellion or insurrection, scuttling to prevent capture, aerial bombardment, or, attempts at, or measures taken in defense of, all of the foregoing acts, floating or stationary mines, torpedoes, whether derelict or not, collision caused by failure, in compliance with wartime regulations, of said vessel or any vessel with which she is in collision, to show the usual full peacetime navigation or anchorage lights, stranding caused by the absence of lights, buoys, or similar peacetime aids to navigation consequent upon wartime regulations, stranding caused by the failure of said vessel to employ a pilot in waters where a pilot would ordinarily be employed in peacetime, but in which the employment of a pilot is dispensed with in compliance with military, naval or other governmental orders, or with a view to avoiding imminent enemy attack (for the purposes of the foregoing, the failure to show lights, the absence of lights, buoys, etc., and the failure to employ a pilot shall be presumed to be the cause of the collision or stranding unless the contrary be proved, and stranding shall include sinking consequent upon stranding or contact with any part of the land), collision with another vessel in the same convoy or collision with any military or naval vessel, that is to say, a vessel manned by and under the control of military or naval personnel and designed to be employed primarily in armed combat service, stranding, collision or contact with any external substance (including ice, but excluding water), as a result of deliberately placing the vessel in jeopardy, in compliance with military, naval or other governmental orders in order to avoid imminent enemy attack, or as an act or measure of war taken in the actual process of embarking or disembarking troops or loading or unloading material of war.

The fact that a vessel, or any vessel with which such vessel is in collision, is carrying troops or military or other supplies, or is proceeding to or from a war base, or is manned or operated by military or naval per-

sonnel, shall not alone be sufficient to include in this policy any claim which is not included by the foregoing terms of this article.

The insurance is also for loss of life, disability (including dismemberment and loss of function), loss of or damage to personal effects, and detention (including the occurrence of other situations hereinafter provided) of the insured, directly and proximately resulting from stranding, sinking, or break-up of the vessel, explosion or fire causing loss of or substantial damage to the vessel, or collision by the vessel or contact with any external substance (including ice, but excluding water), irrespective of whether the same are caused by risks of war or warlike operations or by marine risks and perils.

The word "vessel" shall include any waterborne conveyance used to transport the insured to and from the vessel on which he is employed, and shall also include any airborne conveyance used to transport the insured pursuant to instructions or permission of the Maritime Administration or its agents.

ART. 4. *Period of coverage.* The period of coverage for each person covered hereunder is

From the time such person signs the articles or enters into a contract of employment for the voyage of the aforesaid vessel, or, if already on articles for a series of voyages or period of time, from the inception of the aforesaid voyage (i. e., when the vessel is ready to begin the loading of cargo for the aforesaid voyage or to sail in ballast) or, if employed subsequent to the commencement of the voyage, from the time of such employment

Until such person shall be returned to a place within the continental United States, excluding Alaska, including any period of capture or internment,

Unless sooner terminated by desertion, discharge, accepting employment on another vessel for a purpose other than to be repatriated, or the refusal without good cause to return to the continental United States, excluding Alaska, from any place outside thereof, in any of which events the coverage under this policy shall be at an end. (The term "discharge," as used in this paragraph, does not include instances in which the insured leaves the vessel for medical or hospital treatment or for other causes deemed good and sufficient in the opinion of the Administrator.)

ART. 5. *Extension of period of coverage.* If the insured returns to the continental United States, excluding Alaska, on a vessel which touches or stays at a place or places within the continental United States, excluding Alaska, other than the place of termination of the voyage and the vessel thence proceeds to such place of termination, the period of coverage in respect to each person covered hereunder who continues to be on board such vessel is extended to the termination of the voyage.

ART. 6. *Payment for loss of life.* The amount of the payment for loss of life shall be the principal sum stated on the face of this policy, subject, however, to any deductions or additions hereinafter contained.

Payment for loss of life shall be made in a lump sum except that when—

(a) In the opinion of the Administrator conclusive proof of death is not present, or

(b) The insured at the time of designating a beneficiary or beneficiaries requests on the form provided therefor that the amount payable for the loss of life be paid in installments, or

(c) The beneficiary or beneficiaries request in writing that the payment for loss of life be made in installments,

payment for loss of life may, in the discretion of the Administrator, be made in monthly installments not exceeding twenty-four, in which event no interest is to be added or paid. By requesting payment in installments, the insured and the beneficiary or beneficiaries agree on behalf of themselves, their heirs, executors and administrators to be bound by the provisions of paragraph B, article 7 hereof, as well as all other provisions contained herein. The beneficiary or beneficiaries may at any time upon written request obtain a lump sum payment of the entire amount yet unpaid if payment is being made in installments pursuant to the written request of the beneficiary or beneficiaries. If payment has been commenced in installments and the principal sum is not yet exhausted, the Administrator, in his sole discretion and at any time may direct that payment of the balance of the principal sum be paid in a lump sum or in installments of different or varying amounts, provided, however, that all of the principal sum be paid within twenty-four months from the time that the first payment is made.

If any payments are made under article 12 hereof, the total amount of such payments shall be deducted from the amount of the principal sum payable under this policy for loss of life.

If the personal effects of an insured are lost or damaged under circumstances where payment would be due under the terms hereof to said person for such loss or damage and said person either before or after such loss or damage dies, his death being proximately caused by the risks and perils insured against herein, the amount which would have been payable for the loss of or damage to such personal effects had he survived shall be added to the principal sum hereof and shall be payable to the beneficiary of the insurance for loss of life.

ART. 7. *Beneficiaries of insurance for loss of life.* A. The insurance shall be payable only to a lawful widow or widower, child (the latter term including a posthumous child, a child legally adopted by the insured, and, if designated, a child in relation to whom the insured stood in *loco parentis*, and a step-child or acknowledged illegitimate child), parent (including a step-parent, parent by adoption and, if designated, a person who stood in the place of a parent to the insured), brother or sister (including, if designated, step-brothers or step-sisters, half-brothers and half-sisters, and brothers and sisters by adoption), grandparents, grandchildren, and, if designated, nephews, nieces, aunts or uncles, of the insured.

(1) The insured shall have the right to designate the beneficiary or beneficiaries of the insurance, but only within the classes above provided, and shall, in the manner hereinafter described, at all times have the right to change the beneficiary or beneficiaries of such insurance without the consent of such beneficiary or beneficiaries, but only within the above classes. A person or persons so designated shall be known as the primary beneficiary or beneficiaries.

(2) The insured shall have the right also to designate any other person or persons, but only within the above classes, to whom the insurance shall be paid if the beneficiary or beneficiaries designated shall die before the insurance or any portion thereof shall be paid. A person or persons so designated shall be known as the contingent beneficiary or beneficiaries.

(3) If the insured fails to designate a beneficiary or if the beneficiary or beneficiaries, whether primary or contingent, die before the insurance or any portion thereof shall be paid, the insurance will, subject to the provisions of paragraph B hereof, be paid to the beneficiary or beneficiaries within the following classes and in the order named:

(a) If the insured shall be survived by a lawful widow or widower but without any child of him or her surviving, 100 percent to such widow or widower.

(b) If the insured shall be survived by a lawful widow or widower and a child or children of him or her surviving, 50 percent to the widow or widower and 50 percent to the child or children in equal shares.

(c) If the insured shall have no lawful widow or widower of him or her surviving but shall have a child or children of him or her surviving, 100 percent to the child or children in equal shares.

(d) If there shall be no lawful widow or widower or children of the insured of him or her surviving, 100 percent to the parent or parents of the insured in equal shares.

(e) If there shall be no lawful widow or widower, child or parent of him or her surviving, 100 percent to the brothers, sisters, grandparents and grandchildren of the insured in equal shares.

The persons in these classes shall be known as the schedule beneficiaries. As used in this subdivision (3), the term "child" includes a posthumous child and a child legally adopted by the insured, and the term "parent" includes a step-parent and a parent by adoption.

B. The right of any beneficiary to payment of the insurance, or any unpaid installment thereof, shall be conditioned upon his or her being alive to receive payment. No person shall have a vested right to any such insurance or any installment of any such insurance. No insurance shall be paid to the heir or heirs or executors or administrators of the insured or of any beneficiary.

Any insurance or any installment thereof not paid to a primary beneficiary because of his or her death shall be paid to the schedule beneficiary or beneficiaries first or next entitled to priority as hereinabove provided, unless a contingent beneficiary has been designated, in which event payment shall be made to the contingent beneficiary. Any such insurance or any installment thereof not paid to a contingent beneficiary because of his or her death shall be paid to the schedule beneficiary or beneficiaries first or next entitled to priority as hereinabove provided. If, however, the insured has designated more than one primary beneficiary or more than one contingent beneficiary and if such a primary beneficiary or contingent beneficiary dies before the insurance or an installment thereof, to which he or she may otherwise be entitled, is paid, such insurance or installment thereof shall be paid to the surviving primary or contingent beneficiary, as the case may be.

Any payments of insurance made to a person represented by the insured to be within the permitted classes of beneficiaries shall be deemed to have been properly made and to satisfy fully the obligation of the United States under this insurance policy.

ART. 8. A. *Designation and change of beneficiary.* The designation of a beneficiary or the change in a designation of beneficiary shall be in writing upon a form or forms and in a manner prescribed by the Administrator, signed by the insured, witnessed either by the Shipping Commissioner or a licensed officer of the vessel, and shall contain the name, address and relationship of the beneficiary to the insured. No designation of a beneficiary and no change of a beneficiary shall be valid unless the instrument containing the designation or change is received by the Administrator at his office in the General Accounting Office Building, 441 G Street NW., Washington 25, D. C., provided, however, that the instrument when received shall be considered as valid as of the time of its execution. Whenever it shall appear to the satisfaction of the Administrator that unusual circumstances existed preventing or substantially preventing the designation or change of beneficiary in the manner or form hereinabove set forth and that the interests of justice would be served, he may waive or disregard the failure to comply with such manner and form and recognize as valid an act intended as a designation or a change of beneficiary. The recognition as valid by the Administrator of such an act shall be conclusive and binding upon all persons and payment or payments pursuant thereto shall be a pro tanto discharge of the obligation of the United States under this policy.

B. *Continuing designation.* As to any individual insured under the Second Seamen's War Risk Policy form as amended or changed from time to time, the beneficiary or beneficiaries first designated by such insured to receive the proceeds of the insurance provided by such form shall (subject to the limitations of paragraph B, article 7 hereof), if properly designated, continue to be the beneficiary or beneficiaries of any subsequent insurance provided by such form without further designation unless and until such initial designation is effectively revoked or changed. In the event of an effective revocation unaccompanied by a new designation, the insurance proceeds shall be disposed of in accordance with the provisions of paragraph A, subdivision (3), article 7, hereof. In the event of an effective change of beneficiary or beneficiaries, the new beneficiary or beneficiaries so designated shall for all purposes, including the purposes of this paragraph, be considered as the initial designee or designees, and such designation shall continue to be effective as to all insurance provided by this form of policy until revoked or changed. Subsequent revocations and changes shall for all purposes be treated as would be the preceding revocations or changes, if any.

ART. 9. *Claims.* No claim for insurance for loss of life shall be recognized unless presented in writing to the underwriter. Any payment or payments of the insurance or the installments thereof made prior to the presentation of claim shall be conclusively deemed to have been properly made under this policy and in complete discharge of the obligation of the United States under this policy to the extent thereof.

ART. 10. *Time for payment of insurance for loss of life.* Unless extended by the provisions hereinafter contained, payment of the insurance for loss of life shall be made within ninety days after the death of the insured is established in a manner satisfactory to the Administrator, but payment may be made prior to the expiration of such ninety days at the discretion of the Administrator. The time for payment may be extended without penalty or interest for that period of time consumed by the Administrator in establishing the identity or the location of the beneficiary or beneficiaries, and should any conflicting claims for payment be presented to the Administrator, payment of the insurance may be withheld and the time for payment thereof extended without any penalty or obligation to pay interest until such claims are duly adjudicated or otherwise withdrawn, settled or compromised to the satisfaction of the Administrator.

ART. 11. *Proof of death.* The time and facts of death of any insured shall be established in a manner satisfactory to the Administrator; and his determination of the time and facts of death shall be binding and conclusive against all persons for all purposes of this policy. If, however, payment of a part of the insurance for loss of life has been made and it appears that the insured is alive, payment of the balance of the insurance for loss of life shall not be made, but the payments of insurance in whole or in part theretofore made shall not be recovered, except where such payments were induced by wilful misrepresentation or fraud either by the beneficiary or any other person. The part so paid shall, however, be a discharge to the extent thereof of any other obligation under this policy, including the obligation to pay benefits under article 17 hereof, to the insured or any other person.

ART. 12. *Disability and dismemberment—* A. *Disability.* "Disability" as that term is used in this policy means incapacity because of injury proximately caused by the risks insured against herein which necessarily and continuously prevents the insured from performing any and every kind of duty pertaining to his occupation at the time of injury.

(1) If an insured suffers disability he shall be paid benefits at the rate of $150 a month, provided, however, that during any part of such period when the insured is hospitalized he shall be paid benefits at the rate of $100 a month, beginning with his return to the continental United States, excluding Alaska, until the Administrator determines that the disability has ceased or until a total of $5,000 is paid, whichever first occurs.

(2) If the Administrator determines at any time during the period such monthly benefits are payable that the insured has received maximum medical treatment for such disability and that such disability is, therefore, permanent in quality (loss of both hands, or both arms, or both feet, or both legs, or both eyes, or combination of any two thereof, will be conclusively presumed by the Administrator to constitute a disability permanent in quality), he shall notify the insured of such facts and the insured shall have the option of

(a) Continuing to receive such monthly benefits at the rate of $150 a month or $100 a month, as the case may be, until the aggregate of all the monthly benefits paid to him both before and after such determination total $5,000, or

(b) Receiving in a lump payment the sum of $5,000 less the total of the monthly benefits paid to him prior to such determination.

(3) In the event the insured elects after such determination to accept payments for such disability under subdivision (2) (a) hereof and if when the total of $5,000 has been paid him as therein provided, the insured claims in writing, and establishes to the satisfaction of the Administrator, that because of the same injury he is incapable of performing, for remuneration or profit, any work or engaging in any business or occupation, then he shall be paid further benefits at the rate of $150 a month or $100 a month, as the case may be, until the Administrator determines such incapacity has ceased or until a total of $2,500 is paid, whichever first occurs.

B. *Dismemberment, including loss of function.* If the Administrator determines that the insured, as a proximate result of the risks insured against herein, has suffered a dismemberment or loss of function of the type set forth below, not, however, amounting to disability which the Administrator determines to be permanent in quality, the Underwriter will pay to the insured additional benefits measured by the following percentages of the principal sum. Such benefits shall be in addition to the benefits paid under subdivision (1), paragraph A hereof, but the aggregate of such benefits for disability, dismemberment, and loss of function shall not exceed the principal sum.

(1) Member lost:	Percent
(a) Arm	65
(b) Leg	65
(c) Hand	50
(d) Foot	50
(e) Eye	45
(f) Thumb	15
(g) First finger	10
(h) Great toe	9
(i) Second finger	5
(j) Third finger	5
(k) Toe other than great toe	2½
(l) Fourth finger	2½

(m) Loss of hearing: For complete loss of hearing of one ear, 12½ percent; for the complete loss of hearing of both ears, 50 percent.

(n) Phalanges: For loss of more than one phalange of a digit, the same as the loss of the entire digit; for loss of the first phalange one-half the loss of the entire digit.

(o) Amputated arm or leg: For an arm or leg, if amputated at or above the elbow or the knee, the same as for the loss of the arm or leg; if amputated between the elbow and the wrist or the knee and the ankle, the same as for the loss of a hand or foot.

(p) Binocular vision or per centum of vision: For loss of binocular vision or for eighty percent or more of the vision of an eye shall be the same as for loss of the eye.

(q) Two or more digits: for loss or loss of use of two or more digits, or one or more phalanges of two or more digits, or a hand or foot, may be proportioned to the loss of use of the hand or foot occasioned thereby but shall not exceed the payment for loss of a hand or foot.

(r) Total loss of use: for permanent total loss of use of a member shall be the same as for loss of the member.

(s) Partial loss or loss of use: payment for permanent partial loss or loss of use of a member may be for proportionate loss of the member or loss of use of the member.

(t) Disfigurement: proper and equitable payment for serious facial or head disfigurement, not to exceed 50 percent.

(u) Total or partial loss or loss of use of more than one member or parts of members. In any case in which there shall be a loss or loss of use of more than one member or parts of more than one member set forth in subdivision (a) to (t) both inclusive, hereof, but not amounting to permanent total disability, payment shall be made for the loss or loss of use of each such member or part thereof, however, not exceeding the principal sum, and except that where the injury affects only two or more digits of the same hand or foot, subdivision (q) hereof shall apply.

(2) The amount determined by the Administrator to be due the insured for dismemberment or loss of function shall

(a) If $750 or less, be paid the insured in a lump sum as soon as practicable.

(b) If more than $750, be paid, at the option of the insured, in a lump sum or in monthly installments of $150 or $100, as the case may be, beginning with the month next succeeding the last monthly payment made for disability pursuant to the provisions of subdivision (1), paragraph A hereof, or as soon thereafter as is practicable. The insured shall notify the Administrator in writing of the desired method of payment immediately upon receipt of the Administrator's determination that the insured is entitled to payment for dismemberment or loss of function under this paragraph. Should the Administrator not receive such written notice within thirty days, it shall be conclusively presumed that the insured desires payment in a lump sum and the Underwriter will act accordingly.

(3) If the insured elects under subdivision (2) (b) hereof to accept payment for dismemberment or loss of function in monthly installments, the number of installments due shall be increased in number by 10 percent but in no event shall the increase be less than one installment of $150 or $100, as the case may be.

C. *Injury increasing disability.* The Administrator in determining if disability, dismemberment or loss of function exists, or if found to exist, the quality thereof, will not take previous disabilities, dismemberments or losses of function into account. If, however, such previous condition was insured under this Second Seamen's War Risk Policy, the insured shall receive with respect to the two claims an aggregate sum not less than he would have been entitled to under either subdivision (2) and (3) of paragraph A or paragraph B hereof, had the injuries causing both disabilities been received at the same time.

D. Disability shall not include incapacity directly resulting from bodily or mental infirmity or disease of any kind. Nor shall benefits be paid for dismemberment or loss

of function directly resulting from bodily or mental infirmity or disease of any kind.

E. If the insured elects after a determination by the Administrator that he is entitled to benefits under either subdivision (2) paragraph A or paragraph B hereof to accept payments for such disability, dismemberment, or loss of function, as the case may be, in installments, and if the insured dies from a cause not insured against herein before he has received the last installment, the remainder which he would have received under such subdivision had he survived shall be paid to the person or persons who would have received his life insurance hereunder, subject, however, to all the conditions, stipulations, and provisions contained in this policy governing the disposition and payment of the insurance for loss of life.

The right of the insured to payment of the benefits provided for herein shall be conditioned upon his or her being alive to receive payment, and benefits shall not be paid to the heirs, executors, or administrators of the insured, or of any other person.

ART. 13. *Physical examination.* The underwriter shall have the right to require an examination of the person of the insured, when and so often as it may reasonably require and also the right and opportunity in case of death to make an autopsy where it is not forbidden by law.

ART. 14. *Personal effects defined.* The term "personal effects" includes personal property reasonably necessary or required for use on board the vessel as well as those articles ordinarily or customarily carried on board for the personal use, wear, comfort, or convenience of the insured, either while on board, while in a foreign port, or upon his return to the home port. Articles of apparel, whether used for ornamentation or otherwise, and articles used in the performance of duties on board, are also included. Articles carried for the purpose of business foreign to the actual duties of the insured, or for resale, are excluded.

ART. 15. *Amount of payment for loss of, or damage to, personal effects.*

A. In the event of total loss of, or damage (equivalent to total loss) to the personal effects of any insured, reimbursement for such total loss or damage shall be as follows:

(a) Licensed officer, $500;

(b) Unlicensed crew member, $300;

(c) U. S. Merchant Marine cadet or cadet officer, $300.

If an insured shall establish the loss of a sextant which he carried aboard the vessel, he shall be paid $100 extra. If the insured shall establish the loss of binoculars, which he carried aboard the vessel, he shall be paid $50 extra. A total loss shall be determined without reference to apparel actually worn by the crew member at the time of the loss or damage.

B. In the event of a partial loss of or damage to the personal effects of an insured, he shall be reimbursed for the actual value of such effects lost or damaged to the extent of such loss or damage, but in no event shall the payment for such effects lost or damaged exceed the amount set forth in paragraph A of this article 15 for which total loss or damage is payable.

ART. 16. *Death of an insured prior to payment for loss of or damage to personal effects.* Payment for loss of or damage to personal effects shall be conditioned upon the insured being alive to receive payment, and shall not be payable to his heirs, executors, administrators or assigns, except as provided in article 6 hereof.

ART. 17. *Detention and repatriation benefits.* A. If it is established to the satisfaction of the Administrator, who, for this purpose, may rely on any official information furnished him by any department or agency of the United States Government, that the insured's vessel has been destroyed or abandoned as a result of a risk or peril insured against herein and that the insured has survived such an event and is not detained (in the sense that that term is used in paragraph B, article 17 hereof), monthly benefits shall be paid as hereinafter provided in this paragraph A. Such monthly benefits shall be equal to the monthly basic wage of the insured (including special emergency wage), as shown by the shipping articles signed by the insured or, if not on articles, by the contract of employment entered into by the insured. Such monthly benefits shall be paid from the date of such destruction or abandonment of the vessel, which, for the purposes hereof, shall be the date recognized by the Administrator when the obligation to pay wages under the applicable shipping articles or contract of employment terminated, or which is otherwise fixed by the Administrator as the date of such destruction or abandonment, and shall continue until the insured arrives at a continental port of the United States.

Such monthly benefits shall be paid to the person or persons, if living, to whom the insured's wages are allotted under the applicable shipping articles. Such allottee or allottees shall receive that portion of the monthly benefits which is equal in amount to the insured's monthly wage which has been allotted, provided such latter amount does not exceed the amount of the monthly benefits, and provided further that no payment shall be made to an allottee for any fractional allotment period between the last regular allotment date and date when such monthly benefits terminate. If no such allotment has been made, or if the person to whom the insured has allotted his wages is dead or dies, or if an allotment has been made and the allottee is living but the amount of monthly benefits exceeds the amount which can be paid to such allottee, the benefits or the remainder thereof shall be held by the Administrator for the benefit of the insured until his return to the continental United States, excluding Alaska, with the right to the Administrator, however, to pay such benefits or the remainder thereof in whole or in part to any person or persons named in subdivision (3), paragraph A, article 7 of these stipulations and conditions (for the purpose of this paragraph the words "widow" and "widower" as used in subdivision (3) shall mean "wife" and "husband" respectively), including the allottee or allottees aforementioned, and such payment when made shall be conclusively presumed to have been made for the account of the insured.

B. If it is established to the satisfaction of the Administrator, who, for this purpose may rely on any official information furnished him by any department or agency of the United States Government, that the insured is detained, either by capture by an enemy of the United States or by internment, but not otherwise, monthly benefits shall be in the same amount or amounts and shall be held or paid in the same manner and for or to the same person or persons as set forth in paragraph A, article 17 hereof. Such monthly benefits shall be paid during such period of detention beginning with the date that the insured suffered such detention as determined by the Administrator.

C. If, in the opinion of the Administrator, it is uncertain—

(1) Whether the insured survived or died as a proximate result of the occurrence of a risk or peril insured against, or

(2) Whether the insured survived or died as a proximate result of the occurrence of an event which may be a risk or peril insured against, but as to which, in the opinion of the Administrator, there is also uncertainty, or

(3) Whether the insured's vessel has been destroyed or abandoned as a proximate result of a risk or peril insured against, although it is certain, in the opinion of the Administrator, that the insured is alive, or

(4) Whether the insured is detained (in the sense that that term is used in paragraph B, article 17 hereof), although it is certain, in the opinion of the Administrator, that the insured is alive,

monthly benefits shall be paid as hereinafter provided in this paragraph C. Such monthly benefits shall be in the same amount or amounts and shall be held or paid in the same manner and for or to the same person or persons as set forth in paragraph A, article 17 hereof. Such monthly benefits shall be paid from the date, as fixed by the Administrator, the insured, if alive, was probably separated from his vessel under any of the respective situations set forth above and shall continue until—

(a) The Administrator determines that the insured is entitled to benefits as provided in paragraph A, article 17 hereof, in which event monthly benefits shall thereafter be paid as provided in paragraph A, Article 17 hereof, or

(b) The Administrator determines that the insured is entitled to benefits as provided under paragraph B, article 17 hereof, in which event monthly benefits shall thereafter be paid as provided in paragraph B, article 17 hereof, or

(c) The death of the insured is established in a manner satisfactory to the Administrator, or

(d) The issuance by the Administrator of certificate of presumptive death of the insured, whichever first occurs, in which event benefits shall cease; provided, however, that if the Administrator determines that at any time after such benefits have ceased the insured is entitled to benefits or has been entitled to benefits as provided in either paragraph A or paragraph B, article 17 hereof, monthly benefits shall thereafter be paid as provided in paragraph A or paragraph B, article 17 hereof, as the case may be, with proper adjustment for the period that the insured was entitled to be paid such benefits prior to the Administrator's determination thereof.

D. If, while the insured is being paid benefits under either paragraph A or B or C, article 17 hereof, the Administrator determines that the insured was not, or is no longer, entitled to benefits under the provisions of such paragraph, then the payment of such benefits shall cease; provided that, if the Administrator determines the insured is entitled to benefits under the provisions of any other of such paragraphs, the insured shall thereafter be entitled to benefits under the provisions of such paragraph.

E. In no event shall benefits be paid under paragraphs A, B, C, or D, article 17 hereof, beyond three months after the termination of the national emergency shall have been proclaimed by the President or beyond the time that the insured shall either refuse without good cause to return to the continental United States, excluding Alaska, or accept employment on another vessel for a purpose other than to be repatriated.

F. If the insured, upon his return to the United States (excluding Alaska), shall be entitled to receive under paragraph A or B or C, article 17 hereof, benefits exceeding a sum equal to twelve months' basic wage (including special emergency wage), payment of a sum equal to twelve months' basic wage (including special emergency wage) shall be made to the insured forthwith. Any unpaid balance of such benefits shall be paid to the insured in monthly installments equivalent in amount to such monthly benefits until paid in full. In determining the amount which the insured is entitled to receive in a lump sum, as aforesaid, benefits paid to his allottees or to the persons named in subdivision (3), paragraph A, article 7 hereof, shall not be considered. Payments to an allottee or to schedule beneficiaries shall not be made after the date of arrival of the insured at a continental United States port, and all payments thereafter shall be made only to the insured: *Provided, however,* That if the insured dies after his arrival and while he is receiving monthly payments as above set forth, such monthly payments shall thereafter be paid to his allottees or to schedule beneficiaries until paid in full.

G. The right of the insured to be paid benefits or to have benefits paid on his account, under paragraphs A, B, or C, article 17 hereof, shall be conditioned upon the insured being alive during the period such benefits accrued or were paid; provided, however, that benefits payable for the account of the insured to allottees or schedule beneficiaries shall always be paid in full to the date of establishment of death or presumed death of the insured as determined under paragraph C, article 17 hereof. Such benefits under no circumstances shall be paid or considered payable to heirs, executors or administrators of the insured or of any allottee or schedule beneficiary of the insured.

H. The Underwriter agrees that detention and repatriation benefits, as provided under this article 17, shall continue until the insured shall be returned to the port to which the Operator is obligated to return the insured, as shown by the shipping articles signed by the insured or, if not on articles, by the contract of employment entered into by the insured.

ART. 18. *Payment constituting a discharge.* A payment by the Administrator to the person or persons determined by him to be entitled to all or any of the proceeds of this policy shall constitute a pro tanto discharge of the obligations under this policy of the United States of America, the Department of Commerce, and the Maritime Administrator.

ART. 19. *Nonassignability.* Neither this policy nor any part thereof nor any insurance, benefits or allowances payable hereunder shall be assignable.

ART. 20. *Amount permitted to be paid agents or attorneys.* Except in the event of legal proceedings arising under or in connection with this policy, payment to any attorney, agent or any other person acting for or on behalf of an insured, beneficiary or recipient, by such insured or any beneficiary or recipient, for such assistance as may be required in the preparation of the claim, shall not exceed $25 in any one case, except that the Administrator may approve an additional amount in those cases in which he feels the nature of the services rendered warrant it. At any time during the pendency of any litigation arising under or in connection with this policy or whenever a judgment or a decree shall be rendered in an action or proceeding arising under or in connection with this policy for the payment of any insurance, benefits or allowances under this policy, the court in which such action or proceeding is pending or in which a judgment or decree has been rendered may and is requested to allow such fees for the attorney or attorneys of the person or persons who are parties to such action or proceeding or who have obtained a judgment or a decree, as it may determine to be just compensation for the services rendered. Before the payment of any insurance, benefits or allowances hereunder, or any judgment or decree, as aforesaid, the Administrator may require proof to be submitted to him in the form of an affidavit, or in any other manner which to him seems fit, by the insured, the beneficiary, the recipient, or holder of any judgment or decree, or his attorney, agent, or any other person acting for or on their behalf, or any or all of them, that the payment previously or thereafter to be made to such attorney, agent or other person does not exceed the sum herein specified or allowed by the court, as the case may be.

ART. 21. *Notice of loss and claim.* Notice of disability (including dismemberment and loss of function), and claim for payment therefor under this policy shall be given to the Administrator within ninety days after the happening of the event causing the disability (including dismemberment and loss of function), or ninety days after the insured returns to the continental United States, excluding Alaska. Notice of loss of, or damage to, personal effects and claim for payment therefor under this policy shall be given to the Administrator within ninety days after the happening of the event causing the loss, or ninety days after the insured returns to the continental United States, excluding Alaska.

Any insured who is employed on a vessel as an employee of the United States through the Office of National Shipping Authority, Maritime Administration, or successor Office shall comply with applicable rules and regulations pertaining to the filing of claims and administrative allowance or disallowance as prescribed by NSA Order No. 67 (LPR 1), 20 F. R. 2414, or as amended or revised.

ART. 22. *Limitation of suit.* No action or suit upon this policy shall be valid unless commenced within two years from the time the insurance, benefits or allowances conferred by this policy are payable, except that

(a) An action or suit by the insured may be commenced at any time within two years after he returns to the United States or the termination of the national emergency shall have been proclaimed by the President, whichever first occurs, and

(b) The time during which a person, other than the insured, is in enemy occupied territory shall be excluded from the two year period as aforesaid.

Any insured who is employed on a vessel as an employee of the United States through the Office of National Shipping Authority, Maritime Administration, or successor Office shall comply with applicable rules and regulations pertaining to the filing of claims and administrative allowance or disallowance as prescribed by NSA Order No. 67 (LPR 1), 20 F. R. 2414, or as amended or revised.

ART. 23. *Deviation and change of voyage.* This insurance shall not be affected by a deviation or change of voyage of the vessel, except that the Administrator may require the payment of an additional premium.

ART. 24. *"Administrator" defined.* Wherever the term "Administrator" is used in this policy that term shall include the person who is the Maritime Administrator at the time of the issuance of this policy and his successor or successors in office, and such other person or persons employed by the Administrator, the Maritime Administration, the Department of Commerce or the United States of America, to whom the Administrator may delegate duties or powers for the administration of the insurance. Wherever there is mention in this policy of a decision, determination or exercise of discretion by the Administrator, such terms shall include a decision, determination or exercise of discretion of a person or persons to whom the Administrator may delegate such power or powers and shall not be taken to mean that the personal act of the Administrator is required.

ART. 25. *Multiple claims against the United States.* A. It is the intent of the underwriter in the issuance of this policy to avoid providing or paying any benefit or sum of money for any loss, event or occurrence to the extent that legal liability to pay for the same loss, event or occurrence otherwise exists on the part of the United States of America, the Department of Commerce, the Maritime Administration, the Administrator, the owner of a vessel under time or bareboat charter to the Maritime Administration, the operator of a vessel owned by the Maritime Administration or under time or bareboat charter to it, or the agent of the Maritime Administration in the operation of such a vessel, and this policy shall be construed to give effect to such intent. By the acceptance of the insurance protection afforded by this policy, by the designation of any beneficiary thereunder or by otherwise acting pursuant to the terms of this policy, the insured, in behalf of himself, his personal and legal representatives, administrators, executors, heirs at law, next of kin, dependents and beneficiaries, acknowledges such intent and agrees to the conditions and provisions of this policy, including specifically those contained in this Article 25. Similarly, any beneficiary or person to whom any benefit or sum of money is paid under the provisions of this policy does, by making claim therefor or by the acceptance thereof, acknowledge such intent and agrees to the conditions and provisions of this policy, including specifically the conditions and provisions of this article 25.

B. If any final judgment or award is obtained by any person against the United States of America, the Department of Commerce, the Maritime Administration, the Administrator, the owner of a vessel under time or bareboat charter to the Maritime Administration, the operator of a vessel owned by the Maritime Administration or under time or bareboat charter to it, or the agent of the Maritime Administration in the operation of such a vessel by reason of the loss of life, disability (including dismemberment and loss of function), loss of or damage to personal effects, or detention (including the occurrence of other situations hereinbefore provided) of the insured but based on a claim or cause of action other than one under this policy, and if such respective loss of life, disability (including dismemberment and loss of function), loss of or damage to personal effects, or detention (including the occurrence of other situations hereinbefore provided) of such insured, either separately or combined, also constitutes or forms the basis of a claim payable under this policy, the amount which otherwise would have been payable hereunder because of such claim shall be reduced by an amount equal to the amount of such final judgment or award, unless such person, in a form and manner satisfactory to the Administrator, effectively and validly releases or discharges the United States of America, the Department of Commerce, the Maritime Administration, the Administrator, the owner of a vessel under time or bareboat charter to the Maritime Administration, the Administrator, the operator of a vessel owned by the Maritime Administration or under time or bareboat charter to it, or the agent of the Maritime Administration in the operation of such a vessel from their respective obligations under such final judgment or award to the extent of the amount of such claim payable under this policy.

C. The payment and acceptance of any benefit or sum of money under this Policy shall constitute a waiver, release, acceptance, discharge and satisfaction, to the extent of such payment, of any and all claims, causes of actions, judgments or awards against the United States of America, the Department of Commerce, the Maritime Administration, the Administrator, the owner of a vessel under time or bareboat charter to the Maritime Administration, the operator of a vessel owned by the Maritime Administration or under time or bareboat charter to it, or the agent of the Maritime Administration in the operation of such a vessel other than under this policy but arising out of the respective loss of life, disability (including dismemberment and loss of function), loss of or damage to personal effects, or detention (including the occurrence of other situations hereinbefore provided) for which such benefit or sum of money was paid and accepted under this policy.

D. This article 25 shall not apply to claims for wages, maintenance and cure where the right to such items arises under the general maritime law of the United States and not under this policy, but this article 25 shall apply to claims for wages to the extent that the insured, his allottee or any other person who is entitled to receive or has received

benefits or sums of money under article 17 hereof, and to claims for maintenance to the extent and for the period that the insured is entitled to receive or has received benefits or sums of money under paragraph A of article 12 hereof.

ART. 26. *Amendments and modifications.* If the Administrator determines that the Second Seamen's War Risk Policy (1955) should be amended and modified to provide for increased hazards and risks undertaken by the masters, officers and crews of vessels of the American Merchant Marine arising from important changes or developments in emergency conditions, or if the Administrator determines that the Second Seamen's War Risk Policy (1955) should be amended and modified to correct injustices or cases of hardship arising under and by virtue of its present terms, the Administrator reserves the right to amend or modify the Second Seamen's War Risk Policy (1955), including this particular policy, in such manner and in such respects as prescribed by him. If the Administrator further determines that it is necessary and proper to make such amendments or modifications retroactive in effect in order to avoid serious inequalities, he reserves the right to make any such amendment or modification applicable to any and all cases or claims arising under the Second Seamen's War Risk Policy (1955), including this particular policy, irrespective of whether benefits have or have not been claimed or paid thereunder, in such manner and in such respects as prescribed by him.

ART. 27. *Payment of premium and cancellation.* A. The Underwriter shall have the right to change the rate of premium for this insurance at any time. Unless the revised rate of premium is accepted in writing by the Operator within fifteen days after receipt by the Operator of notice of the revised rate, this policy shall become null and void and of no effect as of midnight, e. s. t., of the day ending such fifteen-day period, unless the Operator, within such period, dispatches notice to the Maritime Administrator, by telegraph, of his refusal to accept such revised premium rate, in which event premium at the revised rate shall be payable for that portion of the fifteen-day period prior to dispatch of such notice. Upon the receipt by the Maritime Administrator of such notice of nonacceptance, the insurance provided hereunder shall terminate.

B. In the event any premium, either original or additional, which becomes due and payable under this policy, is not paid within thirty days after receipt by the operator of notice of the amount thereof, this insurance shall become null and void and of no effect as of the commencement of the period for which the premium charge is made, unless the Maritime Administrator agrees otherwise.

C. If the vessel shall be requisitioned by the United States on a basis whereby the United States provides insurance equivalent to that provided hereby, then this insurance shall terminate and pro rata daily return premium shall be paid. In no other event shall there be any return of premium.

ART. 28. *Extension.* Should the vessel be at sea at the natural expiry of this Policy, this insurance shall be extended until midnight, Greenwich Mean Time, of the day on which the vessel is moored at the next port to which she proceeds and 24 hours thereafter, provided, notice be given to the Underwriter as soon as practicable and an additional premium paid, if required.

In witness whereof, the Maritime Administrator, acting for the Secretary of Commerce, has signed this policy but it shall not be valid unless countersigned by an authorized underwriting agent.

UNITED STATES OF AMERICA,
By: Maritime Administrator, Acting for the Secretary of Commerce.

(Maritime Administrator)

The Underwriting Agent does not, by countersigning this policy or in any other manner, warrant its own authority, or the authority of the Maritime Administrator, acting for the Secretary of Commerce, to issue this instrument, but acts solely under the power conveyed to the Underwriting Agent by the Agreement made with the Maritime Administrator, acting for the Secretary of Commerce.

Countersigned this ------ day of --------, 195-..

(Underwriting agent)

By: ----------

(b) *Increased Benefits Endorsement.* The following is the standard form of Increased Benefits Endorsement which prescribes the areas in which increased benefits are presently applicable. The areas covered by this endorsement are subject to change.

Form MA-242 (A) (8-55)

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
MARITIME ADMINISTRATION

INCREASED BENEFITS ENDORSEMENT

This endorsement is attached to and made a part of Second Seamen's War Risk Policy (1955) No. SSWR -------- issued to --------.

It is hereby understood and agreed that while a vessel covered by this policy is in the following described areas:

Area I. All waters within and bounded by the following lines: beginning at a point on the China Coast at latitude 23° north, thence east to the intersection with longitude 119° east, thence north-easterly to the intersection of a point at latitude 26°15' north and longitude 121° east and thence west along the 26°15' parallel of north latitude to the China Coast;

Area II. All waters within and bounded by the following lines: beginning at a point on the China Coast at 33° north latitude, thence east to the intersection with longitude 124° east, thence north along 124° east meridian to the China Coast;

Area III. All waters within and bounded by the following lines: beginning at a point on the China Coast at 26°15' north latitude, thence east to the intersection with 121° east longitude, thence north-easterly to a point at the intersection of 30° north latitude and 124° east longitude, thence north to the intersection of 33° north latitude and 124° east longitude and thence west along the 33° parallel of north latitude to the China Coast;

Area IV. All waters within and bounded by the following lines: beginning at a point on the China Coast and 23° north latitude, thence east to 119° east longitude, then north-easterly to 30° north latitude and 124° east longitude, and from 30° north latitude and 124° east longitude southerly to Shokoto Sho, then westerly to Shichisei Seki, and then from Shichisei Seki westerly intersecting at the China Coast 23° north latitude;

And all waters within and bounded by the following lines: beginning at a point on the China Coast at 23° north latitude, thence easterly to a point 22°30' north latitude and 118° east longitude thence westerly to Gap Rock thence due west along the 21°50' line north latitude to the China Coast;

Also within a sixty (60) mile radius of the mouth of the Donnai River or Cape St. Jacques,

the benefits provided thereunder as respects loss of life, disability, dismemberment and loss of functions are increased by 100 percent and with respect to benefits for personal effects of unlicensed personnel from $300 to $500.

Upon knowledge by the insured of a vessel being in such areas, the insured shall, as soon as permissible under Government laws and regulations, furnish the Maritime Administrator with the name of such vessel and the dates of its entry into and departure from such areas.

Nothing herein contained shall vary, alter or extend any provision or condition of the policy other than as above stated.

This endorsement becomes effective with the inception of the policy to which it is attached.

Not valid unless countersigned by a duly authorized agent of the Department.

UNITED STATES OF AMERICA,
By: Maritime Administrator, Acting for the Secretary of Commerce.

(Maritime Administrator)

The Underwriting Agent does not, by countersigning this policy or in any other manner, warrant its own authority, or the authority of the Maritime Administrator, acting for the Secretary of Commerce, to issue this instrument, but acts solely under the power conveyed to the Underwriting Agent by the agreement made with the Maritime Administrator, acting for the Secretary of Commerce.

Countersigned this ------ day of --------, 195-...

(Underwriting agent)

By: ----------

Throughout Subpart D, the words and figures, "Second Seamen's War Risk Insurance (1952)" and "Second Seamen's War Risk Insurance Policy (1952)" are amended to read "Second Seamen's War Risk Insurance (1955)" and "Second Seamen's War Risk Insurance Policy (1955)," respectively.

(Sec. 204, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775; 46 U. S. C. 1114, 1289)

Effective date. The effective date shall be upon publication hereof in the FEDERAL REGISTER.

Dated: August 11, 1955.

[SEAL] CLARENCE G. MORSE,
Maritime Administrator.

[F. R. Doc. 55-8450; Filed, Oct. 18, 1955; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS

The following amendments are made to Chapter I of Title 39:

PART 11—PACKAGES

In § 11.4 *Outside wrappings (closure)* amend paragraph (b) to read as follows:

(b) Fiberboard cartons may be wrapped and tied with strong twine or rope as shown in the following illustration. This affords the greatest protection to contents. A fiberboard carton in good condition need not be wrapped. The following illustrations show one method of preparing a parcel for mailing. Parcels may be securely taped if desired.

(R. S. 161, 396; sec. 24, 20 Stat. 361; secs. 304, 309, 42 Stat. 24, 25; sec. 1, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716, 39 U. S. C. 250)

PART 13—ADDRESSES

a. In § 13.1 *General information,* amend paragraph (b) to read as follows:

(b) Mail addressed to letter-carrier offices must include the street and number, or post office box number.

b. In § 13.5 *Correction of mailing lists* (20 F. R. 4718), make the following changes:

1. Amend paragraph (c) (1) to read as follows:

(1) *Method of submission.* Lists of street addresses may be submitted on cards (as described in par. (b) (1), above), one address to a card, or in sheet form provided the sheets are made up separately by carrier routes and each sheet bears the list owner's name and address.

2. Amend paragraph (c) (2) to read as follows:

(2) *Type of corrections made.* Lists for mail addressed to "occupant" and street address will be corrected. Numbers representing incorrect or nonexistent street addresses will be crossed off, but numbers will not be changed or added. Business addresses will be indicated by inserting B opposite the number. Addresses on a rural route will be indicated by R. The number of separate family units will be indicated opposite addresses of apartment houses or other multiple dwellings. If no change is necessary an *x* will be marked in the upper right corner of the card or sheet. Corrected cards or sheets will be grouped by routes when returned to the owner in order that he may handle and label mailings by routes.

3. Amend paragraph (d) to read as follows:

(d) *Charges.* The minimum charge for each list corrected is 25 cents. For lists of more than 25 names or addresses, the charge is 1 cent per name or street address, including individual apartments. Payment must be made in advance by cash or money order, including return postage. Lists used by Members of Congress and Federal agencies are corrected without charge. Where rural routes have been consolidated or changed to another post office no charge will be made for correction if the list contains only names of persons residing on the route or routes involved.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

a. In § 15.4 *Shipments under Federal regulations,* add new paragraph (f) to read as follows:

(f) *Live scorpions.* Live scorpions which are to be used for purposes of medical research or for the manufacture of antivenin will be accepted in the continental surface mails when packaged in a double mailing container, both parts of which are closed or fastened in such a manner as to prevent escape of the scorpions. The inner container shall be of material which cannot be punctured by the scorpions and shall be plainly marked "Live Scorpions". Cushioning material must be used when necessary to prevent shifting of the inner container. The outer container shall be of sufficient strength to prevent crushing of the package or exposure of the contents during normal handling in the mails, and also shall be plainly marked "Live Scorpions". Packages containing live scorpions may not be sent by air.

b. In § 15.5 *Concealable firearms,* make the following changes:

1. Amend paragraph (c) to read as follows:

(c) *Marking of parcels.* You must plainly mark the parcel with the word FIREARMS in bold, block letters, one inch high and of corresponding width. The particular class of persons to which the addressee belongs, as specified in categories (1) through (8) of paragraph (a) of this section shall be indicated by stating underneath the word firearms "for Army officer" or "for manufacturer" or "for bona fide dealer," etc. as the case may be.

2. Add new paragraph (g) to read as follows:

(g) *Antique firearms.* Antique or unserviceable pistols and revolvers sent as curios or museum pieces may be accepted for mailing without regard to the provisions of paragraphs (a) through (d) of this section.

c. In § 15.6 *Identification and marking,* add new paragraph (d) to read as follows:

(d) *Customs declaration tag for Canal Zone.* Any package of merchandise weighing over 8 ounces addressed to the Canal Zone shall have attached a customs declaration, Form 2966.

(R. S. 161, 396; sec. 24, 20 Stat. 361, secs. 304, 309, 42 Stat. 24, 25, sec. 1, 62 Stat. 781, as amended, 69 Stat. 191; 5 U. S. C. 22, 369, 18 U. S. C. 1716, 39 U. S. C. 250)

PART 21—FIRST CLASS

a. In § 21.2 *Classification,* make the following changes in paragraph (c):

1. Amend subparagraph (3) to read as follows:

(3) Postage is collected on all types of business reply mail when it is returned to the original distributor. Postage is computed at the first-class rate plus 1 cent for each piece. (See § 21.1.) Cards which do not conform to the specifications for post cards (see paragraph (a) (7) of this section) are subject to the postage chargeable on business reply envelopes.

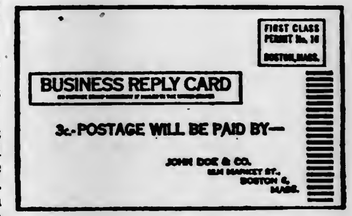
2. Amend subparagraph (4) to read as follows:

(4) A permit to distribute business reply mail is required. An application on POD Form 3614 must be filed at the post office where the mail will be returned. There is no charge for the permit. If business reply cards or envelopes are distributed from a central office to be returned to branches or dealers in other cities, one permit obtained from the post office where the central office is located may be used to cover all.

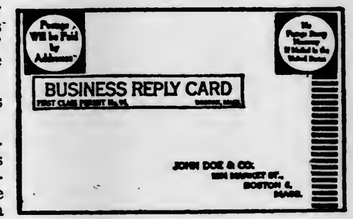
3. Amend subparagraph (6) to read as follows:

(6) The address side of the card, envelope, or label must be printed in one of the forms illustrated below:

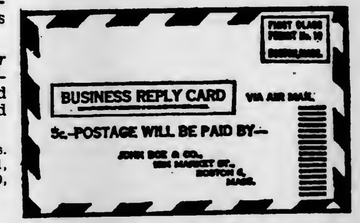
A



B



C



The word "Envelope" or "Label" must be used instead of "Card" where applicable. When the form in illustration A is used, the word "From" with blank lines for the insertion of the name and address of the sender may be placed in the upper left corner of the address side.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 2, 45 Stat. 940; 5 U. S. C. 22, 369, 39 U. S. C. 303)

PART 22—SECOND CLASS

In § 22.2 *Qualifications for second-class privileges,* amend the first paragraph of paragraph (c) (2) by adding at the end thereof the following phrase: "; or by churches and church organizations".

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 69 Stat. 373, 374; 5 U. S. C. 22, 369, 39 U. S. C. 229)

PART 25—FOURTH CLASS

In § 25.3 *Weight and size limits,* amend paragraph (a) (1) to read as follows:

(1) Parcels mailed at a first-class post office in the continental United States

for delivery at another first-class post office in the continental United States are limited to 40 pounds when addressed for delivery in the local, first, and second zone; and to 20 pounds when addressed to the third through the eighth zones; except that parcels mailed on or addressed for delivery on a rural or star route, parcels mailed at the post office from which served by patrons located on rural or star routes (rural or star route address of sender must be shown), or parcels containing baby poultry, nursery stock, agricultural commodities, books, and Braille-writers and other appliances for the blind, are subject to the limit set forth in subparagraph (2) of this paragraph. (The term "agricultural commodities" includes any product grown or produced incident to an agricultural activity on a farm or in a garden, orchard, nursery, or forest, but does not include manufactured products of such commodities.) Parcels containing such articles must be marked to show the nature of the contents, unless such information can be ascertained by outward examination of the parcel.

(R. S. 161, 396, 3879, as amended; secs. 304, 309, 42 Stat. 24, 25; sec. 1, 65 Stat. 610, sec. 1, 66 Stat. 51; 5 U. S. C. 22, 369, 39 U. S. C. 240, 240a, 240b)

PART 27—FRANKED, PENALTY, AND FREE MAIL

In § 27.2 *Penalty mail*, amend paragraph (c) (3) to read as follows:

(3) Official mail may not be sent in penalty envelopes by special delivery without prepayment of the fee or by airmail without prepayment of the air postage, except in the case of urgent official communications of the Post Office Department.

(R. S. 161, 396; secs. 5, 6, 19 Stat. 335, 336, sec. 29, 20 Stat. 362, sec. 3, 23 Stat. 158, secs. 304, 309, 42 Stat. 24, 25, sec. 1, 26 Stat. 412, 29 Stat. 590; 5 U. S. C. 22, 369, 39 U. S. C. 321)

PART 32—PRECANCELED POSTAGE

a. In § 32.2 *Use of precanceled stamps*, amend paragraph (a) (1) by changing Form 3620 to POD Form 3620.

b. In § 32.3 *Precancel permit*, make the following changes:

1. Amend paragraph (a) to read as follows:

(a) *Application for permit.* Submit a completed POD Form 3620 to the post office where you will mail. A fee is not required.

2. In paragraph (c) (1), change Form 3620 to POD Form 3620.

(R. S. 161, 396, 3921; sec. 12, 39 Stat. 162, secs. 304, 309, 42 Stat. 24, 25, 5 U. S. C. 22, 369, 39 U. S. C. 365)

PART 34—PERMIT IMPRINTS

a. In § 34.1 *Permit*, make the following changes:

1. Amend paragraph (a) to read as follows:

(a) *Application.* If you wish to use permit imprints and pay postage in cash at the time of mailing, obtain a Permit by submitting POD Form 3601 with a fee of $10 to the post office where you will mail. The postmaster will give you a receipt for the fee on form 3544. No other fee for use of permit imprints has to be paid so long as the permit is active.

2. In paragraph (b) change "Form 3601" to "permit POD Form 3601."

b. In § 34.2 *Form of permit imprints*, change the word "impression" to "imprint", wherever it appears therein.

c. Amend § 34.4 *Additions*, to read as follows:

§ 34.4 *Additions.* Do not write, print, or attach anything in a position which will confuse or obstruct the permit imprint.

d. In § 34.5 *Mailings with permit imprints*, make the following changes.

1. Amend paragraph (d) to read as follows:

(d) *Place of mailing.* Deposit mail at the post office that issued the permit or at a station or branch designated by the postmaster.

2. Amend paragraph (f) to read as follows:

(f) *Payment of postage.* You must pay for each mailing when it is presented at the post office, or make an advance deposit of enough to cover more than one mailing. Payments for postage or deposits must be made at points designated by the postmaster. These payments will not be accepted by employees handling the mail. Advance deposits may be made by mail. When the deposit becomes less than enough to pay for an entire mailing, an additional amount must be deposited before any mailings are made. The postmaster will give you a receipt for each payment, on Form 3544. Credit for postage is not allowed. Postage on a mailing must be paid by only one method; that is, postage may not be paid partly in money and partly by postage stamps.

e. Section 34.6 *Additional services*, is amended to read as follows:

§ 34.6 *Additional services.* Mail with permit imprints may be registered or sent as certified, insured, or C. O. D. mail.

(R. S. 161, 396, sec. 5, 41 Stat. 583, as amended, secs. 304, 309, 42 Stat. 24, 25, 47 Stat. 647; 5 U. S. C. 22, 369, 39 U. S. C. 273, 273a)

PART 35—PHILATELY

Section 35.3 *Airmail first-flight covers*, is amended to read as follows:

§ 35.3 *Inaugural covers*—(a) *Cachets authorized.* Official cachets are usually authorized when airmail service is inaugurated on a new airmail route, segment of a new route, or at a new stop point on an existing route, and when new highway post office routes are established. Notice of the new service is published in the Postal Bulletin as far in advance of the inaugural date as practicable.

(b) *How to get inaugural cachets.* Send covers to receive inaugural cachets to the postmaster at the office where service is to be inaugurated. Include a letter requesting the postmaster to hold the covers for the inaugural service and to apply the cachet. After cachets have been applied, all covers will be transported to a designated post office for backstamping and then forwarded to their destinations.

(c) *How to prepare inaugural covers.* (1) Covers should bear postage at the airmail rate for first-flight cachets or at the first-class rate for highway post office service cachets.

(2) Put an enclosure of medium weight in each envelope to obtain a better impression.

(3) Leave 1½ inches of clear space to the left of the innermost postage stamp or 4 inches to the left of the right edge of the cover, whichever is greater, for application of the postmark impression. Also allow a clear space of 2½ by 2½ inches to the left of the address and postmark area for application of the cachet. Cachets will not be applied if their application would overlap the postmark, nor will they be applied to the reverse side of the cover.

(d) *Restrictions.* Double postal cards and double post cards intended for return reply purposes are not acceptable for inaugural covers. No provision is made for point-to-point covers.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

PART 51—REGISTRY

a. In § 51.4 *Fees, surcharges, and return receipts*, make the following changes:

1. In paragraph (a), amend the table showing liability limit by striking out "No indemnity—$0.30".

2. Amend paragraph (b) to read as follows:

(b) *Matter not having intrinsic value.* Articles having no intrinsic value may be registered on payment of the 40 cent fee or any of the higher fees.

3. In paragraph (c) strike out the first sentence.

b. In § 51.5 Preparation for mailing, amend paragraphs (a) and (b) to read as follows:

(a) *First and fourth class mail.* You must securely seal envelopes. Do not place paper strips or wax or paper seals over the intersections of the flaps where the postmark impressions are made. Wrap and seal packages with mucilage or glue or with plain paper strips. Packages containing currency or securities may not be sealed exclusively by use of paper strips, but must first be sealed securely with mucilage or glue. Place the complete name and address of sender and addressee on envelopes or packages. Envelopes or packages that appear to have been opened and resealed will not be registered.

(b) *Second and third class mail and controlled publications.* You may register these classes of mail having no intrinsic value in unsealed envelopes, wrappers, or other containers. If such mail has intrinsic value, you must seal the container and pay first-class postage. The second- and third-class and controlled publication postage rates will not be accepted on sealed mail.

(R. S. 161, 396, 3926, as amended; secs: 304, 309, 42 Stat. 24, 25, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 246f, 381)

PART 53—C. O. D.

a. In § 53.3 *Mailing*, make the following changes:

1. Amend paragraph (a) to read as follows:

(a) *Payment of fees and postage.* Fees and postage must be prepaid. If you include in the charges to be remitted the postage and fee prepaid, the c. o. d. fee will be based on the total c. o. d. charges which include the postage and fee. The sender guarantees to pay any return and forwarding postage unless otherwise specified on the parcel.

2. In paragraph (e) convert all 15-day time limits to 30-day limits.

b. In § 53.5 *Delivery*, amend paragraph (a) by converting the 15-day time reference therein to 30 days.

(R. S. 161, 396, sec. 1, 41 Stat. 581, secs. 304, 309, 42 Stat. 24, 25, 49 Stat. 867, as amended, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 246c, 246f, 382)

PART 56—SPECIAL DELIVERY

In § 56.2 *Payment for special delivery*, amend paragraph (c) (1) to read as follows:

(1) *Letters.* The failure of the sender to place the correct postage on a letter on which the special delivery fee has been paid will not hinder or delay the transmission and special delivery of the letter. The letter will be dispatched from the office of mailing and postage due will be collected as provided in subparagraph (4) of this paragraph.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 246f)

PART 58—CERTIFIED MAIL

a. Section 58.2 *Class of mail to which applicable*, is amended to read as follows:

§ 58.2 *Class of mail to which applicable.* Any mailable matter of no intrinsic value on which postage at the first class rate has been paid will be accepted as certified mail. This does not exclude articles of a nonnegotiable character and other matter which would involve a cost of duplication if lost or destroyed. The mail may be sent by air on payment of the required postage. Return receipt service requested at the time of mailing only, and special delivery services are available on payment of the prescribed fees. Penalty and franked mail may be accepted as certified mail if the fee is prepaid.

b. Section 58.3 *Fees*, is amended to read as follows:

§ 58.3 *Fees.*

	Cents
Fee in addition to postage	15
Return receipts:	
Showing to whom and when delivered	7
Showing to whom, when, and address where delivered	31
Restricted delivery	20
Inquiry fee	10

c. In § 58.4 *Mailing*, make the following changes:

1. Amend paragraph (b) to read as follows:

(b) *Where to mail.* You may mail certified mail at the post office, branch or station or give it to a rural carrier. It may also be deposited in mail drops in post offices, street letter boxes, or any other receptacles for first class mail, provided you follow specific directions in paragraph (c) of this section.

2. Amend paragraph (c) (1) to read as follows:

(1) Enter on the receipt portion of the certified mail coupon the name and complete address of the person or firm to whom the mail is addressed.

3. Amend paragraph (c) (2) to read as follows:

(2) If return receipt is wanted check block on the mailing receipt to show the fee. See § 58.3. Enter the certified mail number on the return receipt card, address it to yourself, and attach it to the back of small envelopes and on the front of packages and large envelopes if it will not cover the address. If you desire the return receipt to show the address where the letter was delivered, there is a block at the top of the form which must be checked by you.

4. Amend paragraph (c) (4) to read as follows:

(4) If you want a postmarked sender's receipt, attach the certified mail sticker to the address side of the article and present the article and the completed coupon to the postal employee. If given to a rural carrier he will bring the postmarked receipt back to you.

5. Amend paragraph (c) (5) to read as follows:

(5) If you do not want a postmarked receipt, attach the certified mail sticker to the address side of the article, detach your receipt, and mail the article. Mark your receipt to show the date.

6. Add new subparagraph (6) to paragraph (c) to read as follows:

(6) If you desire to restrict delivery of certified mail to the addressee or someone named by him in writing, endorse the mail "Deliver to Addressee Only" or "Deliver to Addressee or Order."

7. Amend paragraph (d) to read as follows:

(d) *Firm mailing books.* If you mail an average of three or more letters at one time, you may use mailing books, Form 3877a, which are furnished by the Postal Service without charge, or specially printed mailing bills. A series of numbers will be furnished you. The sheets of the book become the sender's receipts. If you want the firm mailing bills receipted by the postal service, present the books with the articles to be mailed. You must also obtain at your expense a stamp for endorsing the certified letters, or you may have your envelope overprinted with the endorsement. The endorsement must be a facsimile or proportionate enlargement of the official endorsement shown in § 58.1. Following are instructions for use of the forms:

(1) Insert the word "Certified" in the space provided at the top of the form.

(2) The mailer must endorse and number the letters. If return receipt or special-delivery services are requested, mark the letters "Return Receipt Requested," "Return Receipt Requested Showing Address Where Delivered," or "Special Delivery." Prepare and attach return receipt to the back of the envelopes with the receipt side showing.

(3) Show on the bill the number of each article and the name and address of addressee.

(4) Enter only the amount of fees paid for return receipts.

(5) Affix necessary postage to the articles.

(6) The accepting employee will count the items, receipt the bill for the total number, and return the bill to you.

d. In § 58.5 *Delivery*, amend paragraphs (a) and (b) to read as follows:

(a) *Procedure.* Mail for delivery by carriers is taken out on the first trip after it is received, unless the addressee has requested the postmaster to hold his mail at the post office. Certified mail not restricted in delivery will be delivered to the addressee or his authorized representative. Certified mail marked "Deliver to Addressee Only" will be delivered only to the person addressed. If marked "Deliver to Addressee or Order" delivery will be made to the addressee or to a person designated in writing by the addressee to receive the mail. Delivery rules are the same as for registered mail. See § 51.7 (b) and § 51.7 (g) of this chapter.

(b) *Notice of arrival.* The carrier will leave a notice of arrival if he cannot deliver the certified article for any reason. The article will be brought back to the post office and held for you. If the article is not called for or its redelivery requested, it will be returned at the expiration of the period stated by the sender, or after 15 days if no period is stated.

(R. S. 161, 388, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 501, 65 Stat. 290, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 140, 361, 369, 39 U. S. C. 246f)

[SEAL] ABE MCGREGOR GOFF, *The Solicitor.*

[F. R. Doc. 55-8395; Filed, Oct. 18, 1955; 8:45 a. m.]

MISCELLANEOUS AMENDMENTS

The following changes are made in the regulations of the Post Office Department:

Subchapter K—Postal Union Mail

PART 100—POSTAL UNION ARTICLES

a. Section 100.1 *Services available and airmail rates* is amended to read as follows:

§ 100.1 *Services available and airmail rates.* (For surface postage rates, see Parts 101 through 108.)

(See list of countries in § 100.2 for destinations not specified in table.)

Key to symbols:
×=No Service. √=Accepted. *=Accepted at risk of sender. —=Airmail letter rate applies.

Country	Airmail rates: Letters and letter packages, per ½ oz.	Airmail rates: Air letter sheets and post cards	Airmail rates: Other Postal Union articles: First 2 oz.	Airmail rates: Other Postal Union articles: Additional 2 oz.	Services available: Registration (fee)	8-ounce merchandise packages	Small packets	Special delivery	Dutiable articles (merchandise) prepaid at letter rate	Combination packages
Great Britain and Northern Ireland	$0.15	$0.10	$0.41	$0.20	$0.55	×	√	√	—	×
Greece	.15	.10	.48	.28	.55	×	√	√	√	√
Greenland	.15	.10			.55	×	√	√	√	√
Guadeloupe	.10	.10	.34	.14	.40	×	√	√	√	√
Guatemala	.10	.10	.33	.12	.40	×	√	√	√	√
Haiti	.10	.10	.31	.10	.40	×	√	√	√	√
Hong Kong	.25	.10	.34	.14	.55	×	√	√	√	√
Hungary	.15	.10	.90	.70	.55	×	√	√	√	√
Iceland	.15	.10			.55	×	√	√	√	√
India	.25	.10	.37	.16	.55	×	√	√	√	√
Indonesia	.25	.10	.64	.44	.55	×	√	√	√	√
Iran	.25	.10	.56	.35	.55	×	√	√	√	√
Iraq	.25	.10	.56	.35	.55	×	√	√	√	√
Ireland (Eire)	.15	.10	.39	.18	.55	×	√	√	√	√
Israel	.25	.10	.52	.31	.55	×	√	√	√	√
Italy	.15	.10	.45	.24	.55	×	√	√	√	√
Ivory Coast	.10	.10			.55	×	√	√	√	√
Jamaica	.10	.10	.30	.10	.55	×	√	√	√	√
Japan	.25	.10	.65	.45	.55	×	√	√	√	√
Jordan (Hashemite Kingdom)	.10	.10			.55	×	√	√	√	√
Kenya and Uganda	.25	.10	.65	.45	.55	×	√	√	√	√
Korea	.25	.10	.70	.49	.55	×	√	√	√	√
Latvia	.15	.10			.55	×	√	√	√	√
Lebanon (Republic of)	.25	.10	.52	.31	.55	×	√	√	√	√
Leeward Islands	.10	.10	.52	.33	.55	×	√	√	√	√
Liberia	.25	.10	.48	.27	.55	×	√	√	√	√
Libya (United Kingdom of)	.15	.10			.55	×	√	√	√	√
Liechtenstein	.15	.10	.52	.31	.55	×	√	√	√	√
Luxembourg (Grand Duchy)	.15	.10	.42	.21	.55	×	√	√	√	√
Macao	.25	.10			.55	×	√	√	√	√
Madagascar and Dependencies	.25	.10			.55	×	√	√	√	√
Madeira Islands	.15	.10	.44	.24	.55	×	√	√	√	√
Malaya	.25	.10	.60	.70	.55	×	√	√	√	√
Malta	.15	.10	.45	.25	.55	×	√	√	√	√
Martinique	.10	.10	.35	.15	.55	×	√	√	√	√
Mauritius and Dependencies	.25	.10			.55	×	√	√	√	√
Mexico	.10	.10	(1)		.40	×	√	√	√	√
Morocco (French Zone)	.15	.10	.30	.19	.55	×	√	√	√	√
Morocco (Spanish Zone)	.10	.10	.45	.25	.40	×	√	√	√	√
Morocco Tangier (International Zone)	.15	.10	.45	.25	.55	×	√	√	√	√
Nauru Island	.25	.10			.55	×	√	√	√	√
Netherland	.15	.10	.42	.21	.55	×	√	√	√	√
Netherlands New Guinea	.15	.10			.55	×	√	√	√	√
Netherlands West Indies	.10	.10	.36	.18	.55	×	√	√	√	√
New Caledonia and Dependencies	.25	.10			.55	×	√	√	√	√
New Guinea, Territory of	.25	.10			.55	×	√	√	√	√
New Zealand	.25	.10	.79	.59	.40	×	√	√	√	√
Nicaragua	.10	.10	.35	.14	.55	×	√	√	√	√
Niger	.25	.10			.55	×	√	√	√	√
Nigeria	.25	.10	.54	.34	.55	×	√	√	√	√
North Borneo	.15	.10			.55	×	√	√	√	√
Norway	.15	.10	.43	.23	.55	×	√	√	√	√
Nyasaland	.25	.10	.63	.43	.55	×	√	√	√	√
Palestine, Western Arab	.10	.10			.55	×	√	√	√	√
Panama	.25	.10	.33	.13	.40	×	√	√	√	√
Papua	.10	.10			.55	×	√	√	√	√
Paraguay	.25	.10	.50	.30	.55	×	√	√	√	√
Persian Gulf Ports	.10	.10	.45	.25	.40	×	√	√	√	√
Philippines	.15	.10	.81	.60	.55	×	√	√	√	√
Pitcairn Island	$0.25	$0.10			$0.55	×	*	√	*	√
Poland	.15	.10	$0.46	$0.25	.55	×	√	√	√	√
Portugal	.15	.10	.41	.20	.55	×	√	√	√	√
Portuguese East Africa	.25	.10	.69	.49	.55	×	√	√	√	√
Portuguese India	.25	.10	.65	.45	.55	×	√	√	√	√
Portuguese Timor	.25	.10			.55	×	√	√	√	√
Portuguese West Africa	.25	.10	[4] .63	.43	.55	×	√	√	√	√
Reunion Island	.25	.10			.55	×	√	√	√	√
Rhodesia and Nyasaland	.25	.10			.55	×	√	√	√	√
Rumania	.15	.10			.55	×	√	√	√	√
Ryukyu Islands	.25	.10	.65	.45	.55	×	√	√	√	√
St. Helena	.25	.10	.68	.47	.55	×	√	√	√	√
St. Pierre and Miquelon	[16] .08	([16])			.55	×	√	√	√	√
El Salvador	.10	.10	.33	.13	.40	×	[1] √	√	√	√
Santa Cruz Islands	.25	.10			.55	×	√	√	√	√
Sarawak	.25	.10			.55	×	√	√	√	√
Saudi Arabia	.25	.10	.60	.40	.55	×	√	√	√	√
Senegal	.25	.10	.44	.23	.55	×	√	√	√	√
Seychelles	.25	.10			.55	×	√	√	√	√
Sierra Leone	.25	.10			.55	×	√	√	√	√
Solomon Islands	.25	.10			.55	×	√	√	√	√
Somalia	.25	.10			.55	×	√	√	√	√
Somaliland Protectorate	.25	.10			.55	×	√	√	√	√
Southwest Africa	.25	.10	.68	.47	.55	×	√	√	√	√
Spain	.15	.10	.45	.25	.40	√	[17] √	√	√	√
Spanish Guinea	.25	.10			.40	√	√	√	√	√
Spanish West Africa	.25	.10			.40	√	√	√	√	√
Surinam	.10	.10	.41	.20	.55	×	√	√	√	√
Sweden	.15	.10	.45	.24	.55	×	√	√	√	√
Switzerland	.15	.10	.43	.22	.55	×	√	√	√	√
Syria	.25	.10	.52	.31	.55	×	√	√	√	√
Tanganyika Territory	.25	.10	.65	.45	.55	×	√	√	√	√
Thailand	.25	.10	.95	.75	.55	×	√	√	√	√
Tonga Islands	.25	.10			.55	×	√	√	√	√
Trieste (Northern Area)	.15	.10	.45	.24	.55	×	√	√	√	√
Trieste (Southern Area)	.15	.10	.45	.24	.55	×	√	[1] √	√	√
Trinidad and Tobago	.10	.10	.38	.17	.55	×	√	√	√	√
Tristan da Cunha	.25	.10	.68	.47	.55	×	√	√	√	√
Tunisia	.15	.10	.47	.26	.55	×	√	√	√	√
Turkey	.15	.10	.49	.28	.55	×	√	√	√	√
Turks Island	.10	.10			.55	×	√	√	√	√
Union of South Africa	.25	.10	.68	.47	.55	×	√	√	√	√
U. S. S. R	.15	.10	.52	.31	.55	×	√	[1] √	√	√
Upper Volta	.25	.10			.55	×	√	√	√	√
Uruguay	.10	.10	.58	.38	.40	√	√	[1] √	√	√
Vatican City State	.15	.10	.45	.24	.55	×	√	√	√	√
Venezuela	.10	.10	.38	.18	.40	√	√	√	√	√
Viet Nam	.25	.10			.55	×	*	√	*	√
Western Samoa (British)	.25	.10			.65	×	√	√	√	√
Windward Islands	.10	.10			.55	×	√	√	√	√
Yemen	.25	.10			.55	×	√	√	√	√
Yugoslavia	.15	.10	.43	.22	.55	×	√	[1] √	√	√
Zanzibar and Pemba	.25	.10	.65	.45	.55	×	√	√	√	√

[1] Accepted, if registered.
[2] See § 101.5 (b) (1).
[3] Belize only.
[4] Per ounce (letters). Single post cards, 4 cents each.
[5] Available only for letters or articles prepaid at letter rate.
[6] The maximum weight limit of letter-packages to the Yukon district and to members of the Canadian Armed Forces overseas addressed for delivery through the Canadian Army Post Office is 4 pounds 6 ounces.
[7] Registry service is available only to the island of Taiwan (Formosa).
[8] Quito and Guayaquil only.
[9] Service applicable only to unregistered letters, post cards, and printed matter.
[10] No service to Central Arab Palestine.
[11] Special delivery service is confined to Eldoret, Entebbe, Jinja, Kampala, Kisumu, Kitale, Lamu, Mbale, Mombasa, Nairobi, Nakuru, and Nyeri.
[12] Special delivery service is confined to the offices of Alcazarquivir, Arcila, Dar Drius, Larache, Nador, Targuist, Tangier, Tetuan, Villa Alhucemas, and Xauen.
[13] Through British Post Office only.
[14] When mailed in Guam the rate is 10 cents per half ounce.
[15] *Other articles* rate applies only to Angola.
[16] Per ounce (letters). Single post cards, 8 cents each.
[17] Accepted for Spain only.

b. In § 100.2 *Index of countries* make the following changes:

1. Change "Guinea, New (Mandated Territory)" to read "Guinea, New, Territory of".

2. Change "New Guinea (Mandated Territory)" to read "New Guinea, Territory of".

3. Amend "Northern Rhodesia (see Rhodesia, Northern)" to read: "Northern Rhodesia (see Rhodesia and Nyasaland)".

4. Change "Nyasaland Protectorate" to read "Nyasaland (see Rhodesia and Nyasaland)".

5. Amend "Rhodesia, Northern" to read: "Rhodesia and Nyasaland, Federation of"; and strike out "Rhodesia, Southern".

6. Change "Southern Rhodesia (see Rhodesia, Southern)" to read "Southern Rhodesia (see Rhodesia and Nyasaland)".

7. Change "Tibet (see India)" to read "Tibet (see China)."

8. Change "Trieste, Free Territory of" to read "Trieste".

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372).

PART 101—LETTERS AND LETTER PACKAGES

a. In § 101.4 *Dimensions*, make the following changes:

1. Amend paragraph (a) (1) to read as follows:

(1) Maximum length is 24 inches. Maximum length, breadth, and thickness combined is 36 inches. When sent in the form of a roll, the length (the maximum of which may not exceed 32 inches), plus twice the diameter, may not exceed 40 inches; however, in the case of indivisible objects sent to the countries listed below, the length (which may not exceed 40 inches) plus twice the diameter, may be 48 inches.

2. Amend paragraph (b) to read as follows:

(b) *Minimum dimensions.* Envelopes must not measure less than 4 inches in length and 2¾ inches in width.

b. In § 101.5 *Mailing requirements and restrictions*, make the following changes:

1. Amend paragraph (b) (1) to read as follows:

(1) *Mailability.* Articles liable to customs duty (merchandise) may be forwarded in letters or letter packages, except to the following countries:

Bolivia.	Rumania.
Brazil (see note).	Ryukyu Islands.
China.	El Salvador.
Colombia.	Saudi Arabia.
Estonia (see note).	Spanish Guinea.
Italy (see note).	Spanish West Africa.
Japan.	Union of Soviet Socialist Republics.
Latvia (see note).	Venezuela.
Lithuania (see note).	

NOTE: Italy admits postage stamps for philatelic purposes in registered letters bearing completed revised Form 2976. Addressee must comply with Italian financial regulations.

Brazil admits coins, banknotes, paper money, or any values payable to bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry or other precious articles in registered letters.

USSR, Estonia, Latvia, and Luthuania admit duty-prepaid letter packages not exceeding 16 ounces in weight containing medicines, on condition that the addressee presents the prescription of the treating physician at time of delivery.

2. Rescind paragraph (b) (3).

3. Redesignate subparagraph (4) of paragraph (b) as subparagraph (3); and change the reference therein from "subparagraph (3) of this paragraph" to "subparagraph (1) of this paragraph".

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372).

PART 102—POST CARDS

Section 102.2 *Airmail rates* is amended to read as follows:

§ 102.2 *Airmail rates.* For airmail rates see § 100.1 and 109.3 of this chapter.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 104—PRINTED MATTER

a. In § 104.6 *Mailing requirements*, make the following changes:

1. Amend paragraph (c) to read as follows:

(c) *Prohibited enclosures.* Except in the case of publications mailed at the

rates of postage prescribed in § 22.1 (d) (1) and (2) of this chapter, newspapers, periodicals, or other articles of printed matter addressed to several different subscribers or addressees must not be enclosed in the same package with postage stamps affixed only to the outside wrapper of the package. However, several newspapers, periodicals, or other articles of printed matter, without separate address, may be enclosed in the same package.

2. Amend paragraph (e) to read as follows:

(e) *Dutiable prints.* Prints which are dutiable in the country to which they are addressed should have a green (customs) label, Form 2976, fixed to the address side of the article. (See § 133.1 (a) of this chapter.) You may obtain information as to rates of duty from the Bureau of Foreign Commerce, Washington 25, D. C., or from any field office of that Department.

b. In § 104.7 *Raised print for the blind* amend paragraph (b) to read as follows:

(b) *Airmail rates.* For airmail rates see § 100.1 of this chapter.

c. In § 104.8 *Books* change the reference in paragraph (a) from "§ 25.2 (a) (4) of this chapter" to "§ 25.2 (a) (4) (i) of this chapter".

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372).

Subchapter L—International Parcel Post

PART 110—RATES AND SHIPPING REQUIREMENTS

In § 110.1 *Rates and shipping requirements* make the table to read as follows:

1. Amend the table to read as follows:

Country	Surface Parcel Post rates: First pound	Surface Parcel Post rates: Each additional pound	Air Parcel Post rates: First 4 ounces	Air Parcel Post rates: Each additional 4 ounces	Weight limit (pounds)	Dimensions: Greatest length (feet)	Dimensions: Greatest length and girth combined (feet)	Sealing: R=required; O=optional	Group shipments: Y=permitted, N=not permitted (numeral indicates limit, if any, of number of parcels permitted in group)	Form 2966, Customs Declaration (number required)	Form 2972, Dispatch Note (number required)	Form 2922, Parcel Post sticker (number required)	Registration Y=permitted; N=not permitted	Insurance: Y=available; N=not available
Aden	$0.65	$0.25	$1.50	$0.75	22	3½	6	O	N	1	0	1	N	N
Afghanistan [11]	.94	.23	------	------	11	3½	6	O	Y-3	2	1	1	N	N
Albania [44]	1.14	.22	------	------	22	3½	6	R	N	2	0	1	N	N
Algeria	.63	.24	------	------	44	[26] 3½	6	O	N	1	1	1	N	N
Andorra	.45	.22	------	------	44	[26] 3½	6	R	N	1	1	1	N	N
Anglo-Egyptian Sudan	.91	.22	------	------	22	[26] 3½	6	O	Y-3	2	1	1	N	Y
Argentina	.48	.25	1.51	.76	44	[26] 3½	6	R	[4] Y-3	2	1	1	N	N
Ascension	.61	.38	------	------	11	3½	6	O	N	1	0	1	N	Y
Australia	.49	.26	1.62	1.27	22	3½	6	(2)	Y	1	0	1	N	N
Austria	.73	.25	1.05	.49	22	[26] 3½	6	(2)	N	2	0	1	[3] Y	[3] Y
Azores	.45	.22	.71	.44	22	3½	6	(2)	N	2	0	1	N	Y
Bahamas	.45	.22	.83	.14	22	[26] 3½	6	(2)	[4] Y	1	0	1	N	Y
Barbados	.45	.22	.65	.35	22	[26] 3½	6	(2)	N	1	0	1	N	N
Bechuanaland Protectorate	[27] .57	.34	1.31	.94	11	3½	6	O	N	3	0	1	N	Y
Belgian Congo	.56	.27	1.38	.79	44	3½	6	R	[4] Y	2	1	1	N	N
Belgium	.45	.22	.98	.43	44	[26] 3½	6	(2)	Y	1	0	1	N	N
Bermuda	.45	.22	.76	.13	22	[26] 3½	6	(2)	N	1	0	1	Y	N
Bolivia	[28] 1.10	.30	1.08	.40	44	[26] 3½	6	R	N	2	0	1	N	N
Brazil [1]	.78	.24	1.48	.64	[6] 22, 44	[26] 3½	6	R	Y	1	0	1	N	N
British Cameroons [31]	1.05	.28	------	------	22	3½	6	O	[4] Y-3	1	0	1	N	Y
British Guiana	.45	.22	1.07	.39	22	[26] 3½	6	(2)	Y	1	1	1	N	N
British Honduras	.45	.22	.80	.20	22	[26] 3½	6	(2)	N	1	0	1	Y	N
Brunei	.98	.29	------	------	22	3½	6	O	N	1	0	1	N	N
Bulgaria	.47	.24	------	------	22	3½	6	R	Y	1	0	1	N	N
Burma	.76	.26	------	------	22	3½	6	O	N	2	1	1	N	N
Cambodia	.78	.23	------	------	22	3½	6	R	N	1	1	1	N	Y
Canada	.45	.22	------	------	[15] 22	3½	6	O	[4] Y	1	0	1	N	Y
Cape Verde Islands	.68	.25	------	------	22	[26] 3½	6	(2)	Y-3	1	1	1	N	Y
Ceylon	.93	.29	1.75	1.00	22	3½	6	R	Y-3	1	1	1	N	N
Chile	.70	.22	1.31	.56	22	[26] 3½	6	O	[4] Y-3	2	1	1	N	N
China [14]	.53	.30	1.43	1.08	22, [16] 44	3½	[17] 7	R	N	2	1	1	N	N
Colombia	[28] .78	.34	1.21	.40	44	3½	6	O	[4] Y-3	2	1	1	N	Y
Corsica	.63	.24	------	------	44	(See France.)								
Costa Rica	.45	.22	.79	.29	44	[26] 3½	6	R	N	1	0	1	Y	N
Cuba	[22] .45	.22	(22)	------	22	3½	6	O	N	1	0	1	N	N
Cyprus	.81	.23	1.30	.60	22	3½	6	R	N	1	0	1	N	N
Czechoslovakia	.57	.26	.88	.48	44	[26] 3½	6	(2)	N	1	0	0	N	N
Dahomey	.72	.26	------	------	44	3½	6	O	N	1	0	1	N	N
Denmark, including Faroe Islands and Greenland	.45	.22	.97	.47	44	[26] 3½	6	(2)	Y	1	0	1	N	Y
Dominican Republic	.58	.22	.86	.22	44	[26] 3½	6	R	[4] Y-3	1	0	1	Y	N
Ecuador	.86	.22	1.24	.33	44	[26] 3½	6	R	Y-3	1	1	1	Y	N
Egypt	.66	.22	1.35	.64	22	[26] 3½	6	O	N	1	0	1	N	N
Eritrea	.63	.25	------	------	22	[26] 3½	6	R	N	1	1	1	N	N
Estonia	.90	.23	1.66	.63	22	3½	6	O	N	3	1	1	N	N
Ethiopia	.73	.26	------	------	44	3½	6	O	N	1	0	1	N	N
Falkland Islands	.80	.23	1.26	.76	22	3½	6	O	N	1	0	1	N	N
Fiji Islands	.66	.28	1.67	1.00	22	3½	6	O	N	1	0	1	N	N
Finland	.47	.24	.88	.51	44	[26] 3½	6	(2)	N	1	0	1	N	N
France	.45	.22	1.22	.44	44	3½	6	R	N	1	0	1	N	N
French Cameroons	.49	.26	------	------	22	3½	6	R	N	1	0	1	N	N
French Equatorial Africa	.74	.26	------	------	44	3½	6	R	N	1	0	1	N	N
French Guiana	.65	.24	.79	.44	11	3½	6	O	N	1	0	1	N	N
French Guinea	.70	.25	------	------	44	3½	6	O	N	1	0	1	N	N
French Oceania	.51	.28	------	------	22	3½	6	O	N	1	0	1	N	N
French Somaliland	.45	.22	------	------	22	3½	6	O	N	1	0	1	N	N
French Sudan	.70	.26	------	------	44	3½	6	O	N	1	0	1	N	N
French Togoland	.72	.26	------	------	44	3½	6	O	N	1	0	1	N	N
Gambia	.99	.28	------	------	22	3½	6	O	N	1	0	1	N	[13] Y
Germany	.45	.22	.95	.45	[13] 22, 44	3½	6	(2)	[4] Y	1	0	1	N	Y
Gibraltar	.45	.22	.75	.50	22	[26] 3½	6	(2)	N	1	0	1	N	N
Gilbert and Ellice Islands Colony	.53	.27	------	------	11	3½	6	O	N	1	0	1	N	Y
Gold Coast Colony	.45	.22	1.18	.64	22	3½	6	(2)	N	1	0	1	N	N
Great Britain and Northern Ireland	.46	.23	1.00	.41	22	3½	6	(2)	[4] Y	1	0	1	N	[13] Y
Greece	.45	.24	1.07	.57	22	[26] 3½	6	(2)	N	1	1	1	N	Y
Guadeloupe	.45	.22	.65	.20	11	3½	6	O	[4] Y-3	1	0	1	N	N
Guatemala	.70	.22	1.01	.25	44	[26] 3½	6	R	N	1	0	1	N	N
Haiti	.81	.23	.72	.21	44	[26] 3½	6	R	N	1	0	1	N	N
Honduras, Rep. of	.45	.22	.78	.28	[13] 22, 44	3½	6	O	N	1	0	1	N	N
Hong Kong	.45	.22	1.74	1.39	22	3½	6	(2)	Y	1	0	1	N	Y
Hungary	.51	.28	------	------	44	[26] 3½	6	(2)	N	1	0	1	N	N
Iceland	.61	.24	.89	.33	44	[26] 3½	6	(2)	N	2	0	0	N	N
India	.70	.24	1.70	.96	22	3½	6	R	N	3	1	1	N	Y
Indonesia	.61	.22	1.75	1.00	11	[26] 3½	6	O	Y-3	1	1	1	N	N
Iran	.45	.22	1.47	.72	44	3½	6	R	Y-3	2	1	1	N	N
Iraq	.66	.25	1.47	.72	44	3½	6	R	N	1	1	1	N	N
Ireland (Eire)	.45	.22	.97	.37	15	3½	6	(2)	N	1	0	1	N	N
Israel	.66	.25	1.42	.67	22	3½	6	O	N	1	1	1	N	Y
Italy	.53	.22	1.08	.50	44	[26] 3½	6	R	N	1	0	1	N	N
Ivory Coast	.45	.22	------	------	44	3½	6	(2)	N	1	0	1	N	N
Jamaica	.45	.22	------	------	22	3½	6	O	N	1	0	1	N	N

Country	Surface Parcel Post rates: First pound	Surface Parcel Post rates: Each additional pound	Air Parcel Post rates: First 4 ounces	Air Parcel Post rates: Each additional 4 ounces	Weight limit (pounds)	Dimensions: Greatest length (feet)	Dimensions: Greatest length and girth combined (feet)	Sealing: R=required; O=optional	Group shipments: Y=permitted, N=not permitted (numeral indicates limit, if any, of number of parcels permitted in group)	Form 2966, Customs Declaration (number required)	Form 2972, Dispatch Note (number required)	Form 2922, Parcel Post sticker (number required)	Registration Y=permitted; N=not permitted	Insurance: Y=available; N=not available
Japan	$0.48	$0.25	$1.27	$0.91	22	[26] 3½	6	(2)	[4] Y	1	0	1	N	Y
Jordan (Hashemite Kingdom)	[24] 1.01	.27	------	------	22	3½	6	O	Y-3	1	1	1	N	N
Kenya and Uganda	.53	.24	1.35	.85	11	3½	6	O	N	1	0	1	N	N
Korea	.48	.25	1.37	1.01	22	[26] 3½	6	O	N	1	0	1	N	N
Labuan	.78	.27	------	------	22	3½	6	O	N	1	0	1	N	N
Laos	.78	.23	------	------	22	3½	6	R	N	1	1	1	N	N
Latvia	.90	.23	1.66	.63	22	[26] 3½	6	R	N	3	1	1	N	N
Lebanon (Republic of)	.53	.22	1.22	.64	11, [15] 44	3½	6	R	N	2	1	1	N	N
Leeward Islands	[25] .45	.22	.50	.20	22	3½	6	(2)	N	1	0	1	N	Y
Liberia	.45	.22	.86	.56	22	3½	6	(2)	N	1	0	1	Y	N
Libya (United Kingdom of)	.68	.24	------	------	22	[26] 3½	6	R	N	1	0	1	N	N
Lithuania	.90	.23	1.66	.63	22	[26] 3½	6	R	N	3	1	1	N	N
Luxembourg	.45	.23	.98	.43	44	[26] 3½	6	(2)	[4] Y	2	1	1	N	[3] Y
Macao	.78	.23	------	------	22	[26] 3½	6	O	N	1	0	1	N	N
Madagascar and Dependencies	.82	.25	------	------	11	3½	6	O	N	1	0	1	N	N
Madeira Islands	.93	.27	.75	.50	22	3½	6	(2)	Y-3	1	1	1	[3] Y	[3] Y
Malaya	.88	.26	1.75	1.00	22	3½	6	O	Y	1	0	1	N	N
Malta	.68	.24	1.10	.50	22	3½	6	O	Y	1	0	1	N	N
Martinique	.45	.22	.65	.25	11	3½	6	O	N	2	0	1	N	N
Mauritania	.70	.25	------	------	44	3½	6	O	N	1	0	1	N	N
Mauritius and Dependencies	.65	.42	------	------	11	3½	6	O	N	1	0	1	N	N
Mexico	.45	.22	.64	.18	44	[26] 3½	6	R	[4] Y-3	1	0	1	Y	N
Morocco, French Zone	.45	.22	1.19	.54	44	[26] 3½	6	R	N	1	0	1	N	N
Morocco, Spanish Zone	.71	.24	1.19	.54	[18] 11, 44	[26] 3½	6	R	N	2	1	1	Y	N
Morocco, Tangier (International Zone)	.71	.24	1.19	.54	44	3½	6	R	N	1	0	1	N	[29] Y
Nauru Island	.53	.27	------	------	11	3½	6	O	N	1	0	1	N	N
Netherlands	.45	.22	.89	.44	44	[26] 3½	6	(2)	Y	3	1	1	N	Y
Netherlands New Guinea	.87	.25	------	------	11	[26] 3½	6	O	Y-3	2	0	1	N	N
Netherlands West Indies	.45	.22	.72	.36	44	[26] 3½	6	(2)	Y	1	0	1	N	Y
New Caledonia and Dependencies	.53	.24	------	------	44	3½	6	O	N	1	0	1	N	N
New Guinea Territory	.53	.27	------	------	11	3½	6	O	N	1	0	1	N	N
New Hebrides	.58	.28	------	------	11	3½	6	O	N	1	0	1	N	N
New Zealand	.45	.22	1.82	1.17	22	[26] 3½	6	(2)	[4] Y	1	0	1	N	N
Nicaragua	.45	.22	.80	.29	44	[26] 3½	6	R	N	1	0	1	Y	N
Nigeria	.72	.26	------	------	44	3½	6	R	N	1	0	1	N	N
Niger a	1.05	.28	1.25	.65	[17] 11, 22	3½	6	O	Y	1	0	1	N	N
North Borneo	.98	.29	------	------	22	3½	6	O	Y	1	0	1	N	N
Norway	.47	.24	1.02	.47	44	3½	6	(2)	N	1	0	1	N	Y
Pakistan	[24] .70	.24	1.63	.84	22	3½	6	O	N	2	1	1	N	N
Palestine, Western Arab	1.01	.25	------	------	11	3½	6	O	Y-3	1	1	1	N	N
Panama (Republic of)	.70	.22	.91	.21	[18] 44, 70	[26] 3½	[17] 7	R	N	2	0	1	Y	N
Papua	.53	.27	------	------	11	3½	6	O	N	1	0	1	N	N
Paraguay	.61	.32	1.00	.50	44	[26] 3½	6	R	[4] Y-3	1	0	1	Y	N
Persian Gulf Ports	.46	.23	[24] 1.35	.75	22	3½	6	(2)	N	2	1	1	N	Y
Peru	.86	.22	1.23	.37	44	[26] 3½	6	R	N	1	0	1	Y	N
Philippines	.45	.22	1.81	1.26	[18] 11, 22, 44	[26] 3½	6	O	N	1	0	1	N	N
Pitcairn Island	.45	.22	------	------	11	3½	6	O	N	1	0	1	N	N
Poland	.53	.22	1.06	.52	44	[26] 3½	6	O	N	2	0	1	N	N
Portugal	.45	.22	.71	.44	22	3½	6	(2)	N	2	0	1	Y	Y
Portuguese East Africa (Mozambique)	.53	.22	1.63	1.00	22	[26] 3½	6	(2)	Y	1	1	1	N	Y
Portuguese India	.86	.23	1.83	.88	11	3½	6	R	Y-3	1	1	1	N	N
Portuguese Timor	.74	.25	------	------	22	2	4	R	Y-3	2	1	1	N	N
Portuguese West Africa	[27] .53	.22	[24] 1.45	.83	22	[26] 3½	6	(2)	Y-3	1	1	1	Y	Y
Reunion	.81	.27	------	------	44	3½	6	R	N	1	1	1	N	N
Rhodesia and Nyasaland	.65	.40	------	------	11	3½	6	O	N	1	0	1	N	N
Rumania	.73	.25	------	------	[23] 22	[26] 3½	6	O	Y-3	1	1	1	N	N
Ryukyu Islands	[26] .50	.27	1.27	.91	22	[26] 3½	6	(2)	[4] Y	1	0	1	N	Y
St. Helena	.61	.38	1.31	.94	11	3½	6	O	N	1	0	1	N	N
St. Pierre and Miquelon	.45	.22	------	------	22	3½	6	R	Y	1	0	1	N	N
El Salvador	1.19	.26	1.02	.26	44	[26] 3½	6	R	[4] Y-3	2	1	1	N	Y
Santa Cruz Islands	.61	.26	------	------	11	3½	6	O	N	1	0	1	N	N
Sarawak	.98	.29	------	------	22	3½	6	O	N	1	0	1	N	N
Saudi Arabia	.69	.24	1.60	.80	22	3½	6	O	Y-3	2	1	1	N	N
Senegal	.70	.25	.90	.50	44	3½	6	O	N	1	0	1	N	N
Seychelles	.75	.39	------	------	11	3½	6	O	N	1	0	1	N	N
Sierra Leone	.69	.25	------	------	22	3½	6	O	N	1	0	1	N	N
Solomon Islands	.53	.27	------	------	11	3½	6	O	N	1	0	1	N	N
Somalia	.68	.25	------	------	22	[26] 3½	6	O	N	1	1	1	N	N
Somaliland Protectorate	.68	.27	------	------	22	3½	6	O	N	1	0	1	N	N
Southwest Africa	.57	.34	1.31	.94	11	3½	6	O	N	1	0	1	N	N
Spain	[18] .70	.23	[26] 1.25	.50	[18] 11, 44	[26] 3½	6	R	N	[30] 3	1	1	N	N
Spanish Guinea	.99	.26	------	------	44	[26] 3½	6	R	N	3	1	1	Y	N
Surinam	.45	.22	.92	.41	44	[26] 3½	6	(2)	Y	2	1	0	N	Y
Sweden	.47	.24	.85	.49	44	3½	[21] 6½	(2)	N	1	0	1	N	Y
Switzerland (including Liechtenstein)	.48	.25	.92	.46	44	[26] 3½	6	(2)	[4] Y-3	1	1	1	N	Y
Syria (Republic of)	.63	.24	1.22	.64	[31] 11, 22, 44	3½	6	R	N	2	1	1	N	N
Tanganyika Territory	.53	.24	1.35	.85	11	3½	6	O	N	1	0	1	N	N
Thailand	.69	.22	2.29	1.50	22	[26] 3½	6	O	Y	1	0	1	N	N
Tonga (Friendly) Islands	.77	.28	------	------	11	3½	6	O	N	1	0	1	N	N
Trieste (Northern Area)	.53	.22	1.08	.50	22	[26] 3½	6	O	N	1	1	1	N	N
Trieste (Southern Area)	.47	.24	.87	.52	22	[26] 3½	6	O	Y	1	0	1	N	N
Trinidad and Tobago	.45	.22	1.03	.35	22	3½	6	(2)	Y	1	0	1	Y	N
Tristan da Cunha	.57	.34	1.31	.94	11	3½	6	O	N	1	0	1	N	N
Tunisia (Tunis)	.53	.22	1.11	.54	44	[26] 3½	6	O	N	1	1	1	N	N
Turkey	.47	.24	1.15	.57	44	[26] 3½	6	O	Y-3	2	1	1	N	N
Turks Island (including Caicos Islands)	.45	.22	------	------	22	3½	6	(2)	N	1	0	1	Y	N
Union of South Africa	.47	.24	1.31	.94	11	3½	6	O	N	1	0	1	N	N
U. S. S. R	[40] .90	.23	1.66	.63	22	[26] 3½	6	O	R	3	1	1	N	N
Upper Volta	.45	.22	------	------	44	3½	6	O	N	1	0	1	N	N
Uruguay	[41] .45	.22	1.26	.76	44	3½	6	R	[4] Y-3	1	0	1	Y	N
Vatican City State	.53	.22	1.08	.50	44	[26] 3½	6	R	N	1	0	1	N	N
Venezuela (Republic of)	.88	.27	1.27	.36	44	3½	6	R	[4] Y-3	1	0	1	N	N
Viet-Nam	.78	.23	------	------	22	3½	6	R	N	1	1	1	N	N
Western Samoa (British)	.45	.22	------	------	11	[26] 3½	6	(2)	[4] Y	1	0	1	N	Y
Windward Islands	.45	.22	------	------	22	3½	6	(2)	[4] Y	1	1	1	N	Y
Yugoslavia	.47	.24	.87	.52	44	[26] 3½	6	(2)	[4] Y	1	0	0	N	Y
Zanzibar and Pemba	1.01	.30	1.35	.85	11	3½	6	O	N	1	0	1	N	N

2. Make the following changes in the footnotes accompanying the table of countries:

a. Amend footnote 1 to read as follows:

[1] Parcels must not be addressed "Poste restante" (general delivery). Parcel post business is transacted only at the following post offices, and the name of one of these post offices must form part of the address of the parcel:

Alegrete.
Amparo.
Antonina.
Aracajú.
Araguari.
Araraquara.
Bagé.
Bahia (see Salvador).
Barbacena.
Bára do Piraí.
Barra Mansa.
Barretos.
Bauru.
Bebedouro.
Belem (Para).
Belo Horizonte.
Blumenau.
Botucatu.
Bragança.
Caçapava.
Cachoeira (Bahia).
Cachoeira (Rio Grande do Sul).
Cachoeiro do Itapemirim.
Campanha.
Campina Grande.
Campinas.
Campo Grande.
Campos.
Carangola.
Casa Branca.
Cataguazes.
Catanduva.
Caxambu.
Caxias.
Corumbá.
Cruz Alta.
Cruzeiro.
Cuiabá.
Curitiba.
Curvelo.
Diamantina.
Florianópolis.
Formiga.
Fortaleza.
Franca.
Goiânia.
Guaratinguetá.
Ilhéus.
Itajuba.
Itapetininga.
Itaqui.
Itu.
Jaboticabal.
Jaguarão.
Jau.
João Pessoa.
Joinville.
Juázeiro.
Juiz de Fora.
Jundiaí.
Laguna.
Lavras.
Limeira.
Livramento.
Lorena.
Macaé.
Maceió.
Manáus.
Mococa.
Mogy Mirim.
Montes Claros.
Natal.
Niterói.
Nova Friburgo.
Ouro Prêto.
Pará (see Belém).
Paranaguá.
Parnaíba.
Passo Fundo.
Pelotas.
Penedo.
Pernambuco (see Recife).
Petrópolis.
Pindamonhangaba.
Pinhal.
Piracicaba.
Pirassununga.
Pocos de Caldas.
Ponta Grossa.
Ponte Nova.
Pôrto Alegre.
Pôrto União.
Pouso Alegre.
Recife (Pernambuco)
Ribeirão Prêto.
Rio Branco (Acre).
Rio Claro.
Rio das Contas.
Rio de Janeiro.
Rio Grande (Rio Grande do Sul).
Rio Prêto.
Salvador (Bahia).
Santa Maria
Santa Rita do Sapucal.
Santos.
São Carlos.
São Felix.
São Francisco do Sul.
São João da Boa Vista.
São João d' El Rey.
São José dos Campos.
São José do Rio Pardo.
São Leopoldo.
São Luiz (Maranhao).
São Paulo.
Sorocaba.
Taquaritinga.
Taubaté.
Teófilo Ottoni.
Terezina.
Três Corações.
Ubá.
Uberaba.
Uberlândia.
Uruguaiana.
Valenca.
Varginha.
Visconde do Rio Branco.
Vitória.

b. Amend footnote 10 to read as follows:

[10] Parcels exceeding 22 pounds are accepted only for dispatch by surface means to Taipei, Keelung (Kirum), and Kaohsiung, Taiwan. Parcels for Quemoy and Matsu are limited to 7 pounds.

c. Amend footnote 11 to read as follows:

[11] Service limited to Kabul, Jallalabad, and Kandahar.

d. Amend footnote 12 to read as follows:

[12] To the Soviet Zone, including the Soviet sector of Berlin, gift parcels are limited to 22 pounds in weight, other parcels may weigh up to 44 pounds. Insured parcels are acceptable only for the Western Zone, including the Western Sector of Berlin. Service to the Soviet Zone, including the Soviet sector of Berlin, is limited to uninsured parcels.

e. Amend footnote 14 to read as follows:

[14] No parcel post service to continental China.

f. Amend footnote 16 to read as follows:

[16] Air parcel limit, 11 pounds.

g. In footnote 18 amend the Post Office listing by changing "Enrique Villaneuva" to "Enrique Villanueva"; and amend the Province listing by changing "Ilocos Norto" to "Ilocos Norte".

h. Footnote 19 is amended to read as follows:

[19] Insurance service limited to:

Aghios Nicolaos (Crete).
Alexandroupolis.
Amphissa.
Argostolion.
Arta.
Athens.
Chalkis.
Chania.
Chios.
Drams.
Edessa.
Filiates.
Florina.
Iraklion (Crete).
Ioannina.
Kalamai.
Karditsa.
Harpenission.
Kastoria.
Katerini.
Kavalla.
Kerkyra.
Kilkis.
Komotini.
Korinthos.
Kozani.
Lamia.
Larissa.
Lefkas.
Levadia.
Messolonghion.
Mytillini.
Nafplion.
Patrai.
Piraeus.
Polyghyros.
Preveza.
Pyrghos (Ilias).
Rethymnon.
Rodos.
Samos.
Serrai.
Sparti.
Syros.
Thessaloniki (Salonica).
Trikkala.
Tripolis.
Verria.
Volos.
Zakynthos.
Zanthi.

i. In footnote 28 add to "Cochabamba" the following: "Potosi, Sucre, Tupiza, Uyuni, and Villazon".

j. Amend footnote 31 to read as follows:

[31] Service only to:

Bafum.
Bafut.
Bali.
Bama.
Bamenda.
Banti.
Bibundi.
Birim.
Buea.
Dalami.
Fontemdorf.
Gashaka.
Ido.
Johnn Albrechts Hohe.
Kentu.
Kote.
Krana.
Kumba.
Mamfe.
Matafe.
Mora.
Ossidinge.
Rio-del-Rey.
Soppo.
Tiko.
Tinto.
Victoria.
Yiaji.

k. In footnote 39 amend the expression "Balearic Islands and North Africa" to read "Balearic Islands and offices in North Africa".

l. Amend footnote 43 to read as follows:

[43] Gift parcels are limited to 4 lbs. 6 oz. gross weight.

m. Strike out footnote 44.

n. Redesignate footnote 45 as 44, and amend same to read as follows:

"Service only to:

Berat.
Bilisht.
Delvine.
Dures (Durazzo).
Elbasan.
Fier.
Gjirokaster (Argirokastro).
Himare.
Kavaje.
Klos.
Kolonje.
Konispol.
Korce (Coritoza).
Kruje.
Kucove.
Kukes.
Kurvelesh.
Lesh (Alessio).
Leskovik.
Libhove.
Librazh.
Lushnje.
Mallakaster.
Milot.
Peqin.
Permet.
Peshkopi.
Puke.
Sarande.
Shijak.
Shkoder (Scutari).
Tepelene.
Tirana.
Vlone (Valooa).
Vlore.
Wilson.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 111—SERVICES AVAILABLE

In § 111.7 *Recall and change of address* strike out "Rhodesia (Northern)"; and change "Rhodesia (Southern)" to "Rhodesia and Nyasaland".

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372).

PART 112—PREPARATION, ADDRESSING, AND MAILING

In § 112.1 *Packing* make the following changes:

1. Amend paragraph (b) (4) to read as follows:

(4) Dry noncoloring powders must be enclosed in boxes of metal, wood, or strong corrugated cardboard, placed in turn in a closely woven cloth bag or heavy kraft paper sack. Powdered dyes must be enclosed in strong metal boxes, securely closed, and placed in turn in another box of wood or strong corrugated cardboard, with sawdust or other absorbent or protective material between the inner and outer containers.

2. In paragraph (b) (5) strike out the words "and hatching eggs for Cuba" contained in the parenthetical phrase therein.

3. Rescind paragraphs (b) (7) and (8).

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 114—DOCUMENTATION

a. In § 114.1 *Customs declaration, form 2966* make the following changes:

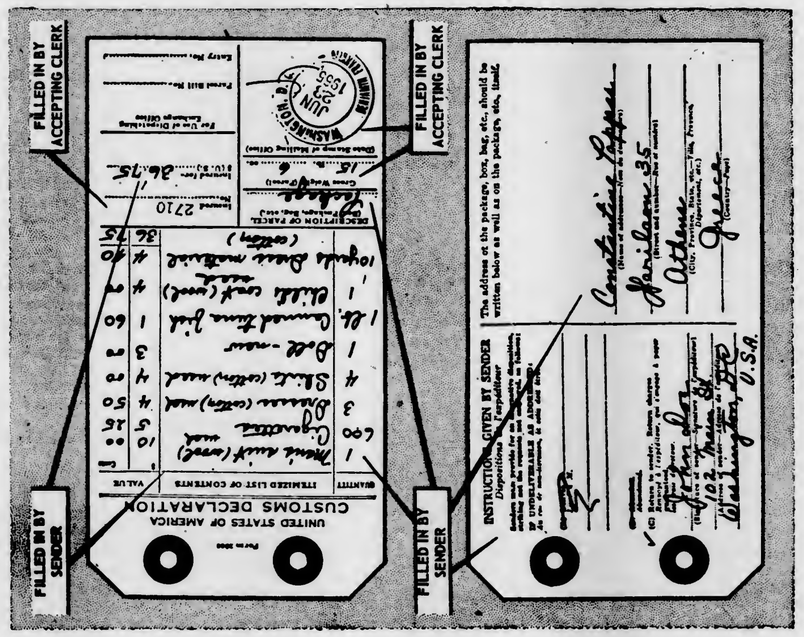
1. Amend the caption of paragraph (c) to read as follows: "(c) *Information to be furnished.*"

2. Amend paragraph (c) (1) to read as follows:

(1) *Customs declaration.* You must complete the customs declaration to show your name and address and that of the addressee, an accurate description of contents (see subparagraph (3) of this paragraph), the alternative disposition instructions and description of the parcel.

3. Add new paragraph (c) (4) to read as follows:

(4) *Facsimile of Form 2966.* The following facsimile illustrates the information which you must supply and which the accepting clerk will add to complete the form:



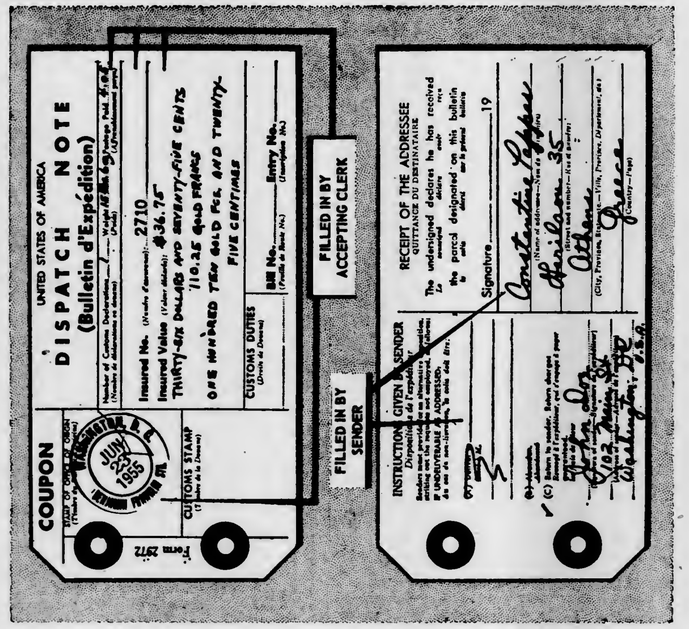
4. Rescind present paragraph (d) and redesignate paragraph (e) as paragraph (d).

5. Rescind paragraph (f).

b. Section 114.2 *Dispatch note, Form 2972,* is amended to read as follows:

§ 114.2 *Dispatch note, Form 2972—(a) Preparation and affixing.* For certain countries (see § 110.1 of this chapter), a dispatch note, Form 2972, must be completed in ink or on the typewriter. The form must be tied to the parcel in the same manner as Form 2966. (See § 114.1 (d) of this chapter.)

(b) *Information to be furnished.* The following facsimile illustrates the information which you must supply and which the accepting clerk will add to complete the form:



(1) *Customs declaration.* You must complete the customs declaration to show your name and address and that of the addressee, an accurate description of contents (see subparagraph (3) of this paragraph), the alternative disposition instructions and description of the parcel.

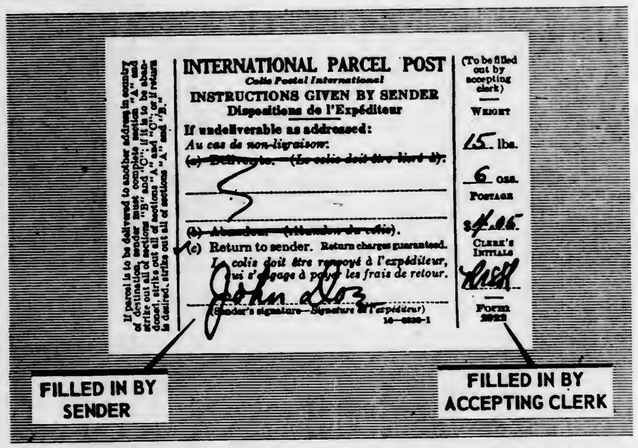
3. Add new paragraph (c) (4) to read as follows:

(4) *Facsimile of Form 2966.* The following facsimile illustrates the information which you must supply and which the accepting clerk will add to complete the form:

c. Section 114.3 *Parcel post sticker, Form 2922* is amended to read as follows:

§ 114.3 *Parcel post sticker, Form 2922*—(a) *When required.* The yellow "International Parcel Post" sticker, Form 2922, must be affixed by the sender to each parcel post package, whether the parcel is forwarded under the group shipment arrangement (see § 111.3) with other parcels or as a single shipment. You must complete the "Instructions Given by Sender" section of the form (see § 114.1 (c) (2)), and sign the form by handwriting or otherwise. Form 2922 should not be affixed to parcels addressed for delivery in the United States possessions.

(b) *Information to be furnished.* The following facsimile illustrates the information which you must supply and which the accepting clerk will add to complete the form:



(c) *Manner of affixing.* Form 2922 should be pasted to the wrapper of the parcel, preferably on the address side, but if the shape or size of the parcel makes this impracticable, the sticker may be fixed to a tag which shall in turn be securely attached to the parcel.

d. Section 114.4 *Shipper's export declaration,* is amended to read as follows:

§ 114.4 *Non-postal documentation.* Parcel post packages may require one or more of the forms described in Parts 171–176 of this chapter.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 115—INCOMING PARCEL POST

Part 115 (Export licenses and certificates)[1] is amended to read as follows:

Sec.
115.1 Retention and disposal.
115.2 Forwarding.
115.3 Charges.
115.4 Addressed to banks or other organizations.

[1] The regulations formerly embraced in Part 115 are now codified in Subchapter R—Exportations.

AUTHORITY: §§ 115.1 to 115.4 issued under R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 115.1 *Retention and disposal.* A parcel addressed to you will be held for 30 days at your disposal unless you refuse it. If the sender has named an alternate addressee, the parcel will be held for 15 days at your disposal and 15 days at the disposal of the alternate addressee. If the sender has marked the parcel for abandonment if it is undeliverable as addressed, the parcel is so treated as soon as it is found to be undeliverable.

§ 115.2 *Forwarding*—(a) *Within United States.* A parcel will be forwarded to you at another post office in the United States by surface transportation subject to collection on delivery of postage at the United States domestic zone rate. Forwarding by air must be prepaid.

(b) *To another country.* A parcel will not be forwarded to you in another country unless the forwarding postage is paid in advance, except by surface transportation to the country of mailing where postage can be collected on delivery. A domestic fourth-class parcel will not be forwarded to another country but will be returned to the sender or otherwise treated as undeliverable matter.

§ 115.3 *Charges*—(a) Customs clearance and delivery fees. You must pay on each parcel you receive a fee of 10 cents to cover customs clearance, whether your parcel is dutiable or not, and a delivery fee of 5 cents. These fees, though collected by means of postage-due stamps, do not denote short-payment as they are independent of the postage paid by the sender.

(b) *Storage charges.* If you allow a parcel addressed to you to remain in the post office, you must pay a storage charge of 5 cents per day beginning with the 11th day from the first attempt at delivery or the issuance of the first notice that the parcel is ready for delivery. Sundays and holidays are not counted. When a parcel is held pending decision as to customs duty (see § 161.3 of this chapter), the storage charges begin 10 days after the decision is given.

(c) *Letter enclosed.* A letter found in a parcel is charged with double the postage to which it would have been charged if mailed properly.

(d) *Returned United States parcels.* If a parcel which you mailed is returned from the country of destination, you must pay return postage and whatever charges the foreign postal authorities may have assessed for storage or other service rendered. If you have changed your residence so the parcel must be forwarded to another post office, you must pay the applicable domestic postage as well.

§ 115.4 *Addressed to banks or other organizations.* You will be notified of the arrival of a parcel intended for delivery to you through a bank or other organization. The parcel will not be delivered to you, however, until the bank or organization has given its consent in writing, or unless the sender has requested through the foreign postal authorities that it be delivered direct to you.

PART 116—CONSULAR AND COMMERCIAL INVOICES

Part 116 *Consular and Commercial Invoices* is rescinded.[1]

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

Subchapter M—International Special Services

PART 122—INTERNATIONAL INSURED MAIL

a. In § 122.3 *Fees and limit of insurance* amend the table in paragraph (b) by inserting "Greece" in proper order, the figure "165" to accompany same.

b. Section 122.4 *Special endorsements* is amended to read as follows:

§ 122.4 *Special endorsements*—(a) *Contents.* You must mark parcels containing fragile or perishable articles "Fragile", "Perishable", "Glass", or "Eggs", as appropriate.

(b) *Insured value.* (1) You must indicate in United States currency (figures only) in the appropriate space on the customs declaration (Form 2966) the amount for which your parcel is insured. (2) Some countries require that the insured value of a parcel be shown on the wrapper and on the dispatch note (Form 2972). In some instances this information must be shown also in gold francs. Conversion of United States currency into gold francs is made on the basis of 33 cents (approximately) equal to 1 gold franc. To determine the gold franc equivalent, multiply the amount in United States currency by 3. For example, $5.25 multiplied by 3 is equal to 15.75 gold francs.

c. Section 122.6 *Forwarding or return to another country* is amended to read as follows:

§ 122.6 *Forwarding or return to another country.* At the request of the sender or addressee, insured parcels addressed to other countries may be reforwarded or returned to another country, provided they can be reforwarded or returned as insured. You may endorse your parcel *"Do not forward to a third country"* to prevent forwarding to another country.

[1] For the regulations formerly contained in Part 116, see Part 176 of this chapter.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 124—SPECIAL DELIVERY (EXPRÈS)

a. In § 124.1 *Countries* change the reference to § 100.1 of this chapter.

b. In § 124.2 *Classes of mail* change the reference "referred to in § 124.1" to "shown in § 100.1 of this chapter".

c. Section 124.3 *Marking* is amended to read as follows:

§ 124.3 *Marking.* An article intended for special delivery service must have fixed to the cover near the name of the country of destination an *"Exprès (Special Delivery)"* label, Form 2977, obtainable at the post office, or you may mark on the cover boldly in red *"Exprès (Special Delivery)."* A facsimile of Form 2977 is shown below:



d. In § 124.4 *Payment for special delivery* change the caption of paragraph (c) from "Insufficient postage" to "Insufficient prepayment".

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 126—RECALL AND CHANGE OF ADDRESS

Section 126.2 *How made* is amended to read as follows:

§ 126.2 *How made*—(a) *If not dispatched from mailing office.* If the article has not yet been dispatched from the mailing post office you must apply to the postmaster.

(b) *If not dispatched from the United States.* If the article has been dispatched from the mailing office, but has not been dispatched from the United States, it may be returned to you if it can be intercepted at the United States exchange office. You must pay the cost of telegraphing the exchange office if that is done, and guarantee the cost of searching for the article, even if the article is not located. To facilitate identification and return you must furnish available particulars, including description of the article, date of mailing, registration number, if registered, and whether surface or airmail.

(c) *If dispatched from the United States.* If the article has been actually dispatched from the United States, you must apply at the post office at which the article was mailed, where you must identify yourself, furnish a facsimile of the address of the article, and pay (by postage stamps fixed to your application) a fee of 40 cents. If the request is to be sent by air mail or telegraph or cable, you must pay, in addition, the air mail rate or telegraph or cable charges. In this case, your application must be accompanied by sufficient postage to prepay the air mail rate or by a remittance to cover the telegraph or cable charges at the usual rate.

(d) *Single application sufficient.* A single form of application may be used for several articles which you have mailed at the same time, at the same office, to the same addressee, in which case you are required to pay only one fee or one fee plus the airmail or telegraph or cable charge, as the case may be.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

Subchapter N—How to Wrap and Mail

PART 131—PREPARATION, ADDRESSING, AND POSTAGE

a. In § 131.1 *Preparation* amend the last sentence to read as follows: "Letters so sealed often stick to each other and the addresses of some are destroyed in the attempt to separate the articles".

b. In § 131.2 *Addressing* make the following changes:

1. Amend paragraph (b) to read as follows:

(b) *Return address.* The complete address of the sender must be shown in the upper left corner of the address side of the mail in such a way as not to affect either the clarity of the address or the application of service labels or notations. Many countries do not return certain ordinary (unregistered) articles if they cannot be delivered as addressed unless they bear the sender's return card.

2. Rescind paragraph (b).

c. Section 131.3 *Postage* is amended to read as follows:

§ 131.3 *Postage*—(a) *Prepayment.* Articles must be fully prepaid to assure dispatch without delay and without penalty against the addressees. If the missing postage can not be collected from you the shortpaid articles are either sent to destination and double the shortage collected from the addressees or they are sent to dead letter offices for treatment.

(b) *How paid.* Postage, registration fees, and insurance fees can be prepaid on articles (other than the reply half of post cards) by means of United States postage stamps or by meter stamps of a bright red color. Prepayment of postage on printed matter may also be indicated by means of permit imprints. Permit imprints must show the amount of postage paid and may be black or any other color. For printed matter mailed to certain countries at special rates, see § 22.1 (d) of this chapter.

(c) *Articles mailed aboard ships.* Postage on articles mailed on board a ship on the high seas must be prepaid by means of postage stamps of the country under whose flag the ship sails. Such articles are subject to the postage rates and conditions of that country. Postage on articles mailed on board a ship while it is in a port of any country can be prepaid only by means of postage stamps of that country. Such articles are subject to the postage rates and conditions of that country.

(d) *Free-of-postage matter*—(1) *PUAS countries.* The Postal Union of the Americas and Spain consists of the following countries besides the United States:

Argentina.	Panama.
Bolivia.	Paraguay.
Brazil.	Peru.
Canada.	El Salvador.
Chile.	Spain.
Colombia.	Spanish Possessions:
Costa Rica.	Balearic Islands,
Cuba.	Canary Islands,
Dominican Republic.	Morocco (Spanish Zone), Spanish
Ecuador.	Guinea, Spanish
Guatemala.	offices in northern
Haiti.	Africa, and Spanish West Africa.
Republic of Honduras.	Uruguay.
Mexico.	Venezuela.
Nicaragua.	

(2) *Diplomatic and consular mail.* The following instructions apply to free postage for diplomatic and consular mail addressed to countries of the Postal Union of the Americas and Spain:

(i) *Diplomatic (official and personal).* Free postage by surface only is granted to all correspondence of members of the diplomatic corps of the PUAS countries when addressed to those countries. This mail is subject to the weight limits specified in Subchapter K of this chapter.

(ii) *Consular.* Free postage by surface only is granted to the official correspondence of consuls (or vice consuls acting as consuls) of the PUAS countries when—

(a) Addressed for delivery in the country represented by the mailing consul;

(b) Addressed to the Embassy or Legation of the consul's country located in any of those countries; or

(c) Addressed to a consul of any of those countries located in those countries.

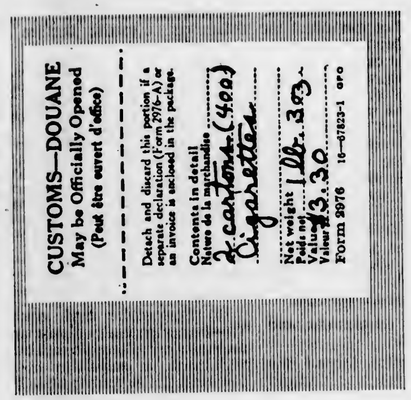
(iii) *Marking.* Envelopes, labels, etc., used by members of the PUAS diplomatic corps for postage free mail must show in the upper left corner of the address side, the name of the Ambassador or Minister or name of the Embassy or Legation, with post office address. In the upper right corner should be the words "Diplomatic Mail" over the word "Free." In the case of consulates, the name and address of the consul or consulate as well as the name of the country must appear over the words "Official Correspondence" in the upper left corner. The words "Consular Mail" must be written above "Free" in the upper right corner.

(3) *Free under domestic conditions.* Any article entitled to be mailed free in the domestic mails is granted free postage by surface only when addressed to PUAS countries, except Argentina, Brazil, Spain, and Spanish possessions. This mail must not exceed the domestic weight limit of 4 pounds, except when it is exempted from that limit by regulation (see § 27.2 (d) (1) of this chapter), in which case the weight limits prescribed in subchapter K will apply.

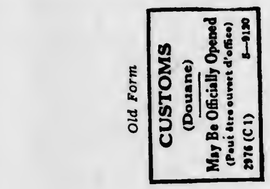
(4) *Pan American Union.* Mail originating at the Pan American Union bearing the card of the Union and weighing not more than 4 pounds is admitted free of postage for surface transportation only when addressed to PUAS countries (see Subparagraph (1) of this paragraph).

(3) Facsimiles of the old Form 2976 and the revised form (completed to illustrate the information which you must supply) are shown below:

Revised Form



Old Form



(5) *Postal Service Official.* Free postage, by surface or air, is granted in the international service to official correspondence of the postal service addressed to postal administrations or post offices in other countries, to the International Bureau of the Universal Postal Union in Bern, Switzerland, or to the International Office of the Postal Union of the Americas and Spain in Montevideo, Uruguay.

(e) *Reply coupons.* (1) International reply coupons of the Universal Postal Union, printed in blue ink and bearing the caption "Coupon-Reponse International," may be purchased at United States post offices for 13¢ each. Each coupon is exchangeable in any country for a stamp or stamps representing the prepayment of an ordinary single-rate letter originating in that country and addressed to this country. Upon the presentation of a sufficient number of coupons, the stamp or stamps received in exchange may be used to prepay an ordinary letter to this country by air. International reply coupons are exchangeable in postage stamps at the rate of 8¢ each, except that Canadian and Mexican international reply coupons are redeemable in postage stamps at the rate of 3¢ each. They must bear the postmark of the selling post office. The period for exchange of reply coupons is unlimited.

(2) Postal Union of the Americas and Spain reply coupons, printed in green ink and bearing the caption "Cupón Respuesta Americoespañol," are not sold in this service, but they are redeemable in postage stamps in the same manner and rate of exchange as the UPU international reply coupon except that when more than 10 PUAS coupons are offered by one individual the letters on which the postage is being prepaid must also be presented.

(f) *Air letter sheets (Aerogrammes).* For details of air letter sheets (aerogrammes), see § 109.7 of this chapter.

(g) *Nonpostage stamp.* Do not place nonpostage stamps, labels resembling postage stamps, or impressions resembling postage-paid impressions on the address side of mail articles.

(h) *Invalid foreign postage.* An article bearing fraudulent or previously used postage stamps, counterfeit impressions of stamping machines or printed indicia, is not delivered unless you pay the amount of postage due and agree to disclose the name and address of the sender and surrender the cover of the article. If you do not comply with these demands, the article will not be delivered.

(i) *Refunds.* You may file application as outlined in § 37.2 (b) for refund of postage, fees, or other charges paid on international mail for which full service was not rendered or which were paid in excess of the proper rate.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 132—PROHIBITED AND RESTRICTED ARTICLES

a. In § 132.2 *Restricted articles* make the following changes:

1. Amend the reference in paragraph (a) to read "§ 174.1 of this chapter".

2. Change the reference in paragraph (b) to "§ 172.5".

3. In paragraph (c) change the reference to "§ 175.2".

4. Redesignate paragraph (d) as paragraph (e), and amend the reference therein to read "§ 12.4 of this chapter".

5. Insert new paragraph (d) to read as follows:

(d) *Plant material generally.* (See § 113.3 of this chapter.)

6. Add new paragraph (f) to read as follows:

(f) *Foreign import restrictions.* (See § 113.4 of this chapter.)

b. Section 132.3 *Individual country prohibitions* is added to Part 132 to read as follows:

§ 132.3 *Individual country prohibitions.* You may inquire at your post office for information as to articles prohibited to individual countries, or you may purchase the Directory of International Mail from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at an initial cost of $5.00, including a year's subscription to revision sheets.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372).

PART 133—DOCUMENTATION

a. In § 133.1 *Customs forms,* make the following changes:

1. Amend paragraph (a) (3) to read as follows:

b. Section 133.2 *Export declarations* is amended to read as follows:

§ 133.2 *Non-postal documentation.* Packages sent in the Postal Union mails may require one or more of the forms described in Subchapter R of this chapter.

c. Section 133.3 *Licenses and certificates* and § 133.4 *Parcel post documents* are hereby rescinded.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

Subchapter O—Undelivered Mail

PART 141—INQUIRIES AND COMPLAINTS

a. Section 141.1 *Inquiries encouraged* is amended to read as follows:

§ 141.1 *Inquiries encouraged.* Please report any losses or nondelivery or other mistreatment of mail, as these reports may serve to improve the postal service.

b. Section 141.4 *How made* is amended to read as follows:

§ 141.4 *How made.* If an article has failed to reach the addressee within a reasonable time, after it should in regular course have been delivered, the post office will, upon request, institute an inquiry with the foreign postal administration. You may make inquiries even though the articles were mailed in another country. If you are unable to submit the registry (mailing) receipt in the case of a registered article you should make complaint at the office of mailing.

c. Section 141.5 *Charges* is redesignated as § 141.6 and paragraphs (a) and (b) thereof are amended to read as follows:

(a) *When applicable.* No charge is made for inquiry or complaint concerning the nondelivery of a piece of international mail if you have failed to receive a return receipt for which the required fee was paid or if you can show that loss or other irregularity has occurred apparently through fault of the postal service. Such a showing is satisfied either by exhibiting a letter from the addressee a reasonable time after the article involved would normally have been delivered; or satisfactorily explaining the failure to exhibit such a letter or report. Otherwise, a charge of 13 cents is made.

(b) *When several articles involved.* Only one fee is collected for inquiries or requests for information concerning several articles which you have mailed simultaneously to the same addressee.

d. New § 141.5, *Incomplete return receipts* is inserted in Part 141, to read as follows:

§ 141.5 *Incomplete return receipts.* If you receive back a return receipt not properly completed (see § 121.5 (c) of this chapter), send the receipt with your complaint to the Bureau of Transportation, Post Office Department, Washington 25, D. C.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 142—UNDELIVERABLE POSTAL UNION ARTICLES

In Part 142 *Undeliverable articles* make the following changes:

a. Change the part caption to read as set forth above.

b. In § 142.2 *Charges,* make the following changes:

1. Amend paragraph (b) to read as follows:

(b) There is no charge for return postage on undeliverable fully prepaid articles in the Postal Union mails, except for 8-ounce merchandise packages. (See part 107 of this chapter.) These are subject, on return delivery to the sender, to a postage charge of 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction of 2 ounces.

2. Amend paragraph (c) to read as follows:

(c) United States publications of the second-class mailed by publishers or registered news agents at the rates prescribed in § 22.1 (d) (1) of this chapter, which are returned from Canada as undeliverable, are subject on delivery to the senders to a charge at the rate of 2 cents for the first 2 ounces and 1 cent for each additional 2 ounces or fraction of 2 ounces.

3. Rescind paragraph (d).

c. New § 142.3 is added to read as follows:

§ 142.3 *When remailed.* You must prepay new postage when remailing an article which has been returned to you from abroad for insufficient address.

d. New § 142.4 is added to read as follows:

§ 142.4 *Forwarding*—(a) *Received from other countries.* Mail redirected to your new address will be forwarded, unless the envelope or wrapper bears a notation in English forbidding its being forwarded, as follows:

(1) *Within the United States.* Articles received by surface will be forwarded by surface, and articles received by air will be forwarded by air without charge. Articles received by surface will be forwarded by air only if the domestic airmail postage is prepaid with United States postage stamps.

(2) *To another country.* Articles received by either surface or air will be forwarded by surface without charge. Articles will be forwarded by air only if the international airmail postage is prepaid with United States postage stamps. An article will be forwarded only if the new country of destination accepts mail of the classification involved.

(b) *Mailed in United States.* Unregistered letters (except those which appear to contain merchandise) and post cards (surface or air) are the only domestic mail articles permitted to be redirected to another country. They are forwarded by surface means subject to the same postage, less the sum originally prepaid, as would have been charged had the letters or cards been addressed originally to the country to which redirected. This postage, if not prepaid, is collected on delivery. Articles will be forwarded by air, only if additional postage is prepaid. Credit is allowed for the amount of United States postage already on the articles.

(c) *Mail for crew members and ship passengers.* Ordinary (unregistered) articles of correspondence (except those which appear to contain merchandise) addressed to crew members or passengers on board a ship may be forwarded in one envelope addressed to a ship or travel agency in another country by surface or air under the following conditions:

(1) The envelope in which the articles are to be forwarded shall be approximately 9 inches by 6 inches in size, and shall be supplied by the sender. Do not put postage on this envelope, but place the following endorsement in the upper right corner of the envelope:

This envelope contains prepaid letters forwarded in bulk by authority of Assistant Postmaster General, Bureau of Transportation. Any required additional international postage has been affixed to the articles enclosed.

(2) The envelope must be presented unsealed at the mailing office for check of the contents. Any additional postage required must be paid on each of the articles enclosed, as follows:

(i) *Articles of United States origin.* Pay on each article the difference between the postage already paid and the appropriate international rate (surface or air) to the new country of destination.

(ii) *Articles originating in other countries.* If envelope is to be forwarded by air, place full air postage from the United States to the new country of destination on each article enclosed. No additional postage is required if the envelope is to be forwarded by surface means.

(3) If the envelope is intended to be transmitted by air, place a blue Par Avion/By Air Mail label, Form 2978, in the upper left corner of the envelope immediately below the return address of the sender.

(4) The total weight of the forwarding envelope and its contents is limited to 18 ounces.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

Subchapter Q—Importations

PART 161—CUSTOMS TREATMENT

a. In § 161.2 *Delivery and collection of duty* amend paragraph (a) to read as follows:

(a) *Payment of duty required.* Articles which have been examined by the United States Customs authorities and found to be subject to duty will be delivered to the addressee only upon payment of the amount of duty assessed except as provided in § 161.3.

b. In § 161.3 *Payment of duty protested* make the following changes:

1. Amend paragraph (a) to read as follows:

(a) *Refusal and protest.* When an addressee refuses to accept a dutiable package and protests against the payment of duty assessed, he shall state his

objection in writing to the postmaster and shall submit any available information or evidence substantiating his claim. If an addressee simply refuses a parcel and makes no protest concerning the duty assessed the parcel will be treated as undeliverable.

2. Amend paragraph (c) to read as follows:

(c) *Unaccompanied articles.* (1) Returning residents of the United States frequently mail to themselves or arrange for the mailing of personal effects and/or merchandise acquired abroad. These articles are entered on the customs baggage declaration as "unaccompanied articles." If it is expected that the declared items will be contained in one shipment, the customs regulations provide that the declaration shall be prepared in duplicate, the duplicate copy bearing the certification of the customs officer being retained by the declarant for clearance purposes.

(2) If upon arrival your parcel is assessed with duty, the postmaster is authorized to deliver it free of duty or internal revenue tax on the condition that (i) you submit the duplicate certified baggage declaration; state in writing that the articles in the parcel are listed on the said declaration and are entitled to free entry under your $200 or $300 personal exemption; and that you will pay promptly on demand any duties or taxes which may be found to be due, and (ii) the description of the articles on the certified baggage declaration identifies the articles with those listed in the postal declaration, mail entry, or invoice attached to the parcel or mail entry.

(3) If you are unable to produce the duplicate certified baggage declaration, submit to the postmaster, for transmittal to the collector who assessed the duty, a written statement as to the date and port through which you reentered the country, the name of the ship or number of the aircraft, and the number borne by the declaration filed at the time of such arrival, if possible. In this case, the parcel must be held pending the decision of the collector unless you elect to follow the procedure set forth in paragraph (b) of this section.

3. Rescind paragraph (d).

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 498, 46 Stat. 728, 59 Stat. 669; 5 U. S. C. 22, 369, 19 U. S. C. 1498, 22 U. S. C. 288–288f)

Subchapter R—Exportations

Subchapter R (International Postal Service: Postal Rates, Services Available, and Instructions for Mailing) is amended to read as follows:

Part
171 Shippers' export declaration.
172 Commerce Department regulations (commodities and technical data).
173 State Department regulations (arms and technical data).
174 Treasury Department regulations (gold and gold certificates).
175 Agriculture Department regulations.
176 Consular and commercial invoices.

PART 171—SHIPPERS' EXPORT DECLARATION

Sec.
171.1 When required.
171.2 Preparation.
171.3 Information to be furnished.
171.4 How obtained.

AUTHORITY: §§ 171.1 to 171.4 issued under R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 171.1 *When required.* Business concerns sending merchandise valued at $25 and over to other business concerns—

(a) From continental United States, Alaska, Hawaii, Puerto Rico, or the Virgin Islands of the United States to any foreign country and to the Canal Zone;

(b) From continental United States to its noncontiguous territories or possessions[1] except Alaska and Hawaii;

(c) From Puerto Rico or the Virgin Islands of the United States to continental United States;

must fill out a Shipper's Export Declaration on Department of Commerce Form 7525–V. The Shipper's Export Declaration is required only for goods mailed for commercial purposes and not for goods which involve no commercial consideration. However, Commerce Form 7525–V must also be filed for shipments of all articles covered by a validated export license from the Bureau of Foreign Commerce, Department of Commerce, regardless of value or whether the sender or addressee is a business concern. (See Part 172 of this chapter.) The declaration need not be furnished for catalogs, instruction books, and other advertising matter, or for magazines, newspapers, and periodicals, which are not regarded as merchandise. It is also not required for shipments of technical data, regardless of value and whether or not they are covered by export licenses, except as stated in § 172.3 (c) of this chapter.

§ 171.2 *Preparation.* Only a single copy of the shippers' export declaration is required for mail shipments. A single export declaration may include any number of packages mailed by one sender the same day to one addressee. Export declarations need not be notarized.

§ 171.3 *Information to be furnished.* The following are the only items on the Shippers' Export Declaration (Commerce Form 7525–V) which are required to be filled in by the sender of a postal shipment:

(a) Item 2. Name of post office where shipment is being mailed. (Insert in space on the form reading "From ------ (U. S. port of export)".)

(b) Item 3. Name and address of sender (exporter or forwarding agent). If the shipment is being mailed by a forwarding agent, the name and address of the exporter, his principal, must also be shown.

(c) Item 5. Name and address of addressee (ultimate consignee and intermediate consignee, if any).

(d) Item 8. Country of final destination.

(e) Item 10. Number of packages being mailed; description of merchandise and export license number and expiration date, or general license symbol.

(f) Item 13. Schedule B, commodity number.

(g) Item 14. Net quantity of merchandise, in Schedule B units.

(h) Item 15. Value of merchandise.

The description of contents and units of quantity must be in the detail required by Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States. You may obtain copies of Schedule B for a nominal charge from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., from Collectors of Customs, or from Department of Commerce field offices located in the principal cities of the United States. General descriptions, such as dry goods, groceries, millinery, etc., are not sufficient. Quantities and values must be given in whole numbers only, omitting fractions of less than one-half and counting one-half and over as a whole.

§ 171.4 *How obtained.* If you are an occasional shipper, you may obtain Form 7525–V free of charge at your local post office. Regular exporters may obtain copies of the Shippers' Export Declaration from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., from Collectors of Customs, or from Department of Commerce field offices at a cost of 55 cents per block of 100. They may be privately printed, provided they conform to the official form in size, wording, color, quality (weight) of paper stock, and arrangement.

PART 172—COMMERCE DEPARTMENT REGULATIONS (COMMODITIES AND TECHNICAL DATA)

Sec.
172.1 Scope and applicability.
172.2 General licenses.
172.3 Validated licenses.
172.4 Export control inspections.
172.5 Diamond shipments.

AUTHORITY: §§ 172.1 to 172.5 issued under R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48, Stat. 943; 5 U. S. C. 22, 369, 372.

§ 172.1 *Scope and applicability.* The Bureau of Foreign Commerce, Department of Commerce, controls all exportations, except certain commodities licensed for export by other United States Government agencies, to all countries except Canada. You must inform yourself as to the regulations and comply with them in making any exportations of commodities by parcel post or letter package, and technical data as printed matter, parcel post or letter package. A brief summary of the regulations as they apply to mail shipments is given in this Part. You can obtain more information from a Commerce Department bulletin entitled "Public Notice—Requirements for Exportations by Mail" which can be found on bulletin boards in larger post offices, stations, and branches. You may inquire further of the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., or of any field office of that Department.

§ 172.2 *General licenses*—(a) *Definition and use.* A "general license" is not a specific document, but is a general authorization covering exportations within its provisions, each general license being designated by symbol, such as GRO, GLV, GIFT, GUS, etc. A brief description of the general licenses usually employed for mail shipments is given in this section. You can obtain further information as set forth in § 172.1. When you have found that the contents of your package are properly exportable under a general license, mark the wrapper with the appropriate symbol and the words "Export license not required" before presenting it at the post office. The marking is your certification that you have complied with the regulations governing the use of the general license denoted by the symbol you use.

(b) *Restricted destinations.* The Commerce Department imposes particular restrictions on exports to Hong Kong, Macao, and the following Soviet bloc countries: Albania, Bulgaria, China (mainland including Manchuria), Czechoslovakia, Estonia, Germany (Soviet Zone including Soviet sector of Berlin), Hungary, Laos (Communist-controlled areas), Latvia, Lithuania, Poland, Rumania, Tibet, U. S. S. R. and Viet-Nam (Communist-controlled areas). Packages for those countries may not bear any general-license symbol other than GIFT (not permitted to mainland China), GUS, G–PUB, GTDP, and in the case of Hong Kong GHK and GHS.

(c) *General license gift.* (1) This license covers gift packages mailed by or on behalf of an individual sender to an individual addressee for the personal use of the latter or his family or to a religious, charitable or educational organization. The contents are limited to items normally sent as gifts, such as food, clothing (except military clothing to the Soviet bloc countries shown in par. (b)), medicinals, and drugs.

(2) The value of the contents of a package is limited to $50. Restricted medicines (antibiotics, sulfa drugs, quinine and quinidine compounds, remedies for malaria, chills and fever) are limited to $25, and the value of such medicines is included in the $50 total value limit.

(3) You may not mail more than one gift package per week to one addressee.

(d) *General license GUS.* You may use this license for shipments to United States Government personnel under prescribed conditions.

(e) *General license G–PUB.* You may use this license for mailing miscellaneous printed matter to any country.

(f) *General licenses GTDP, GTDU, and GTDS for technical data.* (1) You may use general license GTDP for mailing technical data generally available in published form to any country. Agencies of the Federal Government may omit the prescribed marking from shipments mailed under this general license.

(2) You may use general license GTDU for mailing technical data not generally available in published form. This license may not be used to any Soviet bloc country listed in paragraph (b) of this section.

(3) You may use general license GTDS for mailing unclassified scientific and educational technical data under prescribed conditions.

(g) *Other general licenses.* General licenses GHK and GHS may be used only for shipments to Hong Kong. Other licenses (GRO, GO, GLV, etc.) may be used for shipments to any country not listed in paragraph (b) of this section.

§ 172.3 *Validated licenses*—(a) *Definition and use.* A *validated license* is an individual document issued by the Bureau of Foreign Commerce, authorizing a specific exportation. You can obtain information as set forth in § 171.1 of this chapter. Before mailing a shipment under a validated license you must put the license number on the wrapper.

(b) *Export declaration required.* An export declaration (see part 171 of this chapter) is required for every shipment covered by a validated license, except technical data. However, partial shipments of technical data being handled as prescribed in paragraph (c) of this chapter require an export declaration.

(c) *Entire and partial shipments.* If the entire amount authorized by a validated license is mailed at one time, you must surrender the license at the post office at the time of mailing. If only a part of the licensed shipment is to be mailed, you must deposit the validated license with a collector of customs and surrender at the post office a shipper's export declaration (Commerce Form 7525–V), or copy thereof, bearing the number of the license and an authorization dated and signed by the collector of customs or his representative for the shipment of the goods listed on the declaration.

(d) *Technical data licenses.* Licenses issued by the Bureau of Foreign Commerce for exportations of technical data are similar in form to the usual type of validated license, but are handled somewhat differently. No shipper's export declaration is required, except for partial shipments under specific licenses. Technical data licenses are of two types as follows:

(1) *Specific (STD) Licenses.* Mail your shipments under this type of license as prescribed in paragraphs (a) and (c) of this section. However, no shipper's export declaration is required for an entire shipment.

(2) *Project (PTD) Licenses.* As such a license permits continuing shipments during its validity, you need not present it or an authenticated export declaration with every shipment. You must, however, put the number of the license on the wrapper of each package, and present the license at the post office for examination if requested.

§ 172.4 *Export control inspections.* Parcels are subject to inspection by United States customs officers at dispatching exchange post offices. If violations of export control are detected, the parcels may be returned or seized by the customs inspectors. Postage is not refunded.

§ 172.5 *Diamond shipments.* Loose diamonds in any form (except cut gem diamonds, i. e., diamonds cut to be set in jewelry) will not be accepted for mailing to any country, unless they have been inspected by the United States Appraiser of Merchandise at New York and his unbroken seal appears on every package. This does not apply to diamonds forming a part of industrial tools.

PART 173—STATE DEPARTMENT REGULATIONS (ARMS AND TECHNICAL DATA)

Sec.
173.1 Individual licenses.
173.2 Entire and partial shipments.
173.3 Technical data exempt from license.

AUTHORITY: §§ 173.1 to 173.3 issued under R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 173.1 *Individual licenses.* Exportation of certain arms or implements of war and related technical data requires individual licenses issued by the Office of Munitions Control, Department of State. Firearms of less than .22 caliber and shotguns are exempt. You can obtain information as to the applicability of the State Department requirements and how to apply for individual licenses from the Office of Munitions Control, Department of State, Washington 25, D. C.

§ 173.2 *Entire and partial shipments.* If you mail the entire amount authorized by an individual license, you must surrender the license at the post office. If you are mailing only a portion of the amount authorized, you must enter on the back of the license the amount being shipped and present it at the post office. It will be postmarked and returned to you.

§ 173.3 *Technical data exempt from license.* Certain technical data which has been published or is otherwise generally available may be exported under State Department regulations without individual license, except to the U. S. S. R., any Soviet bloc country, China (mainland), or any part of Viet-Nam, Cambodia, or Laos under Communist control. You must mark the wrapper of each package "22 CFR 75.140 complied with". Agencies of the Federal Government may omit the marking.

PART 174—TREASURY DEPARTMENT REGULATIONS (GOLD AND GOLD CERTIFICATES)

Sec.
174.1 License requirements.
174.2 Gold held by nonresidents.
172.3 Fabricated gold.
172.4 Gold coin, bullion, or gold dust.
172.5 Where to obtain licenses.

AUTHORITY: §§ 174.1 to 174.5 issued under R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 174.1 *License requirements.* A license is necessary to mail gold in any form or gold certificates from the continental United States to any destination outside its continental limits or from any U. S. post office outside the continental limits to another country, except as provided in § 174.2 and § 174.3. In addition, the postmaster at the office of mailing must receive instructions, before mailing, from the Post Office Department.

§ 174.2 *Gold held by nonresidents.* Gold in any other form than coin is mailable without a license and specific instruction, if it is not held or owned by a person who is a resident of or domiciled

[1] Alaska, Puerto Rico, Virgin Islands of the United States, Hawaii, Guam, Samoa, Canton and Enderbury Islands, Johnston, Midway, Palmyra, and Wake Islands.

in the continental United States. In such a case the mailer must place on the wrapper of the package and on the shipper's export declaration when required (see § 171.1 of this chapter) a statement that the gold contained therein is held or owned by a person who is not a resident of, or who is not domiciled in, the continental United States.

§ 174.3 *Fabricated gold*—(a) *Definition.* Fabricated gold is defined by the Treasury Department as processed or manufactured gold in any form (other than gold coin or scrap gold) which has a gold content the value of which does not exceed 90 percent of the total domestic value of the processed or manufactured gold and which has in good faith and not for the purpose of evading or enabling others to evade the provisions of the Gold Reserve Act of 1934, the act of October 6, 1917, as amended, or the regulations of the Treasury Department, been processed or manufactured for some one or more specific and customary industrial, professional, or artistic uses. Fabricated gold is to be distinguished from semiprocessed gold, which may be exported only pursuant to Treasury License, and which is defined to include gold articles of which more than 90 percent of the total domestic value is attributable to the gold content thereof.

(b) *Mailing restricted.* Fabricated gold is acceptable for mailing without being licensed by the Treasury Department and without specific instructions from the Post Office Department. However, the shipper is required to endorse the wrapper of the package with the Bureau of Census Schedule B statistical classification number of each specific commodity contained therein. The shipper's export declaration, when required (see § 171.1 of this chapter) shall contain, in addition to a specific description of the contents of the package, the following notation: "Fabricated gold as defined by section 54.4 of the Gold Regulations, being exported pursuant to the authorization contained in section 54.25 (b) (2) of such regulations."

(c) *How to determine.* To determine whether an article is semi-processed or fabricated gold, the value of the gold content is computed at $35 per fine troy ounce of gold and the total domestic value is determined on the basis of the cost of the article to the owner and not the selling price. In the case of a manufacturer or processor, the allowable elements of such value are the cost of material in the article, labor performed on the article, and processing losses and overhead applicable to the manufacture or processing of such article. In the case of a dealer or other person who holds or disposes of gold without further processing, total domestic value includes only the net purchase price paid by such person and any transportation costs incurred in obtaining delivery of such article to his usual place of business.

(d) *Gold coin made prior to April 5, 1933.* Gold coin made prior to April 5, 1933, is acceptable for mailing without being licensed by the Treasury Department and without specific instructions from the Post Office Department. However, the shipper's export declaration, when required (see § 171.1) shall contain, in addition to a specific description of the package, the following notation: "Rare gold coin as defined by section 54.20 of the Gold Regulations, being exported pursuant to the authorization contained in section 54.25 (b) (3) of such regulations."

§ 174.4 *Gold coin, bullion, or gold dust.* The acceptance in the Postal Union mails or parcel post for any country of any consignment of gold coin, gold bullion, or gold dust, having a value in excess of $100 is prohibited, even though a license has been granted to export such gold coin, gold bullion, or gold dust.

§ 174.5 *Where to obtain licenses.* You may obtain the forms on which to apply for licenses to export gold from the Bureau of the Mint, Treasury Department, Washington 25, D. C.

PART 175—AGRICULTURE DEPARTMENT REGULATIONS

Sec.
175.1 Dried whole eggs.
175.2 Tobacco seed and plants.

AUTHORITY: §§ 175.1 and 175.2 issued under R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 175.1 *Dried whole eggs*—(a) *Endorsements.* When dried whole eggs purchased under a program of the Commodity Credit Corporation, Department of Agriculture, are offered for export by mail, an endorsement must be written or stamped on each package by the sender waiving any right to withdraw it from the mails or have it returned. The endorsement must be properly completed and signed by the exporter or his authorized representative over his title. The parcel post forms accompanying such parcels should be completed by the senders to indicate that the parcels are to be abandoned in case of nondelivery.

(b) *Certificates.* A certificate in the following form, prepared and completed by the sender, must be presented with the shipment:

CERTIFICATE OF MAILING DRIED WHOLE EGGS

I hereby certify that there has (have) been posted at this post office today by ----------; ---------- parcels containing a total of ---------- pounds of dried whole eggs on which the sender has waived the right to withdraw same from the mails or have same returned.

Parcels addressed to:
(Names and addresses of addressees)
(Office stamp)

---------- ----------
(Date) (Postmaster)

By ----------

(c) *Execution of certificate.* A single certificate may cover any number of parcels mailed by the same sender even though addressed to different countries. A charge of 3 cents will be made for each certificate of mailing issued to the sender, or for each parcel when a single certificate covers more than one parcel. Postage stamps to cover the charge for the certificate of mailing shall be fixed to the certificate and canceled by the postmark of the office of mailing. After postmarking, the certificate will be signed by the postmaster or his authorized representative and returned to the sender.

§ 175.2 *Tobacco seed and plants*—(a) *Permit required.* It is unlawful to export any tobacco seed and/or live tobacco plants except in pursuance of a written permit granted by the Secretary of Agriculture.

(b) *Endorsement of package.* The package or parcel must be marked "Tobacco seed and plant export permit No. ----------".

(c) *Surrender of permit.* The permit is to be presented at the time of mailing and postmarked and signed by the accepting employee. It will be retained by the post office and forwarded to the Tobacco Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C.

(d) *Charges.* A charge of 3 cents will be made for each permit presented by the sender and for each package or parcel when a single permit covers more than one parcel. Postage stamps to cover the charge shall be affixed to the permit and canceled by the postmark of the office of mailing.

PART 176—CONSULAR AND COMMERCIAL INVOICES

§ 176.1 *Consular and commercial invoices.* Many countries require special documents to be prepared by the sender and either presented by the addressee or enclosed within the package. In some cases, certification by a recognized Chamber of Commerce in the United States, or legalization by a Consulate of the country of destination, or both, are required. You may inquire at your post office for information, or purchase the Directory of International Mail from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at an initial cost of $5.00, including a year's subscription to revision sheets.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55-8464; Filed, Oct. 18, 1955; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

DISCOLORED; GRADING AND DISCOUNT

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service, published in 20 F. R. 3701 and 5447 and containing the specific requirements for the 1955-Crop Grain Sorghums Price Support Program are amended as follows:

1. Section 421.1228 is amended to make grain sorghums grading "Discolored" eligible for price support so that the amended section reads as follows:

§ 421.1228 *Eligible grain sorghums.* At the time the grain sorghums are placed under loan or delivered under a purchase agreement, they must meet the following requirements:

(a) The grain sorghums must have been produced in the continental United States in 1955 by an eligible producer.

(b) (1) The beneficial interest in the grain sorghums must be in the eligible producer tendering the grain sorghums for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the grain sorghums were harvested.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities, and interest of the former producer with respect to the farming unit on which the grain sorghums were produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Grain sorghums of any class grading No. 4 or better, No. 4 "Smutty" or better, or No. 4 "Discolored" or better, and containing not in excess of 13 percent moisture shall be eligible.

(d) Grain sorghums represented by warehouse receipts which indicate that the grain sorghums are ineligible because of moisture content only, will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that "the grain sorghums have been processed at the request of the eligible producers, and delivery will be made of eligible grain sorghums containing not in excess of 13 percent moisture content and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt."

(e) The grain sorghums must not grade weevily.

(f) If offered as security for a farm-storage loan, the grain sorghums must have been stored in the bin or granary at least 30 days prior to inspection for measurement, sampling, and sealing unless otherwise approved by the State committee.

2. Section 421.1233 (d) is amended to provide a discount for grain sorghums grading "Discolored" so that the amended paragraph reads as follows:

§ 421.1233 *Support rates.* • • •

(d) *Discounts.* (1) The discount for grain sorghums which grade No. 3 and contain not in excess of 13 percent moisture shall be 8 cents per 100 pounds; and for grain sorghums which grade No. 4 and contain not in excess of 13 percent moisture, 16 cents per 100 pounds.

(2) Grain sorghums which grade "smutty" shall be discounted 5 cents per 100 pounds.

(3) The support rates for mixed grain sorghums (Class V) shall be 3 cents per 100 pounds less than the support rates for grain sorghums of the classes I to IV, inclusive.

(4) Grain sorghums which grade "Discolored" shall be discounted 7 cents per 100 pounds.

(5) The discounts in this paragraph shall be cumulative.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714; 7 U. S. C. 1447, 1421)

Issued this 13th day of October 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 55-8443; Filed, Oct. 18, 1955; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS: TEST AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay and certification of chlortetracycline and chlortetracycline-containing drugs (21 CFR, 1954 Supp., Parts 141c, 146c; 20 F. R. 3, 1551, 4003) are amended as indicated below:

1. Section 141c.222 (a) is amended to read as follows:

§ 141c.222 *Tetracycline hydrochloride oral suspension; tetracycline calcium oral suspension*—(a) *Potency.* Transfer 1 milliliter of the well-shaken suspension to a suitable high-speed blender containing 500 milliliters of 0.01 *N* HCl (if it contains vitamins, use 0.1 *N* HCl). Blend for 5 minutes and proceed as directed in § 141c.218 (a). Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams, or the equivalent number of milligrams, of tetracycline hydrochloride per milliliter that it is represented to contain.

2. Section 146c.222 *Tetracycline hydrochloride oral suspension* • • • is amended in the following respects:

a. In paragraph (a) *Standards of identity* • • •, the following new sentence is inserted immediately after the first sentence: "If it is tetracycline hydrochloride oral suspension, it may contain one or more suitable and harmless vitamin substances."

b. In paragraph (c) *Labeling*, subparagraph (1) (iv) is changed to read:

(iv) The name and quantity of each sulfonamide, preservative, and vitamin substance used in making the batch.

c. Paragraph (c) (1) (v) is changed to read:

(v) The statement "Expiration date ----------," the blank being filled in with the date that is 18 months, or if it contains one or more vitamin substances, with the date that is 12 months, after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

d. Paragraph (c) (3) is changed to read:

(3) On the label and labeling:

(i) If it is tetracycline hydrochloride oral suspension and it contains one or more vitamin substances or sulfonamides, after the name "tetracycline hydrochloride oral suspension," wherever it appears, the words "with sulfonamide(s)" or "with vitamin ----------," the blank being filled in with the name of the vitamin ingredient used, or "with vitamins," if it contains more than one vitamin ingredient, in juxtaposition with such name.

(ii) If it is tetracycline calcium oral suspension and it contains one or more sulfonamides, after the name "tetracycline calcium oral suspension," wherever it appears, the words "with sulfonamide(s)," in juxtaposition with such name.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended, 67 Stat. 389; 21 U. S. C. 352, 357)

Dated: October 13, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8460; Filed, Oct. 18, 1955; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 166]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
MINNEAPOLIS, MINN. Minneapolis-St. Paul International (Wold Chamberlain Field), 840'. SBRAZ-DTV-MSP. Procedure No. 1. Amendment No. 8. Effective date: November 19, 1955. Supersedes No. 7, dated February 10, 1954. Major changes: (1) Raises columns 4 to 6 altitude to 1,700'; (2) column 5 altitude raised to 2,200' and procedure turn limited to 10 miles (criteria); (3) courses in columns 3, 5, and 7 revised to agree with C & G (var. 5° E); (4) new format used on minimums.	Hastings FM (final)	299—9.0	1,700	N side of SE course: 119° outbound. 299° inbound. 2,200' within 10 miles.	1,700	299—3.5	2 engines or less			Within 3.5 miles, climb to 2,500' on NW course MSP-LFR to Hamel FM or when directed by ATC, make left climbing turn to 2,200' proceeding out SW course MSP-LFR to Jordan FM or make left climbing turn to 2,200' and return to MSP-LFR.
	Hamel FM	119—24.0	2,500				T-dn	300-1	300-1	
							C-dn	500-1	500-1	
							S-dn 29L	400-1	400-1	
							A-dn	800-2	800-2	
	Minneapolis VOR	146—22.0	2,500				More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	500-1½	
							S-dn 29L	----------	400-1	
							A-dn	----------	800-2	
ROCKFORD, ILL. Greater Rockford, 734'. SBRAZ-VDT-RFD. Procedure No. 1. Amendment No. 3. Effective date: November 19, 1955. Supersedes No. 2, dated July 9, 1954. Major changes: (1) Janesville VOR relocated, initial approach course distance and altitude revised, columns 3 and 4; (2) final approach course revised, column 5; (3) procedure turn limited to 10 miles criteria, column 5; (4) ceiling and visibility format revised criteria, columns 8, 9, 10.	Janesville VOR	173—16.0	2,000	N side of NW course: 312° outbound. 132° inbound. 2,000' within 10 miles.	1,500	179—8.8	2 engines or less			Within 8.8 miles, make left turn, climb to 2,100' on SE course and return to RFD LFR.
							T-dn	300-1	300-1	
							C-dn	700-2	700-2	
							S-dn 18	700-2	700-2	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							D-dn	----------	700-2	
							S-dn 18	----------	700-2	
							A-dn	----------	800-2	

2. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
PEORIA, ILL. Greater Peoria, 659'. BVOR-PIA. Procedure No. 1. Amendment No.: Original. Effective date: November 19, 1955. Supersedes: None. Major changes: Newly commissioned facility.	Peoria LFR	250—6.0	2,000	S side of course: 276° outbound. 096° inbound. 2,000' within 10 miles.	1,500	096—5.0	2 engines or less			Within 5 miles make right turn, climbing to 2,000', return to PIA VOR or when directed by ATC: (1) Make left turn, climbing to 2,000', proceed to PIA LFR. CAUTION: Unlighted high tension towers between facility and airport. Elevation variable from 726' to 803' mean sea level.
							T-dn	200-1	300-1	
							C-dn	400-1	500-1	
							S-dn 12	400-1	400-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	500-1½	
							S-dn 12	----------	400-1	
							A-dn	----------	800-2	
SEATTLE, WASH. Boeing Field. BVOR-SEA. Procedure No. 1. Original. Effective June 27, 1952.	PROCEDURE CANCELED SEPTEMBER 19, 1955—SEA BVOR 158° RADIAL UNUSABLE.									
SEATTLE, WASH. Seattle-Tacoma International, 416'. BVOR-SEA. Procedure No. 1. Amendment No. 3. Effective April 23, 1955.	PROCEDURE CANCELED SEPTEMBER 19, 1955—SEA BVOR 158° RADIAL UNUSUABLE.									

3. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; Procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
WATERLOO, IOWA. Municipal, 870'. BVOR-ALO. TVOR-36. Amendment No. 2. Effective date: November 19, 1955. Supersedes No. 1, dated February 5, 1955. Major changes: Revises column 5 altitude to 2,200' due to tower 1,209' approximately 6 miles SE of airport.	----------	----------	----------	E side of course: 194° outbound. 014° inbound. 2,200' within 10 miles.	1,500	002—0.5	2 engines or less			Within 0 mile, climb to 2,000' on radial 350° within 12 miles.
							T-dn	300–1	300–1	
							C-dn	600–1	600–1½	
							C-n	600–1½	600–1½	
							S-dn 36	600–1	600–1	
							A-dn	800–2	800–2	
							More than 2 engines			
							T-dn	----------	200–1½	
							C-dn	----------	600–1½	
							S-dn 36	----------	600–1	
							A-dn	----------	800–2	

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept. inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
CLEVELAND, OHIO. Cleveland-Hopkins, 789'. ILS-CLE. LOM-CL. Combination ILS-ADF. Procedure No. 1. Amendment No. 12. Effective date: October 19, 1955. Supersedes Amendment 11, dated October 15, 1955. Major changes: Includes minimums with glide slope inoperative inadvertently omitted in Amendment 11.	Cleveland LFR	LOM	224—4.3	2,200	S side of SW course: 234° outbound. 054° inbound. 2,200' within 10 miles.	ILS 2,200	2,070—4.5	1,020—0.6	2 engines or less			4.5 miles after passing LOM(ADF) make a right climbing turn, climb to 3,000' on N# side E course Cleveland LFR. Alternate missed approach procedure (when requested by ATC): (1) make right# climbing turn, proceed to LOM at 2,600' or, (2) climb to 2,500' on NE course ILS within 15 miles. #CAUTION: 1,970' TV towers approximately 7 miles ESE of airport. NOTE: The following radar transition altitudes are applicable to all procedures: S, NW, and N quadrants of Cleveland LFR within 10 nautical miles 2,000', within 30 nautical miles 3,000', in SE quadrant within 30 nautical miles 3,000'; in all quadrants in accordance with established radar patterns. *400–¾ required with glide slope inoperative.
	Elyria FM	LOM	121—9	2,200		ADF 1,700 over LOM			T-dn	300–1	300–1	
	Walter Intersection	LOM	054—19	2,200					C-dn	400–1	500–1	
	Intersection SW course ILS or 054° bearing to LOM and Cleveland VOR 135° radial.	LOM	054—9	2,200 (final)					S-dn *ILS 5L	300–¾	300–¾	
									ADF 5L, 5	400–1	400–1	
									More than 2 engines			
									T-dn	----------	200–1½	
									C-dn	----------	500–1½	
									S-dn *ILS 5L	----------	300–¾	
									ADF 5L, 5	----------	400–1	
									All aircraft			
									A-dn ILS	600–2	600–2	
									ADF	800–2	800–2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept. inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
MINNEAPOLIS, MINN. Minneapolis - St. Paul International (Wold Chamberlain Field), 840'. ILS-MSP-LOM-MS. Combination ILS-ADF. Procedure No. 1. Amendment No. 7. Effective date: November 19, 1955. Supersedes No. 6, dated October 1, 1955. Major changes: (1) Corrects transition altitudes column 5; (2) raises procedure turn altitude column 6 (8) caution note revised.	MSP-LFR	LOM	132—1.5	2,200	E side of SE course: 115° outbound. 295° inbound. 2,200' within 10 miles.	ILS 2,100	2,082—4.7	1,035—0.5	2 engines or less			Within 4.7 miles (ADF), climb to 2,600' on NW course MSP–LFR to Namel FM, or if directed by ATC: (1) Make left climbing turn, climb to 2,500' on heading of 241° and proceed to Jordan FM; (2) Make left climbing turn, climb to 2,200' and return to ILS–LOM. CAUTION: Tower 1,223' mean sea level 3 miles W of Hastings FM.
	MSP-VOR	LOM	144—23.0	2,500		ADF 1,700			T-dn	300–1	300–1	
	Hastings FM (final ILS)	Glide slope intercept.	295—8.0	2,200					C-dn	500–1	500–1	
	Hastings FM (final) ADF	LOM	295—9.0	1,700					S-dn 29–L ILS	200–½	200–½	
	Stanton Radiobeacon	SE ILS course.	360—23.0	2,200					ADF	400–1	400–1	
	Jordan FM	LOM	061—25.0	2,200					A-dn ILS	600–2	600–2	
	Houlton Intersection	LOM	227—25.0	2,200					ADF	800–2	800–2	
	Diamond Bluff Intersection (final) ILS.	Glide slope intercept.	295—24.0	2,200					More than 2 engines			
									T-dn	----------	200–½	
	Lakeville Intersection	LOM	028—20.0	2,200					C-dn	----------	500–1½	
	Prior Intersection	LOM	062—20.0	2,200					S-dn 29–L ILS	----------	200–½	
	Radar transitions as directed by ATC.	Airport	Within 25 nautical miles.	2,600					ADF	----------	400–1	
									A-dn ILS	----------	600–2	
	Stanton Radiobeacon	Bearing 295° to LOM.	360—23	2,200					ADF	----------	800–2	
	White Bear Intersection	LOM	189—18	2,500								
	Elmo Intersection	LOM	225—15	2,200								
NEW YORK, N. Y. International, 12'. ILS–IDL. OM continuous dashes (OM at IDL LFR site). Procedure No. 1. Amendment No. 9. Effective date: October 20, 1955. Supersedes Amendment 8, dated February 26, 1955. Major changes: Straight-in landing minimums reduced; approach lighting commissioned.	Scotland Intersection (final)	OM	042—11	1,000	S side of SW course ILS: 222° outbound. 042° inbound. 1,200' within 10 miles of OM.	1,000	770—2.9	230—0.6	2 engines or less			Climb to 500' on NE course ILS, make a climbing right turn to 130° intersecting SW course Mitchel LFR. Continue climb to 1,500' (or at a higher altitude when directed by ATC) outbound on SW course Mitchel LFR.
	Colts Neck VOR	ILS SW course	063—16	1,400					T-dn	300–1	300–1	
	Radar terminal area transitions. All directions E of NE/SW course of La Guardia LFR.	----------	Within 25 nautical miles.	2,500					C-dn	400–1	500–1	
									S-dn 4	200–½	200–½	
			Within 15 nautical miles.	1,500					A-dn	600–2	600–2	
									More than 2 engines			
									T-dn	----------	200–½	
									C-dn	----------	500–1½	
									S-dn 4	----------	200–½	
									A-dn	----------	600–2	

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55–8380; Filed, Oct. 18, 1955; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter K—Federal Seed Act

PART 201—FEDERAL SEED ACT REGULATIONS

AMENDMENT OF JOINT REGULATIONS OF SECRETARY OF THE TREASURY AND SECRETARY OF AGRICULTURE

On June 23, 1955, there was published in the FEDERAL REGISTER (20 F. R. 4420) a notice of rule making and notice of a hearing with respect to proposed amendments of the joint rules and regulations under the Federal Seed Act. After consideration of all relevant matters presented at the hearing or in writing pursuant to the notice, and under authority of Section 402 of the Federal Seed Act (7 U. S. C. 1592), it is hereby ordered that §§ 201.208, 201.212, 201.222, and 201.230 of the joint rules and regulations of the Secretary of the Treasury and the Secretary of Agriculture (7 CFR 201.208, 201.212, 201.222, 201.230) under the Federal Seed Act are amended as follows:

1. In § 201.208, the following are inserted in proper alphabetical order:

Casterbean.
Safflower.
Sesame.

2. In § 201.212, the following is added as paragraph (c):

(c) When sampling seed in small containers which it is not practical to sample as required in paragraph (a) or (b) of this section, entire unopened containers may be taken in sufficient number to supply a minimum size sample as required in § 201.213. The sample may consist of the contents of one container, or two or more containers when combined.

3. In § 201.222, the following are inserted in proper alphabetical order:

In paragraph (a):

Lettuce.
Rape, winter.

In paragraph (b):

Castorbean.
Safflower.
Sesame.

In § 201.230, paragraph (a) is amended to read as follows:

§ 201.230 *Exportation or destruction.* (a) Seed or screenings refused admission into the commerce of the United States shall be exported under customs supervision by the owner or consignee within 12 months of the date of notice of such refusal or at the expiration of such 12-month period the rejected seed or screenings shall be destroyed under the supervision of an employee or authorized agent of the United States Department of Agriculture in such manner as may be determined by the United States Department of Agriculture.

These amendments shall become effective on November 19, 1955.

(Sec. 402, 53 Stat. 1285; 7 U. S. C. 1592)

Done at Washington, D. C., this 13th day of October 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-8472; Filed, Oct. 18, 1955; 8:51 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—1955-56 MARKETING YEAR

COUNTY ACREAGE ALLOTMENTS FOR 1955 CROP OF WHEAT

§ 728.506 *Basis and purpose.* The county acreage allotments for 1955 crop wheat contained herein have been determined under section 334 of the Agricultural Adjustment Act of 1938, as amended. The purpose is to apportion among the counties of each State the respective State wheat acreage allotments for 1955 as established by the proclamation dated July 1, 1954 (19 F. R. 4132) and to add thereto the increases required by section 1 of Public Law 117, 83d Congress, and section 314 of Public Law 690, 83d Congress. Prior to determinations of county acreage allotments for 1955 crop wheat, public notice (19 F. R. 2374) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the determination of county acreage allotments for 1955 crop wheat which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, including the provisions of section 1 of Public Law 117, 83d Congress, and section 314 of Public Law 690, 83d Congress.

§ 728.507 *Wheat acreage apportioned to counties for 1955.*

ARKANSAS

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Arkansas	701		334		1,035
Ashley	12		15		27
Baxter	124				124
Benton	1,241		108		1,349
Boone	187				187
Carroll	158				158
Chicot	254		106		360
Clay	1,271		606		1,877
Cleburne	14		20		34
Columbia	3		1		4
Conway	1,016		247		1,263
Craighead	155				155
Crawford	1,220		567		1,787
Crittenden	3,205		1,811		5,016
Cross	1,111		405		1,516
Desha	279		120		399
Faulkner	164		89		253
Franklin	180		57		237
Fulton	166				166
Garland	23				23
Grant	1				1
Greene	248		20		268
Hempstead	18				18
Hot Spring	7		17		24
Howard	1				1
Independence	3,234		791		4,025
Izard	11		8		19
Jackson	1,028		154		1,182
Jefferson	46		18		64
Johnson	652		109		761
Lafayette	10				10
Lawrence	369		9		378
Lee	845		371		1,216
Lincoln	47		46		93
Little River	46				46
Logan	1,141		183		1,324
Lonoke	224		98		322
Madison	249		3		252
Marion	40				40
Miller	2				2
Mississippi	6,384		3,113		9,497
Monroe	27		28		55
Montgomery	51				51
Newton	2				2
Perry	120		112		232
Phillips	524		301		825
Poinsett	1,013		217		1,230
Polk	14		1		15
Pope	938		232		1,170
Prairie	236		179		415
Pulaski	2,474		1,004		3,478
Randolph	463		68		531
St. Francis	2,147	29	929		3,105
Saline	10				10
Searcy	259				259
Sebastian	242		143		385
Sevier	14				14
Sharp	66		44		110
Stone	231		44		275
Washington	721				721
White	102		24		126
Woodruff	780		447		1,227
Yell	211		188		399
Reserve	400				400
Total	37,112	29	13,387		50,528

COLORADO

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Adams	131,500	19		80	131,599
Alamosa	1,000	20			1,019
Arapahoe	58,802			359	59,161
Archuleta	1,951			3	1,954
Baca	275,651	437		465	276,553
Bent	36,316				36,316
Chaffee	10,802	60		138	11,100
Cheyenne	256				256
Conejos	152,450		2		152,310
Costilla	2,319				2,457
Crowley	17,379				17,379
Custer	402				402
Delta	1,871	3			1,874
Dolores	27,672			154	27,826
Douglas	11,906		147	157	12,210
Eagle	508	8			516
Elbert	66,627	40		423	67,090
El Paso	17,196			601	17,799
Fremont	583				583
Garfield	5,668		2	10	5,680
Grand	1,198			185	1,383
Huerfano	5,676				5,676
Jackson	620			11	778
Jefferson	8,732			158	8,890
Kiowa	212,721				212,721
Kit Carson	237,514	15		77	237,814
La Plata	21,739			260	22,038
Larimer	21,718	360		273	22,078
Las Animas	139,297			780	138,370
Lincoln	137,426	15	632	10	138,206
Logan	79,799	34	1,518	647	81,998
Mesa	28,691			22	28,713
Moffat	5,182			9	5,204
Montezuma	55,292		61	969	56,261
Montrose	2,432			6	2,493
Morgan	704				770
Otero	106,944	9		135	107,090
Ouray	229				229
Phillips	160,095			304	160,095
Pitkin	18,086	21		90	18,390
Prowers	6,026	152			6,137
Pueblo	3,225			88	3,377
Rio Blanco	23,372	11			23,430
Rio Grande	1,121				1,154
Routt	61,789			3	62,146
Saguache	19			357	19
San Miguel	234,659			458	235,117
Sedgwick	184,096			1,009	185,665
Teller	133,191	23		2,166	135,380
Washington	681				681
Weld	2,673,362	1,194	2,660	11,151	2,688,367
Yuma					
Reserve					
Total					

DELAWARE

Kent	18,521				18,521
New Castle	14,965				14,965
Sussex	8,189	9			8,198
Reserve	1,191				1,191
Total	42,886	9			42,895

ARKANSAS—Continued

CALIFORNIA

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Alameda	2,090				2,090
Alpine	26				26
Amador	357	23			380
Butte	7,305	175		2	7,482
Calaveras	63				63
Colusa	7,592	71			7,663
Contra Costa	2,199	20			2,219
El Dorado	3				3
Fresno	18,696	1,799			20,415
Glenn	4,730	313			4,043
Imperial	1,783			15	1,798
Inyo	24				24
Kern	46,389	34			46,423
Kings	1,282	17			1,299
Lake	869				869
Lassen	8,893	27		55	8,975
Los Angeles	28,139	4		642	28,785
Madera	11,812	7			11,819
Marin	336				336
Mariposa	121		18		139
Mendocino	1,037				1,050
Merced	16,802	208		27	17,037
Modoc	29	84			113
Mono	20,219				20,219
Monterey	2,074				2,074
Napa	370			12	382
Orange	11,117	81		279	11,477
Placer	1,148	7		7	1,162
Riverside	10,949	53	199	523	11,724
Sacramento	17,210	719		614	18,543
San Benito	2,805			14	2,819
San Bernardino	224				224
San Diego	1,513				1,513
San Joaquin	9,294	285			10,199
San Luis Obispo	92,758				92,758
San Mateo	86		1		87
Santa Clara	12,500	8			12,517
Santa Cruz	243				243
Shasta	30				30
Sierra	2,968				2,968
Siskiyou	22,785	80		105	22,970
Solano	12,862	87		706	13,713
Sonoma	870	8			973
Stanislaus	1,190	183	85		1,373
Sutter	19,559	319			19,878
Tehama	2,761	139		9	2,909
Trinity	111				111
Tulare	31,903	13			31,916
Tuolumne	776				776
Ventura	966	12			978
Yolo	10,926	164		38	11,130
Yuba	2,349	53			2,402
Reserve	4,947				4,947
Total	472,735	4,892	303	2,799	480,749

GEORGIA

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Appling	15		4		19
Atkinson	2				2
Baker	65		39		104
Baldwin	49				49
Banks	931				931
Barrow	1,269	1			1,270
Bartow	1,721				1,721
Ben Hill	20		7		27
Bibb	643				643
Bleckley	489				489
Brantley	1				1
Brooks	4		2		6
Bryan	17				17
Bulloch	155	128			283
Burke	1,195				1,195
Butts	1,056	14			1,070
Calhoun	91		31		122
Candler	46		8		54
Carroll	923	3	28		954
Catoosa	396	3			399
Chattooga	172				172
Cherokee	155				155
Clarke	1,708		152		1,860
Clay	87		9		96
Clayton	267	7			274
Cobb	239				239
Coffee	80		7		87
Colquitt	6		5		11
Columbia	267				267
Cook	1				1
Coweta	411	4			415
Crawford	1,009		27		1,036
Crisp	304				304
Dade	96		1		97
Dawson	203				203
De Kalb	221				221
Dodge	116	3	25		144
Dooly	1,492	31	389		1,912
Dougherty	463		182		645
Douglas	208				208
Early	318		452		770
Effingham	17		9		26
Elbert	2,400	5			2,405
Emanuel	744				744
Evans	46		27		73
Fannin	13				13
Fayette	365		52		417
Floyd	741				741
Forsyth	405	7	27		439
Franklin	3,546	1	484		4,031
Fulton	442	1			443
Gilmer	10		10		20
Glascock	322		37		359
Gordon	550				550
Grady	2		12		14
Greene	524	5			529
Gwinnett	1,975				1,975
Habersham	146				146
Hall	735				735
Hancock	307				307
Haralson	385	4			389
Harris	238				238
Hart	4,440				4,440
Heard	417	42	72		531
Henry	1,705	82			1,787
Houston	3,953		353		4,306
Irwin	9				9
Jackson	2,710	4			2,714
Jasper	634	2			636
Jefferson	8,557				8,557

GEORGIA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Jenkins	266	14	38		318
Johnson	527	19	35		581
Jones	114				114
Lamar	537	3			540
Laurens	1,310	31	254		1,595
Lee	438	50	3		491
Lincoln	368				368
Long	1				1
Lowndes	4		11		15
Lumpkin	48	1			49
McDuffie	224				224
Macon	1,932	19			1,951
Madison	6,847	11	419		7,277
Marion	164		25		189
Meriwether	797	3			800
Miller	21		29		50
Mitchell	16				16
Monroe	214	3			217
Montgomery	98				98
Morgan	836				836
Murray	892	69			961
Newton	653	6			659
Oconee	2,363	10			2,373
Oglethorpe	4,928	25	96		5,049
Paulding	235		57		292
Peach	2,139	15			2,154
Pickens	114	4			118
Pierce	2		1		3
Pike	953				953
Polk	998	13	62		1,073
Pulaski	421		171		592
Putnam	145				145
Quitman	5				5
Rabun	31				31
Randolph	263		17		280
Richmond	723				723
Rockdale	291	3			294
Schley	201	15			216
Screven	336	27	16		379
Seminole	0	121	26		147
Spalding	1,008	10			1,018
Stephens	361		14		375
Stewart	57		8		65
Sumter	2,646				2,646
Talbot	218				218
Taliaferro	189				189
Tattnall	52		11		63
Taylor	218				218
Telfair	46				46
Terrell	379	20	21		420
Thomas	32		22		54
Tift	16		1		17
Toombs	76		22		98
Towns	175	3			178
Treutlen	58	3			61
Troup	64	5			69
Turner	67		19		86
Twiggs	74				74
Union	262				262
Upson	303				303
Walker	785	30			815
Walton	1,963				1,963
Warren	1,217		39		1,256
Washington	3,152	22			3,174
Webster	99				99
Wheeler	774		111		885
White	66				66
Whitfield	1,109				1,109
Wilcox	210		69		279
Wilkes	1,033				1,033

GEORGIA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Wilkinson	120		4		124
Worth	4		30		34
Reserve	89				89
Total	100,626	902	4,082		105,610

IDAHO

Ada	5,776	8			5,784
Adams	1,059	42		4	1,105
Bannock	49,767	79		1,878	51,724
Bear Lake	22,783	9		106	22,898
Benewah	18,264	61			18,325
Bingham	50,801	593		295	51,689
Blaine	7,370	31			7,401
Boise	556				556
Bonner	2,068	3		3	2,074
Bonneville	92,548			1,468	94,016
Boundary	10,989	27			11,016
Butte	9,740	29		120	9,889
Camas	31,747			269	32,016
Canyon	16,245	64	834		17,143
Caribou	48,479	207		471	49,157
Cassia	61,992	563	1,339	551	64,445
Clark	5,672	237		36	5,945
Clearwater	7,208	27		31	7,266
Custer	2,017				2,017
Elmore	7,308			22	7,330
Franklin	34,584	38		356	34,978
Fremont	45,859			208	46,067
Gem	2,495	24		6	2,525
Gooding	6,768	75		14	6,857
Idaho	57,856	62		39	57,957
Jefferson	27,587	99		20	27,696
Jerome	12,226	61	365		12,652
Kootenai	23,773	33		398	24,204
Latah	63,331	182			63,513
Lemhi	1,406				1,406
Lewis	39,321			140	39,461
Lincoln	8,576	187			8,763
Madison	49,504	17		133	49,654
Minidoka	16,338	375	2,131	90	18,934
Nez Perce	59,841	34		158	60,033
Oneida	68,603	50		542	69,195
Owyhee	5,293	81			5,374
Payette	5,026	57		15	5,098
Power	91,844	13		3,943	95,800
Teton	28,272	62		147	28,481
Twin Falls	31,849	300		214	32,363
Valley	671				671
Washington	17,273	73		398	17,744
Reserve	527				527
Total	1,151,192	3,803	4,669	12,075	1,171,739

ILLINOIS

Adams	32,446	47			32,493
Alexander	3,726	19	322		4,069
Bond	15,513	32			15,545
Boone	271		12		283
Brown	5,752	33			5,785
Bureau	2,148	46			2,194
Calhoun	4,100	23			4,123
Carroll	313	6			319
Cass	17,761	55			17,816
Champaign	24,478		2,867		27,345
Christian	44,375	52			44,427
Clark	21,637	56			21,693

ILLINOIS—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Clay	8,852	18			8,870
Clinton	32,617				32,617
Coles	19,889	172	2,057		22,118
Cook	1,743	25	361		2,129
Crawford	14,314	10	97		14,421
Cumberland	11,245		915		12,160
De Kalb	510				510
De Witt	5,579				5,579
Douglas	15,415	28	1,994		17,437
Du Page	2,821	11	262		3,094
Edgar	23,690	49	990		24,699
Edwards	11,185	57			11,242
Effingham	16,408	19	307		16,734
Fayette	19,739	12			19,751
Ford	556		62		618
Franklin	15,492	93			15,585
Fulton	15,541	14			15,555
Gallatin	7,438				7,438
Greene	20,953				20,953
Grundy	782				782
Hamilton	9,613	55			9,668
Hancock	21,654	22			21,676
Hardin	143		4		147
Henderson	4,003	9			4,012
Henry	843				843
Iroquois	11,211	178	458		11,847
Jackson	16,284	14			16,298
Jasper	16,995		1,722		18,717
Jefferson	15,368	56			15,424
Jersey	17,402	25			17,427
Jo Daviess	125				125
Johnson	1,689		20		1,709
Kane	1,483	26	199		1,708
Kankakee	6,645	42	25		6,712
Kendall	911				911
Knox	3,142	18			3,160
Lake	3,221		48		3,269
La Salle	2,265				2,265
Lawrence	17,071				17,071
Lee	2,948				2,948
Livingston	833				833
Logan	19,527	101			19,628
McDonough	10,914	25			10,939
McHenry	1,213		196		1,409
McLean	3,813	15			3,828
Macon	18,426	12	38		18,476
Macoupin	38,749	9	615		39,373
Madison	52,811	35			52,846
Marion	15,123				15,123
Marshall	2,834	43			2,877
Mason	31,398	53			31,451
Massac	3,058				3,058
Menard	14,596	57			14,653
Mercer	1,665				1,665
Monroe	35,054	25			35,079
Montgomery	36,932				36,932
Morgan	26,400	160			26,560
Moultrie	13,954	29	1,180		15,163
Ogle	962		84		1,046
Peoria	8,374	72			8,446
Perry	16,971	20			16,991
Piatt	13,349		521		13,870
Pike	21,328	62			21,390
Pope	1,770				1,770
Pulaski	3,121	12	75		3,208
Putnam	1,459	6			1,465
Randolph	33,114	61			33,175
Richland	9,731	30			9,761
Rock Island	909				909
St. Clair	57,636	9			57,645
Saline	11,033	46			11,079
Sangamon	37,007	46			37,053
Schuyler	13,880	24			13,904

ILLINOIS—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Scott	13,623	25			13,648
Shelby	28,897	125	2,044		30,866
Stark	519		36		555
Stephenson	246				246
Tazewell	18,217	26			18,243
Union	5,644	56			5,700
Vermilion	36,228		1,867		38,095
Wabash	13,796	10			13,806
Warren	1,344				1,344
Washington	50,775	7			50,782
Wayne	10,679		400		11,079
White	21,025	61			21,086
Whiteside	4,389	27			4,416
Will	6,516	96	402		7,014
Williamson	4,453	6			4,459
Winnebago	992		95		1,087
Woodford	2,614				2,614
Reserve	4,976				4,976
Total	1,352,954	2,713	20,275		1,375,942

INDIANA

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Adams	13,753	33			13,786
Allen	27,991				27,991
Bartholomew	20,812	36			20,848
Benton	10,765	77	616		11,458
Blackford	3,300				3,300
Boone	8,812	53			8,865
Brown	338				338
Carroll	12,344				12,344
Cass	11,823	29			11,852
Clark	7,033	52			7,085
Clay	14,745	24			14,769
Clinton	16,794	50			16,844
Crawford	2,840	37			2,877
Daviess	17,109	133			17,242
Dearborn	6,523	27			6,550
Decatur	25,567	11			25,578
De Kalb	18,559	73			18,632
Delaware	12,343				12,343
Dubois	14,392	7			14,399
Elkhart	20,029	53			20,082
Fayette	10,232	105			10,337
Floyd	1,842	2			1,844
Fountain	16,023				16,023
Franklin	15,325	8			15,333
Fulton	11,037	21			11,058
Gibson	21,059	242			21,301
Grant	11,730				11,730
Greene	10,272				10,272
Hamilton	11,904				11,904
Hancock	10,797				10,797
Harrison	7,815	39			7,854
Hendricks	10,348	90			10,438
Henry	11,879				11,879
Howard	10,744				10,744
Huntington	12,009				12,009
Jackson	16,179	25			16,204
Jasper	13,920				13,920
Jay	12,066				12,066
Jefferson	6,705				6,705
Jennings	8,918	60			8,978
Johnson	13,123	63			18,186
Knox	30,740	95			30,835
Kosciusko	19,046	58			19,104
Lagrange	15,958				15,958
Lake	11,188	122			11,310
La Porte	29,285	24			29,309
Lawrence	2,960	69	228		3,257
Madison	14,568	6			14,574

INDIANA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Marion	7,677	53			7,730
Marshall	15,845	93			15,938
Martin	2,249	62			2,311
Miami	11,314	47			11,361
Monroe	1,365	43			1,408
Montgomery	15,703	138			15,841
Morgan	7,936	59			7,995
Newton	8,600	12			8,612
Noble	15,717	43			15,760
Ohio	1,161	11			1,172
Orange	4,179				4,179
Owen	3,543	46			3,589
Parke	12,700				12,700
Perry	5,362	25			5,407
Pike	7,286	64			7,350
Porter	17,864	47			17,911
Posey	23,384	153			23,537
Pulaski	13,737				13,737
Putnam	8,876	42			8,918
Randolph	16,113	86			16,199
Ripley	16,840				16,840
Rush	24,178	127			24,305
St. Joseph	19,631				19,631
Scott	3,968	26			3,994
Shelby	21,599	289			21,888
Spencer	13,330	17			13,347
Starke	9,254	63			9,317
Steuben	11,134				11,134
Sullivan	17,517	155			17,672
Switzerland	2,978	10			2,988
Tippecanoe	20,113	56			20,169
Tipton	8,793	21			8,814
Union	10,668	25			10,693
Vanderburgh	10,963				10,963
Vermillion	9,451	7			9,458
Vigo	12,362	86			12,448
Wabash	14,739				14,739
Warren	12,834				12,834
Warrick	8,687	88			8,775
Washington	10,260	28			10,288
Wayne	16,491				16,491
Wells	10,986				10,986
White	12,520	41			12,561
Whitley	12,116				12,116
Reserve	3,831				3,831
Total	1,149,418	3,787	844		1,154,049

IOWA

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Adair	510	10			520
Adams	1,884	30			1,914
Allamakee	18				18
Appanoose	683	66			749
Audubon	73				73
Benton	239	2			241
Black Hawk	59		2		61
Boone	84				84
Bremer	5				5
Buchanan	85				85
Butler	9				9
Calhoun	13				13
Carroll	41				41
Case	1,852	6			1,858
Cedar	91				91
Cerro Gordo	73				73
Chickasaw	4				4
Clarke	248				248
Clayton	10				10
Clinton	152				152
Crawford	456				456

IOWA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Dallas	975				975
Davis	1,593				1,593
Decatur	774				774
Des Moines	3,324	80			3,404
Dubuque	80				80
Floyd	10		3		13
Franklin	1				1
Fremont	10,672	315			10,987
Greene	50				50
Guthrie	650	10			660
Hamilton	28				28
Hancock	27				27
Hardin	3				3
Harrison	15,806	96			15,902
Henry	1,414	19			1,433
Howard	2				2
Ida	11				11
Iowa	268	2			270
Jackson	73				73
Jasper	1,205				1,205
Jefferson	1,082	112			1,194
Johnson	224				224
Jones	33				33
Keokuk	307				307
Kossuth	1				1
Lee	5,593	105			5,698
Linn	96				96
Louisa	1,567				1,567
Lucas	1,004	67			1,071
Lyon	50				50
Madison	2,318	45			2,363
Mahaska	1,041				1,041
Marion	1,479	28			1,507
Marshall	120				120
Mills	9,076	141			9,217
Mitchell	1				1
Monona	17,862	73			17,935
Monroe	933				933
Montgomery	4,656	47			4,703
Muscatine	998				998
Osceola	3				3
Page	7,543	147			7,690
Palo Alto	47				47
Plymouth	969	84			1,053
Pocahontas	31		12		43
Polk	2,759	40			2,799
Pottawattamie	7,070	251			7,321
Poweshiek	106	4			110
Ringgold	2,000	49			2,049
Sac	10				10
Scott	585				585
Shelby	237				237
Sioux	39				39
Story	143				143
Tama	95				95
Taylor	4,059	39			4,098
Union	523	48			571
Van Buren	2,282	49			2,331
Wapello	1,752	47			1,799
Warren	4,499	91			4,590
Washington	523				523
Wayne	374	4			378
Webster	3				3
Winnebago	1				1
Winneshiek	4				4
Woodbury	7,344	52			7,396
Worth	8				8
Reserve	876				876
Total	135,881	2,159	17		138,057

KANSAS

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Allen	21,678	182			21,860
Anderson	23,724	136			23,860
Atchison	27,060	216			27,276
Barber	118,454				118,454
Barton	227,029	53			227,082
Bourbon	15,628	178			15,806
Brown	37,075	169			37,244
Butler	60,563	264			60,827
Chase	17,742	48			17,790
Chautauqua	11,297	237			11,534
Cherokee	53,824	281			54,105
Cheyenne	116,907		2,975		119,882
Clark	104,554	103	2		104,659
Clay	93,109	67			93,176
Cloud	119,973	34			120,007
Coffey	24,169	175			24,344
Comanche	98,114				98,114
Cowley	93,685	81			93,766
Crawford	31,105	524			31,629
Decatur	100,460	78	40		100,578
Dickinson	136,551				136,551
Doniphan	12,904	60			12,964
Douglas	28,171				28,171
Edwards	143,964				143,964
Elk	11,406	259			11,665
Ellis	144,090				144,090
Ellsworth	108,292		3		108,295
Finney	191,773	10	43		191,826
Ford	269,437	70			269,507
Franklin	22,319	117			22,436
Geary	27,124	40			27,164
Gove	123,030				123,030
Graham	120,643	20	29		120,692
Grant	91,092		39		91,131
Gray	206,746				206,746
Greeley	142,665				142,665
Greenwood	17,815	231			18,046
Hamilton	144,381	53	197		144,631
Harper	183,935				183,935
Harvey	99,427	16			99,443
Haskell	145,982				145,982
Hodgeman	153,755				153,755
Jackson	33,487	221			33,708
Jefferson	31,898	115			32,013
Jewell	114,854	159			115,013
Johnson	22,452	69			22,521
Kearny	105,061		136		105,197
Kingman	163,236				163,236
Klow	117,656				117,656
Labette	52,135	147			52,282
Lane	116,260		26		116,286
Leavenworth	23,181	137			23,318
Lincoln	115,403				115,403
Linn	20,306	142			20,448
Logan	119,698	20	410		120,128
Lyon	32,429	448			32,877
McPherson	193,347	16			193,363
Marion	114,420	54			114,474
Marshall	75,614	181			75,795
Meade	157,592	143			157,735
Miami	23,724	18			23,742
Mitchell	160,342				160,342
Montgomery	38,018	142			38,160
Morris	41,652	18			41,670
Morton	84,736	416	250		85,402
Nemaha	30,593	72			30,665
Neosho	37,835	280			38,115
Ness	195,022		12		195,034
Norton	86,195		308		86,503
Osage	23,694	21			23,715

KANSAS—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Osborne	137,292	307			137,599
Ottawa	118,242	118			118,360
Pawnee	199,411	17			199,428
Phillips	95,097			28	95,125
Pottawatomie	36,958	89			36,047
Pratt	167,616			14	167,630
Rawlins	127,653			29	127,682
Reno	272,320	103			272,423
Republic	88,064	140			88,204
Rice	159,166	65			159,231
Riley	31,223				31,223
Rooks	138,327	46		2	138,375
Rush	178,565				178,565
Russell	146,888			2	146,890
Saline	126,596	8			126,604
Scott	113,737			3,083	116,820
Sedgwick	181,447	34			181,481
Seward	106,221				106,221
Shawnee	33,949	70			34,019
Sheridan	127,032	94			127,126
Sherman	162,458			15	162,473
Smith	104,259	137		47	104,443
Stafford	165,420	184		1	165,605
Stanton	126,286			68	126,354
Stevens	101,089	126		4	101,219
Sumner	285,721	12			285,733
Thomas	191,263				191,263
Trego	130,882			2	130,884
Wabaunsee	26,170	7			26,177
Wallace	89,916	30			89,946
Washington	84,373	149			84,522
Wichita	111,456			443	111,899
Wilson	38,499	243			38,742
Woodson	13,378	100			13,478
Wyandotte	2,908	21			2,929
Reserve	16,075				16,075
Total	10,487,449	8,621		8,208	10,504,278

KENTUCKY

Adair	1,558	16			1,574
Allen	2,016	53			2,069
Anderson	399				399
Ballard	887	128			1,015
Barren	1,464	53			1,517
Bath	1,373	2			1,375
Boone	1,118	12			1,130
Bourbon	4,879	86			4,965
Boyd	40				40
Boyle	2,335	127			2,462
Bracken	1,178				1,178
Breckinridge	4,551				4,551
Bullitt	1,546	20			1,566
Butler	572	5			577
Caldwell	1,389	21	237		1,647
Calloway	3,746	35			3,781
Campbell	856				856
Carlisle	338	10			348
Carroll	386				386
Carter	111				111
Casey	764				764
Christian	15,552				15,552
Clark	817				817
Clinton	967	2			969
Crittenden	1,067		100		1,167
Cumberland	109		33		142
Daviess	4,809	113			4,922
Edmonson	472				472
Elliott	1				1

KENTUCKY—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Estill	19		7		26
Fayette	1,886				1,886
Fleming	1,424	9			1,433
Franklin	307				307
Fulton	2,365	24			2,409
Gallatin	318				318
Garrard	1,327	13			1,340
Grant	575				575
Graves	4,264	55			4,319
Grayson	2,602	35			2,727
Green	1,272	7			1,279
Greenup	188				188
Hancock	1,029	15	24		1,068
Hardin	3,507	8			3,515
Harrison	2,785				2,785
Hart	255				255
Henderson	3,603	11			3,614
Henry	1,311	44			1,355
Hickman	3,400	78			3,478
Hopkins	3,462	27			3,489
Jackson	107				107
Jefferson	2,374				2,374
Jessamine	1,237				1,237
Kenton	240				240
Knox	35				35
Larue	1,571	6			1,577
Laurel	85				85
Lawrence	1				1
Lee	4		3		7
Lewis	574				574
Lincoln	2,034	11			2,045
Livingston	739	11			750
Logan	13,789	127			13,916
Lyon	873	5			878
McCracken	465				465
McLean	2,129				2,129
Madison	680		68		748
Magoffin	3		1		4
Marion	1,611				1,611
Marshall	1,099	6			1,105
Mason	4,304	10			4,314
Meade	3,327	178			3,505
Mercer	2,335				2,335
Metcalfe	790				790
Monroe	1,220	17			1,237
Montgomery	782	4			786
Morgan	40				40
Muhlenberg	2,856	6			2,862
Nelson	3,643	68			3,711
Nicholas	1,267				1,267
Ohio	1,301	8			1,309
Oldham	1,941	2			1,943
Owen	349				349
Pendleton	1,116				1,116
Powell	67		6		73
Pulaski	1,792				1,792
Robertson	453				453
Rockcastle	255	3			258
Rowan	131				131
Russell	469	2			471
Scott	2,333	31			2,364
Shelby	3,568	1			3,569
Simpson	9,841	9			9,850
Spencer	934				934
Taylor	3,305	15			3,320
Todd	8,930	91			9,021
Trigg	4,838	58			4,896
Trimble	1,295	4			1,299
Union	6,591				6,591
Warren	2,930	35			2,965
Washington	1,875	7			1,882
Wayne	1,047				1,047

KENTUCKY—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Webster	4,044	118			4,162
Whitley	8				8
Wolfe	46		6		52
Woodford	2,755				2,755
Reserve	3				3
Total	203,730	1,842	485		206,057

MARYLAND

Allegany	1,274				1,274
Anne Arundel	2,162				2,162
Baltimore	8,634	12			8,646
Calvert	1,057	32			1,089
Caroline	12,727	39			12,766
Carroll	21,194	18			21,212
Cecil	9,739	29			9,768
Charles	4,006	16			4,022
Dorchester	11,384	21			11,405
Frederick	24,244	14			24,258
Garrett	1,743				1,743
Harford	5,038	29			5,067
Howard	6,376				6,376
Kent	13,422	19			13,441
Montgomery	10,927	21			10,948
Prince Georges	2,788				2,788
Queen Annes	19,784				19,784
St. Marys	5,425	43			5,468
Somerset	859				859
Talbot	16,787	19			16,806
Washington	18,323				18,323
Wicomico	769				769
Worcester	1,738				1,738
Reserve	3,241				3,241
Total	203,641	312			203,953

MICHIGAN

Alcona	1,874	13			1,887
Alger	16				16
Allegan	23,048	15			23,063
Alpena	5,139				5,139
Antrim	776				776
Arenac	4,028		8		4,036
Baraga	15				15
Barry	20,235	26			20,261
Bay	18,043	32	1,125		19,200
Benzie	308				308
Berrien	13,535	6			13,541
Branch	21,659	34			21,693
Calhoun	28,559	8			28,567
Cass	15,815	11			15,826
Charlevoix	1,392				1,392
Cheboygan	1,035	19			1,054
Chippewa	747				747
Clare	2,344	15			2,359
Clinton	32,313	26			32,339
Delta	174	10			184
Eaton	31,226	12			31,238
Emmet	860				860
Genesee	25,693		1,123		26,816
Gladwin	3,330		259		3,589
Grand Traverse	1,929		130		2,059
Gratiot	27,701				27,701
Hillsdale	23,604	38			23,642
Houghton	55				55
Huron	48,752	81	2,774		51,607
Ingham	24,045	12	405		24,462

MICHIGAN—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Ionia	29,191	5			29,196
Iosco	1,419	9			1,428
Iron	1				1
Isabella	17,141	71	215		17,427
Jackson	20,363	50			20,413
Kalamazoo	23,532				23,532
Kalkaska	315				315
Kent	19,023	13			19,036
Lake	612		3		615
Lapeer	21,145	6	1,193		22,344
Leelanau	1,030				1,030
Lenawee	41,055	13	1,260		42,328
Livingston	19,913	54	1,498		21,465
Luce	44				44
Mackinac	117				117
Macomb	14,730		31		14,761
Manistee	899	12			911
Marquette	6		1		7
Mason	4,859				4,859
Mecosta	5,536	9	837		6,382
Menominee	405	2			407
Midland	7,567	31	197		7,795
Missaukee	1,826	26			1,852
Monroe	32,046				32,046
Montcalm	17,121	4	1,540		18,665
Montmorency	1,018				1,018
Muskegon	4,355	9	40		4,404
Newaygo	5,259	5	360		5,624
Oakland	12,306		879		13,185
Oceana	2,956	6	241		3,203
Ogemaw	1,864				1,864
Ontonagon	115				115
Osceola	3,482				3,482
Oscoda	87				87
Otsego	302				302
Ottawa	16,473				16,473
Presque Isle	3,394				3,394
Roscommon	66				66
Saginaw	40,200	1	1,019		41,220
St. Clair	28,700	13			28,713
St. Joseph	22,221				22,221
Sanilac	51,286	58	1,356		52,700
Schoolcraft	50	5			55
Shiawassee	33,038	5	81		33,124
Tuscola	43,035	37	2,060		45,132
Van Buren	12,569	31			12,600
Washtenaw	27,319		207		27,526
Wayne	8,559				8,559
Wexford	776		54		830
Reserve	7,445				7,445
Total	985,021	833	18,896		1,004,750

MINNESOTA

Aitkin	299		48		347
Anoka	236				236
Becker	16,304	13			16,317
Beltrami	1,662				1,662
Benton	395				395
Big Stone	15,044	35			15,079
Blue Earth	4,452	12			4,464
Brown	801				801
Carlton	15				15
Carver	1,469				1,469
Cass	163				163
Chippewa	2,734				2,734
Chisago	240				240
Clay	71,967	179			72,146
Clearwater	3,767				3,767
Cottonwood	719				719

MINNESOTA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Crow Wing	119		3		122
Dakota	6,873	29			6,902
Dodge	403				403
Douglas	8,324				8,324
Faribault	721	16			737
Fillmore	474				474
Freeborn	579				579
Goodhue	5,943				5,943
Grant	9,074	124			9,198
Hennepin	564				564
Houston	307	17			324
Hubbard	1,221				1,221
Isanti	1,229		87		1,316
Itasca	321				321
Jackson	157				157
Kanabec	85				85
Kandiyohi	2,487	5			2,492
Kittson	85,217	32		179	85,428
Koochiching	1,402	6			1,408
Lac qui Parle	8,778				8,778
Lake of the Woods	4,122	72	281		4,475
Le Sueur	6,020	31			6,051
Lincoln	4,648				4,648
Lyon	3,550				3,550
McLeod	4,147				4,147
Mahnomen	10,837	21	131		10,989
Marshall	95,011	8		151	95,170
Martin	208				208
Meeker	3,786	16			3,802
Mille Lacs	363				363
Morrison	1,661				1,661
Mower	598	9			607
Murray	130				130
Nicollet	2,352	2			2,354
Nobles	76				76
Norman	44,707			198	44,905
Olmsted	1,229				1,229
Otter Tail	31,696	19			31,715
Pennington	9,332	4	318	157	9,811
Pine	155				155
Pipestone	93				93
Polk	127,904	51		218	128,173
Pope	8,605	23			8,628
Ramsey	17				17
Red Lake	9,068	25		57	9,150
Redwood	3,039				3,039
Renville	4,879	8			4,887
Rice	2,583				2,583
Rock	23				23
Roseau	25,318	16	3,053	219	28,606
St. Louis	290				290
Scott	2,829				2,829
Sherburne	1,106				1,106
Sibley	5,480	5			5,485
Stearns	5,500	20			5,520
Steele	397				397
Stevens	10,456				10,456
Swift	6,973				6,973
Todd	2,568				2,568
Traverse	23,102	29			23,131
Wabasha	1,580				1,580
Wadena	925				925
Waseca	1,250				1,250
Washington	748				748
Watonwan	204	29			233
Wilkin	52,050	57			52,107
Winona	730				730
Wright	3,275	3			3,278
Yellow Medicine	6,979				6,979
Reserve	2,078				2,078
Total	789,222	916	3,921	1,179	795,238

MISSOURI

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Adair	4,866				4,866
Andrew	6,643				6,643
Atchison	12,355				12,355
Audrain	14,468		597		15,065
Barry	4,698				4,698
Barton	32,461	32			32,493
Bates	22,134				22,134
Benton	7,296				7,296
Bollinger	5,945	5			5,950
Boone	10,537				10,537
Buchanan	18,108	11			18,119
Butler	2,447		1,325		3,772
Caldwell	8,985	8			8,993
Callaway	11,697	46			11,743
Camden	827				827
Cape Girardeau	14,057	18			14,075
Carroll	32,626				32,626
Carter	280				280
Cass	13,003				13,003
Cedar	8,801	6			8,807
Charlton	22,483	31			22,514
Christian	2,199		792		2,991
Clark	8,944				8,944
Clay	8,050				8,050
Clinton	7,939				7,939
Cole	8,975				8,975
Cooper	15,475	10			15,485
Crawford	2,323				2,323
Dade	16,418	42			16,460
Dallas	1,787				1,787
Daviess	14,295				14,295
De Kalb	8,998	28			9,026
Dent	1,539				1,539
Douglas	1,554				1,554
Dunklin	2,680		381		3,061
Franklin	19,002				19,002
Gasconade	11,976	13			11,989
Gentry	10,044				10,044
Greene	5,709				5,709
Grundy	4,089				4,089
Harrison	8,924				8,924
Henry	14,372		327		14,699
Hickory	2,408				2,408
Holt	17,399	28			17,427
Howard	12,266				12,266
Howell	1,821		59		1,880
Iron	667	12			679
Jackson	11,063				11,063
Jasper	32,186	24			32,210
Jefferson	5,509	5			5,514
Johnson	11,598				11,598
Knox	8,222				8,222
Laclede	2,841		98		2,939
Lafayette	22,559				22,559
Lawrence	14,193		106		14,299
Lewis	16,631	12			16,643
Lincoln	18,779				18,779
Linn	6,265				6,265
Livingston	10,911				10,911
McDonald	2,323		57		2,380
Macon	7,507				7,507
Madison	1,561	8			1,569
Maries	4,767	80			4,847
Marion	15,158				15,158
Mercer	3,548	4			3,552
Miller	5,211	13			5,224
Mississippi	10,340		1,906		12,246
Moniteau	8,736				8,736
Monroe	14,809		1,867		16,676
Montgomery	13,955	10			13,965
Morgan	6,312	20			6,332
New Madrid	13,110		1,347		14,457

MISSOURI—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Newton	14,125	12			14,137
Nodaway	10,884	27			10,911
Oregon	1,263				1,263
Osage	10,385				10,385
Ozark	942	15			957
Pemiscot	1,175	4	308		1,487
Perry	15,979	7			15,986
Pettis	16,713	8			16,721
Phelps	3,424				3,424
Pike	14,172				14,172
Platte	25,390	21			25,411
Polk	7,923	11	57		7,991
Pulaski	996				996
Putnam	997				997
Ralls	10,817		579		11,396
Randolph	8,001				8,001
Ray	19,341				19,341
Reynolds	461		42		503
Ripley	1,353		106		1,459
St. Charles	33,635	7			33,642
St. Clair	12,383	82	1,284		13,749
St. Francois	2,630				2,630
St. Louis	17,595				17,595
Ste. Genevieve	5,289				5,289
Saline	29,019				29,019
Schuyler	1,375				1,375
Scotland	4,423				4,423
Scott	16,819	23	1,461		18,303
Shannon	478				478
Shelby	13,912		843		14,755
Stoddard	18,344		3,867		22,211
Stone	430		151		581
Sullivan	2,437				2,437
Taney	118				118
Texas	5,668				5,668
Vernon	26,027				26,027
Warren	14,073				14,073
Washington	1,492				1,492
Wayne	1,054		31		1,085
Webster	2,235	5	688		2,928
Worth	4,142				4,142
Wright	1,031		522		1,553
Reserve	10,044				10,044
Total	1,121,658	688	18,801		1,141,147

MONTANA

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Beaverhead	8,764	35	568	53	9,420
Big Horn	65,637	97		161	65,895
Blaine	80,321	66		265	80,652
Broadwater	25,378	20		46	25,444
Carbon	31,619	17			31,636
Carter	27,865	57	257	17	28,196
Cascade	126,969	26		356	127,351
Chouteau	341,807	54			341,861
Custer	21,135			12	21,147
Daniels	190,655	85		32	190,772
Dawson	132,039	12			132,051
Deer Lodge	1,090				1,090
Fallon	86,731	30			86,761
Fergus	155,503	146		4	155,653
Flathead	25,653			81	25,734
Gallatin	64,043	121			64,164
Garfield	40,266	65		180	40,511
Glacier	50,213	816		200	51,229
Golden Valley	18,955			261	19,216
Granite	1,371	16		9	1,396
Hill	302,453	263		1,462	304,178
Jefferson	9,441	4			9,445
Judith Basin	82,839				82,839

MONTANA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Lake	20,672	9		157	20,838
Lewis and Clark	14,726			40	14,766
Liberty	158,047	35		174	158,256
Lincoln	903	32			935
McCone	162,008	69			162,077
Madison	12,407	27			12,434
Meagher	3,876		136	37	4,049
Mineral	968			12	980
Missoula	8,473	5		47	8,525
Musselshell	16,846	16		29	16,891
Park	23,401				23,401
Petroleum	6,861	6		25	6,892
Phillips	87,957	241		179	88,377
Pondera	145,992	283			146,275
Powder River	28,714			100	28,814
Powell	6,634	10	285	86	6,015
Prairie	37,532				37,532
Ravalli	7,413	53			7,466
Richland	136,208	265			136,473
Roosevelt	253,789	121		53	253,963
Rosebud	24,901	93		103	25,097
Sanders	6,781		99	112	6,992
Sheridan	207,225	9			207,234
Silver Bow	102				102
Stillwater	58,905	119			59,024
Sweet Grass	11,799	46		88	11,933
Teton	158,916	109			159,025
Toole	145,673	587	2,683	2,090	151,033
Treasure	5,924			25	5,949
Valley	224,235	312		2	224,549
Wheatland	9,480			129	9,609
Wibaux	54,153	33			54,186
Yellowstone	80,071	19		1,553	81,643
Reserve	9,670				9,670
Total	4,021,009	4,429	4,028	8,180	4,037,646

NEBRASKA

Adams	83,854			18	83,872
Antelope	7,863	33			7,896
Arthur	6				6
Banner	55,725	100		191	56,016
Blaine	10				10
Boone	11,420	52	337		11,809
Box Butte	96,078			492	96,570
Boyd	2,464				2,464
Brown	2,685				2,685
Buffalo	42,038			130	42,168
Burt	8,793				8,793
Butler	46,572	56			46,628
Cass	27,430	90			27,520
Cedar	524				524
Chase	73,355			315	73,670
Cherry	1,802				1,802
Chevenne	165,862			333	166,195
Clay	82,899	23			82,922
Colfax	19,039				19,039
Cuming	1,697	3			1,700
Custer	51,323			287	51,610
Dakota	670	1			671
Dawes	42,995	56		591	43,642
Dawson	22,185	47		8	22,240
Deuel	66,759				66,759
Dixon	319				319
Dodge	25,490				25,490
Douglas	2,797				2,797
Dundy	32,432				32,432
Fillmore	82,320				82,320
Franklin	42,440	191		60	42,691
Frontier	54,831	38		275	55,144

NEBRASKA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Furnas	61,535	19			61,554
Gage	79,050	32			79,082
Garden	43,317	57			43,374
Garfield	246				246
Gosper	31,940				31,940
Greeley	10,737	24	481		11,242
Hall	34,891	54			34,945
Hamilton	60,736	21		5	60,762
Harlan	52,728	77			52,805
Hayes	44,583	27			44,610
Hitchcock	71,134			137	71,271
Holt	7,877	13			7,890
Hooker	12		2		14
Howard	24,833	15			24,848
Jefferson	58,051	13			58,064
Johnson	25,947	53			26,000
Kearney	67,924			8	67,932
Keith	69,063			396	69,459
Keya Paha	1,314				1,314
Kimball	134,724			875	135,599
Knox	4,117				4,117
Lancaster	69,235	44			69,279
Lincoln	57,610	187		71	57,868
Logan	7,389				7,389
Loup	422				422
McPherson	114				114
Madison	6,033	17			6,050
Merrick	25,092				25,092
Morrill	36,362			57	36,419
Nance	21,102	48			21,150
Nemaha	25,739	119			25,858
Nuckolls	46,221	9			46,230
Otoe	38,223	41			38,264
Pawnee	17,475	68			17,543
Perkins	139,453			6	139,459
Phelps	55,808	14			55,822
Pierce	2,259				2,259
Platte	20,825	20			20,845
Polk	35,949	9			35,958
Redwillow	67,783	43		12	67,838
Richardson	27,468	88			27,556
Rock	143				143
Saline	74,789	17			74,806
Sarpy	4,375	11			4,386
Saunders	33,712	93			33,805
Scotts Bluff	16,845	12		82	16,939
Seward	56,233	30			56,263
Sheridan	54,576	153		212	54,941
Sherman	14,828			177	15,005
Sioux	9,073			19	9,092
Stanton	1,790				1,790
Thayer	71,194	98			71,292
Thomas	5		2		7
Thurston	482	20			502
Valley	16,769	80		34	16,883
Washington	9,229				9,229
Wayne	495				495
Webster	40,941	116		33	41,090
Wheeler	200				200
York	52,535	38			52,573
Reserve	5,826				5,827
Total	3,204,038	2,470	822	4,824	3,212,154

NEW JERSEY

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Atlantic	14				14
Bergen	11		1		12
Burlington	3,757	24			3,781
Camden	598				598
Cape May	206	7	24		237
Cumberland	949				949
Essex	10		17		27
Gloucester	615		12		627
Hunterdon	10,249	33			10,282
Mercer	9,923	13			9,936
Middlesex	6,876				6,876
Monmouth	10,505	54			10,559
Morris	893				893
Ocean	269	4			273
Salem	3,099				3,099
Somerset	5,229	24			5,253
Sussex	338				338
Union	42				42
Warren	3,357	23			3,380
Reserve	76				76
Total	57,016	182	54		57,252

NEW MEXICO

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Bernalillo	1,539		148	10	1,697
Catron	467				467
Chaves	897				897
Colfax	11,450	134		29	11,613
Curry	180,372	233		333	180,938
De Baca	179		21		200
Eddy	32				32
Grant	178		15		193
Guadalupe	225				225
Harding	24,653	54		4	24,711
Hidalgo	13		1		14
Lea	1,084				1,084
Lincoln	266				266
McKinley	281				281
Mora	2,089				2,089
Otero	92				92
Quay	111,823			145	111,968
Rio Arriba	7,366		508	93	7,967
Roosevelt	52,301	266		63	52,630
Sandoval	1,141			8	1,149
San Juan	807				807
San Miguel	1,638				1,638
Santa Fe	5,439				5,439
Sierra	80		1		81
Socorro	4,092				4,092
Taos	1,845				1,845
Torrance	21,964	113		273	22,350
Union	9,197			27	9,224
Valencia	4,317				4,317
Reserve	33				33
Total	445,860	800	694	985	448,339

NEW YORK

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Albany	1,722	3	211		1,936
Allegany	3,901	4	68		3,973
Broome	229				229
Cattaraugus	1,474				1,474
Cayuga	20,788		63		20,851
Chautauqua	2,859	1	716		3,576
Chemung	2,404	8	170		2,582
Chenango	857	2			859
Clinton	36		8		44
Columbia	2,250		243		2,493
Cortland	765				765
Delaware	105		3		108
Dutchess	888				888
Erie	10,793		219		11,012
Essex	458		42		500
Franklin	6				6
Fulton	253		1		254
Genesee	22,829	35			22,864
Greene	1,537		77		1,614
Herkimer	1,041		118		1,159
Jefferson	2,142	1			2,143
Lewis	48		5		53
Livingston	27,066				27,066
Madison	2,610	9			2,619
Monroe	29,190				29,190
Montgomery	1,920	5	84		2,009
Nassau	459				459
Niagara	21,669	19			21,688
Oneida	2,167		191		2,358
Onondaga	10,463	5			10,468
Ontario	28,160	16			28,176
Orange	366				366
Orleans	17,231	38			17,269
Oswego	2,316	14			2,330
Otsego	546				546
Putnam	3				3
Rensselaer	1,481		91		1,572
Rockland	34				34
St. Lawrence	198				198
Saratoga	1,050		100		1,150
Schenectady	357		14		371
Schoharie	1,821				1,821
Schuyler	5,898				5,898
Seneca	17,128				17,128
Steuben	13,558		67		13,625
Suffolk	1,774		77		1,821
Sullivan	27				27
Tioga	2,077				2,077
Tompkins	7,213	7			7,220
Ulster	1,526		25		1,551
Warren	3				3
Washington	647	1			648
Wayne	17,157		471		17,628
Westchester	60		3		63
Wyoming	11,917	10	275		12,202
Yates	13,215	9			13,224
Reserve	0				0
Total	318,662	187	3,342		322,191

NORTH CAROLINA

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Alamance	7,197				7,197
Alexander	4,036	9			4,045
Alleghany	250				250
Anson	7,128	42			7,170
Ashe	127				127
Avery	11				11
Beaufort	451	12			463
Bertie	18	1	5		24
Bladen	979	14	171		1,164

NORTH CAROLINA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Brunswick	218	2			220
Buncombe	419				419
Burke	2,713				2,713
Cabarrus	8,265				8,265
Caldwell	1,873				1,873
Camden	78		16		94
Carteret	73		17		90
Caswell	5,214	10			5,224
Catawba	12,580				12,580
Chatham	5,293	21			5,314
Cherokee	52				52
Chowan	60		10		70
Clay	118				118
Cleveland	10,622				10,622
Columbus	994		68		1,062
Craven	342				342
Cumberland	5,521	5	398		5,924
Currituck	109		16		125
Davidson	9,146	28			9,174
Davie	4,257				4,257
Duplin	968	15	33		1,016
Durham	1,203				1,203
Edgecombe	870	34	42		946
Forsyth	4,520	56			4,576
Franklin	2,882	66			2,948
Gaston	6,662	8			6,670
Gates	81		20		101
Granville	1,774		97		1,871
Greene	300	11	35		346
Guilford	7,761				7,761
Halifax	1,635	56	4		1,695
Harnett	4,264	33			4,297
Haywood	96				96
Henderson	198				198
Hertford	66		9		75
Hoke	2,475	1			2,476
Hyde	53		23		76
Iredell	15,520				15,520
Jackson	20				20
Johnston	3,217	20			3,237
Jones	193				193
Lee	1,952	21			1,973
Lenoir	941				941
Lincoln	9,910	6			9,916
McDowell	731	2			733
Macon	100				100
Madison	319	3			322
Martin	81		36		117
Mecklenburg	6,398				6,398
Mitchell	1				1
Montgomery	2,613				2,613
Moore	3,790	23			3,813
Nash	2,255		6		2,261
New Hanover	29		16		45
Northampton	779	8			787
Onslow	70		20		90
Orange	2,780	20			2,800
Pamlico	224	3	10		237
Pasquotank	91		46		137
Pender	278				278
Perquimans	119		25		144
Person	3,657	27			3,684
Pitt	443	9			452
Polk	702				702
Randolph	10,171	6			10,177
Richmond	3,690	9			3,699
Robeson	4,842				4,842
Rockingham	4,994				4,994
Rowan	16,104				16,104
Rutherford	4,517	12			4,529
Sampson	2,483	7			2,490
Scotland	1,578				1,578

NORTH CAROLINA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Stanly	16,066	20			16,086
Stokes	1,938	82			2,020
Surry	1,483	9			1,492
Swain	4				4
Transylvania	33				33
Tyrrell	173		77		250
Union	13,721	10			13,731
Vance	1,323				1,323
Wake	4,898	51			4,949
Warren	3,416				3,416
Washington	248	2	66		316
Watauga	102				102
Wayne	2,334	65			2,399
Wilkes	2,434	18			2,452
Wilson	1,504				1,504
Yadkin	5,137				5,137
Yancey	12				12
Reserve	0				0
Total	284,370	857	1,266		286,493

NORTH DAKOTA

Adams	147,145				147,145
Barnes	181,486	145		451	182,082
Benson	189,363	157		411	189,931
Billings	36,520			7	36,527
Bottineau	241,966	46		1,484	243,496
Bowman	118,455			102	118,557
Burke	130,829			2,738	133,567
Burleigh	107,073	120			107,193
Cass	196,318	210		38	196,564
Cavalier	203,898	44		1,695	205,635
Dickey	70,494	21		29	70,544
Divide	173,455			1,691	175,146
Dunn	122,185	117		790	123,092
Eddy	57,070	43		56	57,169
Emmons	145,022	110		30	145,162
Foster	70,583				70,583
Golden Valley	72,689			345	73,034
Grand Forks	175,084	17		158	175,259
Grant	133,715	14		338	134,067
Griggs	68,290	23		5	68,318
Hettinger	186,650			275	186,925
Kidder	83,225	76			83,301
La Moure	129,979			52	130,031
Logan	105,871				105,871
McHenry	188,567			459	189,026
McIntosh	115,322			3	115,325
McKenzie	151,837	386		1,380	153,603
McLean	274,098	46		692	274,836
Mercer	96,864			51	96,915
Morton	154,650	61		117	154,828
Mountrail	206,747	117		3,052	209,916
Nelson	114,392	69		828	115,289
Oliver	54,650			60	54,710
Pembina	163,530			240	163,770
Pierce	149,985	17			150,002
Ramsey	186,409			422	186,831
Ransom	68,163	87			68,250
Renville	125,100			1,282	126,382
Richland	88,621	55		66	88,742
Rolette	97,312	14		693	98,019
Sargent	72,527	9		1	72,537
Sheridan	110,735	33		160	110,928
Sioux	44,307	105		70	44,482
Slope	98,882			194	99,076
Stark	153,394	10		305	153,709
Steele	78,900	66		95	79,061
Stutsman	243,365			145	243,510
Towner	174,836			34	174,869

NORTH DAKOTA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Traill	100,392	45		77	100,514
Walsh	177,720	40		577	178,337
Ward	253,747	12		2,592	256,351
Wells	178,020			71	178,091
Williams	258,754			1,202	259,956
Reserve	17,822				17,822
Total	7,346,710	2,315		25,561	7,374,586

OHIO

Adams	12,491				12,491
Allen	22,264	11			22,275
Ashland	19,125				19,125
Ashtabula	12,241				12,241
Athens	2,223				2,223
Auglaize	22,700	43			22,743
Belmont	4,720	3			4,723
Brown	16,210	62			16,272
Butler	19,440				19,440
Carroll	7,707				7,707
Champaign	22,652	33			22,685
Clark	21,944	13			21,957
Clermont	9,129	21			9,150
Clinton	29,637	24			29,661
Columbiana	13,797	3			13,800
Coshocton	12,456				12,456
Crawford	24,092	17			24,109
Cuyahoga	1,580	1			1,581
Darke	33,301	18			33,319
Defiance	25,870	6			25,876
Delaware	19,365	38			19,403
Erie	14,281	11			14,292
Fairfield	31,708				31,708
Fayette	32,084				32,084
Franklin	24,931				24,931
Fulton	25,640				25,640
Gallia	2,691				2,691
Geauga	5,153				5,153
Greene	27,193				27,193
Guernsey	4,965	24			4,989
Hamilton	3,956				3,956
Hancock	38,073	71			38,144
Hardin	24,611	22			24,633
Harrison	3,462				3,462
Henry	31,947	21			31,968
Highland	30,436	114			30,550
Hocking	4,520	37			4,557
Holmes	17,629				17,629
Huron	28,064				28,064
Jackson	3,039				3,039
Jefferson	3,770				3,770
Knox	24,249	27			24,276
Lake	2,163				2,163
Lawrence	779	2			781
Licking	26,278				26,278
Logan	19,227	48			19,275
Lorain	15,547	8			15,555
Lucas	13,815	13			13,828
Madison	30,849	1			30,850
Mahoning	9,928				9,928
Marion	19,713	21			19,734
Medina	15,958				15,958
Meigs	2,871				2,871
Mercer	25,724				25,724
Miami	27,368	32			27,400
Monroe	2,616	12			2,628
Montgomery	22,453	24			22,477
Morgan	3,412	35			3,447
Morrow	16,784	30			16,814
Muskingum	10,574	16			10,590

OHIO—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Noble	1,862				1,862
Ottawa	17,005		437		17,442
Paulding	25,418	33			25,451
Perry	10,196	17			10,213
Pickaway	43,466	32			43,498
Pike	5,213				5,213
Portage	12,147	27			12,174
Preble	25,937	107			26,044
Putnam	37,547				37,547
Richland	22,187	9			22,196
Ross	30,379	11			30,390
Sandusky	28,301				28,301
Scioto	4,518				4,518
Seneca	40,546				40,546
Shelby	22,671	12			22,683
Stark	20,770				20,770
Summit	5,393				5,393
Trumbull	9,110				9,110
Tuscarawas	13,182	13			13,195
Union	20,811	8			20,819
Van Wert	25,127	12			25,139
Vinton	1,608	37			1,645
Warren	18,818				18,818
Washington	5,066	14			5,080
Wayne	34,104				34,104
Williams	24,790				24,790
Wood	49,086	27			49,113
Wyandot	27,209	12			27,221
Reserve	13,595				13,595
Total	1,597,627	1,233	437		1,599,297

OKLAHOMA

Adair	379		17		396
Alfalfa	218,200				218,200
Atoka	102		12		114
Beaver	262,417				262,417
Beckham	48,327	38			48,365
Blaine	158,136	22			158,158
Bryan	3,052	25	666		3,743
Caddo	86,444	26			86,470
Canadian	136,137				136,137
Carter	541				541
Cherokee	466		17		483
Choctaw	124	10	163		297
Cimarron	180,948			79	181,027
Cleveland	8,063				8,063
Coal	181		30		211
Comanche	55,283	19			55,382
Cotton	99,107				99,107
Craig	12,381		1,024		13,405
Creek	1,249		55		1,304
Custer	167,311	59			167,370
Delaware	5,535	111	12		5,658
Dewey	114,988				114,988
Ellis	120,869	29			120,898
Garfield	268,443	68			268,511
Garvin	5,196	12	1,072		6,280
Grady	45,795	105			45,900
Grant	268,582				268,582
Greer	62,369				62,369
Harmon	57,262				57,262
Harper	129,956	39			129,995
Haskell	1,126	3	254		1,383
Hughes	296		139		435
Jackson	127,933	20			127,953
Jefferson	6,549	12			6,561
Johnston	503	9			512
Kay	180,745	38			180,783

OKLAHOMA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Kingfisher	204,758				204,758
Kiowa	185,205	14			185,219
Le Flore	2,451		1,234		3,685
Lincoln	8,231	28	339		8,598
Logan	66,919	42			66,961
Love	373				373
McClain	7,785		637		8,422
McIntosh	767		427		1,194
Major	137,525				137,525
Marshall	606	45	77		728
Mayes	5,844		192		6,036
Murray	2,257	8			2,265
Muskogee	6,210	12	1,643		7,865
Noble	105,892	8			105,900
Nowata	8,155				8,155
Okfuskee	1,055		317		1,372
Oklahoma	21,082	8			21,090
Okmulgee	408		50		458
Osage	22,322	165			22,487
Ottawa	19,032	26			19,058
Pawnee	14,875	37	741		15,653
Payne	17,045	12	1,665		18,722
Pittsburg	785		460		1,245
Pontotoc	595	43	42		680
Pottawatomie	6,943		2,131		9,074
Roger Mills	53,539				53,539
Rogers	8,255	62	295		8,612
Seminole	1,074		120		1,194
Sequoyah	3,404		1,307		4,711
Stephens	13,184	11			13,195
Texas	381,043	129		74	381,246
Tillman	164,825				164,825
Tulsa	4,849		247		5,096
Wagoner	8,544	24	1,438		10,006
Washington	4,809	14			4,823
Washita	161,453				161,453
Woods	179,524				179,524
Woodward	106,175	61			106,236
Reserve	916				916
Total	4,773,709	1,394	16,823	153	4,792,079

OREGON

Baker	14,850	146		220	15,216
Benton	5,116		464		5,580
Clackamas	7,322		487		7,809
Clatsop	4				4
Columbia	230		32		262
Crook	3,473			50	3,523
Deschutes	1,301		139		1,440
Douglas	1,245				1,245
Gilliam	86,839			4,460	91,299
Grant	2,168		139	131	2,438
Harney	2,986		27		3,013
Jackson	1,851				1,851
Jefferson	24,924	15	1,593	440	26,972
Josephine	172				172
Klamath	11,640	92			11,732
Lake	17,920	160			18,080
Lane	5,145				5,145
Linn	7,414		60		7,474
Malheur	15,523	93		110	15,726
Marion	15,858	22	886		16,766
Morrow	111,370		3,164		114,534
Multnomah	399		81		480
Polk	11,952	11	464		12,427
Sherman	90,278			4,763	95,041
Umatilla	194,047	90		5,248	199,385
Union	41,008	72		617	41,697
Wallowa	24,516	66		132	24,714

OREGON—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Wasco	61,947	36		5,070	67,053
Washington	13,666		821		14,487
Wheeler	6,276		355	160	6,791
Yamhill	14,297		2,746		17,043
Reserve	3,063				3,063
Total	796,800	803	8,294	24,565	832,462

PENNSYLVANIA

Adams	20,612	48			20,660
Alleghany	3,524				3,524
Armstrong	9,792				9,792
Beaver	4,632	6			4,638
Bedford	11,977	19			11,996
Berks	30,366	19			30,385
Blair	6,094	16			6,110
Bradford	4,210	21			4,231
Bucks	18,733	24			18,757
Butler	11,956				11,956
Cambria	5,271				5,271
Cameron	23				23
Carbon	2,905				2,905
Centre	16,142				16,142
Chester	15,570	21			15,591
Clarion	8,953	23			8,976
Clearfield	3,354	48			3,402
Clinton	4,643	39			4,682
Columbia	16,292				16,292
Crawford	9,226	9	225		9,460
Cumberland	24,176	94			24,270
Dauphin	13,045				13,045
Delaware	700	3			703
Elk	374	3			377
Erie	8,475	7			8,482
Fayette	4,954	34			4,988
Forest	390				390
Franklin	34,015	37			34,052
Fulton	8,344				8,344
Greene	1,948	1			1,949
Huntingdon	9,449	22			9,471
Indiana	10,684	37			10,721
Jefferson	5,591				5,591
Juniata	9,353	32			9,385
Lackawanna	184				184
Lancaster	52,999				52,999
Lawrence	8,308	12			8,320
Lebanon	14,155	24			14,179
Lehigh	14,548	15			14,563
Luzerne	4,063				4,063
Lycoming	12,792				12,792
McKean	171				171
Mercer	10,522	24			10,546
Mifflin	7,959	5			7,964
Monroe	2,513	6			2,519
Montgomery	12,990				12,990
Montour	6,433				6,433
Northampton	9,973	9			9,982
Northumberland	16,186	3			16,189
Perry	13,725				13,725
Philadelphia	395				395
Pike	58				58
Potter	654		26		680
Schuylkill	10,604	11			10,615
Snyder	11,116				11,116
Somerset	6,573				6,573
Sullivan	346	6			352
Susquehanna	439	1			440
Tioga	2,331				2,331
Union	9,319	37			9,356
Venango	2,883	38			2,921

PENNSYLVANIA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Warren	1,171		20		1,191
Washington	7,747	12			7,759
Wayne	58				58
Westmoreland	12,932	1			12,933
Wyoming	1,013	2			1,015
York	47,307	6			47,313
Reserve	356				356
Total	638,596	775	271		639,642

SOUTH CAROLINA

Abbeville	4,442		7		4,449
Aiken	3,144		175		3,319
Allendale	1,689		354		2,043
Anderson	19,258	21			19,279
Bamberg	1,347		45		1,392
Barnwell	1,369	8			1,377
Berkeley	91		33		124
Calhoun	4,632		600		5,232
Charleston	147				147
Cherokee	4,510	16	95		4,621
Chester	1,743		116		1,859
Chesterfield	2,745				2,745
Clarendon	1,306		39		1,345
Colleton	229		66		295
Darlington	5,022				5,022
Dillon	1,156	12			1,168
Dorchester	113		10		123
Edgefield	1,881	14	46		1,941
Fairfield	626	36			662
Florence	3,159	8			3,167
Georgetown	78				78
Greenville	8,494	92			8,586
Greenwood	2,414	2			2,416
Hampton	661	34	383		1,078
Horry	463	4	117		584
Jasper	6		10		16
Kershaw	1,936	31	69		2,036
Lancaster	1,623	10			1,633
Laurens	7,608	24			7,632
Lee	2,376	3			2,379
Lexington	2,546				2,546
McCormick	484	9	19		512
Marion	301		13		314
Marlboro	1,514				1,514
Newberry	4,030				4,030
Oconee	3,869	6			3,875
Orangeburg	3,070	19	176		3,265
Pickens	3,735				3,735
Richland	3,479		145		3,624
Saluda	2,598				2,598
Spartanburg	14,017	5			14,022
Sumter	3,328	3	144		3,475
Union	1,655				1,655
Williamsburg	573				573
York	3,366				3,366
Reserve	911				911
Total	133,744	357	2,662		136,763

SOUTH DAKOTA

Aurora	16,262				16,262
Beadle	82,204				82,204
Bennett	47,131	34		23	47,188
Bon Homme	3,983				3,983
Brookings	3,377	44			3,421
Brown	176,754	444		35	177,233

SOUTH DAKOTA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Brule	13,544	75		2	13,621
Buffalo	5,089	33	156	31	5,309
Butte	16,898		222	51	17,171
Campbell	83,779				83,779
Charles Mix	33,508				33,508
Clark	69,276				69,276
Clay	4,841	33			4,874
Codington	37,197				37,197
Corson	111,758	130			111,888
Custer	5,187	50			5,237
Davison	2,822				2,822
Day	79,613	13			79,626
Deuel	5,650				5,650
Dewey	59,285	91			59,376
Douglas	4,979			1	4,980
Edmunds	119,422	14		43	119,479
Fall River	16,168	146		416	16,730
Faulk	79,051			1	79,052
Grant	21,177				21,177
Gregory	17,658				17,658
Haakon	36,729	151		65	36,945
Hamlin	13,983	6			13,989
Hand	70,415	90			70,505
Hanson	1,728				1,728
Harding	40,158	64		26	40,248
Hughes	48,644	189		1	48,834
Hutchinson	9,337				9,337
Hyde	22,212			11	22,223
Jackson	14,764			7	14,771
Jerauld	23,539				23,539
Jones	47,742			1	47,743
Kingsbury	29,941	41		10	29,992
Lake	1,609				1,609
Lawrence	5,845				5,845
Lincoln	202	10			212
Lyman	84,023			22	84,045
McCook	3,047				3,047
McPherson	94,752				94,752
Marshall	55,694	15			55,709
Meade	56,482	80		59	56,621
Mellette	27,866				27,866
Miner	10,382				10,382
Minnehaha	265				265
Moody	389				389
Pennington	45,144	94		5	45,243
Perkins	136,436	123		80	136,639
Potter	89,332	46		23	89,401
Roberts	55,128				55,128
Sanborn	8,488				8,488
Shannon	20,593	368		139	21,100
Spink	225,600	16			225,616
Stanley	26,810		643	25	27,478
Sully	99,544	163		34	99,741
Todd	11,241			24	11,265
Tripp	75,906	118		89	76,113
Turner	1,247				1,247
Union	10,847	11			10,858
Walworth	82,071	29			82,100
Washabaugh	14,922			21	14,943
Yankton	2,766				2,766
Ziebach	35,679	155		78	35,912
Reserve	14,572				14,572
Total	2,772,687	2,876	1,021	1,323	2,777,907

TENNESSEE

Anderson	154				154
Bedford	5,221				5,221
Benton	381		127		508
Bledsoe	861				861

TENNESSEE—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Blount	3,920	20			3,940
Bradley	1,169				1,169
Campbell	537				537
Cannon	673				673
Carroll	692		4		696
Carter	749				749
Cheatham	2,086	21			2,107
Chester	103		6		109
Claiborne	4,065				4,065
Clay	771				771
Cocke	2,601				2,601
Coffee	3,021				3,021
Crockett	155				155
Cumberland	346	6			352
Davidson	1,693				1,693
Decatur	50		25		75
De Kalb	1,513	6			1,519
Dickson	1,408	7	50		1,465
Dyer	1,003	120	19		1,142
Fayette	14		7		21
Fentress	766	3			769
Franklin	6,059		206		6,265
Gibson	1,147				1,147
Giles	3,615		123		3,745
Grainger	2,210	10			2,220
Greene	9,600	35			9,635
Grundy	623	5			628
Hamblen	3,886	11			3,897
Hamilton	486	8			494
Hancock	1,384				1,384
Hardeman	134	1	19		154
Hardin	366		132		498
Hawkins	5,920	5			5,925
Haywood	192		19		211
Henderson	28	9			37
Henry	1,604	62	26		1,692
Hickman	583				583
Houston	351		51		402
Humphreys	1,070	19			1,089
Jackson	339				339
Jefferson	5,782	24			5,806
Johnson	930				930
Knox	1,986				1,986
Lake	35		7		42
Lauderdale	142				142
Lawrence	4,627		24		4,651
Lewis	159				159
Lincoln	4,466	13			4,479
Loudon	3,313				3,313
McMinn	1,931	8			1,939
McNairy	10		4		14
Macon	1,090				1,090
Madison	263		19		282
Marion	432		19		451
Marshall	3,706	18			3,724
Maury	9,136	45			9,181
Meigs	953				953
Monroe	3,736				3,736
Montgomery	6,145	13			6,158
Moore	425				425
Morgan	379		2		381
Obion	4,753		597		5,350
Overton	1,803				1,803
Perry	169		53		222
Pickett	796				796
Polk	624	8			632
Putnam	1,192	1	242		1,435
Rhea	819				819
Roane	991				991
Robertson	18,641	83			18,724
Rutherford	4,691				4,691
Scott	4				4
Sequatchie	228		1		229

TENNESSEE—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Sevier	3,512				3,512
Shelby	225		38		263
Smith	945				945
Stewart	383				383
Sullivan	4,459				4,459
Sumner	5,367	39			5,406
Tipton	300	24	153		477
Trousdale	348				348
Unicoi	155				155
Union	710	1			711
Van Buren	239				239
Warren	2,305				2,305
Washington	5,550	23			5,573
Wayne	406		156		562
Weakley	1,717	65	485		2,267
White	1,751	7	391		2,149
Williamson	7,279	51			7,330
Wilson	2,831	23			2,854
Reserve	1,067				1,067
Total	197,455	801	3,005		201,261

TEXAS

Andrews	15				15
Archer	30,987	93			31,080
Armstrong	87,349				87,349
Atascosa	341	7			348
Austin	2		3		5
Bailey	17,476	69			17,545
Banders	69				69
Bastrop	25				25
Baylor	64,316	16			64,332
Bee	27				27
Bell	6,575	107			6,682
Bexar	1,705	39			1,744
Blanco	678	14			692
Borden	2,019	64			2,083
Bosque	4,097	194			4,291
Bowie	114	11			125
Brazos	4		3		7
Briscoe	54,035	95			54,130
Brown	16,716	95			16,811
Burleson	23				23
Burnet	1,683				1,683
Caldwell	13	17			30
Callahan	19,358	81			19,439
Carson	144,405				144,405
Castro	116,895	590			117,485
Chambers	6				6
Childress	43,601	273			43,874
Clay	30,117	77			30,194
Cochran	2,929				2,929
Coke	2,061	314			2,375
Coleman	22,056	134			22,190
Collin	39,488	100			39,588
Collingsworth	27,437	93			27,530
Comal	426	23			449
Comanche	1,751	14			1,765
Concho	22,049	88			22,137
Cooke	25,215	230			25,445
Coryell	8,842	46			8,888
Cottle	26,903	28			26,931
Crosby	40,053	48			40,101
Culberson	92				92
Dallam	74,058	786			74,844
Dallas	22,892	119			23,011
Dawson	3,062	18			3,080
Deaf Smith	237,321	132			237,454
Delta	1,219	42	506		1,767
Denton	34,554	835			35,389

TEXAS—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
De Witt	4		1		5
Dickens	22,652	70			22,722
Dimmit	7				7
Donley	21,265	116			21,381
Eastland	5,925	257			6,182
Edwards	31		5		36
Ellis	10,251	175			10,426
Erath	1,632	65			1,697
Falls	184	3			187
Fannin	8,579	53	1,198		9,830
Fisher	27,903	54			27,957
Floyd	142,316	326			142,642
Foard	66,401	65			66,466
Gaines	6,718	250			6,968
Garza	2,352				2,352
Gillespie	7,278				7,278
Glasscock	366	25	17		408
Collad	6				6
Gonzales	24		9		33
Gray	92,199				92,199
Grayson	42,059	167			42,226
Guadalupe	410	7			417
Hale	76,926	690			77,616
Hall	16,755				16,755
Hamilton	4,274	15			4,289
Hansord	219,420				219,420
Hardeman	85,089	571			85,660
Harris	14		6		20
Hartley	84,778	288			85,066
Haskell	53,847	98			53,945
Hays	84	19			103
Hemphill	38,520	57			38,577
Henderson	0		13		13
Hill	1,867	6			1,873
Hockley	1,340				1,340
Hood	232	13			245
Howard	2,690	11			2,701
Hunt	1,887	4	164		2,055
Hutchinson	66,027				66,027
Irion	79	3			82
Jack	3,805	90			3,895
Jackson	195	17	54		266
Jeff Davis	8				8
Johnson	1,538	36			1,574
Jones	55,621	324			55,945
Karnes	216	176	70		462
Kaufman	908		207		1,115
Kendall	2,306	9			2,315
Kent	5,861				5,861
Kerr	1,732				1,732
Kimble	370				370
King	4,825	36			4,861
Knox	49,719	23			49,742
Lamar	1,812		637		2,449
Lamb	8,542	23			8,565
Lampasas	1,209				1,209
Limestone	19		9		28
Lipscomb	113,762				113,762
Live Oak	135	31			166
Llano	156				156
Lubbock	6,257	52			6,309
Lynn	6,105				6,105
McCulloch	13,234	160			13,394
McLennan	6,676	79			6,755
Martin	541	27			568
Mason	73				73
Maverick	165		2		167
Medina	258	7			265
Menard	925				925
Midland	15				15
Milam	179	10	48		237
Mills	2,269				2,269
Mitchell	8,755	90			8,845

TEXAS—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Montague	2,802	28			2,830
Moore	132,704				132,704
Motley	11,799	121			11,920
Navarro	311	46	70		427
Nolan	15,786	115			15,901
Ochiltree	238,193				238,193
Oldham	60,878	238			61,061
Palo Pinto	2,807	35			2,842
Parker	758	44			802
Parmer	116,885	1,050			117,935
Pecos	3				3
Potter	33,548				33,548
Presidio	28				28
Rains	0		17		17
Randall	141,476	80			141,556
Real	3				3
Red River	276	66	123		465
Reeves	29				29
Roberts	29,013				29,013
Rockwall	2,209	57	600		2,866
Runnels	37,098	473			37,571
San Saba	1,758				1,758
Schleicher	923	36			959
Scurry	12,234	66			12,300
Shackelford	16,792	74			16,866
Sherman	179,294	82			179,376
Somervell	69				69
Stephens	12,331	211			12,542
Sterling	329	279			608
Stonewall	21,087	45		17	21,149
Sutton	10				10
Swisher	127,289	648			127,937
Tarrant	2,502	100			2,602
Taylor	63,601				63,601
Terry	16,674	793			17,467
Throckmorton	29,292	53			29,345
Titus	6		6		12
Tom Green	1,867	32			1,899
Travis	130				130
Uvalde	258	5			263
Van Zandt	91		24		115
Victoria	42				42
Waller	32		5		37
Ward	24				24
Wharton	14		46		60
Wheeler	25,488	229			25,717
Wichita	59,255	31			59,286
Wilbarger	82,979	58			83,037
Williamson	1,906	84			1,990
Wilson	400				400
Wise	5,231				5,231
Yoakum	2,938	45			2,983
Young	47,047	414			47,461
Zavala	152	11			163
Reserve	4,403				4,403
Total	4,188,695	15,040	3,843	17	4,207,595

UTAH

Beaver	2,147				2,147
Box Elder	94,833			2,098	96,931
Cache	33,134			6	33,140
Carbon	1,515				1,515
Daggett	46				46
Davis	4,100				4,100
Duchesne	3,361				3,361
Emery	3,005				3,005
Garfield	1,499			12	1,511
Grand	626		26		652
Iron	6,775			105	6,880

UTAH—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Juab	20,830			225	21,055
Kane	1,353			22	1,375
Millard	29,294			349	29,643
Morgan	2,149				2,149
Piute	188				188
Rich	3,871				3,871
Salt Lake	19,168			357	19,525
San Juan	33,296			26	33,322
Sanpete	12,384			157	12,541
Sevier	3,005			2	3,007
Summit	1,336			28	1,364
Tooele	6,907			498	7,405
Uintah	3,604			18	3,622
Utah	17,577				17,577
Wasatch	284				284
Washington	6,974			54	7,028
Wayne	339				339
Weber	3,047				3,047
Reserve	690				690
Total	317,337		26	3,957	321,320

VIRGINIA

Accomac	523	3			526
Albemarle	2,076	12			2,088
Alleghany	184				184
Amelia	5,119	10			5,129
Amherst	1,996				1,996
Appomattox	5,474	14			5,488
Augusta	12,215	14			12,229
Bath	382				382
Bedford	6,633	5			6,638
Bland	1,243				1,243
Botetourt	1,906	3			1,909
Brunswick	3,353	4			3,357
Buchanan	16				16
Buckingham	4,854				4,854
Campbell	7,401				7,401
Caroline	5,053				5,053
Carroll	757		133		890
Charles City	2,483		208		2,691
Charlotte	4,350				4,350
Chesterfield	1,248		35		1,283
Clarke	4,038	19			4,057
Craig	612	3			615
Culpeper	2,541				2,541
Cumberland	3,212				3,212
Dickenson	1				1
Dinwiddie	2,091	11			2,102
Essex	5,648				5,648
Fairfax	1,937				1,937
Fauquier	6,811				6,811
Floyd	1,847				1,847
Fluvanna	1,898				1,898
Franklin	4,791				4,791
Frederick	5,063				5,063
Giles	568				568
Gloucester	795				795
Goochland	2,021				2,021
Grayson	746	8			754
Greene	1,517	24			1,541
Greensville	202	19			221
Halifax	7,328	10			7,338
Hampton	101		24		125
Hanover	6,300		86		6,386
Henrico	1,486		2		1,488
Henry	1,087				1,087
Highland	319				319
Isle of Wight	43	27			70
James City	840		146		1,036

VIRGINIA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
King and Queen	2,645		42		2,687
King George	2,294	5			2,299
King William	2,388	10	14		2,412
Lancaster	1,076		27		1,103
Lee	2,349				2,349
Loudoun	10,204	54			10,258
Louisa	3,822				3,822
Lunenburg	2,477	11			2,488
Madison	2,584	6			2,590
Mathews	283		9		292
Mecklenburg	5,405		743		6,148
Middlesex	1,417		36		1,453
Montgomery	1,512	6			1,518
Nansemond	364				364
Nelson	1,739				1,739
New Kent	1,301		112		1,413
Norfolk	1,666	8			1,674
Northampton	170		14		184
Northumberland	3,410				3,410
Nottoway	2,010	2			2,012
Orange	2,983	17			3,000
Page	4,000	10			4,010
Patrick	476				476
Pittsylvania	12,842	68			12,910
Powhatan	1,311				1,311
Prince Edward	5,064				5,064
Prince George	1,557	6			1,563
Prince William	2,341	17			2,358
Princess Anne	1,328				1,328
Pulaski	1,433	1			1,434
Rappahannock	980	37			1,017
Richmond	3,933				3,933
Roanoke	1,535				1,535
Rockbridge	4,012				4,012
Rockingham	12,653	6			12,659
Russell	3,024				3,024
Scott	2,180	10			2,190
Shenandoah	5,926				5,926
Smyth	2,396				2,396
Southampton	423	10			433
Spotsylvania	2,013				2,013
Stafford	1,304				1,304
Surry	444	9			453
Sussex	615	16			631
Tazewell	2,037	1			2,038
Warren	1,984				1,984
Warwick	21				21
Washington	5,883				5,883
Westmoreland	5,778	15			5,793
Wise	32				32
Wythe	4,382	11			4,393
York	173		60		233
Reserve	402				402
Total	275,740	522	1,691		277,953

WASHINGTON

Adams	274,175	518		2,214	276,907
Asotin	27,075			696	27,771
Benton	98,415	440		1,225	100,080
Chelan	4,793	46	115	56	5,010
Clallam	123				123
Clark	478	21			499
Columbia	68,490	27		395	68,912
Cowlitz	66				66
Douglas	169,989	20		4,082	174,091
Ferry	4,820	25		39	4,884
Franklin	106,262	273		254	106,789
Garfield	66,522			310	66,832
Grant	134,576	1,081		2,462	138,119
Grays Harbor	187		34		221
Island	1,277				1,277
Jefferson	75	18			93
King	1				1
Kitsap	1				1
Kittitas	8,626	13		8	8,647
Klickitat	52,505	38		190	52,733
Lewis	3,424	20	460		3,904
Lincoln	281,667	20		33	281,720
Mason	3		7		10
Okanogan	28,496			314	28,810
Pacific	6				6
Pend Oreille	1,083				1,083
Pierce	58	12	8		78
San Juan	338		3		341
Skagit	1,366		180		1,546
Skamania	14				14
Snohomish	201		28		229
Spokane	111,588	265		1,473	113,326
Stevens	18,483	178		164	18,825
Thurston	644				644
Wahkiakum	1				1
Walla Walla	176,360	122		1,711	178,193
Whatcom	407		63		470
Whitman	349,642			367	350,009
Yakima	26,076	375		112	26,563
Reserve	7,575				7,575
Total	2,025,888	3,512	898	16,105	2,046,403

WEST VIRGINIA

Barbour	278				278
Berkeley	4,564	52			4,616
Braxton	11				11
Brooke	398				398
Cabell	201				201
Calhoun	1				1
Doddridge	2				2
Fayette	92				92
Gilmer	2				2
Grant	1,499				1,499
Greenbrier	2,601	5			2,606
Hampshire	2,165	3			2,168
Hancock	411	2			413
Hardy	2,286	4			2,290
Harrison	35				35
Jackson	316				316
Jefferson	9,559	77			9,636
Kanawha	6				6
Lewis	29				29
Lincoln	27				27
Marion	32				32
Marshall	724				724
Mason	2,160				2,160
Mercer	392				392
Mineral	867	1			868
Monongalia	157				157
Monroe	3,333	18			3,351
Morgan	1,653	7			1,660
Nicholas	387				387
Ohio	376				376
Pendleton	2,306	20			2,326
Pleasants	24				24
Pocahontas	592	1			593
Preston	1,324				1,324
Putnam	630	12			642
Raleigh	85				85
Randolph	259				259

WEST VIRGINIA—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Ritchie	22				22
Roane	25				25
Summers	403				403
Taylor	62				62
Tucker	44				44
Tyler	94				94
Upshur	176				176
Wayne	100				100
Webster	16				16
Wetzel	62				62
Wirt	106				106
Wood	817				817
Wyoming	1				1
Reserve	1,022				1,022
Total	42,734	202			42,936

WISCONSIN

Adams	417				417
Ashland	55				55
Barron	231	1	11		243
Bayfield	249				249
Brown	303				303
Buffalo	1,003				1,003
Burnett	122				122
Calumet	684				684
Chippewa	170	1			171
Clark	471	5			476
Columbia	2,362	19			2,381
Crawford	294				294
Dane	2,035				2,035
Dodge	2,147	3			2,150
Door	1,394	10			1,404
Douglas	239				239
Dunn	360				360
Eau Claire	511	14			525
Florence	57				57
Fond du Lac	917				917
Forest	80				80
Grant	489	7			496
Green	264				264
Green Lake	1,025	2			1,027
Iowa	359				359
Iron	12				12
Jackson	666				666
Jefferson	1,253	4			1,257
Juneau	376	8			384
Kenosha	1,691		47		1,738
Kewaunee	1,001	9			1,010
La Crosse	367				367
Lafayette	288				288
Langlade	389	6			395
Lincoln	118	2			120
Manitowoc	1,059				1,059
Marathon	897				897
Marinette	569	4			573
Marquette	777	2			779
Milwaukee	1,203		67		1,270
Monroe	252				252
Oconto	575				575
Oneida	57				57
Outagamie	482				482
Ozaukee	945				945
Pepin	1,061				1,061
Pierce	3,056	6			3,062
Polk	451				451
Portage	752				752
Price	42				42
Racine	4,164	4	553		4,721
Richland	247				247

WISCONSIN—Continued

County	Acreage apportioned to counties from State allotment		Acreage allotted		Total
	For old farms	For new farms	From national reserve	By Public Law 690 for fallow farms	
Rock	1,725	16			1,741
Rusk	77		15		92
St. Croix	1,062	11			1,073
Sauk	1,927				1,927
Sawyer	6		1		7
Shawano	620	1			621
Sheboygan	704	3			707
Taylor	117				117
Trempealeau	1,134	5			1,139
Vernon	168				168
Vilas	6				6
Walworth	996				996
Washburn	103				103
Washington	1,407				1,407
Waukesha	2,066				2,066
Waupaca	366				366
Waushara	632				632
Winnebago	835				835
Wood	200				200
Reserve	1,237				1,237
Total	54,376	143	604		55,213

WYOMING

Albany	800	445			1,245
Big Horn	1,944				1,944
Campbell	29,396			1,080	30,476
Carbon	10,513	68	1,184	295	12,060
Converse	5,678		266	326	6,270
Crook	26,158	148		382	26,688
Fremont	4,055				4,055
Goshen	56,802			1,953	58,755
Hot Springs	335				335
Johnson	6,546			77	6,623
Laramie	66,594	13		3,759	70,366
Lincoln	4,104	30			4,134
Natrona	388	5			393
Niobrara	9,106		239	132	9,477
Park	3,312	144			3,456
Platte	38,582			1,255	39,837
Sheridan	14,100			11	14,111
Sublette	21				21
Sweetwater	44				44
Teton	649				649
Uinta	228				228
Washakie	256	6			262
Weston	8,708			199	8,907
Reserve	352				352
Total	288,671	859	1,689	9,469	300,688
Total, commercial States	54,690,631	72,457	139,900	130,551	55,033,539
Total, noncommercial States (not apportioned)	71,912				71,912
National reserve (not apportioned)			25,100		25,100
Total United States	54,762,543	72,457	165,000	130,551	55,130,551

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply sec. 334, 52 Stat. 54, 67 Stat. 151; 7 U. S. C. 1334)

Done at Washington, D. C., this 10th day of October 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-8312; Filed, Oct. 18, 1955; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Avocado Order 10, Amdt. 1]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

MATURITY REGULATION

a. *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 20 F. R. 4177), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of avocados grown in South Florida.

b. It is, therefore, ordered as follows: The provisions set forth in Table II of paragraph (b) of § 969.310 (Avocado Order 10, 20 F. R. 6699) as pertains to the Hickson, Collinson, Hall, Herman, and Winslowson varieties are hereby amended to read as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Hickson	Oct. 17, 1955	14 oz. 3 4/16 in.	Oct. 31, 1955	10 oz. 2 13/16 in.	Nov. 14, 1955	9 oz. 2 13/16 in.	Dec. 5, 1955
Collinson	Oct. 17, 1955	16 oz. 3 13/16 in.	Oct. 31, 1955	14 oz. 3 8/16 in.	Nov. 14, 1955	10 oz. 3 3/16 in.	Dec. 5, 1955
Hall	Oct. 24, 1955	18 oz. 3 5/16 in.	Nov. 7, 1955	16 oz. 3 5/16 in.	Nov. 21, 1955	14 oz. 3 5/16 in.	Dec. 19, 1955
Herman	Oct. 31, 1955	16 oz. 3 9/16 in.	Nov. 14, 1955	14 oz. 3 7/16 in.	Nov. 28, 1955	10 oz. 3 3/16 in.	Dec. 19, 1955
Winslowson	Oct. 31, 1955	18 oz. 3 13/16 in.	Nov. 7, 1955	16 oz. 3 13/16 in.	Dec. 5, 1955	10 oz. 3 5/16 in.	Dec. 26, 1955

c. Effective time: The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., October 17, 1955.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 14, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8471; Filed, Oct. 18, 1955; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS' CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.0, the headnote and paragraph (c) are amended to read as follows:

§ 3.0 *World Wars I and II and service on or after June 27, 1950, and prior to February 1, 1955.* • • •

(c) Under the provisions of Public Law 28, 82d Congress, active service on or after June 27, 1950, and prior to February 1, 1955, entitles to compensation and pension on a parity with World War II service. Accordingly, all provisions of Veterans Administration Regulations applicable to World War II veterans for such benefits are equally applicable to veterans who served during this period. However, no payment under this act may be made prior to May 11, 1951.

2. In § 3.1, paragraph (e) is amended to read as follows:

§ 3.1 *Persons included in the acts in addition to commissioned officers and enlisted men.* • • •

(e) *Commissioned officers, Public Health Service.* Officers of the Public Health Service who were detailed for duty with the Army or Navy are included as officers in the active service. On or after November 11, 1943, commissioned officers of the Public Health Service, regular and reserve, who (1) are detailed for duty with the Army, Navy, or Coast Guard; (2) are serving in time of war outside the continental limits of the United States or in Alaska, regardless of whether the disability or death was suffered prior or subsequent to November 11, 1943: *Provided, however,* That benefits may not be awarded for any period prior to November 11, 1943; or (3) perform active service in time of war and following the issuance of an Executive order declaring the commissioned corps of the Public Health Service a part of the military forces of the United States are also included. In regard to subparagraph (3) of this paragraph, the Executive order was published on June 29, 1945, effective July 29, 1945. Hence, on and after the latter date and to and including July 3, 1952, the above-described commissioned officers of the Public Health Service, with respect to active service performed, shall be considered as in active military or naval service and included within the acts administered by the Veterans Administration: *Provided, however,* That if disability was incurred after July 25, 1947, and prior to May 11, 1951, the rates payable and criteria are those provided by Part II, Veterans Regulation 1 (a), as amended (38 U. S. C. ch 12A). On and after May 11, 1951, the rates payable and criteria are those provided by Part I, Veterans Regulation 1 (a), as amended, including those who incurred disability after June 26, 1950. Commissioned officers of the Public Health Service retired for any cause during the period from July 29, 1945, to July 3, 1952, inclusive, are in the same category as retired officers of the Armed Forces with respect to benefits payable under the laws administered by the Veterans Administration and are therefore subject to the provisions of § 3.300.

• • • • • •

3. In § 3.59, paragraph (b) is amended to read as follows:

§ 3.59 *Active service under Public Law 2, 73d Congress.* • • •

(b) Service for 90 days or more, required by paragraph I (c), Part I, and service for 6 months or more, required by paragraph I (b), Part II, Veterans Regulation 1 (a) (38 U. S. C. ch. 12A), will mean continuous, active service, as defined in paragraph (a) of this section; during one or more enlistment periods. For the purpose of Part I, Veterans Regulation 1 (a), as amended, such active service must have been during an enlistment or enlistments shown to have begun prior to the termination of a service period specified by Part I, Veterans Regulation 1 (a), as amended by Public Law 239, 84th Congress. The service requirements in claims for pension for disabilities not the result of service are defined in paragraph I (d), Part III, Veterans Regulation 1 (a), and paragraph 3, Veterans Regulation 1 (c), as modified by Public Law 344, 74th Congress. Under Public Law 239, 84th Congress, the service requirements are continuous service extending into or commencing during the period between June 27, 1950, and January 31, 1955, inclusive. A veteran in active service on April 6, 1917, December 7, 1941, or June 27, 1950, who was discharged therefrom without serving 90 days during World War I, World War II, or the Korean conflict, respectively, will be given, if otherwise in order, the benefit of the provisions of paragraph I (c), Part I, Veterans Regulation 1 (a), if he had 90 days' continuous service.

• • • • • •

4. Section 3.60 is revised to read as follows:

§ 3.60 *Active service requirements of Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12A).* Where the military service extended into or beyond the period of hostilities, there must be 90 days' continuous service so extending or a discharge prior to service of 90 days on account of disability incurred in or aggravated by service in line of duty without benefit of presumptive provisions of the law or regulations in order to meet the requirements of Part III, Veterans Regulation 1 (a), as amended, but the requirements of active service for a total of 90 days or more during one of the enumerated wars or during the Korean conflict can be composed of two or more periods of service, if all such periods are within the war period. Service is exclusive of the furloughs enumerated in § 3.59, time under arrest, in the absence of acquittal, time for which the soldier or sailor was determined to have forfeited pay by reason of absence without leave, and time spent in desertion or while undergoing sentence of court-martial. Time in a hospital, on sick furlough, or as a prisoner by the enemy is included.

(Part III, Vet. Reg. 1 (a); 38 U. S. C. ch. 12A)

5. In § 3.62, the introduction and paragraph (b) are amended and paragraph (c) is revoked:

§ 3.62 *Eligibility of persons discharged to accept a commission or to change status.* The discharge of a service person to accept appointment as a commissioned or warrant officer, or from a reserve or regular commission to accept a commission in the other component, or to reenlist, prior to the date set forth in paragraph (a) or (b) of this section whichever is applicable, is a qualified and conditional discharge and does not constitute a termination of the person's war service for compensation and pension purposes. The entire service in such case constitutes one period of service, and the conditions of final termination of active service will govern and determine basic eligibility to compensation or pension.

• • • • • •

(b) World War II and Korean conflict—Prior to the date the service person was eligible for discharge from war or Korean conflict service, under the point or length of service system, or under any other criteria in effect. The foregoing principles are applicable to service in the regular establishment whenever a conditional discharge is involved.

(c) [Revoked.]

6. In § 3.63, paragraph (c) is amended to read as follows:

§ 3.63 *Service-connection, sound condition at the time of entrance into service, aggravation, and natural progress, under Public Law 2, 73d Congress, as amended, Part I and Part II, Veterans Regulation 1 (a) (38 U. S. C. ch. 12A).* • • •

(c) Ninety days or more service is not necessary under paragraph I (b), Part I, Veterans Regulation 1 (a), as amended, and the provisions thereof are applicable to all service as defined in paragraph I (a), as amended by Public Law 239, 84th Congress.

• • • • • •

7. In § 3.67, paragraph (c) (1) is amended to read as follows:

§ 3.67 *Disability of veteran (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in war (Public Laws 359, 77th Congress, 868, 80th Congress).* • • •

(c) • • •

(1) Service under conditions simulating war is extra hazardous, and other service will be considered extra hazardous if (i) performed under conditions recognized as exceptionally dangerous or (ii) involving risks beyond those ordinarily encountered in routine peacetime duties. Examples of service recognized as falling within the first category, as being exceptionally dangerous, include the following: While actually engaged in performance of service duty in aircraft, submarine operations (including duty at a submarine escape training tank, when such duty involves participation in the training), parachute jumping, intimate contact with persons afflicted with leprosy, as low-pressure chamber inside observer, as human acceleration or deceleration experimental subject, or diving operations; or dangerous testing operations of instrumentalities of war in differentiation from service involving their routine peacetime use. Every injury or disease resulting directly from or aggravated by these operations, from preparation for flight to the final landing, as of an airplane, or from the casting off to the final berthing, as of a submarine, is considered as incurred in extra hazardous service. Servicing the aircraft while the propeller revolves or loading or unloading explosives from aircraft is considered extra hazardous. During a postwar period pending approval of treaty of peace or other final termination of a technical state of war, service passengers on service airplanes are considered as performing extra hazardous service where their presence on an airplane was required by service orders. Testing or demonstrating explosives and demolition work with explosives are considered extra hazardous. This refers to experimental testing as in developing new weapons, testing of untried equipment upon ordnance proving grounds, or other work not ordinarily included in routine duties. It does not apply to cases as routine demonstrating of ordnance equipment in connection with routine peacetime military duty. Other examples are duty on convoy or patrol vessels and while manning guns on merchant vessels. Service falling within the second category, as involving risks beyond those ordinarily encountered in routine peacetime duties, includes among others the following: Under climatic or other conditions which subject the person to excessively high or low temperatures and predispose to disease, or upon exposure to any conditions which he would not customarily or ordinarily be called upon to endure in ordinary peacetime service. Individual actions incident to performance of service duties of exceptional risk or danger, as extinguishing a serious fire or conflagration, serving where explosives are stored in quantity, rescues at sea, from drowning, or from burning buildings, may be considered extra hazardous, if the element of risk or danger above and beyond the routine of the service is clearly apparent. It is particularly to be noted that accidents with firearms or other instrumentalities of war on land or sea, unless directly traceable to the performance of duties incident to extra hazardous service as above outlined, are considered as involving only the routine risk or danger of the soldier or sailor.

• • • • • •

8. In § 3.77, paragraph (a) is amended to read as follows:

§ 3.77 *Direct and presumptive service-connection.* (a) Under Public Law 2 and Public Law 141, 73d Congress and Public Law 239, 84th Congress, the payment of disability compensation or pension is authorized in cases where it is established that disabilities are shown to have been directly incurred in, or aggravated by, active military or naval service within the dates prescribed under each act and under Public Law 344, 74th Congress, provided that such incurrence or aggravation is not the result of the willful misconduct of the veteran. Under Public Law 141, 73d Congress, disability compensation is also authorized for disabilities presumptively service-connected under the conditions hereinafter specified. Under Public Law 2, 73d Congress, disability pension is payable for disabilities directly incurred in or aggravated in line of duty in active peacetime service during an enlistment on and after April 21, 1898. Under Public Law 196, 76th Congress (July 19, 1939), any World War veteran suffering from paralysis, paresis, or blindness, or who is helpless or bedridden, as the result of any disability and who was in receipt of compensation therefor on March 19, 1933, may be restored to the compensation roll on or after July 19, 1939, where such disability was incurred in service directly or presumptively under the laws and interpretations covering this class of cases prior to March 20, 1933, if otherwise entitled, notwithstanding such disability is considered to have been incurred as the result of the willful misconduct of the veteran. On or after October 17, 1940, under section 7, Public Law 866, 76th Congress (October 17, 1940), any World War veteran, if otherwise entitled, may be paid disability compensation for such disability, found to have been incurred in service, directly or presumptively under the laws and interpretations covering this class of cases prior to March 20, 1933, although he was not on the rolls as of March 19, 1933.

• • • • • •

9. In § 3.80, paragraph (a) is amended to read as follows:

§ 3.80 *Service-connection for chronic or tropical diseases.* (a) Under paragraph I (c), Part I, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), a chronic or tropical disease becoming manifest to a degree of 10 percent or more within 1 year (within 2 years as to multiple sclerosis or within 3 years as to tuberculosis) from the date of separation from active wartime service or service within the purview of Public Law 239, 84th Congress, or within 1 year or 2 years as to multiple sclerosis or 3 years as to tuberculosis after the date prior to which a disability must have been incurred as provided in Veterans Regulation 1 (a), as amended by Public Law 239, 84th Congress, whichever is the earlier, will be

considered as having been incurred in service when the conditions specified in paragraph I (c), Part I, Veterans Regulation 1 (a), as amended, are met. Service incurrence will be established under paragraph I (a), Part I, Veterans Regulation 1 (a), as amended, for any of the tropical diseases listed in § 3.86 (b), when shown to exist at a time when standard and accepted treatises indicate that the incubation period of the diseases commenced during active service. Under paragraph I (d), Part II, Veterans Regulation 1 (a), as amended, a tropical disease becoming manifest to a degree of 10 percent or more within 1 year from date of separation from service or at a time when standard accepted treatises indicate that the incubation period thereof commenced during active service will be considered as having been incurred in service, when the conditions specified in paragraph I (d), Part II, Veterans Regulation 1 (a), as amended, are met. The factual basis may be established by medical evidence, competent lay evidence, or both. Medical evidence should set forth the physical findings and symptomatology elicited by examination within the 1-year (2-year as to multiple sclerosis or 3-year as to tuberculosis) period; and lay evidence should not merely contain conclusions based upon opinion but describe the material and relevant facts as to the veteran's disability observed during such period. Where there is affirmative evidence to show that a chronic disorder is due to an intercurrent disease or injury suffered between the date of separation from active service and the onset of the chronic disorder, service-connection under this section will not be accorded. When service-connection is established, subsequent manifestations of the same chronic disease, unless clearly attributable to intercurrent causes, at no matter how remote a date, are service-connected. This rule does not mean that any manifestation of joint pain, any abnormality of heart action or heart sounds, any urinary findings of casts, or any cough, in service, will permit service-connection of arthritis, disease of the heart, nephritis, or pulmonary disease, first shown as a clear-cut clinical entity at some later date. For the showing of chronic disease in service, there is required a combination of manifestations sufficient to identify the disease entity and sufficient observation to establish chronicity at the time, not merely isolated findings or diagnosis including the word "chronic." When the etiological identity is perfect, as leprosy, tuberculosis, syphilis, etc., there is no requirement of evidentiary showing of continuity. Continuity of symptomatology is required only where the condition noted during service is not in fact shown to be chronic or where the diagnosis of chronicity may be legitimately questioned. When the fact of chronicity during service is not, in the opinion of the adjudicating agency, adequately supported, then there may be reason to require some showing of continuity after discharge to support the claim. Hospital confirmation of such diagnoses made after discharge from service is not routinely required. However, the veteran may well be held at the regional office, hospital, or center for recheck on the following day, particularly for recheck of blood pressure, urinalysis, and further laboratory procedures, if in order. When hospitalization is required, it should not be longer than absolutely necessary for confirmation of the diagnosis.

* * * * * *

10. Section 3.104 is revised to read as follows:

§ 3.104 *Required period of service.* Compensation may be awarded for a dental condition under Part I, Veterans Regulation 1 (a) (38 U. S. C. ch. 12A), and Title III, Public Law 141, 73d Congress, where active service was performed on or after April 6, 1917, and prior to November 12, 1918, or prior to April 2, 1920, for persons who served with the United States military forces in Russia, or on or after November 12, 1918, and before July 2, 1921, where there was prior service between April 6, 1917, and November 11, 1918, or (under Veterans Regulation 1 (a) only) where active service was performed in the Spanish-American War, Boxer Rebellion, Philippine Insurrection, World War II, or Korean conflict, as defined by §§ 3.0 (a), (b) and (c), 3.1000 (a), 3.1001 (a), 3.1002 (a) and 3.1017. For the purposes of Veterans Regulation 1 (a), the veteran must have been discharged under conditions other than dishonorable, and under Public Law 141, 73d Congress, not dishonorably discharged, and the disability must have been incurred in or aggravated by active service during the defined periods and not due to willful misconduct. However, where incurrence of the disability is shown prior to the beginning date of the war concerned or Korean conflict or where the enlistment commenced subsequent to the termination thereof, service-connection may be established only in accordance with Part II, Veterans Regulation 1 (a).

(Sec. 200, 43 Stat. 615, as amended, sec. 5, 50 Stat. 661, Part I, Vet. Reg. 1 (a), as amended; 38 U. S. C. 424a, 471, ch. 12A)

11. In § 3.141, paragraph (b) is amended to read as follows:

§ 3.141 *Use of 1925 and 1945 Rating Schedules.* * * *

(b) Ratings under the Schedule of Disability Ratings, 1925, in effect April 1, 1946, will be continued in the absence of change in the physical or mental condition of the veteran: *Provided*, That if there is increase in the severity of the condition, the rating in effect on April 1, 1946, under the 1925 Schedule will not be reduced and that statutory awards and ratings under the World War Veterans' Act, 1924, as amended, reenacted by Public No. 141, 73d Congress, will be granted or continued. The change in physical or mental condition referred to above contemplates only a permanent or indefinite change as distinguished from a mere temporary change and does not include exacerbation of service-connected organic disease or injury covered by paragraph 1, Extension 2-A of the Schedule for Rating Disabilities, 1945 Edition. Accordingly, where the veteran's service-connected disability is the same when hospitalization is completed as it was when last rated under the Schedule of Disability Ratings, 1925, the rating and award in effect on March 31, 1946, is protected under section 2, Public Law 458, 79th Congress. Where, upon completion of hospitalization, due to an exacerbation of the veteran's service-connected disability, said disability is permanently greater but the evaluation provided by the 1945 Schedule is less than the prior evaluation under the 1925 Schedule, the former rating is likewise protected.

12. In § 3.148, paragraph (d) is amended, former paragraph (e) is redesignated paragraph (f), and a new paragraph (e) is added, so that the amended and redesignated material reads as follows:

§ 3.148 *Effective dates of evaluations, 1945 Schedule, in original ratings.* * * *

(d) When service-connection, World War II, is granted under paragraph I (c), Part I, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), the effective date of evaluation of disability will be determined as above outlined. When claim is filed more than a year from date of discharge or (where service began prior to January 1, 1947, and extended thereafter) July 25, 1947, 2 years as to multiple sclerosis, or 3 years as to tuberculosis, whichever is the earlier, notation will be made of the items of evidence showing the existence of the disease within the 1-year, 2-year, or 3-year periods or showing minimal, moderately advanced, or far advanced active pulmonary tuberculosis within the 42-month, 45-month, or 48-month periods, respectively.

(e) When service connection, Korean conflict, is granted under paragraph I (c), Part 1, Veterans Regulation 1 (a), as amended, the effective date of evaluation of disability will be determined as above outlined. When claim is filed more than a year from date of discharge or January 31, 1955, or 2 years as to multiple sclerosis, or 3 years as to tuberculosis, whichever is the earlier, notation will be made showing the existence of the disease within the 1-year, 2-year, or 3-year periods or showing minimal, moderately advanced, or far advanced active pulmonary tuberculosis within the 42-month, 45-month, or 48-month periods, respectively.

(f) Where a reopened claim under section 5, Public Law 339, 81st Congress, is filed within 1 year from the date of the veteran's separation from service, evaluation will be from the date following date of discharge or October 10, 1949, whichever is the later. If such claim is not filed within a year from date of separation from service, evaluation will be from the date of claim. For the period from October 10, 1949, to November 30, 1949, the rates of compensation will be those in effect prior to the enactment of Public Law 339, 81st Congress.

13. In § 3.245, the introduction and paragraph (a) are amended to read as follows:

§ 3.245 *Rates of pay for disability or death the result of training, hospitalization, or medical or surgical treatment under section 31, Public Law 141, 73d Congress, examination under section 12, Public Law 866, 76th Congress, and paragraph 4, Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A).* Where the disease, injury, death, or the aggravation of an existing disease or injury resulted from submitting to an examination under authority of any of the laws granting monetary or other benefits to World War veterans, or from training, hospitalization, or medical or surgical treatment awarded under any of the laws granting monetary or other benefits to World War veterans (World War I, World War II and Korean conflict), the compensation to be awarded will be determined as follows:

(a) *World War and Korean conflict service.* In claims of veterans with World War I or II or Korean conflict service as defined in Public Law 2, as amended, Public Law 141, 73d Congress, Public Law 344, 74th Congress, or Public Law 304, 75th Congress, or Public Law 239, 84th Congress (see § 3.0 (c)), and regulations and instructions issued pursuant thereto, the compensation to be awarded will be in accordance with the rates provided in the Veterans Regulation 1 series, Part I, and the Schedule for Rating Disabilities, 1945.

* * * * * *

14. In § 3.296, paragraph (c) is amended to read as follows:

§ 3.296 *Concurrent payment of benefits to same person.* * * *

(c) Under the laws administered by the Veterans Administration there is no bar against the receipt of disability compensation concurrently with retirement pay by an officer of the commissioned corps of the Public Health Service who was retired for any cause other than disability incurred while he is deemed to have been in the active military service. (See § 3.1 (e).) If any officer of the commissioned corps of the Public Health Service, who was retired at a time when said corps was not a military service, should be recalled to active duty at a time when the corps is a military service. His pay while on such active duty would be "active service" pay within the meaning of paragraph (a) of this section, and during such active service said officer would not be entitled to receive compensation or pension under the laws administered by the Veterans Administration. But, so long as such officer is not recalled to active duty, his right to receive compensation or pension would not be affected by the fact that the active commissioned corps had become a military service. Regarding concurrent payments of disability compensation, pension, or retired pay and pay from the service departments, see § 3.299.

* * * * * *

15. Section 3.299 is revised to read as follows:

§ 3.299 *Action where veteran returns to extended or other active duty status.* Compensation or pension may not be paid concurrently with the receipt of active service pay and where any person in receipt of compensation or pension returns to active duty status with any of the Armed Forces of the United States, or active service in the United States Coast Guard, benefits will be suspended, effective the day preceding reentrance, if known, or the date of last payment. In the latter instance, the correct date on which the veteran reentered active duty status will be ascertained and a corrected VA Form VB 8–521, Payment Notice (Stop—Suspend—Resume), or amended award then executed as of the correct date. Time spent by members of the ROTC in drills as a part of their activities as members of the corps is not active duty. On and after October 29, 1949, veterans who are Reserve members of the Armed Forces may waive or relinquish their pension, compensation, or retirement pay for periods of field training, instruction, other duty or drill. A waiver is not acceptable if it covers any period prior to October 29, 1949. However, a valid waiver may include prospective periods and contain a right of recoupment for the days which the reservist did not receive payment for Reserve duty training by reason of failure to report for duty. Official information showing the date upon which the veteran actually reentered and terminated active duty will be secured. Payments may be resumed the day following release from active duty, provided the person is otherwise entitled. The determination of service-connection upon which the award of benefits was originally made will not be disturbed. The resumption of payment of compensation as to amount will be at a rate commensurate with the degree of disability found to exist at the time of restoration of the award. Information will be obtained from the service department, and the claim will be adjudicated upon a basis including the pertinent facts in the most recent period of active service. If a disability is incurred or aggravated in the second period of service, the benefits payable on account thereof cannot be paid unless a claim therefor is filed. (See § 3.27.)

(Par. XIII, Vet. Reg. 10, as amended, sec. 610, 63 Stat. 1019; 38 U. S. C. ch. 12A)

16. In § 3.310, the introduction is amended to read as follows:

§ 3.310 *Apportionments authorized.* Disability pension, disability compensation (including additional compensation for dependents provided by Public Law 877, 80th Congress, as amended by sec. 4, Public Law 339, 81st Congress), emergency officers' retirement pay, and on and after October 17, 1940, service pension and pension for service prior to April 21, 1898, amounting to more than the monthly equivalent payable for 20-percent service-connected disability, will be apportioned according to the table provided in § 3.311, except where otherwise authorized or provided in this section.

* * * * * *

17. In § 3.312, paragraphs (e) and (g) are amended to read as follows:

§ 3.312 *Apportionment not authorized.* * * *

(e) Under § 3.310, where the amount payable is not in excess of the monetary equivalent payable for a 20-percent service-connected disability.

* * * * * *

(g) Of the additional amount authorized by the last paragraph of section 202 (3) or section 202 (5), World War Veterans' Act, 1924, as amended, or the additional amount payable under paragraph II (k), Part I, Veterans Regulation 1 (a), as amended, or the corresponding peacetime rate; or in those cases where an amount in excess of that provided for total disability is payable, of any amount in excess of the rate prescribed for total disability.

* * * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective October 19, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55–8465; Filed, Oct. 18, 1955; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 201]

FEDERAL SEED ACT REGULATIONS

NOTICE OF ADDITIONAL HEARING ON PROPOSED AMENDMENTS

On May 27, 1955, there was published in the FEDERAL REGISTER (20 F. R. 3745) a notice of hearings and notice of rule making with respect to certain proposed amendments of the regulations under the Federal Seed Act.

It appears desirable to hold an additional hearing and to give further consideration to the proposed amendments of §§ 201.34 (d), (e), 201.36b, 201.22, and 201.31, referred to, respectively, in proposals 10, 11, 40, and 41, as set forth in said notice. A hearing for this purpose will be held on December 9, 1955, at 9:30 a. m. in Room 302, Federal Office Building, 912 Walnut Street, Kansas City, Missouri. Any interested person who wishes to present his views concerning the aforesaid proposed amendments of the regulations may do so at the hearing or by mailing a written statement of his views to the Seed Branch, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C. Consideration will be given to written statements received not later than January 31, 1956.

Mr. W. A. Davidson, Seed Branch, Grain Division, Agricultural Marketing Service, is designated as the presiding

officer and Mr. Stanley Rollin, Seed Branch, Grain Division, Agricultural Marketing Service, will serve as his alternate at the hearing.

Done at Washington, D. C., this 13th day of October 1955.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 55-8447; Filed, Oct. 18, 1955; 8:47 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 6]

CIVIL AIRCRAFT LANDING REQUIREMENTS; PLACE OF LANDING; EXPENSES OF INSPECTION

NOTICE OF PROPOSED RULE MAKING

Section 6.2 (a), Customs Regulations (19 CFR 6.2 (a)), provides that, when permission is granted to land an aircraft elsewhere than at an international airport, the owner, operator, or person in charge of the aircraft shall pay the additional expenses, if any, incurred in inspecting the aircraft, passengers, employees, and merchandise, including baggage, carried therein, except that when such permission is granted to a scheduled airline to land aircraft operating on a schedule, no inspection charge shall be made except for overtime service performed by customs officers.

It is believed that, in connection with the granting of landing rights elsewhere than at an international airport, a scheduled airline operating aircraft on a schedule should have the same obligation to pay the additional expenses of inspection as do owners, operators, or persons in charge of aircraft not operating on a schedule.

In addition, to avoid misunderstanding, it is believed desirable to make it clear that suitable space and facilities for official customs purposes, as deemed necessary by the collector of customs, are to be furnished without cost to the Government where landing rights are granted either to scheduled or nonscheduled airlines. The furnishing of such space and facilities must be a condition precedent to the granting of permission to land elsewhere than at an international airport.

Therefore, notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that it is proposed, under the authority contained in 49 U. S. C. 177 (b) and (c) and 19 U. S. C. 1644, to amend § 6.2 (a), supra, by deleting the last sentence thereof, and by inserting after the second sentence the following: "Permission to land at a place other than an international airport shall not be granted unless there are provided at such place of landing, without cost to the Government, suitable office and other space and any other facilities which may be required for official customs purposes, as determined by the collector of customs for the district in which the intended place of landing is located."

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY, *Commissioner of Customs.*

Approved: October 11, 1955.

DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 55-8461; Filed, Oct. 18, 1955; 8:49 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 302]

[File No. 205-4]

FLAMMABLE FABRICS ACT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given all interested parties that the Federal Trade Commission will on November 4, 1955, at 10:00 o'clock a. m., e. s. t., at its offices in the City of Washington, District of Columbia, give consideration to an amendment of Rule 7 (a) (2) and (3) of the Regulations under the Flammable Fabrics Act (§ 302.7 (a) (2) and (3)). These subsections deal with the class testing of plain surface textile fabrics weighing less than two ounces per square yard and certain raised surface textile fabrics.

Interested parties may participate by submitting in writing on or before such date their views, arguments or other pertinent data.

Such action is taken pursuant to the authority given the Federal Trade Commission under Section 5 (c) of the Flammable Fabrics Act (67 Stat. 111) "To prescribe such rules and regulations as may be necessary and proper for purposes of administration and enforcement of this Act".

1a. The matter to be considered is an amendment of § 302.7 (a) (2) (Rule 7 (a) (2) of the Regulations under the Flammable Fabrics Act) by striking out subdivisions (i) and (ii) of such section and by adding a new subdivision to read:

(i) (*a*) When, on the initial test of any plain surface textile fabric weighing less than two ounces per square yard, such fabric exhibits a burning time of 3½ seconds or more, such test may suffice for any fabric of the same fiber composition, construction and finish type. This class of fabric shall be tested at least once at intervals of not more than three months thereafter while in production.

(*b*) If, after four consecutive interval production tests have been made, none of such test results show the flame spread to have been less than 4½ seconds, no further tests of such class of fabric need be made.

b. Subdivisions (iii) and (iv) to be renumbered (ii) and (iii), respectively.

2. Section 302.7 (a) (3) (Rule 7 (a) (3)) to be amended by adding a new subdivision, to read:

(iii) When, on the initial test of any raised surface textile fabric which has a surface composed of looped yarns, such fabric exhibits a burning time in excess of 12 seconds, such test may suffice for any such fabric having the same looped yarns and of the same fiber composition, construction and finish type. An example of the type of fabric referred to is "terry cloth".

Issued: October 14, 1955.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-8449; Filed, Oct. 18, 1955; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[342.5]

ITEMS IMPORTED FOR USE WITH TOY RUBBER BUILDING BLOCKS OR BRICKS, AND CONSTRUCTION SETS COMPOSED OF SUCH COMBINATIONS

NOTICE OF PROSPECTIVE CLASSIFICATION

OCTOBER 13, 1955.

It appears probable that a correct interpretation of paragraph 1513, Tariff Act of 1930, as modified, requires that such items as roofs, tiles, universal pins, and base plates, imported for use with toy rubber building blocks or bricks, and construction sets composed of such combinations, be classified under the provision for parts of toys, not specially provided for, with duty according to component material of chief value, or the provision for toys, not specially provided for, with duty at the rate of 35 percent ad valorem, respectively. Under an established and uniform practice such articles now are classified under the provision in that paragraph for building blocks or bricks valued 8 cents or more per pound with duty at the rate of 25 percent ad valorem.

Pursuant to section 16.10a (d) of the Customs Regulations notice is hereby given that the existing uniform practice of classifying such merchandise under paragraph 1513 is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D. C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] RALPH KELLY, *Commissioner of Customs.*

[F. R. Doc. 55-8462; Filed, Oct. 18, 1955; 8:49 a. m.]

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS BY THE GOVERNMENT OF HONG KONG

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodities:

Embroidered boxes.
Mullet, canned.
Sandalwood manufacturers.
Semi-precious stones and semi-precious stones jewelry (certain stones only).
Straw manufactures.

[SEAL] EDWIN F. RAINS, *Acting Director, Foreign Assets Control.*

[F. R. Doc. 55-8463; Filed, Oct. 18, 1955; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

SUGAR BEETS IN CALIFORNIA, SOUTHWESTERN ARIZONA, SOUTHERN OREGON, AND WESTERN NEVADA

NOTICE OF HEARING ON WAGES AND PRICES AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held as follows:

At Berkeley, California, in the Assembly Room in the basement of the Farm Credit Administration Building, 2180 Milvia Street, on November 10, 1955, at 10:00 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets in California, southwestern Arizona, western Nevada, and southern Oregon, during the crop year 1956 on farms with respect to which applications for payments under the said act are made, and (2) pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1956 crop of sugar beets in California, southwestern Arizona, western Nevada, and southern Oregon, to be paid, under either purchase or toll agreements by producers who process sugar beets grown by other producers and who apply for payments under the said act.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to the foregoing matters.

A. A. Greenwood and Ward S. Stevenson are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 14th day of October 1955.

[SEAL] THOS. H. ALLEN, *Acting Director, Sugar Division.*

[F. R. Doc. 55-8473; Filed, Oct. 18, 1955; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7384; Order No. E-9660]

MOHAWK AIRLINES, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE[1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 14th day of October 1955.

In the matter of the application of Mohawk Airlines, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 94.

Mohawk Airlines, Inc. (Mohawk), on September 9, 1955, filed an application pursuant to section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, (the act), requesting the Board to issue Mohawk a certificate of public convenience and necessity of unlimited duration for route No. 94 authorizing air transportation of persons, property and mail between certain named points.

Section 401 (e) (3) of the act (effective May 19, 1955), provides: "If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1953, to the date of its application, it or its predecessor in interest, was an air carrier furnishing, within the continental limits of the Unted States, local or feeder service consisting of the carriage of persons, property, and mail, under a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which the applicant or its predecessors in interest have no control) the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during the period since its last certification has been inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation between the terminal and intermediate points within the continental limits of the United States between which it, or its predecessor, so continuously operated between the date of enactment of this paragraph and the date of its application: *Provided*, That the Board in issuing the certificate is empowered to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points it finds have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification at such time."

Mohawk alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Mohawk in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Mohawk further alleges in its application that it has continuously operated as an air carrier furnishing local or feeder air transportation of persons, property and mail within the continental limits of the United States during the period January 1, 1953, to the date of its application under a temporary certificate of public convenience and necessity for route No. 94 issued by the Board, except as to interruptions of service over which it had no control. The various schedules and reports required to be filed with the Board by local service carriers indicate that Mohawk has so continuously operated since January 1, 1953.

Section 401 (e) (3) of the act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Mohawk that the service rendered by Mohawk during the period since its last certification has not been inadequate or inefficient. The carrier in its application for such certificate filed September 9, 1955, alleges its service rendered during the aforesaid period has been adequate and efficient. The Board during the said period has received no complaints from the public relating to the overall service provided by this carrier. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during the period from June 24, 1952, the date of Mohawk's last certificate for route No. 94, to the present has been inadequate or inefficient within the meaning of section 401 (e) (3) of the act.

Mohawk further alleges in its application that it has from the date of enactment of section 401 (e) (3) (May 19, 1955) to the date of its application, continuously served the following terminal and intermediate points:

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

New York, N. Y.-Newark, N. J.	Niagara Falls, N. Y.
Binghamton-Endicott-Johnson City, N. Y.	Utica-Rome, N. Y.
Elmira-Corning, N. Y.	Watertown, N. Y.
Ithaca, N. Y.	Syracuse, N. Y.
Auburn-Geneva, N. Y.	Albany, N. Y.
Rochester, N. Y.	Pittsfield, Mass.
Buffalo, N. Y.	Springfield-Westfield, Mass.
	Worcester, Mass.
	Boston, Mass.
	Keene, N. H.
	White Plains, N. Y.

Section 401 (e) (3) provides in effect that all terminal points served by the local service carrier applicant during the period from May 19, 1955, to September 9, 1955, shall be certificated for a period of unlimited duration. The certificate we propose to issue to Mohawk (which is attached as Appendix A) accomplishes this.

Section 401 (e) (3) empowers the Board to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points the Board finds have generated insufficient traffic to warrant a finding that the public convenience and necessity require permanent certification. The Board has proposed an industry-wide traffic standard upon which to base a tentative conclusion as to whether a particular intermediate point should be permanently or temporarily certificated. A standard which can be applied on an industry-wide basis will assure that all the intermediate cities are equitably treated. The Board has concluded, on the basis of an analysis of the latest available traffic data, that an average of five or more passengers enplaned per day provides a reasonable basis for selection of those intermediate points to be permanently certificated at this time.

As indicated above, the recent amendment of the act provides for the certification for an unlimited duration of all terminal points and of at least one-half of the intermediate points named in the certificate. This means that in the future the applicant carrier will be providing services over permanently certificated segments. During the years of local service carrier experience, the Board, in consideration of the subsidized nature of the operation, has found that on-line intermediate points generating in the neighborhood of 300 passengers on and off monthly have borne a reasonable share of the expense incurred by the carrier in providing service to the intermediate point on existing flights. In the past, the Board has also found that local service carrier points generating in the neighborhood of five or more enplaned passengers per day have warranted recertification. This leads us to conclude that in the absence of a further showing, the five-passenger per day standard is a reasonable one for selecting those intermediate points to be permanently certificated.

The proposed certificate set forth below as Appendix A grants Mohawk permanent authority at those intermediate stations shown in Appendixes C, D and E[2] to have met this five-passenger per day standard and temporary authority at all other intermediate stations served by Mohawk during the period May 19, 1955, to September 9, 1955. Appendixes C and D set forth in tabular form, the average number of daily passengers enplaned at each Mohawk intermediate point for the calendar year 1954 and for the twelve month periods ended March 31, 1955, and June 30, 1955. The average number of passengers enplaned at intermediate points generating less than five passengers per day is set forth in Appendix E on a quarterly basis for the years 1952, 1953, 1954 and for the twelve month periods ended March 31, 1955, and June 30, 1955.

The Board believes that except for cities presenting special considerations warranting permanent certification, those intermediate points which have generated less than five enplaned passengers per day should be certificated for a temporary period of three years. Certification for this period will enable the Board to assess the future traffic development at these points and to consider at a later time whether or not they should be made permanent. These cities will be afforded an opportunity before the expiration of the temporary period to demonstrate their ability to generate a sufficient volume of traffic to warrant permanent certification or continuation of service for a further temporary period.

The Board further tentatively concludes that a point which has been authorized for service, has received service from the carrier, but which was not served during the statutory grandfather period because service had been temporarily suspended for economic reasons, is not eligible for certification pursuant to section 401 (e) (3) of the act. Such a point is ineligible because it was not served during the statutory grandfather period for economic reasons advanced and supported by the carrier.

Thus, the certificate which the Board proposes to issue to Mohawk in this proceeding will carry forward Mohawk's authority to serve Bradford, Pennsylvania, and Liberty-Monticello, New York, only for the term of its present temporary authority. The presently effective temporary suspensions of service at these points are being continued by the proposed supplementary order set forth below as Appendix B.

The Board further tentatively concludes that where since the last certificate issued to this carrier (1) the Board has authorized Mohawk by exemption, to provide service to additional points, or (2) the Board has authorized Mohawk, by exemption, to provide service between points named in such certificate on segments different from that designated in the certificate, the said points are eligible to be certificated pursuant to section 401 (e) (3) of the act as served by the carrier pursuant to such exemptions during the period from May 19, 1955, to September 9, 1955. The carrier's present temporary exemption authority to serve points not continuously served during the period May 19, 1955, to September 9, 1955, will be carried forward in the proposed supplementary order set forth below as Appendix B.

Thus, the Board proposes to require the carrier to show cause why Ithaca, New York, should not be certified as an alternate intermediate point to Syracuse, New York, on segment 4, why Keene, New Hampshire, should not be certificated on an alternate segment between Albany, New York, and Boston, Massachusetts, and why White Plains, New York, should not be certificated as an intermediate point on segment 2.

The Board further believes that the general terms and conditions set forth in the certificate of public convenience and necessity last issued by the Board to Mohawk may not be expanded in a certificate to be issued pursuant to section 401 (e) (3) of the act in such manner as to grant authority to said carrier in excess of that set forth in the certificate of public convenience and necessity last issued to this carrier.

The Board does not believe that authority granted to Mohawk pursuant to § 202.4 and Part 205 of the Economic Regulations of the Board or by temporary exemption, subsequent to the issuance of the last certificate of public convenience and necessity issued by the Board to said air carrier permitting on-segment changes in the service pattern should be incorporated in a certificate issued to Mohawk pursuant to section 401 (e) (3) of the act. In the interest of convenience and clarity the Board will restate the carrier's outstanding service pattern modifications in a single order, a draft of which is set forth below as Appendix B.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (3) of the act, of permanent or temporary authority to serve points served by Mohawk during the period from May 19, 1955, to September 9, 1955. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Mohawk to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below as Appendix A. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Mohawk's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Mohawk and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

[2] Filed as part of original document.

It is also our intention to officially notice all reports, tariffs and schedules required to be filed with the Board by all air carriers, as well as all public Board reports based on these data,[3] so that these materials need not be specially compiled for the record in this proceeding.

On the basis of the foregoing considerations and the data set forth in Appendixes C, D, E and F,[2] which are hereby incorporated into this order and shall constitute part of the record in this proceeding, the Board finds that:

1. Mohawk is a citizen of the United States of America as defined by section 1 (13) of the act.

2. From January 1, 1953, to September 9, 1955, Mohawk was an air carrier providing within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property and mail pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which Mohawk had no control).

3. Mohawk has continuously served the following terminal and intermediate points during the period from May 19, 1955, to September 9, 1955:

New York, N. Y.-Newark, N. J.
Binghamton-Endicott-Johnson City, N. Y.
Elmira-Corning, N. Y.
Ithaca, N. Y.
Auburn-Geneva, N. Y.
Rochester, N. Y.
Buffalo, N. Y.
Niagara Falls, N. Y.
Utica-Rome, N. Y.
Watertown, N. Y.
Syracuse, N. Y.
Albany, N. Y.
Pittsfield, Mass.
Springfield-Westfield, Mass.
Worcester, Mass.
Boston, Mass.
Keene, N. H.
White Plains, N. Y.

4. The service rendered by Mohawk during the period from June 24, 1952, the date of its last certification, to the present has been adequate and efficient within the meaning of section 401 (e) (3) of the act.

5. The following intermediate points, which on the basis of the most recent available data have generated an average of five or more enplaned passengers per day, should be designated as points of unlimited duration:

(a) On Mohawk's segment 1, the intermediate points Binghamton-Endicott-Johnson City, Elmira-Corning, Ithaca, Auburn-Geneva, and Rochester, New York;

(b) On segment 2, the intermediate points White Plains and Utica-Rome, New York;

(c) On segment 3, the intermediate points Elmira-Corning and Ithaca, New York;

(d) On segment 4, the intermediate points Utica-Rome, Ithaca, Syracuse, Auburn-Geneva, and Rochester, New York;

(e) On segment 5, the intermediate points Springfield-Westfield and Worcester, Massachusetts.

6. On the basis of the most recent available data the following intermediate points have generated less than an average of five enplaned passengers per day, and therefore have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification; but that certification of each of said points for a period of three years is warranted:

(a) On Mohawk's segment 5, the intermediate point Pittsfield, Massachusetts;

(b) On segment 6, the intermediate point Keene, New Hampshire.

7. The terminal point Bradford, Pennsylvania, and the point Liberty-Monticello, New York, are ineligible for certification pursuant to section 401 (e) (3) of the act since they were not served by Mohawk during the period May 19, 1955, to September 9, 1955, because service was temporarily suspended for reasons within the carrier's control. It is, however, appropriate to include all Mohawk's effective certificate authority in one document, so Mohawk's present temporary authority to serve Bradford, Pennsylvania, and Liberty-Monticello, New York, should be carried forward in the certificate to be issued in this proceeding: *Therefore it is ordered*, That:

1. Mohawk is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below as Appendix A, and further issue the proposed supplementary order in the form set forth below as Appendix B;

2. Mohawk and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate and supplementary order, shall within 15 days from the date hereof, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Mohawk, the Mayors of Liberty-Monticello, New York, and Bradford, Pennsylvania, the Mayor of each city served by Mohawk during the period May 19, 1955, to September 9, 1955, and on every certificated air carrier serving a point served by Mohawk during that period;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

APPENDIX A

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE

Mohawk Airlines, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules and regulations issued thereunder, to engage in air transportation with respect to persons, property and mail, as follows:

1. Between the terminal point New York, N. Y.-Newark, N. J., the intermediate points Liberty-Monticello (to be served through one airport), Binghamton-Endicott-Johnson City, Elmira-Corning, Ithaca, Auburn-Geneva (to be served through one airport), and Rochester, N. Y., and the co-terminal points Buffalo and Niagara Falls, N. Y.;

2. Between the terminal point New York, N. Y.-Newark, N. J., the intermediate points White Plains, Liberty-Monticello (to be served through one airport), and Utica-Rome, N. Y., and the terminal point Watertown, N. Y.;

3. Between the terminal point Binghamton-Endicott-Johnson City, N. Y., the intermediate point Elmira-Corning, N. Y., and (a) beyond Elmira-Corning, N. Y., the terminal point Bradford, Pa., and (b) beyond Elmira-Corning, N. Y., the intermediate point Ithaca, N. Y., and the terminal point Syracuse, N. Y.;

4. Between the terminal point Albany, N. Y., the intermediate point Utica-Rome, the alternate intermediate points Ithaca and Syracuse, the intermediate points Auburn-Geneva (to be served through one airport), and Rochester, N. Y., and the co-terminal points Buffalo and Niagara Falls, N. Y.;

5. Between the terminal point Albany, N. Y., the intermediate points Pittsfield, Springfield-Westfield, and Worcester, Mass., and the terminal point Boston, Mass.;

6. Between the terminal point Albany, N. Y., the intermediate point Keene, New Hampshire, and the terminal point Boston, Mass.;

to be known as Route No. 94.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may regularly serve a point named herein through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of one of the six numbered route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (1) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (2) the holder is authorized by the Board to suspend service, or (3) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control.

(4) Notwithstanding the provisions of paragraph (3) hereof, the holder may render nonstop service between Binghamton-Endicott-Johnson City, on the one hand, and Ithaca, Utica-Rome, Albany, and New York-Newark, on the other hand.

(5) The holder shall not carry local traffic between New York, N. Y.-Newark, N. J., and White Plains, N. Y.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

[3] We will also officially notice the Origination-Destination Airline Traffic Surveys published by the Airline Finance and Accounting Conference from information compiled by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of the certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall be effective on ----------, 1955: *Provided, however,* That prior to the date on which the certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of ----------, 1955, (Order E-__) insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time.

The authorization to serve Bradford, Pa., and Liberty-Monticello, N. Y., shall continue in effect up to and including June 30, 1958. The authorization to serve Keene, N. H., and Pittsfield, Mass., shall continue in effect up to and including ----------.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman, and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the ---- day of ----------, 1955.

[SEAL] ROSS RIZLEY,
Chairman.

Attest:

----------,
Secretary.

APPENDIX B

PROPOSED DRAFT OF ORDER EXTENDING EFFECTIVE PERIOD OF TEMPORARY SERVICE AUTHORIZATIONS

The Board has by Order E-__, dated ------, 1955, granted a certificate of public convenience and necessity of unlimited duration to Mohawk Airlines, Inc. (Mohawk), authorizing Mohawk to engage in air transportation of persons, property and mail over route No. 94. In the past, Mohawk has been authorized to conduct operations differing in certain particulars from the authority stated in its temporary certificate of public convenience and necessity for route No. 94.

The term of effectiveness of some of these authorizations is unlimited, while others would expire sixty days after final determination by the Board in any proceeding involving renewal of route No. 94 or at the end of a stated period. The reasons for issuance of these temporary authorizations appear to be still applicable to Mohawk in its operation under the certificate of unlimited duration concurrently issued herewith. It, therefore, appears to the Board that it is in the public interest and consistent with the Act to continue these outstanding temporary authorizations in effect for an additional period of time. In extending these authorizations, it appears desirable to include all currently effective authorizations which are not included in or disposed of in the new certificate in one order which will become effective at the same time the new certificate of unlimited duration becomes effective.

Accordingly, the Board, acting pursuant to sections 205 (a) and 416 (b) of the Civil Aeronautics Act of 1938, as amended, and to § 202.4 and Part 205 of its Economic Regulations, finds:

1. That the enforcement of the provisions of section 401 (a) of the act and of Mohawk's certificate, insofar as it would otherwise prevent the operations hereinafter authorized, would be an undue burden upon Mohawk by reason of the limited extent of, or unusual circumstances affecting its operations and is not in the public interest;

2. That the enforcement of the condition in Mohawk's certificate which requires it on each flight over all or part of the several numbered route segments on route No. 94 to stop at each point named between the point of origin and the point of termination of such flight unless otherwise authorized by the Board, to the extent that it would prevent the service pattern hereinafter authorized, would prevent a service pattern which is in the public interest and which is consistent with Mohawk's performance of a local or feeder air transportation service and is not required by nor is it in the public interest;

3. That the temporary suspensions of service authorized hereinafter do not substantially change the character of the service for which the certificate of public convenience and necessity of unlimited duration is being granted to Mohawk and are otherwise in the public interest;

4. The authority granted by ordering paragraph 3 of Order E-6541, June 24, 1952, insofar as it authorized Mohawk to temporarily suspend service at Liberty-Monticello, New York, until adequate airport facilities are available at that point should and will be terminated because Mohawk's present temporary authority to suspend service at Liberty-Monticello granted by Order E-8608, September 3, 1954, is carried forward in this order.

5. The authority granted by Order E-6977, November 25, 1952, insofar as it authorized Mohawk to serve Ithaca, New York, as an alternate intermediate point to Syracuse, New York, on segment 4 of route No. 94 should and will be terminated because the point, Ithaca, is included as an alternate intermediate point to Syracuse on segment 4 of the certificate being issued to Mohawk concurrently with this order;

6. The authority granted by Orders E-8961, February 21, 1955, E-9046, March 28, 1955, and E-9528, August 29, 1955, insofar as it authorized service to White Plains, New York, over that portion of route No. 94 between Newark, New Jersey, and Buffalo, New York, via Utica-Rome, Syracuse, and Rochester, New York, provided that Mohawk shall not carry local traffic between Newark and White Plains should and will be terminated because this authority is being included in the certificate being issued to Mohawk concurrently with this order by naming White Plains as an intermediate point on segment 2. The authority granted by Order E-9528 insofar as it authorized service to White Plains as an intermediate point on segment 1 of route No. 94 should and will be continued.

7. The authority granted by Orders E-9120, April 21, 1955, and E-9533, August 21, 1955, insofar as it authorized service to Keene, New Hampshire, on a route segment alternate to Mohawk's existing segment between Boston, Massachusetts, and Albany, New York, should and will be terminated because Keene is a point on an alternate route segment between Boston and Albany in the certificate being issued to Mohawk concurrently with this order.

Accordingly, it is ordered, That:

1. Mohawk be and hereby is authorized temporarily to suspend service at Liberty-Monticello, New York, an intermediate point on segments 1 and 2 of route No. 94 (previously authorized by Order E-8608);

2. a. Mohawk be and hereby is authorized (1) to omit service at Auburn-Geneva on flights in excess of one daily round trip over each of the aforesaid segments 1 and 4 of route No. 94; (2) to omit service to Rochester on flights between Auburn-Geneva and Buffalo; to omit service to Syracuse on flights between Auburn-Geneva and Utica-Rome; and to omit service to two of the three points Ithaca, Binghamton-Endicott-Johnson City, or Elmira-Corning, on flights between Auburn-Geneva and New York;

b. Mohawk be and hereby is relieved of the necessity (1) of serving Auburn-Geneva, and Rochester on a flight originating in New York and serving the intermediate points of Binghamton-Endicott-Johnson City, Elmira-Corning and Ithaca; (2) of serving Binghamton-Endicott-Johnson City on flights serving Ithaca and the terminal point New York-Newark, and (3) of serving Binghamton-Endicott-Johnson City on flights serving Elmira-Corning and the terminal point New York-Newark; provided that with respect to parts 2 and 3 Mohawk offer a minimum of four daily round trips between Binghamton-Endicott-Johnson City and New York-Newark (previously authorized by Orders E-7839, E-8409 and E-8724);

3. Mohawk be and hereby is authorized to suspend service temporarily at Bradford, Pennsylvania, a terminal point beyond Elmira-Corning, New York, on segment 3 of route No. 94 (previously authorized by Order E-8268);

4. Mohawk be and hereby is temporarily exempted from the provisions of section 401 (a) of the act insofar as said provisions would otherwise prevent Mohawk from engaging in the air transportation of persons, property and mail to and from White Plains, N. Y., as an intermediate point on segment 1 of route No. 94 between New York, N. Y.-Newark, N. J., on the one hand, and the coterminal points Buffalo, N. Y., and Niagara Falls, N. Y., on the other, via the intermediate points on segment 1: *Provided,* That Mohawk shall not carry local traffic between New York-Newark and White Plains (previously authorized by Order E-9528);

5. a. Mohawk be and hereby is temporarily exempted from section 401 (a) of the act and the terms and conditions of its certificate of public convenience and necessity insofar as they would otherwise prevent Mohawk: (1) from operating between Utica-Rome, New York, and Boston, Massachusetts, via a minimum of two intermediate points, including Albany, and (2) from overflying Albany, New York, on a maximum of four flights daily between Utica-Rome and points east of Albany. This authority shall be effective for a period of one year from August 31, 1955 (previously authorized by ordering paragraphs 1 and 3 of Order E-9533);

b. Mohawk be and hereby is authorized to omit service at Pittsfield, an intermediate point on segment 5 of route No. 94 on flights in excess of one daily round trip over said segment, effective to April 28, 1956 (previously authorized by Order E-9125 and ordering paragraph 4 of order E-9533);

6. Mohawk be and hereby is temporarily exempted from the provisions of section 401 (a) of the act, insofar as said provisions would otherwise prevent Mohawk from engaging in the direct air transportation of persons, property and mail between the intermediate point Ithaca, New York, on segment 3 and the terminal point Albany, New York, on segment 4 of route No. 94: *Provided,* That all flights conducted between Buffalo or Rochester, New York, on the one hand, and Albany, New York, on the other, shall stop at a minimum of two intermediate points. This authority shall remain in effect for a period of two years from June 30, 1955 (previously authorized by Order E-9357);

7. Mohawk be and hereby is authorized to render flag-stop service on its route No. 94, by omitting the physical landing of its aircraft at any intermediate point scheduled to be served on a particular flight: *Provided,* That there are no persons, property or mail on the aircraft destined for such point and no such traffic available at such point for the flight at the scheduled time of departure: *Provided, further,* That the Board in its discretion may at any time disapprove the use of such authority with respect to service to any point on any flight or flights (previously authorized by Orders E-3921 and E-6139);

8. The authority previously granted to Mohawk by Orders E-3921 and E-6139 insofar as they pertain to Mohawk, ordering paragraph 3 of Order E-6541 insofar as it pertains to Liberty-Monticello, N. Y., E-8608, E-6977, E-7839, E-8409, E-8724, E-8268, E-8961, E-9046, E-9528, E-9120, E-9125, E-9533 and E-9357, shall be terminated on the date this order and the certificate of public convenience and necessity of unlimited duration for route No. 94 being issued to Mohawk concurrently with the issuance of this order become effective.

9. The change in service pattern, temporary suspension and temporary exemption authorizations granted herein shall become effective ----------, --------, concurrently with the effective date of the certificate issued to Mohawk in Docket No. 7384;

10. This order or any part thereof may be amended or revoked at any time in the discretion of the Board without hearing.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-8475; Filed, Oct. 18, 1955; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11407; FCC 55M-873]

LOUIS C. BENNETT

ORDER SCHEDULING HEARING

In the matter of Louis C. Bennett, New Smyrna Beach, Florida, suspension of restricted Radiotelephone Operator permit; Docket No. 11407.

It is ordered, This 11th day of October 1955, that James D. Cunningham, in lieu of William G. Butts, will preside at the hearing in the above-entitled matter which is hereby scheduled to commence at 10:00 a. m., October 25, 1955; *And, it is further ordered,* That the said hearing, which was originally scheduled to be held in Fort Myers, Florida, will be conducted at the offices of the Commission, Washington, D. C.

Released: October 13, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8466; Filed, Oct. 18, 1955; 8:50 a. m.]

[Docket No. 11517; FCC 55-1018]

BARRINGTON CO. (WEW)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR ORAL HEARING

In re application of The Barrington Company (WEW), St. Louis, Missouri, for construction permit to change Antenna, transmitter and studio locations; Docket No. 11517, File No. BP-10000.

1. The Commission has before it a petition filed on September 16, 1955, by the Belleville Broadcasting Co., Inc., licensee of Station WIBV, Belleville, Illinois (1260 kc, 1 kw, day) pursuant to section 309 (c) of the Communications Act of 1934, as amended, protesting the Commission's action of August 19, 1955, in granting without hearing the above-entitled application of The Barrington Company for a construction permit to change the antenna, transmitter and studio locations of Station WEW, St. Louis, Missouri (770 kc, 1 kw, day). The WEW antenna, transmitter and studio are currently located at 3642 Lindell Boulevard, St. Louis, Missouri. The protested authorization permits the relocation of the transmitter and antenna to a site approximately one mile northeast of East St. Louis, Illinois and approximately ten miles from Belleville, Illinois; and the studios to the De Soto Hotel, 11th and Locust, St. Louis, Missouri.

2. An assignment of license of Station WEW from The St. Louis University to The Barrington Company was granted on May 11, 1955, and consummated on June 1, 1955 (File No. BAL-2007). A condition contained in the sale agreement between the two parties provided that the station would be removed from the University grounds. The subject application was filed to carry out the terms of that agreement.

3. Protestant claims that it is a party in interest within the purview of section 309 (c) of the Communications Act of 1934, as amended, because, as the licensee of WIBV, Belleville, it will suffer economic injury from WEW's "signal saturation of the Belleville area" since the sale of time by WEW "will surely follow". Protestant alleges that the authorized transmitter location of WEW is "within ten miles from Belleville". In support of its protest, WIBV alleges that the Commission's action in granting the above-entitled application was in violation of its "Statement of Procedure to be Followed by the Commission in connection with Applications to Operate on Class I-A Channels".[1] This statement provides, in pertinent part, that "• • • the KOB application and all other applications for operation on either 770 kc or 1030 kc be put in the pending file until after a decision in the clear channel hearing. Any application which may be filed in the future for operation on either of these two frequencies will likewise be put in the pending files". The protestant claims that the Commission by the above-quoted statement imposed a "• • • freeze on all movements on 770 kilocycles • • •"; that "In face of the Commission's express policy, no new applicant could come before the Commission and request permission to construct a station on 770 kilocycles in Illinois"; that "• • • The Barrington Company should not be allowed to move an existing station from Missouri to Illinois by means of an application to change transmitter and studio location"; and that The Barrington Company was "fully cognizant" of the Commission's freeze policy on Class I channels when it entered into the agreement with The St. Louis University to move Station WEW from the University campus. In view of the foregoing, the protestant requests that the application of The Barrington Company be designated for hearing; that Station WIBV be made a party to the proceeding; and that the effectiveness of the Commission's action granting the application be stayed pending a decision on this petition. The protestant specifies no issues upon which it desires to present evidence at the hearing.

4. In view of the fact that the protestant is licensee of standard broadcast Station WIBV, Belleville, Illinois; that Belleville is approximately 19 miles from St. Louis and 10 miles from the authorized WEW transmitter and antenna site; that the protestant claims WEW will "achieve signal saturation" of the Belleville area; and that the protestant has alleged that it will be financially injured by the grant in question, we find the protestant to be a "party in interest" within the meaning of section 309 (c) of the Communications Act. T. E. Allen and Sons, Inc., 9 Pike and Fischer RR 197; Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 407 (9 Pike and Fischer RR 2008).

5. We find further that the facts, matters and things relied upon by the protestant have been specified with sufficient particularity to raise a question as to whether the grant of the WEW application was consistent with the Commission's Statement of August 9, 1946, and that a hearing on this question is warranted. Since the issue created involves an interpretation of the above Statement, an evidentiary hearing does not appear to be required. Accordingly, the hearing will take the form of oral argument before the Commission as hereinafter provided for. After such oral argument, if an evidentiary hearing appears necessary, it will be held as provided for below. With respect to the allegations that protestant should not be subjected to the competition which would result from the Commission's grant, protestant has advanced only conclusionary arguments relative thereto and if such allegations were intended to raise an issue for determination at a hearing, the petitioner has not sufficiently supported it with facts. Accordingly, no issue will be included with respect to the alleged unwarranted competition. Finally, although the protestant has not framed specific issues; we do not consider this defective since the petitioner has alleged facts on which issues may be drawn by the Commission. In re Application of T. E. Allen & Sons, Inc., supra.

6. In view of the foregoing: *It is ordered,* That, insofar as the subject protest requests reconsideration of the Commission's action of August 19, 1955, it is granted only to the extent provided for below; that pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission in the hearing described below; and that the above-entitled

[1] Public Release No. 96924, August 9, 1946; 1 Pike and Fischer RR 93: 905-906; 11 F. R. 12232.

application is designated for oral hearing at the offices of the Commission in Washington, D. C., on the following issue:

(a) To determine whether the Commission's action of August 19, 1955, granting the above-entitled application of The Barrington Company was consistent with its "Statement of Procedure to be Followed by the Commission in Connection with Applications to Operate on Class I–A Channels" issued on August 9, 1946.

(b) To determine, on the basis of the record of the above hearing, whether the protested grant should be set aside.

7. *It is further ordered*, That Belleville Broadcasting Co., Inc., licensee of Station WIBV, Belleville, Illinois, and the Chief, Broadcast Bureau are made parties to the above-ordered proceedings; and that

(a) The parties intending to participate in the hearing herein shall file their appearance not later than November 7, 1955.

(b) The hearing shall commence at 10 a. m. on November 14, 1955, and shall be held before the Commission en banc.

(c) The hearing shall consist of oral argument, upon the basis that the facts alleged in the protest are true, to determine the legal and policy considerations presented by the above issues.

(d) The parties shall have fifteen days after the hearing to file proposed findings of fact and conclusions of law, and briefs as desired.

(e) Upon completion of the oral hearing, the Commission will issue a decision on the above issues either dismissing the protest or designating it for evidentiary hearing before an Examiner.

Adopted: October 12, 1955.

Released: October 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–8467; Filed, Oct. 18, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–9468]

CITIES SERVICE GAS CO.

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING FOR INVESTIGATION AND HEARING

On September 22, 1955, Cities Service Gas Company (Cities Service) tendered for filing First Revised Sheets Nos. 4, 5, 7, 8, 9–A, 9–B, 10, 14 and 19 and Second Revised Sheets Nos. 12 and 16 to its FPC Gas Tariff, Second Revised Volume No. 1, and Second Revised Sheet No. 27 to its FPC Gas Tariff, Original Volume No. 2, proposed to become effective October 23, 1955.

Previously, March 22, 1954, Cities Service tendered for filing its FPC Gas Tariff, Second Revised Volume No. 1, to become effective April 23, 1954, and proposed, among other things, an estimated annual rate increase to its wholesale customers of $12,589,072 or about 44 percent, based on sales for the year 1953, as adjusted. By order issued April 22, 1954, in Docket No. G–2410, such increased rates (except Schedules I–1 and I–2 governing sales for resale for industrial use) were suspended until September 23, 1954, pending a hearing and decision as to the lawfulness thereof. The Commission by order issued October 22, 1954, upon motion of Cities Service permitted such suspended rates to become effective September 23, 1954, subject to refund of such portion thereof as the Commission may find to be not justified. The hearings in Docket No. G–2410 have not been concluded, nor has a decision therein been made.

The proposed revised tariff sheets tendered on September 22, 1955, would result in a further annual rate increase to Cities Service wholesale customers of about $3,963,000, or about 9.5 percent, over and above the previously increased rates now being collected, subject to refund, based on sales for the twelve-month period ending June 30, 1955. Furthermore, the aforementioned proposed revised tariff sheets present all of the issues now involved in the proceedings in Docket No. G–2410.

The State Corporation Commission of Kansas and a number of Cities Service's wholesale customers have protested against the newly proposed rates and charges, some urge suspension thereof pending a hearing and decision.

The increased rates and charges provided in the revised tariff sheets tendered for filing on September 22, 1955, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

It appears that First Revised Sheet No. 14 and Second Revised Sheet No. 16 of Cities Service FPC Gas Tariff, Second Revised Volume No. 1, will be applicable to sales for resale for industrial use only, and, therefore, are not subject to suspension.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in sections 4 and 5 of such Act, concerning the lawfulness of Cities Service FPC Gas Tariff, Second Revised Volume No. 1, and Original Volume No. 2 as proposed to be changed by the revised sheets tendered September 22, 1955; and that the aforesaid proposed revised sheets excepting First Revised Sheet No. 14 and Second Revised Sheet No. 16 of Cities Service FPC Gas Tariff, Second Revised Volume No. 1, be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4, 5 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the proposed rates and charges contained in Cities Service's FPC Gas Tariff, Second Revised Volume No. 1, and Original Volume No. 2, as proposed to be changed by the aforesaid revised sheets tendered on September 22, 1955.

(B) Pending such hearing and decision thereon, Cities Service's First Revised Sheets Nos. 4, 5, 7, 8, 9–A, 9–B, 10 and 19 and Second Revised Sheet No. 12 to its FPC Gas Tariff, Second Revised Volume No. 1, and Second Revised Sheet No. 27 to its FPC Gas Tariff, Original Volume No. 2, be and the same are each hereby suspended and the use thereof deferred until March 23, 1956, and until such further time thereafter as they may be made effective in the manner prescribed by the Natural Gas Act, unless otherwise ordered by the Commission.

(C) Interested State commissioners may participate as provided by Sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: October 12, 1955.

Issued: October 13, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–8452; Filed, Oct. 18, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 82]

MOTOR CARRIER APPLICATIONS

OCTOBER 14, 1955.

Protests, consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when the circumstances require immediate action, an application for approval, under Section 210a (b) of the Act, of the temporary operations of motor carrier properties sought to be acquired in an application under Section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 4966 Sub 6, filed October 7, 1955, JONES TRANSFER COMPANY, A Corporation, 927 Washington Street, Monroe, Mich. Applicant's attorney: Robert E. DesRoches, 572 Hollister Building Lansing 8, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Ford Motor Company, Chassis Parts Division, Sterling Plant, located at the northeast intersection of Mound Road and Seventeen Mile Road, Sterling Township, Macomb County, Mich., as an off-route point in connection with carrier's regular route operations between (a) Detroit, Mich., and Howell, Mich., over U. S. Highways 10 and 16, (b) Detroit, Mich., and Plymouth, Mich., over U. S. Highways 10 and 12, (c) Detroit, Mich., and New Hudson, Mich., over Michigan Highway 153, and (d) Detroit, Mich., and Toledo, Ohio, over U. S. Highway 25. Applicant is authorized to conduct operations in Michigan and Ohio.

No. MC 20793 Sub 18, filed October 7, 1955, WAGNER TRUCKING CO., INC., Jobstown, N. J. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick* (1) from Hazelton Township, Luzerne County, Pa., to points in New Jersey, and those in that part of New York on and east of U. S. Highway 9W and south of U. S. Highway 20, including New York, N. Y., and points on Long Island, N. Y.; (2) from points in Hillsboro Township, Somerset County, N. J., to points in Pennsylvania on and east of U. S. Highways 111 and 15. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, Maryland, Delaware, Virginia, the District of Columbia, Connecticut, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and Ohio.

No. MC 20995 Sub 3, filed October 3, 1955, DUMES TRUCKING COMPANY, INC., 1640 N. Sixth St., Vincennes, Ind. Applicant's representative: Thomas P. Scanlan, 111 W. Washington St., Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Empty returned skids*, (1) from Vincennes, Ind., to Chicago, Ill., Mt. Carmel, Ill., and Quincy, Ill., and Cincinnati, Ohio and Miamisburg, Ohio; (2) from St. Louis, Mo. and points in Ohio west and south of a line beginning at the Indiana-Ohio state line and extending along U. S. Highway 30 to Delphos, thence along U. S. Highway 30S to Kenton, thence along U. S. Highway 68 to Xenia, and thence along U. S. Highway 42 to Cincinnati, points in Kentucky on and west of U. S. Highway 25 and 25E, points in Michigan on and south of U. S. Highway 16, points in Illinois south and east of a line beginning at the Illinois-Wisconsin state line and extending along U. S. Highway 51 to El Paso, and thence along U. S. Highway 24 to the Mississippi River, and points in Tennessee, including points on the highways named, to Vincennes, Ind.

No. MC 21807 Sub 1, filed August 29, 1955, FRED A. GEORGE, 3 Maple Avenue, Barre, Vt. Applicant's attorney: Oliver C. Peterson, 1340 Melrose Ave. South, St. Petersburg, Fla. For authority to operate as a *common carrier*, transporting: *Granite*, serving off-route points in New York within 10 miles of U. S. Highways 4 and 9 between Fair Haven, Vt., and New York, N. Y., in connection with carrier's regular route operations between Montpelier, Vt., and Newark, N. J. Applicant is authorized to conduct operations in New Jersey, New York and Vermont.

No. MC 21807 Sub 2, filed August 29, 1955, FRED A. GEORGE, 3 Maple Avenue, Barre, Vt. Applicant's attorney: Oliver C. Peterson, 1340 Melrose Ave. South, St. Petersburg, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, from Albany and Troy, N. Y., to Barre, South Barre, and Montpelier, Vt., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return. Applicant is authorized to conduct regular route operations in New Jersey, New York and Vermont.

No. MC 30837 Sub 195, filed October 7, 1955, KENOSHA AUTO TRANSPORT CORPORATION, 4519—76th Street, Kenosha, Wis. Applicant's attorney: Louis E. Smith, Suite 503, 1800 N. Meridian Street, Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pre-cut buildings* and *pre-fabricated buildings*, from Lodi, Calif., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

No. MC 30837 Sub 196, filed October 10, 1955, KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Louis E. Smith, Suite 503, 1800 N. Meridian Street, Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor trucks, truck tractors*, and *chassis*, in initial movements, by the driveaway and truckaway methods, from Minneapolis, Minn., to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 30897 Sub 6, filed October 5, 1955, CONSOLIDATED FREIGHT COMPANY, 100 Carroll St., Saginaw, Mich. Applicant's attorney: Rober E. DesRoches, 572 Hollister Bldg., Lansing 8, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Ford Motor Company, Chassis Parts Division, Sterling Plant, located at the northeast intersection of Mound Road and Seventeen Mile Road in Sterling Township, Macomb County, Mich., as an off-route point in connection with applicant's authorized regular route operations over U. S. Highway 12 between Chicago, Ill. and Detroit, Mich., U. S. Highways 24 and 25 between Toledo, Ohio and Detroit, Mich., U. S. Highway 16 between Detroit and Lansing, Mich., and U. S. Highway 10 between Detroit and Bay City, Mich. Applicant is authorized to conduct operations between Chicago, Ill. and Michigan points, between Toledo, Ohio, and Michigan points, and between points in Michigan.

No. MC 31462 Sub 5, filed September 19, 1955, ACME VAN LINES, INC., 912 Troost Ave., Kansas City 6, Mo. Applicant's attorney: Carll V. Kretsinger, Suit 1014–18 Temple Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri and Kansas, on the one hand, and, on the other, points in Missouri, Kansas, Nebraska, Iowa, Illinois, Georgia, Ohio, Arkansas, Oklahoma, Colorado, and Indiana.

NOTE: Applicant states that the purpose of this application is to eliminate gate-way operation through Kansas City, Mo. Applicant is authorized to transport household goods between Kansas City, Mo., and points within 30 miles thereof, on the one hand, and, on the other, points in Kansas, Arkansas, Oklahoma, Colorado, Iowa, Illinois, and Indiana; between Omaha, Nebr. and points in Nebraska within 100 miles thereof on the one hand, and, on the other, points in Iowa, Illinois, Missouri, Georgia, and Ohio; and between points in Kansas, on the one hand, and, on the other, points in Missouri.

No. MC 37421 Sub 8, filed October 6, 1955, W. R. CANDLER, doing business as W. R. CANDLER TRANSFER COMPANY, 200 Clingman Ave., Asheville, N. C. Applicant's attorney: Robert R. Hendon, Investment Bldg., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Asheville, N. C., on the one hand, and, on the other, points in Cherokee, Macon, Jackson, Buncombe, Rutherford, Burke, Clay, Transylvania, Haywood, Madison, Yancey, Mitchell, McDowell, Henderson, and Polk Counties, N. C. Applicant is authorized to conduct operations in North Carolina, New York, Maryland, Pennsylvania, New Jersey, Delaware, Illinois, Indiana, South Carolina, Virginia, Ohio, Tennessee, and the District of Columbia.

No. MC 58885 Sub 14, filed September 30, 1955, ATLANTA MOTOR LINES, INC., 1268 Carolina Street, N. E., Atlanta, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Dahlonega, Ga., and Ranger,

N. C., from Dahlonega over U. S. Highway 19 to junction U. S. Highway 129 near Walnut, Ga., thence over combined U. S. Highways 19 and 129 to Ranger, and return over the same route, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Atlanta, Ga., and Dahlonega, Ga., (b) Blue Ridge, Ga., and Murphy, N. C., and (c) Copperhill, Tenn., and Ranger, N. C., (2) between junction U. S. Highway 19 and Georgia Highway 52 near Dahlonega, Ga., and Ellijay, Ga., over Georgia Highway 52, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Atlanta, Ga., and Dahlonega, Ga., (b) Atlanta, Ga., and Copperhill, Tenn., (c) the applied for route (3) herein, (3) between Dawsonville, Ga., and junction Georgia Highways 183 and 52, from Dawsonville over Georgia Highway 53 to junction Georgia Highway 183, thence over Georgia Highway 183 to junction Georgia Highway 52, and return over the same route, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Atlanta, Ga., and Dahlonega, Ga., (b) Atlanta, Ga., and Copperhill, Tenn., and (c) the applied for route (2) herein, (4) between Dawsonville, Ga., and Tate, Ga., over Georgia Highway 53, and return over the same route, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between Atlanta, Ga., and Dahlonega, Ga., and (b) Atlanta, Ga., and Copperhill, Tenn., (5) between Roswell, Ga., and Canton, Ga., over Georgia Highway 140, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Atlanta, Ga., and Dahlonega, Ga., and (b) Atlanta, Ga., and Copperhill, Tenn., and (6) between Cumming, Ga., and Canton, Ga., over Georgia Highway 20, serving all intermediate points. Applicant is authorized to conduct operations in Georgia, North Carolina and Tennessee.

No. MC 59077 Sub 28, filed October 3, 1955, INLAND MOTOR FREIGHT, A Corporation, 110 South Sheridan Street, Spokane, Wash. Applicant's attorney: Robert M. Brown, 902 Paulsen Building, Spokane 1, Wash. For authority to operate as a *common carrier*, serving Helix, Oreg., as an off-route point, transporting (1) *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, in connection with carrier's regular route operations between Walla Walla, Wash., and Milton, Oreg., over Oregon Highway 11, and (2) *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, in connection with carrier's regular route operations between Milton, Oreg., and Pendleton, Oreg., over Oregon Highway 11. Applicant is authorized to conduct regular route operations in Idaho, Oregon, and Washington, and irregular route operations in Idaho and Washington.

No. MC 59185 Sub 13, filed October 6, 1955, HIGHWAY EXPRESS, INC., 2416 West Superior Avenue, Cleveland, Ohio. Applicant's attorney: G. H. Dilla, 3350 Superior Ave., Cleveland 14, Ohio. For authority to operate as a common carrier, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the McLouth Steel Co. plant at or near Gibraltar, Mich., as an off-route point in connection with carrier's authorized regular route operations between Detroit, Mich., and Cleveland, Ohio. Applicant is authorized to conduct operations in Ohio and Michigan.

No. MC 59185 Sub 14, HIGHWAY EXPRESS, INC., 2416 West Superior Avenue, Cleveland, Ohio. Applicant's attorney: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Ford Motor Co. plant located in Sterling Township, Mich., as an off-route point in connection with carrier's authorized regular-route operations between Detroit, Mich., and Cleveland, Ohio. Applicant is authorized to conduct operations in Ohio and Michigan.

No. MC 61396 Sub 56, filed August 17, 1955, HERMAN BROS., INC., 1215 Farnam Street, P. O. Box 1237, Omaha, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum, petroleum products* and *crude oil*, in bulk, in tank vehicles, from Sugar Creek, Mo., and points within 15 miles thereof, to points in Kansas. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri and Nebraska.

No. MC 61396 Sub 57, filed August 17, 1955, HERMAN BROS., INC., 1215 Farnam Street, P. O. Box 1237, Omaha, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum, petroleum products* and *crude oil*, in bulk, in tank vehicles, from points in Nebraska to points in Kansas. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri and Nebraska.

No. MC 63290 Sub 3, filed October 11, 1955, WILLIAM O. MATTOX, doing business as MATTOX CHEMICAL TRANSPORT, 418 Grove Street, Newark, N. J. Applicant's attorney: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, (1) from New York, N. Y., to Old Bridge, N. J., and (2) from Carteret, N. J. to Old Bridge, N. J., and Belleville, N. J., together with *Motion to Dismiss* the application and for determination whether certain operations are in interstate commerce. Applicant is authorized to conduct operations in New York, New Jersey, and Pennsylvania.

No. MC 63670 Sub 1, filed October 3, 1955, D. M. WESTON & COMPANY, INC., 228 Southwater Street, Providence, R. I. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, electrical equipment*, and *commodities* which because of size or weight require specialized handling or rigging, between points in Rhode Island, on the one hand, and, on the other, points in Massachusetts, Connecticut, New Hampshire, Vermont, New York, New Jersey and Pennsylvania. Applicant is authorized to conduct operations in Connecticut, Massachusetts and Rhode Island.

No. MC 65271 Sub 3, filed October 6, 1955, LOUIS MAX CO., INC., 192 Water Street, Brooklyn 1, N. Y. Applicant's attorneys: Brodsky and Lieberman, 1776 Broadway, New York 19, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Musical instruments*, uncrated, from New York, N. Y., to points in New Jersey, Pennsylvania, Delaware, Maryland, New York, Connecticut, Rhode Island, Massachusetts, Vermont, and New Hampshire. Applicant is authorized to conduct operations in Connecticut, New Jersey, and New York.

No. MC 72257 Sub 20 (amended), filed September 12, 1955, J. V. BRASWELL, doing business as BRASWELL MOTOR FREIGHT LINES, 201 Reynolds Blvd., P. O. Box 1961, El Paso, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving California points located on and within a boundary line beginning at the Mt. Baldy, Calif., post office, and thence extending northwesterly along a straight line drawn through the junction of U. S. Highway 6 with U. S. Highway 99 to the Los Angeles-Ventura Counties line, thence southwesterly along a straight line through Malibu Beach, Calif. to the Pacific Ocean, thence easterly and southerly along the shoreline of the Pacific Ocean to Balboa, Calif., thence northeasterly along a straight line through Irvine and Silverado, Calif. to the Riverside-Orange Counties line, and thence northerly along a straight line through Ontario and Upland, Calif. to point of beginning at the Mt. Baldy Calif. post office, as intermediate and off-route points in connection with regular route operations to and from Los Angeles, Calif. over U. S. Highway 99, with no authority being sought to serve Los Angeles, Calif., points in the commercial zone thereof, and points in the Los Angeles Harbor Commercial Zone, and service as proposed under authority applied for herein to and from points located in the above-specified California territory outside of the Los Angeles, Calif. and Los Angeles Harbor, Calif. Commercial Zones to be restricted to pick up and delivery of shipments moving over carrier's routes to and from points located outside of California. Applicant is authorized to conduct operations in Arizona, California, New Mexico, and Texas.

No. MC 76266 Sub 92, filed September 29, 1955, MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, serving Middle Amana, Iowa, in connection with carrier's regular route operations between Des Moines, Iowa, and Moline, Iowa, over Iowa Highway 149. Applicant is authorized to conduct regular route operations in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio and Wisconsin.

No. MC 78118 Sub 2, filed October 10, 1955, WILBUR H. JONES, 327 N. Reservoir St., Lancaster, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Petroleum products*, in containers, from points in Warren County, Pa., to Philadelphia, Pa., New York, N. Y. and points in Nassau, and Suffolk Counties, N. Y., and (2) on return movements *empty containers* used in transporting petroleum products. Applicant does not presently hold any authority from this Commission to transport the commodities named in this application.

NOTE: Applicant holds authority under Permits issued in Docket No. MC 15583 and Subs thereof to perform certain contract carrier operations; therefore, Section 210 matters may be involved in this proceeding.

No. MC 88380 Sub 9, Filed October 3, 1955, O. L. HARVEY, doing business as O. L. HARVEY TRUCK SERVICE, P. O. Box 192, Seminole, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with the discovery development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and; *machinery, materials, equipment*, and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Shelby County, Tenn., on the one hand, and on the other, points in Arkansas, Kansas, Oklahoma, Texas, and points in Lea County, N. Mex. Applicant is authorized to conduct operations in Illinois, Missouri, Oklahoma, Indiana, Kentucky, Kansas, Texas, and New Mexico.

No. MC 89524 Sub 2, filed September 14, 1955, MORRIS W. HOLLEY, MARLOWE E. HOLLEY, AND CLARENCE A. HOLLEY, doing business as HOLLEY BROTHERS COMPANY, Kentland, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crushed stone* and *agricultural limestone, sand* and *gravel*, from the Newton County Stone Company in Kentland, Ind., and Brandt's Gravel and Sand Company in Morocco, Ind., to points in Iroquois, Vermillion and Kankakee Counties, Ill. Applicant is authorized to conduct operations in Illinois and Indiana.

No. MC 95084 Sub 29, filed October 3, 1955, HOVE TRUCK LINE, Stanhope, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural implements* and *parts thereof*, from Fort Dodge, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Massachusetts, Mississippi, Montana, New York, North Carolina, South Carolina, Tennessee, Virginia and West Virginia. Applicant is authorized to conduct regular route operations in Illinois and Iowa and irregular route operations in Iowa, Indiana, Wyoming, Kentucky, Colorado, Michigan, Missouri, North Dakota, Ohio, Pennsylvania, Illinois, Minnesota, Nebraska, South Dakota, Wisconsin and Kansas.

No. MC 95535 Sub 5, filed May 25, 1955, published in the June 8, 1955, issue on page 3973, amended October 10, 1955, CLEO CROUCH, doing business as PONY EXPRESS, 802 South 7th Street, St. Joseph, Mo. Applicant's attorney: Charles W. Singer, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Farm tractors*, from Rock Island, Ill., and Kansas City, Mo., to points in Oklahoma, and *returned shipments* on return. Applicant is authorized to conduct operations in Arkansas, Illinois, Iowa, Kansas, Missouri, and Nebraska.

No. MC 95540 Sub 266, filed October 7, 1955, WATKINS MOTOR LINES, INC., Cassidy Rd., P. O. Box 785, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Citrus products*, requiring refrigeration but not frozen, from points in Florida to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 97710 Sub 3, filed September 26, 1955, WALTER F. PETERS AND MYRON D. PETERS, doing business as PETERS TRUCK LINES, 905 South Main Street, Yreka, Calif. Applicant's attorney: Frank Loughran, 155 Sansome Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *OVER REGULAR ROUTES: General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between (1) South San Francisco, Calif., and the California-Oregon State line at points where intersected by U. S. Highways 99 and 97, over U. S. Highway 101 from South San Francisco to San Francisco, thence over the San Francisco Bay Bridge to Oakland, Calif., thence over city streets to Berkeley, Calif., thence over U. S. Highway 40 B. P. to junction U. S. Highway 40, thence over U. S. Highway 40 to junction U. S. Highway 99W at or near Davis, Calif., thence over U. S. Highway 99W to junction U. S. Highway 99 at or near Red Bluff, Calif., (also over U. S. Highway 40 from junction U. S. Highway 99W at or near Davis to Sacramento, Calif., thence over U. S. Highway 99E to junction U. S. Highway 99 at or near Red Bluff, Calif.), thence over U. S. Highway 99 to Weed, Calif., thence from Weed over U. S. Highway 99, and also over U. S. Highway 97 to the California-Oregon State line, and return over the same highways, serving the intermediate points of San Francisco, Oakland, Berkeley, Albany, El Cerrito, Richmond, San Pablo, Sacramento, North Sacramento, Piedmont, Emeryville, Redding, and those located on U. S. Highway 99 between Castella (including Castella) and the California-Oregon State line, and on U. S. Highway 97 between Weed (including Weed) and the California-Oregon State line and the off-route points of Alameda, San Leandro, Hayward, Mt. Hebron, Grenada, Hornbrook, Edgewood, Hilt, and all those in California located within one mile of that portion of U. S. Highway 97 extending between Weed and the California-Oregon State line; (2) Yreka, Calif., and Montague, Calif., over California Highway 82, serving all intermediate points; (3) Yreka, Calif., and Callahan, Calif., over California Highway 82 from Yreka to Etna, Calif., thence over unnumbered county road to Callahan, and return over the same route, serving all intermediate points; and (4) between the junction of U. S. Highway 97 and an unnumbered California Highway near the California-Oregon State line, over said unnumbered California Highway to junction California Highway 139 at or near Hatfield, Calif., thence over California Highway 139 to Newell, Calif., and return over the same route, serving all intermediate points, and all off-route points in California located within one mile of said route, and those within ten (10) miles of Tulelake, Calif.; said service being restricted against local service between points located south of Castella (not including Castella), and service at Redding restricted to traffic moving to and from points north of Castella (including Castella); and *OVER IRREGULAR ROUTES: Exempt commodities*, in seasonal operations, between points in Oregon, on the one hand, and, on the other, points in California.

NOTE: Applicant is conducting operations in interstate or foreign commerce in California under the second proviso of Section 206 (a) (1) of the Interstate Commerce Act, and this application is filed to obtain a Certificate of Public Convenience and Necessity, authorizing continuance of interstate opera-

tions conducted under the Second Proviso of Section 106 (a) (1) of the Interstate Commerce Act, supported by Intrastate certificate on file with this Commission. Applicant asserts that the public interest requires that both operations be continued. Therefore, this application is filed in order to assure that applicant can continue to serve in the area covered by the registered certificate and also continue to transport seasonally exempt commodities.

No. MC 103880 Sub 157, filed October 4, 1955, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Carl L. Steiner, 39 South LaSalle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wax and petrolatum*, in bulk, in tank vehicles, from points in the Chicago Commercial Zone, as defined by the Commission, to points in Michigan, Wisconsin, Illinois, Iowa, Minnesota, and Ohio.

No. MC 107698 Sub 18, filed September 19, 1955, BONANZA, INC., 818 Reserve Loan Life Bldg., Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen eggs*, in metal containers, and *oleomargarine*, in cartons and containers, in refrigerated equipment, between Enid, Okla. and Wichita, Kans. on the one hand, and, on the other, points in Nevada. Applicant is authorized to conduct operations in Texas, Arizona, California, Colorado, and New Mexico.

No. MC 109430 Sub 5 (amended), filed July 20, 1955, HEAVY DUTY HAULERS, INC., 6720 Davison Road, Columbia, S. C. Applicant's attorney: Frank A. Graham, Jr., 406–7 Palmetto Building, Columbia 1, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Contractors equipment, heavy machinery, machinery parts and commodities other than heavy machinery*, the transportation of which because of their size or weight require the use of special equipment, and *parts of the aforesaid commodities* when moving in connection therewith, from Aurora, Chicago, Deerfield, Elgin, Joliet, Libertyville, Macomb, Melrose Park, Peoria, and Springfield, Ill., Elkhart, Evansville, and Indianapolis, Ind., Cedar Rapids, and Newton, Iowa, Benton Harbor, and Bay City, Mich., Minneapois, Minn., Rome, N. Y., Cleveland, Findlay, Galion, Lima, Lorain, and Marion, Ohio, Erie, Pa., and Green Bay, and Manitowoc, Wis., to points in South Carolina. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, and South Carolina.

No. MC 109677 Sub 8, October 6, 1955, FORT EDWARD EXPRESS CO., INC., Route 9, 1 Wing Street, Fort Edward, N. Y. Applicant's attorney: Samuel V. Gianniy, 25 Exchange Street, Rochester, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid resinous compounds*, in bulk, in tank vehicles, from Fort Edward, N. Y. to Winslow, Me.

No. MC 110821 Sub 3, filed September 23, 1955, THE GRIFFIN TRUCKING AND STORAGE COMPANY, P. O. Box 3377, Fayetteville, N. C. Applicant's attorney: York & Boyd, 201–204 Jefferson Bldg., Greensboro, N. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, Meat Products, Meat By-Products, Dairy Products, and Articles distributed by Meat Packing Houses*, as defined by the Commission, from Fayetteville, N. C. to points in Edgecombe, Durham, Wake, Wayne, Johnston, Nash, New Hanover, Wilson and Columbus Counties, N. C. Applicant is authorized to conduct irregular route operations in the State of North Carolina.

No. MC 110940 Sub 8, filed September 12, 1955, ROBINS TRANSFER COMPANY, INC., P. O. Box 36 Powderly Station, Birmingham, Ala. Applicant's attorney: Bennett T. Waites, Jr., 531–34 Frank Nelson Building, Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Coal tar products*, in bulk, in tank vehicles, from Alabama City, and Holt, Ala., to points in Georgia, Tennessee, Florida, Mississippi, Kentucky, Louisiana, North Carolina, South Carolina, and Arkansas, and (2) on return movements *empty containers or other such incidental facilities* (not specified) used in transporting the aforesaid commodities. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

No. MC 110940 Sub 9, filed October 3, 1955, ROBINS TRANSFER COMPANY, INC., P. O. Box 36, Powderly Station, Birmingham, Ala. Applicant's attorney: Bennett T. Waites, Jr., 531–34 Frank Nelson Building, Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils, edible oils, lards, lard compounds* and *lard substitutes*, in bulk, in tank vehicles, (1) between Chattanooga, Tenn., and Birmingham, Ala., (2) from Memphis, Tenn., to Birmingham, Ala., and (3) from Atlanta, Ga., to Birmingham, Ala., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

No. MC 111198 Sub 3, filed October 7, 1955, CRANE AND TRUCK SERVICE INCORPORATED, 51st Street and A. V. Railroad, Pittsburgh, Pa. Applicant's attorney: Robert S. Young, Jr., Burwell Building, Knoxville, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from Knoxville, Tenn., to Lowland, Tenn. Applicant is authorized to conduct operations in Ohio, Pennsylvania, and Tennessee.

No. MC 111981 Sub 1 (amended), filed August 22, 1955, ROBIDEAU'S EXPRESS, INC., 30 East Oregon Ave., Philadelphia, Pa. Applicant's attorney: Louis F. Floge, 1719 Packard Building, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (A) *Frozen food, processed food*, and *food in liquid form*, from Philadelphia, Pa., including all points in the commercial zone thereof, to retail stores, retail establishments, schools, restaurants, hotels, institutions and consumers located (1) in Pennsylvania east and south of a line beginning at the Pennsylvania-Maryland State line where intersected by U. S. Highway 222, and thence extending along U. S. Highway 222 to Reading, Pa., thence along U. S. Highway 122 to Hamburg, Pa., and thence along U. S. Highway 22 to the Delaware River at Easton, Pa., (2) in those portions of the commercial zones of the cities of Lancaster, Reading, Allentown, and Easton, Pa. which are located outside of the area specified under (1) above, and (3) in Delaware on and north of a line beginning at New Castle, Del., and thence extending along U. S. Highway 40 to the Delaware-Maryland State line, and (B) on return movements (1) *returned shipments* of the aforesaid commodities, and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities. Applicant is authorized to conduct operations in Delaware, New Jersey, and Pennsylvania.

No. MC 112497 Sub 48, filed October 10, 1955, HEARIN TANK LINES, INC., 6440 Rawlins Street, P. O. Box 3096, Istrouma Branch, Baton Rouge, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crude petroleum oil*, in bulk, in tank vehicles, from an oil field located approximately three (3) miles northwest of Citronelle, Ala., to Blakely Island, Mobile County, Ala. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, and Mississippi.

No. MC 112617 Sub 14, filed September 19, 1955, LIQUID TRANSPORTERS, INC., P. O. Box 35, Cherokee Station, Louisville 5, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chemicals* and *petroleum products*, in bulk, in tank vehicles, between Doe Run, Ky., on the one hand, and, on the other, points in the Louisville, Ky., Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Alabama, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: Applicant states that the purpose of this application is to render service between points in the Louisville, Ky., Commercial Zone and Doe Run, Ky., via Indiana, via use of the Ferry for operating convenience. Applicant states further that the alternate route for use in Kentucky is necessary due to the fact that the Louisville Commercial Zone extends into Indiana including the cities of Albany, Jeffersonville, and Clarksville, Ind., from which deliveries made to Doe Run via Kentucky route would be interstate. The need for a Kentucky route is further illustrated by the fact that during a recent flood of the Ohio River, Morvin Ferry was shut down for a considerable period of time due to inability to make landings on either side of the River.

No. MC 113832 Sub 6, filed October 10, 1955, SCHWERMAN TRUCKING CO., A Corporation, 620 South 29th Street, Milwaukee, Wis. Applicant's attorney: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Wisconsin located on, east and south of a line beginning at the Illinois-Wisconsin State line at Wisconsin Highway 23 and extending along Wisconsin Highway 23 to junction U. S. Highway 51, thence along U. S. Highway 51 to junction Wisconsin Highway 54, and thence along Wisconsin Highway 54 to Lake Michigan.

No. MC 113879 Sub 4, filed October 3, 1955, EUGENE C. FISCHER, doing business as FISCHER TRANSPORTATION COMPANY, 520—1st Avenue, S. E., Watertown, S. Dak. Applicant's attorney: H. Lauren Lewis, Morrell Building No. 50, P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt*, from Kanopolis, Kans., and points within ten (10) miles thereof, to points in North Dakota, South Dakota, and Montana. Applicant is authorized to conduct operations in Kansas and Montana.

No. MC 113919 Sub 3, filed July 22, 1955, ELMER VANT HUL, Sioux Center, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fly spray* and *mange oil*, in cans and drums, *empty bags* and *sacks* (paper, cloth and burlap), and *advertising material* used solely in connection with the sale and distribution of animal and poultry feed and fly spray and mange oil, from Burlington, Wis., to points in South Dakota.

No. MC 113997 Sub 1, filed October 5, 1955, DOMENIC MARCHI, 508 N. Stephenson Avenue, Iron Mountain, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, from (1) Milwaukee, Wis., to Escanaba, Mich.; (2) Minneapolis, Minn., to Escanaba, Mich.; and (3) Duluth, Minn., to Iron Mountain, Mich.; and *empty malt beverage containers*, from the above destination points to the above origin points. Applicant is authorized to conduct operations in Michigan and Wisconsin.

No. MC 115162 Sub 5, filed October 5, 1955, WALTER POOLE, Evergreen, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, poles, and piling*, between points in Alabama, on and south of U. S. Highway 80 on the one hand, and, on the other, points in Florida, Mississippi, Georgia, Louisiana, Tennessee, Kentucky and Indiana.

No. MC 115223 Sub 1, filed October 7, 1955, J. W. JACKS, doing business as ARKANSAS - FLORIDA FREIGHT LINE, Route No. 1, Box 400, Brinkley, Ark. Applicant's attorney: Ed. E. Ashbaugh, 902 Wallace Building, Little Rock, Ark. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Rice* and *Rice byproducts*, in bags, boxes, or in barrels, from points in Arkansas, Craighead, Cross, Lonoke and Poinsett Counties, Ark., to points in Florida. Applicant will traverse the States of Alabama, Georgia, Mississippi, Louisiana and Tennessee for operating convenience only.

No. MC 115367 Sub 1, filed October 3, 1955, LEO P. TRUDEAU, R. F. D. 1, Keeseville, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rough lumber*, (green and dried), from Keeseville, N. Y., and points within 25 miles thereof, to the International Boundary line between the United States and Canada at Champlain, N. Y.

NOTE: Applicant states the authority requested herein covers the transportation of rough lumber which is loaded directly from Mill sites located in mountainous regions, and said sites frequently change location.

No. MC 115502 Sub 1, filed October 10, 1955, LEE COMER, 709 E. Eighth St., Metropolis, Ill. Applicant's representative: C. W. Craig, Citizens Bank & Trust Co. Bldg., Paducah, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Untreated wooden ties* and *lumber*, from points in Henry, Houston, Perry, and Stewart Counties, Tenn., and points in Trigg, Calloway, Livingston, Marshall, and McCracken Counties, Ky., to points in Massac County, Ill., except that no authority is hereby sought for operations from points in Perry County, Tenn., to Metropolis, Ill., and points within one (1) mile of Metropolis; and (2) *treated wooden ties, lumber*, and *poles*, from Metropolis, Ill., to points in Christian, Muhlenbert, and Hopkins Counties, Ky.

No. MC 115528, filed August 18, 1955, C. E. THOMERSON, doing business as THOMERSON MILLING CO., 205 North Green Street, Glasgow, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Barren, County, Ky., on the one hand, and, on the other, points in Kentucky, Tennessee, Alabama, Georgia, Florida, Illinois, Indiana and Michigan.

No. MC 115599, filed October 3, 1955, ROBERT C. BUTTERFIELD and ELIZABETH K. BUTTERFIELD, R. D. #1, Georgetown, Pa. Applicant's attorney: Henry M. Wick, 1211 Berger Bldg., Pittsburgh 19, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Asphalt roofing, asbestos siding, insulated siding, nails*, and *asphalt products*, in cakes and containers, from (Chester, W. Va., to points in Pennsylvania, Ohio, New York, Maryland, Kentucky, Michigan, New Jersey, Illinois and Virginia, and *returned shipments* of the above-named commodities, from points in the destination states to Chester, W. Va.; *agricultural lime*, in bags, from New Castle, Pa., to Chester, W. Va.; *asphalt filler*, from Ford City, Pa., to Chester, W. Va.; *asphalt specialties*, in containers, and *nails*, from Cleveland, Ohio to Chester, W. Va.; *empty cardboard cartons*, from Pittsburgh, Pa., and Monroe, Mich., to Chester, W. Va.; *asbestos siding*, from Millington, N. J., to Chester, W. Va.; *roofing felt*, from Erie, Pa., and Miamisburg, Ohio, to Chester, W. Va.; *roofing granules* and *asphalt filler*, from Darlington and Delta, Pa., to Chester, W. Va.; and *saturated felt siding*, from Chicago, Ill., to Chester, W. Va., on return movements.

No. MC 115600, filed October 3, 1955, GEORGIA TRANSPORTERS, INC., 1555 Marietta Road, Atlanta, Ga. Applicant's attorney: Allan Watkins, Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Georgia to points in Alabama, North Carolina, South Carolina, Tennessee, and Georgia.

No. MC 115603, filed October 3, 1955, E. E. TURNER, JACK TURNER, and JACK E. TURNER, doing business as TURNER BROS. TRUCKING COMPANY, 620 So. Main St., Elk City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and; *machinery, materials, equipment* and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between all points in the following counties: Sedgwick, Phillips, Yuma, Kit Carson, Cheyenne, Lincoln; Washington, Morgan, Logan, Weld, Adams, Arapahoe, Elbert, El Paso, Pueblo, Fremont, Douglas, Jefferson, Boulder, Larimer, and Denver Counties, Colo.; Cheyenne and Sherman Counties, Kans.; Dundy, Chase, Perkins, Keith, Deuel, Garden Sheridan, Box Butte, Sioux, Dawes, Scotts Bluff, Morrill, Banner, Kimball, and Cheyenne Counties, Nebr.; Laramie, Goshen, and Platte Counties, Wyo.

No. MC 115605, filed October 5, 1955, B. H. & M. LINES, INC., Upper Broad Avenue, Binghamton, N. Y. Applicant's attorney: Hinman, Howard & Kattell, Binghamton, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brick* and *clay products*, from Binghamton, Horseheads, and Town of Schaghticoke, N. Y., and Lyndhurst, N. J., to points in New Jersey, New York, Pennsylvania, Vermont, Massachusetts, Connecticut, New Hampshire and Rhode Island, and *returned shipments* of the above-named commodities on return.

No. MC 115609, filed October 7, 1955, BLOTNER TRAILER SALES, INC., Route 2, P. O. Box 62, Bangor, Maine. Applicant's attorney: Saul M. Schwartzbach, 1109 Woodward Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers and contents thereof*, in secondary movements, in truckaway service, between points in Maine, New Hampshire, and Vermont, on the one hand, and, on the other, points in the United States, including the District of Columbia.

No. MC 115611, filed October 7, 1955, DOMINICK E. PETRILLO, 364 Cherry Street, Meadville, Pa. Applicant's attorney: George X. Simonetta, 292

Cherry St., Meadville, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages* from Cleveland, Ohio and Milwaukee, Wis. to Meadville, Pa., and from Buffalo, N. Y., to Meadville, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 668 Sub 57, filed October 3, 1955, INTER-CITY TRANSPORTATION CO., INC., 733 Madison Ave., Paterson, N. J. Applicant's representative: Edward F. Bowes, 1060 Broad St., Newark 2, N. J. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between the junction of Godwin Avenue and Paterson Avenue, in the Borough of Midland Park, N. J., and the junction of Oakland Avenue and East Oakland Avenue, in the Borough of Oakland, N. J., over Godwin Avenue from junction Paterson Avenue to junction Franklin Avenue, in the Township of Wyckoff, in the Borough of Franklin Lakes, N. J., thence over Franklin Avenue to junction Belmont Avenue, in the Borough of Oakland, N. J., thence over Belmont Avenue to junction U. S. Highway 202, thence over U. S. Highway 202 (also known as Oakland Avenue) to junction East Oakland Avenue, and return over the same route, serving all intermediate points. Simultaneously with grant of instantly applied for authority the applicant also requests that the restriction applicable against operations presently being conducted under authority from this Commission in Certificate issued on August 31, 1949 in Docket No. MC 668 Sub 46 be amended to read "operations over the above specified route shall be conducted only in conjunction with the service performed over said carrier's presently authorized regular route west and north of the intersection of Passaic Street and New Jersey Highway 17, Rochelle Park, N. J., serving points on said carrier's presently authorized regular route only on Saddle River Road in Fairlawn, N. J., and points in Glen Rock, N. J., Midland Park, N. J., and Oakland, N. J., and that portion of Ridgewood, west of Hope Street and North Maple Avenue, not including North Maple Avenue" thereby allowing said previously authorized operations to be conducted in conjunction with the operations proposed under the authority now being applied for in this application. Applicant is authorized to conduct operations in New Jersey, and New York.

No. MC 1501 Sub 109, filed October 6, 1955, THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago 4, Ill. Applicant's attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue, NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express*, *newspapers* and *mail* in the same vehicle with passengers, between Franklinton, La., and Covington, La., over Louisiana Highway 34, serving all intermediate points. Applicant is authorized to conduct operations throughout the United States.

No. MC 1504 Sub 126, filed October 3, 1955, ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Bldg., Charleston, W. Va. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Ave., N. W., Washington, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers, express, mail, newspapers, and baggage* of passengers in the same vehicle with passengers, between junction U. S. Highway 21 and Broad River Bridge Road, near Burton, S. C., and junction of South Carolina Highway 170 and U. S. Highway 17 south of Hardeeville, S. C., from junction U. S. Highway 21 and Broad River Bridge Road, near Burton, S. C., over Broad River Bridge Road to Broad River Bridge, thence over Broad River Bridge to South Carolina Secondary Highway 27, thence over South Carolina Secondary Highway 27 to South Carolina Secondary Highway 18, thence over South Carolina Secondary Highway 18 to South Carolina Highway 170, near Jasper-Beaufort County Line, thence over South Carolina Highway 170 to junction U. S. Highway 17 south of Hardeeville, S. C., and return over the same route, serving all intermediate points, Applicant is authorized to conduct operations in Ohio, West Virginia, Virginia, Pennsylvania, South Carolina, North Carolina, Tennessee, Georgia, Florida, and the District of Columbia.

No. MC 115559, filed September 9, 1955, CROSBY TRANSPORTATION COMPANY LIMITED, 908 Albert Street, Regina, Saskatchewan, Canada. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between the International boundary of the United States and Canada at Port of Raymond, Mont., and Plentywood, Mont., from Raymond over Montana Highway 16 to Plentywood, and return over the same route, serving no intermediate points, with closed-door operation between the border and Plentywood.

APPLICATION FOR BROKERAGE LICENSES

No. MC 12632, filed August 18, 1955, EARL JOSEPH WILSON, 221 Wright Street, St. Louis, Mo. Applicant's attorney: James D. Cullen, 506 Oliver Street, St. Louis 1, Mo. For a license as *broker* (BMC 4) in arranging for the transportation of: (1) *Canteloupes*, from St. Louis and Chesterfield, Mo., to Decatur and Chicago, Ill., and Cleveland, Ohio; (2) *carrots*, from Chesterfield, Mo., to Chicago, Ill.; (3) *vegetables*, (a) from Helwig, Mo., to Chicago, Ill. and (b) from Overland, Mo., to Chicago, Ill., Atlanta, Ga., Memphis, Tenn., New Orleans, La., Birmingham and Mobile, Ala. and Houston, Tex., and points in Minnesota, North Dakota and Colorado; (4) *fresh poultry*, from St. Louis, Mo., to Chicago, Ill.; (5) *fresh eggs*, from points in Iowa and Minnesota to points in Tennessee, Alabama, Georgia, Mississippi, Texas and Louisiana; (6) *frozen meat* and *frozen eggs*, from St. Louis, Mo., to New York, N. Y., Philadelphia, Pa., Boston, Mass., Baltimore, Md., and Washington, D. C.; (7) *frozen meat* and *fresh meat*, from St. Louis, Mo., to points in Mississippi, Alabama, Florida and Georgia; and (8) *frozen eggs*, from St. Louis, Mo., to points in New York, Pennsylvania and Maryland.

NOTE: Above-specified commodities proposed to be transported in truckload lot only.

No. MC 12635, filed October 6, 1955, D. T. O'NEAL, doing business as O'NEAL TRAVEL SERVICE, 812 Olive Street, 286 Arcade Bldg., St. Louis 1, Mo. For a license (BMC 5) authorizing operations as a *broker* at St. Louis, Mo., in arranging for transportation in interstate or foreign commerce, by motor vehicle and by rail service and joint motor vehicle and rail service, of *groups of passengers*, in charter service, in round-trip all expense tours, between St. Louis, Mo., on the one hand, and, on the other points in Illinois, Indiana and Missouri.

NOTE: Applicant states these tours are one-day group tours for schools, scouts, clubs and other organizations and most of said tours are arranged for schools in the St. Louis, Mo., area.

CORRECTIONS

Docket No. MC 228 Sub 17, published on page 7631, issue of Wednesday October 12, 1955. That portion of the name of applicant reading: "doing business as SHORT LINE SYSTEM" should be deleted, the correct corporate name of applicant as reflected in the Commission's records is: "HUDSON TRANSIT LINES, INC."

No. MC 2727 Sub 2, T. RUSSELL SPENCER, doing business as SPENCER BROTHERS, 739 North 2nd Street, Lawrence, Kans., published page 7403, issue of October 5, 1955. The subsequent filing docket number assigned thereto MC 2727 Sub 2 (two) was in error, the correct docket number is MC 2727 Sub 6 (six).

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F 6011, published in the July 20, 1955, issue of the FEDERAL REGISTER on page 5217. Supplemental application filed October 10, 1955, to show joinder of RUAN TRANSPORT CORPORATION as a person in control of vendee.

No. MC–F 6075, published in the September 28, 1955, issue of the FEDERAL REGISTER on page 7244. Amendment filed October 6, 1955, to show joinder of JEFFERSON COUNTY EXPRESS CO., INC., 401–7th St., Port Arthur, Texas, as vendor in lieu of J. IMHOFF & SONS.

No. MC–F 6074, published in the September 28, 1955, issue of the FEDERAL REGISTER on page 7244. Application filed October 10, 1955, for temporary authority under Section 210a (b).

MC–F 6093. Authority sought for purchase by RENE R. DUPUIS and BERTHA T. DUPUIS, a partnership, doing business as THE ARROW LINE, 33 Lester Street, East Hartford, Conn., of a portion of the operating rights and certain property of NEW ENGLAND TRANSPORTATION COMPANY, 402 Congress Street, Boston, Mass. Applicants' attorney: Hugh M. Joseloff, 410 Asylum Street, Hartford, Conn. Operating rights sought to be transferred: *passengers and their baggage*, as a *common carrier*, over regular routes between New Haven, Conn., and Torrington, Conn., between Winsted, Conn., and Hartford, Conn., between Cherry Brook, Conn., and Collinsville, Conn., between Canton, Conn., and Torrington, Conn., and between Winsted, Conn., and Torrington, Conn., serving all intermediate points on the herein before mentioned routes, and between Welch's Corner, Conn., and West Hartford Center, Conn., serving no intermediate points. Vendee is authorized to operate in New York and Connecticut. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6094. Authority sought for purchase by THE R & H COMPANY, 33 Lester Street, East Hartford, Conn., of a portion of the operating rights and certain property of the NEW ENGLAND TRANSPORTATION COMPANY, 402 Congress Street, Boston, Mass., and for acquisition by RENE R. DUPUIS, BERTHA T. DUPUIS, of Hartford, Conn., and HARRY PHILLIPS AND SYLVIA W. PHILLIPS, of West Hartford, Conn., of control of the operating rights and property through the purchase. Applicants' attorney: Hugh M. Joseloff, 410 Asylum Street, Hartford, Conn. Operating rights sought to be transferred: *passengers and their baggage*, as a *common carrier*, over regular routes, between Hartford, Conn., and Waterbury, Conn., between Plainville, Conn., and New Britain, Conn., and between junction U. S. Highway 6 and unnumbered highway known as Connecting Road, and junction U. S. Highways 202 and 6 in the town of Farmington, Conn., serving all intermediate points. Vendee is authorized to operate in New York and Connecticut. Application has not been filed for temporary authority under Section 210a (b).

MC–F 6095. Authority sought for purchase by MIDWEST COAST TRANSPORT, INC., P. O. Box 747, Sioux Falls, S. Dak., of the operating rights of CECIL D. CARY and for acquisition by H. LAUREN LEWIS, Wilson Terminal Bldg., Sioux Falls, S. Dak., of control of the operating rights through the purchase. Person to whom correspondence is to be addressed: H. Lauren Lewis, Wilson Terminal Bldg., Sioux Falls, S. Dak. Operating rights sought to be transferred: *general commodities*, with certain exceptions not including household goods, as a *common carrier*, over irregular routes between Fargo, West Fargo, and Union Stockyards, N. Dak., on the one hand, and Flom, Minn., on the other; *farm machinery and tractions*, from Fargo, West Fargo, and Union Stockyards, N. Dak., to farms within 20 miles of Flom, Minn.; *livestock and agricultural commodities*, between Flom, Minn., and farms within 20 miles of Flom, on the one hand, and, on the other, Fargo, West Fargo, and Union Stockyards, N. Dak. Vendee is authorized to operate in Iowa, Minnesota, Nebraska, South Dakota, Washington, Oregon, California, Utah, and Nevada. Application has not been filed for temporary authority under Section 210a (b).

MC–F 6096. Authority sought for control and merger by TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 E. Second Street, El Paso, Tex., of the operating rights and property of ALAMO MOTOR LINES, INC., 428 E. Cevollos, San Antonio, Tex., and for acquisition by WALTER MULLADY and JOHN B. O'CONNOR, 1932 So. Wentworth Ave., Chicago, Ill., of control of the operating rights and property through the transaction. Applicants' attorney: Axelrod, Goodman & Steiner, 39 South LaSalle St., Chicago, Ill. Operating rights sought to be merged and controlled: *general commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, including routes between El Paso, Tex., and Midland, Tex., between Ft. Stockton, Tex., and Alpine, Tex., between Houston, Tex., and Ozona, Tex., between Waelder, Tex., and San Antonio, Tex., between San Angelo, Tex., and Sonora, Tex., between Ft. Stockton, Tex., and Ozona, Tex., serving all intermediate points; authority to operate in Texas under the Second Proviso of Section 206(a)(1) of the Interstate Commerce Act. TEXAS-ARIZONA MOTOR FREIGHT, INC. is authorized to operate in California, Arizona, Texas, and New Mexico. Application has not been filed for temporary authority under Section 210a (b).

MC–F 6097. Authority is sought for control and merger by ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla., of the operating rights and property of BOWN TRANSFER COMPANY, Collegeville, Pa., and for acquisition by SIDNEY ALTERMAN, 2424 Northwest 46th Street, Miami, Fla., of control of the operating rights and property through the transaction. Applicants' attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D. C. Operating rights sought to be controlled and merged: *general commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between Philadelphia, Pa., and Collegeville, Pa., serving certain intermediate and off-route points; *general commodities* with the exceptions specified above, over irregular routes, between Collegeville, Pa., and points within two miles of Collegeville, on the one hand, and, on the other, New York, N. Y., and points in New Jersey; *printing supplies*, from Philadelphia, Pa., to certain points in New Jersey; *household goods*, as defined by the Commission, between Collegeville, Pa., and points in Pennsylvania within thirty miles of Collegeville, on the one hand, and, on the other, points in New Jersey and New York. ALTERMAN TRANSPORT LINES, INC. is authorized to operate in Maine, Florida, New York, Pennsylvania, New Jersey, Delaware, Virginia, North Carolina, South Carolina, Georgia, Illinois, Indiana, Missouri, Maryland, Mississippi, Vermont, Arkansas, Oklahoma, Kentucky, Michigan, Ohio, Louisiana, Texas, District of Columbia, Tennessee, Nebraska, Wisconsin, Iowa, Kansas, Minnesota, South Dakota, Alabama, and Massachusetts. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6098. Authority sought for control by OVERSEAS TRANSPORTATION CO., INC., Eaton and Francis St., Key West, Fla., of the operating rights and property of SOUTH FLORIDA FREIGHTWAYS, INC., 236 N. River Drive, Miami, Fla., and for acquisition of conrol of said rights and property by E. R. SIDDALL, also of Key West, through the transaction. Applicant's attorney: Leo P. Kitchen, Suite 713 Professional Bldg., Jacksonville, Fla. Operating rights sought to be controlled: *Freight*, as a *common carrier*, under the Second Proviso of Section 206 (a) (1) of the Interstate Commerce Act, between Fort Lauderdale, Fla., and Miami, Fla. Overseas Transportation Co., Inc., is authorized to operate in Florida. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6099. Authority sought for control and merger by THE L. NELSON & SONS TRANSPORTATION COMPANY, 25 West Road, Ellington, Conn., (Mailing address: Box 181, Rockville, Conn.), of the operating rights and property of GILBERTVILLE TRUCKING CO., INC., Hardwick Road, Gilbertville, Mass., and for acquisition by CHARLES G. CHILBERG, 33 Reed Street, Rockville, Conn., and CLIFFORD J. O. NELSON, 5 Old Farm Road, Dover, Mass., of control of the operating rights and property through the transaction. Applicant's attorney: Mary E. Kelley, 84 State St., Boston, Mass. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including *household goods*, as a *common carrier*, over regular routes, between Lowell, Mass., and Boston, Mass., serving certain intermediate and off-route points; *sanitary napkins, facial tissues*, and *paper boxes*, between New York, N. Y., and Wilmington, Del., serving the intermediate points of Philadelphia, Pa., and the off-route point of Rockland, Del.; *General commodities*, with certain exceptions including household goods, over irregular routes, between points in Massachusetts, between the Town of Hardwick, Mass., on the one hand, and, on the other, New York, N. Y., and points in New York and New Jersey within 20 miles of New York, N. Y., between Palmer, Mass., and points in Massachusetts within ten miles of Palmer, on the one hand, and, on the other points in Connecticut and Rhode Island, between Palmer and Monson, Mass., on the one hand, and, on the other, points in Massachusetts within five miles of Palmer and Monson; household goods, as defined by the Commission, between Palmer, Mass., and points in Massachusetts within ten miles of Palmer, on the one hand, and, on the other, points in Vermont between Hardwick, Mass., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, and Rhode Island: *sanitary napkins, facial tissues*, and *machinery*, from Hardwick, Mass., to Boston, Mass., New York, N. Y., and points in New York and New Jersey within 20 miles of New York, N. Y.; *pickled skins*, from New York, N. Y., to Ipswich and Peabody, Mass.; *pulpboard*, from Boston, Mass., to Hardwick, Mass.; *materials used or useful in the manu-*

facture and sale of sanitary napkins and facial tissues, from New York, N. Y., and points in New York and New Jersey within 20 miles of New York, N. Y., to Hardwick, Mass.; *fertilizer*, and *fertilizer materials*, from Portland, Conn., to Hardwick, Mass., and points in Massachusetts within 15 miles of Hardwick; *lime*, and *limestone products*, from Adams and Lee, Mass., to certain points in Connecticut, Rhode Island, New York, and New Jersey; *agricultural commodities*, from Hardwick, Mass., to Melrose, Conn., and New York; and *livestock*, between Palmer, Mass., and points in Massachusetts within ten miles of Palmer, on the one hand, and, on the other, points in Vermont. Applicant is authorized to operate in Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, New Jersey and Pennsylvania. Application has not been filed for temporary authority under Section 210a (b).

MC–F 6100. Authority sought for control and merger by TAMIAMI TRAIL TOURS, INC., 1010 E. Lafayette St., Tampa, Fla., of the operating rights and property of MODERN COACH CORPORATION, 201 S. Jackson Street, Albany, Ga., and for acquisition by BARRON G. COLLIER JR., Everglades, Fla., of control of the operating rights and property through the transaction. Applicants' attorneys: A. Pickens Coles, Coles, Himes & Germany, First National Bank Building, Tampa, Fla., and Harold A. Kertz, Mercier, Kertz and Sanders, Metropolitan Bank Building, Washington, D. C. Operating rights sought to be controlled and merged: *passengers and their baggage*, as a *common carrier*, over regular routes between Monticello, Fla., and Atlanta, Ga., between Columbus, Ga., and Tallahassee, Fla., between Dothan, Ala., and Waycross, Ga., between Atlanta, Ga., and Talbotton, Ga., between Dothan, Ala., and Ebro, Fla., between Panama City, Fla., and Pensacola, Fla., between Albany, Ga., and Port St. Joe, Fla., between Eufaula, Ala., and Cuthbert, Ga., between Tallahassee, Fla., and Richland, Ga., between Valdosta, Ga., and Council, Ga., between Quincy, Fla., and Bristol, Fla., between Leary, Ga., and Arlington, Ga., between Zebulon, Ga., and Griffin, Ga., and between Council, Ga., and St. George, Ga., serving certain intermediate points. TAMIAMI TRAIL TOURS, INC. is authorized to operate in Florida. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6101. Authority sought for purchase by WATSON BROS. TRANSPORTATION CO., INC., 802 S. 14th St., Omaha, Nebr., of portion of the operating rights of WILSON STORAGE AND TRANSFER CO., 110 N. Reid St., Sioux Falls, S. Dak., and for acquisition by FAY V. WATSON, RAY E. WATSON and THOMAS W. WATSON, all of Omaha, of control of the operating rights through the purchase. Person to whom correspondence should be addressed: W. H. Thickett, Watson Bros. Transportation Co., Inc., 802 S. 14th St., Omaha, Nebr. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over a regular route between Sioux City, Iowa, and Fort Dodge, Iowa, serving all intermediate points. Vendee is authorized to operate in Minesota, Iowa, Nebraska, Kansas, Missouri, Illinois, Colorado, Arizona, New Mexico, California, Wyoming, Oklahoma, Utah, Idaho, Montana, Oregon, Washington, Indiana, Texas and Arkansas. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6102. Authority sought for purchase by DAGNE H. UTTER, HAROLD BRUCE UTTER, (HAROLD J. UTTER, TRUSTEE), CHARLES S. UTTER, (DAGNE H. UTTER, TRUSTEE), HAROLD J. UTTER, J. D. VAN HOOSER, JENNIE W. VAN HOOSER, DON D. UTTER, DOROTHY S. CONGER, AND E. G. HENDON, doing business as WESTERN KENTUCKY STAGES, 6th and Walnut Sts., Murray, Ky., to purchase the operating rights and property of HAROLD J. UTTER, HAROLD BRUCE UTTER, (HAROLD J. UTTER, TRUSTEE), DAGNE H. UTTER, CHARLES S. UTTER, (DAGNE H. UTTER, TRUSTEE), DON D. UTTER, J. D. VAN HOOSER, JENNIE W. VAN HOOSER, JOHN L. CONGER and A. G. GIBSON, doing business as WESTERN KENTUCKY STAGES, 6th and Walnut Sts., Murray, Ky. Person to whom correspondence should be addressed: Harold J. Utter, Managing Partner, Western Kentucky Stages, 406 Security Trust Bldg., Lexington, Ky. Operating rights sought to be transferred: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, as a *common carrier*, over regular routes, between Paducah, Ky., and Paris, Tenn., between Clarksville, Tenn., and Fulton, Ky., between Tri City, Ky., and Benton, Ky., between Gracey, Ky., and Marion, Ky., between Cadiz, Ky., and junction Kentucky Highway 95 and U. S. Highway 68, and between Paris, Tenn., and Waverly, Tenn., serving certain intermediate points. Vendee is not a motor carrier; however it is part of a system of companies (including Short Way Lines, Inc.) under control and management of Harold J. Utter. The companies operate in Kentucky and Tennessee. Application has not been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–8444; Filed, Oct. 18, 1955; 8:46 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 14, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31190: *Packing house products—Western points to Pacific Coast.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on fresh meats and packing house products, carloads from points in defined origin groups in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, South Dakota, Tennessee and Wyoming to Pacific coast destinations.

Grounds for relief: Circuitous routes operating from lower-rated through higher-rated origin groups.

Tariff: Supplement 69 to Agent Prueter's I. C. C. 1564.

FSA No. 31191: *Caustic soda—McIntosh, Ala., to Gulfport, Miss.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads from McIntosh, Ala., to Gulfport, Miss.

Grounds for relief: Circuitous route.

Tariff: Supplement 117 to Agent C. A. Spaninger's I. C. C. 1295.

FSA No. 31192: *Commodities, from, to, or between points in Southern Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on commodities, various, carloads, from, to and between points in southern territory.

Grounds for relief: Competition of carriers and circuity.

FSA No. 31193: *Plant and office equipment—Cleveland, Ohio, to Waynesboro, Ga.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on plant and office equipment, in straight or mixed carloads from Cleveland, Ohio, to Waynesboro, Ga.

Grounds for relief: Competition of carriers and circuity.

FSA No. 31194: *Bituminous coal—Duluth, Minn., and Menominee, Mich., to Wisconsin.* Filed by the Chicago and North Western Railway Company for itself. Rates on bituminous coal, carloads from Duluth, Minn., and Menominee, Mich., to points in Wisconsin.

Grounds for relief: Market competition.

Tariffs: Supplement 11 to C. & N. W. Ry. tariff I. C. C. 4876; Supplement 11 to C. & N. W. Ry. tariff I. C. C. 11277.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–8443; Filed, Oct. 18, 1955; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3319]

MISSISSIPPI VALLEY GENERATING CO. ET AL.

NOTICE OF PROPOSED ACTION

OCTOBER 12, 1955.

In the matter of Mississippi Valley Generating Company, Middle South Utilities, Inc., the Southern Company; File No. 70–3319.

The Commission having on February 9, 1955, pursuant to the provisions of the Public Utility Holding Company Act of 1935, entered its order authorizing and permitting the issuance by Mississippi Valley Generating Company, a subsidiary company of Middle South Utilities, Inc., and The Southern Company, both registered holding companies of 55,000 shares of its common stock and the acquisition thereof by said Middle South Utilities, Inc., and said The Southern Company, such issuance and acquisition being predicated in part on the then existence of a Power Contract dated November 11, 1954, between Mississippi Valley Generating Company and the United States of America, acting by and through the Atomic Energy Commission; and

No stay of the Commission's order of February 9, 1955, having been applied for or granted, and pursuant to such order Mississippi Valley Generating Company having, on February 11, 1955, issued 11,000 shares of its common stock and Middle South Utilities, Inc., and The Southern Company having acquired their respective shares of said stock; and

The State of Tennessee et al., having filed a petition for rehearing on February 14, 1955, and said petition having been denied by the Commission on February 18, 1955; and

The State of Tennessee et al., having on March 14, 1955, filed a petition for review of the Commission's orders of February 9 and February 18, 1955, in the United States Court of Appeals for the District of Columbia Circuit; and

The Commission having on April 11, 1955, filed a transcript of the record upon which its said orders were based and the matter having been briefed and argued in said court and having been by said court taken under advisement; and

Mississippi Valley Generating Company, Middle South Utilities, Inc., and The Southern Company having filed with the Commission an amendment, dated August 11, 1955, to their application which amendment recited that the Atomic Energy Commission had advised Mississippi Valley Generating Company that it "had been directed to take the necessary steps to bring to an end the relationship between Mississippi Valley and the United States of America and requested, accordingly, that discussions be held to agree on a mutually acceptable basis for bringing to an end the Power Contract," and that discussions for such purpose had commenced and were then in progress; and

The Commission having, upon the basis of said amendment, filed a motion in said United States Court of Appeals for a remand of the case to the Commission for reconsideration by the Commission of its order of February 9, 1955, in the light of changed circumstances, stating to the Court that in the absence of the Power Contract continuing in effect the Commission must reconsider its authorization for the issuance and acquisition of "up to 55,000 shares of Mississippi Valley Generating Company, of which 11,000 shares have heretofore been issued and acquired leaving the balance of 44,000 shares authorized but not yet issued."

Said United States Court of Appeals having on September 12, 1955, ordered that the case be remanded to the Commission for reconsideration of its said order; and

The Commission being of the view that in the circumstances the appropriate action to be taken by it at this time pursuant to the aforesaid remand of the United States Court of Appeals is to enter an order rescinding the authority of Mississippi Valley Generating Company to issue the 44,000 shares of its common stock approved for issuance by the said order of February 9, 1955, but not yet issued, and rescinding the authority of Middle South Utilities, Inc., and The Southern Company to acquire the same; to modify the said order accordingly; and to reserve for future determination, after completion of pending discussions and steps taken pursuant thereto respecting the Power Contract, the question of the action to be taken with respect to the said order of February 9, 1955, insofar as said order relates to the 11,000 shares of common stock issued by Mississippi Valley Generating Company and acquired by Middle South Utilities, Inc., and Southern Company;

Interested persons are afforded an opportunity to submit views in writing with respect to the aforesaid proposed action to the Secretary of the Commission on or before November 1, 1955.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F. R. Doc. 55–8442; Filed, Oct. 18, 1955; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CHARLES EDOUARD HENRIOD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Charles Edouard Henriod, Chamalieres (Puy de Dome), France, Claim No. 41398; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 2,205,832 and 2,205,833.

Executed at Washington, D. C., on October 12, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 55–8468; Filed, Oct. 10, 1955; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION 109

OCTOBER 12, 1955.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands, totalling 60.28 acres in the Anchorage Land District, Alaska, as suitable for lease and sale for recreational purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

KENAI RIVER BRIDGE AREA—UNIT NO. 4 FOR LEASE AND SALE; FOR RECREATIONAL SITES

Seward Meridian

T. 5 N., R. 10 W.,
Sec. 33: Lots 11–26, inclusive.

Comprising 16 tracts aggregating 60.28 acres.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to the date of the signing of this order will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

ROGER R. ROBINSON, *Acting Area Administrator.*

[F. R. Doc. 55–8454; Filed, Oct. 18, 1955; 8:48 a. m.]

ALASKA

ORDER OF TRANSFER OF JURISDICTION OF INTEREST

OCTOBER 12, 1955.

Whereas the Office of Territories, Department of the Interior, made application Anchorage 030968, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the lands hereinafter described, for the acquisition of property rights to the street right-of-way for Calhoun Avenue in front of the Governor's Mansion, Juneau, Alaska.

Now, therefore, by virtue of the authority contained in section 7 of the Public Works Act of August 24, 1949, supra, and pursuant to Chapter 3.1; Sec. 1.2 (u) (5) of Redelegation Order No. 541 of April 21, 1954, it is ordered as follows:

Jurisdiction of interest in and to the following described lands is hereby transferred to the Office of Territories, Department of the Interior:

Beginning at Corner No. 1, a point which bears North 48 degrees 43 minutes East a distance of 62.00 feet from the most westerly corner of Block 32 of the Townsite of Juneau, Alaska; thence South 77 degrees 32 minutes East a distance of 91.40 feet to Corner No. 2; thence South 62 degrees 32 minutes East a distance of 30.54 feet to Corner No. 3; thence South 47 degrees 32 minutes East a distance

of 25.75 feet to Corner No. 4; thence South 49 degrees 27 minutes East a distance of 39.75 feet to Corner No. 5; thence South 41 degrees 38 minutes East a distance of 34.22 feet to Corner No. 6; thence North 48 degrees 43 minutes East a distance of 34.50 feet to Corner No. 7; thence North 41 degrees 38 minutes West a distance of 67.20 feet to Corner No. 8; thence along a circular curve whose chord bears North 60 degrees 06 minutes West a distance of 75.85 feet, and whose middle ordinate is 6.20 feet, to Corner No. 9; thence North 77 degrees 21 minutes West a distance of 77.12 feet to Corner No. 10; thence South 48 degrees 43 minutes West a distance of 38.00 feet to Corner No. 1, the place of beginning.

Any subsequent conveyance which may be made of the lands to a public body under authority of the act of August 24, 1949, supra, the instrument of conveyance shall contain a provision reserving a right-of-way for ditches and canals constructed under authority of the United States, and reserving also to the United States (1) all oil and gas and other mineral deposits in the lands together with the rights of the United States, its agents, representatives, lessees or permittees, to prospect for, mine and remove the same under such regulations as the Secretary may prescribe, (2) a right-of-way for the construction of railroads, telegraph and telephone lines in accordance with the act of March 12, 1914 (38 Stat. 305; 48 U. S. C. 305), (3) a right-of-way for roads, highways, tramways, trails, bridges, and appurtenant structures constructed by or under authority of the United States or of any State created out of the Territory of Alaska, in accordance with the act of July 24, 1947 (61 Stat. 418; 48 U. S. C. 321d), and (4) such other reservations, covenants, terms, and conditions as may be deemed proper by the Office of Territories, as well as those which may be required for the protection of the Department of the Interior or any agency thereof.

ROGER R. ROBINSON,
Acting Area Administrator.

[F. R. Doc. 55-8455; Filed, Oct. 18, 1955; 8:48 a. m.]

ALASKA

NOTICE FOR FILING OBJECTIONS TO TRANSFER OF JURISDICTION OF INTEREST

OCTOBER 11, 1955.

Notice is hereby given that the Office of Territories, Department of the Interior, has made an application, Fairbanks 012800, for transfer of jurisdiction of interest to the Office of Territories of the following property:

Block 19, U. S. Survey 2760 A and B, Fort Yukon Townsite, Alaska, for the construction of a school building.

The purpose of this notice is to give persons having a bona fide objection to the transfer the opportunity to file with the Manager of the Land Office, Fairbanks, Alaska, a protest within 30 days from the date of the notice, together with evidence that a copy of the protest has been served on the Director, Alaska Public Works, Juneau, Alaska.

ROGER R. ROBINSON,
Acting Area Administrator.

[F. R. Doc. 55-8456; Filed, Oct. 18, 1955; 8:48 a. m.]

ALASKA

NOTICE FOR FILING OBJECTIONS TO TRANSFER OF JURISDICTION OF INTEREST

OCTOBER 12, 1955.

Notice is hereby given that the Office of Territories, Department of the Interior, has made an application, Fairbanks 012801, for transfer of jurisdiction of interest to the Office of Territories of the following property:

Block 17, U. S. Survey 1127, Nenana Townsite, Alaska, for construction of a school building.

The purpose of this notice is to give persons having a bona fide objection to the transfer the opportunity to file with the Manager of the Land Office, Fairbanks, Alaska, a protest within 30 days from the date of the notice, together with evidence that a copy of the protest has been served on the Director, Alaska Public Works, Juneau, Alaska.

ROGER R. ROBINSON,
Acting Area Administrator.

[F. R. Doc. 55-8457; Filed, Oct. 18, 1955; 8:49 a. m.]

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OF THE UNITED STATES

VOLUME 20 NUMBER 205

Washington, Thursday, October 20, 1955

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 63]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (20 F. R. 2881, 2973, 3499, 3931, 4397, 4841, 5256, 5709, 6076, 6575, 7134), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. Subparagraph (9) of paragraph (a), relating to San Diego County in California, is deleted.

2. Subparagraph (1) of paragraph (a), relating to California, is amended to read:

(1) E. ½ Sec. 13, T. 3S., R. 3W., MDBM; and that area included within a boundary beginning at a point on W. line of Plot 4, Rancho El Valle, 10.47 chains N. from N. line Plot 3, Rancho El Valle, thence N. 53° W. 17.95 chains, thence N. 69° 4' E. 6.67 chains, thence N. to County Road, thence SE. 100 feet along SW. line of County Road, thence S. to point of beginning, consisting of 32.98 acres within lots 8–15, in Alameda County.

3. New subdivisions (xiii) and (xiv) are added to subparagraph (11) of paragraph (d), relating to Monmouth County in New Jersey, to read:

(xiii) That part of Marlboro Township lying south and west of the south fork of Deep Run Branch, north of Robertsville-Herberts Corner Road, and east of Old Tennent Road; and

(xiv) That part of Atlantic Township lying east of Hocklockson Brook, south of Hocklockson Road, west of Pine Brook, and north of the Naval Ammunition Depot.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in California and New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1954 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 14th day of October 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-8507; Filed, Oct. 19, 1955; 8:52 a. m.]

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FEDERAL REGISTER

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[B. A. I. Order 384, Amdt. 8]

PART 79—SCRAPIE IN SHEEP

RELEASE OF AREA FROM QUARANTINE

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 79.2, as amended, Part 79, Title 9, Code of Federal Regulations (19 F. R. 7338, 20 F. R. 738), which contains a notice and quarantine with respect to the communicable disease of sheep known as scrapie, is hereby revoked.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment revokes the designation of an area is Buckskin Township in Ross County in Ohio as an area in which scrapie exists and revokes the quarantine imposed upon such area because of said disease. Hereafter, none of the restrictions of the regulations in 9 CFR, 1954 Supp., Part 79, as amended, apply with respect to movements of sheep from such area.

The amendment relieves restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 14th day of October 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-8506; Filed, Oct. 19, 1955; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 63]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border)* is amended between Hartford, Conn., and Boston, Mass., to read: "Hartford, Conn., radio range station; the intersection of a direct line between the Hartford, Conn., radio range and the Bedford, Mass., nondirectional radio beacon (located at Lat. 42°28'47", Long. 71°23'21") with the west course of the Boston, Mass., radio range; Boston, Mass., radio range station;".

2. Section 600.213 *Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.)* is amended by changing the last portion to read: "Providence, R. I., radio range station via the intersection of the north course of the Providence, R. I., radio range and the southwest course of the Boston, Mass., radio range to the intersection of a direct line between the intersection of the north course of the Providence radio range and the southwest course of the Boston radio range and the Bedford, Mass., nondirectional radio beacon (located at Lat. 42°28'47", Long. 71°23'21") with the west course of the Boston, Mass., radio range."

3. Section 600.687 is amended to read:

§ 600.687 *Blue civil airway No. 87 (Lexington, Ky., to Dayton, Ohio).* From the Lexington, Ky., nondirectional radio beacon via the Cincinnati, Ohio, radio range station; the intersection of the northeast course of the Cincinnati, Ohio, radio range and the south course of the Wright-Patterson AFB, Dayton, Ohio, radio range; Wright-Patterson AFB, Dayton, Ohio, radio range station to the intersection of the north course of the Wright-Patterson AFB radio range and the west course of the Columbus, Ohio, radio range.

4. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* is amended by changing all between the Topeka, Kans., omnirange station and the St. Louis, Mo., omnirange station to read: "Topeka, Kans., omnirange station, including a south alternate; Kansas City, Mo., omnirange station, including a north alternate; Columbia, Mo., omnirange station, including a north alternate from the Kansas City omnirange station to the Columbia omnirange station via the intersection of the Kansas City omnirange 077° True and the Columbia omnirange 292° True radials and also a south alternate from the Topeka omnirange station to the Columbia omnirange station via the Blue Springs, Mo., omnirange station thence via the intersection of the Blue Springs omnirange 094° True and the Columbia omnirange 261° True radials; St. Louis, Mo., omnirange station, including a north and a south alternate;" and by adding a new last sentence to read: "The portions of this airway which overlap the Lake City Restricted Area (R–307) are excluded."

5. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by changing all between the Battle Mountain, Nev., omnirange station and the Ogden, Utah, omnirange station to read: "Battle Mountain, Nev., omnirange station; Wells, Nev., omnirange station, including a south alternate from the Battle Mountain omnirange station to the Wells omnirange station via the Elko, Nev., omnirange station; Lucin, Utah, omnirange station; Ogden, Utah, omnirange station;".

6. Section 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.)* is amended by deleting the following words: "Kansas City, Mo., omnirange station, including a north alternate;" and substituting the following words in lieu thereof: "Kansas City, Mo., omnirange station;".

7. Section 600.6011 *VOR civil airway No. 11 (Houston, Tex., to Detroit, Mich.)* is amended by changing the portion which reads: "Evansville, Ind., omnirange station; Scotland, Ind., omnirange station;" to read: "Evansville, Ind., omnirange station; Scotland, Ind., omnirange station, including an east alternate via the intersection of the Evansville omnirange 049° True and the Scotland omnirange 188° True radials;".

8. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing all between the Winslow, Ariz., omnirange station;" to read: "Evansville, Ind., omnirange station to read: "Winslow, Ariz., omnirange station; Zuni, N. Mex., omnirange station, including a north alternate via the intersection of the Winslow omnirange 076° True and the Zuni omnirange 287° True radials; Grants, N. Mex., omnirange station; Albuquerque, N. Mex., omnirange station;" by changing all between the Emporia, Kans., omnirange station and the Columbia, Mo., omnirange station to read: "Emporia, Kans., omnirange station, including a north alternate via the intersection of the Wichita omnirange 046° True and the Emporia omnirange 259° True radials; Kansas City, Mo., omnirange station; Columbia, Mo., omnirange station, including a north alternate via the intersection of the Kansas City omnirange 077° True and the Columbia omnirange 292° True radials;".

9. Section 600.6013 *VOR civil airway No. 13 (Houston, Tex., to Duluth, Minn.)* is amended by deleting the following words: "Kansas City, Mo., omnirange station, including an east alternate;" and substituting the following words in lieu thereof: "Kansas City, Mo., omnirange station;".

10. Section 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.)* is amended by changing all after the Portland (Manor), Oreg., omnirange station to read: "Portland (Manor), Oreg., omnirange station, including a west alternate via the intersection of the Eugene omnirange 341° True and the Newburg omnirange 204° True radials, the Newburg, Oreg., omnirange station, and the intersection of the Newburg omnirange 020° True and the Portland omnirange 247° True radials; intersection of the Portland omnirange 353° True and the Seattle omnirange 197° True radials, excluding the portion which overlaps the Fort Lewis restricted area (R–244); Seattle, Wash., omnirange station, including a west alternate from the Portland omnirange station to the Seattle omnirange station via the intersection of the Portland omnirange 353° True and the Olympia omnirange 165° True radials, the Olympia, Wash., omnirange station and the point of intersection of the Olympia omnirange 337° True and the Seattle omnirange 247° True radials; intersection of the Seattle omnirange 359° True and the Bellingham omnirange 169° True radials; Bellingham, Wash., omnirange station; to the United States-Canadian Border via the Bellingham omnirange 304° True radial."

11. Section 600.6025 *VOR civil airway No. 25 (Los Angeles, Calif., to Ellensburg, Wash.)* is amended by changing all before the Paso Robles, Calif., omnirange station to read: "From the Camarillo, Calif., MF radio range station via the Santa Barbara, Calif., omnirange station; Paso Robles, Calif., omnirange station;".

12. Section 600.6027 is amended by changing the caption to read: "*VOR civil airway No. 27 (Los Angeles, Calif., to Seattle, Wash.)*" and by changing all before the Salinas, Calif., omnirange station to read: "From the Camarillo, Calif., MF radio range station via the Santa Barbara, Calif., omnirange station; Paso Robles, Calif., omnirange station, including a west alternate via the intersection of the Santa Barbara omnirange 304° True and the Paso Robles omnirange 169° True radials; intersection of the Paso Robles omnirange 335° True and the Salinas omnirange

134° True radials; Salinas, Calif., omnirange station;".

13. Section 600.6032 is amended to read:

§ 600.6032 *VOR civil airway No. 32 (Battle Mountain, Nev., to Fort Bridger, Wyo.)*. From the Battle Mountain, Nev., omnirange station via the Elko, Nev., omnirange station; Bonneville, Utah, omnirange station, including a north alternate from the Elko omnirange station to the Bonneville omnirange station via the Wells, Nev., omnirange station; Salt Lake City, Utah, omnirange station; to the Fort Bridger, Wyo., omnirange station.

14. Section 600.6039 is amended by changing the caption to read: "*VOR civil airway No. 39 (South Boston, Va., to Kennebunk, Maine)*" and by changing the first portion to read: "From the South Boston, Va., omnirange station via the Gordonsville, Va., omnirange station; Herndon, Va., omnirange station; to the point of intersection of the Herndon omnirange 045° True and the Baltimore omnirange 281° True radials."

15. Section 600.6069 is amended to read:

§ 600.6069 *VOR civil airway No. 69 (Little Rock, Ark., to Chicago, Ill.)*. From the Little Rock, Ark., omnirange station via the intersection of the Little Rock omnirange 062° True and the Walnut Ridge omnirange 186° True radials; Walnut Ridge, Ark., omnirange station; Farmington, Mo., omnirange station; intersection of the Farmington omnirange 351° True and the Troy omnirange 215° True radials; Troy, Ill., omnirange station; Springfield, Ill., omnirange station; Pontiac, Ill., omnirange station; Joliet, Ill., omnirange station; to the Chicago, Ill., Midway Airport terminal omnirange station.

16. Section 600.6071 *VOR civil airway No. 71 (Pine Bluff, Ark., to Kansas City, Mo.)* is amended by changing the last portion to read: "From the Flippin, Ark., omnirange station via the Springfield, Mo., omnirange station; Butler, Mo., omnirange station, including a west alternate via the intersection of the Springfield omnirange 301° True and the Butler omnirange 178° True radials; to the Kansas City, Mo., omnirange station."

17. Section 600.6088 *VOR civil airway No. 88 (Tulsa, Okla., to Mansfield, Ohio)* is amended by changing all between the Vichy, Mo., omnirange station and the Scotland, Ind., omnirange station to read: "Vichy, Mo., omnirange station; to the point of intersection of the Vichy omnirange 084° True and the St. Louis, Mo., omnirange 170° True radials. From the Centralia, Ill., omnirange station via the intersection of the Centralia omnirange 075° True and the Scotland omnirange 250° True radials; Scotland, Ind., omnirange station;".

18. Section 600.6107 is amended to read:

§ 600.6107 *VOR civil airway No. 107 (Los Angeles, Calif., to Red Bluff, Calif.)*. From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 301° True and the Fillmore omnirange 163° True radials; Fillmore, Calif., omnirange station; Coalinga, Calif., omnirange station; Oakland, Calif., omnirange station; intersection of the Oakland omnirange 330° True and the Ukiah omnirange 147° True radials; Ukiah, Calif., omnirange station; to the Red Bluff, Calif., omnirange station.

19. Section 600.6161 is amended to read:

§ 600.6161 *VOR civil airway No. 161 (Tulsa, Okla., to Minneapolis, Minn.)*. From the Tulsa, Okla., omnirange station via the Butler, Mo., omnirange station; Blue Springs, Mo., omnirange station; intersection of the Blue Springs omnirange 016° True and the Lamoni omnirange 175° True radials; Lamoni, Iowa, omnirange station; Des Moines, Iowa, omnirange station; Waterloo, Iowa, omnirange station; Rochester, Minn., omnirange station; intersection of the Rochester omnirange 350° True and the Minneapolis-St. Paul International Airport ILS localizer 121° True course, to the Minneapolis-St. Paul, Minn., International Airport ILS localizer. The portions of this airway which overlap the Lake City Restricted Area (R–307) are excluded.

20. Section 600.6174 *VOR civil airway No. 174 (St. Louis, Mo., to Washington, D. C.)* is amended by changing the portion between the York, Ky., omnirange station and the Front Royal, Va., omnirange station to read: "York, Ky., omnirange station; intersection of the York omnirange 076° True and the Elkins omnirange 270° True radials; Elkins, W. Va., omnirange station; Front Royal, Va., omnirange station;".

21. Section 600.6176 is amended to read:

§ 600.6176 *VOR civil airway No. 176 (Centralia, Ill., to Scotland, Ind.)*. From the Centralia, Ill., omnirange station via the intersection of the Centralia omnirange 075° True and the Scotland omnirange 250° True radials; to the Scotland, Ind., omnirange station.

22. Section 600.6191 *VOR civil airway No. 191 (Walnut Ridge, Ark., to Chicago, Ill.)* is amended by changing all before the Troy, Ill., omnirange station to read: "From the Walnut Ridge, Ark., omnirange station via the Farmington, Mo., omnirange station; intersection of the Farmington omnirange 351° True and the Troy omnirange 215° True radials; Troy, Ill., omnirange station;".

23. Section 600.6204 is added to read:

§ 600.6204 *VOR civil airway No. 204 (Hoquiam, Wash., to Olympia, Wash.)*. From the Hoquiam, Wash., omnirange station to the Olympia, Wash., omnirange station, excluding the airspace above 14,500 feet above mean sea level.

24. Section 600.6205 is added to read:

§ 600.6205 *VOR civil airway No. 205 (Springfield, Mo., to Kansas City, Mo.)*. From the Springfield, Mo., omnirange station via the Blue Springs, Mo., omnirange station, including a west alternate via the intersection of the Springfield omnirange 316° True and the Blue Springs omnirange 178° True radials; to the Kansas City, Mo., omnirange station. The portion of this airway which overlaps the Lake City Restricted Area (R–307) is excluded.

25. Section 600.6206 is added to read:

§ 600.6206 *VOR civil airway No. 206 (Blue Springs, Mo., to Kirksville, Mo.)*. From the Blue Springs, Mo., omnirange station via the intersection of the Blue Springs omnirange 056° True and the Kirksville omnirange 225° True radials; to the Kirksville, Mo., omnirange station. The portion of this airway which overlaps the Lake City Restricted Area (R–307) is excluded.

26. Section 600.6209 is added to read:

§ 600.6209 *VOR civil airway No. 209 (Los Angeles, Calif., to Paso Robles, Calif.)*. From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles, omnirange 301° True and the Fillmore omnirange 163° True radials; Fillmore, Calif., omnirange station; to the Paso Robles, Calif., omnirange station.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. November 3, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55–8477; Filed, Oct. 19. 1955; 8:45 a. m.]

[Amdt. 63]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1015 is amended to read:

§ 601.1015 *Control area extension (Greenwood, Miss.)*. Within 5 miles either side of the east course of the Greenwood radio range extending from the radio range station to a point 20 miles east and within 5 miles either side of the west course of the radio range extending from the radio range station to a point 25 miles west; within 5 miles either side of the 246° True and 66° True radials of the Greenwood omnirange extending to a point 20 miles southwest and northeast of the omnirange station.

2. Section 601.1021 is amended to read:

§ 601.1021 *Control area extension (Belleville, Ill.)*. That airspace within a 40-mile radius of Scott AFB, Belleville, Ill.

3. Section 601.1037 is amended to read:

§ 601.1037 *Control area extension (Pensacola, Fla.)*. That airspace within 8 miles east of and 5 miles west of the north and south courses of the Pensacola radio range extending from the radio range station to points 25 miles north and 12 miles south.

4. Section 601.1050 is amended to read:

§ 601.1050 *Control area extension (Bakersfield, Calif.)*. Within 5 miles either side of the southwest course of the Bakersfield radio range extending from the radio range station to a point 25 miles southwest including the airspace in the northwest quadrant of the radio range bounded on the northeast by VOR civil airway No. 137 and on the west by VOR civil airway No. 107.

5. Section 601.1275 is amended to read:

§ 601.1275 *Control area extension (Fairbanks, Alaska)*. Within 5 miles either side of the Fairbanks ILS localizer course extending from the localizer to a point 25 miles northeast; within 5 miles either side of the east course of the Fairbanks radio range extending from the radio range station to a point 25 miles east of the Chena, Alaska nondirectional radio beacon.

6. Section 601.1281 is amended to read:

§ 601.1281 *Control area extension (Pueblo, Colo.)*. That airspace within a 25-mile radius of the Pueblo radio range station lying in the northeast and southeast quadrants of the radio range.

7. Section 601.1298 is amended to read:

§ 601.1298 *Control area extension (Promontory Point, Utah)*. That airspace bounded on the north by VOR civil airway No. 6, on the east by VOR civil airway No. 21, on the south by VOR civil airway No. 32 and on the west by a line extending from Lat. 40°51′30″, Long. 112°56′30″, to Lat. 41°00′00″, Long. 112°56′30″, to Lat. 41°00′00″, Long. 112°45′00″ to Lat. 41°12′25″, Long. 112°45′00″.

8. Section 601.1352 is amended to read:

§ 601.1352 *Control area extension (Sedalia, Mo.)*. That airspace within a 35-mile radius of Whiteman AFB bounded on the north by VOR civil airway No. 4–S, excluding the portion northwest of Sedalia bounded on the north by VOR civil airway No. 4–S, on the east by Long. 93°45′00″, on the south by Lat. 38°45′00″ and on the west by the Kansas City control area extension, and excluding the portion northeast of Sedalia bounded on the north by VOR civil airway No. 4–S, on the east by Long. 93°00′00″, on the south by Lat. 38°45′00″ and on the west by Long. 93°15′00″.

9. Section 601.1383 is added to read:

§ 601.1383 *Control area extension (Guam Island)*. All of the airspace from 700 feet upwards within a radius of 100 nautical miles of the Guam radio range station extending clockwise from the west course of the radio range to the southeast course of the radio range and within a radius of 25 nautical miles of the Guam radio range extending clockwise from the southeast course of the radio range to the west course of the radio range, excluding the portions which overlap Restricted Areas R–474 and R–478 and Warning Areas W–473, W–475 and W–479.

10. Section 601.1390 is added to read:

§ 601.1390 *Control area extension (Oahu-Molokai, T. H.)*. All of the airspace from 700 feet upwards bounded by a line extending from Lat. 21°26′00″ N., Long. 157°37′45″ W., to Lat. 21°55′00″ N. Long. 156°42′45″ W. to Lat. 21°10′00″ N., Long. 157°26′15″ W., to Lat. 21°14′30″ N., Long. 157°36′15″ to point of beginning including Hawaiian VOR civil airway No. 7.

11. Section 601.2066 is amended to read:

§ 601.2066 *Pueblo, Colo., control zone*. Within a 5-mile radius of Pueblo Municipal Airport, within 5 miles either side of a direct line extending from the center of Pueblo Municipal Airport to the Pueblo radio range station to include a 5-mile radius of the Pueblo radio range station, within 2 miles either side of the southeast course of the radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 271° and 91° True radials of the Pueblo omnirange extending from the Pueblo Municipal Airport five mile radius zone to a point 10 miles east of the omnirange station.

12. Section 601.2103 is amended to read:

§ 601.2103 (*Grand Rapids, Mich., control zone*). Within a 6-mile radius of Kent County Airport and within 2 miles either side of the southeast course of the Grand Rapids radio range extending from the radio range station to a point 12 miles southeast.

13. Section 601.2146 is amended to read:

§ 601.2146 *Greenwood, Miss., control zone*. Within a 5-mile radius of the Greenwood Municipal Airport, within 2 miles either side of the east course of the radio range extending from the radio range station to a point 10 miles east, and within 2 miles either side of the 246° True radial of the Greenwood omnirange extending from the omnirange station to a point 10 miles southwest.

14. Section 601.2265 is amended to read:

§ 601.2265 *Wright-Patterson AFB, Ohio, control zone*. Within a 5-mile radius of Patterson Field including a 5-mile radius of Wright Field, within 2 miles either side of the south course of the Wright-Patterson AFB radio range extending from the radio range station to the Fairfield Fan Marker and within 2 miles either side of a 31° True bearing extending from the Wright-Patterson AFB radio range to a point 10 miles northeast of Patterson Field.

15. Section 601.2368 is added to read:

§ 601.2368 *Sault Ste. Marie, Mich., control zone*. That airspace over United States territory within a 5-mile radius of the Sault Ste. Marie Municipal Airport and within 2 miles either side of the southeast course of the Sault Ste. Marie radio range extending from the radio range station to a point 12 miles southeast.

16. Section 601.4223 *Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.)* is amended by deleting the following reporting point: "the intersection of the southeast course of the Elmira, N. Y., radio range and the north course of the Wilkes-Barre, Pa., radio range;".

17. Section 601.6004 is amended to read:

§ 601.6004 *VOR civil airway No. 4 control areas (Seattle, Wash., to Washington, D. C.)*. All of VOR civil airway No. 4 including north and south alternates, but excluding the airspace between the main airway and its south alternate between the Topeka, Kans., omnirange station and the Columbia, Mo., omnirange station.

18. Section 601.6023 is amended to read:

§ 601.6023 *VOR civil airway No. 23 control areas (San Diego, Calif., to Bellingham, Wash.)* All of VOR civil airway No. 23 including an east alternate and west alternates, but excluding the airspace between the main airway and its west alternate between the Portland, Oreg., omnirange station and the Seattle, Wash., omnirange station.

19. Section 601.6027 is amended to read:

§ 601.6027 *VOR civil airway No. 27 control areas (Los Angeles, Calif., to Seattle, Wash.)*. All of VOR civil airway No. 27 including east and west alternates.

20. Section 601.6039 is amended to read:

§ 601.6039 *VOR civil airway No. 39 control areas (South Boston, Va., to Kennebunk, Maine)*. All of VOR civil airway No. 39.

21. Section 601.6069 is amended to read:

§ 601.6069 *VOR civil airway No. 69 control areas (Little Rock, Ark., to Chicago, Ill.)*. All of VOR civil airway No. 69.

22. Section 601.6071 is amended to read:

§ 601.6071 *VOR civil airway No. 71 control areas (Pine Bluff, Ark., to Kansas City, Mo.)*. All of VOR civil airway No. 71 including a west alternate.

23. Section 601.6161 is amended to read:

§ 601.6161 *VOR civil airway No. 161 control areas (Tulsa, Okla., to Minneapolis, Minn.)*. All of VOR civil airway No. 161.

24. Section 601.6176 is amended to read:

§ 601.6176 *VOR civil airway No. 176 control areas (Centralia, Ill., to Scotland, Ind.).* All of VOR civil airway No. 176.

25. Section 601.6204 is added to read:

§ 601.6204 *VOR civil airway No. 204 control areas (Hoquiam, Wash., to Olympia, Wash.).* All of VOR civil airway No. 204.

26. Section 601.6205 is added to read:

§ 601.6205 *VOR civil airway No. 205 control areas (Springfield, Mo., to Kansas City, Mo.).* All of VOR civil airway No. 205.

27. Section 601.6206 is added to read:

§ 601.6206 *VOR civil airway No. 206 control areas (Blue Springs, Mo., to Kirksville, Mo.).* All of VOR civil airway No. 206.

28. Section 601.6209 is added to read:

§ 601.6209 *VOR civil airway No. 209 control areas (Los Angeles, Calif., to Paso Robles, Calif.).* All of VOR civil airway No. 209.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. November 3, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55-8478; Filed, Oct. 19, 1955; 8:45 a. m.]

[Amdt. 137]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.12, the Sahuarita, Arizona, area (R–310 formerly D–310), amended on January 24, 1952, in 17 F. R. 715, is further amended by changing the "Time of Designation" column to read: "Days Only."

2. In § 608.12, the Willcox Dry Lake, Arizona, area (R–311 formerly D–311), amended on July 7, 1953, in 18 F. R. 3561, is further amended by changing the "Time of Designation" column to read: "Days Only."

3. In § 608.12, the Fort Huachuca, Arizona, area (R–181 formerly D–181), published on October 6, 1951, in 16 F. R. 10204, is amended by changing the "Description by Geographical Coordinates" column to read: Beginning at latitude 31°37'00", longitude 110°05'00"; thence to latitude 31°29'00", longitude 110°05'0"; thence to latitude 31°29'00", longitude 110°26'00"; thence to latitude 31° 30'30", longitude 110°26'00"; thence to latitude 31°31'40", longitude 110°26'40"; thence to latitude 31°36'40", longitude 110°26'40"; thence to latitude 31° 41'40", longitude 110°15'00"; thence to latitude 31°41'40", longitude 110°13'30"; thence to point of beginning.

4. In § 608.21, the Glenview, Illinois, area (R–76 formerly D–76), published on July 16, 1949, in 14 F. R. 4290, is amended by changing the "Description by Geographical Coordinates" column to read: Beginning at latitude 42°35'00", longitude 87°33'00"; thence South to latitude 42°19'50", longitude 87°33'00"; thence Southwest to latitude 42°17'50", longitude 87°47'30"; thence North to latitude 42°35'00", longitude 87°47'30"; thence to point of beginning. Also by changing the "Designated Altitudes" column to read: "Surface to Unlimited".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on October 27, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55-8479; Filed, Oct. 19, 1955; 8:46 a. m.]

[Amdt. 138]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.52, the Wendover, Utah, area (R–258) amended on July 2, 1955, in 20 F. R. 4714 is further amended by changing the "Description by geographical coordinates" column to read: "Beginning at latitude 41°10'40", longitude 112°45'00"; thence to latitude 41°00'00", longitude 112°45'00"; thence to latitude 41°00'00", longitude 112°56'30"; thence to latitude 40°51'30", longitude 112°56'30"; thence to latitude 40°48'30", longitude 113°40'00"; thence to latitude 41°15'00", longitude 113°43'50"; thence to point of beginning.

2. In § 608.18, the Pensacola, Florida, area (R–154 formerly D–154) amended on August 27, 1954, in 19 F. R. 5476, is further amended by changing the "Description by geographical coordinates" column to read: "Bound on the north by the Florida Coastline; bound on the south by a line 3 nautical miles from and parallel to the Florida Coastline; bound on the east by longitude 86°48'00"; bound on the west by the revised Pensacola Control Area and including the area within a circle of a 2 mile radius centered at latitude 30°22'00", longitude 86°58'30".

3. In § 608.56, a Leon, West Virginia, area (R–490) is added to read:

Name and location (chart)	Designation by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
LEON (R–490) (Huntington).	Beginning at latitude 38°44'35", longitude 82°02'24"; thence to latitude 38°43'28", longitude 82°00'40"; thence to latitude 38°42'07", longitude 82°01'15"; thence to latitude 38°43'17", longitude 82°03'50"; thence to latitude 38°44'35", longitude 82°02'24".	Surface to unlimited.	Sunrise to sunset.	Naval Ordnance Plant, Charleston, W. Va.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on November 3, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55-8480; Filed, Oct. 19, 1955; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF MANEB (MANGANESE ETHYLENEBISDITHIOCARBAMATE)

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of maneb (manganese ethylenebisdithiocarbamate) in or on certain raw agricultural commodities.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g); 20 F. R. 759), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended as follows:

1. Section 120.101 (c) (4) is amended to read as follows:

(4) For the purposes of this section, in those cases where the same numerical tolerance is established for more than one metallic dithiocarbamate (ferbam, maneb, ziram, or zineb) on a raw agricultural commodity, the total amount of metallic dithiocarbamate residues on such commodity, when calculated as zinc ethylenebisdithiocarbamate, shall not exceed the tolerance established for each metallic dithiocarbamate.

2. Part 120 is amended by adding the following new section:

§ 120.110 *Tolerances for residues of maneb (manganese ethylenebisdithiocarbamate).* Tolerances for residues of maneb (manganese ethylenebisdithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, are established as follows:

(a) 7 parts per million in or on apples, beans, carrots (with or without tops) or carrot tops, celery, cranberries, cucumbers, eggplant, figs, grapes, melons, onions, peaches, peppers, spinach, summer squash, tomatoes, and winter squash.

(b) 0.1 part per million in or on almonds and potatoes.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: October 14, 1955.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8481; Filed, Oct. 19, 1955; 8:46 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF MALATHION

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of malathion in or on certain raw agricultural commodities. Subsequently, the petitioner withdrew barley, citrus, guavas, oats, pasture grass, pecans, walnuts, and wheat from the list of raw agricultural commodities on which tolerances had been requested.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g); 20 F. R. 759), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended as follows:

1. In § 120.101 *Specific tolerances for pesticide residues in or on fresh fruits and vegetables*, paragraph (c) (5) (ii) is amended by inserting immediately following the name "EPN" in the list of organic phosphates the name "Malathion."

2. Part 120 is amended by adding the following new section:

§ 120.111 *Tolerances for residues of malathion.* A tolerance of 8 parts per million is established for residues of malathion (*O, O*-dimethyl dithiophosphate of diethyl mercaptosuccinate) in or on the following raw agricultural commodities: Alfalfa, apples, apricots, avocados, snap beans, beets (including tops), blueberries, broccoli, brussels sprouts; cabbage, cauliflower, celery, cherries, clover, cranberries, cucumbers, dates, eggplants, grapes, kale, lettuce, mangoes, melons, mustard greens, onions (including green onions), passion fruit, peaches, peas, pears, peppers, pineapples, plums, potatoes, prunes, rutabagas, spinach, squash (both summer and winter squash), strawberries, tomatoes, turnips (including tops).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

Dated: October 14, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8511; Filed, Oct. 18, 1955; 12:32 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter C—Military Education

PART 543—PROMOTION OF RIFLE PRACTICE

TARGET EQUIPMENT

Section 543.6 is revised to read as follows:

§ 543.6 *Targets and target equipment*—(a) *National Guard, Army Reserve, Reserve Officers' Training Corps, and schools operating under Section 55c, National Defense Act*—(1) *General provisions.* (i) The types of target materiel authorized for the Regular Army are also prescribed for use in target practice by the National Guard, Army Reserve, Reserve Officers' Training Corps, and schools operating under section 55c, National Defense Act, provided that no issues or expenditures of target materiel for these purposes will be made until the officer responsible is assured that funds are available, for the payment in full for all items designated as reimbursable in Ordnance Department Field Service Bulletins or in similar US Air Forces instructions, and expenses incident to the issue of target materiel, and the repair of any damage to Regular Army target materiel incident to its use by these components and auxiliaries.

(ii) Funds to provide target materiel for the Army Reserve, Reserve Officers' Training Corps, and schools operating under section 55c, National Defense Act, and the National Guard are allocated to the commanding generals of the areas, territorial commanders and headquarters, US Air Forces, and to the commanders of exempted stations. If definite instructions have not been received by the officers immediately responsible for the issue, expenditure, or use of target materiel from the proper commander to whom funds have been allocated or alloted such responsible officer will apply to such commander before authorizing the issue, expenditure, or use of target materiel by the National Guard.

(iii) When requisitioning for target materiel, separate requisitions should be prepared and submitted for each component and auxiliary.

(2) *Allowances.* The National Guard, Army Reserve, Reserve Officers' Training Corps, and schools operating under section 55c, National Defense Act, are authorized such articles of target materiel as are appropriate for the practice to be conducted, and will not exceed the allowances established for the Regular Army, without the authority of the Department of Defense.

(b) *Civilian rifle clubs and miscellaneous schools and organizations*—(1) *Types and allowances authorized.* (i) *Schools operating under the act of April 27, 1914 (38 Stat. 370).* See § 543.1.

(ii) *Civilian rifle clubs.* See § 543.1.

(iii) *Civilians using rifle ranges.* See § 543.2.

(iv) *Rifle and pistol competitions in schools and colleges.* (*a*) The types of targets authorized for small bore matches and competitions are the National Rifle Association gallery targets for 50 and 75 feet. These targets are obtained through the executive officer, National

Board for the Promotion of Rifle Practice.

(b) Targets and target equipment for outdoor rifle and pistol firing are the same as are provided for the Regular Army for rifle and pistol marksmanship courses and competitions.

(2) *Storage and issue of special targets and target equipment.* Special targets and target equipment procured by the National Board for the Promotion of Rifle Practice, and issued or sold by the board, or under the direction of the Director of Civilian Marksmanship, may be stored and issued by the Ordnance Department when requested by proper authority; provided, that in the opinion of the Chief of Ordnance such storage is practicable and that the Ordnance Department is reimbursed in full by the National Board for the Promotion of Rifle Practice for all expenses incident to the handling of the equipment.

(3) *State soldiers' and sailors' orphans' homes and State and territorial educational institutions.* No issue of targets and target equipment is authorized.

[TA 23, 20 September 1955] (38 Stat. 370, secs. 40, 113, 39 Stat. 191, as amended, sec. 35, 41 Stat. 780, 43 Stat. 510, as amended; 10 U. S. C. 1180, 1181, 1185, 32 U. S. C. 181)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-8476; Filed, Oct. 19, 1955; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

[Revision 3, Amdt. 5]

REG. 7—MICA REGULATION: PURCHASE PROGRAMS FOR DOMESTIC MICA

PRICES AND PAYMENT

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), this regulation, as revised and amended, is hereby further amended as follows:

In section 5 (e), delete the date "September 15, 1955", wherever the same appears therein, and in lieu thereof substitute the following: "September 16, 1955".

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interprets or applies sec. 303, 64 Stat. 801, as amended, 67 Stat. 417; 50 U. S. C. App. and Sup. 2093)

All other provisions of this regulation shall remain in full force and effect.

This amendment is effective immediately.

Dated: October 14, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-8533; Filed, Oct. 19, 1955; 9:31 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter S—Rights-of-Way

[Circular 1936]

PART 244—RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND OVER COOS BAY REVESTED LANDS

SUBPART F—RIGHTS-OF-WAY UNDER THE ACT OF JANUARY 21, 1895, OVER PUBLIC LANDS FOR TRAMROADS AND OTHER ROADS FOR LOGGING AND MINING PURPOSES, EXCEPT LOGGING ROADS OVER REVESTED AND RECONVEYED AND INTERMINGLED PUBLIC LANDS IN OREGON

TRAMROADS DEFINED; SPECIAL PROVISIONS FOR TEMPORARY RIGHTS-OF-WAY

Section 244.53 is revised to read as follows:

§ 244.53 *Tramroads defined; special provisions for temporary rights-of-way.* (a) Tramroads are considered as including tramways, railroads, and motor-truck roads to be used in connection with mining, quarrying, logging, and the manufacturing of lumber.

(b) An application pursuant to § 244.52 and this section for a temporary right-of-way to be used for a period of not more than six months may be filed with the officer in charge of any local office of the Bureau of Land Management having jurisdiction over the lands. No special form for such an application is required but it should state whether the applicant or applicants are citizens of the United States and if a corporation, whether it is qualified under State law to acquire the right-of-way applied for and be accompanied by three copies of a map or sketch which shows the location of the right-of-way with a degree of accuracy sufficient for its position on the ground in relation to the lines and corners of the public land surveys or in relation to some prominent topographic feature, to be readily determined. Such a map or sketch or statement as to citizenship or qualification may be accepted as the basis for a permit for a temporary right-of-way even though it does not meet the requirements of other regulations in this part, if in the opinion of the authorized officer it would be in the public interest to do so. Within the discretion of the issuing officer, the holder of a temporary permit may be granted a single extension of the permit for a period of not more than six months. Notwithstanding the provisions of § 244.21, the charge for use and occupancy of public lands for such temporary rights-of-way shall be at the rate of 50 cents per mile or fraction thereof per month or fraction thereof, with a minimum rental charge of $5 per right-of-way: *Provided*, That no rental charge shall be made for the use and occupancy of public lands for such temporary rights-of-way to be used for the purpose of removing mine or quarry products, timber, or timber products which have been acquired from the United States under contract or permit.

(28 Stat. 635, as amended; 43 U. S. C. 956)

OCTOBER 13, 1955.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 55-8483; Filed, Oct. 19, 1955; 8:47 a. m.]

Appendix C—Public Land Orders

[Public Land Order 1212, Amdt.]

[33331]

ALASKA

AMENDING PUBLIC LAND ORDER NO. 1212 OF SEPTEMBER 9, 1955, WHICH REVOKED PUBLIC LAND ORDER NO. 487 OF JUNE 16, 1948

OCTOBER 14, 1955.

Paragraphs No. 6 and 7 of Public Land Order No. 1212 of September 9, 1955, appearing as Doc. 55-7464 in 20 F. R. 6795 of the issue of September 15, 1955, are hereby amended by deleting therefrom the phrases "including the mineral leasing laws", "including applications under the mineral leasing laws" and "including leasing under the mineral leasing laws," wherever they appear, and by adding after the words "mining locations" in the last sentence of paragraphs 6 and 7 of the order the words "for non-metalliferous minerals."

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55-8484; Filed, Oct. 19, 1955; 8:47 a. m.]

[Public Land Order 1236]

[Misc. 64537]

NEBRASKA

RESERVING PUBLIC LANDS FOR USE AS WILDLIFE REFUGES, PUBLIC SHOOTING GROUNDS, OR GAME MANAGEMENT UNITS

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and the act of March 10, 1934, as amended by the act of August 14, 1946 (48 Stat. 401; 60 Stat. 1080; 16 U. S. C. 661–666c), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Nebraska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use of the State of Nebraska Game, Forestation, and Parks Commission as wildlife refuges, public shooting grounds, or game management areas, under such conditions as may be prescribed by the Secretary of the Interior:

SIXTH PRINCIPAL MERIDIAN

T. 33 N., R. 7 W.,
Sec. 21, lot 1;
Sec. 22, lots 1, 2;
Sec. 26, lot 3;
Sec. 27, lots 1, 2, NW¼.

T. 28 N., R. 17 W.,
Sec. 19, W½NE¼.
T. 29 N., R. 30 W.,
Sec. 9, NW¼SE¼.
T. 35 N., R. 36 W.,
Sec. 29, NE¼SE¼.
T. 35 N., R. 41 W.,
Sec. 35, SW¼NE¼.
T. 32 N., R. 56 W.,
Sec. 9, W½NW¼.
T. 23 N., R. 57 W.,
Sec. 23, lot 3;
Sec. 24, lots 5,6;
Sec. 25, lots 4, 5;
Sec. 26, lots 6, 7.

The areas described aggregate 742.89 acres.

OCTOBER 14, 1955.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

[F. R. Doc. 55-8482; Filed, Oct. 19, 1955; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

AUGMENTING EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 6th day of October A. D. 1955.

It appearing that subsequent to an investigation into the lawfulness of the practices of motor common and contract carriers of property, the Commission, division 5, by order dated June 26, 1950, and the Commission, by order dated May 8, 1951, prescribed rules and regulations governing the practices of such carriers in the performance of transportation with motor vehicles owned by others, the interchange of vehicles between such common carriers, and the lease of vehicles by any such carriers to private motor carriers and shippers (15 F. R. 4339, July 8, 1950 and 16 F. R. 4804, May 23, 1951);

It further appearing that by order entered February 2, 1955 (20 F. R. 921), § 207.4 (a) (3) and (5) of the rules and regulations prescribed by order of May 8, 1951, as modified, was postponed so as to become effective March 1, 1956;

And it further appearing that pursuant to order dated November 30, 1953, this proceeding was reopened for further hearing with respect to § 207.4 (a) (3) and (5) of said rules, that said hearing has been held, and after consideration by the entire Commission, the Commission on this date hereof, has made and filed a report on further hearing containing its findings of fact and conclusions thereon, which report is hereby made a part hereof: [1]

It is ordered, That the said order of February 2, 1955, referred to in the second preceding paragraph hereof, be and the same is hereby, vacated effective December 1, 1955, and that the following rules and regulations be, and the same are hereby prescribed to become effective on December 1, 1955:

Section 207.4 (a) (3) and (5) are amended to read as follows:

§ 207.4 Augmenting equipment. • • •

(a) • • •

(3) Shall specify the period for which it applies, which shall be not less than 30 days when the equipment is to be operated for the authorized carrier by the owner or employee of the owner; excepting:

(i) That equipment specified in section 203 (b), (4a), (5), and (6) of the act, (49 U. S. C. 303 (b), (4a), (5), and (6)), may be utilized by authorized carriers under contracts, leases, or other arrangements applying for any period, upon completion of a movement in which such equipment is exempt from regulation by the Commission except as to qualifications and maximum hours of service of employees and safety of operation and standards of equipment, under the provision of the act just cited, and is next being utilized by the authorized carrier in a loaded movement in any direction and/or series of loaded movements over reasonably direct routes in the direction of the general area in which the exempt movement originated, or in the direction of the area in which the equipment is based; provided the authorized carrier receives, prior to the execution of the lease, a statement signed by the owner of the equipment, or some one duly authorized to sign for the owner, authorizing the driver to lease the equipment for the return movement or movements, and a statement signed by the driver specifying the origin, destination, and the time of the beginning and ending of the exempt movement.

(ii) That equipment owned by an automobile carrier or tank-truck carrier or held by such authorized carriers under lawful leases and used in the transportation of motor vehicles and liquid commodities, in bulk, respectively, may be leased or subleased to other such authorized carriers for round trips.

• • • • • •

(5) Shall specify the compensation to be paid by the lessee for the rental of the leased equipment; provided, however, that such compensation shall not be computed on the basis of any division or percentage of any applicable rate or rates on any commodity or commodities transported in or on said equipment, or on a division or percentage of any revenue earned by said equipment during the period for which the lease is effective, except this latter proviso, relating to compensation, shall not apply to:

(i) Equipment used in the transportation of household goods, of motor vehicles by automobile carriers, of liquid commodities, in bulk, in tank vehicles, of oil-field and pipe-line equipment, materials and supplies, as described in Mercer Extension—Oil Field Commodities, 46 M. C. C. 845, and vehicles equipped with mechanical refrigeration when used in the transportation of commodities requiring refrigeration.

(49 Stat. 546, as amended; 49 U. S. C. 304)

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-8496; Filed, Oct. 19, 1955; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 973]

[Docket No. AO 178-A6]

HANDLING OF MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the act, and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. Interested parties may file exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary Statement. The hearing on the record of which the proposed marketing agreement and order was formulated was conducted at Minneapolis, Minnesota, on May 17–19, 1955, pursuant to notice thereof which was issued on April 27, 1955 (20 F. R. 2933).

[1] Filed as part of the original document.

The material issues of record related to:

1. Replacing the present individual-handler type of pool with a market-wide pool;
2. The scope of the revised regulation;
3. Adjusting class prices as the ratio of producer receipts to Class I sales varies;
4. Providing a payment on other source milk utilized in Class I;
5. Incorporating a "base-excess" plan for prorating returns to producers; and
6. Revising certain other provisions of the order.

Findings and Conclusions. The following findings and conclusions on the material issues are based upon the evidence in the record:

1. *Type of pooling.* The order should be amended to provide for distributing returns to producers on the basis of a market-wide pool instead of the individual-handler pools now provided.

The method of pooling does not affect the obligations of handlers; they will continue to be charged the minimum class prices for the quantities of milk used in each class. Under individual-handler pooling the class utilization of milk by each handler has been ascertained, the blend price payable to producers has been computed, and such blend price paid to those producers who supply milk to the specific handler. Under the market-wide system of pooling, the class utilization of all handlers in the market will be combined for the computation of a single blend price payable to all producers in the market, regardless of the class utilization of the particular handler to whom they may deliver their milk. As a matter of practice the principal cooperative association of producers in the Twin City market has operated a market-wide pool for its membership. The returns from each of the dealers buying milk from association members have been combined with the sales proceeds of manufactured dairy products produced in the association's own plants, and the resultant blend price has been paid to all members.

In recent years increased population in the market and its suburbanization caused an expansion of the milk procurement territory. The principal producers' association has expanded its territory and other suppliers have also entered the market. At present there is a considerable diversity in the operation of the handlers in this market. Most of the handlers served by the principal association are specialized fluid milk operators, and leave the function of caring for the seasonal and daily reserves of Class II milk entirely to the association. The association, on the other hand, operates in three capacities. It supplies such quantities of Class I milk as its handler-customers require, manufactures or otherwise disposes of Class II milk, and also assumes the responsibility of procuring any supplemental milk which the bottling handlers may need. Other handlers are in intermediate positions.

The function of caring for the seasonal and daily reserves of milk which cannot be used for bottling, but must be available for such use and the corollary function of supplying supplemental milk should be shared equally by all producers in the market. Since these functions can no longer be performed in a reasonably satisfactory manner through the rebending of proceeds by the principal producers' association, they should be accomplished by the adoption of market-wide pooling.

2. *The scope of the regulation.* At the present time the marketing order extends to all milk received by a plant which is disposing of milk as a Class I product within the marketing area, irrespective of the grade or quality of the milk. Thus a substantial volume of milk produced only for manufactured products is classified and priced by the order.

The order should now be amended to apply only to plants which receive milk which is produced in conformity with the Grade A standards established by municipal or State authority. Recently the two major cities in the marketing area began to require that only milk of Grade A quality be disposed of for consumption in the city. While it is legally permissible for non-Grade A milk to be sold in the marketing area in some of the suburban territory outside the corporate limits of Minneapolis and St. Paul, the evidence reveals that very little milk other than Grade A is being disposed of within the marketing area. It appears that only one handler is receiving and disposing of non-Grade A milk within the marketing area, while one additional handler bottles both Grade A and non-Grade A milk, but disposes of the non-Grade A milk entirely outside the marketing area.

Some of the handlers argued that the order should continue to regulate non-Grade A milk as well as Grade A milk. It was their contention that if the regulation were lifted from non-Grade A milk, there might be an increase in the sales of such milk and regulated handlers disposing of Grade A milk would be placed at a competitive disadvantage. There is also much testimony in the record, however, to the effect that sales of non-Grade A milk have declined very rapidly in recent years, not only in the marketing area itself, but also in the rural areas adjacent to the market. Indications are that this trend will continue and that the volume of non-Grade A milk disposed of for fluid consumption will continue to decrease. Under the circumstances it is concluded that the regulation should be confined to milk which is produced in conformity with State or municipal Grade A requirements.

The change from individual-handler to market-wide pooling necessitates a reconsideration of those definitions which identify the milk to be priced and pooled under the order. The definitions of "handler", "pool plants" and "producer" are the principal ones which determine the milk to be priced.

The definition of "handler" should be all-inclusive. The handlers are the parties who are regulated under the order. Certain categories of handlers such as producer-handlers, specified public institutions, and handlers primarily associated with other markets are subsequently exempted from certain portions of the order regulation. However, the minimum requirement applicable to all of them is that they make such reports to the market administrator as may be required to verify their special status under the order. The primary category of handlers are those who operate pool plants. These are the plants which supply the market with milk in such quantities and with such regularity as to constitute a part of the fully priced and pooled supply of milk. A second category of handler is comprised of operators of plants from which milk is distributed on routes in the marketing area but in insufficient quantity or regularity to qualify as pool plants. The third class of handler is a cooperative association which may be faced with a necessity of marketing its members' milk. On such quantities of milk as is customarily received at a pool plant, but which a cooperative association diverts for a temporary period to a nonpool plant, the association would be a handler for the purpose of reporting the quantities of milk and its utilization. If the association is defined as a handler for such milk, even though it has no plant, the producers whose milk is so diverted will continue to receive the uniform price under the order and their milk will be available for fluid use when needed in the fall months or at other times.

There are two major categories of plants which constitute the regular supply of milk for the marketing area and which should be defined as "pool plants." One group is the distributing plant in which milk is pasteurized and bottled, and from which it is distributed in the marketing area. Many of these plants are physically located within the marketing area but others are some distance away. The second major type of plant is one at which milk is received from producers, weighed, tested, cooled, and delivered in bulk to the distributing plants for bottling purposes.

(a) *Distributing plants.* A "distributing plant" should be designated as a pool plant if the quantity of milk distributed on routes in the marketing area as Class I milk in any month is equal to 15 percent or more of the total Class I distribution of such plant. A distributing plant should meet the further qualification that half or more of its total supply of milk approved for fluid use be sold on routes, whether inside or outside the marketing area. In view of the considerable seasonal variation in production in this market, "half" should be defined as 40 percent during the flush months of January through June and 60 percent during the low production months of July through December. This latter provision will limit the definition of distributing pool plants to those primarily engaged in the distribution of fluid milk rather than in the manufacture of dairy products. Most of the distributing plants now in the market are exclusively Class I operators and all of the others have a high proportion of their sales in Class I. Any plant which is not primarily engaged in the distribution of fluid milk should be deemed primarily a supply plant, and its status in the pool should be judged by the standards applicable to such plants.

A distributing pool plant should sell at least 15 percent of its Class I milk on routes in the marketing area in order to be significantly associated with the Twin City market. It appears that all distributing plants now serving the market sell substantially more than 15 percent within the marketing area and that any plant that might subsequently sell a smaller proportion than 15 percent would be primarily associated with some other market. Such a plant should not be subject to price provisions of the order since conditions in its primary market may differ substantially from those in this market, and its supply should not be included in the market-wide pool. The milk distributed in the marketing area from such a plant would be considered as "other source" milk and would be subject, under certain conditions, to the compensatory payments described in a subsequent portion of these findings.

(b) *Supply plants.* In as large a market as the Twin Cities, the distributing plants do not commonly obtain enough milk directly from farmers to meet their bottling requirements. Rather, they supplement the direct-received milk with milk from supply plants which have assembled milk from farmers. (The problem of caring for the daily and seasonal reserves of milk also contributes to this specialization of plants; manufacturing is commonly done in large-scale plants instead of in the distributor plants.) During the fall months of lowest production the Twin Cities market draws heavily on supply-plant sources of milk. In the months of August through November a large proportion of the milk received at these plants is transferred or diverted to the distributing plants. During the flush season, however, the supply plants may be called upon for little or no milk. The supplies they receive from producers are manufactured into dairy products and they may also manufacture milk received at the distributing plants in excess of their fluid needs. It is apparent that the pool plant standards for supply plants should be based upon the quantity shipped to distributing plants during the later summer and fall months. Supply plants which have furnished substantial quantities during the fall should then remain qualified as pool plants during the following flush months when their milk is not physically needed for bottling purposes.

It appears from the evidence of record that the supply plants which have been drawn upon for supplemental milk in the fall months have furnished a large proportion of their total supply to the Twin City market. In 1953 and 1954, September was the month of shortest supply. August and October were the next shortest (and about equally so) and November was the fourth shortest. These are the four months in which it was proposed that the pool plant status of supply plants be determined. On the basis of the 1953 and 1954 data, and testimony based on experience over a period of years in the procurement of milk from supply plants it is concluded that supply plants should furnish not less than 50 percent of their total available supply to distributing plants in each of the months of August through November.

A supply plant would qualify as a pool plant the first of these months in which it shipped the 50 percent of its supply to distributing plants. Also, any supply plant which might ship 50 percent or more in a month other than August through November would be a pool plant for such month. Further, as previously indicated, any supply plant which ships 50 percent during each of the four specified months will be a pool plant through the following July without being required to make additional shipments. The operator of such plant must make written application to the market administrator on or before December 31 requesting designation as a pool plant through the following July 31.

One aspect of supply plant operation is unique, so far as the Federal order markets are concerned. One of the major supply plants is physically located within the marketing area and others are so close that it is more efficient to divert loads of producer milk directly to the distributing plants when needed than to receive it at the supply plant and take it to the distributing plants. During some of the months of lowest production, one or more of these supply plants may be shut down completely. During the remainder of the year such plants are needed to supply milk on call to distributing plants, and to manufacture the seasonal excess. Since the milk involved is part of the regular market supply, it appears best to consider the milk which has been diverted from supply plants to distributing plants during the four specified fall months as having been received at the supply plants and shipped to the distributing plants. The diverted milk would be so reported by the plants involved and the pool status of the supply plants would be determined by comparing total receipts with the quantities sent to distributing plants, the diverted milk being included in both the receipts and shipments.

The amended order further provides that those supply plants, on which the market has relied in the past for its supply of milk, be specifically designated as pool plants until August 1 of the year following its effective date. Thus, these plants will not be deprived of pool status during the coming flush season merely because of the fact that the amendment was not effective during the entire qualifying period.

3. *Class prices.* No change should be made in the Class I differentials currently provided in the order.

At the present time these differentials are subject to adjustment of a like amount whenever the "supply-demand" adjustment factor provided in the order for the Chicago, Illinois, marketing area affects the Class I differentials in that market by more than 6 cents. The use of the Chicago "supply-demand" factor should be discontinued in favor of one based on the relationship of receipts to Class I sales in the Minneapolis-St. Paul market.

At the time the Chicago provision was adopted in the Minneapolis-St. Paul market, Grade A ordinances had been effective for only a few months in Minneapolis and St. Paul and there were no data from which to pattern a supply-demand adjustment based on local experience. Because of the proximity of the supply areas of the two markets it was felt that adjusting the Minneapolis-St. Paul price by a like amount whenever the Chicago Class I price was increased or decreased as a result of changing supply and demand conditions would maintain a proper alignment of prices between the two markets and prevent any serious dislocation of supplies.

Experience indicates that the use of the Chicago adjustment has not been as effective as had been anticipated in achieving the desired ends. Although there has been some slight shifting of milk from the Chicago market to the Minneapolis-St. Paul market, total supplies of Grade A milk in the latter market have decreased and the number of Grade A producers has dwindled steadily. At the same time, Class I sales have shown a substantial increase. During each of the months of August through November 1954, Class I sales by handlers exceeded the combined receipts of Grade A milk from farmers at all regulated plants and at those plants which constitute the normal source of emergency milk for the markets. In September 1954, Class I sales were equal to 115 percent of Grade A receipts by the aforementioned plants.

It is evident from these figures that the Chicago "supply and demand adjustment" which has substantially reduced the Class I price every month since it was adopted in the Minneapolis-St. Paul market, has failed to maintain an adequate supply of milk for this market. In order to bring supplies into balance with sales and to maintain a proper alignment between the two, it is necessary that the Class I price in the Minneapolis-St. Paul market be adjusted as the relationship between receipts and sales varies in the market itself.

The proponents of the proposal to adjust Class I prices as local supply and demand conditions vary, submitted a plan whereby the price in any month would be adjusted on the relationship that receipts and sales in the second and third preceding months have to the yearly average during 1954. The effect of such a plan would always be to increase the Class I price during the months of short production and to decrease such prices during the months of flush production. This would tend to defeat the aims and objectives of the supply-demand adjustment. While such a pricing pattern would undoubtedly exert considerable influence upon the seasonal pattern of production in the market, it would have very little effect in adjusting receipts to Class I sales.

To accomplish the desired objectives of aligning market receipts with Class I sales, the Class I differential should be adjusted as the ratio of receipts to sales during any two-month period varies from the percentage established for the

same two months during the base period. Experience elsewhere indicates that the use of a two-month moving average as the factor in adjusting prices provides the necessary flexibility, yet prevents the rather wide changes in prices that might result from the use of a single month.

Since the Minneapolis-St. Paul market has been in extremely short supply for the past two years it is necessary, in determining the basic percentages to be used as an index of the supply-demand ratio, to adjust the actual percentages existing in 1954 to reflect a more nearly adequate supply of milk. In September, the month of shortest supply in 1954, receipts from producers shipping to all the plants regularly associated with the market were only 87 percent as large as Class I sales. The deficiency was supplied by emergency milk. In order to have a full supply of producer milk at all times receipts would have to exceed Class I sales. However, since this goal cannot be reached immediately, it appears that a September supply of producer milk just equal to Class I sales would be an appropriate standard for the supply-demand adjustment. The monthly utilization percentages for 1954, the same percentages after adjustment to reflect 100 percent for September, and the new standard percentages which reflect the average of the adjusted percentages for the second and third preceding months are as follows:

Month	Actual utilization percentage	Adjusted utilization percentage	Standard percentage
January	76.3	66.1	91
February	72.2	62.6	82
March	71.5	62.0	71
April	70.8	61.4	64
May	70.1	60.7	62
June	71.0	61.5	62
July	90.1	78.1	61
August	109.5	94.9	61
September	115.4	100.0	70
October	109.2	94.6	86
November	101.1	87.6	97
December	88.1	76.3	97

To prevent too wide an adjustment in the event unusual short-run conditions occur, it is provided that a ceiling of plus or minus 24 cents be placed on the amount by which the supply-demand ratio may affect the Class I price. Such a ceiling will also recognize that supply responses to the marketwide pool and base rating plans cannot be accurately predicted. As experience accumulates, appropriate change can be made in the supply-demand adjustment.

The Class I butterfat differential should be revised to equal 135 percent of the price of butter during the months of July through November, and should remain at the present level of 125 percent of the price of butter during the remaining months. This revision will result in reflecting in the value of the butterfat a portion of the seasonal increase in the price of Class I milk. At the present time, with the butterfat differential at the same level throughout the year, all of the seasonal variation in prices is reflected in the serum portion of the milk and none is reflected in the butterfat. Prior to the enforcement by the cities of Minneapolis and St. Paul of the requirement that fluid cream be processed from Grade A milk it was necessary to maintain the price of butterfat in cream approximately at the level at which handlers could procure such butterfat from non-Grade A sources. With the adoption of full Grade A requirements, however, it appears that a greater portion of the higher seasonal premium paid for Grade A milk during the months of July through November should be attributed to the butterfat utilized in Class I milk.

The butterfat differential to producers should also be modified. For some time this differential has been slightly below the value of butterfat in Class II. Originally the two were the same but in a previous amendment the value of butterfat in Class II was increased slightly without a corresponding increase being made in the producer butterfat differential. It appears, however, that the producer butterfat differential should reflect the average utilization value of the butterfat in milk just as the uniform price reflects the average utilization value of the whole milk. It is concluded therefore that the producer butterfat differential should equal the weighted average value of the butterfat in the pool.

Since the butterfat differential to producers is merely a means of prorating to producers the total amount paid by handlers for milk, the level of it has no effect on handlers' costs.

4. *Provisions relating to "other source" milk.* Under the present individual-handler pool order, all of the plants from which the regular supply of milk for the market is obtained are fully regulated. The definition of fluid milk plant covers all the distributing plants, that is, those from which any route sales are made in the marketing area. Similarly, any supply plant from which a significant volume is obtained is also a fluid milk plant and fully regulated. The only exception is that during the four months of lowest production a plant may supply supplemental bulk milk without becoming subject to the order.

The provisions for determining the classification of producer milk at plants receiving milk both from producers and from other sources should remain the same as under the present order. The order provides that other source milk be allocated to the lowest classes of use in such plants. This gives producer milk a priority on the highest available utilization. Any supplemental milk which a regulated handler may purchase in bulk or bottled form from any other Federally regulated market is also considered as other source milk under the Minneapolis-St. Paul order and is allocated to the lowest available utilization to determine the classification of any producer milk in the handler's plant.

The amended order attached hereto provides for a market-wide pool. Under this pooling plan, handlers whose proportion of utilization in Class I is greater than the market as a whole make payments into an equalization fund and those handlers whose proportion of utilization in Class I is less than the average for the market receive payments out of the equalization fund. This method of payments into and out of the equalization fund is the essential mechanism for providing uniformity of payments to farmers irrespective of the handler to whom they deliver their milk and provision for equalized payments to farmers is necessary to the maintenance of stable and orderly marketing conditions in the Minneapolis-St. Paul area.

Because handlers with less than the market average proportion of milk in Class I may draw payments out of the producer-settlement, or equalization fund, there is an advantage to any plant operator who has less than the market-wide average proportion of milk in Class I to place himself under regulation in order to obtain these payments and, thereby, make it possible for him to pay the uniform price established under the order to his producers. The smaller the plant operator's proportion in Class I, the greater is the advantage of regulation to him.

This situation is particularly true in the Minneapolis-St. Paul market which is located in the heart of a large milk producing area. There are relatively close to the market many plants with a substantial volume of milk which is manufactured into dairy products. As noted above, under a market-wide pool, if there were no performance standards which a plant is required to meet to share in the equalization fund, such plants, by making a token sale of Class I milk in the area, could draw substantial amounts of money from the producer-settlement fund without assuming any responsibility for supplying the needs of the market. Such performance standards being necessary, it is equally necessary to provide a means whereby such plants can not disrupt the stability of the market by disposing of a small percentage of their milk in the market completely free from regulation. Since this milk would otherwise be manufactured into dairy products, any return above the manufacturing value provides an incentive for such plants to seek an outlet in the fluid market if they can do so without becoming subject to any type of regulation.

Likewise there are other plants within hauling distance of the Minneapolis-St. Paul market which are closely identified with other markets. Since reserve supplies are an essential part of any fluid milk business, such plants, during most of the year and perhaps during the entire year, receive more milk than can be disposed of to their usual outlets. Such excess milk is normally disposed of in manufactured dairy products. As in the case of the manufacturing plants, any return above the manufacturing value would provide an incentive for such plants to seek to dispose of such milk in the Minneapolis-St. Paul market if they could do so without becoming subject to any type of regulation.

It is necessary for the reasons stated, therefore, that that milk which in fact constitutes the regular and normal sources of supply for the marketing area be distinguished from other milk which might enter the marketing area. The pool plant definitions of the order, described under (a) and (b) above, are designed to identify the regular and normal sources of supply for the Minneapolis-St. Paul marketing area. Any plant, no matter where located, may bring itself under regulation by performing in the manner required, and any plant may relieve itself of regulation when it no longer operates in a way that brings it within the scope of the order. Under the circumstances, the decision as to whether a plant will be fully regulated under the order or will not be subject to regulation is determined by the decision of the plant operator himself.

Any milk sold in the marketing area must, of course, conform to the sanitary requirements imposed by the local health authorities. However, handlers may meet these requirements without becoming regular and dependable sources of supply for the market since their milk may have been obtained as a supplemental supply during temporary periods of emergency or their sales may be an extremely small portion of a primary distribution in some other area. Clearly, it is not possible to identify the regular and normal supply for the Minneapolis-St. Paul area solely on the basis of sanitation requirements.

Neither is the shipment of milk to the marketing area for Class I utilization a practical basis for identifying the milk which should be fully regulated under the order. If any small, incidental, or accidental shipment of milk into the marketing area were to bring all of the milk at the plant whence such shipment was made under total regulation, great hardship could be caused to the operator of such plant and to the farmers delivering milk to such an operator. Considerable quantities of milk are, in fact, disposed of in the regulated marketing area as Class I from plants which are not normal or regular sources of supply for the marketing area, particularly in the fall season, when supplies are seasonally lowest. Moreover, the operators of the plants from which such shipments arise may not wish to bring their plants under total regulation. There are many situations in which plant operators may find it economical or desirable to make shipments of small quantities of milk to the marketing area and with respect to which it is neither necessary nor desirable in terms of effective regulation to bring the operators of such plants fully under the regulation. For instance, a plant which is associated with a market outside of the Minneapolis-St. Paul area may find it advantageous to ship milk to a plant regulated by the order in order to have such milk converted into manufactured dairy products. It is quite possible, however, through misunderstanding, or from errors of estimating the utilization of milk, for milk which was intended for utilization in Class II products to be assigned a Class I classification. If through such accident or misunderstanding a plant were placed completely under regulation, considerable hardship, unnecessary to effective regulation, might result. For this reason, it is not practical nor desirable to place a plant totally under regulation merely because a small quantity of milk shipped by it to the market finds its way into a Class I utilization.

Since neither the health regulations nor the possibility that some milk from a plant may be used for Class I purposes in the marketing area provides an adequate measure of a plant's regular status in the market, the pool plant provisions are based on regular performance as previously described. The regular supplies are fully priced under the order and participate in the equalization pool.

The irregular supplies of "other source" milk which may be sold in the market are not priced under the order. The conditions under which unpriced milk has been or would be drawn upon to supply Class I sales in the area have been reviewed. If any handler were able to obtain a price advantage on such milk, he would be in a favorable competitive position relative to the handlers buying producer milk at class prices. To prevent such an advantage the attached amendment provides that a payment shall be made into the producer-settlement fund on all other source milk classified as Class I at a rate equal to the difference between the Class I and Class II price. Payments at this rate are necessary to maintain the integrity of the pricing and pooling provisions of the order. The only exception to these payments is that they are not assessed at times when total supplies of producer milk in the market are not adequate to cover Class I needs and a reasonable reserve. This exception is described in detail in a subsequent paragraph.

It appears from the record that essentially all of the other source milk utilized for Class I purposes in the marketing area has been of Grade A quality and, therefore, similar in quality to that regularly disposed of in the marketing area for Class I. It was produced as part of a supply intended primarily to meet the demand for milk for fluid consumption (or the equivalent of Class I milk uses under the order) in some area other than the area specified to be regulated by this order but it was not used for such purposes in the area for which it was produced. It was, instead, milk which became surplus to the needs for milk for fluid disposition in the area for which it was produced. If the plant operator had not found a sale for such milk within the Minneapolis-St. Paul marketing area, it would have been necessary for him to convert the milk into a manufactured product. The most likely surplus disposition of this other source milk would have been to plants engaged in processing milk into such manufactured dairy products as butter, cheese, ice cream, or nonfat dry milk solids.

Its value, therefore, to the plant operator was a surplus milk value. The Class II price for milk under the attached amendments is based on the value of milk when it is converted into butter and nonfat dry milk solids and this is the price which regulated handlers are required to pay for milk when they convert it into manufactured products. The Class II price, therefore, represents an accurate and fair representation of the value to the receiving plant operator of surplus milk which is disposed of as other source milk for Class I purposes in the marketing area.

If unregulated plant operators were allowed to dispose of surplus milk for Class I purposes in the regulated marketing area without some compensating, or neutralizing provision in the order, it is clear that the disposition of such milk because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area at whatever time such milk might be available. The plan of Congress, as contemplated under the Agricultural Marketing Agreement Act of 1937, of returning minimum uniform prices to the producers for the regulated marketing area, would be defeated. Moreover, inefficiencies in the marketing of milk would be encouraged, for the regulated market would obtain its Class I milk not from the regular and normal sources of supply for the market but from other sources of supply generated solely as a result of the occasional price advantage created for unregulated milk by the regulation itself. Providing for some method of compensating for, or neutralizing the effect of, the advantage created for unregulated milk therefore is an essential and necessary provision of this order. Since the value for Class I milk in a regulated market is established at the level of the Class I price provided for in the order and since the true value of other source milk when disposed of in the marketing area is the Class II value, a payment computed as the difference between the Class I price and the Class II price will remove the advantage which other source milk would have when disposed of for Class I purposes in the marketing area.

There is a possible alternative method of determining the rate of the compensatory payments. Such rate would be equal to the difference between the Class I price and the price actually paid by a handler for other source milk of Grade A quality. Under the circumstances which prevail in the Minneapolis-St. Paul marketing area, a handler normally would come into possession of this type of other source milk by purchasing it from an unregulated milk plant. The milk which such a handler receives under these circumstances is at a different stage in the marketing process than is the milk which would be priced under an order. Order prices apply to milk as received at the first plant from individual farmers. The price paid by a handler for other source milk applies to milk which has already been received at the first plant, weighed, tested, cooled and placed in a transportation conveyance. Obviously, the handler generally will pay more for other source milk under this condition than he would for milk received directly from farmers, for the plant operator who first receives the milk from farmers must necessarily obtain a markup if he is to be recompensed for the services which he has performed on the milk. In some situations, the purchase of other source milk might be made from a plant operated by the same company as the regulated plant. Thus, the transaction would be primarily a matter of bookkeeping within the same

company and it would be advantageous to the company if the price for the milk were to be stated as the Class I price. For by this means, all compensatory payments into the equalization fund would be avoided. Even between plants controlled by different companies, the advantage of showing that the price at which the milk was exchanged was at least as high as the Class I prices would give great impetus to the effectuation of paper transactions showing a price at least equal to the Class I price while undisclosed payments were made in order to avoid the imposition of the compensatory payments into the equalization fund. Under these circumstances, it is impractical from an administrative standpoint to provide for a payment the actual amount of which is within the control of parties to the transaction. It is essential instead that the payment be computed on an objective basis and that it be equal for all handlers for similar transactions. The proposed method of computing the payments conforms with these requirements but this alternative method fails to do so.

Another possible rate of payment would be based on the difference between the price paid by the first receiver to farmers and the Class I price. However, from evidence presented at the hearing it is clear that this method would also be impractical under the circumstances prevailing in the Minneapolis-St. Paul market. The primary reason is that some plants purchase some or all of their milk from other plants rather than directly from dairy farmers. Also the payment plans which are used by unregulated operators include such varying practices as paying uniform prices on a straight utilization basis, paying on a base and excess plan, paying irregular and nonuniform premiums, absorbing transportation charges, and paying on a variety of butterfat and location differentials. This wide variety of payment plans would render impossible an accurate ascertainment of the actual prices paid to farmers by the first receiver. But what is equally as important, as shown above, is that the price actually paid to farmers does not determine the true value of other source milk disposed of in the marketing area. The true value for such milk, irrespective of the price paid for it to farmers, is the manufacturing value because other source milk disposed of in a marketing area is in fact the surplus of milk produced primarily for sale in an area outside of the regulated marketing area. Hence, although other suggestions for computing the rate of the compensatory charge have administrative and other difficulties inherent in them, in the final analysis even if they were administratively feasible, they would not be fully effective in removing the advantage which attaches to other source milk when it is used as Class I milk in the regulated marketing area. Only the difference between the Class I price and the Class II prices accurately reflects this advantage and consequently only this rate will be fully effective in dealing with the problem of intergrating other source milk (when used as Class I) into the regulatory plan.

This same rate of payment should apply both to other source milk disposed of by pool plants and to other source milk disposed of on routes in the area by nonpool plants. In the case of the plant which is primarily a manufacturing plant the alternative use of the milk is in manufactured dairy products. In the case of other nonpool plants the operator has the same opportunity to purchase other source milk at the opportunity cost level as do pool plant operators. In addition, such a plant probably has surplus milk which it would be desirous of disposing of on any basis that would yield a higher return than its surplus value. With surplus uses as the alternative and no compensatory payments to make the operator of such a plant would be at a considerable advantage in underbidding the handlers of regulated milk on large contracts for such outlets as hospitals, government institutions and similar large purchasers. Such a situation might also afford the nonpool plant the opportunity to use such price advantage in establishing a regular trade on wholesale and retail routes within the marketing area.

It is considered inappropriate also that a plant disposing of only a small percentage of its milk in the marketing area should be subject to full regulation because of the small percentage disposed of therein. Such a regulation might place a plant of this kind at a competitive disadvantage with respect to the greater proportion of its Class I sales, i. e., those made in unregulated areas. The application of the compensatory payment only to that milk sold within the regulated marketing area, while at the same time allowing the milk disposed of in unregulated areas to be free of price regulation, affords the necessary protection to the regulatory plan and at the same time accommodates the sale of milk in unregulated areas.

Compensatory payments should not apply to purchases of other source milk at times when the market as a whole is short of producer milk. A somewhat similar effect is achieved under the present order by allowing a city plant to purchase from unregulated sources during August–November without making its supplies subject to regulation. At times in the past when the Twin City market has been short of producer milk, supplies of quality milk from other sources have also been limited and more costly than the minimum Class I prices established under the order. In view of the size of the Twin City market and its close relationships with the Chicago market it is probable that other source milk would also be expensive during any future situation of short supply.

The Minneapolis-St. Paul market should be considered short whenever producer receipts are less than 105 percent of the gross Class I utilization at pool plants. The market can be considered definitely short of milk at this monthly average percentage because of daily and weekly variations in sales and receipts during the month. The percentage standard is based on market-wide data. No handler can obtain other source milk without an equalizing payment merely by buying short from his own producers. He must either take on sufficient supplies for his own use or depend upon other handlers who have supplies in excess of their own Class I needs.

No compensatory payments are required under this order on milk classified and priced under another Federal order. The close relationships between the Twin City and Chicago markets have already been described. Since the Class I prices in these two competing markets are so closely aligned, there is no prospect of handlers in either of them achieving a competitive advantage over any significant period of time.

All funds collected from other source milk should be added to the producer-settlement fund. Since the compensatory payments apply only when there are adequate supplies of producer milk in the market, the payments will compensate producers for the loss of income represented by the Class I sales of other source milk.

The regulated handler should be obligated to make the compensatory payments. There will be no difference in actual price paid for milk whether the payment is made by the regulated handler or by the operator of the unregulated plant from which the other source milk is obtained. However, the regulated handler makes the actual distribution of milk and reports its utilization to the market administrator. Therefore, from an administrative viewpoint he is the logical one to make the payment.

5. *Base-excess plan.* A base-excess plan for returning the proceeds of milk sales to producers in a way which will encourage more uniform seasonal production should be incorporated in the order.

The Twin City Milk Producers' Association whose membership comprises nearly 90 percent of the total number of producers in the market has operated a base-excess plan among its own membership for several years. It appears that this plan has contributed substantially to the improvement in seasonality which has occurred since 1950. In 1950, September production was only 56 percent as large as in May, but the percentage has increased each year until in 1954 it was 70 percent as large. In view of this favorable experience and the need for continued progress in the seasonal production of all producers in the market the base-excess plan should be incorporated in the order.

The essential features of the base rating plan may be briefly summarized. Producers establish a base equal to their daily average production during the three shortest months. Then, during the following flush period each producer is paid for base milk at a price reflecting the highest class utilization of base milk and for any milk which he delivers in excess of his base at approximately the Class II or manufacturing price. He is, thereby, encouraged to maximize his deliveries during the low production months and to minimize the quantities of excess milk delivered during the flush production months. A more level production in the Twin City market will lessen the market's dependence upon emergency sources of milk during the short period and will also reduce the quantities which must be converted into manufactured dairy products during the flush months.

August, September, and October are the months of lowest production and it is appropriate that bases be established during this period. Each producer's base should be equal to his daily average deliveries during the three months. In the case of every-other-day delivery the total quantity shipped by the producer during the three-month period would, of course, be divided by the total number of days. Producers should deliver milk on at least 78 days of the 92-day period in order to establish a complete base. This allows a two-week leeway for possible degrading by health authorities or other interruptions to production. The daily base of a producer who delivers on less than 78 days should be computed by dividing his total deliveries by 78. Such a producer will, however, have an opportunity to relinquish such base and establish a new one as hereinafter described.

The months of January through June are the six months of heaviest production and should constitute the base-operating period. These are the months during which each producer will be paid a manufacturing price for any excess milk delivered by him and the higher base price for his base milk. Producers who join the market after the August through October base-forming period will not have a regular base for the following January through June. The proponents testified that such producers should be allowed to establish an equitable base and thereby obtain their share of the base price during such portion of the base-operating period as they ship milk to market. The proponents also recognized that special consideration should be given to established shippers who failed to make a reasonable base through circumstances beyond their own control. Damage resulting from fire or storm, an outbreak of disease in the herd, breeding difficulties, and similar circumstances might prevent an established producer from making a representative base in any particular fall period.

It is concluded that the new producer and the established one who has suffered misfortune are essentially similar cases and that each can be resolved by allowing them to establish a new base. A new producer's base should be figured at a specified percentage of milk delivered during the first full calendar month he was on the market; similarly an old producer should be allowed to establish a new base on the quantity of milk delivered in the calendar month following the date on which he notifies the market administrator of his intention to relinquish his old base and establish a new one. Since production in the market is normally higher during other months than it is in the base-forming months of August, September and October, the new base should be only a fraction of total deliveries during such months. Furthermore, neither the new producers nor the old shippers who elected to set a new base were fully effective suppliers of milk during the previous short season. Any new base established during November should be equal to 75 percent of deliveries during that month; during December or January, to 65 percent of deliveries; and during February, March, April, May and June, to 55 percent of deliveries. These percentages are approximately 10 percent lower than the average experience in the market during 1953 and 1954. If a new base is made during any of the months of January through June it should apply for payment purposes in the same month it is made, and milk received from any producer who enters the market in the middle of a month will be considered as excess milk during the remainder of that month.

Each producer establishes a new base each fall. Also, as previously explained, he has the option of relinquishing such base and establishing a new one under the same rules that apply to a new shipper. It follows that the base will have no permanent value and that only a minimum of rules need be provided for transfers of ownership or other contingencies. The producer to whom the base applies can simply be designated as the one identified on the payroll of the handler to whom the milk is delivered. The proponent proposed that the holder of the base be permitted to transfer any portion of it to any other party. It appears that the effectiveness of the base-excess plan in leveling production plan would be jeopardized by such a provision and that the record-keeping involved would place an unwarranted burden on the office of the market administrator. However, entire bases should be freely transferable upon appropriate notice to the market administrator.

6. *Other proposed changes.* The changeover from an individual-handler pool to a market-wide pool necessitates the revision of the order to include provisions relating to the producer-settlement fund. This fund is the mechanism through which the distribution of uniform payments to all producers is accomplished. Handlers whose utilization value is greater than the amount required to be paid producers are required to pay the difference to the market administrator. The market administrator uses such funds to make up the payment to handlers whose payments to producers are greater than the utilization value of their milk.

Audit adjustments are also cleared through the producer-settlement fund. For the purpose of insuring an adequate reserve in the fund to cover any unusual audit adjustments or the failure of handlers to make prompt settlement, it is provided that the market administrator, in computing the uniform price, deduct 4 to 5 cents per hundredweight. Not less than half of the reserve is added back in the pool computation each month. Thus, once the order has been functioning for a few months, the reserve maintained will level off at an amount approximately equal to two months deductions. Experience elsewhere has shown that such a reserve is adequate to cover all contingencies.

The order must also provide the dates on which reports are to be filed and payments made to and from the producer-settlement fund. Handlers should be required to file their delivery period reports of receipts and utilization not later than the 9th day of each month. The market administrator should be required to compute and announce the uniform price not later than the 14th day of the month. Payments from handlers to the producer-settlement fund would be due on the 16th day of the month and payments to handlers by the market administrator should be made not later than the 17th day.

This schedule should provide ample time for handlers to complete and file their reports and for the market administrator to compute the uniform price. The schedule of payment to and from the producer-settlement fund is such that producers can continue to receive payment for their milk on the 20th of the month as is provided in the present order.

At the present time the cooperative associations receive the uniform price for milk which is caused to be delivered by them to handlers' plants from producer-members. Since the proposed order provides for a base and excess plan of prorating returns to producers, it appears that the administration of the order would be greatly simplified if handlers were to pay the cooperative association class prices for milk caused to be so delivered. The principal cooperative association attempts to furnish each handler with the approximate amount of milk it requires each day. To accomplish this it is necessary that certain loads of milk be shifted from one plant to another several times during the month. Frequently the plant receiving the milk does not know the identity of the producers whose milk is being received. During the months when producers were being paid on the base and excess plan the additional bookkeeping involved in noting the pounds of base milk and the pounds of excess milk received from each producer in each plant each day would be enormous. Since the cooperative association maintains these records for its members regardless of the plant or plants to which the milk may be delivered, administration of the order will be greatly simplified by requiring handlers to pay for such milk at the class prices, and making the cooperative association the person who is responsible to the producer-settlement fund for such milk.

The present order levies an administrative assessment on all producer milk received by a handler regardless of whether such milk is of Grade A quality. Since the proposed order would regulate only Grade A milk the assessment should be applicable only to the milk of producers as defined in the proposed order. To equalize the overall cost of milk to handlers it should also apply to other source milk utilized in Class I. In the case of nonpool plants which dispose of Class I milk in the marketing area the assessment should apply only to the volume of Class I milk disposed of within the marketing area. This will reimburse the market administrator for the expense incurred in verifying the reports submitted by such nonpool plants, and will not disadvantage them in other markets

by requiring an assessment on milk sold in competition with unregulated plants.

Among other proposals concerning which testimony was offered was one which would increase the Class I price by 70 cents per hundredweight during the months of August through November with respect to milk moved to a plant located more than 100 miles from the market. This provision was proposed as a means of deterring supply plants which were carried in the pool during the months of flush production, from disposing of their milk to other markets at the period of the year when such milk was needed for Class I use by Minneapolis and St. Paul handlers. Such a provision is unnecessary in this market. The standards which have been established for a plant to qualify as a pool plant are such that it would be impractical for a supply plant to contract to supply buyers located in other markets during the periods of short supply. Any premiums that might be secured as Class I milk disposed of to such buyers during the short season would be far outweighed by the advantages of continuing to participate in the market-wide pool during the period of flush production.

A further proposal advanced at the hearing would have established a method whereby the added costs of procuring emergency supplies when the market is short of milk would be spread over the entire market either through the producer-settlement fund or through a similar mechanism. In view of the limited evidence submitted, with respect to both the economic justification of the proposal itself and to the procedures by which such a proration might be accomplished, it must be concluded that no action be taken on this proposal.

It was also proposed that any cream moved more than 100 miles from the market be classified as Class I milk regardless of the use to which it ultimately was put. The evidence, however, shows that virtually all of the cream moved more than 100 miles is utilized in the manufacture of ice cream. If the order were amended to price such cream as Class I, it is likely that it would result in the loss of such sales and that the cream instead of moving for use in ice cream would be manufactured into butter, and thus producers would receive no benefit from such a change. The evidence further indicates that the 100-mile limit should be retained since the administrative inconvenience and cost of audits involving small quantities of cream at plants a greater distance from the market would be prohibitive. Accordingly, it is concluded that no change should be made.

No proposals were made and no testimony was offered in support of any major substantive changes in the provisions of the order other than those specifically discussed in preceding paragraphs. Accordingly, except for changes in the context necessitated by the adoption of the amendments discussed above, the remaining provisions of the order should be continued in their present form.

General Findings. (a) The proposed marketing agreement and the order, amending the order, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order amending the order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order amending the order, as amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Proposed Findings and Conclusions. Briefs were filed on behalf of most of the producers' associations and handlers in the market. The briefs contained proposed findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended Marketing Agreement and Order. The following order, amending the order, as amended, is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order.

DEFINITIONS

§ 973.1 *Act.* "Act" means Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 973.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 973.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 973.4 *Minneapolis-St. Paul, Minnesota, marketing area.* "Minneapolis-St. Paul, Minnesota, marketing area" hereinafter called the "marketing area" means the territory within the corporate limits of the cities of Minneapolis, Robinsdale, and Wayzata in Hennepin County; Columbia Heights in Anoka County; St. Paul and White Bear in Ramsey County; West St. Paul and South St. Paul in Dakota County; together with the following townships and all villages therein: Brooklyn, Crystal, St. Anthony, Golden Valley, St. Louis Park, Orono, Excelsior, Minnetonka, Edina, Bloomington, and Richfield in Hennepin County; Fridley in Anoka County; Mounds View, Rose, White Bear, and New Canada in Ramsey County; Grant, Oakdale, Woodbury, Cottage Grove, and Newport in Washington County; and Mendota, West St. Paul, and Inver Grove in Dakota County; all in the State of Minnesota.

§ 973.5 *Handler.* "Handler" means (a) any person in his capacity as the operator of a pool plant; (b) any person in his capacity as the operator of a plant, which receives its entire supply of milk from pool plants, and at which milk is processed and packaged and disposed of as Class I milk within the marketing area; (c) any person in his capacity as the operator of a nonpool plant from which Class I milk is disposed of in the marketing area on wholesale or retail routes (including plant stores and vending machines); and (d) a cooperative association with respect to the milk of its member-producers which it causes to be delivered to either a pool plant or a nonpool plant for the account of such association. This definition shall not apply to a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities.

§ 973.6 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at a pool plant, or which is caused by a handler to be diverted to a nonpool plant: *Provided,* That such milk is produced under a dairy farm permit or rating issued by a municipal or State health authority for the production of milk to be disposed of for consumption as Grade A milk.

§ 973.7 *Pool plant.* "Pool plant" means any plant meeting the conditions of paragraphs (a) or (b) of this section, except the plant of a handler exempted in § 973.62.

(a) A plant where milk is processed or packaged and from which not less than 15 percent of its total distribution of Class I milk during the delivery period is on a route(s) in the marketing area: *Provided,* That the total quantity of Class I milk distributed during the delivery period on all routes operated inside or outside the marketing area is equal to 40 percent or more of the total supply received at the plant from dairy farmers or from other plants in any of the months of January through June, or to 60 percent in any of the months of July through December; or

(b) (1) Any plant which has, during any delivery period, delivered to a pool plant(s) described in paragraph (a) of this section an amount of milk equal to 50 percent or more of its dairy farm supply of milk: *Provided,* That if, during each of the delivery periods of August through November, such plant has delivered to a pool plant(s) described in paragraph (a) of this section 50 percent or more of its dairy farm supply, it shall upon written application to the market administrator on or before December 31 of any year, be designated as a pool plant through the following July 31.

(2) In the case of any plant from which producers are diverted to pool plants described in paragraph (a) of this section during any of the months of August, September, October, or November, the milk so diverted shall, for the purposes of this paragraph, be considered as having been received at the plant from which it was diverted and shipped from thence to the plant(s) described in paragraph (a) of this section. Such diversion shall be evidenced by the producers being listed as diverted producers on the payroll reports submitted pursuant to § 973.32 and by appropriate notation on the reports of receipts and utilization submitted pursuant to § 973.30.

(3) From the effective date hereof until August 1, next following such effective date the following plants shall be pool plants in addition to any plants which may qualify as pool plants pursuant to paragraph (a) of this section and this paragraph:

Baldwin Cooperative Creamery, Baldwin, Wis.
Buffalo Cooperative Creamery, Buffalo, Minn.
Butternut Cooperative Creamery, Luck, Wis.
Ellsworth Cooperative Creamery, Ellsworth, Wis.
Hastings Cooperative Creamery, Hastings, Wis.
Rock Ridge Cooperative Creamery, Dresser, Wis.
Twin City Milk Producers Association, Anoka, Minn.
Twin City Milk Producers Association, Elk River, Minn.
Twin City Milk Producers Association, Farmington, Minn.
Twin City Milk Producers Association, Lake Elmo, Minn.
Twin City Milk Producers Association, Minneapolis, Minn.
Twin City Milk Producers Association, Northfield, Minn.
Twin City Milk Producers Association, River Falls, Wis.
Twin City Milk Producers Association, Watertown, Minn.
Wisconsin Cooperative Dairies, Inc., Menomonie, Wis.

§ 973.8 *Nonpool plant.* "Nonpool plant" means any milk processing plant during any delivery period in which it does not meet the requirements of a pool plant as defined in § 973.7.

§ 973.9 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 973.10 *Producer-handler.* "Producer-handler" means any person who both produces milk and is a handler and who receives no milk directly from the farms of other producers and not more than 50,000 pounds of milk (3.5 percent butterfat equivalent) during the delivery period from other handlers which are cooperative associations: *Provided,* That the maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 973.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

§ 973.12 *Market administrator.* "Market administrator" means the person designated pursuant to § 973.20 as the agency for the administration of this part.

§ 973.13 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this part is in effect.

§ 973.14 *Producer milk.* "Producer milk" means any skim milk and butterfat contained in milk produced by one or more producers under the conditions set forth in § 973.6.

§ 973.15 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that skim milk and butterfat contained in producer milk.

§ 973.16 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of January through June, which is not in excess of such producer's daily average base computed pursuant to § 973.75, multiplied by the number of days in such month for which producer delivered milk to such handler.

§ 973.17 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of January through June which is in excess of base milk received from such producer during such months.

MARKET ADMINISTRATOR

§ 973.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 973.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions of this part;

(b) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this part;

(c) Recommend to the Secretary amendments to this part; and

(d) Make rules and regulations to effectuate the terms and provisions of this part.

§ 973.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 973.90, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 973.91;

(c) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 20 days after the date on which he is required to perform such acts, has not (1) made reports pursuant to § 973.30 or (2) made payments pursuant to §§ 973.80, 973.84, 973.86, and 973.87; and may at any time thereafter so disclose any such name if authorized by the Secretary.

(e) Verify each handler's records and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(f) Prepare and disseminate to the public such statistics and information concerning the operations under this part as he deems advisable and as do not reveal confidential information;

(g) On or before the 5th day of each delivery period, mail to all handlers and make public announcement of the Class I price computed pursuant to § 973.53, and the butterfat differential computed pursuant to § 973.56 (a) for the then current delivery period, and the Class II price computed pursuant to § 973.54 and the butterfat differential computed pursuant to § 973.56 (b) for the preceding delivery period; and

(h) On or before the 14th day after the end of each delivery period, mail to all handlers and make public announcement of the uniform price computed pursuant to § 973.71, or the price for base milk computed pursuant to § 973.72, whichever is applicable.

REPORTS, RECORDS, AND FACILITIES

§ 973.30 *Delivery period reports of receipts and utilization.* (a) On or before the 9th of each delivery period, each handler, except a producer-handler, who operates a pool plant or whose entire supply of milk is received from a pool plant(s), shall report to the market administrator with respect to all skim milk and butterfat, except that in nonfluid milk products disposed of in the form in which received without further processing or packaging, received by him at each pool milk plant during the preceding delivery period in the detail and on forms prescribed by the market administrator:

(1) The quantities of skim milk and the quantities of butterfat contained in (or used in the production of) receipts

of skim milk and butterfat in bulk fluid milk products from other pool plants;

(2) The quantities of skim milk and butterfat contained in (or used in the production of) receipts of bulk fluid milk products from nonpool plants;

(3) The quantities of skim milk and butterfat contained in receipts of packaged fluid milk products from any other source;

(4) The quantities of skim milk and butterfat contained in producer milk; and

(5) The quantities of skim milk and butterfat contained in or used in the production of milk products disposed of or on hand at the end of the delivery period.

(b) Each handler described in paragraph (a) of this section shall report for each of his producers with respect to the milk received from such producer during the delivery period, the total pounds and the average butterfat test thereof, and the number of days on which milk was received from such producer.

(c) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who was not a producer during the preceding delivery period, the date on which such handler began to receive milk from such producer.

(d) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who was a producer during the preceding delivery period, but who has not delivered milk during the current delivery period, the date on which such handler last received milk from such producer.

(e) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(f) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(g) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(h) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(i) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(j) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(k) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(l) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(m) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(n) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(o) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(p) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(q) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(r) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(s) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(t) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(u) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(v) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(w) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(x) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(y) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

(z) Each handler described in paragraph (a) of this section shall report with respect to each of his producers who has delivered milk during the current delivery period, but who has not delivered milk during the next preceding delivery period, the date on which such handler began to receive milk from such producer.

from producers (including his own production), producer-handlers, pool plants and nonpool milk plants and the sources thereof;

(2) The utilization of all skim milk or butterfat disposed of;

(3) The quantities of skim milk and butterfat on hand at the beginning and end of each delivery period; and

(4) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

(b) On or before the 9th day after the end of each delivery period each handler who operates a nonpool plant shall report to the market administrator his total receipts and utilization of milk received from farmers who produce Grade A milk, his total disposition within the marketing area of Class I milk, and such other information as the market administrator may require.

§ 973.31 *Reports of producer-handlers.* Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 973.32 *Reports as to producers and cooperative associations of producers.* Each handler shall, on or before the 25th day of each delivery period, submit to the market administrator such handler's producer payroll for the preceding delivery period which shall show for each producer or cooperative association of producers (a) the total pounds of milk delivered with the average butterfat test thereof and (b) the net amount of the payment to each producer or to each cooperative association of producers together with the price deductions and charges involved.

§ 973.33 *Records and facilities.* Each handler shall permit the market administrator to make such examinations of his operations, equipment, and facilities as the market administrator deems necessary and he shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (a) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (b) the weights and tests for butterfat and for other content of all skim milk or butterfat handled; (c) payments to producers and cooperative associations; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

§ 973.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 973.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, except that in nonfluid milk products disposed of in the form in which received without further processing or packaging, received by a handler during each delivery period, shall be classified by the market administrator pursuant to the provisions of §§ 973.41 through 973.45.

§ 973.41 *Classes of utilization.* Subject to the conditions set forth in §§ 973.42 and 973.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk (including reconstituted skim milk), concentrated milk, buttermilk, flavored milk drinks (except flavored milk drinks in hermetically sealed containers), cream (sweet or sour, including mixtures of cream and milk or skim milk containing less butterfat than the legal standard for cream), and all skim milk and butterfat not specifically accounted for pursuant to paragraph (b) of this section; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat stored in a public cold storage warehouse as frozen cream, or disposed of as animal feed, and all skim milk and butterfat used to produce a milk product other than those specified in paragraph (a) of this section.

§ 973.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat purchased or received by a handler shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise; and

(b) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 973.43 *Transfers.* Skim milk or butterfat transferred or diverted in fluid form as milk, skim milk, or cream, by a handler shall be classified as follows:

(a) As Class I milk if transferred or diverted from one pool plant to the pool plant of another handler unless utilization in Class II is mutually indicated to the market administrator in the delivery period reports submitted by both handlers for the delivery period in which such transfer or diversion occurred, but in no event shall the amount classified in either class exceed the total use in such class by the transferee handler: *Provided,* That if either or both handlers have received other source milk, the milk so transferred shall be classified at both plants so as to return the higher class utilization to producer milk;

(b) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler;

(c) As Class I milk if transferred in the form of milk, skim milk, or cream to a nonpool plant located less than 100 miles from the marketing area unless (1) the handler reports to the market administrator on or before the 9th day after the end of the delivery period that such skim milk or butterfat was utilized in Class II, (2) the nonpool plant maintains records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available to the market administrator for purposes of verification, and (3) such nonpool plant had actually used not less than an equivalent amount of skim milk and butterfat in Class II: *Provided,* That if verification of such records discloses that an equivalent amount of skim milk and butterfat had not been used in Class II, the remaining pounds shall be classified as Class I; and

(d) As Class I milk if transferred or diverted in the form of milk or skim milk or transferred in the form of cream in consumer packages, and as Class II if transferred in the form of cream in bulk, to a purchaser whose plant is located more than 100 miles from the marketing area.

§ 973.44 *Computation of milk in each class.* For each delivery period the market administrator shall correct mathematical and other obvious errors in the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler.

§ 974.45 *Allocation of skim milk and butterfat classified.* After computing pursuant to § 973.44, the classification of all skim milk and butterfat received by a handler at his pool plant(s), the market administrator shall determine the classification of milk received from producers in the following manner:

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided,* That if the pounds of skim milk in other source milk exceed the total pounds of skim milk classified as Class II, an amount equal to the difference shall be subtracted from Class I: *Provided further,* That any other source milk which is classified and priced under another marketing order issued pursuant to the act shall be allocated to Class I before any other source milk is so allocated;

(2) Subtract from the remaining pounds of skim milk in each class, the pounds of skim milk contained in receipts from other pool plants or which have been caused by a cooperative association to be delivered for its account to such handler directly from the farms of its member producers in accordance with its classification as determined pursuant to § 973.43 (a);

(3) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II. Any amount in excess of that in Class II shall be subtracted from Class I. The amounts so subtracted shall be called overage.

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of the milk received from producers and allocated to Class I milk and Class II milk pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 973.50 *Class prices.* Each handler shall pay at the time and in the manner set forth in §§ 973.80 to 973.83 not less than the prices set forth in §§ 973.53 and 973.54 for all milk received during each delivery period from producers at such handler's pool plant(s).

§ 973.51 *Basic formula price.* The basic price to be used in determining the Class I price shall be the price for Class II milk computed pursuant to § 973.54 for the preceding delivery period or that computed from the formulas set forth in paragraphs (a) and (b) of this section, whichever is the highest.

(a) The average of the basic or field prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the preceding delivery period at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture.

Companies and Locations

Borden Company, Mount Pleasant, Mich.
Carnation Company, Sparta, Mich.
Pet Milk Company, Hudson, Mich.
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Borden Company, Orfordville, Wis.
Borden Company, New London, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Oconomowoc, Wis.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) (1) Multiply by 6 the simple average of the daily wholesale selling price (using the midpoint of any price range as one price) per pound of Grade AA (93-score) bulk creamery butter at New York as reported by the Department of Agriculture during the preceding delivery period; (2) add 2.4 times the weekly prevailing price of "Cheddars" during the preceding delivery period or the Wisconsin Cheese Exchange at Plymouth, Wisconsin, as reported by the Department of Agriculture; (3) divide the resulting sum by 7; (4) add 30 percent thereof; and (5) multiply the resulting sum by 3.5.

§ 973.52 *Supply and demand ratio.* On or before the 5th day of each delivery period the market administrator shall make the following computations based upon information obtained from handlers' reports of receipts and utilization:

(a) Determine the total receipts of milk from all producers (including receipts from own farm production) during the second and third preceding months;

(b) Determine the total pounds of milk actually disposed of from pool plants as Class I (excluding shrinkage and unaccounted for milk, but converting cream to its 3.5 percent milk equivalent) during the same two delivery periods; and

(c) Divide the amount obtained in paragraph (b) of this section by the amount obtained in paragraph (a) of this section and adjust to the nearest full percentage point. The resulting percentage shall be known as the "current supply-demand ratio".

§ 973.53 *Class I price.* Subject to the differentials provided in §§ 973.55 and 973.56 (a), the price for Class I milk shall be the basic price computed pursuant to § 973.51, plus 70 cents for the delivery periods of January through April, plus 60 cents for May and June, plus $1.10 for July through November, and plus 80 cents for December: *Provided,* That whenever the current supply-demand ratio varies from that set forth in the table below, the Class I price shall be increased or decreased 2 cents for each 2 full percentage points that the current supply-demand ratio is above or below that set forth in the table, but shall not be increased or decreased more than 24 cents because of the supply-demand ratio:

Delivery periods used in computing current supply-demand ratio	Percentage	Delivery period to which applicable
January–February	64	April.
February–March	62	May.
March–April	62	June.
April–May	61	July.
May–June	61	August.
June–July	70	September.
July–August	86	October.
August–September	97	November.
September–October	97	December.
October–November	91	January.
November–December	82	February.
December–January	71	March.

§ 973.54 *Class II price.* Subject to differential computed pursuant to § 973.56 (b) the price for Class II milk shall be that computed by the market administrator as follows: (a) Multiply by 4.24 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at New York as reported by the Department of Agriculture during the delivery period; (b) multiply by 8.2 the weighted average of carlot prices for spray process nonfat dry milk solids, for human consumption f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture for the period from the 26th day of the immediately preceding period through the 25th day of the current delivery period; (c) add into one sum the amounts obtained in paragraphs (a) and (b) of this section; and (d) subtract 75.2 cents therefrom.

§ 973.55 *Location differential to handlers.* (a) With respect to producer milk purchased or received at a pool plant and which is classified as Class I milk, the price per hundredweight computed pursuant to § 973.50 (a) shall be reduced by the amount indicated below for the distance that such plant is located from the Minnesota Transfer Viaduct over University Avenue in St. Paul. Such deduction shall be based on the airline mileage as computed by the market administrator.

Location of Plant and Amount of Deduction	*Cents*
0 to 15 miles	0
15 to 20 miles	8
20 to 30 miles	10
30 to 40 miles	12
40 to 50 miles [1]	14
50 to 60 miles	15
60 to 70 miles	16
70 miles or over	[1] 17

[1] Plus an additional 1-cent for each 10 miles or fraction thereof in excess of 80 miles.

§ 973.56 *Butterfat differentials to handlers.* (a) If the average butterfat content of the milk disposed of by any handler as Class I milk is more or less than 3.5 percent, there shall be added to the Class I price per hundredweight computed pursuant to § 973.53 (a) for each one-tenth of 1 percent that the average butterfat content of such Class I milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class I milk is below 3.5 percent, an amount computed by the market administrator as follows: To the average wholesale price per pound of Grade AA (93-score) butter at New York as reported by the Department of Agriculture for the preceding delivery period add 25 percent during the delivery periods of December through June, and 35 percent during the remaining delivery periods, and divide the resulting sum by 10.

(b) If the average butterfat content of the milk disposed of by any handler as Class II milk is more or less than 3.5 percent, there shall be added to the Class II price per hundredweight computed pursuant to § 973.54 (b) for each one-tenth of 1 percent that the average butterfat content of such Class II milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class II milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of Grade AA (93-score) butter at New York as reported by the Department of Agriculture for the delivery period add 21.14 percent and divide the sum obtained by 10.

§ 973.57 *Emergency price provisions.* Whenever the provisions of this order require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the prices specified.

APPLICATION OF PROVISIONS

§ 973.60 *Application to producer-handlers.* Sections 973.40 to 973.45, 973.50 to 973.57, 973.62 to 973.64, 973.70 to 973.73, 973.75 to 973.77, 973.80 to 973.88, and 973.90 to 973.92 shall not apply to the handling of milk by producer-handlers.

§ 973.61 *Producer-handlers.* Handlers shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producer-handlers pursuant to § 973.10, as of the effective date of this part, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing milk that affect their qualifications as producer-handlers; such verification by the market administrator shall be made within 15 days of the receipt of the evidence and shall be retroactive to the effective date of this part in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

§ 973.62 *Handlers subject to other Federal orders.* In the case of a handler whose plant is fully regulated by another milk marketing order issued pursuant to the act, the provisions of this order shall not apply except that such handler, with respect to his total receipts and utilization of skim milk and butterfat, shall make reports to the market administrator at such time and in such manner as the market administrator may require, and shall allow the market administrator to verify such reports in accordance with § 973.33.

§ 973.63 *Other source milk diverted by a cooperative association.* Other source milk caused by a cooperative association to be delivered to a pool plant for its account from a nonpool plant shall be considered to have been first received by such cooperative association.

§ 973.64 *Payment for overage.* In computing the value of the milk of any handler (including a handler whose sole source of supply is other pool plants), if any skim milk has been subtracted pursuant to § 973.45, or if any butterfat has been similarly subtracted, the market administrator shall add an amount computed by multiplying the pounds of skim milk and butterfat so subtracted by the applicable class prices.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 973.70 *Computation of the value of milk received from producers.* (a) The value of the milk received by each handler from producers at his pool plant(s) shall be a sum of money computed by the market administrator by multiplying the pounds of milk in each class by the applicable class prices, adding together the resulting amounts, and adding any amounts owed by the handler pursuant to subparagraphs (1) and (2) of this paragraph.

(1) Any amount computed pursuant to § 973.64,

(2) If any skim milk or butterfat received in other source milk, except other source milk which is classified and priced under another marketing order issued pursuant to the act, has been allocated to Class I pursuant to § 973.45 in any delivery period when total receipts of producer milk at all pool plants exceed 105 percent of Class I sales, the market administrator shall add an amount equal to the difference between the value of such skim milk or butterfat at the Class I price and at the Class II price.

(b) In the case of a handler who operates a nonpool plant from which Class I milk has been disposed of in the marketing area, the market administrator shall determine a value for such handler by multiplying the pounds of skim milk or butterfat disposed of as Class I milk in the marketing area by the difference between the applicable Class I price and the Class II price in any delivery period when total receipts of producer milk at all pool plants exceed 105 percent of Class I sales.

§ 973.71 *Computation of uniform price.* For each of the delivery periods of July through December, the market administrator shall compute a uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 973.70 for all handlers who filed reports pursuant to § 973.30, and who made the payments required pursuant to §§ 973.80, and 973.83 for the preceding delivery period;

(b) Subtract, if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 973.81 and multiplying the resulting amount by the total hundredweight of milk included in these computations;

(c) Add an amount equal to the total value of the location differentials computed pursuant to § 973.82;

(d) Add an amount equal to not less than one-half the unobligated balance in the producer-settlement fund;

(e) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by the handlers. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

§ 973.72 *Computation of price for base milk.* For each of the delivery periods of January through June, the market administrator shall compute a price per hundredweight for base milk received from producers as follows:

(a) Make the same computations required pursuant to § 973.71 (a), (b), (c), and (d);

(b) Subtract an amount computed by multiplying the pounds of excess milk included in these computations by an amount equal to the Class II price plus 8 cents;

(c) Divide the resulting sum by the total hundredweight of base milk included in these computations; and

(d) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by the handlers. The result shall be known as the "price for base milk" of 3.5 percent butterfat content.

§ 973.73 *Notification of handlers.* On or before the 14th day of each delivery period the market administrator shall notify each handler of:

(a) The amount and value of his producer milk in each class computed pursuant to §§ 973.45 and 973.70, and the totals of such amounts and values;

(b) The uniform price computed pursuant to § 973.71 or the price for base milk computed pursuant to § 973.72, whichever is applicable;

(c) The amount, if any, due such handler from the producer-settlement fund; and

(d) The total amounts to be paid by each handler pursuant to §§ 973.80, 973.84, 973.90 and 973.91.

BASE RULES

§ 973.75 *Determination of base for each producer.* (a) Any producer who delivers milk during the delivery periods of August, September, and October shall have a base computed by the market administrator, to be applicable during the following January through June, equal to the total pounds of milk delivered in the 3-month period divided by the number of days, not less than 78, from the date of first delivery to the end of such 3-month period: *Provided*, That for any portion of the period of August through October, 1955, that this subpart is not in effect, a producer may either submit evidence of delivery, in form satisfactory to the market administrator, or take the status of a new producer pursuant to paragraph (b) of this section.

(b) Any new producer shall have a base computed by dividing the quantity of milk delivered during the first full month in which such producer delivers milk by the number of days in such month and multiplying the result by the following factors:

November	0.75
December or January	.65
February, March, April, May, or June	.55

§ 973.76 *Establishing a new base.* A producer with a base, upon notifying the market administrator that he relinquishes such base, may establish a new base pursuant to § 973.75 (b) once during the period of November through June, the period for establishing such new base to begin the first day of the month following receipt of such notice by the market administrator.

§ 973.77 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base-forming period.

(b) The base of a producer may be moved from one handler to another and may be transferred from such producer to another producer.

PAYMENTS FOR MILK

§ 973.80 *Time and method of payment.* Each handler shall make payment for milk received from producers or cooperative associations as follows:

(a) To a cooperative association, on or before the 10th day after the end of the delivery period in which the skim milk or butterfat was received at not less than the applicable class prices for all skim milk and butterfat received from such cooperative association or caused by it to be delivered to such handler directly from producers' farms.

(b) To each producer, on or before the 20th day after the end of the delivery period in which the milk was received, for milk not caused to be delivered to such handler by a cooperative association: (1) During the months of July through December, at not less than the uniform price computed pursuant to § 973.71, subject to the butterfat and location differentials set forth in §§ 973.81 and 973.82, and (2) during the months of January through June, at not less than the price for base milk computed pursuant to § 973.72, for all milk received from such producer not in excess of his base, and at not less than the price for Class II milk plus 8 cents for all excess milk received from such producer, subject in both cases to the butterfat and location differentials set forth in §§ 973.81 and 973.82.

§ 973.81 *Butterfat differential to producers.* If, during the delivery period, any handler has purchased or received from any producer, milk having an average butterfat content other than 3.5 percent, such handler in making the payments prescribed in § 973.80 (b) shall add to the applicable price for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, not less than, and shall deduct for each one-tenth of one percent that such average butterfat is below 3.5 percent, not more than an amount equal to the weighted average value of the butterfat in producer milk allocated to each class pursuant to § 973.45.

§ 973.82 *Location differential to producers.* In making payment pursuant to § 973.80 (b) for milk received from producers at a pool plant, each handler shall deduct from the applicable price payable to such producer the amount indicated below for the distance that such plant is located from the Minnesota Transfer Viaduct over University Avenue in St. Paul. Such deduction shall be based on the airline mileage as computed by the market administrator.

Location of Plant and Amount of Deduction

	Cents
0 to 15 miles	0
15 to 20 miles	8
20 to 30 miles	10
30 to 40 miles	12
40 to 50 miles	14
50 to 60 miles	15
60 to 70 miles	16
70 miles or over	[1] 17

[1] Plus an additional 1-cent for each 10 miles or fraction thereof in excess of 80 miles.

§ 973.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 973.84 and 973.86 and out of which he shall make all payments to handlers pursuant to §§ 973.85 and 973.86: *Provided*, That the market administrator shall offset any payments due any handler against payments due from such handler.

§ 973.84 *Payments to the producer-settlement fund.* On or before the 16th day after the end of each delivery period (a) each handler who operates a pool plant shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount, if any, by which the total value computed for him pursuant to § 973.70 for such delivery period is greater than the sum required to be paid by such handler pursuant to § 973.80 (b); (b) each handler who receives his entire supply of milk from pool plants shall pay to the market administrator the amount, if any, computed for him pursuant to § 973.64; and (c) each handler who operates a nonpool plant shall pay to the market administrator the amount computed for him pursuant to § 973.70.

§ 973.85 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers, the amount, if any, by which the sum required to be paid by such handler pursuant to § 973.80 (b) is less than the total computed for him pursuant to § 973.70.

§ 973.86 *Adjustment of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund pursuant to §§ 973.84 and 973.85, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make payment to such handler.

§ 973.87 *Adjustment of errors in payments to producers.* Whenever verification by the market administrator of the payments by a handler to any producer or to a cooperative association, discloses payment of less than is required by § 973.80, the handler shall make up such payment to such producer or cooperative association not later than the time for making payments next following such disclosure.

§ 973.88 *Statement to producers.* In making payment to producers as required by § 973.80, each handler shall furnish each producer from whom he received milk, with a supporting statement in such form that it may be retained by the producer, which shall show:

(a) The delivery period and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of the milk delivered by the producer, and for the delivery periods of January through June, the pounds of base milk and the pounds of excess milk;

(c) The minimum rate or rates at which payment to the producer is required pursuant to § 973.80 (a);

(d) The rate which is used in making the payment if such rate is other than the applicable minimum;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 973.91, together with a description of the respective deductions; and

(f) The net amount of the payment to the producer.

MSCELLANEOUS

§ 973.90 *Expense of administration.* As his pro rata share of the expense of the administration hereof, each handler who operates a pool plant shall pay to the market administrator, on or before the 15th day after the end of the delivery period, 1.5 cents per hundredweight or such amount not exceeding 1.5 cents per hundredweight as the Secretary may prescribe with respect to all receipts within the delivery period of (a) milk from producers including such handler's own farm production, and (b) other source milk which is classified as Class I milk, and each handler who operates a nonpool plant shall make such payment only with respect to Class I milk disposed of within the marketing area.

§ 973.91 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section each handler in making payments to producers (other than himself) pursuant to § 973.80 shall make a deduction of 2 cents per hundredweight or such lesser deduction as the Secretary from time to time may prescribe, with respect to all milk purchased or received directly from producers' farms during the delivery period and shall pay such deductions to the market administrator on or before the 18th day after the end of such delivery period. Such money shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk purchased or received from said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, no such deduction shall be made.

§ 973.92 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose except an

obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 973.93 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

EFFECTIVE TIME, SUSPENSION, AND TERMINATION

§ 973.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 973.101.

§ 973.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 973.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual of ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate shall:

(a) Continue in such capacity until discharged by the Secretary;

(b) From time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

(c) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 973.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Filed at Washington, D. C., this 14th day of October 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

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Commodity Stabilization Service

[7 CFR Parts 723, 725, 726, 727]

CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO; BURLEY AND FLUE-CURED TOBACCO; FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO; MARYLAND TOBACCO

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO TOBACCO MARKETING QUOTAS FOR 1956–57 MARKETING YEAR

Pursuant to the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is preparing to proclaim national marketing quotas for burley tobacco, cigar-filler tobacco, Maryland tobacco, and Virginia sun-cured tobacco, for the three marketing years beginning October 1, 1956; proclaim the amount of the national marketing quota for each such kind of tobacco, and for cigar-filler and binder tobacco, fire-cured tobacco, and dark air-cured tobacco for the 1956–57 marketing year; apportion the national marketing quotas for such kinds of tobacco for the 1956–57 marketing year among the several States; and convert the State marketing quotas into State acreage allotments. The Secretary is also preparing to apportion among the several States the national marketing quota for flue-cured tobacco for the 1956–57 marketing year which was proclaimed on July 1, 1955 (20 F. R. 4787) and convert the respective State marketing quotas for flue-cured tobacco into State acreage allotments.

The Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1312 (a)), provides that the Secretary shall, not later than December 1 of any marketing year, proclaim a national marketing quota for any kind of tobacco for each of the next three succeeding marketing years whenever he determines with respect to such kind of tobacco (a) that such marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed will be in effect or (b) that a marketing quota previously proclaimed for such marketing year is not in effect because of disapproval by producers in a referendum. Certain other conditions and provisions are included in the act stating the circumstances under which the Secretary is required to proclaim a national marketing quota, but such conditions and provisions do not affect the circumstances under which the Secretary is required to proclaim national marketing quotas as outlined above for the 1956–57 marketing year. The act (7 U. S. C. 1301 (b) (15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (Part 30 of this

title) of the Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13, and 14;
Fire-cured tobacco, comprising types 21, 22, 23, and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55;
Cigar-filler tobacco, comprising type 41.

The act provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of this act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority the Secretary has determined (15 F. R. 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports on the 1951 and subsequent crops of such tobacco.

The act (7 U. S. C. 1313 (i)) provides that notwithstanding any other provision of the act, whenever after investigation the Secretary determines with respect to any kind of tobacco that a substantial difference exists in the usage or market outlets for any one or more of the types comprising such kind of tobacco and that the quantity of tobacco of such type or types to be produced under the marketing quotas and acreage allotments established pursuant to this section would not be sufficient to provide an adequate supply for estimated market demands and carry-over requirements for such type or types of tobacco, the Secretary shall increase the marketing quotas and acreage allotments for farms producing such type or types of tobacco in the preceding year to the extent necessary to make available a supply of such type or types of tobacco adequate to meet such demands and carry-over requirements. The increases in farm marketing quotas and acreage allotments shall be made on the basis of the production of such type or types of tobacco during the period of years considered in establishing farm marketing quotas and acreage allotments for such kind of tobacco. The additional production authorized by this subsection shall be in addition to the national marketing quota established for such kind of tobacco pursuant to section 312 of this act. The increase in acreage under this subsection shall not be considered in establishing future State of farm acreage allotments.

The act (7 U. S. C. 1312 (b)) provides that the Secretary shall also determine and announce, prior to the first day of December, the amount of the national marketing quota which is in effect for the 1956–57 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of tobacco equal to the reserve supply level. The act provides further that the amount of the 1956–57 national marketing quota may, not later than March 1, 1956, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level. The act (7 U. S. C. 1301 (b)) defines the "total supply" of tobacco for any marketing year as the carry-over at the beginning of the marketing year (or on January 1 of such marketing year in the case of Maryland tobacco) plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The act (7 U. S. C. 1312 (c)) requires that within 30 days after a national marketing quota is proclaimed for the 1956–57, 1957–58, and 1958–59 marketing years for cigar-filler tobacco, burley tobacco, Virginia sun-cured tobacco, and Maryland tobacco, the Secretary shall conduct a referendum of farmers who are engaged in the production of the 1955 crop of each of such kinds of tobacco to determine whether such farmers are in favor of or opposed to such quotas for the next three succeeding marketing years. If more than one-third of the farmers voting in the referendum oppose such quotas, such results shall be proclaimed by the Secretary and the national marketing quotas so proclaimed shall not be in effect but such results shall in no wise affect or limit the subsequent proclamation and subsequent submission to a referendum, as otherwise provided in section 312 of the act, of a national marketing quota. A separate referendum will be held for each of such kinds of tobacco and the results of any referendum will not affect the results of any other referendum.

Cigar-filler and binder, flue-cured, fire-cured and dark air-cured tobacco growers favored marketing quotas for the 1956–57 marketing year in referenda held pursuant to the act as follows: Cigar-filler and binder tobacco—18 F. R. 8474; flue-cured tobacco—20 F. R. 6543; fire-cured tobacco—20 F. R. 809; and dark air-cured tobacco—20 F. R. 809.

The act (7 U. S. C. 1313 (a)) requires the Secretary to apportion the national marketing quota, less the amount to be allotted under subsection (c) of section 1313 (small farms and "new" farms), among the several States on the basis of the total production in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed, with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period. The act (7 U. S. C. 1313 (g)) authorizes the Secretary to convert State marketing quotas into State acreage allotments on the basis of average yield per acre for the State during the five years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

In making the determinations of the amounts of the national marketing quotas, the apportionment of the quotas among the several States, and the conversion of State marketing quotas into State acreage allotments, consideration will be given to any data, views and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 14th day of October 1955.

[SEAL] WALTER C. BERGER,
Acting Administrator.

[F. R. Doc. 55-8508; Filed, Oct. 19, 1955; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

NOTICE OF HEARING ON PROPOSED REVISION AND CONSOLIDATION OF REGULATION A AND REGULATION D

On July 19, 1955, the Securities and Exchange Commission announced (in Securities Act Release No. 3555) that it had under consideration a proposed revision of its Regulation A and the consolidation with that regulation of Regulation D. The purpose of the proposed revision is, among other things, to provide a single integrated exemptive regulation for both domestic and Canadian securities and to add certain special provisions for companies in the promotional or development stage so as to provide added protection for investors.

The Commission has received requests from various persons and organizations that a public hearing be held on the proposed revision, and the Commission is of the opinion that such a hearing would be appropriate in the public interest and for the protection of investors. Accordingly, notice is hereby given that a public hearing in the matter will be

held in Room 102 at the Commission's offices, 425 Second Street NW., Washington, D. C., on Tuesday, November 15, 1955, at 10:00 a. m.

Any person interested in presenting his views at the public hearing should, not later than 5:30 p. m. on November 7, 1955, submit to the Commission in writing a statement of his intention to appear at the hearing, together with a written statement of his views (which may be made by reference to written statements previously filed), and should limit his request for time to make oral presentations so as to provide an opportunity for all interested persons to be heard.

Those persons who have submitted written views and comments need not feel obliged to attend the hearing in person, for all written submissions will be made part of the record considered by the Commission in determining whether the proposed revision and consolidation should be adopted. The Commission also will consider any testimony before the Commerce and Finance Subcommittee of the House Committee on Interstate and Foreign Commerce incident to its consideration of H. R. 5701 to repeal section 3 (b) of the Securities Act of 1933, which may have been given prior to final action upon this proposal; and persons who have testified at that hearing prior to November 15th need not undertake to repeat their testimony before the Commission.

Requests to be heard should be addressed to the Secretary, Securities and Exchange Commission, Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 12, 1955.

[F. R. Doc. 55-8493; Filed, Oct. 19, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of the Secretary

[Department Order 160 (Amended)]

NATIONAL CIVIL DEFENSE PROGRAM ASSISTANCE

REDELEGATIONS OF AUTHORITY

The material appearing in 20 F. R. 1227 is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to redelegate authority to perform certain functions in connection with the Department's responsibility for assisting the Federal Civil Defense Administration in the development of the national civil defense program.

SEC. 2. *General.* .01 The provisions of Section 201 (b) of the Federal Civil Defense Act of 1950 (64 Stat. 1248) authorize the Administrator of the Federal Civil Defense Administration to delegate, with the approval of the President, appropriate civil defense responsibilities to the several departments and agencies of the Federal Government.

.02 Under Federal Civil Defense Administration Delegation No. 2 of September 8, 1954, and Federal Civil Defense Administration Delegation No. 3 of August 13, 1955, the Secretary of Commerce has been delegated certain authorities and responsibilities in furtherance of the national civil defense program.

SEC. 3. *Redelegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, authority is hereby redelegated to the heads of the following primary organization units to perform the functions indicated:

1. The Bureau of Public Roads to—

(1) Provide advice and guidance to State highway departments in the designation of State civil defense emergency highway routes;

(2) Coordinate interstate and State designated civil defense highway systems to assure uniformity of designation for civil defense emergency purposes;

(3) Plan a national program, develop technical guidance for States, and direct Federal activities concerning emergency clearance and restoration of highways, streets, and bridges in damaged areas; and

(4) Provide technical guidance to States concerning highway traffic control problems which may be created during a civil defense emergency.

(5) Determine and evaluate, with the cooperation of the States, counties, and cities, and assist in the planning of the needs for highway improvements to meet civil-defense requirements.

2. The Office of Area Development, Business and Defense Services Administration, to provide data and assist the States in conducting analyses of potential target areas.

3. The Bureau of the Census to—

(1) Collect and process data required by the Office of Area Development, Business and Defense Services Administration, in accomplishing the assignment indicated in subsection 2 above; and

(2) Provide basic statistics and maps essential to the completion of Federal, State, and local civil defense plans.

4. The Weather Bureau to—

(1) Prepare analysis of past data, conduct research, and develop techniques and capabilities leading to improved forecasts of radiological fall-out patterns.

(2) Prepare and issue currently, as well as in an emergency, forecasts and estimates of areas likely to be covered by fall-out as a result of enemy attack. Such information is to be made available to Federal, State, and local civil defense authorities for public information.

5. The Bureau of Public Roads, the Office of Area Development, Business and Defense Services Administration, the Bureau of the Census, and the Weather Bureau—

(1) During a civil defense emergency, whenever needed to carry out the responsibilities as indicated hereunder and subject to such regulations, requirements, and conditions as may be approved by the Office of Personnel Management, to employ additional personnel on a temporary basis without regard to the civil service laws and to incur such obligations on behalf of the United States as may be required to meet the civil defense requirements of an attack or of an anticipated attack; and

(2) To disseminate such civil defense information as may be approved from time to time by the Federal Civil Defense Administration.

.02 The authority delegated herein may be redelegated to such officers or employees as the heads of these primary organization units may designate. The names of officers or employees to whom such authority is delegated shall be reported to the Emergency Planning Coordinator of the Department, and when personnel authority is involved, to the Office of Personnel Management.

.03 The heads of the primary organization units designated herein are hereby authorized to execute, with the approval of the Emergency Planning Coordinator, "Memorandums of Understanding" with the Federal Civil Defense Administration outlining their respective responsibilities in civil defense or natural disaster emergency.

SEC. 4. *Conditions and limitations.* In carrying out their responsibilities hereunder, the heads of the primary organization units and their delegates shall be governed by the following:

1. The Federal Civil Defense Administrator shall provide general assumptions and program guidance relating to the said responsibilities and shall review and coordinate the carrying out of such responsibilities.

2. The designated officials shall take into consideration, and shall coordinate their responsibilities hereunder with, assignments respecting mobilization preparedness measures made to them by the Office of Defense Mobilization.

3. The Emergency Planning Coordinator shall coordinate the responsibilities assigned herein with other Federal agencies concerned, with the advice and consent of the Federal Civil Defense Administration.

4. Each of the designated officials shall be responsible for submitting to the Federal Civil Defense Administration through regular departmental channels, including the Emergency Planning Coordinator, requests for such appropriations as may be required to implement his delegated responsibilities.

5. The Emergency Planning Coordinator shall make such reports as may be required by the Federal Civil Defense Administrator to insure consistency with national civil defense policies and standards.

Effective date: September 30, 1955.

[SEAL] SINCLAIR WEEKS, *Secretary of Commerce.*

[F. R. Doc. 55-8494; Filed, Oct. 19, 1955; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 70]

ARIZONA

SMALL TRACT CLASSIFICATION NO. 45

OCTOBER 13, 1955.

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514-15), the following described lands totalling approximately 267 acres in Maricopa County are hereby classified as suitable for lease and sale for residence and/or business purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 3 N., R. 3 E.,
Section 22: W½SW¼NE¼, S½SE¼NW¼, E½SW¼ lots 12 to 23 inclusive; NE¼NW¼ exclusive of patented Mineral Survey Nos. 4321 and 4367; S½N½NW¼NE¼ and S½NW¼NE¼ exclusive of patented Mineral Survey Nos. 4321 and 4367. That part of E½SW¼NE¼ included in Cactus Mineral Location Segregation Survey. All the area included in the Corona Mineral Location Segregation Survey.
Section 27: W½NW¼NW¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to 3:32 p. m. July 26, 1946, will be granted, as soon as posible, the preference right provided for by 43 CFR 257.5 (a).

E. R. TRAGITT, *State Lands and Minerals Staff Officer.*

[F. R. Doc. 55-8486; Filed, Oct. 19, 1955; 8:47 a. m.]

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 12, 1955.

An application, serial number New Mexico 016398, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, of the lands described below was filed on September 24, 1954, by the Department of the Navy. The purposes of the proposed withdrawal: Aircraft vulnerability and warhead design studies.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, at P. O. Box 1251, Santa Fe, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 3 S., R. 1 W.,
Sec. 20, N½;
Sec. 21, NW¼, W½NE¼.

The areas described contain 560 acres.

E. R. SMITH, *State Supervisor.*

[F. R. Doc. 55-8487; Filed, Oct. 19, 1955; 8:47 a. m.]

[Doc. 8—California State Office]

CALIFORNIA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

OCTOBER 12, 1955.

Pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.5 of Order 541, dated April 21, 1954 (19 F. R. 2473, 2476), it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, the Departmental Order of January 21, 1933, establishing Stock Driveway Withdrawal No. 235, California No. 17, under section 10 of the act of December 29, 1916 as amended (30 Stat. 865; 43 U. S. C. 300), is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 25 S., R. 35 E.,
Sec. 34, SE¼SE¼;
Sec. 35, N½SW¼, SW¼SW¼.
T. 25 S., R. 36 E.,
Sec. 24, NW¼SW¼;
Sec. 25, N½SW¼NW¼SW¼.
T. 26 S., R. 33 E.,
Sec. 21, N½NE¼;
T. 26 S., R. 35 E.,
Sec. 4, Lot 1, SW¼NE¼.
T. 27 S., R. 35 E.,
Sec. 27, SE¼NE¼, E½SE¼;
Sec. 34, N½SW¼, W½NW¼, NE¼NE¼, S½NE¼.
T. 30 S., R. 37 E.,
Sec. 15, NE¼SW¼, S½SW¼.

The areas described aggregate 740 acres.

2. The lands affected by this order are rough, semiarid, and lack sufficient water supply to be suitable for farming.

3. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph one hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on November 17, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed at that hour and before 10:00 a. m. on February 16, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on February 16, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on February 16, 1956.

Persons claiming veteran's preference under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

4. Inquiries concerning these lands and applications shall be addressed to the Manager, Land Office, in Los Angeles, 1512 Post Office Building.

R. R. BEST,
State Supervisor,

[F. R. Doc. 55-8488; Filed, Oct. 19, 1955; 8:48 a. m.]

[Doc. 9—California State Office]

CALIFORNIA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

OCTOBER 12, 1955.

Pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.5 of Order 541, dated April 21, 1954 (19 F. R. 2473, 2476), it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, the Departmental order of January 21, 1933, establishing Stock Driveway Withdrawal No. 235, California No. 17, under section 10 of the act of December 29, 1916 as amended (30 Stat. 865; 43 U. S. C. 300), is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 25 S., R. 35 E.,
Sec. 24, NE¼NE¼, S½NE¼.
T. 25 S., R. 36 E.,
Sec. 16, SE¼SE¼;
Sec. 21, N½NE¼NE¼, NW¼NE¼, S½NW¼, NW¼SW¼, W½SW¼SW¼.
T. 26 S., R. 35 E.,
Sec. 2, NE¼SE¼;
Sec. 4, SE¼SE¼.

The areas described aggregate 440 acres.

This revocation is made in furtherance of an exchange under Section 8 of the act of June 28, 1934, as amended by section 8 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g) by which the offered lands will benefit a Federal Land program. This restoration is, therefore, not subject to the provisions contained in the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II and others.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, 1512 Post Office Building, Los Angeles, California.

R. R. BEST,
State Supervisor.

[F. R. Doc. 55-8489; Filed, Oct. 19, 1955; 8:48 a. m.]

[61193]

WISCONSIN

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

OCTOBER 14, 1955.

1. A plat of survey of the omitted lands described below will be officially filed in the Eastern States Land Office, Washington, D. C., effective at 10:00 a. m. on November 16, 1955:

FOURTH PRINCIPAL MERIDIAN, WISCONSIN

T. 39 N., R. 11 E.,
Sec. 31, Lots 10, 11, 12, 13 and 14.

The area described aggregates 99.96 acres.

Lot 11 sec. 31 has been subdivided as follows: Lots 11-A, 11-B, 11-C, 11-D, 11-E, 11-F, 11-G, 11-H, 11-J and 11-K.

2. Available information indicates that the lands opposite Planting Ground Lake are mostly high rolling upland, reaching approximately 60 feet above the water level of the lake. The soil is a sandy loam, with some gravel and stone. The swamp areas are scattered and comprise approximately 11 percent of the total area. The lands opposite Range Line Lake are mostly high rolling and gently rolling upland, with two areas of level swampland which comprise approximately 16 percent of the total area. The upland reaches approximately 40 feet above the water level of the lake and the soil is a sandy loam with some gravel and stone.

3. The above-described lands are hereby opened to disposal only under the Act of February 27, 1925 (43 Stat. 1013, 43 U. S. C. 994) and the Act of August 24, 1954 (68 Stat. 789). Claimants under the 1925 act, supra, have a preferred right of application for a period of 90 days from November 16, 1955. Applications for public lands under the 1954 act, supra, must be filed within one year from November 16, 1955. No patents will be issued for the above-described lands prior to November 17, 1956.

4. Any of the above-described lands not patented under the acts of 1925 and 1954, supra, shall not become subject to disposition under the general public land laws until it is so provided by an appropriate order.

5. Inquiries concerning the above-described lands shall be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 55-8490; Filed, Oct. 19, 1955; 8:48 a. m.]

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

OCTOBER 12, 1955.

In Federal Register Document 55-8028 (20 F. R. 7400) dated October 5, 1955, description of the lands in Section 17 is corrected as follows: Section 17 now reading NE¼, W½NW¼, should read Section 17, NE¼, E½NW¼.

ROBERT B. OFFICER,
State Supervisor.

[F. R. Doc. 55-8485; Filed, Oct. 19, 1955; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

Anderson Bros. Consolidated Co. Inc., Floyd and High Streets, Danville, Va.; effective 10-5-55 to 10-4-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (coveralls, work pants, work shirts, etc.).

Ann Lee Frocks, 108-112 South Main Street, Pittston, Pa., effective 10-13-55 to 10-12-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Appomattox Garment Co., Inc., Appomattox, Va., effective 10-6-55 to 10-5-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Appomattox Garment Co., Inc., 1400 Thurman Avenue, Lynchburg, Va.; effective 10-6-55 to 10-5-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Blue Bell, Inc., Fulton, Miss., effective 10-14-55 to 10-13-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts and pants).

Cookeville Shirt Co., 106 Walnut Street, Cookeville, Tenn., effective 10-19-55 to 10-18-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

David Manufacturing Co., 119 Berwick Street, Beaver Meadows, Pa., effective 10-5-55 to 10-4-56; 10 learners for normal labor turnover purposes (children's bath robes).

Elk Brand Manufacturing Co., Hopkinsville, Ky., effective 10-7-55 to 10-6-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants, shirts and overalls).

Gallatin Manufacturing Co., Inc., Gallatin, Tenn., effective 10-7-55 to 2-29-56; 75 learners for plant expansion purposes (men's shirts).

Hammond Garment Manufacturing Co., Inc., Hammond, La., effective 10-6-55 to 10-5-56; 10 learners for normal labor turnover purposes (sport shirts).

Junior Form Lingerie Corp., 428 Morris Avenue, Boswell, Pa., effective 10-17-55 to 10-16-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Junior Form Lingerie Corp., Atkinson Way, Boswell, Pa., effective 10-17-55 to 10-16-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

The Kaynee Co., Williamsburg, Ky., effective 10-14-55 to 10-13-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' shirts and sport shirts).

Miller Westernwear, Inc., Walnut Street, Baxley, Ga., effective 9-22-55 to 2-29-56; 40 learners for plant expansion purposes (Replacement Certificate) (boys' Western type shirts).

Oshkosh B'Gosh, Inc., Celina Division, Celina, Tenn., effective 10-8-55 to 10-7-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton twill pants and shirts).

Rice Stix Factory No. 17, Houston, Miss., effective 10-9-55 to 10-8-56; 5 learners for normal labor turnover purposes in the production of pajamas (men's and boys' pajamas).

Rice Stix Factory No. 25, Farmington, Mo., effective 10-7-55 to 2-29-56; 25 learners for plant expansion purposes (women's and girls' outer shorts and slacks).

Sylvania Garment Co., Inc., Savannah Road, Sylvania, Ga.; effective 10-15-55 to 10-14-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' blouses).

Troutman Shirt Co., Inc., Troutman, N. C., effective 10-10-55 to 10-9-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts, sport shirts).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304).

Athco, Inc., Athens, Ala., effective 10-21-55 to 10-20-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear and sleepwear).

Knitters Co., 19 East Magnolia Street, Hazelton, Pa., effective 10-21-55 to 10-20-56; 5 learners for normal labor turnover purposes (infants' and children's knitted outerwear).

Port City Hosiery Mills, Inc., 715 Greenfield Street, Wilmington, N. C., effective 10-7-55 to 10-6-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (slips, panties, pajamas).

Rice Stix Factory No. 17, Houston, Miss., effective 10-9-55 to 10-8-56; 5 percent of the total number of workers engaged in the production of shorts for normal labor turnover purposes (men's and boys' shorts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

The Carborundum Co. of Puerto Rico, Km. 187, Mayagues, P. R., effective 9-21-55 to 3-20-56; 23 persons authorized to be employed as learners in any one work day in the occupations of Assembly and Inspection; each for 240 hours at 50 cents an hour, and 240 hours at 60 cent an hour (kovar seals).

Senorita Hosiery Mills, Inc., Gurabo, P. R.; effective 9-20-55 to 9-19-56; 6 persons authorized to be employed as learners in any one work day in the occupations hereinafter listed: Knitting, seaming, and mending each for 320 hours at 35 cents an hour; 320 hours at 40 cents an hour, and 320 hours at 45 cents an hour. Examining, 240 hours at 37½ cents an hour and 240 hours at 45 cents an hour. (Full fashioned hosiery.)

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 12th day of October 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-8491; Filed, Oct. 19, 1955; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7178]

CENTRAL AIRLINES, INC.; PERMANENT CERTIFICATION CASE

NOTICE OF HEARING

In the matter of the application of Central Airlines, Inc. under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of pubic convenience and necessity of unlimited duration for Route No. 81.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on November 2, 1955, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, Sixteenth Street and Constitution Avenue N. W., Washington, D. C., before Examiner William J. Madden.

Dated at Washington, D. C., October 14, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8504; Filed, Oct. 19, 1955; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9083]

UNITED FUEL GAS CO. AND ATLANTIC SEABOARD CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 14, 1955.

Take notice that United Fuel Gas Company and Atlantic Seaboard Corporation (Applicants), West Virginia and Delaware corporations, respectively, having their principal place of business in Charleston, West Virginia, filed on June 28, 1955, a joint application for permission to abandon service and for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

United Fuel Gas Company seeks authority under section 7 (b) of the Natural Gas Act to abandon its Storage Pool X-56 and its related transmission line X-56-M-1 in Upshur County, West Virginia, through sale to Atlantic Seaboard Corporation. Atlantic Seaboard Corporation seeks authority to acquire the facilities United Fuel Gas Company proposes to abandon.

The estimated cost of the facilities to be acquired is $1,073,547 adjusted from April 30, 1955, to be financed through the issuance of notes and common stock to its parent, Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 15, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8492; Filed, Oct. 19, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 17, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

UNIVERSITY OF MICHIGAN

LONG-AND-SHORT HAUL

FSA No. 31195: *Sulphuric acid—Baton Rouge and North Baton Rouge, La., to Starke, Fla.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Baton Rouge and North Baton Rouge, La., to Starke, Fla.

Grounds for relief: Circuitous route.

Tariff: Supplement 97 to Agent Spaninger's I. C. C. 1357.

FSA No. 31196: *Petroleum and products from Roseport, Minn.* Filed jointly by The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Great Northern Railway Company, Northern Pacific Railway Company and Minneapolis, St. Paul & Sault Ste. Marie Railroad Company. Rates on petroleum and petroleum products, carloads from Roseport, Minn., to stations in Iowa, Minnesota, Montana, North Dakota, South Dakota, and Wisconsin to which rates are in effect on like property from St. Paul, Minn.

Grounds for relief: Origin rate relations, market competition and circuity.

FSA No. 31197: *Sulphuric acid—Baton Rouge and North Baton Rouge, La., to Florida points.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Baton Rouge and North Baton Rouge, La., to Hialeah and Miami, Fla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 97 to Agent Spaninger's I. C. C. 1357.

FSA No. 31198: *Cement—Roberta, Ala., to Columbus, Ga.* Filed by the Southern Railway Company for itself. Rates on cement and related articles, carloads from Roberta, Ala., to Columbus, Ga.

Grounds for relief: Circuitous route.

Tariff: Supplement 41 to Agent Spaninger's I. C. C. 1447.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-8495; Filed, Oct. 19, 1955; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

WERF CONRAD EN STORK HIJSCH N. V.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Werf Conrad en Stork Hijsch N. V., Haarlem, Holland, Claim No. 42695; property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943), relating to United States Letters Patent No. 2,202,446.

Executed at Washington, D. C., on October 13, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 55-8497; Filed, Oct. 19, 1955; 8:50 a. m.]

ADOLF NUSSBAUM

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Adolf Nussbaum, Bonn Rhine, Germany, Claim No. 63027, Vesting Order No. 18700; $113.88 in the Treasury of the United States.

Executed at Washington, D. C., on October 13, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 55-8498; Filed, Oct. 19, 1955; 8:50 a. m.]

JOHANN WEDERITSCH ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimants, Claim Nos., Property, and Location

Johann Wederitsch, also known as Werderitsch, Caroline Bauer, nee Wederitsch (Werderitsch), Josephine Deutsch, nee Wederitsch (Werderitsch); All of Welgersdorf, Burgenland, Austria; Claims Nos. 42602; 42603; 42604, Vesting Order No. 7723; To each claimant $281.34 in the Treasury of the United States.

Executed at Washington, D. C. on October 13, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 55-8499; Filed, Oct. 19, 1955; 8:50 a. m.]

ANTONETTA BUONIELLO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Antonetta Buoniello, Salerno, Italy, Claim No. 63144; $294.37 in the Treasury of the United States. Pietro Buoniello, Salerno, Italy, Claim No. 63145; $294.37 in the Treasury of the United States. Maria Buoniello, Salerno, Italy, Claim No. 63146; $294.37 in the Treasury of the United States. Melina Buoniello, a/k/a Maria Carmela Buoniello, Salerno, Italy, Claim No. 63147; $294.37 in the Treasury of the United States.

Vesting Order No. 1196.

Executed at Washington, D. C., on October 13, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 55-8501; Filed, Oct. 19, 1955; 8:51 a. m.]

OTTO WACHTEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Otto Wachtel, Elwood, S. 3 Victoria, Australia, Claim No. 63079, Vesting Order No. 958; $151.64 in the Treasury of the United States. All right, title, interest, and claim of any kind or character of Otto Wachtel, in and to a Trust created under the will of Simon Wachtel, deceased. Such property is in the process of administration by the Colorado National Bank, Trustee, acting under the judicial supervision of the County Court, City and County of Denver, Denver, Colorado.

Executed at Washington, D. C., on October 13, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 55-8502; Filed, Oct. 19, 1955; 8:51 a. m.]

UNIVERSITY OF MICHIGAN
OCT 24 1955
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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 20 NUMBER 206

Washington, Friday, October 21, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3117

TERMINATION OF GUATEMALAN TRADE AGREEMENT PROCLAMATION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, under the authority vested in him by section 350 (a) of the Tariff Act of 1930, as amended by the act of June 12, 1934, entitled "An Act to amend the Tariff Act of 1930" (48 Stat. 943), the President of the United States entered into a trade agreement with the President of the Republic of Guatemala on April 24, 1936 (49 Stat. 3990), and proclaimed such trade agreement by proclamation of May 16, 1936 (49 Stat. 3989); and

WHEREAS the Government of the United States of America and the Government of the Republic of Guatemala have agreed to terminate the said trade agreement effective October 15, 1955; and

WHEREAS the said section 350 (a) of the Tariff Act of 1930, as amended, authorizes the President to terminate, in whole or in part, any proclamation carrying out a trade agreement entered into under such section:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including the said section 350 (a) of the Tariff Act of 1930, as amended, do proclaim that the said proclamation dated May 16, 1936 shall be terminated as of the close of October 14, 1955.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventeenth day of October in the year of our Lord nineteen hundred [SEAL] and fifty-five, and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55-8547; Filed, Oct. 19, 1955; 1:16 p. m.]

PROCLAMATION 3118

FARM-CITY WEEK

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the increased efficiency of the farmers of our Nation, achieved through research and through their initiative, ability, and energy, makes it possible for fewer and fewer farmers to produce an increasing abundance of food and fiber; and

WHEREAS the productivity of the farms and of urban labor and business continues to provide the food, the tools, the services, and the goods that afford our citizens the highest standards of living in the world; and

WHEREAS it is desirable that those who work on the farms and those who work in the cities develop greater understanding of their mutual problems and interdependence in our closely-knit economy; and

WHEREAS such understanding will be advantageous to all of us in the building of a stronger and a more prosperous free Nation:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the period from October 23 through October 29, 1955, as Farm-City Week, and I ask the people throughout the country to participate fully in the observance of that week. I urge such observance as evidence of our appreciation of all those on the farms and in the cities of this Nation who have worked so well in providing us with the food and goods that we need and enjoy.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventeenth day of October in the year of our Lord nineteen hundred [SEAL] and fifty-five, and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55-8548; Filed, Oct. 19, 1955; 1:16 p. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 32: Parts 400–699 ($5.75)
Parts 800–1099 ($5.00)
Part 1100 to end ($4.50)
Title 43 (Revised, 1954) ($6.00)

Previously announced: Title 3, 1954 Supp. ($1.75); Titles 4–5 ($0.70); Title 6 ($2.00); Title 7: Parts 1–209 ($0.60); Parts 210–899 ($2.50); Part 900 to end ($2.25); Title 8 ($0.45); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 15 ($1.25); Title 16 ($1.25); Title 17 ($0.55); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 21 ($1.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) ($2.50); Title 26: Parts 1–79 ($0.35); Parts 80–169 ($0.50); Parts 170–182 ($0.50); Parts 183–299 ($0.30); Part 300 to end and Title 27 ($1.25); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Title 32: Parts 1–399 ($4.50); Parts 700–799 ($3.75); Title 32A, Revised December 31, 1954 ($1.50); Title 33 ($1.50); Titles 35–37 ($0.75); Title 38 ($2.00); Title 39 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 46: Parts 1–145 ($0.40); Part 146 to end ($1.25); Titles 47–48 ($1.25); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60); Title 50 ($0.55)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

EFFECTIVE DATE OF ORDER AMENDING DEFINITION AND STANDARD OF IDENTITY FOR MONTEREY CHEESE

In the matter of amending the definition and standard of identity for Monterey cheese:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, as amended 68 Stat. 54; 21 U. S. C. 341) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (20 F. R. 1996), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER on September 9, 1955 (20 F. R. 6607) amending the definition and standard of identity for Monterey cheese (21 CFR 19.580). The amendments promulgated by that order will become effective November 10, 1955.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended, 68 Stat. 54; 21 U. S. C. 341)

Dated: October 17, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55–8512; Filed, Oct. 20, 1955; 8:45 a. m.]

PART 130—DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

EXEMPTION OF DIAMTHAZOLE DIHYDROCHLORIDE PREPARATIONS FROM PRESCRIPTION REQUIREMENTS

The Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 701 (a), 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353 (b) (3), 355 (c), 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR, 1954 Supp. 1.108 (c)), hereby orders the following amendment:

Section 130.1 (a) is amended by adding the following new subparagraph (7):

§ 130.1 *Exemption for certain drugs limited by new-drug applications to prescription sale.* (a) • • •

(7) Diamthazole dihydrochloride (2-dimethylamino - 6 - (β - diethylamino ethoxy)-benzothiazole dihydrochloride) preparations meeting all the following conditions:

(i) The diamthazole dihydrochloride is prepared with or without other drugs in a dosage form suitable for external application in self-medication as a dusting powder.

(ii) The diamthazole dihydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 percent by weight of diamthazole dihydrochloride.

(v) The preparation is labeled with adequate directions for use only for adults and children 12 years of age and older in the prevention of athlete's foot.

(vi) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Application to infants or young children.

(*b*) Use on open cracks or weeping stages of athlete's foot.

(*c*) Contact with mucous membranes.

(*d*) Use in the event of irritation.

This amendment removes the drug mentioned therein from the prescription-dispensing requirements of the Federal Food, Drug, and Cosmetic Act (sec. 503 (b) (1) (C), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (1) (C)). This drug was previously limited by its new-drug application to use under professional supervision because the scientific data establishing the toxic potential of the drug and its intended use showed that it was safe only if used under professional supervision.

Pursuant to the regulations in § 1.108 (c) of this chapter (21 CFR, 1954 Supp., 1.108 (c)), petitions have been submitted to remove the prescription restrictions from this drug. Evidence now available through investigation and marketing experience shows that the drug can be safely used by the laity in self-medication if it is used in accordance with the proposed labeling. The restriction to prescription sale is no longer necessary for the protection of public health.

This action in removing the prior restriction limiting this drug to prescription sale is taken under the authority of the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c)), which provides for and requires the removal of such restrictions if they are not necessary for the protection of the public health.

Effective date. This order shall become effective 30 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 503, 505, 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353, 355)

Dated: October 17, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55–8528; Filed, Oct. 20, 1955; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter K—Federal Seed Act

PART 201—FEDERAL SEED ACT REGULATIONS

MISCELLANEOUS AMENDMENTS

On May 27, 1955, there was published in the FEDERAL REGISTER (20 F. R. 3745) a notice of rule making and notice of hearings with respect to proposed amendments of the regulations of the Secretary of Agriculture (7 CFR 201.1–201.109) under the Federal Seed Act. After consideration of all relevant matters presented at the hearings, or in writing, pursuant to said notice, and under authority of section 402 of the Federal Seed Act (7 U. S. C. 1592), the amendments to the regulations set forth in said notice and specified below are hereby adopted with the changes specifically stated and with certain corrections of typographical errors.

1. In § 201.5 (a) the proposal to insert "orchard grass" after "alfalfa" is not adopted.

2. In § 201.14 (a) the proposal to insert "orchard grass" after "alfalfa" is not adopted.

3. In § 201.31 the germination standard for Welsh Onion stated in proposal No. 9 of the notice as 75 percent is changed to 70 percent.

4. In § 201.34 paragraphs (d) and (e) are deleted and the heading "Kind and variety" is changed to "Kind, variety, and type."

5. The first unnumbered section entitled "Seed Unit" set forth in proposal No. 16 of the notice is promulgated as § 201.47a.

6. The second unnumbered section entitled "Working Samples" set forth in proposal No. 16 of the notice is promulgated as § 201.47b.

7. Section 201.48 is amended to read as set forth in proposal No. 17 of the notice with the addition of the phrase ", except as provided in paragraph (i)" in paragraph (a) following the word "injured".

8. Section 201.51 is amended to read as set forth in proposal No. 20 of the notice with the addition of a new paragraph numbered (a) (4).

9. The unnumbered section set forth in proposal No. 24 is promulgated as § 201.55a.

10. Sections 201.56–1 through 201.56–11 are promulgated as set forth in proposal No. 26 of the notice, with the following changes:

(a) Section 201.56–1 (c) (7) is changed to read "various combinations of the abnormalities described in this paragraph."

(b) In § 201.56–2 (a) (2) (ii) "a" is inserted before "shortened" and "are" is changed to "is."

(c) Section 201.56–2 (a) (2) (viii) is changed to read "various combinations of the abnormalities described in this subparagraph."

(d) Section 201.56–2 (b) (2) (viii) is changed to read "various combinations of the abnormalities described in this subparagraph."

(e) Section 201.56–3 (b) (2) (vii) is changed to read "various combinations of the abnormalities described in this subparagraph."

(f) Section 201.56–4 (b) (2) (v) is changed to read "various combinations of the abnormalities described in this subparagraph."

(g) Section 201.56–5 (b) (2) (viii) is changed to read "various combinations of the abnormalities described in this subparagraph."

(h) In § 201.56–6 (b) (2) (iv) "two" is inserted before "shoots."

(i) In § 201.56–11 (b) (7) "subparagraph" is changed to "paragraph".

11. The unnumbered section set forth in proposal No. 28 of the notice is promulgated as § 201.57a.

12. Section 201.58 is amended to read as set forth in proposal No. 29 of the notice, except that paragraph (c) is changed by substituting the word "indicum" for the word "orientale" with respect to "Sesame" in the column headed "agricultural seed" and by inserting the phrase "vulgare var." between the word

"Sorghum" and the word "sudanense" with respect to "Sudangrass" in said column.

13. The unnumbered section set forth in proposal No. 34 of the notice is promulgated as § 201.62.

14. The proposed amendments of §§ 201.34 (d) and (e), 201.36b, 201.22, and 201.31, referred to, respectively in proposals 10, 11, 40, and 41, are not being adopted. Additional hearing notice was published at 20 F. R. 7879.

The amendments set forth above shall become effective on November 21, 1955.

(Sec. 402, 53 Stat. 1285; 7 U. S. C. 1592)

NOTE: The record keeping and reporting requirements of these amendments have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 13th day of October 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

1. Section 201.2 *Terms defined* is amended in the following respects:

a. Paragraph (h) is amended to read as follows:

(h) *Agricultural seeds.* The term "agricultural seeds" means the following kinds of grass, forage, and field crop seeds:

Alfalfa—Medicago sativa L.
Alfilerla—Erodium cicutarium (L.) L'her.
Alyceclover—Alysicarpus vaginalis (L.) DC.
Bahiagrass—Paspalum notatum Fluegge.
Barley—Hordeum vulgare L.
Bean, adzuki—Phaseolus angularis Willd.
Bean, field—Phaseolus vulgaris L.
Bean, mung—Phaseolus aureus Roxb.
Bean—(see Velvetbean).
Beet, field excluding sugar beet—Beta vulgaris L.
Beggarweed—Desmodium tortuosum (Sev.) DC.
Bentgrass or
Bentgrass, colonial—Agrostis tenuis Sibth.
Bentgrass, creeping—Agrostis palustris Huds.
Bentgrass, velvet—Agrostis canina L.
Bermuda-grass—Cynodon dactylon (L.) Pers.
Bluegrass, annual—Poa annua L.
Bluegrass, bulbous—Poa bulbosa L.
Bluegrass, Canada—Poa compressa L.
Bluegrass, Kentucky—Poa pratensis L.
Bluegrass, Nevada—Poa nevadensis Vasey.
Bluegrass, rough—Poa trivialis L.
Bluegrass, Texas—Poa arachnifera Torr.
Bluegrass, wood—Poa nemoralis L.
Bluestem, big—Andropogon furcatus Muhl.
Bluestem, little—Andropogon scoparius Michx.
Bluestem, sand—Andropogon hallii Hack.
Bluestem, yellow—Andropogon ischaemum.
Brome, mountain—Bromus marginatus Nees.
Brome, smooth—Bromus inermis Leyss.
Broomcorn—Sorghum vulgare var. technicum (Koern.) Jav.
Buckwheat—Fagopyrum esculentum Moench (F. vulgare Hill.).
Buffalograss—Buchloe dactyloides (Nutt.) Engl.
Buffelgrass—Pennisetum ciliare (L.) Link.
Bur-clover, California—Medicago hispida Gaertn.
Bur-clover, spotted—Medicago arabica (L.) DC.
Burnet, little—Sanguisorba minor Scop.
Buttonclover—Medicago orbicularis (L.) All.
Canarygrass—Phalaris canariensis L.
Canarygrass, reed—Phalaris arundinacea L.
Carpetgrass—Axonopus affinis Chase.
Castorbean—Ricinus cammunis (L.)
Chickpea—Cicer arietinum L.
Clover, alsike—Trifolium hybridum L.
Clover, berseem—Trifolium alexandrinum L.
Clover, cluster—Trifolium glomeratum L.
Clover, crimson—Trifolium incarnatum L.
Clover, large hop—Trifolium procumbens L.
Clover, small hop (suckling)—Trifolium dubium Sibth.
Clover, ladino—Trifolium repens L.
Clover, lappa—Trifolium lappaceum L.
Clover, Persian—Trifolium resupinatum L.
Clover, red or
Red clover, mammoth—Trifolium pratense L.
Red clover, medium—Trifolium pratense L.
Clover, rose—Trifolium hirtum All.
Clover, strawberry—Trifolium fragiferum L.
Clover, sub (subterranean)—Trifolium subterraneum L.
Clover, white—Trifolium repens L. (also see Clover, ladino).
Clover, (also see Alyceclover, Bur-clover, Buttonclover, Sourclover, Sweetclover).
Corn, field—Zea mays L.
Corn, pop—Zea mays var. everta (Sturt.) Bailey.
Cotton—Gossypium spp.
Cowpea—Vigna sinensis (Torner) Savi.
Crested dogtail—Cynosurus cristatus L.
Crotalaria, lance—Crotalaria lanceolata E. Mey.
Crotolaria, showy—Crotalaria spectabilis Roth.
Crotalaria, slenderleaf—Crotolaria intermedia Kotschy.
Crotalaria, striped—Crotalaria striata DC.
Crotalaria, Sunn—Crotalaria juncea L.
Dallisgrass—Paspalum dilatatum Poir.
Dichondra-Dichondra repens Forst.
Dropseed, sand—Sporobolus cryptandrus (Torr.) A. Gray.
Emmer—Triticum dicoccum Schrank.
Fescue, Chewings—Festuca rubra var. commutata Gaud.
Fescue, hair—Festuca capillata Lam.
Fescue, meadow—Festuca elatior L.
Fescue, red—Festuca rubra L.
Fescue, sheep—Festuca ovina L.
Fescue, tall—Festuca arundinacea Schreb.
Flax—Linum usitatissimum L.
Grama, blue—Bouteloua gracilis (H. B. K.) Lag.
Grama, side-oats—Bouteloua curtipendula (Michx.) Torr.
Guineagrass—Panicum maximum Jacq.
Hardinggrass—Phalaris tuberosa var. stenoptera (Hack.) Hitchc.
Hemp—Cannabis sativa L.
Indiangrass, yellow—Sorghastrum nutans (L.) Nash.
Indigo, hairy—Indigofera hirsuta (L.)
Japanese lawngrass—Zoysia japonica Steud.
Johnsongrass—Sorghum halepense (L.) Pers.
Kudzu—Pueraria thunbergiana (Sieb. and Zucc.) Benth.
Lespedeza, Korean—Lespedeza stipulacea Maxim.
Lespedeza, sericea or Chinese—Lespedeza cuneata Dumont) D. Don. [L. sericea (Thunb.) Miq.]
Lespedeza, Siberian—Lespedeza hedysaroides (Pallas) Ricker.
Lespedeza, striate—Lespedeza striata (Thunb.) Hook. and Arn.
Lovegrass, sand—Eragrostis trichodes (Nutt.) Wood.
Lovegrass, weeping—Eragrostis curvula (Schrad.) Nees.
Lupine, blue—Lupinus angustifolius L.
Lupine, white—Lupinus albus L.
Lupine, yellow—Lupinus luteus L.
Manilagrass—Zoysia matrella (L.) Merr.
Meadow foxtail—Alopecurus pratensis L.
Medick, black—Medicago lupulina L.
Millet, browntop—Panicum ramosum L.
Millet, foxtail—Setaria italica (L.) Beauv.
Millet, Japanese—Echinochloa crusgalli var. frumentacea (Roxb.) Wight.
Millet, pearl—Pennisetum glaucum (L.) R. Br.
Millet, proso—Panicum miliaceum L.
Molassesgrass—Melinis minutiflora Beauv.
Mustard, black—Brassica nigra Koch.
Mustard, white—Brassica hirta Moench.
Napiergrass—Pennisetum purpureum Schumach.
Oat—Avena spp.
Oatgrass, tall—Arrhenatherum elatius (L.) Mert. and Koch.
Orchardgrass—Dactylis glomerata L.
Panicgrass, blue—Panicum antidotale Retz.
Peanut—Arachis hypogaea L.
Pea, field—Pisum sativum var. arvense (L.) Poir.
Poa trivialis—(see Bluegrass, rough).
Rape, annual—Brassica napus var. annua Koch.
Rape, bird—Brassica campestris L.
Rape, turnip—Brassica campestris vars. L.
Rape, winter—Brassica napus var. biennis (Schubl. and Mart.) Reichb.
Redtop—Agrostis alba L.
Rescuegrass—Bromus catharticus Vahl.
Rhodesgrass—Chloris gayana Kunth.
Rice—Oryza sativa L.
Ricegrass, Indian—Oryzopsis hymenoides (Roem. and Schult.) Ricker.
Roughpea—Lathyrus hirstus L.
Rye—Secale cereale L.
Ryegrass or
Ryegrass, Italian—Lolium multiflorum Lam.
Ryegrass, perennial—Lolium perenne L.
Safflower—Carthamus tinctorius L.
Sainfoin—Onobrychis viciaefolia Scop.
Sesame—Sesamum indicum L.
Sesbania—Sesbania exaltata (Raf.) Torr.
Smilo—Oryzopsis miliacea (L.) Benth. and Hook.
Sorghum—Sorghum vulgare Pers.
Sourclover—Melilotus indica (L.) All.
Soybean—Glycine max (L.) Merrill [Soja max (L.) Piper].
Spelt—Triticum spelta L.
Sudangrass—Sorghum vulgare var. sudanense (Piper) Hitchc.
Sunflower—Helianthus annuus L.
Sweetclover or
Sweetclover, white—Melilotus alba Desr.
Sweetclover, yellow—Melilotus officinalis (L.) Lam.
Sweet vernalgrass—Anthoxanthum odoratum L.
Switchgrass—Panicum virgatum L.
Timothy—Phleum pratense L.
Trefoil, big—Lotus uliginosus Schkuhr.
Trefoil, birdsfoot—Lotus corniculatus L.
Vaseygrass—Paspalum urvillei Steud.
Veldtgrass—Ehrharta calycina J. E. Smith.
Velvetbean—Stizolobium deeringianum Bort.
Velvetgrass—Holcus lanatus L.
Vetch or
Vetch, common—Vicia sativa L.
Vetch, hairy—Vicia villosa Roth.
Vetch, Hungarian—Vicia pannonica Grantz.
Vetch, monantha—Vicia articulata Hornem. (V. monantha Desf.)
Vetch, narrowleaf—Vicia angustifolia (L.) Reich.
Vetch, purple—Vicia athopurpurea Desf.
Vetch, woollypod—Vicia dasycarpa Ten.
Wheat or
Wheat, common—Triticum aestivum L. (T. vulgare Vill.)
Wheat, club—Triticum compactum Host.
Wheat, durum—Triticum durum Desf.
Wheat, Polish—Triticum polonicum L.
Wheat, poulard—Triticum turgidum L.
Wheatgrass, crested or fairway crested—Agropyron cristatum (L.) Gaertn.
Wheatgrass, crested or standard crested—Agropyron desertorum (Fisch.) Schult.
Wheatgrass, intermediate—Agropyron intermedium (Host) Beauv.
Wheatgrass, pubescent—Agropyron trichophorum (Link) Richt.
Wheatgrass, slender—Agropyron pauciflorum (Schwein.) Hitchc. (A. Trachycaulum Steud.).
Wheatgrass, tall—Agropyron elongatum (Host) Beauv.
Wheatgrass, western—Agropyron smithii Rydb.
Wild-rye, Canada—Elymus canadensis L.
Wild-rye, Russian—Elymus junceus Fisch.
Zoysia japonica—(see Japanese lawngrass)
Zoysia matrella—(see Manila grass)

b. Paragraph (i) is amended to read as follows:

(i) *Vegetable seeds.* The term "vegetable seeds" means the seeds of the following kinds that are or may be grown in gardens or on truck farms and are or may be generally known and sold under the name of vegetable seeds:

Artichoke—Cynara scolymus L.
Asparagus—Asparagus officinalis L.
Asparagusbean—Vigna sesquipedalis (L.) Fruwirth.
Bean—Phaseolus vulgaris L.
Bean, lima—Phaseolus lunatus var. macrocarpus Van Eseltine.
Bean, runner—Phaseolus coccineus L.
Beet—Beta vulgaris L.
Broadbean—Vicia faba L.
Broccoli—Brassica oleraca var. botrytis L.
Brussels sprouts—Brassica oleracea var. gemmifera Zenker.
Cabbage—Brassica olearacea var. capitata L.
Cantaloupe—(see muskmelon)
Cardoon—Cynara cardunculus L.
Carrot—Daucus carota L.
Cauliflower—Brassica oleracea var. botrytis L.
Celeriac—Apium graviolens var. rapaceum DC.
Celery—Apium graveolens var. dulce (Mill.) Pers.
Chard, Swiss—Beta vulgaris var. cicla L.
Chicory—Cichorium intybus L.
Chinese cabbage—Brassica pekinensis (Lour.) Rupr.
Citron—Citrullus vulgaris Schrad.
Collards—Brassica oleracea var. acephala DC.
Corn, sweet—Zea mays L.
Cornsalad—Valerianella locusta var. olitoria Pall.
Cowpea—Vigna sinensis (Torner) Savi.
Cress, garden—Lepidium sativum L.
Cress, water—Rorippa nasturtium-aquaticum (L.) Britt. and Rendle.
Cucumber—Cucumis sativus L.
Dandelion—Taraxacum officinale Weber.
Eggplant—Solanum melongena var. esculentum Nees.
Endive—Cichorium endivia L.
Kale—Brassica oleracea var. acephala DC.
Kale, Chinese—Brassica oleracea var. alboglabra (Bailey) Musil.
Kohlrabi—Brassica oleracea var. gongylodes L.
Leek—Allium porrum L.
Lettuce—Lactuca sativa L.
Muskmelon—Cucumis melo L.
Mustard—Brassica juncea (L.) Coss.
Mustard, spinach—Brassica perviridis Bailey.
Okra—Hibiscus esculentus L.
Onion—Allium cepa L.
Onion, Welsh—Allium fistulosum L.
Pak-choi—Brassica chinensis L.
Parsley—Petroselinum hortense Hoffm.
Parsnip—Pastinaca sativa L.
Pea—Pisum sativum L.
Pepper—Capsicum spp.
Pumpkin—Cucurbita pepo L., C. moschata Duchesne and C. maxima Duchesne.
Radish—Raphanus sativus L.
Rhubarb—Rheum rhaponticum L.
Rutabaga—Brassica napus var. napobrassica (L.) Reichb.
Salsify—Tragopogon porrifolius L.
Sorrel—Rumex acetosa L.
Soybean—Glycine max (L.) Merrill [Soja max (L.) Piper].
Spinach—Spinacia oleracea L.
Spinach, New Zealand—Tetragonia expansa Thunb.
Squash—Cucurbita Pepo L., C. moschata Duchesne and C. maxima Duchesne.
Tomato—Lycopersicon esculentum Mill.
Tomato, husk—Physalis pubescens L.
Turnip—Brassica rapa L.
Watermelon—Citrullus vulgaris Schrad.

c. Paragraph (y) is amended to read as follows:

(y) *Hybrid.* The term "hybrid" means the first generation seed of a cross produced by controlling the pollination and by combining (1) two, three, or four inbred lines; (2) one inbred or a single cross with an open-pollinated variety; or (3) two varieties or species, except open-pollinated varieties of corn (Zea mays). The second generation and subsequent generations from such crosses shall not be regarded as hybrids. Hybrid designations shall be treated as variety names.

2. In § 201.5 (a) "white clover," is inserted after "red clover,".

3. Paragraph 201.5 (c) is deleted.

4. In § 201.7 the phrase "received from the grower" is deleted from the first sentence and the phrase "and the sample" is deleted from the last sentence, and the following sentence is added at the end of the section: "A copy of the grower's declaration and a sample of the seed shall be retained by the grower."

5. Section 201.12 is amended to read as follows:

§ 201.12 *Name of kind and variety.* The representation of kind or kind and variety shall be confined to the name of the kind or kind and variety determined in accordance with § 201.34. The name shall not have affixed thereto words or terms that create a misleading impression as to the history or characteristics of the kind or variety.

6. In § 201.14 (a) "white clover," is inserted after "red clover,".

7. Section 201.16 is amended by adding at the end of the section the following sentence: "If in the course of such transportation, or thereafter, the seed is diverted to another State of destination, the person or persons responsible for such diversion shall cause the seed to be relabeled with respect to noxious-weed seed content, if necessary, to conform to the laws and regulations of the State to which the seed is diverted."

8. Section 201.20 is amended by adding at the end of the section the following proviso: "*Provided*, That this shall not apply to the seed of Kentucky bluegrass during the months of July, August, and September of the year in which the seed is produced."

9. Section 201.26 is amended to read as follows:

§ 201.26 *Kind and variety.* The label shall bear the name of the kind and variety determined in accordance with § 201.34. The name shall not have affixed thereto words or terms that create a misleading impression as to the history or characteristics of the kind or variety.

10. In § 201.31 the names of kinds of vegetable seeds in the list are rearranged in alphabetical order in accordance with § 201.2 (i) and the following additional kinds and germination standards are inserted in proper alphabetical order:

Kale, Chinese	75
Onion, Welsh	70

11. Section 201.34 is amended to read as follows:

§ 201.34 *Kind, variety and type; designation as hybrid*—(a) *Indistinguishable seed.* Proper precautions to insure that the kind or variety or type of indistinguishable agricultural or vegetable seeds is properly stated shall include the maintaining of the records described in § 201.7. The examination of the seed and any pertinent facts may be taken into consideration in determining whether proper precautions have been taken to insure the kind, variety, or type to be that which is shown.

(b) *Name of kind.* The name of each kind of agricultural or vegetable seed is the name listed in § 201.2 (h) or (i), respectively.

(c) *Hybrid designation.* Seed shall not be designated in labeling as "hybrid" seed unless it comes within the definition of "hybrid" in § 201.2 (y).

12. Section 201.42 is amended to read as follows:

§ 201.42 *Small containers.* In sampling seed in small containers which it is not practical to sample as required in § 201.41, entire unopened containers may be taken in sufficient number to supply a minimum size sample as required in § 201.43. The sample may consist of the contents of one container, or two or more containers when combined.

13. Section 201.45 (b) is amended to read as follows:

(b) The sample shall be repeatedly divided to the weight to be used for the working sample. Some form of efficient mechanical divider should be used. In case the proper mechanical divider cannot be used or is not available, the sample shall be thoroughly mixed and placed in a pile and the pile shall be repeatedly divided into halves until a sample of the desired weight remains.

14. Section 201.46 is amended as follows:

a. The introductory paragraph is amended to read:

For the detailed purity analysis and noxious-weed seed examination the working samples shall be at least the weights set forth in table 1. In mixtures the weight of the sample for purity analysis and the weight of the sample for noxious-weed seed examination shall be determined by the kind (or group of kinds of similar size) which comprises the major proportion of the sample.

b. In table 1 the necessary amendments are made in the names for the indicated kinds of seed so the names will be the same as those appearing in table 2, § 201.58. Also the order of the kinds of seeds in table 1 is rearranged to correspond with the order in which they are listed in table 2.

c. In table 1 the existing information in the various columns for the indicated kinds is amended to read:

Bahia grass—Paspalum notatum:			
Var. Pensacola	5	50	----
All other varieties	10	50	366
Flax—Linum usitatissimum	15	100	178
Oatgrass, tall meadow—Arrhenatherum elatius	5	50	330
Cornsalad (Fetticus)—Valerianella locusta var. olitoria:			
Vars. Full Hearted and Dark Green Fullhearted	5	50	----
All other varieties	10	50	380

d. In all instances where the figure in the column "Minimum weight for purity analysis" in table 1 is 2 grams,

the corresponding figure in the column "Minimum weight for noxious-weed seed examination" is changed from 50 to 35.

e. Table 1 is further amended by inserting the following kinds and information in their appropriate alphabetical position:

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
	Gm	*Gm*	
Bluestem, yellow—Andropogon ischaemum	2	35	-------
Buffelgrass—Pennisetum ciliare	10	50	-------
Burnet, little—Sanguisorba minor	25	150	108
Buttonclover—Medicago orbicularis	10	50	337
Castor bean—Ricinus communis	500	500	5
Dichondra—Dichondra repens	5	50	472
Indigo, hairy—Indigofera hirsuta	10	50	437
Lovegrass, sand—Eragrostis trichodes	1	25	3,550
Rose clover—Trifolium hirtum	5	50	358
Safflower—Carthamus tinctorius	100	500	29
Sesame—Sesamum indicum	10	50	360
Veldtgrass—Ehrharta calycina	2	35	655
Wheatgrass, pubescent—Agropyron tricophorum	10	50	180
Wheatgrass, intermediate—Agropyron intermedium	10	50	230
Wheatgrass, tall—Agropyron elongatum	10	50	140
Wild-rye, Russian—Elymus junceus	10	50	400
Chinese kale—Brassica oleracea var. alboglabra	10	50	-------
Onion, Welsh—Allium fistulosum	10	50	-------

f. In table 1, footnotes Nos. 1, 2, and 4, including the reference designations in the table are deleted, and footnote No. 3 and its reference designation are renumbered as No. 1.

15. Section 201.47 is amended to read as follows:

§ 201.47 *Separation.* (a) The working sample shall be weighed in grams to four significant figures, and shall then be separated into four parts: (1) Kind or variety to be considered pure seed; (2) other crop seed; (3) weed seed; and (4) inert matter. Each of these four component parts shall be weighed in grams to four significant figures, and the percentage by weight of each part (based on the sum of the weights of the component parts and not on the original weight) shall be determined. The sum of the weights of the component parts shall be compared with the original weight of the working sample as a check against loss of material or other error.

(b) In the case of other crop seed and weed seed, the seeds of each species shall be separated when possible and the number or the weight of each kind determined. The separation of the seed of the kind or variety considered pure seed must be on such a basis that the separation can be made definitely by seed characteristics.

(c) When samples of seed contain two or more similar kinds of seeds the separation of which in the entire working sample would be very difficult, it is permissible to separate and weigh the similar seeds as a group. From the purity working sample at least 400 seeds are to be taken indiscriminately and the separation made on this portion. The proportion of each kind is then determined by weight or, if the seeds are of similar weight, the proportion may be determined by count, and from this the percentage in the entire sample is calculated.

(d) With reference to classification of pure seed, other crop seed, and inert matter, applicable methods of determination may include visual examination, use of reflected light or specific gravity. This has reference particularly to insect-damaged, broken or diseased seeds, or sterile grass florets.

16. Following § 201.47 two new sections are inserted to read, respectively, as follows:

§ 201.47a *Seed unit.* The seed unit is the structure usually regarded as a seed in agricultural practices and in commercial channels. The seed unit may consist of one or more of the following structures:

(a) True seeds;

(b) Caryopses and florets in the grass family. In this family the pure seed unit also includes the following structures for the indicated kinds:

(1) Spikelet or paired spikelets with at least one caryopsis in the bluestems (Andropogon) and yellow Indiangrass (Sorghastrum nutans),

(2) Spikelet with at least one caryopsis in the gramas (Bouteloua), or spike with at least one caryopsis in side-oats grama (B. curtipendula),

(3) Bur or fertile floret of buffalo grass (Buchloe dactyloides),

(4) Fascicle of buffel grass (Pennisetum ciliare),

(5) Bulblet of bulbous bluegrass (Poa bulbosa);

(c) Dry indehiscent fruits in the following plant families: Buckwheat (Polygonaceae), sunflower (Compositae), geranium (Geraniaceae), goosefoot (Chenopodiaceae), and valerian (Valerianaceae);

(d) One- and two-seeded pods of small-seeded legumes, burs of the bur clovers, and pods of peanuts. (This does not preclude the shelling of small-seeded legumes for purposes of identification);

(e) Fruits or half fruits in the carrot family (Umbelliferae);

(f) Nutlets in the following plant families: Borage (Boraginaceae), mint (Labiateae), vervain (Verbenaceae);

(g) "Seed balls" or portions thereof in beets (Beta), and fruits with accessory structures such as occur in New Zealand spinach (Tetragonia expansa).

§ 201.47b *Working samples.* The purity working sample is the sample on which the purity analysis is made. The noxious-weed seed working sample is the sample on which the noxious-weed seed examination is made.

17. Section 201.48 is amended to read as follows:

§ 201.48 *Kind or variety considered pure seed.* The pure seed shall include all seeds of each kind or each kind and variety under consideration present in excess of 5 percent of the whole, and may include kinds and varieties present to an extent of 5 percent or less of the whole. The following shall be included with the pure seed:

(a) Seeds that are immature, shriveled, cracked, insect-damaged or otherwise injured, except as provided in paragraph (i) of this section. (Seeds of legumes and crucifers with the seedcoat entirely removed shall be classified as inert matter. See § 201.51);

(b) Pieces of broken seeds that are larger than one-half the original size;

(c) Seeds that have started to germinate;

(d) Seeds of Cucurbitaceae and Solanaceae consisting principally of seedcoat (usually referred to as empty seed);

(e) Empty fruits (seed units) of species belonging to the following families: Sunflower (Compositae), buckwheat (Polygonaceae), carrot (Umbelliferae), valerian (Valerianaceae), mint (Labiateae), and other families in which the seed unit may be a dry, indehiscent, one-seeded fruit;

(f) All seed units of grasses in which a caryopsis can be detected either by light pressure or by reflected light;

(g) Multiple florets, or spikelets, of the following kinds of seeds when one or more of the florets contain a caryopsis: Bluegrass (Poa), tall meadow oatgrass (Arrhenatherum elatius), Rhodes grass (Chloris gayana), bluestems (Andropogon), gramas (Bouteloua), and oats (Avena), and spikes of side-oats grama (Bouteloua curtipendula) that contain one or more caryopses; in the case of orchard grass (Dactylis glomerata) all empty florets may be removed and classed as inert matter; or alternatively, all multiple florets may be weighed without detaching the empty florets in which case four-fifths (⅘) of the weight is added to the pure seed and one-fifth (⅕) to the inert matter;

(h) Diseased seeds, except ergots, smut balls, and other fungus bodies which are to be classed as inert matter. (See § 201.51);

(i) Insect-damaged seeds, except (1) broken pieces that are one-half or less than the orginal size and (2) chalcid-damaged seeds of alfalfa, red clover, and similar kinds of small-seeded legumes;

(j) Seed units of New Zealand spinach and beets regardless of whether they contain true seeds: *Provided,* That in the case of segmented beet balls, small fragments which obviously do not contain true seeds shall be classified as inert matter.

18. Section 201.49 is amended to read as follows:

§ 201.49 *Other crop seed.* Seeds of plants grown as crops (other than the kind or variety included in the pure seed) shall be considered other crop seeds, unless recognized as weed seeds by applicable laws, or regulations, or by general usage. All interpretations and definitions for "pure seed" in § 201.48 shall also apply in determining whether seeds are other crop seed or inert matter.

19. Section 201.50 is amended to read as follows:

§ 201.50 *Weed seed.* Seeds, bulblets, or tubers of plants recognized as weeds by applicable laws or regulations, or general usage shall be considered weed seeds. Badly injured weed seeds and empty, seedlike structures, including those of noxious-weed seeds, as described in § 201.51, shall be considered inert matter and not weed seeds. When seeds of Juncus tenuis, or other species of Juncus having seeds of a similar size, are present they may be included with the inert matter. However, clusters of Juncus seeds shall be included with the weed seeds.

20. Section 201.51 is amended to read as follows:

§ 201.51 *Inert matter.* Inert matter shall include seeds and seedlike structures from both crop and weed plants and other material not seeds as follows:

(a) Crop plants—

(1) Broken seeds: Pieces of broken seeds one-half the original size or less;

(2) Seeds of legumes and crucifers with the seedcoats entirely removed;

(3) Glumes and empty florets except when considered pure seed or other crop seed under §§ 201.48 and 201.49;

(4) Chalcid-damaged seeds of alfalfa, red clover, and similar kinds of small-seeded legumes;

(b) Weed plants—

(1) Damaged seeds (other than caryopses of grasses) with over one-half of the embryo missing;

(2) Damaged caryopses of grasses, with over one-half of the root shoot axis missing (the scutellum excluded); and glumes and empty florets of grasses;

(3) Seeds of legumes and species of Brassica with the seedcoats entirely removed;

(4) Empty fruits (seeds) such as occur in the following plant families: Sedge (Cyperaceae), buckwheat (Polygonaceae), morning-glory (Convolvulaceae), and sunflower (Compositae). (This is to be determined by visual examination, which may include dissection or the use of reflected light);

(5) Bulblets of wild onion and wild garlic (Allium) which are devoid of the husk and pass through a 10 x 10 mesh screen (10 mesh per inch) made of 26 gage (0.020 inch diameter) stainless steel wire; bulblets which are devoid of the husks and are retained on 10 x 10 mesh screen, but which show injury to the basal end; bulblets which show evident damage to the basal end and have part of the husk removed;

(6) Immature florets of quackgrass (Agropyron repens) in which the caryopses are less than one-third the length of the palea;

(7) Dodder (Cuscuta): Seeds which are either (i) fragile, (ii) ashy gray to creamy white in color, or (iii) badly shriveled;

(8) Buckhorn (Plantago lanceolata): Black seeds, with no brown color evident, whether shriveled or plump; (The color of questionable seeds should be determined under a magnification of approximately 10 X with strong light);

(9) Ragweed (Ambrosia): Seed with both the involucre and pericarp absent;

(c) Other matter—

(1) Nematode galls, including galls enveloped by the lemma and palea of grass florets;

(2) Fungus bodies, such as ergot and other sclerotia, and smut balls;

(3) All inert matter such as soil particles, sand, stones, chaff, stems, and leaves.

21. Section 201.52 is amended to read as follows:

§ 201.52 *Noxious-weed seeds.* The determination of the number of seeds, bulblets, or tubers of individual noxious weeds present per unit weight should be made on at least the minimum quantities listed in table 1: *Provided,* That if the following indicated numbers of a single kind of seed, bulblet, or tuber are found in the pure-seed analysis (or noxious-weed seed examination of a like amount) the occurrence of that species in the remainder of the bulk examined for noxious-weed seeds need not be noted: ½-gram purity working sample, 16 or more seeds; 1-gram purity working sample, 23 or more seeds; 2-gram purity working sample or larger, 30 or more seeds.

22. In § 201.53 paragraph (c) is amended to read as follows:

(c) When only a germination test is required and the pure seed is found to be less than 98 percent, the seed for the test shall be obtained by separating the sample into two components as follows: (1) Pure seed and (2) other crop seed, weed seed, and inert matter. In making this separation at least ¼ of the quantity required for a regular purity analysis shall be used. The whole sample must be well mixed and divided in such a manner as to get a completely representative subsample.

23. Section 201.55 is amended to read as follows:

§ 201.55 *Retests.* (a) In considering whether a retest is required a difference of 10 percent between any two 100-seed replicates is permitted when the average is 80 percent or above, and a difference of 15 percent when the average is below 80 percent. When all 4 replicates are in agreement (i. e., do not exceed the 10 and 15 percent limits) the average shall be used and a retest is not required. If three replicates are in agreement the median of the four replicates shall be used and a retest is not required. (The median of four replicates is the average of the two middle values). When no more than two replicates are in agreement, a retest is necessary. If, at the time of the prescribed final count there are indications that a satisfactory germination has not been obtained, such as the presence of firm ungerminated seeds, a retest should be made.

(b) Samples showing injury as a result of chemical treatments shall be retested in soil. The result of the soil test will be regarded as authentic.

(c) When one or more retests, or concurrent tests, are made in the same laboratory in accordance with this part by either (1) the same method, or (2) alternate methods, the results of all tests within tolerance shall be averaged. When the results obtained by different methods are not within tolerance of each other, the higher result shall be used.

24. Following § 201.55 a new section is inserted to read as follows:

§ 201.55a *Moisture and aeration of substratum.* (a) The substratum must be moist enough to supply the needed moisture to the seeds at all times. Excessive moisture which will restrict aeration of the seeds should be avoided. Except as provided for those kinds of seeds requiring high moisture levels of the germination media, the substrata should never be so wet that a film of water is formed around the seeds. For most kinds of seeds blotters or other paper substrata should not be so wet that by pressing, a film of water forms around the finger.

(b) The following formula may be used as a guide in the preparation of sand for germination tests:

$$\frac{\text{118.3 cc. (1 gill) sand}}{\text{Its weight in grams}} \times 20.2 - 8.0 = \text{The number of cc. of water to add to each 100 grams of air-dry sand.}$$

(c) The amount of water provided by this formula is satisfactory for seeds the size of clovers and will have to be modified slightly, depending on the kind of seed being tested and the kind of sand used. For example, slightly more moisture should be added when the larger seeds are to be tested.

(d) In preparing soil tests water should be added to the soil until it can be formed into a ball when squeezed in the palm of the hand but will break freely when pressed between two fingers. After the soil has been moistened it should be rubbed through a sieve and put in the seed containers without packing.

(e) The addition of water subsequent to placing the seed in test will depend on the evaporation from the substrata in the germination chambers. Since the rate of evaporation will depend upon the relative humidity of the air, it is desirable to keep water in the germination chambers or to provide other means of supplying a relative humidity of approximately 95 percent. Germination tests should be observed at frequent intervals to insure an adequate moisture supply of the substrata at all times.

25. Section 201.56 is amended to read as follows:

§ 201.56 *Interpretation.* (a) A seed shall be considered to have germinated when it has developed those essential structures which, for the kind of seed under consideration, are indicative of its ability to produce a normal plant under favorable conditions. Seedlings possessing those essential structures are referred to as normal seedlings. Abnormal seedlings, consisting of those which are broken, devoid of roots, malformed, or weak, and other types not possessing essential structures, shall not be considered to have germinated.

(b) Sand and/or soil tests may be used as a guide in determining the classification of questionable seedlings and the evaluation of germination tests made on

approved artificial media. This is intended to provide a method of checking the reliability of tests made on artificial substrata when there may be doubt as to the proper evaluation of such tests.

(c) Seedlings infected with fungi or bacteria should be regarded as normal if all essential structures are present. A seedling that has been seriously damaged by bacteria or fungi from any source other than the specific seed should be regarded as normal if it is determined that all essential structures were present before the injury or damage occurred. Germination counts should be made on samples where contamination and decay are present at approximately 2-day intervals between the usual first count and the final count. During the progress of the germination test, seeds which are obviously dead and moldy and which may be a source of contamination of healthy seeds should be removed at each count and the number of such dead seeds should be recorded. When symptoms of certain diseases develop which can be readily recognized and identified, their presence should be noted.

(d) Seed units containing more than one seed or embryo, such as New Zealand spinach seed, Beta seed, and seed units of grasses consisting of multiple florets, shall be tested as a single seed and shall be regarded as having germinated if they produce one or more normal seedlings.

(e) Standard guides for seedling interpretation shall include the photographs of normal and abnormal seedlings[1] identified by photo numbers in table 2 in § 201.58 and the following descriptions for specific kinds and groups.

26. Following § 201.56, 11 new sections are inserted to read, respectively, as follows:

§ 201.56–1 *Goosefoot family (Chenopodiaceae) and Carpetweed family (Aizoaceae).* (a) Kinds of seed: Beet, swiss chard, mangel, spinach, and New Zealand spinach.

(b) A completely normal seedling of the kinds specified in paragraph (a) of this section should have a long, slender root with root hairs, a long, well-developed hypocotyl, two attached leaflike cotyledons and an intact but small epicotyl. Normal seedlings shall include those that have: (1) A well-developed, long, slender root with root hairs; (2) a stubby primary root provided the secondary roots are strong and the hypocotyl is near normal length, as in spinach; (3) at least one attached cotyledon, provided the seedling is otherwise normal; (4) slight infection by fungi, provided none of the essential seedling structures have been damaged; (5) normal seedlings structures of Beta that have been discolored from toxic substances in the seed balls or other causes; or (6) at least one normal seedling from a seed ball, regardless of whether abnormal seedlings also emerge from the same fruit.

[1] These photographs may be purchased from the Office of Information, United States Department of Agriculture, Washington 25, D. C.

(c) Abnormal seedlings include those that have: (1) No root or a stubby primary root with poor secondary root development, usually associated with a shortened hypocotyl; (2) a malformed, shortened, twisted, watery, or stubby hypocotyl, usually associated with a stubby root but not necessarily so; (3) deep grainy lesions or cracks in the hypocotyl if they appear to interfere with the conducting tissues; (4) both cotyledons absent as in samples of "sheared" beets and occasional samples of spinach; (5) two large cotyledons, but a malformed, short hypocotyl, usually with a stubby root; (6) decayed cotyledons or hypocotyl, provided they are not the result of improper test conditions (if there is decay of beet seedlings in blotter tests the results from a properly conducted soil or sand test should be accepted as correct); or (7) various combinations of the abnormalities described in this paragraph.

§ 201.56–2 *Sunflower family (Compositae).* Kinds of seed: Artichoke, cardoon, chicory, dandelion, endive, lettuce, safflower, salisfy, and sunflower.

By the end of the germination test, a perfectly normal seedling belonging to the sunflower family should have a well-developed root with root hairs, a long and well-developed hypocotyl, two leaflike cotyledons, and a small but visible epicotyl.

(a) Lettuce: The interpretations of lettuce seedlings are made only at the end of the test period.

(1) Normal seedlings include those that have: (i) A well-developed, long, slender root with root hairs; (ii) a well-developed long hypocotyl with no deep lesions which might interfere with the conducting tissues; (iii) two green cotyledons with some blackened or reddish brown areas, provided the hypocotyl and roots have developed normally or approximately so; or (iv) slight infections by fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) No roots or very stubby or shortened roots, which are usually associated with a shortened hypocotyl; (ii) a shortened hypocotyl which is usually associated with stubby roots; (iii) a malformed hypocotyl, severely twisted or having grainy areas or cracks extending into the conducting tissues; (iv) cotyledons with large areas of blackish or reddish brown tissue, usually appearing along the midrib, associated with a short hypocotyl and root (the seedcoats are often attached to the cotyledons, adhering to the darkened areas and can be easily removed if lightly sprinkled with water); (v) cotyledons with a gray cast over their entire area, usually darker at the midrib section (hypocotyl and roots invariably shortened and seedcoats usually attached to the cotyledons); (vi) swollen, blackened cotyledons with only vestiges of hypocotyl and root, the seedcoats usually remaining attached to the cotyledons; (vii) decayed cotyledons; or (viii) various combinations of the abnormalities described in this subparagraph.

(b) Other kinds in the sunflower family: This group includes artichoke, cardoon, sunflower, safflower, salsify, dandelion, chicory, and endive.

(1) Normal seedlings include those that have: (i) A well-developed, long, slender primary root with root hairs; (ii) a stubby root if there are one or more strong secondary roots, provided the seedling is otherwise normal; (iii) a well-developed, long hypocotyl with no prominent breaks or deep lesions which might interfere with the conducting tissues; (iv) at least one uninjured cotyledon, provided the epicotyl is also present; or (v) slight infection of the roots or hypocotyl with fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) No root or a stubby root with weak secondary roots, usually associated with a shortened hypocotyl; (ii) a malformed hypocotyl, which may be curled, shortened, or thickened, usually associated with a stubby root; (iii) deep, unhealed cracks or grainy areas on the hypocotyl, extending into the conducting tissues; (iv) both cotyledons entirely broken off; (v) one cotyledon broken off, provided the epicotyl is also absent; (vi) two normal cotyledons with a short malformed hyopcotyl, usually with a stubby root; (vii) decayed cotyledons, provided the infection is not caused by improper test conditions; or (viii) various combinations of the abnormalities described in this subparagraph.

§ 201.56–3 *Mustard family (Cruciferae).* Kinds of seed: Broccoli, brussels sprouts, cabbage, Chinese cabbage, cauliflower, collards, garden cress, water cress, kale, Chinese kale, kohlrabi, mustard, pakchoi, radish, rape, rutabaga, and turnip.

By the end of the germination test, a perfectly normal cruciferious seedling should have a well-developed root, usually with root hairs, a long hypocotyl, two intact green leaflike cotyledons and a small but visible epicotyl or growing point.

(a) *Radish and Brassica.* (1) Normal seedlings include those that have: (i) A well-developed, long, slender primary root with root hairs; (ii) a well-developed, long hypocotyl with no prominent breaks or deep lesions which might interfere with the conducting tissues; (iii) one or two cotyledons not decayed at the point of attachment to the hypocotyl, provided the epicotyl is also present; (iv) slight decay at the base of one cotyledon, provided the epicotyl is not infected; (v) less than 50 percent of the area of the cotyledons covered with spots or darkened areas; or (vi) slight infection of roots or hypocotyl with fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) No root or a stubby root, usually associated with a shortened hypocotyl; (ii) a malformed hypocotyl, which may be curled, shortened, or thickened and usually associated with a stubby root; (iii) deep, unhealed cracks or lesions (often grainy) on the hypocotyl, extending into the conducting tissues; (iv) decay at the point of attachment of both cotyledons to the hypocotyl which may or may not involve the terminal bud; (v) decay at the point of attachment of one cotyledon to the hypocotyl, provided the terminal bud is also decayed; (vi) 50 percent or more of the area of the cotyledons covered with spots or darkened areas; (vii) decayed roots or hypocotyl, provided the infection was not caused by improper test conditions; (viii) watery hypocotyl (usually associated with some other abnormality of the seedlings) provided this condition is not caused by excessive moisture of the substratum; or (ix) various combinations of the abnormalities described in this subparagraph.

(b) *Garden cress and water cress.* (1) Normal seedlings include those that have: (i) A well-developed, slender root with root hairs; (ii) a long, well-developed hypocotyl with no prominent breaks or deep lesions which might interfere with the conducting tissues; (iii) intact cotyledons; or (iv) slight infection with fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) No root, or a stubby root, usually associated with a shortened hypocotyl; (ii) a malformed hypocotyl, which may be curled, twisted, shortened, or thickened and frequently associated with a stubby root; (iii) deep, unhealed cracks or grainy lesions on the hypocotyl, extending into the conducting tissues; (iv) watery hypocotyls, usually associated with stubby roots or decayed cotyledons; (v) cotyledons entirely broken off; (vi) decayed cotyledons, provided the infection was not caused by improper test conditions; or (vii) various combinations of the abnormalities described in this subparagraph.

§ 201.56–4 *Cucurbit family (Cucurbitaceae).* (a) Kinds of seed: Citron, cucumber, muskmelon or cantaloup, pumpkin, squash, and watermelon.

(b) By the end of the germination test a perfectly normal seedling should have a well-developed primary root with several secondary roots, a long hypocotyl, two intact cotyledons, and an epicotyl or terminal growing bud.

(1) Normal seedlings include those that have: (i) A well-developed primary root with or without secondary roots; (ii) a stubby primary root with at least two strong and vigorous adventitious roots, provided the hypocotyl is not shortened very much; (iii) a long well-developed hypocotyl; (iv) two intact cotyledons; or (v) slight infection by fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) No primary root, a stubby primary root only, or a stubby primary root with weak secondard roots which are usually associated with a short hypocotyl; (ii) a malformed hypocotyl which may be shortened or thickened; (iii) a thickened and shortened hypocotyl and roots owing to injury from chemical treatment, provided the injury is still apparent in a soil or sand check test; (iv) decayed cotyledons or other essential seedling structures, provided the decay was not the result of improper test conditions; or (v) various combinations described in this subparagraph.

§ 201.56–5 *Grass family (Gramineae).* Kinds of seed: Bentgrasses, bluegrasses, bluestems, bromes, cereals, fescues, millets, orchard grass, redtop, ryegrass, sorghum, timothy, wheatgrass, and all other grasses listed in § 201.1 (h).

In the grass family a perfect seedling should have a well-developed primary root system, an intact cotyledon or scutellum, seed free from serious decay and long, well-developed green leaves within the coleoptile. One or more leaves may have broken through the coleoptile by the end of the test period.

(a) *Barley, oats, rye, and wheat.* (1) Normal seedlings include those that have: (i) At least one primary or seminal root, but preferably two or three seminal roots, provided the shoot is well-developed and the grain is not badly decayed; (ii) well-developed leaves, green in color, and long enough to extend more than half way up into the sheath or coleoptile at the time the seedling is evaluated; (iii) spiral twisting or bending of the shoot, provided it is green in color, has normal length, and is not frost damaged; or (iv) slight infection by fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) No primary root, (ii) only one or two short or spindly seminal roots which are usually accompanied by weakened shoots and decayed grains; (iii) no green leaves, but only the white sheath or coleoptile formed, which may or may not be grainy, spirally twisted, split, or shortened; (iv) a shortened shoot, extending no more than one-half the way up through the coleoptile; (v) a thin, spindly, or watery shoot usually accompanied by weak root development and decayed grains; (vi) badly shattered or longitudinally split leaves, with or without splitting of the coleoptile; (vii) thickened and shortened shoot (leaves and coleoptile) often the result of overtreatment of seed with chemicals; (viii) decayed shoots (usually weak and show decay near the point of attachment to the grain which has often decayed) provided the decay is not the result of improper test conditions; (ix) bad frost-damage characterized by grainy coleoptiles and spirally twisted leaves and coleoptiles; (x) coleoptiles developed without the leaves (in soil tests, some of the longest of the spirally twisted seedlings will appear fairly strong but most of them break off just above the attachment of the plumule and coleoptile to the grain; the shortest of the seedlings do not emerge in soil tests); or (xi) various combinations of the abnormalities described in this subparagraph.

(b) *Rice.* (1) Normal seedlings include those that have: (i) One primary root, usually with numerous lateral roots (several permanent roots arising from the first node should be present if seedlings are not removed until the end of the test); (ii) well-developed green leaves which ordinarily should have broken through the coleoptile at the time the seedling is evaluated; or (iii) slight infection by fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) No roots; (ii) a spindly primary root with very little or no branching or secondary development; (iii) no green leaves, but only the white sheath or coleoptile; (iv) a spindly and sometimes watery shoot which is usually associated with decay of the rice grain; (v) a short leaf, extending no more than one-half the distance up through the coleoptile; (vi) shattered or longitudinally split plumules with or without splitting of the coleoptile; (vii) decayed plumules (usually appear weak and show decay near the point of attachment to the grain) provided the decay is not the result of improper test conditions; or (viii) various combinations of the abnormalities described in this subparagraph.

(c) *Corn.* (1) Normal seedlings include those that have: (i) One primary root, usually with secondary roots present; (ii) no primary root, but with at least two vigorous secondary roots, provided the grain is not badly decayed, and the shoot is well-developed; (iii) well-developed green leaves, usually broken through the coleoptile by the end of the test period; (iv) twisted and curled shoots bound by the tough seedcoat, provided the shoot is not decayed; or (v) slight infection by fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) No primary or secondary roots; (ii) no primary roots but small and weak secondary roots; (iii) no plumule, but only the white sheath or coleoptile; (iv) a shortened plumule, extending no more than one-half the way up through the coleoptile; (v) a thickened and shortened shoot, often the result of overtreatment of seed with chemicals; (vi) a spindly and pale shoot usually associated with moldy seeds; (vii) albino (entirely white) seedlings, which will not develop into plants because of lack of chlorophyll; (viii) shattered or longitudinally split leaves, with or without splitting of the coleoptile; (ix) decayed shoots of which the plumules usually appear weak and show decay near the point of attachment to the grain and the scutellum is usually rotten, provided the decay is not the result of improper test conditions; or (x) various combinations of the abnormalities described in this subparagraph.

(d) *Sorghum and Sudan grass.* (1) Normal seedlings include those that have: (i) One primary root, usually with well-developed secondary roots and root hairs if left for final counts in soil tests; (ii) well-developed, green leaves, usually broken through the coleoptile by the end of the test period; (iii) slight infection by fungi, provided none of the essential seedling structures have been damaged; or (iv) red coloration on the roots and on the coleoptile of the shoot, caused by natural pigments, provided the seedling is otherwise normal.

(2) Abnormal seedlings include those that have: (i) No roots; (ii) a weak, spindly, and usually shortened primary

root, which is often associated with decay of the grain; (iii) no plumule, but only the white sheath or coleoptile; (iv) a shortened plumule, extending no more than one-half the way up through the coleoptile; (v) a spindly and pale plumule, usually associated with moldy seeds; (vi) shattered and longitudinally split plumules, with or without splitting of the coleoptile; (vii) decayed plumules, provided the decay is not the result of improper test conditions (the plumules usually appear weak and show decay near the point of attachment to the grain which is usually rotten); or (viii) various combinations of the abnormalities described in this subparagraph.

(e) *Grasses and millets.* (1) Normal seedlings include those that have: (i) A well-developed primary root, usually with root hairs; (ii) a well-developed green plumule which has usually broken through the coleoptile by the end of the test period; (iii) slight infection by fungi, provided none of the essential seedling structures have been damaged; (iv) spirally coiled roots held within the tightly enveloping glumes as in certain samples of Bermuda grass; or (v) poor root development resulting from injury caused by use of a potassium nitrate solution (if many roots are so affected, a retest should be made on top of soil in closed Petri dishes).

(2) Abnormal seedlings include those that have: (i) No root; (ii) a weak, stubby, or spindly root, usually short and watery, associated with a decayed seed; (iii) no plumule, but only the white sheath or coleoptile which is often short and thick; (iv) a shortened plumule, extending only one-half the distance up through the coleoptile; (v) a spindly plumule, usually pale and watery; (vi) a shattered longitudinally split plumule with or without splitting of the coleoptile; (vii) decayed plumules, provided the decay is not the result of improper test conditions (the plumules usually appear weak and show decay near the point of attachment to the seed, which is usually rotten); or (viii) various combinations of the abnormalities described in this subparagraph.

§ 201.56–6 *Legume or pea family (Leguminosae).* Kinds of seed: Alfalfa, alyceclover, asparagusbean, beans (Phaseolus spp.), beggarweed, black medic, broadbean, bur-clovers, button-clover, chickpea, clovers (Trifolium spp.), cowpea, crotalarias, hairy indigo, kudzu, lespedezas, lupines, peas, peanut, rough pea, sainfoin, sesbania; sourclover, soybean, sweetclover, trefoils, velvetbean, and vetches.

(a) *Beans: adzuki, field, garden, lima, mung, and asparagusbean.* Seedling interpretation for all these beans is similar as they all have the same type of development.

(1) Normal seedlings include those that have: (i) a terminal bud or epicotyl, and at least one primary leaf, even though one or both cotyledons may be present; (ii) a primary root or adventitious or secondary roots sufficient to anchor the seedling when grown in soil or sand, provided the hypocotyl is approximately of normal length; (iii) a fairly well-developed hypocotyl with no prominent breaks or deep lesions (Healed breaks, sometimes referred to as knees, are to be considered as normal, provided the seedling is not spindly); (iv) spirally twisted and curled roots and hypocotyl held within the tough seedcoat, causing delayed development, but are otherwise normal; (v) slight infection caused by fungi or bacteria, provided the essential structures have not been seriously damaged and appear to be able to carry on their normal functions at the time of evaluation. (If a few seedlings with total or partial decay of the plumule are found, they may be counted as normal, provided the hypocotyl and root are well-developed. The plumules on such seedlings usually do not decay when grown under greenhouse conditions where the cotyledons open up naturally and are exposed to a dry environment and sunlight. However, if there are many seedlings with decayed plumules in a test, a retest should be made and such seedlings evaluated cautiously).

(2) Abnormal seedlings include those that have: (i) No primary leaves or terminal bud (baldheads); (ii) no primary leaves, but with a terminal bud (snakeheads or partial baldheads); (iii) no primary leaves, but terminal bud present and axillary buds in one or both of the cotyledons (partial baldheads); (iv) a malformed hypocotyl, which may be characterized by open splits, or one that appears curled, shortened, or thickened; (v) no primary root or well-developed set of adventitious or secondary roots; or various combinations of the abnormalities described in this subparagraph.

(b) *Broadbean, runner bean, velvetbean, chickpea, field pea, garden pea, roughpea, and vetches.* In this group a perfectly normal seedling should have a well-formed root, with or without secondary or adventitious development, a strong epicotyl with fairly long stem, a well-developed epicotyl with the leaves and terminal bud intact, and attached cotyledons.

(1) Normal seedlings include those that have: (i) A primary root or a set of secondary or adventitious roots sufficient to anchor the seedling when grown in soil or sand, provided the stem is not badly shortened; (ii) a fairly well-developed stem with no prominent breaks or deep lesions which might interfere with the conducting tissues; (iii) a terminal bud with at least one first leaf and an intact growing point; (iv) two shoots, provided the seedling appears vigorous and at least one of the shoots has a normal epicotyl and root; or (v) slight infection by fungi, provided the essential seedling parts have not been seriously damaged and appear to be able to carry on their normal functions at the time of evaluation.

(2) Abnormal seedlings include those that have: (i) No primary root or well-developed secondary or adventitious roots; (ii) a malformed stem, which may be characterized by severe open splits, and curled, shortened, or thickened development; (iii) no epicotyl, or an epicotyl without the terminal bud; (iv) two shoots both of which appear weak and spindly, often partially broken away from the cotyledons; (v) decay caused by the spread of organisms from the cotyledons of the developing seedling; or (vi) various combinations of the abnormalities described in this subparagraph.

(c) *Cowpeas, lupines, peanuts, and soybeans.* A completely normal seedling of the above-mentioned kinds should have a well-formed root with or without secondary or adventitious roots, a strong and fairly long hypocotyl with two attached and open cotyledons, two well-developed primary leaves, and an intact terminal bud or epicotyl.

(1) Normal seedlings include those that have: (i) A primary root or a set of secondary or adventitious roots sufficient to anchor the seedling when grown in soil or sand, provided the hypocotyl is normal; (ii) a fairly well-developed hypocotyl with no prominent breaks or deep lesions which might interfere with the conducting tissues; (iii) a plumule with at least one leaf and an intact growing point; or (iv) slight infection by fungi, provided the essential seedling parts have not been seriously damaged and appear to be able to carry on their normal functions at the time of evaluation.

(2) Abnormal seedlings include those that have: (i) No primary root or no well-developed secondary or adventitious roots; (ii) a malformed hypocotyl which may be curled, shortened, or thickened or have severe open splits; (iii) no epicotyl, or one without the growing point, with or without leaves; (iv) decayed epicotyl, provided the decay has spread from the rotted cotyledons of the developing seedling; or (vi) various combinations of the abnormalities described in this subparagraph.

(d) *Alfalfa, alyceclover, beggarweed, black medic, burclovers, buttonclover, clovers, crotalarias, hairy indigo, kudzu, lespedezas, sainfoin, sesbania, sourclover, sweetclovers, trefoils.* By the end of the germination test a perfectly normal seedling should have a long, slender root, usually with root hairs, a long hypocotyl, two attached cotyledons which have opened, and an intact epicotyl or growing point.

(1) Normal seedlings include those that have: (i) A long, slender root, usually with root hairs; (ii) slightly stubby roots on blotter tests of sweetclovers, provided the seedling is otherwise normal; (iii) roots slightly stubby from being held back by the attached seedcoat, provided the seedling is otherwise normal; (iv) short splits on the roots, provided the split does not extend into the central conducting tissues of the hypocotyl, and provided further that root hairs are present and the seedling is normal in other respects; (v) a long, well-developed hypocotyl which may have slight cracks or breaks, provided they do not extend into the conducting tissues; (vi) at least one cotyledon, provided the epicotyl is also present; or (vii) slight infection by fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) Stubby roots, usually associated with shortened hypocotyl; (ii) longitudinal, deep splits on the roots, extending into the conducting tissues of the hypocotyls; (iii) deep cracks or breaks in the hypocotyl which extend into the conducting tissues; (iv) both cotyledons broken off; (v) one cotyledon broken off if the epicotyl is also absent; (vi) rotted cotyledons, provided the decay did not spread to the seedling from an adjacent seed or was not the result of improper test conditions; (vii) A spindly, watery hypocotyl, provided it is not the result of excess moisture in the substrata (usually seedlings of this type have one or more abnormalities of the essential structures, such as broken cotyledons or deep splits in the hypocotyl); or (viii) various combinations of the abnormalities described in this subparagraph.

§ 201.56–7 *Lily family (Liliaceae).* Kinds of seed: Asparagus, leek, onion, and Welsh onion.

(a) *Onion, Welsh onion, and leek.* By the end of the test period a perfectly normal onion or leek seedling should have a long, slender root with a thickened area where it is joined to the base of the hypocotyl, a fairly long hypocotyl, and a long, green cotyledon with a definite loop or bend, often referred to as the "knee."

(1) Normal seedlings include those that have: (i) A well-developed, long, slender root, with or without root hairs; (ii) a fairly long hypocotyl; (iii) a long, green, leaflike cotyledon, with a well-developed bend or "knee" or (iv) slight infection by fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) A thickened area at the base of the hypocotyl with no root, or a stubby root; (ii) a very short hypocotyl, usually associated with a poorly developed root and cotyledon; (iii) a poorly developed leaflike cotyledon without a definite bend or "knee"; (iv) a spindly, watery hypocotyl, often associated with slowness in sprouting, and one or more other abnormalities; (v) a rotted cotyledon, provided the decay is not the result of improper test conditions; or (vi) various combinations of the abnormalities described in this subparagraph.

(b) *Asparagus.* By the end of the test period a normal asparagus seedling should have a long, slender root, a fairly long epicotyl, an intact terminal bud, and the seedling should not be broken away from the cotyledon.

(1) Normal seedlings include those that have: (i) A long, slender root; (ii) a long, well-developed epicotyl with terminal growing point; (iii) the cotyledon attached to the seedling; or (iv) slight infestation by fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) No root, or a very stubby root with weak secondary root development; (ii) a malformed epicotyl, which may be thickened, shortened, or twisted; (iii) no terminal growing point or bud; (iv) cotyledon broken away from the seedling; (v) decayed epicotyl, provided the decay is not the result of improper test conditions; or (vi) various combinations of the abnormalities described in this subparagraph.

§ 201.56–8 *Flax family (Linaceae).* (a) Kind of seed: Flax.

(b) By the end of the germination test a normal flax seedling should have a well-developed primary root, a long hypocotyl, two intact cotyledons, and a small epicotyl.

(1) Normal seedlings include those that have: (i) A long, slender root, usually with root hairs; (ii) a short or stubby primary root, provided secondary root development is strong and the hypocotyl is of normal length or approximately so; (iii) a long, well-developed hypocotyl with no breaks or lesions extending into the conducting tissues; (iv) at least one attached cotyledon, provided the epicotyl is not injured; (v) variously broken or cracked cotyledons, provided the other seedling parts appear normal; or (vi) slight infection by fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) A stubby or no primary root, provided the secondary root development is weak, a condition usually associated with a shortened hypocotyl; (ii) a malformed hypocotyl, which may be twisted, thickened, or shortened; (iii) deep cracks or lesions on the hypocotyl, extending into the conducting tissues; (iv) both cotyledons broken off; (v) one cotyledon broken off if the epicotyl is also injured (vi) decayed cotyledons or other essential seedling structures, provided the decay is not the result of improper test conditions; or (vii) various combinations of the abnormalities described in this subparagraph.

§ 201.56–9 *Mallow family (Malvaceae).* (a) Kinds of seed: Cotton and okra.

(b) By the end of the germination test a perfectly normal seedling should have a long, well-developed root with root hairs, a long hypocotyl, two attached green leaflike cotyledons, and a small epicotyl.

(1) Normal seedlings include those that have: (i) A well-developed, long, slender root, usually with root hairs; (ii) no primary root but strong secondary roots, provided the hypocotyl is of normal or approximately normal length; (iii) a long, well-developed hypocotyl with no breaks or deep grainy lesions which might interfere with the conducting tissues; (iv) at least one cotyledon and intact epicotyl; (v) slight infection by fungi, provided none of the essential seedling structures have been damaged; or (vi) a yellowish hypocotyl or roots of cotton which may appear diseased, provided the cotyledons are free of infection (the seedcoat must be peeled back on young seedlings to determine this condition of the cotyledons).

(2) Abnormal seedlings include those that have: (i) No root or very stubby roots, usually associated with a shortened hypocotyl; (ii) stubby roots and a thickened hypocotyl resulting from chemical treatment of seed, such as often occurs on delinted cottonseed; (iii) malformed hypocotyl, which may be curled, thickened, or shortened; (iv) deep cracks or grainy lesions on the hypocotyl which appear to interfere with the conducting tissues; (v) epicotyl absent, even though one or both cotyledons are attached; (vi) decayed cotyledons and hypocotyl, provided the decay did not spread from another seed or was not the result of improper test conditions; or (vii) various combinations of the abnormalities, described in this subparagraph.

§ 201.56–10 *Spurge family (Euphorbiaceae).* Kind of seed: Caster bean.

(a) Normal seedlings include those that have: (1) A primary root or a set of secondary or adventitious roots sufficient to anchor the seedling when grown in soil or sand, provided the hypocotyl is not badly shortened; (2) a fairly well-developed hypocotyl with no prominent breaks or stem lesions which might interfere with the conducting tissues; (3) an epicotyl with terminal bud; or (4) slight infection by fungi or bacteria, provided the essential seedling parts have not been seriously damaged and appear to be able to carry on their normal functions at the time of evaluation.

(b) Abnormal seedlings include those that have: (1) No primary root or well-developed adventitious or secondary roots; (2) a malformed stem, which may be characterized by severe open splits, and curled, shortened or thickened hypocotyl; (3) no epicotyl, or an epicotyl without the terminal bud; (4) decay caused by microorganisms carried by the individual seed or seedling being evaluated; or (5) various combinations of the abnormalities described in this subparagraph.

§ 201.56–11 *Miscellaneous plant families.* Kinds of seed by families:

Benne family (Pedaliaceae)—Sesame.
Carrot family (Umbelliferae)—carrot, celery, celeriac, parsley, parsnip.
Dichondra family (Dichondraceae)—Dichondra.
Knotweed family (Polygonaceae)—Buckwheat, sorrel, rhubarb.
Nightshade family (Solanaceae)—Eggplant, pepper, tomato, husk tomato.
Geranium family (Geraniaceae)—Alfilaria.
Hemp family (Cannabiaceae)—Hemp.
Rose family (Rosaceae)—Little burnet.
Valerian family (Valerianaceae)—Cornsalad.

(a) In this group of plant families, normal seedlings include those that have: (1) A well-developed primary root, usually with root hairs; (2) a stubby root or no primary root, provided the secondary root development is strong and the hypocotyl is near normal length as is frequently encountered in tomato seedlings; (3) a long, well-formed hypocotyl, with no prominent breaks or lesions, extending into the conducting tissues; (4) at least one attached cotyledon, provided the epicotyl is intact and the seedling is otherwise normal (a tiny epicotyl may be observed in seedlings left in test for final evaluation); or (5) slight infection by fungi, provided none of the essential seedling structures have been damaged (infection is likely to occur in rhubarb in which case retests may be advisable).

(b) Abnormal seedlings include those that have: (1) No primary root or well-developed adventitious or secondary roots; (2) a malformed stem, which may be characterized by severe open splits, and curled, shortened or thickened hypocotyl; (3) no epicotyl, or an epicotyl without the terminal bud; (4) decay caused by microorganisms carried by the individual seed or seedling being evaluated; or (5) various combinations of the abnormalities described in this subparagraph.

§ 201.56–12 *Sunflower family (Compositae).* Kinds of seed: Cocklebur, cosmos, lettuce, safflower, sunflower, and zinnia.

(a) *Cocklebur.* (1) Normal seedlings include those that have: (i) A well-developed primary root, usually with root hairs; (ii) a well-developed green plumule which has usually broken through the coleoptile by the end of the test period; (iii) slight infection by fungi, provided none of the essential seedling structures have been damaged; (iv) spirally coiled roots held within the tightly enveloping glumes as in certain samples of Bermuda grass; or (v) poor root development resulting from injury caused by use of a potassium nitrate solution (if many roots are so affected, a retest should be made on top of soil in closed Petri dishes).

(2) Abnormal seedlings include those that have: (i) No root; (ii) a weak, stubby, or spindly root, usually short and watery, associated with a decayed seed; (iii) no plumule, but only the white sheath or coleoptile which is often short and thick; (iv) a shortened plumule, extending only one-half the distance up through the coleoptile; (v) a spindly plumule, usually pale and watery; (vi) a shattered longitudinally split plumule with or without splitting of the coleoptile; (vii) decayed plumules, provided the decay is not the result of improper test conditions (the plumules usually appear weak and show decay near the point of attachment to the seed, which is usually rotten); or (viii) various combinations of the abnormalities described in this subparagraph.

(b) *Lettuce.* (1) Normal seedlings include those that have: (i) A primary root or a set of secondary or adventitious roots sufficient to anchor the seedling when grown in soil or sand, provided the hypocotyl is normal; (ii) a fairly well-developed hypocotyl with no prominent breaks or deep lesions which might interfere with the conducting tissues; (iii) a plumule with at least one leaf and an intact growing point; or (iv) slight infection by fungi, provided the essential seedling parts have not been seriously damaged and appear to be able to carry on their normal functions at the time of evaluation.

(2) Abnormal seedlings include those that have: (i) No primary root or no well-developed secondary or adventitious roots; (ii) a malformed hypocotyl which may be curled, shortened, or thickened or have severe open splits; (iii) no epicotyl, or one without the growing point, with or without leaves; (iv) decayed epicotyl, provided the decay has spread from the rotted cotyledons of the developing seedling; or (vi) various combinations of the abnormalities described in this subparagraph.

(c) *Safflower, sunflower, and zinnia.* (1) Normal seedlings include those that have: (i) A primary root or a set of secondary or adventitious roots sufficient to anchor the seedling when grown in soil or sand, provided the hypocotyl is normal; (ii) a fairly well-developed hypocotyl with no prominent breaks or deep lesions which might interfere with the conducting tissues; (iii) a plumule with at least one leaf and an intact growing point; or (iv) slight infection by fungi, provided the essential seedling parts have not been seriously damaged and appear to be able to carry on their normal functions at the time of evaluation.

(2) Abnormal seedlings include those that have: (i) No primary root or no well-developed secondary or adventitious roots; (ii) a malformed hypocotyl which may be curled, shortened, or thickened or have severe open splits; (iii) no epicotyl, or one without the growing point, with or without leaves; (iv) decayed epicotyl, provided the decay has spread from the rotted cotyledons of the developing seedling; or (vi) various combinations of the abnormalities described in this subparagraph.

§ 201.56–13 *Miscellaneous plant families.* Kinds of seed by families:

Bellflower family (Campanulaceae)—Bellflower.
Bindweed family (Convolvulaceae)—Morningglory, sweetpotato.
Borage family (Boraginaceae)—Forget-me-not.
Buckwheat family (Polygonaceae)—Buckwheat, sorrel, rhubarb.
Cabbage family (Cruciferae)—Broccoli, brussels sprouts, cabbage, cauliflower, collards, cress, kale, kohlrabi, mustard, radish, rape, rutabaga, turnip.
Caper family (Capparidaceae)—Caper.
Carrot family (Umbelliferae)—Carrot, celery, celeriac, parsley, parsnip.
Dichondra family (Dichondraceae)—Dichondra.
Ginseng family (Araliaceae)—Ginseng.
Gourd family (Cucurbitaceae)—Cucumber, gourd, muskmelon, pumpkin, squash, watermelon.
Knotweed family (Polygonaceae)—Buckwheat, sorrel, rhubarb.
Nightshade family (Solanaceae)—Eggplant, pepper, tomato, husk tomato.
Pink family (Caryophyllaceae)—Garden pink, sweet william.
Purslane family (Portulacaceae)—Garden purslane.
Spinach family (Chenopodiaceae)—Beet, chard, spinach.
Stonecrop family (Crassulaceae)—Stonecrop.
Tobacco family (Solanaceae)—Tobacco.
Violet family (Violaceae)—Violet.

(a) In this group of plant families, normal seedlings include those that have: (1) A well-developed primary root, usually with root hairs; (2) a stubby root or no primary root, provided the secondary root development is strong and the hypocotyl is near normal length as is frequently encountered in tomato seedlings; (3) a long, well-formed hypocotyl, with no prominent breaks or lesions, extending into the conducting tissues; (4) at least one attached cotyledon, provided the epicotyl is intact and the seedling is otherwise normal (a tiny epicotyl may be observed in seedlings left in test for final evaluation); or (5) slight infection by fungi, provided none of the essential seedling structures have been damaged (infection is likely to occur in rhubarb in which case retests may be advisable).

(b) Abnormal seedlings include those that have: (1) No primary root or well-developed adventitious or secondary roots; (2) a malformed stem, which may be characterized by severe open splits, and curled, shortened or thickened hypocotyl; (3) no epicotyl, or an epicotyl without the terminal bud; (4) decay caused by microorganisms carried by the individual seed or seedling being evaluated; or (5) various combinations of the abnormalities described in this subparagraph.

§ 201.56–14 *Miscellaneous plant families.* Kinds of seed by families:

Bellflower family (Campanulaceae)—Bellflower.
Bindweed family (Convolvulaceae)—Morningglory, sweetpotato.
Borage family (Boraginaceae)—Forget-me-not.
Buckwheat family (Polygonaceae)—Buckwheat, sorrel, rhubarb.
Cabbage family (Cruciferae)—Broccoli, brussels sprouts, cabbage, cauliflower, collards, cress, kale, kohlrabi, mustard, radish, rape, rutabaga, turnip.
Caper family (Capparidaceae)—Caper.
Carrot family (Umbelliferae)—Carrot, celery, celeriac, parsley, parsnip.
Dichondra family (Dichondraceae)—Dichondra.
Ginseng family (Araliaceae)—Ginseng.
Gourd family (Cucurbitaceae)—Cucumber, gourd, muskmelon, pumpkin, squash, watermelon.
Knotweed family (Polygonaceae)—Buckwheat, sorrel, rhubarb.
Nightshade family (Solanaceae)—Eggplant, pepper, tomato, husk tomato.
Pink family (Caryophyllaceae)—Garden pink, sweet william.
Purslane family (Portulacaceae)—Garden purslane.
Spinach family (Chenopodiaceae)—Beet, chard, spinach.
Stonecrop family (Crassulaceae)—Stonecrop.
Tobacco family (Solanaceae)—Tobacco.
Violet family (Violaceae)—Violet.

(a) In this group of plant families, normal seedlings include those that have: (1) A well-developed primary root, usually with root hairs; (2) a stubby root or no primary root, provided the secondary root development is strong and the hypocotyl is near normal length as is frequently encountered in tomato seedlings; (3) a long, well-formed hypocotyl, with no prominent breaks or lesions, extending into the conducting tissues; (4) at least one attached cotyledon, provided the epicotyl is intact and the seedling is otherwise normal (a tiny epicotyl may be observed in seedlings left in test for final evaluation); or (5) slight infection by fungi, provided none of the essential seedling structures have been damaged (infection is likely to occur in rhubarb in which case retests may be advisable).

(b) Abnormal seedlings include those that have: (1) No primary root or well-developed adventitious or secondary roots; (2) a malformed stem, which may be characterized by severe open splits, and curled, shortened or thickened hypocotyl; (3) no epicotyl, or an epicotyl without the terminal bud; (4) decay caused by microorganisms carried by the individual seed or seedling being evaluated; or (5) various combinations of the abnormalities described in this subparagraph.

§ 201.56–15 *Miscellaneous plant families.* Kinds of seed by families:

Bellflower family (Campanulaceae)—Bellflower.
Bindweed family (Convolvulaceae)—Morningglory, sweetpotato.
Borage family (Boraginaceae)—Forget-me-not.
Buckwheat family (Polygonaceae)—Buckwheat, sorrel, rhubarb.
Cabbage family (Cruciferae)—Broccoli, brussels sprouts, cabbage, cauliflower, collards, cress, kale, kohlrabi, mustard, radish, rape, rutabaga, turnip.
Caper family (Capparidaceae)—Caper.
Carrot family (Umbelliferae)—Carrot, celery, celeriac, parsley, parsnip.
Dichondra family (Dichondraceae)—Dichondra.
Ginseng family (Araliaceae)—Ginseng.
Gourd family (Cucurbitaceae)—Cucumber, gourd, muskmelon, pumpkin, squash, watermelon.
Knotweed family (Polygonaceae)—Buckwheat, sorrel, rhubarb.
Nightshade family (Solanaceae)—Eggplant, pepper, tomato, husk tomato.
Pink family (Caryophyllaceae)—Garden pink, sweet william.
Purslane family (Portulacaceae)—Garden purslane.
Spinach family (Chenopodiaceae)—Beet, chard, spinach.
Stonecrop family (Crassulaceae)—Stonecrop.
Tobacco family (Solanaceae)—Tobacco.
Violet family (Violaceae)—Violet.

(a) In this group of plant families, normal seedlings include those that have: (1) A well-developed primary root, usually with root hairs; (2) a stubby root or no primary root, provided the secondary root development is strong and the hypocotyl is near normal length as is frequently encountered in tomato seedlings; (3) a long, well-formed hypocotyl, with no prominent breaks or lesions, extending into the conducting tissues; (4) at least one attached cotyledon, provided the epicotyl is intact and the seedling is otherwise normal (a tiny epicotyl may be observed in seedlings left in test for final evaluation); or (5) slight infection by fungi, provided none of the essential seedling structures have been damaged (infection is likely to occur in rhubarb in which case retests may be advisable).

(b) Abnormal seedlings include those that have: (1) No primary root or well-developed adventitious or secondary roots; (2) a malformed stem, which may be characterized by severe open splits, and curled, shortened or thickened hypocotyl; (3) no epicotyl, or an epicotyl without the terminal bud; (4) decay caused by microorganisms carried by the individual seed or seedling being evaluated; or (5) various combinations of the abnormalities described in this subparagraph.

(b) Abnormal seedlings include those that have: (1) A stubby root or no primary root, provided there is weak secondary root development; (2) a malformed hypocotyl, which may be twisted, thickened, or shortened; (3) deep cracks or lesions on the hypocotyl extending into the conducting tissues; (4) both cotyledons, or one cotyledon and epicotyl, broken off; (5) two enlarged cotyledons, but hypocotyl short and usually malformed; (6) decayed cotyledons or hypocotyl, provided they are not the result of improper test conditions; or (7) various combinations of the abnormalities described in this paragraph.

27. In the second sentence of § 201.57 the words "and asparagus" are deleted and the words "cotton and dichondra" are substituted therefor.

28. Following § 201.57 a new section is inserted to read as follows:

§ 201.57a *Dormant seeds; firm ungerminated seeds.* Dormant seeds means seeds, other than hard seeds, which fail to germinate when provided the specific germination conditions for the kind of seed in question. Firm ungerminated seeds means seeds, other than hard seeds, which neither germinate nor decay during the prescribed test period and under the prescribed test conditions.

29. Section 201.58 is amended to read as follows:

§ 201.58 *Substrata, temperature, duration of test, and certain other specific directions for testing for germination and hard seed.* Specific germination requirements are set forth in table 2 to which the following paragraphs (a) and (b) are applicable:

(a) *Definitions and explanations applicable to table 2*—(1) *Duration of tests.* The following deviations are permitted from the specified duration of tests: Any test may be terminated prior to the number of days listed under "Final Count" if the germination of the sample has then been determined. The number of days stated for the first count is approximate and a deviation of 1 to 3 days is permitted. (Also, see subparagraph (5) of this paragraph and § 201.57.)

(2) *Light.* When light is required the intensity for nondormant seed may be as low as 25 foot-candles. In the case of dormant seed of grasses such as occur in Agrostis tenuis, Poa compressa, and Lolium multiflorum the light intensity should approximate 100 foot-candles.

(3) *Moisture-on-dry-side.* This term means that the moistened substratum should be pressed against a dry absorbent surface such as a dry paper towel or blotter to remove excess moisture. The moisture content thus obtained should be maintained throughout the germination test period.

(4) *Potassium nitrate* (KNO_3). These terms mean a two-tenths (0.2) percent solution of potassium nitrate (KNO_3) shall be used in moistening the substratum. Such solution is prepared by dissolving 2 grams of KNO_3 in 1,000 ml. of distilled water. The grade of the potassium nitrate shall meet A. C. S. specifications.

(5) *Prechill.* The term "prechill" means to place the seed on, or in, a moist substratum at a specified low temperature for a designated period of time. The prechilling period is not included in the duration of tests given in table 2, unless otherwise specified.

(6) *Predry.* The term "predry" means to place the seed in a shallow layer at a temperature of 35° to 40° C. for a period of 5 to 7 days, with provisions for circulation of the air.

(7) *Substrata (Kinds).* The symbols used for substrata are:

B= between blotters
TB= top of blotters
T= paper toweling, used either as folded towel tests or as roll towel tests in horizontal or vertical position
S= sand or soil
TS= top of sand or soil
P= covered Petri dishes: with two layers of blotters; with one layer of absorbent cotton; with five layers of paper toweling; with three thicknesses of filter paper; or with sand or soil
C= creped cellulose paper wadding (0.3-inch thick Kimpak or equivalent) covered with a single thickness of blotter through which holes are punched for the seed that are pressed for about one-half their thickness into the paper wadding
RB= blotters with raised covers, prepared by folding up the edges of the blotter to form a good support for the upper fold which serves as a cover, preventing the top from making direct contact with the seeds.

(8) *Temperature.* A single numeral indicates a constant temperature. Two numerals separated by a dash indicate an alternation of temperature, the test to be held at the first temperature for approximately 16 hours and at the second temperature for approximately 8 hours per day. If tests are not subjected to alternating temperatures over weekends and on holidays they are to be held at the lower temperature during this time. In cases where two temperatures are indicated (separated by a semicolon) the first temperature shall be regarded as the regular method and the second as an alternate method.

(9) *Toxicity of substrata.* If there is question as to whether a paper substratum is toxic to developing seedlings, check tests should be made on Whatman's No. 2 filter paper or its equivalent. Seeds of celery, celeriac, chicory, dandelion, endive, timothy, and Bermuda grass are particularly sensitive to toxic substrata. If root injury is evident on a substratum moistened with potassium nitrate, retests should be made on a substratum moistened with water or on soil.

(b) *Special procedures and alternate methods for germination referred to in table 2*—(1) *Alyce clover (Alysicarpus vaginalis); Swollen seeds.* At the conclusion of the 21-day test period carefully pierce the seedcoat with a sharp instrument and continue the test for 5 additional days.

Alternate method: The swollen seeds may be placed at 20° C. for 48 hours and then at 35° C. for 3 additional days.

(2) *Bahia grass (Paspalum notatum); removal of glumes*—(i) *Vars. Common and Argentine.* Remove the glumes with the aid of a sharp scalpel. If the seed is fresh or dormant scratch the surface of the caryopsis lightly and use potassium nitrate.

(ii) *Var. Pensacola.* The glumes shall not be removed for the germination test.

(3) *Beet, Swiss chard (Beta); preparation of seed for test.* Before placing the seeds on the germination substratum they shall be soaked in water for 2 hours, using at least 250 ml. of water per 100 seeds, then washed in running water and the excess water should be blotted off. Samples producing darkened radicles should be retested in soil or by washing in running water for 3 hours and tested on "Kimpak," keeping the seed covered with slightly moist blotters.

(4) *Buffelgrass (Pennisetum ciliare); alternate method for dormant seed.* The caryopses shall be removed from the fascicles and placed on blotters moistened with a 0.2 percent potassium nitrate solution, in Petri dishes. The seeds from a fascicle should be arranged so they will not be confused with seeds from other fascicles during the test. The seeds are then prechilled at 5° C. for 7 days and tested at 30° C. in light for 21 additional days. Firm ungerminated seeds remaining at the conclusion of the test should be scratched lightly and left in test for 7 additional days.

(5) *Cotton (Gossypium spp.); dormant samples.* Samples of cottonseed which do not respond to the usual method should be placed in a closed container with water and shaken until the lint is thoroughly wet. The excess moisture should then be blotted off.

(6) *Endive (Cichorium endivia); dormant samples.* Add about ⅛ inch of tap water at the beginning of the test and remove excess water after 24 hours.

(7) *Lettuce (Lactuca sativa); light exposure.* All samples should be given at least ½ hour of light after being placed on the moist substratum. Additional light during the test period is desirable for dormant samples and facilitates seedling interpretation for samples of low vigor.

(8) *Rescue grass (Bromus catharticus); dormant samples.* Wash for 48 hours in running water, or soak for 48 hours, changing the water and rinsing each morning and night.

(9) *Rice (Oryza sativa); flood test.* The seed is planted in moist sand. On the seventh day of the test add water to a depth of ¼ inch above the sand level and leave for the remainder of the test. Only a final count is made.

(10) *Ryegrass (Lolium); fluorescence test.* The germination test for fluorescence of rye grass shall be conducted in light (not to exceed 100 foot-candles) with white filter paper as a substratum. The test shall be conducted in a manner that will prevent the contact of roots of different seedlings.

(11) *Trifolium, Medicago, Melilotus,* and *Vicia faba; temperature requirements.* The temperature for Trifolium spp., Medicago spp., Melilotus spp., and Vicia faba should never exceed 20° C. and a temperature of 17° to 18° is desirable.

(c) *Table 2; germination requirements for indicated kinds.*

TABLE 2—GERMINATION REQUIREMENTS FOR INDICATED KINDS

Name of seed	Substrata	Temperature	First count	Final count	Additional directions: Specific requirements and photo numbers	Additional directions: Fresh and dormant seed
Agricultural seed		°C.	Days	Days		
Alfalfa—Medicago sativa	B, S	20	4	[1] 7	Photos 2481, 2486; see par. (b) (11)	
Alfilaria—Erodium cicutarium	B	20–30	3	14	Clip seeds	
Alyceclover—Alysicarpus vaginalis	B	35	4	[2] 21	See par. (b) (1) for swollen seeds	
Bahiagrass—Paspalum notatum:						
Var. Pensacola	P, S	30–35	7	[2] 28	Light; see par. (b) (2)	
All other vars	P	30–35	3	21	Light; remove glumes; see par. (b) (2).	Scratch caryopses; KNO_3.
Barley—Hordeum vulgare	B, T, S	20; 15	4	7		Prechill 5 days at 5° or 10° C. or predry.
Bean:						
Adzuki—Phaseolus angularis	T, S	20–30	4	[1] 10		
Field—Phaseolus vulgaris	T, S	20–30; 25	5	[1] 8		
Mung—Phaseolus aureus	T, S	20–30	3	[1] 7		
Beet, field—Beta vulgaris	B, S	20–30	3	14	Photos 19557, 19558; see par. (b) (3)	
Beggarweed, Florida—Desmodium tortuosum	B	30	5	[1] 28		
Bentgrass:						
Colonial (including Astoria and Highland)—Agrostis tenuis	P	15–30; 10–30	7	28	Light; KNO_3	Prechill at 5° or 10° C. for 7 days; see par. (a) (2).
Creeping—Agrostis palustris	P	15–30; 10–30	7	28	Light; KNO_3	Prechill at 5° or 10° C. for 7 days.
Velvet—Agrostis canina	P	20–30	7	21	Light; KNO_3	
Bermuda grass—Cynodon dactylon	P	20–35	7	21	Light; KNO_3, photo 2518; see par. (a) (9).	
Bluegrass:						
Annual—Poa annua	P	20–30	7	21	Light	
Bulbous—Poa bulbosa	P, S	10	10	35	KNO_3 or soil	Prechill all samples at 5° C. for 7 days.
Canada—Poa compressa	P	15–30; 10–30	10	28	Light; KNO_3, see par. (a) (2).	
Kentucky (including var. Merion)—Poa pratensis	P	15–30; 10–30	10	28	Light; KNO_3	Prechill at 10° C. for 5 days.
Nevada—Poa nevadensis	P	20–30	7	21	Light; KNO_3	
Rough—Poa trivialis	P	20–30	7	21	Light	
Texas—Poa arachnifera	P	20–30	7	28	Light; KNO_3	Prechill at 5° C. for 2 weeks.
Wood—Poa nemoralis	P	20–30	7	28	Light	
Bluestem:						
Big-Andropogon gerardi	P, TS	20–30	7	28	Light; KNO_3	Prechill at 5° C. for 2 weeks
Little—Andropogon scoparius	P, TS	20–30	7	28	do	Do.
Sand—Andropogon hallii	P, TS	20–30	7	28	do	Do.
Yellow—Andropogon ischaemum	P, TS	20–30	5	21	do	Do.
Brome:						
Mountain—Bromus marginatus	P	20–30	6	14	Light	
Smooth—Bromus inermis	P, B, TB	20–30	6	14	Light optional	Prechill at 5° or 10° C. for 7 days.
Broomcorn—Sorghum vulgare var. technicum	B, S	20–30	3	10		
Buckwheat—Fagopyrum esculentum	B, T	20–30	3	6		
Buffalograss—Buchloe dactyloides:						
(Burs)	P, TB, TS	20–35	7	28	Light; KNO_3	Prechill at 5° C. for 6 weeks; test 14 additional days.
(Caryposes)	P	20–35	5	14	Light; KNO_3	
Buffelgrass—Pennisetum ciliare	S	30	7	28	Light; press fasciles into well-packed soil and prechill at 5° C. for 7 days.	See par. (b) (4).
Bur-clover, California—Medicago hispida	B, T	20	4	[1] 14	Remove seeds from bur; see par. (b) (11).	
Bur-clover, spotted—Medicago arabica	B, T	20	4	[1] 14	do	
Burnet, little—Sanguisorba minor	B	15	5	14		
Buttonclover—Medicago orbicularis	B	20	4	[1] 10	See par. (b) (11)	15° C.
Canarygrass—Phalaris canariensis	B	20–30	3	7		
Canarygrass, reed—Phalaris arundinacea	P	20–30	5	21	Light	KNO_3.
Carpet grass—Axonopus affinis	P	20–35	10	21	Light	KNO_3.
Castorbean—Ricinus communis	T, S	20–30	7	14	Remove caruncle if mold interferes with test.	
Chickpea—Cicer arietinum	T, S	20–30	3	7		
Clover:						
Alsike—Trifolium hybridium	B, S	20	3	[1] 7	See par. (b) (11)	15° C.
Berseem—Trifolium alexandrinum	B, S	20	3	[1] 7	do	Do.
Cluster—Trifolium glomeratum	B	20	4	[1] 10	do	Do.
Crimson—Trifolium incarnatum	B, S	20	4	[1] 7	See par. (b) (11). Photos 2479, 2482	Do.
Ladino—Trifolium repens	B, S	20	3	[1] 7	See par. (b) (11)	Do.
Lappa—Trifolium lappaceum	B	20	3	[1] 7	do	Do.
Large hop—Trifolium procumbens (T. campestre)	B	20	4	[1] 14	do	Do.
Persian—Trifolium resupinatum	B	20	3	[1] 7	do	Do.
Red—Trifolium pratense	B, S	20	4	[1] 7	See par. (b) (11). Photos 2483, 2484	Do.
Rose—Trifolium hirtum	B	20	4	[1] 10	See par. (b) (11)	Do.
Small hop (Suckling)—Trifolium dubium	B	20	4	[1] 14	do	Do.
Strawberry—Trifolium fragiferum	B	20	3	[1] 7	do	Do.
Sub—Trifolium subterraneum	B	20	4	[1] 14	do	Do.
White—Trifolium repens	B, S	20	3	[1] 7	do	Do.
Corn:						
Field—Zea mays	T, S	20–30; 25	4	7	Photos 2510, 2511, 2512, 2514	
Pop—Zea mays var. everta	T, S	20–30; 25	4	7		
Cotton—Gossypium spp	T, S	20–30	4	[1] 12	Photos 19553, 19554	Test by alternate method; see par. (b) (5).
Cowpea—Vigna sinensis	T, S	20–30	5	[1] 8	Photos 1989, 1990, 2377.	
Crested dogtail—Cynosurus cristatus	P	20–30	10	21	Light	Prechill for 3 days at 5° or 10° C.
Crotalaria:						
Lance—Crotalaria lanceolata	B, S	20–30	4	[1] 10		
Showy—Crotalaria spectabilis	B, S	20–30	4	[1] 10	Photos 2496, 2497	
Slenderleaf—Crotalaria intermedia	B, S	20–30	4	[1] 10		
Striped—Crotalaria mucronata	B, S	20–30	4	[1] 10		
Sunn—Crotalaria juncea	B, S	20–30	4	[1] 10		
Dallis grass—Paspalum dilatatum	P	20–35	7	21	Light; KNO_3	
Dichondra—Dichondra repens	B	20–30	7	[1] 28		
Dropseed, sand—Sporobolus cryptandrus	P	15–35	5	42	Light; KNO_3	Prechill at 5° C. for 4 to 8 weeks and test for 28 days.
Emmer—Triticum dicoccum	B, T, S	20, 15	4	7		Prechill at 5° C. or 10° C. for 5 days or predry.

[1] Hard seeds often present. [2] Firm ungerminated seeds frequently present.

TABLE 2—GERMINATION REQUIREMENTS FOR INDICATED KINDS—Continued

Name of seed	Substrata	Temperature	First count	Final count	Additional directions: Specific requirements and photo numbers	Additional directions: Fresh and dormant seed
Agricultural seed—Continued		°C.	Days	Days		
Fescue:						
Chewings—Festuca rubra var. commutata	P	15–25	7	21		
(Alternate method	P	20–30	7	28	Light)	
Hair—Festuca capillata	P	10–25	10	28	KNO_3	
Meadow—Festuca elatior	P	20–30	5	14	Light and KNO_3 optional	
(Alternate method	P	15–25	5	14)		
Red—Festuca rubra	P	15–25	7	21		
(Alternate method	P	20–30	7	28	Light)	
Sheep—Festuca ovina	P	15–25	7	21		
(Alternate method	P	20–30	7	28	Light)	
Tall—Festuca arundinacea	P	20–30	5	14	Light and KNO_3 optional	
(Alternate method	P	15–25	5	14)		
Flax—Linum usitatissimum	B, T, S	20–30	3	7	Photos 2003, 2008, 2485, 2487	
Grama:						
Blue—Bouteloua gracilis	P, TB	20–30	7	28	Light	KNO_3.
Side-oats—Bouteloua curtipendula	P	15–30	7	28	Light; KNO_3	
Guineagrass—Panicum maximum	P	20–30	10	28	Light	KNO_3.
Hardinggrass—Phalaris tuberosa var. stenoptera	P	10–30	7	28	Light	
Hemp—Cannabis sativa	B, T	20–30	3	7		Prechill at 5° C. for 2 weeks.
Indiangrass, yellow—Sorghastrum nutans	P, TS	20–30	7	28	Light; KNO_3	
Indigo, hairy—Indigofera hirsuta	B	20–30	5	[1]14		
Japanese lawngrass—Zoysia japonica	P	35–20	10	28	Light; KNO_3	
Johnsongrass—Sorghum halepense	P	20–35	7	35	Light	KNO_3.
Kudzu—Pueraria thunbergiana	T	20–30	6	[1]14		
Lespedeza:						
Korean—Lespedeza stipulacea	B, S	20–35	5	[1]14		
Sericea or Chinese—Lespedeza cuneata (L. sericea).	B, S	20–35	7	[1]28	Photo 2494	
Siberian—Lespedeza hedysaroides	B, S	20–35	7	[1]21		
Striate (Common, Kobe, Tenn. 76)—Lespedeza striata.	B, S	20–35	7	[1]14		
Lovegrass, sand—Eragrostis trichodes	P	20–35	5	14	Light, KNO_3	Prechill at 5° or 10° C. for 6 weeks.
Lovegrass, weeping—Eragrostis curvula	P	20–35	5	14	Light	KNO_3.
Lupine:						
Blue—Lupinus angustifolius	T, S	20	4	[1]10	Photos 14535–14542	
White—Lupinus albus	T	20	3	[1]10		
Yellow—Lupinus luteus	T	20	7	[1]10		
Mantlegrass—Zoysia matrella	P	35–20	10	28	Light; KNO_3	
Meadow foxtail—Alopecurus pratensis	P	20–30	7	14	Light	
Medick, black—Medicago lupulina	B, S	20	4	[1]7	See par. (b) (11).	
Millet:						
Browntop—Panicum ramosum	B	20–30	4	14	Light; KNO_3	Predry at 35° or 40° C. for 7 days; or test at 30° C.
Foxtail—Such as common, white wonder, German, Hungarian, Siberian, or Golden—Setaria italica.	B	20–30	4	10		
Japanese—Echinochloa crusgalli var. frumentacea.	B	20–30	4	10		
Pearl—Pennisetum glaucum	B	20–30	3	7		
Proso—Panicum miliaceum	B	20–30	3	7		
Molassesgrass—Melinis minutiflora	P	20–30	7	21	Light	
Mustard:						
Black—Brassica nigra	P	20–30	3	7	Light	KNO_3 and prechill at 10° C. for 3 days.
White—Brassica hirta	P	20–30	3	5	Light	
Napiergrass—Pennisetum purpureum	B	20–30	3	10		
Oat—Avena spp	B, T, S.	20; 15	5	10	Photos 2407, 2408, 2524–2527, 19545, 19546.	Prechill at 5° or 10° C. for 5 days and conclude test on 7th day or predry.
Ostgrass, tall—Arrhenatherum elatius	P	20–30	6	14	Light	
Orchardgrass—Dactylis glomerata	P, TS	20–30	7	21	Light; germination more rapid on soil.	
Panicgrass, blue—Panicum antidotale	P, TS	20–30	7	28	Light	
Peanut—Arachis hypogaea	T, S	20–30	5	10	Remove shells; Photos 19541, 19542	Test at 30° C.
Pea, field—Pisum sativum var. arvense	T, S	20	3	[1]8	Photos 2503, 2506, 14543–14547	
Rape:						
Annual—Brassica napus var. annua	B	20–30	3	7		
Bird—Brassica campestris	P	20–30	3	10	Light	KNO_3.
Turnip—Brassica campestris vars	B	20–30	3	7		
Winter—Brassica napus var. biennis	B	20–30	3	7		
Redtop—Agrostis alba	P, TB	20–30	5	10	Light	KNO_3.
Rescuegrass—Bromus catharticus	P, S	10–30	7	28	Light; see par. (b) (8) for alternate method.	In soil at 15° C.
Rhodesgrass—Chloris gayana	P	20–30	6	14	Light; KNO_3	
Rice—Oryza sativa	T, S	20–30	5	14	Photos 19549, 19550; see par. (b) (9) for alternate method.	
Ricegrass, Indian—Oryzopsis hymenoides	P	15	7	42		Prechill at 5° C. for 4 weeks and test for 21 additional days.
Roughpea—Lathyrus hirsutus	T	20	7	[1]14		
Rye—Secale cereals	B, T, S	20; 15	4	7	Photos 2403, 2406, 2528–2531	Prechill at 5° or 10° C. for 5 days, or predry.
Ryegrass:						
Italian—Lolium multiflorum	P, TB	20–30; 10–30	5	14	Light; KNO_3; see par. (b) (10) for fluorescence test.	Prechill at 5° C. for 5 days; see par. (a) (2).
Perennial—Lolium perenne	P, TB	20–30; 10–30	5	14	do	Do.
Safflower—Carthamus tinctorius	T, S	20	4	8		
Sainfoin—Onobrychis viciaefolia	B, T	20–30	4	[1]14		
Sesame—Sesamum indicum	P	20–30	3	6		
Seshania—Sesbania exaltata	T	20–30	5	[1]7		
Smilo—Oryzopsis miliacea	P	20–30	7	42	Light	Prechill at 5° C. for 2 weeks.
Sorghum:						
Grain and Sweet—Sorghum vulgare	B, T, S	20–30	4	10	Photos 2413–2416	Prechill at 5° or 10° C. for 5 days.
Sourclover—Melilotus indica	B	20	3	[1]14	See paragraph (b) (11)	
Soybean—Glycine max	T, S	20–30; 25	5	[1]8	Photos 2371, 2372, 2378	
Spelt—Triticum spelta	B, T, S	20; 15	4	7		Prechill at 5° or 10° C. for 5 days, or predry.
Sudangrass—Sorghum vulgare var. sudanense	B, T, S	20–30	4	10	Photos 2447–2452	Prechill at 10° C. for 5 days.
Sunflower (Cult.)—Helianthus annuus	T, B	20–30	3	7		
Sweetclover:						
White—Melilotus alba	B, S	20	4	[1]7	Photos 2374, 2375, 2376, 2381; see par. (b) (11).	
Yellow—Melilotus officinalis	B, S	20	4	[1]7	do	
Sweet vernalgrass—Anthoxathum odoratum	P	20–30	6	14	Light	
Switchgrass—Panicum virgatum	P, TS	15–30	7	28	Light; KNO_3	Prechill at 5° C. for 2 weeks.

[1] Hard seeds often present.

TABLE 2—GERMINATION REQUIREMENTS FOR INDICATED KINDS—Continued

Name of seed	Substrata	Temperature	First count	Final count	Additional directions: Specific requirements and photo numbers	Additional directions: Fresh and dormant seed
Agricultural seed—Continued		°C.	Days	Days		
Timothy—Phleum pratense	P, TB	20–30	5	10	Light; photo 2399; see par. (a) (9)	KNO_3.
Trefoil:						
Big—Lotus uliginosus (L. major)	B	20	5	[1]10		
Birdsfoot—Lotus corniculatus	B	20	5	[1]10	Photos 19531, 19532	
Vaseygrass—Paspalum urvillei	P	20–35	7	21	Light	KNO_3.
Veldtgrass—Ehrharta calycina	P	10–30	7	28	Light	
Velvetbean—Stizolobium deeringianum	T, S, C	20–30	3	[1]14	Photos 19539, 19540	
Velvetgrass—Holcus lanatus	P	20–30	6	14	Light	
Vetch:						
Common—Vicia sativa	T	20	5	[1]10		
Hairy—Vicia villosa	T	20	5	[1]14		
Hungarian—Vicia pannonica	T	20	5	[1]10		
Monantha—Vicia articulata (V. monantha)	T	20	5	[1]10		
Narrowleaf—Vicia angustifolia	T	20	5	[1]14		
Purple—Vicia atropurpurea	T	20	5	[1]10		
Woollypod—Vicia dasycarpa	T	20	5	[1]14		Prechill at 10° C. for 5 days and test at 15° C.
Wheat:						
Common—Triticum aestivum	B, T, S	20;15	4	7	Photos 2507, 2522	Prechill at 5° or 10° C. for 5 days, or predry.
Club—Triticum compactum	B, T, S	20;15	4	7	do	Do.
Durum—Triticum durum	B, T, S	20;15	4	10	do	Do.
Polish—Triticum polonicum	B, T, S	20;15	4	7	do	Do.
Poulard—Triticum turgidum	B, T, S	20;15	4	7	do	Do.
Wheatgrass:						
Fairway crested—Agropyron cristatum	P, TB	20–30	5	14	Light optional	KNO_3 and prechill at 5° or 10° C. for 7 days.
(Alternate method	P, TB	15–25	5	14	do	
Standard crested—Agropyron desertorum	P, TB	20–30	5	14	do	KNO_3 and prechill at 5° or 10° C. for 7 days.
(Alternate method	P, TB	15–25	5	14	do	
Intermediate—Agropyron intermedium	P	20–30	5	28	Light	
Pubescent—Agropyron trichophorum	P	20–30	5	28	do	
Slender—Agropyron trachycaulum	P, TB	20–30	5	14	do	
Tall—Agropyron elongatum	P	20–30	5	21	do	
Western—Agropyron smithii	P, B	15–30	7	28	Light optional	KNO_3 or soil.
Wild rye:						
Canada—Elymus canadensis	P	15–30	7	21	Light	Prechill at 5° C. for 2 weeks.
Russian—Elymus junceus	P	20–30	5	14		
Vegetable seed						
Artichoke—Cynara scolymus	T	20–30	7	21	Photos 19533, 19534	
Asparagus—Asparagus officinalis	T, S	20–30	7	21		
Asparagusbean—Vigna sesquipedalis	T, S	20–30	5	[1]8		
Beans:						
Garden—Phaseolus vulgaris	T, S	20–30;25	5	[1]8	Photos 1834, 1835, 1846, 1854, 1855	
Lima—Phaseolus lunatus var. macrocarpus	T, C, S	20–30	5	[1]9	Photos 2380, 2400, 2401	
Runner—Phaseolus coccineus	T, S	20–30	5	[1]9		
Beet—Beta vulgaris	B, S	20–30	3	14	See par. (b) (3); photos 19557, 19558	
Broadbean—Vicia faba	S, C	20	4	14	See para. (b) (11)	Prechill at 10° C. for 3 days.
Broccoli—Brassica oleracea var. botrytis	B, P	20–30	3	10		Prechill at 5° or 10° C. for 3 days; KNO_3 and light.
Brussels sprouts—Brassica oleracea var. gessifera	B, P	20–30	3	10		Do.
Cabbage—Brassica oleracea var. capitata	B, P	20–30	3	10	Photos 19551, 19552	Do.
Cabbage, Chinese—Brassica pekinensis	B	20–30	3	7		
Cardoon—Cynara cardunculus	T	20–30	7	21	Photos 19547, 19548	
Carrot—Daucus carota	B	20–30	6	21	Photo 19561	
Cauliflower—Brassica oleracea var. botrytis	B, P	20–30	3	10		Prechill at 5° or 10° C. for 3 days; KNO_3 and light.
Celeriac—Apium graveolens var. rapaceum	P, TB	10–20;20	10	21	Light at 20° C. constant; see par. (a) (9).	
Celery—Apium graveolens var. dulce	P, TB	10–20;20	10	21	do	KNO_3 and prechill at 10° C. for 3 days.
Chard, Swiss—Beta vulgaris var. cicla	B, S	20–30	3	14	See par. (b) (3)	
Chicory—Cichorium intybus	P, TS	20–30	5	14	Light; KNO_3 or soil; photo 2504; see par. (a) (9).	
Citron—Citrullus vulgaris	T	20–30	7	14	Soak seeds 6 hours	Test at 30° C.
Collards—Brassica oleracea var. acephala	B, P	20–30	3	10		Prechill at 5° or 10° C. for 3 days; KNO_3 and light.
Corn, sweet—Zea mays	T, S	20–30; 25	4	7	Photos 2510–2512, 2514	
Cornsalad (Fetticus)—Valerianella locusta var. olitoria.	B	20	7	28		Test at 10° or 15° C.
Cowpea—Vigna sinensis	T, S	20–30	5	[1]8	Photos 1989, 1990, 2377	
Cress:						
Garden—Lepidium sativum	B, P	20	4	10		Test at 15° C. and light.
Water—Rorippa nasturtium-aquaticum	P	20–30	4	14	Light	
Cucumber—Cucumis sativus	B, T, S	20–30	3	7	Keep substratum on dry side; see par. (a) (3); photos 19555, 19536.	
Dandelion—Taraxacum officinale	P, TB	20–30	7	21	Light; see par. (a) (9)	
Eggplant—Solanum melongena var. esculentum	P, TB, RB	20–30	7	14		Light; KNO_3.
Endive—Cichorium endivia	P, TS	20–30	5	14	Light; KNO_3 or soil	See pars. (a) (9) and (b) (6).
Kale—Brassica oleracea var. acephala	B, P	20–30	3	10		Prechill at 5° or 10° C. for 3 days; KNO_3 and light.
Kale, Chinese—Brassica oleracea var. alboglabra	P, B	20–30	3	10		Light; KNO_3; Prechill at 5° or 10° C. for 3 days.
Kohlrabi—Brassica oleracea var. gongylodes	B, P	20–30	3	10		Prechill at 5° or 10° C. for 3 days; KNO_3 and light.
Leek—Allium porrum	B	20	6	14		
Lettuce—Lactuca sativa	P	20	none	7	Light for at least ½ hour [par. (b)(7)]; photos 2417, 2418, 19559, 19560.	Prechill at 10° C. for 3 days or test at 15° C.
Muskmelon (cantaloup)—Cucumis melo	B, T, S	20–30	4	10	Keep substratum on dry side [par. (a) (3)].	
Mustard—Brassica juncea	P	20–30	3	7	Light	Prechill at 10° C. for 7 days and test for 5 additional days; KNO_3.
Mustard, spinach—Brassica perviridis	B	20–30	3	7		
Okra—Hibiscus esculentus	T	20–30	4	[1]14	Photos 19543, 19544	
Onion—Allium cepa	B	20	6	10	Photos 1962, 2253, 2254, 2328, 2330, 2340, 2341, 2469.	
(Alternate method	S	20	6	12)		
Onion, Welsh—Allium fistulosum	B	20	6	10		
Pak-choi—Brassica chinensis	B	20–30	3	7		
Parsley—Petroselinum hortense (P. crispum)	B, TS	20–30	11	28		

[1] Hard seeds often present.

TABLE 2—GERMINATION REQUIREMENTS FOR INDICATED KINDS—Continued

Name of seed	Substrata	Temperature	First count	Final count	Additional directions: Specific requirements and photo numbers	Additional directions: Fresh and dormant seed
Vegetable seed—Continued		°C.	Days	Days		
Parsnip—Pastinaca sativa	B, TS	20–30	6	28		
Pea—Pisum sativum	T, S	20	5	1 8	Photos 2492, 2498–2500	Light and KNO_3.
Pepper—Capsicum spp	P, TB, RB	20–30	6	14		
Pumpkin—Cucurbita pepo	T, S	20–30	4	7	Keep substratum on dry side [par. (a) (3)].	
Radish—Raphanus sativus	B	20	4	6	Photos 2554, 19555, 19556	
Rhubarb—Rheum rhaponticum	TB, TS	20–30	7	21	Light	
Rutabaga—Brassica napus var. napobrassica	B	20–30	3	14		Prechill at 10° C. for 3 days.
Salsify—Tragopogon porrifolius	T	20	5	10		Test at 15° C.
Sorrel—Rumex acetosa	P, TB, TS	20–30	3	14	Light	
Soybean—Glycine max	T, S	20–30; 25	5	1 8	Photos 2371, 2372, 2378	
Spinach—Spinacia oleracea	TB	15; 10	7	21	Keep substratum on dry side [par. (a) (3)].	
Spinach, New Zealand—Tetragonia expansa	TS	10–30	5	28	Keep substratum on dry side [par. (a) (3)].	
(Alternate method	B	15	5	21	Remove pulp from "seeds").	
Squash—Cucurbita moschata and C. maxima	T, S	20–30	4	7	Keep substratum on dry side [par. (a) (3)]; photos 19537, 19538.	
Tomato—Lycopersicon esculentum	B, P, RB	20–30	5	14	Photo 2513	Light; KNO_3.
Tomato, husk—Physalis pubescens	P, TB	20–30	7	28	Light; KNO_3	
Turnip—Brassica rapa	B	20–30	3	7		
Watermelon—Citrullus vulgaris	T, S	20–30; 15	4	14	Keep substratum on dry side [par. (a) (3)].	Test at 30° C.

[1] Hard seeds often present.

30. Section 201.65 is renumbered as § 201.58a and amended as follows:

a. In the formula for "percent perennial ryegrass" in paragraph (a), "percent fluorescence + percent nonfluorescence" is deleted and "percent germination" is substituted therefor.

b. Paragraph (b) is amended to read:

(b) *Sweetclover.* In determining the percentage of yellow blossom biennial sweetclover in a mixture of yellow and white blossom biennial sweetclover, at least 400 seeds shall be examined to determine the percentage of mottled seed. The percentage of mottled seed shall be multiplied by four and this product multiplied by the percentage of sweetclover in the sample. The product shall be construed as representing the percentage of yellow blossom sweetclover.

31. Section 201.66 is renumbered as § 201.58b.

32. In § 201.59 the first two words in the first sentence, and the entire second sentence, are deleted, and the following is added to the section: "Tolerances for purity percentages and germination percentages provided for in §§ 201.60 and 201.61 shall be determined from the mean of (a) the results being compared, or (b) the result found by test and the figures shown on a label, or (c) the result found by test and a standard. All other tolerances, including tolerances for pure-live seed, tolerances for pure seed based on 400- to 1000-seed tests, and tolerances for field and greenhouse tests for determination of kind, variety, or type shall be determined from the result or results found in the administration of the act."

33. Section 201.60 is amended as follows:

a. The first sentence in the second undesignated paragraph is amended to read: "An additional tolerance shall be allowed for the following kinds of seeds (a) when any one kind constitutes the principal component of the sample, (b) in mixtures containing these kinds, singly or combined, in excess of 50 percent of the whole, and (c) in mixed and unmixed seeds wherein the chaffy seed plus the empty florets and/or spikelets exceed 50 percent of the sample."

b. The following are added to the list of subject kinds of seed: "Buffelgrass, Hairy intermediate wheatgrass, Intermediate wheatgrass, Tall wheatgrass, and Veldtgrass."

34. Section 201.64a is renumbered as § 201.61, and the section heading and the first sentence are amended to read as follows:

§ 201.61 *Pure seed percentages based on 400- to 1000-seed tests.* Tolerances for pure seed percentages based on 400- to 1000-seed separations and fluorescence tests shall be: (a) Those set forth in the following table plus (b) one-half the regular pure seed tolerances determined in accordance with § 201.60. The sum of these two tolerances shall be applied to the result or results obtained in the administration of the act.

[Tolerance]

Percentage purity found by test [1]	Number of plants— 50–74	75–99	100–149	150–199	200–249	250–299	300–349	350–399	400–799	800 or more
	Tolerance in percent									
95–100	10.0	9.5	8.5	8.0	7.5	7.0	6.5	6.0	5.5	5.0
90–94	10.5	10.0	9.0	8.5	8.0	7.5	7.0	6.5	6.0	5.5
85–89	11.0	10.5	9.5	9.0	8.5	8.0	7.5	7.0	6.5	6.0
80–84	11.5	11.0	10.0	9.5	9.0	8.5	8.0	7.5	7.0	6.5
75–79	12.0	11.5	10.5	10.0	9.5	9.0	8.5	8.0	7.5	7.0
70–74	12.5	12.0	11.0	10.5	10.0	9.5	9.0	8.5	8.0	7.5
65–69	13.0	12.5	11.5	11.0	10.5	10.0	9.5	9.0	8.5	8.0
60–64	13.5	13.0	12.0	11.5	11.0	10.5	10.0	9.5	9.0	8.5
55–59	14.0	13.5	12.5	12.0	11.5	11.0	10.5	10.0	9.5	9.0
50–54	14.5	14.0	13.0	12.5	12.0	11.5	11.0	10.5	10.0	9.5

[1] The tolerance for any value below 50 percent is the tolerance on the difference between 100 percent and the figure for which the tolerance is being determined. Thus, the tolerance on 45 percent for 400 plants would be: 100−45=55; tolerance equals 9.5 percent.

35. A new § 201.62 is added to read as follows:

§ 201.62 *Field and greenhouse tests for determination of kind, variety, or type.* The following table of tolerances shall be used for field and greenhouse tests for determination of kind and variety:

36. Section 201.61 is renumbered as § 201.63; and the heading "Found by test" therein is deleted, and the following is substituted therefor: "Mean (See § 201.59)"

37. Present §§ 201.62, 201.63, and 201.64 are renumbered as §§ 201.64, 201.65, and 201.66, respectively.

38. In the list in § 201.101 the following are inserted in the proper alphabetical order:

Castorbean.
Lettuce.
Rape, winter.
Safflower.
Sesame.

39. Section 201.102 is amended by adding to the tabulation in proper alphabetical order the following names and percentages:

Bluestem, yellow	25
Buffelgrass	50
Lovegrass, sand	50
Veldtgrass	35
Wild-rye, Russian	60

40. Section 201.107 is amended as follows:

a. In paragraph (a) "Piperaceae—Pepper" is added to the list of plant families in proper alphabetical order.

b. In paragraph (b) the following are added to the list of incidental weed seeds in proper alphabetical order:

Alfilería—Erodium cicutarium (L.) L'Her.
Beggarweed—Desmodium tortuosum (Sev.) DC.
Bluegrass, annual—Poa, annua L.
Burnet, little—Sanguisorba minor Scop.
Dichondra—Dichondra repens Forst.
Sesbania—Sesbania exaltata (Raf.) Torr.

[F. R. Doc. 55–8446; Filed, Oct. 20, 1955; 8:45 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 505—SPECIFIC PROHIBITIONS

REGULATION RESTRICTING TRANSFER OF SHARES OF STOCK VESTED AND SOLD BY OFFICE OF ALIEN PROPERTY

Section 505.10 of the Rules of the Office of Alien Property provides that certain corporations in which stock has been vested pursuant to the Trading With the Enemy Act, as amended (50 U. S. C. App. 1 et seq.), may be designated "key corporations" and that the vested stock, after sale thereof by the Attorney General, may be owned or held only by American nationals as there defined. Section 505.10 (g) provides that key corporations shall report at least annually to this Office the names and addresses of the record holders of the vested stock. It has been found that annual reporting is not necessary to enforce the provisions of § 505.10, that the other provisions of § 505.10 (g) requiring key corporations and record holders to submit information on ownership on request are adequate and that § 505.10 (g) should be amended to conform to such findings. It is hereby found that the following amendment will relieve existing reporting requirements and that notice, hearing and suspension of applicability are unnecessary. Accordingly, § 505.10 (g) is hereby amended to read as follows:

§ 505.10 *Regulation restricting the transfer of shares of stock vested, and sold by the Office of Alien Property.* • • •

(g) Each key corporation shall, when requested by the Director, Office of Alien Property, furnish to the Director, Office of Alien Property, a list of the names and addresses of the holders of record of its outstanding vested stock. Whenever requested by the Director, Office of Alien Property, each holder of record of vested stock shall furnish to the Director, Office of Alien Property, the name and address of the beneficial owner or owners of the stock so held of record by such person.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5. E. O. 9193, 7 F. R. 5205; 3 CFR, 1943 Cum. Supp.)

Executed at Washington, D. C., on October 14, 1955.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 55–8525; Filed, Oct. 20, 1955; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6381]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WALDBAUM, CIPES, INC., ET AL.

Subpart—*Importing, selling, or transporting flammable wear:* [1] § 13.1057 *Importing, selling, or transporting flammable wear.*[1] Directly or through any corporate or other device: (1) (a) Importing into the United States; or (b) selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or (c) transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce; any article of wearing apparel, which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets ar applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111; 15 U. S. C. 45, 1191) [Cease and desist order, Waldbaum, Cipes, Inc., et al., New York, N. Y., Docket 6381, September 20, 1955]

In the Matter of Waldbaum, Cipes, Inc., a Corporation, and Jay Cipes and Sidney Waldbaum, Individually and as Officers of Said Corporation

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission which charged respondents with having violated the Flammable Fabrics Act and the rules and regulations issued thereunder, and the Federal Trade Commission Act, through importing into the United States, selling, and transporting flammable silk scarves manufactured in Japan; and a consent order entered into by respondents disposing of all the issues in the proceeding without hearing.

Respondents, pursuant to aforesaid agreement, admitted all the jurisdictional allegations of the complaint and agreed that the record might be taken as if findings of facts had been duly made in accordance with such allegations; waived all further procedural steps before the hearing examiner or the Commission, including the making of findings of fact or conclusions of law and the right to challenge or contest the validity of the order to cease and desist entered into in accordance therewith; agreed that the record in the proceeding consisted solely of the complaint and said agreement, and that said agreement was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged.

Thereafter, the proceeding having come on for final consideration by the hearing examiner on the complaint and the aforesaid agreement, said hearing examiner made his initial decision in which he set forth the aforesaid matters; his conclusion that said agreement provided for an appropriate disposition of the proceeding; his acceptance of the agreement which he ordered filed as part of the record; his findings that the Federal Trade Commission had jurisdiction of the subject matter and the respondents hereinabove named, that the complaint stated a cause of action against respondents under the Flammable Fabrics Act and the Federal Trade Commission Act, and that the proceeding was in the public interest; and in which he set forth his order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 20, 1955, became, on said date, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That the respondent Waldbaum, Cipes, Inc., a corporation, and Jay Cipes and Sidney Waldbaum, individually and as officers of the said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from: (a) Importing into the United States; or (b) selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or (c) transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce; any article of wearing apparel, which, under the provisions of Section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 20, 1955.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 55–8514; Filed, Oct. 20, 1955; 8:45 a. m.]

[1] New.

[Docket 6309]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BENEFICIAL STANDARD LIFE INSURANCE CO.

Subpart—*Advertising falsely or misleadingly:* § 13.260 *Terms and conditions;* § 13.275 *Undertakings, in general.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.2080 *Terms and conditions;* § 13.2090

Undertakings, in general. In connection with the offering for sale, sale, and distribution in commerce, of any accident, health, hospital, or surgical insurance policy, representing, directly or by implication: (1) That said insurance policy may be continued in effect indefinitely or for any period of time, when, in fact, said policy provides that it may be cancelled by respondent or terminated under any circumstances over which insured has no control, during the period of time represented; (2) that no medical examination is required or that applicant's health is not a factor in securing insurance, unless the representation is clearly and conspicuously limited in immediate connection therewith to insurance on claims not caused by previous conditions of health of the insured; (3) that said policy provides for indemnification to insured in cases of sickness or accident generally or in any or all cases of sickness or accident, when such is not the fact; (4) that said policy provides a monthly or other cash benefit to insured, when disabled by sickness or accident, for a longer period of time or in a larger amount than is in fact provided; (5) that said policy provides for the payment of certain benefits in addition to other benefits when such is not the fact; (6) that said policy will pay in full or in any specified amount or will pay up to any specified amount for any medical, surgical, or hospital service unless the policy provides that the actual cost to the insured for that service will be paid in all cases up to the amount represented; and (7) that said policy provides indemnification for losses caused by accident or sickness immediately upon the effective date of said policy when such is not the fact; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Beneficial Standard Life Insurance Company, Los Angeles, Calif., Docket 6309, September 29, 1955]

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission which charged respondent with violation of the Federal Trade Commission Act by falsely and deceptively advertising the indemnification for losses resulting from accident or injury and sickness, provided by insurance policies which it issued; and upon a Stipulation for Consent Order entered into between respondent and counsel supporting the complaint, which was approved by the Director, Bureau of Litigation.

Said stipulation provided, among other things, that respondent admitted all the jurisdictional allegations set forth in the complaint and that the record therein might be taken as if findings of jurisdictional facts had been made in accordance with such allegations; that the stipulation, together with the complaint, should constitute the entire record in the matter; that the complaint might be used in construing the order agreed upon, which might be altered, modified, or set aside in the manner provided by statute for orders of the Commission; that the signing of the stipulation was for settlement purposes only and did not constitute an admission by respondent that it had violated the law as alleged; and that the order provided for in the stipulation and included in the decision should have the same force and effect as if made after a full hearing, presentation of evidence and findings and conclusions thereon.

All parties further waived the filing of answer, hearing before a hearing examiner or the Commission, the making of findings of fact or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission, and all other procedure before the hearing examiner and the Commission to which respondent might be entitled under the Federal Trade Commission Act and the Rules of Practice of the Commission, including any and all right, power, or privilege to challenge or contest the validity of the order entered in accordance with the stipulation.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters, found that the order agreed upon conformed to that contained in the "Notice" portion of the complaint, except for the omission therefrom of the provision "(B) Misrepresenting in any other manner or by any other means the terms or provisions of said insurance policies", and disposed of all the issues raised in the complaint, accordingly accepted the Stipulation for Consent Order, found the proceeding to be in the public interest, and issued his order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 23, 1955, became, on September 29, 1955, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That the Beneficial Standard Life Insurance Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any accident, health, hospital or surgical insurance policy, do forthwith cease and desist from representing, directly or by implication:

1. That said insurance policy may be continued in effect indefinitely or for any period of time, when, in fact, said policy provides that it may be cancelled by respondent or terminated under any circumstances over which insured has no control, during the period of time represented;

2. That no medical examination is required or that applicant's health is not a factor in securing insurance, unless the representation is clearly and conspicuously limited in immediate connection therewith to insurance on claims not caused by previous conditions of health of the insured;

3. That said policy provides for indemnification to insured in cases of sickness or accident generally or in any or all cases of sickness or accident, when such is not the fact;

4. That said policy provides a monthly or other cash benefit to insured, when disabled by sickness or accident, for a longer period of time or in a larger amount than is in fact provided;

5. That said policy provides for the payment of certain benefits in addition to other benefits when such is not the fact;

6. That said policy will pay in full or in any specified amount or will pay up to any specified amount for any medical, surgical or hospital service unless the policy provides that the actual cost to the insured for that service will be paid in all cases up to the amount represented;

7. That said policy provides indemnification for losses caused by accident or sickness immediately upon the effective date of said policy when such is not the fact.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Beneficial Standard Life Insurance Company, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 23, 1955.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 55-8515; Filed, Oct. 20, 1955; 8:45 a. m.]

[Docket 6284]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DUMAS OF CALIFORNIA, INC., AND HERBERT BASS

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition: Wool Products Labeling Act:* § 13.1325 *Source or origin:* Maker or seller, etc.: *Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act: § 13.1900 *Source or origin:* Wool Products Labeling Act. In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, of ladies' coats or other "wool products", which contain, purport to contain, or in any manner are represented as containing "wool", "reprocessed wool", or "reused wool", misbranding said products by: 1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers included therein; 2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; and 3. Misrepresenting in any manner the true character and amount of the constituent fibers used in the manufacture of such wool products, or the representative percentage of the various fibers contained therein; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68c) [Cease and desist order, Dumas of California, Inc., et al., Los Angeles, Calif., Docket 6284, September 22, 1955]

In the Matter of Dumas of California, Inc., a Corporation, and Herbert Bass, Individually and as an Officer of Said Corporation

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission which charged respondents with having violated the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and the Federal Trade Commission Act, through the misbranding of certain wool products, including ladies' coats which did not contain vicuna, wool, and cashmere in the amounts stated on labels, and other ladies' coats which were not tagged as required; and upon an agreement for consent order approved by the Director of the Commission's Bureau of Litigation providing for the full disposition of the proceeding without hearing. After submission of said agreement, counsel for respondents was permitted to make a statement for the record in explanation of the circumstances surrounding the particular violations charged, and counsel's remarks were received with the understanding that they did not constitute an admission concerning any of the substantive allegations of the complaint and did not impair the effectiveness of aforesaid agreement and order therein provided for.

The aforesaid agreement provided that respondents withdrew their answer, which they had filed after service of the complaint, admitted all the jurisdictional allegations and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations; provided further that all parties expressly waived a hearing before the hearing examiner or the Commission, and all further procedure to which they might be entitled under the Federal Trade Commission Act or the Commission's rules of practice; provided that the order to cease and desist issued in accordance with said agreement should have the same force and effect as if made after a full hearing, and that respondents specifically waived any and all right, power, or privilege to challenge or contest the validity of said order; that the complaint might be used in construing the terms of the order provided for in said agreement; and that the signing of said agreement was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged.

Thereafter, the proceeding having come on for final consideration by said hearing examiner on the complaint and the aforesaid agreement for consent order, said hearing examiner made his initial decision in which he set forth the aforesaid matters; his conclusion that said agreement provided for an appropriate disposition of the proceeding; his acceptance of said agreement which he ordered filed as a part of the record in the matter; and his findings for jurisdictional purposes with respect to said respondents, and the jurisdiction of the Commission over the subject matter of the proceeding and over said respondents; and including his findings that the complaint stated a cause of action against respondents under the aforesaid acts and was in the interest of the public; and in which he set forth order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 22, 1955, became, on said date, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent Dumas of California, Inc., a corporation; respondent Herbert Bass, individually and as an officer of said corporation; and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of ladies' coats or other "wool products," as such products are defined in and are subject to the said Wool Products Labeling Act of 1939; which products contain, purport to contain, or in any manner are represented as containing "wool," "reprocessed wool" or "reused wool" as such terms are defined in said Act, do forthwith cease and desist from misbranding said products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Misrepresenting in any manner the true character and amount of the constituent fibers used in the manufacture of such wool products, or the representative percentage of the various fibers contained therein:

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further,* That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 22, 1955.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 55-8516; Filed, Oct. 20, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1228]

IDAHO

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF THE FOREST SERVICE AS ADMINISTRATIVE SITES, RECREATION AREAS, OR FOR OTHER PUBLIC PURPOSES

Correction

In F. R. Document 55–7925, appearing in the issue for Saturday, October 1, 1955, at page 7335, make the following change under (Idaho 05282), Big Creek Forest Camp: In lines 3 and 4, the land description referred to as "E½E½NW¼ NE¼NE¼SW¼" should read "E½E½ NW¼NE¼SW¼".

[Public Land Order 1230]

NEW MEXICO

RESERVING LANDS WITHIN APACHE NATIONAL FOREST FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES, CAMP SITES, LOOKOUTS, AND ROADSIDE ZONES

Correction

In F. R. Document 55–7927, appearing in the issue for Saturday, October 1, 1955, at page 7337, make the following changes for New Mexico State Highway No. 12 Roadside Zone: In the legal subdivisions, line 5 should read "T. 5 S., R. 16 W.," and line 7 should read "T. 5 S., R. 17 W.,".

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

PARTIALLY CREAMED COTTAGE CHEESE

On August 23, 1955, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 6141) setting forth a proposal to adopt a definition and standard of identity for a food to be designated as "partially creamed cottage cheese." The notice allowed 30 days for interested persons to submit in writing their views on the proposal.

Upon consideration of the views presented and other relevant information, it is concluded that it would not promote honesty and fair dealing in the interest of consumers to adopt the definition and standard of identity proposed for a food to be designated partially creamed cottage cheese.

Therefore, pursuant to the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341) and the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (20 F. R. 1996):

It is ordered, That the definition and standard of identity proposed for partially creamed cottage cheese be not adopted.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day following the date of the publication of this order in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections. Objections shall show wherein the person filing will be adversely affected by the order, shall specify the provisions of order deemed objectionable and grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

If a public hearing is to be held upon objections to this order, an appropriate notice will be published in the FEDERAL REGISTER.

Dated: October 17, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55–8527; Filed, Oct. 20, 1955; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Regs. Draft Release 68E]

REVISED UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

SUPPLEMENTAL NOTICE OF RULE MAKING AND ORAL ARGUMENT THEREON

OCTOBER 18, 1955.

By notice dated September 20, 1955 (Economic Regulations Draft Release No. 68D), published in the FEDERAL REGISTER on September 22, 1955 (20 F. R. 7111), the Board gave notice that it had under consideration modification of a previously proposed amendment to the accounting and reporting requirements of Part 241 of the Economic Regulations (14 CFR Part 241) published as Draft Release No. 68, dated July 6, 1954. Reference is made to the former notice for the terms of the proposed amendment and further explanation thereof. Copies of Draft Release No. 68D may be obtained from the Secretary, Civil Aeronautics Board, Washington 25, D. C.

The Air Transport Association of America, writing on behalf of itself and its members, has requested that the Board provide an opportunity for the oral presentation of views concerning the proposed rule. It has also requested that the Board extend the date presently set for return of comments. The Board finds that it would be in the public interest to grant these requests. Accordingly, notice is hereby given that consideration of the proposed rule has been set down for oral argument at 10:00 a. m., e. s. t., November 7, 1955, in Room 5042, Department of Commerce Building, Washington, D. C., and that written comments may be filed before or upon November 7, 1955. Oral argument will be limited to one full day. Those desiring to be heard are requested to inform F. W. Brown, Chief Hearing Examiner, Civil Aeronautics Board, prior to October 31, 1955, indicating the amount of time desired.

Oral presentation may be in addition to, or in lieu of, written submission pursuant to the previous notice (Draft Release No. 68D), which is hereby amended to provide that all relevant material in communications received on or before November 7, 1955, will be considered by the Board before taking final action on the proposed rule.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 407, 52 Stat. 1000; 49 U. S. C. 487)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55–8530; Filed, Oct. 20, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

J. E. LOWDEN AND I. FRAZIER CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8049 between two freight forwarders—J. E. Lowden, with an office in San Francisco, California, and I. Frazier Company, with offices in Seattle, Washington, and Portland, Oregon, provides that each of the parties at his respective office or offices upon request by the other party will prepare and process all documents for ocean export shipments and perform all the functions required in clearing such shipments through U. S. Customs and such other services as the other party may require.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 17, 1955.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55–8510; Filed, Oct. 20, 1955; 8:45 a. m.]

Maritime Administration

TRADE ROUTE 14; U. S. ATLANTIC AND GULF/WEST COAST AFRICA

ESSENTIALITY AND U. S. FLAG SERVICE REQUIREMENTS; CONCLUSIONS AND DETERMINATIONS

Notice is hereby given that on October 13, 1955, the Maritime Administrator, acting pursuant to § 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 14 and, in accordance with his action of October 29, 1954, ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

1. Trade Route No. 14, as described below, is reaffirmed as an essential United States foreign trade route with no change in the United States and foreign areas served: Trade Route No. 14—U. S. Atlantic and Gulf/West Coast Africa; between U. S. Atlantic and Gulf ports (Maine-Texas, incl.) and ports on the West Coast of Africa from the southern border of French Morocco to the southern border of Angola, including Madeira, Canary, Cape Verde and other islands adjacent to the West African coast.

2. United States flag sailing requirements for Service No. 1 of Trade Route No. 14 (from U. S. Atlantic ports to the foreign areas above described) are approximately two freighter sailings per month. The C–2 type freight vessels presently being used on this service are suitable for operation thereon. Five such vessels are required to serve this portion of the route adequately under present circumstances.

3. United States flag sailing requirements for Service No. 2 of Trade Route No. 14 (from U. S. Gulf ports to the foreign areas above described) are between one and two freighter sailings per month. The C1–A type freight vessels presently being used on this service are suitable for operation thereon. Four such vessels are required to serve this portion of the route adequately under present circumstances.

Any person, firm, or corporation having any interest in the foregoing who desires to offer comments and views thereon should submit same in writing to the Secretary, Maritime Administration, Department of Commerce, Washington 25, D. C., within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: October 17, 1955.

By order of the Maritime Administrator.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55–8509; Filed, Oct. 20, 1955; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 18, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31199: *Petroleum and products—Roseport, Minn., to Minnesota.* Filed by P. A. Walsh, Agent, for interested rail carriers. Rates on petroleum and petroleum products, carloads from Roseport, Minn., to points in Minnesota.

Grounds for relief: Intrastate competition and circuity.

Tariff: Supplement 6 to Agent Walsh's I. C. C. No. 1.

FSA No. 31200: *Artificial rubber—Baton Rouge, La., to Iowa.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on artificial rubber and related commodities, carloads from Baton Rouge and North Baton Rouge, La., to Des Moines and Highland Park, Iowa.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 136 to Agent Marque's I. C. C. 417.

FSA No. 31201: *Manufactured tobacco—North Carolina and Virginia to Florida.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on manufactured tobacco articles, carloads from Durham, Greensboro, Reidsville and Winston-Salem, N. C., and Petersburg and Richmond, Va., to Bartow, Miami, and West Palm Beach, Fla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 140 to Agents Spaninger's I. C. C. 1251.

FSA No. 31202: *Catalogues—Chicago, Ill., to Charlottesville, Va., and Charleston, W. Va.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on catalogues and catalogue sections, carloads from Chicago, Ill., to Charlottesville, Va., and Charleston, W. Va.

Grounds for relief: Circuitous routes.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55–8521; Filed, Oct. 20, 1955; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[Notice 3 of Requirement of Certification—1955]

ENTRY OF SUGAR OR LIQUID SUGAR FROM CUBA INTO CONTINENTAL UNITED STATES

REQUIREMENTS AND QUOTAS

Pursuant to § 817.4 of this part (7 CFR Part 817) (13 F. R. 127; 14 F. R. 1169; 16 F. R. 12847), notice is hereby given that the 1955 sugar quota for Cuba, amounting to 2,763,840 short tons of sugar, raw value, has been filled to the extent of 80 per centum or more.

Accordingly, pursuant to § 817.4 of this part, after the close of business on October 21, 1955, and for the remainder of the calendar year 1955, entry into the continental United States from Cuba of any sugar may not be made unless and until the certification described in § 817.4 (a) is issued to the Collector of Customs.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153, 13 F. R. 127, 14 F. R. 1169, 16 F. R. 12847)

Issued this 14th day of October 1955.

[SEAL] THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 55–8529; Filed, Oct. 20, 1955; 8:47 a. m.]

POST OFFICE DEPARTMENT

REGIONAL REAL ESTATE MANAGERS

REDELEGATION OF AUTHORITY WITH RESPECT TO LEASES

The following is the text of various orders of the Assistant Postmaster General, Bureau of Facilities:

[Order No. 82]

AUGUST 24, 1955.

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Ben A. Brock, Regional Real Estate Manager, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of Arizona, Colorado, New Mexico, Utah and Wyoming.

(B) This order shall be effective September 1, 1955.

(C) This supersedes and cancels Order No. 53, dated March 23, 1955 (20 F. R. 2206).

[Order No. 83]

AUGUST 24, 1955.

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Arthur C. Chandler, Regional Real Estate Manager, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of Idaho, Montana, Oregon, Washington, and the Territory of Alaska.

(B) This order shall be effective September 1, 1955.

(C) This supersedes and cancels Order No. 55, dated March 23, 1955 (20 F. R. 2206).

[Order No. 85]

AUGUST 24, 1955.

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Frank A. Gilbert, Regional Real Estate Manager, Bureau of Facilities, to take final action, in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of Illinois and Michigan (except the Northern Peninsula).

(B) The authority delegated by this order shall be exercised by the Regional Real Estate Manager covered only with respect to the procurement of space for postal purposes in the States of Illinois and Michigan (except the Northern Peninsula).

(C) This order, with the exception of paragraph (B), shall be effective September 1, 1955. Paragraph (B) shall be effective October 1, 1955. Until October 1, 1955, the Regional Real Estate Manager covered by this order shall continue to exercise his delegated authority only with respect to the procurement of space for postal purposes in the States of Illinois (except Henry, Rock Island, and Whiteside Counties), Michigan, Wisconsin, and Lake County in the State of Indiana.

(D) This supersedes and cancels Order No. 54, dated March 23, 1955 (20 F. R. 2206).

[Order No. 84]

AUGUST 24, 1955.

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (F. R. 6169), authority is hereby delegated to Harold L. Duncan, Regional Real Estate Manager, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of Arkansas, Iowa, and Missouri.

(B) This order shall be effective September 1, 1955.

(C) This supersedes and cancels Order No. 56, dated March 23, 1955 (20 F. R. 2206).

[Order No. 86]

AUGUST 24, 1955.

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Thomas G. Jay, Regional Real Estate Manager, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of Kansas, Nebraska and Oklahoma.

(C) This order, with the exception of paragraph (B), shall be effective September 1, 1955. Paragraph (B) shall be effective October 1, 1955. Until October 1, 1955, the Regional Real Estate Manager covered by this order shall continue to exercise his delegated authority only with respect to the procurement of space for postal purposes in the States of Kansas, Nebraska, Oklahoma, and the City of Kansas City in the State of Missouri.

(D) This supersedes and cancels Order No. 57, dated March 23, 1955 (20 F. R. 2206).

[Order No. 87]

AUGUST 24, 1955.

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Robert W. Jones, Regional Real Estate Manager, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of Paragraphs 3 and 6 of this order;

in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

(B) This order shall be effective September 1, 1955.

(C) This supersedes and cancels Order No. 58, dated March 23, 1955 (20 F. R. 2206).

[Order No. 88]

AUGUST 24, 1955.

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954, (19 F. R. 6169), authority is hereby delegated to John W. Meinhart, Regional Real Estate Manager, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of Indiana, Kentucky, and Ohio.

(B) The authority delegated by this order shall be exercised by the Regional Real Estate Manager covered only with respect to the procurement of space for postal purposes in the States of Indiana, Kentucky, and Ohio.

(C) This order, with the exception of paragraph (B), shall be effective September 1, 1955. Paragraph (B) shall be effective October 1, 1955. Until October 1, 1955, the Regional Real Estate Manager covered by this order shall continue to exercise his delegated authority only with respect to the States of Indiana (except Lake County), Kentucky, and Ohio.

(D) This supersedes and cancels Order No. 59, dated March 23, 1955 (20 F. R. 2206).

[Order No. 89]

AUGUST 24, 1955.

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Arthur J. Parsons, Regional Real Estate Manager, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of Paragraphs 3 and 6 of this order;

in the States of Pennsylvania, New Jersey (except Hudson and Bergen Counties), and Newcastle County in the State of Delaware.

(B) This order shall be effective September 1, 1955.

(C) This supersedes and cancels Order No. 60, dated March 23, 1955 (20 F. R. 2206).

[Order No. 90]

AUGUST 24, 1955.

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Lloyd A. Sifford, Jr., Regional Real Estate Manager, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of Paragraphs 3 and 6 of this order;

in the States of Florida, Georgia, North Carolina and South Carolina and Puerto Rico and the Virgin Islands.

(B) This order shall be effective September 1, 1955.

(C) This supersedes and cancels Order No. 61, dated March 23, 1955 (20 F. R. 2206).

[Order No. 91]

AUGUST 24, 1955.

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to John K. Witherspoon, Regional Real Estate Manager, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of Paragraphs 3 and 6 of this order;

in the States of Alabama, Mississippi and Tennessee.

(B) This order shall be effective September 1, 1955.

(C) This supersedes and cancels Order No. 62, dated March 23, 1955 (20 F. R. 2206).

[Order No. 92]

AUGUST 24, 1955.

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Harold J. Cooke, Regional Real Estate Manager, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of California and Nevada, the Territory of Hawaii, Somoa, Guam, Canton Island, Caroline Islands, Mariana Islands, Marshall Islands, and Wake Island.

(B) This order shall be effective September 1, 1955.

(C) This supersedes and cancels Order No. 63, dated March 23, 1955 (20 F. R. 2206).

[Order 93]

AUGUST 24, 1955.

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Arba P. Dewitt, Regional Real Estate Manager, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of Louisiana and Texas.

(B) This order shall be effective September 1, 1955.

(C) This supersedes and cancels Order No. 64, dated March 23, 1955 (20 F. R. 2206)

[Order No. 94]

AUGUST 24, 1955.

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to James M. Murphy, Regional Real Estate Manager, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order.

(B) The authority delegated by this order shall be exercised by the Regional Real Estate Manager covered only with respect to the procurement of space for postal purposes in the States of Minnesota, North Dakota, South Dakota, Wisconsin, and the Northern Peninsula of the State of Michigan.

(C) This order, with the exception of paragraph (B), shall be effective September 1, 1955. Paragraph (B) shall be effective October 1, 1955. Until October 1, 1955, the Regional Real Estate Manager covered by this Order shall continue to exercise his delegated authority only with respect to the States of Minnesota, North Dakota and South Dakota.

(D) This supersedes and cancels Order No. 65, dated March 23, 1955 (20 F. R. 2206).

[Order No. 95]

AUGUST 24, 1955.

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Henry A. Kresse, Acting Regional Real Estate Manager, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the State of New York, and Hudson and Bergen Counties in the State of New Jersey.

(B) This order shall be effective September 1, 1955.

(C) This supersedes and cancels Order No. 66, dated March 23, 1955 (20 F. R. 2206).

[Order No. 96]

AUGUST 24, 1955.

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to H. Brooks Perring, Acting Regional Real Estate Manager, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the District of Columbia and the States of Maryland, Virginia and West Virginia and Kent and Sussex Counties in the State of Delaware.

(B) This order shall be effective September 1, 1955.

(C) This supersedes and cancels Order No. 67, dated March 23, 1955 (20 F. R. 2206).

[Order No. 97]

AUGUST 24, 1955.

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Charles H. Carle, Chief, Post Office Quarters Section, Bureau of Facil-

ities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) where the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order; throughout the United States and its Possessions, including Guam.

(B) This order shall be effective September 1, 1955.

(C) This supersedes and cancels Order No. 68, dated March 23, 1955 (20 F. R. 2206).

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55-8549; Filed, Oct. 20, 1955; 8:55 a. m.]

DEPARTMENT OF STATE

[Delegation of Authority 85-1]

[Public Notice 143]

ESTABLISHMENT OF INTERNATIONAL COOPERATION ADMINISTRATION AND DELEGATION OF CERTAIN RELATED FUNCTIONS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in me in Executive Order No. 10610, the Mutual Security Act of 1954 (68 Stat. 832), as amended, and section 4 of the Act of May 26, 1949 (63 Stat. 111, 5 U. S. C. sec. 151c), and in accordance with the requirements of section 3 (a) (1) of Public Law 404, 79th Congress (60 Stat. 238, 5 U. S. C. sec. 1002 (a) (1)), Delegation of Authority No. 85 ("Establishment of International Cooperation Administration and Delegation of Certain Related Functions") (20 F. R. 4825) is amended as follows:

1. Section 2 is amended by adding at the end thereof the following new sentence: "The Director of the International Cooperation Administration may, to the extent consistent with law, delegate or assign any of his functions to his subordinates."

2. The title of section 3 is amended to read: "*Functions of the International Cooperation Administration or the Director Thereof.*"

3. Section 3a (3) (d) is amended to read:

(d) The function of determining the value of the program for any country under so much of chapter 2 of title I of the Mutual Security Act of 1954 as pertains to the functions transferred to the Secretary of Defense and the Department of Defense by section 201 of Executive Order No. 10610 or delegated to the Secretary of Defense by section 102 (a) (4) of Executive Order No. 10575 as amended by Executive Order No. 10625;

4. Section 3a is further amended by adding after subparagraph (3) the following new subparagraph:

(4) Subject to the concurrence of the Secretary of State, the function referred to in section 107 (b) of Executive Order No. 10575 as amended by Executive Order No. 10625 of agreeing with the Department of Defense on a division of the sum of $300,000,000 provided for in section 402 of the Mutual Security Act of 1954, as amended (relating to the export and sale of surplus agricultural commodities).

5. Section 3 is further amended by adding after paragraph b the following new paragraphs:

c. The Director of the International Cooperation Administration may from time to time, to the extent consistent with law, promulgate such rules and regulations as may be necessary and proper to carry out any of his functions. The Director of the International Cooperation Administration is hereby designated as the person who shall issue regulations relating to travel expenses paid out of appropriations which have been or may be made under the Mutual Security Act of 1954, including the regulations referred to in the second proviso of section 102 of the Mutual Security Appropriation Act, 1956.

d. The Director of the International Cooperation Administration is designated as the person who shall make certificates of the amount of expenditures of a confidential character made out of funds allocated to the International Cooperation Administration whenever any provisions of law, including section 102 of the Mutual Security Appropriation Act, 1956, require such certificates to be made by the Secretary of State or such person as he may designate.

6. Section 7 is amended by adding after paragraph b the following new paragraph:

c. References in this order to the Mutual Security Act of 1954 shall be deemed to be references to the Mutual Security Act of 1954 as amended from time to time.

Dated: October 12, 1955.

[SEAL] JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55-8519; Filed, Oct. 20, 1955; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

LOXAHATCHEE NATIONAL WILDLIFE MANAGEMENT AREA, FLORIDA

DESIGNATION OF AREA AND NOTICE OF APPLICABILITY OF REGULATIONS

The United States Department of the Interior, by and through the Fish and Wildlife Service, has acquired control for wildlife management purposes pursuant to the Act of August 14, 1946 (60 Stat. 1080), over 143,038 acres of land in Palm Beach County, Florida, under the terms of an agreement with the Central and South Florida Flood Control District, dated June 8, 1951, described as all lands acquired by the District within its Conservation Area No. 1 bounded on the north by West Palm Beach Canal, on the east by the east right-of-way boundary of Levee No. 40, on the south by the centerline of Levee No. 39, and on the west by the west right-of-way boundary of Levee No. 7, and has acquired title to certain other contiguous lands under authority of the Migratory Bird Conservation Act (45 Stat. 1222) described as 1,111.55 acres of land adjoining the east boundary of Levee No. 40, lying about one-half mile west of State Highway No. 7, access to which is from said Highway No. 7 at a point 2 miles south of State Highway No. 804, and 1,327.47 acres of land adjoining the west boundary of Levee No. 7 and extending northward approximately two miles from the Hillsboro Canal.

The above lands, totaling approximately 145,477 acres, are hereby designated as the Loxahatchee National Wildlife Management Area, and notice is hereby given that thirty days after publication hereof in the FEDERAL REGISTER entry thereon or use thereof for any purpose will be subject to regulations contained in Part 22, Title 50, Code of Federal Regulations, and such other regulations as the Secretary of the Interior may adopt from time to time.

Issued at Washington, D. C., this 14th day of October 1955.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 55-8513; Filed, Oct. 20, 1955; 8:45 a. m.]

Office of the Secretary

CERTAIN WATERS ADJACENT TO ARANSAS NATIONAL WILDLIFE REFUGE, TEXAS

NOTICE OF INTENTION TO DESIGNATE AS CLOSED AREA UNDER MIGRATORY BIRD TREATY ACT

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238, 5 U. S. C. 1003), and the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), as amended, notice is hereby given that the Secretary of the Interior intends to issue a regulation designating as a closed area in which the pursuing, hunting, taking, capture, or killing of migratory birds or attempting to take, capture, or kill migratory birds will not be permitted, all those parts of the waters of San Antonio Bay, Aransas Bay and St. Charles Bay, including islands lying therein in Aransas and Calhoun Counties, Texas, immediately contiguous to and abutting upon lands of the United States comprising the Aransas National Wildlife Refuge on Blackjack Peninsula, from Webb Point on the east to the mouth of Willow Creek at the head of St. Charles Bay on the west.

The proposed regulation will include all of the area closed to the hunting of migratory birds by the Acting Secretary's regulation of March 31, 1941, designating as a closed area certain land and water adjacent to or in the vicinity of the Aransas National Wildlife Refuge, approved by the President by Proclamation No. 2478 of April 15, 1941 (6 F. R. 1995), and in addition certain strips of water not exceeding an average width of one-half mile and approximately 4,640 acres of water adjoining the refuge and not presently closed to hunting.

All interested persons are hereby afforded an opportunity to participate in the formulation of the proposed regulation by submitting their views, data, or arguments in writing to John L. Farley, Director, Fish and Wildlife Service, Washington 25, D. C., on or before October 31, 1955.

DOUGLAS MCKAY,
Secretary of the Interior.

OCTOBER 14, 1955.

[F. R. Doc. 55-8520; Filed, Oct. 20, 1955; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 449]

PUERTO RICO

APPOINTMENTS TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES; NOTICE OF HEARING

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended, 29 U. S. C., and Sup. 201 et seq.), and Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), the Secretary of Labor hereby appoints, convenes, and gives notice of the hearings of Special Industry Committee No. 18-A for the Clay and Clay Products Industry in Puerto Rico, Special Industry Committee No. 18-B for the Stone, Glass, and Related Products Industry in Puerto Rico, Special Industry Committee No. 18-C for the Wholesaling, Warehousing and Other Distribution Industry in Puerto Rico, and Special Industry Committee No. 18-D for the Hooked Rug Industry in Puerto Rico.

Special Industry Committee No. 18-A is composed of the following representatives:

For the public: Martin P. Catherwood, Chairman, Ithaca, New York; Paul F. Brissenden, Dobbs Ferry, New York; Candido Oliveras, Santurce, Puerto Rico.

For the employers: E. L. Torbert, Syracuse, New York; Emiliano Pol, Pueblo Viejo, Puerto Rico; E. Kenneth Koos, Santurce, Puerto Rico.

For the employees: Hipolito Marcano, San Juan, Puerto Rico; Thomas D. Burke, Washington, D. C.; Carl Lindner, Philadelphia, Pennsylvania.

For the purpose of this order the Clay and Clay Products Industry in Puerto Rico is defined as follows:

The quarrying or other extraction of common clay, shale, kaolin, ball clay, fire clay and other types of clay; and the manufacture of structural clay products, china, pottery, tile, and other ceramic products and refractories.

Special Industry Committee No. 18-B is composed of the following representatives:

For the public: Martin P. Catherwood, Chairman, Ithaca, New York; Paul F. Brissenden, Dobbs Ferry, New York; Candido Oliveras, Santurce, Puerto Rico.

For the employers: E. L. Torbert, Syracuse, New York; Emiliano Pol, Pueblo Viejo, Puerto Rico; Jose Benitez, Santurce, Puerto Rico.

For the employees: Hipolito Marcano, San Juan, Puerto Rico; Thomas D. Burke, Washington, D. C.; Carl Lindner, Philadelphia, Pennsylvania.

For the purpose of this order the Stone, Glass, and Related Products Industry in Puerto Rico is defined as follows:

The mining, quarrying, or other extraction and the further processing of all minerals (other than clay, metal ores, chemical and fertilizer minerals, coal, petroleum, or natural gasses) and the manufacture of products from such minerals, including, but without limitation, glass and glass products; dimension and cut stone; crushed stone, sand and gravel; abrasives; lime, concrete, gypsum, mica, plaster, and asbestos products; and the manufacture of products from bone, horn, ivory, shell, and similar natural materials.

Provided, however, That the definition shall not include any product or activity included in the button, buckle, and jewelry industry in Puerto Rico; the cement industry in Puerto Rico; the chemical, petroleum, and related products industry in Puerto Rico; the clay and clay products industry in Puerto Rico; the construction, business service, motion picture, and miscellaneous industries in Puerto Rico; the electrical, instrument, and related manufacturing industries in Puerto Rico; the jewel cutting and polishing industry in Puerto Rico; or the metal, machinery, transportation equipment, and allied industries in Puerto Rico, (as defined in the wage orders issued for those industries).

Special Industry Committee No. 18-C is composed of the following representatives:

For the public: Martin P. Catherwood, Chairman, Ithaca, New York; Paul F. Brissenden, Dobbs Ferry, New York, Candido Oliveras, Santurce, Puerto Rico.

For the employers: E. L. Torbert, Syracuse, New York; Emiliano Pol, Pueblo Viejo, Puerto Rico; Frank Besosa, San Juan, Puerto Rico.

For the employees: Hipolito Marcano, San Juan, Puerto Rico; Thomas D. Burke, Washington, D. C.; Lewis C. Harkins, Silver Spring, Maryland.

For the purpose of this order the Wholesaling, Warehousing, and Other Distribution Industry in Puerto Rico is defined as follows:

The wholesaling, warehousing, and other distribution of commodities, including, but without limitation, the wholesaling, warehousing, and other distribution activities of jobbers, importers and exporters, manufacturers' sales branches and offices engaged in distributing products manufactured outside of Puerto Rico, industrial distributors, mail order and retail selling establishments, brokers and agents, and public warehouses: *Provided, however,* That the definition shall not include the activities of employees who are engaged in wholesaling, warehousing, or other distribution of products manufactured by their employer in Puerto Rico, or any activities covered by the wage orders for the communications, utilities, and miscellaneous transportation industries in Puerto Rico, the shipping industry in Puerto Rico, the railroad, railway express, and property motor transport industry in Puerto Rico, the tobacco industry in Puerto Rico, and the food and related products industries in Puerto Rico.

Special Industry Committee No. 18-D is composed of the following representatives:

For the public: Martin P. Catherwood, Chairman, Ithaca, New York; Paul F. Brissenden, Dobbs Ferry, New York; Candido Oliveras, Santurce, Puerto Rico.

For the employers: E. L. Torbert, Syracuse, New York; Emiliano Pol, Pueblo Viejo, Puerto Rico; Thaddeus C. V'Soske, Vega Baja, Puerto Rico.

For the employees: Hipolito Marcano, San Juan, Puerto Rico; Thomas D. Burke, Washington, D. C.; Lewis C. Harkins, Silver Spring, Maryland.

For the purpose of this order the Hooked Rug Industry in Puerto Rico is defined as follows:

The manufacture of hooked or punched rugs and carpeting.

I hereby refer to each of the above mentioned Industry Committees the question of the minimum wage rate or rates to be fixed under section 6 (c) of the Act for the industry assigned. Each such Industry Committee shall investigate conditions in its industry and it, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the Committee to perform its duties and functions under the Act.

Industry Committee No. 18-A shall commence its hearing on November 21, 1955, at 2 p. m. in Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico. Consecutively, at the same place, after the hearing of Industry Committee No. 18-A, Industry Committees Nos. 18-B, 18-C, and 18-D shall hold their hearings in that order.

Each Committee will convene at the same place before its hearing to make its investigation and appropriate decisions concerning its hearing. Industry Committee No. 18–A will convene at 10 a. m. and Industry Committee No. 18–B, No. 18–C, and No. 18–D will convene at an hour to be designated by the Committee Chairman.

Upon completion of its investigation and hearing each Committee will file with the Administrator a report containing its findings of fact and recommendations specifying the minimum wage rates for all employees in Puerto Rico in its industry, who are "engaged in commerce or in the production of goods for commerce" within the meaning of the Act. These will be the highest rates, not in excess of the minimum wage provided in section 6 (a) of the Act (75 cents an hour prior to March 1, 1956 and $1.00 an hour on and after March 1, 1956), which, having due regard to economic and competitive conditions, will not substantially curtail employment in such industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico. Each Industry Committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it, under the principles set out in section 8 (c) of the Act, which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rate for each such classification, the Committee shall consider among other relevant factors, the following: (1) competitive conditions as affected by transportation, living and production costs; (2) the wages established for work of like or comparable character by collective bargaining agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry. However, no classification shall be made and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex.

Any interested person who desires to testify before a Committee shall file two copies of a written notice of intention to appear with the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C. and four copies of such notice at the Office of the Territorial Director of the Wage and Hour Division, Post Office Box 9061, Santurce 29, Puerto Rico, not later than November 14, 1955. This notice shall contain (1) a statement of the person's interest, (2) a copy of the written data he proposes to introduce in evidence by his testimony, (3) a summary of the testimony he proposes to give, and (4) a statement of the approximate length of time his direct testimony should take. Filing of such notice shall give only the right to testify, and shall not give the rights hereinafter provided for parties.

Every employer, employee, trade association, or trade union in the industry as defined, or in such industry elsewhere in the United States, and every other person who in the judgment of the committee has a sufficient interest, shall have the right to appear before the Committee as a party (i. e. to present his case by oral and documentary evidence, to submit rebuttal evidence, to conduct such cross-examination of witnesses called by others as may be required for a full and true disclosure of the facts, to submit proposed findings and conclusions for the consideration of the Committee, and to otherwise participate more fully than as a witness) upon filing two copies of a notice of his intention with the Administrator, and four copies of such notice with the Territorial Director, not later than November 14, 1955, at the places set forth above. This notice shall contain (1) a statement of the person's interest, (2) a statement of the classifications and wage rates, if any, which he proposes to support, (3) the written data which he intends to introduce in evidence, (4) a statement of the name and address of the witnesses he proposes to call and a summary of the evidence proposed to be developed, and (5) a statement of the approximate length of time his case will take. Testimony on behalf of an employer or group of employers as to inability to absorb wage increases shall be received in evidence only if supported by tangible objective data such as the pertinent profit and loss statements and balance sheets for a reasonably representative period of years.

Each person who files a notice of intention to appear and testify or to participate more fully as a party, should, if requested, make himself available for conference with the Department staff. Notices of intention to appear as interested persons or parties will be made available for examination at the places of filing by anyone who has filed or contemplates filing such a notice of intention to appear.

Each Committee will take official notice of the facts stated in the economic report prepared by the Department of Labor for its consideration. Copies of these reports will be made available to interested persons as soon as they are completed and prior to the hearing, at the National and Puerto Rican offices of the Department of Labor. The parties will have an opportunity at the hearing to refute any statement of fact in these reports.

The procedures of these Industry Committees shall conform to the applicable standards provided in the Administrative Procedure Act as interpreted and applied in such regulations as may be issued. As soon as the receipt of evidence is concluded, each committee which presides at a hearing will receive any proposed findings of fact and recommendations together with the reasons therefor submitted by any party. These submittals shall be oral unless otherwise directed by the committee. If, in the discretion of the committee, such proposals should be in writing the committee may grant such additional time as it deems essential. The committee shall then make its final report and file it with the Secretary.

Signed at Washington. D. C., this 18th day of October 1955.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 55–8518; Filed, Oct. 20, 1955; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–9475]

SHELL OIL COMPANY

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Shell Oil Company (Applicant) in September 15, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change, dated Sept. 14, 1955.	United Fuel Gas Co.....	Supplement No. 1 to applicant's FPC Gas Rate Schedule No. 27.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commissons' Rules of Practice and Procedure.

Adopted: October 12, 1955.

Issued: October 17, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–8517; Filed, Oct. 20, 1955; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 44]

TOWELING, OF FLAX, HEMP, OR RAMIE

NOTICE OF PUBLIC HEARING

The United States Tariff Commission announces a public hearing, to begin at 10 a. m., on February 14, 1956, in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, D. C., in connection with Investigation No. 44 under section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted October 4, 1955, with respect to toweling, of flax, hemp, or ramie, as described in the public notice of this investigation previously given (20 F. R. 7559).

Request to appear at hearings. Parties interested will be given opportunity to be present, to produce evidence, and to be heard at the above-mentioned hearing. Such parties desiring to appear at the hearing should notify the Secretary of the Commission, in writing, three days in advance of the hearing.

I certify that the above hearing was ordered by the Tariff Commission on the 17th day of October 1955.

Issued: October 18, 1955.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 55–8526; Filed, Oct. 20, 1955; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA–312]

ACCIDENT OCCURRING AT BURBANK, CALIF.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 74663, which occurred at Lockheed Air Terminal, Burbank, California, September 8, 1955.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sectoin 702 of said Act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, October 26, 1955, at 9:30 a. m. (local time) in the Public Service Department Administration Building, 164 West Magnolia Street, Burbank, California.

Dated at Washington, D. C., October 14, 1955.

[SEAL] R. W. CHRISP,
Presiding Officer.

[F. R. Doc. 55–8531; Filed, Oct. 20, 1955; 8:48 a. m.]

[Docket No. 7384]

MOHAWK AIRLINES, INC.; PERMANENT CERTIFICATION CASE

NOTICE OF HEARING

In the matter of the application of Mohawk Airlines, Inc,, under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 94.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on November 3, 1955, at 10:00 a. m., e. s. t., in Room E–206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., October 17, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–8532; Filed, Oct. 20, 1955; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

BERTHA BOSSER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Bertha Bosser, as Liquidator of Mondial Filmgesellschaft, m. b. H., Vienna, Austria, 25 Noe Street, Apt. #4 San Francisco 14, California, Claim No. 3733; $469.46 in the Treasury of the United States.

All right, title and interest held by the Attorney General in the following seven German language motion pictures, including one positive print of each of such motion pictures:

1. "Rendezvous in Wien" (9 reels).
2. "Seine Tochter ist der Peter" (9 reels).
3. "Prinzessin Sissy" (8 reels).
4. "Prater" (8 reels).
5. "Hotel Sacher" (9 reels).
6. "Peter in Schnee" (8 reels).
7. "Madame Pompadour" (8 reels).

This return shall be subject to the provisions of License No. LM–1635, effective December 15, 1953, by and between the Attorney General of the United States and S. & G. Foreign Films Ltd., 210 East 86th Street, New York 28, New York.

Executed at Washington, D. C., on October 13, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 55–8503; Filed, Oct. 19, 1955; 8:51 a. m.]

FRIEDA KARPLUS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Frieda Karplus, Frankfurt am Main, Germany, Claim No. 62965, Vesting Order No. 9068; $108.15 in the Treasury of the United States.

Executed at Washington, D. C., on October 13, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 55–8500; Filed, Oct. 19; 1955; 8:51 a. m.]

PAUL KNEPLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Paul Knepler, 17 Belsize Square, London N. W. 3, England, Claim No. 6836; $189.50 in the Treasury of the United States. Twelve and one-half percent (12½% of seventy-five percent (75%) of all royalties payable or to become payable to the Attorney General of the United States pursuant to the licenses issued by the Attorney General to its several licensees, for the stage performances of the operetta entitled "Der Verlorene Waltzer" (The Lost Waltz), by Paul Knepler et al.

Executed at Washington, D. C., on October 14, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 55–8523; Filed, Oct. 20, 1955; 8:47 a. m.]

[Vesting Order 18713, Amdt.]

HERMAN LUKEMEIER

In re: Estate of Herman Lukemeier. File No. D-28-1665; E. T. sec. 527.

Vesting Order No. 18713, dated January 18, 1952, is hereby amended by deleting subparagraph 2 thereof and substituting in lieu thereof the following:

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Bernhard Friederich Lukemeier, of August Tofall, of Wilhelmine Louise Julie Fleege, of Conradine Marie Wilhelmine Nolte, of Louise Wilhelmine Amalie Schmitz, and of Wilhelm Friedrich Nolte, deceased, who there is reasonable cause to believe are and on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All other provisions of said Vesting Order 18713 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on October 14, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 55-8522; Filed, Oct. 20, 1955; 8:47 a. m.]

GEORGE DIBBERN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

George Dibbern, Woody Island, Alonnah, Tasmania, Australia, Claim No. 37123; $586.10 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright and right to copyright, license, agreement, privilege, power and right of whatsoever nature, including but not limited to all monies and amounts, by way of royalty, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the work entitled "Quest," as listed in Exhibit A to Vesting Order No. 1758 (9 F. R. 13773, November 17, 1944), to the extent owned by claimant immediately prior to the vesting thereof by Vesting Order No. 1758.

Executed at Washington, D. C., on October 14, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 55-8524; Filed, Oct. 20, 1955; 8:47 a. m.]

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OF MICHIGAN

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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 20 NUMBER 207

Washington, Saturday, October 22, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3119

NATIONAL OLYMPIC DAY, 1955

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the XVIth Olympic Games of the modern era will be held in Melbourne, Australia, beginning November 22 and ending December 8, 1956, with the Winter Games to be held at Cortina d'Ampezzo, Italy, from January 26 to February 5, 1956; and

WHEREAS the Olympic Games have imbued competitors and spectators alike with ideals of friendship, chivalry, and comradeship, thus contributing to common understanding and mutual respect among the peoples of the world; and

WHEREAS the Congress by a joint resolution approved August 4, 1955 (69 Stat. 470), calls attention to the fact that the United States Olympic Association is engaged in assuring maximum support for the United States teams which will compete with young men and women from more than seventy nations in the fortheoming athletic contests; and

WHEREAS the said joint resolution requests the President to issue a proclamation designating the twenty-second day of October, 1955, as National Olympic Day:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Saturday, October 22, 1955, as National Olympic Day; and I urge all of our citizens to do their utmost in support of the XVIth Olympic Games and the Winter Games to be held in 1956, to the end that our Nation may be able to send an adequate number of representatives to participate in these games.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighteenth day of October in the year of our Lord nineteen hundred
[SEAL] and fifty-five, and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55-8645; Filed, Oct. 21, 1955; 1:40 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 443.3]

PART 333—PROCESSING SUBSEQUENT LOANS

Part 333, Title 6, Code of Federal Regulations (14 F. R. 6325, 17 F. R. 190, 18 F. R. 1147, 6201) is revised to read as follows:

Sec.
333.1 General.
333.2 Approval of subsequent loans.
333.3 Loan purposes.
333.4 Refinancing and reamortization.
333.5 Certification by county committee.
333.6 Loan processing actions.

AUTHORITY: §§ 333.1 to 333.6 issued under sec. 41 (1) 60 Stat. 1066; 7 U. S. C. 1015 (i). Statutory provisions interpreted or applied are cited to text in parentheses.

§ 333.1 *General.* (a) This part prescribes the authority, policies, and procedures for making subsequent direct Farm Ownership loans. The term subsequent loan, as used in this part, means a Farm Ownership loan to a person who is indebted to the Government for a direct Farm Ownership loan, a Farm Ownership loan made in connection with a credit sale of real estate on Farm Ownership terms, or a Farm Ownership loan made to a transferee in connection with the transfer of a Farm Ownership farm in accordance with Part 372 of this chapter. The term Farm Ownership

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FEDERAL REGISTER

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RECORD RETENTION REQUIREMENTS

Reprint Notice

A reprint of the Federal Register dated April 8, 1955, is now available.

This issue, containing a 57-page index-digest of Federal laws and regulations relating to the retention of records by the public, is priced at 15 cents per copy.

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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§ 333.3 *Loan purposes.* (a) Subsequent loans may be made for the same purposes and under the same conditions as initial loans. In addition, subsequent loans may be made to pay equity to a transferor in connection with the transfer of a Farm Ownership farm. Farm Ownership borrowers who own efficient family-type farm-management units are not eligible for subsequent Farm Ownership loans.

(b) A subsequent loan may be made to a Building Improvement borrower for the same purposes as other Farm Ownership loans. Whenever a loan to a Building Improvement borrower includes funds for land development or purchase, the borrower will receive supervision in the same manner as other Farm Enlargement or Farm Development borrowers.

(Sec. 1, 60 Stat. 1072; 7 U. S. C. 1001)

§ 333.4 *Refinancing and reamortization*—(a) *Refinancing of existing Farm Ownership debt required.* Existing Farm Ownership debts of a borrower who obtains a subsequent loan will be refinanced when the indebtedness represents an asset of (1) a State Rural Rehabilitation Corporation, (2) a Defense Relocation Corporation, the accounts of which are not yet considered Government accounts, or (3) a land-leasing or land-purchasing association or similar organization. The amount to be refinanced will include interest on the Farm Ownership debt to the date the subsequent loan is closed. The determination of the balance to be refinanced, the receipt for payment, note, mortgage, and satisfaction of the mortgage in connection with the debt being refinanced will be handled in accordance with the provisions of Part 366 of this chapter except as modified by the closing instructions.

(b) *Refinancing of existing Farm Ownership debt not required.* Existing Farm Ownership debts except the three types indicated in paragraph (a) of this section will not be refinanced. When the outstanding Farm Ownership debt is not refinanced:

(1) The subsequent Farm Ownership loan will bear interest at 4½ percent and the outstanding debt(s) will be continued at the present rate(s) of interest.

(2) The mortgage(s) securing the outstanding debt(s) will not be released but the mortgage securing the subsequent loan will contain a covenant to the effect that it secures not only the subsequent loan, but also all the obligations of the existing mortgage(s) which secure the outstanding Farm Ownership debt(s).

(3) Each borrower whose initial loan was approved prior to November 1, 1946, will execute a Form FHA–165, "Variable-Payment Agreement," for his initial loan at the time he receives a subsequent loan if he has not previously done so. Execution of Form FHA–165 will change the repayment plan, eliminate the 90-day grace period, and establish December 31 as the due date on installments on the notes, except that, if a subsequent loan has already been made with a March 31 due date for installments, the new subsequent loan installments will also be due on March 31.

(c) *Reappraisal of farms.* Except for a subsequent loan in connection with a transfer as provided in §§ 372.21 to 372.26 of this chapter, a new appraisal report will be required only when:

(1) Subsequent loan funds will be used to purchase land or to refinance debts against land not mortgaged to the Government; or

(2) The County Committee requests a new appraisal report; or

(3) The County Supervisor determines that there have been physical changes in the farm which appear to have altered significantly its normal earning capacity, or such changes are likely to result if the subsequent loan is made.

(d) *Reamortization of outstanding Farm Ownership debts.* An outstanding Farm Ownership debt will be reamortized pursuant to Part 361 of this chapter as of the date the subsequent loan is closed, except that an account need not be reamortized if it was on schedule as of the last preceding due date of the note. When the outstanding Farm Ownership debt is to be reamortized, the borrower will execute Form FHA–176, "Request for Reamortization of Farm Ownership Loan."

(e) *Amortization of subsequent loan.* Ordinarily, a subsequent loan will be amortized so as to mature within one year of the maturity date of the earliest outstanding Farm Ownership note. The loan may be amortized over a longer period if the approval official determines that a longer payment period is necessary, but in no case will it be amortized over a period longer than 40 years from the date of the subsequent loan note.

(Secs. 1 (a), 2 (b), 3 (b) (3), 48 60 Stat. 1072, 1073, 1074, 1070; 7 U. S. C. 1001 (a), 1002 (b), 1003 (b) (3), 1022)

§ 333.5 *Certification by County Committee.* The County Committee will certify again, on Form FHA–491, "County Committee Certification," as to the fair and reasonable value of the farm with the contemplated improvements. The Committee will take into consideration any information on farm production that has become available as a result of operating history, as well as the normal earning capacity of the farm as indicated on the latest appraisal report.

(Secs. 2 (b), (d), 3 (a), 44 (a) (2) and (3), 60 Stat. 1073, 1074, 1068; 7 U. S. C. 1002 (b), (d), 1003 (a), 1018 (a) (2) and (3))

§ 333.6 *Loan processing actions.* The subsequent loan docket will be assembled and the loan will be processed and closed in the same manner as prescribed in Part 332 of this chapter, except that:

(a) Forms FHA–165, FHA–176 and additional Forms FHA–643, "Farm Development Plan," FHA–42, "Valuation Report for Insurance," and FHA–596, "Earning Capacity Report," or Form FHA–440, "Farm Housing Appraisal Report," will be completed and included in the docket only when applicable.

(b) Title clearance will be effected in accordance with Part 327 of this chapter as modified by this paragraph. A new mortgagee's policy of title insurance will be required only with respect to land being purchased from a party other than the Farmers Home Administration and with respect to land covered by a mortgage securing an outstanding Farm Ownership debt which is being refinanced. Title evidence with respect to other land will be furnished in accordance with the requirements of closing instructions issued by the representative of the Office of the General Counsel.

(c) The installment due date of a subsequent loan will be January 1, except that where an existing initial or subsequent loan note or assumption agreement contains a March 31 installment due date, the installment due date of the subsequent loan will be March 31.

(Secs. 1 (a), 3 (a), (b), 44 (b), 60 Stat. 1072, 1074, 1069; 7 U. S. C. 1001 (a), 1003 (a), (b), 1018 (b))

Dated: October 18, 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55–8562; Filed, Oct. 21, 1955; 8:50 a. m.]

Subchapter F—Security Servicing and Liquidations

[FHA Instruction 465.9]

PART 375—ASSIGNMENT OF INSURED NOTES

Chapter III of Title 6, Code of Federal Regulations, is hereby amended by the establishment of a new Part 375 in Subchapter F, titled "Assignment of Insured Notes"; added to read as follows:

Sec.
375.1 General.
375.2 Definitions.
375.3 Authorities.
375.4 General policies.
375.5 Assignment of insured note by private holder to private buyer.
375.6 Assignment of insured note to the Government.
375.7 Assignment of insured note from insurance fund to a private buyer.
375.8 Assignment of an insured Farm Ownership note held by the Farmers Home Administration as trustee for a State Rural Rehabilitation Corporation under a section 2 (f) agreement.

AUTHORITY: §§ 375.1 to 375.8 issued under sec. 6 (3), 50 Stat. 870, sec. 10 (a) (7), 68 Stat. 735, sec. 41 (1), 60 Stat. 1066, sec. (4) (c), 64 Stat. 100; 16 U. S. C. 590w (3), 590x–3 (a) (7), 7 U. S. C. 1015 (l), 40 U. S. C. 442 (c). Interpret or apply sec. 16, 69 Stat. 553 (Pub. Law 273, 84th Cong.). Other statutes interpreted or applied are cited to text in parentheses.

§ 375.1 *General.* This part prescribes the authorities, policies and procedures for processing the assignment of insured Soil and Water Conservation notes and insured Farm Ownership notes for loans under which the United States is the mortgagee. It includes the assignment by a private holder to a private buyer or to the Government, the assignment by the Government (insurance fund) to a private buyer, and the assignment to a private buyer or to the Government of an insured Farm Ownership note held by the Farmers Home Administration as trustee of the assets of a State Rural Rehabilitation Corporation under sec-

debt, as used in this part, means any amount owed by a Farm Ownership borrower on his Farm Ownership account.

(b) When a borrower with a direct Farm Ownership loan requests a subsequent loan, his credit needs will be met, if possible, with an insured Farm Ownership loan. Such a borrower's credit needs may be met with a direct loan only if he cannot qualify for an insured loan.

(c) Ordinarily, a subsequent loan will not be processed if the amount of funds required is less than $1,000.

(Secs. 1, 2, 3, 44, 60 Stat. 1072, 1062, 1074, 1069, 64 Stat. 98; 7 U. S. C. 1001, 1001 (note), 1003, 1018, 40 U. S. C. 440)

§ 333.2 *Approval of subsequent loans.* The State Director is authorized to approve or disapprove subsequent Farm Ownership loans.

(Sec. 1 (a), 60 Stat. 1072; 7 U. S. C. 1001 (a))

tion 2 (f) of the Rural Rehabilitation Corporation Trust Liquidation Act.

(Sec. 10 (a) (1), 68 Stat. 735, secs. 12 (i), 13 (a), 13 (d), 60 Stat. 1077, 1078, sec. 12 (j), 62 Stat. 535, sec. 2 (f), 64 Stat. 99; 16 U. S. C. 590x–3 (a) (1), 7 U. S. C. 1005b (i), (j), 1005c (a), (d), 40 U. S. C. 440 (f))

§ 375.2 *Definitions.* As used in this part, the term:

(a) "Private buyer" is any purchaser of an insured note other than the Government or a State Rural Rehabilitation Corporation under a section 2 (f) agreement.

(b) "Holder" is the current owner of an insured note.

(c) "Value" of an insured note is the outstanding unpaid principal plus the amount of unpaid accrued interest on the note account.

(d) "Insurance fund" is the insurance fund established pursuant to section 11 (a) of the Bankhead-Jones Farm Tenant Act, as amended.

(e) "Fixed period" is the period agreed upon during which the note cannot be assigned by the holder to the Government except at the request of the Government.

(Sec. 10 (a) (1)–(3), 68 Stat. 735, sec. 11 (a), 60 Stat. 1075, sec. 12 (j), 62 Stat. 535, sec. 2 (f), 64 Stat. 99; 16 U. S. C. 590x–3 (a) (1)–(3), 7 U. S. C. 1005a (a), 1005b (j), 40 U. S. C. 440 (f))

§ 375.3 *Authorities.* Subject to the policies and procedures prescribed in this part:

(a) The Director, Finance Office, is authorized, on behalf of the Government, in connection with the assignment of insured Soil and Water Conservation and Farm Ownership notes, to execute required documents and to perform other necessary steps, including but not limited to:

(1) Acknowledging receipt of notice of assignment of an insured note.

(2) Requiring the holder of an insured note to assign the note to the Government, when requested to do so by the State Director.

(3) Approving the request of a holder to have the Government purchase the note.

(4) Accepting the assignment of an insured note on behalf of the insurance fund, assigning such note and endorsing it for reinsurance.

(5) Authorizing disbursements from the insurance fund for notes being assigned to the Government.

(6) Executing supplemental purchase agreements.

(b) The State Director is authorized to require assignment of an insured Soil and Water Conservation or Farm Ownership note to the Government when a borrower is in default for any reason that necessitates liquidation of the loan by voluntary conveyance or foreclosure. The State Director also is authorized to assign an insured Farm Ownership note held by the United States as trustee for a State Rural Rehabilitation Corporation under a section 2 (f) agreement.

(Sec. 10 (a) (7), 68 Stat. 735, sec. 41 (1), 60 Stat. 1066, sec. 4 (a), 64 Stat. 100; 16 U. S. C. 590x–3 (a) (7), 7 U. S. C. 1015 (i), 40 U. S. C. 442 (c))

§ 375.4 *General policies—(a) Conditions of assignment.* When insured Soil and Water Conservation and Farm Ownership notes are assigned between private holders, notice of such assignment, executed by both the assignor and the assignee, must be given to the Farmers Home Administration. The Government may require assignment of an insured note if the borrower is in default. Insured notes that have been acquired by the insurance fund may be assigned to private buyers provided the borrower is not in default in payments on his note.

(b) *Selling price.* Whenever an insured note is purchased or sold by the Government, the selling price will be the value of the note as of the date of the sale. The selling price of an insured note assigned by one private holder to another will be determined by the assignor and the assignee.

(c) *Method of assignment.* The insured note will be assigned by endorsement as shown below, and delivery to, the assignee:

Pay to the order of _____
(Buyer's correct name)
without recourse, effective_____
(Date)

(NOTE: The effective date will not be shown on the endorsement when the note is assigned to the Government.)

(d) *Responsibilities of the Director, Finance Office.* The Director, Finance Office, will:

(1) Advise holders regarding the procedures to be followed for assigning insured notes.

(2) Perform the necessary steps, on behalf of the Government, in connection with the assignment of insured notes.

(3) Advise the holder of the options available to him at the expiration of the fixed period. Any holder of the note may, at his option, within a period of one year after the expiration of 10 years from the date of the note, have the note purchased by the Government even though the note is not then in default, and, if such option is exercised, the Government shall, upon assignment of the note to the Government, pay therefor by the United States Treasury check the amount of unpaid principal and interest on the note.

(e) *Responsibilities of the National Office.* The National Office is responsible for negotiating with private buyers for the assignment of notes acquired by the insurance fund or for the account of a State Rural Rehabilitation Corporation under a section 2 (f) agreement.

(Sec. 10 (a) (1)–(3), 68 Stat. 735, secs. 12 (i), 13 (a), 13 (d), 60 Stat. 1077, 1078, sec. 12 (j), 62 Stat. 535, sec. 2 (f), 64 Stat. 99; 16 U. S. C. 590x–3 (1)–(3), 7 U. S. C. 1005b (i), (j), 1005c (a), (d), 40 U. S. C. 440 (f))

§ 375.5 *Assignment of insured note by private holder to private buyer.* (a) Upon receipt of notice from a holder of intention to assign an insured note, the Director, Finance Office, will send any accumulated payments on the loan to the holder and furnish the holder with appropriate information on how to complete the assignment. The Director, Finance Office, also will send the holder a copy of Form FHA–756, "Notice and Acknowledgment of Sale," and a statement of account.

(b) If the Director, Finance Office, receives information that an insured note has already been assigned, he will request the holder to furnish Form FHA–756 completed with respect to information and signatures by the holder and buyer.

(c) Upon receipt of a properly completed Form FHA–756, the Director, Finance Office, will prepare, execute, and date the acknowledgment section of Form FHA–756. He will send a facsimile of the completed Form FHA–756 to the assignee, the assignor, and the County Supervisor, and retain the original.

(d) The Finance Office will transmit payments to the assignee after the date of acknowledgment of Form FHA–756 and will notify the assignor and the assignee of any payments processed to the assignor subsequent to the date of the assignment or the statement of account, whichever is earlier, and prior to the date of the acknowledgment. The Farmers Home Administration will assume no liability for failure to give such notice and for adjustment of these payments between the assignor and the assignee.

(Sec. 10 (a) (1), (2), 68 Stat. 735, secs. 12 (f) (1), 12 (i), 60 Stat. 1077; 16 U. S. C. 590x–3 (a) (1), (2), 7 U. S. C. 1005b (f) (1), (i))

§ 375.6 *Assignment of insured note to the Government—(a) Assignment at the request of the holder.* The following actions will be taken whenever the holder of an insured note requests that the Government accept assignment of the note during the 12-month period following the expiration of a fixed period.

(1) The Director, Finance Office, will inform the holder regarding the procedures to be followed to effect the assignment.

(2) Upon receipt of the endorsed note the Director, Finance Office will:

(i) Acknowledge receipt of the note.

(ii) Process payment to the assignor for an amount equal to the value of the note as of the date of the Treasury check.

(b) *Assignment at the request of the Government.* If the State Director decides that liquidation through voluntary conveyance or foreclosure is necessary, he will request the Director, Finance Office, to require the holder to assign the note to the Government. The procedures for assigning such an insured note will be the same as those prescribed for assignment of an insured note to the Government at request of the holder, except that the Director, Finance Office, will advise the holder that the Government is requiring assignment of the note because the borrower is in default.

(R. S. 3648, sec. 10 (a) (1)–(3), 68 Stat. 735, secs. 12 (c) (7), 13 (d), 60 Stat. 1076, 1078, sec. 12 (j), 62 Stat. 535; 31 U. S. C. 529, 16 U. S. C. 590x–3 (a) (1)–(3), 7 U. S. C. 1005b (c) (7), (j), 1005c (d))

§ 375.7 *Assignment of insured note from insurance fund to a private buyer.* (a) Upon completion of the negotiations for assignment to a private buyer of insured notes held by the insurance fund, the National Office will advise the Director, Finance Office, of:

(1) The name and case number shown on the note(s) to be sold, if known,

(2) The legal name and correct mailing address of the buyer. Also the legal name and mailing address of the recipient if collections are to be remitted to other than the buyer,

(3) The manner and time of delivery of the note,

(4) Agreed upon arrangements for making payments,

(5) The effective date of the sale,

(6) Any other information particularly significant or pertinent to the terms and conditions of the sale.

(b) The Director, Finance Office, will send to the buyer a list of the notes showing each borrower's name and case number and the value of each note as of the effective date of the assignment.

(c) If payment will be made in advance of delivery of the endorsed notes, the Director, Finance Office, will request the buyer to forward a check or draft before the effective date of assignment, drawn to the order of the Farmers Home Administration in the amount of the total value of all the notes. If the buyer is an individual, payment by certified check or cashier's check will be required. Upon receipt of payment, the Director, Finance Office, will:

(1) Endorse the note for assignment and reinsurance.

(2) Execute a supplemental purchase agreement when instructed to do so by the National Office.

(3) Send the note to the purchaser by registered mail, return receipt requested, and request the return of an executed copy of the supplemental purchase agreement, if any.

(d) If the sight draft method is used, the Director, Finance Office, will attach a sight draft to the endorsed notes and send them to the bank designated by the buyer by registered mail, return receipt requested. The buyer will pay the bank's charge for handling the transaction. The remittance must be dated on or before the effective date of assignment.

(e) If the negotiated terms and conditions of the sale provide for delivery and payment by means other than those enumerated above, the Director, Finance Office, will make the necessary arrangements.

(f) If any payment has been processed to the borrower's note account subsequent to the date on which the value of the note was computed and prior to the effective date of the assignment, the Finance Office will process a check to the assignee for the amount of the payment.

(Sec. 10 (a) (2), 68 Stat. 735, sec. 12 (f) (1), 60 Stat. 1077, sec. 12 (j), 62 Stat. 535; 16 U. S. C. 590x–3 (a) (2), 7 U. S. C. 1005b (f) (1), (j))

§ 375.8 *Assignment of an insured Farm Ownership note held by the Farmers Home Administration as trustee for a State Rural Rehabilitation Corporation under a section 2 (f) agreement—(a) Assignment to a private buyer.* Unless otherwise authorized by the Administrator, the steps involved in assigning a Farm Ownership note from the United States as trustee for a State Rural Rehabilitation Corporation to a private buyer are the same as those prescribed in § 375.7 for the assignment of notes from the insurance fund.

(1) The Director, Finance Office, will request the buyer to make the check or draft payable to the "Farmers Home Administration, Trustee of the _____ Rural Rehabilitation Corporation."

(2) Upon receipt of payment from the buyer, the Director, Finance Office, will:

(i) Endorse the promissory note on behalf of the United States as trustee, showing the effective date of the assignment.

(ii) Send the note to the buyer, return receipt requested, with a letter of transmittal listing each note separately and acknowledging the assignment thereof.

(3) If the sight draft method is used, the Director, Finance Office, will attach a sight draft to the endorsed note and forward it to the bank designated by the buyer.

(4) A supplemental purchase will be executed by the Director, Finance Office, when instructed to do so by the National Office.

(b) *Assignment to the insurance fund.* Whenever the State Director determines that liquidation through voluntary conveyance or foreclosure is necessary, he will endorse the note on behalf of the United States as trustee, showing the effective date of the assignment. He also will request the Director, Finance Office, to process payment to the revolving fund of the State Rural Rehabilitation Corporation for the value of the note as of the effective date of the assignment.

(R. S. 3648, secs. 12 (f) (1), (i), 13 (d), 60 Stat. 1077, 1078, sec. 12 (j), 62 Stat. 535, sec. 2 (f), 64 Stat. 99; 31 U. S. C. 529, 7 U. S. C. 1005b (f) (1), (i), (j), 1005c (d), 40 U. S. C. 440 (f))

Dated: October 18, 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55–8543; Filed, Oct. 21, 1955; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 59]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.359 *Valencia Orange Regulation 59—(a) Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on October 20, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., October 23, 1955, and ending at 12:01 a. m., P. s. t., October 30, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300,300 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have

the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 21, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8614; Filed, Oct. 21, 1955; 11:44 a. m.]

[Grapefruit Reg. 229]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.747 *Grapefruit Regulation 229*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 24, 1955. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until October 24, 1955; the recommendation and supporting information for continued regulation subsequent to October 23, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 18; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 24, 1955, and ending at 12:01 a. m., e. s. t., November 7, 1955, no handler shall ship:

(i) Any grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 2;

(ii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than $3\frac{11}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750–790 of this title).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 19, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8558; Filed, Oct. 21, 1955; 8:50 a. m.]

[Orange Reg. 283]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.748 *Orange Regulation 283*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 24, 1955. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until October 24, 1955; the recommendation and supporting information for continued regulation subsequent to October 23, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 18; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 24, 1955, and ending at 12:01 a. m., e. s. t., November 7, 1955, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida,

which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard $1\frac{3}{5}$ bushel nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard $1\frac{3}{5}$ bushel nailed box" shall have the same meaning as when used in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186, of this title, 20 F. R. 7205).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 19, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8557; Filed, Oct. 21, 1955; 8:49 a. m.]

[Tangerine Reg. 160]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.749 *Tangerine Regulation 160*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 24, 1955. The committee held an open meeting on October 18, 1955, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangerines grown in the State of Florida, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangerines grown in the State of Florida at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 24, 1955, and ending at 12:01 a. m., e. s. t., November 7, 1955, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Russet; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2}$ x $9\frac{1}{2}$ x $19\frac{1}{8}$ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 19, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8559; Filed, Oct. 21, 1955; 8:50 a. m.]

[Lemon Regulation 612]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.719 *Lemon Regulation 612*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 19, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 23, 1955, and ending at 12:01 a. m., P. s. t., October 30, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 150 carloads;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 20, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8609; Filed, Oct. 21, 1955; 8:57 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Revision of Export Regs., Amdt. 42]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

NONFERROUS COMMODITIES, INCLUDING ORES, CONCENTRATES, OR UNREFINED PRODUCTS

In § 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products*, paragraphs (d) and (e) are amended to read as follows:

(d) *Copper ores, and concentrates, unrefined copper, refined copper, copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots—(1) General.* License applications to export copper ores, concentrates, matte, and other unrefined copper, Schedule B No. 640100; refined copper in cathodes, billets, ingots, wire bars, and anodes and other crude forms, except copperweld rods, Schedule B No. 641200 (hereinafter referred to as refined copper); copper scrap (new and old), Schedule B No. 641300; copper-base alloy scrap (new and old), Schedule B No. 644000; and copper-base alloy ingots and other crude forms including remelt ingots, Schedule B No. 644100, will be considered for approval in accordance with the procedures described below.

(2) *Refined copper, Schedule B No. 641200.* License applications to export refined copper in cathodes, billets, ingots, wire bars and other crude forms (including anodes) made from domestic origin materials, or Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, will generally be denied. License applications covering the exportations of these refined copper materials made from foreign or commingled domestic and foreign origin materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, shall include the following:

(i) *Certification of foreign origin or commingled origin.* (*a*) Applications from non-producers of refined copper—Applications from non-producers covering refined copper made from materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots, of foreign or commingled domestic and foreign origin materials shall be accompanied by a letter, addressed to the Bureau of Foreign Commerce, from the producer of the refined copper to the effect that (*1*) the refined copper proposed for export is refined from foreign origin copper other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots; or (*2*) that an equivalent amount of foreign origin materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, has been smelted and refined to replace in the domestic market the amount of domestic copper contained in the commingled copper proposed for export.

(*b*) Applications from producers of refined copper—Applications from producers of refined copper made of foreign or commingled (foreign and domestic origin) materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots, shall include the following certification:

I (we) certify that I am (we are) the producer(s) of the refined copper covered by this license application and (1) that this refined copper was produced from foreign origin materials other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, or (2) that an equivalent amount of foreign materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, has been smelted and refined to replace in the domestic market the amount of domestic copper contained in the commingled copper proposed for export.

(ii) *Availability for export.* One of the following certifications shall appear on each license application:

(*a*) Where materials are in possession of applicant the applicant shall execute and submit to the Bureau of Foreign Commerce the following certification:

I (we) certify that the copper materials described in this license application are in my (our) possession and will be available for export not later than December 31, 1955.

or

(*b*) (*1*) Where materials are not in possession of applicant, the applicant shall submit to the Bureau of Foreign Commerce the following certification from the producer of the materials:

I (we) certify that not later than December 31, 1955, I (we) shall supply to ---------- ----------
(Name of applicant) (Quantity in short tons
short tons of ---------- in
(Type of copper material)
accordance with the terms of contract sale number ----------, dated
(Contract number)

(Date of contract)

(*2*) All documents evidencing commitment of sale must be kept available for inspection, upon demand, by the Bureau of Foreign Commerce for three years from the date of receipt of the application, as shown on the Acknowledgment Card, Form IT– or FC–116.

(*3*) Applications not accompanied by the evidence of availability required by the provisions of this subparagraph, shall not be approved and should not be submitted.

(iii) *Disclosure of foreign consumer.* The foreign consumer shall be identified on the license application by the use of one of the following applicable statements:

The foreign consumer of the commodities covered by this application is the same as that shown in item 7 on this license application;

or if the foreign consumer is not the same as that shown in item 7:

The name and address of the foreign consumer is ----------

(iv) *Toll or conversion agreements.* Applications covering the exportation of refined copper produced in the United States under toll or conversion agreements from materials received from foreign sources are not subject to any of the above provisions of this paragraph (d). Where the license application covers refined copper produced from toll or conversion agreements, the applicant shall include the following certification on the license application:

I (we) certify that the refined copper described in this license application was produced in the United States under toll or conversion contracts from materials received from foreign sources.

(3) *Copper ores, concentrates, matte, and other unrefined copper, Schedule B No. 640100.* License applications to export copper ores, concentrates, matte, and other unrefined copper of domestic origin or produced from domestic materials generally will be denied. However, where consideration of such applications is requested, the application shall be supported by documentation or other evidence showing any exceptional hardship as well as by the information set forth in subparagraph (2) (ii) and (iii) of this paragraph. With reference to the copper materials included in this paragraph, a foreign smelter, refiner, or processor may be identified as the consumer. License applications covering the exportation of these copper materials of foreign origin or produced from foreign origin material shall include in addition to the information set forth in subparagraph (2) (ii) and (iii) of this paragraph, the following:

(i) *Non-producers.* Applications from non-producers covering the exportation of these materials of foreign origin or commingled foreign and domestic origin (or materials produced from materials of foreign origin or commingled foreign and domestic origin) shall be accompanied by a letter addressed to the BFC from the producer of the copper material to the effect that (*a*) the material proposed for export is of foreign origin or is produced from foreign origin materials; or (*b*) that an equivalent amount of foreign origin material has been imported to replace in the domestic market the amount of domestic copper material contained in the commingled copper materials proposed for export.

(ii) *Producers.* Applications from producers of these copper materials of foreign or commingled foreign and domestic origin (or produced from foreign or commingled foreign and domestic materials) shall include the following certification:

I (we) certify that I am (we are) the producer(s) of the unrefined copper material covered by this license application and that (1) this material was produced from foreign origin material, or (2) that an equivalent amount of foreign material has been imported to replace in the domestic market the amount of domestic copper material contained in the commingled copper material proposed for export.

The provisions of this subparagraph do not apply to exportations of materials included under Schedule B No. 640100 made for purposes of processing abroad where the resultant copper is to be returned to the United States. In such cases, details of the transaction shall accompany the application for an export license.

(4) *Copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots.* (i) In order that the Bureau of Foreign Commerce may provide an equitable basis for distributing available export quotas for copper scrap (new and old) containing 40 percent or more copper, Schedule B No. 641300; copper-base alloy scrap (new and old) containing 40 percent or more copper, Schedule B No. 644000; and copper-base alloy ingots and other crude forms including remelt ingots, Schedule B No. 644100, applicants are required to submit to the Bureau of Foreign Commerce a Statement of Past Participation in Exports of these commodities on Form IT– or FC–821 in accordance with the procedure set forth in § 373.4. A separate report on Form IT– or FC–821 shall be filed for each Schedule B number, broken down by countries of destination, and shall cover the quantity in Schedule B units of exports from the United States made during the fourth calendar quarter of 1953 and the calendar year 1954, where the total for such exports to all countries for each Schedule B number was $5,000 or over for the five quarters. In preparing Form IT– or FC–821, the heading above items (c) and (d) shall be changed to read "4th quarter 1953" and the heading above items (e) and (f) shall read "calendar year 1954."

(ii) License applications covering copper scrap (new and old) containing less than 40 percent copper, Schedule B No. 641300, or copper-base alloy scrap (new and old) containing any percentage of copper, Schedule B No. 644000, shall include information as to the copper and nickel content of the material.

(5) *Validity period.* Licenses to export all materials covered by this paragraph (d), will be issued for a validity period ending on the last day of the third month following the month during which the license is validated, e. g., a license issued on November 25, 1955, would expire February 29, 1956.

(6) *Amendments to export licenses.* Except for export licenses issued under toll or conversion agreements, no amendments requesting an extension of the validity period of the license will be granted for export licenses issued under this procedure.

(7) *Time for submission of applications.* Applications for licenses to export copper scrap (new and old) containing 40 percent or more copper, Schedule B No. 641300, copper-base alloy scrap (new and old) containing 40 percent or more copper, Schedule B No. 644000, and copper-base alloy ingots and other crude forms including remelt ingots, Schedule B No. 644100, shall be submitted in accordance with the time schedules set forth in Supplement No. 1 to Part 373.

(e) *Aluminum scrap (new and old) and aluminum remelt ingots—(1) General.* License applications to export aluminum scrap (new and old), Schedule B No. 630050 and aluminum remelt ingots, Schedule B No. 630070, will be considered by the Bureau of Foreign Commerce for approval in accordance with the procedure described herein.

(2) *Availability for export.* One of the following certifications shall appear on each license application:

(i) Where materials are in possession of applicant, the applicant shall execute and submit to the Bureau of Foreign Commerce the following certification:

I (we) certify that the aluminum materials described in this license application are in my (our) possession and will be available for export not later than December 31, 1955.

or

(ii) Where materials are not in possession of applicant, the applicant shall submit to the Bureau of Foreign Commerce the following certification from the supplier of the materials:

I (we) certify that not later than December 31, 1955, I (we) shall supply to ----------
(Name of applicant)

(Quantity in short tons)
short tons of ----------
(Type of aluminum material)
in accordance with the terms of contract sale number ---------- dated
(Contract number)

(Date of contract)

All documents evidencing commitment of sale must be kept available for inspection, upon demand, by the Bureau of Foreign Commerce for three years from the date of receipt of the application, as shown on the Acknowledgment Card (Form IT– or FC–116).

(3) *Statement of Past Participation in Exports, Form IT– or FC–821.* Applicants are required to submit to the Bureau of Foreign Commerce for the commodities set forth above a Statement of Past Participation in Exports on Form IT– or FC–821 in accordance with the procedure set forth in § 373.4. A separate report on Form IT– or FC–821 shall be filed for each Schedule B number, broken down by countries of destination, and shall cover the quantity in Schedule B units of exports from the United States made during the second, third and fourth calendar quarters of 1954 and the first calendar quarter of 1955, where the total for such exports to all countries for each Schedule B number was $2,000 or over for the four quarters. In preparing Form IT– or FC–821, the heading above items (c) and (d) shall be changed to read "2nd, 3rd, 4th quarters, 1954", and the heading above items (e) and (f) shall read "1st quarter 1955."

(4) *Unsalable leaded aluminum foil.* Applications for licenses to export leaded aluminum foil scrap for which there is no market in the United States are not subject to subparagraphs (2) and (3) of this paragraph, but shall be supported by evidence of commercial unsalability in the domestic market. This evidence may be in the form of a letter or other statement from the applicant, supplier, or persons to whom the scrap was offered for sale. The evidence must be adequate to demonstrate that the scrap has been offered for sale without success in the normal domestic market at reasonable and competitive prices. It shall include, as a minimum, the names and addresses of the potential users to whom the scrap has been offered, the terms at which it has been offered, and the reason(s) for rejection of offers to sell.

(5) *Aluminum scrap containing 70% or less aluminum* (including drosses, skimmings, slags, ashes, insulated wire and cable, paper-backed and cloth-backed aluminum foil). Applications for licenses to export aluminum scrap containing 70 percent or less aluminum shall specify the weight of the aluminum alloy metal content of the scrap material to be exported.

(6) *Validity period.* Licenses to export the aluminum materials covered by this paragraph (e) will be issued for a validity period ending on the last day of the third month following the month during which the license is validated (e. g., a license issued on October 25, 1955, would expire January 31, 1956. However, no licenses will be approved for a validity period extending beyond January 31, 1956.

(7) *Amendments to export licenses.* No amendments requesting an extension of the validity period of the license will be granted for export licenses issued under this procedure. Where an amendment request involves an action other than an extension of the validity period, it shall be submitted directly to the Bureau of Foreign Commerce.

(8) *Time for submission of applications.* Applications for licenses to export aluminum scrap (new and old), Schedule B No. 630050, and aluminum remelt ingots, Schedule B No. 630070, shall be submitted in accordance with the time schedules set forth in Supplement No. 1 to Part 373.

(9) *Utilization of export quota.* (i) A licensee who determines that the full amount of the quantity of the aluminum materials shown on the export license will not be used during the validity period for which it was issued should promptly submit a request for amendment on Form IT– or FC–763 to reduce the quantity of the aluminum materials licenses to the amount actually intended for export. The amendment procedure set forth in § 380.2 (g) shall be followed in requesting quantity reductions on outstanding licenses.

(ii) Any quantities recovered as a result of this procedure will be considered for licensing in the same quarter in which they were recovered. The return of any unused quantities by an exporter will in no way affect the exporter's entitlement under the historical licensing procedure in future quarters.

This amendment shall become effective as of October 22, 1955.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR,

1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55-8563; Filed, Oct. 21, 1955; 8:51 a. m.]

[7th Gen. Revision of Export Regs., Amdt. 43]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES

Section 373.71 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by adding the words "Before December 1, 1955" in the column headed "Submission Dates, Fourth Quarter, 1955" opposite the following commodities:

Dept. of Commerce Schedule B No.	Commodity
630050	Aluminum scrap (new and old).
630070	Aluminum remelt ingots.
641300	Copper scrap (new and old) containing 40 percent or more copper
644000	Copper-base alloy scrap (new and old containing 40 percent or more copper.
644100	Copper-base alloy ingots and other crude forms.

This amendment shall become effective as of October 22, 1955.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55-8564; Filed, Oct. 21, 1955; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6245]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ILLINOIS COMMERCIAL MEN'S ASSN.

Subpart—*Advertising falsely or misleadingly:* § 13.260 *Terms and conditions;* § 13.275 *Undertakings, in general.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.2080 *Terms and conditions;* § 13.2090 *Undertakings, in general.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Illinois Commercial Men's Association, Chicago, Ill., Docket 6245, October 4, 1955]

This proceeding was heard by Loren H. Laughlin, hearing examiner, upon the complaint of the Commission—charging respondent corporation with misrepresenting the coverage of its accident insurance policies in advertising disseminated in commerce throughout the United States—and an agreement between counsel for the parties providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of September 23, 1955, pursuant to § 3.21 of the rules of practice, became, on October 4, 1955, the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That respondent, Illinois Commercial Men's Association, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any accident insurance policy, do forthwith cease and desist from:

(A) Representing, directly or by implication:

(1) That said insurance policy may be continued in effect indefinitely or for any peroid of time, when, in fact, said policy provides that it may be canceled by respondent or terminated under any circumstances over which insured has no control, during the period of time represented.

(2) That said policy provides for indemnification to insured in cases of accident generally or in any or all cases of accident, when such is not the fact.

(3) That said policy provides for the payment of certain benefits in addition to other benefits when such is not the fact.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 23, 1955.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 55-8538; Filed, Oct. 21, 1955; 8:46 a. m.]

[Docket 6363]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL FOOD BROKERS ASSN. ET AL.

Subpart—*Coercing and intimidating:* § 13.345 *Competitors:* By denying membership in trade association; [1] By threatening disciplinary action or otherwise. Subpart — *Combining or conspiring:* § 13.450 *To limit distribution or dealing to regular, established or acceptable channels or classes.*

[1] New.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, National Food Brokers Association (Washington, D. C.) et al., Docket 6363, October 7, 1955]

In the matter of National Food Brokers Association, a voluntary, unincorporated association; Watson Rogers, individually, as President of aforesaid National Food Brokers Association and as a representative of the members of aforesaid National Food Brokers Association; Truman F. Graves, Walter H. Burns, Sr., George E. Dillworth, W. Sloan McCrea, Willis Johnson, Jr., E. Norton Reusswig, and Clarence Wendt, individually, as members of the Executive Committee of aforesaid National Food Brokers Association and as representatives of the members of aforesaid National Food Brokers Association; Roy C. Ossman, Ed. W. Jones, Ralph D. Davies, Jack L. Gentry, Elwin W. Peterson, John O. Crawford, H. Wayne Clarke, A. J. Campbell, Harry L. Wagner, James J. Reilley, T. H. McKnight, Sr., Howard L. Scott, George R. Bennett, and Wilbur R. Orr, individually, as members of the Advisory Committee of aforesaid National Food Brokers Association and as representatives of the members of aforesaid National Food Brokers Association; Truman F. Graves and Winston W. Chambers, copartners doing business under the firm name and style of Graves-Chambers Co., a partnership, Walter H. Burns Company, Inc., a corporation, Jean N. Bistline, Roy M. Bistline and Bessie M. Bistline, copartners doing business under the firm name and style of Bistline Brokerage Company, a partnership, Earl V. Wilson Company, a corporation, Willis Johnson, Jr., and William M. Powell, copartners doing business under the firm name and style of Willis Johnson & Company, a partnership, Harold J. Lestrade, E. Norton Reusswig, Sidney Kahn and Herbert Davies, copartners doing business under the firm name and style of Lestrade Brothers, a partnership, Ed Allison and Clarence Wendt, copartners doing business under the firm name and style of Allison & Wendt, a partnership, The Paul E. Kroehle Co., a corporation, Meinrath Brokerage Co., a corporation, Ralph D. Davies, Inc., a corporation, Jack L. Gentry, doing business under the firm name and style of Jack L. Gentry, a sole proprietorship, Peterson Sales, Inc., a corporation, Calvin H. Baker, John O. Crawford and James Bishop, copartners doing business under the firm name and style of Baker-Crawford-Bishop, a partnership, H. Wayne Clarke and G. Leaman, copartners doing business under the firm name and style of Walter Leaman Company, a partnership, A. J. Campbell, doing business under the firm name and style of A. J. Campbell Company, a sole proprietorship, Carter Wagner Brokerage Company, a corporation, James J. Reilley, doing business under the firm name and style of James J. Reilley & Associates, a sole proprietorship, T. H. McKnight, Sr., T. H. McKnight, Jr., and J. M. McKnight, copartners doing business under the firm name and style of T. H. McKnight & Sons, a partnership, Deming & Gould Company, a corporation, George R. Bennett Company, Inc., a corporation, Wilbur R. Orr, doing business under the firm name and style of W. R. Orr and Company, a sole proprietorship, T. F. Robbins, Jr., and L. D. Greenwood, copartners doing business under the firm name and style of Robbins-Greenwood Company, a partnership, Eldridge Brokerage Company, a corporation, The John G. Paton Co., Inc., a corporation, Rodway Sales Corporation, a corporation, J. P. Wier and J. Neville Wier, copartners doing business under the firm name and style of J. P. Wier Brokerage Company, a partnership, Clarence A. Klag, doing business under the firm name and style of Clarence A. Klag Company, a sole proprietorship, and Kierce & Dillworth, Inc., a corporation, individually, as members of aforesaid National Food Brokers Association and as representatives of the members of aforesaid National Food Brokers Association.

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission—which charged a trade association and its 1750 food broker members with conspiring to eliminate competition in their industry—and an agreement between counsel for both parties providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist which by the Commission's order of October 7, 1955, pursuant to § 3.21 of the rules of practice, became the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That respondents, National Food Brokers Association, a voluntary, unincorporated association, its officers, Executive Committee, Advisory Committee, agents, employees, representatives, successors, assigns and members, Watson Rogers, individually, as President of respondent association and as representative of the members of respondent association, and his successors in said office; Truman F. Graves, individually, as National Chairman and a member of the Executive Committee of respondent association and as representative of the members of respondent association, and his successors in each of said offices; Walter H. Burns, Sr., individually, as First Vice-Chairman and a member of the Executive Committee of respondent association and as representative of the members of respondent association, and his successors in each of said offices; George E. Dillworth, individually as Second Vice-Chairman and a member of the Executive Committee of respondent association and as representative of the members of respondent association, and his successors in each of said offices; W. Sloan McCrea, individually, as Member at Large of the Executive Committee of respondent association and as representative of the members of respondent association, and his successors in said office; Willis Johnson, Jr., individually, as a member of the Executive Committee of respondent association and as a representative of the members of respondent association, and his successors in said office; E. Norton Reusswig, individually, as a member of the Executive Committee of respondent association and as representative of the members of respondent association, and his successors in said office; Clarence Wendt, individually, as a member of the Executive Committee of respondent association and as representative of the members of respondent association, and his successors in said office; Roy C. Ossman, Ed. W. Jones, Ralph D. Davies, Jack L. Gentry, John O. Crawford, H. Wayne Clarke, A. J. Campbell, Harry L. Wagner, James J. Reilley, T. H. McKnight, Sr., Howard L. Scott, George R. Bennett and Wilbur R. Orr, individually, as members of the Advisory Committee of respondent association and as representative of the members of respondent association, and their successors on said Advisory Committee; Walter H. Burns Company, Inc., a corporation, Earl V. Wilson Company, a corporation, The Paul E. Kroehle Co., a corporation, Meinrath Brokerage Co., a corporation, Ralph D. Davies, Inc., a corporation, Peterson Sales, Inc., a corporation, Carter Wagner Brokerage Company, a corporation, Deming & Gould Company, a corporation, George R. Bennett Company, Inc., a corporation, Eldridge Brokerage Company, a corporation, The John G. Paton Co., Inc., a corporation, Rodway Sales Corporation, a corporation, and Kierce & Dillworth, Inc., a corporation, and their respective officers, agents, representatives and employees, individually, as members of respondent association and as representative of all of the members of respondent association; Truman F. Graves and Winston W. Chambers, copartners doing business under the firm name and style of Graves-Chambers Co., a partnership, each individually, as a member of respondent association and as representative of all of the members of respondent association; Jean N. Bistline, Roy M. Bistline and Bessie M. Bistline, copartners doing business under the firm name and style of Bistline Brokerage Company, a partnership, each individually, as a member of respondent association and as representative of all of the members of respondent association; Willis Johnson, Jr., and William M. Powell, copartners doing business under the firm name and style of Willis Johnson & Company, a partnership, each individually, as a member of respondent association and as representative of all the members of respondent association; Calvin H. Baker, John O. Crawford and James Bishop, copartners doing business under the firm name and style of Baker-Crawford-Bishop, a partnership, each individually, as a member of respondent association and as representative of all of the members of respondent association; H. Wayne Clarke and G. Leaman, copartners doing business under the firm name and style of Walter Leaman Company, a partnership, each individually, as a member of respondent association and as representative of all of the members of respondent association; T. H. McKnight, Sr., T. H. McKnight, Jr. and J. M. McKnight, copartners doing business under the firm name and style of T. H. McKnight & Sons, a partnership, each individually, as a member of respondent association and as representative of all of the members of respondent association; T. F. Robbins, Jr., and L. D. Greenwood, copartners doing business under the firm name and style of Robbins-Greenwood Company, a partnership, each individually, as a member of respondent association and as representative of all of the members of respondent association; and J. P. Wier and J. Neville Wier, copartners doing business under the firm name and style of J. P. Wier Brokerage Company, a partnership, each individually, as a member of respondent association and as representative of all of the members of respondent association; Jack L. Gentry, doing business under the firm name and style of Jack L. Gentry, a sole proprietorship, A. J. Campbell, doing business under the firm name and style of A. J. Campbell Company, a sole proprietorship, James J. Reilley, doing business under the firm name and style of James J. Reilley & Associates, a sole proprietorship, Wilbur R. Orr, doing business under the firm name and style of W. R. Orr and Company, a sole proprietorship and Clarence A. Klag Company, a sole proprietorship, individually, as members of respondent association and as representative of all of the members of respondent association, directly or indirectly, or through any corporate or other device, in or in connection with the representing or soliciting the representation of sellers of food or grocery products, or in or in connection with the carrying on of the business of food brokers, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any agreement, understanding, combination or planned common course of action between two or more of said respondents, or between any one or more of said respondents and another or other persons, partnerships, or corporations not parties hereto, to do, perform, carry out or engage in, either directly or indirectly, or to attempt to do, perform, carry out or engage in, either directly or indirectly, any of the following acts, practices or methods:

1. Refraining from, abstaining from or refusing to solicit the representation, as food brokers, of a seller of food or grocery products when such seller is already represented by a food broker.

2. Compelling, inducing or coercing food brokers to refrain or abstain from soliciting the representation, as food brokers, of a seller of food or grocery products when such seller is already represented by a food broker.

3. Disciplining, reprimanding, suspending or expelling from membership any member of the National Food Brokers Association because such member solicited the representation, as a food broker, of a seller of food or grocery products when such seller was already represented by a food broker.

4. Prohibiting or forbidding the solicitation of representation, as a food broker, of a seller of food or grocery products when such seller is already represented by a food broker.

5. Refusing to endorse applications for membership, declining to elect candidates to membership, or in any manner denying or refusing membership in the National Food Brokers Association, or any similar organization, to any person, partnership or corporation because such person, partnership or corporation solicited the representation, as a food broker, of a seller of food or grocery products when such seller was already represented by a food broker.

6. Engaging in any act or practice, the purpose or effect of which is, directly or indirectly, to further or accomplish any understanding, agreement or combination prohibited herein.

7. Effectuating or attempting to effectuate any act, practice, policy or method, prohibited by any provision or part of this order, through respondent National Food Brokers Association or any other instrumentality, agent, medium or representative.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission.

Issued: October 7, 1955.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 55-8539; Filed, Oct. 21, 1955; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 10267, 10304]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

AERONAUTICAL MOBILE SERVICE; CORRECTION

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of certain frequency bands to the aeronautical mobile (OR) service, Docket No. 10267; amendment of part 2 of the Commission's rules and regulations concerning the allocation of certain frequency bands to the aeronautical mobile (R) service, Docket No. 10304.

The Commission's order of October 12, 1955, in the above-entitled matter (FCC 55-1010—published in the FEDERAL REGISTER October 18, 1955, at page 7813) is corrected to change the date "August 1, 1955", appearing in the seventh paragraph thereof, to read "November 1, 1955".

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-8551; Filed, Oct. 21, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1066]

IRISH POTATOES

REGULATIONS GOVERNING IMPORTS

Notice is hereby given that the Secretary of Agriculture is giving consideration to the grade, size, quality, and inspection regulations that are to be made applicable to the importation of Irish potatoes into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable General Regulations (7 CFR Part 1060; 19 F. R. 7707, 8012).

The regulations under consideration are to apply to all imports of Irish potatoes on the same basis as regulations imposed upon handlers of (1) round white or red skin varieties of Irish potatoes grown in the State of Maine pursuant to regulations issued under Marketing Agreement No. 122 and Order No. 70 (§ 970.302; 20 F. R. 6500, 6815), and (2) long varieties of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon pursuant to regulations issued under Marketing Agreement No. 98 and Order No. 57, as amended (§ 957.313; 20 F. R. 4794, 5807, 6075, 6729, 7325).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 1066.7 *Potato Regulation No. 2.* (a) During the period from November 14, 1955, to June 30, 1956, both dates inclusive, and subject to the general regulations (Part 1060 of this chapter; 19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section, no person shall import any Irish potatoes of any variety, other than certified seed potatoes, unless at least 90 percent of such potatoes are "fairly clean" and (1) if they are of the round white or red skin varieties such potatoes meet the requirements of the U. S. No. 1 or better grade, 2¼ inches minimum diameter and 4 inches maximum diameter, and (2) if they are of the long white varieties (including, but not limited to, Russet Burbank variety) such potatoes meet the requirements of the U. S. No. 2 or better grade, Size A, 5 ounces minimum weight, except that potatoes not less than 2 inches minimum diameter or 4 ounces minimum weight, Size A, may be imported if they meet the requirements of the U. S. No. 1 grade.

(b) Minimum quantities: Any importation which, in the aggregate, does not exceed 500 pounds, may be imported without regard to the provisions of paragraph (a) of this section.

(c) Plant quarantine: No provisions of this section shall supersede the restrictions or prohibitions of potatoes under the Plant Quarantine Act of 1912.

(d) Certified seed imports: Any person may import certified seed potatoes, which shall include only those potatoes which are officially certified and tagged as seed potatoes by the Plant Protection Division, Science Service, Canada Department of Agriculture.

(e) Offshore imports: During the period November 14, 1955, to June 30, 1956, both dates inclusive, and subject to the aforesaid general regulations, Irish potatoes of the round white or red skin varieties, may be imported into Puerto Rico, Hawaii, or Alaska if they meet the requirements of the U. S. No. 1 or better grade, 1⅞ inches minimum diameter.

(f) Designation of Governmental Inspection Service: The Fruit and Vegetable Inspection Services, Fruit and Vegetable Division, Marketing Service, Canada Department of Agriculture, is hereby designated, pursuant to § 1060.4 (a) of this chapter, as a governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of Irish potatoes that are imported, or to be imported, from Canada into the United States under the provisions of section 8e of the act.

(g) Inspection and official inspection certificates: (1) Inspection by the Federal or Federal-State Inspection Service, by the Fruit and Vegetable Inspection Services, Fruit and Vegetable Division, Marketing Service, Canada Department of Agriculture, or by such other governmental inspection service as may be designated, or approved, by the Administrator, with appropriate evidence thereof in the form of an official inspection certificate issued by the respective service and applicable to a particular shipment of potatoes, is required on all imports of potatoes, other than certified seed, pursuant to § 1060.3 *Eligible imports* of this chapter.

(2) Inspection certificates shall cover only the quantity of potatoes that is being imported at a particular port of entry by a particular importer.

(3) The inspections performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(4) Each inspection certificate issued with respect to any potatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the certificate;

(vi) The principal identifying marks on the containers;

(vii) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement, if the facts warrant: Meets U. S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(h) Findings and determinations with respect to imports of Irish Potatoes: (1) Pursuant to section 8e of the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 907, 1047), it is hereby found and determined that during the effective time hereof (i) imports of Irish potatoes of the long varieties are in most direct competition with such varieties of Irish potatoes which are grown in the production area defined in Order No. 57 (Part 957 of this chapter; designated counties in Idaho and Malheur County, Oregon) and (ii) imports of Irish potatoes of the round white or red skin varieties are in most direct competition with such varieties of Irish potatoes which are grown in the production area defined in Order No. 70 (Part 970 of this chapter; the State of Maine).

(2) It is hereby determined that the grade, size, and quality regulations hereby established for the respective varieties of Irish potatoes that may be imported into the United States are equivalent or comparable to those imposed upon domestic Irish potatoes under the aforesaid marketing orders.

(i) Definitions: (1) The terms "U. S. No. 1," "U. S. No. 2", "fairly clean", and "Size A," mean the U. S. No. 1 grade, the U. S. No. 2 grade, fairly clean, and Size A, respectively, as set forth in the United States Standards for Potatoes (§§ 51.1540 to 51.1559, inclusive of this title), including the tolerances set forth therein. For the purposes of this regulation, the following United States Potato Standards and Canadian potato standards are determined to be equivalent; U. S. No. 1 grade and Canada No. 1 grade; U. S. No. 2 grade and Canada No. 2 grade except that the tolerances for size, as set forth in the said United States Standards, may be used.

(2) All other terms have the same meaning as when used in the general regulations (Part 1060 of this chapter; 19 F. R. 7707; 8012) applicable to the importation of listed commodities.

Done at Washington, D. C., this 18th day of October 1955.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division.*

[F. R. Doc. 55-8560; Filed, Oct. 21, 1955; 8:50 a. m.]

[7 CFR Part 903]

[Docket No. AO 10-A19]

HANDLING OF MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of a public hearing to be held in the Melbourne Hotel, Grand and Lindell Streets, beginning at 10:00 a. m., e. s. t., October 25, 1955, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Evidence will be received at this hearing with respect to any modification of the provisions of § 903.51 (a) which determine the price for Class I milk. With respect to such provisions the following amendments have been proposed:

By Sanitary Milk Producers:

1. Amend § 903.51 (a) to read as follows:

(1) Add the amount shown for the appropriate month:

January	$1.40	July	$1.40
February	1.40	August	1.40
March	1.40	September	1.70
April	.90	October	1.70
May	.90	November	1.70
June	.90	December	1.40

By Square Deal Milk Producers Association and Cooperative Milk Producers of Missouri:

2. To amend § 903.51 (a) (1), Class I premiums, by increasing 45 cents per hundredweight of milk for each delivery period or for every month with the exception of April, May and June. These three months should be increased 20 cents.

By Dairy Division, Agricultural Marketing Service:

3. Make such other changes as may be required to make the entire order conform with any amendment thereto which may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the market administrator, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: October 19, 1955.

[SEAL] F. R. BURKE, *Acting Deputy Administrator.*

[F. R. Doc. 55-8584; Filed, Oct. 21, 1955; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Ch. II]

[Docket 783]

PACIFIC COAST EUROPEAN TRADE; SECTION 19 INVESTIGATION

EXTENSION OF TIME

Notice is hereby given that, pursuant to request in behalf of members of the Pacific Coast European Conference, the time stipulated in previous notice, appearing in the FEDERAL REGISTER issue of October 8, 1955 (20 F. R. 7554), in which any person having an interest in the proceeding and grounds for intervention is extended to November 15, 1955.

Dated: October 17, 1955.

By order of the Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 55-8613; Filed, Oct. 21, 1955; 10:47 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF 3-(3,4-DICHLOROPHENYL)-1,1-DIMETHYLUREA

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued.

A petition has been filed by E. I. du Pont de Nemours and Company, Inc., Wilmington, Delaware, proposing the establishment of a tolerance of 2 parts per million for residues of 3-(3,4-dichlorophenyl)-1,1-dimethylurea in or on the raw agricultural commodities alfalfa and grass crops (grass hay).

The petition proposes that residues of 3-(3,4-dichlorophenyl)-1,1-dimethylurea be determined by the method described in "Determination of 3-(*p*-chlorophenyl)-1,1-dimethylurea in Soils and Plant Tissues," by W. E. Bleidner, H. M. Baker, Michael Levitsky, and W. K. Lowen, published in Journal of Agricultural and Food Chemistry, Vol. 2, pages 476–479, April 28, 1954, with the following modifications:

1. For calibration, 3,4-dichloroaniline is used in place of *p*-chloroaniline.

2. Hexane is the recommended solvent.

3. Under calibration, page 477, following the dilution of the aliquot to 40 milliliters with 1.0*N* HCl, 5 milliliters of glacial acetic acid is added. The sodium nitrite is then added and the color development completed as described. Fifteen minutes after the addition of the *N*-(1-naphthyl)-ethylenediamine dihydrochloride, the intensity of the color is determined at approximately 560 millimicrons with a filter photometer.

4. Under determination, page 479, following placement of the aliquot into a 50-milliliter volumetric flask, the aliquot is diluted to 40 milliliters with 1.0 *N* HCl and 5 milliliters glacial acetic acid is added. The color is then developed and read as before.

5. In the equation on page 479, the factor should be changed from 1.56 to 1.44.

Dated: October 17, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8534; Filed, Oct. 21, 1955; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

EXCHANGE DISTRIBUTION PLANS OF THE AMERICAN STOCK EXCHANGE, AND THE MIDWEST STOCK EXCHANGE

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to declare effective amended Exchange Distribution Plans filed by the American Stock Exchange and Midwest Stock Exchange which permit specialist-odd-lot dealers to participate in such Plans under certain conditions. The Commission's action would be taken pursuant to the provisions of sections 10 (b) and 23 (a) of the Securities Exchange Act of 1934 and § 240.10b-2 (d) (Rule X-10b-2 (d)) thereunder.

The Commission's Rule X-10B-2, which implements the anti-manipulative provisions of the Securities Exchange Act of 1934, in substance prohibits any person engaged in distributing a security from paying any other person for soliciting or inducing a third person to buy the security on an exchange. Paragraph (d) of the rule provides that the rule shall not apply to any transaction effected in accordance with the provisions of a plan filed with the Commission by a national securities exchange and declared effective by the Commission, provided that the person paying such compensation does not know or have reasonable grounds to believe that transactions connected with such distribution are being carried out in violation of the plan.

The Exchange Distribution Plans of the American and Midwest exchanges now in effect authorize the exchange to grant approval to members to make a distribution of a block of securities "at the market" on the exchange when the regular market on the exchange cannot otherwise absorb the block of securities within a reasonable time and at a reasonable price or prices. The Plans contain certain anti-manipulative controls and require participating members to make certain disclosures to persons solicited to buy the securities being distributed.

The American and Midwest exchanges have requested the Commission to declare effective amended Exchange Distribution Plans which would permit a specialist-odd-lot dealer to make a distribution thereunder when he has been unable to dispose of the block of securities within a reasonable period in the ordinary course of his dealings as a specialist-odd-lot dealer. The amended Plans contain certain additional anti-manipulative controls restricting the price at which the specialist-odd-lot dealer may effect round-lot purchases of the security for his own account during the course of the distribution. This restriction should not affect the performance of his functions as an odd-lot dealer. The amended Plans also prohibit the specialist-odd-lot dealer from dealing directly with the public in effecting any such distribution; he would be required to make an arrangement with one or more other members to effect the distribution on his behalf. It has been suggested that the amended Plans should help specialist-odd-lot dealers to maintain fair and orderly markets in the securities in which they act as specialists since they would be more willing to take larger amounts of stock, either in the ordinary performance of their dealer functions on the exchange or by purchasing blocks off the floor, because there will be available to them a facility for the distribution of the stock in the event that they are unable to sell such stock within a reasonable time in the ordinary course of their business as specialist-odd-lot dealers.

The Commission proposes to declare the amended Exchange Distribution Plans of the American and Midwest exchanges effective for a limited experimental period on the condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors to suspend or terminate the effectiveness of either of the Plans the Commission may do so by sending at least 10 days written notice to the exchange. This condition would be imposed pursuant to the provisions of paragraph (d) (2) of the Commission's Rule X-10B-2.

The text of the amended Exchange Distribution Plan of the American Stock Exchange is set out below. The amended Exchange Distribution Plan of the Midwest Stock Exchange is substantially the same.

Rule 570. To effect an "Exchange Distribution" of a block of a security dealt in on the Exchange, a member, member firm or member corporation, for his or its own account, or the account of a customer, may

(A) Make an arrangement with one or more other members, member firms or member corporations under which

(1) The members, member firms or member corporations with whom the arrangement is made solicit others to purchase such security; and

(2) The selling member, member firm or member corporation pays to the members, member firms or member corporations with whom the arrangement is made a special commission which is mutually agreeable but not lower than the applicable commission prescribed in Article VI of the Constitution; and

(3) The members, member firms or member corporations with whom the arrangement is made may pay a special commission to their registered employees; and/or

(B) Pay a special commission to his or its registered employees for soliciting others to purchase such security.

An "Exchange Distribution" may be made only with the prior approval of the Exchange (given after consulting and with the concurrence of a Governor who is active on the Floor of the Exchange). Such a distribution shall not be approved unless the Exchange shall have determined that the regular market on the Floor of the Exchange cannot, within a reasonable time and at a reasonable price or prices, otherwise absorb the block of securities which is to be the subject of the "Exchange Distribution". In making such determination the following factors may be taken into consideration, viz.:

(a) Price range and the volume of transactions in the security on the Floor of the Exchange during the preceding month;

(b) Attempts which have been made to dispose of the security on the Floor of the Exchange;

(c) The existing condition of the specialist's book and Floor quotations with respect to the security;

(d) The apparent past and current interest in the security on the Floor; and

(e) The number of shares or bonds and the current market value of the block of the security proposed to be covered by the "Exchange Distribution".

No "Exchange Distribution" shall be made unless each of the following conditions is complied with:

(1) The person for whose account the Distribution is to be made shall, at the time of the Distribution, be the owner of the entire block of the security to be so distributed.

(2) The person for whose account the Distribution is to be made shall include within the Distribution all of the security which he then intends to offer within a reasonable time, and there shall be furnished to the Exchange before the Distribution is made a written statement by the offeror to that effect or a written statement by his broker stating that the broker has been so advised by the offeror.

(3) The person for whose account the Distribution is made shall agree that, during the period the Distribution is being made, he will not bid for or purchase any of the security for any account in which he has a direct or indirect interest.

(4) The members, member firms and member corporations who are parties to the arrangement for the Distribution shall not, during the period the Distribution is being made, bid for or purchase any of the security for an account in which they have a direct or indirect interest.

(5) No member shall be granted approval to effect an "Exchange Distribution" of a block of a security for an account in which he has a direct or indirect interest, if he is registered as a specialist-odd-lot dealer in such security, unless the Exchange has determined that such member has been unable, within a reasonable period of time, to dispose of the block of security in the ordinary course of his dealings as a specialist-odd-lot dealer. Such approval shall stipulate that the specialist-odd-lot dealer may not deal directly with the public but must make an arrangement with one or more other members, member firms or member corporations to solicit others to purchase the security, and pay a special commission to such other members, member firms and member corporations as provided for under paragraph (A) of this rule.

(6) Each member, member firm or member corporation soliciting purchase orders for execution in the Distribution shall advise the person so solicited, before effecting any transaction for such person pursuant thereto, that the securities being offered are part of a specified number of shares or bonds being offered in an "Exchange Distribution" and that he or it

(a) Is acting for the seller and will receive a special commission from the seller or his broker, or is acting as a principal; and

(b) Is charging the buying customer the regular commission, the equivalent of the regular commission, or is making the sale at a net amount, whichever the case may be.

(7) No short sale may be made in connection with the Distribution, except that securities may be borrowed to make delivery where the person owns the securities sold and intends to deliver such securities as soon as possible without undue inconvenience or expense.

The conditions set forth in (2), (3) and (4) above shall not apply.

(A) To transactions effected on the Exchange, for the purpose of maintaining a fair and orderly market, by a member in a security in which he is registered as a specialist-odd-lot dealer and which is the subject of an Exchange Distribution for an account in which he has an interest, except that, while such Distribution is in effect, he shall not bid for or purchase such stock on the Exchange for an account in which he has an interest:

(a) At a price above the preceding sale (i. e., A "plus" tick) or

(b) At a price above the next preceding different sale price (i. e., a "zero plus" tick); or

(B) To transactions effected by a member on the Exchange in less than the unit of trading for the purpose of purchasing odd-lots offered to him in a security in which he is registered as specialist-odd-lot dealer and which is the subject of an Exchange Distribution in which he has an interest.

The conditions set forth in (3) and (4) above shall not apply to purchases necessitated solely in connection with the crossing of orders pursuant to the Distribution.

In effecting an "Exchange Distribution" the orders for the purchase of the securities being distributed must be sent to the Floor together with an order to sell an equal amount to be crossed in accordance with the rules applicable to the crossing of orders on the Floor, and such transactions shall be printed on the ticker tape.

The member, member firm or member corporation selling securities in an "Exchange Distribution" shall report to the Exchange all transactions in such securities effected by him or it for any account in which the seller had a direct or indirect interest, commencing with the time arrangements for the Distribution were made and ending with the time the Distribution was completed.

All interested persons are invited to submit views and comments on the above proposal in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before October 26, 1955. Views and comments will be available for public inspection unless in any case a person requests that his comments not be made public.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

OCTOBER 11, 1955.

[F. R. Doc. 55-8540; Filed, Oct. 21, 1955; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

SOUTH CAROLINA

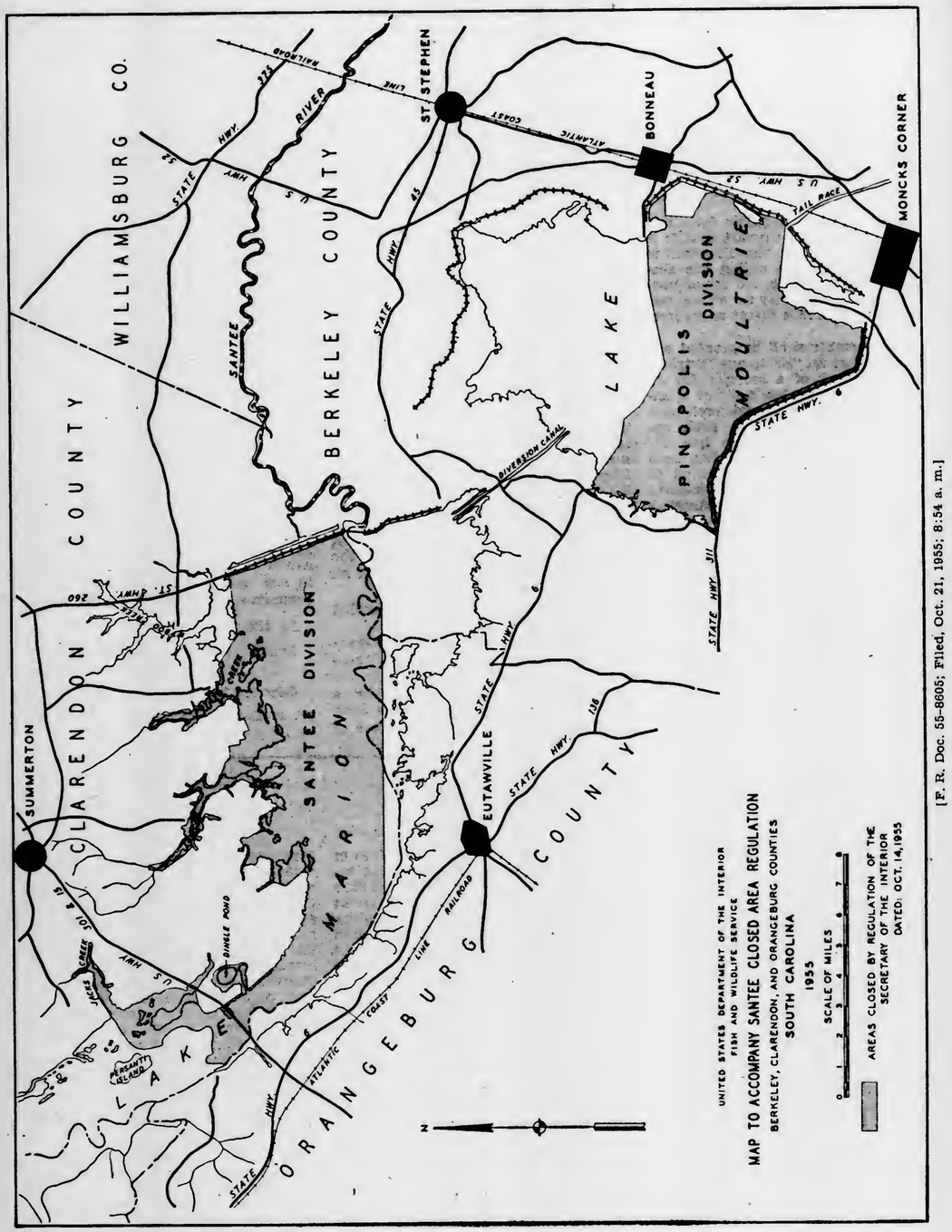
DESIGNATING AS A CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT CERTAIN LANDS AND WATERS WITHIN AND ADJACENT TO LAKE MARION AND LAKE MOULTRIE, SOUTH CAROLINA, AND PROHIBITING THE HUNTING OF MIGRATORY BIRDS THEREON

By virtue of and pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan II (53 Stat. 1431), and in accordance with the provisions of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), I, Douglas McKay, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, do hereby designate as an area closed to the hunting of migratory birds all the lands and those portions of the waters of Lake Marion and Lake Moultrie, in Berkeley, Clarendon, and Orangeburg Counties, South Carolina, as fully described in a lease agreement dated May 5, 1941, as amended prior to June 27, 1955, between the South Carolina Public Service Authority and the United States of America, Department of the Interior, Fish and Wildlife Service, fully delineated on the maps made a part thereof and of record in Berkeley and Clarendon Counties, South Carolina, which areas also are delineated on the map attached hereto and made a part hereof, and notice is hereby given that the pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds will not be permitted on or over such lands after the effective date of this regulation.

In accordance with section 4 (c) of the Administrative Procedure Act, this regulation is effective 30 days after date of publication.

Issued at Washington, D. C., this 14th day of October 1955.

DOUGLAS MCKAY,
Secretary of the Interior.


WILLIAMSBURG CO.
BERKELEY COUNTY
CLARENDON COUNTY
MARION COUNTY
ORANGEBURG COUNTY
LAKE MOULTRIE
PINOPOLIS DIVISION
SANTEE DIVISION
LAKE MARION
ST. STEPHEN
BONNEAU
MONCKS CORNER
EUTAWVILLE
SUMMERTON
SANTEE RIVER
DINGLE POND
PENNY ISLAND
DIVERSION CANAL
TAIL RACE
ATLANTIC COAST LINE RAILROAD
STATE HWY. 45
STATE HWY. 311
STATE HWY. 402
STATE HWY. 6
STATE HWY. 108
STATE HWY. 260
U.S. HWY. 52
U.S. HWY. 17
U.S. HWY. 15
U.S. HWY. 176
U.S. HWY. 52
U.S. HWY. 17A
U.S. HWY. 17

in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 8, 1955. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the Applicants to be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8536; Filed, Oct. 21, 1955; 8:45 a. m.]

[Docket No. G-9119]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 17, 1955.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), Applicant, a Delaware corporation whose address is Shreveport, Louisiana, filed on July 11, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing it to permit Arkansas-Missouri Power Company (Arkansas-Missouri) to convert its purchase contract from service under Applicant's DCQ Rate Schedule to service under Applicant's GS Rate Schedule subject to the jurisdiction of the Commission all as more fully represented in the application which is on file with the Commission and open for public inspection.

The general terms and conditions of Applicant's FPC Gas tariff permit such conversion upon Applicant's consent which has been given.

The effect of this conversion will be to increase the volumes of gas available to Arkansas-Missouri on a peak day from 6,434 Mcf to 8,698 Mcf at 14.23 p. s. i. a. The annual quantity of gas available to Arkansas-Missouri will not be increased under this conversion in accordance with the general terms and conditions pertaining to conversion from DCQ to GS Rate Schedules.

Applicant further desires to consolidate the purchase contracts of Arkansas-Missouri and Associated Natural Gas Company (Associated) into one service agreement with these two companies as joint buyers, as requested by said companies.

Arkansas-Missouri has purchased all the outstanding common stock of Associated. Through the consolidation of the purchase contracts Applicant seeks authorization to sell and deliver to Arkansas-Missouri and Associated, as joint buyers, a maximum of 15,183 Mcf at 14.73 p. s. i. a. per day in accordance with Applicant's GS-B Rate Schedule, instead of delivering these volumes previously authorized by the Commission to be delivered separately.

This change will not affect the overall total volume of gas that Applicant is obligated to deliver to Arkansas-Missouri and Associated.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 10, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8537; Filed, Oct. 21, 1955; 8:46 a. m.]

[Docket No. G-3188, etc.]

SLICK-MOORMAN OIL CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

OCTOBER 18, 1955.

In the matters of Slick-Moorman Oil Company et al., Docket No. G-3183; Drilling and Exploration Company, Inc., et al., Docket No. G-3208; Texas Pacific Coal and Oil Company, Docket No. G-5183; Tennessee Gas Transmission Company, Docket No. G-6127; Husky Oil Company, Docket Nos. G-8054, G-8055, G-8056, G-8057, G-8058; R. E. Hibbert, Agent for J. K. Dorrance Co., Inc., Docket No. G-8059; Petersen Petroleum Corporation, Docket No. G-8060; H. L. Choate et al., Docket No. G-8066; Lario Oil & Gas Co., Docket No. G-8070; H. C. Miller, Docket No. G-8073; Lyle Cashion Company, Docket No. G-8079; Leland Fikes, Docket Nos. G-8096, G-8101; Fikes & Murchison, Docket No. G-8102; D. C. Casey & Ray C. Livesay, Docket No. G-8105; Frank A Griffin, Jr., Docket No. G-8113; H. J. Mosser, Docket No. G-8119; Anderson-Prichard Oil Corporation, Docket Nos. G-8121, G-8123; T. Jack Foster, Docket No. G-8124; E. E. Fogelson, Docket Nos. G-8127, G-8128, G-8129; C. S. Black, Trustee for Wade Bronson, Jr., Docket No. G-8150; Kimberlin & Howse, Docket No. G-8238; Carnes W. Weaver et al., Docket No. G-8240; Newmont Oil Company, Docket No. G-8243; Basin Natural Gas Corporation, Docket No. G-8245; I. W. Siegel, Docket No. G-8244; A. W. Gregg Oil Company, Docket No. G-8247; Transcontinental Gas Pipe Line Corporation, Docket No. G-8923.

Notice is hereby given that on October 7, 1955, the Federal Power Commission issued its findings and orders adopted October 5, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8546; Filed, Oct. 21, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-966]

CRUM & FORSTER SECURITIES CORP. AND CRUM AND FORSTER

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATES INCIDENT TO MERGER

OCTOBER 18, 1955.

Notice is hereby given that Crum and Forster and its subsidiary, Crum & Forster Securities Corporation ("Securities Corporation"), a registered investment company, have filed a joint application pursuant to sections 17 (b) and 8 (f) of the Investment Company Act of 1940 ("act") for an order exempting certain transactions pursuant to a merger of said companies from the provisions of section 17 (a) of the act, and for an order declaring that, upon such merger becoming effective, Securities Corporation has ceased to be an investment company.

It is proposed that Securities Corporation be merged and consolidated with and into Crum and Forster. The following representations are made:

Securities Corporation, a closed-end non-diversified investment company, has investments almost entirely in stocks of multiple-line insurance companies. Its total assets as of June 30, 1955, were $28,414,900. Crum and Forster is engaged in the underwriting management of multiple-line insurance companies, equity securities of which are owned by it and by Securities Corporation. The total assets of Crum and Forster as of June 30, 1955, were $111,193,157.

Neither corporation has any funded or current debt for borrowed money. Crum and Forster, a New York Corporation, has outstanding 81,300 shares of 8 percent non-voting cumulative preferred stock, $100 par value, and 778,683 shares of voting common stock, $10 par value. Securities Corporation, a Delaware Corporation, has outstanding 25,000 shares of voting Class A common stock and 232,086 of non-voting Class B common stock. Such shares have equal rights except as to votes. Under the laws of New York and Delaware, all stockholders, regardless of class, of each corporation are entitled to notice of and to vote at the respective special meetings, at which the merger will be proposed.

As of September 30, 1955, Crum and Forster owned all of the 25,000 issued and outstanding shares of voting Class A common stock of Securities Corporation and 197,982 of the 232,086 issued and outstanding shares of non-voting Class B common stock of Securities Corporation, the shares thus owned by Crum and Forster constituting 86.7 percent of the total number of outstanding shares of common stock of Securities Corporation.

Under the terms of the proposed merger and consolidation, shareholdings of Crum and Forster stock will remain undisturbed. The 25,000 shares of Class A common stock and 197,982 shares of Class B common stock of Securities Corporation owned by Crum and Forster will be canceled and no shares issued therefor. Each of the 34,104 remaining outstanding shares of the Class B common stock of Securities Corporation will be converted into 1.4 shares of common stock of Crum and Forster.

It is stated that a comparison of the market prices, net income and dividends per share of common stock, and net asset values of the shares of the two corporations, indicates that the conversion ratio is both reasonable and fair to the holders of the Class B common stock of Securities Corporation. There has been no marked difference between the market prices of the common stock of Crum and Forster and of the Class B common stock of Securities Corporation during the past two years. During the three years and six months ended June 30, 1955, the earnings per share of common stock of Crum and Forster aggregated $7.57 and the earnings per share of Class B common stock of Securities Corporation aggregated $8.61. During the same period dividends declared on the common stock of Crum and Forster aggregated $5.90 per share and the dividends declared on the Class B common stock of Securities Corporation aggregated $8.00 per share. If the Class B common stock of Securities Corporation had been converted prior to this period at the proposed conversion ratio, the holders thereof would have received dividends of 1.4×$5.90 or $8.26 per share. The net asset value per share as of June 30, 1955, of the outstanding common stock of Crum and Forster was $106.52 and of the Class B common stock of Securities Corporation was $110.35, and the net asset value per share on a pro forma basis as of June 30, 1955, of the 826,429 shares of common stock of the surviving corporation, which would have been outstanding if the proposed merger and consolidation had been consummated as of such date, would have been $104.93. Since one share of Class B common stock of Securities Corporation would be convertible into 1.4 shares of the surviving corporation's common stock, the June 30, 1955, net asset value of such share as so converted would be 1.4×$104.93 or $146.90. Such conversion ratio also takes into account the fact that Securities Corporation has no preferred stock outstanding whereas the common stock of Crum and Forster is subordinate to the outstanding preferred stock of Crum and Forster. The effect of the proposed conversion on the earnings, dividends and net asset value per share of common stock of Crum and Forster would not be significant.

The boards of directors of both corporations consider the proposed merger and consolidation to be in the best interest of, and advantageous to, the stockholders of both corporations. For the Securities Corporation's stockholders it will mean ownership of readily marketable shares in a larger and more diversified enterprise. For the Crum and Forster stockholders it will mean direct ownership by Crum and Forster of the assets of Securities Corporation with a consequently simpler corporate structure, resulting in reduced cost of operation as well as certain state franchise and other tax savings.

The proposed merger and consolidation is stated to be consistent with Securities Corporation's statement of policy as set forth in its registration statement. The application recites that Crum and Forster is principally an operating company engaged in the underwriting management of multiple line insurance companies, substantial amounts of equity securities of which are owned by it. Crum and Forster, as the surviving corporation after the merger and consolidation, will not be an investment company as defined in section 3 (a) of the act, since (i) it is not engaged primarily, does not hold itself out as being engaged primarily, and does not propose to engage primarily, in the business of investing, reinvesting or trading in securities, (ii) it has not engaged and does not propose to engage in the business of issuing face amount certificates of the installment type, and (iii) on the basis of the combined pro forma balance sheet as of June 30, 1955, of the Securities Corporation and Crum and Forster included in the Proxy Statements filed as exhibits hereto, it will have less than 21.5 percent of its total assets, less cash and government securities, invested in investment securities as defined in section 3 (a) (3) of the act.

Generally speaking, section 17 (a) of the act prohibits an affiliated person of a registered investment company or any affiliated person of such a person, from selling to, or purchasing from such registered investment company or any company controlled by such registered investment company, any securities or property, subject to certain exceptions not here pertinent. The Commission upon application pursuant to section 17 (b) may grant an exemption from the provisions of section 17 (a) if it finds that the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act and is consistent with the general purposes of the act. Since Crum and Forster and Securities Corporation are affiliates, the proposed merger is subject to the provisions of section 17 (a) of the act.

Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 31, 1955, at 12:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the Rules and Regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8541; Filed, Oct. 21, 1955; 8:47 a. m.]

[File No. 812-959]

AMERICAN RESEARCH AND DEVELOPMENT CORP.

NOTICE OF FILING FOR ORDER GRANTING EXEMPTION

OCTOBER 18, 1955.

Notice is hereby given that American Research and Development Corporation ("Applicant"), a registered investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 17 (a) of the act the transactions described below.

Applicant is a Massachusetts corporation with its principal place of business at 200 Berkeley Street, Boston, Massachusetts. Pursuant to an arrangement with John F. Rockett, Jr. ("Rockett"), in October 1953 Applicant caused to be incorporated under Massachusetts law Product Development Corporation ("Product"), whose principal business was to function as a conduit between inventors and business concerns through which inventors' developments and ideas could be brought to the attention of interested business concerns under con-

tract arrangements satisfactory both to the inventor and to the business concern interested in his development or idea.

Research invested a total of $10,000 in Product through (i) the purchase on October 28, 1953, of all of Product's authorized capital stock (1,000 shares) for $1,000 and (ii) a loan to Product of $9,000 evidenced by a 5 percent five-year promissory note of Product dated November 6, 1953, and payable November 6, 1958. At about the same time, Research and Rockett entered into an agreement pursuant to which (i) Product employed Rockett as its principal executive officer and (ii) Research, in consideration of Rockett's entering into such employment contract, transferred to Rockett, for no additional consideration, 200 shares of the common stock of Product (leaving Research with 800 shares of Product) and made the $9,000 loan to Product. Rockett thereupon was elected a Director and President of Product.

The operations of Product have not been profitable. During the current year 1955 Rockett began negotiations with Research looking toward a transfer of control of Product to Rockett. This culminated in a proposal by Rockett to Research which was subsequently embodied in a written agreement dated August 26, 1955, between Research, Product and Rockett. Pursuant to this agreement Research transferred to Rockett (i) the 800 shares of common stock of Product held by Research for $4,800 in cash and (ii) the five-year promissory note of Product held by Research for $9,000 in cash, plus accrued interest. In addition, it was agreed that Product would pay to Research quarterly (a) 20 percent of all royalty income received by Product with respect to certain products referred to in such agreement and (b) 10 percent of all royalty income received by Product with respect to certain other products referred to in such agreement until the sum of such 20 percent and 10 percent payments to Research totalled $250,000.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any security or other property, subject to certain exceptions not pertinent here. The Commission upon application may grant an exemption from the provisions of section 17 (a), if it finds that the terms of the transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act. Since Rockett is an affiliated person of Product, which in turn is an affiliated person of Research, a registered investment company, the above mentioned transaction comes within the prohibitions of section 17 (a) of the act, unless exempted by order of the Commission.

Section 6 (c) of the act authorized the Commission by order upon application conditionally or unconditionally to exempt any transaction from any provisions of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

It is Applicant's belief that the terms of the transaction described above are reasonable and fair and involve no overreaching and that an exemption would be appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Investment Company Act.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than November 2, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8542; Filed, Oct. 21, 1955; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Cuba Change List 5]

CUBAN RADIO STATIONS

NOTIFICATION OF NEW STATIONS AND CHANGES, MODIFICATIONS AND DELETIONS OF EXISTING STATIONS

SEPTEMBER 8, 1955.

Notification of new Cuban stations, and of changes, modification and deletions of existing stations, in accordance with Part III, Section F, of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Probable date of change or commencement of operation
CMAF	Pinar del Rio	680 kilocycles 1 D/0.5 N	ND	U	II	

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-8554; Filed, Oct. 21, 1955; 8:49 a. m.]

[Docket No. 11227; FCC 55M-878]

MUNICIPAL BROADCASTING SYSTEM (WNYC)

ORDER CONTINUING HEARING

In re application of City of New York, Municipal Broadcasting System (WNYC), New York, New York Docket No. 11227, File No. BSSA-266 for Special Service Authorization to operate additional hours from 6:00 a. m., e. s. t., to sunrise New York City and from sunset Minneapolis, Minnesota to 10:00 p. m., c. s. t.

The Hearing Examiner having under consideration a petition filed jointly on October 12, 1955, by City of New York Municipal Broadcasting System (WNYC) and Midwest Radio-Television, Inc. (WCCO), requesting that the hearing in the above-entitled proceeding presently scheduled for October 18, 1955, be continued until January 4, 1956;

It appearing that additional time is required by petitioners to prepare for the hearing;

It further appearing that counsel for the Broadcast Bureau and for the State of Minnesota have informally agreed to a waiver of the so-called four-day rule and have no objection to a grant of the petition;

It is ordered, This 14th day of October 1955, that the joint petition be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to January 4, 1956, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION, MARY JANE MORRIS, *Secretary.*

[SEAL]

[F. R. Doc. 55-8553; Filed, Oct. 21, 1955; 8:49 a. m.]

[Docket Nos. 11055, 11056; FCC 55M-883]

AIRCALL, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Aircall, Inc., Detroit, Michigan, Docket No. 11055, File No. 744-C2-P-54, and John W. Bennett, d/b as Telephone Answering Service, Flint, Michigan, Docket No. 11056, File No. 276-C2-P-54; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration informal agreement of the parties with respect to continuance of the above-entitled proceeding:

It is ordered, This 18th day of October 1955, that the hearing now scheduled for October 21, 1955, is continued until November 16, 1955, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION, MARY JANE MORRIS, *Secretary.*

[SEAL]

[F. R. Doc. 55-8552; Filed, Oct. 21, 1955; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF URBAN RENEWAL, PROJECT REPRESENTATIVES, REGION VI (SAN FRANCISCO)

REDELEGATION OF AUTHORITY TO APPROVE CERTAIN CONTRACTS WITH RESPECT TO SLUM CLEARANCE AND URBAN RENEWAL PROGRAM

The Regional Director of Urban Renewal, Region VI (San Francisco) is hereby authorized, and each Project Representative in such Region is hereby authorized, to take the following action within such Region with respect to the program authorized under Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended, 42 U. S. C. 1450-1460) and under Section 312 of the Housing Act of 1954 (68 Stat. 629):

Approve contracts between local public agencies and third parties.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c; Delegation of Authority effective December 23, 1954 (20 F. R. 428-9, 1-19-55), as amended effective June 17, 1955 (20 F. R. 4275, 6-17-55))

Effective as of the 3d day of October 1955.

[SEAL] M. JUSTIN HERMAN, *Regional Administrator, Region VI.*

[F. R. Doc. 55-8550; Filed, Oct. 21, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 19, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31203: *Scrap iron or steel—Columbus, Ga., to Anniston, Ala.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on scrap iron or steel, carloads from Columbus, Ga., to Anniston, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 85 to Agent Spaninger's I. C. C. 1329.

FSA No. 31204: *Aluminum billets—Northern points to South.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs, or slabs, straight or mixed carloads from specified points in Indiana, Maryland, Michigan, New York, Ohio, and Pennsylvania to specified points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 88 to C. W. Boin's tariff I. C. C. A-968 and two other tariffs.

FSA No. 31205: *Petroleum coke—Lima, Ohio, to Norton, Ala.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on petroleum coke, carloads from Lima, Ohio, to Norton, Ala.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 4 to Agent Hinsch's I. C. C. 4664.

FSA No. 31206: *Anhydrous ammonia—Houston, Tex., to Memphis, Tenn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from Houston, Tex., to Memphis, Tenn.

Grounds for relief: Competition of water carriers and circuity.

Tariff: Supplement 94 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 31208: *Rugs and carpets—Greenville, Miss., to eastern points.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on rugs and carpets, carloads from Greenville, Miss., to New Brunswick, N. J., Philadelphia, Pa., Columbus, Ohio, and Yantic-Fitchville, Conn.

Grounds for relief: Truck competition and circuitous routes.

Tariff: Supplement 160 to Agent Spaninger's I. C. C. 1351; supplement 145 to Agent Spaninger's I. C. C. 1324.

FSA No. 31209: *Gypsum rock—Indiana points to Alabama and Louisiana.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on gypsum rock, carloads from East Shoals and Willow Valley, Ind., to specified points in Alabama, and Baton Rouge, La.

Grounds for relief: Additional circuitous routes.

Tariff: Supplement 86 to Agent Hinsch's I. C. C. 4367; Supplement 4 to Agent Hinsch's I. C. C. 4664.

FSA No. 31210: *Liquefied petroleum gas, to La Grange, Ind.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tankcar loads from specified points in Kansas, Missouri and Texas to La Grange, Ind.

Grounds for relief: To maintain destination rate relations and circuity.

Tariff: Supplement 33 to Agent Kratzmeir's I. C. C. 4150.

FSA No. 31211: *Zircon ore—Louisiana and Texas to Oklahoma City, Okla.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on zircon ore (crude zircon silicate), carloads from specified points in Louisiana and Texas (import), to Oklahoma City, Okla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 125 to Agent Kratzmeir's I. C. C. 3781.

FSA No. 31212: *Forest products—Norfolk, Va., to North Carolina.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on lumber and logs of foreign woods, veneer and dimension stock of foreign woods and built-up woods, wholly or in part of foreign woods, carloads, domestic and import, from Norfolk, Va., to Denton, High Point, Lexington, Mount Airy, Rural Hall, and Winston-Salem, N. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement No. 38 to Agent C. A. Spaninger's I. C. C. 1356; Supplement No. 106 to Agent C. A. Spaninger's I. C. C. 1369.

FSA No. 31213: *Motor-rail rates in the East—Substituted service.* Filed jointly by The New York, New Haven and Hartford Railroad Company and the Seaboard General Expressways, Inc., and on behalf of other common carriers by motor vehicle. Rates on General commodities, loaded in semi-motor vehicle trailers, and empty trailers, loaded on railroad flat cars between Harlem River, N. Y., on the one hand, and Boston, and Springfield, Mass., New Haven, Conn., and Providence, R. I., on the other.

Grounds for relief: Competition with motor truck carriers on substituted rail for motor transportation.

FSA No. 31214: *Lime-Sallisaw, Okla., Sequiota and Springfield, Mo.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on lime (calcium), carloads from Sallisaw, Okla., Sequiota and Springfield, Mo., to Pryor, Okla.

Grounds for relief: Truck competition and circuity.

Tariff: Supplement 21 to Agent Kratzmeir's I. C. C. 4021.

AGGREGATE-OF-INTERMEDIATES

FSA No. 31207: *Anhydrous ammonia—Houston, Tex., to Memphis, Tenn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from Houston, Tex., to Memphis, Tenn.

Grounds for relief: Maintenance of proposed rates without requiring their use as factors in constructing combination rates lower than present through one-factor rates from or to points beyond the considered points.

Tariff: Supplement 94 to Agent Kratzmeir's I. C. C. 4112.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-8544; Filed, Oct. 21, 1955; 8:48 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 57, Amdt. 3]

RAILROADS SERVING CERTAIN STATES

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 57 and good cause appearing therefor:

It is ordered, That: Taylor's I. C. C. Order No. 57 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., November 20, 1955, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., October 20, 1955, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., October 17, 1955.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 55-8545; Filed, Oct. 21, 1955; 8:48 a. m.]

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OCT 28 1955

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1934

FEDERAL REGISTER

VOLUME 20 NUMBER 208

Washington, Tuesday, October 25, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3120

NATIONAL DAY OF PRAYER, 1955

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS all of those whom we have revered as leaders throughout our history have been wont to turn to Almighty God in thanks for His providence and in suppliance for His guidance; and

WHEREAS it is fitting that we of this generation, who are the heirs of their handiwork, should emulate those inspired builders of our Nation and should turn our hearts and minds to things spiritual; and

WHEREAS, recognizing that prayer has been a vital force in the growth and development of our country, the Congress, by a joint resolution approved on April 17, 1952, provided that the President should set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States might turn to God in prayer and meditation:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim Wednesday, the twenty-sixth day of October, 1955, as a National Day of Prayer; and I ask each of our people on that day wherever he may be—at church, home, factory, or office—to pray particularly for God's blessing upon the councils of those who labor for increased international understanding, and upon the efforts of all men who strive for a just and lasting peace.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighteenth day of October in the year of our Lord nineteen hundred [SEAL] and fifty-five, and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55-8646; Filed, Oct. 21, 1955; 1:40 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

SOCIAL WORKER (CHILD WELFARE)

The head note of § 24.57 is amended to read as follows:

§ 24.57 *Social Worker (Child Welfare), GS-185-7-9-11.*

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-8606; Filed, Oct. 24, 1955; 8:53 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

The 1955 C. C. C. Grain Price Support Bulletin 1 (20 F. R. 3017 and 4563), issued by the Commodity Credit Corporation and Commodity Stabilization Service and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1955 was supplemented by 1955 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn (20 F. R. 4104 and 7413), containing specific requirements applicable to price support operations on the 1955 corn crop. These regulations are further supplemented as follows:

§ 421.1146 *Support rates*—(a) *County support rates.* (1) Basic county support rates for corn placed under loan and for corn delivered under purchase

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FEDERAL REGISTER

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agreements are as set forth in this paragraph. Farm-storage and warehouse-storage loans, and purchases under purchase agreements, will be made at the support rate established for the county in which the corn is produced.

(2) Basic county support rates per bushel for corn grading No. 3, except for moisture, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better, except for moisture, are set forth below:

ALABAMA

County	Rate per bushel
All counties	$1.31

ARIZONA

County	Rate per bushel
All counties	$1.35

ARKANSAS

County	Rate per bushel	County	Rate per bushel
Arkansas	$1.30	Jefferson	$1.30
Ashley	1.30	Johnson	1.25
Baxter	1.24	Lafayette	1.28
Benton	1.24	Lawrence	1.25
Boone	1.24	Lee	1.30
Bradley	1.30	Lincoln	1.30
Calhoun	1.30	Little River	1.26
Carroll	1.24	Logan	1.25
Chicot	1.30	Lonoke	1.28
Clark	1.27	Madison	1.25
Clay	1.24	Marion	1.24
Cleburne	1.27	Miller	1.27
Cleveland	1.30	Mississippi	1.24
Columbia	1.29	Monroe	1.30
Conway	1.27	Montgomery	1.25
Craighead	1.26	Nevada	1.28
Crawford	1.25	Newton	1.25
Crittenden	1.28	Ouachita	1.29
Cross	1.28	Perry	1.27
Dallas	1.29	Phillips	1.30
Desha	1.30	Pike	1.25
Drew	1.30	Poinsett	1.27
Faulkner	1.27	Polk	1.25
Franklin	1.25	Pope	1.25
Fulton	1.24	Prairie	1.28
Garland	1.25	Pulaski	1.27
Grant	1.28	Randolph	1.24
Greene	1.25	St. Francis	1.30
Hempstead	1.27	Saline	1.27
Hot Spring	1.27	Scott	1.25
Howard	1.25	Searcy	1.25
Independence	1.27	Sebastian	1.25
Izard	1.25	Sevier	1.25
Jackson	1.27	Sharp	1.25

ARKANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Stone	$1.25	White	$1.27
Union	1.30	Woodruff	1.28
Van Buren	1.27	Yell	1.25
Washington	1.25		

CALIFORNIA

County	Rate per bushel
All counties	$1.39

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.22	Larimer	$1.22
Alamosa	1.24	Las Animas	1.22
Arapahoe	1.22	Lincoln	1.22
Archuleta	1.26	Logan	1.20
Baca	1.22	Mesa	1.28
Bent	1.22	Moffat	1.28
Boulder	1.22	Montezuma	1.29
Cheyenne	1.21	Montrose	1.28
Conejos	1.24	Morgan	1.21
Costilla	1.22	Otero	1.22
Crowley	1.22	Ouray	1.29
Custer	1.22	Phillips	1.19
Delta	1.28	Pitkin	1.26
Dolores	1.29	Prowers	1.21
Douglas	1.23	Pueblo	1.22
Elbert	1.22	Rio Blanco	1.28
El Paso	1.23	Rio Grande	1.26
Fremont	1.23	Routt	1.26
Garfield	1.28	Saguache	1.24
Grand	1.24	San Miguel	1.29
Huerfano	1.22	Sedgwick	1.19
Jefferson	1.23	Washington	1.20
Kiowa	1.21	Weld	1.21
Kit Carson	1.20	Yuma	1.19
La Plata	1.28		

CONNECTICUT

County	Rate per bushel
All counties	$1.40

DELAWARE

County	Rate per bushel
All counties	$1.74

FLORIDA

County	Rate per bushel
All counties	$1.32

GEORGIA

County	Rate per bushel
All counties	$1.31

IDAHO

County	Rate per bushel
All counties	$1.29

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.59	Henderson	$1.58
Alexander	1.64	Henry	1.59
Bond	1.61	Iroquois	1.60
Boone	1.60	Jackson	1.63
Brown	1.60	Jasper	1.61
Bureau	1.60	Jefferson	1.61
Calhoun	1.60	Jersey	1.61
Carroll	1.58	Jo Daviess	1.58
Cass	1.61	Johnson	1.63
Champaign	1.59	Kane	1.61
Christian	1.61	Kankakee	1.60
Clark	1.60	Kendall	1.60
Clay	1.61	Knox	1.60
Clinton	1.61	Lake	1.61
Coles	1.59	La Salle	1.60
Cook	1.61	Lawrence	1.62
Crawford	1.61	Lee	1.60
Cumberland	1.60	Livingston	1.60
De Kalb	1.60	Logan	1.61
De Witt	1.60	McDonough	1.59
Douglas	1.59	McHenry	1.60
Du Page	1.61	McLean	1.61
Edgar	1.59	Macon	1.60
Edwards	1.62	Macoupin	1.61
Effingham	1.61	Madison	1.61
Fayette	1.61	Marion	1.61
Ford	1.59	Marshall	1.61
Franklin	1.62	Mason	1.61
Fulton	1.60	Massac	1.63
Gallatin	1.63	Menard	1.61
Greene	1.61	Mercer	1.58
Grundy	1.60	Monroe	1.62
Hamilton	1.62	Montgomery	1.61
Hancock	1.59	Morgan	1.61
Hardin	1.63	Moultrie	1.59

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Ogle	$1.59	Shelby	$1.60
Peoria	1.60	Stark	1.60
Perry	1.62	Stephenson	1.59
Piatt	1.59	Tazewell	1.61
Pike	1.60	Union	1.63
Pope	1.63	Vermilion	1.59
Pulaski	1.64	Wabash	1.62
Putnam	1.60	Warren	1.59
Randolph	1.62	Washington	1.62
Richland	1.62	Wayne	1.61
Rock Island	1.58	White	1.62
St. Clair	1.62	Whiteside	1.58
Saline	1.63	Will	1.61
Sangamon	1.61	Williamson	1.22
Schuyler	1.60	Winnebago	1.59
Scott	1.60	Woodford	1.61

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$1.61	Lawrence	$1.61
Allen	1.61	Madison	1.60
Bartholomew	1.61	Marion	1.60
Benton	1.60	Marshall	1.59
Blackford	1.61	Martin	1.61
Boone	1.60	Miami	1.60
Brown	1.20	Monroe	1.60
Carroll	1.59	Montgomery	1.59
Cass	1.59	Morgan	1.60
Clark	1.62	Newton	1.60
Clay	1.59	Noble	1.60
Clinton	1.60	Ohio	1.62
Crawford	1.22	Orange	1.61
Daviess	1.61	Owen	1.59
Dearborn	1.62	Parke	1.59
Decatur	1.61	Perry	1.62
De Kalb	1.61	Pike	1.61
Delaware	1.61	Porter	1.60
Dubois	1.61	Posey	1.62
Elkhart	1.60	Pulaski	1.59
Fayette	1.61	Putnam	1.60
Floyd	1.62	Randolph	1.61
Fountain	1.59	Ripley	1.61
Franklin	1.61	Rush	1.61
Fulton	1.59	St. Joseph	1.60
Gibson	1.62	Scott	1.62
Grant	1.60	Shelby	1.60
Greene	1.60	Spencer	1.62
Hamilton	1.60	Starke	1.60
Hancock	1.60	Steuben	1.61
Harrison	1.62	Sullivan	1.61
Hendricks	1.60	Switzerland	1.22
Henry	1.61	Tippecanoe	1.59
Howard	1.60	Tipton	1.60
Huntington	1.60	Union	1.61
Jackson	1.61	Vanderburgh	1.62
Jasper	1.60	Vermillion	1.59
Jay	1.61	Vigo	1.59
Jefferson	1.62	Wabash	1.60
Jennings	1.61	Warren	1.59
Johnson	1.60	Warrick	1.62
Knox	1.61	Washington	1.62
Kosciusko	1.60	Wayne	1.61
Lagrange	1.60	Wells	1.61
Lake	1.60	White	1.59
La Porte	1.60	Whitley	1.60

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$1.54	Clinton	$1.57
Adams	1.55	Crawford	1.52
Allamakee	1.53	Dallas	1.53
Appanoose	1.56	Davis	1.56
Audubon	1.53	Decatur	1.55
Benton	1.55	Delaware	1.55
Black Hawk	1.53	Des Moines	1.58
Boone	1.52	Dickinson	1.49
Bremer	1.52	Dubuque	1.56
Buchanan	1.54	Emmet	1.49
Buena Vista	1.50	Fayette	1.54
Butler	1.52	Floyd	1.51
Calhoun	1.51	Franklin	1.51
Carroll	1.52	Fremont	1.55
Cass	1.54	Greene	1.52
Cedar	1.57	Grundy	1.52
Cerro Gordo	1.50	Guthrie	1.53
Cherokee	1.51	Hamilton	1.51
Chickasaw	1.52	Hancock	1.50
Clarke	1.55	Hardin	1.52
Clay	1.50	Harrison	1.54
Clayton	1.54	Henry	1.57

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Howard	$1.52	Page	$1.55
Humboldt	1.50	Palo Alto	1.49
Ida	1.51	Plymouth	1.51
Iowa	1.55	Pocahontas	1.50
Jackson	1.57	Polk	1.53
Jasper	1.53	Pottawattamie	1.55
Jefferson	1.56	Poweshiek	1.53
Johnson	1.56	Ringgold	1.55
Jones	1.56	Sac	1.51
Keokuk	1.55	Scott	1.57
Kossuth	1.50	Shelby	1.53
Lee	1.58	Sioux	1.50
Linn	1.55	Story	1.52
Louisa	1.57	Tama	1.53
Lucas	1.55	Taylor	1.55
Lyon	1.49	Union	1.55
Madison	1.54	Van Buren	1.56
Mahaska	1.53	Wapello	1.55
Marion	1.54	Warren	1.54
Marshall	1.52	Washington	1.56
Mills	1.55	Wayne	1.55
Mitchell	1.50	Webster	1.51
Monona	1.53	Winnebago	1.50
Monroe	1.55	Winneshiek	1.53
Montgomery	1.55	Woodbury	1.51
Muscatine	1.57	Worth	1.50
O'Brien	1.50	Wright	1.50
Osceola	1.49		

KANSAS

Allen	$1.20	Linn	$1.20
Anderson	1.60	Logan	1.21
Atchison	1.58	Lyon	1.18
Barber	1.22	McPherson	1.18
Barton	1.21	Marion	1.18
Bourbon	1.20	Marshall	1.56
Brown	1.57	Meade	1.22
Butler	1.21	Miami	1.60
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Elk	1.21	Reno	1.21
Ellis	1.18	Republic	1.56
Ellsworth	1.18	Rice	1.21
Finney	1.21	Riley	1.56
Ford	1.21	Rooks	1.18
Franklin	1.59	Rush	1.21
Geary	1.18	Russell	1.18
Gove	1.21	Saline	1.18
Graham	1.18	Scott	1.21
Grant	1.21	Sedgwick	1.21
Gray	1.21	Seward	1.22
Greeley	1.21	Shawnee	1.57
Greenwood	1.21	Sheridan	1.18
Hamilton	1.21	Sherman	1.20
Harper	1.22	Smith	1.56
Harvey	1.21	Stafford	1.21
Haskell	1.21	Stanton	1.22
Hodgeman	1.21	Stevens	1.22
Jackson	1.57	Sumner	1.22
Jefferson	1.58	Thomas	1.20
Jewell	1.56	Trego	1.21
Johnson	1.59	Wabaunsee	1.18
Kearny	1.21	Wallace	1.21
Kingman	1.21	Washington	1.56
Kiowa	1.21	Wichita	1.21
Labette	1.22	Wilson	1.21
Lane	1.21	Woodson	1.21
Leavenworth	1.59	Wyandotte	1.19
Lincoln	1.18		

KENTUCKY

Adair	$1.30	Barren	$1.173
Allen	1.73	Bath	1.30
Anderson	1.29	Bell	1.32
Ballard	1.67	Boone	1.24

KENTUCKY—Continued

County	Rate per bushel	County	Rate per bushel
Bourbon	$1.30	Lee	$1.32
Boyd	1.27	Leslie	1.32
Boyle	1.75	Letcher	1.32
Bracken	1.26	Lewis	1.26
Breathitt	1.32	Lincoln	1.31
Breckenridge	1.24	Livingston	1.67
Bullitt	1.69	Logan	1.70
Butler	1.71	Lyon	1.68
Caldwell	1.68	McCracken	1.67
Calloway	1.67	McCreary	1.31
Campbell	1.24	McLean	1.68
Carlisle	1.67	Madison	1.31
Carroll	1.66	Magoffin	1.32
Carter	1.28	Marion	1.73
Casey	1.31	Marshall	1.25
Christian	1.69	Martin	1.31
Clark	1.30	Mason	1.26
Clay	1.32	Meade	1.66
Clinton	1.31	Menifee	1.31
Crittenden	1.66	Mercer	1.30
Cumberland	1.30	Metcalfe	1.30
Daviess	1.65	Monroe	1.73
Edmonson	1.72	Montgomery	1.30
Elliott	1.30	Morgan	1.31
Estill	1.32	Muhlenberg	1.27
Fayette	1.30	Nelson	1.72
Fleming	1.28	Nicholas	1.29
Floyd	1.32	Ohio	1.27
Franklin	1.28	Oldham	1.66
Fulton	1.67	Owen	1.27
Gallatin	1.24	Owsley	1.32
Garrard	1.31	Pendleton	1.27
Grant	1.28	Perry	1.32
Graves	1.67	Pike	1.32
Grayson	1.27	Powell	1.32
Green	1.30	Pulaski	1.31
Greenup	1.26	Robertson	1.28
Hancock	1.65	Rockcastle	1.32
Hardin	1.68	Rowan	1.30
Harlan	1.32	Russell	1.31
Harrison	1.29	Scott	1.29
Hart	1.73	Shelby	1.27
Henderson	1.65	Simpson	1.72
Henry	1.27	Spencer	1.71
Hickman	1.67	Taylor	1.73
Hopkins	1.68	Todd	1.69
Jackson	1.32	Trigg	1.69
Jefferson	1.66	Trimble	1.66
Jessamine	1.30	Union	1.65
Johnson	1.31	Warren	1.73
Kenton	1.24	Washington	1.30
Knott	1.32	Wayne	1.31
Knox	1.32	Webster	1.66
Larue	1.72	Whitley	1.32
Laurel	1.32	Wolfe	1.32
Lawrence	1.28	Woodford	1.29

LOUISIANA

All counties $1.30

MAINE

All counties $1.41

MARYLAND

County	Rate per bushel	County	Rate per bushel
Caroline	$1.74	Queen Annes	$1.74
Carroll	1.74	Somerset	1.74
Cecil	1.74	Talbot	1.74
Dorchester	1.74	Washington	1.74
Frederick	1.74	Wicomico	1.74
Harford	1.74	Worcester	1.74
Kent	1.74	All other counties	1.30
Montgomery	1.74		

MASSACHUSETTS

All counties $1.40

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$1.23	Benzie	$1.23
Alger	1.23	Berrien	1.61
Allegan	1.62	Branch	1.62
Alpena	1.23	Calhoun	1.62
Antrim	1.23	Cass	1.61
Arenac	1.23	Charlevoix	1.23
Baraga	1.23	Cheboygan	1.23
Barry	1.62	Chippewa	1.23
Bay	1.23	Clare	1.23

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Clinton	$1.64	Manistee	$1.23
Crawford	1.23	Marquette	1.23
Delta	1.23	Mason	1.23
Dickinson	1.23	Mecosta	1.23
Eaton	1.64	Menominee	1.23
Emmet	1.23	Midland	1.64
Genesee	1.64	Missaukee	1.23
Gladwin	1.23	Monroe	1.64
Gogebic	1.23	Montcalm	1.64
Grand Traverse	1.23	Montmorency	1.23
Gratiot	1.64	Muskegon	1.23
Hillsdale	1.62	Newaygo	1.23
Houghton	1.23	Oakland	1.64
Huron	1.23	Oceana	1.23
Ingham	1.64	Ogemaw	1.23
Ionia	1.64	Ontonagon	1.23
Iosco	1.23	Osceola	1.23
Iron	1.23	Oscoda	1.23
Isabella	1.64	Otsego	1.23
Jackson	1.64	Ottawa	1.22
Kalamazoo	1.62	Presque Isle	1.23
Kalkaska	1.23	Roscommon	1.23
Kent	1.64	Saginaw	1.64
Keweenaw	1.23	St. Clair	1.23
Lake	1.23	St. Joseph	1.61
Lapeer	1.23	Sanilac	1.23
Leenanau	1.23	Schoolcraft	1.23
Lenawee	1.64	Shiawassee	1.64
Livingston	1.64	Tuscola	1.23
Luce	1.23	Van Buren	1.61
Mackinac	1.23	Washtenaw	1.64
Macomb	1.23	Wayne	1.64
		Wexford	1.23

MINNESOTA

Aitkin	$1.12	Marshall	$1.10
Anoka	1.52	Martin	1.48
Becker	1.11	Meeker	1.51
Beltrami	1.11	Mille Lacs	1.13
Benton	1.51	Morrison	1.49
Big Stone	1.47	Mower	1.50
Blue Earth	1.50	Murray	1.48
Brown	1.50	Nicollet	1.51
Carlton	1.12	Nobles	1.48
Carver	1.52	Norman	1.10
Cass	1.12	Olmsted	1.50
Chippewa	1.48	Otter Tail	1.48
Chisago	1.51	Pennington	1.10
Clay	1.10	Pine	1.12
Clearwater	1.11	Pipestone	1.48
Cook	1.12	Polk	1.10
Cottonwood	1.49	Pope	1.49
Crow Wing	1.12	Ramsey	1.14
Dakota	1.51	Red Lake	1.10
Dodge	1.50	Redwood	1.49
Douglas	1.49	Renville	1.50
Faribault	1.48	Rice	1.51
Fillmore	1.50	Rock	1.48
Freeborn	1.50	Roseau	1.10
Goodhue	1.51	St. Louis	1.12
Grant	1.48	Scott	1.51
Hennepin	1.52	Sherburne	1.51
Houston	1.51	Sibley	1.51
Hubbard	1.11	Stearns	1.51
Isanti	1.13	Steele	1.50
Itasca	1.12	Stevens	1.48
Jackson	1.48	Swift	1.49
Kanabec	1.13	Todd	1.49
Kandiyohi	1.50	Traverse	1.47
Kittson	1.10	Wabasha	1.51
Koochiching	1.12	Wadena	1.12
Lac Qui Parle	1.47	Waseca	1.50
Lake	1.12	Washington	1.52
Lake of the Woods	1.11	Watonwan	1.49
Le Sueur	1.51	Wilkin	1.47
Lincoln	1.47	Winona	1.51
Lyon	1.48	Wright	1.51
McLeod	1.51	Yellow Medicine	1.48
Mahnomen	1.10		

MISSISSIPPI

All counties $1.30

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.59	Atchison	$1.56
Andrew	1.57	Audrain	1.61

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Barry	$1.23	McDonald	$1.23
Barton	1.22	Macon	1.60
Bates	1.60	Madison	1.23
Benton	1.21	Maries	1.22
Bollinger	1.64	Marion	1.60
Boone	1.61	Mercer	1.56
Buchanan	1.59	Miller	1.22
Butler	1.23	Mississippi	1.64
Caldwell	1.60	Moniteau	1.62
Callaway	1.62	Monroe	1.61
Camden	1.22	Montgomery	1.62
Cape Girardeau	1.64	Morgan	1.22
Carroll	1.60	New Madrid	1.64
Carter	1.23	Newton	1.23
Cass	1.60	Nodaway	1.56
Cedar	1.22	Oregon	1.24
Charlton	1.60	Osage	1.22
Christian	1.22	Ozark	1.24
Clark	1.59	Pemiscot	1.23
Clay	1.60	Perry	1.64
Clinton	1.60	Pettis	1.61
Cole	1.22	Phelps	1.23
Cooper	1.62	Pike	1.61
Crawford	1.23	Platte	1.60
Dade	1.22	Polk	1.22
Dallas	1.22	Pulaski	1.23
Daviess	1.58	Putnam	1.57
De Kalb	1.58	Ralls	1.61
Dent	1.23	Randolph	1.60
Douglas	1.23	Ray	1.60
Dunklin	1.64	Reynolds	1.23
Franklin	1.63	Ripley	1.23
Gasconade	1.22	St. Charles	1.62
Gentry	1.57	St. Clair	1.61
Greene	1.22	St. Francois	1.23
Grundy	1.58	St. Louis	1.63
Harrison	1.57	Ste. Genevieve	1.64
Henry	1.60	Saline	1.61
Hickory	1.21	Schuyler	1.57
Holt	1.57	Scotland	1.58
Howard	1.61	Scott	1.64
Howell	1.24	Shannon	1.23
Iron	1.23	Shelby	1.60
Jackson	1.60	Stoddard	1.64
Jasper	1.22	Stone	1.23
Jefferson	1.64	Sullivan	1.58
Johnson	1.60	Taney	1.23
Knox	1.59	Texas	1.23
Laclede	1.23	Vernon	1.61
Lafayette	1.60	Warren	1.63
Lawrence	1.22	Washington	1.23
Lewis	1.60	Wayne	1.64
Lincoln	1.62	Webster	1.22
Linn	1.59	Worth	1.56
Livingston	1.59	Wright	1.23

MONTANA

All counties $1.20

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.53	Dixon	$1.51
Antelope	1.51	Dodge	1.53
Arthur	1.17	Douglas	1.54
Banner	1.18	Dundy	1.18
Blaine	1.15	Fillmore	1.53
Boone	1.51	Franklin	1.53
Box Butte	1.18	Frontier	1.16
Boyd	1.51	Furnas	1.55
Brown	1.14	Gage	1.54
Buffalo	1.53	Garden	1.18
Burt	1.53	Garfield	1.52
Butler	1.53	Gosper	1.55
Cass	1.54	Grant	1.16
Cedar	1.51	Greeley	1.52
Chase	1.17	Hall	1.53
Cherry	1.16	Hamilton	1.52
Cheyenne	1.18	Harlan	1.54
Clay	1.53	Hayes	1.17
Colfax	1.52	Hitchcock	1.18
Cuming	1.51	Holt	1.51
Custer	1.53	Hooker	1.16
Dakota	1.51	Howard	1.53
Dawes	1.18	Jefferson	1.54
Dawson	1.54	Johnson	1.55
Deuel	1.18	Kearney	1.53

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Keith	$1.17	Red Willow	$1.17
Keyapaha	1.14	Richardson	1.55
Kimball	1.18	Rock	1.14
Knox	1.51	Saline	1.54
Lancaster	1.53	Sarpy	1.54
Lincoln	1.55	Saunders	1.53
Logan	1.16	Scotts Bluff	1.18
Loup	1.15	Seward	1.53
McPherson	1.16	Sheridan	1.17
Madison	1.51	Sherman	1.53
Merrick	1.52	Sioux	1.18
Morrill	1.18	Stanton	1.51
Nance	1.52	Thayer	1.53
Nemaha	1.55	Thomas	1.16
Nuckolls	1.53	Thurston	1.51
Otoe	1.54	Valley	1.53
Pawnee	1.55	Washington	1.54
Perkins	1.17	Wayne	1.51
Phelps	1.54	Webster	1.53
Pierce	1.51	Wheeler	1.14
Platte	1.52	York	1.52
Polk	1.52		

NEVADA

All counties $1.35

NEW HAMPSHIRE

All counties $1.40

NEW JERSEY

County	Rate per bushel	County	Rate per bushel
Cumberland	$1.78	Somerset	$1.78
Gloucester	1.78	Warren	1.78
Hunterdon	1.78	All other counties	1.34
Mercer	1.78		
Salem	1.78		

NEW MEXICO

All counties $1.29

NEW YORK

All counties $1.23

NORTH CAROLINA

County	Rate per bushel	County	Rate per bushel
Beaufort	$1.74	Lenoir	$1.74
Camden	1.74	Martin	1.74
Chowan	1.74	Nash	1.74
Craven	1.74	Onslow	1.74
Currituck	1.74	Pasquotank	1.74
Duplin	1.74	Perquimans	1.74
Edgecombe	1.74	Pitt	1.74
Gates	1.74	Sampson	1.74
Greene	1.74	Wayne	1.74
Halifax	1.74	Wilson	1.74
Hertford	1.74	All other counties	1.30
Johnston	1.74		
Jones	1.74		

NORTH DAKOTA

Richland	$1.46
All other counties	1.10

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.64	Erie	$1.65
Allen	1.61	Fairfield	1.64
Ashland	1.65	Fayette	1.63
Ashtabula	1.26	Franklin	1.63
Athens	1.24	Fulton	1.62
Auglaize	1.61	Gallia	1.24
Belmont	1.26	Geauga	1.26
Brown	1.64	Greene	1.62
Butler	1.61	Guernsey	1.25
Carroll	1.26	Hamilton	1.62
Champaign	1.62	Hancock	1.62
Clark	1.62	Hardin	1.62
Clermont	1.63	Harrison	1.26
Clinton	1.62	Henry	1.62
Columbiana	1.26	Highland	1.63
Coshocton	1.66	Hocking	1.65
Crawford	1.63	Holmes	1.66
Cuyahoga	1.25	Huron	1.65
Darke	1.61	Jackson	1.65
Defiance	1.61	Jefferson	1.26
Delaware	1.63	Knox	1.64

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Lake	$1.26	Pike	$1.64
Lawrence	1.65	Portage	1.26
Licking	1.64	Preble	1.61
Logan	1.62	Putnam	1.62
Lorain	1.66	Richland	1.64
Lucas	1.63	Ross	1.64
Madison	1.63	Sandusky	1.64
Mahoning	1.26	Scioto	1.64
Marion	1.63	Seneca	1.63
Medina	1.66	Shelby	1.61
Meigs	1.24	Stark	1.67
Mercer	1.61	Summit	1.25
Miami	1.61	Trumbull	1.26
Monroe	1.26	Tuscarawas	1.67
Montgomery	1.61	Union	1.62
Morgan	1.66	Van Wert	1.61
Morrow	1.64	Vinton	1.65
Muskingum	1.66	Warren	1.62
Noble	1.25	Washington	1.25
Ottawa	1.64	Wayne	1.66
Paulding	1.61	Williams	1.61
Perry	1.65	Wood	1.63
Pickaway	1.63	Wyandot	1.63

OKLAHOMA

Adair	$1.24	LeFlore	$1.24
Alfalfa	1.22	Lincoln	1.23
Atoka	1.24	Logan	1.22
Beaver	1.22	Love	1.23
Beckham	1.22	McClain	1.22
Blaine	1.22	McCurtain	1.24
Bryan	1.24	McIntosh	1.24
Caddo	1.22	Major	1.22
Canadian	1.22	Marshall	1.24
Carter	1.23	Mayes	1.22
Cherokee	1.24	Murray	1.23
Choctaw	1.24	Muskogee	1.24
Cimarron	1.22	Noble	1.22
Cleveland	1.22	Nowata	1.22
Coal	1.24	Okfuskee	1.23
Comanche	1.22	Oklahoma	1.22
Cotton	1.22	Okmulgee	1.23
Craig	1.22	Osage	1.22
Creek	1.23	Ottawa	1.22
Custer	1.22	Pawnee	1.23
Delaware	1.23	Payne	1.23
Dewey	1.22	Pittsburg	1.24
Ellis	1.22	Pontotoc	1.23
Garfield	1.22	Pottawatomie	1.22
Garvin	1.23	Pushmataha	1.24
Grady	1.22	Roger Mills	1.23
Grant	1.22	Rogers	1.22
Greer	1.22	Seminole	1.23
Harmon	1.22	Sequoyah	1.24
Harper	1.22	Stephens	1.22
Haskell	1.24	Texas	1.22
Hughes	1.24	Tillman	1.22
Jackson	1.22	Tulsa	1.23
Jefferson	1.22	Wagoner	1.23
Johnston	1.24	Washington	1.22
Kay	1.22	Washita	1.22
Kingfisher	1.22	Woods	1.22
Kiowa	1.22	Woodward	1.22
Latimer	1.24		

OREGON

All counties $1.35

PENNSYLVANIA

County	Rate per bushel	County	Rate per bushel
Adams	$1.75	Lebanon	$1.75
Berks	1.75	Lehigh	1.75
Blair	1.75	Lycoming	1.75
Bucks	1.75	Mifflin	1.75
Carbon	1.75	Montgomery	1.75
Centre	1.75	Montour	1.75
Chester	1.75	Northampton	1.75
Clinton	1.75	Northumberland	1.75
Columbia	1.75	Perry	1.75
Cumberland	1.75	Schuylkill	1.75
Dauphin	1.75	Snyder	1.75
Delaware	1.75	Union	1.75
Franklin	1.75	York	1.75
Fulton	1.75	All other counties	1.31
Huntingdon	1.75		
Juniata	1.75		
Lancaster	1.75		

County	Rate per bushel
RHODE ISLAND	
All counties	$1.40
SOUTH CAROLINA	
All counties	$1.30
SOUTH DAKOTA	
Armstrong	$1.12
Aurora	1.47
Beadle	1.47
Bennett	1.13
Bon Homme	1.47
Brookings	1.47
Brown	1.10
Brule	1.47
Buffalo	1.10
Butte	1.13
Campbell	1.11
Charles Mix	1.47
Clark	1.47
Clay	1.47
Codington	1.47
Corson	1.12
Custer	1.16
Davison	1.46
Day	1.47
Deuel	1.47
Dewey	1.12
Douglas	1.47
Edmunds	1.10
Fall River	1.16
Faulk	1.11
Grant	1.47
Gregory	1.47
Haakon	1.[illegible]
Hamlin	1.47
Hand	1.10
Hanson	1.46
Harding	1.13
Hughes	1.11
Hutchinson	1.47
Hyde	1.11
Jackson	$1.12
Jerauld	1.47
Jones	1.12
Kingsbury	1.47
Lake	1.46
Lawrence	1.13
Lincoln	1.47
Lyman	1.11
McCook	1.46
McPherson	1.10
Marshall	1.10
Meade	1.12
Mellette	1.12
Miner	1.46
Minnehaha	1.47
Moody	1.47
Pennington	1.13
Perkins	1.12
Potter	1.12
Roberts	1.47
Sanborn	1.46
Shannon	1.15
Spink	1.10
Stanley	1.12
Sully	1.11
Todd	1.12
Tripp	1.48
Turner	1.47
Union	1.47
Walworth	1.12
Washabaugh	1.12
Washington	1.14
Yankton	1.47
Ziebach	1.12
TENNESSEE	
Anderson	$1.32
Bedford	1.30
Benton	1.28
Bledsoe	1.31
Blount	1.34
Bradley	1.33
Campbell	1.32
Cannon	1.30
Carroll	1.26
Carter	1.34
Cheatham	1.28
Chester	1.26
Claiborne	1.32
Clay	1.30
Cocke	1.34
Coffee	1.31
Crockett	1.26
Cumberland	1.31
Davidson	1.29
Decatur	1.28
De Kalb	1.30
Dickson	1.28
Dyer	1.67
Fayette	1.26
Fentress	1.31
Franklin	1.32
Gibson	1.25
Giles	1.30
Grainger	1.32
Greene	1.34
Grundy	1.31
Hamblen	1.33
Hamilton	1.33
Hancock	1.32
Hardeman	1.26
Hardin	1.28
Hawkins	1.32
Haywood	1.26
Henderson	1.26
Henry	1.68
Hickman	1.28
Houston	1.28
Humphreys	1.28
Jackson	1.30
Jefferson	$1.33
Johnson	1.34
Knox	1.33
Lauderdale	1.67
Lawrence	1.29
Lewis	1.28
Lincoln	1.31
Loudon	1.33
McMinn	1.33
McNairy	1.28
Macon	1.30
Madison	1.26
Marion	1.33
Marshall	1.30
Maury	1.29
Meigs	1.32
Monroe	1.34
Montgomery	1.70
Moore	1.31
Morgan	1.32
Obion	1.66
Overton	1.30
Perry	1.28
Pickett	1.30
Polk	1.34
Putnam	1.30
Rhea	1.32
Roane	1.32
Robertson	1.71
Rutherford	1.30
Scott	1.32
Sequatchie	1.32
Sevier	1.34
Shelby	1.26
Smith	1.30
Stewart	1.70
Sullivan	1.34
Sumner	1.30
Tipton	1.67
Trousdale	1.30
Unicoi	1.34
Union	1.32
Van Buren	1.30

TENNESSEE—Continued

County	Rate per bushel
Warren	$1.30
Washington	1.34
Wayne	1.28
Weakley	1.67
White	$1.30
Williamson	1.29
Wilson	1.30

TEXAS

County	Rate per bushel
Anderson	$1.24
Andrews	1.24
Angelina	1.25
Aransas	1.26
Archer	1.24
Armstrong	1.22
Atascosa	1.26
Austin	1.25
Bailey	1.23
Bandera	1.25
Bastrop	1.25
Baylor	1.24
Bee	1.26
Bell	1.24
Bexar	1.26
Blanco	1.25
Borden	1.24
Bosque	1.24
Bowie	1.25
Brazoria	1.26
Brazos	1.24
Briscoe	1.23
Brooks	1.26
Brown	1.24
Burleson	1.25
Burnett	1.24
Caldwell	1.25
Calhoun	1.26
Callahan	1.24
Cameron	1.26
Camp	1.25
Carson	1.22
Cass	1.25
Castro	1.23
Chambers	1.26
Cherokee	1.24
Childress	1.23
Clay	1.24
Cochran	1.24
Coke	1.24
Coleman	1.24
Collin	1.24
Collingsworth	1.22
Colorado	1.26
Comal	1.25
Comanche	1.24
Concho	1.24
Cooke	1.24
Coryell	1.24
Cottle	1.23
Crosby	1.24
Dallam	1.22
Dallas	1.24
Dawson	1.24
Deaf Smith	1.23
Delta	1.24
Denton	1.24
De Witt	1.26
Dickens	1.24
Dimmit	1.26
Donley	1.22
Duval	1.26
Eastland	1.24
Edwards	1.26
Ellis	1.24
El Paso	1.27
Erath	1.24
Falls	1.24
Fannin	1.24
Fayette	1.25
Fisher	1.24
Floyd	1.23
Foard	1.23
Fort Bend	1.26
Franklin	1.24
Freestone	1.24
Frio	1.26
Gaines	1.24
Galveston	1.26
Garza	1.24
Gillespie	1.25
Goliad	$1.26
Gonzales	1.26
Gray	1.22
Grayson	1.24
Gregg	1.25
Grimes	1.25
Guadalupe	1.26
Hale	1.23
Hall	1.23
Hamilton	1.24
Hansford	1.22
Hardeman	1.23
Hardin	1.26
Harris	1.26
Harrison	1.26
Hartley	1.22
Haskell	1.24
Hays	1.24
Hemphill	1.22
Henderson	1.24
Hidalgo	1.26
Hill	1.24
Hockley	1.24
Hood	1.24
Hopkins	1.24
Houston	1.24
Howard	1.24
Hudspeth	1.27
Hunt	1.24
Hutchinson	1.22
Irion	1.25
Jack	1.24
Jackson	1.26
Jasper	1.26
Jefferson	1.26
Jim Hogg	1.26
Jim Wells	1.26
Johnson	1.24
Jones	1.24
Karnes	1.26
Kaufman	1.24
Kendall	1.25
Kent	1.24
Kerr	1.25
Kimble	1.25
King	1.24
Kinney	1.26
Kleberg	1.26
Knox	1.24
Lamar	1.24
Lamb	1.23
Lampasas	1.24
La Salle	1.26
Lavaca	1.26
Lee	1.25
Leon	1.24
Liberty	1.26
Limestone	1.24
Lipscomb	1.22
Live Oak	1.26
Llano	1.24
Lubbock	1.24
Lynn	1.24
McCulloch	1.24
McLennan	1.24
McMullen	1.26
Madison	1.24
Marion	1.25
Martin	1.24
Mason	1.25
Matagorda	1.26
Maverick	1.26
Medina	1.26
Menard	1.25
Midland	1.26
Milam	1.24
Mills	1.24
Mitchell	1.24
Montague	1.24
Montgomery	1.25
Moore	1.22
Morris	$1.25
Motley	1.23
Nacogdoches	1.25
Navarro	1.24
Newton	1.26
Nolan	1.24
Nueces	1.26
Ochiltree	1.22
Oldham	1.22
Orange	1.26
Palo Pinto	1.24
Panola	1.26
Parker	1.24
Parmer	1.23
Pecos	1.26
Polk	1.25
Potter	1.22
Presidio	1.26
Rains	1.24
Randall	1.22
Real	1.26
Red River	1.24
Reeves	1.26
Refugio	1.26
Roberts	1.22
Robertson	1.24
Rockwall	1.24
Runnels	1.24
Rusk	1.25
Sabine	1.26
San Augustine	1.26
San Jacinto	1.25
San Patricio	1.26
San Saba	1.24
Schleicher	1.26
Scurry	1.24
Shackelford	1.24
Shelby	1.26
Sherman	1.22
Smith	$1.24
Somervell	1.24
Starr	1.26
Stephens	1.24
Stonewall	1.24
Sutton	1.26
Swisher	1.23
Tarrant	1.24
Taylor	1.24
Terry	1.24
Throckmorton	1.24
Titus	1.25
Tom Green	1.25
Travis	1.25
Trinity	1.24
Tyler	1.26
Upshur	1.25
Uvalde	1.26
Val Verde	1.26
Van Zandt	1.24
Victoria	1.26
Walker	1.24
Waller	1.26
Washington	1.25
Webb	1.26
Wharton	1.26
Wheeler	1.22
Wichita	1.23
Wilbarger	1.23
Willacy	1.26
Williamson	1.24
Wilson	1.26
Wise	1.24
Wood	1.24
Yoakum	1.24
Young	1.24
Zapata	1.26
Zavala	1.26

UTAH

All counties	$1.34

VERMONT

All counties	$1.40

VIRGINIA

County	Rate per bushel
Accomac	$1.74
Isle of Wight	1.74
Nansemond	1.74
Norfolk	1.74
Northampton	1.74
Princess Anne	1.74
Southampton	$1.74
Surry	1.74
Sussex	1.74
All other counties	1.30

WASHINGTON

All counties	$1.35

WEST VIRGINIA

County	Rate per bushel
Berkeley	$1.74
Jefferson	1.74
All other counties	$1.30

WISCONSIN

County	Rate per bushel
Adams	$1.58
Ashland	1.18
Barron	1.17
Bayfield	1.18
Brown	1.20
Buffalo	1.56
Burnett	1.17
Calumet	1.20
Chippewa	1.18
Clark	1.18
Columbia	1.59
Crawford	1.56
Dane	1.59
Dodge	1.60
Door	1.21
Douglas	1.17
Dunn	1.56
Eau Claire	1.57
Florence	1.20
Fond du Lac	1.60
Forest	1.20
Grant	1.56
Green	1.59
Green Lake	$1.59
Iowa	1.58
Iron	1.19
Jackson	1.57
Jefferson	1.60
Juneau	1.58
Kenosha	1.61
Kewaunee	1.21
La Crosse	1.56
Lafayette	1.58
Langlade	1.20
Lincoln	1.19
Manitowoc	1.21
Marathon	1.19
Marinette	1.20
Marquette	1.59
Milwaukee	1.61
Monroe	1.57
Oconto	1.20
Oneida	1.20
Outagamie	1.20
Ozaukee	1.21
Pepin	1.56
Pierce	$1.56
Polk	1.56
Portage	1.19
Price	1.18
Racine	1.61
Richland	1.57
Rock	1.60
Rusk	1.18
St. Croix	1.56
Sauk	1.58
Sawyer	1.18
Shawano	1.20
Sheboygan	1.21
Taylor	$1.18
Trempealeau	1.56
Vernon	1.56
Vilas	1.20
Walworth	1.60
Washburn	1.17
Washington	1.20
Waukesha	1.60
Waupaca	1.20
Waushara	1.59
Winnebago	1.60
Wood	1.18

WYOMING

All counties	$1.21

(b) *Premiums and discounts*—(1) *Farm storage.* In the case of eligible corn delivered from farm storage under purchase agreements and in the case of farm-storage loans, the applicable premiums and discounts shown in the "Schedule of Premiums and Discounts," in this paragraph, except for eligible corn under loan grading "mixed," shall be applied to the basic rate at the time of settlement. In the case of eligible corn, grading "mixed," placed under a farm-storage loan, the discount shall be applied to the basic rate at the time the loan is completed.

(2) *Warehouse storage.* In the case of warehouse-storage loans, the applicable premiums and discounts for eligible corn shown in the "Schedule of Premiums and Discounts" in this paragraph shall be applied to the basic support rate at the time the loan is completed. In the case of eligible corn represented by warehouse receipts tendered to CCC under a purchase agreement, the applicable premiums and discounts shall be applied to the basic support rate at the time of settlement. The discounts for weevily and for moisture content are not applicable since corn in approved warehouse storage which grades weevily or contains in excess of 13.5 percent moisture is not eligible.

(3) *Schedule of premiums and discounts.*

PREMIUMS

	Cents per bushel
Grade No. 2 or better	1

DISCOUNTS

Moisture content (percent):	
0 to 14.0	0
14.1 to 15.5	1
15.6 to 16.0	2
16.1 to 16.5	3
16.6 to 17.0	4
17.1 to 17.5	5
Weevily	2
Mixed	2

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C., 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C., 714c, 7 U. S. C., 1441, 1421)

Issued this 18th day of October 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-8561; Filed, Oct. 24, 1955; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

[Amdt. 2]

PART 417—TOBACCO CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1954 AND SUCCEEDING CROP YEARS

POLICY; CO-INSURANCE

The above identified regulations, as amended (18 F. R. 5703; 19 F. R. 469, 5602; 20 F. R. 5625), are hereby amended, effective beginning with the 1956 crop year as follows:

1. Section 10 of the policy shown in § 417.8 is amended by adding a last sentence to read as follows: "Where released acreage is not put to another use, or is replanted to tobacco, the release may be disregarded by the Corporation."

2. Section 16 of the policy shown in § 417.8 is amended to read as follows:

16. *Other insurance.* If the insured has or acquires any other insurance against fire on the crop, or portion thereof, covered by the insurance contract, regardless of whether such other insurance is valid or collectible, the Corporation shall only be liable in the event of a loss due to such risk, for the smaller of either (1) the amount of loss determined pursuant to this contract, or (2) the amount by which the loss from such risk exceeds the indemnity paid or payable under such other insurance.

3. Subsections (a) and (b) of section 20 of the policy shown in § 417.8 are amended to read as follows:

(a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before the applicable cancellation date shown in section 26 preceding the crop year for which the cancellation is to become effective: *Provided, however,* That if 60 days after such cancellation date any amount due the Corporation remains unpaid or the insured has not complied with a request by the Corporation that arrangements satisfactory to the Corporation be made for the payment of the following crop year's premium, the contract shall terminate as if canceled by the Corporation prior to such cancellation date. Any notice of cancellation by the insured shall be in writing and shall be filed with the county office. The Corporation shall mail any notice of cancellation or any request that arrangements be made for the payment of a premium to the insured's last known address and mailing shall constitute notice to the insured.

(b) If the insured cancels the contract, he shall not be eligible for tobacco crop insurance in the county in the next succeeding crop year unless he, (1) subsequently applies for insurance on or before the cancellation date preceding such year or (2) applies for insurance to cover (i) an interest (individual or sharecroppers') not covered by the canceled contract, or (ii) both the individual and sharecroppers' interest where only one such interest was covered under the canceled contract.

4. Subsections (g), (h), and (l) of section 25 of the policy shown in § 417.8 are amended to read as follows:

(g) "Market price" for a crop year in the case of tobacco of types 11, 12, 13, 14, 21, 22, 23, 31, 35 and 36 means the average auction price for the applicable type (less warehouse charges) in the belt or area, as determined by the Corporation. "Market price" for a crop year in the case of tobacco of types 41, 51, 52, 54 and 55 means the average price for the applicable type in the belt or area as determined by the Corporation. The market price when determined by the Corporation shall be filed in the county office.

(h) "Owner-operator" means a person who owns land and is responsible for farm management with respect to the production of tobacco on such acreage whether produced by his own or other person's(s') labor. Land rented for cash or for a fixed commodity payment shall be considered owned by the lessee.

* * * * *

(l) "Sharecropper" or "share tenant" means a person other than an owner-operator or tenant-operator who works tobacco under supervision of a farm operator and is entitled to receive a share of the crop or proceeds therefrom and includes a person employed on the farm of an owner-operator or tenant-operator who receives for his labor the entire interest of such owner-operator or tenant-operator in the tobacco crop, or proceeds therefrom, produced on a specified acreage of such farm (for the purpose of the contract the owner-operator or tenant-operator of the farm shall be considered to have an interest in such acreage).

5. Section 26 of the policy shown in § 417.8 is amended to read as follows:

26. *Date table.* For each year of the contract, the cancellation date and the discount date are as follows:

Type of tobacco	Cancellation date [1] [2]	Discount date [1] [3]
11a	March 5	December 15.
11b	February 28	December 15.
12	February 25	December 15.
13	February 15	November 30.
14	January 31	September 30.
21	March 5	January 31.
31 All States (except North Carolina and Virginia).	March 15	March 31.
31 North Carolina and Virginia.	March 15	January 31.
22, 23, 35, 36	March 15	March 31.
41, 51, 52, 54, 55	March 31	May 31.

[1] When a cancellation or discount date falls on a Sunday or other day when the county office is not officially open for business, such date shall be extended to the next business day.

[2] The cancellation date is the applicable date preceding the beginning of the crop year for which cancellation is to become effective.

[3] The last date for the payment of the annual premium before the unpaid balance is increased by 10 percent is the applicable discount date following the date the tobacco crop is planted. In case two or more types of tobacco are insured under the contract, the earliest date for any type of tobacco insured shall apply to the entire premium for the contract.

6. Section 417.9 is deleted and there is substituted a new § 417.9 to read as follows:

§ 417.9 *Co-insurance.* Notwithstanding any other provisions of this subpart to the contrary, the Manager of the Corporation is authorized, in counties designated by him, to permit insureds to elect a percentage, which in no case shall be less than 50 percent, of the maximum protection available, in which event the amount of premium (subject to section 7 (d) of the policy) and any indemnity payable under the contract shall be reduced accordingly. For the first crop year of a contract the election

must be made in writing at the time the application for insurance is filed. For any subsequent crop year of a contract, an election may be made, changed, or rescinded by notifying the county office in writing on or before the cancellation date for the crop year the change is to become effective. In counties designated for such co-insurance the percentage(s) established by the Manager by which premiums and indemnities may be reduced will be shown on the county actuarial table on file in the county office.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on October 4, 1955.

[SEAL] C. S. LAIDLAW,
Secretary,
Federal Crop Insurance Corporation.

Approved on October 19, 1955.

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-8589; Filed, Oct. 24, 1955; 8:50 a. m.]

PART 419—COTTON CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

By virtue of the authority contained in the Federal Crop Insurance Act, as amended, the "Regulations for the 1952 and Succeeding Crop Years," as amended (16 F. R. 7975, 11565; 17 F. R. 2110, 5633, 8206, 8471; 18 F. R. 440, 3633, 3994, 6990; 19 F. R. 470, 5604, 8500; 20 F. R. 5055), which shall continue in full force and effect for the 1955 crop year, are hereby amended for the 1956 and succeeding crop years to read as set forth below. The provisions of this subpart shall apply, until amended or superseded, to all continuous cotton crop contracts as they relate to the 1956 and succeeding crop years.

Sec.
419.1 Availability of cotton crop insurance.
419.2 Coverages, premium rates, and fixed price.
419.3 Application for insurance.
419.4 Public notice of indemnities paid.
419.5 Creditors.
419.6 Co-insurance.
419.7 The policy.

AUTHORITY: § 419.1 to 419.7 issued under secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509.

§ 419.1 *Availability of cotton crop insurance.* (a) Cotton crop insurance may be provided in counties designated annually by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation. A list of the designated counties shall be published annually by appendix to this section.

(b) Insurance will not be provided in a county for any crop year unless the minimum participation requirement established by the Federal Crop Insurance Act, as amended, is met. For the purpose of determining whether the minimum participation requirement is met, an insurance unit shall be counted as one farm.

§ 419.2 *Coverages, premium rates, and fixed price.* The Corporation shall establish coverage(s) and premium rate(s) per acre and the fixed price, used to evaluate production, which shall be shown on the county actuarial table on file in the county office and may be revised from year to year.

§ 419.3 *Application for insurance.* (a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover his interest as landlord, owner-operator, tenant-operator, share tenant, or sharecropper in a cotton crop.

(b) Application for insurance may also be made by any owner-operator or tenant-operator on a form prescribed by the Corporation to cover the interest(s) which a share tenant(s) or sharecropper(s) has in a cotton crop in which such farm operator has an interest. The interest(s) covered shall be that interest(s) which the share tenant(s) or sharecropper(s) has at the time of planting and any interest(s) allocated to him after planting pursuant to an understanding existing at the time of planting. As to such share tenant(s) or sharecropper(s) interest(s), notwithstanding any other provision of the contract to the contrary, (1) the applicant shall be considered the insured and the interest(s) insured shall be considered as his interest(s), (2) premiums (except for reductions based on good experience) and losses shall be computed and transfers of interest shall be made in the same manner and under the same terms and conditions as if the share tenant(s) or sharecropper(s) had signed (and the Corporation accepted) an individual application for insurance, (3) the applicant shall designate on his annual acreage report the name of the share tenant(s) or sharecropper(s) and the acreage allocated to him, (4) any indemnity shall be paid to the insured for the benefit of the share tenant or sharecropper (or transferee) allocated the insurance unit on which the loss occurred and payment shall be made by joint check payable to the insured and said share tenant or sharecropper (or transferee), (5) collateral assignments shall not be honored but the insured shall from the proceeds of the joint check be entitled to any amounts owed him for advances to finance the current cotton crop on the insurance unit, and (6) the Corporation shall not deduct from any indemnity any amount except the current premium on the share tenant's or sharecropper's interest and any amount owed the Corporation by the share tenant or sharecropper (or transferee). For each crop year of the contract, the contract shall not cover the interest of any share tenant or sharecropper who is insured with the Corporation under an individual contract.

(c) For any crop year applications shall be submitted to the county office on or before the following applicable closing date preceding such crop year:

Alabama: Randolph, Clay, Talladega, Shelby, Tuscaloosa, and Pickens Counties and all Alabama counties lying north thereof, April 10. All other Alabama counties, March 31.
Arkansas: April 10.
Mississippi: Noxubee, Winston, Attala, Madison, Hinds, and Warren Counties and all Mississippi counties lying north thereof, April 10. All other Mississippi counties, March 31.
North Carolina: April 10.
South Carolina: April 10.
Tennessee: April 10.
Texas: Jackson, Victoria, Goliad, Bee, Live Oak, Atascosa, Medina, Uvalde, and Kinney Counties, and all Texas counties lying south thereof, February 28. All other Texas counties, March 31.
All other States: March 31.

§ 419.4 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of the indemnities paid in the county.

§ 419.5 *Creditors.* An interest in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract.

§ 419.6 *Co-insurance.* Notwithstanding any other provisions of this subpart to the contrary, the Manager of the Corporation is authorized, in counties designated by him, to permit insureds to elect a percentage, which in no case shall be less than 50 percent, of the maximum protection available, in which event the amount of premium (subject to section 5 (d) of the policy) and any indemnity payable under the contract shall be reduced accordingly. For the first crop year of a contract the election must be made in writing at the time the application for insurance is filed. For any subsequent crop year of a contract, an election may be made, changed, or rescinded by notifying the county office in writing on or before the cancellation date for the crop year the change is to become effective. In counties designated for such co-insurance the percentage(s) established by the Manager by which premiums and indemnities may be reduced will be shown on the county actuarial table on file in the county office.

§ 419.7 *The policy.* The provisions of the policy for the 1956 and succeeding crop years are as follows:

Pursuant to the provisions of the application upon which this policy is issued, which application together with this policy shall constitute the contract, and subject to the terms and conditions set forth herein, the Federal Crop Insurance Corporation (herein called the "Corporation") does insure the applicant (herein called the "insured"), subject to the acceptance of his application, against unavoidable loss of lint cotton production on his cotton crop due to drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation and plant disease. The contract shall not cover any loss due to the neglect or malfeasance of the insured, any member of his household, his tenants, sharecroppers, or employees, or failure to follow recognized good farming practices, or to any cause other than those specified above. No term or condition of the contract shall be waived or changed on

behalf of the Corporation except in writing by a duly authorized representative of the Corporation.

TERMS AND CONDITIONS

1. *Insured acreage and interest.* The insured acreage and interest for each crop year shall be that acreage in the county planted to cotton in which the insured had an interest at the time of planting and his interest therein at such time as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That insurance shall not attach or be considered to have attached on acreage for which a coverage is not shown on the county actuarial table for the crop year or, in counties where a coverage(s) is established by farming practice(s), on acreage on which the farming practice followed is one for which a coverage is not established. *Provided Further,* That insurance shall not attach or be considered to have attached on acreage on which it is determined by the Corporation that cotton is (a) destroyed and it is practical to replant to cotton and such acreage is not replanted to cotton, (b) initially planted too late to expect a normal crop to be produced, (c) planted following in the same year a small grain crop which reaches the heading stage, (d) planted on new ground acreage, or (e) planted in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton under the provisions of such program. The Corporation reserves the right to limit the insured acreage to the cotton allotment or permitted acreage established under any act of Congress including the Agricultural Adjustment Act of 1938, as amended. For the purpose of determining the amount of loss, the insured interest shall not exceed the insured's interest at the time of loss or the beginning of harvest, whichever occurs first.

2. *Responsibility of the insured to report acreage and interest.* (a) Promptly after planting the cotton crop each year the insured shall submit to the county office, on a form prescribed by the Corporation, a report showing all acreage in the county planted to cotton in which he has an interest and his interest therein at the time of planting. If the insured does not have an interest in any cotton acreage in the county for any year he shall nevertheless submit a report so indicating. Any acreage report submitted by the insured shall not be subject to change by the insured.

(b) If the insured fails to submit the above-mentioned acreage report within 30 days after planting of cotton is generally completed in the county, the Corporation may elect to determine the insured acreage and interest or to declare the insured acreage to be "zero".

3. *Coverage, premium rate, and fixed price.* For each crop year of the contract the coverage and premium rate per acre established for the area in which the insured acreage is located, and the fixed price, used to evaluate production, shall be those established by the Corporation for such crop year and shown on the county actuariel table on file in the county office. The coverage per acre is progressive by stages of production which are as follows:

First stage: After it is too late to plant cotton but before the first cultivation;
Second stage: After the first cultivation but before laying by;
Third stage: After laying by but before harvest, and
Fourth stage: After harvest and to the end of the insurance period.

The coverage applicable to any acreage shall be that established for the stage of production reached by the crop as determined by the Corporation.

4. *Changes in contract.* The Corporation reserves the right to change the premium rate(s), coverage(s), fixed price(s), and other terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file in the county office at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Failure of the insured to cancel the contract as provided in section 13 shall constitute his acceptance of any such changes.

5. *Amount of annual premium.* (a) The annual premium for each insurance unit will be based upon (1) the insured acreage of cotton, (2) the applicable premium rate(s), and (3) the insured interest(s) in the crop at the time of planting, and with respect to any insured acreage shall be earned and payable when the cotton on such acreage is planted. However, subject to (d) below the amount of the premium so determined for an insurance unit shall not exceed 50 percent of the result obtained by multiplying (1) the insured acreage by (2) the applicable coverage per acre by (3) the insured interest in the crop. There will be a reduction in the annual premium for each insurance unit of four percent for each full hundred acres of insured acreage on the unit, provided, however, that the total reduction shall not exceed 20 percent.

(b) Any amount of the premium which is unpaid on the day following the applicable discount date (following planting) shown below will be increased by ten percent, which increased amount shall be the premium balance, and thereafter, at the end of each 12 months' period, six percent simple interest shall attach to any amount of the premium balance which is unpaid. For each year of the contract, the discount date shall be January 31 for counties in Arizona, California, and New Mexico and for Andrews, Martin, Howard, Mitchell, Scurry, Kent, Dickens, Motley, Hall, and Collingsworth Counties, Texas, and for all Texas Counties lying north and west thereof; December 31 for Oklahoma; and November 30 for all other counties.

(c) The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutively insured cotton crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. If the insured is not eligible for the above premium reduction, his annual premium for any year may be reduced not to exceed 25 percent if it is determined by the Corporation that the accumulated balance, expressed in pounds, of premiums over indemnities on consecutively insured cotton crops exceeds his total coverage (computed on a harvested acreage basis). Nothing in this paragraph shall create in the insured any right to a reduced premium.

(d) If in any year a premium is earned under the contract and totals less than $5.00 the amount shall be increased to $5.00.

(e) Any unpaid amount due the Corporation by the insured may be deducted from any indemnity payable to the insured by the Corporation or from any loan or any payment made to the insured under any act of Congress, or program, administered by the United States Department of Agriculture.

6. *Insurance period.* Insurance on any insured acreage shall attach at the time the cotton is planted and, with respect to any portion of the crop, shall cease upon removal from the field, upon being housed, or upon disposal of the unharvested crop or transfer of interest in unharvested cotton after harvest has commenced, but in no event shall insurance remain in effect later than the applicable date set forth below:

Alabama: Randolph, Clay, Talladega, Shelby, Tuscaloosa, and Pickens Counties and all Alabama counties lying south thereof, November 15. All other Alabama counties, December 15,
Arizona: January 31.
Arkansas: December 15.
California: January 31.
Georgia: December 15.
Louisiana: November 30.
Mississippi: Noxubee, Winston, Attala, Holmes, Yazoo, and Issaquena Counties and all Mississippi counties lying south thereof, November 30. All other Mississippi counties, December 15.
New Mexico: December 31.
North Carolina: December 31.
Oklahoma: December 31.
South Carolina: December 15.
Tennessee: December 31.
Texas: Jackson, Victoria, Goliad, Bee, Live Oak, Atascosa, Medina, Uvalde, Kinney Counties, and all Texas counties lying south thereof, September 30. Andrews, Martin, Howard, Mitchell, Scurry, Kent, Dickens, Motley, Hall, and Collingsworth Counties and all Texas counties lying north and west thereof, December 31. All other Texas counties, November 30.

7. *Notice of loss or substantial damage.* (a) If, during the growing season the insured cotton crop on any insurance unit is substantially damaged the insured shall give immediate written notice of such damage to the Corporation at the county office.

(b) If an insured loss occurs on any insurance unit the insured shall give prompt written notice to the Corporation at the county office but in no event shall such notice be given later than (1) 15 days after harvesting is completed on the insurance unit or (2) the end of the insurance period, whichever is earlier.

(c) Any insured acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

(d) The Corporation may reject any claim for loss if any of the requirements of this section are not met.

8. *Released or damaged acreage.* (a) Any acreage of the insured cotton crop may be released by the Corporation after it is too late to replant to cotton if (1) the Corporation determines that the crop on such acreage is destroyed, or (2) the insured requests a release of acreage which the Corporation determines is not destroyed and agrees to the appraisal by the Corporation of the potential production from such acreage. No insured acreage may be put to another use until the Corporation releases such acreage. If the cotton crop on insured acreage is damaged but the acreage has not been released by the Corporation, proper measures shall be taken to care for the crop and protect it from further damage.

(b) Where released acreage is not put to another use, or is replanted to cotton, the release may be disregarded by the Corporation.

(c) There shall be no abandonment of any crop or portion thereof to the Corporation.

9. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period unless the entire crop on the insurance unit was destroyed earlier in which event the loss shall be deemed to have occurred on the date of such damage as determined by the Corporation.

10. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of cotton on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information

regarding the manner and extent of loss as may be required by the Corporation. The cotton stalks on any acreage with respect to which a loss is claimed, shall not be destroyed until the Corporation makes an inspection.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, (2) subtracting therefrom the value (determined in accordance with (d) below) of the total production to be counted for the planted acreage, and (3) multiplying the remainder by the insured interest. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (except harvested production destroyed before being housed or removed from the field and harvested production from acreage not eligible for fourth stage coverage) and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss or acreage abandoned or put to another use without being released by the Corporation. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with (d) below) of any cotton harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation. Notwithstanding the other provisions of this subsection regarding the determination of the production to be counted, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the fixed price for the county, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the fixed price for the county.

(d) In determining any loss under the contract, production shall be valued at the fixed price.

(e) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

11. *Payment of indemnity.* (a) Any indemnity will be payable within thirty days after a claim for loss is approved by the Corporation, but if payment is delayed for any reason, the Corporation shall not be liable for interest or damage on account of such delay.

(b) If the insured dies, is judically declared incompetent or disappears after the planting of the cotton crop in any year, any indemnity which is, or becomes, part of his estate shall be paid to the legal representative of the estate. Should no such representative be qualified, the Corporation may pay the indemnity to the person(s) it determines to be beneficially entitled thereto or to any one or more of such persons on behalf of all such persons, or may withhold payment until a legal representaitve of the estate is qualified. In such cases, and in any other case where an indemnity is claimed by a person(s) other than the original insured or diverse interests appear with respect to any insurance unit, the determination of the Corporation as to the existence or non-existence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment shall be made shall be final and conclusive. Payment of an indemnity shall constitute a complete discharge of the Corporation's obligations with respect to the loss for which such indemnity is paid.

12. *Avoidance of contract.* The Corporation may void the contract without affecting the insured's liability for premium(s) or waiving any right or remedy including the right to collect any unpaid premium(s) if (a) at any time, either before or after loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, or (b) the insured fails to give any notice or otherwise fails to comply with the terms of the contract at the time and in the manner prescribed. The Corporation may make such avoidance effective as of the beginning of any crop year with respect to which any act or omission referred to in (a) or (b) above occurred.

13. *Life of contract, cancellation or termination thereof.* (a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before the cancellation date which shall be the December 31 preceding the crop year for which the cancellation is to become effective: *Provided, however,* That the contract shall terminate as if canceled by the Corporation prior to such cancellation date if by the applicable termination date set forth below following such cancellation date, any amount due the Corporation under this contract remains unpaid or the insured has not complied with a request by the Corporation that arrangements satisfactory to the Corporation be made for the payment of the following year's premium:

Alabama: Randolph, Clay, Talladega, Shelby, Tuscaloosa, and Pickens Counties and all Alabama counties lying north thereof, April 10. All other Alabama counties, March 31.

Arkansas: April 10.

Mississippi: Noxubee, Winston, Attala, Madison, Hinds and Warren Counties, and all Mississippi counties lying north thereof, April 10. All other Mississippi counties, March 31.

North Carolina: April 10.

South Carolina: April 10.

Tennessee: April 10.

Texas: Jackson, Victoria, Goliad, Bee, Live Oak, Atascosa, Medina, Uvalde, and Kinney Counties, and all Texas counties lying south thereof, February 28. All other Texas counties, March 31.

All other States: March 31.

Any notice of cancellation by the insured shall be in writing and shall be filed with the county office. The Corporation shall mail any notice of cancellation to the insured's last known address and mailing shall constitute notice to the insured.

(b) If the insured cancels the contract, he shall not be eligible for cotton crop insurance in the county in the next succeeding crop year unless he (1) subsequently applies for insurance on or before the cancellation date preceding such year, or (2) applies for insurance to cover (i) an interest (individual or sharecroppers') not covered by the canceled contract, or (ii) both the individual and sharecropper's interests where only one such interest was covered under the canceled contract.

(c) If the Corporation determines that the county minimum participation requirement established by the Federal Crop Insurance Act, as amended, is not met for any crop year, insurance shall not be in effect for that crop year and the contract shall terminate.

(d) The contract shall terminate upon death or judicial declaration of incompetence of the insured, except that if such death or judicial declaration of incompetence occurs after the beginning of planting of the cotton crop in any crop year but before the end of the insurance period for such year, the contract shall (1) not terminate until the end of such insurance period, and (2) cover any additional cotton planted for the insured or his estate for that crop year.

14. *Transfer of interest.* If the insured transfers all or a part of his insured interest in a cotton crop before the beginning of harvest and the time of loss, the transferee may obtain the benefits of the contract for the current crop year on the interest transferred if within 15 days after the date of transfer he (1) submits to the county office such information concerning the transfer as may be required by the Corporation, and (2) makes arrangements satisfactory to the Corporation for the payment of any unpaid premium on the interest transferred. Upon approval of a transfer of interest by the Corporation, the transferee and transferor shall be jointly and severally liable for any unpaid premium on the interest transferred. Any transfer shall be subject to the conditions of the contract including any collateral assignment made by the transferor, and the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than if the transfer had not taken place.

15. *Collateral assignment.* The original insured may assign his right to an indemnity for any year under the contract by executing a form prescribed by the Corporation and upon approval thereof by the Corporation the interest of the assignee will be recognized and the assignee shall have the right to submit the loss notices and forms as required by the contract if the insured neglects or refuses to take such action.

16. *Subrogation.* The insured assigns to the Corporation all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and shall execute all papers required and take such other action as may be necessary to secure such rights.

17. *Other insurance.* If the insured has other insurance, whether valid or not, against (a) more than two of the risks insured against under this contract, or (b) damage by fire during the insurance period, and there is damage from a risk(s) so insured against, the Corporation shall not be liable, unless it otherwise elects, for a greater proportion of any loss under this contract than the coverage under this contract for the insurance unit(s) involved bears to the total of all coverages.

18. *Records and access to farm.* The insured shall keep or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all cotton produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage in the county in which he has an interest. Any persons designated by the Corporation shall have access to such records and the farm(s) for purposes related to the contract.

19. *Forms.* Copies of forms referred to in the contract are available at the county office.

20. *Meaning of terms.* For purposes of the cotton insurance program the terms:

(a) "County" (Parish in Louisiana) means the area shown on the county actuarial table which may include farms located in a local producing area(s) bordering on the county.

(b) "Cotton crop" means only American Upland cotton and does not include cotton planted primarily for experimental purposes.

(c) "County actuarial table" means the form(s) and related materials (including the crop insurance maps) which are approved annually by the Corporation and show the fixed price, the coverage per acre and the premium rates per acre applicable in the county.

(d) "County office" means the Corporation's office for the county shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

(e) "Crop year" means the period within which the cotton crop is planted and normally harvested, and shall be designated by reference to the calendar year in which the crop is planted.

(f) "First cultivation" means the first tillage of the cotton after it is up, which must be performed with an implement (other than a spike tooth or section harrow, rotary hoe, or stalk cutter) designed for use on individual cotton rows for the purpose of working the ground close to the plants.

(g) "Harvest" means the removal of seed cotton from the open cotton boll or the severance of the open cotton boll from the stalk by either manual or mechanical means. For the purpose of determining the stage of production, any acreage shall not be considered as harvested unless (1) the production of lint cotton actually harvested therefrom equals 10 percent or more of the coverage for such acreage in the fourth stage of production, and (2) the Corporation determines as authorized in section 3 that the crop reached the fourth stage of production.

(h) "Laying by" means the completion of the final cultivation, consistent with good farming practices, that would be necessary to carry the crop to harvest.

(i) "Insurance unit" means all insurable acreage of cotton in the county (1) in which the insured has 100 percent interest, plus any acreage owned by him and worked for him by a share tenant(s) or sharecropper(s) or (2) which is owned by the insured and rented to one tenant-operator, or (3) which is owned by one person and operated by the insured as a tenant-operator, or (4) which is owned by one person and worked by the insured as a share tenant or sharecropper. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

(j) "New ground acreage" in all States except Arizona, California, and New Mexico, means acreage on which it was necessary to remove or deaden timber and remove undergrowth to carry out established cultural practices. Pasture land, other than woodland pasture, cleared of underbrush and brought into cultivation will not be considered new ground acreage. In Arizona, California, and New Mexico, "new ground acreage" means any acreage which has not been planted to a crop in any one of the previous three crop years, except that acreage in tame hay or rotation pasture during the previous crop year shall not be considered new ground acreage.

(k) "Person" means an individual, partnership, association, corporation, estate, trust or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a state, or any agency thereof.

(l) "Sharecropper" or "share tenant" means a person other than an owner-operator or tenant-operator who works cotton under supervision of a farm operator and is entitled to receive a share of the crop or proceeds therefrom and includes a person employed on the farm of an owner-operator or tenant-operator who receives for his labor the entire interest of such owner-operator or tenant-operator in the cotton crop, or proceeds therefrom, produced on a specified acreage of such farm (for the purpose of the contract the owner-operator or tenant-operator of the farm shall be considered to have an interest in such acreage).

(m) "Tenant-operator" or "tenant" means a person who rents land from another person for a share of the cotton crop, or proceeds therefrom, produced on such land and is responsible for farm management with respect to the production of cotton on such acreage whether produced by his own or other person's(s') labor.

(n) "Owner-operator" means a person who owns land and is responsible for farm management with respect to the production of cotton on such acreage whether produced by his own or other person's(s') labor. Land rented for cash or a fixed commodity payment shall be considered owned by the lessee.

21. *Irrigated acreage.* (a) The acreage of cotton which shall be insured on the basis of irrigated coverage in any year shall not exceed the smaller of (i) that acreage which could be irrigated adequately with the facilities available, taking into consideration the amount of water required to irrigate the acreage of all irrigated crops on the farm, or (ii) that acreage on which one irrigation is carried out in accordance with good farming practices as determined by the Corporation, either before the crop is planted or during the growing season. Insurance shall not attach with respect to acreage planted to cotton the first year after being leveled.

(b) In addition to the causes of loss insured against shown on the first page of this policy the contract shall cover loss in production due to failure of the water supply from natural causes that could not be foreseen and prevented by the insured, including (1) lowering of the water level in pump wells adequate at the beginning of the growing season to the extent that either deepening the well or drilling a new well would be necessary to obtain an adequate supply of water, (2) failure of public power used for pumping or failure of an irrigation district or water company to deliver water where such failure is not within the control of the insured, and (3) the collapse of casing in wells.

(c) The contract shall not cover loss in production caused by (1) failure properly to apply adequate irrigation water to cotton when needed and in accordance with recognized good farming practices for the area. (2) failure to provide adequate casing or properly to adjust the pumping equipment in the event of a lowering of the water level in pump wells when such adjustment can be made without deepening the well, (3) failure properly to apply irrigation water to cotton in proportion to the need of the crop and the amount of water available for all irrigated crops, and (4) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which could be reasonably expected.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Burget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on October 4, 1955.

[SEAL] C. S. LAIDLAW,
Secretary,
Federal Crop Insurance Corporation.

Approved on October 19, 1955.

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-8528; Filed, Oct. 24, 1955; 8:49 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.22, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1955

Correction

In Federal Register Document 55-7688, published at page 7126 in the issue dated September 23, 1955, the table appearing on page 7130 is corrected by changing the headnote over columns (3) and (4) to read: "Past marketings average within allotments, 1950-54".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1955-56 FISCAL PERIOD

On October 5, 1955, notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 7399) regarding the expenses and the fixing of the rate of assessment for the 1955-56 fiscal period under Marketing Agreement No. 84, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Growers Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 933.209 *Expenses and rate of assessment for the 1955-56 fiscal period.* (a) The expenses necessary to be incurred by the Growers Administrative Committee established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning, during the fiscal period beginning August 1, 1955, and ending July 31, 1956, both dates inclusive, of the Growers Administrative Committee and the Shippers Advisory Committee, established under the aforesaid amended marketing agreement and order, will amount to $162,000.00 and the rate of assessment to be paid by each handler shall be four and one-half mills ($0.0045) per standard packed box of fruit shipped by such handler during the said fiscal period; and such rate of assessment is hereby approved as each handler's prorata share of the aforesaid expenses.

(b) As used herein, the terms "standard packed box," "handler," "shipped," and "fruit" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(c) The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 20, 1955.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 55-8608; Filed, Oct. 24, 1955; 8:54 a. m.]

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

AMENDMENT OF ADMINISTRATIVE RULES AND REGULATIONS

Pursuant to Marketing Agreement No. 127 and Marketing Order No. 103 (20 F. R. 5056) regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of, and information supplied by, the Date Administrative Committee, the administrative agency for program operations, and other available information, it is hereby ordered that the administrative rules and regulations (20 F. R. 6486) issued under said agreement and order be amended as set forth hereinafter.

Paragraph (b) of § 1003.110 is amended by inserting the word "and" between the semi-colon and "(7)," by inserting a period in lieu of the semi-colon following the word "inspection," and by deleting the remainder of said paragraph.

Section 1003.117 is amended to read as follows:

§ 1003.117 *Exemptions from regulation*—(a) *Producer Exemptions.* Any date producer, upon obtaining written approval of the committee, may sell dates of his own production directly to consumers, free of the requirements of §§ 1003.45, 1003.72, and 1003.73 in the following outlets:

(1) *Roadside stands or date shops.* Any quantity if sold directly to consumers at roadside stands or date shops at locations specifically approved by the committee.

(2) *Parcel post or express shipments.* Shipments by parcel post or express directly to consumers.

(b) *Handler exemptions.* Any date handler, upon obtaining written approval of the committee, may obtain the following partial exemptions in the following outlets:

(1) *Specialty outlets.* Any quantity if sold to such specialty outlets as health stores or outlets specializing in health foods, as shall be approved by the committee, may be exempt from the moisture requirements of the effective minimum grade.

(2) *Specialty packs.* Any quantity if sold in specialty packs such as glass, tin, wood, plastics, film or other type of containers approved by the committee, may be exempt from the provisions of § 1003.41 (a): *Provided,* That, such dates shall have been packed from dates that have been certified as meeting the effective grade regulations and have not been commingled with other dates.

(3) *Minimum quantity shipments.* Shipments by common carrier not to exceed ten flats of fifteen pounds each, or the equivalent weight in other packs, to any one purchaser in any one day may be exempt from the provisions of § 1003.41 (a): *Provided,* That, such dates shall have been packed from dates that have been certified as meeting the effective grade regulations and have not been commingled with other dates.

(c) *Sales not eligible for exemption.* Except as provided in subparagraphs (b) (1), (2), and (3) of this section no exemption shall be granted on dates sold by producers or handlers to truckers, dealers, retail stores or any other outlet for resale. The committee may, however, upon a finding that inspection is unnecessary, exempt any producer receiving other exemptions hereunder from the requirements of § 1003.41.

(d) *Application to be filed.* Applications for exemption from regulation shall be filed with the committee on producer DAC Form No. 9 or handler DAC Form No. 10, whichever is applicable, at the beginning of each marketing year or as soon thereafter as is practicable. The applications shall show, as applicable: (1) name and address of producer or handler; (2) if dates are to be sold from roadside stands or date shops, the location and description of the place at which the sales are to be made, the estimated quantity to be sold at such location during the marketing year, and the grade of the dates to be sold; (3) if dates are to be sold by mail order, the estimated quantity and grade of the dates to be sold; (4) if dates are to be sold in specialty packs, a detailed description of the type of container in which dates are to be packed, the estimated quantity to be sold in each type of pack, and the procedure for having such dates inspected prior to packing and set aside to prevent commingling with other dates; (5) if dates are to be sold to specialty outlets, the name, address and nature of business of the person or company to whom the dates will be sold, and the estimated quantity of dates that will be sold during the marketing year in such outlets; (6) if dates are to be sold in minimum quantity shipments, the application shall set forth the procedure for having such dates inspected prior to packing and set aside to prevent commingling with other dates, and shall state the estimated quantity to be marketed in this manner during the marketing year. The application shall also contain a certification to the committee and the United States Department of Agriculture, signed by the applicant, that all date sales will conform with the requirements of this part except to the extent that exemption is specifically granted. The applicant shall agree to submit on DAC Form No. 2 such information concerning his exempt sales of dates as may be requested by the committee.

A new § 1003.120 is added, reading as follows:

§ 1003.120 *Diversion of restricted or standard grade dates by export.* Each handler who exports restricted dates or standard grade but non-marketable dates shall certify to the United States Department of Agriculture and the Date Administrative Committee on DAC Form No. 11 that he will include in his export sales contract a provision whereby the buyer agrees that such dates will not re-enter the continental United States, or its territories or possessions, or be reshipped to any country not included on the list of countries approved by the committee for export.

It is hereby found that it is impracticable, unnecessary, and contrary to public interest to give preliminary notice, engage in public rule-making, or postpone the foregoing action later than the date of publication hereof in the FEDERAL REGISTER because new crop dates have already begun to move to market and shipments are expected to reach substantial volume in the near future, and it is necessary that the new regulations governing exemptions be made effective at the earliest practicable date in order that those eligible may be relieved of the obligations covered by such exemptions.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 20th day of October 1955, to become effective on the date of the publication of this order in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 55-8611; Filed, Oct. 24, 1955; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6371]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

H. J. STRAUSS FURS

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods;* § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.90 *History of product or offering;* § 13.135 *Nature:* Product or service; § 13.140 *Old, reclaimed, or reused as new;* § 13.155 *Prices:* Forced or sacrifice sales; Retail or selling as wholesale, jobbing, factory distributors', etc., or discounted; Savings and discounts subsidized; § 13.235 *Source or origin:* Maker or seller, etc.; Place: *Foreign, in general.* Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition;* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1225 *History;* § 13.1260 *Nature;* § 13.1265 *Old, secondhand, reclaimed or reconstructed product as new;* § 13.1325 *Source or origin:* Maker or seller, etc.: Fur Products Labeling Act; Place: *Foreign, in general.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition;* § 13.1623 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1650 *History of product;* § 13.1685 *Nature;* § 13.1695 *Old, secondhand, reclaimed or reconstructed as new;* § 13.1745 *Source or origin:* Maker or seller, etc.; Place: *Foreign, in general;* [*Misrepresenting oneself and goods*]—Prices: § 13.1813 *Forced or sacrifice sales,*[1] § 13.1820 *Retail or selling as dealer's, wholesale, or factory distributor's.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1854 *History of product:* Fur Products Labeling Act; § 13.1870 *Nature:* Fur Products Labeling Act; § 13.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Maker or seller, etc.; Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Harvey J. Strauss d. b. a. H. J. Strauss Furs, Lowell, Mass., Docket 6371, October 12, 1955]

In the Matter of Harvey J. Strauss, an Individual Doing Business as H. J. Strauss Furs

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission—which charged the respondent individual with misbranding and falsely advertising fur products in violation of the Fur Products Labeling Act and the Federal Trade Commission Act—and an agreement between counsel for both parties providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of September 23, 1955, pursuant to § 3.21 of the rules of practice, became on October 12, 1955, the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That respondent, Harvey J. Strauss, an individual doing business as H. J. Strauss Furs, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising or offering for sale of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product," are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

2. Attaching to fur products labels which fail to meet the medium size requirements of Rule 27 of the Rules and Regulations.

3. Setting forth on labels attached to fur products required information in handwriting, or mingled with non-required information.

4. Failing to set forth on labels attached to fur products, an item number or mark assigned to such products.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in the fur product.

2. Setting forth, on invoices pertaining to fur products, required information in abbreviated form.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice, which is intended to aid, promote or assist, directly or indirectly in the sale or offering for sale of fur products, and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

2. Fails to disclose that fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur when such is the fact;

3. Abbreviates words or terms of required information.

4. Represents, directly or by implication:

(a) That fur products are being offered at or for less than wholesale prices when such is contrary to the fact;

(b) That a sale price enables purchasers of fur products to effectuate any savings in excess of the difference between the said price and the price at which comparable products were sold during the time specified or, if no time is specified, in excess of the difference between said price and the current price at which comparable products are sold;

(c) The aggregate value of fur products to be greater than is the fact;

(d) That fur products are bankrupt stock, or that they were purchased by respondent, or were from the stock of a famous or reputable furrier when such is contrary to the fact.

5. Makes pricing claims or representations of the type referred to in paragraph C (4) (a), (b), or (c) above, unless there is maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based, as required by Rule 44 (e) of the rules and regulations.

By said "Decision of the Commission," report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: September 23, 1955.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 55-8595; Filed, Oct. 24, 1955; 8:51 a. m.]

[1] New.

[Docket 6385]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

RICE'S FASHION CORNER, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* §13.30 *Composition of goods.* Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition: Wool Products Labeling Act:* § 13.1325 *Source or origin:* Maker or seller, etc.: *Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* Sec. 13.1845 *Composition:* Wool Products Labeling Act; § 13.1900 *Source or origin:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Rice's Fashion Corner, Inc., et al., Norfolk, Va., Docket 6385, October 12, 1955.]

In the Matter of Rice's Fashion Corner, Inc., a Corporation; and Irwin G. Rice (referred to in the Complaint as Irving G. Rice) and Maurice Nordlinger, Individually and as Officers of Said Corporation

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission—charging respondents with misbranding and false advertising of ladies' weskit and skirt combinations and other wool products, in violation of the Wool Products Labeling Act and the Federal Trade Commission Act—and an agreement between the parties providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of September 23, 1955, pursuant to § 3.21 of the rules of practice, became, on October 12, 1955, the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That the respondent, Rice's Fashion Corner, Inc., a corporation, and its officers and respondent Maurice Nordlinger, individually and as an officer of said corporation, and respondent Irwin G. Rice, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of ladies' weskit and skirt combinations or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool products, of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool products or of one or more persons engaged in introducing such wool products into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939, and

3. Failing to securely affix to or place on each separate piece of such products a stamp, tag, label or other means of identification as required by Rule 12 of the rules and regulations promulgated under the Wool Products Labeling Act of 1939:

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939, and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That respondent Rice's Fashion Corner, Inc., a corporation, and its officers, and respondent Maurice Nordlinger, individually and as an officer of said corporation, and respondent Irwin G. Rice, individually, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of ladies' weskit and skirt combinations or other products, do forthwith cease and desist from:

Misrepresenting the constituent fibers of which their products are composed or the percentages or amounts thereof, in advertisements or in any other manner.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 23, 1955.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 55-8596; Filed, Oct. 24, 1955; 8:51 a .m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF SULPHENONE (*p*-CHLOROPHENYL PHENYL SULFONE)

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of Sulphenone (*p*-chlorophenyl phenyl sulfone) in or on certain raw agricultural commodities.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g); 20 F. R. 759), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended as follows:

1. Section 120.101 (c) (5) (i) is amended by adding to the list of chlorinated hydrocarbons the name "Sulphenone (*p*-chlorophenyl phenyl sulfone)."

2. Part 120 is amended by adding the following new section:

§ 120.112 *Tolerances for residues of Sulphenone (p-chlorophenyl phenyl sulfone).* A tolerance of 8 parts per million for residues of Sulphenone (*p*-chlorophenyl phenyl sulfone) is established in or on each of the following raw agricultural commodities: Apples, peaches, pears.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: October 19, 1955.

[SEAL] JOHN L. HARVEY, *Acting Commissioner of Food and Drugs.*

[F. R. Doc. 55-8566; Filed, Oct. 24, 1955; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Rev. S. O. 908]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of October A. D. 1955.

It appearing that the number of freight cars available for the movement of box car freight in the States of Oregon, Idaho, Utah, California, Arizona, and Nevada, has seriously decreased recently; that at present the supply is insufficient to move such freight traffic of carriers serving those States; that there are certain SFRD, PFE and WP refrigerator cars in that territory not suitable for transporting commodities requiring protective service and that such cars are suitable for transporting other freight; in the opinion of the Commission an emergency exists requiring immediate action in Oregon, Idaho, Utah, California, Arizona and Nevada: It is ordered, that:

§ 95.908 *Substitution of refrigerator cars for box cars.* (a) (1) Except as provided in subparagraph (2) of this paragraph, common carriers by railroad subject to the Interstate Commerce Act transporting carload freight from origin in the States of Oregon, Idaho, Utah, California, Arizona, or Nevada, and destined to points in the States of Oregon, Idaho, Utah, California, Arizona or Nevada, may, at their option, furnish and transport not more than three (3) refrigerator cars of SFRD, PFE or WP ownership, not suitable for transporting commodities requiring protective service, in lieu of each box car ordered, subject to the car load minimum weight which would have applied if shipment had been loaded in a box car.

(2) On shipments on which the carload minimum weight varies with the size of the car:

(i) Two (2) refrigerator cars not suitable for transporting commodities requiring protective service may be furnished in lieu of one (1) box car ordered of a length of 40' 7", or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(ii) Three (3) refrigerator cars not suitable for transporting commodities requiring protective service may be furnished in lieu of one (1) box car ordered of a length of over 40' 7", but not over 50' 7", subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(b) Application: The provisions of this section shall apply to shipments not in intrastate commerce as well as to those moving in interstate commerce.

(c) Effective date: This section shall become effective at 8:00 a. m., October 20, 1955.

(d) Expiration date: This section shall expire at 11:59 p. m., December 31, 1955, unless otherwise modified, changed, suspended or annulled by order of the Commission.

(e) Rules and regulations suspended: The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(f) Announcement of suspension: Each of such railroads, or its agents, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-8594; Filed, Oct. 24, 1955; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 257—SALE OR LEASE OF SMALL TRACTS, NOT EXCEEDING FIVE ACRES, FOR RESIDENCE, RECREATION, BUSINESS, OR COMMUNITY SITES

APPLICATION; GENERAL PROCEDURE; CORRECTION

OCTOBER 19, 1955.

The application form referred to in Federal Register Document 55-7842 appearing on page 7256 of the issue for September 29, 1955, should be Form 4-776.

EDWARD WOOZLEY, *Director.*

[F. R. Doc. 55-8569; Filed, Oct. 24, 1955; 8:46 a. m.]

Appendix C—Public Land Orders

[Public Land Order 1235]

[Misc. 62646]

FLORIDA

RESERVING CERTAIN PUBLIC LANDS AS ADDITION TO NATIONAL KEY DEER REFUGE

Correction

In Federal Register Document 55-8250, published on page 7605 of the issue for Wednesday, October 12, 1955, the third line of the land description should read "T. 66 S., R. 29 E.,".

[Public Land Order 1237]

[Misc. 28706]

[Misc. 38753]

COLORADO AND UTAH

AMENDING PUBLIC LAND ORDER NO. 1223 OF SEPTEMBER 13, 1955

Public Land Order No. 1223 of September 13, 1955, appearing as Document No. 55-7546 in 20 F. R. 7007 of the issue for September 17, 1955, is hereby amended as follows:

1. By deleting from paragraph 4 (a) of the order the words "and applications and offers under the mineral-leasing laws", and by substituting for the words "Such applications, selections and offers * * *" in the last sentence of paragraph 4 (a) the words "Such applications and selections * * *".

2. By deleting from paragraph 4 (a) (3) of the order the words "and applications and offers under the mineral-leasing laws".

3. By deleting from paragraph 4 (b) of the order the words "and the reserved minerals in the patented lands described in paragraph 3".

The original orders of withdrawal (Public Land Orders No. 459, 494 and 745) were not a bar to the issuance of mineral leases for the lands.

WESLEY A. D'EWART, *Assistant Secretary of the Interior.*

OCTOBER 19, 1955.

[F. R. Doc. 55-8567; Filed, Oct. 24, 1955; 8:45 a. m.]

[Public Land Order 1238]

[Fairbanks 07357]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE BY CIVIL AERONAUTICS ADMINISTRATION AS A TERMINAL AIRPORT; MODIFYING AND ENLARGING AIR NAVIGATION SITE WITHDRAWAL NO. 186 OF AUGUST 15, 1942; REVOKING PUBLIC LAND ORDER NO. 92 OF FEBRUARY 19, 1943

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved as follows:

(a) Under the jurisdiction of the Secretary of Commerce for use by the Civil Aeronautics Administration as a terminal airport:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
Sec. 18, E½NW¼, lots 1, 2, and 3;
Sec. 19, lots 1, 2, and 3.
T. 1 S., R. 2 W.,
Sec. 23, E½SE¼;
Sec. 24, E½.

The areas described aggregate 652.62 acres.

(b) Under the jurisdiction of the Secretary of Commerce for use by the Civil Aeronautics Administration as an addition to Air Navigation Site Withdrawal No. 186:

FAIRBANKS MERIDIAN

T. 1 S., R. 2 W.,
Sec. 23, lot 1, NE¼NE¼.

The areas described aggregate 61.82 acres.

2. The Departmental order of August 15, 1942 (Air Navigation Site Withdrawal No. 186) withdrawing lands for use of the Department of Commerce in the maintenance of air-navigation facilities is hereby revoked so far as its affects the following-described lands:

FAIRBANKS MERIDIAN

T. 1 S., R. 2 W.,
Sec. 13, lot 8 (NE¼SE¼).

The areas described, aggregating 55.11 acres, are embraced in an allowed homestead entry for which final certificate was issued November 8, 1948.

3. Public Land Order No. 92 of February 19, 1943, which withdrew the following-described lands for use of the Alaska Road Commission as an Administrative Site is hereby revoked:

FAIRBANKS MERIDIAN

T. 1 S., R. 2 W.,
Sec. 24, NE¼.

The area described aggregating 160 acres, is included in the withdrawal made by paragraph 1 of this order.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

OCTOBER 19, 1955.

[F. R. Doc. 55-8568; Filed, Oct. 24, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

BANKING INSTITUTIONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

The following regulations relating to banking institutions are hereby promulgated under subchapter H of chapter 1 of the Internal Revenue Code of 1954, and are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

BANKING INSTITUTIONS

RULES OF GENERAL APPLICATION

Sec.
1.581 Statutory provisions; definition of bank.
1.581–1 Tax on banks.
1.581–2 Mutual savings banks, building and loan associations, and cooperative banks.
1.582 Statutory provisions; bad debt and loss deduction with respect to securities held by banks.
1.582–1 Bad debt and loss deduction with respect to securities held by banks.
1.583 Statutory provisions; deductions of dividends paid on certain preferred stock.
1.584 Statutory provisions; common trust funds.
1.584–1 Common trust funds.
1.584–2 Income of participants in common trust fund.
1.584–3 Computation of common trust fund income.
1.584–4 Admission and withdrawal of participants in the common trust fund.
1.584–5 Returns of banks with respect to common trust funds.
1.584–6 Net operating loss deduction.

MUTUAL SAVINGS BANKS, ETC.

1.591 Statutory provisions; deduction for dividends paid on deposits.
1.591–1 Deduction for dividends paid on deposits.
1.592 Statutory provisions; deduction for repayment of certain loans.
1.592–1 Repayment of certain loans by mutual savings banks, building and loan associations, and cooperative banks.
1.593 Statutory provisions; additions to reserve for bad debts.
1.593–1 Additions to reserve for bad debts.
1.593–2 Additions to reserve for bad debts where surplus, reserves, and undivided profits equal or exceed 12 percent of deposits or withdrawable accounts.
1.594 Statutory provisions; alternative tax for mutual savings banks conducting life insurance business.
1.594–1 Mutual savings banks conducting life insurance business.

BANK AFFILIATES

1.601 Statutory provisions; special deduction for bank affiliates.
1.601–1 Special deduction for bank affiliates.

BANKING INSTITUTIONS

RULES OF GENERAL APPLICATION

§ 1.581 *Statutory provisions; definition of bank.*

SEC. 581. *Definition of bank.* For purposes of sections 582 and 584, the term "bank" means a bank or trust company incorporated and doing business under the laws of the United States (including laws relating to the District of Columbia), of any State, or of any Territory, a substantial part of the business of which consists of receiving deposits and making loans and discounts, or of exercising fiduciary powers similar to those permitted to national banks under section 11 (k) of the Federal Reserve Act (38 Stat. 262; 12 U. S. C. 248 (k)), and which is subject by law to supervision and examination by State, Territorial, or Federal authority having supervision over banking institutions. Such term also means a domestic building and loan association.

§ 1.581–1 *Tax on banks.* A bank, as defined in section 581, is subject to the tax on corporations imposed by section 11.

§ 1.581–2 *Mutual savings banks, building and loan associations, and cooperative banks.* (a) Mutual savings banks, building and loan associations, and cooperative banks not having capital stock represented by shares are subject to tax as in the case of other corporations. For special rules governing the taxation of a mutual savings bank conducting a life insurance business, see section 594 and § 1.594–1.

(b) While the general principles for determining the taxable income of a corporation are applicable to a mutual savings bank, a building and loan association, or a cooperative bank not having capital stock represented by shares, there are certain exceptions and special rules governing the computation in the case of such institutions. See section 593 and § 1.593–1 for special rules concerning additions to reserves for bad debts. See section 591 and § 1.591–1, relating to dividends paid by banking corporations, for special rules concerning deductions for amounts paid to, or credited to the accounts of, depositors or holders of withdrawable accounts as dividends. See also section 592 and § 1.592–1, relating to deductions for repayment of certain loans.

(c) For the purpose of computing the net operating loss deduction provided in section 172, any taxable year for which a mutual savings bank, building and loan association, or a cooperative bank not having capital stock represented by shares was exempt from tax shall be disregarded. Thus, no net operating loss carryover shall be allowed from a taxable year beginning before January 1, 1952, and, in the case of any taxable year beginning after December 31, 1951, the amount of the net operating loss carryback or carryover from such year shall not be reduced by reference to the income of any taxable year beginning before January 1, 1952.

§ 1.582 *Statutory provisions; bad debt and loss deduction with respect to securities held by banks.*

SEC. 582. *Bad debt and loss deduction with respect to securities held by banks*—(a) *Securities.* Notwithstanding sections 165 (g) (1) and 166 (e), subsections (a), (b), and (c) of section 166 (relating to allowance of deduction for bad debts) shall apply in the case of a bank to a debt which is evidenced by a security as defined in section 165 (g) (2) (C).

(b) *Worthless stock in affiliated bank.* For purposes of section 165 (g) (1), where the taxpayer is a bank and owns directly at least 80 percent of each class of stock of another bank, stock in such other bank shall not be treated as a capital asset.

(c) *Bond, etc., losses of banks.* For purposes of this subtitle, in the case of a bank, if the losses of the taxable year from sales or exchanges of bonds, debentures, notes, or certificates, or other evidences of indebtedness, issued by any corporation (including one issued by a government or political subdivision thereof), with interest coupons or in registered form, exceed the gains of the taxable year from such sales or exchanges, no such sale or exchange shall be considered a sale or exchange of a capital asset.

§ 1.582–1 *Bad debt and loss deduction with respect to securities held by banks.* A bank, as defined in section 581, is allowed a deduction for bad debts to the extent and in the manner provided by subsections (a), (b), and (c) of section 166 with respect to a debt which has become worthless in whole or in part and which is evidenced by a security (a bond, debenture, note, certificate, or other evidence of indebtedness to pay a fixed or determinable sum of money) issued by any corporation (including governments and their political subdivisions), with interest coupons or in registered form.

§ 1.583 *Statutory provisions; deductions of dividends paid on certain preferred stock.*

SEC. 583. *Deductions of dividends paid on certain preferred stock.* In computing the taxable income of any national banking association, or of any bank or trust company organized under the laws of any State, Territory, possession of the United States, or the Canal Zone, or of any other banking corporation engaged in the business of industrial banking and under the supervision of a State banking department or of the Comptroller of the Currency, or of any incorporated domestic insurance company, there shall be allowed as a deduction from gross income, in addition to deductions otherwise provided for in this subtitle, any dividend (not including any distribution in liquidation) paid, within the taxable year, to the United States or to any instrumentality thereof exempt from Federal income taxes, on the prefered stock of the corporation owned by the United States or such instrumentality. The amount allowable as a deduction under this section shall reduce the deduction for dividends paid otherwise computed under section 561.

§ 1.584 *Statutory provisions; common trust funds.*

SEC. 584. *Common trust funds*—(a) *Definitions.* For purposes of this subtitle, the term "common trust fund" means a fund maintained by a bank—

(1) Exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank in its capacity as a trustee, executor, administrator, or guardian; and

(2) In conformity with the rules and regulations, prevailing from time to time, of the Board of Governors of the Federal Reserve System pertaining to the collective investment of trust funds by national banks.

(b) *Taxation of common trust funds.* A common trust fund shall not be subject to taxation under this chapter and for purposes of this chapter shall not be considered a corporation.

(c) *Income of participants in fund*—(1) *Inclusions in taxable income.* Each participant in the common trust fund in computing its taxable income shall include, whether or not distributed and whether or not distributable—

(A) As part of its gains and losses from sales or exchanges of capital assets held for not more than 6 months, its proportionate share of the gains and losses of the common trust fund from sales or exchanges of capital assets held for not more than 6 months;

(B) As part of its gains and losses from sales or exchanges of capital assets held for more than 6 months, its proportionate share of the gains and losses of the common trust fund from sales or exchanges of capital assets held for more than 6 months;

(C) Its proportionate share of the ordinary taxable income or the ordinary net loss of the common trust fund, computed as provided in subsection (d).

(2) *Dividends and partially tax exempt interest.* The proportionate share of each participant in the amount of dividends to which section 34 or section 116 applies, and in the amount of partially tax exempt interest on obligations described in section 35 or section 242, received by the common trust fund shall be considered for purposes of such sections as having been received by such participant. If the common trust fund elects under section 171 (relating to amortizable bond premium) to amortize the premium on such obligations, for purposes of the preceding sentence the proportionate share of the participant of such interest received by the common trust fund shall be his proportionate share of such interest (determined without regard to this sentence) reduced by so much of the deduction under section 171 as is attributable to such share.

(d) *Computation of common trust fund income.* The taxable income of a common trust fund shall be computed in the same manner and on the same basis as in the case of an individual, except that—

(1) There shall be segregated the gains and losses from sales or exchanges of capital assets;

(2) After excluding all items of gain and loss from sales or exchanges of capital assets, there shall be computed—

(A) An ordinary taxable income which shall consist of the excess of the gross income over deductions; or

(B) An ordinary net loss which shall consist of the excess of the deductions over the gross income;

(3) The deduction provided by section 170 (relating to charitable, etc., contributions and gifts) shall not be allowed; and

(4) The standard deduction provided in section 141 shall not be allowed.

(e) *Admission and withdrawal.* No gain or loss shall be realized by the common trust fund by the admission or withdrawal of a participant. The withdrawal of any participating interest by a participant shall be treated as a sale or exchange of such interest by the participant.

(f) *Different taxable years of common trust fund and participant.* If the taxable year of the common trust fund is different from that of a participant, the inclusions with respect to the taxable income of the common trust fund, in computing the taxable income of the participant for its taxable year, shall be based upon the taxable income of the common trust fund for any taxable year of the common trust fund ending within or with the taxable year of the participant.

(g) *Net operating loss deduction.* The benefit of the deduction for net operating losses provided by section 172 shall not be allowed to a common trust fund, but shall be allowed to the participants in the common trust fund under regulations prescribed by the Secretary or his delegate.

§ 1.584–1 *Common trust funds*—(a) *Method of taxation.* A common trust fund maintained by a bank is not subject to taxation under this chapter and is not considered a corporation. Its participants are taxed on their proportionate share of income from the common trust fund. Except as otherwise provided in §§ 1.584–1 to 1.584–6, inclusive, the term "participant" refers to any trust or estate, the moneys of which have been contributed to the common trust fund.

(b) *Conditions for qualification.* Under section 584, two conditions must be satisfied by a fund maintained by a bank (as defined in section 581) before such fund may be designated as a "common trust fund." These conditions are that such fund must be maintained by such a bank:

(1) Exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank, whether acting alone or in conjunction with one or more co-fiduciaries, but solely in its capacity: (i) As a trustee of a trust created by will, deed, agreement, declaration of trust, or order of court, (ii) as an executor of the will of, or as an administrator of the estate of, a deceased person, or (iii) as a guardian (by whatever name known under local law) of the estate of an infant, of an incompetent individual, or of an absent individual; and

(2) In conformity with the rules and regulations, prevailing from time to time, of the Board of Governors of the Federal Reserve System pertaining to the collective investment of trust funds by national banks, whether or not the bank maintaining such fund is a national bank or a member of the Federal Reserve System.

§ 1.584–2 *Income of participants in common trust fund.* (a) Each participant in a common trust fund is required to include in computing its taxable income for its taxable year within which or with which the taxable year of the fund ends, whether or not distributed and whether or not distributable:

(1) Its proportionate share of the gains and losses from sales or exchanges of capital assets held for not more than six months, computed as provided in § 1.584–3, as part of its gains and losses from sales or exchanges of capital assets held for not more than six months;

(2) Its proportionate share of the gains and losses from sales or exchanges of capital assets held for more than six months, computed as provided in § 1.584–3, as part of its gains and losses from sales or exchanges of capital assets held for more than six months; and

(3) Its proportionate share of the ordinary taxable income or the ordinary

net loss of the common trust fund, computed as provided in § 1.584–3.

(b) (1) Each participant's proportionate share in the amount of dividends to which section 34 or section 116 applies received by the common trust fund shall be deemed to have been received by such participant as such dividends.

(2) Each participant's proportionate share in the amount of partially tax exempt interest described in section 35 or section 242 received by the common trust fund shall be deemed to have been received by such participant as such interest. If the common trust fund elects under section 171 (relating to amortizable bond premium) to amortize the premium on such obligations, for purposes of the preceding sentence the proportionate share of each participant of such interest received by the fund shall be his proportionate share of such interest (determined without regard to this sentence) reduced by so much of the deduction under section 171 as is attributable to such shares. See section 171 and the regulations thereunder.

(3) Any tax withheld at the source from income of the fund shall be deemed to have been withheld proportionately from the participants to whom such income is allocated.

(c) (1) The proportionate share of each participant in gains and losses from sales or exchanges of capital assets held for not more than six months, gains and losses from sales or exchanges of capital assets held for more than six months, ordinary taxable income or ordinary net loss, dividends received, partially exempt interest, and tax withheld at the source shall be determined under the method of accounting adopted by the bank in accordance with the written plan under which the common trust fund is established and administered, provided such method clearly reflects the income of each participant.

(2) The items of income and deductions are, therefore, to be allocated to the periods between valuation dates within the taxable year established by such plan in which they were realized or sustained, and the ordinary taxable income or ordinary net loss, gains and losses from sales or exchanges of capital assets held for not more than six months, and gains and losses from sales or exchanges of capital assets held for more than six months computed for each such period. The proportionate shares of the participants in such items are then to be determined.

(3) The provisions of subparagraph (2) of this paragraph may be illustrated by the following example:

Example. (i) The plan of a common trust fund provides for quarterly valuation dates and for the computation and the distribution of the income upon a quarterly basis, except that there shall be no distribution of capital gains. The participants are as follows: Trusts A, B, C, and D for the first quarter; Trusts A, B, C, and E for the second quarter; and Trusts A, B, F, and G for the third and fourth quarters, the participants having equal participating interests. As computed upon the quarterly basis, the ordinary taxable income, the short-term capital gain, and the long-term capital loss for the taxable year were as follows:

	First quarter	Second quarter	Third quarter	Fourth quarter	Total
Ordinary taxable income	$200	$300	$200	$400	$1,100
Short-term capital gain	200	100	200	100	600
Long-term capital loss	100	200	100	200	600

(ii) The participants' shares of ordinary taxable income are as follows:

PARTICIPANTS' SHARES OF ORDINARY TAXABLE INCOME

Participant	First quarter	Second quarter	Third quarter	Fourth quarter	Total
A	$50	$75	$50	$100	$275
B	50	75	50	100	275
C	50	75	------	------	125
D	50	------	------	------	50
E	------	75	------	------	75
F	------	------	50	100	150
G	------	------	50	100	150
Total	200	300	200	400	1,100

(iii) The participants' shares of the short-term capital gain are as follows:

PARTICIPANTS' SHARES OF SHORT-TERM CAPITAL GAIN

Participant	First quarter	Second quarter	Third quarter	Fourth quarter	Total
A	$50	$25	$50	$25	$150
B	50	25	50	25	150
C	50	25	------	------	75
D	50	------	------	------	50
E	------	25	------	------	25
F	------	------	50	25	75
G	------	------	50	25	75
Total	200	100	200	100	600

(iv) The participants' shares of the long-term capital loss are as follows:

PARTICIPANTS' SHARES OF LONG-TERM CAPITAL LOSS

Participant	First quarter	Second quarter	Third quarter	Fourth quarter	Total
A	$25	$50	$25	$50	$150
B	25	50	25	50	150
C	25	50	------	------	75
D	25	------	------	------	25
E	------	50	------	------	50
F	------	------	25	50	75
G	------	------	25	50	75
Total	100	200	100	200	600

(4) If in the above example the common trust fund also had short-term capital losses and long-term capital gains, the treatment of such gains or losses would be similar to that accorded to the short-term capital gains and long-term capital losses in the above example.

(d) The provisions of Subparts A, B, C, D, and E of Part I of Subchapter J of this chapter are applicable in determining the extent to which each participant's proportionate share of the income of the common trust fund is taxable to the participant, or to the beneficiaries or the grantor of the participant.

§ 1.584–3 *Computation of common trust fund income.* The taxable income of the common trust fund shall be computed in the same manner and on the same basis as in the case of an individual, except that:

(a) No deduction shall be allowed under section 170 (relating to charitable, etc., contributions and gifts);

(b) The gains and losses from sales or exchanges of capital assets of the common trust fund are required to be segregated. A common trust fund is not allowed the benefit of the capital loss carryover provided by section 1212;

(c) The ordinary taxable income (the excess of the gross income over deductions) or the ordinary net loss (the excess of the deductions over the gross income) shall be computed after excluding all items of gain and loss from sales or exchanges of capital assets; and

(d) The standard deduction provided in section 141 shall not be allowed.

§ 1.584–4 *Admission and withdrawal of participants in the common trust fund*—(a) *Gain or loss.* The common trust fund realizes no gain or loss by the admission or withdrawal of a participant, and the basis of the assets and the period for which they are deemed to have been held by the common trust fund for the purposes of section 1202 are unaffected by such an admission or withdrawal. If a participant withdraws the whole or any part of its participating interest from the common trust fund, such withdrawal shall be treated as a sale or exchange by the participant of the participating interest or portion thereof which is so withdrawn. A participant is not deemed to have withdrawn any part of its participating interest in the common trust fund so as to have completed a closed transaction by reason of the segregation and administration of an investment of the fund, pursuant to the provisions of subdivision (c) (7) of section 17 of Regulations F of the Board of Governors of the Federal Reserve System, as amended, for the benefit of all the then participants in the common trust fund. Such segregated investment shall be considered as held by, or on behalf of, the common trust fund for the benefit ratably of all participants in the common trust fund at the time of segregation, and any income or loss arising from its administration and liquidation shall constitute income or loss to the common trust fund apportionable among the participants for whose benefit the investment was segregated.

(b) *Basis for gain or loss upon withdrawal.* The participant's gain or loss upon withdrawal of its participating interest or portion thereof shall be measured by the difference between the amount received upon such withdrawal and the adjusted basis of the participating interest or portion thereof withdrawn plus the additions prescribed in paragraph (c) of this section and minus the reductions prescribed in paragraph (d) of this section. The amount received by the participant shall be the sum of any money plus the fair market value of property (other than money) received upon such withdrawal. The basis of the participating interest or portion thereof withdrawn shall be the money contributed by the participant to the common trust fund to acquire the participating interest or portion thereof withdrawn. Such basis shall not be reduced on account of the segregation of any investment in the common trust fund pursuant to the provisions of subdivision (c) (7) of section 17 of Regulations F of the Board of Governors of the Federal Reserve System, as amended. For the purpose of making the adjustments, additions, and reductions with respect to basis as prescribed in this paragraph, the ward, rather than the guardian, shall be deemed to be the participant; and the grantor, rather than the trust, shall be deemed to be the participant, to the extent that the income of the trust is taxable to the grantor under subpart E of part I of subchapter J.

(c) *Additions to basis.* As prescribed in paragraph (b) of this section, in computing the gain or loss upon the withdrawal of a participating interest or portion thereof, there shall be added to the basis of the participating interest or portion thereof withdrawn an amount equal to the aggregate of the following items (to the extent that they were properly allocated to the participant for a taxable year of the common trust fund and were not distributed to the participant prior to withdrawal):

(1) Wholly exempt income of the common trust fund for any taxable year,

(2) Net income of the common trust fund for the taxable years beginning after December 31, 1935, and prior to January 1, 1938,

(3) Net short-term capital gain of the common trust fund for each taxable year beginning after December 31, 1937,

(4) The excess of the gains over the losses recognized to the common trust fund for each taxable year beginning after December 31, 1937, and before January 1, 1942, upon sales or exchanges of capital assets held for more than 18 months, and for more than 6 months for taxable years beginning after December 31, 1941, and

(5) Ordinary net or taxable income of the common trust fund for each taxable year beginning after December 31, 1937.

(d) *Reductions in basis.* As prescribed in paragraph (b) of this section, in computing the gain or loss upon the withdrawal of a participating interest or portion thereof, the basis of the participating interest or portion thereof withdrawn shall be reduced by such portions of the following items as were allocable to the participant with respect to the participating interest or portion thereof withdrawn:

(1) The amount of the excess of the allowable deductions of the common trust fund over its gross income for the taxable years beginning after December 31, 1935, and before January 1, 1938, and

(2) The amount of the net short-term capital loss, net long-term capital loss, and ordinary net loss of the common trust fund for each taxable year beginning after December 31, 1937.

§ 1.584–5 *Returns of banks with respect to common trust funds.* For rules applicable to filing returns of common trust funds, see section 6032 and the regulations thereunder.

§ 1.584–6 *Net operating loss deduction.* The net operating loss deduction is not allowed to a common trust fund. Each participant in a common trust fund, however, will be allowed the benefits of such deduction. In the computation of such deduction, a participant in a common trust fund shall take into account its pro rata share of the income and losses of the common trust fund in the same manner as prescribed by section 702 and § 1.702–1 in the case of partners.

MUTUAL SAVINGS BANKS, ETC.

§ 1.591 *Statutory provisions; deduction for dividends paid on deposits.*

SEC. 591. *Deduction for dividends paid on deposits.* In the case of mutual savings banks, cooperative banks, and domestic building and loan associations, there shall be allowed as deductions in computing taxable income amounts paid to, or credited to the accounts of, depositors or holders of accounts as dividends on their deposits or withdrawable accounts, if such amounts paid or credited are withdrawable on demand subject only to customary notice of intention to withdraw.

§ 1.591–1 *Deduction for dividends paid on deposits*—(a) *In general.* (1) A mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit may deduct from gross income amounts which during the taxable year are paid to or credited to the accounts of depositors or holders of accounts, as dividends on their deposits or withdrawable accounts, if such amounts paid or credited are withdrawable on demand subject only to customary notice of intention to withdraw.

(2) The deduction provided in section 591 is applicable to the taxable year in which amounts credited as dividends become withdrawable by the depositor or holder of account subject only to customary notice of intention to withdraw. Thus, amounts credited as dividends as of the last day of the taxable year which are not withdrawable by depositors or holders of accounts until the following business day are deductible under section 591 in the year subsequent to the taxable year in which they were credited. A deduction under this section will not be denied by reason of the fact that the amounts credited as dividends, otherwise deductible under section 591, are subject to the terms of a pledge agreement between the institution and the depositor or holder of account. In the case of a building and loan association having nonwithdrawable capital stock represented by shares, no deduction is allowable under this section for amounts paid or credited as dividends on such shares.

(b) *Serial associations, bonus plans, etc.* If a building and loan association operates in whole or in part as a serial association, maintains a bonus plan, or issues shares subject to fines, penalties, forfeitures, or other withdrawal fees, it may deduct under section 591 the total amount credited as dividends upon such shares, credited to a bonus account for such shares, or allocated to a series of shares for the taxable year, notwithstanding that as a customary condition of withdrawal:

(1) Amounts invested in, and earnings credited to, series shares must be withdrawn in multiples of even shares, or

(2) Such association has the right, pursuant to by-law, contract, or otherwise, to retain or recover a portion of the total amount invested in, or credited as earnings upon, such shares, such bonus account, or series of shares, as a fine, penalty, forfeiture, or other withdrawal fee.

In any taxable year in which the right referred to in subparagraph (2) of this paragraph is exercised, there is includible in the gross income of such association for such taxable year amounts retained or recovered by the association pursuant to the exercise of such right.

§ 1.592 *Statutory provisions; deduction for repayment of certain loans.*

SEC. 592. *Deduction for repayment of certain loans.* In the case of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, or a cooperative bank without capital stock organized and operated for mutual purposes and without profit, there shall be allowed as deductions in computing taxable income amounts paid by the taxpayer during the taxable year in repayment of loans made before September 1, 1951, by (1) the United States or any agency or instrumentality thereof which is wholly owned by the United States, or (2) any mutual fund established under the authority of the laws of any State.

§ 1.592–1 *Repayment of certain loans by mutual savings banks, building and loan associations, and cooperative banks.* There is deductible, under section 592, from the gross income of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, or a cooperative bank without capital stock organized and operated for mutual purposes and without profit, amounts paid by such institutions during the taxable year in repayment of loans made before September 1, 1951, by the United States or any agency or instrumentality thereof which is wholly owned by the United States, and amounts paid to a mutual fund established under the authority of the laws of any State. For example, amounts paid by such institution in repayment of loans made by the Reconstruction Finance Corporation before September 1, 1951, are deductible under this section. Section 591 is not applicable, however, in the case of amounts paid to an agency or instrumentality not wholly owned by the United States.

§ 1.593 *Statutory provisions; additions to reserve for bad debts.*

SEC. 593. *Additions to reserve for bad debts.* In the case of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit, the reasonable addition to a reserve for bad debts under section 166 (c) shall be determined with due regard to the amount of the taxpayer's surplus or bad debt reserves existing at the close of December 31, 1951. In the case of a taxpayer described in the preceding sentence, the rea-

sonable addition to a reserve for bad debts for any taxable year shall in no case be less than the amount determined by the taxpayer as the reasonable addition for such year; except that the amount determined by the taxpayer under this sentence shall not be greater than the lesser of—

(1) The amount of its taxable income for the taxable year, computed without regard to this section, or

(2) The amount by which 12 percent of the total deposits or withdrawable accounts of its depositors at the close of such year exceeds the sum of its surplus, undivided profits, and reserves at the beginning of the taxable year.

§ 1.593–1 *Additions to reserve for bad debts*—(a) *In general.* A mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit may, as an alternative to a deduction from gross income for specific debts which become worthless in whole or in part, deduct amounts credited to a reserve for bad debts in the manner and under the circumstances prescribed in this section. In the case of such an institution, the selection of the reserve method for treating bad debts may be made in the return for its first taxable year beginning after December 31, 1951, and shall be subject to the approval of the Commissioner upon examination of the return. If the method selected is approved, it must be followed in returns for subsequent years, unless permission is granted by the Commissioner to change to another method. Application for permission to change the method of treating bad debts shall be made at least 30 days prior to the close of the taxable year for which the change is to be effective.

(b) *Addition to reserve.* Except as otherwise provided in § 1.593–2, the reasonable addition to a reserve for bad debts shall be any amount determined by the taxpayer which does not exceed the lesser of:

(1) The amount of its taxable income for the taxable year, computed without regard to section 593 and without regard to any section providing for a deduction the amount of which is dependent upon the amount of taxable income (such as section 170, relating to charitable, etc., contributions and gifts), or

(2) The amount by which 12 percent of the total deposits or withdrawable accounts of its depositors at the close of such year exceeds the sum of its surplus, undivided profits, and reserves at the beginning of the taxable year.

(c) *Adjustments to reserve.* Bad debt losses sustained during the taxable year shall be charged against the bad debt reserve. Recoveries of debts charged against the bad debt reserve during a prior taxable year in which the institution was subject to tax under this chapter or under chapter 1 of the Internal Revenue Code of 1939 shall be credited to the bad debt reserve. The establishment of such reserve and all adjustments made thereto must be reflected on the regular books of account of the institution at the close of the taxable year, or as soon as practicable thereafter. Minimum amounts credited in compliance with Federal or State statutes, regulations, or supervisory orders to reserve or similar accounts, or additional amounts credited to such reserve or similar accounts and permissive under such statutes, regulations, or orders, against which charges may be made for the purpose of absorbing losses sustained by an institution, will be deemed to have been credited to the bad debt reserve.

(d) *Definitions.* When used in this section and in § 1.593–2:

(1) *Institution.* The term "institution" means either a mutual savings bank not having capital stock represented by shares, a domestic building and loan association as defined in section 7701 (a) (19), or a cooperative bank without capital stock organized and operated for mutual purposes and without profit.

(2) *Surplus, undivided profits, and reserves.* (i) The phrase "surplus, undivided profits, and reserves" means the amount by which the total assets of an institution exceed the amount of the total liabilities of such an institution.

(ii) For this purpose the term "total assets" means the sum of money, plus the aggregate of the adjusted basis of the property other than money, held by an institution. Such adjusted basis for any asset is its adjusted basis for determining gain upon sale or exchange for Federal income tax purposes. (See sections 1011 through 1022, and the regulations thereunder. For special rules with respect to adjustments to basis for prior taxable years during which the institution was exempt from tax, see section 1016 (a) (3) and the regulations thereunder.) The determination of the total assets of any taxpayer shall conform to the method of accounting employed by such taxpayer in determining taxable income and to the rules applicable in determining its earnings and profits.

(iii) The term "total liabilities" means all liabilities of the taxpayer, which are fixed and determined, absolute and not contingent, and includes those items which constitute liabilities in the sense of debts or obligations. The total deposits or withdrawable accounts, as defined in subparagraph (3) of this paragraph, shall be considered a liability. In the case of a building and loan association having permanent nonwithdrawable capital stock represented by shares, the paid-in amount of such stock shall also be considered a liability. Reserves for contingencies and other reserves, however, which are mere appropriations of surplus, are not liabilities.

(3) *Total deposits or withdrawable accounts.* The phrase "total deposits or withdrawable accounts" means the aggregate of (i) amounts placed with an institution for deposit or investment and (ii) earnings outstanding on the books of account of the institution at the close of the taxable year which have been credited as dividends upon such accounts prior to the close of the taxable year, except that such term, in the case of a building and loan association, does not include permanent nonwithdrawable capital stock represented by shares, or earnings credited thereon.

(e) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). (i) Institution X, which keeps its books on the basis of the calendar year, has surplus, reserves, and undivided profits of $800,000 as of January 1, 1955, and total deposits or withdrawable accounts of $10,000,000 as of December 31, 1955. During 1955 the institution credits $30,000, as required by a Federal agency, to a Federal insurance reserve for the sole purpose of absorbing losses. Likewise, it credits $25,000, as permitted by State statute, to another reserve fund for the purpose of absorbing losses. In 1955 Institution X charges $5,000 against its bad debt reserve for losses sustained during the taxable year.

(ii) The taxable income of Institution X for the taxable year 1955, computed without regard to section 593 and without regard to any section providing for a deduction the amount of which is dependent upon the amount of taxable income, is $200,000.

(iii) Upon the basis of the facts as stated in subdivision (i) above, the amount by which 12 percent of the total deposits or withdrawable accounts of Institution X at the close of taxable year 1955 exceeds the sum of such institution's surplus, undivided profits, and reserves at the beginning of the taxable year is $400,000 (12% of $10,000,000, minus $800,000).

(iv) Institution X, therefore, may deduct, for the taxable year 1955, as an addition to a reserve for bad debts, any amount it may determine that does not exceed the lesser of the amounts determined in subdivision (ii) or (iii) above. That amount is $200,000 (as determined in subdivision (ii) above). Since under paragraph (c) of this section, the $30,000 credited to the reserve as required by the Federal agency and the $25,000 credited to the reserve as permitted by the State statute are regarded as amounts credited to a reserve for bad debts account, Institution X can credit an additional $145,000 ($200,000 minus $55,000) to a general reserve for bad debts account at any time during the taxable year.

(v) The loss of $5,000 charged to the bad debt reserve during the taxable year does not affect the amount of the addition to the bad debt reserve provided for in paragraph (b) of this section. It is of significance only in determining the surplus, undivided profits, and reserves of Institution X as of January 1, 1956.

Example (2). The taxable income of Institution Y for the taxable year 1955, computed without regard to the deduction under section 593 and without regard to any section providing for a deduction the amount of which is dependent upon the amount of taxable income, is determined to be $250,000. The amount by which 12 percent of the total deposits or withdrawable accounts of Institution Y at the close of the taxable year exceeds the sum of such institution's surplus, undivided profits, and reserves at the beginning of the taxable year is $500,000. Institution Y credits $250,000 to its bad debt reserve in 1955. In 1957, it is determined that the correct taxable income of Institution Y for 1955, computed without regard to any deduction under section 593 and without regard to any section providing for a deduction the amount of which is dependent upon the amount of taxable income, is $275,000 and not $250,000. Assuming that Institution Y credits the additional $25,000 to its bad debt reserve, $275,000 is allowable as a deduction from gross income for such institution for the taxable year 1955.

§ 1.593–2 *Additions to reserve for bad debts where surplus, reserves, and undivided profits equal or exceed 12 percent of deposits or withdrawable accounts.* Where 12 percent of the total deposits or withdrawable accounts of an institution at the close of the taxable year is equal to or less than the sum of such institution's surplus, undivided profits, and reserves at the beginning of the taxable year, a reasonable addition to the reserve for bad debts as determined under the general provisions of section 166 (c) may be allowable as a deduction from gross income. In making such determination, there shall be taken into account (a) surplus or bad debt reserves existing at the close of December 31, 1951 (i. e., the amount of surplus, undivided profits, and reserves accumulated prior to January 1, 1952, and in existence at the close of December 31, 1951), and (b) changes in the surplus, undivided profits, and reserves of the institution from December 31, 1951, until the beginning of the taxable year. A deduction for an addition to the reserve for bad debts pursuant to this section will be authorized only in those cases where the institution proves to the satisfaction of the Commissioner that the bad debt experience of the institution warrants an addition to the reserve for bad debts in excess of that provided in § 1.593–1 (b). For definitions, see § 1.593–1 (d).

§ 1.594 *Statutory provisions; alternative tax for mutual savings banks conducting life insurance business.*

SEC. 594. *Alternative tax for mutual savings banks conducting life insurance business*—(a) *Alternative tax.* In the case of a mutual savings bank not having capital stock represented by shares, authorized under State law to engage in the business of issuing life insurance contracts, and which conducts a life insurance business in a separate department the accounts of which are maintained separately from the other accounts of the mutual savings bank, there shall be imposed in lieu of the taxes imposed by section 11 or section 1201 (a), a tax consisting of the sum of the partial taxes determined under paragraphs (1) and (2):

(1) A partial tax computed on the taxable income determined without regard to any items of gross income or deductions properly allocable to the business of the life insurance department, at the rates and in the manner as if this section had not been enacted; and

(2) A partial tax computed on the taxable income (as defined in section 803) of the life insurance department determined without regard to any items of gross income or deductions not properly allocable to such department, at the rates and in the manner provided in subchapter L (sec. 801 and following) with respect to life insurance companies.

(b) *Limitations of section.* Subsection (a) shall apply only if the life insurance department would, if it were treated as a separate corporation, qualify as a life insurance company under section 801.

§ 1.594–1 *Mutual savings banks conducting life insurance business*—(a) *Scope of application.* Section 594 applies to the case of a mutual savings bank not having capital stock represented by shares which conducts a life insurance business, if:

(1) The conduct of the life insurance business is authorized under State law,

(2) The life insurance business is carried on in a separate department of the bank,

(3) The books of account of the life insurance business are maintained separately from other departments of the bank, and

(4) The life insurance department of the bank would, if it were treated as a separate corporation, qualiffy as a life insurance company under section 801.

(b) *Computation of tax.* In the case of a mutual savings bank conducting a life insurance business to which section 594 is applicable, the tax upon such bank consists of the sum of the following:

(1) A partial tax computed under section 11 upon the taxable income of the bank determined without regard to any items of income or deduction properly allocable to the life insurance department, and

(2) A partial tax upon the taxable income (as defined in section 803) of the life insurance department determined without regard to any items of income or deduction not properly allocable to such department at the rates and in the manner provided in subchapter L with respect to life insurance companies.

BANK AFFILIATES

§ 1.601 *Statutory provisions; special deduction for bank affiliates.*

SEC. 601. *Special deduction for bank affiliates.* In the case of a holding company affiliate (as defined in section 2 of the Banking Act of 1933; 12 U. S. C. 221a (c)), there shall be allowed as a deduction, for purposes of section 535 (b) (8) (relating to the computation of accumulated taxable income) and section 545 (b) (6) relating to the computation of undistributed personal holding company income), the amount of the earnings and profits which the Board of Governors of the Federal Reserve System certifies to the Secretary or to his delegate has been devoted by such affiliate during the taxable year to the acquisition of readily marketable assets other than bank stock in compliance with section 5144 of the Revised Statutes (12 U. S. C. 61). The amount of the deduction under this section for any taxable year shall not exceed the taxable income for such year computed without regard to the special deductions for corporations provided in part VIII (except section 248) of subchapter B (section 241 and following, relating to the deduction for dividends received by corporations, etc.). The aggregate of the deductions allowable under this section and the credits allowable under the corresponding provision of any prior income tax law for all taxable years shall not exceed the amount required to be devoted under such section 5144 to such purposes.

§ 1.601–1 *Special deduction for bank affiliates.* (a) The special deduction described in section 601 is allowed:

(1) To a holding company affiliate of a bank, as defined in section 2 of the Banking Act of 1933 (12 U. S. C. 221a), which holding company affiliate holds, at the end of the taxable year, a general voting permit granted by the Board of Governors of the Federal Reserve System.

(2) In the amount of the earnings or profits of such holding company affiliate which, in compliance with section 5144 of the Revised Statutes (12 U. S. C. 61), has been devoted by it during the taxable year to the acquisition of readily marketable assets other than bank stock.

(3) Upon certification by the Board of Governors of the Federal Reserve System to the Commissioner that such an amount of the earnings or profits has been so devoted by such affiliate during the taxable year.

No deduction is allowable under section 601 for the amount of readily marketable assets in excess of what is required by section 5144 of the Revised Statutes (12 U. S. C. 61) to be acquired by such affiliate, or in excess of the taxable income for the taxable year computed without regard to the special deductions for corporations provided in sections 241–247, inclusive. Nor may the aggregate of the deductions allowable under section 601 and the credits allowable under the corresponding provision of any prior income tax law for all taxable years exceed the amount required to be devoted under such section 5144 to the acquisition of readily marketable assets other than bank stock.

(b) Every taxpayer claiming a deduction provided for in section 601 shall attach to its return a supplementary statement setting forth all the facts and information upon which the claim is predicated, including such facts and information as the Board of Governors of the Federal Reserve System may prescribe as necessary to enable it, upon the request of the Commissioner subsequent to the filing of the return, to certify to the Commissioner the amount of earnings or profits devoted to the acquisition of such readily marketable assets. A certified copy of such supplementary statement shall be forwarded by the taxpayer to the Board of Governors at the time of the filing of the return. The holding company affiliate shall also furnish the Board of Governors such further information as the Board shall require. For the requirements with respect to the amount of such readily marketable assets which must be acquired and maintained by a holding company affiliate to which a voting permit has been granted, see section 5144 (b) and (c) of the Revised Statutes (12 U. S. C. 61).

[F. R. Doc. 55–8600; Filed, Oct. 24, 1955; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 937]

[AO—264]

HANDLING OF CELERY GROWN IN FLORIDA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Winter Haven, Florida, on March 28–31, 1955, pursuant to notice thereof which was published in the FEDERAL REGISTER (20 F. R. 1217) upon proposed Marketing Agreement No. 124 and proposed Marketing Order No. 37 (hereinafter referred to as the "order") regulating the handling of celery grown in Florida.

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 19, 1955, filed with the Hearing Clerk, U. S. Department of Agriculture,

his recommended decision in this proceeding. The notice of the filing of such recommended decision affording opportunity to file written exceptions thereto was published August 24, 1955, in the FEDERAL REGISTER (20 F. R. 6171).

Rulings. Within the period provided therefor, interested parties filed exceptions to certain of the findings, conclusions, and actions recommended by the Deputy Administrator. A set of exceptions was filed through their attorney on behalf of Herbert G. Behrens; William Bush, Jr.; W. P. Chapman; Chase & Co.; M. L. Cullum; Donald Dunn; C. M. Flowers; L. T. Frazier; J. L. Jackson; W. A. Leffer; L. C. Leonardy; A. B. Mahoney; F. T. Meriwether; W. B. Miller; F. W. Pope; W. W. Tyre; Joder Cameron; E. A. Londenberg; Karl Daull; H. L. Gary; A. M. Jones; and W. T. Walker. In arriving at the findings, conclusions, and regulatory provisions of this decision each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested parties are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee, which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The authority for the committee to incur expenses and to levy assessments on celery handled;

(d) The authority for establishment of celery marketing research and development projects;

(e) The methods for limiting the grade, size, and quality of celery which may be handled under the order;

(f) The method for fixing the size, capacity, weight, dimensions, or pack of containers which may be used in the packaging, transportation, sale, shipment, or handling of celery;

(g) The prohibition of unfair trade practices or unfair methods of competition in the handling of celery;

(h) The issuance of volume regulations, the methods for establishing prorate bases and the fixing of allotments or modifications thereof;

(i) The methods for establishing reporting requirements with respect to handlers of celery;

(j) Requirements with respect to notice in connection with applications for prorate bases, allotments, and regulations;

(k) The methods for establishing minimum standards of quality and maturity;

(l) The methods for authorizing special regulations applicable to the handling of celery for specified purposes or to specified outlets which may be handled under special regulations that are modifications or amendments to grade, size, and quality regulations;

(m) The necessity for inspection and certification of celery being handled pursuant to the proposed order;

(n) The relaxation of regulation in hardship cases and the methods and procedures applicable thereto;

(6) The requirements of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(7) Additional terms and conditions as set forth in §§ 937.80 through 937.95 and published in the FEDERAL REGISTER (20 F. R. 1217) on February 26, 1955, which are common to marketing agreements and orders.

Findings and conclusions. The following findings and conclusions relate to the above stated material issues developed at the aforementioned hearing and they are based on the record of such hearing. All findings and conclusions and all the terms and conditions of the marketing agreement and order are based on substantial evidence in the hearing record and such findings and conclusions are determined adequate and specific with respect to each and all of the terms and conditions of such proposed order.

(1) Florida celery is sold in and transported to markets both within and outside the State. Reports on carlot unloads of certain fruits and vegetables for 1952, also for 1953, show marketings of Florida celery in most major United States markets east of the Mississippi. Market news reports and summaries thereof for various seasons, such as 1949 through 1954, issued by the Market News Service of the United States Department of Agriculture, show daily sales prices of Florida celery at shipping point, also weekly price ranges at major terminal markets, such as New York, Chicago, Philadelphia, Pittsburgh, Detroit, and Boston. Daily market news reports for the 1954 season through March 11, 1955, show sales of celery in Cincinnati, Pittsburgh, Baltimore, Detroit, New York, Atlanta, Dallas, Birmingham, St. Louis, Chicago, Cleveland, Boston, Philadelphia, and Kansas City, as well as in Miami, Jacksonville, Tampa, Sanford, Belle Glade, and Sarasota.

Florida celery is transported both by rail and by truck. Total shipments for the 1952–53 Florida crop are estimated as 14,282 carlot equivalents, of which 10,126 cars were shipped by rail and the balance of 4,156 carlots were handled by truck. Similar distribution by rail and truck is shown for other seasons. The above combined rail and truck movement for the 1952–53 season accounts for over ninety percent of the 6,474,000 crates estimated as total Florida celery production for that season. Distribution of Florida celery shipments during the same 1952–53 season was to 40 States and to Canada. The great bulk of Florida celery which is handled commercially is transported to and sold in markets outside the production area. The remainder is sold in or transported to markets within the State.

Florida celery is sold in different ways, but sales usually follow customary patterns. The customary methods of sale are on a cash basis, or on f. o. b. shipping point, delivered sales, or on a consigned basis. Whenever Florida celery is so sold or transported, such transactions in the commodity have a direct influence on the celery market. Handlers of Florida celery, if they successfully maintain a balanced competitive position, must make full and constant use of modern means of communication so that they can keep up with market price changes and supply movements of Florida celery both within the production area and at market points outside thereof. This constant attention by celery handlers to prices and movement of celery within the State as well as outside thereof is an essential activity of such handlers in seeking the highest return they can get for celery which they have to handle, or in seeking to purchase celery to their own best advantage if they should attempt to obtain additional supplies to fill orders at hand. Every opportunity for advantageous sale is eagerly sought by celery handlers, and advantageous sales are made regardless of whether celery is sold at shipping point, or at destination, or in consuming markets within the State of Florida, or in Atlanta, Birmingham, Boston, Chicago, Detroit, New York, Pittsburgh, or any other market beyond the production area. It is a primary essential in assessing the market outlook and in making sales for successful celery handlers to survey all accessible markets with a view to accepting the most advantageous opportunities and offers to market their product. Such constant attention to the varying shifts in prices and in movement of supplies places Florida celery handlers in positions whereby they can react quickly to such changes whether they occur within the State or outside the State. In turn, the complete and close attention which Florida celery handlers give to changes in prices and in movement of supply help to create the institution referred to as "the celery market." The Florida celery "market" is closely tied together through modern communication so that buyers and sellers both within the State and outside the State know almost simultaneously of price changes or movement of supply which may immediately or subsequently affect Florida celery prices. The market for Florida celery is a combination of

all the phenomena that relate to the supply of celery in the producing area, the supply that is available for immediate marketing, the supply for marketing later, the quality of such supply, the supply of celery in competing areas with various ramifications of quality and availability, prices quoted by sellers at shipping point and in receiving markets as well as some other points between, and a large number of additional factors that influence both buyers and sellers in helping them to conclude sales of celery.

The factors which make up the celery market are intermingled and interdependent as between shipping point and terminal markets. Shifts in the immediate supply of Florida celery available at shipping point causes changes in the prices at shipping point which in turn are soon reflected in prices changes at receiving markets. Also, as price changes occur in sales of Florida celery in receiving markets these price changes are soon reflected at shipping points. For example, if weather at shipping points turns cool, both buyers and sellers may, and frequently do, change their judgments with respect to supplies that are available or are about to become available and price changes occur in local markets. Such price changes in local markets are soon reflected in terminal markets. If weather in the producing area should become hot and remain so, supplies available for harvest may increase faster than buyers and sellers have previously estimated so that the increased available quantities, with possible changes in quality too, may tend to depress prices at shipping point which information soon becomes known in receiving markets where buyers and sellers adjust their offers and acceptances accordingly. Changes in the supply of celery grown in the State of Florida, or any part thereof, have a direct effect on both terminal market and shipping point prices for all celery. Celery grown in any portion of the production area and marketed at any given time competes with other celery being marketed whether such other celery is grown in other portions of or outside of the production area.

Information with respect to daily sales of Florida celery in terminal markets such as Atlanta, New Orleans, Chicago, Cleveland, Pittsburgh, New York, Boston, and Philadelphia is supplied by public agencies, such as the Market News Service of the United States Department of Agriculture, to any and all handlers, as well as other persons, who request it. This information is followed closely by handlers of Florida celery as a means of keeping abreast of general price levels for celery and of price changes as well as supply movements in various markets. Handlers also obtain additional information of similar nature through their trade connections in the various markets and shipping points. Public agencies supply information with respect to prices and shipments of celery from shipping points. This public and private service enables handlers to maintain constant integration of market information between shipping points and receiving markets.

Many shipping point handlers of Florida celery sell to truckers, as well as to their usual receiving market outlets. Sales to truckers frequently are on a cash basis. Some truckers maintain a constant and established business in the sale and transportation of Florida celery between customary shipping points and usual outlets either within the State or outside the State. On the other hand, some truckers may buy and load Florida celery for the stated purpose of transporting to and selling it in a market within the State. However, if they received information that they can sell to better advantage at an out-of-state market such truckers frequently continued to transport such celery to out-of-state markets contrary to their original intent at time of shipping point purchase.

Any sale or transportation of Florida celery whether to markets within the State or to markets outside the State has a direct influence upon other handling of Florida celery being marketed. To leave the sale or transportation of Florida celery within the State free from the authority of the order while having the sale or transportation of the major portion of the Florida celery transported to or sold outside the State subject to regulation thereunder would create chaotic market conditions within the State which would result in an excessive burden upon the sale and movement of celery to points outside the State and thereby tend to prevent the effectuation of the declared policy of the act.

The phenomena making up the market for Florida celery constitute commerce which is so inextricably intermingled that all sale and transportation of such celery is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce. Therefore, all such transportation and sale of celery grown in the production area should be subject to the authority of the act and of the order which may be issued pursuant thereto. Upon the hearing record evidence, the findings and conclusions in the recommended decision of the Deputy Administrator, Agricultural Marketing Service with respect to the rights to exercise Federal jurisdiction by means of an order for Florida celery are affirmed and adopted. All sales of Florida celery are in the current of interstate commerce or they burden, obstruct, or affect such commerce. All sales of Florida celery by a retailer in his capacity as a retailer or by a producer in his capacity as a producer are exempted by the act from authority to regulate by the order, consequently, the definition of handle should provide specifically for such exceptions.

(2) The declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is, through the exercise of the powers authorized by such act and incorporated in the order, to establish and maintain such orderly marketing conditions for Florida celery, among other agricultural commodities, in interstate commerce as will establish as the prices to farmers, parity prices.

Florida celery producers have not received parity prices during the past several seasons as shown by Exhibit 29. Since the end of World War II and beginning with the 1946 season, Florida celery producers have received parity prices or better for the winter crop in 3, namely 1946, 1947, and 1949, of the succeeding nine crops and for the spring crop in one, the 1947, season.

The 1954 season average price for the winter crop of Florida celery was 72 percent of the Florida parity equivalent; 1953, 50 percent; 1952, 60 percent; 1951, 74 percent; and 1950, 67 percent. The 1954 season average price for the spring crop of Florida celery was 60 percent of the Florida parity equivalent; 1953, 97 percent; 1952, 78 percent; 1951, 59 percent; and 1950, 61 percent. The relationship of season average prices for Florida celery to Florida parity equivalent prices of such celery is such that the powers granted by the act may be exercised through the order to help producers of such celery obtain parity prices for their commodity. Although some growers receive higher season average prices for their celery than the season average prices shown in Exhibit 29, an equal number or weight received the lower prices, so that the returns of the majority of producers are reflected in the prices of the past several seasons which are below parity.

Marketing conditions for Florida celery should be improved, according to evidence, not only because prices to growers have been below parity, but also because there have been numerous occasions during recent past season when f. o. b. shipping point celery prices were less then marketing costs, which include such direct costs as harvesting, packing, cooling, and sales. The record also shows that marketing conditions can be improved by prohibiting the marketing of discounted grades, sizes, and quality of celery and by limiting the volume of shipments from the production area so that grower prices which are below the cost of marketing may be avoided. Although the record shows that, because of competitive celery shipments from other areas, there are limits to which volume control may be effective in promoting Florida celery growers' prices that tend toward parity, the Florida celery industry, through the exercise of the powers granted in the order, should be able to limit shipments of excessive volume so that sales at less than cost of marketing may be avoided. The Florida celery industry also needs the marketing assistance which may be obtained through exercise of the powers granted in the order so that by reason of volume control, or grade, size, and quality control, or both, grower prices may be improved toward parity to the extent that it is possible within limitations of the act and the limitations imposed by competition from supplies originating in other producing areas.

F. o. b. shipping point prices of Florida celery vary considerably from week to week throughout the season. Such variations are directly effected by the amount of Florida celery handled and by the grade, size, and quality of such celery. Shipments of excess quantities of Florida celery, also shipments of off grades and discounted sizes, have tended to maintain prices below parity and to

prevent the establishment of orderly marketing conditions.

Florida Pascal celery prices, f. o. b. shipping point, in the Sanford-Oviedo-Zellwood section, ranged from $1.00 to $3.00 per crate for 2–3 dozen size during the 1954 season (ending in the spring of 1954). Similar fluctuations occurred the same season in that section for four dozen sizes, ranging from $1.00 to $2.50 per crate. A comparable range in prices for 6–10 dozen size Pascal in the same section for that season was $1.25 to $3.00 per crate.

Shipping point prices in the Belle Glade section were comparable during the same season ranging from $1.15 to $3.25 per crate for 2–3 dozen size Pascal, and from $1.25 to $2.75 per crate for 6–10 dozen size. In the Sarasota section, comparable f. o. b. shipping point prices during the 1954 season ranged from $1.15 to $3.00 per crate for 2–3 dozen size Pascal, and from $1.50 to $2.50 per crate for 6–10 dozen size Pascal.

During the same season prices of Golden celery in the Sanford-Oviedo-Zellwood section ranged from $1.25 to $3.75 per crate for 3–4 dozen size. Prices for Golden celery in the Belle Glade area followed a similar course and ranged from $1.15 to $3.50 per crate for 3–4 dozen size. The low points on the Golden celery prices which were in late April in the Sanford-Oviedo and in the Belle Glade areas occurred at the time when prices for Pascal celery also were at their lowest points of the season.

Total weekly rail and truck shipments of Florida celery during the same season ranged from 423 carlots equivalent during the second week of January 1954 to 792 carlots during the second week of April. Total carlot movement of Florida celery fluctuated more than one hundred cars from one week to another during parts of the season. Shipping point prices were lowest for the season during the periods of heaviest carlot movement.

Similarly, f. o. b. shipping point prices for Florida Pascal and Golden celery fluctuated in much the same manner for the 1949, 1950, 1951, 1952, and 1953 seasons. For example, during the 1952–53 season, f. o. b. shipping point prices of Florida celery in the Sanford-Oviedo-Zellwood section ranged from $1.25 to $4.25 per crate for 2–3 dozen size Pascal, and for 3–4 dozen size Golden they ranged from a low of $1.40 per crate in the third week of March to a high of $4.50 per crate the first week in May. F. o. b. prices in Belle Glade, the same season ranged from $1.50 to $3.00 per 2–3 dozen size for Pascal type and for 2–4 dozen Golden celery they varied from a low of $1.40 in the third week of February and again in the third week in March to a high of $3.50 per crate in the second and third weeks in May. The daily and weekly variations in the price of Golden celery closely followed the variation in the price of Pascal celery.

Total weekly carlot shipments by rail and truck during the 1952–53 season ranged from 424 to 737 cars per week, with total weekly shipments varying as much as 180 cars from one week to the next during the height of the shipping season.

During the 1951–52 season f. o. b. shipping point prices for Florida celery in the Sanford-Oviedo section ranged from $1.35 to $3.25 per crate for 2–3 dozen size Pascal and for 3–4 dozen size Golden ranged from a low of $1.75 to a high of $4.50 per crate. F. o. b. prices for the same sizes of Golden celery in the Belle Glade section followed a similar pattern ranging from $1.50 to $4.50 per crate. Prices of Golden celery during that season again closely followed the daily and weekly variations of prices of Pascal celery. Weekly truck and rail shipments of Florida celery during the same season ranged from 434 carlots equivalent to 886 carlots, fluctuating as much as 344 cars from one week to the next.

In the 1950–51 season, f. o. b. prices for Florida celery in the Sanford-Oviedo section ranged from $1.35 to $5.00 per crate for 3–4 dozen size Pascal and they averaged from $1.35 to $5.50 per crate on 3–4 dozen size Golden. Prices for Pascal celery in the Belle Glade area ranged similarly for the 3–4 dozen size from $1.50 to $6.00 per crate. Prices of Golden celery again followed Pascal celery and varied from day to day and week to week approximately the same as Pascal celery prices. Weekly truck and rail shipments of Florida celery ranged from 314 to 836 carlots equivalent, fluctuating as much as 180 carlots from one week to the next.

In the 1949–50 season, f. o. b. prices for Florida celery in the Sanford-Oviedo section ranged from $1.15 to $3.50 per crate for 3–4 dozen size Pascal, and for 3–4 dozen size Golden, they ranged from $1.25 per crate in the third week of March to $3.75 per crate in the first week of May. Prices of Golden celery fluctuated from day to day and week to week at much the same level as prices of Pascal celery. Total weekly truck and rail shipments of Florida celery ranged that season from 428 to 853 carlot equivalents, fluctuating as much as 270 cars from one week to the next.

In the 1948–49 season, f. o. b. prices of Florida celery in the Sanford-Oviedo section ranged from $1.50 to $6.00 per crate for 3–4 dozen size Pascal and for Golden type from a high of $6.50 per crate for 3–4 dozen size during the second week of January 1949, to a low of $1.35 during the first week of April. Similarly, prices for the same size of Golden celery in the Belle Glade area ranged from $4.50 per crate for 3–4 dozen size to a low of $1.40 per crate the first part of April. Most shippers observed cutting holidays during the period of low grower prices in April 1949. F. o. b. prices of Golden celery closely followed prices of Pascal celery during the 1949 season. Weekly rail and truck shipments of Florida celery ranged from 333 to 657 carlot equivalent, fluctuating as much as 165 cars from one week to the next.

F. o. b. price reports, as shown by Exhibits 13 through 18 and by Exhibit 28, show price distinctions for both Pascal and the Golden celery for each season from 1949 through March 11, 1955. These price distinctions by sizes for both types of celery are shown for both the Sanford-Oviedo and for the Belle Glade sections. Price reports by size for Pascal type celery in the Sarasota area show that prices by size vary from week to week during the season depending upon the relationship of the volume of celery of such sizes to the total volume of celery being shipped. Prices of the smaller sizes were lower at times than prices for the large sizes and, during other periods of the season, prices for smaller sizes were higher than the larger sizes.

Changes in the total supply of celery being marketed, also variations in the grades and sizes of such celery, are reflected in fluctuations in shipping point prices of Florida celery. Excessive shipments of such celery, also shipments of off-grades and off-sizes, tend to depress shipping point prices. Terminal market prices for Florida celery and, in turn, f. o. b. shipping point prices for such celery were directly affected each season from 1949 through the 1954 crops by the volume of celery shipped during specific periods. Similarly, f. o. b. shipping point prices during the first portion of the 1955 season, through the first part of March 1955, were also directly affected by the volume of Florida celery shipments. In addition, prices during the 1938 season, covering shipments from the fall of 1937 to the end of the Florida celery shipping season in the spring of 1938, also were directly influenced by the volume of Florida celery shipments. During portions of each of the above cited seasons celery prices tended to decline when Florida celery shipments were exceptionally heavy and f. o. b. shipping point prices were also exceptionally low, to the point that voluntary shipping holidays were observed because growers and shippers also were unable to recover harvesting and other marketing costs. The exceptionally heavy Florida celery shipments during the 1938 season, coupled with large supplies of celery from competing areas and large supplies of competing vegetables, resulted in low prices. The limitation imposed on Florida celery shipments through Order No. 21—the prior marketing order regulating the handling of Florida celery—had some favorable effect on grower prices, and, although such effect was not as great as some members of the industry desired, it was nevertheless direct and it tended to increase grower prices above what they would otherwise have been. The effect of changes in the volume of Florida celery shipments during specific parts of the 1938 season was directly related to the level of prices which producers received for their commodity.

The need for a marketing order program which will help to establish and maintain such orderly marketing conditions for Florida celery in interstate commerce as will tend to establish, as the prices to farmers, parity prices for their celery, is established by substantial evidence.

Based on the hearing record evidence, the findings and conclusions in the aforesaid recommended decision with respect to the need for the order to improve marketing conditions for Florida celery through effectuating the purposes of the act are affirmed and adopted. Substantial evidence in the hearing record shows that limitation of the grades, sizes, and quality of Florida celery, or limitations of the volume of Florida celery, or both, which may be marketed in or transported to any or all markets, will tend to establish and maintain such orderly marketing conditions therefor as will establish parity prices to producers thereof.

(3) The term "celery," used in the order, identifies the agricultural commodity referred to therein and establishes "celery" as the commodity to which the handling activities related thereto are subject to the authority of the order. The term "celery" should be defined to mean all varieties and types of the vegetable commonly known as celery in the production area and throughout the remainder of the United States. References to celery have a common and specific meaning to growers and handlers in the production area, as well as to handlers and other persons in various parts of the country. The definition of celery should include both Pascal and Golden types of the commodity grown in the production area. This definition not only identifies the agricultural commodity grown in the producton area, and commonly known as celery, which is subject to the authority of the order but also, distinguishes it for regulatory purposes from any other agricultural commodity and from celery grown in any other section or area.

The act authorizes marketing agreements and orders applicable to celery, or to any regional or market classification thereof. All varieties of celery, including both Pascal and Golden types, which are grown in the production area constitute a regional classification of celery and regulation of the handling of such celery as authorized by the order will tend to effectuate the declared policy of the act. Celery, therefore, should be defined in the order to mean all types or varieties of celery grown in the production area.

The term "production area" should be incorporated in the order as a means of specifying the area within which celery must be produced before the handling thereof is subject to regulation thereunder. Production area is defined to include all territory within the State of Florida. All celery producing sections of commercial importance within southeastern United States are included within the production area.

There may be minor variations in practices in methods of production, harvesting, and marketing of celery from one growing section to another within the production area; one type of celery may be preferred by some farmers for growing in the Everglades section, another may be preferred by some producers in the Sanford section or in the Sarasota section. No producing section has a marketing season which is entirely separate and apart from the other sections' marketing seasons as shown by the tabulation of monthly rail and truck shipments for the various Florida celery producing areas. Each section within the production area has to share and compete in common markets at the same time as one or more other sections. Undesirable grades, sizes, and qualities, of celery have the same effect in a market on the prices paid for Florida celery irrespective of the producing section or sections. Grading and quality standards for commercial sales of celery are the same throughout the production area. A high percentage, well over three-fourths of the Florida celery crop is inspected and certified to on the basis of such uniform standards. Sales of celery from each growing section within the production area compete directly on the basis of grade, size, quality, and volume with sales of celery from other growing sections being made at approximately the same time.

Although celery is not now grown commercially in some counties within the production area, especially among some northern and western counties, such counties contain land areas capable of supporting commercial production of celery and, as such, are potential growing areas. To decrease the size of the proposed production area or to divide the production area into separated regions would tend to defeat the purpose of the order in that excess shipments, or poor quality, or discounted sizes from a section in Florida outside the area could depress the price of the celery regulated and would have a similar effect on price as an illegal shipment from the regulated area. There is no reasonable method or basis of dividing the production area into two or more areas for purposes of separate marketing orders.

All territory included within the boundaries of the production area constitutes the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act, and the production area, therefore, should be defined as hereinafter set forth.

Exception was taken to the findings in the recommended decision with respect to the definition of production area which means the entire State of Florida. The aforesaid findings with respect to the State of Florida being the smallest production area that is practicable, consistently with carrying out the declared policy of the act, are adequately supported by substantial evidence in the hearing record and they are hereby affirmed and adopted and the exception thereto is overruled.

(4) The terms "handler" and "shipper" are synonymous and they should be defined to identify those persons who handle celery in the manner described and set forth in the definition of "handle" because such persons are subject to the regulations authorized by the order. Any person who is engaged in the act or acts of handling or shipping celery, or who causes celery to be handled or shipped, is a handler. Such persons are responsible for the quantity of celery, as well as for the grade, size, and quality of celery delivered to transportation agencies, or which is transported or sold in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect such commerce.

Common or contract carriers transporting celery which is owned by another person are performing a handling function but such handling should not be regulated under the order because such carriers are not responsible for the grade, size, or quality of the celery being transported. Neither are they responsible for the introduction of such celery into the stream of interstate commerce. Also the sole interest of common or contract carriers in such celery is to transport it for a service charge to destinations selected by others. The responsibility for the quantity of celery, as well as for the grade, size, and quality of such celery delivered to a common or contract carrier should be borne solely by the persons responsible for delivering such celery to the carriers.

Therefore, the term handler or shipper should be defined to mean any person (except a common or contract carrier of celery owned by another person) who handles celery or causes celery to be handled.

"Handle" is defined in the order so as to determine and specify the activities and transactions by handlers which are within the regulatory authority of such program. Such activities include all those commonly recognized as handling and begin with the harvesting of celery and follow it through succeeding transactions until it reaches final destination.

The definition of handle does not include the growing of celery for such activities should be construed as a producer function in the capacity of a producer. Any sale of unharvested celery is not within the definition of "handle" because "handle" applies under the order to celery upon harvesting thereof and after. Sale of celery at retail is not included within the definition of handle for such transaction is considered as the act of a retailer in his capacity as such.

Harvesting celery is customarily and normally considered part of the handling process in the production area. It is customary for the person or persons responsible for handling celery to assume responsibility for determining when celery shall be harvested and to assume full responsibility for the manner or method of harvesting, including the direction of labor and the number of rows in particular fields or blocks to be harvested at any given time or during any given period.

Harvesting of celery begins with the cutting of celery stalks from the roots. Several methods may be used but each has for its primary purpose the beginning of the harvesting operations and starting such celery through the marketing processes. Harvesting is an organized, integrated process that is a basic, indivisible part of the marketing process. Harvesting may be performed as a simple, hand operation or it may be a large scale, mechanical operation. In either instance, or in any variation thereon, the primary purpose of harvesting celery is to prepare it for market so that it can be sold and transported in its usual packaged or crated form to ultimate destination either within or outside the production area.

Activities included within the definition of handling include all those performed in connection with the mechanical harvesting of celery. These are not only the cutting of celery, but also necessary stripping, washing, grading, sizing, and the crating or packaging of celery, as well as the placing of such

packaged or crated celery on trucks for hauling to the coolers. Handling also includes the hauling of such celery from the field to the cooler and any and all transactions involving sale or transportation of such celery from the cooler until it reaches the local retailer or it leaves the production area. The same activities are included within the definition of handle if such activities should be performed by separate crews, such as in so-called hand harvesting.

The definition of handle should include the sale of celery among handlers within the production area. It is common practice for handlers to buy and sell celery among themselves to help finish out loads, or for other business reasons. Such sale transactions in celery should be included under the definition of handle because they have a direct effect upon the marketing of celery and directly influence interstate commerce in such commodity. The act of selling celery makes the person who effects such sale a handler because such sale directly affects the market for celery. The transportation of celery also has a direct bearing on the market and the movement and sale of celery, regardless of whether such sale or movement is within the production area or from the production area to any point outside thereof because all transportation of celery is so intermingled that such activities cause such celery to become a part of the stream of interstate commerce, or directly burden, obstruct, or affect such commerce.

Any handling of celery under the order is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. Those terms should be defined for the purpose of designating specifically their applicability, and establishing limitations of their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citation for the statute pursuant to which the proposed regulatory program is to be operative, and makes it unnecessary to refer to such citations thereafter.

The definition of "person" follows the definition of that term as set forth in the act, and will ensure that it will have the same meaning as used in the act.

The definition of "type" or "variety" is intended primarily to establish a basis for distinguishing between Pascal type or variety and Golden type or variety of celery. Both the Pascal and Golden types of celery are commonly recognized in the production area and throughout the marketing area. Market destinations are based on these two types. This definition recognizes the customary distinction between Pascal and Golden types of celery and it is intended that such recognition of distinctions through this definition should provide a basis for the committee and the Secretary, as well as handlers, to distinguish between the two for regulatory purposes under the order.

The definition of "harvest" or "preparation for market" relates to and specifies those activities which are an essential, elementary part of the handling process. Harvest or preparation for market begins with the cutting of the celery stalk or bunch from the roots. This activity is accompanied by or immediately followed by some stripping of outer stalks and trimming of the crown to make the bunch suitable for market. In the case of mechanical harvesting the bunch is then placed on the conveyor arms, which move it to the circular saw, then to the washer, then to the sorting belt where laborers additionally strip the celery, when necessary, then sort the celery for grade or quality differences, and for size. Packers then place bunches of celery in crates, according to grade and size. The packages or crates are then closed, moved on to trucks and taken to the cooler for chilling, then to loading platforms for transfer to cars or trucks, or they are moved to temporary or other storage.

Activities involved in harvest or preparation for market by hand, or in a combination of hand and mechanical harvesting, are essentially the same except for minor time and location differences. In the case of so-called hand harvest, celery may be cut by knives in the hands of laborers, or by laborers with push knives, or by multiple row cutters pulled by tractors. This is followed by stripping, placing in field boxes, topping, placing on trucks and hauling to the central wash house. At this point, the celery is dumped from the field boxes. It is conveyed through a washer, then continued on the sorting table where it is given additional stripping, if necessary. At the same time and as part of the same continuous process the celery is graded and sorted for quality and size, then placed in crates, which are closed, then conveyed to coolers for chilling, or to loading platforms for transfer to cars or trucks, or to temporary or other storage.

All such activities, regardless of how they are performed, are part of the preparation of such celery for market. They constitute an essential, customary part of the harvesting or preparation for market of celery in the production area.

"Producer" should be defined to mean any person who is engaged in a proprietary capacity in the production of celery within the production area and who is producing such celery for market. A definition of the term producer is necessary for appropriate determinations as to eligibility to vote for, and to serve, as a member or alternate member of the committee, and for other reasons. The term should be limited to those who have an ownership interest in celery produced in the production area. It should not include laborers or others who perform work for a fee or for hire in producing celery. A producer is any "person" who produces celery for market; and "person" is defined as an individual, partnership, corporation, association, or any other business unit—each of which should be considered a legal entity. Each legal entity, whether an individual, a partnership or "joint venture", or a corporation, so engaged in the production of celery for market should have, for example, one voice in selecting committee members and alternates in one district.

A person who owns and farms land resulting in his ownership of the celery produced on such land should be considered as the producer of such celery. The same is true with respect to a person who rents and farms land resulting in his ownership of all or a portion of the celery produced thereon. Likewise, a person who owns land which he does not farm but, as rental for such land, obtains the ownership of a portion of the celery produced thereon should be regarded as the producer of that portion, and the tenant on such land should be regarded as the producer of the remaining portion produced on such land. In each of the above situations where the person acquires ownership of all of the particular celery, such person, regardless of whether an individual, partnership, association, corporation, or other business unit, should be considered as one producer. However, in cases where the ownership is divided, i. e., where one person obtains ownership of only a portion of the particular production and another person obtains ownership of the other portion of such production, each such person should be considered as a producer.

Numerous persons are engaged in celery growing operations who are paid for their services on a wage or per unit of production basis. As heretofore indicated, if such persons do not have title to any of the celery, they are merely laborers working for a stated fee and as such should not have a producer status under the order.

Definitions of "grade" and "size" are incorporated in the order to enable persons affected thereby to determine the basis for application of grade and size limitations to the commodity they handle. Grade, one of the essential terms in which regulations are issued, should be defined as comprehending the equivalents of the meanings assigned to this term by (i) the United States Standards for Celery (7 CFR 51.560 et seq.) issued by the United States Department of Agriculture, (ii) the United States Consumer Standards for Celery stalks (7 CFR 51.595 et seq.) issued by the United States Department of Agriculture, and (iii) modifications or amendments of such standards, and by variations of such standards by regulation under the order. Regulations under the order can then use the term grade with the constant meaning assigned thereto in such standards, or in such modified or amended standards, or such regulation can vary such terms by prescribing, for example, a percentage of grade, as may be required at the time of issuing such regulation. Official inspectors are qualified to certify the grade of celery in terms of any one of the aforesaid standards, or modification, amendment, or variation thereof.

Celery is customarily sold on the basis of size which is ascertained and represented by the number of stalks or bunches packed per standard wire bound crate, commonly referred to as No. 3601, and measuring, inside 9¾ x 16 x 20⅜ inches. This method of designating size has been followed for years. It is commonly accepted as the standard method of size determinations in the producing area and in markets both within and outside the production area. Market quotations are customarily made on the basis of size as determined by the number of dozens of stalks per crate. Daily sale and purchase of celery between handlers, brokers, and receivers are on the same size basis. So also are sales among handlers. The record is replete with facts that the number of dozen of stalks or bunches of celery per standard crate is the common and usual, and a satisfactory method for determining size of celery. The definition of size adopts this customary method of ascertaining and determining size of celery. Exceptions was taken to the proposed findings and conclusions and to the provision of the recommended order that the term "size" means the number of celery stalks which may be packed in a container of fixed size and capacity, as approved by the Secretary pursuant to methods set forth in the proposed order. The terms of the order through the definition provide methods for determining size of celery. Such methods should be based upon the same principles which are now usually followed, namely the number of celery stalks which will customarily pack in a box that is accepted as a standard unit. As the evidence shows, the present standard container, No. 3601, may be used as a basis for measurement. However, if the industry should adopt the use of another size container on a widespread basis the committee might recommend that such other box or unit of fixed dimensions should be used in addition to or in place of the present standard box as a basis for determining size of celery. The methods for fixing the size and capacity of any such box or unit are those set forth in the terms and conditions of the order.

The United States Standards for Celery are generally used for shipments of celery from the various producing sections. However, in some instances, Florida celery is graded in terms of consumer standards and latitude for the application of the latter standards should be afforded.

"Container" is defined in the order as a basis for differentiating among the shipping units in which celery is marketed and for the permissive application of different regulation to such different shipping units. This definition also enables the Secretary, pursuant to committee recommendation, to establish the present standard crate as the basic, proper crate for determining size of celery. Authority for regulation by type of container was enacted by the 83rd Congress as an amendment to the Agricultural Marketing Agreement Act of 1937, as amended. Use of this authority in the order is appropriate and proper as a means of promoting orderly marketing for celery.

The definition of "pack" or "packs" is intended to include the manner of placing celery in crates or other containers. The term standard pack has a customary, specific meaning among celery handlers in the State of Florida. This includes a variety of factors, such as the manner in which celery stalks are laid in reverse layers in the crate, also the extent to which the celery is tightly placed in the container. Experience indicates that handling of celery evolves new practices, such as the use of the wirebound crate. If a new type of pack, such as a consumer pack, should develop, which the committee might find desirable to regulate differently than the standard pack, the order should contain authority for doing so. Such different packs may be recognized pursuant to rules and regulations recommended by the committee and approved by the Secretary.

A definition of "fiscal period" is incorporated in the order to establish the beginning and end for an operating period. The establishment of such period is necessary for business-like-administration of the order. The date marking the end of one fiscal period and the beginning of the new should fall at a time of little or no activity in the marketing of the celery crop and should allow sufficient time for the committee to organize and be prepared to function prior to the start of the new marketing season. July 31 is after the end of the spring celery deal in Florida and August 1 is prior to the beginning of the fall planting season. No commercial shipments of celery from Florida are made during this between-season time of year. It is therefore, appropriate that fiscal period should be defined as set forth in the order.

The definition of "committee" is incorporated in the order to identify the administrative agency which is responsible for assisting the Secretary in the administration of the program. Such committee is authorized by the act and the definition thereof minimizes the use of words in the order.

"District" should be defined in the order as referring to each of the geographical sections or divisions of the production area, either as initially established or as later reestablished, in order to provide a basis for the nomination and selection of committee members and for regulatory purposes. The proposed division into districts is adequate and equitable and it provides a practical basis for the purposes for which intended.

"Field' is defined to mean a well delineated plot of cultivated land upon which celery is grown. Producers are well acquainted with their fields of celery and they know to what they refer when speaking of any field. Field is used to specify and identify particular plots of celery. Such is the purpose of the definition in the order.

"Block" is defined as a portion of a field or fields of celery. Block also is used to identify certain plots of celery. Its purpose in the order is to assist in identification of celery that was planted at particular times, or which is to be harvested and marketed at particular times, or both.

"Available supply of celery" is defined in the order to mean the linear feet of rows of unharvested celery of a particular type or variety which is ready for harvest for shipment during a particular prorate period or periods. The available supply of celery for any handler should be the amount, expressed in linear feet of rows of celery which are ready or will become ready for harvest during a specific period. From the available supply of celery submitted by each handler, the total available supply of celery may be computed by the committee as a basis for estimating the relationship of supply to market requirements. Also, the available supply of celery of a handler is to be used as a basis for establishment of allotments for the handler.

"Allotment" is defined to mean the amount of celery which may be handled by any and all handlers during specific prorate periods. Allotment includes the linear feet of rows which each handler may harvest for shipment during a specific period of volume regulation under the order.

"Prorate period" is defined to mean the period or periods recommended by the committee and approved by the Secretary during which allotments of celery may be established for handlers and pursuant to which the volume of shipments may be limited.

"Export" is defined to mean shipments of celery beyond the boundaries of continental United States and of Canada. For purposes of regulations under the order, Canada should be cosidered as requiring the same types, grades, and sizes of celery as the United States market. Shipments to off shore points, such as some of the sales to steamship lines, or to off shore military installations, should be classed as export. Shipments, if any to Cuba, or to Puerto Rico or the Virgin Islands should be classed in the same way.

(b) The order should provide for the selection by the Secretary of an administrative committee, called the Florida Celery Committee composed of nine producer members. Establishment of this committee is desirable and necessary to aid the Secretary in carrying out the declared policy of the act and such committee is authorized by the act. Inasmuch as most producers within the production area also perform handler functions and are familiar with marketing conditions for celery, no useful purpose would be served by providing for handler representation, as distinct from producer representation, on the committee.

The committee membership of nine producers would be equitable and practicable. Evidence supports the finding that this plan of representation has received intensive study by the industry and that, after thorough consideration, such division of responsibility among nine producers is appropriate.

Each member of the committee should be a producer, or an officer or employee of a producer, of celery in the district for which selected and each such person should be a resident of the production area. A person with such qualifications should be intimately acquainted with the problems of producing and marketing celery grown in such district and each may be expected to present accurately the problems incident to production or marketing of celery grown in that district. The qualifications for each alternate should be the same as for the respective member for whom he may act. Such qualifications should help to assure that the interests of the group from which each is selected will be adequately represented in committee deliberations.

Each committee member and his respective alternate should serve a one year term of office ending July 31, and for any additional period needed for the selection and qualification of his successor. Such term of office is reasonable and will allow the celery industry to express its approval or disapproval of the committee's membership at the end of any season and prior to the opening of a new season. Committee members and alternates should be selected for the fiscal period during which they are to serve and until their successors are selected and have qualified.

Districts are established to provide a basis for selection of committee members. The districts as initially established were worked out by a committee of industry spokesmen and they represent the best basis which could be devised at this time for providing a fair, adequate, and equitable representation on the committee.

The districts as set forth in the order constitute what are generally known and recognized by the celery trade as the major growing sections within the production area. For example, District No. 1 or the South Florida District is generally known as the Glades section; District No. 2 or the Florida West Coast District is commonly referred to as the Sarasota section; and District No. 3 or the Central and North Florida District includes the Sanford, Oviedo, Zellwood, Weirsdale, and Ocklawaha producing sections.

The provision for redistricting is desirable because it allows the committee to consider from time to time whether the basis for representation could be improved and how such improvements should be made. The guides as set forth in the order which the committee should keep in mind in considering redistricting are appropriate and desirable points of reference that relate directly to the welfare of celery producers and handlers.

It is practical and equitable that selection of committee members and alternates should be on the basis of districts as provided for in the order. This would provide a geographical basis for selection of such members. Such geographical basis should be, and for purpose of initial membership has been, related to the number of producers and the production of celery within the production area so that a practical basis for establishing equity may be attained.

The order should provide for the selection of 3 members and 3 alternates from District No. 1, 2 members and 2 alternates from District No. 2, and 4 members and 4 alternates from District No. 3. Although the representation on the committee from District No. 2 appears to be in excess of that warranted by the acreage and production of celery grown in this district as compared to the other districts, such representation is equitable in that a comparison of the districts in terms of the numbers of producers serves to counterbalance the weight given to acreage and production. The committee composition should result in equitable representation and treatment for both large and small producers. The provision that there should be a producer selected as an alternate for each member provides a practical working basis for having full representation on the committee when any member from a district is absent.

A procedure for the election by producers of nominees for membership on the committee should be prescribed in the order. Such provision is intended to provide for assistance by the celery industry to the Secretary in his selection of members and alternates on the committee. It is customary in the Florida celery industry for producers to conduct meetings to establish their preference for positions of trust and responsibility. The nomination of prospective members and alternates at meetings of producers in the respective districts is a customary and practical method of providing the Secretary with the names of the persons which the industry desires to serve on the committee. In order to obtain an indication of the industry's preference for membership on the initial committee, meetings of producers may be sponsored by the United States Department of Agriculture, or by any agency or group requested to do so by the Department. This provides a practical and an expedient means of initiating movement whereby the industry may express its wishes and preferences with respect to committee membership.

Nomination meetings for the purpose of electing nominees for members or alternates on the committee after the initial committee should be held prior to July 10 of each year because this allows ample time before the new term of office for the industry to make its preferences known concerning nominees. Such meetings should be held by the committee or by persons or groups requested by such committee to hold such meetings.

At least two nominees should be designated for each position as member and each position as alternate so that the Secretary will have a choice in making his selection. In addition, if a selectee declines to serve, the Secretary would also have the name of another prospective member or alternate from which to make a selection. It is the desire of the industry, and it is appropriate that producers voting at such industry meetings may ballot for nominees to indicate the ranking of their choice for each position to be filled. The producer in each district who, during the preceding season, had the largest volume of sales of his own celery production in such district should be permitted to designate two nominees for member and two nominees for aletrnate member. This permission is in the order so that a person with an important stake in the celery industry will be assured a voice in the selection of the committee members from the district involved. Although small producers serving on the committee will undoubtedly have the interests of the industry foremost, testimony at the hearing indicated that such small producers have a relatively short shipping season, their interest in the celery "deal" tends to wane at the conclusion of their individual deals, and the industry would best be served by providing for the inclusion among committee membership of at least one large producer from each district. Nominee lists should be supplied to the Secretary in the form and manner prescribed by him so as to establish administrative uniformity in the handling of such matters. Such nominations for committee members and alternates should be supplied to the Secretary not later than July 15 of each year to enable him to select the committee prior to the new term of office.

Only producers should participate in nominating members and alternates on the committee because the committee will be composed entirely of producer members.

If a person produces celery in more than one district, such person should select the district in which he wishes to cast his vote for nominees on the committee. Any other procedure would tend to give such person a greater voice than other producers in the nomination of committee members.

Each producer participating in the industry meetings for election of nominees to the committee should be limited to one vote on behalf of himself, his agents, subsidiaries, affiliates, or representatives in designating nominees. Voting on any other basis would not provide for equitable representation because it would give the producers with interest in more than one district a greater voice in election of nominees than producers operating in only one district. The plan of one vote for each producer should be so construed that the person eligible to vote in a nomination meeting shall be allowed to cast one vote for each position which is to be filled in the district with which he affiliates. For example, at meetings for election of nominees to the initial committee each person voting as a producer in District No. 1 would be allowed to cast three votes, one for each of the three member nominees, and likewise for the alternates.

In order that there will be an administrative agency in existence at all times to administer the order, the Secretary should be authorized to select committee members and alternates without regard to nominations if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed therein. Such selection should, of course, be on the basis of the representation provided in the order so that the composition of the committee will at all times continue as prescribed therein.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed within 10 days after notification of appointment so that the composition of the committee will not be delayed unduly.

It is also desirable and necessary that the Secretary should be authorized to fill committee vacancies without regard to nominations if the names of nominees to fill any such vacancy are not made available to the Secretary within thirty days after such vacancy occurs. The Secretary should have recourse to such means of filling vacancies in order to maintain continuity of administrative agency operation and to insure that all portions of the production area are adequately represented in the conduct of committee business.

Each alternate should be authorized to act in the place and stead of a member for whom he is an alternate during such member's temporary absence. Continuity of operation of the order is best assured by such authorization. An alternate should be authorized to act in a member's absence when such absence is due to death, removal, resignation, or disqualification of the member. Alternates acting in the place and stead of members may continue to act in such capacity until a successor for the member has been selected and has qualified.

A quorum of the committee should consist of at least six members. This would not only insure that one more than a majority of the members must be in attendance at committee meetings but also would require that representation be present from at least two of three districts. Committee decisions should, therefore, reflect an accurate and representative cross section of industry thought and attitudes.

Not less than six members of the committee should be required to concur in any committee action in order for it to pass. Such a voting requirement, constituting a minimum of two-thirds of the membership, is deemed reasonable and adequate.

The committee should be authorized to conduct meetings and to vote by telephone, telegraph, or other means of communication. Thus, two types of assembled meetings may be held. In one instance the assembled meeting may be held at the central location and be attended in person by all committee members and alternates. In the other type of assembled meeting, some members and alternates may be assembled simultaneously at different locations, but connected by means of telephone whereby each person in each group may actively enter the discussions and be heard by each other member in any other group, and each member may vote in person. Improved telephone equipment, including loud speakers and microphones, make such arrangements practical in that it permits the free exchange of ideas and thoughts by parties at one location, such as Sanford, with other members at different locations such as Sarasota or Belle Glade. The distance between major producing sections in Florida is such that an arrangement whereby assembled meetings may be held by telephone, as above described, may make it possible for members and alternates to avoid considerable loss of time in traveling from their normal places of business to a central location. Assembled telephone meetings of this type may be used after the program is operating smoothly and efficiently. Also, when a matter to be considered is routine so that it would be unreasonable to call an assembled meeting at a central location, or in other instances, if rapid action is necessary because of an emergency, assembled meetings at different locations should be authorized. In addition, the committee should be authorized to vote by telephone, telegraph, or other means of communication. Any votes cast at other than an assembled meeting should be confirmed promptly in writing to provide a written record of the vote so cast. In case of an assembled meeting, however, all votes should be cast in person so that an absent member may not participate.

Committee members and alternates should be reimbursed for necessary expenses incurred in the performance of service to the committee. Expenses for services by committee members should be allowed only for those specifically requested or directed by the committee. Such expenses might include travel, hotel accommodations, and meals. Reimbursement for reasonably necessary expenses is required to offset actual out-of-pocket expense incurred in performing duties in connection with the order.

The committee should be given those specific powers which are set forth in section 8c (7) and (C) of the act, because such powers are authorized to be granted by the enabling statutory authority and they are necessary so that an agency of the character set forth in the order can function.

The committee's duties, as set forth in the order, are necessary for the discharge of its responsibilities. The duties established for the committee are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by members or alternates of the committee will be necessary for the committee to carry out its responsibilities as prescribed in the order. It should be recognized that these specified duties are not necessarily all inclusive in that it may develop that there are other duties which are incidental to, and not inconsistent with, the terms and conditions of the order which the committee may need to perform.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee during each fiscal period for the maintenance and functioning of such committee and for such other purposes as the Secretary may, pursuant to the provisions of the order, determine to be appropriate. The expenses so incurred should be shared by handlers on the basis of the ratio of each handler's total celery handled by him as the first handler thereof to the total celery handled by all first handlers during specified fiscal periods. The determination of individual handlers shares of expenses should be based upon total celery handled by first handlers thereof to avoid duplication of assessments on the same celery.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the order for such period. Each such budget should be presented to the Secretary with an analysis of its components and explanation thereof in the form of a report on such budget. It is desirable that the committee should recommend a rate of assessment to the Secretary which should be designed to bring in during each fiscal period sufficient income to cover expenses incurred by the committee.

The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of such expenses by administrative agencies, such as the Florida Celery Committee, and the statute also requires that each order issued pursuant to the act should contain provisions requiring handlers to pay their pro rata shares of the necessary expenses.

Each handler should pay the committee upon demand his pro rata share of such reasonable expenses which the Secretary finds will be incurred necessarily by the committee during each fiscal period. Such pro rata share of expenses should be equal to the ratio between the total quantity of celery handled by him as the first handler thereof during a specified fiscal period and the total quantity of celery so handled by all handlers during the same fiscal period. It is necessary that responsibility for the payment of the assessment on each lot of celery be fixed and it is logical to impose such liability on the first handler of such celery. In most instances the first handler and the applicant for inspection are the same person. However, in the event the first handler fails to apply for and obtain inspection, this does not in any way cancel his obligation with respect to the payment of assessments.

Assessment rates should be recommended by the committee and applied by the Secretary to a specific unit. For example, assessment rates may apply to carlots, or they may be applied on a crate basis, or by any other unit commonly used in marketing celery grown in the production area. However, such assessments for a fiscal period should be applied on a uniform rate basis.

At any time during or subsequent to a given fiscal period the committee should be authorized to recommend the approval of an amended budget and the fixing of an increased rate of assessment to balance necessary committee expenses and revenues. Upon the basis of such recommendations, or other available information the Secretary should be authorized to approve

amended budgets and, if he finds that the then current rate of assessment is insufficient to cover committee administration of the order he should be authorized to increase the rate of assessment. The order should authorized the application of such increased rate of assessment to all celery previously handled by first handlers during the specified fiscal period so as to avoid inequities among handlers.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purpose of administration of the order, including appropriate research and development projects. The committee should be required to maintain books and records clearly reflecting the true up-to-date operations of its affairs so that its administration may be subject to inspection at any time by appropriate parties. Each member and each alternate, as well as employees, agents, or other persons working for or on behalf of the committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible and the Secretary should have the authority, at any time, to ask for such accounting. Whenever any person ceases to be a member or alternate of the committee, he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible. Such persons should also be required to execute assignments or such other instruments which may be appropriate to vest in their successor or agency or person designated by the Secretary, the right to all such property and all claims vested in such person.

If the committee should recommend that the operations of the order should be suspended, or if no regulation should be in effect for a part or all of a marketing season, the committee should be authorized to recommend as a practical measure that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period. This would provide a practical method whereby the committee's business affairs could be taken care of during periods of relative inactivity with a minimum of difficulty and expense to the industry and to the Secretary. Such a procedure should not be mandatory; it should be permissive. If circumstances would seem to call for the committee and its personnel to continue as usual, to operate, possibly in a curtailed fashion, they should be free to do so.

The committee should provide periodic reports on its fiscal operation. It is expected that audit reports will be requested by the Secretary at appropriate times, such as the end of each marketing season, or at such other times as might be necessary to maintain appropriate supervision and control of the committee's affairs. Handlers should be entitled to a proportionate refund of the excess assessments which remain at the end of a fiscal period, or at the end of such other period as may be deemed appropriate by reason of suspension or termination. Such refund should be credited to each such handler against the operations of the following fiscal period, unless he should demand payment thereof, in which event such proportionate refund shall be paid to him.

If and when the committee is required to wind up its affairs upon termination of the order authorizing such agency, considerable expense may be involved in the liquidation process. The affairs of the committee which are to be liquidated usually result from a number of years' operations. It is appropriate, therefore, for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period, which are in excess of those necessary for payment of expenditures during such period, should be carried over into subsequent fiscal periods as a reserve for possible liquidation. Such reserve should be maintained for the purpose of helping to cover the expenses of final liquidation in the event that the order is terminated. It is not anticipated that any such reserve will be accumulated in an amount in excess of what might be the reasonable costs of such a liquidation action. Any funds remaining after liquidation has been effected should to the extent practical be refunded to handlers on a pro rata basis.

Exceptions were taken to the proposed findings and conclusions with respect to assessments on celery handled. Assessments should be levied on the handler who first ships celery after it has been prepared for market, who customarily is the party applying for inspection thereon. Inspection certificates provide a practical basis for billing assessments and should be used for such purposes. In cases where no inspection certificates are available, the handler who first ships the celery should be determined by the facts in particular transactions. The terms and conditions of the order are determined to be adequate and specific with respect to the equitable apportionment under the act of the necessary expenses among handlers of Florida celery. The expenses for such program should be limited to those which are necessary and reasonable as authorized by the act; and in arriving at determinations with respect to such essentiality and reasonableness the Department should have the benefit of the committee's recommendations with respect thereto. It is concluded that reasonable and necessary expenses can be determined upon the basis of facts presented in the manner prescribed in the terms and conditions of the order.

(d) The establishment or provision for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of celery was authorized by amendments to the act in Public Law 690 known as the Agricultural Act of 1954, enacted by the 83rd Congress. Such authorization should be included in the order.

Projects designed to evaluate preferences among markets and localities in terms of grade, size, quality, pack, containers, and other factors could be of considerable value in determining the grade, size, quality, or volume regulations that should be recommended and established. The aid of marketing research and development projects may assist in a determination as to the effect and value of private and industry promotion of Florida celery.

Research into market development, transportation, handling methods, and containers in which celery is marketed are examples of aspects which the committee may at some time consider worthy of investigation. Research projects designed to assist the committee in their consideration of volume regulations should be authorized as one of the means of promoting distribution of celery.

As the celery industry and the committee become more aware of the value of and need for marketing research and development, other projects will undoubtedly be initiated, the need for which will not have been foreseen early in committee operations. Therefore, the committee should have the authority to recommend the establishment of such projects which are in the best interest of celery marketing and which will assist, improve, and promote the marketing, distribution, and consumption of Florida celery. The committee should be empowered to engage in or contract for such projects, to spend funds for such purpose, and to consult and cooperate with other agencies with regard to their establishment. All such projects should receive the prior approval of the Secretary.

The findings and conclusions in the recommended decision relating to research and development projects should be effectuated in the proposed order. Section 937.48, entitled "Research and development," therefor, is incorporated in the proposed order.

(e) The declared policy of the act is to establish and maintain such orderly conditions for celery, among other commodities, in interstate commerce as will tend to establish parity prices for such celery. The regulation of the handling of celery by grade, size, or quality as authorized in the order provides a means of carrying out such policy and is one of the ways authorized by the act (in section 8c (6)) for achieving that objective.

The procedures and methods which are outlined in the order for the development and institution of marketing policies relating to grade, size, and quality and to volume regulations provide a practical basis for the committee to obtain appropriate and adequate information relating to celery marketing problems. Also, members of the industry including both growers and handlers, should be provided with the information regarding the policies and regulations recommended by the committee. The factors set forth in the order which the committee should take into consideration in developing its marketing policies are the ones commonly and usually taken into account by growers and handlers in their day to day evaluation of the market outlook with respect to celery.

In order that the Secretary may effectively carry out his responsibilities in connection with the order, the committee should prepare and submit to the Secretary a report on its proposed marketing policy, or amendments thereto, relating to the marketing of celery during each season. The initial marketing policy offered each season by the committee should be prepared and submitted to the Secretary prior to or simultaneous with its initial recommendations for regulations. This will give all interested parties the maximum notice of probable regulations. Reports on marketing policy and regulations recommended should be submitted to the Secretary and presented to the industry by the committee.

The committee, which has responsibility for recommending grade, size, quality, and volume regulations, as well as modifications, suspensions, amendments thereto, or terminations thereof, should be authorized to consider and recommend any or all methods of regulations which are authorized by the order for the Secretary to issue thereunder. Evidence shows that authority should be established in the order to issue regulations with respect to grade, size, quality, or packs in any or all portions of the production area during any period and the limitation of the volume of celery which may be shipped during specified periods.

The two United States Standards for celery provide a common and acceptable means for determining grade or quality of celery grown in the production area. These standards for celery are widely used throughout the production area, and both producers and shipping point handlers, as well as buyers, are generally acquainted with such standards and commonly use them in their market transactions.

Authority should be provided for limiting the grade and size of celery which may be placed in any given pack or container. The limitation of the handling of poorer grades or off qualities, and less desirable sizes of celery grown in the production area will tend to increase prices of more desirable grades, qualities, and sizes and to promote more orderly marketing and increase the returns to producers of such celery. The poorer grades and off qualities include not only unclassified celery, commonly referred to as cull, but also other celery which shows excessive defects as set forth and described in the Federal standards for celery. The limitation of the handling by prohibiting movement of poorer grades or off qualities, and less desirable sizes of celery will help to improve orderly marketing conditions for such celery by enhancing the long run demand for and competitive position of celery grown in the production area.

The order should include authority for the committee to recommend and the Secretary to issue regulations which would limit a certain size or sizes of celery to not more than specified percentage of the total celery shipments during a given day or given week, or any other practical period. For example, if the committee finds that 10-dozen, or smaller sizes are selling for a low price in relation to other sizes, but if all 10-dozen or smaller sizes are cut off from the market the price of such sizes would rise appreciably, then the committee should be authorized to recommend and the Secretary to issue a regulation so that the percentage of total shipments which may be in 10-dozen or smaller sizes, or any other sizes, shall be within the prescribed proportions. Thus, shipments by each handler during a period of such regulation should be the base against which the percentage of the shipments of particular discounted sizes should apply. The authority to make such recommendations should not be restricted to any part of the season. The committee and the Secretary should have the greatest flexibility possible in order to meet marketing situations in a practical manner from time to time in a sound commercial manner.

The orderly marketing of celery grown in the production area, with the objective of increasing returns to producers of such celery, will be promoted by authorizing the regulation of handling of particular grades, sizes, qualities, or packs of celery, differently for different types or varieties, differently for different portions of the production area, differently for different containers, differently for different purposes to which modification, suspension, or termination of regulation may be applied, or differently for any combination of these groups, during any period.

Demand for different types or varieties of celery establishes price preferences for different grades or sizes, or both, of such types of varieties. For example, evidence establishes a basis for varietal or type preference at the market place. Pascal type celery may be returning a preferred price for certain sizes at particular times. Or again, Golden type of certain sizes may be in short supply and returning preferred prices. The committee, and in turn the Secretary, should be authorized to recognize and consider such differences and to recommend and establish different regulations based thereon.

Unusual weather conditions may arise during a crop year in one portion of the production area as compared with other portions of such area. This possibility is particularly true with respect to such things as hail, wind, and violent rain storms. Hazards of these natures are obviously beyond the control or reasonable expectation of the celery growers in such localities. Because of these circumstances, and to provide equity among producers and handlers insofar as any regulation under the order may be concerned, authority should be provided for the committee to consider such differences, to make appropriate recommendations in that regard to the Secretary, and for the Secretary to issue different regulations to accommodate any such differences in the crop arising out of actions beyond human control. It is contemplated, however, that any such relaxation for a portion of the production area in those circumstances will still require that the celery handled will be the best quality available.

The order should authorize the committee to recommend and the Secretary to issue different regulations for different packs. Such authority is in the best interests of good merchandising and the promotion of orderly marketing conditions for celery. Although the standard pack of celery constitutes the great bulk of celery handled within the production area or between the production area and any point outside thereof, the industry should be authorized to recognize any new packs which may develop and to allow such packs to move freely without grade and size regulation, or to regulate them differently, if such is the proper industry judgment as reflected by the committee.

(f) The order should permit regulations differently for different types of containers. The establishment of such regulation is authorized by virtue of an amendment to the act in Public Law 690, known as the Agricultural Act of 1954, enacted by the 83d Congress. Such authority permits the provision in a marketing agreement and order of a method for fixing the size, capacity, weight, dimensions, or pack of the container, or containers which may be used in packaging, transportation, sale, shipment, or handling of celery. It is contemplated that the industry through the Secretary may wish to fix the standard container, No. 3601, as an appropriate and proper container for handling celery under the order. If developments should bring forth new containers the industry should be empowered to pass upon them and to adopt such containers for use in the celery industry. Should the use of certain of these containers, when moved into commercial market channels, be deemed by the committee, with approval of the Secretary, as contributing to disorderly marketing of Florida celery, then the Secretary should be empowered to fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of such celery. For the same reason, the committee should be permitted to recommend different regulation for different containers.

(g) The proposal for prohibiting unfair methods of competition and unfair trade practices, as proposed in the notice of hearing was not supported by evidence at the hearing. Therefore, no further consideration is given to the matter.

(h) The volume of celery shipped from Florida has a direct influence upon the price received by Florida celery growers, as shown by records of shipments and prices for the 1949 celery season and subsequent seasons, including the 1954–55 season through March 14, 1955. In general, Florida celery prices to growers are higher when Florida shipments are light than when such shipments are heavy. Heavy shipments of Florida celery frequently occur during the middle or late winter and prices to growers during such periods have often brought low prices that returned less than marketing costs which created disorderly marketing conditions. The prevention of excessive celery shipments from Florida should help to relieve supplies and improve prices to growers. The extent to which the Florida celery industry may limit shipments to improve prices is limited by competing supplies from other areas. Florida handlers can limit shipments to the extent that they eliminate losses on their shipments. Also supplies from Florida could be limited to improve prices toward parity but only to the extent that additional competing supplies

would not be attracted to markets into which Florida celery is usually shipped and undermine the improved returns to Florida celery producers.

Growers' prices for Florida celery fluctuate due to changes in the supply of such commodity being marketed. Undue fluctuations in the f. o. b. price of such celery disrupts orderly marketing conditions therefor and results in the impairment of the purchasing power of Florida celery growers. Volume regulation of celery shipments, in the manner authorized in the order, will tend to promote the orderly flow of Florida celery to market and to prevent and avoid unreasonable fluctuations in supplies and prices of such celery. The order should provide that the Secretary, upon recommendation of the committee or other available information, may exercise the powers conferred by the act so as to establish and maintain such orderly marketing conditions for Florida celery as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout its normal marketing season to avoid unreasonable fluctuations in supplies and prices.

The order should provide methods for fixing, as provided in the Act, the total allotments of any or all types of celery that may be handled by each handler so that orderly marketing conditions for Florida celery may be established and maintained. The regulation of the volume of celery which may be handled during specific prorate periods provides a method under a uniform rule of carrying out such policy.

The order should provide for issuance by the Secretary, pursuant to committee recommendations, or on the basis of other available information, of regulations limiting during specific prorate periods, whenever such regulations will effectuate the policy of the act, the handling of celery to that which is harvested from designated linear feet of rows. The order should contain provisions relating to (1) the method of recommending and fixing the total quantities of celery that may be handled by any and all handlers; (2) the method for fixing the allotment of each handler under a uniform rule based on the available supply of celery of each handler and providing a means for computing the base for fixing such allotments; and (3) modifications or adjustments of such allotments so as to provide flexibility of operation for handlers under such regulations.

The amount of celery shipped to market affects growers prices and limitations on the amount to be shipped should be for the purpose of improving such prices. The amount of celery shipped to market is a direct result of the linear feet of rows harvested and a limitation of handling based on linear feet of rows which may be harvested provides a readily determinable and uniform rule for computing the amount to be shipped and for establishing allotments.

The committee should be authorized to consider and to recommend the amount of celery expressed in linear feet of rows which should be permitted to be harvested under allotments during specific periods. This amount can be readily and accurately determined from information submitted to the committee by handlers. Upon receipt of such information, and after due consideration of the amount the market may take at particular price levels and of the total available supply of celery, the committee should be authorized to recommend to the Secretary that the amount of celery to be handled during a specific period or periods should be limited to certain proportions of such available supply of celery. The total allotments should be expressed in linear feet of rows permitted to be harvested for shipment. This provides an appropriate and proper method, pursuant to the act, for alloting the amount of celery that may be handled by each handler during a specified prorate period or periods.

The act provides that a marketing order shall contain certain terms and conditions and authorizes the allotting, or providing methods for allotting, the amount of celery which any handler may market in or transport to any or all markets under a uniform rule, based upon the amounts each handler has available for current shipment, to the end that the total quantity of such celery to be marketed shall be equitably apportioned among all of the handlers thereof. The order should so provide, and does so by establishing an appropriate method for determining a prorate base for each handler pursuant to which allotments are computed and fixed. Under the terms and provisions of the order each handler is given the same opportunity to handle celery as each other handler under a uniform rule whereby he will have equality of opportunity among handlers for securing his equitable proportion of the celery to be handled. Each handler customarily keeps close record of the celery he expects to handle. Such records date from the time of planting. Planting schedules are built up, maintained, and followed so that harvesting schedules may follow a similar pattern at a later date. Each handler follows growth and progress of celery as closely as possible so that he may keep thoroughly and constantly apprised of when certain fields and blocks are ready for harvest. Handlers customarily plan their harvesting schedule and they know with considerable degree of certainty as time for harvest approaches the exact fields and blocks of celery which should be ready for harvest during specific periods. This information is customarily maintained as a matter of record by handlers.

Handlers can make this information available to the committee. Such information, when presented as a handler's available supply of celery and with an application to handle such celery, will enable the committee to determine the total available supply of celery for all handlers. This provides a basis for determining the total amount of celery which each handler has available for current shipment. Handlers reports showing the linear feet of rows of celery available for harvest provide a uniform rule for determining the amount available for market by each handler and for equitably apportioning the total quantity for market among all handlers. Celery that is ready to be harvested must be harvested within a reasonable length of time. The estimate of the linear feet of rows available for harvest for each handler places each on an equitable basis of allotment because the measure of quantity is uniform. Some fields may yield differently than others, but in the absence of regulation such differences would also apply. By estimating available supplies of celery and allotments on linear feet of rows, the order preserves equity among handlers under a uniform rule that is readily and easily understood by celery growers and handlers. This provides a practical, uniform rule for establishing equity among handlers and a precise, well known basis for allotments.

The equity of each handler in the total quantity of celery that may be handled during any prorate period should be expressed as his prorate base. A prorate base is a handler's proportion of the total quantity that may be handled under volume regulation and it is expressed as the ratio between the handler's available supply of celery and the total available supply of celery of all handlers during a specific prorate period. Thus, each handler's share of the limited quantity of celery which may be handled during a specific prorate period is the same percentage as his share of the total available supply of celery of all handlers during such period.

The order should provide that each handler, who has an available supply of celery, should make application to the committee for a prorate base and for allotment to assure an orderly basis for establishing equities. This application should contain the information required by the order pursuant to rules and regulations concerning reports. Such information is incidental to, and not inconsistent with, and necessary to the operating terms and conditions of the order. Such information is necessary to determine the correct total of each handler's available supply of celery and the total available supply of celery of all handlers.

The committee should compute for each prorate period when volume regulation is in effect the available supply of celery for each handler who has applied for a prorate base and an allotment and fix as a prorate base for each such handler. A report thereon should be transmitted to the Secretary and the committee should notify each handler of the prorate base established for him so that he may arrange to handle the celery allotted to him.

The Secretary, pursuant to committee recommendation or other available information, should fix the total volume of any or all types of celery which may be handled by all handlers during a specified prorate period or periods and such volume of any or all types of celery should be computed for allotment purposes in linear feet of rows of the applicable type of celery. The allotment for each handler for a prorate period should be determined by multiplying the total linear feet of rows, which may be harvested for shipment by all handlers during such prorate period, by the prorate base for such handler. The committee should make such computations and so notify each handler of his allotment. This method of fixing allotments provides an appropriate means, under a uniform rule, for calculating the equities of handlers in the total quantity of celery to be marketed. Requirements as to notice set forth in the order are appropriate and proper. Appropriate notice to handlers should include, among other requirements, reasonable notice by the committee to each handler of the allotment computed for him pursuant to the order.

Each handler during any given prorate period should be permitted to handle celery which is harvested only from rows which are contained in the fields or blocks specified in the applicable approved report filed by such handler which shows his available supply of celery for such prorate period. This is necessary to maintain the uniform rule for handling celery under allotments and to maintain equity among handlers. It is also necessary, as part of the uniform rule, that each handler should harvest celery during a prorate period from the same relative location in each row of each block within each field, or from consecutive complete rows.

In order to accommodate handlers who use mechanical harvesters where a series of rows—16, 20, or more—are cut at the same time as the harvester moves through the field of celery, the linear feet of harvested rows may be applied to fractions of rows. In the case of harvesting celery by hand, it should follow customary methods of harvesting one complete row after another and the celery should be harvested from consecutive, complete rows, so that each handler will have equitable treatment in the application of his allotment by taking the celery as it comes rather than by selecting special portions of a field.

Celery should be harvested only from the allotted portion of a field or block of celery. Celery reported as part of an individual handler's available supply of celery during a particular prorate period, but not allotted therein, should remain unharvested until fieldmen or other designated agents for the committee have checked the block or field from which celery was harvested during the particular prorate period. This would be the most effective time and the most economical point in the successive steps of the handling of celery to ascertain compliance with the allotment. The committee's designated agent, upon proof of satisfactory performance by each handler, should issue a certificate of compliance to such handler.

None of any such unharvested celery should thereafter be harvested, unless all handlers' unharvested celery originally contained in reports of available supply of celery for specified prorate periods should be authorized for harvest by the Secretary. Such authorization may be issued by the Secretary upon recommendation of the committee or upon other available information whenever market conditions warrant.

Any handler's allotment for a specific prorate period may be modified by appropriate, timely action by such handler. Any handler who has unharvested celery previously included in an application for allotment and who wishes to withdraw such celery from his application for allotment should notify the committee of his intent to do so. Also, any handler, who wishes to harvest celery of particular types in excess of his allotment for a particular prorate period, may exceed his allotment for such period if he gives written or telegraphic notice of his intent to the committee. Such notice of intent or application should show the linear feet of rows of such type of celery which each handler desires to withdraw from his current allotment or to harvest in excess of his current allotment. Such celery for which allotment is to be modified should be identified by field, block, and row.

The prorate base for celery withdrawn from current allotment and later harvested or for celery harvested in excess of current allotments, should be adjusted downward by a number of percentage points which should be determined by the committee, with the approval of the Secretary. Such adjustment in a modified prorate base is necessary to keep total marketings, as recommended by the committee and approved by the Secretary, within reasonable limits and to discourage handlers from abuse of the modification provisions of the order.

Exception was taken to the findings and conclusions that the proposed order provides a method for allocation of Florida celery among handlers under a uniform rule. Evidence in the hearing record substantially shows that the terms of the proposed order provide a method whereby handler's allotments should be determined under the terms and conditions thereof by dividing the total available supply of celery declared by each handler during specific prorate periods by the total available supply of celery declared by all handlers for such periods and thereby determining each handler's prorate base. Such prorate base for each handler should then be applied to the total amount which may be handled by all handlers to provide the allotment for each such handler. The declaration of available supply in terms of linear feet of rows to be harvested by each handler during specified periods and the allocation of Florida celery upon the basis of such linear feet of rows contained in such declarations provides a uniform rule for allotments based upon the amounts which each handler has available for current shipment. Such uniform rule accords with the requirements of the act and operations pursuant thereto will tend to effectuate the purposes of the act.

(i) The committee should have information and data necessary for calculating prorate bases, allotments, modifications thereof, and for checking on compliance with regulations by handlers. Such information may include, but not be limited to, reports by handlers on the available supply of celery, which should be identified by fields or blocks, or both, and estimates of the quality and yield of any such celery. Such reports by handlers should be timely in order to provide up-to-date, accurate information and they should be required in such a manner and only at such times that will give due consideration to the convenience of the handler. Such reports should be required at such times as the committee may prescribe and should require essential details relating to available supplies of celery, acreage, yields, quantities harvested, grade, quality, and size as may be prescribed by rules and regulations issued pursuant to committee recommendation and approval by the Secretary. Such reports should not be requested more often than weekly. Such rules and regulations may require that reports include, where necessary for successful operation of the order, maps or diagrams of fields or blocks of celery which they own or control, by type or variety, by time of planting, by time of prospective harvest, and by the amount, including grade, size, and quality, harvested during specific periods. Authority to harvest celery by a handler should be deemed evidence of the handler's control thereof.

All reports submitted by handlers should be subject to inspection, correction of errors, and approval by the committee. Such authority is essential to the committee so that it may have an accurate, factual basis for computing prorate bases and allotments. Should any reports by handlers contain information that is normally considered confidential by handlers, the committee should arrange to hold such information under appropriate protective classification so that no information contained therein shall be disclosed if it will adversely affect the competitive position of such reporting handler. Reports on such data may be compiled subject to the prohibition of disclosure of individual handlers' entities or operations.

(j) The committee should give notice to all handlers of meetings to consider recommendations for regulation, either grade and size or volume regulations, or both. Whenever volume regulation is contemplated, the committee should give notice to all handlers that they should apply for an allotment. Such notice should be given in adequate time prior to meetings so that handlers may have time to receive such notice and to prepare for them. The determination as to adequate time and mode of notice should be made pursuant to rules and regulations recommended by the committee and approved by the Secretary.

The committee should give notice promptly of any recommendation for volume regulation. Such notice should be given to handlers at least 48 hours before the recommended effective time of the proposed regulations. Such notice should be given by forwarding a copy of the committee's recommendations to each handler who has filed his name with the committee for such purpose.

The Secretary should notify the committee of each regulation issued under the order. The committee, in turn, should notify each handler of the regulation. Such notice should be given promptly upon receipt of advice of issuance from the Secretary and a copy of such notice should be forwarded to each handler who has filed his address for that purpose with the committee.

The order should authorize different regulations during any period so that the committee and the Secretary may take account of different supply and demand conditions as they may arise and become apparent. It should also authorize limitations of shipments by volume, or by grade, size, and quality, or both, at any or all times that the industry, through the committee, may recommend and the Secretary approve. Such authority is essential in the order so that the various problems affected by the supply of celery may be met in the most appropriate manner in the order to help establish orderly marketing conditions and parity prices.

(k) The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality and maturity, and such grading and inspection requirements, during any and all periods when the seasonal average price for celery may be above parity, as will be in the public interest. Some celery is of such low quality that it does not give consumer satisfaction at any time because of the large amount of waste and the time consumed in preparing it. Consumers do not receive proper value for their expenditures for such low quality celery, and even when prices are above parity it is not in the public interest, either of the producers, handlers, or of consumers to permit shipments of such poor quality. The shipment of celery which is not of proper maturity also tends to disrupt general market conditions for the commodity and the discounted prices received for such celery adversely affects grower prices. It is also necessary that such authority should include grading and inspection requirements so that compliance with such minimum standards of quality and maturity may be determined whenever such regulations are in effect.

Exception was taken to the findings and conclusions with respect to standards of quality for celery and to the authority for establishing minimum standards of quality for Florida celery as will be in the public interest when the seasonal average price for celery may be above parity. Hearing record evidence is conclusive that quality of Florida celery is commonly recognized in the customary sales of the commodity. The establishment of minimum standards of quality for the commodity as will effectuate orderly marketing thereof in the public interest is authorized by the act. Exception with respect to quality and establishment of minimum standards thereof is overruled.

Although some small shipments of celery are made, they constitute only a minor percentage of total production. Some growers pick small quantities and peddle these to local stores, to tourists, or to other similar outlets. In some areas tourists call at the fields and pick up small quantities of celery. In addition, the sale of a few crates of celery to accommodate friends or to take care of special purposes oftentimes is desirable. Problems of inspecting such small lots, or other problems in complying with regulations on such small lots, may make it uneconomical, undesirable, and impractical to require that such small shipments comply with any or all regulations required of the larger commercial shipments. The administrative difficulties in checking upon such shipments to see that they are inspected, or that they meet grade, size, quality, or maturity restrictions, or that they pay assessments may be such that it would be impractical for the committee to attempt to do so. It might be necessary to permit the maintenance of one or more regulatory requirements on such minimum quantities while relaxing other regulations applicable to them. It is contemplated, of course, that any such relaxations of regulations will be applied uniformly. The order therefore should provide authority for the establishment of minimum quantities below which certain regulations may not be applicable in any or all portions of the production area.

(l) The Secretary, upon the basis of recommendations and information submitted by the committee, or other available information, should be authorized to modify, suspend, or terminate grade, size, or quality regulations with respect to the handling of celery for purposes other than disposition in normal domestic fresh markets. The committee should be well qualified, because of the experience and knowledge of individual members, to recommend such modifications, suspensions, or terminations as will be in the best interests of the Florida celery industry and which will tend to effectuate the declared policy of the act. Celery moving to or sold in certain outlets, such as those specified in § 937.59 of the order, are usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, packs, containers, or different prices are returned, or combinations of such considerations may apply. The order should provide authority for the committee and the Secretary to give appropriate consideration to handling of celery for such purposes so that full opportunity may be taken by this program to improve orderly marketing conditions for celery, thereby promoting the tendency to increase total returns to celery growers in the production area.

The movement of celery from the field to the wash house, or to any other customary location within the production area for grading should be free of grade, size, or quality regulations, if the committee so recommends and the Secretary approves. The imposition of grade, size, or quality regulations on movement of celery between the field and wash house, or to any other point in the production area for grading, as designated by the committee, may not serve any useful purpose in helping to improve producers prices. Such modifications may include elimination of grade, size, or quality requirements, or inspection requirements, or assessments, on celery being handled for grading within the production area.

The order should provide that special considerations may be given to the handling of celery for relief or for charitable purposes. Such shipments are intended for special outlets and usually the shipments are by way of donation or due to some special consideration between the shippers and the receivers.

Shipments of celery, among other vegetables, for the purpose of having such celery processed at canning plants, are specifically exempted from regulation by the act. Any mention of celery for canning or processing herein has particular reference merely to a safeguard, which requirement may cause such shipments to canners to be reported to the committee for the sole purpose of assuring the committee and the celery industry that such shipments are, in fact, moved to the outlet for which intended. No other regulation or restriction is implied on celery for canning or processing.

For purposes which may develop in the future, the committee should be empowered to provide special treatment through modification, suspension, or termination of regulation applicable thereto, or for other purposes which later may be specified by the committee, with the approval of the Secretary.

The authority for modifying, suspending, or terminating grade, size, quality, assessment, or inspection regulations should be accompanied by the additional administrative authority for the committee to recommend and the Secretary to prescribe adequate safeguards to prevent shipments for such purposes from entering market channels contrary to the provisions of such special regulations. Such safeguards may be recommended by the committee and they should be administered by the committee. The authority for establishment of safeguards should include such limitations or appropriate qualifications on shipments which are necessary and incidental to the proper and efficient administration of the order. Such safeguards, among others, may include inspection so that the committee may have an accurate record of the grade, size, and quality of celery shipped to special outlets, applications to make such special shipments, requirements for the payment of assessments in connection with such shipments, reports by handlers on the number of such shipments and the amounts of celery shipped, and assurances by purchasers that the celery is to be used for the purpose designated.

In order to maintain appropriate identification of shipments of celery to special outlets, the safeguards authorized herein may provide for the issuance of certificates of privilege to handlers of such celery and, in addition, require that such handlers shall obtain such certificates on all shipments by them to such special outlets. Certificates of privilege may be issued by the committee as an indication of the authority for a handler to make such shipments and as a means of identifying specific shipments. Such certificates of privilege should be issued in accordance with rules and regulations established by the Secretary on the basis of committee recommendations, or other available information, so that the issuance of such certificates may be handled in an orderly and efficient manner which can be made known to all handlers. The committee should be authorized by the order to deny or rescind certificates of privilege

when such action is necessary to prevent abuse of the privileges conferred thereby or upon evidence satisfactory to it, that a handler to whom a certificate of privilege has been issued has handled celery contrary to the provisions of the certificate previously issued to him. If the committee rescinds or denies a certificate of privilege to any handler, such action should be in terms of a specified period of time. Handlers affected by the denial of a certificate or the rescinding of such a certificate should have the right of appeal to the committee for a reconsideration.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or any certificates of privilege issued by the committee in order that the Secretary may retain all rights necessary to carry out the declared policy of the act. The Secretary should give prompt notice to the committee of any action taken by him in connection therewith and the committee should currently notify all persons affected by the indicated action.

The committee should maintain records relevant to the safeguards and to certificates of privilege and should submit reports thereon to the Secretary when requested in order to supply pertinent information requisite for him to discharge his duties under the act and the order.

(m) Inspection of celery grown in the production area by the Federal-State inspection service is a common and usual practice for the purpose of determining officially the grade, size, quality, and maturity of such celery. The Federal-State Inspection Service has operated in the State of Florida for a number of years. Celery growers and handlers throughout the production area are acquainted with the service and with the inspection which it offers on shipments of celery. Federal-State inspection is available throughout the entire production area and reasonably prompt inspection can be given at all points within the production area at a reasonable time prior to the anticipation of shipment of the celery to be inspected.

Provision is made in the order for inspection by the Federal-State Inspection Service, or such other inspection service as the Secretary may approve, of celery grown in the production area during any period in which handling of celery is regulated under the program. Such inspection requirements should apply to all celery handled under regulations issued under the order, except when any such handling is relieved from these requirements by the Secretary upon recommendation of the committee. Provision for inspection of handling subject to regulation establishes a means for providing the handler, the buyer, the committee, the Secretary, and other interested parties with a means of determining whether such handling of celery complies with the requirements of any particular grade, size, and quality regulation which may be in effect under the order. Effective regulation of the handling of celery grown in the production area requires that the grade, size, and quality of each sale or shipment of such celery should be authoritatively established so that the administration of the order shall be efficient and effective. The provision for inspection and the certificates which are issued pursuant to inspection offer an appropriate and practical means of establishing and identifying the grade, size, and quality of celery handled pursuant to the terms and conditions of the order.

Copies of inspection certificates issued pursuant to the requirements of the order should be supplied to the committee promptly so that such committee may properly discharge its administrative responsibilities under the program.

Provision should be made in the order for authority to inspect celery not only by personnel of the Federal-State Inspection Service, but also by personnel of such inspection service as the Secretary may designate so that sufficient flexibility for successful operation can be provided through appropriate inspection if, by some chance, the Federal-State Inspection Service cannot properly perform its duties.

The requirement that no handler shall handle celery unless each lot of celery is inspected by an authorized inspection service approved under the order is reasonable and it is necessary for the proper administration of the program. Such requirements should apply except to celery which may be relieved of inspection requirements by the Secretary.

Responsibility for obtaining inspection should fall primarily on the handler who first handles such celery after it has been prepared for market so that each lot of such celery may be identified and certified with respect to grade, size, and quality. Such identification and certification is essential to proper administration of the order so that a determination may be made as to whether such shipment accords with the grade, size, quality, and maturity regulations issued under such order. The handler who so first handles celery is required to obtain inspection and subsequent handlers may not handle the celery unless a properly issued inspection certificate valid under the terms of the order applies to such shipments. Each handler must bear responsibility for determining that each of his shipments is inspected. If a handler should receive celery which has not been inspected, he should be responsible for having it inspected. Such requirement is necessary so that the committee can obtain evidence in the form of inspection certificates which it needs to carry out its appropriate functions in determining if specific shipments have been inspected and if they otherwise meet requirements of the order and regulations issued pursuant thereto.

Whenever any shipment of celery subject to the terms and provisions of the order has been inspected, but such celery is later dumped from the containers in which it was inspected, such celery loses its identity insofar as the original inspection certificate for it is concerned. If any such lot of celery is thereafter repacked, such repacked celery has a new identity and the subsequent handling of such celery should comply with regulations issued under the order. Such requirement is necessary to effectuate the declared policy of the act. Therefore, the order should provide that any person who handles Florida celery after it has been repacked, resorted, or regraded shall not handle such celery unless it has been inspected, except when relieved from such requirements by the Secretary. Such inspection of regraded, resorted, or repacked celery should be necessary so that the handler thereof, as well as subsequent handlers, and the committee may determine if such shipments comply with the regulations then in effect and applicable thereto.

The committee, with the approval of the Secretary, should be authorized to determine the length of time the inspection certificate is valid insofar as the requirements of the order are concerned. Such requirement is appropriate and necessary especially with respect to lot inspections which may be administratively desirable to accommodate handlers and truckers because celery is a perishable commodity.

(n) Certain hazards are encountered in the production of celery grown in the production area which are beyond the control or reasonable expectation of the producer of such celery. Because of these circumstances, and to provide equity among producers and handlers insofar as any regulations under the order are concerned, the committee should be given authority to issue exemption certificates to producer applicants to permit such applicants to handle their equitable proportion of all celery handled. It is contemplated, however, that such an exemption will require the approved applicant to handle his best quality celery.

The committee, by reason of its knowledge of the conditions and problems applicable to the production of celery in the production area and the information which it will have available in each case, will be well qualified to judge each applicant's case in a fair and equitable manner and to fix the quantity of exempted celery which each such applicant may handle.

The provisions contained in the notice of hearing relevant to the procedure to be followed in issuing exemption certificates, in investigating exemption claims, in appealing exemption claim determinations, and in recording and reporting exemption claim determinations to the Secretary are necessary to the orderly and equitable operation of the order and they should, therefore, be incorporated in the order. The committee should maintain adequate, comprehensive records of all applications for exemptions. Similarly, an adequate record should be maintained by the committee of all exemptions granted as well as shipments made under exemptions.

Provision should be made for the Secretary to modify, change, alter, or rescind any procedure established by the committee for granting of exemptions and of exemptions granted pursuant to such procedure. This is desirable to guard against inequities in the granting of exemptions and to preclude the issuance of exemption certificates in unjustifiable cases.

(6) Except as provided in the order, no handler should be permitted to handle celery, the handling of which is

prohibited pursuant to the order, and

which is practicable, consistently with

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prohibited pursuant to the order, and no handler should be permitted to handle celery except in conformity with the order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of celery handled by him, would be demoralizing to other handlers and would tend to impair operation of the program.

(7) The provisions of §§ 937.80 through 937.95, as published in the FEDERAL REGISTER of February 26, 1955 (20 F. R. 1217), are common to marketing agreements and orders now operating. Such sections set forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the order. These provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the act, and are necessary to effectuate the other provisions of the order and to effectuate the declared policy of the act. The substance of such provisions, therefore, should be included in the order.

General findings. Upon the basis of evidence introduced in the hearing and record thereof it is found that:

(1) The order as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to celery produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such celery above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such celery as will be in the public interest, and (iv) by establishing and maintaining such orderly marketing conditions as will provide, in the interest of producers and consumers, an orderly flow of the supply of such celery to market throughout its normal marketing season to avoid unreasonable fluctuations in supplies and prices;

(2) The marketing agreement and order regulate the handling of celery grown in the production area in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement upon which a hearing has been held;

(3) The said marketing agreement and order are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of the several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of celery grown in the production area; and

(5) All handling of celery grown in the production area as defined in the said marketing agreement and order, is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Celery Grown in Florida" and "Order Regulating the Handling of Celery Grown in Florida" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid marketing agreement and the aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order, which will be published with this decision.

Dated: October 20, 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] *Regulating the Handling of Celery Grown in Florida*

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AUTHORITY: §§ 937.0 to 937.92 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047.

§ 937.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act. No. 10, 73rd Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Winter Haven, Florida, on March 28–31, 1955, upon a proposed marketing agreement and a proposed order regulating the handling of celery grown in Florida. Upon the basis of evidence introduced in the hearing, and the record thereof, it is found that:

[1] This order shall not become effective unless and until requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(1) The order as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to celery produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such celery above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such celery as will be in the public interest, and (iv) by establishing and maintaining such orderly marketing conditions as will provide, in the interest of producers and consumers, an orderly flow of the supply of such celery to market throughout its normal marketing season to avoid unreasonable fluctuations in supplies and prices;

(2) This order regulates the handling of celery grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) This order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the difference in the production and marketing of celery grown in the production area; and

(5) All handling of celery grown in the production area as defined in this order, is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

Order relative to handling. It is, therefore, ordered that on and after the effective time hereof, the handling of celery grown in Florida shall be in conformity to and in compliance with the terms and conditions of this order and such terms and conditions are as follows:

DEFINITIONS

§ 937.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 937.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq. 68 Stat. 906, 1947).

§ 937.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 937.4 *Production area.* "Production area" means the entire State of Florida.

§ 937.5 *Celery.* "Celery" means all varieties of celery grown within the production area.

§ 937.6 *Type.* "Type" or "variety" means and includes those classifications or subdivisions of celery according to definitive characteristics now or hereafter recognized by the United States Department of Agriculture as Pascal type or variety and Golden type or variety.

§ 937.7 *Handle.* "Handle" means to harvest celery, or to sell, transport, or ship celery within the production area or between the production area and any point outside thereof: *Provided*, That such term shall not include the sale of unharvested celery or the sale of celery at retail.

§ 937.8 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of celery owned by another person) who handles celery or causes celery to be handled.

§ 937.9 *Harvest.* "Harvest" is synonymous with "preparation for market" and means the cutting and stripping, and the sorting or separation of celery into grades and sizes for market.

§ 937.10 *Producer.* "Producer" or "grower" means any person who is engaged in the production of celery for market.

§ 937.11 *Grade and size.* "Grade" means any one of the established grades of celery as defined and set forth in the United States Standards for Celery (§§ 51.560 to 51.581 of this title), or the United States Consumer Standards for Celery Stalks (§§ 51.595 to 51.609 of this title), or amendments thereto, or modifications thereof, or variations based thereon; and "size" means the number of celery stalks which may be packed in a container of fixed size and capacity, as approved by the Secretary pursuant to the methods set forth in this part.

§ 937.12 *Container.* "Container" means a crate, bag, box, basket, package, or any other unit, used in the packaging, transportation, sale, shipment, or other handling of celery, the size, capacity, weight, dimensions, or pack of which is fixed pursuant to methods approved by the Secretary upon recommendation of the committee.

§ 937.13 *Pack.* "Pack" or "packs" means the manner in which stalks of celery may be placed in a container or containers.

§ 937.14 *Fiscal period.* "Fiscal period" means the period beginning August 1 and ending July 31 following.

§ 937.15 *Committee.* "Committee" means the administrative committee, called the Florida Celery Committee, established pursuant to § 937.25.

§ 937.16 *District.* "District" means each of the geographic divisions of the production area initially established pursuant to § 937.27, or as reestablished pursuant to § 937.28.

§ 937.17 *Field.* "Field" means a well delineated plot of cultivated land upon which celery is grown.

§ 937.18 *Block.* "Block" means a portion of a field or fields of celery which may be ready for harvest during designated periods.

§ 937.19 *Available supply of celery.* "Available supply of celery" means the linear feet of rows of unharvested celery of a particular variety ready for harvest for shipment during a particular prorate period or periods.

§ 937.20 *Allotment.* "Allotment" means the amount of celery which may be handled by any and all handlers during specific prorate periods.

§ 937.21 *Prorate period.* "Prorate period" means the period or periods of time recommended by the committee and approved by the Secretary during which allotments of celery may be established.

§ 937.22 *Export.* "Export" means shipment of celery beyond the boundaries of continental United States and of Canada.

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§ 937.25 *Administrative committee.* (a) The Florida Celery Committee, consisting of 9 producer members, is hereby established as the administrative committee. For each member of such committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a member or alternate of the committee shall be an individual who is a producer, or an officer or employee of a producer, in the district for which selected and a resident of the production area.

§ 937.26 *Term of office.* (a) The term of office of members and alternates of the committee shall be for one year and shall begin as of August 1 and end as of July 31.

(b) Such members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 937.27 *Districts.* For the purpose of determining the basis of selecting committee members and alternates, the following districts of the production area are hereby initially established:

District No. 1 or South Florida District. The Counties of Martin, Dade, Broward, Col-

lier, Monroe, Lee, Charlotte, St. Lucie, Okeechobee, Highlands, Indian River, Glades, Hendry, and Palm Beach.

District No. 2 or Florida West Coast District. The Counties of Sarasota, DeSoto, Hardee, Pinellas, Pasco, Polk, Manatee, and Hillsborough.

District No. 3 or Central and North Florida District. All the remaining counties in Florida not included in Districts 1 and 2.

§ 937.28 *Redistricting.* The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of committee members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in celery acreage within districts and within the production area during years immediately preceding such consideration; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 937.29 *Selection.* The Secretary shall select 3 members, with alternates, from District No. 1, 2 members, with alternates, from District No. 2, and 4 members, with alternates from District No. 3, to serve on the committee.

§ 937.30 *Nomination.* The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers shall be held in each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such Department. Appropriate notice of such meetings shall be given to growers by means of press release to newspapers and other media of communications. For nominations for succeeding members and alternates, the committee shall give appropriate notice thereof and shall hold such meetings or cause them to be held prior to July 10 of each year, after the effective date of this subpart.

(b) At each such meeting at least two nominees shall be designated for each position as committee member and for each position as alternate. The producer in each district who during the season immediately prior to the current fiscal period sold of his own production the largest amount of celery among all producers in such district and who elects to vote therein may designate two such nominees for a member and two such nominees for an alternate. At such meetings other eligible voters may ballot to indicate the ranking of their choice among the nominees.

(c) Nominations for committee members and for alternates, other than initial members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15, of each year.

(d) In the event a person is engaged in producing celery in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees.

(e) Regardless of the number of districts in which a person produces celery, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the district in which he elects to vote.

§ 937.31 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 937.30, the Secretary may, without regard to nominations, select the members and alternates of the committee, which selection shall be on the basis of the representation provided for in § 937.29.

§ 937.32 *Acceptance.* Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 937.33 *Vacancies.* To fill vacancies in the committee, the Secretary may select such members or alternates from unselected nominees on the respective current nominee lists from the district involved, or from nominations made in the manner specified in § 937.30. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in § 937.29.

§ 937.34 *Alternate members.* An alternate shall act in the place and stead of the respective committee member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 937.35 *Procedure.* (a) Six members of the committee shall be necessary to constitute a quorum and the same number of concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be promptly confirmed in writing: *Provided,* That if any assembled meeting is held, all votes shall be cast in person.

§ 937.36 *Expenses and compensation.* Committee members and alternates may be reimbursed for expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part.

§ 937.37 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 937.38 *Duties.* It shall be the duty of the committee:

(a) At the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To prepare a marketing policy;

(f) To recommend marketing regulations to the Secretary;

(g) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both;

(h) To investigate an applicant's claim for exemption;

(i) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary or his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(j) At the beginning of each fiscal period to prepare a budget of committee expenses for such fiscal period, together with a report thereon;

(k) To cause committee books to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request;

(l) To prepare and maintain, in cooperation with handlers, an accurate map or diagram for each field of celery by grower designation and by blocks;

(m) To provide an adequate system for determining the total available supply of celery by varieties or types, and to make such determinations, including determinations by grade and size, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this part;

(n) To investigate compliance with respect to any regulation pursuant to this part applicable to handling of celery or harvesting celery for shipment;

(o) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 937.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for the maintenance and functioning of the committee, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period or such portion or portions thereof as the committee may recommend and the Secretary approve as a representative period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of celery handled by him as the first handler thereof during the fiscal period or representative period and the total quantity of celery handled by all handlers as first handlers thereof during such fiscal period or representative period.

§ 937.41 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 937.42 *Assessments.* (a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. During any period in which handling of celery is regulated pursuant to this part each handler who first handles celery after it has been prepared for market shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all handling of celery which is regulated under this part and which is handled by the first handler thereof during such fiscal period.

§ 937.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part.

(b) The report of the audit which the committee is required to have made at least once each fiscal period shall show the receipts and expenditures of funds collected pursuant to this part. A copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers.

(c) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee, or alternate, he shall account to his successor, the committee, or the person designated by the Secretary, for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(d) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 937.44 *Refunds.* At the end of each fiscal period or other representative period used by the committee as a basis for seasonal accounting, monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds collected during a fiscal period which are in excess of the expenses necessary for the committee's operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the committee: *Provided,* That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of such liquidation shall to the extent practical be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH

§ 937.48 *Research and development.* The committee may investigate from time to time and assemble data on the growing, harvesting, shipping, and marketing conditions with respect to celery, and, upon approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of celery.

REGULATION

§ 937.50 *Marketing policy.* (a) Prior to or at the same time as recommendations are made pursuant to § 937.51, a marketing policy deemed desirable for the industry to follow in handling celery during the ensuing marketing period shall be developed by the committee. In developing such marketing policy, the committee shall give due consideration to the following:

(1) Estimates by districts and by prorate periods of the available supply, in terms of linear feet of rows, or crates, or both, of celery by types or groupings thereof, by grade, size, and quality in the production area, and supply estimates for celery in competing areas;

(2) Estimated shipments by prorate periods for the current season of celery from each district and from competing areas;

(3) Estimated supplies of competing commodities;

(4) Current and prospective marketing prices and marketing conditions for Florida celery, including prices by grades, sizes, and quality, and similar estimates for competing areas;

(5) Estimates of harvesting and marketing costs and charges for celery grown in Florida;

(6) The level and trend of consumer income;

(7) Marketing conditions affecting celery prices; and

(8) Other factors pertinent to celery marketing.

(b) The marketing policy shall be reported to the Secretary by the committee. Additional reports shall be submitted from time to time if requested by the Secretary, or if it is deemed advisable by the committee to adopt a new marketing policy because of changes in the demand and supply situation with respect to celery. Such reports shall set forth: (1) Estimates of the available supply of celery for shipment during the season or respective portions thereof and estimates of the proportion of such crop which should be shipped during such season or respective portions thereof; (2) the proposed regulations which may be recommended by the committee during such season, or respective portions thereof, and the justification therefor; and (3) the estimates and other data set forth in and considered pursuant to paragraph (a) of this section.

(c) The committee shall notify producers and handlers of the contents of each such report by publishing a summary thereof in such newspapers of general circulation in each district as the committee may select.

§ 937.51 *Recommendations for regulations.* The committee, upon complying with the requirements of § 937.50, may recommend to the Secretary regulations authorized in this part whenever it finds that such regulations will tend to effec-

tuate the declared policy of the act. The committee may also recommend amendment, modification, termination, or suspension of any regulation issued under this part.

§ 937.52 *Issuance of regulation.* The Secretary shall regulate the handling of celery in any one or more of the ways set forth in this subpart whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(a) Limit, in any or all portions of the production area, the handling of particular grades, sizes, qualities, or packs of any or all types of celery during any period; or

(b) Limit the handling of particular grades, sizes, qualities, or packs of celery differently, for different types, for different portions of the production area, for different containers, for different purposes specified in § 937.60; or any combination of the foregoing during any period; or

(c) Limit the handling of celery by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(d) Fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of celery; or

(e) Fix, or provide methods pursuant to §§ 937.53 through 937.55 for fixing, the total allotments of any or all types of celery that may be handled by each handler during a specified prorate period or periods.

§ 937.53 *Prorate bases.* (a) Each handler who has celery available for handling during a particular prorate period or periods and who desires to handle such celery during such prorate periods, shall submit to the committee a written application for a prorate base and for allotments as provided in this part. Such applications and supporting information shall be submitted in such manner and in such form as the committee shall designate pursuant to rules and regulations approved by the Secretary pursuant to § 937.56.

(b) For each prorate period during the marketing season when volume regulation has been or is likely to be recommended for a particular type of celery, the committee, upon receipt of applications for prorate bases and allotments with accompanying reports and information from handlers, shall compute the available supply of celery of such type of each handler who has applied for prorate bases and for allotments. On the basis of such computations, the committee shall fix prorate bases for each handler who is entitled thereto. Each such prorate base shall represent the ratio between the available supply of celery of the particular type of each applicant during a particular prorate period and the total available supply of celery of the same type of all such applicants during the same prorate period. The committee shall notify each handler of each prorate base fixed for him.

§ 937.54 *Allotments.* (a) The Secretary, upon the basis of recommendations by the committee or other available information, shall fix the total linear feet of rows from which each type of celery may be handled during any specified prorate period or periods, and whenever the Secretary so fixes such total, the committee shall compute the quantity of each such type of celery that may be handled by each handler during such prorate period or periods. Each such quantity shall be the allotment of such handler and shall be in an amount equivalent to the product of the prorate base for such handler for a particular type of celery and the total linear feet of rows of the same type fixed by the Secretary as the total of such type from which celery may be handled during such prorate period or periods. Each allotment for each handler shall be designated by type in terms of linear feet of rows of celery that may be harvested. The committee shall give reasonable notice to each handler of the allotment computed for him pursuant to this part.

(b) During a particular prorate period celery may be handled by any handler pursuant to an allotment only from such harvested rows which are contained in the fields and blocks specified in the applicable approved report filed by such handler which shows his available supply of celery for such specified prorate period. Such celery, shall be harvested from the same relative location in each row of each block within each field, or from consecutive complete rows except that the last rows cut in each block or field may be fractions of rows to complete the total linear feet of rows of celery specified in the allotment.

(c) Celery contained in any handler's reported available supply of celery for a particular prorate period and not included in the allotment, as aforesaid, for such period shall remain unharvested until a certificate of compliance has been issued by a designated agent of the committee with respect to such unharvested celery. None of such unharvested celery may thereafter be harvested for shipment unless all handlers' unharvested celery, originally contained in reports of available supply of celery for a particular prorate period is authorized by the Secretary to be harvested for shipment. The Secretary may issue such authorization upon recommendation of the committee or upon other available information.

§ 937.55 *Modification of allotments.* (a) Each handler who gives written or telegraphic notice to the committee that such handler will not, during a current prorate period, harvest for shipment all or a portion of the celery included in his allotment for such prorate period, may withdraw his application for such allotment or portion thereof. All such celery which was included in the previous application and which is not harvested, as aforesaid, may thereafter be included in such handler's report of his available supply of celery for any subsequent prorate period; and an application based thereon for a prorate base and an allotment may be made for such prorate period. In the event of allotments during such subsequent period for the type which was withdrawn, as aforesaid, the prorate base for such withdrawn celery for such subsequent prorate period shall be a number of percentage points, as recommended by the committee, and approved by the Secretary, lower than the prorate base which applies to such variety for such prorate period.

(b) Each handler who gives written or telegraphic notice to the committee that such handler desires, during a particular prorate period, to harvest a quantity of a particular type of celery in excess of his allotment for such prorate period may exceed his allotment on the following conditions in addition to those set forth in § 937.54 (b): (1) The total number of linear feet of rows of such type of celery which such handler desires to harvest for shipment shall be included in the aforesaid notice and shall be identified by field, block, and row; and (2) the prorate base for such total number of linear feet of rows shall be a number of percentage points lower, as recommended by the committee and approved by the Secretary, than the prorate base which applies to such type for such prorate period.

§ 937.56 *Reports.* (a) The committee, with approval of the Secretary, may request handlers for reports and information which are necessary and incidental to the operation of this part. Each handler so requested pursuant hereto shall submit such reports and information to the committee. Such reports may include, but not be limited to, estimates by handlers, in such form and at such times as the committee finds necessary, of the quantities of celery available for handling or handled during specific periods by each reporting handler.

(b) The committee may prescribe, with approval of the Secretary, through rules and regulations, the type of reports, the times when such reports shall be submitted, and the information which shall be submitted by handlers with respect to the celery which they own or control. Such reports may be requested weekly, if found necessary but not more often, in the case of regulation by prorate periods. Maps or diagrams of fields and blocks of celery, by variety or type, by time of planting, by time of prospective harvest, and by the amount handled during specific periods, by grade, size, and quality, as well as other reports and information necessary and incidental to the operation of this part, may be requested as parts of handlers' reports.

(c) All reports, including reports of available supply of celery submitted by handlers, and all requests for allotment shall be subject to inspection, correction of errors, and approval by the committee. All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers' identities or operations.

§ 937.57 *Notice.* (a) The committee shall give notice to all handlers of meetings to consider recommendation of regulation pursuant to § 937.52. Such notice shall contain a direction to handlers to make the application required by § 937.53 (a), whenever the committee contemplates recommending regulation pursuant to § 937.52 (e). Such notice shall be given in adequate time prior to the meeting for handlers to receive such notice, and the adequate time shall be determined pursuant to the rules and regulations authorized by § 937.56 (b) as approved by the Secretary.

(b) The committee shall promptly give notice of any recommendation for regulations pursuant to § 937.52 (e) at least forty-eight (48) hours before the recommended effective time of the proposed regulation by forwarding a copy of such recommendation to each handler who has filed his address with the committee for this purpose.

(c) Prior to the beginning of each regulation issued pursuant to § 937.52, the Secretary shall notify the committee of the regulation issued and such committee shall promptly give notice thereof to all handlers and also shall forward a copy of such notice to each handler who has filed his address for that purpose with the committee.

§ 937.58 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued or effective pursuant to §§ 937.42, 937.52, 937.59, 937.60, 937.65, or any combination thereof.

§ 937.59 *Shipments for special purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 937.42, 937.52, 937.58, 937.65, or any combination thereof, in order to facilitate handling of celery for the following purposes:

(a) For grading within the production area;

(b) For export;

(c) For relief or for charity; or

(d) For other purposes which may be specified.

§ 937.60 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 937.58 or § 937.59 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to handle celery pursuant to §§ 937.58 and 937.59; or

(2) Handlers shall obtain inspection provided by § 937.65, or pay the assessment pursuant to § 937.42, or both, in connection with handling pursuant to § 937.59; or

(3) Handlers shall obtain Certificates of Privilege from the committee for handling of celery under the provisions of §§ 937.58 and 937.59.

(b) The committee may rescind Certificates of Privilege, or deny such certificates to any handler, if proof is obtained that celery handled by him was handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of celery covered by such applications, the number of such applications denied and certificates granted, the quantity of celery handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 937.65 *Inspection and certification.* (a) During any period in which the handling of celery is regulated pursuant to §§ 937.52 or 937.59, or both, no handler shall handle celery unless such celery is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, and is covered by a valid inspection certificate, except when relieved from such requirements by the Secretary pursuant to recommendation by the committee.

(b) Regrading, resorting, or repacking any lot of celery shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle celery after it has been regraded, resorted, repacked, or in any other way further prepared for market within the production area, unless such celery is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirement by the Secretary, pursuant to recommendation of the committee.

(c) Insofar as the requirements of this section are concerned the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When celery is inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

EXEMPTIONS

§ 937.70 *Procedure.* The committee may adopt, with approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers for the purpose of obtaining equitable treatment under regulation issued pursuant to § 937.52.

§ 937.71 *Granting exemptions.* The committee shall issue certificates of exemption to any producer who applies for such exemptions and furnishes adequate evidence to the committee, that by reason of a regulation issued pursuant to § 937.52 he will be prevented from handling as large a proportion of his celery as the average proportion handled during the entire season, or such portion thereof as may be determined by the committee, of all producers' celery in said applicant's immediate production area and the grade, size, or quality of the applicant's celery crop has been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handling of such quantity of celery as may be specified thereon. Such certificate shall be transferred with such celery at the time of transportation or sale.

§ 937.72 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 937.73 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 937.74 *Records.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of celery covered by such exemption certificates, a record of the amount of celery handled under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and an exemptions granted pursuant to §§ 937.70, through 937.73.

MISCELLANEOUS PROVISIONS

§ 937.80 *Compliance.* Except as provided in this subpart:

(a) No handler shall handle celery, the handling of which has been prohibited in accordance with the provisions of this part; and

(b) No handler shall harvest celery for shipment during any prorate period in which a regulation issued by the Secretary pursuant to § 937.52 (e) is in effect, unless such celery is covered by an allotment or modification thereof.

§ 937.81 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved action of said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 937.82 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

§ 937.83 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one (1) day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds, by referendum or otherwise, that such termination is favored by the majority of the producers who, during such representative period as may be determined by the Secretary, have been engaged in the production of celery for market: *Provided*, That such majority has, during such representative period, produced for market more than fifty (50) percent of the volume of celery produced for market, but such termination shall be effective only if announced on or before June 30 of the then current fiscal period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 937.84 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of said committee, of all funds and property then in the possession of or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination. The rules of procedure governing the activities of said joint trustees, including but not being limited to the determination as to whether action shall be taken by a majority vote of the joint trustees, shall be prescribed by the Secretary.

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary; (2) shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the joint trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

§ 937.85 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued pursuant to this subpart or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 937.86 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 937.87 *Agents.* The Secretary may, by designation in writing, name any person including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 937.88 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 937.89 *Personal liability.* No member or alternate of the committee, nor any employee thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person or errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty.

§ 937.90 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 937.91 *Amendments.* Amendments to this subpart, may be proposed, from time to time, by the committee or by the Secretary.

§ 937.92 *Title.* This subpart shall be entitled Order No. 37. Reference to this subpart in rules and regulations pursuant thereto may be made to this title and such reference shall be considered comprehensive, and to include all amendments thereto that are in effect at the time of such reference.

Order Directing That a Referendum Be Conducted Among Producers; Designating Agents to Conduct Such Referendum; and Determination of a Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among producers who, during the period August 1, 1954, to July 31, 1955 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the production area as defined in § 937.4 of Order No. 37 (7 CFR Part 937), in the production of celery for market, to determine whether such producers approve or favor the issuance of an order regulating the handling of celery grown therein, and said order is annexed to the decision of the Secretary of Agriculture.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection With Marketing Orders (Except Those Applicable to Milk and Its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176).

For the purpose of this referendum, the production area defined in § 937.4 of Order No. 37 means the entire State of Florida.

M. F. Miller and W. R. Cleveland, Field Representatives, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Florida Citrus Mutual Building, Lakeland, Florida, and E. E. Gallahue, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the text of the aforesaid order, the aforesaid procedure, and of this order may be examined in the office of the referendum agents, at the office of the Hearing Clerk, Administration Building, U. S. Department of Agriculture, Washington, D. C., and at those places within the production area announced by the referendum agents.

Ballots to be cast in the referendum and copies of the text of said order may be obtained from any referendum agent and any appointee hereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 20th day of October 1955.

[F. R. Doc. 55-8610; Filed, Oct. 24, 1955; 8:54 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 329]

PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following amendment of § 329.0 of Chapter III, Title 12, Code of Federal Regulations, is contemplated. Prior to its final adoption, however, consideration will be given to any data, views or comments pertaining thereto which are submitted in writing to the Secretary, Federal Deposit Insurance Corporation, Washington 25, D. C., by any interested person within thirty days from the publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

Section 329.0 is amended by deleting the last sentence thereof which reads as follows: "The provisions of this part do not apply to mutual savings banks or to any deposit in a bank located outside of, or payable only at a bank's office which is located outside of, the States of the United States and the District of Columbia."

and by substituting in lieu thereof the following sentence: "The provisions of this part do not apply to mutual savings banks, or to guaranty savings banks operating in the State of New Hampshire so long as said guaranty savings banks operate substantially under and pursuant to the laws of the State of New Hampshire pertaining to mutual savings banks and do not engage in commercial banking, or to any deposit in a bank located outside of, or payable only at a bank's office which is located outside of, the United States of America and the District of Columbia."

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] A. J. LODA,
Acting Secretary.

[F. R. Doc. 55-8644; Filed, Oct. 24, 1955; 8:56 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTE NO. 30; WASHINGTON AND OREGON PORTS/FAR EAST

ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS; CONCLUSIONS AND DETERMINATIONS

Notice is hereby given that on October 14, 1955, the Maritime Administrator, acting pursuant to Section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States Foreign Trade Route No. 30 and, in accordance with his action of October 29, 1954, ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said route be published in the FEDERAL REGISTER:

1. Trade Route No. 30, as described below is reaffirmed as an essential foreign trade route of the United States with no change in the United States and foreign areas served:

Between Washington and Oregon ports and ports in the Far East (Japan, Formosa, Philippine Islands, and the Continent of Asia from the Union of Soviet Socialist Republics to Siam, inclusive).

2. Requirements for United States flag operation are approximately 9 to 11 sailings per month of freight vessels, with approximately one-half serving the route exclusively, and the remainder serving it in conjunction with other United States Coastal areas.

3. The C-3 type freighter now operated on Trade Route No. 30 is suitable for operation thereon, and the present C-2 type and AP-3 Victory type ships are suitable for interim operation thereon. Under present conditions approximately 22 to 27 U. S. flag freighters are required to serve the route adequately. Replacement freighters should be somewhat superior to the present C-3 design.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views thereon should submit same in writing to the Secretary, Maritime Administration, Department of Commerce, Washington 25, D. C., within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: October 20, 1955.

By order of the Maritime Administrator.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-8612; Filed, Oct. 24, 1955; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY THE ALABAMA STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE

Section 729.731 of the Marketing Quota Regulations for the 1956 Crop of Peanuts (20 F. R. 6033), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1393), provides that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State Committee. In accordance with Section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Alabama State Agricultural Stabilization and Conservation Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the persons to whom the authority has been redelegated:

ALABAMA

Section 729.711 (i) (5)—County Committees.

Section 729.728—State Administrative Officer and District Fieldman of the Office of the State ASC Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1372, 1373, 1374, 1376, 1388)

Issued at Washington, D. C., this 19th day of October 1955.

[SEAL] EARL M. HUGHES,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 55-8585; Filed, Oct. 24, 1955; 8:49 a. m.]

PEANUTS

REDELEGATION OF FINAL AUTHORITY BY THE NEW MEXICO STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE

The Marketing Quota Regulations for the 1955 Crop of Peanuts (20 F. R. 3819), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1393), provide that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State committee. In accordance with Section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the

redelegations of final authority which have been made by the New Mexico State Agricultural Stabilization and Conservation Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. There are set out below the sections of the regulations in which such authority appears and the person of the Agricultural Stabilization and Conservation Committee to whom the authority has been redelegated.

NEW MEXICO

Sections 729.653 (b) and (c) and 729.657 (c)—Dale H. Helsper, State Administrative Officer and W. C. Hutchins, Jr., Program Specialist, of the State ASC Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361–68, 1372, 1373, 1374, 1376, 1388)

Issued at Washington, D. C., this 19th day of October 1955.

[SEAL] EARL M. HUGHES,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 55-8586; Filed, Oct. 24, 1955; 8:49 a. m.]

PEANUTS

REDELEGATION OF FINAL AUTHORITY BY THE GEORGIA STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE

Section 729.731 of the Marketing Quota Regulations for the 1956 Crop of Peanuts (20 F. R. 6033), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1393), provides that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State committee. In accordance with Section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Georgia State Agricultural Stabilization and Conservation Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the persons to whom the authority has been redelegated:

GEORGIA

Sections 729.717 (b) (5), 729.718 and 729.727—State Administrative Officer; Chief, Programs Division; and Chief, Audit and Statistical Division of the Office of the State ASC Committee.

Sections 729.719 (b), 729.720, 729.722 (a), and 729.728—State Administrative Officers; Chief, Programs Division; Chief, Audit and Statistical Division; and Farmer Fieldman of the Office of the State ASC Committee.

Sections 729.724 (b) (c) and 729.730—State Administrative Officer; Chief, Programs Division and Marketing Quota Specialist, of the Office of the State ASC Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1372, 1373, 1374, 1376, 1388)

Issued at Washington, D. C., this 19th day of October 1955.

[SEAL] EARL M. HUGHES,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 55-8587; Filed, Oct. 24, 1955; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

BELLE FOURCHE PROJECT, SOUTH DAKOTA

ORDER OF REVOCATION

MARCH 25, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of July 18, August 31, 1903, and September 27, 1909, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

BLACK HILL MERIDIAN, SOUTH DAKOTA

T. 8 N., R. 6 E.,
Sec. 11, SE¼NE¼;
Sec. 12, W½NE¼NW¼.

The above areas aggregate 280 acres.

N. B. BENNETT,
Acting Assistant Commissioner.

[Montana 015099 (SD)]

OCTOBER 19, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are included in allowed homestead entries, Pierre 022775 and 022876, and are therefore not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55-8570; Filed, Oct. 24, 1955; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 5770, 6024]

NORTH CENTRAL—LAKE CENTRAL; ACQUISITION OF CONTROL AND INTERLOCKING DIRECTORATE PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that hearing in the above-entitled proceeding is postponed from October 24, 1955, to November 8, 1955, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., October 18, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8555; Filed, Oct. 24, 1955; 8:45 a. m.]

[Docket No. 7278]

LINEAS AEREAS DE NICARAGUA, S. A. (LANICA)

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, now assigned for November 2, 1955, is postponed to November 21, 1955, 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., October 18, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8556; Filed, Oct. 24, 1955; 8:45 a. m.]

[Docket No. SA-311]

ACCIDENT ON MEDICINE BOW PEAK, WYOMING

INVESTIGATION AND HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 30062, on Medicine Bow Peak, Wyoming, October 6, 1955.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Monday, November 7, 1955, at 9:30 a. m. (local time) in the Farmers' Union Building, Room 100, Corner of 16th and Sherman Streets, Denver, Colorado.

Dated at Washington, D. C., October 19, 1955.

[SEAL] VAN R. O'BRIEN,
Presiding Officer.

[F. R. Doc. 55-8607; Filed, Oct. 24, 1955; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-6483]

ARKLA OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 18, 1955.

Take notice that W. G. Skelly, Gertrude Skelly, Joan Skelly Stuart and Carolyn Skelly Burford, doing business as Arkla Oil Company, Applicant, whose address is Rodessa, Louisiana, filed on November 29, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in the Rodessa Field, Miller County, Arkansas, and sells it in interstate commerce to the Arkansas-Louisiana Gas Company for resale. Applicant also purchases natural gas from other producers in the same field which is sold to the same company for the same purpose and in the same manner.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 21, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 10, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8571; Filed, Oct. 24, 1955; 8:46 a. m.]

[Docket No. G-7342]

H. R. SMITH ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 18, 1955.

In the matter of H. R. Smith, A. E. Bruggemann, Southwestern Oil & Refining Company, Columbus Export Corporation; Docket No. G-7342.

Take notice that H. R. Smith an individual whose address is Box 98, Alice, Texas, filed on behalf of the above-entitled applicants on January 3, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants propose to produce and sell natural gas from the La Jara Field in Hidalgo County, Texas, to Tennessee Gas Transmission Company (Tennessee). Tennessee will transport the gas commingled with its other gas supplies for sale in interstate commerce.

The initial rate for the sale of gas to Tennessee is 10 cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 21, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW. Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 6, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or to be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8572; Filed, Oct. 24, 1955; 8:46 a. m.]

[Docket Nos. G-8770, etc.]

DOROTHY V. RICHIE ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 18, 1955.

In the matters of Dorothy V. Richie, et al., Docket Nos. G-8770 and G-8775; W. H. Helmerich, III, et al., Docket No. G-8786; Mary Norvel Castro (Trustee), Docket No. G-8798; Dealmax Oil Company, Docket No. G-8800.

Take notice that the above-designated Applicants filed applications, docketed as above listed and as hereinafter tabulated, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing each Applicant to render service as shown in the tabulation, subject to the jurisdiction of the Commission, all as more fully stated in the applications which are on file with the Commission and open for public inspection.

Applicants produce natural gas from the gas fields in certain locations as shown and sell it in interstate commerce to the purchasers named below.

Docket No.	Purchaser's name	Gas field	County and State
G-8770	Montana-Dakota Utilities Co.	(Cedar Creek (Anticline	Fallon, Mont. Bowman, N. Dak.
G-8775		(Cedar Creek (Anticline	Fallon, Mont. Bowman, N. Dak.
G-8786	Cities Service Gas Co.	Hugoton	Haskell, Kans.
G-8798	United Fuel Gas Co.	Crawley Creek	Logan, W. Va.
G-8800	Arkansas-Louisiana Gas Co.	Waskom	Harrison, Tex.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 17, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 7, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8573; Filed, Oct. 24, 1955; 8:47 a. m.]

[Docket No. 8914]

J. M. HUBER CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 18, 1955.

Take notice that J. M. Huber Corporation (Applicant), a New Jersey corporation whose address is P. O. Box 831, Borger, Texas, filed on May 16, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to be produced from the Lucky Field, Matagorda County, Texas, to Tennessee Gas Transmission Company (Tennessee). Tennessee will transport and sell the gas in interstate commerce. The proposed initial rate is 13.70018 cents per Mcf at 14.65 p. s. i. a.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 22, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 8, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure, herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or to be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8574; Filed, Oct. 24, 1955; 8:47 a. m.]

[Docket No. G-9049 etc.]

SINCLAIR OIL AND GAS CO. ET AL.

NOTICE OF APPLICATIONS, CONSOLIDATION OF PROCEEDINGS, AND DATE OF HEARING

OCTOBER 18, 1955.

In the matters of Sinclair Oil and Gas Company, Docket No. G-9049; The Atlantic Refining Company, Docket No. G-9154; Transcontinental Gas Pipe Line Corporation, Docket No. G-9162.

Transcontinental Gas Pipe Line Corporation (hereinafter referred to as Transco), a Delaware corporation with its principal place of business at Houston, Texas, filed on July 21, 1955, its application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing it to construct and operate gas facilities as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in its application which is on file with the Commission and open for public inspection.

(1) To construct and operate approximately 1,600 feet of 4-inch pipeline.

(a) A meter station and appurtenant equipment from a point in Palmetto Field, St. Landry Parish, Louisiana, to Transco's main 30-inch pipeline.

The purpose of the above project is to make available to Transco's system an additional supply of gas at minimum expense and to provide a market for the gas from the Palmetto Field.

The Atlantic Refining Company has heretofore filed for a certificate of public convenience and necessity, such notice and date of hearing being issued on September 14, 1955 at (20 F. R. 6758).

The Sinclair Oil and Gas Company (hereinafter referred to as Sinclair) a Maine corporation with its principal place of business at Tulsa, Oklahoma, filed on June 17, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing it to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application which is on file with the Commission and open for public inspection.

Sinclair proposes to produce natural gas from Palmetto Field, St. Landry Parish, Louisiana, which will be sold to Transco for transportation in interstate commerce for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 17, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D., C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 2, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8575; Filed, Oct. 24, 1955; 8:47 a. m.]

[Docket Nos. G-9116, G-9117]

UNITED GAS PIPE LINE CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 18, 1955.

Take notice that United Gas Pipe Line Company (United), and Transcontinental Gas Pipe Line Corporation (Transco), Applicants, both Delaware corporations and with their principal places of business at Shreveport, Louisiana, and Houston, Texas, respectively, filed on July 8, 1955, complimentary applications for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing them to construct and operate interconnecting facilities to provide for an exchange of natural gas on an interruptible basis between their already existing facilities during emergencies subject to the jurisdiction of the Commission all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

United proposes to construct and operate the necessary tap and metering facilities to connect with Transco's pipeline in Walthall County, Mississippi.

Transco proposes to construct 40 feet of 16-inch connecting pipeline at a point where Transco's 30-inch pipeline and United's 24-inch Baxterville lateral cross in Walthall County, Mississippi.

United states that the proposed facilities will have a delivery capacity of 304,000 Mcf per day at a pressure of 800 p. s. i. g. The tie-in will be located approximately 6.2 miles downstream from United's compressor station at the junction of its cross-country 30-inch mainline and its 24-inch Baxterville lateral and 4.4 miles downstream from Transco's compressor station number seven.

Transco indicates a pressure of about 800 p. s. i. g. and a delivery capacity of about 700,000 Mcf per day at its compressor station.

United's proposed rate schedule X-6 and Transco's proposed rate schedule X-14 comprise a contract, dated June 1, 1955, covering the proposed exchange of gas. It provides that the amount of gas exchanged will be such quantity as may be agreed upon at the time of emergency and specifies that the exchange of gas shall not result in curtailment of deliveries to the regular markets of the party supplying gas.

The contract also provides for a return in kind within 90 days by the party receiving the gas.

Operating and maintenance cost of the metering facilities will be equally divided between the Applicants. Term of the contract is one year.

No additional markets beyond those previously certificated by the Commission are to be served by either Applicant. No additional gas supply is involved herein.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 18, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 3, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8576; Filed, Oct. 24, 1955; 8:47 a. m.]

[Docket No. G-9234]

NORTEX OIL & GAS CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 18, 1955.

Take notice that Nortex Oil & Gas Corp. (Applicant), a Delaware corporation whose address is Fidelity Union Life Building, Dallas, Texas, filed on August 16, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to be produced from the Carroll Unit, Logansport Area, Desoto Parish, Louisiana, to Southern Natural Gas Company (Southern). Southern will transport and sell the gas commingled with its other supplies in interstate commerce. The initial rate proposed is 12.82 cents per Mcf at 15.025 p. s. i. a.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 23, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (20) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 9, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be necessary for Applicant to appear or to be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8577; Filed, Oct. 24, 1955; 8:47 a. m.]

[Docket No. G-9476]

TEXAS GULF PRODUCING CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Texas Gulf Producing Company, et al. (Applicant), on September 19, 1955, tendered for filing proposed changes in presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, indicated	United Fuel Gas Co	Supplement No. 2 to Applicants FPC Gas Rate Schedule No. 10.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 12, 1955.

Issued: October 18, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8578; Filed, Oct. 24, 1955; 8:47 a. m.]

[Docket No. G-9498]

SHAMROCK OIL AND GAS CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

The Shamrock Oil and Gas Corporation (Applicant) on September 20, 1955, tendered for filing proposed change in presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, undated	Northern Natural Gas Co	Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 3.	Dec. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges pro-

(B) Interested State commissions may

[Docket No. G-9501]

manner prescribed by the Natural Gas Act.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 1, 1956, until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 12, 1955.

Issued: October 18, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8579; Filed, Oct. 24, 1955; 8:48 a. m.]

[Docket Nos. G-1705, etc.]

PANHANDLE EASTERN PIPE LINE CO. ET AL

NOTICE OF ORDER GRANTING AND DENYING IN PART APPLICATIONS FOR TEMPORARY CERTIFICATE

OCTOBER 19, 1955.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1705, G-1937, G-2433, G-2475 and G-8665; Missouri Public Service Company, Docket No. G-2057; City of Montgomery, Missouri, Docket No. G-2932; Town Gas Company of Illinois, Docket No. G-3159; Missouri Central National Gas Company, Docket No. G-4611; Village of Westville, Illinois, Docket No. G-4666; Village of Pleasant Hill, Illinois, Docket No. G-4940; City of Waverly, Illinois, Docket No. G-5139; Village of Rossville, Illinois, Docket No. G-5979; Central Illinois Electric & Gas Company, Docket No. G-8428; City of Winchester, Illinois, Docket No. G-8431; Village of Franklin, Illinois, Docket No. G-8471; City of Hickman, Kentucky, Docket No. G-8526; Trunkline Gas Company, Docket No. G-8664; City of McLeansboro, Illinois, Docket No. G-8676; City of Vienna, Illinois, Docket No. G-8677; City of Clinton, Kentucky, Docket No. G-8771; City of LaCenter, Kentucky, Docket No. G-8888; City of Bardwell, Kentucky, Docket No. G-8939; City of Wickliffe, Kentucky, Docket No. G-8962; Lake County Utility District, Docket No. G-8963.

Notice is hereby given that on October 5, 1955, the Federal Power Commission issued its order adopted October 5, 1955, granting in part and denying in part applications for temporary certificate in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8590; Filed, Oct. 24, 1955; 8:50 a. m.]

[Docket No. G-9499]

STANOLIND OIL AND GAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Stanolind Oil and Gas Company (Applicant) on September 23, 1955, tendered for filing proposed charges in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Sept. 21, 1955.	Mississippi River Fuel Corp.	Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 27.	Oct. 26, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until March 26, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 12, 1955.

Issued: October 18, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8580; Filed, Oct. 24, 1955; 8:48 a. m.]

[Docket No. G-9500]

STANOLIND OIL AND GAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Stanolind Oil and Gas Company (Applicant) on September 23, 1955, tendered for filing proposed change in presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Sept. 21, 1955.	United Fuel Gas Co.	Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 78.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 12, 1955.

Issued: October 18, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8581; Filed, Oct. 24, 1955; 8:48 a. m.]

[Docket No. G-9501]

STANOLIND OIL AND GAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Stanolind Oil and Gas Company (Applicant) on September 23, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which are proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Sept. 21, 1955.	Texas Eastern Transmission Corp.	Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 32.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 12, 1955.

Issued: October 18, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8582; Filed, Oct. 24, 1955; 8:48 a. m.]

[Docket No. G-9502]

STANOLIND OIL AND GAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Stanolind Oil and Gas Company (Applicant) on September 23, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Sept. 21, 1955.	Hassie Hunt Trust	Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 39.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the

manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 12, 1955.

Issued: October 18, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8583; Filed, Oct. 24, 1955; 8:48 a. m.]

[Docket No. G-2481]

HARMON & BURGESS GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

OCTOBER 19, 1955.

In the matters of Harmon & Burgess Gas Company, Docket No. G-2841; George H. Davis, Docket No. G-3194; H. J. Chavanne, Trustee, et al., Docket No. G-6309; Edwin L. Cox, Docket No. G-7232; C. P. Burton, Docket No. G-4006; Clark Gas Company, Docket No. G-7252; K. & E. Drilling, Inc., et al., Docket No. G-8985; Rowland Oil Company, Docket No. G-9118.

Notice is hereby given that on October 11, 1955, the Federal Power Commission issued its findings and orders adopted October 5, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8591; Filed, Oct. 24, 1955; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3416]

SOUTHERN CO. ET AL.

ORDER AUTHORIZING ISSUANCE AND SALE OF ADDITIONAL COMMON STOCK BY HOLDING COMPANY PURSUANT TO UNDERWRITTEN RIGHTS OFFERING, AND ISSUANCE AND SALE OF ADDITIONAL COMMON STOCK BY SUBSIDIARIES AND ACQUISITION THEREOF BY HOLDING COMPANY

OCTOBER 19, 1955.

The Southern Company ("Southern"), a registered holding company, and its public-utility subsidiaries Alabama Power Company ("Alabama") and Georgia Power Company ("Georgia") have filed a joint application-declaration and amendments thereto pursuant to sections 6 (a), 6 (b), 7, 9 (a), 10, 12 (c), and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42, U-43, and U-50 thereunder, regarding the following proposed transactions:

STOCK ISSUE BY SOUTHERN AND APPLICATION OF PROCEEDS

Southern proposes to issue 1,507,303 additional shares of its authorized but unissued common stock (par value $5

per share), and to offer to the holders of its outstanding common stock the right to subscribe for such shares on the basis of 1 share of the additional stock for each 12 shares of common stock held on the record date. Rights to subscribe will be evidenced by transferable registered subscription warrants and the subscription offer will be open for approximately three weeks. No fractional shares will be issued. Southern will provide facilities through the subscription agent so that rights (not exceeding 11) may be sold or additional rights (not to exceed 11) may be purchased to enable the warrant holder to subscribe to a whole number of shares.

The offer of the additional common stock will be underwritten. Southern proposes to invite bids, pursuant to Rule U-50, such invitation to request prospective underwriters to name the amount of compensation to be paid by Southern to such underwriters for their services and agreement to purchase any shares not subscribed for as a result of the offering to stockholders, and also to purchase shares acquired by Southern, if any, in connection with its stabilizing activities referred to below.

The subscription price per share at which Southern proposes to offer the additional common stock to its common stockholders and to underwriters will be determined by the company. Prospective underwriters who have qualified to bid will be notified of the price per share as so determined by the company at least 20 hours prior to the time for the submission of bids. Such price will not be more than the last reported sale price on the New York Stock Exchange prior to the fixing thereof and not less than such last reported sale price less 15 percent.

Southern proposes, if it considers it necessary or desirable, to effect transactions which will stabilize or maintain the market price of its common stock for the purpose of facilitating the offering and distribution of the additional common stock. In connection therewith, the company may, during the period commencing with the first business day prior to the date when the price per share is to be determined by the company and continuing until the acceptance of a bid from underwriters, purchase shares of common stock of the company (but not in excess of 150,730 shares) on the New York Stock Exchange or otherwise, such purchases to be made through brokers with the payment of regular stock exchange commissions.

The proposed purchase contract will provide that the underwriters will agree that, in case any shares of additional common stock purchased by them thereunder shall be sold by the underwriters prior to the expiration of 30 days following the expiration of the subscription period for a price in excess of the subscription price plus $0.75 per share (the excess to be computed before the deduction of any expenses, selling commissions or concessions), the underwriters shall pay to Southern, in addition to the purchase price for shares purchased by them, a sum equal to 50 percent of such excess; such additional payment, if any, to be made by the underwriters to the company as promptly as practicable after the expiration of such 30 days.

Southern proposes to apply the proceeds from the sale of the additional common stock to the payment at or prior to maturity, February 1, 1956, of the outstanding $15,000,000 principal amount of the company's 3½ percent notes payable to banks and the balance of said proceeds, together with treasury funds to the extent required up to approximately $3,500,000, to the purchase at $100 per share (so far as such funds will extend and, as between the subsidiaries hereafter referred to, in the approximate proportion of the maximum numbers of shares to be purchased) up to 55,000 additional shares of common stock of Alabama and up to 85,000 additional shares of common stock of Georgia.

Southern's expenses other than underwriting discounts or commissions, are estimated as follows:

Federal original issue tax	$15,000
Filing fee, this Commission	3,316
Listing on New York Stock Exchange	3,750
Charges of transfer agent and registrar	60,000
Charges of warrant agent (being the lowest of 3 competitive bids)	119,500
Cost of stock certificates and warrants	8,000
Blue Sky expense	1,000
Mailing expense	20,000
Printing and preparing registration statement, prospectus, bidding papers, etc.	80,000
Fee of counsel	12,500
Fees of accountans	20,000
Services of Southern Services, Inc. (mutual service company)	8,000
Miscellaneous (telephone, travel, etc.)	9,000
Total estimated expenses of Southern	360,066

The above estimate does not include the fee of counsel for the underwriters, estimated at $7,500, which will be paid by the successful bidder.

STOCK ISSUES BY ALABAMA AND GEORGIA AND APPLICATION OF PROCEEDS

Alabama and Georgia propose to issue up to an additional 55,000 shares and 85,000 shares, respectively, of their authorized but unissued common stock without par value; to sell such shares to Southern for an aggregate consideration of $5,500,000 in the case of Alabama and of $8,500,000 in the case of Georgia, and to use the proceeds from such sales to provide a portion of the funds required to finance improvements, extensions and additions to their respective utility plants.

Expenditures during 1955 and 1956 for the construction or acquisition of property additions are estimated at $71,790,000 in the case of Alabama and $65,200,000 in the case of Georgia. Such additions have been financed in part by the sale during the second quarter of 1955 or $15,000,000 principal amount of bonds by Alabama and $12,000,000 principal amount of bonds by Georgia. It is estimated that in 1956 Alabama and Georgia will be required to raise, respectively, $17,000,000 and $10,500,000 by the sale of additional securities.

Fees and expenses to be paid by Alabama and Georgia other than Federal issuance taxes and other charges fixed by law will be nominal in amount.

The issuance and sale of the additional shares by Alabama have been approved by the Alabama Public Service Commission, the regulatory commission of the State in which Alabama is organized and doing business; and the issuance and sale of the additional shares by Georgia have been approved by the Georgia Public Service Commission, the regulatory commission of the State in which Georgia is organized and doing business.

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding with respect to the transactions described herein that the applicable provisions of the Act and the Rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration as amended be granted and permitted to become effective forthwith, subject to the conditions below set out:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that the application-declaration as amended be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-50 and Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8597; Filed, Oct. 24, 1955; 8:51 a. m.]

[File No. 70-3414]

NEW ENGLAND ELECTRIC SYSTEM AND QUINCY ELECTRIC CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT

OCTOBER 19, 1955.

New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary Quincy Electric Company ("Quincy") have filed a joint application and an amendment thereto pursuant to sections 6 (b), 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

Quincy, which now has outstanding 38,226 shares of capital stock (par value $25 per share), proposes to issue and sell for cash 13,000 additional shares at the price of $75 a share, as fixed by its directors, or a total cash consideration of $975,000. Nees, the sole stockholder of Quincy, proposes to acquire the additional shares, and in payment therefor to use available treasury funds. The proceeds from the sale of the additional shares will be applied by Quincy to the payment of a like amount of notes payable to NEES.

Quincy and NEES desire to consummate the transactions in order to finance permanently a portion of the capitalizable additions to Quincy's plant through the issuance of equity securities.

The issuance and sale of the additional shares by Quincy have been approved by the Department of Public Utilities of Massachusetts, in which State the company is organized and doing business.

Due notice having been given of the filing of said application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding with respect to the proposed transactions that the applicable provisions of the Act are satisfied and that no adverse findings are necessary; and deeming it appropriate in the public interest and in the interest of investors and consumers that the amended application be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said application as amended be, and it hereby is, granted, effective forthwith, subject to the conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8598; Filed, Oct. 24, 1955; 8:52 a. m.]

[File No. 811-485]

ULEN MANAGEMENT CO.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

OCTOBER 19, 1955.

Notice is hereby given that Ulen Management Company ("Ulen") registered under the Investment Company Act of 1940 ("act") as a closed-end non-diversified management investment company, has filed an amended application under section 8 (f) of the act for an order declaring that Ulen Management Company has ceased to be an investment company under the act.

The application makes the following representations:

Ulen is a Delaware corporation and its stock is listed on the American Stock Exchange. It was organized in 1941 under the name of Ulen Realization Corporation ("Ulen Realization") for the express purpose of liquidating the assets of its predecessor, Ulen & Company. The assets turned over to Ulen Realization were comprised primarily of various bonds and stocks, advances, claims, and miscellaneous assets amounting to approximately $900,000 as of December 31, 1941, after giving effect to certain reserves for revaluation of investments. The corporate existence of Ulen Realization was limited to 10 years subject to five-year renewal periods upon majority vote of stockholders. Ulen Realization registered under the act on November 30, 1943.

By order dated April 18, 1944 (Investment Company Act Release No. 649), Ulen Realization was exempted from: (1) Section 8 (b) of the act except for the filing of policy items contained in Form N-8B-1; (2) section 30 (b) (1) and Rule N-30B-1; and (3) section 30 (d) and Rule N-30D-1 to the extent that only annual reports to stockholders were required.

By early 1955, Ulen Realization had liquidated substantially all of the assets received from its predecessor, with the principal exception of $7,519,000 principal amount of National Economic Bank of Poland 8 percent Sinking Fund Bonds, a 50 percent ownership of the outstanding capital stock of Athens Water Company (Societe Anonyme Hellenique des Eaux), and Ulen Management Company, then a wholly owned subsidiary. For the fiscal year ended October 31, 1954, the gross revenues of Ulen Realization amounted to approximately $60,000, represented principally by $23,000 of fees from the Greek water company and dividends of $35,000 from its subsidiary, Ulen Management Company.

In early 1955 the Board of Directors of Ulen Realization determined that the sale of its remaining assets would not be in the best interests of its stockholders and submitted a proposal to convert Ulen Realization from a liquidating corporation and investment company, with restricted charter powers and a limited existence, into an industrial corporation of unlimited duration and broad charter powers. This conversion was to be effected through the merger of Ulen Realization and Ulen Management Company, with the surviving company adopting the name of Ulen Management Company. The merger was chosen as the means of effecting the conversion in order to give all stockholders a right of appraisal under Delaware law.

At a meeting of stockholders held on April 7, 1955, such merger was duly approved by the holders of more than two-thirds of the outstanding capital stock, and the merger became effective. No stockholder exercised his statutory right of appraisal. At such meeting, the holders of more than a majority of the outstanding capital stock also approved (a) the change of the nature of Ulen's business from an investment company to an industrial corporation (b) adoption of revised policies under the Act to give effect to its intention to become an industrial company and ceasing to be an investment company, and (c) the filing of the instant application.

As the first step in implementing and carrying out the policy approved by the stockholders to become an industrial corporation, the management of Ulen entered into a purchase agreement on September 21, 1955, for the purchase of the outstanding capital stock and $600,000 outstanding principal amount of 4 percent notes of Acorn Paint & Chemical Company from Sutro Bros. & Co. and Merkin & Co. in exchange for $1,000,000 principal amount of Ulen's 5 percent Convertible Debentures due November 1, 1970. One of the directors of Ulen is a partner of Sutro Bros & Co. and another director is a partner of Merkin & Co. Sutro Bros & Co. and Merkin & Co. purchased such stock and notes on June 24, 1955, in connection with the organization of Acorn at a price of $1,000,000 in cash. Acorn, a successor to Acorn Refining Company, which dissolved on June 30, 1955, after the purchase of its stock by Acorn, is engaged in the manufacture of paints and allied products in its plant in Cleveland, Ohio and the distribution and sale thereof on a national basis.

Upon the completion of the purchase agreement it is intended that the officers and directors of Ulen will be elected to substantially the same positions with Acorn and will constitute the officers and directors of Acorn. Ulen, it is represented, will participate directly in the conduct of the business of Acorn and will supervise and direct such business in all its phases.

The application states that Ulen was required to register as an investment company only by virtue of the provisions of section 3 (a) (3) of the act which provides, in pertinent part, that an investment company means any issuer which is engaged in the business of owning, holding, and owns investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Investment securities includes all securities except (A) Government securities, (B) securities issued by employees' securities companies, and (C) securities issued by majority-owned subsidiaries of the owner which are not investment companies.

The application states that Ulen's present portfolio of securities consists of the $7,519,000 principal amount of Polish Bank Bonds, 1,250 shares of Athens Water Company stock (representing 50 percent of outstanding voting securities), and $20,000 principal amount of Hellenic Republic External Water Works 4 percent Loan due April 1, 1985, now in default. It is represented that there are no readily available market quotations for such securities and that the board of directors of Ulen has determined their fair value to be $280,029 for the Polish Bank Bonds, $357,500 for the stock of Athens Water Company Stock and $4,850 for the Hellenic Republic External Water Works 4 percent Loan. As defined in section 3 (a) (3) of the act, Ulen's investment securities are comprised of the Polish Bank Bonds and the Hellenic Republic External Water Works Loan and the value thereof is $284,879. Such investment securities represent approximately 38.3 percent of Ulen's total assets exclusive of Government securities and cash items on an unconsolidated basis. The application further states that therefore Ulen no longer comes within the provisions of section 3 (a) (3) of the act, since it does not have investment securities which represent 40 percent or more of its total assets. Accordingly, applicant requests an order under section 8 (f) declaring that it has ceased to be an investment company.

Section 8 (f) of the act provides, in part, that whenever the Commission upon application finds that a registered

investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 2, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the Rules and Regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8599; Filed, Oct. 24, 1955; 8:52 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 71]

NEW YORK

DECLARATION OF DISASTER AREA

Whereas it has been reported that beginning on or about October 15, 1955, because of the disastrous effects of flood, damage resulted to residences and business property located in certain areas in the State of New York; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Sullivan, Orange, Ulster, Dutchess, Rockland, Columbia, Schoharie, Westchester, Putnam.

Small Business Administration Regional Office, 1790 Broadway, New York 19, New York.

2. Special field offices to receive such applications will not be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1956.

Dated: October 18, 1955.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 55-8640; Filed, Oct. 21, 1955; 4:36 p. m.]

[Declaration of Disaster Area 72]

MASSACHUSETTS

DECLARATION OF DISASTER AREA

Whereas it has been reported that beginning on or about October 15, 1955, because of the disastrous effects of flood, damage resulted to residences and property located in certain areas in the State of Massachusetts; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Franklin, Hampshire, Hampden, Suffolk.

Small Business Administration Regional Office, Suite 900, 131 State Street, Boston, Massachusetts.

2. Special field offices to receive such applications have been established at Post Office Building, Springfield, Massachusetts; Civic Auditorium, Worcester, Massachusetts; and Town Hall, Webster, Massachusetts.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1956.

Dated: October 17, 1955.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 55-8641; Filed, Oct. 21, 1955; 4:36 p. m.]

[Declaration of Disaster Area 73]

CONNECTICUT

DECLARATION OF DISASTER AREA

Whereas it has been reported that beginning on or about October 15, 1955, because of the disastrous effects of flood, damage resulted to residences and business property located in certain areas in the State of Connecticut;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the State of Connecticut suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, 1790 Broadway, New York 19, New York.

Small Business Administration Branch Office, 70 Arch Street, Hartford, Connecticut.

2. Special field offices to receive and process such applications have been established at 28 Front Street, Putnam, Connecticut; South Main at Taylor Street, Torrington, Connecticut; 7 Field Street, Waterbury, Connecticut; 23 Union Street, Winsted, Connecticut; and City Hall, Ansonia, Connecticut. Additional field offices will be established in Norwalk, Danbury and Stamford, Connecticut.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1956.

Dated: October 18, 1955.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 55-8642; Filed, Oct. 21, 1955; 4:36 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

S. R. L. DUNOD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

S. R. L. Dunod, Editeur, 92, rue Bonaparte, Paris 6, France, Claim No. 38695; $116.39 in the Treasury of the United States.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright and right to copyright, license, agreement, privilege, power and right of whatsoever nature, including but not limited to all monies and amounts by way of royalty, share of profits or other emolument, and all causes of action, accrued or to accrue, relating to the works entitled L'Enfant de la Victoire, by Francis Duhouceau, Les Applications Pratiques de la Luminescence Fluorescence, Phosphorescence, Lumiere Noire, by Maurice Deribere and La Filtration Industrielle, by Georges Genin, as listed in Exhibits A to the Vesting Orders Nos. 3430 (9 F. R. 6464, June 13, 1944); 500A-31 (9 F. R. 9432, August 3, 1944) and 500A-63 (9 F. R. 8312, July 20, 1944), respectively, to the extent owned by S. R. L. Dunod, Editeur, immediately prior to the vesting thereof by the aforementioned vesting orders.

Executed at Washington, D. C., on October 17, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 55-8601; Filed, Oct. 24, 1955; 8:53 a. m.]

LUDVIG FREDERIK ANDERSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Ludvig Frederik Andersen, Copenhagen, Denmark, Claim No. 37132; property described in Vesting Order No. 290 (7 F. R. 9833, November 26, 1942), relating to Patent Application Ser. No. 330,072 (now U. S. Letters Patent No. 2,313,569).

Executed at Washington, D. C., on October 18, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 55-8602; Filed, Oct. 24, 1955; 8:53 a. m.]

SOCIETY FRANCAISE RADIO-ELECTRIQUE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Francaise, Radio-Electrique, Paris, France, Claim No. 40465; Vesting Orders Nos. 293, 666, and 2131; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial Nos. 342,318 (now Patent No. 2,344,431) and 344,647 (now Patent No. 2,347,584) and property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 1,838,743; 1,843,445; 1,892,383; 1,932,925; 2,049,154; 2,066,513; 2,068,655; and 2,110,166 and property described in Vesting Order No. 2131 (8 F. R. 13858, October 9, 1943) relating to United States Letters Patent Nos. 1,789,350; 1,809,821; 1,854,294; 1,882,664; 1,897,294; and 1,917,426.

Executed at Washington, D. C., on October 18, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 55-8603; Filed, Oct. 24, 1955; 8:53 a. m.]

ENRICA LEVI, NEE BASEVI, AND GABRIELLA ZAMORANI, NEE BASEVI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimants, Claim Nos., Property, and Location

Enrica Levi, nee Basevi, Rapallo, Genoa, Italy, Gabriella Zamorani, nee Basevi, Rome, Italy, Claim No. 39677, Vesting Order No. 2785; $264.35 in the Treasury of the United States; one-half thereof to each claimant.

Executed at Washington, D. C., on October 18, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 55-8604; Filed, Oct. 24, 1955; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 20, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31215: *Fly ash from, to, and between points in the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fly ash, in covered hopper cars, as more fully described in the application, between (a) points in southwestern territory; (b) points in southwestern territory, on one hand, and points in Illinois and western trunk-line territories, on the other; (c) points in western trunk-line territory; and (d) points in western trunk-line territory, on one hand, and points in Illinois territory, on the other.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 7 to Agent Kratzmeir's I. C. C. 4171; Supplement 5 to Agent Prueter's I. C. C. A-4106.

FSA No. 31216: *Acetic acid—Kingport, Tenn., to Calvert, Ky.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on acetic acid, carloads from Kingsport, Tenn., to Calvert, Ky.

Grounds for relief: Circuitous routes.

Tariff: Supplement 244 to Agent Spaninger's I. C. C. 1062.

FSA No. 31217: *Zircon ore—Winter Beach, Fla., to Louisville, Ky., and St. Louis, Mo.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on zircon ore, carloads from Winter Beach, Fla., to Louisville, Ky., and St. Louis, Mo.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 81 to Agent Spaninger's I. C. C. 1346.

FSA No. 31218: *Ilmenite ore—Winter Beach, Fla., to Official territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on ilmenite ore concentrates, carloads from Winter Beach, Fla., to specified points in official territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 81 to Agent Spaninger's I. C. C. 1346.

FSA No. 31219: *Merchandise—Mobile, Ala., to St. Louis, Mo., Group.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on commodities various, in mixed carloads from Mobile, Ala., to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Short-line distance formula, and circuity.

Tariff: Supplement 19 to Agent Spaninger's I. C. C. 1458.

FSA No. 31220: *Less carload class and volume class rates in Missouri.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on commodities various, on which less carload and volume class rates are applied, between points in Missouri.

Grounds for relief: Intrastate competition and circuity.

Tariff: Supplement 63 to Agent Kratzmeir's I. C. C. 3627.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-8592; Filed, Oct. 24, 1955; 8:50 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 62]

FERNWOOD, COLUMBIA AND GULF RAILROAD CO.

DIVERSION AND REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Fernwood, Columbia and Gulf Railroad Company due to bridge burned out between West Columbia and Tylertown, Mississippi, is unable to transport

traffic routed over its line between these points.

It is ordered, That:

(a) Rerouting traffic: The Fernwood, Columbia & Gulf Railroad Company, and its connections, is hereby authorized to reroute or divert traffic moving over its line between West Columbia and Tylertown, Mississippi, due to bridge burned out, over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4:00 p. m., October 14, 1955.

(g) Expiration date: This order shall expire at 11:59 p. m., October 31, unless otherwise modified. changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., October 14, 1955.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 55–8593; Filed, Oct. 24, 1955; 8:50 a. m.]

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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 20 NUMBER 209

Washington, Wednesday, October 26, 1955

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Rice, Revised]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

The 1955 C. C. C. Grain Price Support Bulletin 1, (20 F. R. 3017 and 4563) issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1955 was supplemented by 1955 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Rice, (20 F. R. 6233) containing the specific regulations applicable to price support operations on rice of the 1955 crop. Supplement 1 is revised as follows: (1) To permit delivery of rice to CCC in bags; (2) to change the maturity date in all States except Arizona and California; (3) to amend the provisions pertaining to location differentials; (4) to extend the period in which official weight and inspection certificates must be furnished; and (5) to provide, under specific conditions, for the acceptance by CCC of modified commingled warehouse receipts under the purchase agreement program.

Sec.
421.1336 Purpose.
421.1337 Availability of price support.
421.1338 Eligible rice.
421.1339 Bagged and bulk rice.
421.1340 Warehouse receipts.
421.1341 Determination of quantity.
421.1342 Determination of quality.
421.1343 Maturity of loans.
421.1344 Support rates.
421.1345 Warehouse charges.
421.1346 Settlement.

AUTHORITY: §§ 421.1336 to 421.1346 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1421, 1441.

§ 421.1336 *Purpose.* Sections 421.1336 to 421.1346 state additional specific requirements which, together with the general requirements contained in the 1955 C. C. C. Grain Price Support Bulletin 1 (20 F. R. 3017 and 4563), comprise the regulations governing loans and purchase agreements under the 1955-Crop Rice Price Support Program.

§ 421.1337 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available to eligible producers on eligible rice produced in the States of Arizona, Arkansas, California, Florida, Illinois, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee and Texas.

(c) *Where to apply.* Application for rice price support must be made at the office of the County Committee which keeps the farm program records for the farm. In the case of eligible cooperative marketing associations of producers, application for price support shall be made in the county where the main office of the cooperative marketing association of producers is located or in such other county as the State Committee determines the application can be more expeditiously handled.

(d) *When to apply.* Loans and purchase agreements will be available from time of harvest through January 31, 1956, and the applicable documents must be signed by the producer and delivered to the County Committee not later than such date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing rice in 1955 as landowner, landlord, tenant, or sharecropper, including a person owning and operating his own farm, a tenant operat-

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 32: Parts 400–699 ($5.75)
Parts 800–1099 ($5.00)
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ing a farm rented for cash, a tenant operating a farm under a crop-share lease, contract, or agreement, a landlord leasing to share tenants, and an irrigation company furnishing water for a share of the crop: *Provided*, That a producer shall not be an eligible producer unless he satisfies the compliance requirements of the regulations pertaining to acreage allotments for the 1955 crop as provided in 1955 C. C. C. Rice Bulletin A and any amendments thereto.

(f) *Cooperative associations.* A cooperative marketing association of producers which satisfies the following conditions shall be deemed an eligible producer and shall be eligible for warehouse-storage loans and purchase agreements:

(1) The terms and conditions under which producer members' rice is marketed through the association must be set out in a uniform marketing agreement and must be applicable to all rice delivered to the association by producer members.

(2) The major part of the rice marketed by the association must be produced by members who are eligible producers.

(3) The members must share proportionately in the proceeds from marketings according to the quantity and quality of rice each delivers to the association. This provision shall not be construed to prohibit the association from establishing separate pools.

(4) The association must have authority to obtain a loan on the security of the rice and to give a lien thereon as well as authority to sell such rice.

(5) The association must maintain a record by varieties, grade and milling yields of the total quantity of rough rice acquired by or delivered to the association from all sources and must maintain a separate record of all such rice which is ineligible for price support. The association must keep in inventory at all times a quantity of rough rice of the varieties, average grade and milling yield equal to its outstanding warehouse receipts for commingled rice, plus a quantity of rough rice of the varieties, average grade and milling yield equal to the quantity of rice represented by outstanding warehouse receipts (including receipts held by CCC) for rice stored modified commingled and identity preserved. Rice stored modified commingled or identity preserve must be stored separately by lot and so kept in storage so long as receipts for such rice are outstanding.

(6) Not later than December 1, 1955, the association must have set aside in segregated storage, quantities of rough rice by varieties, grade and milling yield, equivalent to the quantities by varieties, grade and milling yield of rough rice which does not meet the eligibility requirements of § 421.1338, hereinafter referred to as "ineligible" rough rice (except rough rice in inventory on July 31, 1955, and rough rice received from CCC and placed in inventory subsequent to July 31, 1955) received by the association from all sources up to such date. All ineligible rough rice received by the association on or after the date of such segregation must also be set aside in segregated storage together with other rough rice required to be set aside in segregated storage. The association must keep a detailed record of the disposition made of the rough rice required to be so set aside. In addition, all rough rice in inventory on July 31, 1955, and all rough rice received from CCC and placed in inventory subsequent to July 31, 1955, must be physically segregated in storage from other rice and a separate record kept of the disposition of such rice. Price support may be obtained only on that rough rice not required to be segregated in storage by this paragraph. The association shall not be entitled to obtain price support until such ineligible rice has been segregated in accordance with this paragraph.

(7) In making settlement with producer members the association shall make settlement with respect to the ineligible rice separately from the settlement made on eligible rice in accordance with the quantity and quality and sales proceeds from each.

(8) Rough rice held by the association must be made available for inspection by CCC at all reasonable times so long as the association has rice under price suport and the books and records of the association must be made available to CCC for inspection at all reasonable times through May 1, 1961.

§ 421.1338 *Eligible rice.* To be eligible for price support, rice must meet the following requirements:

(a) The rice must have been produced in 1955 by an eligible producer on a farm on which the rice acreage allotment was not exceeded in the States of Arizona, Arkansas, California, Florida, Illinois, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas.

(b) The beneficial interest in the rice must be in the eligible producer tendering the rice for loan or for purchase under a purchase agreement and must always have been in him, or must have been in him and a former producer whom he succeeded before the rice was harvested. In the case of cooperative marketing associations, the beneficial interest in the rice must have been in the producer members who delivered the rice to the association and must always have been in them or in them and former producers whom they succeeded before the rice was harvested.

(c) The rice must be of one of the classes within the Official Standards of the United States for Rough Rice other than "mixed rough rice."

(d) The rice, at the time it is placed under loan or purchased under a purchase agreement, must (1) grade U. S. No. 5 or better (rice of special grades shall not be eligible rice); and (2) contain not more than 14 percent moisture.

(e) If offered as security for a farm-storage loan, the rice must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the ASC State Committee.

(f) Rice may be either in bags or in bulk when a loan is obtained or when rice is purchased under a purchase agreement.

§ 421.1339 *Bagged and bulk rice.* (a) As specified in § 421.1338 (f), rice may be either in bags or in bulk when a loan is obtained or when rice is purchased under a purchase agreement.

(b) It is a requirement of the 1955–Crop Rice Price Support Program that rice acquired by CCC under this program shall be in the same form as when placed under loan. Therefore, if a loan is made on rice in bags, the rice is to be in bags at the time of acquisition by CCC under the program, and if a loan is made on rice in bulk, the rice is to be in bulk at the time of acquisition under the program by CCC.

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ing a farm rented for cash, a tenant operating a farm under a crop-share lease, contract, or agreement, a landlord leasing to share tenants, and an irrigation company furnishing water for a share of the crop: *Provided*, That a producer shall not be an eligible producer unless he satisfies the compliance requirements of the regulations pertaining to acreage allotments for the 1955 crop as provided in 1955 C. C. C. Rice Bulletin A and any amendments thereto.

(f) *Cooperative associations.* A cooperative marketing association of producers which satisfies the following conditions shall be deemed an eligible producer and shall be eligible for warehouse-storage loans and purchase agreements:

(1) The terms and conditions under which producer members' rice is marketed through the association must be set out in a uniform marketing agreement and must be applicable to all rice delivered to the association by producer members.

(2) The major part of the rice marketed by the association must be produced by members who are eligible producers.

(3) The members must share proportionately in the proceeds from marketings according to the quantity and quality of rice each delivers to the association. This provision shall not be construed to prohibit the association from establishing separate pools.

(4) The association must have authority to obtain a loan on the security of the rice and to give a lien thereon as well as authority to sell such rice.

(5) The association must maintain a record by varieties, grade and milling yields of the total quantity of rough rice acquired by or delivered to the association from all sources and must maintain a separate record of all such rice which is ineligible for price support. The association must keep in inventory at all times a quantity of rough rice of the varieties, average grade and milling yield equal to its outstanding warehouse receipts for commingled rice, plus a quantity of rough rice of the varieties, average grade and milling yield equal to the quantity of rice represented by outstanding warehouse receipts (including receipts held by CCC) for rice stored modified commingled and identity preserved. Rice stored modified commingled or identity preserve must be stored separately by lot and so kept in storage so long as receipts for such rice are outstanding.

(6) Not later than December 1, 1955, the association must have set aside in segregated storage, quantities of rough rice by varieties, grade and milling yield, equivalent to the quantities by varieties, grade and milling yield of rough rice which does not meet the eligibility requirements of § 421.1338, hereinafter referred to as "ineligible" rough rice (except rough rice in inventory on July 31, 1955, and rough rice received from CCC and placed in inventory subsequent to July 31, 1955) received by the association from all sources up to such date. All ineligible rough rice received by the association on or after the date of such segregation must also be set aside in segregated storage together with other rough rice required to be set aside in segregated storage. The association must keep a detailed record of the disposition made of the rough rice required to be so set aside. In addition, all rough rice in inventory on July 31, 1955, and all rough rice received from CCC and placed in inventory subsequent to July 31, 1955, must be physically segregated in storage from other rice and a separate record kept of the disposition of such rice. Price support may be obtained only on that rough rice not required to be segregated in storage by this paragraph. The association shall not be entitled to obtain price support until such ineligible rice has been segregated in accordance with this paragraph.

(7) In making settlement with producer members the association shall make settlement with respect to the ineligible rice separately from the settlement made on eligible rice in accordance with the quantity and quality and sales proceeds from each.

(8) Rough rice held by the association must be made available for inspection by CCC at all reasonable times so long as the association has rice under price suport and the books and records of the association must be made available to CCC for inspection at all reasonable times through May 1, 1961.

§ 421.1338 *Eligible rice.* To be eligible for price support, rice must meet the following requirements:

(a) The rice must have been produced in 1955 by an eligible producer on a farm on which the rice acreage allotment was not exceeded in the States of Arizona, Arkansas, California, Florida, Illinois, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas.

(b) The beneficial interest in the rice must be in the eligible producer tendering the rice for loan or for purchase under a purchase agreement and must always have been in him, or must have been in him and a former producer whom he succeeded before the rice was harvested. In the case of cooperative marketing associations, the beneficial interest in the rice must have been in the producer members who delivered the rice to the association and must always have been in them or in them and former producers whom they succeeded before the rice was harvested.

(c) The rice must be of one of the classes within the Official Standards of the United States for Rough Rice other than "mixed rough rice."

(d) The rice, at the time it is placed under loan or purchased under a purchase agreement, must (1) grade U. S. No. 5 or better (rice of special grades shall not be eligible rice); and (2) contain not more than 14 percent moisture.

(e) If offered as security for a farm-storage loan, the rice must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the ASC State Committee.

(f) Rice may be either in bags or in bulk when a loan is obtained or when rice is purchased under a purchase agreement.

§ 421.1339 *Bagged and bulk rice.* (a) As specified in § 421.1338 (f), rice may be either in bags or in bulk when a loan is obtained or when rice is purchased under a purchase agreement.

(b) It is a requirement of the 1955–Crop Rice Price Support Program that rice acquired by CCC under this program shall be in the same form as when placed under loan. Therefore, if a loan is made on rice in bags, the rice is to be in bags at the time of acquisition by CCC under the program, and if a loan is made on rice in bulk, the rice is to be in bulk at the time of acquisition under the program by CCC.

(c) Settlement with respect to rice placed under loan in bulk or purchased under a purchase agreement in bulk shall be on the basis of the net weight of the bulk rice acquired.

(d) Settlement with respect to rice which was placed under loan in bags or purchased under purchase agreements in bags, shall be on the basis of the combined weight of the rice and bags, and title to the bags shall pass with the rice. CCC shall not otherwise pay any amounts representing the value of the bags. In the event any person should successfully dispute the passing of title to the bags, the producer shall indemnify CCC for any loss sustained by reason thereof.

§ 421.1340 *Warehouse receipts.* Warehouse receipts representing rice in approved warehouse storage to be placed under loan or to be delivered to CCC under a purchase agreement, must meet the requirements of this section.

(a) Warehouse receipts must be issued in the name of the producer, or cooperative marketing association, must be properly endorsed in blank so as to vest title in any holder, and must be issued by a warehouse approved under the Uniform Rice Storage Agreement (CCC Form 26). The receipts must be negotiable, must cover eligible rice actually in store in the warehouse and must clearly indicate whether the rice is stored in bulk or in bags (sacks). Under the Uniform Rice Storage Agreement, the warehouseman guarantees the quantity and quality of the rice unless the warehouse receipts or accompanying supplemental certificates state that the rice is stored "identity-preserved" or "modified commingled." In the case of rice stored identity-preserved, the warehouseman is not a guarantor but is required to redeliver the identical rice on which the warehouse receipt was issued. In the case of bulk rice stored modified commingled, the warehouseman guarantees quantity but not quality and the rice of two or more owners is stored together in one lot, the identity of which the warehouseman is required to maintain.

(b) In order to be acceptable as security for a warehouse-storage loan, each warehouse receipt, or the accompanying supplemental certificate, must contain a statement that the rice is insured in accordance with CCC Form 26, "Uniform Rice Storage Agreement," and if such insurance was not effective as of the date of deposit of the rice in the warehouse, the warehouseman must certify as to the effective date of the insurance and that the rice is in the warehouse and undamaged. The insurance on rice with respect to which the warehouseman guarantees quality and quantity (hereinafter called commingled rice) must be obtained by the warehouseman. Insurance on modified commingled rice must be obtained by the warehouseman. Insurance on identity-preserved rice must be obtained by either the producer or the warehouseman. If the insurance on identity-preserved rice is obtained by the producer, it must be assigned to the warehouseman, with the consent of the insurance company, before a loan will be made and the warehouseman must also certify that the insurance has been assigned to him with the consent of the insurance company. Insurance is not required in order for rice represented by warehouse receipts to be purchased under the purchase agreement program.

(c) A supplemental certificate will be required to be executed in duplicate when all of the following information is not contained in the warehouse receipt or inspection certificate: Variety, grade, grade factors, milling yield, moisture, weight, method of storage and manner by which the rice was received. When required, the supplemental certificate (completed for all items) shall be executed by the warehouseman for commingled rice, by the warehouseman and producer for modified commingled rice and by the producer for identity-preserved rice.

(d) When the warehouse receipt represents identity-preserved rice, the producer's responsibility will be as stated in § 421.1015 of the 1955 C. C. C. Grain Price Support Bulletin 1. The producer's responsibility for modified commingled rice shall be the same as stated in § 421.1015 of 1955 C. C. C. Grain Price Support Bulletin 1 for farm-stored and identity-preserved rice except that he shall not be responsible for the quantity.

(e) A separate warehouse receipt must submitted for each class or variety, grade, and milling yield of rice.

(f) Warehouse receipts must carry an endorsement by the warehouseman in substantially the following form:

Warehouse charges through (insert the applicable maturity date for loans for the State where stored), including, but not limited to, receiving and loading out charges accrued or to accrue, and all other charges incident to the acquisition of the rice by CCC, on the rice represented by this warehouse receipt have been paid or otherwise provided for and a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt. If the rice represented by this warehouse receipt is stored in bags (sacks), the warehouseman agrees that any and all right, title, and interest which he has in such bags (sacks) shall pass with the rice if such rice is acquired under the price support program.

(g) The warehouse receipt shall not contain any statement indicating that the quantity is subject to a shrinkage factor.

§ 421.1341 *Determination of quantity.* (a) Loans and purchase agreements shall be made on the basis of rough rice expressed in units of 100 pounds, and fractional units of less than 100 pounds shall be disregarded. The quantity of rice placed under farm-storage loan may be determined either by weight or by measurement. The quantity of rice placed under a warehouse-storage loan shall be determined on the basis of weight. Determination of the quantity of rice delivered under a farm-storage loan, or for making settlement on an identity-preserved warehouse-storage loan or under a purchase agreement shall be on the basis of weight.

(b) In determining the quantity of bagged rice by weight, the gross weight, including bags, shall be used.

(c) When the quantity of rice is determined by measurement, a cubic foot of rice testing 45 pounds per bushel, shall be 36 pounds. The quantity determined will be the following percentages of 36 pounds:

For rice testing:	Percent
45 pounds or over	100
44 pounds or over, but less than 45 pounds	98
43 pounds or over, but less than 44 pounds	96
42 pounds or over, but less than 43 pounds	93
41 pounds or over, but less than 42 pounds	91
40 pounds or over, but less than 41 pounds	89

Proportionately lower for rice testing below 40 pounds.

(d) In the case of commingled rice, loans will be made and settlement with the producer will be made on 100 percent of the quantity of rice determined in accordance with this section, based on the quantity shown on the warehouse receipt or the supplemental certificate. In all other cases, loans will be made on 95 percent of the quantity of rice determined in accordance with this section, and the determination of quantity for settlement purposes will be made on the basis of the actual quantity acquired by CCC, except that in the case of bulk rice stored modified commingled, settlement with the producer will be made on the basis of 100 percent of the quantity shown on the warehouse receipt or the supplemental certificate.

(e) In the case of rice under purchase agreement, the producer shall, at the time he notifies the County Committee of his intention to sell rice to CCC in accordance with § 421.1018 (d), specify the quantity of each class or variety of rice included in the total quantity to be sold.

§ 421.1342 *Determination of quality.* (a) The class, grade, grade factors, milling yield and all quality factors for price support purposes shall be determined in accordance with the methods set forth in the Official United States Standards for Rough Rice.

(b) In the case of commingled rice, loans will be made and settlement with the producer, either on loans or purchase agreements, will be on the basis of the quality shown on the warehouse receipt or supplemental certificate. In all other cases, loans will be made on the basis of quality shown on an official (Federal or Federal-State) sample inspection certificate, based on a representative sample drawn by the County Committee for each lot of rice at the time application is made for the loan, and settlement with the producer, both with respect to loans and purchase agreements, will be on the basis of quality determined by a Federal or Federal-State lot inspection certificate dated not earlier than 30 days prior to the applicable maturity date for loans, and submitted by the producer in accordance with the settlement provisions of this bulletin. Sample inspection fees incurred by the county committee in connection with the making of loans will be for the account of CCC. Lot inspection fees incurred in connection with the acquisition of rice by CCC will be for the account of the producer.

§ 421.1343 *Maturity of loans.* Unless demand is made earlier, loans on rice stored in California and Arizona will mature on April 30, 1956, and loans on rice stored in other States will mature on March 16, 1956.

§ 421.1344 *Support rates.* Loans and purchases under purchase agreement will be made at the support rates set forth in this section.

(a) *Basic rates.* The basic support rate per 100 pounds of rough rice in approved storage and with all accrued charges paid through the applicable maturity date for loans, including all receiving and loading out charges, accrued or to accrue, shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety). Similarly, multiply the difference between the total yield and head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rough rice and express such rate in dollars and cents, rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE

Group	Rough rice class or variety	Head rice	Broken rice
I	Patna (except the variety Century Patna), and Rexoro (except the variety Rexark).	$0.0938	$0.0400
II	Blue Bonnet, Nira and Rexark.	.0904	.0400
III	Century Patna, Fortuna, R. N., and Edith.	.0851	.0400
IV	Blue Rose (including the varieties Improved Blue Rose, Greater Blue Rose, Kamrose and Arkrose), Magnolia, Zenith, Prelude and Lady Wright.	.0740	.0400
V	Pearl, Calrose, Early Prolific, Calady, and other varieties.	.0688	.0400

(b) *Premiums and discounts.* The basic support rates, determined under paragraph (a) of this section, per 100 pounds of rough rice shall be adjusted by the following premium or discount for the grade applicable to an individual lot of rough rice:

Grade U. S. No. 1: Premium of 20 cents per 100 pounds.
Grade U. S. No. 2: Premium of 10 cents per 100 pounds.
Grade U. S. No. 3: Discount of 5 cents per 100 pounds.
Grade U. S. No. 4: Discount of 20 cents per 100 pounds.
Grade U. S. No. 5: Discount of 40 cents per 100 pounds.

(c) *Location differentials.* For rice produced in the following areas, discounts for location (to adjust for transportation costs of moving the rice to an area where competitive milling facilities are available) shall be applied to the basic support rate determined under paragraph (a) of this section and shall be in addition to any adjustment in accordance with paragraph (b) of this section: *Provided, however,* That such location differentials shall not apply to rice produced in these areas if the rice is placed under loan or delivered to CCC under a purchase agreement in a rice producing area where no location differential is applicable:

Area	Discount per 100 pounds
State of Florida	$0.82
States of South Carolina and North Carolina	.77
Counties of Lafayette, Little River and Miller in Arkansas; Bowie in Texas; McCurtain in Oklahoma; and Bossier Parish in Louisiana	.30
Imperial County, Calif., and adjacent counties in Arizona and California	.96
Counties of Holt, Lincoln, Marion, and Pike in Missouri, and Adams in Illinois	.43

§ 421.1345 *Warehouse charges.* On rice stored in an approved warehouse prior to acquisition by CCC and acquired by CCC in such approved storage, with receiving and loading out charges paid by the producer, CCC will refund to the producer an amount computed at the rate of 8 cents per hundred pounds as compensation for any receiving and loading out charges paid by the producer. Inspection and weighing fees and any special charges assessed by the warehouseman, such as for unpiling and repiling required in order to obtain weights or grade samples in connection with acquisition of the rice by CCC from the producer, shall be for the account of the producer.

§ 421.1346 *Settlement*—(a) *Farm-storage and identity preserved warehouse-storage loans.* (1) For settlement on loans on farm-stored or identity-preserved warehouse-stored rice the producer shall, at his own expense, furnish to the county committee official weight certificates and Federal or Federal-State lot inspection certificates dated not earlier than 30 days prior to the applicable maturity date, covering the rice. Settlement on such loans will be made at the applicable support rate for the grade and quality of the quantity of rice as shown by such weight certificates and inspection certificates. On farm-storage loans such certificates shall be furnished at the time of delivery of the rice. On identity-preserved warehouse-storage loans such certificates shall be furnished within 10 days after the maturity date. However, notwithstanding the foregoing provisions of this subparagraph, if at the time of delivery to CCC of rice covered by a farm-storage loan or if at the time of acquisition by CCC of rice covered by an identity-preserved warehouse-storage loan the warehouseman, with the agreement of the producer, issues a commingled warehouse receipt covering the rice, inspection and weight certificates will not be required and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt.

(2) If the inspection certificate for the rice under farm-storage or identity-preserved warehouse-storage loan, or, where applicable, the commingled receipt for rice originally stored identity preserved or covered by a farm-storage loan, shows that the rice is of a grade for which no support rate has been established, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, on the date that the inspection and weight certificates, or the commingled receipts, are delivered to the county committee, between the market price for the grade and milling yield placed under loan and the market price of the rice described in the inspection certificate or commingled warehouse receipt, as determined by CCC: *Provided, however,* That if the rice is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price.

(b) *Modified commingled warehouse-storage loans.* (1) For settlement on loans on modified commingled warehouse-stored rice the producer shall, at his own expense and within 10 days after maturity, furnish to the County Committee a Federal or Federal-State lot inspection certificate dated not earlier than 30 days prior to the applicable maturity date, covering the lot of rice acquired by CCC which must have been taken from the modified commingled lot against which the warehouse receipt representing the rice under loan was issued. Settlement on such loans shall be made at the applicable support rate for the grade and quality of the rice as shown on the inspection certificate and for the quantity shown on the warehouse receipt. However, notwithstanding the foregoing provisions of this subparagraph, if, at the time of acquisition of the rice by CCC, the warehouseman, with the agreement of the producer, issues a commingled warehouse receipt covering the rice, inspection certificates will not be required and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt.

(2) If the inspection certificate for the rice under modified commingled warehouse-storage loan, or, where applicable, the commingled warehouse receipt for rice originally stored modified commingled, shows that the rice is of a grade for which no support rate has been established, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, on the date that the inspection certificate, or commingled receipt, is delivered to the County Committee, between the market price for the grade and milling yield placed under loan and the market price of the rice described in the inspection certificate or commingled warehouse receipt, as determined by CCC: *Provided, however,* That if the rice is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price.

(c) *Commingled warehouse-storage loans.* Settlement will be made with the producer at the applicable support rate for the quantity and quality of rice shown on the warehouse receipt and accompanying documents.

(d) *Purchase agreements.* Eligible rice sold to CCC under a purchase agree-

ment will be purchased in accordance with § 421.1018 (d), at the applicable support rate for the grade and quality of the rice sold. CCC will accept modified commingled warehouse receipts under the purchase agreement program only when the entire quantity of rice in the modified commingled lot against which the warehouse receipt was issued, is delivered to CCC in a single unit. Otherwise, rice so stored must be removed from such storage and, if the producer desires to deliver warehouse receipts to CCC under the sale, new warehouse receipts representing the lot to be sold must be obtained from an approved warehouse. Where the rice sold to CCC is represented by modified commingled warehouse receipts, the producers shall, at their expense, furnish to the County Committee at the time of sale Federal or Federal-State lot inspection certificates covering the entire quantity of rice in the modified commingled lot issued on a single date not earlier than 30 days prior to the applicable maturity date for loans. Where the rice sold is represented by an identity-preserved warehouse receipt or is physically delivered to CCC, the producer shall, at his expense, furnish to the County Committee at the time of sale official weight certificates and Federal or Federal-State lot inspection certificates dated not earlier than 30 days prior to the applicable maturity date for loans. Where the rice sold is represented by commingled warehouse receipts, inspection and weight certificates will not be required and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt.

(e) *Storage payment where CCC is unable to take delivery of rice stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain rice stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the applicable maturity date without any cost to CCC. However, if CCC is unable to take delivery of such rice within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the rice to CCC: *Provided, however,* That a storage payment shall be paid a producer whose rice is stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the rice to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after maturity and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of 2½ cents per cwt., for each 30 days or fraction thereof for the eligible rice accepted for delivery by CCC.

(f) In any instance where the producer fails to furnish to CCC weight or inspection certificates required for settlement on loans, CCC may obtain such certificates. The cost incurred by CCC in obtaining such certificates and any other fees or expenses incurred in connection with settlement on loans shall be for the account of the producer.

Issued this 21st day of October 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-8661; Filed, Oct. 25, 1955; 8:54 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 1954 Supp., Parts 146, 146c, 146d; 20 F. R. 5421) are amended as indicated below:

1. Section 146.26 *Animal feed containing penicillin* • • • is amended as follows:

a. Paragraph (b) (16) is amended by adding the following new sentence at the end thereof: "When intended for such uses it may also contain the equivalent of not less than 50 grams of bacitracin per ton of feed."

b. Paragraph (b) (17) is amended by adding the following new sentence at the end thereof: "When intended for such uses it may also contain the equivalent of not less than 100 grams of bacitracin per ton of feed."

2. In § 146c.226 *Tetracycline and vasoconstrictor suspension* • • •, paragraph (a) *Standards of identity* • • • is amended by changing the number "4.0" to read "3.0".

3. In § 146d.307 *Chloramphenicol solution* • • •, paragraph (c) (1) (iii) is amended by changing the number "24" to read "48".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that animal feeds containing bacitracin in the amounts designated in amendment 1 need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy, provided they are used in the amounts and for the purposes specified in these amendments.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055 as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463 as amended, 67 Stat. 389; 21 U. S. C. 352, 357)

Dated: October 20, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8616; Filed, Oct. 25, 1955; 8:45 a. m.]

Chapter II—Bureau of Narcotics, Department of the Treasury

[T. D. 54, Narcotic Regs. 2]

PART 202—IMPORTATION AND EXPORTATION OF NARCOTIC DRUGS

MISCELLANEOUS AMENDMENTS

Narcotic Regulations 2 are amended to delete therefrom all reference to certified consular invoices.

By virtue of the authority vested in me by Treasury Order No. 120 (15 F. R. 6521) Narcotic Regulations 2 (21 CFR Part 202) relating to the importation and exportation of narcotic drugs are amended as follows:

PARAGRAPH 1. Article 4 (21 CFR 202.4) is amended to read as follows:

§ 202.4 *Alternative foreign ports.* If desired, alternative foreign ports of exportation within the same country may be indicated upon the application, thus, (a) Calcutta, (b) Bombay. If a formal permit is issued pursuant to such application it will bear the names of the two ports in the order given in the application and will authorize shipment from either port. Alternate ports in different countries will not be authorized in the same permit.

PAR. 2. Article 5 (21 CFR 202.5) is amended by striking out the word "sextuplet" in the first sentence and inserting in lieu thereof the word "quintuplicate."

PAR. 3. Article 6 (21 CFR 202.6) is amended by striking out the word "six" in the first sentence and inserting in lieu thereof the word "five."

PAR. 4. Article 9 (21 CFR 202.9) is amended to read as follows:

§ 202.9 *Cancelation of permit.* A permit may be canceled after being issued at the request of the importer, provided no shipment has been made thereunder. In the event that a permit is lost, the Commissioner may upon the production by the importer of satisfactory proof, by affidavit or otherwise, issue a duplicate permit. Nothing in this subpart shall affect the right, hereby reserved by the Commissioner, to cancel a permit at any time for proper cause.

PAR. 5. Article 10 (21 CFR 202.10) is amended to read as follows:

§ 202.10 *Disposition of copies of permit.* If it is decided to approve an application for permission to import crude opium or coca leaves, an import permit shall be prepared in quintuplicate, each copy of which shall be signed by the Commissioner. The five copies of each permit are designated respectively as original, duplicate, triplicate, quadruplicate, quintuplicate. After being signed these copies shall be distributed and shall serve purposes as follows:

(a) The original copy, together with the quintuplicate copy, shall be transmitted to the importer, who will retain the quintuplicate copy on file as his record of authority for the importation, and he shall transmit the original copy of the permit to the foreign exporter. The foreign exporter will submit the original copy of the permit to the proper governmental authority in the exporting country, if required as a prerequisite to the issuance of an export authorization. This copy of the permit will accompany the shipment. Upon arrival of the imported merchandise the collector of customs at the port of entry will forward the original copy of the permit with the bill of lading to the appraiser for the port, who, after appraising the merchandise, will return the original copy of the permit to the Commissioner with a report on the reverse side of such original copy, showing the name of the port of importation, date prepared, net quantity and kind, and report of analysis of the merchandise entered.

(b) The duplicate copy shall be forwarded to the proper governmental authorities of the exporting country.

(c) An additional copy shall be forwarded to the collector of customs at the United States port of entry, which shall be the customs port of destination in the case of shipments transported under immediate transportation entries, in order that said collector may compare it with the original copy and the bill of lading upon arrival of the merchandise.

(d) The other copy of the permit shall be retained on file in the office of the Commissioner.

If a discrepancy is noted between corresponding items upon different copies of a permit bearing the same serial number when compared by the United States collector of customs, the officer shall refuse to permit entry of the importation until the facts are communicated to the Commissioner and further instructions are received.

PAR. 6. Article 11 (21 CFR 202.11) is hereby revoked.

(Sec. 2, 35 Stat. 614, as amended, 21 U. S. C. 173)

Because the amendments made by this Treasury Decision relieve restrictions it is found unnecessary to issue the decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

This Treasury Decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

G. W. CUNNINGHAM,
Commissioner of Narcotics.

Approved: October 19, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-8657; Filed, Oct. 25, 1955; 8:53 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—International Cooperation Administration[1]

PART 201—PROCEDURES FOR FURNISHING ASSISTANCE TO COOPERATING COUNTRIES

MISCELLANEOUS AMENDMENTS

Pursuant to Executive Order No. 10610, effective at the close of June 30, 1955, and Department of State Delegation of Authority No. 85, FOA Regulation 1, as revised October 15, 1954, is redesignated ICA Regulation 1 as of July 1, 1955, and will continue in effect with the following revisions and amendments:

1. The terms "International Cooperation Administration" and "ICA" are substituted for "Foreign Operations Administration" and "FOA", respectively, wherever the latter terms appear in the regulation.

2. Section 201.1 (a) is amended to read as follows:

§ 201.1 *Definition of terms.* For the purposes of this part:

(a) "The act" means the Mutual Security Act of 1954 (Pub. Law 665, 83d Cong.), as amended.

• • • • •

3. Section 201.6 (h) is amended by striking out the second sentence of subparagraph (2), by striking out subparagraphs (3) and (4), and by adding the following new subparagraphs (3), (4), and (5):

§ 201.6 *General provisions incorporated in PAs and PIOs.* • • •

(h) *Insurance.* • • •

(3) In authorizing or subauthorizing procurement under a commodity PA or PIO, the cooperating country will instruct each importer that, with respect to commodities procured in the United States pursuant to the PA or PIO, dollar funds made available under the authorization or subauthorization may, at the election of the importer, be used to purchase in the United States marine insurance for such commodities.

(4) As documentation to support ICA reimbursement for marine insurance dollar premiums, the insurer, insurance broker, or underwriter will execute a supplier's certificate (Form ICA-280) in accordance with § 201.18 (a) (2) (i) (c).

(5) In the event a cooperating country, by statute, decree, rule or regulation, discriminates with respect to ICA financed procurement against any marine insurance company authorized to do business in any State of the United States, then commodities procured in the United States with ICA funds, destined for such country, and insured against marine risk, shall be so insured in the United States with a company or companies authorized to do a marine insurance business in any State of the United States.

4. Section 201.7 (e) is amended to read as follows:

§ 201.7 *Ocean transportation.* • • •

(e) The requirements for use of United States flag vessels are contained in section 509 of the act and section 901 (b) of the Merchant Marine Act, 1936, added by Pub. Law 664, 83d Congress. These provisions generally require that at least 50 percent of the tonnage of ICA-financed commodities transported on ocean vessels be so transported on United States flag commercial vessels.

5. Section 201.10 (a) is amended to read as follows:

§ 201.10 *Information to be furnished by importer to supplier.* (a) Each importer must inform his supplier that the transaction is to be financed by ICA, and must give to his supplier the PA or PIO number that has been given to him, together with all instructions given to him by the cooperating country which will affect the supplier in carrying out the transaction, such as, for example, eligible source of commodities, periods during which contracts and deliveries must be made, shipping provisions, and documentation requirements. The supplier should request the importer to furnish the foregoing information, and the importer must furnish such information.

• • • • •

6. Section 201.13 is amended to read as follows:

§ 201.13 *Information for Office of Small Business/ICA.* (a) To permit ICA, in accordance with section 504 of the act, to give United States suppliers (particularly small independent enterprises) an opportunity to participate in supplying commodities and services financed by ICA, the importer (if not a United States Government Agency) shall insofar as practicable and to the maximum extent consistent with the accomplishment of the purposes of the Act furnish the following information in the following form so as to reach the Office of Small Business, ICA, Washington, D. C., at least 30 days prior to placing any order in excess of $5,000 (unless a shorter time is approved by the Office of Small Business, ICA, Washington, D. C.). This form will be submitted in duplicate in the English language, and specifications for commodities must be stated in terms of U. S. standards.

[1] Formerly designated as Foreign Operations Administration.

Name and Address of Importer	ICA PA or PIO/C Number (if known)	Quotations will be accepted until _____ (Date)
Subauthorization or Import License Number (if known)	Cabled quotations ( ) will ( ) will not be accepted (check one). If yes, give cable address	Approximate dollar amount of the proposed purchase

Full description of commodities and services (excluding ocean transportation and marine insurance) to be imported, including sizes, quantities, etc., and any special conditions:

Name of Importer _____
By _____
(Authorized signature)

(b) Where procurement is undertaken directly by a cooperating country government or its governmental agency on the basis of formal sealed bids, the importer, in addition to furnishing the information required in paragraph (a) of this section, shall at the same time furnish to the Office of Small Business, ICA, Washington, D. C., the closing hour and date for bids, the applicable invitation number, and the address where invitation forms and complete specifications may be obtained.

(c) The provisions of paragraphs (a) and (b) of this section shall not apply to imports of agricultural commodities except as otherwise specifically provided for in any PA or PIO covering agricultural commodities.

(d) Where ICA-financed purchases are made on the basis of sealed bids, the importer shall, within thirty days after making the award, furnish the Office of Small Business, ICA, Washington, D. C., an abstract of the bids submitted showing the names and addresses of all bidders the bids they submitted in terms of commodities, quantity, and prices, and the name and address of the successful bidder or bidders. The abstract of bids shall not be required in any cases either where the supplier and importer are private commercial operators or where the supplier is a United States Government Agency unless the Office of Small Business, ICA, Washington, D. C., specifically requests the importer for such an abstract.

7. In § 201.18 that portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

§ 201.18 *Documents required for reimbursement.* * * *

(a) For cost of any commodity, including ocean freight in c. & f. (cost and freight), marine insurance in c. & i. (cost and insurance), and ocean freight and marine insurance in c. i. f. (cost, insurance, and freight) transactions:

* * * * * * *

8. In § 201.18 (a) (2) (i), (*a*) is amended to read as follows:

(*a*) The cost of the commodity, including ocean freight in c. & f., marine insurance in c. & i., and ocean freight and marine insurance in c. i. f. transactions, to be executed by the supplier of the commodity.

9. In § 201.18 (a) (2) (i), (*c*) is added to read as follows:

(*c*) The cost of marine insurance in c. & i. and c. i. f. transactions, to be executed by the insurer, insurance broker, or underwriter.

10. Section 201.18 (a) (3) is amended by adding the following subdivision (iv):

(iv) In the case of shipments, other than by ocean vessel or aircraft, to a cooperating country from an authorized source country or area other than the continental United States but including Alaska, if the banking institution furnishes a certificate to the effect that it has been informed by the approved applicant or the supplier that it is impracticable to furnish any of the documents described in subdivision (i) of this subparagraph, such other documents evidencing shipment to or receipt by the cooperating country as are acceptable under good commercial practice, such as railway, barge, or truck bills of lading, or importers' receipts.

11. Section 201.18 (a) (4) is amended by adding the following at the end thereof: "In the case of commodities shipped from a free port or bonded warehouse, a statement by the supplier shall be endorsed on, or attached to, the copy (or photostat) of the supplier's invoice indicating (*a*) shipment from either a free port or bonded warehouse, in accordance with the facts, and (*b*) the country or area from which the commodity was shipped into such free port or bonded warehouse."

12. In § 201.18 that part of paragraph (c) preceding subparagraph (1) is amended to read as follows:

(c) For the cost of services (other than ocean transportation and marine insurance):

13. In § 201.22 (e) the first sentence is amended by adding the following at the end thereof:

(e) *Source.* * * * unless a statement furnished under § 201.18 (a) (4) indicates that the "source" is not the one shown in the PA or PIO.

14. Section 201.24 is amended to read as follows:

§ 201.24 *Continuation in effect of certain prior issuances.* Cooperating country allotments, PAs or PIOs, U. S. Government agency purchase requisitions, letters of commitment to banking institutions and letters of commitment to suppliers, issued by ECA under ECA Regulation 1, as amended, and by MSA under MSA Regulation 1, as amended, and by FOA under FOA Regulation 1, as amended, are reaffirmed and will continue in effect, subject to the terms and conditions thereof. The provisions of this part may be satisfied by the submission of a certificate or writing in a form: (a) Prescribed by or provided for by corresponding provisions of ECA Regulation 1, as in effect on December 29, 1951, or authorized by ECA on that date, or referring to an ECA Commodity Code number; or (b) prescribed by or provided for by corresponding provisions of MSA Regulation 1, as in effect on July 31, 1953, or authorized by MSA on that date, or referring to an MSA Commodity Code number; (c) or prescribed by or provided for by corresponding provisions of FOA Regulation 1, as in effect on June 30, 1955, or authorized by FOA on that date, or referring to an FOA Commodity Code number; or (d) prescribed by or provided for by corresponding provisions of ICA Regulation 1, as in effect on October 24, 1955, or authorized by ICA on that date, or referring to an ICA Commodity Code number. Authorizations, bank contracts, letters of guaranty to banking institutions or suppliers issued by The Institute of Inter-American Affairs, the Technical Cooperation Administration, the Foreign Operations Administration, and the International Cooperation Administration, all prior to October 25, 1955, are reaffirmed and will continue in effect subject to the terms and conditions thereof. Amendments to any of the above documents may continue to be made in accordance with the procedures in effect prior to October 25, 1955.

15. Section 201.25 is amended to read as follows:

§ 201.25 *Transitory provision.* This redesignation of FOA Regulation 1 as ICA Regulation 1 will take effect as of July 1, 1955; the amendments thereto will take effect as of October 25, 1955, but will not be applicable to claims for reimbursement from, or payments made to, a supplier pursuant to letters of credit issued, confirmed or advised, or payment instructions received, prior to October 25, 1955.

(Sec. 525, 68 Stat. 856; 22 U. S. C. 1785)

D. A. FITZGERALD,
Acting Director, International Cooperation Administration.

[F. R. Doc. 55-8677; Filed, Oct. 24, 1955; 3:32 p. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 167]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (–) side of final course; course and distance (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
GOSHEN, IND. Municipal, 823'. SBRAZ-VDT-GSH. Procedure No. 1. Amendment No. 5. Effective date: November 26, 1953. Supersedes Amendment No. 4, dated July 9, 1954. Major changes: (1) Course and distance revised Column 3; (2) Minimum altitude from VOR revised Column 4; (3) Distance revised Column 5, present criteria; (3) Course revised Column 7; (4) Minimums format revised.	Goshen VOR	091—9.0 final	1,500	S side of W course: 270° outbound. 090° inbound. 2,000' within 10 miles.	1,400	317—2.4	2 engines or less: T-dn 300–1; C-dn 400–1; S-dn 32 800–2	2 engines or less: 300–1; 400–1; 800–2	More than 2 engines: 200–1½; 500–1¾; 400–1; 800–2	Within 2.4 miles, climb to 2,000' on NW course MKG LFR within 10 miles.
MUSKEGON, MICH. Muskegon County, 628'. SBMRLZ-VDT-MKG. Procedure No. 1. Amendment No. 7. Effective date: November 26, 1953. Supersedes Amendment 6, dated December 20, 1953. Major changes: (1) Distance and altitude revised column 5; (2) Altitude revised column 6; (3) Minimums format revised; (4) Column 11 revised to avoid restricted area.				E side S.E. course: 137° outbound. 317° inbound. 1,900' within 10 miles.						Within 2.7 miles climb to 2,300' on E course within 25 miles.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
PHILLIPSBURG, PA. Albert, 1,750′ Procedure No. 1. Amendment 1. Effective date, August 1, 1950.	PROCEDURE CANCELED SEPTEMBER 20, 1955. AIRPORT ABANDONED. (REF: AIRMAN'S GUIDE, SEPTEMBER 20, 1955, PAGE 15.)									
RALEIGH, N. C. Raleigh-Durham, 435′. SBRAZ-DTV-RDU. Procedure No. 1. Amendment No. 8. Effective date: November 26, 1955. Supersedes Amendment No. 7, March 24, 1954. Major changes: Lower final approach altitude. Reduce procedure turn distance. Indicate new format for ceiling and visibility minimums.	Raleigh BVOR	343—9.0	2,000	N side of SE course: 119° outbound. 299° inbound. 1,900′ within 10 miles.	1,200	296—4.0	2 engines or less T-dn	300-1	300-1	Within 4 miles, climb to 2,000′ on NW course within 25 miles, or when directed by ATC climb to 1,800′ on NE course within 25 miles.
	Knightdale FM (final)	299—11	1,200				C-dn	400-1	500-1	
							S-dn 32	400-1	400-1	
							More than 2 engines T-dn		200-½	
							C-dn		500-1½	
							S-dn 32		400-1	
							All aircraft A-dn	800-2		
ROSWELL, N. MEX. Roswell 3,621′. SBMRAZ-DTV-ROW. Procedure No. 1 Amendment No. 5 Effective date: November 26, 1955. Supersedes Amendment 4, dated January 29, 1954. Major changes: Add transition from ROW-VOR; limit procedure turn distance; reduce missed approach altitude. Variation changed to 12° E.	Roswell VOR	094—10.0	5,500	E side of S course: 123° outbound. 303° inbound. 5,000′ within 10 miles.	4,500	311—9.1	2 engines or less T-dn	300-1	300-1	Within 9.1 miles, climb to 5,500′ on NW course Roswell LFR within 25 miles. *300-1 on Runway 12.
							C-dn	500-2	500-2	
							A-dn	800-2	800-2	
							More than 2 engines T-dn		*200-½	
							C-dn		500-2	
							A-dn		800-2	

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
JACKSON, MICH. Reynolds 1,000′ BMH-TV-JXN. Procedure No. 1. Amendment No. 6. Effective date: November 26, 1955. Supersedes Amendment 5, dated July 1, 1954. Major changes: (1) Initial approach procedures revised, Relocation of airways, columns 2, 3, 4; (2) Procedure turn limited to 10 miles (criteria), column 5; (3) Ceiling and visibility format revised (criteria), columns 8, 9, 10.	Litchfield VOR	050—21.0	2,300	W side of course: 315° outbound. 135° inbound. 2,200′ within 10 miles.	1,500	Facility on airport	2 engines or less T-dn	300-1	300-1	Within 0 mile, climb immediately to 2,300′ on track of 135° within 5 miles. CAUTION: Radio tower 1,330′ mean sea level 2.3 miles SE of "H" facility.
	Manchester Intersection	298—21.0	2,300				C-dn	500-1	500-1	
	Intersection SE course LAN LFR and 210° bearing to "H".	210—15.0	2,300				A-dn	800-2	800-2	
	Wolf Lake Intersection	292—10.0	2,300				More than 2 engines T-dn		200-½	
	Intersection W course RML LFR and 030° bearing to "H".	030—18.0	2,300				C-dn		500-1½	
	Leslie Intersection	185—11.0	2,300				A-dn		800-2	
PELLSTON, MICH. Emmet County, 720′. BHH-TV-PLN. Procedure No. 1. Amendment No. 4. Effective date: November 26, 1955. Supersedes Amendment 3, dated December 20, 1953. Major changes: (1) Transitions deleted, columns 2, 3, 4; (2) column 5 revised, flight check; (3) column 6 revised, flight check; (4) minimums and format revised.				E side of course: 135° outbound. 315° inbound. 1,900′ within 10 miles.	1,400	0.0—on airport	2 engines or less T-dn	500-1	500-1	Within 0 mile, climb to 2,500′ on course of 315° within 25 miles.
							C-dn	700-1	700-1	
							A-dn	800-2	800-2	
							More than 2 engines T-dn		500-1	
							C-dn		700-1½	
							A-dn		800-2	
SEATTLE, WASH. Boeing Field, 17′. SBRAZ-SEA. Procedure No. 1 (for high speed aircraft). Amendment: Original. Effective date: November 26, 1955. Supersedes: None. Major changes: Establishes procedure for high speed (jet) aircraft.				E side of S. course: 176° outbound.* 356° inbound. 4,500′ within 20 nautical miles.	1,500**	290—2.1 nautical miles	2 engines or less T-dn	300-1	300-1	Within 2.1 nautical miles turn left, climb to 2,000′ on 260° course outbound from SEA-LFR. At 10 nautical miles from LFR commence climb as directed by ATC within 25 miles. *"Teardrop Pattern" may be used for procedure turn, in which event 176° outbound course not applicable. **If LOM (or 4 nautical miles from SEA VOR-DME) not received, minimum altitude over LFR 2,000′.
							C-dn	1,500-2	1,500-2	
							A-dn	1,500-2	1,500-2	
							More than 2 engines T-dn		300-1	
							C-dn		1,500-2	
							A-dn		1,500-2	
SEATTLE, WASH. Boeing Field, 17′. SBRAZ-SEA. Procedure No. 2. (for high speed aircraft). Amendment: Original. Effective date: November 26, 1955. Supersedes: None. Major changes: Establishes procedure for high speed (jet) aircraft.	Kitsap Intersection (final)	117—12.0 nautical miles.	2,000	S side NW course: 297° outbound.* 117° inbound. 4,000′ within 20 nautical miles.	Over Harbor Island FM# 2,000′.	117—3 nautical miles	2 engines or less T-dn	300-1	300-1	Within 3 nautical miles after passing Harbor Island FM turn right, climb to 2,000′ intercepting a course of 260° from SEA LFR. At 10 nautical miles commence climb as directed by ATC within 25 nautical miles. *"Teardrop Pattern" may be used for procedure turn, in which event 297° outbound course not applicable. #Or 9 nautical miles from SEA VOR-DME.
							C-dn	1,500-2	1,500-2	
							A-dn	1,500-2	1,500-2	
							More than 2 engines T-dn		300-1	
							C-dn		1,500-2	
							A-dn		1,500-2	

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
DALLAS, TEX. Love Field, 485'. BVOR-DME-DAL. Procedure No. 1. Amendment No. 3. Effective date: November 26, 1955. Supersedes Amendment No. 2, dated June 4, 1955. Major changes: Add DME fixes.	Dallas LFR	050—12	2,000	N side of course: 063° outbound. 243° inbound. 2,000′ within 10 miles.	1,500	243—9.5	2 engines or less T-dn #C-dn	300–1 400–1	300–1 500–1	Within 9.5 miles, turn right, return to VOR, climbing to 2,000′. CAUTION: 695′ mean sea level tank 1.7 miles SE Runway 31. #If DME not utilized, landing minima are 700–2. AIR CARRIER NOTES: On cargo and ferry flights, no reduction in landing minima authorized.
	From 10 nautical miles DME fix to VOR (final).	243—10	1,500		1,300 over 6.5 nautical miles DME Fix.	243—6.5 nautical miles from VOR to DME Fix.	More than 2 engines T-dn #C-dn	---------- ----------	200–½ 500–1½	
	Radar terminal area transition: Altitude 2,000′ within 5 to 20 nautical miles. Radar control must provide 3 nautical miles or 1,000′ vertical separation or 3 to 5 nautical miles and 500′ vertical separation from radio towers, 1,108′ mean sea level 20 nautical miles N; 2,349′ mean sea level 16 nautical miles SSW; 1,230′ mean sea level 10 nautical miles WNW of airport.					243—1.7 nautical miles from 6.5 nautical miles DME Fix to airport.	All aircraft A-dn	800–2		
MUSKEGON, MICH. Muskegon County, 628'. BVOR-MKG. Procedure No. 1. Amendment No. 2. Effective date: November 26, 1955. Supersedes No. 1, dated March 30, 1954. Major changes: (1) Airport elevation revised, column 1; (2) heading distance revised, column 3; (3) procedure turn to 25 miles deleted, column 5; (4) procedure turn altitude raised, column 6 revised; (5) minimums format revised; (6) column 11 revised account restricted area.	Muskegon LFR	275—0.6	1,800	E side of course: 152° outbound. 332° inbound. 1,900′ within 10 miles.	1,400	332—2.0	2 engines or less T-dn C-dn S-dn 32 A-dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	Within 2 miles, climb to 1,900′ on outbound course 332° within 10 miles.
							More than 2 engines T-dn C-dn S-dn 32 A-dn	---------- ---------- ---------- ----------	200–½ 500–1½ 400–1 800–2	
SEATTLE, WASH. Boeing Field, 17'. BVOR-DME-SEA. Procedure No. 1 (for high speed aircraft). Amendment: Original. Effective date: November 26, 1955. Supersedes: None. Major changes: Establishes procedure for high speed (jet) aircraft.	From 15 nautical miles fix to Harbor Island FM (final).	145—6 nautical miles	2,000	W side of course: 325° outbound.* 145° inbound. 4,000′ within 20 nautical miles of SEA VOR-DME.	Over Harbor Island FM# 2,000.	117—3 nautical miles from Harbor Island FM.	2 engines or less T-dn C-dn A-dn	300–1 1,500–2 1,500–2	300–1 1,500–2 1,500–2	Within 3 nautical miles of Harbor Island FM turn right, climb to 2,000′ on 270° radial SEA VOR/DME. At 10 nautical miles commence climb as directed by ATC within 25 nautical miles. *"Teardrop Pattern" may be used for procedure turn, in which event 325° outbound course not applicable. #Or 9 nautical miles from SEA VOR/DME.
							More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	300–1 1,500–2 1,500–2	
SEATTLE, WASH. Boeing Field, 17'. BVOR-DME-SEA. Procedure No. 2 (for high speed aircraft). Amendment: Original. Effective date: November 26, 1955. Supersedes: None. Major changes: Establishes procedure for high speed (jet) aircraft.	20 nautical miles fix to SEA VOR/DME (final).	040—20 nautical miles	2,000	N side of course: 220° outbound.* 040° inbound. 4,000′ within 20 nautical miles.	2,000	342—5.0 nautical miles	2 engines or less T-dn C-dn A-dn	300–1 1,500–2 1,500–2	300–1 1,500–2 1,500–2	Within 5 nautical miles turn left, climb to 2,000′ on 270° radial SEA VOR/DME. At 10 nautical miles commence climb as directed by ATC within 25 nautical miles. *"Teardrop Pattern" may be used for procedure turn, in which event 220° outbound course not applicable.
							More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	300–1 1,500–2 1,500–2	

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure, authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end o. runway at—: Outer marker	Altitude of glide slope and distance to approach end o. runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
SOUTH BEND, IND. St. Joseph County, 778'. ILS–ISBN. Procedure No. 2. Back course approach. Amendment No. 1. Effective date: November 26, 1955. Supersedes Original, dated March 30, 1954. Major changes: (1) Transitions revised, columns 2, 3, 4, 5; (2) Column 6 revised, criteria; (3) Minimums format revised, policy; (4) Column 11 reworded to provide more flexible procedure.	South Bend LFR	Intersection* or Intersection.**	002—0.9	2,000	N side of W course: 268° outbound. 088° inbound. 2,000′ within 10 miles.	No slide slope (back course)	No outer marker (back course)	No middle marker (back course)	2 engines or less T-dn C-dn S-dn 9 A-dn	300–1 500–1 500–1 800–2	300–1 500–1 500–1 800–2	Within 3.1 miles, climb to 2,000′ on E course SBN LFR within 25 miles. *Intersection W course SBN ILS and N course SBN LFR or 182° bearing to SBN LFR. **Intersection W course SBN ILS and 215R SBN VOR. Authorized only when aircraft equipped to receive ILS and VOR or ILS and/or ADF or LFR simultaneously.
	South Bend LOM	Intersection* or Intersection.**	268—8.5	2,000		1,500′ over intersection* or intersection**	1,500′ 3.1° from over intersection* or intersection**		More than 2 engines T-dn C-dn S-dn 9 A-dn	---------- ---------- ---------- ----------	200–½ 500–1½ 500–1 800–2	
	South Bend VOR	Intersection* or Intersection.**	215—6.0	2,000								
	Intersection E course ILS and E course SBN LFR.	Intersection* or Intersection.**	268—4.0	2,000								
	New Carlisle FM (via W course SBN ILS).	Intersection* or Intersection.**	88—10.0 (final)	1,500								

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–8565; Filed, Oct. 25, 1955; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

RECORDS OF CASH COMMODITY AND FUTURES TRANSACTIONS

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act (7 U. S. C. 1–17a), and pursuant to notice published in the FEDERAL REGISTER on August 11, 1955 (20 F. R. 5829), § 1.35 of Chapter I of Title 17, Code of Federal Regulations (17 CFR 1.35), is hereby amended to read as follows:

§ 1.35 *Records of cash commodity and futures transactions*—(a) *Futures commission merchants and members of contract markets.* Each futures commission merchant and each member of a contract market shall keep full, complete, and systematic records of all commodity futures transactions and cash commodity transactions, made by or through him, on or subject to the rules of a board of trade. He shall keep such records, including all orders, trading cards, signature cards, street books, journals, ledgers, cancelled checks, copies of confirmations and copies of statements of purchase and sale, together with all other data and memoranda, and records of every sort pertaining to transactions in cash commodities and in commodities for future delivery, for the period of time and in the manner prescribed in § 1.31. He shall produce the same for inspection and shall furnish true and correct information and reports as to the contents or the meaning thereof, when and as requested by any authorized representative of the Commodity Exchange Authority.

(b) *Futures commission merchants and clearing members of contract markets.* Each futures commission merchant and each clearing member of a contract market shall, as a minimum requirement, prepare regularly and promptly, and keep systematically and in permanent form, the following:

(1) A financial ledger record which will show separately for each customer all charges against and credits to such customer's account, including but not limited to funds or securities deposited, withdrawn, or transferred, and charges or credits resulting from losses or gains on closed transactions;

(2) A record of transactions which will show separately for each account (including house accounts) all commodity futures transactions executed for such account, including the date, price, quantity, market, commodity, and future; and

(3) A record or journal which will show separately for each business day complete details of all commodity futures transactions executed on that day, including the date, price, quantity, market, commodity, future, and the person for whom such transaction was made.

(c) *Clearing members of contract markets.* In the daily record or journal required to be kept under paragraph (b) (3) of this section, each clearing member of a contract market shall also show the floor broker or other person executing each transaction and the opposite clearing member with whom it was made.

(Sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a)

NOTE: The record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective December 1, 1955.

Issued this 21st day of October 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-8660; Filed, Oct. 25, 1955; 8:54 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

BLUE RIDGE PARKWAY; COMMERCIAL HAULING PROHIBITED

1. Paragraph (f), Commercial Hauling, of § 20.34, entitled *Blue Ridge Parkway*, is hereby created to read as follows:

§ 20.34 *Blue Ridge Parkway* • • •

(f) *Commercial Hauling by Trucks, Station Wagons, Pickups, Passenger Cars, or Other Vehicles.* Commercial hauling on the Blue Ridge Parkway, for any purpose, by trucks, station wagons, pickups, passenger cars, or other vehicles, when such hauling is in no way connected with the operation of the Parkway, is prohibited, except that, in emergencies, special hauling permits may be issued by the Superintendent.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 21st day of September 1955.

[SEAL] SAM P. WEEMS,
Superintendent,
Blue Ridge Parkway.

[F. R. Doc. 55-8643; Filed, Oct. 25, 1955; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 611, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.718 (Lemon Regulation 611, 20 F. R. 7774) are hereby amended to read as follows:

(ii) District 2: 200 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 20, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8615; Filed, Oct. 25, 1955; 8:45 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

BITUMINOUS COAL INDUSTRY

On August 6, 1955, notice was published in the FEDERAL REGISTER of a proposed decision of the Secretary of Labor in regard to the determination of the prevailing minimum wages pursuant to the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. Sec. 35, et seq.), for the Bituminous Coal Industry (20 F. R. 5690). The notice allowed a period of 30 days in which interested parties might submit exceptions to the proposed decision.[1]

Exceptions and objections to the proposed decision have been received from the Central Pennsylvania Open Pit Mining Association, from some 300 operators in the State of Virginia (hereinafter referred to as the Virginia Operators), from the Stearns Coal and Lumber Company on its own behalf and on behalf of 30 other operators in McCreary, Pulaski, and Whitley Counties, Kentucky, from the Laddie Coal and Mining Company, Robbins, Tennessee, from the Hawthorne Coal and Coke Company, Norton, Virginia, and from operators in Clay and Leslie Counties, Kentucky.

It has been contended that no determination should be made, because (1) wages below the prevailing minima are necessary to meet the competition of other fuels, (2) some operators cannot pay the prevailing minimum, (3) the lower wages paid by some are not below the minimum required by the Fair Labor Standards Act, and (4) the proposal would have an adverse effect on employment opportunities of aged workers.

The objections that this industry must compete with other fuels and that some operators will be unable to compete and pay the prevailing minima afford no sound reasons for failing to make a determination. The requirement that the prevailing minimum wage be paid on Government contracts to which the act applies contemplates that those members of the industry who are unable to meet its prevailing minimum wage standards will not be favored with Government business. The fact that a determination for this Industry will have this effect is no reason for withholding a determination.

Irrelevant to this proceeding is the fact that wages lower than the prevailing minima paid by some operators are not below the minimum requirements of the Fair Labor Standards Act. As pointed out by the Supreme Court in Powell v. U. S. Cartridge Co., 339 U. S. 497, the Walsh-Healey Act and the Fair Labor Standards Act are "mutually supplementary" rather than "mutually exclusive", and where both acts are applicable, employees are entitled to the advantages of both acts.

The objection that the proposed determination will have an adverse effect on aged workers is without merit. Section 201.1102 of the regulations issued under the Walsh-Healey Public Contracts Act permits the employment of handicapped workers at subminimum wages under certificates issued in accordance with standards and procedures prescribed by the Administrator of the Wage and Hour and Public Contracts Divisions under the Fair Labor Standards Act (29 CFR, Parts 524 and 525). A person may be considered "handicapped" under this regulation because of age, mental or physical deficiency, or injury. It is unnecessary and inconsistent with the basic objectives of the act to deny "prevailing minimum" wages to able bodied workers merely because lower rates are paid to handicapped or aged workers.

I have considered all arguments advanced against the issuance of a determination for the Bituminous Coal Industry. In my opinion these arguments do not outweigh the fact that this industry, selling in excess of 13,000,000 tons of coal to the Government in 1954,

[1] Two requests were received for an extension of time within which to file exceptions. However, the need for additional time, in view of the variety of issues presented, was anticipated in advance. The proposal, accordingly, granted 30 days for filing instead of the 15-day period provided in the rules of practice. In view of this fact and in view of the many other parties having an interest in this matter, further delay in reaching a final decision was not deemed advisable.

is a proper subject for a wage determination. All objections to the issuance of a determination are accordingly overruled.

Several exceptions have been filed with respect to the basis of the determination. Many of these exceptions are directed at the failure of the notice of hearing to make reference to all of the bases for wage determinations set forth in section 1 (b) of the act.

Section 1 (b) of the act provides for determination by the Secretary of Labor of "the prevailing minimum wages for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished." The act does not require that the determination of minimum wages be on the basis of all or a combination of the various standards. The act confers discretion on the Secretary of Labor in the choice of the method by which he shall proceed to determine the prevailing minima. No request was received prior to the hearing that the scope of the inquiry go beyond the question of the wages prevailing in the Bituminous Coal Industry. It is apparent from the record that there are ample data as to wages paid in the entire Bituminous Coal Industry and that it has long been recognized as a unique industry with a distinctive wage structure. Accordingly I find that there is no need to go outside the Industry or to consider any of the alternative standards.

Several other objections have been received as to the content and timing of the notice of hearing. These objections are substantially the same as those previously filed and considered in the proposed decision. Many of them are based on the theory that the notice of hearing limited the issue in this proceeding to either adoption or rejection of the proposal of petitioners as set forth in the notice of hearing. This theory is not supported by the language of the notice. The notice did not call solely for data, views, and argument as to the propriety of petitioners' proposals. On the contrary, the notice, in general terms, called for data and evidence which could form the basis of a rule to be proposed subsequent to the hearing. It contemplated a hearing at which various proposals and evidence in support thereof would be submitted.

The notice has also been challenged on the ground that it failed to set forth all of the issues that arose at the hearing. The necessity for some generality of notice in rule-making proceedings has been considered in the proposal. For the reasons stated therein, I consider this objection to be without merit.

I have reviewed my earlier findings as to the content and timing of the notice of hearing and I have considered all objections here raised which are based upon alleged imperfections in the content and timing of the notice. In the light of this review, it is my conclusion that the notice adequately described the subjects and issues involved, and sufficiently in advance of the hearing, to permit effective public participation. All objections to the content and timing of the notice of hearing, to previous findings concerning the subject, and to specific findings on the grounds of alleged inconsistency with the notice of hearing are therefore overruled.

An objection has been filed to the proposed definition of the industry. It is asserted that captive mines should be specifically excluded from the definition and that wages paid therein should not be considered in determining the prevailing minimum wages in the industry. In support of this contention, it is argued that coal produced in captive mines is not sold to the Government, but is consumed exclusively by the owner for his own purposes. This argument assumes that it is the function of a wage determination to reflect the minimum wage which prevails only among Government contractors in the industry. Section 1 (b) of the act, on the other hand, contemplates that the Secretary of Labor determine the minimum wages which prevail in the entire industry. It was the very purpose of the act that the award of Government contracts should not operate to depress minimum wage standards prevailing in the industry generally. The argument that the determination should ignore the wages paid in a substantial segment of the Bituminous Coal Industry merely because that segment does not currently contract with the Government runs counter to both the terms and the basic purposes of the act.

It has been suggested that the proposed definition itself has the effect of excluding captive mines. This suggestion is based upon that portion of the definition which reads: "Produces or furnishes" includes mining or other extraction, and the loading, screening, sizing, washing, oiling, and other preparation for market of bituminous coal and activities incidental to these operations.

It is argued that the words "preparation for market" would exclude captive mines since their production cannot be said to be a preparation for market. The phrase "preparation for market" was not used in such a restrictive sense. It was the intention to include preparational activities regardless of the ultimate use of the coal. Inasmuch as the proposed definition may be subject to misunderstanding on this point, it appears desirable to delete the phrase "for market". The complete definition of the Industry will then read as follows: "The Bituminous Coal Industry is defined as that industry which produces or furnishes all coal (including lignite) except Pennsylvania anthracite. "Produces or furnishes" includes mining or other extraction, and the loading, screening, sizing, washing, oiling, and other preparation of bituminous coal, and activities incidental to these operations. The term "preparation of bituminous coal" does not include any activities performed at Great Lakes or Tidewater docks."

Exception is also taken to the inclusion of preparatory activities in the proposed definition, it being argued that no evidence was taken on this point. The record clearly shows, however, that preparation of coal is considered an activity of the Bituminous Coal Industry.[1] Wage data introduced covered processing plants. The various operations performed to increase coal's marketability or to prepare it for particular uses were repeatedly alluded to. In addition, Government Exhibit 7 (U. S. Bureau of Mines Survey "Bituminous Coal and Lignite in 1953") contains extensive material on various preparational activities including statistical data concerning these processing practices. In view of the fact that the various preparatory activities referred to in the record as well as the actual mining or extraction of coal are considered activities of the Industry, the Industry is properly defined as including preparation of coal.

The proponents of various geographic units other than production districts as wage determination areas have renewed their arguments in favor of their respective areas. The areas supported in these contentions are the State of Virginia; Clay and Leslie Counties, Kentucky; 21 contiguous counties in Central Pennsylvania; and McCreary, Pulaski and a part of Whitley Counties, Kentucky. All of these areas and the arguments advanced in support thereof were discussed in detail in the proposal.

In taking exception to the choice of production districts as wage determination areas, it is asserted that there exist within individual districts variations in methods of mining, characteristics of the coal, freight rates, and mining conditions generally. These variations, however, are characteristic of the Bituminous Coal Industry and exist to a much greater degree among the different production districts. The existence of these varying economic characteristics and the fact that historically they have been considered in the development of the differentials between the minimum wages prevailing in competing districts are persuasive reasons for using a district approach in this determination rather than alternative areas suggested at the hearing. The fact that differences may exist between mines within a single production district does not affect the conclusion that, generally speaking, common natural economic characteristics which affect the ability of mines to compete prevail within individual districts. That these characteristics do prevail on a district basis is demonstrated not only by evidence of record as to the background and origin of the production districts, but by the existence of well established uniform patterns of prevailing minimum wages according to districts.

The use of production districts is also challenged on the ground that the wage data introduced by the petitioners at the hearing were not collated or assembled on a production district basis and that there is nothing in the record upon which a production district evaluation can be made.

Considerable data introduced by petitioners are on a district basis. Even where this is not the case, mines having UMWA contracts or paying minimum

[1] T. 288-89.

wages at least equal to those specified in such contracts are identified by name and address and in most cases, the 1953 tonnage and employment are given for each mine. The record also contains the precise boundaries of each production district and the total production and employment on a production district basis for the year 1953. With these basic data and the aid of such standard works as Rand McNally's Commercial Atlas and a Postal Guide, it is possible to ascertain a minimum percentage for 1953 of both total production and employment for each production district accounted for by UMWA signatories and those non-signatories paying not less than the minimum called for in the UMWA contracts.

In view of the basic data in the record, the charge that there is nothing in the record upon which a district evaluation can be made is unfounded. However, in view of the objections raised, the wage data of record have again been checked on a district basis. This recheck confirms the conclusion that a majority of both tonnage and employment was accounted for by mines paying minimum rates at least equal to those called for in the UMWA contracts in all producing districts except district 12.[3]

It has also been asserted that a district evaluation cannot be made since the breakdown and evaluation has not been subject to cross examination. However, the evaluation is made from evidence which was subject to cross-examination when it was introduced. Moreover, the parties have had an opportunity to object to the proposed evaluation and have failed to point to, or render, any evidence indicating that it is not accurate.

Exception has been taken to my statement that I do not consider the question of portal-to-portal pay as a matter within these proceedings. It is argued that both the daily wage of shift workers and the tonnage formula for incentive workers are designed to reflect portal-to-portal pay and that if a minimum based on these wage scales is placed in effect, it will have the effect of imposing upon non-union operators the payment of portal-to-portal pay in violation of the Portal Act.

It is true that under the UMWA agreements the pay for both classes of workers includes a certain amount for travel time within the mine. The fact, however, that the daily earnings include compensation for travel times does not increase the hourly rate nor make it any less "prevailing" than does the fact that the rate reflects other factors considered in the process of wage bargaining. The minimum hourly rates set forth in the proposal are those rates which prevail for one hour's work. Whether a particular operator is required to pay this rate portal-to-portal or only for time spent at the mine face is dependent entirely on those circumstances governing the compensability of travel time under the Portal-to-Portal Act of 1947. In view of this fact, all exceptions to the use of UMWA data on the ground that its use violates the Portal Act are overruled.

Exception is taken to the special provision for payment of incentive workers. This part of the proposal is said to be "unreasonable, arbitrary, and unjustified" and to be administratively unworkable.

Special provision was made for tonnage workers at the specific request of numerous representatives, including both labor and management. Some problems of administration of an hourly rate requirement with respect to incentive workers are present in any determination under the act. I do not anticipate any great difficulty in administering the proposed order. However, I am instructing the Administrator of the Wage and Hour and Public Contracts Divisions to report to me any difficulties in administration that may arise. In the event that such action appears to be in the public interest, proceedings will be instituted to amend the order.

Several other objections have been filed which are based on issues fully covered in the proposal. These include consideration of the "open market" exemption contained in the act, conclusions as to the conflict of the proposal with existing employment contracts, the nature and adequacy of the prevailing wage data, the propriety of basing the determination on 1953 production and employment data, questions as to the minimum rate prevailing in various areas, and the question raised on the record as to whether union mines were in fact living up to their contractual obligations. I have again reviewed each and every issue previously raised and for the reasons stated in the proposal, overrule these objections.[4]

In addition to exceptions to the substance of the proposal, numerous objections have been made to the failure of the proposed decision to refer to certain testimony and documents of record, to various statements in the proposal, and to certain rulings of the hearing examiner.

While the proposal did not refer specifically to each individual piece of evidence or document of record, all evidence of record and all matters raised were considered in reaching the proposed decision. The proposal was based on the entire record and the presentation and arguments of all interested parties were fully considered in the light of the entire record. Exception to the failure to refer specifically to all evidence of record is accordingly overruled.

I have considered the exceptions to rulings of the hearing examiner but find that the charge that those rulings were unreasonable, arbitrary, capricious and prejudicial has not been substantiated.

Although many of the objections to various statements in the proposal do not raise material questions of fact or law, all such statements have been reviewed. One minor objection raised by the Virginia Operators I find is well taken. There was an erroneous reference to an "association" of coal operators from Virginia, whereas they all made individual appearances and were referred to as the Virginia Operators for convenience only. The remaining objections are based either upon a dispute as to the proper inference to be drawn from the evidence or on a challenge to the credibility of various witnesses. I am convinced that a sound evaluation has been made of all evidence of record. Except for the objection to referring to the Virginia Operators as an association, all objections and exceptions to specific statements in the proposal are overruled.[5]

In addition to objections to the merits of the proposal, the charge that I have prejudged the issues in this proceeding has been renewed. This allegation in connection with a recommendation of the Advisory Committee on Energy and Power Resources was considered in the proposal. A press release of the United States Department of Labor issued on December 17, 1954, has now been advanced as an additional ground for this assertion.

This release, however, did no more than announce my decision that a wage determination should be made for the Bituminous Coal Industry through proceedings in accordance with law. My decision as to the prevailing minimum wages and all other issues involved in the proceeding was arrived at only after consideration of all evidence and data of record. The charge that any issue was prejudged is unfounded.

Upon reviewing the entire record in the light of all objections and exceptions filed, it is my conclusion that the proposed decision, amended by deleting the phrase "for market" from the definition of the industry, should be adopted. Accordingly, pursuant to the authority vested in me by the Walsh-Healey Public Contracts Act, Title 41, Code of Federal Regulations, Part 202, is hereby amended by addition of the following new section:

§ 202.51 *Bituminous coal industry*—(a) *Definition.* The bituminous coal industry is defined as that industry which produces or furnishes all coal (including lignite) except Pennsylvania anthracite. "Produces or furnishes" includes mining or other extraction, and the loading, screening, sizing, washing, oiling and other preparation of bituminous coal, and activities incidental to these operations. The term "preparation of bituminous coal" does not include any activities performed at Great Lakes or tidewater docks.

(b) *Minimum wage.* The minimum wage for employees (other than auxiliary workers) engaged in the performance of contracts with agencies of the United States subject to the provisions of the Act for production or furnishing of bituminous coal (including lignite) shall be the amount indicated for each area as follows:

District 1. Eastern Pennsylvania: $2.245.

The following counties in Pennsylvania: Bedford, Blair, Bradford, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Elk, Forest, Fulton, Huntingdon, Jefferson, Lycoming, McKean, Mifflin, Potter, Somerset, Tioga.

Armstrong County, including mines served by the Pittsburgh and Shawmut Railroad on the west bank of the Allegheny River, and north of the Conemaugh division of the Pennsylvania Railroad.

Fayette County, all mines on and east of the line of Indian Creek Valley branch of the Baltimore and Ohio Railroad.

Indiana County, north of but excluding the Saltsburg branch of the Pennsylvania Railroad between Edri and Blairsville, both exclusive.

Westmoreland County, including all mines served by the Pennsylvania Railroad, Torrance, and east.

All coal-producing counties in the State of Maryland.

The following counties in West Virginia: Grant, Mineral, and Tucker.

District 2. Western Pennsylvania: $2.245.

The following counties in Pennsylvania: Allegheny, Beaver, Butler, Greene, Lawrence, Mercer, Venango, Washington.

Armstrong County, west of the Allegheny River and exclusive of mines served by the Pittsburgh and Shawmut Railroad.

Indiana County, including all mines served on the Saltsburg branch of the Pennsylvania Railroad north of Conemaugh River.

Fayette County, except all mines on and east of the line of Indian Creek Valley, branch of the Baltimore and Ohio Railroad.

Westmoreland County, including all mines except those served by the Pennsylvania Railroad from Torrance, east.

District 3. Northern West Virginia: $2.245.

The following counties in West Virginia: Barbour, Braxton, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pleasants, Preston, Randolph, Ritchie, Roane, Taylor, Tyler, Upshur, Webster, Wetzel, Wirt, Wood.

That part of Nicholas County including mines served by the Baltimore and Ohio Railroad and north.

District 4. Ohio: $2.245.

All coal-producing counties in Ohio.

District 5. Michigan: (No determination.)

District 6. Panhandle: $2.245.

The following counties in West Virginia: Brooke, Hancock, Marshall, and Ohio.

District 7. Southern Numbered 1: $2.245.

The following counties in West Virginia: Greenbrier, Mercer, Monroe, Pocahontas, Summers.

Fayette County, east of Gauley River and including the Gauley River branch of the Chesapeake and Ohio Railroad and mines served by the Virginian Railway.

McDowell County, that portion served by the Dry Fork branch of the Norfolk and Western Railroad and east thereof.

Raleigh County, excluding all mines on the Coal River branch of the Chesapeake and Ohio Railroad.

Wyoming County, that portion served by the Gilbert branch of the Virginian Railway lying east of the mouth of Skin Fork of Guyandot River and that portion served by the main line and the Glen Rogers branch of the Virginian Railway.

The following counties in Virginia: Montgomery, Pulaski, Wythe, Giles, Craig.

Tazewell County, that portion served by the Dry Fork branch to Cedar Bluff and from Bluestone Junction to Boissevain branch of the Norfolk and Western Railroad and Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

Buchanan County, that portion served by the Richlands-Jewell Ridge branch of the Norfolk and Western Railroad and that portion of said county on the headwaters of Dismal Creek, east of Lynn Camp Creek (a tributary of Dismal Creek).

District 8. Southern Numbered 2: $2.245.

The following counties in West Virginia: Boone, Clay, Kanawha, Lincoln, Logan, Mason, Mingo, Putnam, Wayne, Cabell.

Fayette County, west of, but not including mines of the Gauley River branch of the Chesapeake and Ohio Railroad.

McDowell County, that portion not served by and lying west of the Dry Fork branch of the Norfolk and Western Railroad.

Raleigh County, all mines on the Coal River branch of the Chesapeake and Ohio Railroad and north thereof.

Nicholas County, that part south of and not served by the Baltimore and Ohio Railroad.

Wyoming County, that portion served by Gilbert branch of the Virginian Railway lying west of the mouth of Skin Fork of Guyandot River.

The following counties in Virginia: Dickinson, Lee, Russell, Scott, Wise.

All of Buchanan County, except that portion on the headwaters of Dismal Creek, east of Lynn Camp Creek (tributary of Dismal Creek) and that portion served by the Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

Tazewell County, except portions served by the Dry Fork branch of Norfolk and Western Railroad and branch from Bluestone Junction to Boissevain of Norfolk and Western Railroad and Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

The following counties in Kentucky: Bell, Boyd, Breathitt, Carter, Clay, Clinton, Elliott, Floyd, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, McCreary, Magoffin, Martin, Menifee, Morgan, Owsley, Perry, Pike, Pulaski, Rockcastle, Wayne, Whitley, Wolfe.

The following counties in Tennessee: Anderson, Campbell, Claiborne, Cumberland, Fentress, Morgan, Overton, Pickett, Putnam, Roane, Scott.

The following counties in North Carolina: Lee, Chatham, Moore.

District 9. West Kentucky: $2.09.

The following counties in Kentucky: Butler, Christian, Crittenden, Daviess, Hancock, Henderson, Hopkins, Logan, McLean, Muhlenberg, Ohio, Simpson, Todd, Union, Warren, Webster.

District 10. Illinois: $2.245.

All coal-producing counties in Illinois.

District 11. Indiana: $2.28.

All coal-producing counties in Indiana.

District 12. Iowa: $1.40.

All coal-producing counties in Iowa.

District 13. Southeastern: $2.015.

All coal-producing counties in Alabama.

The following counties in Georgia: Dade, Walker.

The following counties in Tennessee: Marion, Grundy, Hamilton, Bledsoe, Sequatchie, White, Van Buren, Warren, McMinn, Rhea.

District 14. Arkansas-Oklahoma: $2.09.

The following counties in Arkansas: All counties in the State.

The following counties in Oklahoma: Haskell, Le Flore, Sequoyah.

District 15. Southwestern: $2.09.

All coal-producing counties in Kansas. All coal-producing counties in Texas. All coal-producing counties in Missouri.

The following counties in Oklahoma: Coal, Craig, Latimer, McIntosh, Muskogee, Okmulgee, Pittsburg, Rogers, Tulsa, Wagoner.

District 16. Northern Colorado: $2.296.

The following counties in Colorado: Adams, Arapahoe, Boulder, Douglas, Elbert, El Paso, Jackson, Jefferson, Larimer, Weld.

District 17. Southern Colorado: $2.296.

The following counties in Colorado: All counties not included in northern Colorado district.

The following counties in New Mexico: All coal-producing counties in the State of New Mexico, except those included in the New Mexico district.

District 18. New Mexico: $2.296.

The following counties in New Mexico: Grant, Lincoln, McKinley, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro.

The following counties in Arizona: Pinal, Navajo, Graham, Apache, Coconino.

All coal-producing counties in California.

District 19. Wyoming: $2.32.

All coal-producing counties in Wyoming.

The following counties in Idaho: Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Bannock, Power, Caribou, Oneida, Franklin, Bear Lake.

District 20. Utah: $2.32.

All coal-producing counties in Utah.

District 21. North Dakota-South Dakota: $2.236.

All coal-producing counties in North Dakota. All coal-producing counties in South Dakota.

District 22. Montana: $2.346.

All coal-producing counties in Montana.

[3] There are a few instances where doubt exists as to whether a particular mine is located in one or the other of two adjoining districts. Careful consideration has been given to this problem, however, and in no instance could the location of such mines in one district or the other affect the conclusion that in all producing districts except district 12 a majority of both tonnage and employment was accounted for by the mines paying minimum rates at least equal to those called for in the UMWA agreements. This conclusion is not affected even if all mines operating under the union agreement in 1953 which are shown by the record to have been out of operation at the time of the hearing, or though operating, were no longer signatories to the union agreement, are excluded in arriving at union totals.

[4] With respect to the necessity for using 1953 production data, the Virginia Operators have requested that I take official notice of the 1954 report of the Virginia State Department of Labor and Industry. It is asserted that this demonstrates the availability of more current data with respect to this State. The report, however, does not contain data as to tonnage and employment of individual mines for the year 1954, nor is it possible to determine from the report the proportion of the State's total tonnage coming from districts 7 and 8.

The Virginia operators have asserted that as a result of decreased production in union mines in 1954, the union minimum no longer prevails in their area. The record shows, however, that even if the total estimated decrease in production and employment in districts 7 and 8, which include the Virginia fields, were attributed to union mines, the union minimum would still prevail in each district. This is also true for districts 1 and 2 concerning which the same assertion was made by the Pennsylvania Open Pit Mining Association.

[5] In exception No. 17, the Virginia Operators object to the statement that the growth of small truck mines in Virginia was reported to be a recent development in response to the difficulties encountered by the unionized section of the industry in meeting the competition of fuels such as gas and oil.

I have received this statement and the testimony presented by the Virginia Operators. Although I find the statement to be proper in the light of all the testimony of the various witnesses presented by the Virginia Operators, the first footnote reference (footnote No. 27 in the proposal) should have read "T. 702–6" rather than "T. 702–4."

District 23. Washington: $2.235.

All coal-producing counties in Washington.
All coal-producing counties in Oregon.

(c) *Tonnage workers.* In the case of employees compensated in whole or in part under a piece rate system, the minimum wage obligations under the Walsh-Healey Public Contracts Act will be fulfilled if a majority of the incentive workers engaged in work for the Government in a contracting establishment receive the applicable prevailing minimum hourly rate as set forth in paragraph (b) of this section during the period of time in which they perform such work, and if the average hourly earnings of the group of incentive workers engaged in work for the Government exceed this minimum during this period. Notwithstanding a mine's failure to meet the foregoing requirement during the particular period in which Government contract work is performed, it will nevertheless be regarded as in compliance with the minimum wage provisions of the act if it can demonstrate that a majority of its incentive workers have or would have earned at least the minimum wage and that the average hourly earnings of such workers as a group have or would have exceeded that minimum under normal mining conditions under the compensation arrangements prevailing during the period in which the mine was producing for the Government.

(d) *Auxiliary workers.* The term "auxiliary workers" as applied to employees in the Bituminous Coal Industry shall include employees who are employed in the following occupations or combinations of occupations:

Engineering:
1. Rodman.
2. Chainman.
3. Assistant transitman.
4. Transitman or transit worker.
5. Corpsman.
6. Surveyor.
7. Junior draftsman.
8. Draftsman.
9. Engineer, mining and civil.
10. Surveyor helper.

Laboratory:
1. Laboratory assistant.
2. Laboratory technician.
3. Sampler.
4. Chemist helper or assistant chemist.
5. Chemist.
6. Laboratory sample grinder.

Shipping:
1. Billing clerk.
2. Shipping clerk.
3. Shipper.
4. Weighmaster or retail weighmaster.
5. Weighman, scaleman, or weighboss.
6. Mine clerk.
7. Payroll clerk.

Supply:
1. Supply clerk, warehouse clerk, or store clerk.
2. Supplyman, warehouseman, storeman, or storekeeper.
3. Supply purchasing agent.

Other:
1. Prospecting driller and assistant driller.
2. Other prospecting crew members.
3. Coal inspector.
4. Coal preparation technician.
5. Dispatcher.
6. Electrician or electrical engineer.
7. Shift maintenance foreman.
8. Machinist foreman.
9. Lampman.
10. Utility truck driver.
11. Machinist.
12. Timekeeper and assistant timekeeper.
13. Powerhouse, sub-station, and pump attendant.
14. Hoisting engineer.

(e) *Subminimum wages authorized.* (1) Handicapped workers may be employed at wages below the applicable minimum wages specified herein upon the same terms and conditions as are prescribed for the employment of handicapped workers by the Regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524 and 525 of this title), under section 14 of the Fair Labor Standards Act, as amended.

(2) The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(f) *Effect on other obligations.* Nothing in this section shall affect any obligation for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(g) *Effective date.* This section shall be effective and the minimum wages hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after November 25, 1955.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38)

Signed at Washington, D. C., this 21st day of October 1955.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 55-8648; Filed, Oct. 25, 1955; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11019; FCC 55-1040]

[Rules Amdts. 7-4 and 8-3]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

SPECIFIC AVAILABILITY DATE FOR CERTAIN FREQUENCIES

In the matter of amendment of Parts 7 and 8 of the Commission's rules proposing specific availability date for frequencies in the band 2000–2850 kc.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of October 1955;

The Commission having under consideration the above-captioned matter:

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, Notice of Proposed Rule Making in this matter, which made provision for submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on May 12, 1954 (19 F. R. 2738) and that the period for filing of comments has now expired; and

It further appearing that the subject rule making proposed to make the frequencies 2482 kc (coast), 2382 kc (ship) available at New York, New York, temporarily on a "day only" basis, and on condition that harmful interference would not be caused to the police radio service by use of 2482 kc; and

It further appearing that the New York Telephone Company submitted comments stating that the police in Nassau County, which adjoins New York City on the east, were using the frequency 2490 kc; that boats in the vicinity of Nassau County and police cars within the County would experience serious interference if 2482 kc and 2490 kc were both operated for coverage of virtually the same area; and that finalization of the Commission's proposal should, therefore, be held in abeyance; and

It further appearing that with respect to both 2482 kc (coast) and 2382 kc (ship) it is now feasible to make the frequencies available for assignment on a full time basis rather than "day only" as proposed, inasmuch as police operations at various locations on the co-channels and channels adjacent to these frequencies either do not conflict or the conflict has been satisfactorily resolved, including the conflict with the police operations at Nassau County, New York; and

It further appearing that in view of the fact that it is not expected that marine use of the frequency 2482 kc will cause interference to police operations, the proposed condition that no interference shall be caused to the Police Radio Service by use of 2482 kc is not necessary; and

It further appearing that a remaining operation on 2384 kc which conflicts with the activation of the frequency 2382 kc in the maritime mobile service will be removed by January 1, 1956, and, therefore, the effective date of this action should be January 1, 1956; and

It further appearing that the public interest, convenience and necessary will be served by the amendments herein ordered, the authority for which is contained in sections 4 (i), 303 (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective January 1, 1956, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: October 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is amended as follows:

1. Section 7.306 (b) is amended by changing the New York, New York, portion of the table of frequencies to read:

New York, N. Y.	2522	None	2126	None.
	2590	None	2198	None.
	2482	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission.	2382	Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.
	2558	None	2166	None.
	4406.9	None	4087.7	None.
	4434.5	Available for use annually during period Dec. 15 to March 15.	4129.1	Available for use annually during period Dec. 15 to March 15.
	4752.5	None	4101.5	None.

B. Part 8 is amended as follows:

1. Section 8.354 (a) (1) is amended by changing the New York, New York, portion of the table of frequencies to read:

New York, N. Y.	2126	None	2522	None.
	2198	None	2590	None.
	2382	Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2482	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission.
	2166	None	2558	None.
	4087.7	None	4406.9	None.
	4129.1	Available for use annually during period Dec. 15 to March 15.	4434.5	Available for use annually during period Dec. 15 to March 15.
	4101.5	None	4752.5	None.

[F. R. Doc. 55-8651; Filed, Oct. 25, 1955; 8:52 a. m.]

[Docket No. 11406; FCC 55-1041]

[Rules Amdt. 8-4]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

SUPPLEMENTAL ELIGIBILITY REQUIREMENTS

In the matter of petition of the Lake Carriers' Association for Repeal of § 8.301 (b) of the Commission's rules.

1. The above-captioned petition was made the subject of proposed rule making proceedings by a notice dated June 8, 1955. Comments in support of the petition were received from three parties. There were no comments in opposition.

2. Section 8.301 (b), which the petition requests to be repealed, prohibits the assignment of certain business and operational frequencies in the band 152–162 Mc to applicants who are not themselves engaged in the operation of the vessel upon which the ship station would be located. The petition of the Lake Carriers' Association requested repeal of the rule because experience with it showed that the effect of the rule has been to discourage the use of the business and operational frequency 156.5 Mc. According to the petition, this result occurred because usually "the licenses for all other channels * * * are held by communication companies serving the Great Lakes" and the prohibition of § 8.301 (b) necessitated a "complicated and cumbersome dual licensing procedure" in order to obtain an authorization for use of the frequency 156.5 Mc.

3. The Central Committee on Radio Facilities of the American Petroleum Institute "agree(d) that it does appear to be a cumbersome proceeding to require two separate licensees and two separate licenses for a ship VHF set to be used on the eighth channel (156.5 Mc) which is the subject matter of the petition. Accordingly, the Committee feels that petitioner's position in this proceeding has merit".

4. The American Telephone & Telegraph Company stated that it normally supplies multi-channel equipment for installation on board vessels of its customers and that such equipment can economically and efficiently be used to provide business and operational channels as well as public communication service. It alleged that "where such equipment is provided, the rule has imposed upon operators of commercial transport vessels the burden of making application for, and holding a separate license for, the business and operational frequencies and has introduced confusion in the operation of such equipment by requiring two call signs to be associated with a single transmitter". It further states that its experience in the seaboard areas, as well as on the Great Lakes, indicates that the rule in question "has discouraged the development and use of business and operational channels".

5. The Lorain County Radio Corporation stated that it has, for many years, secured and held licenses for ship stations on board vessels navigating on the Great Lakes; that Lorain has thereby furnished to ship operators "the know-how which it has gained from wide experience in handling applications for licenses and compiling reports for the Commission"; that ship operators "recognized that it is uneconomical and perhaps unsound for each of them to maintain a technical staff competent to perform all necessary functions in connection with such radiotelephone equipment, [and] have for many years taken advantage of the service offered by Lorain and by certain other qualified radio companies on the Lakes in connection with licensing of all of the frequencies used by their ship stations"; that while Lorain installs eight channel VHF equipments, "virtually none of the operators ordering such sets have had the necessary equipment installed to operate on [the business and operational frequency 156.5 Mc] since they had not secured individual licenses authorizing use by them of said frequency * * * that the principal deterrent to the securing of such licenses is the additional and unfamiliar filing and administrative complications involved".

6. It is not clear from any of the comments filed nor from the petition of the Lake Carriers' Association why a so-called "dual licensing procedure" is made necessary by the provisions of § 8.301 (b) of the Commission's rules. The vessel owner may, if he chooses, become the sole licensee of all radio transmitting equipment aboard his vessel. It is not clear why all the services rendered by third persons to ship owners in connection with applications, licensing, servicing, etc., cannot continue to be provided under an arrangement whereby the ship owner instead of the third person is the licensee. On the other hand, regardless of the validity of the reason therefor, one year's experience with the rule has shown, according to the comments received, that the effect of the rule has been to deter the use of the involved frequencies in both the Great Lakes and the seaboard areas.

7. Because of the extremely congested situation which exists in the lower frequencies, the Commission has consistently sought to encourage the use of very high frequencies in the maritime radio service to a maximum extent. These frequencies are in heavy demand. Failure of the maritime mobile service to utilize fully the frequencies allocated to it can lead ultimately only to a re-examination of their allocation. On the other hand, as stated in the Commission's Report and Order in Docket No. 10914, which adopted § 8.301 (b), such a re-examination could be brought about if the frequencies were not utilized in accordance with the purpose for which they were allocated.

8. Under the circumstances, a difficult choice is presented as to action on the instant petition. It has been decided, however, to grant the petition on the basis that ship owners and operators and third person licensees, being fully aware of the difficulties pointed out above, will be alert to the necessity of precluding any tendency toward use of the frequencies in a manner which would impair the basis of their allocation.

9. In view of the foregoing, it is ordered, pursuant to section 303 (a) (b) (c) and (r), and effective immediately, that § 8.301 is amended by deleting paragraph (b) thereof.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: October 19, 1955.

Released: October 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8652; Filed, Oct. 25, 1955; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 34]

[Bureau of Mines Schedule 28]

MECHANICAL EQUIPMENT FOR MINES; TESTS FOR PERMISSIBILITY AND SUITABILITY; FEES

FIRE-RESISTENT CONVEYOR BELTS

Correction

The following changes are made in F. R. Doc. 55-7082, published at page 6475 in the issue for Thursday, September 1, 1955:

1. In the table under § 34.11 (d) (3) the first figure in the third column, now reading "30", should read "50".

2. In § 34.15 the fourth line from the end should read: "belts that have not been accepted as fire-".

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911]

[Docket No. AO-262]

HANDLING OF MILK IN TEXAS PANHANDLE MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Texas Panhandle marketing area which was issued October 4, 1955 (20 F. R. 7492), is hereby extended until November 4, 1955.

Dated: October 21, 1955.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 55-8658; Filed, Oct. 25, 1955; 8:53 a. m.]

[7 CFR Ch. IX]

HANDLING OF MILK IN NEW YORK, NEW JERSEY AREA

DETERMINATION RELATIVE TO AREA OF REGULATION AND NOTICE OF THIRD PUBLIC MEETING

Determination. After consideration of pertinent information, including all data, views and arguments presented at the public meetings held at Trenton, New Jersey, during the period July 18-22, 1955, and at Newark, New Jersey, during the period October 4-7, 1955, pursuant to notices thereof issued on June 15, 1955 (20 F. R. 4307), and September 6, 1955 (20 F. R. 6609), respectively, it is hereby determined that the territory, outside the marketing area presently regulated under Order No. 27, to be included in any notice or notices of hearing which may be issued relating to proposals currently under consideration for new or revised Federal or joint Federal-State regulation of the handling of milk in the New York-New Jersey area should be that territory within the boundaries of the New Jersey counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren; and the New York counties of Dutchess, Orange, Putnam, Rockland, Sullivan, and Ulster.

Notice. It was indicated in the notice of September 6, 1955, that after a determination had been made concerning the proposed marketing area, for notice of hearing purposes, a further public meeting would be conducted. Accordingly, and further pursuant to § 900.3 of the rules of practice and procedure governing procedure to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of a third public meeting to be held at the Douglas Hotel in Newark, New Jersey, beginning at 10:00 a. m., e. s. t., November 14, 1955, at which data, views or arguments may be presented concerning, and limited to, the question of whether, for the purpose of any notice or notices of hearing which may be issued relative to proposed new or revised Federal or joint Federal-State regulation of the handling of milk in the New York-New Jersey area, the handling of milk in the territory within the boundaries of the New Jersey counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren; and the New York counties of Dutchess, Orange, Putnam, Rockland, Sullivan, and Ulster should be regulated separately by means of one or more new marketing orders, or in combination with the marketing area presently regulated under Order No. 27, or both.

As in the case of the two meetings already held (at Trenton, July 18-22 and at Newark, October 4-7), the data, views and arguments presented at this third meeting shall be by means of statements presented orally, not under oath. The record of this meeting and the record of the two preceding meetings shall be considered as being cumulative. Otherwise, no part of the record of any prior proceeding shall be incorporated by reference into the record of this meeting. Cross-examination, as such, shall not be permitted, but in the discretion of the presiding officer clarifying questions may be asked. Statistical tables, maps, charts, or other written exhibits shall be supplied in quadruplicate by the person offering the exhibit.

Issued at Washington, D. C., this 21st day of October 1955.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 55-8659; Filed, Oct. 23, 1955; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board and Maritime Administration

[46 CFR Ch. II]

[Docket No. S-59]

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF PROPOSED RULE MAKING

By petition, dated June 17, 1955, American President Lines, Ltd., sought a declaratory order that section 605 (a) of the Merchant Marine Act, 1936, as amended, makes unnecessary written permission under section 805 (a) of said act for its vessels in subsidized service to carry passengers and cargoes between California and Hawaii.

The Federal Maritime Board and the Maritime Administrator have authorized a proceeding broader in scope than the question raised by the aforementioned petition.

Notice is hereby given that pursuant to section 4 of the Administrative Procedure Act (60 Stat. 237), the Federal Maritime Board and the Maritime Administrator have instituted a rule-making proceeding to determine whether written permission is required under section 805 (a) of the Merchant Marine Act, 1936, as amended, for the activities and relationships described therein related to voyages described in section 605 (a) of said act, as follows:

• • • a round-the-world voyage or a round voyage from the west coast of the United States to a European port or ports or a round voyage from the Atlantic coast to the Orient which includes intercoastal ports of the United States or a voyage in foreign trade on which the vessel may stop at an island possession or island territory of the United States • • •.

Interested persons may file with the Secretary of the Federal Maritime Board and the Maritime Administration, General Accounting Office Building, Washington 25, D. C., on or before November 15, 1955, such written data, views, and arguments as they deem relevant to the issue stated above and shall accompany such written material with a statement showing the interest of the party.

By order of the Federal Maritime Board/Maritime Administrator.

Dated: October 21, 1955.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-8662; Filed, Oct. 25, 1955; 9:32 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 201]

GENERAL REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority contained in sections 4 and 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35-45), notice is hereby given that I propose to amend Part 201 of the General Regulations (41 CFR Part 201) by the revocation of § 201.101 (b) (2) and by the amendment of § 201.603 to include a new paragraph to read as follows:

(f) Contracts with a person who regularly buys and sells coal on his own account in lots of not less than a cargo or railroad carload, or with a person who is authorized by one or more persons engaged in mining coal to negotiate and conclude contracts for the furnishing thereof in such lots, are exempt from the requirement of section 1 (a) of the act that such person represent that he is a manufacturer or a regular dealer in coal; *Provided, however,* That all of the following terms and conditions are met:

(1) That such person will notify the person engaged in mining the coal that the purchaser thereof is the United States and that provisions of the Public Contracts Act are applicable; and

(2) That such person, irrespective of any liability that may exist on the part of the mines, shall be liable for the observance of all of the stipulations provided for in section 1 of the act except subsection (a) thereof; and

(3) That such person notify the contracting agency that he will accept the contract upon the terms and conditions set forth above.

Interested persons may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, submit in writing to the Office of the Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D. C., their views, arguments or data relative to the proposed amendment.

Signed at Washington, D. C., this 21st day of October 1955.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 55-8649; Filed, Oct. 25, 1955; 8:51 a. m.]

Wage and Hour Division

[29 CFR Part 779]

RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

APPLICATION OF CERTAIN EXEMPTIONS TO ICE MANUFACTURERS AND ICE DEALERS

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), notice is hereby given that the Administrator of the Wage and Hour Division of the United States Department of Labor, proposes to amend Interpretative Bulletin, Part 779 (29 CFR Part 779) by the addition of § 779.32 to read as follows:

§ 779.32 *Application of the 13 (a) (2) and 13 (a) (4) exemptions to ice manufacturers and ice dealers.* (a) It is the purpose of this section to show generally how the principles governing the application of the 13 (a) (2) and 13 (a) (4) exemptions apply to establishments engaged in selling ice, including those establishments which make the ice they sell.

(b) In applying the tests of the 13 (a) (2) exemption, all sales of ice will be regarded as retail except:

(1) Sales for resale.

(2) Sales of ice for icing railroad cars and for icing cargo trucks. However, sales of ice for the re-icing of cargo trucks are recognized as retail if such sales do not fall into the nonretail categories described in subparagraphs (4) or (5) of this paragraph.

(3) Sales of ice in railroad car lots.

(4) Sales of ice of a ton or more.

(5) Sales of ice at a price comparable to that charged by the establishment to dealers or, if no sales are made to dealers by the establishment, at a price comparable to or lower than the prevailing price to dealers in the area.

(c) If 50 percent or more of the establishment's annual dollar volume of sales of goods or services is made within the state in which the establishment is located and if 75 percent or more of the annual dollar volume of sales of the establishment consists of sales which are not for resale and are recognized as retail, the exemption under section 13 (a) (2) will apply to all employees employed by the establishment except those employees who are engaged in the making or processing of ice or other goods. In order for employees engaged in making or processing of ice to be exempt, the establishment must meet all of the following tests of the exemption under section 13 (a) (4):

(1) The establishment must qualify as an exempt retail establishment under section 13 (a) (2), as explained above.

(2) More than 85 percent of the establishment's annual dollar volume of sales of the ice which it makes or processes must be made within the state in which the establishment is located.

(3) The ice which the establishment makes or processes must be made or processed at the establishment which sells it.

(4) The establishment must be recognized as a retail establishment in the particular industry.

(d) With respect to the application of the requirement in paragraph (c) (4) of this section, the legislative history indicates that ice plants are among the establishments which may qualify as retail establishments under the 13 (a) (4) exemption. It appears that all ice plants are manufacturing establishments of the same general type, permitting no separate classifications with respect to recognition as retail establishments. Any ice plant which meets the tests of section 13 (a) (2) will, therefore, be considered to be recognized as a retail establishment in the industry under this requirement.

(e) There are some ice plants which meet the 13 (a) (2) exemption tests, but do not qualify under section 13 (a) (4) because they are unable to meet the tests listed in paragraph (c) (2) or (3) of this section. In such establishments, there may be some employees whose duties relate to both the sales portion of the business and the making or processing of ice. These employees will not qualify for exemption. However, in such establishments, there may be some employees who work primarily for the sales portion of the business and also perform incidental clerical, custodial, or messenger service for the manufacturing operation. For example, office workers may keep records of both the manufacturing activities and of the retail sales department, maintenance workers may clean up in both parts of the establishment, and messengers may perform services for both activities. If these employees spend relatively little time in the work related to the ice manufacturing portion of the business, they will not, as an enforcement policy, be regarded as engaged in the making or processing of ice. Such an auxiliary employee will thus be exempt under section 13 (a) (2) in any workweek in which an insubstantial amount of his time (20 percent or less) is allocable to the clerical, messenger, or custodial work of the ice manufacturing operations.

Prior to the final adoption of the proposed amendment set forth above, consideration will be given to any views, arguments or data pertaining thereto which are submitted in writing to the Administrator, Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 21st day of October 1955.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 55-8650; Filed, Oct. 25, 1955; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 11522; FCC 55-1051]

HEARING MANUAL FOR COMPARATIVE BROADCAST PROCEEDINGS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 1, §§ 1.840 and 1.871 of the Commission's rules and regulations to incorporate by reference a hearing manual for comparative broadcast proceedings.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission is proposing to amend §§ 1.840 and 1.871 of its rules and regulations, as set forth below, to incorporate by reference into the rules the Hearing Manual for Comparative Broadcast Proceedings.[1] The manual is designed to promote uniformity in matters concerning the introduction and use of evidence in comparative broadcast proceedings.

3. The Commission is desirous of receiving comments both with respect to the provisions of the proposed manual and the question of whether the manual should be incorporated by reference into the Commission's rules or merely issued to serve as a guide to Hearing Examiners, Commission attorneys and members of the Bar.

4. Authority for the proposed amendments to the rules is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended.

5. Any interested party may file with the Commission on or before November 21, 1955, a written statement or brief setting forth his comments. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: October 19, 1955.

Released: October 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend §§ 1.840 and 1.871 of the Commission's rules to read as follows:

§ 1.840 *Applicability.* (a) Sections 1.843, 1.851 and 1.858 shall apply only to (1) cases which have been designated for hearing on or after December 11, 1946; (2) cases which were designated for hearing prior to December 11, 1946, and which after the record was closed were designated for further hearing on and after December 11, 1946, before a Commissioner or a Hearing Examiner appointed pursuant to the Administrative Procedure Act; and (3) cases designated for a hearing prior to December 11, 1946, if consolidated with a case designated for hearing on or after said date.

(b) All comparative hearings in broadcast matters in which the first prehearing conference pursuant to § 1.841 is held on or after _____, shall be governed by the provision of the Commission's Hearing Manual for Comparative Broadcast Proceedings, adopted on ____ copies of which may be obtained from the Commission's Office of Reports and Information.

§ 1.871 *Rules of evidence.* (a) Except as otherwise provided in this part, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal hearings. Such rules may be relaxed if the ends of justice will be better served by so doing.

(b) All comparative hearings in broadcast matters in which the first prehearing conference pursuant to § 1.841 is held on or after _____, shall be governed by the provisions of the Commission's Hearing Manual for Comparative Broadcast Proceedings, adopted on _____ copies of which may be obtained from the Commission's Office of Reports and Information.

[F. R. Doc. 55-8653; Filed, Oct. 25, 1955; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 182]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT CARRIERS OF PROPERTY

NOTICE OF PROPOSED RULE MAKING

OCTOBER 11, 1955.

Having under consideration the matter of accounting regulations prescribed for motor carriers, the Commission has approved modifications of the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property, issue of 1952, which (1), will restrict charges to account 4645, Employees' Welfare Expenses, to payments and expenses under arrangements which were originated by carrier managements and voluntarily installed; and (2), will insert new and additional primary expense accounts to include contributions to health and welfare plans covering equipment maintenance employees, transportation employees, terminal employees, traffic employees, insurance and safety department employees, and general office employees, respectively, when the contributions are made under contract arrangements with labor organizations.

Any interested person may on or before November 30, 1955, file with the Commission's Secretary written views or arguments to be considered in this connection. After consideration of representations so received, and giving effect to any changes necessary because of them, an order will be entered making the above modifications effective January 1, 1956.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-8632; Filed, Oct. 25, 1955; 8:49 a. m.]

NOTICES

CIVIL SERVICE COMMISSION

CERTAIN VETERINARIAN POSITIONS THROUGHOUT THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS, AND IN FOREIGN COUNTRIES

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for all professional veterinarian positions at grade GS-7 in the entire Veterinary Science Group, GS-700-0. The new rate has been set at the sixth step of the grade ($5,200). This increase will be effective on the first day of the first pay period which begins after October 22, 1955, and applies to these positions throughout the continental United States, its territories and possessions, and in foreign countries.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-8647; Filed, Oct. 25, 1955; 8:51 a. m.]

[1] Filed as part of original document.

DEPARTMENT OF COMMERCE

Federal Maritime Board

ISTHMIAN STEAMSHIP CO. ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to § 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 7707-4 between Isthmian Steamship Company and Matson Navigation Company, modifies their approved joint cargo service and pooling agreement (No. 7707) covering the trade between the Hawaiian Islands and U. S. Atlantic and Gulf ports, to extend the time on or before which each final annual pool settlement will be effected.

(2) Agreement No. 8051, between Hanseatische Reederei Emil Offen & Co., a German company, and Vaasan Laiva Cy, a Finnish company, covers a sailing arrangement in the trade from North Continental Pacific Coast ports to Europe.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 21, 1955.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-8663; Filed, Oct. 25, 1955; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 69494]

IDAHO

PARTIALLY REVOKING DEPARTMENTAL ORDER OF JUNE 18, 1908, WHICH WITHDREW LAND FOR USE OF FOREST SERVICE AS GRAYS LAKE ADMINISTRATIVE SITE

OCTOBER 20, 1955.

Upon request of the Department of Agriculture and pursuant to the authority delegated by Departmental Order No. 2583, sec. 2.22 (a) of August 16, 1950, it is ordered as follows:

The order of the First Assistant Secretary of the Interior of June 18, 1908, reserving lands in the Caribou National Forest for use of the Forest Service, Department of Agriculture, as the Grays Lake Administrative Site, is hereby revoked so far as it affects the following-described land:

BOISE MERIDIAN

T. 4 S., R. 43 E.,
Sec. 26, NW¼SW¼.

The area described contains 40 acres.

Subject to any valid existing rights and to the requirements of applicable law, the released lands are hereby opened to such applications, selections, and locations as are permitted on national forest lands, including the filing of applications and offers under the mineral-leasing laws and locations under the mining laws, as follows:

(1) Applications and offers under the mineral-leasing laws may be presented to the Manager, Land Office, Bureau of Land Management, Boise, Idaho, beginning on the date of this order. All such applications filed prior to 10:00 a. m. on November 25, 1955, will be considered as simultaneously filed at that hour. Rights under such applications and offers filed after that hour will be governed by the time of filing.

(2) The lands will be open to mining location under the United States mining laws, beginning at 10:00 a. m. on November 25, 1955.

Inquiries concerning applications and offers under the mineral-leasing laws and locations under the mining laws shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho. Other inquiries shall be addressed to the Regional Forester, Forest Service Building, Ogden, Utah.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55-8617; Filed, Oct. 25, 1955; 8:45 a. m.]

Bureau of Reclamation

CENTRAL VALLEY PROJECT, CALIFORNIA

ORDER OF REVOCATION

DECEMBER 16, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of November 16, 1932, in so far as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 36 N., R. 5 W.,
Sec. 22, W½SW¼;
Sec. 34, SE¼NE¼, NE¼SE¼.

The above areas aggregate 160 acres.

FLOYD E. DOMINY,
Acting Assistant Commissioner.

[Misc. 1476664]

OCTOBER 20, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

Subject to any valid existing rights, the provisions of existing withdrawals for power purposes, and to the requirements of applicable law, the released lands are hereby opened to such applications, selections, and locations as are permitted on national forest lands, including the filing of applications and offers under the mineral-leasing laws and locations under the mining laws, as follows:

(1) Applications and offers under the mineral-leasing laws may be presented to the Manager, Land Office, Bureau of Land Management, Sacramento, California, beginning on the date of this order. All such applications filed prior to 10:00 a. m. on November 25, 1955, will be considered as simultaneously filed at that hour. Rights under such applications and offers filed after that hour will be governed by the time of filing.

(2) The lands will be open to mining location under the United States mining laws, beginning at 10:00 a. m. on November 25, 1955.

Inquiries concerning applications and offers under the mineral-leasing laws and locations under the mining laws shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California. Other inquiries shall be addressed to the Regional Forester, 630 Sansome Street, San Francisco, California.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55-8619; Filed, Oct. 25, 1955; 8:46 a. m.]

DESCHUTES PROJECT, OREGON

FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 27, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following-described land from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

WILLAMETTE MERIDIAN, OREGON

T. 19 S., R. 11 E.,
Sec. 31, Lot 4.

The above area contains 35.08 acres.

W. A. DEXHEIMER,
Commissioner.

OCTOBER 20, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Deschutes Project, Oregon

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Oregon, for use in connection with the proposed Benham Falls Reservoir site, Deschutes Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

W. A. DEXHEIMER,
Commissioner.

[F. R. Doc. 55-8620; Filed, Oct. 25, 1955; 8:46 a. m.]

MISSOURI RIVER BASIN PROJECT, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

APRIL 13, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by Section 3 of the Act of June 17, 1902 (32 Stat. 388):

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 46 N., R. 92 W.,
Sec. 4, Lots 7, 8, S½NW¼, SW¼;
Sec. 5, All;
Sec. 6, Lots 8 and 10;
Sec. 7, NE¼NE¼, NW¼SE¼, S½SE¼;
Sec. 8, NW¼NE¼, N½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 9, W½NE¼, E½NW¼, NW¼NW¼;
Sec. 18, Lots 13, 14, 16, 18, 19, 20, 21, 22, 23, NE¼;
Sec. 19, Lots 8, 9, 10, 19, 20;
Sec. 30, Lots 10, 18, 19, 20, 21;
Tracts 38–F and 76–A, D.
T. 47 N., R. 92 W.,
Sec. 15, SW¼SW¼;
Sec. 21, N½NE¼;
Sec. 22, N½NW¼;
Sec. 26, W½NW¼;
Sec. 32, SE¼NE¼, SE¼SW¼, SE¼;
Sec. 33, NE¼, E½NW¼, SW¼NW¼, S½;
Sec. 34, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 35, W½NW¼.
T. 46 N., R. 93 W.,
Sec. 13, Lot 2;
Sec. 17, NE¼SE¼, SE¼SE¼;
Sec. 20, Lot 6, NW¼NE¼;
Sec. 24, Lots 2, 3, 4, E½NE¼, SW¼NE¼, E½SE¼, NW¼SE¼;
Sec. 25, Lots 1, 2, 3;
Sec. 26, S½S½;
Sec. 35, N½NW¼;
Sec. 36, Lot 1;
Tracts 41–B, C, D; 75–A; 76–B; 77–A, B, D; 98–C.
T. 45 N., R. 94 W.,
Sec. 2, Lots 7 and 8;
Sec. 3, Lot 5.
T. 46 N., R. 94 W.,
Sec. 35, SE¼NE¼, NE¼SW¼, S½SW¼, SE¼.

The above area aggregates 6,132.49 acres.

E. G. NIELSEN,
Assistant Commissioner.

OCTOBER 20, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Missouri River Basin Project, Wyoming

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Wyoming, for use in connection with the Hanover-Bluff Unit, Missouri River Basin Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
Assistant Commissioner.

[F. R. Doc. 55–8621; Filed, Oct. 25, 1955; 8:47 a. m.]

National Park Service

[Order 20]

CHIEFS, WESTERN AND EASTERN OFFICES, DIVISION OF DESIGN AND CONSTRUCTION

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN CONTRACTS

OCTOBER 17, 1955.

(a) The Chief, Western Office, Division of Design and Construction, and the Chief, Eastern Office, Division of Design and Construction, are authorized to exercise within the respective areas under their supervision and subject to the provisions of paragraph (b) of this section, the authority delegated to the Director, National Park Service, for the period ending June 30, 1957, by the Acting Secretary of the Interior on September 29, 1955 (20 F. R. 7458), to negotiate, without advertising, under section 302 (c) (4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., sec. 252 et seq.), contracts for the services of architectural firms in connection with the construction activities of the National Park Service in Yosemite, Grand Canyon, and Grand Teton National Parks, located in California, Arizona, and Wyoming, respectively, and other areas under the administrative jurisdiction of the National Park Service.

(b) The authority granted in paragraph (a) of this section shall be exercised in accordance with the applicable limitations and requirements in the Act, particularly sections 304 and 307, and in accordance with policies, procedures, and contracts prescribed by the General Services Administration.

(Secretary's Order No. 2802; 20 F. R. 7458)

[SEAL] CONRAD L. WIRTH,
Director.

[F. R. Doc. 55–8618; Filed, Oct. 25, 1955; 8:46 a. m.]

Office of the Secretary

[61130]

FLORIDA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

1. A plat of survey of the lands described below will be officially filed in the Bureau of Land Management, United States Department of the Interior, Washington 25, D. C., effective 10:00 a. m. on November 24, 1955:

TALLAHASSEE MERIDIAN, FLORIDA

T. 27 S., R. 37 E.,
Sec. 11, Lots 5, 6, 7, 8, 9;
Sec. 13, Lots 5, 6, 7, 8, 9, 10, 11, 12;
Sec. 14, Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16;
Sec. 23, Lots 1, 2, 3;
Sec. 24, Lots 9, 10, 11, 12, 13, 14;
Sec. 25, Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14;
Sec. 36, Lots 5, 6, 7, 8.

The area described aggregates 576.64 acres.

2. The act of August 9, 1955 (69 Stat. 541) directs the Secretary of the Interior to issue patents to the above-described public lands in good faith and in peaceful adverse possession, if they or their predecessors in interest have been issued patents, prior to January 1, 1954, for the upland tracts adjoining such public lands. The law further provides that payment to the United States shall be made for such lands at the same price per acre as that at which the land included in the original patent was purchased, but in no case less than $1.25 per acre. Under the terms of the above act, persons qualified to receive patents for any of the above-described lands must make application therefor within one year from August 9, 1955.

3. Notice is hereby given that the above-described lands are now open to application by the persons described in paragraph 2 above.

(a) All applications must be filed in duplicate with the Bureau of Land Management, Washington 25, D. C.

(b) Every application must be accompanied by a filing fee of $10 which is nonreturnable.

(c) No particular form of application is required but applications must be typewritten or in legible handwriting, must be captioned "Application under the act of August 9, 1955 (69 Stat. 541)," and must contain the following information:

(1) The full name and full post-office address of the applicant.

(2) The legal description and acreage, in accordance with the plat of survey, of the public lands applied for.

(3) The legal description of the lands owned by the applicant adjoining the public lands applied for, together with a certificate from the proper county official or by an abstracter showing that the applicant owns such adjoining lands in fee simple as of the date of application.

(4) A statement setting forth the facts which show that the applicant holds the public lands in good faith and in peaceful adverse possession. This statement must include the period of time the lands have been held adversely and a description of the specific acts constituting the alleged peaceful adverse possession. The facts surrounding any prior interference or attempted interference with the adverse claimant's possession of the lands must also be fully stated.

(5) The names and post-office addresses of any adverse claimants, settlers, or occupants of the public lands applied for.

(6) The names and post-office addresses of at least two disinterested persons having knowledge of the facts relating to the applicant's claim.

4. Applicants will be required to publish once a week for five consecutive weeks in accordance with 43 CFR 106.14, at their expense, in a designated newspaper and in a designated form, a notice allowing all persons claiming the land adversely to file with the Bureau of Land Management, Washington 25, D. C., their objections to issuance of patent under the applications. A protestant must serve on the applicant a copy of the objections and furnish evidence of such service. Applicants must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication had been had for the required time.

5. Persons entitled to a patent must, within 30 days after request therefor, pay the same price per acre as that at which the lands included in the original patent to the adjoining tract was purchased, or $1.25 per acre, whichever is greater.

6. No patents for the above-described lands will be issued prior to August 10, 1956. Any of the above-described lands not sold to persons described in paragraph 2 above shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an appropriate order.

7. Inquiries concerning the above-described lands shall be addressed to the Director, Bureau of Land Management, Washington, D. C.

DOUGLAS MCKAY,
Secretary of the Interior.

OCTOBER 19, 1955.

[F. R. Doc. 55–8622; Filed, Oct. 25, 1955; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9243 etc.; FCC 55–1030]

HARVEY E. SEIBERT AND CLINTON D. MCKINNON ET AL.

ORDER AMENDING ISSUES

In the matter of Harvey E. Seibert and Clinton D. McKinnon, and The Pacific Telephone & Telegraph Company, Docket No. 9243; applications for construction permits for coastal harbor stations at San Diego, California (File No. 10257–F1–P–C), and at San Pedro, California (File No. 11682–F1–P–C), respectively. The Pacific Telephone & Telegraph Company, Docket No. 11284; application for construction permit to add transmitter to existing station KOU (File No. 13412–F1–P–G) at San Pedro, California. Radiomarine Corporation of America, Docket No. 11285; application for construction permit for new public class II–B coast station at San Diego, California (File No. 17229–F1–P–D).

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of October 1955;

The Commission having under consideration a motion to change issues and a petition to amend application in Docket No. 9243 filed by The Pacific Telephone and Telegraph Company on June 14, 1954; an opposition thereto and a motion to dismiss applications and terminate the proceedings in Docket No. 9243 filed by the Chiefs of the Commission's Common Carrier and Safety and Special Radio Services Bureaus on February 24, 1955; a reply of The Pacific Telephone and Telegraph Company to said opposition and opposition of said company to the motion to dismiss, filed on March 14, 1955; and a motion to enlarge issues in Dockets Nos. 11284 and 11285 filed by the above-mentioned Bureau Chiefs on April 28, 1955;

It appearing that at the request of Harvey E. Seibert and Clinton D. McKinnon their application was dismissed without prejudice on April 29, 1955; and

It further appearing that the sole application now involved in Docket No. 9243 is that of The Pacific Telephone and Telegraph Company which presently requests the assignment of frequencies not available under the Commission's Rules and as to which a pending petition seeks the allowance of an amendment to request frequencies which will become available at a future date to be designated by the Commission; and

It further appearing that under the circumstances above-described no useful purpose would be served either by retaining the present application on file or granting the petition to amend in the respects requested; and

It further appearing that with respect to the above-entitled applications of The Pacific Telephone and Telegraph Company and Radiomarine Corporation of America in Dockets Nos. 11284 and 11285, a question exists as to the extent of the mutual harmful electrical interference which may occur from the proposed use of the frequency 2598 kc by the respective applicants, and that enlargement of the issues therein to inquire into this question would be appropriate;

It is ordered, That the motion to change issues and petition to amend application in Docket No. 9243 filed by The Pacific Telephone and Telegraph Company is denied;

It is further ordered, That the motion to dismiss applications and terminate the proceedings in Docket No. 9243 filed by the Chiefs of the Common Carrier and Safety and Special Radio Services Bureaus is granted; *And it is further ordered*, That the application (File No. 11682–F1–P–C) of The Pacific Telephone and Telegraph Company is dismissed and that the proceedings in Docket No. 9243 are terminated;

It is further ordered, That the motion of the Chiefs of the Common Carrier and Safety and Special Radio Services Bureaus to enlarge issues in Dockets Nos. 11284 and 11285 is granted and that an Issue No. 5 is included in said proceedings, to read as follows:

5. To determine the extent of the mutual harmful electrical interference which may occur from the proposed use of the frequency 2598 kc by Pacific Telephone and Telegraph Company and by Radiomarine Corporation of America in view of the service proposed to be rendered by each.

Released: October 20, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–8654; Filed, Oct. 25, 1955; 8:53 a. m.]

[Docket No. 11300; FCC 55M–887]

ALLEGHENY-KISKI BROADCASTING CO. (WKPA)

ORDER SCHEDULING HEARING CONFERENCE

In re application of Allegheny-Kiski Broadcasting Co. (WKPA), New Kensington, Pennsylvania, Docket No. 11300, File No. BP–9546; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding and an informal agreement of the parties concerning the scheduling of a hearing conference to consider matters connected with new issues added by the Commission's order of October 12, 1955;

It is ordered, This 18th day of October 1955, that all parties, or their attorneys, are directed to appear for a hearing conference at the Commission's offices in Washington, D. C., at 9:00 a. m., October 26, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–8655; Filed, Oct. 25, 1955; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Projects Nos. 175 and 1988]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATIONS FOR AMENDMENT OF LICENSES

OCTOBER 20, 1955.

Public notice is hereby given that Pacific Gas and Electric Company, of San Francisco, California, has filed applications under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of the licenses for water-power Project No. 175, located on the North Fork of Kings River and for water-power Project No. 1988, located on the Kings River, North Fork of Kings River, and Helms Creek in Fresno County, California. Applicant seeks amendment of the license for Project No. 175 to increase the height of the existing Balch Diversion Dam by 44 feet; install two new 67,000-horsepower vertical-shaft, multiple-jet, impulse turbines, instead of the three previously proposed 40,000-horsepower horizontal-shaft, double-overhung units; and install two new 54,000 kva (0.9 PF) generators, instead of the three previously proposed 33,000-kva (0.85 PF) units; raise the spill crest of Balch Afterbay Dam an additional six feet (to Elev. 1704) and omit the bridge over that dam; and to revise and modify miscellaneous project works; and seeks amendment of the license for Project No. 1988 to reduce height of Helms Dam by six feet, and reduce height of Wishon Dam by 10 feet; add four auxiliary concrete gravity dams in four saddles near the right abutment of Wishon Dam; eliminate Wishon penstock, A. E. Wishon Powerhouse, afterbay dam, and the 110-kv transmission line from that plant to applicant's Balch Powerhouse (Project No. 175); install two new 92,000 horsepower vertical-shaft, multiple-jet, impulse turbines at Haas Powerhouse, instead of the three previously pro-

posed horizontal-shaft, double-overhung, impulse, 50,000-horsepower turbines, and install two 75,000 kva (0.9 PF) generators instead of the three previously proposed 40,000 kva (0.85 PF) units; reduce by approximately one-half mile (to 26.5 miles) each of the transmission lines from Haas Powerhouse to Piedra substation; eliminate the approximately one mile long double-circuit transmission line from Kings River Powerhouse to the Haas-Piedra transmission lines; and add two tap lines, each about 200 feet long, from Kings River Powerhouse to applicant's Balch-Sanger transmission line (Project No. 175); add project roads for access to certain of the project works; increase the installed turbine-generator capacity of Kings River Powerhouse from one 54,000-horsepower and 45,000-kva (0.85 PF) unit to one 60,000-horsepower and 49,000-kva (0.9 PF) unit; and to provide for miscellaneous structural revisions in and relocations of project works. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is December 1, 1955. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8623; Filed, Oct. 25, 1955; 8:47 a. m.]

[Docket No. E-6431]

CITIZENS UTILITIES CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO MEXICO

OCTOBER 20, 1955.

Notice is hereby given that on October 6, 1955, the Federal Power Commission issued its order adopted October 5, 1955, authorizing transmission of electric energy from the United States to Mexico and superseding previous authorization in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8624; Filed, Oct. 25, 1955; 8:47 a. m.]

[Docket No. E-6641]

PACIFIC POWER & LIGHT CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE OF FIRST MORTGAGE BONDS

OCTOBER 20, 1955.

Notice is hereby given that on October 5, 1955, the Federal Power Commission issued its supplemental order adopted October 4, 1955, authorizing issuance of first mortgage bonds in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8625; Filed, Oct. 25, 1955; 8:48 a. m.]

[Docket No. E-6642]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING MERGER OF FACILITIES

OCTOBER 20, 1955.

Notice is hereby given that on October 7, 1955, the Federal Power Commission issued its order adopted October 5, 1955, authorizing merger or consolidation of facilities and issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8626; Filed, Oct. 25, 1955; 8:48 a. m.]

[Docket Nos. G-1907, G-8766]

SOUTHERN NATURAL GAS CO. AND MID-GEORGIA NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER MODIFYING PREVIOUS DECISION

OCTOBER 20, 1955.

Notice is hereby given that on October 11, 1955, the Federal Power Commission issued its findings and order adopted October 10, 1955, in the above-entitled matters, permitting withdrawal of application by Mid-Georgia Natural Gas Company in Docket No. G-8766, and modifying certificate of public convenience and necessity by authorizing Southern Natural Gas Company to deliver and sell natural gas to Mid-Georgia Natural Gas Company, in lieu of the City of Harlem, Georgia, in Docket No. G-1907.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8627; Filed, Oct. 25, 1955; 8:48 a. m.]

[Docket No. G-3038 etc.]

J. M. HUBER CORP. ET AL

NOTICE OF ORDER AFFIRMING DECISION

OCTOBER 20, 1955.

In the matters of J. M. Huber Corporation, Docket Nos. G-3038 and G-4957; Northern Natural Gas Company v. J. M. Huber Corporation, Docket No. G-4326.

Notice is hereby given that on October 6, 1955, the Federal Power Commission issued its order adopted October 5, 1955, affirming decision of Presiding Examiner in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8628; Filed, Oct. 25, 1955; 8:48 a. m.]

[Docket Nos. G-8615, G-8621]

SUN OIL CO. AND NEBO OIL CO., INC.

NOTICE OF ORDERS MAKING EFFECTIVE PROPOSED RATE CHANGES

OCTOBER 20, 1955.

Notice is hereby given that on October 7, 1955, the Federal Power Commission issued its orders adopted October 5, 1955, making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8629; Filed, Oct. 25, 1955; 8:48 a. m.]

[Docket No. G-7897 etc.]

J. N. HUTTIG ET AL.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 20, 1955.

In the matters of J. N. Huttig, Docket No. G-7897; T. V. Cunningham Gas Company, Docket No. G-7898; Crabbe Oil & Gas Company, Docket No. G-7913; Barnes Oil & Gas Company, Docket No. G-7914; J. R. Sharp, Inc., Docket No. G-7930; McCall Drilling Company, Inc., Docket Nos. G-7993, G-7994, G-7995; James Doughty et al., Docket No. G-7997; Davison, Wallace, Rutter and Wilbanks Brothers, Docket No. G-7999; Frank C. Henderson Trust No. 2 and Elizabeth P. Henderson Trust No. 2, Docket No. G-8007; George W. Graham, Docket No. G-8047; Garrett Oil & Gas Company, Docket No. G-8074; Morris Mizel et al., Docket No. G-8078; C. I. Collins, Docket No. G-8084; Frank E. McMillin, Docket No. G-8086; R. Olsen et al., Docket Nos. G-8088, G-8089, G-8090; Davis Elkins, Trustee, Docket No. G-8506; J. I. Roberts, Docket No. G-8507; Maxton Oil & Gas Company, Docket No. G-8515; Cumberland Gas Company, Docket No. G-8531; Vaughey and Vaughey, Docket No. G-8555.

Notice is hereby given that on October 11, 1955, the Federal Power Commission issued its findings and order adopted October 5, 1955, in the above-entitled matters, issuing certificates of public convenience and necessity, dismissing in part application for a certificate of public convenience and necessity in Docket No. G-8086, and denying withdrawal of application for a certificate of public convenience and necessity in Docket No. G-7897.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8630; Filed, Oct. 25, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 83]

MOTOR CARRIER APPLICATIONS

OCTOBER 21, 1955.

Protests, consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each

protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when the circumstances require immediate action, an application for approval, under Section 210a (b) of the Act, of the temporary operations of motor carrier properties sought to be acquired in an application under Section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 263 Sub 79, filed October 10, 1955, GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, P. O. Box 349, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P. O. Box 1554, Boise, Idaho. For authority to operate as a *common carrier*, over regular routes, transporting: (1) *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving all intermediate points between Cortez, Colo., and Shiprock, N. Mex., including Shiprock, over U. S. Highway 666, and the off-route points of Towaoc and Mesa Verde National Park, Colo., in connection with carrier's regular route operations between Cortez, Colo., and Gallup, N. Mex. (2) On Sheet No. 2 of Certificate No. MC 263 Sub 66, among other authority, carrier is authorized to serve the off-route point of Mesa Verde National Park, Colo., restricted to truckload lots only. The instant application also seeks to remove the restriction "truckload lots only" insofar as Mesa Verde National Park, Colo., is concerned, under the commodity description *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. Applicant is authorized to conduct regular route operations in California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon and Utah, and irregular route operations in California, Idaho, Nevada, Oregon and Washington.

No. MC 730 Sub 53, filed October 11, 1955, PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 299 Adeline Street, Oakland, Calif. For authority to operate as a *common carriers*, over a regular route, transporting: *General commodities*, including *articles of unusual value*, but excluding Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U. S. Highways 30N and 30S, near Granger, Wyo., and junction U. S. Highways 30N and 91 at McCammon, Idaho, over U. S. Highway 30N, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations between Denver, Colo., and Salt Lake City, Utah, (b) between Salt Lake City, Utah, and Pocatello, Idaho, and (c) between Brigham, Utah, and Downey, Idaho. Applicant is authorized to conduct operations in California, Colorado, Idaho, Illinois, Indiana, Kansas, Missouri, Nevada, Utah, and Wyoming.

NOTE: Applicant states that the use of the proposed route would permit operations through a less populated area thereby decreasing exposure to accidents inherent to more congested areas and, therefore requests appropriate authority to operate over the proposed alternate route to effect operating economies and in the interest of safety to the public.

No. MC 1849 Sub 84, filed October 14, 1955, NORTHERN TRANSPORTATION CO., a corporation, 3201 Ringsby Court, Denver, Colo. For authority to operate as a *common carrier*, transporting: *General commodities*, except wool, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment other than refrigeration, between Los Angeles, Calif., and Reno, Nev., from Los Angeles over U. S. Highway 6 to junction U. S. Highway 395 at or near Bishop, Calif., thence over U. S. Highway 395 to Reno, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with carrier's regular route operations between Los Angeles, Calif., and Silverpeak, Nev., and between Reno, Nev., and Tonopah, Nev. Applicant is authorized to conduct regular route operations in California, Nevada and Utah.

No. MC 2136 Sub 13, filed October 14, 1955, CLEMANS TRUCK LINE, INC., 815 East Pennsylvania Avenue, South Bend, Ind. Applicant's attorney: James L. Beattey, Suite 1021-1029, 130 East Washington Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A, B and C explosives*, between Kingsbury Ordnance Plant at or near Kingsbury, Ind., on the one hand, and, on the other, interchange lots located (a) one mile southwest of Rockdale, Ill., (b) one-half mile west of Joliet, Ill. on U. S. Highway 66-A, and (c) at junction U. S. Highways 66 and 66-A approximately 13 miles northeast of Joliet, Ill. Applicant is authorized to conduct operations in Indiana and Michigan.

No. MC 2202 Sub 133, filed October 12, 1955, ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A, B and C explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Plant of the United States Gypsum Company near Shoals, Marion County, Ind., as an off-route point in connection with carrier's regular route operations between St. Louis, Mo., and Cincinnati, Ohio, over U. S. Highway 50. Applicant is authorized to conduct regular route operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 2304 Sub 21, filed October 17, 1955, THE KAPLAN TRUCKING COMPANY, 1607 Woodland Ave., Cleveland, Ohio. Applicant's attorney: George, Greek, King and McMahon, 44 E. Broad St., Columbus, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel, iron and steel products*, and *pallets and empty containers* used in the transportation of iron and steel and iron and steel products, between points in Ohio, Pennsylvania, New York, and West Virginia on the one hand, and on the other, points in Monmouth, Morris, Essex, Passaic, Union, Somerset, Middlesex, Hudson, and Bergen Counties, N. J., without joinder at New York City or the New York Commercial Zone. Applicant is authorized to conduct irregular route operations in Ohio, Pennsylvania, New York, West Virginia, Kentucky, Indiana, and Michigan.

No. MC 3252 Sub 12, filed September 19, 1955, PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Ave., Portland, Maine. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (1) from East Boston, East Braintree, Braintree, Weymouth, Revere, Everett, Chelsea, Quincy, and Boston, Mass., and East Providence, Providence, and Pawtucket, R. I., to points in Maine except those within an area bounded on the west by the New Hampshire-Maine State line, on the north by U. S. Highway 2, on the east by U. S. Highway 1 to the Atlantic Ocean, and on the south by the Atlantic Ocean, including points on the indicated portions of the highways specified, but excepting transportation from Boston, Mass. and Beverly, Mass. to Lubec, Maine; (2) from Newington, N. H. and Portsmouth, N. H. to points in Maine north of a line beginning at the Maine-New Hampshire State line and extending along U. S. Highway 202 to Alfred, Maine, thence along Maine Highway 111 to Biddeford, Maine, and thence along Maine Highway 208 to Biddeford Pool, Maine, including points on the indicated portions of the highways specified. Applicant is authorized to conduct operations in

Maine, New Hampshire, Massachusetts, and Rhode Island.

No. MC 8681 Sub 36, filed October 11, 1955, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's attorneys: Stockton, Linville and Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Cable reel carriers*, in initial movements, by the truckaway method, (2) *cable reel carriers*, in secondary movements, by the truckaway method, and (3) *damaged shipments of cable reel carriers*, between Denver, Colo., and all points in the United States, including the District of Columbia.

No. MC 8681 Sub 37, filed October 11, 1955, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's attorneys: Stockton, Linville and Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Utility rental trailers*, (designed to be towed by passenger automobiles, excluding house trailers), in secondary movements, by the truckaway method, and *damaged shipments of utility rental trailers*, between all points in the United States, including the District of Columbia.

No. MC 25643 Sub 38, filed October 10, 1955, EVERTS' COMMERCIAL TRANSPORT, INC., 815 Garfield St., Eugene, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Ave., Portland 9, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Formaldehyde*, in bulk, in tank vehicles, from Springfield, Oreg., to points in Solano, Naps, San Mateo, Santa Clara, Yolo, and Monterey Counties, Calif. Applicant is authorized to conduct operations in Oregon, Washington, and California.

No. MC 25643 Sub 39, filed October 10, 1955, EVERTS' COMMERCIAL TRANSPORT, INC., 815 Garfield St., Eugene, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Ave., Portland 9, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Formaldehyde*, in bulk, in tank vehicles, from Springfield, Oreg., to points in Canyon and Ada Counties, Idaho, and Yakima and Grant Counties, Wash. Applicant is authorized to conduct operations in Oregon, Washington and California.

No. MC 30042 Sub 14, filed October 17, 1955, JOHN W. PRESLEY, doing business as SECURITY TRUCKING CO., 1211 N. Peoria Street, Tulsa, Okla. Applicant's attorney: George L. Ruddle, 1518 Hunt Building, Tulsa, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products; and *machinery, equipment, materials*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof except in connection with main or trunk pipelines, between points in Oklahoma, on the one hand, and, on the other, ports of entry on the International Boundary Line between the United States and Canada in Montana and North Dakota, between Sweetgrass, Mont., and Pembina, N. Dak. Applicant is authorized to conduct operations in Arkansas, Oklahoma, Louisiana, Montana, New Mexico, North Dakota, South Dakota, and Texas.

No. MC 30092 Sub 6, filed October 10, 1955, HERRETT TRUCKING COMPANY INC., P. O. Box 118, Sunnyside, Wash. Applicant's attorney: George H. Hart, Central Bldg., Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feed, flour* and *grain milling products*, between Ports of Entry on the Washington-British Columbia International Boundary line and points in Washington, Oregon, Idaho and California. Applicant is authorized to conduct regular route operations in Washington and Oregon and irregular route operations in Oregon, Washington and Idaho.

No. MC 34865 Sub 30, filed October 17, 1955, CONTRACT CARRIERS, INC., 2425 Walton St., Anderson, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Bldg., Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Building materials* and *gypsum products*, including but not restricted to those as defined by the Commission, from the site of facilities of the United States Gypsum Company, located approximately five miles east of Shoals, Martin County, Ind., to points in Illinois, Indiana, Kentucky, Ohio, Tennessee, and the following counties in the State of Missouri: Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Osage, Perry, Pemiscott, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, St. Genevieve, St. Louis, St. Louis City, Scott, Shannon, Shelby, Stoddard, Warren, Washington and Wayne, and *pallets* and *skids* on return. Applicant is authorized to conduct irregular route operations in Indiana, Kentucky, Illinois, Missouri, Ohio, Michigan and Iowa.

No. MC 36473 Sub 59, filed September 8, 1955, and amended October 4, 1955, CENTRAL TRUCK LINES, INC., 1000 Jackson St., Tampa, Fla. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, and commodities requiring special equipment, (1) between Thomasville, Ga., and Tallahassee, Fla., from Thomasville over U. S. Highway 319 to Tallahassee, and (2) between Tallahassee, Fla., and Capps, Fla., from Tallahassee over U. S. Highway 27 to Capps, and return over the same routes, as alternate routes in connection with applicant's authorized operations.

NOTE: The service at Tallahassee will be restricted to shipments having origin or destination west of Marianna, Fla.

No. MC 39128 Sub 4, filed October 10, 1955, SYDNEY S. JORDAN, doing business as ROBERTSON'S OVERLAND EXPRESS, 23 Boyd Avenue, East Providence, R. I. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products* as defined by the Commission, from Providence, R. I., to North Attleboro, Plainville, and Rehoboth, Mass. Applicant is authorized to conduct operations in Massachusetts and Rhode Island.

No. MC 43269 Sub 38, filed August 8, 1955, and amended September 9, 1955, WELLS CARGO, INC., 1775 East 4th St., (P. O. Box 1511), Reno, Nev. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, mining, milling and construction equipment, materials and supplies, and all products of mines, quarries, mills, reduction plants, processing plants, and chemical plants*, between points in Arizona. Applicant is authorized to conduct operations in California and Nevada.

No. MC 43917 Sub 2, filed October 17, 1955, GALE G. GALLEA, doing business as GALLEA TRANSFER, P. O. Box 94, Owatonna, Minn. Applicant's representative: A. R. Fowler, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Steele County, Minn., on the one hand, and, on the other, points in Iowa and Illinois. Applicant is authorized to conduct operations in Minnesota, Iowa, and Illinois.

No. MC 44947 Sub 11, filed October 17, 1955, DEIOMA TRUCKING CO., Box 11, East Sparta, Ohio. Applicant's attorney: Noel F. George, 44 E. Broad St., Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay products*, from Columbiana County, Ohio, to points in Virginia and Indiana; *pallets, skids*, and *empty containers* or *other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Ohio, Indiana, Michigan, Maryland, New Jersey, New York, Pennsylvania, Delaware, Virginia, West Virginia, and the District of Columbia.

No. MC 52460 Sub 33, filed October 7, 1955, HUGH BREEDING, INC., 1420 West 35th St., P. O. Box 9515, Tulsa, Okla. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Amarillo, Tex., and points within 10 miles thereof, to Altus, Enid, Muskogee, Tulsa and Oklahoma City, Okla., and Fort Smith, Ark., and points within 10 miles of each of these destinations. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, Oklahoma, and Texas.

No. MC 60012 Sub 35, filed October 17, 1955, RIO GRANDE MOTOR WAY, INC., 775 Wazee Street, P. O. Box 1469, Denver, Colo. For authority to operate as a *common carrier*, over a regular route, transporting: (1) *Ore* and *ore concentrates*, in bulk, in special equipment, from Pandora, Colo., to Montrose, Colo., from Pandora over Colorado Highway 108 to junction Colorado Highways 108 and 145, thence over Colorado Highway 145 to Placerville, thence over Colorado Highway 62 to junction Colorado Highway 62 and U. S. Highway 550 at or near Ridgway, Colo., thence over U. S. Highway 550 to Montrose; and (2) *coal*, in bulk, on return movements, over the above described regular route, serving no intermediate points. Applicant is authorized to conduct operations in Colorado.

No. MC 62942 Sub 3, filed October 18, 1955, SOUTHERN TRANSFER & STORAGE CO., INC., 2161–87 Fifth Ave., South, St. Petersburg, Fla. Applicant's attorney: Leo P. Kitchen, Professional Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Baby furniture (new)*, uncrated, crated, in boxes or cartons, or otherwise, between points in Florida, on the one hand, and, on the other, points in Georgia, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Delaware, Rhode Island, Massachusetts, West Virginia, Ohio, Indiana, Illinois, Missouri, Tennessee, Kentucky, Arkansas, Alabama, Mississippi, Louisiana, Texas, Michigan, Wisconsin, Maine, Oklahoma, Nebraska, Iowa, New Hampshire, Kansas, Vermont, Florida, and the District of Columbia.

No. MC 66125 Sub 1, filed October 12, 1955, HUDSON DELIVERY CO., INC., 25 West 18th Street, Bayonne, N. J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Garments*, and *materials and supplies* used in the manufacture of garments, between New York, N. Y., on the one hand, and, on the other, points in Bergen and Passaic Counties, N. J. Carrier is authorized to conduct operations in New Jersey and New York.

No. MC 67646 Sub 41, filed September 19, 1955, HALL'S MOTOR TRANSIT COMPANY, Fourth St. and Shikellimy Ave., Sunbury, Pa. Applicant's attorney: Leonard R. Apfelbaum, Bittner Bldg., Sunbury, Pa. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Cameron, Clinton, Clearfield, and Centre Counties, Pa., on the one hand, and, on the other, points on the carrier's routes as authorized in Certificates Nos. 67646 Subs 2, 27, 28, 30, 33, 34, 39 and 40, in the States of Pennsylvania, New York, New Jersey, and Ohio.

No. MC 71460 Sub 2, filed October 12, 1955, SOUTHERN FORWARDING CO., a Corporation, 728 Alston Avenue, Memphis, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 407 Broadway National Bank Bldg., Nashville, Tenn. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Bowling Green, Ky., and Atwood, Tenn., from Bowling Green over U. S. Highway 68 to Russellville, Ky., thence over U. S. Highway 79 to Atwood, Tenn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular route operations between Louisville, Ky., and Memphis, Tenn. Applicant is authorized to conduct operations in Kentucky and Tennessee.

No. MC 76032 Sub 96, filed October 13, 1955, NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo. Applicant's attorney: Paul M. Hupp, 738 Majestic Building, Denver, Colo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Barstow, Calif., and San Francisco, Calif., from Barstow over U. S. Highway 466 to junction U. S. Highway 395, near Kramer, Calif., thence over U. S. Highway 395 to junction U. S. Highway 6, near Brown, Calif., thence over U. S. Highway 6 to junction U. S. Highway 95 at Coaldale, Nev., thence over U. S. Highway 95 to junction U. S. Highway 50 at Fallon, Nev., thence over U. S. Highway 50 to junction U. S. Highway 99 at Stockton, Calif., thence over U. S. Highway 99 to Manteca, Calif., thence over California Highway 120 to junction U. S. Highway 50, thence over U. S. Highway 50 via Oakland, Calif., to San Francisco; (also from Stockton over California Highway 4 to junction California Highway 24, near Oakley, Calif., thence over California Highway 24 via Oakland, to San Francisco), and return over the above route serving the intermediate points of Stockton, Manteca, Pittsburg, and Oakland, Calif., and the off-route points of the U. S. Naval Ammunition Depot near Hawthorne, Nev., the Sierra Army Ordnance Depot near Herlong, Calif., and Port Chicago, Moffett Field, Nimbus, Benicia, and Antioch, Calif. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Nevada, New Mexico, and Texas.

No. MC 82100 Sub 15, filed October 11, 1955, EASTERN AUTOMOBILE FORWARDING CO., INC., 2727 William St., Cheektowaga, N. Y. Applicant's attorney: Thomas J. Runfola, 631 Niagara St., Buffalo, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, in driveaway and truckaway service, except trailers designed to be drawn by passenger automobiles, in secondary movement, between points in Pennsylvania and New Jersey. Applicant is authorized to conduct irregular routes operations in Ohio, New York, Pennsylvania, Connecticut, New Jersey, Massachusetts, Rhode Island, Vermont and Michigan.

No. MC 87674 Sub 3, filed September 28, 1955, BERNERD EDWARD RICE, doing business as RICE TRANSFER & STORAGE, 117 Lancaster Ave., Rock Hill, S. C. Applicant's attorney: Frank A. Graham, Jr., 406–7 Palmetto Bldg., Columbia 1, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *articles distributed by meat-packing houses*, as defined by the Commission, from Cayce, West Columbia, and Rock Hill, S. C., and points in Richland County, S. C., to points in South Carolina, excepting points within seventy (70) miles of Rock Hill; *damaged shipments* of the above-described commodities on return. Applicant is authorized to conduct operations in North Carolina and South Carolina.

NOTE: Applicant presently holds authority in Docket No. MC 87674 to transport meat and packing house products within 70 miles of Rock Hill, S. C.

No. MC 95540 Sub 265, filed October 5, 1955, WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wine*, and *canned goods*, from points in New York and Pennsylvania on and west of U. S. Highway 11 to points in Alabama, Florida, Georgia, and South Carolina. Applicant is authorized to conduct operations in New Jersey, Delaware, Maryland, North Carolina, South Carolina, Georgia, and Virginia.

No. MC 95540 Sub 267, filed October 13, 1955, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in New York and Pennsylvania on and west of U. S. Highway 11 to points in Alabama, Florida, Georgia, and South Carolina. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 98615 Sub 3, filed October 10, 1955, J. M. ATTHOWE and C. H. ATTHOWE, doing business as EAST BAY DRAYAGE & WAREHOUSE CO., 3rd and Addison Streets, Berkeley, Calif. Applicant's attorney: Daniel W. Baker, 465 California St., San Francisco 4,

Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *Canned goods; equipment, materials, and supplies* used by canneries; and *empty containers*, and *pallets*, used in transporting the aforesaid commodities, between (1) Tracy, Calif., and Stockton, Calif., over U. S. Highway 50, serving no intermediate points, (2) Tracy, Calif., and San Francisco, Calif., over U. S. Highway 50, serving the intermediate points of Oakland, and Alameda, Calif., and (3) junction unnumbered highway and U. S. Highway 50 near Hayward, Calif., over said unnumbered highway from junction U. S. Highway 50 to the San Mateo, Calif. Bridge, thence over the San Mateo Bridge to junction U. S. By-Pass Highway 101, thence over U. S. By-Pass Highway 101 to San Francisco, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with operations over route described under (2) above. The applicant does not presently hold any authority from this Commission to transport the commodities named in this application but is performing second proviso operations in interstate or foreign commerce under Section 206 (a) (1) of the Interstate Commerce Act pursuant to Form BMC 75 filing in Docket No. MC 98615 Sub 1 in the transportation of property between certain specifically named points in California.

No. MC 99406 Sub 1, filed October 11, 1955, PAUL M. TURCO, doing business as REFRIGERATED DELIVERY SERVICE, 3165 Park Avenue, Bronx, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Butter, cheese, meats, meat products* and *dressed poultry* and *eggs*, from Jersey City, N. J., to points in Westchester, Putnam, Dutchess, Orange, Ulster, Rockland and Sullivan Counties, N. Y., and *empty containers or other such incidental facilities* used in transporting the commodities specified, on return movements. Applicant is authorized to conduct operations in New York and New Jersey.

No. MC 101186 Sub 7, filed October 10, 1955, JAMES G. ARLEDGE, doing business as ARLEDGE TRANSFER COMPANY, 2210 Summer St., Burlington, Iowa. Applicant's attorney: Robert H. Levy, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Burlington, Iowa, and Milwaukee, Wis., (a) from Burlington over U. S. Highway 34 to junction Illinois Highway 88, thence over Illinois Highway 88 to junction U. S. Highway 30, thence over U. S. Highway 30 to junction Illinois Highway 26, thence over Illinois Highway 26 to junction Illinois Highway 2, thence over Illinois Highway 2 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction U. S. Highway 51, thence over U. S. Highway 51 to junction Illinois Highway 173, thence over Illinois Highway 173 to junction Illinois Highway 76, thence over Illinois Highway 76 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 140 to junction Wisconsin Highway 15, thence over Wisconsin Highway 15 to Milwaukee; (b) from Burlington over U. S. Highway 34 to junction Illinois Highway 91, thence over Illinois Highway 91 to junction Illinois Highway 93, thence over Illinois Highway 93 to junction Illinois Highway 88, thence over Illinois Highway 88 to junction U. S. Highway 30, thence over U. S. Highway 30 to junction U. S. Highway 51, thence over U. S. Highway 51 to junction Wisconsin Highway 15, thence over Wisconsin Highway 15 to Milwaukee; and (c) from Burlington over U. S. Highway 61 to junction U. S. Highway 67, thence over U. S. Highway 67 to junction Illinois Highway 2, thence over Illinois Highway 2 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction U. S. Highway 51, thence over U. S. Highway 51 to junction Illinois Highway 173, thence over Illinois Highway 173 to junction Illinois Highway 76, thence over Illinois Highway 76 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 140 to junction Wisconsin Highway 15, thence over Wisconsin Highway 15 to Milwaukee, and return over the above routes, serving all intermediate points, and the off-route points of Stronghurst, Raritan, and Camden, Ill.

NOTE: Applicant has authority to transport general commodities, with the above exceptions, over irregular routes, between Burlington, Iowa, and Milwaukee, Wis., and seeks by this application to perform these operations over the above-described routes.

No. MC 104584 Sub 2, filed August 5, 1955, published in the August 31, 1955 issue on page 6428, amended October 11, 1955, B. C. COOPER, S. 58 Madison Street, Walla Walla, Wash. For authority to operate as a *common carrier*, over a regular route, transporting: *Baggage, including remains of deceased persons*, moving on railroad billing, baggage check or railroad ticket, between Walla Walla, Wash., and Pendleton, Oreg., from Walla Walla over Washington Highway 3 to the Washington-Oregon State line, thence over Oregon Highway 11 to Pendleton, and return over the same route, serving the intermediate points of Milton-Freewater and Athena, Oreg. RESTRICTION: Service to be performed shall be subject and restricted to the following conditions: The service to be performed shall be limited to that which is auxiliary to or supplemental of rail passenger-train or baggage-car service of the Union Pacific Railroad. Applicant will not serve any point not a station on the rail line of the Union Pacific Railroad. Shipments to be transported by applicant will be limited to those which it receives from or delivers to the Union Pacific Railroad under through billing of the Railroad covering in addition to movement by applicant an immediately prior or subsequent movement by Railroad.

No. MC 104887 Sub 3, filed October 18, 1955, AMERICAN VAN & STORAGE, INC., 2125 N. W. First Court, Miami, Fla. Applicant's attorney: Leo P. Kitchen, Professional Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Florida, Connecticut, Georgia, Indiana, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Texas, Virginia, California, Arizona, Utah, Oregon, Missouri, Kansas, Wisconsin, Oklahoma, Alabama, Delaware, Illinois, Kentucky, Maine, Massachusetts, New Hampshire, New York, Ohio, Rhode Island, Tennessee, Vermont, West Virginia, New Mexico, Nevada, Colorado, Washington, Iowa, Minnesota, Arkansas, Michigan, Nebraska, and the District of Columbia.

NOTE: All duplicating authority to be eliminated. Applicant is authorized to conduct operations in Alabama, Delaware, Illinois, Kentucky, Maine, Massachusetts, New Hampshire, New York, Ohio, Rhode Island, Tennessee, Vermont, West Virginia, Connecticut, Georgia, Indiana, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Texas, Virginia, and the District of Columbia.

No. MC 106965 Sub 82, filed October 10, 1955, M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Avenue, N. E., Washington, D. C. Applicant's attorney: Dale C. Dillon, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fish oil, fish oil products*, and *paint oils and paint vehicles* (consisting of oils which have fish oil or some extract of fish oil as a principal ingredient), in bulk, in tank vehicles, from Baltimore, Md., to points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, and the District of Columbia.

No. MC 107403 Sub 213, filed October 12, 1955, E. BROOKE MATLACK, INC., 33rd & Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811–19 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from points in Hancock County, Ohio, to points in Michigan. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 107403 Sub 214, filed October 12, 1955, E. BROOKE MATLACK, INC., 33rd & Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811–19 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Wellsville, Ohio, to points in Pennsylvania on and south of U. S. Highway 322 from the Ohio-Pennsylvania State line to junction U. S. Highway 219, and thence on and west of U. S. Highway 219 to the Pennsylvania-Maryland State line, and those in West Virginia west of the West Virginia-Maryland State line from the Pennsylvania-Maryland-West Virginia State line to point where intersected by U. S. Highway 219, thence on and west of U. S. Highway 219 to junction U. S. Highway 33, and thence on and north of U. S. Highway 33 to the West Virginia-Ohio State line. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 108398 Sub 28, filed October 10, 1955, FORTIER TRANSPORTATION COMPANY, East and Jensen Ave., P. O. Box 431, Fresno, Calif. Applicant's attorney: Bertram S. Silver, 100 Bush St., San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A, B, and C explosives*, from Fresno, Calif., to the site of the Pacific Gas and Electric Company's Wishon Dam Project located approximately sixty (60) miles east of Fresno on the north fork of Kings River.

No. MC 109740 Sub 1, filed October 12, 1955, JOHN E. SHERMAN, 10 Liberty St., Castile, N. Y. Applicant's attorney: Samuel V. Glanniny, 25 Exchange St., Rochester 14, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Building stone*, rough and finished, from Genesee Falls (Wyoming County), N. Y., McDermott, Fresno and Glemont, Ohio, Bloomington and Bedford, Ind., to points in Wisconsin, Indiana, Illinois, Ohio, Michigan, Kentucky, Massachusetts, Delaware and New York. Applicant is authorized to conduct irregular route operations in New York, Maryland, Pennsylvania, Connecticut and New Jersey.

No. MC 109883 Sub 2, filed August 16, 1955, LOUIS MASSOOD, doing business as L. MASSOOD & SONS, 494 East 36th St., Paterson, N. J. Applicant's representative: Bert Collins, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, uncrated, and *electrical and gas household appliances*, from Paterson, N. J., to points in Connecticut and New York on and south of a line beginning at the New York-Pennsylvania State line at Hancock, N. Y., extending along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along an imaginary line through Catskill, N. Y., to Hudson, N. Y., thence along New York Highway 23 to the New York-Massachusetts State line, and *damaged and returned shipments* of the above specified commodities, on return. Applicant is authorized to conduct operations in New Jersey, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, New York, Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia.

No. MC 110271 Sub 4, filed October 13, 1955, DAVID M. ROTENBERGER, R. D. #2, Quakertown, Pa. Applicant's representative: A. E. Enoch, 556 Main Street, Bethlehem, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick*, from points in Richland Township, Pa., to points in Connecticut; and *empty containers or other such incidental facilities* used in transporting the commodities specified, on return movements. Applicant is authorized to conduct operations in Delaware, New Jersey, New York, Pennsylvania and West Virginia.

No. MC 110698 Sub 61, filed October 11, 1955, MILLER MOTOR LINE OF NORTH CAROLINA, INC., J. ARCHIE CANNON, Trustee, P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, including but not restricted to those as defined by the Commission, in bulk, in tank vehicles, from Newark, N. J., to points in North Carolina and South Carolina. Applicant is authorized to conduct irregular route operations in South Carolina, Georgia, North Carolina, Virginia, West Virginia, Maryland and Tennessee.

No. MC 110698 Sub 62, filed October 11, 1955, MILLER MOTOR LINE OF NORTH CAROLINA, INC., J. ARCHIE CANNON, Trustee, P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid Glue, formaldehyde*, and *synthetic resins*, in bulk, in tank vehicles, and *glue catalyst*, in containers with shipments of liquid glue, from Jacksonville, Fla., to points in Georgia, North Carolina, South Carolina, Alabama and Tennessee and *empty containers* or other such incidental facilities used in transporting the commodities specified on return. Applicant is authorized to conduct irregular route operations in North Carolina, South Carolina, Georgia, Tennessee, Virginia, Alabama, Florida, Louisiana and Mississippi.

No. MC 110698 Sub 63, filed October 11, 1955, MILLER MOTOR LINE OF NORTH CAROLINA, INC., J. Archie Cannon, Trustee, P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, between points in North Carolina, on the one hand, and, on the other, points in Ohio and New Jersey. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia.

No. MC 111196 Sub 8, filed October 11, 1955, R. KUNTZMAN, INC., 1805 West State Street, Alliance, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Clay products*, and *tools and equipment* necessary for the laying of building title, from points within seven miles of Haydenville, Ohio, to points in Delaware, Indiana, Maryland, Michigan, New Jersey, New York, Pennsylvania and West Virginia; and *empty containers or other such incidental facilities* used in transporting the commodities specified, on return movements. Applicant is authorized to conduct operations in Delaware, Indiana, Ohio, Pennsylvania, Maryland, New Jersey, New York, and West Virginia.

No. MC 111320 Sub 22, filed October 13, 1955, CURTIS KEAL TRANSPORT COMPANY, INC., E. 54th St. and Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Ave., Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road building and earth moving equipment and parts*, by driveway method, between points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Ohio, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. The applicant is authorized to conduct operations throughout the United States, including the District of Columbia.

No. MC 112446 Sub 15, filed October 17, 1955, REFINERS TRANSPORT, INC., 1300 51st Ave., No., Nashville, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk in tank vehicles, between all points in Jefferson County, Ky., and all points in Clark, Floyd and Harrison Counties, Ind., on the one hand, and, on the other, all points in Tennessee. Applicant is authorized to conduct operations in Alabama, Illinois, Kentucky, Mississippi, and Tennessee.

No. MC 112497 Sub 46, filed October 10, 1955, HEARIN TANK LINES, INC., 6440 Rawlins St., P. O. Box 3096, Istrouma Branch, Baton Rouge, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crude petroleum oil*, in bulk, in tank vehicles, from Osaka, Ala., to Blakely Island, Mobile County, Ala. Applicant is authorized to conduct operations in Louisiana, Alabama, Georgia, and Florida.

No. MC 112822 Sub 3, filed September 26, 1955, EARL BRAY, INC., Linwood and North Street, P. O. Box 910, Cushing, Okla. Applicant's attorney: Erle W. Francis, Veterans of Foreign Wars Bldg., 214 West 6th Street, Topeka, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in containers, from Port Arthur, Texas, and The Texas Company refinery located at or near Port Arthur, Texas, to points in

Kansas; and *empty containers* or other such incidental facilities used in transporting the commodities specified, on return movements. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Mississippi, Missouri, Nebraska, Oklahoma and Texas.

No. MC 113779 Sub 22, filed October 12, 1955, YORK INTERSTATE TRUCKING, INC., 8222 Market Street Road, Houston, Tex., P. O. Box 9686, Houston 15, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Nitrogen compounds*, in bulk, in tank vehicles, from North Seadrift, Tex., to points in Alabama, Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma and Utah, and *contaminated shipments* of the commodities specified above on return.

No. MC 113843 Sub 13, filed October 10, 1955, REFRIGERATED FOOD EXPRESS, INC., 8 Commonwealth Pier, Boston, Mass. Applicant's attorney: James Michael Walsh, 8 Commonwealth Pier, Boston 10, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen Foods*, in less than truckload shipments and/or in shipments of less than 30,000 pounds, from New York and the Boroughs of New York, N. Y. and Philadelphia, Pa., to points in Pennsylvania, Ohio, New Jersey, Indiana, Illinois, Michigan, Missouri, New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Alabama, Tennessee, Kentucky, Mississippi, Georgia, North Carolina, South Carolina, Florida and Louisiana. Applicant is authorized to conduct irregular route operations in New York, Maryland, District of Columbia, Virginia, West Virginia, Illinois, Wisconsin, Connecticut, Indiana, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania, Rhode Island, Texas, Kentucky, Maine, North Carolina, South Carolina and Tennessee.

No. MC 115345 Sub 1, filed October 14, 1955, C. C. MURPHY, Kirkland St., Abbeville, Ala. Applicant's attorney: John W. Rish, First National Bank Bldg., P. O. Box 1068, Dothan, Ala. For authority to operate as a *contract carrier*, over regular routes, transporting: *Petroleum products*, from Panama City, Fla., and Bainbridge, Ga. and Albany, Ga. to Sherrill, Ala., (1) from Panama City, Fla. over U. S. Highway 231 to Dothan, Ala., thence over U. S. Highway 431 to Headland, Ala., thence over Alabama Highway 173 to junction Alabama Highway 27, and thence over Alabama Highway 27 to Sherrill, Ala.; also from Headland, Ala. over U. S. Highway 431 to Abbeville, Ala., and thence over Alabama Highway 27 to Sherrill, Ala.; (2) from Bainbridge, Ga. over U. S. Highway 27 to Blakely, Ga., thence over Georgia Highway 39 to Fort Gaines, Ga., thence over Alabama Highway 10 to Abbeville, Ala., and thence over Alabama Highway 27 to Sherrill, Ala.; (3) from Albany, Ga. over Georgia Highway 91–W to junction Georgia Highway 62, thence over Georgia Highway 62 to Leary, Ga., thence over Georgia Highway 37 to Fort Gaines, Ga., and thence over the routes described in (2) above to Sherrill, Ala., serving the Bulk Plant Service Station and Dixie Veneer Co., at or near Abbeville, Ala., and F. D. Hodges Co. and Headland Pep Station at or near Headland, Ala., as intermediate points.

No. MC 115497 Sub 2, filed September 9, 1955, and amended October 10, 1955, HARRY CRISWELL, Dixon, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ore*, from Dixon, Wyo., and points within 50 miles thereof, to processing mills located at Rifle and Maybell, Colo., and *coal*, on return movements.

No. MC 115577, filed October 6, 1955, SCHWERMAN TRUCKING CO. OF ILL., INC., 620 S. 29th St., Milwaukee, Wis. Applicant's representative: Adolph E. Solie, 715 First National Bank Bldg., Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Residual fuel oils*, in insulated tank vehicles equipped with heating devices, from La Salle, Ill., Peru, Ill., and Spring Valley, Ill., to points in Wisconsin within an area south of Wisconsin Highways 33 and 82 from Port Washington to Hillsboro, and from Hillsboro to De Soto, Wis., respectively, including points on the indicated portions of the highways specified.

No. MC 115589, filed September 26, 1955, LESTER FOESCH, doing business as L. C. FOESCH TRANSFER LINES, 713 East Green Bay Street, Shawano, Wis. Applicant's attorney: Jack L. Goodsitt, 623 North Second Street, Milwaukee 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Box shooks, crate shooks*, and *glued dimension setup boxes*, (1) for the Hotz Manufacturing Company, Shawano, Wis., to points in Illinois, and (2) *Brick*, for the Streator Brick Company, Streator, Ill., to Shawano, Wis., and (3) *Cement*, for the Marquette Cement Company, LaSalle, Ill., to Shawano, Wis., and (4) *Roofing*, for Bird & Son, Chicago, Ill., the Flintkote Company, Chicago Heights, Ill., and the Tehon Company, Waukegan, Ill., to Shawano, Wis.

No. MC 115602, filed October 3, 1955, ARTHUR D. HIGGINBOTHAM, doing business as MOBILE HOMES TRANSPORT SERVICE, Second Street, Piketon, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers and contents thereof*, not including dangerous articles, explosives, inflammable material, paints, and insecticides, by towaway method, in secondary movements, between points in Ohio on and south of U. S. Highway 40 and points in Kentucky and Tennessee.

No. MC 115606, filed September 20, 1955, NORTH CREEK TRUCKING, INC., North Creek, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rough lumber*, (green and dried), and *planed lumber*, used for flooring and shiplap, furniture manufacturing, doors, windows, boxes and crates, etc., from points in Warren, Essex, Hamilton, and Franklin Counties, N. Y., to points in New York, New Jersey, New Hampshire, Massachusetts, Vermont, Connecticut, Pennsylvania, and Maine, and *wooden racks* used in the transportation of lumber on return.

NOTE: Applicant states: None of this lumber is finished lumber. Applicant has pending application similar to the above requested authority for contract operations and is agreeable that if and when the authority applied for herein is granted such contract carrier request may be cancelled or revoked.

No. MC 115610, filed October 7, 1955, NEVADA TRUCKING COMPANY, P. O. Box 308, Lake Arrowhead, Calif. Applicant's attorney: Theodore W. Russell, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Boats* and *parts, equipment* and *accessories* therefor when transported as a part of the same shipment with boats, from Cadillac, Alganac, and Holland, Mich., Carrothersville, Mo., Chattanooga, Tenn., Salisbury, Md., Perth Amboy, N. J., New Orleans, La., and points within a radius of five miles of each of said cities, to points in California, Oregon, Washington and Nevada, and *empty containers* or other such incidental facilities used in transporting the commodities specified on return.

No. MC 115614, filed October 10, 1955, MELVIN MORGAN, doing business as MORGAN BROTHERS, 1429 Ridgeroad, Shelton, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Roofing* and *roofing materials, shingles, shakes*, and *insulation*, between Portland, Oreg., on the one hand, and, on the other, Gig Harbor, Wash., and points in Clallam, Jefferson, Kitsap, Mason, and Pacific Counties, Wash.

No. MC 115616, filed October 12, 1955, KENNETH P. BURROUGHS, doing business as BURROUGHS TRUCKING CO., 931 Sylvan Ave., Davenport, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Bldg., Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron* and *steel* such as, *wire mesh, wire, nails, reinforcing steel*, and *steel bars*, (1) from Sterling, Ill., to points in Iowa on and east of U. S. Highway 65, serving no intermediate points on U. S. Highways 6, 20, and 30, except Iowa Falls, Clinton, and Davenport, Iowa, and (2) from Sterling, Ill., and Davenport, Iowa, to points in Minnesota on and south of U. S. Highway 14, and on and east of U. S. Highway 59, and points in Wisconsin, on and south of U. S. Highway 10, and (3) from Davenport, Iowa, to points in Illinois.

No. MC 115618, filed October 13, 1955, DONALD J. CHADD, 1220 Knox Street, Lincoln, Nebr. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New* or *used trailers*, designed to be drawn by passenger automobiles, and *mobile homes*, in truckaway service, between points in the United States.

No. MC 115619, filed October 14, 1955, LLOYD E. RAYLS AND JOHN F. RAYLS, doing business as RAYLS BROS. TRANSFER, 813 East McCracken Avenue, Hoopeston, Ill. Applicant's attorney: Alfred H. Reichman, 318 North Hickory Street, Champaign, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned foods, empty containers for canned foods, cartons* and *tin plate*, from points in Vermilion County, Ill., to Vincennes, Terre Haute and Evansville, Ind., St. Louis, Mo., and Burlington and Davenport, Iowa, and the *commodities specified above* and *paper bags* and *labels*, from the above-specified destination points to the above-designated origin points.

No. MC 115623, filed October 17, 1955, L. E. GARTIN AND JOHN L. GARTIN, doing business as GARTIN TRUCK LINE, Olean, Mo. Applicant's attorney: J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *Livestock, livestock and poultry feeds, agricultural seeds* and *agricultural fertilizer*, (1) between Olean, Mo., and Kansas City, Kans., from Olean over Missouri Highway 87 to U. S. Highway 50, thence over U. S. Highway 50 to junction U. S. Highway 71, at Kansas City, Mo., thence over U. S. Highway 71 to U. S. Highway 40, thence over U. S. Highway 40 to Kansas City, Kans., and return, serving no intermediate points, and (2) between National City, Ill., and Olean, Mo., from National City over Illinois Highway 3 to U. S. Highway 66, thence over U. S. Highway 66 to junction U. S. Highway 50, near Gray Summit, Mo., thence over U. S. Highway 50 to junction U. S. Highway 54, thence over U. S. Highway 54 to junction Missouri Highway 87, thence over Missouri Highway 87 to Olean, and return, serving East St. Louis, Ill., and St. Louis, Mo., as intermediate points.

No. MC 115625 filed October 17, 1955, THE FRANKLIN TRANSFER COMPANY, a corporation, 2693 Dixie Highway, Franklin, Ohio. Applicant's attorney: Richard H. Brandon, 810 Hartman Building, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Paper* and *paper products, roofing* and *materials* used in the installation of roofing when shipped therewith, from Franklin, Ohio, to Chicago, and Peoria, Ill., and St. Louis, Mo., and (2) used *pallets* and *skids; rags, scrap paper*, and *chemicals used in the manufacture of paper, paper products* and roofing, from Chicago and Peoria, Ill., and St. Louis, Mo., to Franklin, Ohio.

No. MC 115627 filed October 18, 1955, CARROLL L. WALSH, 231 N. Main Street, Hampstead, Md. Applicant's attorney: Charles O. Fisher, Westminister, Md. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural ground limestone*, from Thomasville, Pa., to points in Carroll, Frederick and Baltimore, Counties, Md.

NOTE: Applicant states: The proposed operations will be seasonal February to May and August to November inclusive, of each year, and the commodity will be transported for delivery by bulk lime spreader truck directly to the fields where the product is spread.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 228 Sub 18, filed October 12, 1955, HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N. J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round trip operations, during the racing seasons of each year of the following Race Tracks: Beginning and ending at Yonkers, N. Y., and the Boroughs of Bronx, Brooklyn and Queens, New York, N. Y., and the Borough of Manhattan, New York, N. Y., north of 165th Street and south of 15th Street and extending to Monmouth Park Race Track, Oceanport, N. J., Garden State Race Track, Delaware, N. J., Freehold Trotting Track, Freehold, N. J., Atlantic City Race Track, Hamilton Township, N. J., Delaware Park Race Track, Wilmington, Del., Pimlico Race Track, Baltimore, Md., Bowie Race Track, Bowie, Md., Laurel Race Track, Laurel, Md., and Lincoln Downs Race Track, Lincoln, R. I., and Narragansett Park, Pawtucket, R. I. Applicant is authorized to conduct regular route operations in New Jersey, New York and Pennsylvania.

NOTE: Applicant states New York City, N. Y., is a point of service on applicant's presently authorized regular route.

No. MC 108145 Sub 2, filed October 14, 1955, JOHN W. CALARY AND LOUISE M. CALARY, doing business as BAINBRIDGE BUS CO., Port Deposit, Md. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Port Deposit, Md., and Perryville, Md., from Port Deposit over U. S. Highway 222 to Perryville, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Maryland.

No. MC 115617, filed October 12, 1955, L. K. STEWART, Box 64, Athol, Idaho. Applicant's attorney: Harold B. Purdy, Telephone Building, Coeur d'Alene, Idaho. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers*, between Athol, Idaho, and Trentwood, Wash., from Athol over U. S. Highway 95, to junction U. S. Highways 95 and 10, thence over U. S. Highway 10 to Trentwood, Wash. RESTRICTION: Authority herein will be restricted to employees of the Kaiser Aluminum and Chemical Corp. at Trentwood, Wash.

CORRECTION

No. MC 1504 Sub 125, published October 12, 1955, on page 7631, application of ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Building, Charleston, W. Va. The subsequent filing number Sub 124 assigned thereto was in error, the correct docket number is MC 1504 Sub 125.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F 5915, published in the February 24, 1955, issue of the FEDERAL REGISTER on page 1166. Amendment filed October 13, 1955, to include the following additional authority in the proposed merger: *Fish oil*, in bulk, in tank vehicles, over irregular routes, from Heber, Utah, to Richmond, Calif.; *petroleum* and *petroleum products*, in tank vehicles, from Sacramento and Richmond, Calif., and points within ten miles of each, to points in Malheur and Harney Counties, Oreg.

CORRECTION

No. MC–F 6086, published in the October 5, 1955, issue of the FEDERAL REGISTER on page 7410. In addition to the operating rights described in the original notice, the authority sought to be controlled includes, inter alia, the following: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Jackson, Miss., and New Orleans, La., serving all intermediate points, and the off-route points of Vicksburg, Miss., Baton Rouge, Church Point, Opelousas, and St. Martinville, La., between Jackson, Miss., and New Orleans, La., as an alternate route for operating convenience only, between Vicksburg, Miss., and Tallulah, La., serving the intermediate points of Delta and Mound, La., between Houston, Tex., and New Orleans, La., serving all intermediate and certain offroute points, between Orange, Tex., and Galveston, Tex., serving all intermediate points, between Shreveport, La., and Tallulah, La., serving all intermediate points, and the off-route points in the Shreveport, La., Commercial Zone, between Galveston, Tex., and Houston, Tex., serving all intermediate points, between Port Arthur, Tex., and Orange, Tex., serving no intermediate points, between Lebeau, La., and Opelousas, La., serving no intermediate points: *malt beverages, bags and bagging, agricultural commodities, canned goods, dried fruit, petroleum products, cotton, roofing, lard*, and *sugar*, between Jackson, Miss., and Greenville, Miss., serving all intermediate and certain off-route points; *general commodities*, with certain exceptions including household goods, over irregular routes, between Liberty, Tex., on the one hand, and, on the other, Hardin, Tex., and points within five miles of Hardin, between points within five miles of Sulphur, La., including Sulphur, between points within nine miles of Jennings, La., including Jennings, between points within nine miles of Crowley, La., including Crowley, between points within five miles of Jeanerette, La., including Jeanerette.

No. MC–F 6103. Authority sought for purchase by SERVICE TRUCKING CO., INC., Preston Road, Federalsburg, Md., of a portion of the operating rights of JAMES F. BLACK, doing business as PARKVILLE TRUCKING COMPANY, 3618 Pulaski Highway, Baltimore, Md., and for acquisition by GILBERT A. BANNING, also of Federalsburg, of con-

trol of said operating rights through the purchase. Applicants' attorneys: Francis W. McInerny, 1625 K St., N. W., Washington, D. C., and Dale Dillon, 914 Washington Bldg., Washington, D. C. Operating rights sought to be transferred: *Salt*, as a *common carrier* over irregular routes, from Ludlowville, Silver Springs and Watkins Glen, N. Y., to points in Delaware, Maryland, Virginia, and the District of Columbia. Vendee is authorized to operate in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin and the District of Columbia. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6104. Authority sought for purchase by J. A. THROCKMORTON, doing business as ARCHIE'S MOTOR FREIGHT, 316 E. 6th St., Richmond, Va., of the operating rights of ALEXANDER N. ROMAH, doing business as ROMAH TRANSFER CO., 1812 Warriors Road, Pittsburgh, Pa. Applicant's attorney: Henry E. Ketner, State-Planters Bank Bldg., Richmond 19, Va. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over irregular routes, between points in Allegheny County, Pa. Vendee is authorized to operate in Virginia, Kentucky, Tennessee, West Virginia, Pennsylvania, Maryland, Ohio, New Jersey, and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6105. Authority sought for purchase by DODDS TRUCK LINE, INC., West Plains, Mo., of the operating rights and property of D. T. DODDS and M. DODDS, doing business as DODDS TRUCK SERVICE, Salem, Mo., and W. N. FARLEY, doing business as EXPRESS TRUCK SERVICE, 110 E. Dixon, West Plains, Mo., and for acquisition by D. T. DODDS and M. DODDS, both of Salem, and W. N. FARLEY, of West Plains, of control of said operating rights and property through the purchase. Applicants' attorney: J. R. Rose, Jefferson City, Mo. Operating rights sought to be transferred: (Dodds) *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Salem, Mo., and St. Louis, Mo., and between Seymour, Mo., and Alton, Ill., serving certain intermediate and off-route points; *livestock*, between Salem, Mo., and East St. Louis, Ill., serving no intermediate points; *malleable iron* and *iron castings*, from East St. Louis, Ill., to Springfield, Mo., serving no intermediate points; (Farley) *general commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Springfield, Mo., and Rogersville, Mo., between Rogersville, Mo., and East St. Louis, Ill., between Cabool, Mo., and Thayer, Mo., between Mansfield, Mo., and Hartville, Mo., between West Plains, Mo., and Alton, Mo., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods, over irregular routes, from St. Louis, Mo., and certain points in Illinois to certain points in Missouri and Arkansas; *glassware, livestock, agricultural commodities, fertilizer*, and *feed*, from, to and between certain points in Illinois, Missouri, and Arkansas. Vendee is not an interstate carrier. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6106. Authority sought for purchase by HAECKL'S EXPRESS, INCORPORATED, 1255 Corwin Ave., Hamilton, Ohio, of the operating rights and property of HAROLD L. JACKSON and W. LUTHER PARIS, doing business as HARRISON TRANSFER COMPANY, P. O. Box 82, Harrison, Ohio, and for acquisition by ELMER HAECKL, JOSEPH B. CONROY, and RYAN HALL, all of Hamilton, of control of said operating rights and property through the purchase. Applicants' attorney: Noel F. George, 44 E. Broad St., Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Harrison, Ohio-Ind., and Cincinnati, Ohio, serving all intermediate and certain off-route points; *general commodities*, with certain exceptions including household goods, over irregular routes, between Harrison, Ohio-Ind., on the one hand, and, on the other, certain points in Indiana, Ohio, and Kentucky; *household goods* as defined by the Commission, between Harrison, Ohio-Ind., and points within ten miles thereof, on the one hand, and, on the other, points in Ohio, Indiana, Illinois and Kentucky. Vendee is authorized to operate in Ohio, Indiana, and Kentucky. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6107. Authority sought for control by LELAND BARNEY and ALLAN TORHORST, Calumet Street, Burlington, Wis., of the operating rights and property of BULK TRANSPORT COMPANY, Calumet Street, Burlington, Wis. Applicants' attorney: Glenn W. Stephens, 121 W. Doty Street, Madison 3, Wis. Operating rights sought to be controlled: *Petroleum and petroleum products*, as a *common carrier* over irregular routes, from East Chicago, Ind., and points within two miles thereof, to certain points in Wisconsin; *petroleum products* from points in the Chicago, Ill., commercial zone to certain points in Wisconsin. Applicants hold no authority from this Commission but are in control of QUALITY MILK SERVICE, INC., which is authorized to operate in Wisconsin, Illinois, Iowa, Minnesota, Missouri, Indiana, Nebraska, Michigan, Ohio, Alabama, Florida, Kansas, Mississippi, Massachusetts, New York, Oklahoma, Pennsylvania, Tennessee, Texas, Arkansas, Kentucky, South Dakota, Virginia. Application has not been filed for temporary authority under Section 212a (b).

No. MC–F 6108. Authority sought for purchase by CLAIRMONT TRANSFER CO., 1803 7th Ave. South, Escanaba, Mich., of the operating rights and property of WEST SHORE EXPRESS, INC., 1604 State St., Green Bay, Wis., and for acquisition by RUTH K. NORTON, also of Escanaba, of control of said operating rights and property through the purchase. Applicant's attorney: Glenn W. Stephens, 121 W. Doty St., Madison 3, Wis. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Milwaukee, Wis., and Two Rivers, Wis., between Green Bay, Wis., and Kohler, Wis., and Kohler, Wis., serving all intermediate and certain off-route points, between junction U. S. Highway 141 and Wisconsin Highway 144 and junction Wisconsin Highways 144 and 57, for operating convenience only; serving no intermediate points; *general commodities*, with certain exceptions not including household goods, between Milwaukee, Wis., and Sheboygan, Wis., serving no intermediate points; additional authority to operate in Wisconsin under the Second Proviso of Section 206 (a) of the Interstate Commerce Act. Vendee is authorized to operate in Illinois, Michigan, and Wisconsin. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6109. Authority sought for control by SMITHSONS HOLDINGS LIMITED, 150 Commissioner St., Toronto, Ontario, Canada, of the operating rights and property of ONTARIO FREIGHT LINES CORP., 2043 Erie Blvd., E., Syracuse, N. Y., and for acquisition by S. P. SMITH, Oahawa, Ontario, Canada, HARRY SMITH, Montreal, Quebec, Canada, BRUCE SMITH, Toronto, Ontario, Canada, and THEODOR SMITH, Whitney, Ontario, Canada, of control of said operating rights and property through the transaction. Applicant's attorneys: Leonard H. Amdursky, 1 E. Bridge St., Oswego, N. Y., Harris J. Klein, 230 Broadway, New York, N. Y., and Bert Collins, 140 Cedar St., New York, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Buffalo, N. Y., and New York, N. Y., and between Syracuse, N. Y., and Oswego, N. Y., serving all intermediate points; (alternate routes for operating convenience only: between Fonda, N. Y., and Catskill, N. Y., between Syracuse, N. Y., and junction New York Highway 17 and New York Highway 32, between Palatine Bridge, N. Y., and junction New York Highway 162 and New York Highway 148, and between Cairo, N. Y., and Saugerties, N. Y., serving no intermediate points); *general commodities*, with certain exceptions including household goods, over irregular routes, between points in Essex, Union, Morris, Passaic, Bergen, Monmouth, and Middlesex Counties, N. J., on the one hand, and, on the other, Newark, N. J.; *paper*, from Fayetteville, N. Y., to Cumberland and Baltimore, Md., and points in Pennsylvania; *chemicals*, from Solvay, N. Y., to Baltimore, Md., and points in New Jersey and Pennsylvania; *chemicals*, from Solvay, N. Y., to Baltimore, Md., and points in New Jersey and Pennsylvania; *fruit, vegetables, and canned and preserved foodstuffs*, from certain points in New York to Baltimore, Md., and points in New Jersey, New York, and Pennsylvania; *paint and paint materials, putty, brushes, stains, varnishes, lacquers, paint and varnish remover, petroleum products*, in containers, *spot remover, insecticides*, and *such merchandise* as is dealt in by retail food stores, between New York, N. Y., Newark, N. J., and points in New Jersey within 15 miles of Newark, on the one hand, and, on the other, certain points in New York. Applicant holds no authority from the Interstate Commerce Commission but controls, through stock ownership, TRANSPORT LIMITED, which is authorized to operate in New York, New Jersey, Vermont, Massachusetts and New Hampshire. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6110. Authority sought for purchase by HARRY T. BUSSMANN, JR., doing business as SUPREME EXPRESS AND TRANSFER COMPANY, 327 S. 14th St., St. Louis 3, Mo., of the operating rights of ALBERT F. WILLIE, 5921 Drury Lane, St. Louis 21, Mo. Applicants' attorney: Ernest A. Brooks II, 1310 Ambassador Bldg., St. Louis 1, Mo. Operating rights sought to be transferred: *Malt beverages*, as a *contract carrier*, over regular routes, from Belleville, Ill., to St. Louis, Mo., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Missouri and Illinois. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6113. Authority sought for purchase by WORSTER MOTOR LINES, INC., East Main Road, R. D. #1, North East, Pa., of the operating rights of C. AUSTIN SMITH, doing business as SMITH TRUCK LINES, 61 Myrtle St., LeRoy, N. Y., and for acquisition by DAVID B. WORSTER, also of North East, of control of the operating rights through the purchase. Applicants' attorney: William W. Knox, 1102 Palace Bldg., Erie, Pa. Operating rights sought to be transferred: *Food products* and *such materials and supplies* as are used in the manufacture and distribution thereof, *insulators, steel chests, scrap metal, wire*, and *cable*, as a *common carrier*, over irregular routes, from, to and between certain points in New York, Massachusetts, Rhode Island, New Jersey, Ohio, Pennsylvania, and New York. Vendee is authorized to operate in Pennsylvania, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, West Virginia, Michigan, Ohio, Illinois, and the District of Columbia. Application has been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–8633; Filed, Oct. 25, 1955; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 21, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31221: *Window glass—Ohio, Pennsylvania, and West Virginia to Florida.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on window glass, carloads from specified points in Ohio, Pennsylvania, and West Virginia to specified points in Florida.

Grounds for relief: Competition of imported glass at destinations and circuitous routes.

Tariffs: Supplement 4 to Agent H. R. Hinsch's I. C. C. 4664; Supplement 88 to Agent C. W. Boin's I. C. C. A–968.

FSA No. 31222: *Cake and meal between and from Central Territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cake and meal (including crushed or ground cake or screenings), carloads between points in central territory, and from points in central territory to points in trunk-line territory and trunk-line arbitrary territory east of Pittsbugh, Pa.

Grounds for relief: Circuitous routes.

FSA No. 31223: *Fruits and vegetables between points in Southern Territory.* Filed by St. Louis-San Francisco Railway Company, for itself and other interested rail carriers. Rates on fresh fruits and vegetables (not cold-packed nor frozen), carloads between specified points in southern territory, including Ohio River crossings included in Agent Spaninger's tariff I. C. C. 1483 over routes in part west of the Mississippi River.

Grounds for relief: Circuitous routes in part west of the Mississippi River embracing the lines of the St. Louis-San Francisco Railway.

FSA No. 31224: *Automobile parts—New York and Pennsylvania to South.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on automobile parts, namely, automobile bodies, seat cabs, etc., carloads, from specified points in New York and Pennsylvania to specified points in southern territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 89 to Agent Boin's I. C. C. A–968.

FSA No. 31225: *Phosphates—St. Louis, Mo., and East St. Louis, Ill., to the South.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sodium, disodium, and tri-sodium phosphates, carloads from St. Louis, Mo., and East St. Louis, Ill., to specified points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 244 to Agent Spaninger's I. C. C. 1062.

FSA No. 31226: *Aluminum billets from Chalmette and New Orleans, La.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs or slabs, straight or mixed carloads from Chalmette and New Orleans, La., to Birmingham and Fairfield, Ala., and Cincinnati, Ohio.

Grounds for relief: Circuitous routes.

Tariff: Supplement 10 to Agent Spaninger's I. C. C. 1473.

FSA No. 31227: *Cheese—Galax, Va., to Southern Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cheese, carloads from Galax, Va., to specified points in southern territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 1 to Agent Spaninger's I. C. C. 1497.

FSA No. 31228: *Tin mill black plate—Ohio, Pennsylvania and West Virginia to Missouri River Cities.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on tin mill black plate, tin or terne plate, carloads from specified points in Ohio, Pennsylvania, and West Virginia to Kansas City and St. Joseph, Mo., Omaha and Nebraska City, Nebr.

Grounds for relief: Barge competition and circuity.

Tariff: Supplement 127 to Agent Hinsch's I. C. C. 4238.

FSA No. 31229: *Bonding mortar—Michigan points to Kansas and Missouri.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on high temperature bonding mortar, carloads from Stronach and Manistee, Mich., to Atchison, Kans., and Kansas City, Kans.-Mo.

Grounds for relief: Circuitous routes.

Tariff: Supplement 127 to Agent Hinsch's I. C. C. 4238.

FSA No. 31230: *Iron and steel articles—Newport, Ky., to Michigan City, Ind.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from Newport, Ky., to Michigan City, Ind.

Grounds for relief: Circuitous routes.

Tariff: Supplement 209 to Agent Hinsch's I. C. C. 3388.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–8631; Filed, Oct. 25, 1955; 8:49 a. m.]

[Rev. S. O. 562; Taylor's I. C. C. Order No. 62–A]

FERNWOOD, COLUMBIA AND GULF RAILROAD CO.

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 62 and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I. C. C. Order No. 62, be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 4:00 p. m., October 17, 1955.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agree-

ment and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., October 17, 1955.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 55-8656; Filed, Oct. 25, 1955; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24A-884]

NATIONAL UNION LIFE INSURANCE CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

OCTOBER 18, 1954.

I. National Union Life Insurance Company, 424 Brown Marx Building, Birmingham, Alabama, having filed with the Commission on March 22, 1955, a Notification on on Form 1-A and an offering circular, relating to an offering of 5,000 shares of capital stock, $1 par value, at $38 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That an exemption under Regulation A was not available in that the aggregate offering price of all securities sold by the issuer within one year prior to the commencement of the aforesaid offering plus all securities under the aforesaid Notification exceeded the limitation of $300,000 as prescribed by Rule 217 (a), under the following circumstances:

The issuer filed a Notification on Form 1-A under Regulation A with the Commission on June 9, 1954, for a public offering of $100,000 of its stock, and thereafter on July 15, 1954, said offering was commenced and by October 5, 1954, was completed;

The issuer sold 10,000 shares of its stock, valued at $125,000, to Gregg Motors, Inc., in October 1954 which were thereafter, in November 1954, publicly distributed;

The issuer commenced its offering under the instant Notification on April 11, 1955;

The issuer sold 5,000 shares of its stock to F. C. A. Discount Corporation on or about June 22, 1955, which were publicly distributed by July 12, 1955;

B. That the terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to disclose under Item 3 of said notification the sale of 10,000 shares of its stock within one year prior to the date of filing of the Notification and the sale during the same period by Basil P. Autrey, director and affiliate of the issuer, of 14,315 shares of stock of the issuer on his own behalf, and

2. The issuer failed to file, as required by Rule 221 of Regulation A, a letter, dated April 15, 1955, used in connection with said offering;

C. The Notification and offering circular, filed as part thereof, contain untrue statements of material facts, and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure of the balance sheet, dated December 31, 1954, and included in said offering circular, to reflect (a) net reductions in net admitted asset values of $20,213.62, (b) net increases in liabilities and reserves of $159,364.11 and (c) a net reduction in surplus of $179,577.73, which adjustments were determined as being applicable to said balance sheet by examiners representing the Superintendent of Insurance, State of Alabama and the Insurance Commission of the State of Florida, the more significant of which are:

(a) The balance sheet reflected an aggregate reserve for life policies and contracts of $478,808 instead of $506,947.75;

(b) The failure to include in the balance sheet liability for policy and contract claims of $29,874.93;

(c) The failure to include in the balance sheet general expenses of $7,257.51 due or accrued;

(d) An understatement of F. O. A. B. tax of $2,238.53, the failure to include a liability of $1,154.32 for Florida S. U. I. tax and the failure to include in the balance sheet a tax liability of $17,964.03 for Florida Premium Tax;

(e) The failure to include in the balance sheet a liability for "Agents Credit Balances" of $45,855.09;

(f) The failure to make provision in the balance sheet for Mandatory Security Valuation Reserve of $5,789.87;

(g) The failure to disclose in the balance sheet a contingent liability of $15,000 on thirteen trailer sales contracts discounted at a bank for the original sellers and the failure to state that United States Government Bonds in the amount of $15,000, par value, were on deposit with a bank to guarantee such contingent liability;

(h) The failure to increase accounts payable in the balance sheet from $871.90 to $16,404.52, the principal item of which was $13,500 representing funds deposited with the company for the purpose of repurchasing its stock from stockholders when such stock is available;

2. The failure to indicate in the balance sheet that the net figure of $364,998.80 under "Real Estate" was after deduction of an indebtedness of $48,015.07 secured by a mortgage on properties held by the company;

3. The failure to eliminate from the items of "Real Estate" and "Unassigned Surplus" in the balance sheet the sum of $60,000 representing a write up of value of an office building, which was based on an alleged appraisal and placed on the company's books January 1, 1955, and retroactively reflected in the balance sheet dated December 31, 1954, and the fair value of which at the time of purchase, based on available data, appears to be $125,000 rather than the $185,000 included in the balance sheet.

4. The summary of operations for the years 1953 and 1954 is incorrectly stated insofar as they may be affected by the application of any adjustments referred to in the report of the examiners of the State Insurance Commissions;

5. The summary of operations for the year 1954 is misleading in that it failed to disclose that premium income reflected premiums of substantial amounts from single premium policies which arose from unusual transactions; and

6. The issuer failed to disclose, as required by Rule 219 (c) (2), the purchase of a yacht for $45,000 for the benefit of Basil P. Autrey and Paul J. Meyer, directors, and the investment of $5,000 in an insurance agency operated by Russell Williams, Manager of Public Relations.

D. That the use of the offering circular in connection with the offering of the shares to which the Notification relates did operate as a fraud and deceit upon the purchasers thereof;

III. *It is ordered,* Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

It is further ordered, That this Order and Notice shall be served upon National Union Life Insurance Company, and John Paul Riddle, 1309 Asturia Avenue, Coral Gables, Florida, personally or by registered mail or by confirmed telegraphic notice and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55-8634; Filed, Oct. 25, 1955; 8:49 a. m.]

[File No. 22-1763]

RUDOLPH KARSTADT AKTIENGESELLSCHAFT

NOTICE OF APPLICATION FOR EXEMPTION

OCTOBER 20, 1955.

Notice is hereby given that Rudolph Karstadt Aktiengesellschaft, ("Karstadt"), a corporation organized and existing under the laws of Germany, has filed an application pursuant to section 304 (d) of the Trust Indenture Act of 1939 for an order exempting from the provisions of section 310 (a) (3) and 310 (b) (1) of the act, the 4½ percent Debt Adjustment Bonds, due January 1, 1963, to be issued by Karstadt under an Indenture to be dated as of January 1, 1953, between Karstadt and The First National City Bank of New York as Trustee and Deutsche Kreditsicherung Kommanditgesellschaft, Dr. Alexander Kreuter, a limited partnership, as Co-Trustee, in connection with Karstadt's offer of settlement to be made pursuant to Annex II of the London Agreement on German External Debts of February 27, 1953, between the Government of the Federal Republic of Germany, the United States of America, and other countries.

Section 304 (d) of the act permits the Commission, on application by the issuer and after opportunity for hearing thereon, to enter an order exempting from any one or more provisions of the act, any security proposed to be issued by a person organized and existing under the laws of a foreign government if and to the extent it finds that compliance with such provision or provisions is not necessary in the public interest and for the protection of investors.

The application states, with respect to the request for exemption from section 310 (a) (3) to permit certain acts to be performed by the Co-Trustee, as follows:

(1) Karstadt has outstanding bonds which have been in default for many years. The London Agreement provides, among other things, for the consensual settlement of foreign currency obligations of German corporate debtors by the refunding and extension of such obligations. Karstadt is, however, liable only for the repayment of bonds which may be validated pursuant to the Validation Law for German Foreign Currency Bonds of August 25, 1952. The terms of the offer negotiated by Karstadt for its outstanding obligations provide for the issuance by Karstadt of its Debt Adjustment Bonds, due January 1, 1963, in exchange for its outstanding validated bonds.

(2) The mortgage securing the new bonds will be registered in favor of the German Co-Trustee and certain acts with respect to the release of property, the reduction of the registered amount of liens and the disposition of release moneys are performed only by the Co-Trustee subject, however, to ultimate control by the American institutional Trustee. Section 310 (a) (3) of the Trust Indenture Act of 1939 requires that the rights, powers, duties and obligations be conferred upon the American institutional Trustee alone or jointly with the Co-Trustee unless under the laws of any jurisdiction in which acts are to be performed the institutional Trustee is incompetent or unqualified to act.

(3) While no contention is made that the American institutional Trustee is incompetent or unqualified to act it is contended that the vesting of title and related powers in the Co-Trustee is essential to the orderly settlement and payment of the obligations; the rights in the security of both the holders of the new bonds and the old bonds are rights in German property, created under German mortgage law and to a large extent dependent upon the interpretation of the German Implementation Law; and such right in the security should be adjudicated only by German courts. In this connection it is urged that the vesting of these functions in the American institutional Trustee may result in litigation in this country by non-depositing bondholders who seek to establish some special rights in the security.

(4) While the procedure proposed necessarily results in certain acts being performable by the Co-Trustee, the protection intended to be accorded to the bondholders by the Trust Indenture Act of 1939 is in no way impaired. All of the acts which are performable only by the Co-Trustee are in each case, subject to ultimate control by the Trustee if such control is exercised within 30 days after notice is received of the proposed action.

The application states, with respect to the request for exemption from section 310 (b) (1), to permit the same organization to act as Co-Trustee under the old and new indenture as follows:

(1) Section 12 of the Law of the Federal Republic of Germany of August 24, 1953, implementing the London Agreement which was adopted in order to allow an orderly and nondiscriminatory settlement of debts under the London Agreement, prohibits the German debtor from making payments or any other performance with respect to any old obligations until all refunding obligations issued by all German debtors, corporate or otherwise, have been paid in full. By virtue of the provisions of the Implementation Law, the Co-Trustee under the old indenture is without the power or incentive either to seek payment of the old bonds, out of such security or otherwise, in preference to payment on the new bonds or to prevent orderly payment in full of the new bonds in accordance with their terms. Any remaining conflict of interest between the Co-Trustee under the old and the new indentures would appear to be eliminated by reason of the powers in the American institutional Trustee to direct action by the Co-Trustee under the indenture to be qualified.

(2) The complicated nature of German real estate law and title registration procedures, makes it highly desirable that the holder of a lien be fully familiar with the entire records in each land register relating to the property subject to the lien. The desirability for familiarity with the land registers is greatly increased in the case of the settlement of a debt under the London Agreement because of the fact that frequent changes in the land registers will be required in the first two years after the settlement offer has been made relating both to the correction of the land registers to reflect the variations in the registered amounts of the mortgage securing the old and new bonds as the new bonds are issued in exchange for old bonds, and also to the reduction of such registered amounts and the release of security from time to time pursuant to the terms of the settlement offer and such changes will be even more complicated by reason of the new and untested procedures under the Implementation Law.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application which is now on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after November 2, 1955, unless prior thereto a hearing is ordered by the Commission. Any interested person may, not later than October 31, 1955, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55-8635; Filed, Oct. 25, 1955; 8:50 a. m.]

[File No. 22-1757]

VEREINIGTE ELEKTRIZITATSWERKE WESTFALEN AKTIENGESELLSCHAFT

NOTICE OF APPLICATION FOR EXEMPTION

OCTOBER 20, 1955.

Notice is hereby given that Vereinigte Elektrizitatswerke Westfalen Aktiengesellschaft ("VEW"), a corporation organized and existing under the laws of Germany, has filed an application pursuant to section 304 (d) of the Trust Indenture Act of 1939 for an order exempting from the provisions of section 310 (a) (3) of the act, the 4½ percent Debt Adjustment Bonds, due January 1, 1968, to be issued by VEW under an Indenture to be dated as of January 1, 1953, between VEW and The First National City Bank of New York as Trustee and Deutsche Kreditsicherung Kommanditgesellschaft, Dr. Alexander Kreuter, a limited partnership, as Co-Trustee, in connection with VEW's offer of settlement to be made pursuant to Annex II of the London Agreement on German External Debts of February 27, 1953, between the Government of the Federal Republic of Germany, the United States of America and other countries.

Section 304 (d) of the act permits the Commission, on application by the issuer and after opportunity for hearing thereon, to enter an order exempting from any one or more provisions of the act, any security proposed to be issued by a person organized and existing under the laws of a foreign government if and to

the extent it finds that compliance with such provision or provisions is not necessary in the public interest and for the protection of investors.

The application states, with respect to the request for exemption from section 310 (a) (3) to permit certain acts to be performed by the Co-Trustee, as follows:

(1) VEW has outstanding bonds which have been in default for many years. The London Agreement provides, among other things, for the consensual settlement of foreign currency obligations of German corporate debtors by the refunding and extension of such obligations. VEW is, however, liable only for the repayment of bonds which may be validated pursuant to the Validation Law for German Foreign Currency Bonds of August 25, 1952. The terms of the offer negotiated by VEW for its outstanding obligations provide for the issuance by VEW of its Debt Adjustment Bonds, due January 1, 1968, in exchange for its outstanding validated bonds.

(2) The mortgage securing the new bonds will be registered in favor of the German Co-Trustee and certain acts with respect to the release of property, the reduction of the registered amount of liens and the disposition of release moneys are performed only by the Co-Trustee subject, however, to ultimate control by the American institutional trustee. Section 310 (a) (3) of the Trust Indenture Act of 1939 requires that the rights, powers, duties and obligations be conferred upon the American institutional trustee alone or jointly with the Co-Trustee unless under the laws of any jurisdiction in which acts are to be performed the institutional Trustee is incompetent or unqualified to act.

(3) While no contention is made that the American institutional Trustee is incompetent or unqualified to act it is contended that the vesting of title and related powers in the Co-Trustee is essential to the orderly settlement and payment of the obligations; the rights in the security of both the holders of the new bonds and the old bonds are rights in German property, created under German mortgage law and to a large extent dependent upon the interpretation of the German Implementation Law; and such right in the security should be adjudicated only by German courts. In this connection it is urged that the vesting of these functions in the American institutional Trustee may result in litigation in this country by non-depositing bondholders who seek to establish some special rights in the security.

(4) While the procedure proposed necessarily results in certain acts being performable by the Co-Trustee, the protection intended to be accorded to the bondholders by the Trust Indenture Act of 1939 is in no way impaired. All of the acts which are performable only by the Co-Trustee are in each case, subject to ultimate control by the Trustee if such control is exercised within 30 days after notice is received of the proposed action.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application which is now on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after November 2, 1955, unless prior thereto a hearing is ordered by the Commission. Any interested person may, not later than October 31, 1955, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8636; Filed, Oct. 25, 1955; 8:50 a. m.]

[File No. 22-1784]

ENERGIE-VERSORGUNG SCHWABEN AKTIENGESELLSCHAFT

NOTICE OF APPLICATION FOR EXEMPTION

OCTOBER 20, 1955.

Notice is hereby given that Energie-Versorgung Schwaben Aktiengesellschaft ("EVS"), a corporation organized and existing under the laws of Germany, has filed an application pursuant to section 304 (d) of the Trust Indenture Act of 1939 for an order exempting from the provisions of section 310 (a) (3) of the act, the 5¼ percent Debt Adjustment Bonds, due January 1, 1973, to be issued by EVS under an Indenture to be dated as of January 1, 1953, between EVS and The First National City Bank of New York as Trustee and Deutsche Kreditsicherung Kommanditgesellschaft, Dr. Alexander Kreuter, a limited partnership as Co-Trustee, in connection with EVS's offer of settlement to be made pursuant to Annex II of the London Agreement on German External Debts of February 27, 1953, between the Government of the Federal Republic of Germany, the United States of America and other countries.

Section 304 (d) of the act permits the Commission, on application by the issuer and after opportunity for hearing thereon, to enter an order exempting from any one or more provisions of the act, any security proposed to be issued by a person organized and existing under the laws of a foreign government if and to the extent it finds that compliance with such provision or provisions is not necessary in the public interest and for the protection of investors.

The application states, with respect to the request for exemption from section 310 (a) (3) to permit certain acts to be performed by the Co-Trustee, as follows:

(1) EVS has outstanding bonds which have been in default for many years. The London Agreement provides, among other things, for the consensual settlement of foreign currency obligations of German corporate debtors by the refunding and extension of such obligations. EVS is, however, liable only for the repayment of bonds which may be validated pursuant to the Validation Law for German Foreign Currency Bonds of August 25, 1952. The terms of the offer negotiated by EVS for its outstanding obligations provide for the issuance by EVS of its Debt Adjustment Bonds, due January 1, 1973, in exchange for its outstanding validated bonds.

(2) The mortgage securing the new bonds will be registered in favor of the German Co-Trustee and certain acts with respect to the release of property, the reduction of the registered amount of liens and the disposition of release moneys are performed only by the Co-Trustee subject, however, to ultimate control by the American institutional trustee. Section 310 (a) (3) of the Trust Indenture Act of 1939 requires that the rights, powers, duties and obligations be conferred upon the American institutional Trustee alone or jointly with the Co-Trustee unless under the laws of any jurisdiction in which acts are to be performed the institutional Trustee is incompetent or unqualified to act.

(3) While no contention is made that the American institutional Trustee is incompetent or unqualified to act it is contended that the vesting of title and related powers in the Co-Trustee is essential to the orderly settlement and payment of the obligations; the rights in the security of both the holders of the new bonds and the old bonds are rights in German property, created under German mortgage law and to a large extent dependent upon the interpretation of the German Implementation Law; and such right in the security should be adjudicated only by German courts. In this connection it is urged that the vesting of these functions in the American institutional Trustee may result in litigation in this country by non-depositing bondholders who seek to establish some special rights in the security.

(4) While the procedure proposed necessarily results in certain acts being performable by the Co-Trustee, the protection intended to be accorded to the bondholders by the Trust Indenture Act of 1939 is in no way impaired. All of the Acts which are performable only by the Co-Trustee are in each case, subject to ultimate control by the Trustee if such control is exercised within 30 days after notice is received of the proposed action.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application which is now on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after November 2, 1955, unless prior thereto a hearing is ordered by the Commission. Any interested person may, not later than October 31, 1955, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8637; Filed, Oct. 25, 1955; 8:50 a. m.]

[File No. 70-3420]

MICHIGAN CONSOLIDATED GAS CO. AND AMERICAN NATURAL GAS CO.

NOTICE OF FILING REGARDING PROPOSED ISSUANCE AND SALE BY SUBSIDIARY OF REGISTERED HOLDING COMPANY OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING; AND ISSUANCE AND SALE BY SAID SUBSIDIARY AND ACQUISITION BY ITS PARENT COMPANY OF COMMON STOCK

OCTOBER 20, 1955.

Notice is hereby given that American Natural Gas Company ("American Natural"), a registered holding company, and its subsidiary Michigan Consolidated Gas Company ("Michigan Consolidated"), an operating gas utility company, have filed a joint application-declaration and amendments thereto with this Commission under the Public Utility Holding Company Act of 1935 ("act") designating sections 6 (b), 9, 10 and 12 and Rules U-43 and U-50 as applicable to the proposed transactions which are summarized as follows:

Michigan Consolidated proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $30,000,000 principal amount of First Mortgage Bonds, -- percent Series, due 1980. These bonds will be dated November 15, 1955, will mature November 15, 1980, and will be issued under Michigan Consolidated's Indenture of Mortgage and Deed of Trust dated as of March 1, 1944 as heretofore supplemented by six supplemental indentures and as to be further supplemented by a Seventh Supplemental Indenture to be dated as of November 15, 1955. The interest rate on the new bonds (which is to be a multiple of ⅛ of 1 percent and the price to be received by Michigan Consolidated (which price, exclusive of accrued interest, is to be not less than 100 percent and not more than 102¾ percent of the principal amount) are to be determined at competitive bidding pursuant to the provisions of Rule U-50.

Prior to or simultaneously with the issuance of the bonds, Michigan Consolidated proposes to sell to American Natural and American Natural proposes, with funds on hand, to purchase 72,000 shares of Michigan Consolidated's common stock, par value $14 a share, for a cash consideration of $1,008,000, which is equal to the aggregate par value thereof.

Michigan Consolidated has heretofore borrowed, pursuant to a Credit Agreement, $31,000,000 on its 3 percent notes maturing August 15, 1956 (File No. 70-3395). On October 7, 1955, Michigan Consolidated issued and sold 930,000 shares of its common stock to American Natural for a total cash consideration of $13,020,000, the aggregate par value of such shares (File No. 70-3412). It is anticipated that concurrently with the issuance and sale of the new bonds and the new common stock the borrowing under the Credit Agreement will be repaid and the Credit Agreement terminated.

Of the proceeds from the sale of the new bonds it is estimated that approximately $5,000,000, representing the principal amount of new bonds not issued in the first instance against net property additions, will be deposited with the Trustee under Michigan Consolidated's Indenture of Mortgage and Deed of Trust and will be held as part of the trust estate pending withdrawal from time to time through the certification of net property additions.

The filing represents that the issuance and sale of the securities by Michigan Consolidated are subject to the jurisdiction of the Michigan Public Service Commission and contains a copy of the application filed by Michigan Consolidated with that State Commission.

It is estimated that fees and expenses to be incurred by applicants-declarants in connection with the issuance and sale of the new securities will approximate $159,200, of which $68,267 represents registration fees and stamp taxes and $25,000 represents printing and engraving expenses.

It is requested that the Commission's Order herein be issued and become effective by November 9, 1955.

Notice is further given that any interested person may, not later than November 7, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by such filing which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application-declaration, as amended or as it may hereafter be further amended, may be granted and permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8639; Filed, Oct. 25, 1955; 8:50 a. m.]

[File No. 30-230]

WISCONSIN SOUTHERN GAS CO., INC.

ORDER PURSUANT TO SECTION 5 (d) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

OCTOBER 20, 1955.

Wisconsin Southern Gas Company, Inc., a registered holding company which on August 9, 1955, was granted an exemption as a holding company pursuant to order of the Commission (Holding Company Act Release No. 12960) under section 3 (a) (1) of the Public Utility Holding Company Act of 1935 ("act"), having filed an application with the Commission pursuant to section 5 (d) of the act requesting an order declaring that it has ceased to be a holding company; and

The Commission finding that the applicant's only subsidiary company, Wisconsin Southern Gas Company, was merged into applicant on August 18, 1955, and has ceased to exist and that, accordingly, Wisconsin Southern Gas Company, Inc., has ceased to be a holding company; and

Notice of the filing of said application having been duly given, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act are met, and that the application should be granted forthwith:

It is ordered, That said application be and the same hereby is granted forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8638; Filed, Oct. 25, 1955; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 210

Washington, Thursday, October 27, 1955

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

UNIVERSITY OF MICHIGAN

NOV 2 1955

MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

PART 418—WHEAT CROP INSURANCE

PART 420—MULTIPLE CROP INSURANCE

ACTION TAKEN WITH RESPECT TO DURUM WHEAT

The Board of Directors of the Federal Crop Insurance Corporation, with the approval of the Secretary of Agriculture, by resolution adopted at its Board meeting of October 4, 1955:

(1) Declared, effective with the 1956 crop year, durum wheat other than red durum wheat non-insurable in all multiple crop insurance counties in North Dakota, South Dakota, and Minnesota except Pierce, Steele, and Grand Forks Counties, North Dakota, and in all wheat insurance counties with a December 31 cancellation date except counties in Montana and Benson, Bottineau, Cavalier, Eddy, Foster, Griggs, McHenry, Nelson, Ramsey, Rolette, Towner, Walsh, and Wells Counties, North Dakota,

(2) Provided that the acceptance of applications for insurance effective for the 1956 crop year be discontinued in the sixteen North Dakota counties designated above upon the Manager of the Corporation determining such action to be advisable because of the risk involved but not later than upon his determining that the applications accepted will bring the contracts in force for the 1956 crop year to the number which were in force for the 1954 crop year, and

(3) Directed the Manager of the Corporation to notify insureds affected, under the provisions of the applicable regulations, of the changes in their contracts made necessary by the adoption of the resolution.

(Secs. 506, 516, 52 Stat. 73, as amended; 77 U. S. C. 1506, 1516)

The resolution supersedes the action taken by the Board at its meetings of November 9, 1954 and December 7, 1954 (19 F. R. 8233) and is based on authority contained in the Federal Crop Insurance Act, as amended (7 U. S. C. 1501–1519).

[SEAL] C. S. LAIDLAW,
Secretary,
Federal Crop Insurance Corporation.

[F. R. Doc. 55-8687; Filed, Oct. 26, 1955; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[959.313 Amdt. 1]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

LIMITATION OF SHIPMENTS

Findings. a. Pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959; 20 F. R. 7068), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said amended marketing agreement and amended order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

b. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, and (v) information

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FEDERAL REGISTER

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RECORD RETENTION REQUIREMENTS

Reprint Notice

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regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of § 959.313 (b) (1) (FEDERAL REGISTER October 11, 1955; 20 F. R. 7567) are hereby amended to read as follows:

(b) *Order.* (1) During the period from October 31, 1955, to June 30, 1956, both dates inclusive, no handler shall ship potatoes of any variety grown in any district unless the potatoes meet the requirements (i) of the U. S. No. 1 or better grade, 2 inches minimum diameter or 4 ounces minimum weight, or (ii) of the U. S. No. 2 or better grade, 6 ounces minimum weight: *Provided*, That potatoes which meet the aforesaid applicable grade and size requirements may be commingled in the handling thereof; *Provided further*, That potatoes grown in District No. 3 which meet the requirements of the U. S. No. 2 or better grade up to, but not including, the U. S. No. 1 grade, may be shipped if such potatoes are of a size not smaller than 1⅞ inches minimum diameter.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 24, 1955.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 55-8686; Filed, Oct. 26, 1955; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CEASE AND DESIST ORDERS VACATED

Cease and desist orders, heretofore published in the FEDERAL REGISTER during the period from January 1, 1948, to December 31, 1952, inclusive, have been vacated as follows:

(1) *Artra Cosmetics, Inc., et al.*, Docket 4930, May 26, 1948, 13 F. R. 4277, 44 F. T. C. 883 (§§ 3.170, 3.195), vacated November 8, 1949;

(2) *Modern Manner Clothes*, Docket 5263, December 19, 1950, 16 F. R. 1991, 47 F. T. C. 712 (§§ 3.75, 3.1955, 3.2165), vacated May 4, 1954;

(3) *Will-Weld Manufacturing Co. et al.*, Docket 5922, March 13, 1952, 17 F. R. 5083, 48 F. T. C. 965 (§§ 3.170, 3.195, 3.1890), vacated November 24, 1954;

(4) *Gamble-Skogmo, Inc., et al.*, Docket 5575, June 11, 1952, 17 F. R. 8173, 48 F. T. C. 1396 (§§ 3.350, 3.360, 3.560, 3.605, 3.670, 3.2260), vacated October 28, 1954; and

(5) *Philip Morris & Co., Ltd., Inc.*, Docket 4794, December 29, 1952, 18 F. R. 1469, 49 F. T. C. 703 (§§ 3.20, 3.170, 3.205), vacated May 19, 1954.

Issued: October 21, 1955.

By direction of the Commission.

ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-8681; Filed, Oct. 26, 1955; 8:49 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, Further Amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950- ——)

BENEFITS IN CASE OF VETERANS

Regulations No. 4, as amended (20 CFR, Cum. Supp.; 404.1 et seq.) are further amended to read as follows:

1. Paragraph (d) of § 404.206 is amended to read as follows:

§ 404.206 *Wages and self-employment income used in determining average monthly wage.* • • •

(d) All wages deemed paid to an individual by reason of his service in the active military or naval service of the United States after September 15, 1940, and prior to April 1, 1956, provided such wages are otherwise creditable under the provisions of Subpart N of this part.

2. Section 404.1351 is amended to read as follows:

§ 404.1351 *Effect of section 217 (e) of the act.* Any veteran who served in the active military or naval service of the United States on or after July 25, 1947, and prior to April 1, 1956, will be deemed to have been paid wages (in addition to the wages, if any, actually paid to him) of $160 for each month during any part of which he rendered such service. Such wages will be credited to the account of such veteran for the purposes of determining entitlement to and the amount of any monthly benefit or lump-sum death payment payable under section 202 of the act on the basis of the wages and self-employment income of such veteran. Such crediting is subject to the limitations of the succeeding sections of this part.

3. Section 404.1353 is amended to read as follows:

§ 404.1353 *Meaning of "Federal benefit."* For the purposes of § 404.1352 and §§ 404.1354 to 404.1356, inclusive, a "Federal benefit" means any benefit (other than a lump-sum payment which is not a commutation of or substitute for periodic payments) under the civil service, railroad retirement, military or other Federal program which provides for retirement on account of age, length of service, or disability, or for survivors insurance, where the amount of such benefit is based, in whole or in part, upon active military or naval service during the period beginning with July 25, 1947, and ending prior to April 1, 1956, and such benefit is determined by any agency or wholly owned instrumentality of the United States (other than the Veterans' Administration) to be payable by it under any other law of the United States or under a system established by such agency or instrumentality.

4. Section 404.1355 is amended to read as follows:

§ 404.1355 *Effect of notice of determination that a "Federal benefit" is payable.* If the Administration has been notified by a department, agency, or wholly owned instrumentality of the United States that a "Federal benefit" (see § 404.1353) has been determined by it to be payable (even though later terminated) to anyone (including dependents or survivors) on the basis of the active service during the period beginning with July 25, 1947, and ending prior to April 1, 1956, of a veteran, any benefits or a lump sum payable under title II with respect to the wages and self-employment income of such veteran shall be determined without regard to the provisions in § 404.1351 for the crediting of wages granted under such section. If, prior to the receipt of such notification, the Administration has made a determination and pursuant to such determination has certified a benefit for payment to the veteran, his dependents or survivors, or has certified for payment a lump-sum death payment, as provided by § 404.1354, the Administration, upon the receipt of such notification, shall certify no further benefits for payment or shall recompute the amount of any further benefits as may otherwise be payable under title II, and shall also determine the existence and amount of any erroneous payment (see § 404.1356).

5. Section 404.1359 is amended to read as follows:

§ 404.1359 *Definition of the term "veteran".*—(a) *Included individuals.* The term "veteran," as used in §§ 404.1351 to 404.1358, inclusive and §§ 404.1360 to 404.1362, inclusive, includes any individual who was in the active service of any of the armed forces of the United States, including the Army, Air Force, Navy, Marine Corps, and the Coast Guard or any of the components thereof on or after July 25, 1947, and prior to April 1, 1956, and including also any member of the commissioned corps of the United States Public Health Service in the active service of the Public Health Service on or after July 25, 1947, and prior to July 4, 1952, and who, if discharged or released from such active service, was so separated under conditions other than dishonorable (see § 404.1361) after service of at least 90 days or by reason of a disability or injury incurred or aggravated in service in line of duty.

(b) *Excluded individuals.* The term "veteran," as used in §§ 404.1351 to 404.1358, inclusive, and §§ 404.1360 to 404.1362, inclusive, does not include, among others, any individual who died in the active service if his death was inflicted as a punishment for a military or naval offense, other than by an enemy of the United States. Neither does it include a member of any of the units designated in the second sentence of § 404.1321 (b) insofar as such units were in existence during the period beginning with July 25, 1947, and ending prior to April 1, 1956.

6. Section 404.1360 is amended to read as follows:

§ 404.1360 *Active service of 90 days; defined.* Active service of 90 days means one or more periods totalling at least 90 days (whether or not consecutive) which are served in the period beginning with July 25, 1947, and ending prior to April 1, 1956. Where 90 days were not served wholly within such period, but such service began prior to July 25, 1947, and concluded on or after that date or began prior to April 1, 1956, and concluded on or after that date, the requirement of active service of 90 days is met only if such service of 90 days was continuous. Active service of 90 days is not necessary in the case of a veteran who was in the active service during the period referred to in the preceding sentence and who was separated therefrom by reason of a disability or injury incurred or aggravated in service in line of duty.

(Sec. 205, 49 Stat. 624, as amended; sec. 1102, 49 Stat. 647, as amended; 42 U. S. C. 405, 1302. Interpret or apply sec. 217, 66 Stat. 773, as amended; Pub. Law 325, 84th Cong.; 42 U. S. C. 417)

[SEAL] W. L. MITCHELL,
Acting Commissioner of Social Security.

Approved: October 17, 1955.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

OCTOBER 21, 1955.

[F. R. Doc. 55-8683; Filed, Oct. 26, 1955; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 14—CACAO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

PART 27—CANNED FRUITS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

PART 53—TOMATO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

AMENDMENT OF IDENTITY STANDARDS TO PERMIT GLUCOSE SIRUP AND GLUCOSE SIRUP SOLIDS (DRIED GLUCOSE SIRUP) AS OPTIONAL INGREDIENTS

In the matter of amending the definitions and standards of identity for sweet chocolate; milk chocolate; skim milk chocolate; buttermilk chocolate; mixed dairy product chocolates; sweet chocolate and vegetable fat (other than cacao fat) coating; sweet cocoa and vegetable fat (other than cacao fat) coating; pasteurized process cheese spread; pasteurized cheese spread; pasteurized process cheese spread with fruits, vegetables, or meats; pasteurized cheese spread with fruits, vegetables, or meats; pasteurized neufchatel cheese spread with other

foods; cold-pack cheese food; cold-pack cheese food with fruits, vegetables, or meats; canned peaches; canned peaches with rum; canned apricots; canned apricots with rum; canned pears; canned pears with rum; canned cherries; canned cherries with rum; canned fruit cocktail; fruit butter, fruit jelly; preserves; catsup:

On August 17, 1955, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 5975) setting forth proposals to amend the definitions and standards of identity for the foods named above. The notice allowed 30 days for interested persons to submit in writing their views regarding these proposals. Upon consideration of the views presented and other relevant information, it is concluded that honesty and fair dealing in the interest of consumers will be promoted by ordering that the proposed amendments to the definitions and standards of identity for the above-named foods (21 CFR, Parts 14, 27, 53; 21 CFR, 1954 Supp., Parts 19, 29, 53) be made as hereinafter set forth.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 68 Stat. 54, 55; 21 U. S. C. 341) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996): *It is ordered*, That the following amendments be made:

1. Section 14.6 *Sweet chocolate, sweet chocolate coating; identity; label statement of optional ingredients* is amended as follows:

a. Paragraph (b) is amended by changing subparagraphs (3) and (4) to read as follows:

(3) Any mixture of dried corn sirup or dried glucose sirup and sugar or partly refined cane sugar or both in which the weight of the solids of the dried corn sirup or dried glucose sirup used is not more than one-fourth of the total weight of the solids of all the saccharine ingredients used.

(4) Any mixture of dextrose and dried corn sirup or dried glucose sirup and sugar or partly refined cane sugar or both in which three times the weight of the solids of the dextrose used plus four times the weight of the solids of the dried corn sirup or of the solids of the dried glucose sirup used is not more than the total weight of the solids of all the saccharine ingredients used.

b. Paragraph (c) is amended by adding the following new subparagraph (3):

(3) The term "dried glucose sirup" means the product obtained by drying "glucose sirup." "Glucose sirup" is a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose.

Effect of amendment. This amendment of § 14.6, by reference, also amends §§ 14.7, 14.8, 14.9, 14.10, 14.11, and 14.12 so that for each of the foods standardized under those sections the optional saccharine ingredients are the same as are specified in the amended standard for sweet chocolate.

2. In § 19.775 *Pasteurized process cheese spread; identity; label statement of optional ingredients*, paragraph (f) is amended by changing subparagraph (3) to read as follows:

(3) A sweetening agent consisting of one or any mixture of two or more of the following: Sugar, dextrose, corn sugar, corn sirup, corn sirup solids, glucose sirup, glucose sirup solids, maltose, malt sirup, and hydrolyzed lactose, in a quantity necessary for seasoning.

Effect of amendment. This amendment of § 19.775, by reference also amends §§ 19.776, 19.780, and 19.781 so that for each of the foods standardized under those sections the optional sweetening agents are the same as are specified in the amended standard for pasteurized process cheese spread.

3. In § 19.783 *Pasteurized neufchatel cheese spread with other foods; identity; label statement of optional ingredients*, paragraph (b) is amended by changing subparagraph (4) to read as follows:

(4) A sweetening agent consisting of one or a mixture of two or more of the following: Sugar, dextrose, corn sirup, corn sirup solids, glucose sirup, glucose sirup solids, maltose, malt sirup, hydrolyzed lactose.

4. In § 19.787 *Cold-pack cheese food; identity; label statement of optional ingredients*, paragraph (e) is amended by changing subparagraph (6) to read as follows:

(6) A sweetening agent consisting of one or any mixture of two or more of the following: Sugar, dextrose, corn sugar, corn sirup, corn sirup solids, glucose sirup, glucose sirup solids, maltose, malt sirup, and hydrolyzed lactose, in a quantity necessary for seasoning.

Effect of amendment. This amendment of § 19.787, by reference, also amends § 19.788 so that for the food standardized under that section the optional sweetening agents are the same as are specified in the amended standard for cold-pack cheese food.

5. Section 27.0 *Canned peaches; identity; label statement of optional ingredients* is amended as follows:

a. In paragraph (c), the undesignated paragraph beginning "Each of packing media (3) to (10)" is changed to read as follows:

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and peach juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: Sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup or with any glucose sirup other than dried glucose sirup. A packing medium prepared with peach juice and any invert sugar sirup or corn sirup other than dried corn sirup or glucose sirup other than dried glucose sirup is considered to be prepared with water as the liquid ingredient.

b. Paragraph (d) is amended by adding the following new subparagraph (4):

(4) The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

Effect of amendment. This amendment of § 27.0, by reference, also amends § 27.3 so that for the food standardized under that section the saccharine ingredients are the same as are specified in the amended standard for canned peaches.

6. Section 27.10 *Canned apricots; identity; label statement of optional ingredients* is amended as follows:

a. In paragraph (c), the undesignated paragraph beginning "Each of packing media (3) to (10)" is changed to read as follows:

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and apricot juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: Sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup or with any glucose sirup other than dried glucose sirup. A packing medium prepared with apricot juice and any invert sugar sirup or corn sirup other than dried corn sirup or glucose sirup other than dried glucose sirup is considered to be prepared with water as the liquid ingredient.

b. Paragraph (d) is amended by adding the following new subparagraph (4):

(4) The term "glucose sirup" means a clarified concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

Effect of amendment. This amendment of § 27.10, by reference, also amends § 27.13 so that for the food standardized under that section the saccharine ingredients are the same as are specified in the amended standard for canned apricots.

7. Section 27.20 *Canned pears; identity; label statement of optional ingredients* is amended as follows:

a. In paragraph (c), the undesignated paragraph beginning "Each of packing media (3) to (10)" is changed to read as follows:

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and pear juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: Sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup or with any glucose sirup other than dried glucose sirup. A packing medium prepared with pear juice and any invert sugar sirup or corn sirup other than dried corn sirup or glucose sirup other than dried glucose sirup is considered to be prepared with water as the liquid ingredient.

b. Paragraph (d) is amended by adding the following new subparagraph (4):

(4) The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

Effect of amendment. This amendment of § 27.20, by reference, also amends § 27.23 so that for the food standardized under that section the saccharine ingredients are the same as are specified in the amended standard for canned pears.

8. Section 27.30 *Canned cherries; identity; label statement of optional ingredients* is amended as follows:

a. In paragraph (c), the undesignated paragraph beginning "Each of packing media (3) to (10)" is changed to read as follows:

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and cherry juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: Sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup or with any glucose sirup other than dried glucose sirup. A packing medium prepared with cherry juice and any invert sugar sirup or corn sirup other than dried corn sirup or glucose sirup other than dried glucose sirup is considered to be prepared with water as the liquid ingredient.

b. Paragraph (d) is amended by adding the following new subparagraph (4):

(4) The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

Effect of amendment. This amendment of § 27.30, by reference, also amends § 27.33 so that for the food standardized under that section the saccharine ingredients are the same as are specified in the amended standard for canned cherries.

9. Section 27.40 *Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; identity; label statement of optional ingredients* is amended as follows:

a. In paragraph (c), the third sentence, which begins "Except as provided," is changed to read as follows: "Except as provided in paragraph (d) (6) of this section, each of packing media (3) to (8), inclusive, is prepared with any one of the following saccharine ingredients: Sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar used; any combination of sugar, dextrose, and corn sirup or glucose sirup in which the weight of the solids of the dextrose used multiplied by two, added to the weight of the solids of the corn sirup or the glucose sirup used multiplied by three, is not more than the weight of the solids of the sugar used."

b. In paragraph (d), the sentence now constituting the context of subparagraph (5) is designated as (5) (i), and subdivision (ii), reading as follows, is added to subparagraph (5).

(ii) The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

c. Paragraph (d) (6) is changed to read as follows:

(6) When the optional packing medium is prepared with fruit juice and invert sugar sirup or corn sirup other than dried corn sirup or glucose sirup other than dried glucose sirup, it shall be considered to be light sirup, heavy sirup, or an extra heavy sirup, as the case may be, and not a light fruit juice sirup, heavy fruit juice sirup, or an extra heavy fruit juice sirup.

10. Section 29.1 *Fruit butter; identity; label statement of optional ingredients* is amended as follows:

a. Paragraph (d) (8) is amended to read:

(8) Any combination composed of corn sirup, dried corn sirup, glucose sirup, dried glucose sirup, or any two or more of the foregoing, with optional saccharine ingredient (1), (2), (3), (4), (6), or (7), in which the weight of the solids of corn sirup, dried corn sirup, glucose sirup, dried glucose sirup, or the

sum of the weights of the solids of corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup, in case two or more of these are used, does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.

b. The last sentence in paragraph (e) (5), beginning "The term 'glucose sirup' means," is deleted.

c. Subparagraph (6) in paragraph (e) is renumbered (7).

d. A new subparagraph (6), reading as follows, is added to paragraph (c):

(6) The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

11. Section 29.2 *Fruit jelly; identity; label statement of optional ingredients,* is amended as follows:

a. Paragraph (d) (5) is amended to read:

(5) Any combination composed of corn sirup, dried corn sirup, glucose sirup, dried glucose sirup, or any two or more of the foregoing, with optional saccharine ingredient (1), (2), (3), or (4), in which the weight of the solids of corn sirup, dried corn sirup, glucose sirup, dried glucose sirup, or the sum of the weights of the solids of corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup, in case two or more of these are used, does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.

b. The last sentence in paragraph (e) (4), beginning "The term 'glucose sirup' means," is deleted.

c. Subparagraph (5) in paragraph (e) is renumbered (6).

d. A new subparagraph (5) is added to paragraph (e) to read as follows:

(5) The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

12. Section 29.3 *Preserves, jams; identity; label statement of optional ingredients* is amended as follows:

a. Paragraph (d) (5) is amended to read:

(5) Any combination composed of corn sirup, dried corn sirup, glucose sirup, dried glucose sirup, or any two or more of the foregoing, with optional saccharine ingredient (1), (2), (3), or (4), in which the weight of the solids of corn sirup, dried corn sirup, glucose sirup, dried glucose sirup, or the sum of the weights of the solids of corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup, in case two or more of these are used, does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.

b. The last sentence in paragraph (e) (4), beginning "The term 'glucose sirup' means," is deleted.

c. Subparagraph (5) in paragraph (e) is renumbered (6).

d. A new subparagraph (5) is added to paragraph (e) to read as follows:

(5) The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of publication of this order in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify with particularity the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective on the sixtieth day after its publication in the FEDERAL REGISTER, except as to any of its provisions that may be stayed by the filing of objections thereto. Notice of the filing of objections, or lack thereof, will be announced by publicaton in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: October 21, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8682; Filed, Oct. 26, 1955; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

ARMY HOSPITAL REGULATIONS; MISCELLANEOUS AMENDMENTS

In § 577.15, revise paragraphs (d) (2), (e) (5) (iii) (*a*), (e) (6), (e) (8) and (e) (9) (iii) to read as follows:

§ 577.15 *Persons eligible to receive medical care at Army medical treatment facilities.* • • •

(d) *General restrictions.* • • •

(2) *Availability of facilities.* Nonmilitary personnel, including dependents and retired personnel, should not undertake travel to an Army medical treatment facility without first ascertaining whether and when accommodations will be available. The furnishing of medical care to other than personnel listed in paragraph (e) (1) and (9) of this section will be on a "when adequate facilities are available" basis, except as indicated in subdivisions (i) and (ii) of this subparagraph. When personnel are furnished medical care on a "facilities available basis," all care and adjuncts to such care determined by the commanding officer of the medical treatment facility to be necessary will be provided from resources available to the commanding officer, unless specifically prohibited.

(i) Personnel listed in paragraph (e) (4) of this section will be furnished medical care when adequate facilities are available only in the absence of Air Force medical facilities.

(ii) Personnel listed in paragraph (e) (24) (ii) and (25) of this section will be furnished medical care when adequate facilities are available only in the absence of adequate civilian medical facilities as determined by the appropriate major commander.

• • • • •

(e) *Persons eligible.* • • •

(5) *Dependents of personnel on extended active duty.* • • •

(iii) *Restrictions.* (*a*) Dependents of prisoners whose sentence include a punitive type discharge, suspended or executed, as affirmed by a board of review and, in cases reviewed by it, the Court of Military Appeals; dependents of absentees who have been dropped from the rolls of their organizations as deserters; legally separated or divorced wives; and illegitimate children of members of the Armed Forces unless the children are actually living with and dependent for more than half of their support upon a military parent are not eligible for medical care.

• • • • •

(6) *Dependents of retired personnel.* Dependents of retired personnel, except those retired under Title III; Army and Air Force Vitalization and Retirement Equalization Act of 1948 (point system reservists) (62 Stat. 1084; 10 U. S. C. 1001–1007), and dependents of personnel retired or granted retirement pay for physical disability including those on the Emergency Officers' Retired List. Dependents of the above retired personnel are eligible to receive medical care irrespective of the election on the part of retired personnel to receive Veterans' Administration benefits or the necessity for the hospitalization of retired personnel at a Veterans' Administration facility.

• • • • •

(8) *Retired members of regular and reserve components.* Retired members of the regular and reserve components, except those retired under Title III, Army and Air Force Vitalization and Retirement Equalization Act of 1948.

(9) *Members of regular and reserve components retired for physical disability.* • • •

(iii) *Temporary or permanent retirement (20 years or more of active duty).* Members of the regular and reserve components temporarily or permanently retired for physical disability or receiving disability retirement pay with 20 years or more of active duty, except those with blindness, neuropsychiatric or psychiatric disorders, and tuberculosis whose hospitalization is the responsibility of the Administrator of Veterans' Affairs (see the Career Compensation Act of 1949, as implemented by Executive Order 10400, 1952).

• • • • •

[C 1, AR 40-108, Oct. 7, 1955] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-8664; Filed, Oct. 26, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1239]

[1684490]

IDAHO

PARTIALLY REVOKING EXECUTIVE ORDER NO. 7655 OF JULY 12, 1937, WHICH ESTABLISHED THE DEER FLAT MIGRATORY WATERFOWL REFUGE

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 7655 of July 12, 1937, establishing the Deer Flat Migratory Waterfowl Refuge, the name of which was changed to the Deer Flat National Wildlife Refuge by Proclamation No. 2416 of July 15, 1940, is hereby revoked so far as it affects the following-described lands:

BOISE MERIDIAN

T. 3 N., R. 3 W.,
Sec. 17, tract A.

The tract described contains 10.25 acres.

The lands are withdrawn for reclamation purposes by Departmental orders of December 22, 1903 and February 7, 1906.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

OCTOBER 21, 1955.

[F. R. Doc. 55-8666; Filed, Oct. 26, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 924]

[Docket No. AO-225-A6]

MILK IN DETROIT, MICH., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Detroit, Michigan, on March 22–25, 1955, pursuant to notice thereof which was issued on March 8, 1955 (20 F. R. 1533).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on September 2, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in the proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on September 9, 1955 (20 F. R. 6622).

The material issues, the findings and conclusions, and the general findings of the recommended decision (20 F. R. 6622; F. R. Doc. 55-7280) are hereby approved and adopted as the material issues, the findings and conclusions, and the general findings of this decision as if set forth in full herein, subject to the following revisions:

1. On page 6623, insert after the second complete paragraph in column 2, the following: "From exceptions filed in response to the recommended decision it is clear that one of the plants located in the marketing area and operated as a distributing plant does not have Class I sales equal to as much as 45 percent of its receipts in March through August nor to 55 percent in September through February. A substantial period of time should be allowed for such a handler to develop additional Class I outlets or reduce his receipts to the extent necessary to maintain status as a pool plant. It is concluded that effectuation of that portion of the definition of a distributing pool plant which requires that the stated percentages of receipts be utilized as Class I should be postponed until September 1, 1956."

2. On page 6625, change the last sentence in the first complete paragraph in column 1 to read as follows: "On any other source milk received at a pool plant in the form of fluid whole milk or fluid skim milk the Class I price should be reduced by the amount of the location adjustment which would be applicable at the location of the plant from which the other source milk was obtained."

3. Change item (8) *Class II price,* beginning in column 2, page 6627, to read as follows:

(8) *Class II price.* In the recommended decision it was concluded that a butter-powder formula should be included as an alternative determinant of the Class II price. The present Class II price is the average of prices paid to farmers at nine Michigan manufacturing plants, except that during the months of May, June, and July, a credit is allowed on butterfat and skim milk manufactured into butter and nonfat dry milk solids in the event that butter-powder prices are below the local plant prices. The recommended decision would have provided that the Class II price be the higher of the local plant price or a butter-powder value in every month.

Nearly all the handlers who filed exceptions and some groups of producers operating manufacturing facilities objected to the recommended change in the Class II price provision. It is apparent that no substantial element in the market considers it desirable to use a butter-powder formula as an alternative price at this time. The local plant price is considered to be the most appropriate measure of the value of Class II milk.

It is concluded the butter-powder formula should not be adopted as an alternative means of setting the Class II price at this time. However, the butter-powder credit should be deleted. It has not been effective in 1953, 1954, or 1955, because butter-powder values have been in excess of the local plant price. In any event, the regulated handlers should pay at least the local plant price on milk utilized for Class II purposes in all months of the year and no incentive should be given to specialized manufacturers of butter and nonfat dry milk solids in May, June, and July.

4. On page 6628, change item (11), beginning in column 2, to read as follows:

(11) *Location adjustment on excess milk.* The present order provides that excess milk delivered to plants in the marketing area be valued at 17¢ over the Class II price. Excess milk delivered to plants located at some distance from the market is subject to the same rate of location adjustment as Class I and base milk.

Two cooperative associations proposed at the hearing that the excess price be equal to the Class II price at all locations. The choice between the two methods of valuing the excess milk is primarily one of the distribution of pool funds among the producers located at various distances from the market. There appeared to be no objection to the proposal at the hearing, and it was recommended for adoption. However, from exceptions received, it appears that the largest cooperative association of producers in the market is opposed to any change in the present application of location adjustments to excess milk. Apparently this conclusion was reached after further study of the record of the hearing and the recommended decision.

Since this issue is so predominately concerned with the interests of the producers themselves, it is concluded that no change should be made from the present provision of the order.

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of August 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Detroit, Michigan, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in Detroit, Michigan, Marketing Area", and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 25th day of October 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

§ 924.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (Part 900 of this chapter), a public hearing was held at Detroit, Michigan, on March 22–25, 1955, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Detroit, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Detroit, Michigan, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as set forth below:

The provisions of §§ 924.1 to 924.132, inclusive, of the recommended marketing agreement and order contained in the recommended decision issued by the Deputy Administrator, Agricultural Marketing Service, on September 2, 1955, and published in the FEDERAL REGISTER September 9, 1955 (20 F. R. 6622; F. R. Doc. 55–7280) shall be and are the terms and provisions of this order as if set forth in full herein, except for the following modifications described with respect to the said FEDERAL REGISTER document:

1. In § 924.16 (a), column 3, page 6629, change the proviso to read as follows: "*Provided,* That, after August 31, 1956, the total quantity distributed during any of the months of March through August on all routes operated inside or outside the marketing area is equal to 45 percent or more, or during the months of September through February is 55 percent or more, of the receipts from producers, or from other plants, of milk approved by the appropriate health authority for fluid use; or".

2. In § 924.16 (b), column 3, page 6629, change the proviso to read as follows: "*Provided,* That any supply plant which has shipped to a distributing plant(s) the required percentage of its dairy farm supply during each of the months of November 1955 through January 1956 and, in subsequent years, during each of the months of October through January, shall be a pool plant for each of the following months of February through September during which it ships the percentage provided for in any call which may be issued by the market administrator pursuant to § 924.17."

3. Revise § 924.52, column 1, page 6632, to read as follows:

§ 924.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class II utilization, shall be the price per hundredweight as described in § 924.50 (c).

4. Revise § 924.60 (b), column 2, page 6632, to read as follows:

(b) Each handler operating a pool plant at which other source milk is allocated to Class I pursuant to §§ 924.46 and 924.47 shall pay to the producer equalization fund each month an amount computed by multiplying the hundredweight of milk so allocated by the difference between the Class I and the Class II prices for the month adjusted by (1) a location adjustment, to apply on any other source milk shipped as fluid whole milk or fluid skim milk, at the same rate as specified in paragraph (c) of this section for the location at which the other source milk originates, and (2) the butterfat differentials provided in § 924.53 to the butterfat test of such other source milk.

5. In § 924.60 (c), column 2, page 6632, change the phrase "§ 924.16 (b) or (c)", where it appears in lines 2 and 3 and line 12, to read "§ 924.16 (b)".

6. Change § 924.63, column 3, page 6632, to read as follows:

§ 924.63 *Excess milk price.* For each month the excess milk price shall be determined by adding 17 cents to the Class II price determined pursuant to § 924.52.

7. In § 924.65, column 1, page 6633, change the phrase "Class I products" to read "Class I milk".

[F. R. Doc. 55–8725; Filed, Oct. 26, 1955; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

SUSPENSION OF TRADING; REMOVAL FROM LISTING AND REGISTRATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend § 240.12d2–1 (Rule X-12D2–1) and § 240.12d2-2 (Rule X-12D2–2) which provide for the suspension of trading in securities listed and registered on a national securities exchange, and for their removal from listing and registration, under specified conditions. The proposal also involves a revision of Form 25 (17 CFR 249.225). The proposed action would be taken under the Securities Exchange Act of 1934, particularly sections 12 (d) and 23 (a) thereof.

Section 12 (d) of the Securities Exchange Act of 1934 provides that a security registered with a national securities exchange may be withdrawn or stricken from listing and registration in accordance with the rules of the exchange and, upon such terms as the Commission may deem necessary to impose for the protection of investors, upon application by the issuer or the exchange to the Commission. Paragraph (a) of § 240.12d2–1 provides that a security listed and registered on a national securities exchange may be suspended from trading by the exchange in accordance with its rules and requires notification thereof to the Commission. Paragraph (b) of the rule provides that an application may be filed by an issuer or exchange to withdraw or strike a security from listing and registration, and sets out the information to be contained in such application and the procedures to be followed in certain cases to offer the application in evidence at any hearing on the application as proof of the allegations therein. Paragraphs (c) and (d) of §§ 240.12d2–1 and 240.12d2–2 provide for the withdrawal or striking of a security from listing and registration under certain special circumstances.

Under the proposed amendments § 240.12d2–1 would contain only the provisions with respect to the conditions under which a national securities exchange could suspend trading in a security listed and registered thereon. No substantive change has been made in these provisions. The regulatory provisions with respect to the conditions under which a security may be withdrawn or stricken from listing and registration would be contained in § 240.12d2–2.

As proposed to be amended § 240.12d2–2 would provide under paragraph (a) thereof, that a national securities exchange shall file with the Commission an application on revised Form 25 to strike from listing and registration matured, redeemed or retired securities. Paragraph (b) of the rule would provide that an exchange may file an application on Form 25 to strike a security from listing and registration when (1) the security is effectively listed and registered on some other national securities exchange, (2) the amount outstanding has been reduced to less than $200,000 principal amount of bonds or 5000 shares in the case of stock, or (3) the total outstanding number of shares of a security is held by less than 250 holders of record. The rule would provide that where Form 25 may be and is used the delisting and deregistration would become effective at the opening of business on the date specified by the exchange in its application in accordance with the rule, unless the Commission directs the exchange to follow the procedures specified in paragraph (c) of the rule.

Paragraph (c) of § 240.12d2–2 would provide for the filing of an application by an issuer or by a national securities exchange in cases not provided for in paragraphs (a) or (b) of the rule, would set out the information required to be contained in such an application and would also set out certain procedures to be followed in connection therewith. The provisions concerning the conditions under which the application may be received in evidence at any hearing as proof of the allegations therein would be deleted because such procedures are now contained in paragraph (i) of Rule V of the Commission's Rules of Practice. Paragraph (d) of § 240.12d2–2 would contain the provisions now in § 240.12d2–1 (c).

Form 25 has been revised so that it is now a form of application instead of a form of notification and it has been expanded to provide for submission of the facts with respect to the new conditions under which it may be used.

The text of § 240.12d2–1 and 240.12d2–2 as proposed to be amended is as follows:

§ 240.12d2–1 *Suspension of trading.* (a) A national securities exchange may suspend from trading a security listed and registered thereon in accordance with its rules. Such exchange shall promptly notify the Commission of any such suspension, the effective date thereof, and the reasons therefor.

(b) Any such suspension may be continued until such time as it shall appear to the Commission that such suspension is designed to evade the provisions of section 12 (d) and the rules and regulations thereunder relating to the withdrawal and striking of a security from listing and registration. During the continuance of such suspension the exchange shall notify the Commission promptly of any change in the reasons for the suspension. Upon the restoration to trading of any security suspended under this section, the exchange shall notify the Commission promptly of the effective date thereof.

(c) Suspension of trading shall not terminate the registration of any security.

§ 240.12d2–2 *Removal from listing and registration.* (a) A national securities exchange shall file with the Commission an application on Form 25[1] (§ 249.225 of this chapter) to strike a security from listing and registration thereon within a reasonable time after the exchange is reliably informed that any of the following conditions exist with respect to such a security;

(1) The entire class of the security has been called for redemption, maturity or retirement; appropriate notice thereof has been given; funds sufficient for the payment of all such securities have been deposited with an agency authorized to make such payments; and such funds have been made available to security holders.

(2) The entire class of the security has been redeemed or paid at maturity or retirement.

(3) The instruments representing the securities comprising the entire class have come to evidence, by operation of law or otherwise, other securities in substitution therefor and represent no other right, except, if such be the fact, the right to receive an immediate cash payment (the right of dissenters to receive the appraised or fair value of their holdings shall not prevent the application of this provision).

(4) All rights pertaining to the entire class of the security have been extinguished: *Provided,* That where such an event occurs as the result of an order of a court or other governmental authority, the order shall be final, all applicable appeal periods shall have expired, and no appeals shall be pending.

(b) A national securities exchange may file with the Commission an application on Form 25 to strike a security from listing and registration thereon in accordance with its rules and practices provided it is reliably informed that any of the following conditions exist with respect to such a security:

(1) The security is effectively listed and registered on some other national securities exchange.

(2) The amount of the security outstanding, after deducting holdings of parents, if any, is reduced to less than $200,000 principal amount of bonds or to less than 5,000 shares of stock.

(3) The total outstanding number of shares of the security is held by less than 250 holders of record.

Effective date of removal. If the conditions of paragraph (a) or (b) of this section are complied with, the striking of a security from listing and registration pursuant to an application on Form 25 shall become effective at the opening of business on such date as the exchange shall specify in said form, unless the Commission directs the exchange to proceed under paragraph (c) of this section: *Provided, however,* That such date shall be not less than seven days following the date on which said form is mailed to the Commission for filing: *And provided further,* That in the event removal is being effected

[1] Filed as part of original document.

under paragraph (a) (3) of this section and the exchange has admitted or intends to admit a successor security to trading under the temporary exemption provided for by § 240.12a–5 (Rule X-12A–5), such date shall not be earlier than the date on which the successor security is removed from its exempt status.

(c) An application by an issuer, or by a national securities exchange in cases not provided for under paragraphs (a) and (b) of this section, shall comply with the following requirements:

(1) The application shall be filed in duplicate, the original of which shall be dated and signed by an authorized official of the exchange or the issuer.

(2) If the applicant is the exchange it shall forward promptly a copy of the application to the issuer and if the applicant is the issuer it shall forward promptly a copy of the application to the exchange.

(3) The application shall set forth a description of the security involved together with a statement of all material facts relating to the reasons for filing such application for withdrawal or striking from listing and registration.

(4) The application shall set forth the steps taken by the applicant to comply with the rules of the exchange governing the delisting of securities.

(d) If within 30 days after the publication of any rule or regulation which substantially alters or adds to the obligations, or detracts from the rights, of an issuer of a security registered pursuant to application under section 12 (b) or (c), or of its officers, directors, or security holders, or of persons soliciting or giving any proxy or consent or authorization with respect to such security, the issuer shall file with the Commission a request that such registration shall expire and shall accompany such request with a written explanation of the reasons why the publication of such rule or regulation leads the issuer to make such request, such registration shall expire immediately upon receipt of such request or immediately before such rule or regulation becomes effective, whichever date is later. The absence of an express reservation, in an application for registration, of the rights herein granted shall not be deemed a waiver thereof.

All interested persons are invited to submit views and comments on the proposal in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before November 15, 1955. Unless the person submitting such comments or suggestions requests in writing that they be held confidential they will be available for public inspection.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

OCTOBER 18, 1955.

[F. R. Doc. 55–8680; Filed, Oct. 26, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

SMALL TRACT CLASSIFICATION ORDER NO. 41

OCTOBER 19, 1955.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954, (19 F. R. 2473), I hereby classify the following described public lands totalling 300 acres in Chaves County, New Mexico, as suitable for lease and sale for residence purposes only under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 S., R. 23 E.,
Sec. 33: S½NE¼NE¼, SE¼NE¼, N½S½, SW¼SW¼;
Sec. 34: NW¼SW¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located approximately 5 miles west of Roswell, New Mexico. U. S. Highway No. 70 runs east and west along the south boundary of the sections. A county road extends from Highway No. 70 north through the center of Section 33. The land is situated on the crest and slope of a long hill known as Six Mile Hill. There is little to no topsoil on the hilltop and side slopes. The soil in the drainage ways is deeper with a silt loam topsoil. The area is well drained due to the steep topography. Vegetation consists chiefly of grama and tobosa grass and mesquite brush. Altitude of the area is approximately 3,700 feet. The climate is generally mild, having temperature extremes of about 15 degrees to 110 degrees. City water is not available for these lands. Domestic water is obtained by drilling wells to a depth of 100 to 300 feet. Sewage facilities are not available, nor is natural gas. Butane and propane gas can be obtained at Roswell. Electricity is the only public utility that is presently available. The city of Roswell presents a readily available shopping center and adequate religious, educational and medical facilities.

4. The lands will be leased in tracts of approximately 5 acres each. The appraised value is $200 per tract. The lands will be subject to all existing rights-of-way and to a right-of-way 40 feet in width for a proposed county farm to market road along each side of the section line common to Sections 33 and 34. Other rights-of-way for street and road purposes and for public utilities will be reserved as shown below.

33 feet on each side of the North-South center line of the S½NE¼NE¼, SE¼NE¼, NE¼SE¼, S½NW¼SW¼, SW¼SW¼ of Section 33 and the NW¼SW¼, Section 34.
33 feet along each side of the East-West center line of the NE¼SE¼, NW¼SE¼, NE¼SW¼, NW¼SW¼, SW¼SW¼ of Section 33 and the NW¼SW¼, Section 34.
33 feet along the South line of the NE¼SE¼, NW¼SE¼ of Section 33 and the NW¼SW¼ of Section 34.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the appraised price providing that during the period of their leases, they either (a) construct the improvements specified in paragraph 6, or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (a). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordnances and must, in addition, meet the following standards: The home must be suitable for year-round use, on a permanent foundation with a minimum of 700 square feet, divided into at least three rooms. The homes must be built in a workmanlike manner out of attractive materials properly finished. The house shall contain running water, modern plumbing and shall have adequate sewage and sanitary facilities.

7. Applicants must file, in duplicate, with the Manager, Land Office, P. O. Box 1251, Santa Fe, New Mexico, application Form 4–776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructoins. Copies of the application form can be secured from the above-named official.

The applications must be accompanied by a filing fee of $10 plus the advance rental of $30 for the 3 year period. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. The lands are now subject to application under the Small Tract Act. All valid applications filed prior to December 18, 1953, will be granted the preference right provided by 43 CFR 257.5 (a). All valid applications from persons entitled to veterans' preference filed after December 18, 1953, and prior to 10:00 a. m., November 24, 1955, will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after that time will be considered in the order of filing. All valid applications from other persons filed after December 18, 1953, and prior to 10:00 a. m., February 23, 1956, will be considered as simultaneously filed at that time. All other valid applications filed after that time will be considered in the order of filing.

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, Bureau of Land Management, P. O. Box 1251, Santa Fe, New Mexico.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 55–8667; Filed, Oct. 26, 1955; 8:45 a. m.]

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 20, 1955.

U. S. Forest Service, Dept. of Agriculture, Pacific Northwest Region, Portland, Oregon, has filed an application, Serial No. W–02169, for the withdrawal of the lands described below, from all forms of appropriation, including the mining laws of the United States. The applicant desires the land for developing a public winter sports area adjacent to a Federal Highway.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Room 209, Federal Building, Spokane, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WASHINGTON—WILLAMETTE MERIDIAN

GIFFORD PINCHOT AND SNOQUALMIE NATIONAL FORESTS

White Pass Recreation Area:
T. 13 N., R. 11 E. W. M. (unsurveyed),
Sec. 1, S½;
Sec. 2, S½;
Sec. 11, N½, N½S½;
Sec. 12, N½, N½S½.

The total area aggregates approximately 1,600 acres.

J. M. HONEYWELL,
State Supervisor.

[F. R. Doc. 55–8668; Filed, Oct. 26, 1955; 8:46 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 20, 1955.

An application, serial number Colorado 011863, for the withdrawal from location and entry, under the General Mining Laws, subject to existing valid claims, of the lands described below, was filed August 1, 1955, by the Department of Agriculture, U. S. Forest Service.

The applicant desires the land for use as an administrative site.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Room 357 New Custom House, Postoffice Box 1018, Denver, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

RIO GRANDE NATIONAL FOREST

Seepage Creek Administrative Site:
T. 40 N., R. 2 W.,
Sec. 1: S½NW¼, SW¼SW¼NE¼, NW¼SE¼, SE¼SE¼, N½SW¼SE¼, W½SW¼SW¼SE¼, NE¼SW¼SW¼SE¼, N½SE¼SW¼SE¼, SE¼SE¼SW¼SE¼, SW¼.
Sec. 12: N½NW¼, NW¼SW¼NW¼, W½NE¼SW¼NW¼.

Total area, 460 acres.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 55–8669; Filed, Oct. 26, 1955; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Territorial Department of Lands has filed an application, Serial No. Anchorage 029960, for the withdrawal of the lands described below, from all forms of appropriation including the mining laws.

The applicant desires the land for public service sites for public recreational and camp ground needs.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

AREA No. 1

Beginning at approximate latitude 62°17' 50" N. longitude 146°38'20" W. which is at the outlet of Little Lake Louise and embracing a strip of land 2 chains (132 feet) deep on either side of an unnamed stream and small unnamed lake midway of that stream, extending from the shores of Little Lake Louise northeasterly by meander of said stream approximately 176 chains (11,616 feet) to the shores of a bay of Lake Louise, containing approximately 70 acres.

AREA No. 2

Beginning at approximate latitude 62°21'40" N. longitude 146°32'40" W. which is at the mouth of an unnamed stream on the northeastern shores of Lake Louise and embracing a strip of land 2 chains (132 feet) deep on either side of said stream, extending from the shores of Lake Louise northwesterly and then northeasterly by meander of said stream approximately 128 chains (8,448 feet) to the shores of an unnamed lake, containing approximately 51 acres.

AREA No. 3

Beginning at approximate latitude 62°24'27" N. longitude 146°36'15" W. which is at the east end of a small bay on the eastern shores of Susitna Lake and the mouth of an unnamed stream and embracing a strip of land 2 chains (132 feet) deep on either side of said stream, extending from the shores of Susitna Lake easterly by meander of said stream approximately 16 chains (1,056 feet) to the shores of an unnamed lake, containing approximately 6.4 acres.

AREA No. 4

Beginning at approximate latitude 62°26'25" N. longitude 146°39'30" W. which is a point on the western shore of a peninsula extending southward into Susitna Lake; thence by meander of the mean high water mark of Susitna Lake southerly around the southern tip of the peninsula and then northerly approximately 399 chains (26,334 feet) to a point on the eastern side of the peninsula directly east of the point of beginning; thence west approximately 10 chains (660 feet) to the point of beginning, containing approximately 250 acres.

ROGER R. ROBINSON,
Acting Area Administrator.

[F. R. Doc. 55–8670; Filed, Oct. 26, 1955; 8:46 a. m.]

[No. 17 (A–2)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 19, 1955.

An application, Serial No. Utah 012576, for the withdrawal from location, sale, and entry, under the General Mining Laws of the lands described below, subject to existing valid claims, was filed May 27, 1954, by the United States Department of Agriculture.

The purpose of the proposed withdrawal: Administrative sites and recreation areas within the Manti-LaSal National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for

Utah, Bureau of Land Management, Post Office Box No. 777, Salt Lake City 10, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

MANTI-LASAL NATIONAL FOREST

White Mountain Administrative Site:
T. 20 S., R. 4 E.,
Sec. 34: E½NE¼.
80 acres.
Warner Administrative Site:
T. 26 S., R. 24 E.,
Sec. 28: NW¼NE¼, W½NE¼NE¼.
60 acres.
Kigalia Administrative Site:
T. 36 S., R. 19 E.,
Sec. 9: NE¼ (unsurveyed).
160 acres.
Flat Canyon Recreation Area:
T. 13 S., R. 6 E.,
Sec. 33: E½SW¼.
80 acres.
Forks of Huntington Canyon Recreation Area:
T. 15 S., R. 7 E.,
Sec. 20: S½NW¼SE¼, N½SW¼SE¼.
40 acres.
Huntington Canyon Recreation Area:
T. 15 S., R. 7 E.,
Sec. 5: S½SW¼SE¼;
Sec. 8: NW¼NE¼.
60 acres.
Castle Rock Recreation Area:
T. 15 S., R. 7 E.,
Sec. 17: W½SE¼NE¼, W½E½SE¼NE¼, E½SW¼NE¼.
50 acres.
Lake Hill Recreation Area:
T. 17 S., R. 4 E.,
Sec. 20: NE¼NW¼, N½SE¼NW¼.
60 acres.
Ferron Reservoir Recreation Area:
T. 19 S., R. 4 E.,
Sec. 22: E½SE¼, SW¼SE¼, SE¼SW¼.
160 acres.
Manti Community Recreation Area:
T. 18 S., R. 3 E.,
Sec. 13: NW¼NW¼;
Sec. 14: NE¼NE¼.
80 acres.

A total of 830 acres is involved.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55-8671; Filed, Oct. 26, 1955; 8:46 a. m.]

[No. 18 (A-2)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 19, 1955.

An application, Serial No. Utah 016431, for the withdrawal from location, sale, and entry, under the General Mining Laws of the lands described below, subject to existing valid claims, was filed August 30, 1955, by the United States Department of Agriculture.

The purpose of the proposed withdrawal: Administrative sites, recreation areas, or for other public purposes as set forth specifically with regard to each area or description, within the Wasatch National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Utah, Bureau of Land Management, Post Office Box No. 777, Salt Lake City 10, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

WASATCH NATIONAL FOREST

Hoop Lake Recreation Area:
T. 2 N., R. 16 E.,
Unsurveyed Sec. 9: NE¼NE¼, S½NE¼, N½SE¼;
Unsurveyed Sec. 10: NW¼, N½SW¼.
440 acres.
Henrys Fork Bridge Recreation Area:
T. 2 N., R. 14 E.,
Unsurveyed Sec. 1: SW¼NW¼, NW¼SW¼;
Unsurveyed Sec. 2: SE¼NE¼, NE¼SE¼.
160 acres.
Upper Henrys Fork Recreation Area:
T. 2 N., R. 14 E.,
Unsurveyed Sec. 14: SW¼NW¼, NW¼SW¼;
Unsurveyed Sec. 15: SE¼NE¼, NE¼SE¼.
160 acres.
China Meadows Recreations Area:
T. 2 N., R. 14 E.,
Unsurveyed Sec. 6: SW¼;
Unsurveyed Sec. 7: NW¼.
320 acres.
Marsh Lake Recreation Area:
T. 3 N., R. 14 E.,
Sec. 30: S½SE¼;
Sec. 31: N½NE¼.
160 acres.
Beaver Recreation Area:
T. 2 S., R. 7 E.,
H. E. S. No. 100 located in:
Sec. 28: NE¼ and
Sec. 27: NW¼, W½NE¼.
116.61 acres.
Bridger Lake Recreation Area:
T. 3 N., R. 14 E.,
Sec. 29: S½NW¼, N½SW¼.
160 acres.
White Squaw Recreation Area:
T. 3 S., R. 3 E.,
Unsurveyed Sec. 9: Unpatented portions of E½NE¼;
Unsurveyed Sec. 10: Unpatented portions of W½NW¼.
14 acres.
Albion Basin Recreation Area:
T. 3 S., R. 3 E.,
Unsurveyed Sec. 4: Unpatented portions of S½NW¼, S½N½NW¼, SW¼, W½SE¼SE¼, W½SE¼;
Unsurveyed Sec. 9: Unpatented portions of NW¼, W½NE¼, W½E½NE¼, N½SW¼, NW¼NW¼SE¼;
Unsurveyed Sec. 8: Unpatented portions of E½SE¼.
527 acres.
Bald Mountain Recreation Area:
T. 3 S., R. 3 E.,
Unsurveyed Sec. 8: Unpatented portions of SE¼NW¼, SW¼NE¼, NE¼SW¼, NW¼SE¼.
53 acres.
Peruvian Recreation Area:
T. 3 S., R. 3 E.,
Unsurveyed Sec. 7: Unpatented portions of NE¼, E½NW¼, SE¼;
Unsurveyed Sec. 8: Unpatented portions of NW¼NW¼.
163 acres.
Bridger Lake Administrative Site:
T. 3 N., R. 14 E.,
Sec. 29: SW¼SW¼, W½SE¼SW¼;
Sec. 32: W½NW¼.
140 acres.
Hole-in-the-Rock Administrative Site:
T. 3 N., R. 16 E.,
Sec. 31: N½NE¼.
80 acres.
Mt. Olympus Powder Magazine Administrative Site:
T. 2 S., R. 1 E.,
Sec. 11: SE¼NE¼, NE¼SE¼.
80 acres.
Kamas-Evanston (Utah No. 150) Highway Roadside Zone:
A strip of land 300 feet on each side of the center line of Kamas-Evanston (Utah No. 150) Highway through the following legal subdivisions:
Salt Lake Principal Meridan:
T. 1 N., R. 9 E.,
Sec. 24: NE¼SE¼, NE¼SW¼NE¼, E½NE¼;
Sec. 25: W½SW¼, E½NW¼, NE¼SW¼;
Sec. 36: W½SW¼, N½NW¼NW¼.
T. 1 N., R. 10 E.,
Sec. 5: W½SW¼, SW¼NW¼, Lots 3, 4;
Sec. 7: SE¼SE¼NE¼, SE¼;
Sec. 18: Lot 2, E½NW¼, NW¼NE¼.
Approximately 490 acres.
Uinta Special Meridian:
T. 3 N., R. 9 W.,
Sec. 3: Lot 3.
T. 4 N., R. 9 W.,
Sec. 23: Lot 5;
Sec. 26: NW¼SW¼, N½SE¼, S½NW¼, NE¼;
Sec. 27: SE¼SW¼, Lot 4, NE¼SE¼;
Sec. 34: E½SW¼, E½NW¼, NE¼.
Approximately 440 acres.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55-8672; Filed, Oct. 26, 1955; 8:47 a. m.]

[No. 19 (A-2)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 19, 1955.

An application, Serial No. Utah 016603, for the withdrawal from location, sale, and entry, under the General Mining Laws of the lands described below, subject to existing valid claims, was filed September 12, 1955, by the United States Department of Agriculture.

The purpose of the proposed withdrawal: Administrative site within the Manti-LaSal National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Utah, Bureau of Land Management, Post Office Box No. 777, Salt Lake City 10, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

MANTI-LASAL NATIONAL FOREST

Joe's Valley Administrative Site:
T. 17 S., R. 6 E.,
Sec. 31: Lots 5, 6, 11 and 12.
112.12 acres.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55-8673; Filed, Oct. 26, 1955; 8:47 a. m.]

Bureau of Reclamation

[Public Announcement 2]

GILA PROJECT, ARIZONA; WELLTON-MOHAWK DIVISION

PUBLIC ANNOUNCEMENT OF SALE OF FARM UNITS

SEPTEMBER 13, 1955.

Gila Project, Arizona, Wellton-Mohawk Division; public announcement of the sale of farm units.

LANDS COVERED

SECTION 1. *Offer of farm units for sale.* It is hereby announced that certain farm units on the Wellton-Mohawk Division of the Gila Project, as shown on approved farm unit plats on file in the office of the Projects Manager, Yuma Projects Office, Bureau of Reclamation, Yuma, Arizona, and in the Land and Survey Office of the Bureau of Land Management at Phoenix, Arizona, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications for purchase of farm units may be submitted beginning at 2:00 p. m., October 25, 1955.

The farm units hereby offered for sale by the United States are all in Yuma County, Arizona, and are described in Addendum No. 1 to this announcement as attached hereto.

SEC. 2. *Limit of acreage which may be purchased.* The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Secretary of the Interior, may reasonably be required for the support of a family upon such land. The areas in the different units are fixed at the amounts shown upon the farm unit plats referred to in section 1 of this announcement.

PREFERENCE RIGHTS OF VETERANS

SEC. 3. *Nature of preference.* Except for a prior preference given applicants for exchange of farm units under the provisions of the Act of August 13, 1953 (67 Stat. 566), a preference right to purchase the farm units described above will be given to certain veterans (and in some cases to their wives, husbands, or guardians of minor children) whose applications are received in the office of the projects manager, Yuma Projects Office, Bureau of Reclamation, Yuma, Arizona, before 2:00 p. m., January 25, 1956. The six classes of persons who will be eligible for this veterans preference are as follows:

(a) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least 90 days at any time on or after September 16, 1940, and the official termination of the Korean conflict, and who have been honorably discharged.

(b) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection (a) of this section, regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or, subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

(c) The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See subsection 7 (c) of this announcement regarding provision that a married woman must be head of a family.)

(d) The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

(e) The surviving spouse of any person whose death has resulted from wounds received or disability incurred in the line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection (a) of this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

(f) Persons who have served in the United States Army, Navy, Marine Corps or Coast Guard during the War with Germany which commenced April 6, 1917, and terminated March 3, 1921, or during the War with Spain or the Suppression of the Insurrection in the Philippines, which war and insurrection commenced April 21, 1898, and terminated July 15, 1903, and were honorably separated or discharged therefrom or placed in the regular Army or Naval Reserve.

In order to be eligible to purchase farm units, all applicants, except qualified exchange applicants, whether or not entitled to veterans preference, must possess the necessary qualifications as to character and industry, farm experience, health and capital (see Section 6 of this announcement).

SEC. 4. *Definition of honorable discharge.* An honorable discharge means:

(a) Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

(b) Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component, or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 5. *Examining board.* An examining board of four members, including the Chief, Operations Division, of the Yuma Projects Office, Bureau of Reclamation, who will act as secretary of the board, has been approved by the Commissioner of Reclamation to determine the qualifications and fitness of applicants to undertake the purchase, development and operation of a farm on the Wellton-Mohawk Division, Gila Project. The board will make careful investigations to verify the statements made by applicants. Any false statement may constitute grounds for rejection of an application and cancellation of the applicant's right to purchase a farm unit.

SEC. 6. *Minimum qualifications.* This section sets forth the minimum qualifications which are necessary to give reasonable assurance of success of a contract purchaser of a farm unit. Applicant must be qualified to purchase a farm unit under the Act of July 30, 1947 (61 Stat. 628), which prohibits the sale by the United States to an individual of more than one farm unit. Applicants, unless qualified exchange applicants, must, in the judgment of the examining board, meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the required minimum.

The minimum qualifications are as follows:

(a) *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

(b) *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years' (24 months) full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board, will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such a nature as, in the judgment of the examining board, will qualify the applicants to undertake the development and operation of an irrigated farm by modern methods.

(c) *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

(d) *Capital.* An applicant must possess assets worth at least $5,000 in excess of liabilities. Assets must consist of cash, property or assets readily convertible into cash, or assets such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. In considering the practical value of property which will be useful in the development of a farm, the board will not value household goods at more than $500 or a passenger car for more than $500. An applicant may be required to furnish a certified financial statement showing all of his assets and all of his liabilities. (See Section 11 of this announcement.) Assets not useful in the development of a farm will be considered if the applicant furnishes, at the board's request, evidence of the value of the property and proof of its conversion into useful form before execution of a land sale contract.

SEC. 7. *Other qualifications required.* Except for qualified exchange applicants all applicants (except guardians) must meet the following requirements:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States.

(b) Must not own more than 160 acres of land in the United States at the time of his execution of a land sale contract.

(c) Must, if a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

(d) Must not hold or own, within any Federal Reclamation project, irrigable land for which construction charges payable to the United States have not been fully paid, except that this restriction does not apply to small tracts used exclusively for residential purposes.

An applicant who owns lands in a Federal Reclamation project must furnish satisfactory evidence prior to execution of the land sale contract that the total construction charges allocated against the land owned by the applicant have been paid in full.

WHERE AND HOW TO SUBMIT AN APPLICATION FOR A FARM UNIT

SEC. 8. *Application blanks.* Any person desiring to purchase a farm unit offered for sale by this announcement must fill out the attached application blank (Form 7-511a), and file it with the Projects Manager, Yuma Projects Office, Bureau of Reclamation, Yuma, Arizona, in person or by mail. Additional application blanks may be obtained from the Bureau of Reclamation, Yuma, Arizona; the Regional Director, Bureau of Reclamation, Boulder City, Nevada; or the Commissioner of Reclamation, Department of the Interior, Washington 25, D. C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including evidence of qualification to be submitted following the public drawing, will become a part of the records of the Department of the Interior and cannot be returned to the applicant. For this reason, original discharge or citizenship papers should not be submitted.

SELECTION OF QUALIFIED APPLICANTS

SEC. 9. *Priority of applications.* All applications, including those filed by qualified exchange applicants must be received prior to 2:00 p. m., January 25, 1956. All applications, except those received from exchange applicants, which shall be given a prior preference, will be classified for priority purposes and considered in the following order:

(a) *First Priority Group.* All complete applications filed prior to 2:00 p. m., January 25, 1956, by applicants who claim veterans preference. All such applications will be treated as simultaneously filed.

(b) *Second Priority Group.* All complete applications filed prior to 2:00 p. m., January 25, 1956, by applicants who do not claim veterans preference. All such applications will be treated as simultaneously filed.

(c) *Third Group.* All complete applications filed after 2:00 p. m., January 25, 1956. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

SEC. 10. *Public drawing.* After the priority classification, the board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 9 (a) of this announcement. Applicants need not be present at the drawing in order to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units offered for sale) shall be drawn and numbered in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this announcement, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the board shall notify only those applicants whose names are drawn of their respective standings.

SEC. 11. *Submission of evidence of qualification.* After the drawing a sufficient number of applicants, in the order of their priority as established in the drawing, will be supplied with forms on which to submit evidence of qualification showing that they meet the qualifications set forth in sections 6 and 7 of this announcement and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 3 of this announcement. Full and accurate answers must be made to all questions. The completed form, together with any attachments required, must be received in the office of the Projects Manager, Yuma Projects Office, Bureau of Reclamation, Yuma, Arizona, within 30 days of the date the form is mailed to the last known address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the period specified will subject his application to rejection.

SEC. 12. *Examination and interview.* After the information requested as outlined in section 11 of this announcement has been received or the time for submitting such statements has expired, the board shall examine in the order drawn a sufficient number of applications, together with the evidence of qualification submitted, to determine the applicants who will be permitted to purchase farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants. If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the board for the purpose of: (a) Affording the board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit and (c) affording the applicant an opportunity to examine the farm units. If the applicant fails to appear before the board for a personal interview when requested he shall thereby forfeit his priority as established by the drawing.

If the board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by certified mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units then available for purchase. An applicant will be required prior to the execution of a land sale contract to submit evidence satisfactory to the board that he does not own more than 160 acres of land in the United States.

If the applicant fails to supply any of the information required or the board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the board, by certified mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 3, Bureau of Reclamation. All appeals must be received in the office of the Projects Manager, Yuma Projects Office, within 15 days of the applicant's receipt of such notice, or in any event, within 30 days from the date the notice is mailed to the last address furnished by the applicant. The Projects Manager will forward the appeals promptly to the Regional Director. The Regional Director's decision on all appeals shall be final.

SELECTION OF FARM UNITS

SEC. 13. *Order of selection.* The applicants who have been notified of their qualification to purchase a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders his right in writing. If, on appeal, the action of the board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawings have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the board will follow the same procedure outlined in section 10 of this announcement in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the board will follow the same procedure to select applicants from the Second Priority Group and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm unit offered by this announcement remains unsold for a period of two years following the date of this announcement, the unit, unless withdrawn from the announcement, will be offered to the first applicant who files an application after the expiration of the two-year period and who meets the qualifications prescribed by this announcement, without regard to veterans preference.

SEC. 14. *Failure to select.* If any applicant, except a qualified exchange applicant, refuses to select a farm unit or fails to do so within the time specified by the board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

SEC. 15. *Execution of land sale contract.* When an available farm unit is selected by an applicant as provided in Section 13 of this announcement the Projects Manager promptly will give the applicant a written notice confirming the availability to him of the unit selected and will furnish him with the land sale contract form, together with instructions concerning its execution and return and the time allowed therefor. In that notice the Projects Manager also will inform the applicant of the amount of the minimum down payment for the farm unit and of any further action required in connection with the conversion of assets pursuant to subsection 6 (d), the payment pursuant to subsection 7 (d) of construction charges on lands owned on any Reclamation project and the submission pursuant to section 12 of evidence that he does not own more than 160 acres of land in the United States.

If in the case of any applicant the land sale contract is not executed, acknowledged and returned to the Projects Manager in conformity with the above-mentioned instructions, accompanied by payment of the above-mentioned amounts, and completion of any other action specified in the instructions the application will be subject to rejection.

SEC. 16. *Terms of sale.* Contracts for the sale of farm units pursuant to this announcement will contain among others, the following principal provisions:

(a) *Down payment.* An initial or down payment of $1.00 per acre or 10 percent of the purchase price, whichever is greater, will be required upon execution of the land sale contract. Larger proportions, or the entire amount of the purchase price, may be paid initially at the purchaser's option.

(b) *Schedule for payment of balance and interest rate.* If only a portion of the purchase price is paid initially, the balance will be payable within a period of 8 years following the date of the land sale contract. No payments on the balance of the principal will be required during the first three years. The balance of the principal will be payable in five equal installments, which shall be payable at yearly intervals on the anniversary date of the land sale contract beginning three (3) years after the date thereof. Payment of any or all installments or any portion thereof may be made before the due date at the purchaser's option. No interest shall be charged on any charges due from the purchaser except that on all such charges or any part thereof which remain unpaid by the purchaser to the United States after the same become due, an interest charge of ½ of 1 percent of the amount unpaid shall be added thereto and thereafter an additional interest charge of ½ of 1 percent of the principal sum unpaid shall be added on the first day of each succeeding calendar month until the amount due, including such interest, is paid in full.

(c) *Cultivation requirements.* In order that the irrigable area of the farm unit shall be developed with reasonable dispatch each purchaser will be required, as a minimum, to clear, level, irrigate and grow remunerative crops on at least ½ of the irrigable area of the farm unit for at least two years (24 consecutive months) prior to eight years from the date of execution of the contract or before receiving title to the unit, whichever is earlier. The crop production requirements of this section must be performed by the purchaser personally, by members of his immediate family residing with him, or by persons employed under his direction, supervision and management.

(d) *Residence and improvement requirements.* A major objective of the settlement program of the Gila Project is to assist and encourage permanent settlement of farm families. In keeping with this objective each purchaser will be required to reside on the land for a period of at least seven months during each of the three 12-month periods immediately following the establishment of residence, except that military and naval service of honorably discharged veterans with at least 90 days' service may be substituted month for month of the seven-month residence required during the third 12-month period and such service in excess of twelve months may be substituted month for month for the seven months of residence required during the second 12-month period. Such residence must be established by the purchaser by personally moving onto the farm unit within six months from the date of the land sale contract or within six months from the date the water is first made available to the irrigation block in which the farm unit is located, whichever is later. The time for compliance with the establishment of residence may be extended by the Projects Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it

will not be detrimental to the orderly development of the irrigation block, but the initial date for establishment of residence shall not in any event be extended for more than one year beyond the initial period first above provided. The purchaser shall erect a habitable dwelling upon the farm unit before receiving title to the unit.

(e) *Waiver clause.* In extraordinary situations, any or all of the requirements set out in (c) and (d) above may be waived by the Regional Director on his determination, after recommendation by the Projects Manager, that such waiver would be in the interest of the orderly development of the irrigation block.

(f) *Land holding limitations.* The farm units are sold pursuant to the provisions of this announcement and the provisions of the Act of Congress approved June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto, particularly the Act of December 21, 1928 (45 Stat. 1057), as amended, and the Act of July 30, 1947 (61 Stat. 628), and of the contract dated March 4, 1952, between the United States and Wellton-Mohawk Irrigation and Drainage District entitled: "Contract with Wellton-Mohawk Irrigation and Drainage District for construction of works and for delivery of water," as supplemented June 19, 1954, and as amended October 13, 1954, and December 16, 1954, and the purchaser must agree to comply with all the terms, conditions and limitations thereof and of Articles 24, 25, 26 of said contract, which provide, among other things, for the execution of recordable "excess-land" contracts.

(g) *Copies of the contract form.* The terms listed above and other contract provisions are contained in the "Land Sale Contract" form, copies of which may be examined in the offices of the Projects Manager, Yuma Projects Office, Bureau of Reclamation, Yuma, Arizona, or the offices of the Regional Director, Bureau of Reclamation, Boulder City, Nevada.

IRRIGATION, GENERAL REPAYMENT OBLIGATION AND OTHER CHARGES

SEC. 17. *Temporary water rental charges.* While some construction activity is continuing and the irrigation system is being tested, it is expected that water will be furnished on a temporary rental basis to those desiring it on terms which will be announced by the Regional Director.

SEC. 18. *Charges for water delivery during development period.* Pursuant to the provisions of the repayment contract on March 4, 1952, as supplemented June 19, 1954, and as amended October 13, 1954, and December 16, 1954, hereinafter referred to as the contract of March 4, 1952, between the United States and the Wellton-Mohawk Irrigation and Drainage District, the Secretary of the Interior has announced development periods of ten years starting October 28, 1953, for lands in Irrigation Block No. 1, and November 3, 1954, for lands in Irrigation Block No. 2, and will announce similar 10-year development periods for lands in each irrigation block yet to be established in the Wellton-Mohawk Division, during which time payment of general repayment obligation charges will not be required. Charges for delivery of water during the development period for each irrigation block will be established in accordance with the aforementioned contract of March 4, 1952.

In addition to temporary water rental charges and charges for delivery of water during development period, the farm unit will be subject to District taxes and assessments as provided in Section 20. From time to time following the beginning of the development period for each irrigation block the District upon making appropriate arrangements with the Secretary may undertake the care, operation and maintenance of the distribution system and other works except those specified as reserved works by the contract of March 4, 1952. After assumption of responsibility for operation and maintenance of works by the District, the District will make such charges as may be required to meet costs of the care, operation and maintenance of works transferred to it. These charges will be payable in addition to charges which will be made for the care, operation and maintenance of works retained by the United States and utilized in delivery of water to works under the care of the District.

SEC. 19. *Payments after development period.* The District shall, when necessary, levy and collect appropriate taxes, assessments and or other charges sufficient to enable it to pay to the United States operation and maintenance charges and general repayment obligation charges as provided in the contract of March 4, 1952.

The general repayment obligation of the District subject to certain qualifications will not exceed $42,000,000. Said obligation will be allocated among several irrigation blocks aggregating approximately 75,000 irrigable acres. Each irrigation block will be required to pay its allocated share during the 60-year period immediately following the end of its development period. District levies covering these charges will be graduated according to the productivity group, in which the land is situated in accordance with the mechanics therefor provided in the repayment contract. At the option of the Board of Directors of the District, payment of these charges will be computed in accordance with a variable formula providing for payment of lesser amounts during periods of low agricultural prices and greater payments during periods of high agricultural prices.

SEC. 20. *Taxes and assessments.* On the first Monday of the January next succeeding the date of each land sale contract the lands covered by such contract shall, within the limitations set out in Article 22 of the above-mentioned District contract dated March 4, 1952, become subject to the provisions of the laws of the State of Arizona relating to the organization, government and regulation of irrigation, electrical, power and other similar districts and subject to legal assessment or taxation by any such district and by said State or political subdivisions thereof, and to liens for such assessments and taxes and to all proceedings for the enforcement thereof, in the same manner and to the same extent as privately owned lands, and shall remain subject thereto during the time such land sale contract shall remain in effect. After title to said lands has passed to the purchaser, he will be subject to the same obligations as the owner of private lands situated within the District.

GENERAL PROVISIONS

SEC. 21. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the lands covered by this announcement, except under the terms and conditions prescribed herein.

SEC. 22. *Reservation of rights-of-way for public roads.* Rights-of-way along section lines and other lines shown in red on the farm unit plats described in Section 1 of this announcement are reserved for county, State and Federal highways and access roads to the farm units shown on said farm unit plats.

SEC. 23. *Reservations and exceptions.* The sales of the farm units will be subject to existing rights-of-way in favor of the public or third parties and to any existing oil and gas leases. In each such sale, there will be reserved to the United States and its successors and assigns in the operation and maintenance of the Wellton-Mohawk Division rights-of-way for canals, laterals, ditches, levees, dikes, roadways, pipelines, electric transmission lines, and telephone and telegraph lines. There may also be reserved to the United States any mineral, oil, and gas rights if required.

SEC. 24. *Flood hazard.* The lands to be sold lie in the flood plain of the Gila River and may be subject to flooding from runoff after heavy rains. A flood control dam has been authorized for construction by the Corps of Engineers, U. S. Army, above the project area but money has been appropriated only for advance planning. Purchasers are warned that in case of runoff resulting in the flooding of any of the lands the Government assumes no responsibility for damage to persons or property caused by such flooding.

NOTE: The reporting requirement of this announcement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

[Public Announcement 2, Addendum 1]

GILA PROJECT, ARIZONA, WELLTON-MOHAWK DIVISION

The farm units hereinafter listed are offered for sale under Section 1 of Public Announcement No. 2, of September 13, 1955:

GILA AND SALT RIVER MERIDIAN, ARIZONA

FU No.	Sec.	Farm unit	Description	Total acres	Irrigable acres	Price
			Township 7 South, Range 15 West			
1	20	A	Lots 5, 8, 10, 12, Sec. 19 S½NW¼, Sec. 20	179.2	119.4	$503.08
2	28	A	S½SE¼, Sec. 28; NW¼NW¼, NW¼NE¼, Sec. 33	161.1	127.8	588.73
			Township 7 South, Range 16 West			
3	35	A	SE¼	162.9	139.2	668.53
4		B	E½SW¼, E½W½SW¼, S½SE¼NW¼, E½SW¼NW¼	161.9	155.4	411.18
			Township 8 South, Range 15 West			
5	6	A	Lots 1, 8, 10, 12, 14, Sec. 6; Lot 4, Sec. 5	168.5	136.0	750.83
			Township 8 South, Range 16 West			
6	1	B	Lots 4, 5, 7, 8, 10, 11, Sec. 1; S½SW¼, Sec. 5, T. 8 S., R. 15 W; NE¼NE¼, Sec. 7, T. 8 S., R. 15 W	239.0	123.7	650.80
			Township 8 South, Range 18 West			
[1]7	20	D	SE¼	160.8	155.6	445.30
[1]8	21	A	Lots 2, 3, W½NE¼, Sec. 21; Lots 6, 7, E½SW¼SW¼, Sec. 22	177.9	131.9	507.38

[1] Designates the farm units located in Irrigation Block No. 1, which was established Oct. 28, 1953. All other farm units located in Irrigation Block No. 2, which was established Nov. 3, 1954.

[F. R. Doc. 55–8674; Filed, Oct. 26, 1955; 8:47 a. m.]

KESWICK RESERVOIR, CENTRAL VALLEY PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

SEPTEMBER 25, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 32 N., R. 5 W.,
Sec. 3, Lots 3 to 13, incl., excepting therefrom those portions thereof lying within the boundaries of M. S. 4513;
Sec. 6, Lots 6, 7, 11, 12, and 18;
Sec. 7, Lots 5, 6, 16 to 22, incl., SW¼NE¼;
Sec. 17, Lots 16, 17, 19, and 22;
Sec. 18, Lots 1 to 11, incl., NW¼NE¼, NE¼NW¼.
T. 33 N., R. 5 W.,
Sec. 18, Lots 1 to 7, incl., SW¼NE¼, SE¼NW¼, E½SW¼, SE¼, excepting therefrom those portions thereof lying within the boundaries of M. S. 5231 and M. S. 5442;
Sec. 19, Lot 1, SE¼NW¼, NW¼SE¼, excepting therefrom those portions thereof lying within the boundaries of M. S. 4599;
Sec. 31, Lots 1, 2, 3, 4, 5, 7, 9, NE¼, SE¼ NW¼, N½SE¼, excepting therefrom those portions thereof lying within the boundaries of M. S. 5832, M. S. 5942, and M. S. 6207.
Sec. 33, All, excepting therefrom that portion thereof lying within the boundaries of M. E. Lots 38, 39, 48, 49, 50, 51, 52, 53, 56, 57, and M. S. 5803.
T. 32 N., R. 6 W.,
Sec. 12, S½NW¼, SW¼, W½SE¼, excepting therefrom those portions thereof lying within the boundaries of M. S. 3027, M. S. 4681, and of the Janice Lode of M. S. 6228;
Sec. 13, Lot 1.
T. 33 N., R. 6, W.,
Sec. 24, All excepting therefrom that portion thereof lying within the boundaries of M. S. 3937, M. S. 5231, M. S. 5441, M. S. 5595, and M. S. 5597;
Sec. 25, NE¼, E½NW¼, NW¼NW¼, E½SW¼, SE¼, excepting therefrom those portions thereof lying within the boundaries of M. S. 3937, M. S. 5595, and M. S. 5597.

The above areas contain approximately 3,427.15 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[63739]

OCTOBER 21, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Central Valley Project, California

SEPTEMBER 25, 1952.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of California, for use in connection with the Keswick Reservoir, Central Valley Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. W. LINEWEAVER,
Assistant Commissioner.

[F. R. Doc. 55–8675; Filed, Oct. 26, 1955; 8:48 a. m.]

Office of the Secretary

ACQUIRED LANDS REGULATIONS

NOTICE OF HEARING

Notice is hereby given that a hearing will be held at 2:00 p. m. on November 10, 1955, in Room 5116 of the Department of the Interior, Washington 25, D. C., for the purpose of considering objections which have been offered to the acreage limitation in the regulations approved August 11, 1955, 43 CFR 200.34c (Circular 1919), and also whether the limitation should be applied to applications pending on that date.

Persons desiring to be heard should notify the Secretary of the Interior, Washington 25, D. C., prior to the time and date of the hearing. Comments and objections received by mail prior to the hearing will also be considered.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

OCTOBER 21, 1955.

[F. R. Doc. 55–8676; Filed, Oct. 26, 1955; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1964]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING ON PETITION TO AMEND PRIOR ORDER

Texas Eastern Transmission Corporation (Texas Eastern) on October 14, 1955, filed a petition requesting the Commission to amend its order issued October 9, 1953, in the above-entitled proceeding. By such petition Texas Eastern seeks to be relieved of the obligation to reduce its rates insofar as such obligation relates to the proceedings of United Gas Pipe Line Company (United) in Docket No. G–2019, in accordance with Finding (2) (ii) and paragraph (A) of the order issued October 9, 1953.

By its petition Texas Eastern requests that the order issued October 9, 1953, in this docket, be amended to provide that:

(i) Texas Eastern refund to its customers in Rate Zones C and D the actual difference between the costs of gas purchased from United at Longview, Texas, and Kosciusko, Mississippi, under rates effective prior to August 1, 1954, and on and after August 1, 1954, for the period from August 1, 1954, to the date that the changes in rates proposed by United in its September 30, 1955, filing become effective, under bond, or otherwise.

(ii) Texas Eastern's obligation to reduce its rates in its Rate Zones C and D to reflect the net decrease in the cost of gas purchased from United as a result of the order issued November 2, 1954, in Docket No. G–2019, be modified to substitute the final result on United's proposed increase filed September 30, 1955, as a basis for requiring a rate reduction by Texas Eastern, if the Commission's determination on that filing results in a cost of gas purchased by Texas Eastern from United which is less than the cost of gas under United's rate schedule in effect prior to August 1, 1954.

The Commission finds:

(1) It is reasonable and in the public interest to enter upon a hearing concerning the proposed amendment and modification of the order issued October 9, 1953, in this docket, as requested by Texas Eastern in its petition filed October 14, 1955.

(2) Good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the authority conferred upon the Commission by the Natural Gas Act, including particularly sections 4, 15 and 16 thereof, a public hearing be held commencing on November 2, 1955, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the petition filed by Texas Eastern in this docket on October 14, 1955.

(B) On or before October 28, 1955, Texas Eastern shall submit in support of its petition herein, to each of its customers and to each of the intervenors in this docket, and to the staff, a cost of service study for the most recently available 12-month period.

(C) Interested State Commissions and all other parties heretofore granted intervention in this docket may participate in such hearing.

Adopted: October 19, 1955.

Issued: October 21, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8678; Filed, Oct. 26, 1955; 8:48 a. m.]

[Docket No. G-2017]

TEXAS GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING ON PETITION TO AMEND PRIOR ORDER

Texas Gas Transmission Corporation (Texas Gas) on October 14, 1955, filed a petition requesting the Commission to amend its order issued August 7, 1953, in the above-entitled proceeding. By such petition Texas Gas seeks to be relieved of the obligation to reduce its rates insofar as such obligation relates to the proceedings of United Gas Pipe Line Company (United) in Docket Nos. G-1142 and G-2019, in accordance with "Article III of the Proposed Settlement" agreed to by all the parties to the above proceeding, and accepted by the Commission in Opinion No. 260 as a just and reasonable basis for settlement of such proceedings, and as provided by paragraph (F) of the order accompanying that opinion.

By its petition filed herein on October 14, 1955, Texas Gas requests that the order issued August 7, 1953, in this docket be amended to provide that:

(i) Texas Gas file rates to become effective upon the same date that the changes in rates proposed by United in its September 30, 1955, filing become effective, under bond or otherwise, whereby Texas Gas would reduce the commodity charges in its presently effective rates by 0.06 cent per Mcf in Zones 1 and 2 and by 0.11 cent per Mcf in Zones 3 and 4 (in lieu of the reductions of 0.49 cent per Mcf and 0.54 cent per Mcf, respectively, that would be required absent United's filing of September 30, 1955);

(ii) Texas Gas refund and file changes in its rate schedules as may be required as a result of Commission final order directed to United's proposed increased rates filed September 30, 1955;

(iii) Texas Gas will not be relieved of its obligation to make the refunds received from United as a result of the Commission's order in Docket Nos. G-1142 and G-2019, for the period January 8, 1953, through July 31, 1954, upon final disposition of that order after court review, if any;

(iv) Texas Gas will not be relieved of its obligation to refund to its customers amounts representing the equivalent of the reduction in rates required by Paragraph (F) of the order issued August 7, 1953, in this docket for the period beginning August 1, 1954, and ending upon the day on which the rates referred to in (i) above become effective.

Texas Gas further states that upon issuance by the Commission of an order amending the order issued August 7, 1953, in this docket, as requested in its petition, it would take the necessary steps to withdraw its application for a general rate increase filed with the Commission on October 7, 1955, based principally on United's filing of September 30, 1955.

The Commission finds:

(1) It is reasonable and in the public interest to enter upon a hearing concerning the proposed amendment to our Opinion No. 260 and accompanying order issued August 7, 1953, requested by Texas Gas in its petition filed October 14, 1955.

(2) Good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the authority conferred upon the Commission by the Natural Gas Act, including particularly sections 4, 15 and 16 thereof, a public hearing be held commencing on November 1, 1955, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the petition filed by Texas Gas in this docket on October 14, 1955.

(B) Interested State Commissions and all other parties heretofore granted intervention in this docket may participate in such hearing.

Adopted: October 19, 1955.

Issued: October 21, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8679; Filed, Oct. 26, 1955; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 74]

PENNSYLVANIA

DECLARATION OF DISASTER AREA

Whereas it has been reported that beginning on or about October 15, 1955, because of the disastrous effects of flood, damage resulted to residences and business property located in certain areas in the State of Pennsylvania; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of Section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Luzerne and Lackawanna.

Small Business Administration Regional Office, Jefferson Building, Room 118, 1015 Chestnut Street, Philadelphia 7, Pennsylvania.

2. A special field office has been established at Chamber of Commerce, Scranton, Pennsylvania, to receive and process such applications.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1956.

Dated: October 20, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-8688; Filed, Oct. 25, 1955; 1:04 p. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 24, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31231: *Mung beans to points in Official Territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on Mung beans, carloads from Chicago, Peoria, and East St. Louis, Ill., and other named gateways on traffic originating at points in Texas to points in official territory east of the Illinois-Indiana State line.

Grounds for relief: Market competition and circuity.

Tariffs: Supplement 69 to Agent Hinsch's I. C. C. 4403; Supplement 22 to Agent Hinsch's I. C. C. 4499.

FSA No. 31232: *Rubber tires and parts—Alabama to New Jersey points.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on rubber tires and parts, carloads from specified points in Alabama and Memphis, Tenn., to Mahwah, and Teterboro, N. J.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 146 to Agent Spaninger's I. C. C. 1324.

FSA No. 31233: *Hides—Southern points to South Paris, Maine.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on hides, pelts or skins, carloads from specified points in Alabama, Florida, Georgia, Tennessee, also Helena, Ark., to South Paris, Maine.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 148 to Agent Spaninger's I. C. C. 1324.

FSA No. 31234: *Hides—Alabama and Florida to Eastern points.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on hides, pelts, or skins, carloads from Bell Factory, Ala., and Carrol, Fla., to Belleville, N. J., Peabody, Mass., and Penacook, N. H.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 146 to Agent Spaninger's I. C. C. 1324.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-8684; Filed, Oct. 26, 1955; 8:50 a. m.]

FEDERAL REGISTER

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MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[970.302, Amdt. 1]

PART 970—IRISH POTATOES GROWN IN MAINE

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish potatoes grown in the State of Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Maine Potato Marketing Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of § 970.302 (b) (1) (FEDERAL REGISTER, September 16, 1955; 20 F. R. 6815) are hereby amended as follows:

(b) *Order.* (1) During the period from October 31, 1955, to June 30, 1956, both dates inclusive, and except as otherwise provided in this section, no handler shall handle (i) potatoes of the round white or of the red skin varieties unless such potatoes meet the requirements of the U. S. No. 1 or better grade, 2¼ inches minimum diameter and 4 inches maximum diameter, and unless at least 90 percent of such potatoes are "fairly clean," and (ii) potatoes of the long varieties (including, but not limited to, the Russet Burbank variety) unless such potatoes are "fairly clean," and meet the requirements of (*a*) the U. S. No. 1 or better grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight or (*b*) the U. S. No. 2 grade, 6 ounces minimum weight.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 26, 1955.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 55-8771; Filed, Oct. 27, 1955; 8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Reg. SR-399A]

PART 4a—AIRPLANE AIRWORTHINESS

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

SPECIAL CIVIL AIR REGULATION; PROVISIONAL MAXIMUM TAKE-OFF WEIGHTS FOR CERTAIN AIRPLANES OPERATED BY ALASKAN AIR CARRIERS AND BY DEPARTMENT OF THE INTERIOR

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of October 1955.

On October 23, 1953, the Civil Aeronautics Board adopted Special Civil Air Regulation No. SR-399, effective October

(Continued on p. 8093)

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FEDERAL REGISTER

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25, 1953 (18 F. R. 6799) which authorized the Administrator to establish increased maximum take-off weights for certain airplanes of 12,500 pounds or less operated by Alaskan air carriers and by the United States Department of the Interior in the Territory of Alaska. The authority contained in SR–399 terminates on October 25, 1955. Since the domestic economy of Alaska is greatly dependent upon the continued operation of Alaskan air carriers using airplanes of 12,500 pounds or less, and since the Department of the Interior expects to continue to use such airplanes in the Territory of Alaska, the authority currently provided by this special regulation is being extended for a period of 5 years. However, during this period the Board will study further the operating conditions and the types of airplanes in use in Alaska to determine whether this authorization should be permitted to expire or be extended 5 years hence or be made a permanent part of the Civil Air Regulations.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective on less than thirty days' notice.

In view of the foregoing, the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation, effective October 26, 1955, to read as follows:

1. The Administrator is hereby authorized to establish a maximum authorized weight for airplanes type certificated under the provisions of Aeronautics Bulletin No. 7–A of the Aeronautics Branch of the U. S. Department of Commerce, dated January 1, 1931, as amended, under the normal category of Part 4a, which are operated entirely within the Territory of Alaska by Alaskan air carriers as designated by Part 292, as amended, of the Board's Economic Regulations or by the U. S. Department of the Interior in the conduct of its game and fish law enforcement activities and its management, fire detection, and fire suppression activities with respect to public land.

2. The maximum authorized weight herein referred to shall not exceed any of the following:

(a) 12,500 pounds,

(b) 115 percent of the maximum weight listed in the CAA Aircraft Specification,

(c) The weight at which the airplane meets the positive maneuvering load factor requirement for the normal category specified in § 3.186 of the Civil Air Regulations, or

(d) The weight at which the airplane meets the climb performance requirements under which it was type certificated.

3. In determining the maximum authorized weight the Administrator shall also consider the structural soundness of the airplane and the terrain to be traversed in the operation.

4. The maximum authorized weight so determined shall be added to the airplane's operation limitations and identified as the maximum weight authorized for operations within the Territory of Alaska.

This regulation supersedes Special Civil Air Regulation No. SR–399, and shall terminate October 25, 1960, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55–8732; Filed, Oct. 27, 1955; 8:53 a. m.]

[Reg. SR–408A]

PART 60—AIR TRAFFIC RULES

SPECIAL CIVIL AIR REGULATIONS; DELEGATION OF AUTHORITY TO ADMINISTRATOR TO ESTABLISH RULES APPLICABLE TO HIGH DENSITY TRAFFIC ZONE IN WASHINGTON, D. C., AREA

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of October 1955.

On October 20, 1954, the Civil Aeronautics Board adopted Special Civil Air Regulation No. SR–408, effective November 25, 1954, which delegated to the Administrator authority to designate a "High Density Air Traffic Zone" in the Washington, D. C., area and to establish additional rules for VFR operations within the zone for the purpose of conducting experiments with respect to procedures and rules necessary for the safe and efficient movement of air traffic in high density air traffic zones. The authority delegated to the Administrator by SR–408 is effective for a period of one year and will terminate on November 24, 1955.

At the time SR–408 was adopted, it was presumed that the Administrator would be able to promulgate additional rules within a reasonably short time. However, in view of the controversial nature of the matters involved, the Administrator deemed it necessary to hold a public hearing. As a consequence, the promulgation of the Administrator's rules was delayed considerably and they did not become effective until August 1, 1955. Unless the authority contained in SR–408 is extended, the rules of the Administrator will be in effect only for a period of approximately three and one-half months. This Special Civil Air Regulation extends until July 31, 1956, the authority contained in SR–408 so as to permit the rules prescribed by the Administrator to be in effect for one year as originally contemplated.

Special Civil Air Regulation No. SR–408 authorized the Administrator to designate all airspace located within the Washington control zone as a high density air traffic zone. However, it appears desirable to make express provision for the exclusion of some airspace surrounding airports within the control zone, other than Washington National Airport, in order to facilitate operations into and from such other airports. Accordingly, this regulation changes the description of the extent of the high density air traffic zone to include "all or any part" of the airspace located within the Washington control zone.

Interested persons have been afforded an opportunity to participate in the making of this regulation (20 F. R. 6717), and due consideration has been given to all relevant matter presented.

It is recognized that the promulgation of this rule will not permit 30 days effective notice prior to November 25, 1955. However, since this is an extension of the original authority contained in SR–408 and maintains the status quo; and since it would be confusing to the pub-

We and therefore be contrary to the

to this amendment. As stated in SR-

proceeding, the Commission invited

bound by a broad code of ethics and up-

lic, and therefore be contrary to the public interest, to permit this authority to lapse for several days, the Board finds that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective November 25, 1955:

The Administrator is authorized to designate a zone to be known as a "High Density Air Traffic Zone" in the Washington, D. C., area, to include all or any part of the airspace located within the Washington control zone extending from the surface upward to 3,000 feet above the elevation of the Washington National Airport.

There is hereby delegated to the Administrator authority to prescribe such additional rules to be applicable in the Washington High Density Air Traffic Zone during VFR weather conditions as he shall find are necessary or desirable, for the purpose of conducting experiments with respect to procedures and rules necessary for the safe and efficient movement of air traffic in high density air traffic zones.

All operations of aircraft within the Washington High Density Air Traffic Zone shall be in compliance with the rules and procedures prescribed by the Administrator.

This regulation supersedes Special Civil Air Regulation No. SR-408 and shall terminate July 31, 1956, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-8781; Filed, Oct. 27, 1955; 9:31 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 618—HIGH DENSITY AIR TRAFFIC ZONE RULES, WASHINGTON, D. C.

EXTENSION OF TERMINATION DATE

Pursuant to the provisions of Special Civil Air Regulation SR-408A,[1] by which the Civil Aeronautics Board extended the authority of the Administrator to designate the airspace located within the Washington control zone as a high density air traffic zone, and to prescribe additional rules which shall be applicable therein during VFR weather conditions, the Administrator hereby extends the termination date of Part 618 from November 24, 1955, to July 31, 1956. Such extension of time will permit the special working group of the Air Traffic Control and Navigation Panel a reasonable time in which to complete its evaluation of the experimental rules contained in Part 618.

This amendment was published in the FEDERAL REGISTER as a notice of proposed rule making on September 27, 1955 (20 F. R. 7197). Due consideration has been given to the views and comments received from interested persons relative to this amendment. As stated in SR-408A, compliance with the effective date requirements of section 4 (c) of the Administrative Procedure Act is contrary to the public interest. Part 618 is amended as follows:

1. Section 618.30 is amended by changing the termination date from November 24, 1955, to July 31, 1956.

2. Section 618.1 is amended by adding "and SR-408A" after "SR-408 (19 F. R. 671)," in the first sentence of this section.

(Sec. 205, 52 Stat. 984 as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-8780; Filed, Oct. 27, 1955; 8:55 a. m.]

[1] See Part 60 of this title, *supra*.

TITLE 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics, Department of the Treasury

[T. D. 54, Narcotics Reg. 2]

PART 202—IMPORTATION AND EXPORTATION OF NARCOTIC DRUGS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 55-8657, appearing at page 8036 in the issue for Wednesday, October 26, 1955, the title of G. W. Cunningham should read "*Acting Commissioner of Narcotics.*"

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

COLORADO NATIONAL MONUMENT

1. Paragraph (a), Speed, of § 20.54, entitled *Colorado National Monument*, shall read as follows:

(a) *Speed.* Speed of automobiles and other vehicles in the Monument, except in emergencies as provided in § 1.42 (b) of this chapter, is limited to 35 miles per hour.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 5th day of October 1955.

[SEAL] HOMER W. ROBINSON,
Superintendent,
Colorado National Monument.

[F. R. Doc. 55-8699; Filed, Oct. 27, 1955; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. 55]

PART 1—GENERAL RULES OF PRACTICE

MISCELLANEOUS AMENDMENTS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 10th day of October A. D. 1955.

It appearing, that by notice entered on August 8, 1952, in the above-entitled proceeding, the Commission invited suggested amendments to its general rules of practice, adopted July 31, 1942, as amended (49 CFR Part 1, §§ 1.1 to 1.102);

Upon consideration of suggested amendments received, and good cause appearing therefor:

It is ordered, That the general rules of practice be, and the same are hereby, amended by deleting therefrom Rules 13, 24 (a), 36 (a), 40 (c), 52, and 72 (d) (49 CFR § 1.13, 1.24 (a), 1.36 (a), 1.40 (c), 1.52, and 1.72 (d)) and, in each instance, substituting in lieu of the deleted rule, or part thereof, the correspondingly numbered rule, or part thereof, set forth in below, which is hereby incorporated into and made a part of this order;

It is further ordered, That the effective date of this order shall be November 1, 1955;

It is further ordered, That this proceeding be, and it is hereby closed until the further order of the Commission;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 201, 54 Stat. 933, sec. 1, 56 Stat. 283; 49 U. S. C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

§ 1.13 *Denial of admission, censure, suspension, or disbarment of practitioners.* The Commission may, in its discretion, deny admission, censure, suspend, or disbar any person who, it finds, does not possess the requisite qualifications to represent others, or is lacking in character, integrity, or proper professional conduct. Any person who has been admitted to practice may be suspended or disbarred only after he is afforded an opportunity to be heard. All persons, whether or not admitted to practice under § 1.9, must, in their representations before the Commission, conform to the code of ethics published by the Association of Interstate Commerce Commission Practitioners as of April 1, 1955, which code is reprinted in the appendix to this section.

APPENDIX—CODE OF ETHICS FOR PRACTITIONERS BEFORE THE INTERSTATE COMMERCE COMMISSION

PREAMBLE

No rules of conduct can be framed which will particularize all the duties of the practitioner in the varying phases of litigation or in his relations to clients, adversaries, other practitioners, the Commission and the public. The following canons of ethics are adopted as a general guide for those admitted to practice before the Interstate Commerce Commission.

It will be remembered that the practitioners before the Commission include (a) lawyers, who have been regularly admitted to practice law, and (b) others having traffic or other technical experience qualifying them to aid the Commission in administration of the Interstate Commerce Act and related acts of Congress. The former are

bound by a broad code of ethics and unwritten rules of professional conduct which apply to every activity of a lawyer; for the latter, no code of ethics has been written heretofore. The following canons do not release the lawyer from any of the duties or principles of professional conduct by which lawyers are bound. They apply alike to all practitioners before the Commission and the setting forth therein of particular duties or principles of conduct should not be construed as a denial of the existence of others equally imperative although not specifically mentioned. The word "Commission" as used herein includes Divisions of the Commission, and the representatives of the Commission, whether members, examiners, or other employees connected with the matter in hand.

CANONS OF ETHICS

1. *Standards of ethical conduct in courts of United States to be observed.* These canons are in furtherance of the purpose of the Commission's rules of practice which enjoin upon all persons appearing in proceedings before it to conform, as nearly as may be, to the standards of ethical conduct required of practitioners before the courts of the United States; and such standards are taken as the basis for these specifications, modified in so far as the nature of the practice before the Commission requires.

2. *The duty of the practitioner to and his attitude towards the Commission.* It is the duty of the practitioner to maintain towards the Commission a respectful attitude, not for the sake of the temporary incumbent of the office, but for the maintenance of the importance of the functions he administers. In many respects the Commission functions as a Court, and practitioners should regard themselves as officers of that Court and strive to uphold its honor and dignity. The Commission, not being wholly free to defend itself is peculiarly entitled to receive the support of the practitioner against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a member or employee of the Commission it is the right and duty of the practitioner to submit his grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

3. *Punctuality and expedition.* It is the duty of the practitioner not only to his client, but also to the Commission and to the public, to be punctual in attendance, and to be concise and direct in the trial and disposition of causes.

4. *Attempts to exert political influence on the Commission.* It is unethical for a practitioner to attempt to sway the judgment of the Commission by propaganda, or by enlisting the influence or intercession of members of the Congress or other public officers, or by threats of political or personal reprisal.

5. *Attempts to exert personal influence on the Commission.* Marked attention and unusual hospitality on the part of a practitioner to a Commissioner, examiner, or other representative of the Commission, uncalled for and unwarranted by the personal relations of the parties, subject both to misconstruction of motive and should be avoided. A self-respecting independence in the discharge of duty, without denial or diminution of the courtesy and respect due the official station is the only proper foundation for cordial personal and official relations between Commission and practitioners.

6. *The selection of Commissioners.* The nomination of Commissioners is a duty of the President, and confirmation, of the Senate. It is the duty of the practitioners in so far as they attempt to advise the appointing or confirming officers, to endeavor to prevent any consideration from outweighing fitness in the selection.

7. *The practitioner's duty in its last analysis.* No client, corporate or individual, however powerful, no cause, civil or political however important, is entitled to receive, and no practitioner should render, any service or advice involving disloyalty to the law or disrespect of its official ministers, or corruption of any person or persons exercising a public office or employment or private trust, or deception or betrayal of the public. In rendering any such improper service or advice the practitioner invites and merits stern and just condemnation. Correspondingly, he advances the honor of his calling and the best interests of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law, although until a statute shall have been construed and interpreted by competent adjudication, he is free and is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all he will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

8. *Private communications with the Commission.* In the disposition of contested proceedings brought under the Interstate Commerce Act the Commission exercises quasi-legislative powers, but it is nevertheless acting in a quasi-judicial capacity. It is required to administer the Act and to consider at all times the public interest beyond the mere interest of the particular litigants before it. To the extent that it acts in a quasi-judicial capacity, it is grossly improper for litigants, directly or through any counsel or representative, to communicate privately with a commissioner, examiner or other representative of the Commission about a pending cause, or to argue privately the merits thereof in the absence of their adversaries or without notice to them. Practitioners at all times should scrupulously refrain in their communications to and discussions with the Commission and its staff from going beyond ex parte representations that are clearly proper in view of the administrative work of the Commission.

9. *Adverse influences and conflicting interests.* It is the duty of a practitioner at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of the person to represent or assist him.

It is unethical to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this canon a practitioner represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requies him to oppose.

The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed.

10. *Joint association of practitioners and conflicts of opinion.* A client's proffer of the assistance of additional practitioner should not be regarded as evidence of want of confidence, but the matter should be left to the determination of the client. A practitioner should decline association as colleague if it is objectionable to the practitioner first retained, but if the client should relieve the practitioner first retained, another may come into the case.

When practitioners jointly associated in a cause cannot agree as to any matter vital to the interest of the client, the conflict of opinion should be frankly stated to him for his final determination. His decision should be accepted by them unless the nature of the difference makes it impracticable for the practitioner whose judgment has been overruled to cooperate effectively. In this event it is his duty to ask the client to relieve him.

Efforts, direct or indirect, in any way to encroach upon the business of another practitioner are unworthy of those who should be brethern, but, nevertheless, it is the right of any practitioner, without fear or favor, to give proper advice to those seeking relief against an unfaithful or neglectful practitioner, generally after communication with the practitioner of whom the complaint is made.

11. *Withdrawal from employment.* The right of a practitioner to withdraw from employment, once assumed, arises only from good cause. Even the desire or consent of the client is not always sufficient. The practitioner representing him should not throw up the unfinished task to the detriment of his client except for reasons of honor or self-respect. If the client insists upon an unjust or immoral course in the conduct of his case, or if he persists over the practitioner's remonstrance in presenting frivolous defenses, or if he deliberately disregards an agreement or obligation as to fees or expenses, the practitioner may be warranted in withdrawing on due notice to the client, allowing him time to employ another. So also when a practitioner discovers that his client has no case and the client is determined to continue it; or even if he finds himself incapable of conducting the case effectively. Sundry other instances may arise in which withdrawal is to be justified. Upon withdrawing from a case after a retainer has been paid, he should refund such part of the retainer as has not been clearly earned.

12. *Advising upon the merits of a client's cause.* A practitioner should endeavor to obtain full knowledge of his client's cause before advising thereon, and he is bound to give a candid opinion of the merits and probable result of pending or contemplated litigation. He should beware of bold and confident assurances to clients, especially where employment may depend upon such assurance. Whenever the controversy will admit of fair adjustment, the client should be advised to avoid or to end the litigation.

13. *Negotiations with opposing party.* A practitioner should not in any way communicate upon the subject of controversy with a party represented by another practitioner except upon express agreement with the practitioner representing such party; much less should he undertake to negotiate or compromise the matter with him, but should deal only with the practitioner who represents the other party. It is incumbent upon the practitioner most particularly to avoid everything that may tend to mislead a party not represented by a practitioner, and he should not undertake to advise him as to the law.

14. *Fixing the amount of the fee.* In fixing fees, practitioners should avoid charges which overestimate their advice and services, as well as those which undervalue them. A client's ability to pay cannot justify a charge in excess of the value of the service, although his poverty may require a less charge, or even none at all.

15. *Compensation, commission and rebates.* A practitioner should accept no compensation, commissions, rebates, or other advantages from parties to the proceeding other than his client without the knowledge and consent of his client after full disclosure.

16. *Contingent fees.* Contingent fees should be such only as are sanctioned by law. In no case, except a charity case, should they be entirely contingent upon success.

17. *Division of fees.* No division of fees for services is proper, except with a member of the bar or with another practitioner, based upon a division of service or responsibility. It is unethical for a practitioner to retain

laymen to solicit his employment in pending or prospective cases, and reward them by a division of fees, and such a practice cannot be too severely condemned.

18. *Suing clients for fees.* Controversies with clients concerning compensation are to be avoided in so far as compatible with self-respect and with the right to receive reasonable recompense for services; and lawsuits against clients should be resorted to only to prevent injustice, imposition or fraud.

19. *Acquiring interest in litigation.* The practitioner shall not purchase or otherwise acquire any pecuniary interest in the subject matter of the litigation which he is conducting.

20. *Expenses.* A practitioner may not properly agree with a client that the practitioner shall pay or bear the expenses of litigation. He may in good faith advance expenses as a matter of convenience but subject to reimbursement by the client.

21. *Witnesses.* A practitioner shall not undertake that the compensation of a witness shall be contingent upon the success of the cause in which he is called. If the ascertainment of truth requires that a practitioner should seek information from one connected with or reputed to be biased in favor of an adverse party, he is not thereby deterred from seeking to ascertain the truth from such person in the interest of his client.

22. *Dealing with trust property.* Money of the client or other trust property coming into the possession of the practitioner should be reported promptly, and, except with the client's knowledge and consent, should not be commingled with the practitioner's private property or be used by him.

23. *How far a practitioner may go in supporting a client's cause.* Nothing will operate more certainly to create or foster popular prejudice against practitioners as a class, and deprive them of that full measure of public esteem and confidence which belongs to the proper discharge of their duties than does the false claim, often set up by the unscrupulous in defense of questionable transactions, that it is the duty of the practitioner to do whatever may enable him to succeed in winning his client's cause.

The practitioner owes "entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights, and the exertion of his utmost learning and ability," to the end that nothing be taken or be withheld from him, save by the rules of law, legally applied. No fear of the disfavor of the Commission or public unpopularity should restrain him from full discharge of his duty. The client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his counsel to assert every such remedy or defense. But it is to be steadfastly borne in mind that this great trust is to be performed within and not without the bounds of the law. Admission to the privilege of appearing before the Commission as representing another does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicane. He must obey his own conscience and not that of his client.

24. *Restraining clients from improprieties.* A practitioner should use his best efforts to restrain and to prevent his clients from doing those things which he himself ought not to do, particularly with reference to their conduct towards the Commission, other practitioners, witnesses and suitors. If a client persists in such wrong-doing the practitioner should terminate their relations.

25. *Ill-feeling and personalities between advocates.* Clients, not their representatives, are the litigants. Whatever may be the ill-feeling existing between clients, it should not be allowed to influence practitioners in their conduct and demeanor toward each other or toward suitors in the case. All personalities between practitioners should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history or the personal peculiarities and idiosyncracies of practitioners on the other side. Personal colloquies between practitioners which cause delay and promote unseemly wrangling should also be carefully avoided. Their statements should be addressed to the Commission.

26. *Treatment of witnesses and litigants.* A practitioner should always treat adverse witnesses and suitors with fairness and due consideration, and he should never minister to the malevolence or prejudice of a client in the trial or conduct of a cause. The client cannot be made the keeper of the practitioner's conscience in such matters. He has no right to demand that the practitioner representing him shall abuse the opposing party or indulge in offensive personalities. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf.

27. (None.)

28. *Discussion of pending litigation in public press.* Attempts to influence the action and attitude of the members and examiners of the Commission through propaganda, or through colored or distorted articles, in the public press, are more apt to react against than in favor of the parties resorting to such measures. On the other hand, it is not against the public interest or unfair to the Commission that the facts of pending litigation shall be made known to the public through the press in a fair and unbiased manner and in dispassionate terms. Practitioners should themselves avoid, and should counsel their clients against, giving to the public press any press notices or statements of a nature intended to inflame the public mind, to stir up possible hostility toward the Commission, or to influence the Commission's course and judgment as to pending or anticipated litigation. When the circumstances of a particular case appear to justify a statement to the public through the press, it is unethical to make it anonymously.

29. *Candor and fairness.* The conduct of practitioners before the Commission and with other practitioners should be characterized by candor and fairness. The non-technical character and liberality of the Commission's practice call for scrupulous observance of the principles of fair dealing and just consideration for the rights of others.

It is not candid or fair for a practitioner knowingly to misstate or misquote the contents of a paper, the testimony of a witness, the language or the argument of an opposing practitioner, or the language or effect of a decision or a text book; or, with knowledge of its invalidity to cite as authority a decision which has been overruled or otherwise impaired as a precedent or a statute which has been repealed; or in argument to assert as a fact that which has not been proved, or to mislead his opponent by concealing or withholding positions in his opening argument upon which his side then intends to rely.

It is dishonorable to deal other than candidly with the facts in taking the statements of witnesses, in drawing affidavits and other documents, and in the presentation of causes.

A practitioner should not offer evidence, which he knows the Commission should reject, in order to get the same before the Commission by argument for its admissibility, or arguments upon any point not properly calling for determination. He should not introduce into an argument remarks or statements intended to influence the by-standers.

These and all kindred practices are unethical and unworthy of a practitioner.

30. *Right of practitioner to control the incidents of the trial.* As to incidental matters pending the trial, not affecting the merits of the cause or working substantial prejudice to the rights of the client, such as forcing the opposing practitioner to trial when he is under affliction or bereavement, forcing the trial on a particular day to the injury of the opposing practitioner when no harm will result from trial at a different time, agreeing to extensions of time and the like, the practitioner and not the client, must be allowed to judge. In such matters no client has a right to demand that his practitioner shall be illiberal or do anything therein repugnant to the practitioner's sense of honor and propriety.

31. *Taking technical advantage of opposing practitioner; agreements with him.* A practitioner should not ignore known customs or practice of the Commission, even when the law permits, without giving timely notice to the opposing practitioner. In so far as possible, important agreements affecting the rights of clients should be reduced to writing; but it is dishonorable to avoid performance of an agreement fairly made because it is not reduced to writing.

32. *Advertising, direct or indirect.* The most worthy and effective advertisement possible is the establishment of a well-merited reputation for capacity and fidelity to trust. This cannot be forced, but must be the outcome of character and conduct. The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not improper. But solicitation of employment by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations, is unethical. It is equally unethical to procure business by indirection through touters of any kind. Indirect advertisement for employment by furnishing or inspiring newspaper comments concerning causes in which the practitioner has been or is engaged, or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the practitioner's positions, and all other like self-laudation, lower the tone of the calling and are intolerable.

33. *Professional card.* The simple professional card mentioned in Canon 32 may with propriety contain only a statement of the practitioner's name (and those of his associates), occupation, address, telephone number, and special branch or branches of practice. Such cards may be inserted in reputable lists and may give authorized references, or name clients with their permission.

34. *Stirring up litigation, directly or through agents.* It is unethical for a practitioner to volunteer advice that a proceeding be brought before the Commission, except in rare cases where ties of blood, relationship or trust make it his duty to do so. Stirring up strife and litigation is not only unethical but it is indictable at common law. It is disreputable for a practitioner to hunt up defects or other causes of action and disclose them in order to be employed to bring complaint, or to breed litigation by seeking out those having claims for damages or any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes, or to pay or reward, directly or indirectly, those who bring or influence the bringing of such cases to his office to seek his services. No complaint should be brought before the Commission by a practitioner except with the distinct knowledge and specific consent of the client in the particular case. A duty to the public and to the Association devolves upon every member having knowledge of such practices upon the part of any practitioner, immediately to inform thereof to the end that the offender may be disciplined or disbarred.

35. *Justifiable and unjustifiable litigation.* The practitioner must decline to conduct

a cause or to make a defense when convinced that it is intended merely to harass or to injure the opposing party, or to work oppression or wrong. But otherwise it is his right, and having accepted retainer, it becomes his duty, to insist upon the judgment of the Commission as to the merits of his client's claim. His appearance should be deemed equivalent to an assertion upon his honor that in his opinion his client's case is one proper for determination.

36. *Responsibility for litigation.* No practitioner is obliged to act either as adviser or advocate for every person who may seek to become his client. He has the right to decline employment. Every practitioner upon his own responsibility must decide what employment he will accept, what causes he will bring before the Commisison for complainants, or contest for defendants or respondents. The responsibility for advising as to questionable transactions, for bringing questionable proceedings, for urging questionable defenses is his alone. He cannot escape it by urging as excuses that he is only following his client's instructions, or that he is under a stated retainer or in the regular employment of his client.

37. *Discovery of imposition and deception.* When a practitioner discovers that some fraud or deception has been practiced, which has unjustly imposed upon the Commission or a party, he should endeavor to rectify it; first by advising his client to forego any advantage thus unjustly gained and, if his client refuses, by promptly informing the injured person or his counsel (practitioner), so that appropriate steps may be taken.

38. *Upholding the honor of the calling.* Practitioners should expose without fear or favor before the proper tribunals corrupt or dishonest conduct and should accept without hesitation employment against a practitioner who has wronged his client. The practitioner upon the trial of a cause in which perjury has been committed owes it to the Commission and to the public to bring the matter to the knowledge of the prosecuting authorities. The practitioner should aid in guarding the bar of the Commission against admission thereto of candidates unfit or unqualified because deficient in either moral character or education. A practitioner should propose no person for admission to practice before the Commission unless from personal knowledge or upon reasonable inquiry he sincerely believes and is able to vouch that such person possesses the qualifications prescribed in the Commission's rules of practice. He should strive at all times to uphold the honor and maintain the dignity of his calling and to improve not only the law but the administration of justice.

39. *Intermediaries.* The services of a practitioner should not be controlled or exploited by any lay agency, personal or corporate, which intervenes between client and practitioner. His responsibility and qualifications are individual. He should avoid all relations which direct the performance of his duties in the interest of such intermediaries. His relation to the client should be personal, and the responsibility should be direct to the client.

He may accept employment from any organization such as an association, club or trade organization, authorized by law to be a party to proceedings before the Commission, to render services in such proceedings in any matter in which the organization, as an entity, is interested. This employment should only include the rendering of such services to the members of the organization in respect to their individual affairs as are consistent with the free and untrammeled performance of his duties to the Commission.

Nothing in this canon shall be construed as conflicting with canon 17.

40. *Retirement from public employment.* A practitioner, having once held public office or having been in the public employ, should not after his retirement, accept employment as an advocate or adviser in the same proceeding or as to the same, or substantially the same, facts as were involved in any specific question which he investigated or passed upon in a judicial or quasi-judicial capacity while in such office or employ, whether the same or different parties are concerned.

41. *Confidences of a client.* The duty to preserve his client's confidences in the course of his employment outlasts the practitioner's employment, and extends as well to his employees. None of them should accept employment which involves the disclosure or use of these confidences, either for the private advantage of the practitioner or his employees or to the disadvantage of the client, without knowledge and consent of the client even though there are other available sources of such information. A practitioner should not continue employment when he discovers that this obligation prevents the performance of his full duty to his former or to his new client.

If a practitioner is falsely accused by his client, he is not precluded from disclosing the truth in respect to the false accusation. The announced intention of a client to commit a crime is not included within the confidences which a practitioner is bound to respect. He may properly make such disclosures as to prevent the act or protect those against whom it is threatened.

42. *Partnerships-names.* Partnerships among practitioners for the practice of their calling are very common and are not to be condemned. The rules of the Commission provide that corporations or firms will not be recognized. Practitioners before the Commission should therefore appear individually and not as members of partnerships. In the formation of partnerships care should be taken not to violate any law locally applicable; care should also be taken to avoid any misleading name or representation which would create a false impression as to the position or privileges of a member not locally admitted, or who is not duly authorized to practice, and as such amenable to discipline. No person should be held out as a practitioner or member who is not so admitted. No practitioner who is not admitted to practice in the courts should be held out in a way which will give the impression that he is so admitted. No false or assumed or trade name should be used to disguise the practitioner or his partnership. The continued use of the name of a deceased or former partner is or may be permissible by local custom, but care should be taken that no imposition or deception is practiced through this use. If a member of the firm becomes a Commissioner, or an Examiner or other employee of the Commission his name should not be retained in the firm name, as such retention may give color to the impression that an improper relation or influence is continued or possessed by the firm.

This canon does not inhibit the association of a practitioner with a mercantile, manufacturing, or other commercial institution, in the capacity of its representative or adviser.

43. *Titles.* No member of the Association not admitted to the bar shall use the title "Attorney" or "Counsel" but should use the title "Traffic Manager," "Practitioner before the Interstate Commerce Commission," "Registered Practitioner," or other appropriate title or designation.

§ 1.24 *Informal complaints not seeking damages*—(a) *Form and content.* Informal complaint may be by letter or other writing, and will be serially numbered and filed as of the date of its receipt. No form of informal complaint is suggested, but in substance the letter or other writing (original and one copy shall be filed) must contain the essential elements of a formal complaint as specified in §§ 1.28 and 1.30. It may embrace supporting papers.

* * * * *

§ 1.36 *Motions to dismiss or to make more definite and certain*—(a) *As to complaint.* Defendant may file with his answer, or with his statement under modified or shortened procedure, a motion that the allegations in the complaint be made more definite and certain, such motion to point out the defects complained of and details desired. Defendant may also file with his answer a motion to dismiss a complaint because of lack of legal sufficiency appearing on face of such complaint.

* * * * *

§ 1.40 *Protests against applications.* * * *

(c) *Copies; service.* A protest filed under this section shall be served upon applicant and, unless otherwise specified in the public notice, the original and six copies of the protest shall be filed with the Commission.

* * * * *

§ 1.52 *Modified procedure; copies of pleadings.* The original and six copies of any statement made pursuant to § 1.51 shall be filed with the Commission. Subsequent pleadings are subject to § 1.54.

§ 1.72 *Intervention; petitions*—(d) *Copies; service; replies.* When tendered at the hearing, sufficient copies of a petition for leave to intervene must be provided for distribution as motion papers to the parties represented at the hearing. If leave be granted at the hearing, one additional copy must be furnished for the use of the Commission. When a petition for leave to intervene is not tendered at the hearing, the original and two copies of the petition shall be submitted to the Commission together with a certificate that service in accordance with § 1.22 has been made by petitioner. Any reply in opposition to a petition for leave to intervene not tendered at the hearing must be filed within 20 days after service. In the discretion of the Commission leave to intervene may be granted or denied before the expiration of the time allowed for replies.

[F. R. Doc. 55-8685; Filed, Oct. 27, 1955; 8:45 a. m.]

[Docket 3666; Order 20]

PARTS 71-78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of October 1955.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing, that a notice dated July 27, 1955, setting forth certain proposed

amendments to the said regulations and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on August 16, 1955, (20 F. R. 5920), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that no request for hearing and no written views or arguments were submitted to the Commission in favor of or against the proposed amendments; that revision of said proposed amendments to the extent found justified has been made; and that said amendments as so revised are deemed justified and necessary:

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended as set forth below;

It is further ordered, That this order shall become effective December 31, 1955, and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 Commodity List (19 F. R. 8524, Dec. 14, 1954) (15 F. R. 8263, 8264, 8265, 8266, 8267, 8268, 8269, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Acrolein, inhibited	F. L.	No exemption, 73.122	Red	1 quart.
Electrolyte (acid) or alkaline corrosive battery fluid packed with battery charger, radio current supply device or parts thereof, or electronic equipment.	Cor. L.	No exemption, 73.259	White	6 quarts.
Methylhydrazine	F. L.	No exemption, 73.145	Red	5 pints.
Uns-dimethylhydrazine	F. L.	No exemption, 73.145	Red	5 pints.
Add				
Bombs, incendiary or smoke, without bursting charges. See Special fireworks.				
*Coating solution	F. L.	73.118, 73.132	Red	15 gallons.
Fire extinguisher actuating cartridges	Expl. C.	73.114		150 pounds.
Iodine monochloride	Cor. L.	No exemption, 73.283	White	1 quart.
Methyl iso-propenyl ketone, inhibited	F. L.	73.118, 73.119	Red	10 gallons.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. Amend § 73.31 (g) Note 1; amend paragraph (j) (20 F. R. 4413, June 23, 1955) (15 F. R. 8279, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.31) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* • • •

(g) • • •

NOTE 1: Periodic retests of metal tanks, safety valves, and heater systems, except those in chlorine service and except tanks made to specifications ICC–106A500, 106A-500X, 106A800, 106A800X, 106A800NCI, 107A, or 110A500W may be made at any time during the calendar year the retest falls due.

• • • • •

(j) Before tank cars are loaded, the shipper must examine the tanks and their appurtenances to see that the safety and outlet valves, the safety vents, the excess flow valves (if any), the closures of all openings, and the protective covers of all appurtenances are in proper condition. Tanks with bottom discharge outlets must have their outlet caps off, or outlet cap plugs open, during entire time tanks are being loaded. After loading, tanks which show any dropping of liquid contents at the seams or rivets, or with bottom outlet valves which permit more than a dropping of the liquid with the outlet caps off, must not be offered for transportation until proper repairs have been made.

• • • • •

2. Amend § 73.33 (c), (g) (1) and (k) (1); amend the introductory text of paragraphs (m); add paragraphs (m) (9), (10), (11) and (o) (4); amend paragraph (p) (18 F. R. 6777, Oct. 27, 1953) (16 F. R. 11775, Nov. 21, 1951) (15 F. R. 8281, 8282, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.33) to read as follows:

§ 73.33 *Qualification, maintenance, and use of cargo tanks.* • • •

(c) Any cargo tank of ICC specification MC 320 constructed or put in service on and after February 1, 1942, and prior to May 15, 1950, fulfilling the requirements of that specification may be continued in service for the transportation of any compressed gas for which specification MC 330 (§ 78.336 of this chapter) tanks are authorized if it is retested every five years in accordance with the requirements of paragraphs (k) (2), (3), and (4) of this section: *Provided*, That it is in and can be maintained in safe operating condition for the transportation of that gas, and shall be marked "ICC Specification MC 320" on the plate required by specification MC 330 (§ 78.336 of this chapter).

(g) • • •

(1)

Where these regulations call for specification numbers:	Containers made under the following specifications may also be used:
MC 200	7.2–S–1.
MC 201	7.2.
MC 300	7.3–S–1.2.
MC 301	7.3–S–1.3.
MC 302	7.3–S–1.4.
MC 303	7.3–S–1.5.
MC 310	7.5–S–1.2.
MC 311	MC 310 and 7.5–S–1.2.
MC 330	MC 320.

• • • • • •

(k) • • •

(l) Every cargo tank which is constructed in accordance with or fulfilling the requirements of ICC Specification MC 330 shall be tested at least once in every five years in accordance with paragraphs (k) (2), (3), and (4) of this section, except that tanks and safety valves of cargo tanks used for the transportation of chlorine must be retested at intervals of two years or less.

• • • • •

(m) On tanks used for compressed gases (except chlorine for which provisions are made at paragraph (m) (9) to (11) of this section), the bursting strength of any piping and fittings shall be not less than four times the design working pressure of the tank, and not less than four times that pressure to which, in any instance, it may be subjected in service, by the action of a pump or other device (not including safety relief valves) the action of which may be to subject certain portions of the tank piping to pressures greater than the design working pressure of the tank.

• • • • •

(9) On cargo tank motor vehicles for the transportation of chlorine, no piping, hose, or other means of loading or unloading shall be attached to the angle valves required by § 73.33 (o) (4) except at the time of loading or unloading, nor shall any hose, piping, or tubing used for loading or unloading be mounted on or carried on the vehicle nor shall such devices be considered as part of the cargo tank motor vehicle. On cargo tank motor vehicles for the transportation of chlorine, except at the time of loading or unloading, pipe connections of the angle valves must be closed with screw plugs, chained or otherwise fastened to prevent misplacement.

(10) Angle valves on chlorine cargo tank motor vehicles shall be tested at not less than 225 p. s. i. g., using dry air or inert gas, before installation of such valves on the cargo tank, and such tests shall be made before each loading. The valves and gasketed joints shall be inspected for leaks, at a pressure of not less than 50 p. s. i. g., after loading and prior to shipment, and such inspections shall be made for each loading. Leaks which are detected shall be corrected before the cargo tank motor vehicle is shipped.

(11) Liquid chlorine pumps shall not be installed on cargo tank motor vehicles used for the shipment of chlorine.

• • • • • •

(o) • • •

(4) Angle valves and excess-flow valves on chlorine tank motor vehicles shall conform to the standards of The Chlorine Institute, Inc. Angle valve to conform with Dwg. 6–B–347, dated January 24, 1950; excess-flow valve to conform with Dwg. S–20099–M, dated January 30, 1948. An excess-flow valve shall be installed under each angle valve.

(p) Each tank for chlorine, carbon dioxide and nitrous oxide shall be lagged with a suitable insulation material of such thickness that the overall thermal conductance is not more than 0.08 B. t. u. per square foot per degree F. differential in temperature per hour. The conductance shall be determined at 60° F. In no event shall less than 4 inches of thickness of insulation be used. Insulation material used on tanks for nitrous oxide shall be noncombustible. Insulation material used on tanks for chlorine shall be corkboard.

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SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. Amend § 73.59 (a) (20 F. R. 4413, June 23, 1955) (49 CFR 73.59, 1950 Rev.) to read as follows:

§ 73.59 *Chemical ammunition, explosive.* (a) When chemical elements of ammunition are shipped assembled with their detonating fuzes or bursting charges, they must be shipped in conformity with the regulations prescribed for explosive articles, class A, see § 73.56. For shipment of these articles not containing ignition elements, bursting charges, detonating fuzes, or other explosive components, see § 73.330, § 73.350, and § 73.383. For shipment of these articles assembled with their ignition elements or expelling charges but without any detonating or bursting charge see § 73.88 (d).

• • • • •

2. Amend § 73.60 (a) (6), (b) (2) and (d) (2) (17 F. R. 1559, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.60) to read as follows:

§ 73.60 *Black powder and low explosives.* (a) • • •

(6) Spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter). Fiberboard boxes with inside cylindrical fiber cartridges not over 5 inches diameter nor over 13 inches long with fiber

at least 0.05 inch thick paraffined on outer surface with joints securely glued or cemented, or strong paraffined paper cartridges not over 12 inches long authorized only for compressed pellets (cylindrical block) ⅞ inch or more in diameter. Boxes must be completely lined with strong paraffined paper or other suitable waterproofed material without joints or other openings at the bottom or sides. Authorized gross weight not to exceed 65 pounds.

(b) • • •

(2) Spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter). Fiberboard boxes with inside containers which must be cloth or paper bags of capacity not exceeding 25 pounds, net weight, or inside fiber or metal containers having not over 1 pound capacity each, provided the completed shipping package shall be capable of withstanding a drop of 4 feet without rupture of inner or outer containers. The tubes of the box may be eliminated and a single tube as specified in spec. 23F (§ 78.214 of this chapter) may be substituted. The completed package shall not contain more than 50 pounds, net weight, of black powder.

• • • • •

(d) • • •

(2) Spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter). Fiberboard boxes with inside containers which must be strong paper bags of capacity not exceeding 25 pounds. Gross weight must not exceed 65 pounds.

• • • • •

3. Amend § 73.63 (a) (2), introductory text of paragraph (b), paragraphs (c) (1), (2), (d) (2), and (e) (2) (17 F. R. 1559, Feb. 20, 1952) (17 F. R. 9836, Nov. 1, 1952) (18 F. R. 5271, Sept. 1, 1953) (19 F. R. 8525, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.63) to read as follows:

§ 73.63 *High explosive with liquid explosive ingredient.* (a) • • •

(2) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter). Wooden boxes, or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) fiberboard boxes, with inside containers which must be cartridges not exceeding 12 inches in diameter or 50 pounds in weight with length not to exceed 36 inches, or bags not exceeding 50 pounds each securely closed so as to prevent leakage therefrom. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

(b) High explosives (dynamite) containing 10 percent or less of a liquid explosive ingredient in cartridges or bags as prescribed in § 73.61 (d) and (e) may be packed in wooden boxes, spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter), gross weight not to exceed 140 pounds, or fiberboard boxes, spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), gross weight not to exceed 65 pounds.

• • • • •

(c) • • •

(1) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter). Wooden boxes, or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes with inside containers which must be cartridges not exceeding 4 inches in diameter or 8 inches in length, or cartridges not exceeding 5 inches in diameter or 10 inches in length, provided each such cartridge is enclosed alone, or with other cartridges in another strong paper shell and the resulting cartridge dipped in melted paraffin or equivalent material. The length of such completed cartridge shall not exceed 30 inches. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

(2) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter). Wooden boxes, or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes, with inside containers which must be paraffined two-ply paper bags not exceeding 12½ pounds capacity, securely closed by folding the tops and securing the fold by tape, with not more than two such bags inserted into another two-ply paper bag which must be securely closed and dipped in paraffin after closing. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

(d) • • •

(2) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter). Wooden boxes, or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes, with inside containers which must be cartridges not exceeding 12 inches in diameter or 50 pounds in weight with length not to exceed 36 inches, or bags not exceeding 12½ pounds each. Bags if not completely sealed against leakage by method of closure must be packed with filling holes up. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

(e) • • •

(2) Spec. 12H, 22F, 23G, or 23H (§ 78.209, § 78.214, § 78.218, or § 78.219 of this chapter). Fiberboard boxes. Spec. 23G (§ 78.218 of this chapter) must be packed in an outer container consisting of at least 7-ply heavy Kraft paper (see § 73.25 for additional required marking).

• • • • •

4. Amend § 73.64 (a) (2) (17 F. R. 1559, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.64) to read as follows:

§ 73.64 *High explosives with no explosive ingredient and propellant explosives, class A.* (a) • • •

(2) Spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter). Fiberboard boxes.

• • • • •

5. Amend § 73.65 paragraphs (a) (2), and (h) (2) (17 F. R. 1559, Feb. 20, 1952) (19 F. R. 3259, June 3, 1954 (49 CFR 1950 Rev., 1954 Supp., 73.65) to read as follows:

§ 73.65 *High explosives with no liquid explosive ingredient nor any chlorate.* (a) • • •

(2) Spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter). Fiberboard boxes.

• • • • •

(h) • • •

(2) Spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter). Fiberboard boxes. Gross weight not to exceed 65 pounds.

• • • • • •

6. Amend § 73.66 (d) (1), (e) (1), and (g) (1) (19 F. R. 3259, June 3, 1954) (20 F. R. 949, 950, Feb. 15, 1955) (17 F. R. 1559, 1560, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.66) to read as follows:

§ 73.66 *Blasting caps and electric blasting caps.* • • •

(d) • • •

(1) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter). Wooden boxes (see § 73.67 (a) (1) Note 1) or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes, with inside containers which must be cartons or wrappings with inside containers as prescribed in paragraph (c) of this section, which must be separated from the outside box by at least one inch of tightly packed sawdust, excelsior, or equivalent cushioning material. Gross weight not to exceed 150 pounds.

(e) • • •

(1) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter). Wooden boxes (see § 73.67 (a) (1) Note 1) or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes, with inside containers which must be cartons or wrappings with inner containers as prescribed in paragraph (c) of this section, packed in an inside box made of sound lumber, a hermetically sealed metal box of metal not less than 30 gauge United States standard, or a sealed package made of 6-ply Sisalkraft Asphalt Laminated sheeting, or its equivalent; Asphalt Laminated sheeting shall consist of 2 plies of strong fibers, 2 plies of pliable asphalt, and 2 plies of protective cover. The minimum tensile strength shall be 20 pounds per inch width in each direction. The laminated sheet shall have a minimum water resistance of 24 hours and a maximum water permeability of 4 grams per square meter per 24 hours. The inside wooden box, metal box, or sealed package must be separated at all points from the outside box by at least one inch of tightly packed sawdust, excelsior, or equivalent cushioning material. Gross weight not to exceed 150 pounds.

• • • • • •

(g) • • •

(1) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter). Wooden boxes (see § 73.67 (a) (1) Note 1) or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or §78.219 of this chapter), fiberboard boxes, with inside containers which must be pasteboard cartons containing not more than 100 caps each, or pasteboard tube inclosing each cap with wires or with the wires wrapped around the tube. Gross weight of wooden boxes containing pasteboard cartons must not exceed 150 pounds, except for export shipment. Gross weight of wooden boxes containing pasteboard tube must not exceed 75 pounds.

• • • • • •

7. Amend § 73.67 (a) (1) (19 F. R. 3259, June 3, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.67) to read as follows:

§ 73.67 *Blasting caps with safety fuse.* (a) • • •

(1) Spec. 14, 15A, or 16A (§ 78.165, §78.168, or § 78.185 of this chapter). Wooden boxes (see Note 1 of this paragraph) or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes, with inside containers which must be cartons or wrappings with inner containers as prescribed in § 73.66 (c), placed in the center of a coil of fuse and secured and cushioned therein to prevent movement therefrom. Gross weight not to exceed 150 pounds.

(No change in Note 1.)

• • • • • •

8. Amend § 73.68 (a) (1) (17 F. R. 1560, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.68) to read as follows:

§ 73.68 *Detonating primers.* (a) • • •

(1) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter). Wooden boxes (see § 73.67 (a) (1) Note 1) or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes, with inside containers which must be pasteboard cartons containing not more than 50 primers each, or pasteboard or plastic tube inclosing each primer with wires, or pasteboard, wooden, metal, or plastic tubes or spools with wires wrapped around the tube or spool. Gross weight of wooden boxes containing pasteboard cartons must not exceed 150 pounds, except for export shipment. Gross weight of wooden boxes containing pasteboard or plastic tube inclosing each primer with wires, or pasteboard, wooden, metal, or plastic tubes or spools with the wires wrapped around the tube or spool must not exceed 75 pounds.

• • • • • •

9. Amend § 73.88 (d) (17 F. R. 7280, Aug. 9, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.88) to read as follows:

§ 73.88 *Definition of class B explosives.* • • •

(d) Special fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. (See § 73.100 (r) for common fireworks.) Examples are toy torpedoes, railway torpedoes, some firecrackers and salutes, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles or incendiary bombs and smoke projectiles or smoke bombs fuzed or unfuzed and containing expelling charges but without bursting charges, hand or rifle grenades with ignition elements but not containing bursting charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not over 72 grains of flash powder each (see § 73.60 for shipments made as low explosives) and flash cartridges consisting of a paper cartridge shell, small-arms primer, and flash composition, not exceeding 180 grains all assembled in one piece. Fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation.

• • • • • •

10. Amend § 73.91 paragraph (f) (2) (17 F. R. 1560, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.91) to read as follows:

§ 73.91 *Special fireworks.* • • •

(f) • • •

(2) Spec. 12H, 23F, or 23H (§78.209, § 78.214, or § 78.219 of this chapter). Fiberboard boxes. Gross weight not to exceed 65 pounds.

• • • • • •

11. Add paragraph (a) (3) to § 73.92 (18 F. R. 6777, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.92) to read as follows:

§ 73.92 *Jet thrust units (jato), class B, or igniters, jet thrust.* (a) • • •

(3) Spec. 23F (§ 78.214 of this chapter). Fiberboard boxes. Authorized only for igniters, jet thrust, which must be in tightly closed metal containers.

• • • • • •

12. Add paragraph (w) to § 73.100 (15 F. R. 8296, Dec. 2, 1950) (49 CFR 73.100, 1950 Rev.) to read as follows:

§ 73.100 *Definitions of class C explosives.* • • •

(w) Fire extinguisher actuating cartridges consist of a small metal or fiber housing containing a small amount of initiating explosive and a propellant and are used to actuate the valves on remotely controlled fire extinguishers.

13. Add § 73.114 (15 F. R. 8297, Dec. 2, 1950) (49 CFR 73.114, 1950 Rev.) to read as follows:

§ 73.114 *Fire extinguisher actuating cartridges.* (a) Fire extinguisher actuating cartridges must be packed in strong wooden or fiberboard boxes.

(b) Each outside container must be plainly marked "Fire Extinguisher Actuating Cartridges—Handle Carefully".

(c) When shipped as components with fire extinguisher and with not more than 2 cartridges for each extinguisher, they are exempt from Parts 71–78 of this chapter.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Add paragraphs (c) (24) and (c) (25) to § 73.118 (15 F. R. 8298, Dec. 2, 1950) (49 CFR 73.118, 1950 Rev.) to read as follows:

§ 73.118 *Exemptions for flammable liquids.* • • •

(c) • • •

(24) Methylhydrazine.

(25) Uns-dimethylhydrazine.

2. In § 73.122 amend the introductory text of paragraph (a), and amend paragraph (b) (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.122, 1950 Rev.) to read as follows:

§ 73.122 *Acrolein, inhibited.* (a) Acrolein must be inhibited and when offered for transportation by carriers by rail freight, highway, or water must be packed in specification containers as follows:

• • • • • •

(b) Acrolein must be inhibited and when offered for transportation by rail express must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, 19A, or 12B (§ 78.168, § 78.169, § 78.170, § 78.185, § 78.190, or § 78.205 of this chapter). Wooden or fiberboard boxes having not more than one inside container of glass not exceeding one quart capacity, securely cushioned within a metal container.

3. Amend § 73.127 (a) (2); add paragraph (a) (4) (20 F. R. 4414, June 23, 1955) (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.127, 1950 Rev.) to read as follows:

§ 73.127 *Nitrocellulose or collodion cotton, fibrous, or nitrostarch, wet; colloided nitrocellulose, granular or flake, and lacquer base or lacquer chips, wet.* (a) • • •

(2) Spec. 6A, 6B, 6C, or 6J (§ 78.97, § 78.98, § 78.99, or § 78.100 of this chapter). Metal barrels or drums not over 55 gallons capacity. Spec. 6J (§ 78.100 of this chapter) drums must have removable heads of 14 gauge metal or 16 gauge metal with one or more corrugations near the periphery and heads must have a minimum convexity of 3/8 inch; each drum must have three rolled or swedged-in hoops, one of which shall be in the body near the curl.

• • • • • •

(4) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal barrels or drums.

• • • • • •

4. In § 73.128 amend the introductory text of paragraph (c) (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.128, 1950 Rev.) to read as follows:

§ 73.128 *Paints and related materials.* • • •

(c) Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid, and thinning, reducing and removing compounds therefor, and driers, liquid, therefor, in glass or earthenware containers of not over 1 quart capacity each, or metal containers of not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking, and labeling requirements when offered for transportation by rail freight, highway, or water except when offered for transportation by carrier by water, name of contents must be marked on outside container. When offered for transportation by rail express, such shipments are exempt from specification packaging, marking, and labeling requirements, except that packages having inside containers of over 1 quart capacity each must be marked with name of contents and bear the red label as prescribed in § 73.405. When fiberboard box is used for such shipments by rail freight, rail express, highway, or water, gross weight must not exceed 65 pounds.

• • • • • •

5. In § 73.132 amend the introductory text of paragraph (a) (18 F. R. 5272, Sept. 1, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.132) to read as follows:

§ 73.132 *Container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution.* (a) Container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution must be packed in specification containers as follows:

• • • • • •

6. Amend § 73.139 paragraph (a) (1) (16 F. R. 11777, Nov. 21, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.139) to read as follows:

§ 73.139 *Ethylene imine, inhibited.* (a) • • •

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter). Wooden boxes, with inside containers which must be securely sealed glass ampules or glass bottles, contents not over 16 fluid ounces or 1 pound each, in tightly closed metal cans. If more than one ampule or bottle is packed in a metal can, ampules or bottles must be separated by fiberboard partitions. Ampules or bottles must be cushioned in vermiculite or equally efficient incombustible cushioning material in quantity sufficient to completely absorb contents in event of breakage. Not more than 5 pints of liquid may be packed in any outside wooden box.

7. Add § 73.145 (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.145, 1950 Rev.) to read as follows:

§ 73.145 *Methylhydrazine and uns-dimethylhydrazine.* (a) Methylhydrazine and uns-dimethylhydrazine must be packed in specification containers as follows:

(1) Spec. 1D (§ 78.4 of this chapter). Boxed glass carboys.

(2) Spec. 15A, 15B, or 15C (§ 78.168, § 78.169, or § 78.170 of this chapter). Wooden boxes with inside containers which must consist of glass bottles not exceeding 1-gallon capacity each, cushioned by means of vermiculite within tin cans which shall be tightly closed, or containers not over 2 quarts capacity each made of aluminum not less than 0.04 inch thick. Closures and gaskets must be of material which will not react dangerously with or be decomposed by contact with the contents.

(3) Spec. 5, 5A, or 5C (§ 78.80, § 78.81, or § 78.83 of this chapter); or 17E (§ 78.116 of this chapter) (single-trip). Metal barrels or drums which shall be of type 304 or 347 stainless steel, with openings not exceeding 2.3 inches in diameter.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Amend § 73.153 paragraph (a) (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* (a) Flammable solids and oxidizing materials, except those as enumerated in paragraph (c) of this section, in inside containers not over 1 pound net weight each, in outside containers not exceeding 25 pounds net weight each, are exempt from specification packaging, marking and labeling requirements, unless otherwise provided, when offered for transportation by rail freight, rail express, highway or water except, when for transportation by carrier by water, name of contents must be marked on outside container. (See paragraph (c) of this section for articles not exempted, § 73.182 for exemptions for nitrates, and paragraph (b) of this section for exemption for organic peroxides.)

• • • • • •

2. Amend § 73.176 paragraph (e), and cancel Note 1 (15 F. R. 8306, Dec. 2, 1950) (49 CFR 73.176, 1950 Rev.) to read as follows:

§ 73.176 *Matches.* • • •

(e) All individual containers of strike-anywhere matches when offered for transportation by rail express must be packed in specification containers as follows:

(1) Spec. 15A (§ 78.168 of this chapter). Wooden boxes, lined, spec. 2F (§ 78.25 of this chapter), or lined with asbestos board, lapped at all joints and all joints sealed air-tight. Gross weight not to exceed 50 pounds.

(2) Spec. 12C (§ 78.206 of this chapter). Fiberboard boxes with paper-wrapped units of strike-anywhere matches covered with aluminum foil having joints hermetically sealed. Aluminum used for covering must be of such thickness that in the event matches become ignited fire will not communicate through the wrapped unit. Gross weight not to exceed 50 pounds.

• • • • • •

3. Amend § 73.184 paragraph (a) (3) (15 F. R. 8308, Dec. 2, 1950) (49 CFR 73.184, 1950 Rev.) to read as follows:

§ 73.184 *Nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular, or flake, wet, or nitrostarch, wet, or nitroguanidine, wet.* (a) • • •

(3) Spec. 6A, 6B, 6C, or 6J (§ 78.97, § 78.98, § 78.99, or § 78.100 of this chapter). Metal barrels or drums not over 55 gallons capacity. Spec. 6J (§ 78.100 of this chapter) drums must have removable heads of 14 gauge metal or 16 gauge metal with one or more corrugations near the periphery and heads must have a minimum convexity of 3/8 inch; each drum must have three rolled or swedged-in hoops, one of which shall be in the body near the top curl.

• • • • • •

4. Amend § 73.191 paragraph (a) (1) (15 F. R. 8308, Dec. 2, 1950) (49 CFR 73.191, 1950 Rev.) to read as follows:

§ 73.191 *Phosphorus pentachloride.* (a) • • •

(1) Spec. 11B, 15A, 15B, 15C, 16A, or 19A (§ 78.161, § 78.168, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter). Wooden barrels, kegs, or boxes, with inside containers which must be glass or glazed earthenware containers, not over 25 pounds capacity each, cushioned with mineral packing; when inside containers are packed in the same outside container with other articles, they must be inclosed in tightly closed metal cans. Net weight of phosphorus pentachloride not over 50 pounds in each outside container.

• • • • • •

5. Amend § 73.229 paragraph (c) (20 F. R. 950, 951, Feb. 15, 1955) (49 CFR 1950 Rev., 1954 Supp., 73.229) to read as follows:

§ 73.229 *Chlorate and borate mixtures or chlorate and magnesium chloride mixtures.* • • •

(c) Chlorate and borate mixtures or chlorate and magnesium chloride mixtures containing no other hazardous additives and containing less than 50 percent chlorate are exempt from specification packaging, marking and labeling requirements when offered for transportation by rail freight or highway and packed as follows:

(1) Tight metal or fiber drums.

(2) Wooden boxes with tight inside metal containers.

(3) Multi-wall paper bags, net weight not over 50 pounds, moisture proof and sift proof, and having a strength capable of withstanding four 4-foot drops onto solid concrete.

• • • • • •

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Cancel paragraphs (c) (49) and (50) in § 73.244 (19 F. R. 8527, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.244)

§ 73.244 *Exemptions for acids and other corrosive liquids.* • • •

(c) • • •

(49) Canceled.

(50) Canceled.

2. Amend § 73.255 paragraph (a) (3) (15 F. R. 8315, Dec. 2, 1950) (49 CFR 73.255, 1950 Rev.) to read as follows:

§ 73.255 *Dimethyl sulfate.* (a) • • •

(3) Spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter). Wooden boxes with each box containing a single glass inside container not over 1 quart capacity, closed by ground glass stopper or other equally efficient closure securely fastened in place, and cushioned with incombustible absorbent material in hermetically sealed (soldered) metal can, the can then being cushioned with incombustible cushioning material in the outside container.

• • • • • •

3. Amend entire § 73.259 (15 F. R. 8315, Dec. 2, 1950) (49 CFR 73.259, 1950 Rev.) to read as follows:

§ 73.259 *Electrolyte, acid, or alkaline corrosive battery fluid, packed with battery charger, radio current supply device, or electronic equipment.* (a) Electrolyte, acid, or alkaline corrosive battery fluid packed with battery charger, radio current supply device or parts thereof, or electronic equipment, with only one device or outfit in each such package, in the amount necessary for operation of the device or equipment, provided the containers of electrolyte, acid, or alkaline corrosive battery fluid are adequately cushioned to prevent breakage, leakage, or damage to other articles packed therewith, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter). Wooden boxes, provided the liquid is in bottles securely closed and cushioned as prescribed in paragraph (a) of this section, and separated from charger supply device, and parts, or electronic equipment by a strong solid wooden partition.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, when the liquid is in a strong bottle not exceeding 16 fluid ounces, which must be securely closed and cushioned as prescribed in paragraph (a) of this section. Not more than 12 such packages may be packed under the provisions of § 73.25.

4. Add paragraph (b) (2) to § 73.260 (19 F. R. 3260, June 3, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.260) to read as follows:

§ 73.260 *Electric storage batteries.* • • •

(b) • • •

(2) Not more than four batteries not over 15 pounds each may be packed in strong outside fiberboard or wooden boxes, when securely cushioned and packed to prevent short circuits; specification container not required. Authorized gross weight 65 pounds.

• • • • • •

5. In § 73.266 amend the introductory text of paragraphs (b), (c) and (d) (15 F. R. 8318, 8319, Dec. 2, 1950) (49 CFR 73.266, 1950 Rev.) to read as follows:

§ 73.266 *Hydrogen peroxide solution in water.* • • •

(b) Hydrogen peroxide solution in water containing not over 52 percent hydrogen peroxide by weight must be packed in specification containers as prescribed in paragraph (a) of this section or as follows:

• • • • • •

(c) Hydrogen peroxide solution in water containing over 8 percent hydrogen peroxide by weight and not exceeding 37 percent must be packed in specification containers as prescribed in paragraphs (a) or (b) of this section or as follows:

• • • • • •

(d) Hydrogen peroxide solution in water containing over 8 percent hydrogen peroxide by weight and not exceeding 10 percent must be packed in specification containers as prescribed in paragraphs (a), (b), or (c) of this section or as follows:

• • • • • •

6. Amend § 73.272 paragraph (g) (1) (18 F. R. 6779, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.272) to read as follows:

§ 73.272 *Sulfuric acid.* • • •

(g) • • •

(1) Spec. 5A or 5C (§ 78.81 or § 78.83 of this chapter). Metal barrels or drums. Spec. 5C metal barrels or drums must be of types 304, 316, or 347 stainless steel and are authorized only for sulfuric acid of 93 percent or greater strength.

(No change in Note 1.)

• • • • • •

7. In § 73.276 amend the heading and introductory text of paragraph (a) (19 F. R. 8527, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.276) to read as follows:

§ 73.276 *Anhydrous hydrazine and hydrazine solution.* (a) Anhydrous hydrazine and hydrazine solution containing 50 percent or less of water must be packed in specification containers as follows:

• • • • • •

8. Amend § 73.289 paragraphs (a) (2), and (a) (9) (16 F. R. 11779, Nov. 21, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.289) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) • • •

(2) Spec. 103A–W or 103C–W (§ 78.281 or § 78.283 of this chapter). Tank cars. Spec. 103A–W tanks must be of type 316 stainless steel. Tank cars must be stenciled "FOR FORMIC ACID ONLY".

• • • • • •

(9) Spec. 1EX (§ 78.6 of this chapter). Carboys in plywood drums.

• • • • • •

9. Add § 73.293 (15 F. R. 8324, Dec. 2, 1950) (49 CFR 73.293, 1950 Rev.) to read as follows:

§ 73.293 *Iodine monochloride.* (a) Iodine monochloride must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter). Wooden boxes with inside containers not over 1 quart capacity each; or with stone or earthenware jugs not over 1 gallon capacity each.

(b) Outage (vacant space above liquid) for inside containers must be not less than 15 percent.

(c) Inside containers must be securely closed by hermetical sealing or by glass or stone stoppers ground to fit and securely fastened or by screw caps fitted with gaskets of suitable material resistant to the contents.

(d) Inside containers must be securely cushioned on all sides with incombustible cushioning material which will not produce heat when in contact with iodine monochloride.

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. Amend § 73.302 paragraph (a) (3) (15 F. R. 8325, Dec. 2, 1950) (49 CFR 73.302, 1950 (Rev.) to read as follows:

§ 73.302 *Exemptions for compressed gases.* (a) • • •

(3) Inside nonrefillable metal containers charged with a solution of materials and compressed gas or gases, which is nonpoisonous and nonflammable and of capacity not to exceed 31.83 cubic inches (17.6 fluid ounces). Pressure in the container not to exceed 55 pounds per square inch absolute at 70° F., and the liquid content of the material and gas must not completely fill the container at 130° F. Each completed container filled for shipment must have been heated until content reached a minimum temperature of 130° F., without evidence of leakage, distortion or other defect.

• • • • • •

2. Amend § 73.306 paragraph (a) (1) (18 F. R. 3136, June 2, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.306) to read as follows:

§ 73.306 *Liquified gases, except gas in solution or poisonous gas.* (a) • • •

(1) Spec. 3,[1] 3A, 3AA, 3B, 3E, 4, 4A, 4B, 4BA, 4B–ET, 25,[1] 26,[1] or 38,[1] also spec. 9, 40, or 41 (§ 78.36, § 78.37, § 78.38, § 78.42,[1] § 78.43, § 78.49, § 78.50, § 78.51, or § 78.55, also §78.63, §78.66, or § 78.67 of this chapter) except that mixtures containing carbon bisulfide (disulfide), ethyl chloride, ethlyene oxide, nickel carbonyl, spirits of nitroglycerin, zinc ethyl, or poisonous articles, class A, B, or C, as defined by this part are not permitted unless otherwise prescribed in this part. (See §§ 73.34 and 73.301 (g).)

• • • • • •

3. In § 73.308 paragraph (a) Table, amend the entry "Vinyl chloride, inhibited" (19 F. R. 8527, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.308) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) • • •

Kind of gas	Maximum permitted filling density (see Note 12) (percent)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
Vinyl chloride, inhibited (see Note 7)	44	ICC–4B150, without brazed seams; ICC–3BA225 without brazed seams; ICC–3AA150; ICC–3AA150; ICC–25.

• • • • • • • • • •

4. In § 73.314 paragraph (a) Table, amend the entry "Dispersant gas, n. o. s."; amend paragraph (f) (19 F. R. 8528, Dec. 14, 1954) (15 F. R. 8329, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.314) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note
Dispersant gas, n. o. s.	None	ICC–106A500 106A500X, Note 12; ICC–107A300 105A300W.

• • • • •

(f) Except as authorized by § 73.8, tank cars made in foreign countries must not be used in domestic traffic until they have been tested in this country and proper reports rendered as required by the specifications that apply.

5. In § 73.315 paragraph (a) (1) Table add the entry "Chlorine"; amend Note 4 and add Note 8 to paragraph (a) (1) Table; add the entry "Chlorine" to paragraph (h) Table; amend the introductory text of paragraph (i); add the entry "Chlorine" to paragraph (i) (2) Table; add paragraph (i) (11) (18 F. R. 6779, 6780, Oct. 27, 1953) (15 F. R. 8330, 8331, Dec. 2, 1950) (17 F. R. 9839, Nov. 1, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.315) to read as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.* (a) • • •

(1) • • •

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design working pressure (p. s. i. g.)
Chlorine	125	See Note 7	MC 330	225; see Notes 4 and 8.

• • • • • •

NOTE 4: A corrosion factor shall be applied in the design of tanks for sulfur dioxide and chlorine. (See § 78.336–3 (a) of this chapter.)

• • • • • •

NOTE 8: Chlorine cargo tank motor vehicles may be shipped only if the contents are to be unloaded at one unloading point.

• • • • • •

(h) • • •

Kind of gas	Permitted gauging device
Chlorine	None.

• • • • • •

(i) Each tank shall be provided with one or more safety devices which, unless otherwise specified, shall be safety relief valves of the spring-loaded type and they shall be arranged to discharge upward and unobstructed to the outside of the protective housing in such a manner as to prevent any impingement of escaping gas upon the tank, except that for chlorine tanks, protective housing shall be as required in § 78.336–5 of this chapter, and safety valve as required in subparagraph (11) of this paragraph.

• • • • • •

(2) • • •

Kind of gas	Minimum start-to-discharge pressure (p. s. i. g.)
Chlorine	225

• • • • • •

(11) Safety relief valve on chlorine tank motor vehicles shall conform with the standard of The Chlorine Institute, Inc. Dwg. D–13105–Rev. "D", dated December 18, 1952.

• • • • • •

SUBPART G—POISONOUS ARTICLES: DEFINITION AND PREPARATION

1. Amend § 73.334 entire paragraph (a) (17 F. R. 4295, May 10, 1952) (16 F. R. 9378, Sept. 15, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.334) to read as follows:

§ 73.334 *Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, mixtures with compressed gas.* (a) Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, mixtures with compressed gas, containing not more than 20 percent by weight of hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate must be packed in specification containers as follows:

(1) Spec. 3A300, 3AA300, 3B300, 4A300, 4B240, 4BA240, or 4B240ET (§§ 78.36, 78.37, 78.38, 78.49, 78.50, 78.51, or 78.55 of this chapter). Metal cylinders, charged with not more than 5 pounds of the mixture and to a maximum filling density of 80 percent of the water capacity. Cylinders must not be equipped with eduction tubes or fusible plugs. Valves must be of a type acceptable to the Bureau of Explosives.

• • • • • •

2. Amend § 73.354 paragraphs (a) (4), and (5); cancel paragraph (c) (16 F. R. 9378, Sept. 15, 1951) (20 F. R. 4417, June 23, 1955) (15 F. R. 8336, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.354) to read as follows:

§ 73.354 *Motor fuel antiknock compound or tetraethyl lead.* (a) • • •

(4) Spec. 105A300 or 105A300W (§ 78.271 or § 78.286 of this chapter). Tank cars. Stenciled on both sides of the tanks, "FOR MOTOR FUEL ANTI-KNOCK COMPOUND ONLY". Tank cars not authorized for tetraethyl lead.

(5) Spec. MC 300, MC 301, MC 302, MC 303, or MC 330 (§ 78.321, § 78.322, § 78.323, § 78.324 or § 78.336 of this chapter). Tank motor vehicles. Tank motor vehicles not authorized for tetraethyl lead.

• • • • • •

(c) [Canceled.]

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

1. Add paragraphs (a) (13), and (b) (1) to § 73.402 (15 F. R. 8341, Dec. 2, 1950) (49 CFR 73.402, 1950 Rev.) to read as follows:

§ 73.402 *Labeling dangerous articles.* (a) • • •

(13) Labels prescribed for shipments of explosives and other dangerous articles by air between the United States, its territories and possessions, and other countries, as shown in §§ 73.405 (b), 73.406 (b), 73.407 (b), 73.408 (b), 73.409 (b), 73.410 (b), 73.411 (b), 73.412 (b) and 73.414 (c), may be used in lieu of labels otherwise prescribed and for local transportation to or from airport.

(b) • • •

(1) Labels prescribed for shipments of explosives or other dangerous articles by air between the United States, its territories, possessions and other coun-

tries, as shown in § 73.405 (b), § 73.406 (b), § 73.407 (b), § 73.408 (b), § 73.409 (b), § 73.410 (b), § 73.411 (b), § 73.412 (b), and § 73.414 (c) are authorized. Such shipments must be tendered with a signed certificate, in duplicate, reading as follows: (one signed copy shall accompany each shipment and the other signed copy shall be retained by the original carrier):

This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission and the Civil Aeronautics Board. (For shipment on passenger-carrying aircraft the following must be added to certificate: This shipment is within the limitations prescribed for passenger-carrying aircraft.)

* * * * * *

2. Add paragraph (b) to § 73.405 (15 F. R. 8341, Dec. 2, 1950) (49 CFR 73.405, 1950 Rev.) to read as follows:

§ 73.405 *Flammable liquids label.* * * *

(b) Red label for flammable liquids for shipment by air.

Red and black with (black printing on red)



3. Add paragraph (b) to § 73.406 (15 F. R. 8341, Dec. 2, 1950) (49 CFR 73.406, 1950 Rev.) to read as follows:

§ 73.406 *Flammable solids and oxidizing materials label.* * * *

(b) Yellow label for flammable solids for shipment by air.

Yellow and black with (black printing on yellow)



4. Add paragraphs (b) (1), (2), and (3) to § 73.407 (15 F. R. 8342, Dec. 2, 1950) (49 CFR 73.407, 1950 Rev.) to read as follows:

§ 73.407 *Acids, corrosive liquids, and alkaline caustic liquids labels.* * * *

(b) Labels for shipments of acids, corrosive liquids, and alkaline caustic liquids by air must be as shown in the following:

(1) White label for acids for shipment by air.

White and black with (black printing on white)



(2) White label for corrosive liquids for shipment by air.

White and black with (black printing on white)



(3) White label for alkaline caustic liquids for shipment by air.

White and black with (black printing on white)



5. Add paragraphs (b) and (b) (1) to § 73.408 (15 F. R. 8342, Dec. 2, 1950) (49 CFR 73.408, 1950 Rev.) to read as follows:

§ 73.408 *Compressed gas labels.* * * *

(b) Red label for flammable gases for shipment by air.

Red and black with (black printing on red)



(1) Green label for nonflammable gases for shipment by air.

Green and black with (black printing on green)



6. Add paragraphs (b) (1), (2), and (3) to § 73.409 (15 F. R. 8342, Dec. 2, 1950 (49 CFR 73.409, 1950 Rev.) to read as follows:

§ 73.409 *Poisonous articles and tear gas labels.* * * *

(b) Labels for shipments of poisonous articles and tear gases by air must be as shown in the following:

(1) Label for poison gas for shipment by air.

White and red with (red printing on white)



(2) Label for poisons for shipment by air.

White and red with (red printing on white)



(3) Label for tear gas for shipment by air.

White and red with (red printing on white)



7. Add paragraph (b) to § 73.410 (15 F. R. 8342, Dec. 2, 1950) (49 CFR 73.410, 1950 Rev.) to read as follows:

§ 73.410 *Special fireworks label.* * * *

(b) Explosives label for shipment of special fireworks by air.

(Black printing on red)



8. Add paragraph (b) to § 73.411 (15 F. R. 8342, Dec. 2, 1950) (49 CFR 73.411, 1950 Rev.) to read as follows:

§ 73.411 *Explosives samples for laboratory examination label.* * * *

(b) Explosives label for shipment of samples of explosives by air.

(Black printing on red)



9. Add paragraph (b) to § 73.412 (17 F. R. 1563, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.412) to read as follows:

§ 73.412 *Propellant explosives label for express shipment.* * * *

(b) Explosives label for shipment of propellant explosives by air.

(Black printing on red)



10. Add paragraph (c) to § 73.414 (15 F. R. 8343, Dec. 2, 1950) (49 CFR 73.414, 1950 Rev.) to read as follows:

§ 73.414 *Radioactive materials labels.* * * *

(c) Label for Radioactive Materials Groups I and II for shipment by air.

Red and white with (red printing on white)



(1) Label for Radioactive Materials Group III for shipment by air.

Blue and white with (blue printing on white)



SUBPART I—SHIPPING INSTRUCTIONS

Add paragraph (c) to § 73.430 (15 F. R. 8344, Dec. 2, 1950) (49 CFR 73.430, 1950 Rev.) to read as follows:

§ 73.430 *Certificate.* • • •

(c) Shipping papers for shipments made by air between the United States and other countries shall be certified in duplicate with certificate signed by the shipper reading as follows:

This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission and the Civil Aeronautics Board. (For shipment on passenger-carrying aircraft the following must be added to certificate: This shipment is within the limitations prescribed for passenger carrying aircraft.)

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

1. Amend § 74.529 paragraph (b) (15 F. R. 8347, Dec. 2, 1950) (49 CFR 74.529, 1950 Rev.) to read as follows:

§ 74.529 *Cars for class B explosives.* • • •

(b) Shipments of class B explosives (see §§ 73.88 to 73.94 of this chapter) must be loaded in a closed car which is in good condition, into which sparks cannot enter, and with roof not in danger of taking fire through unprotected decayed wood. These cars do not require the car certificate but must have attached to both sides and both ends the "Dangerous" placard prescribed by § 74.552, and the doors if not tight must be stripped to prevent entrance of sparks.

• • • • •

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

2. Amend footnote c to paragraph (a) Table in § 74.538 (15 F. R. 8350, Dec. 2, 1950) (49 CFR 74.538, 1950 Rev.) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

[c] Explosives, class A, and explosives, class B, must not be loaded or stored with chemical ammunition containing incendiary charges or white phosphorus either with or without bursting charges. Chemical ammunition of the same classification containing incendiary charges or white phosphorus may be loaded and stored together.

• • • • •

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

In § 77.823 amend the introductory text of paragraph (d) (15 F. R. 8364, Dec. 2, 1950) (49 CFR 77.823, 1950 Rev.) to read as follows:

§ 77.823 *Marking on motor vehicles and trailers other than tank motor vehicles.* • • •

(d) *Tank motor vehicles.* Every cargo tank used for the transportation of any compressed gas, regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof on a background of sharply contrasting color with a sign or lettering on the tank with words as appropriate "Compressed Gas", or "Flammable Compressed Gas" in letters at least 6 inches high; and in letters at least 2 inches high with the commonly accepted name, such as "Anhydrous Ammonia", "Carbon Dioxide", "Chlorine", "Liquefied Petroleum Gas", "Nitrous Oxide", or "Sulphur Dioxide".

• • • • •

SUBPART B—LOADING AND UNLOADING

Add paragraphs (e) and (f) to § 77.840 (15 F. R. 8367, Dec. 2, 1950) (49 CFR 77.840, 1950 Rev.) to read as follows:

§ 77.840 *Compressed gases.* • • •

(e) Chlorine cargo tanks shall be shipped only when equipped (1) with a gas mask of a type approved by the U. S. Bureau of Mines for chlorine service; (2) with an emergency kit for controlling leaks in fittings on the dome cover plate.

(f) No chlorine tank motor vehicle used for transportation of chlorine shall be moved, coupled or uncoupled, when any loading or unloading connections are attached to the vehicle, nor shall any semi-trailer or trailer be left without the power unit unless such semi-trailer or trailer be checked or equivalent means be provided to prevent motion.

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend footnote c to paragraph (a) Table in § 77.848 (15 F. R. 8369, Dec. 2, 1950) (49 CFR 77.848, 1950 Rev.) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

[c] Explosives, class A, and explosives, class B, must not be loaded or stored with chemical ammunition containing incendiary charges or white phosphorus either with or without bursting charges. Chemical ammunition of the same classification containing incendiary charges or white phosphorus may be loaded and stored together.

• • • • •

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART C—SPECIFICATIONS FOR CYLINDERS

Amend § 78.38–12 paragraph (c) (15 F. R. 8387, Dec. 2, 1950) (49 CFR 78.38–12, 1950 Rev.) to read as follows:

§ 78.38 *Specification 3B; seamless steel cylinders.*

§ 78.38–12 *Openings in cylinders and connections (valves, fuse plugs, etc.) for those openings.* • • •

(c) Straight threads having at least 4 engaged threads are authorized; to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. In § 78.80–11 amend the introductory text of paragraph (a) (15 F. R. 8433, Dec. 2, 1950) (49 CFR 78.80–11, 1950 Rev.) to read as follows:

§ 78.80 *Specification 5; steel barrels or drums.*

§ 78.80–11 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

• • • • •

2. In § 78.81–11 amend the introductory text of paragraph (a) (15 F. R. 8433, Dec. 2, 1950) (49 CFR 78.81–11, 1950 Rev.) to read as follows:

§ 78.81 *Specification 5A; steel barrels or drums.*

§ 78.81–11 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

• • • • •

3. In § 78.82–11 amend the introductory text of paragraph (a) (15 F. R. 8434, Dec. 2, 1950) (49 CFR 78.82–11, 1950 Rev.) to read as follows:

§ 78.82 *Specification 5B; steel barrels or drums.*

§ 78.82–11 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

• • • • •

4. Amend § 78.83–9 (c) and (d), and add paragraph (e); in § 78.83–11 amend the introductory text of paragraph (a) (19 F. R. 1285, Mar. 6, 1954) (17 F. R. 4297, May 10, 1952) (15 F. R. 8435, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.83–9, 78.83–11) to read as follows:

§ 78.83 *Specification 5C; steel barrels or drums.*

§ 78.83–9 *Closures.* • • •

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug or cap must have 5 or more complete threads; 2 drainage holes of not over 5/16 inch diameter are allowed in that section of flange which extends inside the drum. Plug or cap must have sufficient length of thread to engage 5 threads when securely tightened with gasket in place. Except that for containers not over 15 gallons marked capacity the seat (flange, etc.) for plug or cap may have at least 3 complete threads and plug or cap sufficient

length of thread to engage 3 threads when securely tightened with gasket in place.

(d) Openings over 2.3 inches are not permitted. Threads for plug or cap must be 8 or less per inch when over 3/4 inch standard pipe size.

(1) Flanges with inside threads and plug must conform with the thread diameter and thread form shown in the following drawing (other details shown on the drawing are recommended):

[Drawing remains unchanged]

or (2) Eleven and one-half (11½) threads per inch, standard pipe size.

(e) Other threaded closures may be authorized by the Bureau of Explosives upon demonstration of equal efficiency.

§ 78.83–11 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

• • • • •

5. In § 78.84–11 amend the introductory text of paragraph (a) (15 F. R. 8436, Dec. 2, 1950) (49 CFR 78.84–11, 1950 Rev.) to read as follows:

§ 78.84 *Specification 5D; steel barrels or drums, lined.*

§ 78.84–11 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

• • • • •

6. In § 78.85–10 amend the introductory text of paragraph (a) (15 F. R. 8437, Dec. 2, 1950) (49 CFR 78.85–10, 1950 Rev.) to read as follows:

§ 78.85 *Specification 5F; steel drums.*

§ 78.85–10 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

• • • • •

7. In § 78.87–11 amend the introductory text of paragraph (a) (15 F. R. 8438, Dec. 2, 1950) (49 CFR 78.87–11, 1950 Rev.) to read as follows:

§ 78.87 *Specification 5H; steel barrels or drums, lead lined.*

§ 78.87–11 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

• • • • •

8. Amend § 78.88–8 (c) and (d); add paragraph (e); in § 78.88–10 amend the introductory text of paragraph (a) (19 F. R. 6272, Sept. 29, 1954) (15 F. R. 8439, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.88–8, 78.88–10) to read as follows:

§ 78.88 *Specification 5K; nickel barrels or drums.*

§ 78.88–8 *Closures.* • • •

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug or cap must have 5 or more complete threads; 2 drainage holes of not over 5/16-inch diameter are allowed in that section of flange which extends inside the drum. Plug or cap must have sufficient length of thread to engage 5 threads when securely tightened with gasket in place.

(d) Openings over 2.3 inches in diameter are not permitted. Threads for plug or cap must be 8 or less per inch when over 3/4 inch standard pipe size.

(1) Flanges with inside threads and plug must conform with the thread diameter and thread form shown in the following drawing (other details shown on the drawing are recommended):

[Drawing remains unchanged]

or (2) Eleven and one-half (11½) threads per inch, standard pipe size.

(e) Other threaded closures may be authorized by the Bureau of Explosives upon demonstration of equal efficiency.

§ 78.88–10 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

• • • • •

9. In § 78.89–9 amend the introductory text of paragraph (a) (15 F. R. 8440, Dec. 2, 1950) (49 CFR 78.89–9, 1950 Rev.) to read as follows:

§ 78.89 *Specification 5L; steel barrels or drums.*

§ 78.89–9 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

• • • • •

10. Amend entire § 78.90–8; in § 78.90–10 amend the introductory text of paragraph (a) (15 F. R. 8440, Dec. 2, 1950) (19 F. R. 6273, Sept. 29, 1954) (18 F. R. 806, Feb. 7, 1953) (49 CFR 1950 Rev., 1954 Supp. 78.90–8, 78.90–10) to read as follows:

§ 78.90–8 *Closures.* (a) Adequate to prevent leakage. Closure must be of screw-thread type or fastened by screw-thread device. Unthreaded cap is authorized for containers of 12 gallons or less if cap is provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter.

NOTE 1: This does not apply to cap seal over a closure which complies with all requirements.

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug or cap must have 5 or more complete threads; 2 drainage holes of not over 5/16-inch diameter are allowed in that section of flange which extends inside the drum. Plug or cap must have sufficient length of thread to engage 5 threads when securely tightened with gasket in place.

(d) Openings over 2.3 inches diameter are not permitted. Threads for plug or cap must be 8 or less per inch when over 3/4 inch standard pipe size.

(1) Flanges with inside threads and plug must conform with the thread diameter and thread form shown in the following drawing (other details shown on the drawing are recommended):

[Drawing remains unchanged]

or (2) Eleven and one-half (11½) threads per inch, standard pipe size.

(e) Other threaded closures may be authorized by the Bureau of Explosives upon demonstration of equal efficiency.

§ 78.90–10 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

• • • • •

11. In § 78.91–11 amend the introductory text of paragraph (a) (15 F. R. 8441, Dec. 2, 1950) (49 CFR 78.91–11, 1950 Rev.) to read as follows:

§ 78.91 *Specification 5X; steel drums, aluminum lined.*

§ 78.91–11 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

• • • • •

12. In § 78.97–9 amend the introductory text of paragraph (a) (15 F. R. 8442, Dec. 2, 1950) (49 CFR 78.97–9, 1950 Rev.) to read as follows:

§ 78.97 *Specification 6A; steel barrels or drums.*

§ 78.97–9 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

• • • • •

13. In § 78.98–9 amend the introductory text of paragraph (a) (15 F. R. 8443, Dec. 2, 1950) (49 CFR 78.98–9, 1950 Rev.) to read as follows:

§ 78.98 *Specification 6B; steel barrels or drums.*

§ 78.98–9 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

• • • • •

14. In § 78.99–9 amend the introductory text of paragraph (a) (15 F. R. 8444, Dec. 2, 1950) (49 CFR 78.99–9, 1950 Rev.) to read as follows:

§ 78.99 *Specification 6C; steel barrels or drums.*

§ 78.99–9 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

• • • • •

15. In § 78.100–9 amend the introductory text of paragraph (a) (15 F. R. 8445, Dec. 2, 1950) (49 CFR 78.100–9, 1950 Rev.) to read as follows:

§ 78.100 *Specification 6J; steel barrels and drums.*

§ 78.100–9 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

• • • • •

16. In § 78.101–9 amend the introductory text of paragraph (a) (15 F. R. 8445, Dec. 2, 1950) (49 CFR 78.101–9, 1950 Rev.) to read as follows:

§ 78.101 *Specification 6K; steel barrels or drums.*

§ 78.101–9 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

• • • • •

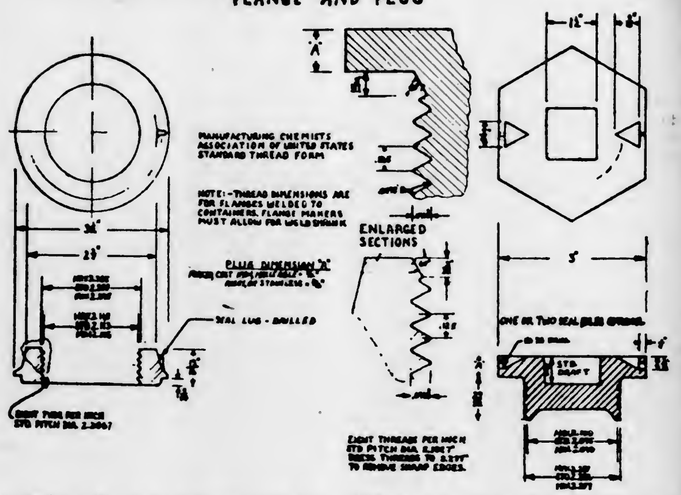
17. Amend § 78.107–7 (b) (15 F. R. 8446, Dec. 2, 1950) (49 CFR 78.107–7, 1950 Rev.) to read as follows:

§ 78.107 *Specification 42B; aluminum drums.*

§ 78.107–7 *Closures.* • • •

(b) Threaded plugs, or caps, and flanges must be close fitting with gasket surfaces which bear squarely on each other when without gasket; they must have not over 8 threads per inch, with 5 complete threads engaged when gasket is in place, or not over 4 threads per inch, with 2 complete threads similarly engaged; two $\frac{5}{16}$ inch drainage holes are authorized in flange. Thread form must conform to that shown by drawing below or be of a form that shall provide an equally efficient closure.

FLANGE AND PLUG



[Drawing is the same as shown in § 78.107–7 (b)]

19. Amend § 78.109–7 (b) (15 F. R. 8447, Dec. 2, 1950) (49 CFR 78.109–7, 1950 Rev.) to read as follows:

§ 78.109 *Specification 42D; aluminum drums.*

§ 78.109–7 *Closures.* • • •

(b) Threaded plugs, or caps, and flanges must be close fitting with gasket surfaces which bear squarely on each other when without gasket; they must have not over 8 threads per inch, with 5 complete threads engaged when gasket is in place, or not over 4 threads per inch, with 2 complete threads similarly engaged; two $\frac{5}{16}$ inch drainage holes are authorized in flange. Thread form must conform to that shown by drawing below or be of a form that shall provide an equally efficient closure.

[Drawing is the same as shown in § 78.107–7 (b)]

20. In § 78.110–8 amend the introductory text of paragraph (a) (17 F. R. 7286, Aug. 9, 1952) (49 CFR 1950 Rev., 1954 Supp., 78.110–8) to read as follows:

§ 78.110 *Specification 42F; aluminum barrels or drums.*

§ 78.110–8 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

• • • • •

21. In § 78.115–10 amend the introductory text of paragraph (a) (15 F. R. 8448, Dec. 2, 1950) (49 CFR 78.115–10, 1950 Rev.) to read as follows:

§ 78.115 *Specification 17C; steel drums.*

§ 78.115–10 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

• • • • •

22. Amend § 78.116–7 (a); in § 78.116–10 amend the introductory text of paragraph (a) (20 F. R. 955, Feb. 15, 1955) (15 F. R. 8449, Dec. 2, 1950) (49 CFR 78.116–7, 78.116–10, 1950 Rev.) to read as follows:

§ 78.116 *Specification 17E; steel drums.*

§ 78.116–7 *Convex heads.* (a) Convex (crowned) heads, not extending beyond level of chime, required for drums of 25 gallons capacity or over. Convexity to be minimum of $\frac{3}{8}$".

§ 78.116–10 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

• • • • •

23. In § 78.117–11 amend the introductory text of paragraph (a) (15 F. R. 8449, Dec. 2, 1950) (49 CFR 78.117–11, 1950 Rev.) to read as follows:

§ 78.117 *Specification 17F; steel drums.*

§ 78.117–11 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

• • • • •

24. Amend the heading of § 78.118; in § 78.118–10 amend the introductory text of paragraph (a) (15 F. R. 8450, Dec. 2, 1950) (49 CFR 78.118, 78.118–10, 1950 Rev.) to read as follows:

§ 78.118 *Specification 17H; steel drums.* Single-trip container. Removable head required.

§ 78.118–10 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

• • • • •

25. In § 78.130–8 amend the introductory text of paragraph (a) (15 F. R. 8454, Dec. 2, 1950) (49 CFR 78.130–8, 1950 Rev.) to read as follows:

§ 78.130 *Specification 37K; steel drums.*

§ 78.130–8 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

• • • • •

26. In § 78.131–9 amend the introductory text of paragraph (a) (20 F. R. 4419, June 23, 1955) (49 CFR 78.131–9, 1950 Rev.) to read as follows:

§ 78.131 *Specification 37A; steel drums.*

§ 78.131–9 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

• • • • •

27. In § 78.132–9 amend the introductory text of paragraph (a) (20 F. R. 4419, 4420, June 23, 1955) (49 CFR 78.132–9, 1950 Rev.) to read as follows:

§ 78.132 *Specification 37B; steel drums.*

§ 78.132–9 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

• • • • •

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

1. In § 78.165–8 (a) Table, amend the column heading "Tops and bottoms" by inserting the figure 2 after the last word; add footnote 2 to paragraph (a) Table (15 F. R. 8460, Dec. 2, 1950) (49 CFR 78.165–8, 1950 Rev.) to read as follows:

§ 78.165 *Specification 14; wooden boxes nailed.*

§ 78.165–8 *Parts and dimensions.* (a) • • •

Tops and bottoms.[2]

• • • • •

2. In § 78.205–9 amend the introductory text of paragraph (a); add § 78.205–31 (19 F. R. 3262, June 3, 1954) (15 F. R. 8476, Dec. 2, 1950) (49 CFR 78.205–9, 78.205–31, 1950 Rev.) to read as follows:

§ 78.205 *Specification 12B; fiberboard boxes.*

§ 78.205–9 *Types authorized.* (a) To be of solid or corrugated fiberboard of the following types, or as specifically provided for in §§ 78.205–19 to 78.205–31.

• • • • •

§ 78.205–31 *Special box; authorized only for commodities where spec. 12B is prescribed in Part 73 of this chapter.* (a) Box shall have not more than 1 inside glass container having screw cap closure or metal container not exceeding 32 ounces or 2 pounds net weight, which must fit snugly or be adequately cushioned to prevent movement. Box shall comply with this specification and be of one-piece folder type, so designed as to form double thickness of corrugated board on top, bottom, and ends. Fiberboard used in construction of the box shall have a minimum strength of 200 pounds per square inch, but for gross weight exceeding 8 pounds, the box must be constructed of at least 275-pound per square inch test fiberboard (Mullen or Cady). Closure must be equal in efficiency to that prescribed in § 78.205–17.

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. Add § 78.209 (15 F. R. 8479, Dec. 2, 1950) (49 CFR 78.209, 1950 Rev.) to read as follows:

§ 78.209 *Specification 12H; fiberboard boxes.*

[2] Tops and bottoms may be made of paper covered veneer board of good quality Douglas fir, or lumber of equal quality, having minimum thickness of $\frac{1}{8}$" and free of breaks, gaps, holes, or knots. Paper covering shall be at least Kraft untreated linerboard having a basis weight of 42 pounds per 1000 square feet and shall be secured to veneer core by adhesive in such manner as to form a satisfactorily laminated board. Board ends must be provided with such reinforcement as may be necessary to provide strength for nailing.

§ 78.209–1 *Compliance.* (a) Required in all details.

§ 78.209–2 *Definitions.* (a) Terms such as "200-pound test" mean minimum strength, Mullen or Cady test.

(b) "Joints" are where edges of parts of box are connected together in setting up the box. Generally done by box maker.

(c) "Seams" are where edges of parts of box are visible, except joints, when box is closed.

§ 78.209–3 *Classification of board.* (a) Fiberboard is hereby classified by strength of completed board as in first column of the following table; weights specified in the table are the minimum authorized.

Classified strength,[1] of completed board	Facings for corrugated fiberboard	
	Double-faced—Minimum combined weight of facings (pounds per 1,000 sq. ft.)	Double-wall—Minimum combined weight of facings including center liner (pounds per 1,000 sq. ft.)
175	75	
200	84	92
275	138	110
325	138	110
350	180	126
375	180	180
400	180	180
450	180	180

[1] Mullen or Cady test (minimum).

§ 78.209–4 *Corrugated fiberboard* (a) Both outer facings water resistant; corrugated sheets must be at least 0.009 inch thick and weigh not less than 26 pounds per 1000 square feet; all parts must be securely glued together throughout all contact areas.

§ 78.209–5 *Stitching staples.* (a) Of steel wire, copper-coated or equivalent in nonsparking quality, at least $\frac{3}{32}$" x 0.019", or equal cross section, formed into staples about $\frac{7}{16}$" wide.

§ 78.209–6 *Tape.* (a) Used for manufacturers' joints must be coated with glue at least equal to No. 1¾ Peter Cooper standard. Cloth tape of strength, across the woof, at least 70 units. Elmendorf test. Sisal tape of 2 sheets of No. 1 Kraft paper, total weight 80 pounds per ream (500 sheets, 24" x 36"); sheets to be combined with asphalt and reinforced by unspun sisal fibers completely embedded in the asphalt and extending across the tape.

§ 78.209–7 *Test.* (a) Acceptable board must have prescribed strength, Mullen or Cady test, after exposure for at least 3 hours to normal atmospheric conditions (50 to 70 percent relative humidity), under test as follows:

(1) Clamp board firmly in machine and turn wheel thereof at constant speed of approximately 2 revolutions per second.

(2) Six punctures required, 3 from each side; all results but one must show prescribed strength.

(3) Board failing may be retested by making 24 punctures, 12 from each side; when all results but 4 show prescribed strength, the board is acceptable.

(4) For corrugated fiberboard, double-pop tests may be disregarded.

§ 78.209–8 *Type authorized.* (a) Shall be of corrugated fiberboard, telescoping type, 1-piece or 3-piece construction without recessed heads, as follows:

(1) Box to consist of top and bottom sections divided equally or unequally and inner lining tube. The lining tube must be staple stitched to the lower section of the box to give in effect a 2-piece box. (See § 78.209–11.)

(2) Box to consist of full depth top and bottom sections completely telescoping. No inner lining tube required. Two variations are authorized, one with bottom slotted on ends and cover on sides, second, with both cover and bottom slotted on sides.

(3) Box to consist of 1-piece or 3-piece, without recessed heads, fitted with lining tube as prescribed in § 78.209–11. Flaps must butt or have full overlap excepting that inner flaps may overlap ½ inch.

§ 78.209–9 *Forming.* (a) Parts must be cut true to size and so creased and slotted as to fit closely into position without cracking, surface breaks, separation of parts outside of crease, or undue binding.

§ 78.209–10 *Joints.* (a) Lapped 1½" and stitched at 2½" intervals and within 1" of each end of joint; body joints must be double-stitched (2 parallel rows of stitches).

(b) For glued lap joint, the sides of box forming joint must lap not less than 1¼" and be firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried.

(c) For lining tubes only, one butt joint taped (see § 78.209–6) tape not less than 3" wide is authorized.

§ 78.209–11 *Authorized gross weight and parts required.* (a) Box shall be corrugated fiberboard at least 275 pound test. Tubes, when required, shall be of solid fiberboard at least 200-pound test, or of corrugated fiberboard of at least 275-pound test, with adjoining edges stitched, taped, or glued.

(b) Authorized gross weight: 65 pounds.

§ 78.209–12 *Closing for shipment.* (a) The cover of telescoping type boxes shall be secured to the bottom by application of single strips of tape, not less than ½" wide, to the sides and in a vertical manner; two strips, one on each side for containers 18" in length or under; four strips, two on each side, minimum for containers over 18" in length. On boxes with divided covers the taping shall start within 1" of the topside score and extend to within 1" of the side-bottom score and in no case shall the strips be less than 4" in length. On boxes with full depth covers the tape shall be at least 4" in length disposed equally on side and bottom.

(1) Tape used for closing must be pressure sensitive, filament reinforced. Tape backing shall have a minimum longitudinal tensile strength of 160 pounds per inch of width and a minimum elongation of 12 percent at break. The tape shall have sufficient transverse strength to prevent raveling or separation of the filaments. Tape shall have an adhesion of 18 ounces per inch of width minimum when tested according to acceptable methods. Tape shall adhere immediately and firmly to fiberboard surface when applied with hand pressure in the temperature range of 0° to 120° F. No solvent or heat shall be necessary to activate the adhesive. The tape must be manufactured of material which will not delaminate or separate when submerged in water for 72 hours and which will not show any delamination or bleeding up to 160° F., and which will not lose its strength, delaminate or become brittle at 0° F.

(2) Water activated tapes are authorized when approved by the Bureau of Explosives.

(3) Other tape equal in efficiency and capable of withstanding drop and drum tests prescribed in § 78.209–16 are authorized.

(b) For 1-piece or 3-piece type boxes as prescribed in § 78.209–8 (a) (3) by coating with adhesive at least 50 percent of the entire contact surface of the closing flaps or by one of the following methods:

(1) By stitching at 2½" intervals along all seams (one 5" space allowed when necessary to permit use of stitching device).

(2) By not less than three strips of paper tape having a minimum width of 2". Paper tape must be coated with glue, be of 2 sheets Kraft paper laminated with asphaltic or resin combined with synthetic, glass, or natural fibers satisfactorily dispersed therein, and at least equal to that prescribed in § 78.209–6 (a). One strip to be applied approximately equal distance across the top face of box over the seam, formed by abutting or overlapping outer flaps and extended onto the side panels a minimum distance of 1" beyond the top score line. The 2 other strips shall be placed parallel and approximately equal distance over the joint formed by the top flaps and the side; each strip shall cover a minimum of 30 percent of the center part of this joint.

(c) In addition to the method prescribed in paragraph (a), boxes authorized by § 78.209–8 (a) (1) may be closed by securing the upper and lower sections of the container together by application of one single strip of tape not less than 1" wide, exclusive of manufacturer's joint, disposed entirely around the perimeter of the container and spaced approximately equally distant over each portion of the container at the seam of abutting covers. The ends of the tape around the perimeter of the container must overlap 1½" minimum. The tape shall be pressure sensitive, paper backed. The basic weight of the paper shall be not less than 70 pounds per ream after sizing and coating. Longitudinal tensile strength shall be not less than 50 pounds per inch of width and the latitudinal strength shall be not less than 11 pounds per inch of width.

§ 78.209–13 *Marking.* (a) On each container. Symbol in rectangle as follows:



(1) Stars to be replaced by authorized gross weight (for example ICC–12H65). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name and address of plant making the container; symbol (letters) authorized if recorded with the Bureau of Explosives. This mark to be located just above or below the mark specified in paragraph (a) of this section.

(3) Size of markings. At least ½" high.

§ 78.209–14 *Special tests.* (a) By whom and when. By or for each plant making the boxes; at beginning of manufacture and at six-month intervals thereafter; on largest size, by weight, above and below 35 pounds gross. Report of results, with all pertinent data, to be maintained on file for one year; copy to be filed with the Bureau of Explosives.

§ 78.209–15 *Material.* (a) Box material must comply with requirements of §§ 78.209–3, 78.209–4, 78.209–7, 78.209–11, and the following:

(b) Box material must test strength and moisture content not over 30 percent as follows:

(1) Box material must test at least 200 pounds per square inch immediately after exposure for 3 days to 90 percent relative humidity of not less than 70° nor more than 75° F.

(2) Box material must test at least 100 pounds per square inch immediately after it has been in contact with water for 3 hours under 3" head at not less than 70° nor more than 75° F.

§ 78.209–16 *Completed container.* (a) Samples must pass the following immediately after exposure for 2 weeks to 90 percent relative humidity at not less than 70° nor more than 75° F.; loaded containers shall contain dummy contents of shape and weight of the expected contents, and shall be closed in the same manner as for shipment:

(1) Three loaded samples to be tested. Each must withstand 200 drops in standard 7-foot revolving test drum with pointed hazard in place, without spilling any contents.

(2) Three loaded samples to be tested. Each must withstand end to end pressure of at least 500 pounds without deflection of over 1½".

(3) Three empty samples to be tested. Each must withstand top to bottom pressure of at least 500 pounds without deflection of ½".

(b) As an alternate to the drum test specified in paragraph (a), 3 loaded samples must pass the drop test specified below:

(1) Box shall be dropped from height of 2 feet.

(2) Identification of face, edge, and corners. Facing one end (with the manufacturer's joint on the observer's right), the top of the box is designated as 1, the right side as 2, the bottom as 3, and the left side as 4. The near end is designated as 5 and the far end as 6. The edges are identified by the number of the two faces which make that edge, as for example, 1–2 identifies the edge where the top and right side meet and 2–5 the edge having the manufacturer's joint. The corners are identified by the number of the three faces which meet to form that corner, as for example, 1–2–5 identifies the corner where the top, the right side, and the near end meet.

(c) Drop sequence as follows:

(1) A corner drop on 1–2–5.

(2) An edge drop on the shortest edge radiating from that corner (usually 2–5).

(3) An edge drop on the next shortest edge radiating from that corner (usually 1–5).

(4) An edge drop on the longest edge radiating from that corner (usually 1–2).

(5) A flatwise drop on one of the smallest faces (usually end 5 or 6).

(6) A flatwise drop on the opposite smallest face.

(7) A flatwise drop on one of the medium faces (usually side 2 or 4).

(8) A flatwise drop on the opposite medium face.

(9) A flatwise drop on one of the largest faces (usually top 1 or bottom 3).

(10) A flatwise drop on the opposite large face.

This completes one cycle of ten drops. Commence the next cycle, with a drop on the corner diagonally opposite through the box to the corner on which the first drop was made, on corner 3–4–6. Commence the third cycle of ten drops with corner 1–4–5. Each loaded container must withstand 3 cycles without spilling or sifting of contents.

2. Amend § 78.214–11 paragraph (a) (15 F. R. 8479, Dec. 2, 1950) (49 CFR 78.214–11, 1950 Rev.) to read as follows:

§ 78.214 *Specification 23F; fiberboard boxes.*

§ 78.214–11 *Joints.* (a) Lapped 1½" except as in § 78.214–12; stitched at 2½" intervals and within 1" of each end of joint; double-stitched (2 parallel stitches) at each end of joint over 18" long; or lapped not less than 1¼" and firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried.

3. Amend § 78.219–7 paragraph (a); amend § 78.219–11 paragraph (b) (17 F. R. 1564, Feb. 20, 1952) (19 F. R. 6275, Sept. 29, 1954) (49 CFR 1950 Rev., 1954 Supp., § 78.219–7, § 78.219–11) to read as follows:

§ 78.219 *Specification 23H; fiberboard boxes.*

§ 78.219–7 *Type authorized.* (a) Of solid fiberboard, telescoping type construction without recessed heads. Box to consist of top and bottom sections, divided equally or unequally, and inner lining tube or full depth cover 2-piece telescope type in which case the lining tube may be omitted. The lining tube, when required, must be staple stitched to the lower section of the box to give in effect a 2-piece box.

§ 78.219–11 *Authorized gross weight (when packed) and parts required.* • • •

(b) Authorized gross weight: 65 pounds when 2 or more lining tubes are used to divide the box into 2 or more compartments; 65 pounds when 1 or more lining tubes are used and contents will consist of 1 cartridge only or of black powder in bags; 35 pounds in all other cases except that boxes having a single solid fiberboard lining tube, the fiberboard weighing at least 283 pounds per 1,000 square feet, are authorized for 65 pounds gross weight. Boxes of 2-piece telescope type having full depth cover are authorized for 65 pounds gross weight.

SUBPART H—SPECIFICATIONS FOR PORTABLE TANKS

Amend § 78.250–5 paragraph (a) (3) (20 F. R. 955, Feb. 15, 1955) (49 CFR 78.250–5, 1950 Rev.) to read as follows:

§ 78.250 *Specification 55; metal-encased, lead-shielded, radioactive materials container.*

§ 78.250–5 *Marking.* (a) • • •

(3) Name or symbol (letters) of maker or user assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. Amend § 78.280 paragraph ICC–9 (b); add paragraph AAR–9 (b) (15 F. R. 8508, Dec. 2, 1950) (49 CFR 78.280, 1950 Rev.) to read as follows:

§ 78.280 *Specification for tank cars having fusion-welded steel tanks, Class ICC–103–W.* • • •

ICC–9. *Expansion dome.* • • •

ICC–9. (b) The opening in the manhole ring must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter, the opening must be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner, dome pocket drain holes must be provided in the tank shell with nipples projecting inside the tank at least 1 inch.

• • • • • •

AAR–9. (a) • • •

AAR–9. (b) Tank shell reinforcement at dome opening see Figure 24 Appendix C.

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2. In Part 78, Subpart I, Appendix C, replace Figures 24, 24A, and 24B with new Figure 24, including Notes 1 to 5 thereto (15 F. R. 8538, Dec. 2, 1950) (16 F. R. 5340, 5341, June 6, 1951) (49 CFR 1950 Rev., 1954 Supp., Part 78, Subpart I, Appendix C) as follows:

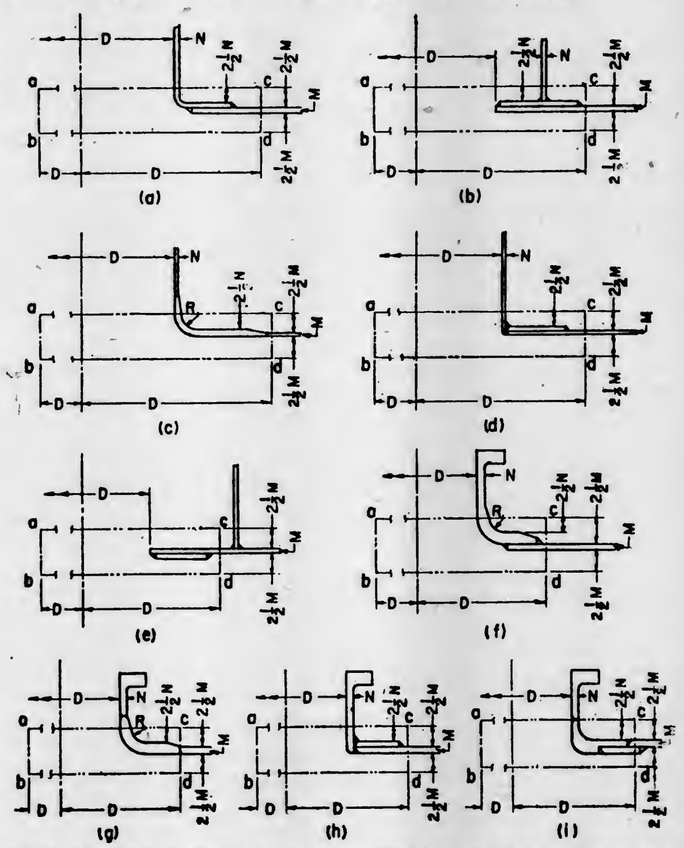


FIGURE 24—Acceptable designs for reinforced openings in tank shell. Other approved designs permitted for type (c), (f) and (g), see note 2.

NOTE 1. Reinforcement in tank shell shall be calculated by the following method:

Area available within the rectangle $abcd$ ----------=------
Area required=$2DTe$----------=------
Excess area----------=------

D= diameter of opening in tank shell, or diameter of the dome (or nozzle), whichever is least.
d= inside diameter of tank.
E= joint efficiency for tank shell 0.90.
e= 0.90 when opening is in solid plate or flued type reinforcement.
e= 1.00 when opening intersects any joint in the tank shell.
M= actual tank shell thickness.
N= actual dome or nozzle wall thickness.
P= bursting pressure in pounds per square inch.
R= corner radius of flued type reinforcement.
S= ultimate tensile strength in pounds per square inch (see table A, following Note 5, below)
T= calculated shell thickness required $= \frac{Pd}{2SE}$

NOTE 2: The boundary of reinforcement zone shall be determined as follows:

The length ac or bd shall be equal to the diameter of the opening in the tank shell, see figure 24 (b) and (e), or the diameter of the dome (or nozzle), whichever is least, on each side of the axis of the opening. The dimension ab or cd shall not exceed 2½ times the actual shell thickness, or 2½ times the dome shell (or nozzle) wall thickness plus the thickness of any added reinforcement, whichever is least, above and below the tank shell; except that for reinforcement flued from solid plate, this dimension may be equal to the corner radius R above the reinforcement, but must not exceed 3 inches. When the dome shell is located outside the reinforcement boundary $abcd$, as shown in figure 24 (e), only $2\frac{1}{2}M$ shall determine the dimension above and below the tank shell.

NOTE 3: The required reinforcement area shall be provided in all planes passing through the center of the opening and normal to the tank surface.

NOTE 4: Any weld metal within the boundary of reinforcement may be included as area available.

NOTE 5: No metal added as corrosion allowance may be considered as reinforcement.

TABLE A—MAXIMUM STRESS(ES) TO BE USED IN CALCULATIONS

Material specification	Tensile strength minimum	Elongation in 2 inches minimum percent
Group 1		
AAR M-115	55,000	20
ASTM A-285 Grade C	55,000	20
ASTM A-212 Grade A	65,000	20
ASTM A-212 Grade B	70,000	20
ASTM A-201 Grade A	55,000	25
Group 2		
ASTM B-178 Alloy 996A	9,500	25
ASTM B-178 Alloy 990A	11,000	28
ASTM B-178 MI A	14,000	23
ASTM B-178 Alloy GS 11A	24,000	5
ASTM B-178 Alloy GR 20A	25,000	18
ASTM B-178 Alloy GR 40A	30,000	18
Group 3		
ASTM A-240 Grade A	65,000	22
ASTM A-240 Grade B	70,000	22
ASTM A-240 Grade C	75,000	30
ASTM A-240 Grade D	70,000	22
ASTM A-240 Grade M	75,000	30
ASTM A-240 Grade O	60,000	25
ASTM A-240 Grade S	75,000	30
ASTM A-240 Grade T	75,000	30

TABLE A—MAXIMUM STRESS(ES) TO BE USED IN CALCULATIONS—Continued

Material specification	Tensile strength minimum	Elongation in 2 inches minimum percent
Group 4		
ASTM B-162	40,000	20
Grade M1 modified .03 carbon maximum	70,000	30
Grade S modified .03 carbon maximum	70,000	30

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

1. Add § 78.325 (15 F. R. 8554, Dec. 2, 1950) (49 CFR 78.325, 1950 Rev.) to read as follows:

§ 78.325 *Specification MC 304 for cargo tanks for the transportation of flammable liquids and poisonous liquids class B having Reid (ASTM D–323) vapor pressures of 18 pounds per square inch absolute at 100°F.*

§ 78.325–1 *Scope.* (a) This specification is primarily intended to apply to the design and construction of new cargo tanks of tank motor vehicles to be used for the transportation of flammable liquids or poisonous liquids class B, having Reid (ASTM D–323) vapor pressures of 18 pounds per square inch absolute (18 psia) or more at 100° F., but less than those stated in § 73.300 of this chapter, in defining compressed gases.

§ 78.325–2 *Existing tank motor vehicles continuing in service.* (a) Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids class B, which shall have been in service prior to the effective date of this order may be continued in service and may be used for the transportation of materials specified in § 78.325–1, provided that they have been designed and constructed in accordance with specifications MC 300, 301, 302, or 303, and provided further that such tanks can and do, within three months of the effective date of this order, successfully pass the tests prescribed in § 78.325–5.

§ 78.325–3 *New tank motor vehicles.* (a) Except as provided elsewhere in these regulations, every new cargo tank manufactured on or after (three months after the effective date of the order) for the transportation of any flammable liquid or poisonous liquid Class B, having a Reid (ASTM D–323) vapor pressure of 18 psia or higher at 100° F. shall comply with the requirements of this specification. A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such tank is employed in such transportation by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of this specification by his own tests and examinations, he shall similarly retain the test and examination data.

§ 78.325–4 *Marking of cargo tanks.* (a) *Metal identification plate.* There shall be on every cargo tank complying with all requirements of this specification a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding or other equally suitable means; and upon it shall be marked by stamping, embossing or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number
Manufacturer's Name
Date of Manufacture
ICC MC 304

Design working pressure---------- p. s. i. g.
Test pressure---------- p. s. i. g.
Nominal tank capacity------- U. S. gallons.
(In compartments of --, --, --, --, and -- U. S. gallons)

(b) Existing tanks not meeting all requirements of this specification and continuing in service in accordance with § 78.325–2 shall be marked by the number "304" applied adjacent to the existing specification number, which number and other data on the original metal identification plate shall remain legible.

(c) Test date and pressure markings. The date of the last test or retest of the type required by this specification shall be painted on the tank in letters not less than one and one-fourth inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of § 78.325–4. The test pressure shall be similarly indicated by painting on tanks requiring the test pressure of 50 p. s. i. g. in accordance with § 78.325–2.

(d) All tank inlets and outlets, except safety relief valves, shall be marked to indicate whether they communicate with vapor or liquid when the tank is filled to the maximum permitted filling level.

(e) Certification by markings. The markings specified in paragraphs (a), (c), and (d) in § 78.325–4 shall serve to certify that the tank complies with all requirements of this specification.

§ 78.325–5 *Test and retest requirements*—(a) *Method of testing and retesting.* For each existing specification MC 300, MC 301, MC 302, and MC 303 tank not complying with all requirements of this specification and continuing in service in accordance with the provisions of § 78.325–2 (see § 78.325–4 (b) regarding marking of such tanks), the standard test pressure for each required initial test and retest shall be 50 pounds per square inch gauge (50 p. s. i. g.). For each tank complying with all requirements of this specification, whether new or existing, the standard test pressure for each required initial test and retest shall be 40 pounds per square inch gauge (40 p. s. i. g.).

(1) Every cargo tank, and all piping, valves, and other accessories thereof which are subject to the pressure of the tank contents, except safety valves, shall be tested and retested by complete filling (including domes, if any) with water or other liquid having a similar viscosity and applying a pressure of not less than the standard test pressure above specified.

The pressure shall be gauged at the top of the tank. The tank must hold the prescribed pressure for at least 10 minutes. While under pressure, the tank shall be inspected for leakage, corroded areas, bad dents, or other conditions which indicate weakness that might render the tank unsafe for transportation service, and it shall not be placed in or returned to service if any evidence of such unsafe condition is discovered, until the deficiencies have been corrected and the tests repeated and passed successfully. The tank lagging and its jacket, if installed, need not be removed unless it is found to be impossible to reach the test pressure and to maintain a condition of pressure equilibrium after the test pressure is reached. All tank accessories shall be leakage tested after installation and proved tight at not less than the design working pressure of the tank, except that hose used on such tanks may be tested either before or after installation.

(b) *Times of testing and retesting.* The test specified in § 78.325–5 (a) shall be made or repeated on each cargo tank used for the transportation of materials specified in § 78.325–1 under the following circumstances, and such tanks as do not pass the test shall be withheld from service until the required tests have been made on such tanks and passed successfully:

(1) Whenever any tank, new or old, is acquired by a motor carrier;

(2) On each existing tank continuing in service in accordance with § 78.325–2, which tank has not been so tested within 21 months of the effective date of this order. The test required by § 78.325–2 shall be made within three months of the effective date of this order;

(3) On each tank which has been out of service for one year or longer;

(4) When or before the test date required by § 78.325–4 to be painted on the tank is five years old;

(5) When or before the test date required by § 78.325–4 to be painted on the tank is two years old, in the case of tanks not complying with all requirements of this specification but continuing in service as authorized in § 78.325–2;

(6) After the tank concerned has been involved in any accident in which the tank or any of its associated parts has been damaged in a manner likely to affect the safety of operation of the vehicle, or in which the damage to the vehicle is such as to make the safety of the tank uncertain;

(7) When required by the Commission, in its discretion, on the showing of probable cause of the necessity for testing or retesting.

§ 78.325–6 *Requirements for design and workmanship.* (a) Tanks constructed in accordance with this specification shall be of circular cross section and all-steel or aluminum construction, except that gaskets need not be metallic and except that piping and valves need not be ferrous metal or aluminum. Non-malleable materials shall not be used in the construction of the tank, its mountings and protective devices, or any valves, piping, or fittings. The metal and gaskets shall be substantially immune to chemical attack by the materials to be transported therein, or shall be suitably lined to prevent corrosive attack, or shall have the thickness of the material suitably increased over that required elsewhere in this specification by an amount sufficient to provide for such corrosion during the estimated useful life of the tank. Joints in the tank structure may be made by welding, and may be reinforced where desired. Care shall be taken to avoid damage by galvanic action due to the presence of dissimilar metals at joints.

(b) All aluminum cargo tanks and appurtenances built to this specification shall be fabricated of alloys authorized for welded construction by the 1952 edition of the ASME Code for Unfired Pressure Vessels. A certification from the material supplier will suffice as evidence of compliance with this requirement.

(c) Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

§ 78.325–7 *Design working pressure.* (a) The design working pressure of each tank shall be not less than 25 pounds per square inch gauge (25 p. s. i. g.).

§ 78.325–8 *Minimum thickness of material.* (a) Tanks for this service may be constructed of mild steel, high tensile steel, or aluminum. The material thicknesses shall not be less than those obtained by applying the following formulae, nor less than those specified in paragraph (d) of § 78.325–8.

Thickness of shell $= T_s = \frac{PD}{2SE_s}$,

Thickness of heads $= T_h = \frac{0.85PL}{SE_h}$,

(for pressure on concave side only)

T_s= Minimum thickness of shell material, exclusive of allowance for corrosion or other loadings.
T_h= Minimum thickness of head material, after forming, exclusive of allowance for corrosion and other loadings.
P= Design pressure or maximum allowable working pressure, pounds per square inch: The maximum allowable working pressure for aluminum shells shall be specified on the basis of the minimum tensile strength of the head material for the alloy used.
D= Inside diameter of shell, inches.
L= Inside crown radius of head, inches.
S= Maximum allowable stress value, pounds per square inch—equals one-fourth of specified minimum ultimate tensile strength.
E_s= Lowest efficiency of any longitudinal joint in shell.
E_h= Lowest efficiency of any joint in head.

The knuckle radius of the head shall not be less than three times the material thickness and the straight flange shall be not less than one inch.

For heads with pressure on the convex side, the material thickness as obtained by the above formula shall be increased by 67 percent unless such heads are adequately braced to prevent excessive distortion.

(b) Corrosion allowance: Vessels or parts of vessels subject to thinning by corrosion, erosion, or mechanical abrasion shall have provision made for the desired life of the vessel by a suitable increase in the thickness of the material over that determined by the design formulae, or by using some other suitable method of protection. Material added for these purposes need not be of the same thickness for all parts of the vessel if different rates of attack are expected for the various parts.

(c) Other loadings: In addition to the material requirements as specified in paragraphs (a) and (b) of § 78.325–8, vessels shall be provided with stiffeners or other additional means of support if necessary to prevent overstress or large distortions due to the following other loadings:

(1) Impact loads.

(2) Weight of vessel and contents but not less than the water weight of tank and contents.[1]

(3) Superimposed loads such as operating equipment, insulation and piping.

(4) Reactions of supporting lugs or saddles.

(5) Effect of temperature gradients.

(d) Minimum thicknesses of mild steel tank sheets in U. S. standard gauges. (These thicknesses are to be multiplied by 1.44 for aluminum.)

	Gallons per inch of tank length						
	10 or less	Over 10 to 14	Over 14 to 18	Over 18 to 22	Over 22 to 26	Over 26 to 30	Over 30
Heads, bulkheads and baffles	14	13	12	11	10	9	8
SHELL							
Distance between attachments of bulkheads, baffles or other shell stiffeners:							
36 inches or less	14	14	14	13	12	11	10
Over 36 inches to 54 inches	14	14	13	12	11	10	9
Over 54 inches to 60 inches	14	13	12	11	10	9	8

[1] For determining the weight of the water contents of the tank, a gallon of water (231 cubic inches) shall be considered to weigh 8.32828 pounds.

All material used in the shell, heads and bulkheads of the cargo tank, shall meet or exceed the following minimum requirements:

	Steel—All vessel parts	Aluminum	
		Heads, bulkheads, baffles and other shell stiffeners.	Shell
Yield point	25,000 pounds per square inch.	9,500 pounds per square inch.	23,000 pounds per square inch.
Ultimate strength	45,000 pounds per square inch.	25,000 pounds per square inch.	31,000 pounds per square inch.
Elongation, 2-inch sample	20 percent	18 percent	7 percent.

Minimum thicknesses of high-tensile steel tank sheets, in U. S. Standard gauges:

	Gallons per inch of tank length						
	10 or less	Over 10 to 14	Over 14 to 18	Over 18 to 22	Over 22 to 26	Over 26 to 30	Over 30
Heads, bulkheads and baffles	15	14	13	12	11	10	9
SHELL							
Distance between attachments of bulkheads, baffles or other shell stiffeners:							
36 inches or less	16	16	15	14	13	12	11
Over 36 inches to 54 inches	16	15	14	13	12	11	10
Over 54 inches to 60 inches	15	14	13	12	11	10	9

All material used in accordance with this table of minimum thicknesses shall meet or exceed the following minimum requirements:

Yield point ..... 50,000 p. s. i.
Ultimate strength ..... 65,000 p. s. i.
Elongation, 2" sample ..... 20 percent

§ 78.325–9 *Bulkheads and baffles.* (a) When bulkheads not required: No bulkheads shall be required in any cargo tank regardless of capacity which is used in service in which there is never less than 80 percent of the capacity volume of the tank while in transportation over the highway and which in service has its entire contents discharged at one unloading point, provided that this requirement shall not apply to tanks operating in or through any jurisdiction where State or local regulations require seasonal reduction of vehicle weight limitations during the time such reductions are in force.

(b) When bulkheads required: Except as provided in paragraph (a) in § 78.325–9, every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments none of which shall exceed 2,000 gallons. Each bulkhead required by this paragraph shall be of the same minimum strength as is required elsewhere in this specification for tank heads.

(c) Double bulkheads. Tanks with compartments carrying flammable liquids of different shipping names or with compartments containing flammable or poisonous liquids and liquids not so classified by the regulations, shall be provided with an air space between compartments. This air space shall be equipped and maintained with drainage facilities operative at all times.

(d) Baffles or shell stiffeners. Every cargo tank or compartment of a cargo tank over 90 inches in length shall be provided with baffles or equivalent shell stiffeners so located that the maximum distance between any two baffles or stiffeners and between any baffle or stiffener and the nearest tank head or bulkhead shall not exceed 60 inches.

§ 78.325–10 *Tank outlets.* (a) Outlet fixtures of tanks shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

§ 78.325–11 *Pipe joints.* (a) Welded pipe joints shall be used wherever possible. Joints in copper tubing shall be of the brazed type or of an equally strong metal union type. The melting point of brazing material must not be less than 1000° F. Such joints shall in any event be of such a character as not to decrease the strength of the tubing, as by the cutting of threads.

§ 78.325–12 *Strength of piping, fittings, hose and hose couplings.* (a) Hose, piping and fittings shall be designed for a bursting pressure at least 100 pounds per square inch gauge (100 psig), and not less than four times the pressure to which, in any instance, it may be subjected in service by the action of a pump or other device (not including safety relief valves), the action of which may be to subject certain portions of the tank piping and hose to pressures greater than the design working pressure of the tank. Any coupling used on hose to make connections shall be designed for a working pressure not less than 20 percent in excess of the design working pressure of the hose and shall be so designed that there will be no leakage when connected.

§ 78.325–13 *Filling and discharge shut-off-valves.* (a) Filling and discharge lines shall be provided with shut-off valves located as close to the tank outlet as is possible. If such valves are not manually operated, they shall be of an automatic quick-closing internal valve type or an automatic shut-off type provided that if such valves are used, the lines must have a manually-operated shut-off valve located in the line ahead of the hose connection. Stop-check or excess flow valves shall not be used to satisfy the requirements of this section.

§ 78.325–14 *Safety devices*—(a) *Safety relief valves required.* Each tank and each compartment of a tank shall be provided with one or more safety relief valves of the springloaded type, arranged to discharge upward and unobstructed in such a manner as to prevent any impingement of escaping gas upon the tank.

(b) *Relief valve capacity.* The required safety relief valves shall be set to start to discharge at a pressure not exceeding 26 pounds per square inch gauge (26 psig) and to close after discharge at a pressure not lower than 25 pounds per square inch gauge (25 psig). At a pressure not exceeding 30 pounds per square inch gauge (30 psig) they shall have a discharge capacity not less than that of an unobstructed opening of one square inch (1 sq. in.) for each 35 square feet (35 sq. ft.) of exterior area of the tank or compartment to which they are connected, provided that two or more such valves may be used on the same tank or compartment to obtain the discharge capacity herein required.

(c) *Markings on relief valves.* Each safety relief valve shall be plainly and permanently marked (1) with the pressure in pounds per square inch gauge at which it is set to start to discharge, (2) with the actual rate of discharge of the device in cubic feet per minute of air at 60° F. and atmospheric pressure and (3) with the manufacturer's name and catalogue number. The rated discharge capacity of the device shall be determined at a pressure of 30 pounds per square inch gauge (30 psig).

(d) *Connections to relief valves.* Connections to safety relief valves shall be of sufficient size to provide the required rate of discharge through the safety relief valves.

(e) *Protection of relief valves.* Safety relief valves shall be arranged so that the possibility of tampering will be minimized. If the pressure setting or adjustment is external, the safety relief valves shall be provided with suitable means for sealing the adjustment.

(f) *Shut-off valves.* No shut-off valves shall be installed between the safety relief valves and the tank except in cases where two or more safety relief valves are installed on the same tank, a shut-off valve may be used where the arrangement of the shut-off valve or valves is such as always to afford full required capacity flow through at least one safety relief valve.

(g) *Connection of safety relief valve to vapor space.* Safety relief valves shall have direct communication with the vapor space of the tank.

(h) *Prevention of excessive hydrostatic pressure.* Any portion of liquid piping or hose which at any time may be closed at each end must be provided with a safety valve to prevent excessive hydrostatic pressure. This safety relief valve must not have an intervening shut-off valve installed.

(i) *Automatic excess-flow valves.* Each cargo tank outlet shall be provided with a suitable automatic excess-flow valve or, in lieu thereof, may be fitted with a quick-closing internal valve designed, installed and operated so as to assure against escape of the contents in

event of failure of the outlet. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve, except that safety device connections and liquid level gauging devices, which are so constructed that the outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening, are not required to be equipped with excess-flow valves.

(j) *Excess-flow valve settings.* Excess-flow valves shall be so installed and adjusted that they close automatically at the rated flows of gas or liquid as specified by the valve manufacturer.

(k) *Capacity of connections to valves.* The connections or lines on each side of an excess-flow valve, including valve fittings, etc., shall have a greater capacity than the rated flow of the excess-flow valve.

(l) *By-pass of valve.* Excess-flow valves may be designed with a by-pass, not to exceed a No. 60 drill size opening, to allow equalization of pressures.

(m) *Utilization of stop-check valves forbidden.* The use of combination stop-check valves to satisfy with one valve requirements of § 78.325–13 and § 78.325–14 (j) and (k) is forbidden.

§ 78.325–15 *Pumps.* (a) Liquid pumps, whenever used, must be of suitable design, adequately protected against breakage by collisions, and kept in good condition. They may be driven by motor vehicle power take-off or other mechanical, electrical or hydraulic means. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated by-pass valves permitting flow from discharge to suction or to the tank.

§ 78.325–16 *Provision for expansion and vibration.* (a) Suitable provision shall be made in every case to allow for and prevent damage due to expansion, contraction, jarring and vibration of all pipe. Slip joints shall not be used for this purpose.

§ 78.325–17 *Shear section.* (a) There shall be provided between each excess-flow valve seat or internal valve seat, and draw-off valves, a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the excess-flow valve seat or the internal valve seat intact in case of accident to the draw-off valve or piping.

§ 78.325–18 *Protection of piping and appurtenances.* (a) Piping, fittings and valves projecting beyond the frame, or if the vehicle be frameless beyond the shell, shall be adequately protected by steel bumpers or other equally effective devices, against collision. Any other part of any cargo tank connected with its cargo space and similarly protruding shall be similarly protected.

§ 78.325–19 *Overturn protection.* (a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle. Protection shall also be provided for any protruding or projecting fitting or appurtenance by means of adequate metal guards. The calculated load for the protective devices shall be the weight of the tank motor vehicle with the tank full of water, at one "g" deceleration. If the overturn protection is so constructed as to permit accumulation of liquid on the top of the tank, it shall not be provided with drainage facilities which will permit drainage at or near the front of the tank.

§ 78.325–20 *Liquid level gauging devices.* (a) Every cargo tank, except tanks filled by weight, shall be equipped with one or more gauging devices which shall indicate accurately the maximum permitted liquid level in each compartment. Additional gauging devices may be installed but may not be used as primary controls for filling of cargo tanks at pressures above atmospheric. Acceptable gauging devices for use at pressures above atmospheric are the rotary tube, the adjustable slip tube and the fixed length dip tube. Gauge glasses are not permitted to be installed on any cargo tank.

(b) Fixed level indicators: All liquid level gauging devices, except those on tanks provided with fixed maximum level indicators, shall be legibly and permanently marked in increments of not more than 20° F to indicate the maximum levels to which the tank may be filled with liquid at temperatures above 20° F. In the event that it is impractical to put these markings on the gauging device, this information shall be marked on a suitable plate affixed to the tank in a location adjacent to the gauging device.

(c) Dip tubes: A fixed length dip tube gauging device, when used, shall consist of a dip pipe of small diameter equipped with a valve at the outer end, and extending into the tank to a specified fixed length. On horizontally-mounted cylindrical tanks, the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid, at a point equidistant from the heads of the tank in a vertical plane containing the longitudinal axis of the tank, reaches the maximum level permitted by the regulations in this part. On spherical tanks and on vertically-mounted cylindrical tanks, the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid at a point on the vertical axis of the tank in its normal position reaches the maximum level permitted by the regulations in this part.

§ 78.325–21 *Anchoring of tank.* (a) Adequate hold-down devices shall be provided to anchor each cargo tank in a suitable manner that will not introduce undue concentration of stresses and shall be built to withstand loadings in any direction equal to the weight of the tank and attachments when filled with water. These devices on vehicles with frames shall incorporate turnbuckles of similar positive action devices for drawing the tank down tight on the frame of the motor vehicle.

(b) Stops and anchors: Suitable stops and anchors shall be attached to the motor vehicle and the tank to prevent movement between them due to starting, stopping and turning. These stops or anchors shall be installed so as to be readily accessible for inspection and maintenance except that lagging for lagged tanks is permitted to cover such stops and anchors.

(c) Anchoring integral tanks: Whenever any cargo tank is so designed and constructed that the cargo tank constitutes, in whole or in part, the stress member used in lieu of a frame, then such cargo tanks shall be designed so as to successfully and adequately withstand the stresses thereby imposed in addition to those created by the working pressure.

2. Amend § 78.331–13 (18 F. R. 6784, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 78.331–13) to read as follows:

§ 78.331 *Specification MC 311; cargo tanks.*

§ 78.331–13 *Heads, bulkheads and baffles.* (a) Flat heads or flat bulkheads without reinforcement are not permitted. The use of baffles is not a specification requirement.

3. In § 78.336–1 add exception to paragraph (a), and amend paragraphs (b) and (c); amend § 78.336–2 paragraph (b); amend § 78.336–5 paragraph (a) (19 F. R. 1287, Mar. 6, 1954) (17 F. R. 7290, Aug. 9, 1952) (49 CFR 1950 Rev., 1954 Supp., 78.336–1, 78.336–2, 78.336–5) to read as follows:

§ 78.336 *Specification MC 330; steel cargo tanks.*

§ 78.336–1 *Requirements for design and construction.* (a) * * *

Exception: Chlorine tanks shall be fully radiographed and stress relieved in accordance with the provisions of the Code under which they are constructed.

(b) Except as noted below, all openings in the tank shall be grouped in one location, either at the top of the tank or at one end of the tank.

Exceptions: (1) Chlorine tanks shall be equipped with a nozzle located in the top of the tank. The nozzle shall be fitted with a dome cover plate which shall conform with the standard of The Chlorine Institute, Inc. Dwg. 7–B–345, dated March 3, 1953. There shall be no other opening in the tank. (2) The openings for liquid level gauging devices, or for safety devices may be installed separately at the other location or in the side of the shell. (3) One plugged opening of 2-inch National Pipe Thread or less provided for maintenance purposes may be located elsewhere. (4) Loading and unloading connections may be located in the bottom of the tank.

(c) All plates for tank, manway nozzle and anchorage of tanks used in the transportation of chlorine must be made of steel complying with requirements of A. S. T. M. Specification A–300–52T ti-

tled "Steel Plates for Pressure Vessels for Service at Low Temperatures", Class 1, Grade "A", flange or fire box quality. Impact test specimens made by the plate manufacturer shall be of the Charpy Keyhole notch type and must meet impact requirements (in both longitudinal and transverse directions of rolling) of this specification at a temperature of minus 50° F.

§ 78.336–2 *Material.* • • •

(b) Material of thickness less than 3/16 inch shall not be used for the shell, heads and protective housings specified in § 78.336–5, except for chlorine tanks the wall thickness shall be not less than 5/8 inch, including corrosion allowance.

§ 78.336–5 *Protection of valves and accessories.* (a) All valves, fittings, accessories, safety devices, gauging devices, and the like shall be adequately protected against mechanical damage by a housing closed with a cover plate.

Exceptions: (1) Liquid and vapor valves, fittings, and accessories installed in the bottom of the tank shall be adequately protected against mechanical damage, but the housing and cover plate may be omitted. (2) In lieu of a housing closed with a cover plate, tanks used for the transportation of carbon dioxide may have all valves, piping, fittings, accessories, safety devices, and the like installed within the motor vehicle framework, or a suitable collision-resisting subframe, guard or housing. (3) On chlorine tanks the protective housing and cover plate shall conform to the standard of The Chlorine Institute, Inc. Dwg. CS–843, dated July 27, 1954 and shall be of a design to permit the use of standard emergency kits for controlling leaks in fittings on the dome cover plate.

• • • • • •

APPENDIX

Section, Paragraph, and Reason for Amendment

72.5, (a) Commodity List; provides additions and amendments to keep commodity list on a current basis.

73.31, (g) Note 1; to authorize retest of tank cars during calendar year instead of date they are due.

73.31, (j); to allow use of plugs in outlet caps of tank cars.

73.33, (c); to authorize MC 320 cargo tanks for the same liquefied gases transported in MC 330 cargo tanks.

73.33, (g) (1); to indicate that MC 320 cargo tanks may be used where the regulations call for MC 330 cargo tanks.

73.33, (k) (1), (m) (9) (10) (11), (o) (4), (p); to provide for the transportation of chlorine in cargo tank motor vehicles.

73.59, (a); clarifies application of regulations to chemical ammunition.

73.60, (a) (6); 73.60, (b) (2); 73.60, (d) (2); 73.63, (a) (2), (b) (c) (1) (2), (d) (2), (e) (2); 73.64, (a) (2); 73.65, (a) (2); 73.65, (h) (2); 73.66, (d) (1), (e) (1), (g) (1); 73.67, (a) (1); 73.68, (a) (1); to allow use of specification 12H, fiberboard box in addition to other containers.

73.88, (d); to define certain incendiary bombs and smoke bombs as special fireworks.

73.91, (f) (2); to allow use of specification 12H, fiberboard box for railway torpedoes.

73.92, (a) (3); to allow use of specification 23F, fiberboard box for jet thrust igniters.

73.100, (w); to describe a fire extinguisher actuating cartridge.

73.114, entire section; to provide for the packing and marking of fire extinguisher actuating charges.

73.118, (c) (24), (25); to include methylhydrazine and uns-dimethylhydrazine in any quantity not exempt from the regulations.

73.122, (a); to clarify that acrolein must be inhibited when offered for transportation.

73.122, (b); to provide for the shipment of acrolein, inhibited by rail express.

73.127, (a) (2), (4); to allow use of specification 37A or 37B and 6J containers for certain flammable liquids.

73.128, (c); to exempt certain rail express shipments of paints and related materials from marking and labeling requirements.

73.132, (a); to provide packaging requirements for coating solution.

73.139, (a) (1); to allow use of glass bottles as inside containers for ethylene imine, inhibited.

73.145, entire section; to allow use of an additional type of inside container for methylhydrazine and uns-dimethylhydrazine.

73.153, (a); clarification.

73.176, (e); to allow use of specification 12C, fiberboard box for matches; eliminate use of lapped joints in lieu of lining in boxes.

73.184, (a) (3); to allow use of specification 6J containers for certain flammable solids.

73.191, (a) (1); to eliminate packing of glass or earthenware containers of phosphorus pentachloride in metal cans under certain conditions.

73.229, (c); To allow exemptions for an additional type package for chlorate and borate mixtures or chlorate and magnesium chloride mixtures.

73.244, (c) (49), (50); changes classification of methylhydrazine and uns-dimethylhydrazine from a corrosive liquid to a flammable liquid.

73.255, (a) (3); to allow additional types of closures for inside glass containers for dimethyl sulfate.

73.259, entire section; to allow shipment of certain corrosive liquids with electronic equipment and to increase the size of inside containers.

73.260, (b) (2); to allow an additional type of package for small electric storage batteries.

73.266, (b), (c), (d); to clarify the packaging requirements for various strengths of hydrogen peroxide.

73.272, (g) (1); to allow specified strengths of sulfuric acid in 5A or 5C containers.

73.276, (a); to eliminate reference to methylhydrazine and uns-dimethylhydrazine which are now provided for in § 73.145.

73.289, (a) (2); to allow specification 103A–W stainless steel tank car for formic acid.

73.289, (a) (9); to allow specification 1EX containers of formic acid in domestic service.

73.293, entire section; to provide packaging requirements for iodine monochloride.

73.302, (a) (3); to extend exemptions for containers of certain gases from 16.6 fluid ounces to 17.6 fluid ounce capacity.

73.306, (a) (1); to allow use of specification 4B–ET cylinder for certain liquefied gases.

73.308, (a), table; to allow use of cylinders having service pressures of 225 and 150 p. s. i. for vinyl chloride, inhibited.

73.314, (a), table; to allow use of specification 105A300, and 105A300W tank cars for dispersant gas, n. o. s.

73.314, (f); clarification.

73.315, (a) (1) table, Notes 4 and 8 to (a) (1), (h) table, (i), (i) (2) and (11); to provide for the shipment of chlorine in MC 330 cargo tank.

73.334, (a), (a) (1); to increase the maximum percentage of active ingredient authorized for shipment of certain poisons; to provide for the use of spec. 4B24OET cylinders.

73.354, (a) (4), (5), (c); to clarify that certain tank cars and tank motor vehicles are not permitted for shipment of tetraethyl lead.

73.402, (a) (13); to authorize the use of certain labels for shipment of dangerous articles by air.

73.402, (b) (1); to require a duplicate certificate from shipper for export shipment of dangerous goods involving air transport.

73.405, (b); 73.406, (b); 73.407, (b), (b) (1), (2), and (3); 73.408, (b); 73.408, (b) (1); 73.409, (b), (b) (1); 73.409, (b) (2); 73.409, (b) (3); 73.410, (b); 73.411, (b); 73.412, (b); 73.414, (c); 73.414, (c) (1); to authorize use and recognition of new forms of caution labels for shipments of explosives and dangerous articles interchanged with carriers by air.

73.430, (c); to require a duplicate certificate from shipper for domestic shipment of dangerous goods involving air transport.

74.529, (b); to authorize the transportation of class B explosives in container cars.

74.538, footnote c to (a) table; clarification.

77.823, (d); to provide marking requirements for tank motor vehicles transporting chlorine.

77.840, (e); to require gas mask, and emergency kit for controlling leaks to accompany shipment of chlorine in cargo tanks.

77.840, (f); to provide certain requirements for loading and unloading tank motor vehicles transporting chlorine.

77.848, footnote c to (a) table; clarification.

78.38–12, (c); to authorize use of 4 engaged threads for cylinder fittings on specification 3B.

78.80–11, (a); to provide a more suitable place for marking drums with removable heads.

78.81–11, (a); to allow additional means of marking specification 5A containers.

78.82–11, (a); same as § 78.80–11.

78.83–9, (c), (d), and (e); to provide for improved thread forms for specification 5C containers.

78.83–11, (a); to permit the brazing of metal plates used for marking specification 5C containers.

78.84–11, (a); same as § 78.80–11.

78.85–10, (a); to provide additional means of marking specification 5F containers.

78.87–11, (a); same as § 78.80–11.

78.88–8, (c), (d), and (e); to provide for improved thread forms for specification 5K containers.

78.88–10, (a); to provide additional means of marking specification 5K containers.

78.89–9, (a); to provide additional means of marking specification 5L containers.

78.90–8, entire section; to provide an improved thread form for specification 5M containers.

78.90–10, (a); to permit the brazing of metal plates used for marking specification 5M containers.

78.91–11, (a); to provide additional means of marking specification 5X containers.

78.97–9, (a); 78.98–9, (a); 78.99–9, (a); 78.100–9, (a); 78.101–9, (a); same as § 78.80–11.

78.107–7, (b); to provide improved thread form closures for specification 42B containers.

78.108–7, (b); same as § 78.107–7.

78.109–7, (b); same as § 78.107–7.

78.110–8, (a); same as § 78.80–11.

78.115–10, (a); same as § 78.80–11.

78.116–7, (a); to require a 3/8 inch minimum for convexity of drum heads.

78.116–10, (a); to provide additional means of marking specification 17E containers.

78.117–11, (a); to provide additional means of marking specification 17F containers.

78.118, heading; clarifies that removable heads are required.

78.118–10, (a); same as § 78.80–11.

78.130–8, (a); same as § 78.80–11.

78.131–9, (a); same as §78.80–11.

78.132–9, (a); to provide additional means of marking specification 37B containers.

78.165–8, (a) table and footnote 2; to provide additional type construction for tops and bottoms of specification 14 boxes.

78.205–9, (a); to allow alternate method of constructing specification 12B fiberboard box.

78.205–31, (a); to provide details for the construction of a special box.

78.209, entire section; to provide a new specification 12H fiberboard box.

78.214–11, (a); to provide for additional type of joint for specification 23F fiberboard box.

78.219–7, (a); to allow for an additional type telescoping box, specification 23H.

78.219–11, (b); to authorize a 65-pound gross weight for new type telescoping box.

78.250–5, (a) (3); to provide for proper registration of companies using containers built prior to effective date of specification 55.

78.280, ICC–9 (b); to require dome pocket drain holes in certain tank shells and adequate reinforcement of tank shell opening within dome, exceeding 30-inch diameter.

78.280, AAR–9 (b); to make reference to diagram showing method of reinforcing tank at dome opening.

Part 78, Subp. I App. C, figure 24 and Notes 1 to 5; to provide for the reinforcement of tank shell opening within dome, exceeding 30-inch diameter.

78.325, entire section; to provide a new specification MC 304 cargo tank motor vehicle for flammable and poisonous liquids.

78.331–13, (a); clarifies that baffles are not required.

78.336–1, (a); provides details for construction of cargo tanks for chlorine.

[F. R. Doc. 55–8723; Filed, Oct. 27, 1955; 8:52 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 44 [1]]

PART 368—MUTUAL ASSISTANCE ON U. S. IMPORTS AND EXPORTS

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 368.1 *Import certificate and delivery verificatoin on selected imports into the United States* is amended in the following particulars:

a. Subdivision (i) of subparagraph (8) *Approval of shipments to destinations other than the United States* of paragraph (b) is amended to read as follows:

(i) Where a United States purchaser intends to ship commodities covered by a United States Import Certificate to an ultimate destination other than the United States or Canada, approval by the Bureau of Foreign Commerce of the release of the commodities to the ultimate consignee is required before the commodities covered are delivered and before title to or possession of the commodities is transferred.[1]

b. A new subdivision (iv) is added to subparagraph (8) of paragraph (b) to read as follows:

(iv) If the commodities covered by a United States Import Certificate are for shipment to Canada as the country of ultimate destination, and the foreign exporter of the commodities requests a delivery verification from the holder of the United States Import Certificate, the Import Certificate holder shall obtain a Canadian delivery verification, and submit it to the Bureau of Foreign Commerce, together with an explanatory letter showing the U. S. Import Certificate Number, the date issued, and the location of the issuing office. The Bureau of Foreign Commerce will then notify the government authorities of the exporting country that a delivery verification has been issued.

c. Paragraph (e) *Penalties and administrative action* is amended to read as follows:

(e) *Penalties and sanctions for violations*—(1) *Administrative.* (i) The enforcement provisions of Part 381 of this subchapter, and § 384.2 (a), of the export control regulations shall apply to transactions involving imports into the United States covered by this part. Any provision of Part 381 of this subchapter, and § 384.2 (a) of this subchapter which by their terms relate to "exportations" or "exportations from the United States" are also deemed to apply and extend to imports or importations into the United States, applications for Import Certificates, Import Certificates, and Delivery Verifications, dealt with in this part. (A Form IT– or FC–826, Import Certificate, when presented to the Department of Commerce for certification or validation, is an application for Import Certificate.)

(ii) Any person, either in the United States or abroad, who violates the Export Control Act or any regulation, order, or license issued thereunder, including the provisions of this part, is subject to administrative action which may result in disqualification from eligibility to obtain a certified Import Certificate from the Department of Commerce; in suspension, revocation, and denial of export privileges under the Export Control Act; and in exclusion from practice before the Bureau of Foreign Commerce.

NOTE: Applications for Import Certificates, and Delivery Verifications, as specified in this part, are included within the definition of export control documents set forth in § 370.1 (n) of this subchapter of the export control regulations.

Also see Part 382 of this subchapter, "Denial or Suspension of Export Privileges" and § 384.2 (a), "Activities of Persons Appearing Before the Bureau of Foreign Commerce in connection with Export Control Matters."

(2) *Criminal.* The U. S. Code, Title 18 (Crimes and Criminal Procedure), Section 1001, makes it a criminal offense to make a wilfully false statement or conceal a material fact, or knowingly use a document containing a false statement, in any matter within the jurisdiction of a U. S. department or agency. Maximum penalties under this provision are $10,000 fine or imprisonment for 5 years, or both. In addition, each violation of the Export Control Act or any regulation, order, or license issued thereunder is punishable by a fine of not more than $10,000 or by imprisonment for not more than one year, or both.

2. Section 370.1 *Definitions* is amended in the following particulars:

Subparagraph (1) of paragraph (n) Export control document is amended to read as follows:

(1) "Export control document" means a validated Export License; an Application for Export License, including any supporting documents; an Ultimate Consignee or Purchaser Statement; an application for Import Certificate, an Import Certificate and Delivery Verification, as specified in Parts 368 and 373; a Shipper's Export Declaration presented to a Collector of Customs or Postmaster in connection with the clearance of any shipment for exportation to Canada or, under validated or general license, to any other foreign destination, whether or not authenticated by a Collector or Postmaster; a Dock Receipt or Bill of Lading issued by any carrier in connection with any exportation subject to the Export Regulations; and any other document issued by a U. S. Government agency pursuant to the Export Regulations as evidence of the existence of an export license for the purpose of loading onto an exporting carrier or otherwise facilitating or effecting an exportation from the United States of any commodity or commodities requiring an export license, or the reexportation of any such commodities.

3. Section 373.2 *Confirmation of country of ultimate destination and verification of actual delivery,* paragraph (a) *Scope,* footnote 3 is amended to read as follows:

[3] Also see § 373.66 for requirements of Austrian Import Identification Number.

4. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended by deleting paragraph (a) *Containing radium.*

5. Section 373.55 *Chemicals and medicinals* is amended to read as follows:

§ 373.55 *Chemicals and medicinals*—(a) *General.* All applications for licenses to export chemicals, medicinals, and pharmaceuticals shall state such facts relating to grade, form, concentration, mixtures, or ingredients as may be necessary to identify the commodity accurately.

(b) *Isotopes.* License applications to export those isotopes for which procurement authorization is required from the Atomic Energy Commission shall specify the AEC Procurement Authorization number and expiration date in the commodity description column of Form IT– or FC–419.

6. Section 373.65 *Ultimate consignee and purchaser statements,* paragraph (a) *Scope* is amended in the following particulars: The footnote to the last word of subdivision (ii) of subparagraph (3) *Multiple transaction statement from ultimate consignee* and the same footnote to the last word of subdivision (i) of subparagraph (4) *Alternative for multiple transaction statement* are amended to read as follows:

Multiple transaction consignee and purchaser statements or extension certifications as provided in § 373.65 (a) (4), on file with the Bureau of Foreign Commerce and in ac-

[1] This amendment was published in Current Export Bulletin No. 757, dated October 27, 1955.

cordance with the export control regulations

extension is in addition to the extensions

§ 202.245 is hereby amended by the addi-

a signal of 4 blasts of a whistle or horn to

[Circular No. 1939]

of important prehistoric carvings, in

cordance with the export control regulations on October 27, 1955, are automatically extended from the date appearing in Item 4 of Form IT– or FC–843 or Item 3 of the certification, until April 2, 1956. A supplemental statement must be submitted, however, disclosing any change of facts or intentions, as provided in Item 13 of Form IT– or FC–843 or Items 4 and 5 of the certification. This extension is in addition to the extensions announced on March 3, 1955, and June 9, 1955.

7. Section 373.71 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended to read as follows:

TIME SCHEDULE FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES[1]

[Fourth Quarter of 1955 and First Quarter of 1956]

Department of Commerce Schedule B No.	Commodity	Submission dates	
		Fourth quarter, 1955	First quarter, 1956
630050	Aluminum scrap (new and old)	Before Dec. 1, 1955.	
630070	Aluminum remelt ingots		
641300	Copper scrap (new and old) containing 40 percent or more copper.		
644000	Copper-base alloy scrap (new and old) containing 40 percent or more copper.		
644100	Copper-base alloy ingots and other crude forms		
619159	Selenium powder	Sept. 1-15, 1955	Dec. 1-15, 1955.
622008	Ferroselenium		
664908	Selenium metal, except selenium-bearing scrap materials		
829810	Selenium-containing rubber compounding agents not of coal tar origin: accelerators.		
839750	Selenium salts of organic compounds		
839900	Selenium salts and compounds, including selenium dioxide.		
842900	Selenium-containing pigments		

[1] Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time (see § 372.5 (c)). Export applications for commodities requiring a validated license when moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see note following § 372.6 (d)).

This amendment shall become effective as of October 27, 1955.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55–8724; Filed, Oct. 27, 1955; 8:52 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 681—HOMEWORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN THE NEEDLEWORK INDUSTRIES

MINIMUM PIECE RATES

On September 23, 1955, notice was published in the FEDERAL REGISTER (20 F. R. 7138) that the Administrator of the Wage and Hour Division, United States Department of Labor, proposed to amend the minimum piece rates established in § 681.9 of this part. Interested persons were afforded an opportunity to submit data, views or arguments pertaining thereto within 15 days from the date of publication of the notice. No data, views or arguments have been received, and such 15-day period has expired.

Accordingly, pursuant to authority under section 6 (a) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended 29 U. S. C. 201 et seq.), all minimum piece rates heretofore issued pursuant to § 681.9 (29 CFR, Part 681) are hereby superseded, and a new piece rate for homeworkers engaged in hand-braiding leather buttons is hereby issued to read as follows:

§ 681.9 *Minimum piece rates prescribed by the Administrator.* A minimum piece rate of 30 cents a gross for homeworkers in Puerto Rico engaged in the hand-braiding of leather buttons, 24 to 30 ligne, by the following method: Tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling the ends of the strip, forming the button shank from the prepared shank end of the strip, and trimming the loose end by cutting off the excess leather; all operations to be performed upon undegreased leather strips, each of which has been cut in advance to suitable dimensions so that one end may be formed into the button shank and the remainder braided to become the rounded button.

(Secs. 8, 11, 52 Stat. 1064, 1069; 29 U. S. C. 208, 211)

The above amendment shall become effective the 28th day of November, 1955.

Signed at Washington, D. C., this 25th day of October 1955.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 55–8726; Filed, Oct. 27, 1955; 8:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

NEW RIVER, NEW RIVER SOUND, AND MIDDLE RIVER, FLA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 is hereby amended by the addition of subparagraph (h) (22) to govern the operation of Sunrise Boulevard bridge across Middle River; § 203.445a is hereby revoked; and § 203.446 is hereby amended to govern the operation of Southeast Sixth Avenue bridge across New River, and East Las Olas Boulevard and Sunrise Boulevard bridges across New River Sound, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(h) *Waterways discharging into the Gulf of Mexico south of Charleston.* • • •

(22) Middle River, Fla. City of Fort Lauderdale bridge at North East Tenth Street (Sunrise Boulevard bridge). At least 24 hours' advance notice required.

• • • • •

§ 203.445a *New River Sound (Intracoastal Waterway), Fla.; East Las Olas Boulevard and Sunrise Boulevard bridges, Fort Lauderdale, Fla.* [Revoked.]

§ 203.446 *New River and New River Sound (Intercoastal Waterway). Fort Lauderdale, Fla.; bridges*—(a) *East Las Olas Boulevard Bridge across New River Sound.* During the period November 15 to May 15, both dates inclusive, the owner of or agency controlling this bridge will not be required to open the drawspan between the hours of 7:00 a. m. and 6:00 p. m., except on the hour and half-hour when the bridge shall be opened to allow all accumulated vessels to pass.

(b) *Sunrise Boulevard Bridge across New River Sound.* During the period November 15 to May 15, both dates inclusive, the owner of or agency controlling this bridge will not be required to open the drawspan between the hours of 7:15 a. m. and 6:15 p. m., except on the quarter-hour and three-quarter-hour when the bridge shall be opened to allow all accumulated vessels to pass.

(c) *Southeast Sixth Avenue (Federal Highway) Bridge across New River.* During the period November 15 and May 15, both dates inclusive, the owner of or agency controlling this bridge will not be required to open the drawspan between the hours of 7:00 a. m. and 6:00 p. m., except on the hour or half-hour as scheduled when the bridge shall be opened to allow all accumulated vessels to pass: *Provided*, That between the hours of 4:00 p. m. and 4:30 p. m., the drawspan shall be opened at any time for passage of east-bound sight-seeing boats. Openings are scheduled on the hour and half-hour as follows:

7:00 a. m.	1:00 p. m.
8:00 a. m.	2:00 p. m.
9:00 a. m.	2:30 p. m.
9:30 a. m.	3:00 p. m.
10:00 a. m.	3:30 p. m.
10:30 a. m.	4:00 p. m.
11:00 a. m.	4:30 p. m.
11:30 a. m.	5:00 p. m.
12:00 Noon	6:00 p. m.

(d) The draws of the bridges listed in paragraphs (a), (b), and (c) of this section shall be opened at any time upon a signal of 4 blasts of a whistle or horn to allow the passage of a tow or vessel in distress.

(e) The owner of or agency controlling the bridges shall place signs, of a size and description designated by the District Engineer, at each side of these bridges and at a distance of one-half mile above and below each bridge indicating the nature of the regulations of this section.

[Regs., October 12, 1955, 823.01–ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–8689; Filed, Oct. 27, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter F—Color of Title and Riparian Claims

[Circular No. 1937]

PART 141—COLOR OF TITLE AND RIPARIAN CLAIMS APPLICABLE TO PARTICULAR STATES

Section 141.25 is revoked in its entirety.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

OCTOBER 24, 1955.

[F. R. Doc. 55–8697; Filed, Oct. 27, 1955; 8:47 a. m.]

[Circular No. 1938]

PART 200—MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS-OF-WAY

LEASING OF MINERAL DEPOSITS OTHER THAN OIL, GAS, OIL SHALE, COAL, PHOSPHATE, POTASSIUM, SODIUM AND SULPHUR IN CERTAIN ACQUIRED LANDS

Section 200.50 is amended by adding a paragraph (d) thereto, as follows:

§ 200.50 *Fractional or future interest leases.* • • •

(d) *Rejection and termination of applications.* An application for a future interest lease filed less than one year prior to the date of the vesting in the United States of the present interest in the minerals will be rejected. Upon the vesting in the United States of the present possessory interest in the minerals, all applications for future interest leases outstanding at that time will automatically lapse and thereafter only offers for a present interest lease will be considered.

(Sec. 10, 61 Stat. 915; 30 U. S. C. 359)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

OCTOBER 24, 1955.

[F. R. Doc. 55–8696; Filed, Oct. 27, 1955; 8:47 a. m.]

[Circular No. 1939]

PART 250—PUBLIC SALES

Section 250.11 (b) (3) is amended to read as follows:

§ 250.11 *Action at close of bidding.* • • •

(b) *Preference right of purchase; declaration of purchaser.* • • •

(3) Where there is a conflict between two or more persons claiming a preference right of purchase, they will be allowed 30 days from receipt of notice within which to agree among themselves upon a division of the tracts by subdivisions. In the absence of an agreement an equitable division of the land will be made taking into consideraton such factors as (i) the equalizing of the number of acres which each claimant will be permitted to purchase, (ii) desirable land use, based on topography, land pattern, location of water, and similar factors, and (iii) legitimate historical use, including construction and maintenance of authorized improvements. If equitable considerations dictate, all of the subdivisions may be awarded to one of the claimants. Where only one subdivision is offered for sale and it adjoins the lands of two or more preference right claimants, it will, in the absence of equitable considerations requiring otherwise, be awarded to the applicant for the sale if he is a qualified preference-right claimant; if he is not, it will be awarded to the first qualified person who properly asserts such a preference right within or prior to the 30-day preference-right period. The manager will make the award by declaring the appropriate claimant or claimants purchasers of the land.

(R. S. 2478; 43 U. S. C. 1201)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

OCTOBER 24, 1955.

[F. R. Doc. 55–8695; Filed, Oct. 27, 1955; 8:46 a. m.]

Appendix—Public Land Orders

[Public Land Order 1232]

[Montana 018514 (SD)]

SOUTH DAKOTA

RESERVING PUBLIC LANDS WITHIN BLACK HILLS NATIONAL FOREST FOR PROTECTION OF IMPORTANT PREHISTORIC CARVINGS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Black Hills National Forest, South Dakota, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved under the jurisdiction of the Secretary of Agriculture, for the protection of important prehistoric carvings in furtherance of the act of June 8, 1906 (34 Stat. 225; 16 U. S. C. 431):

BLACK HILLS MERIDIAN

T. 7 S., R. 2 E.,
Sec. 25, E½.
T. 7 S., R. 3 E.,
Sec. 30, W½.

The areas described aggregate 640 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

F. E. WORMSER,
Acting Secretary of the Interior.

SEPTEMBER 29, 1955.

[F. R. Doc. 55–8694; Filed, Oct. 27, 1955; 8:46 a. m.]

[Public Land Order 1240]

[Misc. 1825763]

UTAH

WITHDRAWING LANDS FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH DUGWAY PROVING GROUND; PARTLY REVOKING EXECUTIVE ORDER NO. 8579 OF OCTOBER 29, 1940

By virtue of the authority vested in the President by section 1 of the act of July 9, 1918, c. 143 (40 Stat. 845, 848; 10 U. S. C. 1341) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the public lands within the following-described areas, which are surveyed only in part, are hereby withdrawn from all forms of disposal under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Army for military purposes:

SALT LAKE MERIDIAN

Tps. 6 and 7, S., R. 12 W.
T. 8 S., R. 12 W., W½.
Tps. 7 and 8, S., R. 13 W.,
T. 9 S., R. 13 W.,
Secs. 1, 2, 3, and 10 to 13, inclusive.

The public lands in the areas described aggregate approximately 103,485 acres.

This order shall attach to all the right, title and interest acquired by the United States to any of the non-public lands in the area withdrawn by this order, immediately upon acquisition by the United States of such right, title and interest.

2. Executive Order No. 8579 of October 29, 1940, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing lands for use of the War Department as an aerial bombing and gunnery range is hereby revoked so far as it affects any of the lands withdrawn by paragraph 1 of this order.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

OCTOBER 21, 1955.

[F. R. Doc. 55–8693; Filed, Oct. 27, 1955; 8:46 a. m.]

[Public Land Order 1241]

[Misc. 69256]

ARKANSAS

EXTENDING THE BOUNDARIES OF THE OUACHITA NATIONAL FOREST

By virtue of the authority vested in the President by Section 24 of the act of March 3, 1891 (26 Stat. 1103; 16 U. S. C. 471) and the act of June 4, 1897, (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The boundaries of the Ouachita National Forest are hereby extended to include the following-described lands in Arkansas, and, subject to vald existing rights, the public lands included therein are hereby made a part of the said national forest and hereafter shall be subject to all laws and regulations applicable thereto: Provided, That this order shall be applicable to any non-public lands within the area upon the acquisition of title thereto or control thereof by the United States:

FIFTH PRINCIPAL MERIDIAN

T. 1 N., R. 28 W.,
Secs. 3, 4, 5;
Sec. 6, E½NE¼, S½.
T. 1 N., R. 29 W.,
Sec. 1, E½NE¼SE¼, E½SE¼SE¼.
T. 2 N., R. 25 W.,
Sec. 4, S½NW¼, SW¼;
Sec. 5, S½NE¼, S½NW¼, S½;
Sec. 6, S½NE¼, SE¼.
T. 2 N., R. 28 W.,
Sec. 31, E½SE¼;
Sec. 32, S½;
Sec. 33, S½;
Sec. 34, S½.
T. 2 N., R. 30 W.,
Sec. 13, S½SE¼, SE¼SW¼.
T. 3 N., R. 25 W.,
Sec. 35, S½;
Sec. 36, S½.
T. 3 S., R. 28 W.,
Sec. 7, SE¼;
Sec. 8, W½SW¼.
T. 3 S., R. 29 W.,
Secs. 13, 14, 15, 16;
Sec. 17, N½;
Sec. 18, N½.

The areas described, including both public and non-public lands, aggregate 8,900 acres, of which the SE¼SE¼ sec. 6, T. 1 N., R. 28 W., is public land.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

OCTOBER 21, 1955.

[F. R. Doc. 55-8692; Filed, Oct. 27, 1955; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 55-1043]

[Rules Amdt. 1-76]

PART 1—PRACTICE AND PROCEDURE

REPETITIOUS APPLICATIONS

In the matter of amendment of § 1.363 (a) of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 19th day of October 1955;

The Commission having under consideration the amendment of § 1.363 (a) on repetitious applications; and

It appearing, that the Amendment herein ordered would be in aid of orderly administrative procedure; and

It further appearing, that the amendment herein ordered is procedural in nature, and, therefore, compliance with the public notice and rule making procedure otherwise required by section 4 (a) and (b) of the Administrative Procedure Act is not required;

It is ordered, That pursuant to section 4 (i) and 303 (r) of the Communications Act of 1934, as amended, § 1.363 (a) of the Commission's rules and regulations is hereby amended, effective immediately, as set forth below.

(Sec. 4, 48 Stat. 1066 as amended: 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amen[illegible]7 U. S. C. 303)

Released: [illegible]er 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 1.363 (a) of the Commission's rules and regulations is amended to read as follows:

§ 1.363 *Repetitious applications.* (a) Where the Commission has, for any reason, denied an application for a new station, or for any modification of services or facilities, or dismissed such application with prejudice, the Commission will not consider a like application involving service of the same kind to substantially the same area by substantially the same applicant, or by its successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order. The Commission may, for good cause shown, waive the requirements of this section.

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[F. R. Doc. 55-8701; Filed, Oct. 27, 1955; 8:48 a. m.]

[Docket No. 11181; FCC 55-1050]

[Rules Amdt. 3-59]

PART 3—RADIO BROADCAST SERVICES

POWER AND ANTENNA HEIGHT REQUIREMENTS
ORDER EXTENDING EFFECTIVE DATE

In the matter of amendment of § 3.614 (b) of the rules governing television broadcast stations.

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 19th day of October 1955;

The Commission has before it for consideration its Report and Order (FCC 55-802), issued in the above-entitled proceeding on July 22, 1955, amending § 3.614 (b) of its rules relating to antenna height and power requirements for VHF television stations in Zone I.

The amendment was originally scheduled to become effective on August 31, 1955. However, on September 1, 1955, the Commission issued an Order Extending the Effective Date to October 1, 1955, pointing out that several petitions had been filed with the Commission for reconsideration of its action in this proceeding and requesting that the effectiveness of the amendment be stayed pending such reconsideration. It was noted, also, that several requests had been submitted seeking postponement of the effective date of the amendment until the present studies of the Air Coordinating Committee on the subject of tall towers are completed. Oppositions to the various petitions for reconsideration and requests for stay have also been filed. On September 28, 1955, the Commission further extended the effective date to November 1, 1955.

Additional time will be necessary for the Commission to consider the above requests. Accordingly, the Commission believes that the public interest would be served by further staying the effectiveness of the amendment.

In view of the foregoing: *It is ordered*, That the effective date of the amendment of the Commission's rules and regulations adopted by its Report and Order issued July 22, 1955, in this proceeding, is extended to December 1, 1955.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: October 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8728; Filed, Oct. 27, 1955; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that, pursuant to the Administrative Procedure Act, approved June 11, 1946, the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., Attention: T:P, within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 4 of P. L. 74, 84th Congress, approved June 15, 1955 (69 Stat. 134), and section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

The following regulations are hereby prescribed under Public Law 74, 84th Congress.

Sec.
1.9000-1 Provisions of P. L. 74.
1.9000-2 Effect of repeal in general.
1.9000-3 Requirement of statement showing increase in tax liability.
1.9000-4 Form and content of statement.
1.9000-5 Effect of filing statement.
1.9000-6 Provisions for the waiver of interest.
1.9000-7 Provisions for estimated tax.
1.9000-8 Extension of time for making certain payments.

§ 1.9000-1 *Statutory provisions.* Public Law 74, 84th Congress, approved June 15, 1955, provides as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. *Repeal of sections 452 and 462.*—(a) *Prepaid income.* Section 452 of the Internal Revenue Code of 1954 is hereby repealed.

(b) Reserves for estimated expenses, etc. Section 462 of the Internal Revenue Code of 1954 is hereby repealed.

SEC. 2. *Technical amendments.* The following provisions of the Internal Revenue Code of 1954 are hereby amended as follows:

(1) Subsection (c) of section 381 is amended by striking out paragraph (7) (relating to carryover of prepaid income in certain corporate acquisitions).

(2) The table of sections for subpart B of part II of subchapter E of chapter 1 (relating to taxable year for which items of gross income included) is amended by striking out

"Sec. 452. Prepaid income."

(3) The table of sections for subpart C of such part II (relating to taxable year for which deductions are taken) is amended by striking out—

"Sec. 462. Reserves for estimated expenses, etc."

SEC. 3. *Effective date.* The amendments made by this act shall apply with respect to taxable years beginning after December 31, 1953, and ending after August 16, 1954.

SEC. 4. *Saving provisions.*—(a) *Filing of statement.* If—

(1) the amount of any tax required to be paid for any taxable year ending on or before the date of the enactment of this act is increased by reason of the enactment of this act, and

(2) the last date prescribed for payment of such tax (or any installment thereof) is before December 15, 1955,

then the taxpayer shall, on or before December 15, 1955, file a statement which shows the increase in the amount of such tax required to be paid by reason of the enactment of this act.

(b) *Form and effect of statement.*—(1) *Form of statement, etc.* The statement required by subsection (a) shall be filed at the place fixed for filing the return. Such statement shall be in such form, and shall include such information necessary or appropriate to show the increase in the amount of the tax required to be paid for the taxable year by reason of the enactment of this act, as the Secretary of the Treasury or his delegate shall by regulations prescribe.

(2) *Treatment as amount shown on return.* The amount shown on a statement filed under subsection (a) as the increase in the amount of the tax required to be paid for the taxable year by reason of the enactment of this act shall, for all purposes of the internal revenue laws, be treated as tax shown on the return. Notwithstanding the preceding sentence, that portion of the amount of increase in tax for any taxable year which is attributable to a decrease (by reason of the enactment of this act) in the net operating loss for a succeeding taxable year shall not be treated as tax shown on the return.

(3) *Waiver of interest in case of payment on or before December 15, 1955.* If the taxpayer, on or before December 15, 1955, files the statement referred to in subsection (a) and pays in full that portion of the amount shown thereon for which the last date prescribed for payment is before December 15, 1955, then for purposes of computing interest (other than interest on overpayments) such portion shall be treated as having been paid on the last date prescribed for payment. This paragraph shall not apply if the amount shown on the statement as the increase in the amount of the tax required to be paid for the taxable year by reason of the enactment of this act is greater than the actual increase unless the taxpayer establishes, to the satisfaction of the Secretary of the Treasury or his delegate, that his computation of the greater amount was based upon a reasonable interpretation and application of sections 452 and 462 of the Internal Revenue Code of 1954, as those sections existed before the enactment of this act.

(c) *Special rules.*—(1) *Interest for period before enactment.* Interest shall not be imposed on the amount of any increase in tax resulting from the enactment of this act for any period before the day after the date of the enactment of this act.

(2) *Estimated tax.* Any addition to the tax under section 294 (d) of the Internal Revenue Code of 1939 shall be computed as if this act had not been enacted. In the case of any installment for which the last date prescribed for payment is before December 15, 1955, any addition to the tax under section 6654 of the Internal Revenue Code of 1954 shall be computed as if this act had not been enacted.

(3) *Treatment of certain payments which taxpayer is required to make.* If—

(A) The taxpayer is required to make a payment (or an additional payment) to another person by reason of the enactment of this act, and

(B) The Internal Revenue Code of 1954 prescribes a period, which expires after the close of the taxable year, within which the taxpayer must make such payment (or additional payment) if the amount thereof is to be taken into account (as a deduction or otherwise) in computing taxable income for such taxable year,

then, subject to such regulations as the Secretary of the Treasury or his delegate may prescribe, if such payment (or additional payment) is made on or before December 15, 1955, it shall be treated as having been made within the period prescribed by such Code.

(4) *Treatment of certain dividends.* Subject to such regulations as the Secretary of the Treasury or his delegate may prescribe, for purposes of section 561 (a) (1) of the Internal Revenue Code of 1954, dividends paid after the 15th day of the third month following the close of the taxable year and on or before December 15, 1955, may be treated as having been paid on the last day of the taxable year, but only to the extent (A) that such dividends are attributable to an increase in taxable income for the taxable year resulting from the enactment of this act, and (B) elected by the taxpayer.

(5) *Determination of date prescribed.* For purposes of this section, the determination of the last date prescribed for payment or for filing a return shall be made without regard to any extension of time therefor and without regard to any provision of this section.

(6) *Regulations.* For requirement that the Secretary of the Treasury or his delegate shall prescribe all rules and regulations as may be necessary by reason of the enactment of this act, see section 7805 (a) of the Internal Revenue Code of 1954.

§ 1.9000-2 *Effect of repeal in general.* (a) Section 452 (relating to prepaid income) and section 462 (relating to reserves for estimated expenses) of the Internal Revenue Code of 1954 were repealed by Public Law 74, 84th Congress, with respect to all years, subject to such Code. The effect of the repeal will generally be to increase the tax liability of taxpayers who elected to adopt the methods of accounting provided by sections 452 and 462. References to sections of law in §§ 1.9000-2 to 1.9000-8, inclusive, are references to the Internal Revenue Code of 1954 unless otherwise specified.

(b) If the last date prescribed for the payment of any tax (or any installment thereof) is before December 15, 1955, and if the amount of such tax is increased by the repeal of sections 452 and 462, then the taxpayer shall on or before such date file a statement as prescribed in § 1.9000-3. The last date prescribed for payment for this purpose shall be determined without regard to any extensions of time and without regard to the provisions of Public Law 74.

§ 1.9000-3 *Requirement of statement showing increase in tax liability.*—(a) *Returns filed before June 15, 1955.* Where a return reflecting an election under section 452 or 462 was filed before June 15, 1955, the taxpayer must file on or before December 15, 1955, a statement on Form 2175 showing the increase in tax liability resulting from the repeal of sections 452 and 462. The provisions of this paragraph may be illustrated by the following example.

Example. Corporation X filed its income tax return for the calendar year 1954 on March 15, 1955, and elected under section 6152 to pay the unpaid amount of the tax shown thereon in two equal installments. Such installment payments are due on March 15, 1955, and June 15, 1955, respectively. The corporation elected to compute its tax for such taxable year under the methods of accounting provided by sections 452 and 462. Corporation X's tax liability is increased by reason of the enactment of Public Law 74, and since the last date prescribed for paying its tax expires before December 15, 1955, it is required to submit the prescribed statement on or before December 15, 1955, showing its increase in tax liability.

(b) *Returns filed on or after June 15, 1955.* A taxpayer filing a return on or after June 15, 1955, for a taxable year ending on or before such date, may elect to apply the accounting methods provided in sections 452 and 462. The election may be exercised—

(1) By computing the tax liability shown on such return as though the provisions of sections 452 and 462 had not been repealed. In such a case, the taxpayer must file on or before December 15, 1955, a statement on Form 2175 showing the increase in tax liability resulting

from the repeal of sections 452 and 462, or.

(2) By computing his tax liability without regard to sections 452 and 462. In this case, Form 2175 must be filed with the return. However, taxable income and the tax liability computed with the application of sections 452 and 462 shall be shown on lines 8 and 14, respectively, of the form in lieu of the amounts otherwise called for on those lines.

If a taxpayer does not make an election to have the provisions of sections 452 and 462 apply, the savings provisions of section 4 of Public Law 74 are not applicable.

(c) *Taxable years ending after June 15, 1955.* A taxpayer having a taxable year ending after June 15, 1955, may not elect to apply the methods of accounting prescribed in sections 452 and 462 in computing taxable income for such taxable year. Such a taxpayer must file his return and pay the tax as if such sections had never been enacted.

(d) *Other situations requiring statements.* (1) A person who made an election under section 452 or 462 but whose tax liability was not increased by the reason of the enactment of Public Law 74, is nevertheless required to file a statement on Form 2175 if his gross income is increased or his deductions are decreased as the result of the repeal of sections 452 and 462. A partnership which makes an election under such sections must file such a statement. In addition a partner, stockholder, distributee, etc. (whether or not such person made an election under section 452 or 462), shall file a statement showing any increase in his tax liability resulting from the effects of the repeal on the gross income or deductions of the persons mentioned in the previous sentences of this subparagraph.

(2) A statement shall also be filed for a taxable year, other than a year to which an election under section 452 or 462 is applicable, if the repeal of such sections increases the tax liability of such other year. Thus, a statement must be filed for any taxable year to which a net operating loss is carried from a year to which an election under section 452 or 462 is applicable provided that the repeal of such sections affects the amount of the tax liability for the year to which such loss is carried. A separate statement must also be filed for a year in which there is a net operating loss which is changed by reason of the repeal of sections 452 and 462. Where there is a short taxable year involved, a taxpayer may have two taxable years to which elections under sections 452 and 462 are applicable and in such a case a statement, on Form 2175, must be filed for each such year.

§ 1.9000–4 *Form and content of statement*—(a) *Information to be shown.* The statement shall be filed on Form 2175 which may be obtained from district directors of internal revenue. It shall be filed with the district director for the district in which the return was filed. The statement shall be prepared in accordance with the instructions contained thereon and shall show the following information:

(1) The name and address of the taxpayer,

(2) The amounts of each type of income deferred under section 452,

(3) The amount of the addition to each reserve deducted under section 462,

(4) The taxable income and the tax liability of the taxpayer computed with the application of sections 452 and 462,

(5) The taxable income and the tax liability of the taxpayer computed without the application of sections 452 and 462,

(6) The details of the recomputation of taxable income and tax liability including any changes in other items of income, deductions, and credits resulting from the repeal of sections 452 and 462, and

(7) If self-employment tax is increased, the computations and information required on page 3 of Schedule C, Form 1040.

(b) *Procedure for recomputing tax liability.* In determining the taxable income and the tax liability computed without the application of sections 452 and 462, such items as vacation pay and prepaid subscription income shall be reported under the law and regulations applicable to the taxable year as if such sections had not been enacted. The tax liability for the year shall be recomputed by restoring to taxable income the amount of income deferred under section 452 and the amount of the deduction taken under section 462. Other deductions or credits affected by such changes in taxable income shall be adjusted. For example, if the deduction for contributions allowed for the taxable year was limited under section 170 (b), the amount of such deduction shall be recomputed, giving effect to the increase in adjusted gross income or taxable income, as the case may be, by reason of the adjustments required by the repeal of sections 452 and 462.

§ 1.9000–5 *Effect of filing statement*—(a) *Years other than years affected by a net operating loss carryback.* If the taxpayer files a timely statement in accordance with the provisions of § 1.9000–3, the amount of the increase in tax shown on such statement for a year shall, except as provided in paragraph (b) be considered for all purposes of the Internal Revenue Code, as tax shown on the return for such year. In general, such increase shall be assessed and collected in the same manner as if it had been tax shown on the return as originally filed. The provisions of this paragraph may be illustrated by the following example:

Example. A taxpayer filed his return showing a tax liability computed under the methods of accounting provided by sections 452 and 462 as $1,000 and filed the statement in accordance with § 1.9000–3 showing an increase in tax liability of $200. The tax computed as though sections 452 and 462 had not been enacted is $1,200, and the difference of $200 is the increase in the tax attributable to the repeal of sections 452 and 462. This increase is considered to be tax shown on the return for such taxable year. Additions to the tax for fraud or negligence under section 6653 will be determined by reference to $1,200 (that is, $1,000 plus $200) as the tax shown on the return.

(b) *Years affected by a net operating loss carry-back.* In the case of a year which is affected by a net operating loss carryback from a year to which an election under section 452 or 462 applies, that portion of the amount of increase in tax shown on the statement for the year to which the loss is carried back which is attributable to a decrease in such net operating loss shall not be treated as tax shown on the return.

§ 1.9000–6 *Provisions for the waiver of interest*—(a) *In general.* If the statement is filed in accordance with § 1.9000–3 and if that portion of the increase in tax which is due before December 15, 1955 (without regard to any extension of time for payment and without regard to the provisions of §§ 1.9000–2 to 1.9000–8, inclusive) is paid in full on or before such date, then no interest shall be due with respect to that amount. The provisions of this paragraph may be illustrated by the following example:

Example. Corporation M's return for the calendar year 1954 was filed on March 15, 1955, and the tax liability shown thereon was paid in equal installments on March 15, 1955, and June 15, 1955. It filed a statement on December 15, 1955, showing the increase in its tax liability resulting from the repeal of sections 452 and 462 and paid at that time the increase in tax shown thereon. No interest will be imposed with respect to the amount of such payment.

Interest shall be computed under the applicable provisions of the internal revenue laws on any portion of the increase in tax shown on the statement which is due after December 15, 1955, and which is not paid when due.

(b) *Limitation on application of waiver.* The provisions of paragraph (a) of this section shall not apply to any portion of the increase in tax shown on the statement if such increase reflects an amount in excess of that attributable solely to the repeal of sections 452 and 462, i. e., is attributable in part to excessive or unwarranted deferrals or accruals under section 452 or 462, as the case may be, in computing the tax liability with the application of such sections. Notwithstanding the preceding sentence, paragraph (a) of this section shall be applicable if the taxpayer can show that the tax liability as computed with the application of sections 452 and 462 is based upon a reasonable interpretation and application of such sections as they existed prior to repeal. If the taxpayer complied with the provisions of the regulations under sections 452 and 462 in computing the tax liability with the application of such sections, it will be regarded as having reasonably interpreted and applied sections 452 and 462. In this regard it is not essential that the taxpayer submit with its return the detailed information required by such regulations in support of the deduction claimed under section 462, but such information shall be supplied at the request of the Commissioner.

(c) *Interest for periods prior to June 16, 1955.* No interest shall be imposed with respect to any increase in tax resulting solely from the repeal of sections 452 and 462 for any period prior to June 16, 1955 (the day after the date of the enactment of Public Law 74). The preceding sentence does not apply to that part of any increase in tax which is due to the improper application of sections 452 and 462. The provisions of this paragraph shall not apply to interest imposed under section 3779 of the 1939 Code. (See paragraph (d) of this section.)

(d) *Amounts deferred by corporations expecting carrybacks.* Interest shall be imposed at the rate of 6 percent on so much of the amount of tax deferred under section 3779 of the Internal Revenue Code of 1939 as is not satisfied within the meaning of section 3779 (i) (1), notwithstanding the fact that a greater amount would have been satisfied, had sections 452 and 462 not been repealed. Interest will be imposed at such rate until the amount not so satisfied is paid.

§ 1.9000–7 *Provisions for estimated tax*—(a) *Additions to tax under section 294 (d) of the 1939 Code.* Any addition to the tax under section 294 (d) (relating to estimated tax) of the Internal Revenue Code of 1939 shall be computed as if the tax for the year for which the estimate was made were computed with sections 452 and 462 still applicable to such taxable year. For the purpose of the preceding sentence, it is not necessary for the taxpayer actually to have made an election under section 452 or 462; it is only necessary for the taxpayer to have taken such sections into account in estimating its tax liability for the year. Thus, if in determining the amount of estimated tax, the taxpayer computed his estimated tax liability by applying those sections, that portion of any additions to tax under section 294 (d) resulting from the repeal thereof shall be disregarded.

(b) *Additions to tax under section 6654.* In the case of an underpayment of estimated tax any additions to the tax under section 6654, with respect to installments due before December 15, 1955, shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462. Any additions to the tax with respect to installments due on or after December 15, 1955, shall be imposed in accordance with the applicable provisions of the Internal Revenue Code, and as though sections 452 and 462 had not been enacted. Thus, a taxpayer whose declaration of estimated tax was based upon an estimate of his taxable income for the year of the estimate which was determined by taking sections 452 and 462 into account, must file an amended declaration on or before the due date of the next installment of estimated tax due on or after December 15, 1955. Such amended declaration shall reflect an estimate of the tax without the application of such sections. If the taxpayer bases his estimate on the tax for the preceding taxable year under section 6654 (d) (1) (A), an amended declaration must be filed on or before the due date of the next installment due on or after December 15, 1955, if the tax for the preceding taxable year is increased as the result of the repeal of sections 452 and 462. Similarly, if the taxpayer bases his estimate on the tax computed under section 6654 (d) (1) (B), he must file an amended declaration on or before the due date of the next installment, due on or after December 15, 1955, taking into account the repeal of sections 452 and 462 with respect to the preceding taxable year. Any increase in estimated tax shown on an amended declaration filed in accordance with this paragraph must be paid in accordance with section 6153 (c).

(c) *Estimated tax of corporations.* Corporations required to file a declaration of estimated tax under section 6016 for taxable years ending on and after December 31, 1955, shall estimate their tax liability for such year as if sections 452 and 462 had never been enacted. Thus, if the corporation bases its estimated tax liability on its operations for the preceding taxable year under section 6655 (d) (1) or (2), the effect of the repeal of sections 452 and 462 with respect to such year must be taken into account.

§ 1.9000–8 *Extension of time for making certain payments*—(a) *Time for payment specified in Code.* (1) If the treatment of any payment (whether its allowance as a deduction or otherwise) is dependent upon the making of a payment within a period of time specified in the Internal Revenue Code the period within which the payment is to be made is extended where the amount to be paid is increased by reason of the repeal of sections 452 and 462: *Provided*, That:

(i) The taxpayer, because of a preexisting obligation, is required to make a payment or an additional payment to another person by reason of such repeal;

(ii) The deductibility of the payment or additional payment is contingent upon its being made within a period prescribed by the Code, which period expires after the close of the taxable year; and

(iii) The payment or additional payment is made on or before December 15, 1955.

If the foregoing conditions are met, the payment or additional payment will be treated as having been made within the time specified in the Internal Revenue Code, and, subject to the other conditions in the Code, it shall be deductible for the year to which it relates. The provisions of this paragraph may be illustrated by the following:

Example 1. Section 267 (relating to losses, expenses and interest between related taxpayers) applies to amounts accrued by taxpayer A for salary payable to B. For the calendar year 1954, A is obligated to pay B a salary equal to 5 percent of A's taxable income for the taxable year. The amount accrued as salary payable to B for 1954 is $5,000 with the taxable income reflecting the application of section 462. As a result of the repeal of section 462 the salary payable to B for 1954 is increased to $6,000. The additional $1,000 is paid to B on December 15, 1955. In recomputing A's tax liability for 1954 the additional deduction of $1,000 for salary payable to B will be treated as having been made within two and one-half months after the close of the taxable year and will be deductible in that year.

Example 2. On March 1, 1955, Corporation X, a calendar year taxpayer using the accrual method of accounting, makes a payment described in section 404 (a) (6) (relating to contributions to an employees' trust) of $10,000 which is accrued for 1954 and is determined on the basis of the amount of taxable income for that year. The taxpayer filed its return on March 15, 1955. By reason of the repeal of section 462, X's taxable income is increased so that it is required to make an additional contribution of $2,000 to the employees' trust. The additional payment is made on December 15, 1955. For purposes of recomputing X's tax liability for 1954, this additional payment is deemed to have been made on the last day of 1954.

(2) The time for inclusion in the taxable income of the payee of any additional payment of the type described in subparagraph (1) above, shall be determined without regard to section 4 (c) (3) of Public Law 74 and §§ 1.9000–2 to 1.9000–8, inclusive.

(b) *Dividends paid under section 561.* Under section 4 (c) (4) of Public Law 74 the period during which distributions may be recognized as dividends paid under section 561 for a taxable year to which section 452 or 462 apply may be extended under the conditions set forth below.

(1) *Accumulated earnings tax or personal holding company tax.* In the case of the accumulated earnings tax or the personal holding company tax, if—

(i) The income of a corporation is increased for a taxable year by reason of the repeal of sections 452 and 462 so that it would become liable for the tax (or an increase in the tax) imposed on accumulated earnings or personal holding companies unless additional dividends are distributed;

(ii) The corporation distributes dividends to its stockholders after the 15th day of the 3d month following the close of its taxable year and on or before December 15, 1955, which dividends are attributable to an increase in its accumulated taxable income or undistributed personal holding company income, as the case may be, resulting from the repeal of sections 452 and 462, and

(iii) The corporation elects in its statement, submitted under § 1.9000–3, to have the provisions of section 4 (c) (4) of Public Law 74 apply

then such dividends shall be treated as having been paid on the last day of the taxable year to which the statement applies.

(2) *Regulated investment companies.* In the case of a regulated investment company taxable under section 852, if—

(i) The taxable income of the regulated investment company is increased by reason of the repeal of sections 452 and 462 (without regard to any deduction for dividends paid as provided for in this subparagraph);

(ii) The company distributes dividends to its stockholders after the 15th day of the 3rd month following the close of its taxable year and on or before December 15, 1955, which dividends are attributable to an increase in its investment company income resulting from the repeal of sections 452 and 462; and

(iii) The company elects in its statement, submitted under § 1.9000–3, to have the provisions of section 4 (c) (4) of Public Law 74 apply—

then such dividends are to be treated as having been paid on the last day of

the taxable year to which the statement applies. The dividends paid are to be determined under this subparagraph without regard to the provisions of section 855.

(3) *Related provisions.* An election made under subparagraph (1) or (2) of this paragraph is irrevocable. The time for inclusion in the taxable income of the distributees of any distributions of the type described in subparagraph (1) or (2) of this paragraph shall be determined without regard to section 4 (c) (4) of Public Law 74, and §§ 1.9000–2 to 1.9000–8, inclusive.

[F. R. Doc. 55–8765; Filed, Oct. 27, 1955; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 929, 956]

[Docket Nos. AO 235–A2, AO 260–A1]

MILK IN SIOUX FALLS-MITCHELL, S. DAK., MARKETING AREA AND IN EASTERN SOUTH DAKOTA MARKETING AREA

PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Nordic Hall, 218 West 13th Street, Sioux Falls, South Dakota, beginning at 10:00 a. m., c. s. t., November 3, 1955.

Subject and issues involved in the hearing. This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the handling of milk in the Sioux Falls-Mitchell, South Dakota, and Eastern South Dakota marketing areas and to the provisions specified in the proposals listed below or some other provisions appropriate to the Agricultural Marketing Agreement Act of 1937 which will best tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937.

Amendments were proposed as follows:

Proposed by the Sioux Valley Cooperative Milk Producers Association and the James Valley Cooperative Milk Producers Association:

1. Amend § 956.50 (a) (Order No. 56 regulating the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area) as follows:

§ 956.50 (a) *Class I Price.* The Class I price shall be the price computed pursuant to paragraph (b) of this section plus $1.85 for all delivery periods prior to and including April 1956 and thereafter plus $1.40.

Proposed by the Aberdeen Cooperative Milk Producers Association, Beadle County Cooperative Milk Producers Association and the Spink County Cooperative Milk Producers Association:

2. Amend § 929.51 (a) (Order No. 29 regulating the handling of milk in the Eastern South Dakota marketing area) as follows:

§ 929.51 (a) *Class I Milk Price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.85 for all delivery periods prior to and including April 1956 and thereafter plus $1.40.

Copies of this notice of hearing may be procured from the Market Administrator, 423 S. Phillips Avenue, Sioux Falls, South Dakota, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: October 25, 1955.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 55–8735; Filed, Oct. 27, 1955; 8:54 a. m.]

[7 CFR Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON AND WASHINGTON

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO BUDGET OF EXPENSES OF THE WALNUT CONTROL BOARD AND RATES OF ASSESSMENT FOR THE MARKETING YEAR BEGINNING AUGUST 1, 1955

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule set forth herein pursuant to the provisions of Marketing Agreement No. 105, as amended, and Order No. 84, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington (20 F. R. 5387), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such administrative rule, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Washington 25, D. C., and which are received not later than the close of business on the tenth day after publication of this notice in the FEDERAL REGISTER, except that if said tenth day after publication should fall on a Saturday, Sunday, or holiday, such submission may be received by the Director not later than the close of business on the next following work day.

The proposed budget of $112,000, the assessment rate of 0.12 cent per pound of merchantable unshelled walnuts handled or certified for handling, and the assessment rate of 0.15 cent per pound of shelled walnuts handled or declared for handling during the marketing year beginning August 1, 1955, have been unanimously recommended by the Walnut Control Board, the administrative agency under said amended agreement and order.

The proposed budget is approximately $8,000 below actual expenses of the Board for the 1954–55 marketing year. This reduction appears justified in view of the fact that volume regulations will not be in effect for the 1955–56 marketing year.

On the basis of the proposed assessment rates and the estimated quantities of merchantable unshelled walnuts and shelled walnuts to be handled in the 1955–56 marketing year the Board's expenses would be prorated approximately 78 percent to the first (unshelled) category and 22 percent to the second (shelled) category of walnuts. This appears to be an equitable division of program costs between the two categories.

Therefore, the proposed administrative rule is as follows:

§ 984.307 *Budget of expenses of the Walnut Control Board and rates of assessment for the marketing year beginning August 1, 1955*—(a) *Budget of expenses.* Expenses in the amount of $112,000 are reasonable and likely to be incurred by the Walnut Control Board for its maintenance and functioning, and for such purposes as the Secretary may, pursuant to the provisions of the amended agreement and order, determine to be appropriate for the marketing year beginning August 1, 1955.

(b) *Rates of assessment.* Each handler shall pay to the Control Board on demand from time to time 0.12 cent per pound of merchantable walnuts handled or certified for handling and 0.15 cent per pound of shelled walnuts handled or declared for handling by him during the marketing year beginning August 1, 1955.

Done at Washington, D. C., this 25th day of October 1955.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division.*

[F. R. Doc. 55–8734; Filed, Oct. 27, 1955; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

TOPPENISH SIMCOE PROJECT, YAKIMA INDIAN RESERVATION, WASHINGTON

OPERATION AND MAINTENANCE CHARGES

OCTOBER 21, 1955.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U. S. C. 1001) and pursuant to the acts of August 11, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Portland Area Office, Portland, Oregon by Order No. 551, Amendment No. 1, approved June 5, 1951 (16 F. R. 3456–3457), a notice is hereby given of intention to modify § 130.73 Charges, of Title 25, Code of Federal Regulations, dealing with the operation and maintenance assessments against the area benefited by the irrigation systems on the Toppenish Simcoe Project, Yakima Indian Reservation, Washington, as follows:

By increasing the annual operation and maintenance assessments from $1.75 per acre to $2.25 per acre against all lands for which application for water is made and approved by the Project Engineer.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Don C. Foster, Area Director, Bureau of Indian Affairs, Post Office Box 4097, Portland 8, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

H. W. MOORE, *Acting Area Director.*

[F. R. Doc. 55–8691; Filed, Oct. 27, 1955; 8:46 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED PRUNE JUICE, A WATER EXTRACT OF DRIED PRUNES

NOTICE OF PROPOSED RULE MAKING

In the matter of adopting a definition and standard of identity for canned prune juice, a water extract of dried prunes:

Notice is hereby given that a petition has been filed by the National Canners Association, 1133 Twentieth Street NW., Washington 6, D. C., whose members include manufacturers of canned prune juice, a water extract of dried prunes, setting forth a proposal to adopt a definition and standard of identity for canned prune juice, a water extract of dried prunes. The proposal is set out below.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (20 F. R. 1996), all interested persons are invited to submit their views in writing regarding the proposal of the above-named petitioner as published in this notice. All views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, Washington 25, D. C., and should be posted prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The proposal of the petitioner is as follows:

It is proposed that Part 27 be amended by adding the following new section:

§ 27.— *Canned prune juice; identity; label statement of optional ingredients.* (a) Canned prune juice is the food prepared from the water extract of dried prunes and contains not less than 18.0 percent by weight of soluble solids derived from dried prunes. Such food may contain one or more of the optional acidulants specified in paragraph (b) of this section. Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional acidulants referred to in paragraph (a) of this section are:

(1) Lemon juice.
(2) Lime juice.
(3) Citric acid.
(4) Lactic acid.
(5) Malic acid.
(6) Tartaric acid.

The amount of optional acidulant or any combination of two or more of these acidulants that may be added to prune juice containing not less than 18.0 percent by weight of soluble solids derived from dried prunes shall be that quantity which is necessary for flavoring.

(c) (1) The label shall bear the name "Prune juice, a water extract of dried prunes." When one or more of the optional ingredients permitted by paragraph (b) of this section are used, the label shall bear the name or names of such ingredient or ingredients, in order of predominance, if any, of the weight of such ingredients. Such name or names shall be preceded by the words "Flavored with."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words specified in this section, showing the optional ingredients used, shall immediately and conspicuously follow such name, without intervening written, printed, or graphic matter.

Dated: October 21, 1955.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 55–8690; Filed, Oct. 27, 1955; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 18]

[Docket No. 11467]

PETITION ON HIGH FREQUENCY STABILIZED ARC WELDERS

EXTENSION OF TIME FOR FILING REPLIES TO COMMENTS

In the matter of Amendment of Part 18 of the Commission's Rules and Regulations concerning the operation of radio frequency stabilized arc welding.

The Commission having under consideration a Notice of Proposed Rule Making in the above-entitled matter adopted on July 27, 1955, providing that written comments in connection therewith be filed by interested persons on or before November 1, 1955, and replies to these comments within ten (10) days of this date; and

It appearing, That the Commission has recently received a petition from the Joint Industry Committee on High Frequency Stabilized Arc Welders requesting that the time for filing replies to the comments submitted to the above-entitled proceeding be extended from November 10, 1955, to December 9, 1955, and

It further appearing, That the Joint Industry Committee on High Frequency Stabilized Arc Welders is unable to meet and formally function within the ten days presently allotted for filing replies to the original comments since its members are located at widely separated parts of the United States; and

It further appearing, That the public interest would be served by granting the petition for extending the time for filing replies to the comments submitted in this proceeding;

It is ordered, This 24th day of October that the petition is granted and the date for filing replies to the comments submitted in this proceeding is hereby extended until December 9, 1955.

Released: October 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55–8702; Filed, Oct. 27, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

Athens Garment Co., Athens, Ala., effective 10-24-55 to 10-23-56; 10 learners for normal labor turnover purposes (work shirts).

Bass Manufacturing, Inc., 101 West End Road, Wilkes-Barre, Pa., effective 10-12-55 to 10-11-56; 8 learners for normal labor turnover purposes (children's pajamas and dresses).

Michael Berkowitz Co., Inc., Barton Mill Road, Uniontown, Pa., effective 10-28-55 to 10-27-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' pajamas).

Blue Ridge Shirt Manufacturing Co., Fayetteville, Tenn., effective 10-20-55 to 10-19-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sport shirts).

J. H. Bonck Co., Inc., 1100 South Jefferson Davis Parkway, New Orleans, La., effective 10-26-55 to 10-25-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Boonville Manufacturing Corp., 302-316 North Second Street, Boonville, Ind., effective 10-28-55 to 10-27-56; 10 percent of the total number of factory production workers engaged in the production of men's woven pajamas (men's woven pajamas).

Champion Garment Company, 100½ West Second Avenue, Rome, Ga., effective 10-14-55 to 10-13-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and semi-dress slacks).

Cowden Manufacturing Co., Woodward, Okla., effective 10-18-55 to 2-29-56; 50 learners for plant expansion purposes (denim dungarees).

Cowden Manufacturing Co., Woodward, Okla., effective 10-18-55 to 10-17-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (denim dungarees).

D & D Shirt Co., 1801 Newport Avenue, Northampton, Pa., effective 10-12-55 to 10-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport and dress shirts).

Elder Manufacturing Co., Carl Junction, Mo., effective 10-20-55 to 10-19-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' and juvenile shirts).

Elder Manufacturing Co., Webb City, Mo., effective 10-22-55 to 10-21-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' and juvenile shirts).

Eureka Pants Manufacturing Co., Shelbyville, Tenn., effective 10-27-55 to 10-26-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants).

Fleetline Industries, Inc., Garland, N. C., effective 10-11-55 to 2-29-56; 35 learners for plant expansion purposes (men's sport shirts).

Fly Manufacturing Co., Shelbyville, Tenn., effective 10-27-55 to 10-26-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants, overalls, and jackets).

J. Grinchuck Co., Braidwood, Ill., effective 10-12-55 to 10-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (trousers).

Hane Manufacturing Co., Snyder County, Shamokin Dam, Pa., effective 10-13-55 to 10-12-56; 10 learners for normal labor turnover purposes (boys' sport and dress shirts).

Heavy Duty Manufacturing Co., Gainesboro, Tenn., effective 10-26-55 to 10-25-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

La Crosse Sportswear Corp., La Crosse, Va., effective 10-12-55 to 10-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

La Crosse Sportswear Corp., La Crosse, Va., effective 10-12-55 to 2-29-56; 10 learners for plant expansion purposes (sport shirts).

Langwear, Inc., 608 North Clark Street, River Falls, Wis., effective 10-11-55 to 10-10-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work and sport and children's garments).

Marianna Manufacturing Co., Marianna, Ark., effective 10-15-55 to 2-29-56; 50 learners for plant expansion purposes (men's trousers).

Metric Shirt Corp., Belton, S. C., effective 10-12-55 to 10-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's sport shirts).

Mount Carmel Blouse Corp., 51 North Spruce Street, Mount Carmel, Pa., effective 10-13-55 to 10-12-56; 5 learners for normal labor turnover purposes (ladies' blouses).

Nettleton Garment Co., Inc., Nettleton, Miss., effective 10-17-55 to 10-16-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton work pants).

Pike Garments Inc., Troy, Alabama, effective 10-14-55 to 2-29-56; 50 additional learners for plant expansion purposes (men's and boys' pajamas) (supplemental certificate).

Carl Pool Manufacturing Co., 146 Stribling Street, San Antonio, Tex., effective 10-12-55 to 10-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (trousers, shirts, and jackets).

Portland Sportswear Co., 148 Middle Street, Portland, Maine, effective 10-12-55 to 10-11-56; 1 learner for normal labor turnover purposes (boys' surcoats, storm coats, pea coats, etc.).

Press Dress & Uniform Co., Hummelstown, Pa., effective 10-19-55 to 10-18-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (maids' and nurses' uniforms and cotton dresses).

Reliance Manufacturing Co., Dixie Factory, 100 Ferguson Street, Hattiesburg, Miss., effective 10-14-55 to 2-7-56; 50 learners for plant expansion purposes (work shirts, work pants) (supplemental certificate).

Rice-Stix Factory No. 16, Water Valley, Miss., effective 10-15-55 to 2-29-56; 10 learners for plant expansion purposes (work pants, work shirts).

Rice-Stix Factory No. 16, Water Valley, Miss., effective 10-15-55 to 10-14-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants, work shirts).

Shamokin Dress Co., 1012 North Shamokin Street, Shamokin, Pa., effective 10-29-55 to 10-28-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's and girls' dresses).

Shane Uniform Co., Inc., 2015 West Maryland Street, Evansville, Ind., effective 10-21-55 to 10-20-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (washable service apparel, uniforms).

Shreveport Garment Manufacturers, 410 Commerce St., Shreveport, La., effective 10-21-55 to 10-20-56; 10 learners for normal labor turnover purposes (girls', men's and boys' denim dungarees; cotton work pants).

Walls Manufacturing Co., Inc., Clifton, Tex.; effective 10-17-55 to 2-29-56; 50 learners for plant expansion purposes (men's one piece work suits; children's sportswear).

The Warner Bros. Co., Moultrie, Ga., effective 10-8-55 to 10-7-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (corsets and brassieres).

Washington Overall Manufacturing Co., Scottsville, Ky.; effective 10-26-55 to 10-25-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work and sport pants).

Weldon Manufacturing Co., 1307 Park Avenue, Williamsport, Pa.; effective 10-17-55 to 10-16-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's pajamas and sport shirts).

Wyoming Valley Garment Co., 212 South Washington Street, Wilkes-Barre, Pa.; effective 10-12-55 to 10-11-56; 10 learners for normal labor turnover purposes (men's and boys' pants).

Carolina Underwear Co., Inc., Forsyth Division, Forsyth Street, Thomasville, N. C.; effective 10-1-55 to 9-30-56; 10 learners for normal labor turnover purposes (women's, misses', and children's panties).

Carolina Underwear Co., Inc., Forsyth Division, Forsyth Street, Thomasville, N. C.; effective 10-1-55 to 2-29-56; 15 learners for plant expansion purposes (women's, misses', and children's panties).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended April 19, 1955, 20 F. R. 2304).

Chattooga Mills, Inc., Summerville, Ga., effective 9-14-55 to 9-13-56; 5 learners for normal labor turnover purposes (seamless).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304).

Churchill-Swanson Manufacturing Co., Centralia, Wash.; effective 10-13-55 to 4-13-56; 5 additional learners for normal labor turnover purposes (supplemental certificate) (cotton, leather-palm and all leather work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35 as amended April 19, 1955, 20 F. R. 2304).

Boonville Manufacturing Corp., 302-316 Second Street, Boonville, Ind., effective 10-28-55 to 10-27-56; 5 percent of the total number of factory production workers engaged in the production of men's underwear, for normal labor turnover purposes (men's woven shorts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Pamcor, Inc., Carolina Street, Rio Piedras, P. R., effective 10-4-55 to 4-3-56; 10 persons may be employed as learners on any one workday in the occupations of assembly, brazing, P. G. connector, P. G. terminal, set up, and inspection; 240 hours at 50 cents an hour, 240 hours at 60 cents an hour (manufacture of electrical terminals and connectors).

Rico Glove Corp., Cayey, P. R., effective 9-29-55 to 3-28-56; 40 persons to be employed as learners in the occupation of machine sewing, 160 hours at 35 cents an hour, 160 hours at 43 cents an hour, 160 hours at 52 cents an hour (fabric and leather gloves).

Weston Puerto Rico, Inc., 454 Peñuelas Road, Ponce, P. R., effective 9-30-55 to 3-29-56; 50 persons to be employed as learners in the occupations of coil winding, sub-assembly, assembly, adjusting and inspection; each 240 hours at 50 cents an hour, 240 hours at 60 cents an hour (assembly of electrical measuring instruments).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 18th day of October, 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-8700; Filed, Oct. 27, 1955; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 65653]

ALASKA

REVOKING DEPARTMENTAL ORDER OF MAY 21, 1908, WHICH WITHDREW PUBLIC LANDS FOR SCHOOL PURPOSES

OCTOBER 21, 1955.

Upon the recommendation of the Bureau of Indian Affairs, and in accordance with Departmental Order No. 2583, sec. 2.22 (a) of August 16, 1950, it is ordered as follows:

The order of the Assistant Secretary of the Interior of May 21, 1908, reserving the following-described public lands at Rampart, Alaska, for educational purposes is hereby revoked:

Commencing at the initial post, which is marked Post No. 1; thence in an easterly direction 700 feet to Post No. 2; thence in a southerly direction 205 feet to Post No. 3; thence in a westerly direction 700 feet to Post No. 4; thence in a northerly direction 205 feet to initial post, or Post No. 1, identified by U. S. Survey No. 2242.

The tract described contains approximately 3.19 acres.

Subject to any existing valid rights and the requirements of applicable law, the above-described land is hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws and applications and offers under the mineral-leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Home Site, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on November 26, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on February 25, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral-leasing laws, presented prior to 10:00 a. m. on February 25, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m. on February 25, 1956.

Persons claiming veteran's preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Fairbanks, Alaska.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55-8698; Filed, Oct. 27, 1955; 8:47 a. m.]

[61193]

WISCONSIN

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

OCTOBER 21, 1955.

1. Plats of survey of omitted lands described below will be officially filed in the Eastern States Land Office, Washington, D. C., effective at 10:00 a. m. on November 28, 1955.

FOURTH PRINCIPAL MERIDIAN, WISCONSIN

T. 40 N., R. 10 E.,
Sec. 1, Lots 5, 6, 7, 8, 9 and 10.
T. 38 N., R. 11 E.,
Sec. 9, Lot 7.

The area described aggregates 86.99 acres.

2. Available information indicates that the lands in T. 40 N., R. 10 E., are high, rolling upland, with a sandy loam soil reaching approximately 50 feet above the water level of Deerskin Lake; that the timber consists of a fair stand of birch, poplar, maple, oak, norway, white pine, spruce and ironwood, ranging from 4 to 24 inches in diameter.

3. Available information indicates that lot 7 sec. 9, T. 38 N., R. 11 E., is principally swamp in character and appears to be swamp and overflow within the meaning of the Act of September 28, 1950 (9 Stat. 519). Should the land finally be determined to be swamp and overflow in character, it must be held to have inured to the State and any application adverse to the State in conflict with swamp land claim will be governed by sec. 271.2 of Title 43 of the Code of Federal Regulations.

4. The lands in said T. 40 N., R. 10 E., are hereby opened to disposal only under the Act of February 27, 1925 (43 Stat. 1013, 43 U. S. C. 994), and the Act of August 24, 1954 (68 Stat. 789). Claimants under the 1925 act, supra, have a preferred right of application for a period of 90 days from November 28, 1955. Applications for public lands under the 1954 act, supra, must be filed within one year from November 28, 1955. No patents will be issued for the above-described lands prior to November 29, 1956.

5. Any of the above-described lands not patented under the acts of 1925 and 1954, supra, shall not become subject to disposition under the general public land laws until it is so provided by an appropriate order.

6. Inquiries concerning the above-described lands shall be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

CHARLES P. MEAD,
Acting Manager.

[F. R. Doc. 55-8717; Filed, Oct. 27, 1955; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7233, et al.]

PANAMA CITY, FLORIDA-ATLANTA INVESTIGATION

NOTICE OF HEARING

In the matter of the Board investigation and certain applications for certificates or amendments to certificates of public convenience and necessity in the consolidated proceeding known as the Panama City, Florida-Atlanta Investigation.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401, and 1002 (i) of said act, and the applicable regulations thereunder, that

a hearing in the above-entitled proceeding is assigned to be held on November 16, 1955, at 10:00 a. m., c. s. t., at the Dixie Sherman Hotel, Fifth Street and Jenks Avenue, Panama City, Florida, before Examiner William F. Cusick.

For further details regarding this proceeding, interested parties are referred to the Board's Order Nos. E–9457 and E–9666, the report of the prehearing conference in this matter, served October 18, 1955, and the docket in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Without limiting the precise scope of the issues, particular attention will be directed to the following matters and questions:

(1) Whether through one-carrier air transportation between Panama City, Florida, and Atlanta, Georgia, is required by the public convenience and necessity.

(2) Whether the public convenience and necessity require the amendment of existing certificates of public convenience and necessity or the issuance of new certificates to any of the applicants that are parties to this proceeding.

(3) Are the applicants fit, willing and able to conduct the proposed air transportation and to conform to the provisions of the act and the regulations of the Board thereunder?

Notice is further given that any person not a party of record desiring to be heard in support or opposition to questions involved in this consolidated proceeding must file with the Board on or before November 16, 1955, a statement setting forth the matters of fact or law which he desires to advance. Any person filing such a statement may appear at the hearing in accordance with Rule 14 of the Board's Rules of Practice in Economic Proceedings.

Dated at Washington, D. C., October 24, 1955.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–8733; Filed, Oct. 27, 1955; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11491, FCC 55–1048]

CLASS B FM BROADCAST STATIONS

AMENDMENT OF REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of October 1955;

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing that Notice of Proposed Rule Making (FCC 55–888) setting forth the above amendment was issued by the Commission on September 1, 1955, and was duly published in the FEDERAL REGISTER (20 F. R. 6666), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before September 30, 1955; and

It further appearing, that the only objection filed protested deletion of Channel No. 270 from the Clarksville, Tennessee, allocations, pointing out that deletion of the channel would leave only one available channel in the city where there are two AM stations which may be possible applicants for FM stations;

It further appearing that a number of other Class B FM channels are available in the area and can be allocated to Clarksville, Tennessee, and the addition of one of these channels, Channel No. 282, to replace the deleted Channel No. 270 will again make two channels available in the city;

It further appearing that Channel No. 282 can be added to the Clarksville allocations without causing any objectionable interference to existing stations or other vacant allocations in the area;

It further appearing that the adoption of the amendment would enable Commission consideration of an application requesting assignment of Channel No. 270 for a new FM broadcasting station in Central City, Kentucky;

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended,

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the cities of Central City, Kentucky; Clarksville, Tennessee; and Evansville, Indiana:

General area	Channels	
	Delete	Add
Central City, Ky.		270
Clarksville, Tenn.	270	282
Evansville, Ind.	273	291
(Henderson, Ky.)		
(Owensboro, Ky.)		

Released: October 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–8703; Filed, Oct. 27, 1955; 8:48 a. m.]

[Docket No. 11518, FCC 55–1037]

AMERICAN TELEPHONE AND TELEGRAPH CO.

ORDER INSTITUTING INVESTIGATION

In the Matter of American Telephone and Telegraph Company, Docket No. 11518; charges, classifications, regulations and practices for and in connection with multiple private line services and channels.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of October 1955;

The Commission having under consideration Transmittal Nos. 4992, 4994 and 5004 and certain new tariff schedules filed therewith by the American Telephone and Telegraph Company (A. T. & T.) on September 23 and 29 and October 14, 1955, to become effective November 1, 1955, providing for new rates and regulations for multiple private line services and channels, which comprise groups of services and channels furnished for communication by means of telephone, teletypewriter or Morse equipment, for transmission of picture material by means of telephotograph transmission apparatus provided by the customer, and for operation of remote metering, supervisory control or miscellaneous signalling devices provided by the customer, said tariff schedules being designated as follows:

Tariff F. C. C. No. 134

14th Revised Page 3.
10th Revised Page 5.
8th Revised Page 10.
3d Revised Page 10D.
2d Revised Page 10E.
2d Revised Page 10F.
14th Revised Page 14.

Tariff F. C. C. No. 135

8th Revised Page 6.

Tariff F. C. C. No. 140

6th Revised Page 5.

Tariff F. C. C. No. 145

7th Revised Page 6.

Tariff F. C. C. No. 208

7th Revised Page 7.

Tariff F. C. C. No. 220

1st Revised Page 5.
2d Revised Page 7.
5th Revised Page 10.
Original Page 13.

Tariff F. C. C. No. 227

Original Title Page and Original Pages 1 through 10.
1st Revised Page 1.
1st Revised Page 2.
1st Revised Page 7.
1st Revised Page 10.

and also having under consideration A. T. & T.'s currently effective Tariffs F. C. C. Nos. 135, 140, 208, and 220 applicable to Private Line Telephone Service and Channels, Channels for Telephotograph Transmission, Private Line Teletypewriter and Morse Service and Channels and Channels for Remote Metering, Supervisory Control and Miscellaneous Signalling, respectively; A. T. & T.'s currently effective Tariffs F. C. C. Nos. 134, General Regulations for Private Line Services and Channels, and 145, Construction Charges, insofar as they apply to the above-mentioned new tariff schedules; a letter dated October 14, 1955, from A. T. & T. furnishing additional information concerning the new tariffs; a petition filed October 12, 1955, by The Western Union Telegraph Company requesting the Commission to suspend and investigate the lawfulness of the new tariff schedules; and a reply to such petition filed by A. T. & T. on October 19, 1955; and

It appearing that the above-mentioned new tariff schedules are designed to afford users of multiple private line channels and services between specific pairs of points a declining rate per channel as the number of such channels

increases, in contrast with the currently effective tariff schedules applicable to private line services and channels which do not provide for any reduction in charges as the number of channels increases; and

It further appearing that the rate structure contained in the above-mentioned new tariff schedules differs in material respects from the rate structure contained in the currently effective tariffs enumerated above; and

It further appearing that the Commission is unable to determine from an examination of the above-mentioned new tariff schedules and Tariffs F. C. C. Nos. 134 and 145 insofar as they apply to the new tariff schedules whether the charges, classifications, regulations and practices contained therein are or will be lawful under the provisions of the Communications Act of 1934, as amended; and

It further appearing that, if the above-mentioned new tariff schedules are permitted to become effective on the date specified therein, the rights and interests of the public may be adversely affected thereby:

It is ordered, That, pursuant to the provisions of sections 201, 202, 203, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted into the lawfulness of the charges, classifications, regulations and practices contained in the above-mentioned new tariff schedules and those contained in Tariffs F. C. C. Nos. 134 and 145 insofar as they are applicable to the new tariff schedules;

It is further ordered, That, pursuant to the provisions of section 204 of the Communications Act of 1934, as amended, the operation of the above-mentioned new tariff schedules is hereby suspended until the 1st day of February 1956, unless otherwise ordered by the Commission; and that during such period of suspension no changes shall be made in said tariff schedules unless authorized by special permission of the Commission;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

1. Whether the above-mentioned new tariff schedules in themselves and also in relationship to the currently effective tariff schedules set forth above will subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or advantage to any person, class of persons or locality, or subject any person, class of persons or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202 (a) of the Communications Act of 1934, as amended.

2. Whether any of the charges, classifications, regulations and practices contained in the above-mentioned new tariff schedules and in Tariff F. C. C. Nos. 134 and 145 insofar as they are applicable to the new tariff schedules are or will be unjust and unreasonable within the meaning of section 201 (b) of the Communications Act of 1934, as amended.

3. Whether the Commission should prescribe just and reasonable charges, classifications, regulations and practices or the maximum or minimum or maximum and minimum charges to be hereafter followed with respect to the services governed by the tariff schedules under investigation herein.

4. The effect of the new tariff schedules on competition in the field of private line teletypewriter service and channels.

It is further ordered, That a copy of this Order be filed in the offices of the Commission with the tariff schedules herein suspended; that all carriers listed in the suspended tariff schedules as concurring and connecting carriers are hereby made parties respondent to this proceeding; that The Western Union Telegraph Company is hereby granted leave to intervene herein, provided that, not less than 20 days from the date of receipt of a copy of this Order, it shall file a notice of intention to intervene and to appear and participate in the proceedings herein; and that a copy of this Order shall be served on all parties respondent and the Western Union Telegraph Company;

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D. C., beginning at 10:00 a. m. on the 21st day of November 1955; and that the examiner hereafter to be designated to preside at such hearing shall certify the record to the Commission for decision without preparing either an Initial Decision or a Recommended Decision.

Released: October 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–8704; Filed, Oct. 27, 1955; 8:48 a. m.]

[Docket Nos. 11519, 11520; FCC 55–1047]

GREENVILLE BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re Applications of The Greenville Broadcasting Corporation, Greenville, Ohio, Docket No. 11519, File No. BP–9522; Western Ohio Broadcasting Co., Inc., Greenville, Ohio, Docket No. 11520, File No. BP–9888; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of October 1955;

The Commission having under consideration the above-entitled applications of The Greenville Broadcasting Corporation and Western Ohio Broadcasting Co., Inc., each for a construction permit for a new standard broadcast station to operate on 1320 kilocycles with a power of 500 watts, directional antenna, daytime only, at Greenville, Ohio;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that operation of both stations as proposed would result in mutually destructive interference; that both proposals would cause interference to Station WISH, Indianapolis; and that the proposal of The Greenville Broadcasting Corporation would receive interference from Stations WISH, WHOK, Lancaster, Ohio; and WILS, Lansing, Michigan; to the extent that more than 10 percent of the population within its normally protected primary service area would be affected in contravention of section 3.28, (c) of the Commission's rules; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated August 5, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that in a letter dated July 12, 1955, Station WISH requested that the applications be designated for hearing and that it be made a party to the proceeding on grounds of the above-described interference; and

It further appearing that The Greenville Broadcasting Corporation in a letter dated September 2, 1955, requested an extension of thirty days in which to reply to the Commission's letter and to file an amendment specifying a new transmitter site and changes in directional antenna; that in a letter dated September 7, 1955, Western Ohio Broadcasting Co., Inc., opposed the request on the grounds that ample time has been available for making such changes; and that the Commission is of the opinion that it would be expeditious to here deny the request for extension, as leave to amend may be granted for good cause shown after designation for hearing; and

It further appearing that the Commission, after consideration of the above replies, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether each of the proposed operations would cause objectionable interference to Station WISH, Indianapolis, Indiana; or any other existing station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the operation proposed by The Greenville Broadcasting Corporation would receive interference from Stations WISH, Indianapolis, Indiana; WHOK, Lancaster, Ohio; and WILS, Lansing, Michigan; or any

other existing stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and whether, because of the said interference, the proposed operation would comply with section 3.28 (c) of the Commission's Rules.

4. To determine which of the operations proposed in the above-entitled applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications, should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

It is further ordered, That Universal Broadcasting Company, licensee of Station WISH, Indianapolis, Indiana, is made a party to the proceeding.

Released: October 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8705; Filed, Oct. 27, 1955; 8:48 a. m.]

[Docket No. 11521, FCC 55-1049]

HOWARD E. GRIFFITH (KUZN)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re Application of Howard E. Griffith (KUZN), West Monroe, Louisiana, Docket No. 11521, File No. BP-9902; for construction permit.

1. The Commission has before it for consideration a protest filed on September 29, 1955, by James A. Noe, licensee of standard broadcast station KNOE, Monroe, Louisiana (1390 kc, 5 kw, DA-N, Unl.) pursuant to section 309 (c) of the Communications Act of 1934, as amended, protesting the Commission's action of August 31, 1955, granting without hearing the above-entitled application of Howard E. Griffith for a construction permit for a new standard broadcast station (KUZN) to operate on 1310 kilocycles with a power of 1 kilowatt, daytime only, at West Monroe, Louisiana; and oppositions to said protest filed on October 4 and 10, 1955, by Howard E. Griffith.

2. West Monroe, Louisiana, is adjacent to Monroe, Louisiana, is separated therefrom by the Ouachita River and is an independently constituted municipality. There are no existing broadcast stations in West Monroe. Three standard broadcast stations, one FM station and one TV station are licensed to serve Monroe: KNOE, KMLB (1410 kc, 1 kw–5 kw–LS, DA–N, Unl.), KLIC (1230 kc, 250 w, Unl.) KMLB–FM and KNOE–TV (Channel 8). The protestant is also the licensee of KNOE–TV and has an application pending to change the facilities of KNOE to 540 kc, 5 kw–LS, DA–N, Unl. The permittee of KUZN is also the licensee of standard broadcast station KTLD, Tallulah, Louisiana, which is approximately 55 miles east of West Monroe.

3. Protestant claims that he is a party in interest within the purview of section 309 (c) of the Communications Act of 1934, as amended because Station KNOE would suffer economic injury from the operation of Station KUZN in West Monroe, Louisiana, which city, the protestant states, is "geographically only an extension or part of the Monroe market area". In support of his protest, protestant alleges, in substance that the Monroe-West Monroe market cannot support another radio station; that the permittee is licensee of standard broadcast station KTLD, Tallulah, Louisiana; that the service areas of the authorized West Monroe station and Station KTLD would overlap a "distance of thirty miles"; that the permittee is not financially qualified to construct and operate Station KUZN; that his "actual net worth is substantially less than the amount stated"; that the values listed in Griffith's balance sheet for residence property and Station KTLD ($24,000 and $20,000 respectively) are not substantiated; that the permittee "cannot successfully withstand" his expected loss of $5,000 for the first year's operation; that three existing standard broadcast stations in Monroe, Louisiana, are "the absolute optimum number of stations which can profitably exist in the Monroe-West Monroe market area"; that in 1950 the population of Monroe was 38,572 and of West Monroe 10,302; that in 1952 there were 635 retail outlets in Monroe with sales of $62,679,000 and wholesale sales were $68,054,000; that in 1954 KNOE lost $28,376.59 and through August 1955 has shown a profit of only $3,955.25 "despite stringent operating economies"; that the permittee sold his interest in television Station KFAZ, Monroe, Louisiana, operating on UHF Channel 43, less than a year after it had commenced operation; and that the same television station surrendered its license shortly thereafter, which is "strongly persuasive that the Monroe market cannot profitably support another radio station without resultant deterioration in the capacity of existing stations to serve the public convenience and necessity".

4. In his oppositions to KNOE's protest, the permittee contends that the protestant has not shown that he is a party in interest under section 309 (c); that KNOE would suffer no economic injury because the existing stations in Monroe "have not been able to handle the business that is available to them now"; that the businessmen and civic organizations of West Monroe have a great need for local radio facilities; that since 1950 the population of West Monroe has more than doubled and is now estimated at 26,000; that industrial organizations in West Monroe have shown equal growth; that the average income for families in West Monroe is 30 per cent above the national average; that KUZN would help the stations in Monroe since "it will force more business on the Monroe stations, because for the first time the West Monroe businessmen will have a way to promote their own products and services"; that the failure of television station KFAZ–TV was due to the "well-known nation-wide story of UHF versus VHF and the networks, and not to the inability of this market to support it"; that the protestant's allegation of insufficient advertising revenue being available to support additional radio facilities in the Monroe-West Monroe market is refuted by the fact that the protestant himself proposes to "spend a tremendous amount of money" to increase the power of Station KNOE to 10,000 watts and change frequency to 540 kilocycles in an application now pending before the Commission; that the signal strengths of Stations KUZN and KTLD "are virtually worthless" in the KUNZ–KTLD overlap area because of "high atmospheric and power line noises"; that the permittee's residential property has been appraised by a local mortgage loan and real estate firm at $27,750; that the $20,000 valuation listed for Station KTLD covers only the physical assets with no allowance for "the good will and profitable business that it is"; that permittee's Griffith Electric Company has shown a net profit in excess of $10,000 for the first eight months of 1955 and that "with the income tax structure as it is, if the new station did loss $5,000 a year, its loss to my personal income would be negligible" and that protestant has not alleged the "facts, matters and things relied upon" with the requisite specificity.

5. In view of the fact that the protestant is the licensee of standard broadcast station KNOE and television station KNOE–TV, Monroe, Louisiana; that Monroe is adjacent to West Monroe, Louisiana and that protestant's stations and the permittee's station will compete for advertising revenues; and that the protestant has alleged that it will suffer economic injury as a result of the grant complained of, we find the protestant to be a "party in interest" within the meaning of Section 309 (c) of the Communications Act of 1934, as amended. T. E. Allen and Sons, Inc., 9 Pike and Fischer RR 197; Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 407 (9 Pike and Fischer RR 2008).

6. We find further that the facts, matters and things relied upon by the protestant have been specified with sufficient particularity to warrant designating the above-entitled application for hearing. The protestant has framed the following issues upon which it requests an opportunity to present evidence at a hearing:

1. Whether it is reasonably probable that the market can support a fourth radio station without the occurrence of either inadequate revenue to the fourth station and its resultant failure, or the failure of one or more of the existing stations, or the rendering by the new station or existing stations of inadequate programming service.

2. Whether it is in the public interest to permit applicant to compete with his own wholly owned station at Tallulah, Louisiana, within substantially the same market area.

3. Whether Griffith is financially qualified to construct and operate the proposed station.

With respect to issue "1" above, it should be pointed out that the retention of such issue for hearing does not constitute a determination at this time that the competitive effect of the permittee's proposed station on protestant's station is a relevant consideration. This question will be determined at the hearing. Further, proposed issue "2" has been rephrased without changing the purpose and intent thereof.

7. In view of the foregoing, *it is ordered*, That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission in the hearing described below with respect to the protest of James A. Noe; and that the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To determine whether it is reasonably probable that the West Monroe-Monroe, Louisiana market can support a fourth radio station with the occurrence of either inadequate revenue to the fourth station and its resultant failure, or the failure of one or more of the existing stations, or the rendering by the new station or existing stations of inadequate programming.

2. To determine whether a grant of the subject West Monroe application would be in contravention of the provisions of section 3.35 of the Commission's rules and the Commission's policies adopted thereunder.

3. To determine whether the permittee is financially qualified to construct and operate Station KUZN.

4. To determine whether, on the basis of the evidence adduced at the above hearing, the grant of the above-entitled application should be set aside.

The burden of proof as to each of the above issues shall be on the protestant.

It is further ordered, That protestant and the Chief, Broadcast Bureau are hereby made parties to the above-described proceedings and that:

(a) The hearing on the above issues shall commence at 10:00 a. m. on November 30, 1955, before an Examiner of the Commission; and

(b) The parties to the proceedings herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The parties intending to participate in the hearing herein shall file their appearances not later than November 23, 1955.

Adopted: October 19, 1955.

Released: October 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8706; Filed, Oct. 27, 1955; 8:49 a. m.]

[Docket Nos. 10722, 11395; FCC 55M-893]

ALVARADO BROADCASTING CO.

ORDER CONTINUING HEARING

In re Applications of Alvarado Broadcasting Company, Inc. (KOAT), Albuquerque, New Mexico; Docket No. 10722, File No. BP-8782; for construction permit. Alvarado Broadcasting Company, Inc. (KOAT), Albuquerque, New Mexico; Docket No. 11395, File No. BI-5399; for license to cover construction permit.

The Hearing Examiner having under consideration the oral request of counsel for applicant for a further continuance of the hearing now scheduled for November 15, 1955, to February 13, 1956, and for a further extension of the time for exchange of exhibits from November 14, 1955, to February 10, 1956;

It appearing, That applicant has pending before the Commission an application for change of frequency to 920 kc, which, if granted, would apparently render the present proceedings moot, and that applicant is engaged in making field measurements in connection with this application;

It further appearing, That counsel for the other parties have no objection to the grant of the instant request;

It is ordered, This 21st day of October 1955, that the oral request is granted, and that the hearing now scheduled for November 15, 1955, is continued to Monday, February 13, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C., and that the time for exchange of exhibits is extended from November 14, 1955, to Friday, February 10, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8729; Filed, Oct. 27, 1955; 8:52 a. m.]

[Docket Nos. 10844, 10845; FCC 55M-890]

RADIO ASSOCIATES, INC., AND WLOX BROADCASTING CO.

ORDER CONTINUING HEARING

In re Applications of Radio Associates, Inc., Biloxi, Mississippi, Docket No. 10844, File No. BPCT-1150; WLOX Broadcasting Company, Biloxi, Mississippi, Docket No. 10845, File No. BPCT-1157; for construction permits for new commercial television broadcast stations (Channel 13).

The Hearing Examiner having under consideration: (1) a Petition to Postpone Commencement of Hearing filed on behalf of Radio Associates, Inc., on October 19, 1955; and (2) the statements of counsel for each party made at an informal conference on October 18, 1955; and

It appearing that petitioner's attorney is trial counsel for an applicant in the Parma, Michigan, television cases, Docket Numbers 11169, et al., in which the hearing schedule conflicts with the October 31 hearing date heretofore established in this case, and that petitioner's plea for postponement of this hearing is acknowledged by the attorneys for WLOX and for Bureau to be supported by good cause; and

It further appearing that all counsel have informally agreed, in view of their other duties, that the hearing date hereinafter fixed allows a reasonably proper time for preparation and hearing in this case, and they have informally waived the notice and time of filing requirements of the Commission's Rules and consent to the immediate consideration and grant of this petition; now therefore,

It is ordered, This 19th day of October 1955, that the Petition to Postpone Commencement of Hearing filed this day is granted, and the further hearing in this proceeding is continued from October 31, 1955, to 10:00 a. m., on Monday, January 9, 1956, in Biloxi, Mississippi.

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8730; Filed, Oct. 27, 1955; 8:52 a. m.]

[Docket No. 11394; FCC 55M-894]

IREDELL BROADCASTING CO. (WDBM)

ORDER CONTINUING HEARING

In re Application of Walter A. Duke, d/b as Iredell Broadcasting Company (WDBM) Statesville, North Carolina, Docket No. 11394, File No. BP-9527; for construction permit.

The Hearing Examiner having under consideration an oral request of counsel for Statesville Broadcasting Company, protestant herein, for a one-day continuance in the above-entitled proceeding;

It appearing that good cause has been shown for the requested continuance and that other parties to the proceeding have not objected thereto;

It is ordered, This 24th day of October 1955, that the hearing now scheduled for November 1 is continued to November 2, 1955, at 10:00 a. m. in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-8731; Filed, Oct. 27, 1955; 8:53 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 43]

PARA-AMINOSALICYLIC ACID AND SALTS THEREOF

NOTICE OF PUBLIC HEARING

The United States Tariff Commission announces a public hearing, to begin at 10 a. m., on January 24, 1956, in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, D. C., in connection with Investigation No. 43 under section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted September 16, 1955, with respect to para-aminosalicylic acid and salts thereof, described in the public notice of this investigation previously given (20 F. R. 7122).

Request to appear at hearings. Parties interested will be given opportunity to be present, to produce evidence, and to be heard at the above-mentioned hearing. Such parties desiring to appear at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date of hearing.

I certify that the above hearing was ordered by the Tariff Commission on the 24th day of October 1955.

Issued: October 25, 1955.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 55-8718; Filed, Oct. 27, 1955; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9509]

FOREST OIL CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Forest Oil Corporation (Applicant) on September 26, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designation filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change (undated)..	United Fuel Gas Co.....	Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 2.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: October 19, 1955.

Issued: October 24, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8710; Filed, Oct. 27, 1955; 8:49 a. m.]

[Docket No. G-9510]

CITIES SERVICE PRODUCTION CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Cities Service Production Company (Applicant) on September 26, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change dated Sept. 23, 1955.	United Fuel Gas Co.....	Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 19, 1955.

Issued: October 24, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8711; Filed, Oct. 27, 1955; 8:50 a. m.]

[Docket No. G-9511]

GULF REFINING CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Gulf Refining Company (Applicant), on September 23, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change (undated)..	Texas Eastern Transmission Corp.	Supplement No. 9 to Applicant's FPC Gas Rate Schedule No. 2.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: October 19, 1955.

Issued: October 24, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8712; Filed, Oct. 27, 1955; 8:50 a. m.]

[Docket No. G-9512]

JAKE L. HAMON ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Jake L. Hamon et al. (Applicant) on September 26, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change (undated)..	Texas Eastern Transmission Corp.	Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 9.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof defered as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: October 19, 1955.

Issued: October 24, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8713; Filed, Oct. 27, 1955; 8:50 a. m.]

[Docket No. G-3210, etc.]

SOUTHEASTERN GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

OCTOBER 24, 1955.

In the matters of Southeastern Gas Company, Docket No. G-3210; Cumberland Gas Corporation, Docket No. G-3245; The Carter Oil Company, Docket Nos. G-4799, G-4803, G-4861, G-4862 and G-4863; Dorchester Corporation, Docket No. G-5705; Robert Cargill, Sonnel J. Felsenthal, Sam S. and Donald S. Siegel, Bluford Stinchcomb, Docket No. G-5938; Harvey E. Wasson, Docket No. G-5983; Chicago Stock Yards Research Company, Docket No. G-6256; Southern Union Gathering Company, Docket No. G-7670; Southern Union Gas Company, Docket No. G-7671.

Notice is hereby given that on October 14, 1955, the Federal Power Commission issued its findings and orders adopted October 12, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8708; Filed, Oct. 27, 1955; 8:49 a. m.]

[Docket No. G-9513]

CALIFORNIA CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

The California Company (Applicant) on September 28, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change dated Sept. 15, 1955.	Texas Eastern Transmission Corp.	Supplement No. 18 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supple-

ment be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: October 19, 1955.

Issued: October 24, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8714; Filed, Oct. 27, 1955; 8:50 a. m.]

[Docket No. E-6648]

DEPARTMENT OF INTERIOR, BUREAU OF RECLAMATION, EKLUTNA PROJECT, ALASKA

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES FOR SALE OF POWER BY BUREAU OF RECLAMATION

OCTOBER 24, 1955.

Notice is hereby given that the Secretary of the Interior, through the Assistant Commissioner of the Bureau of Reclamation, has filed with the Federal Power Commission a proposed schedule of rates, designated as Schedule A-N1, covering the sale by the Bureau of nonfirm (dump) energy generated at the Eklutna Project, Alaska. Confirmation and approval of such rate schedule for an interim period is requested pursuant to the Eklutna Act (64 Stat. 382), as amended by Act of August 13, 1953 (67 Stat. 574).

The proposed Schedule A-N1 provides a rate of 6 mills per kwh, subject to an adjustment for deliveries at transmission voltage. Dump energy is proposed to be made available in the area served by the Eklutna Project to customers who normally maintain generating facilities or other sources of energy sufficient to supply their requirements when dump energy is not available.

Schedule A-N1 is proposed to become effective on the first day of the month following the date of the Commission's approval.

Anyone desiring to make comments or suggestions for Commission consideration with respect to the foregoing should submit the same on or before November 28, 1955 to the Federal Power Commission, Washington 25, D. C. The proposed rate schedule is on file with the Commission and is available for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8719; Filed, Oct. 27, 1955; 8:51 a. m.]

[Docket No. G-9515]

IMPERIAL PRODUCTION CORP. ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Imperial Production Corporation et al. (Applicant) on September 26, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change dated Sept. 19, 1955.	Mississippi River Fuel Corp.	Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in section 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by section 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: October 19, 1955.

Issued: October 24, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8715; Filed, Oct. 27, 1955; 8:50 a. m.]

[Docket No. G-6165, etc.]

SUPERIOR OIL CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

OCTOBER 24, 1955.

In the matters of The Superior Oil Company, Docket Nos. G-6165, G-6166, G-6167, G-6168, G-6169, G-6170, G-6171, G-6172, G-6173, G-6174, G-6175, G-6176, G-6177, G-6179, G-6181, G-6182, G-6183, G-6184, G-6185, G-6186, G-6187, G-6188; Texas Illinois Natural Gas Pipeline Company and Natural Gas Storage Company of Illinois, Docket No. G-8705, Texas Illinois Natural Gas Pipeline Company, Docket No. G-8905; A. W. Gregg, Docket No. G-8877; George Jackson, Docket No. G-9177.

Notice is hereby given that on October 14, 1955, the Federal Power Commission issued its findings and orders adopted October 12, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8709; Filed, Oct. 27, 1955; 8:49 a. m.]

[Docket Nos. G-3711, G-9070]

UNION OIL CO. OF CALIFORNIA ET AL.

NOTICE OF FINDINGS AND ORDERS

OCTOBER 24, 1955.

In the matters of Union Oil Company of California and Louisiana Land and Exploration Company, Docket No. G-3711; United Fuel Gas Company, Docket No. G-9070.

Notice is hereby given that on October 13, 1955, the Federal Power Commission issued its findings and orders adopted October 12, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8720; Filed, Oct. 27, 1955; 8:51 a. m.]

[Docket No. G-8697]

STANOLIND OIL AND GAS CO. (OPERATOR) ET AL.

NOTICE OF ORDER PERMITTING CHANGE IN RATES

OCTOBER 24, 1955.

Notice is hereby given that on October 24, 1955, the Federal Power Commission issued its order adopted September 28, 1955, permitting change in rates due to reduction in Texas production tax and making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8721; Filed, Oct. 27, 1955; 8:52 a. m.]

[Docket No. G-7233, etc.]

W. E. ELLIOT ET AL.

NOTICE OF FINDINGS AND ORDER

OCTOBER 24, 1955.

In the matters of W. E. Elliot, Docket No. G-7233; Equitable Gas Company, Docket No. G-7260; Philadelphia Oil Company, Docket No. G-7261; Philadelphia Oil Company, Docket No. G-7262; A. H. Stump Gas Co. #1, Docket No. G-7279; Malissa Wilmoth Lease, Docket No. G-7282; Katie Garretson Lease, Docket No. G-7283; S. A. Corbin Well #1, Docket No. G-7284; Burks Gas Company, Docket No. G-7321; Joe Rubin & Sons, Docket No. G-7322; Clay Gas Company, Docket No. G-7323; Hall Gas Company, Docket No. G-7326; Evans Oil & Gas Co., Inc., and Oliver Jenkins, Docket No. G-7361; C. L. Sample, Docket No. G-7364; Lambert Gas Company, Docket No. G-7705; Caldwell Gas Company, Docket No. G-7743; Freeman Gas Company, Docket No. G-7744; Pridemore and Adkins, Docket No. G-7745; Pigeon Creek Gas Company, Docket No. G-7765; Federal Gas Corporation, Docket No. G-7766; Harman Gas Company, Docket No. G-7767; Black Gas Company, Docket No. G-7786; Sanging Branch Gas Company, Docket No. G-7787; Pate Gas Company, Docket No. G-7788; Kenna Gas Company, Docket No. G-7789; Huffman Gas Company, Docket No. G-7790; Leet Gas Company, Docket No. G-7791; Hamlin Natural Gas Company, Docket No. G-7792; Magnolia Gas Company, Docket No. G-7793; Randolph Gas Company, Docket No. G-7795; Dotson Branch Gas Company, Docket No. G-7796; J. S. Pridemore & R. H. Adkins, Docket No. G-7797.

Notice is hereby given that on October 17, 1955, the Federal Power Commission issued its findings and order adopted October 12, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8707; Filed, Oct. 27, 1955; 8:49 a. m.]

[Docket No. G-9520]

GULF REFINING CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Gulf Refining Company (Applicant) on September 23, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change (undated)..	Hassie Hunt Trust.....	Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 13.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: October 19, 1955.

Issued: October 24, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8716; Filed, Oct. 27, 1955; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 25, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 31235: *Nitric Acid—Boston, Mass., Group to Fernald, Ohio.* Filed jointly by C. W. Boin, Agent, and O. E. Swenson, Agent, for interested rail carriers. Rates on nitric acid, tank-car loads from Boston, Mass., and stations in the Boston switching district taking Boston rates to Fernald, Ohio.

Grounds for relief: Circuitous routes.

Tariff: Supplement 180 to Agent Swenson's I. C. C. 591.

FSA No. 31236: *Bituminous Coal to Aurora, Ill.* Filed jointly by The Chesapeake and Ohio Railway Company and the Norfolk and Western Railway Company for themselves and other interested rail carriers. Rates on bituminous coal, carloads from origins shown in the schedules listed below to Aurora, Ill.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 24 to C. & O. Ry. tariff I. C. C. 13138; Supplement 17 to Norfolk & Western Ry. I. C. C. B-3367.

FSA No. 31237: *Barytes to Morgan City, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on barite (barytes) ground, carloads from Cadet, Mo., Butterfield, Ark., and other specified points in Missouri and Arkansas to Morgan City, La.

Grounds for relief: To maintain destination rate relationship with New Orleans, La., and circuitous routes.

Tariff: Supplement 27 to Agent Kratzmeir's I. C. C. 4092.

FSA No. 31238: *Cast Iron Pressure Pipe Between Points in Southern territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cast iron pressure pipe, carloads between specified points in southern territory named or described in the application.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 31239: *Commodities From and To Points in Official Territory.* Filed jointly by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on various commodities as described in the application, carloads from specified points in official territory to specified points in official, southern and western territories.

Grounds for relief: Carrier competition and circuity.

FSA No. 31240: *Scrap Iron or Steel—St. Louis, Mo., Group to South.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on scrap iron or steel, carloads (a) from Belleville and East St. Louis, Ill., and St. Louis, Mo., to Chattanooga, Tenn., (b) from Centralia and East St. Louis, Ill., and St. Louis, Mo., to Birmingham, Ala., and (c) from East St. Louis, Ill., and St. Louis, Mo., to Emco, Holt, and Tuscaloosa, Ala.

Grounds for relief: Short-line distance formula maintenance of higher-level rates in intermediate territory north of Ohio River, and circuitous routes.

Tariff: Supplement 87 to Agent Spaninger's I. C. C. 1329.

FSA No. 31241: *Commodity Rates From and To Noralyn, Fla.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on commodities various, (other than coal and coke), carload and less-than-carloads from Noralyn, Fla., to points in the United States and Canada.

Grounds for relief: New Station, grouping and circuity.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-8722; Filed, Oct. 27, 1955; 8:52 a. m.]

NATIONAL ARC

FEDERAL REGISTER

VOLUME 20 NUMBER 212

Washington, Saturday, October 29, 1955

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

UNIV. OF MICH.

NOV 2 1955

MAIN READING ROOM

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10641

AMENDING THE CIVIL SERVICE RULES BY ADDING RULE VIII—APPOINTMENTS TO OVERSEAS POSITIONS

By virtue of the authority vested in me by section 1753 of the Revised Statutes (5 U. S. C. 631), section 2 of the Civil Service Act of January 16, 1883 (22 Stat. 403), and section 3 of the Civil Service Retirement Act of May 29, 1930, as amended, and in order to facilitate the employment of personnel by Federal agencies for service in foreign countries and beyond the continental limits of the United States, and to further the objective of extending the competitive service to Federal positions overseas, the Civil Service Rules are hereby amended by adding Rule VIII reading as follows:

RULE VIII—APPOINTMENTS TO OVERSEAS POSITIONS

SEC. 8.1 *Additional authority of the Commission.* In addition to authorizing the recruitment and appointment of persons to overseas positions under regulations issued under the preceding Rules, the Commission may, by the regulations prescribed by it, authorize the recruitment and appointment of persons to such positions as provided in section 2 of this Rule. As used in this Rule, "overseas positions" means positions in foreign countries and in other areas beyond the continental limits of the United States, except as provided in section 8.4 hereof.

SEC. 8.2 *Appointment of United States citizens.* United States citizens may be recruited overseas for appointment to overseas positions in the competitive service without regard to the competitive requirements of the Civil Service Act. Persons so recruited who meet the qualification standards and other requirements of the Commission for overseas positions may be given appointments to be known as "overseas limited appointments." Such appointments shall be of temporary or indefinite duration, and shall not confer the right to acquire a competitive status. The Commission may authorize overseas limited appointments for United States citizens recruited within the continental limits of the United States whenever it determines that it is not feasible to appoint from a civil-service register. Persons serving under appointments made pursuant to this section are hereby excluded from the operation of the Civil Service Retirement Act of May 29, 1930, as amended, unless eligible for retirement benefits by continuity of service or otherwise.

SEC. 8.3 *Appointment of persons not citizens of the United States.* Persons who are not citizens of the United States may be recruited overseas and appointed to overseas positions without regard to the Civil Service Act.

SEC. 8.4 *Positions excepted from the application of this Rule.* This Rule shall not apply to positions in Hawaii, Puerto Rico, the Virgin Islands, and Alaska, and on the Isthmus of Panama.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 26, 1955.

[F. R. Doc. 55-8799; Filed, Oct. 27, 1955; 1:54 p. m.]

EXECUTIVE ORDER 10642

SUSPENDING CERTAIN STATUTORY PROVISIONS RELATING TO EMPLOYMENT IN THE CANAL ZONE

By virtue of the authority vested in me by section 202 of the Department of Commerce and Related Agencies Appropriation Act, 1956 (69 Stat. 235; Public Law 121, 84th Congress), and section 610 of the Department of Defense Appropriation Act, 1956 (69 Stat. 315; Public Law 157, 84th Congress), relating to certain kinds of employment in the Canal Zone, and deeming such course to be in the public interest, I hereby suspend, from and including the effective date of the said acts, compliance with the provisions of the said sections: *Provided*, that this suspension shall not be construed to affect the provisions of the said sections relating to the amount of compensation that may be received by persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company the stock of which is owned

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FEDERAL REGISTER

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(For use during 1955)

The following Supplements are now available:

Title 32: Parts 400–699 ($5.75)
Parts 800–1099 ($5.00)
Part 1100 to end ($4.50)
Title 43 (Revised, 1954) ($6.00)

Previously announced: Title 3, 1954 Supp. ($1.75); Titles 4–5 ($0.70); Title 6 ($2.00); Title 7: Parts 1–209 ($0.60); Parts 210–899 ($2.50); Part 900 to end ($2.25); Title 8 ($0.45); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 15 ($1.25); Title 16 ($1.25); Title 17 ($0.55); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 21 ($1.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) ($2.50); Title 26: Parts 1–79 ($0.35); Parts 80–169 ($0.50); Parts 170–182 ($0.50); Parts 183–299 ($0.30); Part 300 to end and Title 27 ($1.25); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Title 32: Parts 1–399 ($4.50); Parts 700–799 ($3.75); Title 32A, Revised December 31, 1954 ($1.50); Title 33 ($1.50); Titles 35–37 ($0.75); Title 38 ($2.00); Title 39 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 46: Parts 1–145 ($0.40); Part 146 to end ($1.25); Titles 47–48 ($1.25); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60); Title 50 ($0.55)

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DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 26, 1955.

[F. R. Doc. 55-8800; Filed, Oct. 27, 1955; 1:54 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

Subchapter A—Civil Service Rules

PART 08—RULE VIII—APPOINTMENTS TO OVERSEAS POSITIONS

EDITORIAL NOTE: Rule VIII (codified in the Code of Federal Regulations as Part 08, §§ 08.1 to 08.4, of Title 5) has been added to the Civil Service Rules by Executive Order 10641, *supra*.

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 451.8]

PART 366—PAYMENT IN FULL

SUBPART B—SOIL AND WATER CONSERVATION ACCOUNTS

Part 366, Title 6, Code of Federal Regulations (20 F. R. 4175) is amended to add a new Subpart B covering the repayment in full of Soil and Water Conservation accounts, to read as follows:

Sec.
366.21 General.
366.22 Payment in full of insured Soil and Water Conservation loan with borrower funds, including refinancing and sale of farm.
366.23 Payment in full of insured Soil and Water Conservation loan by refinancing with holder of insured note on a non-insured basis.
366.24 Payment in full of direct Soil and Water Conservation loan made pursuant to Public Law 597, 83d Congress.

AUTHORITY: §§ 366.21 to 366.24 issued under R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 10 (a) (7), 68 Stat. 735; 5 U. S. C. 22, 16 U. S. C. 590w (3), 590x (3). Interpret or apply secs. 2 (3), 5, 50 Stat. 869, 870, secs. 9, 10, 68 Stat. 735, 736; 16 U. S. C. 590s (3), 590v, 590x-2, 590x-3.

§ 366.21 *General.* This part sets forth the authorizations, policies, and procedures for processing final payment on insured and direct Soil and Water Conservation loans made pursuant to the Act of August 28, 1937, as amended by Public Law 597, 83d Congress (16 U. S. C. 590r et seq.). Final payments on direct Water Facilities loans coded J will be handled in accordance with § 361.7 of this chapter.

(a) *Authority.* The County Supervisor is authorized to accept final payment on a Soil and Water Conservation loan and to execute the necessary releases and satisfactions in connection with the indebtedness.

(1) The State Director with the assistance of the Attorney in Charge may issue a State Instruction regarding the release of Soil and Water Conservation loan mortgages. Form FHA–77, "Satisfaction," may be used when permitted by State statutes. If Form FHA–77 is not satisfactory, the State Director may secure from the Attorney in Charge a form of satisfaction.

(2) If State law requires recording or filing of the satisfaction by the mortgagee, two executed copies of the satisfaction will be prepared and the additional copy will be recorded or filed by the County Supervisor with the proper recording official.

(b) *Loan insurance charges when loan is repaid—(1) Repayment of the loan after borrower has used loan funds.* In all cases of final payment or refinancing of insured loan indebtedness when the borrower has had use of loan funds, he will be required to pay the entire annual loan insurance charge computed for the year then current, if not already paid. This charge will be one percent of the unpaid principal amount due on the promissory note as of January 1 preceding the date final payment is made on the note account. For the purpose of computing this charge, the date final payment is made on the note account will be the date the funds for final payment or refinancing of the note account are received by the County Supervisor for transmittal to the Finance Office. In transactions where final payment or refinancing of the note account is accomplished by the exchange of promissory notes without funds being paid to the Farmers Home Administration, the date final payment is made on the note account will be considered to be the date the insured loan is refinanced. This will be the date entered by the holder in the space entitled "Final Payment Received" in Form FHA–993, "Notice of Receipt of Final Payment on Insured Loan."

(2) *Loan funds refunded in full after loan closing.* If an insured loan borrower decides to refund in full his Soil and Water Conservation loan, he will be required to pay a loan insurance charge from the date of loan closing to the date the Treasury check is remitted to the lender. In the event the borrower has prepaid his loan insurance charge, any overpayment will be refunded by the Finance Office unless the borrower has a delinquent loan account, in which case, the overpayment will be applied to the delinquent loan account. (Interest will be charged on the note account from the date of loan closing to the date the Treasury check is remitted to the lender.)

§ 366.22 *Payment in full of insured Soil and Water Conservation loan with borrower funds, including refinancing and sale of farm—(a) Determining balance of indebtedness and collection.* When the borrower is ready to make his

final payment, the County Supervisor upon receipt of Form FHA–835 from the Finance Office will compute the amount necessary to repay in full the note and loan insurance accounts.

(1) Interest on the note account will be calculated to a date 10 days (20 days if payment is made by uncertified check drawn on the bank account of an individual) beyond the date on which the collection is received by the County Supervisor. Any overpayment will be refunded to the borrower by the Finance Office unless the borrower is delinquent on another loan account, in which case, the overpayment will be applied to the delinquent loan account. On any advances made for the account of the borrower from the insurance fund, interest will be calculated to the date the payment of the loan insurance account is received by the County Supervisor.

(2) The County Supervisor will collect from the borrower the full amount, if any, owned the loan insurance account and the balance of the principal and interest due on the note account.

(b) *Finance Office action*—(1) *Adjustment of records.* Upon receipt of the collection in the Finance Office, if the collection pays in full the outstanding balance of the loan insurance account to the date of receipt issued to the borrower and the outstanding balance of the note account to the date of the Treasury check to be issued to the holder, the Director, Finance Office, will sign the original and two copies of Section II of Form FHA–993 and will satisfy the Finance Office records as a fully paid account.

(2) *Notice to holder.* The Finance Office will furnish the original and two copies of Form FHA–993 to the holder and will advise the holder that the borrower has made final payment of the note account. The Finance Office will inform the holder of the unpaid balance of principal and interest on the note account to the date of the Treasury check and request the holder to execute Section I of the original and one copy of Form FHA–993 and the canceled prom-Treasury check if the amount of the Treasury check is in agreement with his records. The holder also will be requested to send the executed copies of Form FHA–993 and the canceled promissory note to the County Supervisor.

(c) *County Office action.* Upon receipt of the canceled promissory note and the original and one copy of the completed Form FHA–993 from the holder, the County Supervisor will prepare an instrument of satisfaction, if needed. The canceled promissory note and the satisfied mortgage will be delivered to the borrower. The County Supervisor will make proper distribution of any property insurance as prescribed in Farmers Home Administration Instructions for Farm Ownership program real property insurance.

(d) *Escrow arrangements.* In any case in which a lender or purchaser insists upon a satisfaction of the mortgage and cancellation of the note at the time the Soil and Water Conservation loan is paid in full, he will be advised that he may make his own escrow arrangements. All accounts owed by the borrower on the note and loan insurance accounts must be paid to the County Supervisor, as collection agent for the lender and the Government, at the time the satisfaction is delivered to the escrow agent. The note may be delivered by the lender to the escrow agent before or at the time of delivery of the satisfaction to him. The escrow agent will cancel the note at the time the funds paying the loan in full are given to the County Supervisor, and then forward the note to the borrower. No part of the expense for an escrow arrangement will be paid by the Government.

§ 366.23 *Payment in full of insured Soil and Water Conservation loan by refinancing with holder of insured note on a non-insured basis.* This section applies when final payment of an insured Soil and Water Conservation loan is to be made by refinancing by the holder of the insured note on a non-insured basis. In such a case, final payment of the note account may be accomplished by exchanging a non-insured note for the insured promissory note. Since no funds are involved in final payment of the note account, only the collection of the loan insurance account will be transmitted to the Finance Office.

(a) *Collection of loan insurance account.* When final payment of the note account of the insured borrower is to be accomplished by the above method, the County Supervisor, upon receipt of Form FHA–835 from the Finance Office, will collect from the borrower the full amount, if any, owed the loan insurance account. If Form FHA–835 shows an unpaid balance of any amount advanced from the insurance fund, the County Supervisor will compute the interest on such amount to the date he receives payment.

(b) *Preparation of Form FHA–993.* The County Supervisor will complete the information in Section I of Form FHA–993 with respect to the borrower and the promissory note and will check the appropriate blocks in Section III. The original and two copies of the partially completed Form FHA–993 will be delivered to the holder of the insured loan. The County Supervisor will inform the holder of the outstanding balance of principal and interest on the insured note account as of the date of Form FHA–835 and the daily rate of accrual of interest. The County Supervisor will request that, if such amount is in agreement with the holder's records, the holder should insert the date the final payment is received (date insured loan is refinanced), execute the original and one copy of Form FHA–993, and return to the County Supervisor the executed original and copy of Form FHA–993 together with the canceled promissory note.

(c) *County Office action.* After the Finance Office has determined that the full amount owed the insurance account has been paid and forwarded the completed copy of Form FHA–993 to the County Office, the County Supervisor will issue an appropriate form of satisfaction, if needed. The canceled promissory note and the satisfied real estate mortgage will be delivered to the borrower. Property insurance will be canceled in accordance with Farm Ownership program instructions covering real property insurance.

§ 366.24 *Payment in full of direct soil and water conservation loan made pursuant to Public Law 597, 83d Congress.* Upon receipt of Form FHA–835 from the Finance Office, the County Supervisor will notify the borrower that he is prepared to accept final payment.

(a) *Delivery of documents after note stamped "Paid in Full" is received from the Finance Office.* Upon receipt from the Finance Office of the note, stamped paid in full the County Supervisor will deliver the stamped note, any property insurance policies, and the original mortgage to the borrower. For all real estate loans and when required for notes secured by chattel property, a satisfaction executed in accordance with the State instruction will be delivered to the borrower for recording if desired.

Dated: October 25, 1955.

[SEAL] R. B. McLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55–8779; Filed, Oct. 28, 1955; 8:53 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 CCC Cotton Bulletin 1, Amdt. 5]

PART 427—COTTON

SUBPART—1955 COTTON LOAN PROGRAM

CORRECTION OF BASIC WAREHOUSE LOAN RATE FOR HELENA, ARKANSAS

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service published in 20 F. R. 4353, 6151, 6238, 6373, and 7483 and containing the instructions and requirements with respect to the 1955 Cotton Loan Program are hereby amended to correct the basic warehouse loan rate for Helena, Arkansas as follows:

In § 427.633 (Basic loan rates by warehouse locations) make the following change: Under Arkansas, the basic loan rate for Helena, Phillips County, is decreased from 33.55 to 33.54.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 25th day of October 1955.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55–8758; Filed, Oct. 28, 1955; 8:49 a. m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

SUBPART A—DATE DIVERSION PAYMENT PROGRAM WMD 29A (1955 MARKETING SEASON)

Sec.
518.520 General statement.
518.521 Rate of payment.
518.522 Eligibility for payment.
518.523 Claims for payment supported by evidence of compliance.
518.524 Records and accounts.
518.525 Amendment and termination.
518.526 Persons not eligible for payment.
518.527 Set-off.
518.528 Joint payee or assignment.
518.529 Good faith.
518.530 Definitions.

AUTHORITY: §§ 518.520 to 518.530 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

§ 518.520 *General statement.* (a) In order to encourage the domestic consumption of dates produced in the continental United States by diverting them from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments on dates diverted under the terms and conditions set forth in this subpart.

(b) Information pertaining to this program and forms prescribed for use hereunder may be obtained from the following:

Warren C. Noland, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1031 South Broadway, Los Angeles 15, California.

A. A. Garda, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Fourteenth Street and Independence Avenue SW., Washington 25, D. C.

§ 518.521 *Rate of payment.* The rate of payment applicable to dates diverted in accordance with the terms and conditions contained herein shall be 3.0 cents per net pound of dates whose moisture content does not exceed an average of 25 percent. A deduction of 0.05 cents per pound shall be made for each whole or fractional percent by which the moisture content exceeds 25 percent.

§ 518.522 *Eligibility for payment*—(a) *Program participation.* Payments will be made to any individual, partnership, association of growers or packers, or corporation located in the continental United States (1) who executes and files with the Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Fourteenth Street and Independence Avenue SW., Washington 25, D. C., no later than July 31, 1956, in triplicate, an application to divert as set forth on forms attached hereto, (2) whose application is approved by the Administrator, (3) who diverts, as defined in § 518.530 (c), eligible dates, whether directly or through an agent or subcontractor, (4) who files claim as provided in § 518.523 and (5) who otherwise complies with all the terms and conditions of this program. Applications will be considered in the order submitted and in accordance with the availability of funds. An application must be submitted for each new product or additional poundage and must be approved before diversion of the dates. The Administrator will give notice to the diverter of the approval or nonapproval of each application. Approved applications may be modified or amended with the written consent of the Administrator.

(b) *Eligible dates.* Dates diverted under this program shall: (1) Have been produced in the United States; (2) be whole or pitted; (3) be of the Deglet Noor variety; (4) be not less than U. S. Grade C or U. S. Grade C (Dry) of the United States Standards for Grades of Dates, effective August 26, 1955; and (5) be either (i) certified as "restricted," pursuant to the Order Regulating the Handling of Domestic Dates Produced or Packed in Los Angeles and Riverside Counties of California (20 F. R. 5056) (hereinafter referred to as the "Marketing Order"), or (ii) ineligible for certification as "restricted" pursuant to the Marketing Order because they score 28 or 29 points for character.

(c) *Inspection.* The dates diverted shall have been inspected, check weighed and the moisture content determined prior to diversion. The inspection, check weighing, moisture test and the observation of diversion shall be performed by an inspector of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "USDA inspector"). Where diverter sells macerated or paste form dates for use outside of California and Arizona, the outbound shipment shall be checkloaded by a USDA inspector. The cost of inspection, weighing, issuance of certificates, observation of diversion and checkloading shall be borne by the diverter.

(d) *Period of diversion.* No payment under this program will be made in connection with any dates diverted unless the diversion was accomplished by the diverter after the date of approval of his application and prior to 12 o'clock midnight, p. s. t., September 30, 1956.

§ 518.523 *Claims for payment supported by evidence of compliance.* (a) Diverters shall file claims for payment not later than October 31, 1956, with the Western Area Administrative Division, Agricultural Marketing Service, United States Department of Agriculture, 1515 Clay Street, 6th Floor, Oakland 12, California, *Provided,* That, upon written request of the diverter stating substantial reason therefor, the Administrator may, if he deems it desirable, grant an extension of time for the filing of claims.

(b) Each claim for payment shall be filed in an original and two copies on Form AMS–21 (Public Voucher—Commodity Program), and shall show the number assigned by the USDA to the related approved application, and shall be supported by:

(1) The original or one signed copy of the inspection certificate or certificates required in § 518.522 (c) accompanied by a signed statement of a USDA inspector that he observed the diversion of the dates covered by the certificate into the approved product.

(2) The original or signed copy of a certification of the diverter that he has diverted a specified number of pounds of eligible dates as defined in § 518.522 (b) in the manner specified in § 518.530 (c).

(3) Where diverter sells dates in macerated or paste form for use outside of the States of California and Arizona, the following additional documents must be submitted: (i) One signed copy of railroad or trucker's bill of lading. The bill of lading must indicate the lot number, code, brand markings or other reference sufficient to identify the dates loaded on board the carrier; (ii) one signed or certified copy of the sales contract or written agreement of the buyer stipulating that the macerated or paste form dates will be used only outside of the States of California and Arizona and only in products distributed outside such states; and (iii) certification of checkloading by USDA inspector.

(4) Such other documents as may be required by the Secretary as evidence of diversion hereunder.

§ 518.524 *Records and accounts.* Each diverter shall maintain accurate records of diversion hereunder. Such records, accounts, and other documents relating to dates diverted under this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture and shall be preserved until at least October 31, 1958.

§ 518.525 *Amendment and termination.* This program may be amended or terminated by the Administrator at any time, but the amendment or termination shall not be effective earlier than the date of filing with the Federal Register Division. No amendment or termination shall be applicable to any dates covered by an application approved before the effective time of such amendment or termination.

§ 518.526 *Persons not eligible for payment.* No Member of, or Delegate to, Congress, or Resident Commissioner, shall be admitted to any share or part of any contract resulting from this program or to any benefits that may arise therefrom, but this provision shall not be construed to extend to such a contract if made with a corporation for its general benefit, or to any such person acting in his capacity as a date producer.

§ 518.527 *Set-off.* The Secretary may set off, against any amount owed to any diverter hereunder, any amount owed by such diverter to the Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States. Set-off as provided in this subpart shall not deprive the diverter of the right to contest

the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 518.528 *Joint payee or assignment.* A diverter may name a joint payee on claim for payment or may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law 811, 76th Congress, as amended (31 U. S. C. 203, 41 U. S. C. 15), the proceeds of any claim to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided,* That, such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment with the Administrator, together with a true copy of the instrument of assignment, in accordance with the instructions on Form AMS–66 "Notice of Assignment," which form must be used in giving notice of assignment to the Administrator. The "Instrument of Assignment" may be executed on Form AMS–347 or the assignee may use his own form of assignment. The AMS forms may be obtained from the Administrator or the Western Area Administrative Division.

§ 518.529 *Good faith.* If the Administrator determines that any diverter has not acted in good faith in connection with any transaction under this program, or has failed to discharge fully any obligation assumed by him under this program, such diverter may be denied the right to continue participating in this program or the right to receive payment under this program in connection with any diversion previously made under this program, or both.

§ 518.530 *Definitions.* As used in this subpart, the following terms have the following meanings:

(a) "Secretary" means the Secretary of the United States Department of Agriculture, or any authorized representative of the Secretary.

(b) "Administrator" means the Administrator, Agricultural Marketing Service, USDA, or any representative of the Secretary to whom said Administrator has delegated authority to perform functions vested in him.

(c) "Diversion" means (1) the processing of domestically produced dates into rings, chunks, pieces, butter, or other products approved by the Administrator wherein the dates lose their form as whole or pitted dates (except dates in macerated or paste form for use inside the States of California or Arizona), or (2) the production and sale for use outside of the States of California and Arizona of dates in macerated or paste form. Approved products, other than those specifically named herein, shall be restricted to those for which it is determined, on the basis of Departmental and such other sources as are reasonably available, that there has been no commercial sale, other than on an experimental basis or under a previous Department diversion program, prior to the effective date of this program. Butter as distinguished from macerated dates or paste, shall mean finely ground dates of near powder consistency, stabilized by additives such as sugar or citric acid, having a full bodied date flavor and odor, having a uniform color and containing moisture sufficient to permit easy spreading. For purposes of this program, date pieces, crunchies, or other small date units may be made directly from whole or pitted dates or indirectly from macerated dates.

(d) Styles of dates: (1) "Whole" or "whole dates" means whole unpitted dates from which the pits have not been removed and which may be slit longitudinally; (2) "pitted" or "pitted dates" means whole dates from which the pits have been removed.

(e) "Application" means Form FV–488[1] (9–26–55), "Application For Participation in Date Diversion Payment Program WMD 29a and For Approval of Diversion Product."

(f) "Filed": Applications, claims and related documents are deemed to be filed on the date postmarked by a U. S. Post Office if mailed or when received by the appropriate USDA office if otherwise delivered.

Effective date. This program shall become effective at 12:01 a. m., e. s. t., November 1, 1955.

NOTE: The record-keeping and reporting requirements contained herein have been approved by, and subsequent requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated this 26th day of October 1955.

[SEAL] S. R. SMITH,
Representative of the Secretary of Agriculture.

[F. R. Doc. 55–8772; Filed, Oct. 28, 1955; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 29—TOBACCO INSPECTION

SUBPART D—ORDERS OF DESIGNATION OF TOBACCO MARKETS

HENDERSON, KY., AND GATE CITY, VA., TOBACCO AUCTION MARKETS

Upon referenda conducted, pursuant to prior notice (20 F. R. 7077), during the period October 6, 1955–October 8, 1955, both dates inclusive, among tobacco growers, who, during the 1954–55 marketing season, sold tobacco at auction on the market at Henderson, Kentucky, and on the market at Gate City, Virginia, it is found that more than two-thirds of the growers voting in each such referendum favor the designation of each such market under section 5 of the Tobacco Inspection Act (7 U. S. C. 511 et seq.) for the free and mandatory inspection and certification of tobacco sold on each such market. Therefore, pursuant to the authority vested in the Administrator of the Agricultural Marketing Service, and for the purposes of said Act, the orders of designation of tobacco markets (7 CFR 29.601) are amended by adding thereto at the end thereof the following paragraph (ss):

§ 29.601 *Designation of tobacco markets.* • • •

(ss) *The tobacco markets at Henderson, Kentucky, and Gate City, Virginia.* Effective 30 days after the date of publication in the FEDERAL REGISTER no tobacco of any type shall be offered for sale at auction on the market at Henderson, Kentucky, and on the market at Gate City, Virginia, until such tobacco shall have been inspected and certified by an authorized representative of the U. S. Department of Agriculture according to standards established under the Tobacco Inspection Act (7 U. S. C. 511 et seq.): *Provided, however,* That such requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspectoin is not sufficient to justify the cost of such service.

(Sec. 14, 49 Stat. 734; 7 U. S. C. 511m)

Issued this 25th day of October 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 55–8756; Filed, Oct. 28, 1955; 8:49 a. m.]

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRADES OF DEHYDRATED (LOW-MOISTURE) APPLES[1]

On March 27, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 1669) regarding a proposed issuance of United States Standards for Grades of Dehydrated (Low-moisture) Apples.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Dehydrated (Low-moisture) Apples are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.):

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.2341 Product description.
52.2342 Styles of dehydrated apples.
52.2343 Grades of dehydrated apples.

FACTORS OF QUALITY

52.2344 Ascertaining the grade.
52.2345 Ascertaining the rating for the factors which are scored.
52.2346 Color.
52.2347 Uniformity of size.
52.2348 Absence of defects.
52.2349 Texture.

EXPLANATIONS AND METHODS OF ANALYSES

52.2350 Explanation of methods and analyses.

[1] Filed as part of original document.

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

LOT CERTIFICATION TOLERANCES

Sec.
52.2351 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2352 Score sheet for dehydrated apples.

AUTHORITY: §§ 52.2341 to 52.2352 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.2341 *Product description.* Dehydrated (low-moisture) apples, hereinafter referred to as "dehydrated apples," are prepared from clean and sound fresh or previously dried (or evaporated) apples from which the peels and cores have been removed and which have been cut into segments. The dried (or evaporated) apple segments may be cut further into smaller segments in preparation for dehydration whereby practically all of the moisture is removed to produce a very dry texture and are prepared to assure a clean, sound, wholesome product. The sulphur dioxide content of the finished product may not exceed 500 parts per million but no other additives may be present.

§ 52.2342 *Styles of dehydrated apples*—(a) *Pie pieces.* Pie pieces consist predominantly of parallel-cut, irregularly shaped pieces, approximating 3/16-inch or less in thickness and 3/4-inch or longer in their longest dimension.

(b) *Flakes.* Flakes consist predominantly of parallel-cut, irregularly shaped pieces, approximating 3/16-inch or less in thickness and less than 3/4-inch in their longest dimension.

(c) *Wedges.* Wedges are fairly thick sectors, approximating no more than 5/8-inch at their greatest thickness.

(d) *Sauce pieces.* Sauce pieces are small popcorn-like units of varying shapes and sizes, not otherwise conforming to the style of flakes, and in which practically all of the units when free-flowing will pass through 0.446-inch square openings. Sauce pieces of this style are considered "finely-cut" when practically all of the units will pass through 3/8-inch square openings.

§ 52.2343 *Grades of dehydrated apples.* (a) "U. S. Grade A" or "U. S. Fancy" dehydrated apples is the quality of dehydrated apples in which the moisture content of the finished product is not more than 2.5 percent by weight; that possess a normal flavor and odor, that possess a good color, that are reasonably uniform in size, that are practically free from defects, that possess a good texture, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points.

(b) "U. S. Grade B" or "U. S. Choice" dehydrated apples is the quality of dehydrated apples in which the moisture content of the finished product is not more than 3.5 percent by weight; that possess a normal flavor and odor, that possess a reasonably good color, that are fairly uniform in size, that are reasonably free from defects, that possess a reasonably good texture, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(c) "Substandard" dehydrated apples is the quality of dehydrated apples that fail to meet the requirements of U. S. Grade B or U. S. Choice.

FACTORS OF QUALITY

§ 52.2344 *Ascertaining the grade.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(a) *Factors not rated by score points.*
(1) Moisture content.
(2) Flavor and odor.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(1) Color	20
(2) Uniformity of size	20
(3) Absence of defects	40
(4) Texture	20
Total score	100

(c) The factors of flavor and odor, color, and texture are acertained both upon the dehydrated apples and the cooked product as outlined in this subpart.

(d) "Normal flavor and odor" means that the dehydrated apples and the cooked product possess a characteristic flavor and odor that is free from objectionable flavors or objectionable odors of any kind. A flavor and odor in the dehydrated apples indicative of proper sulphur treatment is not considered objectionable.

§ 52.2345 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.2346 *Color*—(a) *(A) classification.* Dehydrated apples that possess a good color may be given a score of 17 to 20 points. "Good color" means that the dehydrated apples possess a reasonably uniform, reasonably bright, light yellow to yellow-white characteristic color which, upon cooking, is a reasonably bright color typical of cooked dehydrated apples that have been properly prepared and processed.

(b) *(B) classification.* If the dehydrated apples possess a reasonably good color, a score of 14 to 16 points may be given. Dehydrated apples that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the dehydrated apples possess a fairly uniform, fairly bright, light yellow-amber or light yellow to yellow-white characteristic color and which, upon cooking, may be variable in color but is typical of cooked dehydrated apples that have been properly prepared and processed.

(c) *(SStd) classification.* Dehydrated apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2347 *Uniformity of size*—(a) *(A) Classification.* Dehydrated apples that are reasonably uniform in size may be given a score of 17 to 20 points. "Reasonably uniform in size" has the following meanings for the respective styles:

(1) *Pie pieces.* (i) Not less than 75 percent, by weight, of the dehydrated apples are 3/4-inch or more in their longest dimension and of the units of this length not less than 35 percent, by weight, of the dehydrated apples are 1 inch or more in their longest dimension;

(ii) Practically all of the units 3/4-inch or more in their longest dimension are 3/16-inch or less at their greatest thickness; and

(iii) Not more than 10 percent, by weight, of the dehydrated apples may be so fine as to pass through meshes of a U. S. Standard No. 4 sieve (0.187-inch, ±3 percent, square openings); but

(iv) Not more than 5 percent, by weight, of the dehydrated apples may pass through meshes of a U. S. Standard No. 8 sieve (0.0937-inch, ±3 percent, square openings).

(2) *Flakes.* (i) Not less than 95 percent, by weight, of the dehydrated apples are less than 3/4-inch in their longest dimension;

(ii) Practically all of such sized units are 3/16-inch or less at their greatest thickness; and

(iii) Not more than 10 percent, by weight, of the dehydrated apples may be so fine as to pass through meshes of a U. S. Standard No. 8 sieve (0.0937-inch± 3 percent, square openings); but

(iv) Practically none of the product may pass through meshes of a U. S. Standard No. 16 sieve (0.0469-inch±3 percent, square openings).

(3) *Wedges.* (i) Not less than 95 percent, by weight, of all the units are 1 inch or longer in their longest dimension; and

(ii) Practically all of such sized units are 5/8-inch or less at their greatest thickness.

(4) *Sauce pieces.* (i) Not less than 95 percent, by weight, of the dehydrated apples are units of such size, or so fine, as to pass through 0.446-inch square openings;

(ii) Not more than 10 percent, by weight, of the dehydrated apples may be so fine as to pass through meshes of a U. S. Standard No. 8 sieve (0.0937-inch± 3 percent, square openings); but

(iii) Practically none of the product may pass through meshes of a U. S. Standard No. 16 sieve (0.0469-inch±3 percent, square openings).

(b) *(B) Classification.* If the dehydrated apples are fairly uniform in size a score of 14 to 16 points may be given. Dehydrated apples that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size" has the following meanings for the respective styles:

(1) *Pie pieces.* (i) Not less than 60 percent by weight, of the dehydrated apples are ¾-inch or more in their longest dimension and of the units of this length not less than 25 percent, by weight, of the dehydrated apples are 1 inch or more in their longest dimension;

(ii) Practically all of the units ¾-inch or more in their longest dimension are 3/16-inch or less at their greatest thickness; and

(iii) Not more than 15 percent, by weight, of the dehydrated apples may be so fine as to pass through meshes of a U. S. Standard No. 4 sieve (0.187-inch, ±3 percent, square openings); but

(iv) Not more than 5 percent, by weight, of the dehydrated apples may pass through meshes of a U. S. Standard No. 8 sieve (0.0937-inch, ±3 percent, square openings).

(2) *Flakes.* (i) Not less than 85 percent, by weight, of the dehydrated apples are less than ¾-inch in their longest dimension;

(ii) Practically all of such sized units are 3/16-inch or less at their greatest thickness; and

(iii) Not more than 5 percent, by weight, of the dehydrated apples may be so fine as to pass through meshes of a U. S. Standard No. 16 sieve (0.0469-inch, ±3 percent, square openings).

(3) *Wedges.* (i) Not less than 85 percent, by weight, of all the units are 1 inch or longer in their longest dimension; and

(ii) Practically all of such sized units are ⅝-inch or less at their greatest thickness.

(4) *Sauce pieces.* (i) Not less than 85 percent, by weight, of the dehydrated apples are units of such size, or so fine, as to pass through 0.446-inch square openings; but

(ii) Not more than 5 percent, by weight, of the dehydrated apples may be so fine as to pass through meshes of a U. S. Standard No. 16 sieve (0.0469-inch, ±3 percent, square openings).

(c) *(SStd) classification.* Dehydrated apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2348 *Absence of defects—(a) Definitions of defects.* The factor of absence of defects refers to the degree of freedom from carpel tissue; from units damaged by pieces of peel, bruises or other discoloration, bitter pit or corky tissue, water core, or damaged by other means; from units damaged by calyxes and stems; and from defects not specifically mentioned as defined in this paragraph.

(1) *Practically free from carpel tissue.* "Practically free from carpel tissue" means that for each 1¾ ounces of dehydrated apples any carpel tissue that may be present does not exceed in the aggregate an area equal to ½-square inch.

(2) *Reasonably free from carpel tissue.* "Reasonably free from carpel tissue" means that for each 1¾ ounces of dehydrated apples any carpel tissue that may be present in the aggregate exceeds an area equal to ½-square inch but does not exceed an area equal to 1 square inch.

(3) *Damaged by pieces of peel.* "Damaged by pieces of peel" means pieces of peel, regardless of color, which in their greatest dimension exceed ¼-inch.

(4) *Damaged by bruises or other discoloration, bitter pit or corky tissue, water core, and other similar defects.* "Damaged by bruises or other discoloration, bitter pit or corky tissue, water core, and other similar defects" means the appearance or eating quality of the unit is materially affected by such defects.

(5) *Damaged by other means.* "Damaged by other means" means defects not specifically mentioned which affect materially the appearance or edibility of the piece so damaged.

(6) *Damaged by calyxes and stems.* "Damaged by calyxes and stems" means the appearance or eating quality of the unit is materially affected by such defects including portions thereof.

(7) *Defects not specifically mentioned.* "Defects not specifically mentioned" include but are not limited to such apple materials as excessive loose seeds or loose stems which are not considered as damaged units and which singly or collectively affect materially the appearance or edibility of the product.

(b) *(A) Classification.* Dehydrated apples that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that dehydrated apples of any style are practically free from carpel tissue and defects not specifically mentioned and, in addition, has the following meanings for the respective styles:

(1) *Pie pieces; wedges.* Not more than 10 percent, by weight, of all the units may be damaged by pieces of peel, bruises or other discoloration, bitter pit or corky tissue, water core, other means, calyxes, and stems: *Provided,* That not more than 1 percent, by weight, of all the units may be damaged by calyxes and stems.

(2) *Flakes; sauce pieces.* Not more than 5 percent, by weight, of all the units may be damaged by pieces of peel, bruises or other discoloration, bitter pit or corky tissue, water core, other means, calyxes, and stems: *Provided,* That not more than ½ of 1 percent, by weight, of all the units may be damaged by calyxes and stems.

(c) *(B) classification.* If the dehydrated apples are reasonably free from defects, a score of 28 to 33 points may be given. Dehydrated apples that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the dehydrated apples of any style are reasonably free from carpel tissue and defects not specifically mentioned and, in addition, has the following meanings for the respective styles:

(1) *Pie pieces; wedges.* Not more than 15 percent, by weight, of all the units may be damaged by pieces of peel, bruises or other discoloration, bitter pit or corky tissue, water core, other means, calyxes, and stems: *Provided,* That not more than 2 percent, by weight, of all the units may be damaged by calyxes and stems.

(2) *Flakes; sauce pieces.* Not more than 8 percent, by weight, of all the units may be damaged by pieces of peel, bruises or other discoloration, bitter pit or corky tissue, water core, other means, calyxes, and stems: *Provided,* That not more than 1 percent, by weight, of all the units may be damaged by calyxes and stems.

(d) *(SStd) classification.* Dehydrated apples that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2349 *Texture—(a) (A) classification.* Dehydrated apples that possess a good texture may be given a score of 17 to 20 points. "Good texture" means with respect to the dehydrated product that the units are brittle; and, upon cooking in accordance with the methods outlined in this subpart, the textures of the respective styles are as follows:

(1) *Pie pieces; wedges.* The units are reasonably uniform in tenderness and texture; are practically free from any tough (or "leathery") units; and there is no more than moderate disintegration except for small pieces that may have been present.

(2) *Flakes.* The units are reasonably uniform in tenderness and texture; are practically free from any tough (or "leathery") units; and there may be considerable disintegration of the pieces but not to the degree of a grainy applesauce consistency.

(3) *Sauce pieces.* The mass has a reasonably uniform texture and finish ranging from that of a coarse, grainy applesauce to a fine, grainy applesauce, without practically any hard particles.

(b) *(B) classification.* If the dehydrated apples possess a reasonably good texture, a score of 14 to 16 points may be given. Dehydrated apples that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good texture" means with respect to the dehydrated product that the units are brittle; and, upon cooking in accordance with the methods outlined in this subpart, the textures of the respective styles are as follows:

(1) *Pie pieces; wedges.* The units are fairly uniform in tenderness and texture but moderately free from any tough (or "leathery") units; and there may be more than moderate disintegration except for small pieces that may have been present.

(2) *Flakes.* The units are fairly uniform in tenderness and texture but moderately free from any tough (or "leathery") units; and the pieces may have become disintegrated to the degree of a grainy applesauce consistency.

(3) *Sauce pieces.* The mass has a fairly uniform texture and finish ranging from that of a coarse, grainy applesauce to a fine, grainy applesauce; and hard particles may be noticeable but not objectionable.

(c) *(SStd) classification.* Dehydrated apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.2350 *Explanations of methods and analyses—(a) Moisture method.* "Moisture" in dehydrated apples is determined in accordance with the official method applicable to dried fruits as outlined in the "Official Methods of Analysis of the Association of Official Agricultural Chemists."

(b) *Cooking procedures.* A representative sample of not less than 2 ounces avoirdupois to approximately 4 ounces avoirdupois is recommended for purposes of the cooking procedures in this paragraph. The procedures for cooking to ascertain compliance with requirements for color and texture are as follows for the respective styles:

(1) *Pie pieces.* Add 1 part, by weight, of pie pieces to 6 parts, by weight, of water just below the boiling point; cover, bring to a boil, and simmer for 20 minutes.

(2) *Flakes.* Add 1 part, by weight, of the flakes to 5 parts, by weight, of water just below the boiling point; cover, bring to a boil, and simmer for 15 minutes.

(3) *Wedges.* Add 1 part, by weight, of the wedges to 6 parts, by weight, of water just below the boiling point; cover, bring to a boil, and simmer for 30 minutes.

(4) *Sauce pieces.* Add 1 part, by weight, of the sauce pieces to 8 parts, by weight, of water just below the boiling point; cover, bring to a boil, and simmer for 15 minutes.

(c) *Sifting methods.* The technique for ascertaining compliance with the requirements for pieces that pass through U. S. Standard No. 4, No. 8, and No. 16 sieves is as follows:

(1) *Pie pieces.* (i) From a 4-ounce representative sample of dehydrated apple "pie pieces," remove all pieces which are ¾-inch or more in their longest dimension;

(ii) Place the remainder of the sample on a U. S. Standard No. 4, 8-inch diameter, full-height sieve nested on top of a U. S. Standard No. 8, 8-inch diameter, full-height sieve to which a bottom pan has been attached;

(iii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20 inches in a straight line and return to its original position, repeating the movement 20 times;

(iv) Weigh the fine material sifted through to the bottom pan and calculate on the basis of the original sample (under subdivision (i) of this subparagraph) as the percentage which passed through the No. 8 sieve; and

(v) Weigh the material sifted through the No. 4 sieve and remaining on the No. 8 sieve; calculate on the basis of the original sample (under subdivision (i) of this subparagraph) and add the percentage which remained on the No. 8 sieve to the percentage which passed through the No. 8 sieve (under subdivision (iv) of this subparagraph) as the total percentage which passed through the No. 4 sieve.

(2) *Flakes.* (i) From a 4-ounce representative sample of dehydrated apple "flakes" remove all pieces which are ¾-inch or more in their longest dimension;

(ii) Place the remainder of the sample on a U. S. Standard No. 8, 8-inch diameter, full-height sieve nested on top of a U. S. Standard No. 16, 8-inch diameter, full-height sieve to which a bottom pan has been attached;

(iii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20 inches in a straight line and return to its original position, repeating the movement 20 times;

(iv) Weigh the fine material sifted through to the bottom pan and calculate on the basis of the original sample (under subdivision (i) of this subparagraph) as the percentage which passed through the No. 16 sieve; and

(v) Weigh the material sifted through the No. 8 sieve and remaining on the No. 16 sieve; calculate on the basis of the original sample (under subdivision (i) of this subparagraph) and add the percentage which remained on the No. 16 sieve to the percentage which passed through the No. 16 sieve (under subdivision (iv) of this subparagraph) as the total percentage which passed through the No. 8 sieve.

(3) *Sauce pieces.* (i) From a 4-ounce representative sample of dehydrated apple "sauce pieces" remove all pieces which in their smallest dimensions will not pass readily through 0.446-inch square openings by gentle hand pressing;

(ii) Place the remainder of the sample on a U. S. Standard No. 8, 8-inch diameter, full-height sieve nested on top of a U. S. Standard No. 16, 8-inch diameter, full-height sieve to which a bottom pan has been attached;

(iii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20 inches in a straight line and return to its original position, repeating the movement 20 times;

(iv) Weigh the fine material sifted through to the bottom pan and calculate on the basis of the original sample (under subdivision (i) of this subparagraph) as the percentage which passed through the No. 16 sieve; and

(v) Weigh the material sifted through the No. 8 sieve and remaining on the No. 16 sieve; calculate on the basis of the original sample (under subdivision (i) of this subparagraph) and add the percentage which remained on the No. 16 sieve to the percentage which passed through the No. 16 sieve (under subdivision (iv) of this subparagraph) as the total percentage which passed through the No. 8 sieve.

LOT CERTIFICATION TOLERANCES

§ 52.2351 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of dehydrated apples the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2352 *Score sheet for dehydrated apples.*

Size and kind of container		
Container mark or identification		
Label (including SO_2 content, if any)		
Net weight		
Moisture content (percent)		
Style		

Factors	Score points	
Color	20	(A) 17–20 (B) 1 14–16 (SStd) 1 0–13
Uniformity of size	20	(A) 17–20 (B) 1 14–16 (SStd) 1 0–13
Absence of defects	40	(A) 34–40 (B) 1 28–33 (SStd) 1 0–27
Texture	20	(A) 17–20 (B) 1 14–16 (SStd) 1 0–13
Total score	100	

Normal flavor and odor	
Grade	

1 Indicates limiting rule.

The United States Standards for Grades of Dehydrated (Low-moisture) Apples (which is the first issue) contained in this subpart shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

Dated: October 25, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-8754; Filed, Oct. 28, 1955; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 60]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.360 *Valencia Orange Regulation 60—(a) Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under

the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on October 27, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., October 30, 1955, and ending at 12:01 a. m., P. s. t., November 6, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 323,400 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 28, 1955.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8828; Filed, Oct. 28, 1955; 11:34 a. m.]

[Lemon Reg. 613]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.720 *Lemon Regulation 613*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 26, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 30, 1955, and ending at 12:01 a. m., P. s. t., November 6, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 190 carloads;

(iii) District 3: 10 carloads.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 27, 1955.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8809; Filed, Oct. 28, 1955; 8:57 a. m.]

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

FREE, RESERVE, AND SURPLUS PERCENTAGES FOR 1955-56 CROP YEAR AND LIST OF COUNTRIES FOR EXPORT SALE OF SURPLUS TONNAGE THROUGH HANDLERS

Notice was published in the October 11, 1955, issue of the FEDERAL REGISTER (20 F. R. 7576) that the Secretary of Agricutlure was considering a proposed rule to establish free tonnage percentages, reserve tonnage percentages, and surplus tonnage percentages, and a list specifying the countries to which sale in export of surplus tonnage raisins may be made by or through handlers, with respect to raisins produced from raisin variety grapes grown in California and acquired by handlers during the 1955-56 crop year. These percentages and the list of specified countries were proposed after consideration of the recommendations submitted by the Raisin Administrative Committee and other information available to the Secretary, in accordance with the applicable provisions of Marketing Agreement No. 109, as amended, and Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded all interested persons to file any data, views, or arguments with respect thereto.

After consideration of the data, views, or arguments which were submitted by interested persons, and other available information pertaining thereto, it is hereby found that to designate free tonnage percentages, reserve tonnage percentages, and surplus tonnage percentages and establish a list specifying the countries to which sale in export of surplus tonnage raisins may be made by or through handlers, as hereinafter provided, will tend to effectuate the declared policy of the aforesaid act, and it is, therefore, ordered, that such percentages and countries shall be as follows:

§ 989.209 *Free, reserve, and surplus tonnage percentages for the 1955-56 crop year.* The percentages of each varietal type of standard raisins acquired by handlers during the crop year beginning September 1, 1955, and ending August 31, 1956, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, are as follows: (a) Natural (sun-dried) Thompson Seedless raisins: Free tonnage percentage, 65 percent; reserve tonnage percentage, 15 percent; and surplus tonnage percentage, 20 percent; and (b) each of the other varietal types, including natural (sun-dried) Muscat, natural (sun-dried) or artificially dehydrated Sultana, natural (sun-dried) or artificially dehydrated Zante Currant, Layer Muscat, Golden Seedless, Sulfur Bleached, Soda Dipped, and Valencia raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent.

§ 989.210 *Countries to which sale in export of surplus tonnage raisins may be made by or through handlers.* The countries to which sale in export of surplus tonnage raisins acquired by handlers during the crop year beginning September 1, 1955, and ending August 31, 1956, may be made by or through handlers shall include all countries outside of the Western Hemisphere except: (a) Australia, Cyprus, Greece (including Crete), Iran, Turkey, Spain, and the Union of South Africa; and (b) those countries and areas listed in Subgroup A of Group R of the Comprehensive Export Schedule, as amended (15 CFR, 371.3 (a); 20 F. R. 1048), issued by the Bureau of Foreign Commerce, United States Department of Commerce, or as the same may be further amended during the period while surplus tonnage raisins of such crop year are being sold in export. For purposes of this section, "Western Hemisphere" shall include Greenland and the area east of the International Date Line and west of 30 degrees W. longitude.

It is hereby found and determined that good cause exists for not delaying the effective date of this document for 30 days, or any lesser period, after its publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) Acquisition of raisins by handlers during the 1955-56 crop year has begun, and it is necessary to have this regulation in effect promptly for application against such acquisitions of raisins and to provide surplus tonnage raisins to meet current export demand for such raisins; (2) this document is being issued as soon as practicable after reasonably reliable information concerning the 1955 production of raisins became available; and (3) handlers have been aware for some time that action of this nature would be taken and they should need no additional advance notice for compliance with this regulation. In these circumstances, this document should be made effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 25th day of October 1955, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 55-8755; Filed, Oct. 28, 1955; 8:49 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1955-P. R., Supp. 3]

PART 1102—AGRICULTURAL CONSERVATION; PUERTO RICO

SUBPART—1955

ALLOCATION OF FUNDS; APPEALS; ASSIGNMENTS; APPLICABILITY

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the Department of Agriculture Appropriation Act, 1955, and Public Law 264, 84th Congress, the 1955 Agricultural Conservation Program for Puerto Rico, approved December 23, 1954 (19 F. R. 9259), as amended March 22, 1955 (20 F. R. 2080), and June 10, 1955 (20 F. R. 4209), is further amended as follows:

1. Section 1102.502 is amended by deleting "$827,000" in the first sentence and substituting therefor "$872,000."

2. Section 1102.521 is amended by adding the following at the end thereof: "Appeals considered under this section shall be decided in accordance with the provisions of this subpart on the basis of the facts of the individual case: *Provided*, That the Secretary, upon the recommendation of the Administrator, ACPS, and the ASC State Office, may waive the requirements of any such provision, where not prohibited by statute, if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of the ASC State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice."

3. Section 1102.530 is amended by revising the last sentence to read as follows: "No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter)."

4. Section 1102.537 is amended as follows:

a. Paragraph (a) (2) is amended to read as follows:

(2) Noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (b) (6) of this section;

b. Paragraph (b) is amended by deleting the word "and" immediately preceding "(5)," changing the period at the end of "(5)" to a semicolon, and adding the following: "and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, 68 Stat. 304, 69 Stat. 545; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 26th day of October 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55-8777; Filed, Oct. 28, 1955; 8:52 a. m.]

PART 1103—AGRICULTURAL CONSERVATION; VIRGIN ISLANDS

SUBPART—1956

There is no more important responsibility within the Department of Agriculture than that for taking aggressive leadership for the conservation and improvement of the Nation's soil and water resources. Cost-sharing under the Agricultural Conservation Program is an important and effective means through which landowners and operators are aided in doing essential conservation work needed in the public interest.

The extent to which the program helps meet conservation objectives is dependent upon the wholehearted participation of all those interested in conservation, at national and local levels, and we solicit their cooperation in making the program effective. I am calling on all those in the Department who have responsibilities in the field of soil and water conservation to join in making the 1956 program a productive tool for conservation and improvement of the agricultural resources of the Nation's farms and ranches. We hope that farmers and ranchers will join in using the program to meet, more than ever before, the community and individual farm conservation problems which would not otherwise be solved.

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1103.538 Definitions.

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1103.535 Authority.
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CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

PRACTICES PRIMARILY FOR ESTABLISHMENT OF PERMANENT PROTECTIVE COVER

1103.541 Practice 1: Initial establishment of permanent pasture for erosion control by seeding, sodding, or sprigging perennial grasses, or other approved forage plants.
1103.542 Practice 2: Initial eradication of hurricane grass for establishing permanent pasture for erosion control.
1103.543 Practice 3: Initial eradication of shrubs or trees for establishing new permanent pasture for erosion control.
1103.544 Practice 4: Initial establishment of a stand of adapted trees on farmland for farm woodlots, erosion control, or for forestry purposes.
1103.545 Practice 5: Initial establishment of a stand of adapted trees on strips which have been cleared in areas of heavy brush, for erosion control and forestry purposes.
1103.546 Practice 6: Initial establishment of a stand of fruit trees for erosion control in bare or unprotected gullies.

PRACTICES PRIMARILY FOR IMPROVEMENT AND PROTECTION OF ESTABLISHED VEGETATIVE COVER

1103.547 Practice 7: Construction of permanent cross fences to obtain better distribution and control of livestock grazing and to promote proper grassland management for protection of the established forage resources.
1103.548 Practice 8: Constructing wells for livestock water to obtain proper distribution of livestock, and encourage rotation grazing and better grassland management, as a means of protecting established vegetative cover.
1103.549 Practice 9: Installing pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.

PRACTICES PRIMARILY FOR THE CONSERVATION AND DISPOSAL OF WATER

1103.550 Practice 10: Constructing concrete or rubble masonry storage tanks for accumulating water from artesian wells or springs for livestock.
1103.551 Practice 11: Constructing rock barriers to form bench terraces or to obtain or control the flow of water and check erosion on sloping land.

AUTHORITY: §§ 1103.500 to 1103.551 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 69 Stat. 55, 69 Stat. 545; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1103.500 *Introduction.* (a) Through the 1956 Agricultural Conservation Program for the Virgin Islands (referred to in this subpart as the "1956 program") administered by the Department of Agriculture, the Federal Government will share with farmers in the Virgin Islands the cost of carrying out approved conservation practices in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

(b) Information with respect to the several practices for which costs will be shared when carried out on a particular farm, and the exact specifications and rates of cost-sharing for such practices, are set forth in this subpart. Any additional information may be obtained at the respective local offices of the Soil Conservation Service located at St. Croix and St. Thomas.

(c) The 1956 program was developed by the ASC State Office, the Director of the Soil Conservation Service for the Caribbean Area, the Forest Service representative having jurisdiction of farm forestry in the Virgin Islands, representatives of the Virgin Islands Corporation, the Director of the U. S. Experiment Station at St. Croix, and representatives of the Government of the Virgin Islands.

GENERAL PROGRAM PRINCIPLES

§ 1103.501 *General program principles.* The 1956 Agricultural Conservation Program for the Virgin Islands has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit.

(b) The program is designed to encourage those conservation practices which provide the most enduring conservation benefits practicably attainable in 1956 on lands where they are to be applied.

(c) Costs will be shared with a farmer only on satisfactorily performed conservation practices for which Federal cost-sharing was requested by the farmer before the conservation work was begun.

(d) Costs should be shared only on practices which it is believed farmers would not carry out to the needed extent without program assistance. Generally, practices that have become a part of regular farming operations on a particular farm should not be eligible for cost-sharing.

(e) The rates of cost-sharing are the minimum required to result in substantially increased performance of needed practices.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. Such of the available funds as cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of conservation practices which farmers otherwise would not perform but which are essential to the national interest, the farmers should assume responsibility for the upkeep and maintenance of those practices.

ALLOCATION OF FUNDS

§ 1103.502 *Allocation of funds.* The amount of funds available for conservation practices under this program is $12,000. This amount does not include the amount set aside for administrative expenses and the amount required for the increase in small Federal cost-shares in § 1103.517.

SELECTION OF PRACTICES, RESPONSIBILITY FOR TECHNICAL PHASES, AND BULLETINS, INSTRUCTIONS, AND FORMS

§ 1103.503 *Selection of practices.* The practices included in this subpart are those for which the ASC State Office, the Soil Conservation Service, and the Forest Service agree that cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out in the desired volume.

§ 1103.504 *Responsibility for technical phases of practices.* (a) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1103.548 to 1103.551 (practices 8 to 11). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance.

(b) The Forest Service is responsible for the technical phases of the practices contained in §§ 1103.544 to 1103.546 (practices 4 to 6). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practices, and (3) working through the ASC State Office, determining performance in meeting these specifications.

§ 1103.505 *Bulletins, instructions, and forms.* The Administrator, ACPS, is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1956 program as it applies to the Virgin Islands, and forms will be made available at the ASC State Office at San Juan, Puerto Rico, and at the offices of the Soil Conservation Service at St. Thomas and St. Croix. Persons wishing to participate in this program should obtain all information needed from the offices mentioned in this subpart.

APPROVAL OF CONSERVATION PRACTICES ON INDIVIDUAL FARMS

§ 1103.506 *Opportunity for requesting cost-sharing.* Each farm operator shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance in adequate volume on his farm.

§ 1103.507 *Prior request for cost-sharing.* Costs will be shared only for those practices for which cost-sharing is requested by the farm operator before performance thereof is started. For practices for which (a) approval was given under the 1955 Agricultural Conservation Program, (b) performance was started but not completed during the 1955 program year, and (c) the ASC State Office believes the extension of the approval to the 1956 program is justified under the 1956 program regulations and provisions, the filing of the request for cost-sharing under the 1955 program may be regarded as meeting the requirements of the 1956 program that a request for cost-sharing be filed before performance of the practice is started. Any farm operator who wishes to participate in the 1956 program must file a Cert. Form No. 39–56 V. I., Declaration of Intention, Request for Inspection, Certification of Conservation Needs, and Notice of Approval, on or before June 30, 1956. In cases of hardship, such date may be extended by the ASC State Office. These forms may be obtained and filed at any of the offices of the Soil Conservation Service (SCS), offices of the Extension Service, and Farmers Home Administration, at St. Croix or St. Thomas.

§ 1103.508 *Method and extent of approval.* The ASC State Office will determine the extent to which Federal funds will be available to share the cost of each approved practice on each farm, taking into consideration the available funds, the conservation problems of the individual farm and other farms, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1956. Prior approval of the ASC State Office is required for all practices. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. The maximum Federal cost-share for a farm shall be equal to the total of the cost-shares for all practices approved for the farm and carried out in accordance with the specifications for such practices.

§ 1103.509 *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for upkeep or maintenance of any practice.

PRACTICE COMPLETION REQUIREMENTS

§ 1103.511 *Completion of practices.* Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in § 1103.512, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1103.512 *Practices substantially completed during program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1956 program year, if the ASC State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with the applicable specifications and program provisions.

FEDERAL COST-SHARES

§ 1103.515 *Practices carried out with State or Federal aid.* The Federal share of the cost for any practice shall not be reduced because it is carried out with materials or services furnished through the program or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total Federal cost-share computed on the basis of the total number of units of the practice performed shall be reduced by the value of the aid, as determined by the ASC State Office, in computing the amount of the Federal cost-share to be paid for performance of the practice. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1103.516 *Division of Federal cost-shares*—(a) *Federal cost-shares.* The Federal cost-share shall be credited to the person who carried out the practices by which such Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the ASC State Office determines they contributed to the carrying out of the practices. In making this determination, the ASC State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage and shall assume that each contributed equally unless it is established to the satisfaction of the ASC State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1103.517 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may in such manner and at such time as is consistent with such legislation discontinue such increases.

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	*Increase in cost-share*
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80

Amount of cost-share computed—Continued	Increase in cost-share
$30 to $30.99	$10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1103.518 *Maximum Federal cost-share limitation.* (a) The total of all Federal cost-shares under the 1956 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $1,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1956 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

§ 1103.519 *Persons eligible to file application.* Any person who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1103.520 *Time and manner of filing application and required information.* (a) It shall be the responsibility of persons participating in the program to submit to the SCS Work Unit offices on the Islands forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to the SCS Work Unit offices on the Islands and making copies available to the press. Other means of notification, including individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the SCS Work Unit offices on the Islands not later than February 28, 1957, except that the ASC State Office may accept an application filed after February 28, 1957, but not later than December 31, 1957, in cases where the failure to timely file was not the fault of the applicant. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the SCS Work Units offices within the applicable time limit.

(c) If an application for a farm is filed within the time prescribed, any person on the farm who did not sign the application may subsequently file an application, provided he does so on or before December 31, 1957.

§ 1103.521 *Appeals.* (a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the ASC State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm. The ASC State Office shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the ASC State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the ASC State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the ASC State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart on the basis of the facts of the individual case: *Provided,* That the Secretary, upon the recommendation of the Administrator, ACPS, and the ASC State Office, may waive the requirements of any such provision, where not prohibited by statute, if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of the ASC State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1103.523 *Compliance with regulatory measures.* Persons who carry out conservation practices under the 1956 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

§ 1103.524 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1956 program will be subject to the condition that the person with whom the costs are shared will maintain such practices in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1103.525 *Practices defeating purposes of programs.* If the ASC State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1956 or any previous program, including, but not limited to, failure to maintain in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1956 program.

§ 1103.526 *Depriving others of Federal cost-shares.* If the ASC State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1956 program.

§ 1103.527 *Filing of false claims.* If the ASC State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-sharing under the 1956 program and shall refund all amounts that may have been paid to him under the 1956 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1103.528 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law, without deduction of claims for advances (except as provided in § 1103.529, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 1109 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1103.529 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1956 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1956, including the carrying out of soil and water conserving practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

DEFINITIONS

§ 1103.533 *Definitions.* For the purposes of the 1956 Agricultural Conservation Program:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Virgin Islands.

(d) "ASC State Office" means the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(f) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the ASC State Office, in accordance with instructions issued by the Administrator, ACPS, determines is operated by the same person as part of the same unit in producing livestock or with respect to the rotation of crops, and with work stock, machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. Notwithstanding any limitation in this paragraph concerning the type or use of land, a farm may include or may consist entirely of woodland which is being operated for the production and sale of forest products. A farm shall be regarded as located in the municipality in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the municipality in which the major portion of the farm is located.

(g) "Cropland" means farmland which in 1955 was tilled or was in regular crop rotation, excluding (1) bearing orchards (except the acreage of cropland therein), and (2) plowable noncrop open pasture.

(h) "Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, vanilla plants, and banana plants.

(i) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(j) "Program year" means the period from September 1, 1955, through December 31, 1956.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1103.535 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956.

§ 1103.536 *Availability of funds.* (a) The provisions of the 1956 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1956 program will not be available for paying Federal cost-shares for which applications are filed in the SCS Work Unit offices after December 31, 1957.

§ 1103.537 *Applicability.* (a) The provisions of the 1956 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; and (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (b) (6) of this section.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

PRACTICES PRIMARILY FOR ESTABLISHMENT OF PERMANENT PROTECTIVE COVER

§ 1103.541 *Practice 1: Initial establishment of permanent pasture for erosion control by seeding, sodding, or sprigging perennial grasses, or other approved forage plants.* Federal cost-sharing will be allowed for planting any of the following grasses, or similar approved grasses or forage plants: Guinea, Molasses, Para, Barbados Sour, Bermuda, Sour Paspalum, St. Augustine, Merker, Pangola. The varieties of grass must be well adapted to conditions of the particular area to be planted. The land must be properly prepared by plowing, and harrowing if necessary, and furrowing along contour lines, and sufficient quantities of slips, cuttings, or seeds used to assure a good ground cover at maturity. Where pasture is established by using seed, the rate of seeding should be not less than 12 pounds per acre. Where pasture is established by using slips or cuttings, the distance between the rows must not be more than 3 feet. On land of 2 percent or more slope, the plantings and cultivating must be as nearly as practicable along contour lines. Federal cost-sharing for carrying out this practice is limited to not more than 20 acres on any farm, as defined in § 1103.533 (f). In St. Croix no Federal cost-sharing will be allowed for this practice unless the practice contained in § 1103.542 (practice 2) is also carried out.

Maximum Federal cost-share. $4.50 per acre.

§ 1103.542 *Practice 2: Initial eradication of hurricane grass for establishing permanent pasture for erosion control.* The eradication must be carried out by plowing or disking the whole area along contour lines, where practicable, to a depth of at least 6 inches and double cutting with a heavy disk harrow at least twice at 30-day intervals. Permanent pasture of the varieties specified in the practice contained in § 1103.541 (prac-

tice 1) must be established as soon as practicable after the hurricane grass has been eradicated. No Federal cost-sharing will be allowed for carrying out this practice on any acreage for which Federal cost-sharing for eradicating hurricane grass was allowed under a previous program. Federal cost-sharing for carrying out this practice is limited to not more than 20 acres on any farm, as defined in § 1103.533 (f).

Maximum Federal cost-share. $3.00 per acre.

§ 1103.543 *Practice 3: Initial eradication of shrubs or trees for establishing new permanent pasture for erosion control.* Federal cost-sharing will be allowed for eradicating any of the following shrubs or trees: Acacia, soap brush, Kenappy (Kennep), Guava, Logwood, Marigold, Wild Cedar, Ginger Thomas, all varieties of cactus, Sage, Tan Tan, Thibet (Tebit). All shrubs or trees, except such as can be used for timber or shade, must be thoroughly uprooted either by hand labor or mechanical implements, and all shrubs, trees, and roots must be removed from the land or may be burned thereon. Permanent pasture of the varieties specified in the practice contained in § 1103.541 (practice 1) must be established as soon as practicable. Temporary use of the land for other crops may be permitted where the ASC State Office determines this is essential to establishing the grasses. Farmers must obtain prior approval from the ASC State Office of the area and acreage to be cleared before starting the practice. Federal cost-sharing will not be allowed for this practice on any area on which cost-sharing for this practice has been allowed under a previous program. Federal cost-sharing for carrying out this practice is limited to not more than 20 acres on any farm, as defined in § 1103.533 (f). This practice is applicable only to St. Thomas and St. John Islands. No Federal cost-sharing will be allowed for this practice if the Virgin Islands Corporation shares in the cost under any other program.

Maximum Federal cost-share. (1) $4 per acre on land with light growth where the shrubs or trees cover up to 30 percent of the area.

(2) $7 per acre on land with medium growth where the shrubs or trees cover more than 30 percent and up to 60 percent of the area.

(3) $10 per acre on land with heavy growth where the shrubs or trees cover more than 60 percent of the area.

§ 1103.544 *Practice 4: Initial establishment of a stand of adapted trees on farmland for farm woodlots, erosion control, or for forestry purposes.* The trees must be planted, regardless of the slope of the land, in rows not less than 10 feet apart, with a distance of not less than 10 feet within the row. Only those trees which are living at least one year after planting will be counted. All plantings must be protected from fire and grazing. No Federal cost-sharing will be allowed for this practice if the Virgin Islands Corporation shares in the cost under any other program.

Maximum Federal cost-share. $0.05 per tree.

§ 1103.545 *Practice 5: Initial establishment of a stand of adapted trees on strips which have been cleared in areas of heavy brush, for erosion control and forestry purposes.* All brush on the strips must be uprooted and the brush removed from the spaces where the trees are to be planted. The trees must be planted on the strips cleared in this manner, and spaced not more than 10 feet apart. All plantings must be protected from fire and grazing. Federal cost-sharing will be allowed only for well-established trees, approximately 1 foot high and living at the time of inspection, and for not more than 200 trees per acre. No Federal cost-sharing will be allowed for this practice if the Virgin Islands Corporation shares in the cost under any other program.

Maximum Federal cost-share. (1) For clearing strips 3 feet wide at intervals of 20 feet. $3 per acre.

(2) Planting trees such as mahogany or varieties suitable for timber, recommended by the Forest Service. $0.05 per tree.

§ 1103.546 *Practice 6: Initial establishment of a stand of fruit trees for erosion control in bare or unprotected gullies.* Trees must be planted on the contour and protected from fire and grazing. A permanent cover of grass, legumes, or mulch must be maintained under the trees. Federal cost-sharing will be allowed for not more than 200 trees on a farm. No Federal cost-sharing will be allowed for this pratice if the Virgin Islands Corporation shares in the cost under any other program.

Maximum Federal cost-share. $0.10 per tree.

PRACTICES PRIMARILY FOR IMPROVEMENT AND PROTECTION OF ESTABLISHED VEGETATIVE COVER

§ 1103.547 *Practice 7: Construction of permanent cross fences to obtain better distribution and control of livestock grazing and to promote proper grassland management for protection of the established forage resources.* Federal cost-sharing will be allowed for new fences constructed entirely of new materials. Federal cost-sharing will not be allowed for boundary fences, fences between pastures and other land, and the repair, replacement, or maintenance of existing fences.

Maximum Federal cost-share. (1) If fences are established with barbed wire—$2.20 per 100 linear feet. Hardwood or living tree posts or steel posts shall be used. Posts must be spaced not more than 6 feet apart with corner posts adequately braced. Four strands of No. 12½ standard gauge or heavier barbed wire must be used and tightly stretched.

(2) If fences are established with woven wire—$3 per 100 linear feet. Hardwood or living tree posts or steel posts shall be used. The posts must be spaced not more than 10 feet apart with corner posts adequately braced. The woven wire must be not less than 4 feet high with a top and bottom strand of No. 10 standard gauge wire, and of 12½ standard gauge in all intermediate wires, and with stay wires 12 inches apart. The woven wire must be tightly stretched.

§ 1103.548 *Practice 8: Constructing wells for livestock water to obtain proper distribution of livestock, and encourage rotation grazing and better grassland management, as a means of protecting established vegetative cover.* The wells should be constructed or drilled in an area of the farm where the providing of water will contribute to a better distribution of grazing. The necessary pumping equipment must be installed, except in connection with artesian wells. Adequate drinking troughs for animals also must be installed. No Federal cost-sharing will be allowed for wells constructed or drilled primarily for the use of farm headquarters nor unless an adequate water supply is obtained.

Maximum Federal cost-share. (1) Constructing dug wells lined with stone—$3.25 per cubic yard of well dug. The wells must have a minimum diameter of not less than 8 feet, including the stone lining, which must have a thickness of not less than 12 inches.

(2) Drilling wells:

(a) $1 per linear foot of well for wells having a bore taking a casing of less than 4 inches in diameter, and artesian wells.

(b) $2 per linear foot of well for wells having a bore taking a casing of 4 inches or more but less than 6 inches in diameter, excluding artesian wells.

(c) $3 per linear foot of well for wells having a bore taking a casing of 6 inches or more in diameter, excluding artesian wells.

§ 1103.549 *Practice 9: Installing pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* (a) Federal cost-sharing will be allowed when the pipeline carries water to areas where no other water supply for livestock is available and proper drinking troughs for livestock have been provided; and where the pipe used is new galvanized or comparable pipe meeting the following minimum specifications.

STANDARD GALVANIZED PIPE

Size (inches)	Diameters		Thickness	Weight per foot		Threads per inch
	External	Internal		Plain ends	Threads and couplings	
¾	1.050	0.824	0.113	1.130	1.134	11
1	1.315	1.049	.133	1.678	1.684	11½
1¼	1.660	1.380	.140	2.272	2.281	11½
1½	1.900	1.610	.145	2.717	2.731	11½
2	2.375	2.067	.154	3.652	3.678	11½
2½	2.875	2.469	.203	5.793	5.819	8
3	3.500	3.068	.216	7.575	7.616	8
3½	4.000	3.548	.226	9.109	9.202	8

(b) No Federal cost-sharing will be allowed for this practice if the cost is shared by the Virgin Islands Corporation under any other program.

Maximum Federal cost-share. (1) $0.10 per linear foot when galvanized pipes of from ¾ to 1 inch diameter are used.

(2) $0.15 per linear foot when galvanized pipes of from 1¼ to 1½ inches diameter are used.

(3) $0.25 per linear foot when galvanized pipes of 2 inches or more diameter are used.

PRACTICES PRIMARILY FOR THE CONSERVATION AND DISPOSAL OF WATER

§ 1103.550 *Practice 10: Constructing concrete or rubble masonry storage tanks for accumulating water from artesian wells or springs for livestock.* (a) Storage tanks must be constructed in places where the accumulated water may be piped to areas of the farm where the provision of water will contribute to a better distribution of grazing livestock and to the improvement of the pasture management, and must conform to the following minimum specifications.

(1) *Concrete storage tanks.* Concrete storage tanks will be constructed to conform to plans and specifications approved by qualified Soil Conservation Service engineers. Since the size and shape of these structures will necessarily vary greatly to meet local requirements, detailed plans must be prepared and approved before construction is begun. The minimum requirements for which Federal cost-sharing will be allowed are:

(i) Minimum bottom thickness will be 8". This will be reinforced with deformed reinforcing steel, no smaller than ½" diameter, on 12" centers both directions, placed 2" from top and 2" from bottom of floor.

(ii) Side walls will be a minimum of 8" thick with ½" diameter (minimum size) deformed reinforcing steel on 12" centers both vertically and horizontally, placed 2" from inside face and 2" from outside face of walls.

(iii) Construction and installation will conform to Technical Specifications for Class B concrete as prepared by the Soil Conservation Service. These specifications may be obtained from the local Soil Conservation Service office.

(2) *Rubble masonry tanks.* Walls will have a minimum top width of 12" and will have a batter of 1" per foot height on both faces. Bottom will be excavated as nearly level and smooth as practicable to a firm foundation. A minimum of 2" of mortar will be poured in the bottom and the stone bedded firmly in the mortar. Stone used in paving will be at least 6" thick. All joints, cracks, and voids will be filled with mortar when the floor is constructed. It is recommended that the inside of tanks, floor, and walls be plastered to insure water tightness and facilitate cleaning. Where reinforced concrete bottoms are used, specifications for bottom of concrete tanks will apply. In this case the floor and footings for wall support will be poured as one continuous slab.

(i) *Mortar.* The mortar mix shall consist of one part by volume of cement to three parts of clean, well graded sand. Sand and cement shall be thoroughly mixed dry, after which only sufficient water shall be added to produce a workable mixture. This should be not more than 5½ gallons per sack of cement, this to include free water in the sand.

(ii) *Stone.* Stone should be clean, hard, and free from decomposed or foreign materials. The use of weathered stone or stone with a deteriorated outer surface is prohibited.

(iii) *Placing.* All stone should be thoroughly cleaned and wetted before being used. All stones should be laid so as to break joints. Stratified stones should be laid on their natural beds and not on edges. All spaces between stone must be filled with mortar. No dressing or tooling shall be done upon any stone after it is in place.

(iv) *Curing.* During construction and for at least 7 days after completion, the new structure should be covered with wet burlap or similar material that will keep the masonry in a moist condition during its curing period.

(b) Whenever needed, adequate pumping equipment and drinking troughs for animals must be installed. No Federal cost-sharing will be allowed for maintaining an existing structure.

Maximum Federal cost-share. (1) $12.00 per cubic yard of concrete structure.

(2) $7 per cubic yard of rubble masonry structure.

§ 1103.551 *Practice 11: Constructing rock barriers to form bench terraces or to obtain or control the flow of water and check erosion on sloping land.* (a) The construction of bench terraces and supporting rock barriers is limited by the slope of the field and the depth of the soil. No Federal cost-sharing will be allowed on slopes exceeding 60 percent. Minimum specifications for different slopes and soil depths required are given in the following table.

Slope of land in percent	Minimum soil depth	Vertical interval	Lateral spacing	Required height of rock wall	Minimum base width of wall	Batter on exposed face
	Feet	*Feet*	*Feet*	*Feet*	*Inches*	*Inches per foot high*
10 or less	1.5	1.5	15	2.5	18	3
11 to 15	2.0	2.0	13.3	3.0	21	3
16 to 20	2.25	2.5	12.5	3.5	23	3
21 to 25	2.5	3.0	12.0	4.0	24	3
26 to 30	2.75	3.5	11.6	4.5	26	3
31 to 35	3.0	4.0	11.4	5.0	27	3
36 to 40	3.25	4.5	11.2	5.5	29	3
41 to 45	3.5	5.0	11.0	6.0	30	3
46 to 50	3.5	5.0	10.0	6.0	30	3
51 to 55	3.5	5.0	9.0	6.0	30	3
56 to 60	3.5	5.0	8.0	6.0	30	3

(b) Rock barriers must be laid out on their layout approved by a Soil Conservation Service technician. They must be on the contour or across the slope with grade from ridge to or toward the natural drainageway of not more than 0.5 percent. Bench terraces must conform to and become a part of the overall water disposal system. Protected water disposal channels and/or structures must be provided prior to the construction of bench terraces. A water disposal trench must be established on each terrace at the base of the next higher rock barrier. This trench should be at least 6 inches deep and 1 foot wide with a maximum grade of 0.5 percent to the protected outlet. The top of the terrace must have a grade of from 0.2 percent to 0.5 percent from the outer edge toward the disposal trench at the base of the next higher barrier. When the Soil Conservation Service technician determines it necessary, a diversion ditch must be constructed above the bench terraces to intercept surface runoff from the area above.

Maximum Federal cost-share. $1.50 per cubic yard of rock used.

Done at Washington, D. C., this 25th day of October 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 55-8757; Filed, Oct. 28, 1955; 8:49 a. m.]

[ACP-1955-V. I., Supp. 2]

PART 1103—AGRICULTURAL CONSERVATION; VIRGIN ISLANDS

SUBPART—1955

RESPONSIBILITY FOR TECHNICAL PHASES OF PRACTICES; APPEALS; ASSIGNMENTS; APPLICABILITY

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the Department of Agriculture Appropriation Act, 1955, and Public Law 264, 84th Congress, the 1955 Agricultural Conservation Program for the Virgin Islands, approved January 24, 1955 (20 F. R. 602), as amended June 10, 1955 (20 F. R. 4210), is further amended as follows:

1. Section 1103.404 (a) is amended by revising the first sentence to read as follows: "The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1103.448, 1103.449, 1103.450, and 1103.451 (practices 8, 9, 10, and 11)."

2. Section 1103.421 is amended by adding the following at the end thereof: "Appeals considered under this section shall be decided in accordance with the provisions of this subpart on the basis of the facts of the individual case: *Provided,* That the Secretary, upon the recommendation of the Administrator, ACPS, and the ASC State Office, may waive the requirements of any such provision, where not prohibited by statute, if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of the ASC State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice."

3. Section 1103.429 is amended by revising the last sentence to read as follows: "No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter)."

4. Section 1103.437 is amended as follows:

a. Paragraph (a) (2) is amended to read as follows:

(2) Noncropland owned by the United States which was acquired or reserved

for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (b) (6) of this section;

b. Paragraph (b) is amended by deleting the word "and" immediately preceding "(5)," changing the period at the end of "(5)" to a semicolon, and adding the following: "and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 68 Stat. 304, 69 Stat. 545; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 26th day of October 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55–8778; Filed, Oct. 28, 1955; 8:53 a. m.]

[ACP–1955–Alaska, Supp. 3]

PART 1104—AGRICULTURAL CONSERVATION; ALASKA

SUBPART—1955

ALLOCATION OF FUNDS; ASSIGNMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1955, the 1955 Agricultural Conservation Program for Alaska, approved August 3, 1954 (19 F. R. 4954), as amended October 25, 1954 (19 F. R. 6910), and June 10, 1955 (20 F. R. 4210), is further amended as follows:

1. Section 1104.403 is amended by deleting "$27,000" in the first sentence and substituting therefor "$29,000."

2. Section 1104.440 is amended by revising the last sentence to read as follows: "No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter)."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 68 Stat. 304; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 26th day of October 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55–8775; Filed, Oct. 28, 1955; 8:52 a. m.]

[ACP–1955–Hawaii, Supp. 3]

PART 1105—AGRICULTURAL CONSERVATION; HAWAII

SUBPART—1955

ALLOCATION OF FUNDS; APPEALS; ASSIGNMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1955, the 1955 Agricultural Conservation Program for Hawaii, approved September 22, 1954 (19 F. R. 6206), as amended November 19, 1954 (19 F. R. 7599), and June 17, 1955 (20 F. R. 4366), is further amended as follows:

1. Section 1105.402 is amended by deleting "$183,000" in the first sentence and substituting therefor "$193,000."

2. Section 1105.423 is amended by revising the last sentence to read as follows: "No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter)."

3. Section 1105.429 is amended by adding the following at the end thereof: "Appeals considered under this section shall be decided in accordance with the provisions of this subpart on the basis of the facts of the individual case: *Provided*, That the Secretary, upon the recommendation of the Administrator, ACPS, and the State Office, may waive the requirements of any such provision, where not prohibited by statute, if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of the State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 68 Stat. 304; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 26th day of October 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55–8776; Filed, Oct. 28, 1955; 8:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

GULF OF MEXICO OFF LOUISIANA AND TEXAS COASTS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.158 establishing and governing navigation within Air Force gunnery range in the Gulf of Mexico off the Louisiana and Texas coasts is hereby revised, as follows:

§ 204.158 *Gulf of Mexico off Louisiana and Texas, Air Force air-to-air gunnery range*—(a) *The danger zone.* An area approximately 125 statute miles long and 20 statute miles wide whose longitudinal axis follows a northwest-southeast line bounded as follows: Beginning at latitude 29°05′00″, longitude 94°00′00″, thence northerly to latitude 29°25′00″, longitude 94°00′00″, thence southeasterly to latitude 28°30′00″, longitude 92°15′00″, thence southerly to latitude 28°10′00″, longitude 92°15′00″, thence northwesterly to point of beginning.

(b) *The regulations.* (1) Firing will be scheduled in advance and will normally be conducted over 15 and 30 day periods. During scheduled periods firing will take place at intervals throughout each day, visibility and weather conditions permitting. No firing will be conducted during hours of darkness.

(2) The Operations Officer, England Air Force Base, Louisiana, shall schedule the firing periods at least two weeks in advance of actual firing and publicize by:

(i) A public notice issued in sufficient time to permit circularization to interested parties and posting on bulletin boards of post offices in surrounding localities.

(ii) Notice to the press in Port Arthur, Texas, Orange, Texas, Lake Charles, La., and Morgan City, La.

(iii) Notice to the Commandant, 8th Coast Guard District, New Orleans, La., for publication in local "Notice to Mariners".

(iv) Notice to the Navy Hydrographic Office, New Orleans, La., for Hydro Broadcast.

(3) (i) When firing is in progress the danger zone will be under surveillance by surface patrol vessels and air patrol planes, and no vessel shall enter or remain in the danger zone except vessels of the United States or vessels proceeding through the danger zone as provided in subdivision (ii) of this subparagraph.

(ii) Cargo and passenger carrying vessels may transit the danger zone without interruption and firing will be suspended, if necessary, to insure the safety of such vessels during their passage. Masters are requested to avoid the danger zone whenever possible so that interference with firing training may be minimized.

(4) The regulations in this section shall be enforced by the Comander, Tactical Air Command, Langley Air Force Base, Virginia, and such agencies as he may designate.

[Regs., October 18, 1955, 800.2121 (Mexico, Gulf of)–ENGWO] (40 Stat. 266, 892; 33 U. S. C. 1, 3)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–8736; Filed, Oct. 28, 1955; 8:45 a. m.]

Chapter III—Coast and Geodetic Survey, Department of Commerce

PART 303—CHARGES FOR CERTIFYING, SEARCHING, AND COPYING SERVICES

PHOTOGRAPHIC REPRODUCTIONS

Section 303.3 (19 F. R. 4357) is amended by adding the following at the end of the list:

Nine-lens photographs:	
Positive	$11.00
Additional positive, same negative	5.50
Positive from copy negative	3.50
Multiplex diapositives:	
1 to 100, each	2.50
Over 100, each	2.00
Kelsh plates:	
1 to 5, each	5.00
6 to 100, each	4.50
Over 100, each	4.25

The effective date of this amendment is November 1, 1955.

Insofar as the Administrative Procedure Act may be applicable: Because of the nature of this notice, I find, for good cause shown, that it would be impracticable and unnecessary, and no good reason would be served to give preliminary notice, engage in public rule-making procedure or postpone the effective date thereof.

(Sec. 501, 65 Stat. 290; 5 U. S. C. 140)

[SEAL] H. ARNOLD KARO,
Director.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. D. Doc. 55–8759; Filed, Oct. 28, 1955; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 139]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.26, a Louisiana Temporary Ground Maneuver Restricted Area is established, to be known as "Sage Brush" described as follows:

NOTE: Arrangements have been made within the military insofar as existing Restricted Areas are concerned. Designations of existing restricted areas will remain unchanged even though the Sage Brush area will, in some instances, overlap.

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
SAGE BRUSH (U. S. Planning Chart).	From intersection of north boundary of Airway R-96 and Sabine River; north along Sabine River to Logansport; thence along U. S. Highway 84 to Mansfield; thence along State Highway 145 to State Highway 20; thence direct to Taylor Town; thence along State Highways 934 and 184 to Fillmore; thence along U. S. Highway 80 to Dixie Inn; thence along State Highway 90 to the Arkansas-Louisiana Border; thence east along the Arkansas-Louisiana Border to U. S. Highway 165; thence south along U. S. Highway 165 to north boundary of Airway Green 6; thence west along north boundary of Airways Green 6 and Red 96 to the point of beginning.	VFR-nonmaneuver aircraft restricted to not above 1,500 feet mean sea level unless on joint operations centers clearance. IFR or flight above 1,500 feet mean sea level only upon prior clearance from joint operations centers.	Nov. 15, through Nov. 21, 1955, and Nov. 27 through Dec. 6, 1955, inclusive.	Appropriate CAA Air Route Traffic Control Center (which will be in communication with joint operations centers).

2. A Temporary Air Maneuver Restricted Area is established, to be known as "Sage Brush" described as follows:

NOTE: Arrangements have been made within the military insofar as existing Restricted Areas are concerned. Designations of existing restricted areas will remain unchanged even though the Sage Brush area will, in some instances, overlap.

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
SAGE BRUSH (U. S. Planning Chart).	From the mouth of the Rio Grande River (U. S.-Mexico border) along the Rio Grande River to longitude 101° 00′; thence to latitude 29° 30′, longitude 101° 00′; thence to latitude 35° 00′, longitude 92° 00′; thence to latitude 36° 30′, longitude 86° 30′; thence to latitude 32° 30′, longitude 84° 30′; thence to latitude 29° 58′, longitude 84° 30′; thence along the Gulf Coast to latitude 30° 13′, longitude 89° 05′; thence to latitude 30° 20′, longitude 89° 05′; thence to Madisonville Fan Marker; thence to intersection of north boundary of Red 96 airway and the west boundary of Amber 5 airway; thence along the north boundary of Red 96 airway to a point due north of the Lafayette, La., nondirectional radiobeacon; thence due south to the south boundary of Green 6 airway; thence along the south boundary of Green 6 airway to the Lake Charles, La., LFR; thence along the south boundary of Red 96 airway to a point due south of the Beaumont, Tex., LFR; thence due north to the north boundary of Red 96 airway; thence along the north boundary of Red 96 airway to a point due north of the Palacios, Tex., LFR; thence to latitude 28° 27′, longitude 96° 17′; thence along the Gulf Coast to the point of beginning; excluding the area covered by the Sage Brush Temporary Ground Maneuver Restricted Area and that portion below 4,000 feet within the Terminal Areas listed and described as follows:	VFR no restrictions any altitudes. IFR-flight of other than maneuver aircraft restricted to that airspace from 4,000 to 24,000 feet mean sea level, inclusive except in the Terminal Areas described in the adjacent "Description by geographical coordinates" column.	Nov. 15 through Nov. 21, 1955, and Nov. 27 through Dec. 6, 1955, inclusive.	Appropriate CAA Air Route Traffic Control Center (which will be in communication with joint operations centers).

Terminal areas

Location	Area in nautical mile radius centered on—
Brownsville, Tex.	15 miles International Airport.
Harlingen, Tex.	20 miles New Municipal Airport.
McAllen, Tex.	15 miles Miller Municipal Airport.
Laredo, Tex.	15 miles Laredo Air Force Base plus extension 5 miles either side of the northwest course of the Laredo LFR; 30 miles tnorthwest and 5 miles either side of the southeast course of the Laredo LFR; 30 miles southeast of the LFR station.
Alice, Tex.	15 miles LFR station.
Corpus Christi, Tex.	15 miles VOR range.
Beeville, Tex.	15 miles LFR, extended 5 miles either side of the northwest course of the LFR; 20 miles northwest.
Victoria, Tex.	25 miles Victoria County Airport.
San Antonio, Tex.	50 miles San Antonio LFR station.
Austin, Tex.	30 miles LFR.
Temple, Tex.	15 miles Municipal Airport.
Waco, Tex.	15 miles LFR, extended on an arc of 40 mile radius in the east quadrant of the LFR station.
Bryan, Tex.	20 miles LFR.
Bryan, Tex.	15 miles Snook "H" Facility located at latitude 30°29′00″, longitude 96°29′25″.
Houston, Tex.	40 miles Municipal Airport.
Lufkin, Tex.	15 miles VOR.
Tyler, Tex.	15 miles LFR.
Longview, Tex.	15 miles Gregg County Airport.
Marshall, Tex.	15 miles Municipal Airport.
Beaumont, Tex.	20 miles VOR.

Name and location (chart)	Terminal areas	
	Location	Area in nautical mile radius centered on—
SAGE BRUSH (U. S. Planning Chart).	Shreveport, La	40 miles Barksdale Air Force Base.
	Lake Charles, La	15 miles Air Force Base.
	Monroe, La	15 miles LFR, extended 5 miles either side of the northeast course, 20 miles northeast of the LFR.
	Alexandria, La	15 miles Air Force Base.
	Texarkana, Ark	15 miles Airport.
	Magnolia, Ark	15 miles Municipal Airport.
	El Dorado, Ark	15 miles Goodwin AFB.
	Camden, Ark	15 miles Municipal Airport.
	Hot Springs, Ark	15 miles Airport.
	Pine Bluff, Ark	15 miles Airport.
	Stuttgard, Ark	15 miles Airport.
	Little Rock, Ark	15 miles Airport (plus tangents adjoining outside of circles encompassing Hot Springs, Pine Bluff and Little Rock Airports).
	Memphis, Tenn	45 miles LFR.
	Helena, Ark	15 miles Municipal Airport.
	Greenville, Miss	20 miles "II" Facility.
	Greenwood, Miss	15 miles LFR, extended 5 miles either side of the south course of the LFR 20 miles south.
	Vicksburg, Miss	15 miles Airport.
	Jackson, Miss	15 miles LFR, extended 5 miles either side of the west course of the LFR 20 miles west.
	Natchez, Miss	15 miles Airport.
	Baton Rouge, La	15 miles Airport.
	Lafayette, La	15 miles Airport.
	Gulfport, La	20 miles LFR.
	Mobile, Ala	20 miles Bates Airport.
	Hattiesburg, Miss	15 miles Airport.
	Laurel, Miss	15 miles Airport.
	Meridian, Miss	15 miles LFR, extended 5 miles either side of the southeast course 20 miles southeast of the LFR station.
	Columbus, Miss	15 miles Lowndes County Airport.
	Tupelo, Miss	15 miles Municipal Airport.
	Nashville, Tenn	45 miles LFR station (excluding that portion outside the ai maneuver area).
	Muscle Shoals, Ala	15 miles LFR.
	Huntsville, Ala	15 miles Municipal Airport.
	Gadsden, Ala	15 miles Airport.
	Birmingham, Ala	35 miles LFR.
	Tuscaloosa, Ala	15 miles Municipal Airport.
	Montgomery (Selma), Ala	All that area within the confines of the rectangular designated control area in the Montgomery-Selma area (depicted on current sectional aeronautical charts).
	Columbus, Ga	20 miles Columbus "II" Facility.
	Dothan, Ala	15 miles LFR.
	Camp Rucker, Ala	15 miles Ozark Airport.
	Marianna, Fla	15 miles VOR.
	Pensacola, Fla	30 miles LFR.
	Panama City, Fla	25 miles Tyndall LFR station.

NOTE: This affects §§ 608.11, 608.13, 608.18, 608.19, 608.26, 608.32, 608.50, 608.51.

(Sec 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective November 15, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-8665; Filed, Oct. 28, 1955; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PESTICIDE CHEMICALS; FURTHER EXTENDED DATES ON WHICH STATUTE SHALL BECOME FULLY EFFECTIVE

In § 3.41 *Pesticide chemicals; extended dates on which statute shall become fully effective*, published in the FEDERAL REGISTER of July 20, 1955 (20 F. R. 5161) and in § 3.42 *Pesticide chemicals; additional extended dates on which statute shall become fully effective; denial of requests for extensions*, published in the FEDERAL REGISTER of July 28, 1955 (20 F. R. 5391), the date on which the statute (68 Stat. 511 et seq.; 21 U. S. C. 342, 346a) shall become fully effective was extended for a number of pesticide chemicals. Additional extensions of the date on which the statute shall become fully effective are necessary for some of these pesticide chemicals to permit the Food and Drug Administration to process petitions received prior to October 31, 1955, and to permit additional data to be secured to support petitions for tolerances or exemptions from the requirement of tolerances for residues that remain from post-harvest application of certain pesticide chemicals to raw agricultural commodities.

Now, therefore, in exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 402 (a) (2), 408; 68 Stat. 511, 517 (Ch. 559, Secs. 2, 5); 21 U. S. C. 342 (a) (2) and note 1 under section 342, 346a) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), it having been found that conditions exist necessitating such extensions, the following statement of policy is issued:

§ 3.44 *Pesticide chemicals; further extended dates on which statute shall become fully effective.* The amendments in clause (2) of section 402 (a) of the Federal Food, Drug, and Cosmetic Act shall become fully effective on the dates specified for the pesticide chemicals named in this section. The extensions prescribed in this section apply only to the extent that tolerances or exemptions from tolerances under section 408 of the act shall not have been established prior to the effective dates as extended. This section supersedes any extended effective dates for the same pesticide chemicals for use on the same raw agricultural commodities previously published in §§ 3.41 and 3.42. All further changes in extended effective dates on the same or other pesticide chemicals will be published as amendments to this section.

(a) (1) Effective date January 22, 1956:

Aldrin: For use on berries of the bramble type, blueberries, dates, pineapples, strawberries, beans (including black-eyed peas and soybeans), beets (sugar, including tops), broccoli, cabbage, carrots, corn, cucumbers, onions, peanuts, peas and cowpeas (including forage), tomatoes, grains (including oats, rye, barley, wheat, rice), buckwheat, grain forage, legumes for forage (including clovers, alfalfa, peanut hay), grass crops (pasture and range grass), mint (including spearmint and peppermint).

Allethrin: On livestock.

Calcium cyanide: As a grain fumigant.

Chlordane: On forage crops (including grass), sweetpotatoes, grains, cottonseed, sugarcane.

Dieldrin: On berries of the bramble type, blueberries, citrus fruits, grapes, plums and prunes, strawberries, beans (including black-eyed peas and soybeans), cabbage, corn, cucumbers, lettuce, melons (including cantaloups and muskmelons), peanuts, peas and cowpeas, potatoes and sweetpotatoes, grains (including oats, rye, barley, wheat, rice), buckwheat, grain forage, legumes for forage (including clovers, alfalfa, peanut hay), grass crops (pasture and range grass, timothy, grass hay), sorghum, sorghum forage.

Endrin: On cabbage, sugar beets.

EPN (*O*-ethyl-*O*-paranitrophenyl benzene thiophosphonate): On grapes, nuts (including pecans, walnuts, and almonds), tomatoes, olives, onions, cottonseed, sugar beets.

Ethylene dibromide: As a soil fumigant.

Ferbam: On almonds.

Hydrocyanic acid: As a fumigant for grains, dried peas and beans, and nut meats.

Lindane: On forage crops (alfalfa, clover), meat, grain (from treating storage bins).

Methoxychlor: On carrots, currants, gooseberries, pasture grasses, forage legumes (alfalfa, clovers, peanuts, cowpeas, soybeans), peanuts, mint, meat, grains.

Methyl bromide: As a fumigant.

Parathion: On forage crops (alfalfa, clover, peas, pangola grass, timothy, vetch), field crops (barley, corn, oats, wheat), hops, olives.

Phygon (2,3-dichloro-1,4-naphthoquinone): On celery, tomatoes.

Piperonyl butoxide: On apples, citrus, livestock, pears, tomatoes, grains.

Pyrethrins: On apples, citrus, grains (stored), livestock, pears, tomatoes.

Toxaphene: On cranberries, plums and prunes, beets, turnips, rutabagas, sugar beets, horseradish, parsnips, collards, kale, mustard greens, spinach, Swiss chard, peppers, pimentos, cow peas, grains (including oats, rye, barley, wheat, rice, sorghum grain), buckwheat, nuts (including pecans, walnuts, hazelnuts, hickory nuts), legumes for forage (including clovers, alfalfa, soybean hay, peanut hay, lespedeza, cow pea hay), grass crops (pasture and range grass, timothy, grass hay), grain forage (including corn and sorghum), sugarcane, meat.

Zineb: On pecans, hops, mushrooms.

Ziram: On almonds, pecans, strawberries.

(2) Effective date March 1, 1956:

Acrylonitrile: As a fumigant.

Benzene hexachloride: In meat.

Butoxypolypropylene glycol: In animal fly sprays.

Carbon bisulfide: As a grain fumigant.

Carbon tetrachloride: As a grain fumigant.

Chlordane: In meat.

Chloropicrin: As a grain fumigant.

Copper carbonate, basic: On pears.

DDT: In meat.

Ethylene dibromide: As a grain fumigant.

Ethylene dichloride: As a grain fumigant, on citrus and strawberries.

Sodium orthophenylphenate tetrahydrate: On apples and pears.

Trichloroethane: As a grain fumigant, on citrus and strawberries.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 402, 408, 68 Stat. 511, 517; 21 U. S. C. 342, 346a)

Dated: October 25, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8767; Filed, Oct. 28, 1955; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6151]

PART 194—LIQUOR DEALERS

SUBPART M—PRESCRIBED RECORDS AND REPORTS, AND POSTING OF SIGNS

Part 194 of Title 26 of the Code of Federal Regulations amended to provide for prescribed commercial records of receipt and disposition to be kept in lieu of Record 52, the reports to be rendered thereon, and the discontinuance of Form 52F.

On August 9, 1955, a notice of proposed rulemaking with respect to the records and reports required of wholesale and retail dealers was published in the FEDERAL REGISTER (20 F. R. 5725). The proposal was based on an extensive study of present requirements for recordkeeping and reporting of transactions in liquors which determined that the interests of the Government may now be served by records and reports based solely on the physical movement of distilled spirits. The purposes of the proposal were to provide for (a) elimination of the requirement for recording and reporting transactions in warehouse receipts covering distilled spirits in bond, (b) elimination of the requirement for recording and reporting third-party transactions, (c) discontinuance of Record 52, (d) keeping of commercial records of receipt of distilled spirits, wines, and beer, by wholesale liquor dealers, (e) keeping of commercial records of disposition of distilled spirits by wholesale liquor dealers, (f) keeping of commercial records of receipt of beer by wholesale and retail beer dealers, and (g) authorization of assistant regional commissioners to waive the submission of reports on Forms 52A and 52B under certain conditions. After consideration of all relevant matter presented by interested parties regarding the regulations proposed, the regulations are hereby adopted in the form set forth below:

Paragraph 1. Subpart M is amended to read as follows:

SUBPART M—PRESCRIBED RECORDS AND REPORTS, AND POSTING OF SIGNS

WHOLESALE DEALERS' RECORDS AND REPORTS

Sec.
194.210 General requirements as to distilled spirits.
194.211 General requirements as to wines and beer.
194.212 Dealers selling distilled spirits in retail quantities only.
194.213 Dealers not selling distilled spirits.
194.214 Records to be kept by States.
194.215 Proprietors.
194.216 Records of receipt.
194.217 Records of disposition.
194.218 Cancelled or corrected records.
194.219 Format of records of receipt and disposition.
194.220 Variations in format, or preparation, of records.
194.221 Recapitulation records.

DAILY AND MONTHLY RECORDS

194.222 Wholesale liquor dealer's monthly report, Form 338.
194.223 No transactions during month.
194.224 Discontinuance of business.
194.225 Daily reports, Forms 52A and 52B.
194.226 Entries on Forms 52A and 52B.
194.227 Entry of miscellaneous items.
194.228 Serial number of cases.

RETAIL DEALERS RECORDS AND REPORTS

194.229 General requirements for retail dealers.
194.230 Requirements where wholesale department is kept.
194.231 Requirements when wholesale liquor dealer maintains a retail department.

FILES OF RECORDS AND REPORTS

194.232 Manner of filing looseleaf records of receipt and disposition.
194.233 Place of filing.

PERIOD OF RETENTION

194.234 Retention of records and files.

PROCUREMENT OF REPORT FORMS

194.235 Forms to be provided by users at own expense.

POSTING OF SIGNS

194.236 By wholesale dealers in liquors.
194.237 By others than wholesale liquor dealers.

AUTHORITY: §§ 194.210 to 194.237 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

WHOLESALE DEALERS' RECORDS AND REPORTS

§ 194.210 *General requirements as to distilled spirits.* Except as provided elsewhere in this subpart, every wholesale dealer shall, daily, prepare commercial records of the physical receipt and disposition of distilled spirits by him, and shall, daily, prepare a recapitulation record showing the total wine gallons of distilled spirits received and disposed of during the day. Every wholesale dealer shall submit on Forms 52A and 52B daily or periodic reports, prepared from his commercial records, of the physical receipt and disposition of distilled spirits by him: *Provided*, That upon application, the assistant regional commissioner may relieve a dealer from the requirement of preparing and submitting such daily or periodic reports on Forms 52A and 52B until otherwise notified, when the assistant regional commissioner finds that such reporting is not necessary to law enforcement or protection of the revenue. Every wholesale dealer who offers bottled distilled spirits for sale shall submit a monthly report on Form 338, showing the total wine gallons of distilled spirits (a) on hand at the beginning of the month, (b) received during the month, (c) disposed of during the month, and (d) remaining on hand at the end of the month.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

§ 194.211 *General requirements as to wines and beer.* Every wholesale liquor dealer who receives wines, or wines and beer, and every wholesale beer dealer, shall keep at his place of business a complete record of all wines and beer received, showing (a) the quantities thereof, (b) from whom received, and (c) the receiving dates. Such record, which must be kept for a period of not less than two years as prescribed in § 194.234, may consist of all purchase invoices or bills covering wines and beer received or, at the option of the dealer, a book record containing all of the required information. Wholesale dealers are not required to prepare or submit reports to assistant regional commissioners of transactions relating to wines and beer.

(68A Stat. 681; 26 U. S. C. 5555)

§ 194.212 *Dealers selling distilled spirits in retail quantities only.* A dealer who sells wines or beer, or both, in wholesale quantities, and who sells distilled spirits in retail quantities only, is not required to maintain the records or submit the reports prescribed in § 194.210, but is required to keep records of distilled spirits, wines and beer received, as prescribed in §§ 194.211 and 194.229.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

§ 194.213 *Dealers not selling distilled spirits.* Wholesale liquor dealers who sell wines and beer only, and wholesale beer dealers are not required to maintain the records or submit the reports prescribed in § 194.210, but are required to keep records of wines and beer received, as prescribed in § 194.211.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

§ 194.214 *Records to be kept by States.* The provisions of this subpart relative to the maintenance of records and the submission of reports, shall not apply to States and political subdivisions thereof and liquor stores operated by such entities that maintain and make available for inspection by internal revenue officers such records as will enable such officers to verify receipts of wines and beer and to trace readily all distilled spirits received and disposed of by them: *Provided*, That such States and political subdivisions thereof, and the liquor stores operated by them, shall, on request of the assistant regional commissioner, furnish such transcripts, summaries, and copies of their records as he shall require.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

§ 194.215 *Proprietors.* The proprietor of an industrial alcohol plant or industrial alcohol bonded warehouse shall keep records and render reports in his capacity as a wholesale dealer in liquors in accordance with Part 182 of this chapter. The proprietor of a registered distillery shall keep records and render reports in his capacity as a wholesale dealer in liquors in accordance with Part 220 of this chapter. The proprietor of a fruit distillery shall keep records and render reports in his capacity as a wholesale dealer in liquors in accordance with Part 221 of this chapter. The proprietor of an internal revenue bonded warehouse shall keep records and render reports in his capacity as a wholesale dealer in liquors in accordance with Part 225 of this chapter. The proprietor of a taxpaid bottling house who (a) does not maintain wholesale liquor dealer premises, or (b) does maintain a wholesale liquor dealer room which is contiguous to the taxpaid bottling house and is used exclusively for products bottled at such taxpaid bottling house, shall keep records and render reports in his capacity as a wholesale dealer in liquors in accordance with Part 230 of this chapter. The proprietor of a rectifying plant who (a) does not maintain wholesale liquor dealer premises, or (b) does maintain wholesale liquor dealer premises which are contiguous to the rectifying plant and are used exclusively for products bottled at such rectifying plant, shall keep records and render reports in his capacity as a wholesale dealer in liquors in accordance with Part 235 of this chapter.

(68A Stat. 619, 637, 652; 26 U. S. C. 5114, 5197, 5282)

§ 194.216 *Records of receipt.* Every wholesale liquor dealer, upon the physical receipt of each individual lot or shipment of distilled spirits, shall prepare a commercial record of receipt which shall show (a) name and address of consignor, (b) date of receipt, (c) brand name, (d) name of producer or bottler, (e) kind of spirits, except that this may be omitted if the dealer keeps available for inspection a separate list or record identifying "kind" with the brand name, (f) quantity actually received (showing number of packages, if any, and number of cases by size of bottle, and explaining any shortage, breakage, leakage, or other difference from the quantity shown on the commercial papers covering the shipment), and (g) serial numbers of packages and cases, unless such serial numbers are available on the consignor's invoice or attachments thereto. Additional information desired by the wholesale dealer may also be shown. All information required to be shown on records of receipt shall be entered on such records by the close of the business day next succeeding that on which the spirits are received. Where the wholesale dealer so defers the preparation of such records, he shall keep memorandum records, prepared at the time the spirits are received, which shall show the data needed to prepare the prescribed records of receipt. Records of receipt may be prepared by entering each individual lot of distilled spirits either (1) on an individual looseleaf "Record of Receipt", preprinted as prescribed in § 194.219, (2) in chronological order on records prepared by tabulating or other mechanical office equipment, if such records are preprinted as prescribed in § 194.219, or (3) in chronological order in a bound record book, provided all pages of such book are numbered as prescribed in § 194.219. The dealer may elect to use any one of the above types of record, but may not change from one type to another without prior approval from the assistant regional commissioner. All entries, with the exception of those prescribed for returned merchandise, must be supported by corresponding invoices of the consignor. Credit memorandums conforming to the requirements of § 194.219 may, if desired, be used in lieu of individual looseleaf "Records of Receipt" to show the receipt of returned merchandise. Variations in the format or in the methods of preparation may be authorized, as provided in § 194.220.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.217 *Records of disposition.* Every wholesale dealer shall prepare a commercial record covering the physical disposition of each individual lot of distilled spirits, which shall show (a) name and address of consignee, (b) date of disposition, (c) kind of spirits, except that this may be omitted if the dealer keeps available for inspection a separate list or record identifying "kind" with the brand name, (d) brand name, (e) number of packages, if any, and number of cases by size of bottle, and (f) serial numbers of the cases or packages, unless such serial numbers are shown on commercial papers attached thereto. Additional information desired by the dealer may also be shown. Records of disposition shall be prepared by entering each individual lot of distilled spirits either (1) on an individual looseleaf "Record of Disposition", preprinted as prescribed in § 194.219, (2) in chronological order on records prepared by tabulating or other mechanical office equipment, if such records are preprinted as prescribed in § 194.219, or (3) in chronological order in a bound record book, provided all pages of such book are numbered as prescribed in § 194.219. The completed order forms of the dealer, or exact copies of his invoices of sale, will be acceptable as "Records of Disposition" if such documents provide all of the required information, and are preprinted as prescribed in § 194.219. The dealer may elect to use any one of the above types of record, but may not change from one type to another without prior approval from the assistant regional commissioner. Entries on records of disposition must be completed by the close of the business day next succeeding that on which the spirits are removed. Where the dealer so defers the preparation of such records he shall keep memorandum records, prepared at the time the spirits are sent out, or prior thereto, which shall show the data needed to prepare the prescribed records. Each record of disposition must be supported by a corresponding delivery receipt (which may be executed on a copy of the "Record of Disposition") fully describing the spirits and signed by the consignee or his agent, or by a copy of a bill of lading indicating delivery of the spirits to a common carrier. Documents supporting records of disposition shall have noted thereon the serial number of the corresponding "Record of Disposition", or the page number of the machine record or record book, as the case may be. Variations in the format or in the methods of preparation may be authorized, as provided in § 194.220.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.218 *Cancelled or corrected records.* Entries in record books shall not be erased or obliterated, nor shall whole or partial pages be removed from such books. Correction or deletion of any entry in a record or report shall be accomplished by drawing a line through such entry, and making appropriate correction, explanation, or reference on the same page or sheet. Where a looseleaf "Record of Receipt" or "Record of Disposition" is voided for any reason, all copies thereof shall be marked "Cancelled" and be filed as prescribed in § 194.232; if a new record is prepared in lieu thereof, the serial number of the new record shall be noted on all copies of the cancelled record. Where items entered on a "Record of Disposition" are deleted for reasons such as the refusal of the merchandise by the consignee, or the inability of the wholesale dealer to supply such merchandise, appropriate explanations shall be made on all copies of the record.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.219 *Format of records of receipt and disposition.* Each individual "Record of Receipt" and "Record of Disposition", each credit memorandum used for recording the receipt of returned distilled spirits, and each sheet, or page used in tabulating or other mechanical office equipment for recording the receipt or disposition of distilled spirits must be preprinted with the name and address of the wholesale liquor dealer. Each such record, sheet, or page shall also bear a preprinted serial number, beginning with number 1 and, before repeating, continuing in numerical sequence to a number high enough to preclude the duplication of a serial number in such group within a period of six months: *Provided,* That upon application, the assistant regional commissioner may authorize a wholesale dealer to affix serial numbers in consecutive order during the preparation or processing of the prescribed commercial records, or authorize the serial numbering of such records beginning with some number other than 1, or authorize the repetition of blocks of serial numbers within a lesser period than six months, where the assistant regional commissioner finds that the dealer's accounting system will afford an effective measure of control and such variation will not be likely to lend itself to the falsification of records. Each serially numbered form or sheet must be accounted for by the dealer. If a bound record book is used for recording receipts and dispositions, all of the pages of such book must be numbered in unbroken sequence.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.220 *Variations in format, or preparation, of records.* The Director, Alcohol and Tobacco Tax Division, may approve variations in the format of records of receipt and disposition, or in the methods of preparing such records, where it is shown that variations from the requirements are necessary in order to use tabulating equipment, business machines, or existing accounting systems, and will not (a) unduly hinder the effective administration of this part, (b) jeopardize the revenue, or (c) be contrary to any provision of law. A dealer who proposes to employ format or methods other than as provided in this part shall submit a letter-head application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and set forth the need therefor. The assistant regional commissioner will determine the need for the variations, and whether approval thereof would unduly hinder the effective administration of this part or result in jeopardy to the revenue. The assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation. Variations in format or methods shall not be employed until approval is received from the Director.

§ 194.221 *Recapitulation records.* Every wholesale liquor dealer shall, daily, prepare a recapitulation record showing, in wine gallons, the total quantities of distilled spirits received and disposed of during the day. At the end of each month he shall prepare grand totals of all receipts and dispositions during the month. The work sheets from which totals are obtained shall be retained for a period of 2 years.

DAILY AND MONTHLY REPORTS

§ 194.222 *Wholesale liquor dealer's monthly report, Form 338.* Every wholesale liquor dealer who is required to keep the records prescribed in § 194.210 shall file with the assistant regional commissioner a monthly report, on Form 338, of the total quantities of bottled distilled spirits received and disposed of during the month, not later than the 10th day of the month succeeding that for which rendered.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.223 *No transactions during month.* If there were no receipts or disposals of distilled spirits by a wholesale liquor dealer during a month, Form 338 must be prepared and forwarded to the assistant regional commissioner, showing the quantity on hand the first day of the month and the quantity on hand the last day of the month and marked "No transactions during month." Wholesale liquor dealers maintaining records in the simplified manner prescribed by § 194.230 should show on Form 338 that no distilled spirits were on hand the first day and the last day of the month.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.224 *Discontinuance of business.* When a wholesale liquor dealer discontinues business as such, he shall render Form 338, covering transactions for the month in which business is discontinued, and mark such report "Final."

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.225 *Daily reports, Forms 52A and 52B.* Except as otherwise provided in this subpart, every wholesale liquor dealer shall prepare and submit, daily, a report on Form 52A of all distilled spirits received by him, and on Form 52B of all distilled spirits disposed of by him. The reports shall be filed with the assistant regional commissioner by delivering or mailing them to such officer on the date the transactions entered therein occur: *Provided,* That in any case in which the assistant regional commissioner shall direct, the reports shall be so filed with the supervisor in charge instead of with the assistant regional commissioner. Each report shall bear the following declaration signed by the person or officer authorized to execute Form 338:

I declare under the penalties of perjury that this report, consisting of ------ pages, has been examined by me and to the best of my knowledge and belief is a true, correct, and complete report of all the transactions which occurred during the period covered thereby, and each entry therein is correct.

If in any case the assistant regional commissioner shall so authorize, the reports, in lieu of being filed daily, may be filed for such periods and at such times as he may deem necessary in the interest of the Government, or the reports may be waived as provided in § 194.210.

(68A Stat. 619, 749; 26 U. S. C. 5114, 6065)

§ 194.226 *Entries on Forms 52A and 52B.* Where more than one shipment of distilled spirits is received from the same consignor during any month, there will be reported on Form 52A for the first shipment received, the name and address of such consignor, followed by the registry number (preceded by appropriate identifying symbols) and the State of the consignor's plant or warehouse (for example, IRBW–4–Ky.) or, in the case of shipments received from wholesale liquor dealers or importers, the permit number of the consignor (for example, 3–I–1234). For the remaining shipments received from such consignor during the month, there may be reported in the column designated "Name" such registry number or permit number, as the case may be, and the name and address of the consignor may be omitted. Likewise, where more than one shipment of distilled spirits is sent to the same consignee during any month, there will be reported on Form 52B for the first shipment made the name and address of such consignee followed by the registry number or permit number of the consignee. For the remaining shipments made to such consignee during the month, there may be reported in the column designated "Name" such registry number or permit number, as the case may be, and the name and address of the consignee may be omitted. Where the consignor or consignee is a retail dealer in liquors, the name and address must be reported on Form 52A or 52B for each shipment received or sent.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.227 *Entry of miscellaneous items.* Wholesale liquor dealers may report on Form 52B as one item the total quantity of different kinds of spirits made up from broken cases disposed of to the same person on the same day, provided such total quantity is not in excess of 10 gallons. The entry of such items shall be stated as "Miscellaneous" or "Misc." and shall show the date, the name and address of the person to whom sold, and the quantity.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.228 *Serial numbers of cases.* Serial numbers of cases of distilled spirits received, or disposed of, shall be reported on Forms 52A or 52B unless the omission of such case serial numbers is specifically authorized by the assistant regional commissioner.

(68A Stat. 619; 26 U. S. C. 5114)

RETAIL DEALERS RECORDS AND REPORTS

§ 194.229 *General requirements for retail dealers.* Each retail dealer in liquors and each retail dealer in beer shall keep at his place of business a complete record of all distilled spirits, wines, or beer received, showing (a) the quantities thereof, (b) from whom received, and (c) the receiving dates. Such record, which must be kept for a period of not less than two years as prescribed in § 194.234, may consist of all purchase invoices or bills covering distilled spirits, wines, and beer received or, at the option of the dealer, a book record containing all of the required information. Retail dealers who do not maintain a wholesale department are not required to prepare and submit reports of purchases and sales to assistant regional commissioners.

(68A Stat. 622, 681; 26 U. S. C. 5124, 5555)

§ 194.230 *Requirements where wholesale department is kept.* A liquor dealer engaged in the business of selling primarily at retail, who at the same premises also makes occasional sales of distilled spirits in quantities of 5 wine gallons or more in his capacity as a wholesale liquor dealer, shall keep the records prescribed in § 194.229 for all retail dealers. In addition, as prescribed by § 194.217, he shall prepare commercial records of disposition on all distilled spirits transferred into and sold from his wholesale department, and shall prepare recapitulation records of such spirits, as prescribed by § 194.221. The monthly report on Form 338, prescribed in § 194.222, must be submitted even if there have been no transactions in the wholesale department. Unless the dealer is relieved from such requirement, daily or periodic reports on Forms 52A and 52B shall be submitted by him on all the distilled spirits transferred from the retail department, as prescribed by §§ 194.210 and 195.225. As used in this subpart, the term "selling primarily at retail" shall mean that sales at retail must normally represent at last 90 percent of the volume of distilled spirits sold during a month. Where a liquor dealer

is engaged in such business, all distilled spirits at the premises may be considered as having been received in the retail department. When a sale of 5 wine gallons or more is made, the distilled spirits involved in the transaction shall be considered as having been transferred to the wholesale department at the time of sale. The wholesale department need not be maintained in a separate room or be partitioned off from the retail department, but sales at wholesale must be made in a part of the premises designated as the wholesale department.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.231 *Requirements when wholesale liquor dealer maintains a retail department.* A wholesale liquor dealer who sells distilled spirits in wholesale quantities, and at the same premises maintains a separate retail department where distilled spirits are sold in retail quantities, shall keep the records and render the reports prescribed by § 194.210 on all distilled spirits received and disposed of in his capacity as a wholesale dealer. When distilled spirits are transferred from the wholesale department to the retail department, a commercial record showing such disposition shall be prepared as prescribed by § 194.217. Where it is necessary in the filling of a wholesale order to transfer distilled spirits from the retail department to the wholesale department, a commercial record showing such receipt in the wholesale department shall be prepared as prescribed in § 194.216, and the entire sale entered on a record of disposition in the same manner as any other disposition from the wholesale department. The provisions of this subpart relating to submission of reports on Forms 52A and 52B are applicable to all transfers between wholesale and retail departments. The retail department need not be maintained in a separate room, or be partitioned off from the wholesale department, but the retail department must in fact be separate from the wholesale department. Where a wholesale dealer does not maintain a separate retail department, all distilled spirits received and disposed of must be accounted for on records of receipt and disposition regardless of the quantities involved.

(68A Stat. 619; 26 U. S. C. 5114)

FILES OF RECORDS AND REPORTS

§ 194.232 *Manner of filing looseleaf records of receipt and disposition.* One legible copy of (a) each "Record of Receipt," (b) each credit memorandum used for the purpose of recording the receipt of returned merchandise, and (c) each "Record of Disposition," shall be marked or stamped as "Government File Copy," and shall be filed chronologically, and in numerical sequence within each date, in looseleaf binders or books. Where the chronological filing of such records disarranges their numerical sequence to such an extent that the sequence of numbers cannot be readily traced, a control record shall be maintained by the wholesale liquor dealer, which shall key the numerical sequence of the records to their respective dates. Government file copies shall be filed not later than the close of the business day next succeeding that on which the transaction occurred. Separate files shall be maintained for "Records of Receipt," for credit memorandums used to record receipt of returned merchandise, and for "Records of Disposition." Supporting documents such as consignors' invoices, delivery receipts, and bills of lading, or exact copies thereof, may be filed in accordance with the wholesaler's customary practice. Documents supporting records of disposition shall have noted thereon the identifying serial numbers of the records of disposition to which they refer, as required by § 194.217.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.233 *Place of filing.* Prescribed records of receipt and disposition and file copies of Forms 52A, 52B, 338, and the recapitulation records required by § 194.221, shall be maintained in chronological order in separate files at the premises where the distilled spirits are received and sent out: *Provided*, That upon application, the assistant regional commissioner may authorize the files, or any individual file, to be maintained at other premises under control of the same dealer, if he finds that such maintenance will not delay the timely filing of any document, or cause undue inconvenience to internal revenue officers desiring to examine such files.

(68A Stat. 619; 26 U. S. C. 5114)

PERIOD OF RETENTION

§ 194.234 *Retention of records and files.* All records prescribed by this part, documents or copies of documents supporting such records, and file copies of reports submitted, shall be preserved for a period of not less than 2 years, and during such period shall be available, during business hours, for inspection and the taking of abstracts therefrom by internal revenue officers. Any records, or copies thereof, containing any of the information required by this part to be prepared, wherever kept, shall also be made available for such inspection and the taking of abstracts therefrom.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

PROCUREMENT OF REPORT FORMS

§ 194.235 *Forms to be provided by users at own expense.* Forms 52A, 52B and 338 will be provided by users at their own expense, but must be in the form prescribed by the Director, Alcohol and Tobacco Tax Division: *Provided*, That, with the approval of the Director, Alcohol and Tobacco Tax Division, they may be modified to adapt their use to tabulating or other mechanical equipment. Application for permission to modify such forms shall be filed in the manner prescribed in § 194.220.

POSTING OF SIGNS

§ 194.236 *By wholesale dealers in liquors.* Every person engaged in business as a wholesale dealer in liquors shall place and keep conspicuously on the outside of his place of business a sign exhibiting in plain, durable, and legible letters the name, or firm of the dealer and the words "Wholesale Liquor Dealer." In those states where the definition of wholesale liquor dealer differs from the definition given in § 194.29, the words "Wholesale Liquor Dealer under Federal Law" may be used. In the case of a wholesale liquor dealer who procures and posts a special tax stamp designated "Wholesale Dealer in Wines", or "Wholesale Dealer in Wines and Beer", the requirements of this section will be met by the posting of a sign of the character prescribed herein, but with words conforming to the designation of the special tax stamp.

(68A Stat. 620; 26 U. S. C. 5116)

§ 194.237 *By others than wholesale liquor dealers.* Internal revenue laws do not require the posting of signs by retail dealers in liquors, retail dealers in beer, or wholesale dealers in beer.

Inasmuch as this Treasury decision, except sections 194.211, 194.212, 194.213, 194.229, and 194.234, relieves restriction, it is hereby found that it is unnecessary to issue this Treasury decision subject to the effective date limitation of section 4 (c) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003 (c)). Accordingly, this Treasury decision shall be effective on October 1, 1955, except sections 194.211, 194.212, 194.213, 194.229, and 194.234, which, to the extent that they relate to dealers in beer and wine, shall be effective on the first day of the first month which begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: October 26, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-8766; Filed, Oct. 28, 1955; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

"STOCK ITEM" EXEMPTION

Section 1455.6 *Subcontracts as to which it is not administratively feasible to segregate profits* is amended as follows:

1. Paragraph (b) is amended by deleting from the caption the words "January 1, 1955" and inserting in lieu thereof the words "January 1, 1957".

2. Paragraph (b) is further amended by deleting the date "January 1, 1955" and inserting in lieu thereof the date "January 1, 1957".

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: October 25, 1955.

THOMAS COGGESHALL,
Acting Chairman.

[F. R. Doc. 55-8764; Filed, Oct. 28, 1955; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. MC-5]

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

DESIGNATION OF AGENT FOR SERVICE OF PROCESS

In the matter of security for protection of the public as provided in Part II of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to Part II of the act.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 14th day of September A. D. 1955.

It appearing, that pursuant to an order in this proceeding dated July 7, 1955, revising certain rules and regulations governing surety bonds and policies of insurance, § 174.8 (a) was amended to permit insurance and surety companies to submit to the Commission designations in writing of the name and post office address of persons upon whom legal process may be served with respect to states in which such companies are not legally licensed to do business; and

It appearing, that it is desirable to adopt a form to be used by insurance and surety companies for the purpose of designating their agents for service of process:

It is ordered, That Part 7 be amended by the addition of the following:

§ 7.94 *B. M. C. 94.* Designation of Agent for Service of Process.

It is further ordered, That Form B. M. C. 94, a copy of which is attached hereto[1] and made a part hereof, be and it is hereby adopted and prescribed for use by insurance and surety companies, filing in behalf of motor carriers, for the purpose shown therein.

And it is further ordered, That this order shall be effective November 1, 1955, and shall continue in effect until the further order of the Commission.

Notice hereof shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies secs. 211, 215, 49 Stat. 554, as amended, 557; 49 U. S. C. 311, 315)

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-8762; Filed, Oct. 28, 1955; 8:50 a. m.]

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

[Ex Parte No. MC-40]

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 29th day of July A. D. 1955.

The matter of hours of service report forms for use by motor carriers pursuant to the Motor Carrier Safety Regulations prescribed by order dated April 12, 1952, in Ex Parte No. MC-40, being under consideration; and

It appearing that certain modifications of the hours of service report forms are necessary in order to bring them into conformity with existing section numbers of the safety regulations and of the Code of Federal Regulations,

It is ordered, That the order dated June 13, 1949, in Ex Parte No. MC-2, prescribing Forms BMC-60, BMC-61 and BMC-62 be, and it is hereby vacated and set aside;

It is further ordered, That Forms BMC-60 (1955), Hours of Service Report, 49 CFR 7.60; BMC-61 (1955), Carrier's Monthly Report of Excess On Duty Time and of Excess Driving Time of Drivers, 49 CFR 7.61 and BMC-62 (1955), Carrier's Monthly Report of No Excess Driving Time and No Excess Time on Duty by Drivers, 49 CFR 7.62, of which one copy each is attached hereto[1] and made a part hereof, are approved, adopted, and prescribed for appropriate use by by motor carriers in filing reports as required by § 195.9, MCSR, Rev. of 1952;

And it is further ordered, That this order shall become effective November 1, 1955, and shall continue in effect until the further order of the Commission; however, stocks of Forms BMC-60, BMC-61, and BMC-62, presently in the hands of carriers or their suppliers, may be used;

And it is further ordered, That notice of this order shall be given to motor carriers and the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

(49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-8763; Filed, Oct. 28, 1955; 8:50 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 11522; FCC 55-1051]

HEARING MANUAL FOR COMPARATIVE BROADCAST PROCEEDINGS

NOTICE OF PROPOSED RULE MAKING

EDITORIAL NOTE: In the notice of proposed rule making in the above-entitled matter published at page 8051 of the issue for Wednesday, October 26, 1955, the following was inadvertently omitted:

APPENDIX—HEARING MANUAL FOR COMPARATIVE BROADCAST PROCEEDINGS

I. *Conduct of hearing.* A. Comparative broadcast hearings before hearing examiners are to be conducted in the most equitable and expeditious manner possible. To achieve this end, the following principles are to be adhered to unless waived for good cause:

1. The hearing examiner may permit argument in support of or in opposition to objections; counsel shall state succinctly the basis for the position taken; argument shall be limited to three minutes by each party; the hearing examiner shall rule on objections as promptly as possible; written comments in lieu of or in addition to oral argument shall be filed only if permitted by the hearing examiner.

2. The reason for an objection to the receipt of evidence must be stated on the record; no formal "exception" to the ruling is required.

3. Offers of proof may be made orally or in writing.

4. a. Cross-examination of principals may cover the entire affirmative presentation. Cross-examination of all other witnesses not principals shall be limited to matters raised on direct examination, and only one opportunity for cross-examination shall be afforded each party, except that further cross-examination shall be allowed on matters raised by other parties on cross-examination and shall take place prior to redirect examination. The foregoing shall not limit examination to test credibility of witnesses. As used herein, "principal" is defined as an officer, director, general manager, stockholder, sole owner, or partner of the applicant, except that in cases of corporate applicants having more than fifty stockholders, those holding less than one percent of the outstanding stock, who are neither officers nor directors, are excluded.

b. Redirect examination shall be limited to matters raised on cross-examination.

c. Recross-examination shall be limited to matters raised on redirect examination.

d. No other examination shall be permitted.

5. The proceeding shall "go off the record" only upon the order of the hearing examiner. If the hearing examiner or any party requests it, a summary of the "off the record" discussion shall be made by counsel who

[1] Filed as part of original document.

asked to go off the record. No summary shall be made in the absence of a request.

II. *Evidence.* A. Except as hereinafter provided, the rules of evidence governing nonjury civil proceedings in courts of the United States shall govern formal hearings relating to comparative broadcast matters. Such rules may be relaxed if the ends of justice will be better served by so doing. (See Commission's Rules, 1.871.)

B. In all comparative hearings relating to broadcast matters, the following methods of proof, which are relaxations of or limitations on the rules of evidence set out in Section II, A, will be adhered to unless justice would be served by a waiver thereof.

C. *Program logs.* 1. Program logs of a broadcast facility will not be accepted as evidence of past programming. Any showing of over-all past performance based upon a particular week shall include, but not be limited to, a program log analysis and type analysis, as provided in Section IV of FCC Form 301, plus an exhibit containing descriptions and classifications of the programs broadcast during the selected week. Logs of the weeks selected must be made available to opposing parties upon their request.

2. The number of weeks for which programming is to be shown should be limited by the hearing examiner to avoid cumulative evidence; provided, however, upon request of any party such showing must include the latest composite week issued by the Commission and any other period or composite week which may have been determined in the prehearing conference.

3. Program logs or excerpts thereof may be introduced by an adverse party; provided, however, that program logs or excerpts of the same log may then be introduced by the applicant in rebuttal.

4. Upon request, an adverse party may be entitled to examine the program logs of a broadcast facility at the place such logs are normally maintained and under such conditoins as may be imposed by the hearing examiner to avoid hardship; however, if copies of any program logs are requested, the expense of making such copies must be borne by the party making the request.

5. The methods of proof described in the section above relate solely to the method of preparing program log material and analyses; such sections are not intended to be a limitation on the scope or type of proof generally of past programming.

D. *Awards.* 1. Awards made to a broadcast facility may be shown only by a factual listing covering the following points:

a. The name and address of organization making the award;

b. A brief description of the award;

c. The date of the award;

d. Whether or not solicited.

2. The original awards or copies thereof must be made available for inspection by adverse parties upon their request.

E. *Letters.* Letters received relating to past programming are not admissible.

F. *Pictures.* Pictures will not be received unless introduced by the party with personal knowledge of the contents. Pictures must be accompanied by written descriptions of what they purport to show.

G. *Programming analyses.* If any party desires to submit program analyses, one such analysis must conform to the forms set out in Paragraphs 2 and 4, Section IV of FCC Form 301.

H. *Operation of other facilities.* 1. The past operation of facilities in other locations will not be inadmissible solely because of the fact of location.

2. The admission of evidence relating to the past operation of broadcast facilities, not legally controlled by the applicant, must be determined by the hearing examiner upon the facts of each individual case. This question should be resolved in the prehearing conference.

I. *Contacts.* 1. Exhibits showing the results of contacts concerning proposed programming may be introduced by the person under whose direction the contacts were made, and may contain the following information:

a. Date of contact;

b. By whom made;

c. Method of contact;

d. Name, address and position of person contacted;

e. Matters discussed.

2. Letters from persons contacted by the applicant in connection with proposed programming are not admissible.

J. *Film, record and wire services.* The Commission will presume that all film, record and wire services regularly sold to broadcast stations, will be available to each applicant.

K. *Cooperation of local organizations.* The Commission will presume that each applicant may expect to receive the general cooperation of local civic, educational and governmental groups: *Provided, however,* That such a presumption shall not apply to specifically named persons or organizations or to participation in a particular program.

L. *Proposed programming.* 1. Proposed programming will be limited to a showing of one typical week's program schedule to be broadcast the first year of operation. Such a program showing should not deviate from the typical week's programming contained in the application; provided, however, that a full description of the programs in such schedule may be presented at the hearing, including variations in the format from week to week.

2. Exhibits as to special programming that will be done by the applicant during the first year of operation will be admitted even though no reference is made thereto in the application.

3. Exhibits covering the plans for proposed remote broadcasts, consisting of maps showing the location of the remote broadcasts and descriptions of the programs proposed, will be acceptable upon the following showing, even though no reference is made thereto in the application:

a. Testimony by a witness that each location has been examined and is suitable for the program proposed;

b. Testimony that permission has been secured to originate programs from the location specified;

c. Testimony that it is technically feasible to originate such a program.

M. *Staff.* 1. Biographies of proposed employees, signed and subscribed by them, may be introduced by the principal who secured the information.

2. The affidavit of any proposed employee must show that he is aware of the use to be made of the document and must also state that he intends to accept employment if the applicant is successful.

3. Such proposed employee must be made available for cross-examination by deposition, at his place of residence, upon request of any adverse party.

4. The Commission will presume that each applicant will be able to obtain an experienced and adequate staff.

N. *Equipment.* 1. The Commission will presume that all equipment required to operate the broadcast facility as proposed will be available.

2. Equipment contracts will be admissible upon the testimony of the representative of the applicant who signed such contract.

3. The Commission will presume that all necessary furniture, furnishings and shop equipment will be purchased by the applicant.

4. Video and audio block diagrams, and exhibits of a similar nature, will not be admissible on direct examination.

O. *Studios and transmitter buildings.* 1. Blueprints and specifications of proposed buildings are admissible upon the testimony of the principal who ordered their preparation.

2. Costs of construction prepared by a contractor or architect may be admitted if prepared in affidavit form, and if they contain statements that the estimates are based upon blueprints and specifications which will be made available to adverse parties upon request. If examination of the contractor or architect is required, such person shall be available for deposition if requested.

3. The Commission will presume that the applicant's proposed site and necessary utilities will be available and the local zoning ordinances allow the erectoin of all proposed structures.

P. *Facts about community.* 1. The hearing examiner will accept, without formal proof, general economic, geographical and business informatoin about a locality which appears in any governmental or regularly published business document.

2. The party introducing such evidence must make excerpts of the pertinent portions thereof and must also make available to all parties the copy of the publication from which the excerpt was made.

Q. *Hearsay.* 1. Hearsay, as such, is not generally admissible in a Commission proceeding unless the hearing examiner finds that particular circumstances lending reliability exist to warrant a waiver of this limitation.

2. The following exceptions to the hearsay rule shall be recognized in these proceedings:

a. *Business entries and the like.* (1) A writing offered as a memorandum or record of an act, event or condition is admissible as tending to prove the occurrence of the act or event or the existence of the condition if the hearing examiner finds that it was made in the regular course of a business and that it was the regular course of that business for one with personal knowledge of such an act, event or condition to make such a memorandum or record or to transmit information thereof to be included in such a memorandum or record, and for the memorandum or record to be made at or about the time of the act, event or condition or within a reasonable time thereafter.

(2) Evidence of the absence of a memorandum or record of an asserted act, event or condition from the memoranda or records of a business is admissible as tending to prove the nonoccurrence of the act or event or the nonexistence of the condition in that business, if the hearing examiner finds that it was the regular course of that business to make such memoranda of all such acts, events or conditions at the time thereof or within a reasonable time thereafter, and to preserve them.

(3) The word "business" as used in these sections includes every kind of occupation and regularly organized activity, whether conducted for profit or not.

b. *Written statements by persons required to report authorized acts.* Subject to Section II, R, 1, *infra*, evidence of a writing made as a record, report or memorandum of facts and conclusions concerning an act, event or condition, unless specifically privileged from disclosure by a statute requiring it to be made, is admissible as tending to prove the truth of each matter stated therein in compliance with statutory requirements if the hearing examiner finds that:

(1) The maker of the writing was duly authorized pursuant to statute to perform designated functions, performance of which by persons not so authorized was forbidden by statute, and was required by statute to file a written report in a designated place or office setting forth specified matters relating to the performance of those functions and the persons or things connected therewith; and

(2) The writing was made and filed by him as a report so required by the statute.

c. *Commercial lists and the like.* Evidence of statements or matters of interest to persons engaged in an occupation contained in a list, register, periodical, or other published compilation is admissible as tending to prove the truth of any relevant matter so stated if the hearing examiner finds that the compilation is published for use by persons engaged in that occupation and is generally used and relied upon by them therein.

R. *Discretion of hearing examiner to exclude evidence.* 1. The hearing examiner in his discretion may exclude evidence admissible under Section II, Q, 2, *supra*, if he finds the adverse parties have not been furnished a copy of the writing or of its material portions a reasonable time before the evidence is offered.

2. The above-listed exceptions to the hearsay rule are not meant to be all-inclusive and evidence offered under any recognized exception to the hearsay rule is admissible.

III. *Rebuttal of presumptions.* A. All presumptions herein provided for may be rebutted by an adverse party.

B. In each case where such presumption is rebutted, the burden will then be upon applicant to prove the fact in issue.

IV. *Prehearing conferences.* A. All hearing examiners, assigned to hearings relating to comparative broadcast matters, will hold a prehearing conference not less than 21 days before the exchange of evidence as required by Section 1.841 of the Commission's Rules. At this hearing conference, the following evidentiary matters will be discussed and the hearing examiner will rule as to the admissibility of each item, and, if admissible, under what conditions:

1. Period for which past programming showing may be made;

2. Listener or viewer surveys;

3. Monitored broadcasts;

4. Past programming of broadcast stations not legally controlled by the applicant;

5. Newspaper and magazine material;

6. Availability of network affiliation;

7. Option hour practices.

V. *Relevance and materiality of evidence.* A. The sections of this manual assume that all evidence offered will be relevant and material and no provision contained herein can be or is intended to prevent a party from objecting to any evidence upon the grounds of materiality or relevance at the time it is offered.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

PINE RIVER INDIAN IRRIGATION PROJECT, COLORADO

OPERATION AND MAINTENANCE CHARGES

Notice is hereby given of the intention to modify § 130.55 *Charges* of Title 25, Code of Federal Regulations, Chapter 1, Subchapter L, dealing with operation and maintenance assessments against the irrigable lands of the Pine River Indian Irrigation Project, Colorado, by increasing the basic water charges from $1.50 per acre to $2.00 per acre per annum. The revised section shall read as follows:

§ 130.55 *Charges.* Pursuant to the provisions of the acts of August 1, 1914 (38 Stat. 583; 25 U. S. C., sec. 385) and March 7, 1928 (45 Stat. 200, 210), the annual basic charge for operation and maintenance assessed against the irrigable lands of the Pine River Indian Irrigation Project, Colorado, to which water can be delivered and beneficially applied under the constructed works of the project, is hereby fixed at $2.00 per acre per annum for the year 1956 and thereafter until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or argument in writing to William Wade Head, Area Director, Gallup Area Office, Gallup, New Mexico, within thirty (30) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

(Order No. 2508, Amendment No. 1 (16 F. R. 473–474); Order No. 551, Amendment No. 1 (16 F. R. 5456–5457))

W. WADE HEAD,
Area Director.

OCTOBER 11, 1955.

[F. R. Doc. 55–8737; Filed, Oct. 28, 1955; 8:45 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 7299]

INVESTIGATION OF ADULT FARES FOR UNACCOMPANIED CHILDREN

NOTICE OF PREHEARING CONFERENCE

In the matter of airline practices of charging the full adult fare for transportation of unaccompanied children.

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on November 8, 1955, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., October 26, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–8782; Filed, Oct. 28, 1955; 8:53 a. m.]

[Docket No. 7415]

BYERS-WIEN MERGER

NOTICE OF PREHEARING CONFERENCE

In the matter of the joint application of Wien Alaska Airlines, Inc., and Byers Airways, Inc., for approval of agreement of acquisition and purchase of the routes and certificate of Byers Airways, Inc.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on November 9, 1955, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., October 26, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–8783; Filed, Oct. 28, 1955; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 102–55]

ELSINORE PROGRESSIVE LEAGUE ET AL.

DESIGNATION OF ORGANIZATIONS IN CONNECTION WITH THE FEDERAL EMPLOYEE SECURITY PROGRAM

Following notice of proposed designation as coming within the purview of Executive Order No. 10450 of April 27, 1953, the organizations listed below filed notice of contest of such proposed designation, and they were therefore forwarded by registered mail a statement of the grounds upon which the designation was proposed to be made, together with interrogatories with respect thereto. Under section 41.3 of the rules governing the procedure in such cases (18 F. R. 2619; 28 CFR 41.1 to 41.11) the said organizations were required within sixty days following receipt of such statement and interrogatories to file a verified reply answering each interrogatory completely and with particularity. The said organizations have failed to comply with such requirements, and therefore they are hereby designated as coming within the purview of the said Executive Order No. 10450:

Elsinore Progressive League.
Everybody's Committee to Outlaw War.
Idaho Pension Union.
Massachusetts Committee for the Bill of Rights.

HERBERT BROWNELL, Jr.,
Attorney General.

OCTOBER 20, 1955.

[F. R. Doc. 55–8760; Filed, Oct. 28, 1955; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 601]

REVESTED OREGON AND CALIFORNIA RAILROAD GRANT LANDS AND COOS BAY WAGON ROAD GRANT LANDS

DECLARATION OF ANNUAL PRODUCTIVE CAPACITY

OCTOBER 25, 1955.

Pursuant to the authority contained in Order No. 2583, Amendment No. 12,

September 17, 1954, of the Secretary of the Interior, the annual productive capacities of the Master Units composing the Revested Oregon and California Railroad and the Coos Bay Wagon Road Grant Lands are determined to be as follows:

Master Unit:	*Annual productive capacity (Feet board measure)*
1. Columbia River	20,500,000
2. Clackamas-Molalla	11,100,000
3. Alsea-Rickreal	34,000,000
4. Santiam River	36,500,000
5. Upper Willamette	53,100,000
6. Siuslaw	57,000,000
7. Douglas	89,400,000
8. South Umpqua	25,500,000
9. South Coast	144,400,000
10. Josephine	48,800,000
11. Jackson	54,700,000
12. Klamath	13,200,000
Total	588,200,000

Section 3 of Secretarial Orders No. 2285, 2380, 2381, 2382, 2383, 2384, 2386, 2387, 2388, 2389 and 2390 is hereby revoked.

EARL G. HARRINGTON,
Acting Director.

[F. R. Doc. 55-8738; Filed, Oct. 28, 1955; 8:46 a. m.]

Bureau of Reclamation

HULLS MEADOW, COFFIN HOLLOW AND BELLS MEADOWS, AND CHERRY VALLEY RESERVOIR PROJECTS, CALIFORNIA

ORDER OF REVOCATION

FEBRUARY 16, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of March 18, 1905, and December 14, 1906, in so far as said orders affect the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 3 N., R. 17 E.,
Sec. 4, all;
Sec. 5, Lots 1, 2, 4, 5, 6, 7, 9, 10, SW¼NW¼, SW¼;
Sec. 7, all;
Sec. 8, all;
Sec. 35, all;
Sec. 36, all.
T. 3 N., R. 18 E.,
Sec. 1, SW¼;
Sec. 2, S½;
Sec. 3, E½SE¼;
Sec. 11, N½N½;
Sec. 12, N½NW¼;
Sec. 21, E½SE¼;
Sec. 22, SW¼, S½SE¼;
Sec. 23, SW¼SW¼;
Sec. 26, NW¼NW¼;
Sec. 27, N½NE¼.
T. 2 N., R. 19 E.,
Sec. 20, E½SE¼;
Sec. 21, SW¼SW¼;
Sec. 28, NW¼NW¼, S½NW¼, N½SW¼;
Sec. 29, SE¼NE¼, SE¼;
Sec. 32, NE¼, NW¼SE¼.

The above area aggregates 5,693.50 acres.

E. G. NIELSEN,
Acting Assistant Commissioner.

[Misc. 68501]

OCTOBER 21, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

Portions of the above-described lands are patented.

Subject to any valid existing rights, the provisions of existing withdrawals for power purposes, and to the requirements of applicable law, the released lands are hereby opened to such applications, selections, and locations as are permitted on national forest lands, including the filing of applications and offers under the mineral-leasing laws and locations under the mining laws, as follows:

(1) Applications and offers under the mineral-leasing laws may be presented to the Manager, Land Office, Bureau of Land Management, Sacramento, California, beginning on the date of this order. All such applications filed prior to 10:00 a. m., on November 26, 1955, will be considered as simultaneously filed at that hour. Rights under such applications and offers filed after that hour will be governed by the time of filing.

(2) The lands will be open to mining location under the United States mining laws, beginning at 10:00 a. m. on November 26, 1955.

Inquiries concerning applications and offers under the mineral-leasing laws and locations under the mining laws shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California. Other inquiries shall be addressed to the Regional Forester, 630 Sansome Street, San Francisco, California.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55-8739; Filed, Oct. 28, 1955; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

IOWA-NEBRASKA SALE YARDS, COUNCIL BLUFFS, IOWA

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Iowa-Nebraska Sale Yards, Council Bluffs, Iowa, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 25th day of October 1955.

[SEAL] H. E. REED,
Director, Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 55-8773; Filed, Oct. 28, 1955; 8:51 a. m.]

DAVIS LIVESTOCK AUCTION ET AL.

NOTICE RELATIVE TO POSTED STOCKYARDS

Pursuant to the authority vested in me under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 *et seq.*), on the respective dates specified below, it was ascertained by me that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act and were therefore subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by section 302.

Name of stockyard:	*Date of posting*
Idaho	
Davis Livestock Auction, Caldwell	July 11, 1955
Maryland	
Baltimore Livestock Auction Market, Inc., West Friendship	July 14, 1955
Mississippi	
Dixie Stock Yard, Inc., Meridian	September 19, 1955
Nebraska	
Beatrice Sales Pavilion Stockyards, Beatrice	August 15, 1955
McKee Sales Company Stockyards, Superior	August 15, 1955
South Dakota	
Loken's Watertown Sales Pavilion, Watertown	August 18, 1955
Palace City Auction Company, Mitchell	May 24, 1955
Wilde Livestock Auction, Huron	September 26, 1955

Done at Washington, D. C., this 25th day of October 1955.

[SEAL] H. E. REED,
Director, Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 55-8774; Filed, Oct. 28, 1955; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-967]

INVESTORS DIVERSIFIED SERVICES, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION WITH RESPECT TO THRIFT PLAN

OCTOBER 25, 1955.

Notice is hereby given that Investors Diversified Services, Inc. ("IDS"), has filed an application pursuant to sections 6 (c), 17 (a), 17 (b), 17 (d) and 22 (d) of the Investment Company Act of 1940 (the "act") and Rule N-17D-1 thereunder, relating to a retirement plan proposed to be offered to certain employees of IDS and of Investors Syndicate Title & Guaranty Company ("IST & G"), including officers, who become eligible under its terms.

IDS is registered under the act as a face-amount certificate company. It is engaged in servicing its outstanding face-amount certificates sold prior to the enactment of the Act, and is also the distributor of the securities of, and investment adviser for, Investors Syndicate of America, Inc., a registered face-amount certificate company and a wholly-owned subsidiary, and Investors Mutual, Inc., Investors Stock Fund, Inc., Investors Selective Fund, Inc., and Investors Group Canadian Fund Ltd., registered open-end investment companies organized and promoted by IDS. IST & G, a wholly owned subsidiary of IDS, is engaged in selling participation certificates in New York State and is exempt from registration under the act pursuant to section 6 (a) (5) thereof.

IDS proposes to establish an Employees Incentive and Thrift Plan ("Plan") for the benefit of those employees of IDS and of affiliated companies who are eligible to participate ("Participants"), and to qualify the same under section 401 (a) of the Internal Revenue Code of 1954. An affiliated company is defined in the Plan as a wholly owned United States subsidiary having employees and becoming a party to the Plan. The only such affiliated company at the present time is IST & G.

The Plan provides for establishment of a trust fund with the First National Bank of Minneapolis as trustee. Contributions to such trust fund will be made for the benefit of all full-time, permanent employees of IDS and its affiliated companies (IST & G) who have attained thirty years of age and completed six months of continuous service. The Plan will be administered by an administrative committee ("Committee") consisting of a director of IDS who is not an officer of IDS, and a non-officer Participant, both designated by the President of IDS, and a member of the Controller's department designated by the Controller.

IDS will contribute to the trust fund for each fiscal year, beginning with the year ending December 31, 1955, an amount equal to 15 percent of net income before tax, but not more than 15 percent of the compensation otherwise paid or accrued to Participants during such year. No such contribution, however, may be in such amount as would reduce net income after tax for the current year below an amount equal to $4 a share for each outstanding share of the presently authorized Common Stock and Common Stock, Class A, of IDS or would reduce total cumulative net income after tax for the years during which the Plan has been in operation below an amount equal to the sum of the foregoing amounts for each year of operation of the Plan. Based on the amount of IDS stock now outstanding, such "floor" for the fiscal year 1955 would be $5,815,000. All contributions made in accordance with the Plan will be deductible for tax purposes pursuant to section 404 of the Internal Revenue Code. Net income is defined by the Plan as the net income or loss of IDS and its wholly owned United States subsidiaries before providing for contributions under the Plan, and exclusive of intercompany dividends. Attributable portions will be charged to IST & G.

Individual accounts will be established for each Participant and a portion of each contribution to the trust fund by IDS will be allocated to each Participant on the basis of the ratio of his compensation, for the fiscal year for which such contribution was made, to the total such compensation of all Participants. Amounts so allocated will vest immediately in each Participant, and cannot thereafter be forfeited.

A Participant may contribute to the trust fund annually an amount not in excess of $2,400 or 6 percent of his annual compensation, whichever is the lesser. Such contribution is entirely optional, will not in any way be urged by IDS, and will not affect a Participant's rights to allocate portions of contributions made by IDS.

Each Participant will be entitled to designate, in the manner prescribed, from named classes of securities, those specific securities in which the funds in his account are to be invested. The eligible classes of securities so specified are fully-paid face-amount certificates issued by Investors Syndicate of America, Inc.; capital stock of any of the registered open-end investment companies affiliated with IDS and the stock of which is distributed by IDS, namely, Investors Selective Fund, Inc., Investors Mutual, Inc., Investors Stock Fund, Inc., and Investors Group Canadian Fund, Ltd.; issued and outstanding capital stock of IDS; any security listed on the New York Stock Exchange; United States Government bonds, and as to any Participant, any securities contributed by such Participant in lieu of contributions in money. However, the amount invested for a Participant in IDS stock may not exceed the aggregate amount of IDS contributions allocated to the Participant. Participants may at any time, subject to reasonable regulation, direct that securities in which their funds have been invested be sold and that other securities eligible under the Plan be purchased. In the absence of designation by a Participant, his funds will normally, but in the discretion of the Committee, be invested in securities distributed by IDS, approximately one-half in fully-paid face-amount certificates issued by Investors Syndicate of America, Inc. and approximately one-half in capital stock of Investors Stock Fund, Inc. No sales load is to be charged by IDS to the trustee upon its acquisition of securities distributed by IDS, and no commission or profit will be realized by IDS upon acquisition of other securities by the trustee.

A Participant's interest in the trust fund will normally be distributed in accordance with one or more of three optional methods only upon his retirement, total disability, or termination of employment. Basically these optional methods embrace immediate payment in full, in cash or kind; payment over a period of years, and purchase of an annuity. A Participant may, however, at any time request a loan or distribution of his interest upon a showing of personal hardship. Any such request will be determined by the Committee on the basis of uniform and non-discriminatory rules. A Participant may also request in any year with respect to which an allocation of an IDS contribution is thereafter made to him that the whole or any part of the trust fund assets represented by such allocation as may be attributable to the first $6,000 of his compensation be paid to him at the expiration of two years from the end of the year for which the allocation is made. This election does not cover ordinary income from or dividends on trust fund assets representing the allocations to, or contributions made by, a Participant.

Section 17 (d) of the act and Rule N-17D-1 thereunder prohibit affiliated persons, such as officers or employees, of a registered investment company from participating in a profit-sharing plan unless the Commission issues an order upon application therefor, prior to submission of such plan to security holders for approval or prior to its adoption if not so submitted.

Section 17 (a) prohibits the sale and purchase of securities between affiliated persons, such as the acquisition of securities of the IDS companies as proposed by the plan, unless the Commission issues an order upon application therefor after finding that the prescribed standards of section 17 (b) have been met.

Section 22 (d) prohibits the sale of redeemable securities of registered investment companies, such as those to be acquired by the trust, below the current public offering price described in the prospectus, except in certain instances not here pertinent.

Section 6 (c) permits the Commission upon application to exempt any person or transaction from any provision of the act, conditionally or unconditionally, if necessary or appropriate in the public interest and consistent with the protection of investors and the purposes of the act.

For a more detailed statement of matters of fact and law, all interested persons are referred to said application which is on file at the office of the Commission at 425 Second Street NW., Washington 25, D. C.

Notice is further given that any interested person may, not later than November 14, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after

[File No. 70-3417]

[File Nos. 811-284, etc.]

said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

It is ordered, That IDS mail to each holder of its voting Common Stock (insofar as the identity of such holders is known or available to it) a copy of this Notice to his last known address at least 15 days prior to November 14, 1955.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8746; Filed, Oct. 28, 1955; 8:47 a. m.]

[File Nos. 30-65, 70-3403]

INTERSTATE POWER CO. AND EAST DUBUQUE ELECTRIC CO.

NOTICE OF FILING OF APPLICATION FOR ORDER PURSUANT TO SECTION 5 (d) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

OCTOBER 25, 1955.

In the matter of Interstate Power Co., File No. 30-65 and Interstate Power Co. and East Dubuque Electric Co., File No. 70-3403.

Notice is hereby given that Interstate Power Company ("Interstate"), a registered holding company, has filed an application with the Commission pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 requesting an order declaring that it has ceased to be a holding company.

The application states that, pursuant to the Commission's order of September 26, 1955, in File No. 70-3403 (Holding Company Act Release No. 12994), East Dubuque Electric Company ("East Dubuque"), the wholly owned and sole subsidiary company of Interstate, was completely liquidated and dissolved as of September 30, 1955; that on September 30, 1955, certificates for all of the outstanding capital stock of East Dubuque were surrendered by Interstate for cancellation and cancelled in consideration of the distribution and transfer to Interstate by way of a final liquidating dividend of all of the properties and assets of East Dubuque, subject to the assumption by Interstate of all of East Dubuque's obligations and liabilities; that on October 3, 1955, the Secretary of State of the State of Illinois issued a Certificate of Dissolution certifying to the dissolution of East Dubuque, so that the existence of such corporation ceased; and that upon such cessation of existence of East Dubuque, Interstate ceased to be a holding company.

Notice is further given that any interested person may, not later than November 14, 1955, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application, as filed or as amended, may be granted, or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8748; Filed, Oct. 28, 1955; 8:47 a. m.]

[File No. 70-3418]

PHILADELPHIA CO. AND STANDARD GAS AND ELECTRIC CO.

ORDER AUTHORIZING RENEWAL OF PROMISSORY NOTE

OCTOBER 24, 1955.

Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company ("Standard Gas") and Standard Power and Light Corporation, also registered holding companies, and its parent Standard Gas have filed a joint application-declaration pursuant to sections 6 (a), 7, 9 and 10 of the Public Utility Holding Company Act of 1935 ("act"), regarding the following proposed transactions:

The companies propose that Philadelphia will issue and deliver to Standard Gas a renewal promissory note in replacement of a promissory note in the principal amount of $2,500,000 which matured September 10, 1955, and which bore interest at the rate of 3 percent per annum, payable monthly. The renewal note, in the same principal amount, will bear interest, payable monthly, at the rate of 3¼ percent per annum and will mature September 10, 1956, with the right of the issuer to anticipate, at any time, the payment of all or any part of the principal thereof.

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission, and the Commission finding with respect to the transaction described herein that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and it hereby is, granted and permitted to become effective forthwith, subject to the conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8747; Filed, Oct. 28, 1955; 8:47 a. m.]

[File No. 70-3399]

FALL RIVER ELECTRIC LIGHT CO. AND EASTERN UTILITIES ASSOCIATES

NOTICE OF FILING REGARDING ISSUANCE OF COMMON STOCK BY PUBLIC-UTILITY COMPANY AND ACQUISITION OF ITS EMPLOYEES' STOCK BY SAID COMPANY

OCTOBER 25, 1955.

Notice is hereby given that Fall River Electric Light Company ("Fall River"), a public-utility company, and its parent, Eastern Utilities Associates, a registered holding company, have filed with this Commission a declaration and amendments thereto pursuant to sections 7 and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-42 promulgated thereunder regarding the proposed transactions which are summarized as follows:

Fall River has outstanding 210,000 shares of $25 par value common capital stock and 5,000 shares of $10 par value employees' stock. Each share of common capital stock is entitled to one vote and ten shares of employees' stock are entitled to one vote. Fall River proposes to issue and sell up to 2,000 additional shares of common capital stock and offer such shares to the holders of the employees' stock for cash at the par value thereof and to use the proceeds to purchase employees' stock at the par value thereof. The offer will be made on the basis of two whole shares of common capital stock for five whole shares of employees' stock or multiples thereof. According to the declaration there are only thirty-five holders of employees' stock and, by reason of limitations provided in Fall River's by-laws prescribed by authority granted in the General Laws of Massachusetts, such stock may not be transferred except to Fall River employees or the company and if sold or transferred to Fall River the price which can be paid for such stock is limited to its par value.

The foregoing transactions have been expressly authorized by the Massachusetts Department of Public Utilities and its appears that no other commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that there are no commissions, fees or expenses to be paid in connection with the proposed transactions, except legal fees and expenses estimated in the aggregate at $1,600. It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than November 14, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by such filing which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration, as filed or as it may hereafter be further amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8749; Filed, Oct. 28, 1955; 8:47 a. m.]

[File No. 30-144]

AMERICAN POWER & LIGHT CO.

NOTICE OF FILING OF APPLICATION FOR ORDER PURSUANT TO SECTION 5 (d) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

OCTOBER 25, 1955.

Notice is hereby given that American Power & Light Company ("American") has filed an application with the Commission, pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 ("Act"), requesting an order declaring that it has ceased to be a holding company.

The application states that pursuant to a certain plan of dissolution of American (File No. 54-207) which was approved by the Commission by order dated March 31, 1953 (Holding Company Act Release No. 11797) and was approved and ordered enforced by the United States District Court for the District of Maine by order dated May 15, 1953 (Civil Action No. 731), American was dissolved on July 22, 1954; that its affairs in dissolution and the remaining assets of its estate, which consist principally of cash and United States Government obligations and which do not include any outstanding voting securities of a public utility or a holding company, are now being administered by its Trustees in Dissolution named in said plan; and that by reason of the foregoing, American has ceased to be a holding company.

Notice is further given that any interested person may, not later than November 15, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application, as filed or as amended, may be granted, or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8750; Filed, Oct. 28, 1955; 8:47 a. m.]

[File No. 70-3417]

CENTRAL PUBLIC UTILITY CORP. AND ISLANDS GAS AND ELECTRIC CO.

ORDER DENYING REQUEST FOR HEARING AND APPROVING PROPOSED DONATION OF PREFERRED STOCK BY PARENT TO SUBSIDIARY

OCTOBER 25, 1955.

Central Public Utility Corporation ("Central"), a registered holding company, and its wholly owned subsidiary, The Islands Gas and Electric Company ("Islands"), have filed a joint declaration pursuant to sections 12 and 15 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-26, U-42 and U-45 thereunder, regarding the following proposed transactions:

Islands has outstanding bonds, notes, preferred stock and common stock, all of which are owned by Central. As a step in the simplification of the capital structure of Islands, Central proposes to donate to Islands, as a contribution to its capital, 50,000 shares of $7 cumulative preferred stock of Islands (par value $1 per share), being all of the preferred stock which Islands now has outstanding. Central also proposes not to reduce or otherwise change, as a result of such contribution, the amount of the carrying value of its investment in the securities of Islands.

Islands proposes to acquire and thereafter, by appropriate amendment of its Certificate of Incorporation, to extinguish said 50,000 shares of its preferred stock. Islands also proposes, concurrently with the extinguishment of said shares, to reduce its capital stock and to increase its capital surplus to the extent of $50,000, being the aggregate par value of the shares extinguished.

Due notice having been given of the filing of said declaration, and a hearing having been requested by Victor E. Piton, a former stockholder of Central; and it appearing that he now has no interest in the Central system which would be affected by the proposed transactions and that his request for a hearing should therefore be denied; and a hearing not having been ordered by the Commission on its own motion; and the Commission finding with respect to the proposed transactions that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration be permitted to become effective forthwith:

It is ordered, That the request for a hearing filed herein by Victor E. Piton be, and it hereby is, denied.

It is further ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8751; Filed, Oct. 28, 1955; 8:48 a. m.]

[File Nos. 811-284, etc.]

UNITED STATES & INTERNATIONAL SECURITIES CORP. ET AL.

NOTICE OF APPLICATION FOR ORDER DECLARING COMPANIES HAVE CEASED TO BE INVESTMENT COMPANIES

OCTOBER 24, 1955.

In the matter of United States & International Securities Corporation, File No. 811-284, Devon Securities Corporation, File No. 811-557, United States & Foreign Securities Corporation, File No. 811-283.

Notice is hereby given that United States & Foreign Securities Corporation ("Foreign"), a registered investment company, has filed an application pursuant to section 6 (f) of the Investment Company Act of 1940 ("act") for an order declaring that United States & International Securities Corporation ("International") and Devon Securities Corporation ("Devon"), registered investment companies, have ceased to be investment companies.

The following representations are made:

1. Foreign is a diversified closed-end investment company which registered under the act on July 29, 1941.

2. International was a diversified closed-end investment company which registered under the act on July 29, 1941.

3. Devon was a diversified closed-end investment company which registered under the act on August 22, 1949.

4. On June 30, 1955, pursuant to Articles and Agreement of Merger International and Devon were effectively merged into Foreign, the surviving investment company.

The Articles and Agreement of Merger pursuant to which the merger was consummated provided that upon the Articles becoming effective, the stockholders of the constituent companies would automatically become stockholders of the surviving company without any further action on their part.

As a result of the merger, the existing corporate charters of International and Devon were terminated; accordingly, the application declares the International and Devon have ceased to be investment companies.

Section 8 (f) provides, in pertinent part, that whenever the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 7, 1955, submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission,

Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the Rules and Regulations promulgated under the Act.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8753; Filed, Oct. 28, 1955; 8:48 a. m.]

[File No. 70-3419]

CONSOLIDATED NATURAL GAS CO. AND EAST OHIO GAS CO.

ORDER REGARDING PROPOSED INCREASE IN NUMBER OF AUTHORIZED SHARES AND REDUCTION OF PAR VALUE OF COMMON STOCK BY PUBLIC UTILITY COMPANY AND ISSUANCE OF NEW SHARES FOR OLD SHARES HELD BY PARENT HOLDING COMPANY

OCTOBER 25, 1955.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and The East Ohio Gas Company ("East Ohio"), a wholly owned gas utility subsidiary company of Consolidated, having filed with this Commission an application-declaration, and an amendment thereto, pursuant to sections 6 (a), 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions which are summarized as follows:

East Ohio proposes to increase the number of its presently authorized shares from 750,000 shares of capital stock of the par value of $100 each, of which 697,129 shares are issued and outstanding, to 2,500,000 shares of the par value of $50 each, of which 2,091,387 shares, having an aggregate par value of $104,569,350, will be issued.

The new shares will be substituted for the 697,129 shares of the presently issued and outstanding $100 par value shares which have an aggregate par value of $69,712,900 and the sum of $34,856,450 will be transferred from the earned surplus account to the capital stock account of East Ohio, thus making the capital stock account total $104,569,350.

The transactions proposed by East Ohio have been approved by The Public Utilities Commission of Ohio.

It is estimated that the expenses to be incurred in connection with the issuance of the new shares will be $44,000 of which $38,500 represents Federal stamp tax.

Notice of the filing of the application-declaration having been duly given in the manner prescribed by Rule U-23, and no hearing having been ordered by or requested of the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied; and that the application-declaration, as amended, should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be and the same hereby is granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-8752; Filed, Oct. 28, 1955; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6644]

PUGET SOUND POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

OCTOBER 25, 1955.

Notice is hereby given that on October 12, 1955, the Federal Power Commission issued its order adopted October 12, 1955, authorizing issuance of securities in the above-entitled matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8740; Filed, Oct. 28, 1955; 8:46 a. m.]

[Docket No. G-8840]

OHIO FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER

OCTOBER 25, 1955.

Notice is hereby given that on October 13, 1955, the Federal Power Commission issued its findings and order adopted October 12, 1955, issuing a certificate of public convenience and necessity and approving abandonment of facilities in the above-entitled matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8741; Filed, Oct. 28, 1955; 8:46 a. m.]

[Docket Nos. G-8936, G-8937]

LONE STAR GAS CO. AND SPEARMAN GAS CO.

NOTICE OF FINDINGS AND ORDER

OCTOBER 25, 1955.

Notice is hereby given that on October 13, 1955, the Federal Power Commission issued its findings and order adopted October 12, 1955, in the above-entitled matters, issuing a certificate of public convenience and necessity, and authorizing Lone Star Gas Company to acquire and operate the transmission facilities of Spearman Gas Company in Docket No. G-8936, and approving abandonment of these facilities by Spearman Gas Company in Docket No. G-8937.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8742; Filed, Oct. 28, 1955; 8:46 a. m.]

[Docket No. G-9053]

OHIO FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER

OCTOBER 25, 1955.

Notice is hereby given that on October 13, 1955, the Federal Power Commission issued its findings and order adopted October 12, 1955, issuing certificate of public convenience and necessity and granting permission to abandon facilities in the above-entitled matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8743; Filed, Oct. 28, 1955; 8:46 a. m.]

[Docket Nos. G-9091, G-9193]

CITY OF ELBERTON AND CITY OF HARTWELL, GA.

NOTICE OF FINDINGS AND ORDER

OCTOBER 25, 1955.

Notice is hereby given that on October 13, 1955, the Federal Power Commission issued its findings and order adopted October 12, 1955, directing additional sales and deliveries of gas in the above-entitled matters.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8744; Filed, Oct. 28, 1955; 8:46 a. m.]

[Project No. 1381]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER DISMISSING APPLICATION

OCTOBER 25, 1955.

Notice is hereby given that on October 14, 1955, the Federal Power Commission issued its order adopted October 12, 1955, dismissing application for a new license (Transmission Line) in the above-entitled matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8745; Filed, Oct. 28, 1955; 8:46 a. m.]

[Docket No. G-9419]

PIKE NATURAL GAS CO.

NOTICE OF APPLICATION

OCTOBER 25, 1955.

Take notice that on September 29, 1955, Pike Natural Gas Company (Applicant) filed an application, as supplemented on October 13, 1955, for an order pursuant to section 7 (a) of the Natural Gas Act directing Tennessee Gas Transmission Company (Tennessee) to establish physical connection of its facilities with the proposed facilities of Applicant, and to sell natural gas to it. Applicant is an Ohio corporation having its principal place of business in Waverly, Ohio.

Applicant proposes to construct and operate distribution systems in Piketon and Waverly, Ohio, and to continue and expand natural gas service in Beaver, Ohio. Applicant also proposes to construct and operate the necessary transmission facilities connecting the distribution systems with the facilities of Tennessee. The estimated total cost of the proposed facilities is $843,200 to be financed through the issuance of 4¾% first mortgage bonds in the amount of $400,000, and common stock in the amount of $648,000.

The peak day and annual requirements of Applicant are estimated as follows:

Peak Day Requirements

Year:	Mcf (at 14.73 p. s. i. g.)
1956-57	2,579
1957-58	3,535
1958-59	4,518
1959-60	5,100

Annual Requirements

1956	203,601
1957	312,640
1958	405,652
1959	489,371
1960	539,940

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 14, 1955.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8769; Filed, Oct. 28, 1955; 8:51 a. m.]

[Project No. 2194]

CENTRAL MAINE POWER CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

OCTOBER 25, 1955.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Central Maine Power Company, of Augusta, Maine, for license for proposed redevelopment of its existing Bar Mills hydroelectric project, located in the towns of Buxton and Hollis, York County, and on the Saco River, all being in the State of Maine, by reducing the height of the existing concrete dam 1.5 feet, replacing existing 4-foot pin-type flashboards with hinged steel flashboards 6.75 feet high, enlarging the forebay canal, reducing the canal wall for about 90 feet to provide additional spillway capacity, constructing a powerhouse with two 3,000 horsepower turbines connected to two 2,000 kilowatt generators (2,500 Kva 0.8 PF) and a new step-up substation, and installing appurtenant mechanical and electrical facilities. Replacement of the flashboards will increase the pond elevation about 1.25 feet creating a new pond area of about 263 acres.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10) the time within which such petitions must be filed being specified in the rules. The last day upon which protests may be filed is December 19, 1955.

The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8770; Filed, Oct. 28, 1955; 8:51 a. m.]

[Docket No. G-9417]

BYRD OIL CORP. ET AL.

SUPPLEMENTAL ORDER CORRECTING PRIOR ORDER SUSPENDING PROPOSED CHANGES IN RATES

On September 2, 1955, Byrd Oil Corporation (Applicant) tendered for filing Supplement No. 4 to its FPC Gas Rate Schedule No. 7 to be effective October 26, 1955, proposing a change in its presently effective rate schedule for the sale of natural gas to Mississippi River Fuel Corporation from Waskom Field, Harrison County, Texas.

By order issued herein on September 30, 1955, the Commission suspended and deferred the use of the proposed rate increase until March 26, 1956, but through error in its order the supplement was referred to as Supplement No. 5 to FPC Gas Rate Schedule No. 6. This order is issued to correct that error.

The Commission orders: The Commission's order issued September 30, 1955, in Docket No. G-9417 be corrected to provide that Supplement No. 4 to Byrd Oil Corporation et al., FPC Gas Rate Schedule No. 7 be and the same is suspended and the use thereof deferred until March 26, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

Adopted: October 21, 1955.

Issued: October 25, 1955.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8768; Filed, Oct. 28, 1955; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 26, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 31242: *Sugar—Sugarland, Tex., to Shreveport, La.* Filed by Lee Douglass, Alternate Agent, for interested rail carriers. Rates on cane or beet sugar, carloads from Sugarland, Tex., to Shreveport, La.

Grounds for relief: Circuitous routes.

Tariff: Supplement 28 to Agent Brown's I. C. C. 851.

FSA No. 31243: *Cast Iron Pressure Pipe—Between Points in Texas.* Filed by Lee Douglass, Alternate Agent, for interested rail carriers. Rates on cast iron pressure pipe and fittings, carloads between points in Texas over interstate routes.

Grounds for relief: Intrastate competition and circuity.

Tariff: Supplement 7 to Agent Brown's I. C. C. 865.

FSA No. 31245: *Lime—Southern Points to Florida.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on lime, common, hydrated, quick or slack, in bulk, carloads from Graystone, Ala., Knoxville, Tenn., Eagle Rock, Va., and other specified points in Alabama, Tennessee, and Virginia to Gainesville, Ocala, Orlando, and Reddick, Fla.

Grounds for relief: Modified short-line distance formula and circuity.

Tariff: Supplement 49 to Agent Spaninger's I. C. C. 1345.

FSA No. 31246: *Lime—Mobile, Ala., to New Orleans, La.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on lime, carloads from Mobile, Ala., to New Orleans, La.

Grounds for relief: Circuitous route.

Tariff: Supplement 49 to Agent Spaninger's I. C. C. 1345.

FSA No. 31247: *Corn and Wheat—Estill, S. C., to Spartanburg, S. C.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on corn and wheat, carloads from Estill, S. C., to Spartanburg, S. C. (via interstate route) through Augusta, Ga.

Grounds for relief: Competition of carriers forming intrastate routes.

Tariff: Supplement 104 to Agent Spaninger's I. C. C. 1325.

FSA No. 31248: *Scrap Paper—Calhoun, Tenn., to Kalamazoo, Mich.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on paper, scrap or waste, as described, straight or mixed carloads from Calhoun, Tenn., to Kalamazoo, Mich.

Grounds for relief: Circuitous routes.

Tariff: Supplement 4 to Agent Spaninger's I. C. C. 1496.

FSA No. 31249: *Petroleum and Products—Missouri River Points to Nebraska.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on petroleum and its products, tank-car loads from Argentine, Kans., Council Bluffs, Iowa, Kansas City, Mo.-Kans., Omaha, Nebr., and other named Missouri River cities in Iowa, Missouri, and Nebraska to destinations in Nebraska shown in the tariff listed below.

Grounds for relief: Motor-truck competition and circuity.

Tariff: Agent Prueter's tariff I. C. C. A-4122.

FSA No. 31250: *Sorghum Grain and Products-Texas to South.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sorghum grains, sorghum grain sugar syrup, starch and hydrol, as described, carloads from specified points in Texas to specified points in southern territory.

Grounds for relief: Circuitous routes via intermediate transit point, Corpus Christi, Tex.

Tariff: Supplement 40 to Agent Kratzmeir's I. C. C. 3818; Supplement 306 to Agent Kratzmeir's I. C. C. 3571; Supplement 51 to Agent Kratzmeir's I. C. C. 4000.

FSA No. 31251: *Malt Liquors-Peoria, Ill., to Memphis, Tenn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on malt liquors, carloads from Peoria, Ill., to Memphis, Tenn.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 31252: *Automobile Parts-Cleveland, Ohio, and Detroit, Mich., to Atlanta, Ga., and Group.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on automobile parts,

straight or mixed carloads from Cleveland, Ohio and Detroit, Mich., to Army Depot, Atlanta, and Roseland, Ga.

Grounds for relief: Carrier competition and circuity.

AGGREGATE-OF-INTERMEDIATES

FSA No. 31244: *Cast Iron Pressure Pipe Between Points in Texas.* Filed by Lee Douglass, Alternate Agent, for interested rail carriers. Rates on cast iron pressure pipe and fittings, carloads between points in Texas over interstate routes (non-applicable as factors in constructing rates from or to points in other states).

Grounds for relief: Maintenance of rates proposed between points in Texas not applicable as factors in constructing combination rates lower than through one-factor rates from or to points beyond Texas.

Tariff: Supplement 7 to Agent Brown's I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-8761; Filed, Oct. 28, 1955; 8:50 a. m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

FEDERAL REGISTER

UNIVERSITY OF MICHIGAN
DEC 29 1955
MAIN READING ROOM

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MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (i) (1) of § 6.103 is amended as set forth below.

§ 6.103 *Treasury Department.* • • •

(i) *United States Savings Bonds Division.* (1) Positions of State Director and Deputy State Director, and Regional Director and Assistant Regional Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-8855; Filed, Oct. 31, 1955; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 59, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recomemndation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 922.359 (Valencia Orange Regulation 59, 20 F. R. 7959) are hereby amended to read as follows:

(ii) District 2: 323,400 boxes.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 27, 1955.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8790; Filed, Oct. 31, 1955; 8:47 a. m.]

[Docket No. AO-225-A6]

PART 924—MILK IN DETROIT, MICHIGAN, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

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924.0 Findings and determinations.

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FEDERAL REGISTER

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Reprint Notice

A reprint of the Federal Register dated April 8, 1955, is now available.

This issue, containing a 57-page index-digest of Federal laws and regulations relating to the retention of records by the public, is priced at 15 cents per copy.

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AUTHORITY: §§ 924.0 to 924.132 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 924.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Detroit, Michigan, on March 22–25, 1955, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Detroit, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, effective not later than November 1, 1955. Any delay beyond that date in making this order amending the order effective will tend to disrupt the orderly marketing of milk in the Detroit, Michigan, marketing area. The changes effected by this order amending the order do not require persons affected to make substantial or extensive preparation prior to the effective date. Proposed amendments which would result in changes similar to those effected by this order amending the order were considered at a public hearing held in Detroit during March 22–25, 1955; a recommended decision in this proceeding, to which interested parties were given an opportunity to file written exceptions, was filed on September 2, 1955, and a final decision was issued on October 25, 1955. Under these circumstances persons affected by this order amending the order have been afforded a reasonable time within which to prepare for its effective date. Therefore, good cause exists, pursuant to sec. 4 (c) of the Administrative Procedure Act (Public Law 404, 79th Congress, 60 Stat. 237), for making this order amending the order effective November 1, 1955.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, which is marketed within the Detroit, Michigan, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who, during the determined representative period (August 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Detroit, Michigan, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as set forth below:

DEFINITIONS

§ 924.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 924.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 924.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 924.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 924.5 *Detroit, Michigan, marketing area.* "Detroit, Michigan, marketing area," hereinafter referred to as the "marketing area," means all territory, including incorporated municipalities, within the outer boundaries of the townships of Burtchville, Grant, Greenwood, Kenockee, Wales, Clyde, Fort Gratiot, Kimball, Port Huron, St. Clair, China, East China, Ira, Cottrellville and Clay in St. Clair County, the townships of Chesterfield, Sterling, Clinton, Harrison, Warren, Erin, and Lake in Macomb County, the townships of White Lake, Waterford, Pontiac, Avon, Commerce, West Bloomfield, Bloomfield, Troy, Novi, Farmington, Southfield, and Royal Oak in Oakland County, the townships of Ann Arbor, Superior and Ypsilanti in Washtenaw County, the townships of Ash and Berlin in Monroe County and

all of Wayne County, all in the State of Michigan.

§ 924.6 *Handler.* "Handler" means (a) any person who operates a pool plant, (b) any person who operates a nonpool plant from which Class I products are disposed of on a route(s) in the marketing area, or (c) a cooperative association with respect to milk customarily received at a pool plant which is diverted to a nonpool plant for the account of the association.

§ 924.7 *Producer.* "Producer" means a dairy farmer who produces milk which is received directly from the farm at a pool plant or is diverted for a handler's account from a pool plant to a nonpool plant.

§ 924.8 *Producer-handler.* "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers or from a cooperative association.

§ 924.9 *Producer milk.* "Producer milk" means milk delivered by one or more producers.

§ 924.10 *Other source milk.* "Other source milk" means all skim milk and butterfat received by a handler in any form, other than that contained in producer milk and shall include the skim milk equivalent of concentrated products classified as Class I pursuant to § 924.41 (a).

§ 924.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State which the Secretary determines:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales or marketing milk or its products for its members.

§ 924.12 *Base.* "Base" means a quantity of milk, expressed in pounds per day, determined for each producer as provided in §924.70.

§ 924.13 *Base milk.* "Base milk" means milk delivered by a producer each month which is not in excess of his base multiplied by the number of days on which milk is delivered during the month.

§ 924.14 *Excess milk.* "Excess milk" means milk delivered by a producer each month in excess of his base milk.

§ 924.15 *Route.* "Route" means a delivery (other than to a handler) including a sale from a store of a Class I product to a wholesale or retail stop(s).

§ 924.16 *Pool plant.* A "pool plant" shall be any plant meeting the conditions of paragraph (a) or (b) of this section, except the plant of a handler exempted in § 924.101;

(a) Any plant, hereinafter referred to as a "distributing plant", in which milk is pasteurized or packaged for distribution in the marketing area and from which Class I milk is disposed of during the month on a route(s) in the marketing area: *Provided,* That, after August 31, 1956, the total quantity distributed during any of the months of March through August on all routes operated inside or outside the marketing area is equal to 45 percent or more, or during the months of September through February is 55 percent or more, of the receipts from producers, or from other plants, of milk approved by the appropriate health authority for fluid use; or

(b) Any plant, hereinafter referred to as a "supply plant" (1) which is approved by the Department of Health of the City of Detroit, Ann Arbor, Pontiac, or Port Huron, or of Wayne County, and (2) from which during the month not less than 25 percent or the call percentage as defined in § 924.17, whichever is higher, of its dairy farm supply of milk, less any milk disposed of from the plant as Class I other than transfers to other handlers, is moved to a distributing plant(s): *Provided,* That any supply plant which has shipped to a distributing plant(s) the required percentage of its dairy farm supply during each of the months of November 1955 through January 1956 and, in subsequent years, during each of the months of October through January, shall be a pool plant for each of the following months of February through September during which it ships the percentage provided for in any call which may be issued by the market administrator pursuant to § 924.17.

All supply plants which are operated by one handler, or all of the plants from which a handler is responsible for the movement of milk to distributing plants under a marketing arrangement certified to the market administrator by both parties, may be considered as a unit, upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and notice of any change in designation, shall be furnished on or before the 5th working day following the month to which the notice applies. In any of the months of February through September a unit shall not contain plants which were not qualified as pool plants, either individually or as members of another unit, during the previous October through January.

§ 924.17 *Call percentage.* (a) The "call percentage" is the percentage of net receipts at a supply plant (after subtracting any milk disposed of as Class I other than transfers to other pool plants) which such plant is required to ship to a distributing plant(s) in order to qualify as a pool plant pursuant to § 924.16. A call percentage may be announced for any month except April, May, June, or July and shall be issued on or before the first day of the month to which it applies. The call percentage shall be computed by the market administrator from his estimate of the Class I utilization of distributing pool plants during the month for which the call percentage is being computed, plus an operating margin of 15%. From such estimated gross Class I requirements of distributing plants, inclusive of the 15% operating reserve, shall be deducted the estimated receipts directly from producers during such month at such distributing plants and from those supply plants which regularly send their entire available supply to such distributing plants during the months of August through March. The remainder shall be divided by the estimated net available supply (after subtracting any milk estimated to be disposed of as Class I other than transfers to other pool plants) at supply plants other than those regularly shipping their entire supply as described above, and the result shall be multiplied by 75 to determine the call percentage. No call percentage of less than 25 shall be issued.

(b) The market administrator's announcement of a call percentage shall include the historical data on which his estimates of Class I utilization and the various sources of supply are based, together with appropriate explanatory comments on the computations involved.

(c) At any time during a month when it appears that more milk is being delivered to distributing plants than is needed to fulfill their Class I requirements, the market administrator may reduce the call percentage applicable for such month.

MARKET ADMINISTRATOR

§ 924.20 *Market Administrator.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 924.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions;

(d) To recommend amendments to the Secretary.

§ 924.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 924.86:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 924.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made:

(1) Reports pursuant to §§ 924.30 and 924.31, or

(2) Payments pursuant to §§ 924.80 and 924.84.

(g) Calculate a base for each producer in accordance with § 924.70 and advise the producer and the handler receiving the milk of such base;

(h) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part, and

(j) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum class prices for the preceding month computed pursuant to § 924.51 and § 924.52, and the handler butterfat differential computed pursuant to § 924.53, and

(2) On or before the 11th day of each month uniform price, the price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 924.62, 924.63 and 924.64, and the producer butterfat differential computed pursuant to § 924.82.

REPORTS, RECORDS, AND FACILITIES

§ 924.30 *Monthly reports of receipts and utilization.* On or before the 5th working day of each month, each handler shall report to the market administrator for the preceding month, in the detail and on forms prescribed by the market administrator, the following with respect to (a) all producer milk received, (b) all skim milk and butterfat in any form received from other handlers, and (c) all other source milk (except any nonfluid milk product which is disposed of in the same form as received) received at a pool plant(s):

(1) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(2) The utilization or disposition of such receipts; and

(3) Such other information with respect to such receipts and their utilization or disposition as the market administrator may prescribe.

§ 924.31 *Other reports.* (a) Each producer-handler and each handler described in § 924.101 shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of base milk and pounds of excess milk received from each producer, and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer (or to a cooperative association); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 924.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 924.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 924.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a pool plant, or diverted pursuant to § 924.7,

(a) In milk from producers or from a cooperative association (except as provided in § 924.43 (c)),

(b) In any form from other handlers, and

(c) In other source milk required to be reported pursuant to § 924.30; shall be classified (separately as skim milk and butterfat) in the classes set forth in § 924.41.

§ 924.41 *Classes of utilization.* Subject to the conditions set forth in §§ 924.42 and 924.43 the classes of utilization shall be:

(a) Class I utilization shall be all skim milk (including the skim milk equivalent of concentrated products) and butterfat:

(1) Disposed of for consumption in fluid form as milk, flavored milk, skim milk, buttermilk, or half-and-half; and

(2) Not accounted for as Class II utilization.

(b) Class II utilization shall be all skim milk and butterfat:

(1) Disposed of for fluid consumption as sweet or sour cream;

(2) Used to produce sterilized flavored milk drinks, ice cream or ice cream mix, cheese (including cottage cheese), dried whole milk, nonfat dry milk solids, evaporated or condensed whole or skim milk, sweetened or unsweetened, disposed of in bulk or in hermetically sealed cans, eggnog, or butter;

(3) Disposed of as livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion within 18 hours) by the market administrator;

(4) In shrinkage of producer milk up to 2 percent of receipts from producers; or

(5) In shrinkage of other source milk.

§ 924.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler from a pool plant to another pool plant without first having been received for the purpose of weighing and testing in the transferor handler's pool plant shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferor handler in computing his shrinkage.

(c) Producer milk received at a plant from which a route is not operated in the marketing area and transferred in bulk from such plant to a plant from which a route is operated in the marketing area shall be subtracted from the producer milk receipts at the first plant and added to the producer milk receipts at the second plant in computing shrinkage.

§ 924.43 *Transfers.* (a) Skim milk and butterfat disposed of by a handler from a pool plant to the pool plant of another handler (except as provided in paragraph (c) of this section), in the form of milk or skim milk shall be Class I utilization, unless Class II utilization is indicated by both handlers in their reports submitted pursuant to § 924.30: *Provided,* That in no event shall the amount so classified in Class II be greater than the amount of producer milk used in such class by the transferee handler after allocating other source milk in his plant in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat disposed of by a handler from a pool plant to a nonpool plant in the form of milk or skim milk shall be Class I utilization unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest

use. If all or a portion of the milk so transferred is retransferred to a second nonpool plant the same conditions of audit, classification, and allocation shall apply.

(c) Producer milk transferred in bulk by a cooperative association to a pool plant, shall be deducted before classification of producer milk at the transferor's plant and shall be included in producer milk classified at the plant of the transferee handler.

§ 924.44 *Responsibility of handlers and reclassification.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 924.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for such handler.

§ 924.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers.

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § 924.41 (b) (4);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk;

(c) Subtract from the remaining pounds of butterfat in each class, the pounds of butterfat received from other handlers (except from a cooperative as set forth in § 924.43 (c)) in such classes pursuant to § 924.43 (a); and

(d) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section;

(e) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 924.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 924.46.

MINIMUM PRICES

§ 924.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the U. S. D. A.

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month; subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., deduct 5.5 cents and then multiply by 8.2.

(c) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants, except any which meet the qualifications of § 924.6, for which prices have been reported to the market administrator:

Present operator and location

Borden Co., Perrinton, Mich.
Carnation Co., Sheridan, Mich.
Carnation Co., Sparta, Mich.
Fairmont Foods Co., Bad Axe, Mich.
Grand Ledge Milk Co., Grand Ledge, Mich.
Kraft Cheese Co., Clare, Mich.
Kraft Cheese Co., Pinconning, Mich.
Nestle Co., Ubly, Mich.
Pet Milk Co., Hudson, Mich.

§ 924.51 *Class I milk prices.* (a) Except as provided in paragraph (b) of this section, the minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations, during the month, which is classified as Class I utilization shall be the basic formula price plus $1.43.

(b) The percentage which total receipts of producer milk by all handlers during the next two preceding months is of total Class I utilization at all pool plants, exclusive of variation in inventory during such period shall be computed each month by the market administrator and for the month in which the computation is made the Class I price shall be decreased 15 cents if such percentage is 5.0 percentage points or more above the average of the percentages for the corresponding months in the following schedule and increased 15 cents if such percentage is 5.0 percentage points or more below the average of the percentages for the corresponding months in such schedule and the Class I price shall be decreased or increased an additional 15 cents for each additional full 5 percentage points which such ratio of producer milk receipts to Class I utilization is above or below such average percentage:

Month:	*Percentages*
January	125.6
February	126.1
March	130.4
April	137.4
May	146.8
June	152.4
July	138.5
August	136.4
September	126.8
October	121.6
November	120.0
December	125.7

Provided, That in no event shall the Class I price be increased or decreased pursuant to this paragraph by more than 45 cents.

§ 924.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class II utilization, shall be the price per hundredweight as described in § 924.50 (c).

§ 924.53 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to §§ 924.51 and 924.52, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent an amount equal to the producer butterfat differential applicable to milk delivered in the current month.

DETERMINATION OF PRICE TO PRODUCERS

§ 924.60 *Computation of value of milk for each handler.* (a) Subject to paragraphs (b) and (c) of this section, the value of producer milk received during the month by each handler shall be a sum of money computed by the market administrator by multiplying by the applicable class price adjusted pursuant to § 924.53 the total combined hundredweight of skim milk and butterfat received in producer milk allocated to each class pursuant to §§ 924.46 and 924.47, adding together the resulting amounts, and if such handler has a utilization greater than has been accounted for as received from all sources, add an amount computed by multiplying any such excess utilization classified pursuant to § 924.46 (e) and § 924.47 by the applicable class prices.

(b) Each handler operating a pool plant at which other source milk is allocated to Class I pursuant to §§ 924.46 and 924.47 shall pay to the producer equalization fund each month an amount computed by multiplying the hundredweight of milk so allocated by the difference between the Class I and the Class II prices for the month adjusted by (1) a location adjustment, to apply on any other source milk shipped as fluid whole milk or fluid skim milk, at the same rate as specified in paragraph (c) of this section for the location at which the other source milk originates, and (2) the butterfat differentials provided in § 924.53 to the butterfat test of such other source milk.

(c) A handler who operates a pool plant as described in § 924.16 (b) (or § 924.16 (a) and located more than 34 miles by shortest highway distance from the boundary of the market area) and who disposes of, from such plant for Class I utilization (other than to a handler), milk received from producers, and a handler who receives at a plant described in § 924.16 (a) producer milk moved in bulk from a plant described in § 924.16 (b) (or § 924.16 (a) and located more than 34 miles by shortest highway distance from the boundary of the marketing area), which milk is utilized as Class I (prorating to such milk the utilization of all producer milk received at the plant) shall receive a credit with respect to milk so disposed of or so received and utilized at a rate determined by the market administrator as follows:

Shortest road distance from Detroit City Hall:	*Rate per hundredweight*
More than 34 miles but not more than 50 miles	$0.14
More than 50 miles but not more than 60 miles	0.15
Add 1 cent for each 10 miles or fraction thereof over 60 miles.	

§ 924.61 *Computation of the 3.5 percent value of all producer milk.* For each month, the market administrator shall compute the 3.5 percent value of producer milk by:

(a) Combining into one total the individual values of milk of all handlers, computed pursuant to paragraph (a) of § 924.60;

(b) Adding the aggregate value of all allowable producer location adjustments computed at the rates for the appropriate zones as provided in § 924.81;

(c) Adding or subtracting any charges or credits pursuant to § 924.90 (a) or (b);

(d) Adding, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 924.82 multiplied by 10;

(e) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

§ 924.62 *Uniform price.* For each month the uniform price shall be computed by:

(a) Dividing the amount computed pursuant to § 924.61 by the hundredweight of milk received from producers represented by the values included in § 924.61 (a), and

(b) Subtracting not less than 6 cents nor more than 7 cents.

§ 924.63 *Excess milk price.* For each month the excess milk price shall be determined by adding 17 cents to the Class II price determined pursuant to § 924.52.

§ 924.64 *Computation of uniform price for base milk.* (a) Multiply the total pounds of excess milk and milk to be paid for at the excess milk price pursuant to § 924.70 (b) for the month by the excess milk price.

(b) Multiply the total amount of milk to be paid for at the uniform price pursuant to § 924.70 (b), (c), and (d) by the uniform price for the month.

(c) Subtract the total values arrived at in paragraphs (a) and (b) of this section from the total 3.5 percent value of all producer milk arrived at in § 924.61;

(d) Divide the resultant value by the total hundredweight of base milk and milk to be paid for at the base price pursuant to § 924.70 (b); and

(e) Subtract not less than 6 cents nor more than 7 cents. The resultant hundredweight price shall be the uniform price of base milk of 3.5 percent butterfat content received at pool plants.

§ 924.65 *Handler operating a plant which is not a pool plant.* Each handler who operates a nonpool plant from which Class I milk is disposed of on a route(s) in the marketing area during a month, shall in lieu of the payments required pursuant to § 924.80 through § 924.82, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such month, the amount resulting from the computations of either paragraph (a) or paragraph (b) of this section, whichever is less.

(a) The product of the quantity of milk received by such handler which was disposed of in the marketing area on routes as Class I milk during the month multiplied by the difference between the price for Class I milk pursuant to § 924.51 and the price for Class II milk pursuant to § 924.52, adjusted by a location adjustment at the same rate as specified in § 924.60 (c) and by the butterfat differentials provided in § 924.53.

(b) Any plus amount resulting from the following computation. From an amount equal to the net pool obligation which would be computed pursuant to § 924.60 for such handler for such month if such handler operated a pool plant deduct the gross payments made by such handler to those dairy farmers whose milk was approved for fluid use and received during such month.

§ 924.66 *Notification.* On or before the 12th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The base of any producer delivering milk to the handler which was not used in making payments for the previous month;

(c) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(d) The totals of the minimum amounts to be paid by such handler pursuant to §§ 924.80, 924.84, 924.86, 924.87, and 924.90.

BASE RULES

§ 924.70 *Determination of base.* (a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, of any year shall have a base computed by the market administrator to be applicable, subject to § 924.72, for the 12 months' period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such August 1–December 31 period: *Provided*, That a producer who had a base on December 1 and whose average of daily deliveries for the August 1–December 31 period is less than such base shall have a base computed by subtracting from his previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries.

(b) A producer who has no base shall be paid during the first three full months he is a producer the uniform price in each of the months of August through December and in other months, the price applicable to base milk for the following percentages of his milk deliveries and the price applicable to excess milk for the remainder of his deliveries: 75 percent for January and February, 70 percent for March, 60 percent for April and July and 40 percent for May and June. At the conclusion of the first three full months' delivery, a base shall be established in the following manner: Multiply the total deliveries in the months of August and September by 0.8 and October, November and December by 0.9, in January and February by 0.75, in March by 0.7, in April and July by 0.6, and in May and June by 0.4. Add the amounts so computed and divide by the number of days in which milk was delivered during the three months.

(c) Whenever total receipts of producer milk by all handlers during the month are less than 112.5 percent of the total Class I utilization of all milk by handlers during such month, all producers and cooperative associations shall be paid the uniform price for all milk delivered.

(d) A producer who does not forfeit his base pursuant to § 924.71 (c) but who fails to deliver milk on at least 122 days of the August 1 through December 31 period shall have his base for the 12 months beginning the following February 1 computed by dividing the total pounds shipped during the period by 122.

§ 924.71 *Application of bases.* (a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period, and upon death may be transferred to a member or members of the deceased producers' immediate family.

(b) Bases may be transferred under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred:

(1) Upon retirement or entry into military service of a producer, the entire base may be transferred to a member or members of his immediate family.

(2) Bases may be held jointly and if such joint holding is terminated the base may be divided among the joint holders as specified in writing to the market administrator.

(3) Two or more producers with bases may combine those bases upon the formation of a bona fide partnership.

(c) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base except that a producer who suffers the complete loss of his barn as a result of fire or windstorm may retain his base without loss for six months.

§ 924.72 *Establishing a new base.* A producer with a base, by notifying the market administrator that he relinquishes such base, may establish a new base pursuant to § 924.70 (b) once during the 12-month period ending December 31, the period for establishing a new base to begin the first day of the month specified but not earlier than the first day of the month in which such notification is received by the market administrator.

PAYMENT FOR MILK

§ 924.80 *Time and method of payment.* On or before the 15th day after the end of each month each handler who received milk from producers or from a cooperative association shall pay for milk received during such month to each producer, or to a cooperative association for milk received from such association or from producers for the account of such association, the uniform price as provided in § 924.70 (b) and (c) or the base price for base milk and for milk to be paid for at the base price pursuant to § 924.70 (b) and milk transferred pursuant to § 924.43 (c), and the excess price for excess milk and milk to be paid for at the excess price pursuant to § 924.70 (b), adjusted by the butterfat differential pursuant to § 924.82 and any location adjustment pursuant to § 924.81: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 924.85, he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 924.81 *Location adjustments to producers.* In making payments to producers or cooperative associations pursuant to § 924.80 a handler may deduct with respect to all milk received by him from producers at a plant located outside the marketing area and more than 34 miles by shortest highway distance from the Detroit City Hall, as determined by the market administrator, and if milk is distributed from such plant on a route(s) in the marketing area, also located more than 34 miles by the shortest highway distance from the boundary of the marketing area, the amount per hundredweight applicable to the zone in which such plant is located as set forth in § 924.60 (c).

§ 924.82 *Producer butterfat differential.* In making payments pursuant to § 924.80, the base price and excess price or the uniform price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by a butterfat differential of 7 cents when the average price of butter as described in § 924.50 (b) (1) is 60 cents, which differential shall be increased one-half cent for each full 5 cents variance in such price of butter above 60 cents and decreased one-half cent for each full 5-cent variance in such price of butter below 64.99 cents.

§ 924.83 *Producer equalization fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to § 924.84 and out of which he shall make all payments pursuant to § 924.85.

§ 924.84 *Payments to the producer-equalization fund.* (a) On or before the 13th day after the end of each month, each handler whose value of milk is required to be computed pursuant to § 924.60 (a) shall pay to the market administrator any amount by which such value for such month (in the case of a cooperative association which is a handler plus the value of any milk transferred as provided in § 924.43 (c) at the price for base milk for the month adjusted pursuant to § 924.82) is greater than the minimum amount required to be paid by him pursuant to § 924.80.

(b) On or before the 13th day after the end of each month each handler who is required to make payment pursuant to § 924.60 (b) shall pay such amount to the market administrator.

(c) On or before the 25th day after the end of each month each handler who is required to make payment pursuant to § 924.65 shall pay such amount to the market administrator.

§ 924.85 *Payment out of the producer-equalization fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 924.60 (a) (in the case of a cooperative association which is a handler plus the value of any milk transferred as provided in § 924.43 (c) at the price for base milk for the month adjusted pursuant to § 924.82) is less than the total minimum amount required to be paid by him pursuant to § 924.80, less any unpaid obligations of such handler to the market administrator pursuant to § 924.84: *Provided,* That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 924.86 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 13th day after the end of each month two cents per hundredweight, or such amount not exceeding two cents per hundredweight as the Secretary may prescribe with respect to all receipts within the month of milk from producers, including milk of such handler's own production, and all other source milk on which payments are made pursuant to § 924.60 (b) and § 924.65.

§ 924.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 924.80 for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct five cents per hundredweight, or such amount not exceeding five cents per hundredweight as the Secretary may prescribe, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 924.80 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

ADJUSTMENT OF ACCOUNTS

§ 924.90 *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred, following the 5th day after such notice.

§ 924.91 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 924.84, 924.85, 924.86, 924.87, and 924.90 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

APPLICATION OF PROVISIONS

§ 924.100 *Milk caused to be delivered by cooperative associations.* Milk referred to in this part as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association.

§ 924.101 *Handler exemption.* A handler who operates a plant located outside the marketing area from which Class I milk is disposed of on a route(s) within the marketing area but from which the disposition of Class I milk on all routes operating wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers, or a handler whom the Secretary finds is subject, during the delivery period, to another Federal order, and whose disposition of Class I milk in the other Federal marketing area exceeds that in the Detroit marketing area, shall be exempted for such month from all provisions of this part except §§ 924.31, 924.32, and 924.33.

§ 924.102 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 924.31, 924.32, 924.33 and 924.60 (b).

TERMINATION OF OBLIGATIONS

§ 924.110 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 924.120 *Effective time.* The provisions of this part, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 924.121 *When suspended or terminated.* The secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 924.122 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 924.123 *Liquidation.* Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 924.130 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 924.131 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 924.132 *Special reporting dates.* When a holiday prevents normal business activities on any day except Sunday during the first 15 days of the month, those of the dates specified in §§ 924.22 (j) (2), 924.31 (b), 924.66, 924.80, 924.84, 924.85, 924.86, and 924.87 which follow such holiday shall be postponed by the number of days lost as a result of such holiday.

Issued at Washington, D. C., this 27th day of October 1955 to be effective on and after the 1st day of November 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

[F. R. Doc. 55-8801; Filed, Oct 31, 1955; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—CITRUS FRUIT EXPORT PROGRAM WMX 135a

Sec.
517.460 General statement.
517.461 Eligible countries.
517.462 Eligible products and rates of payment.
517.463 Eligibility for payment.
517.464 Product specifications.
517.465 Claims for payment supported by evidence of compliance.
517.466 Records and accounts.
517.467 Amendment and termination.
517.468 Persons not eligible.
517.469 Set-off.
517.470 Joint payment or assignment.
517.471 Good faith.
517.472 Definitions.

AUTHORITY: §§ 517.460 to 517.472 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

§ 517.460 *General statement.* (a) In order to encourage the exportation of certain fresh and processed citrus fruits produced in the United States, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments to U. S. exporters of products listed in § 517.462 which are exported to an eligible country designated in § 517.461, subject to

the terms and conditions set forth in this subpart.

(b) Information pertaining to this offer and forms prescribed for use under this subpart may be obtained from the following Representatives of the Secretary:

West Coast States (including Arizona): Warren C. Noland, Fruit and Vegetable Division, AMS, U. S. Department of Agriculture, 1031 South Broadway, Room 1005, Los Angeles 15, Calif. (Phone: Richmond 9-4711, Extension 286.)

Florida: M. F. Miller, Fruit and Vegetable Division, AMS, U. S. Department of Agriculture, P. O. Box 19, Lakeland, Fla. (Phone: Mutual 6-6731.)

All other States: Norman F. Horsey, Fruit and Vegetable Division, AMS, U. S. Department of Agriculture, Washington 25, D. C. (Phone: Republic 7-4142, Extension 2037.)

(c) Claims for payment (see § 517.465 (a)) shall be filed with the applicable AMS Area Administrative Division listed below:

West Coast States (including Arizona): Western Area Administrative Division, AMS, U. S. Department of Agriculture, 1515 Clay Street, Sixth Floor, Oakland 12, Calif.

Florida and all other States: Eastern Area Administrative Division, AMS, U. S. Department of Agriculture, Washington 25, D. C.

§ 517.461 *Eligible countries.* An eligible country is any country or area specifically named in this section.

Austria.
Belgium.
Denmark.
Finland.
France.
Germany, Federal Republic of.
Greenland.
Iceland.
Ireland (Eire).
Luxembourg.
Netherlands, The.
Norway.
Sweden.
Switzerland.

§ 517.462 *Eligible products and rates of payment.* The applicable rate of payment per unit, or equivalent quantity, for the eligible products listed below shall be as follows:

Eligible products	Unit	Rate
FRESH		
Oranges or grapefruit	Standard nailed box or wirebound crate (1⅗ bushels or larger).	$0.70
Oranges or grapefruit	Half-box carton (⅗ bushel or larger).	.25
PROCESSED		
Single strength orange, grapefruit or blended grapefruit and orange juices.	Net gallon	.09
Grapefruit sections or citrus salad	Net pound	.02
Concentrated orange juice:		
Frozen or canned (hot-pack):		
Dilution factor—1 plus 3:		
Style I (41.5° to 44.0° Brix)	Net gallon	.27
Style II (42.0° to 49.0° Brix)	Net gallon	.29
Canned (hot-pack) or preserved:		
Dilution factors:		
1 plus 5 (57.8° to 61.2° Brix)	Net gallon	.31
1 plus 6 (65.2° to 68.3° Brix)	Net gallon	.31
Concentrated tangerine juice:		
Canned (hot-pack):		
Dilution factor: 1 plus 6 (60.3° to 63.3° Brix)	Net gallon	.31
Concentrated grapefruit juice:		
Frozen:		
Dilution factor—1 plus 3:		
Style I (38° to 42° Brix)	Net gallon	.23
Style II (38° to 48° Brix)	Net gallon	.25
Canned (hot-pack) or preserved:		
Dilution factors:		
1 plus 3 (38° to 42° Brix)	Net gallon	.23
1 plus 4 (45.8° to 49.8° Brix)	Net gallon	.27
1 plus 5 (53.2° to 57.2° Brix)	Net gallon	.31
1 plus 6 (60.0° to 64.0° Brix)	Net gallon	.31
Concentrated blended grapefruit and orange juice:		
Frozen:		
Dilution factor—1 plus 3:		
Style I (40° to 44° Brix)	Net gallon	.23
Style II (40° to 48° Brix)	Net gallon	.25

§ 517.463 *Eligibility for payment*—(a) *Application for export payment.* No payment will be made under this subpart, unless the exporter files an application (see § 517.472 (c)) with the designated Representative of the Secretary, as indicated in § 517.460 (b), nearest the principal office of the exporter, and such application is approved by the Representative of the Secretary. The application must be prepared separately for each sales contract and shall be filed as promptly as possible after the date of sale but in no event later than the date of export. No payment will be made if such application is filed after the date of export unless the Secretary, upon written request by the exporter stating substantial reasons therefor, waives this requirement. The Secretary will approve applications meeting the requirements of this program, so long as funds which have been allocated to this program are available, in the order in which the applications are received or on such other basis as he may determine to be equitable, will give written notice of approval or disapproval to the exporter, and will notify the exporter as promptly as possible after receipt of any application if any information shown in such form does not conform with the terms and conditions of this offer. No payment will be made in excess of the sum indicated in the approved application, unless the Secretary, upon written request by the exporter stating substantial reasons therefor, approves a larger amount.

(b) *Sales contract.* No payment under this subpart will be made in connection with any sales contract unless the date of sale (see § 517.472 (d) and (e)) is on or after the effective date of this offer, except that a sale made prior to the effective date of this offer and expressly made contingent upon the Secretary's issuing this or a similar offer or made contingent upon the buyer benefiting by any payment offered by the Secretary prior to exportation, will be deemed to be a sale made on or after the effective date of this offer. In the event the sales contract covered by any approved application is canceled or will not be completely fulfilled, the exporter shall promptly request the Representative of the Secretary who approved the application to cancel the quantity which will not be exported. Such request shall be made not later than thirty (30) days after the intended date of export shown in the approved application.

(c) *Date of export.* No payment under this subpart will be made in connection with any exportation unless the products are exported during the period specified in paragraph (i) of this section, for the respective eligible products. Products shall be deemed to have been exported when loaded on board the exporting carrier provided such products are not thereafter unloaded from such carrier in the United States, its territories, or possessions, and are not diverted to an ineligible country. The date of export of any lot shall be considered to be the date of loading on board the exporting carrier on which movement of such lot from the United States is effected. The date of the on-board bill of lading (or loading tally sheet, see § 517.465 (a) (3)) shall be considered to be the date the products were loaded on board, unless an "on-board" date is shown.

(d) *Minimum size of lot.* No payment will be made under this subpart for the exportation of any lot of less than one hundred (100) units of any one eligible product. A unit is 1 box, crate, or carton, of fresh fruit, 1 case of citrus products, or 1 gallon or equivalent of concentrated juice. A lot is that quantity of any one eligible product loaded to any one export carrier at any one departure to any one consignee.

(e) *Inspection.* Exporters shall furnish, at no expense to the Secretary, certificates of inspection, as provided in this subpart, for fresh or processed products exported pursuant to this offer indicating that the product meets the applicable requirements set forth in this section and § 517.464. Such certificates for fresh fruit shall be issued by representatives of the Federal or Federal-State Inspection Service and for processed products by representatives of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, USDA. Inspection of all concentrated products containing sweetening ingredients or preservatives shall be performed during the process of manufacture and also on the finished product after processing. For fresh oranges and grapefruit the period from date of completion of inspection for standards for export to date of exportation, both dates inclusive, must not exceed ten (10) days, except that for shipments exported from U. S. North Atlantic and Canadian Atlantic Ports such period must not exceed fifteen (15) days, and for processed products the period from date of completion of inspection to date of exportation, both dates inclusive, must not exceed ninety (90) days: *Provided*, That, if such periods will be exceeded when the eligible product is loaded on board the exporting carrier, the exporter shall prior to such loading obtain, at no expense to the Secretary, certificates of inspection covering, in the case of fresh fruit reinspection for standards for export and, in the case of processed products reinspection for quality and condition: *Except*, That, upon request of the exporter indicating substantial reasons therefor, the Secretary may, if he deems it desirable, waive reinspection requirements and grant an extension of time from date of inspection to date of exportation: *Provided also*, That the Secretary may, at his discretion, have any lot of fresh oranges or grapefruit reinspected at port of export for standards for export. The cost of reinspection made at the discretion of the Secretary will be borne by the Secretary. Any lot of fruit found not to meet program requirements will not be eligible for payments under this program.

(f) *Packaging.* (1) All products to be exported under this program shall be suitably packed for export in new boxes, crates, cartons or cases (or new kegs or barrels for preserved concentrate if so specified in sales contract) acceptable for export shipment in accordance with standard commercial practice and in a manner which reasonably shall assure their arrival in good condition in the country of destination. The best known practices to prevent shrinkage and decay shall be followed in packing fresh fruit for export shipment.

(2) For fresh fruit, only containers meeting the following minimum specifications may be used but the Secretary, upon request by the exporter, may approve [1] other containers:

Name or Kind of Container and Description

Orange and grapefruit box—nailed; freight container tariff Nos. 635 and 675 (inside dimensions 11½ x 11½ x 23$^{15}/_{16}$ inches or 12 x 12 x 24 inches).

Wirebound citrus crate; freight container tariff No. 3690 (inside dimensions 11$^{15}/_{16}$ x 11$^{15}/_{16}$ x 24¼ inches), or the identical container without the center divider.

Fibreboard citrus carton; half-box (⅗ or $^{9}/_{10}$ bushel) made of doubleface corrugated fibreboard, telescope type, or a regular slotted container with a one-piece inside liner around the sides and ends.

The described containers are not intended to be all inclusive but indicate the minimum container requirements under the program. Other containers of heavier construction, which are suitable for exporting fresh fruit, also may be used without prior approval of the Secretary.

(g) *Export shipment.* Fresh oranges shall be exported from other than U. S. North Atlantic and Canadian Atlantic Ports in refrigerated space on ocean carriers and the export bills of lading covering such shipments shall show that the oranges are stowed in refrigerated space. Fresh oranges may be exported from U. S. North Atlantic and Canadian Atlantic Ports in ventilated space on ocean carriers until April 15, 1956, inclusive, following which date export shipments from such ports shall be made in refrigerated space: *Provided*, That fresh California Valencia oranges may be exported from U. S. North Atlantic and Canadian Atlantic Ports in ventilated space on ocean carriers until July 15, 1956, inclusive, following which date export shipments from such ports shall be made in refrigerated space.

(h) *Re-entry or diversion.* The exporter shall undertake, as a part of his application, which is required in paragraph (a) of this section, that the products exported under this program will thereafter not re-enter the United States or its territories or possessions, or be diverted to other than an eligible country as listed herein, in fresh or processed form. In the event of such reentry or diversion to other than an eligible country, the exporter shall refund to the Secretary any export payment received under this offer with respect to the quantity so re-entered or diverted.

(i) *Periods for export.* Products to be exported under applications approved pursuant to this program shall be exported during the following periods, both dates inclusive:

Fresh oranges and grapefruit produced in California or Arizona, November 1, 1955, to September 30, 1956.

Fresh oranges and grapefruit produced in Florida or Texas, November 1, 1955, to June 15, 1956.

All processed products, November 1, 1955, to October 31, 1956.

§ 517.464 *Product specifications.* No payment will be made under this subpart unless the respective products exported meet the following applicable requirements. "United States Standards" or "U. S. Standards" for the respective products, as used in this section, have reference to such standards which are in effect on the date of inspection.

(a) *Fresh fruit.* (1) Fresh oranges produced in California or Arizona shall at least meet the requirements of U. S. No. 2 grade with not less than 85 percent U. S. No. 1 quality: *Provided*, That not more than a total tolerance of 5 percent shall be allowed for defects causing very serious damage. In addition, such oranges shall meet the requirements of Standards for Export, shall be individually wrapped, or packed in containers with biphenyl-treated pads or liners, and shall be packed in accordance with the requirements of Standard Pack: *Provided*, That oranges jumble packed in fiberboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be well filled: *And provided, further*, That oranges place packed in fiberboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack and fill of container but such containers shall be at least fairly well filled and shall contain at least the count of fruit stamped on the container. Notwithstanding any other provision of this subparagraph, in the event any lot of fruit is exported from a U. S. North Atlantic or Canadian Atlantic port and is initially inspected or reinspected at such port, such lot shall be deemed to meet the requirements of this subparagraph with respect to decay if, at the time of such inspection or reinspection, not more than 1 percent of the fruit in such lot and not more than 4 percent of the fruit in any container in such lot is affected by decay. As used in this paragraph, "U. S. No. 1," "U. S. No. 2," "Standard Pack," and "Standards for Export" shall have the same meanings as defined in "U. S. Standards for Oranges (Calif. & Ariz.)."

(2) Fresh oranges produced in Florida or Texas, except for discoloration, shall at least meet the requirements of U. S. No. 2 grade with not less than 85 percent U. S. No. 1 quality. In addition, such oranges shall at least meet the requirements of U. S. No. 1 Bronze grade for discoloration, shall be individually wrapped with biphenyl-treated paper, or packed in containers with biphenyl-treated pads or liners, and shall be packed in accordance with the requirements of Standard Pack: *Provided*, That oranges packed in 1⅗ bushel boxes or fiberboard containers shall be regarded as "fairly uniform in size" when not more than 10 percent, by count, of the oranges in any container are not more than one standard size larger or smaller than the standard size orange for the count packed: *And provided, further*, That oranges place packed or jumble packed in fiberboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be at least fairly well filled. Such oranges shall also meet the following standards for export: Not more than a total of 10 percent, by count, of the fruit in any container shall be soft, affected by decay, damaged by skin breakdown, have broken skins which are not healed, growth cracks, damage by creasing, or serious damage by dryness or mushy condition, except that for any lot—

Not more than 5 percent of the fruit shall be soft;

Not more than ½ of 1 percent of the fruit shall be affected by decay;

Not more than 5 percent of the fruit shall be damaged by skin breakdown;

Not more than 3 percent of the fruit shall have broken skins which are not healed;

Not more than 3 percent of the fruit shall have growth cracks;

Not more than 5 percent of the fruit shall be damaged by creasing; and

Not more than 5 percent of the fruit shall be seriously damaged by dryness or mushy condition.

Any lot of oranges shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided*, That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the fruit in any container has any of the defects enumerated in the standards for export. Notwithstanding any other provision of this subpara-

[1] Such approval may be conditioned upon agreement by the exporter that a report will be filed with the Representative of the Secretary stating whether (a) the container was acceptable to the carrier, (b) the container was acceptable to the foreign buyer, and (c) the container carried the fruit satisfactorily.

graph, in the event any lot of fruit is exported from a U. S. North Atlantic or Canadian Atlantic port and is initially inspected or reinspected at such port, such lot shall be deemed to meet the requirements of this subparagraph with respect to decay if, at the time of such inspection or reinspection, not more than 1 percent of the fruit in such lot and not more than 4 percent of the fruit in any container in such lot is affected by decay. As used in this paragraph, "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 2," and "Standard Pack" shall have the same meanings as defined in "United States Standards for Florida Oranges and Tangelos," and "United States Standards for Oranges (Texas and States other than Florida, California and Arizona)."

(3) Fresh grapefruit produced in California or Arizona shall at least meet the requirements of U. S. No. 2 grade with not less than 85 percent U. S. No. 1 quality: *Provided*, That not more than a total tolerance of 5 percent shall be allowed for defects causing very serious damage. In addition, such grapefruit shall meet the requirements of Standards for Export, shall be individually wrapped, or packed in containers with biphenyl-treated pads or liners, and shall be packed in accordance with the requirements of Standard Pack: *Provided*, That grapefruit jumble packed in fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be well filled; *And provided, further*, That grapefruit place packed in fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack and fill of container but such containers shall be at least fairly well filled and shall contain at least the count of fruit stamped on the container. Notwithstanding any other provision of this subparagraph, in the event any lot of fruit is exported from a U. S. North Atlantic or Canadian Atlantic port and is initially inspected or reinspected at such port, such lot shall be deemed to meet the requirements of this subparagraph with respect to decay if, at the time of such inspection or reinspection, not more than 1 percent of the fruit in such lot and not more than 4 percent of the fruit in any container in such lot is affected by decay. As used in this paragraph "U. S. No. 1," "U. S. No. 2," "Standard Pack," and "Standards for Export" shall have the same meanings as defined in "U. S. Standards for grapefruit (California and Arizona)."

(4) Fresh grapefruit produced in Florida or Texas, except for discoloration, shall at least meet the requirements of U. S. No. 2 grade with not less than 85 percent U. S. No. 1 quality. In addition, such grapefruit shall at least meet the requirements of U. S. No. 1 Bronze Grade for discoloration, shall be individually wrapped with biphenyl-treated paper, or packed in containers with biphenyl-treated pads or liners, and shall be packed in accordance with the requirements of Standard Pack: *Provided*, That grapefruit packed in fibreboard containers shall be regarded as "fairly uniform in size" when not more than 5 percent, by count, of the grapefruit in any container are not more than one standard size larger or smaller than the standard size grapefruit for the count packed; *And provided, further*, That grapefruit place packed or jumble packed in fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be at least fairly well filled. Such grapefruit shall also meet the following standards for export: Not more than a total of 10 percent, by count, of the fruit in any container shall be soft, affected by decay, damaged by skin breakdown, have broken skins which are not healed, growth cracks, or serious damage by dryness or mushy condition, except that for any lot—

Not more than 5 percent of the fruit shall be soft;

Not more than ½ of 1 percent of the fruit shall be affected by decay;

Not more than 5 percent of the fruit shall be damaged by skin breakdown;

Not more than 3 percent of the fruit shall have broken skins which are not healed;

Not more than 3 percent of the fruit shall have growth cracks; and

Not more than 5 percent of the fruit shall be seriously damaged by dryness or mushy condition.

Any lot of grapefruit shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided*, That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the fruit in any container has any of the defects enumerated in the standards for export. Notwithstanding any other provision of this subparagraph, in the event any lot of fruit is exported from a U. S. North Atlantic or Canadian Atlantic port and is initially inspected or reinspected at such port, such lot shall be deemed to meet the requirements of this subparagraph with respect to decay if, at the time of such inspection or reinspection, not more than 1 percent of the fruit in such lot and not more than 4 percent of the fruit in any container in such lot is affected by decay. As used in this paragraph, "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 2," and "Standard Pack" shall have the same meanings as defined in "U. S. Standards for Florida Grapefruit," and in "United States Standards for Grapefruit (Texas and States other than Florida, California and Arizona)."

(b) *Processed products.* All processed products shall be prepared and processed under sanitary conditions and in accordance with good commercial practice; and the product(s), including any labeling, shall conform in every respect with the provisions of the Federal Food, Drug, and Cosmetic Act and regulations promulgated thereunder. All containers shall be sound and clean. Cans shall be free from rust and serious dents.

(1) Canned (single-strength) orange juice shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Canned Orange Juice."

(2) Canned (single-strength) grapefruit juice shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Canned Grapefruit Juice."

(3) Canned (single-strength) blended grapefruit and orange juice shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Canned Blended Grapefruit Juice and Orange Juice."

(4) Frozen concentrated orange juice shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Frozen Concentrated Orange Juice."

(5) Frozen concentrated grapefruit juice shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Frozen Concentrated Grapefruit Juice."

(6) Frozen concentrated blended grapefruit and orange juice shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Frozen Concentrated Blended Grapefruit Juice and Orange Juice."

(7) Canned citrus salad shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Canned Grapefruit and Orange for Salad."

(8) Canned grapefruit sections shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Canned Grapefruit."

(9) Frozen grapefruit sections shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Frozen Grapefruit."

(10) Canned (hot-pack) or preserved concentrated grapefruit juices shall meet the following requirements:

(i) General: The product shall be prepared from the unfermented juice obtained from sound, mature fruit of the grapefruit tree (Citrus paradisi). Canned concentrated juices shall be sufficiently processed by heat to assure preservation of the product in hermetically sealed containers. Preserved concentrated grapefruit juice shall be prepared with the addition of suitable chemical preservatives as specified. All containers shall be sound and clean. Cans shall be free from rust and serious dents.

(ii) Canned concentrated grapefruit juice (1 plus 3 or 1 plus 4 or 1 plus 5 or 1 plus 6) shall meet the requirements of U. S. Grade A as defined in "Tentative United States Standards for Grades of Canned Concentrated Grapefruit Juice."

(iii) Preserved concentrated grapefruit juice (1 plus 3 or 1 plus 4 or 1 plus 5 or 1 plus 6): (*a*) The concentrated grapefruit juice, prior to the addition of chemical preservatives, shall meet the requirements of subdivision (ii) of this subparagraph.

(*b*) Sulphur dioxide alone or sodium benzoate or benzoic acid or any combination of sodium benzoate and benzoic acid shall be added within the following ranges but only in a quantity necessary as a preservative for the respective concentrations:

Sulphur dioxide: 350 p. p. m. to 750 p. p. m.
Sodium benzoate and/or benzoic acid: 1/10 of 1 percent to 4/10 of 1 percent.

(11) Canned (hot-pack) concentrated (1 plus 3) orange juice shall meet the requirements of U. S. Grade A, Style I or Style II, Dilution factor of "1 plus 3", as defined in "United States Standards for Grades of Canned Concentrated Orange Juice."

(12) Canned (hot-pack) concentrated orange juice (1 plus 5 or 1 plus 6) shall meet the requirements of U. S. Grade A, Style I, or U. S. Grade A for Manufacturing, Dilution factor of "1 plus 5" or "1 plus 6" whichever is applicable, as defined in "United States Standards for Grades of Canned Concentrated Orange Juice," or "United States Standards for Grades of Concentrated Orange Juice for Manufacturing." The canned concentrate, if produced from navel oranges, may possess a characteristic bitter flavor in the reconstituted product, provided such bitterness does not seriously affect the palatability of the product, and provided further, that the sales contract specifically calls for navel concentrated orange juice.

(13) (i) Preserved concentrated orange juice (1 plus 5 or 1 plus 6) shall meet the requirements of U. S. Grade A for Manufacturing, Dilution factor of "1 plus 5" or "1 plus 6," whichever is applicable, as defined in "United States Standards for Grades of Concentrated Orange Juice for Manufacturing." The canned concentrate, if produced from navel oranges, may possess a characteristic bitter flavor in the reconstituted product, provided such bitterness does not seriously affect the palatability of the product, and provided further, that the sales contract specifically calls for navel concentrated orange juice.

(ii) Sulphur dioxide alone or sodium benzoate or benzoic acid or any combination of sodium benzoate and benzoic acid shall be added within the following ranges but only in a quantity necessary as a preservative for the respective concentrations:

Sulphur dioxide: 350 p. p. m. to 750 p. p. m.
Sodium benzoate and/or benzoic acid: 1/10 of 1 percent to 4/10 of 1 percent.

(14) Canned (hot-pack) concentrated tangerine juice (1 plus 6) shall meet the requirements of U. S. Grade A for Manufacturing, Dilution factor of "1 plus 6," as defined in "United States Standards for Grades of Concentrated Tangerine Juice for Manufacturing."

(15) Chemical methods: Chemical analyses shall be made in accordance with the methods of the Association of the Official Agricultural Chemists or in accordance with methods that give equivalent result.

§ 517.465 *Claims for payment supported by evidence of compliance.* (a) The exporter shall file claims for payment with the AMS Area Administrative Division listed in § 517.460 (c) not later than sixty (60) days after the date of export of such lot: *Provided*, That, upon request of the exporter indicating substantial reason therefor, the Secretary may, if he deems it desirable, grant an extension of time for such filing. Each claim for payment shall be filed in an original and two copies on voucher Form AMS–21 or CSS–21, "Public Voucher—Commodity Programs," shall show the serial number of the related approved application, and shall be supported by:

(1) One certified copy of the sales contract;

(2) One certified copy of the sales invoice to the buyer showing:

(i) The f. a. s. sales price,

(ii) The payment to be made by the Secretary,

(iii) The balance f. a. s. U. S. Port to be paid by the buyer (other charges, if any, such as ocean freight, insurance, etc., shall be shown separately on the invoice), and

(iv) In the case of an invoice to a party named by the buyer as the party to be billed, the exporter shall furnish a certified copy of the directions by the buyer to bill such party;

(3) One copy of the on-board export bill of lading signed by an agent of the exporting carrier (except that where loss, destruction or damage occurs subsequent to loading on board exporting carrier but prior to issuance of the on-board bill of lading, one copy of a loading tally sheet or similar document may be submitted in lieu of such bill of lading) and in the case of exportation via a contiguous country, one signed copy of the on-board bill of lading covering the movement from such contiguous country;

(4) The original (or a signed copy) of the inspection certificate(s) required in § 517.463 (e), and;

(5) Such other documents, if any, as may be required by the Secretary, evidencing purchase, sale and exportation of the commodity on which payment is claimed.

(b) The export bill of lading must show the quantity and description of the commodity, inspection certificate number, or other reference sufficient to relate the commodity loaded on board the export carrier to the commodity covered by the related inspection certificate, the date and place of loading, the fact that such commodity is on board, the destination of the commodity, the name and address of both the exporter and consignee, and, in the case of fresh oranges, whether they are stowed in refrigerated space. If the shipper or consignor named in such bill of lading is other than the exporter (seller) named in the application, the exporter shall furnish with each copy of such bill of lading a waiver by such shipper or consignor, in favor of such exporter, of any right to claim payment under this program for the commodity covered by such bill of lading. If the bill of lading shows the name of a consignee different from that appearing as the buyer on the contract under which the bill of lading is made, the exporter shall accompany his claim on the exportation covered by such bill of lading with a certification that the shipment under that bill of lading is to the buyer named in the contract and is made pursuant to that contract.

(c) The foregoing required evidence will not be accepted as conclusive if the Secretary has reason to believe that exportation of all or any quantity of the products was not actually accomplished or that there has not been compliance with other requirements of this offer, and in any such instance the Secretary may require such additional evidence as he deems reasonable.

§ 517.466 *Records and accounts.* The exporter shall maintain adequate records showing purchases, sales, and deliveries of products exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for at least two years after the effective date of this program.

§ 517.467 *Amendment and termination.* The Secretary may amend or terminate this program at any time upon public announcement thereof. Such amendment or termination, however, shall not apply to applications approved under the program prior to the effective time of such amendment or termination.

§ 517.468 *Persons not eligible.* No member of, or Delegate to, Congress or Resident Commissioner shall be admitted to any payment made under this program or to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit, or to such person in his capacity as a farmer (grower of the products exported).

§ 517.469 *Set-off.* The Secretary may set-off, against any amount owed to any exporter hereunder, any amount owed by such exporter to Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States. Setting-off as provided in this subpart shall not deprive the exporter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 517.470 *Joint payment or assignment.* An exporter may name a joint payee on vouchers for payment or may assign the proceeds of any application for export payment to a recognized financing institution, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law No. 811, 76th Congress, as amended: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of assignment, in accordance with the instructions on Form AMS–66 "Notice of Assignment" which form must be used in giving notice of assignment to the Representative of the Secretary. The "Instrument of Assignment" may be executed on Form AMS–347 or the assignee may use his own form of assignment. The AMS forms may be

obtained from any Representative of the Secretary.

§ 517.471 *Good faith.* Whereas it is the intent of this program to encourage the exportation of fresh and processed oranges (including concentrated tangerine juice) and grapefruit produced in the United States by making such products available to foreign buyers at prices below domestic market prices in the amount of the payment offered in this subpart; now, therefore, if the Secretary determines that any exporter has not acted in good faith in carrying out the purpose of this program, has not passed on to foreign buyers the incentive payment offered in this subpart, or otherwise fails to discharge fully any obligation assumed by him under this program, such exporter may be denied the right to continue participating in this program, or the right to receive payment under this program in connection with any exportation previously made under this program, or both.

§ 517.472 *Definitions.* As used in §§ 517.460 to 517.472, the following terms have the following meanings:

(a) "Secretary" means the Secretary of the United States Department of Agriculture, or any authorized Representative of the Secretary.

(b) "Exporter" means any individual, corporation, partnership, association, or other business entity, located in the United States and engaged in the business of selling and exporting fresh or processed citrus fruits, produced and packed in the continental United States.

(c) "Application" means Form FV-461, "Application for Expert Payment."

(d) "Sales contract" may be in the form of offer and acceptance, confirmation of sale or purchase, or other documentary evidence of consummation of sale including contracts between exporter and buyer, and includes a transaction involving the transfer of a product from an exporter to his foreign branch, affiliate or associate. Such sales contract may, however, be conditioned upon contingencies or events over which the exporter has no control, such as the allocation of the necessary dollars by the eligible foreign country, or the making of an export payment by the Secretary in connection with the particular sales contract pursuant to this offer.

(e) "Date of sale" means the date on which both buyer and seller signed a written contract, or the date on which buyer accepts an offer of sale or confirms the purchase, or the date on which the seller accepts an offer to purchase or confirms the sale. In the event documentary evidence does not clearly establish the date of consummation of sale, the date of sale shown in the application will be considered to be the date the sale was consummated.

(f) "F. a. s." means free alongside ship or other export carrier.

(g) "On-board export bill of lading" includes any bill of lading covering the exportation of fresh or processed oranges (including concentrated tangerine juice) or grapefruit from the United States.

(h) "Public announcement" and "public notice" means the issuance of a press release or the publication of a notice in the FEDERAL REGISTER.

(i) "Certified" means a written, signed declaration, contained in or attached to any document, stating that the document is a true and correct copy of the original of such document.

(j) "Filed." Applications, claims, and related documents are deemed to be filed when they are postmarked, if mailed, or when received by the designated AMS office if otherwise delivered.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This offer shall be effective November 1, 1955.

Dated this 27th day of October 1955.

[SEAL] G. R. GRANGE,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 55-8811; Filed, Oct. 31, 1955; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 620—SECURITY CONTROL OF AIR TRAFFIC

REVISION OF PART

Pursuant to section 1201 of the Civil Aeronautics Act of 1938, as amended (64 Stat. 825; 49 U. S. C. Supp 701), the President determined in Executive Order 10197 (published on December 22, 1950, in 15 F. R. 9180) that it is necessary in the interest of national security to establish security provisions for the use of aircraft in designated areas in the airspace above the United States, its Territories, and its Possessions (including areas of land or water administered by the United States under international agreement). In accordance with such determination and the authority delegated to me by the Secretary of Commerce (published on January 4, 1951, in 16 F. R. 99), Part 620 was adopted. This part, as amended, is revised herewith as recommended by the Board for Security Control of Air Traffic in Air Defense after coordination with the Department of Defense, the Civil Aeronautics Board, and representatives of the industry. The Air Defense Identification Zones in the Continental United States are generally reduced in area along the boundaries of the country. Two new ADIZ's are designated which enclose the northeastern area of the United States and the area west of the Continental Divide. These two areas are designated as the Eastern Defense Area and the Western Defense Area. Flights entering these areas or any ADIZ are required to comply with Part 620, but exceptions are made for flights departing these areas. Although the 4,000-foot exception has been removed, aircraft which maintain a true air speed of 110 knots or less and an altitude of 1,500 feet or less above the terrain are now exempt from the requirements of this Part. A military function of the United States is involved. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 620 is revised to read:

Subpart A—Introduction

Sec.
620.1 Basis and purpose.
620.2 Definitions.

Subpart B—Operating Rules

620.10 Scope.
620.11 Flight plans.
620.12 Reporting points.
620.13 Authorized exceptions.
620.14 Adherence to flight plans or air traffic clearances.
620.15 Emergency situations.
620.16 Radio failure.
620.17 Air defense security instructions.
620.18 Violations.

Subpart C—Designated Air Defense Identification Zones and Defense Areas

620.20 General.
620.21 Domestic ADIZ's.
620.22 Coastal ADIZ's.
620.23 Defense areas.

AUTHORITY: §§ 620.1 to 620.23 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 1201-1204, 64 Stat. 825; 49 U. S. C. 701-704.

SUBPART A—INTRODUCTION

§ 620.1 *Basis and purpose*—(a) *Basis.* This part is issued pursuant to sections 205 and 1201-1204 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 984, 64 Stat. 825; 49 U. S. C. and Sup. 425, 701-704); Executive Order 10197 (15 F. R. 9180); and Department of Commerce Order 86, Amendment 5 (16 F. R. 99).

(b) *Purpose.* This part establishes rules which have been found necessary in the interest of national security to identify, locate, and control United States and foreign aircraft operated within areas designated by the Administrator of Civil Aeronautics as Air Defense Identification Zones (ADIZ).

§ 620.2 *Definitions.* As used in this part, the following words shall mean:

(a) *Aircraft.* Any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.

(b) *Air Defense Identification Zone (ADIZ).* Airspace of defined dimensions designated by the Administrator of Civil Aeronautics within which the ready identification, location, and control of aircraft is required in the interest of the national security.

(1) *Domestic Air Defense Identification Zone.* An Air Defense Identification Zone within the United States or along an international boundary of the United States.

(2) *Coastal Air Defense Identification Zone.* An Air Defense Identification Zone over the coastal waters of the United States.

(c) *Open area.* An area within the Continental United States not designated as an ADIZ or Defense Area within which the flight of aircraft is restricted by the provisions of this part, only during an Air Defense Emergency.

(d) *Defense area.* Airspace of defined dimensions designated by the Administrator of Civil Aeronautics within which the ready control of aircraft is required in the interest of the national security during an Air Defense Emergency.

(e) *Air defense emergency.* Any state of events which indicates to Commander in Chief, Continental Air Defense Command, or higher authority that hostile action is in progress or is imminent or is sufficiently probable as to require, in the interest of national security, the implementation of any portion of approved plans and agreements for the defense of the United States.

(f) *Appropriate aeronautical facility.* The normal communications facility with which flight plans or position reports are filed.

(g) *CAA-Airways operations facility.* A Civil Aeronautics Administration control tower, air route traffic control center, or communications station.

(h) *Flight plan.* Specified information which is filed either verbally or in writing with an appropriate aeronautical facility relative to the intended flight of an aircraft.

(i) *Foreign aircraft.* An aircraft other than a United States aircraft defined in paragraph (o) of this section.

(j) *IFR flight.* A flight conducted under the instrument flight rules of the air traffic rules of Part 60 of this title.

(k) *Operate aircraft.* The use of aircraft, for the purpose of air navigation and includes the navigation of aircraft. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of aircraft.

(l) *Person.* Any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(m) *Reporting point.* A geographical location in relation to which the position of an aircraft is reported.

(n) *United States.* The several States, the District of Columbia, and the several Territories and possessions of the United States (including areas of land or water administered by the United States under international agreement), including the Territorial waters and the overlying airspace thereof.

(o) *United States aircraft.* (1) An aircraft registered with the Administrator of Civil Aeronautics as a "civil aircraft of the United States",

(2) An aircraft of the national defense forces of the United States, or

(3) An aircraft of the Federal Government, or of a State, Territory or Possession of the United States, or the District of Columbia, or of any political subdivision thereof which has been registered with the Administrator of Civil Aeronautics.

(p) *VFR flight.* A flight conducted under the Visual Flight Rules of the air traffic rules of Part 60 of this title.

SUBPART B—OPERATING RULES

§ 620.10 *Scope.* Aircraft shall not be operated into or within and Air Defense Identification Zone (ADIZ) prescribed by the Administrator in Subpart C of this part in violation of the rules stated in this subpart.

NOTE: These Air Defense Identification Zones are depicted in CAA Flight Information Manual, Radio Facility Charts published by the Coast and Geodetic Survey, and USAF and Navy Radio Facility Charts.

§ 620.11 *Flight plans.* Unless otherwise authorized under § 620.13, prior to penetrating an ADIZ or prior to takeoff from a point within an ADIZ, a flight plan shall be filed with an appropriate aeronautical facility.

NOTE: Pilots are urged to file flight plans in person or by telephone prior to take-off. Within the Continental United States, a pilot unable to file in person may file a DVFR flight plan by placing a collect telephone call to the nearest CAA communications station or other CAA facility. (Standard procedures for making use of this service are published in the Airman's Guide and Flight Information Manual.)

(a) *IFR flights.* Unless an abbreviated flight plan is authorized by air traffic control, the flight plan shall contain the following information:

(1) Aircraft identification, and if necessary, radio call sign;

(2) Type of aircraft, or in the case of a formation flight, the types and number of aircraft involved;

(3) Full name, address, and number of pilot certificate of pilot in command of the aircraft, or of the flight commander if a formation flight is involved;

(4) Point of departure;

(5) Cruising altitude, or altitudes, and the route to be followed;

(6) Point of first intended landing;

(7) Proposed true air speed at cruising altitude;

(8) Radio transmitting and receiving frequencies to be used;

(9) Proposed time of departure;

(10) Estimated elapsed time until arrival over the point of first intended landing;

(11) Alternate airport or airports;

(12) Amount of fuel on board expressed in hours;

(13) Any other information which the pilot in command of the aircraft, or air traffic control, deems necessary for air traffic control purposes;

(14) For international flights, the number of persons on board.

(b) *VFR flights.* Unless an abbreviated flight plan is authorized by air traffic control, the flight plan shall contain the information specified in paragraphs (a) (1) through (10) of this section. Such a flight plan shall be designated by the pilot in command as a Defense Visual Flight Rules (DVFR) flight plan.

(c) *Notification of arrival.* If a DVFR flight plan has been filed, or if an IFR flight plan has been filed for a flight for which an air traffic control clearance is not required, the pilot in command of the aircraft, upon landing or completion of the flight, shall file an arrival or completion notice with the nearest CAA communications station or control tower, unless the pilot in command states in the flight plan that no arrival notice will be filed.

NOTE: Pilots are urged to file flight plans either in person or by telephone. Flight plans filed by radio while in flight may result in interception of the aircraft to confirm its identity.

§ 620.12 *Reporting points*—(a) *Flights within or penetrating a Domestic ADIZ.* Unless otherwise authorized under § 620.13:

(1) *IFR flights*—(i) *Within control zones and areas.* Position reports shall be made as required by the Instrument Flight Rules of Part 60 of this title.

(ii) *Outside control zones and areas.* The reporting procedures specified for DVFR flights will apply.

(2) *DVFR flights.* The pilot in command of an aircraft shall not operate an aircraft into or within an ADIZ unless the aircraft is equipped with a functioning two-way radio and shall not enter an ADIZ until:

(i) He has reported to an appropriate aeronautical facility the time, position, and altitude at which the aircraft passed the last reporting point along the flight path of the aircraft prior to penetration of an ADIZ and his estimated time over the next reporting point along the intended flight path of the aircraft; or if it is not practicable to comply with this reporting procedure.

(ii) A report which contains the estimated time, position, and altitude at which he will penetrate the ADIZ has been made to an appropriate aeronautical facility at least fifteen minutes prior to penetration.

NOTE: A pilot of an aircraft departing from an airport too close to an ADIZ boundary to reach cruising altitude before entering the ADIZ or to report an estimated time and place of penetration at least 15 minutes prior to penetration will be considered to have complied with 620.12 and 620.14:

Provided, He reports immediately after takeoff the departure time with an estimate at the first reporting point along the flight path.

(b) *Aircraft entering the United States through a Coastal ADIZ*—(1) *United States aircraft.* The reports prescribed in paragraph (a) of this section are required.

(2) *Foreign aircraft.* The pilot in command of a foreign aircraft shall not operate an aircraft into the United States without:

(i) Making position reports as prescribed for United States aircraft in subparagraph (1) of this paragraph, or

(ii) Reporting to an appropriate aeronautical facility when the aircraft is not less than one hour and not more than two hours average cruising distance via the most direct route, from the United States. Thereafter, reports shall be made as instructed by the facility receiving the original report.

NOTE: Operators of foreign aircraft who exercise the optional position reporting method described in subdivision (ii) of this subparagraph are cautioned that this pro-

cedure does not eliminate the position reporting requirements prescribed for the control of air traffic.

§ 620.13 *Authorized exceptions.* The provisions of this subpart except for § 620.17 are not applicable to the following aircraft operations:

(a) *Speeds excepted.* Aircraft operating into or within an ADIZ at true air speeds of 110 knots or less if the flight is conducted at an altitude of 1,500 feet or less above the terrain.

(b) *Altitudes excepted*—(1) *Hawaiian ADIZ.* Aircraft operating within the Hawaiian ADIZ on inter-Hawaiian Island flights on Red Civil Airway No. 87 southeast of the Island of Oahu, below seven thousand (7,000) feet MSL.

(2) *Alaskan Domestic ADIZ.* Aircraft operating within the Alaskan Domestic ADIZ on a VFR flight originating from within the Alaskan Domestic ADIZ if:

(i) The flight is confined to altitudes of 4,000 feet or less above the immediate terrain; and

(ii) The aircraft is flown no closer than 500 feet to any other aircraft.

(c) *Areas or routes excepted*—(1) *General.* Flights exempted by a CAA air route traffic control center. Such flights shall be operated in accordance with the instructions, if any, issued at the time the exemption is granted.

NOTE: Flights which may be exempted, after approval has been obtained from appropriate military commanders, are (a) flights wholly within the boundaries of an ADIZ, (b) flights not currently of significance to the air defense system, or (c) military flights which are conducted in accordance with special procedures prescribed by appropriate military authorities.

(2) *Continental United States.* (i) A flight originating within the Eastern Defense Area which maintains an outbound track into or through the Eastern ADIZ, Northern ADIZ, Presque Isle ADIZ, or Southern Border ADIZ without penetrating the Albuquerque ADIZ, Western ADIZ, or a Coastal ADIZ.

(ii) A flight originating within the Western Defense Area which maintains an outbound track into or through the Western ADIZ, Northern ADIZ, or Southern Border ADIZ without penetating the Albuquerque ADIZ, Eastern ADIZ, or a Coastal ADIZ.

(iii) A flight originating within the Central Open Area which maintains an outbound track into or through the Northern ADIZ or Southern Border ADIZ without pentrating the Albuquerque ADIZ, Eastern ADIZ, or Western ADIZ.

(iv) A flight originating in the Albuquerque ADIZ proceeding outbound into the Central Open Area without penetrating the Eastern or Western ADIZ: *Provided*, The route of flight passes no closer to Albuquerque or Los Alamos, New Mexico, than the point of departure.

(v) A local flight within ten (10) miles of the point of departure.

(vi) *Exception from requirement for two-way radio.* Aircraft without two-way radio may enter and operate within an ADIZ: *Provided*, That the pilot adheres to a filed DVFR flight plan which includes the route, altitude, point of penetration and estimated elapsed time to the point of penetration. Aircraft without two-way radio may operate entirely within an ADIZ: *Provided*, That the pilot adheres to a filed DVFR flight plan which includes the route and altitude within the ADIZ and he departs within five minutes of his estimated time of departure.

NOTE: The tolerances outlined in the note under § 620.14 (b) will apply to this exemption.

(3) *Hawaiian ADIZ.* Aircraft operating within the Hawaiian ADIZ over any island or within three miles of the coastline of any island.

(4) *Guam ADIZ.* Within the Guam ADIZ, the exceptions of subparagraph (1) of this paragraph may be granted by the aeronautical facility exercising security control. The instructions issued at the time authorization is granted for an intra-zone VFR flight shall include the requirement that the aircraft be equipped with a functioning two-way radio and that a listening watch be maintained on the appropriate radio frequency.

§ 620.14 *Adherence to flight plans or air traffic clearances*—(a) *IFR flights*—(1) *Within control zones and areas.* No deviation shall be made from an air traffic clearance unless an amended clearance is obtained from CAA air traffic control. In case emergency authority is used to deviate from the provision of an air traffic clearance, the pilot in command shall notify air traffic control as soon as possible and, if necessary, obtain an amended clearance. However, nothing in this paragraph shall prevent a pilot, operating on an IFR traffic clearance, from notifying air traffic control that he is canceling his IFR flight plan and proceeding under VFR: *Provided*, That he is operating in VFR weather conditions when he takes such action.

NOTE: A pilot who cancels an IFR flight plan should not neglect to file a DVFR flight plan if any of the remainder of the flight will be conducted in an Air Defense Identification Zone.

(2) *Outside control zones and areas.* When a flight is conducted in accordance with IFR within or into an ADIZ where an air traffic clearance is not required by the Civil Air Regulations, no deviation from the flight plan, as filed, shall be made unless prior notification is given to an appropriate aeronautical facility.

(b) *DVFR flights.* No deviation shall be made from a DVFR flight plan unless prior notification is given to an appropriate aeronautical facility.

NOTE: The requirements of the air defense of the United States make it imperative that pilots adhere to their flight plans or air traffic clearances within the following time distance, and altitude tolerances. Failure to meet these requirements may jeopardize the effective identification of aircraft and thereby the national defense effort. Flights which are operated in excess of these tolerances may be subject to interception:

(a) Five minutes from an estimated time over a reporting point or point of penetration of an ADIZ; or, in the case of a flight originating within an ADIZ, five minutes from the proposed time of departure specified in the flight plan, unless the actual time of departure is reported to the appropriate aeronautical facility.

(b) Ten miles from the centerline of route of flight if the flight is entering or operating within a Domestic ADIZ or 20 from the centerline of the route of if the flight is entering or operating a Coastal ADIZ.

(c) A pilot in command of an aircraft when on a DVFR flight plan or an IFR plan for which air traffic clearance is required should not deviate from the course altitude specified in the flight plan without prior notification is given to an appropriate aeronautical facility, except that he may begin descent from the altitude specified in flight plan within reasonable distance destination without reporting change altitude.

§ 620.15 *Emergency situations.* In emergency situations which require immediate decision and action for the safety of the flight, the pilot in command of the aircraft may deviate from the provisions of this part to the extent required for such emergency. When a deviation is exercised, the pilot in command shall report such deviation and the reasons therefor, as soon as practicable to an appropriate aeronautical facility.

§ 620.16 *Radio failure—(a) IFR flights.* If unable to maintain two-way radio communications, the pilot in command of the aircraft shall:

(1) If operating under VFR conditions, proceed under VFR and land as soon as practicable, or

(2) Proceed according to the last air traffic clearance to the radio facility serving the airport of intended landing, maintaining the minimum safe altitude or the last acknowledged assigned altitude whichever is higher. Descent shall start at the expected approach time last authorized or, if not received and acknowledged, at the estimated time of arrival indicated by the elapsed time specified in the flight plan.

NOTE: Detailed procedures to be followed by the pilot are contained in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

(b) *DVFR flights.* In case of radio failure of two-way radio communication, the flight may proceed in accordance with the original DVFR flight plan. When the pilot in command of the aircraft is unable to make a report of such failure, as soon as possible, to an appropriate aeronautical facility.

§ 620.17 *Air defense security instructions.* Under emergency air defense conditions which may involve the national security, aircraft shall be operated within or within an ADIZ in accordance with such additional special security instructions as may be issued by the Administrator. Such instructions will be consistent with the provisions of the "Plan for the Security Control of Air Traffic During a Military Emergency" as approved 15 July 1952, or as subsequently amended.

§ 620.18 *Violations.* In addition to the penalties otherwise provided for by the Civil Aeronautics Act of 1938, as amended, any person who knowingly and wilfully violates any provision prescribed in this part, or any order issued thereunder shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not exceeding $10,000 or to imprisonment not exceeding one year, or to both such fine and imprisonment.

SUBPART C—DESIGNATED AIR DEFENSE IDENTIFICATION ZONES AND DEFENSE AREAS

§ 620.20 *General.* Airspace above the following described areas is established by the Administrator of Civil Aeronautics as Domestic or Coastal Air Defense Identification Zones or Defense Areas.

§ 620.21 *Domestic ADIZ's*—(a) *Northern (Domestic) ADIZ.* The area bounded by a line 48°29′38″ N., 124°43′35″ W.; eastward along U. S.-Canadian Border to 47°10′ N., 85°31′ W.; 46°51′ N., 94°00′ W.; 47°10′ N., 96°17′ W.; 48°00′ N., 99°00′ W.; to 48°00′ N., 125°15′ W.; 48°29′38″ N., 124°43′35″ W. (point of beginning).

(b) *Presque Isle (Domestic) ADIZ.* The area bounded by a line 46°00′ N., 69°36′ W.; 46°00′ N., 70°18′ W.; northward and eastward along U. S.-Canadian Border to 44°46′36″ N., 66°54′11″ W.; 44°30′ N., 67°07′ W.; 44°19′ N., 67°53′ W.; 46°00′ N., 69°36′ W. (point of beginning).

(c) *Eastern (Domestic) ADIZ.* The area bounded by a line 46°51′ N., 94°00′ W.; 42°00′ N., 96°45′ W.; 39°20′ N., 95°10′ W.; 38°23′ N., 95°08′ W.; 37°30′ N., 94°15′ W.; 37°30′ N., 92°00′ W.; 36°00′ N., 87°15′ W.; 35°45′ N., 86°30′ W.; 35°00′ N., 85°30′ W.; 33°30′ N., 84°50′ W.; 30°50′ N., 82°20′ W.; 30°50′ N., 80°54′ W.; 30°05′ N., 81°07′ W.; 28°45′ N., 80°00′ W.; 27°30′ N., 82°56′ W.; 27°47′ N., 83°08′ W.; 28°45′ N., 82°57′ W.; 29°50′ N., 84°00′ W.; 30°10′ N., 83°30′ W.; 31°45′ N., 84°00′ W.; 34°55′ N., 87°50′ W.; 35°15′ N., 89°08′ W.; 35°40′ N., 91°15′ W.; 36°00′ N., 93°20′ W.; 36°00′ N., 95°15′ W.; 41°30′ N., 98°00′ W.; 43°50′ N., 98°00′ W.; 47°10′ N., 96°17′ W.; 46°51′ N., 94°00′ W. (point of beginning).

(d) *Albuquerque (Domestic) ADIZ.* The area bounded by a line 37°02′ N., 110°52′ W.; 38°45′ N., 108°30′ W.; 38°14′ N., 104°50′ W.; 37°15′ N., 104°30′ W.; 37°15′ N., 104°14′ W.; 35°10′ N., 104°00′ W.; 34°00′ N., 104°00′ W.; 33°00′ N., 105°30′ W.; 33°00′ N., 107°30′ W.; 34°00′ N., 110°50′ W.; 35°00′ N., 110°50′ W.; 37°02′ N., 110°52′ W. (point of beginning).

(e) *Western (Domestic) ADIZ.* The area bounded by a line 48°00′ N., 117°00′ W.; 48°00′ N., 115°00′ W.; 46°30′ N., 115°00′ W.; 44°45′ N., 117°15′ W.; 38°00′ N., 117°00′ W.; 36°00′ N., 113°32′ W.; 32°10′ N., 113°45′ W.; westward along U. S.-Mexican Border to 32°43′ N., 114°45′ W; 33°08′ N., 114°55′ W.; 33°30′ N., 115°15′ W.; 34°30′ N., 116°00′ W.; 35°31′ N., 116°22′ W.; 36°00′ N., 117°05′ W.; 36°00′ N., 118°48′ W.; 39°15′ N., 121°00′ W.; 44°15′ N., 121°00′ W.; 45°20′ N., 118°15′ W.; 48°00′ N., 117°00′ W. (point of beginning).

(f) *Southern Border (Domestic) ADIZ.* A line extending from 32°16′ N., 117°08′ W.; 32°30′ N., 117°20′ W.; 32°32′03″ N., 117°07′25″ W.; eastward along the U. S.-Mexican Border to 25°58′ N., 97°07′ W.

(g) *Alaskan (Domestic) ADIZ.* The area bounded by a line 69°50′ N., 141°00′ W.; 60°18′ N., 141°00′ W.; easterly along the International Boundary line to 60°20′ N., 139°30′ W.; 59°30′ N., 139°30′ W.; 59°28′ N., 146°18′ W.; 56°34′ N., 154°10′ W.; 58°39′ N., 162°03′ W.; 63°17′ N., 168°42′ W.; 68°53′ N., 166°16′ W.; 71°18′ N., 156°44′ W.; 69°50′ N, 141°00′ W. (point of beginning).

§ 620.22 *Coastal ADIZ's*—(a) *Pacific (Coastal) ADIZ.* The area bounded by a line 48°29′38″ N., 124°43′35″ W.; 48°00′ N., 125°15′ W.; 46°15′ N., 124°30′ W.; 43°00′ N., 124°40′ W.; 40°00′ N., 124°35′ W.; 38°50′ N., 124°00′ W.; 34°60′ N., 121°10′ W.; 34°00′ N., 120°30′ W.; 32°16′ N., 118°25′ W.; 32°16′ N., 117°08′ W.; along line parallel to and approximately 12 miles from the Mexican Coast to 29°00′ N., 114°51′ W.; 28°00′ N., 123°10′ W.; 37°42′ N., 130°40′ W.; 48°30′ N., 132°10′ W.; 48°30′ N., 125°00′ W.; 48°29′38″ N., 124°43′35″ W. (point of beginning).

(b) *Atlantic (Coastal) ADIZ.* The area bounded by a line 44°30′ N., 66°45′ W.; 43°00′ N., 65°47′ W.; 39°30′ N., 63° 45′ W.; 30°45′ N., 74°00′ W.; 28°45′ N., 80°00′ W.; 30°05′ N., 81°07′ W.; 30°50′ N., 80°54′ W.; 32°01′ N., 80°32′ W.; 35° 10′ N., 75°10′ W.; 36°10′ N., 75°10′ W.; 37°00′ N., 75°30′ W.; 39°30′ N., 73°45′ W.; 40°15′ N., 73°15′ W.; 41°15′ N., 69° 30′ W.; 42°00′ N., 69°30′ W.; 42°40′ N., 70°10′ W.; 43°10′ N., 70°00′ W.; 44°19′ N., 67°53′ W.; 44°30′ N., 67°07′ W.; 44° 30′ N., 66°45′ W. (point of beginning).

(c) *Hawaiian (Coastal) ADIZ.* The area bounded by a line 24°15′ N., 158°00′ W.; 22°30′ N., 155°30′ W.; 19°45′ N., 153°30′ W.; 19°00′ N., 155°00′ W.; 18°15′ N., 158°00′ W.; 20°00′ N., 161°00′ W.; 22°30′ N., 161°00′ W.; 24°15′ N., 158°00′ W. (point of beginning).

(d) *Guam (Coastal) ADIZ.* The area bounded by a circle with a radius of 200 nautical miles centered at the Guam Radio Range Station. (Latitude 13°32′ 41″ N., Longitude 144°50′30″ E.)

(e) *Alaskan (Coastal) ADIZ.* The area bounded by a line 73°00′ N., 141°00′ W.; 69°50′ N., 141°00′ W.; 71°18′ N., 156°44′ W.; 68°53′ N., 166°16′ W.; 63°17′ N., 168°42′ W.; 58°39′ N., 162°03′ W.; 56°34′ N., 154°10′ W.; 59°28′ N., 146°18′ W.; 59°30′ N., 139°30′ W.; 57°00′ N., 139°30′ W.; 52°00′ N., 153°00′ W.; 53°54′ N., 166°31′ W.; 61°45′ N., 177°00′ W.; 65°00′ N., 169°00′ W.; 73°00′ N., 169°00′ W.; 73°00′ N., 141°00′ W. (point of beginning).

§ 620.23 *Defense areas*—(a) *Eastern Defense Area.* The area bounded by a line 46°51′ N., 94°00′ W.; 47°10′ N., 85°31′ W.; eastward along the U. S.-Canadian Border to 46°00′ N., 70°18′ W.; 46°00′ N., 69°36′ W.; 44°19′ N., 67°53′ W.; 43°10′ N., 70°00′ W.; 42°40′ N., 70°10′ W.; 42°00′ N., 69°30′ W.; 41°15′ N., 69°30′ W.; 40°15′ N., 73°15′ W.; 39°30′ N., 73°45′ W.; 37°00′ N., 75°30′ W.; 36°10′ N., 75°10′ W.; 35°10′ N., 75°10′ W.; 32°01′ N., 80°32′ W.; 30°50′ N., 80°54′ W.; 30°50′ N., 82°20′ W.; 33°30′ N., 84°50′ W.; 35°00′ N., 85°30′ W.; 35°45′ N., 86°30′ W.; 36°00′ N., 87°15′ W.; 37°30′ N., 92°00′ W.; 37°30′ N., 94°15′ W.; 38°23′ N., 95°08′ W.; 39°20′ N., 95°10′ W.; 42°00′ N., 96°45′ W.; 46°51′ N., 94°00′ W. (point of beginning).

(b) *Western Defense Area.* The area bounded by a line 48°00′ N., 125°15′ W.; 48°00′ N., 117°00′ W.; 45°20′ N., 118°15′ W.; 44°15′ N., 121°00′ W.; 39°15′ N., 121°00′ W.; 36°00′ N., 118°48′ W.; 36°00′ N., 117°05′ W.; 35°31′ N., 116°22′ W.; 34°30′ N., 116°00′ W.; 33°30′ N., 115°15′ W.; 33°08′ N., 114°55′ W.; 32°43′ N., 114°45′ W.; westward along U. S.-Mexican Border to 32°32′03″ N., 117°07′25″ W.; 32°30′ N., 117°20′ W.; 32°16′ N., 117°08′ W.; 32°16′ N., 118°25′ W.; 24°00′ N., 120°30′ W.; 34°50′ N., 121°10′ W.; 38°50′ N., 124°00′ W.; 40°00′ N., 124°35′ W.; 43°00′ N., 124°40′ W.; 46°15′ N., 124°30′ W.; 48°00′ N., 125°15′ W. (point of beginning).

NOTE: Unless specifically stated otherwise, the lines between points herein described are great circles except those lines between adjacent points on the same parallel of latitude. In this latter case, the lines are rhumb lines.

This part shall become effective 0001 e. s. t. December 1, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-8316; Filed, Oct. 31, 1955; 8 54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6258]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN WHOLESALE FURNITURE CO. ET AL.

Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1550 *Retailer as wholesaler, jobber, or factory distributor; [Misrepresenting oneself and goods]*—Prices: § 13.1820 *Retail or selling as dealer's, wholesale, or factory distributor's.* Subpart—*Using misleading name*—Vendor: § 13.2460 *Retailer as wholesaler, jobber, or distributor.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, American Wholesale Furniture Company et al., Chicago, Ill., Docket 6258, October 4, 1955]

In the Matter of American Wholesale Furniture Company, a Corporation, and Peter K. Barskis and Eleanora Barskis, Individually and as Officers of said Corporation

This proceeding was heard by Loren H. Laughlin, hearing examiner, upon the complaint of the Commission—which charged respondents with improper use of the word "Wholesale" in their corporate name and with representing thereby that their merchandise, including furniture, appliances, rugs, and luggage, was sold to the general public at wholesale prices—and an agreement between counsel for the parties providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of October 17, 1955, pursuant to § 3.21 of the rules of practice, became, on October 4, 1955, the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That respondents, American Wholesale Furniture Company, a corporation, and its officers, and Peter K. Barskis and Eleanora Barskis, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any other corporate or other device, in connection with the offering for sale, sale or distribution of merchandise to the general public, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "wholesale" or any other word or words of similar import as a part of any corporate or trade name, or representing in any manner, directly or indirectly, that they operate as a wholesaler.

2. Representing that the prices at which they offer to sell or sell their merchandise are wholesale prices.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 17, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-8795; Filed, Oct. 31, 1955; 8:48 a. m.]

[Docket 6362]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FUELGAS CORP. ET AL.

Subpart—*Coercing and intimidating:* § 13.350 *Customers or prospective customers:* To enter into or observe exclusive and tying dealing agreements: *By canceling franchise agreements and threats of; By punitive action against recalcitrants.* Subpart—*Cutting off competitors' or others' supplies or service:* § 13.610 *Cutting off competitors' or others' supplies or service;* § 13.655 *Threatening disciplinary action or otherwise.* Subpart—*Dealing on exclusive and tying basis:* § 13.670 *Dealing on exclusive and tying basis.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 4, 38 Stat. 731; 15 U. S. C. 45, 15) [Cease and desist order, Fuelgas Corporation et al., Chester, N. Y., Docket 6362, October 6, 1955]

In the Matter of Fuelgas Corporation, a Corporation, Morris Birnbaum and Daniel Birnbaum, Individually and as Officers of Said Corporation

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission—which charged respondents with making sales and contracts for sale of their liquefied petroleum gas, "Homgas" steel containers for storage and transportation of said gas, gas service equipment and gas burning appliances, and making leases of their said steel containers on condition that the purchaser-distributor or lessee not use or deal in the goods, etc., of respondents' competitors; and with canceling distributors' contracts and otherwise intimidating distributors unless they rigidly adhered to such exclusive-dealing contracts—and an agreement between respondents and counsel supporting the complaint providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of October 6, 1955, pursuant to § 3.21 of the rules of practice, became the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That the respondents, Fuelgas Corporation, a corporation, Morris Birnbaum, Daniel Birnbaum, individually and as officers of said corporation, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of liquefied petroleum gas, steel containers for such gas, gas service equipment, or gas burning appliances or in connection with the leasing of such gas containers or gas service equipment in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Selling or making any contract for sale or lease of any such products on the condition, agreement or understanding that the purchaser or lessee thereof shall not use, deal in or sell such products obtained or leased from any competitor or competitors of respondents;

2. Enforcing or continuing in operation or effect any condition, agreement or understanding in, or in connection with, any existing contract of sale or lease, which condition, agreement or understanding is that the purchaser of such products from respondents will deal in and sell or lease only such products supplied by respondents and not those of a competitor or competitors of respondents:

It is further ordered, That the respondents, Fuelgas Corporation, a corporation, Morris Birnbaum and Daniel Birnbaum, individually and as officers of said corporation, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of liquefied petroleum gas, steel containers for such gas, gas service equipment, or gas burning appliances or in connection with the leasing of such gas containers or gas service equipment in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or making any contract for sale or lease of any such products on the condition, agreement, or understanding that the purchaser or lessee thereof shall not use, deal in, or sell such products obtained or leased from any competitor or competitors of respondents;

2. Enforcing or continuing in operation or effect any condition, agreement, or understanding in, or in connection with, any existing contract of sale or lease, which condition, agreement, or understanding is that the purchaser of such products from respondents will deal in and sell or lease only such products supplied by respondents and not those of a competitor or competitors of respondents;

3. Cancelling, or directly or by implication threatening the cancellation of, any contract or franchise or selling agreement with respondents' distributors, or with any other customers, for the sale or lease of said products, because of the failure of such purchasers to purchase or deal exclusively in the products sold and distributed by respondents.

4. Enjoining or threatening to enjoin any of respondents' distributors or customers from engaging in the liquefied petroleum gas business for the period of five years, three years or any other period, where such actions are taken by respondents for the purpose or having the effect either of coercing or intimidating such distributors into dealing in respondents' products to the exclusion of products of competitors or for the purpose or having the effect of retaliating against such distribtuors for their failure or refusal to purchase or deal exclusively in the products sold and distributed by respondents.

5. The performance of any act of intimidation or coercion either through statements, oral or written, made by representatives of respondents either at the time when a distributor agrees to purchase or lease any products from respondents or during the course of any calls made upon distributors or customers at their places of business or at any other time or place, or the use of any other plan, practice, system or method of doing business for the purpose or having the effect of intimidating or coercing the respondents' distributors or other customers to purchase or lease the products or merchandise in which they deal, exclusively from respondents.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 6, 1955.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 55-8794; Filed, Oct. 31, 1955; 8:48 a. m.]

[Docket 6366]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

UNION MALLEABLE MANUFACTURING CO.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, The Union Malleable Manufacturing Company, Ashland, Ohio, Docket 6366, October 13, 1955.]

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission—which charged respondent manufacturer with granting an allowance amounting to brokerage to Sears Roebuck & Company on direct purchases of respondent's "U-Brand" plumbing supplies in addition to the discounts allowed its other customers, all of whom purchased through brokers—and an agreement between counsel for the parties providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of September 23, 1955, pursuant to § 3.21 of the rules of practice, became, on October 13, 1955, the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That the respondent, The Union Malleable Manufacturing Company, a corporation, and its officers, directors, associates, or employees, directly or through any corporate or any other device, in connection with the sale of plumbing products or any other merchandise in interstate commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Granting or giving, directly or indirectly, to any buyer, or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of any buyer, anything of value as a commission, brokerage, or other compensation or any discount or allowance in lieu thereof, upon or in connection with any sale of plumbing products, or other commodities, made for the buyer's own account.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 23, 1955.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 55-8793; Filed, Oct. 31, 1955; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Correction

In Federal Register Document 55-8682, published at page 8073 of the issue for Thursday, October 27, 1955, the introductory text of amendatory paragraph 10d (affecting § 29.1) should read as follows:

d. A new subparagraph (6), reading as follows, is added to paragraph (e):

PART 130—DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

EXEMPTION OF MECLIZINE HYDROCHLORIDE PREPARATIONS FROM PRESCRIPTION-DISPENSING REQUIREMENTS

The Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 701 (a), 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353 (b) (3), 355 (c), 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR, 1954 Supp. 1.108 (c)), and finding that no written comments have been filed with respect to the notice of proposed rule making published in the FEDERAL REGISTER on September 24, 1955 (20 F. R. 7170), hereby orders the following amendment:

Section 130.1 (a) is amended by adding the following new subparagraph (6):

§ 130.1 *Exemption for certain drugs limited by new-drug applications to prescription sale.* (a) • • •

(6) Meclizine hydrochloride (1-*p*-chlorobenzhydryl - 4 - *m* - methylbenzylpiperazine dihydrochloride) preparations meeting all the following conditions:

(i) The meclizine hydrochloride is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The meclizine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 25 milligrams of meclizine hydrochloride per dosage unit.

(v) The preparation is labeled with adequate directions for use in the prevention of motion sickness.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 50 milligrams of meclizine hydrochloride per 24-hour period; for children 6 to 12 years of age, 25 milligrams of meclizine hydrochloride per 24-hour period.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, clear warning statements against:

(*a*) Exceeding the recommended dosage.

(*b*) Administration of the drug to children under 6 years of age, except as directed by a physician.

(*c*) Driving a car or operating machinery while using the drug, since it may cause drowsiness.

(*d*) Keeping the drug within reach of children, if it is in candy form.

This amendment removes the drugs mentioned therein from the prescription-dispensing requirements of the Federal Food, Drug, and Cosmetic Act (sec. 503 (b) (1) (C), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (1) (C)). These drugs were previously limited by their new-drug applications to use under professional supervision because the scientific data establishing the toxic potential of the drugs and their intended use showed that they were safe only if used under professional supervision.

Pursuant to the regulations in § 1.108 (c) of this chapter (21 CFR, 1954 Supp., 1.108 (c)), petitions have been submitted to remove the prescription restrictions from these drugs. Evidence now available through investigation and marketing experience shows that the drugs can be safely used by the laity in self-medication if they are used in accordance with the proposed labeling. The restriction to prescription sale is no longer necessary for the protection of the public health.

This action in removing the prior restriction limiting these drugs to prescription sale is taken under the authority of the Federal Food, Drug, and Cosmetic Act (secs. 503 (b), (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c)), which provides for and requires the removal of such restrictions if they are not necessary for the protection of the public health.

Effective date. This order shall become effective 30 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 503, 505; 52 Stat. 1051 as amended; 21 U. S. C. 353, 355)

Dated: October 25, 1955.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 55-8789; Filed, Oct. 31, 1955; 8:46 a. m.]

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and

Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1954 Supp., Part 141c; 20 F. R. 1551) and certification of antibiotic and antibiotic-containing drugs (21 CFR, 1954 Supp., Parts 146a, 146c; 20 F. R. 3, 1551) are amended as indicated below:

1. Section 141c.222 is amended by changing the section headnote and paragraphs (b) and (c) to read as follows:

§ 141c.222 *Tetracycline hydrochloride oral suspension; tetracycline hydrochloride oral solution; tetracycline calcium oral suspension.* • • •

(b) *Moisture.* If it is tetracycline hydrochloride oral suspension or tetracycline hydrochloride oral solution, proceed as directed in § 141a.7 (c) of this chapter.

(c) *pH.* If it is tetracycline hydrochloride oral solution or tetracycline calcium oral suspension, use the undiluted drugs and proceed as directed in § 141a.5 (b) of this chapter.

2. Section 146a.45 *Procaine penicillin in oil* is amended by changing the words "18 months," in paragraph (c) (1) (iii) to read "18 months or 24 months,".

3. Section 146c.222 is amended by changing the section headnote, paragraphs (a), (c) (1) (v) and (3) (ii) and (d) (2) (i) to read as follows:

§ 146c.222 *Tetracycline hydrochloride oral suspension; tetracycline hydrochloride oral solution; tetracycline calcium oral suspension*—(a) *Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride oral suspension, tetracycline hydrochloride oral solution, and tetracycline calcium oral suspension are tetracycline hydrochloride or tetracycline calcium prepared from tetracycline hydrochloride, with one or more suitable and harmless suspending and dispersing agents (unless it is tetracycline hydrochloride oral solution); with or without one or more suitable sulfonamides; and with or without one or more suitable and harmless colorings, flavorings, buffer substances, and preservatives, suspended or dissolved in a suitable and harmless vehicle. If it is tetracycline hydrochloride oral suspension it may contain one or more suitable and harmless vitamin substances. Each milliliter shall contain not less than the equivalent of 25 milligrams of tetracycline hydrochloride. Its moisture content is not more than 2 percent if it is tetracyline hydrochloride oral suspension and not more than 7 percent if it is tetracycline hydrochloride oral solution. Its pH is not less than 2.0 and not more than 3.5 if it is tetracycline hydrochloride oral solution and not less than 7.0 and not more than 8.0 if it is tetracycline calcium oral suspension. The tetracycline hydrochloride used conforms to the standards prescribed by § 146c.218 (a), except § 146c.218 (a) (2), (4), and (5). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

• • • • • •

(c) *Labeling.* • • •

(1) • • •

(v) The statement "Expiration date ----------," the blank being filled in with the date that is 12 months (if it contains one or more vitamin substances or if it is tetracycline hydrochloride oral solution) or 18 months (if it is tetracycline hydrochloride oral suspension or tetracycline calcium oral suspension) after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

• • • • • •

(3) • • •

(ii) If it is tetracycline hydrochloride oral solution or tetracycline calcium oral suspension and it contains one or more sulfonamides, after the name "tetracycline hydrochloride oral solution" or "tetracycline calcium oral suspension," wherever it appears, the words "with sulfonamide(s)," in juxtaposition with such name.

• • • • • •

(d) *Request for certification; samples.* • • •

(2) • • •

(i) The batch: Average potency per milliliter, average moisture if it is tetracycline hydrochloride oral suspension or tetracycline hydrochloride oral solution, and pH if it is tetracycline hydrochloride oral solution or tetracycline calcium oral suspension.

4. In § 146e.425 *Bacitracin powder*, paragraph (a) *Standards of identity* • • • is amended by changing the number "25" in the second sentence to read "10."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended, 67 Stat. 389; 21 U. S. C. 352, 357)

Dated: October 26, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8807; Filed, Oct. 31, 1955; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

SERVICE MEDALS; MISCELLANEOUS AMENDMENTS

1. In § 578.26 (g), amend subparagraph (4) to read as follows:

§ 578.26 *General.* • • •

(g) *Award.* • • •

(4) Heads of Department of the Army Staff agencies, general and field grade officers commanding installations and activities or separate battalions and larger units, including military districts, and the adjutants general of the several States, Territories, Puerto Rico, and the District of Columbia are authorized to determine eligibility for, award, requisition, and issue the Armed Forces Reserve Medal and appurtenances. Heads of Department of the Army Staff agencies may delegate this authority to commanders of installations and activities under their command and not included above.

• • • • • •

2. In § 578.27 (a), revise subparagraph (1) (iii) and add subparagraph (4), as follows:

§ 578.27 *Good Conduct Medal.* • • •

(a) *Requirements.* (1) Exemplary behavior, efficiency, and fidelity in an enlisted status for:

• • • • • •

(iii) Upon termination of service for a period of less than 3 continuous years but more than 1 continuous year when any portion of that period of service is rendered between June 27, 1950, and a date to be announced and no previous award of the Good Conduct Medal has been made. For enlisted personnel serving overseas who are returning to the United States for separation, the Good Conduct Medal may be awarded under this provision by the authorized commander at the last duty station prior to return to the United States. Such award will not be made earlier than 60 days preceding scheduled date of separation. Discharge from enlisted status for immediate entry on active duty in an officer status or as a cadet of the United States Military Academy or other service academy is considered termination of service for the purpose of awarding the Good Conduct Medal.

• • • • • •

(4) The individual must not be serving in, nor have been serving in at the time of separation, the type of assignment designated by the term "specially controlled duties" as defined in AR 604-10 (Military Personnel Security Program).

• • • • • •

3. Revise paragraph (a) of § 578.48 to read as follows:

§ 578.48 *Army of Occupation Medal.* Established by section I, WD General Orders 32, 1946:

(a) *Requirements.* Service for 30 consecutive days at a normal post of duty (as contrasted to inspector, visitor, courier, escort, passenger status, temporary duty, or detached service) while assigned to any of the following armies of occupation:

(1) Army of Occupation of Germany (exclusive of Berlin) between May 9, 1945, and May 5, 1955. (Service between May 9, and November 8, 1945, will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 8, 1945.)

(i) Service for the prescribed period with an organization which has been designated in Department of the Army general orders as having met the requirements for the Berlin airlift device on an individual basis in orders issued by appropriate field authority will qualify the individual for the award.

(ii) The orders announcing the award of the Berlin airlift device will specifically award the Army of Occupation Medal to persons not otherwise eligible therefor.

(2) Army of Occupation of Austria between May 9, 1945, and July 27, 1955. (Service between May 9, and November 8, 1945, will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.)

(3) Army of Occupation of Berlin between May 9, 1945, and a terminal date to be announced later. (Service between May 9, and November 8, 1945, will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.)

(4) Army of Occupation of Italy between May 9, 1945, and September 15, 1947, in the compartment of Venezia Giulia E Zara or Province of Udine, or with a unit in Italy as designated in DA General Orders 4, 1947. (Service between May 9, and November 8, 1945, will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.)

(5) Army of Occupation of Japan between September 3, 1945, and April 27, 1952, in the four main island of Hokkaido, Honshu, Shokoku, and Kyushu, the surrounding small islands of the Japanese homeland, the Ryukyu Islands, and the Bonin-Volcano Islands. (Service between September 3, 1945, and March 2, 1946, will be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945. In addition, service which meets the requirements for the Korean Service Medal as prescribed in § 578.48b will not be counted in determining eligibility for this medal.)

(6) Army Occupation of Korea between September 3, 1945, and June 29, 1949, inclusive. (Service between September 3, 1945, and March 2, 1946, will be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945.)

• • • • • •

[C5, AR 672-15, Oct. 13, 1955] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-8784; Filed, Oct. 31, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter D—Certificates and Scrip

[Circular 1940]

PART 130—GENERAL REGULATIONS INVOLVING CERTIFICATES AND SCRIP

RECORDATION OF SCRIP, LIEU SELECTION, AND SIMILAR RIGHTS

Sections 130.5 to 130.8 are added to Part 130, as follows:

Sec.
130.5 Statutory authority; types of rights affected.
130.6 Statutory time limits.
130.7 How to secure recordation.
130.8 Recordation and return of documents; significance of recordation.

AUTHORITY: §§ 130.5 to 130.8 issued under Pub. Law 247, 84th Cong.; 69 Stat. 534.

§ 130.5 *Statutory authority; types of rights affected.* (a) The act of August 5, 1955 (69 Stat. 534, 535), requires that any owner of, or any person claiming rights to, the scrip, lieu selection, and similar rights described in paragraph (b) of this section must present his holdings or claim for recordation by the Department of the Interior. The act further provides that claims or holdings not presented for recordation as required by the act will not thereafter be accepted by the Department of the Interior for recordation or as a basis for the acquisition of lands.

(b) The types of scrip, lieu selections and similar rights to which the act applies include the following, with the stated exception: Valentine scrip issued under the act of April 5, 1872 (17 Stat. 649); Sioux Half-Breed scrip issued under the act of July 17, 1854 (10 Stat. 304); Supreme Court scrip issued under the act of June 22, 1860 (12 Stat. 85), March 2, 1867 (14 Stat. 544) and June 10, 1872 (17 Stat. 378); Surveyor-General scrip issued under the act of June 2, 1858 (11 Stat. 294); soldiers' additional homestead right granted by sections 2306 and 2307 of the Revised Statutes; forest lieu selection right assertable under the act of March 3, 1905 (33 Stat. 1264); lieu selection right conferred by the act of July 1, 1898 (30 Stat. 597); bounty land warrant issued under the act of March 3, 1855 (10 Stat. 701); and any lieu selection or scrip right or bounty land warrant, or right in the nature of scrip issued under any act of Congress not enumerated above except indemnity selection rights of any State or the Territory of Alaska.

§ 130.6 *Statutory time limits.* The act requires owners of, and persons claiming rights to, any scrip, lieu selection, or similar rights described in § 130.5 (b) to present their claims or holdings for recordation within two years from August 5, 1955, with the following exceptions:

(a) Persons who, by transfer (by assignment, inheritance, operation of law, or otherwise) become owners of, or claimants of rights to, any such rights which have been recorded under the act must present their claims or holdings for recordation within six months after such transfer.

(b) Persons who, by transfer within the said period of two years from August 5, 1955, become owners of, or claimants of rights to, any such rights which have not been recorded under this act, must present their claims or holdings for recordation during the remainder of the said period of two years from August 5, 1955, or within six months from the date of such transfer, whichever period is longer.

§ 130.7 *How to secure recordation.* Persons who desire to record their holdings or claims under the act must present the following to the Director, Bureau of Land Management, Washington 25, D. C., within the time periods prescribed in § 130.6:

(a) A statement, in duplicate, captioned "Application for Recordation of Scrip, Lieu Selection, or Similar Rights under the act of August 5, 1955 (69 Stat. 534)," containing the (1) name and full post-office address of the applicant, (2) names and full post-office addresses of all the owners or claimants of the right presented for recordation, (3) the type of scrip or right presented (see paragraph (b) of § 130.5), and (4) the acreage of such scrip or right.

(b) The scrip, warrant, or other document which evidences their right, providing their right is based on such a document.

(c) A statement, in duplicate, showing the basis of their right, providing the right is not based on scrip, warant, or other document.

§ 130.8 *Recordation and return of documents; significance of recordation.* Upon receipt of an application for recordation, the Director, Bureau of Land Management, will make a record of the holding or claim in the name of the owners or claimants cited in the application; will note the documentary evidence of right submitted (or one copy of the statement showing the basis of the right, if there be no documentary evidence) with the date and place of recording; and will return the evidence to the applicant. Such notation will constitute evidence merely that the holding or claim was recorded under the act and will otherwise have no bearing, one way or another, on the validity of the claim.

NOTE: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

OCTOBER 25, 1955.

[F. R. Doc. 55-8787; Filed, Oct. 31, 1955; 8:46 a. m.]

Appendix C—Public Land Orders

[Public Land Order 1242]

[Arizona 08808]

ARIZONA

WITHDRAWING PUBLIC LAND FOR USE OF THE DEPARTMENT OF AIR FORCE IN CONNECTION WITH LUKE AIR FORCE BASE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Arizona are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws and reserved for use of the Department of the Air Force in connection with Luke Air Force Base:

GILA AND SALT RIVER MERIDIAN

T. 2 N., R. 1 W.,
Sec. 9, S½SW¼.

The area described contains 80 acres.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

OCTOBER 25, 1955.

[F. R. Doc. 55-8786; Filed, Oct. 31, 1955; 8:46 a. m.]

[Public Land Order 1243]

[Misc. 1752690]

FLORIDA

RESERVING PURLIC LANDS AS AN ADDITION TO ANCLOTE NATIONAL WILDLIFE REFUGE; PARTIALLY REVOKING EXECUTIVE ORDER OF FEBRUARY 1, 1886

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Florida are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved as an addition to the Anclote National Wildlife Refuge, established as the Anclote Migratory Bird Refuge by Executive Order No. 8081 of April 5, 1939, the name of which was changed by Proclamation No. 2416 of August 8, 1940, and which was enlarged by Public Land Order No. 319 of May 15, 1946, pursuant to the provisions of the Migratory Bird Conservation Act of February 18, 1939, c. 257 (45 Stat. 1222; 16 U. S. C. 715-715r):

TALLAHASSEE MERIDIAN

T. 26 S., R. 15 E.,
Sec. 31, that part of lot 1 lying south of a line bearing east and west through a point which is north 500 feet distant from the center of Anclote Key Lighthouse.
T. 27 S., R. 15 E.,
Sec. 6, lot 1.

The tracts described contain 22.45 acres.

The Executive order of February 1, 1886, reserving the above-described lands as the Anclote Keys Lighthouse Reservation, is hereby revoked except as to 0.17 acres on which the lighthouse is located, described as follows:

Beginning at a point which is located by running from the center of the light tower northwesterly and parallel to the southwest side of the tower foundation a distance of 42.5 feet to the place of beginning; thence northeasterly and parallel to the northwest side of said tower foundation a distance of 42.5 feet to a point; thence southeasterly and parallel to said southwest side of the tower foundation a distance of 85.0 feet to a point; thence southwesterly and parallel to said northwest side of the tower foundation a distance of 85.0 feet to a point; thence northwesterly and parallel to said southwest side of the tower foundation a distance of 85.0 feet to a point; thence northeasterly and parallel to said northwest side of the tower foundation a distance of 42.5 feet to place of beginning.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

OCTOBER 26, 1955.

[F. R. Doc. 55-8798; Filed, Oct. 31, 1955; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10962; FCC 55-1042]

[Rules Amdt. 3-58]

PART 3—RADIO BROADCAST SERVICES

INTERNATIONAL BROADCAST STATIONS

In the matter of amendment of Part 3, Subpart F of the Commission's rules governing International Broadcast Stations to provide for the use of the High Frequency Broadcasting Bands between 5,950 and 26,100 kilocycles by International Broadcast Stations.

1. On March 17, 1954, the Commission adopted a Notice of Proposed Rule Making in the above entitled matter (FCC 54-361) and set the date of May 19, 1954, as the last day upon which comments would be received from interested persons. Upon request from several interested parties, this date was extended to June 21, 1954.

2. Comments were received from the Columbia Broadcasting System (CBS), Associated Broadcasters, Inc. (Associated), General Electric (G. E.), World Wide Broadcasting System, Inc. (World Wide), Crosley Broadcasting Corp. (Crosley), and the United States Information Agency (USIA).

3. Inasmuch as interested persons directed their comments to particular sections of the Proposed Rules, in some instances objecting to the substance of a particular Rule and in other instances merely requesting clarification, this Report and Order will treat the individual Proposed Rules in numerical order.

4. *Section 3.701 (a).* World Wide commented that if the definition "International Broadcast Station" contemplated that rebroadcasting of the programs transmitted to a distant target area, by foreign stations in that target area, is to be prohibited, there is objection to the proposed definition. The only reply which can be made to this comment is to state that the Commission does not have jurisdiction over the transmissions of foreign stations which might rebroadcast programs originating from stations in the United States. In order to fully appreciate the significance of the Rules herein adopted it is necessary to review the definitions of services and stations appearing in Article 1 of the Radio Regulations of the International Telecommunication Union and in Part 2 of the Commission's Rules. The four pertinent definitions are:

Fixed Service—A service of radiocommunication between specified fixed points.

Fixed Station—A station in the fixed service.

Broadcasting Service—(a) A radiocommunication service of transmissions to be received directly by the general public.

(b) This service may include transmissions of sounds or transmissions by television, facsimile or other means.

Broadcasting Station—A station in the broadcasting service.

The rules herein adopted define "International Broadcast Station" in terms of the above definition of "Broadcasting Station."

5. From these definitions, it is quite clear that a program originating from a station in the United States which is to be rebroadcast by a station on foreign soil is a transmission in the fixed service. Therefore, the originating station, from the foregoing definitions, must be classified as a fixed station, since (a) it is "a service of radiocommunication between specified fixed points" namely the originating transmitter and the relay transmitter and (b) it is not a service of transmissions "to be received directly by the general public," since it is apparent that the originating station has made arrangements with the relay station for relaying. In cases where an originating station intends its transmissions to be received by persons who wish to rebroadcast the programs, either simultaneously or at a later time, as well as by the general public, under the concept of service-allocation of radio frequencies the originating station must be classified either as a fixed station or a broadcast station and cannot be classified as both. The fact that the program is being relayed appears, in itself, a clear indication that the licensee of the originating station considers that rebroadcasting is necessary in order that the program material may be received by the general public in the target area concerned and that such reception would not be provided by the original transmission. It is therefore considered that, in such instances, the broadcast aspect of the original transmission is of a secondary nature and that the station should be classified as a fixed station. Moreover, if the originating station is a fixed station and not a broadcasting station, the frequency of the originating station should be selected from the fixed bands and not from the broadcasting bands. If the originating station is to be licensed by the Commission in the high frequency spectrum and the relay point is outside the United States, the only service in which the originating station could qualify for a license would be the International Fixed Public service regulated by Part 6 of the Commission's Rules. The originating station, in these circumstances, would be classified as a station open to public correspondence and be subject to common carrier regulation including the regulation of tariffs. It is our hope that the foregoing explanation will resolve the questions which were prompted by the Commission's proposal in this proceeding with respect to the classification of services and station when relaying is involved.

6. *Section 3.702. Assignment and use of frequencies.*

(NOTE: This section was numbered § 3.711 in the Notice of Proposed Rule Making.)

A number of comments were received concerning the various subsections of this rule from the several parties submitting comments. For convenience they are discussed here by subject.

a. A question was raised by several of the parties as to the appropriateness of limiting the target areas and reference points utilized for making the several calculations required by the section to those shown in Figure 1 and Table A respectively. It was argued that they were not always appropriate for the particular transmission intended.

Figure 1 and Table A were evolved at the International High Frequency Broadcasting Conference (Mexico, 1948-49) where thousands of high frequency broadcasting requirements were submitted by various countries of the world. In order to reduce the enormous amount of work and extensive computations involved in developing High Frequency Broadcast Assignment Plans based on these numerous requirements, it was agreed that the use of a relatively small number of standard target areas and reference points within those areas would prove more satisfactory than attempting to consider the multitude of various target areas indicated in the requirements. As a result, Figure 1 and Table A were evolved and used as a basis for computing standard propagation curves for the transmission path between each pair of reference points. These curves, which were computed for various hours and seasons throughout the 11-year sunspot cycle greatly simplified the task of determining the OWF and Delivered Median Field Intensity for any standard transmission path at any time.

These curves are available at the Commission's Washington Offices for reference and may be used with respect to standard target areas and reference points set forth in Figure 1 and Table A for calculating the Optimum Working Frequencies (OWF) and Delivered Median Field Intensities as required by § 3.702 (e) and (d) respectively. They are not usable where different target areas or reference points are used, and in such cases complete, detailed propagation computations, in accordance with the procedures set forth in the Rules, will be necessary before the OWF and Delivered Median Field Intensity may be calculated. For this reason the use of non-standard target areas and reference points is discouraged. However, the amended Rules do permit licensees to designate target areas other than those shown in Figure 1 provided adequate justification is made as to why it is inappropriate to use a standard target area, with special reference to the nature and special suitability, if any, of the programming proposed. Licensees are warned that the Commission will not permit the choice of nonstandard target areas as a device for evading the minimum signal strength requirement of the Rules. It will be necessary in such cases for the licensee to specify a reasonable reference point with respect to providing coverage for the entire target area specified, and provide complete computations of OWF and Delivered Median Field Intensity for each non-standard target area when requesting a frequency assignment. In the case of broadcasts to be directed to more than one standard target area in the same region, the primary target area should be indicated by the licensee and the reasons for selecting that area adequately justified.

b. In connection with the total number of frequency hours available for private broadcasting, as proposed in § 3.702 (k), Crosley commented that in the event the total number of frequency hours for Government and private contract operations combined reached between 75 and 80 percent of the hours in Table B, the hours remaining available for private operations would result in the non-assignment of as much as 6.25 percent of the frequency hours in Table B. The Rules herein adopted have been modified so as to eliminate the possibility of the non-assignment of frequency hours as pointed out by Crosley. World Wide stated that if the proposed Rule meant that private operations would be limited to 25 percent of the total number of frequency hours, the possible curtailment of Government operations could result in the non-assignment of some of the frequency hours available to this country. World Wide expressed the belief that any frequency hours not used for Government operations should be made available for private use. The rule herein adopted guarantees the availability of at least 25 percent of the U. S. frequency hours (Table B) for private use, regardless of the extent to which Government and contract operations may exceed 75 percent of the available U. S. frequency hours.[1] In the event the combined Government or contract operations are less than 75 percent, all of the remaining portion of the available U. S. frequency hours may be assigned for private use. The comments from the USIA question the advisability of placing any ceiling on the number of frequency hours available for private, non-contract operations. The Commission believes, however, that the absence of any limit on such operations would serve to impede international agreement in this field. The Commission believes that in view of the importance of limiting High Frequency Broadcasting operations on a world wide basis, if the Agreements reached at the Extraordinary Administrative Radio Conference (Geneva, 1951), are to be fully carried out, that it is essential that the private operations covered by subsections (j) and (k) of § 3.702 be limited as herein provided.

It should be noted that the preceding paragraph relates only to the total number of frequency hours available daily to all licensees in any one frequency band and season of the year (table B). The policy of guaranteeing the availability of at least 25 percent of these frequency hours for private broadcasting is consistent with the provisions of the Smith-Mundt Act relating to the broadcast hours of individual stations. This Act, entitled "United States Information and Educational Exchange Act of 1948, 62 Stat. 6", provides that a licensee of an International Broadcast Station may retain 25 percent of his daily broadcasting time for private broadcasting.

c. GE commented with respect to restricting operations to one frequency per program (§ 3.702 (e)) that in some instances it could be shown that better service could be provided by not having such a restriction. However, there is insufficient spectrum space available to the various countries of the world who have to share these international broadcasting bands, thereby precluding such multiple assignment. Although an acceptable International High Frequency Broadcasting Plan has not, as yet, been developed, it is clear to the Commission that if an acceptable international agreement in this regard is to be obtained, such restrictions are necessary and the proposed Rules were based upon this concept.

d. GE and CBS commented with regard to the effect the Rule designated § 3.702 (e) herein would have in patterns of operation, periodic shifting in frequency, and the net effect on the listening audience in the foreign target area. A pooling of frequencies, as has been done in this service for the past decade, is an efficient method of utilizing frequency time available to the United States in these international frequency bands throughout the eleven-year sunspot cycle and seasonal cycles. It is the Commission's intent to continue this principle, maintaining assignments for private international broadcasting on a program thread basis, with a minimum of shifting of frequencies (program threads) within a given band or between bands, throughout the eleven-year sunspot cycle insofar as possible. The intent of the Rule is to eliminate the occupancy of a frequency where propagation conditions will not adequately

[1] It is recognized that at the present time, most, if not all of those non-Government stations which have previously engaged in "contract operations" as defined in these Rules, are now considered Government stations within the meaning of section 305 (a) of the Communications Act of 1934, as amended, and therefore are not within the jurisdiction of the Commission. However, there appears to be a valid need for making provision in these Rules to permit contract operations by non-Government stations licensed by the Commission.

support transmissions to a given target area. In this regard, by planning his operations well in advance, a licensee can help eliminate wasted frequency hours. Continuation of the frequency pool concept also provides a maximum of flexibility as it pertains to sharing of frequencies among the various licensees of international broadcast stations as their program requirements change throughout the sunspot cycle and seasonal cycles.

e. GE raised the question in its comments whether more than one target area may be designated as the area to which transmissions are directed. The Commission wishes to state that any number of target areas may be utilized in reaching a determination of the best frequency (program thread) for broadcasting a particular program. The intent of the Rule is to eliminate the simultaneous multiple use of frequencies in the transmission of a single program. The reason for this position has been explained above.

7. *Section 3.711 (d)—Minimum Field Strength in Target Areas—and related § 3.751—Minimum Transmitter Power Requirements.* With reference to the proposed requirement for a Delivered Median Field Intensity at the distant, foreign target area of 150 uv/m–50 percent, the only objection received was from World Wide in a statement intended to show that 100 uv/m constituted an adequate signal level. In this connection, the Commission wishes to point out that the 150 uv/m level is the standard signal level contained in the Mexico City Agreement (1949) and represents the considered technical judgement of the majority of the participants of that Conference with reference to the signal level required to provide satisfactory reception within a target area. The Commission believes that the requirement, as proposed, is both realistic and desirable and therefore should be adopted. Concerning the proposed minimum transmitter power requirement of 100 kw, the Commission based its proposal on the fact that studies of the various transmission paths from the U. S. to other countries of the world, throughout the eleven year sunspot cycle and seasonal cycles, indicated that difficulties in providing a signal of adequate level can be expected, particularly in the case of East-West and West-East transmission paths. Therefore, the power gain of three decibels, which would result from increasing the minimum power from 50 kw to 100 kw, was considered a desirable addition to the gain which can be provided by directional antennas. Although Crosley supported the proposed 100 kw minimum power requirement, it was the concensus of the comments received that an increase in minimum transmitter power was not required in view of the minimum field strength requirement and that additional gain could be realized more economically through improvements in directional antennas, when necessary. Therefore, because of the possibility that with 50 kw power the minimum field strength requirement can be met for those target areas which licensees actually wish to serve, the Commission believes that, at present, the minimum transmitter power requirement should remain 50 kw.

8. *Section 3.752—Frequency control and tolerance (and related § 3.767).* Comments were received from Crosley, Associated, GE, World Wide, CBS and the USIA regarding the proposed amendments to these sections of the Rules. All of the comments expressed the view that a frequency tolerance of plus or minus 20 cycles per second, as proposed for § 3.752, was not practical in the present state of the art and all except Associated recommended a value of plus or minus 0.003 percent. Associated stated that it would be possible to obtain a tolerance of plus or minus 0.001 percent without undue cost or unsolvable engineering problems.

After due deliberation and consideration at the International High Frequency Broadcasting Conference at Mexico City (1949) it was the consensus that, in principle, the frequency tolerance should be such that the simultaneous sharing of channels would not be restricted thereby. Therefore, in order to minimize heterodyne interference between stations operating simultaneously on the same channel, there was general agreement at that Conference that such stations would maintain a frequency tolerance of plus or minus 50 cycles per second until January 1, 1953, at which time the tolerance should become plus or minus 20 cycles per second. This would apply only to operations in the high frequency broadcast bands below 10 Mc where channels are shared on a world-wide basis. In the case of operations in the high frequency broadcast bands above 10 Mc, it was the general view that a frequency tolerance of plus or minus 100 cycles per second should apply in the interest of reducing heterodyne interference between adjacent 10 kc channels. The Notice of Proposed Rule Making was in error on this point to the extent that this distinction was not drawn.

The Commission believes that any High Frequency Broadcast assignment plan based on simultaneous co-channel sharing in some bands and simultaneous 10 kc adjacent channel operations in others would require the use of frequency tolerance values such as those adopted at the Mexico City Conference in order to prevent serious heterodyne interference. In view of the many requirements of the various countries of the world for frequency hours, and the limited amount of space allocated internationally for Broadcasting in the high frequency region of the spectrum, it appears certain that such sharing will be mandatory. Therefore, due consideration should be given at this time to the fact that tolerance values such as those adopted at Mexico City represent a sound, basic need which may materialize in the relatively near future.

Engineering considerations indicate that such tolerance values are technically feasible at this time. However, until the actual need arises, economic considerations make it desirable that less stringent requirements should be permitted until that time. Therefore, the Rules herein adopted permit this. The 0.005 percent frequency tolerance previously permitted will continue until July 1, 1956, after which the required tolerance becomes 0.003 percent on an interim basis. It appears that this time schedule will permit any necessary modifications in existing equipment, or design changes in new equipment, without incurring any undue hardship on licensees or manufacturers.

9. *Section 3.756—Required transmitter performance.* Comments were received from Crosley, Associated, GE, World Wide, CBS, and the USIA with regard to the matter of the attenuation of spurious emissions, including harmonics. Generally, the comments consisted of expressions of belief that the proposal is impractical of achievement or unduly expensive under the present state of the art. CBS suggested as a counter proposal that the formula for computing the maximum level of spurious emissions be $50+10\ \mathrm{Log}_{10}$ (power in kw) db. For a 50 kw transmitter such spurious emissions would have to be suppressed to a level of 67 db. (To comply with the Commission's proposal, a suppression to a level of 97 db would be required.) Associated stated in its comments that between 70 and 80 db attenuation of the third harmonics was obtainable only after overcoming serious problems and difficulties and that in the television broadcast service only 60 db suppression of spurious emissions is required. With regard to the suppression required in the television broadcast service, the Rules state that it is a temporary requirement which may be increased at a later date. The Commission is of the opinion that the higher figure of spurious emission suppression as expressed by the formula $80+10\ \mathrm{Log}_{10}$ (power in kw) db is a desirable level of suppression toward which progress should be made in the high frequency broadcast service. It is a level of suppression which has been achieved in the case of other radio services. The presence of spurious emissions from stations operating on frequencies allocated for high frequency broadcasting is of serious concern to the Commission because signals of low intensity may be propagated over very great distances. Also, the harmonic relationships of certain of the high frequency broadcasting bands to television channels is a matter of concern. In these cases the use of an alternate frequency will not alleviate such interference conditions due to the harmonic relationship of the entire high frequency broadcast band to the television channels involved.

The Commission agrees that the economic problems involved are substantial. It is recognized that most existing transmitters could not be modified, at reasonable cost, to meet the proposed requirement of 97 db suppression and, in the case of new equipment, the techniques of shielding and filtering normally employed in modern transmitter design become somewhat expensive because of the high power involved and the requirement for multifrequency operation. However, because of the problem of interference to other radio services, it is believed that, as a general principle, the degree of suppression for high powered stations should be greater than that required for low powered stations. It is expected that the approaching high in the eleven year sun spot cycle will greatly increase the seriousness of this interference problem because of spurious emissions in the lower VHF region of the radio spectrum.

However, based on the comments received, it is believed that additional study must be given to this matter prior to the establishment of specific levels of suppression. Therefore, action on this phase of the problem is not being taken at this time. However, a provision is being added to this section of the rules which would require that licensees take special measures to eliminate any interference problems caused by spurious emissions.

10. *Commission Order 108.* With reference to the Commission's proposal to rescind Commission Order No. 108 adopted December 22, 1942, such action would, by itself, reinstate the provisions of the following previous rules:

(a) Section 3.781(b), (b) (1) and (b) (2); (formerly § 4.43 (f) (1), (2) and (3)).

(b) Section 3.702 (d) and (c); (formerly § 4.44 (d) and (e)).

(c) Section 3.791; (formerly § 4.46).

With reference to this proposal, CBS commented to the effect that, in contract operations, the licensees did not normally receive reception reports for use in providing the information which would be required under § 3.791 (c) with reference to reception and interference reports and propagation conditions for assigned frequencies. World Wide commented to the effect that the requirement to make verbatim mechanical records and translations of all programs, to be kept for a period of two year, § 3.781 (b), (b) (1) and (b) (2) would place an undue economic burden on the licensees and would be of questionable value.

The Commission believes that, in the current circumstances, no further need exists for § 3.781 (b), (b) (1) and (b) (2). However, the Commission wishes to emphasize that in eliminating this requirement in the rules, it is not in any way attempting to pass judgment as to the extent to which licensees should, in the process of exercising reasonable discretion and good judgment, make and keep recordings, written scripts or other records of program material which their experience indicates are likely to be the subject of later inquiry. With reference to the provisions of § 3.791 (c) requiring certain supplemental information with renewal applications concerning reception conditions, the Commission agrees that adequate reception reports may not be available to the broadcaster in the case of contract operations and believes that the requirement of § 3.791 (c) should apply only to private operations. Certain provisions of Order 108 with reference to the assignment and use of frequencies, formerly § 3.702 (d) and (e), are no longer applicable, as indicated in the new § 3.702.

Therefore, through various changes in the Rules, it appears that Order 108 can now be rescinded without having the effect of reinstating the various provisions of Rules which are no longer considered necessary or desirable.

11. *Allocation of Frequency and Program Hours.* Several comments indicated the desirability of the Commission's adoption of a policy regarding the making of high frequency broadcasting assignments. Others appeared to question the overall intent of the Commission's proposal or requested some statement as to the overall intent of the Commission in this regard. In view of this apparent desire, the Commission wishes to point out various factors involved in arriving at its proposal and which served as a foundation for these Rules.

The Mexico City Conference resulted in substantial agreement with respect to certain principles. Most important to be considered by the United States is the fact that, in order for any plan to be successful, it must obtain the recognition and support of a majority of countries of the world. Failure to arrive at an agreed plan would seriously hinder the overall communications interests of the United States, since international broadcasting by the world without appropriate international agreement could seriously disrupt our vital communications services. Much of the recent effort of the United States with respect to radio regulation and the making of radio frequency assignments has been based upon consideration of the Atlantic City, 1947, Radio Regulations and has involved the expenditure of great sums of money and extensive efforts over a period of several years of many frequency experts in the United States. In the face of these facts, the Commission's proposal is based upon the Mexico City High Frequency Broadcasting Plan which is the only Plan which has received the support of a majority of the members of the International Telecommunication Union. The Commission believes that the public interest will be served by adopting Rules for High Frequency Broadcasting which are consistent with the technical principles developed at the Mexico City Conference. Accordingly, and to this end, the following principles were used as the basis for the Rules which have been adopted:

a. Frequency assignments should be so chosen that a given frequency may provide the longest period of reliable transmission to cover the greatest area with the strongest practicable signal.

b. A single program to a single area should require no more than one frequency assignment during a given period of time.

c. Technical characteristics of emissions should be as high in quality as the state of the art permits.

12. In addition to the substantive amendments to these Rules, certain changes of a purely editorial nature have been made. For example, in the case of formerly numbered footnotes, the texts have been incorporated into the various sections of the rules to which they apply for easier reference, either as notes or parenthetical statements.

13. Accordingly: *It is ordered,* That effective December 21, 1955, the amendments to Part 3—Subpart F "Rules Governing International Broadcast Stations" set forth below are hereby adopted and Commission Order No. 108, adopted December 22, 1942 (7 F. R. 11119) is hereby rescinded with the same effective date.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: October 19, 1955.

Released: October 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 3, Subpart F "Rules Governing International Broadcast Stations" is amended as follows:

1. Section 3.701 is amended to read as follows:

§ 3.701 *Definitions.* The following definitions apply to terminology employed in this Subpart:

(a) *International broadcast station.* A broadcasting station employing frequencies allocated to the broadcasting service between 5950 and 26100 kc, whose transmissions are intended to be received directly by the general public in foreign countries.

(b) *Frequency-hour.* One frequency used for one hour.

(c) *Day.* Any twenty-four hour period beginning 0000 e. s. t. and ending 2400 e. s. t.

(d) *Sunspot number.* The predicted 12 month running average of the number of sunspots for any month as indicated in the National Bureau of Standards CRPL Series D publications.

(e) *Vernal equinox season.* That period of any calendar year starting at 0000 e. s. t. on 1 February and ending at 2400 e. s. t. on 30 April.

(f) *Summer season.* That period of any calendar year starting at 0000 e. s. t. on 1 May and ending at 2400 e. s. t. on 31 July.

(g) *Autumnal equinox season.* That period of any calendar year starting at 0000 e. s. t. on 1 August and ending at 2400 e. s. t. on 31 October.

(h) *Winter season.* That period of any calendar year starting at 0000 e. s. t. on 1 November and ending at 2400 e. s. t. on 31 January.

(i) *Maximum usable frequency (MUF).* The highest frequency which is returned to the surface of the earth for a particular path and time of day on 50 percent of the days of the reference month.

(j) *Optimum working frequency (OWF).* The frequency which is returned to the surface of the earth for a particular path and time of day on 90 percent of the days of the reference month.

(k) *Reference month.* The middle month of any season listed in § 3.704 ("Frequency Hours Available for U. S. International Broadcasting").

(l) *Delivered median field intensity or field intensity.* The field intensity in-

cident upon the target area expressed in microvolts per meter, or decibels above one microvolt per meter, which is exceeded by the hourly median value on 50 percent of the days of the reference month.

(m) *Target area.* Geographic area in which the reception of particular programs is specifically intended and in which adequate broadcast coverage is contemplated.

(n) *Contract operation.* Any non-Government operation of an international broadcast station pursuant to a contract with an agency of the United States Government and subject to governmental control as to program content, target areas to be covered, and time of broadcast.

(o) *Private operation.* Any non-Government operation of an International Broadcast station which is not "contract operation."

2. Section 3.702 is amended to read as follows:

§ 3.702 *Assignment and use of frequencies.* (a) Frequencies will be assigned by the Commission from time to time and in accordance with the provisions of this section, to authorized international broadcast stations for use at specified hours and for transmission to specified target areas. Licensees may request the assignment of specific frequencies for transmission during given hours of operation to specified target areas by filing informal requests in triplicate with the Commission no less than 15 days prior to the start of a new season. Such requests will be honored to the extent that interference and propagation conditions permit and that they are otherwise in accordance with the provisions of this section. Requests for changes in frequency or hour assignments at other times during the year or which are received less than 15 days before the start of a new season will be processed as rapidly as practical. All specific frequency authorizations will be made only on the express understanding that they are subject to immediate cancellation or change without hearing whenever the Commission determines that interference or propagation conditions so require and that each assignment of frequency hours for a given season is unique unto itself and not subject to renewal, with the result that completely new assignments must be secured for the forthcoming season. Where a station is simultaneously engaged in both private and contract broadcasting, as defined in § 3.701, it must receive separate frequency hour authorizations for each of these operations.

(b) Any foreign standard target areas shown in Figure 1 of § 3.792 may be specified by the licensee, in which case field intensity calculations should be based on the transmission path between the corresponding reference points listed in § 3.703. In the event a broadcast is to be directed to more than one target area in the same region, the primary target area should be specified and the reasons for selecting that particular target area given, with special reference to the nature and special suitability, if any, of the programming proposed. Field intensity calculations should be based on the transmission path to the standard reference point in § 3.703 for the primary target area. In the event a licensee wishes to specify target areas other than those shown in Figure 1 of § 3.792, adequate justification must be given to show that the use of standard target areas is inappropriate, with special reference given to any specialized programming proposed which appears suitable only for the non-standard target areas designated. When non-standard target areas are proposed, special reference points must be specified (by geographical coordinates) and reasonably chosen so as to insure complete and adequate coverage of the target areas.

(c) Frequencies assigned by the Commission will be within the following bands:

Band A: 5950 to 6200 kc.
Band B: 9500 to 9775 kc.
Band C: 11700 to 11975 kc.
Band D: 15100 to 15450 kc.
Band E: 17700 to 17900 kc.
Band F: 21450 to 21750 kc.
Band G: 25600 to 26100 kc.

(d) No frequency will be assigned which would provide a Delivered Median Field Intensity, either measured or calculated, of less than 150 uv/m—50 percent or 43.5 decibels above one uv/m at the distant foreign target area. (This value of Delivered Median Field Intensity is expected to provide protection against atmospheric and industrial noise for at least 90 percent of each hour during 90 percent of the days of the month.) With each request for frequency assignment, licensees must submit computations which adequately show that this requirement would be met.

NOTE: Standard OWF propagation curves and Delivered Median Field Intensity curves for the various hours and seasons throughout the eleven year sunspot cycle have been computed for transmission paths between standard reference points listed in § 3.703 for the standard target areas shown in Figure 1 of § 3.792. These curves, which were developed and used at the Mexico City High Frequency Broadcasting Conference (1948-49), are available at the Commission's Washington offices and may be used in calculating the propagation data which licensees are required to provide under these Rules. The methods used in computing these data are described in Chapter 7, paragraph 7.7 of the National Bureau of Standards Circular 462. In lieu of that data, and in all cases where non-standard target areas are specified as provided in § 3.702 (b), licensees must develop their own propagation curves for use in computing values of OWF and Delivered Median Field Intensity for the particular transmission paths involved. In doing so, use may be made of the published propagation data of the National Bureau of Standards known as CRPL Series D, "Basic Radio Propagation Predictions", published monthly in conjunction with National Bureau of Standards Circular 465, "Instructions for the use of Basic Radio Propagation Predictions." These publications are available from the Superintendent of Documents, Washington 25, D. C. A typical example of a computation for a transmission path between standard target areas is from New York (Area 8) to Buenos Aires (Area 15). The Delivered Median Field Intensity for the equinox season, sunspot 5, and for the 6 Mc band for the hours 0200 to 0400 GMT is indicated by the appropriate propagation curve as 24 decibels above one microvolt per meter for 1 kw radiated power. The transmitter power output of 20 decibels (100 kw) is added. The transmitting antenna gain of 12 decibels is added. The resultant total (56 decibels) exceeds the level of 43.5 decibels required to deliver a median field intensity of 150 uv/m at the distant target area.

(e) Frequencies assigned will be as near as possible to the Optimum Working Frequency. In no case will they exceed the Maximum Usable Frequency for more than a total of 15 minutes during any period of transmission. With each request for frequency assignment, licensees must submit computations which adequately show that this requirement would be met. (See note in paragraph (d) of this section regarding methods for computation.)

(f) Not more than one frequency will be authorized for use at any one time for any one program transmission except in instances where a program is intended for reception in more than one target area and the intended target areas cannot be served by a single frequency.

(g) No authorization for use of a particular frequency will be issued which fails to provide a minimum co-channel Delivered Median Field Intensity protection ratio of 40 db to the transmissions of other broadcasting stations at the reference point in the target area being served by such stations which, in the opinion of the Commission, have priority of assignment.

(h) Authorization for use of a particular frequency will not be issued which does not provide a minimum adjacent channel Delivered Median Field Intensity protection ratio of 11 db to the transmissions of other international broadcasting stations at the reference points in the target areas being served by such stations which, in the opinion of the Commission, have priority of assignment.

(i) Any frequency authorized to an international broadcast station shall also be available for assignment to other international broadcast stations.

(j) Not more than one frequency shall be used simultaneously under the same authorization and call letter and equipment installation number designation.

(k) Subject to all other pertinent provisions of this subpart, the total maximum number of frequency-hours which will be authorized to all licensees of private international broadcast stations for private operation combined in any frequency band for any pertinent season during any one day will be those in § 3.704 less the number of frequency-hours in these bands scheduled for use by both (1) government international broadcasting stations, and (2) international broadcast stations licensed by the Commission to use frequencies in these bands for contract operations.

NOTE: Paragraphs (c) through (k) do not apply to stations when engaged in contract operations as defined in § 3.701.

(l) In the event the total number of frequency hours in any band scheduled for both (1) government international broadcasting stations, and (2) international broadcast stations licensed by the Commission to use frequencies in these bands for contract operations equals or exceeds 75 percent of the frequency hour figures given in § 3.704, the maximum number of frequency-hours which will be authorized to all licensees of international broadcast stations for private operation in any frequency band for any pertinent season during any one day will be 25 percent of the frequency hours shown in § 3.704.

(m) If the requests for international broadcasting frequency-hours for private operation in any band or bands exceed those available under the terms of these Rules, in the absence of any voluntary agreement for reduction of frequency-hours requested, the Commission will designate all requests for frequency-hours in the band or bands in question for hearing. Pending such hearing the Commission will temporarily assign the available frequency-hours equally among the several applicants: *Provided, however,* That with respect to such temporary allocation:

(1) An existing licensee shall not, to the extent such frequency hours are available, receive less than the number of frequency-hours utilized during the preceding season or requested for the forthcoming season, whichever is lesser.

(2) Where the number of frequency-hours available for private international broadcasting during a forthcoming season are insufficient to permit existing licensees to secure a temporary allocation equal to that previously utilized or requested, whichever is lesser, the allocation shall be pro-rated among such persons in a manner which will give them a share of the available frequency-hours proportionate to that utilized in the preceding season.

(3) In any event, where an applicant's share of the available frequency hours would be more than requested, the surplus shall be divided among the remaining applicants in the manner herein prescribed.

3. Add § 3.703 to read as follows:

§ 3.703 *Latitude and longitude of areas used for field intensity calculations.*

Area No.	Latitude	Longitude
	Degrees	*Degrees*
1	65 N	150 W
2	60 N	125 W
3	60 N	100 W
4	60 N	80 W
5	70 N	40 W
6	40 N	120 W
7	40 N	100 W
8	40 N	80 W
9	50 N	60 W
10	20 N	100 W
11	10 N	80 W
12	10 S	70 W
13	10 S	50 W
14	30 S	60 W
15	25 S	50 W
16	45 S	70 W
17	65 N	20 W
18	65 N	15 E
19	65 N	40 E
20	70 N	60 E
21	70 N	80 E
22	70 N	100 E
23	70 N	120 E
24	65 N	140 E
25	65 N	160 E
26	65 N	180 E
27	50 N	0
28	50 N	20 E
29	50 N	40 E
30	50 N	60 E
31	50 N	80 E
32	50 N	100 E
33	50 N	120 E
34	55 N	140 E
35	55 N	160 E
36	40 N	25 W
37	30 N	0
38	30 N	20 E
39	30 N	40 E
40	30 N	60 E
41	20 N	80 E
42	40 N	85 E
43	35 N	100 E
44	30 N	120 E
45	35 N	140 E
46	10 N	05 W
47	10 N	20 E
48	10 N	40 E
49	15 N	100 E
50	10 N	120 E
51	0	140 E
52	10 S	20 E
53	10 S	40 E
54	5 S	105 E
55	15 S	140 E
56	20 S	165 E
57	30 S	25 E
58	25 S	125 E
59	35 S	150 E
60	40 S	170 E
61	20 N	160 W
62	20 S	170 W
63	20 S	150 W
64	15 N	145 E
65	10 N	170 E

4. Add § 3.704 to read as follows:

§ 3.704 *Daily frequency hour availability table.*

Band	Season	Sunspot Numbers							
		0-20	20-35	35-50	50-65	65-80	80-95	95-110	110-125	125-140
Mc.										
6	June	0	0	0	0	0	0	0	0	0
	March-September	29	21	14	7	0	0	0	0	0
	December	45	47	48	49	50				32
9	June	34	30	27	24	21	16	11	5	2
	March-September	52	42	36	31	27	23	19	12	10
	December	54	50	47	44	42	39	36	33	32
11	June	53	50	48	46	45	39	31	23	14
	March-September	47	50	52	54	55	49	40	31	24
	December	31	34	36	38	39	34	30	26	22
15	June	84	88	91	94	96	87	79	69	58
	March-September	49	54	58	61	64	47	33	21	7
	December	35	35	35	35	35	33	31	29	27
17	June	23	32	40	47	53	59	66	75	84
	March-September	23	22	22	21	20	24	29	34	39
	December	14	18	21	23	25	23	20	17	16
21	June	2	9	14	18	22	39	52	68	80
	March-September	0	9	16	22	27	36	45	56	65
	December	6	11	15	18	21	29	36	47	53
26		(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Totals	June	196	209	220	229	237	240	239	239	238
	March-September	200	198	198	196	193	179	166	154	145
	December	185	195	202	207	212	158	153	152	181

[1] No limit.

5. Section 3.711 is amended to read as follows:

§ 3.711 *Application for international broadcast stations.* (a) If the application is for a construction permit or for modification of an existing authorization, FCC Form 309 shall be filed; if for a license, FCC Form 310 shall be filed; if for a renewal of license, FCC Form 311 shall be filed.

NOTE: Until these forms are revised, information required by these Rules and not required by the forms shall be submitted as a supplement to the application and will be considered a part thereof.

(b) Authorizations issued to international broadcast stations by the Commission will not specify the frequencies or hours of use, but will be authorizations to permit the construction or use of a particular transmitting equipment combination and related antenna systems for international broadcasting.

NOTE: Requests for the use of frequencies and frequency hours for transmissions to specific target areas should be submitted separately as provided in § 3.702.

(c) In the case of applications for authorizations to permit contract operations, as defined in § 3.701 (n), the contracting agency and contract number should be indicated for each operation.

6. Section 3.713 is amended to read as follows:

§ 3.713 *Installation of apparatus.* Applications for construction permit or modification thereof, involving the installation of new transmitting apparatus, shall be filed at least 60 days prior to the contemplated installation.

7. Add paragraph (c) to § 3.715 as follows:

(c) If a construction permit has been allowed to expire for any reason, application may be made for a new permit on FCC Form 321, "Application for Construction Permit to Replace Expired Permit."

8. Section 3.716 is amended to read as follows:

§ 3.716 *Equipment tests.* (a) During the process of construction of an international broadcast station, the permittee after notifying the Commission and Engineer in Charge of the radio district in which the station is located may, without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefore, and the rules and regulations. No programing shall be conducted during equipment tests.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for

the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of program tests. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefore, and the rules and regulations, the permittee should notify the Engineer in Charge of the radio district in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

9. Delete the text of § 3.717 and substitute the expression "Reserved."

10. Change the expression "60" in the fifth line of § 3.720 (a) to read "90".

11. Section 3.731 is amended to read as follows:

§ 3.731 *Licensing requirements; necessary showing.* A license for an international broadcast station will be issued only after a satisfactory showing has been made in regard to the following, among others:

(a) That there is a need for the international broadcast service proposed to be rendered.

(b) That the necesary program sources are available to the applicant to render an effective international service.

(c) That directive antennas and other technical facilities will be employed to deliver maximum signals to the target area or areas for which the service is designed.

(d) That the production of the program service and the technical operation of the proposed station will be conducted by qualified persons.

(e) That the applicant is technically and financially qualified and possesses adequate technical facilities to carry forward the service proposed.

(f) That the public interest, convenience and necessity will be served through the operation of the proposed station.

12. Section 3.752 is amended to read as follows:

§ 3.752 *Frequency control.* The transmitter of each international broadcast station shall be equipped with automatic frequency control apparatus so designated and constructed that it is capable of maintaining the operating frequency within the following limits:

(a) Until July 1, 1956, the frequency tolerance will be plus or minus 0.005 percent.

(b) After July 1, 1956, the frequency tolerance will be plus or minus 0.003 percent.

13. Section 3.756 is amended to read as follows:

§ 3.756 *Required transmitter performance.* (a) The construction, installation, operation, and performance of the international broadcast transmitter system shall be in accordance with good engineering practice.

NOTE: The establishment of specific levels of attenuation for spurious emissions will be the subject of further Rule Making in Docket 10962 pending the completion of additional studies of this matter.

(b) In addition to the requirements of paragraph (a) of this section, in the event of spurious emissions cause harmful interference, such additional steps as may be necessary to eliminate the interference must be taken immediately by the licensee.

14. Paragraph (c) (2) of § 3.757 is amended to read as follows:

(2) The transmission of regular programs during maintenance or modification work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed 5 days. (This includes the equipment changes which may be made without authority as set forth elsewhere in the Rules and Regulations or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.324 of this chapter.)

15. Amend § 3.767 to read as follows:

§ 3.767 *Frequency tolerance.* The operating frequencies of international broadcast station transmitters shall, at all times, be maintained within the frequency tolerances specified in § 3.752.

16. Section 3.781 is amended to read as follows:

§ 3.781 *Logs.* The licensee or permittee of each international broadcast station shall maintain program and operating logs in the following manner:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music", "drama", "speech", etc., together with the name or title thereof, language, and the sponsor's name, with the time of the beginning and ending of the complete program.

(3) An entry showing, for each program of network origin, the name of the network originating the program.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage of the transmitter (total plate current and plate voltage).

(ii) Frequency monitor reading.

(5) A log must be kept of all experimental operation. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna structure(s) is required to be illuminated see § 17.38, "Recording of tower light inspections in the station record," of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

17. Change the designator of § 3.872 to read § 3.782.

18. Amend paragraphs (b) (5), (c) and (d) of § 3.788 to read as follows:

(5) In case of any other type of advertising, such advertising is directed to the foreign country or countries to which the program is directed and is consistent with the purpose and intent of this section.

(c) The geographic areas to be served by international broadcast stations are the foreign standard target areas shown in Figure 1 of § 3.792, or foreign nonstandard target areas as provided in § 3.702 (d), and directive antennas shall be employed to direct the transmission to these specific target areas.

(d) An international broadcast station may transmit the program of a standard broadcast station or network system: *Provided*, The conditions in paragraph (b) of this section in regard to any commercial continuities are observed and when station identifications are made, only the call letter designation of the international stations is given on its assigned frequency: *And provided further*, That in the case of chain broadcasting the program is not carried simultaneously by another international station (except another station owned by the same licensee operated on a frequency in a different group to obtain continuity of signal service), the signals from which are directed to the same area. (See section 3 (p) of the Communications Act of 1934 for the definition of "chain broadcasting.")

19. Delete footnote 5 and designator from § 3.788 (a).

20. Paragraph (a) of § 3.790 is amended to read as follows:

(a) The licensee of an international broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, FM non-commercial educational, or FM broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program. The notice and certification of consent must be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of another broadcast station several times during a license period, notice and certification of consent must be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period. Note: The broadcasting of a program relayed by a remote pickup broadcast station is not considered a rebroadcast.

21. Section 3.791 is amended to read as follows:

§ 3.791 *Supplemental report with renewal application.* A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

(a) The number of hours operated on each frequency, listing contract operations and private operations separately.

(b) Outline of reports of reception and interference and conclusions with regard to propagation characteristics of assigned frequencies. (If such information is not available to the applicant in the case of contract operations, a statement to this effect will be considered adequate.)

22. Add § 3.792 *Engineering Chart*, Figure 1 to Subpart F.

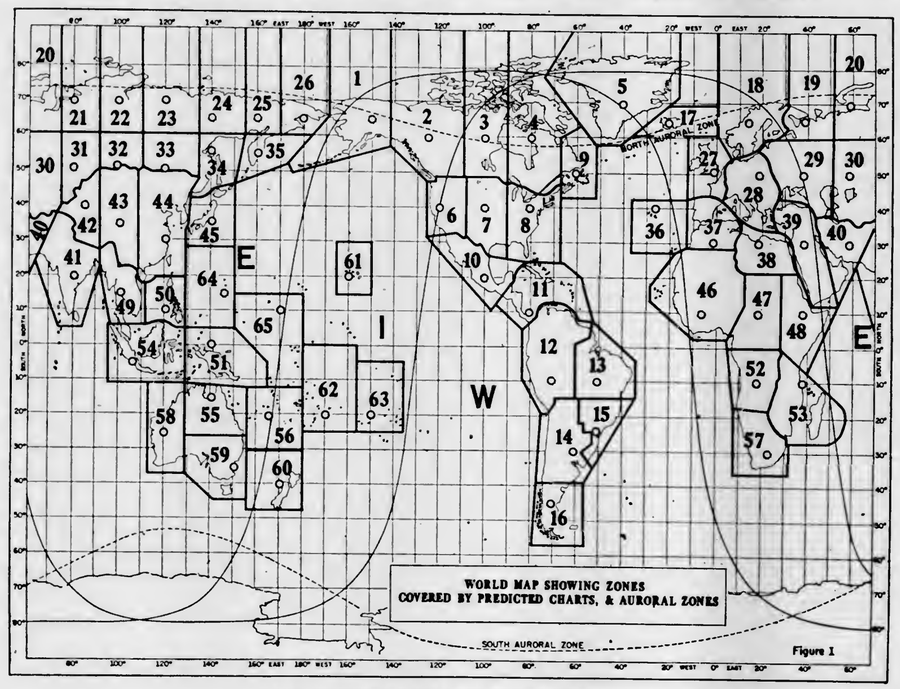


Figure 1

[F. R. Doc. 55-8727; Filed, Oct. 31, 1955; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

PART 222—STATEMENTS AND AGREEMENTS REQUIRED TO BE FILED

MISCELLANEOUS AMENDMENTS

Part 222 is hereby amended as follows:

1. By adding a comma and the word "Reports" after the word "Statements" following the Part designation; and

2. By deleting the heading "Cargo and Passenger Reports to be Filed by Common Carriers by Water" preceding § 222.1 and inserting said heading preceding § 222.2.

(Sec. 21, 39 Stat. 736, sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 820, 1114)

Dated: October 27, 1955.

By order of the Maritime Administrator.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 55-8806; Filed, Oct. 31, 1955; 8:51 a. m.]

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[General Order 22, Rev., Amdt. 2]

PART 282—UNIFORM SYSTEM OF ACCOUNTS FOR OPERATING-DIFFERENTIAL SUBSIDY CONTRACTORS

MISCELLANEOUS AMENDMENTS

Part 282 (46 CFR 282) is hereby further amended by deleting §§ 282.120, 282.301, 282.302, 282.365, and paragraph (a) of § 282.675, and substituting therefor the following new sections and paragraph (a) of § 282.675:

§ 282.120 *Marketable securities.* This account shall be subdivided as follows:

121 United States Government securities.
122 State, county, and municipal securities.
125 Other marketable domestic securities.
126 Foreign marketable securities.

These accounts shall include the cost of government securities and temporary investments in other readily marketable securities which are available for general purposes of the business. Securities issued or assumed by the carrier or by a related company shall not be included in these accounts.

129 *Discounts and premiums.* This account may be charged with accumulation of any discount and may be credited with amortization of any premium on marketable securities, at the time of accrual or collection of interest thereon, with contra entry in Account 679, "Interest Income—Marketable Securities", if it is the practice of the carrier to adjust that account to a yield basis. When the securities are disposed of, any balance applicable thereto in this account shall be transferred to the account in which the cost of such securities is recorded.

§ 282.301 *Capital reserve fund.* This account shall be subdivided as follows:

(a) *301-1 Cash and securities.* This account shall be charged with cash and the approved value of securities deposited in this fund, and shall be credited

with withdrawals therefrom in accordance with the provisions of section 607 (b) of the Merchant Marine Act, 1936, as amended, and under such rules and regulations as the Maritime Administration may issue from time to time. Subsidiary accounts are to be subdivided as to depositories or trustees, as the case may be, and further subdivided to show the amount of (1) cash and (2) marketable securities.

(b) *301–2 Discounts and premiums.* This account may be charged with accumulation of any discount and may be credited with amortization of any premium on securities, at the time of accrual or collection of interest thereon, with contra entry in Account 680, "Interest Income—Special Funds and Deposits", if it is the practice of the carrier to adjust that account to a yield basis. When such securities are disposed of, any balance applicable thereto in this account shall be transferred to Account 301–1.

§ 282.302 *Special reserve fund.* This account shall be subdivided as follows:

(a) *302–1 Cash and securities.* This account shall be charged with cash and the approved value of securities deposited in this fund, and shall be credited with withdrawals therefrom in accordance with the provisions of section 607 (c) of the Merchant Marine Act, 1936, as amended, and under such rules and regulations as the Maritime Administration may issue from time to time. Subsidiary accounts are to be maintained as described in account 301–1.

(b) *302–2 Discounts and premiums.* This account may be charged with accumulation of any discount and may be credited with amortization of any premium on securities, at the time of accrual or collection of interest thereon, with contra entry in Account 680, "Interest Income—Special Funds and Deposits", if it is the practice of the carrier to adjust that account to a yield basis. When such securities are disposed of, the balance applicable thereto in this account shall be transferred to Account 302–1.

§ 282.365 *Interest accruals for deposit in statutory reserve funds.* This account shall include the periodic (not less frequent than annual) accruals of interest on cash and securities on deposit in Account 301, "Capital reserve fund" and account 302, "Special reserve fund", with corresponding credit to account 680, "Interest Income—Special Funds and Deposits".

§ 282.675 *Interest income.* (a) This account shall be credited with all interest accrued. If it is the practice of the carrier to adjust such interest to a yield basis, this account shall be charged with amortization of any premium and shall be credited with accumulation of any discount on securities at the time of accrual or collection of interest thereon.

AUTHORITY: Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114. Interpret or apply sec. 801, 49 Stat. 2011; 46 U. S. C. 1211.

The effective date of these amendments shall be November 1, 1955.

Dated: October 27, 1955.

By order of the Deputy Maritime Administrator.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 55–8804; Filed, Oct. 31, 1955; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

NATIONAL WILDLIFE REFUGES

EDITORIAL NOTE: For order affecting the tabulation in § 17.3, see Public Land Order 1243 in the Appendix to Title 43, Chapter I, *supra*, reserving public lands as an addition to the Anclote National Wildlife Refuge and partially revoking the Executive Order of February 1, 1886.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 937]

[AO–264]

HANDLING OF CELERY GROWN IN FLORIDA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 55–8610, appearing at page 7997 of the issue for Tuesday, October 25, 1955, the name "H. L. Gary" in the first paragraph of the "Rulings" should read "M. L. Gary".

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 222]

CARGO AND PASSENGER REPORTS TO BE FILED BY COMMON CARRIERS BY WATER

EXTENSION OF TIME

Notice of proposed rulemaking procedure in connection with the proposed revision of General Order 9 (46 CFR 222.1) appeared in the FEDERAL REGISTER, issue of August 26, 1955 (20 F. R. 6261), and the time stated therein for the submission of written data, views, or arguments relevant thereto was extended, by appropriate notice in the FEDERAL REGISTER, issue of September 23, 1955 (20 F. R. 7138), to November 1, 1955.

Notice is hereby given that the time for the submission of written data, views, or arguments relevant thereto is hereby extended to January 1, 1956.

Dated: October 26, 1955.

By order of the Maritime Administrator.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 55–8805; Filed, Oct. 31, 1955; 8:50 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Navy

[No. 18]

NAVIGATIONAL LIGHT WAIVERS FOR CERTAIN NAVAL VESSELS

All ships are warned that, if U. S. naval vessels are met on the high sea or on navigable waters of the United States during periods when navigational lights may be displayed, they may expect that certain navigational lights of some naval vessels may vary from the requirements of the Regulations for Preventing Collisions at Sea, 1948, 33 U. S. Code Sections 144 to 147d, and Rules applicable to the navigable waters of the United States, as to number, position, range of visibility or arc of visibility. These differences are necessitated by reasons of military function or special construction of the naval ships. An example is the aircraft carrier where the two white lights are in most instances on the island superstructure considerably displaced from the center or keel line of the vessel when viewed from ahead. Certain other naval vessels cannot comply with the horizontal separation requirements of the white lights, and the two white lights on even larger naval vessels, such as some battleships, will thus appear to be crowded together when viewed from a distance. Other naval vessels may also have unorthodox navigational light arrangements or characteristics when seen either underway or at anchor.

Naval vessels may also be expected to display certain other lights. These lights include, but are not limited to, different colored recognition light signals, landing lights on carriers, pulsating red lights to indicate speed to other naval ships, and green lights to indicate minesweeping operations. These lights may sometimes be shown in combination with navigational lights.

During peacetime naval maneuvers, naval ships, alone or in company, may also dispense with showing any lights, though efforts will be made to display lights on the approach of shipping.

33 U. S. Code, Sections 143a and 360, provides that the requirements of the Regulations for Preventing Collisions at Sea, 1948, the Inland Rules, the Great Lakes Rules and the Western River Rules as to the number, position, range of visibility, or arc of visibility of lights required to be displayed by vessels shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction or purpose, it is not possible for such vessel or class of vessels to comply with the statutory provisions as to lights.

Waiver Certificate No. 15 published in the FEDERAL REGISTER, Volume 18, No. 250 on December 24, 1953, as amended by Waiver Certificates Nos. 16 and 17, published in the FEDERAL REGISTER, Volume 19, No. 154 on August 10, 1954, and Volume 20, No. 156, on August 11, 1955, respectively, lists certain naval vessels unable to comply with certain requirements as to navigational lights. The instant waiver certificate further amends Waiver Certificate No. 15 by correcting certain data promulgated therein and by finding and certifying that additional naval vessels, designated by type and class, are unable to comply with these navigational light requirements by reason of special construction, and in the manner indicated by appropriate modification of the Tables of Waiver Certificate No. 15, as amended by Waiver Certificates Nos. 16 and 17, as follows:

TABLE 1

Change as follows, under the column entitled "Vessel type and Class":

(1) After "DL–1" in the column entitled "Approximate horizontal separation in feet between the two, 20-point white lights" change "20" to "27".

(2) Add "DD–931" followed in succeeding columns by "62", "84", "22" and "22".

TABLE 3

Change as follows, under the column entitled "Vessel type and Class":

(1) Add "LCU–1608" followed in succeeding columns by "34" and "2.*".

(2) After the note immediately below this table add the following: "* Changes the word 'left' appearing in the heading of the last column above to 'right' in this instance."

The above navigational lights, as well as those listed in Waiver Certificate No. 15, are positioned approximately in accordance with the stated dimensions which may vary by at least several feet in certain instances.

The above modifications hereby become a part of Waiver Certificates Nos. 15, 16 and 17 and shall have force and effect as if originally incorporated therein.

Dated at Washington, D. C., this 25th day of October, A. D., 1955.

C. S. THOMAS, *Secretary of the Navy.*

[F. R. Doc. 55–8802; Filed, Oct. 31, 1955; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order 459]

CALIFORNIA

SMALL TRACT CLASSIFICATION

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify, under the Small Tract Act of June 1, 1936, as amended (43 U. S. C. 682a), the tracts of public land in Kern County described below, for lease and sale for homesite purposes only:

MT. DIABLO BASE AND MERIDIAN

T. 25 S., R. 33 E.,
Sec. 21, N½NW¼, NW¼NE¼, NE¼SE¼.
T. 25 S., R. 34 E.,
Sec. 35, NW¼.
T. 26 S., R. 33 E.,
Sec. 21, W½SE¼, SE¼SE¼, W½NE¼ SE¼;
Sec. 29, N½NW¼SE¼, N½NE¼SW¼;
Sec. 32, NW¼NW¼, W½SW¼NW¼.
T. 26 S., R. 34 E.,
Sec. 1, W½NW¼;
Sec. 2, N½N½, NE¼SE¼;
Sec. 24, S½SW¼, SW¼SE¼.

The lands comprise small tracts and contain a total of 960 acres.

2. Classification of the above-described lands by this order segregates them from all appropriations, including location under the mining laws, except as to application under the mineral leasing laws.

3. The area constitutes, in part, the lower hill slopes surrounding Isabella Reservoir in the North and South Forks of the Kern River, approximately 50 miles by road northeast of Bakersfield, California.

The Kernville-South Fork Valley is of a semi-arid nature, lying on the western edge of the Mojave Desert. It has warm, dry summers and mild winters. The annual precipitation is about 10 inches.

The vegetation ranges from blue oak-digger pine woodland through annual grassland to juniper-sagebrush desert shrub.

The soil is in general a grayish brown sandy loam.

The water supply is limited.

4. The lands will be leased and sold in square tracts of 2½ acres each, approximately 330 x 330 feet in size, and described as aliquot parts of the section. The tracts will be subject to all existing rights-of-way, and to rights-of-way 33 feet in width along the boundary of each tract for access roads and public utilities. Such rights-of-way may be utilized by the Federal Government or the State, County, or municipality in which the tract is located, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to issuance of patent. If not so located, they may be subject to location after patent is issued.

5. Leases will be issued to qualified applicants for a term of three (3) years and will contain an option to purchase in accordance with 43 CFR 257.13. The appraised value of the 2½-acre tracts is $150. The minimum rental is $10 per tract per annum, or a total of $30. Therefore, before leases can be issued, an additional payment for advance rental in the amount of $15 is due and payable to the Manager, Land Office, Los Angeles, from individuals having statutory preference. Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards:

The dwelling house must be suitable for year-round use, on a permanent foundation and with a minimum of 400 square feet of floor space. It must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed. Conventional concrete, concrete slab, or masonry foundations are acceptable. Concrete piers are not acceptable as foundations.

7. Applicants must file in duplicate with the Manager, Land Office, Room 1516 Post Office Building, Los Angeles, California, application form 4–776, filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be seeured from the above-named official.

The application must be accompanied by a filing fee of $10 plus the advance rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. The lands are now open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty

or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Land Office, 1516 Post Office Building, Los Angeles 12, California.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and with the above-named official prior to 10:00 a. m., February 28, 1956. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (4–776), with instructions as to their execution and return and as to payment of fees and rentals.

9. All valid applications filed prior to 9:30 a. m., September 22, 1955, will be granted the preference right provided for by 43 CFR 257.5 (a) if the preference right applicants conform to the provisions of this order as to area, reducing the size of the tracts to 2½ acres.

R. G. SPORLEDER,
Officer in Charge,
Southern Field Group,
Los Angeles.

[F. R. Doc. 55–8788; Filed, Oct. 31, 1955; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 199A]

STEMMLER-IMEX, N. V., ET AL.

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Stemmler-Imex, N. V., Carl Herman Ferdinand Stemmler, Manager and Director, Leidseplein-Hirschgebouw, Post Box 649, Amsterdam, Netherlands; N. V. Chemische Industrie "Den Haag" Jhr. C. A. de Pesters, Adjunct Managing Director, Le van der Kunstraat 55–57, The Hague, Netherlands, Respondents; case No. 199A.

The Director, Investigation Staff, Bureau of Foreign Commerce, having charged the respondents, Carl Herman Ferdinand Stemmler, Stemmler-Imex, N. V., both of Amsterdam, the Netherlands, and Jhr. C. A. de Pesters and N. V. Chemische Industrie, "Den Haag", both of The Hague, the Netherlands, with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder, in connection with the transshipment to unauthorized destinations of certain commodities exported from the United States under General License, and the respondents having denied said charges, the Stemmler respondents demanding an oral hearing, a hearing was duly held in Washington, D. C., on June 20, 1955 and days following, before the Compliance Commissioner of the Bureau of Foreign Commerce, the Stemmler respondents being there present by their authorized representatives, and represented by counsel. Chemische was similarly represented.

The Compliance Commissioner, having heard and considered all the evidence submitted in support of the charges and all the evidence and arguments submitted by all the respondents in opposition thereto, and having considered also briefs submitted by all counsel and having allowed exceptions filed by the Stemmler respondents to the transcript of testimony, has transmitted to the undersigned Director, Office of Export Supply, Bureau of Foreign Commerce, his written report, including findings of fact and findings that violations have occurred, and his recommendation that the respondents be denied export privileges as hereinafter provided, together with which report there have been transmitted also the transcript of testimony, all exhibits submitted at the hearing, the charging letters, answers, correspondence, exceptions and briefs.

Now, after reviewing and considering the entire record of this case, the Compliance Commissioner's Report and Recommendation, and the briefs, I hereby make the following

FINDINGS OF FACT

1. At all times hereinafter mentioned (a) Stemmler-Imex, N. V. was and now is a firm engaged in the import-export business, in Amsterdam, Holland, and Carl Herman Ferdinand Stemmler was and now is its Manager and Director; (b) N. V. Chemische Industrie "Den Haag" was and now is a firm engaged in the chemical industry in The Hague, Holland, and Jhr. C. A. de Pesters was its Adjunct Director and is now its Director.

2. That with respect to the findings hereinafter made as to red phosphorus and borax (this term including also boric acid), Carl Herman Ferdinand Stemmler is included in the reference "Stemmler" (such reference meaning both the firm and the individual), the evidence being that Stemmler knew, or should have known by reason of his position and activity in his firm, all that transpired with respect to the commodities mentioned.

3. That with respect to the findings hereinafter made as to borax, de Pesters is included in the reference, "Chemische", de Pesters having been the employee of Stemmler who originated the correspondence leading up to the borax transaction, who was put on notice as to the prohibition against its shipment to Red China and who thereafter, while Adjunct Director of Chemische, allowed and permitted Chemische to become the record or nominal purchaser thereof, which in turn made it available to Stemmler for shipment to Red China.

4. That on or about the 8th day of November, 1951, Stemmler cabled an American supplier that it required ten tons of red phosphorus to be transshipped via Rotterdam to Turkey for the match industry there.

5. That on or about the same day, the American supplier cabled Stemmler an offer of ten tons of red phosphorus at 52 cents a pound, C. I. F. Benelux, and stated that no export license was required.

6. That on or about the 9th day of November, 1951, Stemmler sent the American supplier detailed specifications for the phosphorus, which specifications described it as being, "Red Phosphorous for the Match Industry."

7. That, although Stemmler had so communicated with the American supplier following receipt by it of a request from Turkey for the quantity and quality of red phosphorus described, after receiving the reply from the American supplier that no export license was required for the Turkish transaction it entered into negotiations and contracted with a firm in East Germany for the sale to it of two tons of red phosphorus.

8. It then, referring to the cable previously received from the American supplier, offered to purchase from him two tons of red phosphorus, at 48½ cents a pound, f. a. s. New York, (as distinguished from 52 cents C. I. F. Benelux), this purchase being intended for the purpose of completing the contract with the firm in East Germany. This offer was accepted by the American supplier.

9. On or about the 12th day of December, 1951, Stemmler instructed the American supplier to ship the red phosphorus to Rotterdam, Holland.

10. The American supplier made the shipment to Rotterdam on or about the 24th day of January, 1952.

11. Stemmler, thereafter, on or about the 21st day of April, 1952, transshipped the red phosphorus to Rostock, East Germany.

12. At no time prior to such transshipment did Stemmler inform the American supplier that it had ordered the two tons of red phosphorus for a buyer in East Germany and not for the buyer in Turkey.

13. Prior to the time that Stemmler sent the American supplier its first inquiry for red phosphorus to be used in the match industry in Turkey, Stemmler had been informed by the Director of the Investigation Staff, Office of International Trade, now the Bureau of Foreign Commerce, (a) that the United States Export Control Law and the regulations "make it unlawful for any person or firm knowingly to make or cause to be made any false representation, statement or certification, or to falsify or conceal any material fact, for the purpose of effecting or causing to be effected an exportation, of any commodity or commodities from the United States"; (b) that this provision was applicable to persons not situated in the United States; (c) that this provision was applicable whether or not the person involved is the purchaser or ultimate consignee of the merchandise; (d) that a failure to disclose to a supplier the true ultimate destination and actual end use contemplated for the merchandise is a violation; (e) that any change in destination, consignee or end use must be communicated promptly to the American supplier or to the Office of International Trade.

14. Stemmler and de Pesters on its behalf, in a letter dated June 4, 1952, wrote an American supplier, quoting from a letter received by it from a firm in Hong Kong to the effect that local factories in Hong Kong required a constant tonnage of granular borax, that the United States Government would not grant any export licenses and that "good trade prospects" were promised if there was a "solution". In their letter to the American supplier they asked him whether he saw possibilities "for delivery via Europe although shipment via Europe will make the freight costs extremely high."

15. The American supplier, in a letter dated June 9, 1952, wrote Stemmler, and de Pesters as well, he having seen the letter, that all material for export from the United States to Hong Kong required an export license and that the prime reason for this was to prevent material from reaching Red China. He suggested the possibility that export licenses for material to be shipped to Hong Kong might be granted if precise information regarding the intended use and the name and address of the consuming factory were furnished.

16. After being informed that all materials to be exported from the United States to Hong Kong required an export license and that the purpose was to prevent material from reaching Red China, Stemmler, and de Pesters on its behalf, wrote the American supplier on June 25, 1952, that it had a reasonable possibility of selling about 2000 tons of granular borax, 99.5 percent pure, and requested an offer "for delivery C. I. F. Rotterdam."

17. Stemmler followed this letter with a cabled inquiry, on June 26, 1952, for quotations f. a. s. Los Angeles on 50 ton lots of boric acid and thousand ton lots of borax, both 99½ percent pure, and stated that it presumed no export license was required, to which the American supplier, on the same day, replied by confirming that no export license was required and quoting borax at $48.30 in thousand ton lots and boric acid at $106.70 in fifty ton lots, both f. a. s. Los Angeles. These cables were confirmed in a letter dated July 3, 1952.

18. Twenty days thereafter, on July 23, 1952, Stemmler wrote the American supplier that negotiations for borax and boric acid, with a continental customer, were becoming more positive. It indicated the probability of closing a contract for two thousand tons of borax at the reduced price of $46.50 per short ton and also the probable purchase of 30 tons of boric acid at the same time.

19. About one month thereafter, on August 21, 1952, following a reminder from the American supplier, Stemmler wrote him to the effect that a decision was possible in the following week and in the letter stated that the purchase was for reexport, that the contract had been signed a few days before, and that a license from the Bank of England was necessary before a definite order could be given. The necessity for license from the Bank of England was repeatedly stressed in this letter.

20. On September 9, 1952, Stemmler ordered 2000 metric tons of 99.5 percent granular borax and 30 metric tons of 99.5 percent boric acid and, in the cable containing the order, as well as the letter confirming, named Chemische of The Hague, Holland, as the buyer.

21. That at the time when said order was given, Stemmler had a contract with a firm in Red China for the sale of said borax and boric acid to it and gave said order to the American supplier for the purpose of completing its contract with the firm in Red China but did not inform the American supplier to that effect.

22. The American supplier, after being furnished with a letter of credit opened on behalf of Chemische, shipped 2000 metric tons of borax and 30 metric tons of boric acid, from the United States to Rotterdam, Holland, and supported said shipment under General License, GRO, with export declarations in which he named Chemische as the intermediate and ultimate consignee, and The Hague, Holland, as the place and country of ultimate destination.

23. The said borax and boric acid arrived at Rotterdam, Holland, in the early part of November 1952.

24. After the arrival thereof in Rotterdam, and while the said borax and boric acid were lying in the Port of Rotterdam, the American Consul and the American supplier both notified Stemmler and Chemische that United States law and regulations made illegal the contemplated transshipment of said borax and boric acid to Red China.

25. After receiving such notifications and, in defiance thereof, Stemmler did nevertheless transship the said borax and boric acid to Taku Bar, China.

26. That, in connection with the purchase of the borax and boric acid by Chemische from the American supplier, Chemische, by de Pesters, had knowledge that the same could not be exported from the United States to Red China without an export license, but nevertheless allowed its name to be used as the buyer of the borax and boric acid, knowing full well that it was not in fact the buyer and thereby provided the means whereby Stemmler was enabled to transship the said materials to Taku Bar, China.

27. That Chemische, having knowledge that the borax and boric acid were not in fact being purchased by it for consumption in Holland, failed to disclose such information to the American supplier from whom it had purchased the same and allowed and permitted Stemmler to represent falsely to the American supplier that it was such purchaser.

And, from the foregoing, the following are my

CONCLUSIONS

A. That Stemmler and Chemische concealed material facts for the purpose of effecting or causing to be effected the exportation of commodities from the United States, in violation of Section 381.1 (b) (1) (ii) of the export control regulations, then in effect;

B. That Stemmler diverted and transshipped to Rostock, East Germany, and to Taku Bar, China, commodities exported from the United States, in violation of §§ 381.1 (b) (3) (i) and 371.4 (b) of the export control regulations, then in effect.

Before stating this recommendation, the Compliance Commissioner stated in his report,

• • • After observing the witnesses and carefully considering the documentary evidence in relation to the testimony. I am convinced that they (the respondents), at all times knew what they were doing and that they did what they did for the purpose of circumventing the regulations. I believe that their alleged interpretations and understandings of the law and regulations have been constructed solely for the purpose of presentng a technical defense and a means or method of circumventing the regulations.

The facts indicate that Stemmler is actively engaged in trade with countries in the Red Bloc • • • and works closely with Chemische, using it as convenient. Engaging in the East-West trade is not the prime criterion to be considered in connection with the recommendation to be made because such activity, when it does not contravene our laws and regulations, may not be the subject of the type of action here recommended. However, when these activities do result in contraventions and when their nature and the attitudes of the respondents indicate a disposition to complete such transactions by supplying commodities, exported from the United States, to unauthorized persons and destinations, despite our regulations to the contrary, and, when the conduct of the respondents indicates wilful planning for the circumvention of our regulations, then the activities and the contraventions assume a most grave and serious aspect. In such cases, in order to achieve effective enforcement of the law, it is necessary to take drastic measures to make certain that the law will not be violated in the future and that its objectives will not be defeated and frustrated. That is the purpose and need for this proceeding.

He thereupon recommended that the action hereinafter set forth be taken against the respondents.

Now, after careful consideration of the entire record, the answers, the briefs, and the report of the Compliance Commissioner, and being of the opinion that the recommendation of the Compliance Commissioner is fair and just, and that this order is necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses held by or issued in the name of Stemmler-Imex, N. V. or Carl Herman Ferdinand Stemmler or N. V. Chemische Industrie "Den Haag" or Jhr. C. A. de Pesters or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Henceforth, and for the duration of export controls, each of the said respondents be and he or it hereby is suspended from and denied all privileges of participating, directly or indirectly in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by any of the respondents, directly or indirectly in any

manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to each of the respondents, but also to any person, firm, corporation, or business organization with which any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. Upon condition that the respondents comply in all respects with this order and with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder, those respondents so complying, commencing two years following the date hereof, may engage in and enjoy all export privileges permitted by United States laws and regulations.

V. The privileges conditionally restored to any of the respondents, under Part IV hereof, may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that such respondent has, at any time, whether before or after two years following the date hereof, knowingly failed to comply with any of the conditions or provisions set forth in Part IV hereof, in which event Part II hereof shall then be and remain effective against such respondent, without prejudice to any other action which may be taken by reason of any such new or additional violation.

VI. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when any respondent is prohibited under the terms hereof from engaging in any activity within the scope of Part II hereof, shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with such respondent, or (c) do any of the foregoing acts with respect to any commodity or exportation in which such respondent may have any interest of any kind or nature, direct or indirect.

Dated: October 27, 1955.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 55-8808; Filed, Oct. 31, 1955; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-6554, etc.]

CLAUDE E. HEARD ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 26, 1955.

In the Matters of Claude E. Heard and Estill S. Heyser, Jr., Docket No. G-6554; Beal Associates, Docket No. G-6558; Dacresa Corporation, Docket No. G-6561; John W. Watson, Docket No. G-6562.

Take notice that the above-designated Applicants hereinafter referred to singly and collectively as Applicant, Independent Producers of natural gas in Texas and New Mexico respectively filed on November 29, 1954, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicants Claude E. Heard and Estill S. Heyser, Jr., of Dallas, Texas, produce natural gas in Reincke Field; Borden County, Texas, and sell it in interstate commerce to El Paso Natural Gas Company for resale. Beal Associates of Midland, Texas, produces natural gas in the Sprayberry Trend Area, Upton County, Texas, and sells it in interstate commerce to Texas Gas Production Corporation for resale by El Paso Natural Gas Company for resale. Dacresa Corporation of Albuquerque, New Mexico produces natural gas in the Blanco Gas Field from the Messa Verda and Pictured Cliffs Zones, Rio Ariba and San Juan Counties, New Mexico, and sells it in interstate commerce to El Paso Natural Gas Company for resale. John W. Watson of Albuquerque, New Mexico, produces natural gas in the Blanco Gas Field, San Juan County, New Mexico, and sells it to El Paso Natural Gas Company for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 28, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 17, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-8791; Filed, Oct. 31, 1955; 8:47 a. m.]

[Docket No. G-6611]

K. D. OWEN AND D. C. BINTIFF

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 26, 1955.

Take notice that K. D. Owen and D. C. Bintiff, hereinafter referred to collectively as (Applicant), whose address is Esperson Building, Houston, Texas, filed on November 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Blas Requenez Gas Unit in North Sun Field, Starr County, Texas, and sells it in interstate commerce to the Transcontinental Pipe Line Corporation for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 28, 1955, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 17, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-8792; Filed, Oct. 31, 1955; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-486]

PLASTICS HOUSEWARES INDUSTRY

NOTICE OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Plastics Housewares Industry will be held by the Federal Trade Commission in Room 332 of the Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., on November 21, 1955, commencing at 10 a. m., e. s. t.

The purpose of the conference is to afford industry members an opportunity to consider and propose for establishment, subject to approval by the Commission, a comprehensive set of trade practice rules for the industry designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses which are violative of laws administered by the Commission.

All persons, firms, corporations and organizations engaged in the manufacture, design, sale or distribution of plastics housewares are cordially invited to attend and participate in the conference proceedings.

Subsequent to the conference on November 21, 1955, and before final rules are approved by the Commission, a draft of proposed rules in the form deemed appropriate will be made available to all interested and affected parties, including consumers, upon public notice affording them opportunity to present their views, criticisms, and suggestions respecting the rules, and to be heard at a public hearing the time and place of which will be announced by the Commission.

Issued: October 27, 1955.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-8796; Filed, Oct. 31, 1955; 8:48 a. m.]

[File No. 21-491]

BLUEPRINT AND DIAZOTYPE COATERS INDUSTRY

NOTICE OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Blueprint and Diazotype Coaters Industry will be held by the Federal Trade Commission in the Hubbard Room of the Lake Shore Club, 850 North Lake Shore Drive, Chicago, Illinois, on November 21, 1955, commencing at 10 a. m., c. s. t.

The purpose of the conference is to afford industry members an opportunity to consider and propose for establishment, subject to Commission approval, a comprehensive set of trade practice rules for the industry designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses which are violative of laws administered by the Commission.

Members of the industry for which the conference has been called include persons, firms, corporations and organizations engaged in the coating and sale of blueprint and/or diazotype sensitized materials such as paper, cloth, film, or other media used for reproducing engineering and architectural drawings, designs, formulae, and office or business communications. All such members are cordially invited to attend or to be represented at the conference and to take part in the proceedings and to submit suggested trade practice rules for consideration at the conference, as well as to take part in the consideration and discussion of proposals or suggestions for rules presented by others.

After the conference on November 21st, and before any rules are finally approved by the Commission, a draft of proposed rules in the form deemed appropriate will be made available to all interested or affected parties, including consumers and consumer organizations, upon public notice affording them opportunity to present their views, criticisms, and suggestions respecting the rules, and to be heard at a public hearing the time and place of which will be announced by the Commission.

Issued: October 27, 1955.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-8797; Filed, Oct. 31, 1955; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 71, Amdt. 1]

NEW YORK

AMENDENT TO DECLARATION OF DISASTER AREA

1. Declaration of Disaster Area 71 dated October 18, 1955, for the State of New York is hereby amended by adding the Counties of Greene and Delaware to the Counties referred to in paragraph 1 of said Declaration.

Dated: October 24, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-8826; Filed, Oct. 28, 1955; 4:06 p. m.]

[Declaration of Disaster Area 75]

NEW JERSEY

DECLARATION OF DISASTER AREA

Whereas it has been reported that beginning on or about October 15, 1955, because of the disastrous effects of flood and heavy rains, damage resulted to residences and business property located in certain areas in the State of New Jersey; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of Section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Monmouth, Morris, and Passaic.

Small Business Administration Regional Office, 1790 Broadway, New York 19, New York.

2. A special field office to receive and process such applications has been established at Court House, Main and Court Streets, Flemington, New Jersey.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1956.

Dated: October 24, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-8827; Filed, Oct. 28, 1955; 4:06 p. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 27, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31253: *Silica—Elco, Ill., to the South.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on silica, ground or pulverized carloads from Elco, Ill., to specified points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 30 to Agent Spaninger's I. C. C. 1469.

FSA No. 31254: *Soybeans—South Carolina to Wilson, N. C.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on soybeans, carloads from specified points in South Carolina to Wilson, N. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 105 to Agent Spaninger's I. C. C. 1325.

FSA No. 31255: *Superphosphate—To Iowa, Nebraska, and Wisconsin.* Filed

by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on superphosphate (acid phosphate), carloads from specified points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, to Moville, Spencer, Turin, Iowa, Minden, Nebr., Cameron, South Wayne, and Whitewater, Wis.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 24 to Agent Spaninger's I. C. C. 1433.

FSA No. 31256: *Sulphuric acid—Copperhill, Tenn., to East Greenville, S. C.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, in carloads, as described, from Copperhill, Tenn., to East Greenville, S. C.

Grounds for relief: Circuitous route.

Tariff: Supplement 18 to L & N Railroad I. C. C. No. A–16805.

FSA No. 31257: *Coal to Columbia, Reed, and Fort Jackson, S. C.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on coal, carloads from mines and stations on the Nashville, Chattanooga & St. Louis Railway, taking origin groups 1, 2, 3, and 4 in its Agent C. A. Spaninger's tariff I. C. C. 1427, to Columbia, Reed, and Fort Jackson, S. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 17 to Agent Spaninger's I. C. C. 1427.

FSA No. 31258: *Commodities, in mixed carloads to New York and Pennsylvania.* Filed by The Chicago & Eastern Illinois Railroad Company, for itself and other interested rail carriers. Rates on various commodities, in mixed carloads from St. Louis, Mo., East St. Louis, Ill., Evansville and Terre Haute, Ind., to Binghamton and Syracuse, N. Y., and Allentown, Harrisburg and Reading, Pa.

Grounds for relief: Competition of motor truck forwarder traffic and circuitous routes.

Tariff: Supplement 14 to Chicago & Eastern Illinois Railroad tariff I. C. C. 170.

FSA No. 31259: *Soda ash—Velasco, Tex., to South Atlantic Ports.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on soda ash (other than modified soda ash), carloads from Velasco, Tex., to Savannah and Port Wentworth, Ga., and Georgetown, S. C.

Grounds for relief: Market competition with Corpus Christi, Tex., potential competition of water carriers, and circuity.

Tariff: Supplement 103 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 31260: *Adipic acid—Orange, Tex., to West Virginia.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on adipic acid, carloads from Orange, Tex., to Belle and Charleston, W. Va.

Grounds for relief: Circuitous route.

Tariff: Supplement 104 to Agent Kratzmeir's I. C. C. 4139.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55–8803; Filed, Oct. 31, 1955; 8:50 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.270]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts*, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following August 13, 1955, paragraph (d) is amended by the addition of the following post:

Vieux Fort, St. Lucia, B. W. I.

2. Effective as of the beginning of the first pay period following November 5, 1955, paragraph (d) is amended by the addition of the following post:

Reykjavik, Iceland.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

OCTOBER 26, 1955.

[F. R. Doc. 55–8853; Filed, Nov. 1, 1955; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CONCENTRATED ORANGE JUICE [1]

On August 10, 1955, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 5780) regarding a proposed amendment to the United States Standards for Grades of Frozen Concentrated Orange Juice (§ 52.1581–§ 52.1593).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Concentrated Orange Juice are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.):

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1581 Product description.
52.1582 Styles of frozen concentrated orange juice.
52.1583 Grades of frozen concentrated orange juice.

FILL OF CONTAINER

52.1584 Recommended fill of container.

FACTORS OF QUALITY

52.1585 Ascertaining the grade.
52.1586 Ascertaining the rating for the factors which are scored.
52.1587 Color.
52.1588 Absence of defects.
52.1589 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.1590 Definitions of terms and methods of analyses.

LOT CERTIFICATION TOLERANCES

52.1591 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1592 Score sheet for frozen concentrated orange juice.

AUTHORITY: §§ 52.1581 to 52.1592 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1581 *Product description.* Frozen concentrated orange juice is the frozen product of concentrated, unfermented juice obtained from sound, mature fruit of the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines. The fruit is prepared by sorting and by washing prior to extraction of the juice to assure a clean product. Upon extraction of

(Continued on next page)

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

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FEDERAL REGISTER

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such juice, it is concentrated; and fresh orange juice extracted from sorted and washed fruit, as aforesaid, is admixed to the concentrate. The concentrated orange juice is packed in accordance with good commercial practice and is frozen and maintained at temperatures necessary for the preservation of the product.

§ 52.1582 *Styles of frozen concentrated orange juice*—(a) *Style I, without sweetening ingredient added.* The Brix value of the finished concentrate shall be not less than 41.8 degrees nor more than 44.0 degrees.

(b) *Style II, with sweetening ingredient added.* The finished concentrate, exclusive of added sweetening ingredient, has a Brix value of not less than 40 degrees; and the finished concentrate, including added sweetening ingredient, shall have a Brix value of not less than 42 degrees but not more than 49 degrees.

§ 52.1583 *Grades of frozen concentrated orange juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses the appearance of fresh orange juice; that possesses a very good color; that is practically free from defects; that possesses a very good flavor; and that for those factors which are scored in accordance with

the scoring system outlined in this subpart the total score is not less than 85 points.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses a good color; that is reasonably free from defects; that possesses a good flavor; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen concentrated orange juice that fails to meet the requirements of U. S. Grade B or U. S. Choice.

FILL OF CONTAINER

§ 52.1584 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be as full of frozen concentrated orange juice as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.1585 *Ascertaining the grade.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(a) *Factors not rated by score points.* (1) Faculty of reconstituting properly.

(2) Appearance of fresh juice.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(1) Color	40
(2) Absence of defects	20
(3) Flavor	40
Total score	100

§ 52.1586 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1587 *Color*—(a) *(A) Classification.* Frozen concentrated orange juice of which the reconstituted juice possesses a very good color may be given a score of 34 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of rich-colored fresh orange juice.

(b) *(B) Classification.* If the reconstituted juice possesses a good color, a score of 28 to 33 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is the yellow to yellow-orange color typical of fresh orange juice, which may be dull but is not off color for any reason.

(c) *(SStd) Classification.* If the reconstituted juice fails to meet the requirements of paragraph (b) of this section, a score of 0 to 27 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1588 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells, from pulp, from recoverable oil, and from other defects.

(1) *Pulp.* "Pulp" means particles of membrane, core, and peel.

(b) *(A) Classification.* Frozen concentrated orange juice of which the reconstituted juice is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that there may be present: (1) small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice; (2) juice cells and pulp that do not materially affect the appearance or drinking quality of the juice; and (3) other defects that are not more than slightly objectionable. To score in this classification the frozen concentrated orange juice may contain not more than 0.100 milliliter of recoverable oil per 100 grams of the concentrated product.

(c) *(B) Classification.* If the reconstituted juice is reasonably free from defects, a score of 14 to 16 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present: (1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or drinking quality of the juice; (2) juice cells and pulp that do not seriously affect the appearance or drinking quality of the juice; and (3) other defects that are not materially objectionable. To score in this classification the frozen concentrated orange juice may contain not more than 0.120 milliliter of recoverable oil per 100 grams of the concentrated product.

(d) *(SStd) Classification.* Frozen concentrated orange juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1589 *Flavor*—(a) *(A) Classification.* Frozen concentrated orange juice of which the reconstituted juice possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and substantially typical of orange juice extracted from fresh mature sweet oranges. To score not less than 34 points frozen concentrated orange juice shall meet the following requirements for the respective styles:

(1) *Style I, without sweetening ingredient added.* The ratio of Brix value to acid is not less than 11.5 to 1 nor more than 18 to 1 (see Table I of this subpart).

(2) *Style II, with sweetening ingredient added.* The ratio of Brix value to acid is not less than 12 to 1 nor more than 14 to 1 (see Table II of this subpart).

(b) *(B) Classification.* If the reconstituted juice possesses a good flavor, a score of 28 to 33 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the flavor is fairly typical of fresh orange juice extracted from fresh mature sweet oranges and is free from abnormal flavors and off flavors of any kind. To score not less than 28 points frozen concentrated orange juice shall meet the following requirements for the respective styles:

(1) *Style I, without sweetening ingredient added.* The ratio of Brix value to acid is not less than 10 to 1 nor more than 19 to 1 (see Table I of this subpart).

(2) *Style II, with sweetening ingredient added.* The ratio of Brix value to acid is not less than 10 to 1 nor more than 15 to 1 (see Table II of this subpart).

(c) *(SStd) classification.* If the frozen concentrated orange juice fails to meet the requirements of paragraph (b) of this section, a score of 0 to 27 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED ORANGE JUICE

STYLE I, WITHOUT SWEETENING INGREDIENT ADDED

Brix value of the concentrate in degrees Brix	U. S. Grade A or U. S. Fancy		U. S. Grade B or U. S. Choice	
	Ratio 11.5:1	Ratio 18:1	Ratio 10:1	Ratio 19:1
	Acid (percent by weight)		Acid (percent by weight)	
	Maximum	Minimum	Maximum	Minimum
41.8°	3.63	2.32	4.18	2.20
41.9°	3.64	2.33	4.19	2.21
42.0°	3.65	2.33	4.20	2.21
42.1°	3.66	2.34	4.21	2.22
42.2°	3.67	2.34	4.22	2.22
42.3°	3.68	2.35	4.23	2.23
42.4°	3.69	2.36	4.24	2.23
42.5°	3.70	2.36	4.25	2.24
42.6°	3.70	2.37	4.26	2.24
42.7°	3.71	2.37	4.27	2.25
42.8°	3.72	2.38	4.28	2.25
42.9°	3.73	2.38	4.29	2.26
43.0°	3.74	2.39	4.30	2.26
43.1°	3.75	2.39	4.31	2.27
43.2°	3.76	2.40	4.32	2.27
43.3°	3.77	2.41	4.33	2.28
43.4°	3.77	2.41	4.34	2.28
43.5°	3.78	2.42	4.35	2.29
43.6°	3.79	2.42	4.36	2.29
43.7°	3.80	2.43	4.37	2.30
43.8°	3.81	2.43	4.38	2.31
43.9°	3.82	2.44	4.39	2.31
44.0°	3.83	2.44	4.40	2.32

TABLE II—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED ORANGE JUICE

STYLE II, WITH SWEETENING INGREDIENT ADDED

Brix value of the concentrate in degrees Brix	U. S. Grade A or U. S. Fancy		U. S. Grade B or U. S. Choice	
	Ratio 12:1	Ratio 14:1	Ratio 10:1	Ratio 15:1
	Acid (percent by weight)		Acid (percent by weight)	
	Maximum	Minimum	Maximum	Minimum
42.0°	3.50	3.00	4.20	2.80
42.1°	3.51	3.01	4.21	2.81
42.2°	3.52	3.01	4.22	2.81
42.3°	3.53	3.02	4.23	2.82
42.4°	3.53	3.03	4.24	2.83
42.5°	3.54	3.04	4.25	2.83
42.6°	3.55	3.04	4.26	2.84
42.7°	3.56	3.05	4.27	2.85
42.8°	3.57	3.06	4.28	2.85
42.9°	3.58	3.06	4.29	2.86
43.0°	3.58	3.07	4.30	2.87
43.1°	3.59	3.08	4.31	2.87
43.2°	3.60	3.09	4.32	2.88
43.3°	3.61	3.09	4.33	2.89
43.4°	3.62	3.10	4.34	2.89
43.5°	3.63	3.11	4.35	2.90
43.6°	3.63	3.11	4.36	2.91
43.7°	3.64	3.12	4.37	2.91
43.8°	3.65	3.13	4.38	2.92
43.9°	3.66	3.14	4.39	2.93
44.0°	3.67	3.14	4.40	2.93
44.1°	3.68	3.15	4.41	2.94
44.2°	3.68	3.16	4.42	2.95
44.3°	3.69	3.16	4.43	2.95
44.4°	3.70	3.17	4.44	2.96
44.5°	3.71	3.18	4.45	2.97
44.6°	3.72	3.19	4.46	2.97
44.7°	3.73	3.19	4.47	2.98
44.8°	3.73	3.20	4.48	2.99
44.9°	3.74	3.21	4.49	2.99
45.0°	3.75	3.21	4.50	3.00
45.1°	3.76	3.22	4.51	3.01
45.2°	3.77	3.23	4.52	3.01
45.3°	3.78	3.24	4.53	3.02
45.4°	3.78	3.24	4.54	3.03
45.5°	3.79	3.25	4.55	3.03
45.6°	3.80	3.26	4.56	3.04
45.7°	3.81	3.26	4.57	3.05
45.8°	3.82	3.27	4.58	3.05
45.9°	3.83	3.28	4.59	3.06
46.0°	3.83	3.29	4.60	3.07
46.1°	3.84	3.29	4.61	3.07
46.2°	3.85	3.30	4.62	3.08
46.3°	3.86	3.31	4.63	3.09
46.4°	3.87	3.31	4.64	3.09
46.5°	3.88	3.32	4.65	3.10
46.6°	3.88	3.33	4.66	3.11
46.7°	3.89	3.34	4.67	3.11
46.8°	3.90	3.34	4.68	3.12
46.9°	3.91	3.35	4.69	3.13
47.0°	3.92	3.36	4.70	3.13
47.1°	3.93	3.36	4.71	3.14
47.2°	3.93	3.37	4.72	3.15
47.3°	3.94	3.38	4.73	3.15
47.4°	3.95	3.39	4.74	3.16
47.5°	3.96	3.39	4.75	3.17
47.6°	3.97	3.40	4.76	3.17
47.7°	3.98	3.41	4.77	3.18
47.8°	3.98	3.41	4.78	3.19
47.9°	3.99	3.42	4.79	3.19
48.0°	4.00	3.43	4.80	3.20
48.1°	4.01	3.44	4.81	3.21
48.2°	4.02	3.44	4.82	3.21
48.3°	4.03	3.45	4.83	3.22
48.4°	4.03	3.46	4.84	3.23
48.5°	4.04	3.46	4.85	3.23
48.6°	4.05	3.47	4.86	3.24
48.7°	4.06	3.48	4.87	3.25
48.8°	4.07	3.49	4.88	3.25
48.9°	4.08	3.49	4.89	3.26
49.0°	4.08	3.50	4.90	3.27

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1590 *Definitions of terms and methods of analyses*—(a) *Oranges.* "Oranges" means oranges of the sweet orange group (Citrus sinensis) and the Mandarin group (Citrus reticulata), except tangerines.

(b) *Reconstituted juice.* "Reconstituted juice" means the product obtained by mixing thoroughly 3 parts by volume of distilled water and one part by volume of frozen concentrated orange juice.

(c) *Reconstitutes properly.* "Reconstitutes properly" means that the concentrate goes into solution readily; and that in approximately 250 ml. of the reconstituted juice, after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass cylinder (approximately 1¼ inches in diameter), there may be a noticeable separation of suspended matter but any resulting zone of greater clarity shall be definitely turbid and not clear or transparent.

(d) *Acid.* "Acid" means the percent by weight of total acidity, calculated as anhydrous citric acid, in frozen concentrated orange juice. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(e) *Brix value.* "Brix value" in frozen concentrated orange juice is the refractometric sucrose value determined in accordance with the "International Scale of Refractive Indices of Sucrose Solutions" and to which the applicable correction for acid is added (see Table III of this subpart for corrections). The measurement of Brix value is determined on the thawed concentrate in accordance with the refractometric method for sugars and sugar products, outlined in the "Official Methods of Analysis of the Association of Official Agricultural Chemists."

TABLE III[1]—CORRECTIONS FOR OBTAINING BRIX VALUE

Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value	Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value
2.0	0.39	3.6	0.70
2.2	.43	3.8	.74
2.4	.47	4.0	.78
2.6	.51	4.2	.81
2.8	.54	4.4	.85
3.0	.58	4.6	.89
3.2	.62	4.8	.93
3.4	.66	5.0	.97

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, Vol. II, Page 447, August 15, 1939.

(f) *Recoverable oil.* "Recoverable oil" is determined by the following method:

(1) *Equipment.*

Oil separatory trap similar to either of those illustrated in Figure 1 or Figure 2.[1]
Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(2) *Procedure.* (i) Exactly 400 grams of the thawed concentrate mixed with water to approximately two liters are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from the bottom to top, and bring the solution to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute.

(ii) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(iii) The number of milliliters of oil recovered divided by 4 equals the volume of recoverable oil per 100 grams of concentrate.

LOT CERTIFICATION TOLERANCES

§ 52.1591 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen concentrated orange juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.1592 *Score sheet for frozen concentrated orange juice.*

Size and kind of container	
Container mark	Cans
or identification	Cases
Label (including ingredient statement, if any)	
Liquid measure (fluid ounces)	
Vacuum (inches)	
Brix value (of concentrate)	
Style	
Total acidity:	
As anhydrous citric	
Percent by weight	
Brix value—acid ratio (:1)	
Recoverable oil (ml./100 grams)	
Reconstitutes properly: (yes) (no)	
Appearance of fresh juice: (yes) (no)	

Factors		Score points
Color	40	(A) 34–40 (B) [1] 28–33 (SStd) [1] 0–27
Absence of defects	20	(A) 17–20 (B) [1] 14–16 (SStd) [1] 0–13
Flavor	40	(A) 34–40 (B) [1] 28–33 (SStd) [1] 0–27
Total score	100	
Grade		

[1] Indicates limiting rule.

The United States Standards for Grades of Frozen Concentrated Orange Juice (which is the third issue) contained in this subpart shall become effective December 1, 1955 and thereupon will supersede the United States Standards for Grades of Frozen Concentrated Orange Juice (7 CFR § 52.1581–§ 52.1593) which have been in effect since September 23, 1950.

Dated: October 27, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55–8810; Filed, Nov. 1, 1955; 8:45 a. m.]

[1] Filed as part of the original document.

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 612, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b (1) (ii) of § 953.719 (Lemon Regulation 612, 20 F. R. 7961) are hereby amended to read as follows:

(ii) District 2: 190 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 28, 1955.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–8829; Filed, Nov. 1, 1955; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Rice, Revised]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In F. R. Document 55–8661, appearing in the issue for Wednesday, October 26, 1955, at page 8031, make the following changes:

1. In § 421.1337 (f) (5), line 20, the word "preserve" should read "preserved".
2. In the last line of § 421.1339 (b), delete "by CCC" following the word "program".
3. In the last line of § 421.1339 (c), add "by CCC" after the word "acquired".
4. In § 421.1340 (e), line 2, insert the word "be" after the word "must".

TITLE 41—PUBLIC CONTRACTS

Chapter III—Committee on Purchases of Blind-Made Products

PART 301—PURCHASES OF BLIND-MADE PRODUCTS

AGENCIES FOR THE BLIND; RESTRICTIONS

Paragraph (a) of § 301.6 *Agencies for the blind; restrictions* is revised to read as follows:

§ 301.6 *Agencies for the blind; restrictions.* (a) (1) The term "Agency for the blind" as used in the Act of June 25, 1938, shall be defined as meaning an agency employing blind persons to an extent constituting not less than 75 percent of the total hours of employment of all personnel engaged in the direct labor of production of manufactured blind-made products.

(2) Direct labor of production means all work required for preparation, processing and packing but not including supervision, administration, inspection and shipping.

(Sec. 2, 52 Stat. 1196; 41 U. S. C. 47)

ROBT. LEFEVRE,
Secretary,
Committee on Purchases of Blind-Made Products.

SEPTEMBER 27, 1955.

[F. R. Doc. 55–8821; Filed, Nov. 1, 1955; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 140]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.39 the McGregor, New Mexico, area (R–211 formerly Fort Bliss, Texas, D–211) published on October 29, 1949, in 14 F. R. 6596, is redesignated as follows:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
McGREGOR (R–211) (Roswell).	Beginning at latitude 32°27'40" N., longitude 106°00'00" W.; due N. paralleling the Eastern boundary of Restricted Area (R–210) to latitude 32°36'00" N., longitude 106°00'00" W.; northeasterly to latitude 32°45'00" N., longitude 105°59'00" W.; due east to latitude 32°45'00" N., longitude 105°30'00" W.; due south to latitude 32°26'20", longitude 105°30'00" W.; southwesterly parallel to Red 71 airway to latitude 32°00'00" N., longitude 105°57'00" W.; due west to latitude 32°00'00" N., longitude 106°10'30" W.; northerly to latitude 32°05'20" N., longitude 106°09'20" W.; westerly to the Southern Pacific Railroad at latitude 32°06'00" N., longitude 106°15'30" W.; northeast following the railroad to latitude 32°28'00" N., longitude 106°02'00" W.; east-southeast to latitude 32°27'40" N., longitude 106°00'00" W.; point of beginning.	Surface to unlimited.	Continuous.	Fort Bliss, Tex.

2. In § 608.45, the Boardman, Oregon, area (R–251) (formerly D–251), amended on November 30, 1949, in 14 F. R. 7198 is further amended by changing the "Time of Designation" column to read: "Days".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on November 18, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–8815; Filed, Nov. 1, 1955; 8:46 a. m.]

[Amdt. 168]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
LANSING, MICH. Capital City, 858'. SBMRAZ-LAN. Procedure No. 1. Amendment No. 9. Effective date: December 3, 1955. Supersedes No. 8, dated October 15, 1955. Major changes: Column 11 Note revised.	LAN VOR	067—9.0	2,400	N side of E course: 101° outbound. 281° outbound. 2,900' within 10 miles.	2,400	280—2.6	2 engines or less T-dn C-dn S-dn 27 A-dn	300-1 800-1 800-1 800-2	300-1 800-1 800-1 800-2	Within 2.6 miles climb to 2,200' on W course within 25 miles or when directed by ATC; Make right turn, climb to 2,000' on NW course within 25 miles. *300-1 required on SE-NW runways.
							More than 2 engines T-dn C-dn S-dn 27 A-dn	---------- ---------- ---------- ----------	*200-½ 800-1½ 800-1 800-2	
LONG BEACH, CALIF. Municipal, 56'. SBMRLZ-DTV-LGB. Procedure No. 1. Amendment No. 10. Effective date: December 3, 1955. Supersedes No. 9, dated October 29, 1955. Major changes: Add transition altitude from intersection SW course El Toro LFR; revise altitude from La Habra due to intervening terrain.	La Habra FM	208—15.0	1,800	W side of SE course: 118° outbound. 298° inbound. 1,500' within 10 miles. Beyond 10 miles not authorized.	1,000	298—3.9	2 engines or less T-dn C-dn S-dn Runway 30 A-dn	300-1 500-1 500-1 800-2	300-1 600-1 500-1 800-2	Within 3.9 miles, climb to 800' on NW course, then turn left to 250° continuing climb to intersection S course of LAX LFR and proceed to San Pedro Intersection at minimum of 2,500'. CAUTION: 500' hill with oil derricks 1 mile S of airport. Standard clearance not provided over obstructions for circling minimums. *300-1 required for takeoff Runways 16, 16R, 25L, 34R.
	Intersection SE course LGB LFR and SW course El Toro LFR.	298—17.0	1,400				More than 2 engines T-dn C-dn S-dn Runway 30 A-dn	---------- ---------- ---------- ----------	*200-½ 600-2 500-1 800-2	
	Huntington Beach FM (final).	298—11.0	1,000							
	Long Beach VOR	237—2.5	1,500							
PUEBLO, COLO. Pueblo Memorial, 4,725'. SBRAZ-DTV-PUB. Procedure No. 1. Amendment No. 1. Effective date: December 3, 1955. Major changes: New format; relocated PUB VOR. Airport name and elevation changed.	Pub VOR	235—14.0	6,600	E side of course: 149° outbound. 329° inbound. 6,600' within 10 miles. 7,500' within 25 miles.	5,800	042—8.8	2 engines or less T-dn C-d C-n A-du	300-1 800-1 800-2 800-2	300-1 800-1 800-2 800-2	Within 9 miles, turn right and climb to 6,000' on E course within 25 miles of PUB LFR. Alternate missed approach when directed by ATC: Turn left and climb to 8,000' on N course within 25 miles of PUB LFR. *300-1 required on runways No. 26 and 35.
							More than 2 engines T-dn C-d C-u A-dn	---------- ---------- ---------- ----------	*200-½ 800-1½ 800-2 800-2	

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ROSWELL, N. MEX. Walker Air Force Base, 3,666'. SBMRAZ-DTV ROW. Procedure No. 1. Amendment No. 5. Effective date: December 3, 1955. Supersedes Amendment No. 4 dated March 17, 1954. Major changes: Establishes civil minimums.	Instrument approach to be conducted in accordance with latest USAF instrument approach procedure as contained on Chart AL-351-RNG.						All aircraft T-dn C-dn A-dn	300-2 500-2 800-2	300-3 500-3 800-2	
SAULT STE. MARIE, MICH. Sault Ste. Marie Airport, 722'. SBRAZ-SSM. Procedure No. 1. Amendment No. 2. Effective date: December 3, 1955. Supersedes No. 1, dated October, 15, 1955. Major changes: (1) Adds alternate day minimums.	----------	----------	----------	E side SE course: 118° outbound. 298° inbound. 1,800' within 10 miles.	1,300	316—2.2	2 engines or less T-d T-n C-d C-n S-d 32 S-n A-d A-n	300-1 NA 500-1 NA 500-1 NA 800-2 NA	300-1 NA 500-1½ NA 500-1 NA 800-2 NA	Within 2.2 miles, climb to 2,500' on W course. CAUTION: (1) 895' mean sea level microwave tower 0.3 miles 022° from airport; (2) 936' mean sea level radio tower 2.8 miles 205° from airport.
							More than 2 engines Not authorized			
SEATTLE, WASH. Boeing Field, 17'. SBRAZ-DTXV SEA. Procedure No. 1. Amendment No. 14. Effective date: December 3, 1955. Supersedes Amendment No. 13 dated, March 26, 1954. Major changes: New format; delete transition involving Kitsap Intersection, Harbor Island FM and TCM LFR; revise caution note; add radar note; add transition from SEA-VOR.	Monroe Intersection	186—26.0	3,000	E side of S course: 176° outbound. 356° inbound. 2,000' within 15 miles. Not authorized beyond 15 miles.	*1,500	200—2.4	2 engines or less T-dn C-dn A-dn	300-1 800-2 800-2	300-1 800-2 800-2	Within 2.4 miles, climb to 2,000' on NW course SEA-LFR within 25 miles. *Descent to 1,200' (final) authorized after passing SEA-LOM. If SEA-LOM not received, maintain 1,500' over SEA-LFR. CAUTION: 606' tank 3 miles W and 578' tower 3½ miles NW of Boeing Field.
	Hobart FM	269—15.0	4,000				More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	200-½ 800-2 800-2	
	TCM LFR to SEA LOM	356—25.0	2,000							
	SEA LOM (final)	356—9.0	1,200							
	SEA VOR	013—4.5	2,000							
	All fixes within 30 nautical miles of Seattle GCA station may be determined by surveillance radar.									
SEATTLE, WASH. Boeing Field, 17'. SBRAZ-DTXV SEA. Harbor Island FM approach. Procedure No. 2. Amendment No. 2. Effective date: December 3, 1955. Supersedes Amendment No. 1 dated, February 5, 1954. Major changes: New format; delete Kitsap Intersection column No. 2; add SEA-VOR, column No. 2; add "final" from radar fix; add radar note; revise caution note.	Hobart FM to SEA-LFR	269—15.0	4,000	W side of NW course: 297° outbound. 117° inbound. 2,000' within 10 miles of Harbor Island FM. Not authorized beyond 10 miles.	Harbor Island FM 1,500	Harbor Island FM 117—3.7	2 engines or less T-dn C-dn A-dn	300-1 800-2 800-2	300-1 800-2 800-2	Within 3.7 miles past Harbor Island FM climb to 2,000' on S course SEA-LFR within 15 miles. CAUTION: 606' tank 3 miles W and 578' tower 3½ miles NW of Boeing Field.
	SEA-VOR to SEA-LFR	013—4.5	2,000				More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	200-½ 800-2 800-2	
	SEA-VOR to Harbor Island FM.	324—10.0	2,000							
	Radar fix 5 miles NW of Harbor Island FM on NW course SEA-LFR (final).	117—5.0	1,500							
	All fixes within 30 nautical miles of Seattle GCA station may be determined by surveillance radar.									

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
TRAVERSE CITY, MICH. Traverse City, 623'. SBMRAZ-VDT TVC. Procedure No. 1. Amendment No. 5. Effective date: December 3, 1955. Supersedes No. 4, dated July 1, 1954. Major changes: (1) Procedure turns beyond 10 miles deleted (criteria); (2) minimums format revised (criteria); (3) caution note added column 11.	----------	----------	----------	E side of SE course: 139° outbound. 319° inbound. 2,100' within 10 miles.	1,600	319—2.2	2 engines or less T-dn C-d C-n A-dn	300–1 400–1 400–1½ 800–2	300–1 500–1 500–1½ 800–2	Within 2.2 miles, climb to 2,500' on NW course within 25 miles. CAUTION: Tower 5 miles NW of airport, 1,538' mean sea level.
							More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	200–½ 500–1½ 800–2	

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
FORT MYERS, FLA. Page Field, 17'. SBRAZ-FMY (center tower only). Procedure No. 1. Amendment No. 1. Effective date: "decommissioning of LFR" about November 10, 1955. Supersedes: Original, dated "approximately September 1, 1955." Major change: Establishes temporary procedure pending establishment of "H" facility at new location.	Fort Myers VOR----------	122—0.3	1,200	S side of course: 218° outbound. 038° inbound. 1,200' within 10 miles.	700	038—3.7	2 engines or less T-dn C-dn S-d S-n 4 A-dn	300–1 400–1 400–1 400–1 800–2	300–1 500–1 400–1 500–1 800–2	Within 3.9 miles climb to 1,300' on course of 038° within 20 miles.* *CAUTION: 20 mile limitation due traffic on airway Red 101.
							More than 2 engines T-dn C-dn S-d S-n 4 A-dn	---------- ---------- ---------- ---------- ----------	200–½ 500–1½ 400–1 500–1½ 800–2	

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
BRUNSWICK, GA. Malcolm McKinnon, 20'. BVOR—SSI. Procedure No. 1. Amendment—Original. Effective upon commissioning of facility, approximately January 15, 1956.	Brunswick MH----------	206—8.0	1,100	S side of course: 202° outbound. 022° inbound. 1,100' within 10 miles.	600	022—7.2	2 engines or less T-dn C-dn S-dn 4 A-dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	Within 7.2 miles turn right,* climb to 1,100' on radial 202° within 25 miles. *Provides separation from Navy Glynco traffic.
							More than 2 engines T-dn C-dn S-dn 4 A-dn	---------- ---------- ---------- ----------	200–½ 500–1½ 400–1 800–2	
CINCINNATI, OHIO. Greater Cincinnati Airport, 890'. VOR-CVG. Combined VOR–Radar. Procedure No. 2. Amendment "Original." Effective date: December 3, 1955.	Radar transitions to Cincinnati VOR radial 044° conducted in accordance with established ASR patterns for Runway 22.			Procedure turn not authorized inbound course 221°.	Facility is not crossed. Minimum altitude on final to 5 nautical mile fix (radar) 2,000' descend to landing minimums after passing 5 nautical mile fix as determined by surveillance radar.		2 engines or less T-dn C-dn S-dn 22 A-dn	300–1 700–1 700–1 800–2	300–1 700–1 700–1 800–2	Within 5 nautical miles after passing radar fix, climb to 2,400' on heading 224° to Cincinnati VOR. Then turn right and proceed out radial 241° for 10 miles. Hold on Cincinnati VOR radial 241° at 2,400' within 10 miles or as directed by ATC. This procedure authorized only in conjunction with airport surveillance radar. No altitude or range information given between radar 5 mile fix and airport. NOTE: The following radar transition altitudes, except final approach, are applicable: From 022° through 105° 2,500' within 30 nautical miles, 105° through 180° to 022° 2,000' within 15 nautical miles, 2,500' within 30 nautical miles. Bearings are from radar site and rotate clockwise.
							More than 2 engines T-dn C-dn S-dn 22 A-dn	---------- ---------- ---------- ----------	200–½ 700–1 700–1 800–2	
SAN DIEGO, CALIF. Lindbergh Field, 15'. BVOR-DTV SAN. Procedure No. 1. Amendment No. 4. Effective date: March 12, 1955.	PROCEDURE CANCELED OCTOBER 11, 1955. FACILITY DECOMMISSIONED—TO BE RELOCATED.									
TUCSON, ARIZ. Tucson Municipal, 2,630'. BVOR-TUS and Gilpin FM. Procedure No. 2. Original effective date: On commissioning of Gilpin FM May 4, 1955.	PROCEDURE CANCELED OCTOBER 12, 1955.									

4. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State, airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
HOUSTON, TEX. International, 50'. TVOR—DME. Amendment: Original. Effective: December 3, 1955. TVOR-3.	25 nautical miles fix# to 10 nautical miles fix#.	046—15	2,100	S side of course: 226° outbound. 046° inbound. 1,500' within 10 nautical miles.*	500	035—1.5	Minimums for all procedures			Climb to 1,600' on radial 036° within 25 nautical miles.
	10 nautical miles fix# to 5 nautical miles fix#.	046—5	1,500				2 engines or less, 65 knots or less: T-dn 300-1 / 300-1; C-dn 400-1 / 500-1; %S-dn 400-1 / 400-1; A-dn 800-2 / 800-2			
	5 nautical miles fix# to airport (final).	046—5	500				More than 2 engines, More than 65 knots: T-dn ---- / 200-½; C-dn ---- / 500-1½; %S-dn ---- / 400-1; A-dn ---- / 800-2			
TVOR-12.	25 nautical miles fix# to 10 nautical miles fix#.	120—15	1,800	W side of course: 300° outbound. 120° inbound. 1,800' within 10 nautical miles.#	500	125—0.8				Climb to 1,400' on radial 134° within 25 nautical miles.
	10 nautical miles fix# to 5 nautical miles fix#.	120—5	1,500							
	5 nautical miles fix# to airport (final).	120—5	500							
TVOR-17.	25 nautical miles fix# to 10 nautical miles fix#.	145—15	1,800	W side of course: 325° outbound. 145° inbound. 1,800' within 10 nautical miles.%	500	170—0.9				Climb to 1,400' on radial 134° within 25 nautical miles.
	10 nautical miles fix# to 5 nautical miles fix#.	145—5	1,500							
	5 nautical miles fix# to airport (final).	145—5	500							
TVOR-21.*	25 nautical miles fix# to 5 nautical miles fix#.	196—20	1,500	W side of course: 016° outbound. 196° inbound. 1,500' within 10 nautical miles.*	500	215—0.7				Climb to 2,000' on radial 218° within 25 nautical miles.
	5 nautical miles fix# to airport (final).	196—5	500							
TVOR-30.	25 nautical miles fix# to 5 nautical miles fix#.	313—20	1,500	E side of course: 133° outbound. 313° inbound. 1,500' within 10 nautical miles.*	500	305—1.5				Climb to 1,800' on radial 306° within 25 nautical miles.
	5 nautical miles fix# to airport (final).	313—5	500							
TVOR-35.	25 nautical miles fix# to 5 nautical miles fix#.	019—20	1,500	E side of course: 199° outbound. 019° inbound. 1,500' within 10 nautical miles.*	500	350—1.1				Climb to 1,600' on radial 009° within 25 nautical miles.
	5 nautical miles fix# to airport (final).	019—5	500							

All procedures: #Fixes may be determined by either DME or radar. Radar terminal area maneuvering altitude 2,000' within 20 nautical miles. Radar control must provide 3 nautical miles lateral or 1,000' vertical separation from 1,051' tower 10.5 nautical miles WSW.
*When authorized by ATC, DME may be used within 10 nautical miles at 1,500' orbiting altitude to position aircraft for a final approach with the elimination of a procedure turn.
%Straight-in to runway indicated by procedure number.

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
KNOXVILLE, TENN. McGhee-Tyson, 989'. ILS-TYS. LOM-TY. Combination ILS & ADF. Procedure No. 1. Amendment 14. Effective date: December 3, 1955. Supersedes Amendment 13, August 21, 1954. Major changes: Add glide slope and lower landing minima.	Knoxville LFR	LOM	216—10.0	2,200	W side SW course: 225° outbound. 045° inbound. 2,700' within 10 miles. Beyond 10 miles not authorized.	ILS 2,700 / ADF 2,000 over LOM	2,650—6.2	1,160—0.7	2 engines or less: T-dn 300-1 / 300-1; C-d 500-1 / 500-1; C-n 500-1½ / 500-1½; S-4L-dn ILS *200-½ / *200-½; ADF 400-1 / 400-1; More than 2 engines: T-dn ---- / 200-½; C-dn ---- / 500-1½; S-4L-dn ILS (*) / 200-½; ADF ---- / 400-1; All aircraft: A-dn ILS ---- / 600-2; ADF ---- / 800-2			6.2 miles after passing LOM turn left climb to 3,000' on N course TYS-LFR, or turn left climb to 3,000' on radial 345°. When directed by ATC climb to 4,000' on 063° course from LFR or radial 063° within 25 miles. *400-¾ required when glide slope not utilized.
	Knoxville BVOR	OM	222—15.0	2,400								
	Tallassee FM	LOM	353—14.0	2,500								
	SW course TYS-LFR and 110° on LOM.	LOM	110—8.0	2,300								
LONG BEACH, CALIF. Municipal, 56'. ILS-LGB LOM-LG. Combination ILS and ADF. Procedure No. 1. Amendment No. 8. Effective date: December 3, 1955. Supersedes Amendment No. 7 dated October 29, 1955. Major changes: Add transition altitude from Intersection SW course El Toro LFR; correct San Pedro transition course and distance.	LGB LFR	LOM	130—1.5	1,500	S side SE course: 121° outbound. 301° inbound. 1,500' within 10 miles of LOM. Beyond 10 miles not authorized.	1,400 ILS / 1,100 ADF	1,320—5.4	245—0.7	2 engines or less: T-dn 300-1 / 300-1; C-dn 500-1 / 600-1; S-dn Runway 30 ILS 300-¾ / 300-¾; ADF 500-1 / 500-1; A-dn ILS 600-2 / 600-2; ADF 800-2 / 800-2; More than 2 engines: T-dn ---- / *200-½; C-dn ---- / 600-2; S-dn Runway 30 ILS ---- / 300-¾; ADF ---- / 500-1; A-dn ILS ---- / 600-2; ADF ---- / 800-2			Within 5.4 miles after passing LOM (ADF) climb to 800' on NW course LGB LFR, turn left to 250° continuing climb to intersection S course LAX LFR and proceed to San Pedro Intersection at minimum of 2,500'. CAUTION: Standard clearance over obstructions not provided for circling minimums 500' hill with oil derricks 1 mile S of airport. *300-1 required for takeoff runways 16, 16R, 25L, 34R.
	Huntington Beach FM (final).	LOM	295—10.0	1,400								
	San Pedro Intersection	LOM	033—15.0	1,500								
	LGB-VOR	LOM	199—2.5	1,500								
	Intersection SW course El Toro and SE course LGB LFR or LGB radial 122° (final).	LOM	295—16.0	1,400								

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55-8785; Filed, Nov. 1, 1955; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

MISCELLANEOUS AMENDMENTS TO CHAPTER D

The following changes are made in Title 24, Chapter II:

1. Section 221.42 (b) is amended by adding thereto a new subparagraph (4) and renumbering and amending the succeeding subparagraphs as follows:

§ 221.42 *Eligibility of miscellaneous type mortgages.* • • •

(b) • • •

(4) Executed in connection with the sale by the Government, or any agency or official thereof, of any housing (including any property acquired, held, or constructed in connection therewith or to serve the inhabitants thereof) pursuant to the Atomic Energy Community Act of 1955, as amended: *Provided*, That such insurance shall be issued without regard to any preferences or priorities except those prescribed by the Atomic Energy Community Act of 1955, as amended; or

(5) Executed in connection with the sale by a State or municipality, or an agency, instrumentality, or political subdivision of either, of a project consisting of any permanent housing (including any property acquired, held or constructed in connection therewith or to serve the inhabitants thereof), constructed by or on behalf of such State, municipality, agency, instrumentality or political subdivision, for the occupancy of veterans (as defined in § 221.11) their families and others; or

(6) Executed in connection with the first resale, within two years from the date of its acquisition from the Government, of any portion of a project or property of the character described in subparagraphs (1), (2), (3), and (4) of this paragraph; or

(7) Given to refinance an existing mortgage insured under section 903 of the act: *Provided*, That any such refinancing mortgage shall not exceed the original principal amount or the unexpired term of such existing mortgage.

• • • • •

2. Section 221.42 (h) is amended to read as follows:

§ 221.42 *Eligibility of miscellaneous type mortgages.* • • •

(h) The provisions of § 221.37 shall not apply to mortgages of the character described in paragraph (b) of this section and at the time any such mortgage is insured there must be located on the mortgaged property a dwelling unit designed principally for residential use for not more than eight families.

• • • • •

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

1. Section 232.30 (b) is amended by adding thereto a new subparagraph (4) and renumbering and amending the succeeding subparagraphs as follows:

§ 232.30 *Eligibility of miscellaneous type mortgages.* • • •

(b) • • •

(4) Executed in connection with the sale by the Government, or any agency or official thereof, of any housing (including any property acquired, held, or constructed in connection therewith or to serve the inhabitants thereof) pursuant to the Atomic Energy Community Act of 1955, as amended: *Provided*, That such insurance shall be issued without regard to any preferences or priorities except those prescribed by the Atomic Energy Community Act of 1955, as amended; or

(5) Executed in connection with the sale by a State or municipality, or an agency, instrumentality, or political subdivision of either, of a project consisting of any permanent housing (including any property acquired, held or constructed in connection therewith or to serve the inhabitants thereof), constructed by or on behalf of such State, municipality, agency, instrumentality or political subdivision, for the occupancy of veterans (as defined in § 221.11) their families and others; or

(6) Executed in connection with the first resale, within two years from the date of its acquisition from the Government, of any portion of a project or property of the character described in subparagraphs (1), (2), (3), and (4) of this paragraph.

• • • • •

2. Part 232 is amended by adding a new § 232.31a as follows:

§ 232.31a *Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.* (a) All of the provisions of Part 232 of this chapter shall apply with equal force and effect to this section with respect to the insurance of mortgages on trailer courts or parks, except as provided in this section.

(b) A mortgage on a trailer court or park may involve a principal obligation in an amount not to exceed, in any event, $300,000; and may involve a principal obligation in an amount not to exceed $1,000 per space, as defined by the Commissioner, and not to exceed 60 percent of the estimated value of the property after the improvements are completed.

(c) A mortgage on a trailer court or park is not subject to the provisions of § 232.4 (b).

(d) No mortgage on a leasehold estate shall be eligible for insurance under this section.

(e) A mortgage on a trailer court or park shall have a maturity satisfactory to the Commissioner not to exceed 10 years from the date of insurance.

(f) A mortgage on a trailer court or park shall bear interest, not exceeding 4½ percent per annum, on the amount of the principal obligation outstanding at any time, as may be agreed upon between the mortgagor and the mortgagee.

(g) All reference in § 232.17 (a) to "housing for rent or sale," shall be deemed to mean the rental of spaces for the accommodation of trailers or mobile homes, and such appurtenances thereto as may have been approved by the Commissioner.

(h) At the time a mortgage is insured on a trailer court or park, the mortgagor shall have constructed and completed, pursuant to a commitment to insure upon completion, or shall be obligated to construct and complete such new court or park, consisting of a single project of not less than fifty spaces on one site, designed principally for rental use for trailers or mobile homes, and conforming to standards, specifications, plans and requirements satisfactory to the Commissioner.

(i) The references in §§ 232.24–232.28 to "statutory limitations" and "statutory percentage" shall be deemed to mean the 60 percent ratio of loan-to-value limitation set forth in paragraph (b) of this section.

(j) Mortgages on trailer courts or parks shall not be eligible for insurance except under the provisions of section 207 of the National Housing Act.

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

Section 241.45 (b) is amended by adding thereto a new subparagraph (4) and renumbering and amending the succeeding subparagraphs as follows:

§ 241.45 *Eligibility of miscellaneous type mortgages.* • • •

(b) • • •

(4) Executed in connection with the sale by the Government, or any agency or official thereof, of any housing (including any property acquired, held, or constructed in connection therewith or to serve the inhabitants thereof) pursuant to the Atomic Energy Community Act of 1955, as amended: *Provided*, That such insurance shall be issued without regard to any preferences or priorities except those prescribed by the Atomic Energy Community Act of 1955, as amended; or

(5) Executed in connection with the sale by a State or municipality, or an agency, instrumentality, or political subdivision of either, of a project consisting of any permanent housing (including any property acquired, held or constructed in connection therewith or to serve the inhabitants thereof), constructed by or on behalf of such State, municipality, agency, instrumentality or political subdivision, for the occupancy of veterans (as defined in § 221.11) their families and others; or

(6) Executed in connection with the first resale, within two years from the date of its acquisition from the Government, of any portion of a project or property of the character described in subparagraphs (1), (2), (3), and (4) of this paragraph.

• • • • •

Subchapter F—Rehabilitation and Neighborhood Conservation Housing Insurance

PART 261—HOME REHABILITATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO ELEVEN-FAMILY DWELLINGS

Section 261.7 is amended to read as follows:

§ 261.7 *Maximum mortgage amount; loan-to-value limitation.* In addition to meeting the dollar limitation as set forth in § 261.6 the mortgage shall meet a loan-to-value limitation as follows:

(a) Where the mortgagor is the occupant of the property the mortgage shall be in an amount not in excess of:

(1) 95 percent of $9,000 of the Commissioner's estimate of the replacement cost, as of the date the mortgage is accepted for insurance if the dwelling is approved for mortgage insurance prior to the beginning of construction; and 75 percent of the Commissioner's estimate of the replacement cost in excess of $9,000; or

(2) 90 percent of $9,000 of the appraised value as of the date the mortgage is accepted for insurance if the proceeds of the mortgage are used to finance the rehabilitation of an existing property or to complete the construction of a new property not approved for mortgage insurance prior to the beginning of construction; and 75 percent of the appraised value in excess of $9,000;

(3) *Provided*, That with respect to applications received by the Commissioner on or after July 30, 1955 the percentages in subparagraphs (1) and (2) of this paragraph shall be reduced to 93, 88 and 73 respectively except in the case of a "disaster loan" as such term is defined by the Commissioner.

(b) Where the mortgagor is not the occupant of the property the principal obligation of the mortgage shall not exceed 85 percent of the amount computed under the formula in paragraph (a) of this section.

• • • • •

PART 266—HOME RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING SINGLE FAMILY DWELLINGS

Section 266.6 (b) is amended to read as follows:

§ 266.6 *Maximum mortgage amount; loan-to-value limitation.* • • •

(b) 85 percent (83 percent with respect to mortgages insured pursuant to applications received by the Commissioner on or after July 30, 1955) of the appraised value, as of the date the mortgage is accepted for insurance, if the mortgagor is not the owner and occupant: *Provided*, (1) The property is to be built or acquired or rehabilitated for sale, and (2) the insured mortgage financing is required to facilitate the construction or the repair or rehabilitation of the dwelling and provide financing pending the subsequent sale thereof to a qualified owner occupant.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., October 27, 1955.

[SEAL] NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 55-8887; Filed, Nov. 1, 1955; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 874—AVIATION CADET TRAINING

AVIATION CADETS; AIR NATIONAL GUARD

In Part 874, the caption is revised and new §§ 874.15 to 874.21 are added as follows:

Sec.
874.15 General.
874.16 Requirements.
874.17 Waivers of minor offenses.
874.18 Application.
874.19 Selection and assignment.
874.20 Termination and reassignment.
874.21 Graduates.

AUTHORITY: §§ 874.15 to 874.21 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended, 5 U. S. C. 22, 171a. Interpret or apply secs. 1, 3, 4, 55 Stat. 239, 240, as amended, sec. 6, 62 Stat. 609; 10 U. S. C. 297a, 299, 304, 304b, 50 U. S. C. App. 456.

DERIVATION: AFR 51-3, August 25, 1955.

§ 874.15 *General.* Except as specified in §§ 874.15 to 874.21, the provisions of §§ 874.1 to 874.9 generally apply to Air National Guard applicants. Airmen selected for training under this quota will be designated, for administrative purposes only, "Air National Guard Aviation Cadets." Graduates will be tendered appointments as Reserve Officers of the Air Force and returned to their respective Air National Guard units for duty as Air National Guard officers.

§ 874.16 *Requirements.* The applicant must be a warrant officer or airman of the Air National Guard "not on active duty" and must meet the eligibility requirements outlined in § 874.2. An applicant for aircraft observer training must be a member of an Air National Guard unit of a State whose Air National Guard mission requires the assignment of aircraft observers.

§ 874.17 *Waivers of minor offenses.* An Air National Guard airman may submit a request for waiver to his unit commander. The unit commander will forward the applicant's completed application (AF Form 56) and request for waiver through the State Adjutant General to the Commander, Flying Training Air Force. Each request for waiver will contain complete information in regard to the offense and circumstances involved and will be considered on its own merits and substantiated by documents listed in § 874.3.

§ 874.18 *Application.* (a) Application will be accomplished by completing AF Form 56 in triplicate and marking each copy "ANG" in red in the upper right corner. The following statement will be prepared in triplicate, signed by the applicant on all copies, and stapled to the AF Form 56 (original to original, duplicate to duplicate, and triplicate to triplicate): "I desire to enter (pilot) (aircraft observer) training as an (Aviation Cadet) (Aviation Student) under the Air National Guard quota. I agree to accept an appointment as a Reserve Officer of the Air Force, if tendered, and an appointment in the Federally recognized Air National Guard upon graduation. I further agree to serve as a commissioned officer of a Federally recognized Air National Guard unit for a minimum period of 3 years subsequent to appointment in the Air National Guard. I understand that if I am eliminated from Aviation Cadet training, I may be relieved from active military service and transferred to the Air Force Reserve for the unexpired portion of my reserve obligation. Further, if I so desire, I will be released from the Air Force Reserve for the purpose of enlisting in the Federally recognized Air National Guard." In the case of a minor (below 21 years of age), such agreement shall be signed with the consent of his parents or guardian. The signature of parents or guardian will be notarized by a notary public or other person authorized to perform notarial acts.

(b) Items A and B, Section V of AF Form 56 will be struck out on all copies.

(c) Each application file will contain documents listed in § 874.4 (b) and (c).

(d) The triplicate copy of the AF Form 56 will be forwarded by the applicant's unit commander to the Chief, National Guard Bureau, Attention: Air Personnel Branch.

§ 874.19 *Selection and assignment*—(a) *Selection of applicants.* Selection of Air National Guard applicants will be made in the same manner as outlined in § 874.7, except that fully qualified applicants will be selected only from the backlog of applicants for the Air National Guard quota.

(b) *Assignment of applicants.* The Commander, Flying Training Air Force, will furnish draft deferments (DD Form 44) in accordance with § 874.7 (c). Letters of selection and class assignment for fully qualified aviation cadet applicants will be furnished the Air National Guard airman, with information copies to the State Adjutant General concerned and to the Chief, National Guard Bureau, Attention: Air Personnel Branch. Letters of selection will authorize fully qualified applicants (with the exception of noncommissioned officers) to enlist in the Regular Air Force for a period of 2 years in accordance with §§ 871.1 to 871.7 of this subchapter. Noncommissioned officers will be ordered to active duty in accordance with paragraph (c) of this section. After enlisting, the fully qualified applicant who has received class assignment instructions will be assigned to the Air Force Pre-Flight Training School. On arrival at the Pre-Flight Training School, he will be appointed an aviation cadet by the Commandant. An applicant who declines to accept appointment as an aviation cadet after enlisting for a 2-year period will be disposed of in the same manner as an eliminated cadet. However, such a person will be advised that the will not be considered at a future date for a direct

commission in the Air Force or for training leading to a commission in the Air Force without prior approval of the Chief of Staff, United States Air Force.

(c) *Air National Guard applicants selected as aviation students.* (1) Air National Guard airmen serving in grades E–5 through E–7 who are fully qualified and selected for aviation cadet training will undergo flying training in their noncommissioned officer grades. These airmen will be designated as aviation students as defined in § 874.1 (b) (11). Applicants selected for training as aviation students may not be enlisted in the Regular Air Force in their noncommissioned officer grades but will be ordered Federal active duty for a period of 2 years unless sooner relieved.

(2) An airman of the Air National Guard selected for training as an aviation student who does not have 2 years of service remaining in his current enlistment contract as of the date of notification of selection will be discharged and reenlisted for a period of 3 years in accordance with Air National Guard directives.

§ 874.20 *Termination and reassignment*—(a) *Termination of training*—(1) *Election to complete enlistment contract.* Air National Guard aviation cadets eliminated from training have the option of completing their enlistment contracts or requesting immediate separation from active military service. An eliminated Air National Guard aviation cadet must indicate in writing, at the time of elimination, his desire either to complete his enlistment contract or to be immediately separated from the Service under § 882.32 (d) of this subchapter. Should he elect to complete his enlistment contract, he will not be permitted to request separation from the Air Force at a later date because of his elimination. The Adjutant General of the State concerned and the Chief, National Guard Bureau, attention: AFPM, will be informed when an eliminated Air National Guard aviation cadet elects to remain in the active military service.

(2) *Discharge from the Air Force*—(i) *Aviation cadets.* When eliminated Air National Guard aviation cadets are separated from the active military service under § 882.32 (d) of this subchapter, the State Adjutant General concerned will be notified of the students' release and transfer to the Air Force Reserve. If an airman desires to reenlist in the Air National Guard, he must secure a conditional release from the Commander, Continental Air Command, Air Reserve Records Center, Denver, Colorado.

(ii) *Aviation students.* Air National Guard aviation students eliminated from training will be released from active duty with no opportunity to remain on active duty. The eliminee will be released and returned to the control of the Adjutant General of the State concerned under provisions of §§ 882.30 to 882.33 of this subchapter.

§ 874.21 *Graduates*—(a) *Appointment as Reserve Officer of the Air Force*—(1) *Tendering appointment.* An Air National Guard student who successfully completes the prescribed basic flying training course and who is mentally, morally, and physically qualified will be tendered an appointment as a Second Lieutenant, Reserve of the Air Force, for an indefinite term. Following appointment as a Reserve of the Air Force Officer, an Air National Guard student will additionally be appointed as a second lieutenant in the Air National Guard in accordance with procedures established by the Commander, Flying Training Air Force, and the Chief, National Guard Bureau.

(2) *Graduates who decline to accept appointment.* A graduate who declines to accept an appointment as a Reserve Officer of the Air Force will be disposed of as an eliminated student. His appointment as an aviation cadet or status as an aviation student will be terminated as outlined in § 874.8, and he will be released from active military service in accordance with § 874.20 (b).

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 55–8814; Filed, Nov. 1, 1955; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 55–46]

Subchapter F—Marine Engineering

EDITORIAL CHANGES REGARDING MATERIAL SPECIFICATIONS

The material specification standards prescribe requirements covering materials for use in the construction of boilers, unfired pressure vessels, piping, valves, fittings, and appurtenances. Coast Guard regulations require that materials shall comply with standard specifications issued by the American Society for Testing Materials (A. S. T. M.), 1916 Race Street, Philadelphia 3, Pennsylvania, subject to certain described limitations. During the last year this Society reissued certain specifications referred to in Coast Guard regulations, which are designated: A31–55, A53–55T, A72–55, A83–55T, A84–55, A105–55T, A106–55T, A135–55T, A178–55T, A179–55T, A181–55T, A182–55T, A192–55T, A193–55T, A194–55T, A209–55T, A210–55T, A213–55T, A217–55, A226–55T, A307–55T, A312–55T, A335–55T, A339–55, B11–55, B13–55, B42–55, B43–55, B75–55, B88–55, B111–55, B169–55, and B171–55.

The cancellation of 46 CFR 51.01–95, regarding emergency alternate provisions for material specifications, is made because the Government restrictions on use of critical materials have been removed and the American Society for Testing Materials discontinued the use of these emergency alternate provisions to the A. S. T. M. Standards.

The amendments to 46 CFR 51.07–1, 51.13–1, 51.25–1, 51.34–1, 51.46–1, 51.49–1, 51.58–1, 51.61–1, 51.67–1, 51.70–1, and 51.73–1 revise and bring up to date the references to A. S. T. M. specifications.

The amendments to 46 CFR 52.05–10, 55.07–1, and 55.07–5, cancel references to obsolete A. S. T. M. specifications.

The amendments to 46 CFR 52.70–10 and 52.70–25 transfer the text of one paragraph from one section to another in order to have a better arrangement of requirements.

The amendment to 46 CFR 56.01–20, regarding arc welding electrodes, editorially corrects the title of the pamphlet "Equipment Lists" in which are published acceptable brand names of arc welding electrodes.

Because the amendments in this document are editorial in nature and bring references to material standards up to date, it is hereby found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedures thereon, and effective requirements thereof is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167–9, dated August 3, 1954 (19 F. R. 5195), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments in this document are prescribed and shall become effective upon date of publication of this document in the FEDERAL REGISTER:

PART 51—MATERIALS

SUBPART 51.01—GENERAL

Section 51.01–95 *Emergency alternate provisions* is canceled.

SUBPART 51.07—STAYBOLT AND RIVET STEEL

Section 51.07–1 *Scope* is amended by revising the reference to A. S. T. M. specification designation (column 1) in Table 51.07–1 from "A31–52T" to "A31–55."

SUBPART 51.13—STAYBOLT AND RIVET IRON

Section 51.13–1 *Scope* is amended by revising the reference to A. S. T. M. specification designation (column 1) in Table 51.13–1 from "A84–52T" to "A84–55".

SUBPART 51.25—CARBON AND ALLOY-STEEL AND WROUGHT IRON TUBES

Section 51.25–1 *Scope* is amended by revising the references to A. S. T. M. specification designations (column 1) in Table 51.25–1 from "A83–54T" to "A83–55T"; from "A178–54T" to "A178–55T"; from "A179–54T" to "A179–55T"; from "A192–54T" to "A192–55T"; from "A210–54T" to "A210–55T"; from "A226–54T" to "A226–55T"; from "A209–54T" to "A209–55T"; and from "A213–54T" to "A213–55T".

SUBPART 51.34—CARBON AND ALLOY-STEEL, AND WROUGHT IRON PIPE

Section 51.34–1 is amended by revising Table 51.34–1 to read as follows:

§ 51.34–1 *Scope.* * * *

TABLE 51.34–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
Carbon-steel and iron:		
A53–55T	Lap-welded steel	P53–LW.
A53–55T	Butt-welded steel	P53–BW.
A53–55T	A (seamless steel)	P53–A.
A53–55T	B (seamless steel)	P53–B.
A53–55T	A (electric-resistance-welded steel).	P53–RW–A.
A53–55T	B (electric-resistance-welded steel).	P53–RW–B.
A106–55T	A (seamless steel)	P106–A.
A106–55T	B (seamless steel)	P106–B.
A135–55T	A (electric-resistance-welded steel).	P135–A.
A135–55T	B (electric-resistance-welded steel).	P135–B.
A72–55	Lap-welded wrought iron.	P72–LW.
A72–55	Butt-welded wrought iron.	P72–BW.
Alloy-steel:		
A335–55T	P1 (C–Mo)	P1.
A335–55T	P2 (0.50 to 0.70 Cr–0.50 Mo).	P2.
A335–55T	P3 (1.75 Cr–0.70 Mo)	P3.
A335–55T	P3b (2 Cr–0.50 Mo)	P3b.
A335–55T	P11 (1.25 Cr–0.50 Mo).	P11.
A335–55T	P12 (1 Cr–0.50 Mo)	P12.
A335–55T	P21 (3 Cr–0.90 Mo)	P21.
A335–55T	P22 (2.25 Cr–1 Mo)	P22.
A312–55T	TP321 (18 Cr–8 Ni + Ti).	TP321.
A312–55T	TP347 (18 Cr–8 Ni + Co).	4TP347.

SUBPART 51.46—STEEL FORGINGS

Section 51.46–1 *Scope* is amended by revising the references to A. S. T. M. specification designations (column 1) in Table 51.46–1 from "A105–46" to "A105–55T"; from "A181–49" to "A181–55T"; and from "A182–53T" to "A182–55T".

SUBPART 51.49—CARBON AND ALLOY-STEEL BOLTING AND NUT MATERIAL

Section 51.49–1 *Scope* is amended by revising the references to A. S. T. M. specification designations (column 1) in Table 51.49–1 from "A307–53T" to "A307–55T"; from "A193–53aT" to "A193–55T"; and from "A194–53" to "A194–55T".

SUBPART 51.58—STEEL CASTINGS

Section 51.58–1 *Scope* is amended by revising the reference to A. S. T. M. specification designation (column 1) in Table 51.58–1 from "A217–54T" to "A217–55".

SUBPART 51.61—MALLEABLE IRON AND GRAY IRON CASTINGS

Section 51.61–1 *Scope* is amended by revising the reference to A. S. T. M. specification designation (column 1) in Table 51.61–1 from "A339–51T" to "A339–55".

SUBPART 51.67—COPPER AND COPPER-ALLOY PLATE

Section 51.67–1 *Scope* is amended by revising the references to A. S. T. M. specification designations (column 1) in Table 51.67–1 from "B11–54" to "B11–55"; from "B171–54" to "B171–55"; and from "B169–52" to "B169–55".

SUBPART 51.70—SEAMLESS COPPER AND COPPER-ALLOY PIPE

Section 51.70–1 *Scope* is amended by revising references to A. S. T. M. specification designations (column 1) in Table 51.70–1 from "B42–54" to "B42–55" and "B43–54" to "B43–55".

SUBPART 51.73—SEAMLESS COPPER AND COPPER-ALLOY TUBES

Section 51.73–1 *Scope* is amended by revising references to A. S. T. M. specification designations (column 1) in Table 51.73–1 from "B88–54" to "B88–55"; from "B13–49" to "B13–55"; from "B75–54" to "B75–55"; and from "B111–54" to "B111–55".

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54, Stat. 346, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367 526p, 1333, 463a, E. O. 10402, 17 F. R. 9917; 3 CFR 1952 Supp.)

PART 52—CONSTRUCTION

SUBPART 52.05—CYLINDRICAL SHELLS

Section 52.05–10 *Computation* is amended by revising Table 52.05–10 (a) by canceling in column 2 (A. S. T. M. designation) the references in parentheses, which are "(A206), (A280), (A158), and (A315)," opposite specification subpart 51.34 for "seamless alloy steel".

SUBPART 52.70—BOILER MOUNTINGS AND ATTACHMENTS

1. Section 52.70–10 *Detail requirements* is amended by canceling paragraph (f). (The text of this paragraph transferred to § 52.70–25 (b).)

2. Section 52.70–25 is amended by adding a new paragraph (b) reading as follows:

§ 52.70–25 *Feed connections.* * * *

(b) Feedwater nozzles of boilers designed for pressures of 400 pounds per square inch, or over, shall be fitted with sleeves or other suitable means employed to reduce the effects of metal temperature differentials.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 55—PIPING SYSTEMS AND APPURTENCES

SUBPART 55.07—DETAIL REQUIREMENTS

1. Section 55.07–1 *Material* is amended by revising Table 55.07–1 (b) by canceling in column 2 (A. S. T. M. specification) the references in parentheses, which are "(A206), (A280), (A158), and (A315)," opposite material specification subpart 51.34 for seamless-alloy steel pipe.

2. Section 55.07–5 *Design pressures and thickness of pipes* is amended by revising Table 55.07–5 (a) by canceling in column 2 (A. S. T. M. designation) the references in parentheses, which are "(A206), (A280), (A158), and (A315)," opposite specification subpart 51.34 for seamless alloy-steel.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 56—ARC WELDING, GAS WELDING, AND BRAZING

SUBPART 56.01—ARC WELDING AND GAS WELDING

Section 56.01–20 *Arc welding electrodes* is amended by changing the pamphlet title from "Equipment List for Merchant Vessels," to "Equipment Lists."

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Dated: October 26, 1955.

[SEAL] J. A. HIRSCHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 55–8812; Filed, Nov. 1, 1955; 8:45 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8262, Amdt.]

AMANDUS WITTHOHN

In re: Trust under the will of Amandus Witthohn, deceased. File No. D–28–6646.

Vesting Order No. 8262, dated February 21, 1947, is hereby amended to read as follows:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever, of Elsa Ahrens and Paul Waacks, and each of them, or of their issue, in and to the trust created under the will of Amandus Witthohn, deceased, is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Elsa Ahrens and her issue, Germany.
Paul Waacks and his issue, Germany.

All other provisions of said Vesting Order 8262 and all actions taken by or on behalf of the Attorney General of

the United States in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong., 60 Stat. 50; Public 671, 79th Cong.; 60 Stat. 925; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR 1945, Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on October 28, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 55-8852; Filed, Nov. 1, 1955; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 26, 1955.

An application, serial number Anchorage 012686, for the withdrawal from all forms of appropriation under the public land laws of the lands described below was filed on December 13, 1954, by Civil Aeronautics Administration, Department of Commerce. The purposes of the proposed withdrawal: to maintain radio range and communications transmitter site on Biorka Island.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are: Beginning at M. C. No. 1 of U. S. Survey No. 406 of the U. S. Naval Reserve at Biorka Island, Territory of Alaska, said point being on the shore line of Symonds Bay, go West along the North line of the Rudolph Walton tract 1242.12 feet to Corner No. 2 of said tract; thence South 682.44 feet to Corner No. 3 of said tract; thence East along the South line of said tract 1,176.78 feet to M. C. No. 4 of first said Survey; thence S. 23° 55' W. 1,090.98 feet; thence S. 13° 14' W. 450.12 feet; thence N. 68° 23' W. 2,900.04 feet; thence North 1,859.88 feet; thence East 3,186.48 feet; thence S. 5° 22' W. 430.98 feet; thence S. 22° 48' E. 413.82 feet to the point of beginning; containing 155.51 acres, more or less; all lying within said U. S. Survey No. 406. Bearings true.

HAROLD T. JORGENSEN,
Acting Area Administrator.

[F. R. Doc. 55-8844; Filed, Nov. 1, 1955; 8:51 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 26, 1955.

The Bureau of Land Management has filed an application, Serial No. Fairbanks 011042, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for administrative site purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

1. Buffalo Center Administrative Site:

U. S. Survey No. 2777.

Containing 4.76 acres.

2. Chicken Administrative Site:

By metes and bounds from the point of beginning located north 2.27 chains from the centerline of Taylor Highway at Milepost 67.75 (latitude 64°5'15" N., longitude 141°55' W.), approximately one mile northeast of the town of Chicken: thence North, 10.38 chains; thence West, 10 chains; thence South 12.31 chains; thence N. 79° E., 10.20 chains to the point of beginning.

Containing approximately 11.35 acres.

HAROLD T. JORGENSON,
Acting Area Administrator.

[F. R. Doc. 55-8845; Filed, Nov. 1, 1955; 8:52 a. m.]

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Forest Service, Department of Agriculture, has filed an application, Serial No. Wyoming 031283, for the withdrawal of the lands described below, from all forms of apropriation under the public land laws, including the General Mining Laws, but not including the Mineral Leasing Laws. The applicant desires the land for use as recreational sites, roadside zones and administrative sites within the Targhee and Teton National Forests.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

6TH PRINCIPAL MERIDIAN WYOMING

TARGHEE NATIONAL FOREST

Rapid Creek Administrative Site:
T. 43 N., R. 118 W.,
Sec. 5: SE¼NW¼, SW¼NE¼, SE¼NE¼, N½SE¼.

Teton Canyon Administrative Site:
T. 44 N., R. 118 W. (unsurveyed),
Sec. 22: E½SE¼;
Sec. 23: W½SW¼.

Mail Cabin Administrative Site:
T. 41 N., R. 118 W. (unsurveyed),
Sec. 22: E½NE¼;
Sec. 23: W½NW¼.

Long Springs Administrative Site:
T. 37 N., R. 118 W.;
Sec. 18: E½SW¼NE¼, SE¼NE¼.

Squirrel Meadows Administrative Site:
T. 47 N., R. 118 W.,
Sec. 4: SE¼, S½S½NE¼.

Hominy Administrative Site:
T. 47 N., R. 117 W.,
Sec. 16: W½W½SW¼NE¼, E½SE¼NW¼, E½W½SE¼NW¼.

Bircher (Coal Creek) Recreation Area:
T. 41 N., R. 118 W. (unsurveyed),
Sec. 14: W½SW¼;
Sec. 15: SE¼.

Teton Pass Recreation Area (Observation Point):
T. 41 N., R. 118 W. (unsurveyed),
Sec. 24: W½SW¼.

Lower Teton Canyon Recreation Area:
T. 44 N., R. 118 W. (unsurveyed),
Sec. 24: S½;
Sec. 25: N½N½.

Trail Creek Recreation Area:
T. 41 N., R. 118 W. (unsurveyed),
Sec. 5: S½SW¼;
Sec. 6: SE¼SE¼;
Sec. 8: N½NW¼.

Darby Canyon Recreation Area:
T. 43 N., R. 118 W. (unsurveyed),
Sec. 21: NE¼SE¼;
Sec. 22: N½S½, S½N½.

Moose Creek Recreation Area:
T. 42 N., R. 118 W. (unsurveyed),
Sec. 32: N½NW¼.

East Table Creek Recreation Area:
T. 38 N., R. 116 W. (unsurveyed),
Sec. 31: NW¼, N½N½SW¼.

Cottonwood Creek Recreation Area:
T. 37 N., R. 118 W. (unsurveyed),
Sec. 13: SW¼NW¼, NW¼SW¼;
Sec. 14: N½SE¼, SE¼NE¼.

Station Creek Recreation Area:
T. 38 N., R. 117 W. (unsurveyed),
Sec. 35: S½SE¼.

Pole Creek Recreation Area:
T. 38 N., R. 116 W. (unsurveyed),
Sec. 31: NE¼.

Elbow Recreation Area:
T. 38 N., R. 116 W. (unsurveyed),
Sec. 32: NW¼.

Cabin Creek Recreation Area:
T. 38 N., R. 116 W. (unsurveyed),
Sec. 17: W½SE¼, W½E½SE¼;
Sec. 20: NE¼.

Dog Creek Recreation Area:
T. 38 N., R. 116 W. (unsurveyed),
Sec. 6: W½SE¼, SE¼SE¼.

Loon Lake Recreation Area:
T. 48 N., R. 117 W.,
Sec. 18: S½SW¼SE¼, S½SE¼SW¼;
Sec. 19: NW¼NE¼, NE¼NW¼.

Cave Falls Recreation Area:
T. 48 N., R. 118 W.,
Sec. 9: Lots 1 and 2;
Sec. 10: Lot 4;
Sec. 15: W½NW¼NW¼;
Sec. 16: NE¼NE¼, E½NW¼NE¼.

Lake of the Woods Recreation Area:
T. 48 N., R. 116 W.,
Sec. 19: Lots 2, 3, and 4.
T. 48 N., R. 117 W.,
Sec. 23: Lots 1 and 2, SE¼SE¼;
Sec. 24: Lots 1, 2, 3, 4, 5, 6, 7, and 8.

Teton No. 5X (Wyoming No. 22) Highway, Roadside Zone. A strip of land 500 feet on each side of the center line of Wyoming Highway No. 22 through the following legal subdivisions:
T. 41 N., R. 118 W. (unsurveyed),
Sec. 5: NW¼SW¼, SW¼SE¼;
Sec. 6: NE¼SE¼;
Sec. 8: NE¼;
Sec. 9: SW¼NW¼, S½;
Sec. 15: NW¼, N½SW¼;
Sec. 16: NE¼;
Sec. 23: E½NW¼, NE¼, N½SE¼.

Star Valley-Yellowstone FH-6A (U. S. No. 89) Roadside Zone. A strip of land 500 feet on each side of the center line of U. S. Highway No. 89 through the following legal subdivisions:
T. 37 N., R. 118 W. (unsurveyed),
Sec. 13: NE¼, SE¼NW¼;
Sec. 14: SW¼SE¼, SE¼SW¼;
Sec. 21: Lots 1, 2, 3, and 4;
Sec. 22: NE¼, SE¼NW¼, N½SW¼;
Sec. 23: NW¼.
T. 37 N., R. 117 W. (unsurveyed),
Sec. 1: N½N½NW¼;
Sec. 2: NW¼NW¼;
Sec. 3: SW¼, SE¼NW¼, SE¼, S½S½NE¼;
Sec. 4: S½;
Sec. 5: S½;
Sec. 6: S½;
Sec. 7: NW¼NW¼, NE¼NE¼;
Sec. 8: NW¼NW¼, NE¼NE¼;
Sec. 9: N½N½N½;
Sec. 10: NW¼NW¼.
T. 38 N., R. 117 W. (unsurveyed),
Sec. 34: SE¼SE¼;
Sec. 35: S½S½SW¼;
Sec. 36: S½, S½NE¼.
T. 38 N., R. 116 W. (unsurveyed),
Sec. 7: NE¼;
Sec. 8: SW¼, SW¼NW¼;
Sec. 17: W½NE¼, NE¼NW¼;
Sec. 20: SE¼;
Sec. 29: E½W½, NW¼NE¼.

Cave Falls F. D. R. No. 436 Wyoming Roadside Zone. A strip of land 500 feet on each side of the center line of the Cave Falls F. D. R. No. 436 in Wyoming through the following legal subdivisions:
T. 48 N., R. 118 W.,
Sec. 8: Lots 1, 2, and 3;
Sec. 9: Lots 3 and 4;
Sec. 17: Lot 1, N½NW¼NE¼.

TETON NATIONAL FOREST

Granite Creek Recreation Area:
T. 39 N., R. 113 W. (unsurveyed),
Sec. 8: S½NW¼, SW¼.

Granite Hot Springs Recreation Area:
T. 39 N., R. 113 W. (unsurveyed),
Sec. 6: NW¼.

Hoback Campground Recreation Area:
T. 38 N., R. 115 W. (unsurveyed),
Sec. 1: SW¼.

Turpin Meadows Recreation Area:
T. 45 N., R. 112 W.,
Sec. 14: Lot 1, SW¼NE¼SE¼, S½NW¼SE¼, SW¼SE¼;
Sec. 23: Lots 1 and 2.

Snake River Recreation Area:
T. 48 N., R. 115 W. (unsurveyed),
Sec. 21: W½SE¼, E½SW¼.

Snow King Mountain Recreation Area:
T. 41 N., R. 116 W.,
Sec. 33: SE¼SE¼;
Sec. 34: S½SW¼.
T. 40 N., R. 116 W. (unsurveyed),
Sec. 4: N½NE¼, NE¼NW¼.

Baldy Mountain Administrative Site:
T. 44 N., R. 112 W. (unsurveyed),
Sec. 8: S½NE¼, S½NW¼, SE¼SW¼.

Blackrock Addition Administrative Site:
T. 45 N., R. 112 W.,
Sec. 19: W½SE¼, SE¼SW¼, Lots 4, 5, 6, and 7;
Sec. 30: NE¼NW¼, Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9;
Sec. 31: NE¼NW¼.
T. 45 N., R. 113 W.,
Sec. 24: S½SE¼, S½SW¼;
Sec. 25: N½NE¼, SW¼NE¼, NW¼, Lots 1, 2, 3, and 4.

Bridger Lake Administrative Site:
T. 48 N., R. 110 W. (unsurveyed),
Sec. 19: NE¼.

Bryan Flat Administrative Site:
T. 38 N., R. 115 W. (unsurveyed),
Sec. 9: NE¼, E½E½NW¼, NE¼SE¼, N½NW¼SE¼, N½SE¼SE¼, NE¼NE¼SW¼;
Sec. 10: W½W½W½NW¼, W½W½NW¼SW¼, W½NW¼SW¼SW¼.

Clear Creek Administrative Site:
T. 40 N., R. 111 W.,
Sec. 21: S½NE¼, N½SE¼.

Cliff Creek Administrative Site:
T. 38 N., R. 114 W.,
Sec. 22: E½NE¼;
Sec. 23: NW¼NW¼.

Darwin Administrative Site:
T. 40 N., R. 111 W.,
Sec. 15: S½SW¼;
Sec. 22: NE¼NW¼.

Enos Lake Administrative Site:
T. 46 N., R. 112 W. (unsurveyed),
Sec. 11: E½SE¼;
Sec. 12: W½SW¼.

Flat Creek Administrative Site:
T. 41 N., R. 115 W.,
Sec. 3: Lots 2, 3, and 4 SW¼NE¼, S½NW¼.

Granite Falls Administrative Site:
T. 39 N., R. 113 W. (unsurveyed),
Sec. 6: SE¼, E½SW¼;
Sec. 7: N½NE¼, NE¼NW¼.

Hoback Administrative Site:
T. 38 N., R. 113 W.,
Sec. 29: S½SE¼;
Sec. 32: NE¼;
Sec. 33: W½NW¼.

Horse Heaven Meadows Administrative Site:
T. 36 N., R. 115 W. (unsurveyed),
Sec. 9: SW¼SE¼, SE¼SW¼.

Lee Administrative Site:
T. 41 N., R. 117 W. (unsurveyed),
Sec. 29: S½NE¼, N½SE¼, NE¼SW¼.

Lower Soda Fork Administrative Site:
T. 46 N., R. 111 W. (unsurveyed),
Sec. 31: SE¼NW¼.

Monument Ridge Lookout and Pasture Administrative Site:
T. 37 N., R. 114 W. (unsurveyed),
Sec. 7: SW¼;
Sec. 18: NW¼NW¼.

Mt. Leidy Administrative Site:
T. 44 N., R. 114 W.,
Sec. 14: W½SE¼, SE¼SE¼.

Deer Creek Lookout Administrative Site:
T. 42 N., R. 111 W.,
Sec. 8: E½SE¼NE¼, E½NE¼SE¼, NE¼SE¼SE¼;
Sec. 9: W½SW¼NW¼, W½NW¼SW¼, NW¼SW¼SW¼.

Goosewing Administrative Site:
T. 42 N., R. 112 W.,
Sec. 33: All;
Sec. 34: W½W½.
T. 41 N., R. 112 W. (unsurveyed),
Sec. 3: N½N½NW¼.

Upper Hoback Narrows Administrative Site:
T. 36 N., R. 115 W. (unsurveyed),
Sec. 32: W½SE¼, E½SW¼.

Moran-Yellowstone (U. S. No. 89) Highway Roadside Zone. A strip of land 500 feet on each side of the center line of U. S. Highway No. 89 through the following approximate legal subdivisions of unsurveyed land:
T. 47 N., R. 115 W. (unsurveyed),
Sec. 5: W½;
Sec. 8: NW¼, S½.
T. 48 N., R. 115 W. (unsurveyed),
Sec. 9: All;
Sec. 16: All;
Sec. 21: N½, W½SW¼, E½SE¼;
Sec. 28: N½, SW¼;
Sec. 29: SE¼;
Sec. 32: All;
Sec. 33: NW¼.

Wind River (U. S. No. 287) Highway Roadside Zone. A strip of land 500 feet on each side of the center line of U. S. Highway No. 287, through the following approximate legal subdivisions:
T. 44 N., R. 110 W. (unsurveyed),
Sec. 17: SW¼;
Sec. 18: S½;
Sec. 19: NE¼;
Sec. 20: All;
Sec. 29: N½.
T. 44 N., R. 111 W. (unsurveyed),
Sec. 3: NW¼, S½;
Sec. 4: N½;
Sec. 10: NE¼;
Sec. 11: NW¼, S½;
Sec. 12: SW¼;
Sec. 13: N½, SE¼;
Sec. 14: NE¼.
T. 45 N., R. 111 W. (unsurveyed),
Sec. 31: All;
Sec. 32: NW¼, S½;
Sec. 33: S½.
T. 45 N., R. 112 W.,
Sec. 31: NE¼;
Sec. 32: N½;
Sec. 33: N½;
Sec. 34: All;
Sec. 35: All;
Sec. 36: S½.
T. 45 N., R. 113 W.,
Sec. 25: Lot 8;
Sec. 29: NW¼NE¼, N½NW¼;
Sec. 30: N½NE¼.

Star Valley-Yellowstone (U. S. No. 89) Highway Roadside Zone. A strip of land 500 feet on each side of the center line of U. S. Highway No. 89, through the following approximate legal subdivisions:
T. 39 N., R. 116 W.,
Sec. 2: Lots 5 and 6, NE¼SW¼;
Sec. 3: Lots 5 and 6;
Sec. 11: Lots 3, 5, 8, and 9;
Sec. 12: All Federal land in SW¼NW¼, SW¼;
Sec. 13: N½NW¼, N½SE¼NW¼, SW¼NW¼, W½SW¼;
Sec. 14: All Federal land in E½NE¼SE¼, NW¼SE¼, E½SW¼;
Sec. 23: NE¼, NW¼. All Federal land in W½SE¼, SW¼;
Sec. 26: All Federal land in W½NW¼;
Sec. 27: Lot 5, NW¼NE¼, N½SW¼NE¼, N½SW¼, SW¼SW¼;
Sec. 31: All Federal land in SE¼SE¼;
Sec. 32: Lot 6.
T. 38 N., R. 116 W.,
Sec. 5: Those portions of NW¼ and SW¼ lying west of the Snake River;
Sec. 6: E½NE¼, E½SE¼.

Hoback Canyon (U. S. No. 187) Highway Roadsde Zone. A strip of land 500 feet on each side of the center line of U. S. Highway No. 187 through the following approximate legal subdivisions:
T. 37 N., R. 111 W.,
Sec. 31: N½, SE¼;
Sec. 32: W½.
T. 37 N., R. 112 W.,
Sec. 20: S½;
Sec. 21: SW¼;
Sec. 25: SW¼.

Sec. 26: S½;
Sec. 27: N½, SE¼;
Sec. 28: N½;
Sec. 29: N½;
Sec. 36: N½.
T. 38 N., R. 114 W.,
Sec. 4: All Federal land in W½ (unsurveyed);
Sec. 5: N½ (unsurveyed);
Sec. 6: N½, SW¼ (unsurveyed);
Sec. 9: All (unsurveyed);
Sec. 10: SW¼ (unsurveyed);
Sec. 15: N½, SE¼ (unsurveyed);
Sec. 22: W½NE¼;
Sec. 23: NE¼, E½NW¼, SW¼NW¼, SE¼;
Sec. 24: W½NE¼NW¼, NW¼NW¼, S½NW¼;
Sec. 24: SW¼ (unsurveyed).
T. 38 N., R. 115 W. (unsurveyed),
Sec. 1: NE¼, S½;
Sec. 2: NW¼, S½;
Sec. 3: N½;
Sec. 4: N½NE¼.
T. 39 N., R. 115 W. (unsurveyed),
Sec. 29: W½SW¼;
Sec. 30: All Federal land in NE¼NW¼, SE¼;
Sec. 32: NE¼, N½NW¼, N½SE¼NW¼, SE¼;
Sec. 33: SW¼;
Sec. 34: SW¼.
T. 39 N., R. 116 W. (unsurveyed),
Sec. 23: All Federal land in SE¼ and SW¼;
Sec. 24: S½;
Sec. 26: NE¼, all Federal land in NW¼.

Teton Pass (Wyoming No. 22) Highway Roadside Zone. A strip of land 500 feet on each side of the center line of Wyoming Highway No. 22, through the following approximate legal subdivisions of unsurveyed land:

T. 41 N., R. 117 W. (unsurveyed),
Sec. 19: S½;
Sec. 20: SE¼SE¼;
Sec. 29: NW¼NE¼, NW¼;
Sec. 30: NE¼.
T. 41 N., R. 118 W. (unsurveyed),
Sec. 24: S½.

Reclamation Road Roadside Zone. A strip of land 200 feet wide on each side of the Reclamation Road, through the following approximate legal subdivisions:

T. 48 N., R. 115 W. (unsurveyed),
Sec. 20: SE¼;
Sec. 21: W½, SW¼;
Sec. 29: N½, SW¼;
Sec. 30: S½;
Sec. 31: NW¼.
T. 48 N., R. 116 W.,
Sec. 15: SW¼;
Sec. 16: E½SE¼;
Sec. 22: All;
Sec. 23: S½;
Sec. 25: All;
Sec. 26: NE¼;
Sec. 36: NE¼.

Gros Ventre Road Roadside Zone. A strip of land 200 feet wide on each side of the Gros Ventre Road, through the following approximate legal subdivisions:

T. 41 N., R. 112 W. (unsurveyed),
Sec. 2: S½;
Sec. 3: N½, SE¼.
T. 42 N., R. 112 W.,
Sec. 19: SW¼;
Sec. 28: W½SW¼;
Sec. 29: All;
Sec. 30: W½;
Sec. 34: SE¼SW¼.
T. 42 N., R. 113 W.,
Sec. 6: SW¼ (unsurveyed;
Sec. 7: N½, SE¼ (unsurveyed);
Sec. 8: SW¼, N½SE¼ (unsurveyed);
Sec. 9: N½SW¼, W½SW¼SW¼;
Sec. 16.: NE¼NE¼, E½NW¼NE¼, W½NW¼NW¼, S½N½;
Sec. 22: NE¼ (unsurveyed);
Sec. 23: N½, SE¼ (unsurveyed);
Sec. 24: S½ (unsurveyed);
Sec. 25: NE¼ (unsurveyed).
T. 42 N., R. 114 W.,
Sec. 1: SW¼ (unsurveyed);
Sec. 2: NE¼, W½W½, W½E½SW¼, E½SE¼;
Sec. 3: E½NE¼, E½W½NE¼, NW¼NW¼NE¼, N½NE¼NW¼, SW¼NE¼NW¼, W½SE¼NE¼NW¼, W½NW¼, NW¼SE¼NW¼;
Sec. 4: N½N½, N½S½NE¼, SW¼SW¼NE¼, W½SE¼SW¼NE¼, S½NW¼;
Sec. 5: N½;
Sec. 6: E½NE¼NE¼, SE¼NE¼;
Sec. 11: NE¼NE¼, S½NE¼ (unsurveyed);
Sec. 12: All Federal land in N½ (unsurveyed).
T. 43 N., R. 114 W.,
Sec. 31: S½.

LOWELL M. PUCKETT,
State Supervisor.

[F. R. Doc. 55-8818; Filed, Nov. 1, 1955; 8:46 a. m.]

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Land Management, on its own motion (Serial No. Wyoming 035865) proposes to withdraw the lands described below, from all forms of appropriation under the public land laws, including the United States Mining Laws, but not including the Mineral Leasing Laws.

The land will be used for stock driveway purposes.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

6TH PRINCIPAL MERIDIAN

WYOMING

T. 49 N., R. 102 W.,
Sec. 27: SE¼SE¼;
Sec. 35: Lots 3, 4, and 5.

JOSEPH C. CONRACE,
Acting State Supervisor.

[F. R. Doc. 55-8817; Filed, Nov. 1, 1955; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[Notice 4 of Requirement of Certification—1955]

TERRITORY OF HAWAII

ENTRY OF SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

Pursuant to Section 817.4 (7 CFR 817.4) (13 F. R. 127; 14 F. R. 1169; 16 F. R. 12847), notice is hereby given that the 1955 sugar quota for the Territory of Hawaii, amounting to 1,052,000 short tons, raw value, has been filled to the extent of 80 per centum or more.

Accordingly, pursuant to Section 817.4 after the close of business November 1, 1955, and for the remainder of the calendar year 1955, entry into the continental United States from the Territory of Hawaii of any sugar may not be made unless and until the certification described in Section 817.4 (a) is issued to the Collector of Customs.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153, 13 F. R. 127; 14 F. R. 1169; 16 F. R. 12847)

Issued this 28th day of October 1955.

[SEAL] LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 55-8854; Filed, Nov. 1, 1955; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 201]

CONTINENTAL IMPORT & EXPORT CO. ET AL.

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of The Continental Import & Export Company, N. V., Stadhouderskade 51, Amsterdam, Netherlands; N. V. Noord-Hollandsche Handelsassociatie, Keizersgracht 702, Amsterdam, Netherlands; Sipke N. Bierma, Keizersgracht 702, Amsterdam, Netherlands; respondents.

The Continental Import & Export Co., N. V., N. V. Noord-Hollandsche Handelsassociatie and Sipke N. Bierma, all of Amsterdam, the Netherlands, having been charged by the Director, Investigation Staff, Bureau of Foreign Commerce of the Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, (1) they made and submitted false statements and representations for the purpose of causing to be effected exportations from the United States, and (2) they diverted or caused to be diverted and transshipped to unauthorized destinations commodities exported from the United States under export control documents limiting their shipment to places named in such documents, duly answered the charges, admitted the facts, and offered special defenses primarily to the effect that, (a) being in the Netherlands they should be bound only by Dutch laws and since they did not violate Dutch laws they should not be the object of any action by the United States Government; (b) that the commodities transshipped were not transshipped by them to a country behind the Iron Curtain; (c) that the commodities were of no strategic importance and (d) that the ultimate consignee statements submitted were submitted not as the basis for any governmental action but as commercial representations to their vendors.

None of the respondents demanded an oral hearing but, in accordance with the practice, this case was referred to the Compliance Commissioner who notified the respondents of the time when and the place where he would receive proof of the charges. None of them appeared

at the time and place specified and, after the evidence was submitted, the Compliance Commissioner in due course made his report and recommendation, which, upon the facts as hereinafter found, appears to be fair and just and is therefore adopted.

Now, after considering the entire record consisting of the charges, the answers of the respondents, the evidence submitted in support of the charges and the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, The Continental Import & Export Company, N. V., N. V. Noord-Hollandsche Handelsassociatie, and S. N. Bierma were engaged in the import-export business in Amsterdam, the Netherlands; and Bierma was the Manager of both companies and he actively conducted the business resulting in the transactions hereinafter mentioned.

2. That prior to and during the times of the performance of all of the acts hereinafter mentioned, the respondents were informed and well knew that ultimate consignee statements were necessary and material supporting papers to export license applications, that statements made therein were material representations in connection with applications for export licenses and that no exports or transshipments of "validated license" commodities might be made at the times involved without prior specific approval by the Office of International Trade (now the Bureau of Foreign Commerce).

3. That prior to the time of the performance of the acts described in Findings 6 and 7 hereof, the respondents Bierma and Continental were informed and well knew that no exports or transshipments of otherwise "general license" commodities from the United States, with Hong Kong as the ultimate destination, might be made, at the times stated in Findings 6 and 7, without a "specific" or validated export license, and that in all cases involving the purchase of general license commodities, a purchaser of goods to be exported from the United States was required to notify the American exporter of any intention to transship the goods to a Soviet Bloc country, Hong Kong or Macao.

4. That from and including May 1951, until and including September 1951, Bierma, either in the name of Continental or in the name of Noord, made ten purchases of American goods consisting of sulfadiazine, sulfathiazole, caustic soda or DDT and, in connection with each of such purchases did furnish to the American exporter of said goods, for submission to the Office of International Trade, ultimate consignee statements in which were set forth false representations that the signer thereof was the purchaser and that the goods were to be imported into and used in the Netherlands. The said ultimate consignee statements were thereafter submitted by the American exporter to the Office of International Trade in support of applications for export licenses which in due course were granted.

5. The American exporter then, under authority of said licenses, shipped the goods so purchased to Continental or Noord, as ultimate purchaser or consignee in the Netherlands, but the respondents, after the arrival of the said shipments in the Netherlands transshipped (a) all the sulfas and the DDT to Hong Kong and (b) the caustic soda to Tanganyika, East Africa, without prior approval from the Office of International Trade and despite the fact that as to each of the said shipments but one, respondents were further informed by destination control notices on the shipping documents that diversion to an unauthorized destination was prohibited by United States law.

6. That in December 1952, Continental purchased about $9,000 worth of boric acid from an American exporter, boric acid at that time being a general license commodity, but, at the time of such purchase and until the time when the said boric acid was exported from the United States to Continental, Continental failed and omitted to notify the American exporter that it was not the ultimate consignee in the Netherlands and that it intended to transship the boric acid to Hong Kong.

7. That the American exporter, believing that the boric acid was to be consumed in the Netherlands, exported the same to Continental, under invoices which restricted their ultimate destination to the Netherlands and under bills of lading naming Continental as the ultimate consignee.

8. That Continental, after arrival of the boric acid in the Netherlands, did, without prior approval by the Office of International Trade, transship the same to Hong Kong.

From which I have concluded:

A. That the respondents and each of them did make false representations and certifications and falsified and concealed material facts for the purpose of causing to be effected exportations from the United States in violation of Section 381.1 (b), (now Sec. 381.5), of the export control regulations then in effect;

B. That the respondents diverted or caused to be diverted from the country to which commodities were shipped (under and pursuant to export licenses authorizing their exportation from the United States), to countries other than the country for which the exportations were authorized by the Office of International Trade, without prior written authorization from the said Office of International Trade, in violation of Sections 381.1 (b) (3) (i) and 381.4 (b) (3), (now Sec. 381.6), of the export control regulations then in effect;

C. That, after receiving bills of lading containing destination control notices affecting commodities shipped thereunder, respondents did divert or cause to be diverted such commodities to destinations other than those named in the bills of lading and to which such commodities were restricted, in violation of Section 381.4 (d) and (e), (now Sec. 379.10 (d) (2)), of the export control regulations then in effect;

D. That respondents Bierma and Continental concealed or caused to be concealed from a United States exporter and so the Office of International Trade, material facts concerning the true purchaser and ultimate destination of a commodity otherwise subject to general license, such concealment being in violation of Section 381.1 (b) of the export control regulations then in effect;

E. That said respondents Bierma and Continental diverted or caused to be diverted to Hong Kong from the Netherlands commodities exported to the Netherlands under general license, such diversion having been made without prior authorization from the Office of International Trade and being in violation of Section 371.4 (a) and (b) of the export control regulations then in effect.

In his report, the Compliance Commissioner said;

> Apart from the fact that legality of the actions in Holland under Dutch law, or even approval by the Dutch authorities, would not be a defense to contraventions of our regulations, I find that respondents were well informed and had actual knowledge that (a) ultimate consignee statements were necessary supporting papers to license applications, (b) that statements made therein were material representations, (c) that no exports or transshipments of either validated license commodities or general license commodities to Hong Kong could be made without prior specific approval by the Office of International Trade (now the Bureau of Foreign Commerce). The special defenses offered by Continental are therefore insufficient and without basis. • • •
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> In this case, consideration should be given to the fact that, when apprehended, these respondents did not defend these proceedings by dilatory tactics or false denials of the facts of the transactions. Also, in framing the remedial action to be taken, the possibility that respondents are now well aware of their responsibilities with respect to goods exported from the United States and that they will not violate in the future should likewise be considered. On the other hand, very large quantities of sulfa drugs and boric acid were transshipped to Hong Kong at a critical time. It is my recommendation that all the respondents be denied export privileges for the duration of export controls but that, after an effective period of one year from the date of the order to be entered herein, such privileges be restored to them upon condition that the order prior to that time has not been violated and the further condition that respondents have not violated export control laws or regulations following the date of the order and do not so violate following the expiration of said period of one year.

Having concluded that the recommended action is fair, just and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which The Continental Import & Export Company, N. V., N. V. Noord-Hollandsche Handels-associatie, or Sipke N. Bierma appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Henceforth, and for the duration of export controls, each of the said respondents be and he or it hereby is suspended from and denied all privileges of participating, directly or indirectly in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether

such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by any of the respondents, directly or indirectly in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to each of the respondents, but also to any person, firm, corporation, or business organization with which any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. Upon condition that the respondents comply in all respects with this order, and with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder, those respondents so complying, commencing one year following the date hereof, may engage in and enjoy all export privileges permitted by United States laws and regulations.

V. The privileges conditionally restored to any of the respondents, under Part IV hereof may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that such respondent has, at any time following the date hereof, knowingly failed to comply with any of the conditions or provisions upon which or whereby, by Part IV hereof, he or it has been permitted to engage in any phase of the export business otherwise denied to him under Part II hereof, without prejudice to any other action which may be taken by reason of any such new or additional violation. In the event that it be so determined that a respondent has breached the conditions of Part IV hereof, the suspension and denial of respondent's export privileges shall be deemed to commence on the day of such determination and shall continue thereafter for the duration of export controls.

VI. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when any respondent is prohibited under the terms hereof from engaging in any activity within the scope of Part II hereof, shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with such respondent, or (c) do any of the foregoing acts with respect to any commodity or exportation in which such respondent may have any interest of any kind or nature, direct or indirect.

Dated: October 28, 1955.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 55-8846; Filed, Nov. 1, 1955; 8:52 a. m.]

[Case 200]

D. LIJNZAAD, N. V., ET AL.

CONDITIONAL ORDER DENYING EXPORT PRIVILEGES

In the matter of D. Lijnzaad, N. V., Transport en Handelmaatschappij, 58 Coolsingel, Boursgebouw, Rotterdam, Netherlands; Dirk Lijnzaad, 7 Duinweg, Wassenaar, Netherlands; Nedimtrans, N. V., Exchange Buildings, Rotterdam, Netherlands; respondents.

Dirk Lijnzaad, D. Lijnzaad, N. V. and Nedimtrans, N. V., having been charged by the Director of Investigation Staff, Bureau of Foreign Commerce, with having violated the Export Control Act of 1949, as amended, in that as alleged, they purchased boric acid and borax from an exporter in the United States, for shipment under General License to the Netherlands, they failed to disclose to the American exporter that these commodities were intended for transshipment to Hong Kong, and they, without persission from the Office of International Trade, now the Bureau of Foreign Commerce, transshipped said commodities to Hong Kong after their arrival in the Netherlands;

And the respondents having duly answered the charges, having appeared herein by counsel and having demanded an oral hearing;

This proceeding was duly referred to the Compliance Commissioner, who has held a hearing at which the respondents were present by their representative and their attorney, and who, having heard the evidence, has duly filed his report and recommendation, all in accordance with the procedure set forth in Title 15, Chapter III, Code of Federal Regulations, §§ 382.7 and 382.8.

Now, after reading the record herein and giving careful consideration to the Compliance Commissioner's Report and Recommendation, the following are my findings of fact:

1. At all times hereinafter mentioned, Dirk Lijnzaad was engaged in the shipping and forwarding business in Rotterdam, the Netherlands, and he conducted this business in the name of D. Lijnzaad, N. V. He controlled also a merchant import-export company, Nedimtrans, N. V., and the method of doing business as well as the operations of Nedimtrans, N. V., were such as to make it identical with Lijnzaad's business for all practical purposes involved in this proceeding.

2. That during and after January 1953, respondents were informed and knew (a) that all exports from the United States to Hong Kong were subject to the validated export license procedure while boric acid and borax were permitted to be exported to the Netherlands under general license and (b) that they were required to notify the American exporter in any case where the commodity was to be shipped to Hong Kong.

3. That having such knowledge, and with the additional knowledge that Nedimtrans, N. V., was not the actual purchaser and that the Netherlands was not the country of ultimate destination, they did nevertheless (a) on or about February 20, 1953, order and purchase from an American exporter 100 tons of boric acid, in the name of Nedimtrans, N. V., for delivery to Antwerp, Belgium, or Rotterdam, the Netherlands, indicating the place of ultimate destination as Rotterdam, the Netherlands, and (b) on or about April 9, 1953, order and purchase from the same American exporter 100 tons of borax, also in the name of Nedimtrans, N. V., for delivery to Rotterdam, the Netherlands, indicating that or West Germany as the place of ultimate destination.

4. That at no time prior to the making of such purchases from the American exporter or prior to the time that the exportations thereof were made from the United States, did any of the respondents disclose to the American exporter that Nedimtrans, N. V., was not the actual purchaser of the commodities or that the Netherlands and/or West Germany were not or might not be the countries of ultimate desination.

5. That at the time when Nedimtrans, N. V. made its purchase of the boric acid from the American exporter, respondents knew that it was to be transshipped to Hong Kong.

6. That the boric acid and borax were thereafter exported from the United States to the Netherlands and, after their arrival in the Netherlands, respondents changed the marks on the bags in which said commodities had been shipped and the marks which they caused to be put thereon showed that the commodities so shipped were destined for Hong Kong. Respondents then shipped the entire 100 tons of boric acid and 50 tons of the borax to Hong Kong, without prior authorization from the Office of International Trade, now the Bureau of Foreign Commerce.

From all of which I have concluded that respondents did violate sections 371.4, 384.5 and 381.1 (b) (1) of the export control regulations then in effect (1) falsely representing to the American exporter that Nedimtrans, N. V. was the actual purchaser and that the Netherlands or West Germany were the countries of ultimate destination of the said commodities, thus concealing from him the true purchaser and true destination, and (2) by transshipping the said boric acid and borax from the Netherlands to Hong Kong without prior authorization from the Office of International Trade by validated license or otherwise.

The Compliance Commissioner, after setting forth the facts of the case, has considered the general demeanor of the respondent Dirk Lijnzaad, the reputation of the respondents, the financial impact which a denial of export privileges would have on respondents, his belief that violations will not occur in the future and the nature of the violations found. After such consideration, he has recommended that the respondents be denied export privileges for a period of six months but that such denial shall not become effective unless the respondents or any of them at any time following the date hereof again violate the Export Control Act or any of its regulations. His recommendation seems fair and just and, the undersigned being of the opinion that it is fair and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. Upon condition that the respondents, Dirk Lijnzaad, D. Lijnzaad, N. V., and Nedimtrans, N. V., during the time that export controls shall be in effect hereafter, comply fully with and do not knowingly violate all or any of the terms of this order and all or any of the provisions of the Export Control Act of 1949, as amended, and the regulations promulgated thereunder, such respondent so complying with this condition shall be permitted all export privileges as though this order had not been made; but, in the event that it be found that any respondent has failed to comply in any respect with this condition, the Director of the Office of Export Supply, or such other official as may at that time be performing the duties now performed by him, may summarily and without notice to the person or company responsible for such violation, enter and publish an order against such respondent as provided in Parts II, III and IV hereof, subject however to the right of such respondent, as provided in the regulations, to apply for a reconsideration of or to appeal from such supplemental order, without prejudice to such other action and remedy as may be proper and reasonable by reason of any such conduct which may be a violation of the Export Control Act or regulations promulgated thereunder;

II. In the event that a determination be made, as provided in Part I hereof, that respondents or any of them have violated the condition in Part I provided, all validated licenses then outstanding and as to which any such respondent may be a party shall be revoked, and such respondents or respondent, for a period of six months from the date of such determination, shall be denied all privileges of participating directly or indirectly, in any manner or capacity, in and exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has theretofore or thereafter been completed. Without limitation of the generality of the foregoing provisions, participation in an exportation shall be deemed to include and prohibit respondents' participation, directly or indirectly in any manner or capacity (a) as a party or as a representative of a party to any export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, using, or disposing, in any foreign country, of any commodities in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, storing, or other servicing of exports from the United States;

III. In the event of the making of such a determination, the order entered thereon shall apply not only to the respondent named therein but shall apply and extend also to any other person, firm, corporation or business organization with which he may then or thereafter be related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith;

IV. In that event, no person, firm, corporation, or other business organization shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in, any such prohibited exportation from the United States, or in reexportation of any commodity within the scope of this order and exported from the United States, with respect to which such respondent shall have any interest of any kind or nature, direct or indirect.

Dated: October 27, 1955.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 55-8847; Filed, Nov. 1, 1955; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

Ahoskie Manufacturing Co., Sunset Drive, Ahoskie, N. C., effective 10-18-55 to 10-17-56; 10 learners for normal labor turnover purposes (children's outerwear).

Baumel Dress Co., Olyphant, Pa., effective 10-23-55 to 10-22-56; 10 percent of the total factory production workers for normal labor turnover purposes (ladies' and children's dresses).

Michael Berkowitz Co., Inc., Waynesburg, Pa., effective 11-12-55 to 11-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' cotton and flannel pajamas).

Carbondale Children's Dress Co., 30 Seventh Avenue, Carbondale, Pa., effective 10-24-55 to 10-23-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (girls' and children's dresses and play suits).

Cater Frock Co., New Braunfels, Tex., effective 11-9-55 to 11-8-56; 10 learners for normal labor turnover purposes (children's dresses).

Elizabethtown Manufacturing Co., Elizabethtown, N. C., effective 10-21-55 to 2-29-56; 50 additional learners for plant expansion purposes (cotton dresses).

Harrisburg Children's Dress Co., Fourteenth and Howard Streets, Harrisburg, Pa., effective 10-24-55 to 10-23-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (girls' and children's dresses and play suits).

Joyner-Fields, Inc., Sherman, Miss., effective 11-3-55 to 11-2-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

R. Lowenbaum Manufacturing Co., Sparta, Ill., effective 10-22-55 to 10-21-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (juniors' dresses).

R. Lowenbaum Manufacturing Co., 130 North Front Street, Mounds, Ill., effective 10-29-55 to 10-28-56; 5 learners for normal labor turnover purposes (juniors' dresses).

R. Lowenbaum Manufacturing Co., Red Bud, Ill., effective 10-29-55 to 10-28-56; 5 learners for normal labor turnover purposes (juniors' dresses).

Marion Manufacturing Co., Marion, S. C., effective 10-17-55 to 10-16-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' cotton house dresses).

Mid-American Manufacturing Co., Inc., 304 South First Street, Ponca City, Okla., effective 10-20-55 to 2-29-56; 10 learners for plant expansion purposes (men's, boys', ladies' and girls Denim jeans).

Penn Children's Dress Co., 831 Lackawanna Avenue, Mayfield, Pa., effective 10-24-55 to 10-23-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (girls and children's dresses and play suits).

Princess Peggy, Inc., Chillicothe, Ill., effective 10-28-55 to 10-27-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's house dresses).

Princess Peggy, Inc., 1001 South Adams Street, Peoria, Ill., effective 10-27-55 to 10-26-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's house dresses).

The Pyke Manufacturing Co., 154 West Second South, Salt Lake City, Utah; effective

11–2–55 to 11–1–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants, coveralls, etc.) (011)

Rice-Stix Factory No. 3, Blytheville, Ark., effective 10–26–55 to 10–25–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts and pajamas).

Rice-Stix Factory No. 10, Bonne Terre, Mo., effective 10–31–55 to 10–30–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Rice-Stix Factory No. 15, Lebanon, Mo., effective 11–7–55 to 11–6–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (overalls, dungarees, jumpers).

Royal Manufacturing Co., Inc., Washington, Ga., effective 10–30–55 to 10–29–56; 10 percent of the total number of factory production workers engaged in the production of woven sport shirts, for normal labor turnover purposes (sport shirts).

Salemburg Manufacturing Co., Salemburg, N. C., effective 10–18–55 to 10–17–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton dresses).

Saluda Shirt Co., Inc., Saluda, S. C., effective 10–28–55 to 10–27–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Shroyer Dress Co., 315 North Water Street, Selinsgrove, Pa., effective 10–29–55 to 10–28–56; 10 learners for normal labor turnover purposes (women's and misses' dresses).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended April 19, 1955, 20 F. R. 2304).

Bayuk Cigars, Inc., Ninth and Columbia Avenue, Philadelphia, Pa., effective 10–20–55 to 10–19–56; 10 percent of the total number of workers engaged in each of the occupations listed hereinafter: cigar machine operating, and packing (cigars retailing for more than 6 cents), each 320 hours; packing (cigars retailing for 6 cents or less, and stripping, each 160 hours. All at 65 cents an hour.

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304).

Wells Lamont Corp., Hugo, Okla., effective 11–1–55 to 10–31–56; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Hugo, Okla., effective 11–1–55 to 2–29–56; 10 learners for plant expansion purposes (work gloves).

Wells Lamont Corp., Elsberry, Mo., effective 10–20–55 to 10–19–56; 10 percent of the total number of machine stitchers for normal labor turnover purposes (leather palm work gloves).

Wells Lamont Corp., Barry, Ill., effective 11–3–55 to 11–2–56; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work-glove cuffs).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended April 19, 1955, 20 F. R. 2304).

Nolde & Horst Co., Pittsboro, N. C., effective 10–20–55 to 2–29–56; 20 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304).

Royal Manufacturing Co., Inc., Crawfordville, Ga., effective 10–28–55 to 10–27–56; 5 learners for normal labor turnover purposes (men's and boys' drawers and cotton shorts).

Royal Manufacturing Co., Inc., Washington, Ga., effective 10–30–55 to 10–29–56; 5 percent of the total number of factory production workers engaged in the manufacture of men's and boys' underwear, for normal labor turnover purposes (men's and boys' drawers and cotton shorts).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 25th day of October 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55–8819; Filed, Nov. 1, 1955; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21–487]

MELAMINE DINNERWARE INDUSTRY

NOTICE OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Melamine Dinnerware Industry will be held by the Federal Trade Commission in Room 332 of the Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., on November 22, 1955, commencing at 10 a. m., e. s. t.

All persons, firms, corporations and organizations engaged in the manufacture, design, sale or distribution of melamine molded dinnerware are cordially invited to attend and participate in the conference proceedings.

The purpose of the conference is to afford industry members an opportunity to consider and propose for establishment, subject to approval by the Commission, a comprehensive set of trade practice rules for the industry designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses which are violative of laws administered by the Commission.

Subsequent to the conference on November 22, 1955, and before final rules are approved by the Commission, a draft of proposed rules in the form deemed appropriate will be made available to all interested and affected parties, including consumers, upon public notice affording them opportunity to present their views, criticisms, and suggestions respecting the rules, and to be heard at a public hearing the time and place of which will be announced by the Commission.

Issued: October 28, 1955.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55–8843; Filed, Nov. 1, 1955; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11004, FCC 55M–904]

OHIO VALLEY BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Ohio Valley Broadcasting Corporation, Clarksburg, West Virginia, Docket No. 11004, File No. BPCT–849; For a construction permit for a new television broadcast station.

The Hearing Examiner having under consideration a joint motion filed on October 20, 1955, by Clarksburg Publishing Company, protestant in the above-entitled proceeding, and Ohio Valley Broadcasting Corporation, applicant, requesting that the hearing in such proceeding presently scheduled for November 15, 1955, be postponed for a period of approximately sixty (60) days;

It appearing that a Petition for Reconsideration and Modification of Hearing Order, and an application for transfer of control of Ohio Valley Broadcasting Corporation are now pending before the Commission and the Commission's action on such matters may affect the issues in the instant proceeding;

It further appearing that counsel for the Broadcast Bureau has informally agreed to a waiver of the requirements of Section 1.745 of the Commission's Rules and Regulations and consented to the immediate consideration and grant of the petition;

It is ordered, This 26th day of October 1955, that motion BE and it is hereby granted; and that the hearing in the above-entitled proceeding BE and it is hereby postponed to January 16, 1956, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–8848; Filed, Nov. 1, 1955; 8:52 a. m.]

[Docket No. 11268, etc., FCC 55M–895]

WISCONSIN TELEPHONE CO. ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Wisconsin Telephone Company, Docket No. 11268, File No. 5300–F1–P–H; Ohio Bell Telephone Company, Docket No. 11269, File No. 5301–F1–P–H; Ohio Bell Telephone Company, Docket No. 11270, File No. 5745–F1–P–H; for new VHF Public Class III–B coast stations at Milwaukee, Cleveland and Toledo, respectively and Michigan Bell Telephone Company, Docket No. 11375, File No. 5832–F1–P–H; Michigan Bell Telephone Company, Docket No. 11376, File No. 5833–F1–P–H; Michigan Bell Telephone Company, Docket No. 11377, File No. 5834–F1–P–H; Michigan Bell Telephone Company, Docket No. 11378, File No. 5835–F1–P–H; Michigan Bell Telephone Company, Docket No. 11379, File No. 5836–F1–P–H; for new VHF Public Class III–B coast stations at Hancock, Escanaba, East Tawas, Port Huron and Marquette, Michigan, respectively and Wisconsin Telephone Company, Docket No. 11380, File No. 5299–F1–P–H; for new VHF Public Class III–B coast station at Green Bay (Glenmore), Wisconsin.

It is ordered, This 24th day of October 1955, that Basil P. Cooper, in lieu of William G. Butts, will preside at the hearing in the above-entitled proceeding, and that hearing conferences in the matter, which were originally scheduled for September 12, 1955, and continued indefinitely, will be resumed on November 15, 1955, in Washington, D. C.

Released: October 25, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–8849; Filed, Nov. 1, 1955; 8:53 a. m.]

[Docket No. 11415, FCC 55M–896]

KOSSUTH COUNTY BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re application of Kossuth County Broadcasting Company, Inc., Algona, Iowa, Docket No. 11415, File No. BP–9645; for construction permit.

The Hearing Examiner having under consideration a motion filed by Kossuth County Broadcasting Company, Inc., on October 24, 1955, for continuance of the above-entitled proceeding from October 27, 1955, to November 25, 1955; and

It appearing that continuance is sought for the purpose of amending the application of Kossuth County Broadcasting Company, Inc., to specify another channel, an action which would make unnecessary the instant proceeding; and

It further appearing that all other participants in the proceeding have consented to the continuance and have agreed to immediate consideration of the motion;

It is ordered, This 24th day of October 1955, that the motion for continuance is granted; and the hearing now scheduled for 10:00 a. m., October 27, 1955, is continued to 10:00 a. m., November 25, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–8850; Filed, Nov. 1, 1955; 8:53 a. m.]

[Mexican Change List No. 184]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

OCTOBER 15, 1955.

Notification under the provisions of Part III, Section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214–6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power	Antenna	Schedule	Class	Probable date of operation
		570 kilocycles				
XEHP	Ciudad Victoria, Tamaulipas (delete assignment).	1 kw D/150 w N	ND	U	IV	Oct. 15, 1955
		580 kilocycles				
XEHP	Ciudad Victoria, Tamaulipas (new)	1 kw D/150 w N	ND	U	IV	Apr. 15, 1956
		770 kilocycles				
XECJ	Apatzingan, Michoacan (change from 1340 kc).	1 kw D	ND	D	II	Apr. 15, 1956
		1340 kilocycles				
XECJ	Apatzingan, Michoacan (delete assignment).	1 kw D/250 w N	ND	U	IV	Apr. 15, 1956
		1400 kilocycles				
XEAB	Santa Ana, Sonora (increase daytime power).	1 kw D/250 w N	ND	U	IV	Jan. 15, 1956
		1420 kilocycles				
XEEP	La Paz, Baja California (new)	500 w	ND	U	II	Apr. 15, 1956

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–8851; Filed, Nov. 1, 1955; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–9547]

UNITED GAS PIPE LINE CO.

ORDER SUSPENDING PROPOSED INCREASES IN RATES

United Gas Pipe Line Company (United), on September 30, 1955, tendered for filing First Revised Sheet Nos. 1, 4, 6, 8, 10, 12, 14, 16, 17, 17–A, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 30, 32, 99, 100, 101, 102, 103, 104, and revised Title Sheet, to its FPC Gas Tariff, First Revised Volume No. 1, and First Revised Sheet Nos. 54 and 57 to its FPC Gas Tariff, Original Volume No. 1 proposing to take effect as of November 1, 1955. By said filing United proposes a general rate increase to all of its sales for resale subject to the jurisdiction of the Commission, except transportation for others. Said increase is estimated to be approximately $9,978,000 per year based on a test year ending April 30, 1955, as adjusted, or an increase of approximately 14 percent.

United bases part of its proposed rate increase on claimed increases in the cost of purchased gas. It does not appear that such increases in cost will occur in fact on November 1, 1955, nor can it now be determined the amount which United will actually incur. Additionally, United is claiming a rate of return of 6½ percent, acquisition adjustment costs, an increased allowance for income taxes, and allocation of costs which do not appear to be justified. These, as well as other items of cost, have not been established and it appears that the increased rates and charges proposed in United's rate filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

Alabama Public Service Commission as well as numerous customer companies of United request that the proposed rates be investigated and after suspension a hearing be held to determine just and reasonable rates.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates proposed by United in its filing of September 30, 1955, and that the rates in the above-designated tariff sheets[1] be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4, 5, and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates and charges proposed by United in its filing of September 30, 1955; and, pending such hearing and decision thereon, First Revised Sheet Nos. 1, 4, 6, 8, 10, 12, 14, 21, 22, 23, 25, 26, 27, 28, 30, 32, 99, 100, 101, 102, 103, 104, and revised Title Sheet to its FPC Gas Tariff, First Revised Volume No. 1, and proposed First Revised Sheet, Nos. 54 and 57 to its FPC Gas Tariff, Original Volume No. 1, be and the same hereby are suspended and the use thereof deferred until April 1, 1956, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

[1] First Revised Sheet Nos. 16, 17, 17–A, 18, 19, and 20 to First Revised Volume No. 1 pertain to sales of gas for resale for industrial use only and therefore may not be suspended pursuant to section 4 of the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: October 21, 1955.

Issued: October 26, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8820; Filed, Nov. 1, 1955; 8:47 a. m.]

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change (undated).	Texas Eastern Transmission Corp.	Supplement No. 8 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 1, 1955.
Notice of change (undated).	Texas Eastern Transmission Corp.	Supplement No. 9 to Applicant's FPC Gas Rate Schedule No. 2.	Nov. 1, 1955.

[1] The stated effect date is the first day after expiration of the required 30 days notice, or the effective date proposed by Applicant, if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until April 1, 1956, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

[Docket No. G-9548]

MURPHY CORP. ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Murphy Corporation et al. (Applicant) on September 28, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change (undated).	United Fuel Gas Co.	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days notice, or the effective date proposed by Applicant, if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: October 21, 1955.

Issued: October 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8833; Filed, Nov. 1, 1955; 8:49 a. m.]

[Docket No. G-9549]

BATEMAN DRILLING CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Bateman Drilling Company (Operator) et al. (Applicant) on September 29, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change (undated).	Texas Eastern Transmission Corp.	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days notice, or the effective date proposed by Applicant, if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 21, 1955.

Issued: October 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8834; Filed, Nov. 1, 1955; 8:49 a. m.]

[Docket No. G-6296 Etc.]

LEONARD OIL CO. ET AL.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 27, 1955.

In the matters of Leonard Oil Company, Docket Nos. G-6296 and G-6297; Bobby Manziel et al., Docket No. G-6434; Palermo Gas Company, Docket No. G-6892; El Paso Natural Gas Company, Docket No. G-8734; Hardbarger Oil & Gas Co., Docket No. G-9047; Houston Oil Company of Texas, Docket No. G-9078; Zenith Gas System, Inc., Docket No. G-9084; Cabot Carbon Company, Docket No. G-9112.

Notice is hereby given that on October 20, 1955, the Federal Power Commission issued its findings and orders adopted October 19, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8832; Filed, Nov. 1, 1955; 8:49 a. m.]

[Docket No. G-9550]

ESTATE OF C. H. MURPHY

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Estate of C. H. Murphy (Applicant) on September 28, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change (undated).	Texas Eastern Transmission Corp.	Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant, if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 21, 1955.

Issued: October 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8836; Filed, Nov. 1, 1955; 8:50 a. m.]

[Docket No. G-9552]

TIDE WATER ASSOCIATED OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Tide Water Associated Oil Company (Applicant) on September 30, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change (undated).	United Fuel Gas Co.	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 25.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days notice, or the effective date proposed by Applicant, if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 21, 1955.

Issued: October 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8835; Filed, Nov. 1, 1955; 8:49 a. m.]

[Docket No. G-9551]

TIDE WATER ASSOCIATED OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Tide Water Associated Oil Company (Applicant) on September 30, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change (undated).	United Fuel Gas Co.	Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 24.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days notice, or the effective date proposed by Applicant, if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

Description	Purchaser	Rate schedule designation	Effective date[1]
Supplemental agreement, dated Apr. 15, 1955. Notice of change (undated).	Texas Illinois Natural Gas Pipe Line Co. Texas Illinois Natural Gas Pipe Line Co.	Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 1. Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 1, 1955 Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filings insofar as the filings provide for a 0.2 cent per Mcf periodic increase in rates from 15.2 to 15.4 cents per Mcf at 14.65 p. s. i. a., exclusive of appropriate tax reimbursement, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered, insofar as said supplements provide for a periodic increase in rates from 15.2 to 15.4 cents per Mcf at 14.65 p. s. i. a., exclusive of appropriate tax reimbursement.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until April 1, 1956, insofar as said supplements provide for a 0.2 cent periodic increase in rates from 15.2 to 15.4 cents per Mcf at 14.65 p. s. i. a., exclusive of appropriate tax reimbursement, and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 19, 1955.

Issued: October 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8839; Filed, Nov. 1, 1955; 8:50 a. m.]

[Docket No. G-9521]

HUMBLE OIL AND REFINING CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Humble Oil and Refining Company (Applicant) on September 28, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change dated Sept. 26, 1955.	United Fuel Gas Co.	Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 24.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 21, 1955.

Issued: October 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8837; Filed, Nov. 1, 1955; 8:50 a. m.]

[Docket No. G-9508]

HUMBLE OIL AND REFINING CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Humble Oil and Refining Company (Applicant) on September 28, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of Change, dated Sept. 26, 1955.	United Fuel Gas Co.	Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 23.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by Sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 19, 1955.

Issued: October 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8838; Filed, Nov. 1, 1955; 8:50 a. m.]

[Docket No. G-9514]

BBM DRILLING CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

BBM Drilling Company (Operator) et al. (Applicant) on September 26, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which are proposed to become effective on the date shown:

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 19, 1955.

Issued: October 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8840; Filed, Nov. 1, 1955; 8:50 a. m.]

[Docket No. G-9522]

HUMBLE OIL AND REFINING CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Humble Oil and Refining Company (Applicant) on September 28, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change dated Sept. 26, 1955.	United Fuel Gas Co.	Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 25.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 19, 1955.

Issued: October 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8841; Filed, Nov. 1, 1955; 8:51 a. m.]

[Docket No. G-9523]

HUMBLE OIL AND REFINING CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Humble Oil and Refining Company (Applicant) on September 28, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change dated Sept. 26, 1955.	United Fuel Gas Co.	Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 26.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 19, 1955.

Issued: October 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8842; Filed, Nov. 1, 1955; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 28, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31261: *Motor-rail rates in the East, substituted service.* Filed by The New York, New Haven and Hartford Railroad Company and the Spector Freight System, Inc., for themselves and on behalf of other common carriers by motor vehicle. Rates on general commodities, loaded in motor truck semi-trailers, on railroad flat cars, between Harlem River, N. Y., on one hand, and Boston, Springfield, and Worcester, Mass., Bridgeport, Hartford, New Haven, and New London, Conn., and Providence, R. I., on the other.

Grounds for relief: Competition with motor truck carriers on substituted rail for motor transportation.

FSA No. 31262: *Class and commodity rates—St. Louis Southwestern Railway Company.* Filed by the St. Louis South-

western Railway Company, for itself and on behalf of the Texas and New Orleans Railroad Company, the Southern Pacific Transport Company, and the Southwestern Transportation Company. Rates on various commodities, in motor-truck trailers loaded on railroad flat cars, between St. Louis, Mo., and East St. Louis, Ill., on the one hand, and stations in Arkansas, Louisiana, and Texas, on the other.

Grounds for relief: Competition with common motor carriers other than those owned or leased by motor truck subsidiaries of the applicant rail carriers.

Tariff: St. Louis Southwestern Railway Company I. C. C. 5947.

FSA No. 31263: *Bottle caps—Baltimore, Md., to Kansas City, Mo.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on bottle, can, or jar caps, metal, with or without cork or paper lining, carloads, from Baltimore, Md., to Kansas City, Mo.

Grounds for relief: Circuitous routes.

Tariff: Supplement 24 to Agent C. W. Boin's I. C. C. A–1034.

FSA No. 31264: *Malt liquors and beverages—Illinois and Western Trunk Line Territories to Oklahoma.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on malt liquors and cereal beverages, also empty returned containers in reverse direction, straight or mixed carloads, from specified points in Illinois, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin, to specified points in Oklahoma.

Grounds for relief: Circuitous routes.

Tariff: Supplement 105 to Agent Kratzmeir's I. C. C. 4109.

FSA No. 31265: *Magnesium metals and alloys—Velasco, Tex., to Chicago, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on magnesium metals and alloys, ingots, pigs, blooms, billets, slabs, rods or bars, in carloads (straight or mixed), from Velasco, Tex., to Chicago, Ill.

Grounds for relief: Barge competition and circuity.

Tariff: Supplement 105 to Agent Kratzmeir's I. C. C. 4139.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-8830; Filed, Nov. 1, 1955; 8:48 a. m.]

[Notice 84]

MOTOR CARRIER APPLICATIONS

OCTOBER 28, 1955.

Protests, consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when the circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of motor carrier properties sought to be acquired in an application under Section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 222 Sub 19, filed October 19, 1955, LIBERTY MOTOR FREIGHT LINES, INCORPORATED, 1535 Paterson Plank Road, Secaucus, N. J. Applicant's attorney: Carl L. Steiner, 39 S. La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Ford Motor Company plant located at or near the intersection of Mound Road and Seventeen Mile Road in Sterling Township, Macomb County, Mich., as an off-route point in connection with applicant's authorized regular route operations between Toledo, Ohio, and Detroit, Mich., over U. S. Highway 25. Applicant is authorized to conduct operations in Massachusetts, New York, New Jersey, Illinois, Pennsylvania, Ohio, Indiana, Missouri, Rhode Island, Connecticut, Maryland, Delaware, and West Virginia.

No. MC 2202 Sub 134, filed October 19, 1955, ROADWAY EXPRESS, INC., 147 Park St., P. O. Box 471, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Ave., N. W., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction of U. S. Highways 25E and 70 west of Newport, Tenn., and junction U. S. Highways 25E and 25W at or near Corbin, Ky., over U. S. Highway 25E, serving no intermediate points, and serving the termini for joinder purposes only, as an alternate route for operating convenience only, in connection with regular route operations between Cincinnati, Ohio, and Asheville, N. C. through combination of regular routes between (1) Cincinnati, Ohio, and Chattanooga, Tenn., and (2) Knoxville, Tenn. and Asheville, N. C. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 2229 Sub 71, filed October 24, 1955, RED BALL MOTOR FREIGHT, INC., 1210 S. Lamar St., P. O. Box 3148, Dallas, Tex. Applicant's attorney: Scott P. Sayers, Century Life Bldg., Ft. Worth, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excepting those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Arthur City, Tex., and Hugo, Okla., over U. S. Highway 271, serving all intermediate points. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, and Oklahoma.

No. MC 2229 Sub 72, filed October 24, 1955, RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, P. O. Box 3148, Dallas, Texas. Applicant's attorney: Scott P. Sayers, Century Life Building, Fort Worth, Texas. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives*, but excepting household goods as defined by the Commission, articles of unusual value, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Texarkana, Texas-Arkansas, and Ida, La., from Texarkana, over U. S. Highway 71 to Ida, and return over the same route, serving all intermediate points. Carrier is authorized to conduct operations in Arkansas, Louisiana, Oklahoma, and Texas.

No. MC 7746 Sub 73, filed September 26, 1955, UNITED TRUCK LINES, INC., E. 915 Springfield Avenue, Spokane, Wash. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities requiring special equipment*, but excluding those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, between Missoula, Mont., and Billings, Mont., (1) from Missoula over U. S. Highway 10 to junction U. S. Highway 10S, thence over U. S. Highway 10S to junction U. S. Highway 10, thence over U. S. Highway 10 to Billings, and return over the same route, serving all intermediate points, and (2) from Missoula over U. S. Highway 10 to junction U. S. Highway 10N, thence over U. S. Highway 10N to Townsend, Mont., thence over Montana Highway 6 to junction unnumbered highway six miles east of Slayton, Mont., thence over unnumbered highway to Billings, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Idaho, Montana, Oregon and Washington.

No. MC 10761 Sub 56, filed October 20, 1955, TRANSAMERICAN FREIGHT LINES, INC., 1700 N. Waterman Ave., Detroit 9, Mich. Applicant's attorney: Howell Ellis, 520 Illinois Bldg., Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the proposed site of Chrysler Corporation Stamping Plant to be located directly east of Ohio Highway 8 approximately one (1) mile south of Macedonia, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Cleveland, Ohio and Kennedy, N. Y., over Ohio Highways No. 8, 18, and 7, U. S. Highways 30, 22, 119, and 219, and New York Highway 17. Applicant is authorized to conduct operations in Michigan, Illinois, Indiana, Ohio, Pennsylvania, Missouri, Kentucky, Wisconsin, New York, New Jersey, Connecticut, Iowa, Nebraska, Minnesota, Colorado, Massachusetts, and Rhode Island.

No. MC 11620 Sub 18, filed October 21, 1955, GEORGE BUSSE, doing business as THE ARROW TRANSFER COMPANY, 339 East Main St., Danville, Ky. Applicant's attorney: Noel F. George, 44 East Broad St., Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Whey*, in bulk, in tank vehicles, from Stanford, Ky., to points in West Virginia, Ohio, Virginia, Tennessee, Maryland, Delaware, North Carolina, South Carolina, Georgia, Florida, Alabama, and Indiana.

No. MC 18436 Sub 9, filed October 24, 1955, HAINES CAR-RIERS, INC., 1050 Fuhrmann Blvd., Buffalo 3, N. Y. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Used automobiles* and *used trucks*, in secondary movements, in truckaway service, from Bordentown, N. J., to points in New York, Pennsylvania, Delaware, Maryland and the District of Columbia.

No. MC 26641 Sub 14, filed September 30, 1955, ROMANO BROS. TRUCKING, INC., 11 Meadow Street, Rutland, Vt. Applicant's attorney: John Molla, Quarry Bank Building, Barre, Vt. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Furnace cement, asbestos cement, roof paint, roofing liquid, roofing cement liquid, roofing cement paste, silicate of soda, dry patching plaster, stove lining, pipe fitting cement, iron cement, asphalt paint, cement floor compound, glazing compound*, and *cement waterproofing compound*, in containers, from Rutland, Vt., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia. Applicant is not authorized to transport the commodities specified.

No. MC 29955 Sub 9, filed October 21, 1955, ENGLAND BROS. TRUCK LINE, INC., 300–322 N. Second St., Ft. Smith, Ark. Applicant's attorney: Carl L. Phinney, First National Bank Bldg., Dallas 2, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Arthur City, Tex. and Paris, Tex., over U. S. Highway 271, serving all intermediate points. Applicant is authorized to conduct operations in Arkansas, Missouri, Tennessee, Oklahoma, and Texas.

No. MC 31879 Sub 5, filed October 21, 1955, EXHIBITORS FILM DELIVERY & SERVICE CO., INC., 120 West 17th Street, Kansas City, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Newspapers, periodicals, magazines and other dated publications;* and *printed matter*, between Kansas City, Mo., on the one hand, and, on the other, points in that part of Missouri west and north of a line beginning at the Iowa-Missouri State line and extending along U. S. Highway 63 to Jefferson City, Mo., thence along U. S. Highway 54 to junction U. S. Highway 65, thence along U. S. Highway 65 to Springfield, Mo., thence along U. S. Highway 66 to junction Missouri Highway 16, thence along Missouri Highway 16 to the Missouri-Kansas State line (not including Greenfield, Lockwood and Golden City, Mo.), and those in Kansas north and west of a line beginning at the Missouri-Kansas State line, and extending along U. S. Highway 54 to junction Kansas Highway 99, thence along Kansas Highway 99 to the Kansas-Oklahoma State line (not including Springfield, Mo., and Sedan, Kans.), including points on the indicated portions of the highways specified.

No. MC 33383 Sub 3, filed October 21, 1955, JOHN W. JONES AND ALYS MAE AMONENO, doing business as INTERSTATE FILM DELIVERY, 126 East 5th St., Box 105, Carthage, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Newspapers, periodicals, magazines and other dated matter;* and *printed matter*, between Carthage, Mo., on the one hand, and, on the other, points in that part of Missouri south of U. S. Highway 160, and west of U. S. Highway 65, and those points in that part of Kansas south of U. S. Highway 54, and east of Kansas Highway 99, including points in the indicated portions of the highways specified.

No. MC 36442 Sub 2, filed October 17, 1955, LLOYD MORRISON, ALTA MORRISON, AND KENNETH MORRISON, doing business as LLOYD MORRISON, P. O. Box 1087, 718 United Bldg., Salina, Kans. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid grain fumigants, mill spray*, and *insecticides*, in bulk, in tanks, from Velasco, Tex. to points in Oklahoma, Kansas, Missouri, Nebraska, and Colorado; *grain*, from Oklahoma, Kansas, Missouri, Nebraska, and Colorado to Velasco, Tex. Applicant is authorized to conduct operations in Missouri and Kansas.

No. MC 38183 Sub 35, filed October 17, 1955, WHEELOCK BROS., INC., 720 E. 3rd St., Kansas City, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 6, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *those of unusual value* excepting articles of virtu, but excluding Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Arkansas City, Kans., and Lindsborg, Kans., over U. S. Highway 166 from Arkansas City to junction U. S. Highway 81, thence over U. S. Highway 81 to Wichita, Kans., thence over presently authorized route (U. S. Highway 81) to Lindsborg, and return over the same route, serving the intermediate point of Wellington, Kans. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Kansas, and Missouri.

No. MC 40007 Sub 42, filed October 7, 1955, RELIABLE TRANSPORTATION COMPANY, a corporation, 4817 Sheila St., Los Angeles 22, Calif. Applicant's attorney: John C. Allen, 1212 Wilshire Boulevard, Los Angeles 17, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles, from Phoenix, and Tucson, Ariz. and points within 25 miles of each, to Nogales, Ariz., and San Diego, Calif. Applicant is authorized to conduct operations in Arizona, and California.

No. MC 42487 Sub 300, filed October 24, 1955, CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby Street, Portland, Oreg. Applicant's attorney: W. S. Pilling, P. O. Box 3618, Portland 8, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cherries*, in bulk, in brine, in tank vehicles, from points in Oregon and Washington, to points in California. Carrier is authorized to conduct operations in California, Idaho, Illinois, Iowa, Minnesota, Missouri, Montana, Nevada, North Dakota, Oregon, Utah, Washington and Wisconsin.

No. MC 44484 Sub 3, filed October 21, 1955, C. W. WEATHERS, 829 South Ninth St., Salina, Kans. Applicant's attorney: Carl V. Kretsinger, Suite 1014–18 Temple Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Newspapers, periodicals, magazines and other dated publications;* and *printed matter*, between Salina, Kans., on the one hand, and, on the other, points in that part of Kansas west of a line beginning at the Nebraska-Kansas State line, and extending along U. S. Highway

81 to McPherson, Kans., thence along Kansas Highway 17 to junction U. S. Highway 54, and north of a line beginning at this junction and extending along U. S. Highway 54 to Bucklin, Kans., thence along unnumbered highway to junction U. S. Highway 154, thence along U. S. Highway 154 to Dodge City, Kans., thence along U. S. Highway 50S to Garden City, Kans., and thence along U. S. Highway 50 to the Kansas-Colorado State line, including points on the indicated portions of the highways specified.

No. MC 52657 Sub 472, filed October 18, 1955, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: (A) *Trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from Cedar Rapids, Iowa, to points in the United States; (B) *Tractors*, in secondary movements, in driveaway service, only when drawing trailers moving in initial driveaway service, as described above, from Cedar Rapids, Iowa, to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming and the District of Columbia; and (C) *Truck bodies* and *trailer bodies*, from Cedar Rapids, Iowa, to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 52657 Sub 473, filed October 18, 1955, ARCO AUTO CARRIERS, INC., 91st Street & Perry Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 W. Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles*, in initial movements, in truckaway service, from Kenosha, Wis., to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, and Washington. Applicant is authorized to conduct operations throughout the United States.

No. MC 52657 Sub 474, filed October 18, 1955, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 W. Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trucks, chassis, trailers*, and *tractors*, other than farm tractors, in initial movements, in truckaway and driveaway service, from Minneapolis, Minn., to all points in the United States; and (2) *tractors*, other than farm tractors, in secondary movements, in driveaway service, only when drawing trailers moving in initial movements, in driveaway service, as described above, from Minneapolis, Minn., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

No. MC 52657 Sub 475, filed October 18, 1955, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 W. Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Automobiles, busses, trucks*, and *chassis*, in initial movements, in truckaway and driveaway service, from points in North Brunswick Township, Middlesex County, N. J., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin; and (2) *automobiles, busses, trucks*, and *chassis*, in secondary movements, in truckaway service, between points in North Brunswick Township, Middlesex County, N. J., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin. Applicant is authorized to conduct operations throughout the United States.

No. MC 59292 Sub 8, filed October 24, 1955, THE MARYLAND TRANSPORTATION COMPANY, a corporation, 1111 Frankfurst Ave., Baltimore 25, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Firebrick*, and *high temperature bonding mortar*, on pallets, from Baltimore, Md., to Alliance, Canton, Cleveland, East Liverpool, Lorain, Lowellville, Mansfield, Massilon, Niles, Steubenville, Struthers, Toronto, and Warren, Ohio, Wheeling, W. Va., and Farrell, and Sharon, Pa. Applicant is authorized to conduct regular route operations in Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia, and irregular route operations in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

No. MC 65346 Sub 23, (corrected) filed September 2, 1955, published on page 6760, issue of September 14, 1955, PACKER CITY TRANSIT LINE, INC., 1148 Velp Avenue, P. O. Box 1016, Green Bay, Wis. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Glass* and *glass articles*, from Marion, Ind. and Indianapolis, Ind., to points in Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana and Wisconsin.

No. MC 70451 Sub 176, filed October 21, 1955, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th Street, Omaha, Nebr. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Middle Amana, Iowa, as an off-route point in connection with carrier's authorized regular route operations between (1) Peoria, Ill., and Omaha, Nebr.; and (2) Omaha, Nebr., and Chicago, Ill. Carrier is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington and Wyoming.

No. MC 78787 Sub 34, filed October 14, 1955, PACIFIC MOTOR TRUCKING COMPANY, a corporation, 65 Market St., San Francisco 5, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New automobiles, new trucks*, and *new buses*, restricted to initial movements, from Oakland, Calif., to points in Oregon which are stations on the rail lines of the Southern Pacific Company. Applicant is authorized to conduct (1) contract carrier operations in California, and Nevada, and (2) common carrier operations in Arizona, California, Oregon, and Texas.

NOTE: Applicant holds authority under Certificates issued in Docket No. MC 78786 and Subs thereof to perform certain common carrier operations; therefore, Section 210 matters may be involved in this proceeding.

No. MC 84511 Sub 11, filed October 21, 1955, COMMERCIAL FREIGHT LINES, INC., 307–311 East Third Street, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510 Central National Building, Des Moines 9, Iowa. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Comission, commodities in bulk, and commodities requiring special equipment, between Kansas City, Mo., and junction U. S. Highways 24 and 36 over U. S. Highway 24, serving no intermediate points, as an alternate route, in connection with carrier's regular route operations between Kansas City, Mo., and Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Iowa, Missouri and Nebraska.

No. MC 103880 Sub 158, filed October 21, 1955, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Huntington County, Ind., to points in Ohio, Michigan, Illinois, Wisconsin, Missouri and Kentucky. Applicant is authorized to conduct irregular route operations in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, West Virginia and Wisconsin.

No. MC 106398 Sub 49, filed October 7, 1955, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Box 8096 Dawson Station, Tulsa, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Boats*, in specially designed equipment, from Denison, Tex. and points within 10 miles thereof, to points in the United States including the District of Columbia, and return with *damaged and returned shipments* of boats. Applicant does not presently hold any authority to transport the commodity named in this application.

No. MC 107002 Sub 84, filed September 29, 1955, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 105 Giuffrias Avenue, P. O. Box 687, New Orleans, La. Applicant's attorney: Harold R. Ainsworth, National Bank of Commerce Building, New Orleans 12, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crude petroleum*, in bulk, in tank vehicles, from points in that part of Louisiana on, north and east of a line beginning at the Mississippi-Louisiana State line and extending along U. S. Highway 90 to junction U. S. Highway 190, thence along U. S. Highway 190 to Pontchatoula, La., thence along U. S. Highway 51 to the Louisiana-Mississippi State line, those in that part of Mississippi on, east and south of a line beginning at the Louisiana-Mississippi State line and extending along U. S. Highway 51 to Jackson, Miss., thence along U. S. Highway 80 to the Mississippi-Alabama State line, those in that part of Alabama on, south and west of a line beginning at the Mississippi-Alabama State line and extending along U. S. Highway 80 to Montgomery, Ala., thence along U. S. Highway 231 to the Alabama-Florida State line, and those in that part of Florida on and west of U. S. Highway 231, on the one hand, and, on the other, Mobile, Ala. Applicant is authorized to conduct operations in Alabama, Georgia, Mississippi and Tennessee.

No. MC 107515 Sub 198, REFRIGERATED TRANSPORT CO., INC., 290 University Ave., S. W., Atlanta, Ga. Applicant's attorney: Allan Watkins, Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as defined by the Commission, and *frozen meats*, from Union City, Tenn., Humboldt, Tenn., and Jackson, Tenn., to points in Alabama. Applicant is authorized to conduct operations in Georgia, Tennessee, North Carolina, South Carolina, Florida, Alabama, Mississippi, Louisiana, Oklahoma, Wisconsin, and Ohio.

No. MC 109557 Sub 8, filed October 25, 1955, JOHN ELDRIDGE WILLETT, doing business as WILLETT BROTHERS TRANSPORTATION, 315 Lincoln Ave., N. E., Roanoke, Va. Applicant's attorney: Harold G. Hernly, 1624 Eye St., N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between Charleston and Boomer, W. Va., on the one hand, and, on the other, points in Highland, Bath, Alleghany, Botetourt, Roanoke, Bedford, Campbell, Amherst, Rockbridge, and Augusta Counties, Va. Applicant is authorized to conduct operations in Virginia and West Virginia.

No. MC 109633 Sub 8, filed October 21, 1955, ARBET TRUCK LINES, INC., 222 E. 135th Place, Chicago 27, Ill. Applicant's attorney: Bernard B. Wolfe, 120 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *Steel*, between (1) Middletown, Ohio, and Connersville, Ind., over presently authorized route (Ohio Highway 4) from Middletown to junction Ohio Highway 73, thence over Ohio Highway 73 to junction U. S. Highway 127, thence over presently authorized route (U. S. Highway 127) to junction Ohio Highway 73, thence over Ohio Highway 73 to junction U. S. Highway 27, thence over U. S. Highway 27 to junction Indiana Highway 44, thence over Indiana Highway 44 to Connersville, and return over the same route, serving no intermediate points, and (2) Cincinnati, Ohio, and Connersville, Ind., over U. S. Highway 27 from Cincinnati to junction Ohio Highway 73, thence over highways as described under (1) above to Connersville, and return over the same route, serving no intermediate points. Applicant is authorized to conduct regular route operations in Illinois, Indiana, and Ohio, and irregular route operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, and Ohio.

No. MC 110315 Sub 3, filed October 25, 1955, FELTS TRANSPORT CORPORATION, Galax, Va. Applicant's attorney: Harold G. Hernly, 1624 Eye St., N. W. Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, as defined by the Commission, between Charleston and Boomer, W. Va., on the one hand, and, on the other, points in Alleghany, Bath, Bland, Botetourt, Buchanan, Craig, Dickenson, Giles, Highland, Lee, Montgomery, Pulaski, Roanoke, Russell, Scott, Smythe, Tazewell, Washington, Wise, Wythe, Carroll, Grayson, Floyd, and Patrick Counties, Va. Applicant is authorized to conduct operations in North Carolina, Virginia, and West Virginia.

No. MC 110436 Sub 17, filed October 19, 1955, ROBERTSON TRANSPORTS, INC., 5700 Polk Street, Houston, Tex. Applicant's attorney: Harry W. Patterson, San Jacinto Building, Houston 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals* (liquids), in bulk, in tank vehicles, from points in Montgomery County, Tex., to points in Louisiana, Arkansas, Oklahoma and New Mexico.

No. MC 111472 Sub 32, filed October 20, 1955, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Ave., Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural machinery, implements and parts*, as defined by the Commission, from West Bend, Wis., to points in Mississippi. Applicant is authorized to conduct operations in all states, with the exception of Arizona, California, Florida, Idaho, Montana, New Mexico, North Carolina, Oregon, South Carolina, Utah, Washington, Wyoming and the District of Columbia.

No. MC 112846 Sub 7, filed September 16, 1955, published in the September 28, 1955 issue, on page 7242, amended October 21, 1955, CLARE M. MARSHALL, INC., Box 611, Rouseville Road, Oil City, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 S. Fifteenth Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) between Petrolia and Franklin, Pa., on the one hand, and, on the other, Nutley, N. J., (2) from Petrolia, Pa., to Carneys Point, Bloomfield and Newark, N. J., and Brooklyn, N. Y., (3) from Karns City, Pa., to Elizabeth, Kearny, Matawan, Monmouth Junction and Wood Ridge, N. J., (4) from Emlenton, Pa., to Matawan and Paulsboro, N. J., and (5) from Petrolia, Franklin, Oil City, Emlenton and Titusville, Pa., to Dearborn, Detroit, East Jordan, Flint, Grand Rapids, Kalamazoo, Midland, Trenton, Traverse City, Flat Rock, Jackson, Muskegon Heights and Northville, Mich. Applicant is authorized to conduct operations in New York, Ohio, Pennsylvania and West Virginia.

No. MC 113514 Sub 13, filed October 19, 1955, CHEMICAL TRANSPORTS, INC., 305 Simons Bldg., P. O. Box 6745, 1528 Main Street, Dallas, Tex. Applicant's attorney: W. D. White, 17th Floor Mercantile Bank Building, Dallas 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Carbon black*, using specialized equipment, between points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee and Texas.

No. MC 115419 (corrected), filed June 20, 1955, published page 5373, issue of July 27, 1955, EDMUND TESKE, doing business as ED'S TRUCKING SERVICE, Route 4, Box 26C, Pewaukee, Wis. Applicant's attorney: Harry E. Fryatt, Jr., Waukesha, Wis. For authority to operate as *contract carrier*, over regular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Argo, Blue Island, Franklin Park and Bedford Park, Ill., over U. S. Highway 12 to Half Day, Ill. (also over U. S. Highway 41 from junction Wisconsin Highway 100 and U. S. Highway 41 to Half Day, Ill.), thence over U. S. Highway 45 to junction Wisconsin Highway 100, thence over Wisconsin Highway 100 to junction U. S. Highway 16, thence over U. S. Highway 16 to junction Wisconsin Highway 164, thence over Wisconsin Highway 164 to Sussex, Wis.

No. MC 115514 Sub 2, filed October 24, 1955, J. R. CHANCEY and HAROLD CHANCEY, a partnership, doing business as CHANCEY BROS. TRUCK LINE, 201 East 16th Street, Alma, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber* from points in Georgia to points in Florida.

No. MC 115560 Sub 1, filed October 24, 1955, R. R. SAIN and MILAM TAYLOR, doing business as RED CANYON EXPRESS, 3700 E. Paisano Drive, El Paso, Tex. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *those of unusual value*, and *those Class A and B explosives which are known as high explosives*, but excluding all other types of Class A and B explosives, livestock, household goods as

defined by the Commission, commodities in bulk, and those requiring special equipment, between El Paso, Tex., and the U. S. Government's Red Canyon, N. Mex. Range Site, over U. S. Highway 54 from El Paso to Carrizozo, N. Mex., thence over U. S. Highway 380 to junction U. S. Army road approximately 17 miles west of Carrizozo, thence over said U. S. Army road to the U. S. Government's Red Canyon, N. Mex. Range Site, and return over the same route, serving the intermediate point of Carrizozo, N. Mex. Applicant does not presently hold any authority from this Commission.

No. MC 115633, filed October 21, 1955, GLEN DAVIDSON, doing business as DAVIDSON OIL COMPANY, Route 1, Park City, Ky. Applicant's attorney: Carroll M. Redford, John Lewis Building, Glasgow, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Crude oil*, from oil fields located in Barren, Hart, Allen, Edmdnson, Warren, Simpson, Todd, Christian and Logan Counties, Ky., to Nashville, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified in this application on return.

No. MC 115637, filed October 21, 1955, THE CARSON HAULING CO., a corporation, Hopedale, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum*, and *petroleum products*, in bulk, in tank vehicles, from Mogadore and Canton, Ohio, to points in Brook, Ohio and Hancock Counties, W. Va.

No. MC 115639, filed October 24, 1955, JOE HAMILTON, doing business as MERCHANTS TRANSFER, 213 West C Street, Russellville, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods* as defined by the Commission, from points in Pope and Yell Counties, Ark., to points in Arkansas, Tennessee, Oklahoma, Louisiana, Missouri, Texas, Alabama, Kansas, Florida, Arizona, New Mexico, and California.

CORRECTION

No. MC 43269 Sub 37, published October 26, 1955, on page 8058, application of WELLS CARGO, INC., 1775 East 4th St., Reno, Nev. The subsequent filing number Sub 38 assigned thereto was in error, the correct docket number is MC 43269 *Sub 37*.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 265 Sub 18, filed October 6, 1955, QUAKER CITY BUS CO., a corporation, 1313 Arch Street, Philadelphia, Pa. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N. Y. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Wrightstown, N. J., and the entrance to the McGuire Air Force Base in New Hanover, New Hanover Township, Burlington County, N. J., over Burlington County Spur Road 528, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

No. MC 599 Sub 3, filed October 20, 1955, BINGLER VACATION TOURS, INC., 140 Market Street, Paterson, N. J. Applicant's attorney: Edward G. Weiss, Citizens Trust Building, 140 Market Street, Paterson 1, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip operations, during the racing seasons at the following race tracks: Beginning and ending at Newark and Paterson, N. J., and extending to Yonkers Raceway, Yonkers, N. Y., Roosevelt Raceway, Westbury, Long Island, N. Y., Aqueduct Race Track, New York City, N. Y., Jamaica Race Track, New York City, N. Y., and Belmont Park Race Track, Elmont, Long Island, N. Y. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and the District of Columbia.

No. MC 3647 Sub 192, filed October 14, 1955, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 80 Park Place, Newark, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, between Little Falls, N. J., and Wayne Township, N. J., (1) from junction U. S. Highway 46 (formerly New Jersey Highway 6) and ramps leading to and from Paterson Avenue (Little Falls Turnpike), Little Falls, N. J., over U. S. Highway 46 to junction Riverside Drive Ramps, thence over Riverside Drive Ramps to junction Riverside Drive, thence over Riverside Drive to junction Naachtpunxt Road, thence over Naachtpunxt Road to junction Mountain Avenue, thence over Mountain Avenue to junction Valley Road, thence over Valley Road to junction Ratzer Road, thence over Ratzer Road to junction Oakwood Drive, thence over Oakwood Drive to junction Lake Drive West, thence over Lake Drive West to junction South Road, thence over South Road to junction Lake Drive East, thence over Lake Drive East to junction Lake Drive West, thence over Lake Drive West to Oakwood Drive and thence over the above described route to Little Falls, N. J.; and (2) from junction Mountain Avenue and Valley Road, Wayne Township, over Mountain Avenue to junction Alps Road, thence over Alps Road to junction Ratzer Road and return over the same route, serving all intermediate points on the above described routes. Carrier is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and the District of Columbia.

No. MC 53686 Sub 1, filed October 19, 1955, HARRY McCLOSKEY, 208 Warren St., Beverly, N. J. Applicant's attorney: Worth and Worth, Riverside N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special or charter operations, from Beverly, N. J., and points within 15 miles thereof, to Philadelphia, Pa., and points in New Jersey, Delaware, Maryland, and the District of Columbia, and return. Applicant is authorized to conduct operations in New Jersey, and Pennsylvania.

No. MC 58915 Sub 30, filed October 19, 1955, LINCOLN TRANSIT CO., INC., Route 46, East Paterson, N. J. Applicant's attorney: Robert E. Goldstein, 24 W. 40th St., New York 18, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Newark, N. J. and Jersey City, N. J., from the junction of the New Jersey Turnpike and Newark Bay-Hudson County Extension of the New Jersey Turnpike in Newark, N. J. over the Newark Bay-Hudson County Extension of the New Jersey Turnpike to its junction with U. S. 1 in Jersey City, N. J. and return over the same route. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 68167 Sub 29, filed October 18, 1955, WASHINGTON, VIRGINIA AND MARYLAND COACH CO., INC., 707 N. Randolph Street, Arlington, Va. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *newspapers, express* and *mail*, in the same vehicle with passengers, between junction Patrick Henry Drive and Virginia Highway 7 and junction Virginia Highway 7 and Virginia Secondary Highway 1078, from junction Patrick Henry Drive and Virginia Highway 7 over Virginia Highway 7 to junction Virginia Secondary Highway 1078 (also over Virginia Secondary Highway 1078 to junction Virginia Highway 7), and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Virginia and the District of Columbia.

No. MC 109802 Sub 6, filed October 17, 1955, LAKELAND BUS LINES, INC., 17 Dewey Street, Dover, N. J. Applicant's attorney: Bernard F. Flynn, Jr., Industrial Building, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, in the same vehicles with passengers, (1) In Wayne Township, N. J., from the intersection of U. S. Highway 46 and Riverside Drive Ramp, over Riverside Drive Ramp to junction Riverside Drive, thence over Riverside Drive to junction Mountain Avenue, thence over Mountain Avenue to junction Parish Drive, thence over Parish Drive to junction Boonton Road. Return from junction Boonton Road and Erie Avenue over Boonton Road to junction Parish Drive, thence over Parish Drive to junction Mountain Avenue, thence over Mountain Avenue to junction Riverside Drive, thence over Riverside Drive to junction U. S. Highway 46 Ramp, thence over U. S. Highway 46 Ramp to junction U. S. Highway 46.

Serving all intermediate points. (2) Request for modification of the present restrictions to permit service to all intermediate points along presently authorized routes in the State of New Jersey, west of the Passaic River at the West Paterson-Totowa boundary line, on U. S. Highway 46 (formerly New Jersey Highway 6). Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 115581, filed September 16, 1955, AIRFIELD SERVICE COMPANY, INCORPORATED, 338 Asylum Street, Hartford, Conn. Applicant's attorney: Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with pasengers, between Bradley Field, Windsor Locks, Conn., and Springfield, Mass., from the airport terminal building at Bradley Field, Windsor Locks, over Schopasta Highway to junction Connecticut Highway 75, thence over Connecticut Highway 75 to the Massachusetts-Connecticut State line, thence over Massachusetts Highway 75 to junction Massachusetts Highway 57, thence over Massachusetts Highway 57 to Springfield, Mass., and return over the same route, serving all intermediate points. Applicant proposes to restrict its services on its northbound schedules between the airport terminal building and the Massachusetts-Connecticut State line for discharge at points in Massachusetts between the Massachusetts-Connecticut State line and Springfield, Mass., and on its southbound schedules for the pick-up of passengers between Springfield, Mass., and the Massachusetts-Connecticut State line for discharge at points in Connecticut between the Massachusetts-Connecticut State line and the airport terminal building at Bradley Field, Windsor Locks, Conn.

No. MC 115634, filed October 20, 1955, SILVIO DI PRAMPERO, doing business as KEYSTONE TRANSIT, 28 South Morris Street, Waynesburg, Pa. Applicant's attorney: James W. Hawkins, 55 East High Street, Waynesburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Greene County, Pa., and extending to points in Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Virginia and West Virginia.

No. MC 115636, filed October 21, 1955, MICHELE RAVIELE, 108 Chestnut Hill Ave., Cranston, R. I. Applicant's representative: Ralph Rotondo, 634–635 Hospital Trust Bldg., Providence 3, R. I. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers*, in special or charter operations, between Cranston, R. I., and Boston, Mass., between the season of May 1 and October 1, inclusive, of each year.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F 5915, published in the February 24, 1955, issue of the FEDERAL REGISTER on page 1166. Amendment filed October 18, 1955, to include the following additional authority in the proposed merger: *Petroleum oils* and *greases*, in bulk, in tank vehicles, over irregular routes, from El Segundo, Calif., and points within five miles thereof, to points in Oregon and Washington.

No. MC–F 5926, published in the March 9, 1955, issue of the FEDERAL REGISTER on page 1424. Amendments filed October 21, 1955, to show (1) consideration for operating rights of vendor and rental under temporary authority substantially increased, and (2) for substitution of J. ALLEN HARRINGTON trustee in bankruptcy of G. N. CHILDRESS, as vendor in lieu of said G. N. CHILDRESS.

CORRECTION

No. MC–F 6091, published in the October 12, 1955, issue of the FEDERAL REGISTER on page 7633. The irregular-route operating authority sought to be controlled and merged should be corrected to read as follows: *General commodities*, with certain exceptions including household goods, as a *common carrier*, between Minneapolis, St. Paul, South St. Paul, Invergrove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron Lake, Fort Snelling, and State Fair Grounds, Minn., and between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, Twin City Ordnance Plant in Mounds View Township, Ramsey County, Minn.; *general commodities*, with certain exceptions not including household goods, between Eau Claire, Wis., and Altoona, Wis.; *household goods*, as defined by the Commission, between Eau Claire, Wis., on the one hand, and, on the other, points in Minnesota.

No. MC–F 6112. Authority sought for purchase by BEKINS VAN & STORAGE CO., (MISSOURI), 1335 S. Figueroa St., Los Angeles 15, Calif., of the operating rights and property of LINCOLN STORAGE & MOVING CO. and LINCOLN STORAGE & MOVING COMPANY, both of 3429 Troost Ave., Kansas City, Mo., and for acquisition by BEKINS VAN & STORAGE CO., (CALIFORNIA), MILO W. BEKINS, H. B. HOLT and RUTH B. HOLT, as tenants in common, IDA RAINEY BEKINS and MILO W. BEKINS as executrix and executor of the estate of REED J. BEKINS, deceased, FLOYD R. BEKINS, IDA RAINEY BEKINS, FLOYD R. BEKINS and MILO W. BEKINS, as trustees under a declaration of trust executed by FLOYD R. BEKINS as trustor, MILO W. BEKINS and DOROTHY ELOISE BEKINS, as trustees under a declaration of trust executed by MILO W. BEKINS as trustor, IDA RAINEY BEKINS and MILO W. BEKINS, as trustees under a declaration of trust executed by REED J. BEKINS (deceased) as trustor, FLOYD R. BEKINS, JR., KATHERINE BEKINS PALMER and M. B. HOLT, all of Los Angeles, of control of said operating rights and property through the purchase. Applicants' attorney: Lucien W. Shaw, 1335 S. Figueroa St., Los Angeles 15, Calif. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between certain points in Kansas and Missouri, on the one hand, and, on the other, points in Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. License No. MC 68801 Sub 1 is also to be transferred. Vendee is authorized to operate in California. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6114. Authority sought for purchase by MUELLER TRANSPORTATION COMPANY, 2523 Wabash Ave., St. Paul 14, Minn., of the operating rights and property of VICTOR McKEOWN, doing business as McKEOWN TRUCKS, 3006 W. 1st St., Duluth, Minn., and for acquisition by JOSEPH L. BOLDUG and ROBERT E. SHORT, both of St. Paul, of control of the operating rights and property through the purchase. Applicants' attorney: Franklin R. Overmyer, 111 W. Monroe St., Chicago 3, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between St. Paul, Minn., and Superior, Wis., between St. Paul, Minn., and junction U. S. Highway 8 and U. S. Highway 61, between Duluth, Minn., and junction St. Louis County Highway 3 and U. S. Highway 61, serving certain intermediate and off-route points. Alternate route for operating convenience only, between Duluth, Minn., and junction Minnesota Highway 23 and U. S. Highway 61, near Sandstone, Minn.; *general commodities*, with certain exceptions including household goods, over irregular routes, between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, the site of the Twin City Ordnance Plant in Mounds View Township, Ramsey County, Minn. Vendee is authorized to operate in Wisconsin, Illinois, Minnesota, and Indiana. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6115. Authority sought for control and merger by E. BROOKE MATLACK, INC., 33rd and Arch Sts., Philadelphia, Pa., of the operating rights and property of PAUL M. GILLMOR CO., Old Fort, Ohio, and for acquisition by DUVERNEY B. MATLACK, ROBERT W. MATLACK, E. BROOKE MATLACK, JR., and EDWIN L. MATLACK, all of Philadelphia, of control of the operating rights and property through the transaction. Applicant's attorney: Robert H. Shertz, 225 S. 15th St., Philadelphia 2, Pa. Operating rights sought to be controlled and merged: *Petroleum and liquid petroleum products*, in bulk, in tank vehicles, and *clay products*, as a *contract carrier*, from, to and between certain points in Ohio, Michigan, Indiana, and Pennsylvania. E. BROOKE MATLACK, INC., is authorized to operate in Maryland, Delaware, Pennsylvania, Virginia, New Jersey, New York, Ohio,

West Virginia, North Carolina, South Carolina, Georgia, Indiana, Alabama, Missouri, Tennessee, Minnesota, Michigan, Illinois, Wisconsin, Kentucky, Kansas, and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6116. Authority sought for purchase by A B & C MOTOR TRANSPORTATION CO., INC., 300 Lunenburg St., Fitchburg, Mass., of the operating rights and certain property of MURDOCH & HATCH MOTOR TRANSPORT, INC., 903 Massachusetts Ave., Boston, Mass., and for acquisition by PASQUALE J. CHIMENTO and WEST END TRUCK SALES, INC., also of Fitchburg, of control of said operating rights and property through the purchase. Applicants' attorneys: Mark M. Horblit and Samuel H. Kalish, both of 84 State St., Boston 9, Mass. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes between Boston, Mass., and Stamford, New London, New Haven, Hartford, and Danbury, Conn., and North Adams, Mass., between New Bedford, Mass., and Danbury, Conn., between Greenfield, Mass., and New Haven, Conn., between Sturbridge, Mass., and North Adams, Mass., between Providence, R. I., and Worcester, Mass., and between Danbury and Torrington, Conn., and New York, N. Y., serving certain intermediate and off-route points; *frozen fish livers, packing-house products, dairy products, agricultural commodities, cloth, groceries, petroleum and petroleum products*, in containers, *malt beverages, yeast, paper, tobacco, liquor*, and *candy*, over irregular routes, from, to, and between certain points in Massachusetts, New York, New Jersey, Connecticut, and the District of Columbia. Vendee is authorized to operate in Massachusetts, New York, Connecticut, and Rhode Island. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6117. Authority sought for purchase by STAHLY CARTAGE CO., 140A N. Main St., Edwardsville, Ill., of the operating rights and property of K. & R. TRANSPORTS, INCORPORATED, 410 Delmar Ave., Hartford, Ill., and for acquisition by KENNETH WOHLFORD and WENDELL WOHLFORD, both of Edwardsville, and P. F. PEICH, of E. Alton, Ill., of control of the rights and property through the purchase. Applicants' attorney: Mack Stephenson, 1004 First National Bank Bldg., Springfield, Ill. Operating rights sought to be transferred: *Petroleum and petroleum products, in bulk*, in tank vehicles, as a *contract carrier*, over irregular routes, from, to and between certain points in Illinois, Iowa, Wisconsin, and Missouri. Vendee is authorized to operate in Illinois and Missouri. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6118. Authority sought for merger by CONTRACT CARRIERS, INC., 2425 Walton St., Anderson, Ind., of the operating rights and property of ROSS TRANSIT COMPANY, INC., 1045 S. Park Ave., Kokomo, Ind., and for acquisition by N. A. WATERS and L. L. WATERS, both of 3240 Lake Shore Drive, Chicago, Ill., of control of the operating rights and property through the transaction. Applicant's attorney: Robert C. Smith, 512 Illinois Bldg., Indianapolis 4, Ind. Operating rights sought to be merged: *Wire, bale ties, nails, staples, steel fence* and *steel fence materials, pipe, sheet steel, steel ridge rolls, steel rods, roofing and roofing materials, sewer pipe, clay products, drain tile, flue liners, chimney tops, wall coping, hollow building block, stovepipe fittings*, in shipments of not less than 20,000 pounds, *iron and steel articles*, and *steel products*, as a *contract carrier*, over irregular routes, from, to and between certain points in Indiana, Kentucky, Missouri, Illinois, Ohio, Iowa, and Tennessee. Vendee is authorized to operate in Indiana, Missouri, Ohio, Illinois, Michigan, Kentucky, Iowa, Kansas, Tennessee, Pennsylvania, and Wisconsin. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6119. Authority sought for control by SOUTHERN TRANSPORTATION, INC., Barnwell, S. Car., of the operating rights and property of THE GEO. A. RHEMAN CO., INC., North Charleston, S. Car., and for acquisition by C. G. FULLER and CALHOUN LEMON, both of Barnwell, of the rights and property through the transaction. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. Operating rights sought to be controlled: *Petroleum products*, in bulk, in tank trucks, as a *common carrier*, over irregular routes, between Portsmouth, Va., and points within 10 miles thereof, on the one hand, and, on the other, points in North Carolina, between Charleston, S. C., and points within 10 miles thereof, on the one hand, and, on the other, points in Georgia and North Carolina, between Savannah, Ga., and points in South Carolina. SOUTHERN TRANSPORTATION, INC., holds no authority from the Interstate Commerce Commission, but its controlling stockholders also control COOPER MOTOR LINES, INC., which is authorized to operate in South Carolina, Virginia, Maryland, Delaware, Pennsylvania, New York, North Carolina, and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6120. Authority sought for purchase by ILL-MO VAN & STORAGE CO., 1451 Independence St., Cape Girardeau, Mo., of a portion of the operating rights of L. A. TUCKER TRUCK LINES, INCORPORATED, 1451 Independence St., Cape Girardeau, Mo., and for acquisition by H. C. SCHMITZ, also of Cape Girardeau, of control of the operating rights through the purchase. Applicants' attorney: G. Rebman, 1230 Boatmen Bank Bldg., St. Louis, Mo. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Missouri and Illinois, on the one hand, and, on the other, points in Missouri, Illinois, Indiana, Michigan, Kentucky, Ohio, Tennessee, Kansas, Iowa, Wisconsin, Oklahoma, Nebraska, Arkansas, Pennsylvania, New York, New Jersey, and Connecticut. Vendee holds no authority from the Interstate Commerce Commission, but is affiliated with vendor, which is authorized to operate in Illinois, Indiana, Missouri, Kentucky, Arkansas, Michigan, Ohio, Tennessee, Kansas, Iowa, Wisconsin, Oklahoma, Nebraska, Pennsylvania, New York, New Jersey and Connecticut. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6121. Authority sought for purchase by CASMER E. WENGLIKOWSKI and EDWARD D. WENGLIKOWSKI, doing business as WENGLIKOWSKI BROTHERS, 506 S. McLellan, Bay City, Mich., of a portion of the operating rights of WOLVERINE TRUCKING COMPANY, 3609 E. Palmer, Detroit 11, Mich. Applicant's attorney: L. F. Richardson, 1214 Michigan National Tower, Lansing 8, Mich. Operating rights sought to be transferred: *Malt beverages, soft drinks* and *beverage compounds*, as a *common carrier* over irregular routes, from Cleveland, Ohio, to points in Michigan north of a line commencing at Lake Michigan and extending along unnumbered County Highway to junction Michigan Highway 50, thence along Michigan Highway 50 to Grand Rapids, thence along U. S. Highway 16 to Lansing, thence along Michigan Highway 21 to Port Huron, excluding the right to serve points on the highways indicated. Vendee is authorized to operate in Wisconsin and Michigan. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6122. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby St., Portland, Oregon, of the operating rights and property of WHEELER TRANSPORTATION COMPANY, 635 Racine St., Menasha, Wis. Applicant's attorney: Donald A. Schafer, 803 Public Service Bldg., Portland 4, Oregon. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, including routes between Minneapolis, Minn., and Fond du Lac, Wis., between Abbotsford, Wis., and Wausau, Wis., between Eau Claire, Wis., and Neenah, Wis., and between Madison, Wis., and Beloit, Wis., serving certain intermediate and off-route points. Numerous routes for operating convenience only: *general commodities*, with certain exceptions not including household goods, from, to, and between certain points in Wisconsin, serving certain intermediate points, and including two routes for operating convenience only; *plumbing and heating supplies and equipment, electric generating plants, plywood, canned goods, kraut, pickles* and *machinery, supplies, and equipment* used in the manufacturing thereof, *fresh, canned, frozen and processed fruit, fruit juices, canned fruit juices, confectionery, paper, paper products*, and *packing-house products*, from, to, and between certain points in Wisconsin, serving certain intermediate and off-route points; *packing-house products*, and *supplies, advertising matter*, and *premiums* used in connection therewith, over irregular routes, between Menasha and Neenah, Wis., on the one hand, and, on the other, certain points in Wisconsin. CONSOLIDATED FREIGHTWAYS, INC., is authorized to operate in California, Idaho, Illinois, Iowa, Minnesota, Montana, Nevada, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6123. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Ouimby St., Portland, Oregon, of the operating rights and property of WHEELER TANK LINES, INC., Menasha, Wis. Applicant's attorney: Donald A. Schafer, 803 Public Service Bldg., Portland 4, Oregon. Operating rights sought to be controlled and merged: *Petroleum products*, in bulk, in tank vehicles, as a *comomn carrier*, over irregular routes, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Brown, Calumet, Columbia, Dane, Dodge, Fond du Lac, Green, Green Lake, Jefferson, Kenosha, Manitowoc, Marinette, Marquette, Milwaukee, Ozaukee, Racine, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, Waushara, Winnebago, and Wood Counties, Wisc., and Menominee County, Mich. CONSOLIDATED FREIGHTWAYS, INC., is authorized to operate in California, Idaho, Illinois, Iowa, Minnesota, Montana, Nevada, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming. Application has not been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55–8831; Filed, Nov. 1, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–968]

SCRIPPS-HOWARD INVESTMENT CO.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING TRANSACTION BETWEEN AFFILIATES

OCTOBER 27, 1955.

Notice is hereby given that the Scripps-Howard Investment Company ("Scripps-Howard"), a registered closed-end investment company, has filed an application pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the prohibitions of section 17 (a) the proposed purchase by the E. W. Scripps Company ("EWS") from Scripps-Howard of 500 shares of the Class A Common Stock of United Press Associations ("UP") at a price of $750 per share in cash.

UP is engaged in the business of furnishing news reports and news pictures to newspapers, radio stations and others subscribing for its services. UP has issued and outstanding 70,000 shares of no par value Preference Stock, 2,999 shares of $100 par value Preferred Stock, 2,500 shares of no par value Common Voting Stock and 7,500 shares of no par value Class A Common Stock. The holders of the two classes of common stock have identical rights except that the holders of the Class A Common Stock do not have voting rights.

Of the foregoing, EWS owns 61,500 shares equivalent to 87.8 percent of the outstanding Preference Stock; 104 shares equivalent to 3.5 percent of the outstanding Preferred Stock; 100 percent of the outstanding Common Voting Stock, and 4,450 shares, equivalent to 59.33 percent of the outstanding Class A Common Stock. As of September 1, 1955, 2,500 shares of Class A Common Stock were owned by 14 officers and directors of UP and members of their families. Scripps-Howard owns 500 shares of Class A Common Stock of UP.

The proposed acquisition by EWS of the 500 shares of Class A Common Stock of UP owned by Scripps-Howard is to be made pursuant to the exercise by EWS of an option to repurchase these shares of stock. The option agreement, dated April 22, 1941, provides that the price to be received by Scripps-Howard upon the exercise of the option shall be the fair value at the time of exercise but not less than cost of $750 per share plus interest, less dividends paid and interest on dividends. Scripps-Howard and EWS have determined that the fair value for the stock under the option agreement is $750 per share.

It is represented that during September 1955 EWS purchased from UP 50 shares of Class A Common Stock which UP held in its treasury at a price of $750 per share, and eleven of the fourteen persons who hold 2,500 shares of the Class A Common Stock have sold or agreed to sell 1,650 shares of Class A Common Stock to EWS at a price of $750 per share. Scripps-Howard has been advised that EWS has offered to purchase the remaining 850 shares at a price of $750 per share held by the other three officers and directors. It is further stated that EWS expects to obtain the 850 shares shortly and that upon the acquisition of the 500 shares held by Scripps-Howard, EWS will then own 100 percent of the issued and outstanding Class A Common Stock of UP.

There is no established market for the Class A Common Stock of UP. It is represented that the only sales of such stock within the last seven years have all been effected at a price of $750 per share. The last sale prior to the September 1955 sale referred to above, occurred on February 1, 1955 when EWS purchased 250 shares from Hugh Baillie, Chairman of the Board of UP, at a price of $750 per share. Earnings and dividends per share applicable to both classes of common stock of UP were, respectively, $48.82 and $45.00 in 1950; $25.73 and $42.50 in 1951; $31.69 and $30.00 in 1952; $26.28 and $30.00 in 1953; earnings deficit of $5.27 and dividends of $11.25 in 1954. No change in earnings in 1955 over 1954 is expected to take place, and no dividends have been paid to date in 1955.

The application notes that the directors, in the exercise of their duties under the act, have determined the fair value of the Class A Common Stock to be $750 per share at December 31, 1948 and at each year-end thereafter.

EWS owns 85,752 shares of common stock of Scripps-Howard equivalent to approximately 14.6 percent of the latter's outstanding common stock. Accordingly, EWS is an affiliated person of Scripps-Howard as defined in the Act. Section 17 (a) of the act prohibits, among other things, an affiliated person of a registered investment company from purchasing any security from such registered company, subject to one exception not applicable here, unless the Commission upon application pursuant to section 17 (b) of the act, grants an exemption upon the basis that the evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of anyone concerned; that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act; and is consistent with the general purposes of the act.

Notice is further given that any interested person may, not later than November 10, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N–5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55–8822; Filed, Nov. 1, 1955; 8:47 a. m.]

[File No. 70–3421]

MISSOURI EDISON CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF NOTES TO BANK

OCTOBER 27, 1955.

Notice is hereby given that Missouri Edison Company ("Missouri Edison"), a public-utility company subsidiary of Union Electric Company of Missouri, a registered holding company, has filed a declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"). Declarant has designated sections 6 (a) and 7 of the act, and Rule U–50 (a) (2) promulgated thereunder, as applicable to the proposed transactions.

All interested persons are referred to the declaration on file in the offices of the Commission for a statement of the

transactions proposed therein, which are summarized as follows:

Missouri Edison proposes to borrow from time to time up to June 30, 1956, from The Boatmen's National Bank of St. Louis, amounts aggregating not in excess of $1,100,000, and to evidence each borrowing by the issuance of a promissory note maturing not later than September 30, 1956, and bearing interest at the prime rate effective in St. Louis at the time of the particular borrowing.

Missouri Edison represents that the proceeds of the proposed borrowings are to be used in part to repay at maturity outstanding bank loan notes in the amounts of $375,000, due January 18, 1956, and $225,000 due June 25, 1956, and that the remainder of such proceeds are to be used to pay in part the costs of construction of additional facilities during 1955–1956. It is further represented that the funds for the repayment of the proposed borrowings and for the continuation of its construction program are to be obtained through the issue and sale of additional bonds or other securities during the second half of 1956.

Missouri Edison states that no State Commission and no Federal commission, other than this Commission, has any jurisdiction over the proposed transactions; and that no fees, commissions, and expenses are to be incurred or paid, other than nominal expenses.

Notice is further given that any interested person may, not later than November 17, 1955, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held in respect of these matters, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by the declaration which he proposes to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should bear the caption of this notice and should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration as filed or as it may hereafter be amended, may be permitted to become effective pursuant to Rule U-23 of the Rules and Regulations promulgated under the act, or the transactions proposed therein may be exempted as provided by Rules U-20 (a) and U-100.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55-8823; Filed, Nov. 1, 1955; 8:47 a. m.]

[File No. 31-417]

ISLANDS GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION OF SUBSIDIARY HOLDING COMPANY FOR MODIFICATION OF EXEMPTION

OCTOBER 27, 1955.

The Islands Gas and Electric Company ("Islands"), a subsidiary exempt holding company in the system of Central Public Utility Corporation ("Central"), a registered holding company, has filed an application pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935 ("act") requesting modification of the qualified section 3 (b) exemption granted to it herein on July 31, 1941 (as heretofore extended), so that its exemption as a subsidiary of Central will be without qualifications.

Islands was granted exemption from registration as a holding company pursuant to section 3 (a) (5) of the act by an order of the Commission dated June 29, 1936 (1 S. E. C. 533). Islands was also granted an exemption as a subsidiary of The Consolidated Electric and Gas Company, formerly a registered holding company subsidiary of Central which has been merged into Central, pursuant to section 3 (b) of the act by the aforesaid order dated July 31, 1941 (9 S. E. C. 829); which exemption was subject to various limitations designed to make it applicable solely to acts and operations essentially foreign in their nature, preserving the jurisdiction of the Commission with respect to Islands' domestic activities.

Islands has four subsidiaries, one of which is inactive and the other three of which are utility companies whose utility assets and operations are in foreign countries (Haiti, Canary Islands, Philippine Islands). All the securities of Islands (consisting of common and preferred stocks, bonds and promissory notes) are owned by Central. Neither Central nor Islands has any utility assets or operations within the United States.

Islands states that it does not now and that it has never derived any material part of its income directly or indirectly from sources within the United States. As an inducement to the immediate granting of its section 3 (b) application, Islands agrees that while it shall remain an intermediate holding company it will not, without the prior approval of the Commission, incur any indebtedness except by way of short-term bank loans payable within nine months and loans made to it by Central or by another subsidiary of Central, or issue or sell any security other than notes evidencing short-term bank loans, as aforesaid, except to Central or to another subsidiary of Central.

Due notice having been given of the filing of said application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of section 3 (b) of the act are satisfied, that said application should be granted, and that this order should become effective upon issuance:

It is ordered, That said application be, and the same hereby is, granted, effective forthwith: *Provided, however*, That so long as Islands shall remain an intermediate holding company, it will not, without the prior approval of the Commission, incur any indebtedness except by way of short-term loans payable within nine months and loans made to it by Central or by another subsidiary of Central, or issue or sell any security, other than notes evidencing short-term bank loans as aforesaid, except to Central or to another subsidiary of Central.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55-8824; Filed, Nov. 1, 1955; 8:48 a. m.]

[24SF-2125]

SPECULATORS DIVERSIFIED, INC.

ORDER TEMPORARILY DENYING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

OCTOBER 27, 1955.

I. Speculators Diversified, Inc., 223 Fremont Street, Las Vegas, Nevada, having filed with the Commission on July 27, 1955, a Notification on Form 1-A and an offering circular, and having subsequently filed an amendment thereto on August 5, 1955, relating to a proposed public offering of 580,000 shares of its common stock, 1 cent par, at 50 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in respect of such Notification and the offering circular filed as a part thereof, in that: the Notification fails to disclose the subscription for 290,000 shares of the company's common stock by William Matteson, president and director and Robert Frost, vice-president, treasurer and director, and that William Mateson and Robert Frost are affiliates of the company as required by Items 3 and 4 of Form 1-A; and the offering circular fails to disclose the name and address of the principal underwriter, the purposes, amounts and priority of use of the proceeds from the offering, and the financial statements as required by Rules 219 (c) (4), (5) and (6).

B. That the offering circular contains untrue statements of material fact and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, particularly with respect to the following:

1. The method and plans for investing in and operating "five speculative fields of financing," i. e., (a) Motion Picture and Television Industry, (b) Race Horse Breeding and Racing, (c) Oil and Mining Production, (d) Real Estate and (e) Broadway Plays; and

2. The statements in the offering circular under each of the five named fields, the more significant of which are: the tremendous opportunity for production, the gross returns, the profits and the average Television resale prices of low budget motion pictures; the benefits and advantages of ownership of a racing stable, the receipt of reports when to expect a winning race, and the profits to

be derived therefrom; the profit potential and the fortunes made in oil and mining; the millions of dollars being made in speculative building to meet the enormous growth; the big profits from Broadway plays and the advantages of being a "Broadway Angel"; and the advantages of diversification in the five fields to the small individual investor.

C. That use of the offering circular with respect to the securities proposed to be offered thereunder would operate as a fraud or deceit upon the purchasers.

III. *It is ordered*, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily denied.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of denial should be vacated or made permanent, without prejudice, however, to the consideration and presentation of the additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this Order and Notice shall be served upon Speculators Diversified, Inc. and William R. Matteson, President, 14233 Runnymede Street, Van Nuys, California, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55-8825; Filed, Nov. 1, 1955; 8:48 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 472—WOOL

SUBPART—TERMS OF SALE OF WOOL OWNED BY COMMODITY CREDIT CORPORATION (INCLUDING SALES BY COMPETITIVE BIDS)

This document amends and restates in full certain basic terms and conditions of sale, including sales by competitive bids, of wool acquired by Commodity Credit Corporation (referred to in this subpart as "CCC") in connection with its Wool Price Support Programs. The original terms of sale were published in 19 F. R. 6022.

Sec.

472.536 Sales agents.
472.537 Method of sale.
472.538 Submission and acceptance of bids.
472.539 Basis of sale.
472.540 Sales price.
472.541 Sales confirmation.
472.542 Point of delivery.
472.543 Weight.
472.544 Passage of title, risk of loss, and liability for storage charges.
472.545 Settlement.
472.546 Limitation on sales.
472.547 Contractual rights.

AUTHORITY: §§ 472.536 to 472.547 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U. S. C. 714c.

§ 472.536 *Sales agents.* (a) Sales of wool owned by CCC are made by wool dealers, cooperative marketing associations, and pulleries (such persons are referred to in this subpart as "handlers") who have entered into agreements with CCC to store, handle, and sell wool to which CCC acquires title under its Wool Price Support Programs. Such sales may be made at not less than the minimum prices contained in schedules, as stated in § 472.540 (b), and will be referred to in this subpart as "sales at schedule prices". Sales are also made by CCC on the basis of bids received, and such sales will be referred to in this subpart as "competitive bid sales". Wherever in this subpart the terms "sale" and "sales" are used without qualification, those terms include both "competitive bid sales" and "sales at schedule prices". Each handler is authorized to sell at not less than schedule prices, or to show, only the CCC-owned wool which is in his custody. Handlers are required to give all purchasers an equal opportunity to purchase or to make bids on wool owned by CCC. Options shall not be granted, and wool is not to be earmarked for any prospective purchaser.

(b) The sales operations are administered through the CSS Commodity Office located at Boston, Massachusetts. (The Commodity Stabilization Service is referred to in this subpart as "CSS.") Names of the approved handlers authorized to sell at not less than schedule prices for the account of CCC or to show wool belonging to CCC may be obtained from the Boston CSS Commodity Office, 408 Atlantic Avenue, Boston 10, Massachusetts. Handlers are not authorized to modify or waive the terms of sale as set forth in this subpart or any amendments or supplements thereto.

§ 472.537 *Method of sale.* Beginning November 7, 1955, sales of wool owned by CCC will be made by CCC on a competitive bid basis at prices accepted by CCC. Sales made on this basis for domestic use will be limited to a monthly quota of 1/24th of the inventory as of November 1, 1955. During the time that bids are being received by CCC, handlers will also be authorized to sell wool owned by CCC at not less than schedule prices. Such sales will not be charged against the monthly limitation applicable to competitive bid sales.

§ 472.538 *Submission and acceptance of bids.* Persons interested in buying CCC-owned wool on the competitive bid basis shall submit bids to the Boston CSS Commodity Office, Commodity Stabilization Service, United States Department of Agriculture, Boston 10, Massachusetts. Bids shall be submitted on CCC Form BN-66, "Bid on CCC Wool," or in a telegraphic form prescribed by CCC. CCC Form BN-66, which contains the telegraphic form, can be obtained from the handlers who

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 32: Parts 400–699 ($5.75)
Parts 800–1099 ($5.00)
Part 1100 to end ($4.50)
Title 43 (Revised, 1954) ($6.00)

Previously announced: Title 3, 1954 Supp. ($1.75); Titles 4–5 ($0.70); Title 6 ($2.00); Title 7: Parts 1–209 ($0.60); Parts 210–899 ($2.50); Part 900 to end ($2.25); Title 8 ($0.45); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 15 ($1.25); Title 16 ($1.25); Title 17 ($0.55); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 21 ($1.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) ($2.50); Title 26: Parts 1–79 ($0.35); Parts 80–169 ($0.50); Parts 170–182 ($0.50); Parts 183–299 ($0.30); Part 300 to end and Title 27 ($1.25); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Title 32: Parts 1–399 ($4.50); Parts 700–799 ($3.75); Title 32A, Revised December 31, 1954 ($1.50); Title 33 ($1.50); Titles 35–37 ($0.75); Title 38 ($2.00); Title 39 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 46: Parts 1–145 ($0.40); Part 146 to end ($1.25); Titles 47–48 ($1.25); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60); Title 50 ($0.55)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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have custody of CCC wool or from the Boston CSS Commodity Office. All bids shall be subject to the terms, conditions, and instructions included in CCC Form BN–66 and to the terms and conditions applicable to competitive bid sales set forth in this subpart. No amendments will be considered after the closing time for receipt of bids unless the amendment is made for the purpose of correcting an error apparent in the original bid or for clarifying an ambiguity or supplying as omission in the bid. CCC has the right to reject any or all bids. In case a bid covers more than one lot, the wool in each lot shall be considered the subject of a separate bid, and may be accepted or rejected as such. In the event equal bids are received on any lot of wool, preference will be given to the first bid received by the Boston CSS Commodity Office.

§ 472.539 *Basis of sale.* All sales are final and unconditional, and the wool is sold "as is, where is." Grease wool may be sold subject to a redetermination of shrinkage by core test if the bid so indicates, in which event the purchaser will take delivery of the wool irrespective of whether the shrinkage is increased or decreased. Although part lots may be sold, sales are not made subject to the right of the purchaser to select specific bags or bales of wool from a lot or to reject wool from the bags or bales. Wool (original bag or otherwise) is not sold subject to withdrawal of tags, black, burry, or other off wools.

§ 472.540 *Sales prices*—(a) *Competitive bid sales.* Competitive bid sales will be made at the prices accepted by CCC.

(b) *Sales at schedule prices.* The minimum prices applicable to CCC-owned wool sold at schedule prices are issued from time to time by the Boston CSS Commodity Office. The minimum selling price for any lot of wool sold at schedule prices is determined on the basis of the description and shrinkage of the wool as shown in the latest appraisal certificate covering the lot and the minimum selling price prescribed by CCC which is in effect on the date of sale. While this is the minimum price at which wool owned by CCC may be sold by handlers selling at schedule prices, the handlers are required, as agents of CCC, to obtain the highest prices possible for wool under prevailing market conditions.

§ 472.541 *Sales confirmation*—(a) *Competitive bid sales.* A sale on the basis of competitive bids is made subject to a possible sale of the same wool by the handler who has custody thereof at schedule prices, made prior to his receipt of a notice from the Boston CSS Commodity Office of the competitive bid sale. Immediately upon notification from CCC that a bid has been accepted on a lot or portion of a lot of wool in the handler's custody, the handler shall either send confirmations to the bidder and the Boston CSS Commodity Office that the wool is available, or notify the bidder and the Boston CSS Commodity Office that the wool is not available as a result of a previous sale at schedule prices for which he had a confirmation in writing when he received the notification from the Boston CSS Commodity Office. In the event the lot or portion of the lot of wool so bid upon is not available, the competitive bid sale as to that lot or portion shall be of no effect. The date of CCC's acceptance of a bid shall be the date of sale, unless such acceptance is of no effect due to a sale at schedule prices.

(b) *Sales at schedule prices.* All verbal sales at schedule prices shall be confirmed in writing by an authorized representative of the purchaser. Such a sale shall not be binding upon the CCC or the handler in case a bid has been accepted covering the same wool unless the confirmation of the sale at schedule prices is received by the handler prior to his receipt of a notice from the Boston CSS Commodity Office that a competitive bid sale of the same wool has been made. The purchaser's confirmation must show the date of sale and the price, and must clearly describe the wool by type, quantity, and lot number or other definite identification so that no doubt will arise as to which wool is covered by the sale.

§ 472.542 *Point of delivery.* Deliveries of wool pursuant to this subpart are made on an ex-warehouse basis. The purchaser shall take delivery at the warehouse where the wool is stored at the time of sale and will be billed at the applicable selling price less, in the case of wool stored outside the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, a freight allowance determined by the handler in accordance with procedure prescribed by CCC.

§ 472.543 *Weight*—(a) *General.* CCC wool is sold on the basis of outweights at the warehouse where the wool is stored at the time of sale, except in cases where CCC specifically authorizes the use of a different weight. If, as a result of the purchaser's failure to issue delivery instructions, the outweights are not determined in time to permit remittance of sales proceeds to CCC within 30 days after the date of sale (see § 472.545), a pro forma payment will be required on the basis of inventory weights or estimated weights, with final billing to be made on the basis of actual outweights when such outweights are determined.

(b) *Exceptions.* CCC may authorize the sale of wool on the basis of weights taken on a date near the date of sale instead of on the basis of outweights. Wool sold subject to a redetermination of shrinkage by core test may be billed on the basis of weights taken at the time of coring for completion of the new appraisal certificate.

§ 472.544 *Passage of title, risk of loss, and liability for storage charges.* Title to the wool sold pursuant to this subpart shall pass to the purchaser upon the receipt by the handler who has custody of the wool of the full purchase price. The risk of loss passes to the purchaser upon delivery of the wool, except that if the wool is not delivered within 30 days after date of sale, the risk of loss shall pass to the purchaser upon the expiration of such 30-day period. CCC will pay storage charges only through the storage month current at the time the risk of loss passes to the purchaser, and the purchaser will be liable for storage charges which become due after the risk has passed.

§ 472.545 *Settlement.* The purchaser shall pay the sales price to the handler prior to delivery of the wool in the case of competitive bid sales and prior to or immediately upon delivery of the wool in the case of sales at schedule prices, except that, under the circumstances described hereinafter in this section, he shall pay in accordance with a pro forma invoice. If the handler determines that delivery will not be taken in time to enable him to remit the sales proceeds to CCC within 30 days after the date of sale, he will render a pro forma invoice to the purchaser on the basis of weights specified in § 472.543, requiring payment on a specified date, in time to enable himself to remit the proceeds to CCC within 30 days after the date of sale. After making a payment in accordance with the pro forma invoice, the purchaser shall make final settlement upon delivery of the wool, except that if the handler determines that the wool will not be moved out of the warehouse in time for the purchaser to make final settlement within 3 months after the date of sale, the wool will be weighed at the expense of the purchaser, and he shall make final settlement within such 3-month period. Irrespective of whether a pro forma invoice has been rendered, the purchaser may take delivery and pay the sales price in time for the handler to remit the sales proceeds to CCC within 30 days after the date of sale; and in such case, the date of delivery—rather than the date specified in the pro forma invoice—shall be the date when payment by the purchaser is due. If the purchaser does not pay the purchase price and take delivery within 30 days after the date of sale, or pay in accordance with the pro forma invoice, all rights of an unpaid seller shall be available against him, including the right to cancel the sale, and he shall be liable for all losses sustained. The handler will receive the same commission for handling a sale based on competitive bids as he receives in the case of sales at schedule prices. (1954 Wool Price Support Program (Shorn Wool) § 472.527, 19 F. R. 3078; 1954 Wool Price Support Program (Pulled Wool) § 472.574, 19 F. R. 3083.)

§ 472.546 *Limitation on sales.* A handler may not purchase either on a competitive bid basis or at schedule prices wool owned by CCC which is in his own custody and may not dispose of such wool to any person or firm in a manner that will result in any reward, financial benefit, profit, or payment to the handler, any affiliated organization, or any officer or employee of the handler or such affiliated organization, other than the fees and payments allowed the handler by CCC under his agreement with CCC, unless specifically authorized by CCC. Handlers may, however, purchase from other handlers wool owned by CCC.

§ 472.547 *Contractual rights.* Nothing in this subpart shall change or affect the contractual rights or obligations under the Wool Handler's Agreements or the Pulled Wool Agreements entered into by and between CCC and the handlers or under instructions issued by CCC in accordance with such agreements.

Issued this 1st day of November 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55–8925; Filed, Nov. 2, 1955; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

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722.730 Review of quotas.

AUTHORITY: §§ 722.711 to 722.730 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 342–347, 361–368, 373, 374, 388, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1342–1347, 1361–1368, 1373, 1374, 1388.

GENERAL

§ 722.711 *Basis and purpose.* (a) The regulations contained in §§ 722.711 to 722.730 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of State, county, and farm acreage allotments for the 1956 crop of upland cotton and the determination of the acreage planted to cotton on individual farms in 1956. The latest available statistics of the Federal Government are used in making the determinations required to be made in connection with §§ 722.711 to 722.730. Prior to preparing the regulations in §§ 722.711 to 722.730, public notice was given (20 F. R. 6387) in accordance with Section 4 of the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations which were submitted in response to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In order that the State and county Agricultural Stabilization and Conservation Committees may establish farm acreage allotments as early as possible prior to the cotton referendum, which under section 343 of the act is required to be held by December 15, 1955, if a national marketing quota is proclaimed for the 1956 crop of upland cotton, it is essential that the regulations in §§ 722.711 to 722.730 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest, and such regulations shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 722.712 *Definitions.* As used in §§ 722.711 to 722.730 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department of Agriculture acting in his stead pursuant to delegated authority.

(c) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(d) "Director" means the Director, or Acting Director, of the Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Committees":

(1) "Community committee" means the group of persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F. R. 3637), as amended.

(2) "County committee" means the group of persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F. R. 3637), as amended.

(3) "State committee" means the group of persons designated for a State by the Secretary as the Agricultural Stabilization and Conservation State Committee.

(4) "Review committee" means the group of persons appointed by the Secretary as a review committee pursuant to section 363 of the act.

(f) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof, or the Federal Government or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(g) "Owner" or "landlord" means a person who owns farm land and rents such land to another person or who operates such land.

(h) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(i) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(j) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(m) "Farm acreage allotment" means a cotton acreage allotment established for a farm under the regulations in this subpart. Farm acreage allotments are initially established on the basis of the data for farms as finally constituted for 1955; where there is a change in the land in a farm for 1956, the farm acreage allotment will be redetermined in accordance with § 722.717 (h).

(n) "Upland cotton" (herein referred to as "cotton") means any cotton other than extra long staple cotton.

(o) "Extra long staple cotton" means the kinds of cotton described in section 347 (a) of the act and in the regulations for establishing acreage allotments for the 1956 crop of extra long staple cotton and for determining acreages planted to extra long staple cotton.

(p) "State and county code number" means the applicable number assigned by the Commodity Stabilization Service to each State and county for the purpose of identification.

(q) "Serial number of the farm" or "farm serial number" means the serial number assigned to a farm by the county committee for purposes of identification.

(r) "Old cotton farm" means a farm having an acreage planted to cotton in any one or more of the years 1953, 1954, and 1955.

(s) "New cotton farm" means a farm on which cotton is to be planted in 1956 but on which no acreage was planted to cotton in any of the years 1953, 1954, and 1955.

(t) "Normal yield" means the average yield per acre of lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year the data are not available or there was no actual yield, then the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. The normal yield for a new cotton farm shall be that yield per acre which the county committee determines is normal for the farm as compared with other farms in the locality which are similar with respect to soil and other physical factors affecting the production of cotton.

(u) "Normal production" of any number of acres means the normal yield per acre of lint cotton for the farm multiplied by such number of acres.

(v) "Actual production" of cotton on the farm means the total number of pounds of lint cotton determined to have been produced on the farm in 1956.

(w) "Actual yield" per acre means the number of pounds of lint cotton determined by dividing the actual production of cotton on the farm by the acreage planted to cotton on the farm in 1956.

(x) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper on a farm, is entitled to all or a share of the 1956 crop of cotton produced thereon or of the proceeds thereof.

(y) "Acreage planted to cotton":

(1) *State.* The acreages of cotton to be used in establishing State acreage allotments are as follows:

(i) *For 1950.* The measured acreages of cotton for all farms in the State, as determined for purposes of the 1950 cotton marketing quota program, and adjusted according to the provisions of subsections (f) (4) and (5), (g) (3), and (i) of section 344 of the act.

(ii) *For 1951 and 1952.* The official planted acreages of cotton (acreage in cultivation on July 1 of each year plus the estimated acreage planted but abandoned prior to July 1), as determined by the Agricultural Marketing Service (formerly the Bureau of Agricultural Economics) of the United States Department of Agriculture.

(iii) *For 1953.* The measured acreages of cotton for all farms in the State, as determined in accordance with official instructions.

(iv) *For 1954.* The measured acreages of cotton for all farms in the State, as determined for purposes of the 1954 cotton marketing quota program, and adjusted according to the provisions of subsections (g) (3), (i), and (m) (2) of section 344 of the act.

(2) *County.* The acreages of cotton to be used in establishing county acreage allotments are as follows:

(i) *For 1950.* The measured acreages of cotton for all farms in the county, as determined for purposes of the 1950 cotton marketing quota program, and adjusted according to the provisions of subsections (f) (4) and (5), (g) (3), and (i) of section 344 of the act.

(ii) *For 1951 and 1952.* The official planted acreages of cotton (acreage in cultivation on July 1 of each year plus the estimated acreage planted but abandoned prior to July 1), as determined by the Agricultural Marketing Service (formerly the Bureau of Agricultural Economics) of the United States Department of Agriculture.

(iii) *For 1953.* The measured acreages of cotton for all farms in the county, as determined in accordance with official instructions.

(iv) *For 1954.* The measured acreages of cotton for all farms in the county, as determined for purposes of the 1954 cotton marketing quota program, and adjusted according to the provisions of subsections (g) (3), (i), and (m) (2) of section 344 of the act.

(3) *Farm (1953, 1954, 1955).* For purposes of establishing farm acreage allotments for the 1956 crop of cotton, the acreage planted to cotton on a farm means the acreage of land planted to cotton for the years 1953, 1954, and 1955, which shall be determined as follows:

(i) *For 1953.* The acreage of cotton measured in accordance with official instructions.

(ii) *For 1954 and 1955.* The acreages of cotton measured for purposes of the 1954 and 1955 cotton marketing quota programs, and adjusted, as provided in subsections (g) (3), (i), and (m) (2) of section 344 of the act.

(4) *Farm (1956).* For purposes of determining compliance with the farm acreage allotment, the acreage planted to cotton on a farm in 1956 shall be the acreage of land seeded to cotton on the farm in 1956, excluding any acreage in excess of the farm acreage allotment which (i) is destroyed by causes beyond the producer's control prior to the expiration of the period established under item (ii) of this subparagraph for disposing of excess cotton acreage, or (ii) is disposed of not later than 20 days, or such longer period as is approved in writing by the county committee, in accordance with § 722.726, after the original notice of the measured cotton acreage is mailed to the farm operator.

(5) *Exclusion of acreages planted to extra long staple cotton.* Acreage devoted to the production of American-Egyptian, Sea Island, and Sealand cotton during the period of years 1950 to 1955, inclusive, shall not be included in the acreage planted to cotton, as determined under subparagraphs (1), (2), and (3) of this paragraph (y), for the purposes of determining acreage allotments for the 1956 crop of cotton.

(z) "Abnormal weather conditions" means weather conditions (including conditions directly resulting therefrom) adversely affecting the planting of cotton, which conditions must have been of sufficient duration and intensity to prevent the seeding of land to cotton and must have continued until the end of the planting season for the area. In apportioning the national acreage allotment to States in accordance with § 722.715, adjustments for abnormal weather conditions are made in the acreages planted to cotton in the States on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. In apportioning the State acreage allotment among counties in accordance with § 722.716 (b), adjustments for abnormal weather conditions are made in the acreages planted to cotton in counties on the basis of recommendations of the State committee and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to cotton in a State or county is the amount established by reference to available information and data as the net reduction of planted acreage in the State or county attributable solely to abnormal weather conditions. Such adjustments for abnormal weather conditions take into consideration failure to seed cotton because of abnormal weather conditions.

(aa) "Cropland" means farm land which in 1955 was tilled or was in regular crop-rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

§ 722.713 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions with respect to internal management as are necessary for carrying out these regulations. The forms shall be issued by the Director with the approval of the Deputy Administrator, and the instructions shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or to the Director.

§ 722.714 *Extent of calculations and rule of fractions.* The acreages planted to cotton on farms and farm acreage allotments shall be computed to three places beyond the decimal point and rounded to tenths of acres. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of less than fifty-one thousandths of an acre shall be dropped. For example, 10.051 would be 10.1 and 10.050 would be 10.0.

STATE AND COUNTY ACREAGE ALLOTMENTS

§ 722.715 *Apportionment of national acreage allotment among States.* The national acreage allotment proclaimed for the 1956 crop of cotton, less the acreage required pursuant to section 344 (k) of the act to provide any State an allotment not less than the smaller of 4,000 acres or the highest acreage planted to cotton in any of the years 1953, 1954, and 1955, is apportioned among the other States on the basis of the average acreage planted to cotton in each such State for the years 1950, 1951, 1952, 1953, and 1954, with adjustments in such acreages for abnormal

weather conditions. The acreage allotted to a State pursuant to the provisions of this section is referred to herein as the "State acreage allotment". The State acreage allotment for each State for the 1956 crop of cotton is as follows:

State:	State acreage allotments
Alabama	1,025,141
Arizona	343,640
Arkansas	1,424,511
California	782,405
Florida	36,974
Georgia	903,221
Illinois	[1] 3,110
Kansas	[1] 29
Kentucky	7,799
Louisiana	610,891
Maryland	[1] 25
Mississippi	1,646,562
Missouri	378,055
Nevada	[1] 2,324
New Mexico	179,378
North Carolina	483,932
Oklahoma	845,616
South Carolina	726,193
Tennessee	563,491
Texas	7,410,893
Virginia	17,114
United States total	17,391,304

[1] Minimum State acreage allotments determined in accordance with section 344 (k) of the Agricultural Adjustment Act of 1938, as amended.

§ 722.716 *Apportionment of State acreage allotment among counties*—(a) *Establishment of State acreage reserve.* The State committee shall determine the percentage of the State acreage allotment which is needed for the purposes of subparagraphs (1) through (5) of paragraph (c) of this section and shall set aside a total State acreage reserve of not more than 10 percent of the State acreage allotment (15 percent in the case of Oklahoma), and not less than 3 percent of the State acreage allotment unless, on the basis of the needs of the State, the State committee recommends a smaller acreage reserve than 3 percent of the State acreage allotment and the Administrator of the Commodity Stabilization Service approves such recommendation.

(b) *Computed county acreage allotments.* The State acreage allotment for the 1956 crop of cotton, less the State acreage reserve established pursuant to paragraph (a) of this section, shall be apportioned to counties (parishes in Louisiana) on the basis of the average acreage planted to cotton in each county in 1950, 1951, 1952, 1953, and 1954 (herein referred to as the "base years"), with adjustments for abnormal weather conditions during such years. The acreage allotted to a county (or parish) pursuant to the provisions of this paragraph is herein referred to as the "computed county acreage allotment."

(c) *Use of State acreage reserve.* The State acreage reserve established under paragraph (a) of this section shall be used by the State committee for any one or more of the purposes set forth in subparagraphs (1) through (5) of this paragraph.

(1) *To adjust computed county acreage allotments for trends in the acreage of cotton.* A part or all of the State acreage reserve may be used by the State committee, as determined to be necessary, to adjust the computed county acreage allotments for trends in the acreage planted to cotton in the counties during recent years (the period of years may include the year 1955 but shall not include the year 1949). The State committee may determine such adjustments by use of a formula which shall be applied uniformly to each county in the State.

(2) *To adjust computed county acreage allotments for counties adversely affected by abnormal conditions affecting plantings of cotton.* A part or all of the State acreage reserve may be used by the State committee, as determined to be necessary, to adjust the computed county acreage allotments for abnormal conditions adversely affecting plantings in the counties during the base years. The State committee shall examine the acreage planted to cotton in the county in each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions. In determining whether an adjustment should be made for abnormal conditions adversely affecting plantings in a county, the State committee shall take into consideration the following factors: (i) Abnormal weather conditions, such as floods and droughts during the planting season which caused plantings during such season to be abnormally low in comparison with normal; (ii) conditions in counties in which a number of farms are being returned to cotton production or are increasing the acreage in cotton after having been out of production or having been on a reduced level of cotton production because such farms were used to a larger extent than normal in connection with air bases, defense plants and other wartime activities; (iii) abnormal reduction in planted cotton acreages because of an unusual movement of labor from farms in the area or county to war industries or into the armed forces and the return of such labor as compared with such movements in other counties; and (iv) any other abnormal conditions which adversely affected plantings in the county to a greater extent than in other counties. In determining any adjustment under item (i) of this subparagraph for abnormal weather conditions the State committee shall take into consideration any adjustment made for abnormal weather conditions pursuant to paragraph (b) of this section.

(3) *To make adjustments in acreage allotments for small farms.* The State committee shall determine the acreage, if any, which is required from the State acreage reserve to supplement that part of the county acreage reserves established as provided for in subparagraphs (1) and (2) of § 722.717 (e) to adjust indicated farm acreage allotments for old cotton farms established at 15 acres or less under paragraph (c) or (d) of § 722.717. The State committee shall determine the acreage, if any, to be made available to a county for the purposes of this subparagraph and such acreage shall be used by the county committee only for adjustments in small farm allotments.

(4) *To establish 1956 acreage allotments for new cotton farms.* Where the State committee determines that the needs for acreage to establish acreage allotments for new cotton farms are generally uniform in counties throughout the State, the State committee shall determine whether all the acreage required to establish acreage allotments for new cotton farms shall be provided from the State acreage reserve or the county acreage reserve, or from both such reserves. In determining the source of acreage for new cotton farms the State committee shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.717 (e) (3). Where it is determined by the State committee that the entire county acreage reserve for any county is needed for making adjustments pursuant to subparagraphs (1) and (2) of § 722.717 (e), the State committee shall consider establishing an acreage from the State acreage reserve to supplement the acreage, if any, set aside by the county committee from the county acreage reserve for establishing acreage allotments for new cotton farms. In determining the estimated acreage to be set aside for establishing acreage allotments for new cotton farms on the basis of the factors set forth in § 722.717 (e) (3), the State committee shall take into consideration the experience of State and county committees in establishing acreage allotments for new cotton farms under previous acreage allotment programs and any other available information. The acreage made available to any county under this subparagraph shall be used by the county committee only for new cotton farms.

(5) *To correct inequities in farm allotments and to prevent hardship.* The State committee shall determine the acreage required from the State acreage reserve to supplement that part of the county acreage reserve established, as provided for in § 722.717 (e) (4), for making adjustments in farm acreage allotments to correct inequities and to prevent hardship.

(d) *Availability of data for inspection.* The following shall be on file and shall be available in the office of the State committee for examination by any interested cotton producer: (1) The amount of the State acreage reserve; (2) the formula, if any, and data developed and used under subparagraphs (1) and (2) of paragraphs (c) of this section; and (3) the total acreage set aside from the State acreage reserve for the purposes set forth in subparagraphs (3), (4), and (5) of paragraph (c) of this section.

(e) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (b) of this section, and (2) the acreages from the State acreage reserve which are added to the computed county acreage allotment under subparagraphs (1) and (2) of paragraph (c) of this section. This paragraph will be amended at a later date to include the county acreage allotment established for each county.

(f) *Administrative areas.* If the county committee with the approval of the State committee, or if the State committee, determines with respect to a county in which farm acreage allotments are to be established under § 722.717 (c) that, because of different conditions pertaining to the production of cotton in separate areas of the county, including differences in types, kinds, and productivity of the soil, different areas of the county should be treated separately in order to prevent discrimination, each such area shall be designated as an administrative area and, insofar as practicable, each such area shall be treated as a county in determining the acreage allotment for the area and in establishing farm acreage allotments.

(g) *Apportionment of excess released acreage to counties.* The acreage allotment surrendered to the State committee pursuant to § 722.717 (j) shall be apportioned by the State committee to counties on the basis of trends in acreage, abnormal conditions adversely affecting plantings, or for small or new farms or to correct inequities in farm allotments and to prevent hardship.

ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS

§ 722.717 *Apportionment of county acreage allotment*—(a) *Determination of method to be used in apportioning county acreage allotment among farms.* Section 344 (f) (2) of the act provides that the county acreage allotment, less the county acreage reserve and the acreage required to establish minimum farm allotments under section 344 (f) (1) of the act, shall be allotted to farms by multiplying the adjusted cropland for each old cotton farm by a uniform county (or administrative area) cropland factor (this method of establishing allotments will be referred to in this section as the "cropland basis"). Section 344 (f) (6) of the act provides that if the county committee so recommends and the Secretary determines that such action will result in a more equitable distribution of the county allotment among farms in the county than would be the case if the cropland basis were used, the county acreage allotment, less the county acreage reserve, shall be apportioned to old cotton farms on the basis of the acreage planted to cotton on the farm during the preceding three years, adjusted as may be necessary for abnormal conditions affecting plantings (this method will be referred to in this section as the "historical basis"). The county committee shall study these two methods of apportioning the county acreage allotment among farms and determine which method should be used in order to establish equitable allotments for farms in the county. If the county committee determines that farm acreage allotments should be determined on the historical basis, its recommendation to that effect should be forwarded to the State committee for transmittal to the Deputy Administrator. When § 722.716 (e) is amended to include the county acreage allotment established for each county, the Secretary will designate the basis on which farm acreage allotments are to be established in the county.

(b) *Determination of county acreage reserve.* The county committee shall establish a county acreage reserve of not in excess of 15 percent of the county acreage allotment which may be used to adjust indicated farm acreage allotments for old cotton farms determined under paragraph (c) or (d) of this section and to establish acreage allotments for new cotton farms under paragraph (e) (3) of this section. The county acreage reserve shall be not less than five percent of the county acreage allotment unless the county committee recommends a smaller acreage reserve and the State committee gives its approval. Any approval of a smaller acreage reserve shall be based upon a showing that such acreage is adequate, on the basis of the factors set forth in paragraph (e) of this section, to make necessary adjustments in indicated allotments for old cotton farms and to establish allotments for new cotton farms. The county acreage reserve approved by the State committee shall be not less than three percent of the county acreage allotment, except that the Deputy Administrator may approve a smaller reserve for a county if he finds that three percent of the county acreage allotment would provide more acreage for adjustments and establishing new farm allotments than is needed in the county.

(c) *Indicated acreage allotments for old cotton farms in counties where farm acreage allotments are determined on the cropland basis.* If farm acreage allotments are to be determined in the county on the cropland basis, the county acreage allotment, less the acreage reserved pursuant to paragraph (b) of this section, shall be used to determine indicated allotments for old cotton farms as follows:

(1) *Indicated minimum acreage allotments for old cotton farms with highest cotton acreage less than five acres.* The indicated minimum acreage allotment for each old cotton farm on which the highest acreage planted to cotton in any of the years 1953, 1954, and 1955 was less than five acres, shall be equal to such highest acreage.

(2) *Pro rata reduction of indicated acreage allotments for old cotton farms.* If the sum of (i) the indicated acreage allotments determined under subparagraph (1) of this paragraph (c) and (ii) the acreage determined by multiplying the number of old cotton farms with five acres or more planted to cotton in any of the years 1953, 1954, and 1955 by five, exceeds the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section), an indicated acreage allotment of five acres shall be established for each old cotton farm having five acres or more planted to cotton in any of the years 1953, 1954, and 1955. Where indicated acreage allotments of five acres are established under this subparagraph, each indicated acreage allotment determined under this subparagraph and under subparagraph (1) for each old cotton farm shall be reduced pro rata so that the sum of the indicated acreage allotments for all old cotton farms does not exceed the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section).

(3) *Indicated acreage allotments for old cotton farms with highest cotton acreage of five acres or more in counties where subparagraph (2) of this paragraph is not applicable*—(i) *Determination of adjusted cropland.* If subparagraph (2) of this paragraph is not applicable in the county, the county committee shall determine an adjusted cropland acreage for each old cotton farm on which the highest acreage planted to cotton in any of the years 1953, 1954, and 1955 was five acres or more, by deducting from the cropland on the farm the sum of the following acreages:

(a) The 1955 acreage of sugarcane for sugar or for syrup and sugar beets for sugar;

(b) The 1955 acreage of tobacco for market (or the 1955 farm acreage allotment, if any, for the applicable type of tobacco if the 1955 acreage has not been determined);

(c) The 1955 acreage of peanuts picked and threshed, as adjusted by the county committee for abnormal conditions affecting such acreage;

(d) The 1955 wheat acreage for market (including the acreage of wheat for feeding to livestock for market). In States in the commercial wheat-producing area for 1956, if the 1955 wheat acreage on the farm was reduced substantially below the 1955 farm wheat acreage allotment because of adverse weather conditions, the acreage to be deducted shall be the 1956 wheat allotment for the farm (less the acreage determined by the county committee to be used on the farm for home use other than for feeding to livestock for market). In the counties designated in item (f) of this subdivision (i) the deduction for wheat acreage shall be limited to the acreage by which the deduction which otherwise would be made under this item (d) exceeds the acreage deducted under item (f) of this subdivision (i);

(e) The acreage planted to rice in 1955 for market (including the acreage of rice for feeding to livestock for market), plus the acreage of other riceland on the farm for which water is available and which is not used for the production of cotton under the rotation system for the farm; and

(f) In Cochise, Gila, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, Yavapai and Yuma Counties, Arizona; and in Butte, Fresno, Glenn, Imperial, Kern, Kings, Los Angeles, Madera, Merced, Riverside, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Stanislaus, Tehama, Tulare and Yuba Counties, California; and in Clark and Nye Counties, Nevada; and in Bernalillo, Chaves, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Hidalgo, Luna, Otero, Sierra, Socorro and Valencia Counties, New Mexico; and in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas, the acreage of cropland in excess of that acreage for which irrigation water is normally available and adequate from available facilities for the production of irrigated crops

during the cotton-producing season (seeding to maturity).

(ii) *Determination of county cropland factors.* The first county cropland factor shall be computed by dividing (*a*) the remainder of the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section) after indicated allotments have been made under subparagraph (1) of this paragraph, by (*b*) the total of the adjusted cropland acreages determined for old cotton farms in the county under subdivision (i) of this subparagraph. Second and additional county cropland factors shall be determined, if necessary, by dividing (*1*) the available county acreage allotment remaining after maximum and minimum indicated farm acreage allotments, as defined in subdivision (iii) of this subparagraph, have been determined for such old cotton farms by (*2*) the total of the adjusted cropland acreages determined for old cotton farms in the county under subdivision (i) of this subparagraph, which under the preceding factor were not affected by either the maximum or minimum allotment provisions. The last county (or administrative area) cropland factor computed and applied shall be referred to herein as the "final county cropland factor."

(iii) *Indicated farm acreage allotment.* An indicated acreage allotment shall be computed for each old cotton farm under this subparagraph (3) by multiplying the adjusted cropland for each such farm by the applicable county cropland factor except that (*a*) the maximum indicated acreage allotment for any such farm shall not exceed the highest acreage planted to cotton on the farm in any of the years 1953, 1954, and 1955, and (*b*) the minimum indicated acreage allotment for any such farm shall not be less than five acres.

(d) *Indicated acreage allotments for old cotton farms in counties where farm acreage allotments are determined on the historical basis pursuant to section 344 (f) (6) of the act.* In counties where the county committee recommends that the county acreage allotment, less the acreage reserved pursuant to paragraph (b) of this section, be apportioned among farms for the year 1956 on the historical basis and the Deputy Administrator approves such recommendation, indicated allotments for old cotton farms shall be determined in accordance with subparagraph (1) or (2) of this paragraph. For the purposes of this paragraph, the term "allotment base" means the average of the acreages planted to cotton on the farm during each of the three years 1953, 1954, and 1955 (sum of the acreages divided by three), with such adjustment in the acreage for any year as may be necessary for abnormal conditions affecting plantings. Adjustments for abnormal conditions affecting plantings will be made by the county committee on the basis of data and information available in the county office records or furnished by producers on the farm.

(1) *Indicated allotments for old cotton farms in counties where minimum farm acreage allotments are not established.* If the county committee determines, pursuant to section 344 (f) (6) of the act, that minimum farm acreage allotments shall not be determined in accordance with section 344 (f) (1) of the act, an indicated acreage allotment for each old cotton farm in the county shall be determined by multiplying the allotment base for the farm by a factor determined by dividing the total of all such allotment bases into the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section): *Provided,* That, if the county committee so elects, any such indicated farm acreage allotment shall not exceed an acreage equal to 50 percent of the cropland on the farm, and any part of the county acreage allotment not apportioned by reason of the application of such 50 percent limitation shall be added to the county acreage reserve established under paragraph (b) of this section and shall be available for the purposes specified in paragraph (c) of this section.

(2) *Indicated allotments for old cotton farms in counties where minimum farm acreage allotments are established.* If the county committee determines, pursuant to section 344 (f) (6) of the act, that minimum farm acreage allotments shall be determined in accordance with section 344 (f) (1) of the act, indicated farm acreage allotments shall be determined as provided in subdivisions (i), (ii), and (iii) of this subparagraph (2), but subject to the provisions of subdivision (iv) of this subparagraph if the county committee so elects.

(i) *Indicated minimum acreage allotments for old cotton farms with highest acreage planted to cotton less than five acres.* The indicated minimum acreage allotment for each old cotton farm on which the highest acreage planted to cotton in any of the years 1953, 1954, and 1955 was less than five acres, shall be equal to such highest acreage.

(ii) *Pro rata reduction of indicated acreage allotments for old cotton farms.* If the sum of (*a*) the indicated acreage allotments determined under subdivision (i) of this subparagraph and (*b*) the acreage determined by multiplying the number of old cotton farms with five acres or more planted to cotton in any of the years 1953, 1954, and 1955 by five, exceeds the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section), an indicated acreage allotment of five acres shall be established for each old cotton farm having five acres or more planted to cotton in any of the years 1953, 1954, and 1955. Where indicated acreage allotments of five acres are established under this subdivision (ii), each indicated acreage allotment determined under this subdivision (ii) and under subdivision (i) of this subparagraph for each old cotton farm shall be reduced pro rata so that the sum of the indicated acreage allotments for all old cotton farms does not exceed the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section).

(iii) *Indicated acreage allotments for old cotton farms with highest acreage planted to cotton for five acres or more.* In counties where subdivision (ii) of this subparagraph is not applicable, the indicated acreage allotments for old cotton farms with five acres or more planted to cotton in any of the years 1953, 1954, and 1955 shall be determined by multiplying the allotment base for the farm by a factor determined by dividing the total of the allotment bases for all such farms into the county acreage allotment, less the acreage reserved pursuant to paragraph (b) of this section and the sum of the indicated acreage allotments determined under subdivision (i) of this subparagraph: *Provided,* That, if the indicated acreage allotment thus determined for any farm is less than five acres, it shall be five acres. Second and additional factors shall be determined, if necessary, by dividing (*a*) the available county acreage allotment after minimum indicated farm acreage allotments have been determined for such old farms by (*b*) the sum of the allotment bases for farms which under the preceding factor were not affected by the minimum allotment provision. The last county history factor computed and applied shall be referred to herein as the "final county history factor."

(iv) *Limitation of farm acreage allotments to 50 percent of cropland.* If the county committee so elects, the indicated farm acreage allotment determined for each farm in accordance with subdivisions (i), (ii), and (iii) of this subparagraph shall not exceed an acreage equal to 50 percent of the cropland on the farm, and any part of the county acreage allotment not apportioned by reason of the application of such 50 percent limitation shall be added to the county acreage reserve established under paragraph (b) of this section and shall be available for the purposes specified in paragraph (c) of this section.

(e) *Use of county acreage reserve.* The county acreage reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm acreage allotments of 15 acres or less.* Not less than 20 percent of the county acreage reserve shall, to the extent required, be used by the county committee to adjust indicated farm acreage allotments determined under paragraph (c) or (d) of this section to be 15 acres or less, excluding minimum indicated farm acreage allotments established under section 344 (f) (1) (B) of the act. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production. The county committee shall not make adjustments under this subparagraph so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage which could be planted to cotton on the farm in 1956 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause cotton to be planted on land unsuited for the production of cotton.

(2) *Adjustments in indicated acreage allotments for other farms.* The remainder of the acreage in the county acreage reserve, after meeting or determining the requirements under subparagraphs (1), (3) and (4) of this paragraph, shall be used by the county committee to adjust indicated farm acreage allotments which are more than 15 acres and minimum indicated farm acreage allotments established under section 344 (f) (1) (B) of the act. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production. In the absence of specific data relating to the labor and equipment available for the production of cotton and to the crop-rotation practices followed on a farm, the county committee may consider the acreage planted to cotton on the farm in 1953, 1954, or 1955 as reflecting such factors and use such acreage as the basis for adjusting the indicated farm acreage allotment under this subparagraph. The county committee shall not make adjustments under this subparagraph so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage of cotton which could be planted on the farm in 1956 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause cotton to be planted on land unsuited for the production of cotton.

(3) *Acreage allotments for new cotton farms*—(i) *Determination of acreage needed for establishing acreage allotments for new cotton farms.* The county committee, with the assistance of the community committees, shall estimate from county office records and other available sources of information the number of new cotton farms in the county. In counties where farm acreage allotments are established on the cropland basis, an estimate shall be made of the adjusted cropland acreage for new cotton farms; and in counties where farm allotments are established on the historical basis, an estimate shall be made of the cropland on new cotton farms. Such estimates shall be used by the State and county committees as a basis for determining the acreage that will be required for establishing acreage allotments for new cotton farms. In determining the acreage from the county acreage reserve which is to be used for establishing acreage allotments for new cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State acreage reserve pursuant to subparagraph (4) of § 722.716 (c) for establishing acreage allotments for new cotton farms. The total acreage reserved for establishing allotments for new cotton farms in the county, including any acreage allocated to the county for new cotton farms from the State acreage reserve, shall not exceed 75 percent of the total of the farm acreage allotments which the county committee estimates will be determined for the same number of old cotton farms in the county which are similar except for the acreages planted to cotton during the years 1953, 1954, and 1955.

(ii) *Eligibility of a new cotton farm for a cotton acreage allotment.* A cotton acreage allotment for a new cotton farm may be established by the county committee if each of the following conditions is met:

(*a*) An application for a cotton acreage allotment is filed by the farm operator with the county committee by the closing date established by the State committee. In no event is the closing date to be earlier than February 15, 1956.

(*b*) The farm operator is largely dependent on income from the farm for his livelihood.

(*c*) The farm is the only farm in the county which is owned or operated by the farm operator or farm owner for which a cotton acreage allotment is established for 1956.

(iii) *Establishment of acreage allotments for new cotton farms.* If the applicant's farm is eligible for a cotton acreage allotment, such allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of cotton. The acreage allotment so determined for any such farm shall not exceed the smallest of (*a*) the acreage allotment established for old cotton farms in the county which are similar with respect to the foregoing factors, (b) the acreage allotment requested by the applicant, and (c) the indicated allotments established pursuant to paragraph (c) or (d) of this section for old cotton farms in the county which are similar except for the acreages planted to cotton during the years 1953, 1954, and 1955. The sum of the acreage allotments determined by the county committee for new cotton farms shall not exceed the acreage reserves available for such farms in the county under this subparagraph. The acreage allotments for new cotton farms shall be subject to review and approval by the State committee, as provided in § 722.729.

(4) *Adjustments in farm acreage allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State acreage reserve to correct inequities in farm allotments and to prevent hardship. Such reserve shall be used by the county committee where it determines that the farm acreage allotment established under other provisions of this section is inequitable or that such allotment would work undue hardship on the producers on the farm. Such reserve may also be used for establishing and adjusting farm acreage allotments as provided in paragraph (h) of this section.

(f) *Use of acreage allocated to county from State acreage reserve for adjusting allotments for small farms.* The acreage allocated to a county from the State acreage reserve for small farms shall be used by the county committee to adjust indicated farm acreage allotments of 15 acres and less for old cotton farms on the basis of the factors set forth in paragraph (e) (1) and (2) of this section for adjusting small farm allotments.

(g) *Allocation of reserve acreage by use of mathematical formula or rule.* Any mathematical formula or rule adopted by the county committee for use in calculating the amount of acreage to be allocated to an individual farm from the acreage reserves provided for in paragraphs (e) and (f) of this section shall be subject to the approval of the State committee.

(h) *Allotments for late and reconstituted farms and correction of errors.* The acreage reserve provided for in paragraph (e) (4) of this section shall be used by the county committee for the purposes specified therein and also (i) for establishing allotments for old cotton farms for which allotments were not established at the time allotments were originally established for old cotton farms in the county because of oversight on the part of the county committee or because the county committee had no information or data with respect to acreage planted to cotton on the farm in 1953, 1954, and 1955, (ii) for correcting errors in farm acreage allotments, and (iii) for use in establishing acreage allotments for farms which are divided or combined for 1956. Where reconstitutions of farms are made for 1956 after farm acreage allotments for 1956 are established prior to the referendum, the cotton acreage histories and the acreage allotments for all such reconstituted farms shall be established as provided in subparagraphs (1) and (2) of this paragraph.

(1) If land which was constituted as a single farm for the year 1955 is divided into two or more tracts for 1956:

(i) The acreages planted to cotton on the farm in 1953, 1954, and 1955 (as defined in § 722.712 (y) and as shown in Col. (2), Cotton Table 2 of the county committee's farm cotton acreage record) shall be divided among the tracts in proportion to the acreage of cropland on each tract, except that upon agreement by the owners and operators and approval by the county committee the acreages normally considered as riceland, wheatland and sugarcane land may be excluded from the cropland on each tract in apportioning the cotton acreage history among the tracts: *Provided,* That, if two or more tracts of land were combined for 1954 or for 1955 to form the single farm and the single farm is divided for 1956, the cotton acreage history for any year in the farm base period prior to the combination which was contributed by each tract to the history for the single farm will be restored to such tract; and if any such tract is divided into two or more parts in connection with a reconstitution for 1956 the cotton acreage history for such tract for

any year in the farm base period prior to the combination shall be divided among such parts in proportion to the acreage of cropland in each such part, except that, upon agreement by the owners and operators and approval by the county committee, the acreages normally considered as riceland, wheatland and sugarcane land may be excluded from the cropland in apportioning the cotton acreage history for the tract among the parts.

(ii) In counties where farm acreage allotments are determined on the historical basis, if the acreage planted to cotton in 1953, 1954, or 1955 is adjusted for abnormal conditions affecting plantings, as provided in § 722.717 (d), such adjusted acreage shall be divided among the tracts as follows:

(*a*) For any of the years 1953, 1954, and 1955 when the farm being divided was operated as a single farm, the cropland ratio determined under subdivision (i) of this subparagraph (1) shall be used in apportioning such adjusted cotton acreage among the tracts.

(*b*) In case the farm being divided was established by combining two or more tracts of land for 1954 or for 1955, each such tract shall be referred to herein as an "identical tract", and the adjusted cotton acreage for 1953 (in case of a combination for 1954) or for 1953 and 1954 (in case of a combination for 1955) shall be divided among the identical tracts as follows:

(*1*) Where any such adjustment in the acreage planted to cotton was made prior to the combination and the adjusted cotton acreage for that year for the combined farm which was used in establishing the original 1956 farm acreage allotment is the same as when the combination was made, the adjusted cotton acreage which was used for the identical tract in making the combination shall be reestablished for the tract for that year.

(*2*) Where any such adjustment in the acreage planted to cotton was made prior to the combination and the adjusted cotton acreage for that year for the combined farm which was used in establishing the original 1956 farm acreage allotment is less than when the combination was made, the adjustment for each identical tract in making the combination shall be reduced by the same percentage that the adjustment previously applicable for the combined farm was reduced.

(*3*) Where any such adjustment (upward) for any year for the combined farm which was used in establishing the original 1956 farm acreage allotment is larger than the adjustment in effect at the time the combination was made, the county committee shall determine the share of the increase in the adjustment which is to be assigned to each identical tract on the basis of the conditions obtaining on the tract which were the cause for the increase and shall add its share of such increase to the adjusted cotton acreage determined for each such tract for that year prior to the combination.

(*4*) Where any such adjustment (upward) in the acreage planted to cotton in a year prior to the combination was initially made in establishing the original 1956 farm acreage allotment, the county committee shall determine the share of the adjustment which is to be assigned to each identical tract and shall add its share of such increase to the planted cotton acreage for each such tract for that year.

(*5*) If, in establishing the original 1956 farm acreage allotment for a farm which was established by combining two or more tracts of land for 1954 or for 1955, the acreage planted to cotton on the combined farm was adjusted downward for abnormal conditions affecting plantings, the county committee shall determine the share of the adjustment which is to be assigned to each identical tract and make a corresponding reduction in the acreage planted to cotton on such tract for that year.

(c) Where an identical tract is divided, the adjusted cotton acreage for that year for the identical tract shall be divided among the tracts thereof in proportion to the acreage of cropland on each such tract, except that upon agreement by the owners and operators and approval by the county committee the acreages normally considered as riceland, wheatland, and sugarcane land may be excluded from the cropland on each tract in apportioning the adjusted cotton acreage for the identical tract among the tracts thereof.

(iii) In counties where farm acreage allotments are determined on the cropland basis the 1956 farm acreage allotment established for the single farm shall be apportioned among the tracts on the basis of the cropland used or which would be used for each such tract in apportioning the 1955 cotton acreage among the tracts pursuant to subdivision (i) of this subparagraph.

(iv) In counties where farm acreage allotments are determined on the historical basis the 1956 farm acreage allotment established for the single farm shall be apportioned among the tracts in proportion to the allotment bases determined for such tracts.

(v) The sum of the 1956 allotments established for the several tracts shall not exceed the 1956 acreage allotment initially established for the single farm, except that the allotment determined under the foregoing provisions of this subparagraph for any farm consisting of such a tract or of which such a tract becomes a part shall be increased to the extent required by the minimum farm allotment provisions, if applicable in the county, and may be (*a*) adjusted by the county committee with the reserve available to correct inequities and to prevent hardship, and (*b*) increased with released acreage available to the county committee under paragraphs (j) and (k) of this section.

(2) If two or more tracts of land are combined and operated as a single farm in 1956 the allotment established for such single farm shall be the sum of the allotments established for such tracts, except that (i) the allotment for the single farm shall be increased to the extent required by the minimum allotment provisions if applicable in the county, and (ii) the allotment for such single farm shall not exceed the maximum farm allotment if such allotment limitation is in effect in the county: *Provided*, That the allotment determined for such single farm under the foregoing provisions of this subparagraph may be (*a*) adjusted by the county committee with the reserve available to correct inequities and to prevent hardship and (*b*) increased with released acreage available to the county committee under paragraphs (j) and (k) of this section.

(i) *Availability of reserves for inspection by interested cotton producers.* The allocations to the county from the State acreage reserve and the total amount and the distribution of the county acreage reserve shall be available in the office of the county committee for examination by any interested producer.

(j) *Release and reapportionment of cotton acreage allotments.* Any part of any 1956 farm acreage allotment which will not be used in 1956 and which is voluntarily released to the county committee by the farm owner or operator by the applicable closing date shall be deducted from the farm acreage allotment and may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm acreage allotments in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of cotton, land, labor, and equipment available for the production of cotton, crop-rotation practices, and soil and other physical facilities affecting the production of cotton. The State committee shall establish closing dates for purposes of the foregoing provisions for the entire State or for areas in the State if there is a substantial difference in planting dates for different areas in the State. The closing date so established for releasing farm acreage allotments shall be the date on which the planting of cotton normally becomes general on farms in the State or area, and the closing date so established for reapportionment of such released acreage to other farms in the same county shall be the latest date on which cotton can normally be planted on farms in the State or area with reasonable expectation of producing an average crop. If all of the allotted acreage voluntarily released is not needed in the county, the county committee may surrender the excess acreage to the State committee for reapportionment to counties as provided in § 722.716 (g). Any farm acreage allotment released for 1956 only shall, in determining future farm cotton acreage allotments, be regarded as having been planted on the farm from which such allotment was released if cotton was planted on such farm in at least one of the years in the three-year farm base period, except that acreage released by the owner or operator of a new cotton farm will not be regarded as planted on such farm unless a part of such allotment is retained and cotton is planted on the farm in 1956. Any part of any farm acreage allotment may be permanently released in writing to the county committee by the owner and operator of the farm, and reapportioned as provided in this paragraph. In determining future farm cotton acreage allotments, the planting in 1956 of reapportioned acreage allotments shall not be considered. For the purpose of determining future State and county acreage allotments, reapportioned acreage will be credited to the State and to the county in which such acreage was planted. Notwithstanding the foregoing provisions of this paragraph, the county committee shall not accept a release of a farm acreage allotment permanently or for 1956 only, if (1) such release is opposed by the owner or operator or the holder of a real estate lien on the farm, or (2) the county committee determines that the farm is being acquired for governmental or other public purposes.

(k) *Apportionment of surrendered acreage allocated to county by State committee.* The acreage apportioned to the county under paragraph (g) of § 722.716 may be used by the county committee for establishing and adjusting farm acreage allotments for new farms or small farms or to correct inequities and to prevent hardship in accordance with the provisions of paragraphs (c) and (f) of this section.

§ 722.718 *Allotments for special farms*—(a) *Allotments for farms returned to agricultural production.* The owner or operator of any cotton farm, in an area acquired in 1940 or thereafter for nonfarming purposes by the United States or by any State or agency thereof, which has been returned to agricultural production and which is not eligible under the regulations in this subpart for an acreage allotment as an old cotton farm, may apply to the county committee for a 1956 cotton acreage allotment for such farm. Any such application shall be in writing and shall be filed within three years after the date of acquisition of such farm by the applicant but not later than the closing date established by the State committee, which shall not be later than March 1, 1956. No such owner or operator shall be eligible for an acreage allotment under this paragraph unless it is established to the satisfaction of the county committee that such person was the owner or operator of a cotton farm at the time it was acquired by the United States or any State or agency thereof. The acreage allotment established for any such farm shall compare with the acreage allotments established for other farms in the same area which are similar, taking into consideration the cotton acreage allotment, if any, last established for such farm; the land, labor, and equipment available for the production of cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of cotton.

(b) *Allotments for other farms owned or operated by persons from whom cotton farms were acquired.* The county committee shall establish an acreage allotment or consider an adjustment in the acreage allotment determined under § 722.717, for any farm within the State owned or operated by a person from whom a cotton farm was acquired in the State in 1940 or thereafter for governmental or other public purposes, provided application therefor is filed within three years after acquisition of such farm by the applicant. The acreage allotment established for any such farm shall compare with the acreage allotments established for other farms in the same area which are similar, taking into consideration the cotton acreage allotment, if any, of the farm so acquired from the owner or operator; the land, labor, and equipment available for the production of cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of cotton: *Provided*, That no person shall be entitled to receive an acreage allotment under both this paragraph and paragraph (a) of this section, and no person who, since his farm was acquired for governmental or other public purpose, has acquired an old cotton farm that for 1956 will have a representative cotton acreage allotment, shall be entitled to receive an allotment under this paragraph.

(c) *Cotton farm.* For the purposes of paragraphs (a) and (b) of this section "cotton farm" means any farm on which there was an acreage planted to cotton (or regarded as planted to cotton under Public Law 12, 79th Congress and section 344 (1) of the act) during any of the three years immediately preceding the year in which the farm was acquired by the United States, or any State or any agency thereof, or for any public purpose.

(d) *Acreage allotted in addition to county and State acreage allotments.* Except to the extent that the production of any farm for which an acreage allotment is established under paragraphs (a) and (b) of this section has contributed to the county and State acreage allotments, the additional acreage allotted to farms under paragraphs (a) and (b) of this section shall be in addition to the acreage allotments otherwise established for the county and State under the applicable provisions of the regulations in this subpart and the production of the additional acreage so allotted shall be in addition to the national marketing quota established for 1956 pursuant to Section 342 of the Act.

(e) *Reallocation of allotments for flooded farms.* In any county in which a major flood control reservoir constructed by the United States Government is located wholly or in part, farm acreage allotments, established pursuant to the provisions of § 722.717 for the production of cotton on the lands within such reservoir, which lands, because of permanent or perennial flooding occasioned by the construction of such reservoir, shall be unfit for further cotton production, may be reallocated, within the discretion of the county committee, to other farms within the county as will in the opinion of the committee best serve the public interest.

(f) *Publicly owned agricultural experiment stations*—(1) *Acreage allotments for farms operated by publicly owned agricultural experiment station.* A farm acreage allotment shall be established pursuant to the provisions of § 722.717 for a farm operated by a publicly owned agricultural experiment station.

(2) *Conditions under which production is exempted from penalty.* The marketing penalty shall not apply to the marketing of any cotton of the 1956 crop which is grown, for experimental purposes only, on a farm operated by a publicly owned agricultural experiment station and produced at public expense by employees of the experiment station. Where the acreage planted to cotton on a farm operated by a publicly owned agricultural experiment station is in excess of the farm acreage allotment, the acreage used for determining the marketing excess, if any, for the farm shall be the smaller of (i) the acreage planted to cotton on the farm in excess of the farm acreage allotment, or (ii) the acreage planted to cotton on the farm which is not for experimental purposes. Also, the marketing penalty shall not apply to cotton produced for experimental purposes on other land by a person pursuant to a written agreement with a publicly owned agricultural experiment station whereby the experiment station bears the costs and risks incident to the production of the cotton and the proceeds from the crop inure to the benefit of the experiment station and such agreement is approved by the State committee. Such approval will be given if the State committee finds that the agreement conforms to the requirements of this subparagraph.

LONG STAPLE COTTON

§ 722.719 *Extra long staple cotton*—(a) *If marketing quotas under section 347 of the act are in effect for the 1956 crop.* If marketing quotas for extra long staple cotton are in effect for the 1956 crop, the provisions of this subpart relating to upland cotton shall not apply to those types of extra long staple cotton which are subject to marketing quotas under the provisions of section 347 of the act.

(b) *If marketing quotas under section 347 of the act are not in effect for the 1956 crop.* If marketing quotas for extra long staple cotton are not in effect for the 1956 crop—

(1) All of the 1956 crop of American-Egyptian cotton which is produced from pure strain seed in Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz and Yuma Counties, Arizona; and Imperial and Riverside Counties, California; and Dona Ana, Eddy, Luna, Otero and Sierra Counties, New Mexico; and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell and Ward Counties, Texas, shall be exempted from all provisions of the regulations in this subpart with respect to marketing quotas for the 1956 crop of upland cotton, provided, the American-Egyptian cotton is ginned on a roller-type gin or the Deputy Administrator authorizes such cotton to be ginned on another type gin for experimental purposes or to prevent loss of such cotton due to frost or other adverse conditions, except that such exemption shall not apply to any farm unless the approval of the county committee for the planting of such cotton on the farm is obtained in advance of planting time. Such approval shall be based upon findings by the county committee (i) that pure strain American-Egyptian cottonseed is to be planted and (ii) that roller-type gin facilities are available in the area for the ginning of such cotton and

that such facilities will be used in the ginning of all cotton produced from such seed. In connection with determining the purity of seed, the county committee may require the farm operator to furnish approved purity test certificates or approved State certification tags covering the American-Egyptian seed to be planted showing that such seed is of pure strain.

(2) All of the 1956 crop of Sea Island and Sealand cotton which is produced from pure strain seed in Alachua, Bradford, Columbia, Hamilton, Jefferson, Lake, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwannee, Union and Volusia Counties, Florida; and Atkinson, Berrien, Cook and Lanier Counties, Georgia; and all of the 1956 crop of Sea Island cotton which is produced from pure strain seed in Puerto Rico, shall be exempted from all provisions of the regulations in this subpart with respect to marketing quotas for the 1956 crop of upland cotton, provided the Sea Island and Sealand cotton is ginned on a roller-type gin or the Deputy Administrator authorizes such cotton to be ginned on another type gin for experimental purposes or to prevent loss of such cotton due to frost or other adverse conditions, except that such exemption shall not apply to any farm unless the approval of the county committee for the planting of such cotton on the farm is obtained in advance of planting time. Such approval shall be based upon findings by the county committee (i) that pure strain Sea Island cottonseed, or pure strain Sealand cottonseed, is to be planted and (ii) that roller-type gin facilities are available in the area for the ginning of such cotton and that such facilities will be used in the ginning of all cotton produced from such seed. In connection with determining the purity of seed, the county committee may require the farm operator to furnish approved purity test certificates or approved State certification tags covering the Sea Island seed and the Sealand seed to be planted showing that such seed is of pure strain.

(3) Any cotton produced from the 1956 crop which staples one and one-half inches or more in length and which is ginned on a roller-type gin, or the Deputy Administrator authorizes the cotton to be ginned on another type gin for experimental purposes or to prevent loss of the cotton due to frost or other adverse conditions, shall be exempted from the provisions of the regulations in this subpart with respect to marketing quotas for the 1956 crop of upland cotton regardless of where the cotton is produced in the United States or the variety of cotton from which such cotton is produced.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.720 *Notice of farm acreage allotment and marketing quota.* Immediately after farm acreage allotments in a county or other local administrative area are established and approved by the State committee pursuant to § 722.729 (a), the county committee shall mail to the operator of each such farm a written notice of the farm acreage allotment and marketing quota for the farm. The county committee shall also mail to the operator of each new cotton farm for which application for an allotment is made but for which it is determined that no farm acreage allotment and marketing quota will be established, a similar written notice showing "None" as the acreage allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant, or sharecropper will be interested in the cotton produced on the farm for which this acreage allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. A copy of each notice, containing a notation thereon of the date of mailing the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as a true and correct copy, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper, is interested in the cotton produced in 1956 on the farm for which the notice is given. Insofar as practicable, the notice for each old cotton farm shall be prepared and mailed to the operator so as to be received prior to the referendum to determine whether cotton farmers favor or oppose marketing quotas for the 1956 crop.

§ 722.721 *Amount of the farm marketing quota.* The farm marketing quota for any farm for the 1956 crop of cotton shall be the actual production of lint cotton on the farm less the farm marketing excess.

§ 722.722 *Amount of the farm marketing excess.* The farm marketing excess for the 1956 crop of cotton shall be the normal production of the acreage of cotton on the farm in excess of the farm acreage allotment: *Provided*, That, such farm marketing excess shall not be larger than the amount by which the actual production of cotton on the farm exceeds the normal production of the farm acreage allotment if the producer establishes such actual production in accordance with regulations to be issued under this part by the Secretary.

§ 722.723 *Publication of farm acreage allotments and marketing quotas.* One copy of each notice of the farm acreage allotment and marketing quota for farms in a county shall be placed in binders or folders, or in lieu thereof a listing of such allotments shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. If the county is divided into administrative areas, separate binders, folders, or listings shall be prepared and made available for inspection for each administrative area. The listing sheets on which farm acreage allotments are determined shall be kept available with the Chairman of the county committee at the office of the county committee.

§ 722.724 *Successors-in-interest.* Any person who succeeds to the interest of a producer in a farm, or in a cotton crop, or in cotton for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of cotton.

§ 722.725 *Marketing quotas not transferable.* A farm marketing quota is established for a farm and, except as specifically provided for in §722.717 (j) and (k) and § 722.718 (d) and (e), may not be assigned or otherwise transferred in whole or in part to any other farm.

MISCELLANEOUS PROVISIONS

§ 722.726 *Measurement of farms to determine compliance with allotments*—(a) *Premeasurement.* The county committee shall provide for the measurement prior to planting of an acreage on the farm equal to the farm acreage allotment if the farm operator requests such measurement and pays the cost thereof, as determined by the county committee, and any farm on which such measured acreage is the only acreage planted to cotton shall be deemed to have an acreage not in excess of the farm acreage allotment.

(b) *Measurement after planting.* Measurement of the acreage planted to cotton on each farm in the county shall be made under the general supervision of the county committee in accordance with the following provisions:

(1) The measurement of the farm shall be made by an employee of the county committee who has been designated as a reporter and determined by the county office manager to be qualified to carry out the duties of a reporter. A reporter may be assisted in the measurement of a farm by another reporter, a community, county, or State committeeman, a State committee representative, any employee of the county office when authorized by the county office manager, or by any employee of the U. S. Department of Agriculture when authorized by the Deputy Administrator. The reporter may request the operator or producer or his representative to designate all fields on the farm on which cotton was planted in 1956 and otherwise to assist in measuring the farm. If so requested, the operator or producer or his representative shall so designate all fields planted to cotton on the farm in 1956. The reporter may utilize any assistance from the operator or producer or his representative in measuring the farm.

(2) The county office manager shall have responsibility for assigning, in writing, insofar as practicable, the farms in the county to be measured by a reporter.

(3) A reporter shall visit each farm assigned to him for measurement and enter thereon if such entry will facilitate measurement. Upon request he will obtain and exhibit to the farm operator, producer, or owner his written assignment to measure the farm.

(4) Measurement may be made by identification of fields or parts of fields by use of a map or aerial photograph, or by means of a steel or metallic tape or chain, or rod and chain, or by use of a measuring wheel when authorized by the Deputy Administrator, or by a combination of two or more of the foregoing methods. The pertinent data and information for the farm shall be entered by the reporter on the Form CSS-578, and on maps or aerial photographs where applicable, and filed in the county office. Computations of acreages shall be made by an employee in the county office from the data so obtained, and the use of a planimeter or rotometer in connection therewith is authorized.

(5) Measurements of whole fields made prior to the effective date of this § 722.726 and in accordance with existing procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the acreage planted to cotton in 1956 and the acreage of cotton in excess of the 1956 farm acreage allotment.

(c) *Notice of measured acreage and disposition of excess acreage.* The county committee shall notify the farm operator by mail of the 1956 measured acreage of cotton on the farm. If such acreage is in excess of the farm acreage allotment, the county committee shall also notify the farm operator that unless the acreage of cotton on the farm is adjusted to the farm acreage allotment within the time established under this paragraph the farm marketing excess for the farm will be determined on the basis of the excess acreage and the normal yield for the farm. Notice so given shall constitute notice to each producer having an interest in the 1956 crop of cotton produced on the farm. If producers on the farm do not dispose of the excess cotton acreage within 20 days after notice of the measured cotton acreage is mailed to the farm operator as provided in this paragraph, or within 20 days after notice of the remeasured cotton acreage determined pursuant to paragraph (d) of this section is mailed to the farm operator, and a request in writing for additional time and a showing to the satisfaction of the county committee that circumstances beyond their control prevented the disposition of the excess acreage within the applicable 20-day period is filed with the county committee, the county committee may allow an additional period not to exceed 10 days for disposing of the excess acreage. No cotton acreage shall be disposed of for purposes of adjusting the planted acreage of cotton to the farm acreage allotment after any cotton has been harvested from such planted acreage.

(d) *Remeasurement.* The county committee shall provide for the remeasurement, upon request by the farm operator, of the acreage planted to cotton on the farm, but the operator shall be required to deposit with the treasurer of the county committee an amount equal to the estimated cost of such remeasurement and such deposit shall not be returned to the farm operator if the planted acreage is found upon such remeasurement to be in excess of the farm acreage allotment. Where the farm operator requests an additional remeasurement of the acreage planted to cotton on the farm, the county committee shall provide for such remeasurement only if it finds, on the basis of evidence presented by the farm operator and other available information or data, that an error was probably made in the prior remeasurement.

(e) *Measurement of acreage disposed of.* If the excess cotton acreage on any farm is disposed of within the time allowed pursuant to paragraph (c) of this section and a producer on the farm requests that the acreage disposed of be measured and pays the estimated cost of measuring such acreage, the county committee shall provide for such measurement.

§ 722.727 *Future effect of underplanting or overplanting farm acreage allotment*—(a) *Underplanting the farm acreage allotment.* For any farm on which cotton is planted in 1956 and the acreage of cotton in 1956 is less than the 1956 farm acreage allotment by not more than the larger of 10 percent of the allotment or one acre, an acreage equal to the farm acreage allotment shall be deemed to be the acreage planted to cotton on the farm in 1956, and the additional acreage added to the cotton acreage history for the farm shall be added to the cotton acreage history for the county and State.

(b) *No credit for overplanting the farm acreage allotment.* Any acreage planted to cotton in 1956 in excess of the farm acreage allotment for the 1956 crop of cotton shall not be taken into account in establishing State, county, and farm acreage allotments for the 1957 and subsequent crops of cotton.

§ 722.728 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving cotton acreage allotments, all records pertaining to cotton acreage allotments and marketing quotas.

§ 722.729 *Approval of county committee determinations and redelegation of authority by the State committee*—(a) *Approval of county committee determinations.* The State committee shall review all acreage allotments and may revise or require revision of any determinations made under §§ 722.717 to 722.726. All acreage allotments for both old and new cotton farms shall be approved by the State committee, and no official notice of farm acreage allotment and marketing quota shall be mailed to a farm operator until such allotment has been approved by the State committee.

(b) *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 722.717 to 722.729 (a), inclusive, may be redelegated by the State committee.

REVIEW OF FARM ACREAGE ALLOTMENT

§ 722.730 *Review of farm acreage allotment*—(a) *Review committees.* Any producer who is dissatisfied with the farm acreage allotment established for his farm, or in the case of a new cotton farm with the action of the county committee in refusing to establish a farm acreage allotment for such farm, may, by making application within 15 days after the mailing to him of the notice provided for in § 722.720, have such allotment reviewed by a review committee composed of three farmers appointed by the Secretary pursuant to section 363 of the act. The review committee shall, upon proper application, review the action of the county committee. The review committee in determining any farm acreage allotment shall, to the same extent as the county committee, be limited to the establishment of a farm acreage allotment in an amount which, under the act and regulations, should have been established. Unless such application is made within 15 days, the original determination of the farm acreage allotment shall be final. All applications for review shall be made in accordance with the marketing quota review regulations issued by the Secretary, a copy of which may be obtained from the county committee.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 28th day of October 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-8884; Filed, Nov. 2, 1955; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIFORNIA, AND THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1955–1956 FISCAL PERIOD

On October 14, 1955, notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 7738) regarding the expenses and rate of assessment for the 1955–1956 fiscal period under Marketing Agreement No. 96, as

amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 955.209 *Expenses and rate of assessment for the 1955–1956 fiscal period.* (a) The expenses necessary to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the fiscal period beginning August 1, 1955, will amount to $20,250.00; and the rate of assessment to be paid by each handler who first ships grapefruit shall be one and one-half cents ($0.015) per standard box of fruit shipped by such handler as the first handler thereof during the said fiscal period. Such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses.

(b) As used in this section, "handler," "ship," "fruit," "fiscal period," and "standard box" shall each have the same meaning as is given to each such term in said amended marketing agreement and order.

(c) The provisions of this section shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 31, 1955.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 55-8882; Filed, Nov. 2, 1955; 8:52 a. m.]

[Docket No. AO-271]

PART 1004—MILK IN CENTRAL ARIZONA MARKETING AREA

Sec.

1004.0 Findings and determinations.

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AUTHORITY: §§ 1004.1 to 1004.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1004.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Central Arizona marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expenses, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe with respect to all butterfat and skim milk contained in (i) producer milk (including such handler's own production), and (ii) other source milk in pool plants which is allocated to Class I milk.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than November 16, 1955, and fully effective not later than December 1, 1955. Any delay beyond these dates will seriously threaten the orderly marketing of milk in the Central Arizona marketing area. The provisions of this order are known to handlers. The public hearing upon which this order is based was conducted on April 19–23, 1955. The recommended decision of the Deputy Administrator, Agricultural Marketing Service, was published in the FEDERAL REGISTER on August 30, 1955 (20 F. R. 6340). The final decision, which contained the same requirements on the part of handlers as were in the recommended decision, was issued by the Assistant Secretary of Agriculture on October 7, 1955, and published in the FEDERAL REGISTER on October 13, 1955. Thus, handlers have known of these impending requirements for some time and should be prepared. Furthermore, producers continue to lose substantial income, and marketing conditions continue to remain unstabilized, each day the effective date of the order is delayed. The order also provides that payments to producers during the months of January through June be based on their average daily deliveries of milk to handlers during October and November 1955. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective November 16, 1955, and fully effective December 1, 1955, and that it would be contrary to the public interest to delay the effective date of this order for thirty days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, which is marketed within the Central Arizona marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area;

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance and who, during the determined representative period (August 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Central Arizona marketing area shall be in conformity to and in compliance with the terms and conditions of this order as set forth below:

DEFINITIONS

§ 1004.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 1004.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1004.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1004.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1004.5 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk for its members.

§ 1004.6 *Central Arizona marketing area.* "Central Arizona marketing area" hereinafter called the "marketing area" means all territory included within the counties of Maricopa, Pima, Pinal, Graham, and the territory south of 33 degrees latitude (North from the Equator) in Yuma County, all in the State of Arizona.

§ 1004.7 *Producer.* "Producer" means any person other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority having jurisdiction within the marketing area and whose milk is received at a pool plant or is diverted from a pool plant by the handler who operates such pool plant, or by a cooperative association, to a plant which is not a pool plant for the account of such handler or cooperative association. "Producer" does not mean any dairy farmer with respect to milk received by a handler who is partially exempted from the provisions of this part pursuant to § 1004.61.

§ 1004.8 *Pool plant.* "Pool plant" means any milk plant:

(a) Approved or recognized by any health authority having jurisdiction within the marketing area for the receipt or processing of Grade A milk and from which Class I milk is disposed of on a route(s) in the marketing area;

(b) Supplying to any agency of the United States Government located within the marketing area Class I milk products; or

(c) Any plant which ships fluid milk products approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume equal to not less than 50 percent of its receipts of milk (from dairy farmers who would be producers if this plant qualifies as a pool plant) in the current month during the period of July through October or 20 percent in the current month during the period November through June to a plant specified in paragraph (a) of this section: *Provided*, That if a plant qualifies in each of the months of July through October in the manner prescribed in this section such plant shall upon written application to the market administrator on or before October 31 following such compliance, be designated as a pool plant until the end of the following June.

(d) For the purpose of this definition, milk diverted from a pool plant to a nonpool plant as described in § 1004.7 shall be deemed to have been received at the pool plant from which such milk was diverted.

§ 1004.9 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1004.10 *Handler.* "Handler" means (a) any person in his capacity as the operator of a pool plant; or (b) a cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 1004.7.

§ 1004.11 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and the operator of a pool plant in accordance with § 1004.8 (a) or (b), but who receives no milk from producers or other dairy farmers: *Provided*, That, such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled (other than that received from pool plants) is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (b) the operation of such pool plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 1004.12 *Market administrator.* "Market administrator" means the person designated pursuant to § 1004.20 as the agency for the administration of this part.

§ 1004.13 *Producer milk.* "Producer milk" means all skim milk and butterfat produced by a producer, which is received at a pool plant directly from such producer.

§ 1004.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

§ 1004.15 *Fluid milk product.* "Fluid milk product" means milk (including frozen or concentrated milk), skim milk, buttermilk, flavored milk, flavored milk drinks and cream in fluid form or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, yogurt, ice cream mix and aerated cream).

§ 1004.16 *Route.* "Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or a plant store) of milk or any milk product classified as Class I milk pursuant to § 1004.41 (a) other than a delivery to a plant described in § 1004.8 (a).

§ 1004.17 *Base milk.* "Base milk" means producer milk received by handlers from a producer during the months of January through June which is not in excess of such producer's daily base determined pursuant to § 1004.90, multiplied by the number of days during the month for which milk was received from such producer.

§ 1004.18 *Excess milk.* "Excess milk" means producer milk received by handlers from a producer which is in excess

of base milk received from such producer during the months of January through June of each year.

§ 1004.19 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1004.20 *Designation.* The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1004.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1004.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditions upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1004.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1004.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1004.30 through 1004.32 or payments pursuant to §§ 1004.80 through 1004.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice of, the following:

(1) The 6th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month, and

(2) The 11th day of each month, the uniform price, and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS, AND FACILITIES

§ 1004.30 *Reports of sources and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk,

(2) Fluid milk products received from other pool plants,

(3) Other source milk,

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1004.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of February through July the aggregate quanttiy of base milk received at his pool plant(s) for the preceding month,

(2) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, for the months of January through June, the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any authorized deductions,

(3) On or before the first day other source milk is received in the form of a fluid milk product at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(4) On or before the day prior to diverting producer milk pursuant to § 1004.7 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

(5) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

(c) Each handler operating a pool plant shall report the total quantity of milk received from each producer and the number of days of such delivery for each of the months of October 1955 and November 1955, together with such other information relating to the computation of bases to be in effect in the January–June 1956 period as the market administrator may prescribe.

§ 1004.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 1004.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to

begin at the end of the month to which such books and records pertain; *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1004.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for pool plants pursuant to § 1004.30 (a) shall be classified each month by the market administrator, pursuant to the provisions of §§ 1004.41 through 1004.45.

§ 1004.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1004.42 through 1004.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted and concentrated nonfat milk solids) and butterfat; (1) disposed of from the plant in the form of fluid milk products, except those classified pursuant to subparagraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat; (1) used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of as skim milk for livestock feed; and (4) in shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1004.7) and other source milk: *Provided*, That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1004.7) and other source milk, respectively.

§ 1004.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1004.43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1004.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the subtraction of other source milk pursuant to § 1004.45;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified as Class I milk;

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool milk plant shall be classified as Class I unless, (1) the transferee-plant is located less than 250 miles from the City Hall of Phoenix or Tucson, Arizona, whichever is nearer, by the shortest hard-surfaced highway distance, as determined by the market administrator, (2) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1004.30 for the month within which such transaction occurred, (3) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (4) not less than an equivalent amount of skim milk and buttterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified as Class I milk; and

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1004.30, (2) the handler attaches tags or labels to each container of such cream bearing the words "Grade C cream for manufacturing uses only" and the shipment is so invoiced, (3) the handler gives the market administrator sufficient notice to allow him to verify the shipment, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That, if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified as Class I milk.

§ 1004.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 1004.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That, the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1004.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1004.41 (b),

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk,

(4) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1004.43 (a),

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk. Any amount so subtracted shall be called "overage";

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk;

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1004.50 *Basic formula price.* The higher of the prices computed pursuant

to paragraphs (a) and (b) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic, or field, prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.8.

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.962.

§ 1004.51 *Class prices.* Subject to the provisions of §§ 1004.52 and 1004.53, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant(s) from producers during the month shall be as follows:

(a) *Class I milk price.* For each month during an eighteen month period following the effective date of this order, the minimum price per hundredweight of Class I milk containing 3.8 percent butterfat shall be the basic formula price for the preceding month plus $2.80.

(b) *Class II milk price.* The Class II milk price shall be the "butter-powder" price computed pursuant to § 1004.50 (b) during the months of July through December, and that price less 25 cents during the months of January through June.

§ 1004.52 *Butterfat differentials to handlers.* For each class of milk containing more or less than 3.8 percent butterfat, the class prices calculated pursuant to § 1004.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.175; and

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.115.

§ 1004.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 60 miles or more from the City Hall, Tucson, Arizona, by the shortest hard-surfaced highway distance as determined by the market administrator and which is assigned to Class I milk pursuant to the proviso of this section when moved to another pool plant, or classified as Class I milk without such movement, the price specified in § 1004.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the City Hall of Tucson, Ariz. (miles):	*Rate per hundredweight (cents)*
60 but not more than 160	30.0
160 but not more than 260	40.0
For each additional 10 miles or fraction thereof an additional	1.0

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 1004.45 (a) (1) through (4), and the comparable steps in (b) for such plant, such assignment to the transferring plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1004.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1004.60 *Producer-handler.* Sections 1004.40 through 1004.45, 1004.50 through 1004.53, 1004.70 through 1004.75, and 1004.80 through 1004.87 shall not apply to a producer-handler.

§ 1004.61 *Plants subject to other Federal orders.* Upon application to the market administrator and a subsequent determination by the Secretary, any plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any pool plant which (1) would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, and (2) does not dispose of a greater volume of Class I milk to retail or wholesale outlets (except pool plants or nonpool plants) in the Central Arizona marketing area than in the marketing area regulated pursuant to such other order; and

(b) Any plant which (1) would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, and (2) qualified as a pool plant for each of the preceding months of July through October in accordance with the provisions of § 1004.8 (c).

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1004.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1004.45 by the applicable class price, total the resulting amounts; and add any amount necessary to reflect adjustments in location differential allowance required pursuant to the proviso of § 1004.53;

(b) Add an amount computed by multiplying the pounds of any overage deducted from either class pursuant to § 1004.45 (a) (6) and (b) by the applicable class price; and

(c) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1004.45 (a) (4) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1004.45 (a) (3) and (b) for the current month, whichever is less.

§ 1004.71 *Computation of the uniform price.* For each of the months of July through December, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.8 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 1004.70 for the producer milk of all handlers who submit reports prescribed in § 1004.30 and who are not in default of payments pursuant to §§ 1004.80 or 1004.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.8 percent, or add, if such average butterfat content is less than 3.8 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 1004.73, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1004.74;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 1004.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of January through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.8 percent butterfat content, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 1004.30, and who are not in default of payments pursuant to §§ 1004.80 or 1004.82 as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the hundredweight of excess milk not included in subparagraph (1) hereof by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat content received from producers;

(c) Subtract the total value of excess milk, determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk, from the total value of producer milk for the month as determined according to the calculations set forth in § 1004.71 (a) through (d) (using location differentials applicable to base and excess milk);

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.8 percent butterfat content.

§ 1004.73 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.8 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1004.52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 1004.74 *Location differential to producers.* The applicable uniform prices computed pursuant to §§ 1004.71 and 1004.72 (for base milk) to be paid for producer milk received at a pool plant located 60 miles or more from the City Hall at Tucson, Arizona, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the rates set forth in § 1004.53. The rates applicable to excess milk shall be determined by dividing the quantity of excess milk specified in § 1004.72 (a) (2) by the total quantity of excess milk and multiplying the result by the rates applicable to base milk.

§ 1004.75 *Notification of handlers.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) For the months of January through June the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 1004.71 and 1004.72 and the butterfat differential computed pursuant to § 1004.73; and

(d) The amounts to be paid by such handler pursuant to §§1004.82, 1004.85, and 1004.86 and the amount due such handler pursuant to § 1004.83.

PAYMENTS

§ 1004.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is receiving during the month as follows:

(1) On or before the 27th day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph,

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1004.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided,* That if by such date such handler has not received full payment from the market administrator pursuant to § 1004.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of January through June the total pounds of base and excess milk received, (iii) the amount or rate and nature of any authorized deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1004.84.

§ 1004.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 1004.82 and out of which he shall make all payments pursuant to § 1004.83: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 1004.82 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1004.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 1004.83 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1004.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1004.84 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1004.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1004.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1004.86 *Expense of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator, for each of his approved plants, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, and (b) other source milk allocated to Class I milk pursuant to § 1004.45 (a) (2) and (b).

§ 1004.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the amount for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

BASE RATING

§ 1004.90 *Computation of daily average base for each producer.* (a) Subject to the rules set forth in § 1004.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of August through November immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of November, inclusive, or by 90, whichever is more: *Provided,* That for the period from the effective date of this part through June 30, 1956, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of October 1955 and November 1955, by the number of days from the first day of delivery by such producer during such months to the last day of November, inclusive, or by 45, whichever is more.

§ 1004.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases.

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1004.90 to each person for whose account producer milk was delivered to pool plants during the months of August through November; and

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 1004.92 *Announcement of established bases.* On or before December 25 of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily average base established by such producer.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1004.100 *Effective time.* The provisions of the part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1004.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1004.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1004.103 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1004.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1004.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 31st day of October 1955, to be effective as follows:

Sections 1004.0 through 1004.22 (j), 1004.30 through 1004.45 and 1004.86 through 1004.111 of this order shall be effective on and after November 16, 1955; and all of the remaining terms and provisions of this order (§§ 1004.22 (k) and 1004.50 through 1004.85) shall be effective on and after December 1, 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-8891; Filed, Nov. 2, 1955; 8:53 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

OVER-THE-COUNTER MARKETS

On August 30, 1955, the Commission published a proposal to amend paragraph (d) of its § 240.15c3-1 (Rule X-15c3-1) to delete from the rule the exemption for broker-dealers who do not (A) extend credit to customers or (B) carry money or securities for the account of customers or owe money or securities to customers except as an incident to transactions promptly consummated by payment or delivery. The Commission has considered all comments and suggestions received and has adopted the amendment in the form set forth below.

Section 240.15c3-1 provides that no broker or dealer shall permit his "aggregate indebtedness" to all other persons to exceed 2000 percent of his "net capital". Paragraph (c) of the rule defines the terms "aggregate indebtness" and "net capital" and certain other terms used in the rule.

Subparagraph (b) (2) of the rule exempts from its requirements members of specified national securities exchanges. Before the amendment of subparagraph (b) (1) it exempted from the rule any broker or dealer who did not (A) extend credit to customers, or (B) carry money or securities for the account of customers or owe money or securities to customers except as an incident to transactions promptly consummated by payment or delivery. However, such broker-dealers frequently owe money or securities to customers in substantial amounts and it was felt that such customers need the safeguards which the rule affords with respect to the financial responsibility of such broker-dealers.

As subparagraph (b) (1) has been amended the exemption is now available only to brokers (A) whose activities are limited to soliciting subscriptions for issuers, (B) who promptly transmit to the issuer all funds, and promptly deliver to the subscriber all securities, received in connection therewith, and (C) who do not otherwise hold funds or securities for customers or owe money or securities to customers. The brokers to whom the new exemption is available would receive funds only on behalf of the issuer, and would have to transmit all such funds to the issuer promptly; and if the securities issued pursuant to the subscription are to be delivered to the purchaser through the broker they too would have to be delivered promptly. Securities issued in these situations would usually be issued in the name of the purchaser or his nominee, not in the name of the broker.

Statutory basis. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 15 (c) (3) and 23 (a) thereof, and deeming such action necessary in the public interest and for the protection of investors, and necessary to carry out its functions under the Act, hereby amends paragraph (b) (1) of § 240.15c3-1 to read as stated below.

§ 240.15c3-1 *Ratio of aggregate indebtedness to net capital.* * * *

(b) *Exceptions.* The provisions of this section shall not apply to:

(1) Any broker (i) whose securities business is limited to acting as agent for the issuer in soliciting subscriptions for securities of such issuer, (ii) who promptly transmits to the issuer all funds, and promptly delivers to the subscriber all securities, received in connection therewith, and (iii) who does not otherwise hold funds or securities for or owe money or securities to customers.

This action shall be effective December 1, 1955.

(Sec. 23, 48 Stat. 901 as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

OCTOBER 24, 1955.

[F. R. Doc. 55-8874; Filed, Nov. 2, 1955; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53933]

PART 6—AIR COMMERCE REGULATIONS

PART 7—CUSTOMS REGULATIONS WITH INSULAR POSSESSIONS AND GUANTANAMO BAY NAVAL STATION

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

PART 22—DRAWBACK

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

EXCLUSION OF JOHNSTON ISLAND FROM CUSTOMS TERRITORY

There is published below for your information and guidance section 2, Public Law 126, 84th Congress, approved June 30, 1955, which amends certain customs and related laws with respect to Johnston Island.

SEC. 2. (a) The following provisions of the Tariff Act of 1930, as amended, are hereby amended by inserting "Johnston Island," immediately after "Kingman Reef," each place it appears therein:

(1) That part of section 1 which precedes schedule 1 (19 U. S. C., sec. 1001).

(2) That part of section 201 which precedes schedule 16 (19 U. S. C., sec. 1201).

(3) Section 401 (k) (19 U. S. C., sec. 1401 (k)).

(4) Section 557 (a) (19 U. S. C., sec. 1557 (a)).

(5) Section 562 (19 U. S. C., sec. 1562).

(b) Section 401 (a) of the Anti-Smuggling Act, as amended (19 U. S. C., sec. 1709 (a)), is hereby amended by inserting "Johnston Island," immediately after "Kingman Reef,".

(c) Sections 542, 544, and 545 of title 18 of the United States Code are hereby amended by inserting "Johnston Island," immediately after "Kingman Reef," each place it appears therein.

(d) The amendments made by this section shall take effect on the day following the day on which this Act is enacted.

In order to conform with the above statute, the Customs Regulations are hereby amended as follows:

1. Section 6.1 (a) is amended by deleting the "and" before "Kingman Reef," and inserting "and Johnston Island," after "Kingman Reef,".

(Secs. 624, 644, 46 Stat. 759, 761; 19 U. S. C. 1624, 1644)

2. Footnote 15, appended to § 7.8 (a), is amended by inserting "Johnston Island," after "Kingman Reef," in the first sentence; by deleting "and Kingman Reef" from the next to the last sentence; and by adding the following new sentence to the footnote: "A certificate signed by the Commander at the Johnston Island Air Force Base, or his assistant, shall be acceptable as proof of origin. Kingman Reef is understood to be uninhabited."

3. Section 7.8 (f) is amended by inserting "Johnston Island," after "Kingman Reef," in the first sentence and by deleting "or Kingman Reef" at the end of the third sentence and inserting

in its place "Kingman Reef, or Johnston Island".

(R. S. 251, sec. 624, 46 Stat. 758; 19 U. S. C. 66, 1624. Interprets or applies sec. 401, 68 Stat. 1139; 19 U. S. C. 1301a)

4. Footnote 36, appended to § 8.41, is amended by inserting "Johnston Island," after "Kingman Reef,".

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

5. Footnote 6, appended to § 19.1 (a), is amended by inserting "Johnston Island," after "Kingman Reef,".

6. Footnote 15, appended to § 19.11 (b), is amended by inserting "Johnston Island," after "Kingman Reef,".

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

7. Section 22.27 (a) is amended by inserting "Johnston Island," after "Kingman Reef,".

8. Footnote 12, appended to § 22.27 (a), is amended by inserting "Johnston Island," after "Kingman Reef,".

9. Footnote 13, appended to § 22.27 (b) is amended by deleting "Johnston Island,".

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 557, 46 Stat. 744, as amended; 19 U. S. C. 1557)

10. Footnote 15, appended to § 23.8, is amended by inserting "Johnston Island," after "Kingman Reef," in the last paragraph.

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 27, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-8888; Filed, Nov. 2, 1955; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1244]

[Anchorage 025198]

ALASKA

WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE ARMY AS RECREATION AND TRAINING SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved for use of the Department of the Army as a recreation and training site:

A parcel of land located on the south shore of Lake Louise, approximately 140 miles northeast of Anchorage, in the Third Judicial Division, Territory of Alaska, described as follows:

Beginning at a point on the mean high water line of Lake Louise at approximate latitude 62°16'55" North and longitude 146°31'10" West; thence

North 2,117 feet to the mean high water line of a small promontory extending into Lake Louise;

Southeasterly along said high water line to the east end of the aforementioned promontory;

Southwesterly along the mean high water line to the point of beginning.

The tract described contains 29.50 acres.

The use of the tract by the Department of the Army shall be subject to the following conditions:

(1) The Department of the Army shall not interfere with public use of the Lake Louise area, including access roads, but excluding the area withdrawn by this order.

(2) No hunting by military personnel shall be allowed by the Department of the Army within the withdrawn area, nor will hunting be permitted on adjacent lands in connection with military training or during training periods.

FRED G. AANDAHL,
Acting Secretary of the Interior.

OCTOBER 28, 1955.

[F. R. Doc. 55-8856; Filed, Nov. 2, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

[Docket No. AO-71-A30]

HANDLING OF MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the findings and conclusions hereinafter set forth were formulated, was conducted at Albany, New York, on September 13, 1955, pursuant to notice thereof issued on August 24, 1955, and published in the FEDERAL REGISTER on August 27, 1955 (20 F. R. 6303).

The material issues of record are concerned with:

1. The classification of milk received at plants in the marketing area directly from farms on bulk tank pickup routes; and

2. The application of location differentials to milk on bulk tank pickup routes.

Findings and conclusions. The findings and conclusions hereinafter set forth are based upon the evidence in the record of the hearing.

Functions, such as the weighing, sampling and testing of producers' milk which take place at a plant when milk is received from producers in cans, are performed by the trucker at the farm when milk is transferred in bulk directly from a farm tank to a tank truck. The proposals considered at this hearing are concerned with specific and immediate problems relative to the classification and pricing of milk received from producers on such bulk tank pickup routes pending the consideration of more comprehensive proposals for classifying and pricing such milk. The amendments set forth herein, therefore, are not expected to provide long run solutions to the problems involved.

Issue No. 1. It is concluded that the order should be amended to provide that milk received at a plant in the marketing area directly from producers by tank truck shall be assigned to Class I-A prior to the assignment to Class I-A of milk from other plants.

Under existing provisions of the order, milk received at a plant in the marketing area directly from producers whether in cans or by tank truck is classified at the plant where received in the marketing area. Accordingly, all or a portion of the milk thus received directly from producers at a plant in the marketing area may be classified in classes other than I-A depending upon the quantity of milk classified in such other classes at the plants in the marketing area. On the other hand, if milk is received from producers at a plant outside the marketing area and then shipped as fluid milk to a plant in the marketing area, all of such milk received at the marketing area plant is classified in Class I-A. An advantage thus accrues to an operator of a plant in the marketing area who receives milk by tank truck directly from producers in comparison with another handler whose entire supply of fluid milk is shipped from a plant outside the marketing area. The existence of this advantage constitutes an incentive for the substitution of milk directly from producers by tank truck for milk now received from country plants and constitutes a means of reducing the quantity of milk classified in Class I-A and a consequent reduction in over-all returns to producers.

Only a relatively small volume of milk is at present being received at plants in the marketing area by tank truck directly from producers. During the month of June 1955 milk was received from only 115 producers directly by tank truck at plants in the marketing area. The volume of milk thus received was approximately 4.8 million pounds. During the same month the total quantity of pool milk was 854.6 million pounds and was received from a total of 50,175 producers. The number of producers from which milk was received directly by tank truck at plants in the marketing area increased each month during the first half of 1955, the increase being from 57 in January to 118 in July. Approximately 50 additional producers deliver by tank truck directly to plants located other than in the marketing area or in the location differential area.

Representatives of handlers and producers who testified at the hearing expressed the view that a much more rapid expansion in the volume of milk received by tank truck directly from producers would probably occur under existing provisions of the order. It was proposed at the hearing that all milk received at marketing area plants by tank truck directly from producers be classified as Class I-A on the basis that the proposal contained in the hearing notice, providing for the prior assignment of such milk in Class I-A, did not go far enough in that an opportunity would remain under certain circumstances for the classification of such milk in lower priced classes. It was not demonstrated, however, that such circumstances currently prevailed or that they are in prospect to an extent sufficient to detract materially from the effectiveness of the prior assignment amendment.

Issue No. 2. It is concluded that the order should be amended to provide for the payment of the 20 or 30-cent location differentials on milk shipped directly from the farm to a plant by tank truck only under the following circumstances:

(1) If such milk is delivered from a farm from which milk was delivered to a pool plant in the month of August 1955, the rate of the location differential should be no higher than the rate applicable to milk delivered from the same farm during the month of August 1955; and

(2) If such milk is delivered by a producer from a farm from which no milk was delivered to a pool plant in August 1955, the location differential payable on such milk should be at the rate of 20 cents if the farm (milk house) from which delivery is made is located in one of the counties in the location differential area and at the rate of 30 cents if delivery is made from a farm located in the marketing area.

This amendment is designed to prevent any significant increase in the number of producers qualifying for the 20 or 30-cent location differentials on milk shipped directly from the farm to a plant by tank truck. Under present order provisions a location differential of 20 cents per hundredweight is payable to producers for milk delivered to plants located at certain specified locations or within the boundaries of specified counties, and a location differential of 30 cents is payable to producers delivering milk directly to plants located within the marketing area. Such differential payments to producers are deducted out of the pool, and handlers are required to pay an additional 5 cents per hundredweight for such location differential milk.

Historically, these location differentials have applied to milk received from producers whose farms are located in or closely surrounding the marketing area or the defined nearby location differential territory. Virtually all of the producers now delivering milk by tank truck directly to plants in the marketing area either formerly delivered in cans to location differential plants or operate farms located in the location differential area. The bulk tank pickup method of delivery, however, makes it possible for producers, irrespective of their farm location, to become eligible for location differentials under existing provisions of the order. Such a development would not only appear to be contrary to the intent and purpose of the location differential provision but would have the effect of reducing the uniform price to all other producers.

Representatives of producers and handlers testified at the hearing that the present location differential provisions as they apply to bulk tank milk constitute an unwarranted and unjustified incentive for the expansion of bulk tank pickup routes, and that the incentive should be eliminated before significant investments are made by producers and handlers in bulk tank operations in anticipation of location differentials out of the pool. Various proposals were made at the hearing for restricting the payment of location differentials on bulk tank milk. The proposed amendment herein set forth is designed to accomplish the primary purpose of all such proposals, and at the same time avoid the administrative problems involved in ascertaining the delivery practice of individual producers over extended periods. The month of August 1955 is the latest month during which delivery practices could not have been influenced by the calling of this hearing, and appears to constitute a reasonable and practicable time after which producers located outside the location differential area cannot qualify for location differentials on milk delivered directly by tank truck to location differential plants.

General findings. (a) The tentative marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Rulings. Briefs were filed on behalf of interested persons. The briefs contained suggested findings of facts, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreement and amendment to the order, as amended. The following amendment to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Amend § 927.35 (a) by adding the following proviso: *"Provided,* That at a plant in the marketing area milk received directly from producers by tank truck shall be assigned to Class I-A prior to the assignment of milk from other plants to Class I-A."

2. Amend § 927.60 (f) by adding the following: *"Provided,* That with respect to milk received by tank truck directly from a farm from which milk was delivered to a pool plant in August 1955, such deduction shall be at a rate no higher than the rate applicable to milk delivered from the same farm in the month of August 1955, or if the milk received directly by tank truck is from a farm from which no milk was delivered to a pool plant in August 1955, such deduction shall be at the rate of 20 cents per hundredweight if the milk house of such farm is located in one of the counties listed in this paragraph, and at the rate of 30 cents per hundredweight if the milk house of such farm is located in the marketing area: *And provided further,* That for purposes of this para-

graph the producer operating a farm shall be considered to have been the producer in August 1955 if the market administrator determines that milk from such farm was delivered to a pool plant in August 1955 regardless of any change in farm operator after that date."

Issued at Washington, D. C., this 31st day October 1955.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 55-8883; Filed, Nov. 2, 1955; 8:52 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF REFILING OF PETITIONS FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF ALDRIN AND DIELDRIN

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been refiled by Shell Chemical Corporation, 460 Park Avenue, New York, New York, proposing the establishment of a tolerance of 0.1 part per million for residues of aldrin in or on the following raw agricultural commodities: Apples, pears, and quinces; cherries; cranberries; grapes; peaches, nectarines, apricots, mangoes; pineapples; plums and prunes; strawberries; asparagus; celery; collards, kale, mustard greens, spinach, Swiss chard; corn, grain (including sweet, field, and popcorn); eggplant, peppers, and pimentoes; endive (escarole), lettuce, and salsify; melons (including cantaloups, muskmelons, watermelons), pumpkins, winter squash; peas and cowpeas (including forage), tomatoes, grains (including oats, rye, barley, wheat, rice, and sorghum); grain forage; a tolerance of 0.25 part per million for residues of aldrin in or on the following raw agricultural commodities: Citrus fruits (including grapefruit, lemons, oranges, and tangerines); beans (including black-eyed peas and soybeans); beets (garden variety), turnips, and rutabagas (including tops); beets, sugar (including tops); broccoli, brussels sprouts, kohlrabi; cabbage and cauliflower; carrots, horseradish, parsnips, and radishes (including tops); cucumbers and summer squash; onions (including leeks, shallots, and garlic); peanuts; and a tolerance of 0.75 part per million for residues of aldrin in or on the following raw agricultural commodities: Corn, fodder, or forage; legumes for forage (including clovers, alfalfa, soybean hay, peanut hay, lespedeza); grass crops (pasture and range grass, timothy, grass hay).

A petition has been refiled by Shell Chemical Corporation, 460 Park Avenue, New York, New York, proposing the establishment of a tolerance of 0.1 part per million for residues of dieldrin in or on the following raw agricultural commodities: Cranberries; grapes; pineapples; plums and prunes; strawberries; corn, grain (including sweet, field, and popcorn); corn, fodder or forage; cucumbers and summer squash; eggplant, peppers, and pimentos; lettuce, endive (escarole), and salsify; peas and cowpeas (including forage); potatoes and sweetpotatoes; tomatoes; grains (including oats, rye, barley, wheat, rice, and sorghums); grain forage; legumes for forage (including clovers, alfalfa, soybean hay, peanut hay, lespedeza); and a tolerance of 0.25 part per million for residues of dieldrin in or on the following raw agricultural commodities: Citrus fruits; mangoes; asparagus; beans (including black-eyed peas and soybeans); beets (garden variety), turnips and rutabagas (including tops); broccoli, brussels sprouts, kohlrabi; cabbage and cauliflower; carrots, horseradish, parsnips, and radishes (including tops); celery; collards, kale, mustard greens, spinach, and Swiss chard; melons (including cantaloups, muskmelons, watermelons), pumpkins, winter squash.

The petition proposes that § 120.101 *Specific tolerances for pesticide residues in or on fresh fruits and vegetables*, published in the FEDERAL REGISTER of March 11, 1955 (20 F. R. 1501) be amended by raising the tolerance for dieldrin in or on apples, pears, quinces, cherries, peaches, nectarines, and apricots from 0.1 part per million to 0.25 part per million.

Analytical methods proposed for determining residues of aldrin and dieldrin were cited in the notice of original filings published in the FEDERAL REGISTER April 15, 1955 (20 F. R. 2485).

Dated: October 28, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-8880; Filed, Nov. 2, 1955; 8:51 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF CHLORTETRACYCLINE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by American Cyanamid Company, 30 Rockefeller Plaza, New York, New York, proposing the establishment of a tolerance of 23 parts per million for residues of chlortetracycline in or on dressed poultry (not cooked).

The analytical method proposed in the petition for determining residues of chlortetracycline is the method published in Antibiotics Annual 1953-1954, page 409, Medical Encyclopedia, New York, New York.

Dated: October 28, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-8881; Filed, Nov. 2, 1955; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

REVISED UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIER

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT ON PROPOSED RULE

Notice is hereby given that oral argument, before the Board, in the above-entitled rule-making proceeding is postponed from November 7, 1955, to November 9, 1955, at 10:00 a. m., e. s. t., in Room 5042, Department of Commerce Building, Washington, D. C.

NOTE: By notice (Economic Regs. Draft Release No. 68E) published October 21, 1955 (20 F. R. 7944) the Board gave Notice of Oral Argument on Proposed Rule Making (14 CFR Part 241) published September 22, 1955 (20 F. R. 7111) (Economic Regs. Draft Release No. 68D).

Dated at Washington, D. C., November 1, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8930; Filed, Nov. 2, 1955; 8:56 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 11]

[Docket No. R-129]

ANNUAL CHARGES PRESCRIBED FOR LICENSEES

NOTICE OF RESUMPTION OF HEARING

OCTOBER 27, 1955.

In the matter of amendment to Part 11 of Subchapter B of the Rules Relating to Annual Charges Prescribed for Licensees under the Provisions of the Federal Power Act.

Notice is hereby given that the hearings in the above-designated matter, have been postponed and recessed from time to time, are now scheduled to resume 10:00 a. m., e. s. t., November 30, 1955, in the Commission's hearing room, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-8862; Filed, Nov. 2, 1955; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53934]

CAST IRON SOIL PIPE FROM UNITED KINGDOM

ANTIDUMPING

OCTOBER 27, 1955.

After due investigation, in accordance with the provisions of section 201 (a) of the Antidumping Act of 1921, as amended (19 U. S. C. 160 (a)), the United States Tariff Commission on October 26, 1955, notified the Secretary of the Treasury of its determination that the industry manufacturing cast iron soil pipe in the United States is being, or is likely to be injured, by reason of the importation into the United States of cast iron soil pipe, other than "American pattern" cast iron soil pipe, from the United Kingdom.

Pursuant to the provisions of said section 201 (a) of the Antidumping Act of 1921, as amended, I find that cast iron soil pipe, other than "American pattern" cast iron soil pipe, from the United Kingdom is being, or is likely to be, sold in the United States at less than its fair value.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-8889; Filed, Nov. 2, 1955; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

OCTOBER 27, 1955.

A plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10:00 a. m. on December 2, 1955.

SEWARD MERIDIAN

Township 15 North, Range 1 West, Sections 11, 14, 15, 21, and 22 comprising 3,200 acres.

The land involved lies approximately seventeen miles northeast of Anchorage and is bisected from the SW corner to the NE corner by the Glenn Highway. The bulk of the land lying east of the highway forms the foothills of the Chugach Mountains and is steep and rocky with spruce and birch trees forming the primary vegetative cover. The general aspect of the land west of the Glenn Highway is more level being featured by glacial moraine and outwash deposits. The soil is generally shallow and rather sandy in texture with the exception of occasional areas of muskeg. The primary vegetative cover is of second growth spruce and birch. Only a small percentage of the land appears suitable for agricultural use.

Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 2 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead (Alaska Homesite), and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on November 18, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 2, 1955, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on March 3, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m. on March 3, 1956.

Persons claiming veteran's preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, P. O. Box 1740, Anchorage, Alaska.

WALTER E. BECK,
Acting Manager.

[F. R. Doc. 55-8858; Filed, Nov. 2, 1955; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 27, 1955.

Alaska Road Commission has filed an application, Serial No. Anchorage 020553, for the withdrawal of lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for permanent maintenance site for the maintenance of the Glenn Highway.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SEWARD MERIDIAN

T. 20 N., R. 8 E.,
Section 28: SW¼NE¼, E½SE¼NW¼ (exclusive of the right-of-way of the Glenn Highway).

Containing approximately 45.1 acres.

HAROLD T. JORGENSON,
Acting Area Administrator.

[F. R. Doc. 55-8859; Filed, Nov. 2, 1955; 8:46 a. m.]

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Reclamation, Department of the Interior has filed an application, Serial No. Misc. 65598, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the United

States mining laws but not including the mineral leasing laws.

The applicant desires the land for use in connection with the development of the Glendo Unit, Missouri River Basin Project in Wyoming.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

WYOMING

T. 30 N., R. 67 W.,
Sec. 18: SW¼NW¼.
T. 29 N., R. 68 W.,
Sec. 24: N½S½, SE¼SE¼.
T. 30 N., R. 68 W.,
Sec. 8: NE¼SW¼.

JOSEPH C. CONRACE,
Acting State Supervisor.

[F. R. Doc. 55-8860; Filed, Nov. 2, 1955; 8:46 a. m.]

NEVADA

SMALL TRACT CLASSIFICATION ORDER NO. 95, AMENDED

OCTOBER 21, 1955.

Pursuant to the authority delegated to me by the Area Administrator, Area II, Bureau of Land Management, by Order No. 4, dated May 5, 1954, I hereby revoke Small Tract Classification Order No. 95 as to the following lands:

T. 20 S., R. 60 E., M. D. M., Nevada:
Sec. 25, SE¼NW¼.
T. 21 S., R. 61 E., M. D. M., Nevada:
Sec. 36, W½SW¼.

A. L. SIMPSON,
Acting State Supervisor.

[F. R. Doc. 55-8857; Filed, Nov. 2, 1955; 8:45 a. m.]

Bureau of Reclamation

DIXON PROJECT ON LITTLE SNAKE RIVER, COLORADO

ORDER OF REVOCATION

DECEMBER 17, 1954.

Pursuant to authority delegated by Department Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of March 5, 1937, insofar as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reversing the lands hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 9 N., R. 96 W.,
Sec. 3, S½NW¼, N½SW¼ and SW¼SW¼.

The above areas aggregate 200.00 acres.

FLOYD E. DOMINY,
Acting Assistant Commissioner.

[Misc. 66686]

OCTOBER 28, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The land is chiefly rolling to mountainous grazing lands. Vegetative cover consists primarily of sagebrush and grass, with small areas of pinon-juniper in the more mountainous sections. Soils vary from sandy clay to gravelly clay formations.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. The lands have been open to offers under the mineral-leasing laws. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on December 3, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on March 3, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on March 3, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on March 3, 1956.

Persons claiming veteran's preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

EARL G. HARRINGTON,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 55-8861; Filed, Nov. 2, 1955; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9553]

H. L. HUNT

ORDER SUSPENDING PROPOSED CHANGES IN RATES

H. L. Hunt (Applicant) on September 30, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Sept. 29, 1955.	Texas Eastern Transmission Corp.	Supplement No. 6 to Applicant's FPC Gas Rate Schedule No. 7.	Nov. 1, 1955

[1] The stated effective plate is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 21, 1955.

Issued: October 28, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-8866; Filed, Nov. 2, 1955; 8:47 a. m.]

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 17, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-8863; Filed, Nov. 2, 1955; 8:47 a. m.]

[Docket No. G-6817]

E. C. SCURLOCK

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 28, 1955.

Take notice that E. C. Scurlock (Applicant), whose address is Bankers Mortgage Building, Houston 2, Texas, filed on December 2, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the North Faddin Gas Field, Victoria County, Texas, and sells it in interstate commerce to the United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 29, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[Docket No. G-9554]

HASSIE HUNT TRUST

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Hassie Hunt Trust (Applicant), on September 30, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change (undated)..	Texas Eastern Transmission Corp.	Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 4.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 21, 1955.

Issued: October 28, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-8867; Filed, Nov. 2, 1955; 8:48 a. m.]

[Docket No. G-9555]

C. L. MAILLOT ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

C. L. Maillot, et al. (Applicant), on September 30, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Sept. 29, 1955.	Texas Eastern Transmission Corp.	Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant, if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further

time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 21, 1955.

Issued: October 28, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8868; Filed, Nov. 2, 1955; 8:48 a. m.]

[Docket No. G-9556]

HOLLYFIELD AND MCFARLANE

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Hollyfield and McFarlane (Applicant), on September 30, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Sept. 28, 1955.	Hassie Hunt Trust.....	Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 2.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 21, 1955.

Issued: October 28, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8869; Filed, Nov. 2, 1955; 8:48 a. m.]

[Docket No. G-9557]

SUN OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Sun Oil Company (Applicant), on September 30, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Sept. 26,1955.	Texas Eastern Transmission Corp.	Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 35.	Nov. 1, 1955
Do.....	....do.....	Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 36.	Do.

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant, if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until April 1, 1956, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 21, 1955.

Issued: October 28, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8870; Filed, Nov. 2, 1955; 8:48 a. m.]

[Docket No. G-6618]

HOWARD JENKINS, TRUSTEE

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 28, 1955.

Take notice that Howard Jenkins, Trustee (Applicant), an individual whose address is Paintsville, Kentucky, filed on November 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Licking River Gas Field, Magoffin County, Kentucky, and sells it in interstate commerce to the Kentucky-West Virginia Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 28, 1955, at 9:50 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 17, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8864; Filed, Nov. 2, 1955; 8:47 a. m.]

[Docket No. G-9312]

ATLANTIC REFINING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 28, 1955.

Take notice that The Atlantic Refining Company (Applicant), a Pennsylvania corporation whose address is P. O. Box 2819, Dallas 1, Texas, filed on September 9, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas (casinghead), from production in Lea Field, Crane County, Texas, to Gulf Oil Corporation for resale in interstate commerce.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, December 5, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 14, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8865; Filed, Nov. 2, 1955; 8:47 a. m.]

[Docket No. G-4331, etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.

ORDER POSTPONING ACTION ON MOTION TO DISMISS AND REFERRING PROCEEDINGS TO EXAMINER

In the matter of Union Oil Company of California, Docket No. G-4331; Union Oil Company of California, and Louisiana Land and Exploration Company, Docket No. G-4332; Morris Rauch, et al., Docket No. G-4334; Bel Oil Corporation, Docket No. G-4505.

These matters are before the Commission upon the presiding examiner's certification of the motion made upon the record by counsel for the Public Service Commission of New York to dismiss the applications filed under the Natural Gas Act by the above-designated applicants for proposed increases in rates. The motion to dismiss was joined in by several party interveners and counsel for the staff of the Commission.

In brief, the motion, which was made at the close of complete cases-in-chief of the four applicants, requests that the Commission dismiss the applications on the ground that the applicants have not discharged the burden of proof imposed by section 4 (e) of the act to show that the proposed rates are just and reasonable. Section 4 (e) expressly provides:

> At any hearing involving a rate or charge sought to be increased, the burden of proof to show that the increased rate or charge is just and reasonable shall be upon the natural-gas company * * *.

On September 30, 1954, Union Oil Company of California (Union) tendered for filing with the Commission notices of proposed increases in its rates and charges which were designated Union's FPC Gas Rate Schedule No. 2 and Supplements Nos. 1, 2 and 3 thereto, FPC Gas Rate Schedule No. 3 and Supplement No. 1 thereto, and FPC Gas Rate Schedule No. 4 and Supplement No. 1 thereto. By order issued October 29, 1954, in Docket No. G-4331, the Commission suspended these proposed increases in rates and charges.

On September 30, 1954, Union Oil Company of California and Louisiana Land and Exploration Company (Union and Louisiana) tendered for filing with the Commission notices of proposed increases in their rates and charges which were designated Union et al.'s FPC Gas Rate Schedule No. 5 and Supplements Nos. 1 and 2 thereto, and FPC Gas Rate Schedule No. 6 and Supplements Nos. 1 and 2 thereto. By order issued October 29, 1954, in Docket No. G-4332, the Commission suspended these proposed increases in rates and charges.

On September 30, 1954, Morris Rauch, Johnny Mitchell, Trustee, W. H. Zinn, Louis Pulaski, E. J. Pulaski and Rheba Jean Spiner, Executor and Executrix of Estate of Harry Pulaski (Morris Rauch et al.) tendered for filing with the Commission notices of proposed increases in rates and charges which were designated Supplement No. 1 and Supplement No. 1 to Supplement No. 1 to Morris Rauch et al.'s FPC Gas Rate Schedule No. 1. By order issued October 29, 1954, in Docket No. G-4334, the Commission suspended these proposed increases.

On October 4, 1954, Bel Oil Corporation (Bel Oil) tendered for filing with the Commission notices of proposed increases in rates and charges which were designated Supplement No. 1 to Bel Oil's FPC Gas Rate Schedule No. 3. By order issued November 4, 1954, in Docket No. G-4505, the Commission suspended these proposed increases in rates and charges.

All of the aforesaid rate suspension proceedings involve notices to increase rates and charges relative to sales and deliveries of natural gas to Transcontinental Gas Pipe Line Corpoartion (Transco) from gas fields in southern Louisiana. These sales are made from wells and other facilities of the applicants and the deliveries are made to Transco, which is a natural gas company as defined in the Natural Gas Act, and which further transports the gas across State lines in interstate commerce

All of the aforesaid suspension proceedings were consolidated for purposes of hearing and hearings were held in September 1955. United Gas Improvement Company, Public Service Electric and Gas Company, Philadelphia Electric Company, South Jersey Gas Company, Consolidated Edison Company of New York, Kings County Lighting Company, The Brooklyn Union Gas Company, Elizabeth Consolidated Gas Company, and Long Island Lighting, Transco, and the Public Service Commission of the State of New York intervened in the consolidated proceedings and participated in the hearings.

At the hearing documentary evidence and oral testimony was presented by the applicants in support of the proposed increases. When the applicants had concluded their direct presentation, the Public Service Commission of New York moved to dismiss the applications and to terminate the proceedings for failure of the applicants to show that the increased rates and charges are just and reasonable. United Gas Improvement Company, Philadelphia Electric Company, Public Service Electric and Gas Company, Consolidated Edison Company of New York, Kings County Lighting Company, Long Island Lighting Company, The Brooklyn Union Gas Company, and the Commission Staff joined in the motion to dismiss.

Applicants have directed their presentation in support of their rate applications to facts showing that a contract was made on May 4, 1948, by Union and Louisiana Land and Exploration Company with Transco for a term of 20 years for the sale and delivery of natural gas from fields in Louisiana. The initial daily quantity specified was 50,000 Mcf as the minimum quantity and 60,000 Mcf as the maximum quantity, at a price of 8½ cents per Mcf at a pressure base of 16.7 p. s. i. a. for the first five years after the commencement of deliveries and a periodic escalation of the price was provided in steps of 1 cent per Mcf increase for the succeeding 5-year periods. In addition to such escalation provisions, the so-called favored nation provisions were included under the terms of which Transco was obligated to increase its payments for gas delivered to an amount equal to any greater amount paid by

Transco in a designated pricing area, and likewise Transco was obligated to increase its payments for gas delivered to an amount equal to any greater amount paid by any purchaser to any seller of gas within a designated pricing area. Also, the contract contained a bona fide offer provision which required that Transco meet any bona fide offer at an increased price for gas sold under the basic agreement.

The evidence also showed that, due to various amendments to the sales contract of May 4, 1948, the price for gas delivered at the commencement of deliveries was 9.79715 cents per Mcf and the quantity was increased to 65,000 Mcf as the minimum and 87,000 Mcf as the maximum. Other amendments were made in reference to the sales and deliveries of gas so that for gas delivered after November 1, 1954, and until November 1, 1959, the price was changed to 16 cents per Mcf, with 1 cent per Mcf periodic escalation in succeeding 5-year periods and quantity specifications were changed to be 94,000 Mcf per day for minimum deliveries and 125,000 Mcf per day for maximum takes of gas. This change for sales and deliveries after November 1, 1954, also eliminated the favored-nation escalation whereby prices were to have been increased if any purchaser paid any greater amount to any seller, and the change for sales and deliveries after November 1, 1954, provided for an escalation in price only if Transco paid a higher price to any other seller of gas.

Union, Union and Louisiana, and Bel Oil supported their rate increase applications by adverting to the fact that the basic sales contracts provided for automatic increases on November 1, 1954. Morris Rauch et al., relied upon the favored-nation escalation provision.

The evidence on behalf of all the applicants tended to show that the contracts hereinbefore described for sales and deliveries of gas were arrived at after arm's-length negotiations and were entered into by the parties in good faith.

Union, to substantiate its claim that the rate increase sought is justified, presented exhibits (Exhibits Nos. 2 and 3) based upon a study of producer contracts on file with the Commission. Such "office study" of current price levels for natural gas in southern Louisiana, submitted here as a numerical study of contract price levels, comprised a compilation of 138 contracts which satisfied three criteria: (a) That they were contracts of independent producers located in the pricing area here involved, (b) that the original contract was entered into during the period January 1, 1952, to April 30, 1955, and (c) that the contract was for more than five years. In the tabulation of the prices of the selected 138 contracts evidence presented by Union purported to show that the prices are in accordance with the provisions of the contracts, whether or not any of the contracts were suspended by the Commission. The witness who prepared the exhibits reflecting the statistics relative to the 138 contracts stated that twelve interstate pipeline natural gas companies including the applicants have entered into 84 contracts for the purchase of natural gas prior to November 1, 1954, at a price of 17 cents per Mcf or more. Such contracts were stated to be for sales and deliveries of gas in the pricing area specified in the Transco contracts with Union here concerned. The witness also stated that a price range of from 17 cents to 18 cents was "the most popular price, statistically speaking."

In the case of each of these 138 contracts the price shown is the total price paid by the buyer, including the current Louisiana gathering tax, plus any dehydration, gathering or special charges which buyer is obligated to pay. These contracts were selected by Union and adduced in evidence as comparable to the contracts involved in this proceeding. the other applicants here adopting the same view as Union in support of their claims for the increases sought.

The applicants here attempt to support their proposed increases on the grounds that they resulted from renegotiation of a contract between nonaffiliates at arm's length and claim that the new contract price did not then and does not now exceed the reasonable market price or current field price for the sale of natural gas in the pricing area. But the evidence which they have submitted in support of these contentions does not convince us that the proposed increased rate is just and reasonable.

The contract with Transco upon which applicants rely is subject to modification as to rates because the applicants are subject to the Natural Gas Act. The fact that contracts have been entered into in good faith and in arm's-length bargaining does not make them immune from the regulation in the public interest prescribed by Congress, nor are producer contract terms per se an indication that the prices agreed upon are just and reasonable either initially or as subsequently increased pursuant to escalation clauses or otherwise. (See Colorado Interstate Gas Co. v. F. P. C., 142 F. 2d 943, 953 (C. A. 10, 1944), aff. 342 U. S. 581; Mississippi River Fuel Corp. v. F. P. C., 122 F. 2d 159, 163 (C. A. 8, 1941).)

The exhibit submitted by applicants to show relative field prices is merely a numerical listing of contract prices for gas sold within the pricing area and is insufficient to justify the proposed increases.

It may be observed that in providing for Commission responsibility in connection with rate filings the Natural Gas Act makes no distinction between independent producers and interstate pipeline companies. If they are subject to the act, the same criteria and procedures are prescribed for rate-fixing purposes, since both classes are natural gas companies under the act. The Commission is free, within the ambit of its statutory authority in rate fixing, to make the pragmatic adjustments which may be called for by particular circumstances (F. P. C. v. Natural Gas Pipeline Co., 315 U. S. 575, 586). While it is true that the source of our authority over rates of independent producers is contained in sections (4) and (5) of the Natural Gas Act, we do not say that in fixing the rates of natural gas companies which are independent producers we are compelled to apply the same formula as that applied in fixing the rates of natural gas companies which are interstate pipeline companies.

In dealing with the rates of interstate pipeline companies, we have pointed to the burden placed by section 4 (e) of the act upon those natural gas companies seeking approval for rate increases and in appropriate cases have pointed to the failure of some companies to present evidence which would justify the increases, for which reason we have denied applications for approval, and in these actions we have judicial approval. (Mississippi River Fuel Corp. v. F. P. C., 121 F. 2d 159, 165 (C. A. 8, 1941).) The independent producers which are applicants herein are under the same burden as interstate pipeline companies to justify any proposed rate increases, even if their operations may differ.

Upon consideration of all of these matters and the evidence so far presented, we would be required to grant the motion to dismiss and to terminate these proceedings, for the evidence does not show that the requested increased rates would be just and reasonable. Nevertheless, solely because this is the first series of cases involving the rates of independent producers upon which we have acted, we will allow Applicants a further period of time beyond which we do not propose to extend the resumption of the hearing, rather than granting the motion to dismiss forthwith. If when the hearing is resumed the Applicants avail themselves of the oportunity to present more substantial evidence that their proposed increases are just and reasonable, the evidence should be considered.

Since we are not acquainted with the facts upon which the Applicants rely to justify the increases, further than as shown by this record, we do not suggest what additional evidence should be offered. Obviously, the Applicants should be permitted to present any relevant and proper evidence which would tend to support their applications. At the same time, we must point out that rather extended opportunity to prepare relevant and proper evidence bearing upon the lawfulness of rates and charges has been afforded all independent producers whose rates are subject to the Natural Gas Act. Last November, in Docket No. R–142, we requested suggestions from the natural gas industry and any other interested groups as to the formula or principles to be followed in fixing rates of independent producers who are natural-gas companies under the act. Many briefs and proposals were filed by producers, pipeline companies, distribution companies, State Commissions, industry organizations, land and royalty owners' associations and others. We heard oral argument on three days last January by many of those who had submitted briefs and by our own Staff, but, after considering all of the suggestions, decided to wait for specific cases to be presented with concrete facts before reaching any decision on the matter.

In addition to this general presentation, our staff, pursuant to our instructions, held conferences last July with many of the producers, including representatives of these applicants, and discussed possible types of evidence which might show that particular rates of producers are just and reasonable. With these prior opportunities to explore this field, and with the plain obligation placed upon them by the act, the Applicants should now be fully prepared to demonstrate the lawfulness of the proposed increases or we must deny the applications and dismiss the proceedings. Reasonable consideration of the rights of the other parties and of the general public will justify no further delays.

In order properly to consider the motion to dismiss, we have had the Examiner certify the record to us for examination. It will be returned to him for further proceedings in accordance with our views as expressed herein.

The Commission orders: Action on the pending motion to dismiss is hereby postponed and the above proceedings are hereby reopened and returned to the Examiner with instructions to reconvene the hearing on November 28, 1955, without further postponement of Applicants' case-in-chief and for further proceedings in conformity with this order.

Adopted: October 21, 1955.

Issued: October 24, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–8871; Filed, Nov. 2, 1955; 8:49 a. m.]

[Docket No. G–5510]

FOREST OIL CORP.

ORDER ON APPEAL OF MOTION TO DISMISS

This proceeding was initiated by an order issued December 7, 1954, pursuant to section 4 (e) of the Natural Gas Act, suspending proposed increased rates and charges of Forest Oil Corporation (Applicant) for the sale of natural gas to Transcontinental Gas Pipe Line Corporation (Transco), the order also setting hearing on the proposed increased rates.

It comes before the Commission at this time upon a motion by counsel for the staff of the Commission to dismiss the application on the ground that the Applicant has not discharged the burden of proof imposed by section 4 (e) of the act to show that the proposed rates are just and reasonable and that the evidence is insufficient for the Commission to make a finding as to just and reasonable rates. The interveners present at the hearing joined in the motion to dismiss, but the presiding examiner refused to certify the motion to the Commission, holding it to be out of order, and staff counsel thereupon perfected an appeal, bringing it before the Commission.

Applicant is an oil producer having its principal place of business in Houston, Texas. It owns an interest in natural-gas-producing acreage in the North Egan Field at Acadia Parish, Louisiana, and is the operator of its own Adres Pousson well located upon the acreage. On August 24, 1954, Applicant entered into a contract with Transco under the terms of which Applicant sells natural gas to the pipeline company for sale in interstate commerce for resale for ultimate public consumption for domestic, commercial, industrial, and other uses. This contract is designated as Forest Oil Corporation (Operator) et al., FPC Gas Rate Schedule No. 1 in the files of the Commission. Applicant, on November 4, 1954, made a "rate filing," designated in the files of the Commission as Supplement No. 1 to said FPC Gas Rate Schedule No. 1. By this supplement Applicant proposes to increase the base charge for the sale of natural gas to Transco from 9.797150 cents per Mcf to 16 cents per Mcf measured at a pressure base of 15.025 p. s. i. a. in accordance with a provision in the contract providing for a periodic increase in price on November 1, 1954. Applicant requested that the proposed increased rates and charges be allowed to become effective as of the date of filing.

Several parties, mainly distributing company customers of Transco, and the Public Service Commission of the State of New York, were permitted to intervene. By various orders and notices these matters were set for hearing, continued, and finally were heard in Washington, D. C. At the close of Applicant's case-in-chief, counsel for the staff of the Commission made the motion to dismiss which we are asked to consider, the interveners present joining in the motion. The presiding examiner refused to certify the motion to the Commission and it is before the Commission only on appeal.

We are this day postponing action on similar motions to dismiss similar applications by Union Oil Company of California et al., Docket Nos. G–4331, G–4332, G–4334, and G–4505 and Sun Oil Company et al., Docket Nos. G–8288, G–4335, G–6279, and G–8488. For the reasons there given, we do not call up the instant motion and consider dismissal of this application forthwith, for obviously the same reasoning will be applied in this case as in the two mentioned, if the facts warrant.

Accordingly, we will not entertain the motion to dismiss at this time but the presiding examiner should proceed with the hearing as hereinafter provided and consider those matters referred to in our orders in the Sun Oil and Union Oil cases previously mentioned.

The Commission orders: Consideration of the pending motion to dismiss in the above proceeding is hereby refused and the examiner is instructed to reconvene the hearing on November 28, 1955, without further postponement of Applicant's case-in-chief and for further proceedings in conformity with this order.

Adopted: October 21, 1955.

Issued: October 24, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–8872; Filed, Nov. 2, 1955; 8:49 a. m.]

[Docket No. G–8288, Etc.]

SUN OIL CO. ET AL.

ORDER POSTPONING ACTION ON MOTION TO DISMISS AND REFERRING PROCEEDINGS TO EXAMINER

In the matters of Sun Oil Company, Docket No. G–8288; E. J. Hudson et al., Docket No. G–4335; Maracaibo Oil Exploration Corporation, Docket No. G–6279; Sohio Petroleum Company, Docket No. G–8488.

These matters are before the Commission upon the presiding examiner's certification of the motion made upon the record by counsel for the staff of the Commission on September 16, 1955, to dismiss the applications filed under the Natural Gas Act by the above-designated applicants for proposed increases in rates. The motion to dismiss was joined in by all party-interveners present. (T. 749, 750, et seq.)

In brief, the motion, which was made at the close of complete cases-in-chief of the four applicants, requests that the Commission dismiss the applications on the ground that the applicants have not discharged the burden of proof imposed by section 4 (e) of the act to show that the proposed rates are just and reasonable. Section 4 (e) expressly provides:

> At any hearing involving a rate or charge sought to be increased, the burden of proof to show that the increased rate or charge is just and reasonable shall be upon the natural-gas company • • •.

Sun Oil Company (Sun), on December 29, 1954, tendered for filing proposed changes in its then effective rate schedules for sales of natural gas produced from the Egan Field, Louisiana, to Transcontinenal Gas Pipe Line Corporation (Transco), subject to the jurisdiction of the Commission. The proposed changes, which constituted increased rates and charges, are contained in Supplement No. 17 and Supplement No. 1 to Supplement No. 17 to Sun's FPC Gas Rate Schedule No. 44. By order issued January 28, 1955, in Docket No. G–8288, the Commission suspended such proposed changes in rates and deferred their use until March 1, 1955, or for such further time until they might be made effective in the manner prescribed by the Natural Gas Act.

Prior thereto, the Commission, by orders issued October 29 and December 20, 1954, in Docket Nos. G–4335 and G–6279, suspended changes in rates tendered for filing by E. J. Hudson et al. (Hudson) on September 19, 1954, and by Maracaibo Oil Exploration Corporation (Maracaibo) on November 19, 1954, respectively. The Commission deferred the use of Hudson's Supplement No. 7 to its FPC Gas Rate Schedule No. 3 for a period of five months beyond the effective date requested of November 1, 1954.[1] Also, the Commission deferred the use of Maracaibo's Supplement No. 13 to its FPC Gas Rate Schedule No. 1 until February 1, 1955. The changes in rates and charges proposed by Hudson and Maracaibo involved the sales of natural gas produced from the Egan Field to Transco.

[1] This was later modified to shorten the suspension period to three months.

By order issued February 18, 1955, in Docket No. G–8488, the Commission suspended changes in rates proposed by Sohio Petroleum Company (Sohio) and which were contained in Sohio's Supplement No. 18 and Supplement No. 1 to Supplement No. 18 of its FPC Gas Rate Schedule No. 26 filed on January 20, 1955. The Commission deferred the use of these proposed changes until March 20, 1955. The changes involve the sales of natural gas produced from the Egan Field to Transco. The Commission has previously found each of these applicants to be a natural gas company subject to the Act and the particular rates here involved are for sales in interstate commerce for resale.

All the proposed changes in rates contained in the above-designated rate schedules and supplements thereto are currently being charged and collected either under bond or undertaking to assure refund of excess charges found by the Commission to be not justified.

Several parties, mainly distributing company customers of Transco, and the Public Service Commission of the State of New York, were permitted to intervene. By various orders and notices these matters were set for hearing, continued, consolidated, and, finally were heard in Washington, D. C., commencing on September 12, 1955. At the hearing, Sun and Sohio presented cases-in-chief in support of the rate increase, Sun being the operator under the basic contract of April 30, 1948, with Transco. During the course of the hearing, the other applicants adopted the presentations made by Sun and Sohio (T. 738). Each of the interveners and counsel for the Staff of the Commission actively participated in the hearing. At the close of the cases-in-chief, the instant motion to dismiss now pending before the Commission was made.

Preliminarily, it may be noted that while these matters involve rate increases sought by four applicants, each of them is a party to the April 30, 1948, contract with Transco (Item B). Under that contract which was for a term of twenty years from October 1, 1950, or the date of first delivery, whichever should occur first (Item B, p. 17), Transco agreed, subject to the provisions of the contract, to take, and the applicants agreed to deliver, 25,000 Mcf of natural gas per day produced from seller's acreage in the Egan Field (Item B, p. 3) at a price for the first five-year period of 8½ cents per Mcf (Item B, p. 17). The contract also provided 1 cent per Mcf step increases during each of the next two five-year periods, and included a method for determining the price for the final five-year period (Item B, pp. 17–18). The point of delivery of the gas was described as being at the outlet or tail gate of a processing plant located in the Egan Field. The April 30, 1948, contract also contains a two-party favored-nation clause under which Transco agreed that if it purchases natural gas from any other seller at more favorable terms it would increase the contract price by the difference between the more favorable price and the contract price.

From time to time the basic contract was amended to provide for minor changes in price, for an increase in the quantity of gas to 31,700 Mcf per day, for a change in the commencement date of the 20-year term, and for other changes (Item B, Supplement No. 7). First deliveries under the contract commenced on December 27, 1950 (Item B, Supplement No. 9). The first operation of the favored-nation clause occurred in 1952, and became effective July 1, 1952. It appears from Item B, Supplement No. 15, that Transco advised applicants by letter dated October 13, 1952, that effective as of July 1, 1952, the price for dehydrated gas purchased by it from Union Oil Company of California and Louisiana Land and Exploration Company in Vermillion Paris, Louisiana, was increased to 8.797150 cents per Mcf at a pressure base of 15.025 p. s. i. a. Transco then stated that pursuant to the basic contract it proposed to pay applicants here the same price effective July 1, 1952, for gas purchased from applicants in Egan Field as long as Transco pays 8.797150 cents per Mcf to Union Oil et al. This was the price being paid by Transco to applicants immediately prior to the rate increases here in issue.

In filing the proposed changes in rates here involved, each of the applicants merely adverted to the fact that the base gas sales contract contained a favored-nation clause which had become operative by virtue of the fact that Transco had commenced the purchase of gas from other sellers in the contract pricing area at a price more favorable to such other sellers than provided in the base contract to applicants (e. g., Item B, Supplement No. 17). The Sun and Sohio changes were triggered by the purchase of gas by Transco from the Hassie Hunt Trust at a price of 16 cents per Mcf at a contract pressure base of 15.025 p. s. i. a. plus 1 cent per Mcf for tax reimbursement. On the other hand, the changes of Hudson and Maracaibo were said to be triggered by a purchase of gas by Transco from Union Oil Company of California et al. (e. g., Item I, Supplement No. 13), which rate is under suspension. The net effect of the operation of the favored-nation clause was to increase the price of gas to Transco from 9.797150 cents per Mcf (8.797150 cents per Mcf plus 1 cent per Mcf tax reimbursement) to 17 cents per Mcf (16 cents per Mcf plus 1 cent per Mcf tax reimbursement), and the applications seek approval of the 17-cent rate.

As noted previously, the Commission suspended the increased rates saying, after an analysis of the allegations made in support thereof, that the "increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful."

At the hearing, applicants did no more than to attempt to demonstrate that the base contract with Transco had been negotiated in good faith and at arm's length; that it contained the favored-nation clause referred to above; that the clause had become operative by virtue of acts of Transco itself; that the increased rates and charges were no more or were less than prices paid by Transco and others to other producers in the pricing area; and that the increased rates and charges did not exceed the present fair value or market value of gas in the pricing area (e. g. T. 37, 52–53).

The motion to dismiss the applications for increased rates and to terminate the proceedings raises the direct question of whether the applicants have sustained the burden of proof imposed upon them by section 4 (e) of the act and have shown by proper evidences that the proposed increases in rates and charges are just and reasonable.

Our examination of the evidence thus far presented indicates that it would support findings that the April 30, 1948, contract with Transco was entered into after arm's-length bargaining, and that other producers in the same area are receiving 17 cents or more per Mcf.

It may be observed that in providing for Commission responsibility in connection with rate filings the Natural Gas Act makes no distinction between independent producers and interstate pipeline companies. If they are subject to the act, the same criteria and procedures are prescribed for rate-fixing purposes, since both classes are natural gas companies under the act. The Commission is free, within the ambit of its statutory authority in rate fixing, to make the pragmatic adjustments which may be called for by particular circumstances (F. P. C. v. Natural Gas Pipeline Co., 315 U. S. 575, 586). While it is true that the source of our authority over rates of independent producers is contained in sections (4) and (5) of the Natural Gas Act, we do not say that in fixing the rates of natural gas companies which are independent producers we are compelled to apply the same formula as that applied in fixing the rates of natural gas companies which are interstate pipeline companies.

In dealing with the rates of interstate pipeline companies, we have pointed to the burden placed by section 4 (e) of the act upon those natural gas companies seeking approval for rate increases and in appropriate cases have pointed to the failure of some companies to present evidence which would justify the increases, for which reason we have denied applications for approval, and in these actions we have judicial approval. (Mississippi River Fuel Corp. v. F. P. C., 121 F. 2d 159, 165 (C. A. 8, 1941).) The independent producers which are applicants herein are under the same burden as interstate pipeline companies to justify any proposed rate increases, even if their operations may differ.

Upon consideration of all of these matters and the evidence so far presented, we would be required to grant the motion to dismiss and to terminate these proceedings, for the evidence does not show that the requested increased rates would be just and reasonable. Nevertheless, solely because this is the first series of cases involving the rates of independent producers upon which we have acted, we will allow Applicants a further period of time beyond which we do not propose to extend the resumption of the hearing, rather than granting the motion to dismiss forthwith. If when the hearing is resumed the Applicants avail themselves of the opportunity to present more substantial evidence that their proposed increases are just and reasonable, the evidence should be considered.

Since we are not acquainted with the facts upon which the Applicants rely to justify the increases, further than as shown by this record, we do not suggest what additional evidence should be offered. Obviously, the Applicants should be permitted to present any relevant and proper evidence which would tend to support their applications. At the same time, we must point out that rather extended opportunity to prepare relevant and proper evidence bearing upon the lawfulness of rates and charges has been afforded all independent producers whose rates are subject to the Natural Gas Act. Last November, in Docket No. R–142, we requested suggestions from the natural-gas industry and any other interested groups as to the formula or principles to be followed in fixing rates of independent producers who are natural-gas companies under the act. Many briefs and proposals were filed by producers, pipeline companies, distribution companies, State commissions, industry organizations, land and royalty owners' associations and others. We heard oral argument on three days last January by many of those who had submitted briefs and by our own staff, but, after considering all of the suggestions, decided to wait for specific cases to be presented with concrete facts before reaching any decision on the matter.

In addition to this general presentation, our Staff, pursuant to our instructions, held conferences last July with many of the producers, including representatives of these applicants, and discussed possible types of evidence which might show that particular rates of producers are just and reasonable. With these prior opportunities to explore this field, and with the plain obligation placed upon them by the act, the Applicants should now be fully prepared to demonstrate the lawfulness of the proposed increases or we must deny the applications and dismiss the proceedings. Reasonable consideration of the rights of the other parties and of the general public will justify no further delays.

In order properly to consider the motion to dismiss, we have had the Examiner certify the record to us for examination. It will be returned to him for further proceedings in accordance with our views as expressed herein.

The Commission orders: Action on the pending motion to dismiss is hereby postponed and the above proceedings are hereby reopened and returned to the Examiner with instructions to reconvene the hearing on November 28, 1955, without further postponement of Applicants' case-in-chief and for further proceedings in conformity with this order.

Adopted: October 21, 1955.

Issued: October 24, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55–8873; Filed, Nov. 2, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1697]

SPERRY-RAND CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 28, 1955.

In the matter of application by the Los Angeles Stock Exchange, for unlisted trading privileges in Sperry-Rand Corporation, Common Stock, 50¢ Par Value.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before November 14, 1955, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the offical file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55–8875; Filed, Nov. 2, 1955; 8:50 a. m.]

[File No. 7–1686]

SPERRY-RAND CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 28, 1955.

In the matter of application by the Philadelphia-Baltimore Stock Exchange, for unlisted trading privileges in Sperry-Rand Corporation, Common Stock, 50¢ Par Value.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before November 14, 1955, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55–8876; Filed, Nov. 2, 1955; 8:50 a. m.]

[File No. 7–1684]

SPERRY-RAND CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 28, 1955.

In the matter of application by the San Francisco Stock Exchange, for unlisted trading privileges in Sperry-Rand Corporation, Common Stock, 50¢ Par Value.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before November 14, 1955, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55–8877; Filed, Nov. 2, 1955; 8:50 a. m.]

[File No. 7-1681]

SPERRY-RAND CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 28, 1955.

In the matter of application by the Midwest Stock Exchange, for unlisted trading privileges in Sperry-Rand Corporation, Common Stock, 50¢ Par Value.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before November 14, 1955, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55-8878; Filed, Nov. 2, 1955; 8:50 a. m.]

[File No. 7-1679]

SPERRY-RAND CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 28, 1955.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Sperry-Rand Corporation, Common Stock, 50¢ Par Value.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before November 14, 1955, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55-8879; Filed, Nov. 2, 1955; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUGUSTA BEATRICE BRUGGEMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Augusta Beatrice Bruggemann, Bremerhaven, Germany, Claim No. 44857, Vesting Order No. 1108; $4,290.49 in the Treasury of the United States.

One assignment, dated July 7, 1947, by White & Company, Assignor, to the Treasurer of the United States, assigning a 10% share of its right, title, and interest in Certificate Nos. 2-JN-4, 5, 6, 7, each in the original amount of $1,000.00 of Prudence-Bonds Corporation 5½% Series No. 440, which matured October 1, 1932, and to any claims arising thereunder, which assignment is now in the custody of the Office of Alien Property, Washington, D. C.; and all right, title, interest and claim of any kind or character whatsoever of Augusta Beatrice Bruggemann, acquired by the Attorney General as successor to the Alien Property Custodian pursuant to Vesting Order No. 1108, in and to the foregoing assignment.

Executed at Washington, D. C., on October 24, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-8885; Filed, Nov. 2, 1955; 8:52 a. m.]

YOICHI ABESHIMA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Yoichi Abeshima, 505 MIS. PLT., APO 7, % Postmaster, San Francisco, California, Claim No. 63855, Vesting Order No. 3361; $1,577.28 in the Treasury of the United States.

Executed at Washington, D. C., on October 24, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-8886; Filed, Nov. 2, 1955; 8:52 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 6]

MONTAN WAX IN ITS CRUDE FORM

INVESTIGATION INSTITUTED

On October 28, 1955, the Tariff Commission received advice from the Treasury Department that Montan wax in its crude form from the Soviet Zone of Germany and from Czechoslovakia is being, or is likely to be, sold in the United States at less than its fair value. Accordingly, the Tariff Commission has instituted an investigation under section 201 (a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

As of this time, the Commission has not ordered a public hearing in this investigation. In accordance with § 208.4 of the Commission's Rules of Practice and Procedure (19 CFR, 1954 Supp., 208.4) any interested party who believes that a public hearing should be held in this investigation may within 15 days after the date of publication in the FEDERAL REGISTER of this notice of investigation, submit a request in writing to the Secretary, United States Tariff Commission, Washington 25, D. C., that a public hearing be held, stating the reasons for such request.

Any interested party may submit to the Commission a written statement of information pertinent to the subject matter of this investigation. If a public hearing is held in this investigation such statement may be presented in lieu of appearance at such hearing. Fifteen clear copies of such statement should be submitted, and information which is desired to be submitted in confidence should be on separate pages clearly marked "Submitted in confidence".

By order of the United States Tariff Commission this 31st day of October 1955.

Issued: October 31, 1955.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 55-8890; Filed, Nov. 2, 1955; 8:53 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 216

Washington, Friday, November 4, 1955

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

LITTERA SCRIPTA MANET

UNIVERSITY OF MICHIGAN

NOV 9 1955

MAIN READING ROOM

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 451.6]

PART 365—REFINANCING OF LOAN ACCOUNTS

SOIL AND WATER CONSERVATION LOANS

Part 365, Title 6, Code of Federal Regulations (19 F. R. 3539) is revised to incorporate refinancing regulations with respect to Soil and Water Conservation loans and to read as follows:

Sec.

365.1 General.
365.2 When to request borrowers to refinance.
365.3 Determining which borrowers should refinance.
365.4 Notice to borrowers.
365.5 Action when borrower fails to refinance.

AUTHORITY: §§ 365.1 to 365.5 issued under R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 41 (1), 60 Stat. 1066, sec. 510 (g), 63 Stat. 436, sec. 4 (c), 64 Stat. 100; 5 U. S. C. 22, 16 U. S. C. 590w (3), 7 U. S. C. 1015 (1), 42 U. S. C. 1480 (g), 40 U. S. C. 442 (c). Statutes interpreted or applied are cited to text in parentheses.

§ 365.1 *General.* This part prescribes the policies and procedures related to the refinancing of the outstanding balance of a borrower's indebtedness owed to or insured by the Farmers Home Administration in connection with insured and direct Farm Ownership, insured and direct Soil and Water Conservation, Farm Housing, and Production and Subsistence loans.

§ 365.2 *When to request borrowers to refinance*—(a) *Farm Ownership and Farm Housing borrowers.* A borrower will be requested to refinance his Farm Ownership or Farm Housing indebtedness when it appears that he has acquired sufficient equity in his real estate to enable him to obtain credit for this purpose from a responsible cooperative or private source at rates, but not to exceed five percent per annum, and on terms prevailing in the area.

(b) *Soil and Water Conservation borrowers.* A borrower will be requested to refinance his Soil and Water Conservation indebtedness when it appears that he is able to obtain credit for this purpose from a responsible cooperative or private credit source on terms and conditions which he can reasonably be expected to fulfill.

(c) *Borrowers indebted for Production and Subsistence loans.* A borrower will be requested to refinance his Production and Subsistence loan indebtedness when it appears, by reason of his progress in carrying out the planned improvements in his farming operations or for any other reason, that he is able to obtain credit for this purpose from local sources at rates and terms prevailing in the area.

(Secs. 3 (b) (7), 12 (c) (4), 44 (c), 60 Stat. 1075, 1076, 1069, sec. 502 (b) (3), 63 Stat. 433, sec. 2 (f), 64 Stat. 99, secs. 9, 10 (a) (1), 68 Stat. 735; 7 U. S. C. 1003 (b) (7), 1005b (c) (4), 1018 (c), 42 U. S. C. 1472 (b) (3), 40 U. S. C. 440 (f), 16 U. S. C. 590x–2, x–3 (a) (1))

§ 365.3 *Determining which borrowers should refinance.* In order to determine properly which borrowers should seek refinancing, the County Supervisor and the County Committee must be currently informed with respect to the lending policies of the various sources of agricultural credit in the area. This involves considering the suitability of the available credit as well as knowing the financial, security, and other requirements for such credit.

(a) *Review of cases by County Supervisor and County Committee.* Once each year, not later than 90 days following the end of the crop year, the County Supervisor will submit to the Committee the names of those borrowers indebted for Farm Ownership, Farm Housing, Soil and Water Conservation, or Production and Subsistence loans who appear to meet the conditions set forth in § 365.2. The County Supervisor will furnish the Committee with sufficient information to arrive at a recommendation as to whether such borrowers should be encouraged to refinance the unpaid balances on their loans. The Committee will review the progress these borrowers have made in reducing their indebtedness and will indicate to the County Supervisor the borrowers whom the Committee believes have progressed sufficiently to obtain suitable credit from other sources. The County Supervisor,

(Continued on next page)

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(For use during 1955)

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General Index ($1.25)

All of the Cumulative Pocket Supplements and revised books of the Code of Federal Regulations (as of January 1, 1955) are now available with the exception of Titles 1–3

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after considering the recommendations of the Committee, will determine which borrowers should seek refinancing.

(Sec. 42 (d), 60 Stat. 1067, sec. 508 (b), 63 Stat. 436; 7 U. S. C. 1016 (d), 42 U. S. C. 1478 (b))

§ 365.4 *Notice to borrowers.* Each borrower whom the County Supervisor determines should seek refinancing will be informed in writing that it appears he has progressed to the point where he can refinance the Farmers Home Administration debt involved. At the same time, the borrower will be asked to inform the County Supervisor within 60 days of the progress he is making in refinancing his loan. If the borrower has failed to obtain a loan to refinance his Farmers Home Administration debt, he should also be asked to inform the County Supervisor of the credit sources contacted. County Supervisors will not attempt to influence borrowers with respect to where they obtain credit for refinancing.

§ 365.5 *Action when borrower fails to refinance*—(a) *Borrowers indebted for initial or subsequent Farm Ownership loans approved after October 31, 1946, or, for Farm Housing loans*—(1) *Action by County Supervisor.* At the expiration of the 60-day period, the County Supervisor will determine what action should be taken with respect to those borrowers who have not made arrangements to refinance their Farmers Home Administration real estate indebtedness.

(i) If the investigation by the County Supervisor establishes the fact that a borrower is unable to refinance his indebtedness, he will inform the borrower in writing that the Farmers Home Administration will take no further action with respect to requiring refinancing for the remainder of that year.

(ii) For each borrower whom the County Supervisor determines could have refinanced his loan at an interest rate not in excess of five percent per annum but failed to do so, he will prepare a report on Form FHA–133, "Request for Legal Action," and will submit it to the State Director.

(2) *Action by State Director.* The State Director will review each case submitted to him and determine what action should be taken.

(i) The State Director will advise the County Supervisor of the names of those borrowers he has determined will not be required to refinance their loans on the basis of the existing status of the case. He will also instruct the County Supervisor to inform each such borrower in writing that the Farmers Home Administration will not require refinancing for the remainder of that year.

(ii) Each of the remaining borrowers will be informed in writing by the State Director that on the basis of available information it appears that credit is available to refinance his Farmers Home Administration real estate indebtedness and that he will be expected to make arrangements to obtain credit for that purpose or to submit additional facts regarding his failure to do so within 30 days.

(iii) If the borrower fails to comply with the request or fails to furnish satisfactory evidence within 30 days of his inability to obtain the necessary credit, the State Director will refer the case to the representative of the Office of the General Counsel with his recommendations for foreclosure.

(b) *Borrowers indebted for direct Farm Ownership loans all of which were approved prior to November 1, 1946, or for Water Facilities loans coded J.* No statutory or contract provisions exist for requiring these borrowers to refinance their loans. When such borrowers are able to obtain suitable credit from cooperative or private credit sources but fail to refinance after receiving the letter no further action will be taken except that during supervisory and servicing contacts further encouragement will be given them to refinance their loans. If the proper understanding is reached with such borrowers with respect to refinancing, there should be a continuous voluntary graduation of successful borrowers to other credit sources.

(c) *Borrowers indebted for Soil and Water Conservation loans (except Water Facilities loans coded J).* When a borrower indebted for a Soil and Water Conservation loan (except a Water Facilities loan coded J) is able to obtain suitable credit from a responsible cooperative or private credit source on terms and conditions which it appears he can fulfill, and he fails to refinance after receiving the letter, the same action as set forth for Farm Ownership and Farm Housing borrowers in paragraph (a) of this section will be taken; however, the interest rate on the refinancing loan may exceed five percent.

(d) *Borrowers indebted for Production and Subsistence loans.* (1) When borrowers indebted for Production and Subsistence loans who are able to obtain suitable credit from cooperative or private credit sources at rates not exceeding five percent per annum fail to obtain the necessary refinancing after receiving the letter, the same action as set forth for Farm Ownership and Farm Housing borrowers in paragraph (a) of this section will be taken.

(2) When borrowers indebted for Production and Subsistence loans who are able to obtain suitable credit from cooperative or private credit sources only at rates exceeding five percent per annum fail to refinance after receiving the letter, no further action will be taken except that during supervisory and servicing contacts further encouragement will be given them to refinance their loans. If a proper understanding is reached with such borrowers with respect to refinancing, there should be a continuous voluntary graduation of successful borrowers to other credit sources.

(Secs. 3 (b) (6), 12 (c) (4), 60 Stat. 1074, 1076; 7 U. S. C. 1003 (b) (6), 1005b (c) (4))

Dated: November 1, 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55–8936; Filed, Nov. 3, 1955; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 941—MILK IN CHICAGO, ILLINOIS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended (7 CFR Part 941, regulating the handling of milk in the Chicago, Illinois, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

(a) The provisions of § 941.52 (a) (3) and (b) (3) will not tend to effectuate the declared policy of the act for the month of November 1955.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary, and contrary to the public interest in that:

(1) The information upon which this action is based did not become available in time sufficient for such compliance;

(2) This suspension order relieves handlers from certain restrictions in that it relieves them from the obligation of paying 70 cents per hundredweight on Class I and Class II milk moved in bulk to outside the surplus milk manufacturing area;

(3) Producers of more than 50 percent of the milk produced for this market, and handlers of most of the milk, have requested that these provisions be suspended for November 1955;

(4) Although, pursuant to § 941.52 (e) of the order, the 70-cent differentials should apply in November 1955, current information indicates that supplies of producer milk are adequate to meet marketing area requirements and other demands during November;

(5) It is found necessary to issue and make effective for November 1955, this suspension order to reflect current marketing conditions and to facilitate, promote, and maintain orderly marketing conditions in this marketing area; and

(6) This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately for the period of November 1955.

It is therefore ordered, That the following provisions of the order be and hereby are suspended for the month of November 1955:

1. In § 941.52 (a) (3): Grade A or Grade B Class I milk moved in bulk to any place outside the surplus milk manufacturing area during any of the delivery periods of September, October or November shall be classified separately and its price shall be $0.70 higher than the prices otherwise computed pursuant to subparagraphs (1) and (2), respectively, of this paragraph, except as provided in paragraph (e) of this section.

2. In § 941.52 (b) (3): Grade A or Grade B Class II milk moved in bulk to any place outside the surplus milk manufacturing area during any of the delivery periods of September, October or November shall be classified separately and its price shall be $0.70 higher than the price otherwise computed pursuant to subparagraphs (1) and (2), respectively, of this paragraph, except as provided in paragraph (e) of this section.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 1st day of November 1955, to be effective on and after November 1, 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-8933; Filed, Nov. 3, 1955; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21-469]

PART 18—COMMERCIAL DENTAL LABORATORY INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the Group I trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of November 4, 1955.

Statement by the Commission. Trade practice rules for the Commercial Dental Laboratory Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which these rules are established is composed of persons, firms, corporations, and organizations engaged in the design [1] and manufacture of orthodontic corrective appliances, prosthetic dental appliances, ceramic or plastic teeth encapments, cast-metal dental appliances, dental inlays, dental bridges, and other types of oral restorations, pursuant to oral or written authority, and/or from impressions, casts, or models furnished by a licensed practitioner of dentistry, or licensed medical physician or other authorized person.

The rules are directed to the maintenance of free and fair competition in the industry and to the prevention and elimination of various practices deemed to be violative of laws administered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings under which the rules have been established were instituted upon application from members of the industry. A general industry conference was held under Commission auspices in New Orleans, Louisiana, at which proposals for rules were submitted for consideration of the Commission. Thereafter proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in the offices of the Commission in Washington, D. C., and all matters there presented, or otherwise received in the proceeding, were duly considered by the Commission.

Following such hearing, and upon consideration of the entire matter, final action was taken by the Commission whereby it approved the Group I rules hereinafter set forth.

Such rules become operative thirty (30) days from the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec.
18.1 Deception (general).
18.2 Deceptive demonstrations and claims.
18.3 Substitution of products.
18.4 False invoicing.
18.5 Defamation of competitors or false disparagement of their products.
18.6 Enticing away employees of competitors.
18.7 Deceptive use of trade or corporate names, trademarks, etc.
18.8 Use of the word "free."
18.9 Coercing purchase of one product as a prerequisite to purchase of other products.
18.10 Fictitious prices.
18.11 Guarantees.
18.12 Prohibited discrimination.
18.13 Exclusive deals.

AUTHORITY: §§ 18.1 to 18.13, issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

GROUP I

General statement. The unfair trade practices embraced in the rules in §§ 18.1 to 18.13 are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 18.1 *Deception (general).* It is an unfair trade practice to sell, offer for sale, or distribute any industry product, or promote the sale or distribution thereof, under any representation or by any method or under any circumstance or condition which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers.

(a) With respect to the construction, composition, design, strength, durability, or occlusion; or

(b) With respect to a process or technique used in the preparation or fabrication of any industry product; or

(c) With respect to the materials used in the fabrication of any industry product; or

(d) Which is false, misleading, or deceptive in any other material respect.

NOTE: Nothing in this section, nor in any of the other rules for this industry, is to be construed as relieving any industry member of the necessity of complying with the requirements of the Federal Food, Drug and Cosmetic Act, and regulations issued thereunder.

[Rule 1]

§ 18.2 *Deceptive demonstrations and claims.* (a) In the sale, offering for sale, or distribution of industry products, or in the promotion and distribution thereof, it is an unfair trade practice to demonstrate any of such products in a manner, or under circumstances, having the capacity and tendency or effect of creating a false impression in the minds of purchasers or prospective purchasers as to the actual benefits they will obtain as the result of their purchase and use of said products.

(b) It is an unfair trade practice for a member of the industry to represent, claim, or guarantee that his laboratory has the skill, ability, equipment, or personnel to design, construct, or fabricate a product of the industry under a specific technique or method, unless such representation, claim, or guarantee is made with the knowledge that complete and satisfactory accomplishment can be furnished with the facilities and personnel of such member laboratory.

(c) It is an unfair trade practice for any member of the industry to represent, claim, or guarantee that any technique or method of manufacture used is the equivalent of, or substitute for, any other method or technique, unless such is the fact. [Rule 2]

§ 18.3 *Substitution of products.* It is an unfair trade practice for a member of the industry to make an unauthorized substitution of products, where such a substitution has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 3]

§ 18.4 *False invoicing.* Withholding from or inserting in invoices or order tickets any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or order tickets, with the capacity and tendency or effect of thereby misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 4]

§ 18.5 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, services, or conditions of employment, is an unfair trade practice. [Rule 5]

§ 18.6 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry willfully to entice away employees or sales representatives of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided*, That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of inflicting injury on a competitor. [Rule 6]

§ 18.7 *Deceptive use of trade or corporate names, trade-marks, etc.* The use of any trade name, corporate name, trade-mark, or other trade designation which has the capacity and tendency or effect of misleading or deceiving the purchaser as to the name, nature, efficacy, or origin of any product of the industry, or of any material used therein, or which is false or misleading in any other respect, is an unfair trade practice. [Rule 7]

§ 18.8 *Use of the word "free."* In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use the word "free," or any other word or words of similar import, in advertisements or in other offers to purchasers or prospective purchasers, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure:

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance.

[Rule 8]

§ 18.9 *Coercing purchase of one product as a prerequisite to purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 9]

§ 18.10 *Fictitious prices.* It is an unfair trade practice to sell or offer for sale industry products at prices purported to be reduced from what are in fact fictitious prices, or to sell or offer for sale such products at a purported reduction in price when such purported reduction is in fact fictitious or is otherwise misleading or deceptive. [Rule 10]

§ 18.11 *Guarantees.* In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member:

(a) To represent that any industry product is guaranteed unless, in conjunction with such representation, the identity of the guarantor, the extent and nature of the guarantee, and any material conditions or limitations relating to the liability of the guarantor under the guarantee, are fairly disclosed; or

(b) To use any guarantee respecting an industry product in which conditions or limitations relating to the liability of the guarantor are deceptively minimized or concealed; or

(c) To offer or use any guarantee respecting an industry product under which the guarantor fails to scrupulously observe his obligations. [Rule 11]

§ 18.12 *Prohibited discrimination* [2]—(a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, or charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in paragraph (a) of this section shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in paragraph (a) of this section shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods; imminent deterioration of perishable goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor, or the services or facilities furnished by a competitor (see paragraphs (c) and (d) of this section).

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facili-

[1] The ultimate responsibility for design is that of the dentist.

[2] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States.

ties furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Purchases by U. S. Government; applicability of Robinson-Patman Antidiscrimination Act to same.* In an opinion submitted to the Secretary of War under date of December 28, 1936, the U. S. Attorney General advised that the Robinson-Patman Antidiscrimination Act "is not applicable to Government contracts for supplies." (38 Opinions, Attorney General 539.) [Rule 12]

§ 18.13 *Exclusive deals.* It is an unfair trade practice for any member of the industry to contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 13]

Promulgated by the Federal Trade Commission November 4, 1955.

Issued: November 1, 1955.

[SEAL] ROBERT M. PARRISH, *Secretary.*

APPENDIX

For the information of industry members, there is appended to the rules in this part, but not made a part of them, a copy of the Federal Denture Act. This act is not administered by the Federal Trade Commission, but is a criminal act administered by the United States Department of Justice. Nothing in the rules in this part is to be construed as relieving any member of the industry from complying with the provisions of the said act.

FEDERAL DENTURE ACT (18 USCA 1821; 62 STAT. 786, JUNE 25, 1948)

Whoever transports by mail or otherwise to or within the District of Columbia, the Canal Zone or any Possession of the United States or uses the mails or any instrumentality of interstate commerce for the purpose of sending or bringing into any State or Territory any set of artificial teeth or prosthetic dental appliance or other denture, constructed from any cast or impression made by any person other than, or without the authorization or prescription of, a person licensed to practice dentistry under the laws of the place into which such denture is sent or brought, where such laws prohibit;

(1) The taking of impressions or casts of the human mouth or teeth by a person not licensed under such laws to practice dentistry;

(2) The construction or supply of dentures by a person other than, or without the authorization or prescription of, a person licensed under such laws to practice dentistry; or

(3) The construction or supply of dentures from impressions or casts made by a person not licensed under such laws to practice dentistry—

shall be fined not more than $1,000 or imprisoned not more than one year, or both.

[F. R. Doc. 55-8926; Filed, Nov. 3, 1955; 8:51 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

APPLICATION FOR REGISTRATION OF SECURITIES

Form S-1[1] (§ 239.11) Registration Statement under the Securities Act of 1933 is revised to read as set forth in copy marked "As revised 10/25/55".

(Sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s)

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

OCTOBER 21, 1955.

[F. R. Doc. 55-8904; Filed, Nov. 3, 1955; 8:47 a. m.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

DECLARING EFFECTIVE DISTRIBUTION PLAN OF NEW YORK STOCK EXCHANGE

The Securities and Exchange Commission has announced that it has declared effective until the close of business on October 31, 1956, an amended Exchange Distribution Plan filed by the New York Stock Exchange. The Commission's proposal to declare the amended Plan effective was published for comment in Securities Exchange Act Release No. 5200, dated July 22, 1955, which contains the text of the amended Plan, and no comments were received by the Commission.

The Exchange Distribution Plan of the New York Stock Exchange, filed under the Commission's § 240.10b2 (d) (Rule X-10B-2 (d)), authorizes the Exchange to grant approval to members to make a distribution of a block of securities "at the market" on the Exchange when the regular market on the Exchange cannot otherwise absorb the block of securities within a reasonable time and at a reasonable price or prices. The Plan contains certain anti-manipulative controls and requires participating members to make certain disclosures to persons solicited to buy the securities being distributed. Under the amended Plan the Exchange may permit a specialist to distribute a block of the security in which he is registered as a specialist if the Exchange has determined that he has been unable, within a reasonable period of time, to dispose of the securities in the ordinary course of his duties as a specialist. The amended Plan also restricts the price at which a specialist may effect purchases of the security for his own account during the course of the distribution, and provides that in effecting such a distribution the specialist may not deal directly with the public but must make an arrangement with one or more other members to effect the distribution on his behalf.

The Exchange has indicated to the Commission that the amended Plan will help specialists to maintain fair and orderly markets in the securities in which they act as specialists since they will be more willing to take larger amounts of stock, either in the ordinary performance of their dealer functions on the Exchange or by purchasing blocks off the floor, because there will be available to them a facility for the distribution of the stock in the event that they are unable to sell such stock within a reasonable time in the ordinary course of their business as specialists.

The Commission has declared the amended Plan effective for an experimental period of one year, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors to suspend or terminate the effectiveness of the Plan the Commission may do so by sending at least 10 days written notice to the Exchange. During the experimental period the Commission proposes to review and study the operation of the Plan.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof, and § 240.10b2 (d) (Rule X-10B-2 (d)) thereunder, deeming it necessary for the exercise of the functions vested in it, and having due regard for the public interest and for the protection of investors, does hereby declare effective the amended Exchange Distribution Plan of the New York Stock Exchange until the close of business on October 31, 1956, on condition that if at anytime it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of the said Plan by sending at least 10 days written notice to the New York Stock Exchange. The Commission finds, in accordance with the provisions of section 4 (c) of the Administrative Procedure Act, that paragraph (d) of § 240.10b2 (Rule X-10B-2 (d)) and this action have the effect of granting exemption and relieving restriction and that, therefore, this action may be and is hereby declared effective on October 31, 1955.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

OCTOBER 26, 1955.

[F. R. Doc. 55-8905; Filed, Nov. 3, 1955; 8:47 a. m.]

[1] Filed as part of original document.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

APPLICATION FOR REGISTRATION OF SECURITIES

On May 27, 1955, the Securities and Exchange Commission announced, and invited comments on, a proposed revision of Forms 10, 8-B and 8-C (§§ 249.210, 249.208b, 249.208c), the proposed rescission of Forms 12 and 12-A (§§ 249.212 and 249.212a) and a proposed amendment to § 240.12b-2 (Rule X-12B-2). The Commission has considered the comments received, has made certain modifications in the proposals and has determined that such proposals should be adopted as set forth below.

Section 240.12b-2 (Rule X-12B-2) is amended by changing the definition of the term "associate" contained therein to read as follows:

§ 240.12b-2 *Definitions.* • • •

(c) *Associate.* The term "associate" used to indicate a relationship with any person, means (1) any corporation or organization (other than the registrant or a majority-owned subsidiary of the registrant) of which such person is an officer or partner or is, directly or indirectly, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person or who is a director or officer of the registrant or any of its parents or subsidiaries.

The foregoing action is taken pursuant to the Securities Exchange Act of 1934, particularly sections 12, 13 and 23 (a) thereof, and shall become effective immediately upon publication October 25, 1955, provided that any application or report filed prior to December 1, 1955, may be prepared in accordance with the rules, regulations and forms as in effect immediately prior to such publication.

(Sec. 23, 48 Stat. 901 as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

OCTOBER 21, 1955.

[F. R. Doc. 55-8906; Filed, Nov. 3, 1955; 8:47 a. m.]

PART 249—FORMS PRESCRIBED UNDER THE SECURITIES EXCHANGE ACT OF 1934

APPLICATION FOR REGISTRATION OF SECURITIES

Forms 10,[1] 8-B[1] and 8-C[1] are revised to read as set forth in copies marked "As revised 10/25/55."

Form 10 (§ 249.210) is the principal form for the registration of securities under the Securities Exchange Act of 1934. The principal purpose of the revision of this form is to conform its requirements, to the extent practicable, with the corresponding requirements of Schedule 14A of the Commission's proxy rules, with the annual report Form 10-K (§ 249.310) under the Securities Exchange Act of 1934 and with revised Form S-1 (§ 239.11) under the Securities Act of 1933.

The revisions of Forms 8-B and 8-C (§§ 249.208b and 249.208c) are designed to simplify and clarify these forms and to conform them to the format and arrangement of Forms 8-A, 10 and 10-K (§§ 249.208a, 249.210 and 249.310). Form 8-B (§ 249.208b) is used for the registration on a national securities exchange of securities of an issuer which has succeeded to one or more predecessors, at least one of which had securities registered on the same exchange, where the balance sheet and capital structure of the successor are substantially the same as those of the predecessor or predecessors. Form 8-C is used for registration of securities on an additional national securities exchange.

Forms 12 and 12A (§§ 249.212 and 249.212a) are rescinded inasmuch as the revised Form 10 makes provision for the use of that form by issuers which heretofore have used Form 12 and 12A.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

OCTOBER 21, 1955.

[F. R. Doc. 55-8907; Filed, Nov. 3, 1955; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PESTICIDE CHEMICALS; FURTHER EXTENDED DATES ON WHICH STATUTE SHALL BECOME FULLY EFFECTIVE

Requests have been received for additional extensions of the date when the statute (68 Stat. 511 et seq.; 21 U. S. C. 342, 346a) shall become fully effective for certain pesticide chemicals. Extensions are necessary for the post-harvest and nonseasonal uses of the pesticide chemicals listed below.

Now, therefore, in exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 402 (a) (2), 408; 68 Stat. 511, 517 (Ch. 559, Secs. 2, 5); 21 U. S. C. 342 (a) (2) and note 1 under section 342, 346a) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the following order is promulgated:

Section 3.44 *Pesticide chemicals; further extended dates on which statute shall become fully effective*, published in the FEDERAL REGISTER of October 29, 1955 (20 F. R. 8156), is amended by inserting in paragraph (a) (2), in proper alphabetical order, the following items:

Ethylene oxide: On spices.
Malathion: On citrus.
Ovotran (p-chlorophenyl parachlorobenzene sulfonate): On citrus.
TDE: In meat.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 402, 408, 52 Stat. 1046 as amended; 68 Stat. 511; 21 U. S. C. 342, 346a)

Dated: October 28, 1955.

[SEAL] JOHN L. HARVEY, *Acting Commissioner of Food and Drugs.*

[F. R. Doc. 55-8893; Filed, Nov. 3, 1955; 8:45 a. m.]

[1] Filed as part of original document.

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO AND THE VIRGIN ISLANDS

Pursuant to section 5 (c) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, 29 U. S. C. 201 et seq.), Industry Committee Regulations, Part 511, were issued on September 22, 1938 (3 F. R. 2744) for application to industry committees appointed under the Act. Though section 5 (c) has remained unchanged, there have been statutory changes affecting the scope of the work of such committees, the effect of their recommendations, and the obligation of the Wage and Hour Division to publish the general course and method by which its functions are channeled and determined (63 Stat. 910; 60 Stat. 237, 5 U. S. C. 1001 et seq.; P. L. 381, 84th Cong., 1st Session). This amendment adapts the procedures of such industry committees to the changed statutory provisions and states the general course and method of issuing wage orders effective under section 6 (c) of the Fair Labor Standards Act.

Now, therefore, pursuant to authority vested in me by the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, 29 U. S. C. 201 et seq.), and General Order of the Secretary of Labor No. 45A (see 15 F. R. 3290), Part 511 of this title (29 CFR Part 511) is hereby amended to read as follows:

Sec.
511.1 General method for issuance of wage orders.
511.2 Initiation of proceedings; notices of hearings.
511.3 Composition and appointment of committees.
511.4 Compensation of committee members.
511.5 Vacancies and dissolution of a committee.
511.6 Investigation.

Sec.
511.7 Committee staff.
511.8 Notice of intention to participate.
511.9 Prehearing statement.
511.10 Requirements for quorum and decisions.
511.11 Subjects and issues.
511.12 Committee and subcommittee meetings.
511.13 Evidence.
511.14 Procedure for receiving evidence.
511.15 Submittals prior to reports.
511.16 Reports.
511.17 Records.
511.18 Publication and effective date of wage order.
511.19 Petitions.

AUTHORITY: §§ 511.1 to 511.19 issued under sec. 5, 52 Stat. 1064, as amended, 29 U. S. C. 205. Interpret or apply 60 Stat. 237-244, secs. 6, 8, 52 Stat. 1062, as amended, 1064, as amended; 5 U. S. C. 1001-1011, 29 U. S. C. 206, 208.

§ 511.1 *General method for issuance of wage orders.* Pursuant to authority delegated by the Secretary of Labor, the Administrator of the Wage and Hour Division publishes the orders which are required by statute to make the recommendations of industry committees effective as wage orders under section 6 (c) of the Fair Labor Standards Act. The wage orders issued by the Administrator must by law give effect to the recommendations of the industry committees. All wage order proceedings will be conducted in accordance with the standards provided in the Administrative Procedure Act as interpreted and applied in this part.

§ 511.2 *Initiation of proceedings; notices of hearings.* (a) Wage order proceedings are initiated by order of the Secretary, published in the FEDERAL REGISTER, giving notice of hearings by industry committees to recommend the minimum rate or rates of wages to be paid under section 6 (a) of the act to employees in Puerto Rico or the Virgin Islands engaged in commerce or in the production of goods for commerce. These orders will contain a definition of the industry in Puerto Rico or the Virgin Islands, for which the committee is to make its recommendations, and will make provision for convening the committee. The industry defined in such an order may be a trade, business, industry, or branch thereof, or group of industries, in which individuals are gainfully employed.

(b) These orders will also give reasonable notice (1) of the time and place for the commencement of the hearing of such witnesses and receiving of such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act, (2) of the general nature of the wage order proceedings and the authority under which they are proposed, (3) of the subjects and issues involved, and (4) that the committee will take official notice of the economic report (note § 511.13), and the parties will have an opportunity at the hearing to show any contrary or additional facts.

§ 511.3 *Composition and appointment of committees.* An industry committee will be composed of residents of the island or islands where the employees with respect to whom such committee was appointed are employed and residents of the United States outside of Puerto Rico and the Virgin Islands. The Secretary will by order appoint as members of each committee an equal number of persons representing (a) the public, (b) employees in the industry, and (c) employers in the industry. The public members shall be disinterested and the Secretary will designate one as chairman. For purposes of this section only, the definition of the industry shall be considered to include all such industry throughout the United States.

§ 511.4 *Compensation of committee members.* Each member of an industry committee will be allowed a per diem of $50 for each day actually spent in the work of the committee, and will, in addition, be reimbursed for necessary transportation and other expense incident to traveling in accordance with Standard Government Travel Regulations then in effect. All travel expenses will be paid on travel vouchers certified by the Administrator or his authorized representative. Any other necessary expenses which are incidental to the work of the committee may be incurred by the committee upon aproval of, and shall be paid upon certification of, the Administrator or his authorized representative.

§ 511.5 *Vacancies and dissolution of committees.* The Secretary by order will appoint persons to fill any vacancies occurring on industry committees. If an industry committee is unable to arrive at a recommendation within a reasonable time, or refuses to make a recommendation, it may be dissolved by the Secretary. An industry committee shall cease to perform further functions when it has filed with the Administrator its report containing its findings of fact and recommendations with respect to the matters referred to it, and shall not again perform any functions with respect to any matter reported on, unless and until directed by the Administrator. An industry committee shall be dissolved automatically when its recommendations are no longer subject to review under section 10 of the act.

§ 511.6 *Investigation.* The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters to be referred to a committee. A copy of the regulations in this part will be sent to each member of the committee following his appointment, and a copy of the economic report when completed will be furnished promptly. Before making its report the committee will decide whether it will conduct any further investigation, apart from the hearing and the review of the economic report, in connection with the matters referred to it.

§ 511.7 *Committee staff.* Each industry committee will be furnished a lawyer, to serve as committee counsel, and an economist, to serve as committee economist. Committee counsel shall advise the committee on the issues of law, including interpretations of the regulations in this part and the legal scope of the committee's discretion, which arise during the committee proceedings. The committee counsel and economist shall be available to advise and assist the committee at all of its meetings. The Administrator shall furnish the committee with adequate stenographic, clerical, and other assistance.

§ 511.8 *Notice of intention to participate.* Every employer, employee, trade association, trade union, or group of employers, employees, associations, or unions in the industry as defined, or in such industry elsewhere in the United States, and every other person who, in the judgment of the committee, has an interest sufficient to justify the participation he proposes, shall be considered an interested person. Any interested person who wishes to participate shall file a notice of intention, in writing, with the Administrator of the Wage and Hour Division, Washington, D. C. not later than fifteen days after the notice of hearing is published in the FEDERAL REGISTER. The notice of intention shall describe the person's interest and specify whether he proposes to participate as a party or only as a witness. Neither this notice nor the prehearing statement under § 511.9 (b) shall be required of a witness named in, and appearing solely for the purpose of presenting testimony summarized in, a party's prehearing statement under § 511.9 (c).

§ 511.9 *Prehearing statement.* (a) At least ten days before the first hearing date set for any committee in the notice of hearing, every person who has filed a notice of intention to participate shall make a prehearing statement. Two copies shall be filed with the Administrator of the Wage and Hour Division, Washington, D. C., and four copies shall be filed with the Territorial Director of the Wage and Hour Division, Post Office Box 9061, Santurce 29, Puerto Rico.

(b) The prehearing statement of each person who has filed notice of intention to participate only as a witness shall contain (1) the written data he proposes to introduce in evidence by his testimony, if any, (2) the prepared statement he proposes to give, if any, and (3) a statement of the approximate length of time his direct testimony should take. The filing of a prehearing statement in accordance with the above requirements shall give a right to testify, but shall not give the rights provided in §§ 511.9, 511.12, 511.13, and 511.14 for parties.

(c) The prehearing statement of each person who has filed notice of his intention to participate as a party shall contain (1) a statement of the classifications and wage rates, if any, which he proposes to support, (2) the written data, if any, which he intends to introduce in evidence, (3) the names and addresses of the witnesses he proposes to call and a summary of the evidence proposed to be developed, (4) a statement of the approximate length of time his case will take, and (5) the name and address of the individual who will present his case. If the prehearing statement is in conformity with the above requirements, the person shall have the right to participate as a party. In accordance with section 6 (c) of the Administrative Procedure Act, industry committees shall, after considering the advice of committee counsel, issue the subpoenas authorized by section 9 of the Fair Labor Standards Act of 1938, to parties who make a request therefor accompanied by a clear showing of general relevance and reasonable scope of the evidence sought.

(d) Prehearing statements of parties and witnesses shall be made available for examination at the places of filing by anyone who has made or contemplates filing a notice of intention to participate. Each person who files a prehearing statement should, if requested, make himself available for conference with the Committee staff to make any needed clarification of his prehearing statement and arrange the details of presenting his testimony or case.

(e) In exceptional circumstances, a person who has not filed notice of his intention to participate under § 511.8 and made the prehearing statement required by this section and who does not appear on a witness list filed by a party, may, nevertheless, be permitted, in the discretion of the committee, to testify as a witness.

§ 511.10 *Requirements for quorum and decisions.* Two-thirds of the members of an industry committee shall constitute a quorum. Approval by a majority of all of the members of an industry committee or subcommittee shall be required for its report. Except as otherwise provided in this part, the chairman of the industry committee or subcommittee may make other decisions for the committee or subcommittee, but each such decision shall be subject to approval of a majority of the members present if any member objects.

§ 511.11 *Subjects and issues.* In accordance with the declared policy of the act each industry committee shall recommend minimum wages which will reach as rapidly as is economically feasible without substantially curtailing employment the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act. Each industry committee shall recommend to the Administrator the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico or in the Virgin Islands a competitive advantage over any industry in the United States, outside of Puerto Rico and the Virgin Islands. Where the industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry than may be determined for other employees in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set out in this section which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in that industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classification within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living and production costs; (b) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) the wages paid for work of a like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

§ 511.12 *Committee and subcommittee meetings.* (a) The full committee, or a quorum thereof, will convene at the time and place appointed for an initial prehearing meeting as provided in the Secretary's order initiating the proceedings. (Note § 511.2). The full committee acting through a quorum will decide at that meeting whether it will preside at the reception of evidence at the hearing or will authorize a subcommittee to preside. Any resolution authorizing a subcommittee to hold the hearing shall provide a period of 30 days after (1) the subcommittee has filed its recommended report and (2) a transcript of the subcommittee hearing is made available to the parties, for the parties to file exceptions to the recommended report, and the committee shall meet promptly thereafter on call of its chairman or the Administrator to consider exceptions and prepare its final report.

(b) A committee may adjourn its meeting or hearing, or both, from time to time, and meet again, at hearing or otherwise, pursuant to the terms of adjournment, or on call of its chairman or the Administrator.

§ 511.13 *Evidence.* In accordance with the notice of hearing, the committee, or any authorized subcommittee will take official notice of the facts stated in the economic report to the extent they are not refuted by evidence received at the hearing. Other pertinent evidence available to the Department of Labor may be presented at the hearing. The committee itself may call witnesses not otherwise scheduled to testify. Oral or documentary evidence may be received, but the committee shall exclude irrelevant, immaterial, and unduly repetitious evidence. Every interested person who has met the requirements for participation as a party shall have the right to present his case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross examination of witnesses called by others as may be required for a full and true disclosure of the facts. Testimony on behalf of an employer or group of employers as to inability to absorb wage increases shall be received in evidence only if supported by tangible objective data, such as the pertinent profit and loss statements and balance sheets for a representative period of years.

§ 511.14 *Procedure for receiving evidence.* (a) All testimony shall be given under oath or affirmation. Any party shall have the right to appear in person, by counsel, or by other specified representative. Misconduct at any hearing shall be ground for summary exclusion from the hearing. The committee shall limit the testimony of any witness where appropriate to prevent the hearing from becoming unduly prolonged. The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the committee, be ground for striking all testimony given by the witness on related matters.

(b) Unless otherwise directed by the committee, examination of the witnesses shall be in the following order: The committee economist qualified to testify concerning the content and preparation of the economic report and other witnesses called by the Department of Labor shall be heard first. The evidence of the parties and the testimony of other witnesses shall then be received. Each party in presenting his evidence may designate the order in which his witnesses will be called. All witnesses other than those called by parties shall be examined first by committee counsel, next by committee members and committee economist, and then by parties or their representatives. Witnesses called by the parties shall be examined first by the party calling them or by his specified representative, next by committee counsel, then by committee members and committee economist, and then by the other parties or their representatives. Redirect examination may be permitted in the discretion of the committee. Rebuttal evidence may be offered in the order and manner in this section provided for other evidence. To the extent not specified in this section, the order for calling and examining witnesses shall be designated by the chairman of the committee or subcommittee.

§ 511.15 *Submittals prior to reports.* As soon as the receipt of evidence is concluded, a committee or subcommittee presiding at a hearing shall receive any proposed findings of fact and recommendations together with the reasons therefor submitted by any party. These submittals shall be oral unless otherwise directed by the committee or subcommittee. If, in the discretion of the committee or subcommittee, such proposals should be in writing, it may grant such additional time as it deems essential.

§ 511.16 *Reports.* Promptly after receipt of submissions under § 511.15, the committee or subcommittee will resolve the issues before it and prepare a report containing its findings of fact and recommendations. The report shall contain the committee's or the subcommittee's findings and conclusions as well as the reasons or basis therefor upon all the material issues of fact, law, or discretion presented on the record. When a committee, acting through a quorum, has presided at the reception of evidence, this report shall be its final report on the matters referred to it. Where, however, a subcommittee has presided at the re-

ception of evidence, this report shall be an initial report, and the committee shall meet thereafter to review the report and rule on exceptions in its final report. Where the committee presides at the reception of evidence and proceeds to final decision every party shall be regarded as having objected to any wage rate or classification at variance with any he proposed in his prehearing statement unless he accepted such a rate or classification in any submittal made pursuant to § 511.15. A copy of the report shall be signed by each member of the committee who approves it, either at a meeting of the committee or by circulation of one or more copies among the members of the committee. At any time within 3 days after the committee report is signed by those who approve it, members dissenting therefrom may collectively or individually submit signed reports stating the reasons for their dissent.

§ 511.17 *Records.* Each industry committee shall keep a journal recording the time and place of all its meetings, the members present, the votes, and other formal proceedings, including the appointment of subcommittees. Subcommittees shall keep a similar journal. No report of committee or subcommittee discussions need be included. All hearings shall be reported and transcribed within 45 days after the date of the Administrator's order under § 511.18. Promptly after completion of the committee's final report, the committee chairman shall certify the report and transmit it to the Administrator. As soon as practicable thereafter, the committee staff shall transmit to the Administrator (a) all committee and subcommittee journals, (b) all applications for leave to participate as interested persons or parties together with the record of action thereon, and (c) the transcript of testimony and exhibits together with all papers and requests filed in the proceedings. These documents shall be available for inspection and copying by any interested person at the office of the Administrator during usual business hours.

§ 511.18 *Publication and effective date of wage order.* Promptly after receipt of the committee report the Administrator shall publish the committee recommendations in the FEDERAL REGISTER and shall provide by order that the recommendations contained in such report shall take effect upon the expiration of 15 days after the date of such publication.

§ 511.19 *Petitions.* Any interested person may at any time file a petition with the Administrator for an amendment to the regulations contained in this part or for an amendment to a wage order applicable to him. In view of the statutory requirement that the minimum rates of wages established under section 6 (c) of the act be reviewed by an industry committee at least once each year, substantial cause must be shown in support of any petition for an amendment of a wage order out of regular course.

These regulations shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 31st day of October 1955.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 55-8894; Filed, Nov. 3, 1955; 8:45 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

[1955 Dept. Circular 969]

PART 226—PURCHASE OF SURETY BONDS TO COVER CIVILIAN OFFICERS AND EMPLOYEES AND MILITARY PERSONNEL IN EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT

There are set forth below the regulations issued by the Secretary of the Treasury pursuant to the provisions of Pub. Law 323, 84th Cong.; 69 Stat. 618; 6 U. S. C. 14, to govern the purchase of bonds to cover civilian officers and employees and military personnel of the executive branch of the Federal Government.

Notice of the proposed issuance of the regulations contained in this part was published in the FEDERAL REGISTER on October 6, 1955 (20 F. R. 7450) pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003).

Sec.

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AUTHORITY: §§ 226.1 to 226.18 issued under 69 Stat. 618; 6 U. S. C. 14.

§ 226.1 *Definitions.* As used in this part, the term—

(a) "Agency" means each department and independent establishment in the executive branch of the Federal Government, but does not include government corporations;

(b) "Act" means the act entitled "An Act to provide for the purchase of bonds to cover civilian officers and employees and military personnel of the Federal Government," approved August 9, 1955 (Pub. Law 323, 84th Cong.; 69 Stat. 618; 6 U. S. C. 14);

(c) "Employee" means a civilian officer or employee, or an individual within the category of military personnel, of an agency;

(d) "Head of the agency" and "head of each agency" includes a designee authorized pursuant to law by such head of the agency to act under this part for such head of the agency;

(e) "Bond" or "surety bond" includes individual, name schedule, blanket, position schedule and other types of surety bonds covering an employee or employees;

(f) An "individual bond" covers a single employee in a specified amount;

(g) A "name schedule bond" covers, in a specified amount, each employee whose name is listed in a schedule attached to such bond;

(h) A "position schedule bond" covers, in a specified amount, each employee who holds an office or position the title of which is listed in a schedule attached to such bond; and

(i) A "blanket bond" (1) covers a group of employees without the necessity of having attached to such bond any schedule or list of the names of the employees in such group or the titles of the offices or positions held by them, and (2) is either (i) a multiple penalty bond, which permits recovery in an amount equal to as many times the penalty for each employee covered by the bond as there are employees so covered who are involved in the loss, or (ii) an aggregate penalty bond, which limits recovery to the amount of the penalty of the bond regardless of the number of employees involved in the loss.

§ 226.2 *General.* The head of each agency shall obtain, in accordance with the authority contained in the Act and in conformity with this part, surety bonds covering those employees of such agency who are required by law or administrative ruling to be bonded.

§ 226.3 *Corporate sureties required; underwriting limitation.* (a) Each bond shall be obtained only from a corporate surety company holding a certificate of authority from the Secretary of the Treasury under the Act of July 30, 1947 (6 U. S. C. 1–15), as an acceptable surety on Federal bonds.[1]

(b) The penal amount applicable to any employee covered by a bond executed by any such corporate surety company shall not exceed the underwriting limitation established for such company unless the excess is protected as provided by Treasury Department regulations contained in § 223.12 of this title.

§ 226.4 *Selection and review of surety bond coverage.* (a) The head of each agency shall obtain appropriate surety bond coverage by selecting and obtaining the type or types of bonds which most economically will meet the bonding needs of such agency in the light of the number and type of employees to be bonded. To the maximum extent practicable, blanket and schedule bonds should be obtained in order to reduce both the cost of procurement of bonds under the Act and under this part and the administrative expenses incident to the processing and filing thereof. The preceding sentence, however, does not preclude the procurement of individual bonds where individual bonds are clearly more economical or advantageous.

(b) If, in a particular location, region, or district, the number of employees to be bonded is, in the opinion of the head of the agency concerned, sufficient from an operating standpoint to warrant the procurement of a blanket or schedule bond to cover such employees, such head of the agency shall obtain a separate blanket or schedule bond to cover such employees, unless he determines that, by reason of considerations of economy or administrative efficiency or both, it is in the best interests of the Federal Government to include such employees in a bond or bonds covering all employees of such agency or covering employees in more than one particular location, region, or district.

(c) Before the initial procurement of a bond or bonds under the Act and under this part and from time to time after such initial procurement (but not less frequently than every second year thereafter,) the head of each agency shall review the number of employees of such agency, who are bonded, in order to decrease or increase the amounts of bond coverage if he deems such action appropriate and in order to eliminate the bonding of employees in those cases where he deems that no need therefor exists. In each review conducted after such initial procurement, the head of the agency also shall review the particular type or types of bonds procured for employees of such agency in order to determine whether the future procurement of such particular type or types of bonds best serves the needs of such agency and is in the best interests of the Federal Government or whether the procurement of another type or types of bonds would best accomplish such result. Nothing in this paragraph, however, shall be construed to authorize the elimination of the bonding of an employee who is required by statute to be bonded or to authorize a decrease to be made in the amount of any penalty which is fixed by statute.

§ 226.5 *Congressional intent with respect to bonds of the "most economical type."* The act provides that each bond obtained under authority thereof shall be of the most economical type available for the number and type of employees to be bonded. As an aid to the head of each agency in the procurement of bonds under the act and under this part, the attention of each such head of the agency is directed to the following portion of the legislative history of the bonding bill (H. R. 4778, 84th Cong.) contained in the conference report on the bill ((1955) H. Rept. 1568, 84th Cong.) which sets forth the intent of the Congress with respect to this provision:

* * * It is not the intent of this provision that a bond or bonds obtainable at the lowest premium rate per annum shall constitute in all cases a bond of the "most economical type." Such would seem to be the case as a general rule, all other factors and considerations being equal. However, in many cases, variations in such factors and considerations as differences in the relative financial standing and reliability of the surety, the terms of the respective surety bond contracts available, and the number and types of personnel to be bonded may require, in the interests of the Federal Government other than in the strictly financial sense, the purchase of such bonds at premium rates per annum which are higher than the lowest premium rates per annum actually obtainable, * * *.

§ 226.6 *Bonds of which the penal sums are fixed by statute; bonds of certifying officers.* (a) Positions for which the penalty of the bond is fixed by statute may be included in a blanket, position schedule, name schedule, or other type of bond, provided the penalty applicable to such positions is equal to the statutory requirement.

(b) The head of each agency may provide bond coverage under this part for those employees who are the certifying officers of such agency (1) by obtaining a name schedule or position schedule bond limited to such certifying officers alone, (2) by including such certifying officers in a blanket or other type bond also covering other bonded employees, or (3) by obtaining individual bonds for such certifying officers where circumstances warrant.

§ 226.7 *Bond obligee and condition.* (a) Each bond shall run solely in favor of the United States as obligee, except where a specific statutory provision requires that the bond shall run in favor of the United States and an additional obligee or in favor of an obligee other than the United States.

(b) Each bond shall be conditioned upon the faithful performance of the duties of the individual or individuals so bonded. Each bond also shall expressly provide that the term "faithful performance of the duties" shall include the proper accounting for all funds or property received by reason of the position or employment of the individual or individuals so bonded and the discharge of all duties and responsibilities now or hereafter imposed upon such individual or individuals by law or by regulation issued pursuant thereto and shall also expressly provide that the term "regulation" shall include any written rule, order or instruction issued pursuant to law.

§ 226.8 *Bond penalties.* (a) The head of each agency shall fix the bond penalty applicable to employees and positions of such agency included in a bond procured under this part, except where the penalty is prescribed by statute or by other authority.

(b) The penalty in a blanket bond shall be in the minimum amount estimated by the head of the agency as sufficient to protect the interests of the United States. The penalty for each position designated in a schedule bond, in cases not specified by law or other authority, shall be fixed in the minimum amount consistent with the duties and degree of responsibility of the position. In fixing the penalties of bonds, due regard should be given to past loss experience and the effectiveness of related internal control.

(c) The bond penalties applicable to disbursing officers, assistant disbursing officers, agent officers, agent cashiers, and imprest fund cashiers operating under delegation by the Secretary of the Treasury or the Division of Disbursement, Treasury Department, shall be fixed only with the concurrence of the Chief Disbursing Officer, Treasury Department.

§ 226.9 *Bond premium period.* The bond premium may cover a period not exceeding two years. In view of the economies to be derived, premiums should be paid for a period of two years to the extent funds are available, except where a shorter period is more advantageous to the Federal Government.

§ 226.10 *Procurement of new bond coverage.* The head of each agency shall procure under the act and under this part new bond coverage at least every two years. Timely steps should be taken for such procurement in advance of the expiration of the prior premium period.

§ 226.11 *Advertising for proposals for furnishing of bonds.* (a) If, in the opinion of the head of the agency concerned, the premium cost for any bond procured under the act and under this part will exceed the rate of $150 per annum, such head of the agency shall procure such bond only after advertising for proposals for the furnishing of such bond.

(b) The following recognized methods of advertising are examples of appropriate methods of advertising under this part: Publication in the FEDERAL REGISTER, publication in newspapers, posting of notices in public places, and the sending of invitations to bid to parties engaged in the business of furnishing surety bonds. In connection with the last method above specified, a notice sent to the head office of each company appearing on the Treasury Department list[2] of approved surety companies (other than those shown thereon as having authority to do a reinsurance business only) will be regarded as a satisfactory method of advertising under this part.

(c) If, in the opinion of the head of the agency concerned, the premium cost for any bond will not exceed the rate of $150 per annum, procurement of the bond may be made without advertising, but informal bids should be solicited by the agency from at least three competitive sources.

(d) Specifications of alternate types of bond coverage may be included in invitations of the agency to bid in order to enable the head of the agency concerned to procure the most economical type of bond.

(e) Advertising for proposals for the furnishing of any bond will not be required under this part in any case in which the head of the agency concerned determines that the public exigencies re-

[1] A list of these companies is published annually (Treasury Department, Fiscal Service, Form 356, Revised).

[2] See footnote 1 *supra*.

quire the immediate procurement of such bond.

§ 226.12 *Place of execution of bonds by surety company.* Bonds procured under this part shall be executed by the surety company in a state or other jurisdiction wherein it has obtained a license to transact a fidelity and surety business and the place of such execution shall be set forth in the bond. This requirement shall not, however, preclude an agency from accepting bonds covering an employee or employees located where the surety is not licensed if the bond is executed by the surety at its home office or within a state or other jurisdiction where it has obtained a license.

§ 226.13 *Cancellation of bonds; limitations on recoveries thereunder.* (a) No bond procured under the act and under this part shall contain (1) any provision for cancellation of such bond at the option of the surety company prior to the expiration of the term of such bond, (2) any limitation upon the time within which a loss must be discovered to be recoverable under such bond, or (3) any limitation upon the time within which recovery may be made on account of any loss arising under such bond.

(b) In connection with the matter immediately foregoing, the attention of the head of each agency is directed to the provisions of 6 U. S. C. 5, as follows:

> If, upon the statement of the account of any official of the United States, or of any officer disbursing or chargeable with public money, by the accounting officers, it shall thereby appear that he is indebted to the United States, and suit therefor shall not be instituted within five years after such statement of said account, the sureties on his bond shall not be liable for such indebtedness.

§ 226.14 *Transmittal of bonds to Treasury; filing.* All surety bonds obtained under the Act and under this part shall be transmitted, with a transmittal letter in duplicate listing the bond or bonds transmitted, to the Treasury Department, Bureau of Accounts, Surety Bonds Branch for approval of the authority of the surety executing the bond. Thereafter, the transmitting agency will be advised as to the sufficiency of execution by the surety. The bond will be returned to the agency concerned, or, at its request, will be held in the files of the Surety Bonds Branch.

§ 226.15 *Bonds procured before January 1, 1956.* (a) The head of each agency may permit the continuance in effect, until the expiration of its premium period, of any bond procured prior to January 1, 1956, with funds of such agency.

(b) In this connection, the attention of the head of each agency is directed to the fact that a provision of 6 U. S. C. 14, as amended by the act, operates to terminate the liability of a surety on a bond existing prior to the procurement of bond coverage under the act, for any default occurring subsequent to the date of the new coverage, regardless of whether an existing bond was paid for from agency funds or from the personal funds of the employee concerned. The above-mentioned provision is as follows:

> Whenever any civilian officers or employees or military personnel are covered by a bond under authority of this section, the surety or sureties on any existing bond of any such civilian officers or employees or military personnel shall not be liable for any defaults occurring subsequent to the date of the new coverage.

§ 226.16 *Reports.* (a) In order for the Secretary of the Treasury to transmit to the Congress on or before June 30, 1956, a comprehensive report of the operations of each agency as required by the act, the head of each agency procuring a bond or bonds under the act and under this part shall transmit to the Treasury Department, not later than June 1, 1956, an initial report with respect to the operations of such agency prior to April 30, 1956, under the act and under this part.

(b) Thereafter, in order for the Secretary of the Treasury to transmit to the Congress, on or before October 1 of each year, beginning with the year 1957, a comprehensive report of the operations of each agency as required by the act, the head of each agency procuring a bond or bonds under the act and under this part shall transmit to the Treasury Department, not later than August 15 of each year, beginning with the year 1957, a report with respect to the operations of such agency, during the preceding fiscal year, under the act and under this part.

(c) The initial report and each subsequent report of each agency shall contain the following information with respect to bonds obtained and related operations under the act and under this part:

(1) The number of employees of such agency covered by such bonds.

(2) The number and types of bonds procured by such agency and the individual penal sums thereof.

(3) The amounts of the premiums paid for bonds procured by such agency.

(4) The number of employees so bonded, by types of bonds and penal sums, classified by the duties for which bonded (such as disbursing, certifying, collecting).

(5) The amounts of losses covered by bonds procured by such agency and the number of employees involved, classified by type of duties. There should be shown in this connection the amounts of claims filed with surety companies, the amounts recovered, and the amounts of pending claims subject to adjustment by the surety companies.

(6) The direct costs of administration of the bond procurement and related operations of such agency.

(7) Such other information relating to the subject matter of the regulations contained in this part as may be requested by the Fiscal Assistant Secretary of the Treasury or as the head of such agency may consider necessary or desirable to enable the Secretary of the Treasury fully to advise the Congress with respect to the results of operations under the act.

(d) The Fiscal Assistant Secretary of the Treasury will issue instructions to each agency covering the form and classification of the information to be contained in the reports to be transmitted by each agency to the Treasury Department.

§ 226.17 *Reservation of right to amend.* The right is expressly reserved to amend, revise, or waive, from time to time, any or all of the provisions of this part, to such extent not inconsistent with law as the Secretary of the Treasury may deem necessary.

§ 226.18 *Effective date.* The foregoing provisions of this part shall take effect on January 1, 1956. The head of each agency should however take such action prior to January 1, 1956 as may be necessary to obtain bonds to be effective on January 1, 1956 or as soon thereafter as may be practicable.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

NOVEMBER 1, 1955.

[F. R. Doc. 55-8945; Filed, Nov. 3, 1955; 8:56 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter B—Transportation

PART 37—SPECIAL INSTRUCTIONS FOR DRIVERS OF MOTOR VEHICLES TRANSPORTING EXPLOSIVES AND CERTAIN OTHER DANGEROUS ARTICLES

Sec.
37.1 Purpose.
37.2 Applicability.
37.3 General.
37.4 Appendix A.

AUTHORITY: §§ 37.1 to 37.4 issued under sec. 202, 61 Stat. 500; 5 U. S. C. 171a.

§ 37.1 *Purpose.* This part provides for the issuance of uniform special instructions to drivers of motor vehicles, both commercial and military, transporting explosives and certain other dangerous articles over public roads within the continental United States for the military departments.

§ 37.2 *Applicability.* This part is applicable to all departments and agencies of the Department of Defense within the continental United States.

§ 37.3 *General.* DD Form 836, Special Instructions for Drivers,[1] shall be employed in issuing instructions to drivers of all commercial and military motor vehicles transporting the articles appearing in the Index of § 37.4 over public roads within the continental United States for the military departments. The Form shall be completed with instructions contained in the commodity groupings in § 37.4, and shall then be given to the driver for his information, with instructions that it must be transferred to each subsequent driver and delivered to the consignee at destination.

§ 37.4 *Appendix A*—(a) *Index.*

A	Group
Adapter-boosters	G-4
Ammonium nitrate	G-2
Ammunition, blank (saluting and impulse charges)	G-3

[1] Filed as part of original document.

	Group
Ammunition, caliber 20-mm or less, except HE and HE-I and 20-mm incendiary rounds	G-1
Ammunition, caliber 20-mm or less, HE and HE-I and 20-mm incendiary rounds	G-3
Ammunition, fixed and semifixed, except pentolite loaded rounds	G-3
Ammunition, fixed and semifixed, loaded with high explosives other than ammonal, amatol, composition B, Explosive D, or TNT	G-6
Ammunition, separate loading, loaded with high explosives other than ammonal, amatol, TNT, or Explosive D	G-6
B	
Ball, cellulose, nitrate powder-filled	G-2
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Boosters, auxiliary for bombs	G-6
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C	
Cartridge, photoflash	G-6
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Chemical ammunition, fixed and semifixed or separate loading chemical filled items assembled with explosive bursters	G-3
Chemical ammunition, groups A and B, when not assembled with explosive components	G-7
Chemical ammunition, groups C and D, when not assembled with explosive components	G-2
Cutter, reefing lines	G-1
D	
Demolition blocks	G-6
Demolition charges, snake	G-6
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Firing devices	G-1
Flash reducers (black powder with potassium sulfate)	G-6
Fuzes, bomb, packed in fin assembly	G-2
Fuzes, chemically actuated, containing ampoules which may initiate, directly or indirectly, explosives and explosive loaded components which are assembled in the conventional manner to form the finished explosize fuzes	G-4
Fuzes, hand grenade, detonating type	G-4
Fuzes, hand grenade, igniting type	G-2
Fuze lighters	G-1
Fuze, safety	G-1
Fuzes, with boosters assembled thereto (detonating fuzes)	G-4
Fuzes, without boosters assembled thereto	G-2
G	
Grenades, fragmentation (hand or rifle)	G-6
Grenades, hand offensive	G-6
Grenades, illuminating	G-2
Grenades, practice, spotting charges	G-2
Grenades, rifle, AT	G-6
H	
High explosives, bulk (all types)	G-6
I	
Igniters, JATO, electric (ICC Class B explosives)	G-2
Igniters, JATO, electric, such as T-30	G-6
Ignition cartridges for trench mortar ammunition	G-1
J	
JATOS, complete rounds	G-6
M	
Military pyrotechnics, except photoflash powder and quick-match	G-2
Mines, antipersonnel (bounding type)	G-3
Mines, antipersonnel (cast iron blocks)	G-6
Mines, antipersonnel, non-metallic M14	G-4
Mines, HEAT	G-6
Mines, practice, with spotting charge	G-2
N	
Nitrocellulose, wet (in accordance with ICC regulations)	G-2
Nitroglycerin	G-6
P	
Percussion elements	G-5
Photoflash powder	G-6
Picric acid	G-6
Primacord	G-2
Primers, artillery and cannon	G-2
Primers, detonators for bombs	G-2
Projectiles, illuminating, when not assembled with explosive component	G-2
Propellants, solid (smokeless powder), when shipped as ICC Explosives, Class A (High Explosives)	G-6
Propellants, solid (smokeless powder), when shipped as ICC Explosives, Class B	G-2
Q	
Quickmatch	G-6
R	
Rocket, chemical, complete rounds	G-3
Rocket, HE, complete rounds	G-6
Rocket heads, chemically loaded, when not assembled with explosive components and containing any of the fillers mentioned in 1 of G-7	G-7
Rocket heads, HE loaded	G-6
Rocket heads, WP (white phosphorus) loaded, when not assembled with explosive components	G-2
Rocket motors, non-propulsive (exclusive of heads)	G-2
Rocket motors (packed with but not assembled to inert heads)	G-2
Rockets, practice—inert head	G-3
S	
Separate case cartridges with propellant (ICC Class B)	G-2
Shaped charges	G-6
Shell, HE, heavy mortar, over 81-mm (including 81-mm M56)	G-6
Shell, illuminating, complete rounds	G-3
Shell, separate loading, fuzed or unfuzed, loaded with any high explosive except Explosive D, pentolite, and Composition B	G-5
Shell, separate loading, loaded with Explosive D, and any other Explosive D loaded shell not assembled to or packed with cartridge cases	G-3
Spotting charges (cartridges for miniature practice bombs)	G-2
Squibs, electric and safety	G-1
T	
Torpedoes, Bangalore	G-6
Torpedoes, HE	G-6
W	
Warheads, HE, for guided missiles or torpedoes	G-6
Z	
Zirconium powder	G-6

(b) *Group 1.*

(1) Ammunition, caliber 20-mm or less, except HE and HE-1 and 20-mm incendiary rounds.
(2) Cutter, reefing lines.
(3) Firing devices.
(4) Fuze lighters.
(5) Fuze, safety.
(6) Ignition cartridges for trench mortar ammunition.
(7) Squibs, electric and safety.
Maintain the following indicated distances as minimums:
Firemen—Operating distance.
Public—450 feet.
Fire-fighting apparatus—Operating distance.
Special precautions—Take available cover to protect against light missiles.

(c) *Group 2.*

(1) Chemical ammunition, Groups C and D, when not assembled with explosive components, containing the following fillers:
WP, White Phosphorus.
PWP, White Phosphorus (Plasticized).
PTI, Incendiary mixture.
TH, Thermite.
IM, Incendiary oil.
NP, Incendiary oil.
HC, Hexachlorethane, burning mixture.
CN, burning mixtures of CN (Chloractophenone mixed with solid propellant) CN-DM, burning mixtures of CN and DM (Adamsite) when mixed with solid propellant.
(2) Ammonium nitrate.
(3) Ball, cellulose, nitrate powder-filled.
(4) DNT.
(5) Fuzes, without boosters assembled thereto.
(6) Fuzes, bomb, packed in fin assembly.
(7) Fuzes, hand grenade, igniting type.
(8) Grenades, practice, spotting charge.
(9) Grenades, illuminating.
(10) Igniters, JATO, electric (ICC Class B explosives).
(11) Military Pyrotechnics, except photoflash powder and quick-match.
(12) Mines, practice, with spotting charge.
(13) Nitrocellulose, wet (in accordance with ICC regulations).
(14) Primacord.
(15) Primers, artillery and cannon.
(16) Primers, detonators for bombs.
(17) Projectiles, illuminating, when not assembled with explosive component.
(18) Propellants, solid (smokeless powder), when shipped as ICC Explosives, Class B.
(19) Rocket Heads, WP (white phosphorus) loaded, when not assembled with explosive components.
(20) Rocket Motors, non-propulsive (exclusive of heads).
(21) Rocket Motors (packed with but not assembled to inert head).
(22) Separate Case Cartridges with propellant (ICC Class B).
(23) Spotting Charges (cartridges for miniature practice bombs).
Maintain the following indicated distances as minimums:
Firemen—300 feet.
Public—400 feet.
Fire-fighting apparatus—Operating distance.
Special precautions—Protect against intense heat and missiles.

(d) *Group 3.*

(1) Ammunition, blank (saluting and impulse charges).
(2) Ammunition, fixed and semifixed, except pentolite loaded rounds.
(3) Ammunition, caliber 20-mm or less, HE and HE-I and 20-mm incendiary rounds.

(4) Bombs, chemical loaded, with explosive burster.[1]

(5) Chemical ammunition, fixed and semi-fixed or separate loading chemical filled items assembled with explosive bursters.[1]

(6) Mines antipersonnel (bounding type).

(7) Rocket, chemical, complete round.[1]

(8) Rocket, practice, inert head.

(9) Shell, illuminating, complete rounds.

(10) Shell, separate loading, loaded with Explosive D, and any other Explosive D loaded shell not assembled to or packed with cartridge cases.

For items not containing Group A or B poisons, maintain the following indicated distances as minimums:

Firemen—600 feet.

Public—1200 feet.

Fire-fighting apparatus—1000 feet.

Special precautions—Protect against missiles which may fall beyond 500 feet. Prevent spread of fire.

(e) *Group 4.*

(1) Adapter-boosters.

(2) Boosters.

(3) Fuses, with boosters assembled thereto (detonating fuses).

(4) Fuzes, chemically actuated, containing ampoules which may initiate, directly or indirectly, explosives and explosive loaded components which are assembled in the conventional manner to form the finished explosive fuzes.

(5) Fuzes, hand grenade, detonating type.

(6) Mines, antipersonnel, non-metallic, M14.

Maintain the following indicated distances as minimums:

Firemen—500 feet.

Public—1500 feet.

Fire-fighting apparatus—1000 feet.

Special precautions—Prepare to fight fires started by explosion of entire cargo.

(f) *Group 5.*

(1) Shell, separate loading, fuzed or unfuzed, loaded with any high explosive except Explosive D, pentolite, and composition B.

(2) Blasting caps (ICC Class A quantities).

(3) Detonators.

(4) Percussion elements.

Maintain the following indicated distances as minimums:

Firemen—500 feet.

Public—1800 feet.

Fire-fighting apparatus—1000 feet.

Special precautions—Prepare to fight fires started by explosion of entire cargo.

(g) *Group 6.*

(1) Ammunition, fixed and semifixed, loaded with high explosives other than ammonal, amatol, composition B, Explosive D, or TNT.

(2) Ammunition, separate loading, loaded with high explosives other than ammonal, amatol, TNT, or Explosive D.

(3) Black powder, spotting charges or bulk.

(4) Bombs, cluster.

(5) Bombs, demolition, semi-AP.

(6) Bombs, fragmentation.

(7) Bombs, photoflash.

(8) Boosters, auxiliary for bombs.

(9) Bursters.

(10) Cartridges, photoflash.

(11) Charges, springing, earth rod, blast driven.

(12) Charges, supplementary, HE (TNT).

(13) Demolition blocks.

(14) Demolition charges, snake.

(15) Depth charges, HE.

(16) Dynamite.

(17) EC powder.

(18) Flash reducers (black powder with potassium sulfate).

(19) Grenade, fragmentation (hand or rifle).

(20) Grenade, hand offensive.

(21) Grenades, rifle, AT.

(22) High explosives, bulk (all types).

(23) Igniters, JATO, electric, such as T-30.

(24) JATOS, complete rounds.

(25) Mines, antipersonnel (cast iron blocks).

(26) Mines, HEAT.

(27) Nitroglycerin.

(28) Photoflash powder.

(29) Picric acid.

(30) Propellants, solid (smokeless powder) when shipped as ICC. Explosives, Class A (High Explosives).

(31) Quickmatch.

(32) Rockets, HE, complete rounds.

(33) Rocket heads, HE loaded.

(34) Shaped Charges.

(35) Shell, HE, heavy mortar, over 81-mm (including 81-mm M56).

(36) Torpedoes, Bangalore.

(37) Torpedoes, HE.

(38) Warheads, HE, for guided missiles or torpedoes.

(39) Zirconium powder.

Maintain the following indicated distances as minimums:

Firemen—500 feet.

Public—2,000 feet.

Fire-fighting apparatus—1,000 feet.

Special precautions—Prepare to fight fires started by explosion of entire load.

(h) *Group 7.*

(1) Chemical ammunition, Groups A and B, when not assembled with explosive components, containing the following fillers:

H, Mustard.
HT, Mustard (T-Mixture).
HN-1, Nitrogen Mustard.
Cl, Chlorine.
CK, Cyanogen chloride.
CNS, Tear Gas.
PS, Chloropicrin.
DA, Diphenylchloroarsine.
"G" Agents, Nerve Gas.
RD, Mustard (distilled).
L, Lewisite.
CG, Phosgene.
AC, Hydrocyanic acid.
CN, Chloracetophenone.
CNB, Tear Gas solution.
DM, Adamsite.
CNC, Tear Gas solution.

(2) Rocket heads, chemically loaded, when not assembled with explosive components and containing any of the fillers mentioned in 1, above.

Maintain the following indicated distances as minimums:

Firemen—May approach on windward side when protected with gas or oxygen mask and special clothing.

Public—Several miles on down wind side; one-half mile on windward side.

Fire-fighting apparatus—Operating distance on windward side if possible.

Special Precautions—Not an explosive hazard, but contents may rupture, throwing missiles for short distances.

NOTE: When technical escorts accompany shipments the minimum distances will be prescribed by escort personnel.

[1] For items filled with Group A or B poisons and containing explosive bursters, maintain the following indicated distances as minimums:

Firemen—600 feet on windward side.

Public—Several miles on down wind side; one-half mile on windward side.

Fire-fighting apparatus—Operating distance on windward side, but not closer than 1000 feet.

Special precautions—Protect against missiles which may fall beyond 500 feet. Prevent spread of fire.

NOTE: When technical escorts accompany shipments the minimum distances will be prescribed by escort personnel.

NOTE: When technical escorts accompany shipments the minimum distances will be prescribed by escort personnel.

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

OCTOBER 3, 1955.

[F. R. Doc. 55-8915; Filed, Nov. 3, 1955; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

MISCELLANEOUS AMENDMENTS

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 11th day of October A. D. 1955.

The matter of accounting regulations prescribed for railroad companies being under consideration pursuant to provisions of section 20 of the Interstate Commerce Act, as amended (54 Stat. 916, 49 U. S. C. 20); and,

It appearing, that certain modifications in the provisions for condensed classifications of operating expense accounts for use by other than Class I carriers are necessary for proper administration of Part I of the Act; and,

It further appearing, that the use of condensed operating expense accounts by those carriers for which the accounts are provided, is permissive, so that the public rule making procedure required by section 4 (a) of the Administrative Procedure Act is deemed to be unnecessary:

It is ordered, That:

(1) *Effective date.* The modifications which are attached hereto and made a part hereof shall become effective January 1, 1956.

(2) *Notice.* A copy of this order with the modifications set forth below shall be served on each railroad company subject to provisions of Part I of the act and not independently operated as an electric line, and on every receiver, trustee, executor, administrator, or assignee of any such railroad company, and notice of the order shall be given to the general public by depositing a copy of the order with the modifications set forth below in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

1. In § 10.04-1 *Accounts for operating expenses* cancel the third paragraph of the instruction and substitute the following provisions for it:

Following the texts of the primary operating expense accounts, there is a condensed grouping of the same accounts to be used by Class II carriers. For purposes of this condensed classification, carriers are divided into two general classes, designated respectively Class I and Class II. Class I shall include all carriers having annual operating revenues of $3,000,000 or more; and Class II, all carriers having annual operating revenue less than $3,000,000. In applying this grouping to any switching or terminal company which is operated as a joint facility of owning or tenant railways, he sum of the annual railway operating revenues, the joint facility rent income, and the totals of the joint facility accounts in operating expenses, shall be used in determining its class.

Beginning with the calendar year 1956, the classification of carriers for accounting purposes shall be based on the average annual operating revenues for the 3-year period ended with the calendar year 1955; and, subsequently, if at the close of any calendar year the average of the annual operating revenues for the latest 3-year period is greater or less than the amount applicable to the class in which the carrier has been, its class for the second succeeding year shall change accordingly and the carrier shall remain in such class for a period of not less than three consecutive years; Provided that:

(1) Carriers which have operated for a period less than three calendar years shall be classified upon the basis of the average amount of their annual operating revenues for the latest period of such operation; (2) newly organized carriers which commence operations for revenue subsequent to January 1, 1956, shall be assigned to classes, as above defined, on the basis of their operating revenues known or estimated for a year; and (3) carriers shall within 60 days after the close of a calendar year notify the Commission when a change in classification for accounting purposes has taken place.

2. In § 10.480 *Accounts for small carriers, Class II* cancel the number, title, and text of the account as now in effect, and also the two lists of accounts for small and large carriers, respectively; in § 10.490 *Accounts for small carriers, Class III* cancel the number, title, and text of the account as now in effect, and also the two lists of accounts for small and large carriers, respectively, substituting the following for them:

§ 10.480 *Accounts for small carriers, Class II.* See provisions of § 10.04-1 *Accounts for operating expenses.* The condensed groupings of accounts for Class II small carriers are as follows:

Accounts for Small Carriers—Class II

Maintenance of Way and Structures

2201. Superintendence.
2202. Roadway maintenance.
2203. Maintaining structures.
2208½. Retirements—Road.
2204. Dismantling retired road property.
2205. Equalization—Way and structures.
2206. Road property—Depreciation.

Maintenance of Equipment

2221. Superintendence.
2222. Repairs to shop and power-plant machinery.
2223. Shop and power-plant machinery—Depreciation.
2225. Locomotive repairs.
2226. Car repairs.
2227. Other equipment repairs.
2228. Dismantling retired equipment.
2229. Retirements—Equipment.
2231. Equalization—Equipment.
2234. Equipment—Depreciation.
2235. Other equipment expenses.
2236. Joint maintenance of equipment expenses—Dr.
2237. Joint maintenance of equipment expenses—Cr.

Traffic

2240. Traffic expenses.

Transportation—Rail Line

2241. Superintendence and dispatching.
2242. Station service.
2243. Yard employees.
2244. Yard switching fuel.

Accounts for Small Carriers—Class I

Maintenance of Way and Structures

200. Maintenance of Way and Structures
201. Superintendence.
202. Roadway maintenance.
206. Tunnels and subways.
208. Bridges, trestles and culverts.
210. Elevated structures.
212. Ties.
214. Rails.
216. Other track material.
218. Ballast.
220. Tracklaying and surfacing.
221. Fences, snowsheds and signs.
247. Communication systems.
249. Signals and interlockers.
272. Removing snow, ice, and sand.
227. Station and office buildings.
229. Roadway buildings.
231. Water stations.
233. Fuel stations.
235. Shops and enginehouses.
237. Grain elevators.
239. Storage warehouses.
241. Wharves and docks.
243. Coal and ore wharves.
253. Power plants.
257. Power-transmission systems.
265. Miscellaneous structures.
267. Retirements—Road.
270. Dismantling retired road property.
280. Equalization—Way and structures.
266. Road property—Depreciation.

Maintenance of Equipment

301. Superintendence.
302. Shop machinery.
304. Power-plant machinery.
305. Shop and power-plant machinery—Depreciation.
306. Dismantling retired shop and power-plant machinery.
308. Steam locomotives—Repairs.
311. Other locomotives—Repairs.
314. Freight-train cars—Repairs.
317. Passenger-train cars—Repairs.
323. Floating equipment—Repairs.
326. Work equipment—Repairs.
328. Miscellaneous equipment—Repairs.
329. Dismantling retired equipment.
330. Retirements—Equipment.
338. Equalization—Equipment.
331. Equipment—Depreciation.
332. Injuries to persons.
333. Insurance.
334. Stationery and printing.
335. Other expenses.
336. Joint maintenance of equipment expenses—Dr.
337. Joint maintenance of equipment expenses—Cr.

Traffic

351. Superintendence.
352. Outside agencies.
353. Advertising.
354. Traffic associations.
355. Fast freight lines.
356. Industrial and immigration bureaus.
357. Insurance.
358. Stationery and printing.
359. Other expenses.

Transportation—Rail Line

370. Transportation—Rail Line
371. Superintendence.
372. Dispatching trains.
373. Station employees.
374. Weighing, inspection and demurrage bureaus.
375. Coal and ore wharves.
376. Station supplies and expenses.
377. Yardmasters and yard clerks.
378. Yard conductors and brakemen.
379. Yard switch and signal tenders.
380. Yard enginemen.
382. Yard switching fuel.

Accounts for Small Carriers—Class II—Con.	*Accounts for Large Carriers—Class I*—Con.
Transportation—Rail Line	370. Transportation—Rail Line
2245. Miscellaneous yard expenses.	383. Yard switching power produced. 384. Yard switching power purchased. 385. Water for yard locomotives. 386. Lubricants for yard locomotives. 387. Other supplies for yard locomotives. 388. Enginehouse expenses—Yard. 389. Yard supplies and expenses.
2246. Operating joint yards and terminal—Dr.	390. Operating joint yards and terminals—Dr.
2247. Operating joint yards and terminals—Cr.	391. Operating joint yards and terminals—Cr.
2248. Train employees.	392. Train enginemen. 401. Trainmen.
2249. Train fuel.	394. Train fuel.
2251. Other train expenses.	395. Train power produced. 396. Train power purchased. 397. Water for train locomotives. 398. Lubricants for train locomotives. 399. Other supplies for train locomotives. 400. Enginehouse expenses—Train. 402. Train supplies and expenses. 403. Operating sleeping cars.
2252. Injuries to persons.	420. Injuries to persons.
2253. Loss and damage.	418. Loss and damage—Freight. 419. Loss and damage—Baggage.
2254. Other casualty expenses.	414. Insurance. 415. Clearing wrecks. 416. Damage to property. 417. Damage to livestock on right of way.
2255. Other rail transportation expenses.	404. Signal and interlocker operations. 405. Crossing protection. 406. Drawbridge operation. 407. Communication system operation. 408. Operating floating equipment. 410. Stationery and printing. 411. Other expenses.
2256. Operating joint tracks and facilities—Dr.	412. Operating joint tracks and facilities—Dr.
2257. Operating joint tracks and facilities—Cr.	413. Operating joint tracks and facilities—Cr.
Miscellaneous Operations	440. Miscellaneous Operations
2258. Miscellaneous operations.	441. Dining and buffet service. 442. Hotels and restaurants. 443. Grain elevators. 445. Producing power sold. 446. Other miscellaneous operations.
2259. Operating joint miscellaneous facilities—Dr.	447. Operating joint miscellaneous facilities—Dr.
2260. Operating joint miscellaneous facilities—Cr.	448. Operating joint miscellaneous facilities—Cr.
General	450. General
2261. Administration.	451. Salaries and expenses of general officers. 452. Salaries and expenses of clerks and attendants.
2262. Insurance	458. General office supplies and expenses.
2263. Valuation expenses.	454. Law expenses. 455. Insurance. 459. Valuation expenses.
2264. Other general expenses.	456. Relief department expenses. 457. Pensions and gratuities. 458. Stationery and printing. 460. Other expenses.
2265. General joint facilities—Dr.	461. General joint facilities—Dr.
2266. General joint facilities—Cr.	462. General joint facilities—Cr.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

[F. R. Doc. 55-8917; Filed, Nov. 3, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 78]

BRUCELLOSIS IN DOMESTIC ANIMALS

INTERSTATE MOVEMENT OF ANIMALS

October 8, there was published in the FEDERAL REGISTER (20 F. R. 7552), a notice of proposed amendments of Subchapter C, Chapter I, Title 9, Code of Federal Regulations, with respect to brucellosis in domestic animals. The notice provides that any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Chief, Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture, Washington, D. C., within 30 days after publication in the FEDERAL REGISTER. The period during which such data, views, or arguments may be so filed is hereby extended to February 15, 1956.

Done at Washington, D. C., this 26th day of October 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-8913; Filed, Nov. 3, 1955; 8:49 a. m.]

Agricultural Marketing Service

[7 CFR Part 906]

[Docket No. AO 210-A7]

HANDLING OF MILK IN TULSA-MUSKOGEE, OKLAHOMA, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Tulsa, Tulsa, Oklahoma, beginning at 10:00 a. m., c. s. t., November 29, 1955, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area, were proposed as enumerated below:

By The Beatrice Foods Company:

1. It is proposed that a definition of "delivery period" be incorporated in the order.

2. It is proposed that § 906.41 (b) (7) be deleted and in lieu thereof the following language inserted: "in inventory variations."

3. It is proposed that the following language be deleted from § 906.43 (b): "any skim milk or butterfat which was classified as Class II in the previous month pursuant to § 906.41 (b) (7) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 906.46 (a) (4)."

4. It is proposed to amend § 906.46 in a manner so as to provide priority in allocation to producers milk over other source milk, on condition that producer receipts were in excess of 115 percent of such handler's Class I utilization for the same delivery period, and provided also that such producer milk was available to the handler at order class prices.

5. It is proposed to amend § 906.53 in a manner so as to make provision for a location adjustment credit to apply on all milk received directly from producers at an approved plant located outside the marketing area and thirty-five (35) or more from the City Hall in Tulsa or the City Hall in Muskogee.

6. It is proposed to delete § 906.61 (b).

7. It is proposed to delete § 906.70 (c) (1) and (2).

8. It is proposed that such other conforming amendments to the order be adopted as are made necessary in order to effectuate the purposes of the other proposals submitted hereinbefore.

By the Carnation Company of Oklahoma:

9. Section 906.53 *Location adjustment credit to handlers:* This section to be opened for the purpose of considering a location adjustment credit to handlers on milk received at an approved plant in Muskogee, Oklahoma, and moved to and received at another approved plant located in Tulsa, Oklahoma.

10. Section 906.81 *Location adjustment to producers:* This section to be opened to consider a per hundredweight deduction to producers in making payments pursuant to § 906.80 for milk received at an approved plant in Muskogee, Oklahoma, and moved to and received at another approved plant in Tulsa, Oklahoma.

11. Section 906.80 *Time and method of payment:* Open this section to consider the addition of a new subsection which will provide in making payments to producers pursuant to this section an amount not to exceed 15 cents per hundredweight may be deducted with respect to all milk received from producers at approved plants in the City of Muskogee and moved to and received as bulk milk at approved plants in the City of Tulsa.

12. Section 906.51 *Class prices:* Open this section to consider the addition of a new subsection which will provide price of Class I and Class II milk received at approved plants in the cities of Muskogee, Tahlequa and McAlester shall be 15 cents per hundredweight lower than such prices paid for milk received at approved plants in Tulsa, Oklahoma.

13. Open such other sections as may be necessary to make conforming changes.

Copies of this notice of hearing, and the order now in effect, may be procured from the Market Administrator, 2635 East 11th Street, Royal Theatre Building, Tulsa 4, Oklahoma, or the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Dated: November 1, 1955.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 55-8932; Filed, Nov. 3, 1955; 8:53 a. m.]

[7 CFR Part 945]

TOMATOES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

Notice is hereby given that the Secretary of Agriculture is considering the approval of the limitation of shipments hereinafter set forth, which was recommended by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945; 20 F. R. 7357), regulating the handling of tomatoes grown in Florida, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 945.301 *Limitation of shipments.* (a) During the period from December 5, 1955, to May 31, 1956, both dates inclusive, and except as otherwise provided in this section, no person shall handle tomatoes of any variety grown in the Production area unless such tomatoes meet the requirements of the U. S. No. 2 or better grade.

(b) Pursuant to § 945.53, each person may handle not in excess of 300 pounds of tomatoes per day without regard to the requirements of this part.

(c) The requirements of paragraph (a) of this section shall not be applicable to shipments of tomatoes (1) to registered handlers within the production area, (2) to all State-operated auction markets and to the Sumter County Farmers Market, Webster, Florida, (3) to canning plants, or (4) for relief or charity.

(d) Each handler making shipments of tomatoes to canning plants or for relief or charity shall file an application pursuant to § 945.56 with the committee for a Certificate of Privilege for such shipments. Further, each handler who ships tomatoes for relief or charity shall, pursuant to § 945.80, furnish a record of such shipments to the committee. In addition, each application for a Certificate of Privilege to ship tomatoes for relief or charity or to canning plants shall be accompanied by the respective consignee's certification that the tomatoes to be shipped to him will be used only for canning or for relief or charity, as the case may be.

(e) No person shall handle any tomatoes for which inspection is required unless an appropriate inspection certificate had been issued with respect thereto and the certificate is valid at the time of handling. For purposes of operation under this part, each inspection certificate is hereby determined, pursuant to paragraph (c) of § 945.60, to be valid for a period not to exceed 72 hours following completion of inspection as shown on the applicable certificate.

(f) "U. S. No. 2 Grade," as used in this section, shall have the same meaning assigned this term in the United States Standards for Fresh Tomatoes (§§ 51.1855 to 51.1876 of this title; 18 F. R. 7142), including the tolerances set forth therein. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 125 and Order No. 45 (§§ 945.1 to 945.92; 20 F. R. 7357).

Dated: November 1, 1955.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 55-8934; Filed, Nov. 3, 1955; 8:54 a. m.]

[7 CFR Part 973]

[Docket No. AO 178-A6]

HANDLING OF MILK IN MINNEAPOLIS-ST. PAUL, MINN., MILK MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900) notice is hereby given that the time for filing exceptions to the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area which was issued October 14, 1955 (20 F. R. 7905) is hereby extended until November 4, 1955.

Dated: October 31, 1955.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 55-8912; Filed, Nov. 3, 1955; 8:48 a. m.]

[7 CFR Part 1008]

[Docket No. AO-275]

HANDLING OF MILK IN INLAND EMPIRE MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation or marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Inland Empire marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25,

D. C., not later than the close of business on the 15th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on the record of which the proposed marketing agreement and order was formulated, was conducted at Spokane, Washington, on May 24–June 2, 1955, pursuant to notice thereof which was issued April 29, 1955 (20 F. R. 2981).

The material issues of record related to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a milk marketing agreement or order; and

3. If an order is issued what its provision should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. The findings and conclusions with respect to the material issues to be considered, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) *Character of the commerce.* All milk to be regulated by the proposed marketing agreement and order is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and its products.

Substantial quantities of milk produced for the Inland Empire marketing area and received by handlers, and milk products manufactured from such milk, actually cross State lines. Grade A milk moves in bulk to Spokane, Washington, milk plants from producers whose farms are located in the counties of Benewah, Bonner, Boundary, Kootenai, and Latah in Idaho, and from Sanders County in Montana. In February 1955, about 237 milk producers in Idaho and 17 producers in Montana shipped more than 2 million pounds of milk to Spokane milk plants. This represented about one-fourth of the milk shippers and one-fifth of the total receipts of Grade A milk of these plants. A few producers in Washington State ship milk into the portion of the proposed marketing area which lies in Idaho.

Milk from Idaho and Washington are inextricably commingled in some Spokane milk plants prior to bottling for fluid distribution. Processed and packaged fluid milk moves from Spokane plants to such points in Idaho for wholesale and retail distribution as Coeur d'Alene, Sandpoint, Bonners Ferry, and Potlatch, and to Troy, Libby, and Thompson Falls in Montana. Spokane handlers are in competition with each other as well as with local handlers for wholesale and retail business in many areas of Washington and Idaho. For example, in Bonner County, Idaho, a large Spokane handler competes for sales with another large Spokane handler and a handler operating locally. In Kootenai County, Idaho, two local handlers and a large Spokane handler compete. The three largest Spokane handlers are in competition in Pend Oreille, Stevens, and Spokane Counties in the State of Washington; in addition, six smaller handlers also compete in the city of Spokane. About 4 percent of the fluid milk sales of the Spokane milk plants are made in Idaho and Montana. Milk produced within the State of Washington and sold in fluid form within that segment of the proposed marketing area which lies within the State of Washington is in direct competition with milk produced in Idaho and Montana; likewise milk produced within the State of Idaho and sold in fluid form within the portion of the marketing area which lies in Idaho is in direct competition with milk produced in the State of Washington.

In addition, some milk of Washington producers used for such products as ice cream and cottage cheese moves in the form of these products into Idaho in competition with similar products either locally produced or received from other States. Likewise, the milk of the Idaho and Montana producers supplying the marketing area enters into direct competition with milk of Washington producers in similar uses.

(2) *Need for order.* The issuance of a marketing agreement or order will tend to effectuate the declared policy of the act.

Producers supplying milk to the Inland Empire marketing area, as defined herein, are encountering disrupted and unstable marketing conditions. The existing unsatisfactory pricing arrangements and trend of lower returns to producers, if permitted to continue, will jeopardize the production of an adequate supply of Grade A milk to meet market needs. The problems encountered in this area, which have reached an acute state, are not uncommon in fluid milk markets. They arise from the presence of factors, described below, generally inherent in the fluid milk industry. Voluntary efforts of producers to maintain an orderly market have been ineffective.

Milk produced for consumption in fluid form as Grade A milk in the proposed marketing area must be produced under rigid sanitary requirements. Large investments and operating expenses are incurred by producers of Grade A milk. Milk, being a perishable product, requires extra labor, equipment, and care in handling to maintain cleanliness and quality. To produce and regularly deliver needed milk supplies to this market in the fall and winter, as well as in the spring and summer, involve extra costs of purchased feeds and care of breeding herds as compared with the production of manufacturing-type milk.

There are other uses, such as butter, cheese, ice cream, and milk powder, for milk purchased under Grade A health standards. Such products also may be made from milk not requiring the higher sanitary standards of production and handling required for milk for fluid consumption. Such manufactured products may be stored and the production and transportation facilities for manufacturing, or "factory," milk do not have to be geared to supply market needs on a daily basis throughout the year. The production of such factory milk is less costly to the farmer.

Although consumer demand for Grade A milk for fluid use in the Inland Empire marketing area is fairly constant throughout the year as a whole, a wider seasonal variation exists in the production of milk. The breeding characteristics of dairy cattle and spring and early summer pasture feeding normally result in a pronounced production cycle with a high point reached in May or June. Thus, production is substantially in excess of market requirements for Grade A milk during the spring (flush) season of production, as compared with the supply-demand relationship in the fall and winter season.

It is necessary at all times to have a supply of Grade A milk available somewhat in excess of the actual fluid milk consumption of the market since the amount of milk sold in fluid form varies from day to day depending upon such factors as the weather, Sundays and holidays; and because the several distributors operate independently of each other, thus necessitating individual daily reserves of milk for their varying operations. In this market there is need for a marketwide "reserve" or "cushion" of about 10 percent on a monthly basis of the amount of milk actually sold in fluid form to provide adequately for these variations in sales.

The existing market surplus above fluid milk and cream needs caused by the conditions described above, is a principal contributor to the difficult pricing and marketing problems which have to be dealt with in providing a stable market for producers.

Until 1949, the market for fluid milk increased about as fast as the milk supply and even seasonal increases in production were paid for at the full fluid milk price. In the spring of 1949, major handlers in the market established base and surplus plans. From 1949 until the end of 1953, milk was sufficiently short in the fall and winter that producers were paid on bases in the spring and summer months only. While there was a seasonal excess in the spring and summer, the production of Grade A milk fell below the level of Class I utilization (as described under the discussion on milk classification) in the fall and winter. The limited amount of seasonal excess was used readily to produce cottage cheese, ice cream, ice cream mix, and some butter, mostly for local consumption. The market had little capacity to process milk in excess of its requirements for ice cream, cottage cheese, and butter. The year 1954 was the first that producers were paid on bases for the entire year.

Producers testified that until the end of 1952 the seasonal surpluses were of short duration and were not unduly burdensome. The operating cooperative in the marketing area stood ready to receive the milk of any Grade A shipper who was "cut off" by another handler or for any other reason needed an outlet for his milk. This situation changed in 1953. With new shippers qualifying for

the Grade A market and an increased production by regular shippers, a year-round excess developed. The major handlers had excess milk in their plants for which they had no immediate outlet and no capacity to manufacture storable dairy products other than ice cream, cottage cheese, and butter for local consumption. Considerable quantities of skim milk had to be dumped.

The operating cooperative felt obliged to discontinue receiving milk from other than its regular producers in 1953 as the result of a higher level of supply.

Since some milk already on the market and other milk from new shippers had no ready outlet at the prices then prevailing, such milk was offered at reduced prices. Handlers purchasing such milk gained a price advantage in procurement, which led to the sale of such milk in the market at reduced retail prices. This, in turn, led to the displacement of fluid milk sales at plants of other handlers and resultant decreases in returns for their producers. The consequent price competition among handlers as an effort to maintain previous sales levels disrupted the marketing situation for producers as a whole. Testimony in the hearing record shows that the first break in the price of milk to consumers occurred in November 1953 with the introduction of the gallon container. One handler sold milk in gallons through his store outlets at 67 cents per gallon when the established home delivered price per quart was 22 cents. By August 1954, a marketwide price "war" developed. Milk sold in gallons as low as 39 cents with week-end specials at 29 cents. The major handlers in the marketing area reduced their retail prices 3 cents a quart in an effort to recapture sales volume. About one-half of such reduction in price, or 76 cents per hundredweight, has been reflected in the producer price level. Even at the time of the hearing continuation of the price war was evidenced by newspaper advertisements exhibited in the record.

The record discloses further evidence of instability in that some handlers have refused to take the milk of some producers even at present prices and other producers have stopped producing milk for lack of satisfactory price and market conditions. Handlers have used various devices in bargaining with individual producers, resulting in unsatisfactory prices. For example, one handler who had "cut off" certain shippers bargained for other shippers' milk using the amount of "base milk," or quota of delivery, for bargaining; this handler also varied the prices paid for base milk among his shippers. Another handler arbitrarily reduced bases 15 percent. A third handler paid a producer the factory price from May 16 to July 31, 1954; thereafter, he paid the producer the Class I price for amounts of milk ranging from ¼ to ⅓ of his production during the October 1–November 3 period in 1954. This producer shipped to another handler beginning with December 1, 1954 and received the Class I price for amounts of his milk ranging from 90 percent in December 1954 to 65 percent in April 1955. The record reveals that another handler used bases calculated on production records of three years ago. It also shows variations in the methods used by handlers to pay for butterfat above or below a "standard" butterfat test.

Prices paid producers for excess (Class II) milk also declined to below reasonable levels in the Inland Empire market from 1953 to the spring of 1955. In December of 1953, major handlers paid producers from about $3.75 to $3.90 per hundredweight for Class II milk of 4.0 percent butterfat test. Class II prices declined to about $3.00 per hundredweight by July of 1954. This was a decline of 75 to 90 cents per hundredweight. It is officiallly noticed that the Class II price for 4.0 milk in the Puget Sound area declined only 37 cents per hundredweight in the same period. During the first four months of 1955, the major handlers in the Spokane market paid producers about $3.06 per hundredweight for Class II milk; thus, little price recovery was evident in the Inland Empire market. On the other hand, Class II prices in the Puget Sound area and for the State as a whole have risen since the summer of 1954. During the January–April period of 1955, Spokane handlers paid producers (for 4.0 percent Class II milk) about 23 cents less than was paid under the Puget Sound order. These price relationships have prevailed during the past several months even though, on a marketwide basis, the milk in excess of Class I needs in the Inland Empire milkshed is utilized in more favorable outlets than in the Puget Sound area. When similar comparison is made with condensery prices on a statewide basis, the four-month average difference in 1955 is even greater, the condensery average exceeding the Spokane price for excess milk by about 31 cents.

One handler questioned the need for an order, alleging that there is no shortage of Grade A milk in the marketing area and no prospect of a shortage this fall. The record, however, shows a declining trend in milk production as compared with a year ago.

It is concluded from the above that a marketing order is needed to correct the unstable marketing conditions that exist in the Inland Empire marketing area caused by lack of uniformity in buying prices by handlers and other factors enumerated above, to promote a framework for orderly marketing and to insure an adequate supply of Grade A milk for consumers. An order will provide:

(a) A regular and dependable method for determining prices to producers at levels comparable to those contemplated under the Agricultural Marketing Agreement Act, as amended;

(b) The establishment of uniform pricing to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk;

(c) An impartial audit of handler's records of receipts and utilization to further insure uniform prices for milk purchased;

(d) A means for insuring accurate weights and tests of milk;

(e) Uniform returns to producers supplying the market and an equitable sharing by all producers of the lower returns for sale of reserve milk;

(f) Uniform rules for the operation of a base and excess plan which will encourage producers to adjust production seasonally in closer alinement with the relatively even monthly needs for inspected milk; and

(g) Marketwide information on receipts, sales, and other data relating to milk marketing in the area.

(3) *Order provisions*—(a) *Scope of regulation.* In order to accomplish orderly marketing under Federal milk orders, certain techniques have been authorized under the Agricultural Marketing Agreement Act of 1937, as amended. Two important techniques are: (1) That regulated distributors (handlers) should be required to pay at least specified minimum prices to producers in accordance with a classified-use plan established, and (2) that the resulting payments due each producer should be distributed uniformly through either "individual-handler" pools or a "market-wide" pool. To implement these basic techniques, it becomes necessary to establish clearly which plants and milk will be subject to the pricing provisions of an order and which producers will participate in the returns from the operation of a specified type of pool.

The Inland Empire marketing area (hereinafter called the "marketing area") should be defined to include the following territories in the States of Washington and Idaho: In Washington-Spokane County that portion of Stevens County lying south of Township 37 and that portion of Pend Oreille County lying south of Township 35, and in Idaho—that portion of Bonner County lying south of Township 60 and west of Range 2 east Boise Meridian, and all of Kootenai County, except that portion lying east of Range 3 west Boise Meridian and south of Township 53. As used in this definition, "territory" includes all municipal corporations, Federal military reservations, facilities and installations and State institutions lying wholly or partly within the above described area.

The marketing area as defined above comprises the markets in which about three-fourths of the milk of the competing handlers concerned is marketed. The cities of Spokane, Washington, and Coeur d'Alene, Idaho, are the major cities involved. The marketing area includes most of the centers of considerable population where the major handlers are in competition. This is the area in which the problem of market instability for producers prevails. According to the 1950 Census, about 275,000 people reside in this area. The surrounding area is sparsely populated.

All the milk distributed in this marketing area is received and packaged within the area. Sanitation and inspection requirements for Grade A milk for the Washington and Idaho counties included in the marketing area are quite comparable.

The proponents of the order first suggested a larger marketing area, including portions of Whitman County, Washington, and Latah County, Idaho, to the south, and Lincoln, Adams, Grant Counties and portions of Douglas, Okanogan, and Chelan Counties to the west. Upon further consideration, proponents aban-

doned their request for such additional area, which included the communities of Moscow, Idaho, Pullman and Wenatchee, Washington, and the Columbia Basin area in the latter State. Other proposals set forth in the hearing notice (but later abandoned by proponents) related to the inclusion of all of Latah and Nez Perce counties, in Idaho; and Asotin, Douglas, Chelan, and the southern portion of Okanogan County, in Washington.

One handler testified that the exclusion of Grant County (Columbia Basin) from the marketing area would give his locally situated competitors a competitive advantage in that area. Except for a distributor with a very small business at Grand Coulee, there appear to be no bottling facilities in operation in Grant County. Most of the producer milk in this area moves to milk plants in Spokane or Wenatchee for processing and packaging. Milk is returned from Spokane plants and distributed in packaged form. A spokesman for a newly organized cooperative at Ephrata testified that the cooperative is planning to build a milk plant for processing and bottling milk in the Columbia Basin. This plant, however, may not be expected to be in operation for some months to come. At the present time the milk of all the principal competitors for sales in the Columbia Basin would be regulated by the Inland Empire order even though the marketing area is not extended to cover the Columbia Basin. Thus, there appears to be little reason to believe that any Spokane handler would be disadvantaged competitively as far as such advantage might result from the price of milk paid to the producer. The record indicates that Grant County has not been and is not at present a problem area for producers.

Testimony also was given by the same handler in support of further enlargement of the marketing area to additional portions of northeastern Washington, and Boundary, Bonner, Benewah, Kootenai, and Latah Counties in Idaho, and the western portions of Lincoln and Sanders Counties in Montana. These latter proposals for enlargement of the marketing area (except Latah County, Idaho) were omitted from the notice of hearing. Based on the testimony submitted, there is no indication that a disorderly marketing situation exists in these sparsely settled fringe areas or that the position of handlers operating in them who would be subject to regulation in the Inland Empire marketing area will be jeopardized.

Although all territory originally requested by handlers was not included in the notice of hearing, the notice did state that if the evidence adduced at the hearing indicated it would not be feasible to promulgate an order for all or part of the area set forth in the notice, or that additional territory should properly be included under any proposed order, the hearing would be reopened for the purpose of giving further consideration to appropriate extensions of the marketing area.

The record shows that regulated handlers sell a substantial proportion of the milk consumed in most counties located outside the defined marketing area which were suggested for inclusion. Individual handlers will not be disadvantaged significantly in making sales in these out-of-area counties because (1) in many instances their principal competitors also will be regulated by the same order, (2) the economies of scale inherent in the large-scale processing and distribution of milk in paper containers will tend to offset any short-run advantage in producer prices that might accrue to an occasional unregulated handler, (3) in some of the outlying counties the only competition encountered by regulated handlers are local producer-handlers (who would be exempt from the pricing provisions of the attached order). It is neither administratively feasible nor necessary to include within the marketing area all the territory in which handlers may be distributing any portion of their sales of fluid milk products. In fact, it would be impracticable, if not impossible, to extend the marketing area to define a territory in which there would not be some competition with unregulated distributors. However, if it appears that the area should be extended at a future time it may be done by the usual amendment proceedings.

Marketwide data on sales in and out of the marketing area obtained under the order will assist in evaluating any developments affecting the future appropriateness of the size of the defined marketing area. A careful review of the record testimony indicates that it is clearly feasible to issue an order for the marketing area proposed herein without reopening the hearing to consider extending the defined marketing area.

The establishment of minimum prices for milk which are required to be paid by handlers, and the distribution to producers of the returns from the sale of milk by means of a marketwide pool as herein provided, make it necessary to identify precisely (a) the milk to which such minimum prices apply, and (b) the farmers or producers who are to share in the returns from the sale of milk for which minimum prices are established. Primarily for these purposes the order should include definitions of "dairy farmer," "producer," "pool plant," "nonpool plant," "producer milk," and "other source milk."

It is also necessary, of course, to define the term "handler" essentially for the purpose of identifying those persons on whom obligations and requirements are, or may be, imposed by the order, including the obligation to pay the minimum prices established. It is provided, however, that a "producer-handler" shall be exempt from all the regulatory provisions of the order except that requiring the filing of reports as requested by the market administrator. The producer-handler maintains control of his milk until ultimate disposition and in this respect his situation is entirely different from the regular producer whose milk is marketed through a handler. On the other hand, such persons frequently change their status and it is necessary for the market administrator to have authority to require reports from the producer-handler in order to verify his continued status as such as well as to supplement other market information.

The Washington State Uniform Fluid Milk Act, together with county and municipal milk ordinances and codes, requires that milk for consumption in that segment of the marketing area located in the State of Washington in the form of milk and the milk products defined herein (§ 1008.41 (a)) as Class I milk to be derived exclusively from Grade A milk. Milk of similar quality is required for such products in the Idaho portion of the defined marketing area. Such laws and regulations prescribe the conditions under which such milk may be produced and distributed. In general, however, any Grade A milk is eligible for distribution within the marketing area, insofar as health authority regulations are concerned, regardless of whether or not it was produced primarily for, and as a part of the regular supply for, the particular communities included in the marketing area.

While it is not the purpose of the order to prescribe the area from which milk may be obtained for distribution in the marketing area, it must be recognized that a marketwide pooling arrangement is subject to certain abuses against which reasonable safeguards must be provided. The institution of a marketwide pool could create incentive for producers and handlers who had not previously supplied milk for the marketing area to become eligible to share in the Class I sales of the market without actually supplying the market with fluid milk or assuming any responsibility for maintenance of the necessary reserve supply. Such a development would not only fail to contribute to the orderly marketing of milk in the area or to any of the purposes sought to be accomplished by the order, but rather would tend to conflict with such objectives. On the other hand, all sources from which milk is obtained as a necessary part of the supply for the area during the season of lowest production should be entitled to participation in the pool on a year-round basis.

Accordingly, "producer milk" (intended to identify the milk for which minimum prices are required to be paid) is defined as Grade A milk received at (or caused to be diverted from) a "pool plant." The term "pool plant" is defined in a manner designed to include all those plant sources, and only those sources, of Grade A milk which may reasonably be considered as an integral part of the year-round supply for the marketing area.

All plants, except those operated by producer-handlers, from which some Class I milk is distributed within the marketing area on wholesale or retail routes are included under the definition. Thus, the definition will cover all plants at which producer milk is received and from which such distribution is made at the present time and any additional plants from which Class I milk may be distributed on wholesale or retail routes wholly or partially within the marketing area in the future. Since, as previously indicated in this decision, all such plants actively compete for consumer outlets within the confines of the marketing area, it is deemed necessary to regulate all such plants on equivalent terms.

Route distribution, in this connection is intended to include, but not to be limited to, any delivery (including a sale to the public at the plant or plant store) in customary consumer packages to various types of consumer outlets such as homes, stores, hotels, restaurants, or miscellaneous other establishments which themselves are not primarily engaged in the handling and processing of milk or milk products.

The definition will cover also those plants from which milk is not distributed on wholesale or retail routes but which serve as plant sources of milk for distributing plants provided the quantities supplied meet a minimum standard. At the present time there is only one plant of this type known to be serving the marketing area. It is apparent from the testimony in the record that the total volume of Grade A milk produced and received at such plant is an integral part of the supply for the marketing area. That being the case, such plant should have no difficulty in meeting the delivery requirements of the pool plant definition.

Pursuant to the definition, this type of plant would be included in the pool in the period October through December (period of seasonally lowest production) if 50 percent or more of the milk received at the plant directly from producers was shipped in the form of milk to a plant engaged in the distribution of milk on routes within the marketing area. A plant so supplying the marketing area with at least 50 percent of its milk received directly from producers for the entire period October through December would be eligible for pool participation without additional requirements during the following months of January through September. A plant supplying the marketing area with less than 50 percent of its receipts in the season of shortest production should be considered a source primarily for some other market or markets. Such a plant, nevertheless, could participate in the pool during any of the following months of January through September if 20 percent or more of the milk received from producers at the plant was shipped to a plant distributing in the area.

Such limitations on pool participation is expected to affect only those plants which have no record of having supplied the marketing area with Grade A milk. Such a plant should be included in the marketwide pool under the order only in those months of the year in which it actually supplies a substantial quantity of milk to the area, or in months when because of shipments in the recent past it may reasonably be considered to constitute an integral part of the market.

Withdrawal from the market of the milk received at a particular plant during the months of January through September would not be likely to seriously threaten the marketing area with an insufficient supply. It seems justified, therefore, to permit the voluntary withdrawal from the pool during that period of any pool plant unless it is a plant from which Class I milk is distributed to consumer outlets in the marketing area.

If milk other than producer milk as defined is distributed as Class I milk within the marketing area, it is necessary to require payments to be made into the producer-settlement fund on such milk in order to maintain reasonable uniformity of cost of milk and equity among handlers, and to preserve the integrity of the classified-price plan for milk. Accordingly, there is included in § 1008.70 of the order a provision for including in the value of milk computed for each handler receiving milk from producers a payment at the difference between the Class I price and the Class II price per hundredweight on "other source milk" received by him in excess of his total volume of Class II milk.

As stated previously, all the Grade A milk produced for consumption in fluid form in the State of Washington is subject to uniform statewide sanitary standards administered by the State government. As a consequence of this uniform code of sanitary requirements and under reciprocal arrangements with health authorities in Idaho, milk produced under the code anywhere in the State of Washington is eligible from a sanitation standpoint for sale in the Inland Empire marketing area. Although all Grade A milk produced in the State is eligible for sale in the marketing area, it is obvious, of course, that all the milk so produced does not constitute the regular and normal supply of milk for the regulated marketing area. For this reason, it is necessary to develop standards which distinguish that Grade A milk which is in fact the normal and regular supply for the Inland Empire area from that Grade A milk which is not a part of the regular and normal supply, so that regulation by the order may be imposed fully on that milk which is the regular and normal supply for the area while with respect to that milk which is not a part of such supply, the regulation may be applied only to the extent necessary to integrate the other source milk into the regulatory scheme. Since the sanitation standards for Grade A milk are uniform throughout the State, it is not possible to identify the regular and normal supply for this marketing area on the basis of distinctive sanitation requirements.

Neither is the unqualified shipment of milk to the marketing area for Class I utilization a practical basis for identifying the milk which should be fully regulated under the order. If any small, incidental, or accidental shipment of milk into the marketing area were to bring under total regulation all the milk at the plant from which such shipment was made, great hardship could be caused to the operator of such plant and to the farmers delivering milk to such an operator. Because of the uniformity of health requirements throughout the State, small quantities of milk may be disposed of in the regulated marketing area as Class I from plants which are not normal or regular sources of supply for the marketing area. Moreover, the operators of the plants from which such shipments arise may not wish to bring their plants under total regulation. There are many situations in which plant operators may find it economical or desirable to make shipments of small quantities of milk to the marketing area and in which it is neither necessary nor desirable in terms of effective regulation to bring the operators of such plants fully under the regulation. For instance, a plant which is associated with a market outside the Inland Empire area may find it advantageous to ship milk to a plant regulated by the order in order to have such milk converted into manufactured dairy products. It is quite possible, however, through misunderstanding, or from errors of estimating the utilization of milk, for milk which was intended for utilization in Class II products to be assigned a Class I classification. If through such accident or misunderstanding a plant were placed completely under regulation, considerable hardship, unnecessary to effective regulation, might result. For this reason, it is not practical nor desirable to place a plant totally under regulation merely because a small quantity of milk shipped by it to the market finds its way into a Class I utilization.

The Inland Empire order provides for a marketwide pool. Under this pooling plan, handlers whose proportion of utilization in Class I is greater than the market as a whole make payments into an equalization fund and those handlers whose proportion of utilization in Class I is less than the average for the market receive payments out of the equalization fund. This method of payments into and out of the equalization fund is the essential mechanism for providing uniformity of payments to farmers irrespective of the handler to whom they deliver their milk and provision for equalized payments to farmers is necessary to the maintenance of stable and orderly marketing conditions in the defined marketing area.

Because handlers with less than the market average proportion of milk in Class I may draw payments out of the producer-settlement, or equalization, fund, there is an advantage to any plant operator who has less than the marketwide average proportion of milk in Class I to place himself under regulation in order to obtain these payments and, thereby, make it possible for him to pay the uniform prices established under the order to his producers. The smaller the plant operator's proportion in Class I, the greater is the advantage of regulation to him. Under these circumstances, plants which are engaged primarily in the manufacture of milk into dairy products, rather than as suppliers of Class I milk to the marketing area, will attempt to place their plants under regulation for the sole purpose of obtaining payments out of the equalization fund. The result of this, however, will be to reduce the returns to those farmers whose milk actually constitutes the regular source of supply of Class I milk for the marketing area.

It is necessary for the reasons stated, therefore, that milk which in fact constitutes the regular and normal sources of supply for the marketing area be distinguished from other milk which

might enter the marketing area. Section 1008.8 of the order is designed to identify the regular and normal sources of supply for the Inland Empire marketing area. Under the definition of "pool plant" provided in such section, any plant no matter where located which is associated with the Inland Empire market only as a source of supply for a local distributing plant may bring itself under regulation by performing in the manner required, and any such plant may relieve itself of regulation when it no longer operates in a way that brings it within the scope of this section of the order. Under these circumstances, the decision as to whether a plant will be fully regulated under the order or will not be subject to regulation is determined by the decision of the plant operator himself.

Since the order provides for the identification of that milk which is subject to total regulation under the order, the possibility remains that some milk (i. e. other source milk) will be disposed of in the marketing area as Class I which is not subject to total regulation.

The provision requires that on all other source milk classified as Class I, a payment shall be made into the equalization fund at a rate equal to the difference between the Class I price and the Class II price. Payments at this rate are necessary to maintain the integrity of the pricing and pooling provisions of the order.

Essentially all the other source milk which might be utilized as Class I in the marketing area would be produced as part of a supply intended primarily to meet the demand for milk for fluid consumption (or the equivalent of Class I milk uses under the order) in some area in the States of Washington or Idaho other than the area regulated by this order but not used for such purposes in the area for which it was produced. It could only be milk which became surplus to the needs for milk for fluid disposition in the area for which it was produced. If the plant operator could not find a Class I sale for such milk within the regulated marketing area, it would be necessary for him to convert the milk into a manufactured milk product. The most likely surplus disposition of this other source milk would be as butter and nonfat dry milk solids, or cheese. Its value, therefore, to the plant operator would be a surplus milk value. The Class II price for milk under the Inland Empire order is based on the value of milk when it is converted into butter and nonfat dry milk solids and this is the price which regulated handlers are required to pay for milk when they convert it into these two products. The Class II price, therefore, is an accurate and fair representation of the value to the receiving plant operator of surplus milk which is disposed of as other source milk for Class I purposes in the marketing area.

If unregulated plant operators were allowed to dispose of surplus milk for Class I purposes in the regulated marketing area without some compensating, or neutralizing, provision in the order, it is clear that the disposition of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area. The plan of Congress, as contemplated under the Agricultural Marketing Agreement Act of 1937, as amended, of returning minimum prices to the producers for the regulated marketing area, would be defeated. Moreover, inefficiencies in the marketing of milk would be encouraged, for the regulated market would obtain its Class I milk not from the regular and normal sources of supply for the market but from other sources of supply generated solely as a result of the price advantage created for unregulated milk by the regulation itself. Providing for some method of compensating for, or neutralizing the effect of, the advantage created for unregulated milk, therefore, is an essential and necessary provision of this order. Since the value for Class I milk in a regulated market is established at the level of the Class I price provided for in the order and since the true value of other source milk when disposed of in the marketing area is the Class II value, a payment computed as the difference between the Class I price and the Class II price will remove the advantage which other source milk would have when disposed of for Class I purposes in the marketing area.

It may be noted also that other source milk not of Grade A quality as well as that of Grade A quality is received and handled by handlers subject to the regulation. Although from the standpoint of health standards, it is not legal to use such milk for Class I uses except under emergency dispensation granted by the applicable health authorities, the possibility remains that this grade of milk may find its way at times into fluid, or Class I, products. If this occurs, the same rate of payment should apply to such milk since its value is established by a lack of eligibility, on a Grade A standard, for regular use as Class I milk. This characteristic stamps it the equivalent, from a use standpoint, as surplus Grade A milk, and for the same general grounds as are set forth above with respect to the payment applicable to other source milk of Grade A quality, a similar payment should apply.

On the other hand, such payments should not apply to milk entering this marketing area from a plant regulated under another order since its proper classification and price will be determined pursuant to the other order, and if used in Class I milk as defined in this order will be priced equivalently (with due allowance for the transportation cost between markets) under the other order.

(b) *Classification of milk.* A classified-use plan should be established to insure that: (a) minimum prices for milk will be uniform among handlers according to use, (b) a price may be fixed for milk disposed as Class I at a level which will bring forth an adequate supply of pure and wholesome milk, and (c) a necessary reserve of inspected milk may be maintained at all times (and priced in appropriate relationship with manufacturing milk prices) without disrupting marketing and pricing conditions within the established marketing area.

Two classes of milk should be established. Class I milk should include all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid (including concentrated fluid) and frozen form as milk, skim milk, skim milk drinks, buttermilk, flavored milk and milk drinks, cream, and closely related cream products. It should include also all skim milk and butterfat represented by variations in inventory and that not specifically accounted for as Class II milk, except for a reasonable allowance for shrinkage. Class II milk should include milk and butterfat used to produce manufactured milk products such as cottage cheese, ice cream, ice cream mix, and frozen desserts (which products are hereinafter referred to as Class II A), evaporated milk, cheddar cheese, nonfat dry milk solids, aerated cream products, etc., and a reasonable allowance for shrinkage.

Milk, cream, and certain products of milk and cream disposed of for consumption in fluid form are required to be made from Grade A milk in accordance with health regulations effective in the marketing area. Extra expenses incurred in the production and delivery of milk for these purposes warrant the classification of this milk as Class I milk and the pricing of it above the level of prices for Class II uses.

Except for cottage cheese, none of the products included in Class II milk are required by health regulations to be processed from Grade A milk. These products, although they may contain some Grade A milk, must be priced so as to meet competition from products which may be made from milk produced for manufacturing purposes. It is considered necessary to permit the free movement of excess milk, when not needed to supply the market for Class I uses, into manufacturing channels without burdensome disadvantage to handlers. Health authorities in the city of Spokane require that cottage cheese be made from Grade A milk or from nonfat dry milk solids produced from Grade A milk; however, some communities in the marketing area do not have this requirement. The net result is that a considerable amount of Grade A producer milk is used in the manufacture of cottage cheese to supply the marketing area.

Although Grade A milk is not required for ice cream sold in the marketing area, a substantial amount of excess Grade A milk is used in making ice cream. Handlers testified that high quality milk is desired and is used for this product. One large handler indicated that for some time he had been paying a 25-cent premium over the price for other Class II uses for milk used for both cottage cheese and ice cream. The record shows that other handlers also place a higher value on milk so used than for use in other manufactured products. If nonfat dry milk solids from outside sources are substituted for the skim milk derived from producer milk for cottage cheese use, such solids must be produced from Grade A milk at the point of origin and

such solids command a premium of about 3 cents a pound (or 25 cents per hundredweight of milk, assuming a nonfat dry milk solids yield of 8.5 pounds to the hundredweight) over the market for nonfat dry milk solids as expressed in the Class II price formula. This quality of nonfat dry milk solids is frequently used in the manufacture of ice cream and ice cream mix also, because of the resulting improved quality and yield of the product. There is a year-round market for producer milk within the marketing area in these products.

Because considerable Grade A milk is desired for these products in the marketing area, and for the other reasons given, this milk should be priced somewhat higher than Class II milk which represents primarily an outlet for excess reserve supplies of milk in manufactured products which must compete on a nationwide basis with products produced from ungraded milk. It is recommended, therefore, that producer milk used to produce cottage cheese, ice cream, ice cream mix, and frozen desserts be designated as Class II A milk and be priced 25 cents per hundredweight higher than the remainder of Class II milk.

A proposal for classifying milk sterilized and packaged in hermetically sealed cans by the "Winger Process" as Class II milk was made at the hearing. Proponent was not actually in business at the time of the hearing, but stated that he is in the process of equipping a plant in Moses Lake, Washington, to handle milk, including excess Grade A milk, for this purpose. It was contended that the principal markets sought for this sterilized whole milk product would be the armed services and commercial outlets for shipment overseas to remote areas where fresh fluid milk is not available. It was further contended that this product would provide an outlet for excess Grade A milk in the Spokane area as well as for any excess of production in the Columbia Basin area which may develop. There is indication on the record that Grade A milk will not be required for this sterilized product. Under the circumstances it is concluded that milk used to produce such product should be classified as Class II milk.

The hearing record shows further that some skim milk customarily is either dumped or disposed of as livestock feed during the seasonal surplus period for lack of manufacturing facilities. The attached order provides that under certain limited conditions milk disposed of in these outlets may be classified and paid for by handlers as Class II milk. In order to forestall improper accounting for such milk, it is recommended that such dispositions be limited to skim milk and apply only to the months of April, May, June, and July. Furthermore, in the case of skim milk dumped, such classification should be allowable only when the market administrator, or his representative, is provided the opportunity to witness the dumping. Six hours' advance notice to the market administrator by the handler concerning his intention to dump skim milk should be adequate considering the locations of the various plants to be regulated. Otherwise, dumped milk should be classified "unaccounted for" and priced as Class I milk.

Some shrinkage is unavoidable in operating a milk plant. Testimony in the hearing record indicates that a fluid milk operation efficiently operated, and for which accurate and complete records are maintained, should not experience normal shrinkage in excess of 2 percent of producer milk, and perhaps less. Fluid milk operations comprise the bulk of the milk handled by handlers in the marketing area. If experience under regulation indicates a smaller percentage of shrinkage, this fact may be given consideration in a subsequent hearing. Thus, all unaccounted-for milk, other than actual shrinkage up to 2 percent of total receipts of skim milk and butterfat from producers which may be classified as Class II milk, should be classified as Class I milk. Since Class II milk is accounted for on a used-to-produce basis, this shrinkage provision should result in no hardship to handlers with regard to milk used for manufacturing purposes. Shrinkage on other source milk, however, will be allowed in the lowest available use classification under the allocation provisions, since other source milk is deducted on the basis of receipts rather than on product use.

In most milk markets, there are a certain number of transactions between handlers such as transferring milk from one handler's plant to that of another or to the plant of a person who is not a handler. Administratively, since milk is readily converted into other products, a method of classifying milk transferred between plants is necessary. With regard to such movements of milk, the order provides that the responsibility for correct classification should be placed on the handler who first receives the milk from producers. In case any milk is transferred without adequate proof of use, such milk should be classified as Class I milk.

A suggestion was made in the brief filed by a proponent producer organization that a reasonable distance should be fixed beyond which the market administrator should not be required to send auditors to verify the utilization of milk involved in interplant transactions. A radius of 200 miles from the Spokane Courthouse was offered as a reasonable distance for the purpose. This suggestion was not discussed at the time oral evidence was being taken. Since the record does not indicate that reserve milk has been transported such a distance at any time in the past, it does not appear necessary at this time to establish a definite geographical area beyond which milk moved will be Class I without audit. A future hearing will provide opportunity for full consideration of the proposal.

The order also provides for the reclassification of milk originally classified in one class, but later used or reused in another class. The classification of milk is designed particularly to assure producers of the proper return for milk used in each class and to place handlers on an equitable cost basis with respect to the minimum purchase price of milk from producers. Such a provision is necessary to achieve this objective.

The handler who first receives the milk from producers should bear the responsibility of accounting for the use of such milk. This will be facilitated by requiring such handler to show an actual Class II or Class II A use of milk, or, as an alternative, have such milk classified as Class I milk. Other source milk should be allocated first to Class II uses in the handler's plant. The reason for this is to prevent other source milk from displacing in Class I uses the milk of producers, on which the market relies for a continuous milk supply.

Skim milk and butterfat are not used in all products in the same proportions as contained in the milk received from producers, and, therefore, should be classified separately according to their separate uses. The skim milk serum and butterfat content of milk products, received and disposed of by a handler, can be determined through certain recognized testing procedures. Some of these products, such as ice cream and condensed products, present a difficult problem of testing (and accounting) in that some of the water contained in the milk has been removed. It is necessary, in the case of such products, to provide an acceptable means of ascertaining the amount of skim milk and butterfat contained in, or used to produce, these products. This may be accomplished through the use of adequate plant records made available to the market administrator in the case of products manufactured by a handler, or by means of standard conversion factors of skim milk and butterfat used to produce such products in the case of products purchased by a handler or where plant production records are inadequate.

Although there appears to be no contention concerning the propriety of classifying both fortified and reconstituted fluid products as Class I milk, a question was raised as to the method to be used to compute the volume of skim milk included in fortified milk to which the payment required by § 1008.70 (a) (5) applies.

The record discloses that nonfat dry milk solids which might be utilized to fortify Class I milk products would be required to come from Grade A milk but would be paid for on the basis of the Class II price if derived from milk covered by the order or at a price for manufacturing milk, if derived from milk processed at a non-regulated plant. The additional solids utilized increase the value and salability of the end product. The value of each pound of nonfat milk solids utilized by addition to, or as, a Class I product has a value to the handler the same as every other pound contained therein. Neither the form in which, nor the source from which, such solids are obtained alter their value to the handler for this purpose and they may not be distinguished on the basis of cost of production, need for regular supplies, sanitary requirements, seasonality of production, or value to consumers. Since the Class I price provisions are designed to encourage producers to deliver

an adequate and dependable supply of milk in all seasons, the returns to producers for one portion of Class I milk should not be reduced below the level of the remaining portion disposed of in such class. The effect of computing the value of the added nonfat solids on actual weight rather than on a skim milk "equivalent" basis, in a Class I product, is to alter the accounting method for such solids as compared with an equivalent quantity of such solids contained in skim milk in fluid form which is utilized in the same product, in another Class I product, or even in Class II milk. The actual weight basis of accounting for the added solids used in fortified skim milk (Class I) has the effect, from a pricing standpoint, of retaining in Class II milk a portion of the producer milk utilized in the production of such Class I product even though it represents the only end use resulting from the producer milk involved. This is equivalent to granting the handler a price reduction with respect to a portion of his Class I milk. Therefore, the accounting procedure to be used in the case of this and any condensed milk product should be based on the pounds of milk or skim milk required to produce such product.

Because the order class prices apply only to producer milk, it is necessary, if a pool plant has butterfat or skim milk other than that received in producer milk, to determine the quantities of milk in each class to be assigned to current receipts from producers. The milk of producers who are regularly engaged in supplying the market should be assigned the Class I utilization first. This is necessary to insure the effectiveness of the classified pricing program of the order. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in detail in the order.

In general this procedure requires that skim milk and butterfat, respectively, remaining in each class be assigned to producer milk by making the following deductions from the gross utilization of each handler starting with Class II milk, except as otherwise noted:

(1) Class II shrinkage of producer milk;

(2) Other source milk;

(3) Receipts from other handlers (according to classification); and

(4) Overage.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described above should be carried out with respect to all milk received during each month. To apply a shorter accounting period would place an accounting and reporting burden upon handlers and increase the cost of administering the order.

Class prices. Class I prices should be established at a level which, together with appropriate Class II A and Class II prices, will return to producers a uniform price sufficient to bring forth the required supply of Grade A milk throughout the year. Class prices established too low will result in the production of insufficient milk to meet the Class I needs of the market. On the other hand, prices at too high a level will stimulate production and bring to the market more milk than is necessary to satisfy Class I needs, including a reasonable "reserve." The development of uneconomic reserves of Grade A milk in the past have tended to depress the price for all milk produced for the market.

In their proposal, producer proponents suggested that a basic formula price and differential method of pricing be established. It was testified that the purpose of this basic formula price is to reflect the general economic factors underlying the price for milk used in manufactured dairy products. Because the market for most manufactured products is nationwide, prices of such products reflect, to a large extent, changes in general economic conditions affecting the supply and demand for milk. These prices, in turn, influence the local market prices for the same uses of milk. In this market prices for milk used for fluid purposes are related to prices paid for milk used for manufacturing purposes since the production and marketing of inspected milk for fluid purposes is influenced by many of the same economic conditions. Also, manufacturing milk plants serve as alternative outlets for milk which farmers produce for fluid milk markets. For these reasons, many fluid milk markets have found it appropriate to use the prices for butter and nonfat dry milk solids, or the prices paid by condenseries (with differentials over these basic manufacturing prices), to establish fluid milk prices. It was pointed out that the differential added to the basic formula price should, in general, reflect the additional costs of getting Grade A milk produced and delivered to consumers in the quantities required to meet the needs for fluid consumption in the Inland Empire marketing area. The use of alternative components as included in the attached order in the determination of the basic formula price will reflect the basic factors affecting the value of manufactured milk at any given time.

The concept of adjusting minimum class prices in response to changes in supply and demand conditions, and thereby influencing the production of milk through consequent changes in producers' blend prices, has wider geographical implications today than in the past. In earlier days producers were limited to supplying milk to local markets because of inadequate transportation facilities and the local nature of health regulations and milk distribution systems. Today the technological advance in milk production, including the widespread use of milk cooling equipment on farms; the rapid motor transportation from farms to a number of cities instead of one or two, especially through the advent of bulk farm tank milk pickup; the increased efficiency of milk processing equipment and plants; the increasing importance of paper containers for packaging milk; the use of refrigerated delivery trucks; the sale of milk through vendors and stores in distant cities; and the corollary trend among health authorities of approving sources of milk derived from a wider supply area under agreements for reciprocal inspection—all these factors enable milk to be transported and sold long distances from the point of production. The hearing record reveals a gradual widening of the Inland Empire milkshed as well as an extension of the marketing area in which Spokane handlers distribute milk. The testimony shows the need for reflecting any basic changes in milk prices affecting the industry as a whole, and particularly for maintaining a reasonable price alignment with other areas such as Puget Sound, central Washington, and the Columbia Basin from which milk may be readily shipped to Spokane under favorable price levels.

The basic formula price adopted is the higher of (a) prices paid by 13 Wisconsin and Michigan condenseries with butterfat content adjusted to a 4-percent basis, or (b) a price calculated from a formula based on the prices of butter and nonfat dry milk solids. This basic formula pricing plan is comparable to that proposed at the hearing and is similar to that used in the Puget Sound order and in many other fluid milk markets in the country under similar type regulations. It is designed to reflect the factors described above.

(1) *Class I price.* The Class I price should be established at a differential of $1.85 per hundredweight over the basic formula price.

Proponents proposed a differential of $2.15 per hundredweight over the basic formula price. They presented testimony to the effect that the costs of production and transportation are generally higher in eastern Washington and in northern Idaho than in the Puget Sound area; also, that historically Spokane area milk prices have been higher than in western Washington by about 50 cents per hundredweight. The proposal amounts to exactly 50 cents per hundredweight over the minimum Class I price as established by the order regulating the handling of milk in the Puget Sound marketing area.

One handler proposed and gave testimony in support of a Class I price differential ranging between $1.65 and $1.85 over the basic formula price. It was alleged that the level of prices paid by Spokane handlers in 1953 resulted in surpluses in excess of the needed reserve supply, and that his proposed price differential would suffice to bring forth an adequate supply of Grade A milk to satisfy market needs. Another handler contended that a Class I price differential closely paralleling that of the Puget Sound order would result in an adequate supply of milk to meet Class I needs. Both handlers contended that the costs of milk production are no higher in the Inland Empire area than in the Puget Sound area.

The record reveals that the price for milk for bottling (termed Class I milk) in the Spokane market was $5.96 for the years 1952 and 1953. It appears that this was an important factor in the development of the excessive supply of milk and unstable marketing conditions. If the Class I price differential of $2.15 per hundredweight over the basic formula price, as proposed by the proponents, had been in effect during this

period, the average Class I price would have been even higher ($6.21 per hundredweight). The record shows that from January 1, 1952, to January 1, 1955, the number of dairy cows and heifers two years old and older increased about 12 percent in Washington as compared with about 4 percent for the United States. During this period costs of dairy roughages and concentrate rations declined considerably, both in Washington and over the country as a whole. Inasmuch as all principal parties participating in the hearing, including the producer proponents, indicated that the $5.96 price per hundredweight was too high under the conditions prevailing in 1952 and 1953, resulting in an excess of Grade A milk for market needs, and because many of the production cost factors are no higher than during such period, obviously the Class I price, resulting from a $2.15 per hundredweight price differential over the basic formula price would not be reasonable.

Proponents have stressed the importance of the relationship between Puget Sound and Spokane prices in making their case for a Class I differential of $2.15 per hundredweight; and thus it is appropriate to discuss such relationship as well as factors directly affecting the production of milk in eastern Washington and northern Idaho. It was contended that historically the price of milk for bottling in the Spokane market has been about 50 cents higher than that for similar use under Puget Sound order. This was approximately the case for the years 1953 and 1954. But if the comparison is carried back to 1951 and 1952, the record reveals that the average Spokane Class I price was 14 cents per hundredweight lower than the Puget Sound Class I price for the period June–December 1951, and averaged 11 cents per hundredweight lower for the year 1952.

Record evidence indicates that costs of hay and farm labor are lower in the Inland Empire area than in the Puget Sound area. On the other hand, pastures are somewhat less productive and the pasturing season is shorter in the Inland Empire milkshed than in the Puget Sound area. Also, dairy ration costs and costs of transporting milk from the farms to the milk plants are higher in the Inland Empire milkshed.

Official notice is taken of the basic formula price under the Puget Sound order which applies to the month of October 1955 ($3.50 per hundredweight). The addition of a Class I price differential of $1.85 per hundredweight would have resulted in an October Class I price (4.0 percent milk) of $5.35 per hundredweight in the Inland Empire marketing area, had the proposed order been in effect.

With a higher Class I utilization in the Spokane market than in Puget Sound, a Class I price differential of 20 cents over that of Puget Sound might be expected to result in net returns to producers approximately 40 cents per hundredweight higher than in the latter area. Such a price should provide the Inland Empire marketing area with an adequate supply of Grade A milk and be in a sound relationship with prices in Puget Sound and other surrounding production and marketing areas. It is important to recognize that Grade A milk is available both in the Puget Sound area and at sources nearer to Spokane not currently associated with the market. A potential surplus producing area exists in the Columbia Basin.

A higher differential at this time could result in an over-stimulation of production of milk by regular producers for the market, conversion of cream shippers to producers of Grade A milk, and the attraction of milk from production areas not customarily supplying this market. Such developments would result in the building up of excessive reserves of Grade A milk, dilution of the pool, and depressed blend prices to the detriment of producers upon whom the market depends for a regular supply of milk. The recommended price differential in conjunction with other stabilizing influences provided by the order should create the incentive needed for the production of an adequate supply.

As a revision of their original proposal, proponents recommended that a "supply-demand adjustment factor" be added to the Class I price formula to further reflect changes in local supply and demand conditions as well as general conditions in the industry. Although a supply-demand adjustment factor in the pricing formula conceived from local market data would be desirable and serve a useful purpose, it is concluded that the development of such a factor should be delayed until the market has had at least a year's experience under the order. This is desirable as a basis for determining the seasonal patterns of production and demand more accurately than is possible from information available at this time. The class prices included in this order wil be terminated eighteen months after this order becomes effective, providing an opportunity for review of the market situation, based on more detailed information.

(2) *Class II price.* The Class II price formula should reflect a reasonable value of milk for manufacturing purposes in the supply area. The Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs may be produced from time to time. The price should not be so low that handlers will be encouraged to procure or retain milk supplies solely for the purpose of converting substantial quantities into Class II products.

Proponents proposed a formula based on the central market prices of butter and nonfat dry milk solids with an 80-cent per hundredweight "make-allowance" (the same allowance as in the Puget Sound order). At the hearing, one handler proposed a similar-type formula with a make-allowance of $1.02. Another handler proposed that the allowance be set at 90 cents. The latter alleged that manufacturing costs are higher than in Puget Sound, because of the lower volume handled in manufacturing uses.

In the Spokane area, most of the excess milk is used for cottage cheese and ice cream as adjuncts to the fluid operations of handlers. The manufacture of storable products, such as butter, cheese, and nonfat dry milk solids, is more sporadic than in the Puget Sound area and occurs principally in the flush season of production.

It is concluded that the butter-powder formula, including a make-allowance of 80 cents per hundredweight, will result in reasonable pricing for Class II milk in the Spokane area in line with its value as reported by condenseries, creameries, and cheese factories in the State of Washington. Although such items as butter, nonfat dry milk solids, and cheese are not processed to the same extent as in the Puget Sound area, it should be recognized that the formula pertains mainly to milk in Class II A (used to produce cottage cheese, ice cream, and ice cream mix), in which category there is practically a year-round outlet available as an adjunct to fluid milk operations, rather than to the storable dairy products which might represent a "distress" disposition in this market.

When nonfat dry milk solids must be purchased by Inland Empire handlers, spray process solids for human consumption are desired and used to produce Class II A products. In the case of cottage cheese in the Spokane market, skim milk from Grade A milk, or nonfat dry milk solids manufactured from Grade A milk, are required in its manufacture. Handlers testified that when locally produced Grade A milk is not available for ice cream, or for cottage cheese to be sold outside the marketing area, high quality, low temperature spray process nonfat dry milk solids are desired and used for these products. Premiums of about 3 cents per pound are paid to procure the high quality solids used to produce quality cottage cheese and ice cream. The principal, and nearest, source of such nonfat dry milk solids is the Puget Sound milkshed, where manufacturing milk prices (and Class II prices under the Federal order) approximate the level contemplated by the formula adopted here. Milk used for such purposes in the Inland Empire should be worth as much as the cost of obtaining comparable milk ingredients from alternative sources of supply. The hearing record also indicates that handlers generally have recognized the extra value of producer milk used for cottage cheese and ice cream by paying more for milk used to produce these products than for other Class II uses. It is therefore concluded that milk used to produce cottage cheese, ice cream, and ice cream mix (herein referred to as Class II A) should be priced at 25 cents per hundredweight above the Class II price as determined by the Class II formula.

Butterfat differentials. Because of variations in the butterfat content of milk delivered by individual producers and in milk and milk products sold by different handlers, it is necessary to provide "butterfat differentials" to insure equitable payments for such variations in butterfat.

Since it is concluded that the class prices should be established for milk

containing 4.0 percent butterfat, it is necessary to adjust Class I and Class II prices in accordance with the average test of milk in each class by a butterfat differential which will reflect differences in the value of milk products within the class caused by variations in butterfat content. The values resulting from multiplying the average price of 92-score butter at San Francisco by 0.123 for Class I milk and by 0.115 for Class II milk will provide an appropriate basis for adjusting such prices in this marketing area. These adjustments will reflect reasonable values for the butterfat used in each class of milk. The higher butterfat differential for Class I milk is necessary to provide an appropriate relationship between the values of skim milk and butterfat in this class. The use of butterfat differentials in this manner follows standard practice in most fluid milk markets for adjusting prices of milk of various butterfat contents. The proponents have proposed a Class II butterfat differential of 0.110 times the price of San Francisco 92-score butter. It is concluded a factor of 0.115 would more appropriately reflect the value of all butterfat in such milk and would place the pricing of such butterfat in closer alignment with alternative sources.

It is appropriate to adjust for butterfat variations in base milk at the Class I butterfat differential to the extent that Class I milk is reflected in base milk deliveries and at the Class II butterfat differential on Class II milk included in base milk, and to use the Class II butterfat differential in adjusting for butterfat variations in excess milk delivered by producers.

Location adjustments. In order to recognize the cost of moving Class I milk from distant plants which are, or may become, regular sources of supply for the Inland Empire market, it is necessary to provide location adjustments to allow for variation in the payments handlers are required to make to producers whose milk is received at such plant locations based upon their relative distances from the market.

One handler in Spokane operates a receiving station at Sand Point, Idaho, at which milk is weighed, cooled, and sampled for butterfat testing. The milk is then transported by tanker to the Spokane plant for pasteurization and bottling. Another handler operates a bottling plant involving local fluid milk distribution in Sand Point. Thus, to provide equity among handlers in procurement a location adjustment is needed to reflect a reasonable price for milk at this location in the milkshed as compared with the price effective for the main consuming communities of the marketing area. The proximity of the marketing area to other milk producing areas, especially areas to the west, from which milk now is being sold in other markets, also requires that location adjustments be provided to properly price such milk at such locations in case it may be shipped to the Inland Empire market at some future time.

The schedule of location adjustment rates provided in the attached order, which was proposed and supported by the proponents, appears to be in line with the costs of moving milk in tank trucks in the area. The particular adjustment of the Sand Point location could amount to as much as 24 cents per hundredweight, depending upon the precise distance by hard-surfaced highway. Thus, at Sand Point, which is approximately 75 miles from Spokane, the Class I price and the producer price for base milk f. o. b. plant would be 24 cents per hundredweight less than at Spokane.

Location adjustments should apply only to milk received at pool plants more than 50 miles from the City Hall in Spokane. Milk produced closer than 50 miles can be readily transported directly from producers' farms to handlers' bottling plants in the principal consuming communities in the marketing area. The rates of location differential are 3 cents per hundredweight for each 10 miles, or major fraction thereof, measured from the City Hall in Spokane, in the 50–100 mile zone, an additional 2.0 cents per hundredweight for each 10 miles, or major fraction thereof, in the 100-200 mile zone, and an additional 1.0 cent per hundredweight for each 10 miles, or major fraction thereof, beyond 200 miles. Such rates apply to the shortest hard-surfaced highway distances such pool plants are from the City Hall in Spokane and to milk assigned to or otherwise classified as Class I. A variation in the rate of location differential is justified because a large part of hauling charges consist of the loading and unloading of trucks, and thus somewhat higher rates are appropriate for relatively short distances as compared with long-distance movements.

(d) *Distribution of proceeds among producers*—(1) *Type of pool.* The order should provide that the proceeds from the sale of milk in both classes by all handlers be combined and distributed to producers through a "marketwide" type of equalization pool. Under this type of pool each producer will receive minimum prices that are uniform, subject, of course, to butterfat and location differentials. The "blend" price, and the "base" and "excess" prices, will represent a weighting of the proportions of all producers' milk paid for at the Class I and Class II prices, and will, in effect, return to each producer his share of the Class I sales of the market.

Under the marketing conditions prevailing and the organizational structure of the industry in the Inland Empire area, as set forth in the record, it is clear that the marketwide type of equalization pool is a necessary part of any effective program to establish and maintain orderly marketing and pricing conditions.

Only a small number of handlers in marketing area are equipped to process substantial quantities of reserve and surplus milk in their own plants. For this reason, and those already pointed out in the discussion of the necessity for an appropriate Class II price, it is imperative that a pool be established that will provide for an equitable sharing, particularly during the flush production season, of the lower returns that are inevitable with an adequate and necessary reserve of milk. Because many plants do not have facilities for processing all their reserve and surplus milk, the adoption of an individual-handler pool, wherein plants operating on a Class I basis could pay a higher price to producers than those who would assume responsibility for disposing of the reserve milk supplies of the market, would automatically deter handlers from handling such milk or from equipping their plants for that purpose. The inability of certain supplies to find a ready outlet has been an important factor contributing to the unstable marketing conditions. The burden of carrying the necessary reserve supplies of milk would continue to be shouldered by only a part of the producers who share in the year around Class I sales in the area.

A marketwide pool will permit any handler to bid on such business at that offered by military installations and other public institutions and to obtain the supplies for such sales without upsetting the market whenever the business might shift from one handler to another. A marketwide pool also will aid the market in retaining qualified, experienced and willing producers during periods of seasonal surpluses (by permitting them to receive the marketwide uniform price); hence their milk will be available to fill the Class I requirements of the market at other seasons of the year.

These factors, taken in conjunction with the variations in amount of reserve supplies among plants, all support the adoption of a marketwide pool.

(2) *Base-excess plan.* A base and excess plan of distributing returns for milk among producers should be employed in connection with the marketwide pool established herein. Record evidence indicates that milk receipts vary between the spring and fall months to a greater extent than Class I sales. In addition, some handlers have difficulty in utilizing efficiently all milk delivered to them during periods of seasonally high production. Consequently, there is a need for an incentive to maintain production in the fall months relative to that of the spring and summer months.

Handlers and producers serving the Inland Empire market are now relying on various forms of base-excess plans to provide the incentive needed to induce local dairymen to strive for a more nearly even level of milk production throughout the year. Producers and handlers alike feel that the presently operated base-excess plans perform a much-needed function, even though their actual operation in many cases leaves much to be desired from the standpoint of equity between handlers and fairness to producers. These latter conditions can arise because distributors themselves establish the rules of the base-excess plan and control the adjustment and transfer of bases.

Base and excess plans are effective means of improving the seasonal pattern of milk deliveries because they relate producer returns directly to delivery of additional milk in the late summer and fall as compared with deliveries in the winter and spring. Were some version of this plan not included in the attached order, the most likely result would be an increased seasonality of production with its attendant problems of surplus disposal in the flush production months. Any movement in this direction will work against market stability in this area, since some handlers in the market have difficulty in disposing of all milk delivered to them in the months of seasonally high production. It is concluded, therefore, that a base-excess plan applied to all producers by being made a part of the attached order will play an essential role in stabilizing marketing and pricing conditions in the area. However, from a practical standpoint, because time is required to establish the plan, the order provides that all milk delivered by producers will be regarded as base milk from the effective date of the order until March 1, 1956. Thus, producers will receive a straight "blend," or uniform, price for all deliveries for the first few months of regulation which will occur mainly in the season of low production.

The base-excess plan adopted herein, to begin March 1, 1956, would establish for each producer who delivers at least 120 days in the months of September through January immediately preceding a base equal to his average daily deliveries during such five-month period. The base so computed would be in effect for the twelve months' period March through February following, and would be recomputed in a similar manner each year.

Since the base-excess plan is designed to distribute to each individual producer his share, according to the seasonal pattern of his milk deliveries, of the total value of all milk pooled in each month, certain rules must be established also for computing bases for producers who come on the market for the first time. Provision is made for producers who may enter the market after the start of the base-forming period to establish a full base by delivering a minimum of 120 days during the specified period. If a producer did not deliver milk to the market during a major portion of this fall and winter period, however, he would receive, temporarily, a base computed as a specified percentage (to vary each month) of his deliveries during the month. This percentage would represent the relationship of established bases to current milk deliveries by all producers, adjusted downward by 10 percent. Such producer would establish a base in the regular manner as soon as he had delivered at least 120 days in a September-January period and thus had demonstrated his ability to deliver in the period when the market most needs his milk.

These rules necessarily must guard against giving preferential status to new producers as compared to those who have been supplying the market. On the other hand, the rules are not intended to deter the movement of milk from new sources into the Inland Empire market. In providing a year-round base and excess operating period in the order, it is necessary especially to insure that the base and excess plan will not impede the movement of qualified Grade A milk into the marketing area from plants not currently associated with the Inland Empire market but which may qualify as pool plants in the future. Thus, producers of milk received at such plants should be given opportunity to establish bases on equal terms with producers whose milk was received at a pool plant during the applicable base-forming period. In order to provide such opportunity, it is necessary, of course, that any such plant furnish records of the production of such producers for the base-forming period. If such information is not made available to the market administrator with respect to any such producer, a monthly base computed as a specified percentage of his deliveries during the month would apply (§ 1008.60 (c)).

Beginning with March 1956 separate uniform prices would be computed for base milk and excess milk for the purpose of allocating Class I sales first to base milk. Base milk would be that quantity of milk delivered by each producer up to his average daily base multiplied by the number of days in the month during which he delivers milk to any handler. The excess milk price would be the Class II price except in those months when the total Class I sales exceed the total quantity of base milk. During such months the excess milk price would be a blend of a Class I and Class II usage of excess milk.

It would be preferable to provide advance notice to producers regarding the original period to be used for establishing bases. However, producer organizations urged that bases be employed under the order from the outset in order not to interrupt a method of payment which has been customary for both cooperative and independent producers over a long period. Handlers offered no objection to this suggestion. In order to adopt the plan on a date as early as provided (March 1, 1956), it is necessary to require handlers to report delivery information concerning each producer's milk beginning with September 1955.

Contingencies such as changes in the operation of a farm because of the change of ownership, or death, retirement, or entry into military service of a producer, and changes in partnership or tenant-landlord arrangements, also should be provided for to give clarity and workability to the plan. Therefore, certain rules in connection with the establishment and transfer of bases have been included.

Proponents of the order suggested that the individual producer's base be established by ascertaining the average of his deliveries in the five months of his lowest delivery during the most recent twelve-month period and then adjusting such average delivery figure by a percentage which would result in an aggregate base for all producers equal to the market's Class I sales plus a 10 percent reserve.

As pointed out by proponents, the problem of distributing the proceeds for milk on a base and excess plan of payment hinges about the relatively constant demand for Class I milk throughout the year as contrasted to the normally wide seasonal variations in the production of milk. It is highly important that production of Class I milk be adjusted so that there will be an adequate supply even during the normally short production season in the fall and winter. The market must be supplied. In equity, each producer's share of the proceeds of the market should be based upon his demonstrated ability to supply the market.

The record shows the season of normally low production to be the fall and winter months. It is at this time of the year that the producer, under present conditions, must demonstrate his ability to produce if the market is to be adequately supplied. To the extent that the producer performs to meet the market's needs in these months and reduces production relatively in the spring and summer, the market is benefited to the same degree. A producer's ability to deliver when the market has the greatest need for milk cannot be measured by his failure to deliver in months when milk is not needed as adequately as by taking account of his deliveries when the need is present. Proponents' plan would permit low delivery by the producer in a spring or summer month to carry equal weight with possible higher deliveries in the fall and winter in measuring his ability to meet the needs of the market. The record indicates that even if some producers may experience a low point in production during May and June, the market as a whole has a seasonal excess in these months. Moreover, the use of delivery information several months old would not appear to be as good an indicator of a producer's ability to supply milk in the future as his performance in the most recent period of low production. Since a base and excess plan looks to the future rather than to the past, it would appear that the plan could be applied with greatest equity if the recent performance of the producer were used to measure his future ability to deliver.

The producer's ability to deliver in a seasonal pattern best suited to the market will not be determined more accurately by adjusting producer deliveries in aggregate to the Class I sales (plus necessary reserves) of the market. Proponents state that a total of bases greatly in excess of Class I sales plus 10 percent is insupportable on the basis that "shares in the market cannot be assigned in excess of the market." If the class prices are set at a level which will maintain a reasonable balance between supply and demand, deliveries by producers in the months of lowest production will not exceed greatly the amount of milk actually needed for Class I use, plus the minimum reserve supply. Thus, producers will share equitably in the Class I market and necessary reserve. If, however, the total delivery should be substantially in excess of Class I sales plus the minimum reserve supply, it would be appropriate to review the level of class prices in the market.

In view of the above, it is concluded that the suggested proposals for determining amounts of bases and for ad-

justment to Class I sales to which reference is made should not be adopted.

Proponents offered a suggestion for a "merit-grading plan" under which those producers meeting a specified "score" for milk quality would receive a blended, or uniform, price and deduction from such price would be made in the case of milk meeting health department standards, but considered of lesser quality. By alternative suggestion, it was indicated that "premiums" might be established for grade or quality ratings above the lowest acceptable grade.

The statute permits the adoption of provisions for the adjustment of producer prices based on grade or quality. However, in order to delineate between grades of milk within the framework of minimum prices and pooling under the order, it would be necessary from an administrative viewpoint to have a specific set of standards by which the market administrator could fairly determine differences in quality. Anything less would be impractical and obviously inequitable as among producers. The problems of administering such a plan equitably on a marketwide basis differ appreciably from those encountered in the application of the plan by a producer association with respect to milk in its own plant.

The merit-grading plan which has been made applicable to a portion of the milk in the market by proponents has not been adopted universally by handlers. Only the proponent producers' associations spoke in its behalf. Other handlers were noncommittal as to its value. The plan outlined was not specific in its terms and it does not appear to be supported by any official action or program of the local health authorities. The price formulas included in the attached order are designed to bring forth the necessary supply of milk under the minimum standards established by the local health authorities. Additional payments for extra quality may be made if handlers so desire.

It is concluded from the above that the merit-grading plan as suggested should not be adopted on the basis of the evidence available at this time.

(3) *Payments to individual producers and to members of cooperative associations.* Handlers should make payments to each producer for milk delivered by such producer at the appropriate uniform price. Payments due any producer for milk should be paid by the handler to a cooperative association that makes a written request for such payments if the producer has given the cooperative association written authorization, in the form of a contract or in any other form, to collect such payments. In making such payments for producer milk to a cooperative association, the handler should at the same time furnish the cooperative association with a statement showing the name of each producer for whom payment is being made to the cooperative association, the volume and average butterfat content of milk delivered by each such producer, and the amount of and reasons for any deductions which the handler made from the amount payable to each producer. This statement is necessary so the cooperative association can make proper distribution of the money it collects to the producer-members for whom it makes collections.

Qualified cooperative associations of dairymen, if they so request, should be permitted to receive payment from handlers for their producer-members as a group. A provision authorizing handlers to make payment directly to such qualified cooperative associations for milk received from producer-members is necessary to enable an association to carry out the functions authorized by the enabling act, i. e., blending the net proceeds of all of its sales in all markets in all use classifications, and making distribution thereof to its producers in accordance with the contract between the association and its producers. A cooperative association, if it is to carry out such functions, must have full authority in the collective bargaining and marketing of members' milk.

(4) *Producer-settlement fund.* Since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperative associations, it is necessary to provide for some method of balancing these amounts. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations should pay the difference into the producer-settlement fund; all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal except for minor differences that may result from rounding of uniform prices. In order to permit this rounding of prices, to allow for unavoidable delays in receiving payments from handlers, and to permit payments to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the proposed order should be sufficient for these purposes. This reserve would be adjusted each month.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has not made payments required of him into the producer-settlement fund should not be considered in the computation of the uniform price in subsequent months until such handler has completed all delinquent payments.

(e) *Other administrative provisions.* Certain other provisions are needed in the order to carry out the administrative steps necessary to accomplish the purposes of the proposed regulation.

(1) *Terms and definitions.* In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term implies the same meaning. Definitions for base and excess milk are included. Other terms defined in the proposed order are common to many other Federal milk orders.

(2) *Market administrator.* Provisions should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of his office.

(3) *Records and reports.* Provisions should be included in the order to advise handlers that they are required to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of producer milk and payments due producers for such milk. Time limits must be prescribed for filing such reports and for making payments to producers. Dates must also be established for the announcement of prices by the market administrator.

It should be provided that the market administrator report to the cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the utilization of members' milk in each handler's plant will be prorated to each class in the proportion that total receipts of producer milk were used in such class by such handler.

One handler objected to the adoption of such a provision. It was contended that such reports would contain valuable competitive information which would not be available to proprietary handlers.

The record shows that, at the present time, there is only one cooperative in the Inland Empire market which would be entitled to receive this information. This association does not operate a plant, and is not engaged in marketing milk in competition with handlers. Its sole function is bargaining on behalf of its producer-members and in check-weighing and check-testing their milk. It is concluded that the reporting of such information to the cooperative will facilitate the efficient utilization of the available market supply and thus minimize the total quantity of milk which must be produced to meet the Class I needs of all handlers in the marketing area.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, including financial records, and such facilities, as are necessary to determine the accuracy of the information reported to the market administrator as

he may deem necessary, or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled and to verify all payments required under the order.

One handler contended that it was not necessary for the market administrator to have access to financial records in auditing reports of handlers for order purposes. The record indicates there may be instances in which a handler, wittingly or unwittingly, may fail to report all receipts and/or sales of milk. In such cases, it would be necessary for the market administrator to have access to the financial as well as other pertinent records as a means of discovering omissions or inaccuracies in accounting for milk under the order. Assuring proper accounting for milk is an important feature of an order; thus, it is essential that the market administrator have access to any and all records necessary for him to properly perform his duty and broad authority is granted, in this respect, under the Agricultural Marketing Agreement Act of 1937, as amended.

One handler alleged that when handlers report to producers concerning payments for milk received, it should not be necessary that they indicate the amount of premiums paid as long as appropriate minimum prices are exceeded. Inasmuch as in the bulk of cases a number of deductions will be made by the handler in arriving at the net amount due a producer for his milk which will result in a net payment to the producer less than the uniform price(s) required to be paid by the order f. o. b. plant, it is only reasonable that the producer be made aware of the starting point from which deductions are made as well as the amounts of the specific deductions which he has specifically authorized. Thus, the producer and the market administrator will be in a position to ascertain readily whether or not the full minimum price(s) provided by the order has been paid to the producer.

It is necessary that handlers retain records to prove the utilization of the milk received from producers and that proper payments were made therefor. Since the books of all handlers associated with the market cannot be audited immediately after the milk has been delivered to a plant, it is necessary that such records be kept for a reasonable period of time.

The order should provide for specific limitations of the time that handlers should be required to retain their books and records and of the period of time in which obligations under the order should terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitations of claims is equally applicable in this situation and is adopted as a part of this decision. Without a provision for termination of obligations after a reasonable period of time has elapsed, handlers may file claims which, because the period involved might extend back over many years, could be in substantial amounts. This creates uncertainties which would endanger the stability of the market and lead to serious inequities. The order should provide that any obligation to pay a handler shall terminate two years after the month in which the milk was received if an under-payment is claimed, or within two years after payment was made if a refund is claimed, unless within such period of time the handler files a petition, pursuant to section 8c (15) (A) of the act, claiming such money. Handlers also need the protection of provisions terminating their obligations to make payments. Since handlers cannot be forewarned always as to contingent liabilities, it is extremely difficult and burdensome for them to make adequate provisions therefor by setting up reserves or by taking other precautionary measures. The obligation of any handler to pay money should, except under certain extraordinary conditions, such as litigation, terminate two years after the last day of the month during which the market administrator received the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. It is concluded that in general, a period of two years is a reasonable time within which a market administrator should complete his auditing and inspection work and render any billings for money due under the order. Provisions are necessary, also, as contained in the order included herewith, to meet such contingencies as failure of the handler to submit required books and records and to deal with situations where fraud or willful concealment of information may be involved.

It was proposed that if a handler fails to make the required reports or payments, his name may be publicly announced at the discretion of the market administrator. Such announcement is provided for by the act, and it is concluded that its adoption will facilitate the enforcement of the terms of the order.

(4) *Expense of administration.* Each handler should be required to pay the market administrator as his pro rata share of the cost of administering the order not more than 4 cents per hundredweight or such lesser amounts as the Secretary may, from time to time, prescribe on (a) producer milk (including such handler's own production), and (b) other source milk in pool plants which is allocated to Class I milk.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers.

One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. The record indicates that other source milk is received by handlers to supplement local producer supplies of milk. Equity in sharing the cost of adminisitration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (including handlers' own production) and to other source milk allocated to Class I milk.

In view of the anticipated volume of milk and the costs of administering orders in markets of comparable circumstances, it is concluded that an initial rate of 4 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 4 cents per hundredweight maximum without necessitating an amendment to the order. This may be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

(5) *Marketing services.* A provision should be included in the order for furnishing market services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a qualified cooperative association is found to be performing such services for any member-producers, this will be accepted by the market administrator in lieu of his own service.

There is need for a marketing service program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are in accordance with the classification, pricing, and pooling provisions of the order, and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

In the case of producers who are members of a cooperative having a plant(s), the matter of milk-testing and milk-weighing is under the complete control of such producers and is assessed against such producers either through an association check-off or as a plant operating cost. The bargaining association in the area is attempting to perform check-weighing and check-testing services for its members under an association check-off. In order to place such services on a marketwide basis, the market administrator should also provide them for producers not receiving services through a cooperative association.

The additional service of providing market information to producers is carried on to some extent at present by the cooperatives although detailed information regarding market prices, supplies, and the utilization of milk is not available to either the cooperative associations and their members or the independent producers. An important phase of the marketing service program of the order is to furnish producers with correct market information. Efficiency in the production, utilization, and marketing of milk will be promoted by the dis-

semination of current information on a marketwide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 5 cents per hundredweight, with respect to receipts of milk from producers for whom he renders marketing services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing. In the event any qualified cooperative association of producers is determined by the market administrator to be performing such services for its members, each handler would be required to pay to the cooperative association such association dues as are authorized by its members who deliver to such handler.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions herein before set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order regulating the handling of milk in the Inland Empire marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the recommended order.

DEFINITIONS

§ 1008.1 *Act.* "Act" means Public Act No. 10, 73rd Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 1008.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1008.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 1008.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1008.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 1008.11 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 1008.6 *Inland Empire marketing area.* "Inland Empire marketing area" (hereinafter called the "marketing area") means that portion of Bonner County, Idaho, lying south of Township 60 and west of Range 2 East Boise Meridian, all of Kootenai County, Idaho, except that portion lying east of Range 3 West Boise Meridian and south of Township 53, Spokane County, Washington, that portion of Pend Oreille County, Washington, lying south of Township 35, and that portion of Stevens County, Washington, lying south of Township 37. As used in this section "territory" shall include all municipal corporations, Federal military reservations, facilities, and installations and State institutions lying wholly or partly within the above described area.

§ 1008.7 *Plant.* "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling or processing of milk or milk products; *Provided*, That this definition shall not include any platform or depot used primarily for the transfer of milk from one conveyance to another in the original milk containers.

§ 1008.8 *Pool plant.* "Pool plant" means any plant, other than the plant of a producer-handler or a plant at which the milk of dairy farmers is priced by another milk marketing agreement or order issued pursuant to the act, which is approved by any health authority having jurisdiction in the marketing area as a plant for the receiving of milk qualified for consumption as fluid milk in the marketing area and from which:

(a) Class I milk pursuant to § 1008.41 (a) (1), (2), or (3) is distributed on wholesale or retail routes wholly or partially within the marketing area (for the purpose of this section, route shall mean a delivery to retail or wholesale outlets, including delivery by a vendor or a sale from a plant or plant store, of milk or any milk product classified as Class I milk pursuant to § 1008.41 (a) (1), (2), or (3) other than a delivery to another pool plant); or (b) milk, skim milk, or cream is forwarded to a plant described in paragraph (a) of this section: *Provided*, That no such plant shall be a pool plant if the percentage which the quantity of either butterfat or skim milk in milk, skim milk, and cream so forwarded bears to the amount thereof contained in milk received from dairy farmers at such plant is less than 50 percent in the current month during the period October through December and 20 percent in the current month during the period January through September, except if the percentage forwarded was more than 50 percent of such receipts for the entire period October through December, no percentage shall be required for such months of January through September immediately following: *And provided further*, That any such plant which otherwise meets the requirements of this paragraph, but is not a plant from which Class I milk is distributed on wholesale or retail routes wholly or partially within the marketing area, may withdraw from pool plant status for any month in the January–September period if the operator of such plant files with the market administrator prior to the first day of such month a written request for such withdrawal.

§ 1008.9 *Nonpool plant.* "Nonpool plant" means any plant other than a pool plant.

§ 1008.10 *Dairy farmer.* "Dairy farmer" means any person who operates a farm engaged in the production of milk.

§ 1008.11 *Producer.* "Producer" means any dairy farmer, other than a producer-handler, who produces milk of dairy cows under a dairy farm permit or rating issued by an appropriate health authority having jurisdiction in the marketing area for the production of milk qualified for disposition to consumers in fluid form within the marketing area, which milk is received at a pool plant.

§ 1008.12 *Producer milk.* "Producer milk" or "milk received from producers" means milk of any producer qualified as described in § 1008.11 and either (a) received directly from a farm at a pool plant, or (b) caused to be diverted by a handler for his account from such plant to a nonpool plant during any of the months of February through August: *Provided*, That milk from the same producer was received at a pool plant during some portion of the period September through January immediately preceding.

§ 1008.13 *Other source milk.* "Other source milk" means all skim milk and butterfat (including that received from a producer-handler and other order milk defined in § 1008.14) other than (a) producer milk, (b) milk and milk products in any of the forms specified in § 1008.41 (a) (1), (2) and (3) received from a pool plant(s).

§ 1008.14 *Other order milk.* "Other order milk" means all skim milk and butterfat received in any form by a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act for any other milk marketing area.

§ 1008.15 *Handler.* "Handler" means:

(a) Any person engaged in the handling of milk in his capacity as the operator of a pool plant or any other plant from which milk in any of the forms specified in § 1008.41 (a) is disposed of, either directly or indirectly, to any place or establishment within the marketing area other than a plant.

§ 1008.16 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from other dairy farmers: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the maintenance, care, and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 1008.17 *Base.* "Base" means a quantity of milk, expressed in pounds per day, computed pursuant to § 1008.60 (a), (b), and (c), respectively.

§ 1008.18 *Base milk.* "Base milk" means milk delivered by a producer during the month which is not in excess of (a) his daily base computed pursuant to § 1008.60 multiplied by the number of days of delivery in such month: *Provided*, That with respect to any producer on "every-other-day" delivery to a pool plant the days of non-delivery shall be considered as days of delivery for the purposes of this section and of § 1008.60.

§ 1008.19 *Excess milk.* "Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 1008.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of, the Secretary.

§ 1008.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1008.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 1008.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1008.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate.

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 1008.30 to 1008.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 1008.80 to 1008.88, inclusive.

(i) On or before the 16th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 12th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 1008.70 (a) of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) the amount of any charge made pursuant to § 1008.70 (a) (4);

(iii) The uniform prices for base milk and excess milk;

(iv) The totals of the amounts computed in the manner provided by § 1008.80 (a);

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 1008.87 and 1008.88.

(2) Each handler whose total value of milk is computed pursuant to § 1008.70 (b) of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 6th day of each month the minimum price for Class I milk pursuant to § 1008.51 (a) and the Class I butterfat differential pursuant to § 1008.52 (a), both for the current month; and the minimum prices for Class II milk pursuant to § 1008.51 (b) and the Class II butterfat differential pursuant to § 1008.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price(s) computed pursuant to § 1008.71 and the butterfat differential(s) computed pursuant to § 1008.82, both applicable to producer milk received during the preceding month.

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 1008.30 *Monthly reports of receipts and utilization.* On or before the 7th day of each month, in the detail and on forms prescribed by the market administrator, each handler shall submit to the market administrator a report for such handler's pool plant(s) and with respect to milk or milk products subject to payments required under § 1008.70 (b), containing the following information for the preceding month:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in milk and milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk (including other order milk) received (except manufactured Class II milk

products disposed of in the form in which received without further processing by the handler).

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including (1) the pounds of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products; and (2) a separate statement as to the amount of Class I milk disposed of on wholesale or retail routes (other than to plants) entirely outside the marketing area.

(e) The aggregate quantities of base milk and excess milk received; and

(f) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 1008.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1008.32 *Other reports.* (a) At such times and in such manner as the market administrator may prescribe each handler shall report to the market administrator such information in addition to that required under § 1008.30 as may be requested by the market administrator with respect to milk and milk products handled by him.

(b) As requested by the market administrator, each producer-handler shall report to the market administrator relative to his receipts, utilization, and disposition of milk and milk products.

(c) As requested by the market administrator, each handler shall report the total quantity of milk received from each producer and the number of days of such delivery for each month beginning with September 1955.

§ 1008.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations (and summaries thereof customarily maintained) and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to §§ 1008.30, 1008.31, and 1008.32 and to payments required to be made pursuant to §§ 1008.80 through 1008.88.

§ 1008.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under § 8 (c) (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1008.35 *Handler report to producers.* (a) In making payments to producers pursuant to § 1008.80, each handler, on or before the 17th day of each month, shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month (1) the identification of the handler and the producer; (2) the total pounds of milk delivered by the producer and the average butterfat test thereof, the pounds of base and excess milk, and the pounds per shipment if such information is not furnished to the producer each day of delivery; (3) the minimum rate(s) at which payment to the producer is required under the provisions of § 1008.80; (4) the rate(s) used in making the payment, if such rate(s) is other than the required minimum rate(s); (5) the amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and (6) the net amount of payment to the producer.

(b) In making payment to a cooperative association in aggregate pursuant to § 1008.80 (b) each handler upon request shall furnish to the cooperative association, on or before the 16th day of each month, with respect to each producer for whom such payment is made, all the information specified in paragraph (a) of this section.

CLASSIFICATION

§ 1008.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 1008.30 shall be classified by the market administrator pursuant to the provisions of §§ 1008.41 through 1008.45, inclusive.

§ 1008.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1008.42, 1008.43, and 1008.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in fluid or frozen form as milk, skim milk (including fortified skim milk), skim milk drinks, buttermilk, flavored milk, flavored milk drinks, and cream (sweet or sour), (but not including any of the above items if packaged in hermetically sealed containers), (2) used in the production of concentrated milk, skim milk, flavored milk and flavored milk drinks not sterilized (but not including (i) those products commonly known as evaporated milk, condensed milk, and condensed skim milk, (ii) flavored milk or flavored milk drink in hermetically-sealed containers; and (iii) any item named in this subparagraph disposed of pursuant to paragraph (b) (3) of this section), (3) disposed of as any fluid mixture containing cream and milk or skim milk (but not including ice cream and other frozen dessert mixes disposed of to a commercial processor, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, evaporated or condensed products, eggnog and yogurt), (4) contained in monthly inventory variations, (5) shrinkage of producer milk in excess of that pursuant to paragraph (b) (4) of this section and shrinkage allocated to receipts from other handlers pursuant to § 1008.42 (b), and (6) not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those included under paragraphs (a) (1), (2), (3), and (c) of this section, (2) disposed of (skim milk only) for livestock feed or dumped during April, May, June, or July: *Provided*, That in the case of skim milk dumped the market administrator is given not less than 6 hours' notice of the handler's intention to make such disposition, (3) disposed of in bulk in any of the forms specified in paragraph (a) (1), (2), and (3) of this section (i) to bakeries, soup companies and candy manufacturing establishments in their capacity as such, (ii) in hermetically-sealed containers, or (iii) to nonpool plants subject to the conditions of § 1008.44 (c) (2), (4) in actual shrinkage of producer milk computed pursuant to § 1008.42 but not in excess of 2 percent of the quantities of skim milk and butterfat, respectively, in producer milk, and (5) in actual shrinkage of other source milk computed pursuant to § 1008.42.

(c) Class II A milk shall be all skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, and cottage cheese (and shall be included in Class II milk for all purposes of this order except as otherwise expressly stated).

§ 1008.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, among the pounds of producer milk, other source milk, and receipts from other handlers: *Provided*, That if milk is transferred from a pool plant to a nonpool plant located on the same premises as the transferor plant, the transfer to the nonpool plant shall be reduced by an amount determined by multiplying the total shrinkage in such nonpool plant by the percentage which the amount so transferred is to the total receipts at such nonpool plant.

§ 1008.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first received such skim milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 1008.30.

(c) Except as provided in § 1008.44 (b) (1), any skim milk or butterfat classified on the basis of its use in one product shall be reclassified if used or reused by any handler in another product.

§ 1008.44 *Inter-plant movements.* Skim milk and butterfat transferred as any item specified in § 1008.41 (a) (1), (2), and (3) from a pool plant to another plant shall be assigned (separately) to each class in the following manner:

(a) From a pool plant to another pool plant: As Class I milk unless another class use is indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the month within which such transfer was made: *Provided*, That if either or both plants received any other source milk, the quantity transferred shall be classified at both plants so as to allocate the highest possible utilization to producer milk: *And provided further*, That for the purpose of applying location adjustment credits pursuant to § 1008.53 the quantity classified as Class I milk on interplant transfer shall not be greater than the amount by which Class I milk disposed of by the transferee-plant exceeds the quantity of milk received directly from producers at such plant.

(b) From a pool plant to a nonpool plant: Such transfer(s) (also diverted milk) shall be classified as provided below, except that if the market administrator is not permitted to audit the records of the nonpool plant(s) for the purpose of use verification, the entire transfer shall be classified as Class I milk:

(1) As Class I milk, if the transfer (or diversion) is to a nonpool plant which is engaged in the distribution of milk for consumption in fluid form (except as provided in subparagraph (2) of this paragraph) to the extent that milk is disposed of as any of the items specified in § 1008.41 (a) (1), (2), and (3) from the receiving plant.

(2) As Class II milk, if the transfer (or diversion) is to a nonpool plant which is not engaged in the distribution of milk for consumption in fluid form or is engaged in the processing and distribution of milk for fluid consumption packaged in hermetically-sealed containers: *Provided*, That if such nonpool plant disposes of skim milk or butterfat in any of the forms specified in § 1008.41 (a) (1), (2), and (3) to any other nonpool plant distributing milk in fluid form, such disposition, up to the quantity of milk transferred or diverted to the first nonpool plant, shall be classified as Class I milk: *And provided further*, That if the proceeding proviso does not apply, the transferred or diverted quantity shall be deemed to have been utilized first for the manufacture of Class II milk products other than ice cream, ice cream mix, frozen desserts, and cottage cheese to the extent that such Class II milk products were produced at such nonpool plant.

§ 1008.45 *Computation of the quantity of producer milk in each class.* For each handler the market administrator shall:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class: *Provided*, That when nonfat milk solids derived from nonfat dry milk solids, condensed skim milk, or any other product condensed from skim milk, are utilized by such handler (1) to fortify (or as an additive to) fluid milk, flavored milk, skim milk, or any other milk product, or (2) for disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids; and

(b) Allocate skim milk in the following manner:

(1) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk shrinkage allowed pursuant to § 1008.41 (b) (4);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received (other order milk to be subtracted last) and in overage allocated to other source milk § 1008.70 (a) (5): *Provided*, That if the receipts of skim milk in other source milk plus the overage allocated to other source milk are greater than the pounds of skim milk in Class II milk, the balance shall be subtracted in sequence from the pounds of skim milk in Class II A milk and in Class I milk;

(3) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other pool plants and assigned to such class pursuant to § 1008.44;

(4) Add to the remaining pounds of Class II milk, the amount subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) of this section.

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section and compute the weighted average butterfat content of such class.

MINIMUM PRICES

§ 1008.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in computing the price per hundredweight of Class I milk for the current month shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section for the preceding month:

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 1008.51 *Class prices.* Subject to the differentials provided in §§ 1008.52 and 1008.53 the following are the minimum prices per hundredweight to handlers for Class I milk, Class II A, and Class II milk:

(a) *Class I milk.* For each month during the eighteen-month period following the effective date of this order, the price for Class I milk shall be the basic formula price rounded to the nearest cent, plus $1.85.

(b) *Class II A milk.* The price for Class II A milk shall be the price computed pursuant to paragraph (c) of this section, plus 25 cents per hundredweight.

(c) *Class II milk.* The price for Class II milk shall be that computed by the market administrator from the formula set forth in subparagraphs (1), (2), and (3) of this paragraph.

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score)

bulk creamery butter per pound at San Francisco, as reported by the Department during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for spray and roller process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents and round to the nearest cent.

§ 1008.52 *Butterfat differentials to handlers.* If the average butterfat content of Class I milk or Class II milk, computed pursuant to § 1008.45, for any handler for any month differs from 4.0 percent, there shall be added to, or subtracted from, the applicable class price (§ 1008.51) for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk.* Multiply by 1.23 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco, as reported by the Department during the preceding month, divide the result by 10, and round to the nearest tenth of a cent.

(b) *Class II milk and Class II A milk.* Multiply by 1.15 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco, as reported by the Department during the month, divide the result by 10, and round to the nearest tenth of a cent.

§ 1008.53 *Location adjustment credits to handlers.* The price for Class I milk at a pool plant located more than 50 miles from the City Hall, Spokane, Washington, shall be, regardless of point of sale within or outside the marketing area, the same as the price for Class I milk pursuant to § 1008.51 (a), less a location adjustment per hundredweight of milk computed as follows: 3 cents for each 10 miles, or major fraction thereof, up to 100 miles, an additional 2.0 cents for each 10 miles, or major fraction thereof, for distances in excess of 100 miles but not more than 200 miles, and an additional 1.0 cent for each 10 miles, or major fraction thereof, in excess of 200 miles, by the shortest hard-surfaced highway distance, as determined by the market administrator, from such pool plant to the City Hall, Spokane, Washington: *Provided*, That for the purpose of calculating such location differential skim milk or butterfat transferred between pool plants shall be assigned to any remainder of Class II milk at the transferee-plant after making the calculations pursuant to § 1008.45 (b) (1) and (2), and the comparable steps in § 1008.45 (c), for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

DETERMINATION OF BASE

§ 1008.60 *Computation of producer bases.* Subject to the rules set forth in § 1008.61 the market administrator shall determine bases for producers in the following manner:

(a) For the period from the effective date of this part through February 1956 the daily base of each producer shall be the daily average of his total deliveries of milk to a pool plant(s) for the respective month.

(b) Beginning with March 1956 the daily base of each producer whose milk was received at a pool plant(s) on not less than 120 days during the months of September through January, inclusive, shall be an amount computed by dividing such producer's total pounds of milk delivered to a pool plant in such five-month period by the number of days from the date of his first delivery to the end of such five-month period: *Provided*, That the daily base of any producer who delivered milk on not less than 120 days during such September-January period to a plant which subsequently qualified as a pool plant shall be computed, in similar manner, on the basis of such producer's deliveries to such plant in such September-January period. The base so computed, which shall be recomputed each year, shall become effective on the first day of March next following and shall remain in effect through the month of February of the next succeeding year.

(c) The daily base of any producer who is not eligible to receive a base computed pursuant to paragraph (b) of this section (including any producer for whom a base may not be computed pursuant to paragraph (b) of this section because of lack of available information concerning such producer's deliveries in the applicable September–January period), shall be a quantity, to be effective for the current month only, computed by dividing such producer's total pounds of milk delivered to a handler(s) in the current month by the number of days from the date of first delivery to the end of such month, and multiplying the result by the percentage applicable for such month computed by the market administrator as follows: Divide the amount represented by the aggregate of all daily bases in effect on the preceding March 1 by the daily average deliveries of all producers to handlers in the current month and reduce such figure by 10 percent.

§ 1008.61 *Base rules.* The following rules shall be observed in determination of bases:

(a) A base computed pursuant to § 1008.60 (b) may be transferred upon written notice to the market administrator on or before the last day of the month of transfer, but only if a producer sells, leases, or otherwise conveys his herd to another producer and it is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this part.

(b) A producer who ceases deliveries to a pool plant for more than 45 days shall lose his base if computed pursuant to § 1008.60 (b) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 1008.60 (c) until he can establish a new base under § 1008.60 (b), to begin the next March 1.

(c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 1008.60 (b) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the next March 1 such producer's base shall be computed in the manner provided by § 1008.60 (c).

(d) As soon as bases computed by the market administrator under § 1008.60 (b) and (c) are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list (or lists) showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm, he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 1008.11 may establish or earn a base pursuant to the provisions of § 1008.60 (b) or (c) and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment used are jointly owned or operated.

DETERMINATION OF UNIFORM PRICE

§ 1008.70 *Computation of value of milk.* (a) The total value of milk received during any month by each handler, including any cooperative association which is a handler, shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of producer milk in each class for such month by the class price (§ 1008.51) and add together the resulting amounts;

(2) Deduct the total amount of all location adjustment credits computed in accordance with § 1008.53;

(3) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of the reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(4) Add, if such handler had overage, an amount computed by multiplying the pounds of such overage (except overage prorated to other source milk) deducted from each class pursuant to § 1008.45 by the applicable class price: *Provided*, That if (i) overage results in a pool plant having receipts of other source milk, the total overage shall be prorated between other source milk and all other receipts, and (ii) overage results in a nonpool plant located on the same premises as a pool plant, such overage shall be prorated between the quantity transferred from the pool plant and other source milk in such nonpool plant, and the transferor handler shall be charged at the applicable class price for the amount of overage allocated to the transferred quantity.

(5) Add, with respect to other source milk (including overage allocated to other source milk but excluding other order milk) received at each pool plant of such handler in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant, an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk (other than Class II A) prices adjusted, respectively, by the butterfat differentials provided in § 1008.52 (based on the butterfat test of such other source milk): *Provided*, That if the nonpool plant supplying such milk is located outside the marketing area and more than 50 miles from the City Hall, Spokane, Washington, the rate of payment per hundredweight of milk otherwise required by this subparagraph shall be reduced by the rate of location adjustment provided in § 1008.53 for the distance such plant is located from the City Hall, Spokane, Washington, but not to exceed $1.85 per hundredweight.

§ 1008.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk (uniform price for excess milk to be computed beginning with March 1956) received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1008.70 for all handlers who made the reports prescribed in § 1008.30 and who made the payments pursuant to § 1008.84 for the preceding month;

(b) Add the aggregate of values of the location adjustments on base milk allowable pursuant to § 1008.81;

(c) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(d) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1008.82 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Multiply the hundredweight of excess milk by the Class II (other than Class II A) price for 4.0 percent milk;

(f) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (e) of this section from the net amount computed pursuant to paragraph (d) of this section: *Provided*, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk) plus 4 cents, such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(g) Divide the net amount obtained in paragraph (f) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(h) Divide the sum of the amount obtained in paragraph (e) of this section and any amount subtracted pursuant to the proviso of paragraph (f) of this section by the hundredweight of excess milk. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 1008.80 *Time and method of payment to producers and to cooperative associations.* (a) On or before the 17th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month pursuant to subparagraphs (1) and (2) of this paragraph: *Provided*, That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under § 1008.5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 16th day after the end of such month: *And provided further*, That, if by such date such handler has not received full payment for such month pursuant to § 1008.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator:

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the location adjustment computed pursuant to § 1008.81 and by the butterfat differential computed pursuant to § 1008.82.

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 1008.82.

(b) On or before the 16th day after the end of each month each handler shall pay to each cooperative association which operates a pool plant for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 1008.41) by the class price.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its producers in accordance with such provision of the act.

§ 1008.81 *Location adjustments to producers.* In making payment to producers pursuant to § 1008.80 for milk received at a pool plant to which the provisions of § 1008.53 apply the uniform price per hundredweight for base milk shall be reduced at the same rate per hundredweight as is applicable to Class I milk at such plant pursuant to § 1008.53.

§ 1008.82 *Producer butterfat differential.* In making payments pursuant to § 1008.80 (a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, butterfat differentials computed by the market administrator as follows:

(a) The butterfat differential for base milk shall be computed by multiplying the butterfat differential for Class I milk by the percentage of the butterfat contained in base milk that is allocated to Class I, and by multiplying the remaining percentage of butterfat within base milk by the butterfat differential for Class II milk, adding together the resulting amounts, and rounding to the nearest tenth of a cent.

(b) The butterfat differential for excess milk shall be the same as the butterfat differential for Class II milk.

§ 1008.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to § 1008.84 and out of which he shall make all payments to handlers pursuant to § 1008.85.

§ 1008.84 *Payments to the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to § 1008.70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 1008.80 (a).

§ 1008.85 *Payments out of the producer-settlement fund.* On or before the 15th day after the end of the month during which the milk was received, the

market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to § 1008.70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 1008.80 (a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 1008.84, 1008.86, 1008.87, and 1008.88: *Provided*, That, if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1008.86 *Adjustments of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 1008.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 1008.80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator on or before the 14th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 1008.80 (a) the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 16th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 1008.88 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler, including any cooperative association which is a handler but not including a producer-handler, shall pay to the market administrator on or before the 14th day after the end of each month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (a) other source milk classified as Class I milk, and (b) milk received from producers, including such handler's own production.

§ 1008.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last-known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claims was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1008.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1008.91.

§ 1008.91 *Suspension or termination.* The Seeretary may suspend or terminate this part or any provision of this order whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 1008.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1008.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or apropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1008.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1008.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 1st day of November 1955.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 55-8931; Filed, Nov. 3, 1955; 8:53 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF ENDRIN

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Shell Chemical Corporation, 460 Park Avenue, New York 22, New York, proposing the establishment of a tolerance of 0.1 part per million for residues of endrin in or on the following raw agricultural commodities: Cabbage, cottonseed, cucumbers, eggplant, peppers, potatoes (Irish), sugar beets (including tops), summer squash, sweet corn (grain), and tomatoes.

Two analytical methods are proposed in the petition for determining residues of endrin. The first method is a microbioassay referred to as a dry film method. It is described in the following:

1. Sun, Y. P., and Pankaskie, J. E.: Drosophila, a Sensitive Insect, for the Microbioassay of Insecticide Residues; Journal of Economic Entomology, Volume 47, page 180 (1954).

2. Sun, Y. P., and Tung Sun, J. Y.: Microbioassay of Insecticides, with Special Reference to Aldrin and Dieldrin; Journal of Economic Entomology, Volume 45, page 26 (1952).

The second method is known as the dechlorination-phenylazide-photometric method. The essential features of this method consist of the following: Endrin, in a hydrocarbon solution, is taken to dryness and dechlorinated with metallic sodium in the presence of isopropyl and methyl alcohols to activate the double bond. The dechlorinated endrin is recovered by diluting the reaction mixture with petroleum ether and separated from alcohols and sodium salts by washing with water. The petroleum ether solution is concentrated to a few milliliters and heated with phenyl azide to form the phenyldihydrotriazole of dechlorinated endrin.

Evaluation of the endrin concentration of the sample can be accomplished by a color-formation procedure. This procedure consists of reacting the endrin phenyldihydrotriazole with diazotized sulfanilic acid which, when acidified with dilute sulfuric acid, gives an intense red color which has maximum absorption at 515 mμ.

Dated: October 31, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8927; Filed, Nov. 3, 1955; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 177-7]

BUREAU HEADS

DELEGATION OF AUTHORITY WITH RESPECT TO OBTAINING SURETY BONDS TO COVER CIVILIAN OFFICERS AND EMPLOYEES AND MILITARY PERSONNEL

NOVEMBER 1, 1955.

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950, there are hereby transferred to the head of each Treasury bureau, to be exercised by him in accordance with regulations promulgated by the Secretary of the Treasury pursuant to the Act of August 9, 1955, Public Law 323, 84th Congress,[1] the functions of the Secretary of the Treasury under such act and the regulations issued pursuant thereto in respect to the obtaining of blanket, position schedule, or other types of surety bonds covering the civilian officers and employees and military personnel of his bureau who are required by law or administrative ruling to be bonded.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 55-8946; Filed, Nov. 3, 1955; 8:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3409]

COLUMBIA GAS SYSTEM, INC.

SUPPLEMENTAL ORDER RELEASING JURISDICTION HERETOFORE RESERVED WITH RESPECT TO CERTAIN FEES

OCTOBER 31, 1955.

The Commission having, by order dated September 13, 1955, permitted to become effective the declaration, as amended, of The Columbia Gas System, Inc. ("Columbia"), a registered holding company, regarding the issuance and sale of $40,000,000 principal amount of 3⅝ percent Debentures, Series E, due 1980; and

The Commission having in said order reserved jurisdiction with respect to all requested legal, engineering, and accounting fees and expenses as follows:

	Fees	Expenses
Cravath, Swaine & Moore, counsel for Columbia	$15,000	
Shearman & Sterling & Wright, independent counsel for the successful bidders	[1] 12,500	$1,700
Arthur Andersen & Co., accountants	17,950	2,050
Ralph E. Davis, consulting engineer	15,000	

[1] To be paid by the underwriters.

Columbia having filed further amendments to its declaration setting forth the nature and extent of the services covered by the aforesaid requests; and

The Commission having considered the record, and it appearing to the Commission that the requested fees and expenses are not unreasonable and that jurisdiction with respect thereto should be released:

It is ordered, That the jurisdiction heretofore reserved over the legal, engineering, and accounting fees and expenses incurred herein be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-8908; Filed, Nov. 3, 1955; 8:47 a. m.]

[File No. 24S-1357]

PACIFIC ALASKAN LAND AND LIVESTOCK CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

OCTOBER 31, 1955.

I. Pacific Alaskan Land and Livestock Company, an Alaska corporation, P. O. Box 2111, Fairbanks, Alaska, having filed with the Commission on April 14, 1955, a notification on Form 1-A, relating to a proposed public offering of 2,992 shares of common stock, par value 25 cents per share; 2,992 shares of 7 percent non-accumulative preferred stock, par value $100 per share; and 1,200 investment contracts (animal units) at $250 per unit, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; the Staff of the Commission having informed the issuer by letters dated April 21, and May 6,

[1] See Title 31, Part 226, in Rules and Regulations Section, *supra*.

1955, that said notification and offering circular filed as part thereof did not appear to comply with the terms and conditions of said Regulation A in the respects therein specified; and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in that the issuer failed to file, as required by Rule 221 of Regulation A, certain advertisements relating to the offering which were published on behalf of the issuer on August 9, 1955, in the Seattle Times and sales literature dated August 25, 1955, relating to such offering.

B. That such advertisements, sales literature and offering circular which were used in connection with the offering contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

(1) The problems and hazards of transporting cattle from the United States to certain islands in and near the Aleutian chain southwest of Alaska;

(2) The difficulty and cost of obtaining a vessel suitable for such transportation of livestock;

(3) The estimate of anticipated future profits and the projection of possible earnings from the proposed cattle raising venture on such islands;

(4) The background, experience and qualifications of Cline S. Koonz as the manager of the proposed cattle raising venture;

(5) Present and proposed slaughter, storage and marketing facilities necessary for the successful operation of the cattle raising venture;

(6) The difficulties of transportation between the several islands on which cattle are to be placed and to the mainland of Alaska and the costs of such transportation;

(7) The use of the proceeds to be secured from the sale of the issuer's securities;

(8) The interests of Cline S. Koonz and other persons in this promotional group and the consideration, if any, paid to the issuer for such interests;

(9) The financial statements of the company including statement of assets, liabilities, capital shares and cash receipts and disbursements;

(10) The terms and conditions of the grazing leases held by the issuer including the exact location of the leasehold and the number of acres covered thereby;

(11) The amount and quality of the grass on these leaseholds on which the issuer intends to graze its cattle and the requirements, if any, for supplemental winter feed and the cost thereof.

C. That oral representations made by Cline S. Koonz in connection with the offering contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

(1) The existence of a Texas financier willing to invest $150,000 in the venture;

(2) The existence of a leased surplus vessel immediately available for transporting livestock to Alaska;

(3) The names of various cattlemen and farmers who had already invested in the venture;

(4) The financial worth of Cline S. Koonz;

(5) The past successful experience of Cline S. Koonz in a hog raising venture;

(6) The existence of an Idaho rancher who had invested $10,000.

D. That the use of such advertisements, sales literature and offering circular as well as such oral representations would and did operate as a fraud and deceit upon the purchasers.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933 that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Pacific Alaskan Land and Livestock Company, Paul M. Anderson, 700 American Building, Second and Madison, Seattle 4, Washington, and Herbert H. Freise, Jones Building, Walla Walla, Washington, personally or by registered mail or by conformed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8909; Filed, Nov. 3, 1955; 8:48 a. m.]

[File No. 54-72, etc.]

STANDARD POWER AND LIGHT CORP. ET AL.

ORDER POSTPONING DATE OF HEARING WITH RESPECT TO FEE CLAIM

In the matter of Standard Power and Light Corporation, Standard Gas and Electric Company, Philadelphia Company, File Nos. 54-72, 54-173, 54-191, 54-199.

Upon the written request of counsel for Standard Gas and Electric Company, petitioner, and for good cause shown,

It is ordered, That the hearing with respect to the fee claim of James P. McGranery, heretofore set for November 7, 1955, be, and the same hereby is, postponed to November 21, 1955 at 10 o'clock a. m.

In all other respects the notice of and order for hearing issued herein on October 5, 1955, will stand as heretofore issued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8910; Filed, Nov. 3, 1955; 8:48 a. m.]

[File No. 812-955]

MINNEAPOLIS ASSOCIATES, INC., AND E. W. AXE & CO. INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION REGARDING AMENDMENT TO ADVISORY CONTRACT WITHOUT STOCKHOLDER APPROVAL

OCTOBER 31, 1955.

Notice is hereby given that Minneapolis Associates, Inc. ("Associates"), investment adviser and principal underwriter for Minnesota Fund, Inc. ("Minnesota"), a registered open-end investment company, has filed an amended application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 15 (a) of the act until the next annual meeting of shareholders of Minnesota set for January 26, 1956, a proposed amendment to an investment advisory contract dated May 28, 1952, between Associates and E. W. Axe & Co. Inc.

Axe is also an investment adviser of Minnesota by virtue of the said contract between Axe and Associates. Under the terms of said contract Axe furnishes Associates with information, advice and recommendations concerning the investment of funds and the management of the portfolio of Minnesota. Axe's compensation under said contract for its advisory service amounts to 40 percent of the fee payable to Associates by Minnesota under its investment advisory contract. Under the latter contract, Minnesota pays a quarterly fee of ¼ of 1 percent of the value of the net assets of Minnesota.

On September 21, 1955, Associates and Axe executed an amendment to the present advisory contract which will result in an overall reduction in the amount of the fee to be paid by Associates to Axe. Under the amended contract Axe will receive for its advisory services to Associates each quarter an amount equal to:

0.075 of 1 percent of the first $2,500,000 of the net asset value of Minnesota plus
0.0375 of 1 percent of the second $2,500,000 of the net asset value of Minnesota plus
0.025 of 1 percent of the excess over $5,000,000 of net asset value of Minnesota.

The net asset value for the above purpose is to be computed on the last full business day of the second month of each quarter.

The amendment is to become effective when approved by a majority of the outstanding voting securities of Minnesota or when exempted from the requirements of section 15 (a) of the act by this Commission.

Section 15 (a) of the act provides, among other things, that no person shall serve as investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company. Section 6 (c) of the act provides that the Commission, upon application, may exempt any person or transaction from any provisions of the act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Applicant requests that the proposed fee reduction agreement, and the advisory agreement dated May 28, 1952, between it and Axe as amended by the said fee reduction agreement be exempted from the requirements of section 15 (a) of the act until the annual meeting of shareholders of Minnesota to be held on January 26, 1956, or until any adjournment thereof held no later than February 23, 1956.

In support of the amended application, Associates declares that the proposed reduction in the fee to be paid to Axe can have no adverse effect on the shareholders of Minnesota and that the long-term effect of such reduction may be expected to be beneficial to such shareholders to the extent that it will help enable Associates eventually to reduce the fee payable to it by Minnesota under their contract. Associates points out that substantial deficits incurred by it in connection with the promotion and management of Minnesota have not yet been eliminated through earnings derived from its underwriting or management contracts with Minnesota. In addition, Associates states that the cost of calling a special meeting of the shareholders of Minnesota does not seem to be warranted, in view of the fact that the annual meeting of such shareholders is to be held within less than six months from the date of this amended application. It is also stated that the directors of Minnesota have indicated their approval of the proposed fee reduction and the instant amended application.

Notice is further given that any interested person may, not later than November 15, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-8911; Filed, Nov. 3, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 1, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40), and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31266: *Formaldehyde—South Point, Ohio, to Calvert, Ky.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on formaldehyde, liquid, tank-car loads from South Point, Ohio to Calvert, Ky.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 248 to Agent Spaninger's I. C. C. 1062.

FSA No. 31267: *Iron or steel pipe or tubing—Houston, Tex., to South.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pipe or tubing, iron or steel, carloads from Houston, Tex., to specified points in Kentucky, Mississippi and Tennessee.

Grounds for relief: Circuitous routes.

Tariff: Supplement 17 to Agent Kratzmeir's I. C. C. 4170.

FSA No. 31268: *Pulpboard or fibreboard—Pekin, Ill., to Sherman, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pulpboard or fibreboard, carloads from Pekin, Ill., to Sherman, Tex.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 34 to Agent Kratzmeir's I. C. C. 4134.

FSA No. 31269: *Grain and products from and to Mayer and St. Francis, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain and grain products, carloads between Mayer and St. Francis, Tex., on one hand, and interstate points, on the other.

Grounds for relief: Grouping and circuity.

Tariffs: Supplement 41 to Agent Kratzmeir's I. C. C. 3818 and two other tariffs.

FSA No. 31270: *Creosote oil—Official Territory to the South.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on creosote oil and creosote oil distillate or solution, carloads, including tank-car loads from points in official territory to points in southern territory.

Grounds for relief: Market competition with producers in southern territory.

Tariffs: Supplement 6 to Agent Boin's tariff I. C. C. A-1067; Supplement 3 to Agent R. G. Raasch's tariff I. C. C. 845.

FSA No. 31271: *Fertilizer and materials—Tibbee, Miss., to Columbus, Ohio.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from Tibbee, Miss., to Columbus, Ohio.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 57 to Agent Spaninger's I. C. C. 1366.

FSA No. 31272: *Scrap iron or steel to Barberton, Ohio.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on scrap iron or steel, carloads from specified points in southern territory to Barberton, Ohio.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 89 to Agent Spaninger's I. C. C. 1329.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-8916; Filed, Nov. 3, 1955; 8:49 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 58A]

ATLANTIC AND EAST CAROLINA RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 58 and good cause appearing therefor: *it is ordered*, That:

(a) Taylor's I. C. C. Order No. 58, be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 11:59 p. m., October 30, 1955.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., October 28, 1955.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 55-8928; Filed, Nov. 3, 1955; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

BOARDS OF TRADE DESIGNATED AS CONTRACT MARKETS UNDER THE COMMODITY EXCHANGE ACT

Under the authorization and direction contained in the Commodity Exchange Act, as amended (42 Stat. 998, 49 Stat. 1491, 52 Stat. 205, 54 Stat. 1059, 61 Stat. 941, 62 Stat. 992, 63 Stat. 107, 68 Stat. 913, 69 Stat. 160, 375, 535; 7 U. S. C. 1952 ed. Supp. II, 1-17a), various boards of trade have, from time to time since October 24, 1922, been designated as contract markets under the provisions of the said act. The names of such boards of trade whose designations are presently in effect, the dates when the said designations were issued, the effective dates thereof, and the commodities in which trading is authorized under such designations are as follows:

Board of Trade	Date of designation	Effective date	Commodities
Board of Trade of the City of Chicago	May 3, 1923	May 3, 1923	Wheat, corn, oats, rye, barley, flaxseed, grain sorghums.
	Sept. 14, 1936	Sept. 13, 1936	Cotton.
	Nov. 26, 1940	Dec. 8, 1940	Soybeans, lard, cottonseed oil.
	June 30, 1950	June 30, 1950	Soybean oil.
	Aug. 22, 1951	Aug. 22, 1951	Soybean meal.
Chicago Mercantile Exchange	Sept. 11, 1936	Sept. 13, 1936	Butter, eggs, Irish potatoes.
Chicago Open Board of Trade	Aug. 22, 1955	Sept. 24, 1955	Onions.
	Oct. 24, 1922	Oct. 24, 1922	Wheat, corn, oats, rye, barley, flaxseed, grain sorghums.
	Dec. 7, 1940	Dec. 8, 1940	Soybeans.
Duluth Board of Trade	May 11, 1923	May 11, 1923	Wheat, corn, oats, rye, barley, flaxseed, grain sorghums.
Board of Trade of Kansas City	May 5, 1923	May 5, 1923	Wheat, corn, oats, rye, barley, flaxseed, grain sorghums.
	Sept. 14, 1936	Sept. 13, 1936	Mill feeds.
Memphis Board of Trade Clearing Association.[1]	Dec. 7, 1940	Dec. 8, 1940	Cottonseed meal, soybean meal.
Milwaukee Grain Exchange [2]	Aug. 20, 1953	Aug. 20, 1953	Soybeans.
	Oct. 24, 1922	Oct. 24, 1922	Wheat, corn, oats, rye, barley, flaxseed, grain sorghums.
Minneapolis Grain Exchange [3]	May 2, 1923	May 2, 1923	Wheat, corn, oats, rye, barley, flaxseed, grain sorghums.
	Sept. 11, 1950	Sept. 11, 1950	Soybeans.
New Orleans Cotton Exchange	Sept. 8, 1936	Sept. 13, 1936	Cotton.
	Nov. 26, 1940	Dec. 8, 1940	Cottonseed oil.
New York Cotton Exchange	Sept. 11, 1936	Sept. 13, 1936	Cotton.
New York Mercantile Exchange	Sept. 11, 1936	Sept. 13, 1936	Butter, eggs.
	Nov. 28, 1941	Dec. 1, 1941	Irish potatoes.
	May 5, 1949	May 5, 1949	Rice.
	Aug. 17, 1955	Sept. 24, 1955	Onions.
New York Produce Exchange	July 21, 1926	July 21, 1926	Wheat, corn, oats, barley, rye, flaxseed, grain sorghums.
	Nov. 26, 1940	Dec. 8, 1940	Cottonseed oil, soybean oil, tallow.
Portland Grain Exchange	Apr. 30, 1929	Apr. 30, 1929	Wheat.
Merchants' Exchange of St. Louis	May 12, 1923	May 12, 1923	Wheat, corn, oats, barley, rye, flaxseed, grain sorghums.
	Sept. 11, 1936	Sept. 13, 1936	Mill feeds.
San Francisco Grain Exchange [4]	Apr. 19, 1939	Apr. 19, 1939	Wheat, barley.
Seattle Grain Exchange [5]	Jan. 29, 1926	Jan. 29, 1926	Wheat.
Wool Associates of the New York Cotton Exchange, Inc.	June 1, 1938	June 1, 1938	Wool tops.
	Oct. 14, 1954	Oct. 27, 1954	Wool.

[1] Originally designated as Memphis Merchants Exchange Clearing Association, designation changed to present name effective April 19, 1954.
[2] Originally designated as the Chamber of Commerce of the City of Milwaukee, designation changed to Milwaukee Grain & Stock Exchange effective July 20, 1931, and to present name effective December 21, 1946.
[3] Originally designated as the Chamber of Commerce of Minneapolis, designation changed to present name effective January 1, 1947.
[4] Successor to the Grain Trade Association of the San Francisco Chamber of Commerce, designated as a contract market for barley, October 31, 1922, and for wheat, November 3, 1930.
[5] Originally designated as the Merchants Exchange Clearing House of Seattle, designation changed to present name effective October 1, 1927.

Done at Washington, D. C., this 27th day of October 1955.

[SEAL] ROGER R. KAUFFMAN, *Administrator.*

[F. R. Doc. 55-8914; Filed, Nov. 3, 1955; 8:49 a. m.]

Commodity Stabilization Service

[Notice No. 3 of Requirement of Certification—1955, Amdt.]

CUBA

ENTRY OF SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

Notice No. 3 of Requirement of Certification—1955 (20 F. R. 7945) which was published in the FEDERAL REGISTER of October 21, 1955, is hereby amended to show the 1955 sugar quota for Cuba to be 2,859,840 short tons, raw value, instead of 2,763,840 short tons, raw value.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153, 13 F. R. 127; 14 F. R. 1169; 16 F. R. 12847)

Issued this 26th day of October 1955.

[SEAL] LAWRENCE MYERS, *Director, Sugar Division, Commodity Stabilization Service.*

[F. R. Doc. 55-8935; Filed, Nov. 3, 1955; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

GREAT LAKES-BORDEAUX/HAMBURG RANGE WESTBOUND CONFERENCE AND ATLANTIC (PASSENGER) CONFERENCE

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 7830-2, between the member lines of the Great Lakes—Bordeaux/Hamburg Range Westbound Conference modifies the basic agreement of that conference (No. 7830) to include therein a specific provision for the establishment of contract/non-contract rates in the westbound trade from ports within the Bordeaux/Hamburg Range to ports of the Great Lakes of the United States served by the member lines of such conference.

(2) Agreement No. 7840-27, between the member lines of the Atlantic (Passenger) Conference modifies the basic conference agreement (No. 7840) to amplify the provision governing the nomination of arbitrators.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 1, 1955.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 55-8937; Filed, Nov. 3, 1955; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7278]

LINEAS AEREAS DE NICARAGUA, S. A. (LANICA)

NOTICE OF CANCELLATION OF HEARING

In the matter of the application of Lineas Aereas de Nicaragua, S. A. for a foreign air carrier permit authorizing it to engage in indirect foreign air transportation with respect to property or as a foreign freight forwarder between points in the United States and points in Nicaragua.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding assigned for November 21, 1955, is hereby cancelled.

Dated at Washington, D. C., October 28, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-8892; Filed, Nov. 3, 1955; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9568]

HUNT OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Hunt Oil Company (Applicant) on September 22, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change, dated Sept. 22, 1955.	United Gas Pipe Line Co.	Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 5.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The aforesaid filing would increase the rate for gas sold to United Gas Pipe Line Company in the Duck Lake Field, St. Mary and St. Martin Parishes, Louisiana, from the presently effective rate of 13.5 cents per Mcf to 21.2 cents per Mcf.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The statement submitted by Applicant in support of the increase from 13.5 cents per Mcf to 21.2 cents per Mcf does not in any way justify the proposed rate.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 21, 1955.

Issued: October 28, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8896; Filed, Nov. 3, 1955; 8:45 a. m.]

[Docket No. G-9570]

W. H. COCKE

ORDER SUSPENDING PROPOSED CHANGES IN RATES

W. H. Cocke (Applicant), on September 29, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change, dated Sept. 29, 1955.	United Gas Pipe Line Co.	Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The aforesaid filing would increase the rate for gas sold to United Gas Pipe Line Company in the Duck Lake Field, St. Mary and St. Martin Parishes, Louisiana, from the presently effective rate of 13.5 cents per Mcf to 21.2 cents per Mcf.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The statement submitted by Applicant in support of the increase from 13.5 cents per Mcf to 21.2 cents per Mcf does not in any way justify the proposed rate.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 21, 1955.

Issued: October 28, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8895; Filed, Nov. 3, 1955; 8:45 a. m.]

[Docket No. G-9569]

C. N. JOHNSTON ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

C. N. Johnston et al. (Applicant), on September 30, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change, dated Sept. 27, 1955.	United Gas Pipe Line Co.	Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The aforesaid filing would increase the rate for gas sold to United Gas Pipe Line Company in the Duck Lake Field, St. Mary and St. Martin Parishes, Louisiana, from the presently effective rate of 13.5 cents per Mcf to 21.2 cents per Mcf.

The increased rates and charges proposed in the aforesaid filing have not

pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 21, 1955.

Issued: October 28, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8897; Filed, Nov. 3, 1955; 8:46 a. m.]

[Docket No. G-3861]

HOLLY NESTER

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 31, 1955.

Take notice that Holly Nester, Agent—Garretson Lease (Applicant), an individual whose address is Millstone, West Virginia, filed on September 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas which is produced from Garretson Lease, Sherman District, Calhoun County, West Virginia, to Godfrey L. Cabot, Inc., for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 2, 1955, at 9:50 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 18, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8819; Filed, Nov. 3, 1955; 8:50 a. m.]

[Docket No. G-9571]

ARKANSAS FUEL OIL CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Arkansas Fuel Oil Corporation (Applicant), on September 30, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change (undated)..	United Gas Pipe Line Co...	Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 13.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The aforesaid filing would increase the rate for gas sold to United Gas Pipe Line Company in the Duck Lake Field, St. Mary and St. Martin Parishes, Louisiana, from the presently effective rate of 13.5 cents per Mcf to 21.2 cents per Mcf.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The statement submitted by Applicant in support of the increase from 13.5 cents per Mcf to 21.2 cents per Mcf does not in any way justify the proposed rate.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 21, 1955.

Issued: October 28, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8898; Filed, Nov. 3, 1955; 8:46 a. m.]

[Docket No. G-9572]

UNITED CARBON CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES AND DENYING PETITION FOR SHORTENED SUSPENSION PERIOD

United Carbon Company (Applicant), on September 30, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings, which are proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Supplement agreement, dated Sept 29, 1955.	United Fuel Gas Co.....	Supplement No. 16 to Applicant's FPC Gas Rate Schedule No. 12.	Nov. 1, 1955
Notice of change, dated Sept. 29, 1955.	....do.....	Supplement No. 17 to Applicant's FPC Gas Rate Schedule No. 12.	Do.

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

On October 14, 1955, Applicant filed a petition requesting a shortened suspension period of one week.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Applicant's petition requesting a shortened suspension period does not present sufficient facts to warrant shortening the suspension period to one week.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges, and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until April 1, 1956, for lack of sufficient grounds to warrant shortening the suspension period, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: October 21, 1955.

Issued: October 28, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8899; Filed, Nov. 3, 1955; 8:46 a. m.]

[Docket No. G-4223]

PROGRESS PETROLEUM COMPANY OF TEXAS ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 31, 1955.

In the matter of Progress Petroleum Company of Texas, E. Weber Ogden and Dan J. White, Jr.; Docket No. G-4223.

Take notice that Progress Petroleum Company of Texas (a Texas corporation, whose address is Commerce Building, Houston, Texas, and E. Weber Ogden and Dan J. White, Jr. (individuals) whose address is Esperson Building, Houston, Texas (Applicants), filed on October 7, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants sell natural gas which is produced from Hutchins South Field, Wharton County, Texas, to Tennessee Gas Transmission Company for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 1, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G. Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 17, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8920; Filed, Nov. 3, 1955; 8:50 a. m.]

[Docket No. G-9573]

COLUMBIAN FUEL CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES AND DENYING PETITION FOR SHORTENED SUSPENSION PERIOD

Columbian Fuel Corporation (Applicant), on September 30, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings, which are proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Supplemental agreement, dated Sept. 27, 1955.	United Fuel Gas Co.....	Supplement No. 11 to Applicant's FPC Gas Rate Schedule No. 10.	Nov. 1, 1955
Notice of change, dated Sept. 29, 1955.	....do.....	Supplement No. 12 to Applicant's FPC Gas Rate Schedule No. 10.	Do.

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

On October 14, 1955, Applicant filed a petition requesting a shortened suspension period of one week.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Applicant's petition requesting a shortened suspension period does not present sufficient facts to warrant shortening the suspension period to one week.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until April 1, 1956, for lack of sufficient grounds to warrant shortening the suspension period, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: October 21, 1955.

Issued: October 28, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8900; Filed, Nov. 3, 1955; 8:46 a. m.]

[Docket No. G-9574]

HUMBLE OIL AND REFINING CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Humble Oil and Refining Company (Applicant), on September 28, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Sept. 26, 1955.	United Gas Pipe Line Co...	Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 35.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The aforesaid filing would increase the rate for gas sold to United Gas Pipe Line Company in the Duck Lake Field, St. Mary and St. Martin Parishes, Louisiana, from the presently effective rate of 13.5 cents per Mcf to 21.2 cents per Mcf.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The statement submitted by Applicant in support of the increase from 13.5 cents per Mcf to 21.2 cents per Mcf does not in any way justify the proposed rate.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter orders.

The Commission orders:

(A) Pursuant to the authority contained in section 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 21, 1955.

Issued: October 28, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8901; Filed, Nov. 3, 1955; 8:46 a. m.]

[Docket No. G-9575]

R. H. GOODRICH

ORDER SUSPENDING PROPOSED CHANGES IN RATES

R. H. Goodrich (Applicant), on September 29, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Sept. 27, 1955.	United Gas Pipe Line Co...	Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The aforesaid filing would increase the rate for gas sold to United Gas Pipe Line Company in the Duck Lake Field, St. Mary and St. Martin Parishes, Louisiana, from the presently effective rate of 13.5 cents per Mcf to 21.2 cents per Mcf.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The statement submitted by Applicant in support of the increase from 13.5 cents per Mcf to 21.2 cents per Mcf does not in any way justify the proposed rate.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 21, 1955.

Issued: October 28, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8902; Filed, Nov. 3, 1955; 8:46 a. m.]

[Docket No. G-6921]

NOLLEM OIL AND GAS CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 31, 1955.

Take notice that Nollem Oil and Gas Corporation (Applicant), a Pennsylvania corporation whose address is Pittsburgh, Pennsylvania, filed on November 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas which is produced from Middle Fork and Roaring Creek Districts, Randolph County, West Virginia, to Cumberland and Allegheny Gas Company for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 1, 1955, at 9:50 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G. Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 17, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8921; Filed, Nov. 3, 1955; 8:50 a. m.]

[Docket No. G-2306, etc.]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

NOTICE OF APPLICATIONS, CONSOLIDATION OF PROCEEDINGS, AND DATE OF RESUMED HEARING

OCTOBER 31, 1955.

In the matters of American Louisiana Pipe Line Company, Docket No. G-2306; Texas Gas Transmission Corporation, Docket No. G-2311; Michigan Wisconsin Pipe Line Company, Docket No. G-2327; Michigan Consolidated Gas Company, Docket No. G-2328; Lincoln Natural Gas Company, Inc., Docket No. G-9270; Illinois Power Company, Docket No. G-9293.

Take notice that applications pursuant to section 7 (a) of the Natural Gas Act have been filed by the following applicants on the dates indicated:

Docket No.	Applicant	Date filed
G-9270	Lincoln Natural Gas Co., Inc.	Aug. 29, 1955
G-9293	Illinois Power Co.	Aug. 31, 1955

Illinois Power Company seeks an order directing Michigan-Wisconsin Pipe Line Company to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver to Applicant its natural gas requirements for the Village of Cambridge, Illinois. Illinois Power Company will construct the facilities necessary to connect the Village of Cambridge with Michigan-Wisconsin Pipe Line Company at an estimated cost of $130,000, and estimates its third year peak-day requirements at 610 Mcf.

Lincoln Natural Gas Company, Inc., of Rockport, Indiana, seeks an order directing American Louisiana Pipe Line Company to establish physical connection of its transportation facilities with the facilities to be installed by Applicant, at an estimated cost of $200,000, to connect the Town of Rockport, Indiana, to the transmission line of American Louisiana. Lincoln Natural Gas Company, Inc., estimates its third year peak-day requirements at 1,600 Mcf.

The applications are on file with the Commission and open for public inspection.

Take further notice that, on September 16, 1955, American Louisiana Pipe Line Company, Michigan-Wisconsin Pipe Line Company, and Michigan Consolidated Gas Company, filed a Joint Motion for Resumption of Hearings in the above proceedings with respect to the matters which were reserved for further hearings by the Commission's Opinion No. 276 and accompanying Order, issued October 1, 1954.

In paragraph (B) (ii) of said order, the Commission provided:

(ii) The deliveries and sales of gas to be made by American Louisiana, together with the question of the authorization of the 117 miles of 22-inch line hereinbefore referred to, are hereby made subject to further order of the Commission in this proceeding.

In paragraph (D) of said order, the Commission further provided:

(D) Hearings on the applications of Michigan Wisconsin Pipe Line Company, Docket No. G-2327, and Michigan Consolidated Gas Company, Docket No. G-2328, together with all petitions seeking gas service from American Louisiana and Michigan Wisconsin in these proceedings and the matters specifically reserved for further disposition in American Louisiana Pipe Line Company, Docket No. G-2306, shall be subject to further order of the Commission.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, hearings in the above proceedings with respect to the matters which were reserved for further hearings by paragraph (B) (ii) and paragraph (D) of the Commission's Opinion No. 276 and accompanying Order, issued October 1, 1954, will be resumed on December 7, 1955, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.; hearing will also be held concerning the matters involved in and the issues presented by the applications in Docket Nos. G-9270 and G-9293.

Protests or petitions to intervene in Docket Nos. G-9270 and G-9293 may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 15, 1955.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8918; Filed, Nov. 3, 1955; 8:50 a. m.]

[Docket No. G-9576]

TEXAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

The Texas Company (Applicant), on September 30, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Sept. 29, 1955.	United Gas Pipe Line Co...	Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 102.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The aforesaid filing would increase the rate for gas sold to United Gas Pipe Line Company in the Duck Lake Field, St. Mary and St. Martin Parishes Louisiana, from the presently effective rate of 13.5 cents per Mcf to 21.2 cents per Mcf.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The statement submitted by Applicant in support of the increase from 13.5 cents per Mcf to 21.2 cents per Mcf does not in any way justify the proposed rate.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 21, 1955.

Issued: October 28, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8903; Filed, Nov. 3, 1955; 8:47 a. m.]

[Docket No. G-7343]

REEF FIELDS GASOLINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 31, 1955.

Take notice that Reef Fields Gasoline Corporation (Applicant), a Texas corpo-

ration whose address is Houston, Texas, filed on December 1, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas which is produced from Good, Vealmoor, Oceanic, Von Raeder, East Vealmoor, Hobo, Reinecke, North Luther, and Good Northeast fields in Borden and Howard Counties, Texas, to El Paso Natural Gas Company for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 1, 1955, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 17, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-8923; Filed, Nov. 3, 1955; 8:50 a. m.]

[Docket No. G-6963]

RANDOLPH GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 31, 1955.

Take notice that Randolph Gas Company (Applicant), a Virginia corporation whose address is Alexandria, Virginia, filed on November 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas which is produced from Hiram Anticline, Randolph County, West Virginia, to Cumberland and Allegheny Gas Corporation for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 2, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 18, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-8922; Filed, Nov. 3, 1955; 8:50 a. m.]

[Docket No. G-8340]

PAUL M. RAIGORODSKY

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 31, 1955.

Take notice that Paul M. Raigorodsky (Applicant), an individual whose address is Dallas, Texas, filed on January 12, 1955, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas which is produced from Unionville and North Rushton fields, Lincoln Parish, Louisiana, to Mississippi River Fuel Corporation for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 2, 1955, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 18, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-8924; Filed, Nov. 3, 1955; 8:51 a. m.]

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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 230]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.750 *Grapefruit Regulation 230*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 7, 1955. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 7, 1955; the recommendation and supporting information for continued regulation subsequent to November 6, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 1; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 7, 1955, and ending at 12:01 a. m., e. s. t., November 21, 1955, no handler shall ship:

(i) Any grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Russet;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 1 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in

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the revised United States Standards for Florida Grapefruit (7 CFR 51.750–51.790); and the term "mature" shall have the same meaning as set forth in § 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by § 601.17 (Chapters 25149 and 28090) and also by § 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 3, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8971; Filed, Nov. 4, 1955; 8:52 a. m.]

[Orange Reg. 284]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.751 *Orange Regulation 284*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 7, 1955. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 7, 1955; the recommendation and supporting information for continued regulation subsequent to November 6, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 1; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 7, 1955, and ending at 12:01 a. m., e. s. t., November 21, 1955, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than $2^{10}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1186, 20 F. R. 7205): *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2^{10}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{14}/_{16}$ inches in diameter and smaller.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," and "standard pack," shall have the same meaning as when used in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186, 20 F. R. 7205).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 2, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8964; Filed, Nov. 4, 1955; 8:50 a. m.]

[Tangerine Reg. 161]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.752 *Tangerine Regulation 161*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 7, 1955, and ending at 12:01 a. m., e. s. t., November 21, 1955, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Russet; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the re-

quirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (7 CFR 51.1810–51.1836).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 2, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8965; Filed, Nov. 4, 1955; 8:50 a. m.]

[Lemon Reg. 614]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.721 *Lemon Regulation 614*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 2, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 6, 1955, and ending at 12:01 a. m., P. s. t., November 13, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 153,450 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order; and "carton" shall mean a container having a capacity equal to one-half the standard lemon box described in said amended marketing agreement and order as having inside dimensions 10 inches in depth, 13 inches in width, and 25⅝ inches in length.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 3, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8985; Filed, Nov. 4, 1955; 8:52 a. m.]

[Avocado Order 11]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

MATURITY REGULATION

§ 969.311 *Avocado Order 11*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 20 F. R. 4177), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 7, 1955. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until November 1, 1955; determinations as to the time of maturity of the varieties of avocados covered by this section were made at the meeting of said committee on November 1, 1955, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulations was submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this section are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) After the effective time of this section, no handler shall handle any variety of avocados listed in Column 1 of the following table prior to 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 2 of such table;

(2) During the period from 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 2 of such table and 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 or is of at least the diameter, if any, specified for such variety in said Column 3;

(3) During the period from 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 4 of such table and 12:01 a. m., e. s. t., of the date, if any,[1] listed for the respective variety in Column 6 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified, if any,[1] for the respective variety in Column 5 or is of at least the diameter, if any, specified for such variety in said Column 5;

(4) During the period from 12:01 a. m., e. s. t., of the date, if any,[1] listed for the respective variety in Column 6 of such table and 12:01 a. m., e. s. t., of the date, if any,[1] listed for the respective variety in Column 8 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified, if any,[1] for the respective variety in Column 7 or is of at least the diameter, if any, specified for such variety in said Column 7;

[1] If no date or weight, as the case may be, is specified in the particular column, the variety may be handled free of such date or weight restrictions.

(5) Notwithstanding the provisions of subparagraphs (1) through (4) of this paragraph regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided,* That such avocados weigh not more than two ounces less than the applicable specified weight, if any, for the particular variety in Column 3, 5, or 7 of such table. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot;

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Lula	Nov. 7, 1955	14 oz. 3⁴⁄₁₆ in.	Nov. 14, 1955	11 oz. 2¹⁵⁄₁₆ in.	Dec. 12, 1955		
Booth 7	Nov. 7, 1955	10 oz. 3³⁄₁₆ in.	Nov. 21, 1955				
Hickson	Nov. 7, 1955	10 oz. 2¹³⁄₁₆ in.	Nov. 14, 1955	9 oz. 2¹³⁄₁₆ in.	Dec. 5, 1955		
Collinson	Nov. 7, 1955	14 oz. 3⁵⁄₁₆ in.	Nov. 14, 1955	10 oz. 3¹⁄₁₆ in.	Dec. 5, 1955		
Hall	Nov. 7, 1955	16 oz. 3⁵⁄₁₆ in.	Nov. 21, 1955	14 oz. 3³⁄₁₆ in.	Dec. 19, 1955		
Herman	Nov. 7, 1955	16 oz. 3⁵⁄₁₆ in.	Nov. 14, 1955	14 oz. 3⁵⁄₁₆ in.	Nov. 28, 1955	10 oz. 3¹⁄₁₆ in.	Dec. 19, 1955
Winslowson	Nov. 7, 1955	16 oz. 3¹³⁄₁₆ in.	Dec. 5, 1955	16 oz. 3³⁄₁₆ in.	Dec. 26, 1955		
Monroe	Nov. 21, 1955	24 oz.	Dec. 5, 1955	20 oz.	Dec. 19, 1955	14 oz.	Jan. 2, 1956
Choquette	Nov. 21, 1955	24 oz.	Dec. 5, 1955	20 oz.	Dec. 19, 1955	14 oz.	Jan. 2, 1956
Wagner	Dec. 19, 1955	12 oz.	Jan. 2, 1956	10 oz.	Jan. 16, 1956	6 oz.	Jan. 30, 1956
Booth 3	Nov. 7, 1955	16 oz. 3¹⁹⁄₁₆ in.	Nov. 4, 1955	14 oz. 3⁵⁄₁₆ in.	Nov. 28, 1955	10 oz. 3¹⁄₁₆ in.	Dec. 12, 1955
Booth 1	Nov. 21, 1955	16 oz. 3¹³⁄₁₆ in.	Dec. 5, 1955	14 oz. 3⁹⁄₁₆ in.	Dec. 19, 1955	10 oz. 3¹⁄₁₆ in.	Jan. 2, 1956
Taylor	Nov. 7, 1955	14 oz. 3⁵⁄₁₆ in.	Nov. 28, 1955	12 oz. 3²⁄₁₆ in.	Dec. 9, 1955	9 oz. 2¹³⁄₁₆ in.	Jan. 2, 1956
Booth 5	Nov. 7, 1955	14 oz. 3⁸⁄₁₆ in.	Nov. 14, 1955	10 oz. 3¹⁄₁₆ in.	Dec. 12, 1955		
Nelson	Nov. 7, 1955	14 oz. 3⁵⁄₁₆ in.	Nov. 21, 1955	10 oz. 3¹⁄₁₆ in.	Dec. 19, 1955		
Booth 10	Nov. 7, 1955	16 oz.	Nov. 14, 1955	14 oz.	Nov. 28, 1955	10 oz.	Dec. 26, 1955
Booth 11	Nov. 7, 1955	16 oz.	Nov. 14, 1955	14 oz.	Nov. 28, 1955	10 oz.	Dec. 26, 1955
Ajax	Nov. 7, 1955	18 oz. 3¹³⁄₁₆ in.	Nov. 21, 1955	15 oz. 3¹⁹⁄₁₆ in.	Dec. 5, 1955	11 oz. 3⁵⁄₁₆ in.	Dec. 26, 1955
Booth 7–B	Nov. 7, 1955	18 oz. 3¹³⁄₁₆ in.	Nov. 21, 1955	15 oz. 3¹⁹⁄₁₆ in.	Dec. 5, 1955	11 oz. 3⁵⁄₁₆ in.	Dec. 26, 1955
Dunedin	Nov. 14, 1955	16 oz. 3⅜ in.	Nov. 28, 1955	14 oz. 3⅜ in.	Dec. 12, 1955	10 oz. 3 in.	Dec. 26, 1955
Blakeman	Nov. 21, 1955	14 oz.	Dec. 5, 1955	12 oz.	Dec. 19, 1955	10 oz.	Jan. 2, 1956
Linda	Dec. 5, 1955	18 oz.	Dec. 19, 1955	16 oz.	Jan. 2, 1956	12 oz.	Jan. 16, 1956
Vaca	Nov. 7, 1955	8 oz. 3 in.	Nov. 21, 1955				
Sherman	Nov. 7, 1955	8 oz.	Nov. 21, 1955				
Black Prince	Nov. 7, 1955	8 oz.	Nov. 21, 1955				
Collinred	Nov. 7, 1955	8 oz.	Nov. 21, 1955				
Pumpkin	Nov. 7, 1955	32 oz.	Nov. 21, 1955				
Blair	Nov. 7, 1955	14 oz.	Nov. 14, 1955	8 oz.	Dec. 12, 1955		
Rue	Nov. 7, 1955	16 oz.	Nov. 21, 1955	12 oz.	Dec. 19, 1955		
Avon	Nov. 7, 1955	7 oz.	Nov. 21, 1955				
Yon	Nov. 7, 1955	28 oz.	Dec. 26, 1955				
Byars No. 1	Dec. 5, 1955	16 oz.	Dec. 19, 1955	14 oz.	Jan. 2, 1956	8 oz.	Jan. 16, 1956
Nabal	Dec. 12, 1955	14 oz. 3⅜ in.	Dec. 26, 1955	12 oz. 3⅜ in.	Jan. 9, 1956	7 oz. 3 in.	Jan. 23, 1956
Eagle Rock	Jan. 2, 1956	16 oz.	Jan. 16, 1956	14 oz.	Jan. 30, 1956		
Colla	Jan. 16, 1956	14 oz.	Jan. 30, 1956	12 oz.	Feb. 13, 1956		
Schmidt	Jan. 30, 1956	16 oz.	Feb. 13, 1956	14 oz.	Feb. 27, 1956		
McDonald	Feb. 13, 1956						
Izamna	Feb. 27, 1956						

(6) The provisions of paragraph (b) (2) and (3) of Avocado Order 6 (§ 969.306; 20 F. R. 3427) shall not apply to the varieties of avocados named in the foregoing table, nor to the Trapp, Waldin, Tonnage, Booth 8, Nesbitt, Calusa, Petersen, Edmunds, Pinelli, Fairchild, Nirody, and Simpson varieties; and

(7) As used in this section, the term "diameter" means the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit.

(c) *Termination of Avocado Order 10, as amended.* The provisions of Avocado Order 10, as amended (20 F. R. 6699, 20 F. R. 7876), are hereby terminated effective as of the effective time of this order.

(d) *Effective time.* The provisions of this section shall become effective at 12:01 a. m., e. s. t., November 7, 1955.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 2, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8966; Filed, Nov. 4, 1955; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PESTICIDE CHEMICALS; FURTHER EXTENDED DATES ON WHICH STATUTE SHALL BECOME FULLY EFFECTIVE

A request has been received for additional extension of the date when the statutes (68 Stat. 511 et seq.; 21 U. S. C. 342, 346a) shall become fully effective for captan for post-harvest treatment of potatoes.

In exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 402 (a) (2), 408, 68 Stat. 511, 517 (Ch. 559, Secs. 2, 5); 21 U. S. C. 342 (a) and note 1 under section 342; 346a) and designated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), I find that additional extension is necessary for this use of captan, and the following order is promulgated:

Section 3.44 *Pesticide chemicals; further extended dates on which statute shall become fully effective,* published in the FEDERAL REGISTER of October 29, 1955 (20 F. R. 8156), is amended by inserting in paragraph (a) (2), in proper alphabetical order, the following item:

Captan: Post-harvest use on potatoes.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 402, 408, 68 Stat. 511; 21 U. S. C. 342, 346a)

Dated: October 28, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-8942; Filed, Nov. 4, 1955; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53935]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 30—FOREIGN-TRADE ZONES

WITHDRAWAL OF SUPPLIES FOR FISHING VESSELS

It has been found necessary to amend §§ 10.59 and 10.60 of the Customs Regulations to describe those vessels employed in the fisheries which are entitled to withdraw articles free of duty and internal-revenue tax under section 309 (a) of the Tariff Act of 1930, as amended, and to require a withdrawal of distilled spirits (including alcohol), wines, or beer under section 309 (a) for lading as supplies on any such vessels to be supported by a special application and bond wherein the applicant shall agree to have certain steps taken upon the vessel's return to port to help prevent the landing of any of the articles in violation of the law or, in default of such action, to pay an amount equal to the duties and any

taxes on the total quantity of withdrawn articles.

It is also necessary to amend § 30.16 of the Customs Regulations to provide that the pertinent provisions of §§ 10.59 to 10.65, inclusive, of the Customs Regulations shall be applicable to any article laden in a foreign-trade zone on a vessel or aircraft for which exemption from duty and internal-revenue tax is claimed under section 309 or 317 of the Tariff Act of 1930, as amended.

Accordingly, the Customs Regulations are hereby amended as follows:

1. Section 10.59 is amended by deleting the parenthetical matter at the end of paragraph (c) and by the insertion of a new paragraph (d) reading as follows:

(d) Vessels of the United States documented to engage in the fisheries and foreign fishing vessels of 5 net tons or over may be allowed to withdraw distilled spirits (including alcohol), wines, and beer conditionally free under section 309 of the Tariff Act of 1930, as amended, if the collector is satisfied from the quantity requested, in the light of (1) whether the vessel is employed in substantially continuous fishing activities, and (2) the vessel's complement, that none of the withdrawn articles is intended to be removed from the vessel in, or otherwise returned to, the United States without the payment of duty or tax. Such withdrawal shall be permitted only after the approval by the collector of a special written application, in duplicate, on customs Form 5125, of the withdrawer, supported by a bond on customs Form 7603 executed by the withdrawer. Such application shall be filed with customs Form 7506 or 7512,[57] as the case may be. The original application, after approval, shall be stamped with the withdrawal number and date thereof and shall be returned to the withdrawer for use as prescribed below. Approval of each such application shall be subject to the condition that the original shall be presented thereafter by the withdrawer or the vessel's master to the collector within 24 hours (excluding any period during which the customhouse is not open for general customs business) after each subsequent arrival of the vessel at a customs port or station and that an accounting shall be made at the time of such presentation of the disposition of the articles until the collector is satisfied that all of them have been consumed on board, or landed under customs supervision, and takes up the authorization. The approval shall be subject to the further conditions that any such withdrawn article remaining on board while the vessel is in port shall be safeguarded in the manner and to such extent as the collector for the port or place of arrival shall deem necessary and that failure to comply with the conditions upon which a conditionally free withdrawal is approved shall subject the total quantity of withdrawn articles to the assessment and collection of an amount equal to the duties and taxes that would have been assessed on the entire quantity of supplies withdrawn had such supplies been regularly entered, or withdrawn, for consumption.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 16, 1624. Interprets or applies sec. 309, 46 Stat. 690, as amended; 19 U. S. C. 1309)

2. Section 10.60 is amended by redesignating paragraph (g) as paragraph (h); by substituting "(h)" for "(g)" in the last sentence of paragraph (a) and in the first and second sentences of paragraph (f); and by inserting a new paragraph (g) to read as follows:

(g) A withdrawal under section 10.59 (d) shall be supported by a bond on customs Form 7603 in lieu of any other bond.

(Sec. 309, 46 Stat. 690, as amended; 19 U. S. C. 1309)

3. Section 30.16 (b) of the Customs Regulations is amended by deleting the period at the end of the first sentence and adding "and, in addition, the pertinent provisions of §§ 10.59 to 10.65, inclusive, of this chapter shall also apply as though the article were being withdrawn in customs territory from continuous customs custody elsewhere than in a bonded warehouse for such lading."

(R. S. 161, 251, secs. 1–21, 48 Stat. 998, 999, as amended, 1000–1003, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 81a–81n 1624. Interprets or applies sec. 309, 46 Stat. 690, as amended; 19 U. S. C. 1309)

Notice of the proposed issuance of the foregoing amendments of the Customs Regulations was published in the FEDERAL REGISTER on July 28, 1955 (20 F. R. 5392), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). After full consideration of data and views submitted, it has been decided to adopt the amendments as set forth above.

In view of the fact that the adoption of these amendments will result in a liberalization of the conditions under which free withdrawals of distilled spirits (including alcohol), wines, and beer may be permitted under section 309 (a) of the Tariff Act of 1930, as amended, for lading on fishing vessels, the delayed effective date provision of section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) is being dispensed with. Accordingly, the amendments shall become effective upon publication in the FEDERAL REGISTER.

It is expected that new customs Form 5125, entitled "Application for Conditionally-Free Withdrawal of Distilled Spirits (Including Alcohol), Wines, or Beer for Supplies of Fishing Vessel," and new customs Form 7603 entitled "Bond for Conditionally-Free Withdrawal of Distilled Spirits (Including Alcohol), Wines, or Beer, For Supplies of Fishing Vessel," prescribed for use herein, will be printed and available for use within 90 days. Pending the printing thereof, collectors of customs are authorized to reproduce the forms or specimen copies may be obtained from collectors and reproduced by interested parties.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 31, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55–8956; Filed, Nov. 4, 1955; 8:49 a. m.]

[57] Exemption from internal-revenue tax on distilled spirits, alcohol, wines, and beer removed from any internal-revenue bonded warehouse, industrial alcohol premises, bonded wine cellar, or brewery; and drawback on taxpaid distilled spirits or wines removed from an export storage room, or on taxpaid beer removed from a brewery (or place of storage elsewhere), for use as supplies on vessels under section 309, Tariff Act of 1930, as amended, are governed by regulations of the Internal Revenue Service.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 225—SERVICEMEN'S MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

MAXIMUM MORTGAGE AMOUNT; RATIO OF LOAN-TO-VALUE LIMITATION

Section 225.4 is amended to read as follows:

§ 225.4 *Maximum mortgage amount; ratio of loan-to-value limitation.* The mortgage shall be in an amount not to exceed 95 percent of the appraised value of the property as of the date the mortgage is accepted for insurance.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., November 3, 1955.

[SEAL] NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 55-8983; Filed, Nov. 3, 1955; 2:44 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 533—GRATUITY UPON DEATH

MISCELLANEOUS AMENDMENTS

Sections 533.6 and 533.7 are redesignated §§ 533.15 and 533.16, respectively, and §§ 533.1, 533.2, 533.3, 533.5 and 533.8 are revoked and the following substituted therefor:

§ 533.1 *General—(a) Scope.* Sections 533.1 to 533.12 set forth the authority and prescribe the procedure for making payment of the 6 months' death gratuity to beneficiaries of deceased military personnel.

(b) *Statutory authority.* The statutory authority upon which the regulations in §§ 533.1 to 533.12 are based are:

(1) Section 1, act December 17, 1919 (41 Stat. 367), as amended by section 1, act December 17, 1943, (57 Stat. 599).

(2) Act May 27, 1940 (54 Stat. 223), as amended by the act of March 29, 1944 (58 Stat. 130).

(3) Section 4 (b), act August 9, 1946 (60 Stat. 964), as amended by the act of August 4, 1947 (61 Stat. 748).

(4) Section 3, act June 20, 1949 (63 Stat. 202).

(5) Section 514, act October 12, 1949 (63 Stat. 831).

(c) *Policy.* The Secretary of the Army will establish regulations requiring each officer and enlisted member having no wife or child to designate the proper dependent relative to whom the amount herein provided will be paid in case of his death. This amount will be paid from funds appropriated for the pay of the Army.

§ 533.2 *Entitlement.* When a member dies as a result of wounds or disease, not the result of his own misconduct, while on the active list of the Regular Army or on the retired list when on active duty, his beneficiary will receive payment of an amount equal to 6 months' pay at the rate received by such member at the date of his death. The Chief of Finance, Department of the Army, will cause the amount described in this section to be paid to the eligible beneficiary immediately upon receipt of official notification that death was not the result of the service member's own misconduct.

§ 533.3 *Beneficiaries.* Payment of the 6 months' gratuity may be made to beneficiaries of Regular Army members in the order indicated below:

(a) If there be a widow (widower), payment will be made to such person only.

(b) Child or children, if there be no widow (widower). (An adopted child is considered to be a child within the meaning of the term as used in the regulations in §§ 533.1 to 533.12).

(1) An illegitimate child (if acknowledged in writing by the service member) is considered to be a child within the meaning of the term as used in the regulations in §§ 533.1 to 533.12. See MS Comp. Gen. B–117183, March 4, 1955, and 30 Comp. Gen. 277.

(2) A stepchild is considered to be a child within the meaning of the term as used in the regulations in §§ 533.1 to 533.12, provided the conditions set forth in subdivisions (i) and (ii) of this subparagraph are met.

(i) Where the relationship between a service member and a stepchild was created by marriage which was terminated by death, the relationship, in the absence of any evidence to the contrary, may be considered as continuing, so far as payment of the gratuity is concerned.

(ii) Where the relationship between a service member and a stepchild was created by a marriage which was terminated by divorce, the relationship may be considered as ended, so far as payment of the gratuity is concerned. See 24 Comp. Gen. 320; and 26 id. 723.

(c) Any other dependent relative previously designated by him, if there be no widow (widower) or child.

(d) Grandchild, parent, brother and sister, or grandparent; if there be no widow (widower), child or any other dependent relative previously designated; the eligible members of each group having an insurable interest in the life of the deceased sharing equally. In these cases, the Secretary of the Army will cause the amount herein provided to be paid only when these beneficiaries are shown to have been dependent upon such officer or enlisted member prior to his death, and the determination of such fact by the Secretary of the Army will be final and conclusive upon the accounting officers of the Government.

(e) In the event of the death of any beneficiary before payment to and collection by such beneficiary of the amount authorized herein, such gratuity will be paid to the next living beneficiary in the order of succession stated in paragraphs (a) through (d) of this section.

§ 533.4 *Six months' gratuity payable to beneficiaries of other than Regular Army members.* The regulations in §§ 533.1 to 533.12 have equal application to the following members, and their dependents will not be deprived of the benefits provided in the act of December 17, 1919, as amended:

(a) All officers, warrant officers, and enlisted members of the Army of the United States (other than officers or enlisted members of the Regular Army) if called or ordered into the active military service in excess of 30 days, or if called or ordered to active military service or to perform active duty for training or inactive duty training for any period of time, who suffer death in line of duty from injury while so engaged.

(b) All officer, warrant officer, and enlisted members of the National Guard of the United States, both ground and air, the federally recognized National Guard of the several States, Territories, and the District of Columbia:

(1) If engaged for periods in excess of 30 days in any type of training or active duty under section 5, 81, 92, 94, 97, or 99 of the National Defense Act, as amended, who suffer death in line of duty from injury while so engaged.

(2) If engaged for any period of time in any type of training or active duty under such sections of the National Defense Act, as amended, who suffer death in line of duty from injury while so engaged.

(c) Retired members who die while on active duty, or while on leave of absence.

(d) The teacher of music, the leader of Military Academy Band, will be entitled to the same death gratuity as is now or may hereafter be provided for an officer of the Regular Army in the grade of captain with the corresponding length of service.

(e) Cadets at the United States Military Academy properly are to be regarded as officers on the active list within the meaning of the statutory provisions cited in § 533.1 for payment of the the 6 months' death gratuity. They will be entitled to 50 percent of the amount of death gratuity as is now or may hereafter be provided for a second lieutenant of the Regular Army with under 2 years' service. See 26 Comp. Gen. 373.

(f) Missing personnel determined to be dead.

§ 533.5 *Computation of amount of death gratuity.* The amount of the death gratuity due the beneficiary of a service member includes the compensation of every kind received by such member at the date of his death but does not include allowances. See 14 Comp. Dec. 857; 24 id. 287.

§ 533.6 *Six months' gratuity exempt from indebtedness.* The amount of the 6 months' pay cannot be used for the debt of the officer or enlisted member, not even for overpayment. See MS Comp. Dec. 14 May 1913.

§ 533.7 *Designation of two beneficiaries.* (a) If the deceased person had designated two beneficiaries to receive the 6 months' death gratuity payment and the claim of the first designated beneficiary has been disapproved because the evidence submitted did not clearly establish dependency upon him for support, or otherwise an insurable interest in him, the claim of the second designated beneficiary may not be considered unless the first beneficiary, who may desire to submit additional evidence tending to show dependency, has relinquished the right to claim the gratuity payment. If the first designated beneficiary submits additional evidence tending to show dependency or insurable interest and such evidence is not sufficient to establish entitlement to the gratuity or he relinquishes his claim for payment, the claim of the second designated beneficiary may then be considered for payment of the gratuity.

(b) When it is determined that a relative of the deceased service member (whether or not designated) is the proper beneficiary within the meaning of the gratuity law to receive payment of the gratuity, any waiver of that right by such person in favor of another is without force or effect and payment will not be made to the person in whose favor the waiver was executed. See 24 Comp. Gen. 46.

§ 533.8 *No beneficiary designated or beneficiary ineligible.* (a) If there be no widow (widower), child, or previously designated beneficiary, the Commanding General, Finance Center, U. S. Army, will determine dependency in accordance with approved policies and regulations of the Department of the Army.

(b) When a beneficiary designated by a serviceman fails to qualify as a dependent relative by reason of being only remotely related to the deceased, where no evidence of insurable interest can be furnished, and when there are more closely related dependent relatives, it will be construed as though no designation had been made, in which case the Commanding General, Finance Center, U. S. Army, may direct payment of the gratuity to a relative determined by him to have been dependent on the deceased. See 34 Comp. Gen. 105.

(c) The disbursing officer will forward any case of the type described in paragraphs (a) or (b) of this section to the Commanding General, Finance Center, U. S. Army, accompanied by all available information or evidence that will assist in making a determination as to the proper beneficiary or beneficiaries.

§ 533.9 *Evidence.* (a) The evidence required to establish the right under the law, of any person to receive payment of the 6 months' gratuity is set forth for the different classes of beneficiaries in figure 1.

(b) No affirmative showing of dependency is required in making payments of

6 months' death gratuity authorized by the act of December 17, 1919, as amended, to fathers, mothers, brothers, or sisters designated as beneficiaries of deceased military personnel, since relationship alone establishes the insurable interest; but as to more distant relatives, evidence of insurable interest other than mere relationship is required. See 4 Comp. Gen. 554, modified; 22 id. 85.

FIGURE 1

Class of beneficiary	Nonexistence of widow (widower)	Relationship	Age	Marital status	Dependency	Insurable interest	Designation as beneficiary
Widow (widower):							
Designated	No	No	No	No	No	No	Yes.[1 4 7 10]
Not designated	No	Yes	No	No	No	No	No.[2 4 7 10]
Unmarried child (children) under 21 years of age:							
Designated	Yes	No	Yes	Yes	No	No	Yes.[1 3 10]
Not designated	Yes	Yes	Yes	Yes	No	No	No.[2 3 10]
Unmarried child (children) over 21 years of age:							
Designated	Yes	No	Yes	Yes	Yes	No	Yes.[3 10]
Not designated	Yes	Yes	Yes	Yes	Yes	No	No.[2 3 10]
	Nonexistence of widow (widower), child (children)						
Parents:							
Designated	Yes	No	No	No	No	No	Yes.[6 9 10]
Not designated	Yes	Yes	No	No	Yes	No	No.[6 9 9 10]
Brothers-sisters:							
Designated	Yes	No	Yes	No	No	No	Yes.[6 10]
Not designated	Yes	Yes	Yes	No	Yes	No	No.[6 9 10]
Grandchild (grandchildren):							
Designated	Yes	Yes	Yes	No	Yes	Yes	Yes.[6 10]
Not designated	Yes	Yes	Yes	No	Yes	Yes	No.[6 10]
Grandparent (grandparents):							
Designated	Yes	Yes	No	No	Yes	Yes	Yes.[6 10]
Not designated	Yes	Yes	No	No	Yes	Yes	No.[6 10]
Distant relatives (aunts, uncles, nieces, nephews): Designated	Yes	Yes	No	No	Yes	Yes	Yes.[6 10]

[1] The fact, if it be a fact, that the widow (widower) of child (children), as the case may be, was designated as beneficiary, will in itself be regarded ordinarily as sufficient to establish the identity of the payee.

[2] Where a payment is to be made to a widow (widower) not previously designated as beneficiary, affidavits from two disinterested persons, not related by blood, attesting to the following facts will be obtained and filed with the voucher: The length of time they have known the widow (widower); that they have known her (him) to be the lawful wife (husband) of the decedent at the time of his (her) death, and that to the best of their knowledge and belief no divorce has been granted.

[3] Where payment is to be made to a child (children) not previously designated, affidavits from two disinterested persons, not related by blood, attesting to the following facts will be obtained and filed with the voucher. That they knew the decedent, knew the mother (father), know that the child (children) is (are) the child (children) of the decedent, and know that the decedent was not survived by a lawful widow (widower) at the time of his (her) death and that the child (children) is (are) the only living child (children) of the decedent.

[4] In an instance where available information shows that the decedent had been at one time married to other than widow (widower) claiming the right to payment, she (he) must furnish evidence of dissolution of former marriage or marriages, i. e., divorce decree, annulment decree, or death certificate, whichever is appropriate. This evidence must also be furnished in the event claimant had been married previously.

[5] In an instance where a child (children) of decedent is (are) being considered for payment, evidence of dissolution of all prior marriages of decedent's spouse is necessary. (See 4 above.)

[6] In an instance where a relative other than a widow (widower), child (children) is being considered, the person must furnish evidence of dissolution of any marriage the decedent may have entered into as well as non-existence of child (children). (See 4 and 5 above.)

[7] In an instance where widow (widower) claims common-law marriage relationship to decedent, evidence to substantiate that marriage should be of the same quality and quantity which would be required to establish the validity of the marriage before the courts of the jurisdiction where contracted.

[8] In an instance where a parent is being considered for payment and the last name of the parent is not the same as the last name of the decedent, evidence must be furnished to substantiate the relationship of the parent to the deceased member.

[9] Where payment is to be made to a parent, brother, or sister not previously designated as beneficiary, affidavits from two disinterested persons, not related by blood, attesting the following facts will be obtained and filed with the voucher: The length of time they have known the parent, brother, or sister, and the decedent; and that they know the deceased person was not survived by a lawful widow (widower), child (children), or grandchild (grandchildren) at the time of his (her) death.

[10] Where payment is to be made to a legal guardian, trustee, or representative on behalf of a minor or incompetent child or other incompetent beneficiary, an affidavit, certificate, or court order of authority (whichever is applicable) to handle the affairs of such person, must be furnished as evidence to substantiate the claim for payment.

§ 533.10 *To whom not payable.* Payment of the 6 months' gratuity may not be made to:

(a) Any unmarried child over 21 years of age who is not actually a dependent of a deceased officer or enlisted member, or any married child, notwithstanding the allegation of dependency on the deceased officer or enlisted member. See 4 Comp. Gen. 730; 18 id. 567; and 22 id. 797.

(b) A person who takes the life of the deceased, on whose account death gratuity would otherwise be payable to such beneficiary. The only exception to this policy is a case where a person takes the life of the deceased but the records clearly establish the absence of any felonious intent on the part of the person who would be entitled to receive payment of death gratuity. See MS Comp. Gen. A–60953, June 12, 1935, and MS Comp. Gen. B–115170, July 16, 1953.

(c) Stepparents not designated and persons, other than dependent relatives, standing in loco parentis to decedent whether or not designated. See 26 Comp. Gen. 723.

(d) The natural parent of a service member who had been legally adopted. The fact that the service member returned to reside with the natural parent before induction into the service and designated the natural parent as beneficiary to receive the payment does not change the foregoing statement. See 24 Comp. Gen. 479.

§ 533.11 *Will-not designation.* A will is not a designation within the meaning of the act providing the 6 months' gratuity pay, as that gratuity is not a debt or money due the officer or enlisted person and cannot become a part of his estate.

§ 533.12 *Special determinations*—(a) *Absent without leave.* (1) Section 4 (b), act August 9, 1946 (60 Stat. 964), as amended by the act of August 4, 1947 (61 Stat. 748; 37 U. S. C. 33), provides that during periods of absence without leave, service members will continue in a pay status, but will forfeit all pay and allowances during such absence unless such absence is excused as unavoidable. The 6 months' death gratuity is not a part of a member's pay and allowances, therefore, if a member dies during an absence without leave, whether or not such absence is excused as unavoidable, payment of the 6 months' death gratuity is authorized if otherwise payable. This determination applies to all cases where absence without leave and death occurred subsequent to August 31, 1946.

(2) In each case where an individual dies after having been dropped from the rolls as a deserter, and administrative determination as to whether the service member was in a desertion or absent without leave status at date of death will be obtained from The Adjutant General by the Commanding General, Finance Center, U. S. Army. Payment of the 6 months' death gratuity will be dependent upon the determination as to the status of such service member. See MS Comp. Gen. B–109305, June 4, 1952.

(3) Payment of the 6 months' death gratuity is not authorized if death occurred when the deceased was in an absent without leave status and the date of death was subsequent to date of the expiration of the deceased's normal period of enlistment.

(b) *Flying requirements not met when on flying status.* If a person dies while assigned to flying duty and has not made any flights during any one of the 3 months immediately succeeding the quarter in which he last met the flight requirements, his rate of pay for the payment of the 6 months' gratuity includes the increased pay for flying although no flying pay had accrued to him on the date of his death. See 7 Comp. Gen. 476.

(c) *Flight status suspended.* If a member dies while under suspension from flying duty, pay for flying will not be included in the rate of pay at date of death for the payment of the 6 months' death gratuity. See MS. Comp. Gen. B–122105, April 12, 1955.

(d) *Advanced in grade after date of death.* Section 2 of the act of March 7, 1942, as amended, which entitles any person in active service officially reported as missing, missing in action, interned in a foreign country, captured by a hostile force, beleaguered or besieged, to continue to receive, or have credited to his account, the pay and allowances to which he was then or thereafter became entitled, does not authorize computation of the 6 months' death gratuity payment on the basis of pay for a grade to which a person was advanced after being officially reported missing where it was later determined that the person had died prior to such advancement in grade. See 22 Comp. Gen. 395.

(e) *Declared dead after missing.* In the case of a person who was officially carried in a missing status and subsequently declared dead as of a certain date, the death gratuity should be computed on the pay rate to which the person was entitled on the date as of which he was declared dead, rather than on the rate he was receiving at the beginning of the missing status. See 22 Comp. Gen. 1053.

§ 533.15 *Settlement of arrears of pay upon death.* • • •

§ 533.16 *Letters testamentary or letters of administration.* • • •

[AR 35–1370, 11 October 1955] (R. S. 161; 5 U. S. C. 22. Interpret or apply secs. 1, 2, 41 Stat. 367, as amended, sec. 5, 53 Stat. 557, as amended; 10 U. S. C. 456, 903)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–8939; Filed, Nov. 4, 1955; 8:45 a. m.]

Subchapter C—Military Education

PART 543—PROMOTION OF RIFLE PRACTICE

NATIONAL BOARD FOR PROMOTION OF RIFLE PRACTICE AND OFFICE OF DIRECTOR OF CIVILIAN MARKSMANSHIP

Section 543.4 is revised to read as follows:

§ 543.4 *National Board for the Promotion of Rifle Practice and Office of the Director of Civilian Marksmanship*—(a) *General.* Section 113 of the National Defense Act of 1916, as amended (32 U. S. C. 186), and certain related statutes, especially the act of 7 June 1924 (43 Stat. 510), as amended (32 U. S. C. 181), impose an obligation upon the Secretary of the Army to promote marksmanship training with military-type individual small arms among able-bodied citizens of the United States and within the limits of available funds to provide citizens outside the active services of the Armed Forces of the United States with means whereby they may become proficient in the use of such arms. This obligation is fulfilled on behalf of the Secretary of the Army by the National Board for the Promotion of Rifle Practice and its implementing agency, the Office of the Director of Civilian Marksmanship. The Assistant Secretary of the Army (Manpower and Reserve Forces) is presently required by the Secretary of the Army to be president of the board and in that capacity acts for the Secretary of the Army concerning activities relating to the program of the board, including approval of expenditures by the board.

(b) *Mission.* Under the statutory authority set forth in paragraph (a) of this section the principal mission of the National Board for the Promotion of Rifle Practice is to promote among able-bodied citizens not reached through training programs of the active components of the Armed Forces of the United States, practice in the use of military-type individual small arms; to promote matches and competitions in the use of such arms; and to issue in connection therewith necessary arms, ammunition, targets, and other necessary supplies and appliances; and to procure and award to winning competitors trophies, medals, badges, and other insignia. In the execution of this mission the board is charged with encouraging and supporting small arms target practice throughout the United States and its Territories, for the purpose of training the citizenry in the use of military-type individual small arms, particularly to the end that those individuals who may be called upon to serve in time of war will be qualified as finished marksmen, and to create a public sentiment which emphasizes the necessity of marksmanship training with military-type individual small arms as a means of National Defense.

(c) *Composition.* The National Board for the Promotion of Rifle Practice will consist of not less than 21 members or more than 25 members, to be appointed by the Secretary of the Army from time to time from the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the reserve components of the Armed Forces of the United States, the National Rifle Association of America, the Selective Service System, and the country at large.

(d) *Members to serve without compensation.* Members will serve without compensation as such, other than reimbursement of necessary authorized expenses.

(e) *Executive committee.* (1) An executive committee consisting of not less than three members of the board will be appointed by the president at the first meeting of the board each year. This committee will serve for 1 year. The representative of the Assistant Chief of Staff, G–3, Department of the Army, on the board normally will be chairman of the committee.

(2) The committee will, during such times as the board is not in session, act for the board on all matters referred to it, and its action when approved by the president will become binding on the board.

(f) *Budget committee.* (1) A budget committee consisting of not less than three members of the board will be appointed by the president at the first meeting each year. The Deputy Assistant Secretary of the Army (FM) will normally be chairman of the committee.

(2) The committee will act for the board in the preparation and defense of budget requests for "Promotion of Rifle Practice," and as otherwise required concerning budgetary matters pertaining to activities of the National Board for the Promotion of Rifle Practice.

(g) *Expenditure projects.* Expenditures of funds will be made only in accordance with expenditure projects prepared by the budget committee in accordance with law and regulations and approved by the president.

(h) *Executive officer.* (1) The executive officer will be an officer of the Army selected by the president from among members of the board.

(2) He will be recorder of the board and, under the direction of the president will:

(i) Conduct its detailed business;

(ii) Make all contracts and agreements covering the expenditure of public funds, in accordance with law and regulations;

(iii) In collaboration with the budget committee of the board, prepare and assist in defending annual requests of the board for appropriations which are necessary to accomplish the duties charged to the board; and

(iv) Be responsible for the preparation of that portion of the annual report of the president to the Secretary of the Army pertaining to the activities of the board to be included in the semiannual report of the Secretary of the Army.

(i) *Logistical support.* The active Army will provide, within the limits of available funds, logistical support for this program through supply and service activities and Department of the Army stocks in accordance with availability and the established supply and pricing policy. This program is funded for through separate appropriations, the budget estimates for which are prepared by the National Board for the Promotion of Rifle Practice.

(j) *Meetings.* The board will hold two meetings annually for the transaction of such business as may properly come before it. One such meeting will be held not later than April 15th of each calendar year at such time and place as may be designated by the president. The second meeting will be held at the site of the annual National Matches.

(k) *Government of the board.* (1) Robert's Rules of Order will be authority for the governing and regulating of all meetings of the National Board for the Promotion of Rifle Practice.

(2) Proxies will not be allowed in either meetings of the board or meetings of regularly appointed committees of the board.

(3) The president of the board and the executive officer will be ex officio members of all committees of the board, except that the executive officer will not be a member of the executive committee.

(l) *Director of Civilian Marksmanship.* (1) The act of 29 August 1916 (39 Stat. 648), as amended (32 U. S. C. 182), authorized the Secretary of the Army to appoint an officer of the Army or Marine Corps as Director of Civilian Marksmanship. The office of the Director is the implementing agency for the National Board for the Promotion of Rifle Practice. The Director of Civilian Marksmanship is responsible for implementing the policies established by the board as approved by the president for the Secretary of the Army.

(2) Under the direction of the National Board for the Promotion of Rifle Practice, and as provided in pertinent Department of the Army regulations, the

Director of Civilian Marksmanship is responsible for:

(i) Initiating, developing, coordinating and recommending appropriate actions on matters pertaining to:

(*a*) Organization of civilian rifle clubs;

(*b*) Procedure and policy governing the enrollment of civilian clubs and schools in the civilian marksmanship program fostered by the National Board for the Promotion of Rifle Practice and implemented by the Director of Civilian Marksmanship;

(*c*) Policies and procedures governing the issue made to civilians, of rifles, ammunition, targets, and other supplies and materials required in the conduct of small arms marksmanship training;

(*d*) Bonding of clubs and schools to which government property is issued on a loan basis;

(*e*) Proper accountability of property issued to civilian rifle clubs and schools;

(*f*) Policies and procedures governing awards of marksmanship qualification badges, medals, and trophies provided by the National Board for the Promotion of Rifle Practice in execution of the programs of marksmanship training and competitions fostered by the board; and

(*g*) Requests of schools and authorized civilian organizations to use government-owned rifle ranges at military installations throughout the United States.

(ii) Conducting a continuing review of major policies of the National Board for the Promotion of Rifle Practice as related to those of the National Rifle Association of America, to insure proper correlation between the two organizations on matters pertaining to the nation-wide civilian marksmanship training program fostered by the National Board for the Promotion of Rifle Practice and executed in collaboration with the National Rifle Association.

[NR 920–15, 23 Dec. 1954, and C1, 20 Oct. 1955] (R. S. 161; 5 U. S. C. 22. Interprets or applies 39 Stat. 211, as amended, 43 Stat. 510, as amended; 32 U. S. C. 181, 186)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–8938; Filed, Nov. 4, 1955; 8:45 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

ENVELOPE INDUSTRY

On December 14, 1954, a public hearing to determine the prevailing minimum wages in the envelope industry was held pursuant to notice published in the November 18, 1954, issue of the FEDERAL REGISTER (19 F. R. 7437–7438). Notice of a proposed amendment to the determination of the prevailing minimum wage for the envelope industry was published in the FEDERAL REGISTER (20 F. R. 1380) on March 8, 1955. The notice provided a period of thirty days within which interested parties might submit exceptions to the proposed amendments. The time for filing such exceptions expired on April 7, 1955.

One exception has been received. The Tension Envelope Corporation objects to the subminimum wages authorized in the proposed determination. It suggests that a seventy-five cent minimum wage rate should be established for beginners and that such wage rate should be increased five cents per hour at the end of the first month, and an additional five cents per hour at the end of three months. No evidence other than the rates paid to beginners in their plants has been offered in support of this proposal. The suggestion has been considered, but in view of the substantial evidence contained in the record supporting the $1.02 per hour minimum wage for beginners in the envelope industry, I find insufficient basis for changing my decision as proposed.

Upon consideration of the entire record the proposed amendment is hereby adopted.

Accordingly, pursuant to the authority vested in me by the Walsh-Healey Public Contracts Act, § 202.13 of Title 41, Code of Federal Regulations, Part 202 is hereby amended to read as follows:

§ 202.13 *Envelope industry*—(a) *Definition.* The envelope industry is defined as that industry which manufactures or furnishes envelopes, with the exception of boxed and personal stationery (papeteries).

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the envelope industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.08 an hour arrived at either on a time or piece rate basis.

(c) *Subminimum wages authorized.* (1) Beginners may be employed at subminimum rates subject to the following terms and conditions:

(i) In the performance of contracts for products of the envelope industry, beginners may be paid a subminimum rate of $1.02 an hour. If experienced workers in the same plant are paid on a piece rate basis, beginners must be paid the same piece rates, but may not be paid less than $1.02 an hour.

(ii) A beginner for the purposes of this determination is a person who has had less than 480 hours experience in the industry.

(iii) If the beginner has had previous experience in the industry, the number of hours of such experience must be deducted from the 480 hour learning period during which the subminimum rate may be paid.

(2) (i) Handicapped workers may be employed at wages below the applicable minimum wages specified herein upon the same terms and conditions as are prescribed for the employment of handicapped workers by the Regulations of the Administrator of the Wage and Hour Division of the United States Department of Labor (29 CFR Parts 524, 525), under section 14 of the Fair Labor Standards Act.

(ii) The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to two different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after December 5, 1955.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38)

Signed at Washington, D. C., this 2d day of November 1955.

ARTHUR LARSON,
Acting Secretary of Labor.

[F. R. Doc. 55–8949; Filed, Nov. 4, 1955; 8:47 a. m.]

PART 202—MINIMUM WAGE DETERMINATIONS

PAPER AND PULP INDUSTRY

On January 27, 1953, notice was published in the FEDERAL REGISTER (18 F. R. 572) of a proposed amendment to the determination of the prevailing minimum wages for the paper and pulp industry. On June 22, 1954, after publication of due notice in the May 28, 1954 issue of the FEDERAL REGISTER (19 F. R. 3100), a supplemental hearing was held in Washington, D. C. Subsequently on February 22, 1955, notice was published again in the FEDERAL REGISTER (20 F. R. 1100) of the proposed amendment to the determination of the prevailing minimum wages for the paper and pulp industry. The notice provided a period of 30 days within which interested parties might submit exceptions or objections to said proposed decision, together with the supporting reasons therefor. This period expired on March 24, 1955.

Exceptions and objections have been received from two sources. Mr. J. F. Hogan, President of Oswego River Tissues, Inc. objects to the finding of a separate minimum for the paper bag branch of the industry and suggests that a higher minimum, specifically $1.25 per hour, be found for the entire industry. No analysis of conditions in the industry or of wage rates as reflected by the record herein is submitted in support of his contentions. As the record clearly justifies regarding the manufacture of paper bags as a separate branch of the industry and the finding of a separate minimum wage for the branch, the objection must be overruled.

Attorneys for the bag companies, who intervened following the proposed decision of January 27, 1953, and who are hereinafter referred as intervenors, filed exceptions challenging (1) the adequacy under section 4 (a) of the Administrative Procedure Act of the notice of hearing published on May 28, 1954; (2) the propriety of minima applicable to the country as a whole as distinguished from separate minima for each separate "locality" as that term of the statute is interpreted by intervenors; and (3) the evidentiary foundation upon which the proposed rates are based. Intervenors also object to inclusion in the record of unsworn testimony by Harry Sayre and Henry Segal. Finally they object to certain language contained in the proposed amendment from which they incorrectly infer that I may fail to give serious consideration to their exceptions.

In support of exceptions 1, 2 and 3 the Intervenors have referred to the reasons stated in their brief filed on July 24, 1954. All of the matters raised in that brief and repeated in these exceptions have been fully considered and were ruled upon in my proposed decision. Nevertheless, I have carefully reconsidered each point raised in the exceptions, and find no basis for changing my decision as proposed.

The intervenors also except to the admission in evidence of Government Exhibits N, O, P, Q–1, Q–2, Q–3, R, S and T. These exhibits are relevant and material to my consideration of the economic factors involved in the question of whether it would be appropriate to make separate determinations for different geographic areas in this industry.

Intervenors object to the inclusion in the record of the "unsworn testimony" of Harry Sayre and Henry Segal. The Administrative Procedure Act does not require that testimony taken in proceedings of this kind be taken under oath and the published rules of practice applicable here (41 CFR 203.18) leave the matter to the discretion of the presiding officer. Furthermore, the testimony in question was no more than a statement of position or, at most, argument. No factual evidence was included. Both witnesses expressly disclaimed any intention of offering additional evidence and neither statement contained any evidence which has been relied upon in reaching my decision.

I have carefully considered all of the exceptions and objections filed by the intervenors and find them to be unsupported by the record, irrelevant to this proceeding, or previously considered in the proposed decision.

Upon consideration of the entire record the proposed amendment is hereby adopted.

Accordingly, pursuant to the authority vested in me by the Walsh-Healey Public Contracts Act (41 U. S. C. Secs. 34–45), § 202.33 of Title 41, Part 202, of the Code of Federal Regulations is hereby amended to read as follows:

§ 202.33 *Paper and pulp industry*—(a) *Definition.* The paper and pulp industry is that industry which manufactures or furnishes any of the following products: pulp from wood or from other materials such as rags, linters, waste paper and straw; paper from wood pulp and other fibers; paperboard from wood pulp and other fibers; building paper and building board, except gypsum products; coated bookpaper; paper bags, including paper shipping sacks; and sanitary paper such as facial tissues, toilet paper, paper napkins and paper towels.

(b) *Minimum wages.* (1) The minimum wage for persons employed in the manufacture or furnishing of products of the paper and pulp industry (other than bags) under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.115 an hour arrived at either on a time or piece-rate basis.

(2) The minimum wage for persons employed in the manufacture of products of the paper bag branch of the paper and pulp industry under contracts subject to the Walsh-Healey Public Contracts Act shall be 99 cents an hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* (1) Beginners (probationary workers) as defined in this paragraph may be employed at hourly wage rates not lower than the following: $1.065 per hour in the paper and pulp industry (other than bags) and 94 cents per hour in the paper bag branch, arrived at either on a time or piece-rate basis. A beginner or probationary worker for the purpose of this determination is an employee who has less than 160 hours experience in the plant in which he is employed.

(2) Handicapped workers may be employed at wages below the minimum rates upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524, 525), under section 14 of the Fair Labor Standards Act, as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall effect any obligations under any other law or agreement for the payment of minimum wages higher than those specified herein.

(e) *Effective date.* This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the Walsh-Healey Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after December 5, 1955.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38)

Signed at Washington, D. C., this 2d day of November 1955.

ARTHUR LARSON,
Acting Secretary of Labor.

[F. R. Doc. 55–8950; Filed, Nov. 4, 1955; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket 3666; Order 20]

PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

Correction

The following changes should be made in Federal Register Document 55–8723, appearing at page 8087 of the issue for Friday, October 28, 1955:

1. The amendment concerning § 73.334 (page 8103, third column) is deleted in its entirety.

2. In § 78.209–13 (a) (page 8110, middle column) the symbol should read as follows:

ICC–12H••

3. In § 78.325–2 (a) (page 8112, column 2) the final proviso should read: "and provided further that such tanks can and do, within six months of December 31, 1955, successfully pass the tests prescribed in § 78.325–5."

4. In § 78.325–3 the first sentence of paragraph (a) should read: "Except as provided elsewhere in the regulations in this part, every new cargo tank manufactured on or after December 31, 1955, for the transportation of any flammable liquid or poisonous liquid class B, having a Reid (ASTM D–323) vapor pressure of 18 psia or higher at 100° F. shall comply with the requirements of this specification."

5. In § 78.325–5 (b), subparagraphs (1) and (2) should read as follows:

(1) Whenever any tank, new or old, is acquired by a motor carrier; except that suitable testing of new tanks when completed by the manufacturer and before such tanks are placed in service will be considered as complying with this requirement.

(2) On each existing tank continuing in service in accordance with § 78.325–2, which tank has not been so tested within 21 months of December 31, 1955. The test required by § 78.325–2 shall be made within six months of December 31, 1955;

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

[CGFR 55–47]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

INTERIM STOWAGE REQUIREMENTS FOR CHEMICAL AMMUNITION, CLASS II–D, WP AND PWP FILLED (SOLID)

The Chief of Ordnance, Department of the Army, stated that the stowage requirements in 46 CFR 146.29–100 for chemical ammunition, Class II–D, WP and PWP filled (solid), created unsatis-

factory ballistics characteristics and unsafe munitions. Therefore, interim instructions to correct these defects are contained in this document and shall remain in effect until the regulations in 46 CFR 146.29–100 can be reviewed and amended as provided by law.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167–14, dated November 26, 1954 (19 F. R. 8026), to promulgate interim requirements in accordance with R. S. 4405, as amended, 4462, as amended, 4472, as amended, and sec. 3, 68 Stat. 675 (46 U. S. C. 375, 416, 170) and Executive Order 10402 (3 CFR, 1952 Supp.): *It is ordered*, That:

(a) The regulations in 46 CFR 146.29–100, regarding stowage of chemical ammunition, Class II–D, WP and PWP filled (solid), shall be modified by the following interim stowage requirements pending formal amendment in accordance with procedures in R. S. 4472, as amended (46 U. S. C. 170):

(1) It is important to stow chemical ammunition, Class II–D, WP and PWP filled (solid), in locations not subject to temperatures above 100° F.

(2) When shipments of Army ammunition of this class cannot be so stowed, the following shall be complied with:

WP and PWP filled items of ammunition shall be stowed in a nose up position unless other requirements are specified by the Army. The position of the nose end of the item of ammunition is marked on the outside of the package or container.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416, 170)

Dated: October 31, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 55–8943; Filed, Nov. 4, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 966]

[Docket No. AO–257–A1]

MILK IN SHREVEPORT, LOUISIANA, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended, (7 CFR Part 900), notice is hereby given of a public hearing to be held in the State Exhibit Museum, 3015 Greenwood Road, Shreveport, Louisiana, beginning at 10:00 a. m., November 21, 1955.

Subjects and issues involved in the hearing. The public hearing is for the purpose of receiving evidence with respect to economic conditions which relate to the provisions specified in the proposals listed below or appropriate modifications thereof.

The proposals to amend the order (No. 66) are as follows:

By the Northwest Louisiana Pure Milk Producers Association:

1. Delete § 966.6 and substitute therefor the following:

§ 966.6 *Shreveport, Louisiana Marketing Area.* Shreveport, Louisiana Marketing Area, hereinafter called the marketing area, means all the territory and boundaries including all municipal corporations and Federal military reservations, facilities and installations and state institutes within the Parishes of Caddo, De Soto, Red River, Webster, Bossier, the Cities of Homer and Haynesville in Claiborne Parish, the City of Leesville and all military installations in Vernon Parish, all in the State of Louisiana.

2. Delete § 966.8 and substitute therefor the following:

§ 966.8 *Supply plant.* "Supply plant" means (a) any plant from which Grade A milk, skim milk or cream is shipped during the month to a distributing plant in any of the months of January through July, or (b) any plant from which not less than 50 percent of the Grade A milk received from dairy farmers during the month is shipped in such month as milk, skim milk or cream to distributing plants during the months of August through December.

3. Amend § 966.27 (i), (j) (2), and (k) by deleting in each of these paragraphs the words "12th day" and substitute the words "10th day". Amend § 966.90 (d) by deleting the words "13th and 26th days of each month" and substitute therefor the following: "11th and 25th days of each month".

4. Delete paragraph (a) in § 966.51 and substitute therefor the following:

(a) *Class I Milk Price.* The Class I milk price shall be the basic formula price as determined pursuant to § 966.50 plus $2.20 for each of the months of March, April, May and June and $2.60 for all other months.

5. Delete § 966.53.

6. In § 966.41 redesignate present paragraph (b) as paragraph (c) and add a new paragraph (b) as follows:

(b) The supply-demand adjustment for each month shall be determined as follows: Divide the total hundredweight of producer milk of all fluid milk plants for the 12-month period ended with the beginning of the preceding month, by the net hundredweight of Class I milk disposed of from all fluid milk plants during the same period and multiplied by 100. The resulting figure, rounded to the nearest whole percentage shall be known as the "utilization ratio". For each percentage by which the utilization ratio calculated for the month exceeds 125, subtract from, or for each percentage by which it is less than 120, add to, the Class I price, one cent.

By The Dairy Division, Agricultural Marketing Service:

7. Consider an increase in the maximum rate of administrative assessment provided by § 966.94.

Copies of this notice of hearing and the order now in effect may be procured from the market administrator, 3822 Linwood Avenue, Shreveport, Louisiana or the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C. or may be inspected there.

Dated: November 2, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55–8968; Filed, Nov. 4, 1955; 8:51 a. m.]

[7 CFR Part 978]

[Docket No. AO–184–A12]

MILK IN NASHVILLE, TENNESSEE, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the third day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Nashville, Tennesse, on September 22–23, 1955 (20 F. R. 7007). The material issues of record related to:

1. An emergency increase in the Class I differential.
2. An increase in the annual level of the Class I price.
3. A revision of the order to provide that the uniform price for "excess" milk should not exceed the uniform price for "base" milk.
4. A revision of the definition of "Fluid Milk Plant".
5. A revision of the base-forming period.
6. The level of the Class II price.
7. A revision of the method by which producers receive payment for milk.
8. Administrative and conforming changes in the order.

Findings and conclusions. The following findings and conclusions on Issue No. 1 are based upon the evidence introduced at the hearing and the record thereof. Expedited action is recommended on Issue No. 1. Findings and conclusions relating to Issues No. 2 through No. 8 will be recommended in a separate decision to be issued at a later date.

1. The order should be amended to provide that the Class I milk differential be $1.50 from the effective date of this order through February 1956, and $1.20 during March 1956.

At the hearing, producers' representatives proposed an emergency increase in the Class I milk differential of 30 cents during the months October 1955 through February 1956, in conjunction with their proposal to increase the average level of Class I prices 25 cents on an annual basis. The change recommended herein will provide an increase of 10 cents per hundredweight through March 1956, in lieu of an operative supply-demand adjustment factor.

The order regulating the handling of milk in the Nashville marketing area was amended effective April 1, 1955. Although the annual average Class I price level was not changed at that time, the seasonal variation in the Class I differential was altered. At the same time, the pooling provisions were changed to replace the market-wide pool with an individual handler pool. Because changes of that type in an order can have important effects on the organization and structure of a market, the effective date of the new supply-demand adjustment provision was delayed until January 1956. For these reasons the present Nashville order does not have an operative provision that adjusts automatically the Class I milk price in response to current supply-demand relationships in the area.

At the hearing, producers' representatives based their request for Class I price revision on the criteria that: (1) the Nashville order price for Class I milk is too low when compared with prices in surrounding markets, including nearby Federal order markets, and with the Class I price level which prevailed in prior years in the Nashville market, (2) this disparity in minimum producer prices, in previous years, was at least partially offset by premiums or "over-order" prices negotiated between the cooperative associations and handlers, (3) negotiations with handlers for "over-order" prices or premiums for the current fall and winter production season have not been and cannot be successful (because of litigation by the association to recover previous defaults in payments of premium money by a handler), and (4) production conditions in the Nashville marketing area are being affected by adverse weather at the same time that the market is experiencing a strong demand for Class I milk products.

Premiums which supplemented minimum order prices have been negotiated between the cooperative association and handlers and have been in effect during some months each year since the Federal order became effective in the Nashville market. Proponents testified that such premiums added enough to the minimum Class I milk price specified in the order to induce dairy farmers to produce the needed supplies of milk. Record evidence also indicates that the association has been, and undoubtedly will continue to be, unsuccessful in negotiating such premiums this fall and winter.

The evidence with respect to adequacy of producer milk supplies on a long-run and a short-run basis shows mixed trends. Evidence regarding long-run relationships indicates that during the period January 1953 through September 1955, the prevailing Class I differential averaged approximately $1.27 over the basic formula price. The present Class I differentials result in an annual average differential of $1.25. During this period, milk supplies have generally increased, providing an adequate supply of pure and wholesome milk for the market. On the other hand, however, milk is now being imported into the Nashville market from Indiana and Wisconsin to supplement local supplies. Handler testimony indicates these imports were necessitated because: (a) The handler erred in estimating his producer milk requirements this fall, and (b) pool plants having adequate supplies of producer milk for their in-area sales already had committed remaining supplies to out-of-area markets.

Testimony by proponents indicates that at the time of the hearing the State of Tennessee was experiencing an acute lack of rainfall. As a result, late corn and pastures have been damaged. Germination and growth of seedings have been hindered by the lack of moisture. Some pastures had been sown, and all were in need of rain. Other evidence indicates that the growing season and pasture conditions just passed have been the best in several years. During the last several years, however, the Nashville production area has suffered drought conditions.

Evidence in the record indicates that production in the Nashville market has increased since 1948. It also indicates that producers receipts in August 1955 were 11 percent greater than in August 1954. At the same time, Class I sales are increasing. For example, Class I sales in August 1955 were 18 percent greater than in August 1954.

Official notice is taken of "Milk Market Information, Nashville Marketing Area, September 1955, Volume 8, No. 10". This report is regularly issued by the Nashville market administrator. Information contained in this report indicates that in September 1955, producer receipts were 9.9 percent greater than in September 1954. Other information contained therein shows that at the same time, Class I sales increased by 14.2 percent. Daily average receipts of producer milk remained about the same between August and September 1955 (up less than 1 percent), whereas during this same period, daily average gross Class I sales increased 11.3 percent. These trends indicate a changing supply-demand relationship in that, at least in the short-run, Class I sales are increasing at a faster rate than producer receipts.

Ordinarily, changes in local supply-demand relationships similar to those detailed above would be reflected in the Federal order price through an appropriate supply-demand adjustment. However, as pointed out earlier in this decision, the present supply-demand provision in the Nashville order will not become operative until 1956. Moreover, were the provision operative it would not reflect the conditions now evident in the market since any adjustment would be based on the relationship between production and sales for a previous twelve-month period. Consequently, such changes cannot be reflected automatically in the Class I price until after March 31, 1956, without some amendatory action.

The statistics and procedures used in developing an appropriate supply-demand provision for the Nashville market for a limited period require too great a time for study and analysis for inclusion in this decision. Accordingly, it is concluded that the provision of the order which delays the operation of the present supply-demand adjustment until January 1956, be extended to cover the period through March 31, 1956. It also is concluded that the most appropriate means of reflecting current price adjustments justified by the changing supply-demand relationships is to amend the order to provide a fixed increase of 10 cents per hundredweight in the Class I milk differential through the month of March 1956. The Class I prices provided for herein are not significantly out of alignment with the Class I prices provided under other Federal orders in the general area, although they are actually less than such other prices plus the cost of transporting milk from such markets.

Rulings on proposed findings and conclusions. A number of briefs were filed which contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such

conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order as proposed to be further amended:

1. Delete § 978.51 (a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.40 during the months of September through February, and plus $1.10 during all other months, plus an additional 10 cents during the months through March 1956, plus or minus a supply-demand adjustment calculated for each month after March 1956 as follows:

(1) Divide the total hundredweight of producer milk of all fluid milk plants for the twelve-month period ending with the beginning of the preceding month, by the net hundredweight of Class I milk disposed of from all fluid milk plants during the same period and multiply by 100. The resulting figure rounded to the nearest whole percentage shall be known as the utilization ratio.

(2) For each percentage by which the utilization ratio calculated for the month pursuant to subparagraph (1) of this paragraph exceeds 130 subtract from, or for each percentage by which it is less than 125 add to, the Class I price, 1 cent.

Issued at Washington, D. C., this 2d day of November 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-8967; Filed, Nov. 4, 1955; 8:51 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

PHOTOGRAPHIC AND BLUEPRINTING EQUIPMENT AND SUPPLIES INDUSTRY

AMENDMENT TO DETERMINATION OF PREVAILING MINIMUM WAGE

This matter is before the Department of Labor pursuant to the Walsh-Healey Public Contracts Act, as amended (49 Stat. 2036; 41 U. S. C. sec. 35 et seq.).

In a minimum wage determination issued on January 24, 1950 (15 F. R. 382), the Secretary of Labor determined the minimum wage prevailing for persons employed in the photographic supplies industry, in the performance of contracts subject to the act, to be not less than 75 cents an hour. This determination also authorized the employment of learners and handicapped workers at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the United States Department of Labor under section 14 of the Fair Labor Standards Act. This determination is currently in effect as editorially revised and published in the FEDERAL REGISTER on July 20, 1950 (15 F. R. 4641).

The present proceedings were initiated by the Secretary of Labor on his own motion. Notice of a public hearing in this matter to be held on March 8, 1955, was duly published in the February 4, 1955, issue of the FEDERAL REGISTER (20 F. R. 769). Copies of the notice and of a press release announcing the hearing were mailed to trade associations, unions, and to other interested parties in the photographic and blueprinting equipment and supplies industry. In addition, the press release was distributed to newspapers and to trade publications.

This notice informed interested persons of the time and place at which they could appear and offer testimony as to (1) the prevailing minimum wages in the photographic and blueprinting equipment and supplies industry; (2) whether there should be included in any amended determination for this industry provision for the employment of learners, beginners or apprentices at subminimum rates and on what terms or limitations, if any, such employment should be permitted; (3) the propriety of the proposed redefinition and redesignation of this industry; and (4) whether a single determination applicable for all the area in which the industry operates, or a separate determination for each of several different smaller geographical areas (including the appropriate limits of such areas), should be determined for this industry. The notice particularly invited information with respect to the subject matter of the testimony or statements of each witness as to (1) the identity of any products which are not now expressly included in the definition of the industry which should be included and of any products now included which should not be included; (2) the number of workers covered in the presentation; (3) the number and location of establishments; (4) minimum wages paid at the end of a probationary or learner period, the number of workers receiving such wages, and the occupations in which these employees are found; (5) whether learners, beginners or apprentices are employed at subminimum rates, and if so, in what occupations, at what subminimum rates, and for what periods, and the number or proportion of such employees; and (6) the extent to which there is competition in this industry between different plants in different geographical areas. The notice also stated that "To the extent possible, data should be submitted in such a manner as to permit evaluation thereof on a plant by plant basis."

Pursuant to the notice a hearing was held on March 8, 1955, at 10:00 a. m. in room 2203, Department of Labor Building, Washington, D. C. The National Association of Photographic Manufacturers (NAPM), National Association of Blueprint and Diazotype Coaters, unions affiliated with the American Federation of Labor and the Congress of Industrial Organizations, various individual firms, and an independent labor union were represented at the hearing. The record was kept open for fifteen days following the receipt of the transcript for any party who wished to present proposed findings, conclusions, and briefs or arguments in support thereof. The record was closed on May 5, 1955.

Definition. The notice of hearing, dated January 28, 1955, was published in the February 4, 1955, issue of the FEDERAL REGISTER (20 F. R. 769), redesignated the industry as the photographic and blueprinting equipment and supplies industry and redefined the industry as follows:

(1) The photographic equipment and supplies branch of the photographic and blueprinting equipment and supplies industry is defined as that industry which manufactures or furnishes such products as: still and motion picture cameras; projection apparatus; photographic lenses; shutters; photocopy and microfilm machines; developing tanks and machines; enlargers; plate and film holders; tripods; film reels; picture projection screens; sensitized film, paper and plates; prepared photographic developers, and toners and fixers. Excluded are photographs, or photographic reproductions, or photographic finishing of any kind; photographic exposure meters; and photographic bulbs, tubes and related light sources.

(2) The blueprinting equipment and supplies branch of the photographic and blueprinting equipment and supplies industry is defined as that industry which manufactures or furnishes any of the following products: Blueprint machines and other apparatus and equipment used in blueprinting, whiteprinting, and other related processes; sensitized blueprint paper and cloth and other similarly sensitized papers and cloths; and specially prepared developing solutions intended for use with such sensitized papers and cloths, but not including the manufacture of blueprints.

The proposed definition as contained in the notice of hearing was used as the basis of a wage survey conducted by the Bureau of Labor Statistics. The principal differences between the present definition and the proposed definition consist of (1) the addition of 35 millimeter motion picture equipment, prepared photographic developers, toners and fixers, and (2) the reclassification of blueprint machines with other blueprinting equipment and supplies. It was generally accepted at both the Industry Panel Conference and at the public hearing, held during the 1951 proceedings for this industry, that the revised definition was appropriate in view of the fact that 35 millimeter motion picture equipment is now produced by firms in this industry. Similarly, even though bulk chemicals are produced by plants in the chemical industry, prepared photographic developers, toners and fixers were added to the definition since they are presently processed and packaged in photographic manufacturing plants.

At the hearing on March 8, 1955, no opposition to the proposed revision of the definition was expressed by union representatives. Both associations suggested minor changes, primarily for clarification.

The National Association of Photographic Manufacturers (NAPM) recommended that the proposed exclusionary language be changed to read, "Excluded are the making, processing, or finishing of photographs or photographic reproductions of any kind, including still or motion pictures." No opposition to the recommendation was expressed, and since such activity is not carried on in plants in the industry, the last sentence in the proposed definition of the photographic equipment and supplies branch of this industry will be revised to read: "Excluded are the making, processing, or finishing of photographs or photographic reproductions of any kind, including still or motion pictures; photographic exposure meters; and photographic bulbs, tubes and related light sources".

The National Association of Blueprint and Diazotype Coaters (NABDC) recommended that "diazotype sensitized papers and cloths" be specifically identified as one of the types of sensitized papers and cloths included in the definition. There appears to be considerable difference between diazotype paper and blueprint paper. The former is a positive type of sensitized paper whereas the latter is a negative paper. This difference indicates that diazotype sensitized papers and cloths are not necessarily included in "sensitized blueprint paper and cloth and other similarly sensitized papers and cloths". No opposition was expressed at the hearing to this recommended change in the definition. Therefore, the proposed definition of the blueprinting equipment and supplies branch of this industry will be revised to include the phrase "diazotype sensitized papers and cloths" immediately after the phrase "sensitized blueprint paper and cloth".

Marketing and competitive factors. Substantially the only information supplied on marketing and competitive factors was that offered by the Wage and Hour and Public Contracts Divisions in the form of tabulations based on an analysis of shipping instructions for photographic equipment and supplies procured by the Air Force in fiscal year 1954.

Government Exhibit N indicates the destinations of shipments and places of manufacture for 169 contracts valued at more than 28 million dollars. The manufacturing plants were located primarily in New York, Illinois, and California, although 11 other states were also represented. A total of 713 shipments were distributed among 45 states and the District of Columbia. Of 502 shipments originating in the Middle Atlantic Region only about one-sixth (88) went to destinations within this region while 97 went to the Pacific Region, 84 to the Border Region, 18 to the New England Region, 63 to the Southeast Region, 38 to the Great Lakes Region, 16 to the Middlewest Region, 47 to the Southwest Region, and 51 to the Mountain Region. In no instance did as many as one-fourth of the shipments originating within any region go to destinations within that same region.

The National Association of Photographic Manufacturers' representative stated that insofar as he knew, "all plants, regardless of size, are in interstate commerce and customarily sell, at least to some significant extent, outside of the region in which the plant is located." The National Association of Blueprint and Diazotype Coaters' representative also indicated "that there is considerable national competition," but stated that in their "cursory analysis" the regional factor would tend to outweigh the one overall wage determination. None of the union representatives proposed determinations on a regional basis, and the American Federation of Labor representative specified that the determination should be on a national and not a regional basis.

Because of the evidence of substantial interregional shipments throughout the country and of national competition in this industry, I find that the determination of the prevailing minimum wage for this industry should be made on an industry-wide basis.

Product differentials. The National Association of Blueprint and Diazotype Coaters suggested that different minimum wage determinations be made for the two branches of the industry because of wage differences. The National Association of Photographic Manufacturers did not specifically suggest consideration of two branches separately but did indicate that their comments pertained primarily to the photographic equipment and supplies branch of the industry. The union did not specifically comment on the propriety of two branches, but proposed a single rate for the industry and relied primarily on the data for the photographic equipment and supplies branch.

The dissimilarity of plants as to process and composition of labor force probably is little, if any, greater between the two branches of the industry than among plants within the photographic equipment and supplies branch. Some photographic equipment plants, for example, may be primarily engaged in such operations as plastic moulding, light metal stamping, or simple assembling while others have a variety of highly skilled operations such as those required in making precision shutters, lenses and other precision parts. Also, there is overlapping of the photographic equipment and supplies branch with the blueprinting equipment and supplies branch, as well as with other industries.

The products of both branches of the industry are almost exclusively in the same Standard Industrial Classification Code group (S. I. C. 3861). According to Bureau of Labor Statistics data only 1,255 (3 percent) of the 39,481 production workers in the industry were in the blueprinting and supplies branch.

The wage data for the two branches of the industry vary somewhat, with some data indicating a higher and others a lower wage structure for the photographic equipment and supplies branch, but, overall, the wage data do not support different rates for the two branches. While the data on lowest rates paid in plants in the blueprinting equipment and supplies branch indicate a somewhat higher wage level than that of the photographic equipment and supplies branch of the industry, the median average hourly earnings of production workers in this branch is well below the median in the photographic equipment and supplies branch, and the lowest established hiring rates in both are fairly comparable.

The above considerations indicate that a single prevailing minimum rate should be determined for the two branches of the industry.

Analysis of wage data. The wage survey by the Bureau of Labor Statistics covered all establishments primarily engaged in the manufacture of photographic and blueprinting equipment and supplies. The estimated total industry group was found to include 196 establishments, employing 59,480 workers of whom 39,481 were production workers. Of this number the Bureau of Labor Statistics obtained wage data from 183 establishments, employing 58,498 workers of whom 38,926 were production workers, or almost 99 percent of the estimated production workers in the industry.

The National Association of Photographic Manufacturers stated that the integrity or competence of the Bureau of Labor Statistics was not being questioned, but they did raise some questions regarding the suitability of the data. Among the points questioned were the difference between the Census total of 366 establishments and the Bureau's estimated total of 196 establishments for the industry, and the adequacy of coverage of small plants. In consideration of these points it should be noted that the Census data relate to the year of 1947, some seven years prior to the period studied by the Bureau of Labor Statistics; also the Bureau's estimate of production-worker employment (39,481) was more than 3,000 greater than the Census total of 36,273.

The Census report shows 307 small establishments (less than 100 workers) with total employment of 5,219. The Bureau's employment estimate for this plant-size group was 3,394 in the photographic equipment and supplies branch alone.

The Bureau of Labor Statistics found in its survey that the detailed questions of respondents revealed that a substan-

tial number of the 522 establishments on the original source lists were incorrectly classified, many of the smaller establishments being engaged in nonmanufacturing activities and some larger ones being primarily engaged in other manufacturing industries.

The omission from the Bureau's wage survey of some establishments which appeared on the Government award lists was also questioned. This resulted at least partially from the exclusion of all establishments which did not have photographic or blueprinting equipment and supplies as their major product. It also appears that some of the names on the award lists were dealers, and not manufacturers.

It appears therefore, that the Bureau of Labor Statistics survey is representative of the industry as defined and that it adequately reflects the wages of all workers employed in the production of products covered by the definition.

Table 5 of the Bureau of Labor Statistics survey indicates that 64.8 percent of the plants employing 89.6 percent of the production workers paid no workers less than $1.15 an hour. Only 31 percent of the workers, however, were employed in establishments with a minimum rate of $1.20 an hour or more, although a majority of the plants were in this category. From Table 4 it may be determined that a total of 120 (61 percent) of the 196 establishments, employing 88 percent of the production workers, paid such workers (excluding apprentices) not less than $1.18 an hour. Furthermore, nearly three-fifths (57 percent) of the 39,481 workers were employed in the 6 establishments which have a minimum rate of $1.18 an hour.

In view of the National Association of Photographic Manufacturers' position that the prevailing minimum wage should be representative of small establishments, consideration has also been given to the information shown in Table 4A for the 133 establishments each employing 100 or fewer workers in the photographic equipment and supplies branch of the industry. From the tabulation it will be noted that a majority (53 percent) of the production workers in these establishments were employed in 78 plants with lowest rates actually paid $1.18 an hour or more. Furthermore, it will be noted in Table 5B that the percentage of production workers in plants paying all workers $1.20 an hour or more was considerably greater in small plants than it was in plants employing 500 or more workers (51 percent as compared with 24 percent).

Although only 113 of the 196 establishments reported established hiring rates, consideration has also been given to these data as shown in Table 6. Some reported rates may not have been paid during recent periods, due either to the possibility that no new workers have been hired or that workers may have been hired at a rate different from the reported lowest hiring rates. Two-fifths of the establishments which reported lowest established hiring rates, reported rates at $1.18 an hour or more. The production worker employment in these plants represented 85 percent of the total with 65 percent in 7 establishments having a lowest hiring rate of $1.18 an hour.

From Table 2 it will be noted that less than 3 percent of the production workers in the industry had straight-time average hourly earnings below $1.18 during the pay period studied.

The various labor groups suggested minimums ranging from $1.28 to $1.45 per hour. None of these rates appears to be in accord with the Bureau of Labor Statistics survey data for June 1954, which in Table 4 shows that only 81 (41 percent) of the 196 establishments in the industry paid no production workers less than $1.28 an hour, and that production-worker employment in these plants represented only slightly more than one-fourth (26 percent) of the total in the industry. Only 28 percent of the establishments with 9 percent of the production workers paid all such workers $1.45 an hour or more. Of the 113 establishments which reported lowest established hiring rates (Table 6) only 19 (17 percent) reported minimum rates of $1.28 an hour or more and only 9 establishments (8 percent) showed the lowest hiring rates of $1.45 an hour or more. Consideration of the numbers of production workers employed in these plants shows smaller percentages of 11 and 7 percent, respectively.

On the basis of the evidence contained in the record, I find, therefore, that the prevailing minimum wage in the photographic and blueprinting equipment and supplies industry is $1.18 an hour.

SUBMINIMUM RATES

Learners. Separate wage data for learners were not obtained in the Bureau of Labor Statistics survey, as it appears that the industry does not employ learners as this term is usually applied. Most of the discussion at the hearing was due to the effect that no special provision for learners is required, although the NABDC representative stated that a preliminary analysis indicated the need for a differential for apprentices, learners and beginners. The recommended $1.18 an hour wage rate is based in part on the lowest established hiring rate, i. e., the lowest rate for new workers, and thus a lower rate for learners or beginners seems inappropriate. Also, the other wage tables referred to above include the earnings of all production workers (excluding apprentices), including new workers. Therefore, since there appears to be no basis for a learner tolerance, I find that it is unnecessary to include a provision for the employment of learners at subminimum rates.

Apprentices. As indicated in Table 7 twenty of the 196 establishments studied by the Bureau of Labor Statistics, with about 70 percent of the production-worker employment, reported established hiring rates for apprentices ranging from 75 cents to $1.86 an hour. It was stated, however, that relatively few apprentices are hired in this industry. Nevertheless, in view of the Department's interest in encouraging apprenticeship programs which meet certain defined standards, I intend to include in the determination a provision for the employment of apprentices.

Handicapped workers. The general regulations presently permit employment of handicapped workers at subminimum rates on contract work under the act. This authorization was not an issue in the proceedings. However, for purposes of clarity, it appears advisable to include in the determination a specific authorization for such employment.

Proposed amendment of determination. Accordingly, upon the findings and conclusions stated herein, notice is hereby given that I propose to amend the minimum wage determination for the photographic supplies industry, as contained in § 202.30 (41 CFR Part 202) to read as follows:

§ 202.30 *Photographic and blueprinting equipment and supplies industry*—(a) *Definition.* (1) The photographic equipment and supplies branch of the photographic and blueprinting equipment and supplies industry is defined as that industry which manufactures or furnishes such products as: still and motion-picture cameras; projection apparatus; photographic lenses; shutters; photocopy and microfilm machines; developing tanks and machines; enlargers; plate and film holders; tripods; film reels; picture projection screens; sensitized film, paper and plates; prepared photographic developers, and toners and fixers. Excluded are the making, processing or finishing of photographs or photographic reproductions of any kind, including still or motion pictures; photographic exposure meters; and photographic bulbs, tubes and related light sources.

(2) The blueprinting equipment and supplies branch of the photographic and blueprinting equipment and supplies industry is defined as that industry which manufactures or furnishes any of the following products: blueprint machines and other appartatus and equipment used in blueprinting, whiteprinting, and other related processes; sensitized blueprint paper and cloth, diazotype sensitized papers and cloths and other similarly sensitized papers and cloths; and specially prepared developing solutions intended for use with such sensitized papers and cloths, but not including the manufacture of blueprints.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the photographic and blueprinting equipment and supplies industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.18 an hour arrived at either on a time or piece rate basis.

(c) *Subminimum wage authorized.* (1) Apprentices may be employed at wage rates equal to or in excess of the statutory minimum of the Fair Labor Standards Act but less than $1.18 an hour where the apprentice is employed under a written apprenticeship agreement or program: *Provided,* (i) That such agreement or program is registered with a state apprenticeship agency recognized by the Bureau of Apprenticeship, United States Department of Labor, or, if no such apprenticeship agency exists in the state, the Bureau of Apprenticeship, United States Department of Labor (Note 29 CFR Part 521); *Or provided,* (ii) In exceptional circumstances, that a special certificate authorizing the employment of the apprentice or apprentices has been obtained from the Administrator of the Wage and Hour and Public Contracts Divisions, or his authorized representative, upon a showing of substantial conformity with the standards prescribed for the employment of apprentices by the regulations of the Wage and Hour Division of the United States Department of Labor (29 CFR Part 521).

(2) (i) Handicapped workers may be employed in the Industry at wages below the applicable minimum wage specified in this section upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524, 525) under section 14 of the Fair Labor Standards Act.

(ii) The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two Acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

Within thirty days from the date of the publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed actions above described. Exceptions should be addressed to the Secretary of Labor, United States Department of Labor, Washington 25, D. C.

Signed at Washington, D. C., this 2d day of November 1955.

ARTHUR LARSON,
Acting Secretary of Labor.

[F. R. Doc. 55-8951; Filed, Nov. 4, 1955; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11514]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS; EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606 table of assignments, rules governing television broadcast stations (Weston, West Virginia).

1. The Commission adopted a notice of proposed rule making on October 5, 1955 (FCC 55-992), instituting a rule making proceeding in the above-entitled matter. The notice specified that comments should be filed by November 7, 1955, with replies due 10 days thereafter.

2. On October 26, 1955, the Joint Committee on Educational Television (JCET) filed a request for an extension of time to file comments to December 3, 1955. The JCET states that the attorney who has been representing it before the Commission is engaged in the preparation and trial of an anti-trust action in New York City and must therefore be in New York for most of the time between October 27 and the end of November, and that the preparation and participation in this trial will occupy most of this attorney's time during this period. The JCET states that it will be necessary for another attorney to undertake the preparation of its comments and that since this other attorney has not devoted very much time to the affairs of the JCET, a considerable amount of time will be necessary for him to study the papers and records in this proceeding. Accordingly, JCET requests that the time for filing comments in the proceeding be extended to December 3, 1955.

3. The Commission believes that a sufficient showing has been made to warrant an extension of time for filing comments in this proceeding and that such an extension would be in the public interest.

4. In view of the foregoing: *It is ordered,* That the time for filing comments in the above-entitled proceeding is extended to December 3, 1955; and that the time for filing replies to such comments is extended to 10 days thereafter.

Adopted: October 31, 1955.

Released: November 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8958; Filed, Nov. 4, 1955; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 11515]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS; EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606 table of assignments, rules governing television broadcast stations (College Station, Texas).

1. The Commission adopted a notice of proposed rule making on October 5, 1955 (FCC 55-993), instituting a rule-making proceeding in the above-entitled matter. The notice specified that comments should be filed by November 7, 1955, with replies due 10 days thereafter.

2. On October 17, 1955, the Texas Agricultural and Mechanical College System filed a request for an extension of time to file comments in the proceeding to December 3, 1955. The College notes that the most recent meeting of its board of directors was held on October 1 and that the next meeting of the board is set for November 23, 1955; and states that since any action that may be taken in this matter involves policy requiring approval of the governing board, an extension of time should be granted in order that the board may be consulted prior to the filing of any comments.

3. On October 26, 1955, the Joint Committee on Educational Television (JCET) filed a request for an extension of time to file comments to December 3, 1955. The JCET states that the attorney who has been representing it before the Commission is engaged in the preparation and trial of an anti-trust action in New York City and must therefore be in New York for most of the time between October 27 and the end of November, and that the preparation and participation in this trial will occupy most of this attorney's time during this period. JCET states that it will be necessary for another attorney to undertake the preparation of its comments and that since this other attorney has not devoted very much time to the affairs of the JCET, a considerable amount of time will be necessary for him to study the papers and records in this proceeding. Accordingly, JCET requests that the time for filing comments in the proceeding be extended to December 3, 1955.

4. The Commission believes that a sufficient showing has been made to warrant an extension of time for filing comments in this proceeding and that such an extension would be in the public interest.

5. In view of the foregoing: *It is ordered,* That the time for filing comments in the above-entitled proceeding is extended to December 3, 1955; and that the time for filing replies to such comments is extended to 10 days thereafter.

Adopted: October 31, 1955.

Released: November 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8959; Filed, Nov. 4, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 9144, Amdt.]

ELISE VON BAECKMANN

Re: Trust under the will of Elise von Baeckmann, Deceased (File No. D-28-10202).

Vesting Order No. 9144, dated May 29, 1947, is hereby amended as follows:

By adding thereto, immediately following subparagraph 1 thereof:

1a. That the domiciliary personal representatives, heirs, next of kin, legatees, distributees, children and descendants, names unknown, of Walter von Baeckmann, Walter von Baeckmann (nephew),

Ernst von Baeckmann, Adolph von Baeckmann, Georg von Baeckmann, Elise von Baeckmann and Siegfried von Baeckmann, who there is reasonable cause to believe are and on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany),

and by inserting in subparagraph 2 thereof, immediately following the words "subparagraph 1" the words "and subparagraph 1a."

All other provisions of said Vesting Order No. 9144 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong., 60 Stat. 60; Public 671, 79th Cong.; 60 Stat. 925; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR 1945, Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on November 1, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 55-8957; Filed, Nov. 4, 1955; 8:49 a. m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 9]

REGIONAL COMMISSIONERS

DELEGATION OF AUTHORITY WITH RESPECT TO USE AND STORAGE OF GOVERNMENT-OWNED AUTOMOBILES

OCTOBER 14, 1955.

Pursuant to the authority vested in me by Treasury Department Order No. 151 (Revision No. 1), dated September 9, 1955, each Regional Commissioner is hereby delegated authority to authorize employees within his region to store official automobiles at or near their places of residence and to use such automobiles for home-to-work transportation, in accordance with the provisions of 5 U. S. C. 78.

Each Regional Commissioner may redelegate this authority to any one or several of his Assistant Regional Commissioners.

Any internal management document or delegation of authority which is inconsistent or in conflict with the provisions of this Order is hereby amended or superseded accordingly.

Effective date: October 14, 1955.

[SEAL] O. GORDON DELK,
Acting Commissioner.

[F. R. Doc. 55-8944; Filed, Nov. 4, 1955; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 10]

CALIFORNIA

NOTICE OF CLOSING OF LOS ANGELES, CALIFORNIA, LAND OFFICE

OCTOBER 31, 1955.

Notice is hereby given that the Los Angeles, California, Land Office of the Bureau of Land Management will be closed to the public and no applications under the public land laws, including those affecting the disposal of minerals, will be received in that office on November 14, 1955.

The office will open to the public on November 15, 1955, 9:30 a. m., at its new location, Fifth Floor, Bartlett Building, 215 West Seventh Street, Los Angeles 14, California.

All applications received by mail on November 14 will be considered as filed simultaneously at 9:30 a. m. November 15, 1955.

[SEAL] R. R. BEST,
State Supervisor.

[F. R. Doc. 55-8948; Filed, Nov. 4, 1955; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

GREAT LAKES-BORDEAUX/HAMBURG RANGE WEST BOUND CONFERENCE

ESTABLISHMENT OF CONTRACT/NON-CONTRACT RATES

Notice is hereby given that on October 21, 1955, the Great Lakes-Bordeaux/Hamburg Range Westbound Conference filed with the Federal Maritime Board, pursuant to General Order 76 (46 CFR 236.3), a statement containing a proposal to establish contract/non-contract rates effective 30 days after the date of such filing, or on the date the Board shall have approved Agreement No. 7830-2 if the date of such approval shall be later than the expiration of said 30 day period. Agreement No. 7830-2 is a modification providing for the inclusion in the conference agreement of a specific provision for the establishment of a contract/non-contract rate system. The proposed contract/non-contract rates will apply to the transportation by the conference lines of all commodities except those specifically excluded in the form of shippers' contract, in the westbound trade from Continental ports of Europe within the Bordeaux/Hamburg Range to ports of the Great Lakes of the United States. The statement sets forth a spread or differential of 10 percent calculated to the highest 50 cents per 1000 kilos or cbm between such contract/non-contract rates, and information that such spread or differential is the correct one generally for the benefit of both carriers and shippers in this trade.

Interested parties may inspect the information contained in such statement, and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the information filed and any objections or other comments thereon, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: November 2, 1955.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-8969; Filed, Nov. 4, 1955; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11518; FCC 55-1057]

AMERICAN TELEPHONE AND TELEGRAPH CO.

AMENDMENTS TO CHARGES, CLASSIFICATIONS AND REGULATIONS

In the matter of American Telephone and Telegraph Company, charges, classifications, regulations and practices for and in connection with multiple private line services and channels.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of October 1955;

The Commission having under consideration its Order of October 19, 1955, herein, published in the FEDERAL REGISTER October 28, 1955, at page 8128;

It is ordered, That the fourth ordering clause is amended by the deletion of the words "and connecting" in the 3d and 4th lines thereof.

It is further ordered, That, in the tariff listings of the 2nd paragraph, under Tariff F. C. C. No. 220, "5th Revised Page 10" is amended to read "5th Revised Page 12."

Released: October 25, 1955.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8960; Filed, Nov. 4, 1955; 8:49 a. m.]

[Docket No. 11518; FCC 55M-910]

AMERICAN TELEPHONE & TELEGRAPH CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In the matter of American Telephone and Telegraph Company charges, classifications, regulations and practices for and in connection with multiple private line services and channels.

Pursuant to § 1.813 of the Commission's rules, *It is ordered and directed*, This 1st day of November 1955, that the attorneys for the parties in this proceeding shall appear at the offices of the Commission in Washington, D .C. at 10:00 a. m. on Thursday, November 10, 1955, for a conference to consider:

1. The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

2. The possibility of stipulating with respect to facts;

3. The procedure at the hearing;

4. The limitation of the number of witnesses;

5. The necessity or desirability of prior mutual exchange between or among the parties of prepared testimony and exhibits; and

6. Such other matters as may aid in the disposition of this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8961; Filed, Nov. 4, 1955; 8:49 a. m.]

[Docket No. 11523; File No. P-C-3642]

SOUTHWESTERN BELL TELEPHONE CO.

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In the matter of the application of Southwestern Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties being operated by E. A. Dunlap, as Receiver for The Berryton Telephone Company, Berryton, Kansas.

The Commission having under consideration an application filed by Southwestern Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Southwestern Bell Telephone Company of certain telephone plant and properties being operated by E. A. Dunlap, as Receiver for The Berryton Telephone Company, a corporation furnishing telephone service in and around Berryton, Kansas, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 1st day of November 1955, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 2:00 p. m. on the 2d day of December 1955, and that a copy of this order shall be served upon the Governor of the State of Kansas, Southwestern Bell Telephone Company, E. A. Dunlap, as Receiver for The Berryton Telephone Company, and the Postmaster of Berryton, Kansas; and

It is further ordered, That within ten days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Berryton, Kansas, and shall furnish proof of such publication at the hearing herein.

Released: November 2, 1955.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8962; Filed, Nov. 4, 1955; 8:50 a. m.]

[Docket Nos. 11524, 11525]

WISCONSIN TELEPHONE CO.

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In the matter of the applications of Wisconsin Telephone Company, Docket No. 11524, File No. P-C-3654; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of the Richmond Telephone Company, Richmond, Wisconsin. Wisconsin Telephone Company, Docket No. 11525, File No. P-C-3650; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of the Franksville Telephone Company, Raymond Center, Wisconsin.

The Commission having under consideration applications filed by Wisconsin Telephone Company for certificates under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Wisconsin Telephone Company of certain telephone plant and properties of the Richmond Telephone Company, at Richmond, Wisconsin furnishing telephone service in and around Whitewater, La Grange, Richmond, and Sugar Creek, in Walworth County and Johnston in Rock County, Wisconsin, and of certain telephone plant and properties of the Franksville Telephone Company furnishing service in and around Raymond, Caledonia, Yorkville, Mount Pleasant, and Norway in Racine County and Franklin and Oak Creek in Milwaukee County, Wisconsin will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 1st day of November 1955, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above applications are assigned for public hearing in a consolidated proceeding for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said applications be held at the offices of the Commission in Washington, D. C. beginning at 10:00 a. m. on the 2d day of December 1955, and that a copy of this order shall be served upon the Governor of Wisconsin, the Public Service Commission of Wisconsin, each of the above-named telephone companies, and the Postmasters of Janesville, Darien, Delavan, Milton, Whitewater, Elkhorn, Caledonia, Franksville, Union Grove, Sturtevant, Racine, South Milwaukee and Hales Corners, Wisconsin, respectively; and

It is further ordered, That within ten days after the receipt from the Commission of a copy of this Order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in the above-mentioned communities and the counties in which the properties are located and shall furnish proof of such publication at the hearing herein.

Released: November 2, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8963; Filed, Nov. 4, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-6440 etc.]

ROBERT MOSBACHER ET AL.

NOTICE OF FINDINGS AND ORDER

OCTOBER 31, 1955.

In the matters of Robert Mosbacher et al., Docket Nos. G-6440, G-6441, G-6442; Tom Potter, Docket No. G-6450; Sun Oil Company, Docket No. G-6657; Columbian Carbon Company, Docket No. G-7074; Hassie Hunt Trust, Docket No. G-7684; Jerry Covington, Docket No. G-7685; E. E. Simmons et al., Docket No. G-7686; W. H. Hunt, Docket No. G-7687; Haroldson L. Hunt, Jr., Trust Estate, Docket No. G-7688; Eddy Refining Company, Docket Nos. G-7698, G-7699; Hugh A. Grant and S. J. Ryan, Docket No. G-7700; Sharp and Scurlock, Docket No. G-7701; Fred C. Koch, Docket No. G-7726; R. E. Smith and W. H. Appell, Docket Nos. G-7731, G-7732; J. R. Cone, Docket Nos. G-7746, G-7748; Markham, Cone & Redfern, Docket No. G-7747; S. E. Cone, Docket Nos. G-7749, G-7750; W. B. Inabnet, Docket No. G-7887; W. B. Inabnet et al., Docket Nos. G-7888, G-7889; F. J. Danglade et al., Docket No. G-7891; D. D. Strong, Docket No. G-7892; Walter Doane Randall, Docket No. G-7893; George W. Johnson, Docket No. G-7894; Martin Anderson, Docket No. G-7895; Falcon Oil Corporation, Docket No. G-7896; Sloan Oil & Gas Co., Docket No. G-7901; H. Bryan Poff, Docket No. G-7918; L. C. Unrein, Docket No. G-7919; Lucerne Corporation, Docket No. G-7920; J. R. Sharp, Inc., Docket Nos. G-7921, G-7927, G-7928, G-7929, G-7931, G-7932, G-7933, G-7934; Walsh & Watts, Docket No. G-7924; Neville G. Penrose, Inc., Docket Nos. G-8266, G-8267, G-8268, G-8269, G-8270, G-8271, G-8272, G-8273, G-8274, G-8275, G-8276, G-8277, G-8278, G-8279, G-8280, G-8281, G-8282, G-8283, G-8284, G-8285; Mrs. Luna T. Holcomb, Docket No. G-8724.

Notice is hereby given that on October 20, 1955, the Federal Power Commission issued its findings and order adopted October 19, 1955, in the above-entitled matters, issuing certificates of public

convenience and necessity, and dismissing application in Docket No. G–7684.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–8940; Filed, Nov. 4, 1955; 8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION I (NEW YORK) AND PROJECT REPRESENTATIVES, REGION I

REDELEGATION OF AUTHORITY TO APPROVE CERTAIN CONTRACTS WITH RESPECT TO SLUM CLEARANCE AND URBAN RENEWAL PROGRAM

The Regional Director of Urban Renewal, Region I (New York) is hereby authorized, and each Project Representative in such Region is hereby authorized, to take the following action within such Region with respect to the program authorized under Title I of the Housing Act of 1949, as amended (63 Stat. 414–421, as amended, 42 U. S. C. 1450–1460) and under Section 312 of the Housing Act of 1954 (68 Stat. 629): Approve contracts between local public agencies and third parties.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c; Delegation of Authority effective December 23, 1954 (20 F. R. 428–9, 1/19/55), as amended effective June 17, 1955 (20 F. R. 4275, 6/17/55))

Effective as of the 3d day of October 1955.

[SEAL] WILLIAM D. JONES,
Acting Regional Administrator, Region I.

[F. R. Doc. 55–8947; Filed, Nov. 4, 1955; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 2, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31273: *Cement and clinkers within Official Territory.* Filed jointly by C. W. Boin, H. R. Hinsch, and O. E. Swenson, Agents, for interested rail carriers. Rates on cement, common, mortar, natural, hydraulic, or portland, carloads, also cement clinker, carloads from origins in specified groups and other specified origins in Indiana, Maryland, New York, Ohio, Pennsylvania, Virginia and West Virginia to destinations in trunk-line and New England territories.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplements of tariffs of Agents Boin, Hinsch, and Swenson, and individual lines listed in appendix A of the application.

FSA No. 31274: *Fertilizer solutions—La Platte, Nebr., to Illinois Territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on fertilizer ammoniating solution, and nitrogen fertilizer solutions, in tank-car loads from La Platte, Nebr., to points in Illinois territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 1 to Agent Prueter's I. C. C. A–4118.

FSA No. 31275: *Petroleum carbon coke and briquettes—Missouri to Western Trunk Line points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on petroleum carbon (petroleum coke) and petroleum coke briquettes, carloads from Kansas City, Mo.-Kans., and Sugar Creek, Mo., to specified points in Iowa, Minnesota, North Dakota, South Dakota and Wisconsin.

Grounds for relief: Modified short-line distance formula and circuity.

FSA No. 31276: *Clay from and to points in Southern Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on clay, kaolin or pyrophyllite, carloads (1) from specified points in Alabama, Florida, Georgia, North Carolina and South Carolina to specified points in Georgia, and (2) from specified points in Georgia to Cherry Point, N. C.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Agent Spaninger's I. C. C. 1491.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55–8941; Filed, Nov. 4, 1955; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 24SF–1862, 24SF–1929]

CONSTANT MINERALS SEPARATION PROCESS, INC., ET AL.

ORDER TEMPORARILY SUSPENDING EXEMPTIONS, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 1, 1955.

In the matter of Constant Minerals Separation Process, Inc. File No. 24SF–1862 and Constant Minerals Separation Process, Inc., for Maurice Constant and Harry C. Howell, Selling Stockholders, File No. 24SF–1929.

I. Constant Minerals Separation Process, Inc. ("issuer"), 530 California Avenue, Reno, Nevada, having filed with the Commission on January 4, 1954, a Notification on Form 1–A and an offering circular, and having subsequently filed amendments thereto, relating to a proposed public offering of 1,000,000 shares of its Class A common stock, 10 cents par value, to be sold at 20 cents per share for an aggregate of $200,000; and Constant Minerals Separation Process, Inc., for Maurice Constant, 530 California Avenue, Reno, Nevada, and Harry C. Howell, 901 First National Bank Building, Davenport, Iowa, as selling stockholders, having filed with the Commission on July 1, 1954 a Notification on Form 1–A, including a statement as an exhibit pursuant to Rule 219 (b) of Regulation A, and having subsequently filed an amendment thereto, relating to a proposed public offering of 200,000 shares of the issuer's Class A common stock, 10 cents par value, to be sold by and on behalf of the selling stockholders at 20 cents per share for an aggregate of $40,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) of the act and Regulation A thereunder; and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in that the offering circular filed by and on behalf of the issuer and the Notification filed by and on behalf of the selling stockholders contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The statement on page 3 of the offering circular that the issuer has increased its water supply from 500 gallons per minute to 4,500 gallons per minute and drilled a 350-foot water well and the failure to disclose that the water supply developed by the issuer is inadequate to conduct mining and washing operations planned by the issuer;

2. The statement on page 1 of the offering circular and of the exhibit that the issuer is the owner of in excess of 16,000 acres of unpatented placer mining claims and the failure to disclose that the issuer's title thereto is subject to serious flaws;

3. The statement in the exhibit that the offering by the selling stockholders will not interfere with necessary financing by the issuer; and

4. The failure to disclose after the filing of said Notifications that a suit was commenced against the issuer and its directors alleging that the issuer is insolvent and that the directors have mismanaged its affairs, and demanding the appointment of a receiver and an injunction.

B. That the offerings of securities by the issuer and on behalf of the selling stockholders would and did operate as a fraud and deceit upon the purchasers.

C. That neither the issuer nor the selling stockholders have complied with the terms and conditions of Regulation A in that there has been a failure to file reports of sales with the Commission on Form 2–A as required by Rule 224 of Regulation A;

III. It is ordered, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemptions under Regulation A be, and they hereby are, temporarily suspended.

Notice is hereby given that any person having any interest in these matters may file with the Secretary of the Commission a written request for a hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matters down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be given promptly by the Commission.

It is further ordered, That this Order and Notice shall be served upon Constant Minerals Separation Process, Inc., 530 California Avenue, Reno, Nevada, Maurice Constant, 530 California Avenue, Reno, Nevada, and Dr. Harry C. Howell, 901 First National Bank Building, Davenport, Iowa, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–8952; Filed, Nov. 4, 1955; 8:48 a. m.]

[File No. 24FW–948]

ALLIED INDUSTRIAL DEVELOPMENT CORP.

ORDER TEMPORARILY DENYING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 1, 1955.

I. Allied Industrial Development Corporation (hereinafter referred to as the "issuer"), 1508 Capitol Avenue, Houston, Texas, having filed with the Commission on June 20, 1955, a Notification on Form 1–A relating to a proposed offering of 300,000 shares of its $1.00 par value Class A Non-Voting Common Stock at the price of $1.00 per share, through Paul C. Ferguson & Company, 1508 Capitol Avenue, Houston, Texas, as underwriter (hereinafter referred to as the "underwriter"), for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3 (b) thereof and Regulation A promulgated thereunder; the Staff of the Commission having informed the issuer by letters dated June 21 and July 31, 1955 that said Notification and offering circular filed as part thereof did not appear to comply with the terms and conditions of said Regulation A in the respects therein specified; and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in that:

(1) The aggregate offering price of the securities to be offered, including bonus shares to be issued to the underwriter, exceeds the limitation of $300,000 as prescribed by Rule 217 (a);

(2) The issuer failed to file a Statement of Cash Receipts and Disbursements as required by note (iv) to Rule 219 (c) (6);

B. The Notification and offering circular contain untrue statements of material facts, and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

(1) The failure to disclose fully the background and experience of H. E. Woodson, president, director and promoter of the issuer; and

(2) Information concerning the company's properties, including production history, the number of productive wells and dry holes in the particular field, the distance from the company's properties to the nearest dry hole completed in the Ellenburger formation, and the cost to the promoters of the lease in Shackelford County, Texas; and

C. The use of the offering circular in connection with the offering of the shares to which the Notification relates will operate as a fraud and deceit upon the purchasers thereof.

III. *It is ordered,* Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933 that the exemption under Regulation A be, and it hereby is, temporarily denied.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of denial should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

It is further ordered, That this Order and Notice shall be served upon Allied Industrial Development Corporation and Paul C. Ferguson & Company, and United States Corporation Company, 15 Exchange Place, Jersey City 2, New Jersey, personally or by registered mail or confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–8953; Filed, Nov. 4, 1955; 8:48 a. m.]

[File No. 24SF–2105]

CONTINENTAL U308 CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 1, 1955.

I. Continental U308 Corporation ("issuer"), 206 North Virginia Street, Reno, Nevada, having filed with the Commission on June 29, 1955, a notification on Form 1–A and a statement specified by Rule 219 (b) of the General Rules and Regulations under the Securities Act of 1933, as amended, relating to a proposed public offering of 490,000 shares of its common stock, 10 cents par value, at 10 cents per share for the purpose of obtaining an exemption from the registration requirements of the act pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; the Staff of the Commission having informed the issuer by letter dated July 14, 1955 that said notification and statement did not appear to comply with the terms and conditions of said Regulation A in the respects therein specified; and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in that the notification fails to disclose the jurisdictions in which it is proposed to offer said securities and the facts relied upon for a claimed exemption by Hugh D. Connell for stock of the issuer sold on his behalf as required by Items 1 and 3 of Form 1–A.

B. That the terms and conditions of Regulation A have not been complied with in that the notification and statement contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made, not misleading, particularly with respect to the following:

1. The nature, extent and validity of the issuer's mining claims;

2. The statements in the Engineer's Report with respect to assay data and operations in the adjoining property.

C. That the offering would operate as a fraud and deceit upon the purchasers in view of the failure to disclose the background and experience of Hugh D. Connell, president, director and promoter of the issuer.

III. *It is ordered,* Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Continental U308 Corporation and Ralph M. Tucker, Suite 204 Professional Building, Reno, Nevada, personally or by registered mail or confirmed telegraphic no-

tice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-8954; Filed, Nov. 4, 1955; 8:48 a. m.]

[File No. 70-3415]

NEW ENGLAND ELECTRIC SYSTEM AND WEYMOUTH LIGHT AND POWER CO.

NOTICE OF PROPOSED RIGHTS OFFERING BY SUBSIDIARY AND ACQUISITION OF SUBSIDIARY'S STOCK BY PARENT COMPANY

NOVEMBER 1, 1955.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary Weymouth Light and Power Company ("Weymouth") have filed a joint application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9 (a), and 10 of the act as applicable to the proposed transactions, which are summarized as follows:

Weymouth, which presently has outstanding 65,191 shares of capital stock (par value $25 per share) and $2,850,000 of notes payable to NEES, proposes to issue and sell for cash 32,595 additional shares at the price of $42 per share, on the basis of one new share for each two shares presently outstanding, and to apply the proceeds thereof (amounting to $1,368,990) to the payment of a like amount of said notes. Rights to subscribe will be evidenced by full and half-share warrants, exercisable during a subscription period of 21 days. Full shares only will be issued.

NEES, which now owns 64,990 shares (99.691 percent) of Weymouth's capital stock, proposes: (1) To exercise its rights to subscribe for 32,495 additional shares to which it will be entitled, and (2) to purchase from Weymouth any unsubscribed shares at the subscription price of $42 per share. NEES states that during the subscription period it will offer to purchase from minority stockholders (5 in number, holding 201 shares) their present holdings, together with their rights to subscribe for additional shares, on the basis of $60 per share. NEES will use treasury funds for its proposed acquisitions.

It is stated that the subscription price of $42 and the purchase price of $60 were determined by the applicants after consideration of the earnings and book value of the Weymouth stock and other comparable utility company stocks.

Weymouth and NEES desire to consummate the proposed issue and sale of additional capital stock in order to finance permanently a portion of the capitalizable additions to Weymouth's plant through the issuance of equity securities. NEES also desires to invest funds not otherwise required in its business in acquiring the minority interest in Weymouth.

The Massachusetts Department of Public Utilities, the regulatory commission of the State in which Weymouth is organized and doing business, has approved the issuance and sale of the additional shares by Weymouth, and the sale of any unsubscribed shares to NEES, at a price of $42 per share.

Total expenses of Weymouth herein are estimated at $3,800 and of NEES at $300.

It is requested that the Commission's order be made effective upon issuance.

Notice is further given that any interested person may, not later than November 17, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application, as now amended or as further amended, may be granted as provided in Rule U-23 of the Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-8955; Filed, Nov. 4, 1955; 8:48 a. m.]

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FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 20 NUMBER 218

Washington, Tuesday, November 8, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.271]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

CONTINUANCE IN EFFECT OF REGULATIONS GOVERNING PAYMENT OF FOREIGN POST DIFFERENTIAL DURING PERIODS OF LEAVE AND DETAIL

Pursuant to authority vested in the Secretary of State by Executive Order 10636, approved September 16, 1955, it is hereby determined that existing regulations prescribed in §§ 325.1 through 325.10, governing payment of foreign post differential during periods of leave and detail, are continued in full force and effect.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

Dated: November 1, 1955.

For the Acting Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

NOVEMBER 1, 1955.

[F. R. Doc. 55-8976; Filed, Nov. 7, 1955; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF MALATHION; CORRECTION

The order published in the FEDERAL REGISTER of October 20, 1955, covering tolerances for residues of malathion (21 CFR Part 120; 20 F. R. 7903) is corrected in the following respect:

In § 120.111 *Tolerances for residues of malathion* the item "snap beans" is changed to read "beans".

Dated: October 31, 1955.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8984; Filed, Nov. 7, 1955; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter B—Transportation

PART 38—TRANSPORTATION OF UNCRATED HOUSEHOLD GOODS BY FREIGHT FORWARDERS

Sec.
38.1 Purpose.
38.2 Statutory authority and basic regulations.
38.3 Selection of carrier.
38.4 Distribution of traffic.
38.5 Rate adjustments.
38.6 Engagement of services.
38.7 Execution and distribution of service tender.
38.8 Execution of accessorial services certificate.
38.9 Processing of Government bills of lading and supporting papers.

AUTHORITY: §§ 38.1 to 38.9 issued under sec. 202, 61 Stat 500, as amended; 5 U. S. C. 171a.

38.1 *Purpose.* The purpose of this part is to establish uniform procedures to be followed by the military departments in the shipment at Government expense of uncrated household goods of their uniformed personnel by freight forwarders to, from, or between points in the continental United States.

§ 38.2 *Statutory authority and basic regulations.* The statutory authority for the transportation of household goods of uniformed personnel at Government expense is contained in section 303 (c) of the Career Compensation Act of 1949 (63 Stat. 802) and the Missing Persons Act (56 Stat. 143, as amended). Basic regulations are set forth in Joint Travel Regulations promulgated jointly

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplement is now available:

General Index ($1.25)

All of the Cumulative Pocket Supplements and revised books of the Code of Federal Regulations (as of January 1, 1955) are now available with the exception of Titles 1–3

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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by the Secretaries of the following Departments: Army; Navy; Air Force; Treasury; Commerce; and Health, Education, and Welfare. Chapter 8, Joint Travel Regulations, provides that shipments of household goods of uniformed personnel may be made at Government expense without regard to comparative costs; that is, by ordinary rail and/or water freight, ordinary motor freight, air or railway express, freight forwarder, or commercial van carrier, whichever, in the judgment of the shipping officer, will serve the best foreseeable interests of the Government and the owner of the property.

§ 38.3 *Selection of carrier.* The rule stated in § 38.2 with respect to comparative costs applies only to the mode or method of transportation, and does not apply to the selection of an individual carrier within a given mode. When in the judgment of the _____ officer, freight forwarder service is to be used, selection of a forwarder will be based primarily on the requirements of the individual shipment, the forwarder's ability to perform the required services satisfactorily and the cost of such services to the Government. In determining costs, consideration will be given to rates and charges in all applicable rate tenders and tariffs. It is not intended that relatively inconsequential differences in overall costs must be considered in the selection of forwarders since the administrative costs involved could well offset any gains the Government might receive from such differentials. Shipments will be tendered only to forwarders who are qualified, willing, and able to provide the services which will, in the judgment of the _____ officer, serve the best foreseeable interests of the Government and property owners. However, no forwarder shall be eligible to accept shipments unless it has executed and filed with the _____ officer at origin a Freight Forwarder Service Tender which conforms with DD Form 872.[1]

§ 38.4 *Distribution of traffic.* Subject to the conditions previously set forth, traffic will be equitably distributed among those qualified forwarders affording the lowest over-all cost to the Government. Each _____ officer will maintain a list of qualified forwarders as well as records indicating the distribution of traffic.

§ 38.5 *Rate adjustments.* (a) Tenders by freight forwarders of rates or charges below those in tariffs or other publications will be in writing and will contain a provision that they may be cancelled or modified only by written notice of not less than thirty days, except that a shorter notice may be given by mutual agreement of the parties concerned. Such tenders will be filed in the local shipping office. An original, signed tender and five copies thereof will be forwarded upon receipt by the _____ officer to the Transportation Division, General Accounting Office, Washington 25, D. C.

(b) When required, negotiations for rates or charges on volume transportation of household goods will be conducted by the headquarters of the Military Department concerned or as delegated and controlled by such headquarters.

§ 38.6 *Engagement of services.* (a) Subject to the exceptions noted in paragraph (b) of this section, Government bills of lading will be used to obtain the transportation of household goods by freight forwarder and authorized accessorial services performed in connection therewith, such as packing, drayage (at origin and destination), storage in transit, unpacking at destination, etc. Such Government bills of lading will be prepared and executed in accordance with the regulations of the respective Military Departments. In addition thereto, the following information will be shown under "Description of Articles" on the Government bill of lading:

(1) Gross, tare, and net weights, if such information is available at the time the bill of lading is prepared;

(2) Number and date of the applicable Freight Forwarder Service Tender (Uncrated Household Goods), DD Form 872; [1]

(3) Rate(s) and charge(s) per hundredweight, or other definable measures applying on the shipment, if ascertainable at the time the bill of lading is prepared. If such rate(s) or charge(s) are not normally applicable tariff rate(s) or charge(s), the word "Special" will be added in parentheses.

[1] Filed as part of original document.

(4) Tariff identification or other reference for rate(s) and charge(s).

(b) Purchase orders may be issued in lieu of Government bills of lading for obtaining drayage or other types of local service.

(c) When storage in transit is desired, the bill of lading will be annotated accordingly. If the _____ officer desires such storage at origin or destination, the annotation will be "storage in transit not to exceed _____ days is authorized and will be at origin" or "storage in transit not to exceed _____ days is authorized and will be at destination," as appropriate. The name of the storage warehouse will not be specified by the _____ officer.

§ 38.7 *Execution and distribution of service tender.* The _____ officer, upon request of a freight forwarder, will provide the forwarder two copies of DD Form 872,[1] Freight Forwarder Service Tender (Uncrated Household Goods), for execution, and one copy each of DD Forms 619[1] and 873.[1] The original Freight Forwarder Service Tender (Uncrated Household Goods), after execution by the freight forwarder, will be assigned an identifying serial number and retained in the files of the _____ officer. The duplicate copy of the Freight Forwarder Service Tender (Uncrated Household Goods) will be retained by the freight forwarder. Regulated freight forwarders will file Service Tenders with each of the installations from which they seek traffic. Freight forwarders which are exempt under section 402b of the Interstate Commerce Act will submit Service Tenders to the headquarters of the military department concerned for approval prior to filing them with local installations.

§ 38.8 *Execution of accessorial services certificate.* A certificate (DD Form 619)[1] verifying the accessorial services rendered by a freight forwarder in connection with the transportation must be executed in triplicate by the freight forwarder and the property owner, when applicable. Sufficient copies of this form will be provided the carrier by the _____ officer.

§ 38.9 *Processing of Government bills of lading and supporting papers.* (a) As soon as possible after pick-up of the household goods, the freight forwarder will furnish the ordering activity:

(1) Two memorandum copies, numbers 6 and 8, of the applicable bill of lading showing gross, tare and net weights, signature of the freight forwarder's agent, dates of pick-up and dispatch of shipment by the freight forwarder, the transportation rate, and total charges accrued.

(2) One copy of the inventory list.

(3) One copy of the completed Accessorial Services Certificate, DD Form 619,[1] with the words "at origin" added after the name of the shipping activity or installation. (This is required only when charges are assessed for accessorial services performed and are noted on the Government bill of lading.)

(b) The freight forwarder will furnish the property owner or his agent at time of pick-up:

(1) Memorandum Copy No. 9 of the Government bill of lading.

(2) A copy of the inventory list.

(c) The freight forwarder will submit to the origin _____ officer for the purpose of receiving payment:

(1) Original and memorandum copy No. 5 of the accomplished bill of lading.

(2) Original and copy of Public Voucher (Standard Forms 1113 and 1113A).

(3) Original or certified copies of certificates showing gross and tare weights furnished by a certified weighmaster or obtained from a certified scale.

(4) Original of Accessorial Services Certificate (DD Form 619).[1] (This is required only when charges are assessed for accessorial services performed and are noted on the Government bill of lading.)

(5) Two copies of the freight forwarder's bill of lading, freight bill, or combination form.

(d) Freight forwarders will not be required to furnish a greater number of copies of a Government bill of lading and/or supporting papers than is established in this part. In the event any copies of these documents (except the original Government bill of lading) are lost or destroyed, legible photostatic copies of the same size as the document reproduced are acceptable. If the original Government bill of lading should become lost or destroyed it will be replaced by a Certificate in Lieu of Lost U. S. Government Bill of Lading (Standard Form 1108).

(e) To facilitate timely payment to the freight forwarder, the origin _____ officer will:

(1) Promptly assemble and review the voucher and supporting papers required by the disbursing procedures of the military department concerned; and

(2) Promptly dispatch such papers to the appropriate disbursing office.

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 55-8970; Filed, Nov. 7, 1955; 8:45 a. m.]

[1] Filed as part of original document.

Chapter V—Department of the Army

Subchapter F—Personnel

PART 573—APPOINTMENT OF COMMISSIONED OFFICERS AND WARRANT OFFICERS

GENERAL ELIGIBILITY REQUIREMENTS

Paragraph (h) of § 573.10 is revised to read as follows:

§ 573.10 *General eligibility requirements.* * * *

(h) *Age.* Applicants must have reached their 21st birthday but not their 27th birthday on date of appointment. This maximum age may be increased by the number of years, months, and days of active Federal commissioned service performed in the Army of the United States after attaining the age of 21 years and subsequent to December 31, 1947, but not to exceed a total of 5 years; the maximum, therefore, precludes appointment after attainment of the 32d birthday. Applications will not be accepted from male applicants who will become ineligible by virtue of excess age within 9 months subsequent to the date the completed application file would be received in the Department of the Army (or from the end of the application period). Applications from Women's Army Corps applicants will not be forwarded if applicant will be ineligible by virtue of excess age within 3 months after the date the completed file will be received in the Department of the Army.

[C2, AR 601-100, October 12, 1955] (R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 205, 61 Stat. 501, as amended; 10 U. S. C. 506c)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 55-8972; Filed, Nov. 7, 1955; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 63]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

Correction

In F. R. Document 55-8477, appearing in the issue for Thursday, October 20, 1955, at page 7899, paragraph 8 should read as set forth below:

8. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing all between the Winslow, Ariz., omnirange station and the Albuquerque, N. Mex., omnirange station to read: "Winslow, Ariz., omnirange station; Zuni, N. Mex., omnirange station, including a north alternate via the intersection of the Winslow omnirange 076° True and the Zuni omnirange 287° True radials; Grants, N. Mex., omnirange station; Albuquerque, N. Mex., omnirange station;" by changing all between the Emporia, Kans., omnirange station and the Columbia, Mo., omnirange station to read: "Emporia, Kans., omnirange station, including a north alternate via the intersection of the Wichita omnirange 046° True and the Emporia omnirange 259° True radials; Kansas City, Mo., omnirange station; Columbia, Mo., omnirange station, including a north alternate via the intersection of the Kansas City omnirange 077° True and the Columbia omnirange 292° True radials;".

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

ELIGIBILITY FOR AND DISPOSITION OF U. S. FLAG FOR BURIAL PURPOSES

In § 1.10, paragraphs (a) (1) (iv) and (b) (1) and (3) are amended to read as follows:

§ 1.10 *Eligibility for and disposition of the United States Flag for burial purposes*—(a) *Eligibility for burial flags*—(1) *Persons eligible.*

(iv) Any person who has served in the active service of the Armed Forces of the United States on or after June 27, 1950, and prior to February 1, 1955 (Presidential Proclamation 3080), and who was discharged or released from active duty under conditions other than dishonorable.

• • • • • •

(b) *Disposition of burial flags.* (1) When a flag is actually used to drape the casket of a deceased veteran, it must be delivered to the next of kin following interment. Where the flag is not claimed by next of kin it may be given upon request to a close friend or associate of the deceased veteran. Such action will constitute final and conclusive determination of rights under this section.

• • • • • •

(3) The phrase "close friend or associate" for the purpose of disposing of the burial flag means any person who because of his relationship with the deceased veteran arranged for the burial or assisted in the burial arrangements. In the absence of a person falling in either of these categories, any person who establishes by evidence that he was a close friend or associate of the veteran may be furnished the burial flag. Where more than one request for the burial flag is received and each is accompanied by satisfactory evidence of relationship or association, the Manager of the Veterans Administration station having jurisdiction of the burial flag quota will determine which applicant is the one most equitably entitled to the burial flag.

(Sec. 5, 43 Stat. 608, as amended, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 428, 11a, 707. Interprets or applies sec. 2, 57 Stat. 591, 65 Stat. 40, 69 Stat. 440; 36 U. S. C. 184, 38 U. S. C. 745, 38 U. S. C. ch. 12A)

This regulation is effective November 8, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-8986; Filed, Nov. 7, 1955; 8:49 a m.]

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

BASIC REQUIREMENTS OF SERVICE AND DEATH

In § 4.300, paragraph (b) (2) is amended to read as follows:

§ 4.300 *Basic requirements of service and death.* • • •

(b) • • •

(2) (i) Persons (volunteers) who have been or are provisionally accepted on or after June 27, 1950, and directed to report to a place for final acceptance or for entry upon active duty in the military or naval service, and who died or shall die as the result of disability incurred while en route to such place and within 120 days after the incurrence of such disability. Coverage is limited to those who died or shall die as a result of disability incurred while en route from the place of assembly to the induction station and does not extend to travel to the place of assembly or to the period after rejection including the return trip.

(ii) Reservists of the Army, Air Force, Navy, Marine Corps, or Coast Guard who on or after June 27, 1950, have been or are called to active duty (including active duty for training) for a period of 30 days or less and who die or shall die as the result of disability incurred while in authorized travel status and within 120 days after the incurrence of such disability. Coverage under the term "Authorized Travel Status" includes injuries received while en route to or returning from a designated destination, in compliance with competent orders, during the period specified in the orders as constituting active duty status.

• • • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective November 8, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-8988; Filed, Nov. 7, 1955; 8:49 a. m.]

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

MISCELLANEOUS AMENDMENTS

1. In § 13.321, that portion of paragraph (b) (5) preceding subdivision (i) is amended to read as follows:

§ 13.321 *Investments; inspection of assets.* • • •

(b) • • •

(5) Where investments are made in bonds, the fiduciary will be required to furnish information as to serial numbers, kind of bonds, rate of interest, the date of maturity and security, if any. In the case of United States Government bonds, it is highly desirable that such investments be in the form of registered bonds and the bonds should be registered, unless for good cause shown such registration would be undesirable or unnecessary. The Chief Attorney will advise each fiduciary to keep such bonds in a safe depository under the control of the fiduciary, in order to avoid loss through theft or otherwise. At the time the annual accounting is furnished the Veterans Administration or filed with the court, the Chief Attorney will require that the fiduciary furnish definite evidence to the Veterans Administration or the court that the bonds or other securities in which the funds have been invested are so deposited under the control of the fiduciary. VA Form 2-4709, Certificate as to Securities, may be used for this purpose. In the event of the failure of the fiduciary to furnish such evidence, the Chief Attorney will make appropriate investigations and take such formal court action as may be required to protect the interests of the beneficiary. This provision contemplates that an annual inspection of the securities in each estate under guardianship will be made by the Chief Attorney's office: *Provided*, That the requirements of this provision as to inspection of the assets shall be considered to have been met:

• • • • • •

2. In § 13.363, paragraph (a) is amended to read as follows:

§ 13.363 *Grounds for removal.* • • •

(a) *Authority of Chief Attorney to suspend payments.* The Chief Attorney is empowered to authorize suspension of payments in such cases, pending adjustment. The Chief Attorney will submit separate requests for suspension of compensation or pension and for suspension of insurance.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply 43 Stat. 613, as amended; 38 U. S. C. 450)

This regulation is effective November 8, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-8987; Filed, Nov. 7, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Parts 3, 4b]

1955 ANNUAL REVIEW AND AMENDMENTS OF AIRWORTHINESS REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to the airworthiness provisions of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by December 9, 1955. Copies of such communications will be available after December 14, 1955, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The proposed amendments to the airworthiness regulations attached hereto stem from the studies conducted during the Board's 1955 Annual Airworthiness Review and particularly from the discussions which took place at the meetings held in Washington September 12 through September 15. Those issues which are sufficiently resolved are being published herein in the form of proposed amendments to the regulations.

The amendments being proposed herein pertain to Parts 3 and 4b of the Civil Air Regulations. The explanatory statements accompanying the proposed amendments present the basis for the amendments and also the reasons why certain other proposals are not considered sufficiently resolved to justify specific recommendations for amendment of the regulations at the present time.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., October 21, 1955.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

Part 3: There are contained herein proposed rules with respect to various miscellaneous issues which were possible of resolution within the framework of this year's Annual Airworthiness Review.

Structural failures experienced in the past with small airplanes in the high speed range strongly indicate the inappropriateness of relating a reduction in maneuvering load factor with any feature of an airplane intended to improve safety only in the low speed range. Therefore, it is proposed to delete the provision of § 3.186, which permits a reduction of the maximum maneuvering load factor limitation of 3.8 to 3.5 for airplanes incapable of spinning.

The presently effective provisions of § 3.242 permit the design landing weight to be less than the maximum certificated weight only for multiengine airplanes, which meet the one-engine-inoperative climb, provided that such airplanes comply with the fuel jettisoning and certain ground loads and landing gear requirements of Part 4b. All other airplanes are required to comply with all of the ground load requirements at the maximum weight, and experience has shown that these requirements were critical in most instances in respect to the establishment of the maximum weight. It is believed that this requirement has restricted unduly the utility of small airplanes. Accordingly, there is included a proposal which, under certain conditions, would permit the design landing weight to be as low as 95 percent of the maximum weight.

There is being proposed in § 3.330 a new requirement with respect to the structural design of supporting structure and the attachment of concentrated mass balance weights incorporated on control surfaces.

The presently effective requirements of § 3.390 in respect to restraining occupants of berths by safety belts are considered unrealistic. A change to these provisions is proposed which would exclude safety belts in berths from compliance with the forward accelerations prescribed for an emergency landing, and would require restraint of occupants in berths by means of a padded end board, a canvas diaphragm, or other equivalent method.

With respect to § 3.344, there is proposed a change which would require incorporation of design features or marking of control system elements to minimize the possibility of incorrect assembly. For this same purpose, a proposed change is included with respect to the fuel valve provisions of § 3.551.

There is proposed a change to § 3.431 which would require independence of the fuel system for each engine on all multiengine airplanes and would relax the existing standards for independence of fuel systems by permitting the use of one tank for supplying more than one engine if certain design criteria are met.

The presently effective provisions of § 3.624 (a) permit use of fire resistant rather than fireproof materials for sealing fire wall openings on unsupercharged engines. On the basis of present engine design, it is believed that the degree of fire hazard is more closely related to the total engine displacement rather than on whether or not the engine is supercharged. In view of this, there is proposed a change which would permit use of fire-resistant sealing of fire walls in installations equipped with engines having a maximum displacement up to 1,000 cubic inches.

It is proposed to change § 3.702 so that the intensity requirements for the forward red and green position lights, and the rear white position light would be consistent with the requirements prescribed for these lights in Part 4b.

Section 3.771 is proposed to be changed to require placarding of the maneuvering air speed.

There are also included a few minor changes, which are editorial or clarifying in nature.

There were certain issues discussed at the recent Annual Airworthiness Meeting, which indicated a need for further study. These included the matter of the 6,000 pound limitation, also proposals with respect to the fuel tank sump drain and the carburetor air temperature indicator.

It is proposed to amend Part 3 as follows:

1. By amending § 3.186 (a) by deleting the following sentence: "For airplanes certificated as characteristically incapable of spinning, need not exceed 3.5."

2. By deleting Figure 3-2.

3. By amending § 3.242 to read as follows:

§ 3.242 *Design weight.* The design landing weight shall not be less than the maximum weight for which the airplane is to be certificated, except as provided in paragraphs (a) and (b) of this section.

(a) A design landing weight equal to not less than 95 percent of the maximum weight shall be acceptable if it is demonstrated that the structural limit load values at the maximum weight are not exceeded when the airplane is operated over terrain having the degree of roughness to be expected in service at all speeds up to the takeoff speed. In addition, the following shall apply:

(1) The minimum fuel capacity shall not be less than the total of the capacity prescribed in § 3.74 (a) (1) and of the capacity equivalent to the weight of fuel equal in amount to that by which the maximum weight exceeds the design landing weight.

(2) The operating limitations shall limit the takeoff weight in such a manner as to assure that landings in normal operation would not exceed the design landing weight.

(b) A design landing weight equal to less than 95 percent of the maximum weight shall be acceptable for multiengine airplanes, meeting the one-engine-inoperative climb requirement of § 3.85 (b) if compliance is shown with the following sections of Part 4b of this subchapter in lieu of the corresponding requirement of this part: The ground load requirements of § 4b.230, the landing gear requirements of §§ 4b.331 through 4b.336 of this subchapter, and the fuel jettisoning system requirements of § 4b.437 of this subchapter.

4. By amending Figure 3-12 (a) by deleting the term "n" from all columns in the two lines titled "Main wheel loads (both wheels) {V_r" and "Tail (nose) wheel loads {V_l" and inserting in lieu thereof in each instance the term "$(n-L)$".

5. By amending Figure 3-12 (a) by deleting the term "KV_r" from the first and fourth columns of the line titled "Main wheel loads (both wheels) {D_r" and inserting in lieu thereof in each instance the term "KnW".

6. By amending Figure 3-12 (a) by deleting the term "KV_r" from the third column of the line titled "Main wheel loads (both wheels) {D_r" and inserting in lieu thereof the term "$KnW\ a'/d'$".

7. By amending Figure 3-12 (a) by deleting the term "KV_l" from the third column of the line titled "Tail (nose) wheel loads {D_l" and inserting in lieu thereof the term "$KnW\ b'/d'$".

8. By amending Figure 3-12 (a) by adding a new note to read as follows:

NOTE (4): L is defined in § 3.353.

9. By adding a new § 3.330 to read as follows:

§ 3.330 *Mass balance weights.* The supporting structure and the attachment of concentrated mass balance weights incorporated on control surfaces shall be designed for limit accelerations in the following conditions: 24g normal to the plane of the control surface; 12g fore and aft; and 12g parallel to the hinge line.

10. By amending § 3.344 by adding a new sentence at the end thereof to read as follows: "The elements of the flight control system shall incorporate design features or shall be distinctively and permanently marked so as to minimize the possibility of incorrect assembly, which could result in malfunctioning of the control system."

11. By amending § 3.390 to read as follows:

§ 3.390 *Seats and berths.* All seats and berths shall be of an approved type. They and their supporting structures shall be designed for an occupant weighing at least 170 pounds (190 pounds with parachute for seats intended for the acrobatic and utility categories) and for the maximum load factors corresponding with all specified flight and ground load conditions including the emergency landing conditions prescribed in § 3.386. The provisions of paragraphs (a) through (d) of this section shall also apply:

(a) Pilot seats shall be designed for the reactions resulting from the application of pilot forces to the primary flight controls as prescribed in § 3.231.

(b) All seats in the U and A categories shall be designed to accommodate passengers wearing parachutes, unless placarded in accordance with § 3.74 (b).

(c) Berths shall be so designed that the forward portion is provided with a padded end board, a canvas diaphragm, or some equivalent means, capable of restraining the occupant within the berth when subjected to the forward accelerations prescribed in § 3.386. Berths shall be provided with an approved safety belt and shall be free from corners or protuberances likely to cause serious injury to a person occupying the berth during emergency conditions. Berth safety belt attachments shall withstand the critical loads resulting from all relevant flight and ground load conditions and from the emergency landing conditions of § 3.386 with the exception of the forward load.

(d) In determining the strength of the attachment of the seat and berth to the structure, the accelerations prescribed in § 3.386 shall be multiplied by a factor of 1.33.

12. By deleting § 3.391.

13. By amending § 3.431 by deleting from the first sentence the following clause: "• • • which are required to comply with the provisions of § 3.85 (b) or § 3.85a (b)".

14. By amending § 3.431 by deleting the last sentence and inserting in lieu thereof the following: "An arrangement employing one fuel tank to supply more than one engine shall be acceptable if the individual systems from the tank outlets to the engines incorporate features to assure continued supply of fuel to the other engines in the event of failure of any one component of an individual system."

15. By amending § 3.551 by adding a new paragraph (d) to read as follows:

§ 3.551 *Fuel valves.* • • •

(d) Fuel valve handles and their connections to the valve mechanism shall incorporate design features so as to minimize the possibility of incorrect installation.

16. By amending § 3.624 (a) to read as follows:

§ 3.624 *Fire wall construction.* (a) Fire walls and shrouds shall be constructed in such a manner that no hazardous quantity of liquids, gases, or flame could pass from the engine compartment to other portions of the airplane. All openings in the fire wall or shroud shall be sealed tight with fireproof grommets, bushings, or fire-wall fittings, except that, such seals of fire-resistant materials shall be acceptable for use on single-engine airplanes and multiengine airplanes not required to comply with § 3.85 (b) or § 3.85a (b), if such airplanes are equipped with engine(s) having a volumetric displacement of 1,000 cubic inches or less; and if the openings in the fire walls or shrouds are such that, without seals, the passage of a hazardous quantity of flame could not result.

17. By amending § 3.702 so that the intensity distribution requirements for the forward red and green position lights and the rear white position light conform with the presently effective requirements prescribed for these lights in Part 4b of this subchapter.

18. By amending § 3.715 by adding a new sentence at the end thereof to read as follows: "In the case of safety belts for berths, the forward load factor need not be applied."

19. By amending § 3.771 by adding a new paragraph (c) to read as follows:

§ 3.771 *Airspeed placards.* • • •

(c) Rough air or maneuvering speed determined in accordance with §3.741.

Part 4b: There are contained herein proposed rules with respect to various miscellaneous issues which were possible of resolution within the framework of this year's Annual Airworthiness Review.

With respect to the flight provisions, there is proposed a change to § 4b.112, which would permit the use of the minimum speed attained during the stall demonstration in determining the required climb, and a change to § 4b.160, which would permit determination of the demonstration stall speed in terms of the stall warning speed.

The presently effective gust load requirements are based on wing loading. Research in past years indicates that gust loads are more closely a function of mass parameter than of wing loading. For this reason, there is included a proposal incorporating the more up-to-date concept of "mass parameter" in the gust load requirements.

In § 4b.270, there is proposed a new rule which establishes more specific criteria for fatigue evaluation of flight structure, including pressurized cabins. Among other proposed changes relative to the structural provisions there is a change to § 4b.210 (c), which establishes more realistic criteria for evaluating the strength of the airplane at weights in the vicinity of the zero fuel weight. These new criteria are predicated on the simultaneous application of the new gust load and fatigue evaluation criteria. There are proposed changes which would require accounting for compressibility effects at all speeds; establish detail conditions for the evaluation of gyroscopic loads imposed on engine mounts; and would require consideration of thermal effects on the structure.

There is also proposed a change to § 4b.230 (b), which would permit in showing compliance with the ground load requirements the use of wing lift equal to the weight of the airplane instead of only two-thirds of the weight as prescribed by the currently effective regulations. To compensate for the relaxatory effect of this proposal, other complementary changes are also proposed.

Three proposals are included with respect to control surfaces and their control systems. Two of these would entail changes to § 4b.320, which would require incorporation of design features, or marking of control system elements to minimize the possibility of incorrect assembly, and which would require tab control system designs to be such that a failure of any element would not jeopardize the flight. The third change is to § 4b.324, which would require application of the fail safe philosophy to flap actuating systems incorporating a mechanical interconnection to assure against hazardous unsymmetrical flap extension.

There is proposed a change to § 4b.336, which would establish a more up-to-date criteria for the selection of landing gear tires.

The presently effective requirements of § 4b.358, in respect to restraining occupants of berths by safety belts are considered unrealistic. A change to these provisions is proposed, which would exclude safety belts in berths from compliance with the forward inertia loads prescribed for emergency landings and instead would require restraint of berth occupants by means of a padded end board, a canvas diaphragm, or other equivalent method.

In addition, there are included other changes which are either relatively minor, clarifying, or of an editorial nature.

There were several proposals discussed at this year's Annual Airworthiness meeting, which could not be resolved because they require further study. These include proposals with respect to combustion heater design, decelerating devices, floatable passenger seat design, fuel storage, fire extinguisher systems, flight instrument panel arrangement, and propeller reverse thrust indication. Issues pertaining to the carriage of flares and to the operational icing requirements in the operating parts were also discussed at the meeting; however, no proposals on these issues are being included herein. Instead, these two issues will be considered in conjunction with other issues relevant to the operating parts of the Civil Air Regulations.

It is proposed to amend Part 4b as follows:

1. By amending § 4b.104 (a) by deleting the words "total quantity of engine coolant".

2. By amending § 4b.104 (b) by deleting the words "fuel, oil, and coolant tanks" and inserting in lieu thereof the words "fuel and oil tanks".

3. By amending § 4b.112 (c) to read as follows:

§ 4b.112 *Stalling speeds.* • • •

(c) The stall speeds defined in this section shall be the minimum speeds obtained in flight tests conducted in accordance with the procedure of subparagraphs (1) and (2) of this paragraph.

(1) With the airplane trimmed for straight flight at a speed of 1.4 V_{s_1} and from a speed sufficiently above the stalling speed to assure steady conditions, the elevator control shall be applied at a rate such that the airplane speed reduction does not exceed one mile per hour per second.

(2) During the test prescribed in subparagraph (1) of this paragraph, the flight characteristics provisions of § 4b.160 shall be complied with.

4. By amending the introductory paragraph of § 4b.160 (c) (2) and by inserting an additional note to read as follows:

§ 4b.160 *Stalling; symmetrical power.* • • •

(c) • • •

(2) The airplane shall be considered stalled when, at an angle of attack measurably greater than that of maximum lift, the inherent flight characteristics give a clear indication to the pilot that the airplane is stalled, except that for airplanes demonstrating unmistakable inherent aerodynamic warning associated with the stall in all required configurations, the speed need not be reduced below a value which provides an adequate stall warning margin as defined in § 4b.162.

NOTE: Types of inherent aerodynamic warning considered acceptable include characteristics such as buffeting, small amplitude pitch or roll oscillations, distinctive shaking of the pilot's controls, etc.

5. By amending § 4b.202 by adding a new paragraph (d) to read as follows:

§ 4b.202 *Proof of structure.* • • •

(d) Proof of compliance of the structure with the fatigue evaluation requirements of § 4b. 270 shall be made.

6. By amending Figure 4b–1 by deleting the speed "1.3 V_{s_1}" from the abscissa scale and the straight line it identifies, and by deleting the term "0.8 V_d" associated with the Vc_{min} curve and inserting in lieu thereof the following: "Mach Number Selected by Applicant."

7. By amending § 4b.210 by deleting the last sentence in the introductory paragraph and inserting in lieu thereof the following: "Compressibility effects shall be taken into account at all speeds."

8. By amending § 4b.210 (b) (3) to read as follows:

§ 4b.210 *General.* • • •

(b) *Design air speeds.* • • •

(3) *Design speed for maximum gust intensity, V_B.* V_B shall be either the speed determined by the intersection of the line representing the maximum positive lift $C_{N_{max}}$ and the line representing the rough air gust velocity on the gust V–n diagram or $(\sqrt{n_g})\ V_{s_1}$, whichever is the lesser; where n_g is the positive airplane gust load factor due to gust at speed V_C in accordance with § 4b.211 (b) (2) at the particular weight under consideration and V_{s_1} is the stalling speed with flaps retracted at the particular weight under consideration. V_B need not be greater than V_C.

9. By amending § 4b.210 by adding a new paragraph (c) to read as follows:

§ 4b.210 *General.* • • •

(c) *Design fuel loads.* The disposable load combinations shall include all fuel loads in the range from zero fuel to the maximum fuel load selected by the applicant. It shall be permissible for the applicant to select a structural reserve fuel condition not exceeding 45 minutes of fuel as defined in § 4b.437 (c). If a structural reserve fuel condition is selected, it shall be used as the minimum fuel weight condition for showing of compliance with the flight load requirements as prescribed in this subpart, in which case, the provisions of subparagraphs (1) through (3) of this paragraph shall also apply.

(1) The structure shall be designed for a condition of zero fuel at limit loads corresponding with:

(i) A maneuver load factor of +2.25.

(ii) Gust intensities equal to 85 percent of the values prescribed in § 4b.211 (b).

(2) Fatigue evaluation of the structure shall take into account any increase in operating stresses resulting from the design condition of subparagraph (1) of this paragraph (see § 4b.270).

(3) The flutter, deformation, and vibration requirements shall also be met with zero fuel (see § 4b.308).

10. By amending Figure 4b–3 by deleting the references "+40K FPS Gust", "+30K", "+15K", "−15K", "−30K", and "−40K", and inserting in lieu thereof, respectively, the following: "Gust Line For V_B", "Gust Line For V_C Speed", "Gust Line for V_D Speed", "Gust Line For V_D Speed", "Gust Line For V_C Speed", and "Gust Line For V_B Speed".

11. By amending § 4b.211 (b) to read as follows:

§ 4b.211 *Flight envelopes.* • • •

(b) *Gust load factors.* The airplane shall be assumed to be subjected to symmetrical vertical gusts while in level flight. The resulting limit load factors shall correspond with the conditions prescribed in subparagraphs (1) through (5) of this paragraph. The shape of the guest shall be assumed to be:

$$U=\frac{U_{de}}{2}\left(1-\cos\frac{2\pi s}{25\bar{C}}\right)$$

where:

s = distance penetrated into gust, ft.
$\bar{C}$ = mean geometric chord of wing, ft.
U_{de} = derived gust velocity referred to in subparagraphs (1), (2), and (3) of this paragraph, (fps).

(1) Positive (up) and negative (down) rough air gusts of 66 fps at the speed V_B shall be considered at altitudes between sea level and 20,000 feet. At altitudes above 20,000 feet, it shall be acceptable to reduce the gust velocity linearly from 66 fps at 20,000 feet to 38 fps at 50,000 feet.

(2) Positive and negative gusts of 50 fps at the speed V_C shall be considered at altitudes between sea level and 20,000 feet. At altitudes above 20,000 feet, it shall be acceptable to reduce the gust velocity linearly from 50 fps at 20,000 feet to 25 fps at 50,000 feet.

(3) Positive and negative gusts of 25 fps at the speed V_D shall be considered at altitudes between sea level and 20,000 feet. At altitudes above 20,000 feet, it shall be acceptable to reduce the gust velocity linearly from 25 fps at 20,000 feet to 12.5 fps at 50,000 feet.

(4) Gust load factors shall be assumed to vary linearly between the specified conditions B′ through G′, as shown on the gust envelope of Figure 4b–3.

(5) In the absence of a more rational analysis, the gust load factors shall be computed in accordance with the following formula:

$$n=1+\frac{K_g U_{de} Va}{499(W/S)}$$

where:

$K_g=\frac{0.88\mu_g}{5.3+\mu_g}$ = gust alleviation factor;

$\mu_g=\frac{2(W/S)}{\rho\bar{C}ag}$ = airplane mass ratio;

U_{de} = derived gust velocities referred to in subparagraphs (1), (2), and (3) of this paragraph, (fps);
ρ = density of air (slugs/cu. ft.);
W/S = wing loading (psf);
$\bar{C}$ = mean geometric chord (ft.);
g = acceleration due to gravity (ft./sec.²);
V = airplane equivalent speed (knots);
a = slope of the airplane normal force coefficient curve C_{N_A} per radian, if the gust loads are applied to the wings and horizontal tail surfaces simultaneously by a rational method. It shall be acceptable to use the wing lift curve slope C_L per radian when the gust load is applied to the wings only and the horizontal tail gust loads are treated as a separate condition.

12. By amending § 4b.212 (a) (2) by deleting "15 fps nominal intensity" and inserting in lieu thereof the following: "25 fps derived".

13. By amending § 4b.212 (b) (2) to read as follows:

§ 4b.212 *Effect of high lift devices.* • • •

(b) • • •

(2) Positive and negative derived gusts as prescribed in § 4b.211 (b) acting normal to the flight path in level flight.

14. By amending § 4b.212 (c) by deleting the last sentence and inserting in lieu thereof the following: "For other than tractor type airplanes, a head-on gust equivalent to the intensity prescribed in § 4b.211 (b) (3) with no alleviations acting along the flight path shall be considered.

15. By amending § 4b.213 (d) (3) by deleting the term "K" and inserting in lieu thereof "K_g".

16. By amending § 4b.215 (b) to read as follows:

§ 4b.215 *Yawing conditions.* • • •

(b) *Lateral gusts.* The airplane shall be assumed to encounter derived gusts normal to the plane of symmetry while in unaccelerated flight. The derived gusts and airplane speeds corresponding with points B′ through J′ on Figure 4b–3 as determined by §§ 4b.211 (b) and 4b.212 (a) (2) or (b) (2) shall be investigated. The shape of the gust shall be as specified in § 4b.211 (b). In the absence of a rational investigation of the airplane's response to a gust, it shall be acceptable to compute the gust loading on the vertical tail surfaces by the following formula:

$$L_t=\frac{K_{gt}U_{de}Va_tS_t}{499}$$

where:

L_t = vertical tail load, (lbs.);

$K_{gt}=\frac{0.88\mu_{gt}}{5.3+\mu_{gt}}$ = gust alleviation factor;

$\mu_{gt}=\frac{2W}{\rho\bar{C}_tga_tS_t}\left(\frac{K}{l_t}\right)^2$ = lateral mass ratio;

U_{de} = derived gust velocity (fps);

ρ = air density (slugs/cu. ft.);

W = airplane weight (lbs.);

S_t = area of vertical tail (ft.²);

$\bar{C}_t$ = mean geometric chord of vertical surface (ft.);

a_t = lift curve slope of vertical tail, per radian;

K = radius of gyration in yaw (ft.);

l_t = distance from airplane C. G. to lift center of vertical surface (ft.);

g = acceleration due to gravity (ft./sec.²);

V = airplane equivalent speed (knots).

17. By amending § 4b.216 (c) (1) by adding a new sentence at the end thereof to read as follows: "Stress concentration and fatigue effects shall be accounted for in the design of pressure cabins (see § 4b.270)."

18. By amending § 4b.216 (c) (3) by deleting from the first sentence the following words: "to provide for such effects as fatigue and stress concentrations."

19. By amending § 4b.216 by adding a new paragraph (e) to read as follows:

§ 4b.216 *Supplementary flight conditions.* • • •

(e) *Gyroscopic loads.* The structure supporting the engines shall be designed for gyroscopic loads associated with the conditions specified in §§ 4b.213 through 4b.215 with the engines operating at maximum continuous rpm.

20. By amending § 4b.230 (b) (1) by deleting the words "when landing the airplane" and inserting in lieu thereof the words "in the attitude and subject to the drag loads associated with the particular landing condition, and".

21. By amending § 4b.230 (b) (1) by adding a new subdivision (iii) to read as follows:

§ 4b.230 *General.* • • •

(b) *Load factors, descent velocities, and design weights for landing conditions.*

(1) • • •

(iii) 10 fps at the design minimum weight.

22. By amending § 4b.230 (b) (2) by deleting the words "two-thirds of".

23. By amending § 4b.231 (a) by deleting the first sentence and inserting in lieu thereof the following: "In the level attitude the airplane shall be assumed to contact the ground at forward velocity components parallel to the ground ranging from V_{L_1} to 1.25 V_{L_2} and shall be assumed to be subjected to the load factors prescribed in § 4b.230 (b) (1) where V_{L_1} is equal to V_{s_0} (TAS) at the appropriate landing weight and in standard sea level conditions and where V_{L_2} is equal to V_{s_0} (TAS) at the appropriate landing weight and altitudes in a hot day temperature of 41° F. above standard.

24. By amending § 4b.231 (a) by deleting from the second sentence the clause "or landings at elevations higher than 5,000 feet".

25. By amending § 4b.231 (a) by deleting the last sentence from subparagraphs (1) and (3) and inserting in lieu thereof in each instance the following: "It shall be acceptable to apply this condition only to the landing gear, directly affected attaching structure, and large mass items (i. e. external fuel tanks, nacelles, etc.)".

26. By amending the introductory paragraph of § 4b.232 to read as follows:

§ 4b.232 *Tail-down landing conditions.* In the conditions of paragraphs (a) and (b) of this section the airplane shall be assumed to contact the ground at forward velocity components parallel to the ground, ranging from V_{L_1} to V_{L_2}, where V_{L_1} and V_{L_2} are as indicated in § 4b.231 (a). The load factors prescribed in § 4b.230 (b) (1) shall apply. The combination of vertical and drag components specified in § 4b.231 (a) (1) and (3) shall be considered acting at the main wheel axle centerline.

27. By amending § 4b.235 (a) to read as follows:

§ 4b.235 *Ground handling conditions.* • • •

(a) *Taxiing and take-off run.* The airplane shall be assumed to be in the attitude of all wheels contacting the ground. The limit vertical load factor shall be 2.0 unless a lower value is substantiated by tests. Drag and side loads shall be assumed equal to zero.

28. By amending § 4b.235 by adding new paragraphs (g) and (h) to read as follows:

§ 4b.235 *Ground handling conditions.* • • •

(g) *Reversed braking.* The airplane shall be in a three point static ground attitude. Horizontal reactions parallel to the ground and directed forward shall be applied at the ground contact point of each wheel equipped with brakes. The limit loads shall be equal either to 0.55 times the vertical load at each wheel or to the load developed by 1.2 times the nominal maximum static brake torque, whichever is the lesser. For nosewheel types, the pitching moment, shall be balanced by rotational inertia. For tailwheel types, the resultant of the ground reactions shall pass through the center of gravity of the airplane.

(h) *Towing loads.* Towing loads shall be those specified in Figure 4b–26, considering each condition separately. These loads shall be applied at the towing fittings and shall act parallel to the ground. A vertical load factor equal to 1.0 shall be considered acting at the center of gravity. The shock struts and tires shall be in their static positions. The towing load, F_{TOW}, shall be defined as equal to $0.3W_T$ for W_T less than 30,000 pounds, equal to $\frac{6W_T+450{,}000}{70}$ for W_T between 30,000 and 100,000 pounds and equal to $0.15W_T$ for W_T over 100,000 pounds, where W_T is the design maximum take-off weight. For towing points not on the landing gear but located near the plane of symmetry of the airplane, the drag and side tow load components specified for the auxiliary gear shall apply. For tow points located outboard of the main gear the drag and side tow load component specified for the main gear shall apply. In cases where the specified angle of swivel cannot be obtained, the maximum obtainable angle shall be used.

29. By adding a new Figure 4b–26.

30. By adding a new heading and a new § 4b.270 to read as follows:

FATIGUE EVALUATION

§ 4b.270 *General.* The strength, detail design, and fabrication of those portions of the airplane's flight structure in which fatigue may be critical shall be evaluated in accordance with the provisions of either paragraph (a) or (b) of this section.

(a) *Fatigue strength.* The structure shall be shown by analysis and/or tests to be capable of withstanding the repeated loads of variable magnitude expected in service. The provisions of subparagraphs (1) through (3) of this paragraph shall apply.

(1) Evaluation of fatigue shall involve the following:

(i) Typical loading spectrum expected in service;

(ii) Identification of principal structural elements and detail design points, the fatigue failure of which could cause catastrophic failure of the aircraft; and

(iii) An analysis and/or repeated load tests of principal structural elements and detail design points, identified in subdivision (ii) of this subparagraph.

Tow point	Position	Load		
		Magnitude	No.	Direction
Main gear		0.75 F_{TOW} per main gear unit.	1	Forward, parallel to drag axis.
			2	Forward, at 30° to drag axis.
			3	Aft, parallel to drag axis.
			4	Aft, at 30° to drag axis.
Auxiliary gear	Swiveled forward	1.0 F_{TOW}	5	Forward.
			6	Aft.
	Swiveled aft	do	7	Forward.
			8	Aft.
	Swiveled 45° from forward	0.5 F_{TOW}	9	Forward, in plane of wheel.
			10	Aft, in plane of wheel.
	Swiveled 45° from aft	do	11	Forward, in plane of wheel.
			12	Aft, in plane of wheel.

BALANCING FORCES

The side component of the towing load at the main gear is reacted by a side force at the static ground line at the wheel to which load is applied.

The towing loads at the auxiliary gear and the drag components of the towing loads at the main gear are reacted in each of the following ways:

a. Reaction applied at the axle of the wheel to which load is applied, this reaction having a maximum value equal to the vertical reaction. Airplane inertia is applied as required for equilibrium.

b. The loads reacted by airplane inertia.

FIGURE 4b–26—Towing loads.

NOTE: Usually tests of principal structural elements include major fittings, samples of joints, spar cap strips, skin units, and other representative sections of the flight structure.

(2) It shall be acceptable to utilize the service history of airplanes of similar structural design, taking due account of differences in operating conditions and procedures.

(3) When circumstances require substantiation of the pressure cabin by fatigue tests, the cabin or representative portions of it shall be cycle-pressure tested, utilizing the normal-operating pressure together with the effects of external aerodynamic pressure combined with the flight loads. It shall be acceptable to represent the effects of flight loads by an increased cabin pressure, or to omit the flight loads if they are shown to have no significant effect upon fatigue.

(b) *Fail safe strength.* It shall be shown by analysis and/or tests that catastrophic failure or excessive structural deformation, which could adversely affect the flight characteristics of the airplane, are not probable after fatigue failure or obvious partial failure of a single principal structural element. After such failure, the remaining structure shall be capable of withstanding static loads corresponding with the flight loading condition specified in subparagraphs (1) and (2) of this paragraph. These loads shall be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise taken into consideration. In the case of a pressure cabin, the normal operating pressures combined with the expected external aerodynamic pressures shall be applied simultaneously with the flight loading conditions specified in this paragraph.

(1) An ultimate load factor of 2.0 at V_C.

(2) Gust loads as specified in § 4b.211 (b), except that these gust loads shall be considered to be ultimate and the gust velocities shall be as follows:

(i) At speed V_B, 49 fps from sea level to 20,000 feet altitude, thereafter decreasing linearly to 28 fps at 50,000 feet altitude.

(ii) At speed V_C, 33 fps from sea level to 20,000 feet altitude, thereafter decreasing linearly to 16.5 fps at 50,000 feet altitude.

(iii) At speed V_D, 15 fps from sea level to 20,000 feet altitude, thereafter decreasing linearly to 6 fps at 50,000 feet altitude.

31. By amending § 4b.306 (b) by adding a new sentence at the end thereof to read as follows: "The effects of temperature on allowable stresses used for design in an essential component or structure shall be considered where thermal effects are significant under normal operating conditions."

32. By amending § 4b.306 (d) by adding to the end of the sentence the reference "(also see § 4b.270)".

33. By amending § 4b.320 to read as follows:

§ 4b.320 *General.* All controls and control systems shall operate with ease, smoothness, and positiveness appropriate to their function. The elements of the flight control system shall incorporate design features or shall be distinctively and permanently marked so as to minimize the possibility of incorrect assembly which could result in malfunctioning of the control system. Tab control systems shall be such that disconnection or failure of any element at speeds up to V_C cannot jeopardize the safety of flight (also see §§ 4b.308, 4b.350, and 4b.353).

34. By amending § 4b.324 (a) by adding a new sentence at the end thereof to read as follows: "When a mechanical interconnection is employed, means shall be provided to insure against hazardous unsymmetrical operation of the wing flaps after any reasonably possible single failure of the flap actuating system."

35. By amending § 4b.332 (b) (2) by deleting from the definition of "L" the numerals "0.667" and inserting in lieu thereof the numeral "1.0".

36. By amending § 4b.333 by adding a new paragraph (c) to read as follows:

§ 4b.333 *Limit load factor determination.* • • •

(c) *Landing gear rebound condition.* The landing gear and its supporting structure shall be designed for the loads occurring during rebound of the airplane from the landing surface. With the landing gear fully extended and not in contact with the ground, a load factor of 20.0 shall act on the unsprung weights of the landing gear. This load factor shall act in the direction of motion of the unsprung weights as they reach their limiting positions in extending with relation to the sprung portions of the landing gear."

37. By amending § 4b.336 to read as follows:

§ 4b.336 *Tires.* Landing gear tires shall be of a proper fit on the rim of the wheel, and of load ratings which are not exceeded under the following conditions:

(a) Main wheel tires: Equal static loads on all main wheel tires corresponding with the most critical combination of maximum take-off weight and center of gravity position.

(b) Nose wheel tires: Equal static loads on all nose wheel tires corresponding with the following conditions:

(1) The static ground reaction per tire corresponding with the most critical combination of takeoff weight and center of gravity position. This load shall correspond with the static rating of the tire.

(2) The dynamic ground reaction per tire at maximum landing weight, assuming the mass of the airplane concentrated at the most critical location of the center of gravity for this weight and exerting a force of 1.0g downward and 0.31g forward, the reactions being distributed to the nose and main wheels by the principles of statistics with a 0.31g drag reaction at the ground applied at those wheels which have brakes. This load shall correspond with the dynamic rating of the tire.

(3) The dynamic ground reaction per tire at design takeoff weight, assuming the mass of the airplane concentrated at the most critical location of the center of gravity for this weight, and exerting a force of 1.0g downward and 0.20g forward, the reactions being distributed to the nose and main wheels by the principles of statistics with a 0.20g drag reaction at the ground applied at those wheels which have brakes. This load shall correspond with the dynamic rating of the tire.

38. By amending § 4b.337 (a) (2) by deleting the word "connection" and inserting in lieu thereof the word "connecting".

39. By amending § 4b.358 (b) by adding a new subparagraph (4) to read as follows:

§ 4b.358 *Seats, berths, and safety belts.* • • •

(b) *Arrangement.* • • •

(4) Berths shall be so designed that the forward portion is provided with a padded end board, a canvas diaphragm, or equivalent means capable of restraining the occupant within the berth when subjected to the forward inertia force specified in § 4b.260. Berths shall be free from corners and protuberances likely to cause serious injury to a person occupying the berth during emergency conditions.

40. By amending § 4b.358 (c) by adding a new sentence between the first and second sentences to read as follows: In the case of berths, a forward inertia force shall be considered in accordance with paragraph (b) (4) of this section in lieu of the forward reaction between the occupant and the safety belt.

41. By amending § 4b.386 (g) by deleting subparagraphs (1) and (2) and inserting in lieu thereof a new subparagraph (1) to read as follows:

§ 4b.386. *Combustion heater fire protection.* • • •

(g) *Heater exhaust.* • • •

(1) Provisions shall be made in the design of the heater exhaust system so that the products of combustion will be safely conveyed overboard to prevent the occurrence of the following:

(i) Fuel leakage from the exhaust to surrounding compartments;

(ii) Exhaust gas impingement on surrounding equipment or structure;

(iii) Ignition of flammable fluids by the exhaust, when the exhaust is located in a compartment containing flammable fluid lines.

(iv) Restriction by the exhaust of the prompt relief of backfires which can cause heater failure due to pressure generated within the heater.

42. By amending § 4b.413 (b) by adding a new subparagraph (4) to read as follows:

§ 4b.413 *Fuel flow rate.* • • •

(b) • • •

(4) In systems where § 4b.435 (d) requires a fuel filter bypass arrangement, the fuel flow rate corresponding with 100 percent of the engines' maximum fuel demand at standard atmospheric conditions shall be demonstrated with the fuel filter blocked.

43. By amending § 4b.414 (a) by beginning the sentence with the words: "For reciprocating engines • • •".

44. By amending § 4b.414 by deleting from the first sentence of paragraph (b) the words "paragraph (a) of", by redesignating paragraph (b) as paragraph (c), and by adding a new paragraph (b) to read as follows:

§ 4b.414 *Pump systems.* • • •

(b) For turbine engines, the fuel flow rate for pump systems shall be 125 percent of the fuel flow required to develop the standard sea level atmospheric condition takeoff power, selected by the applicant and included as an operating limitation in the airplane Flight Manual.

45. By amending § 4b.420 by deleting paragraph (c) and by redesignating paragraphs (d), (e), and (f) as (c), (d), and (e), respectively.

46. By amending §4b.421 (a) to read as follows:

§ 4b.421 *Fuel tank tests.* (a) Fuel tanks shall be demonstrated capable of withstanding the most critical of the following pressures without failure or leakage as mounted in the airplane.

(1) Internal pressure of 3.5 p. s. i.;

(2) 125 percent of the maximum air pressure developed in the tank from ram effect;

(3) The fluid pressures developed during maximum limit accelerations of the airplane with a full tank. If any of these pressures exceed the greater of the pressures prescribed in subparagraphs (1) and (2) of this paragraph, the test shall be conducted so as to simulate the pressure distribution insofar as practicable. The minimum pressure at any point in the tank shall not be less than the greater of the pressures prescribed in subaparagraphs (1) and (2) of this paragraph.

47. By amending the introductory statement of § 4b.421 (b) to read as follows:

§ 4b.421 *Fuel tank tests.* • • •

(b) Tanks with large unsupported or unstiffened flat surfaces, the failure or deformation of which could cause fuel leakage, shall be capable of withstanding a vibration test in accordance with the conditions of subparagraphs (1) through (4) of this paragraph, or other equivalent test, without leakage, or excessive deformation of the tank walls.

48. By amending § 4b.421 (b) (2) to read as follows:

§ 4b.421 *Fuel tank tests.* • • •

(b) • • •

(2) The tank assembly shall be vibrated for 25 hours while filled two-thirds full of water or any suitable test fluid. The amplitude of vibration shall not be less than one thirty-second of an inch, unless otherwise substantiated.

49. By amending § 4b.421 (b) (4) to read as follows:

§ 4b.421 *Fuel tank tests.* • • •

(b) • • •

(4) During the test, the tank assembly shall be rocked at the rate of 16 to 20 complete cycles per minute through an angle of 15° on either side of the horizontal (30° total) about the most critical axis for 25 hours. If motion about more than one axis is likely to be critical, the tank shall be rocked about each axis for 12½ hours.

50. By amending § 4b.421 (b) by deleting subparagraph (5).

51. By amending § 4b.421 (a) by deleting the numerals "0.25" and inserting in lieu thereof the numerals "0.10".

52. By amending § 4b.430 (a) (3) by beginning the second sentence with the words: "Reciprocating engine • • •" in lieu of the word "Engine • • •".

53. By amending § 4b.430 (b) (1) by inserting the words "Reciprocating engine" between the words "of" and "installations".

54. By amending § 4b.431 (a) by adding a new sentence at the end thereof to read as follows: "In turbine engine fuel systems, provisions shall be made to maintain the fuel pressure at the inlet to the engine fuel system within the limits established for engine operation."

55. By amending § 4b.435 by adding a new paragraph (d) to read as follows:

§ 4b.435 *Fuel strainer.* • • •

(d) When filter or strainers susceptible to icing are incorporated in the fuel system, a means shall be provided to maintain automatically the fuel flow in the event ice particles accumulate and restrict flow by clogging the filter or screen.

56. By amending § 4b.437 (c) by adding a new sentence at the end thereof to read as follows: "For turbine-powered airplanes, the design of the jettisoning system shall be such that it would not be possible to jettison fuel in the tanks used for take-off and landing below the level providing climb from sea level to 10,000 feet and thereafter providing 45 minutes cruise at a speed for maximum range.

57. By amending § 4b.604 by deleting paragraph (b).

58. By amending § 4b.637 by adding a new sentence at the end thereof to read as follows: "If an additional anti-collision light is installed on the bottom of the fuselage, the prescribed limits of effective flash frequency in the overlap region of the two light beams need not be met."

59. By amending § 4b.643 by adding a new sentence at the end thereof to read as follows: "In the case of safety belts for berths, the forward load factor need not be applied."

60. By amending § 4b.711 (b) by adding a note at the end thereof to read as follows:

NOTE: Where speeds are limited by compressibility effects, this section is intended to provide an adequate margin between M_{NE} and the lowest of the following Mach values: M_D, M_{DF}, or the Mach number where adverse flight characteristics, such as the following, occur: Undue reduction in ability to recover; rapid or large changes in stability during level flight or recovery which would cause the airplane to exceed structural limits; buffeting so severe as to endanger the structural integrity of the airplane. The speed margin required usually depends upon the effectiveness of the warning provided to the pilots whenever M_{NE} is reached or exceeded, and upon the recovery or speed control characteristics of the airplane. In any case the margin should be sufficient: to enable recovery from mild upsets due to gusts or inadvertent control movements or trim changes; to allow for inadvertent increases in Mach number due to horizontal gusts or temperature inversions; and, for instrument inaccuracies or airplane production differences. The probability of the simultaneous occurrence of the aforementioned speed margin conditions are usually considered, but the effects of all such conditions are not necessarily additive.

61. By amending §§ 4b.718 (a) (4), (5) and (b) (3) by deleting in each instance the words "or coolant outlet".

62. By amending § 4b.738 (b) by deleting the title and inserting in lieu thereof the following "Fuel and oil filler openings."

63. By amending § 4b.738 (b) by deleting subparagraph (3).

64. By amending § 4b.738 by deleting paragraph (d) and by redesignating paragraph (e) as paragraph (d).

[F. R. Doc. 55-8929; Filed, Nov. 7, 1955; 8:45 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 144]

[Delegation Authority 78-B]

DEPUTY UNDER SECRETARY OF STATE FOR ADMINISTRATION ET AL.

FUNCTIONS AND AUTHORITIES

Pursuant to the authority vested in the Secretary of State by sections 3 and 4 of Public Law 73, 81st Congress, approved May 26, 1949 (63 Stat. 111), and in accordance with the requirements of section 3 (a) (1) of Public Law 404, 79th Congress, approved June 11, 1946 (60 Stat. 238), functions and authorities are hereby prescribed for the positions enumerated below. All prior delegations of authority and public notices which are inconsistent or in conflict with the functions and authorities herein prescribed are, to the extent of such inconsistencies or conflicts, hereby superseded. Nothing contained herein shall authorize the exercise of authority which by law is required to be exercised solely by the Secretary of State.

The Deputy Under Secretary of State for Administration. a. Exercises the authority vested in the Secretary of State by section 3 of Public Law 73, 81st Congress, to "administer, coordinate, and direct the Foreign Service of the United States and the personnel of the State Department."

b. Exercises the authority now or hereafter vested in the Secretary of State or the Department of State with respect to the administration of the Department of State and the Foreign Service.

c. Provides general direction and control of the organizational structure and assignment of functions in the Department of State and the Foreign Service.

d. Provides general direction for the use of appropriated funds, for the establishment of program priorities for budgetary purposes, and the administrative implementation of approved substantive policies and programs.

e. Directs the administration of the Department's inspection programs.

f. Directs the activities of the Foreign Service Institute.

g. Directs and supervises the activities of the Assistant Secretary-Controller, the Administrator of the Bureau of Security and Consular Affairs, and the Director General of the Foreign Service.

h. Prescribes and promulgates such rules and regulations, and makes such delegations of authority as may be necessary to carry out his assigned responsibilities.

Assistant Secretary-Controller. a. Develops, establishes, revises and promulgates the organizational structure and assignment of functions in the Department and the Foreign Service.

b. Directs the administration of the personnel program of the Department and the Foreign Service.

c. Directs preparation of budget estimates and the allocation of funds made available to the Secretary or the Department.

d. Establishes relative program priorities for budgetary purposes and supervises the use of appropriated funds in accordance with congressional limitations, program objectives, and policies of the President and the Secretary.

e. Directs the development and operation of administrative management controls including fiscal controls, reporting systems, manuals of regulations and procedures, etc., designed to promote efficient, economical and effective operation in all areas of the Department and the Foreign Service, and to enforce compliance with established policies and instructions.

f. Directs and provides for the acquisition, maintenance and operation of buildings, grounds, and other facilities required for use in connection with the Department's operations abroad.

g. Directs and provides procurement, communication, transportation, fiscal and other administrative services.

h. Prescribes and promulgates such rules and regulations, and makes such delegations of authority as may be necessary to carry out his assigned responsibilities.

i. Acts for the Deputy Under Secretary for Administration in his absence.

Administrator, Bureau of Security and Consular Affairs. a. Provides technical direction for the consular program of the Foreign Service and directs related work of the Department, including such activities as passport services, protection and welfare of American citizens and interests, issuance of visas, representation of interests of foreign governments, control of international traffic in arms, and policies concerning disclosure of classified military information.

b. Directs the security program of the Department and the Foreign Service.

c. Directs the administration of the Refugee Relief Program established by the Refugee Relief Act of 1953, Public Law 203, 83d Congress (67 Stat. 400).

d. Prescribes and promulgates such rules and regulations as may be necessary to carry out his assigned responsibilities.

Dated: October 29, 1955.

[SEAL] HERBERT HOOVER, JR.,
Acting Secretary of State.

[F. R. Doc. 55-8975; Filed, Nov. 7, 1955; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wisc. 1858603]

WISCONSIN

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

1. A plat of dependent survey and extension survey to include certain lands which were erroneously omitted from the original survey will be officially filed in the Eastern States Land Office, Washington, D. C., effective at 10:00 a. m. on December 6, 1955, as described below.

FOURTH PRINCIPAL MERIDIAN, WISCONSIN

T. 40 N., R. 14 E.,
Sec. 22, Lots 9, 10, 11, 12, 13;
Sec. 23, Lots 6, 7;
Sec. 26, Lots 9, 10, 11, 12, 13;
Sec. 35, Lot 4.

The area described aggregates 313.27 acres.

2. According to the field notes and as shown by the plat, lot 11 sec. 22 and lots 9, 10, 11, 12 and 13 sec. 26 are principally swamp in character and appear to be swamp and overflowed within the meaning of the Act of September 28, 1950 (9 Stat. 519). Should the lands be finally determined to be swamp and overflowed in character, it must be held that the lands inured to the State and any application adverse to the State's conflict with swamp land claim will be governed by sec. 271.2 of Title 43 of the Code of Federal Regulations.

3. The lands first described above are within the exterior boundaries of the Nicolet National Forest by proclamation No. 2219 of December 31, 1936.

4. Available information as to the remaining lands indicates that the soil is sandy and gravel loam with some stone and of gently rolling to rolling upland; that the timber consists of hemlock, norway and white pine, birch, maple, etc., with an undergrowth of young timber, hazel and high-bush cranberry.

5. Anyone having a valid existing right to any of the remaining lands, initiated prior to the date of the forest withdrawal of the lands, should assert the same within one year from the date hereof of filing an application under the Act of February 27, 1925 (43 Stat. 1013, 43 U. S. C. 994), and the Act of August 24, 1954 (68 Stat. 789).

6. Claimants under the 1925 act, supra, have a preferred right of application for a period of 90 days from December 6, 1955. Applications under the 1954 act, supra, must be filed within one year from December 6, 1955. No patent will be issued for the lands not swamp in character prior to December 7, 1956.

7. Inquiries concerning the lands shall be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washingon 25, D. C.

WILLIAM E. THOMAS,
Acting Manager.

[F. R. Doc. 55-8974; Filed, Nov. 7, 1955; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9298]

DELTA GULF DRILLING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 1, 1955.

Take notice that Delta Gulf Drilling Company (Applicant), a Delaware corporation, with principal office in Tyler, Texas, filed on September 2, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to Trunkline Gas Company which it will produce from acreage controlled by Applicant from the Charles G. Hooks Lease, located in Batson Dome Field, Hardin County, Texas, at the average daily delivery rate of 1000 Mcf for the term of the life of the wells on said acreage, at the price of 8.6102 cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 12, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commis-

sion, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before November 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-8977; Filed, Nov. 7, 1955; 8:47 a. m.]

[Docket No. G-3972, etc.]

FULLERTON OIL & GAS CORP. AND MONTEREY OIL CO.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 1, 1955.

In the matters of Fullerton Oil & Gas Corporation, Docket No. G-3972; Monterey Oil Company, Docket Nos. G-8347 and G-8348.

Notice is hereby given that on October 21, 1955, the Federal Power Commission issued its findings and order adopted October 19, 1955, in the above-entitled matters, dismissing application for a certificate of public convenience and necessity in Docket No. G-3972, issuing a certificate of public convenience and necessity in Docket No. G-8347, and severing the proceedings in Docket No. G-8348 from the proceedings in Docket Nos. G-3972 and G-8347.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-8978; Filed, Nov. 7, 1955; 8:47 a. m.]

[Project No. 2172]

COOS-CURRY ELECTRIC COOPERATIVE, INC.

NOTICE OF ORDER AMENDING PRELIMINARY PERMIT

NOVEMBER 1, 1955.

Notice is hereby given that on October 21, 1955, the Federal Power Commission issued its order adopted October 19, 1955, amending preliminary permit in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-8979; Filed, Nov. 7, 1955; 8:47 a. m.]

[Docket No. G-7855]

SINCLAIR B. KOUNS ET AL.

NOTICE OF ORDER SEVERING FROM CONSOLIDATED PROCEEDINGS

NOVEMBER 2, 1955.

Notice is hereby given that on October 21, 1955, the Federal Power Commission issued its order adopted October 19, 1955, in the above-entitled matters, severing Docket No. G-7855 from the consolidated proceedings in Docket No. G-7854 et al.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-8980; Filed, Nov. 7, 1955; 8:47 a. m.]

[Docket No. G-8692, etc.]

CITY OF DES ARC, ARKANSAS, ET AL.

NOTICE OF ORDER REGARDING DELIVERY AND SALE OF NATURAL GAS

NOVEMBER 2, 1955.

In the matters of City of Des Arc, Arkansas, Docket No. G-8692; City of Hazen, Arkansas, Docket No. G-8693; City of Augusta, Arkansas, Docket No. G-8776.

Notice is hereby given that on October 19, 1955, the Federal Power Commission issued its order adopted October 19, 1955, in the above-entitled matters, directing Mississippi River Fuel Corporation to establish physical interconnections of its transportation facilities with the proposed facilities of the applicants, and to deliver and sell natural gas to the applicants for service in the Cities of Des Arc, Hazen, and Augusta, Arkansas.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-8981; Filed, Nov. 7, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 3, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31277: *Blackstrap molasses—Louisiana to New Mexico.* Filed by The Atchison, Topeka and Santa Fe Railway Company for itself and interested rail carriers. Rates on blackstrap molasses, tankcar loads from New Orleans, La., and points in Louisiana grouped therewith and taking same rates to specified points in New Mexico.

Grounds for relief: Maintenance of prescribed rates and circuity.

Tariff: Supplement 27 to A. T. & S. F. Ry. tariff I. C. C. 14261.

FSA No. 31278: *Zinc oxide—Ohio and Pennsylvania points to Havelock, Nebr.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on zinc oxide, dry, carloads from Columbus, Ohio, and Josephtown and Kobuta, Pa., to Havelock, Nebr.

Grounds for relief: Carrier competition and circuity.

FSA No. 31279: *Plasterboard joint system in Official Territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on plasterboard joint system, straight or mixed carloads, as described in the application, between specified points in official territory and subdivision thereof.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 16 to Agent Hinsch's I. C. C. 4662.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-8982; Filed, Nov. 7, 1955; 8:48 a. m.]

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FEDERAL REGISTER

VOLUME 20 NUMBER 219

Washington, Wednesday, November 9, 1955

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10643

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE ALBANY PORT DISTRICT RAILROAD AND OTHER CARRIERS AND CERTAIN OF THEIR EMPLOYEES

WHEREAS disputes exist between the Albany Port District Railroad and other carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees, designated in list A attached hereto and made a part hereof, and certain of their employees represented by the cooperating (non-operating) railway labor organizations, designated in list B attached hereto and made a part hereof, on the subject of certain wage demands made by the employees; and

WHEREAS disputes exist between the Albany Port District Railroad and other carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees, designated in list C attached hereto and made a part hereof, and certain of their employees represented by the cooperating (non-operating) railway labor organizations designated in list D attached hereto and made a part hereof, on the subject of demands of the employees for changes in agreements covering health and welfare benefits; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said disputes. No member of the said board shall be pecuniarily or otherwise interested in any organization of employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Albany Port District Railroad and other carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees or their employees in the conditions out of which the said dispute arose.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 7, 1955.

LIST A

EASTERN REGION

Akron & Barberton Belt Railroad Company
Akron, Canton & Youngstown Railroad Co.
Ann Arbor Railroad Company
Baltimore & Ohio Railroad Company:
  B & O Chicago Terminal Railroad Co.
  Curtis Bay Railroad
  Dayton and Union Railroad
  Staten Island Rapid Transit Railway Co.
  Strouds Creek and Muddlety Railroad Co.
Bessemer & Lake Erie Railroad Company
Boston & Maine Railroad
Boston Terminal Corporation
Brooklyn Eastern District Terminal
Bush Terminal Railroad Company
Canadian National Railways:
  Canadian National Rys.—Lines in N. E. United States & Canada Railroad
  Champlain & St. Lawrence Railroad
  Canadian National Rys.—State of N. Y. St. Clair Tunnel Company
Canadian Pacific Railway Company
Central Railroad Company of New Jersey:
  New York and Long Branch Railroad Co.
Central Vermont Railway, Inc.
Chicago, Indianapolis & Louisville Ry. Co.
Chicago Union Station Company
Cincinnati Union Terminal Company
Dayton Union Railway Company
Delaware & Hudson Railroad Corporation
Delaware, Lackawanna & Western Railroad Co.
Detroit & Toledo Shore Line Railroad Co.
Detroit Terminal Railroad Company
Detroit, Toledo & Ironton Railroad Company
Erie Railroad Company
Grand Trunk Western Railroad Company
Indianapolis Union Railway Company
Lake Terminal Railroad Company
Lehigh and New England Railroad Company
Lehigh Valley Railroad Company
Long Island Railroad Company
Maine Central Railroad Company:
  Portland Terminal Company

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FEDERAL REGISTER

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Monongahela Connecting Railroad Company
Monongahela Railway Company
Montour Railroad Company
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New York Central System:
New York Central Railroad—Full Line
New York Central Railroad—Buffalo & East:
Buffalo Stock Yards
Grand Central Terminal
New York Central Railroad—West of Buffalo
Michigan Central Railroad
Cleveland, Cincinnati, Chicago & St. Louis Ry.:
Peoria & Eastern Railway
Louisville & Jeffersonville Bridge & R. R. Co.
Boston & Albany Railroad
Indiana Harbor Belt Railroad
Chicago River & Indiana Railroad:
Chicago Junction Railway
Pittsburgh & Lake Erie Railroad:
Lake Erie & Eastern Railroad
Cleveland Union Terminals Company
Troy Union Railroad Company
New York, Chicago & St. Louis Railroad Company
New York Dock Railway
New York, New Haven & Hartford Railroad Company
New York, Susquehanna & Western Railroad Company
Pennsylvania Railroad Company:
Baltimore & Eastern Railroad Company
Pittsburgh & West Virginia Railway Company
Pittsburgh, Chartiers & Youghiogheny Ry. Co.
Railroad Perishable Inspection Agency
Reading Company:
Philadelphia Reading & Pottsville Telegraph Co.
River Terminal Railway Company
Toledo Terminal Railway Company
Union Depot Company (Columbus, Ohio)
Union Freight Railroad Company (Boston)
Union Inland Freight Station
Union Railroad Company (Pittsburgh)
Washington Terminal Company
Western Allegheny Railroad Company
Youngstown & Northern Railroad Company

WESTERN REGION

Alton and Southern Railroad
Atchison, Topeka and Santa Fe Ry.:
Gulf, Colorado and Santa Fe Ry.
Panhandle and Santa Fe Ry.
Belt Railway Company of Chicago
Camas Prairie Railroad
Chicago & Eastern Illinois Railroad
Chicago & Illinois Midland Railway
Chicago & North Western Railway
Chicago & Western Indiana Railroad
Chicago, Burlington & Quincy Railroad
Chicago Great Western Railway
Chicago, Milwaukee, St. Paul & Pacific Railroad
Chicago, Rock Island & Pacific Railroad:
Joint Texas Div.—CRI&P RR—FtW&D Ry.
Chicago, St. Paul, Minneapolis and Omaha Ry.
Colorado and Southern Ry.
Colorado & Wyoming Railway
Denver and Rio Grande Western Railroad
Denver Union Terminal Ry.
Des Moines Union Ry.
Duluth, Missabe and Iron Range Ry.
Duluth, South Shore and Atlantic Railroad
Duluth Union Depot and Transfer Co.
Duluth, Winnipeg & Pacific Ry.
Elgin, Joliet & Eastern Ry.
El Paso Union Passenger Depot Co.
Fort Worth and Denver Ry.
Galveston, Houston and Henderson RR
Great Northern Railway
Green Bay and Western Railroad:
Kewaunee, Green Bay and Western Railroad
Gulf Coast Lines:
Asherton & Gulf Ry.
Asphalt Belt Ry.
Beaumont, Sour Lake & Western Ry.
Houston & Brazos Valley Ry.
Houston North Shore Ry.
Iberia, St. Mary and Eastern RR.
New Iberia & Northern RR.
New Orleans, Texas & Mexico Ry.
Orange & Northwestern RR.
Rio Grande City Ry.
St. Louis, Brownsville & Mexico Ry.
San Antonio Southern Ry.
San Antonio, Uvalde & Gulf RR.
San Benito & Rio Grande Valley Ry.
Sugar Land Railway
Houston Belt & Terminal Ry.
Illinois Central Railroad
Illinois Terminal Railroad
International-Great Northern Railroad
Kansas City Southern Railway:
Arkansas Western Railway
Fort Smith and Van Buren Railway
Kansas City, Shreveport Gulf Terminal Co.
Joplin Union Depot
Kansas City Terminal Railway
Los Angeles Junction Railway
Litchfield and Madison Railway
Louisiana & Arkansas Railway
Manufacturers Railway
Midland Valley Railroad:
Kansas, Oklahoma & Gulf Railway
Oklahoma City-Ada-Atoka Railway
Minneapolis & St. Louis Railway:
Railway Transfer Co. of the City of Minneapolis
Minneapolis, St. Paul & Sault Ste. Marie Railroad
Minnesota Transfer Railway
Missouri-Kansas-Texas Railroad:
Missouri-Kansas-Texas RR of Texas
Beaver, Meade and Englewood RR
Missouri Pacific Railroad:
Missouri-Illinois Railroad
Northern Pacific Railway
Northern Pacific Terminal Co. of Oregon
Northwestern Pacific Railroad
Ogden Union Railway and Depot Co.
Oregon, California and Eastern Ry.
Peoria and Pekin Union Railway
Port Terminal Railroad Association
Pueblo Joint Interchange Bureau
St. Joseph Terminal Railroad
St. Louis-San Francisco Railway:
St. Louis, San Francisco and Texas Railway
St. Louis Southwestern Railway:
St. Louis Southwestern Ry. Co. of Texas
St. Paul Union Depot Co.
San Diego and Arizona Eastern Railway
Sioux City Terminal Railway
Southern Pacific Company (Pacific Lines)
Spokane, Portland and Seattle Railway:
Oregon Electric Railway
Oregon Trunk Railway
Terminal Railroad Association of St. Louis
Texarkana Union Station Trust Co.
Texas and New Orleans Railroad
Texas and Pacific Railway:
Abilene & Southern Railway
Fort Worth Belt Railway
Texas New Mexico Railway
Texas Short Line Railway
Weatherford, Mineral Wells & North Western Ry.
Texas Mexican Railway
TP-MP Terminal Railroad of New Orleans
Toledo, Peoria & Western Railroad
Union Pacific Railroad
Union Railway (Memphis)
Union Terminal Co. (Dallas)
Wabash Railroad
Western Pacific Railroad
Western Weighing & Inspection Bureau

SOUTHEASTERN REGION

Atlantic Coast Line Railroad Company
Atlanta & West Point:
Western Railway of Alabama
Atlanta Joint Terminals
Augusta Union Station
Birmingham Southern Railroad Company
Central of Georgia Railway Company
Charleston & Western Carolina Railway Co.
Chesapeake & Ohio Railway Company
Clinchfield Railroad Company
Florida East Coast Railway Company
Georgia Railroad
Gulf, Mobile & Ohio Railroad Company
Jacksonville Terminal Company
Kentucky & Indiana Terminal Railroad
Louisville & Nashville Railroad
Nashville, Chattanooga & St. Louis Railway
Norfolk Southern Railway Company
Norfolk & Portsmouth Belt Line Roalroad Co.
Norfolk & Western Railway Company
Richmond, Fredericksburg & Potomac Railroad Co.:
Richmond Terminal Railway Co.
Potomac Yard
Seaboard Air Line
Southern Railway:
Alabama Great Southern Railway Company
Cincinnati, New Orleans & Texas Pacific Ry.
Georgia Southern & Florida Railway
Harriman & Northeastern Railroad Company
New Orleans & Northeastern Railroad Co.
New Orleans Terminal Company
St. Johns River Terminal
Tennessee Central Railway Company
Virginian Railway Company

LIST B

1955 WAGE MOVEMENT—COOPERATING RAILWAY LABOR ORGANIZATIONS

International Association of Machinists
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers
Sheet Metal Workers' International Association
International Brotherhood of Electrical Workers
Brotherhood of Railway Carmen of America
International Brotherhood of Firemen, Oilers, Helpers, Roundhouse and Railway Shop Laborers
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees
Brotherhood of Maintenance of Way Employes
The Order of Railroad Telegraphers
Brotherhood of Railroad Signalmen of America
Hotel and Restaurant Employes and Bartenders International Union

LIST C

EASTERN REGION

Albany Port District Railroad Company
Akron & Barberton Belt Railroad Company
Akron, Canton & Youngstown Railroad Co.
Akron Union Passenger Depot Company
Ann Arbor Lake Michigan Car Ferries
Ann Arbor Railroad Company
Aroostook Valley Railroad Company
Baltimore & Ohio Railroad Company:
  Baltimore & Ohio Chicago Terminal R. R. Co.
  Baltimore & Ohio—N. Y. Terminal Region
  Curtis Bay Railroad
  Dayton & Union Railroad
  Staten Island Rapid Transit Railway Co.
  Stroudsburg & Muddlety Railroad
Bangor & Aroostook Railroad Company
Bessemer & Lake Erie Railroad Company
Boston & Maine Railroad Company
Boston Terminal Company
Brooklyn Eastern District Terminal
Buffalo Creek Railroad
Bush Terminal Railroad Company
Canadian National Railways:
  Canadian National—State of New York
  Canadian National—Lines in New England
  Champlain & St. Lawrence Railroad
  St. Clair Tunnel Company
  United States & Canada Railroad
Canadian Pacific Railways in the United States
Canton Railroad Company
Central Indiana Railway Company
Central Railroad Company of New Jersey:
  New York & Long Branch Railroad
  Wharton & Northern Railroad
Central Vermont Railway, Inc.
Cherry Tree & Dixonville Railroad
Chicago, Indianapolis & Louisville Railway
Chicago Short Line Railway Company
Chicago, South Shore & South Bend Railroad
Chicago Union Station Company
Cincinnati Union Terminal Company
Dayton Union Railway Company
Delaware & Hudson Railroad Corporation
Delaware, Lackawanna & Western Railroad Co.
Detroit & Mackinac Railway Company
Detroit & Toledo Shore Line Railroad Company
Detroit Terminal Railroad Company
Detroit, Toledo & Ironton Railroad Company
East St. Louis Junction Railway
Erie Railroad Company
Grand Trunk Western Railroad Company
Greenwich & Johnsonville Railway Company
Harrisburg Warehouse Company
Hoboken Shore Railroad Company
Hudson & Manhattan Railroad Company
Indianapolis Union Railway Company
Ironton Railroad Company
Lake Front Dock & Railroad Terminal Company
Lehigh & Hudson River Railroad Company
Lehigh & New England Railroad Company
Lehigh Valley Railroad Company
Long Island Railroad Company
Maine Central Railroad Company:
  Portland Terminal Company
Manistee & Northeastern Railway Company
Maryland & Pennsylvania Railroad Company
Merchants Despatch Transportation Corp.
Monongahela Railway Company
Montour Railroad Company
Mystic Terminal Company
New Jersey, Indiana & Illinois Railroad Co.
New Jersey & New York Railroad Company
New York Central System:
  New York Central Railroad:
    Federal Valley Railroad
  New York Central Railroad—Buffalo & East:
    Grand Central Terminal
    Buffalo Stock Yards
  New York Central Railroad—West of Buffalo
  Boston & Albany Railroad:
    Railroad Crossing Police
  Cleveland Union Terminals Company
  Cleveland, Cincinnati, Chicago & St. Louis Ry.:
    Peoria & Eastern Railway
    Louisville & Jeffersonville Bridge & R. R. Co.
  Chicago River & Indiana Railroad Co.:
    Chicago Junction Railway
  Indiana Harbor Belt Railroad Company
  Michigan Central Railroad Company
  Pittsburgh & Lake Erie Railroad
    Lake Erie & Eastern Railroad
  Troy Union Railroad Company
New York Connecting Railroad Company
New York, Chicago & St. Louis Railroad Company:
  Wheeling & Lake Erie
New York Dock Railway
New York, New Haven & Hartford Railroad Company
New York, Susquehanna & Western Railroad Company
Pennsylvania Railroad Company:
  Baltimore & Eastern Railroad Company
  Pittsburgh Joint Stock Yards
Pennsylvania-Reading Seashore Lines
Philadelphia Belt Line Railroad
Pittsburgh, Allegheny & McKees Rocks
Pittsburgh & West Virginia Railway Company
Pittsburgh, Chartiers & Youghiogheny Railway Co.
Railroad Perishable Inspection Agency
Reading Company:
  Philadelphia, Reading & Pottsville Telegraph Co.
River Terminal Railway Company
Rutland Railway Corporation
St. Louis & Belleville Electric Railway Company
Toledo Terminal Railroad Company
Union Belt of Detroit
Union Depot Company of Columbus, Ohio
Union Freight Railroad Company (Boston)
Union Inland Freight Station (New York)
Union Railroad Company
Washington Terminal Company
Western Allegheny Railroad Company
Western Maryland Railway Company
Youngstown & Southern Railway Company

SOUTHEASTERN REGION

Alabama, Tennessee & Northern Railroad Company
Albany Passenger Terminal Company
Atlanta Terminal Company
Atlantic Coast Line Railroad Company
Birmingham Southern Railroad Company
Birmingham Terminal Company
Carolina & Northwestern Railway Company:
  Blue Ridge Railway
  Danville & Western Railway
  High Point, Randleman, Asheboro & Southern
  Yadkin Railroad Company
Central of Georgia Railway Company
Charleston & Western Carolina Railway Company
Chattanooga Station Company
Chattanooga Traction Company
Chesapeake & Ohio Railway Company (Chesapeake Dist.):
  Pere Marquette District
  Fort Street Union Depot
Columbia Union Station Company
Durham Union Station Company
Florida East Coast Railway Company
Frankfort and Cincinnati Railroad Company
Fruit Growers Express Company
Gulf, Mobile & Ohio Railroad Company
Interstate Railroad Company
Jacksonville Terminal Company
Kentucky & Indiana Terminal Railroad
Macon, Dublin & Savannah Railroad Company
Macon Terminal Company
Memphis Union Station Company
Meridian Terminal Company
Norfolk & Portsmouth Belt Line Railroad Co.
Norfolk & Western Railway Company
Norfolk Southern Railway Company
Norfolk Terminal Railway Company
Richmond, Fredericksburg & Potomac Railroad Co.:
  Potomac Yard
  Richmond Terminal Railway Company
Savannah Union Station Company
Seaboard Air Line Railway Company:
  Tampa Union Station
Southeastern Demurrage & Storage Bureau
Southern Railway:
  Alabama Great Southern Railway Company
  Cincinnati, New Orleans & Texas Pacific Ry.
  Georgia Southern & Florida Railway
  Harriman & Northeastern Railroad Company
  New Orleans & Northeastern Railroad
  New Orleans Terminal Company
  St. Johns River Terminal Company
  State University Railroad Company
  Woodstock & Blockton Railway Company
Tennessee Central Railway Company
Valdosta Southern Railroad Company
Virginian Railway Company
Winston-Salem Southbound Railway Company
Winston-Salem Terminal Company

WESTERN REGION

Alameda Belt Line
Alton & Southern Railroad
American Refrigerator Transit Company
Arkansas & Memphis Bridge & Terminal Company
Ashley, Drew & Northern Railway
Atchison, Topeka & Santa Fe Railway:
  Dining Car Department
  Gulf, Colorado & Santa Fe Railway
  Newton, Kansas Laundry Workers
  Oklahoma City Stock Yards Agency
  Panhandle & Santa Fe Railway
  Tie & Timber Treating Plant:
    Somerville, Texas
    Albuquerque, New Mexico
Atchison Union Depot & Railroad Company
Belt Railway Company of Chicago
Burlington Refrigerator Express
Butte, Anaconda & Pacific Railway
Camas, Prairie Railroad Company
Central California Traction Company
Chicago & Calumet River Railroad
Chicago & Eastern Illinois Railroad
Chicago & Illinois Midland Railway
Chicago & North Western Railway
Chicago & Western Indiana Railroad
Chicago Car Interchange & Inspection Bureau
Chicago, Burlington & Quincy Railroad
Chicago Great Western Railway Company
Chicago, Milwaukee, St. Paul & Pacific Railroad
Chicago, North Shore & Milwaukee Railway
Chicago Produce Terminal Company
Chicago Railroad Freight Collection Association
Chicago Railways Hotel Ticket Offices
Chicago, Rock Island & Pacific Railway:
  Peoria Terminal Company
Chicago, St. Paul, Minneapolis & Omaha Railway
Chicago, West Pullman & Southern
Colorado & Southern Railway
Colorado & Wyoming Railway Company
Copper Range Company
Dallas Car Interchange & Inspection Bur.
Davenport, Rock Island & North Western Ry.
Denver & Rio Grande Western Railroad
Denver Joint Car Interchange & Inspection Bur.
Denver Union Stock Yards Company
Denver Union Terminal Railway
Des Moines Union Railway
Duluth & Superior Bridge Company
Duluth Union Depot & Transfer Company
Duluth, Winnipeg & Pacific Railway

East Portland Freight Terminal
Eldorado & Wesson Railway Company
Elgin, Joliet & Eastern Railway
El Paso Union Passenger Depot
Escanaba & Lake Superior Railroad
Fort Dodge, Des Moines & Southern Railway Co.
Fort Worth & Denver Railway Company
Galveston, Houston & Henderson Railroad Company
Galveston Wharves
Great Northern Railway
Green Bay & Western Railroad:
  Kewaunee, Green Bay & Western Railroad Co.
Gulf Coast Lines:
  Asherton & Gulf Railway
  Asphalt Belt Railway
  Beaumont, Sour Lake & Western
  Houston & Brazos Valley
  Houston North Shore Railway
  Iberia, St. Mary & Eastern Railway
  New Iberia & Northern Railroad
  New Orleans, Texas & Mexico
  Orange & Northwestern Railroad
  Rio Grande City Railway
  St. Louis, Brownsville & Mexico
  San Antonio Southern
  San Antonio, Uvalde & Gulf
  San Benito & Rio Grande Valley
  Sugar Land Railway
Harbor Belt Line (Los Angeles)
Houston Belt & Terminal Railway
Illinois Central Railroad Company:
  Chicago & Illinois Western Railroad
  Steamer Pelican
Illinois Northern Railway
Illinois Terminal Railroad Company
International Great Northern Railroad
Joint Agency, National Stock Yards, Illinois
Joint Railway Agency (South St. Paul)
Joint Texas Division of CRI&P and FW&D
Joliet Union Depot Company
Kansas City Southern Railway:
  Arkansas Western Railway
  Ft. Smith & Van Buren Railway
  Joplin Union Depot Company
Kansas City Terminal Railway
Keokuk Union Depot Company
King Street Passenger Station (Seattle)
Lake Superior & Ishpeming Railroad Co.
Lake Superior Terminal & Transfer Railway
LaSalle Street Station
Litchfield & Madison Railway Company
Longview, Portland & Northern
Los Angeles Junction Railway
Los Angeles Union Passenger Terminal
Louisiana & Arkansas Railway Company
Manistique & Lake Superior Railroad
Manufacturer's Railway
McCloud River Railroad
Midland Continental Railroad
Midland Valley Railroad:
  Kansas, Oklahoma & Gulf Railway
  Kansas, Oklahoma & Gulf of Texas
  Oklahoma City-Ada-Atoka Railway
Milwaukee—Kansas City Southern Joint Agency
Minneapolis & St. Louis Railway:
  Railway Transfer Co. City of Minneapolis
Minneapolis, Northfield & Southern:
  Electric Short Line
Minneapolis, St. Paul & Sault Ste Marie RR Co.:
  Duluth, South Shore & Atlantic Railway
Minnesota Transfer Railway
Minnesota Western Railway Company
Missouri & Illinois Bridge & Belt Railroad Co.
Missouri-Kansas-Texas Railroad Company:
  Beaver, Meade & Englewood
  Missouri-Kansas-Texas Railroad Co. of Texas
Missouri Pacific Railroad:
  Missouri-Illinois Railroad
  Sedalia Reclamation Plant
Missouri Produce Yards (Kansas City, Mo.)
Modesto & Empire Traction Company
Montana Western Railway Company
Mount Hood Railway Company
Municipal Bridge of Saint Louis
Natchez & Southern Railway
Northeast Oklahoma Railroad Company
Northern Pacific Railway
Northern Pacific Terminal Company of Oregon
Northern Refrigerator Line, Inc.
North Pacific Coast Freight Bureau
Northwestern Pacific Railroad
Oakland Terminal Railway Company
Ogden Union Railway & Depot Company
Oregon, California & Eastern Railway
Pacific Car Demurrage Bureau
Pacific Coast Railroad Company
Pacific Electric Railway
Pacific Fruit Express Company
Paducah & Illinois Railroad Company
Peoria & Pekin Union Railway
Port Terminal Railroad Association (Houston)
Pueblo Joint Interchange
Pueblo Union Depot & Railroad Company
Pullman Company
Quanah, Acme & Pacific
Roscoe, Snyder & Pacific Railway Company
St. Joseph Terminal Railroad Company
St. Joseph Union Depot Company
Sacramento Northern Railway
St. Louis-San Francisco Railway Co.:
  St. Louis, San Francisco & Texas Railway Co.
St. Louis Southwestern Railway:
  St. Louis Southwestern Railway Co. of Texas
St. Paul Union Depot Company
Salt Lake City Union Depot & Railroad
Salt Lake Union Stock Yards
San Antonio Joint Car Interchange Association
San Diego & Arizona Eastern Railway
Sand Springs Railway Company
Sioux City Terminal Railway
Southern Pacific Company (Pacific Lines)
South Omaha Terminal Railway
Spokane International Railway
Spokane, Portland & Seattle Railway:
  Oregon Electric Railway
  Oregon Trunk Railway
Stock Yards District Agency (Chicago)
Sun Valley Operations
Superintendents' Association—St. Louis-E. St. Louis (Term. Dist.)
Terminal Railroad Association of St. Louis
Texarkana Union Station Trust
Texas & New Orleans Railroad
Texas & Pacific Railway:
  Abilene & Southern Railway
  Fort Worth Belt Railway
  Texas-New Mexico Railway
  Texas Short Line Railway
  Weatherford, Mineral Wells & Northwestern Ry.
Texas City Terminal Railway Company
Texas Mexican Railway Company
Texas Pacific-Missouri Pacific Term. RR of New Orleans
Tidewater Southern Railway Company
Toledo, Peoria & Western Railroad
Trans-Continental Freight Bureau
Tulsa Union Depot Company
Union Pacific Railroad Company
Union Passenger Depot Company (Galveston)
Union Railway Company (Memphis)
Union Terminal Company (Dallas)
Union Terminal Railway Co. (St. Joseph, Mo.):
  St. Joseph Belt Railway Company
Utah Railway (D. & R. G. W.)
Wabash Railroad Company
Walla Walla Valley Railway Company
Western Fruit Express Company
Western Pacific Railroad
Western Weighing & Inspection Bureau
Wichita Terminal Association
Wichita Union Terminal Railway
Yakima Valley Transportation Company

LIST D

1955 HEALTH AND WELFARE MOVEMENT—COOPERATING RAILWAY LABOR ORGANIZATIONS

International Association of Machinists
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers
Sheet Metal Workers' International Association
International Brotherhood of Electrical Workers
Brotherhood Railway Carmen of America
International Brotherhood of Firemen, Oilers, Helpers, Roundhouse and Railway Shop Laborers
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes
Brotherhood of Maintenance of Way Employes
The Order of Railroad Telegraphers
Brotherhood of Railroad Signalmen of America
National Marine Engineers' Beneficial Association
International Longshoremen's Association

[F. R. Doc. 55-9124; Filed, Nov. 8, 1955; 12:08 p. m.]

EXECUTIVE ORDER 10644

ADMINISTRATION OF TITLE II OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949, AS AMENDED, RELATING TO THE VESTING AND LIQUIDATION OF BULGARIAN, HUNGARIAN, AND RUMANIAN PROPERTY

By virtue of the authority vested in me by Title II of the International Claims Settlement Act of 1949, as added by Public Law 285, 84th Congress, approved August 9, 1955 (69 Stat. 562), and by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Attorney General, and, as designated by the Attorney General for this purpose, any Assistant Attorney General are hereby designated and empowered to perform the functions conferred by the said Title II of the International Claims Settlement Act of 1949 upon the President, and the functions conferred by that title upon any designee of the President.

SEC. 2. The Attorney General is hereby designated as the officer in whom property shall vest under the said Title II.

SEC. 3. As used in this order, the term "functions" includes duties, powers, responsibilities, authority, and discretion, and the term "perform" may be construed to include "exercise".

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 7, 1955.

[F. R. Doc. 55-9123; Filed, Nov. 8, 1955; 12:08 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (h) of § 6.101 is amended as set out below.

§ 6.101 *Entire executive civil service*

• • •

(h) Any position in a foreign country, or beyond the continental limits of the United States, when in the opinion of the Commission, appointment through competitive examination is impracticable, except as provided in paragraph (i) of this section and except: Positions in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; in the Immigration and Naturalization Service, all positions in Canada and Mexico, and continuing positions at GS–7 and above in Cuba; positions in the Bureau of Customs, Treasury Department, in foreign countries; General Accounting Office positions in foreign countries; positions in the International Field Offices of the Civil Aeronautics Administration, Department of Commerce; technical positions in foreign countries in the Internal Revenue Service, Treasury Department.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-9029; Filed, Nov. 8, 1955; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 64]

PART 76—HOG CHOLEREA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (20 F. R. 2881, 2973, 3499, 3931, 4397, 4841, 5256, 5709, 6076, 6575, 7134, 7897), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. Subparagraph (7) of paragraph (a), relating to Sacramento County in California, is deleted.

2. A new subdivision (v) is added to subparagraph (13) of paragraph (d), relating to Hunterdon County in New Jersey, to read:

(v) Clinton Township.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in California and New Jersey from the areas heretofore quarantined because of vescular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1954 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 3d day of November 1955.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 55-8993; Filed, Nov. 8, 1955; 8:46 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

PLACE AND TIME FOR FILING EMPLOYERS' CONTRIBUTION REPORTS

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U. S. C. 362) § 345.9 is amended by the addition of subsection (c) to the regulations of the Railroad Retirement Board under such act (4 F. R. 4370; 8 F. R. 11894; 9 F. R. 3192; 17 F. R. 2303; 19 F. R. 7264) by Board Order 55–297, dated October 19, 1955, to read as follows:

§ 345.9 *Place and time for filing employers' contribution reports.* • • •

(c) If there is a delay in the filing of a contribution report, the director of fiscal accounts may set a later date for filing, if, in his judgment, (1) the delay is due to reasonable cause, (2) the amount of interest payable for the delinquency represents a charge totally disproportionate to the period of delay and (3) the employer's previous record for submission of reports warrants such action.

(Section 12, 52 Stat. 1107, as amended; 45 U. S. C. 362)

Dated: November 3, 1955.

By authority of the Board.

[SEAL] LAWRENCE GARLAND,
Acting Secretary of the Board.

[F. R. Doc. 55-8991; Filed, Nov. 8, 1955; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-243]

PART 908—MILK IN CENTRAL ARKANSAS MARKETING AREA

SUBPART—ORDER REGULATING HANDLING

Sec.
908.0 Findings and determinations.

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908.3 Department of Agriculture.
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908.5 Person.
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908.8 Distributing plant.
908.9 Supply plant.
908.10 Pool plant.
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AUTHORITY: §§ 908.0 to 908.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 908.0 *Findings and determinations* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and order, regulating the handling of milk in the Central Arkansas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expenses, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe with respect to all butterfat and skim milk contained in (i) producer milk, (ii) other source milk allocated to Class I milk pursuant to § 908.41 (a), or (iii) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 908.62.

(b) *Additional findings.* (1) In view of the fact that this order constitutes the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers should be put into effect prior to the effective date of the entire order to afford handlers an opportunity to make any necessary changes in their accounting procedure or other adjustments as required to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions.

(2) The public hearing on which this order is based was conducted January 4–12, 1955. The recommended decision of the Deputy Administrator, Agricultural Marketing Service, was published in the FEDERAL REGISTER on July 20, 1955 (20 F. R. 5166). The final decision was issued by the Assistant Secretary of Agriculture on October 7, 1955 and published in the FEDERAL REGISTER on October 13, 1955. Handlers have known of the impending requirements of the order and have had adequate time to prepare to comply with such requirements.

(3) Furthermore, marketing conditions continue to remain unstabilized each day the effective date of the order is delayed. The order provides that payments to producers during the months February through July be based on their average daily deliveries of milk to handlers during the months October 1955 through January 1956.

(4) It is hereby found and determined in view of the aforesaid facts and circumstances that good cause exists for making §§ 908.1 through 908.20; 908.25 through 908.27; 908.30 through 908.33; 908.40 through 908.45; 908.60, 908.61; 908.87; 908.90 through 908.92; 908.100 through 908.103; 908.110 and 908.111 effective on November 15, 1955, and that it would be contrary to the public interest to delay such effective date beyond that specified. (See Sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order) of more than 50 percent of the milk covered by this order, which is marketed within the Central Arkansas marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which produced for sale in the marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum thereon, and who during the determined representative period August, 1955, were engaged in the production of milk for sale in the said marketing area.

(4) It is hereby ordered that the full text of the order, be published in the FEDERAL REGISTER.

(5) Sections 908.1 through 908.20; 908.25 through 908.27; 908.30 through 908.33; 908.40 through 908.45; 908.60, 908.61; 908.87; 908.90 through 908.92; 908.100 through 908.103; 908.110 and 908.111 shall be effective on and after the 15th day of November, 1955, and the entire order (§§ 908.1 through 908.111) shall be effective on and after the first day of December, 1955.

DEFINITIONS

§ 908.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 908.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 908.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture, or such other Federal agency as may be authorized to perform the price reporting functions specified in this part.

§ 908.4 *Central Arkansas Marketing Area.* "Central Arkansas Marketing Area" hereinafter called the "Marketing Area" means all territory included within the boundaries of the counties of Pulaski, Jefferson, Faulkner, White,

Clark and Garland, all in the State of Arkansas.

§ 908.5 *Person.* "Person" means any individual, partnership, corporation, association or other business unit.

§ 908.6 *Producer.* "Producer" means any person other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received during the month at a pool plant: *Provided,* That if such milk is diverted from a pool plant by a handler to a nonpool plant for his account any day during the months of February through August, or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

§ 908.7 *Approved plant.* "Approved plant" means all of the buildings, premises and facilities of a plant (a) in which milk or skim milk is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors and sales through plant stores) to wholesale or retail outlets (except pool plants) located in the marketing area, or (b) from which milk or skim milk eligible for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant.

§ 908.8 *Distributing plant.* "Distributing plant" means an approved plant from which Class I milk equal to not less than 50 percent of its receipts of producer milk and fluid milk products from other pool plants is disposed of during the month, on routes or through plant stores, to wholesale or retail outlets (except pool plants) and from which Class I milk equal to not less than 10 percent of such receipts is disposed of during the month on routes or through plant stores, to wholesale or retail outlets (except pool plants) located in the marketing area.

§ 908.9 *Supply plant.* "Supply plant" means an approved plant from which fluid milk products equal to not less than 50 percent of its receipts of producer milk during the month are shipped during such month to distributing plants: *Provided,* That any plant which qualifies as a supply plant for each of the months during the period August through January shall, upon written application to the market administrator, on or before the end of such period, be designated as a supply plant for the following months of February through July.

§ 908.10 *Pool plant.* "Pool plant" means a distributing plant, or a supply plant, except a plant of a producer-handler.

§ 908.11 *Nonpool plant.* "Nonpool plant" means any milk, manufacturing or processing plant other than a pool plant.

§ 908.12 *Handler.* "Handler" means: (a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 908.6; or

(b) Any person in his capacity as the operator of one or more approved plants: *Provided,* That if a person operates more than one pool plant he may, upon written application to the market administrator, be considered as a separate handler for the month with respect to one or more of his pool plants if no fluid milk products or producers are transferred during the month between such plant(s) and other pool plant(s) of such handler.

§ 908.13 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 908.14 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant which during the month has no other source milk or producer milk.

§ 908.15 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the plant directly from producers, or (b) diverted from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 908.6.

§ 908.16 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream, or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix and aerated cream).

§ 908.17 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 908.18 *Base milk.* "Base milk" means milk received at pool plants from a producer during any of the months of February through July which is not in excess of such producer's daily average base computed pursuant to § 908.90 multiplied by the number of days in such month.

§ 908.19 *Excess milk.* "Excess milk" means milk received at pool plants from a producer during any of the months of February through July which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 908.90.

§ 908.20 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 908.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 908.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To Administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 908.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 908.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses (except those incurred under § 908.85) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 908.30 and 908.31 or payments pursuant to §§ 908.80 through 908.86.

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit of the records of such handler or any other handler or person to whom skim milk and butterfat are transferred, or by such other means as are necessary.

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified publicly announce, and mail to each handler at his last known address a notice of the following:

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential; both for the preceding month;

(2) The 11th day of each month, the uniform price, and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 908.30 *Reports of sources and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his approved plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 908.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of March through August the aggregate quantity of base milk received at his pool plant(s) for the preceding month;

(2) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, for the months of February through July, the pounds of base milk, (iii) the days for which milk was received from such producer, if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions;

(3) On or before the first day other source milk is received in the form of a fluid milk product at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(4) On or before the day prior to diverting producer milk pursuant to § 908.6 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted; and

(5) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 908.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 908.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 908.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for pool plants pursuant to § 908.30 (a) shall be classified each month by the market administrator, pursuant to the provisions of §§ 908.41 through 908.45.

§ 908.41 *Classes of utilization.* Subject to the conditions set forth in §§ 908.42 through 908.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat; (1) disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of as skim milk and used for livestock feed; and (4) in shrinkage not to exceed 2 percent respectively of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 908.6) and other source milk: *Provided,* That if shrinkage of skim milk or butterfat is less than such 2 percent, it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 908.6) and other source milk respectively.

§ 908.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this part shall be classified Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified Class II milk.

§ 908.43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified Class I milk, unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 908.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the subtraction of other source milk pursuant to § 908.45.

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified Class I milk.

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool plant from which no fluid milk products are distributed on routes and which is located less than 250 miles by the shortest hard surfaced highway distance, as determined by the market administrator, from

the plant from which transferred or diverted shall be classified Class I milk unless, (1) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 908.30 for the month within which such transaction occurred, (2) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 908.30, (2) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only," (3) the handler gives the market administrator sufficient notice to allow him to verify such Class II disposition in advance, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) such cream is not disposed of by the transferee under Grade A label.

§ 908.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 908.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 908.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 908.41 (b);

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk except that to be subtracted pursuant to subparagraph (3) of this paragraph: *Provided*, That if the pounds of skim milk to be subtracted exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in fluid milk products received in bulk from plants regulated pursuant to other orders issued pursuant to the act, less any equivalent amounts of skim milk in other source milk allocated to Class I milk at each of such plants respectively: *Provided*, That, if the pounds of skim milk to be subtracted exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk.

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

(5) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 908.43 (a);

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk.

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk.

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 908.50 *Basic formula price.* The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) To the average of the basic (or field) prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Company, Mount Pleasant, Mich.
Borden Company, New London, Wis.
Borden Company, Orfordville, Wis.
Carnation Company, Oconomowoc, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Sparta, Mich.
Pet Milk Company, Belleville, Wis.
Pet Milk Company, Coopersville, Mich.
Pet Milk Company, Hudson, Mich.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Wayland, Mich.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

Add an amount computed by multiplying the Chicago butter price for the month by 0.6.

(b) The price computed by adding together any plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.8;

(2) Deduct five cents from the simple average as computed by the market administrator of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, and multiply by 7.5.

(c) The price resulting from the following calculations:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin primary markets ("cheddars," f. o. b. Wisconsin assembly points, cars or truckloads) as reported by the Department of Agriculture during the month;

(2) Add 0.902 times the Chicago butter price for the month;

(3) Subtract 34.3 cents; and

(4) Add an amount computed by multiplying the Chicago butter price for the month by 0.6.

§ 908.51 *Class prices.* Subject to the provisions of §§ 908.52 and 908.53, the class prices per hundredweight of milk containing 4.0 percent butterfat shall be determined for each month as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.28 from the effective date hereof through August 1955, and for the months of March through August 1956; and plus $1.68 for the months of September 1955 through February 1956.

(b) *Class II milk price.* For the months of February through July the Class II milk price shall be the price determined pursuant to subparagraph (1) of this paragraph rounded to the nearest cent. For all other months it shall be the basic formula price, or the price determined pursuant to subparagraph (1) of this paragraph, plus 25 cents, whichever is less.

(1) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the month.

Present Operator and Location

Sugar Creek Creamery, Russellville, Ark.
Ozark Creamery Co., Ozark, Ark.
Pet Milk Co., Siloam Springs, Ark.

§ 908.52 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to §908.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the previous month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11 for the months of February through July, and by 0.115 for all other months.

§ 908.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 60 miles or more from the city limits of Benton, Arkansas, by shortest highway distance, as determined by the market administrator, and which is transferred to another pool plant in the form of fluid milk products and assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 908.51 (a) shall be reduced at the rate of 1.5 cents for each 10 miles or residual fraction thereof that such plant is from such city limits where such milk is received from producers: *Provided*, That for the purpose of calculating such location differential, fluid milk products which are transferred betwen pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculation prescribed in § 908.45 (a) (1) through (4), and the comparable steps in paragraph (b) thereof for such plant, such assignment to the transferring plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 908.54 *Rate of compensatory payments on unpriced milk.* The rate of compensatory payment per hundredweight shall be calculated as follows:

(a) For the months of February through July, subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price, adjusted by the Class I butterfat differential and in the case of fluid milk products by the Class I location differential.

(b) For the months of August through January, subtract the uniform or the weighted average of the base and excess prices to producers from the Class I milk price.

APPLICATION OF PROVISIONS

§ 908.60 *Producer-handlers.* Sections 908.40 through 908.45; 908.50 through 908.53; 908.61, 908.62 and 908.70 through 908.75; and 908.80 through 908.87 shall not apply to a producer-handler.

§ 908.61 *Plants subject to other Federal orders.* A plant specified in paragraphs (a) or (b) of this section shall be a nonpool plant for purposes of this part except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 908.30), and allow verification of such reports by the market administrator.

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk was disposed of from such plant during the six months period immediately preceding to retail or wholesale outlets (except pool plants or nonpool plants) in the Central Arkansas marketing area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a pool plant for each of the preceding months of August through January.

(c) In case skim milk or butterfat, which is priced under Federal Order No. 18 for the Memphis, Tennessee, marketing area, is disposed of as Class I milk in the marketing area on a route operated by or for a person subject to regulation as a handler defined in such order, and the price which such handler is required to pay under Federal Order No. 18 for milk which would be classified as Class I milk under this part, is less than the Class I price provided by this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all milk disposed of as Class I milk on routes in the marketing area) an amount equal to the difference between the value as determined pursuant to this part and its value as determined pursuant to Federal Order No. 18.

§ 908.62 *Handlers operating nonpool plants.* Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall, on or before the 15th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month, by the rate of compensatory payment calculated pursuant to § 908.54.

DETERMINATION OF PRICES TO PRODUCERS

§ 908.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 908.45 by the applicable class price, and total the resulting amounts (and add any amount necessary to reflect adjustments in location differential allowance required pursuant to the proviso of § 908.53);

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 908.45 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 908.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 908.45 (a) (7) and (b) by the applicable class price;

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 908.45 (a) (5) and (b) for the preceding months or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 908.45 (a) (4) and (b) for the current month, whichever is less, respectively.

§ 908.71 *Computation of the uniform price.* For each of the months of August through January, the market administrator shall compute the uniform price per hundredweight of producer milk of 4.0 percent butterfat content, f. o. b. market, as follows:

(a) Combine into one total the values computed pursuant to § 908.70 for the producer milk of all handlers who submit reports prescribed in § 908.30 and who have made payments for the previous month pursuant to § 908.80 or § 908.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the variation in the average butterfat content of such milk from 4.0 percent by the butterfat differential computed pursuant to § 908.73 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 908.80 (a) (2);

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 908.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of February through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, f. o. b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit

reports pursuant to § 908.30, and who have made payments for the previous month pursuant to §§ 908.80 or 908.82 as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price; (2) multiply any additional hundredweight of such milk by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the aggregate value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers;

(c) Subtract an amount determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 908.71 (a) through (d).

(d) Divide the result obtained pursuant to paragraph (c) of this section by the total hundredweight of base milk of handlers included in these computations.

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content f. o. b. market.

§ 908.73 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 908.52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 908.74 *Location differential to producers.* The applicable uniform prices to be paid for producer milk received at a pool plant located 60 miles or more from the city limits of Benton, Arkansas, by the shortest highway distance, as determined by the market administrator, shall be reduced according to the distance of the plant from such city limits at the rate of 1.5 cents for each 10 miles or residual fraction thereof.

§ 908.75 *Notification of handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 908.30, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of February through July the amounts and value of his base and excess milk respectively;

(c) The uniform price(s) computed pursuant to §§ 908.71 and 908.72 and the butterfat differential computed pursuant to § 908.73; and

(d) The amounts to be paid by such handler pursuant to §§ 908.82, 908.85, 908.86, or 908.62; and the amount due such handler pursuant to § 908.83.

PAYMENTS

§ 908.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) in this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 908.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided,* That if by such date such handler has not received full payment from the market administrator pursuant to § 908.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section.

(c) Each handler shall furnish the person to whom payment is to be made pursuant to this section with the following information:

(1) On or before the 25th day of the month, the pounds of milk received from the producer or from each member of the cooperative association during the first 15 days of such month;

(2) On or before the 7th day of the following month to a cooperative association for its individual members, or on or before the 15th day of the following month to producers (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of February through July the pounds of base milk received, (iii) the amount or rate and nature of deductions made from payments and (iv) the amount and nature of payments due pursuant to § 908.84.

§ 908.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 908.62, 908.82 and 908.84, and out of which he shall make all payments pursuant to §§ 908.83 and 908.84: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 908.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 908.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 908.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 908.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 908.84 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 908.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 908.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 908.86 *Expense of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator, for each of his approved plants, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 908.45 (a) (2) and (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

§ 908.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 908.90 *Computation of daily average base for each producer.* Subject to the rules set forth in § 908.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of October 1955 through January 1956 by the number of days from the first day of delivery by such producer during such months to the last day of January 1956, inclusive, or by 90, whichever is more. The daily average base for each producer thereafter shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of December inclusive or by 90, whichever is more.

§ 908.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 908.90 to each person for whose account producer milk was delivered to pool plants during the months of October 1955 through January 1956, and during the months of September through December thereafter.

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 908.92 *Announcement of established bases.* On or before February 25, 1956 and January 25 of each year thereafter, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily average base established by such producer.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 908.100 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 908.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 908.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 908.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except §§ 908.34, 908.89, and 908.91 through 908.93, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 908.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 908.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Sections 908.1 through 908.20; 908.25 through 908.27; 908.30 through 908.33; 908.40 through 908.45; 908.60, 908.61; 908.87; 908.90 through 908.92; 908.100 through 908.103; 908.110 and 908.111 shall be effective on and after the 15th day of November, 1955, and the entire order (§§ 908.1 through 908.111) shall be effective on and after the first day of December, 1955.

Issued at Washington, D. C., this 4th day of November 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-9048; Filed, Nov. 8, 1955; 8:56 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 545—HOMEWORKERS IN THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

On June 11, 1955, notice was published in the FEDERAL REGISTER (20 F. R. 4132-4140) that the Administrator of the Wage and Hour Division, United States Department of Labor, proposed to amend the regulations contained in this part. Interested persons were given 30 days to submit for consideration, data, views or arguments pertaining to the proposed changes. The time for filing was subsequently extended to August 13, 1955. No objections have been received.

Accordingly, pursuant to authority under sections 6 (a) and 11 (c) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), Part 545, of Title 29 of the Code of Federal Regulations is amended, as set forth in the notice, except that the piece rates contained in § 545.13 applicable to the silk, rayon, and nylon (except infants') underwear division, and the general division have been deleted. This deletion was necessitated by the new minimum hourly wage rates fixed for those divisions of the needlework and fabricated textile products industry in Puerto Rico by the wage order which was published in the FEDERAL REGISTER on September 20, 1955 (20 F. R. 7037), and became effective October 6, 1955. The piece rates for the divisions which have been deleted will be published in a new proposal.

This amendment shall become effective on December 9, 1955.

Signed at Washington, D. C., this 3d day of November 1955.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

Sec.
545.1 Applicability.
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AUTHORITY: §§ 545.1 to 545.13 issued under secs. 6, 11, 52 Stat. 1062, 1066; 29 U. S. C. 206, 211.

§ 545.1 *Applicability.* The provisions of this part shall apply to persons engaged in commerce or in the production of goods for commerce in activities relating to homeworkers in the needlework and fabricated textile products industry in Puerto Rico as defined in Part 655 of this chapter.[1]

§ 545.2 *Definitions.* (a) The meaning of the terms "person", "employer", "employee", "goods", and "production", as used in this part, is the same as in the Fair Labor Standards Act of 1938, as amended.

(b) "Homeworker", as used in this part, means any employee employed or suffered or permitted to perform homework for an employer.

(c) "Homework", as used in this part, means the production by any person in or about a home, apartment, tenement, or room in a residential establishment, of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production; *Provided,* That such work is not performed under the constant and direct supervision of an employer or of a responsible supervisor and under such conditions that accurate records of hours worked are maintained or can readily be maintained.

(d) "Contractor" means any employer in Puerto Rico who contracts for the performance of work on goods to which a person other than the contractor holds title.

(e) "Prime contractor" means any contractor in Puerto Rico who contracts directly with the person holding title to the goods.

(f) "Subcontractor" means any contractor in Puerto Rico other than a prime contractor.

(g) "Manufacturer" means any employer in Puerto Rico other than a contractor, who is engaged in processing goods.

(h) "Operation" means any work or any process performed on or with goods other than the distribution of goods to or collection of goods from homeworkers.

§ 545.3 *Filing and notification requirements.* (a) Every prime contractor or manufacturer, prior to the distribution of work, directly or through a subcontractor or agent, to any homeworker, or prior to the commencement of work by a homeworker in cases where the homeworker purchases the raw materials, shall file with the Wage and Hour Division in Puerto Rico the following: A clear and legible stamped copy of each design, if any, and in the absence of such design, a finished sample, of the goods to be distributed, or to be produced by the homeworker; a description in writing of each operation to be performed by the homeworker, whether or not part of a design; the full piece rate schedule designation, if any,[2] and the corresponding piece rate to be paid for each such operation; the total piece rate for the finished unit or part of unit; and the style number or name, if any, of the goods upon which such operations are to be performed. In the absence of a style number or name, the prime contractor or manufacturer shall file any other identification number or name by which the goods are known.

(b) No change shall be made by a prime contractor or manufacturer in any style or identification number or name filed as required by this section, or in the operations to be performed thereunder, unless prior written notification of such change is given to the Wage and Hour Division in Puerto Rico.

(c) Any design, sample, piece rate, style or other identification number or name, or description of operation, filed under this section shall be valid, for the purposes of the regulations in this part, for a period of three years, commencing on the date it is received by the Wage and Hour Division in Puerto Rico. After the expiration of this period, no goods covered thereby shall be distributed to homeworkers unless a new notification and filing, as required by the first paragraph of this section, has been previously made by the prime contractor or manufacturer.

(d) No prime contractor or manufacturer shall distribute work to homeworkers under a firm name other than the one under which such work has been filed with the Wage and Hour Division in Puerto Rico pursuant to the requirements of this section.

(e) Any design or sample filed under the provisions of this section may be retained by the Wage and Hour Division for the period deemed necessary for enforcement of the provisions of the Fair Labor Standards Act.

[1] Persons engaged in activities relating to homeworkers in other industries in Puerto Rico are subject to Part 681 of this chapter.

[2] See § 545.13 for the schedule of piece rates prescribed in accordance with § 545.9. As an example of how to state the piece rate schedule designation, if "plain scallops" are to be made on articles in the "Infants' Wear Division", the full piece rate schedule designation would be "Operation 74, Col. 3".

§ 545.4 *Preparation of goods for delivery.* Where homework is distributed through a subcontractor, each prime contractor or manufacturer for whom such distribution is made shall make up into lots any goods to be so distributed, each lot to comprise goods on which the same operations are to be performed.

§ 545.5 *Delivery and collection of goods.* Homework shall in each instance be distributed to and collected from the individual homeworker who is to perform or has performed the work on it, and no other person may act for or on behalf of any homeworker in this connection.

§ 545.6 *Payment for work.* When a prime contractor or manufacturer receives completed homework directly from an individual homeworker, payment shall be made to such homeworker immediately. When, however, such completed homework is received through a subcontractor, payment shall be made to the subcontractor immediately upon receipt, and the subcontractor shall pay the homeworker who performed the work within seven days from the date on which the subcontractor was paid. Payment shall be made to each homeworker at rates not less than those required under §§ 545.9 and 545.10, and in accordance with the requirements of sections 6 and 7 of the act. In addition, where costs are incurred by a homeworker for equipment, material, or other items, such as fuel and electricity, as a result of homework, the prime contractor or manufacturer for whom such homework was performed shall, either directly or through a subcontractor, reimburse the homeworker for such costs, to the extent necessary to provide compensation for the labor performed at least commensurate with the piece rates required by §§ 545.9 and 545.10.

§ 545.7 *Records to be kept.* (a) Every prime contractor or manufacturer shall make and have available at his principal Puerto Rican office for a period of not less than three years a record of the following information: [3]

(1) The name and address of each firm situated outside the Island of Puerto Rico, if any, from whom the goods upon which homework is to be performed were received.

(2) The name and address of each subcontractor, if any, to whom each lot of goods was delivered for delivery to homeworkers, together with the number of the permit issued to such subcontractor by the Department of Labor of Puerto Rico.

(3) The date or dates upon which each lot of goods was delivered to and returned by a subcontractor, if any, together with a description of such goods, the net amount paid as commission and the rate of commission on such goods.

(4) The name and address of each homeworker, and the date of birth of each homeworker under 19, to whom the goods in each lot were delivered or from whom goods were purchased.

(5) The date or dates upon which the goods in each lot were delivered to and collected from each homeworker or upon which goods were purchased from each homeworker.

(6) The style number or name or, if none, the identification number or name used in lieu thereof, the description of, and amount of goods in each lot or the amount of goods purchased from each homeworker, the operations to be performed or performed thereon, the piece rates to be paid or paid, the gross amount due each homeworker for the operations performed upon the goods, social security deductions from that amount, the costs, if any, incurred by the homeworker for equipment, material or other items such as electricity or fuel, as a result of the homework, the amount actually paid the homeworker and the date of payment.

(b) At the time work is given out to or received or purchased from a homeworker, as the case may be, every prime contractor or manufacturer shall enter the following information in the handbook (to be obtained by the prime contractor or manufacturer from the Wage and Hour Division and supplied by him to each homeworker) which shall be kept by the homeworker until the handbook is completed (that is, no space remains for additional entries) or the homeworker's services are terminated, at which time it shall be returned to the prime contractor or manufacturer who shall retain it for a period of two years subsequent to the last entry therein: [4]

(1) The date or dates upon which the goods in each lot were delivered to and collected from the homeworker or upon which goods were purchased from the homeworker.

(2) The style number or name, or, if none, the identification number or name used in lieu thereof, the description of, and amount of goods in each lot or the amount of goods purchased from each homeworker, the operations to be performed or performed thereon, the piece rates to be paid or paid, the gross amount due each homeworker for the operations performed upon the goods, social security deductions from that amount, the costs, if any, incurred by the homeworker for equipment, material, or other items such as electricity or fuel as a result of homework, the amount actually paid the homeworker, and the date of payment.

(3) The signature of the person acting in behalf of the prime contractor or manufacturer.

(c) No prime contractor or manufacturer shall employ any homeworker for more than 40 hours in any workweek unless, in addition to the records which he is required to keep pursuant to paragraphs (a) and (b) of this section, such prime contractor or manufacturer makes and keeps available at his principal Puerto Rican office and enters in the handbook of each such homeworker a record of the following information: [4]

(1) The hours worked by the homeworker on the goods in each lot.

(2) The total hours worked each week.

(3) The wages paid the homeworker each week at regular piece rates.

(4) The extra amount paid to the homeworker for hours worked in excess of 40 in each week.

(d) Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16 (c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

§ 545.8 *Reporting names of subcontractors, agents, or other homework distributors.* Every prime contractor or manufacturer shall report to the office of the Wage and Hour Division, United States Department of Labor, Mayaguez, Puerto Rico, (a) the names and addresses of all persons engaged or used as subcontractors, as that term is defined in this part, or as agents or supervisors in charge of any branch office, and (b) the permit numbers issued to such persons by the Department of Labor of Puerto Rico.

§ 545.9 *Minimum piece rates prescribed by the Administrator.* Pursuant to the provisions of section 6 (a) (2) of the act, each homeworker shall be paid in lieu of the applicable hourly rate established by the wage order for the needlework and fabricated textile products industry, not less than the piece rates prescribed in § 545.13 for the operations described therein.

[3] Although responsibility for making the record is placed upon the prime contractor or manufacturer, the actual work of doing so may be performed by supervisory or clerical employees, agents, subcontractors, or other persons acting in his behalf.

No particular order or form of records is prescribed by the regulations contained in this part. The prime contractor or manufacturer may keep his own record system, so long as he keeps all the required information available in understandable form.

The records must be kept in the principal Puerto Rican office of the prime contractor or manufacturer. Where it is not possible for a record of one or more of the items to be made in the first instance at the principal office of the prime contractor or manufacturer, at his direction the record of such items may be made away from that office by a subcontractor, agent, employee, or other person acting in his behalf. In such event, however, the records shall be delivered to the principal Puerto Rican office of the prime contractor or manufacturer as soon as practicable after the making of such entries, and shall there be preserved and be available for inspection.

[4] Although responsibility for supplying the handbook to the homeworker and recording information therein is placed upon the prime contractor or manufacturer, the actual work of doing so may be performed by supervisory or clerical employees, agents, subcontractors, or other persons acting in his behalf.

§ 545.10 *Piece rates adopted by employers.* (a) Pursuant to the provisions of section 6 (a) (2) of the act, in the event that a homeworker performs an operation for which no minimum piece rate has been prescribed by regulation or order of the Administrator or his authorized representative, he shall be paid a piece rate adopted by the prime contractor or manufacturer which shall yield to homeworkers of ordinary skill, under prevalent operating conditions and with equipment ordinarily found in homes, an amount not less than the applicable minimum hourly wage rate established by wage order.[5] This piece rate must be the result of production time studies conducted in Puerto Rico with a representative group of homeworkers. Such piece rate shall be lawful only if it actually satisfies the requirements of this section, and such a rate shall remain in effect only until such time as the Administrator or his authorized representative, by regulation or order, establishes a minimum piece rate for the operations.

(b) Piece rates adopted under this section shall be filed with the Wage and Hour Division in Puerto Rico, accompanied by a record of the time tests showing a full description of the operation tested, the date of the test, measures taken to insure a representative sample of homeworkers, the starting and stopping time of each worker tested together with the number of units produced in that time, the total number of workers tested, the total number of hours worked, and the total number of units produced.

§ 545.11 *Penalties.* Section 15 of the act makes it unlawful for any person to violate the provisions of this part and subjects any such person to the penalties provided in section 16 and section 17 of the act.

§ 545.12 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of this part may submit in writing to the Administrator or his authorized representative a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator or his authorized representative believes that reasonable cause for amendment of this part is set forth, the Administrator or his authorized representative will, unless it is impracticable, unnecessary or contrary to the public interest to do so, either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes.

[5] See Part 655 of this chapter for the minimum hourly wage rates currently applicable for the various divisions and classifications of the needlework and fabricated textile products industry in Puerto Rico. The minimum hourly rates applicable to the manufacture of hooked rugs are provided in the wage order for the hooked rug industry in Puerto Rico (Part 684 of this chapter). Homeworkers in the hooked rug industry are governed by Part 681 of this chapter.

§ 545.13 *Piece rates established in accordance with § 545.9.*

SCHEDULE A—PIECE RATE SCHEDULE FOR THE COTTON UNDERWEAR AND INFANTS' UNDERWEAR; INFANTS' WEAR SILK, RAYON AND NYLON (EXCEPT INFANTS') UNDERWEAR; BLOUSE, DRESS, AND NECKWEAR; AND THE CHILDREN'S AND DOLLS' WEAR DIVISIONS OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

No.	Operation	Piece rate (cents) based on hourly rates of—					Unit of payment
		Cotton underwear and infants' underwear division (22½ cents)		Infants' wear division (25 cents)	Blouse, dress, and neckwear division (35 cents)	Children's and doll's wear division (35 cents)	
		Infants' underwear, silk, rayon or other synthetic fiber	Cotton underwear				
		(1)	(2)	(3)	(4)	(5)	
	HAND-SEWING OPERATIONS [1]						
1	Arenilla (seed stitch), close, ½" squares.	27.00	24.30	30.00	42.00	42.00	Per dozen squares.
2	Arenilla (seed stitch), scattered, ½" squares.	13.50	12.15	15.00	21.00	21.00	Do.
3	Arrows, filled in, ¼"	6.75	6.08	7.50	10.50	10.50	Per dozen.
4	Back stitch on yokes, armholes, etc.	15.00	13.50	16.67	23.33	23.33	Per yard.
5	Basting bias with cord	7.43	6.69	8.25	11.55	11.55	Do.
6	Basting darts before sewing	7.83	7.05	8.70	12.18	12.18	Do.
7	Basting for fagoting	2.04	1.83	2.27	3.16	3.16	Do.
8	Basting hems, 1" to 6" wide	4.50	4.05	5.00	7.00	7.00	Do.
9	Basting lace	3.88	3.50	4.32	6.05	6.05	Do.
10	Basting waist lines, plackets and facings, 2 to 3 stitches per inch.	2.82	2.54	3.13	4.38	4.38	Do.
11	Bias piping, joined, double, over 10 stitches per inch.	9.00	8.10	10.00	14.00	14.00	Do.
12	Bias piping, joined, single, over 10 stitches per inch.	11.25	10.13	12.50	17.50	17.50	Do.
13	Bias piping, second seam, joined, double, set flat on garment with running stitch.	13.55	12.20	15.05	21.09	21.09	Do.
14	Blanket stitch, folding included, 18 stitches per inch.	25.50	22.95	28.33	39.67	39.67	Do.
15	Buttons sewed on with double thread, 2 to 3 stitches.	2.94	2.64	3.27	4.56	4.56	Per dozen.
16	Buttonholes, stamped, ⅜" long	9.71	8.73	10.78	15.08	15.08	Do.
17	Buttonholes, stamped, ½" long	12.90	11.61	14.33	20.08	20.08	Do.
18	Buttonhole stitch, close	20.25	18.23	22.50	31.50	31.50	Per yard.
19	Buttonhole stitch for joining seams	20.25	18.23	22.50	31.50	31.50	Do.
20	Cord, twisted, over basting	2.25	2.03	2.50	3.50	3.50	Per dozen inches.
21	Cutting material applied over lace with solid cord stitch.	3.08	2.78	3.42	4.80	4.80	Per yard.
22	Cutting material under lace or at seams, straight outline, following hand-sewing operations.	1.26	1.14	1.40	1.97	1.97	Do.
23	Dots, baby, not finished off, 2 to 3 stitches.	1.88	1.70	2.08	2.92	2.92	Per dozen.
24	Dots, medium, not filled in, finished off, 8 to 9 stitches.	2.97	2.69	3.30	4.62	4.62	Do.
25	Eyelets, up to ⅛" diameter	5.03	4.52	5.58	7.80	7.80	Do.
26	Eyelets, 3/16" diameter	9.00	8.10	10.00	14.00	14.00	Do.
27	Fagoting, straight lines	31.33	28.20	34.82	48.75	48.75	Per yard.
28	Fagoting, twisted lines	15.00	13.50	16.67	23.33	23.33	Do.
29	Feather stitch, 12 stitches per inch	15.00	13.50	16.67	23.33	23.33	Do.
30	Feather stitch cord	7.91	7.11	8.78	12.28	12.28	Do.
31	Flat fell seams, first seam by machine.	8.79	7.91	9.77	13.66	13.66	Do.
32	Flat roll	6.83	6.14	7.58	10.60	10.60	Do.
33	French knots, not finished off	.95	.84	1.05	1.46	1.46	Per dozen.
34	French seams, over 12 stitches per inch.	5.62	5.07	6.25	8.75	8.75	Per yard.
35	French seams, first seam by machine, 9 to 12 stitches per inch.	3.70	3.33	4.12	5.78	5.78	Do.
36	Furuneeos, with tape	37.50	33.75	41.67	52.50	52.50	Do.
37	Furuneeos, without tape	27.00	24.30	30.00	42.00	42.00	Do.
38	Guariquenas	2.25	2.03	2.50	3.50	3.50	Per dozen.
39	Half roll	7.38	6.65	8.20	11.48	11.48	Per yard.
40	Hemming stitch for felling, 2 to 3 stitches per inch.	3.93	3.54	4.37	6.12	6.12	Do.
41	Hemming stitch for felling cuffs, collars, plackets and waist bands, 8 to 10 stitches per inch.	10.07	9.06	11.18	15.66	15.66	Do.
42	Hemstitching, double, (tru-tru), 4 threads in a bundle thread drawing not included.	27.90	25.11	31.00	43.40	43.40	Do.
43	Hemstitching, single, 4 threads in a bundle, thread drawing not included.	14.66	13.20	16.28	22.78	22.78	Do.
44	Lace, joined with whipping stitch	23.45	21.09	26.05	36.46	36.46	Do.
45	Lace, sewed on with hemming stitch or round roll.	11.25	10.13	12.50	17.50	17.50	Do.
46	Leaves, open ¼" long	9.00	8.10	10.00	14.00	14.00	Per dozen.
47	Leaves, open ⅜" to ½" long	13.50	12.15	15.00	21.00	21.00	Do.
48	Leaves, simplez	.84	.77	.93	1.31	1.31	Do.
49	Leaves, solid, not finished off, ½" long.	2.46	2.22	2.73	3.84	3.84	Do.
50	Leaves, solid, not finished off, ¾" long.	3.00	2.70	3.33	4.67	4.67	Do.
51	Leaves, solid, not finished off, ⅜" to ½" long.	4.50	4.05	5.00	7.00	7.00	Do.
52	Leaves, solid, finished off, ⅜" to ¾" long.	9.00	8.10	10.00	14.00	14.00	Do.
53	Loops, knitted, ¼"	2.82	2.54	3.13	4.38	4.38	Do.
54	Loops, knitted, 1" to 1½"	4.74	4.26	5.27	7.36	7.36	Do.

[1] For description of operations included under "hand-sewing," see definitions in applicable section of wage order.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE COTTON UNDERWEAR AND INFANTS' UNDERWEAR; INFANTS' WEAR; SILK, RAYON AND NYLON (EXCEPT INFANTS') UNDERWEAR; BLOUSE, DRESS, AND NECKWEAR; AND THE CHILDREN'S AND DOLLS' WEAR DIVISIONS OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO—Continued

No.	Operation	Piece rate (cents) based on hourly rates of—					Unit of payment
		Cotton underwear and infants' underwear division (22½ cents)		Infants' wear division (25 cents)	Blouse, dress, and neckwear division (35 cents)	Children's and doll's wear division (35 cents)	
		Infants' underwear, silk, rayon or other synthetic fiber	Cotton underwear				
		(1)	(2)	(3)	(4)	(5)	
	HAND-SEWING OPERATIONS [1]—con.						
55	Loops, made with buttonhole stitch, ¼".	6.75	6.08	7.50	10.50	10.50	Per dozen.
56	Mounting fagoting appliques, including pinning and basting to garment, first seam with running stitch, felled seam with hemming stitch.	26.90	24.21	29.88	41.82	41.82	Per yard.
57	Overcasting seams	4.78	4.31	5.32	7.45	7.45	Do.
58	Pasadas, short, 1" to 8"	-------	2.10	-------	-------	-------	Per dozen pasadas.
59	Patches, sewed on with single point, de ture.	44.82	40.33	49.80	69.72	69.72	Per yard.
59.1	Patches, rectangular, sewed on with blind stitch, up to 1½".	2.82	2.56	3.13	4.40	4.40	Per dozen inches.
59.2	Patches, sewed on with solid cord, cutting and basting included.	44.10	40.10	49.00	68.60	68.60	Per yard.
60	Pin stitch, thread drawing not included, 1" squares.	54.00	48.60	60.00	84.00	84.00	Per dozen squares.
61	Point de ture, double, with embroidery thread.	22.40	20.16	24.88	34.82	34.82	Per yard.
62	Point de ture, plain, with embroidery thread.	13.13	11.80	14.58	20.42	20.42	Do.
63	Randa, bundles twisted but not tied, thread drawing not included.	5.63	5.07	6.25	8.75	8.75	Do
64	Randa, Don Gonzales, thread drawing not included.	23.61	21.25	26.23	36.75	36.75	Do.
65	Randa, Mexican, tied at center only, thread drawing not included.	6.75	6.08	7.50	10.50	10.50	Do.
66	Ribbons, setting ends of	3.08	2.78	3.42	4.80	4.80	Per dozen.
67	Rolling armholes and reboques	11.51	10.35	12.78	17.88	17.88	Per yard.
68	Rose buds, worm stitch, 4 worms, 1 or 2 colors or tones.	6.68	6.02	7 42	10.40	10.40	Per dozen.
69	Running stitch on darts, 8 to 10 stitches per inch.	5.63	5.07	6.25	8.75	8.75	Per yard.
70	Running stitch for felling, very close stitch.	5.63	5.07	6.25	8.75	8.75	Do.
71	Running stitch on hems up to 1" wide, 12 stitches per inch.	6.05	5.43	6.72	9.42	9.42	Do.
72	Running stitch on lace	5.97	5.37	6.63	9.29	9.29	Do.
73	Running stitch for plain sewing	4.06	3.66	4.52	6.33	6.33	Do.
74	Scallops, plain, cutting included	22.65	20.37	25.17	35.23	35.23	Do.
75	Shadow stitch, up to ⅜" wide	43.50	39.15	48.33	67.67	67.67	Do.
76	Shell stitch, 4 to 5 stitches per inch	7.73	6.95	8.58	12.00	12.00	Do.
77	Shirring, material to be measured before shirring.	4.53	4.08	5.03	7.05	7.05	Do.
78	Shirring and basting lace edging, material to be measured after shirring.	5.45	4.91	6.05	8.47	8.47	Do.
79	Shirring and setting lace edging with hemming stitch on straight outline, material to be measured after shirring.	9.78	8.81	10.87	15.22	15.22	Do.
80	Shoulder straps, set with buttonhole stitch 14½" x ¾", measured after turning, sewing up to ⅜" at each end of strap.	26.60	23.93	-------	-------	-------	Per dozen straps.
81	Size tickets set with hemming stitch, cutting tickets included.	4.50	4.05	4.50	7.00	7.00	Per dozen inches.
82	Smocking	.18	.17	.20	.29	.29	Per dozen stitches.
83	Snaps, sewing on, both sides	4.50	4.05	5.00	7.00	7.00	Per dozen.
84	Solid cord stitch on gores and embroidery.	21.15	19.05	23.50	32.90	32.90	Per yard.
85	Solid cord stitch to sew on lace	19.14	17.20	21.27	29.75	29.75	Do.
86	Spiders, 4 legs	4.50	4.05	4.50	7.00	7.00	Per dozen.
87	Spiders, 8 legs	8.81	7.92	9.78	13.68	13.68	Do.
88	Tacks, set for fagoting	2.25	2.03	2.50	3.50	3.50	Do.
89	Tucks, stamped, 1/16" to ¼" wide, up to 6" long.	7.04	6.33	7.82	10.95	10.95	Do.
90	Tucks, pin, stamped, up to 7" long	7.41	6.67	8.23	11.54	11.54	Do.
91	Tucks, pin, unstamped, up to 6" long.	9.00	8.10	10.00	14.00	14.00	Do.

[1] For description of operations included under "hand-sewing," see definitions in applicable section of wage order.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE COTTON UNDERWEAR AND INFANTS' UNDERWEAR[1] INFANTS' WEAR; SILK, RAYON AND NYLON (EXCEPT INFANTS') UNDERWEAR; BLOUSE, DRESS, AND NECKWEAR; AND THE CHILDREN'S AND DOLLS' WEAR DIVISIONS OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO—Continued

No.	Operation	Piece rate (cents) based on hourly rates of—					Unit of payment
		Cotton underwear and infants' underwear division (40 cents)		Infants' wear division (40 cents)	Blouse, dress, and neckwear division (45 cents)	Children's and dolls' wear division (40 cents)	
		Infants' underwear, silk, rayon or other synthetic fiber (1)	Cotton underwear (2)	(3)	(4)	(5)	
	NON-HAND-SEWING OPERATIONS						
93	Cutting material under lace, or at seams, straight outline, following machine operations.	2.25	2.25	2.25	2.53	2.25	Per yard.
94	Turning belts, machine sewn, 29" x ½", measured after turning.	9.30	9.30	9.30	10.46	9.30	Per dozen belts.
95	Turning belts, machine sewn, 60" x ½", measured after turning.	11.82	11.82	11.82	13.29	11.82	Do.
96	Turning shoulder pads, 5¾" long, with an unsewn slit of 1" for turning.	6.04	6.04	6.04	6.79	6.04	Per dozen pads.
97	Turning shoulder straps, 14½" x ¾", measured after turning.	18.53	18.53	------	------	------	Per dozen straps.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF AND SQUARE SCARF DIVISION AND THE ART LINEN AND NEEDLEPOINT DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

No.	Operation	Piece rate (cents) based on hourly rate of 22½ cents		Unit of payment
		Handkerchiefs and square scarves	Art linens	
	HAND-SEWING OPERATIONS[1]			
99	Arenillas (seed stitch), close, ½" square	27.00	27.00	Per dozen squares.
100	Arenillas (seed stitch), scattered, ½" square	13.50	13.50	Do.
101	Arrows, filled in, ¼" long	6.75	6.75	Per dozen.
102	Basting lace	1.29	1.29	Per dozen inches.
103	Basting stitch for trimming, forming crosses, etc., 4 stitches per inch.	------	1.13	Do.
103.1	Basting and folding hem on edges, up to 1½" hem	------	.45	Do.
104	Blind hemstitch	4.50	4.50	Do.
105	Buttonhole stitch, 16 stitches per inch	4.50	4.50	Do.
106	Buttonhole stitch, 24 to 30 stitches per inch	6.75	6.75	Do.
107	Chain stitch, 4 stitches per inch	------	1.13	Do.
108	Chain stitch, 8 stitches per inch	------	2.25	Do.
109	Cord, solid, on stem	7.05	7.05	Do.
110	Cord, twisted, over basting	2.25	2.25	Do.
111	Cord or embroidery, solid, without filling, up to ⅛" thick.[2]	------	6.75	Do.
112	Couching or flat cord, 4 stitches per inch	------	1.13	Do.
113	Cross stitch, 6 crosses per inch	------	4.80	Do.
114	Cut work with buttonhole stitch, 24 to 30 stitches per inch.	------	9.00	Do.
114.1	Daisies, 12 to 15 stitches, with double embroidery thread.	------	6.75	Per dozen.
115	Diamonds, filled in, ¼" to ⅜" wide	6.75	6.75	Do.
116	Dots, baby, not finished off, 2 to 3 stitches	1.88	1.88	Do.
117	Dots, large, not filled in, finished off, 12 stitches	3.38	3.38	Do.
118	Dots, large, filled in, finished off, over 12 stitches	------	6.75	Do.
119	Dots, large, not filled in, finished off, over 12 stitches.	------	4.50	Do.
120	Dots, medium, not filled in, finished off, 8 to 9 stitches.	2.97	2.97	Do.
120.1	Dots, medium, in groups, not finished off, 5 stitches with double embroidery thread.	------	1.92	Do.
120.2	Dots, medium, in groups, finished off, 5 stitches, with double embroidery thread.	------	2.55	Do.
121	Embroidery, solid, 3/16" to ¾" thick, average 28 stitches per inch.[2]	------	9.00	Per dozen inches.
122	Embroidery, solid, straight or diagonal, same as image stitch, filled in, loose.	------	9.00	Do.
123	Embroidery, solid, straight or diagonal, same as image stitch, not filled in, loose.	------	6.75	Do.
124	Eyelets, ⅛" diameter	5.03	5.03	Per dozen.
125	Feather stitch, 12 stitches per inch	5.00	5.00	Per dozen inches.
126	Feather stitch cord	------	2.64	Do
127	Flat hems without pasada	------	2.34	Do.

[1] For description of operations included under "hand-sewing," see definitions in applicable section of wage order.
[2] These piece rates have been set on the basis of O. N. T. thread No. 5, corded, which averages 28 stitches per inch of solid cord. If corded threads are used, which are not so thick, the rate should be increased in proportion to the increase in the number of stitches per inch. If corded thread No. 11 is used, 15 percent must be added to the piece rates established for thread No. 5.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF AND SQUARE SCARF DIVISION AND THE ART LINEN AND NEEDLEPOINT DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO—Continued

No.	Operation	Piece rate (cents) based on hourly rate of 22½ cents		Unit of payment
		Handkerchiefs and square scarves	Art linens	
	HAND-SEWING OPERATIONS[1]—continued			
128	French knots, not finished off	0.95	0.95	Per dozen.
128.1	French knots, finished off, with double embroidery thread.	------	1.80	Do.
129	Guardquenas	2.25	2.25	Do.
130	Hand or French rolling, 10 stitches or less per inch	6.36	------	Per 48 inches.
131	Hand or French rolling, 11 stitches or more per inch.	7.64	------	Do.
132	Hand-rolling 1 side of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on 1 side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¼ inch nor more than 1 inch; and (b) Only 1 side of each corner is hand-rolled; and the hand-rolling is not longer than 1 inch.	15.00	------	Per dozen handkerchiefs.
133	Hand-rolling both sides of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching does not run to the end of either side of any corner; and the space left open for hand-rolling at each side of the corners is not less than ¼ inch nor more than 1 inch; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than 1 inch on either side of any corner.	30.00	------	Do
134	Hand-rolling both sides of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on 1 side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¾ inch nor more than 1 inch; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than 2 inches on any corner.	37.50	------	Do.
135	Hemstitching, double (tru-tru), 4 threads in a bundle, thread drawing not included.	9.30	9.30	Per dozen inches.
136	Hemstitching, single, 4 threads in a bundle, thread drawing not included.	4.89	4.89	Do.
137	Initials, simple, with hoops	22.50	------	Do.
138	Initials, simple, without hoops	13.95	------	Do.
139	Lace, joined at corners with hemming stitch	6.75	------	Do.
140	Leaves, simple	.84	.84	Per dozen.
141	Leaves, solid, not finished off, ¼" long	3.00	3.00	Do.
142	Leaves, solid, not finished off, ¾" to 1½" long	4.50	4.50	Do.
143	Leaves, solid, not finished off, 1⅝" to 2¾" long	9.00	9.00	Do.
144	Loops, made with worm stitch, ¼"	------	1.50	Do.
		Proportionate rate for other lengths.		
145	Pasadas, 11" x 11" to 14" x 14", linen up to 1600 count, inclusive.	4.50	------	Per dozen pasadas.
146	Pasadas, 11" x 11" to 14" x 14", linen 1700 count and over.	6.30	------	Do.
147	Pasadas, 15" x 15", linen up to 1600 count, inclusive.	7.65	------	Do.
148	Pasadas, 15" x 15", linen 1700 count and over	9.45	------	Do.
149	Pasadas, 16" x 16" to 20" x 20" linen up to 1400 count, inclusive.	10.80	------	Do.
150	Pasadas, short, 1" to 7", linen up to 1600 count, inclusive.	2.34	------	Do.
		For each additional count of 100, add 0.90 cents.		
	Pasadas, short:			
151	Cambric, 1" to 10"	------	4.50	Do.
152	Crash, 1" to 10"	------	3.38	Do.
153	Cambric, 10½" to 18"	------	9.00	Do.
154	Crash, 10½" to 18"	------	6.75	Do.
155	Patches, circular, sewed on with hemming stitch, cutting included.	------	4.92	Per dozen inches.
156	Patches, irregular outline, sewed on with hemming stitch, cutting included.	8.58	8.58	Do.
156.1	Patches, irregular outline, sewed on with blind stitch, up to 4".	------	6.30	Do
156.2	Patches, irregular outline, sewed on with blind stitch, over 4".	------	3.20	Do.
157	Patches, rectangular, sewed on with hemming stitch, cutting included.	------	4.04	Do.
158	Pin stitch, thread drawing not included, 1" squares.	54.00	54.00	Per dozen squares.
159	Randa, Don Diego, thread drawing not included	10.13	10.13	Per dozen inches.
160	Randa, Mexican, tied at center only, thread drawing not included.	2.25	2.25	Do.
161	Randa, simple, not stitched at either side, thread drawing not included.	1.70	1.70	Do.
162	Rosebuds, worm stitch, 4 worms, 2 colors or tones	6.68	6.68	Per dozen.
163	Scallops, plain, cutting included	7.55	7.55	Per dozen inches.
164	Shadow stitch, up to ⅜" wide	14.50	14.50	Do.
165	Spiders, 4 legs	4.50	4.50	Per dozen.
166	Spiders, 8 legs	8.81	8.81	Do.

[1] For description of operations included under "hand-sewing," see definitions in applicable section of wage order.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF AND SQUARE SCARF DIVISION AND THE ART LINEN AND NEEDLEPOINT DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO—Continued

No.	Operation	Piece rate (cents) based on hourly rate of 22½ cents		Unit of payment
		Cambric	Crash	
	Thread drawing:			
	Art linens, first thread, not coming out at edge:			
167.0	Stamped, 1" to 10"	1.61		Per dozen threads.
167.2	Not stamped, 1" to 10"	2.01	1.20	Do.
	Art linens, unstamped, first thread, all-around, not coming out at edge:			
167.4	Doilies 12" x 18"	8.99	7.32	Per dozen pieces.
	Napkins:			
167.6	12" x 12"	7.19	6.09	Do.
167.7	15" x 15"	8.99	7.32	Do.
167.8	18" x 18"	10.79	8.45	Do.
	Scarves:			
168.0	17" x 36"	15.88	11.38	Do.
168.1	17" x 45"	18.58	12.83	Do.
168.2	17" x 54"	21.28	14.25	Do.
	Squares:			
168.3	36" x 36"	21.59	14.39	Do.
168.4	45" x 45"	26.97	17.11	Do.
168.5	54" x 54"	32.37	19.99	Do.
	Art linens, unstamped, first thread at one end, coming out at both edges:			
	Towels:			
168.6	9" x 15"		1.13	Do.
168.7	15" x 24"		1.65	Do.
168.8	18" x 30"		1.89	Do.
169	Art linens, after first thread	For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.		

No.	Operation	Piece rate (cents) based on hourly rate of 22½ cents	Unit of payment
	Handkerchiefs, ladies:		
	First thread, cotton or linen, up to 1600 count, inclusive:		
170	Coming out at both edges	2.25	Per dozen threads.
171	Not coming out at edge	2.82	Do.
172	After first thread	For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.	
	Handkerchiefs, men's:		
	First thread, linen, up to 1500 count, inclusive, 16" x 16" to 20" x 20":		
173	Coming out at both edges	3.38	Do.
174	Not coming out at edge	3.95	Do.
	First thread, linen, 1600 count and over, 16" x 16" to 20" x 20":		
175	Coming out at both edges	3.95	Do.
176	Not coming out at edge	4.50	Do.
177	After first thread	For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.	

No.	Operation	Piece rate (dollars) based on hourly rate of 22½ cents														Unit of payment
		Doilies			Napkins			Table scarves			Squares			Table cloths			
		8" x 16"	10" x 14"	12" x 18"	12" x 12"	15" x 15"	18" x 18"	17" x 36"	17" x 45"	17" x 54"	36" x 36"	45" x 45"	54" x 54"	54" x 72"	72" x 72"	72" x 90"	
179	Half roll, cambric and crash, at 2.46 cents per dozen inches.	$1.18	$1.18	$1.47	$1.18	$1.47	$1.77	$2.61	$3.05	$3.50	$3.54	$4.42	$5.31	$6.20	$7.08	$7.98	Per dozen.
180	Hand or French rolling, 10 stitches or less per inch, cambric and crash, at 1.59 cents per dozen inches.	.77	.77	.96	.77	.96	1.14	1.68	1.97	2.26	2.30	2.87	3.44	4.01	4.58	5.15	Do.
	Hemming stitch over pasada, measuring all around edge:																
181	Cambric at 1.50 cents per dozen inches.	.72	.72	.90	.72	.90	1.08	1.59	1.86	2.13	2.16	2.70	3.24	3.78	4.32	4.86	Do.
182	Crash, at 1.41 cents per dozen inches.	.68	.68	.84	.68	.84	1.02	1.49	1.74	2.00	2.03	2.54	3.05	3.54	4.05	4.56	Do.
	Second seams, for separate borders, measuring all around edge:																
183	Cambric, at 1.50 cents per dozen inches.	.72	.72	.90	.72	.90	1.08	1.59	1.86	2.13	2.16	2.70	3.24	3.78	4.32	4.86	Do.
184	Crash, at 1.41 cents per dozen inches.	.68	.68	.84	.68	.84	1.02	1.49	1.74	2.00	2.03	2.54	3.05	3.54	4.05	4.56	Do.
	Second seams, for separate borders, with French corners, measuring all around edge.																
185	Cambric, at 1.69 cents per dozen inches.	.81	.81	1.02	.81	1.02	1.22	1.79	2.10	2.40	2.43	3.05	3.65	4.26	4.86	5.48	Do.
186	Crash, at 1.50 cents per dozen inches.	.72	.72	.90	.72	.90	1.08	1.59	1.86	2.13	2.16	2.70	3.24	3.78	4.32	4.86	Do.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF AND SQUARE SCARF DIVISION AND THE ART LINEN AND NEEDLEPOINT DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO—Continued

No.	Operation	Piece rate (based on hourly rate of 40 cents)	Unit of payment
	NON-HAND-SEWING OPERATIONS		
	Hand-cutting machine-embroidered, shallow, curved scallops on handkerchiefs or square scarves:	*Cents*	
187.4	Small, measuring from 5/16" up to, but not including, 3/8", along outside edge.	0.21	Per dozen scallops.
187.5	Medium, measuring from 3/8" up to, but not including, 7/16", along outside edge.	.27	Do.
187.6	Large, measuring from 7/16" to, and inclusive of, 1¼", along outside edge.	.40	Do.

SCHEDULE C—PIECE RATE SCHEDULE FOR THE FABRIC GLOVE AND LEATHER GLOVE DIVISIONS OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO [1]

No.	Operation	Piece rate (cents) based on hourly rates of—			Unit of payment
		Ladies' woven or knitted fabric gloves [2] (22½ cents)	Leather gloves [3] (30 cents)		
			Ladies'	Men's	
188	Buttons, slip stitched with tape, 1 button per glove			45.000	Per dozen pairs.
189	Buttonholes, stitched in and outside, 1 buttonhole per glove.			60.000	Do.
190	Crede stitch, 5 to 6 stitches per inch	0.293			Per inch.
191	Egyptian stitch, 5 to 6 stitches per inch		0.412		Do.
192	Feather stitch, 5 to 6 stitches per inch	.352	.517		Do.
193	Large stitch (husky), 5 to 6 stitches per inch			.370	Do.
194	Regular stitch, 5 to 6 stitches per inch	.231	.388	.370	Do.
195	Slip stitch, hem only, 5 to 6 stitches per inch	.149	.265	.265	Do.
196	Slip stitch, reinforcement on slit, 5 to 6 stitches per inch. [3]		.265	.265	Do.
197	Swagger stitch, 5 to 6 stitches per inch	.231	.388	.370	Do.
198	Whip stitch, 5 to 6 stitches per inch	.231	.388	.370	Do.

[1] For description of operations included under "hand-sewing", see definitions in applicable section of wage order.
[2] The hourly minimum rates applicable to leather gloves are also applicable to combination leather and fabric gloves. However, piece rates for combination leather and fabric gloves must be set by employers in accordance with § 545.10.
[3] When facing has been sewn on by machine.

SCHEDULE D—PIECE RATE SCHEDULE FOR THE NEEDLEPOINT DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO [1]

GROSPOINT

No.	Operation	Piece rate (cents) based on hourly rate of 22½ cents	Unit of payment
200	Compact florals, figures and landscapes	23.40	Per 1,000 stitches.
201	Scattered florals	25.20	Do.
202	Scattered florals consisting of borders or garlands only	27.00	Do.
203	Combinations of compact center and scattered borders in which the compact portion totals 45 percent or more of the total design.	25.20	Do.
204	Combinations of compact center and scattered borders in which the compact portion totals less than 45 percent of the entire design.	27.00	Do.
205	One and two-tenths cents must be added to the above piece rates to cover thumb-tack mounting on frame, for each piece of canvas. Employers using other methods must set individual rates for mounting and removing canvas in accordance with section 545.10.		

[1] The piece rates apply only to "hand-sewing" operations. For description of operations included under "hand-sewing", see definition in applicable section of wage order.

EXCEPTIONS

These piece rates do not apply to the following types of needlepoint. For these, and all other varieties of needlepoint not covered by the schedule and definitions, piece rates must be set by employers in accordance with Regulations 545.10.
1. Florals having more than 10,000 stitches.
2. Florals having more than 36 color tones.
3. Figures and landscapes having more than 3,000 stitches.
4. Figures and landscapes having more than 25 color tones.
5. Petit point.
6. Stamped grospoint.

DEFINITIONS

1. A scattered design is one in which 50 percent or more of the component parts, when finished, are separated by spaces of unsewn canvas.
2. A compact design is one in which 50 percent or more of the finished piece contains no spaces of unsewn canvas.

[F. R. Doc. 55-9027; Filed, Nov. 8, 1955; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases and Other Operations

PART 472—WOOL

SUBPART—TERMS OF SALE OF WOOL OWNED BY COMMODITY CREDIT CORPORATION (INCLUDING SALES BY COMPETITIVE BIDS)

Correction

In F. R. Document 55-8925, appearing in the issue for Thursday, November 3, 1955, at page 8245, make the following change: In the fifth sentence of § 472.538, the word "as" preceding "omission" should read "an".

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6351]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MISS YOUTH FORM CREATIONS CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; Usual as reduced, special, etc.; § 13.175 *Quality of product or service;* § 13.285 *Value.* Subpart—*Misrepresenting oneself and goods—Goods:* § 13.1715 *Quality;* § 13.1775 *Value;* [*Misrepresenting oneself and goods*]—Prices: § 13.1785 *Comparative;* § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Miss Youth Form Creations Corporation et al., New York, N. Y., Docket 6351, October 25, 1955.]

In the Matter of Miss Youth Form Creations Corporation, a Corporation, and Sid Kay and Irving L. Brown, Individually and as Officers of Said Corporation.

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission — which charged respondents with misrepresenting the retail selling price, or savings in the purchase, the quality or value, of women's slips and underclothes, on advertising mats, reprints, and other promotional material supplied to retailers and dealers, and on the tickets affixed to the garments—and an agreement between respondents and counsel for the parties providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

On this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of October 25, 1955, pursuant to § 3.21 of the rules of practice, became, on that date, the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That respondents, Miss Youth Form Creations Corporation, a corporation, and its officers, and Sid Kay and Irving L. Brown, individually and as officers of said corporate respondent, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of women's wearing apparel, including underclothes and slips, in commerce, as "commerce" is defined in the Federal Trade Commission act, do forthwith cease and desist from: Representing, directly, indirectly, or by implication, or providing retailers, dealers, or others with advertising mats, reprints, and pre-ticketed merchandise or other material, device, or plans which represent, directly, indirectly, or by implication:

1. That the regular retail selling price of respondents' said wearing apparel is any amount greater than the prices at which such wearing apparel is usually and customarily sold at retail by retailers regularly selling such wearing apparel;

2. That any retail price of said wearing apparel is a reduced price unless such price represents a reduction from the price at which respondents' said wearing apparel is or was usually and customarily sold at retail in the regular course of business or that any savings from regular retail prices for respondents' said wearing apparel are afforded to purchasers thereof when the price designated constitutes the regular retail selling price of respondents' said wearing apparel;

3. That the retail value of respondents' said wearing apparel is equal to the retail selling price of higher-priced merchandise made by other manufacturers and regularly selling or having been sold contemporaneously in the same general trade area supplied by respondents and such other manufacturers, unless respondents' said wearing apparel is in fact of a grade and quality comparable to said higher-priced merchandise, in which case respondents may so represent.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That respondents Miss Youth Form Creations Corporation, a corporation and Sid Kay and Irving L. Brown, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 25, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-9046; Filed, Nov. 8, 1955; 8:56 a. m.]

[Docket 6374]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CHESTER-KENT, INC.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Chester-Kent, Inc., St. Paul, Minn., Docket 6374, October 26, 1955]

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission—which charged respondent corporation with falsely advertising the health-giving properties of its products "Yo-Zyme" and "Vinol Tonic"—and an agreement between respondent and counsel supporting the complaint providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of October 26, 1955, pursuant to § 3.21 of the rules of practice, became, on that date, the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That the Respondent, Chester-Kent, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of Yo-Zyme and Vinol Tonic, or any other products of substantially the same composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That the use of Yo-Zyme as directed:

(1) Will be effective in supplanting noxious bacteria in the intestines;

(2) Will be effective in checking the growth of putrefying bacteria in the intestines;

(3) Will be effective in promoting healthy intestinal flora;

(4) Will be effective in maintaining lactic-acid-producing organisms in the intestines;

(5) Will be effective in adding the absorption of alkaline minerals;

(6) Will be effective in protecting vitamins;

(7) Will be effective in the treatment of constipation or headaches;

(b) That the use of Yo-Zyme, without regard to the amount taken:

(1) Will be effective in aiding the digestion of other food, by supplying protein-splitting enzymes or otherwise;

(2) Will improve digestion or intestinal health;

(3) Will establish body resistance to disease;

(4) Will be effective in the treatment of weak kidneys, gall-bladder troubles, nervousness, lack of pep, ulcers, gas stomach upsets, diarrhea, nausea, eczema and hemorrhoids;

(c) That the use of Vinol Tonic will give young children or older people pep and energy unless those persons lack such pep and energy due solely to iron deficiency;

(d) That all pregnant women will develop an iron deficiency anemia unless they receive vigorous iron therapy;

2. Disseminating, or causing to be disseminated, any advertisements, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the food and drug preparations "Yo-Zyme" and "Vinol Tonic," which advertisement contains any of the representations prohibited in paragraph 1 of this order.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That respondent Chester-Kent, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: October 26, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-9047; Filed, Nov. 8, 1955; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 169]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (–) side of final approach course (outbound and inbound); altitudes; limiting distances	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	11
HILO, HAWAII. General Lyman Airport, 30'. SBRAZ-ITO. Procedure No. 1 Effective date: December 10, 1953 Amendment No. 0-9. Supersedes Amendment No. 0-8, dated November 1, 1953. Major changes: New format; change in minima.	N side of E course: 075° outbound. 259° inbound. 1,500' within 10 miles.				Within 1 mile, climb to 3,000' on N course (342°) within 25 miles. #Westerly takeoffs 800-2 day or night.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
			Condition	Type aircraft		
				75 m. p. h. or less	More than 75 m. p. h.	
1	2	7	8	9	10	11
HILO, HAWAII. General Lyman Airport, 30'. SBRAZ-ITO. Procedure No. 1 Effective date: December 10, 1953 Amendment No. 0-9. Supersedes Amendment No. 0-8, dated November 1, 1953. Major changes: New format; change in minima.	500	251—1.9	2 engines or less T–tl T–n C–dn S–dn 26 A–dn	400–1 500–1 500–1 800–1 800–2	400–1 500–1 500–1 800–1 800–2	Within 1 mile, climb to 3,000' on N course (342°) within 25 miles. #Westerly takeoffs 800-2 day or night.
			More than 2 engines #T–tl #T–n C–tl C–n S–tl 26 S–n 26 A–dn	400–1 600–2 500–1½ 600–2 500–1½ 500–1½ 800–2	400–1 600–2 500–1½ 600–2 500–1½ 500–1½ 800–2	

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (–) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
BEDFORD, MASS. Hanscom Field, 138'. ITC-ADF-1. Procedure No. 1 Amendment No. 5. Effective date: December 10, 1955. Supersedes Amendment 4, dated April 21, 1954. Major changes: Missed approach changed; transitions deleted.	N side of course: 292° outbound. 112° inbound. 1,600' within 10 miles. Not authorized beyond 10 miles.				1,200	112—4.5	2 engines or less T–dn C–dn S–dn 11 A–dn	300–1 500–1 500–1 800–2	300–1 500–1 500–1 800–2	Make a climbing left turn to 2,000' on course of 292° from facility within 10 miles. Alternate missed approach—when directed by ATC make a climbing left turn procedure direct to Lawrence Radiobeacon (LWM) at 2,000' (3,000' when directed by ATC). CAUTION: 570' mean sea level tower 3.5 miles northeast of airport.
							More than 2 engines T–dn C–dn S–dn 11 A–dn	200–½ 500–1½ 500–1 800–2	200–½ 500–1½ 500–1 800–2	

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
HAWI, HAWAII. Upolu Airport, 96'. BVOR-UPP. Procedure No. 1. Amendment No. 0-2. Effective date: December 10, 1955. Supersedes 0-1, dated December 1, 1953. Major changes: New format; lower minima; change missed approach; city and airport names changed to agree with C & G S information.	----------	----------	----------	N side of course:* 250° outbound. 070° inbound. 3,000' within 10 miles.	1,400	#360—1.5	2 engines or less T-dn C-d C-n A-d A-n	500-1½ 500-1½ 700-3 1,000-2 1,000-3	500-1½ 500-1½ 700-3 1,000-2 1,000-3	#Within 3 miles on course 360° outbound, at 600' mean sea level day, 800' mean sea level night, climb to 3,000' on course 360° within 10 miles, reverse course climbing to 5,000' over VOR station. *High terrain to SE. USCG Loran Station Tower 334' above mean sea level approximately 1.6 miles SW of airport (18° 45' off C/L of runway). Deviation authorized in missed approach distance exceeding distance, facility to airport.
HILO, HAWAII. General Lyman Airport, 30'. BVOR-ITO. Procedure No. 1. Amendment No. 0-4. Effective date: December 10, 1955. Supersedes Amendment 0-3, dated November 1, 1953. Major changes: New format; change in minima.	----------	----------	----------	N side of course: 080° outbound. 260° inbound. 2,000' within 10 miles.	600	260—2.1	2 engines or less T-d T-n C-dn S-d 26 S-n 26 A-dn	400-1 500-1 500-1 400-1 500-1 800-2	400-1 500-1 500-1 400-1 500-1 800-2	Within 2.1 miles, turn right, climb to 3,000' on course 355° within 25 miles. #Westerly takeoffs 800-2 day or night.
							More than 2 engines #T-d #T-n C-d C-n S-d 26 S-n 26 A-dn	---------- ---------- ---------- ---------- ---------- ---------- ----------	400-1 600-2 500-1½ 600-2 500-1 500-1½ 800-2	
LOS ANGELES, CALIF. International, 125'. BVOR-LAX. Procedure No. 1. Original. Effective date: December 10, 1955.	Los Angeles LFR	246—7.0	1,500	S side of course: 250° outbound. 070° inbound. 1,500' within 10 miles.	600	070—1.4	2 engines or less T-dn C-dn S-dn Runway 7R A-dn	300-1 500-1 400-1 800-2	300-1 600-1 400-1 800-2	Climb to 2,000' on E course LAX LFR or LAX radial 074, no farther E than Downey FM/RBN. *300-1 required for takeoff Runway 16.
	Hollywood Hills FM	173—13.0	3,000							
	6 nautical miles from LAX VOR on radial 250° as reported by LAX radar or by DME Fix (final).	070—6.0 nautical miles	600				More than 2 engines *T-dn C-dn S-dn Runway 7R A-dn	---------- ---------- ---------- ----------	200-½ 600-1½ 400-1 800-2	

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
POCATELLO, IDAHO. Phillips Field, 4,448'. ILS-PIH. LOM-PI. Combination ILS/ADF. Procedure No. 1. Amendment No. 1. Effective date: December 10, 1955. Supersedes Amendment Original, dated December 20, 1953. Major changes: New format; delete duplicate transition under column No. 2; revise takeoff and landing minimums; modify note; revise procedure turn distance.	PIH-VOR	LOM	029—10.0	7,000	N side of NE course: 027° outbound. 207° inbound. 7,000' within 10 miles of PIH-LOM. Not authorized beyond 10 miles.	ILS 7,000 ADF over LOM 6,300	5,610—4.2	4,660—0.6	2 engines or less T-dn C-d C-n	300-1 500-1 500-2	300-1 600-1 600-2	Climb to 6,500' on W course PIH-LFR or on 234° radial of PIH-VOR within 25 miles of respective stations. Alternate missed approach when directed by ATC, turn right and climb to 7,500' on N course of PIH-LFR or on 335° radial of PIH-VOR within 25 miles of respective stations. CAUTION: High terrain SE through SW of airport.
	PIH-LFR	LOM	024—6.0	7,000					S-dn Runway 21 ILS	300-¾	300-¾	
	Intersection NE course ILS and 027° bearing from LOM or SW course IDA-LFR.	LOM	207—3.5	7,000					ADF	500-1	600-1	
									A-dn ILS	600-2	600-2	
									ADF	800-2	800-2	
									More than 2 engines T-dn C-d C-n	---------- ---------- ----------	200-½ 600-1½ 600-2	
									S-dn Runway 21 ILS	----------	300-¾	
									ADF	----------	600-1½	
									A-dn ILS	----------	600-2	
									ADF	----------	800-2	

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-8973; Filed, Nov. 8, 1955; 8:45 a. m.]

[Amdt. 165]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

Correction

In Federal Register Document 55-8255, published at page 7775, October 15, 1955, issue, the following change should be made in the table for § 609.13 (page 7784): The text in column 2 should read as follows:

Sector azimuths progress clockwise, with bearings to the station.
Within 5 nautical miles:
181°-290°—8,000' *
291°-100°—6,000'
101°-180°—5,400'
Within 10 nautical miles:
181°-300°—11,500' *
301°-360°—6,000'
001°-070°—10,500' *
071°-120°—6,000'
121°-180°—5,400'
Within 15 nautical miles:
161°-330°—13,500' *
331°-354°—7,500'
355°-070°—12,500' *
071°-096°—7,000'
097°-136°—8,500' *
137°-160°—5,400'
Within 20 nautical miles:
155°-330°—13,500' *
331°-070°—12,500' *
071°-096°—8,000'
097°-136°—8,500'
137°-154°—6,500'
Within 25 nautical miles:
155°-330°—13,500' *
331°-070°—12,500' *
071°-136°—9,000'
137°-154°—6,500'

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 56—SPECIAL DELIVERY

PART 110—RATES AND SHIPPING REQUIREMENTS

MISCELLANEOUS AMENDMENTS

a. In the amendment to § 56.2 *Payment for special delivery* published at 20 F. R. 7837 under date of October 19, 1955, change the designation of the paragraph amended from paragraph "(c) (1)" to paragraph "(d) (1)".

(R. S. 161, 396, sec. 2, 24 Stat. 221, secs. 304, 309, 42 Stat. 24, 25, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 171, 246f)

b. In § 110.1 *Rates and shipping requirements* make the following changes:

1. In the table amend the country item "U. S. S. R." by changing the surface parcel post rates applicable thereto from 90 cents for the first pound and 23 cents for each additional pound to 92 cents for the first pound and 25 cents for each additional pound.

2. Strike out footnote 40.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] LEO G. KNOLL,
Acting Solicitor.

[F. R. Doc. 55-8990; Filed, Nov. 8, 1955; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11094; FCC 55-1096]

[Rules Amdt. 3-60]

PART 3—RADIO BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 3 of the Commission's rules governing television broadcast stations.

1. The Commission has under consideration its Notice of Proposed Rule Making issued in this proceeding on June 24, 1954 (FCC 54-797), and published in the FEDERAL REGISTER on June 29, 1954 (19 F. R. 3941), proposing rules governing the operation of frequency and modulation monitors and monitoring equipment for visual and aural transmitters of television broadcast stations and type approval for such monitors.

2. Comments suggesting certain changes in the proposed rules have been filed by the General Radio Company, Cambridge, Massachusetts, and General Electric Company, Schenectady, New York. These comments are discussed below.

3. Section 3.693, as proposed, relates to requirements for type approval of frequency monitors. One of the provisions of this section requires monitors to have a certain accuracy when the electrical power supply varies between 85 percent and 115 percent of the normal voltage supply for which the monitor is designed. Both General Electric Company and General Radio Company urge that this provision be altered to require a power supply voltage from 105 volts to 125 volts (or from 210 to 250 volts) since most of the monitors in current use are designed for power supply voltages from 105 to 125 volts. It is further urged that the accuracy and stability requirements of television monitors are very severe and that it is both unnecessary and uneconomical to burden the equipment with the wide voltage variation proposed in this proceeding. The parties assert that experience indicates that a specific line voltage range of 105 to 125 volts has been more than adequate to meet the varying needs of the broadcast industry. They note that if the supply voltage varies from 85 to 115 percent, much of the equipment normally employed in television transmitter operation would cease to function. It may be noted that if the normal supply voltage for which a monitor is designed is 115 volts, a variation from 105 to 125 volts would be equivalent to approximately 90 to 110 percent of the design voltage. Since monitors may be designed for other than a normal supply voltage of 115 volts, we believe that a percentage value should be specified in the rules. Accordingly, and in light of the comments filed by the parties, we have changed § 3.693 (a) (1) to specify a variation of 90 percent to 110 percent, which is approximately equivalent to the value recommended by the parties.

4. Section 3.692, as proposed, relates to the general requirements for type approval of monitors. Paragraph (c) of this proposed rule provided that once a type approval number has been assigned by the Commission, no changes whatsoever would be permitted without specific Commission authorization. General Electric Company urges that this proviso be modified to permit the licensee or manufacturer to effect minor changes without prior Commission approval where such changes do not affect the performance of the monitor in accordance with the specifications. In the proceedings in Docket No. 10798 (Subpart F of Part 2 of the rules—Equipment Type Approval), the matter of minor changes in type approved and type accepted equipment was considered. The Commission determined in that proceeding that no changes would be permitted in type approved equipment without prior Commission authorization, and we see no necessity for adopting the suggestion with respect to minor changes advanced in the instant proceeding. However, in view of our action in Docket No. 10798, we are changing the language of § 3.692 (c) to conform to § 2.540 (b) in order that all related parts of the rules will be consistent.

5. Section 3.692 (b), as proposed, which relates to general requirements for type approval of frequency and modulation monitors, provides that "these monitors may have limited range over which the visual indicator will determine deviations." General Electric Company notes that the reference in the rule to "these monitors" is ambiguous since it might refer to frequency monitors, modulation monitors, or both. It is our intention that the provision for adjunct equipment be applicable to the frequency monitor only and we have revised the wording of this section to remove the ambiguity.

6. The General Radio Company suggests that § 3.693, which deals with visual and aural frequency monitors, be divided into two parts, one for visual monitors and one for aural monitors, in order to avoid a confusion between the specifications of the two separate functions. We see no necessity, however, for bifurcating the rule since most of the requirements for the visual and aural monitors are identical. Two separate sections would cause unnecessary duplication of language. We are therefore rejecting this suggestion.

7. Section 3.696 (a) (1), as proposed, sets forth the accuracy with which a monitor is required to operate. General Radio submits that the accuracy and stability of an oscillator must be considered together, and suggests that a statement of accuracy should include a time period. General Radio suggests that 10 to 90 days would be representative of the length of time that a reasonably stable crystal oscillator will remain within the proposed tolerance. The Commission agrees that the stability of a monitor should be taken into account as one of the requirements for type approval. We have therefore revised § 3.693 (a) (1) to require that a monitor under test remain within the specified tolerance over a period of 30 days.

8. In our notice of proposed rule making we provided for type approval of frequency monitors which indicate directly the frequency of the carrier wave of a transmitter. General Radio urges that provision should also be made for the alternative use of a frequency monitor which would indicate the difference between the visual and aural carrier frequencies since the frequency tolerance is specified in terms of absolute visual carrier frequency, and in terms of difference-frequency (aural frequency 4.5 Mc above visual frequency). General Radio notes that such a monitor is under development. The Commission has revised § 3.693 to provide for direct-reading and difference-frequency monitors.

9. Paragraph (a) (2) of § 3.693, as proposed, sets forth the range of the scale on the indicating instrument of the frequency monitor. General Radio urges that the visual carrier frequency indicating device have a scale length of ±1500 cycles instead of the ±3000 proposed since the scale ranges have as a matter of precedent been selected to give a scale length of plus or minus 1.5 times the tolerance. Since the tolerance is ±1000 cycles, the indicating device would have a scale length of ±1500 cycles. General Radio states that a great majority of monitors in use are provided with a ±1500 cycle scale. Upon careful consideration of General Radio's contentions, we are of the opinion that a minimum ±1500 cycle scale for the visual monitor should be adopted. A minimum ±3000 cycle scale is being adopted for aural frequency monitors.

10. Section 3.694, as proposed, relates to the requirements for type approval of aural modulation monitors. One of the requirements is that the modulation-peak indicating device be capable of reading either positive or negative swings. General Radio notes that its existing aural modulation monitors operate on positive peaks only and urges that the Commission's proposed requirement would create a serious field service problem since it would be necessary to change all existing monitors now in use so that the modulation peak indicator could be switched from positive to negative response. It is also contended that it is not generally considered significant, with frequency modulation, to be able to reverse the polarity. The rules specify a maximum frequency swing of ±25 kc. In general, the positive and negative peak swings during modulation with a complex wave, as is encountered in practice, are not identical. Therefore, if the monitor is capable of indicating only one polarity of modulation, it is quite possible that the station may unknowingly operate with overmodulation on the peaks of the other polarity. Furthermore, section 8 B (2) of the FM Standards contains the same requirements as those set out in the proposed rule. Accordingly, we are adopting the requirement as proposed, except that, until June 1, 1957, monitors having meters which read either positive or negative swings will be eligible for type approval.

11. General Radio suggests that a paragraph be added to § 3.694 (b), as proposed, which would provide for the inclusion of an auxiliary output circuit in the aural modulation monitor to provide a means of making proof-of-performance tests. While we have no objection to such circuit being built into the aural modulation monitor, we do not believe that such a circuit should be provided for specifically in the rules.

12. Section 3.687 (c) (6) prescribes the procedure to be followed when a monitor becomes defective. We have removed the text of this paragraph and have transferred the pertinent portions to the new rules dealing with frequency and modulation monitors.

13. Section 3.687 (c) (1), as proposed, requires the transmitter to have automatic means to maintain the carrier frequency within specified limits. The television rules, however, do not specify a frequency tolerance as do the rules relating to AM and FM broadcast stations. In order to be consistent, we are adopting a frequency tolerance rule (§ 3.668) for television which will require that the carrier frequency of the visual transmitter be maintained within ±1000 cycles of the authorized carrier frequency and that the carrier frequency of the aural transmitter be maintained 4.5 mc above the visual carrier frequency within ±1000 cycles. Since the tolerance requirements that we are establishing are the same as those required of transmitters under § 3.687 (c) (1) as adopted in this proceeding, we are of the view that we may adopt the new frequency tolerance requirements without further rule making proceedings.

14. Upon our careful consideration of our Notice of Proposed Rule Making, and the comments filed in the proceeding, we are of the view that the public interest, convenience and necessity would be served by the adoption of the Rules as amended herein.

15. Authority for the adoption of the amendments herein is contained in sections 4 (i), 301, and 303 (b), (f) and (r) of the Communications Act of 1934, as amended.

16. In view of the foregoing: *It is ordered*, That effective December 12, 1955, Part 3 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: November 3, 1955.

Released: November 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. A new section is added to read as follows:

§ 3.668 *Frequency tolerance.* (a) The carrier frequency of the visual transmitter shall be maintained within ±1000 cycles of the authorized carrier frequency.

(b) The center frequency of the aural transmitter shall be maintained 4.5 megacycles, ±1000 cycles, above the visual carrier frequency.

2. Delete the text of § 3.687 (a) (9) and insert the expression (Reserved).

3. Delete the first sentence of § 3.687 (b) (7).

4. Section 3.687 (c) is amended as follows:

A. Delete subparagraph (1) and substitute the following:

(1) Automatic means shall be provided in the visual transmitter to maintain the carrier frequency within ± one kilocycle of the authorized frequency; automatic means shall be provided in the aural transmitter to maintain the carrier frequency 4.5 megacycles above the visual carrier frequency within ± one kilocycle.

B. Delete subparagraphs (5) and (6).

5. Add the following sections under a new undesignated center heading, Monitoring Equipment.

§ 3.690 *Frequency monitors.* (a) The licensee of each television broadcast station shall have in operation at the transmitter approved frequency monitors independent of the frequency control of the transmitters.

NOTE: Approved frequency monitors are included on the Commission's "Radio Equipment List, Part A, Television Broadcast Equipment." Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(b) In the event the visual or aural frequency monitor becomes defective, the station may be operated without such equipment pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided*, That:

(1) Appropriate entries shall be made in the operating log of the station to show the date and time the equipment was removed from and restored to service.

(2) The Engineer in Charge of the Radio district in which the station is located shall be notified both immediately after the equipment is found to be defective and immediately after the repaired or replacement equipment has been installed and is functioning properly.

(3) During the period when the station is operated without the visual or aural frequency monitor, the respective carrier frequency shall be compared with an external frequency source of known accuracy at sufficiently frequent intervals to insure that the frequency is maintained within the tolerance prescribed in § 3.687 (c) (1). An entry shall be made in the station log as to the method used and the results thereof.

(4) If conditions beyond the control of the licensee or permittee prevent the restoration of the monitor or monitoring equipment to service within the period specified above, an informal request in accordance with § 1.332 (d) of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument or equipment.

§ 3.691 *Modulation monitors.* (a) The licensee of each television broadcast station shall have in operation at the transmitter an approved modulation monitor for the aural transmitter. There shall also be employed sufficient monitoring equipment for the visual signal to determine that the signal complies with this part.

NOTE: Approved aural modulation monitors are included on the Commission's "Radio Equipment List, Part A, Television Broadcast Equipment." Copies of this list are available for inspection at the Commission's office in Washington, D. C. and at each of its field offices.

(b) In the event the visual monitoring equipment or the aural modulation monitor becomes defective, the station may be operated without such equipment pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided*, That:

(1) Appropriate entries shall be made in the operating log of the station to show the date and time the equipment was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the equipment is found to be defective and immediately after the repaired or replacement equipment has been installed and is functioning properly.

(3) During the period when the station is operated without the aural modulation monitor or the visual monitoring equipment, the licensee shall provide other suitable means for insuring that the aural modulation is maintained

within the tolerance prescribed in § 3.687 (b) (7) and that the visual signal is maintained in accordance with the requirements of this subpart.

(4) If conditions beyond the control of the licensee or permittee prevent the restoration of the monitor or monitoring equipment to service within the period specified above, an informal request in accordance with § 1.332 (d) of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument or equipment.

§ 3.692 *General requirements for type approval of frequency and modulation monitors.* (a) Any manufacturer desiring to submit a monitor for type approval shall supply the Commission with full specification details (two sworn copies) as well as the test data specified in §§ 3.693 and 3.694. If this information appears to meet the requirements of the rules, shipping instructions will be issued to the manufacturer. The shipping charges to and from the Laboratory at Laurel, Maryland, shall be paid for by the manufacturer. Approval of a monitor will only be given on the basis of the data obtained from the sample monitor submitted to the Commission for test.

(b) In approving a monitor upon the basis of the tests conducted by the Laboratory, the Commission merely recognizes that the type of monitor has the inherent capability of functioning in compliance with the rules, if properly constructed, maintained, and operated. The Commission realizes, that the frequency monitor may have limited range over which the visual indicator will determine deviations. Accordingly, it is necessary that adjunct equipment be used to determine major deviations.

(c) Additional rules with respect to withdrawal of type approval, modification of type approval equipment and limitations on the findings upon which type approval is based are set forth in Part 2, Subpart F, of this chapter.

(d) A monitor which is not included on the Commission's Radio Equipment List, Part A, Television Broadcast Equipment, but is in use at a television station prior to _____ may continue to be used by the licensee, his successors or assignees in business until June 1, 1957.

§ 3.693 *Requirements for type approval of frequency monitors.* (a) The specifications that frequency monitors shall meet before they will be approved by the Commission are as follows:

(1) The monitors shall have an accuracy of better than 500 cycles for 30 days under ordinary conditions (ambient, temperature from 10° centrigrade to 40° centigrade above zero, humidity from 10 percent to 95 percent relative humidity, power supply variations from 90 percent to 110 percent, and other conditions which may affect its accuracy) encountered in television broadcast stations throughout the United States.

(2) The range of the indicating device for the aural monitor shall be at least 3000 cycles below to 3000 cycles above the assigned center frequency. Alternatively, the aural monitor may use an indicating device with a similar scale to indicate the difference-frequency between the aural and visual carriers. The range of the indicating device for the visual monitor shall be at least 1500 cycles below to 1500 cycles above the assigned carrier frequency.

(3) The scale of the indicating device shall be calibrated in divisions of not more than 100 cycles.

(4) Means shall be provided for adjustment of the monitor indication to agree with an external standard.

(5) The monitors shall be capable of continuous operation and the circuits shall be such as to permit continuous monitoring of the transmitter carrier frequencies, and the difference-frequency between the visual and aural carriers if this method of measurement is used.

(6) Operation of the monitors shall have no adverse effect on the operation of either the aural or visual transmitters or the signals emitted therefrom and shall be independent of the frequency control of the transmitters.

(7) Means shall be provided for insuring power input level.

(8) General design, construction and operation shall be in accordance with good engineering practice.

(b) Tests to be made for approval of television broadcast frequency monitors. The manufacturer of a monitor shall submit data on the following at the time of requesting approval:

(1) Constancy of oscillator frequency, as measured daily for one month, or more.

(2) Constancy of oscillator frequency when subject to vibration tests which would correspond to the treatment received in shipping, handling and installing the instrument.

(3) Accuracy of reading of the frequency deviation instrument.

(4) Functioning of frequency adjustment device.

(5) Effects on frequency readings, of the changing of tubes, of voltage variations, and of variations of room temperature through a range from 10° to 40° C.

(6) Response of indicating instrument to small changes of frequency.

(7) General information on the effect of tilting or tipping or other tests to determine ability of equipment to withstand shipment.

(c) Various other tests may be made or required, such as effects of variation of input from the transmitter depending upon the character of the apparatus.

(d) Tests shall be conducted in such a manner as to approximate actual operating conditions as nearly as possible. The equipment shall be tested on the highest channel for which it is designed.

§ 3.694 *Requirements for type approval of aural modulation monitors.* (a) The required aural modulation monitor may or may not be a part of the frequency monitor.

(b) The specifications that the aural modulation monitor shall meet before it will be approved by the Commission are as follows:

(1) Means shall be provided for indicating that the signal input to the modulation monitor is in the range required for proper operations.

(2) A modulation peak indicating device shall be provided that can be set at any pre-determined value from 50 to 120 percent modulation (±25 kc swing is defined as 100 percent modulation) and for either positive or negative swings (i. e. either above or below transmitter center frequency).

(3) A quasi-peak indicator with a meter having the characteristics given below shall be used with a circuit such that peaks of modulation of duration between 40 and 90 milliseconds are indicated to 90 percent of full value and the discharge rate adjusted so that the pointer returns from full reading to within 10 percent of zero within 500 to 800 milliseconds. A switch shall be provided so that this meter will read either positive or negative swings. Until June 1, 1957, however, monitors having meters which read either positive or negative swings will be eligible for type approval.

(4) When modulation of a magnitude necessary to produce a deflection equivalent to 100 percent modulation is suddenly applied and left on, the indicating instrument shall not deflect beyond 110 percent on the first passage of the 100 percent mark and shall have excursion from the final value of less than 1 percent after one second or more.

(5) The meter scale shall be similar in appearance to that of a standard VU meter. The scale length between 0 and 100 percent modulation markings shall be at least 2.3 inches. In addition to other markings a small marker for 133 percent modulation, designated as such, should be included for the purpose of testing the transmitter with 33.3 kc swing.

(6) The indicated reading in percentage shall be accurate within ±5 (based on 100 percent modulation) at any percentage of modulation up to 100.

(7) The frequency characteristic curve as measured at 50 percent modulation shall not depart from a straight line more than ±½ db from 50 to 15,000 cycles. Distortion shall be kept to a minimum.

(8) The monitor shall not absorb appreciable power from the transmitter.

(9) Operation of the monitor shall have no adverse effect on the operation of the transmitter.

(10) General design, construction, and operation shall be in accordance with good engineering practice.

(c) Tests to be made for approval of television broadcast aural modulation monitors. The manufacturer of a monitor shall submit data on the following at the time of requesting approval:

(1) Audio frequency response of the monitor from 50 to 15,000 cycles in db from the response at 400 cycles.

(2) Distortion in the response.

(3) Input signal power required.

(4) Permissible tolerance on input signal power to keep the meter reading correct within 5 percent units.

(5) Ballistic characteristics of the monitor indicator.

(d) Various other tests may be made or required depending on the character of the apparatus.

(e) Tests shall be conducted in such a manner as to approximate actual operating conditions as nearly as possible. The equipment shall be tested on the highest channel for which it is designed.

[F. R. Doc. 55-9033; Filed, Nov. 8, 1955; 8:53 a. m.]

[Docket No. 11486; FCC 55-1067]

[Rules Amdt. 8-5]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

CERTAIN ALASKAN MARITIME FREQUENCIES AVAILABLE FOR ASSIGNMENT UNDER INTERIM SHIP STATION AUTHORIZATION

In the matter of amendment of Part 8 of the Commission's rules with respect to specifying certain Alaskan maritime frequencies available for assignment under an interim ship station authorization.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of November 1955.

The Commission having under consideration the matter of amending its rules so as to specify in Part 8 thereof certain maritime frequencies which are available for use for telephony in all zones in Alaska but which are not included in Part 8 as available for assignment under an interim ship station authorization;

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, Notice of Proposed Rule Making in this matter which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on September 7, 1955 (20 F. R. 6564) and the period for filing comments has now expired; and

It further appearing that no comments were received with respect to the proposal; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (c) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective December 7, 1955, Part 8 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 3, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 8 is amended as follows:

Section 8.369 (a) (2) is amended by adding a new subdivision (iv) to read as follows:

(iv) In addition in the Alaska area:

1622 For communication between ship stations aboard vessels of less than 500 gross tons and for communication between public ship stations on board vessels of any size and public coast stations;

2134 For communication between ship stations and coast stations of the Alaska Communications System open to public correspondence;

2382 For communication between ship stations aboard vessels of 500 gross tons or more and for communication between public ship stations on board vessels of any size and public coast stations.

[F. R. Doc. 55-9034; Filed, Nov. 8, 1955; 8:53 a. m.]

[FCC 55-1077]

[Rules Amdt. 13-3]

PART 13—COMMERCIAL RADIO OPERATORS

NEW CLASS, ADDITIONAL REQUIREMENTS

In the matter of amendment of § 13.25 of the Commission's Commercial Radio Operator Rules to exempt from the Second-Class Radiotelegraph code test certain applicants who have already passed the code test and to bring the section up to date.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of November 1955;

The Commission having under consideration the requirements of §§ 13.22 and 13.25 of its rules for the various classes of radio operator licenses; and

It appearing that, under § 13.22 the code test prescribed for the radiotelegraph second-class operator license is the same as for the radiotelegraph third-class operator permit; and

It further appearing that, under the Commission's rules applicants for a radiotelegraph second-class operator license who hold a radiotelegraph third-class operator permit are not given credit for previously qualifying in the code, and that they must repeat the code test in all cases; and

It further appearing that, where an applicant takes an examination for a radiotelegraph second-class operator license not more than one year after qualifying for a radiotelegraph third-class operator permit, experience has shown that it is unnecessary to redetermine his proficiency in the use of the Morse code; and

It further appearing that § 13.25 should also be brought up to date to reflect the Commission's policy of not giving examination credit for aircraft radiotelephone operator authorizations; and

It further appearing that authority for the amendment herein ordered is contained in sections 4 (i) and 303 (1) and (r) of the Communications Act of 1934, as amended; and

It further appearing that Notice of Proposed Rule Making in this matter is unnecessary because the action herein cannot adversely affect any person:

It is ordered, That, effective December 12, 1955, Section 13.25 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 13.25 is amended to read as follows:

§ 13.25 *New class, additional requirements.* The holder of a license who applies for another class of license will be required to pass only the added examination requirements for the new class of license: *Provided*, That the holder of a radiotelegraph third-class operator permit who takes an examination for a radiotelegraph second-class operator license more than one year after the issuance date of the third-class permit will also be required to pass the code test prescribed therefor: *Provided further*, That no person holding a new, duplicate, or replacement Restricted Radiotelephone Operator Permit issued upon the basis of a declaration, or a renewed restricted radiotelephone operator permit which renews a permit issued upon the basis of a declaration, or holding an aircraft radiotelephone operator authorization, or a temporary limited radiotelegraph second-class operator license shall, by reason of the declaration or the holding of such permit, authorization, or license, be relieved in any respect of qualifying by examination when applying for any other class of license.

[F. R. Doc. 55-9035; Filed, Nov. 8, 1955; 8:53 a. m.]

[Docket No. 11466; FCC 55-1071]

[Rules Amdt. 16-1]

PART 16—LAND TRANSPORTATION RADIO SERVICES

MOBILE RELAY STATION

In the matter of amendment of § 16.355 (b) (2) of Part 16 of the Commission's rules governing land transportation radio services.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of November 1955;

The Commission having under consideration the above-captioned matter of amending its rules to provide for the assignment of additional frequencies to mobile relay stations in railroad point-to-train mainline operations, for which type of operation only the two mobile service frequencies available to a particular railroad for its mainline operations may now be assigned on a developmental basis;

It appearing that, in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, Notice of Proposed Rule Making in this matter, which made provision for submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on August 4, 1955 (20 F. R. 5593)

and that the period provided for the filing of comments has now expired; and

It further appearing that the Association of American Railroads and the Southern Pacific Company submitted comments supporting the proposed amendment and requesting that certain clarifying changes be made which would distinguish between the provisions for the assignment of frequencies to mobile relay stations used in yards and terminals and those applicable to mobile relay stations used in railroad mainline operations and that the developmental status be removed from authorizations for the latter type of station; and

It further appearing that no comments have been received in opposition to the proposed amendment or in reply to the comments of the American Association of Railroads and the Southern Pacific Company; and

It further appearing that the proposed amendment was intended to provide only for mobile relay stations used in point-to-train mainline operations without changing the provisions presently in effect governing the operation of such stations when used in yard and terminal operations; and

It further appearing that the adoption of this amendment necessitates revising the definition of Mobile Relay Station (§ 16.6 (q)) and requires editorial changes in § 16.355 (b) (1); and

It further appearing that it is desirable to continue authorizing mobile relay point-to-train operations in the Railroad Radio Service on a developmental basis in order to gain more information and experience relative to this type of operation, especially since additional frequencies are being made available therefor; and

It further appearing that the authority for the amendments herein ordered is contained in sections 4 (i), 303 (b), (c) and (r) of the Communications Act of 1934, as amended, and that these amendments will relieve an existing restriction and may, therefore, be made effective immediately:

It is ordered, That, effective immediately, Part 16 of the Commission's rules is amended as set forth below; and

It is further ordered, That the petitions of the Southern Pacific Company and the Association of American Railroads filed February 15, 1955, and March 2, 1955, respectively, requesting modification of the policy governing the assignment of frequencies to Mobile Relay stations in the Railroad Radio Service, are granted insofar as they requested that the Commission's rules be amended to permit the assignment of an additional mobile service frequency to mobile relay stations used in point-to-train mainline operations and denied, for the reasons set forth herein, insofar as they requested that point-to-train mobile relay operations be authorized on a regular basis.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 16 is amended as follows:

1. Delete the present text of § 16.6 (q) and substitute the following:

(q) *Mobile relay station.* A base station in the Mobile Service, authorized primarily to retransmit automatically on a mobile service frequency communications originated either by mobile units or by an associated operational fixed (control) station operated on either a fixed service frequency or the mobile service frequency assigned to the associated mobile station. (Authorized in the Railroad Radio Service only.)

2. Delete the present text of § 16.355 (b) (1) and (2) and substitute the following:

(1) Each application for a new mobile relay station authorization shall be accompanied by a satisfactory showing that the applicant has a substantial requirement for prompt mobile-to-mobile or extended range point-to-train communications over ranges greater than can be realized consistently by direct communication on the frequency presently assigned, or in the case of a proposed new radio system, on any available frequency. Except for radio systems in railroad yard and terminal areas, range measurements obtained by use of low-power transmitters of the hand-carried or pack-carried type will not be accepted in satisfaction of the applicable requirements of this subparagraph. Authorizations for mobile relay stations to be used in railroad mainline operations to extend the range of point-to-train communications shall be granted only on a developmental basis.

(2) A mobile relay station may be authorized to operate on any mobile service frequency available for assignment to base stations except that mobile relay stations used for the purpose of extending the range of point-to-train communications in mainline operations will be authorized to operate only on the frequencies assigned to a particular railroad for its mainline (point-to-train and end-to-end) operations; *Provided, however*, That where a mobile relay station is to be used to extend the range of point-to-train communications, the Commission may authorize the use of an additional mobile service frequency allocated to the Railroad Radio Service when it is shown that: (i) Mobile relay operations cannot be satisfactorily conducted on the frequencies assigned to mainline operations, (ii) the additional mobile service frequency will be used only in areas where, due to terrain or weather, hazardous railroad operating conditions prevail and no other satisfactory communication facilities exist or are practical to construct or maintain to the point where mobile relay stations are proposed to be established and (iii) no harmful interference will result to other stations in the Railroad Radio Service.

[F. R. Doc. 55-9036; Filed, Nov. 8, 1955; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 541]

DEFINING AND DELIMITING TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, OR LOCAL RETAILING CAPACITY, OR IN THE CAPACITY OF OUTSIDE SALESMAN"

NOTICE OF HEARING

Section 13 (a) (1) of the Fair Labor Standards Act, as amended, provides an exemption from the minimum wage and overtime requirements for any employee employed in a bona fide executive, administrative, or professional capacity, as such terms are defined and delimited by regulations of the Administrator. Pursuant to this authority, regulations, Part 541 were last amended effective January 25, 1950. Among other requirements, these regulations require that executive employees must be paid not less than $55 a week on a salary basis, and that administrative and professional employees must be paid not less than $75 a week on a salary or fee basis. The regulations also contain special provisions for such employees who are paid $100 a week or more.

Experience in administering these regulations, in light of changes in economic conditions which have taken place since the effective date of the amended regulations, particularly the widespread increases in wage and salary levels, indicate that consideration should be given to further amendment of the regulations.

Accordingly, notice is hereby given of a public hearing to be held beginning on Monday, December 12, 1955, at 10 a. m. in Conference Room B, Departmental Auditorium, Constitution Avenue, between Twelfth and Fourteenth Streets NW., Washington, D. C., before a representative of the Administrator, at which interested persons may submit data, views, or arguments on the following question:

What, if any, changes should be made in the provisions contained in §§ 541.1 (f), 541.2 (e) and 541.3 (e) of the regulations with respect to the level of the salaries required for exemption as executive, administrative, and professional employees (except for Puerto Rico and the Virgin Islands)?

All persons wishing to be heard on this question shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, Fourteenth and Constitution Avenue NW., Washington 25, D. C., not later than December 1, 1955, notice of intention to appear which shall contain the following information:

1. Name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the persons or organizations he is representing.

3. Whether he is appearing in support of a change in the salary levels and if so, the nature of the change suggested.

4. The approximate length of time requested for his presentation.

Written data, views, or arguments may be filed in lieu of personal appearances at any time prior to or at the hearing.

In connection with the question presented above interested parties are requested to submit, prior to or at the hearing, the following kinds of data:

1. Salaries currently paid to executive, administrative, and professional employees, including the entrance salaries, prevailing minimum salaries and the range.

2. Entrance salaries paid to trainees and junior executive, administrative, and professional employees.

3. Wages or salaries of white collar employees, particularly clerical:

(a) Typists, stenographers, secretaries.

(b) Clerks, accounting clerks, payroll clerks, bookkeepers.

(c) Accountants of various grades.

4. Salary increases to employees in 1, 2 and 3 above since 1949, in dollars or in percentage increase.

5. For the purpose of properly evaluating the information given above, information should be submitted identifying the locality, type of community and the industry involved in the data presented.

6. Any other information relating to the appropriate level of the salary requirements in the Regulations, Part 541, under current conditions.

A report entitled "Earnings Data Pertinent to a Review of the Salary Tests for Executive, Administrative and Professional Employees, as Defined in Regulations Part 541" is being prepared by the Division. This report may be examined at the office of the Wage and Hour and Public Contracts Divisions, Room 5133, United States Department of Labor, Fourteenth and Constitution Avenue NW., Washington, D. C., after November 15, 1955. Copies will be distributed upon request after that date as long as the available supply lasts.

Signed at Washington, D. C., this 3d day of November 1955.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 55-9028; Filed, Nov. 8, 1955; 8:51 a. m.]

[29 CFR Part 545]

HOMEWORKERS IN THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

NOTICE OF PROPOSED AMENDMENT

Notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237), that the Administrator of the Wage and Hour Division, United States Department of Labor, proposes to amend 29 CFR 545.13, providing piece rates for the needlework and fabricated textile products industry in Puerto Rico (1) by the addition to Schedule–A of piece rates applicable to the silk, rayon and nylon (except infants') underwear division, and (2) by the addition of Schedule–E, containing the piece rates applicable to the general division. Both of these sets of additions are set out in the attachment hereto. Prior to the final adoption of these amendments, consideration will be given to any data, views, or arguments, pertaining thereto, which are submitted in writing to the Office of the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., within 15 days from publication hereof in the FEDERAL REGISTER.

A wage order which fixed the minimum hourly wage rates to which these piece rates are related became effective October 6, 1955, and an order making final other proposed piece rates related to the same industry is being published today to become effective December 9, 1955. It is in the public interest for all piece rates for this industry to become effective at the same time and as soon after the revised wage order hourly rates as practicable. For these reasons I find it contrary to the public interest to provide more than 15 days notice of this proposed amendment, and I intend to find good cause to shorten the period prior to the effective date of any final order on this proposal to make the piece rates effective December 9, 1955.

These amendments are to be issued pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended 29 U. S. C. 201 et seq.).

Signed at Washington, D. C., this 3d day of November 1955.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

§ 545.13 *Piece rates established in accordance with § 545.9.*

SCHEDULE A—PIECE RATE SCHEDULE FOR THE SILK, RAYON AND NYLON (EXCEPT INFANTS') DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

No.	Operation	Piece rates based on hourly rate of 26 cents	Unit of Payment
	HAND-SEWING OPERATIONS [1]	*Cents*	
1	Arenilla (seed stitch), close, ½" squares	31.20	Per dozen squares.
2	Arenilla (seed stitch), scattered, ½" squares	15.60	Do.
3	Arrows, filled in, ¼"	7.80	Per dozen.
4	Back stitch on yokes, armholes, etc.	17.33	Per yard.
5	Basting bias with cord	8.58	Do.
6	Basting darts before sewing	9.04	Do.
7	Basting for fagoting	2.35	Do.
8	Basting hems, 1" to 6" wide	5.20	Do.
9	Basting lace	4.49	Do.
10	Basting waist lines, plackets and facings, 2 to 3 stitches per inch	3.26	Do.
11	Bias piping, joined, double, over 10 stitches per inch	10.40	Do.
12	Bias piping, joined, single, over 10 stitches per inch	13.00	Do.
13	Bias piping, second seam, joined, double, set flat on garment with running stitch.	15.66	Do.
14	Blanket stitch, folding included, 18 stitches per inch	29.46	Do.
15	Buttons sewed on with double thread, 2 to 3 stitches	3.39	Per dozen.
16	Buttonholes, stamped, ¾" long	11.20	Do.
17	Buttonholes, stamped, ½" long	14.91	Do.
18	Buttonhole stitch, close	23.40	Per yard.
19	Buttonhole stitch for joining seams	23.40	Do.
20	Cord, twisted, over basting	2.60	Per dozen inches.
21	Cutting material applied over lace with solid cord stitch	3.55	Per yard.
22	Cutting material under lace or at seams, straight outline, following hand-sewing operation.	1.46	Do.
23	Dots, Baby, not finished off, 2 to 3 stitches	2.17	Per dozen.
24	Dots, medium, not filled in, finished off, 8 to 9 stitches	3.44	Do.
25	Eyelets, up to 3/16" diameter	5.79	Do.
26	Eyelets, 3/16" diameter	10.40	Do.
27	Fagoting, straight lines	36.21	Per yard.
28	Fagoting, twisted lines	17.33	Do.
29	Feather stitch, 12 stitches per inch	17.33	Do.
30	Feather stitch cord	9.12	Do.
31	Flat fell seams, first seam by machine	10.15	Do.
32	Flat roll	7.89	Do.
33	French knots, not finished off	1.09	Per dozen.
34	French seams, over 12 stitches per inch	6.50	Per yard.
35	French seams, first seam by machine, 9 to 12 stitches per inch	4.27	Do.
36	Furunecos, with tape	43.33	Do.
37	Furunecos, without tape	31.20	Do.
38	Guariquenas	2.60	Per dozen.
39	Half roll	8.52	Per yard.
40	Hemming stitch for felling, 2 to 3 stitches per inch	4.56	Do.
41	Hemming stitch for felling cuffs, collars, plackets and waist bands, 8 to 10 stitches per inch.	11.62	Do.
42	Hemstitching, double, (tru-tru), 4 threads in a bundle, thread drawing not included.	32.24	Do.
43	Hemstitching, single, 4 threads in a bundle, thread drawing not included.	16.92	Do.
44	Lace, joined with whipping stitch	27.09	Do.
45	Lace, sewed on with hemming stitch or round roll	13.00	Do.
46	Leaves, open ¼" long	10.40	Per dozen.
47	Leaves, open ⅜" to ½" long	15.60	Do.
48	Leaves, simple	.98	Do.

See footnote at end of table.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE SILK, RAYON AND NYLON (EXCEPT INFANTS') DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO—Con.

No.	Operation	Piece rates based on hourly rate of 30 cents	Unit of Payment
	HAND-SEWING OPERATIONS[1]—continued		
		Cents	
49	Leaves, solid, not finished off, ⅛" long	2.85	Per dozen.
50	Leaves, solid, not finished off, ¼" long	3.47	Do.
51	Leaves, solid, not finished off, ¾" to ½" long	5.20	Do.
52	Leaves, solid, finished off, ⅜" to ¾" long	10.40	Do.
53	Loops, knitted, ¼"	3.26	Do.
54	Loops, knitted, 1" to 1¾"	5.47	Do.
55	Loops, made with buttonhole stitch, ¼"	7.80	Do.
56	Mounting fagoting appliques, including pinning and basting to garment, first seam with running stitch, felled seam with hemming stitch.	31.07	Per yard.
57	Overcasting seams	5.53	Do.
58	Pasadas, short, 1" to 6"		
59	Patches, sewed on with single point de turc	51.80	Do.
59.1	Patches, rectangular, sewed on with blind stitch, up to 1½"	3.24	Per dozen inches.
59.2	Patches, sewed on with solid cord, cutting and basting included	51.01	Per yard.
60	Pin stitch, thread drawing not included, 1" squares	62.40	Per dozen squares.
61	Point de turc, double, with embroidery thread	25.89	Per yard.
62	Point de turc, plain, with embroidery thread	15.17	Do.
63	Randa, bundles twisted but not tied, thread drawing not included	6.50	Do.
64	Randa, Don Gonzales, thread drawing not included	27.29	Do.
65	Randa, Mexican, tied at center only, thread drawing not included	7.80	Do.
66	Ribbons, setting ends of	3.55	Per dozen.
67	Rolling armholes and roboques	13.28	Per yard.
68	Rose buds, worm stitch, 4 worms, 1 or 2 colors or tones	7.71	Per dozen.
69	Running stitch on darts, 8 to 20 stitches per inch	6.50	Per yard.
70	Running stitch for felling, very close stitch	6.50	Do.
71	Running stitch on hems up to 1" wide, 12 stitches per inch	7.00	Do.
72	Running stitch on lace	6.91	Do.
73	Running stitch for plain sewing	4.69	Do.
74	Scallops, plain, cutting included	26.17	Do.
75	Shadow stitch, up to ⅜" wide	50.26	Do.
76	Shell stitch, 4 to 5 stitches per inch	8.92	Do.
77	Shirring, material to be measured before shirring	5.22	Do.
78	Shirring and basting lace edging, material to be measured after shirring.	6.30	Do.
79	Shirring and setting lace edging with hemming stitch on straight outline, material to be measured after shirring.	11.32	Do.
80	Shoulder straps, set with buttonhole stitch 14½" x ¼", measured after turning, sewing up to ¾" at each end of strap.	30.73	Per dozen straps.
81	Size tickets set with hemming stitch, cutting tickets included	5.20	Per dozen inches.
82	Smocking	.22	Per dozen stitches.
83	Snaps, sewing on, both sides	5.20	Per dozen.
84	Solid cord stitch on gores and embroidery	24.44	Per yard.
85	Solid cord stitch to sew on lace	22.10	Do.
86	Spiders, 4 legs	5.20	Per dozen.
87	Spiders, 8 legs	10.16	Do.
88	Tacks, set for fagoting	2.60	Do.
89	Tucks, stamped, 1/16" to ⅛" wide, up to 6" long	8.13	Do.
90	Tucks, pin, stamped, up to 7" long	8.57	Do.
91	Tucks, pin, unstamped, up to 6" long	10.40	Do.
	NON-HAND-SEWING OPERATIONS		
93	Cutting material under lace, or at seams, straight outline, following machine operations.	2.68	Per yard.
94	Turning bolts, machine sewn, 29" x ½", measured after turning	11.17	Per dozen bolts.
95	Turning bolts, machine sewn, 60" x ½", measured after turning	14.19	Do.
96	Turning shoulder pads, 5¾" long, with an unsewn slit, of 1" for turning.	7.27	Per dozen pads.
97	Turning shoulder straps, 14½" x ¼", measured after turning	22.24	Per dozen straps.

[1] For description of operations included under "hand-sewing", see definitions in applicable section of wage order.

SCHEDULE E—PIECE RATE SCHEDULE FOR THE GENERAL DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO[1]

No.	Operation	Piece rates based on hourly rate of 45 cents	Unit of Payment
	CROCHETING SHADE PULLS, NOT OVER 30 STITCHES PER RING		
207	Cotton thread	$1.44	Per gross.
208	Nylon thread	1.47	Do.

[1] The piece rates apply only to "hand-sewing" operations. For description of operations included under "hand-sewing", see definition in applicable section of wage orders.

[F. R. Doc. 55-9026; Filed, Nov. 8, 1955; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 27]

AIRCRAFT DISPATCHER CERTIFICATES

NOTICE OF INSTITUTION OF RULE-MAKING PROCEEDINGS

Notice is hereby given that the Bureau of Safety Regulation is instituting rule-making proceedings by circulating Draft Release No. 55-22 to persons on the Bureau's current distribution list. Other interested persons may secure a copy of this draft release upon request made to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. This draft release contains a proposed general revision of Part 27 of the Civil Air Regulations containing, among other things, modifications of certain of the experience requirements for the issuance of an aircraft dispatcher certificate. This proposal is being circulated as the first step in the rule-making process in the hope that it will serve to narrow or eliminate the areas of substantive difference between interested persons as to the adequacy or the desirability of the proposed rule.

The Bureau desires that all persons who will be affected by the requirements of this proposal be given an opportunity to participate in the consideration of these rules and to submit such comment as they may desire not only in the final rule-making stage, but throughout the entire rule-making process. Draft Release No. 55-22 requires that comment be submitted on or before February 10, 1956. If the nature of the comment is such that a discussion between the Board's staff and interested members of the public would be of constructive assistance in the further development of the proposed rules, all interested parties will be invited to participate in such a discussion to be held in Washington, D. C. Notice of the time and place of such a meeting, together with advance documentation, will be circulated to persons who have signified their interest prior to February 10, 1956.

Since it is intended that the rule as finally evolved as a result of the foregoing procedure will be published in its entirety as a notice of proposed rule making, interested persons who do not care to participate in the rule-making proceedings at this stage will have a further opportunity for commenting thereon.

The foregoing procedure is proposed under the authority of Sec. 4 of the Administrative Procedure Act, and Title VI of the Civil Aeronautics Act of 1938, as amended.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., October 31, 1955.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 55-9030; Filed, Nov. 8, 1955; 8:52 a. m.]

[14 CFR Part 226]

[Economic Regulations Draft Release 78]

FREE AND REDUCED-RATE TRANSPORTATION TO BOARD EMPLOYEES TRAVELING ON OFFICIAL BUSINESS

NOTICE OF PROPOSED RULE-MAKING

NOVEMBER 7, 1955.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of new Part 226 of its Economic Regulations designed to clarify the legal status of a voluntary offer, made by any air carrier engaged in interstate air transportation, to furnish free or reduced-rate transportation to Board personnel traveling on official business for the Board. Proposed Part 226 also adds such personnel to the category of persons who may be furnished preferential rate transportation, pursuant to the provisions of section 403 (b) of the act applying to overseas or foreign air transportation.

The principal features of the proposed regulation are explained in the attached Explanatory Statement and the proposed new Part 226 is set forth in the attached proposed rule.

Interested persons may participate in the proposed rule-making through submission of written data, views or arguments pertaining thereto, in triplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before December 9, 1955, will be considered by the Board before taking final action on the proposed rule.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 403, 404, 405, 52 Stat. 992, 993, 994; 49 U. S. C. 483, 484, 485)

By the Civil Aeronautics Board.[1]

[SEAL] M. C. MULLIGAN, *Secretary.*

Explanatory statement. While the Board has, in Part 224 of the Economic Regulations, required air carriers to provide free transportation to any duly authorized official or employee of either the Board or the Administrator of Civil Aeronautics who has been assigned to the duty of inflight safety inspection, it has never promulgated any regulations dealing with the matter of free or reduced-rate transportation offered voluntarily by air carriers to Board personnel while on other official duties. Thus, the proposed rule presents a question of first impression concerning the Board's powers in this sphere.

There is a vital difference between the assertion of a legal power in the Board to compel air carriers to furnish free or reduced-rate air transportation and the question of whether an air carrier, voluntarily furnishing such transportation, is in violation of the law.

The Act does not contain any express prohibition against the offering of free transportation to Board personnel. Therefore, it is necessary to consider the dual-headed question of whether any general term of the Act operates to preclude the voluntary furnishing of such transportation or whether such result is prohibited by necessary implication in any provision of the Act.

The sections of the Act which bear upon the problem are sections 403 and 404. Section 403, which requires the filing, posting and observance of tariffs by air carriers and prohibits rebating of any kind, contains the following provision:

Section 403 (b) "• • • Nothing in this Act shall prohibit such air carriers or foreign air carriers, under such terms and conditions as the Authority (Board) may prescribe, from issuing or interchanging tickets or passes for free or reduced-rate transportation to their directors, officers, and employees and their immediate families; witnesses and attorneys attending any legal investigation in which any such air carrier is interested; persons injured in aircraft accidents and physicians and nurses attending such persons; and any person or property with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation; and, in the case of overseas or foreign air transportation, to such other persons and under such other circumstances as the Authority (Board) may by regulation prescribe."

It is clear from this provision that preferential rates may be granted, subject to such terms and conditions as the Board may prescribe, to the persons enumerated in the foregoing quotation and, in the case of overseas or foreign air transportation only, to such additional classes of traffic as may be specified by the Board.

It is also apparent that if authority for free and reduced rates for Board personnel in interstate air transportation is to be found, it must be found elsewhere, since the authority of the Board to add to the class of persons covered by this provision is limited to overseas and foreign air transportation.

The absence of this specific power is not, however, determinative of the question. So far as section 403 is concerned, it is primarily mechanical in its operation. Tariffs must be filed and observed and no privilege may be extended to any person except those specified in the tariff. Once such provision is made, section 403 is satisfied. Accordingly, the Board is of the opinion that so long as provision is made in the duly filed tariffs of an air carrier for free or reduced rates to Board personnel, no violation of the provisions of section 403 would be involved.

The question of whether the voluntary furnishing of free or reduced-rate transportation to Board personnel is an undue or unreasonable preference within the meaning of section 404 (b) is a far more difficult question. Certainly a privilege in fact is being extended to the Board itself, if not to its personnel; and the Board like other Government agencies is a "person" within the meaning of section 404.

However, even though a privilege is extended, it is not unlawful unless it is undue or unreasonable.

If this provision of the Act is interpreted as a strict "rule of equality" a difference in treatment between one class of traffic and another can only be justified by varying intrinsic conditions of carriage. Obviously, there are no such differences in the travel facilities and accommodations accorded Board personnel and other airline passengers. However, this circumstance is by no means determinative, and the Board has twice rejected such a literal view of section 404 (b) (Free and Reduced-Rate Transportation Case, 14 CAB 481 (1951) Tour Basing Fares Case, 14 CAB 257 (1951)).

These holdings find support in the fact that the U. S. Supreme Court has held that competition between carriers may, under some circumstances, constitute a justification for the charging of different rates for like and contemporaneous service between the same points despite the absence of any intrinsic differences in the conditions of carriage. (Eastern-Central Motor Carriers Assn. v. United States, 321 U. S. 194 (1944); Barringer & Co. v. United States, 319 U. S. 1 (1942); Texas and Pacific R. R. v. I. C. C., 162 U. S. 197 (1895)).

The Board is of the opinion that if a difference in treatment promotes the public interest, when tested by the general policy considerations of the act, to an extent sufficient to outweigh the objectionable inequality the resulting preference will be neither undue nor unreasonable. In making any such determination of public interest, the Board would necessarily have to take into account many factors, including the effect of the practice upon the financial condition of the carriers, the directness of the benefits accorded air transportation generally, and the adequacy of controls to the end that such privilege is not abused.

The Board is unable to find that the furnishing of free or reduced-rate transportation to the Government as a whole would be in the public interest. The Federal Government is by far the largest user of air transportation in the country, and any substantial curtailment of the revenues accruing from such transportation would soon jeopardize the financial integrity of many air carriers. Moreover, with the exception of the Civil Aeronautics Administration and the Post Office Department, the governmental functions of other agencies of the Government, even though they may relate to aviation in its broader aspects, are not directly and intimately concerned with the carrying out of the declaration of policy in section 2 of the Civil Aeronautics Act. Lastly, the Board has no effective means of requiring reports to be made to it by other governmental agencies as to the extent and nature of the use of any such free or reduced-rate transportation privileges, and thus cannot assure that these statistics will be made a matter of public record.

The Board, however, stands on a different footing. All functions which it performs are directly related to and are governed by the declaration of policy in the Civil Aeronautics Act. There is no doubt that the performance of these functions and the activities necessarily connected therewith are directly related to the specific public interest delineated in the Act.

Moreover, there is a strong interest on the part of air carriers generally in having the personnel of the regulatory body governing their industry familiar with the practical details of their day-to-day operations.

Free or reduced-rate transportation to Board personnel traveling on official business would not constitute a drain on any carrier's treasury, jeopardize the financial condition of any carrier, or otherwise adversely affect air transportation in general. Because of the relatively small number of its personnel (618), only a minor percentage of whom will be traveling on official business, little or no adverse effect will be felt by any carrier voluntarily offering to furnish free or reduced-rate transportation.

It must also be borne in mind that the decision as to whether to file tariffs providing for such transportation will remain with the management of the carriers themselves. (However, once such tariffs are on file, the carrier must furnish in accordance therewith free or

[1] Statement of Dissent of Member Chan Gurney filed as part of the original document.

reduced-rate transportation to such persons as may be designated by the Board for the travel which has been requested.) Management, acting in the best interests of the company it represents, will decide whether the grant of free or reduced-rate transportation to Board personnel on official business is in the best interest of its airline.

Lastly, the Board itself will have full control over the use of any such privilege by its personnel, and reports of its personnel using such transportation can and will be made open for public inspection.

One further consideration requires mention. Under section 405 (m) of the Act, Congress specifically required air carriers to furnish free transportation to duly accredited agents and officers of the Post Office Department while traveling on official business relating to the transportation of mail by aircraft, as the Board might by regulation prescribe. The obligation imposed by this section is of a different nature than the privilege of offering free or reduced-rate transportation to Board personnel. Because of its limitation to Post Office officials, it cannot be construed as extending to other Government personnel, including Board personnel, in its mandatory form even though to some degree the Board under Reorganization Plan 10 now fulfills certain former functions of the Post Office Department (those relating to the subsidy element of mail pay). However, the Board believes that section 405 (m) is an express recognition by the Congress that the voluntary furnishing of free or reduced-rate transportation to an agency directly concerned with air transportation matters is not an undue or unreasonable preference.

In the case of overseas and foreign air transportation there is, as noted above, express authority on the part of the Board in Section 403 (b) of the Act to authorize the offering of free or reduced-rate transportation. In view of this specific authority the Board intends to act pursuant to that section in connection with the overseas and foreign transportation aspects of this regulation, although the reasons for such action are the same as in the case of interstate air transportation, and the exercise of the privilege in each case will be subject to the same requirements. The Board proposes, in section 226.4 of the attached regulation, to exercise this power so as to add Board personnel traveling in the course of their official duties to the eligible class of persons specified in section 403 (b).

§ 226.1 *Definitions.* (a) "Official duties" shall encompass all duties a member, officer or employee of the Board is officially directed to perform in the discharge of any function vested in the Board under the provisions of the Civil Aeronautics Act of 1938, as amended.

(b) "Free transportation" means the carriage by a carrier subject to the provisions of this part of any member, officer or employee of the Board without compensation therefor, in accordance with the applicable filed tariff rules of such carrier governing transportation of such personnel while traveling in the course of their official duties.

(c) "Reduced-rate transportation" means the carriage by a carrier subject to the provisions of this part of any member, officer or employee of the Board for a compensation specified in the applicable file tariff rules of such carrier governing transportation of such personnel while traveling in the course of their official duties, which compensation is less than that specified in the otherwise applicable tariff rate of the carrier.

§ 226.2 *Applicability.* This part applies to any air carrier engaged in air transportation in respect of such transportation, and to any foreign air carrier engaged in foreign air transportation in respect of such transportation.

§ 226.3 *Determination of public interest regarding air transportation.* The Board, upon a review of all the considerations set forth in the preamble (for this draft release, entitled Explanatory Statement) to this regulation determines that the furnishing of free or reduced-rate transportation subject to the provisions of this part to duly accredited members, officers and employees of the Board is in the public interest, and concludes that the furnishing of such transportation would not under its interpretation of the Act constitute an undue or unreasonable preference or advantage within the purview of section 404 (b) thereof.

§ 226.4 *Permissive authorization to furnish overseas and foreign air transportation.* Subject to compliance with the other provisions of this part, any air carrier which is authorized to engage in overseas air transportation and any air carrier or foreign air carrier authorized to engage in foreign air transportation, may provide transportation (in accordance with such authorization) free or at a reduced rate to duly accredited members, officers or employees of the Board.

§ 226.5 *Tariffs to be filed.* No carrier shall furnish any free or reduced-rate transportation pursuant to this part unless its governing tariffs, on file with the Board, expressly provide therefor.

§ 226.6 *Provisions required to be included in all tariffs filed.* Each and every tariff filed in order to permit an air carrier or foreign air carrier to furnish free or reduced-rate transportation pursuant to this part shall include the requirements that the person seeking such transportation present to the appropriate agent of the carrier: (a) A certificate identifying such person as being entitled to such carriage, which certificate shall be signed by the Executive Director of the Civil Aeronautics Board and (b) two executed copies of CAB Form No. __, "Request for free or Reduced-Rate Transportation for Board Personnel Traveling in the Course of Official Duties."

§ 226.7 *Reports of use of free transportation by Board personnel to be public documents.* Copies of all CAB Form No. ____ which have been issued and against which free or reduced-rate transportation has been furnished in accordance with the provisions of this part, shall be maintained in the office of the Secretary of the Board and shall be open to public inspection upon reasonable request therefor.

§ 226.8 *Separability.* If any provision of this part or the application thereof to any air transportation, person, class of persons, or circumstances is held invalid, the remainder of the part and the application of such provisions to other air transportation, persons, classes of persons, or circumstances shall not be affected thereby.

[F. R. Doc. 55-9068; Filed, Nov. 8, 1955; 8:58 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 18]

[Docket No. 11442]

INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICE

INDUSTRIAL HEATING EQUIPMENT

In the matter of amendment of Part 18 to establish a type acceptance procedure for industrial heating equipment and in general to reorganize the regulations applicable to industrial heating equipment.

The Commission having under consideration a notice of proposed rule making in the above-entitled matter adopted on July 6, 1955 (20 F. R. 5018), providing that written comments in connection therewith be filed by interested parties on or before August 15, 1955; and

It appearing that as a result of a petition filed by Westinghouse Electric Corporation the time for filing comments was extended to November 15, 1955; and

It further appearing that the Commission has recently received several requests for a further extension of time within which to present comments with respect to Item 6 of the Notice of Proposed Rule Making which contemplates the addition of a new subpart entitled "Industrial Heating Equipment", including a request from the Committee on Induction and Dielectric Heating of the American Institute of Electrical Engineers. This Committee pleads that it is in the midst of a test program to gather engineering information pertinent to many of the changes contemplated by the proposed rule making and that the tests cannot be completed prior to March 15, 1956 nor can the data be analyzed and an engineering recommendation formulated prior to May 15, 1956.

It further appearing that no specific request has been received for additional time to comment on the remainder of the amendments proposed in the mentioned Notice of Proposed Rule Making; and

It further appearing that the public interest would be served by granting the additional time requested for gathering and analyzing such technical data as may be pertinent to this proceeding:

It is ordered, This 4th day of November 1955 that the date for filing comments with respect to Item 6 of the Commission's Notice of Proposed Rule Making which item proposes the addition of a new subpart entitled, "Industrial Heating Equipment", is hereby extended to May 15, 1956.

Released: November 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9037; Filed, Nov. 8, 1955; 8:54 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEW YORK

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY AND ECONOMIC EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following named additional counties in the State of New York a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the delegations of authority from the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148; and 19 F. R. 5364), and for the purpose of making economic emergency loans pursuant to section 2 (b) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (b)), as amended by Public Law 115, 83d Congress, it has been determined that the following named additional counties in the State of New York are within the area affected by the major disaster occasioned by hurricanes and flood as determined by the President on August 22, 1955, as amended on October 17, 1955, pursuant to Public Law 875, 81st Congress (42 U. S. C. 1855 et seq.). It has also been determined that an economic disaster exists in said counties that has caused a need for agricultural credit that cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular loan programs, or other responsible sources.

STATE OF NEW YORK

Albany.	Montgomery.
Delaware.	Schoharie.
Greene.	

Pursuant to the authority set forth in this document, production emergency and economic emergency loans may be made to new applicants in said counties through December 31, 1956. Thereafter, production emergency loans and economic emergency loans may be made in such counties only to borrowers indebted for such loans.

Done at Washington, D. C., this 4th day of November 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-9049; Filed, Nov. 8, 1955; 8:57 a. m.]

OREGON

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress, as amended, it is determined that in the following named additional counties in the State of Oregon a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

STATE OF OREGON

Clackamas.	Washington.
Marion.	Yamhill.

Pursuant to the authority as set forth above, such loans will not be made in the State of Oregon after June 30, 1956, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 4th day of November 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-9050; Filed, Nov. 8, 1955; 8:57 a. m.]

Rural Electrification Administration

[Administrative Order T-674]

INDIANA

LOAN ANNOUNCEMENT

SEPTEMBER 2, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Clay County Rural Telephone Cooperative, Inc., Indiana 524-A Clay County	[1] $536,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-8994; Filed, Nov. 8, 1955; 8:46 a. m.]

[Administrative Order T-675]

TENNESSEE

LOAN ANNOUNCEMENT

SEPTEMBER 2, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
West Tennessee Telephone Company, Tennessee 555-A West Tennessee	[1] $488,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-8995; Filed, Nov. 8, 1955; 8:46 a. m.]

[Administrative Order No. T-676]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

SEPTEMBER 13, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Dakota Cooperative Telephone Company, Inc., South Dakota 515-B Irene	$787,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-8996; Filed, Nov. 8, 1955; 8:46 a. m.]

[Administrative Order T-677]

TEXAS

LOAN ANNOUNCEMENT

SEPTEMBER 15, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Burnet Telephone Company, Incorporated, Texas 600-A Burnet	[1] $325,000

[1] Simultaneous allocation and loan.

[SEAL] ROBERT T. BEALL,
Acting Administrator.

[F. R. Doc. 55-8997; Filed, Nov. 8, 1955; 8:46 a. m.]

[Administrative Order T-678]

TEXAS

LOAN ANNOUNCEMENT

SEPTEMBER 16, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Hill Country Telephone Cooperative, Inc., Texas 575-B Ingram	$580,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-8998; Filed, Nov. 8, 1955; 8:46 a. m.]

[Administrative Order T-679]

TEXAS

LOAN ANNOUNCEMENT

SEPTEMBER 16, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following

designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Colorado Valley Telephone Co-operative, Inc., Texas 592–A La Grange	[1] $391,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55–8999; Filed, Nov. 8, 1955; 8:47 a. m.]

[Administrative Order T–680]

LOUISIANA

LOAN ANNOUNCEMENT

SEPTEMBER 16, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
East Ascension Telephone Company, Inc., Louisiana 501–E Gonzales	$596,000

[SEAL] ARCHER NELSEN, *Administrator.*

[F. R. Doc. 55–9000; Filed, Nov. 8, 1955; 8:47 a. m.]

[Administrative Order T–681]

MISSOURI

LOAN ANNOUNCEMENT

SEPTEMBER 16, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Chariton Valley Telephone Corporation, Missouri 535–A Rev. and B Bucklin	$227,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55–9001; Filed, Nov. 8, 1955; 8:47 a. m.]

[Administrative Order T–682]

COLORADO

LOAN ANNOUNCEMENT

SEPTEMBER 16, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Haxtun Telephone Company, Colorado 509–B Haxtun	$106,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55–9002; Filed, Nov. 8, 1955; 8:47 a. m.]

[Administrative Order T–683]

MISSOURI

LOAN ANNOUNCEMENT

SEPTEMBER 16, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas County Rural Telephone Corporation, Missouri 540–A Summersville	[1] $474,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55–9003; Filed, Nov. 8, 1955; 8:47 a. m.]

[Administrative Order T–684]

MISSOURI

SEPTEMBER 19, 1955.

I hereby amend:

(a) Administrative Order No. T–406 dated February 25, 1954, by increasing the loan of $35,000 therein made for "Green Hills Telephone Corporation—Missouri 534–B by $354,000 so that the increased loan shall be $389,000.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55–9004; Filed, Nov. 8, 1955; 8:47 a. m.]

[Administrative Order T–685]

MINNESOTA

LOAN ANNOUNCEMENT

SEPTEMBER 20, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Clear Valley Telephone Company, Minnesota 567–A Clear Valley	[1] $159,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55–9005; Filed, Nov. 8, 1955; 8:47 a. m.]

[Administrative Order T–686]

OKLAHOMA

LOAN ANNOUNCEMENT

SEPTEMBER 20, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Southwest Oklahoma Telephone Company, Oklahoma 517–A Duke	[1] $163,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55–9006; Filed, Nov. 8, 1955; 8:48 a. m.]

[Administrative Order T–687]

FLORIDA

LOAN ANNOUNCEMENT

SEPTEMBER 22, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Tri-County Telephone Company, Florida 510–A Tri-County	[1] $1,007,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55–9007; Filed, Nov. 8, 1955; 8:48 a. m.]

[Administrative Order T–688]

NEW YORK

LOAN ANNOUNCEMENT

SEPTEMBER 23, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Sanborn Telephone Company, Inc., New York 508–A Sanborn	[1] $672,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55–9008; Filed, Nov. 8, 1955; 8:48 a. m.]

[Administrative Order T–689]

MINNESOTA

LOAN ANNOUNCEMENT

SEPTEMBER 23, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wikstrom Telephone Company, Incorporated, Minnesota 520–A Wikstrom	[1] $291,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55–9009; Filed, Nov. 8, 1955; 8:48 a. m.]

[Administrative Order T–690]

WYOMING

LOAN ANNOUNCEMENT

SEPTEMBER 23, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Tri-County Telephone Association, Inc., Wyoming 508–B Tri-County	$45,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55–9010; Filed, Nov. 8, 1954; 8:48 a. m.]

[Administrative Order T–691]

MAINE

LOAN ANNOUNCEMENT

SEPTEMBER 27, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Eastern Telephone Company, Maine 516–A West Enfield	[1] $208,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55–9011; Filed, Nov. 8, 1955; 8:48 a. m.]

[Administrative Order T–692]

MISSOURI

LOAN ANNOUNCEMENT

SEPTEMBER 28, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Bolivar Telephone Company, Missouri 547–B Bolivar	$159,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55–9012; Filed, Nov. 8, 1955; 8:49 a. m.]

[Administrative Order T–693]

MINNESOTA

LOAN ANNOUNCEMENT

SEPTEMBER 28, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Manchester-Hartland Telephone Company, Minnesota 571–A Manchester	[1] $191,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55–9013; Filed, Nov. 8, 1955; 8:49 a. m.]

[Administrative Order T–694]

NEBRASKA

LOAN ANNOUNCEMENT

SEPTEMBER 28, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Northeast Nebraska Telephone Company, Nebraska 524–A Northeast	[1] $390,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55–9014; Filed, Nov. 8, 1955; 8:49 a. m.]

[Administrative Order T–695]

KANSAS

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
W. E. G. Dial Telephone, Inc., Kansas 513–C W. E. G.	$334,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55–9015; Filed, Nov. 8, 1955; 8:49 a. m.]

[Administrative Order T–696]

KANSAS

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
United Telephone Association, Inc., Kansas 531–C United	$469,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55–9016; Filed, Nov. 8, 1955; 8:49 a. m.]

[Administrative Order T–697]

ILLINOIS

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mid Century Telephone Co-operative, Illinois 511–C Mid Century	$145,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55–9017; Filed, Nov. 8, 1955; 8:49 a. m.]

[Administrative Order T–698]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 14, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Romain Telephone Company, Inc., Texas 583–A Plains	[1] $217,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55–9018; Filed, Nov. 8, 1955; 8:50 a. m.]

[Administrative Order T-699]

KENTUCKY

LOAN ANNOUNCEMENT

OCTOBER 14, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Northeastern Telephone Corporation, Kentucky 528–A Northeastern	[1] $2,958,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-9019; Filed, Nov. 8, 1955; 8:50 a. m.]

[Administrative Order T-700]

LOUISIANA

LOAN ANNOUNCEMENT

OCTOBER 20, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
The Athens Telephone Company, Inc., Louisiana 513–A Athens	[1] $145,000

[1] Simultaneous allocation and loan.

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 55-9020; Filed, Nov. 8, 1955; 8:50 a. m.]

[Administrative Order T-701]

IDAHO

LOAN ANNOUNCEMENT

OCTOBER 20, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Gem State Utilities Corporation, Idaho 506–B Gem State	$146,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 55-9021; Filed, Nov. 8, 1955; 8:50 a. m.]

[Administrative Order T-702]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 26, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Federation of Independent Telephone Exchanges, Inc., Texas 596–A Dallas	[1] $795,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-9022; Filed, Nov. 8, 1955; 8:50 a. m.]

[Administrative Order T-703]

IDAHO

LOAN ANNOUNCEMENT

OCTOBER 26, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Aberdeen Telephone Company, Idaho 508–A Aberdeen	[1] $154,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-9023; Filed, Nov. 8, 1955; 8:50 a. m.]

[Administrative Order T-704]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

OCTOBER 28, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Bowman Telephone Company, South Carolina 521–B Bowman	$186,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-9024; Filed, Nov. 8, 1955; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

NOTICE OF CONSIDERATION FOR SURVEYS

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct the annual surveys covering 1955 listed below, under the Authority of Title 13, United States Code, section 181, approved August 31, 1954. These surveys are significant in the manufacturing area and on the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public and industry and are not available from non-Governmental or other Governmental sources.

The establishments covered by these surveys directly employ more than 17 million persons. The information to be developed from these surveys is necessary to an adequate measurement of total industrial production. Government agencies need data on the output of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have all requested such data in the interest of business efficiency and stability.

Such surveys, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all establishments engaged in the production of the items covered by the following list of surveys with the exception of the Annual Survey of Manufactures which will be conducted on a sample basis and which calls for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, etc., in addition to information on products shipped, and the lumber and household furniture surveys which will also be conducted on a sample basis.

Annual survey of manufactures.
Stocks of wool (as of April 1, 1956).
Cotton and synthetic woven goods finished.
Knit cloth.
Woolen and worsted machinery activity.
Gloves and mittens.
Apparel.
Shoes and slippers.
Softwood plywood.
Softwood veneer.
Red cedar shingles.
Hardwood plywood—production by consuming company.
Hardwood veneer.
Lumber.
Household furniture and bedding products.
Paper and board—detailed grade.
Inorganic chemicals and gases.
Refractories.
Pressed and blown glassware.
Steel mill products.
Aluminum foil converted.
Steel boilers.
Heating and cooking equipment.
Internal combustion engines.
Machine tools.
Metalworking machinery.
Tractors.
Farm machines and equipment.
Radios, television, and phonographs.
Mechanical stokers.
Refrigeration equipment.
Office, computing, and accounting machines.

The following list of surveys represent annual counterparts of monthly, quarterly, and semi-annual surveys. The content of these annual reports will be identical with that of the monthly, quarterly, and semi-annual reports except for Construction Machinery which will additionally call for data on shipments of power cranes and shovels and off-highway-type trucks. However, there will be no duplication inasmuch as establishments that file the monthly, quarterly, and semi-annual reports during the year covered by the annual report will not need to submit annual reports on these products.

Flour milling products.
Confectionery products.
Cotton broad woven goods.
Synthetic broad woven goods.
Wool consumption and stocks.
Woolen and worsted fabrics.
Tire cord and tire fabrics.
Hardwood plywood (for sale).
Pulp, paper, and board.
Consumers of wood pulp.
Superphosphate.
Paint, varnish, and lacquer.
Clay construction products.
Asphalt and tar roofing and siding products.
Glass containers.
Nonferrous castings.
Plumbing fixtures.
Steel shipping barrels, drums, and pails.
Commercial and home canning closures.
Metal cans.
Farm pumps.
Fans, blowers, and unit heaters.
Electric lamps.
Construction machinery (excavating and earthmoving).
Complete aircraft and aircraft engines.
Backlog of orders for aircraft companies.
Aircraft propellers.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington 25, D. C.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Census and will receive consideration.

Dated: November 2, 1955.

[SEAL] ROBERT W. BURGESS,
Director.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55-8989; Filed, Nov. 8, 1955; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

RELIEF FROM EXCESS PROFITS TAX BECAUSE OF INADEQUATE EXCESS PROFITS CREDIT

ALLOWANCE DURING FISCAL YEAR ENDED JUNE 30, 1955

Subchapter E of Chapter 2 of the Internal Revenue Code (1939) imposes an excess profits tax on corporations for taxable years beginning after December 31, 1939. Under the provisions of this subchapter excess profits are measured by comparing the earnings for the current taxable year with a statutory excess profits credit.

Section 722 of Subchapter E reflects the recognition by Congress of the desirability and necessity of granting relief in meritorious cases to corporations which bear an excessive burden because of an inadequate excess profits credit. This section provides for the recomputation of excess profits tax on the basis of a reconstructed excess profits credit.

As required by section 6105 the following list, containing the cases arranged alphabetically by internal revenue districts, shows the name and address of each corporation to which relief has been allowed, business, taxable years involved, excess profits credit before allowance of relief, increase in excess profits credit claimed, increase in excess profits credit allowed, decrease in excess profits tax, and increase in income tax. Allowance pursuant to decisions entered by The Tax Court of the United States have been made in sixty-two docketed cases. These are included in the list with appropriate notations. There are included as a supplemental to this list twenty-one cases in which relief was allowed by the Commissioner and thirty-five docketed cases in which relief was allowed by The Tax Court of the United States during the fiscal year ended June 30, 1954. These cases were not included in the list of allowances made during the fiscal year 1954 previously published.

In order to determine the relief granted and the relevant data required to be published, intermediate computations of the excess profits tax and the income tax showing the amounts of taxes which would have been due without the benefits of section 722 were made. Comparison of the pertinent items and figures appearing in the application for relief and the tax computations after allowance of relief with those appearing in the intermediate tax computations developed the required data.

Explanations of certain items, as displayed in their respective column headings of the list, and the data evolved follows:

Business in Which Engaged, Column 2. The business in which taxpayer is engaged is that reported in the income tax return of the corporation for the taxable year or years involved, therefore, it does not necessarily correspond with the business during the base period. In those instances where the return for the year involved failed to disclose the nature of the business, information from other sources was utilized. Moreover, since the nature of business shown usually represents a general description of the predominate business activity, it does not necessarily represent or reflect the business activity with respect to which an inadequate excess profits credit was established.

Excess Profits Credit Before Allowance of Relief, Column 4. The excess profits credit before allowance of relief is the credit originally claimed by the taxpayer, as corrected, whether based on income or capital.

Increase in the Amount of Excess Profits Credit Claimed by Taxpayer, Column 5. The increase in the amount of excess profits credit claimed by taxpayer is the excess of the credit based on the constructive income claimed by the taxpayer over the credit before allowance of relief shown in column 4.

Increase in the Amount of Excess Profits Credit Allowed, Column 6. This increase in the amount of excess profits credit allowed is the excess of the recomputed credit based on constructive income finally allowed over the credit before allowance of relief shown in column 4.

Cross Reduction in the Excess Profits Tax, Column 7.

Gross Increase in the Income Tax, Column 8. The gross reduction in the excess profits tax and the gross increase in the income tax resulting from the operation of section 722 are the difference between the gross taxes which would have been due without the benefits of section 722 and the gross taxes due after relief has been granted. The gross excess profits tax is the tax due prior to the deferment under section 710 (a) (5), the foreign tax credit under section 729, the credit for debt retirement under section 783, the ten percent credit under section 784, and the adjustment under section 734. The gross income tax is the tax prior to the foreign tax credit under section 131.

The changes in the income and excess profits taxes shown reflect the effect of the increase attributable to section 722 in the unused excess profits credit carried forwarded from prior taxable years as well as the effect of the increase in unused excess profits credit carried back from subsequent years to the extent that claims with respect to unused credit carry-overs and carry-backs determined under section 722 were allowed within the same fiscal year.

While the decrease in excess profits tax is directly related to the increase in excess profits credit allowed, a number of factors serve to invalidate a comparison of the relationship of these two items applicable to a corporation for different taxable years or to different corporations for the same taxable year. Among the most important factors affecting this comparison are (1) increase in excess profits tax rates, (2) changes in rate structure from a graduated to a flat rate system, (3) effect of unused excess profits credits of prior and subsequent years attributable to section 722, (4) variations of provisions applicable to fiscal years, (5) limitation of excess profits tax to the amount of which 80 percent of net income exceeds the income tax, applicable to certain taxable years, and (6) relation of excess profits before the application of section 722 to the increase in excess profits credit allowed.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

Lists containing the cases in which relief has been allowed for prior fiscal years have been published in the various issues of the FEDERAL REGISTER as follows:

Fiscal year ended	Volume	Number	Date
June 30, 1942	9	194	Sept. 28, 1944
June 30, 1943	9	194	Sept. 28, 1944
June 30, 1944	9	219	Nov. 2, 1944
June 30, 1945	10	224	Nov. 15, 1945
June 30, 1946	11	106	Oct. 8, 1946
June 30, 1947	12	197	Oct. 8, 1947
June 30, 1948	13	206	Oct. 21, 1948
June 30, 1949	14	201	Oct. 18, 1949
June 30, 1950	15	205	Oct. 21, 1950
June 30, 1951	16	211	Oct. 30, 1951
June 30, 1952	17	175	Sept. 6, 1952
June 30, 1953	18	164	Aug. 21, 1953
June 30, 1954	19	185	Sept. 23, 1954

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE

Fiscal year ended June 30, 1955

Name and address of taxpayer (arranged by Internal Revenue Districts in which excess profits tax returns were filed) (1)	Business in which engaged (2)	Taxable year ended (3)	Excess profits credit before allowance of relief (4)	Increase in the amount of excess profits credit claimed by taxpayer (5)	Increase in the amount of excess profits credit allowed (6)	Gross reduction in the excess profits (Subchapter E) tax resulting from the operation of section 722 (7)	Gross increase in the income (Chapter 1) tax resulting from the operation of section 722 (8)
Albany: Central Coal Co., Inc., 215 East 149th St., Bronx, N. Y.	Coal dealers	Apr. 30, 1942	$47,156.96	$51,661.96	$16,991.33	$7,646.10	$2,370.29
		Apr. 30, 1943	53,551.21	45,267.71	10,597.08	2,940.93	1,331.54
		Apr. 30, 1944	53,551.21	45,267.71	10,597.08	9,712.54	4,298.81
		Apr. 30, 1946	53,551.21	45,267.71	10,597.08	6,751.08	2,845.27
Albuquerque: Albuquerque Broadcasting Co., 418 West Gold Ave., Albuquerque, N. Mex.	Radio broadcasting	Dec. 31, 1943 [1]	7,451.04	15,348.96	2,048.96	1,843.92	553.22
Atlanta:							
Linen Service Corp. of Texas, 445 Highland Ave. NE., Atlanta, Ga.	Line service	Aug. 31, 1942	77,205.74	160,633.78	64,394.26	+40,984.31	14,234.37
		Aug. 31, 1943	86,698.92	183,140.60	56,901.08	63,042.69	28,018.57
		Aug. 31, 1944	84,279.25	183,560.27	57,320.75	64,619.44	27,604.05
		Aug. 31, 1945	77,604.03	180,235.49	63,995.97	69,977.55	29,464.23
		Aug. 31, 1946	77,818.73	190,020.79	63,781.27	22,404.30	9,433.40
Rich's Inc., Atlanta, Ga.	Department store	Jan. 31, 1942 [1]	817,993.13	515,154.50	132,006.87	59,489.62	18,441.79
		Jan. 31, 1943 [1]	817,642.52	557,954.49	132,237.48	120,145.25	53,397.89
		Jan. 31, 1944 [1]	789,993.13	567,954.50	160,006.87	144,685.63	64,002.75
		Jan. 31, 1945 [1]	789,993.13	528,354.50	160,006.87	104,328.41	64,002.75
		Jan. 31, 1946 [1]	789,993.13	528,354.50	160,006.87	136,896.69	58,566.91
		Dec. 31, 1941 [1]	166,577.33	96,318.84	3,947.67	1,973.83	611.91
		Dec. 31, 1942 [1]	166,577.33	96,318.74	3,947.67	3,552.90	1,579.07
		Dec. 31, 1943 [1]	166,577.33	96,318.74	3,947.67	3,552.91	1,579.06
		Dec. 31, 1945 [1]	166,577.33	9,172.67	3,947.67	3,750.28	1,579.07
Austin: San Antonio Coca-Cola Bottling Co., Inc., 123 Lafitte St., San Antonio, Tex.	Bottlers of coca-cola and soda water.	Dec. 31, 1944 [1]	9,467.54	28,959.01	8,478.03	8,054.13	3,154.92
Birmingham: Leedy-Glover Realty & Insurance Co., Inc. (formerly Leedy-Glover General Agency, Inc.), 1531 3d Ave. North, Birmingham, Ala.	General insurance agents	Dec. 31, 1944 [1]	9,467.54	28,959.01	8,478.03	8,054.13	3,154.92
Boston:							
H. H. Brown Shoe Co., Inc., 45 Grand St., Worcester, Mass.	Shoe manufacturer	Dec. 31, 1942 [1]	60,503.38	99,988.58	28,796.62	38,272.97	17,010.22
		Dec. 31, 1943 [1]	60,475.36	100,016.60	28,824.64	23,616.39	11,529.88
		Dec. 31, 1944 [1]	67,394.88	93,097.08	21,905.12	20,509.86	8,762.05
		Dec. 31, 1945 [1]	73,954.84	86,537.12	15,345.16	20,599.68	8,673.55
Cortland Grinding Wheels Corp., Chester, Mass.	Manufacture of grinding wheels.	June 30, 1941 [1]	10,796.88	98,071.22	2,028.12	507.01	None
		June 30, 1942 [1]	11,905.40	142,463.90	11,844.60	5,922.30	1,835.91
Hathaway Manufacturing Co., 97 Core St., New Bedford, Mass.	Manufacture of rayon piece goods and cotton piece goods.	Jan. 1, 1941, to Sept. 30, 1941.	295,786.30	602,254.40	173,513.70	70,500.73	21,855.22
		Sept. 30, 1942	305,502.98	749,306.72	163,707.02	111,062.70	39,564.21
		Sept. 30, 1943	352,552.66	738,784.54	116,747.34	111,211.34	49,427.27
		Sept. 30, 1944	376,963.90	721,863.10	92,336.10	93,066.69	39,724.50
		Sept. 30, 1945	401,648.59	697,178.41	67,651.41	71,999.81	30,315.70
Melville Shoe Corp., 44 Hammond St., Worcester, Mass.	Retail shoe merchants	Dec. 31, 1940	2,047,236.19	421,345.46	105,428.77	8,592.16	None
		Dec. 31, 1941	2,419,809.45	715,615.20	227,524.08	193,090.93	59,860.98
		Dec. 31, 1942	2,823,939.71	502,399.30	121,148.28	240,040.44	106,710.69
		Dec. 31, 1945	2,539,996.55	544,577.45	104,060.06	98,866.47	38,627.30
Waldorf System Inc., 169 High St., Boston, Mass.	Restaurant operators	Dec. 31, 1941 [2]	520,788.44	442,767.61	412,283.82	94,463.43	23,159.14
		Dec. 31, 1942 [2]	515,515.46	447,980.59	417,556.80	195,313.57	91,146.34
		Dec. 31, 1943 [2]	510,478.36	453,017.69	422,593.90	983,838.60	459,124.68
		Dec. 31, 1944 [2]	498,179.15	465,316.90	434,893.11	272,475.56	120,462.91
		Dec. 31, 1945 [2]	489,945.75	857,204.25	443,126.51	5,673.93	2,508.48
Brooklyn:							
Garrett & Co., Inc., 882 Third Ave., Brooklyn, N. Y.	Wine manufacturers and growers.	June 30, 1941 [1]	120,715.12	986,241.03	29,384.88	8,057.47	None
		June 30, 1942 [1]	138,475.78	1,189,583.37	62,924.22	34,608.32	10,728.58
Hugo Brand Tannery, Inc., 157 13th St., Brooklyn, N. Y.	Tanning of leather	June 30, 1943 [1]	154,203.22	1,063,674.78	52,896.78	41,789.05	23,162.29
		Dec. 31, 1941 [2]	3,275.40	10,574.60	2,899.60	1,295.48	288.99
		Dec. 31, 1942 [2]	5,375.59	9,702.49	1,657.49	2,438.42	731.53
		Dec. 31, 1943 [2]	6,145.76	9,304.24	1,229.24	1,867.95	560.38
Buffalo: Remington Rand Inc. (Delaware), 465 Washington St., Buffalo, N. Y.	Manufacturing and selling office equipment and supplies.	March 31, 1942	2,926,770.90	5,777,272.63	778,229.10	466,937.46	141,750.61
		March 31, 1943	3,258,014.17	5,446,028.82	636,985.29	573,286.76	254,794.12
		March 31, 1944	3,242,402.25	5,461,551.28	652,597.75	586,130.21	261,003.11
		March 31, 1946	2,753,437.13	5,461,691.46	652,647.93	351,561.77	196,688.11
Chicago:							
The Alemite Co. of Northern California, Transferor, Alemite Corp., transferee, 1826 Diversey Parkway, Chicago, Ill.	Wholesale lubrication equipment and lubricant.	Dec. 31, 1942	1,200.00	11,591.91	688.75	619.87	185.97
American Mineral Spirits Co., 230 North Michigan Ave., Chicago, Ill.	Marketing of petroleum products.	Dec. 31, 1942	654,031.59	394,331.79	77,468.41	69,721.57	30,987.37
Cruver Manufacturing Co., 2456 West Jackson Blvd., Chicago, Ill.	Manufacturers of plastic and metal specialties.	Dec. 31, 1943	655,872.84	394,790.81	40,157.16	36,141.44	16,062.87
		Dec. 31, 1941 [1]	21,382.97	58,404.11	11,297.03	5,085.67	1,575.96
		Jan. 1, 1942, [1] to Apr. 30, 1942.	21,382.97	58,404.11	11,297.03	3,542.68	2,023.01
Inland Steel Co., 38 South Dearborn St., Chicago, Ill.	Blast furnaces, steel works and rolling mills.	Apr. 30, 1943 [1]	22,977.47	56,809.61	9,792.53	11,739.71	5,217.65
		Dec. 31, 1941	9,289,191.31	3,166,893.89	597,444.22	358,166.53	111,124.65
Metro Tool & Gage Co., 121 North Jefferson St., Chicago, Ill.	Manufacture of precision gages and carbide tipped cutting tools.	Dec. 31, 1940 [1]	3,879.62	108,766.56	7,330.38	1,832.60	None
		Dec. 31, 1941 [1]	4,253.52	108,422.26	18,546.48	9,251.26	2,868.82
		Dec. 31, 1942 [1]	10,352.00	102,323.78	12,448.00	5,416.54	4,490.99
		Dec. 31, 1944 [1]	15,342.12	97,333.66	7,457.88	8,670.76	3,488.38
P and K Inc. (formerly Pachner & Koller Inc.), 3450 Archer Ave., Chicago, Ill.	Manufacturing and wholesale of fishing equipment.	Dec. 31, 1942	564.29	10,948.76	2,701.66	4,851.29	1,455.42
		Dec. 31, 1943	960.03	8,549.97	2,308.92	2,225.33	668.21
Peter Hand Brewery Co., 1000 West North Ave., Chicago, Ill.	Manufacture and sale of beer.	Dec. 31, 1944 [1]	1,765.96	7,744.04	1,502.99	1,696.23	482.04
		Dec. 31, 1940 [1]	164,479.13	36,949.05	10,795.87	1,704.93	None
		Dec. 31, 1942 [1]	201,053.63	49,341.59	12,696.37	22,859.47	10,157.10
		Dec. 31, 1943 [1]	201,053.62	165,238.47	12,696.38	11,426.74	5,078.55
		Dec. 31, 1944 [1]	201,053.62	175,238.47	12,696.38	12,061.55	5,078.55
		Dec. 31, 1945 [1]	201,053.62	175,238.47	12,696.38	12,061.56	5,078.55
The Sager Glove Corp., 1672 North Claremont Ave., Chicago, Ill.	Manufacture men's safety gloves and goggles.	Dec. 31, 1940 [1]	9,570.72	33,179.28	4,529.18	1,132.30	None
		Dec. 31, 1941 [1]	11,962.26	30,787.74	5,242.74	2,093.10	648.84
		Dec. 31, 1942 [1]	14,712.41	28,037.59	2,482.59	2,214.33	714.29
		Dec. 31, 1943 [1]	14,712.41	28,037.59	2,482.59	80.38	21.73
Sunlight Coal Co. and Subsidiary, 114 West 11th St., Kansas City, Mo.	Mining and selling bituminous coal.	Dec. 31, 1941 [1]	186,662.87	298,398.89	62,237.13	60,099.73	18,603.01
Tecumseh Coal Corp., 114 West 11th St., Kansas City, Mo.	Mining and selling bituminous coal.	Dec. 31, 1942 [2] (a)	218,500.00	None	28,500.00	25,650.00	11,400.00
		Dec. 31, 1943 [2] (a)	218,500.00	None	28,500.00	30,456.93	13,530.41
		Dec. 31, 1944 [2] (a)	218,500.00	None	28,500.00	27,075.00	11,400.00
		Dec. 31, 1945 [2] (a)	218,500.00	None	28,500.00	12,501.02	5,263.58
Cincinnati: Carthage Mills, Inc., 124 West 66th St., Cincinnati, Ohio.	Manufacture floor covering.	Dec. 31, 1940 [1]	98,448.38	93,360.42	18,401.62	4,777.11	None
		Dec. 31, 1941 [1]	160,012.45	142,044.81	42,487.55	21,243.78	6,585.57
		Dec. 31, 1942 [1]	103,487.42	139,169.84	29,012.58	35,111.33	15,005.07
		Dec. 31, 1943 [1]	104,704.07	137,953.19	37,795.93	34,016.33	15,117.68
		Dec. 31, 1944 [1]	104,476.88	138,180.38	38,023.12	36,121.96	15,209.24
		Dec. 31, 1945 [1]	101,417.37	138,239.89	38,082.63	36,178.50	15,232.95

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

Fiscal year ended June 30, 1955

Name and address of taxpayer (arranged by Internal Revenue Districts in which excess profits tax returns were filed) (1)	Business in which engaged (2)	Taxable year ended (3)	Excess profits credit before allowance of relief (4)	Increase in the amount of excess profits credit claimed by taxpayer (5)	Increase in the amount of excess profits credit allowed (6)	Gross reduction in the excess profits (Subchapter E) tax resulting from the operation of section 722 (7)	Gross increase in the income (Chapter 1) tax resulting from the operation of section 722 (8)
Cleveland: Chesapeake & Ohio Railway Co., 3301 Terminal Tower, Cleveland, Ohio.	Rail transportation	Dec. 31, 1940	$31,250,488.55	$18,190,855.45	$793,011.45	$396,505.73	None
		Dec. 31, 1941	36,173,543.16	23,345,588.94	1,826,456.84	1,095,874.11	None
		Dec. 31, 1942	37,456,794.59	22,350,464.91	543,205.41	488,884.87	$217,282.16
		Dec. 31, 1943	37,449,906.69	22,544,014.51	550,093.31	996,426.63	442,856.28
		Dec. 31, 1944	37,442,952.61	22,780,724.19	557,047.39	529,195.02	222,818.96
Dallas: Morrow-Thomas Hardware Co., 316 Polk St., Amarillo, Tex.	Wholesale and retail hardware.	Dec. 31, 1941 [2]	37,190.11	38,740.51	1,249.25	437.24	135.54
		Dec. 31, 1942 [2]	37,190.11	38,740.51	1,249.25	1,124.33	662.09
Denver:							
Adolph Coors Co., Golden, Colo.	Brewery and milk products.	Dec. 31, 1942 [1]	325,583.22	643,025.49	23,066.78	99,893.27	44,397.01
		Dec. 31, 1943 [1]	324,878.12	643,730.59	23,771.88	21,394.69	9,508.75
		Dec. 31, 1944 [1]	323,707.02	644,901.69	24,942.98	23,695.83	9,977.19
		Dec. 31, 1945 [1]	317,749.72	650,858.99	30,900.28	29,355.65	12,360.27
O. M. Franklin Serum Co., 408 Stockyard Exchange Bldg., Denver, Colo.	Manufacture and sale of vaccines.	May 31, 1941 [1]	117,190.25	150,256.06	2,414.05	603.51	None
		May 31, 1942 [1]	142,827.90	124,537.41	18,434.60	8,295.57	2,571.62
		May 31, 1943 [1]	142,827.90	124,537.41	18,434.60	16,591.14	7,373.83
		May 31, 1944 [1]	142,827.90	124,537.41	18,434.60	16,973.94	7,373.83
		May 31, 1945 [1]	142,827.90	124,537.41	18,434.60	17,512.87	7,373.83
		May 31, 1946 [1]	142,827.90	124,537.41	18,434.60	10,267.82	4,323.28
Detroit:							
Ainsworth Manufacturing Corp., 2300 Franklin St., Detroit, Mich.	Manufacturer of automobile parts and accessories.	Dec. 31, 1941 [2]	588,729.29	320,278.77	218,770.77	221,832.27	68,768.00
		Dec. 31, 1942 [2]	735,911.61	173,096.45	71,588.39	64,429.55	28,635.35
		Dec. 31, 1943 [2]	735,911.61	173,096.45	71,588.39	64,429.55	28,635.35
		Dec. 31, 1944 [2]	735,911.61	173,096.45	71,588.39	68,008.97	28,635.36
Chrysler Corp., 341 Massachusetts Ave., Detroit, Mich.	Manufacturing	Dec. 31, 1941	48,618,502.01	16,763,841.78	3,324,018.49	1,990,518.02	582,029.21
F. M. Sibley Lumber Co., 6460 Kercheval Ave., Detroit, Mich.	Retail lumber	Nov. 30, 1941 [1]	154,551.91	246,805.09	16,828.05	6,731.22	None
		Nov. 30, 1942 [1]	186,879.71	292,409.29	22,120.29	15,411.48	5,899.30
		Nov. 30, 1943 [1]	186,879.71	292,409.29	22,120.29	39,816.53	17,696.22
		Nov. 30, 1944 [1]	186,879.71	292,409.29	22,120.29	41,841.19	17,696.24
Greensboro: Lily Mills Co., Shelby, N. C.	Yarns and threads	Aug. 31, 1941 [2]	69,304.85	89,606.90	15,115.08	2,889.39	None
		Aug. 31, 1942 [2]	84,884.75	114,456.27	41,220.15	23,410.79	8,104.56
		Aug. 31, 1943 [2]	84,884.75	104,456.27	59,465.85	53,519.26	23,786.33
		Aug. 31, 1944 [2]	84,884.75	104,456.27	59,465.85	55,501.45	23,786.34
		Aug. 31 1945 [2]	84,884.75	104,456.27	59,465.85	56,492.55	23,786.34
		Aug. 31, 1946 [2]	84,884.75	104,456.27	59,465.85	13,482.40	7,950.51
Indianapolis:							
The Studebaker Corp., 635 South Main St., South Bend, Ind.	Manufacturers of automobiles and parts thereof.	Dec. 31, 1941	2,029,978.97	12,532,413.33	803,989.01	882,328.29	273,521.77
		Dec. 31, 1942	2,099,417.52	12,462,974.78	734,550.46	661,095.41	293,820.18
		Dec. 31, 1943	4,685,250.96	None	None	108,070.87	49,499.74
The Studebaker Pacific Corp., 635 South Main St., South Bend, Ind.	Assembly and sale of automobiles and parts thereof.	Dec. 31, 1940	44,258.59	169,266.72	43,836.81	13,884.54	None
Kansas City:							
Packer Publishing Co. (formerly Barrick Publishing Co., 201 Delaware St., Kansas City, Mo.	Publishing weekly trade newspaper.	Dec. 31, 1943 [4] (b)	30,773.11	None	5,857.06	10,542.69	4,829.94
		Dec. 31, 1944 [4]	29,968.77	18,949.58	6,661.40	6,328.33	3,530.55
		Dec. 31, 1945 [4] (b)	30,773.11	None	5,857.06	5,564.20	3,104.25
Springfield Tablet Manufacturing Co., 515 North Jefferson Ave., Springfield, Mo.	Tablet manufacturing	Oct. 31, 1941	29,011.97	34,469.53	1,103.03	175.36	None
		Oct. 31, 1942 [2]	35,487.85	26,129.43	9,637.15	5,478.94	2,508.08
		Oct. 31, 1943 [2]	35,487.85	27,993.70	9,637.15	8,673.44	5,091.44
		Oct. 31, 1944 [2]	35,487.85	27,993.70	9,637.15	5,546.68	4,015.23
		Oct. 31, 1945 [2]	35,487.85	27,993.70	9,637.15	9,155.29	4,441.44
		Oct. 31, 1946 [2]	35,487.85	27,993.70	9,637.15	1,530.07	733.39
Little Rock:							
Crow-Burlingame Co., 525 West Capitol Ave., Little Rock, Ark.	Wholesale auto accessories	Dec. 31, 1941 [1]	43,479.61	20,926.98	6,395.39	2,558.16	793.03
		Dec. 31, 1942 [1]	47,940.16	18,184.47	2,124.84	1,912.36	849.92
		Dec. 31, 1943 [1]	48,771.52	19,353.11	1,293.48	1,164.13	517.40
		Dec. 31, 1944 [1]	48,771.52	19,353.11	1,293.48	1,228.80	517.40
		Dec. 31, 1945 [1]	48,771.52	19,353.11	1,293.48	1,228.81	517.40
Little Rock Road Machinery Co., 1421 East 9th St., Little Rock, Ark.	Road machinery sales	Oct. 31, 1941 [1]	7,428.42	95,307.10	12,046.58	3,613.97	None
		Oct. 31, 1942 [1]	8,555.52	94,180.00	15,669.48	9,427.45	3,945.30
		Oct. 31, 1943 [1]	11,457.79	91,277.73	12,767.21	11,490.48	5,106.88
		Oct. 31, 1944 [1]	12,401.56	90,333.96	11,823.44	11,133.73	4,071.65
		Oct. 31, 1945 [1]	14,342.73	88,392.79	9,882.27	9,574.33	5,136.69
Los Angeles:							
Townsend Co. (formerly Cherry Rivet Co.), 231 Winston St., Los Angeles, Calif.	Manufacture and sale of rivets and riveting guns for airplanes.	Dec. 31, 1942	5,740.39	279,735.93	28,935.93	17,201.11	13,676.55
United Concrete Pipe corp., Baldwin Park, Calif.	Concrete pipe and contracting.	Dec. 31, 1940 [1]	48,604.76	493,561.19	10,823.44	4,722.34	None
		Dec. 31, 1941 [1]	62,249.16	1,033,767.74	9,351.39	8,879.65	2,752.69
		Dec. 31, 1943 [1]	78,602.49	1,017,414.41	None	1,160.29	515.69
Louisville: Union Underwear Co. (formerly Derby Underwear Co.), 350 5th Ave., New York, N. Y.	Underwear manufacturer	Nov. 30, 1941	800.00	80,768.62	10,125.00	2,531.25	None
		Nov. 30, 1942	2,441.29	88,037.33	33,183.71	19,974.89	8,305.57
		Nov. 30, 1944	4,420.80	86,057.82	31,204.20	25,352.20	13,777.53
		Nov. 30, 1945	5,817.02	84,661.60	29,807.98	28,317.58	13,510.66
Lower Manhattan:							
Phelps Dodge Corp., 40 Wall St., New York, N. Y.	Principally, mining, refining and fabricating copper.	Dec. 31, 1942	8,827,941.96	4,401,450.87	796,964.99	717,268.49	334,725.29
		Dec. 31, 1943	8,827,941.96	6,009,325.87	1,323,423.64	1,191,081.27	555,837.92
		Dec. 31, 1944	8,824,170.47	6,013,097.37	1,323,992.33	1,256,842.71	555,656.78
		Dec. 31, 1945	8,824,170.47	6,013,097.37	1,322,992.33	1,256,842.72	555,656.78
Segalock Fasteners Inc. (formerly Strauss Fasteners Inc.), 395 Broadway, New York, N. Y.	Manufacture metal slide fasteners.	Dec. 31, 1944	10,587.73	24,012.84	11,709.83	13,248.38	5,856.44
		Dec. 31, 1945	10,204.36	32,826.12	12,093.20	11,851.30	5,552.11
Sterling Drug Inc., 170 Variek St., New York, N. Y.	Manufacture and sale of pharmaceuticals.	Dec. 31, 1943	8,139,791.99	456,730.71	349,057.58	141,361.53	54,745.49
		Dec. 31, 1944	8,206,211.29	531,295.97	346,263.00	506,589.60	196,043.42
		Dec. 31, 1945	8,988,981.75	550,184.94	460,624.29	437,593.08	168,025.36
Milwaukee:							
Allis-Chalmers Manufacturing Co., 1126 South 70th St., West Allis, Wis.	Manufacture and sale of electrical industrial farm and road machinery.	Dec. 31, 1940	6,924,765.46	1,150,698.22	None	104,750.99	None
		Dec. 31, 1941	7,502,862.30	2,887,387.68	791,587.70	474,952.62	147,235.30
		Dec. 31, 1942	7,898,393.97	3,774,493.05	426,056.03	383,450.43	170,422.41
		Dec. 31, 1943	7,897,199.95	3,771,818.00	427,250.05	384,525.04	170,900.02
		Dec. 31, 1945	10,157,289.08	2,483,260.85	425,824.62	92,346.96	38,882.82
George Banta Publishing Co., 415 Altnaip St., Menasha, Wis.	Printing and publishing	Dec. 31, 1941 [1]	151,334.92	31,698.03	9,547.58	3,689.48	1,143.73
		Dec. 31, 1942 [1]	151,334.92	93,050.64	14,915.08	13,423.57	5,966.03
		Dec. 31, 1943 [1]	151,334.92	153,179.25	14,915.08	13,423.57	5,966.03
		Dec. 31, 1944 [1]	151,334.92	153,179.25	14,915.08	14,169.33	5,966.03
		Dec. 31, 1945 [1]	151,334.92	153,179.25	14,915.08	14,169.33	5,966.03

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

Fiscal year ended June 30, 1955

Name and address of taxpayer (arranged by Internal Revenue Districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (Subchapter E) tax resulting from the operation of section 722	Gross increase in the income (Chapter 1) tax resulting from the operation of section 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Milwaukee—Continued							
Forsberg Paper Box Co., 2107 Fordem Ave., Madison, Wis.	Manufacturing set up boxes, printed cartons and paper tubes.	Dec. 31, 1941 [1]	$13,827.55	$13,732.25	$5,706.02	$1,997.11	$878.74
		Dec. 31, 1942 [1]	13,783.98	13,732.25	5,706.02	5,135.41	1,630.72
		Dec. 31, 1943 [1]	13,360.86	14,155.37	6,129.14	5,516.23	1,744.66
Hoard's Creameries Inc., 225 South Water St. East, Fort Atkinson, Wis.	Manufacture of dairy products.	Sept. 30, 1941 [1]	10,871.83	104,473.21	11,533.40	1,538.19	None
		Sept. 30, 1942 [1]	20,447.09	124,656.84	17,206.52	9,241.97	3,976.55
		Sept. 30, 1943 [1]	19,782.98	124,656.89	17,206.52	11,910.74	9,067.36
		Sept. 30, 1944 [1]	19,782.98	124,656.89	17,206.52	16,129.92	9,106.36
		Sept. 30, 1946 [1]	30,532.97	113,586.02	6,135.65	1,469.16	819.99
Sterling Pulp & Paper Co., Eau Claire, Wis.	Manufacture of paper and pulp.	Dec. 31, 1940	48,564.47	44,254.87	4,887.23	1,370.16	None
		Jan. 1, 1941, to Nov. 30, 1941.	67,394.98	41,192.89	7,723.59	3,533.80	1,095.49
		Nov. 30, 1942	67,460.95	44,126.92	7,657.62	3,878.90	2,042.40
Nashville:							
Athumor Manufacturing Co., Inc., Knoxville, Tenn	Furniture manufacturing.	Nov. 30, 1943 [1]	7,543.99	26,256.18	56.01	2,769.31	830.79
		Nov. 30, 1944 [1]	6,426.69	27,373.48	1,173.31	417.87	149.87
		Nov. 30, 1945 [1]	6,525.72	27,274.45	1,074.28	2,827.18	893.52
Roy N. Lotspeich Publishing Co. (formerly Knoxville Publishing Co.,) 618 South Gay St., Knoxville, Tenn.	Newspaper publishing.	Dec. 31, 1942 [1]	22,019.34	45,780.66	27,837.66	15,916.20	6,491.28
		Dec. 31, 1943 [1]	19,801.97	48,028.03	29,073.03	70,921.40	33,388.68
		Dec. 31, 1944 [1]	18,505.90	48,924.10	30,069.10	19,813.39	19,813.39
		Dec. 31, 1945 [1]	16,732.04	51,097.96	33,142.96	22,675.81	18,637.99
New Orleans: Hemenway-Johnson Furniture Co., Inc., Alexandria, La.	Wholesale and retail home furnishings.	Mar. 31, 1941 [2]	36,484.51	69,057.96	10,046.21	239.58	None
		Mar. 31, 1942 [2]	44,199.11	62,223.36	23,250.89	11,339.83	3,515.35
		Mar. 31, 1943 [2]	44,199.11	90,973.21	23,250.89	20,925.80	9,300.35
		Mar. 31, 1944 [2]	44,199.11	90,973.21	23,250.89	21,214.85	9,300.37
		Mar. 31, 1945 [2]	44,151.75	90,973.21	23,250.89	22,088.34	9,300.36
		Mar. 31, 1946 [2]	43,538.84	90,973.21	23,250.89	16,641.90	7,007.11
Oklahoma City:							
George E. Failing Supply Co., 420–426 East Broadway, Enid, Okla.	Manufacturers oil and water drilling equipment.	Dec. 31, 1943 [1]	36,305.44	77,422.05	None	803.34	357.04
The Liberty Glass Co., Sapulpa, Okla.	Glass manufacturer.	Dec. 31, 1940 [2]	61,502.08	180,880.41	39,007.92	13,128.44	None
		Dec. 31, 1941 [1]	74,773.32	181,004.30	55,034.68	26,988.92	8,366.56
		Dec. 31, 1942 [1]	77,810.97	177,527.06	51,613.21	46,451.89	20,645.28
		Dec. 31, 1943 [1]	77,420.79	168,143.24	51,613.21	46,451.89	20,645.29
		Dec. 31, 1944 [1]	77,420.79	177,143.24	51,613.21	49,032.55	20,645.28
		Dec. 31, 1945 [1]	77,420.79	177,143.24	51,613.21	40,880.70	20,645.28
Southwestern Sales Corp., Philtower Bldg., Tulsa, Okla.	Radio broadcasting.	Dec. 31, 1940 [1]	18,840.06	82,315.44	11,749.94	2,937.49	None
		Dec. 31, 1941 [1]	21,861.96	79,293.54	26,018.04	10,469.35	3,245.50
		Dec. 31, 1942 [1]	23,711.13	77,444.37	54,758.87	49,282.98	24,619.52
		Dec. 31, 1943 [3] (a)	39,523.01	None	3,895.00	3,505.50	1,558.00
		Dec. 31, 1943 [3] (b)	35,051.99	66,103.51	39,523.01	35,570.70	16,972.01
		Dec. 31, 1944 [3] (a)	39,557.81	None	3,895.00	3,700.25	1,558.00
		Dec. 31, 1944 [3] (b)	35,017.19	66,138.31	39,557.81	29,132.38	16,326.25
		Dec. 31, 1945 [3] (a)	41,125.36	None	3,895.00	3,700.25	1,558.00
		Dec. 31, 1945 [3] (b)	33,449.64	67,705.86	41,125.36	39,069.09	17,135.04
		Dec. 31, 1942 [1]	9,020.87	43,408.95	11,680.49	23,788.56	12,058.28
		Dec. 31, 1944 [1]	15,502.95	11,680.49	11,680.49	8,011.56	−3,208.36
Philadelphia:							
Charis Corp., 730 Linden St., Allentown, Pa.	Manufacturers of foundation garments.	Dec. 31, 1942 [2]	113,101.64	71,653.96	15,010.00	13,755.66	6,004.00
		Dec. 31, 1943 [2]	112,998.24	71,784.36	15,010.00	13,509.00	6,004.00
		Dec. 31, 1944 [2]	112,998.24	71,784.36	15,010.00	14,259.50	6,004.00
Stuart F. Louchheim Co. (formerly Motor Parts Co.), 1229 North Broad St., Philadelphia, Pa.	Wholesale distributor of electrical appliances.	Dec. 31, 1942 [1]	19,798.08	85,225.64	3,954.92	4,033.07	2,171.88
		Dec. 31, 1943 [1]	19,035.89	85,987.83	4,714.11	4,646.44	2,397.19
Manheim Manufacturing & Belting Co., Manheim, Pa.	Manufacturing belting and other products.	Dec. 31, 1941 [1]	11,640.72	81,571.28	22,671.28	11,509.07	3,413.81
F. J. Stokes Machine Co., Tabor Rd. east of Adams Ave., Philadelphia, Pa.	Machinery manufacture.	Dec. 31, 1942 [1]	13,428.72	74,588.03	19,989.28	12,721.22	8,985.81
		Dec. 31, 1940 [1]	126,565.03	80,453.81	13,565.16	5,787.23	None
		Dec. 31, 1941 [1]	157,401.42	99,781.63	13,240.43	8,170.12	2,416.04
		Dec. 31, 1942 [1]	157,401.42	99,781.63	5,968.58	86.39	38.40
		Dec. 31, 1943 [1]	157,401.42	99,781.63	13,240.43	11,745.25	5,236.17
		Dec. 31, 1944 [1]	157,401.42	99,781.63	13,240.43	12,265.87	5,236.17
Taylor Fibre Co., Norristown, Pa.	Manufacturing phenol and vulcanizing fiber and fibrous materials.	Dec. 31, 1940 [1]	53,447.68	255,551.21	None	8,779.36	None
		Dec. 31, 1941 [1]	47,683.79	261,250.00	7,536.33	17,258.21	8,104.12
Pittsburgh:							
Firth Sterling Inc., (formerly Firth Sterling Steel Co.), McKeesport, Pa.	Manufacture of tool steel.	Dec. 31, 1940 [1]	267,825.84	244,850.59	39,974.16	16,188.22	None
		Dec. 31, 1941 [1]	334,243.24	354,284.46	56,206.76	34,314.17	10,332.50
Fort Pitt Brewing Co., 16th and Mary St., Sharpsburg, Pa	Brewing malt beverages.	Oct. 31, 1942 [1]	338,919.96	720,974.28	65,167.29	46,985.84	16,668.53
		Oct. 31, 1943 [1]	338,919.96	720,974.28	65,167.29	60,203.44	26,066.92
		Oct. 31, 1944 [1]	338,919.96	720,974.28	65,167.29	31,467.21	26,066.92
Portsmouth: Claremont Waste Manufacturing Co., Main St., Claremont, N. H.	Flock manufacturers.	Dec. 31, 1943	77,954.48	102,545.52	3,514.06	3,612.65	1,405.63
		Dec. 31, 1944	77,026.45	103,473.55	3,514.06	3,338.36	1,405.63
Richmond: Ruffin & Payne Inc., 1701 5th Ave., Richmond, Va.	Retail building supplies.	Dec. 31, 1942 [1]	26,189.91	40,362.32	8,485.09	7,636.58	4,497.10
		Dec. 31, 1943 [1]	26,189.91	40,362.32	8,485.09	7,636.58	4,497.10
		Dec. 31, 1945 [1]	26,189.61	40,363.02	18,485.09	8,060.83	4,497.10
St. Louis: St. Louis Amusement Co., 527 North Grand Blvd., St. Louis, Mo.	Operation of theaters.	Aug. 31, 1942 [2]	96,117.16	126,191.86	45,547.79	25,868.65	8,955.45
St. Paul: Lampert Lumber Co., Snelling and Grand Aves., St. Paul, Minn.	Retail lumber and coal.	Dec. 31, 1940	168,586.65	84,098.81	13,744.67	4,123.40	None
		Dec. 31, 1941	200,242.51	84,098.80	21,861.39	11,860.91	3,678.74
		Dec. 31, 1942	200,242.51	78,098.80	15,861.39	14,275.25	6,344.56
		Dec. 31, 1943	200,242.51	78,098.80	15,861.39	14,275.25	6,344.55
		Dec. 31, 1944	200,242.51	82,264.58	17,695.61	16,510.83	7,078.25
		Dec. 31, 1945	198,220.45	78,815.98	16,577.57	15,748.69	6,631.02
San Francisco:							
Beaulieu Vinyard, 300 Montgomery St., San Francisco, Calif.	Wine manufacturing.	Dec. 31, 1941 [1]	52,029.72	68,677.11	23,970.28	11,305.92	3,504.56
		Dec. 31, 1942 [1]	54,094.19	66,612.64	21,905.81	19,715.22	8,762.32
		Dec. 31, 1943 [1]	55,196.95	65,509.88	20,803.05	18,722.75	8,321.23
		Dec. 31, 1944 [1]	55,196.95	65,509.88	17,583.85	16,705.65	7,033.55
		Dec. 31, 1945 [1]	60,564.13	60,142.70	15,435.87	14,664.08	6,174.35
Pacific Public Service Co., 369 Pine St., San Francisco, Calif.	Holding securities and incidental operations.	Dec. 31, 1942 [1]	1,070,408.11	190,000.00	42,991.89	38,692.70	18,056.59
		Dec. 31, 1943 [1]	1,070,408.11	128,397.03	42,991.89	38,692.70	18,056.59
		Dec. 31, 1944 [1]	1,070,408.03	128,397.03	42,991.89	40,842.29	18,056.59
		Dec. 31, 1945 [1]	1,070,408.11	128,397.03	42,991.89	40,780.27	18,056.59

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

Fiscal year ended June 30, 1955

Name and address of taxpayer (arranged by Internal Revenue Districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (Subchapter E) tax resulting from the operation of section 722	Gross increase in the income (Chapter 1) tax resulting from the operation of section 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Springfield:							
Brower Manufacturing Co., 215 North 3d St., Quincy, Ill.	Manufacturers and jobbers of poultry supplies.	May 31, 1942 [1]	$45,804.04	$221,955.65	$42,213.46	$14,697.90	$4,556.36
		May 31, 1943 [1]	45,804.03	262,875.34	42,213.47	34,825.88	16,207.00
		May 31, 1945 [1]	45,804.03	666,695.97	42,213.47	24,994.37	16,207.00
Kuehne Manufacturing Co., Mattoon, Ill.	Furniture manufacture.	Dec. 31, 1940 [1]	55,597.24	102,956.49	26,197.76	9,190.59	None
		Dec. 31, 1941 [1]	68,790.82	89,762.91	40,459.18	20,229.58	6,271.19
		Dec. 31, 1942 [1]	72,219.83	86,333.90	37,030.17	33,327.16	14,812.07
		Dec. 31, 1943 [1]	72,219.83	86,333.90	37,030.17	33,327.16	14,812.06
		Jan. 31, 1943 [1]	43,882.94	79,752.43	3,617.06	3,255.35	1,446.82
		Jan. 31, 1944 [1]	44,990.71	78,644.66	2,509.29	2,151.81	1,003.72
Syracuse: The Addis Co., Inc., 449 South Salina St., Syracuse, N. Y.	Ladies wearing apparel.	Dec. 31, 1941 [1]	517,344.23	3,088,966.28	981,862.48	594,208.34	184,204.59
Toledo: Owens-Corning Fiberglas Corp., Nichols Bldg., Toledo, Ohio.	Manufacture and sale of fibrous glass products.	Dec. 31, 1942 [1]	643,942.83	4,316,079.98	997,818.32	732,181.39	410,783.93
		Dec. 31, 1943 [1]	696,779.31	4,273,296.39	955,034.74	678,182.64	387,980.57
		Dec. 31, 1944 [1]	687,392.52	4,272,677.39	954,415.74	1,032,183.71	698,353.59
		Dec. 31, 1945 [1]	865,783.53	4,096,212.96	777,951.31	432,897.82	322,847.18
Upper Manhattan:							
American Maize-Products Co., 100 East 42d St., New York, N. Y.	Manufacture and sale of corn products.	Dec. 31, 1941	926,606.27	502,647.76	35,567.03	68,350.81	21,188.75
		Dec. 31, 1942	926,606.27	508,392.69	88,707.18	80,250.28	34,666.79
		Dec. 31, 1944	926,606.27	508,392.69	88,707.18	74,535.01	31,208.95
		Dec. 31, 1945	926,606.27	508,392.69	88,707.18	84,271.82	38,482.88
Carbide and Carbon Chemicals Corp., Union Carbide and Carbon Corp., successor by merger, 30 East 42d St., New York, N. Y.	Manufacture of gases, etc.	Dec. 31, 1940	10,074,929.84	3,468,216.84	755,070.16	377,535.08	None
		Dec. 31, 1941	13,973,871.47	5,555,014.42	1,994,886.06	1,196,931.64	371,048.81
		Dec. 31, 1942	14,021,213.94	9,386,933.38	1,994,886.06	1,795,397.45	797,954.42
		Dec. 31, 1943	14,021,213.94	10,133,428.59	1,994,886.06	1,795,397.45	797,954.43
		Dec. 31, 1944	14,021,213.94	10,133,428.59	1,994,886.06	1,895,141.75	797,954.43
		Dec. 31, 1945	14,021,213.94	10,133,428.59	1,994,886.06	1,895,141.76	797,954.42
Doeskin Products Inc. (formerly San-Nap-Pak Mfg. Inc.), 11 West 42d St., New York, N. Y.	Manufacture of paper products.	Dec. 31, 1941	170,688.76	488,448.02	95,311.24	48,942.83	15,172.28
Finn Fabrics Corp., 240 Madison Ave., New York, N. Y.	Silk.	June 20, 1942 [1]	7,709.59	42,774.73	2,265.41	792.90	301.89
		June 30, 1943 [1]	8,578.85	41,905.47	1,396.15	379.84	113.95
		June 30, 1944 [1]	8,578.85	41,905.47	1,396.15	1,291.25	376.96
		June 30, 1945 [1]	8,578.85	41,905.47	1,396.15	1,326.34	376.96
		June 30, 1946 [1]	8,578.85	41,905.47	1,396.15	668.62	190.03
General Artists Corp. (formerly General Amusement Corp.), c/o Nathaniel Miller, 55 West 42d St., New York, N. Y.	Booking agency.	Oct. 31, 1943	14,035.96	61,568.32	8,764.04	5,737.37	2,860.96
		Oct. 31, 1944	14,588.16	8,211.84	8,211.84	7,732.81	4,052.05
		Oct. 31, 1946	14,035.96	8,764.04	8,764.04	1,391.44	737.61
The Horn & Hardart Co., 600 West 50th St., New York, N. Y.	Operating bakery, restaurants and retail stores.	Dec. 31, 1945	2,052,090.36	63,111.42	53,961.51	51,263.44	21,584.60
Pocket Books, Inc., 630 5th Ave., New York, N. Y.	Book publishers.	Dec. 31, 1942	23,725.57	228,604.94	206,066.13	275,553.70	135,392.52
		Dec. 31, 1943	23,725.57	744,843.43	206,066.13	140,127.32	85,192.12
Young & Rubicam, Inc., 285 Madison Ave., New York, N. Y.	Advertising agency.	Dec. 31, 1941	981,303.34	166,866.66	55,146.66	22,863.73	7,087.76
		Dec. 31, 1942	981,747.32	166,422.68	85,577.68	39,697.55	17,643.36
		Dec. 31, 1943	971,417.18	176,752.82	95,907.82	100,709.88	44,759.95
		Dec. 31, 1944	954,740.66	193,429.34	112,584.34	202,477.16	85,253.54
		Dec. 31, 1945	971,938.43	176,231.57	95,386.57	90,617.24	38,154.63
Wilmington:							
Canada Dry International Inc., 100 Park Ave., New York, N. Y.	Carbonated beverages etc.	Sept. 30, 1941 [1]	16,569.09	101,450.60	7,576.11	2,272.83	None
		Sept. 30, 1942 [1]	19,935.23	126,578.52	17,894.72	10,751.55	4,461.18
		Sept. 30, 1943 [1]	19,935.23	126,578.52	22,088.02	19,879.22	11,691.12
		Sept. 30, 1945	19,935.23	126,578.52	22,088.02	20,983.62	11,443.63
		Sept. 30, 1946	19,935.23	126,578.52	22,088.02	4,087.08	2,884.42
Hercules Powder Co., 900 Market St., Wilmington, Del.	Manufacture and sale of explosives, chemicals and naval stores.	Dec. 31, 1940	4,323,711.29	2,980,659.45	174,253.71	87,120.85	None
		Dec. 31, 1941	5,213,868.71	4,076,113.23	343,631.29	206,161.98	63,915.41
		Dec. 31, 1942	5,466,941.96	4,090,685.60	90,617.89	81,518.30	36,247.17
		Dec. 31, 1943	5,467,460.89	3,334,361.61	90,369.71	81,049.24	36,147.88
		Dec. 31, 1944	5,490,107.79	3,311,714.71	84,296.51	79,979.07	33,718.61
		Dec. 31, 1945	5,490,107.79	3,311,714.71	84,296.51	79,914.97	33,718.60

Supplemental list for fiscal year ended June 30, 1954

Albany:							
Mount Vernon Die Casting Corp., 118 Pearl St., Mount Vernon, N. Y.	Manufacturers of dies and die castings.	Dec. 31, 1941 [1]	$40,630.41	$52,890.67	$7,724.22	$3,205.90	$993.83
		Dec. 31, 1942 [1]	40,644.21	52,890.72	7,724.22	6,411.80	3,415.93
		Dec. 31, 1943 [1]	40,644.21	52,890.67	7,724.22	6,411.80	3,415.93
		Dec. 31, 1944 [1]	40,644.21	52,890.67	7,724.22	6,768.01	2,849.69
		Dec. 31, 1945 [1]	40,644.21	52,890.67	7,724.22	6,768.01	2,849.69
Peter Reeves Markets Inc., 701 East 134th St., New York, N. Y.	Retail grocery.	Dec. 31, 1942	12,842.02	123,653.00	13,578.93	4,819.85	1,445.96
		Dec. 31, 1943	21,797.92	200,562.35	12,878.98	21,333.80	11,982.26
		Dec. 31, 1944	23,689.34	237,603.20	16,070.26	19,056.75	10,531.66
		Dec. 31, 1945	28,119.34	408,229.16	12,981.54	14,673.47	8,975.73
Boston:							
Independent Tallow Co., Inc., 39 Cedar St., Woburn, Mass.	Rendering plant.	Jan. 31, 1942 [1]	8,800.72	3,021.58	5,449.28	3,099.33	960.79
		Jan. 31, 1943 [1]	11,205.16	100,611.15	3,045.00	3,131.55	939.46
		Jan. 31, 1944 [1]	10,067.42	101,754.88	4,182.58	3,974.06	1,287.54
		Jan. 31, 1945 [1]	12,165.56	99,656.75	2,084.44	2,090.82	634.25
		Jan. 31, 1946 [1]	14,256.14	97,566.16	None	46.51	14.23
Lester Shoe Co., 224 Crescent Ave., Chelsea, Mass.	Shoe manufacturing company.	Nov. 30, 1941	4,998.39	25,960.10	2,564.56	889.36	None
		Nov. 30, 1945	6,908.12	24,050.37	2,315.43	625.16	625.16
		Nov. 30, 1946	8,787.11	22,171.39	436.44	32.94	32.94
Brooklyn: Model Brassiere Corp., 782 Wythe Ave., Brooklyn, N. Y.	Manufacturers of brassieres.	Dec. 31, 1941	6,960.91	59,921.47	6,546.19	3,390.32	1,491.75
		Dec. 31, 1942	9,295.90	56,586.47	5,292.85	5,001.77	1,500.54
		Dec. 31, 1943	9,973.40	56,908.97	4,585.35	4,126.82	1,238.05
		Dec. 31, 1944	11,558.62	55,323.75	3,000.13	2,850.12	870.04
		Dec. 31, 1945	13,016.54	53,865.83	1,542.21	1,465.10	447.25
Camden: Radio Condenser Co., Davis and Copewood Sts., Camden, N. J.	Manufacture of variable radio condensers.	Dec. 31, 1941	142,460.77	210,026.71	47,539.23	22,204.37	6,883.35
		Dec. 31, 1942	142,460.77	210,026.71	47,539.23	42,785.30	19,015.70
		Dec. 31, 1943	142,460.77	210,026.71	47,539.23	38,295.45	19,015.70
		Dec. 31, 1944	142,460.77	210,026.71	47,539.23	32,515.74	19,015.70
		Dec. 31, 1945	142,460.77	210,026.71	47,539.23	45,162.27	19,015.70
Chicago: Kinney Electrical Manufacturing Co., 678 Buckeye St., Elgin, Ill.	Electrical manufacturing.	Dec. 31, 1941 [1]	7,532.42	26,989.77	674.77	269.91	118.77
		Dec. 31, 1942 [1]	8,810.23	26,989.77	674.77	607.29	182.19
		Dec. 31, 1943 [1]	8,810.23	26,989.77	674.77	607.29	182.19
		Dec. 31, 1945 [1]	8,810.23	26,989.77	674.77	641.03	182.19

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

Supplemental list for fiscal year ended June 30, 1954

Name and address of taxpayer (arranged by Internal Revenue Districts in which excess profits tax returns were filed) (1)	Business in which engaged (2)	Taxable year ended (3)	Excess profits credit before allowance of relief (4)	Increase in the amount of excess profits credit claimed by taxpayer (5)	Increase in the amount of excess profits credit allowed (6)	Gross reduction in the excess profits (Subchapter E) tax resulting from the operation of section 722 (7)	Gross increase in the income (Chapter 1) tax resulting from the operation of section 722 (8)
Cleveland:							
Central Outdoor Advertising Co., Inc., 4600 Carnegie Ave., Cleveland, Ohio.	Outdoor advertising	Dec. 31, 1941 [2]	$177,396.78	$68,408.53	$59,563.87	$23,859.58	$7,396.47
The Summit Radio Corp., First Central Tower, Akron, Ohio.	Radio broadcasting	Dec. 31, 1942 [1]	8,986.05	69,017.63	12,967.07	6,766.09	2,038.84
		Dec. 31, 1943 [1]	8,836.56	69,167.12	12,116.56	6,225.03	4,966.07
		Dec. 31, 1944 [1]	8,941.77	69,061.91	13,011.35	5,420.88	5,420.88
		Dec. 31, 1945 [1]	11,294.51	66,709.17	10,658.61	9,405.01	4,759.75
Detroit:							
Ferry-Morse Seed Co., Brush St. and Monroe Ave., Detroit, Mich.	Seed growers and merchants.	May 31, 1942 [1]	417,879.29	511,828.60	23,870.71	33,602.38	10,416.73
Punchpress Repair Corp., 1975 Hilton Rd., Ferndale, Mich.	Machine maintenance and repair.	Dec. 31, 1941 [2]	1,754.84	15,909.21	8,695.16	3,108.57	717.16
		Dec. 31, 1942 [2]	3,161.98	13,562.08	7,288.02	7,110.78	2,133.24
		Dec. 31, 1943 [2]	3,395.39	14,330.67	7,056.61	7,002.62	2,100.79
		Dec. 31, 1944 [2]	3,586.05	14,138.01	6,864.95	7,441.17	2,123.86
		Dec. 31, 1945 [2]	3,921.62	13,802.44	6,528.38	6,992.21	1,996.26
The Timken-Detroit Axle Co., 100-400 Clark Ave., Detroit, Mich.	Manufacturing automobile and truck axles, transmissions, oil burning heaters, etc.	Dec. 31, 1940 [1]	1,799,168.03	4,706,502.61	127,146.61	63,573.31	None
		Jan. 1, 1941, to June 30, 1941 [1]	2,177,272.71	5,649,083.74	154,567.99	44,697.75	13,856.31
Wolverine Shoe & Tanning Corp., Rockford, Mich.	Manufacture of leather shoes and gloves.	June 30, 1942 [1]	2,226,798.87	5,657,144.35	131,261.83	78,757.10	24,414.71
		Dec. 31, 1941 [1]	349,099.55	225,945.84	21,375.00	11,756.25	3,644.44
		Dec. 31, 1942 [1]	349,542.41	125,242.25	21,375.00	31,083.20	13,819.20
		Dec. 31, 1943 [1]	349,658.08	125,242.25	21,375.00	8,064.83	5,594.37
Hartford: Manufacturers Supply Co., transferor, Radio Condenser Co., transferee, Davis and Copewood Sts., Camden, N. J.	Manufacture of variable radio condensers.	Dec. 31, 1940 [1]	13,641.31	338,846.17	17,646.46	1,886.32	None
		Dec. 31, 1941 [1]	15,692.03	337,115.43	21,478.14	17,182.00	5,326.42
		Dec. 31, 1943 [1]	15,692.05	337,115.43	21,478.14	19,330.32	10,359.50
Indianapolis: Union City Sales Corp. (formerly Transit Buses Inc.), Union City, Ind.	Dealer in motor vehicles and parts.	Jan. 31, 1941, to Nov. 30, 1941 [1]	4,478.73	60,406.08	12,554.69	4,689.94	1,453.67
		Nov. 30, 1942 [2]	6,525.59	58,359.22	10,507.83	4,980.97	2,451.89
Jacksonville: Lake Butler Groves Inc., Winter Garden, Fla.	Citrus fruit grower	May 31, 1942 [1]	14,069.27	13,065.71	1,235.23	432.33	108.08
		May 31, 1943 [1]	15,392.36	15,595.98	1,574.64	1,417.18	456.64
		May 31, 1944 [1]	15,392.36	15,595.98	2,353.64	2,167.05	917.15
		May 31, 1945 [1]	15,637.08	15,351.26	2,954.42	2,806.70	781.67
Los Angeles:							
U. S. Electrical Motors Inc., 200 East Slauson Ave., Los Angeles, Calif.	Manufacturing	Dec. 31, 1940	182,338.68	69,192.44	32,674.82	13,069.93	None
		Dec. 31, 1941	236,041.68	406,935.34	41,013.22	24,607.94	7,628.47
		Dec. 31, 1942	251,489.93	525,093.28	29,217.97	52,592.35	23,374.38
		Dec. 31, 1943	251,489.81	525,093.40	29,218.09	26,296.17	11,687.19
W. J. Voit Rubber Corp., 1600 East 25th St., Los Angeles, Calif.	Rubber products manufacturer.	Sept. 30, 1941 [2]	42,051.99	105,281.77	4,688.01	1,308.37	None
		Sept. 30, 1942 [2]	51,589.18	95,744.58	5,360.84	3,220.91	1,161.98
		Sept. 30, 1943 [2]	51,440.86	95,694.60	5,360.84	4,824.75	2,144.33
		Sept. 30, 1944 [2]	51,440.86	95,694.60	5,360.84	711.90	316.40
		Sept. 30, 1945 [2]	51,440.86	96,244.60	5,360.84	5,092.79	2,144.33
		Sept. 30, 1946 [2]	51,440.86	95,694.60	5,360.84	1,283.67	540.69
Lower Manhattan: Pinkerton's National Detective Agency Inc., 154 Nassau St., New York, N. Y.	Detective agency	Dec. 31, 1941	31,656.22	162,973.08	58,343.78	3,807.32	1,180.28
		Dec. 31, 1942 [1]	35,750.03	194,693.38	59,249.97	111,121.39	50,701.92
		Dec. 31, 1943 [1]	35,750.03	194,693.38	59,249.97	48,171.83	24,889.44
		Dec. 31, 1944 [1]	35,750.03	194,693.38	59,249.97	30,989.81	24,263.83
		Dec. 31, 1945 [1]	35,750.03	194,693.38	59,249.97	55,050.89	24,242.05
Nashville:							
Jack Daniel Distillery, Lem Motlow, Prop. Inc., Lynchburg, Tenn.	Distillery	Apr. 30, 1944 [1]	22,302.25	458,395.85	115,447.75	89,705.12	49,452.66
		Apr. 30, 1945 [1]	26,850.27	453,847.83	110,899.73	83,957.17	46,266.28
		Apr. 30, 1946 [1]	29,497.94	451,200.16	108,252.06	67,497.07	30,035.84
Miller Bros. Co., Inc., Johnson City, Tenn.	Manufacturers of hardwood flooring and interior trim.	Dec. 31, 1940 [1]	44,309.48	46,686.74	7,406.21	2,451.41	None
		Dec. 31, 1941 [1]	51,949.69	52,996.03	8,952.70	4,476.35	1,387.67
		Dec. 31, 1942 [1]	59,494.58	45,451.14	1,407.81	1,267.02	563.12
		Dec. 31, 1943 [1]	59,494.58	45,451.14	1,407.81	1,267.03	563.12
		Dec. 31, 1944 [1]	59,494.58	45,451.14	1,407.81	1,837.42	563.12
		Dec. 31, 1945 [1]	59,494.58	45,451.14	1,407.81	1,337.42	563.12
Park Hosiery Mills Inc., Knoxville, Tenn.	Hosiery mill	June 30, 1941 [1]	2,634.64	36,488.27	3,792.24	948.06	None
		June 30, 1942 [1]	2,947.55	38,244.58	5,627.71	2,251.08	990.48
		June 30, 1943 [1]	4,251.54	34,876.99	4,318.46	4,147.86	1,244.35
		June 30, 1944 [1]	5,251.24	33,906.99	3,318.76	5,069.40	896.07
		June 30, 1945 [1]	6,637.89	32,470.64	1,912.11	2,132.37	606.04
		June 30, 1946 [1]	4,620.00	34,488.53	3,930.00	2,003.02	569.27
Omaha:							
Star Printing Co., 12th and M St., Lincoln, Nebr.	Newspaper publishing	Dec. 31, 1943 [1]	47,292.30	62,000.68	12,770.50	24,707.83	12,201.39
		Dec. 31, 1944 [1]	47,292.30	62,000.68	12,770.50	23,785.11	10,014.78
		Dec. 31, 1945 [1]	47,292.30	62,000.68	12,770.50	12,132.07	5,108.20
State Journal Printing Co., 9th and P Sts., Lincoln, Nebr.	Publisher of newspaper	Dec. 31, 1943 [1]	72,548.00	76,499.06	9,957.60	25,358.56	11,270.47
		Dec. 31, 1944 [1]	72,548.00	76,499.06	9,957.72	9,459.72	3,983.04
		Dec. 31, 1945 [1]	72,548.00	76,499.06	9,957.60	9,459.72	3,983.04
Parkersburg: The Snap Creek Coal Co., 3206 Carew Tower, Cincinnati, Ohio.	Coal mining	Dec. 31, 1944 [1]	9,779.94	52,492.23	21,819.91	3,642.23	4,165.71
Philadelphia: Lehigh Spinning Co., 229 South Oarlisle St., Allentown, Pa.	Manufacturer of jute yarn.	Dec. 31, 1945 [1]	17,520.67	44,647.59	14,675.18	2,794.89	1,176.80
		Aug. 31, 1941 [1]	19,169.06	135,407.24	18,358.79	4,998.85	None
		Aug. 31, 1942 [1]	23,958.24	129,935.20	19,168.95	10,365.16	699.06
		Aug. 31, 1943 [1]	27,143.13	126,685.67	15,919.42	18,392.28	10,625.48
Pittsburgh: Hammermill Paper Co., East Lake Rd., Erie, Pa.	Manufacture of pulp and paper.	Dec. 31, 1941	864,113.00	339,891.97	None	109.88	32.79
St. Paul: Pako Corp., 1006 Lyndale Ave. North, Minneapolis, Minn.	Manufacturers photo equipment and photo finishers.	Dec. 31, 1944	890,102.94	383,857.82	3,606.62	3,178.75	1,338.42
		Jan. 1 to Oct. 31, 1941 [1]	54,578.22	153,833.93	7,171.78	1,908.93	591.77
		Oct. 31, 1942 [1]	54,578.22	153,833.73	7,171.78	1,552.60	1,703.74
		Oct. 31, 1943 [1]	54,578.22	153,833.73	7,171.78	6,454.60	2,868.71
		Oct. 31, 1944 [1]	54,578.22	153,833.73	7,171.78	6,753.41	2,868.71
		Oct. 31, 1945 [1]	54,578.22	153,833.73	7,171.78	6,813.19	2,868.72
		Oct. 31, 1946 [1]	54,578.22	153,833.73	7,171.78	1,138.81	479.43
San Francisco: Esotoo Fumigation Co., Ltd., 465 California St., San Francisco, Calif.	Fumigation of fruits	Mar. 31, 1944 [1]	2,015.18	11,446.79	2,734.82	2,195.34	738.40
Scranton: Frank Martz Coach Co., 237 Old River Rd., Wilkes-Barre, Pa.	Bus transportation	Dec. 31, 1941 [1]	22,459.81	119,231.33	23,443.03	9,808.29	2,900.47
		Dec. 31, 1942 [1]	22,763.78	121,166.64	25,378.34	24,705.30	16,652.67
		Dec. 31, 1943 [1]	28,880.78	115,049.64	19,261.34	13,244.04	10,603.54
		Dec. 31, 1944 [1]	34,071.87	109,858.75	14,070.25	13,616.85	6,538.39
		Dec. 31, 1945 [1]	38,018.02	105,912.60	10,124.10	8,500.99	4,533.43
Seattle: Pacific Gamble Robinson Co. (formerly Pacific Fruit & Produce Co., Inc.), Occidental and King Sts., Seattle, Wash.	Wholesale fruits, produce and groceries.	Dec. 31, 1941	375,562.50	267,519.95	76,377.65	14,864.40	3,631.01
		Dec. 31, 1943	780,135.51	579,747.54	138,104.04	121,293.64	54,479.33

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

Supplemental list for fiscal year ended June 30, 1954

Name and address of taxpayer (arranged by Internal Revenue Districts in which excess profits tax returns were filed) (1)	Business in which engaged (2)	Taxable year ended (3)	Excess profits credit before allowance of relief (4)	Increase in the amount of excess profits credit claimed by taxpayer (5)	Increase in the amount of excess profits credit allowed (6)	Gross reduction in the excess profits (Subchapter E) tax resulting from the operation of section 722 (7)	Gross increase in the income (Chapter 1) tax resulting from the operation of section 722 (8)
Springfield: Western Condenser Co., transferor, Radio Condenser Co., transferee, Davis and Copewood Sts., Camden, N. J.	Manufacturers of radio condensers.	Dec. 31, 1940 [1]	$3,462.42	$212,867.50	$29,390.24	$2,963.57	None
		Dec. 31, 1941 [1]	7,691.67	209,324.58	71,808.33	43,259.98	$13,410.60
		Dec. 31, 1942 [1]	10,439.16	206,577.09	69,060.84	58,480.24	30,224.71
		Dec. 31, 1943 [1]	9,380.62	207,635.63	70,119.38	54,139.80	30,423.45
		Dec. 31, 1944 [1]	9,138.90	207,877.35	70,361.10	51,268.70	31,062.69
		Dec. 31, 1945 [1]	19,141.99	197,874.26	60,358.01	52,595.68	27,442.43
Upper Manhattan: The American Home Magazine Corp., 444 Madison Ave., New York, N. Y.	Publishing	Dec. 31, 1940	93,020.81	445,209.98	63,223.82	23,338.72	None
Pandia, Inc. (formerly Paper and Industrial Appliances, Inc.), 122 East 42d St., New York, N. Y.	Manufacturers and sales agents pulp making machinery and parts.	Dec. 31, 1941	4,992.74	62,458.21	6,374.96	4,468.11	1,965.97
		Dec. 31, 1943	4,992.74	71,655.22	6,374.96	6,981.46	2,921.38
Wichita: The Mosby Hotel Co., 700-06 Jackson St., Topeka, Kans.	Hotel	Dec. 31, 1943 [1]	12,266.86	32,526.99	4,643.14	8,020.88	2,767.39
		Dec. 31, 1945 [1]	12,144.00	32,649.95	4,766.00	4,527.70	1,840.54

[1] Allowance in accordance with decision of the Tax Court of the United States based on agreed settlement of the parties. No previous allowance by the Commissioner.

[2] Allowance in accordance with decision of the Tax Court of the United States after hearing on the merits. No previous allowance by the Commissioner.

[3] Allowance made during fiscal year ended June 30, 1955, represents an addition by the Tax Court of the United States to relief previously allowed by the Commissioner and published September 28, 1944.

[4] Allowance made during fiscal year ended June 30, 1955, represents an addition by the Tax Court of the United States to relief previously allowed by the Tax Court of the United States and published (a) September 6, 1952, and (b) August 21, 1953.

[5] (a) Additional allowance in accordance with decision of the Tax Court of the United States based on agreed settlement of the parties. (b) Previous allowance by the Commissioner.

[F. R. Doc. 55-8813; Filed, Nov. 8, 1955; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11284, 11285; FCC 55M-922]

PACIFIC TELEPHONE & TELEGRAPH CO. AND RADIOMARINE CORPORATION OF AMERICA

ORDER SCHEDULING HEARING

In the matter of The Pacific Telephone & Telegraph Company, Docket No. 11284, application for construction permit to add transmitter to existing station KOU (File No. 13412-F1-P-G) at San Pedro, California; and Radiomarine Corporation of America, Docket No. 11285, application for construction permit for new public class II-B coast station at San Diego, California (File No. 17229-F1-P-D).

It is ordered, This 2d day of November 1955, that Elizabeth C. Smith, in lieu of William G. Butts, will preside at the hearing in the above-entitled matter which is hereby scheduled to commence on December 19, 1955, in Washington, D. C.

Released: November 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9038; Filed, Nov. 8, 1955; 8:54 a. m.]

[Docket No. 11287, etc.; FCC 55M-919]

EL MUNDO, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of El Mundo, Inc., Mayaguez, Puerto Rico, Docket No. 11287, File No. BPCT-1892, Ponce de Leon Broadcasting Company, Inc., of P. R., Mayaguez, Puerto, Rico, Docket No. 11288, File No. BPCT-1906, Supreme Broadcasting Company, Inc., Mayaguez, Puerto Rico, Docket No. 11289, File No. BPCT-1911; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration a motion filed on November 1, 1955, on behalf of Ponce de Leon Broadcasting Company, Inc., of Puerto Rico, requesting that the hearing now scheduled to be held in the above-entitled proceeding on November 7, 1955, be continued until December 29, 1955; and

It appearing that sufficient "good cause" has been set forth in the said motion to warrant the postponement requested therein and that all of the parties to the proceeding have consented to a grant thereof;

It is ordered, This 3d day of November 1955, that the above motion be, and it is hereby, granted; and that the hearing in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m., on Thursday, December 29, 1955, in the offices of this Commission, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9039; Filed, Nov. 8, 1955; 8:54 a. m.]

[Docket No. 11404, FCC 55M-914]

NIAGARA BROADCASTING SYSTEM (WNIA)

ORDER CONTINUING HEARING

In re application of Gordon P. Brown, tr/as Niagara Broadcasting System (WNIA), Cheektowaga, New York, Docket No. 11404, File No. BMP-6773; For modification of permit to extend completion date.

The Hearing Examiner having under consideration a petition, filed by applicant on November 1, 1955, for further continuance of the hearing now scheduled for November 7, 1955, until November 29, 1955;

It appearing that the proposed continuance, among other things is based on the pendency, before the Commission, of applicant's petition, filed on October 27, 1955, seeking renewed consideration by the Commission of its designation of the application for hearing; and that the Broadcast Bureau, although it does not object to a continuance for the time requested because of its own work schedule, and to an immediate consideration of the present petition, does not feel that the above described reason of petitioner represents "good cause";

It is ordered, This 2d day of November 1955, that the petition for continuance is granted to the extent that the hearing now scheduled for November 7, 1955 is continued to Tuesday, November 29, 1955, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9040; Filed, Nov. 8, 1955; 8:54 a. m.]

[Docket Nos. 11421, 11422; FCC 55 M-913]

HENRYETTA RADIO CO.

ORDER SCHEDULING HEARING

In re applications of J. Leland Gourley, Lloyd W. Simpson and Charles E. Engleman, d/b as Henryetta Radio Company, Henryetta, Oklahoma, Docket No. 11421, File No. BP-9308, W. D. Miller, Glyndal D. Roberts and Donaghey G. Sammons, d/b as Henryetta Broadcast-

ing Company, Henryetta, Oklahoma, Docket No. 11422, File No. BP-9627; for construction permits.

It is ordered, This 1st day of November 1955, that Thomas H. Donahue, in lieu of William G. Butts, will preside at the hearing in the above-entitled matter which is hereby scheduled to commence on December 2, 1955, in Washington, D. C.

Released: November 3, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9041; Filed, Nov. 8, 1955; 8:54 a. m.]

[Docket No. 11476; FCC 55M-915]

TROY BROADCASTING CORP. (WTBF)

ORDER SCHEDULING HEARING

In re application of Troy Broadcasting Corporation (WTBF), Troy, Alabama, Docket No. 11476, File No. BP-9696; for construction permit.

It is ordered, This 2d day of November 1955, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 6, 1955, in Washington, D. C.

Released: November 3, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9042; Filed, Nov. 8, 1955; 8:55 a. m.]

[Docket Nos. 11484, 11485; FCC 55M-920]

JANE F. MOONEY ET AL.

ORDER SCHEDULING HEARING

In re application of Jane F. Mooney, B. H. Mooney, Jr., and J. F. Mann, Co-executors of the estate of B. H. Mooney, deceased (transferor) and Burgett H. Mooney, Jr. (transferee), Docket No. 11484, File No. BTC-1954; for consent to transfer of control of News Publishing Company, licensee of Station WLAQ Rome, Georgia.

In re application of News Publishing Company, Docket No. 11485, File No. BR-1512; for renewal of license of Station WLAQ, Rome, Georgia.

It is ordered, This 2d day of November 1955, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 19, 1955, in Washington, D. C.

Released: November 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9043; Filed, Nov. 8, 1955; 8:55 a. m.]

[Docket Nos. 11519, 11520; FCC 55M-923]

GREENVILLE BROADCASTING CORP. AND WESTERN OHIO BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re applications of The Greenville Broadcasting Corporation, Greenville, Ohio, Docket No. 11519, File No. BP-9522; Western Ohio Broadcasting Co., Inc., Greenville, Ohio, Docket No. 11520, File No. BP-9888; for construction permits.

It is ordered, This 2d day of November 1955, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 3, 1956, in Washington, D. C.

Released: November 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9044; Filed, Nov. 8, 1955; 8:55 a. m.]

[Docket No. 11528, FCC 55-1064]

WBUF-TV, INC., AND NATIONAL BROADCASTING CO., INC.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of WBUF-TV, Inc., (Assignor), Docket No. 11528, File No. BAPCT-150 and National Broadcasting Company, Inc. (Assignee), for assignment of the construction permit for Station WBUF-TV, Buffalo, New York.

1. The Commission has before it for consideration (a) a "Protest" filed on October 3, 1955, and amended on October 20, 1955, by WGR Corporation, licensee of Standard Broadcast Station WGR and permittee of Television Station WGR-TV, Channel 2, both in Buffalo, New York, pursuant to section 309 (c) of the Communications Act of 1934, as amended, directed against the Commission's action of September 21, 1955, granting without hearing the above-entitled application; (b) the "Opposition of WBUF-TV, Inc., to Protest to WGR Corporation and Petition to Designate for Hearing and Consolidation",[1] filed on October 20, 1955;[2] (c) the "Opposition of National Broadcasting Company, Inc., to Protest of WGR Corporation" filed on October 20, 1955. The protested authorization permits the assignment of the construction permit for WBUF-TV, Buffalo, New York, from WBUF-TV, Inc., to NBC.

2. Protestant claims that it is a party in interest within the purview of section 309 (c) of the Communications Act of 1934, as amended, because, as the licensee of Standard Broadcast Station WGR and permittee of WGR-TV, both in Buffalo, New York, it will suffer economic injury if the assignment is permitted; that "it will lose its present affiliation with NBC;" that it has been an affiliate of NBC since it commenced commercial operation on August 14, 1954, that the affiliation agreement expires August 13, 1956, and that "it will lose forever its right to compete for the NBC affiliation which right is substantial in view of WGR's present status as an affiliate;" that the "right of competition of broadcast licensees for network affiliation is one of the underlying purposes of the Commission's Chain Broadcast Rules and Regulations;" that the availability of network programs may well mean the difference between success and failure of a television station; that "the economic injury of which it here complains is the direct and immediate result of the change flowing from the Commission's action approving NBC's acquisition of WBUF-TV." Petitioner here cites "Camden Radio, Inc., v. FCC, 220 F. 2d 191 (CADC 1955); cf WEAT-TV, Inc., FCC 55-971, Released September 29, 1955."

3. In its Opposition to the Protest, the applicant, NBC, attacked WGR's standing as a party in interest, stating that when the 1952 amendments to the Communications Act were passed, the Congress stated[3] that parties in interest from an economic standpoint are defined by the Supreme Court decision in the Sanders Case (309 U. S. 470; (1 Pike and Fischer RR 280)); that the Sanders Case was concerned with and confined to the authorization of a "new and additional station" in a community; that it did not purport to nor did it encompass the transfer or assignment of an existing service such as WBUF-TV; that the legislative history of section 309 (c) confirms this view; that in the Camden Case the Court, on rehearing, pointed out its decision was confined to assignments or transfers involving new stations when it stated:

> In our opinion, handed down July 15, 1954, we held that when the Commission has approved without a hearing the assignment of a construction permit, the licensee of an existing station shows himself to be a party in interest, entitled under section 309 (c) of the act to protest and be heard, when he alleges he will suffer economic injury from the operation of the new station. We held no more than that.

4. No extended discussion is needed on this point. We think it clear that under the language of the statute, a transfer or assignment of a permit is subject to protest under section 309 (c) by a party aggrieved or adversely affected thereby. WEAT-TV, Inc., FCC File No. BTC-2018, 55-971, September 29, 1955; In re Hyman Rosenblum, 11 RR 826 (1954), Docket No. 11243. We believe NBC's interpretation of the Camden case to be incorrect. See WEAT-TV, Inc., supra.

5. NBC further argues that even if section 309 (c) may be applicable in appropriate circumstances to transfer of existing stations, the Protestant has not shown itself to be a "party in interest;" that under that section

> any protest • • • shall contain such allegations of fact as will show the protestant to be a party in interest and shall specify with particularity the facts, matters, and things relied upon, but shall not include • • • allegations phrased generally.

NBC takes the position that the showing required of the Protestant is not what could have been shown but what has been shown; that the WGR allegations fail to meet the test in that when it says it "will lose its present affiliation with NBC" it is untrue since that affiliation contract does not expire until August 13, 1956;[4] that the protested assignment in no way affects the terms of the contractual relationship between the parties; that WGR has not provided "a single citation of authority to support the contention that it has a 'right' to network service;" that on the contrary, "the right is in the network to make such an arrangement as it may choose for the distribution of its programs," citing Federal Broadcasting System, Inc., v. ABC, 4 Pike and Fischer RR 2019, 2021 (1948).

6. As we stated in our memorandum opinion and order in the WEAT-TV, Inc., case, we do not believe the Camden case stands for the carte blanche right of the licensee or permittee of an existing station to protest the granting of an assignment of the construction permit for a competing station in the same community without a showing of injury resulting from the Commission action. In the WEAT-TV, Inc., case, we found the petitioners had no standing because of the absence of a showing that the petitioners were adversely affected by the Commission action. Here, however, we believe that a showing has been made. It is clear that as a result of the Commission's action permitting NBC to acquire WBUF-TV, WGR will lose forever the valuable NBC network affiliation on August 13, 1956, the date of the expiration of its present network contract. It follows that in a very real sense, WGR is adversely affected by the Commission's action here complained of. Greenville Television Co. v. Federal Communications Commission (CADC 1955) 221 F. 2d 870.

7. NBC further attacks the Protest claiming "it should be dismissed for want of jurisdiction under Section 309 (c)", and that the Protest was not properly filed "under oath", which is a statutory jurisdictional requirement that cannot be waived by the Commission; that the signature of the officer of the corporation[5] was not accompanied by any showing that said officer had authority to sign for the corporation, pursuant to by-law or specially delegated powers; and that in "this particular type of action", which NBC likens to institution of litigation, this omission is a fatal jurisdictional defect requiring dismissal of the protest.

8. The Commission finds no merit in this contention. Neither the Rules nor the Communications Act provides that such a showing of authority of an officer to act for his corporation is required. In the absence of a specific showing by NBC that the officer signing for WGR Corporation is acting without or in excess of authority vested in him, we think it clear that we may properly assume that he is acting within his authority and with the approval of the corporation. Such an assumption is completely consistent with the long standing and well established Commission policy and practice in similar cases. NBC, with a showing that its claim of lack of authority can be substantiated, may petition this Commission to make the matter an issue for hearing.

9. Protestant asks that the application be designated for a full and evidentiary hearing upon the following five issues:

(1) To determine whether the grant of the application would result in an undue concentration of control of broadcast stations inconsistent with the public interest, convenience and necessity, contrary to § 3.636 of the Rules.

(2) To determine whether the overall plan of NBC to acquire television stations in New Britain, Philadelphia and Buffalo, in accordance with now pending applications, would result in an undue concentration of control of broadcast stations inconsistent with the public interest, convenience and necessity, contrary to § 3.636 of the Rules.

(3) To determine whether the circumstances surrounding the agreement for the exchange of Stations WPTZ and KYW, Philadelphia, for WNBK-TV and WTAM, Cleveland, adversely reflect on NBC's character qualifications to own and operate broadcast stations in the public interest.

(4) To determine whether the past history of anti-trust litigation and trade practices of RCA, the parent company of NBC, adversely reflects on NBC's character qualifications to own and operate broadcast stations in the public interest.

(5) To determine whether, in view of the evidence adduced under the issues, the assignment of the construction permit of WBUF-TV, Buffalo, to NBC will serve the public interest, convenience and necessity.

10. In support of Issue Number 1, Protestant argues that NBC is presently the licensee of five VHF television stations located in New York, Washington, D. C., Cleveland, Chicago and Los Angeles, and submits an engineering affidavit purporting to show that 32,688,900 people representing 22 percent of the total population of the United States "live within the Grade B contours of the five NBC owned and operated television stations;" that the acquisition of WBUF-TV "will add 1,168,900 people to the population already served" and NBC will own television stations "in the two largest population centers of the State (New York City and Buffalo) and thus will dominate both the 'up state' and 'down state' political, business and commercial areas."[6] Consequently, it is said, the acquisition of WBUF-TV "will result in a concentration of control of television broadcasting in a manner inconsistent with the public interest, convenience and necessity in violation of section 3.636 of the Commission Rules, and contravenes its general policy of encouraging diverse ownership of all mass media of communication;" that "there is no indication that the Commission has considered such factors as the size, extent and location of areas served, the number of people served, and the extent of other competitive service to the areas in question" as required in Section 3.636 (a) (2) of its Rules and that Clarksburg Publishing Company v. FCC, U. S. Ct. App. D. C. June 9, 1955, 12 RR 2026, requires determination of these issues after a full hearing. Since the Protestant has standing to protest and has set out Issue Number 1 with sufficient particularity as a public interest consideration, we find that the Protestant has a right to a full evidentiary hearing thereon. However, the burden of proceeding with the introduction of evidence and the burden of proof thereof shall be upon the Protestant. We do not adopt this Issue because of the policy considerations set out in our Report and Order, Docket 10822, FCC 54-1185, Mimeo No. 10215, adopted September 17, 1954. We believe these considerations are particularly applicable to the instant case.

11. Apparently in support of requested Issue Number 2, Protestant argues that it has a right to have the Commission consider the effect of not only the instant Buffalo application, but the Philadelphia and New Britain applications "as part of an over-all plan on the part of NBC to increase the coverage of its owned and operated stations"; that consideration of the Buffalo application apart from the others would be arbitrary and capricious, and would prejudice Protestant's right to a fair hearing; and that even assuming that by considering the Buffalo application singly no undue concentration of control can be found to exist, "the comparative difference between the concentration of control which would exist if NBC acquires New Britain and Philadelphia is still a relevant issue."

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[1] We are not here dealing with WGR Corporation's "Petition to Designate for Hearing and Consolidation" filed on October 5, 1955, or those pleadings or portions thereof filed by NBC, Westinghouse or WBUF-TV, Inc., in opposition to such Petition. We believe that action on this request for consolidation should be postponed until resolution of the several outstanding questions concerning the Philadelphia and New Britain situation (e. g., whether hearing is to be ordered on the Philadelphia application and/or whether the issues are to be enlarged and an evidentiary hearing ordered with respect to the New Britain application).

[2] By letter of October 11, 1955, WBUF-TV, Inc., was given an extension of time to October 20, 1955 to file its Opposition.

[3] In Senate Report No. 44, 82d Cong., 1st Sess., to accompany S. 658, submitted on January 25, 1951.

[4] The contract is subject to renewal unless either party five months prior to the expiration of the two year term gives notice of intent not to renew.

[5] The original Protest was signed under oath by the president of WGR Corporation, but lacked a statement as to where it was signed and notarized. The Protest was amended on October 20, 1955 to show signature on behalf of the corporation by the vice president, notarized in the State of New York, County of Erie and City of Buffalo, on that date.

[6] It is further stated that NBC is also the licensee of 50 kw standard broadcast stations in New York, San Francisco, Chicago and Cleveland, and a 5 kw regional station in Washington, all rendering a service to areas with a 1950 population of 27,945,636.

12. Issue Number 2 not being a frivolous or sham one, and having been alleged with sufficient particularity, there is no question as to Protestant's right to have such an issue in the hearing to be held. Federal Broadcasting System, Inc., v. FCC (Case No. 12252), —— F. 2d ——. As to the question of consolidation with other proceedings, we have already pointed out the impropriety of considering such a request at this time (see Footnote 1, supra). We believe rephrasing of the issue is called for. Protestant's argument is not, of course, that the New Britain and Philadelphia applications should be denied—it is rather that if those applications (or either of them) were granted, the grant of the Buffalo application would be found to be inconsistent with the policy established by Section 3.636. We have accordingly rephrased the issue to reflect this argument—and in the manner most favorable to Protestant's cause (i. e., assumption of the New Britain and Philadelphia grants). As in Issue Number 1, the burden of proof on this Issue is placed on Protestant.

13. As support for Issue Number 3, the Protestant alleges that NBC has forced Westinghouse to agree to transfer its Philadelphia stations to NBC by the economic threat of withdrawing network affiliation if Westinghouse refused; that the pending application for the Cleveland-Philadelphia exchange "establishes a prima facie case that Westinghouse is not a voluntary agent but is, in fact, acting under duress in agreeing to this exchange"; that "if the Commission finds that NBC utilized its economic powers as a network to force Westinghouse to agree to an exchange of facilities under the threat of losing its affiliation agreement," it could only conclude that NBC's character is such that it would not be in the public interest to permit it to acquire the Philadelphia station or "to operate any broadcast station in the public interest."

14. In regard to this Issue (Number 3), NBC in its Opposition takes the position (as it does with all of the Issues) that all of the facts presented in the Protest were before the Commission when it approved the subject application on September 21, 1955; that no new facts have been presented by Protestant who therefore fails the statutory requirement or test of particularity. As to this Issue, it is clear that NBC's arguments are without merit. We believe that the Protestant has met the statutory standards. Accordingly, this Issue is also to be heard, with the burden of proof placed on the Protestant.

15. As support for Issue Number 4, Protestant states "As shown by Exhibit II–4 attached to the WBUF–TV application,[1] NBC and its parent company, Radio Corporation of America, have an extensive history of anti-trust violations and litigation;" that "the record discloses that RCA . . . has entered into numerous Consent Decrees in anti-trust matters as a result of suits instituted by the United States Government over the past twenty years." Protestant points to the Court decision in Mansfield Journal Co., v. FCC (CADC, 1950) 180 F. 2d, 28, 33, and the Commission's pronouncements in its Report on Uniform Policy as to violations by Applicants of Laws of the United States (Docket 9572, 1 RR, Part III, 91:495). Protestant further relies on a complaint filed in the United States Court for the Southern District of New York on November 19, 1954, in which the Department of Justice charged that RCA "has continuously since November 22, 1932, attempted to monopolize, and has in fact monopolized, the aforesaid interstate trade and commerce in radio-television research, patent holding and patent acquisition, and the issuance and exchange of radio-television patent licenses, in violation of Section 2 of the Sherman Act." Again, we find that the statutory standards have been met and that therefore the hearing shall include Protestant's Issue Number 4, with the burden of proof being placed upon the Protestant.

16. Protestant has also requested that the effective date of the Commission's action granting the assignment be postponed until after a hearing and decision on the Protest, stating that "the hearing called for by this Protest can be concluded before" December 31, 1955, the date to which WBUF–TV must continue in operation pursuant to the contract existing between NBC and WBUF–TV, Inc.

17. The Opposition of WBUF–TV, Inc., takes the position that WGR Corporation is not entitled to a stay because (a) WGR's affiliation agreement with NBC does not expire until August 13, 1956 and it therefore is assured of the NBC programs by contract through that date; (b) the public would, from December 31, 1955 on, suffer irreparable injury since, on that date, if a stay is granted, WBUF–TV will go off the air; and (c) any hearing ordered under this Protest could not possibly be completed by December 31, 1955. In support of its position, WBUF–TV has furnished, as part of its Opposition, an affidavit, dated October 10, 1955, of the President of WBUF–TV, Inc., which states unequivocally that because of the extremely large operating losses suffered by the company,[2] which are still continuing, and pursuant to the unanimous resolution of the Board of Directors, WBUF–TV will not operate beyond December 31, 1955, if a stay is granted to the application. In support of its allegation that any hearing could not be finally concluded by December 31, 1955, WBUF–TV, Inc., points to the following minimum procedural steps which cannot, as a matter of law, be cut short without the consent of all parties:

1. Order of Designation.
2. Hearing before the Examiner.
3. Proposed Findings and Conclusions.
4. Examiner's Initial Decision.
5. Exceptions and Request for Oral Argument.
6. Oral Argument before Commission.
7. Final Commission Decision.

WBUF–TV, Inc., then points to the fact that various Commission Rules provide for the number of days allowed parties in regard to compliance with some of the said steps, all of which would not permit the issuance of a final Commission decision prior to December 31, 1955. It further presents the results of a statistical study made in regard to the 80 Protests that have been filed with the Commission against grants of broadcast facilities (AM and TV) since Section 309 (c) became law in 1952, which shows that only three which involved an evidentiary hearing have run their course through oral argument and final Commission decision with the time between Order of Designation and Final Decision being 14, 15 and 32 months. In addition, it points to 12 protest proceedings on which evidentiary hearings have been ordered and which are still in hearing status even though the earliest was designated for hearing on November 27, 1954, over 10 months ago, and the latest, on July 13, 1955, more than three months ago. We have checked these allegations and agree that there is no justification for assuming a hearing in this case could be processed through final Commission decision by December 31, 1955.

18. However, we are in doubt, in the light of the facts presently before us and in view of the allegations of the Protestant in its "Reply to Oppositions to Protest", filed October 27, 1955, with respect to those facts, whether a stay of the effectiveness of the instant grant is appropriate. We are aware of the fact, from our records, that WBUF–TV first went on the air with commercial programming on August 17, 1953, under an STA;[3] that on February 24, 1955, it notified the Commission that it was suspending operations effective with the last program, February 23, 1955, stating that such action was necessary due to heavy losses the station was sustaining in its operations; that the balance sheet of WBUF–TV, Inc., as of January 31, 1955, submitted with the assignment application, showed total liabilities exceeded total assets by approximately $157,000, that current liabilities exceeded current assets by approximately $122,000, that the station for the month of January 1955 suffered a net loss of $12,196.78 and for the period of its operation beginning August 17, 1953 to the date of the balance sheet, a net loss of $248,521.80; that on March 3, 1955, the Commission authorized suspension of operation for the period of the construction permit which had an expiration date of September 17, 1955; that the station did go off the air on that date; that on March 9, the station notified the Commission that operations would be resumed that day, which action was brought about by and was a condition of its contract with NBC to sell the station and which prefaced the instant assignment application filed on April 8, 1955; that the said contract also contained the provision obligating WBUF–TV to operate the station until December 31, 1955; that the above-mentioned affidavit dated October 10, 1955 shows that the corporation will definitely go off the air on December 31, 1955, if a stay is granted; and that the president stated under oath "it does not have financial resources to continue to operate beyond that date."

19. Protestant, in its reply, argues that WBUF–TV is still under the control of the assignor and that "the only 'evidence' that the present service will not be maintained is a self-serving affidavit that the assignor will not maintain that service beyond December 31, 1955, if the Commission stays its action;" that the termination of operation is a voluntary choice and thus the parties cannot invoke the argument that a stay must be denied to preserve that service; that aside from the allegation of WBUF–TV, Inc., that during the month of September 1955, it lost in excess of $10,000, it has not "established that it cannot maintain its service;" and that the Protestant, not having access to the books of the assignor corporation, cannot determine whether such a loss is a cash one or a bookkeeping one "composed largely of depreciation".

20. It is this latter objection that prompts us at this time to postpone our decision on the request for a stay. We believe that the record upon which we would have to base our decision on this question is presently incomplete with respect to the financial condition of WBUF–TV, Inc., for the period from January 31, 1955, to the present. Accordingly, it is requested that a further, detailed showing be made by assignor, and that such showing include, at the least, a balance sheet covering the aforesaid period and a detailed current profit and loss statement. Following the receipt of this data, which may be submitted on or before December 1, 1955, and the allowance of a 10-day period thereafter for the filing of any Opposition or comments by Protestant, we will issue our decision on the question of the stay. Since the assignor is obligated to continue operation until December 31, 1955, and our decision will be made before that date, it is clear that Protestant will in no way be adversely affected by the brief delay involved in obtaining all the pertinent facts.

21. Protestant has advanced certain other arguments directed to the issuance of the stay. We believe these arguments can most appropriately be taken up at the time we dispose of the main point at issue with respect to the stay. Accordingly, we do not here rule on these arguments. We also believe it desirable to caution the assignor and the assignee against effectuation of their assignment agreement during the period when the question of the issuance of the stay is being considered; any such effectuation would be at the risk of the parties since, as we have pointed out, the stay issue is still to be resolved. In view of the foregoing,

It is ordered, That the Protest is granted, with the question of the stay to be resolved after receipt of the material referred to in Paragraph 20; and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application for assignment of construction permit is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

(1) To determine whether the grant of the application would result in an undue concentration of control of broadcast stations inconsistent with the public interest, convenience and necessity, contrary to § 3.636 of the rules.

(2) To determine whether acquisition by NBC of television stations in New Britain and Philadelphia, assuming such acquisition is the result of the grant of the now pending applications, would render the grant in Buffalo inconsistent with the public interest, convenience and necessity, and specifically with section 3.636 of the rules.

(3) To determine whether the circumstances surrounding the agreement for the exchange of stations WPTZ and KYW, Philadelphia, for WNBK–TV and WTAM, Cleveland, adversely reflect on NBC's character qualifications to own and operate broadcast stations in the public interest.

(4) To determine whether the past history of anti-trust litigation and trade practices of RCA, the parent company of NBC, adversely reflects on NBC's character qualifications to own and operate broadcast stations in the public interest.

(5) To determine whether, in view of the evidence adduced under the issues, the assignment of the construction permit of WBUF–TV, Buffalo, to NBC will serve the public interest, convenience and necessity.

The burden of proof as to each of the above issues shall be on the Protestant.

It is further ordered, That the Protestant and the Chief, Broadcast Bureau, are hereby made parties to the proceeding herein and that:

(a) The hearing on the above issues shall commence at 10:00 a. m. on December 19, 1955, before an Examiner to be specified by the Commission;

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than November 15, 1955.

Adopted: November 2, 1955.

Released: November 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55–9045; Filed, Nov. 8, 1955; 8:55 a. m.]

[1] Exhibit II–4 gives a brief summary of the following actions involving Radio Corporation of America (parent of NBC) and/or NBC:
RCA v. Lord et al. (1928) 38 F. 2d 257.
Civil Action No. 982, December 17, 1946.
Civil Action No. 1098, February 6, 1948.
Civil Action No. 48c1818, December 7, 1948.
Civil Action No. 1247, August 9, 1949, July 16, 1952 (consolidating actions Nos. 982, 1098 and 1247).
Civil Action No. 85–360, June 12, 1953.
Civil Action No. 89–103, November 9, 1953.
Civil Action No. 97–38, November 19, 1954.
Civil Action No. 33968, August 19, 1954.
Civil Action No. L–2021–54, November 9, 1954.

[2] From August 17, 1953, when WBUF–TV went on the air until the present the corporation has suffered operating losses aggregating more than $325,000 and "at the present time the losses of the corporation are in excess of $10,000 per month."

[3] Modified and/or extended August 20 and October 23, 1953; January 12, June 28, August 18 and September 20, 1954; and January 20, 1955.

CIVIL AERONAUTICS BOARD

[Docket No. 6901]

AMERICAN AIRLINES, INC., ET AL.; FIRST-CLASS AND OTHER PREFERENTIAL MAIL RATE PROCEEDING

NOTICE OF HEARING

In the matter of compensation to be paid to American Airlines, Inc.; Northwest Airlines, Inc.; Trans World Airlines, Inc.; United Airlines, Inc.; and Western Air Lines, Inc.; for the transportation of first-class and other preferential mail (other than air mail and air parcel post) by aircraft, the facilities used and useful therefor, and the services connected therewith between Seattle, Washington; Portland, Salem, Bend, Redmond, Eugene, Medford and Klamath Falls, Oregon; San Francisco, Oakland, Sacramento, Stockton, Modesto, Merced, Salinas, Fresno, Visalia, Bakersfield, Los Angeles and San Diego, California.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 406 and 1001 of said Act, that hearing in the above-indicated proceeding will be held on November 16, 1955, at 10 a. m., e. s. t., in Hearing Room E–210, Temporary Building 5, Constitution Avenue and Sixteenth Street NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., November 3, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55–9031; Filed, Nov. 8, 1955; 8:52 a. m.]

[Docket No. SA–311]

ACCIDENT OCCURRING ON MEDICINE BOW PEAK, WYOMING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 30062, which occurred on Medicine Bow Peak, Wyoming, October 6, 1955.

Notice of hearing originally assigned to be held pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Section 702 of said Act, in the above-entitled proceeding, on Monday, November 7, 1955, at 9:30 a. m. (local time) in the Farmers Union Building, Room 100, corner of 16th and Sherman Streets, Denver, Colorado, is hereby post-

[4] Commissioner Bartley not participating; Commissioner Doerfer dissenting; Commissioner Mack abstaining from voting.

poned until Monday, November 14, 1955, at 9:30 a. m. (local time) at the Cosmopolitan Hotel, Century Room, Eighteenth and Broadway, Denver, Colorado.

Dated at Washington, D. C., November 3, 1955.

[SEAL] VAN R. O'BRIEN,
Presiding Officer.

[F. R. Doc. 55-9032; Filed, Nov. 8, 1955; 8:52 a. m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 34]

FORT FLAGLER MILITARY RESERVATION, JEFFERSON COUNTY, WASH.

TRANSFER OF PROPERTY FOR MIGRATORY BIRD CONSERVATION

Pursuant to the provisions of section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U. S. C. 667c), notice is hereby given that:

1. By letter of transfer from the Department of the Army dated September 26, 1955, signed by Colonel N. A. Matthias, Corps of Engineers, District Engineer, Portland, Oregon, a portion of that property known as Fort Flagler Military Reservation in Jefferson County, Washington, has been transferred to the Department of the Interior.

2. The above described property is transferred to the Department of the Interior for migratory bird conservation purposes in accordance with the provisions of said Public Law 537.

P. A. STROBEL,
Commissioner of Public Buildings Service.

NOVEMBER 4, 1955.

[F. R. Doc. 55-9063; Filed, Nov. 7, 1955; 12:30 p. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 85]

MOTOR CARRIER APPLICATIONS

NOVEMBER 4, 1955.

Protests, consisting of on original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when the circumstances require immediate action, an application for approval, under Section 210a (b) of the Act, of the temporary operations of motor carrier properties sought to be acquired in an application under Section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 1494 Sub 14, filed October 26, 1955, GROSS COMMON CARRIER, INC., West Grand Street, Wisconsin Rapids, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Mauston, Wis., and junction U. S. Highways 82 and 51 over U. S. Highway 82, serving no intermediate points, as a connecting route, in connection with carrier's regular route operations between (a) New Lisbon, Wis., and Sheboygan, Wis., (b) Mauston, Wis., and Hillsboro, Wis., and (c) Sparta, Wis., and Mauston, Wis. Applicant is authorized to conduct operations in Minnesota and Wisconsin.

NOTE: Applicant's attorney in letter transmitting the application states this is a new route occasioned by the building of a bridge over the Wisconsin River several miles east of Mauston, Wis.

No. MC 2202 Sub 135, filed October 28, 1955, ROADWAY EXPRESS, INC., 147 Park Street, P. O. Box 471, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Winston-Salem, N. C. and Junction U. S. Highway 158 and North Carolina Highway 68 east of Stokesdale, N. C., from Winston-Salem over North Carolina Highway 150 to Oak Ridge, N. C., thence over North Carolina Highway 68 to junction with U. S. Highway 158 east of Stokesdale, and return over the same route, serving no intermediate points, but serving junction points for purposes of joinder only, in connection with applicants authorized alternate route operations between Winston-Salem, N. C. and Richmond, Va. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin and the District of Columbia.

No. MC 11620 Sub 14, filed October 17, 1955, GEORGE BUSSE, doing business as THE ARROW TRANSFER COMPANY, 339 Main Street, Danville, Ky. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Oleomargarine*, from Cincinnati, Ohio, to points in Tennessee, North Carolina, South Carolina, Georgia, and Florida.

No. MC 11620 Sub 15, filed October 17, 1955, GEORGE BUSSE, doing business as THE ARROW TRANSFER COMPANY, 339 Main Street, Danville, Ky. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cheese*, from Stanford, Ky., to points in New York, New Jersey, and Pennsylvania. Applicant is authorized to conduct operations in Florida, Georgia, Kentucky, North Carolina, Ohio, South Carolina, and Tennessee.

No. MC 31462 Sub 5, filed September 19, 1955, (Amended), published page 7887 issue of October 19, 1955, ACME VAN LINES, INC., 912 Troost Ave., Kansas City 6, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 1014-18 Temple Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri and Kansas, on the one hand, and, on the other, points in Missouri, Kansas, Arkansas, Oklahoma, Colorado, Iowa, Illinois, and Indiana.

NOTE: Applicant states that if the above substituted authority is granted it will request cancellation of its authority in Certificates Nos. MC 31462 and MC 31462 Sub 4, which, territorially, authorize transportation of household goods between Kansas City, Mo. and points within 30 miles thereof, on the one hand, and, on the other, points in Kansas, Arkansas, Oklahoma, Colorado, Iowa, Illinois, and Indiana, and between points in Kansas, on the one hand, and, on the other, points in Missouri. Applicant will retain its authority in MC 31462 Sub 2 which authorizes transportation of household goods between Omaha, Nebr. and points in Nebraska within 100 miles of Omaha, on the one hand, and, on the other, points in Iowa, Illinois, Missouri, Georgia, and Ohio. By the authority as proposed and the deletion of that which would be cancelled, applicant will eliminate its present Kansas City, Mo. gateway operation.

No. MC 31600 Sub 394, filed October 17, 1955, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary St., Waltham 54, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Formaldehyde*, in bulk, in tank vehicles, from Bainbridge, N. Y., to points in Connecticut, Maine, Maryland, Massachusetts,

New Hampshire, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; (2) *glues, resins, starches, surface coatings, sizings* and *latex*, in bulk, in tank vehicles, (a) from Bainbridge, N. Y., to points in Bronx, Kings, Nassau, New York, Queens, Richmond, Suffolk, and Westchester Counties, N. Y., and those in Connecticut, Delaware, Maine, Maryland, excepting glue to Bethesda, Massachusetts, New Hampshire, New Jersey, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; (b) from Peabody, Mass., to points in New York, excepting those located on and east of U. S. Highway 9W and on and south of New York Highway 7, Delaware, Maryland, North Carolina, Pennsylvania, Virginia, and West Virginia; (c) from Leominster, Mass., to points in New York located west of U. S. Highway 9W and north of New York Highway 7, and those in Connecticut, Delaware, Maine, Maryland, New Hampshire, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; (3) *chemicals, glues, varnishes*, and *resins*, in bulk, in tank vehicles, from Springfield, Mass., to Waukegan, Ill., New Albany, Ind., Henderson, Ky., Laurel, Md., and Odenton, Md., Detroit, Mich., Cattaraugus, N. Y., Linwood, Lexingtn, Thomasville, and Rural Hall, N. C., Cleveland, Ohio, Jamestwn, Pa., and Williamsport, Pa., Orangeburg, S. C., and Roanoke, Va. Applicant is authorized to conduct operations in New Jersey, Connecticut, Delaware, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Ohio, and Maryland.

No. MC 38183 Sub 35, filed October 17, 1955, (amended). Published on page 8235 of issue of November 2, 1955. WHEELOCK BROS., INC., 720 E. 3rd St., Kansas City, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 6, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *Meats, meat products* and *meat byproducts, dairy products*, and *articles distributed by meat-packing houses*, as defined by the Commission, and *such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, between Arkansas City, Kans., and Lindsborg, Kans., over U. S. Highway 166 from Arkansas City to junction U. S. Highway 81, thence over U. S. Highway 81 to Wichita, Kans., thence over presently authorized route (U. S. Highway 81) to Lindsborg, and return over the same route, serving the intermediate point of Wellington, Kans. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Kansas, and Missouri.

No. MC 40007 Sub 44, filed October 26, 1955, RELIABLE TRANSPORTATION COMPANY, 4817 Sheila St., Los Angeles 22, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from El Segundo, Calif., to Henderson, Nev.

No. MC 52713 Sub 6, filed October 26, 1955, MAXINE HUTCHENS AND B. F. BABB, doing business as CASSVILLE TRUCK LINE, Cassville, Mo. Applicant's attorney: Joseph R. Nacy, 117 W. High St., Jefferson City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Springfield, Mo. and Gateway, Ark., from Springfield over U. S. Highway 60 to junction Missouri Highway 37 at Monett, Mo., thence over Missouri Highway 37 to the Missouri-Arkansas state line and junction Arkansas Highway 47, thence over Arkansas Highway 47 to Gateway, Ark. and junction U. S. Highway 62, and return over the same route, serving the Missouri-Arkansas state line as an intermediate point. Applicant is authorized to conduct operations in Missouri.

NOTE: Applicant holds authority between Springfield, Mo. and Seligman, Mo. over U. S. Highway 60 to Monett, Mo. and thence over Missouri Highway 37 to Seligman, serving the intermediate points of Cassville, Monett, Purdy, Butterfield, and Washburn, Mo. and the off-route point of Wayne, Mo.

No. MC 52858 Sub 50, filed October 31, 1955, CONVOY COMPANY, 3900 N. W. Yeon Ave., Portland 10, Oreg. Applicant's attorney: Marvin Handler, 465 California St., San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks*, and *busses*, not including trailers in initial movements, in truckway service, from Kenosha, Wis., to points in Oregon, Washington, Idaho, Nevada and California. Applicant is authorized to conduct irregular route operations in California, Idaho, Oregon, Washington, Montana, Nevada, Utah, Wyoming, New Mexico, Arizona and Colorado.

No. MC 59014 Sub 13, filed October 28, 1955, TALLANT TRANSFER COMPANY, INC., 1341-2nd Ave., S. W., Hickory, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *New furniture* (a) from points in Alexander, Burke, Caldwell, Catawba, Iredell, Lincoln, Mecklenburg, McDowell, and Wilkes Counties, N. C., to points in Arkansas, Mississippi, and Missouri, those in Louisiana on, north, and east of a line beginning at New Orleans, La. and thence extending along U. S. Highway 61 to Baton Rouge, La., thence along U. S. Highway 190 to junction U. S. Highway 71, and thence along U. S. Highway 71 to the Arkansas-Louisiana State line, and those in Wisconsin on, south, and east of U. S. Highway 151, (b) from points in Alexander, and Iredell Counties, N. C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and the District of Columbia, (c) from points in Wilkes, Lincoln, and Mecklenburg Counties, N. C., to points in Indiana, Illinois, Massachusetts, Connecticut, Rhode Island, and Michigan, excepting no service from points in Lincoln County to points in Michigan, (d) from points in Burke, Caldwell, and McDowell Counties, N. C., to points in Michigan, Indiana, and Illinois, (e) from points in Catawba County, N. C., to points in Indiana, and points in Illinois which are located in the Chicago, Ill. Commercial Zone as defined by the Commission, (f) from Beacon, N. Y., to Philadelphia, Pa. and points in Delaware, Maryland, Virginia, North Carolina, Tennessee, and the District of Columbia, and (g) from points in Burke County, N. C., to points in New York on, west, and south of a line beginning at Oswego, N. Y., and thence extending along New York Highway 57 to Syracuse, N. Y., thence along New York Highway 5 to Schenectady, N. Y., and thence along New York Highway 7 to the New York-Vermont State line, (2) *petroleum products*, in containers, from Kansas City, Mo., to points in North Carolina on and west of U. S. Highway 1, and (3) *damaged shipments* of the above specified commodities, on return movements, from above-named points of destination and points in above-named destination territories, to above-named origin points and points in above-named origin territories. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC 59124 Sub 3, filed October 31, 1955, GEORGE P. MAIERS and CLARE E. MAIERS, doing business as MAIERS & SONS MOTOR FREIGHT, 5980 Fulton St., P. O. Box 412, Mayville, Mich. Applicant's attorney: Robert E. DesRoches, 572 Hollister Building, Lansing 8, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Sterling Plant of the Ford Motor Company (Chassis Parts Division) located at or near the intersection of Mound Road and Seventeen Mile Road in Sterling Township, Macomb County, Mich., as an off-route point in connection with regular route operations to and from Detroit, Mich., over Michigan Highway 53. Applicant is authorized to conduct operations in Michigan.

No. MC 66562 Sub 1255, filed October 25, 1955, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's attorney: J. H. Mooers, same address as applicants. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, between Middleboro, Mass., and Taunton, Mass., over U. S. Highway 44, serving no intermediate points. RESTRICTION: (a) The authority applied for is subject to the condition that service to be performed shall be limited to service which is auxiliary to, or supplemental of, air or railway

express service; (b) Shipments transported by carrier shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movement by carrier, an immediately prior or immediately subsequent movement by air or rail; and (c) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operation to service which is auxiliary to, or supplemental of, air or railway express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 Sub 1256, filed October 25, 1955, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's attorney: J. H. Mooers, same address as applicants. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Fall River, Mass., and New Bedford, Mass., over U. S. Highway 6, serving no intermediate points. RESTRICTION: (a) The authority applied for is subject to the condition that service to be performed shall be limited to service which is auxiliary to, or supplemental of, air or railway express service; (b) Shipments transported by carrier shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movement by carrier, an immediately prior or immediately subsequent movement by air or rail; and (c) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operation to service which is auxiliary to, or supplemental of, air or railway express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 70451 Sub 177, filed October 25, 1955, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th St., Omaha, Nebr. Applicant's attorney: Harold G. Hernly, 1624 Eye St., N. W., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A, B, and C explosives*, but excepting household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between the sites of The Rocky Mountain Arsenal, near Denver, Colo., Iowa Ordnance Plant, near Burlington, Iowa, Sunflower Ordnance Works, near DeSoto, Kansas., and Savanna Ordnance Plant, near Savanna, Ill., on the one hand, and, on the other, points on the irregular routes of applicant, and (2) serving the site of The Rocky Mountain Arsenal, near Denver, Colo., Iowa Ordnance Plant, near Burlington, Iowa, Sunflower Ordnance Works, near DeSoto, Kans., and Savanna Ordnance Plant, near Savanna, Ill., as off-route points in connection with applicant's authorized regular route operations together with *motion to dismiss* on the ground that the authority applied for in the instant application is presently authorized to applicant in its consolidated Certificate No. MC 70451, issued on July 19, 1949. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

No. MC 79540 Sub 2, filed October 18, 1955, BENNY CRIMBLY, 603 Morgantown St., Point Marion, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Bldg., Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Such bulk commodities as are transported in dump trucks*, between points in Pennsylvania, West Virginia, and Maryland within 35 miles of Markleysburg, Pa. Applicant is authorized to conduct operations between named West Virginia and Pennsylvania Counties.

No. MC 85154 Sub 2, filed October 20, 1955, R. J. CROUTHAMEL, 855 Cherry St., P. O. Box 792, Norristown, Pa. Applicant's attorney: Robert H. Shertz, 811–819 Lewis Tower Building, 225 S. 15th St., Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wire, battery cables, rubber hose, steel tubing, conduit pipe, pipe fittings, junction boxes, and cable housings*, from Conshohocken, Pa., to points in New Jersey located on and within a boundary line beginning at the Delaware River where intersected by New Jersey Highway 413 near Burlington, N. J., and thence extending southwesterly along the Delaware River to New Jersey Highway 49 near Pennsville, N. J., thence southeasterly along New Jersey Highway 49 to Millville, N. J., thence northerly along New Jersey Highway 47 to junction New Jersey Highway 54, thence northeasterly along New Jersey Highway 54 to junction U. S. Highway 206, thence northeasterly and northerly along U. S. Highway 206 to junction New Jersey Highway 70, thence easterly along New Jersey Highway 70 to junction New Jersey Highway 539, thence northwesterly along New Jersey Highway 539 to junction New Jersey Highway 528, thence southwesterly and westerly along New Jersey Highway 528 to junction U. S. Highway 130, thence southwesterly along U. S. Highway 130 to junction New Jersey Highway 413, and thence northwesterly along New Jersey Highway 413 to point of beginning at the Delaware River near Burlington, N. J. Applicant is authorized to conduct operations in New Jersey and Pennsylvania.

No. MC 95084 Sub 21 (Reopened—Further Hearing), filed January 7, 1954, HOVE TRUCK LINE, A Corporation, Stanhope, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural machinery, agricultural implements, agricultural machinery parts*, and *agricultural* implement parts, (1) from Collegeville, Pa., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin and Wyoming, and (2) from Fort Dodge, Iowa, to Syracuse, N. Y. Applicant is authorized to conduct irregular route operations in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Wisconsin and Wyoming.

No. MC 103880 Sub 159, filed October 26, 1955, PRODUCERS TRANSPORT, INC., 530 Paw Paw Ave., Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 S. La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum oils*, in bulk, in tank vehicles, from Mishawaka, Ind. to Bucyrus, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Kentucky, Wisconsin, Ohio, and Pennsylvania.

No. MC 106914 Sub 9, filed October 31, 1955, HAROLD FINE, doing business as AMERICAN CARTAGE COMPANY, 1575 Fairfield Ave., Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Ave., Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the General Motors Corporation, located on the south side of U. S. Highway 30, and 3 miles west of Mansfield, Ohio, in connection with applicant's authorized operations. Applicant is authorized to conduct operations in Michigan, Ohio, and Pennsylvania.

No. MC 106914 Sub 10, filed October 31, 1955, HAROLD FINE, doing business as AMERICAN CARTAGE COMPANY, 1575 Fairfield Ave., Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Ave., Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cleveland, Ohio, and the site of the Chrysler Corporation Plant, Macedonia, Ohio. Applicant is authorized to conduct operations in Ohio, Pennsylvania, and Michigan.

No. MC 106914 Sub 11, filed October 31, 1955, HAROLD FINE, doing business as AMERICAN CARTAGE COMPANY, 1575 Fairfield Ave., Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Ave., Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unsuual value, Class A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the sites of the Packard Motor Car Co., and Bailey-Perkins Company Plant, near Utica, Mich., in connection with applicant's authorized operations. Applicant is authorized to conduct operations in Ohio, Michigan, and Pennsylvania.

No. MC 107002 Sub 87, filed October 27, 1955, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 105 Guiffrias Avenue, P. O. Box 687, New Orleans, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from Krotz Springs, La., to points in Mississippi and Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Missouri and Tennessee.

No. MC 107227 Sub 37, filed October 31, 1955, INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: Reginald L. Vaughan, Mills Tower, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trucks, truck-tractors*, and *truck chassis*, in initial movements, in truckaway service, from Portland, Oreg., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 109365 Sub 7, filed October 26, 1955, RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUCK LINE, P. O. Box 15, Ashdown, Arkansas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Louisiana within 150 miles of Ashdown, Ark., to points in Oklahoma, Texas, and Kansas. Applicant is authorized to conduct operations in Arkansas, Louisiana, Oklahoma, Texas and Kansas.

NOTE: The authority indicated Docket No. MC 109365, under which a Certificate is pending, will be surrendered for cancellation if and when a Certificate is granted under the instant application, Docket No. MC 109365 Sub 7. The authority requested in the present application is a duplication of the aforementioned authority including a 25 mile extension.

No. MC 109740 Sub 1, (corrected) published on page 8061, issue of October 26, 1955, filed October 12, 1955, JOHN E. SHERMAN, 10 Liberty St., Castile, N. Y. Applicant's attorney: Samuel V. Gianniny, 25 Exchange St., Rochester 14, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Building stone*, rough and finished, (1) from Genesee Falls (Wyoming County), N. Y., to points in Wisconsin, Indiana, Illinois, Ohio, Michigan, Kentucky, Massachusetts, and Delaware: and (2) from McDermott, Fresno and Glenmont, Ohio and Bloomington and Bedford, Ind., to points in New York. Applicant is authorized to conduct irregular route operations in New York, Maryland, Pennsylvania, Connecticut and New Jersey.

No. MC 110402 Sub 2, filed October 17, 1955, RICHARD O. PREHEIM, Marion, S. Dak. Applicant's attorney: H. Lauren Lewis, Wilson Terminal Bldg., P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Livestock and Poultry feed*, and *ingredients for livestock and poultry feed*, from Sheldon, Iowa, to Marion, S. Dak. and points within 15 miles thereof. Applicant is authorized to transport mill feeds from Sioux City, Iowa to the above-indicated destination territory.

No. MC 111435 Sub 9, filed October 17, 1955, C. & E. TRUCKING CORP., 80 Montgomery Street, Rhinebeck, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid sugar* and *invert sugar*, in bulk, in tank vehicles, from Yonkers, N. Y., to points in Pennsylvania, except Philadelphia, Williamsport, Milton, Berwick, Hazleton, Kingston, Scranton, and Wilkes-Barre, Pa. Applicant is authorized to conduct operations in Maryland, New York, Pennsylvania, and Virginia.

NOTE: Applicant states it is not seeking supplicating authority.

No. MC 112497 Sub 40, filed August 24, 1955, published September 8, 1955, page 6597, amended October 26, 1955, HEARIN TANK LINES, INC., 6440 Rawlins Street (Box 3096, Istrouma Branch) Baton Rouge, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Methanol*, in bulk, in tank vehicles, from Sterlington, La., to points in Missouri. Applicant is authorized to conduct operations in Alabama, Florida, Georgia and Louisiana.

No. MC 113617 Sub 6, filed October 24, 1955, amended October 31, 1955, L. D. EASTER, E. M. EASTER, M. E. EASTER, L. W. EASTER, L. B. EASTER AND M. M. MORSE, doing business as HIGHWAY TRANSPORT COMPANY, 4051 E. 43rd Street, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles*, in initial movements, in truckaway service, from Kenosha, Wis., to points in Arizona, California, Nevada, New Mexico, Oregon and Washington. Applicant is authorized to conduct operations in Colorado, Iowa, Kansas, Nebraska and Wisconsin.

No. MC 113861 Sub 6, filed October 31, 1955, W. H. WOOTEN and J. H. PARKER, doing business as W. H. WOOTEN TRANSPORTS, 153 Gaston Ave., Memphis, Tenn. Applicant's attorneys: Louis I. Dailey, 2111 Sterick Building, Memphis 3, Tenn., and Richard D. Gleaves, War Memorial Museum, Nashville 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum*, and *petroleum products*, in bulk, in tank vehicles, (1) from Greenville, Miss. and all other points in Washington County, Miss., and those in Jefferson, and Walker Counties, Ala., to Memphis, Tenn. and all other points in Shelby County, Tenn., and those in Mississippi County, Ark., and (2) from Greenville, Miss. and all other points in Washington County, Miss., to Nashville, Tenn., Berry Field near Nashville, Tenn., and Sewart Air Force Base near Syrma, Tenn. Pursuant to order issued by this Commission on August 24, 1955 in No. MC 113861 Sub 1 et al. the applicant is authorized to conduct operations in Arkansas, and Tennessee, and is conducting operations in Alabama, Arkansas, Kentucky, Missouri, and Tennessee under temporary authority from this Commission in No. MC 113861 Sub 3 TA.

No. MC 114227 Sub 6, filed September 6, 1955, A. BERT MEEUSEN AND CLIFFORD RUSSELL, doing business as A & C CARRIERS, 2955 E. Laketon Avenue, Muskegon, Mich. Applicant's attorney: J. David Sullivan, 207 W. Superior Street, Alma, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lacquer thinner, commercial solvents*, and *commercial thinner*, used in manufacturing of industrial finishes, in bulk, in tank vehicles, (1) between Grand Rapids, Mich., and points within five (5) miles thereof, on the one hand, and, on the other, points in North Carolina; and (2) from Charleston and S. Charleston, W. Va., and points within five (5) miles of each to Grand Rapids, Mich., and points within five (5) miles thereof; and *commercial solvents* and *Commercial thinner*, used in manufacturing of industrial finishes, in bulk, in tank vehicles, from South Charleston, W. Va., and points within ten (10) miles thereof, to Grand Rapids, Mich. Applicant is authorized to conduct operations in Indiana and Michigan.

No. MC 115390 Sub 1, filed November 1, 1955, MAX WILLENSKY AND FAY WILLENSKY, doing business as NEW YORK DISTRIBUTING COMPANY, 50 Carnation Avenue, Floral Park, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sanitary pads, paper facial and cleansing tissues, wax paper*, and *toilet paper*, and *returned shipments* of the named commodities, between Elizabeth, N. J., on the one hand, and, on the other, points in Rockland County, N. Y., and those in the New York, N. Y., Commercial Zone as defined by the Commission.

No. MC 115598 Sub 1, filed October 31, 1955, SHIRLEY B. GILBERT, West Bethel, Maine. Applicant's attorney: William D. Pinansky, 402 Clapp Memorial Bldg., 443 Congress St., Portland, Maine. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber* and *forest products*, from points in Oxford County, Maine to points in New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island.

No. MC 115630 Sub 1, filed October 28, 1955, WILLIAM MORRISSEY, doing business as BILL MORRISSEY, Shullsburg, Wis. Applicant's attorney: John T. Porter, 707–708 First National Bank Building, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Zinc concentrate*, in bulk, in dump vehicles, from points within 10 miles of Shullsburg, Wis., to LaSalle, Ill.

No. MC 115640, filed October 24, 1955, FORD CONSTRUCTION COMPANY, INC., 893 North Starr Ave., Provo, Utah. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Coke*, in bulk, requiring specially designed equipment, from Geneva, Utah, to Georgetown and Soda Springs, Idaho, and points within 10 miles thereof, and (2) *grains, phosphate rock refuse*, and *ferro-phosphorous*, from Georgetown

and Soda Springs, Idaho, and points within 10 miles thereof to Provo and Salt Lake City, Utah.

No. MC 115641, filed October 24, 1955, ROY JACOBSEN and W. C. JACOBSEN, a partnership, doing business as JACOBSEN BROS., 328 Mill Street, Silverton, Oreg. Applicant's attorney: John M. Hickson, Yeon Building, Portland, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber* from points in Multnomah, Clackamas, Polk, Marion, Douglas, Linn, Benton, Lane, Deschutes and Jefferson Counties, Oreg., to points in Idaho and Utah.

No. MC 115642, filed October 24, 1955, MISSISSIPPI DOCKS, INC., 1034 First National-Soo Line Building, Minneapolis, Minn. Applicant's attorney: Donald A. Morken, Eleven Hundred First National-Soo Line Building, Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal, in bulk*, from Red Wing and Winona, Minn., to points in Minnesota and Wisconsin.

No. MC 115644, filed October 24, 1955, MICKLE MARSHALL, doing business as RAPID TRANSIT COMPANY, French Lick, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Wooden skids*, from the site of Paoli Box Corporation plant located approximately one mile north of Paoli, Ind., on Indiana Highway 37, to the site of General Electric Company plant located at Buechel, Ky., near Louisville, Ky., and *damaged shipments* on return.

No. MC 115647 filed October 27, 1955, and amended November 1, 1955, JAMES G. ROUSE, 795 South Dunham Street, Prineville, Oreg. Applicant's attorney: John M. Hickson, Yeon Building, Portland, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber* (1) between points in Washington, Lake, Douglas, and Wasco Counties, Oreg., and points in Box Elder, Cache, Rich, Weber, Tooele, Davis, Morgan, Summit, Salt Lake, Utah and Wasatch Counties, Utah, and (2) from points in Ada County, Idaho, to points in Deschutes County, Oreg.

No. MC 115649 filed October 28, 1955, N. J. RADUNICH and BEN F. HAWES, a partnership, doing business as RED LINE CARRIERS, 1726 South Smith Avenue, San Jose, Calif. Applicant's attorney: Frank Loughran, 155 Sansome Street, San Francisco 4, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New uncrated gas stoves*, from Newark, Calif., to points in Arizona, and *damaged shipments* on return.

No. MC 115657, filed November 1, 1955, ALAN N. CAMPBELL, 203 East Hector Street, Conshohocken, Pa. Applicant's attorney: Donald J. McGonigal, 121 Fayette Street, Conshohocken, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods* as defined by the Commission, between Conshohocken, Pa., on the one hand, and, on the other, points in Delaware, New Jersey and New York.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 3647 Sub 193, filed October 25, 1955, PUBLIC SERVICE COORDINATED TRANSPORT, 80 Park Place, Newark, N. J. Applicant's attorney: Winslow B. Ingham, Associated General Solicitor, Law Department, Public Service Coordinated Transport, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, within the City of Clifton, N. J. (1) from junction River Road and Delawanna Avenue over River Road to junction Entin Road, thence over Entin Road to junction Carol Street, and return over the same route, and (2) from junction Allwood Road and Bloomfield Avenue over Bloomfield Avenue to junction Brighton Avenue, thence over Brighton Avenue to the Fisher-Stevens Plant, and return over the same route. Serving all intermediate points on the above-specified routes. Applicant is authorized to conduct regular route operations in Delaware, New Jersey, New York and Pennsylvania.

No. MC 28680 Sub 8, filed October 31, 1955, JORDAN BUS COMPANY, a corporation, Jordan Terminal Bldg., 200 East Jackson Street, Hugo, Okla. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers*, and *mail*, in the same vehicle with passengers, between Paris, Texas, and Mt. Pleasant, Texas, over U. S. Highway 271, serving all intermediate points. Applicant is authorized to conduct operations in Arkansas, Oklahoma and Texas.

No. MC 52813 Sub 3, filed October 17, 1955, BEN W. BICKEL, doing business as BICKEL BUS LINES, 711 Seventh, Alva, Okla. Applicant's representative: C. L. Harkness, Ransom, Kans. For authority to operate as a *common carrier*, over a regular route transporting: *Passengers and their baggage*, and *express, newspapers*, and *mail*, in the same vehicle with passengers, between Conway Springs, Kans., and Medicine Lodge, Kans., from Conway Springs in a westerly direction over unnumbered county highway to junction Kansas Highway 2, thence over Kansas Highway 2 to Harper, Kans., thence over U. S. Highway 160 to Medicine Lodge, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Kansas and Oklahoma.

No. MC 115487, filed August 1, 1955, and amended October 28, 1955, GEORGE BELL, doing business as BELL'S BUS SERVICE, Lovers Lane, Glassboro, N. J. Applicant's attorney: Harry Adler, 143 E. Commerce St., Bridgeton, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *newspapers*, in the same vehicle with passengers, between Ancora, N. J., and Philadelphia, Pa., beginning at the hospital at Ancora, thence southwest on Spring Garden Street to Winslow Road, thence west on Winslow Road to Malaga Road, thence south on Malaga Road to Corkey's Lane, thence west on Corkey's Lane to the Blackhorse Pike, thence northwest on the Blackhorse Pike to Main Street in Williamstown, N. J., thence northwest on Main Street to Egg Harbor Road, thence over Egg Harbor Road to Delsea Drive (Fairview, N. J.), thence over Delsea Drive to Egg Harbor Road (New Sharon, N. J.), thence over Egg Harbor Road to Barber Avenue in Woodbury, N. J., thence over Barber Avenue to Broad Street, thence north on Broad Street to Gateway Blvd., Westville, N. J., thence over Gateway Blvd., to Broadway, Gloucester, N. J., thence north on Broadway to the New York Shipyards, thence south on Broadway to the New Packer Bridge Approach (Philadelphia-Gloucester Bridge now under construction), thence over the bridge to Broad Street, Philadelphia, Pa., thence over Broad Street to Locust Street, thence over Locust Street to Seventh Street, thence over Seventh Street to Samson Street terminal, and return over the same route, serving the intermediate points of Williamstown, Cross Keys, Hurffville, Fairview, New Sharon, Woodbury, Westville, Brooklawn, Gloucester, and Camden, N. J.

CORRECTIONS

Docket No. MC 66562 Sub 1250, RAILWAY EXPRESS AGENCY, INCORPORATED, published on page 7406, issue of October 5, 1955. Delete from the commodity description that portion reading: "but excepting those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment." The commodities sought to be transported, as corrected, reads: "*General commodities, including Class A and B explosives, moving in express service.*"

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F 5788, published in the September 29, 1954, issue of the FEDERAL REGISTER on page 6295. Application filed October 28, 1955, for temporary authority under Section 210a (b).

No. MC–F 5869, published in the December 29, 1954 issue of the FEDERAL REGISTER on page 9311. By petition filed October 31, 1955, applicants propose that the authority sought to be transferred be amended in such manner that vendor will retain its terminal and service at Bradford, Pa., an intermediate point on the route between Kane, Pa., and Foster Brook, Pa.

No. MC–F 6124. Authority sought for control by SCHWERMAN TRUCKING CO., (WISCONSIN), 620 S. 29th St., Milwaukee, Wis., of the operating rights and property of SCHWERMAN TRUCKING CO. OF ILL., INC., 620 S. 29th St., Milwaukee, Wis., and for acquisition by FRED SCHWERMAN, SR., FRED J. SCHWERMAN, RICHARD D. SCHWERMAN, and RUTH SCHWERMAN (on behalf of CARL SCHWERMAN, a minor), of control of the rights and property through the transaction. Applicant's attorney: Adolph E. Solie, 715 First National Bank Bldg., Madison 3, Wis. SCHWERMAN TRUCKING CO. OF ILL., INC., is presently operating as an intrastate carrier and has applied for the following interstate authority: *Fuel oils, residual*, in insulated tank vehicles, equipped with heater coils or other heating devices for maintaining the lading in a free flowing condition, as a *contract carrier* over irregular routes, from Peru, Ill., and points in Illinois within 10 miles of Peru, to points in Wisconsin located on and south of the following highways; Wisconsin Highway 33 from Port Washington to Hillsboro and Wisconsin Highway 82 from Hillsboro to De Soto. SCHWERMAN TRUCKING CO. (WISCONSIN) is authorized to operate in Indiana, Illinois, and Wisconsin. Application has not been filed for temporary authority under Section 210a(b). No. MC 115577, published in the October 26, 1955, issue of the FEDERAL REGISTER on page 8062, is a directly related matter.

No. MC–F 6125. Authority sought for control by MISSOURI-KANSAS-TEXAS RAILROAD COMPANY, 1506 Railway Exchange Bldg., 611 Olive St., St. Louis 1, Mo., of the operating rights and property of COORDINATED TRANSPORTATION COMPANY, 115–17 S. Lexington, Harrisonville, Mo. Applicant's attorney: Clarence D. Todd, 944 Washington Bldg. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes including routes between New Franklin, Mo., and Parsons, Kans., between Kansas City, Mo., and Parsons, Kans., between Parsons, Kans., and Junction City, Kans., Joplin, Mo., Muskogee and Oklahoma City, Okla., between Muskogee, Okla., and Denison, Tex., and Oklahoma City, Okla., between Dallas and Denison, Tex., and Wichita Falls, Tex., between Dallas and Fort Worth, Tex., and Waco, Tex., and between Waco and Smithville, Tex., and between San Antonio and Smithville, Tex. Applicant is a common carrier by railroad. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6126. Authority sought for purchase by A. A. O'CONNOR, doing business as O'CONNOR BROS. AND O'CONNOR BROTHERS TRUCKING COMPANY, 800 W. 27th St., Odessa, Texas, of the operating rights of H. C. DANIEL, BENNY B. McCULLOUGH, and PAT M. McCULLOUGH, doing business as McCULLOUGH TRUCKING CO., 4605 Wyoming St., Wichita Falls, Texas. Applicants' attorney: Robert S. Watson, 712 Wichita National Bldg., Wichita Falls, Texas. Operating rights sought to be transferred: *Oilfield commodities*, as a *common carrier*, over irregular routes, between all points in Oklahoma, and those in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U. S. Highway 81 to San Antonio, Tex., thence along U. S. Highway 281 (old Texas Highway 66) to the Rio Grande River. Vendee is authorized to operate in New Mexico and Texas. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6127. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby St., Portland, Oregon, of the operating rights and property of BICE TRUCK LINES, INC., 505 E. Main St., Laurel, Montana, and for acquisition by PEERLESS, INC., LELAND JAMES, AND ERIC RENDAHL, all of Portland, E. W. A. PEAKE and WANDA PEAKE, Both of Hollywood, Calif., of control of said operating rights and property through the transaction. Applicant's attorneys: White, Sutherland and Parks, 1100 Jackson Tower, Portland 5, Oregon, W. S. Pilling, 2029 N. W. Quimby St., Portland, Oregon, and Jerome Anderson, Electric Bldg., Billings, Mont. Operating rights sought to be controlled and merged: *Petroleum and petroleum products*, including *casinghead gasoline* and *road oil*, as a *common carrier*, over regular and irregular routes, from, to and between certain points in Montana, Wyoming, and Idaho. CONSOLIDATED FREIGHTWAYS, INC., is authorized to operate in California, Idaho, Illinois, Iowa, Minnesota, Montana, Nevada, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming. Application has not been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–9025; Filed, Nov. 8, 1955; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54–127, 59–3, 59–12]

ELECTRIC BOND AND SHARE CO.

ORDER RELEASING JURISDICTION OVER ADDITIONAL FEES

NOVEMBER 3, 1955.

The Commission having by its order of August 4, 1950 (Holding Company Act Release No. 10018), pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, approved Plan II–B of Electric Bond and Share Company ("Bond and Share"), a registered holding company, but having reserved jurisdiction over all fees and expenses incurred or to be incurred in connection with said Plan; and the District Court having approved said Plan and ordered its enforcement (In re Electric Bond and Share Company, 95 F. Supp. 492 (S. D. N. Y. 1951)); and

Claims for fees and expenses in connection with said Plan having thereafter been filed with the Commission and having been allowed in part and denied in part by the Commission in its orders of June 5, 1953 (Holding Company Act Release No. 11978), and October 27, 1954 (Holding Company Act Release No. 12691); and Simpson Thatcher & Bartlett, counsel for Bond and Share, having been allowed $161,500 for fees and $13,806.94 for expenses or a total of $175,306.94 in connection with their services in connection with the formulation, approval and consummation of said Plan; and

Simpson, Thacher & Bartlett having filed an affidavit covering their services from October 31, 1952, to November 10, 1954, solely in connection with opposing, reducing, and negotiating with respect to, claims for fees which Bond and Share opposed or considered excessive, claiming a fee for such services in the amount of $7,000, it being stated that approximately 318 hours were spent in the rendition of such services, that no part of such services related to the presentation of Simpson, Thacher & Bartlett's principal claim for services and expenses which has heretofore been allowed by the Commission, as above set forth, and that such additional fee is agreeable to Bond and Share; and

It appearing to the Commission that such claim for additional compensation by Simpson, Thacher & Bartlett is reasonable, that such services were a benefit to the estate of Bond and Share, and that jurisdiction in respect thereto should be released;

It is ordered, That the jurisdiction heretofore reserved be, and the same hereby is, released so as to permit the payment by Bond and Share to Simpson, Thacher & Bartlett of the sum of $7,000.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–8992; Filed, Nov. 8, 1955; 8:45 a. m.]

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VOLUME 20 — 1934 — NUMBER 220

Washington, Thursday, November 10, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE; DEPARTMENT OF THE ARMY

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (23) is added to § 6.302 and paragraph (a) (9) is added to § 6.305, as set out below.

§ 6.302 *Department of State*—(a) *Office of the Secretary.* * * *

(23) The Chief of Protocol, Office of the Under Secretary.

§ 6.305 *Department of the Army*—(a) *Office of the Secretary.* * * *

(9) One Special Assistant to the Assistant Secretary of the Army (Logistics) for Procurement.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-9115; Filed, Nov. 9, 1955; 8:57 a. m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

GEOPHYSICIST

Section 24.127 is added to read as set out below.

§ 24.127 *Geophysicist (Earth Physics, Geomagnetics, Seismology), GS-1313-5-15*—(a) *Educational requirement.* Applicants must have completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree including courses in mathematics and physics (inclusive of geophysics) totaling 24 semester hours, and courses in the physical sciences (engineering, geology, astronomy, electronics, etc.) totaling 6 semester hours; or

(2) Courses in mathematics and physics in an accredited college or university totaling 24 semester hours; plus additional appropriate experience or education in scientific fields which when combined with the 24 semester hours in mathematics and physics will total 4 years of education and experience and give the applicant a technical and professional knowledge, comparable to that which would have been acquired through the successful completion of the 4-year college course described in subparagraph (1) of this paragraph.

In either subparagraph (1) or (2) of this paragraph, the courses must have included a minimum of 10 semester hours in any combination of courses in trigonometry, differential calculus, integral calculus, theory of equations, vector analysis, higher algebra (beyond elementary college algebra), differential equations, advanced calculus; and a minimum of 8 semester hours in physics. All of the courses specified in subparagraph (1) or (2) of this paragraph must have been accepted for credit toward the completion of a standard 4-year professional curriculum leading to a bachelor's degree at an accredited college or university.

(b) *Duties.* Geophysicists apply mathematics and physics to the solution of geophysical problems or the geophysical interpretation of scientific phenomena. The duties deal with: (1) The electric, magnetic and gravitational field of the earth, (2) deformation of the earth, (3) the motion and constitution of the earth, (4) cosmic physics in its relation to the earth and its atmosphere, (5) response of the earth to artificially applied fields of force. The duties include making observations in the field or at fixed stations, interpreting the results, preparing charts and tabulations, and securing other information required for interpretations; designing or assisting in constructing specialized apparatus and equipment for use in connection with geophysical measurements, and the testing and calibrating of such apparatus and equipment; making reports and preparing articles for publication.

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(c) *Knowledge and training requisite for performance of duties.* The duties of these positions can not be performed without a sound basic knowledge of fundamental mathematics and physics and broad training in related scientific fields. These duties require exacting knowledge and training. Appointees must have the ability to apply scientific knowledges to the work in order to solve specific problems, interpret and apply the results of research in geophysics and related sciences, and to perform research in geophysics. The knowledge and training required can only be acquired through a planned and directed course of study in an accredited college or university where there are adequate scientific libraries and well-equipped laboratories, where competent instruction and guidance are available, where courses are arranged in a systematic, progressive schedule, and where progress in the acquisition of professional and scientific knowledge is competently evaluated.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-9072; Filed, Nov. 9, 1955; 8:49 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 100—FLATHEAD, MISSION, AND JOCKO VALLEY IRRIGATION DISTRICTS, MONTANA

PENALTY FOR NON-PAYMENT OF ASSESSMENTS

On July 6, 1955, there was published in the FEDERAL REGISTER, 20 F. R. 4775, notice of intention, to amend § 100.8 *Penalty for non-payment of assessments* of Title 25, Code of Federal Regulations. Interested persons were thereby given opportunity to participate in preparing the amendment by submitting their views, data or arguments in writing within 30 days from the date of publication of the notice of intention. No objections were submitted. Accordingly § 100.8 is as follows, to be effective for the season of 1956 and thereafter until further notice:

§ 100.8 *Penalty for non-payment of assessments.* All assessments duly authorized shall be paid on the due date to the properly designated Officer of the Indian Irrigation Service at St. Ignatius, Montana, and on all such assessments remaining unpaid on and after March 1, and August 1, following the due dates there shall be assessed a penalty of one-half percent per month or fraction thereof, from the due date until paid.

(Secs. 1, 3, 36 Stat. 270, 272, as amended, 25 U. S. C. 385)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

NOVEMBER 3, 1955.

[F. R. Doc. 55-9052; Filed, Nov. 9, 1955; 8:45 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 3]

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

SUBPART—SELECTION AND FUNCTIONS OF AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEES

ACTING COUNTY COMMITTEE DURING INVESTIGATION

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act, as amended, § 7.30 (b) of the regulations in this subpart published in the FEDERAL REGISTER of June 19, 1954 (19 F. R. 3637) is hereby amended, effective upon filing with the Director, Division of the Federal Register, as follows:

§ 7.30 *County and community committeemen and members of community election boards.* • • •

(b) If because of an investigation there are less than two members or alternates available to serve on the county committee, the State Committee shall designate a person to administer the programs in the county pending the exoneration or removal of those under investigation, and if removed, pending the election of new county committee members and alternates. Such person may be the remaining member or alternate member of the committee if available. Any person named by the State Committee in such capacity shall, notwithstanding the provisions of § 7.41, have full authority to perform all duties regularly performed by a duly elected county committee.

(Sec. 5, 49 Stat. 164, as amended; 16 U. S. C. 590d. Interprets or applies 49 Stat. 1149, as amended; 16 U. S. C. 590h.)

Done at Washington, D. C., this 7th day of November 1955. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9066; Filed, Nov. 9, 1955; 8:48 a. m.]

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

SUBPART A—REGULATIONS

INSPECTOR NOT TO BE INTERESTED IN GRAIN; QUALIFICATIONS OF SAMPLER

On September 13, 1955, there was published in the FEDERAL REGISTER (20 F. R. 6713), a notice of a proposal to amend §§ 26.23 and 26.24 of the Regulations of the Secretary of Agriculture under the United States Grain Standards Act, as amended (7 CFR 26.23, 26.24; 7 U. S. C. 84). Interested parties were given thirty days in which to submit written data, views, or arguments concerning the proposed amendments.

The purpose of these amendments is to amplify and clarify §§ 26.23 and 26.24 of the regulations which will aid in the administration of the provisions of Section 7 of the Act with respect to activities of licensed grain inspectors, and persons who draw samples of grain for them, in connection with grain handling and merchandising operations.

After due consideration of all relevant material, arguments, and opinions received and all data available in the Department of Agriculture on this proposal, the said §§ 26.23 and 26.24 are hereby amended pursuant to the provisions of section 8 of the United States Grain Standards Act, as amended (39 Stat. 485; 7 U. S. C. 84) to read:

§ 26.23 *Inspector not to be interested in grain.* No licensed inspector shall be interested, financially or otherwise, directly or indirectly, in any grain elevator or warehouse, or in the merchandising of grain, including the binning, mixing, blending, drying or other preparation of grain for purposes of warehousing, storage, shipment, or otherwise, nor shall he be in the employment of any person or corporation owning or operating a grain elevator or warehouse, nor shall he issue a certificate of grade for any grain in which he is directly or indirectly financially interested.

§ 26.24 *Qualifications of sampler.* No licensed inspector shall issue a certificate of grade for a lot or parcel of grain based upon a sample thereof drawn by a sampler who is not employed by him or his inspection department, or who is not an employee of the United States Department of Agriculture approved for the purpose by a grain supervisor, or who is interested, financially or otherwise, directly or indirectly, in the grain involved or in any grain elevator or warehouse or in the merchandising of grain, including

the binning, mixing, blending, drying, or other preparation of grain for purposes of warehousing, storage, shipment, or otherwise, or who is in the employment of any person or corporation owning or operating a grain elevator or warehouse, or who the licensed inspector knows or has reason to believe is incompetent.

(Sec. 8, 39 Stat. 485; 7 U. S. C. 84)

The foregoing amendments shall become effective on the first day of January 1956.

Done at Washington, D. C., this 7th day of November, 1955.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-9064; Filed, Nov. 9, 1955; 8:47 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 59]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.359 *Navel Orange Regulation 59*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on November 3, 1955, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., November 14, 1955, and ending at 12:01 a. m., P. s. t., June 3, 1956, no handler shall handle any Navel oranges, grown in District 1, in District 3, or in District 4 which are of a size smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges contained in any type of container may measure smaller than 2.31 inches in diameter.

(2) As used in this section, "handle," "handler," "District 1," "District 3," and "District 4," shall have the same meaning as when used in said amended order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 7, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9112; Filed, Nov. 9, 1955; 8:57 a. m.]

PART 1066—IRISH POTATOES

RESTRICTION ON IMPORTATION

§ 1066.8 *Potato Regulation No. 2*—(a) *Findings and determinations*—(1) *Findings.* (i) Notice of rule making regarding proposed restrictions on the importation of Irish potatoes into the United States, to be made effective under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), was published in the FEDERAL REGISTER October 22, 1955, (20 F. R. 7966). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, and the data, views, and arguments submitted by interested parties, it is hereby found that the restrictions on the importation of Irish potatoes into the United States, as hereinafter provided are in accordance with said section 8e.

(ii) It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of this section beyond that herein specified (5 U. S. C. 1001 et seq.) in that (*a*) the requirements established by this import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which makes such regulation mandatory; (*b*) grade, size, and quality regulations are now in effect on domestic shipments of potatoes under § 970.302 of this chapter (20 F. R. 6815, 8091) and § 957.313 of this chapter (20 F. R. 4794, 5807, 6075, 6729, 7325); (*c*) the General Regulations (Part 1060 of this chapter) relating to prohibition of imported commodities were published in the FEDERAL REGISTER on November 30, 1954 (19 F. R. 7707, 8012); (*d*) notice that this action was being considered to become effective November 14, 1955, was published in the FEDERAL REGISTER on October 22, 1955 (20 F. R. 7966); (*e*) compliance with this section will not require any special preparation by importers which cannot be completed by the effective date; (*f*) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this section; and (*g*) such notice is hereby determined, under the circumstances, to be reasonable.

(2) *Determinations with respect to imports of Irish potatoes.* (i) Pursuant to section 8e of the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby determined that during the effective time hereof imports of Irish potatoes of the long varieties are in most direct competition with such varieties of Irish potatoes which are grown in the production area defined in Order No. 57 (Part 957 of this chapter; designated counties in Idaho and Malheur County, Oregon) and imports of Irish potatoes of the round white or red skin varieties are in most direct competition with such varieties of Irish potatoes which are grown in the production area defined in Order No. 70 (Part 970 of this chapter; the State of Maine).

(ii) It is hereby further determined that the grade, size, and quality regulations hereby established for the respective varieties of Irish potatoes that may be imported into the United States are equivalent or comparable to those imposed upon domestic Irish potatoes under the aforesaid marketing orders.

(b) *Import restrictions.* During the period from November 14, 1955, to June 30, 1956, both dates inclusive, and subject to the General Regulations (Part 1060 of this chapter) applicable to the importation of listed commodities and the requirements of this section, no person shall import any Irish potatoes of any variety, other than certified seed potatoes, unless at least 90 percent of such potatoes are "fairly clean" and (1) if they are of the round white or red skin varieties, such potatoes meet the requirements of the U. S. No. 1 or better grade, 2¼ inches minimum diameter and 4 inches maximum diameter, and (2) if they are of the long white varieties (including, but not limited to, Russet Burbank variety), such potatoes meet the requirements of the U. S. No. 2 or better grade, Size A, 5 ounces minimum weight, except that potatoes of such long white varieties not less than 2 inches minimum diameter or 4 ounces minimum weight, Size A, may be imported if they meet the requirements of the U. S. No. 1 or better grade.

(c) *Minimum quantities.* Any importation which, in the aggregate, does not exceed 500 pounds, may be imported without regard to the provisions of paragraph (b) of this section.

(d) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions on potatoes under the Plant Quarantine Act of 1912.

(e) *Certified seed imports.* Any person may import certified seed potatoes, which shall include only those potatoes which are officially certified and tagged as seed potatoes by the Plant Protection Division, Science Service, Canada Department of Agriculture.

(f) *Designation of Governmental Inspection Service.* The Fruit and Vegetable Inspection Services, Fruit and Vegetable Division, Marketing Service, Canada Department of Agriculture, is hereby designated, pursuant to § 1060.4 (a) of this chapter, as a governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of Irish potatoes that are imported, or to be imported, from Canada into the United States under the provisions of section 8e of the act.

(g) *Inspection and official inspection certificates.* (1) Inspection by the Federal or Federal-State Inspection Service, by the Fruit and Vegetable Inspection Services, Fruit and Vegetable Division, Marketing Service, Canada Department of Agriculture, or by such other governmental inspection service as may be designated, or approved, by the Administrator, with appropriate evidence thereof in the form of an official inspection certificate issued by the respective service and applicable to a particular shipment of potatoes, is required on all imports of potatoes, other than certified seed, pursuant to § 1060.3 of this chapter (*Eligible imports*).

(2) Inspection certificates shall cover only the quantity of potatoes that is being imported at a particular port of entry by a particular importer.

(3) The inspections performed, and certificates issued, by the Federal or Federal-State Inspection Services shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title; 20 F. R. 4842). The cost of inspection and certification shall be borne by the applicant therefor.

(4) Each inspection certificate issued with respect to any Irish potatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the certificate;

(vi) The principal identifying marks on the containers;

(vii) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement, if the facts warrant: Meets U. S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(h) *Definitions.* (1) The terms "U. S. No. 1", "U. S. No. 2", "fairly clean," and "Size A" mean the U. S. No. 1 grade, the U. S. No. 2 grade, fairly clean, and Size A, respectively, as set forth in the United States Standards for Potatoes (§§ 51.1540 to 51.1559, inclusive, of this title) including the tolerances set forth therein. For the purposes of this section, the following United States Potato Standards and Canadian potato standards are determined to be equivalent; U. S. No. 1 grade and Canada No. 1 grade; U. S. No. 2 grade and Canada No. 2 grade.

(2) All other terms have the same meaning as when used in the General Regulations (Part 1060 of this chapter) applicable to the importation of listed commodities.

Dated: November 7, 1955.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 55-9116; Filed, Nov. 9, 1955; 8:58 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter E—Mechanical Equipment for Mines; Tests for Permissibility; Fees

[Bureau of Mines Schedule 28]

PART 34—FIRE-RESISTANT CONVEYOR BELTS

There was published in the FEDERAL REGISTER of September 1, 1955 (20 F. R. 6475), a notice and text of proposed regulations amending the title of Subchapter E of Title 30, Code of Federal Regulations and prescribing requirements governing investigations leading to acceptability of Fire-Resistant Conveyor Belts. After consideration of all relevant material presented pursuant to the notice, the regulations as published in the FEDERAL REGISTER of September 1, 1955, and as corrected in the FEDERAL REGISTER of October 26, 1955 (20 F. R. 8050), are hereby adopted without change.

F. E. WORMSER,
Assistant Secretary of the Interior.

NOVEMBER 4, 1955.

Sec.
34.1 Definitions.
34.2 Scope of this part.
34.3 Preliminary consultation.
34.4 Application, fee, and sample.
34.5 Fees for testing conveyor belts.
34.6 Termination of investigation; disposal of fee and material.
34.7 Date of tests.
34.8 Observers at formal investigations and demonstrations.
34.9 Types of tests.
34.10 Flame test.
34.11 Drum friction test.
34.12 Changing details of tests.
34.13 Notification of acceptance or rejection.
34.14 Acceptance markings.
34.15 Manufacturer's obligation.
34.16 Changes subsequent to acceptance.
34.17 Withdrawal of acceptance.

AUTHORITY: §§ 34.1 to 34.17 issued under sec. 5, 36 Stat. 370, as amended; 30 U. S. C. sec. 7. Interpret or apply secs. 2, 3, Stat. 370, as amended, 30 U. S. C. 3, 5.

§ 34.1 *Definitions*—(a) *Fire-resistant conveyor belt.* A conveyor belt that is identical in all respects to the sample of the conveyor belt designated as acceptable under this part.

(b) *Sample.* That portion of a conveyor belt submitted to the Bureau by a manufacturer for acceptance testing.

(c) *Specimen.* A specific portion of a sample prepared for testing purposes.

(d) *Acceptance.* Written official notification by the Bureau of Mines that a conveyor belt has met satisfactorily the requirements of this part.

(e) *Acceptance marking.* An identifying mark indicating that the conveyor belt has been accepted for listing by the Bureau of Mines as fire-resistant.

§ 34.2 *Scope of this part.* The regulations in this part define the fire-resistant properties, methods of testing to determine such properties, the manner in which samples should be submitted and specimens prepared for tests, and the manufacturer's identification and markings to denote acceptance when the results of tests are satisfactory. Other requirements, such as strength, resistance to wear, and flexibility, are not covered by the regulations in this part.

§ 34.3 *Preliminary consultation.* Manufacturers or their representatives may visit or communicate with the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, to discuss the requirements or regulations in this part in connection with a belt to be submitted for test. No charge is made for such consultation, and no formal report will be submitted to the manufacturer.

§ 34.4 *Application, fee, and sample.* (a) An application for investigation under this part shall be in duplicate, addressed to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, and shall include:

(1) Description and specifications of the conveyor belt, which may be supplemented by descriptive literature. Specifications shall include: Trade name of the conveyor belt; thickness of covers; designation of the compounds used in the manufacture of the covers, friction, and skim coats; number of plies; type and weight of ply materials; a designation of breaker strip or floated ply; and any other features deemed significant by the applicant.

(2) A statement that the conveyor belt is completely developed and ready for market.

(3) A statement that the conveyor belt has been subjected to a flame test,

the nature of the test, and results obtained.

(4) A request that the necessary tests leading to acceptance be made.

(b) Each application shall be accompanied by a check, draft, or money order, payable to the United States Bureau of Mines, to cover the cost of tests (see § 34.5).

(c) Two samples of the conveyor belt to be tested, each 6-feet long by 9-inches wide and having open edges, shall be delivered without charge to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. A conveyor belt will not be accepted for testing under this part unless the samples submitted are constructed in the form in which the belt is to be marketed. On receipt of this application, fee, and samples to be tested, the Bureau will act on the application.

§ 34.5 *Fees for testing conveyor belts.*

1. Flame test	$15.00
2. Drum-friction test	35.00

3. Fees for other tests will be based on the actual cost of testing, as determined by the Bureau, in which case the applicant will be notified and the fees paid before the tests are initiated.

§ 34.6 *Termination of investigation; disposal of fee and material.* Upon request by an applicant that the Bureau terminate its investigation of the conveyor belt, the Bureau will terminate the investigation, and will return to the applicant the fees paid by him, less such portion thereof as the Bureau determines is applicable to the testing already done. The Bureau of Mines may retain as its own property any or all material submitted by the applicant that may be required for record. Any material remaining after termination of tests and not required for record will be available to the applicant and will be returned at his expense on shipping instructions made in writing to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania.

§ 34.7 *Date of tests.* Tests will be made in the order in which samples are received by the Bureau after applications have been filed and accepted; however, not more than three belts will be tested consecutively for any one manufacturer, if applications are on file from other manufacturers. The applicant will be notified of the date on which tests will be started. If a conveyor belt fails to meet any of the requirements set forth in this part, it shall lose its order of test precedence. Tests will be made on resubmitted samples following completion of other test work which is in progress at the time both the request and the materials for retesting are received. Exceptions to the provisions of this section may be made only for minor tests that may be performed simultaneously with other work in the laboratory.

§ 34.8 *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to acceptability except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon accepting a conveyor belt for listing as fire-resistant, the Bureau will announce that such acceptability has been granted and may thereafter conduct from time to time in its discretion public demonstrations of the tests conducted on the accepted conveyor belt. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

§ 34.9 *Types of tests.* To obtain acceptance under this part a conveyor belt must pass test 1 (Flame Test) and, when in the opinion of the Bureau it is required, test 2 (Drum-Friction Test).

§ 34.10 *Flame test*—(a) *Size of test specimens.* Specimens of conveyor belts 6 inches long by ½ inch wide by belt thickness shall be cut by Bureau test personnel from the belt sample submitted for testing to provide four test specimens, two of which will be cut parallel to the warp and two of which will be cut parallel to the weft.

(b) *Flame-test apparatus.* The principal parts of the apparatus within and appended to the 21-inch cubical test gallery are:

(1) A support stand with a ring clamp and wire gauze.

(2) A Pittsburgh-Universal Bunsen-type burner (inside diameter of burner tube 11 mm.), or equivalent, mounted in a burner placement guide in such a manner that the burner may be placed beneath the test specimen, or pulled away from it by an external knob on the front panel of the test gallery.

(3) A variable speed electric fan and an ASME flow nozzle (16–8½ inches reduction) to attain constant air velocities at any speed between 50–500 feet a minute.

(4) An electric timer or hand-operated stopwatch to measure the duration of the tests.

(5) A mirror mounted inside the test gallery to permit the test specimen to be viewed from the back through the viewing door.

(c) *Preparation of test specimen.* The specimen shall be clamped in a support with its longitudinal axis horizontal and its transverse axis inclined at 45° to the horizontal. Under the test specimen shall be clamped a piece of 20-mesh iron-wire gauze, 5 inches square, in a horizontal position ¼ inch below the pulley cover edge of the specimen and with about ½ inch of the specimen extending beyond the edge of the gauze.

(d) *Procedure for flame test.* The procedure for flame tests on conveyor belting is as follows:

(1) The support stand, with the test specimen mounted as described above, shall be positioned in the burner placement guide within the flame-test gallery.

(2) The Bunsen burner shall be adjusted to give a blue flame 3 inches in height having a temperature of 1350° ± 50° F. (732° ± 28° C.) when measured by means of a 20 B & S (Brown and Sharpe) gauge, iron-constantan thermocouple, centered in the flame at a point 1 inch above the top of the burner.

(3) The test specimen shall be inserted into the flame at a distance 1 inch above the top of the burner.

(4) The free end of the specimen shall be centered in the flame.

(5) The observation door of the gallery shall be closed for the entire test.

(6) The burner flame shall be applied to the test specimen for 1 minute in still air.

(7) At the end of one minute, the burner flame shall be removed, the ventilating fan turned on to give an air current having a velocity of 300 feet per minute, and the duration of flame measured.

(8) After the test specimen ceases to flame, it shall remain in the air current for at least 3 minutes to determine the presence and duration of afterglow. If a glowing specimen bursts into flame within 3 minutes, the duration of flame shall be added to the duration of flame in subparagraph (7) of this paragraph.

(9) The tests of the four specimens cut from any sample shall not result in either duration of flame exceeding an average of 1 minute after removal of the applied flame or afterglow exceeding an average of 3 minutes' duration.

§ 34.11 *Drum-friction test.* This test shall be applied only to samples which pass the flame test.

(a) *Size of test specimen.* A test specimen 5 feet long by 9 inches wide shall be cut from one of the two samples of conveyor belting submitted.

(b) *Drum-friction test apparatus.* The essential parts of the drum-friction test apparatus are:

(1) A suitable clamp for securing the fixed end of belt sample in test position and an adjustable weight clamp for the free end.

(2) Means for measuring accurately the temperature at specified points of the belt sample under test.

(3) Electric drive motor of at least 15 horsepower.

(4) Positive drive to maintain drum speed of 110 ± 10 r. p. m.

(5) Drive pulley of at least 18 inches in diameter.

(6) Where drive pulleys in excess of 13 inches in width are used, insulation shall be provided for the portion of the face in excess of 13 inches and the ends of the drum to reduce heat loss. The test specimen shall cover approximately 180° of the exposed drum surface in test position.

(7) Scales, to be installed in the fixed clamp when tension measurement is desired.

(8) Multiple jets of compressed air, issuing from 1/16-inch-diameter holes on ½-inch centers along the top of a ½-inch pipe of the same length as the drum, to maintain an air velocity of 300 feet per minute at the surface of the drum.

(c) *Preparation of test specimen.* Two steel clamps, 12 inches long by 2 inches wide by ½ inch thick, shall be bolted onto the specimen approximately 1 inch from each end. One clamp, called the fixed clamp, is fitted with a chain and hook arrangement, while the other clamp, called the weight clamp, contains two rods to which weight bars may be attached. At three points along the specimen from the fixed clamp, ⅛-inch holes shall be drilled into the edge of the belt to provide openings for thermocouples with which to measure belt temperatures. Two of these holes shall be at the point of tangency when the specimen is lapped over the conveyor driving drum, and the third shall be placed halfway between these points. The holes shall be drilled to a depth of 2 inches between the first and second ply from the pulley cover, or a similar position in case of solid woven belts. The specimen shall be placed over the conveyor driving drum; the hook fastened to a steel I-beam or other rigid support, secured to the floor beneath the drum; thermocouples inserted into the holes in the side of the belt; an additional thermocouple shall be inserted in the center of the carrying cover of the belt at a point midway between the thermocouples at the points of tangency; and the proper weights adjusted at the weight clamp.

(d) *Procedure for drum-friction test.* The procedure for the drum-friction test is as follows:

(1) During the entire test a current of air having a velocity of 300 feet per minute shall be maintained at the drum and belt.

(2) With the specimen in the position described heretofore, the drum shall be revolved for a period of 120 minutes.

(3) Weights shall be attached to the weight clamp at the following time intervals:

Duration of test (cumulative)	Weight added (pounds)	Total weight on belt (pounds)
First 15 minutes		50
15 to 30 minutes	25	75
30 to 45 minutes	25	100
45 to 60 pounds	30	130
60 to 75 minutes	35	165
75 to 90 minutes	35	200
90 to 105 minutes	35	235
105 to 120 minutes	35	270

(4) Temperature readings shall be recorded at intervals of not more than 10 minutes throughout the test.

(5) A specimen that is destroyed during the test without signs of flame or glow, or that does not develop a temperature of 482° F. (250° C.) at any thermocouple during the 2-hour period, shall be considered fire-resistant.

(6) A specimen shall not be considered fire-resistant if any flame appears on the belt during a test.

(7) When glow is evident at the conclusion of a test, the glowing specimen shall be subjected to an air stream for 3 minutes. If the specimen bursts into flame within this time, or continues to glow beyond this time, it shall not be considered fire-resistant.

§ 34.12 *Changing details of tests.* The Bureau may modify the details of the tests prescribed by these regulations provided that the information obtained and the degree of safety are not substantially affected. The applicant will be notified of any changes that the Bureau deems advisable.

§ 34.13 *Notification of acceptance or rejection.* (a) After the Bureau has considered the results of the tests, a formal written notification of acceptance or rejection of the conveyor belt for listing will be supplied to the applicant by the Bureau. If the conveyor belt meets all requirements of this part, the notification will not be accompanied by test data or detailed results of tests. If the conveyor belt fails to meet any of the requirements of this part, the notification will be accompanied by details of the failure, with a view to possible remedy of the defect or defects in conveyor belts submitted in the future. Except for such notification to the applicant, results of tests of conveyor belts that fail to meet the requirements will not be made public by the Bureau.

(b) The Bureau will not give verbal reports concerning the investigations, or conduct informal tests, or grant informal acceptances.

§ 34.14 *Acceptance markings.* With formal notification of acceptance, the applicant will receive written permission to designate, as "fire-resistant," conveyor belts of the same type and composition as the specimen that passed the test.

(a) *Marking.* Conveyor belts accepted by the Bureau of Mines as fire-resistant shall be marked as follows: Metal stencils furnished by the manufacturer shall be used during the vulcanizing process to produce letters depressed into the conveyor belt with the words Fire-Resistant, U. S. B. M. No. ------. This number will be assigned to the manufacturer after the sample has passed the tests. The letters and numbers shall be at least ½ inch high.

(b) *Position of markings.* The acceptance markings shall be placed approximately 1 inch from the edge of the carrying (top) cover of the conveyor belt and spaced at intervals not exceeding 30 feet for the entire length of the conveyor belt. The markings shall be so placed that they are alternately at opposite edges of the belt.

§ 34.15 *Manufacturer's obligation.* A manufacturer who has obtained the Bureau's permission to place acceptance markings on conveyor belts manufactured by him is obligated to maintain the fire-resistant quality of his product and to have each conveyor belt so marked manufactured strictly according to the records that have been accepted and placed on file by the Bureau for that conveyor belt. Conveyor belts that have been accepted as fire-resistant by the Bureau of Mines but subsequently have been altered in design or composition without Bureau authorization, and belts that have not been accepted a fire-resistant by the Bureau of Mines, must not bear the Bureau's acceptance marking.

§ 34.16 *Changes subsequent to acceptance.* The manufacturer may obtain the Bureau's authorization for modifying the specifications of a conveyor belt that has been tested and accepted, by letter to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, requesting an extension of the original acceptance and stating the change or changes desired. The letter shall be accompanied by revised specifications showing the proposed changes in detail. If the Bureau determines that tests are unnecessary, the Bureau will formally advise the manufacturer of the acceptance or rejection of the proposed change. If the Bureau determines that tests are necessary, the Bureau will advise the manufacturer as to the fee and material required.

§ 34.17 *Withdrawal of acceptance.* The Bureau may rescind for cause, at any time, any acceptance granted under the regulations in this part.

[F. R. Doc. 55-9059; Filed, Nov. 9, 1955; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter F—Banks for Cooperatives

[FCA Order 637]

PART 70—LOAN INTEREST RATES AND SECURITY

INCREASE IN INTEREST RATES; NEW ORLEANS BANK FOR COOPERATIVES

Effective December 1, 1955, the rate of interest which may be charged by the New Orleans Bank for Cooperatives, as specified in § 70.4 of Chapter I, Title 6, Code of Federal Regulations, is hereby changed to 3½ per centum per annum.

Effective December 1, 1955, the rate of interest which may be charged by the New Orleans Bank for Cooperatives, as specified in § 70.5 of Chapter I, Title 6, Code of Federal Regulations, is hereby changed to 3 per centum per annum.

(Sec. 8, 46 Stat. 14, 12 U. S. C. 1141f)

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 55-9070; Filed, Nov. 9, 1955; 8:48 a. m.]

[FCA Order 638]

PART 70—LOAN INTEREST RATES AND SECURITY

INCREASE IN INTEREST RATES; BALTIMORE BANK FOR COOPERATIVES

Effective December 1, 1955, the rate of interest which may be charged by the Baltimore Bank for Cooperatives as specified in § 70.4 of Chapter I, Title 6, Code of Federal Regulations, is hereby changed to 3½ per centum per annum.

Effective December 1, 1955, the rate of interest which may be charged by the Baltimore Bank for Cooperatives as specified in § 70.5 of Chapter I, Title 6, Code

of Federal Regulations, is hereby changed to 3 per centum per annum.

(Sec. 8, 46 Stat. 14, 12 U. S. C. 1141f)

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 55-9069; Filed, Nov. 9, 1955; 8:48 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

CAMPBELL COUNTY, WYOMING

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 20 F. R. 3601, and containing the specific requirements for the 1955-Crop Flaxseed Price Support Program are amended as follows:

Section 421.1483 (c) (1) is amended by adding to the list of basic county support rates, "Wyoming—Campbell county, $2.61 per bushel."

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C., 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 7th day of November 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-9113; Filed, Nov. 9, 1955; 8:57 a. m.]

PART 464—TOBACCO

SUBPART—1955 TOBACCO LOAN PROGRAM

Set forth below are schedules of advance rates, by grades, for the 1955 crop of unsorted and sorted type 51 and unsorted type 52 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published May 20, 1955 (20 F. R. 3525).

§ 464.714 *1955 crop; Connecticut Valley Broadleaf Tobacco, Type 51, advance schedule.*[1]

UNSORTED

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1M	67
B2M	65
B3M	62
B4M	58
B5M	53
B6M	47
B7M	42
Binder pickers:	
R1	36
R2	31
R3	24
Nonbinders:	
X1	22
X2	20
X3	18
X1DAM	20
X2DAM	18
X3DAM	16

SORTED*

[Dollars per hundred pounds, farm sales weight]

Grade	Advance Rate
B1F 38	112
B1F 37	112
B2F 38	103
B2F 37	103
B2F 36	95
B2F 35	75
B3F 38	98
B3F 37	98
B3F 36	93
B3F 35	72
B3F 34	55
B4F 38	92
B4F 37	92
B4F 36	86
B4F 35	66
B4F 34	50
B5F 37	75
B5F 36	70
B5F 35	56
B5F 34	43
B6F 37	70
B6F 36	65
B6F 35	48
B6F 34	35
B7F 37	62
B7F 36	53
B7F 35	40
B7F 34	30
B1P 38	95
B1P 37	95
B2P 38	90
B2P 37	90
B3P 38	70
B3P 37	70
B3P 36	40
B3P 35	30
B4P 38	65
B4P 37	65
B4P 36	35
B4P 35	25
B5P 38	56
B5P 37	56
B5P 36	33
B5P 35	20
B6P 37	32
B6P 36	30
B6P 35	20
B6P 34	18
B7P 37	30
B7P 36	25
B7P 35	20
B7P 34	18
B5Z	40
B6Z	35
B7Z	23
R3F	35
R3P	25
Y1	17
Y2	16

§ 464.715 *1955 crop; Connecticut Valley Havana Seed Tobacco, Type 52, advance schedule.*[1]

UNSORTED

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1M	64
B2M	61
B3M	58
B4M	53
B5M	49
B6M	44
B7M	40
Binder pickers:	
R1	33
R2	27
R3	23
Nonbinders:	
X1	22
X2	20
X3	18
X1DAM	20
X2DAM	18
X3DAM	16

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 7th day of November 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-9114; Filed, Nov. 9, 1955; 8:57 a. m.]

[1] The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower not more than the larger of $1.00 per hundred pounds or $10.00 per consignment to apply against receiving and overhead costs. The advance rate on any lot of tobacco graded B1M through B7M and marked with the special factor "Moist" or "Damp" will be supported at the advance rate minus $5.00 or $9.00, respectively. Grades B1M through R3 containing damaged leaves will be marked with the special factor symbol D followed by the percentage of damaged leaves. The weight of the damaged leaves will be deducted and the advance will be made only on the weight of sound or undamaged tobacco. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

*The Cooperative Association through which price support is made available is authorized to deduct from the amount paid to growers not to exceed $1.50 per hundred pounds to apply against receiving and overhead costs to the Association of the loan operation. Only the original producer is eligible to receive advances. A producer may obtain advances on sorted Broadleaf only if all eligible grades of tobacco produced in the sorting process are included in the consignment. No advance is authorized for tobacco graded W (unsafe keeping order), U (unsound), or N (nondescript). Tobacco graded Y1 DAM or Y2 DAM will be accepted at an advance rate of two cents per pound below the regular grade advance rate.

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 251—LAND USES

WILDERNESS AREAS

By virtue of the authority vested in the Secretary of Agriculture paragraphs (a), (b), and (c) of § 251.20 (Reg. U-1) of the rules and regulations governing the occupancy, use, protection, and administration of the national forests are hereby amended as follows:

1. The proviso of paragraph (a) of § 251.20 is amended to read as follows: "*Provided,* That roads over national forest lands reserved from the public domain and necessary for ingress and egress to or from privately owned property shall be allowed under appropriate conditions determined by the forest supervisor, and upon allowance of such roads the boundary of the wilderness area may be modified without prior notice or public hearing to exclude the portion affected by the roads."

2. Paragraphs (b) and (c) of § 251.20 are amended to read as follows:

(b) Grazing of domestic livestock, development of water storage projects which do not involve road construction, and improvements necessary for the protection of the forest may be permitted subject to such restrictions as the Chief deems desirable. Within such designated wildernesses when the use is for other than administrative needs and emergencies the landing of airplanes and the use of motorboats are prohibited on national forest land or water unless such use by airplanes or motorboats has already become well established and the use of motor vehicles is prohibited unless the use is in accordance with a statutory right of ingress and egress.

(c) Wilderness areas will not be modified or eliminated except by order of the Secretary. Except as provided in paragraph (a) of this section notice of every proposed establishment, modification, or elimination will be published or publicly posted by the Forest Service for a period of at least 90 days prior to the approval of the contemplated order and if there is any demand for a public hearing, the regional forester shall hold such hearing and make full report thereon to the Chief of the Forest Service, who will submit it with his recommendations to the Secretary.

(Sec. 1, 30 Stat. 35, as amended, 16 U. S. C. 251. Interprets or applies Sec. 1, 33 Stat. 628, 16 U. S. C. 472)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, D. C., this 4th day of November 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55-9065; Filed, Nov. 9, 1955; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

EFFECTIVE DATE OF CHANGE OR DISCONTINUANCE OF EDUCATION OR TRAINING ALLOWANCE

In § 21.2056, paragraph (a) (6) is amended to read as follows:

§ 21.2056 *Effective date of change or discontinuance of education or training allowance.* (a) * * *

(6) In the event veteran applies for an additional education or training allowance because of a dependent or dependents after original entrance into training under the law, such additional allowance will be authorized as of the date of change or the date of entrance into training, whichever is later, if application therefor is received in the Veterans Administration within 60 days from that date and satisfactory evidence of such dependent or dependents is received in the Veterans Administration within 1 year of the date of request therefor. Where the change occurred during a period of interruption of training, such additional allowance will be authorized from the date of reentrance if application therefor is received in the Veterans Administration within 60 days from the date of reentrance and satisfactory evidence of dependency is received within the 1-year time limitation. In any case where such application is received after the 60-day time limitation provided in this subparagraph, additional education and training allowance will be authorized from date of receipt of application, provided satisfactory evidence of the dependent or dependents is received within the 1-year time limitation.

* * * * *

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12A. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500-1504, 1506, 1507, 58 Stat. 286, 300, as amended, sec. 261, 66 Stat. 663; 38 U. S. C. 693g, 697-697d, 697f, g, 971, ch. 12A)

This regulation is effective November 10, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-9128; Filed Nov. 9, 1955; 8:58 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1245]

[Anchorage 024227]

[Misc. 1796532]

ALASKA

PARTIALLY REVOKING EXECUTIVE ORDERS NO. 8344 OF FEBRUARY 10, 1940 AND NO. 8789 OF JUNE 14, 1941; WITHDRAWING PORTIONS OF RELEASED LANDS FOR USE OF UNITED STATES COAST GUARD AS A LORAN STATION

By virtue of the authority vested in the President by Section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 8344 of February 10, 1940, temporarily withdrawing certain lands in Alaska for classification and in aid of legislation, is hereby revoked so far as it affects the following-described area:

KODIAK ISLAND

U. S. Survey No. 3233.

The area described contains 23.53 acres.

2. Executive Order No. 8789 of June 14, 1941, reserving certain lands for use of the War Department for military purposes, is hereby revoked so far as it affects the following-described lands:

MILLER POINT, SPRUCE CAPE AREA

KODIAK ISLAND, ALASKA

Beginning at a point on line of mean high tide on the east side of Kodiak Island, 57°48'30" N., latitude, 152°20'48" W., longitude, as shown on United States Coast and Geodetic Survey Chart No. 8570, March 1910.

Thence from said initial point, N. 45° W., 1.8 miles, to line of mean high tide on east shore of Sycamore Bay;

Thence northeasterly and southeasterly around Miller Point and Spruce Cape with meanders of Sycamore Bay, Popof Bay, and Chiniak Bay to the point of beginning.

The area described, including both public and non-public lands, aggregates 780 acres.

3. Subject to valid existing rights, the following-described lands, which are a portion of the lands described in paragraph 2 of this order, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved for use of the United States Coast Guard as a loran station:

Beginning at corner No. 5, U. S. Survey No. 3101, on line 1–5, U. S. S. 1682, thence S. 89°49' E., 863.28 feet along line 5–6 U. S. S. 3101 to corner 6 MC thereof;

Northeasterly, northerly and southwesterly along line of mean high tide around Spruce Cape to corner 1 MC, U. S. S. 1682;

South, 2,377.42 feet along east boundary U. S. S. 1682 to point of beginning.

The tract described contains approximately 180 acres.

4. The status of the lands described in this order, except those withdrawn by paragraph 3, shall not change so far as applications, locations, settlement, entry or other forms of appropriation are concerned until further order of an authorized officer of the Bureau of Land Management.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

NOVEMBER 3, 1955.

[F. R. Doc. 55-9063; Filed, Nov. 9, 1955; 8:45 a. m.]

[Public Land Order 1246]

[Misc. 189250]

SOUTH DAKOTA

REVOKING EXECUTIVE ORDER NO. 1432 OF NOVEMBER 13, 1911, WHICH RESERVED PUBLIC LANDS FOR USE OF DEPARTMENT OF AGRICULTURE AS VALLEY ADMINISTRATIVE SITE

By virtue of the authority vested in the President by Section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 1432 of November 13, 1911, reserving the following-described lands in South Dakota for use of the Forest Service, Department of Agriculture, as the Valley Administrative Site, is hereby revoked:

BLACK HILLS MERIDIAN

T. 17 N., R. 2 E.,
Sec. 25, SW¼NE¼, S½NW¼.

The areas described aggregate 120 acres.

The land is grazing land located ½ mile north of Harding, South Dakota, and can be reached over a county gravel road. The topography is rolling to rough. The soil consists of a shallow layer of sandy loam over a rocky and highly calcareous sandy clay subsoil. Vegetation consists of short to midgrasses. Annual precipitation is approximately 13 inches.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing rights and the requirements of applicable law, the lands described are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. The lands have been open to application and offers under the mineral-leasing laws. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert-Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on December 9, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on March 10, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on March 10, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m. on March 10, 1956.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

NOVEMBER 3, 1955.

[F. R. Doc. 55-9054; Filed, Nov. 9, 1955; 8:45 a. m.]

[Public Land Order 1247]

[1500537–1506978]

NEW MEXICO

PARTIALLY REVOKING EXECUTIVE ORDERS NO. 6276 OF SEPTEMBER 8, 1933 AND NO. 6583 OF FEBRUARY 3, 1934 WHICH WITHDREW LANDS TO AID THE STATE IN MAKING EXCHANGE SELECTIONS

By virtue of the authority vested in the President by the act of June 25, 1910, ch. 421 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Orders No. 6276 of September 8, 1933 and No. 6583 of February 3, 1934, withdrawing public lands to aid the State of New Mexico in making exchange selections are hereby revoked so far as they affect the following-described lands:

In Executive Order No. 6276:

[1500537]

NEW MEXICO PRINCIPAL MERIDIAN

T. 21 S., R. 6 W.,
Sec. 19, lots 1 and 2, E½NW¼ and SW¼ NE¼;
Sec. 30, NW¼SE¼, E½SW¼;
Sec. 31, W½NE¼, SE¼NE¼, E½NW¼, NE¼SW¼, N½SE¼, SE¼SE¼.
T. 21 S., R. 7 W.,
Sec. 13, lots 9 to 16, inclusive;
Sec. 24, lot 15;
Sec. 25, lots 2, 7, 10, and 15.

In Executive Order No. 6583:

[1506978]

T. 21 S., R. 6 W.,
Sec. 18, lots 3 and 4, E½SW¼;
Sec. 19, lot 3, NW¼NE¼, NW¼SE¼;
Sec. 30, SE¼NE¼, NE¼SE¼;
Sec. 31, NE¼NE¼.
T. 21 S., R. 7 W.,
Sec. 24, lots 1, 2, 7, and 8.

The areas described aggregate 1,728.08 acres for both orders.

The lands are generally grazing lands.

No application for the lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

Subject to any existing valid rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on December 10, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on March 10, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on March 10, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands are now open to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m. on March 10, 1956.

Persons claiming veterans preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

NOVEMBER 4, 1955.

[F. R. Doc. 55-9055; Filed, Nov. 9, 1955; 8:46 a. m.]

[Public Land Order 1248]

[33331]

ALASKA

AMENDING PUBLIC LAND ORDER NO. 1212 OF SEPTEMBER 9, 1955

Paragraph 4 (c) of Public Land Order No. 1212 of September 9, 1955, appearing as Doc. 55-7464 in 20 F. R. 6797 of the issue for September 15, 1955, is hereby amended to read as follows:

(c) At 10:00 a. m. on the 91st day after the date of this order, to settlement under the homestead laws or the Alaska Home Site Act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461) or to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended:

The unsurveyed public lands released from withdrawal by paragraph 1 of this order, and not otherwise rewithdrawn or restored.

Provided, however, That the following-described lands shall not be subject to application, location, settlement, entry, or other forms of appropriation under the public-land laws until further order of an authorized officer of the Bureau of Land Management:

SEWARD MERIDIAN

T. 2 N., R. 11 W.,
Secs. 5, 6, 7, and 8 (unsurveyed).
T. 2 N., R. 12 W.,
Secs. 1, 11 and 12 (unsurveyed).

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

NOVEMBER 4, 1955.

[F. R. Doc. 55-9056; Filed, Nov. 9, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF COMMERCE

Federal Maritime Board and Maritime Administration

[46 CFR Ch. II]

[Docket No. S-59]

AMERICAN PRESIDENT LINES, LTD.

EXTENSION OF TIME LIMITATION

Notice of proposed rule making in connection with petition of American President Lines, Ltd., was published in the FEDERAL REGISTER issue of October 26, 1955 (20 F. R. 8050).

Notice is hereby given that the time stipulated therein for submission of written data, views, or arguments relative thereto is hereby extended to January 15, 1956.

Dated: November 8, 1955.

By order of the Federal Maritime Board/Maritime Administrator.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-9125; Filed, Nov. 9, 1955; 8:58 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 779]

AUTOMOTIVE TRADE

RETAIL OR SERVICE ESTABLISHMENT AND APPLICATION OF CERTAIN EXEMPTIONS

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), notice is hereby given that the Administrator of the Wage and Hour Division of the United States Department of Labor, proposes to amend Interpretative Bulletin, Part 779 (29 CFR Part 779) by the addition of § 779.36 to read as follows:

§ 779.36 *Application of the 13 (a) (2) exemption to the automotive trade.* (a) It is the purpose of this section to show generally how the principles governing the application of the section 13 (a) (2) exemption apply to establishments engaged in the sale of automobiles, trucks, parts, accessories and repair services.

(b) All sales of automobiles, trucks, automobile parts, accessories, servicing and repair work will be considered retail except those set out below:

(1) Sales for resale: For example, sales for resale include sales to garages, service stations, repair shops and automobile dealers where these establishments resell the various items or where they use them in repairing customers' vehicles or in reconditioning used cars for resale. However, this does not apply to transfers of such items between departments within the dealer's establishment. Thus, transfers of parts from the parts department to the service department of the automobile dealer's establishment are not sales to the service department and are not, therefore, sales for resale. Such transfers from one department to another will be disregarded in computing the establishment's sales for determining the applicability of the 13 (a) (2) exemption. So also accommodation transfers of automobiles between dealers will be disregarded in computing the establishment's sales under section 13 (a) (2). Accommodation transfers refer to occasional exchanges or transfers of automobiles between dealers and not to situations wherein a dealer supplies cars to other dealers as part of what may be described as a distribution system.

(2) Sales made pursuant to a formal invitation to bid. Such sales are made under a procedure involving the issuance by the buyer of a formal invitation to bid on certain merchandise for delivery in accordance with prescribed terms and specifications. Sales to the Federal, state, and local governments are typically made in this manner.

(3) Fleet sales: Sales of automobiles, trucks, parts, or accessories to national fleet owners as designated by the various automotive manufacturers, at fleet discounts, and sales to other fleet users (operating five or more units for business purposes) at discounts similar to these provided in sales to national fleet owners.

(4) Sales of specialized heavy motor vehicles or bodies (16,000 lbs. and over gross vehicle weight). The following is a complete list of these items:

(i) *Single unit trucks.*

Armored (money carrying).
Buses (integral).
Coal.
Drilling.
Dump.
Hook and ladder (fire department).
Chemical wagons (fire department).
Garbage.
Mixer.
Refrigerator.
Rotary snowplow.
Special public utility.
Street cleaning.
Tank.
Wrecker.

(ii) *Full trailers and semitrailers.*

Auto carrier.
Coal.
Dump.
Garbage.
House carrier.
Low bed carry all.
Pole (lumber).
Refrigerator.
Tank.
Van.

(5) Sales of servicing and repair work performed under a fleet maintenance arrangement on trucks and other automotive vehicles whereby the establishment undertakes to maintain a customer's fleet at a price below the prevailing retail price.

Prior to the final adoption of the proposed amendment set forth above, consideration will be given to any views, arguments or data pertaining thereto which are submitted in writing to the Administrator, Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 7th day of November 1955.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 55-9071; Filed, Nov. 9, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to Section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214) and Part 522 of the Regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under Section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations, (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

Blue Anchor, Inc., Olive Hill, Ky., effective 10–31–55 to 10–30–56; 10 percent of the total factory production workers for normal labor turnover purposes (shirts, dungarees, jackets, etc.).

Cluett, Peabody & Co., Inc., Shamokin, Pa., effective 11–4–55 to 11–3–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's sport shirts).

The O. L. Hinds Co., 167 St. Paul Street, Burlington, Vt., effective 10–27–55 to 10–26–56; 10 learners for normal labor turnover purposes (children's snow and ski suits).

Linda Lane Garment Co., 106 Bluff Street, Excelsior Springs, Mo., effective 10–31–55 to 10–30–56; 10 learners for normal labor turnover purposes (nylon, and nylon and orlon uniforms).

Livingston Shirt Corp., 308 South Church Street, Livingston, Tenn., effective 11–5–55 to 11–4–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's dress and sport shirts).

McEwen Manufacturing Co., McEwen, Tenn., effective 11–6–55 to 11–5–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (overalls, dungarees, playsuits).

McMinnville Garment Co., McMinnville, Tenn., effective 11–8–55 to 11–7–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work trousers).

Charles Meyers & Co., First and Harrison Streets, Belleville, Ill., effective 11–1–55 to 10–31–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's trousers).

Milan Shirt Manufacturing Co., Milan, Tenn., effective 11–4–55 to 11–3–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work shirts, western and regular).

Palm Beach Co., Talladaga, Ala., effective 10–31–55 to 10–30–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's summer wash pants).

Roydon Wear, Inc., McRae, Ga., effective 10–31–55 to 2–29–56; 60 learners for plant expansion purposes (outerwear, trousers and shirts).

Salant & Salant, Inc., Washington Street, Paris, Tenn., effective 11–9–55 to 11–8–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton and wool work shirts).

Salant & Salant, Inc., First Street, Lexington, Tenn., effective 11–9–55 to 11–8–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work shirts).

Salant & Salant, Inc., Pine Street, Lexington, Tenn., effective 11–6–55 to 11–5–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work shirts).

Salant & Salant, Inc., Obion, Tenn., effective 11–9–55 to 11–8–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work shirts).

Salant & Salant, Inc., Princeton Factory, Tennessee Avenue, Parsons, Tenn., effective 11–8–55 to 11–7–56; 10 percent of the total number of production factory workers for normal labor turnover purposes (cotton work pants).

Salant & Salant, Inc., Troy, Tenn., effective 11–7–55 to 11–6–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work shirts).

Sustan Garments, Inc., Winnsboro, La., effective 10–31–55 to 2–29–56; 25 learners for plant expansion purposes (sportswear).

Vanderbilt Shirt Co., Inc., 29–31 Walnut Street, Asheville, N. C., effective 10–26–55 to 10–25–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (western shirts).

The Warner Bros. Co., Massena, N. Y., effective 10–27–55 to 10–26–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (corsets and brassieres).

Williamson-Dickie Manufacturing Co., Eagle Pass., Tex., effective 11–3–55 to 11–2–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended April 19, 1955, 20 F. R. 2304)

Bayuk Cigars, Inc., Morgan Street, Selma, Ala., effective 10–26–55 to 2–29–56; 25 additional learners for plant expansion purposes in the occupations hereinafter listed: Cigar machine operating, 320 hours at 65 cents an hour; packing (cigars retailing for 6 cents or less), machine stripping, and hand stripping each 160 hours at 65 cents an hour. (Supplemental certificate.)

Bayuk Cigars, Inc., Second and Washington Streets, Steelton, Pa., effective 10–26–55 to 2–29–56; 25 additional learners for plant expansion purposes in each of the occupations hereinafter listed: Cigar machine operating, and packing (cigars retailing for over 6 cents) each 320 hours; packing (cigars retailing for 6 cents or less), and machine stripping, each 160 hours. All at 65 cents an hour. (Supplemental certificate.)

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Maplewood Academy, 700 North Main Street, Hutchinson, Minn., effective 10–21–55 to 8–31–56; 25 learners in bookbindery as bookbinder, bindery worker and related skilled and semiskilled occupations, 300 hours at 65 cents an hour and 300 hours at 70 cents an hour; 30 learners in woodworking as assembler, sawyer, machine operator and related skilled and semiskilled occupations, 375 hours at 65 cents an hour and 375 hours at 70 cents an hour; 6 learners in the clerical occupations of typist, bookkeeper and related skilled and semiskilled occupations, 300 hours at 65 cents an hour and 300 hours at 70 cents an hour.

Monterey Bay Academy, P. O. Box 191, Watsonville, Calif., effective 10–25–55 to 8–31–56; 30 learners in trellis shop as millman and other related skilled and semiskilled occupations including incidental clerical work in shop, 250 hours at 65 cents an hour and 250 hours at 70 cents an hour.

Shenandoah Valley Academy, New Market, Va., effective 10–25–55 to 8–31–56; 18 learners in bookbindery as bookbinder, bindery worker, sewer, trimmer, backer, cutter, casemaker, letterer and related skilled and semiskilled occupations including incidental clerical work in shop, 300 hours at 65 cents an hour and 300 hours at 70 cents an hour.

Washington Missionary College, 7600 Flower Avenue, Takoma Park, Washington, D. C., effective 10–27–55 to 8–31–56; 5 learners in woodworking shop (furniture) as machine operator, assembler, furniture finisher and related skilled and semiskilled occupations, including incidental clerical work in the shop, 375 hours at 65 cents an hour and 375 hours at 70 cents an hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 4th day of November 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55–9062; Filed, Nov. 9, 1955; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 3, 1955.

An application, serial number Anchorage 031290, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on September 19, 1955, by Civil Aeronautics Administration, Department of Commerce.

The purposes of the proposed withdrawal: To establish an air navigation obstruction light to Juneau Airport.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

(A) From corner No. 2 of Homestead Entry Survey No. 159, said point being on the Mendenhall Peninsula, Alaska, approximate latitude 58°21'30" N., approximate longitude 134°37'30" W., near the easterly side of the Fritz Cove Highway in the vicinity of the Brown residence, go N. 34°55' E. 36.6 feet to a power pole on the Glacier Highway Electric Association pole line and the point of beginning, thence go S. 78°08' E. 907 feet more or less, thence N. 49°46' E. 529 feet more or less to a point which will be the center point of an air navigation light, and,

(B) A 200-foot square plot of land, the sides of which lie North, South, East and West and the center of which is identical with the center point of said air navigation light containing 0.918 acre (40,000 square feet).

ROGER R. ROBINSON,
Acting Area Administrator.

[F. R. Doc. 55–9057; Filed, Nov. 9, 1955; 8:46 a. m.]

Geological Survey

[Survey Order 218, Amdt. 1]

REGIONAL OIL AND GAS SUPERVISORS AND REGIONAL MINING SUPERVISORS

DELEGATION OF AUTHORITY WITH RESPECT TO SUSPENSION OF OPERATIONS AND PRODUCTION

Section 1 of Survey Order No. 218 is amended as follows:

SECTION 1. *Suspension of operations and production.* Pursuant to the authority contained in Order No. 2699 of August 11, 1952 (as amended), of the Secretary of the Interior, the regional oil and gas supervisors and the regional mining supervisors of the Geological Survey are hereby authorized to act on applications for suspension of operations or production or both, filed pursuant to 43 CFR 70.10, 191.26, 191.27, 200.38, and to terminate suspensions of this kind which have been or may be granted.

Dated: November 3, 1955.

THOMAS B. NOLAN,
Acting Director, Geological Survey.

Approved:

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 55–9061; Filed, Nov. 9, 1955; 8:47 a. m.]

Office of the Secretary

[Order 2699, Amdt. 1]

DIRECTOR, GEOLOGICAL SURVEY

DELEGATION OF AUTHORITY WITH RESPECT TO SUSPENSION OF OPERATIONS AND PRODUCTION

NOVEMBER 3, 1955.

Section 1 of Order No. 2699 (17 F. R. 7513) is amended to read as follows:

SECTION 1. *Suspension of operations and production.* The Director, Geological Survey, may act for the Secretary of the Interior in finally approving applications for suspension of operations or production or both, filed pursuant to 43 CFR 70.10, 191.26, 191.27, 200.38, and in terminating suspension of this kind which have been or may be granted.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 55–9060; Filed, Nov. 9, 1955; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11268, etc.; FCC 55M–931]

WISCONSIN TELEPHONE CO. ET AL.

ORDER CONTINUING PREHEARING CONFERENCE

In re applications of Wisconsin Telephone Company, Docket No. 11268, File No. 5300–F1–P–H; Ohio Bell Telephone Company, Docket No. 11269, File No. 5301–F1–P–H; Ohio Bell Telephone Company, Docket No. 11270, File No. 5745–F1–P–H; for new VHF public class III–B coast stations at Milwaukee, Cleveland and Toledo, respectively and Michigan Bell Telephone Company, Docket No. 11375, File No. 5832–F1–P–H; Michigan Bell Telephone Company, Docket No. 11376, File No. 5833–F1–P–H; Michigan Bell Telephone Company, Docket No. 11377, File No. 5834–F1–P–H; Michigan Bell Telephone Company, Docket No. 11378, File No. 5835–F1–P–H; Michigan Bell Telephone Company, Docket No. 11379, File No. 5836–F1–P–H; for new VHF Public Class III–B coast stations at Hancock, Escanaba, East Tawas, Port Huron and Marquette, Michigan, respectively and Wisconsin Telephone Company, Docket No. 11380, File No. 5299–F1–P–H; for new VHF Public Class III–B coast station at Green Bay (Glenmore), Wisconsin.

The Hearing Examiner having under consideration a motion filed November 3, 1955, on behalf of the Ohio Bell Telephone Company, one of the above-entitled applicants, requesting that the time for the resumption of the pre-hearing conference be continued from November 15, 1955, to December 15, 1955, or some other date subsequent to December 11, 1955; and

It appearing that the reason for the requested continuance is the fact that previous commitments of counsel for the Ohio Bell Telephone Company are such that it will not be possible for them to attend a further pre-hearing conference on November 15, 1955, the date presently scheduled; and

It appearing that counsel for all other parties have agreed orally to the requested extension of time and have also agreed to waive the four-day notice required by the Commission's Rules, and good cause for the requested continuance having been shown;

It is ordered, This the 4th day of November 1955, that the motion to extend the time for the resumption of the pre-hearing conference is granted and the pre-hearing conference is continued from November 15, 1955, to a date which will be subsequent to December 11, 1955, the precise date to be specified later by the Hearing Examiner after conferring with all parties to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–9074; Filed, Nov. 9, 1955; 8:49 a. m.]

[Docket Nos. 11392, 11393; FCC 55M–930]

BARTLETT AND REED MANAGEMENT AND BLACKHILLS VIDEO CO.

ORDER SCHEDULING HEARING

In re applications of Bartlett and Reed Management, Rapid City, South Dakota, Docket No. 11392, File Nos. 557/558/559/560/561/562/563–C1–P–55; and Blackhills Video Company, Rapid City, South Dakota, Docket No. 11393, File Nos. 1096/1097/1098/1099/1100/1101/1102/1103/1104/1105–C1–P–55; for construction permits for radio relay facilities.

It is ordered, This 2d day of November 1955, that Basil P. Cooper, in lieu of William G. Butts, will preside at the hearing in the above-entitled matter which is hereby scheduled to commence on December 5, 1955, in Washington, D. C.

Released: November 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–9075; Filed, Nov. 9, 1955; 8:50 a. m.]

[Docket No. 11477; FCC 55M–929]

RADIO STATION KLLL, INC. (KLLL)

ORDER SCHEDULING HEARING

In re application of Radio Station KLLL, Inc. (KLLL), Lubbock, Texas,

Docket No. 11477, File No. BP-9750, for construction permit.

It is ordered, This 2d day of November 1955, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 6, 1955, in Washington, D. C.

Released: November 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9076; Filed, Nov. 9, 1955; 8:50 a. m.]

[Docket Nos. 11493, 11494; FCC 55M-928]

RADIO BROADCASTING SERVICE AND DANA W. ADAMS

ORDER SCHEDULING HEARING

In re applications of Louis Alford, Phillip D. Brady and Albert Mack Smith, d/b as Radio Broadcasting Service, Tyler, Texas, Docket No. 11493, File No. BP-9761; Dana W. Adams, Tyler, Texas, Docket No. 11494, File No. BP-9841; for construction permits.

It is ordered, This 2d day of November 1955, that Annie Neal Huntting will preside at the hearing in the above-entitled matter which is hereby scheduled to commence on December 15, 1955, in Washington, D. C.

Released: November 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9077; Filed, Nov. 9, 1955; 8:50 a. m.]

[Docket Nos. 11503, 11504; FCC 55M-926]

HARRY LAURENCE HILL AND ARLINE S. HODGINS

ORDER SCHEDULING HEARING

In re applications of Harry Laurence Hill, Fort Lupton, Colorado, Docket No. 11503, File No. BP-9842; Arline S. Hodgins, Brighton, Colorado, Docket No. 11504, File No. BP-9885; for construction permits.

It is ordered, This 2d day of November 1955, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 19, 1955, in Washington, D. C.

Released: November 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9078; Filed, Nov. 9, 1955; 8:50 a. m.]

[Docket Nos. 11505, 11506; FCC 55M-927]

HI-LINE BROADCASTING CO. AND WOLF POINT BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Mike M. Vukelich, E. E. Krebsbach and Robert E. Coffey, d/b as Hi-Line Broadcasting Company, Wolf Point, Montana, Docket No. 11505, File No. BP-9720; Charles L. Scofield and Willard L. Holter, d/b as The Wolf Point Broadcasting Company, Wolf Point, Montana, Docket No. 11506, File No. BP-9843; for construction permits.

It is ordered, This 2d day of November 1955, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 15, 1955, in Washington, D. C.

Released: November 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9079; Filed, Nov. 9, 1955; 8:50 a. m.]

[Docket Nos. 11511, 11512; FCC 55M-925]

BOOTH RADIO AND TELEVISION STATIONS, INC., AND EATON COUNTY BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Booth Radio and Television Stations, Inc., Lansing, Michigan, Docket No. 11511, File No. BP-9767; Roy W. McLean and Craig E. Davids, d/b as Eaton County Broadcasting Company, Charlotte, Michigan, Docket No. 11512, File No. BP-9876; for construction permits.

It is ordered, This 2d day of November 1955, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 12, 1956, in Washington, D. C.

Released: November 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9080; Filed, Nov. 9, 1955; 8:50 a. m.]

[Docket No. 11516; FCC 55M-924]

ELIZABETH EVANS AND W. COURTNEY EVANS (WSUX)

ORDER SCHEDULING HEARING

In re application on Elizabeth Evans and W. Courtney Evans (WSUX), Seaford, Delaware, Docket No. 11516, File No. BMP-6870; for construction permit.

It is ordered, This 2d day of November 1955, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 3, 1956, in Washington, D. C.

Released: November 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9081; Filed, Nov. 9, 1955; 8:50 a. m.]

[Docket No. 11526; FCC 55-106]

ELYRIA-LORAIN BROADCASTING CO., INC. (WEOL)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Elyria-Lorain Broadcasting Co., Inc. (WEOL), Elyria, Ohio, Docket No. 11526, File No. BR-2173; for renewal of license.

1. The Commission has before it a protest and petition for reconsideration pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, filed October 5, 1955 by the Lorain Journal Company, Lorain, Ohio, against the Commission's action of September 7, 1955, granting without hearing the above-entitled application. An opposition to the protest was filed by the Elyria-Lorain Broadcasting Co., Inc., on October 17, 1955.

2. The Lorain Journal Company claims standing as a "party in interest" under section 309 (c) of the Communications Act of 1934, as amended, by virtue of its status as the publisher of "The Lorain Journal", a newspaper of general circulation in Lorain, Ohio. The Journal Company alleges that it publishes the sole daily newspaper in Lorain, Ohio, and that Elyria-Lorain Broadcasting, licensee of Station WEOL, although licensed for Elyria, Ohio, has auxiliary studios and originates programs in Lorain; that Station WEOL considers that it is a Lorain, as well as an Elyria station; that Station WEOL and "The Lorain Journal" are the only advertising media of general circulation in Lorain and are in competition with each other for news and advertising revenues; and that, consequently, the Journal Company will suffer economic injury within the meaning of the Sanders case [1] and, pursuant to the decision in Clarksburg Publishing Co. v. F. C. C., —— U. S. App. D. C. ——, —— F. 2d ——, decided June 9, 1955, is a "party in interest" under Section 309 (c) of the Act.

3. In support of its protest, the Journal Company alleges, in substance, that Station WEOL has engaged in competitive practices contrary to the public interest by broadcasting news stories pirated from "The Lorain Journal"; that it failed to file the subject application for renewal of license within the period prescribed by section 1.320 (a) of the Commission's rules; that in the subject renewal application Station WEOL is guilty of major deviations from original programing representations; that Station WEOL or its officers, directors, stockholders or employees have circulated or broadcast false and malicious statements regarding "The Lorain Journal"; and that it applied for a construction permit for a television station for the purpose of blocking a possible grant to the Journal Company. The protestant requests, pursuant to the provisions of sections 309 (c) and 405 of the Communications Act, that the Commission designate the above-entitled application for hearing,

[1] F. C. C. v. Sanders Brothers Radio Station, 309 U. S. 407 (1940).

on the issues specified in the protest, together with such other issues as the Commission deems appropriate, and to reconsider and set aside its order of September 7, 1955, granting the application of Elyria-Lorain Broadcasting for renewal of license of Station WEOL.

4. In its reply to the above protest, Elyria-Lorain Broadcasting argues that the Journal Company has failed to set forth particular "facts, matters and things relied upon" in support of its protest, as required by section 309 (c) of the act, and that the protest constitutes general allegations and conclusions of law insufficient under the statute without some specification of events and circumstances. Elyria-Lorain Broadcasting therefore urges that the protest be denied, but requests that if the Commission grants the protest, it should include in the order of hearing additional issues for the purpose of permitting inquiry into the basis upon which the protest was filed, the motives and integrity of The Lorain Journal Company and Mr. Samuel A. Horvitz, Vice President and publisher of "The Lorain Journal" in particular, and whether filing of the instant protest constituted an abuse of the processes of the Federal Communications Commission.

5. The protestant claims standing under section 309 (c) of the Communications Act, by virtue of the allegations that its newspaper and the applicant's station will compete for advertising revenues and that the protestant will suffer economic injury as a result of the grant of renewal. We were of the view in Ohio Valley Broadcasting Corp., 10 Pike & Fischer Rad. Reg. 452 (1954), rev'd on other grounds, Clarksburg Publishing Co. v. F. C. C., supra, that a newspaper publisher who protested the grant of a permit to construct a new television station was a "party in interest" within the meaning of section 309 (c) of the act, as amended. We are of the opinion that a newspaper publisher has similar standing to protest the grant of license renewal for a broadcasting station where the two compete with each other for news and advertising revenues. We therefore find the protestant to be a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended.

6. The only question remaining is whether the protestant has satisfied the requirements of section 309 (c) of the act, as amended, by specifying with sufficient particularity the "facts, matters and things relied upon" in support of the protest. The Commission finds that the protestant has satisfied this requirement relating to alleged deviations from Station WEOL's program commitments and to the question of whether the Elyria-Lorain application for a permit to construct a new television station was designed to "block" a grant to the protestant. With respect to the remaining issues, we are of the opinion that they amount to nothing more than general allegations "obviously insufficient under the statute without some specification of events and circumstances". Federal Broadcasting System, Inc. v. F. C. C., —— U. S. App. D. C. ——, —— F 2d ——, decided July 28, 1955.

7. As noted above, the applicant, in its opposition to the protest, requested that in the event the Commission allowed the protest, it include three issues with reference to the basis upon which the protest was filed, the motives and integrity of the protestant, and whether the filing of the instant protest constituted an abuse of the processes of the Commission. These requested issues are neither relevant to a determination of the merits of the instant protest nor to a reconsideration of our action granting the subject application. Accordingly, we are not designating for hearing the issues requested by the applicant.

8. In view of the foregoing: *It is ordered*, That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application for renewal of license is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

(1) To determine whether false and misleading statements have been made by Elyria-Lorain Broadcasting Company or its officers, directors and stockholders regarding program plans.

(2) To determine whether Elyria-Lorain Broadcasting Company has abided by its representations with regard to programming of Station WEOL.

(3) To determine whether Elyria-Lorain Broadcasting Company applied for a construction permit for a new television station in Elyria in good faith and not for the purpose of preventing another applicant from securing a construction permit for the same facilities.

(4) To determine if Elyria-Lorain Broadcasting Company has proceeded with the construction of its proposed television station in accordance with representations made to the Commission.

(5) To determine whether in the light of the above, the application of Elyria-Lorain Broadcasting Company for renewal of license of Station WEOL should be denied.

It is further ordered, That, the burden of proof as to each of the aforementioned issues shall be on the protestant; That the protestant and the Chief, Broadcast Bureau are hereby made parties to the proceeding herein; and That:

(a) The hearing on the above issues shall commence before an examiner at a time and place to be designated by subsequent order; and

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions.

Adopted: November 2, 1955.

Released: November 7, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9082; Filed, Nov. 9, 1955; 8:51 a. m.]

[Docket No. 11527; FCC 55-1062]

RICHLAND, INC. (WMAN)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Richland, Inc. (WMAN), Mansfield, Ohio, Docket No. 11527, File No. BR-1037; for renewal of license.

1. The Commission has before it a protest and petition for reconsideration, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, filed October 5, 1955, by the Mansfield Journal Company, Mansfield, Ohio, against the Commission's action of September 7, 1955, granting without hearing the above-entitled application. An opposition to such protest was filed by Richland, Inc., on October 14, 1955.

2. The Mansfield Company claims standing as a "party in interest" under section 309 (c) of the Communications Act of 1934, as amended, by virtue of its status as the publisher of "The Mansfield Journal," a newspaper of general circulation in Mansfield, Ohio. The Mansfield Company alleges that Richland, Inc., licensee of Station WMAN, and "The Mansfield Journal" are the only advertising media of general circulation in Mansfield and are in competition with each other for news and advertising revenues; and that, consequently, the Mansfield Company will suffer economic injury within the meaning of the Sanders case [1] and, pursuant to the decision in Clarksburg Publishing Co. v. F. C. C., —— U. S. App. D. C. ——, —— F. 2d ——, decided June 9, 1955; is a "party in interest" under section 309 (c) of the act.

3. In support of its protest, the Mansfield Company alleges, in substance, that Station WMAN has engaged in competitive practices contrary to the public interest by broadcasting news stories pirated from "The Mansfield Journal"; that Richland, Inc., or its officers, directors and stockholders made false representations and statements in obtaining the original authorizations for Station WMAN; that it further made false programming representations in the subject renewal application; that it failed to supply to the Commission required information as to proposed programming; and that it made application for a construction permit for an FM station for the purpose of blocking a possible grant to the Mansfield Company. The protestant requests that, pursuant to the provisions of sections 309 (c) and 405 of the Communications Act, the Commission designate the above-entitled application for hearing, on the issues specified in the protest, together with such other issues as the Commission deems appropriate, and to reconsider and set aside its order of September 7, 1955, granting the application of Richland, Inc., for renewal of license of Station WMAN.

4. In its reply to the above protest, Richland, Inc., argues that the Mans-

[1] F. C. C. v. Sanders Brothers Radio Station, 309 U. S. 407 (1940).

field Journal Company has failed to plead facts establishing its standing as a "party in interest" under section 309 (c) of the act, and that the protest has failed to set forth particular "facts, matters and things relied upon" as required by section 309 (c) of the act. Richland, Inc., urges, therefore, that the protest be denied.

5. The protestant claims standing under section 309 (c) of the Communications Act, as amended, by virtue of the allegations that its newspaper and the applicant's station will compete for advertising revenues and that the protestant will suffer alleged economic injury as a result of the grant of renewal. We were of the view in Ohio Valley Broadcasting Corp., 10 Pike & Fischer Rad. Reg. 452 (1954), rev'd on other grounds, Clarksburg Publishing Co. v. F. C. C., supra, that a newspaper publisher who protested the grant of a permit to construct a new television station was a "party in interest" within the meaning of section 309 (c) of the act, as amended. We are of the opinion that a newspaper publisher has similar standing to protest the grant of license renewal for a broadcasting station where the two compete with each other for news and advertising revenues. We therefore find the protestant to be a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended.

6. The only question remaining is whether the protestant has satisfied the requirements of section 309 (c) of the act, as amended, by specifying with sufficient particularity the "facts, matters and things relied upon" in support of the protest. The Commission finds that the protestant has satisfied this requirement with respect to the issues pertaining to programming representations appearing on Station WMAN's subject application for renewal of license. However, we are of the opinion that the issues predicated upon charges of alleged news piracy and the broadcasting of false and malicious statements by the applicant are nothing more than general allegations "obviously insufficient under the statute without some specification of events and circumstances." Federal Broadcasting System, Inc. v. F. C. C., —— U. S. App. D. C. ——, —— F. 2d ——, decided July 28, 1955. Additionally, we are denying the first three issues specified by the protestant. The issues we are declining are designed:

(a) To determine whether Richland, Incorporated has complied with the Rules and Regulations of the Federal Communications Commission with regard to the filing of accurate information as to stock ownership of said company;

(b) To determine whether false or misleading statements have ever been made by Richland, Incorporated or its officers, directors and stockholders regarding plans of financing and stock ownership;

(c) To determine whether there has ever been an unauthorized transfer of control of Richland, Incorporated;

In urging that these are matters to be inquired into at hearing on its protest, the Mansfield Company has culled, from the record of a proceeding [2] held in 1942 on the application for renewal of license for Station WMAN, matters which it thinks warrant denial of the license renewal application involved here. But the protestant is relying on matter already heard and decided in connection with the earlier proceeding. Under the circumstances, Mansfield Company is not entitled to avail itself of a remedy designed to permit hearing inquiry into matters decided without hearing. In deciding that the protestant may not retry the above issues in the section 309 (c) proceeding we are herein ordering, we are not making any determination of the materiality or relevancy of the facts and matters of record in the earlier proceeding as related to the issues herein set for hearing.

7. In view of the foregoing: *It is ordered*, That pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application for renewal of license is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

(1) To determine the accuracy of representations of Richland, Incorporated as to past programming.

(2) To determine Richland, Incorporated's plans for programming Station WMAN.

(3) To determine in the light of the foregoing whether Richland, Incorporated has the necessary qualifications to be licensee of Radio Station WMAN.

(4) To determine whether in the light of the evidence adduced under the above issues the Commission should deny the application of Richland, Incorporated for renewal of license of Station WMAN.

It is further ordered, That, the burden of proof as to each of the aforementioned issues shall be on the protestant; That the protestant and the Chief, Broadcast Bureau are hereby made parties to the proceeding herein; and That:

(a) The hearing on the above issues shall commence before an examiner at a time and place to be designated by subsequent order; and

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions.

Adopted: November 2, 1955.

Released: November 7, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9083; Filed, Nov. 9, 1955; 8:51 a. m.]

[Docket No. 11530; FCC-1091]

JAMES W. MILLER

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of James W. Miller, Milford, Massachusetts, Docket No. 11530, File No. BP-9878; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of November 1955;

The Commission having under consideration the above-entitled application of James W. Miller for a construction permit for a new standard broadcast station to operate on 1490 kilocycles with a power of 250 watts, unlimited time, at Milford, Massachusetts; and

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate the station as proposed but that operating as proposed applicant may cause interference to Stations WSAR, Fall River, Massachusetts (1480 kc, 5 kw, DA-2, U); and WHAV, Haverhill, Massachusetts (1490 kc, 250 w, U); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated August 11, 1955, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that in an amendment dated October 10, 1955, field intensity measurements were submitted purporting to show that no interference would result to Stations WSAR and WHAV, but that the measurements are insufficient to prove that the said interference would not result to Stations WSAR and WHAV; and

It further appearing that timely replies were received from Stations WSAR and WHAV in which each expressed its intention to appear at a hearing on the subject application; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would be served by the subject proposal, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the subject proposal would involve objectionable interference with Stations WSAR, Fall River, Massachusetts, and WHAV, Haverhill, Massachusetts, or any other existing broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced with respect to the foregoing issues, whether the subject proposed station would serve the public interest, convenience or necessity.

It is further ordered, That the Fall River Broadcasting Company, Inc., licensee of Station WSAR, Fall River, Massachusetts and the WHAV Broadcasting Company, Inc., licensee of Station WHAV, Haverhill, Massachusetts, are made parties to the proceeding.

Released: November 7, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9084; Filed, Nov. 9, 1955; 8:51 a. m.]

[Docket No. 11531; FCC 55-1022]

SANFORD A. SCHAFITZ

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Sanford A. Schafitz, Lorain, Ohio, Docket No. 11531, File No. BP-9934; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of November 1955;

The Commission having under consideration the above-entitled application of Sanford A. Schafitz for a construction permit for a new standard broadcast station to operate on 1380 kilocycles with a power of 500 watts, daytime only;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed station, but that the proposed operation may involve interference with Stations WTTH, Port Huron, Michigan; and WSPD, Toledo, Ohio; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated August 24, 1955, that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant filed a timely reply to the Commission's letter; and

It further appearing that Stations WSPD and WTTH in letters dated July 1 and 22, 1955, respectively, requested that the subject application be designated for hearing on grounds of the above-described interference and that they be made parties to the hearing; and

It further appearing that the Commission, after consideration of the applicant's reply, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and population which would receive primary service from the proposed operation, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would involve objectionable interference with Stations WTTH, Port Huron, Michigan, and WSPD, Toledo, Ohio, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine whether in the light of the evidence adduced under the foregoing issues, a grant of the proposed operation would be in the public interest.

It is further ordered, That The Times Herald Company, licensee of Station WTTH, Port Huron, Michigan; and Storer Broadcasting Company, licensee of Station WSPD, Toledo, Ohio, are made parties to the proceeding.

Released: November 7, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9085; Filed, Nov. 9, 1955; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7415]

BYERS-WIEN MERGER

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of the joint application of Wien Alaska Airlines, Inc. and Byers Airways, Inc. for approval of agreement of acquisition and purchase of the routes and certificate of Byers Airways, Inc.

Notice is hereby given that the prehearing conference in the above-entitled proceeding now assigned for November 9, 1955, is hereby cancelled and reassigned to be held on November 22, 1955, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 7, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-9073; Filed, Nov. 9, 1955; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6649]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

NOVEMBER 7, 1955.

Take notice that on October 19, 1955, with amendment thereto on October 28, 1955, an application was filed with the Federal Power Commission pursuant to Section 204 of the Federal Power Act by Montana-Dakota Utilities Co. (Applicant), a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of 50,000 shares of Preferred Stock of the par value of $100 each. Applicant states that the said stock will be of the same class and of equal rank with the 4.5 percent series of Preferred Stock now outstanding; the 50,000 shares of Preferred Stock proposed to be issued will be designated as a separate series. The dividend rate of the proposed stock will not exceed 5 percent per annum and the redemption premium will not exceed $5 per share. The dividends will be cumulative from October 1, 1955. Applicant has requested exemption from the competitive bidding requirements and proposes to issue the Preferred Stock under an underwriting agreement to be arrived at through private negotiation, all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 25th day of November 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's Rules of Practice and Procedure. The application is on file and available for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9086; Filed, Nov. 9, 1955; 8:52 a. m.]

[Docket No. G-9592]

FOREST OIL CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Forest Oil Corporation (Applicant), on October 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, undated	United Fuel Gas Co.	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 3.	Nov. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

[2] Richland, Inc. (WMAN), 10 F. C. C. 395 (1944).

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same is hereby suspended and the use thereof deferred until April 3, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9091; Filed, Nov. 9, 1955; 8:53 a. m.]

[Docket No. G-9254]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 3, 1955.

Take notice that East Tennessee Natural Gas Company, Applicant, a Tennessee corporation whose address is P. O. Box 831, Knoxville, Tennessee, filed an application on August 23, 1955, as supplemented on September 19, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate a physical connection and metering and regulating equipment at a point on its existing main 12-inch line in Franklin County, Tennessee, to permit the delivery and sale of a firm daily volume of up to 2,000 Mcf to the Elk River Public Utility District (District) for resale in and near the towns of Winchester and Decherd, Tennessee.

The cost of East Tennessee's projected facilities is estimated at $12,626 to be obtained from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, December 13, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1), or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 21, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9088; Filed, Nov. 9, 1955; 8:52 a. m.]

[Docket No. G-9503]

TEXAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

The Texas Company (Applicant), on October 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change, undated...	United Fuel Gas Co.....	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 3.	Nov. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 3, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9092; Filed, Nov. 9, 1955; 8:53 a. m.]

[Docket No. G-9594]

TEXAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

The Texas Company (Applicant), on October 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change, undated....	United Fuel Gas Co.....	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 2.	Nov. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes,

[1] Commissioner Digby dissenting.

and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 3, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9093; Filed, Nov. 9, 1955; 8:53 a. m.]

[Docket No. G-6063]

ELM OIL AND GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 3, 1955.

Take notice that Elm Oil and Gas Company (Applicant), a Delaware corporation whose address is 602 Fidelity Union Life Building, Dallas, Texas, filed on November 26, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced in the Hugoton Field, Kearny and Grant Counties, Kansas, to Colorado Interstate Gas Company, at 11 cents per Mcf, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 9, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 22, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9087; Filed, Nov. 9, 1955; 8:52 a. m.]

[Docket No. G-9595]

TEXAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

The Texas Company (Applicant), on October 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change, undated...	United Fuel Gas Co.....	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 4.	Nov. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 3, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9094; Filed, Nov. 9, 1955; 8:53 a. m.]

[Document No. G-9596]

TEXAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

The Texas Company (Applicant), on October 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurdisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change, undated...	United Fuel Gas Co.....	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 5.	Nov. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 day's notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed

changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 3, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9095; Filed, Nov. 9, 1955; 8:53 a. m.]

[Docket No. G-9316]

FRYER & HANSON DRILLING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 3, 1955.

Take notice that Fryer & Hanson Drilling Company (Applicant), a partnership, whose address is 2520 Republic National Bank Building, Dallas, Texas, filed on September 12, 1955, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from a one-fourth working interest in the Olin Industries, Inc. Unit No. 1 in the Carthage Field, Panola County, Texas, at an initial price of 9.689525 cents per Mcf, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 9, 1955, at 9:35 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 22, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9089; Filed, Nov. 9, 1955; 8:52 a. m.]

[Docket No. G-9597]

H. L. BROWN

ORDER SUSPENDING PROPOSED CHANGES IN RATES

H. L. Brown (Applicant), on October 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, undated...	United Fuel Gas Co.....	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 3, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9096; Filed, Nov. 9, 1955; 8:54 a. m.]

[Docket No. G-9598]

DOLTE CHERAMIE

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Dolte Cheramie (Applicant), on October 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, undated...	United Fuel Gas Co.....	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 3, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9097; Filed, Nov. 9, 1955; 8:54 a. m.]

[Docket No. G-9329]

MESSENGER-WHITE GAS CO. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 3, 1955.

Take notice that Messenger-White Gas Company, et al. (Applicant), a West Virginia organization whose address is Glenville, West Virginia, filed on September 15, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from Stewarts Creek Field, Baldwin County, West Virginia, to Equitable Gas Company at an initial price of 20 cents per Mcf, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 9, 1955, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 22, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9090; Filed, Nov. 9, 1955; 8:52 a. m.]

[Docket No. G-9599]

ROBERT MOSBACHER

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Robert Mosbacher (Applicant), on October 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, undated...	United Fuel Gas Co.....	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 3, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9098; Filed, Nov. 9, 1955; 8:54 a. m.]

[Docket No. G-9600]

EUNICE J. VINET

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Eunice J. Vinet (Applicant), on October 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, undated...	United Fuel Gas Co.....	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes,

[1] Commissioner Digby dissenting.

[1] Commissioner Digby dissenting.

and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 3, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9099; Filed, Nov. 9, 1955; 8:54 a. m.]

[Docket No. G-9601]

W. R. WHEELER

ORDER SUSPENDING PROPOSED CHANGES IN RATES

W. R. Wheeler (Applicant), on October 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change, undated...	United Fuel Gas Co.....	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 3, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9100; Filed, Nov. 9, 1955; 8:54 a. m.]

[1] Commissioner Digby dissenting.

[Docket No. G-9602]

JAMES L. WOODS

ORDER SUSPENDING PROPOSED CHANGES IN RATES

James L. Woods (Applicant), on October 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change, undated...	United Fuel Gas Co.....	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 3, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9101; Filed, Nov. 9, 1955; 8:55 a. m.]

[Docket No. G-9603]

PAN AMERICAN PRODUCTION CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Pan American Production Company (Operator), et al. (Applicant), on October 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change, dated Sept. 26, 1955.	United Fuel Gas Co.....	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 2.	Nov. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 6, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9102; Filed, Nov. 9, 1955; 8:55 a. m.]

[Docket No. G-9604]

COLTEXO CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Coltexo Corporation (Applicant), on October 6, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change, dated Oct. 5, 1955.	United Fuel Gas Co.....	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 6, 1955.

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 6, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9103; Filed, Nov. 9, 1955; 8:55 a. m.]

[1] Commissioner Digby dissenting.

[Docket No. G-9605]

MID-GULF EXPLORATION CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

The Mid-Gulf Exploration Company (Applicant), on October 5, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change, dated Oct. 1, 1955.	United Fuel Gas Co.....	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 5, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 5, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9104; Filed, Nov. 9, 1955; 8:55 a. m.]

[Docket No. G-9606]

JAY SIMMONS ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Jay Simmons et al. (Applicant), on October 4, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Oct. 1, 1955.	United Fuel Gas Co.	Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. 7.	Nov. 4, 1955.

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 4, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9105; Filed, Nov. 9, 1955; 8:55 a. m.]

[Docket No. G-9607]

JOHN L. ABERCROMBIE ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

John L. Abercrombie et al. (Applicant), on October 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, undated....	United Fuel Gas Co.....	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

[1] Commissioner Digby dissenting.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 3, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9106; Filed, Nov. 9, 1955; 8:55 a. m.]

[Docket No. G-9608]

TIDE WATER ASSOCIATED OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Tide Water Associated Oil Company (Applicant), on October 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, undated...	United Fuel Gas Co.....	Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 26.	Nov. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred

until April 3, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9107; Filed, Nov. 9, 1955; 8:56 a. m.]

[Docket No. G-9609]

TEXAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

The Texas Company (Applicant), on October 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurdisdiction of the Commission. The proposed changes, which constitute increased rates and charges are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, undated...	United Fuel Gas Co.....	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 6.	Nov. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 3, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9108; Filed, Nov. 9, 1955; 8:56 a. m.]

[Docket No. G-9610]

WARREN PETROLEUM CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Warren Petroleum Corporation (Applicant), on October 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, undated...	Texas Eastern Transmission Corp.	Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 18.	Nov. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 3, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, undated....	Texas Eastern Transmission Corp.	Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. 5.	Nov. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[Docket No. G-9611]

SOUTHWEST GAS PRODUCING CO., INC.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Southwest Gas Producing Company, Inc. (Applicant), on October 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9109; Filed, Nov. 9, 1955; 8:56 a. m.]

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary, concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 3, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 2, 1955.

Issued: November 2, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9110; Filed, Nov. 9, 1955; 8:56 a. m.]

[Docket No. G-9612]

SOUTHWEST GAS PRODUCING CO., INC.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Southwest Gas Producing Company, Inc. (Applicant), on October 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change, undated	Texas Eastern Transmission Corp.	Supplement No. 9 to Applicant's FPC Gas Rate Schedule No. 6.	Nov. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 3, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission.[1]

Adopted: November 2, 1955.

Issued: November 2, 1955.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-9111; Filed, Nov. 9, 1955; 8:56 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 7, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31280: *Corn from Madison, Fla., to Georgia.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on corn, shelled, in bulk, carloads from Madison, Fla., to Augusta and Waynesboro, Ga.

Grounds for relief: Circuity.

Tariff: Supplement 108 to Agent Spaninger's I. C. C. 1325.

FSA No. 31281: *Petroleum coke from Oklahoma to West Virginia.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum coke, carloads from Ponca City and Tulsa, Okla., to Clarksburg and Kenova, W. Va.

Grounds for relief: Market competition, short-line distance formula, and circuity.

Tariff: Supplement 52 to Agent Kratzmeir's I. C. C. 3983.

FSA No. 31282: *Molasses from New Orleans to Texas and New Mexico.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on blackstrap molasses, carloads from New Orleans, La., to points in Texas and New Mexico.

Grounds for relief: Port competition and to maintain rates prescribed in Docket No. 31461, decided June 1, 1955.

Tariff: Supplement 122 to Agent Brown's I. C. C. No. 796.

FSA No. 31283: *Caustic soda to Jeffersonville, Ind.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on caustic soda, in solution, tank-car loads from Baton Rouge, North Baton Rouge, La., Memphis, Tenn., and Calvert, Ky.

Grounds for relief: Market competition and circuity.

Tariffs: Supplement 169 to Agent Spaninger's I. C. C. 1351; Supplement 141 to Agent J. H. Marque's I. C. C. 417.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-9067; Filed, Nov. 9, 1955; 8:48 a. m.]

[1] Commissioner Digby dissenting.

SMALL BUSINESS ADMINISTRATION

[SBA Group Loan Request 1]

NORTHERN NATIONAL BANK OF PRESQUE ISLE AND MAINE STARCH SALES CO.

REQUEST FOR LOAN TO MAINE STARCH SALES CO. FOR BENEFIT OF CERTAIN COMPANIES

Pursuant to section 207 of the Small Business Act of 1953, as amended by Public Law 268 of the 84th Congress, 1st Session, the request of Northern National Bank of Presque Isle, Maine (hereinafter called "Bank"), and Maine Starch Sales Company, Presque Isle, Maine (hereinafter called "Borrower"), on Applications dated October 6, 1955, for an immediate participation of 90 percent of a loan in the amount of $700,000 to be made by Bank to Borrower for the benefit of certain companies, was approved by me on October 27, 1955.

I find that the making of this loan does contribute to the needs of small business. This finding has been concurred in by the Attorney General after consultation with the Attorney General and with the Chairman of the Federal Trade Commission pursuant to section 207 (a) of the Small Business Act of 1953, as amended by Public Law 268, 84th Congress, 1st Session.

Borrower and the participating companies, namely:

Aroostock Potato Products, Inc., Houlton, Maine.
Colbey Co.-operative Starch Co., Caribou, Maine.
Eastern Maine Starch Co., Caribou, Maine.
Frenchville Starch Co., Frenchville, Maine.
Frontier Starch Co., Fort Fairfield, Maine.
Grand Isle Starch Co., Grand Isle, Maine.
Higgins & Lenfest, Inc., Mapleton, Maine.
Harold Leighton, Limestone, Maine.
Long Lake Starch Co., Long Lake, Maine.
Machias Starch Co., Ashland, Maine.
New England Starch Co., Caribou, Maine.
Northern Aroostock Starch Co., Fort Kent, Maine.
Gertrude Osborne, Fort Fairfield, Maine.
Page Starch Co., Caribou, Maine.
Philbrick Starch Co., Van Buren, Maine.
C. A. Powers Co., Fort Fairfield, Maine.
Presque Isle Starch Co., Presque Isle, Maine.
G. H. Stone & Sons, Inc., Fort Fairfield, Maine.
Westfield Starch Co., Westfield, Maine.

are hereby granted immunity from prosecution under the Federal Antitrust Laws and Federal Trade Commission Act, provided that the proceeds of the loan shall be used by the participating companies for the purpose of purchasing raw materials for use in the manufacture of potato starch, and provided further, that Borrower will not engage in the sale or distribution of manufactured potato starch either on Borrower's own behalf, or on behalf of, or as agent of, any of the participating companies, but that Borrower's activities will be restricted to assisting participating companies in purchasing or acquiring a supply of unprocessed potatoes for their individual requirements.

Dated: October 31, 1955.

WENDELL B. BARNES, *Administrator, Small Business Administration.*

[F. R. Doc. 55-9051; Filed, Nov. 9, 1955; 8:45 a. m.]

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Washington, Friday, November 11, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

REVOCATION OF SECTIONS

Effective November 1, 1955, §§ 25.401 through 25.408 of Subpart D are revoked.

(Sec. 1101, 63 Stat. 971; 5 U. S. C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-9127; Filed, Nov. 10, 1955; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

REMOVAL OF SAMPLES

Pursuant to the authority contained in section 4863 of the Internal Revenue Code of 1954 (Public Law 591, 83d Congress, 68A Stat. 582; 26 U. S. C. Supp. 4863), § 27.28 of the regulations relating to cotton classification (7 CFR 27.28, as amended, 20 F. R. 6373) is hereby amended to read as follows:

§ 27.28 *Removal of samples.* (a) Samples in the custody of the Department of Agriculture that are not removed in accordance with paragraphs (b) and (c) of this section shall become the property of the Department of Agriculture and be disposed of in accordance with § 27.86.

(b) The sample may be removed, by the current holder of the cotton classification certificate covering the cotton represented by such sample, at any time within 30 days after whichever of the following occurs first: (1) Such certificate becomes invalid as provided in § 27.42, or (2) the certificate (covering tenderable cotton) is surrendered for cancellation without the issuance of a new certificate in lieu thereof, or (3) the cotton is classified as untenderable and an application for review is not filed within the time specified in § 27.62: *Provided,* That the chairman of the board of cotton examiners may for good cause retain the samples for a longer period.

(c) In case a classification request shall be withdrawn prior to the classification of the cotton pursuant thereto, the applicant may, within 30 days after the date of such withdrawal, remove any samples of the cotton involved then in the possession of the Department of Agriculture.

This amendment deletes the following 2 conditions under either of which holders of cotton classification certificates (warehouse receipts) could formerly remove samples from the custody of the Department of Agriculture: (1) The classification of the cotton had been reviewed and a fiber fineness and maturity determination had been made, and (2) a period of 1 year had elapsed following the date of issuance of the original cotton class certificate.

The amendment harmonizes the regulation on removal of samples with the present rules of the cotton futures exchanges and will avoid confusion and inconvenience to tenderers and receivers of cotton on futures contracts by assuring that the samples of cotton certified as tenderable under the regulations will be available for removal by the final receiver who decertificates the cotton represented by the samples. The exchanges have requested amendent of the regulations for this purpose. The amendment requires no preparation on the part of users of the classification service. It should be made effective as soon as possible in order to be of maximum benefit to affected persons. Therefore under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice of rule-making and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 4863, 68A Stat. 582; 26 U. S. C. Supp. 4863)

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FEDERAL REGISTER

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Done at Washington, D. C., this 8th day of November 1955.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 55-9130; Filed, Nov. 10, 1955; 8:47 a. m.]

PART 58—GRADING AND INSPECTION OF DAIRY PRODUCTS

SUBPART B—MINIMUM SPECIFICATIONS FOR APPROVED PLANTS MANUFACTURING, PROCESSING, AND PACKAGING DAIRY PRODUCTS UNDER UNITED STATES DEPARTMENT OF AGRICULTURE INSPECTION [1]

A notice of proposed rule making covering issuance of Minimum Specifications for Approved Plants Manufacturing, Processing, and Packaging Dairy Products under United States Department of Agriculture Inspection was published in the FEDERAL REGISTER of August 10, 1955 (20 F. R. 5780) and afforded interested persons the opportunity to submit written data, views or arguments in connection therewith. The minimum specifications hereinafter promulgated are pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.). The minimum specifications are approximately identical to the provisions published as proposed rule making with minor changes and additions as follows: For the purpose of clarification, slight changes have been made in the wording of §§ 58.105, 58.107, 58.136 and 58.143 (l). For the purpose of providing a more specific procedure, additions have been made to §§ 58.143 (a) and (d), 58.144 (b) and 58.176.

The minimum specifications will supersede the current provisions of "Instructions Governing Plants Operating as Official Plants Processing and Packaging Dairy Products." These revised minimum specifications will be used by the Department in providing the dairy industry with voluntary inspection and grading service applicable to manufactured or processed dairy products. Such inspection and grading service will be provided to the industry only upon request by the applicant. Full cost of the service will be borne by the company or organization utilizing same.

Revision of these minimum specifications is based on the Department's experience in providing voluntary inspection and grading service in the past and on the basis of many informal discussions and suggestions by all major segments of the dairy industry.

After consideration of all relevant material presented, including the proposals in the aforesaid notice of rule making, the minimum specifications hereinafter set forth are promulgated to become effective 30 days after publication in the FEDERAL REGISTER

The minimum specifications are as follows:

DEFINITIONS

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58.101 Approved laboratory.
58.102 Approved plant.
58.103 Bactericidal treatment.
58.104 Cream.
58.105 Dairy products.
58.106 Grader.
58.107 Inspector.
58.108 Milk.
58.109 Rules and regulations.
58.110 USDA.

PURPOSE

58.120 Approved plants operating under USDA inspection.

APPROVED PLANTS

58.122 Survey and approval.
58.123 Suspension of plant approval.

PREMISES, PLANT, FACILITIES, EQUIPMENT AND UTENSILS

58.127 Premises.
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SPECIFICATIONS FOR RAW MILK AND FARM SEPARATED CREAM

Sec.
58.142 Transportation and protection of raw material while in transit.
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58.150 Clean and sanitary methods.
58.151 Segregation of raw material.
58.152 Raw material deterioration.
58.153 Milk or cream storage.
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58.159 Product contamination.
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58.161 Wholesomeness.
58.162 Product stability.
58.168 Cleaning and bactericidal treatment of equipment and utensils.
58.169 Plant records.

PACKAGING AND GENERAL IDENTIFICATION

58.175 Containers.
58.176 Packaging and repackaging.
58.177 General identification.

STORAGE OF FINISHED PRODUCT

58.182 Dry storage.
58.183 Refrigerated storage.

INSPECTION, GRADING, AND OFFICIAL IDENTIFICATION

58.187 Grading.
58.188 Inspection.
58.189 Official identification.
58.190 Local or state regulations and specifications.
58.195 Explanation of terms.

AUTHORITY: §§ 58.101 to 58.195 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

DEFINITIONS

§ 58.101 *Approved laboratory.* An "approved laboratory" is one in which the entire facilities and equipment have been approved by the Administrator as being adequate to perform the necessary official tests in accordance with the rules and regulations in this part.

§ 58.102 *Approved plant.* "Approved plant" means one or more adjacent buildings, or parts thereof, comprising a single plant at one location in which the facilities and methods of operation therein have been approved by the Administrator as suitable and adequate for operation under inspection or grading service and in which inspection or grading is carried on in accordance with the regulations in this part.

§ 58.103 *Bactericidal treatment.* "Bactericidal treatment" means subjection to an acceptable sanitizing agent.

§ 58.104 *Cream.* "Cream" means that portion of milk, which is produced by healthy cows located in modified tuberculosis-free areas or from cows in herds fully accredited as tuberculosis-free by the United States Department of Agriculture, and which rises to the surface on standing or is separated by centrifugal force and contains not less than eighteen percent of milk fat.

§ 58.105 *Dairy products.* "Dairy products" means butter, cheese (whether natural or processed), milk, cream, milk products (whether dried, evaporated, stabilized or condensed), ice cream, dry whey, dry buttermilk, and such other perishable dairy products as the Secretary may hereafter designate. Such term shall also include any food product which is prepared or manufactured from any of the aforesaid products if such products constitute at least 50 percent, by weight, of all the ingredients used in the preparation or manufacture of such food product. Such food product shall not contain any fats except milk fats and those fats inherent to the food product graded.

§ 58.106 *Grader.* "Grader" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the act and this part, to shippers of products and other interested parties the class, quality, quantity, and condition of such products.

§ 58.107 *Inspector.* "Inspector" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to inspect and certify quality, quantity, and condition of products, supervise the operation in an approved plant and perform plant surveys.

§ 58.108 *Milk.* "Milk" means the whole lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows located in modified tuberculosis-free areas or from cows in herds fully accredited as tuberculosis-free by the United States Department of Agriculture.

§ 58.109 *Rules and regulations.* The term "rules and regulations" contained in Subpart A of this part; and all other terms which are used in this subpart shall have the meaning applicable to such terms as defined in said rules and regulations.

§ 58.110 *USDA.* The term "USDA" means the United States Department of Agriculture.

PURPOSE

§ 58.120 *Approved plants operating under USDA inspection.* (a) The minimum specifications established in this subpart provide the basis for a quality improvement program which may be effectively carried forward through official inspection and grading service. Adoption of certain sound practices at dairy plants should significantly aid operators to more consistently manufacture uniform high-quality stable dairy products. Dairy products processed and packaged in an approved plant shall be graded and/or inspected and may be identified with official inspection and/or grade labels. Such standardized dairy products properly labeled and merchandised should encourage greater consumer acceptance and use of dairy products.

(b) This USDA inspection service is provided to dairy plants on a voluntary basis. The operator of any dairy plant desiring to have such plant qualified as an approved plant under USDA inspection service may request a survey of such plant, premises, equipment, facilities, and raw material to determine whether they are adequate to permit plant operation in accordance with the minimum specifications contained in this subpart. The cost of this survey shall be borne by the applicant. The cost of the inspection service, after inauguration of the program, includes the salary of an inspector(s) or grader(s) plus a prescribed administrative charge.

APPROVED PLANTS

§ 58.122 *Survey and approval.* (a) Prior to the inauguration of USDA inspection and grading service in a plant, a designated representative of the Administrator shall make a survey and inspection of the plant, premises, and raw material, including a general review of the source of supply, volume of raw material processed daily and facilities for handling the raw material at the initial receiving point and the plant, to determine whether the facilities, equipment, method of operation, and raw material being received are adequate and suitable for grading service in accordance with the provisions of this part and such further specifications which may hereafter be issued with respect to minimum requirements, facilities, operating methods and procedures, raw materials, and sanitation in the plant and which are in effect at the time of the aforesaid survey and inspection.

(b) A plant may be designated as an "approved plant" for inspection and grading service only upon compliance with the requirements of this part, and at such time as the management is prepared and has agreed to operate the plant in accordance therewith.

(c) The cost of performing a plant survey shall be borne by the applicant requesting such survey.

§ 58.123 *Suspension of plant approval.* Any plant approval may be suspended for (a) failure to maintain plant and equipment in a sanitary and satisfactory operating condition, (b) the use of unwholesome raw material or use of operating procedures which are not in accordance with the provisions of this part, (c) failure to process or manufacture stable product, (d) failure to maintain legal composition of the finished product, or (e) major alterations of buildings, facilities, or equipment, without prior approval by the Administrator.

PREMISES, PLANT, FACILITIES, EQUIPMENT, AND UTENSILS

§ 58.127 *Premises.* (a) The premises shall be kept in a clean and orderly condition, and should be free from strong or foul odors, smoke-laden or excessive air pollution. Dust in driveways and immediate plant area should be kept to a minimum.

(b) The outside surroundings shall be also free from refuse, rubbish, and waste materials to prevent harborage of rodents, insects, and other vermin.

(c) A suitable drainage system shall be provided to allow rapid drainage of all water from plant buildings and surface water around the plant and on the premises, and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

[1] Compliance with these specifications does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 58.128 *Building.* The building or buildings shall be of sound construction and kept in good repair to prevent the entrance or harboring of insects, rodents, vermin, dogs, and cats. All pipe openings shall be completely cemented or provided with tight metal collars.

(a) *Outside doors, windows, openings, etc.* All openings to the outer air, including doors, windows, skylights, and transoms shall be effectively protected or screened against the entrance of flies and other insects, rodents, dust, and dirt. All outside doors opening into processing rooms shall open outward and be constructed of metal or the bottom edge shall be flashed and edged with sheet metal to a height of six inches. All doors and windows shall be kept clean and in good repair. Outside conveyor openings and other special-type outside openings shall be effectively protected at all times against the entrance of flies and rodents by the use of doors, screens, flaps, fans, or tunnels.

(b) *Walls, ceilings, partitions and posts.* The walls, ceilings, partitions, and posts of rooms in which milk or milk products are processed, packaged, or handled, or in which utensils are washed and stored, shall be finished in suitable light color with smooth washable concrete, tile, cement-plaster, or other easily cleaned material which is substantially impervious to moisture. They shall be kept clean and refinished as often as necessary to maintain them in good repair.

(c) *Floors.* The floors of all rooms in which milk and milk products are processed or packaged or in which utensils are washed shall be constructed of concrete, or of tile laid closely together with impervious joint material, or of other equally impervious and easily cleaned material. They shall be smooth, kept in good repair, sloped so that there will be no pools of standing water after flushing and the drains shall be equipped with traps properly constructed and kept in good repair to avoid foul odors therefrom. The plumbing shall be so installed as to prevent any back-up of sewage into drain line and to floor of plant.

(d) *Lighting and ventilation.* There shall be ample light, natural or artificial or both, of good quality and well distributed, and adequate ventilation for all rooms and compartments to permit maintenance of sanitary conditions. All rooms where milk or milk products are processed, packaged, or handled, or where utensils and/or equipment are washed should have at least 10 to 30 foot-candles of light intensity on all working surfaces; at least 30 to 50 foot-candles of light intensity in areas where dairy products are examined for condition and quality; and at least 5 foot-candles of light in all other rooms, when measured from a distance of 30 inches above the floor. Light bulbs and fluorescent tubage shall be protected against breakage where necessary. All rooms shall be adequately ventilated to minimize or eliminate objectionable odors and moisture condensation. Exhaust fans, vents, and hoods shall be provided to supplement windows and doors where and when needed.

(e) *Rooms and compartments.* Each room and each compartment in which any raw material, packaging and ingredient supplies, or finished products are handled, processed, or stored shall be so designed and constructed as to assure processing and operating conditions of a clean and orderly character, free from objectionable odors and vapors, and maintained accordingly. Rooms for receiving milk and cream should be separated from processing rooms. Each cold storage room shall possess sufficient and proper refrigeration to adequately protect the quality and condition of the products stored.

(1) *Coolers and freezers.* The coolers and freezers shall be of adequate size and equipped with facilities for proper temperature and humidity conditions consistent with the most desirable commercial practices for the applicable product. Coolers and freezers shall be kept clean, dry, orderly, free from insects, rodents, and mold and maintained in good repair. They shall be adequately lighted and proper circulation of air shall be maintained at all times. The floors, walls, and ceilings shall be constructed of impervious material to permit thorough cleaning.

(2) *Cheddar cheese drying room.* The cheddar cheese drying room shall be sufficiently large to permit holding of cheese prior to waxing for sufficient time to provide a smooth thoroughly dry surface—generally 48 to 72 hours is required. The drying room shall be kept clean and free from mold and shall be equipped with facilities for proper air circulation, control of temperature and relative humidity. There shall be ample shelving, properly spaced, and the shelves so constructed to permit easy cleaning. The shelves shall be kept clean and dry.

(3) *Dry storage (product).* The storage rooms for the dry storage of product shall be adequate in size, kept clean, dry, orderly, free from insects and mold and maintained in good repair. They shall be adequately lighted and ventilated. Control of humidity and temperature shall be maintained at all times consistent with good commercial practices which will not impair the quality of the finished product.

(4) *Supply room.* The supply rooms used for the purpose of storing packaging materials, containers, and miscellaneous ingredients shall be kept clean, dry, orderly, free from insects, rodents and mold, and maintained in good repair. Such items stored therein shall be adequately protected from dust, dirt, or other extraneous matter and so arranged as to permit cleaning, inspection, and spraying. The rooms shall be adequately lighted and ventilated.

(5) *Boiler, compressor, and tool rooms.* The boiler and tool rooms shall be separated from other rooms where milk and milk products are processed, manufactured, packaged, handled, or stored. The rooms shall be adequately lighted and ventilated. Ammonia compressors should be so located as to prevent any ammonia leakage from damaging milk or milk products.

(6) *Toilet and dressing rooms.* Adequate toilet and dressing room facilities shall be conveniently located but shall not open directly into any room in which milk, milk products, or ingredients are processed, packaged or stored. The toilet rooms shall be well lighted and ventilated by openings to the outer air. The toilet rooms and fixtures shall be kept clean and in good repair. The doors of all toilet rooms shall be self-closing. All employees shall be furnished with a locker or other suitable facility and the dressing rooms shall be kept clean and orderly. A durable, legible sign or signs shall be posted conspicuously in each toilet or dressing room directing employees to wash their hands before returning to work.

(7) *Grading room.* A separate grading room or designated area shall be provided for the inspection and grading of finished products. The grading room or area shall be suitably located, sufficient in size, well lighted, ventilated and the temperature range should preferably be between 60 and 80° F. and shall not be below 50° F. It shall be kept clean and dry, free from foreign odors and reasonably free from disturbing elements which would interfere with proper concentration by the grader. The grading room or area shall be equipped with a table or desk and facilities for washing hands.

(8) *Inspector's office.* An office shall be provided for official purposes. The room shall be conveniently located, adequate in size, and equipped with desk, storage supply cabinet, and clothes locker. It shall be well lighted, ventilated, heated, and custodial service furnished.

(9) *Laboratory.* (i) An adequate laboratory shall be maintained and properly staffed with trained and qualified personnel for control and analytical purposes. It shall be located reasonably close to the processing activity in a well-lighted and ventilated room of sufficient size to permit proper performance of the tests necessary in evaluating the raw and finished products. An approved central control laboratory serving several plants will be acceptable if conveniently located and samples and results of tests can be transmitted without undue delay.

(ii) Adequate equipment and facilities shall be provided for performing the required tests as determined by the nature and variety of dairy products processed. If the laboratory is to qualify as an "approved laboratory" it shall meet the requirements as set forth in § 58.101.

§ 58.129 *Facilities*—(a) *Water supply.* (1) There shall be an ample supply of both hot and cold water; and the water shall be of safe and sanitary quality with adequate facilities for its proper distribution throughout the plant and protection against contamination and pollution. Bacteriological examination should be made of the water supply at least twice a year, or as often as necessary, to determine purity and suitability for use in processing or manufacturing of dairy products. Such tests shall be made by a USDA or State agency laboratory or other approved laboratory and the results shall be kept on file at the plant for examination by the inspector.

(2) The location, construction and operation of the well shall comply with applicable local or State regulations.

(b) *Drinking-water facilities.* Drinking-water facilities of a sanitary type shall be provided in the plant and so located as to be convenient for employee use.

(c) *Hand-washing facilities.* Convenient hand-washing facilities shall be provided, including hot and cold running water, soap, or other detergents, and approved sanitary towels. Such accommodations shall be located in or adjacent to toilet and dressing rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products. Self-closing metal containers shall be provided for used towels and other wastes. Vats for washing equipment shall not be deemed satisfactory as hand-washing facilities for personnel.

(d) *Disposal of wastes.* Dairy waste shall be properly disposed of from the plant and premises. The sewage system shall have sufficient slope and capacity to readily remove all waste from the various processing operations. Containers used for the collection and holding of wastes, in the processing rooms, shall be kept covered or be of the self-closing type. Outside trash containers shall be constructed of metal and kept covered with tight-fitting lids and placed on a concrete slab or on a rack which is at least 12 inches above the ground. Solid wastes shall be disposed of daily and the containers cleaned before reusage.

§ 58.132 *Equipment and utensils*—(a) *Construction, repair and installation of equipment and utensils.* The equipment and utensils, including sanitary pumps, piping, fittings and connections, coming in contact with raw material and product shall be made of stainless steel. Other non-corrosive material which will not adversely affect the product also may be approved. Churns of wood construction may be temporarily approved if the wood is in sound condition. All equipment, utensils and piping shall be installed so as to be easily accessible for cleaning and shall be kept in good repair and free from cracks and corroded surfaces. The equipment, where applicable, should be set out approximately 24 inches from any wall and spaced approximately 24 inches between pieces of equipment which measure more than 48 inches on the parallel sides. Cleaned-in-place sanitary piping properly constructed of suitable material and properly installed will be acceptable.

(b) *New equipment and replacements.* New equipment and replacements where applicable shall meet the 3A Standards formulated by the International Association of Milk and Food Sanitarians, United States Public Health Service, and the Dairy Industry Committee. If 3A specifications are not available, such equipment and replacements shall be approved by the Administrator.

(c) *Contract specifications.* Where contract specifications specifically require stainless steel equipment and utensils in the processing, manufacturing or repackaging of any dairy product such specifications shall take precedence and govern the operation.

(d) *High temperature short time pasteurizers.* An approved automatic flow diversion valve and holding tube or its equivalent, if not a part of the existing equipment, should be installed on all HTST pasteurization equipment, including vacuum type pasteurizers, to assure complete pasteurization. When vacuum type pasteurizers are used the steam shall be conducted through a steam strainer and a steam purifier equipped with a steam trap. Such pasteurizing facilities shall yield a negative phosphatase test on milk or cream.

(e) *Thermometers and recorders*—(1) *Indicating thermometers.* (i) Long stem indicating thermometers which are accurate within 0.5° F. plus or minus for the applicable temperature range shall be provided for the purpose of checking temperatures of pasteurization and/or cooling of products in vats and for checking the accuracy of recording thermometers.

(ii) Short stem indicating thermometers which are accurate within 0.5° F. plus or minus for the applicable temperature range shall be installed in the proper stationary position in all HTST pasteurizers and all storage tanks where temperature readings are required.

(iii) Air-space indicating thermometers, where applicable, which are accurate within 1.0° F. plus or minus for the proper temperature range shall also be installed above the surface of the products pasteurized in vats, to make certain that the temperature of the foam and/or air above the products pasteurized also received the required minimum temperature treatment.

(2) *Recording thermometers.* Recording thermometers which are accurate within 1.0° F. plus or minus (2.0° F. at high temperatures) for the applicable temperature range shall be used on all vats or HTST equipment used for pasteurizing any milk or milk products to record the temperature and time held. Other recorders may be necessary where a record of temperature or time of cooling and holding is of significant importance. For more detailed specifications as to type, accuracy of installation of thermometers or recorders, the specifications as outlined by the United States Public Health Service Milk Ordinance and Code shall apply.

(f) *Heavy-duty vacuum cleaner.* Each plant should be equipped with a heavy-duty industrial vacuum cleaner and regular schedules established for thoroughly vacuuming applicable equipment and areas in the plant. The material picked up by vacuum cleaners shall be disposed of promptly.

PERSONNEL, CLEANLINESS AND HEALTH

§ 58.135 *Cleanliness.* All employees shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking, or otherwise soiling their hands. They shall keep their hands clean and follow good hygienic practices while on duty. Expectorating or use of tobacco in any form, shall be prohibited in each room and each compartment, including the grading room or area, where any unpacked or exposed dairy products are prepared, processed, or otherwise handled. Clean, white, or light-colored washable outer garments, and caps (paper caps or hair nets acceptable) shall be worn by all persons engaged in receiving, testing, processing, or packaging any dairy products.

§ 58.136 *Health.* No person afflicted with any communicable disease (including, but not being limited to, tuberculosis) shall be permitted in any room or compartment where dairy products are prepared, processed, or otherwise handled. No person who has a discharging or infected wound, sore, or lesion on hands, arms, or other exposed portions of the body, shall work in any dairy processing rooms, or in any capacity resulting in contact with dairy products. All plant employees shall have a medical and physical examination by a registered physician or by the local department of health and each new employee should be examined and furnish a satisfactory medical certificate prior to starting work. Thereafter, every employee whose work brings him in contact with the processing or handling of milk, milk products, containers, or equipment should have a medical and physical examination at least once each 24 months. Employees returning to work following illness from communicable diseases shall have a certification from the attending physician to establish proof of complete recovery. A medical certificate for each employee should be on file at the plant office.

SPECIFICATIONS FOR RAW MILK AND FARM SEPARATED CREAM

§ 58.142 *Transportation and protection of raw material while in transit*—(a) *Milk and cream cans.* The milk and cream cans used in transporting milk or cream from farm to plant shall be of such construction as to be easily cleaned and kept in good repair. Covers providing adequate protection to the product shall be used. Inspection, repair, or replacement of cans and lids shall be adequate to substantially eliminate the use of cans and lids showing open seams, cracks, rust condition, milkstone or any unsanitary condition.

(b) *Bulk farm tanks.* All bulk farm tanks shall meet 3A Standards for construction at the time of installation and shall be installed in accordance with all local and state regulations. The tanks shall be designed and equipped with refrigeration so as to permit the cooling of the milk to 40° F. or lower within two hours and maintained below 45° F. until picked up. The milk shall be transferred from tank to truck through stainless steel piping or approved hose under sanitary conditions which will not detract from the established quality of the milk in the tank.

(c) *Transporting raw material.* All vehicles used for the transportation of raw material shall be constructed and operated to protect the product from extreme temperatures, dust, or other adverse conditions. Facilities shall be provided for adequate washing and sanitizing of tanks, piping, and accessories, at central locations, or at all plants receiving or shipping milk or milk products in tanks.

§ 58.143 *Specifications for raw milk.* The inspection of the raw milk for manufacturing or processing into dairy products under this part shall be based on the organoleptic examination and quality control tests for sediment content and bacterial estimate, as set forth in paragraphs (a), (b), and (c) of this section, at such time and place as is applicable for the tests performed.

(a) *Organoleptic examination.* All raw milk delivered at the approved plant shall be identified as to the producer, seller, or shipper from whom received. Each can or farm tank of milk shall be examined for physical characteristics, off-flavors, or off-odors, including those associated with developed acidity. The quality of the raw milk shall be wholesome and characteristic of normal milk. The flavor and odor of the raw milk shall be fresh and sweet and practically free from off-flavors or off-odors; however, normal feed flavors may be present. Any raw milk that shows an abnormal condition (including, but not being limited to curdled, ropy, clotted, bloody, or contains extraneous matter), or which shows significant bacterial deterioration shall be rejected to the producer, seller, or shipper and shall not be used in the processing or manufacturing of dairy products.

(b) *Sediment content classification.* (1) For the purpose of quality control and establishing a rejection level of the milk to the producer the following classifications of the milk for sediment content shall be applicable:

Sediment (off-the-bottom method):
Class 1—USDA Sediment Standard (not to exceed) 0.50 mg.
Class 2—USDA Sediment Standard (not to exceed) 1.00 mg.
Class 3—USDA Sediment Standard (not to exceed) 2.50 mg.

(2) At least twice each month, at irregular intervals, one can of milk from each producer shall be selected at random and tested for sediment content by the "off-the-bottom" method of sediment testing as set forth in the latest edition of "Standard Methods for the Examination of Dairy Products" published by the American Public Health Association, 1790 Broadway, New York, New York. If the sediment disc on the can of milk selected at random is classified Class 3 (2.50 mg.) or more, as determined on the basis of the United States Sediment Standards for Milk and Milk Products (Part 43 of this title), all cans of milk in the shipment shall be tested for sediment content. In the case of milk held in bulk farm tanks a representative sample shall be taken by an acceptable and approved method for sediment testing, which will yield results comparable to the "off-the-bottom" method of sediment testing for individual cans, and properly classified in accordance with the aforementioned United States Sediment Standards for Milk and Milk Products.

(c) *Bacterial estimate classification.* (1) For the purpose of quality improvement and establishing a quality pattern for producers the following classification of the milk for bacterial estimate shall be applicable:

Bacterial estimate classification	Direct microscopic (clump) count	Methylene blue test, mixed sample not decolorized in—	Resazurin test, no color change beyond color represented by—
Class 1	200,000 per milliliter	5½ hours	P–7/4 in 2¾ hours.
Class 2	3,000,000 per milliliter	2½ hours	P–7/4 in 1½ hours.
Class 3	10,000,000 per milliliter	1 hour	P–7/4 in ¾ hour.

(2) At least twice each month a bacterial estimate shall be made on a mixed sample of each producer's milk by the methylene blue test, the resazurin test, the direct microscopic (clump) count or its equivalent as set forth in the latest edition of "Standard Methods for the Examination of Dairy Products," published by the American Public Health Association, 1790 Broadway, New York, New York.

(3) Weekly rechecks should be made on Class 3 milk until the milk has improved to Class 2 or better.

(d) *Acceptable milk.* Milk acceptable pursuant to the requirements of paragraph (a) of this section for organoleptic examination and complying with Class 1 or Class 2 for sediment content may be used in the processing or manufacturing of dairy products. For stabilized (sterilized) whole milk to be officially identified with USDA inspection legend the bacterial estimate of the raw milk shall not exceed 500,000 per ml. by the direct microscopic clump count or its equivalent, and the sediment shall not exceed Class 2, applicable to the individual producer's milk. For stabilized (sterilized) whole milk not bearing the USDA inspection legend, the bacterial estimate of the raw milk from individual producers, and sediment, shall be in accordance with either Federal or Military specifications and/or other purchase contract requirements, whichever is applicable.

(e) *Probational milk.* Milk acceptable pursuant to the requirements of paragraph (a) of this section for organoleptic examination but classified as Class 3 for sediment content may be used in processing or manufacturing of dairy products for a period of 10 days with respect to sediment content. When any producer's milk is classified as probationary for sediment or Class 3 or more for bacterial estimate a plant representative shall visit the farm and assist the producer in correcting the unsatisfactory condition. If the quality of the milk, as determined by further testing of each can of a producer's milk for sediment content, has not improved within the probationary period to Class 2, or better, the plant shall reject the milk to the producer.

(f) *Rejected milk.* The milk from a producer who has failed to improve the quality of his milk during the probationary period so as to meet Class 2, or better, for sediment, shall be rejected milk. Any further acceptance of milk from such a producer shall be on the basis of testing each shipment for sediment content prior to acceptance to determine if the milk is Class 2, or better. When three consecutive shipments within the next 5 days indicate milk of Class 2, or better, the milk from this producer may again be accepted, subject to regular periodic testing and quality control measures. If within five days three consecutive shipments fail to meet the requirements of Class 2, for sediment, the milk from this producer shall again be classified as reject milk and the plant shall not accept milk from this producer until a representative of the plant again visits the farm and has determined that the unsatisfactory condition has been corrected.

(g) *Unacceptable milk.* The plant shall reject to the producer all milk that fails to meet the requirements of paragraph (a) of this section for organoleptic examination and/or is lower in quality than Class 3 for sediment on any single shipment.

(h) *Field service.* A representative of the plant should arrange to visit promptly each producer involved in the production of probational or rejected milk for the purpose of inspecting the equipment, utensils, and facilities at the farm and to offer constructive assistance for improvement in the quality of the milk. A representative of the plant should visit each producer as often as is practicable to assist in and encourage the production of high quality milk.

(i) *Bulk milk.* Bulk milk in storage tanks within the processing plant or receiving station shall be maintained at a temperature of 45° F. or lower until processed. Quality checks for bacterial estimate and flavor shall be made daily to make certain that the quality of the milk in the tanks is consistent with the milk received from the producers as shown by plant records.

(j) *Records.* Accurate plant records, listing the results of quality tests made on raw milk, shall be maintained on each producer's milk. Each producer shipping probational or reject milk shall be informed immediately of the results of such quality tests. Producers shipping Class 1 and Class 2 milk should receive such information at the time of regular remittances. Records shall also be maintained on each bulk milk lot. Such records shall be available for examination by the inspector and kept on file for at least one year.

§ 58.144 *Specifications for farm-separated cream.* The inspection of the farm-separated cream to be used for manufacturing or processing into dairy products under this part shall be based on the organoleptic examination and quality control tests to determine sediment content of each individual producer's cream at the time of delivery thereof at the receiving plant or substation.

(a) *Organoleptic examination.* All cream received at the approved plant, receiving plant, or substation shall be identified as to the producer, seller, or shipper from whom received. Each can of cream in each shipment shall be examined for physical characteristics, off-flavors and off-odors, including those associated with developed acidity. The condition of the cream shall be wholesome and characteristic of normal cream. The organoleptic examination and segregation of the cream, which is used in the manufacturing or processing into butter, shall be consistent with the applicable flavor classification of butter set forth in the U. S. Standards for Grades of Butter (Part 63 of this title). Any cream having pronounced or offensive off-flavors or off-odors, or which is in an abnormal condition (including, but not being limited to surface mold, foamy, yeasty, fruity, or containing extraneous matter), or which is otherwise unwholesome, shall be rejected to the producer, seller, or shipper and shall not be used in the processing or manufacturing of dairy products.

(b) *Sediment content classification.* (1) For the purpose of quality control and establishing a rejection level of cream to the producer, seller, or shipper, the following classifications of cream for sediment shall be applicable:

Sediment (off-the-bottom method):
Class 1—USDA Sediment Standard (not to exceed) 0.50 mg.
Class 2—USDA Sediment Standard (not to exceed) 1.00 mg.
Class 3—USDA Sediment Standard (not to exceed) 2.50 mg.
Sediment (mixed-can method):
Class 1—USDA Sediment Standard (not to exceed) 0.20 mg.
Class 2—USDA Sediment Standard (not to exceed) 0.30 mg.
Class 3—USDA Sediment Standard (not to exceed) 1.00 mg.

(2) At least twice each month one can of cream from each producer, seller, or shipper of farm separated cream shall be selected at random and tested by using the "off-the-bottom" method or the "mixed-can" method in accordance with acceptable and approved procedures.

(3) As a supplement to the regular sediment testing procedure it is recommended that whole-can filtering facilities be utilized for each can of each shipment of cream from the producer for coarse sediment or extraneous matter and rejections be made in accordance with State or Federal Food and Drug Administration practices.

(c) *Acceptable cream.* Cream acceptable pursuant to the requirements of paragraph (a) of this section for organoleptic examination and complying with Class 1 or Class 2 for sediment content may be used in the processing or manufacturing of dairy products.

(d) *Probational cream.* Cream acceptable pursuant to the requirements of paragraph (a) of this section for organoleptic examination but classified Class 3 for sediment content may be accepted for processing in an approved plant for three successive deliveries. Thereafter each successive delivery shall be tested for sediment content prior to acceptance. If the sediment content is in excess of Class 2, such cream shall be rejected to the producer, seller, or shipper, and successive deliveries shall continue to be rejected until the sediment content is Class 2, or better. As soon as any shipment of cream is classified as probationary a representative of the plant, receiving plant, or substation should contact the producer, seller, or shipper involved in the production of probational cream and, if necessary, arrange to inspect the equipment, utensils, and facilities at the farm, receiving plant, or substation and to offer constructive assistance for improvement in the quality of the cream.

(e) *Rejected cream.* (1) The cream from a producer, seller, or shipper who has failed to improve the quality of his cream during the probationary period so as to meet the requirements of Class 2, or better, for sediment shall be rejected cream. Any further acceptance of cream from such a producer, seller, or shipper shall be on the basis of testing each shipment for sediment content, prior to acceptance to determine if the cream is Class 2, or better. If all cans of cream of the subsequent shipment meet Class 2, or better, such cream shall be classified as probational cream. When three successive shipments indicate cream of Class 2, or better, the cream may again be accepted, subject to regular periodic testing and quality control measures.

(2) If the initial new shipment fails to meet the requirements of Class 2 cream, or better, the plant shall not accept such cream until a representative of the plant again contacts the producer, seller, or shipper for the purpose of offering constructive assistance in correcting the unsatisfactory condition.

(f) *Field service.* A representative of the plant should arrange to contact promptly each producer, seller, or shipper involved in the production of probational or reject cream for the purpose of offering constructive assistance for the improvement in the quality of the cream. If necessary, he should arrange to inspect the equipment, utensils, and facilities at the farm, receiving plant, or substation. A representative of the plant should visit each producer, seller, or shipper as often as is practicable to assist in and encourage the production of high quality cream.

(g) *Records.* Accurate plant records listing the results of quality tests made on raw cream shall be maintained on cream from each producer, seller, or shipper. Each producer, seller, or shipper, shipping probational or rejected cream, shall be informed immediately of the results of such quality tests. Producers, sellers, or shippers, shipping Class 1 and Class 2 cream should receive such information at the time of regular remittances. Such records shall be available for examination by the inspector and kept on file for at least one year.

§ 58.147 *Alternate quality program.* When a processor has in operation an acceptable quality program, at the producer level, which is approved by the Inspection and Grading Branch, Dairy Division, Agricultural Marketing Service, as being effective in obtaining results comparable to or higher than the quality program as outlined above for milk or cream, then such a program may be accepted in lieu of the program herein prescribed.

OPERATIONS AND OPERATING PROCEDURES

§ 58.150 *Clean and sanitary methods.* All operations in receiving, transporting, segregating, holding, processing, packaging, and storing of dairy products shall be strictly in accordance with clean and sanitary methods and shall be conducted rapidly, and consistent with best commercial practices.

§ 58.151 *Segregation of raw material.* The milk and cream received at an approved plant shall meet the quality specifications as listed under §§ 58.143 and 58.144. The milk and cream received at an approved plant should be segregated and processed separately in such a manner that the finished dairy product will fully meet the requirements of a particular U. S. Grade or other specification, whichever is applicable.

§ 58.152 *Raw material deterioration.* Raw materials shall be held under conditions and at temperatures that will retard any material increase in bacterial content to avoid any deterioration or contamination of such products.

§ 58.153 *Milk or cream storage.* Incoming milk or cream shall be handled in such a manner to minimize bacterial increase during the receipt of the milk or cream and during the holding period prior to processing.

§ 58.158 *Pasteurization.* Pasteurization of the raw material shall be accomplished at the plant where the milk or cream is processed.

(a) *Cream for butter making.* The pasteurization of cream for butter making shall be at a temperature of not less than 165° F. for at least 30 minutes for the holding method, or not less than 185° F. for at least 15 seconds for the flash method, or any other temperature and holding time which will assure adequate pasteurization and comparable keeping-quality characteristics. If vat or holding method is used vat covers are to be closed prior to holding period to assure temperature of air space reaching the minimum temperature before holding time starts.

(b) *Milk for cheese making.* Pasteurization of milk for cheese making shall be at a temperature of at least 161° F. for 15 seconds in approved and properly operating equipment. Comparable temperatures and holding times may be used which will produce a negative phosphatase test.

(c) *Other dairy products.* Pasteurization of milk or cream for other dairy products shall be at such temperatures and at holding periods as will assure proper pasteurization and sufficient to assure adequate keeping-quality and consistent with the most desirable quality of the finished product.

§ 58.159 *Product contamination.* All necessary precautions shall be taken to prevent the contamination of any dairy product.

§ 58.160 *Checking quality.* All dairy products shall be subject to inspection for quality and condition throughout each processing operation in addition to the regular routine analysis made on the

raw and finished products in the laboratory to determine quality and/or composition.

§ 58.161 *Wholesomeness.* All substances and ingredients used in the processing or manufacturing of any dairy product shall be subject to inspection and shall be wholesome and practically free from impurities.

§ 58.162 *Product stability.* The methods and procedures employed in the receiving, segregating, and processing of raw materials in a plant and the storing of the finished product shall be in accordance with best commercial practices and adequate to result in a satisfactory and stable product.

§ 58.168 *Cleaning and bactericidal treatment of equipment and utensils.* The equipment, sanitary piping, and utensils used in the receiving, processing, packaging and handling of milk and milk products shall be maintained in a sanitary condition. The equipment, except that which is effectively cleaned-in-place, shall be disassembled daily for thorough cleaning. A dairy cleanser, detergent, wetting agent or sanitizing agent, or other similar materials may be used as will not contaminate or deleteriously affect the product. Steel wool or metal sponges shall not be used in the cleaning of any dairy equipment or utensils. Such equipment and utensils shall be subjected to an acceptable bactericidal or sanitizing process. After reassembly and prior to use all equipment coming in contact with milk or milk products shall be subjected to an acceptable bactericidal or sanitizing process. Utensils and portable equipment used in processing operations shall be stored above the floor in clean, dry locations, and in a self-draining position on racks constructed of impervious, corrosion-resistant material. The milk or cream cans shall be cleaned, sanitized, and dried before returning to the producers. Can washers shall be maintained in a clean and satisfactory operating condition. Truck-tanks, sanitary piping, connections, and pumps shall be cleaned and sanitized at least once each day and more frequently as required. The outside of the truck-tanks shall be maintained in a clean and satisfactory condition.

§ 58.169 *Plant records.* Adequate plant records shall be maintained of all tests and analyses made in the laboratory or throughout the plant during processing, on all raw material and finished products. Such records shall be available for examination at any time by the inspector and kept on file for at least one year.

PACKAGING AND GENERAL IDENTIFICATION

§ 58.175 *Containers.* (a) Packages or containers used for the packing of approved dairy products shall be any commercially accepted container or packaging material which will satisfactorily protect the contents through the regular channels of trade, without significant impairment of quality with respect to flavor, contamination or moisture content under the normal conditions of handling.

(b) Due to the importance of proper treatment of parchment liners in bulk butter packages for protection against mold and other possible deterioration, the liners shall be treated as follows: The liners shall be completely immersed in a salt solution in a suitable noncorrosive container and held therein at the boiling point for not less than 30 minutes and held in this solution until used. The solution should consist of at least 15 pounds of salt for every 100 pounds of water and shall be changed each day. The lined butter boxes shall be inverted until ready for use to afford protection from possible contamination.

§ 58.176 *Packaging and repackaging.* Packaging shall be performed at the place and time of manufacture. In case of cheddar cheese, paraffining may be at factory or assembling warehouse. When officially graded bulk product is to be repackaged into consumer type packages for official grade labeling or other official identification a supervisor of packaging shall be required and the plant, equipment, facilities, and personnel shall meet the same specifications as outlined in this part, including such markings or identification as may be required.

§ 58.177 *General identification.* All commercial bulk packages containing dairy products manufactured under the provisions of this part shall be adequately and legibly marked with the name of the product, net weight, name and address of processor or manufacturer or other assigned plant identification, lot number, and any other identification as may be required. Consumer packaged product shall be legibly marked with the name of the product, net weight, name and address of packer or distributor and such other official identification as may be required.

STORAGE OF FINISHED PRODUCT

§ 58.182 *Dry storage.* The product shall be stored or so arranged in aisles, rows, or sections and lots or in such a manner as to be orderly, easily accessible for inspection or for cleaning of room. It is recommended that dunnage or pallets be used when practical. Care shall be taken in the storage of any other product foreign to dairy products in the same room, in order to prevent impairment or damage to the product from absorbed odors or vermin or insect infestation. Control of humidity and temperature shall be maintained at all times consistent with good commercial practices.

§ 58.183 *Refrigerated storage.* The finished product shall be placed on dunnage or palletized and properly identified. It shall be stored under temperatures that will best maintain the initial quality. The product shall not be exposed to anything from which it might absorb any foreign odors or be contaminated from drippage or condensation.

INSPECTION, GRADING AND OFFICIAL IDENTIFICATION

§ 58.187 *Grading.* All dairy products which have been processed or manufactured in an approved plant shall be graded by the grader in accordance with established official U. S. Standards for Grades. Laboratory analysis, when required in determining the final grade, shall be conducted only in an approved laboratory.

§ 58.188 *Inspection.* All dairy products, which have been processed or manufactured in an approved plant, for which there are no official U. S. Standards for Grades, shall be inspected for quality by the inspector in accordance with contract requirements or specifications established by the U. S. Department of Agriculture or other Federal agency, including laboratory analysis when necessary.

§ 58.189 *Official identification.* (a) Only dairy products received, processed, or manufactured in accordance with the specifications contained in this subpart and inspected and/or graded in accordance with the provisions of this part may be identified with official identification.

(b) Sketches, proofs, or photostatic copies of all proposed packaging materials, grade labels, and inspection marks to be used as official identification shall be submitted to the Chief of the Inspection and Grading Branch, Dairy Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington, D. C., for tentative approval prior to acquisition of a supply of material bearing such identification.

(c) Finished copies, in quadruplicate, of the tentatively approved packaging materials, grade labels, and inspection marks shall be transmitted to the Chief of the Inspection and Grading Branch for final approval prior to their use as official identification.

§ 58.190 *Local or State regulations and specifications.* (a) Local or State regulations or specifications where applicable to the plant, equipment, raw material, product ingredients, facilities, sanitation or dairy products, which are higher than those specified in this subpart, shall be applicable.

(b) Local or State health requirements when higher than those specified in this subpart shall be applicable.

§ 58.195 *Explanation of terms.*—(a) *Fresh and sweet.* Free from "old milk" flavor and odor of developed acidity or other off-flavors or off-odors.

(b) *Normal feed.* Regional feed flavors, such as alfalfa, clover, silage, or similar feeds or grasses (weed flavors, such as peppergrass, French weed, onion, garlic, or other obnoxious weeds, excluded).

(c) *Off-flavors or off-odors.* Flavors or odors, such as utensil, bitter, barny, or other associated defects when present to a degree readily detectable.

(d) *Developed acidity.* An apparent increase from the normal acidity of the milk to a degree of flavor and odor which is detectable.

(e) *Extraneous matter.* Foreign substances, such as filth, hair, insects and fragments thereof, and rodents and fragments thereof; and materials, such as metal, fiber, wood, and glass.

(f) *Sediment.* Fine particles of material other than the foreign substances and materials defined in paragraph (e) of this section.

(g) *Normal cream.* Wholesome cream free from pronounced or offensive off-flavors or off-odors or abnormal conditions, such as mold, extraneous matter, or excessive sediment.

(h) *Pronounced off-flavors and off-odors.* Flavors and odors, such as stale, metallic, yeasty, and fruity.

(i) *Offensive off-flavors or off-odors.* Flavors and odors, such as chemical, oily, rancid, obnoxious weeds (peppergrass, French weed, onion, and garlic).

Done at Washington, D. C., this 8th day of November 1955.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-9134; Filed, Nov. 10, 1955; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 60]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.360 *Navel Orange Regulation 60.*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on November 9, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act; to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 13, 1955, and ending at 12:01 a. m., P. s. t., November 20, 1955, is hereby fixed as follows:

(i) District 1: 29,090 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," and "District 4" have the same meaning as when used in said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit, or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 10, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9194; Filed, Nov. 10, 1955; 11:14 a. m.]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

§ 953.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Los Angeles, California, on April 13, 1955, upon proposed amendments to Marketing Agreement No. 94, as amended, and Order No. 53, as amended (7 CFR Part 953) [1] regulating the handling of lemons grown in California and Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act, including the establishment and maintenance of such orderly marketing conditions for lemons grown in the States of California and Arizona as will provide, in the interests of producers and consumers, an orderly flow thereof to market throughout its normal marketing season to avoid unreasonable fluctuations in supplies and prices;

(2) The said order, as amended, and as hereby further amended, regulates the handling of lemons grown in the States of California and Arizona in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act; and

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the lemons covered thereby.

(b) *Determinations.* It is hereby determined that:

(1) The "Agreement Amending the Markcting Agreement, as Amended, Regulating the Handling of Lemons Grown in California and Arizona," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the lemons covered by this order) who, during the period November 1, 1953, through October 31,

[1] The compilation of Order No. 53, as amended, appears in 20 F. R. 2913.

1954, shipped not less than 80 percent of the volume of lemons covered by said order, as amended, and hereby further amended;

(2) The issuance of this order, amending the aforesaid order, as amended, is favored, or approved, by at least three-fourths of the producers who, during the determined representative period (November 1, 1953, through October 31, 1954), were engaged within the production area specified in said order, as amended, in the production of lemons for market; and

(3) The issuance of this order, amending the aforesaid order as amended, is favored or approved by producers who, during the aforesaid representative period, produced for market at least two-thirds of the volume of lemons produced within California and Arizona for market.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of lemons grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete the provisions of § 953.2 *Act* and insert, in lieu thereof, the following:

§ 953.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

2. Insert the following new sentence immediately preceding the last sentence of § 953.52 *Issuance of regulations:* "Such regulation may be made effective, as authorized by the act, irrespective of whether the season average price for lemons is in excess of the parity price specified therefor in the act."

3. Delete the word "two" wherever it appears in paragraph (h) of § 953.22 *Nominations* and insert, in lieu thereof, the word "one".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 7th day of November 1955, to become effective December 15, 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-9118; Filed, Nov. 10, 1955; 8:45 a. m.]

[Lemon Reg. 615]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.722 *Lemon Regulation 615*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 9, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 13, 1955, and ending at 12:01 a. m., P. s. t., November 20, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 162,750 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order; and "carton" shall mean a container having a capacity equal to one-half the standard lemon box described in said amended marketing agreement and order as having inside dimensions 10 inches in depth, 13 inches in width, and 25⅝ inches in length.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 9, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9161; Filed, Nov. 10, 1955; 8:55 a. m.]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959; 20 F. R. 7068), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County, was published in the FEDERAL REGISTER October 15, 1955 (20 F. R. 7795). This regulatory program is effective under The Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Oregon-California Potato Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 959.208 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended, to enable such committee to perform its functions pursuant to the provisions of aforesaid amended marketing agreement and order, during the fiscal period ending June 30, 1956, will amount to $26,100.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended, shall be one-half of one cent ($0.005) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and Order No. 59, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 8th day of November 1955, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 55-9133; Filed, Nov. 10, 1955; 8:48 a. m.]

PART 989—HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

BUDGET OF EXPENSES OF RAISIN ADMINISTRATIVE COMMITTEE AND RATE OF ASSESSMENT FOR 1955–56 CROP YEAR

Pursuant to Marketing Agreement No. 109, as amended, and Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), a budget of expenses for the Raisin Administrative Committee and a rate of assessment for the 1955–56 crop year were submitted by the said committee for approval by the Secretary.

After consideration of all matters pertaining thereto, including the recommendation of the Raisin Administrative Committee, it is hereby found and determined, and it is therefore ordered, that the budget of expenses for the Raisin Administrative Committee, and the rate of assessment, for the crop year beginning September 1, 1955, shall be as follows:

§ 989.306 *Budget of expenses of the Raisin Administrative Committee and rate of assessment for the 1955–56 crop year*—(a) *Budget of expenses.* Expenses in the amount of $70,500 are reasonable and are likely to be incurred by the Raisin Administrative Committee for its maintenance and functioning and for the maintenance and functioning of the Raisin Advisory Board for the crop year beginning September 1, 1955.

(b) *Rate of assessment.* Each handler shall pay to the Raisin Administrative Committee, in accordance with the amended marketing agreement and the amended order, an assessment rate of 47 cents for each ton of free tonnage raisins acquired by him, and for each ton of reserve tonnage raisins sold to him by the committee, during the crop year beginning September 1, 1955, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is further found that it is impractical and contrary to the public interest to give preliminary notice, engage in public rule making, and postpone the effective time of the document with respect to the aforesaid budget of expenses and rate of assessment for 30 days, or any lesser period, after publication of it in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) because: (1) The rate of assessment hereby fixed is applicable to raisins acquired by handlers during the current crop year as set forth in this section; (2) handlers usually begin to receive deliveries of raisins from producers about September 1 which receipts are, by the terms of the amended marketing agreement and the amended order, subject to the assessments set forth in this section; (3) it is essential that the Raisin Administrative Committee be enabled to obtain assessment funds promptly to defray expenses of administering the program; and (4) compliance with this section will not require any special preparation on the part of handlers. Therefore, good cause exists to make this order effective upon publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 8th day of November 1955, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 55-9132; Filed, Nov. 10, 1955; 8:48 a. m.]

PART 1002—MILK IN GREATER WHEELING, W. VA., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 1002), regulating the handling of milk in the Greater Wheeling, West Virginia, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The provision "unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants or nonpool plants) in the Greater Wheeling marketing area than in the marketing area regulated pursuant to such order;" of § 1002.61 (a) will not tend to effectuate the declared policy of the act for the period November 1, 1955, through July 31, 1956. This provision prohibits the determination by the Secretary that a plant regulated under another Federal order shall be considered a nonpool plant under the Greater Wheeling order if a greater volume of Class I milk is disposed of to retail or wholesale outlets in the Greater Wheeling area than in the marketing area pursuant to such other order. This limitation on the discretion of the Secretary to determine that a plant otherwise subject to both the Greater Wheeling and the Cleveland Federal milk orders shall be regulated under the Cleveland order, will jeopardize the interests of producers who have been subject to the Cleveland order and who are establishing eligible milk quotas pursuant to § 975.65 of the Cleveland order, which will determine their share of eligible and ineligible milk payments in subsequent months. The handlers who would become subject to the Greater Wheeling order maintain that plans for additional sales outlets in the Cleveland marketing area will make them eligible, within a few months, for an automatic determination under the Greater Wheeling order that the full regulation of the Cleveland order shall apply to them. If these handlers should extend sales in the Cleveland area so as to become subject to that order in the quota-paying months, the producers who had established bases in the Greater Wheeling order would not be eligible for eligible milk payments under the Cleveland milk order. It is found, therefore, that the provision of the Greater Wheeling order, which requires a determination that such plants be regulated under the Greater Wheeling order if their Class I sales are greater in such marketing area, be suspended until the end of the periods during which either eligible and ineligible or base and excess payments are made in the Cleveland and Greater Wheeling orders, respectively.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary, and contrary to the public interest for reasons stated under (a) above and in that:

1. The information upon which this action is based did not become available in time sufficient for such compliance;

2. This suspension order would remove the requirement that the Secretary's determination of which Federal order shall regulate a handler otherwise subject to the Greater Wheeling order and another Federal milk order must be made solely on the basis of the proportion of Class I milk disposed of in the respective markets;

3. This suspension order follows a specific request by those handlers who will be immediately affected thereby. They request that action to keep them subject to the Cleveland order rather than to the Greater Wheeling order be made effective as of November 1, 1955, the effective date of the pricing provisions of the Greater Wheeling order; and

4. This action is necessary to facilitate and maintain the orderly marketing of milk between regulated markets.

It is therefore ordered, That the provision "unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants or nonpool plants) in the Greater Wheeling marketing area than in the marketing area regulated pursuant to such order;" of § 1002.61 (a) be and hereby is suspended during the period November 1, 1955 through July 31, 1955.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 7th day of November 1955, to be effective as of November 1, 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-9117; Filed, Nov. 10, 1955; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6303]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GENERAL PRODUCTS CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46: Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, General

Products Corporation et al., Los Angeles, Calif., Docket 6303, October 29, 1955.]

In the Matter of General Products Corporation, a corporation, and David Ormont and Alan Mann, Individually and as Officers of said Corporation, and Dean Simmons, an Individual

This proceeding was heard by Earl J. Kolb, hearing examiner, upon the complaint of the Commission—which charged respondents with the dissemination of false advertisements, including powerful radio broadcasts from Mexico to this country, concerning the therapeutic and health-giving qualities of their "Autry's Minerals", a mineral food supplement—and an agreement between the parties providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of October 28, 1955, pursuant to § 3.21 of the rules of practice, became, on October 29, 1955, the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That the respondent General Products Corporation, a corporation, and its officers, and respondents David Ormont and Alan Mann, individually and as officers of said corporation, and respondent Dean Simmons, individually, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of Autry's Minerals, or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or indirectly;

(a) That the use of said preparation is effective in the prevention, treatment or relief of, or will cure aches or pains in the muscles or joints, arthritic or rheumatic pains, sinus trouble, or colds;

(b) That the use of said preparation is effective in preventing any type of nutritional anemia, other than iron deficiency anemia;

(c) That the use of said preparation is effective in preventing tiredness and weariness, unless expressly limited to these conditions when they might result from iron deficiency anemia;

(d) That the use of said preparation is an effective treatment for or will cure any kind of anemia, or is effective in the treatment or relief of or will cure tiredness or weariness;

(e) That the use of said preparation will restore sight to the blind, or is an effective treatment for or will cure ulcer of the cornea, conjunctivitis or glaucoma;

(f) That the use of said preparation is effective in the treatment for or will cure any disease caused by mineral deficiencies, or is effective in the prevention of any disease caused by mineral deficiencies, except iron deficiency anemia and that type of goiter caused by a deficiency of iodine;

(g) That any major portion of the people in this country are ill because of mineral deficiencies, or that such deficiencies were the cause of the high percentage of the people in this country who failed to pass the physical examination for military service during World War II.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 28, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-9129; Filed, Nov. 10, 1955; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter F—Rehabilitation and Neighborhood Conservation Housing Insurance

PART 261—HOME REHABILITATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO ELEVEN-FAMILY DWELLINGS

PART 266—HOME RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING SINGLE FAMILY DWELLINGS

MAXIMUM MORTGAGE AMOUNT; LOAN-TO-VALUE LIMITATION

1. Section 261.7 is amended to read as follows:

§ 261.7 *Maximum mortgage amount; loan-to-value limitation.* In addition to meeting the dollar limitation as set forth in § 261.6 the mortgage shall meet a loan-to-value limitation as follows:

(a) Where the mortgagor is the occupant of the property the mortgage shall be in an amount not in excess of:

(1) 95 percent of $9,000 of the Commissioner's estimate of the replacement cost, as of the date the mortgage is accepted for insurance if the dwelling is approved for mortgage insurance prior to the beginning of construction; and 75 percent of the Commissioner's estimate of the replacement cost in excess of $9,000; or

(2) 90 percent of $9,000 of the appraised value as of the date the mortgage is accepted for insurance if the proceeds of the mortgage are used to finance the rehabilitation of an existing property or to complete the construction of a new property not approved for mortgage insurance prior to the beginning of construction; and 75 percent of the appraised value in excess of $9,000.

(b) Where the mortgagor is not the occupant of the property the principal obligation of the mortgage shall not exceed 85 percent of the amount computed under the formula in paragraph (a) of this section.

2. Section 266.6 is amended to read as follows:

§ 266.6 *Maximum mortgage amount; loan-to-value limitation.* In addition to meeting the dollar limitation as set forth in § 266.5 the mortgage shall be in an amount not to exceed:

(a) 95 percent of the appraised value, as of the date the mortgage is accepted for insurance, where the mortgagor is the occupant of the property, or

(b) 85 percent of the appraised value, as of the date the mortgage is accepted for insurance, if the mortgagor is not the owner and occupant: *Provided*, (1) The property is to be built or acquired or rehabilitated for sale, and (2) the insured mortgage financing is required to facilitate the construction or the repair or rehabilitation of the dwelling and provide financing pending the subsequent sale thereof to a qualified owner occupant.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., November 9, 1955.

NORMAN P. MASON, *Federal Housing Commissioner.*

[F. R. Doc. 55-9158; Filed, Nov. 9, 1955; 4:06 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX: TAXABLE YEARS BEGINNING AFTER DEC. 31, 1953; DEPRECIATION

NOTICE OF PROPOSED RULE MAKING

Pursuant to the Administrative Procedure Act, approved June 11, 1946, proposed regulations under section 167 of the Internal Revenue Code of 1954 were published in tentative form with a notice of proposed rule making in the FEDERAL REGISTER for September 28, 1954 (19 F. R. 6229). After consideration of all relevant matter presented by interested persons regarding the rules proposed, notice is hereby given that such proposed regulations are hereby withdrawn.

Further, notice is hereby given, pursuant to the Administrative Procedure Act, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, in substitution for the proposed regulations hereinbefore withdrawn. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 167 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 51, 917; 26 U. S. C. 167, 7805).

[SEAL] O. GORDON DELK, *Acting Commissioner of Internal Revenue.*

The following regulations are hereby prescribed under section 167 of the Internal Revenue Code of 1954:

Sec.

1.167 (a)	Statutory provisions; depreciation; general rule.
1.167 (a)-1	Depreciation in general.
1.167 (a)-2	Tangible property.
1.167 (a)-3	Intangibles.
1.167 (a)-4	Leased property.
1.167 (a)-5	Apportionment of basis.
1.167 (a)-6	Depreciation in special cases.
1.167 (a)-7	Accounting for depreciable property.
1.167 (a)-8	Losses on normal retirements.
1.167 (a)-9	Obsolescence.
1.167 (a)-10	When depreciation deduction is allowable.
1.167 (b)	Statutory provisions; depreciation; use of certain methods and rates.
1.167 (b)-0	Methods of computing depreciation.
1.167 (b)-1	Straight line method.
1.167 (b)-2	Declining balance method.
1.167 (b)-3	Sum of the years-digits method.
1.167 (b)-4	Other methods.
1.167 (c)	Statutory provisions; depreciation; limitations on use of certain methods and rates.
1.167 (c)-1	Limitations on methods of computing depreciation under section 167 (b) (2), (3), and (4).
1.167 (d)	Statutory provisions; depreciation; agreement as to useful life on which depreciation rate is based.
1.167 (d)-1	Agreement as to useful life and rates of depreciation.
1.167 (e)	Statutory provisions; depreciation; change in method.
1.167 (e)-1	Change in method.
1.167 (f)	Statutory provisions; depreciation; basis for depreciation.
1.167 (f)-1	Basis for depreciation.
1.167 (g)	Statutory provisions; depreciation; life tenants and beneficiaries of trusts and estates.
1.167 (g)-1	Life tenants and beneficiaries of trusts and estates.
1.167 (h)	Statutory provisions; depreciation; depreciation of improvements in the case of mines, etc.
1.167 (h)-1	Depreciation of improvements in the case of mines, etc.

§ 1.167 (a) *Statutory provisions; depreciation; general rule.*

SEC. 167. *Depreciation*—(a) *General rule.* There shall be allowed as a depreciation deduction a reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence)—

(1) Of property used in the trade or business, or

(2) Of property held for the production of income.

§ 1.167 (a)-1 *Depreciation in general*—(a) *Reasonable allowance.* Section 167 (a) provides that a reasonable allowance for the exhaustion, wear and tear, and obsolescence of property used in the trade or business or of property held by the taxpayer for the production of income shall be allowed as a depreciation deduction. The allowance is that amount which should be set aside for the taxable year in accordance with a reasonably consistent plan (not necessarily at a uniform rate), so that the aggregate of the amounts set aside, plus the salvage value, will, at the end of the estimated useful life of the depreciable property, equal the cost or other basis of the property as provided in section 167 (f) and § 1.167 (f)-1. An asset shall not be depreciated below a reasonable salvage value under any method of computing depreciation. See paragraph (c) of this section for definition of salvage. The allowance shall not reflect amounts representing a mere reduction in market value.

(b) *Useful life.* For the purpose of section 167 the estimated useful life of an asset is not necessarily the useful life inherent in the asset but is the period over which the asset may reasonably be expected to be useful to the taxpayer in his trade or business or in the production of his income. This period shall be determined by reference to his experience with similar property taking into account present conditions and probable future developments. Some of the factors to be considered in determining this period are (1) wear and tear and decay or decline from natural causes, (2) the normal progress of the art, economic changes, inventions, and current developments within the industry and the taxpayer's trade or business, (3) the climatic and other local conditions peculiar to the taxpayer's trade or business, and (4) the taxpayer's policy as to repairs, renewals, and replacements. If the taxpayer's experience is inadequate, the general experience in the industry may be used until such time as the taxpayer's own experience forms an adequate basis for making the determination. The estimated remaining useful life may be subject to modification by reason of conditions known to exist at the end of the taxable year and shall be redetermined when necessary regardless of the method of computing depreciation. For rules covering agreements with respect to useful life, see section 167 (d) and § 1.167 (d)-1.

(c) *Salvage.* Salvage value is the amount realizable upon sale or other disposition of an asset when it is no longer useful in the taxpayer's trade or business or in the production of his income and is retired from service by the taxpayer. Salvage, when reduced by the cost of removal, is referred to as net salvage. The time at which an asset is retired from service may vary according to the policy of the taxpayer. If the taxpayer's policy is to dispose of assets which are still in good operating condition, the salvage value may represent a relatively large proportion of the original basis of the asset. However, if the taxpayer customarily uses an asset until its inherent useful life has been substantially exhausted, salvage value may represent no more than junk value. Salvage value must be taken into account in determining the depreciation deduction either by a reduction of the amount subject to depreciation, by a reduction in the rate of depreciation, or as a limitation on the amount of the depreciation allowances. The taxpayer may use either salvage or net salvage in determining depreciation allowances but such practice must be consistently followed and the treatment of the costs of removal must be consistent with the practice adopted. For specific treatment of salvage value see §§ 1.167 (b)-1, 1.167 (b)-2, and 1.167 (b)-3. When an asset is retired, the amount of the salvage adjusted for the costs of removal, where necessary, should be credited to the depreciation reserve.

§ 1.167 (a)-2 *Tangible property.* The depreciation allowance in the case of tangible property applies only to that part of the property which is subject to wear and tear, to decay or decline from natural causes, to exhaustion, and to obsolescence. The allowance does not apply to inventories or stock in trade, or to land apart from the improvements or physical development added to it. The allowance does not apply to natural resources which are subject to the allowance for depletion provided in section 611. No deduction for depreciation shall be allowed on automobiles or other vehicles used solely for pleasure, on a building used by the taxpayer solely as his residence, or on furniture or furnishings therein, personal effects, or clothing; but properties and costumes used exclusively in a business, such as a theatrical business, may be depreciated.

§ 1.167 (a)-3 *Intangibles.* If an intangible asset is known from experience or other factors to be of use in the business or in the production of income for only a limited period, the length of which can be estimated with reasonable accuracy, such an intangible asset may be the subject of a depreciation allowance. Examples are patents and copyrights. An intangible asset, the useful life of which is not limited, is not subject to the allowance for depreciation. No allowance will be permitted merely because, in the unsupported opinion of the taxpayer, the intangible asset has a limited useful life. No deduction for depreciation is allowable with respect to goodwill. For rules with respect to organizational expenditures, see section 248 and the regulations thereunder.

§ 1.167 (a)-4 *Leased property.* Capital expenditures made by a lessee for the erection of buildings or the construction of other permanent improvements on leased property are recoverable through allowances for depreciation or amortization. If the useful life of such

improvements in the hands of the taxpayer is equal to or shorter than the remaining period of the lease, the allowance shall take the form of depreciation under section 167. See §§ 1.167 (b)–0, 1.167 (b)–1, 1.167 (b)–2, 1.167 (b)–3, and 1.167 (b)–4 for methods of computing such depreciation allowances. If, on the other hand, the estimated useful life of such property in the hands of the taxpayer, determined without regard to the terms of the lease, would be longer than the remaining period of such lease, the allowances shall take the form of annual deductions from gross income in an amount equal to the unrecovered cost of such capital expenditures divided by the number of years remaining of the term of the lease. Such deductions shall be in lieu of allowances for depreciation. See section 162 and the regulations thereunder. Capital expenditures made by a lessor for the erection of buildings or other improvements shall, if subject to depreciation allowances, be recovered by him over the estimated life of the improvements without regard to the period of the lease.

§ 1.167 (a)–5 *Apportionment of basis.* In the case of the acquisition on or after March 1, 1913, of a combination of depreciable and nondepreciable property for a lump sum, as for example, buildings and land, the basis for depreciation cannot exceed an amount which bears the same proportion to the lump sum as the value of the depreciable property at the time of acquisition bears to the value of the entire property at that time. In the case of property which is subject to both the allowance for depreciation and amortization, depreciation is allowable only with respect to the portion of the depreciable property which is not subject to the allowance for amortization and may be taken concurrently with the allowance for amortization. After the close of the amortization period or after amortization deductions have been discontinued with respect to any such property, the unrecovered cost or other basis of the depreciable portion of such property will be subject to depreciation. For adjustments to basis, see section 1016 and other applicable provisions of law.

§ 1.167 (a)–6 *Depreciation in special cases*—(a) *Depreciation of patents or copyrights.* The cost or other basis of a patent or copyright shall be depreciated over its remaining useful life. Its cost to the patentee includes the various Government fees, cost of drawings, models, attorneys' fees, and similar expenditures. For rules applicable to research and experimental expenditures, see sections 174 and 1016 and the regulations thereunder. If a patent or copyright becomes valueless in any year before its expiration the unrecovered cost or other basis may be deducted in that year.

(b) *Depreciation in case of farmers.* A reasonable allowance for depreciation may be claimed on farm buildings (except a dwelling occupied by the owner), farm machinery, and other physical property but not including land. Livestock acquired for work, breeding, or dairy purposes may be depreciated unless included in an inventory used to determine profits in accordance with section 61 and the regulations thereunder. Such depreciation should be determined with reference to the cost or other basis, salvage value, and the estimated useful life of the livestock. See also section 162 and the regulations thereunder relating to trade or business expenses, section 165 and the regulations thereunder relating to losses of farmers, and section 175 and the regulations thereunder relating to soil or water conservation expenditures.

§ 1.167 (a)–7 *Accounting for depreciable property.* (a) Depreciable property may be accounted for by treating each individual item as an account, or by combining two or more assets in a single account. Assets may be grouped in an account in a variety of ways. For example, assets similar in kind with approximately the same useful lives may be grouped together. Such an account is commonly known as a group account. Another appropriate grouping might consist of assets segregated according to use without regard to useful life, for example, machinery and equipment, furniture and fixtures, or transportation equipment. Such an account is commonly known as a classified account. A broader grouping, where assets are included in the same account regardless of their character or useful lives, is commonly referred to as a composite account. For example, in an extreme case a taxpayer might be permitted to combine all assets used in his business in a single account. Group, classified, or composite accounts may be further broken down on the basis of location, dates of acquisition, cost, character, use, etc.

(b) When group, classified, or composite accounts are used with average useful lives and a normal retirement occurs, the full cost or other basis of the asset retired, unadjusted for depreciation or salvage, shall be removed from the asset account and shall be charged to the depreciation reserve. Amounts representing salvage shall be credited to the depreciation reserve. Where an asset is disposed of for reasons other than normal retirement, the full cost or other basis of the asset shall be removed from the asset account, and the depreciation reserve shall be charged with the depreciation applicable to the retired asset. For rules with respect to losses on normal retirements, see § 1.167 (a)–8.

(c) A taxpayer may establish as many accounts for depreciable property as he desires. Depreciation allowances for the property contained in each account shall be computed separately. Such depreciation preferably should be recorded in a depreciation reserve account; however, in appropriate cases it may be recorded directly in the asset account. Where depreciation reserves are maintained, a separate reserve account shall be maintained for each asset account. The regular books of account or permanent auxiliary records shall show for each account the basis of the property, including adjustments necessary to conform to the requirements of section 1016 and other provisions of law relating to adjustments to basis, and the depreciation allowances for tax purposes. In the event that reserves for book purposes do not correspond with reserves maintained for tax purposes, permanent auxiliary records shall be maintained with the regular books of account reconciling the differences in depreciation for tax and book purposes because of different methods of depreciation, bases, rates, salvage, or other factors. Depreciation schedules filed with the income tax return shall show the accumulated reserves computed in accordance with the allowances for income tax purposes.

(d) In classified or composite accounts, the average useful life and rate shall be redetermined whenever additions, retirements, or replacements substantially alter the relative proportion of types of assets in the accounts. See example (2) in § 1.167 (b)–1 (b) for the method of determining the depreciation rate for a classified or composite account.

§ 1.167 (a)–8 *Losses on normal retirements.* (a) Where depreciation is computed on individual assets (item accounting), the depreciation rate for each asset must be based on the maximum expected useful life of the asset, and in such case a loss equal to the unrecovered cost or other basis of the asset, adjusted for salvage value, is allowable upon its normal retirement. Thus, a manufacturer who purchases 50 identical assets which are expected to have an average life of 25 years but which will remain useful to him for varying periods between 20 and 40 years, must use a rate based on a 40-year life for each of the assets if he chooses to compute depreciation on each asset individually.

(b) Where depreciation is computed for an account containing two or more assets, the depreciation rate for that account may be based on the maximum expected useful life of the longest lived asset in the account, or may be based on the average useful life of the assets in the account. If the rate is based on the maximum expected useful life of the longest lived asset, upon the normal retirement of any asset in the account a loss is allowable equal to the unrecovered cost or other basis of the asset, adjusted for salvage value. On the other hand, if the rate is based on the average useful life, no loss is allowable on the normal retirement of an asset since the use of a rate based on the average useful life contemplates that some assets will be retired before and that others will be retired after the end of the average useful life.

(c) Experience with assets which attained an exceptional or unusual age shall, with respect to similar assets, be disregarded in determining the maximum expected useful life of an individual asset, or the maximum expected useful life of the longest lived asset in a multiple asset account. For instance, if, in the example above involving the identical assets, experience of the taxpayer with similar assets indicates that an occasional asset of this kind may last 60 years, the taxpayer will not be required to base the maximum expected useful life on such exceptional experience.

(d) A retirement shall be considered to be a normal retirement unless the taxpayer can show such retirement was due to a cause not contemplated in setting the applicable depreciation rate.

(e) Losses sustained on depreciable property other than losses arising from normal retirements, for example, from bona fide sales or exchanges, casualty or abandonment, may be allowable under section 165. See section 165 and the regulations thereunder. See example (2) in § 1.167 (b)–2 (b) for special rules in connection with the retirement of the last asset of a given year's acquisitions.

§ 1.167 (a)–9 *Obsolescence.* The depreciation allowance includes an allowance for normal obsolescence, that is, in computing the estimated useful life of the property, consideration should be given to the extent to which the expected useful life of an asset will be shortened by reason of technological improvement or reasonably foreseeable economic changes. In any case in which the taxpayer shows that the estimated useful life previously used should be shortened by reason of obsolescence greater than had been assumed in computing such estimated useful life, a change to a new and shorter estimated useful life computed in accordance with such showing will be permitted. No such change will be permitted merely because in the unsupported opinion of the taxpayer the property may become obsolete at some later date. For rules governing the allowance of a loss when the usefulness of an asset is suddenly terminated, see section 165 and the regulations thereunder. If the estimated useful life and the depreciation rates have been the subject of a previous agreement, see section 167 (d) and § 1.167 (d)–1.

§ 1.167 (a)–10 *When depreciation deduction is allowable.* (a) A taxpayer is not permitted under the law to offset income of later years by reason of his failure to deduct any depreciation allowance or of his action in deducting an allowance plainly inadequate under the known facts in prior years. The inadequacy of the depreciation allowance for property in prior years shall be determined on the basis of the allowable method of depreciation used by the taxpayer for such property or under the straight line method if no allowance has ever been claimed for such property. For rules relating to adjustments to basis, see section 1016 and the regulations thereunder.

(b) The period for depreciation of an asset shall begin on the date when the asset is placed in service and shall end on the date when the asset is retired from service. A proportionate part of one year's depreciation is allowable for that part of the first and last year during which the asset was in service. However, in the case of a multiple asset account, the amount of depreciation may be determined by using what is commonly described as the "averaging convention" under which it is assumed that all additions and retirements to the asset account occur uniformly throughout the taxable year. Under this convention depreciation is computed on the average of the beginning and ending balances for the taxable year in the asset account. See example (3) under § 1.167 (b)–1 (b). Such averaging convention, if used, must be consistently followed. In any year in which such averaging convention substantially distorts the depreciation allowance for the taxable year, it may not be used. No other assumptions may be made with respect to the timing of additions and retirements during the taxable year.

§ 1.167 (b) *Statutory provisions; depreciation; use of certain methods and rates.*

SEC. 167. *Depreciation.* • • •

(b) *Use of certain methods and rates.* For taxable years ending after December 31, 1953, the term "reasonable allowance" as used in subsection (a) shall include (but shall not be limited to) an allowance computed in accordance with regulations prescribed by the Secretary or his delegate, under any of the following methods:

(1) The straight line method,

(2) The declining balance method, using a rate not exceeding twice the rate which would have been used had the annual allowance been computed under the method described in paragraph (1),

(3) The sum of the years-digits method, and

(4) Any other consistent method productive of an annual allowance which, when added to all allowances for the period commencing with the taxpayer's use of the property and including the taxable year, does not, during the first two-thirds of the useful life of the property, exceed the total of such allowances which would have been used had such allowances been computed under the method described in paragraph (2).

Nothing in this subsection shall be construed to limit or reduce an allowance otherwise allowable under subsection (a).

§ 1.167 (b)–0 *Methods of computing depreciation*—(a) *In general.* Any reasonable and consistently applied method of computing depreciation may be used or continued to be used under section 167. Whatever method is adopted, due regard must be given to operating conditions during the taxable year. The reasonableness of any claim for depreciation shall be determined upon the basis of conditions known to exist at the end of the period for which the return is made. Regardless of the method used in computing depreciation, deductions for depreciation shall not exceed such amounts as may be necessary to recover the unrecovered cost or other basis less salvage during the remaining useful life of the property. It is the responsibility of the taxpayer to establish the reasonableness of the deduction for depreciation claimed. Generally, depreciation deductions so claimed will be changed only where there is a clear and convincing basis for a change.

(b) *Certain methods.* Methods previously found adequate to produce a reasonable allowance under the Internal Revenue Code of 1939 or prior revenue laws will, if used consistently by the taxpayer, continue to be acceptable under section 167. Examples of such methods which continue to be acceptable are the straight line method, the declining balance method with the rate limited to 150 percent of the applicable straight line rate, and under appropriate circumstances, the unit of production method. The methods described in section 167 (b) and §§ 1.167 (b)–1, 1.167 (b)–2, 1.167 (b)–3, and 1.167 (b)–4 shall be deemed to produce a reasonable allowance for depreciation except as limited under section 167 (c) and § 1.167 (c)–1. See also § 1.167 (e)–1 for rules relating to change in method of computing depreciation.

(c) *Application of methods.* In the case of item accounts, any method which results in a reasonable allowance for depreciation may be selected for each item of property, but such method must thereafter be applied consistently to that particular item. In the case of group, classified, or composite accounts, any method may be selected for each account. Such method must be applied to that particular account consistently thereafter but need not necessarily be applied to acquisitions of similar property in the same or subsequent years, provided such acquisitions are set up in separate accounts. See, however, § 1.167 (e)–1 and section 446 and the regulations thereunder, for rules relating to changes in the method of computing depreciation, and § 1.167 (c)–1 for restriction on the use of certain methods. See also § 1.167 (a)–7 for definition of account.

§ 1.167 (b)–1 *Straight line method*—(a) *Application of method.* Under the straight line method the cost or other basis of the property less its estimated salvage value is deductible in equal annual amounts over the period of the estimated useful life of the property. The allowance for depreciation for the taxable year is determined by dividing the adjusted basis of the property at the beginning of the taxable year, less salvage value, by the remaining useful life of the property at such time. For convenience, the allowance so determined may be reduced to a percentage. This method may be used in determining a reasonable allowance for depreciation for any property which is subject to depreciation under section 167 and it shall be used in all cases where the taxpayer has not adopted a different acceptable method with respect to such property.

(b) *Illustrations.* The straight line method is illustrated by the following examples:

Example (1). Under the straight line method items may be depreciated separately:

Year	Item	Cost or other basis less salvage	Useful life	Depreciation allowable		
				1954	1955	1956
			Years			
1954	Asset A	$1,600	4	[1] $200	$400	$400
	Asset B	12,000	40	[1] 150	300	300

[1] In this example one-half of the annual depreciation is taken on new additions.

Example (2). In group, classified, or composite accounting, a number of assets with the same or different useful lives may be combined into one account, and a single rate of depreciation, i. e., the group, classified, or composite rate used for the entire account. In the case of group accounts, i. e., accounts containing assets which are similar in kind and which have approximately the same esti-

allowed or allowable, and for all other adjustments provided by section 1016 and other applicable provisions of law. The declining balance rate may be determined without resort to formula. Such rate determined under section 167 (b) (2) shall not exceed twice the appropriate straight line rate computed without adjustment for salvage. While salvage is not taken into account in determining the annual allowances under this method, in no event shall an asset (or an account) be depreciated below a reasonable salvage value. See section 167 (c) and § 1.167 (c)-1 for restrictions on the use of the declining balance method.

(b) *Illustrations.* The declining balance method is illustrated by the following examples:

Example (1). A new asset having an estimated useful life of 20 years was purchased on January 1, 1954, for $1,000. The normal straight line rate (without adjustment for salvage) is 5 percent, and the declining balance rate at twice the normal straight line rate is 10 percent. The annual depreciation allowances for 1954, 1955, and 1956 are as follows:

Year	Basis	Declining balance rate (percent)	Depreciation allowance
1954	$1,000	10	$100
1955	900	10	90
1956	810	10	81

Example (2). A taxpayer filing his returns on a calendar year basis maintains a group account to which a 5 year life and a 40 percent declining balance rate are applicable. Original investment, additions, retirements, and salvage recoveries are the same as those set forth in example (3) of § 1.167 (b)-1 (b). Although salvage value is not taken into consideration in computing a declining balance rate, it must be recognized and accounted for when assets are retired.

DEPRECIABLE ASSET ACCOUNT AND DEPRECIATION COMPUTATION USING AVERAGE ASSET AND RESERVE BALANCES

Year	Asset balance Jan. 1	Current additions	Current retirements	Asset balance Dec. 31	Average balance	Average reserve before depreciation	Net depreciable balance	Rate (percent)	Allowable depreciation
1954	$12,000	$12,000		$12,000	$6,000		$6,000	40	$2,400
1955	12,000			12,000	12,000	$2,400	9,600	40	3,840
1956	12,000			12,000	12,000	6,240	5,760	40	2,304
1957	12,000		$2,000	10,000	11,000	7,744	3,356	40	1,342
1958	10,000	10,000		18,000	14,000	9,086	4,914	40	726
1959	8,000	4,000		14,000	11,000	5,212	5,788	40	2,315
1960	14,000	2,000		12,000	13,000	4,727	8,273	40	3,309
1961	12,000	2,000		10,000	11,000	6,036	4,964	40	1,986

DEPRECIATION RESERVE

Year	Reserve Jan. 1	Current retirements	Salvage realized	Reserve Dec. 31, before depreciation	Average before depreciation	Allowable depreciation	Reserve Dec. 31, after depreciation
1954	$2,400			$2,400	$2,400	$2,400	$2,400
1955	3,840			6,240	6,240	3,840	6,240
1956	8,544			8,544	7,744	2,304	8,544
1957	8,086	$2,000	$200	6,286	7,186	1,342	8,086
1958	7,012	2,000	200	5,212	5,749	726	7,012
1959	3,727	4,000	400	3,412	4,312	315	3,727
1960	1,836	2,000		1,727	2,727	109	1,836
1961	1,022	2,000		(164)	836	164	1,022

Where separate depreciation accounts are maintained by year of acquisition and there is an unrecovered balance at the time of the last retirement, such unrecovered balance may be deducted as part of the depreciation allowance for the year of such retirement. Thus, if the taxpayer had kept separate depreciation accounts by year of acquisition and all the retirements shown in the example above were from 1954 acquisitions, depreciation would be computed on the 1954 and 1959 acquisitions as follows:

DEPRECIABLE ASSET ACCOUNT AND DEPRECIATION COMPUTATION ON AVERAGE BALANCES

Year	Asset balance Jan. 1	Current additions	Current retirements	Asset balance Dec. 31	Average balance	Rate (percent)	Allowable depreciation
1954	$12,000	$12,000		$12,000	$6,000	18.67	$1,120
1955	12,000			12,000	12,000	18.67	2,240
1956	12,000			12,000	12,000	18.67	2,240
1957	10,000		$2,000	10,000	11,000	18.67	2,054
1958	8,000	2,000		10,000	10,000	18.67	1,680
1959	14,000	4,000		14,000	12,000	18.67	2,427
1960	12,000	2,000		12,000	13,000	18.67	2,054
1961		2,000		10,000	11,000	18.67	2,054

CORRESPONDING DEPRECIATION RESERVE ACCOUNT

Year	Depreciation reserve Jan. 1	Depreciation allowable	Current retirements	Salvage realized	Depreciation reserve Dec. 31
1954		$1,120			$1,120
1955	$1,120	2,240			3,360
1956	3,360	2,240			5,600
1957	5,600	2,054	$2,000	$200	5,854
1958	5,754	1,680	2,000	200	5,734
1959	4,188	2,427	4,000	400	4,188
1960	4,615	2,054	2,000		4,669
1961	4,669				

Where separate depreciation accounts are maintained by year of acquisition and there is an unrecovered balance at the time of the last retirement, such unrecovered balance may be deducted as part of the depreciation allowance for the year of such retirement. Thus, if the taxpayer had kept separate depreciation accounts by year of acquisition and all the retirements shown in the example above were from 1954 acquisitions, depreciation would be computed on the 1954 and 1959 acquisitions as follows:

mated useful lives, the group rate is determined from the average of the useful lives or the assets. In the case of classified or composite accounts, the classified or composite rate is generally computed by determining the amount of one year's depreciation for each item or each group of similar items, and by dividing the total depreciation thus obtained by the total cost or other basis of the assets. The average rate so obtained is to be used as long as subsequent additions, retirements, or replacements do not substantially alter the relative proportions of different types of assets in the account. An example of the computation of a classified or composite rate follows:

Cost or other basis	Estimated useful life	Annual depreciation
	Years	
$10,000	5	$2,000
10,000	15	667
20,000		2,667

Average rate is 13.33 percent ($2,667÷$20,000) unadjusted for salvage. Assuming the estimated salvage value is 10 percent of the cost or other basis, the rate adjusted for salvage will be 13.33 percent minus 10 percent of 13.33 percent (13.33%−1.33%), or 12 percent.

Example (3). The use of the straight line method for group, classified, or composite accounts is illustrated by the following example: A taxpayer filing his returns on a calendar year basis maintains an asset account for which a group rate of 20 percent has been determined, before adjustment for salvage. Estimated salvage is determined to be 6⅔ percent, resulting in an adjusted rate of 18.67 percent. During the years illustrated, the initial investment, additions, retirements, and salvage recoveries, which were determined not to change the composition of the group sufficiently to require a change in rate, were assumed to have been made as follows:

1954—Initial investment of $12,000.
1957—Retirement $2,000, salvage realized $200.
1958—Retirement $2,000, salvage realized $200.
1959—Retirement $4,000, salvage realized $400.
1959—Additions $10,000.
1960—Retirement $2,000, no salvage realized.
1961—Retirement $2,000, no salvage realized.

§ 1.167 (b)-2 *Declining balance method—*(a) *Application of method.* Under the declining balance method a uniform rate is applied each year to the unrecovered cost or other basis of the property. The unrecovered cost or other basis is the basis provided by section 167 (f), adjusted for depreciation previously

1954 ACQUISITIONS

Year	Asset balance Jan. 1	Acquisitions	Current retirements	Asset balance Dec. 31	Average balance	Average reserve before depreciation	Net depreciable balance	Rate (percent)	Allowable depreciation
1954		$12,000		$12,000	$6,000		$6,000	40	$2,400
1955	$12,000			12,000	12,000	$2,400	9,600	40	3,840
1956	12,000			12,000	12,000	6,240	5,760	40	2,304
1957	12,000		$2,000	10,000	11,000	7,644	3,356	40	1,342
1958	10,000		2,000	8,000	9,000	7,186	1,814	40	726
1959	8,000		4,000	4,000	6,000	5,212	788	40	315
1960	4,000		2,000	2,000	3,000	2,727	273	40	109
1961	2,000		2,000		1,000	836	164		[1] 164

[1] Balance allowable as depreciation in the year of retirement of the last survivor of the 1954 acquisitions.

DEPRECIATION RESERVE FOR 1954 ACQUISITIONS

Year	Reserve Jan. 1	Current retirements	Salvage realized	Reserve Dec. 31, before depreciation	Average reserve before depreciation	Allowable depreciation	Reserve Dec. 31, after depreciation
1954						$2,400	$2,400
1955	$2,400			$2,400	$2,400	3,840	6,240
1956	6,240			6,240	6,240	2,304	8,544
1957	8,544	$2,000	$200	6,744	7,644	1,342	8,086
1958	8,086	2,000	200	6,286	7,186	726	7,012
1959	7,012	4,000	400	3,412	5,212	315	3,727
1960	3,727	2,000		1,727	2,727	109	1,836
1961	1,836	2,000		(164)	836	164	

1959 ACQUISITIONS

Year	Asset balance Jan. 1	Acquisition	Asset balance Dec. 31	Average balance	Reserve Dec. 31, before depreciation	Net depreciable balance	Rate (percent)	Allowable depreciation	Reserve Dec. 31, after depreciation
1959		$10,000	$10,000	$5,000	None	$5,000	40	$2,000	$2,000
1960	$10,000		10,000	10,000	$2,000	8,000	40	3,200	5,200
1961	10,000		10,000	10,000	5,200	4,800	40	1,920	7,120

In the above example, the allowable depreciation on the 1954 acquisitions totals $11,200. This amount when increased by salvage realized in the amount of $800, equals the entire cost or other basis of the 1954 acquisitions ($12,000).

(c) *Change in estimated useful life.* In the declining balance method when a change is justified in the useful life estimated for an account, subsequent computations shall be made as though the revised useful life had been originally estimated. For example, assume that an account has an estimated useful life of ten years and that a declining balance rate of 20 percent is applicable. If, at the end of the sixth year, it is determined that the remaining useful life of the account is six years, computations shall be made as though the estimated useful life was originally determined as twelve years. Accordingly, the applicable depreciation rate will be 16⅔ percent. This rate is thereafter applied to the unrecovered cost or other basis.

§ 1.167 (b)-3 *Sum of the years-digits method—*(a) *Applied to a single asset—*(1) *General rule.* Under the sum of the years-digits method annual allowances for depreciation are computed by applying changing fractions to the cost or other basis of the property reduced by estimated salvage. The numerator of the fraction changes each year to a number which corresponds to the remaining useful life of the asset (including the year for which the allowance is being computed), and the denominator which remains constant is the sum of all the years digits corresponding to the estimated useful life of the asset. See section 167 (c) and § 1.167 (c)-1 for restrictions on the use of the sum of the years-digits method.

(i) *Illustrations.* Computation of depreciation allowances on a single asset under the sum of the years-digits method is illustrated by the following examples:

Example (1). A new asset having an estimated useful life of five years was acquired on January 1, 1954, for $1,750. The estimated salvage is $250. For a taxpayer filing his returns on a calendar year basis, the annual depreciation allowances are as follows:

Year	Cost or other basis less salvage	Fraction [1]	Allowable depreciation	Depreciation reserve
1954	$1,500	5/15	$500	$500
1955	1,500	4/15	400	900
1956	1,500	3/15	300	1,200
1957	1,500	2/15	200	1,400
1958	1,500	1/15	100	1,500
Unrecovered value (salvage)				$250

[1] The denominator of the fraction is the sum of the digits representing the years of useful life, i. e., 5, 4, 3, 2, and 1, or 15.

Example (2). Assume in connection with an asset acquired in 1954 that three-fourths of a year's depreciation is allowable in that year. The following illustrates a reasonable method of allocating depreciation:

	Depreciation for 12 months	Allowable depreciation		
		1954	1955	1956
1st year	$500	(¼) $375	(¼) $125	
2d year	400		(¾) 300	(¼) $100
3d year	300			(¾) 225
		375	425	325

(ii) *Change in useful life.* Where in the case of a single asset, a change is justified in the useful life, subsequent computations shall be made as though the remaining useful life at the beginning of the taxable year of change were the useful life of a new asset acquired at such time and with a basis equal to the unrecovered cost or other basis of the asset at that time. For example, assume that a new asset with an estimated useful life of ten years is purchased in 1954. At the time of making out his return for 1959, the taxpayer finds that the asset has a remaining useful life of seven years from January 1, 1959. Depreciation for 1959 should then be computed as though 1959 were the first year of the life of an asset estimated to have a useful life of seven years, and the allowance for 1959 would be 7/28 of the unrecovered cost or other basis of the asset after adjustment for salvage.

(2) *Remaining life—*(i) *Application.* Under the sum of the years-digits method, annual allowances for depreciation may also be computed by applying changing fractions to the unrecovered cost or other basis of the asset reduced by estimated salvage. The numerator of the fraction changes each year to a number which corresponds to the remaining useful life of the asset (including the year for which the allowance is being computed), and the denominator changes each year to a number which represents the sum of the digits corresponding to the years of estimated remaining useful life of the asset. For decimal equivalents of such fractions see Table I below. For example, a new asset with an estimated useful life of 10 years is purchased January 1, 1954, for $6,000. Assuming a salvage value of $500, the depreciation allowance for 1954 is $1,000 ($5,500×0.1818, the applicable rate from Table I). For 1955, the unrecovered balance is $4,500, and the remaining life is 9 years. The depreciation allowance for 1955 would then be $900 ($4,500×0.2000, the applicable rate from Table I).

(ii) *Table I.* This table shows decimal equivalents of sum of the years-digits fractions corresponding to remaining lives from 1 to 100 years.

TABLE I—DECIMAL EQUIVALENTS FOR USE OF SUM OF THE YEARS-DIGITS METHOD, BASED ON REMAINING LIFE

Remaining life (years)	*Decimal equivalent*	*Remaining life (years)*	*Decimal equivalent*
100.0	0.0198	97.9	0.0202
99.9	.0198	97.8	.0202
99.8	.0198	97.7	.0203
99.7	.0199	97.6	.0203
99.6	.0199	97.5	.0203
99.5	.0199	97.4	.0203
99.4	.0199	97.3	.0203
99.3	.0199	97.2	.0204
99.2	.0200	97.1	.0204
99.1	.0200	97.0	.0204
99.0	.0200	96.9	.0204
98.9	.0200	96.8	.0204
98.8	.0200	96.7	.0205
98.7	.0201	96.6	.0205
98.6	.0201	96.5	.0205
98.5	.0201	96.4	.0205
98.4	.0201	96.3	.0206
98.3	.0201	96.2	.0206
98.2	.0202	96.1	.0206
98.1	.0202	96.0	.0206
98.0	.0202	95.9	.0206

TABLE I—DECIMAL EQUIVALENTS FOR USE OF SUM OF THE YEARS-DIGITS METHOD, BASED ON REMAINING LIFE—Continued

Remaining life (years)	Decimal equivalent	Remaining life (years)	Decimal equivalent
95.8	0.0207	87.3	0.0226
95.7	.0207	87.2	.0227
95.6	.0207	87.1	.0227
95.5	.0207	87.0	.0227
95.4	.0207	86.9	.0228
95.3	.0208	86.8	.0228
95.2	.0208	86.7	.0228
95.1	.0208	86.6	.0228
95.0	.0208	86.5	.0229
94.9	.0209	86.4	.0229
94.8	.0209	86.3	.0229
94.7	.0209	86.2	.0229
94.6	.0209	86.1	.0230
94.5	.0209	86.0	.0230
94.4	.0210	85.9	.0230
94.3	.0210	85.8	.0230
94.2	.0210	85.7	.0231
94.1	.0210	85.6	.0231
94.0	.0211	85.5	.0231
93.9	.0211	85.4	.0231
93.8	.0211	85.3	.0232
93.7	.0211	85.2	.0232
93.6	.0211	85.1	.0232
93.5	.0212	85.0	.0233
93.4	.0212	84.9	.0233
93.3	.0212	84.8	.0233
93.2	.0212	84.7	.0233
93.1	.0213	84.6	.0234
93.0	.0213	84.5	.0234
92.9	.0213	84.4	.0234
92.8	.0213	84.3	.0234
92.7	.0213	84.2	.0235
92.6	.0214	84.1	.0235
92.5	.0214	84.0	.0235
92.4	.0214	83.9	.0236
92.3	.0214	83.8	.0236
92.2	.0215	83.7	.0236
92.1	.0215	83.6	.0236
92.0	.0215	83.5	.0237
91.9	.0215	83.4	.0237
91.8	.0216	83.3	.0237
91.7	.0216	83.2	.0238
91.6	.0216	83.1	.0238
91.5	.0216	83.0	.0238
91.4	.0216	82.9	.0238
91.3	.0217	82.8	.0239
91.2	.0217	82.7	.0239
91.1	.0217	82.6	.0239
91.0	.0217	82.5	.0240
90.9	.0218	82.4	.0240
90.8	.0218	82.3	.0240
90.7	.0218	82.2	.0240
90.6	.0218	82.1	.0241
90.5	.0219	82.0	.0241
90.4	.0219	81.9	.0241
90.3	.0219	81.8	.0242
90.2	.0219	81.7	.0242
90.1	.0220	81.6	.0242
90.0	.0220	81.5	.0242
89.9	.0220	81.4	.0243
89.8	.0220	81.3	.0243
89.7	.0221	81.2	.0243
89.6	.0221	81.1	.0244
89.5	.0221	81.0	.0244
89.4	.0221	80.9	.0244
89.3	.0221	80.8	.0244
89.2	.0222	80.7	.0245
89.1	.0222	80.6	.0245
89.0	.0222	80.5	.0245
88.9	.0222	80.4	.0246
88.8	.0223	80.3	.0246
88.7	.0223	80.2	.0246
88.6	.0223	80.1	.0247
88.5	.0223	80.0	.0247
88.4	.0224	79.9	.0247
88.3	.0224	79.8	.0248
88.2	.0224	79.7	.0248
88.1	.0224	79.6	.0248
88.0	.0225	79.5	.0248
87.9	.0225	79.4	.0249
87.8	.0225	79.3	.0249
87.7	.0225	79.2	.0249
87.6	.0226	79.1	.0250
87.5	.0226	79.0	.0250
87.4	.0226	78.9	.0250
78.8	0.0251	70.3	0.0280
78.7	.0251	70.2	.0281
78.6	.0251	70.1	.0281
78.5	.0252	70.0	.0282
78.4	.0252	69.9	.0282
78.3	.0252	69.8	.0282
78.2	.0253	69.7	.0283
78.1	.0253	69.6	.0283
78.0	.0253	69.5	.0284
77.9	.0253	69.4	.0284
77.8	.0254	69.3	.0284
77.7	.0254	69.2	.0285
77.6	.0254	69.1	.0285
77.5	.0255	69.0	.0286
77.4	.0255	68.9	.0286
77.3	.0255	68.8	.0287
77.2	.0256	68.7	.0287
77.1	.0256	68.6	.0287
77.0	.0256	68.5	.0288
76.9	.0257	68.4	.0288
76.8	.0257	68.3	.0289
76.7	.0257	68.2	.0289
76.6	.0258	68.1	.0289
76.5	.0258	68.0	.0290
76.4	.0258	67.9	.0290
76.3	.0259	67.8	.0291
76.2	.0259	67.7	.0291
76.1	.0259	67.6	.0292
76.0	.0260	67.5	.0292
75.9	.0260	67.4	.0292
75.8	.0260	67.3	.0293
75.7	.0261	67.2	.0293
75.6	.0261	67.1	.0294
75.5	.0261	67.0	.0294
75.4	.0262	66.9	.0295
75.3	.0262	66.8	.0295
75.2	.0262	66.7	.0295
75.1	.0263	66.6	.0296
75.0	.0263	66.5	.0296
74.9	.0264	66.4	.0297
74.8	.0264	66.3	.0297
74.7	.0264	66.2	.0298
74.6	.0265	66.1	.0298
74.5	.0265	66.0	.0299
74.4	.0265	65.9	.0299
74.3	.0266	65.8	.0299
74.2	.0266	65.7	.0300
74.1	.0266	65.6	.0300
74.0	.0267	65.5	.0301
73.9	.0267	65.4	.0301
73.8	.0267	65.3	.0302
73.7	.0268	65.2	.0302
73.6	.0268	65.1	.0303
73.5	.0268	65.0	.0303
73.4	.0269	64.9	.0303
73.3	.0269	64.8	.0304
73.2	.0270	64.7	.0304
73.1	.0270	64.6	.0305
73.0	.0270	64.5	.0305
72.9	.0271	64.4	.0306
72.8	.0271	64.3	.0306
72.7	.0271	64.2	.0307
72.6	.0272	64.1	.0307
72.5	.0272	64.0	.0308
72.4	.0272	63.9	.0308
72.3	.0273	63.8	.0309
72.2	.0273	63.7	.0309
72.1	.0274	63.6	.0310
72.0	.0274	63.5	.0310
71.9	.0274	63.4	.0311
71.8	.0275	63.3	.0311
71.7	.0275	63.2	.0312
71.6	.0275	63.1	.0312
71.5	.0276	63.0	.0313
71.4	.0276	62.9	.0313
71.3	.0277	62.8	.0313
71.2	.0277	62.7	.0314
71.1	.0277	62.6	.0314
71.0	.0278	62.5	.0315
70.9	.0278	62.4	.0315
70.8	.0279	62.3	.0316
70.7	.0279	62.2	.0316
70.6	.0279	62.1	.0317
70.5	.0280	62.0	.0317
70.4	.0280	61.9	.0318
61.8	0.0318	53.3	0.0368
61.7	.0319	53.2	.0369
61.6	.0319	53.1	.0370
61.5	.0320	53.0	.0370
61.4	.0320	52.9	.0371
61.3	.0321	52.8	.0372
61.2	.0322	52.7	.0372
61.1	.0322	52.6	.0373
61.0	.0323	52.5	.0374
60.9	.0323	52.4	.0374
60.8	.0324	52.3	.0375
60.7	.0324	52.2	.0376
60.6	.0325	52.1	.0377
60.5	.0325	52.0	.0377
60.4	.0326	51.9	.0378
60.3	.0326	51.8	.0379
60.2	.0327	51.7	.0379
60.1	.0327	51.6	.0380
60.0	.0328	51.5	.0381
59.9	.0328	51.4	.0382
59.8	.0329	51.3	.0382
59.7	.0329	51.2	.0383
59.6	.0330	51.1	.0384
59.5	.0331	51.0	.0385
59.4	.0331	50.9	.0385
59.3	.0332	50.8	.0386
59.2	.0332	50.7	.0387
59.1	.0333	50.6	.0388
59.0	.0333	50.5	.0388
58.9	.0334	50.4	.0389
58.8	.0334	50.3	.0390
58.7	.0335	50.2	.0391
58.6	.0336	50.1	.0391
58.5	.0336	50.0	.0392
58.4	.0337	49.9	.0393
58.3	.0337	49.8	.0394
58.2	.0338	49.7	.0394
58.1	.0338	49.6	.0395
58.0	.0339	49.5	.0396
57.9	.0340	49.4	.0397
57.8	.0340	49.3	.0398
57.7	.0341	49.2	.0398
57.6	.0341	49.1	.0399
57.5	.0342	49.0	.0400
57.4	.0342	48.9	.0401
57.3	.0343	48.8	.0402
57.2	.0344	48.7	.0402
57.1	.0344	48.6	.0403
57.0	.0345	48.5	.0404
56.9	.0345	48.4	.0405
56.8	.0346	48.3	.0406
56.7	.0347	48.2	.0406
56.6	.0347	48.1	.0407
56.5	.0348	48.0	.0408
56.4	.0348	47.9	.0409
56.3	.0349	47.8	.0410
56.2	.0350	47.7	.0411
56.1	.0350	47.6	.0411
56.0	.0351	47.5	.0412
55.9	.0351	47.4	.0413
55.8	.0352	47.3	.0414
55.7	.0353	47.2	.0415
55.6	.0353	47.1	.0416
55.5	.0354	47.0	.0417
55.4	.0355	46.9	.0418
55.3	.0355	46.8	.0418
55.2	.0356	46.7	.0419
55.1	.0356	46.6	.0420
55.0	.0357	46.5	.0421
54.9	.0358	46.4	.0422
54.8	.0358	46.3	.0423
54.7	.0359	46.2	.0424
54.6	.0360	46.1	.0425
54.5	.0360	46.0	.0426
54.4	.0361	45.9	.0426
54.3	.0362	45.8	.0427
54.2	.0362	45.7	.0428
54.1	.0363	45.6	.0429
54.0	.0364	45.5	.0430
53.9	.0364	45.4	.0431
53.8	.0365	45.3	.0432
53.7	.0366	45.2	.0433
53.6	.0366	45.1	.0434
53.5	.0367	45.0	.0435
53.4	.0368	44.9	.0436
44.8	0.0437	36.3	0.0536
44.7	.0438	36.2	.0538
44.6	.0439	36.1	.0539
44.5	.0440	36.0	.0541
44.4	.0440	35.9	.0542
44.3	.0441	35.8	.0543
44.2	.0442	35.7	.0545
44.1	.0443	35.6	.0546
44.0	.0444	35.5	.0548
43.9	.0445	35.4	.0549
43.8	.0446	35.3	.0551
43.7	.0447	35.2	.0552
43.6	.0448	35.1	.0554
43.5	.0449	35.0	.0556
43.4	.0450	34.9	.0557
43.3	.0451	34.8	.0559
43.2	.0452	34.7	.0560
43.1	.0453	34.6	.0562
43.0	.0455	34.5	.0563
42.9	.0456	34.4	.0565
42.8	.0457	34.3	.0566
42.7	.0458	34.2	.0568
42.6	.0459	34.1	.0570
42.5	.0460	34.0	.0571
42.4	.0461	33.9	.0573
42.3	.0462	33.8	.0575
42.2	.0463	33.7	.0576
42.1	.0464	33.6	.0578
42.0	.0465	33.5	.0580
41.9	.0466	33.4	.0581
41.8	.0467	33.3	.0583
41.7	.0468	33.2	.0585
41.6	.0469	33.1	.0586
41.5	.0471	33.0	.0588
41.4	.0472	32.9	.0590
41.3	.0473	32.8	.0592
41.2	.0474	32.7	.0593
41.1	.0475	32.6	.0595
41.0	.0476	32.5	.0597
40.9	.0477	32.4	.0599
40.8	.0478	32.3	.0600
40.7	.0480	32.2	.0602
40.6	.0481	32.1	.0604
40.5	.0482	32.0	.0606
40.4	.0483	31.9	.0608
40.3	.0484	31.8	.0610
40.2	.0485	31.7	.0611
40.1	.0487	31.6	.0613
40.0	.0488	31.5	.0615
39.9	.0489	31.4	.0617
39.8	.0490	31.3	.0619
39.7	.0491	31.2	.0621
39.6	.0493	31.1	.0623
39.5	.0494	31.0	.0625
39.4	.0495	30.9	.0627
39.3	.0496	30.8	.0629
39.2	.0497	30.7	.0631
39.1	.0499	30.6	.0633
39.0	.0500	30.5	.0635
38.9	.0501	30.4	.0637
38.8	.0502	30.3	.0639
38.7	.0504	30.2	.0641
38.6	.0505	30.1	.0643
38.5	.0506	30.0	.0645
38.4	.0508	29.9	.0647
38.3	.0509	29.8	.0649
38.2	.0510	29.7	.0651
38.1	.0511	29.6	.0653
38.0	.0513	29.5	.0656
37.9	.0514	29.4	.0658
37.8	.0515	29.3	.0660
37.7	.0517	29.2	.0662
37.6	.0518	29.1	.0664
37.5	.0519	29.0	.0667
37.4	.0521	28.9	.0669
37.3	.0522	28.8	.0671
37.2	.0524	28.7	.0673
37.1	.0525	28.6	.0675
37.0	.0526	28.5	.0678
36.9	.0528	28.4	.0680
36.8	.0529	28.3	.0682
36.7	.0530	28.2	.0685
36.6	.0532	28.1	.0687
36.5	.0533	28.0	.0690
36.4	.0535	27.9	.0692
27.8	0.0694	19.3	0.0985
27.7	.0697	19.2	.0990
27.6	.0699	19.1	.0995
27.5	.0702	19.0	.1000
27.4	.0704	18.9	.1005
27.3	.0707	18.8	.1010
27.2	.0709	18.7	.1015
27.1	.0712	18.6	.1020
27.0	.0714	18.5	.1025
26.9	.0717	18.4	.1030
26.8	.0719	18.3	.1036
26.7	.0722	18.2	.1041
26.6	.0724	18.1	.1047
26.5	.0727	18.0	.1053
26.4	.0730	17.9	.1058
26.3	.0732	17.8	.1063
26.2	.0735	17.7	.1069
26.1	.0738	17.6	.1074
26.0	.0741	17.5	.1080
25.9	.0743	17.4	.1086
25.8	.0746	17.3	.1092
25.7	.0749	17.2	.1098
25.6	.0752	17.1	.1105
25.5	.0754	17.0	.1111
25.4	.0757	16.9	.1117
25.3	.0760	16.8	.1123
25.2	.0763	16.7	.1129
25.1	.0766	16.6	.1135
25.0	.0769	16.5	.1142
24.9	.0772	16.4	.1148
24.8	.0775	16.3	.1155
24.7	.0778	16.2	.1162
24.6	.0781	16.1	.1169
24.5	.0784	16.0	.1176
24.4	.0787	15.9	.1183
24.3	.0790	15.8	.1190
24.2	.0793	15.7	.1197
24.1	.0797	15.6	.1204
24.0	.0800	15.5	.1211
23.9	.0803	15.4	.1218
23.8	.0806	15.3	.1226
23.7	.0809	15.2	.1234
23.6	.0813	15.1	.1242
23.5	.0816	15.0	.1250
23.4	.0819	14.9	.1257
23.3	.0823	14.8	.1265
23.2	.0826	14.7	.1273
23.1	.0830	14.6	.1281
23.0	.0833	14.5	.1289
22.9	.0837	14.4	.1297
22.8	.0840	14.3	.1306
22.7	.0844	14.2	.1315
22.6	.0847	14.1	.1324
22.5	.0851	14.0	.1333
22.4	.0854	13.9	.1342
22.3	.0858	13.8	.1350
22.2	.0862	13.7	.1359
22.1	.0866	13.6	.1368
22.0	.0870	13.5	.1378
21.9	.0873	13.4	.1387
21.8	.0877	13.3	.1397
21.7	.0881	13.2	.1407
21.6	.0885	13.1	.1418
21.5	.0888	13.0	.1429
21.4	.0892	12.9	.1438
21.3	.0896	12.8	.1448
21.2	.0901	12.7	.1458
21.1	.0905	12.6	.1469
21.0	.0909	12.5	.1479
20.9	.0913	12.4	.1490
20.8	.0917	12.3	.1502
20.7	.0921	12.2	.1514
20.6	.0925	12.1	.1526
20.5	.0930	12.0	.1538
20.4	.0934	11.9	.1549
20.3	.0939	11.8	.1561
20.2	.0943	11.7	.1573
20.1	.0948	11.6	.1585
20.0	.0952	11.5	.1597
19.9	.0957	11.4	.1610
19.8	.0961	11.3	.1624
19.7	.0966	11.2	.1637
19.6	.0970	11.1	.1652
19.5	.0975	11.0	.1667
19.4	.0980	10.9	.1680
10.8	.1693	5.8	.2929
10.7	.1707	5.7	.2969
10.6	.1721	5.6	.3011
10.5	.1736	5.5	.3056
10.4	.1751	5.4	.3103
10.3	.1767	5.3	.3155
10.2	.1783	5.2	.3210
10.1	.1800	5.1	.3269
10.0	.1818	5.0	.3333
9.9	.1833	4.9	.3379
9.8	.1849	4.8	.3429
9.7	.1865	4.7	.3481
9.6	.1882	4.6	.3538
9.5	.1900	4.5	.3600
9.4	.1918	4.4	.3667
9.3	.1938	4.3	.3739
9.2	.1957	4.2	.3818
9.1	.1978	4.1	.3905
9.0	.2000	4.0	.4000
8.9	.2018	3.9	.4063
8.8	.2037	3.8	.4130
8.7	.2057	3.7	.4205
8.6	.2077	3.6	.4286
8.5	.2099	3.5	.4375
8.4	.2121	3.4	.4474
8.3	.2145	3.3	.4583
8.2	.2169	3.2	.4706
8.1	.2195	3.1	.4844
8.0	.2222	3.0	.5000
7.9	.2244	2.9	.5088
7.8	.2267	2.8	.5185
7.7	.2292	2.7	.5294
7.6	.2317	2.6	.5417
7.5	.2344	2.5	.5556
7.4	.2372	2.4	.5714
7.3	.2401	2.3	.5897
7.2	.2432	2.2	.6111
7.1	.2465	2.1	.6364
7.0	.2500	2.0	.6667
6.9	.2527	1.9	.6786
6.8	.2556	1.8	.6923
6.7	.2587	1.7	.7083
6.6	.2619	1.6	.7273
6.5	.2653	1.5	.7500
6.4	.2689	1.4	.7778
6.3	.2727	1.3	.8125
6.2	.2768	1.2	.8571
6.1	.2811	1.1	.9167
6.0	.2857	1.0	1.0000

NOTE: For determination of decimal equivalents of remaining lives falling between those shown in the above table, the taxpayer may use the next longest life shown in the table, interpolate from the table, or use the following formula from which the table was derived.

$$D=\frac{2R}{(W+2F)(W+1)}$$

where:

D = Decimal equivalent.
R = Remaining life.
W = Whole number of years in remaining life.
F = Fractional part of year in remaining life.

If the taxpayer desires to carry his calculations of decimal equivalents to a greater number of decimal places than is provided in the table, he may use the formula. The procedure adopted must be consistently followed thereafter.

(b) *Applied to group, classified, or composite accounts*—(1) *General rule.* The sum of the years-digits method may be applied to group, classified, or composite accounts in accordance with the plan described in subparagraph (2) or in accordance with other plans as explained in subparagraph (3).

(2) *Remaining life plan.* The remaining life plan as applied to a single asset is described in § 1.167 (b)–3 (a) (2). This plan may also be applied to group, classified, or composite accounts. Under this plan the allowance for depreciation is computed by applying changing fractions to the unrecovered cost or other basis of the account reduced by estimated salvage. The numerator of the fraction changes each year to a number which corresponds to the remaining useful life of the account (including the year for which the allowance is being computed), and the denominator changes each year to a number which represents the sum of the years digits corresponding to the years of estimated remaining useful life of the account. Decimal equivalents of such fractions can be obtained by use of Table I under § 1.167 (b)–3 (a) (2) (ii). The proper application of this method requires that the estimated remaining useful life of the account be redetermined each year. This redetermination, of course, may be made each year by analysis, i. e., by determining the remaining lives for each of the components in the account, and averaging them. The estimated remaining life of any account, however, may also be determined arithmetically by dividing the unrecovered cost or other basis of the account, as computed by straight line depreciation, by the gross cost or other basis of the account, and multiplying the result by the average life of the assets in the account. Thus, if a group account with an average life of ten years had at January 1, 1958, a gross asset balance of $12,600 and a depreciation reserve computed on the straight line method of $9,450, the remaining life of the account at January 1, 1958, would be computed as follows:

$$\frac{\$12,600-\$9,450}{\$12,600}$$

times 10 years equals 2.50 years.

(i) *Example.* The use of the sum of the years-digits method with group, classified, or composite accounts under the remaining life plan is illustrated by the following example: A calendar year taxpayer maintains a group account to which a five-year life is applicable. Original investment, additions, retirements, and salvage recoveries are the same as those set forth in example (3) of § 1.167 (b)–1 (b).

DEPRECIATION COMPUTATION ON A GROUP ACCOUNT UNDER REMAINING LIFE PLAN

Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14
											Sum of the year's digits depreciation			
	Asset balance Jan. 1	Current additions	Current retirements	Average asset balance	Straight line amount—Col. (4)÷ life	Straight line reserve—Col. (5)—Col. (3) accumulated Jan. 1	Remaining life—Col. (1)—Col. (6)+Col. (1)× average service life	Asset balance reduced by salvage—Col. (1)×(100%−6.67%)	Current additions reduced by salvage—Col. (2)×(100%−6.67%)	Salvage realized	Accumulated reserve Jan. 1—Prior reserve+Col. (14)+Col. (10)—Col. (3)	Unrecovered Jan. 1—Col. (8)—Col. (11)	Rate based on Col. (7) from Table I	Allowable depreciation—Col. (12)×Col. (13)+½ Col. (9) ×F[2]
1954	$12,000	$12,000		$6,000	[1] $1,200		5.00		$11,200				0.3333	$1,866
1955	12,000			12,000	2,400	$1,200	4.50	$11,200			$1,866	$9,334	.3600	3,360
1956	12,000			12,000	2,400	3,600	3.50	11,200			5,226	5,974	.4375	2,614
1957	12,000		$2,000	11,000	2,200	6,000	2.50	11,200			7,840	3,360	.5556	1,867
1958	10,000		2,000	9,000	1,800	6,200	1.50	9,333		$200	7,907	1,426	.6786	968
1959	8,000	10,000	4,000	11,000	2,200	6,000	1.25	7,466		200	7,073	391	.8125	1,874
1960	14,000		2,000	13,000	2,600	4,200	3.50	13,066	9,333	400	5,349	7,717	.4375	3,376
1961	12,000		2,000	11,000	2,200	4,800	3.00	11,200			6,725	4,475	.5000	2,238
1962						5,000					6,963			

[1] ½ year's amount.
[2] F = Rate based on average service life (0.3333 in this example).

(3) *Other plans for application of the sum of the years-digits method.* Taxpayers who wish to use the sum of the years-digits method in computing depreciation for group, classified, or composite accounts in accordance with a sum of the years digits plan other than the remaining life plan described herein may do so only with the consent of the Commissioner. Request for permission to use methods other than that described shall be addressed to the Commissioner of Internal Revenue, Washington 25, D. C.

§ 1.167 (b)–4 *Other methods.* (a) Under section 167 (b) (4) a taxpayer may use any consistent method of computing depreciation, such as the sinking fund method, provided depreciation allowances computed in accordance with such method do not result in accumulated allowances at the end of any taxable year greater than the total of the accumulated allowances which could have resulted from the use of the declining balance method. This limitation applies only during the first two-thirds of the useful life of the property. For example, an asset costing $1,000 having a useful life of six years may be depreciated under the declining balance method in accordance with § 1.167 (b)–2, at a rate of 33⅓ percent. During the first four years or two-thirds of its useful life, maximum depreciation allowances under the declining balance method would be as follows:

	Current depreciation	Accumulated depreciation	Balance
Cost of asset			$1,000
First year	$333	$333	667
Second year	222	555	445
Third year	148	703	297
Fourth year	99	802	198

An annual allowance computed by any other method under section 167 (b) (4) could not exceed $333 for the first year, and at the end of the second year the total allowances for the two years could not exceed $555. Likewise, the total allowances for the three years could not exceed $703 and for the four years could not exceed $802. This limitation would not apply in the fifth and sixth years. See section 167 (c) and § 1.167 (c)–1 for restrictions on the use of certain methods.

(b) It shall be the responsibility of the taxpayer to establish to the satisfaction of the Commissioner that a method of depreciation under section 167 (b) (4) is both a reasonable and consistent method and that it does not produce depreciation allowances in excess of the amount permitted under the limitations provided in such section.

§ 1.167 (c) *Statutory provisions; depreciation; limitations on use of certain methods and rates.*

SEC. 167. *Depreciation.* • • •

(c) *Limitations on use of certain methods and rates.* Paragraphs (2), (3), and (4) of subsection (b) shall apply only in the case of property (other than intangible property) described in subsection (a) with a useful life of 3 years or more—

(1) The construction, reconstruction, or erection of which is completed after December 31, 1953, and then only to that portion of the basis which is properly attributable to such construction, reconstruction, or erection after December 31, 1953, or

(2) Acquired after December 31, 1953, if the original use of such property commences with the taxpayer and commences after such date.

§ 1.167 (c)–1 *Limitations on methods of computing depreciation under section 167 (b) (2), (3), and (4)—(a) In general.* (1) Section 167 (c) provides limitations on the use of the declining balance method described in section 167 (b) (2), the sum of the years-digits method described in section 167 (b) (3), and certain other methods authorized by section 167 (b) (4). These methods are applicable only to tangible property having a useful life of three years or more. If construction, reconstruction, or erection by the taxpayer began before January 1, 1954, and was completed after December 31, 1953, these methods apply only to that portion of the basis of the property which is properly attributable to such construction, reconstruction, or erection after December 31, 1953. Property is considered as constructed, reconstructed, or erected by the taxpayer if the work is done for him in accordance with his specifications. The portion of the basis of such property attributable to construction, reconstruction, or erection after December 31, 1953, consists of all costs of the property allocable to the period after December 31, 1953, including the cost or other basis of materials entering into such work. It is not necessary that such materials be acquired after December 31, 1953, or that they be new in use. If construction or erection by the taxpayer began after December 31, 1953, the entire cost or other basis of such construction or erection qualifies for these methods of depreciation. In the case of reconstruction of property, these methods do not apply to any part of the adjusted basis of such property on December 31, 1953. For purposes of this section, construction, reconstruction, or erection by the taxpayer begins when physical work is started on such construction, reconstruction, or erection.

(2) If the property was not constructed, reconstructed, or erected by the taxpayer, these methods apply only if it was acquired after December 31, 1953, and if the original use of the property commences with the taxpayer and commences after December 31, 1953. For the purpose of the preceding sentence, property shall be deemed to be acquired when reduced to physical possession, or control. The term "original use" means the first use to which the property is put, whether or not such use corresponds to the use of such property by the taxpayer. For example, a reconditioned or rebuilt machine acquired after December 31, 1953, will not be treated as being put to original use by the taxpayer even though it is put to a different use, nor will a horse acquired for breeding purposes be treated as being put to original use by the taxpayer if prior to the purchase the horse was used for racing purposes. See §§ 1.167 (b)–2, 3, and 4 for application of the various methods.

(3) Assets having an estimated average useful life of less than three years shall not be included in a group, classified, or composite account to which the methods described in §§ 1.167 (b)–2, 3, and 4 are applicable. However, an incidental retirement of an asset from such an account prior to the expiration of a useful life of three years will not prevent the application of these methods to such an account.

(4) See section 381 (c) (6) and the regulations thereunder for rules covering the use of depreciation methods by acquiring corporations in the case of certain corporate acquisitions.

(b) *Illustrations.* (1) The application of these methods to property constructed, reconstructed, or erected by the taxpayer after December 31, 1953, may be illustrated by the following examples:

Example (1). If a building with a total cost of $100,000 is completed after December 31, 1953, and the portion attributable to construction after December 31, 1953, is determined by engineering estimates or by cost accounting records to be $30,000, the methods referred to in paragraph (a) (1) above, are applicable only to the $30,000 portion of the total.

Example (2). In 1954, a taxpayer has an old machine with an unrecovered cost of $1,000. If he contracts to have it reconditioned, or reconditions it himself, at a cost of an additional $5,000, only the $5,000 may be depreciated under the methods referred to in paragraph (a) (1) above, whether or not the materials used for reconditioning are new in use.

Example (3). A taxpayer who acquired a building in 1940 makes major maintenance or repair expenditures in 1954 of a type which must be capitalized. For these expenditures the taxpayer may use a method of depreciation different from that used on the building (for example, the methods referred to in paragraph (a) (1) above) only if he accounts for such expenditures separately from the account which contained the original building. In such case, the unadjusted basis on any parts replaced shall be removed from the asset account and shall be charged to the appropriate depreciation reserve account. In the alternative he may capitalize such expenditures by charging them to the depreciation reserve account for the building.

(2) The application of these methods to property which was not constructed, reconstructed, or erected by the taxpayer but which was acquired after December 31, 1953, may be illustrated by the following examples:

Example (1). A taxpayer contracted in 1953 to purchase a new machine which he acquired in 1954 and put into first use in that year. He may use the methods referred to in paragraph (a) (1) above, in recovering the cost of the new machine.

Example (2). A taxpayer instead of reconditioning his old machine buys a "factory reconditioned" machine in 1954 to replace it. He can not apply the methods referred to in paragraph (a) (1) above, to any part of the cost of the reconditioned machine since he is not the first user of the machine.

Example (3). In 1954, a taxpayer buys a house for $20,000 which had been used as a personal residence and thus had not been subject to depreciation allowances. He makes a capital addition of $5,000 and rents the property to another. The taxpayer may use the methods referred to in paragraph (a) (1) above, only with respect to the $5,000 cost of the addition.

(c) *Election to use methods.* Subject to the limitations set forth in paragraph (a) of this section, the methods of computing the allowance for depreciation specified in section 167 (b) (2), (3), and (4) may be adopted without permission and no formal election is required. In order for a taxpayer to elect to use these methods for any property described in paragraph (a) of this section, he need only compute depreciation thereon under any of these methods for any taxable year ending after December 31, 1953, in which the property may first be depreciated by him. The election with respect to any property shall not be binding with respect to acquisitions of similar property in the same year or subsequent years which are set up in separate accounts. If a taxpayer has filed his return for a taxable year ending after December 31, 1953, for which the return is required to be filed on or before the 90th day following the promulgation of these regulations under section 167, an election to compute the depreciation allowance under any of the methods specified in section 167 (b) or a change in such an election may be made in an amended return or claim for refund filed on or before such 90th day.

§ 1.167 (d) *Statutory provisions; depreciation; agreement as to useful life on which depreciation rate is based.*

SEC. 167. *Depreciation.* • • •

(d) *Agreement as to useful life on which depreciation rate is based.* Where, under regulations prescribed by the Secretary or his delegate, the taxpayer and the Secretary or his delegate have, after the date of enactment of this title, entered into an agreement in writing specifically dealing with the useful life and rate of depreciation of any property, the rate so agreed upon shall be binding on both the taxpayer and the Secretary in the absence of facts or circumstances not taken into consideration in the adoption of such agreement. The responsibility of establishing the existence of such facts and circumstances shall rest with the party initiating the modification. Any change in the agreed rate and useful life specified in the agreement shall not be effective for taxable years before the taxable year in which notice in writing by registered mail is served by the party to the agreement initiating such change.

§ 1.167 (d)–1 *Agreement as to useful life and rates of depreciation.* After August 16, 1954, a taxpayer may, for taxable years ending after December 31, 1953, enter into an agreement with respect to the estimated useful life, method, and rate of depreciation of any property which is subject to the allowance for depreciation. An application for such agreement may be made to the district director of internal revenue for the district in which the taxpayer's return is required to be filed. Such application shall be filed in quadruplicate and shall contain in such detail as may be practical the following information:

(a) The character and location of the property.

(b) The original cost or other basis and date of acquisition.

(c) Proper adjustments to the basis including depreciation accumulated to the first taxable year to be covered by the agreement.

(d) Estimated useful life and estimated salvage value.

(e) Method and rate of depreciation.

(f) Any other facts and circumstances pertinent to making a reasonable estimate of the useful life of the property and its salvage value.

The agreement must be in writing and must be signed by the taxpayer and by the district director or such other person as is authorized by the Commissioner. The agreement must be signed in quadruplicate, and two of the signed copies will be returned to the taxpayer. The agreement shall set forth its effective date, the estimated remaining useful life, the estimated salvage value, and rate and method of depreciation of the property and the facts and circumstances taken into consideration in adoption of the agreement, and shall relate only to depreciation allowances for such property on and after the effective date of the agreement. Such an agreement shall be binding on both parties until such time as facts and circumstances which were

not taken into account in making the agreement are shown to exist. The party wishing to modify or change the agreement shall have the responsibility of establishing the existence of such facts and circumstances. Any change in the useful life or rate specified in such agreement shall be effective only prospectively, that is, it shall be effective beginning with the taxable year in which notice of the intention to change, including facts and circumstances warranting the adjustment of useful life and rate, is sent by registered mail by the party proposing the change to the other party. A copy of the agreement (and any modification thereof) shall be filed with the taxpayer's return for the first taxable year which is affected by the agreement (or any modification thereof). A signed copy should be retained with the permanent records of the taxpayer. For rules relating to changes in method of depreciation, see § 1.167 (e)–1 and section 446 and the regulations thereunder.

§ 1.167 (e) *Statutory provisions; depreciation; change in method.*

SEC. 167. *Depreciation.* • • •

(e) *Change in method.* In the absence of an agreement under subsection (d) containing a provision to the contrary, a taxpayer may at any time elect in accordance with regulations prescribed by the Secretary or his delegate to change from the method of depreciation described in subsection (b) (2) to the method described in subsection (b) (1).

§ 1.167 (e)–1 *Change in method*—(a) *In general.* Any change in the method of computing the depreciation allowances with respect to a particular account is a change in method of accounting, and such a change will be permitted only with the consent of the Commissioner, except that the change from the declining balance method to the straight line method as provided in section 167 (e) shall be permitted without consent. See paragraph (b) of this section. A change in method of computing depreciation will be permitted only with respect to all the assets contained in a particular account as defined in § 1.167 (a)–7. Any change in the percentage of the current straight line rate under the declining balance method or any change in the interest factor used in connection with a compound interest or sinking fund method will constitute a change in method of depreciation and will require the consent of the Commissioner. Any request for a change in method of depreciation shall be made in accordance with section 446 and the regulations thereunder and shall state the character and location of the property, method of depreciation being used and the method proposed, the date of acquisition, the cost or other basis and adjustments thereto, amounts recovered through depreciation and other allowances, the estimated salvage value, the estimated remaining life of the property, and such other information as may be required.

For rules covering the use of depreciation methods by acquiring corporations in the case of certain corporate acquisitions, see section 381 (c) (6) and the regulations thereunder.

(b) *Declining balance to straight line.* In the case of an account to which the method described in section 167 (b) (2) is applicable, a taxpayer may change without the consent of the Commissioner, from the declining balance method of depreciation to the straight line method at any time during the useful life of the property under the following conditions. Such a change may not be made if a provision prohibiting such a change is contained in an agreement under section 167 (d). When the change is made, the unrecovered cost or other basis (less a reasonable estimate for salvage) shall be recovered through annual allowances over the estimated remaining useful life determined in accordance with the circumstances existing at that time. With respect to any account, this change will be permitted only if applied to all the assets in the account as defined in § 1.167 (a)–7. The taxpayer shall furnish a statement, with respect to the property which is the subject of the change, showing the date of acquisition, cost or other basis, amounts recovered through depreciation and other allowances, the estimated salvage value, the character of the property, the remaining useful life of the property, and such other information as may be required. The statement shall be attached to the taxpayer's return for the taxable year in which the change is made. A change to the straight line method must be adhered to for the entire taxable year of the change and for all subsequent taxable years unless, with the consent of the Commissioner, a change to another method is permitted.

§ 1.167 (f) *Statutory provision; depreciation; basis for depreciation.*

SEC. 167. *Depreciation.* • • •

(f) *Basis for depreciation.* The basis on which exhaustion, wear and tear, and obsolescence are to be allowed in respect of any property shall be the adjusted basis provided in section 1011 for the purpose of determining the gain on the sale or other disposition of such property.

§ 1.167 (f)–1 *Basis for depreciation.* The basis upon which the allowance for depreciation is to be computed with respect to any property shall be the adjusted basis provided in section 1011 for the purpose of determining gain on the sale or other disposition of such property. In the case of property which has not been used in the trade or business or held for the production of income and which is thereafter converted to such use, the fair market value on the date of such conversion, if less than the adjusted basis of the property at that time, is the basis for computing depreciation.

§ 1.167 (g) *Statutory provision; depreciation; life tenants and beneficiaries of trusts and estates.*

SEC. 167. *Depreciation.* • • •

(g) *Life tenants and beneficiaries of trusts and estates.* In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust, the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each. In the case of an estate, the allowable deduction shall be apportioned between the estate and the heirs, legatees, and devisees on the basis of the income of the estate allocable to each.

§ 1.167 (g)–1 *Life tenants and beneficiaries of trusts and estates.* In the case of property held by one person for life with remainder to another person, the deduction for depreciation shall be computed as if the life tenant were the absolute owner of the property so that he will be entitled to the deduction during his life, and thereafter the deduction, if any, shall be allowed to the remainderman. In the case of property held in trust, the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the will, deed, or other instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income which is allocable to the trustee and the beneficiaries, respectively. For example, if the trust instrument provides that the income of the trust computed without regard to depreciation shall be distributed to a named beneficiary, such beneficiary shall be entitled to the depreciation allowance to the exclusion of the trustee, while if the instrument provides that the trustee in determining the distributable income shall first make due allowance for keeping the trust corpus intact by retaining a reasonable amount of the current income for that purpose, the allowable deduction shall be granted in full to the trustee. In the case of an estate, the allowable deduction shall be apportioned between the estate and the heirs, legatees, and devisees on the basis of income of the estate which is allocable to each. See section 642 (e) and the regulations thereunder for rules applicable to the allocation of income of estates and trusts.

§ 1.167 (h) *Statutory provisions; depreciation; depreciation of improvements in the case of mines, etc.*

SEC. 167. *Depreciation.* • • •

(h) *Depreciation of improvements in the case of mines, etc.* For additional rule applicable to depreciation of improvements in the case of mines, oil and gas wells, other natural deposits, and timber, see section 611.

§ 1.167 (h)–1 *Depreciation of improvements in the case of mines, etc.* Property used in the trade or business or held for the production of income which is subject to the allowance for depreciation provided in section 611 shall be treated for all purposes of the Internal Revenue Code of 1954 as if it were property subject to the allowance for depreciation under section 167. The preceding sentence shall not limit the allowance for depreciation otherwise allowable under section 611.

[F. R. Doc. 55–9155; Filed, Nov. 9, 1955; 1:14 p. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 28]

COTTON SAMPLING

PROPOSED REVISED REGULATIONS FOR COTTON CLASSIFICATION AND MARKET NEWS SERVICES FOR ORGANIZED GROUPS OF PRODUCERS

Notice is hereby given that the United States Department of Agriculture is considering a revision of the regulations governing cotton classification and market news services for organized groups of producers (7 CFR 28.901–28.918), pursuant to authority contained in the Cotton Statistics and Estimates Act of March 3, 1927, as amended (50 Stat. 62; 7 U. S. C. 473a, b, and c).

The proposed revision would incorporate details as to the drawing, handling, and submitting of samples for classification, and the bonding requirements for certain samplers.

The proposed amendment would delete the undesignated center head immediately preceding § 28.906, and §§ 28.906 through 28,910, substituting therefor the following:

SAMPLING

§ 28.906 *Approval and bonding of samplers.* The cotton of members of organized groups may be sampled at a cotton gin, or at a warehouse which issues negotiable warehouse receipts. Sampling agents at these sampling locations are subject to the approval of the Administrator or his representatives. Each sampling agent, other than an approved warehouse sampler or an employee of the Department of Agriculture, serving one or more cotton gins shall, as a condition for approval, execute and file with the Service a good and sufficient bond to the United States to secure the faithful performance of his duties as a sampler under the terms of the act and this subpart. Said bond shall be in such form and amount and shall have such surety or sureties as shall be approved by the Service: *Provided*, That said bond shall be in an amount not less than $1,000 for each gin serviced less than five, and not less than $5,000 for five or more gins serviced: *Provided further*, That such surety or sureties shall be subject to service of process in suits on the bond within the State, district, or territory in which such sampler shall perform services under the act and this subpart.

§ 28.907 *Responsibilities of sampling agents.* Each sampling agent shall be primarily responsible for drawing, identifying, handling, and shipping samples of cotton in accordance with this subpart and with instructions furnished by the Administrator or his representatives from time to time.

§ 28.908 *Samples*—(a) *Only one sample to be submitted.* Only one sample from each bale of eligible cotton shall be submitted for classification under this subpart. This does not prohibit the submission of an additional sample from a bale for review classification or reclassification on a fee basis if the producer so desires.

(b) *Drawing of samples manually.* Each cut sample shall be drawn from the bale after it is tied out following the ginning process, and shall be approximately 6 ounces in weight, not less than 3 ounces of which are to be drawn from each side of the bale.

(c) *Mechanical sampling.* Samples may be drawn at gins equipped with mechanical samplers approved by the Service. Such samples shall be not less than 6 ounces in weight.

(d) *Samples must be representative.* Each sample must be representative of the bale from which drawn.

(e) *Handling samples.* Samples shall not be dressed or trimmed and shall be carefully handled in such manner as not to cause loss of leaf, sand, or other material, or otherwise change their representative character. Samples shall not be handled by any person other than the sampling agent prior to shipment or delivery to the cotton classing office of the Service.

(f) *Identifying and shipping samples.* Each sample shall be identified with a tag, supplied or approved by the Service, bearing the gin or warehouse number of the bale from which the sample was drawn and the name and address of the producer of the bale. The tag shall be placed between the two halves of the sample, the sample tightly rolled and enclosed in a package or bag for shipment. Each package or bag shall be labeled or marked with the name and address of the sampling agent for the organized group. The packages shall be shipped or delivered direct to the cotton classing office designated by the Service.

§ 28.909 *Costs.* Costs incident to sampling, tagging, and identification of samples and transporting samples to points of shipment shall be without expense to the Government, but tags and containers for the shipment of samples may be furnished and shipping charges by common carriers paid by the Service. After classification the samples shall become the property of the Government.

CLASSIFICATION

§ 28.910 *Classification of samples.* The samples submitted as provided in this subpart shall be classified by employees of the Service and a classification memorandum showing the grade and staple length of each sample according to the official cotton standards of the United States will be mailed or made available to the producer whose name appears on the tag accompanying the sample, or to a representative designated by the producer or the organized group to receive the classification memorandum.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 8th day of November 1955.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55–9131; Filed, Nov. 10, 1955; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

HAIR OF CERTAIN ANIMALS, AND COTTON AND SILK WASTE; IMPORTATION FROM COUNTRIES NOT IN AUTHORIZED TRADE TERRITORY

APPLICATIONS FOR LICENSES

Notice is hereby given that the Treasury Department is now prepared to consider applications for licenses under the Foreign Assets Control Regulations (31 CFR 500.101 to 500.808) for the importation during 1956 of limited quantities of the following commodities from countries (other than Communist China and North Korea) not in the authorized trade territory:

Badger hair.
Camel hair.
Cotton waste.
Coat hair.
Horse mane hair, horse tail hair and other horse hair.
Silk waste.
Yak hair.

Applications must be filed on or before December 2, 1955.

Any person interested in importing any of the above-named commodities from a country (other than Communist China and North Korea) not in the authorized trade territory may obtain additional information and license application forms from the Foreign Assets Control, Treasury Department, Washington 25, D. C.

Attention is directed to the fact that the term "authorized trade territory" is defined in § 500.322 of the Foreign Assets Control regulations and that the term "countries (other than Communist China and North Korea) not in the authorized trade territory" as used herein includes Albania, Bulgaria, Czechoslovakia, the Eastern Zone of Germany, the Eastern Sector of Berlin, Estonia, Hungary, Laos (only those areas under Communist control), Latvia, Lithuania, Outer Mongolia, Poland and Danzig, Roumania, the Union of Soviet

Socialist Republics, and Viet-Nam (only those areas under Communist control).

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 55-9119; Filed, Nov. 10, 1955; 8:45 a. m.]

FIRECRACKERS

IMPORTATION FROM HONG KONG AND MACAO

Notice is hereby given that the Treasury Department, on the basis of information in its possession as to the availability for importation into the United States of firecrackers which are not of Communist Chinese or North Korean origin, is now prepared to consider applications for licenses under the Foreign Assets Control regulations (31 CFR 500.101–500.808) for the importation during the first six months of 1956 of a limited quantity of firecrackers from Hong Kong and Macao. Applications must be filed on or before December 2, 1955.

Any person interested in importing such firecrackers may obtain additional information and license application forms from the Foreign Assets Control, Treasury Department, Washington 25, D. C.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 55-9120; Filed, Nov. 10, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

AMARILLO STOCKYARDS, INC.

DEPOSTING OF STOCKYARD

It has been ascertained that the Amarillo Stockyards, Inc., Armarillo, Texas, originally posted on December 7, 1949, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it is no longer being conducted or operated as a public livestock market. Therefore, notice is given to the owners of the stockyard and to the public that such livestock market is no longer subject to the provisions of the act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not depositing promptly a stockyard which no longer is within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction, and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 7th day of November 1955.

[SEAL] H. E. REED,
Director, Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 55-9135; Filed, Nov. 10, 1955; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MATSON NAVIGATION CO. AND REDERIAKTIEBOLAGET NORDSTJERNAN (JOHNSON LINE)

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8052, between Matson Navigation Company and Rederiaktiebolaget Nordstjernan (Johnson Line), covers the transportation of canned pineapple on through bills of lading from Hawaii to Europe, with transhipment at ports on the Pacific Coast of the United States.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: November 8, 1955.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-9126; Filed, Nov. 10, 1955; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7422; Order No. E-9721]

TAN AIRLINES ET AL.

ORDER INSTITUTING INVESTIGATION [1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of November 1955.

In the matter of a complaint and petition of TAN Airlines regarding an agreement filed pursuant to section 412 (a) of the Civil Aeronautics Act of 1938, as amended, between National Airlines, Inc. and certain other air carriers, foreign air carriers and other carriers relating to the regulation and conduct of the Regional Traffic Conference of the International Air Transport Association (IATA).

The Board by Order No. E-9305 dated June 15, 1955, extended its approval of Agreement C. A. B. No. 1175 relating to the establishment, regulation and conduct of Regional Traffic Conferences of IATA subject to certain conditions prescribed therein, and has approved various resolutions establishing minimum fares adopted by such Regional Traffic Conferences of IATA.

By complaint and petition filed September 27, 1955, in Docket No. 7422, Transportes Aereos Nacionales, S. A. (TAN Airlines) complained against the cancellation by National Airlines, Inc. (National), of an interline agreement (CAB No. 5590 approved by Order No. E–5851) between TAN Airlines and National, whereby each carrier agreed to accept tickets issued by the other in through transportation of passengers over the routes of the two carriers. The complaint stated that National withdrew from such interline agreement for the reason that National's participation in through transportation with TAN would undercut IATA minimum fares between points on National's system and points on TAN's system in violation of IATA minimum fare resolution. TAN's complaint alleged, inter alia, that the Board's approval of the pertinent IATA resolutions establishing minimum fares cannot properly be interpreted as covering the combination of a fare for a domestic segment with a non-IATA foreign carrier's fares, the total of which may be less than IATA minimum fares, and that such an interpretation would be contrary to the Civil Aeronautics Act and would result in unjust discrimination in violation of section 404 (b) of the act.

TAN requested that the Board's Order No. E–9305 be amended to show that the Board's approval of IATA agreements and resolutions was inapplicable to through fares where the fare over a domestic segment of an IATA member forms a part of the through fare or, in the alternative, that an investigation be instituted of the IATA conference rate making procedure, and for such other relief as the Board may find just and proper.

National by answer requested dismissal of TAN's complaint, alleging that the interline agreement specifically provided that it may be cancelled on thirty days' notice without arbitration and that there is no statutory duty upon National to provide through service in foreign air transportation. National's answer did not deny TAN's allegation that it terminated the interline agreement with TAN for the reason that operations under such agreement were in violation of IATA resolutions.

The Board has previously received informal complaints urging that if it is determined that IATA rate resolutions extend to fares for domestic segments of foreign air transportation, that such resolutions be disapproved as adverse to the public interest.[2]

[1] Of proper applicability of IATA resolutions to interline agreements involving domestic segments of IATA members.

[2] Informal complaint filed May 27, 1955, on behalf of Aerovias Panama, S. A. (APA). In declining to institute an investigation on its own motion, the Board advised APA that this conclusion was not a determination of what the Board action would be upon a formal complaint stating the bases for investigation supplementing those set forth in the letter complaint.

IATA resolutions in substance provide that the fares of member carriers shall be not less than prescribed minimum fares established between named points. The standard IATA interline agreement, as entered into by National and TAN, provides that each carrier is authorized to issue tickets for the transportation of passengers over the routes of others, and that each carrier will honor tickets issued by the other and contemplates the offering by the carriers of through transportation over connecting routes of the two carriers. Pursuant to this agreement, the carriers held out to the public, and provided such through transportation. While the fare over the connecting routes was the sum of the fares applicable over the respective segments, such total fare is deemed a through [3] fare in which each carrier participates.

It therefore appears that the IATA fare resolutions, as approved by the Board, would prohibit a member carrier from entering into an agreement with another carrier to provide through transportation at fares less than IATA minimum fares, even if only an overseas or domestic segment of the IATA member is involved.

Since the bulk of the domestic transportation from the United States gateways is supplied by carriers who are IATA members by virtue of international operations carried on by other divisions of the same carrier, the IATA resolutions may effectively restrict the opportunity of non-IATA carriers to serve non-gateway points in the United States by combination over United States domestic segments.

Such extension of the effect of IATA agreements to domestic operation raises serious public interest questions which require investigation.[4]

[3] Through route has been defined by the Supreme Court in Thompson v. U. S., 343 U. S. 549, 556 (1952): "A 'through route' is an arrangement, express or implied, between connecting railroads for the continuous carriage of goods from the originating point on the line of one carrier to destination on the line of another. Through carriage implies a 'through rate'. This 'through rate' is not necessarily a 'joint rate'. It may be merely an aggregation of separate rates fixed independently by the several carriers forming the 'through route'; as where the 'through rate' is 'the sum of the locals' on the several connecting lines or is the sum of lower rates otherwise separately established by them for through transportation. Through Routes and Through Rates, 12 I. C. C. 163, 166."

[4] TAN's complaint presents the specific question as to whether it is adverse to the public interest for an IATA agreement to prohibit a member carrier from using its published fares on domestic segments in foreign air transportation for through transportation where the resulting through fare is below the IATA minimum. We will consider in this proceeding, however, to what extent, if any, it is adverse to the public interest for IATA minimum fare resolutions to restrict member carriers from entering into through route arrangements involving only their domestic or oversea segments together with the foreign segments of non-IATA carriers where the through fares applicable thereto are less than IATA minimum fares.

Accordingly, pursuant to the provisions of the act, particularly sections 405 (a), 412, and 1002:

It is ordered, That:

1. An investigation be and hereby is instituted to determine whether and to what extent IATA resolutions adopted pursuant to Agreement CAB No. 1175, insofar as they restrict the right of an IATA member to enter into an interline agreement with a non-IATA member to provide through transportation over a route involving only a domestic or overseas segment of the IATA member, may be adverse to the public interest, and to formulate such conditions on Board approval of such IATA resolutions as shall be found appropriate.

2. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated.

3. Copies of this order be served upon all air carrier parties to the resolutions and agreements, and upon Transportes Aereos Nacionales, S. A., and upon Aerovias Panama, S. A.

4. This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-9136; Filed, Nov. 10, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-132 etc.]

ENGINEERS PUBLIC SERVICE CO. ET AL.

NOTICE OF AND ORDER FOR HEARING WITH RESPECT TO CLAIM FOR ADDITIONAL FEES AND DISBURSEMENTS

NOVEMBER 4, 1955.

In the matter of Engineers Public Service Company, File No. 54–132; El Paso Electric Company, File No. 70–1149; Gulf States Utilities Company, File No. 70–1150; Virginia Electric and Power Company, File No. 70–1419.

The Commission having on January 8, 1947, approved a plan of reorganization for Engineers Public Service Company ("Engineers"), a registered holding company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, but having reserved jurisdiction over all fees and expenses incurred or to be incurred in connection with said Plan (Engineers Public Service Company et al., 25 S. E. C. 37); and

Applications for the approval of fees and expenses in connection with said plan having been filed with the Commission during the year 1949, including an application by Louis Boehm and Raymond L. Wise, wherein the persons last named requested fees in the amount of $35,892 and reimbursement of expenses in the amount of $1,220.67; and

The Commission having on March 26, 1952 issued its order providing, among other things, that said Louis Boehm and Raymond L. Wise should be paid the sum of $2,500 together with certain specified cash disbursements (Holding Company Act Release No. 11096); and

The Commission having filed with the United States District Court for the District of Delaware its Supplemental Application No. 2 for an order enforcing the Commission's said order of March 26, 1952; objections to said Supplemental Application No. 2 having been filed by various parties including Louis Boehm and Raymond L. Wise; and said Court having on February 16, 1954, after hearings, entered an order, which among other things, directed Engineers to pay to Louis Boehm and Raymond L. Wise the sum of $35,892 for fees and $1,220.67 for expenses; and

On April 5, 1955, upon appeal by the Commission, said order of the United States District Court of February 16, 1954, having been affirmed by the United States Court of Appeals for the Third Circuit; and

The Commission having on June 14, 1955, issued its supplemental order (Holding Company Act Release No. 12921) amending its order of March 26, 1952, so as, among other things, to direct the payment by Engineers to Louis Boehm and Raymond L. Wise of $35,892 for fees and $1,220.67 for expenses, which amounts have now been paid by Engineers to Louis Boehm and Raymond L. Wise; and

The Commission's order of June 14, 1955, provided that it should be "without prejudice, however, to whatever rights the applicants would otherwise have to make application hereafter for supplemental allowances of compensation and reimbursement of expenses incurred by said applicants subsequent to the filing in 1949 of their original applications;" and

Engineers having now filed a petition setting forth that Louis Boehm and Raymond L. Wise contend that they are legally entitled to an allowance as a charge to Engineers of the full value of their legal services since the filing of their fee application in 1949, in connection with establishing their rights to allowances as finally fixed by the Courts and the Commission together with their disbursements in connection therewith, and that Engineers is of the opinion that said applicants are not entitled to any further allowances for services and disbursements by reason of, or in connection with, services rendered since the filing of their application in 1949, and requesting that the Commission set down for hearing the claim of Louis Boehm and Raymond L. Wise against Engineers, and that the Commission, after such hearing, fix the amount of the additional fees and expenses, if any, to be paid by Engineers to Louis Boehm and Raymond L. Wise; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the claim asserted by Louis Boehm and Raymond L. Wise against Engineers:

It is ordered, That a hearing be held on the claim of Louis Boehm and Ray-

mond L. Wise as aforesaid, which hearing shall commence on December 6, 1955, at 10:00 a. m. at the office of the Commission, Washington, D. C. On such date the hearing room clerk in room 193 will advise as to the room in which the hearing will be held. Any person who is not already a party, or who has not been granted leave to participate in the above-entitled proceedings, and who desires to be heard or otherwise to participate in such hearing shall file with the Secretary of this Commission on or before December 5, 1955, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated is and are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the aforesaid petition filed by Engineers with respect to said claim for fees and disbursements, and that on the basis thereof the following matters and questions are presented, without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the activities of Louis Boehm and Raymond L. Wise subsequent to the filing of their original application for fees and expenses in 1949, together with their disbursements in connection therewith, are compensable and whether it is lawful and appropriate to grant any allowances from the estate of Engineers on account thereof;

2. Whether the fees and disbursements requested by Louis Boehm and Raymond L. Wise were incurred in rendering services which were necessary in connection with the reorganization plan of Engineers;

3. If Louis Boehm and Raymond L. Wise are entitled to additional compensation or reimbursement for additional expenses, what amounts, if any, should be allowed.

It is further ordered, That particular attention be directed at the hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on Engineers and on Louis Boehm and Raymond L. Wise; and that notice of the entry of this notice and order shall be given to all other persons by general release of the Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9121; Filed, Nov. 10, 1955; 8:46 a. m.]

[Files Nos. 7-1737-7-1767, inclusive]

LOS ANGELES STOCK EXCHANGE

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

NOVEMBER 7, 1955.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the 31 stocks itemized below. All of these stocks are listed and registered on the New York Stock Exchange and multiple listings include 3 on Boston, 1 on Detroit, 5 on Midwest, and 10 on San Francisco Stock Exchanges. Altogether, 19 of the stocks are admitted to listed or unlisted trading on the San Francisco Stock Exchange, a purpose of this application being to enhance the usefulness of the direct wire recently installed between the San Francisco and Los Angeles Stock Exchanges. The distribution and volume figures in the first two columns are according to issuers and in the remaining columns according to members.

Upon receipt of a request prior to November 30, 1955, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take thereat. If no one requests a hearing, the application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

LOS ANGELES STOCK EXCHANGE—EXHIBIT TO APPLICATION FOR UNLISTED TRADING PRIVILEGES, OCT. 31, 1955

Name of issuer, title of security	Public distribution in vicinity of the Exchange				Public trading volume July 1 to Sept. 30, 1955	
	Holders	Shares	Accounts	Shares	Transactions	Shares
ACF Brill Motors Co., Com. $2.50 p. v.	546	30,656	33	10,820	95	10,930
ACF Industries, Inc., Com. $25 p. v.[1]			62	5,695	27	4,545
Air Reduction Co., Inc., Com. no p. v.[1]			84	9,436	58	4,644
Aluminum, Ltd., Com., no p. v.[1]			75	6,130	63	4,257
American Bosch Arma Corp., Com. $2 p. v.			125	16,429	79	7,152
Bell Aircraft Corp., Com., $1 p. v.			102	12,080	47	8,525
Burroughs Corp., Com., $5 p. v.[1]	770	293,300	141	11,627	42	2,716
Canada Dry Ginger Ale, Inc. Com., $1.66⅔[1]			89	11,313	46	3,364
Columbia B'cstg System, Inc., "A" $2.50 p. v.[1]			72	9,906	37	3,125
Columbia B'cstg System, Inc., "B" $2.50 p. v.[1]			31	5,202	14	1,341
Corn Products Ref. Co., Com., $25 p. v.[1]	1,117	269,606	74	8,871	52	4,413
Crane Company, Com. $25 p. v.			132	10,548	57	4,432
Electric Auto-Lite Co., Com. $5 p. v.			170	11,527	130	7,995
Fairchild Engine & Airplane Corp., Com. $1			234	48,809	97	12,243
Gillette Company (The) Com. $1 p. v.[1]	800	397,048	60	5,643	43	2,335
Grace (W. R.) & Co., Com. $1 p. v.	1,182	156,456	69	4,703	42	21,483
Granite City Steel Co., Com., $12.50 p. v.	481	50,148	78	8,365	68	4,402
Howe Sound Co., Com., $1 p. v.	719	75,571	662	102,525	113	16,690
Macy (R. H.) & Co., Inc., Com., no p. v.[1]			175	9,979	28	1,555
Merritt-Chapman & Scott Corp., Com., $12.50	1,303	131,042	380	57,875	184	26,478
Rayonier, Inc., Com., $1 p. v.[1]	496	339,099	69	15,053	45	3,333
Royal Dutch Petroleum Co. 50 guilders p. v.[1]			210	15,416	132	8,943
St. Joseph Lead Co., Cap., $10 p. v.[1]	455	52,822	146	7,712	39	3,541
Schering Corp., Com., 15 cents p. v.			96	11,055	43	4,531
Spiegel, Inc., Com., $2 p. v.[1]			112	22,724	26	4,517
Sterling Drug, Inc., Com., $5 p. v.[1]			97	6,558	46	2,501
TXL Oil Corp. (The), Com., $1 p. v.	492	148,705	78	16,035	50	5,630
United Fruit Co., Cap., no p. v.[1]	2,648	195,519	284	18,139	114	6,535
U. S. Smelting, Ref., & Mng. Co. Com., $50[1]	129	12,044	46	6,035	20	1,650
Warren Petroleum Corp. Com., $3 p. v.[1]	109	12,822	37	8,015	24	2,437
Western Pacific R. R. Co., Com., no p. v.[1]	281	24,727	73	8,339	40	4,095

[1] Indicates security presently traded on the San Francisco Stock Exchange.

[F. R. Doc. 55-9122; Filed, Nov. 10, 1955; 8:46 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 222

Washington, Tuesday, November 15, 1955

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

UNIVERSITY OF MICHIGAN

NOV 21 1955

MAIN READING ROOM

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

SUSPENSION AND EXPULSION OF EXCHANGE MEMBERS

The following correction should be made in the document published September 20, 1955, issue of the FEDERAL REGISTER (20 F. R. 7036) by the addition of a headnote reading "Suspension and Expulsion of Exchange Members" preceding the text of § 240.19a3–1 (Rule X-19A3–1).

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 7, 1955.

[F. R. Doc. 55–9148; Filed, Nov. 14, 1955; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR–400A]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL CIVIL AIR REGULATION; ISSUANCE OF AIR CARRIER OPERATING CERTIFICATES FOR HELICOPTER OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of November 1955.

Special Civil Air Regulation No. SR–400, adopted January 25, 1954, effective January 25, 1954, and due to terminate on January 25, 1956, continued and enlarged in scope the authority contained in SR–369 which established an interim regulatory basis for helicopter operations until such time as the Board could complete its preparation of rules governing air carrier helicopter operations. SR–400 gave authority to the Administrator to issue air carrier operating certificates permitting deviations from Parts 40 and 61, as in effect on December 31, 1953, for scheduled air carrier helicopter operations.

The Board in formulating rules governing helicopter operations circulated to the public, for comment, proposed Part 46 entitled "Scheduled Air Carrier Helicopter Certification and Operation Rules." In consideration of the many replies received from interested persons on the proposed part, the Board has revised its proposal to include certain of the suggestions and recommendations received and proposes to recirculate proposed Part 46, for additional comment, by interested persons, in the immediate future. Since the Board contemplates a 60-day period for return comment on proposed Part 46, it is not possible to complete rule making in this matter before the termination date of SR–400. Therefore, it is necessary to extend the authority of the Administrator as provided in SR–400 until air carrier helicopter regulations are adopted by the Board.

While section 4 (a) of the Administrative Procedure Act ordinarily requires general notice of proposed rule-making, the Board believes that in this case good cause exists making it unnecessary to give public notice of the adoption of this Special Civil Air Regulation since interested persons have already had opportunity to comment on both SR–369 and SR–400 before being adopted by the Board and because the public has recently had opportunity to comment on proposed Part 46, and soon will have opportunity to comment on it again.

Therefore, the Board finds that good cause exists to adopt Special Civil Air Regulation No. SR–400A without notice of proposed rule making and that the interests of the public will not be adversely affected thereby, and that economy of time and expense will be achieved, all in the interest of the public.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective January 25, 1956:

An air carrier operating certificate, or amendments thereto, may be issued by the Administrator to an air carrier for the purpose of engaging in helicopter operations in accordance with the certification requirements of Part 40 of the Civil Air Regulations. Such helicopter operations shall be conducted in accordance with the operation requirements of Part 61 of the Civil Air Regulations. If the Administrator finds that

(Continued on next page)

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplement is now available:

General Index ($1.25)

All of the Cumulative Pocket Supplements and revised books of the Code of Federal Regulations (as of January 1, 1955) are now available with the exception of Titles 1–3

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any of the requirements of Parts 40 and 61 can be omitted or modified without adversely affecting safety, the Administrator may approve such omissions or modifications and they shall be listed in the air carrier operations specifications. The Administrator shall promptly notify the Board of the omissions or modifications approved by him and the reasons therefor.

All references herein to Parts 40 and 61 are to those parts as in effect on December 31, 1953.

This Special Civil Air Regulation supersedes Special Civil Air Regulation No. SR–400 and shall terminate upon promulgation by the Board of Part 46 to the Civil Air Regulations entitled "Scheduled Air Carrier Helicopter Certification and Operation Rules," unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425a. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007 as amended, 1010, as amended; 49 U. S. C. 551, 554, 555)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55–9159; Filed, Nov. 14, 1955; 8:49 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 141]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.19, the Camp Gordon, Georgia, area (R–124 formerly D–124), amended on October 31, 1951, in 16 F. R. 11066, is further amended by changing the "Designated Altitudes" column to read: "Surface to 5500 feet MSL."

2. In § 608.62, a Waikane, Oahu, Territory of Hawaii, area (R–496), is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
WAIKANE (R–496) (Honolulu Local).	Latitude 21°29'49" N, longitude 157°51'49" W; latitude 21°30'30" N, longitude 157°52'09" W; latitude 21°30'58" N, longitude 157°52'41" W; latitude 21°31'00" N, longitude 157°53'23" W; latitude 21°30'39" N, longitude 157°53'27" W; latitude 21°29'43" N, longitude 157°53'09" W; latitude 21°29'38" N, longitude 157°52'41" W; to point of beginning.	5,000 feet mean sea level.	Continuous, daylight hours.	Commanding General, Fleet Marine Force Pacific N. S., Pearl Harbor, T. H.

In § 608.14, the Camp Beale, California, area (R–65 formerly D–265), amended on October 9, 1954 in 19 F. R. 6513, is redesignated as follows: Beginning at latitude 39°15'00", longitude 121°09'00"; thence to latitude 39°00'00", longitude 121°09'00"; thence to latitude 39°00'00", longitude 121°15'00"; thence to latitude 39°01'20", longitude 121°20'00"; thence to latitude 39°09'00", longitude 121°20'00"; thence to latitude 39°09'00", longitude 121°29'10"; thence to latitude 39°15'00", longitude 121°30'00"; thence to point of beginning.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective December 1, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–9138; Filed, Nov. 14, 1955; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

NATIONAL WILDLIFE REFUGES

EDITORIAL NOTE: For order affecting the tabulation in § 17.3, see Public Land Order 1249 in the Appendix to Title 43, Chapter I, *supra*, reserving public lands as Lenore Game Range and revoking Executive Order No. 7510 which established Lenore Lake Migratory Bird Refuge.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1249]

[Misc. 1660358]

WASHINGTON

RESERVING PUBLIC LANDS AS LENORE GAME RANGE; REVOKING EXECUTIVE ORDER NO. 7510 OF DECEMBER 11, 1936, WHICH ESTABLISHED LENORE LAKE MIGRATORY BIRD REFUGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and the act of March 10, 1934, as amended by the act of August 14, 1946 (48 Stat. 401; 60 Stat. 1080; 16 U. S. C. 661–666c), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Washington are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use of the Department of Game of the State of Washington as the Lenore Game Range, under such conditions as may be prescribed by the Secretary of the Interior:

WILLAMETTE MERIDIAN

T. 22 N., R. 26 E.,
Sec. 2, lot 1, SE¼NE¼.
T. 23 N., R. 26 E.,
Sec. 1;
Sec. 2, lots 1 and 5, SE¼NE¼, N½SE¼, SW¼SE¼.
Sec. 11, lots 1 to 4, inclusive, S½NW¼, NE¼SW¼, SW¼SW¼;
Sec. 12, lots 1 to 4, inclusive, NE¼NE¼, S½NE¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 13, lot 1, NE¼NW¼, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 14, lots 1 to 5, inclusive, lot 7, NW¼NW¼, NW¼SW¼;
Sec. 22, NE¼NE¼;
Sec. 23, lots 2, 3, 6 and 7;
Sec. 24, NW¼NW¼, S½NW¼, N½SW¼;
Sec. 25, E½W½;
Sec. 26, lots 2, 3, 6 and 7;
Sec. 27, SE¼NE¼, NE¼SE¼.
T. 23 N., R. 27 E.,
Sec. 6, lots 1 to 6, inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼.
T. 24 N., R. 27 E.,
Sec. 2, SE¼SE¼;
Sec. 10, lots 2 and 3, NE¼, NE¼NW¼, NE¼SW¼, SW¼SW¼;
Sec. 11, N½N½;
Sec. 14;
Sec. 15, lots 3, 4 and 5, NW¼NW¼, SE¼SW¼, S½SE¼;
Sec. 17, SE¼SE¼;
Sec. 20, lots 1 to 4, inclusive, NW¼NE¼, NE¼NW¼, NE¼SW¼;
Sec. 21, lots 1 and 2, NE¼NE¼SW¼, S½NE¼SW¼, S½SW¼, SE¼;
Sec. 22, lot 1, E½NW¼, NE¼SW¼;
Sec. 28, NE¼, E½NW¼, SW¼;
Sec. 29, lots 2 and 3;
Sec. 30, lot 4, SE¼SW¼, NE¼SE¼, SW¼SE¼;
Sec. 31, lot 1, SE¼SE¼;
Sec. 32, S½SW¼, SW¼SE¼;
Sec. 33, SW¼NE¼, E½NW¼.

The areas described aggregate 6,200.70 acres.

Executive Order No. 7510 of December 11, 1936, establishing the Lenore Lake Migratory Bird Refuge in Washington, the name of which was changed to Lenore Lake National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940, is hereby revoked.

This order shall take precedence over but not otherwise affect existing withdrawals for reclamation purposes so far as they affect any of the lands.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

NOVEMBER 7, 1955.

[F. R. Doc. 55–9140; Filed, Nov. 14, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

CAPITAL GAINS AND LOSSES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

The following regulations relating to capital gains and losses are hereby prescribed under parts I, II, and III of subchapter P of chapter 1 of the Internal Revenue Code of 1954, and are effective for the taxable years beginning after December 31, 1953, and ending after August 16, 1954:

CAPITAL GAINS AND LOSSES

TREATMENT OF CAPITAL GAINS

§ 1.1201 *Statutory provisions; alternative tax.*

SEC. 1201. *Alternative tax*—(a) *Corporations.* If for any taxable year the net long-term capital gain of any corporation exceeds the net short-term capital loss, then, in lieu of the tax imposed by sections 11, 511, 821 (a) (1) or (b), and 831 (a), there is hereby imposed a tax (if such tax is less than the

tax imposed by such sections) which shall consist of the sum of—

(1) A partial tax computed on the taxable income reduced by the amount of such excess, at the rates and in the manner as if this subsection had not been enacted, and

(2) An amount equal to 25 percent of such excess, or, in the case of a taxable year beginning before April 1, 1954, an amount equal to 26 percent of such excess.

In the case of a taxable year beginning before April 1, 1954, the amount under paragraph (2) shall be determined without regard to section 21 (relating to effect of change of tax rates).

(b) *Other taxpayers.* If for any taxable year the net long-term capital gain of any taxpayer (other than a corporation) exceeds the net short-term capital loss, then, in lieu of the tax imposed by sections 1 and 511, there is hereby imposed a tax (if such tax is less than the tax imposed by such sections) which shall consist of the sum of—

(1) A partial tax computed on the taxable income reduced by an amount equal to 50 percent of such excess, at the rate and in the manner as if this subsection had not been enacted, and

(2) An amount equal to 25 percent of the excess of the net long-term capital gain over the net short-term capital loss.

§ 1.1201–1 *Alternative tax.*—(a) *Corporations.* In case the net long-term capital gain of any corporation exceeds the net short-term capital loss, section 1201 (a) imposes an alternative tax in lieu of the tax imposed by sections 11, 511, 821 (a) (1) or (b), and 831 (a), if and only if such alternative tax is less than the tax imposed by such sections. The alternative tax is not in lieu of the personal holding company tax imposed by section 541, or of any other tax not specifically set forth in section 1201 (a). The alternative tax is the sum of (1) a partial tax computed at the rates provided by sections 11, 511, 821 (a) (1) or (b), and 831 (a) on the taxable income of the taxpayer decreased by the amount of the excess of the net long-term capital gain over the net short-term capital loss, and (2) an amount equal to 25 percent of such excess or, in the case of a taxable year beginning before April 1, 1954, an amount equal to 26 percent of such excess. In the computation of the partial tax the special deductions provided for in sections 243, 244, 245, 247, 922, and 941 shall be determined with reference to the taxable income, which for the purpose of computing the tax due without regard to section 1201, is determined under sections 246, 247, 922, and 941, reduced by the excess of net long-term capital gain over net short-term capital loss.

(b) *Other taxpayers.* In case the net long-term capital gain of a taxpayer (other than a corporation) exceeds the net short-term capital loss, section 1201 (b) imposes an alternative tax in lieu of the tax imposed by sections 1 and 511, if and only if such alternative tax is less than the tax imposed by sections 1 and 511. The alternative tax is not in lieu of any other tax not specifically set forth in section 1201 (b). The alternative tax is the sum of—

(1) A partial tax, computed at the rates provided by sections 1 and 511 on the taxable income reduced by an amount equal to 50 percent of the excess of the net long-term capital gain over the net short-term capital loss, plus

(2) 25 percent of the excess of the net long-term capital gain over the net short-term capital loss.

See § 1.1–3 for rule relating to the computation of the limitation on tax under section 1 (c) in cases where the alternative tax is imposed. See § 1.34–2 (a) for rule relating to the computation of the dividend received credit under section 34 and § 1.35–1 (a) for rule relating to the computation of credit for partially tax-exempt interest under section 35 in cases where the alternative tax is imposed.

(c) *Tax-exempt trusts and organizations.* In applying section 1201 in the case of tax-exempt trusts or organizations subject to the tax imposed by section 511, the only amount which is taken into account as capital gain or loss is that which is taken into account in computing unrelated business taxable income under section 512. Under section 512, the only amount taken into account as capital gain or loss is that resulting from the application of section 631 (a), relating to the election to treat the cutting of timber as a sale or exchange.

(d) *Joint returns.* In the case of a joint return, the excess of any net long-term capital gain over any net short-term capital loss is to be determined by combining the long-term capital gains and losses and the short-term capital gains and losses of the spouses.

(e) *Application of section.* The following example illustrates the application of the provisions of section 1201 and of this section in the case of an individual taxpayer:

Example. A, a single individual, has for the calendar year 1954 taxable income (exclusive of net capital gain) of $99,400. He realizes in 1954 a gain of $50,000 on the sale of a capital asset held for 19 months and sustains a loss of $20,000 on the sale of a capital asset held for five months. Since the alternative tax is less than the tax otherwise computed under section 1, the tax payable is the alternative tax, that is $74,298. The tax is computed as follows:

Tax Under Section 1

Taxable income exclusive of net capital gain	$99,400
Net long-term capital gain (100 percent of $50,000)	$50,000
Net short-term capital loss (100 percent or $20,000)	20,000
Excess of net long-term capital gain over the net short-term capital loss	30,000
	129,400
Deduction of 50 percent of excess of net long-term capital gain over the net short-term capital loss (section 1202)	15,000
	114,400

Taxable Income

Tax under section 1	$80,136

Alternative Tax Under Section 1201 (b)

Taxable income	$114,400
Less 50 percent of excess of net long-term capital gain over net short-term capital loss (section 1201 (b) (1))	15,000
Taxable income less net capital gain	$99,400
Partial tax (tax on $99,400)	66,798
Plus 25 percent of $30,000	7,500
Alternative tax under section 1201 (b)	74,298

§ 1.1202 *Statutory provisions; deduction for capital gains.*

SEC. 1202. *Deduction for capital gains.* In the case of a taxpayer other than a corporation, if for any taxable year the net long-term capital gain exceeds the net short-term capital loss, 50 percent of the amount of such excess shall be a deduction from gross income. In the case of an estate or trust, the deduction shall be computed by excluding the portion (if any), of the gains from the taxable year from sales or exchanges of capital assets, which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets.

§ 1.1202–1 *Deduction for capital gains.* (a) In computing gross income, adjusted gross income, taxable income, net capital gain, and net capital loss, 100 percent of any gain or loss (computed under section 1001, recognized under section 1002, and taken into account without regard to sections 1201–1241, inclusive,) upon the sale or exchange of a capital asset shall be taken into account regardless of the period for which the capital asset has been held. Nevertheless, the net short-term capital gain or loss and the net long-term capital gain or loss must be separately computed. In computing the adjusted gross income or the taxable income of a taxpayer other than a corporation, if for any taxable year the net long-term capital gain exceeds the net short-term capital loss, 50 percent of the amount of the excess is allowable as a deduction from gross income under section 1202.

(b) For the purpose of computing the deduction allowable under section 1202 in the case of an estate or trust, any long-term or short-term capital gains which, under sections 652 and 662, are includible in the gross income of its income beneficiaries as gains derived from the sale or exchange of capital assets must be excluded in determining whether, for the taxable year of the estate or trust, its net long-term capital gain exceeds its net short-term capital loss. To determine the extent to which such gains are includible in the gross income of a beneficiary, see the regulations under sections 652 and 662. For example, during 1954 a trust realized a gain of $1,000 upon the sale of stock held for 10 months. Under the terms of the trust instrument all of such gain must be distributed during the taxable year to A, the sole income beneficiary. Assuming that under section 652 or 662 A must include all of such gain in his gross income, the trust is not entitled to any deduction with respect to such gain under section 1202. Assuming A had no other capital gains or losses for 1954, he would be entitled to a deduction of $500 under section 1202. For purposes of this section, an income beneficiary shall be any beneficiary to whom an amount is required

to be distributed, or is paid or credited, which is includible in his gross income.

(c) The provisions of this section may be illustrated by the following example:

Example. A, an individual, had the following transactions in 1954:

Long-term capital gain	$6,000	
Long-term capital loss	4,000	
Net long-term capital gain		$2,000
Short-term capital loss	1,800	
Short-term capital gain	300	
Net short-term capital loss		1,500
Excess of net long-term capital gain over net short-term capital loss		500

Since the net long-term capital gain exceeds the net short-term capital loss by $500, 50 percent of the excess, or $250, is allowable as a deduction under section 1202.

TREATMENT OF CAPITAL LOSSES

§ 1.1211 *Statutory provisions; limitation on capital losses.*

SEC. 1211. *Limitation on capital losses.*—(a) *Corporations.* In the case of a corporation, losses from sales or exchanges of capital assets shall be allowed only to the extent of gains from such sales or exchanges.

(b) *Other taxpayers.* In the case of a taxpayer other than a corporation, losses from sales or exchanges of capital assets shall be allowed only to the extent of the gains from such sales or exchanges, plus the taxable income of the taxpayer or $1,000, whichever is smaller. For purposes of this subsection, taxable income shall be computed without regard to gains or losses from sales or exchanges of capital assets and without regard to the deductions provided in section 151 (relating to personal exemptions) or any deduction in lieu thereof. If the taxpayer elects to pay the optional tax imposed by section 3, "taxable income" as used in this subsection shall be read as "adjusted gross income".

§ 1.1211–1 *Limitation on capital losses.* (a) Section 1211 (a) provides that, in the case of a corporation, losses from sales or exchanges of capital assets shall be allowed as deductions only to the extent of the gains from such sales or exchanges, and section 1211 (b) provides that, in the case of a taxpayer other than a corporation, losses from sales or exchanges of capital assets shall be allowed as a deduction only to the extent of the gains from such sales or exchanges, plus the taxable income of the taxpayer or $1,000, whichever is smaller. For purposes of section 1211 (b), taxable income is to be computed without regard to gains or losses from sales or exchanges of capital assets and without regard to the deductions provided in section 151 (relating to personal exemptions) or any deduction in lieu thereof. For example, the deductions available to estates and trusts under section 642 (b) are in lieu of the deductions allowed under section 151, and, in the case of estates and trusts, are to be added back to taxable income for the purposes of section 1211 (b).

(b) The provisions of section 1211 (b) may be illustrated by the following examples:

Example (1). A, an individual with one exemption allowable as a deduction under section 151, has the following transactions in 1954:

Taxable income exclusive of capital gains and losses		$4,400
Deductions provided in section 151		600
Taxable income for purposes of section 1211 (b)		5,000
Long-term capital gain	$1,000	
Long-term capital loss	5,300	
Net long-term capital loss	4,300	
Amount deductible under section 1211 (b)		1,000

Example (2). B, an individual with one exemption allowable as a deduction under section 151, has the following transactions in 1954:

Taxable income exclusive of capital gains and losses	$90
Deductions provided in section 151	600
Taxable income for purposes of section 1211 (b)	690
Long-term capital gain	$1,000
Long-term capital loss	5,200
Net long-term capital loss	4,200
Amount deductible under section 1211 (b)	690

In example (1), the net long-term capital loss of $4,300 is allowable in 1954 only to the extent of $1,000 since the latter amount is smaller than the taxable income of $5,000. The remaining $3,300 of the net long-term capital loss becomes a net capital loss to be carried over to succeeding years. In example (2), since taxable income for purposes of section 1211 (b) is $690 and since that amount is smaller than the $4,200 net long-term capital loss and is less than $1,000, only $690 of the net long-term capital loss of $4,200 is allowable in 1954, leaving a net capital loss of $3,510 to be carried over. For carryover of a net capital loss, see § 1.1212–1.

(c) See section 582 (c) for modification of the limitation under section 1211 (a) in the case of a bank, as defined in section 581.

(d) In the case of a joint return, the limitation under section 1211 (b), relating to the allowance of losses from sales or exchanges of capital assets, is to be computed and the net capital loss determined with respect to the combined taxable income and the combined gains and losses of the spouses.

(e) In case the tax is computed under section 3 (relating to optional tax if adjusted gross income is less than $5,000) the term "taxable income" as used in section 1211 (b) shall be read as "adjusted gross income".

§ 1.1212 *Statutory provisions; capital loss carryover.*

SEC. 1212. *Capital loss carryover.* If for any taxable year the taxpayer has a net capital loss, the amount thereof shall be a short-term capital loss in each of the 5 succeeding taxable years to the extent that such amount exceeds the total of any net capital gains of any taxable years intervening between the taxable year in which the net capital loss arose and such succeeding taxable year. For purposes of this section, a net capital gain shall be computed without regard to such net capital loss or to any net capital losses arising in any such intervening taxable years, and a net capital loss for a taxable year beginning before October 20, 1951, shall be determined under the applicable law relating to the computation of capital gains and losses in effect before such date.

§ 1.1212–1 *Net capital loss carryover.* (a) Any taxpayer sustaining a net capital loss may, under section 1212, carry over such loss to each of the five succeeding taxable years and treat it in each of such five succeeding taxable years as a short-term capital loss to the extent not allowed as a deduction against any net capital gains of any taxable years intervening between the taxable year in which the net capital loss was sustained and the taxable year to which carried. The carryover is thus applied in each succeeding taxable year to offset any net capital gain in such succeeding taxable year. The amount of the net capital loss carryover may not be included in computing a new net capital loss of a taxable year which can be carried forward to the next five succeeding taxable years. Under section 1212, a net capital loss for a taxable year beginning before October 20, 1951, is to be determined under the applicable law relating to the computation of capital gains and losses in effect before such date. Thus, where the applicable law for a taxable year beginning before October 20, 1951, provided that only certain percentages of the gain or loss recognized upon the sale or exchange of a capital asset should be taken into account in computing net capital loss, such percentages are to be taken into account in computing net capital loss for any such taxable year under section 1212. In the case of nonresident alien individuals not engaged in trade or business within the United States, see section 871 and the regulations thereunder for special rules on capital loss carryovers.

(b) The practical operation of the provisions of section 1212 may be illustrated by the following example:

Example. (1) For the taxable years 1952 to 1956, inclusive, an individual with one exemption allowable under section 151 (or corresponding provision of prior law) is assumed to have a net short-term capital loss, net short-term capital gain, net long-term capital loss, net long-term capital gain, and taxable income (net income for 1952 and 1953) as follows:

	1952	1953	1954	1955	1956
Carryover from prior years:					
From 1952		($50,000)	($29,500)	($29,500)	
From 1954				(19,500)	($13,000)
Net short-term loss (computed without regard to the carryovers)	($30,000)	(5,000)	(10,000)		
Net short-term gain (computed without regard to the carryovers)				40,000	
Net long-term loss	(20,500)		(10,000)	(5,000)	
Net long-term gain		25,000			15,000
Net income or taxable income, computed without regard to capital gains and losses, and, after 1953, without regard to the deduction provided by section 151	500	500	500	1,000	500
Net capital gain (computed without regard to the carryovers)		20,500		36,000	
Net capital loss	(50,000)		(19,500)		
Deduction allowable under section 1202			None	None	1,000
Taxable income (after deductions allowable under sections 151 and 1202)			None	None	900

(2) *Net capital loss of 1952.* The net capital loss is $50,000. This figure is the excess of the losses from sales or exchanges of capital assets over the sum of (i) gains (in this case, none) from such sales or such exchanges, and (ii) net income (computed without regard to capital gains and losses) of $500. This amount may be carried forward in full as a short-term loss to 1953. However, in 1953 there was a net capital gain of $20,500, as defined by section 117 (a) (10) (B) of the Internal Revenue Code of 1939, and limited by section 117 (e) (1) of the 1939 Code, against which this net capital loss of $50,000 is allowed in part. The remaining portion—$29,500—may be carried forward to 1954 and 1955 since there was no net capital gain in 1954. In 1955 this $29,500 is allowed in full against net capital gain of $36,000, as defined by section 1222 (9) (B) and limited by section 1212.

(3) *Net capital loss of 1954.* The net capital loss is $19,500. This figure is the excess of the losses from sales or exchanges of capital assets over the sum of (i) gains (in this case, none) from such sales or exchanges and (ii) taxable income (computed without regard to capital gains and losses and the deductions provided in section 151) of $500. This amount may be carried forward in full as a short-term loss to 1955. The net capital gain in 1955, before deduction of any carryovers, is $36,000. The $29,500 balance of the 1953 loss is first applied against the $36,000, leaving a balance of $6,500. Against this amount the $19,500 loss arising in 1954 is applied, leaving a loss of $13,000, which may be carried forward to 1956. Since this amount is treated as a short-term capital loss in 1956 under section 1212, the excess of the net long-term capital gain over the net short-term capital loss is $2,000 ($15,000 minus $13,000). Half of this excess is allowable as a deduction under section 1202. Thus, after also deducting the exemption allowed as a deduction under section 151 ($600) the taxpayer has a taxable income of $900 for 1956.

(c) The following rules shall be applied in computing net capital loss carryovers by husband and wife: If a husband and wife making a joint return for any taxable year made separate returns for the preceding year, any net capital loss carryover of each spouse from such preceding taxable year may be carried forward to the taxable year as a short-term capital loss to the extent provided by section 1212. If a joint return was made for the preceding taxable year, any net capital loss carryover from such preceding taxable year may be carried forward to the taxable year as a short-term capital loss to the extent provided by section 1212. If a husband and wife making separate returns for any taxable year made a joint return for the preceding taxable year, any net capital loss carryover from such preceding taxable year shall be allocated to the spouses on the basis of their individual net capital losses which gave rise to such net capital loss carryover, and the net capital loss carryover so allocated to each spouse may be carried forward by such spouse to the taxable year as a short-term capital loss to the extent provided in section 1212. If, however, separate returns were also made for the preceding taxable year, any net capital loss carryover of each spouse from such preceding taxable year may be carried forward by such spouse to the taxable year as a short-term capital loss to the extent provided in section 1212. Thus, if H and W, husband and wife, make a joint return for 1955, having made separate returns for 1954 in which H had a net capital loss of $3,000 and W had a net capital loss of $2,000, in their joint return for 1955 they would have a short-term capital loss of $5,000 (the sum of their separate net capital loss carryovers from 1954), allowable to the extent provided by section 1212. If, on the other hand, they make separate returns in 1955 following a joint return in 1954 in which their net capital loss was $5,000 allocable $3,000 to H and $2,000 to W, the carryover of H as a short-term capital loss for the purpose of his 1955 separate return would be $3,000 and that of W for her separate return would be $2,000, each allowable to the extent provided by section 1212.

GENERAL RULES FOR DETERMINING CAPITAL GAINS AND LOSSES

§ 1.1221 *Statutory provisions; capital asset defined.*

SEC. 1221. *Capital asset defined.* For purposes of this subtitle, the term "capital asset" means property held by the taxpayer (whether or not connected with his trade or business), but does not include—

(1) Stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business;

(2) Property, used in his trade or business, of a character which is subject to the allowance for depreciation provided in section 167, or real property used in his trade or business;

(3) A copyright, a literary, musical, or artistic composition, or similar property, held by—

(A) A taxpayer whose personal efforts created such property, or

(B) A taxpayer in whose hands the basis of such property is determined, for the purpose of determining gain from a sale or exchange, in whole or in part by reference to the basis of such property in the hands of the person whose personal efforts created such property;

(4) Accounts or notes receivable acquired in the ordinary course of trade or business for services rendered or from the sale of property described in paragraph (1); or

(5) An obligation of the United States or any of its possessions, or of a State or Territory, or any political subdivision thereof, or of the District of Columbia, issued on or after March 1, 1941, on a discount basis and payable without interest at a fixed maturity date not exceeding one year from the date of issue.

§ 1.1221–1 *Meaning of terms.* (a) The term "capital assets" includes all classes of property not specifically excluded by section 1221. In determining whether property is a "capital asset", the period for which held is immaterial.

(b) The exclusion from the term "capital assets" of property used in the trade or business of a taxpayer of a character which is subject to the allowance for depreciation provided in section 167 and of real property used in the trade or business of a taxpayer is limited to such property used by the taxpayer in the trade or business at the time of the sale, exchange, or involuntary conversion. Gains and losses from the sale or exchange of such property are not treated as gains and losses from the sale or exchange of capital assets, except to the extent provided in section 1231. See § 1.1231–1. Property held for the production of income, but not used in a trade or business of the taxpayer, is not excluded from the term "capital assets" even though depreciation may have been allowed with respect to such property under section 23 (l) of the Internal Revenue Code of 1939 before its amendment by section 121 (c) of the Revenue Act of 1942. However, gain or loss upon the sale or exchange of land held by a taxpayer primarily for sale to customers in the ordinary course of his business, as in the case of a dealer in real estate, is not subject to the provisions of sections 1201–1241, inclusive.

(c) A copyright, a literary, musical, or artistic composition, and similar property are excluded from the term "capital assets" if held by a taxpayer whose personal efforts created such property, or if held by a taxpayer in whose hands the basis of such property is determined, for the purpose of determining gain from a sale or exchange, in whole or in part by reference to the basis of such property in the hands of the person whose personal efforts created such property. As to the application of section 1231 to the sale or exchange of such property held by such a taxpayer, see § 1.1231–1. For purposes of section 1221 (3), the phrase "similar property" includes, for example, such property as a theatrical production, a radio program, a newspaper cartoon strip, or any other property eligible for copyright protection (whether under statute or common law), but does not include a patent or an invention, or a design which may be protected only under the patent law and not under the copyright law.

(d) Section 1221 (4) excludes from the definition of "capital asset" accounts or notes receivable acquired in the ordinary course of trade or business for services rendered or from the sale of stock in trade or inventory or property held for sale to customers in the ordinary course of trade or business. Thus, if a taxpayer acquires a note receivable for services rendered, reports the fair market value of the note as income, and later sells the note for less than the amount previously reported, the loss is an ordinary loss. On the other hand, if the taxpayer later sells the note for more than the amount originally reported, the excess is treated as ordinary income.

(e) Obligations of the United States or any of its possessions, or of a State or Territory, or any political subdivision thereof, or of the District of Columbia, issued on or after March 1, 1941, on a discount basis and payable without interest at a fixed maturity date not exceeding one year from the date of issue, are excluded from the term "capital assets." An obligation may be issued on a discount basis even though the price paid exceeds the face amount. Thus, although the Second Liberty Bond Act (31 U. S. C. 754) provides that United States Treasury bills shall be issued on a discount basis, the issuing price paid for a particular bill may, by reason of competitive bidding, actually exceed the face amount of the bill. Since the obligations of the type described in this paragraph

are excluded from the term "capital assets", gains or losses from the sale or exchange of such obligations are not subject to the limitations provided in sections 1201–1241, inclusive. It is, therefore, not necessary for a taxpayer, other than a life insurance company subject to taxation only on interest, dividends, and rents, to segregate the original discount accrued (see section 454 (b)) and the gain or loss realized upon the sale or other disposition of any such obligation.

Example (1). A (not a life insurance company) buys a $100,000, 90-day Treasury bill upon issuance for $99,998. As of the close of the forty-fifth day of the life of such bill, he sells it to B (not a life insurance company) for $99,999.50. The entire net gain to A of $1.50 may be taken into account as a single item of income, without allocating $1 to interest and $0.50 to gain. If B holds the bill until maturity his net gain of $0.50 may similarly be taken into account as a single item of income, without allocating $1 to interest and $0.50 to loss.

Example (2). The facts in this example are the same as in example (1) except that the selling price to B is $99,998.50. The net gain to A of $0.50 may be taken into account without allocating $1 to interest and $0.50 to loss, and, similarly, if B holds the bill until maturity his entire net gain of $1.50 may be taken into account as a single item of income without allocating $1 to interest and $0.50 to gain.

§ 1.1222 *Statutory provisions; other terms relating to capital gains and losses.*

SEC. 1222. *Other terms relating to capital gains and losses.* For purposes of this subtitle—

(1) *Short-term capital gain.* The term "short-term capital gain" means gain from the sale or exchange of a capital asset held for not more than 6 months, if and to the extent such gain is taken into account in computing gross income.

(2) *Short-term capital loss.* The term "short-term capital loss" means loss from the sale or exchange of a capital asset held for not more than 6 months, if and to the extent that such loss is taken into account in computing taxable income.

(3) *Long-term capital gain.* The term "long-term capital gain" means gain from the sale or exchange of a capital asset held for more than 6 months, if and to the extent such gain is taken into account in computing gross income.

(4) *Long-term capital loss.* The term "long-term capital loss" means loss from the sale or exchange of a capital asset held for more than 6 months, if and to the extent that such loss is taken into account in computing taxable income.

(5) *Net short-term capital gain.* The term "net short-term capital gain" means the excess of short-term capital gains for the taxable year over the short-term capital losses for such year.

(6) *Net short-term capital loss.* The term "net short-term capital loss" means the excess of short-term capital losses for the taxable year over the short-term capital gains for such year.

(7) *Net long-term capital gain.* The term "net long-term capital gain" means the excess of long-term capital gains for the taxable year over the long-term capital losses for such year.

(8) *Net long-term capital loss.* The term "net long-term capital loss" means the excess of long-term capital losses for the taxable year over the long-term capital gains for such year.

(9) *Net capital gain*—(A) *Corporations.* In the case of a corporation, the term "net capital gain" means the excess of the gains from sales or exchanges of capital assets over the losses from such sales or exchanges.

(B) *Other taxpayers.* In the case of a taxpayer other than a corporation, the term "net capital gain" means the excess of—

(i) The sum of the gains from sales or exchanges of capital assets, plus taxable income (computed without regard to the deductions provided by section 151, relating to personal exemptions or any deduction in lieu thereof) of the taxpayer or $1,000, whichever is smaller over

(ii) The losses from such sales or exchanges.

For purposes of this subparagraph, taxable income shall be computed without regard to gains or losses from sales or exchanges of capital assets. If the taxpayer elects to pay the optional tax under section 3, the term "taxable income" as used in this subparagraph shall be read as "adjusted gross income."

(10) *Net capital loss.* The term "net capital loss" means the excess of the losses from sales or exchanges of capital assets over the sum allowed under section 1211. For the purpose of determining losses under this paragraph, amounts which are short-term capital losses under section 1212 shall be excluded.

§ 1.1222–1 *Other terms relating to capital gains and losses.* (a) The phrase "short-term" applies to the category of gains and losses arising from the sale or exchange of capital assets held for six months or less; the phrase "long-term" to the category of gains and losses arising from the sale or exchange of capital assets held for more than six months. The fact that some part of a loss from the sale or exchange of a capital asset may be finally disallowed because of the operation of section 1211 does not mean that such loss is not "taken into account in computing taxable income" within the meaning of that phrase as used in sections 1222 (2) and 1222 (4).

(b) In the definition of "net short-term capital gain", as provided in section 1222 (5), the amounts brought forward to the taxable year under section 1212 are short-term capital losses for such taxable year.

(c) Gains and losses from the sale or exchange of capital assets held for not more than six months (described as short-term capital gains and short-term capital losses) shall be segregated from gains and losses arising from the sale or exchange of such assets held for more than six months (described as long-term capital gains and long-term capital losses).

(d) In the case of a corporation, the term "net capital gain" means the excess of the gains from sales or exchanges of capital assets over the losses from such sales or exchanges, which losses include any amounts brought forward pursuant to section 1212. In the case of a taxpayer other than a corporation, the term "net capital gain" means the excess of (1) the sum of the gains from sales or exchanges of capital assets, plus taxable income (computed without regard to gains and losses from sales or exchanges of capital assets and without regard to the deductions provided by section 151, relating to personal exemptions, or any deductions in lieu thereof) of the taxpayer or $1,000, whichever is smaller, over (2) the losses from such sales or exchanges, which losses include amounts brought forward under section 1212. Thus, in the case of estates and trusts, taxable income for the purposes of section 1222 (9) (B) (i) shall be computed without regard to gains and losses from sales or exchanges of capital assets and without regard to the deductions allowed by section 642 (b) to estates and trusts in lieu of personal exemptions. In the case of a taxpayer whose tax liability is computed under section 3, the term "taxable income", for purposes of this paragraph, shall be read as "adjusted gross income." For application of the term "net capital gain," in computing the capital loss carryover under section 1212, see § 1.1212–1 (b).

(e) The term "net capital loss" means the excess of the losses from sales or exchanges of capital assets over the sum allowed under section 1211. However, amounts which are short-term capital losses under section 1212 are excluded in determining such "net capital loss".

(f) See section 165 (g) and section 166 (e), under which losses from worthless stocks, bonds, and other securities (if they constitute capital assets) are required to be treated as losses under sections 1201–1241 from the sale or exchange of capital assets, even though such securities are not actually sold or exchanged. See also section 1231 and § 1.1231–1 for the determination of whether or not gains and losses from the involuntary conversion of capital assets and from the sale, exchange, or involuntary conversion of certain property used in the trade or business shall be treated as gains and losses from the sale or exchange of capital assets. See also section 1236 and § 1.1236–1 for the determination of whether or not gains from the sale or exchange of securities by a dealer in securities shall be treated as capital gains, or whether losses from such sales or exchanges shall be treated as ordinary losses.

(g) In the case of nonresident alien individuals not engaged in trade or business within the United States, see section 871 and the regulations thereunder for the determination of the net amount of capital gains subject to tax.

§ 1.1223 *Statutory provisions; holding period of property.*

SEC. 1223. *Holding period of property.* For purposes of this subtitle—

(1) In determining the period for which the taxpayer has held property received in an exchange, there shall be included the period for which he held the property exchanged if, under this chapter, the property has, for the purpose of determining gain or loss from a sale or exchange, the same basis in whole or in part in his hands as the property exchanged, and, in the case of such exchanges after March 1, 1954, the property exchanged at the time of such exchange was a capital asset as defined in section 1221 or property described in section 1231. For purposes of this paragraph—

(A) An involuntary conversion described in section 1033 shall be considered an exchange of the property converted for the property acquired, and

(B) A distribution to which section 355 (or so much of section 356 as relates to section 355) applies shall be treated as an exchange.

(2) In determining the period for which the taxpayer has held property however ac-

quired there shall be included the period for which such property was held by any other person, if under this chapter such property has, for the purpose of determining gain or loss from a sale or exchange, the same basis in whole or in part in his hands as it would have in the hands of such other person.

(3) In determining the period for which the taxpayer has held stock or securities received upon a distribution where no gain was recognized to the distributee under section 1081 (c) (or under section 112 (g) of the Revenue Act of 1928, 45 Stat. 818, or the Revenue Act of 1932, 48 Stat. 705), there shall be included the period for which he held the stock or securities in the distributing corporation before the receipt of the stock or securities on such distribution.

(4) In determining the period for which the taxpayer has held stock or securities the acquisition of which (or the contract or option to acquire which) resulted in the nondeductibility (under section 1091 relating to wash sales) of the loss from the sale or other disposition of substantially identical stock or securities, there shall be included the period for which he held the stock or securities the loss from the sale or other disposition of which was not deductible.

(5) In determining the period for which the taxpayer has held stock or rights to acquire stock received on a distribution, if the basis of such stock or rights is determined under section 307 (or under so much of section 1052 (c) as refers to section 113 (a) (23) of the Internal Revenue Code of 1939), there shall (under regulations prescribed by the Secretary or his delegate) be included the period for which he held the stock in the distributing corporation before the receipt of such stock or rights upon such distribution.

(6) In determining the period for which the taxpayer has held stock or securities acquired from a corporation by the exercise of rights to acquire such stock or securities, there shall be included only the period beginning with the date on which the right to acquire was exercised.

(7) In determining the period for which the taxpayer has held a residence, the acquisition of which resulted under section 1034 in the nonrecognition of any part of the gain realized on the sale or exchange of another residence, there shall be included the period for which such other residence had been held as of the date of such sale or exchange. For purposes of this paragraph, the term "sale or exchange" includes an involuntary conversion occurring after December 31, 1950, and before January 1, 1954.

(8) In determining the period for which the taxpayer has held a commodity acquired in satisfaction of a commodity futures contract there shall be included the period for which he held the commodity futures contract if such commodity futures contract was a capital asset in his hands.

(9) Any reference in this section to a provision of this title shall, where applicable, be deemed a reference to the corresponding provision of the Internal Revenue Code of 1939, or prior internal revenue laws.

(10) *Cross reference.* For special holding period provision relating to certain partnership distributions, see section 735 (b).

§ 1.1223–1 *Determination of period for which capital assets are held.* (a) The holding period of property received in an exchange by a taxpayer includes the period for which the property which he exchanged was held by him, if the property received has the same basis in whole or in part for determining gain or loss in the hands of the taxpayer as the property exchanged. However, this rule shall apply, in the case of exchanges after March 1, 1954, only if the property exchanged was at the time of the exchange a capital asset in the hands of the taxpayer or property used in his trade or business as defined in section 1231 (b). For the purposes of this paragraph the term "exchange" includes the following transactions: (1) An involuntary conversion described in section 1033, and (2) a distribution to which section 355 (or so much of section 356 as relates to section 355) applies. Thus, if property acquired as the result of a compulsory or involuntary conversion of other property of the taxpayer has under section 1033 (c) the same basis in whole or in part in the hands of the taxpayer as the property so converted, its acquisition is treated as an exchange and the holding period of the newly acquired property shall include the period during which the converted property was held by the taxpayer. Thus, also, where stock of a controlled corporation is received by a taxpayer pursuant to a distribution to which section 355 (or so much of section 356 as relates to section 355) applies, the distribution is treated as an exchange and the period for which the taxpayer has held the stock of the controlled corporation shall include the period for which he held the stock of the distributing corporation with respect to which such distribution was made.

(b) The holding period of property in the hands of a taxpayer shall include the period during which the property was held by any other person, if such property has the same basis in whole or in part in the hands of the taxpayer for determining gain or loss from a sale or exchange as it would have in the hands of such other person. For example, the period for which property acquired by gift after December 31, 1920, was held by the donor must be included in determining the period for which the property was held by the taxpayer if, under the provisions of section 1015, such property has, for the purpose of determining gain or loss from the sale or exchange, the same basis in the hands of the taxpayer as it would have in the hands of the donor.

(c) In determining the period for which the taxpayer has held stock or securities received upon a distribution where no gain was recognized to the distributee under section 1081 (c) (or under section 112 (g) of the Revenue Act of 1928, 45 Stat. 818, or the Revenue Act of 1932, 48 Stat. 705), there shall be included the period for which he held the stock or securities in the distributing corporation before the receipt of the stock or securities on such distribution.

(d) If the acquisition of stock or securities resulted in the nondeductibility (under section 1091, relating to wash sales) of the loss from the sale or other disposition of substantially identical stock or securities, the holding period of the newly acquired securities shall include the period for which the taxpayer held the securities with respect to which the loss was not allowable.

(e) The period for which the taxpayer has held stock, or stock subscription rights, received on a distribution shall be determined as though the stock dividend, or stock right, as the case may be, were the stock in respect of which the dividend was issued if the basis for determining gain or loss upon the sale or other disposition of such stock dividend or stock right is determined under section 307. If the basis of stock received by a taxpayer pursuant to a spin-off is determined under so much of section 1052 (c) as refers to section 113 (a) (23) of the Internal Revenue Code of 1939, and such stock is sold or otherwise disposed of in a taxable year which is subject to the Internal Revenue Code of 1954, the period for which the taxpayer has held the stock received in such spin-off shall include the period for which he held the stock of the distributing corporation with respect to which such distribution was made.

(f) The period for which the taxpayer has held stock or securities issued to him by a corporation pursuant to the exercise by him of rights to acquire such stock or securities from the corporation will, in every case and whether or not the receipt of taxable gain was recognized in connection with the distribution of the rights, begin with and include the day upon which the rights to acquire such stock or securities were exercised. A taxpayer will be deemed to have exercised rights received from a corporation to acquire stock or securities therein where there is an expression of assent to the terms of such rights made by the taxpayer in the manner requested or authorized by the corporation.

(g) The period for which the taxpayer has held a residence, the acquisition of which resulted under the provisions of section 1034 in the nonrecognition of any part of the gain realized on the sale or exchange of another residence, shall include the period for which such other residence had been held as of the date of such sale or exchange. See § 1.1034–1. For purposes of this paragraph, the term "sale or exchange" includes an involuntary conversion occurring after December 31, 1950, and before January 1, 1954.

(h) If a taxpayer accepts delivery of a commodity in satisfaction of a commodity futures contract, the holding period of the commodity shall include the period for which the taxpayer held the commodity futures contract, if such futures contract was a capital asset in his hands.

(i) If shares of stock in a corporation are sold from lots purchased at different dates or at different prices and the identity of the lots cannot be determined, the stock sold shall be charged against the earliest purchases of such stock for the purpose of determining the holding period of the stock.

(j) Any reference in section 1223 or this section to another provision of the Internal Revenue Code of 1954 is, where applicable, to be deemed a reference to the corresponding provision of the Internal Revenue Code of 1939, or prior internal revenue laws. The provisions of prior internal revenue laws here intended are the sections referred to in the sections of the 1939 Code which correspond to the sections of the 1954 Code referred to in section 1223. Thus, the sections corresponding to section 1081 (c) are section 371 (c) of the Revenue Act of 1938 and section 371 (c) of the 1939 Code. The sections corresponding to section 1091 are section 118 of each of the following: The Revenue Acts of 1928, 1932, 1934, 1936, and 1938, and the 1939 Code.

[F. R. Doc. 55–9156; Filed, Nov. 14, 1955; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 53]

OFFICIAL UNITED STATES STANDARDS FOR GRADES OF CARCASS BEEF (STEER, HEIFER AND COW)

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with Section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Department of Agriculture, under the provisions of Sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 and 1624) and the general language in the item for the Agricultural Marketing Service contained in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956 (69 Stat. 56–57), is considering amending the official United States standards for grades of carcass beef (steer, heifer and cow) (7 CFR 53.103, 53.104 (d)) by dividing the Commercial grade into two new grades designated as Standard and Commercial grades.

1. Section 53.103 would be amended to read as follows:

§ 53.103 *Standard grades for carcass beef.* There are eight grades for beef from steers and heifers, seven grades for beef from cows, and six grades of beef from bulls and stags. These are listed in the following schedule of grades.

SCHEDULE—STANDARD MARKET CLASSES AND GRADES FOR DRESSED BEEF

Class	Grade	Class	Grade
Steer, heifer, and cow.[1]	Prime. Choice. Good. Standard. Commercial. Utility. Cutter. Canner.	Bull and stag.	Choice. Good. Commercial. Utility. Cutter. Canner.

[1] Cow beef is not eligible for Prime grade.

2. In § 53.104, paragraphs (d), (e), (f), and (g) would be redesignated (e), (f), (g), and (h), respectively.

3. A new paragraph (d) would be inserted in § 53.104 and redesignated paragraph (e) of § 53.104 would be amended, as follows:

(d) *Standard.* (1) Standard grade beef carcasses and wholesale cuts are rangy, angular and slightly thin fleshed throughout. Loins and ribs tend to be flat and are slightly thin fleshed. The rounds are moderately flat and tapering. Chucks are slightly flat and thinly fleshed. The fat covering of beef within this grade will vary slightly depending on the evidences of maturity of the cattle from which it was produced. Carcasses whose chine bones are soft and red and which terminate in soft pearly white cartilages have only a thin covering of external fat over the loins and ribs, practically no protrusion of fat between the chine bones, and very scanty quantities of overflow fat and feathering. Carcasses whose chine bones are tinged with white and which terminate in cartilages in which some ossification is evident will have a slightly thin covering of fat over the loins and ribs which partially covers the outsides of the rounds and chucks. In such beef there is a very slight protrusion of fat between the chine bones and a small amount of overflow fat and feathering. The fat is moderately soft. Characteristics of the cut surface of the rib eye muscle will also vary depending on the evidences of maturity attained by the animal from which it was produced. In carcasses whose chine bones are soft and red and which terminate in soft, pearly white cartilages, the rib eye muscle is somewhat soft and watery but fine in texture and will be practically devoid of marbling. In carcasses whose chine bones are tinged with white and which terminate in cartilages in which some ossification is evident, the rib eye muscle is moderately soft and moderately fine in texture and has a slight amount of marbling. The lean will usually vary from a light red to a slightly dark red in color but may be slightly two-toned or shady.

(2) Carcasses showing evidence of maximum maturity permitted in the Standard grade may have chine bones tinged with white and the cartilages on the end of the chine bones may be moderately ossified. Carcasses must also be at least moderately symmetrical and uniform in contour and the rib eye muscle must be at least moderately fine in texture.

(3) Young, red-boned, light weight, carcasses with conformation equivalent to at least the midpoint of the grade as defined above may be devoid of marbling and qualify for the Standard grade. However, carcasses which show similar evidences of maturity but which have conformation equivalent to the upper third of the Utility grade are practically devoid of marbling. Carcasses near the maximum limit for maturity with conformation equivalent to at least the midpoint of the grade as defined above may qualify for the Standard grade with traces of marbling; however, carcasses with similar evidences of maturity but which have conformation equivalent to the upper third of the Utility grade are required to have a slight amount of marbling.

(e) *Commercial.* (1) Commercial grade beef carcasses and wholesale cuts are restricted to those with evidences of more advanced maturity than permitted in the Good and Standard grades. Such carcasses are slightly thick fleshed but rather rough and irregular in contour. Rounds are slightly flat and tapering. Loins are moderately wide but slightly sunken and the hips are rather prominent. Ribs tend to be slightly thick and full. Chucks are slightly thin and plates and briskets are wide and "spready." The necks and shanks are slightly long and thin. The fatness of beef within this grade will be variable depending on the evidences of maturity attained by the animal from which it was produced. Carcasses which only slightly exceed the minimum maturity permitted will have a slightly thick covering of external fat, a small amount of fat protrusion between the chine bones and a moderate amount of overflow fat and feathering. Carcasses that have hard, white chine bones which terminate in nearly completely ossified cartilages will have a moderately thick exterior fat covering, a moderate protrusion of fat between the chine bones and moderately abundant overflow fat and feathering. In beef of this grade, particularly those more advanced in maturity, the external fat covering will be considerably thicker over the loins and ribs than over the rounds and chucks and may frequently be patchy or wasty. The fat is firm. In carcasses which only slightly exceed the minimum maturity permitted the cut surface of the rib eye muscle will be moderately firm and slightly coarse in texture and will have a moderate amount of marbling. In carcasses that have hard, white chine bones that terminate in nearly completely ossified cartilages the rib eye muscle will be firm but coarse in texture and the marbling will be moderately abundant but also rather coarse and prominent. The lean will usually vary from slightly dark red to dark red in color but may be two-toned or shady.

(2) Regardless of the extent to which other grade factors may exceed the minimum requirements for the grade, carcasses which only slightly exceed the minimum maturity permitted are required to have a small amount of marbling and carcasses whose chine bones are hard and white and which terminate in nearly completely ossified cartilages are required to have at least a moderate amount of marbling. Carcasses which only slightly exceed the minimum maturity permitted and which are slightly thin fleshed and rather rangy and angular may meet the minimum requirements for the grade provided they have a modest amount of marbling and carcasses with similar conformation which have hard, white chine bones that terminate in nearly completely ossified cartilages may meet the minimum requirements for the grade provided they have slightly abundant marbling.

(3) Carcasses whose conformation and evidences of quality only slightly exceed the minimum requirements for the grade are not eligible for the Commercial grade if they are excessively patchy or uneven in distribution of external fat.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director of the Livestock Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., within 60 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 8th day of November 1955.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55–9154; Filed, Nov. 14, 1955; 8:48 a. m.]

NOTICES

POST OFFICE DEPARTMENT

Bureau of Transportation

DISTRICT TRANSPORTATION MANAGERS

DELEGATION OF AUTHORITY

The following is the text of Order No. 00609 of the Assistant Postmaster General, Bureau of Transportation, dated October 26, 1955:

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066), and Order of the Postmaster General No. 55778 dated November 24, 1954 (19 F. R. 8226), the authority vested in the Assistant Postmaster General, Bureau of Transportation, by Order No. 55064 dated March 5, 1953 (18 F. R. 8458), is redelegated to District Transportation Managers, to authorize the performance of such additional trips as may be necessary on star routes in the United States during the period from December 1 to 31, each year, contractors to be paid pro rata accordingly, in order to expedite the handling of Christmas mails.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

[SEAL] LEO G. KNOLL,
Acting Solicitor.

[F. R. Doc. 55–9147; Filed, Nov. 14, 1955; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ASSUNTA DABOVE CARVO AND PAULO CARVO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Assunta Dabove Carvo, aka Assunta Caterina Dabove Corvo, Savona, Italy, Claim No. 42296; and Paulo Carvo, aka Paulo Corvo, Savona, Italy, Claim No. 42297; Vesting Order No. 2207.

The following property to the claimants: $3,224.32 in the Treasury of the United States.

Two and thirty-five one-hundredths (2–35/100) shares Pacific Coast Aggregates, Inc., common stock, par value $5.00, evidenced by Certificates No. 2592 for 10/100 share; 2593, for 25/100 share; and 644 for 2 shares, presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York, New York, N. Y.

Passbook No. 725, Mercantile Building-Loan Association, 7 percent cumulative 7 percent certificate showing balance of $25.23, presently in the possession of the Office of Alien Property, Department of Justice, 101 Indiana Avenue NW., Washington 25, D. C.

Twelve (12) shares of Durant Motors, Inc., capital stock, no par value, evidenced by Certificates No. 0223153 for 4 shares and 0219895 for 8 shares, presently in the possession of the Office of Alien Property, Department of Justice, 101 Indiana Avenue NW., Washington 25, D. C.

Five (5) units Pickwick Airways, Inc., evidenced by Certificate No. 912, presently in the possession of the Office of Alien Property, Department of Justice, 101 Indiana Avenue NW., Washington 25, D. C.

1 man's yellow metal watch.
1 man's white metal watch with yellow metal chain attached.
1 man's white metal ring with white stone.
1 man's white metal watch.
1 broken white metal ring with small white stone.
1 yellow metal ring with initial.
1 man's white metal ring.
1 man's yellow metal ring.
Miscellaneous jewelry.

All of the above-mentioned pieces of jewelry are presently in the possession of the Office of Alien Property, Department of Justice, 101 Indiana Avenue NW., Washington 25, D. C.

Executed at Washington, D. C., on November 8, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55–9157; Filed, Nov. 14, 1955; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 4, 1955.

The United States Forest Service, Department of Agriculture, has filed an application, Serial No. Montana 012788, for the withdrawal of the lands described below, from location under the general mining laws.

The applicant desires the land for administrative sites, public service sites, recreation areas, or for other public purposes as set forth specifically with regard to each area or description.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

BEAVERHEAD NATIONAL FOREST

Vigilante Experimental Range:
T. 9 S., R. 2 W.,
Unsurveyed Sec. 31: E½;
Unsurveyed Sec. 32: All;
Unsurveyed Sec. 33: S½NW¼, SW¼, W½SE¼.
The area described contains 1,280 acres.
T. 9 S., R. 3 W.,
Sec. 34: E½SW¼, W½SE¼, SE¼SE¼;
Sec. 35: E½SW¼, SW¼SW¼, SE¼;
Sec. 36: W½SW¼, SE¼SW¼.
The area described contains 600 acres.
T. 10 S., R. 2 W.,
Unsurveyed Sec. 4: SW¼NE¼, W½;
Unsurveyed Sec. 5: All;
Unsurveyed Sec. 6: All;
Unsurveyed Sec. 7: All;
Unsurveyed Sec. 8: N½, SW¼, N½SE¼;
Unsurveyed Sec. 9: NW¼, NW¼SW¼.
The area described contains 3,040 acres.
T. 10 S., R. 3 W.,
Sec. 1: All;
Sec. 2: All;
Sec. 3: All;
Sec. 9: E½E½;
Sec. 10, 11, 12: All.
The area described contains 2,080 acres.
Cliff Lake Natural Area:
T. 12 S., R. 1 E.,
Sec. 26: All;
Sec. 27: E½, E½W½;
Sec. 23: All;
Sec. 24: All that portion lying west of Cliff Lake;
Sec. 25: All that portion lying west of Cliff Lake;
Sec. 34: N½NE¼, NE¼NW¼;
Sec. 35: N½NE¼NE¼, N½NW¼NE¼, SW¼NW¼NE¼, N½NW¼;
Sec. 36: All that portion which lies northwest of Cliff Lake.
The area described contains 2,230.59 acres.

BITTERROOT NATIONAL FOREST

Piquett Creek Experimental Forest:
T. 1 N., R. 21 W.,
Sec. 1: NW¼, W½SW¼;
Sec. 2: All;
Sec. 3: E½;
Sec. 9: E½;
Sec. 10: All;
Sec. 11: All;
Sec. 12: NW¼;
Sec. 13: NW¼NW¼, SW¼;
Sec.14: All;
Sec. 15: All;
Sec. 16: NE¼, SE¼SE¼;
Sec. 22: NW¼NW¼;
Sec. 23: NE¼NW¼, NE¼;
Sec. 24: NW¼, NW¼NE¼.
The area described contains 5,080 acres.

CUSTER NATIONAL FOREST

Meyers Creek Administrative Site:
T. 4 S., R. 15 E.,
Sec. 7: SE¼SW¼, S½SE¼;
Sec. 18: NW¼NE¼, E½NE¼, NE¼NW¼.
The area described contains 280 acres.
Breakneck Administrative Site:
T. 5 S., R. 13 E.,
Unsurveyed Sec. 34: W½NW¼NE¼, E½NE¼NW¼.
The area described contains 40 acres.
Woodbine Administrative Site:
T. 5 S., R. 15 E.,
Sec. 32: SW¼NE¼, N½NW¼SE¼.
The area described contains 60 acres.
Wounded Man Administrative Site:
T. 6 S., R. 13 E.,
Unsurveyed Sec. 35: NW¼SE¼.
The area described contains 40 acres.
Rock Creek Administrative Site:
T. 8 S., R. 20 E.,
Sec. 6: E½.
The area described contains 320 acres.
Red Lodge Creek Administrative Site:
T. 7 S., R. 18 E.,
Unsurveyed Sec. 1: NE¼, E½NW¼.
The area described contains 240 acres.
Whitetail Administrative Site:
T. 2 S., R. 47 E.,
Sec. 19: SE¼SW¼, SE¼NE¼SW¼, SW¼NW¼SE¼, W½SW¼SE¼.
The area described contains 80 acres.

Liscom Creek Administrative Site:
T. 1 S., R. 46 E.,
Sec. 3: NW¼SE¼.
The area described contains 40 acres.
Three Mile Administrative Site:
T. 4 S., R. 47 E.,
Sec. 8: SW¼NE¼.
The area described contains 40 acres.
Fort Howes Administrative Site:
T. 6 S., R. 46 E.,
Sec. 19: Lots 1, 2, 3, 4.
T. 6 S., R. 45 E.,
Sec. 24: Lots 1, 4, 5, 6, 7, 8.
The area described contains 269.42 acres.
Tooley Creek Administrative Site:
T. 7 S., R. 45 E.,
Sec. 20: N½S½.
The area described contains 160 acres.
Cub Creek Administrative Site:
T. 7 S., R. 45 E.,
Sec. 14: NW¼SE¼SW¼, SE¼SE¼SW¼.
The area described contains 20 acres.
Needmore Administrative Site:
T. 1 N., R. 58 E.,
Sec. 23: SE¼NE¼, NE¼SE¼;
Sec. 24: E½SW¼, NW¼SW¼, SW¼NW¼.
The area described contains 240 acres.

PUBLIC USE AREAS (CAMP AND PICNIC)

Woodbine Camp:
T. 5 S., R. 15 E.,
Sec. 32: E½SW¼, SW¼NW¼SE¼, NW¼SW¼SE¼.
The area described contains 100 acres.
Sioux Charley Camp:
T. 6 S., R. 14 E.,
Sec. 12: SW¼SE¼NE¼, NW¼NE¼SE¼.
The area described contains 20 acres.
Wickham Gulch Camp:
T. 3 S., R. 62 E.,
Sec. 16: N½NE¼.
The area described contains 80 acres.
Lantis Spring Camp:
T. 2 S., R. 61 E.,
Sec. 27: N½SE¼.
The area described contains 80 acres.

ORGANIZATION SITES

American Legion of Ekalaka (Organization Camp):
T. 1 N., R. 58 E.,
Sec. 24: SW¼NW¼SE¼, NW¼SW¼SE¼.
The area described contains 20 acres.
Lions Club Youth Camp (Organization Site):
T. 8 S., R. 19 E.,
Sec. 33: SW¼SE¼.
The area described contains 40 acres.

DEERLODGE NATIONAL FOREST

Bernice Experimental Forest:
T. 6 N., R. 7 W.,
Sec. 26: S½ except M. S. 10186 in NE¼SE¼, and M. S. 165 (Placer) in E½E½;
Sec. 27: S½;
Sec. 28: S½;
Sec. 33: All;
Sec. 34: All;
Sec. 35: All except M. S. 165 (Placer) in E½.
The area described contains approximately 2,880 acres.
Pipestone Ski Area:
T. 1 N., R. 7 W.,
Sec. 11: NW¼, N½SW¼, W½NE¼.
The area described contains 320 acres.
Racetrack Administrative Site and Public Service Site:
T. 6 N., R. 11 W.,
Sec. 11: S½SE¼;
Sec. 14: N½NE¼.
The area described contains 160 acres less a fraction of about 1 acre of H. E. S. 199.
Lowlands Campground:
T. 7 N., R. 7 W.,
Sec. 32: NW¼SE¼, NE¼SW¼.
The area described contains 80 acres.
Elk Park Campground:
T. 5 N., R. 6 W.,
Sec. 21: SE¼SE¼NE¼, NE¼NE¼SE¼;
Sec. 22: SW¼SW¼NW¼, NW¼NW¼SW¼.
The area described contains 80 acres.
Lime Kiln Campground:
T. 1 N., R. 7 W.,
Sec. 16: N½SE¼.
The area described contains 80 acres.
Kaiser Lake Recreation Area:
T. 4 N., R. 15 W.,
Sec. 18: W½.
The area described contains 320 acres.
Moose Lake Recreation Area:
T. 4 N., R. 16 W.,
Sec. 36: Balance of section not now encumbered.
The area described contains 340 acres.
Flume Creek Campground:
T. 5 N., R. 17 W.,
Sec. 2: SW¼.
The area described contains 160 acres.
Stony Lake Campground:
T. 6 N., R. 17 W.,
Sec. 32: NE¼ (unsurveyed).
The area described contains 160 acres.
Copper Creek Campground:
T. 4 N., R. 16 W.,
Sec. 25: SW¼.
The area described contains 160 acres.
Squaw Rock Campground and Administrative Site:
T. 4 N., R. 16 W.,
Sec. 21: Unencumbered portion of S½.
The area described contains 270 acres.
Boulder Administrative Site (Depot Pasture):
T. 6 N., R. 4 W.,
Sec. 29: Lots 2, 4, 5, NE¼NW¼.
The area described contains 103 acres.
Sunnyside Administrative Site:
T. 6 N., R. 5 W.,
Sec. 19: E½NE¼NW¼, SE¼NW¼, W½NW¼NE¼, W½SW¼NE¼, W½E½SW¼NE¼, E½NE¼SW¼NE¼, NE¼SE¼SW¼NE¼, SE¼NE¼NE¼, E½SW¼NE¼NE¼, N½SE¼NE¼, N½S½SE¼NE¼, NW¼NW¼SE¼, N½NE¼SW¼, NE¼NW¼SW¼;
Sec. 20: W½NW¼SW¼NW¼, NW¼SW¼SW¼NW¼.
The area described contains 210 acres.
Bison Creek Campground and Shamrock Picnic Area:
T. 5 N., R. 6 W.,
Sec. 3: SW¼SW¼;
Sec. 4: E½;
Sec. 9: NE¼NE¼;
Sec. 10: NW¼.
The area described contains 560 acres.
Mormon Gulch Campground:
T. 5 N., R. 6 W.,
Sec. 21: S½NW¼.
The area described contains 80 acres.
Whitehouse Camp:
T. 6 N., R. 7 W.,
Sec. 21: NE¼.
The area described contains 160 acres.
Winter Sports Area and Two Campgrounds:
T. 5 N., R. 13 W.,
Sec. 12: NW¼E½.
The area described contains 480 acres.
Spring Hill Camp and Picnic Areas:
T. 5 N., R. 13 W.,
Sec. 24: S½.
The area described contains 320 acres.
Foster Creek Campground:
T. 5 N., R. 12 W.,
Sec. 17: SW¼.
The area described contains 160 acres.
Cable Mountain Camp and Picnic Area:
T. 5 N., R. 13 W.,
Sec. 5: Lot 1.
The area described contains 39 acres.
Echo Lake Picnic Area:
T. 6 N., R. 13 W.,
Sec. 31: NE¼.
The area described contains 160 acres.
East Fork Camp:
T. 4 N., R. 14 W.,
Sec. 6: NE¼.
The area described contains 160 acres.

FLATHEAD NATIONAL FOREST

Coram Experimental Forest:
T. 31 N., R. 18 W.,
Unsurveyed Sec. 30: SW¼NW¼, W½SW¼, S½SW¼, SW¼SE¼;
Unsurveyed Sec. 31: NW¼NW¼NE¼, W½, W½SE¼.
The area described contains 490 acres.
T. 31 N., R. 19 W.,
Sec. 23: SE¼SW¼, S½SE¼;
Unsurveyed Sec. 24: S½SW¼, SW¼SE¼;
Unsurveyed Sec. 25: All;
Sec. 26: E½, E½W½, SW¼NW¼, NW¼SW¼;
Sec. 27: SE¼NE¼;
Sec. 34: N½NE¼, SE¼NE¼, E½SE¼;
Sec. 35: All;
Unsurveyed Sec. 36: All.
The area described contains 2,960 acres.
T. 30 N., R. 18 W.,
Unsurveyed Sec. 6: W½;
Unsurveyed Sec. 7: NW¼NW¼, W½SW¼;
Unsurveyed Sec. 18: W½W½;
Unsurveyed Sec. 19: N½NW¼, SE¼NW¼.
The area described contains 720 acres.
T. 30 N., R. 19 W.,
Unsurveyed Sec. 1: All;
Unsurveyed Sec. 2: All;
Unsurveyed Sec. 3: E½E½;
Unsurveyed Sec. 10: Lot 1;
Unsurveyed Sec. 11: All, except HES 817;
Unsurveyed Sec. 12: All;
Unsurveyed Sec. 13: All;
Unsurveyed Sec. 14: All.
The area described contains 4,002.74 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 55–9058; Filed, Nov. 14, 1955; 8:45 a. m.]

[Misc. 1655904]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS AN AERIAL BOMBING AND GUNNERY RANGE; CORRECTION

NOVEMBER 8, 1955.

The fifth and sixth courses in the land description of Federal Register Document 41–5969 appearing on page 4070 of the issue for August 15, 1941, should read as follows:

Thence westerly, down stream along the left bank of Tanana River, at mean high water, to the confluence with Wood River;

Thence easterly, up stream along the right bank of Wood River, at mean high water, to latitude 64°20′ N.;

DEPUE FALCK,
Acting Director.

[F. R. Doc. 55–9141; Filed, Nov. 14, 1955; 8:46 a. m.]

Bureau of Reclamation

COLORADO RIVER STORAGE PROJECT, UTAH

FIRST FORM RECLAMATION WITHDRAWAL

OCTOBER 16, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following

described lands from public entry, under the first form of withdrawal, as provided by Section 3 of the Act of June 17, 1902 (32 Stat. 388):

SALT LAKE BASE AND MERIDIAN, UTAH

T. 2 N., R. 22 E.,
Sec. 17, SE¼NW¼.

The above area contains 40 acres.

H. F. MCPHAIL,
Acting Commissioner.

[65649]

NOVEMBER 8, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

DEPUE FALCK,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 55-9142; Filed, Nov. 14, 1955; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6998]

COLONIAL AIRLINES, INC. AND EASTERN AIR LINES, INC.; ACQUISITION CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of Colonial Airlines, Inc., and Eastern Air Lines, Inc., under sections 408 and 412 of the Civil Aeronautics Act of 1938, as amended, for approval of an agreement of the acquisition of the assets of Colonial Airlines, Inc., by Eastern Air Lines, Inc.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on November 28, 1955, 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 8, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-9160; Filed, Nov. 14, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2460]

NORTHERN NATURAL GAS CO.

NOTICE OF SUPPLEMENTAL APPLICATION AND DATE OF FURTHER HEARING

NOVEMBER 4, 1955.

On September 12, 1955, Northern Natural Gas Company (Applicant) filed a supplement in Docket No. G-2460 to its application for an amended order filed on May 2, 1955, of which notice has heretofore been given and such notice was published in the FEDERAL REGISTER on May 21, 1955 (20 F. R. 3572), and on which a hearing was convened on July 13, 1955, and then recessed.

Applicant now requests a certificate of public convenience and necessity to construct certain facilities for the operation of the gas storage reservoir near Redfield, Iowa, at a cost of $2,438,500. The operation contemplates a storage project capable of delivering a maximum of 50,000 Mcf of gas per day with a maximum of 6,000,000 Mcf available for withdrawal, for meeting the needs of its existing customers and for service to new markets, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 28, 1955, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the aforesaid application filed September 12, 1955.

Further protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of November 1955.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9143; Filed, Nov. 14, 1955; 8:46 a. m.]

[Docket No. G-4417, etc.]

FRANK W. MICHAUX ET AL.

NOTICE OF SEVERANCE OF PROCEEDINGS AND DATE OF HEARING

NOVEMBER 4, 1955.

In the matters of Frank W. Michaux, Morris Cannan and Creslenn Oil Company, Docket No. G-4417; Sam Sklar, Docket No. G-4422; Sam Sklar, Trustee, S. H. Killingsworth and N. E. Loomis, Docket No. G-4599; Sam Sklar, Douglas Whitaker and Durbin Bond, Docket No. G-4644; Sam Sklar, Trustee, Docket No. G-4645; Amerada Petroleum Corporation, Docket Nos. G-4780 to G-4785, inclusive; The North Central Texas Oil Company, Inc., Docket No. G-5148; Continental Oil Company, Docket Nos. G-6348 to G-6352, inclusive, G-6354 and G-6356; Pioneer Petroleum Company, Docket No. G-8297; Anderson-Prichard Oil Corporation, Docket Nos. G-8298 and G-8328; National Oil and Gas Company, Docket No. G-8301; Murphy Farm Gas Company, Docket No. G-8302; Southray Oil Company, Docket No. G-8318; Goal Drilling Company, Docket No. G-8322; Texola Drilling Co., Inc., Docket No. G-8325; Fred Scandola, Docket Nos. G-8335 and G-8336; Basin Natural Gas Corporation, Docket No. G-8337; M. Ascher, Individually and as Trustee, Docket No. G-8344; M. Ascher, Individually and as Trustee, Gertrude Skelly, George F. Bauerdorf, Leach Bros. Inc., and F. A. Clark, Trustee, Docket No. G-8369; Liberty Oil & Gas Company, et al., Docket No. G-8372; M. P. O'Meara, et al., Docket No. G-8374; Fred Kyle, Docket No. G-8388.

Continental Oil Company (Continental), on October 31, 1955, filed a motion to deconsolidate the proceedings upon its applications for certificates of public convenience and necessity in Docket Nos. G-6349, G-6350, G-6351, and G-6352 from the above-captioned consolidated proceedings.

By notice issued October 19, 1955, the above-captioned proceedings were consolidated and set down for hearing in Washington, D. C., on November 15, 1955.

In its motion, Continental shows that in Docket Nos. G-6349, G-6350, G-6351, and G-6352 it filed petitions for declaratory orders that the transactions which are the subject matters of such dockets are not subject to the jurisdiction of the Commission. Continental avers that it wants an opportunity to submit evidence on the question of jurisdiction.

It appears appropriate to sever Docket Nos. G-6349, G-6350, G-6351, and G-6352 from the above-captioned proceedings and to set the proceedings in the four dockets for hearing at a later date, and to that end:

Take notice that the proceedings in Docket Nos. G-6349, G-6350, G-6351, and G-6352 are severed from the proceedings consolidated by notice issued October 19, 1955, in the above-captioned proceedings.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 6, 1955, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C., concerning the matters involved in and issues presented by the applications for certificates of public convenience and necessity filed by Continental Oil Company in Docket Nos. G-6349, G-6350, G-6351, and G-6352, and the petitions for declaratory orders filed simultaneously therein.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 21, 1955.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9144; Filed, Nov. 14, 1955; 8:46 a. m.]

[Project No. 2150]

PUGET SOUND POWER & LIGHT CO.

NOTICE OF APPLICATION FOR LICENSE

NOVEMBER 4, 1955.

Public notice is hereby given that Puget Sound Power & Light Company, of Seattle, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for license for proposed water-power Project No. 2150, to be known as the Upper Baker River Project and located on the Baker River in Whatcom County, Washington, with transmission line also in Skagit County, Washington, and to consist of a concrete gravity dam located a short distance above the head of Lake Shannon reservoir, having a gated spillway section and a 12-foot roadway atop the dam, creating a reservoir about 9 miles long with highwater surface at about elevation 724 feet above sea level; an earth and rock-fill dike; powerhouse at the downstream toe of the dam containing two turbines each rated at about 60,000 horsepower at a net head of 275 feet and driving a 42,500-kilowatt generator; two penstocks; a transformer; a 110-kilovolt transmission line connecting the transformer with the applicant's existing Sedro Woolley Switching Station; and appurtenant facilities. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is December 13, 1955. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9145; Filed, Nov. 14, 1955; 8:46 a. m.]

[Docket No. E-6640]

NIAGARA MOHAWK POWER CORP.

NOTICE OF APPLICATION FOR AUTHORIZATION TO EXPORT ELECTRIC ENERGY

NOVEMBER 4, 1955.

Notice is hereby given that the Niagara Mohawk Power Corporation (Applicant), with its principal place of business in Syracuse, New York, filed an application on October 12, 1955, requesting authorization pursuant to the provisions of section 202 (e) of the Federal Power Act to export electric energy from the United States to Canada in the maximum annual amount of 400,000 kwh at a maximum transmission rate of 50 kw.

The application indicates that the energy to be exported will be sold to the Shawinigan Water and Power Company of Montreal, Canada, for resale in Canada. Applicant will export the energy by means of facilities to be constructed by it on the international border between the United States and Canada near the hamlet of Chapman, Town of Ft. Covington, Franklin County, New York. By the subject application the applicant currently seeks authorization to construct, operate, maintain, and connect those facilities; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to the application should on or before November 21, 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's general rules and regulations. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9146; Filed, Nov. 14, 1955; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

SURETY COMPANIES

SEALED PROPOSALS FOR POSITION SCHEDULE SURETY BOND

The Public Housing Administration will receive sealed proposals for a position schedule surety bond covering certain federal employee positions in various locations throughout the Continental United States. Bidding will be limited to corporate surety companies holding certificates of authority from the Secretary of the Treasury under the act of July 30, 1947 (6 U. S. C. 1–15), as acceptable sureties on Federal bonds. Approximately two hundred (200) positions are to be bonded in penalty amounts ranging from $3,700 to $10,000, about half of which fall into the latter category. The bond will be conditioned upon the faithful performance of the duties of the individuals occupying the positions bonded and will run solely in favor of the United States. The effective date of the bond will be January 1, 1956, and the term will be one year.

Requests for Invitation to Bid and Specifications should be directed to the Insurance Section, Public Housing Administration, Longfellow Building, Washington 25, D. C. Bids will be opened at 2 o'clock p. m., e. s. t., on December 15, 1955, in Room 1012, Longfellow Building, Washington, D. C.

Date approved: November 10, 1955.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 55-9207; Filed, Nov. 14, 1955; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

NOVEMBER 1955 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669), and subject to the conditions stated herein, the following commodities are available for sale in the quantities stated and on the price basis set forth:

NOVEMBER 1955 MONTHLY SALES LIST

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy products	Domestic prices apply "in store" at location of stocks. Export prices apply f. a. s. U. S. port of export, or in store at location of stocks at f. a. s. price less export freight rate to agreed port of export. Available through Cincinnati and Portland CSS Commodity Offices for domestic sale, and through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C., for export sale.
Nonfat dry milk solids (in carloads only). Spray, 19,000,000 pounds; roller, as available.	Domestic—unrestricted use: Spary process, U. S. Extra Grade, in barrels and drums 17 cents per pound; in bags, 16.15 cents per pound. Roller process, U. S. Extra Grade, in barrels and drums, 15.25 cents per pound; in bags, 14.40 cents per pound. Domestic—restricted use (animal and poultry feed): 11¼ cents per pound delivered under the terms and conditions of Announcement LD-14 and Supplements. Export—unrestricted use: Spray process, U. S. Extra Grade, in barrels and drums 11.75 cents per pound; in bags 10.90 cents per pound. Roller process, U. S. Extra Grade, in barrels and drums 10 cents per pound, in bags 9.15 cents per pound. Special Export: Competitive bid on 10,000,000 pounds, spray process and under the terms and conditions of Announcement LD-5. Offers to be considered daily until this quantity is sold or program is terminated.
Salted creamery butter (in carloads only), 109,000,000 pounds.	Domestic, unrestricted use: U. S. Grade A and higher: 61.25 cents per pound, New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States 60.5 cents per pound. U. S. Grade B: 2 cents per pound, less than Grade A prices. Domestic, restricted use: Competitive bid and under the terms and conditions of Announcement DA-111 and supplements for use as an extender for cocoa butter in the manufacture of chocolate. Export, unrestricted use: U. S. Grade A: 41 cents per pound; U. S. Grade B: 39 cents per pound. Export, restricted use: Competitive bid (1) under the terms and conditions of Announcement DA-111 and supplements for use (a) in recombining with U. S. produced nonfat dry milk solids into liquid milk and evaporated milk, and (b) in making butter oil or ghee; and (2) under the terms and conditions of Announcement LD-19 and supplements for industrial uses. Special Export: Competitive bid on 7 million pounds butter and under the terms and conditions of Announcement LD-7. Offers to be considered daily until this quantity is sold or program is terminated.
Cheddar cheese, cheddars, flats, twins and rindless blocks (standard moisture basis in carloads only) 280,000,000 pounds.	Domestic: U. S. Grade A and higher: 36¼ cents per pound, for New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic and Pacific Ocean and Gulf of Mexico. All other States 35¼ cents per pound. U. S. Grade B: 1 cent per pound, less than Grade A prices. Export: U. S. Grade A: 25.5 cents per pound, basis port of export; U. S. Grade B: 24.5 cents per pound, basis port of export. Cheese prices are subject to usual adjustments for moisture content.
Wool—shorn and pulled, grease (including small quantities of scoured) 149,000,000 pounds.	Domestic or export: Limited quantities (about 6,000,000 pounds on competitive bid under terms and conditions to be announced. Remainder at prices basis ewarehouse where stored as determined by the Boston CSS Commodity office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area.
Cotton, upland and extra long staple.	Domestic or export: Competitive bid and under the terms and conditions of Announcements NO-C-6 and NO-C-5, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. A catalog showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.[1]

See footnotes at end of table.

NOVEMBER 1955 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Barley, bulk	Domestic, unrestricted use; Market price, basis in store,[2] but not less than the legal minimum price (1955 applicable loan rate for class, grade, quality, and location plus 14 cents per bushel). Example of minimum price (for feed only): Small quantities in States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Missouri, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. Market price for feed, basis in store. Available Dallas CSS Commodity Office. Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Minneapolis, Kansas City, Chicago, Dallas, or Portland CSS Commodity Offices.[3]
Cotton linters	Domestic or export: Competitive bid and under the terms and conditions of Linters and Mill Run Linters announced on U. S. Grades, (b) Second Cut Linters and Mill Run Linters and Hull Fiber catalogued on cellulose content, and will be sold on basis of 73 percent cellulose content, and discounts and of 0.04 cent per pound, fractions in proportion, for each 1 percent of cellulose above or below 73 percent. A catalog showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office. Domestic: Limited quantities on competitive bid but not less than the market price on date of sale f. o. b. tankcars or tank wagons, in storage locations, under the terms and conditions of Announcement NO-CS-12, Available CSS, New Orleans CSS Commodity Office and Oils and Peanut Division, Washington 25, D. C. Export: Competitive bid on limited quantities as announced by the New Orleans CSS Commodity Office, under the terms and conditions of Announcement NO-CS-12.[3]
Cottonseed oil, refined	
Linseed oil	Domestic: Market price on date of sale but not less than equivalent of the basic support price for flaxseed, under the terms and conditions of Announcement CT-OP-4 and CT-OP-6. Available Cincinnati CSS Commodity Office. Export: Competitive bid as announced by the Cincinnati CSS Commodity Office, under the terms and conditions of Announcements CT-OP-4 and CT-OP-6.
Tung oil	Domestic or export: Competitive bid, limited quantity monthly, as announced and amendments thereto, under the terms and conditions of Announcement CT-OP-7
Soybeans bulk (domestic sales for crushing only).	Domestic or export: Market price on date of sale, basis in store Cincinnati CSS Commodity Office.
Flaxseed, bulk (As available domestic sales for crushing only).	Example: On LCL Lots, market price on date of sale, basis in store. On all Available Chicago and Minneapolis CSS Commodity Offices.
Corn, bulk, 50,000,000 bushels	Export: Competitive bid to be announced by Minneapolis CSS Commodity Office.
Wheat	Domestic or export: Commercial corn-producing area; Market price, basis in store,[2] but not less than the legal minimum price (1955 loan rate basis point of production plus 26 cents per bushel). Example of minimum price: Illinois, No. 3 yellow, $1.81; Kansas City, No. 3 yellow, $1.80; Portland, No. 3 yellow, $1.85; Kansas City, No. 3 yellow, $1.81; Minneapolis, No. 3 yellow, $1.81. Noncommercial corn-producing area: Market price, basis in store,[2] but not less than the 133 percent of applicable 1955 loan rate, plus 13 cents per bushel. Available Chicago, Minneapolis, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
	Domestic, unrestricted use: Commercial wheat producing area, Market price, basis in store,[2] but not less than the legal minimum price (1955 loan rate for class, grade, quality, and location, plus 21 cents per bushel). Example of minimum price: Illinois, No. 1 HW, $2.39; Minneapolis, No. 1 DNS, Kansas City, No. 1 HW, $2.39; Minneapolis, No. 1 HRW, $2.39. Noncommercial wheat producing area: Market price, basis in store,[2] but not less than 133 percent of applicable 1955 county loan rate plus 21 cents per bushel.
	Domestic, restricted use (for feed only): Small quantities in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, and West Virginia. Market price, basis in store. Available Dallas and Chicago CSS Commodity Offices. Export: Under the terms and conditions of Announcements GR-212, GR-261 revised and GR-262 revised Oct. 20, 1955, at prices announced daily. Export may be either as wheat or flour.[3]
Oats, bulk	Domestic or export: Competitive bid as announced by Minneapolis, Kansas City, and Portland CSS Commodity Offices for quantities available. Sale. Domestic, unrestricted use: Market price, basis in store,[2] but not less than the legal minimum price (1955 loan rate basis point of production for class, grade, and quality plus 10 cents per bushel). Example of minimum price per bushel including average paid-in freight: Chicago, No. 2 white, $0.81; Minneapolis, No. 3 oats or better, $0.79. Domestic, restricted use (for feed only): Small quantities in Alabama, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. Export: Price as announced by Chicago and Dallas CSS Commodity Offices, announced by the Minneapolis, Chicago, Kansas City, Portland, or Dallas CSS Commodity Offices.[3] Available at the above offices for export or domestic sale.
Rice, rough, 1,800,000 hundredweight.	Domestic or export: Competitive bid, limited quantity monthly, as announced and amendments thereto, under the terms and conditions of Announcement CT-OP-7 Domestic or export: Market price on date of sale, basis in store Cincinnati CSS Commodity Office. Example: On LCL Lots, market price on date of sale, basis in store. On all Available Chicago and Minneapolis CSS Commodity Offices. Export: Competitive bid to be announced by Minneapolis CSS Commodity Offices.
Rice, milled, 1,000,000 hundredweight.	Domestic or export: Commercial corn-producing area; Market price, basis in store,[2] but not less than the legal minimum price (1955 loan rate basis point of production plus 26 cents per hundredweight). Example of minimum price: Illinois, No. 3 yellow, $1.81; Kansas City, No. 3 yellow, $1.80; Portland, No. 3 yellow, $1.85; Kansas City, No. 3 yellow, $1.81; Minneapolis, No. 3 yellow, $1.81. Noncommercial corn-producing area: Market price, basis in store,[2] but not less than the 133 percent of applicable 1955 loan rate, plus 13 cents per bushel. Available Chicago, Minneapolis, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
	Domestic, unrestricted use: Commercial wheat producing area, Market price, basis in store,[2] but not less than the legal minimum price (1955 loan rate for class, grade, quality, and location, plus 21 cents per bushel). Example of minimum price: Illinois, No. 1 HW, $2.39; Minneapolis, No. 1 DNS, Kansas City, No. 1 HW, $2.39; Minneapolis, No. 1 HRW, $2.39; Noncommercial wheat producing area: Market price, basis in store,[2] but not less than 133 percent of applicable 1955 county loan rate plus 21 cents per bushel.
	Domestic, restricted use (for feed only): Small quantities in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, and West Virginia. Market price, basis in store. Available Dallas and Chicago CSS Commodity Offices. Export: Under the terms and conditions of Announcements GR-212, GR-261 revised and GR-262 revised Oct. 20, 1955, at prices announced daily. Export may be either as wheat or flour.[3]
Rice, rough, 1,800,000 hundredweight.	Domestic or export: Competitive bid as announced by Minneapolis, Kansas City, and Portland CSS Commodity Offices for quantities available. Sale.
Rice, milled, 1,000,000 hundredweight.	Domestic, unrestricted use: Market price, basis in store,[2] but not less than the legal minimum price (1955 loan rate basis point of production for class, grade, and quality plus 26 cents per hundredweight). Example of minimum price per bushel including average paid-in freight: Chicago, No. 2 white, $0.81; Minneapolis, No. 3 oats or better, $0.79. Domestic, restricted use (for feed only): Small quantities in Alabama, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. Export: Price as announced by Chicago and Dallas CSS Commodity Offices, announced by the Minneapolis, Chicago, Kansas City, Portland, or Dallas CSS Commodity Offices.[3] Available at the above offices for export or domestic sale.
Rice, broken (as available domestic sales for feed, small lots only).	
Grain sorghums, bulk	

See footnotes at end of table.

NOVEMBER 1955 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Rye, bulk	Export: A schedule of prices as announced by Dallas CSS Commodity Office. Examples of prices of milled rice per hundredweight, f. a. s., West Gulf ports, (port at option of CCC): Head U. S. No. 2 (4 percent broken); U. S. No. 5 (35 percent brokens); Second basis U. S. No. 3 Bluebonnet: $10.20; 1954 $7.80; 1953 $6.00; $4.45 Zenith: 7.70; 6.49; 4.20 Pearl: 8.70; 6.49; 4.20
Rice, rough	1953 crop rice (U. S. No. 5, 35 percent brokens) is available f. o. b., Texas-Mexican border points at same prices as 1954 crop rice listed for Gulf ports. Available Dallas CSS Commodity Office for domestic or export sale.[3] Domestic or export: Competitive bid as announced by the Dallas CSS Commodity Office. Domestic: (1) Market price, basis in store,[2] but not less than the legal minimum price (loan rate for class, grade, quality and location plus 26 cents per hundredweight). Example of minimum price: Small quantities in States of Arkansas, Louisiana, Missouri, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia. Export: Price as announced by Dallas CSS Commodity Office.
Rice, milled	Domestic: Market price, basis in store,[2] but not less than the legal minimum price (loan rate for class, grade, quality and location plus 26 cents per hundredweight). Example of minimum price per hundredweight: Kansas City, No. 2 or better, $2.45. Available Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Competitive bid as announced by Dallas and Portland Commodity Offices.

NOVEMBER 1955 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dry edible beans (bagged)	Prices for domestic sale are for U. S. No. 1, f. o. b., indicated points of production. Amount of paid-in freight to be added as applicable. For other grades of all beans, adjust by market differentials.
Pinto beans, 1954 crop, 500,000 hundredweight.	Domestic: Market price but not less than $6.60 per 100 pounds, points of production, Denver rate area. For other areas adjust by the 1955 support price differentials. Available Minneapolis, Kansas City, Dallas, and Portland CSS Commodity Offices. Export: Competitive bid as announced by the Kansas City CSS Commodity Office.
Pink beans, 1954 crop, 250,000 hundredweight.	Domestic: Market price but not less than $7.37 per 100 pounds, California points of production. Available Portland CSS Commodity Office. Export: Competitive bid as announced by the Portland CSS Commodity Office.
Small red beans, 1954 crop, 270,000 hundredweight.	Domestic: Market price but not less than $7.47 per 100 pounds, Washington-Idaho points. Available Portland CSS Commodity Office. Export: Competitive bid as announced by the Portland CSS Commodity Office.
Large lima beans, 1954 crop, 150,000 hundredweight.	Domestic or export: Market price but not less than $10.49 per 100 pounds, California points of production. Available Portland CSS Commodity Office.
Hay, pasture and cover crop seeds (bagged).	F. o. b. point of production plus any paid-in freight as applicable basis current freight rate at time of sale. Premiums and discounts may be obtained from the commodity offices for qualities above or below basic specification. Offers will not be accepted for less than warehouse receipt lot or minimum weight carlot as prescribed by railroad carrier's regulation at point of storage.
Birdsfoot trefoil seed, 1,000 hundredweight.	Domestic: $65 per 100 pounds. Available Portland CSS Commodity Office. Export: Competitive bid as announced by Portland CSS Commodity Office.
Alfalfa seed, Northern, 46,000 hundredweight.	Domestic: $35 per 100 pounds. Available Minneapolis and Portland CSS Commodity Offices.[4] Export: Competitive bid as announced by Portland CSS Commodity Office.
Alfalfa seed (certified): Ladak, 2,500 hundredweight; Buffalo, 22,000 hundredweight.	Domestic: $40 per 100 pounds. Ladak available Portland and Kansas City, and Buffalo available Portland CSS Commodity Offices.[4] Export: Competitive bid as announced. Ladak by Kansas City, and Buffalo by Portland CSS Commodity Offices.
Tall fescue seed (common), 20,000 hundredweight.	Domestic: $18 per 100 pounds. Available Portland, Dallas, Chicago CSS Commodity Offices.[4] Export: Competitive bid as announced by Chicago CSS Commodity Office.
Tall fescue seed (certified), 84,000 hundredweight.	Domestic: $20 per 100 pounds. Available Portland, Dallas, and Chicago CSS Commodity Offices.[4] Export: Competitive bid as announced by Portland CSS Commodity Office.
Gum rosin (in galvanized metal drums averaging 517 pounds net).	Domestic or export: Offer and acceptance, "as is" in the stated quantities at the designated storage yards, subject to the prices, terms, and conditions of Announcement TB-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Gum turpentine (bulk in tanks)	Domestic or export: Offer and acceptance, "as is" in the stated quantities in the designated storage tanks, subject to the prices, terms, and conditions of Announcement TB-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

[2] Sales of grains made under Title I, Public Law 480, may be made on terms and conditions of GR-301 revised and GR-302. Other commodities under the announcement indicated.

[3] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehousemen for storage documents.

[4] Prices for basic specifications will not be reduced through the period ending June 30, 1956.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: November 8, 1955.

[SEAL] EARL M. HUGHES,
Executive Vice-President,
Commodity Credit Corporation.

[F. R. Doc. 55-9162; Filed, Nov. 14, 1955; 8:50 a. m.]

Rural Electrification Administration

[Administrative Order 5177]

COLORADO

AMENDMENTS TO ADMINISTRATIVE ORDERS

OCTOBER 21, 1955.

Inasmuch as (1) Monument Electric Company has transferred all of its properties and assets to San Isabel Electric Association, Inc., and San Isabel Electric Association, Inc., has assumed all of the indebtedness of Monument Electric Company to United States of America arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, and (2) Monument Electric Company with the consent of United States of America, has assigned to San Isabel Electric Association, Inc., and San Isabel Electric Association, Inc. has accepted the assignment of certain rights and obligations of Monument Electric Company arising out of loans contracted to be made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 328, dated March 22, 1939, as amended by Administrative Order No. 1185, dated December 4, 1946, by changing the project designation appearing therein as "Colorado 43A M. E." in the amount of $39,000 to read "Colorado 25TP1 Pueblo (Colorado 43A M. E.-(Colorado R9021A1 S. E.))";

(b) Administrative Order No. 936, dated July 23, 1945, as amended by Administrative Order No. 1185, dated December 4, 1946, by changing the project designation appearing therein as "Colorado 43B M. E." in the amount of $64,741 to read "Colorado 25TP1 Pueblo (Colorado 43B M. E. (Colorado 46021B1 S. E.))";

(c) Administrative Order No. 2667, dated May 12, 1950, by changing the project designation appearing therein as "Colorado 43C M. E." in the amount of $25,000 to read "Colorado 25TP1 Pueblo (Colorado 43C M. E.)"; and

(d) Administrative Order No. 4681, dated July 27, 1954, by changing the project designation appearing therein as "Colorado 43D M. E." in the amount of $113,000 to read "Colorado 25TP1 Pueblo (Colorado 43D M. E.)" in the amount of $23,211.35 and "Colorado 25TA1 Pueblo (Colorado 43D M. E.)" in the amount of $89,788.65.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-9176; Filed, Nov. 14, 1955; 8:53 a. m.]

[Administrative Order 5164]

MICHIGAN

LOAN ANNOUNCEMENT

OCTOBER 6, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Michigan 40X Allegan	$275,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-9163; Filed, Nov. 14, 1955; 8:51 a. m.]

[Administrative Order 5165]

LOUISIANA

LOAN ANNOUNCEMENT

OCTOBER 10, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Louisiana 19 "N" Jefferson Davis	$330,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-9164; Filed, Nov. 14, 1955; 8:51 a. m.]

[Administrative Order 5166]

GEORGIA

LOAN ANNOUNCEMENT

OCTOBER 11, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Georgia 34T Carroll — Amount $885,000

[SEAL] R. G. ZOOK, *Acting Administrator.*

[F. R. Doc. 55-9165; Filed, Nov. 14, 1955; 8:51 a. m.]

[Administrative Order 5167]

KENTUCKY

LOAN ANNOUNCEMENT

OCTOBER 11, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Kentucky 45N Anderson — Amount $235,000

[SEAL] R. G. ZOOK, *Acting Administrator.*

[F. R. Doc. 55-9166; Filed, Nov. 14, 1955; 8:51 a. m.]

[Administrative Order 5168]

INDIANA

LOAN ANNOUNCEMENT

OCTOBER 12, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Indiana 60T Morgan — Amount $300,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-9167; Filed, Nov. 14, 1955; 8:51 a. m.]

[Administrative Order 5169]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 12, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Texas 123P Baylor — Amount $445,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-9168; Filed, Nov. 14, 1955; 8:51 a. m.]

[Administrative Order 5170]

PENNSYLVANIA

LOAN ANNOUNCEMENT

OCTOBER 12, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Pennsylvania 19P Warren — Amount $265,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-9169; Filed, Nov. 14, 1955; 8:51 a. m.]

[Administrative Order 5171]

OHIO

LOAN ANNOUNCEMENT

OCTOBER 14, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Ohio 56L Lorain — Amount $305,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-9170; Filed, Nov. 14, 1955; 8:52 a. m.]

[Administrative Order 5172]

WASHINGTON

LOAN ANNOUNCEMENT

OCTOBER 17, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Washington 36L Adams — Amount $745,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-9171; Filed, Nov. 14, 1955; 8:52 a. m.]

[Administrative Order 5173]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

OCTOBER 17, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: South Carolina 41M York — Amount $165,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-9172; Filed, Nov. 14, 1955; 8:52 a. m.]

[Administrative Order 5174]

COLORADO

LOAN ANNOUNCEMENT

OCTOBER 17, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Colorado 15 P Morgan — Amount $1,897,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-9173; Filed, Nov. 14, 1955; 8:52 a. m.]

[Administrative Order 5175]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 18, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Texas 52P Fannin — Amount $135,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-9174; Filed, Nov. 14, 1955; 8:52 a. m.]

[Administrative Order 5176]

MINNESOTA

LOAN ANNOUNCEMENT

OCTOBER 18, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Minnesota 87L Marshall — Amount $50,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-9175; Filed, Nov. 14, 1955; 8:52 a. m.]

[Administrative Order 5178]

FLORIDA

LOAN ANNOUNCEMENT

OCTOBER 21, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Florida 25P Lee — Amount $600,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-9177; Filed, Nov. 14, 1955; 8:53 a. m.]

[Administrative Order 5179]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

OCTOBER 21, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: South Carolina 23R Dorchester — Amount $340,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-9178; Filed, Nov. 14, 1955; 8:53 a. m.]

[Administrative Order 5180]

NORTH DAKOTA

LOAN ANNOUNCEMENT

OCTOBER 21, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: North Dakota 26H LaMoure — Amount $50,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-9179; Filed, Nov. 14, 1955; 8:53 a. m.]

[Administrative Order 5181]

ARKANSAS

LOAN ANNOUNCEMENT

OCTOBER 21, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Arkansas 27 P Ouachita — Amount $490,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-9180; Filed, Nov. 14, 1955; 8:53 a. m.]

[Administrative Order 5182]

MISSOURI

AMENDMENTS TO ADMINISTRATIVE ORDERS

OCTOBER 26, 1955.

Inasmuch as Black River Electric Cooperative has transferred certain of its properties and assets to M & A Electric Power Cooperative, and M & A Electric Power Cooperative has assumed a part of the indebtedness to United States of America, of Black River Electric Cooperative, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1841, dated February 11, 1949, by changing the project designation appearing therein as "Missouri 38K, L, M Reynolds" in the amount of $825,000 to read "Missouri 38K, L, M Reynolds" in the amount of $685,355.83 and "Missouri 60TP2 Ripley (Missouri 38K, L, M Reynolds)" in the amount of $139,644.17; and

(b) Administrative Order No. 3141, dated January 25, 1951, by changing the project designation appearing therein as "Missouri 38T Reynolds" in the amount of $970,000 to read "Missouri 38T Reynolds" in the amount of $719,741.19 and "Missouri 60TP2 Ripley (Missouri 38T Reynolds)," in the amount of $250,258.81.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-9181; Filed, Nov. 14, 1955; 8:53 a. m.]

[Administrative Order 5183]

ARKANSAS

LOAN ANNOUNCEMENT

OCTOBER 26, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Arkansas 21 AG Lincoln — Amount $970,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-9182; Filed, Nov. 14, 1955; 8:54 a. m.]

[Administrative Order 5184]

OKLAHOMA

LOAN ANNOUNCEMENT

OCTOBER 26, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Oklahoma 31 V Woodward — Amount $570,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-9183; Filed, Nov. 14, 1955; 8:54 a. m.]

[Administrative Order 5185]

KENTUCKY

LOAN ANNOUNCEMENT

OCTOBER 26, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Kentucky 26V Todd — Amount $2,020,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-9184; Filed, Nov. 14, 1955; 8:54 a. m.]

[Administrative Order 5186]

IOWA

LOAN ANNOUNCEMENT

OCTOBER 26, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Iowa 85B Cherowa — Amount $1,355,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-9185; Filed, Nov. 14, 1955; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3424]

AMERICAN GAS AND ELECTRIC CO.

NOTICE OF FILING IN RESPECT OF PROPOSED COMMON STOCK DIVIDEND

NOVEMBER 8, 1955.

Notice is hereby given that American Gas and Electric Company ("American Gas"), a registered holding company, has made a filing with this Commission designating sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act") as applicable to the proposed transactions, which are summarized as follows:

On October 26, 1955, the Board of Directors of American Gas, in addition to declaring a regular quarterly cash dividend of 50 cents per share to the holders of its $5 par value common stock, also declared a stock dividend at the rate of one share for each fifty shares of $5 par value common stock outstanding. This stock dividend is to be payable on January 10, 1956, to holders of record on December 9, 1955 (except upon shares held by nominees of American Gas for the exchange of Scrip Certificates representing fractional shares).

No fractional shares of common stock of American Gas are to be issued in connection with the stock dividend. American Gas proposes in lieu thereof to mail,

on January 10, 1956, to each stockholder of record on December 9, 1955, who would otherwise be entitled to a fractional share, a letter advising such holder that arrangements have been made with Guaranty Trust Company of New York, Agent, pursuant to which such holder will be entitled during a period of 24 days, to instruct the Agent to take either of the following courses of action with respect to the fractional interest to which such holder would otherwise be entitled: (1) To consolidate such fractional interest into one full share of common stock upon payment by such holder to the Agent of the cost of the additional fractional interest required to effect such consolidation, or (2) to sell such fractional interest on behalf of such holder. The communication so mailed will further advise that if the Agent shall not have received instructions from such holder prior to the expiration of such period the fractional interest to which such holder would otherwise be entitled will be sold for the account of such holder. The Agent will be authorized to execute consolidation and sale requests received from time to time by matching the same upon the basis of the currently prevailing market price of shares of common stock of American Gas, as determined by the Agent in its discretion.

In the event that, at the expiration of the period, the Agent shall have received requests for consolidation calling for an aggregate number of shares of common stock of American Gas which is greater than the aggregate number of shares of common stock represented by all fractional interests, the Agent will acquire the necessary additional shares of common stock by purchases on the New York Stock Exchange or otherwise. In the event that, at the expiration of the period, after giving effect to all requests for consolidation and sale of fractional interests, there shall remain any of the aggregate number of shares of common stock represented by all fractional interests, the Agent will sell the balance upon the New York Stock Exchange or otherwise. Cash proceeds received by the Agent in respect of fractional interests which are sold will be remitted to the holders of shares of common stock of American Gas entitled thereto.

Interest in a fractional share will not entitle a stockholder to dividends or any other rights of a stockholder of American Gas with respect to such fractional interest.

The services of the Agent will be rendered without charge to stockholders effecting consolidations and dispositions of fractional interests.

The proposed common stock dividend will result in the issuance of an estimated 257,050 shares of $5 par value common stock. American Gas proposes to record the issuance by debiting its earned surplus with an assigned value of $45 per share, or an aggregate of $11,567,250, and by crediting its common stock capital account with the par value of $5 per share, or a total of $1,285,250, and its Capital Surplus-Premium on Common Stock account with $40 per share, or a total of $10,282,000. At September 30, 1955, the earned surplus of American Gas amounted to $84,459,899.

It is represented in the filing that no regulatory authority other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 25, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by such filing which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as it may hereafter be amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9149; Filed, Nov. 14, 1955; 8:47 a. m.]

[File No. 70-3410]

GENERAL PUBLIC UTILITIES CORP. ET AL.

NOTICE OF FILING REGARDING AGREEMENT PROVIDING FOR ALLOCATION OF CONSOLIDATED FEDERAL INCOME TAX LIABILITY

NOVEMBER 8, 1955.

In the matter of General Public Utilities Corporation, Jersey Central Power & Light Company, Metropolitan Edison Company, New Jersey Power & Light Company, Northern Pennsylvania Power Company, The Waverly Electric Light and Power Company, Pennsylvania Electric Company, Blair Fuel Company, Nineveh Water Company, Brockway Light, Heat and Power Company, Employees Welfare Association, Incorporated, Employees Welfare Association, Inc., Associated Electric Company.

Notice is hereby given that General Public Utilities Corporation, a registered holding company, and its subsidiary companies, Jersey Central Power & Light Company, Metropolitan Edison Company, New Jersey Power & Light Company, Northern Pennsylvania Power Company, The Waverly Electric Light and Power Company, Pennsylvania Electric Company, Blair Fuel Company, Nineveh Water Company, Brockway Light, Heat and Power Company, Employees Welfare Association, Incorporated, Employees Welfare Association, Inc., and Associated Electric Company, have filed a declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), and have designated section 12 (b) of said act and Rule U-45 (a) promulgated thereunder as applicable to the proposed transaction, which is summarized as follows:

Declarants propose to enter into an agreement governing the allocation among said companies of the consolidated Federal income tax liability of such group of companies. It is stated that the proposed agreement does not comply with the exemptive provisions of Rule U-45 (b) (6) in that it provides that (i) commencing with the tax return for 1954 and thereafter, a company which elects to claim a deduction for accelerated amortization of emergency facilities, as distinct from normal depreciation deductions, shall have allocated to it the entire tax benefits, and bear the entire tax burdens, attributable to such deduction, and (ii) commencing with the year 1955 and thereafter, a company which elects to claim a foreign tax credit shall have allocated to it the entire tax benefits attributable to such credit.

The declaration states that no State or Federal regulatory body, other than this Commission, has jurisdiction with respect to the proposed transaction.

Notice is further given that any interested person may, not later than November 29, 1955 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9150; Filed, Nov. 14, 1955; 8:47 a. m.]

[File No. 70-3423]

NORTH SHORE GAS CO. AND NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF PROPOSED ISSUANCE AND SALE BY SUBSIDIARY OF ADDITIONAL COMMON SHARES PURSUANT TO RIGHTS OFFERING, AND PROPOSED EXERCISE BY PARENT COMPANY OF ITS SUBSCRIPTION RIGHTS AND PURCHASE OF ALL UNSUBSCRIBED SHARES; PROPOSED ISSUANCE AND SALE BY SUBSIDIARY OF PRINCIPAL AMOUNT OF BONDS PURSUANT TO COMPETITIVE BIDDING

NOVEMBER 8, 1955.

Notice is hereby given that North Shore Gas Company ("North Shore"), a public-utility subsidiary of New England Electric System ("NEES"), a registered holding company, and NEES have filed a joint application pursuant to the

Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9 (a), and 10 of the act and Rule U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

Proposed common stock issuance. North Shore, which presently has outstanding 198,975 shares of common capital stock (par value $10 per share), proposes to issue and sell for cash 39,795 additional shares, which will be offered to its stockholders at the price of $14 a share on the basis of one new share for each five shares held. Rights to subscribe will be evidenced by full and fractional share warrants, exercisable during a subscription period of 21 days.

NEES, which now owns 192,446 shares (96.719 percent) of North Shore's capital stock, proposes to exercise all its subscription rights (for 38,489 full shares of the additional stock) and also to purchase from North Shore all unsubscribed shares at the subscription price of $14 a share. NEES also states that it will offer during the subscription period to purchase from minority stockholders (numbering 125 and owning 6,529 shares) their present holdings together with their rights to subscribe for additional shares, on the basis of $16.50 a share.

The application states that the price of $14 per share for the additional stock to be issued by North Shore and the price of $16.50 per share to be offered by NEES for present minority holdings were determined after consideration of the earnings and book value of the North Shore stock and other comparable utility company stocks.

Proposed bond issuance. North Shore also proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $2,500,000 principal amount of Series B bonds, to be dated as of December 1, 1955, and to mature December 1, 1975. The interest rate (to be a multiple of ⅛ of 1 percent, not in excess of 4¼ percent) and the price (to be not less than 100 percent nor more than 102¾ percent of the principal amount, excluding accrued interest) will be determined by competitive bidding.

The Series B bonds will be issued under a First Mortgage Indenture and Deed of Trust dated as of October 1, 1950, of Salem Gas Light Company, a predecessor of North Shore, as heretofore supplemented and as to be further supplemented by a Second Supplemental Indenture from North Shore to The Merchants National Bank of Boston, Trustee, dated as of December 1, 1955.

The proceeds from the sale of the additional common stock and bonds, together with treasury funds, will be applied by North Shore to the payment of all short-term debt to banks (which amounted to $2,200,000 at August 31, 1955), and the balance, estimated at $860,000, to short-term indebtedness payable to NEES (which amounted to $1,225,000 at the same date).

North Shore and NEES desire to consummate the proposed transactions in order to finance permanently capitalizable additions to North Shore's properties. NEES also desires to invest funds not otherwise required in its business in acquiring the minority interest in its subsidiary North Shore.

Total expenses in connection with the proposed issue of common stock are estimated at $3,200 for North Shore and $500 for NEES. North Shore estimates its expenses in connection with the proposed issue of bonds at $38,000, including services of New England Power Service Company (mutual service company), $13,000; printing and engraving, $9,500; accounting fees, $2,500; engineering fees, $2,500; trustee's fees, $3,500; registration and recording fees, stamp tax, "blue sky" fees, and miscellaneous expenses, $7,000. The legal fee and expenses of independent counsel to the underwriters of the bonds, to be paid by the successful bidder, are estimated at $3,500 and $300, respectively.

North Shore has made application to the Massachusetts Department of Public Utilities for approval of its issue and sale of the additional common stock and bonds as proposed. It is stated that no other commission except this Commission has jurisdiction over the proposed transactions.

It is requested that the order of this Commission be made effective upon issuance.

Notice is further given that any interested person may, not later than November 22, 1955 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9151; Filed, Nov. 14, 1955; 8:48 a. m.]

[File No. 70-3422]

STANDARD POWER AND LIGHT CORP.

NOTICE OF FILING DECLARATION REGARDING PROPOSED SALE OF COMMON STOCK OF PUBLIC-UTILITY SUBSIDIARY AND PROPOSED CASH DISTRIBUTION OUT OF CAPITAL SURPLUS

NOVEMBER 8, 1955.

Notice is hereby given that a declaration has been filed with this Commission by Standard Power and Light Corporation ("Standard Power"), a registered holding company, pursuant to section 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-44 and U-46 promulgated thereunder regarding a proposal by Standard Power (a) to sell not more than 10,000 shares of common stock of Duquesne Light Company, a public-utility subsidiary of Standard Power, either (i) on the New York Stock Exchange by means of ordinary brokers' transactions at prevailing market prices on the date or dates of sale or (ii) by negotiated sale, after inquiry among a limited number of prospective buyers, with a buyer or buyers who will agree to purchase for investment and not for resale to the public and at prevailing market prices on the New York Stock Exchange on the date or dates of sale, less a discount of not more than $0.50 per share; and (b) to make a cash distribution of $0.40 per share, in part out of earned surplus to the full extent thereof, which at September 30, 1955, amounted to $311,715.43, and the balance out of capital surplus which as of the same date amounted to $110,982,551.45, to each holder of record on December 5, 1955, of its outstanding 1,320,000 shares of common stock and 110,000 shares of common stock, Series B.

Standard Power presently has pending before the Commission an application for the modification of an outstanding order of this Commission under section 11 (b) (2) of the act which directs Standard Power to liquidate and dissolve and an application for the approval of a plan under section 11 (e) of the act proposing the transformation of Standard Power into an investment company. Standard Power has outstanding a bank loan in the amount of $1,500,000 which matures on July 29, 1956, which is its only obligation senior to its common stock. It is stated in the declaration that this loan will not be adversely affected by the proposed cash distribution since Standard Power has sufficient marketable securities to enable it to raise any balance of cash required to pay the loan when it becomes due.

The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed cash distribution. It is further stated that in connection with the proposed transactions Standard Power will incur only the normal and usual brokerage commissions in the event that the securities are sold through a broker or brokers, and the normal distribution charges by the bank making the distribution. Counsel fees are estimated by Standard Power not to exceed $500.

Notice is further given that any interested person may, not later than November 24, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may grant exemption from

its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9152; Filed, Nov. 14, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 9, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31284: *Sugar—B. & O. Stations to Official Territory.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on sugar, beet or cane, in bulk, in carloads from B. & O. Railroad stations to points in official territory.

Grounds for relief: Revised commodity description.

Tariffs: Supplement 379 to Agent Boin's I. C. C. A-848; Supplement 41 to Agent Boin's I. C. C. A-874; Supplement 9 to B. & O. R. R. I. C. C. 20478.

FSA No. 31285: *Commodity rates from and to Ford Park, Ohio.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on various commodities, in carloads and less-than-carloads from and to Ford Park, Ohio, on one hand, and points in the U. S. and Canada, on the other.

Grounds for relief: New station, grouping and circuity.

Tariff: Detroit, Toledo and Ironton Railroad Company I. C. C. No. 764.

FSA No. 31286: *Cottonseed oil cake or meal—North Carolina to Virginia.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cottonseed oil cake or meal, etc., in carloads from Laurinburg, Raleigh, Fayetteville, and Wilson, N. C., to Lynchburg, Newport News, and Richmond, Va.

Grounds for relief: Rail competition and circuity.

Tariff: Supplement 35 to Agent Spanginger's I. C. C. 1411.

FSA No. 31287: *Fibreboard boxes from Austin, Minn.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on boxes, fibreboard, pulpboard or strawboard, in carloads from Austin, Minn., to points in Illinois, Iowa, Michigan, Minnesota, Missouri, and Wisconsin.

Grounds for relief: Market competition, rail competition and circuity.

Tariff: Supplement 16 to Agent Prueter's I. C. C. A-4082.

FSA No. 31288: *Grain and grain products from Nebraska and Iowa to Illinois.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain and grain products, in carloads from Omaha, South Omaha, Nebr., and Council Bluffs, Iowa to Decatur, Gibson City, and Nonegger, Ill.

Grounds for relief: Rail competition and circuity.

Tariff: Supplement 82 to Agent Prueter's I. C. C. No. A-3866.

FSA No. 31289: *Grain and grain products—Chicago, Ill., to St. Joseph, Mo.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain and grain products, in carloads from Chicago, Ill., to St. Joseph, Mo.

Grounds for relief: Rail competition and circuity.

Tariff: Supplement 82 to Agent Prueter's I. C. C. A-3866.

FSA No. 31290: *Motor carrier rates—Substituted service by the Pennsylvania Railroad Company.* Filed by Household Goods Carriers' Bureau, Agent, for and on behalf of Allied Van Lines, Inc., and The Pennsylvania Railroad Company. Rates on household goods, in trailers on flat cars between Chicago and East St. Louis, Ill., and Pittsburgh, Pa., on one hand, and Kearny, N. J., Philadelphia and Pittsburgh, Pa., on the other.

Grounds for relief: Competition with motor carriers.

Tariff: Supplement 14 to Household Goods Carriers' Bureau, MF-I. C. C. No. 58.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-9153; Filed, Nov. 14, 1955; 8:48 a. m.]

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VOLUME 20 NUMBER 223

Washington, Wednesday, November 16, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF JUSTICE

Effective upon publication in the FEDERAL REGISTER, subparagraph (7) is added to § 6.308 (j) as set out below.

§ 6.308 *Department of Justice.* • • •

(j) *Immigration and Naturalization Service.* • • •

(7) Assistant Commissioner, Field Inspection and Security Division.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-9197; Filed, Nov. 15, 1955; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

[FHA Instruction 402.1]

PART 303—SUPERVISED BANK ACCOUNTS

MISCELLANEOUS AMENDMENTS

1. Section 303.2 (b) (1) Title 6, Code of Federal Regulations (20 F. R. 821) is revised to require the signatures of the husband and wife on the deposit agreement when a joint survivorship bank account is established and to read as follows:

§ 303.2 *Use of supervised bank accounts.* • • •

(b) *Farm Ownership borrowers.* (1) All insured and direct loan funds will be deposited in the supervised bank account on the date of loan closing except when all of the proceeds of the check are distributed at the time of loan closing for the purchase price and service fees. Funds representing down payments or cash contributions made by Farm Ownership borrowers to accomplish planned development or improvement work also will be deposited in supervised bank accounts prior to or at the time of loan closing in accordance with the provisions set forth in the basic regulations of the Farm Ownership program. When the title is held jointly with the right of survivorship, a joint survivorship supervised bank account should be established from which either the husband or wife could withdraw funds; in such case, both the husband and the wife will sign Form FHA-192.

2. Section 303.3, Title 6, Code of Federal Regulations (20 F. R. 5227) is revised to prescribe the conditions under which a borrower may establish two supervised bank accounts and to read as follows:

§ 303.3 *Establishing accounts.* While each borrower will be given an opportunity to choose the bank in which his supervised bank account will be established, unless otherwise authorized in writing by the Administrator, supervised bank accounts will be established only in banks in which deposits are insured by the Federal Deposit Insurance Corporation. Ordinarily, a borrower who obtains an insured loan will be expected to establish such account with the lender who furnished the loan funds, if the lender is a local banking institution. In making arrangements with banks, ordinarily only one supervised bank account will be maintained for any one borrower regardless of the amount or source of funds. However, in those instances in which a borrower with a supervised bank account receives an insured loan from another bank and the bank furnishing the funds requests the borrower to deposit the loan funds in that bank, the borrower may maintain two accounts provided only one supervised account will be maintained after the insured loan funds are expended. For each account, an original and two copies of Form FHA-192 will be executed by the borrower, the bank, and the County Supervisor. Authority to execute Form FHA-192 on behalf of the Government may be redelegated by County Supervisors to per-

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sons under their supervision. If an agreement is already in existence and additional funds are to be deposited, a new agreement on Form FHA–192 is not required unless requested by the bank.

(R. S. 161, sec. 6 (3), 50 Stat 870, sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1), 5 U. S. C. 22, 16 U. S. C. 590W (3))

Dated: November 9, 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55-9195; Filed, Nov. 15, 1955; 8:47 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; OREGON

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identifies below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

OREGON	
County:	*Average value*
Baker	$35,000
Benton	35,000
Clackamas	35,000
Clatsop	35,000
Columbia	35,000
Coos	35,000
Crook	35,000
Curry	35,000
Deschutes	35,000
Douglas	35,000
Gilliam	35,000
Grant	35,000
Harney	35,000
Hood River	35,000
Jackson	35,000
Jefferson	35,000
Josephine	35,000
Klamath	35,000
Lake	35,000
Lane	35,000
Lincoln	35,000
Linn	35,000

OREGON—Continued

County:	*Average value*
Malheur	$35,000
Marion	35,000
Morrow	35,000
Multnomah	35,000
Polk	35,000
Sherman	35,000
Tillamook	35,000
Umatilla	35,000
Union	35,000
Wallowa	35,000
Wasco	35,000
Washington	35,000
Wheeler	35,000
Yamhill	35,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: November 9, 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55-9196; Filed, Nov. 15, 1955; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1955, Supp. 12]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1955

PRIOR REQUEST FOR COST-SHARING; ESTABLISHMENT OF ADDITIONAL ACREAGES OF VEGETATIVE COVER FOR WINTER PROTECTION FROM EROSION; ESTABLISHMENT OF VEGETATIVE COVER IN THE FALL OF 1955 FOR WINTER PROTECTION FROM EROSION

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1955, the 1955 National Agricultural Conservation Program, approved July 1, 1954 (19 F. R. 4138), as amended August 3, 1954 (19 F. R. 4953), September 15, 1954 (19 F. R. 6059), October 25, 1954 (19 F. R. 6910), March 1, 1955 (20 F. R. 1336), April 7, 1955 (20 F. R. 2414), April 26, 1955 (20 F. R. 2881), May 16, 1955 (20 F. R. 3494), June 10, 1955 (20 F. R. 4209), June 14, 1955 (20 F. R. 4281), July 22, 1955 (20 F. R. 5340), and August 30, 1955 (20 F. R. 6511), is further amended as follows:

1. Section 1101.615 is amended by changing the period at the end of the first sentence to a comma and adding the following: "except that for the practice contained in § 1101.696, the Administrator, ACPS, may authorize the acceptance of requests for cost-sharing filed within a reasonable period after performance thereof is started, such period to be stated in the practice wording."

2. Section 1101.685 is amended by changing the period at the end of the second sentence to a comma and adding the following: "except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area."

3. Section 1101.689 is amended by changing the period at the end of the second sentence to a comma and adding the following: "except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 68 Stat. 311; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 10th day of November 1955.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9217; Filed, Nov. 15, 1955; 8:51 a. m.]

[ACP-1956, Supp. 3]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1956

PRIOR REQUEST FOR COST-SHARING; PRACTICES CARRIED OUT WITH STATE OR FEDERAL AID; ESTABLISHMENT OF VEGETATIVE COVER FOR WINTER PROTECTION FROM EROSION

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956, the 1956 National Agricultural Conservation Program, approved June 14, 1955 (20 F. R. 4281), as amended July 22, 1955 (20 F. R. 5341), and August 30, 1955 (20 F. R. 6511), is further amended as follows:

1. Section 1101.715 is amended by revising the first sentence to read as follows: "Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farm or ranch operator before performance thereof is started, except that for the practices contained in §§ 1101.792 and 1101.796, the Administrator, ACPS, may authorize the acceptance of requests for cost-sharing filed within a reasonable period after performance thereof is started, such period to be stated in the practice wording."

2. Section 1101.728 is amended to read as follows:

§ 1101.728 *Practices carried out with State or Federal aid.* The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the county committee determines was furnished by a State or Federal agency. Materials or services furnished through the program, materials or services furnished by any agency of a State to another agency of

the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

3. Section 1101.785 is amended by changing the period at the end of the second sentence to a comma and adding the following: "except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 69 Stat. 55; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 10th day of November 1955.

E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55-9218; Filed, Nov. 15, 1955; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter B—Cooperative Control and Eradication of Animal Diseases

PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST, AND OTHER CONTAGIOUS OR INFECTIOUS ANIMAL DISEASES WHICH CONSTITUTE AN EMERGENCY AND THREATEN THE LIVESTOCK INDUSTRY OF THE COUNTRY

DETERMINATION OF EXISTENCE OF DISEASE; AGREEMENTS WITH STATES

Pursuant to the provisions of sections 3 and 11 of the Act of May 29, 1884, as amended (23 Stat. 32, 58 Stat. 734) and section 2 of the Act of February 2, 1903 (32 Stat. 792; 21 U. S. C. 114, 111, 114a), paragraph (b) of § 53.2 of the regulations pertaining to payment of indemnities for animals destroyed because of foot-and-mouth disease, pleuropneumonia, rinderpest, and other contagious and infectious animal diseases (9 CFR, 1954 Supp., Part 53), is hereby amended to read as follows:

§ 53.2 *Determination of existence of disease; agreements with States.* • • •

(b) Upon agreement of the authorities of the State to enforce quarantine restrictions and orders and directives properly issued in the control and eradication of such a disease, the Chief of Branch is hereby authorized to agree, on the part of the Department, to cooperate with the State in the control and eradication of the disease, and to pay not more than 50 percent of the expenses of purchase, destruction and disposition of animals and materials required to be destroyed because of being contaminated by or exposed to such disease: *Provided*, That the Secretary may authorize other arrangements for the payment of such expenses upon finding that an extraordinary emergency exists.

Effective date. The foregoing amendment shall become effective upon issuance.

The purpose of the revisions contained in this amendment are to provide for the more rapid removal of diseased animals in those instances where State indemnity funds have not been made available.

The amendment relieves the presently imposed limitation on the payment of Federal indemnity and must be made effective immediately to be of maximum benefit to persons subject to this limitation. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 11, 58 Stat. 734, as amended, 67 Stat. 493; 21 U. S. C. 114, 111, 114a)

Done at Washington, D. C., this 10th day of November 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 55-9220; Filed, Nov. 15, 1955; 8:52 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 609—REGULATIONS TO IMPLEMENT TITLE XV OF THE SOCIAL SECURITY ACT, AS AMENDED, RESPONSIBILITIES OF FEDERAL AGENCIES

INFORMATION TO FEDERAL EMPLOYEES

Pursuant to the authority vested in me by section 1509, Title XV of the Social Security Act, as amended (68 Stat. 1130; 42 U. S. C. A. 1361, et seq.), the following regulation contained in this part is amended. This amendment is designed to conform the regulation to the revised designation and use of U. S. Government Standard Form 8.

Paragraph (b) of § 609.2 is amended to read as follows:

(b) Complete Standard Form 8, "Notice to Federal Employee About Unemployment Compensation" in accordance with instructions thereon, and furnish a completed copy of such form to each of its employees at the time of separation from Federal service, when transferred from one payroll office to another or when the office responsible for distribution of the form is advised that the individual is on leave without pay for seven consecutive days or more.

(Sec. 1509, 68 Stat. 1135)

Effective date. This amendment shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 8th day of November 1955.

ARTHUR LARSON,
Acting Secretary of Labor.

[F. R. Doc. 55-9189; Filed, Nov. 15, 1955; 8:45 a. m.]

PART 610—REGULATIONS TO IMPLEMENT TITLE XV OF THE SOCIAL SECURITY ACT, AS AMENDED, RESPONSIBILITIES OF STATE EMPLOYMENT SECURITY AGENCIES

DETERMINATION OF ENTITLEMENT

Pursuant to the authority vested in me by section 1509, Title XV of the Social Security Act, as amended (68 Stat. 1130; 42 U. S. C. A. 1361, et seq.), the following regulation contained in this part is amended. The amendment is designed to clarify the fact that Title XV compensation shall not be paid for periods to which a payment for terminal annual leave is allocated without regard to whether an individual is considered unemployed during such periods.

Paragraph (a) of § 610.5 is amended to read as follows:

§ 610.5 *Determination of entitlement*—(a) *Entitlement.* The agency of the State to which a Federal employee's Federal service and Federal wages have been assigned (or of the State to which they have been transferred in accordance with the Interstate Wage Combining Plan) shall determine the claimant's entitlement to compensation and shall pay such compensation in the same amounts, on the same terms, and subject to the same conditions as the benefits which would be payable to such claimant under the unemployment compensation law of the State if the Federal service and Federal wages of such claimant had been included as employment and wages under such law, except that, no payment of compensation shall be made for periods to which a payment for terminal annual leave is allocated. The notice of determination given to the claimant pursuant to the unemployment compensation law of the State shall include the findings made by the Federal agency and shall inform the claimant of his right to additional information or reconsideration and correction of such findings. The State agency shall set forth the findings of the Federal agency in sufficient detail to enable the claimant to determine whether he wishes to request reconsideration or correction of any such findings, to the extent that such information has been furnished by the Federal agency.

• • • • • •

(Sec. 1509, 68 Stat. 1135)

Effective date. This amendment shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 8th day of November 1955.

ARTHUR LARSON,
Acting Secretary of Labor.

[F. R. Doc. 55-9190; Filed, Nov. 15, 1955; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 135—COLOR CERTIFICATION

MISCELLANEOUS AMENDMENTS

In the matter of amending §§ 135.3, 135.5, and 135.11 of the color certification regulations:

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 406 (b), 504, 604, 701; 52 Stat. 1049, 1052, 1055; 21 U. S. C. 346 (b), 354, 364, 371; 67 Stat. 18), upon the basis of substantial evidence received at the public hearing held pursuant to the notice published in the FEDERAL REGISTER on December 19, 1953 (18 F. R. 8600), and upon consideration of the exceptions filed to the proposed order published in the FEDERAL REGISTER on December 30, 1954 (19 F. R. 9352), which exceptions were allowed or not allowed as appears from notations on the exceptions on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C., the following order is hereby promulgated.

Findings of fact.[1] 1. After a hearing in 1939 concerning regulations for the certification of coal-tar colors, the coal-tar color now listed as FD&C Orange No. 1 (monosodium salt of 4-*p*-sulfophenylazo-1-naphthol) and the coal-tar color now listed as FD&C Orange No. 2 (1-o-tolylazo-2-naphthol) were found to be harmless and suitable for use in food, drugs, and cosmetics. After another hearing in 1939, concerning amendment of the coal-tar color regulations, the coal-tar color now listed as FD&C Red No. 32 (1-xylylazo-2-naphthol) was found to be harmless and suitable for use in food, drugs, and cosmetics. Accordingly, these three colors, among others, were listed with appropriate specifications of identity and quality in the coal-tar color regulations (21 CFR 135.3) as certifiable for unrestricted use in foods, drugs, and cosmetics. (4 F. R. 1922, 1926, 1937, 3931, 3936, 3937; R. 46.)

2. Since that time the Food and Drug Administration has completed additional tests to explore more fully the toxicity of the certifiable coal-tar colors. A number of additional tests have been conducted by the Division of Pharmacology of the Food and Drug Administration, using FD&C Orange No. 1, FD&C Orange No. 2, and FD&C Red No. 32.

Tests that have been terminated are:

a. FD&C Orange No. 1:

i. Chronic feeding tests with rats on diets containing 0.1, 0.5, 1, and 2 percent.

ii. Chronic oral administration to dogs at doses of 5 milligrams per kilogram of body weight and 100 milligrams per kilogram of body weight.

iii. Cathartic tests in dogs, using single oral dose.

b. FD&C Orange No. 2:

i. Chronic or subacute feeding tests with rats on diets containing 0.01, 0.05, 0.1, 0.2, and 0.25 percent.

ii. Tests designed to determine carcinogenicity in rats, using weekly subcutaneous injections of approximately 5 milligrams. The test was inconclusive as to carcinogenicity and was discontinued after 8 injections. Three of the 18 test rats died on the dosage administered as compared to no deaths among the control rats.

iii. Carcinogenicity tests in mice, using subcutaneous implantation of 12.1 milligrams at intervals for 30 to 55 weeks. These tests produced no positive results.

iv. Chronic oral administration to 2 dogs at doses beginning at 100 milligrams per kilogram of body weight per day. The dosage was reduced successively to 20 milligrams and 5 milligrams in 1 dog, and to 20 milligrams in the other dog.

v. Chronic feeding tests in dogs at dietary levels of 0.2 percent and 0.04 percent.

vi. Cathartic tests in dogs, using single oral dose.

c. FD&C Red No. 32:

i. Chronic feeding tests with rats, on diets containing 0.1 percent.

ii. Subacute feeding tests with rats, on diets containing 0.25, 0.5, 1, and 2 percent.

iii. Chronic feeding tests with rats, on diets containing 0.1 percent and 0.25 percent.

iv. Carcinogenicity tests in rats, using weekly subcutaneous injections of approximately 5 milligrams to 10 milligrams. These tests were inconclusive as to carcinogenicity and were discontinued after 8 injections because 7 of the 18 test rats died or were sacrificed in extremis prior to the ninth injection. Similar toxic reactions were not encountered in the control rats. A second experiment, using weekly subcutaneous injections of approximately 1 milligram was also discontinued after 8 injections, because of deaths among the 18 test rats receiving FD&C Orange No. 2 in another part of this experiment.

v. Carcinogenicity tests in mice, using subcutaneous implantation of 10.8 milligrams at intervals for 35 weeks to 47 weeks showed no evidence of tumors.

vi. Chronic oral administration to dogs at doses of 5, 20, and 100 milligrams per kilogram of body weight per day.

vii. Chronic feeding tests in dogs at dietary levels of 0.04 percent and 0.2 percent.

viii. Cathartic tests in dogs, using single oral dose.

Tests of the three colors by external application to determine whether they are toxic when applied externally were being set up at the time of the hearing. (R. 8–78; Ex. 2, 3, 4.)

3. The tests with FD&C Orange No. 1 show that when taken internally at various levels of administration this color causes definite damage to various vital organs of the test animals, significant changes in body weight, and premature death.

This color caused the premature death of all rats on diets containing 2.0 percent of the test substance. Rats on a diet containing 1.0 percent of this substance showed marked retardation of growth, increased mortality, and chronic congestion and enlargement of the spleen. These same manifestations, to a lesser extent, were encountered in rats consuming a diet containing 0.5 percent of FD&C Orange No. 1. Dogs consuming 100 milligrams per kilogram of body weight per day of FD&C Orange No. 1 died in 26 months and 33 months. They had occasional diarrhea while alive and manifested terminal weight loss. Autopsy revealed congestion and atrophy of the liver attributable to the color. On a diet containing 1.0 percent of FD&C Orange No. 1, dogs exhibited chronic diarrhea. Rapid deterioration, and weight loss also occurred in 2 dogs. Autopsy revealed muscular dystrophic changes and testicular, prostatic, and uterine atrophy. These same manifestations occurred to a lesser extent in dogs on a diet containing 0.2 percent of FD&C Orange No. 1. A single dose of 100 milligrams to 200 milligrams of FD&C Orange No. 1 produced diarrhea in most dogs. Human volunteers who ate candy containing 0.07 percent of FD&C Orange No. 1 exhibited diarrhea upon the ingestion of from one to eight pieces of the candy. Human volunteers taking 80 milligrams to 100 milligrams of the color in a single dose also experienced marked griping and diarrhea. (R. 14–22, 43–44; Ex. 2.)

4. Tests on rats at a level of 0.1 percent of the diet and on dogs at doses of 5 milligrams per kilogram of body weight per day did not produce any toxic effects attributable to FD&C Orange No. 1. However, these results must be contrasted with the diarrhea that resulted when human volunteers ate from one to eight pieces of candy containing 0.07 percent of FD&C Orange No. 1. This is particularly significant because man is shown to be more susceptible to the toxic effects of the color than are the test animals, and because the dogs having diarrhea (the symptom observed also in man) showed damage to various vital organs after the chronic feeding tests. (R. 14, 16–18, 20–21, 43–44; Ex. 2.)

5. The tests with FD&C Orange No. 2 show that when taken internally at various levels of administration this color causes definite damage to various vital organs of the test animals, significant changes in body weight, and premature death.

FD&C Orange No. 2 caused severe growth retardation and increased mortality to rats on a diet containing 0.25 percent of the test substance. At 0.2 percent of the rats' diet, increased mortality and degeneration of the liver occurred. At a level of 0.1 percent of this substance in the diet, the rats exhibited marked growth retardation. At a level of 0.05 percent, autopsy revealed enlargement of the right side of the heart and, on microscopic examination, slight hypertrophy or hyperplasia of the cells in the liver. Approximately 5 milligrams per week given to rats by subcutaneous injection caused increased mortality and moderate growth retardation. Dogs consuming 100 milligrams per kilogram of body weight per day of FD&C Orange No. 2 lost weight or gained poorly. Twenty milligrams per kilogram of body weight per day caused one dog in the experiment to gain weight poorly. Five milligrams per kilogram of body weight per day apparently was tolerated by one dog without resultant injury. Dogs on a diet containing 0.2 percent of the test substance had diarrhea at the beginning of the experiment and exhibited rapid deterioration and weight

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing, except for citations to the FEDERAL REGISTER, where applicable.

loss. Autopsy revealed atrophy of various vital organs caused by the color. At 0.04 percent of the diet, dogs gradually deteriorated and lost weight, and autopsy revealed atrophy of various vital organs. A single dose of 200 milligrams produced diarrhea in dogs. (R. 22–30; Ex. 3.)

6. FD&C Orange No. 2 caused damage to test animals at levels even lower than those at which damage was observed from FD&C Orange No. 1. The lowest level at which demonstrable harm to test animals was observed from FD&C Orange No. 2 was 0.04 percent of the diet of dogs. The lowest level at which FD&C Orange No. 1 caused demonstrable damage was 0.2 percent in the diet of dogs and 0.07 percent when ingested by man in a single dose. (R. 18–19, 20–21, 28, 43–44, 67–68; Ex. 2, 3.)

7. The tests with FD&C Red No. 32 show that when taken internally at various levels of administration this color caused definite damage to various vital organs of the test animals, significant changes in body weight, and premature death.

When this color was fed to rats at a level of 2.0 percent of the diet, all the rats died within a week. At a 1.0 percent level, death occurred within 12 days. At 0.5 percent most of the rats died within 26 days. At 0.25 percent approximately half of the rats died within 3 months. All of the rats at this level showed marked growth retardation and anemia. Autopsy revealed moderate to marked liver damage. Similar but less severe results were obtained with rats on a diet containing 0.1 percent of FD&C Red No. 32. In addition to liver damage, however, autopsy also revealed enlargement of the right side of the heart in this latter group. Subcutaneous injection of approximately 10 milligrams per week caused death within 8 weeks to nearly half of the rats on the experiment. These rats exhibited anemia, hemorrhage, and reduction in the size of the liver. Dogs taking 100 milligrams per kilogram of body weight per day showed moderate weight loss. A level of 0.2 percent of FD&C Red No. 32 in the diet of dogs caused rapid deterioration and weight loss and sporadic diarrhea; 0.04 percent caused gradual deterioration and weight loss, sporadic diarrhea, moderate atrophy of vital organs, and muscular dystrophic changes; 0.01 percent in the diet caused weight loss and the death of one out of 4 dogs. A single oral dose of 100 milligrams or 200 milligrams caused diarrhea in the majority of the dogs tested. (R. 30–38; Ex. 4.)

8. The lowest level at which FD&C Red No. 32 showed damage to test animals was at 0.01 percent of the diet of dogs. This was the lowest level at which the color was administered in the diet and, based upon the conversion figures appearing in the record, it is a lower dosage than the level of 5 milligrams per kilogram which produced no apparent effect on other dogs. Thus, no safe level of administration to dogs was definitely established. (R. 35–37, 40–42; Ex. 4.)

9. The only known episode of illness in man was caused by FD&C Orange No. 1. It is the least toxic of the three colors. The fact that no human ailment has been attributed to the other colors means little, because few people know what colors they are eating and the delayed toxic effects of the colors, as evidenced by the test animals, involve damage to vital organs and processes that would not have been attributed to the colors even if caused by them.

10. There was no evidence on which findings could be made concerning how much of the three colors is likely to be ingested by man from his food, drugs, and cosmetics. Some interested persons, taking their own products, attempted to show that the amounts ingested would be small to the point of insignificance. But those contentions leave aside the occurrence of the colors in the products of others, as well as the fact that upon certification of a color the Department has no means of controlling the amounts of colors used in a variety of food, drugs, and cosmetics. Nor is there authority to limit a color, once certified, to a single food—for example, FD&C Red No. 32 for use in color-added oranges. (R. 20–21, 67–68, 98–108; Ex. 8.)

11. The coal-tar colors listed in the regulations as FD&C Orange No. 1, FD&C Orange No. 2, and FD&C Red No. 32 may be used at present in externally applied drugs and cosmetics as well as in products for internal consumption. Tests designed to examine the toxicity of these colors, when used externally, are not complete. (R. 46–48, 63–65.)

12. Modification of the coal-tar color certification regulations (21 CFR 135.11 (d) (2)) to eliminate the requirement for 3 months' written notice of change in composition of a coal-tar color mixture will facilitate the marketing of substitute mixtures and reduce confusion that may result from the deletion of a straight color from the listings at 21 CFR 135.3, 135.4, and 135.5. (R. 88, 89.)

Conclusions. 1. Based upon the above findings, the coal-tar colors FD&C Orange No. 1 (monosodium salt of 4-*p*-sulfophenylazo - 1 - naphthol), FD&C Orange No. 2 (1-o-tolylazo-2-naphthol) and FD&C Red No. 32 (1-xylylazo-2-naphthol), described in the coal-tar regulations (21 CFR 135.3) are not harmless and suitable for use in coloring food or for use in coloring drugs or cosmetics intended for other than external application.

2. Sections 406 (b), 504, and 604 of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 346 (b), 354, and 364) provide for the listing of coal-tar colors that are harmless and suitable for use in food, drugs, and cosmetics. The act does not provide any method for listing toxic colors for specific food, drug, or cosmetic uses so as to limit their total use to small enough amounts that the toxicity might be disregarded. Under the statute a toxic color cannot be classified as a harmless color.

3. While a safe level of administration to test animals is disclosed by the record in the case of FD&C Orange No. 1, the record also discloses that that color has adverse effects upon man at a level well below the safe level of administration to test animals. The safe level of administration of FD&C Orange No. 2 to test animals is well below the level at which FD&C Orange No. 1 was found safe to test animals. It is, therefore, even more toxic than FD&C Orange No. 1. No safe level of administration was found even in test animals for FD&C Red No. 32.

4. The coal-tar colors FD&C Orange No. 1, FD&C Orange No. 2, and FD&C Red No. 32 are not harmless and suitable for use within the meaning of sections 406 (b), 504, and 604 of the Federal Food, Drug, and Cosmetic Act in coloring food or in coloring drugs or cosmetics intended for other than external application.

5. The coal-tar colors FD&C Orange No. 1, FD&C Orange No. 2, and FD&C Red No. 32 should be deleted from the listing at 21 CFR 135.3, since the Secretary cannot continue to list these colors as colors that the Food and Drug Administration will certify as harmless and suitable for unrestricted use in coloring food or in coloring drugs and cosmetics intended for other than external application.

6. Colors conforming to the present regulations and specifications for FD&C Orange No. 1, FD&C Orange No. 2, and FD&C Red No. 32 should be added to the listing at 21 CFR 135.5, for use in coloring externally applied drugs and cosmetics only.

7. The provisions of 21 CFR 135.11 (d) (2) requiring 3 months' written notice of a change in the composition of a coal-tar color mixture should be waived when such change is made necessary by deletion of one or more straight colors from the listings at 21 CFR 135.3, 135.4, or 135.5.

Therefore, it is ordered, That Part 135—Color Certification, be amended in the following respects:

1. In § 135.3 (a), delete the colors FD&C Orange No. 1, FD&C Orange No. 2, and FD&C Red No. 32.

2. Add the following to § 135.5 (a):

EXT D&C ORANGE NO. 3

SPECIFICATIONS

Monosodium salt of 4-*p*-sulfophenylazo-1-naphthol.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water-insoluble matter, not more than 0.3 percent.
Ether extracts, not more than 0.2 percent.
α-Naphthol, not more than 0.1 percent.
Chlorides and sulfates of sodium, not more than 4.0 percent.
Mixed oxides, not more than 1.0 percent.
Orange II, not more than 5.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

EXT D&C ORANGE NO. 4

SPECIFICATIONS

1-o-Tolylazo-2-naphthol.
Volatile matter (at 100° C.), not more than 0.5 percent.
Sulfated ash, not more than 0.3 percent.
Water-soluble matter, not more than 0.3 percent.
Matter insoluble in carbon tetrachloride, not more than 0.5 percent.
o-Toluidine, not more than 0.05 percent.
β-Naphthol, not more than 0.05 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 98.0 percent.
Melting point, not less than 128.0° C.

EXT D&C RED NO. 14

SPECIFICATIONS

1-Xylylazo-2-naphthol.
Volatile matter (at 100° C.), not more than 0.5 percent.
Sulfated ash, not more than 0.3 percent.
Water-soluble matter, not more than 0.3 percent.
Matter insoluble in carbon tetrachloride, not more than 0.5 percent.
Xylidene, not more than 0.1 percent.
β-Naphthol, not more than 0.05 percent.
m-Xylidine in xylidine obtained by reduction of the dye, not more than 30.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 97.0 percent.
Boiling range of xylidine, obtained by reduction of the dye, 95 percent between 212°–232° C.

3. Amend § 135.11 (d) (2) so that, as amended, it will read as follows:

§ 135.11 *Labeling.* • • •
(d) • • •
(2) The name of such mixture is the same as or simulates the name of a previously certified batch of a mixture containing a different substance, or a different percentage of a pure dye; but this provision shall not apply if:
(i) The person who requests certification of such batch is the owner of such name and has given 3 months' written notice to the Food and Drug Administration specifying the change to be made in the composition of such mixture; or
(ii) Such change results from removal of a color from the listings in §§ 135.3, 135.4, and 135.5.

Effective date. This order shall be effective 90 days after publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: November 10, 1955.

[SEAL] M. B. FOLSOM, *Secretary.*

[F. R. Doc. 55–9209; Filed, Nov. 15, 1955; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 11238, etc.; FCC 55–1125]

[Rules Amdt. 3–61]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing television broadcast stations.

1. The Commission has before it for consideration five proceedings concerning requests for the deintermixture of VHF and UHF television channel assignments in specific communities and a request for the addition of a VHF channel assignment in one community. The Commission issued a notice of proposed rule making concerning the proposal to assign Channel 10 to Vail Mills, New York, on December 17, 1954. On March 31, 1955, the Commission issued notices of proposed rule making in the Peoria, Evansville, Madison and Hartford deintermixture proceedings. On April 21, 1955, the Commission issued a notice of further rule making in the Vail Mills case to consider the deintermixture proposal for the Albany-Schenectady-Troy area. Oral argument in the five cases was heard before the Commission on June 27 and 28, 1955. Following is a brief summary of the proposals:

(a) *Peoria, Illinois (Docket No. 11333).* This proceeding involves the joint request of two UHF broadcasters in Peoria, Illinois-West Central Broadcasting Company (WEEK–TV) and Hilltop Broadcasting Company (WTVH)—for deintermixture of commercial VHF and UHF assignments in the Peoria area by reserving VHF Channel 8 in Peoria for noncommercial educational use in place of UHF Channel 37; or, in the alternative, by deleting Channel 8 from Peoria, substituting UHF Channels 31, 78, or 82 therefor, and shifting Channel 8 to some other community. Plains Television Corporation (WICS), Springfield, Illinois, requests that Channel 8 in Peoria be shifted to Illipolis, Illinois, to provide additional VHF service to the Springfield area in the event Springfield is not also deintermixed by the removal of Channel 2. Other parties participating in the proceeding include WIRL Television Company and WMBD, Inc., applicants for Channel 8 in Peoria; Bradley University, and the American Farm Bureau Federation. In addition to the pleadings and material in the record of the proceeding when Oral Argument was heard on June 27–28, 1955, the Commission now has before it the following pleadings: "Petition to Adopt Policy of Deintermixture or for Alternative Relief", filed by Plains Television Corporation on October 18, 1955; "Opposition to and Motion to Dismiss" the foregoing petition, filed by WMBD, Inc., on October 21, 1955, an Opposition to the foregoing petition filed by WIRL Television Company on October 25, 1955; and petitions for further oral argument filed on November 4, 1955, by West Central Broadcasting Company, Hilltop Broadcasting Company, and Plains Television Corp.

(b) *Evansville - Hatfield, Indiana (Docket No. 11334).* This proceeding involves the request of two UHF broadcasters in the Evansville area—Premier Television, Inc. (WFIE), Evansville, and Ohio Valley Television Company (WEHT), Henderson, Kentucky—for deintermixture of the commercial VHF and UHF assignments in the Evansville-Hatfield area by deleting Channel 9 from Hatfield and by either reserving Channel 7 in Evansville for education or deleting it. Petitioners suggest that Channel 56 can be added to Evansville and Channel 78 to Hatfield. If Channel 7 in Evansville is deleted rather than reserved, Channel 39 is suggested as an educational frequency. Mid-America Broadcasting Corporation (WKLO–TV) Louisville, Kentucky, requests that the Evansville-Hatfield area be deintermixed by reassigning Channels 7 and 9 to Louisville, Kentucky. To accomplish these channel shifts, Mid-America requests that the rules be amended to permit television stations to operate at reduced separations with directional antennas. Other parties participating in the proceeding include Evansville Television, Inc., Consolidated Television & Radio Broadcasters, Inc., and On The Air, Inc., applicants for Channel 7 in Evansville; Owensboro Publishing Company and Owensboro On The Air, Inc., applicants for Channel 9 in Hatfield; Congressman Winfield K. Denton (8th District of Indiana); the Evansville Chamber of Commerce and Evansville College. In addition to the pleadings and material in the record of the proceeding when Oral Argument was heard on June 27–28, 1955, the Commission now has before it two petitions filed on October 17, 1955, by Mid-America Broadcasting Corporation and by Premier Television, Inc., and Ohio Valley Television Co. jointly, requesting "Time to File Additional Comments", Opposition to the petition of Mid-America Broadcasting Corporation, filed by Evansville Television, Inc., on October 7, 1955, an Opposition to both petitions filed by Owensboro On The Air, Inc. on October 27, 1955, and by On The Air, Inc., on October 28, 1955, and an Opposition to the joint petition of Premier Television, Inc. and Ohio Valley Television Co., filed by Evansville Television, Inc., on October 28, 1955. Also, on November 7, 1955, Mid-America Broadcasting Corp., Premier Television, Inc. and Ohio Valley Television Co., filed Supplements to their October 17 Petitions, making further requests discussed in Paragraph 11, below.

(c) *Madison, Wisconsin, and Rockford, Illinois (Docket No. 11335).* This proceeding involves the requests of two UHF broadcasters in Madison—Monona Broadcasting Company (WKOW–TV) and Bartell Television Corporation (WMTV)—for deintermixture of commercial VHF and UHF assignments in the Madison area by shifting the educational reservation in Madison from Channel 21 to Channel 3. Another UHF broadcaster in Rockford—Winnebago Television Corporation (WTVO) requests that commercial deintermixture be achieved in Madison by deleting Channel 3 from Madison, substituting Channel 39 therefor, and by assigning Channel 3 to Orangeville, Illinois, so as to make Madison an all-UHF city and Rockford an all-VHF area. Alternatively, Winnebago Television suggests that Rockford be made an all-UHF area by deleting Channel 13 from Rockford, substituting Channel 51 therefor, and assigning Channel 13 to Aurora or Elgin, Illinois. Other parties participating in the proceeding include Radio Wisconsin, Inc., and Badger Television Company, Inc., applicants for Channel 3, Madison; the State Radio Council of The State of Wisconsin (WHA–TV), Madison, and the Greater Rockford Television, Inc. (WREX–TV). In addition to the pleadings and material in the record of the proceeding when Oral Argument was heard on June 27–28, 1955, the Commission now has before it the following pleadings:

"Petition for Taking of Official Notice or for Limited Reopening of Record" filed on August 29, 1955, by Monona Broadcasting Company, and Bartell Television Corporation; a Response to the aforementioned petition filed on September 7, 1955, by Radio Wisconsin, Incorporated; "Petition to Adopt Policy of

Deintermixture or for Alternative Relief" filed on October 18, 1955, by Winnebago Television Corporation, a Motion to Strike the Winnebago petition filed by Radio Wisconsin, Incorporated, on October 27, 1955; and Petitions for Further Oral Argument filed on November 4, 1955, by Monona Broadcasting Company, Bartell Television Corp., and Winnebago Television Corp.

(d) *Hartford, Connecticut (Docket No. 11336).* This proceeding involves the joint request of four UHF broadcasters in the Connecticut River Valley—General Times Television Corporation (WGTH–TV), Hartford, New Britain Broadcasting Co. (WKNB–TV), New Britain; Hampden-Hampshire Corporation (WHYN), Springfield and Springfield Television Broadcasting Corp., Springfield (WWLP)—for deintermixture of commercial VHF and UHF channels in Hartford by shifting the educational reservation in Hartford from UHF Channel 24 to VHF Channel 3. Three other UHF broadcasters request that Channel 3 be deleted from Hartford and assigned elsewhere. Channel 16 of Rhode Island (WNET) in Providence, Rhode Island, requests that Channel 3 in Hartford be assigned to Westerly, Rhode Island; Eastern Connecticut Broadcasting Company (WICH, AM), Norwich, Connecticut; requests that Channel 3 in Hartford be assigned to Norwich, and Thames Broadcasting Corp. (WNLC–TV), New London, Connecticut, requests that Channel .3 in Hartford be shifted to New London. Other parties participating in the proceeding include Hartford Telecasting Company, Inc., and Travelers Broadcasting Service Corporation, applicants for Channel 3 in Hartford; Western Massachusetts Educational Television Council, Springfield; the Connecticut Radio Foundation (WEDH), Hartford, and the WGBH Educational Foundation (WGBH–TV), Boston, Massachusetts. In addition to the pleadings and material in the record of the proceeding when Oral Argument was heard on June 27–28, 1955, the Commission now has before it the following pleadings: "Petition for Leave to File Additional Comments" and "Additional Comments" filed on October 17, 1955, by General Times Television Corporation, New Britain Broadcasting Company, Hampden-Hampshire Corporation and Springfield Television Broadcasting Corporation; a "Petition to Adopt Policy of Deintermixture or for Alternative Relief" filed on October 18, 1955, by the same four parties; "Opposition to Petition for Leave to File Additional Comments" filed on October 20, 1955, by Travelers Broadcasting Service Corporation, "Statement with Respect to Matters Not of Record" filed on October 28, 1955, by the same four parties; and Petitions for Further Oral Argument filed on November 4, 1955, by General Times Television Corp., New Britain Broadcasting Co., Hampden-Hampshire Corp., Springfield Television Broadcasting Corp., and Channel 16 of Rhode Island, Inc.; and by Eastern Connecticut Broadcasting Company on November 9, 1955.

(e) *Albany-Schenectady-Troy, New York (Docket No. 11238).* This proceeding involves the request of Hudson Valley Broadcasting Company, Inc. (WROW-TV), Albany, New York, for the assignment of Channel 10 to Vail Mills, New York, as a "drop-in" to bring a second VHF service to the Albany-Schenectady-Troy area, and the alternative request of Van Curler Broadcasting Company (WTRI), Albany for the elimination of the intermixture of commercial VHF and UHF assignments in the Tri-Cities area by shifting the educational reservation at Albany from Channel 17 to Channel 6 and by modifying General Electric Company's authorization to operate Station WRGB on Channel 6 at Schenectady, New York, to specify operation on Channel 17. Other parties participating in the proceeding include Greylock Broadcasting Company (WMGT), North Adams, Massachusetts; the General Electric Company (WRGB), Schenectady; Walter C. Neals, Albany, and the State Education Department of the University of the State of New York (WTVZ), Albany. In addition to the pleadings and material in the record of the proceeding when Oral Argument was heard on June 27–28, 1955, the Commission now has before it a "Petition to Adopt Policy of Deintermixture or for Alternative Relief" filed by Greylock Broadcasting Company on October 18, 1955; a "Petition to Reopen Proceedings" filed by Van Curler Broadcasting Corporation on October 25, 1955, an Opposition to the Van Curler petition filed on October 28, 1955, by Hudson Valley Broadcasting Company and a Petition for Further Oral Argument filed November 4, 1955, by Greylock Broadcasting Company.

2. The petitioners in these proceedings are UHF broadcasters. With the exception of Hudson Valley, which requests the assignment of Channel 10 to Vail Mills, the petitioners seek to deintermix the VHF and UHF assignments in their communities by eliminating VHF commercial channel assignments by reserving them for educational use, shifting them to another community, or by deleting them. The VHF channels which would be affected by the petitioners' basic proposals, with the exception of Channel 6 in Schenectady on which Station WRGB is operating, have not yet been granted by the Commission. However, applications are pending for the VHF channels in the other four cases—Peoria, Evansville, and Hatfield, Madison, and Hartford—and lengthy comparative hearings have been conducted to select the best qualified applicant. Initial Decisions have been rendered by the Hearing Examiner in the Evansville, Peoria, and Madison cases and Oral Argument has been heard by the Commission. In the Hartford case, an Initial Decision has been issued and Oral Argument is being awaited. In Hatfield, the hearing has been concluded and proposed findings have been filed, but an Initial Decision has not yet been issued.

3. A grant of the deintermixture petitions in these proceedings would enable the UHF broadcasters to avoid competition from VHF stations in their own communities or immediate areas. In support of their proposals the petitioners cite the familiar difficulties which have been encountered by UHF broadcasters in competing with VHF. They urge that the opportunities for a full utilization of the locally assigned UHF channels will be substantially reduced by the advent of a local VHF station or, as in the case of the Albany-Schenectady-Troy area, the continued operation of a VHF station already on the air. Referring to the experience of UHF broadcasters generally where UHF and VHF assignments are intermixed, the UHF broadcasters submit that deintermixture as proposed for their respective communities would insure a larger number of local television services and a healthy, competitive television operation in their communities.

4. It is necessary, however, not to lose sight of the fact that the communities involved in the instant proceedings represent only limited segments of the overall problem, which is nationwide in scope. The five rule making proceedings now under consideration were initiated in the hope that a detailed examination of the problem in the light of circumstances prevailing in these communities would provide the basis on which the Commission could formulate policies applicable generally in the effort to alleviate a nationwide problem.[1] In addition to the instant five cases, petitions had been submitted seeking similar action in approximately 15 other communities. But the scope of the problem does not end there.

5. Careful review of the comments and data submitted in the instant proceedings has convinced us that it would not be useful to attempt to find solutions of lasting value within the relatively limited scope of the instant proceedings.[2] Although they have shed helpful light on the problems associated with deintermixture, including the disposition of the channels sought to be removed, the question of "white areas" and others, it has become clear that these proceedings provide an inadequate basis for the formulation of policies which must take due account of the extensive and intricate

[1] In our Notice of Further Rule Making (FCC 55–492) in Docket No. 11238, issued April 21, 1955, we explained that we were "attempting to arrive at a decision of future policy to be uniformly followed, wherever possible, in the effectuation of our Allocation Table for a nationwide television system."

[2] On August 29, 1955, Monona Broadcasting Company and Bartell Television Corporation filed a petition requesting the Commission to take official notice, or to permit limited reopening of the record in the Madison proceeding to admit certain figures released in August 1955 by the United States Census Bureau. Radio Wisconsin, Inc. filed a response to this request. This data has been considered by the Commission.

In the Evansville case, On The Air, Inc. moved to strike the comments of Mid-America Broadcasting Corporation, contending that it would be illegal for the Commission to adopt Mid-America's proposal without further rule making. Owensboro On The Air, Inc. and Owensboro Publishing Company also moved to dismiss Mid-America's comments. Mid-America filed a reply to these motions. Mid-America's comments have been considered in the proceeding.

interrelationships of all parts of the Table of Assignments.

6. Petitioners seek alleviation of a nationwide problem by action directed toward their individual, local communities. Whatever the merits of their contentions that local deintermixture would benefit the particular UHF operators and their local communities, the Commission has serious doubts that the requested relief would be meaningful with respect to the general problem. It is noted that most of these petitions are directed toward those communities where both VHF channels and UHF are now allocated but where no VHF stations (or, in some instances not more than one) have commenced operation, apparently on the theory that deintermixture should be accomplished wherever VHF stations have not yet become so established that, in the view of petitioners, deintermixture is no longer feasible. In our opinion, if deintermixture, even on a partial basis, should finally be determined to be a useful method of resolving the overall problems, the particular communities for its application should not be selected merely because of the fortuitous circumstance of whether a VHF station has commenced operation in any particular community. Certainly there is nothing in the records before us which would lead us to conclude that the limited deintermixture here sought would provide any significant help in resolving the difficulties now confronting UHF broadcasters in other communities, or for that matter, whether the relief that might result in the areas directly involved, would materially strengthen UHF in general. There is little, if any, reason to believe, for instance, that the reassignment of channels as requested in the instant petitions, and in the other pending petitions seeking similar relief, would significantly stimulate the conversion of VHF receivers, the increased sale of combination UHF–VHF sets, the improvement of UHF transmitting and receiving equipment or the elimination of UHF and VHF equipment cost differentials. Moreover, apart from the question of whether deintermixture would provide lasting benefit to the specific communities in question here, it is not possible to ascertain on the basis of the instant rule making proceedings whether deintermixture on the basis proposed by petitioners would be consistent with measures which the Commission must consider in a separate rule making proceeding of much broader scope to cope with the nationwide problem.

7. The present system of intermixed channel assignments is basic to the structure of television allocations established by the Sixth Report and Order. We believe that any modification of the Table of Assignments which would involve significant departures from this system of assignments requires a thorough reexamination of the entire television structure. The interrelationships between the particular circumstances in specific cases and the nationwide television system as a whole cannot be disregarded. In the Commission's opinion, considerations of both fairness and practicability preclude an ad hoc approach such as that suggested by the petitioners in these proceedings.

8. The Commission is convinced that if lasting solutions to the allocation problems now confronting the development of a nationwide competitive television service are to be found, the approach must be nationwide in scope. Accordingly, in order to facilitate the orderly examination of a number of possible solutions, the Commission is instituting a general rule making proceeding. Only through such a general proceeding do we believe the Commission may thoroughly and effectively treat this matter. Accordingly, the Commission believes that the public interest would be best served by denying the instant requests for deintermixture. Petitioners will have the opportunity of participating in the general rule making proceedings and our denial of their petitions is without prejudice to any action the Commission may take as a result of that proceeding.

9. The Hudson Valley proposal presents a different problem. Hudson Valley requests the assignment of a new channel, Channel 10, to Vail Mills, a small community located in the Albany-Schenectady-Troy area, about 20 miles northwest of Schenectady. The Hudson Valley proposal comports with the Commission's present television allocation plan and rules. Unlike the proposals for deintermixture, the petition to assign Channel 10 to Vail Mills is consistent with the rules and principles of our present television allocations established in the Sixth Report and Order. Channel 10 would meet the present minimum spacing requirements and all other standards.[3] Until a decision has been reached on possible amendments to our present allocation, the Commission believes that it would not be justified in withholding action, pursuant to our present allocation plan and rules, that would bring additional television service to a significant number of people. Refusing to make use of this valuable VHF frequency as contemplated by the present rules would, we believe, be a waste of valuable spectrum space for which active demand is indicated. Channel 10 in Vail Mills will represent a second television service to an appreciable percentage of families residing in the area, as well as a first service to a significant number of families. We do not believe that we would be justified in withholding this service, which can be afforded under our present rules even though we are presently considering possible amendments to our allocations. Accordingly, we are amending our rules to add the assignment of Channel 10 to Vail Mills.

10. A number of parties have filed requests for additional time for the filing of supplementary comments, or for the reopening of the record for the submission of additional material or for other relief. The submitted basis of these pleadings is that matters have been presented to the Commission outside of the formal framework of comments and arguments provided for in the procedures governing consideration of the petitions and notices of proposed rule making. In short, an opportunity to reply to this matter is requested. The material referred to related to possible national reallocation schemes. It does not pertain to the merits of granting or denying the particular petitions before us, except as part of such a nationwide approach. We have determined that the records now before us are inadequate to support a grant of the requested deintermixture because of their limited scope. We of course have knowledge, and should, of other and more general suggestions informally submitted to us or before Congressional committees. Having decided upon these records that some approach other than piecemeal deintermixture must be followed, we will afford an opportunity for the formal submission of nationwide solutions in the general rule making proceeding we are concurrently instituting. Whatever plans or solutions which may there be advanced by those persons who were not parties to the present proceedings will be considered in that proceeding, and an opportunity afforded for the submission of supporting or adverse comment. In view of our decision in the instant proceedings, and the fact that a new proceeding of wider scope will now be held, there is no point in reopening the present proceedings to insert comments, and replies thereto, whose function is to discuss nationwide plans and whose proper forum is the general rule making proceeding in which all interested parties may participate.

11. There are also pending in the Evansville case (Docket No. 11334) petitions filed on November 7, 1955, by Mid-America Broadcasting Corp. and Premier Television, Inc., and Ohio Valley Television Company, jointly, which request, inter alia, consolidation of the rule making proceeding concerning deintermixture in Evansville and Hatfield with the two adjudicatory proceedings instituted for the purpose of choosing among mutually exclusive applications for VHF Channels 7 and 9 assigned to those cities. The same petitions also request an amendment of the rules which would preclude action on applications for construction permits for new television stations until after disposition of all pending petitions for rule making and rule making proceedings looking toward removal of the particular channel assignments applied for. The Commission does not believe that it would be desirable to confuse the rule making proceeding with questions of the comparative merits of mutually exclusive applications, which are at issue in the adjudicatory proceedings. Moreover, it would serve no useful purpose to burden the rule making process by consolidating the two matters since, as we point out in paragraph 6 above, final decision on deintermixture of VHF and UHF channels in any community should not be governed by the existence or absence of a VHF station in the community. Nor does the Commission believe that it would serve the public interest to adopt the proposed amendment to the rules, which

[3] It is noted that Vail Mills does not have a post office. A post office, however, is not a prerequisite to the assignment of a television channel. The post office is merely a convenient reference point; and the lack of a post office in a community does not bar an assignment.

would be tantamount to a freeze on authorizations for new television stations. The Commission believes that it must retain the discretion to determine on a case-by-case basis when the public interest requires that it freeze its adjudicatory processes during the pendency of rule making. (See FCC v. WJR, The Goodwill Station, Inc., 337 U. S. 265. The Commission is of the opinion that the procedural inflexibilities petitioners seek to introduce are neither necessary nor desirable. The petitions referred to at the beginning of this paragraph are, accordingly, denied. The petitions for intervention in the adjudicatory proceedings, which were incorporated in the same documents with the foregoing requests, are not disposed of here. Various requests for stays in adjudicatory proceedings are also not disposed of here.

12. Several additional petitions advert to the fact that Commissioner Mack was not yet a member of the Commission at the time the oral arguments were held in the instant proceedings and request further oral argument for the purpose of enabling Commissioner Mack to participate in these proceedings, and to afford an opportunity to present views on courses of action which petitioners state were not contemplated at the time of the initial oral arguments. It should be recognized at the outset that there is no requirement of law that an oral argument be afforded in a rule making proceeding. FCC v. WJR, The Goodwill Station, Inc., et al., 337 U. S. 265. Daily News Television Company, 7 Pike & Fischer, R. R. 839. The Commission, within its discretion, heard oral arguments in these proceedings. However, we see no necessity for further argument. Petitioners' reference to participation by Commissioner Mack erroneously presupposes that because he took office after the oral arguments were held, he is not qualified to participate in decisions adopted in these proceedings. In the Commission's view, no such limitation affects the qualifications of a Commissioner to participate in these proceedings. The full record in the proceedings, including the transcript of the oral arguments, has been available to Commissioner Mack; and he has read the transcript. There is no bar to participation by a Commissioner who takes office after an oral argument if the Commissioner has read the transcript of the argument. See Eastland Co. v. FCC, 92 F. 2d 467, cert. den. 302 U. S. 735. The petitions requesting further oral argument in these proceedings are accordingly denied.

13. Authority for the adoption of the amendment herein is contained in Sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

14. In view of the foregoing: *It is ordered*, That the foregoing petitions for deintermixture listed in paragraph 1 above, are denied.

15. *It is further ordered*, That, effective December 16, 1955, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended insofar as the city named is concerned as follows:

City:	Channel
Vail Mills, N. Y.	10—

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: November 10, 1955.

Released: November 10, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9210; Filed, Nov. 15, 1955; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter E—Alaska Wildlife Protection

PART 46—TAKING ANIMALS, BIRDS, AND GAME FISHES

SEASONS, LIMITS AND OTHER PROVISIONS

Basis and purpose. On May 24, 1955, amendments to Part 46, Title 50, Code of Federal Regulations, were adopted to prescribe hunting, trapping and fishing seasons and limits on game and fur animals, birds, and game fishes in Alaska for the season beginning July 1, 1955. These amendments were adopted pursuant to authority contained in section 9 of the Alaska Game Law of January 13, 1925, as amended (43 Stat. 743; 48 U. S. C. 198), and were published in the FEDERAL REGISTER on June 4, 1955 (20 F. R. 3895).

The schedule constituting a part of § 46.102 of these regulations prescribed open seasons on moose (bulls with forked antlers or larger) extending from August 20 through September 20 and from November 10 through November 30 in the Susitna and Matanuska River drainages west of 148° W. longitude. The reference to the drainages of the two rivers mentioned had the effect of excluding from the area opened to moose hunting important moose range in the Wasilla-Knik Arm and Little Susitna drainages where moose concentrations have increased to such an extent as to become a menace to the populated districts located in this general area. With a view to reducing the concentration of moose in such populated districts, the Alaska Game Commission early in 1955 had recommended that a 20-day moose season in November be prescribed which would include not only the drainages of the Susitna and Matanuska Rivers but would also include the lands lying between the drainages of these two streams and the area southeast of Knik Arm. In order to provide an area description which will carry the recommendations of the Alaska Game Commission into effect and thus contribute toward the reduction of moose concentrations in the areas where they principally occur, the regulations under the Alaska Game Law are amended as follows:

1. The schedule constituting a part of § 46.102 *Seasons, limits and other provisions*, as the same appears in 20 F. R. 3896 and 3897, is amended in that part of the text which appears under the subheading "Moose (bulls with forked antlers or larger)", column heading "Areas open to hunting", by deleting the area description "Susitna and Matanuska River drainages west of 148° W. longitude" and by substituting therefor the area description "The drainage to Cook Inlet north of 61°5′ N. latitude and west of 148° W. longitude". As so amended, the said schedule, in pertinent part, will read as follows:

Areas open to hunting	Seasons	Limits
• • •	• •	•
Moose (bulls with forked antlers or larger)		
• • •	• •	•
The drainage to Cook Inlet north of 61°5′ N. latitude and west of 148° W. longitude.	Aug. 20–Sept. 20, Nov. 10–30.	1 bull a year.
• • •	• •	•

(Sec. 9, 43 Stat. 743, as amended; 48 U. S. C. 198)

Since this amendment relieves existing restrictions on the taking of moose in the Territory of Alaska, notice and public procedure are unnecessary and it shall become effective immediately. (5 U. S. C. 1003 (c))

Issued at Washington, D. C., and dated November 7, 1955.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 55-9186; Filed, Nov. 15, 1955; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter F—Rehabilitation and Neighborhood Conservation Housing Insurance

PART 261—HOME REHABILITATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO ELEVEN-FAMILY DWELLINGS

PART 266—HOME RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING SINGLE FAMILY DWELLINGS

MISCELLANEOUS AMENDMENTS

1. Section 261.1 (a) is amended by adding to the listed provisions the following:

§ 261.1 *Incorporation by reference.*
(a) • • •

§ 221.18 Payments and maturity dates.

• • • • • •

2. Part 261 is amended by adding a new § 261.7a as follows:

§ 261.7a *Payments and maturity dates.* The mortgage should come due on the first of a month and must have a maturity satisfactory to the Commissioner not to be less than 4 nor more than 30 years from the date of the insurance; or three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is the lesser. The amortization period should be either 10, 15, 20, 25, or 30 years by providing for either 120, 180, 240, 300, or 360 monthly amortization payments.

3. Section 266.1 (a) is amended by adding to the listed provisions the following:

§ 266.1 *Incorporation by reference.*
(a) • • •

§ 221.18 Payments and maturity dates.

• • • • • •

4. Part 266 is amended by adding a new § 266.6a as follows:

§ 266.6a *Payments and maturity dates.* The mortgage should come due on the first of a month and must have a maturity satisfactory to the Commissioner not to be less than 4 nor more than 30 years from the date of the insurance; or three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is the lesser. The amortization period should be either 10, 15, 20, 25, or 30 years by providing for either 120, 180, 240, 300, or 360 monthly amortization payments.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., November 10, 1955.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 55-9263; Filed, Nov. 15, 1955; 10:11 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter A—Test Fee Schedules

PART 205—CHEMISTRY

Subchapter B—Standard Samples

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

TEST FEE SCHEDULES AND STANDARD SAMPLES

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedure, because of nature of these rules, serve no useful purpose. These schedules are effective from November 7, 1955.

1. Section 205.701 is added to read as follows:

§ 205.701 *High-purity methane gas.*

Item	Description	Fee
205.701a	Certification of Heating Value of sample of high-purity methane gas submitted by the American Gas Association for use in calibration of recording gas calorimeters	$20.00

2. Section 230.11 *Descriptive list* is amended as set forth below:

a. Paragraph (b) *Irons* is amended to add standard 3 to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
3	White iron	125	$4.25

b. Paragraph (f) *Ceramic materials* is amended to add standard 177 to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
177	Portland cement	(1)	$4.25

[1] Three 5-gram portions sealed in glass vials.

c. Paragraph (p) *Standards for rubber compounding* is amended to add standards 377, 378, 379, 380 and 381 to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
377	Phenyl-beta-naphthylamine	600	$4.00
378	Oil furnace black	7,000	3.50
379	Conducting black	5,500	3.50
380	Calcium carbonate	6,000	2.50
381	Calcium silicate	4,000	2.50

d. Paragraph (r) *Radioactive standards* is amended to add standards 4925 through 4932, revise standards 4900 through 4903, 4910 through 4924, 4950 through 4952, 4955 through 4964, and to delete standards 4987 through 4999 to read as follows:

(r) *Radioactive standards.*[1]

ALPHA-BETA-GAMMA STANDARDS

Sample No.	Radiation	Nuclide	Nominal activity •	Volume	Price per sample
4900	α	Polonium-210 [b]	200 dps	(c)	$20.00
4901	α	Polonium-210 [b]	500 dps	(c)	20.00
4902	α	Polonium-210 [b]	1000 dps	(c)	20.00
4903	α	U_3O_8 [d]	15 dps	(c)	20.00
4910	$\beta(\alpha)$	RaD+E [e]	200 dps	(c)	20.00
4911	$\beta(\alpha)$	RaD+E [e]	500 dps	(c)	20.00
4912	$\beta(\alpha)$	RaD+E [e]	1000 dps	(c)	20.00
4913	$\beta(\gamma)$	Cobalt-60	10^4 dps/ml [g]	(h)	20.00
4914	$\gamma(\beta)$	Cobalt-60	10^5 dps	5.0 ml	20.00
4915	$\gamma(\beta)$	Cobalt-60	10^6 dps	5.0 ml	20.00
4916	β	Phosphorous-32 [i]	10^3 dps/ml [g]	(h)	20.00
4917	$\beta(\gamma)$	Iodine-131 [i]	10^3 dps/ml [g]	(h)	20.00
4918	$\beta(\gamma)$	Gold-198 [i]	10^3 dps/ml [g]	(h)	20.00
4919	β	(Strontium-90 / Yttrium-90)	10^4 dps/ml [g]	(h)	20.00
4920	β	Thallium-204	10^4 dps/ml [g]	(h)	20.00
4921	$\beta(\gamma)$	Sodium-22	10^4 dps [f]/ml [g]	(h)	20.00
4922	$\gamma(\beta)$	Sodium-22	10^6 dps	5.0 ml	20.00
4923	$\beta(\gamma)$	Sodium-24 [i]	10^3 dps/ml [g]	(h)	20.00
4924	β	Carbon-14	10^3 dps/ml [g]	25.0 ml	20.00
4925	β	Carbon-14 [j]	10^4 dps/g	(k)	20.00
4926	β	Hydrogen-3	10^4 dps/ml	25.0 ml	20.00
4927	β	Hydrogen-3	10^6 dps/ml	(h)	20.00
4928	β	Sulphur-35	10^4 dps/ml [g]	(h)	20.00
4929	$K(\gamma)$	Iron-55	10^4 dps/ml	(h)	20.00
4930	$K(\gamma)$	Zinc-65	10^5 dps/ml	(h)	20.00
4931	$\gamma(\beta)$	Cesium-137	10^6 dps/ml	5.0 ml	20.00
4932	$\gamma(\beta)$	Mercury-203	10^6 dps/ml	5.0 ml	20.00

• The disintegration rate as of the reference date is given on a certificate accompanying the standard.

[b] Samples consist of polonium-210, deposited on a silver disk 1 inch in diameter, 1/16 inch thick and faced with 0.002 inch of palladium.

[c] Deposited source.

[d] Samples consist of U_3O_8 deposited on a 0.1 millimeter platinum foil and mounted on an aluminum disk, 1¼ inch in diameter and 1/32 inch thick. The alpha-ray disintegration rate as of the date of calibration is indicated on the certificate accompanying the standard.

[e] Evaporated source.

[f] Standards consist of Ra_D–$_{210}$—Bi–$_{210}$ in equilibrium, deposited on the 0.002 inch thick palladium face of a silver palladium disk.

[g] Total activity has been adjusted so that AEC authorization is not required.

[h] Approximately 2 milliliters of low-solids carrier solution containing the active nuclide in a flame-sealed ampoule.

[i] Distributed periodically at announced intervals.

[j] For use in liquid scintillation counters.

[k] Crystallized benzoic acid.

RADIUM STANDARDS (FOR RADON ANALYSIS)

Sample No.	Radium content	Volume (ml) •	Price per sample
4950	10^{-3} gram	100	$20.00
4951	10^{-11} gram	100	20.00
4952	Blank solution	100	2.00

• Samples are sealed in glass containers.

RADIUM GAMMA-RAY STANDARDS

Sample No.	Description	Radium content	Volume (ml) •	Price per sample
4955	Radium	0.1×10^{-4} gram	5	$20.00
4956	Radium	0.2	5	20.00
4957	Radium	0.5	5	20.00
4958	Radium	1.0	5	20.00
4959	Radium	2.0	5	20.00
4960	Radium	5.0	5	20.00
4961	Radium	10	5	20.00
4962	Radium	20	5	20.00
4963	Radium	50	5	20.00
4964	Radium	100	5	20.00

• Samples are contained in flame-sealed glass ampoules.

[1] Radioactive standards are shipped express collect.

[1] Dissenting statements of Commissioners Hyde and Bartley and statement of Commissioner Webster concurring in part and dissenting in part are filed as part of original document.

ROCK AND ORE STANDARDS—RADIUM ROCK SAMPLES *

Sample No.	Rock	Average radium content (gram of radium per gram of rock)	Price per sample
4975	Dunite	$(0.009\pm0.004)\times10^{-12}$	$3.00
4976	Carthage limestone	0.14 ± 0.03	3.00
4977	Berea sandstone	0.24 ± 0.02	3.00
4978	Columbia River basalt	0.33 ± 0.03	3.00
4979	Chelmsford granite	2.96 ± 0.08	3.00
4980	Quartzite	0.06 ± 0.01	3.00
4981	Graniteville granite	3.3 ± 0.2	3.00
4982	Gabbro-diorite	0.18 ± 0.02	3.00
4983	Milford granite	0.23 ± 0.02	3.00
4984	Triassic diabase	0.18 ± 0.03	3.00
4985	Deccan trap	0.21 ± 0.04	3.00
4986	Kimberlite	0.59 ± 0.04	3.00

* Each sample consists of 100 g of pulverized rock taken from bulk material analyzed for radium content. Petrographic data and approximate chemical analysis of a representative sample of each rock is also given in a certificate accompanying each sample.

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C 276)

[SEAL]

A. V. ASTIN,
Director, National Bureau of Standards.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55-9139; Filed, Nov. 15, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1942]

PART 192—OIL AND GAS LEASES

EXTENSION FOR TERMS OF COOPERATIVE OR UNIT PLAN

Paragraph (c) of § 192.122 is amended to read as follows:

§ 192.122 *Extension for terms of cooperative or unit plan.* * * *

(c) Any lease committed after July 29, 1954 to such a plan, which covers lands within and lands outside the area covered by the plan, shall be segregated, as of the effective date of unitization, into separate leases; one covering the lands committed to the plan and the other the lands not so committed. The segregated lease covering the nonunitized portion of the lands, shall continue in force and effect for the term thereof but for not less than two years from the date of segregation, and so long thereafter as oil or gas is produced in paying quantities.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

DOUGLAS MCKAY,
Secretary of the Interior.

NOVEMBER 9, 1955.

[F. R. Doc. 55-9208; Filed, Nov. 15, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 983]

TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

PROPOSED TERMINATION OF SUSPENSION OF MARKETING AGREEMENT NO. 112 AND ORDER NO. 83

Effective February 1, 1955, an order (19 F. R. 585) was issued suspending Marketing Agreement No. 112 and Order No. 83 (7 CFR Part 983) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia. Notice is hereby given that the Secretary of Agriculture is considering whether or not to terminate such suspension on January 31, 1956. If the suspension is terminated, the provisions of the Marketing Agreement and Order, including the provisions which prohibit the handling of any of the seven top stalk leaves immediately below the seed head of any tobacco plant that was not topped, or any of the four top stalk leaves of a tobacco plant that was topped, will automatically become operative.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal may file the same with the Director of the Tobacco Division, Agricultural Marketing Service, Room 3521 South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 30th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

All terms used herein have the same meaning as when used in the marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 10th day of November 1955.

[SEAL] STEPHEN E. WRATHER,
Director, Tobacco Division, Agricultural Marketing Service.

[F. R. Doc. 55-9219; Filed, Nov. 15, 1955; 8:52 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 201]

GENERAL REGULATIONS

NOTICE OF EXTENSION OF TIME TO SUBMIT VIEWS AND ARGUMENTS

On October 26, 1955, there was published in the FEDERAL REGISTER (20 F. R. 8051) a notice that I proposed to amend Part 201 of the General Regulations (41 CFR Part 201) by the revocation of § 201.101 (b) (2) and by the amendment of § 201.603 to exempt certain persons from the requirement of section 1 (a) of the Walsh-Healey Public Contracts Act that they represent they are manufacturers or regular dealers in coal. The notice provided that within thirty days from the date of its publication, interested persons could submit in writing to the Office of the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C., their views, arguments or data relative to the proposed amendments.

Notice is hereby given that, upon good cause shown, the time for filing with the Office of the Administrator, such written views, arguments or data relative to the proposed amendments of Part 201 is extended to December 27, 1955.

Signed at Washington, D. C., this 10th day of November 1955.

ARTHUR LARSON,
Acting Secretary of Labor.

[F. R. Doc. 55-9216; Filed, Nov. 15, 1955; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 4b, 40, 41, 42]

[Draft Release No. 55-26]

FLIGHT RECORDERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of proposed amendments to Parts 4b, 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by January 16, 1956. Copies of such communications will be available after

January 18, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

On two occasions within the past several years the Board has amended the Civil Air Regulations to require the use of a recording device on scheduled air carrier aircraft. In both instances the Board found it necessary to rescind the amendments since the instruments then available were found to be unreliable and inadequate for the purpose intended. The Board gave notice, however, that a requirement for a recording device would be reconsidered at such time as a suitable instrument was available.

We are now informed that a suitable flight recorder is available. This recorder gives evidence of being a rugged, self-contained instrument which records time, airspeed, pressure altitude, vertical acceleration, and heading directly on aluminum foil. It operates for 300 hours flight time between changes of record and requires no attention of the flight crew in operation. The record can be quickly removed and read at any time without processing. The instrument is enclosed in a 13-inch diameter spherical shell designed for reduction of impact damage and for protection of the record during crash impacts and fire following crashes. Weight of the installed instrument is approximately 25 pounds. The instrument will float in water and the record foil is resistant to attack by sea water. Although this instrument does not record communications, the lack of this feature is of minor importance due to the steadily increasing number of communication centers which automatically record all outgoing and incoming radio transmissions. This instrument has undergone 5,300 hours of satisfactory service testing.

In view of the foregoing, notice is hereby given that it is proposed to amend the appropriate parts of the Civil Air Regulations to require the installation of flight recorders on certain aircraft.

It has been recommended that the regulations be amended to provide that all four-engine and all two-engine airplanes originally type certificated under Parts 4a and 4b of the Civil Air Regulations having a maximum certificated take-off weight of more than 12,500 pounds shall not be operated in air transportation unless they are equipped with instrumentation to record continuously during flight the following information: Time, vertical acceleration, airspeed, pressure altitude, and direction. The recorder would have to comply with design specifications prescribed by the Administrator of Civil Aeronautics. It was further recommended that the air carriers be required to preserve flight recorder records for a period of 30 days.

In support of this recommendation, it was maintained that the recorder would provide useful information with respect to accident prevention and accident investigation which would be of value not only to government agencies, but also to the airlines. For example, a study of the flight record would disclose information with respect to the need for structural inspection of the aircraft after hard landings or severe turbulence and whether flights have been conducted in accordance with clearances and approved operating procedures.

As an alternative to the foregoing, it has also been recommended that the regulations be amended to require the installation of this instrument only on transport category airplanes designed to operate above 25,000 feet altitude. Such a proposal is based upon the assumption that justification for requiring flight recorders exists only for airplanes which are intended for operations at high altitudes where little operational experience exists. Thus, the installation of recorders on such airplanes would contribute to overall safety of operation.

In addition to the two alternatives described, the Board would welcome any other proposals as to types of aircraft and operations for which flight recorders should be required.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., November 10, 1955.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-9222; Filed, Nov. 15, 1955; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11532; FCC 55-1124]

TELEVISION BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 3 of the Commission's rules and regulations governing Television Broadcast Stations.

1. The Commission's present television assignment plan, promulgated in its Sixth Report and Order in 1952, was designed to lay the foundation for the development of a nationwide competitive television system which would meet a series of stated objectives. These objectives may be briefly summarized as follows:

(a) At least one service to all areas.

(b) At least one station in the largest possible number of communities.

(c) Multiple services in as many communities as possible to provide program choice and to facilitate competition.

2. To some extent these objectives have been realized. Over 90 percent of the population can receive a degree of service from at least one television station. Approximately 75 percent can receive a degree of service from two or more stations. Almost 275 communities have at least one, and 112 of these have two or more, local television facilities in operation. Over 430 stations are now on the air, and the number of television sets in the hands of the public has increased to 35 million.

3. But despite this tremendous growth, it is evident from recent experience that a nationwide competitive television service has not been realized to the extent contemplated at the time the Commission issued its Sixth Report and Order. Many of the smaller communities are without a first local outlet and the expansion of multiple, competing services in the larger economic and population centers of the country is lagging. Difficulties encountered in achieving successful operation of stations in the UHF band have been a significant factor leading to this situation.

4. The familiar difficulties presently facing television broadcasters raise questions with respect to basic elements of the standards and principles established by the Commission in the Sixth Report and Order. And while these difficulties have varying impact on individual broadcasters and communities, they are manifestly nationwide in scope and may have far-reaching implications for the future of the television system as a whole. The Commission is therefore convinced that any approach to their solution must take cognizance of the overall, national scope of the problem.

5. The Commission recognizes that some of the present hindrances to the further expansion of television service in many communities are due to causes which lie beyond its control. To an appreciable extent these problems are basically economic and arise out of the limits beyond which it is not possible, at the present stage of the development of the television art, to obtain sufficient economic support to meet the high costs of construction, programming and operation of television stations. On other aspects of the problem, relating for example to the improvement of transmitting and receiving equipment, the industry itself can make valuable contributions. At the same time, the Commission wishes to insure that to the extent that any of the present difficulties may be alleviated by possible revision of the present allocation system, such possibilities will be fully explored.

6. The Commission has received a number of proposals from interested segments of the industry, which although they envisage fundamental departures from the present system adopted in the Sixth Report and Order and approach the problem on a nationwide basis, do not challenge the Commission's basic objectives. Some of the techniques suggested for alleviating the difficulties involve the use of additional VHF frequencies; the reduction of minimum separations to make additional VHF channel assignments possible, using either the present 12 VHF channels or new VHF channels, or both; deintermixture on a basis consistent with a nationwide solution; and other techniques. A number of the proposals include suggestions for modifications of the present standards which would permit the use of directional antennas, cross polarization, new limits on antenna heights and maximum powers for new channel as-

signments, and others; and some proposals contemplate combinations of the foregoing techniques. Some of the proposals envisage a revised nationwide table of fixed assignments; others look toward the adoption of new standards which would govern the addition of specific channel assignments on the basis of individual applications. In addition to these plans which have already been advanced, the Commission understands that a number of studies have been initiated by other groups in the industry.

7. In these circumstances, the Commission believes that the public interest would be served by the institution of a general rule making proceeding to consider possible overall solutions to the problem on a broad, nationwide basis. All interested parties, including those who have informally tendered proposals to the Commission, will have the opportunity of submitting their suggestions in this proceeding. This proceeding will, we believe, facilitate an orderly review of the proposals and will afford the Commission a sound basis on which it may compare the advantages and disadvantages of the proposals, both among themselves and with respect to the present plan, and evaluate them in terms of the opportunities they may provide for fuller realization of a nationwide competitive television system.

8. As noted, there is considerable diversity among the various approaches that have been suggested. The multiplicity of the possible alternative plans suggests the desirability of establishing a basis on which it will be possible for the Commission to make a full and fair evaluation of the different proposals. This would be facilitated if those parties submitting proposals included data and comments relating to:

(a) The nature and the extent of departures, if any, from the present standards as adopted in the Sixth Report and Order with respect to:

(1) Minimum separations.

(2) Minimum and maximum limitations on powers and antenna heights.

(3) Use of directional antennas.

(4) Cross polarization.

(5) Any other deviations from present standards.

(b) The effect of the proposed revision on the assignments occupied by existing stations.

(c) The extent to which the plan submitted provides for the future expansion of television service.

(d) The impact of the plan on the problem of receiver incompatibility.

(e) The effect of the plan on the educational reservations.

It would also be helpful to the Commission if parties submitting proposals which envisage a revised table of fixed channel assignments, would include an assignment plan for Zone I indicating the specific assignments in each city. The Commission will also consider proposals which envisage revised standards for the addition of channel assignments on the basis of individual applications, rather than by incorporating new assignments in a revised fixed Table of Assignments.

9. In this initial stage, the Commission believes it would not be desirable to consider proposals whose scope is limited to action affecting only individual communities or a limited area. Premature involvement with questions relating exclusively to individual city assignments or to limited areas, without reference to a nationwide system, would unduly impede our progress in determining the basic course which it would be desirable to follow in considering possible revisions to the nationwide television allocation plan. At a later date, when the Commission has determined the general nature of any revisions to the present allocation scheme which it would be desirable to adopt, it will then be in a better position to consider comments relating to specific channel assignments proposed for individual communities.

10. All interested parties are invited to file written comments in accordance with this Notice. In light of the many considerations which favor minimizing delay, the Commission has decided to require the filing of comments no later than December 15, 1955, and the filing of reply comments by January 6, 1956. An original and 14 copies of comments should be filed.

11. Authority for the institution of this proceeding is contained in sections 1, 4 (i) and (j), 301, 303, (a), (b), (c), (d), (e), (f), (g), (h), and (r), and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the administrative procedure act.

Adopted: November 10, 1955.

Released: November 10, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9211; Filed, Nov. 15, 1955; 8:50 a. m.]

[47 CFR Part 14]

[Docket No. 11535; FCC 55-1107]

RADIO STATIONS IN ALASKA (OTHER THAN AMATEUR AND BROADCAST)

INTERSHIP USE OF CERTAIN FREQUENCIES

In the matter of amendment of Part 14 of the Commission's rules with respect to intership use of the frequencies 1622 kc and 2382 kc in the Alaska area.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Part 14 of the Commission's rules (§ 14.259 (a) (2)) provides for use of the frequency 1622 kc for intership communication in Alaskan waters between ship stations on board vessels of less than 500 gross tons and for use of the frequency 2382 kc for such communication between ship stations on board vessels of 500 gross tons or more. In contrast to the frequencies 2638 kc and 2738 kc which are used for intership telephony not only in Alaskan waters but throughout the general area of the Pacific seaboard of North America, the frequencies 1622 kc and 2382 kc are available for intership communication in the Alaska area only. Hence their use for this purpose in the latter area would appear to be preferred over the use of 2638 kc or 2738 kc in that less interference may be anticipated and more expeditious communication should be possible.

3. Further, it appears that an exception to the plan of assignment of the frequencies 1622 kc and 2382 kc for intership communication, as set forth in existing rule § 14.259 (a) (2), should be recognized in behalf of ocean-going tugboats which, regardless of their gross tonnage, may have need in connection with towing or salvage operations to communicate on either 1622 kc or 2382 kc with other vessels authorized to use either but not both of these frequencies for intership communication.

4. It is proposed to amend the applicable rule so as to authorize ship stations on board ocean-going tugboats of any gross tonnage to communicate with other vessels in the Alaska area either on 1622 kc or 2382 kc as circumstances may require.

5. The proposed amendment would facilitate and improve communication in Alaskan waters between ocean-going tugboats and other ships, particularly in respect to communication relative to towing and salvage operations at sea.

6. The proposed amendment is set forth below and is issued under the authority contained in sections 303 (c) (f) and (r) of the Communications Act of 1934, as amended.

7. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before December 23, 1955, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last date for filing original comments. The Commission will consider all comments and briefs presented before taking final action in this matter.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: November 9, 1955.

Released: November 10, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 14 is amended to read as follows:

1. Section 14.259 (a) (2) is amended to read:

(2) For ship-to-ship communication (for business, operational and safety purposes) by telegraphy and/or telephony—1622 and 2382. The use of these frequencies shall be as follows:

(i) Between ship stations on board vessels of less than 500 gross tons, and between such ship stations and ship stations on board ocean-going tugboats of any gross tonnage—1622 only, except as provided in subdivision (iii) of this subparagraph; and

(ii) Between ship stations on board vessels of 500 gross tons or more, and between such ship stations and ship stations on board ocean-going tugboats of any gross tonnage—2382 only, except as provided in subdivision (iii) of this subparagraph.

(iii) Between ship stations on board ocean-going tugboats of any gross tonnage—1622 or 2382.

NOTE: The term "ocean-going tugboat" for this purpose means only a tugboat which normally is capable of engaging in towing or salvage operations in the open sea.

[F. R. Doc. 55-9212; Filed, Nov. 15, 1955; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 10]

[No. 30920]

AMORTIZATION ACCOUNTING FOR EMERGENCY CARRIER FACILITIES

NOTICE OF PROPOSED RULE MAKING

NOVEMBER 8, 1955.

Representations have been received from Arthur Andersen & Co., a public accounting firm not presently a party of record to the above-entitled proceeding, that the Commission should reconsider its finding herein which rejected income tax equalization, a special accounting rule briefly described in the report (284 I. C. C. 9) previously adopted on December 21, 1951.

So that the Commission may be fully advised in the premises, any party to this proceeding and any other persons interested in the matter of income tax equalization, as that term is used in the report previously adopted herein, may participate by submission of their views and arguments in writing, together with data or other evidence. Such data, views, arguments, and evidence should be filed with the Commission on or before December 15, 1955.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for inspection, and by filing a copy with the Director of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-9198; Filed, Nov. 15, 1955; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document No. 71]

ARIZONA

SMALL TRACT CLASSIFICATION NO. 46

NOVEMBER 7, 1955.

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514–15), the following described lands totaling 2,880 acres located in Maricopa County are hereby classified for lease and sale for residence and/or business purposes under the Small Tract Act of June 1, 1938, (52 Stat. 609; 43 U. S. C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 5 N., R. 4 E.,
Sec. 15: W½, SE¼;
Sec. 20: SE¼;
Sec. 21: E½, SW¼;
Sec. 22: All;
Sec. 26: S½;
Sec. 27: S½S½;
Sec. 28: N½;
Sec. 35: E½.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. (682a) as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application, lease, and sale, with a preference right to veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to November 7, 1955, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

E. R. TRAGITT,
State Lands and Minerals, Staff Officer.

[F. R. Doc. 55-9187; Filed, Nov. 15, 1955; 8:45 a. m.]

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Reclamation, Department of the Interior has filed an application, Serial No. Wyoming 035129, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the United States mining laws but not including the mineral leasing laws.

The applicant desires the land for use in connection with the Riverton Project, Wyoming.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WIND RIVER MERIDIAN

WYOMING

T. 1 N., R. 3 E.,
Sec. 9: NE¼;
Sec. 10: S½;
Sec. 13: Lot 1, W½;
Sec. 14: E½;
Sec. 24: N½.
T. 1 N., R. 4 E.,
Sec. 6: Lots 3, 4, 5, 6, 7, SE¼, E½SW¼, SE¼NW¼;
Sec. 7: All;
Sec. 8: W½;
Sec. 19: Lots 1, 2, E½NW¼.

LOWELL M. PUCKETT,
State Supervisor.

[F. R. Doc. 55-9188; Filed, Nov. 15, 1955; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

INVITATION TO BID ON SURETY BOND

This invitation is for bids on position schedule and/or blanket position bond in favor of the United States, covering certain officers and employees of the Department of Health, Education, and Welfare, for the premium period beginning January 1, 1956, through December 31, 1957.

Purchase of such bonds is authorized by Public Law 323, 84th Congress, and Treasury Department Circular No. 969. (Title 31, Chapter II, Subchapter A, Part 226.)

The following classes of employees are to be bonded:

	Penal sum	Number
Certifying officers	$5,000	214
Agent cashiers	$4,000 to $5,000	85
Disbursing officers	$5,000 to $25,000	17
Miscellaneous [1]	$5,000	177

[1] Includes custodians of money and property, collection clerks, cashiers, postal clerks, and bonded messengers.

Bids. Bids are invited for the execution of bonds in the following forms:

1. Position Schedule Bond Form HEW–74 (Exhibit A).[1]

2. Blanket Position Bond Form HEW–75 (Exhibit B).[1]

Positions to be covered. Schedules (Exhibit C)[1] are attached showing positions to be covered, class of bond, penal sum and location of position. The number of incumbents shown in the schedule is as of November 8, 1955, and represents the best estimated number of incumbents who will be filling the positions as of January 1, 1956.

[1] Filed as part of original document. Copies are available upon request to Department of Health, Education, and Welfare.

Bids may be obtained upon request from: Purchase Section, Division of General Services, Department of Health, Education, and Welfare, Room 5639 HEW Building, Washington 25, D. C.

Invitation No. SA–18–56 to be opened December 6, 1955, 11:00 a. m., e. s. t.

Any questions concerning the bid or bond requirements should be directed to the above address, attention M. M. Smith, Telephone EXecutive 3–6300, extension 3343.

Dated: November 10, 1955.

[SEAL] MARIE M. SMITH,
Chief, Supply Branch.

Approved: November 10, 1955.

D. F. SIMPSON,
Director, General Services.

[F. R. Doc. 55–9223; Filed, Nov. 15, 1955; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1705, et al.; Order No. E–9733]

AMERICAN AIRLINES, INC., AND FLYING TIGER LINE, INC.

ORDER ASSIGNING FOR HEARING PETITIONS TO MODIFY MINIMUM RATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 10th day of November 1955.

Air freight rate investigation, the petition of American Airlines, Inc., to modify minimum rates; the petition of Flying Tiger Line Inc., to modify minimum rates.

The Board on June 2, 1948, entered an order[1] in this proceeding prescribing lawful minimum rates for the transportation of property by air (except for property carried in the air express service), and providing that the record be held open for any party in interest to petition for modification of the minimum rates prescribed by such order.

American, by petition filed October 6, 1955, has requested that Order No. E–1639 be amended so as to exclude from the minimum rates and charges provided therein the rates and charges for a deferred air freight service proposed by American.

American, by paper designated Reply, filed November 2, 1955, has requested permission to institute such deferred rates for the period of one year without hearing.

Railway Express Agency, (REA), Slick Airways, Inc., (SLICK), Trans World Airlines, Inc. (TWA), United Air Lines, Inc. (United), and The Flying Tiger Line Inc. (Tiger) have opposed American's proposed deferred service, and urged in substance that no modification of the minimum rate order be permitted without hearing on American's petition.

Tiger, by petition filed October 7, 1955, has requested that the Tenth Supplemental Order Modifying Prescribed Minimum Rates[2] be amended to reduce the minimum rates prescribed for large volume shipments.

Slick, American and REA have by answer opposed the proposals contained in Tiger's Petition, and requested that no modification be made of the minimum orders prescribed in Docket No. 1705 without hearing on such petition. American has requested that consideration of Tiger's petition be deferred until the Board has acted upon its petition herein dated October 6, 1955, and upon the issue of joint loading by forwarders in Docket No. 5947.

The Board, upon consideration of the foregoing petitions and answers and of the record and orders previously entered in this proceeding, believes that there may be sufficient grounds to modify minimum rates prescribed herein and that a hearing or hearings should be held upon the petitions of American and Tiger to modify the minimum rate orders heretofore entered in this proceeding, and that every effort should be made to expedite decision herein.

We have considered American's request to modify the minimum rate order so that it may institute deferred rates below the established minimums for the period of one year without hearing, and find no basis upon which such request could be properly granted.

The Board finds no sufficient reason to defer hearing upon Tiger's petition as requested by American. It appears that the issues raised by the petitions of American and Tiger, and the answers thereto, and the positions of the parties with respect to consolidation of these petitions can best be determined after prehearing conference. We will, therefore, defer action upon the question of consolidation of hearing on American's and Tiger's petitions until after the prehearing conference has been held upon the proceedings on both petitions.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 403, 404 and 1002 thereof:

It is ordered, That:

1. The petition of American Airlines, Inc., to amend the minimum rate orders previously entered in this proceeding be assigned for hearing before an examiner of the Board at a time and place hereinafter to be designated.

2. American's request to institute below minimum rates on deferred air freight prior to hearing be and it is hereby denied.

3. The petition of Flying Tiger Line, Inc., to amend the minimum rate orders previously entered in this proceeding be assigned for hearing before an examiner of the Board at a time and place hereinafter to be designated.

4. At the conclusion of the hearings herein prescribed, the examiner shall immediately certify the records to the Board for decision.

5. A copy of this order be served upon all parties to this proceeding.

6. This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55–9221; Filed, Nov. 15, 1955; 8:52 a. m.]

[1] Order No. E–1639, 9 CAB 340.
[2] Order No. E–7837 dated October 21, 1953, Docket No. 1705.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11424, etc.; FCC 55M–932]

MANCHESTER BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of John Deme, d/b as Manchester Broadcasting Company, Manchester, Connecticut, Docket No. 11424, File No. BP–9176; Regional Broadcasting Company, East Hartford, Connecticut, Docket No. 11425, File No. BP–9399; Brothers Broadcasting Corporation, Hartford, Connecticut, Docket No. 11426, File No. BP–9631; for construction permits.

The Hearing Examiner has under consideration (1) a petition filed October 28, 1955, by John Deme, d/b as Manchester Broadcasting Company, wherein he requests that the date previously designated by the Hearing Examiner for the exchange of engineering information, November 7, 1955, be changed and extended to November 16, 1955; and (2) a pleading filed November 1, 1955, by counsel for Regional Broadcasting Company opposing such request for an extension of time. Oral argument was held on the pleading this date, November 3, 1955.

It appearing from the pleadings and argument that a misunderstanding and the recent New England floods have resulted in a delay in the taking of measurements by John Deme, the petitioner. The opposition to the petition for extension of time is predicated on the assumption that by the exercise of due diligence, the measurements could have been taken by John Deme prior to the floods referred to;

It appearing from the argument that the granting of the extension of time as requested will not result in a delay in the opening of the evidentiary hearing on November 21, 1955, and that good cause has been shown why the petition for extension of time should be granted;

It is ordered, This the 3d day of November 1955, that the petition for extension of time be and the same is hereby granted and the engineering information to be offered in evidence in response to all issues involving engineering will be exchanged with the parties on or before the close of business November 16, 1955;

It is further ordered, That the date for the start of the evidentiary hearing remains unchanged, namely, November 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–9213; Filed, Nov. 15, 1955; 8:51 a. m.]

[Docket No. 11545; FCC 55–1119]

CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Greenville, Tenn.		235
Greenville, S. C.	235	246
Clemson, S. C.	246	271

3. The purpose of the proposed amendment is to provide a Class B channel in Greeneville, Tennessee, to facilitate consideration of a pending application submitted by Radio Greeneville, Inc., for a new Class B FM broadcast station in that city.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before December 9, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of section 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 9, 1955.

Released: November 10, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–9214; Filed, Nov. 15, 1955; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3420]

MICHIGAN CONSOLIDATED GAS CO. AND AMERICAN NATURAL GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING EFFECTIVENESS TO DECLARATION REGARDING PROPOSED ISSUANCE AND SALE BY SUBSIDIARY COMPANY OF REGISTERED HOLDING COMPANY OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING; AND ISSUANCE AND SALE BY SUBSIDIARY COMPANY AND ACQUISITION BY ITS PARENT COMPANY OF COMMON STOCK

NOVEMBER 9, 1955.

American Natural Gas Company ("American Natural"), a registered holding company, and its subsidiary, Michigan Consolidated Gas Company ("Michigan Consolidated"), an operating gas utility company, having filed with this Commission a joint application-declaration and amendments thereto under the Public Utility Holding Company Act of 1935 ("Act") pursuant to Sections 6 (b), 9, 10, and 12 (f) and Rules U-43 and U-50 promulgated thereunder regarding certain proposed transactions which are summarized as follows:

Michigan Consolidated proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $30,000,000 principal amount of First Mortgage Bonds, ____ Percent Series, due 1980. These bonds will be dated November 15, 1955, will mature November 15, 1980, and will be issued under Michigan Consolidated's Indenture of Mortgage and Deed of Trust dated as of March 1, 1944, as heretofore supplemented by six supplemental indentures and as to be further supplemented by a Seventh Supplemental Indenture to be dated as of November 15, 1955. The interest rate on the new bonds (which is to be a multiple of ⅛ of 1 percent) and the price to be received by Michigan Consolidated (which price, exclusive of accrued interest, is to be not less than 100 percent and not more than 102¾ percent of the principal amount) are to be determined at competitive bidding pursuant to the provisions of Rule U-50.

Prior to or simultaneously with the issuance of the bonds, Michigan Consolidated proposes to sell to American Natural and American Natural proposes, with funds on hand, to purchase 72,000 shares of Michigan Consolidated's common stock, par value $14 a share, for a cash consideration of $1,008,000, which is equal to the aggregate par value thereof.

Michigan Consolidated has heretofore borrowed, pursuant to a Credit Agreement, $31,000,000 on its 3 percent notes maturing August 15, 1956 (File No. 70–3395). On October 7, 1955, Michigan Consolidated issued and sold 930,000 shares of its common stock to American Natural for a total cash consideration of $13,020,000, the aggregate par value of such shares (File No. 70–3412). It is anticipated that concurrently with the issuance and sale of the new bonds the borrowing under the Credit Agreement will be repaid and the Credit Agreement terminated.

Of the proceeds from the sale of the new bonds, it is estimated that approximately $5,000,000, representing the principal amount of new bonds not issued in the first instance against net property additions, will be deposited with the Trustee under Michigan Consolidated's Indenture of Mortgage and Deed of Trust and will be held as part of the trust estate pending withdrawal from time to time through the certification of net property additions.

The filing contains a copy of an order of the Public Service Commission of the State of Michigan dated November 4, 1955 expressly authorizing the issuance and sale of the proposed securities by Michigan Consolidated. Michigan Consolidated is organized under the laws of the State of Michigan and conducts its business in that State.

Michigan Consolidated proposes to pay the following fees and expenses in connection with the proposed security issuances:

	Applicable to new bonds	Applicable to new common stock
Federal original issue tax	$33,000	$1,109
Securities and Exchange Commission registration fee	3,150	----------
Michigan Public Service Commission fee	30,000	1,008
Counsel fees:		
Sidley, Austin, Burgess & Smith	17,000	----------
Dyer, Meek, Ruegsegger & Bullard	11,000	----------
Clare J. Hall	1,500	----------
Accounting fee of Arthur Andersen & Co.	4,988	----------
Trustee's fees and expenses	12,500	----------
Fees of oil and gas consultants	7,500	----------
American Natural Gas Service Co.—services at cost	750	----------
Printing (including preparation of bonds)	25,000	----------
Mortgage recording and title expense	2,500	----------
Miscellaneous	8,100	83
Total	156,988	2,200

The fee of independent counsel acting for the purchasers of the new bonds, Brown, Wood, Fuller, Caldwell & Ivey, is $12,500. This fee is to be paid by the purchasers.

Notice of the filing of the application-declaration having been duly given in the manner prescribed by Rule U-23 and no hearing having been ordered by or requested of the Commission; and the Commission finding that the applicable provisions of the Act and the rules thereunder are satisfied; that the fees and expenses set forth above are not unreasonable; and that the application-declaration as amended should be granted and permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said application-declaration as amended be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rules U-50 and U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–9193; Filed, Nov. 15, 1955; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6651]

OTTER TAIL POWER CO.

NOTICE OF APPLICATION SEEKING ORDER AUTHORIZING ISSUANCE OF UNSECURED PROMISSORY NOTES

NOVEMBER 3, 1955.

Take notice that on November 3, 1955, an application was filed with the Federal Power Commission pursuant to Section 204 of the Federal Power Act by Otter Tail Power Company (Applicant), a cor-

poration organized under the laws of the State of Minnesota and doing business in the States of North Dakota, South Dakota, and Minnesota, with its principal business office at Fergus Falls, Minnesota, seeking an order authorizing the issuance of unsecured promissory notes not to exceed $5,000,000, principal amount, at any one time outstanding. Said notes will be issued from time to time prior to December 31, 1957, will mature within one year or less from the issuance dates and will bear interest at a rate not to exceed 4% per annum. Said notes are proposed to be issued to evidence loans to be secured from First National Bank of Minneapolis, First National Bank of Fergus Falls, and Fergus Falls National Bank and Trust Company or other commercial banks. The proceeds to be obtained from the proposed issuance will be used, pending permanent financing, to provide a portion of the funds needed to carry on Applicant's projected construction program in 1956, 1957, and 1958; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 29th day of November, 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9191; Filed, Nov. 15, 1955; 8:46 a. m.]

[Docket No. G-2505, etc.]

NORTHERN NATURAL GAS CO. ET AL.

ORDER POSTPONING DATE OF HEARING

In the matters of Northern Natural Gas Company, Docket No. G-2505; Northern Natural Gas Producing Company, Docket No. G-9409; Permian Basin Pipeline Company, Docket No. G-9410.

By order issued September 29, 1955, the Commission consolidated these proceedings for the purpose of hearing, and directed that hearing in these matters be commenced on November 14, 1955.

On October 18, 1955, a joint motion was filed on behalf of the three respondent companies requesting that the date fixed for commencement of hearing in these matters be continued to January 16, 1956.

The Commission orders: The hearing in these matters, now fixed to commence on November 14, 1955, be and it is hereby postponed to January 16, 1956: *Provided, however,* that the Respondents in these proceedings shall reduce to writing the direct testimony of witnesses proposed to be offered by them at such hearing in the manner contemplated by section 1.20 (h) of the Commission's rules of practice and procedure, and such proposed testimony, together with related exhibits proposed to be offered by these Respondents, shall be served by Respondents upon all parties to these proceedings, including Staff Counsel, at such time as will accomplish the delivery thereof to such parties by January 3, 1956.

Adopted: November 4, 1955.

Issued: November 8, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9192; Filed, Nov. 15, 1955; 8:46 a. m.]

[Docket Nos. G-4820—G-4824]

TEXAS CO.

ORDER DENYING MOTIONS TO DISMISS AND RECONVENING HEARING

Sun Oil Company, intervener in Docket Nos. G-4820 and 4821, by motion made orally before the Presiding Examiner in the above-entitled proceeding, and Hassie Hunt Trust, intervener in Docket No. G-4821, by motion filed with the Commission, have moved to dismiss certain parts of the applications in Docket Nos. G-4820 and G-4821 involving transactions in which they have an interest. The circumstances in each instance are similar. The intervener is the operator of certain properties in each situation and, either as processor or unit operator, has the contract right and duty to dispose of the natural gas owned by The Texas Company in the absence of an election by The Texas Company to sell or otherwise take its gas in kind. The Texas Company has not so elected with reference to the transactions involved, which are denominated Contract Numbers S-16, S-17, S-18, and S-19 in Docket No. G-4820, and L-4 and L-6 in Docket No. G-4821.

Sun Oil Company and Hassie Hunt Trust request that the said controverted portions of The Texas Company's applications in Docket Nos. G-4820 and G-4821 be dismissed on the ground of lack of Commission jurisdiction over the transactions involved. Commission Staff Counsel took the position on the record at the hearing that, while the Applications insofar as the transactions at issue are concerned should be dismissed, they should be dismissed upon the authority of the order in Humble Oil & Refining Company, Docket Nos. G-6753, et al., issued March 10, 1955. We agree with the position taken by the Staff. Therefore we will deny the motions of Sun Oil Company and Hassie Hunt Trust and reconvene the hearing, recessed subject to our order, to permit disposition of the proceedings.

The Commission orders:

(A) The motions by Sun Oil Company and Hassie Hunt Trust to dismiss, with respect to the transactions involved in The Texas Company's Contract Numbers S-16, S-17, S-18, and S-19 in Docket No. G-4820, and L-4 and L-6 in Docket No. G-4821, be and hereby are denied.

(B) The above-entitled proceeding shall reconvene on November 23, 1955, at 9:30 a. m., e. s. t.

Adopted: October 19, 1955.

Issued: November 8, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9201; Filed, Nov. 15, 1955; 8:48 a. m.]

[Docket No. G-9628]

BALTIC OPERATING CO.

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING FOR INVESTIGATION AND HEARING

On October 10, 1955, Baltic Operating Company (Baltic) tendered for filing First Revised Sheets Nos. 4, 6, 8 and 9 to its FPC Gas Tariff, First Revised Volume No. 1, proposed to become effective October 23, 1955, and proposing an annual rate increase to its wholesale customers of $2,400 or 6.5 percent, based on operations for the twelve-month period ending June 1955.

The purpose of Baltic's proposed increase in rates is to pass on to its customers a rate increase from its supplier, Cities Service Gas Company. The increase in rates applicable to Baltic, among others, was suspended until March 23, 1956, by order of the Commission issued on October 13, 1955, in Docket No. G-9468. Baltic's presently existing rates are in effect subject to refund if so ordered in Docket No. G-2424. The present rates reflect the increased rates of Cities Service Gas Company now under investigation in proceedings in Docket No. G-2410, which proceedings have not been concluded nor has a decision therein been made.

The State Corporation Commission of Kansas has advised that it opposes the increased rates proposed.

The increased rates and charges provided in the revised tariff sheets tendered for filing on October 10, 1955, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing pursuant to the authority contained in Sections 4 and 5 of such Act, concerning the lawfulness of Baltic's FPC Gas Tariff, First Revised Volume No. 1, and the changes proposed by the revised sheets tendered October 10, 1955; and that the aforesaid proposed revised sheets be suspended as hereinafter provided and the use be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4, 5 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the proposed rates and charges contained in Baltic's FPC Gas Tariff, First Revised Volume No. 1, and the changes proposed by the revised sheets tendered October 10, 1955.

(B) Pending such hearing and decision thereon, Baltic's First Revised Sheets Nos. 4, 6, 8 and 9 to its FPC Gas Tariff, First Revised Volume No. 1, be and the same are each hereby suspended and the use thereof deferred until April 10, 1956, and until such further time thereafter as they may be made effective in the manner prescribed by the Natural Gas Act, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by Sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 2, 1955.

Issued: November 9, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9202; Filed, Nov. 15, 1955; 8:48 a. m.]

[Docket No. G-8929]

SUN OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 8, 1955.

Take notice that Sun Oil Company (Southwest Division), Applicant, a New Jersey corporation whose address is P. O. Box 2880, Dallas, Texas, filed on May 20, 1955, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of leases in Block 12 Field, Andrews County, Texas, to Phillips Petroleum Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, December 19, 1955, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9203; Filed, Nov. 15, 1955; 8:49 a. m.]

[Docket No. G-8981]

ATLANTIC REFINING CO.

NOTICE OF APPLICATION AND DATE OF HEARING FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 8, 1955.

Take notice that The Atlantic Refining Company (Applicant), a Pennsylvania corporation whose address is P. O. Box 2819, Dallas 1, Texas filed on May 31, 1955, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce to be produced from the 291.3 acre Floy Lease out of Shore #2, Santa Cruz Grant, Starr County, Texas, to Sun Oil Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, December 20, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9204; Filed, Nov. 15, 1955; 8:49 a. m.]

[Docket No. G-9069]

PHILLIPS PETROLEUM CO.

NOTICE OF APPLICATION AND DATE OF HEARING FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 8, 1955.

Take notice that Phillips Petroleum Company (Applicant), a Delaware corporation whose address is Bartlesville, Oklahoma, filed on June 23, 1955, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production from the Bartlesville Field, San Patricio County, Texas, to Gas Gathering Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on Monday, December 19, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9205; Filed, Nov. 15, 1955; 8:49 a. m.]

concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9205; Filed, Nov. 15, 1955; 8:49 a. m.]

[Docket No. G-9239]

VICKERS PETROLEUM CO., INC.

NOTICE OF APPLICATION AND DATE OF HEARING FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 8, 1955.

Take notice that The Vickers Petroleum Co., Inc. (Applicant), a Kansas corporation whose address is P. O. Box 2240, Wichita, Kansas, filed on August 18, 1955 an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell in interstate commerce, its ¼ interest in the natural gas to be produced from a 640 acre lease in Greenwood Field, Morton County, Kansas, to Colorado Interstate Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, December 21, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW, Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9206; Filed, Nov. 15, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 86]

MOTOR CARRIER APPLICATIONS

NOVEMBER 10, 1955.

Protests, consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when the circumstances require immediate action, an application for approval, under Section 210a (b) of the Act, of the temporary operations of motor carrier properties sought to be acquired in an application under Section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 2484 Sub 30, filed November 2, 1955, E. & L. TRANSPORT COMPANY, 14201 Schaden Ave., Dearborn, Mich. Applicant's attorney: George S. Dixon, Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles* and *new automobile chassis*, in initial movements, in truckaway service, from points in that portion of Oakland County, Mich. south of Michigan Highway 59 and west of a line extending from Michigan Highway 59 southward along Union Lake Road to junction with Haggerty Highway and thence along Haggerty Highway to the southern boundary of Oakland County, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Michigan, Ohio, Indiana, Illinois, Wisconsin, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kansas, Oklahoma, Texas, and the District of Columbia: *new automobile bodies*, from the above-indicated origin territory to the above-indicated destination territory. Applicant is authorized to conduct operations in Michigan, Ohio, West Virginia, Pennsylvania, Virginia, New York, Kentucky, Illinois, Indiana, Wisconsin, Missouri, North Carolina, Tennessee, Iowa, and Maryland.

No. MC 23939 Sub 82, filed November 3, 1955, ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Vernon, Calif. Applicant's attorney: Bart F. Wade, 729 Citizens National Bank Bldg., 453 South Spring Street, Los Angeles 13, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment materials and supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in California, on the one hand, and, on the other, points in Oregon and Washington. Applicant is authorized to conduct operations in California, Colorado, Montana, Nevada, Utah and Wyoming.

No. MC 27817 Sub 33, filed November 2, 1955, HAROLD C. GABLER, R. D. #3, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 11 North Front St., Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Bulk cement*, in tank vehicles, from points in Lehigh, Northampton, Butler, Lawrence, Franklin, Allegheny, and York Counties, Pa., Carroll, Washington and Frederick Counties, Md., and Berkeley County, W. Va., to points in Maryland, Virginia, West Virginia, Pennsylvania, New York, New Jersey, and Delaware. Applicant does not presently hold any authority from this Commission to transport the commodity specified in this application.

No. MC 28733 Sub 2, filed October 24, 1955, LESTER AUTO FREIGHT, INC., Route 4, Box 31, Hood River, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Hood River, Oreg., and Parkdale, Oreg., from Hood River over Oregon Highway 281 to Parkdale and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Oregon.

No. MC 40946 Sub 12, filed November 2, 1955, DELAWARE EXPRESS CO., 401 W. Main St., Elkton, Md. For authority

to operate as a *contract carrier*, over irregular routes, transporting: *Poultry and dairy feeds, roofing material, miscellaneous farm supplies*, and *fertilizer*, from Baltimore, Md. to points in Maryland, Pennsylvania, and Delaware within 20 miles of Newark, Del.

NOTE: Applicant requests dismissal of the instant application if it is found that it already holds the above-applied for authority.

No. MC 47142 Sub 56, filed September 15, 1955, C. I. WHITTEN TRANSFER COMPANY, a corporation, 200 Nineteenth Street, Huntington, W. Va. Applicant's attorney: Chas. T. Dodrill, West Virginia Building, Huntington, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A, B, and C explosives, blasting supplies*, and *used empty containers* for explosives, blasting supplies, and powder, between points in Pennsylvania, Ohio, Virginia, West Virginia, Kentucky, North Carolina, Illinois, New Jersey, Maryland, and Indiana, on the one hand, and, on the other, Gambrills, Md., and points within five miles of Gambrills, with service at the described Maryland points restricted to interchange of traffic with other motor carriers only. Applicant is authorized to conduct operations in Illinois, Kentucky, Maryland, New Jersey, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia.

No. MC 52473 Sub 6, filed November 3, 1955, CARL H. BEHNKE, doing business as LAFLER MOVING COMPANY, 77 South Monroe St., Battle Creek, Mich. Applicant's attorney: L. F. Richardson, Michigan National Tower, Lansing 6, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Waste paper*, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to Constantine, Sturgis, Three Rivers, and Kalamazoo, Mich. Applicant is authorized to conduct operations in Illinois and Michigan.

No. MC 52473 Sub 7, filed November 3, 1955, CARL H. BEHNKE, doing business as LAFLER MOVING COMPANY, 77 South Monroe Street, Battle Creek, Mich. Applicant's attorney: L. F. Richardson, Michigan National Tower, Lansing 8, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paper and paper products*, between Battle Creek, Mich., and points in Wisconsin. Applicant is authorized to conduct operations in Michigan and Illinois.

No. MC 52713 Sub 7, filed November 2, 1955, MAXINE HUTCHENS AND B. F. BABB, doing business as CASSVILLE TRUCK LINE, Cassville, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, from Springfield, Mo., to Powell, Mo., from Springfield over U. S. Highway 60 to junction Missouri Highway 37, thence over Missouri Highway 37 to junction Missouri Highway 44, thence over Missouri Highway 44 to junction McDonald County Road "E" thence over McDonald County Road "E" to Powell, Mo., and return over the same route, serving the off-route point of Simcoe, Mo. Applicant is authorized to conduct operations in Missouri.

No. MC 65429 Sub 2, BENJAMIN S. RIZZO, doing business as BAUER MOTOR FREIGHT EXPRESS, R. D. No. 2, Bridgeton, N. J. Applicant's attorney: William Gallner, 55 E. Commerce Street, Bridgeton, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal tar resins* and *molding compounds*, and *commodities essential to and manufactured therefrom*, from Woodbury, N. J., to Stratford and Middletown, Conn., New Castle, Ind., Akron and Dayton, Ohio, Monroe, Mich., Winchester, Va., and Manheim, Pa., and *commodities* incidental to the transportation and manufacture of the commodities specified in this application on return.

No. MC 74721 Sub 55, filed October 31, 1955, MOTOR CARGO, INC., 700 Carroll Street, Akron, Ohio. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Ave., NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U. S. Highway 224 and Ohio Highway 4 at Attica, Ohio, and junction U. S. Highway 20 and Ohio Highway 4, at a point approximately three (3) miles east of Bellevue, Ohio, over Highway 4, serving no intermediate points, and serving the termini for joinder purposes only, as a connecting route for operating convenience only, in connection with regular route operations (1) between Youngstown, Ohio and Minneapolis, Minn., (2) between Akron, Ohio, and Anoka, Minn., (3) between Cleveland, Ohio and Indianapolis, Ind., and (4) between Medina, Ohio and Lorain, Ohio. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Iowa, Maryland, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, and the District of Columbia.

No. MC 87928 Sub 34, filed November 2, 1955, AUTOMOBILE TRANSPORT, INC. OF DELAWARE, 36555 Michigan Avenue, Box 29, Wayne, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles* and *new automobile chassis*, in initial movements, in truckaway service, (1) from points in Oakland County, Mich., south of Michigan Highway 59 and west of a line extending from Michigan Highway 59 southward along Union Lake Road to junction Haggerty Highway, and thence along Haggerty Highway to the southern boundary of Oakland County, to all points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, the District of Columbia, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Michigan, Ohio, Indiana, Illinois, Wisconsin, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kansas, Oklahoma, and Texas, and (2) *new automobile bodies*, from points in Oakland County, Mich., south of Michigan Highway 59 and west of a line extending from Michigan Highway 59 southward along Union Lake Road to junction Haggerty Highway, and thence along Haggerty Highway to the southern boundary of Oakland County, to all points in the above-specified destination territory. Applicant is authorized to conduct operations throughout the United States.

No. MC 101126 Sub 38, filed November 4, 1955, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Ave., Cincinnati, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Denatured Rum*, in bulk, in stainless steel tank vehicles, from Covington, Ky., to Reidsville and Durham, N. C., Richmond, Va., and Louisville, Ky., and *empty containers* or other such incidental facilities used in transporting the commodities specified on return.

No. MC 101317 Sub 24, filed October 31, 1955, MILLS KING, doing business as KING TRANSPORT, P. O. Box 2186, 323 Dawson Street, San Antonio, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles, new trucks, new assembled automobile chassis*, and *partially assembled automobile chassis*, in secondary movements, by the driveaway and truckaway methods from Memphis, Tenn., and Houston, Tex., and points within five (5) miles of each to points in Kendall County, Tex. Applicant is authorized to conduct operations in Tennessee and Texas.

NOTE: Applicant states that the purpose of this application is simply to add points in Kendall County, Tex., to the list of counties authorized as a destination territory in MC 101317 Sub 8 and not to secure any separate or independent authority.

No. MC 103378 Sub 49, filed November 5, 1955, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid glue* and *synthetic resins*, in bulk, in tank trucks, from Jacksonville, Fla. to points in Georgia and South Carolina. Applicant is authorized to conduct operations in Florida, Georgia, South Carolina, Alabama and Virginia.

No. MC 103880 Sub 146, filed June 28, 1955, (Further Amended), published July 27, 1955 on page 5370 and September 8, 1955 on page 6595, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Pe-*

troleum products, petroleum lubricants, chemicals, and *industrial soaps* and *industrial cleaners,* in bulk, in tank vehicles, from Indianapolis, Ind., to points in Kentucky, Ohio, Illinois, Michigan, Georgia, and North Carolina; (2) *Petroleum oil bases,* in bulk, in tank vehicles, from Reading, Ohio to Indianapolis, Ind.; (3) *Cutting oil* and *parting compounds,* (used in the manufacture of soap), in bulk, in tank vehicles, from Milwaukee, Wis., to points in Indiana; and (4) *Petroleum products, sea animal oil products, animal road-building and sprinkling compounds,* in bulk, in tank vehicles, from Reading, Ohio to points in Indiana, Michigan, Illinois, Kentucky, Pennsylvania, New York, and New Jersey. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin.

No. MC 103993 Sub 54, filed July 1, 1955, (amended) published on page 5214, issue of July 20, 1955, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 W. Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier,* over irregular routes, transporting: *Trailers,* designed to be drawn by passenger automobiles, in initial movements, by truckaway method, from the site of the Holiday Trailers Mfg., Inc., located approximately 8 miles south of El Reno, Okla., to all points in the United States, and *damaged shipments* of the commodity specified in this application on return. Applicant is authorized to conduct operations throughout the United States.

No. MC 108298 Sub 20, filed November 4, 1955, ELLIS TRUCKING CO., INC., 430 Kentucky Avenue, Indianapolis, Ind. Applicant's attorney: Harry E. Yockey, Morris Plan Bldg., Suite 806, 108 East Washington Street, Indianapolis 4, Ind. For authority to operate as a *common carrier,* transporting: *General commodities,* except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Vincennes, Ind., and Versailles, Ind., over U. S. Highway 50, serving no intermediate points, as an alternate or connecting route for operating convenience only, in connection with regular route operations between Memphis, Tenn., and Cincinnati, Ohio, through combination of routes between (a) Memphis, Tenn., and Indianapolis, Ind., and (b) Indianapolis, Ind., and Cincinnati, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Ohio, and Tennessee.

No. MC 108859 Sub 24 (amended), filed October 13, 1955, CLAIRMONT TRANSFER CO., a corporation, 1803–7th Ave., South, Escanaba, Mich. Applicant's attorney: Glenn W. Stephens, 121 West Doty St., Madison 3, Wis. For authority to operate as a *common carrier,* transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) over regular routes, (a) between Waldo, Wis., and Plymouth, Wis., over Wisconsin Highway 57, (b) between Green Bay, Wis., and DePere, Wis., over Wisconsin Highway 57, serving the off-route point of Little Rapids, Wis., (c) between Kiel, Wis., and Sheboygan Falls, Wis., over Wisconsin Highway 32, (d) between Howards Grove, Wis., and Sheboygan, Wis., over Wisconsin Highway 42 (formerly Wisconsin Highway 32), (e) between Potter, Wis., and the junction of Wisconsin Highways 57 and 114, over Wisconsin Highway 114, (f) between Sheboygan, Wis., and Kohler, Wis., over Wisconsin Highway 23, (g) between Milwaukee, Wis., and Racine, Wis., over Wisconsin Highway 32 (formerly Wisconsin Highway 42), (h) between junction Wisconsin Highways 57 and 144, and Random Lake, Wis., over Wisconsin Highway 144, (i) between junction Wisconsin Highways 57 and 84, and Fredonia, Wis., over Wisconsin Highway 84, (j) between Elkhart Lake, Wis., and Howards Grove, Wis., over Sheboygan County Highway A, serving the intermediate point of Franklin, Wis., and the off-route point of Johnsonville, Wis., (k) between junction Sheboygan County Highway A and Wisconsin Highway 57, and Adell, Wis., over Sheboygan County Highway A, (l) between Millersville, Wis., and junction Sheboygan County Highway JJ and Wisconsin Highway 32, over Sheboygan County Highway JJ, (m) between junction Sheboygan County Highway C and Wisconsin Highway 23, and junction Sheboygan County Highway C and Wisconsin Highway 57, over Sheboygan County Highway C, serving the intermediate or off-route (whichever is applicable) points of Crystal Lake, and Glenbeulah, Wis., (n) between junction Sheboygan County Highway P and Wisconsin Highway 23, and Elkhart Lake, Wis., over Sheboygan County Highway P, serving the intermediate or off-route (whichever is applicable) points of Crystal Lake, and Glenbeulah, Wis. (o) between junction Sheboygan County Highway J and Wisconsin Highway 57, and junction Sheboygan County Highways J and C, over Sheboygan County Highway J, (p) between Askeaton, Wis., and junction Brown County Highway Z and Wisconsin Highway 57, over Brown County Highway Z, (q) between New Holstein, Wis., and junction C, Calumet County Highways H and G, over Calumet County Highway H, serving the intermediate or off-route (whichever is applicable) point of Charlesburg, Wis., (r) between junction Calumet County Highways G and H, and Chilton, Wis., over Calumet County Highway G, serving the intermediate or off-route (whichever is applicable) point of Charlesburg, Wis., (s) between Charlesburg, Wis., and junction Calumet County Highway G and an unnamed road, over said unnamed road, (t) between junction Wisconsin Highways 32 and 96, and junction Brown County Highway G and Wisconsin Highway 96, over Wisconsin Highway 96, serving the intermediate or off-route (whichever is applicable) point of Lark, Wis., (u) between Racine, Wis., and Sturtevant, Wis., over Wisconsin Highway 11, serving the intermediate or off-route (whichever is applicable) point of Waxdale, Wis., and with no service at Sturtevant, and (v) between Howards Grove, Wis., and Manitowoc, Wis., over Wisconsin Highway 42, serving the off-route point of Spring Valley in Manitowoc County, Wis.; serving all intermediate points, excepting as otherwise specified above, on the above described routes, and off-route points as named above, and (2) over alternate routes, (a) between junction Wisconsin Highway 42 and U. S. Highway 151, and junction Wisconsin Highway 57 and U. S. Highway 151, over U. S. Highway 151, (b) between Askeaton, Wis., and junction U. S. Highway 10 and Calumet County Highway W, over Brown and Calumet Counties Highway W, (c) between Racine, Wis., and Milwaukee, Wis., over Wisconsin Highway 38, (d) between junction U. S. Highway 41, and Wisconsin Highway 100, and Milwaukee, Wis., over U. S. Highway 41, (e) between junction Wisconsin Highways 38 and 100, and junction Wisconsin Highways 100 and 57, over Wisconsin Highway 100, (f) between Manitowoc, Wis., and Green Bay, Wis., over U. S. Highway 141, (g) between Kiel, Wis., and Reedsville, Wis., over Wisconsin Highway 32, (h) between Two Rivers, Wis., and junction Wisconsin Highway 147 and U. S. Highway 141 near Cooperstown, Wis., over Wisconsin Highway 147, (i) between junction U. S. Highways 141 and 10 near Manitowoc, Wis., and Reedsville, Wis., over U. S. Highway 10, (j) between Greenleaf, Wis., and junction Wisconsin Highways 32 and 96, over Wisconsin Highway 96, (k) between junction Wisconsin Highways 42 and 149, and junction Wisconsin Highways 57 and 149, over Wisconsin Highway 149, and (l) between junction Brown County Highway G and Wisconsin Highway 32, and junction Brown County Highway G and Wisconsin Highway 96, over Brown County Highway G; serving no intermediate points, for operating convenience only, in connection with operations over regular routes as described under (1) above. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Wisconsin.

NOTE: This application and the pending application in Docket No. MC–F–6108, published on page 8064 under Section 5 applications in issue of October 26, 1955, are directly related to each other.

No. MC 110212 Sub 8, filed October 18, 1955, MICHAEL KALNASH, 526 Arlington Street, Tamaqua, Pa. Applicant's attorney: William J. Wilcox, Suite 619 Commonwealth Building, Allentown, Pa. For authority to operate as a *common carrier,* over irregular routes, transporting: *Coal,* from points in Lackawanna, Luzerne, Schuylkill and Carbon Counties, Pa., to New Hartford, Conn., and points in New Haven County, Conn. Applicant is authorized to conduct operations in Pennsylvania, Connecticut and New York.

No. MC 110264 Sub 10, filed November 4, 1955, ALBUQUERQUE PHOENIX EXPRESS, INC., 504 Veranda Road, N. W., P. O. Box 404, Albuquerque, N. Mex. For authority to operate as a *common carrier,* over regular and irregular routes, transporting: *Class A and B explosives,* (A) REGULAR ROUTES: (1) Between Carrizozo, N. Mex., and Socorro, N. Mex., from Carrizozo over U. S. Highway 380 to San Antonio, N. Mex., thence over U. S. Highway 85 to Socorro, and return over the same route, and (2) between Carrizozo, N. Mex., and Roswell, N. Mex., from Carrizozo over U. S. Highway 380 to Roswell, and return over the same route. Serving all intermediate points, and the off-route points of Nogal, Fort Stanton, and mines not on Federal or State highways in Lincoln County, N. Mex., on the above-specified routes. (B) IRREGULAR ROUTES: Between mines not on Federal or State highways in Lincoln County, N. Mex., and Carrizozo and Capitan, N. Mex. Applicant is authorized to conduct regular route operations in Arizona and New Mexico.

No. MC 110451 Sub 4, filed October 27, 1955, MIDLAND TRANSFER, INC., 2440 North Arona, St. Paul 8, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Explosives* and *blasting supplies,* from Crosby, Hibbing, and Virginia, Minn., to Ishpeming, Mich., and points within ten (10) miles of Ishpeming. Applicant is authorized to conduct operations in Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE: Applicant has irregular route operations to transport the above-described commodities from Ishpeming, Mich., and points in Michigan within ten miles of Ishpeming, to points in Minnesota, North Dakota, and South Dakota, and those in that part of Wisconsin located north and west of and including those in Pepin, Eau Claire, Clark, Marathon, Langlade and Forest Counties, Wis.

No. MC 110698 Sub 62, (amended) published on page 8061 issue of October 26, 1955, filed October 11, 1955, MILLER MOTOR LINE OF NORTH CAROLINA, INC., J. ARCHIE CANNON, Trustee, P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington, D. C. For authority to operate as a *common carrier,* over irregular routes, transporting: *Liquid acids* and *chemicals, liquid glue, formaldehyde,* and *synthetic resins,* in bulk, in tank vehicles, and *glue catalyst,* in containers with shipments of liquid glue, from Jacksonville, Fla., to points in Georgia, North Carolina, South Carolina, Alabama and Tennessee and *empty containers* or other such incidental facilities used in transporting the commodities specified on return. Applicant is authorized to conduct irregular route operations in North Carolina, South Carolina, Georgia, Tennessee, Virginia, Alabama, Florida, Louisiana and Mississippi.

No. MC 110940 Sub 10, filed November 2, 1955, ROBINS TRANSFER COMPANY, INC., P. O. Box 36 Powderly Station, Birmingham, Ala. Applicant's attorney: Bennett T. Waites, 531–34 Frank Nelson Building, Birmingham 3, Ala. For authority to operate as a *common carrier,* over irregular routes, transporting: (1) *Fish oils,* and *fish pressed water,* in bulk, in tank vehicles, from points in North Carolina, South Carolina, Georgia, and New Jersey, to Chattanooga, Tenn., and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, from Chattanooga, Tenn., to points in the above-specified origin territory. Applicant does not presently hold any authority from this Commission to transport the commodities named in this application.

No. MC 111472 Sub 33, filed November 3, 1955, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Agricultural machinery, implements and parts,* as defined by the Commission, from Rockford, Ill. to all points in the United States. Applicant is authorized to conduct operations in all states with the exception of Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, Montana, Wyoming, New Mexico, Massachusetts, Florida, North Carolina, South Carolina, and the District of Columbia.

No. MC 112520 Sub 6 (amended), filed September 19, 1955, published on page 7407, issue of October 5, 1955, SOUTH STATE OIL CO., New Quincy Road, P. O. Box 161, Tallahassee, Fla. Applicant's attorney: Dan R. Schwartz, Suite 716, Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier,* over irregular routes, transporting: *anhydrous ammonia,* in bulk, in tank vehicles, from points in Santa Rosa, Gadsden and Jackson Counties, Fla., to points in Alabama and Georgia.

No. MC 112617 Sub 16, filed October 31, 1955, LIQUID TRANSPORTERS, INC., P. O. Box 35, Cherokee Station, Louisville 5, Ky. For authority to operate as a *common carrier,* over irregular routes, transporting: *Petroleum* and *petroleum products* in bulk, in tank vehicles, from points in Jefferson County, Ky., and Clark and Floyd Counties, Ind., to points in Tennessee. Applicant is authorized to conduct operations in Kentucky, West Virginia, Ohio, Pennsylvania, Indiana, Illinois, Tennessee, Michigan, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Missouri and Wisconsin.

No. MC 113968 Sub 1, filed November 1, 1955, and amended November 4, GRANDVIEW TRUCKING CORP., 911 Stone Ave., Brooklyn, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N. Y. For authority to operate as a *common carrier,* over irregular routes, transporting: *Furniture, radios, TV receiving sets, talking machines, combination radio-TV-talking machines, refrigerators, washing machines, stoves, ironers, dryers, disposal units and sinks,* from New York, N. Y., to points in New Jersey, points in Connecticut on and west of Connecticut Highway 32, and points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Columbia, Rensselaer, Albany, Greene, Ulster, Orange, Rockland, Sullivan and Delaware Counties, N. Y.

No. MC 113993 Sub 5, filed July 29, 1955, JOSEPH SOLIS, JR., doing business as SOLIS TRUCKING, 6805 Vermejo Drive, N. W., Albuquerque, N. Mex. Applicant's attorney: Harold D. Waggoner, Simms Building, P. O. Box 103S, Albuquerque, N. Mex. For authority to operate as a *common carrier,* over irregular routes, transporting: *Lumber,* between points in New Mexico, Arizona, Utah, Colorado, Kansas, Oklahoma, and Texas. Applicant is authorized to conduct operations in Arizona, Colorado, and New Mexico.

No. MC 114163, filed April 27, 1953, amended September 3, 1953, and November 2, 1953, (reopened for further hearing), BOAT TRUCKING & WAREHOUSE CO., INC., 52 Rockywood Road, Manhasset, Long Island, N. Y. Applicant's attorney: J. Almyk Lieberman, 1776 Broadway, New York 19, N. Y. For authoriy to operate as *common carrier,* over irregular routes, transporting: *Boats,* between (1) Old Town, Maine, on the one hand, and, on the other, points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Ohio; (2) Sandusky, Ohio, on the one hand, and, on the other, points in Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Maine, Delaware, and Maryland; (3) Freeport, N. Y., on the one hand, and, on the other, points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Ohio; (4) points in New York and New Jersey, on the one hand, and, on the other, points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Ohio.

No. MC 115268 Sub 1, filed October 5, 1955, G. LEWIS CLEMMER AND C. P. COFFMAN, doing business as DAYTON TRANSPORT COMPANY, P. O. Box 35, Dayton, Va. Applicant's attorney: R. Roy Rush, 511 Boxley Building, Roanoke, Va. For authority to operate as a *common carrier,* over irregular routes, transporting: *Iron articles* and *steel articles,* such as angles, bars, bases, beams, bridge, channels, forms—structurals, joists, piling, pipe—cast iron, plates—structurals, rivets, rods, sheets, slabs, wire rope, and pipe—plate and sheet, from Roanoke, Va., to points in West Virginia on and south of U. S. Highway 33, points in Tennessee on, east and north of U. S. Highway 25–W, and those in North Carolina on and west of U. S. Highway 15.

No. MC 115285 Sub 2, filed November 4, 1955, SAMUEL L. GASCHO and JOHN D. GASCHO, doing business as S. L. GASCHO & SON, 142 New Street, Burlington, Ontario, Canada. Applicant's attorney: Rex Eames, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier,* over irregular routes, transporting: *Rock Salt,* in bags, and in bulk, in special equipment, from the International Boundary line between the United States and Canada at or near Detroit, Mich., to points in Michigan.

No. MC 115325 Sub 1, filed November 2, 1955, KELLY & WILMORE CO., INC., 1035 E. 18th Street, Owensboro, Ky. Applicant's attorney: Robert D. Symmes, 1218 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Telephone poles*, from Louisville, Ky., to points in Indiana south of U. S. Highway 40, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

No. MC 115631, filed October 20, 1955, JOHN PIZANO, doing business as EXETER GARAGE, 1169 Wyoming Ave., Exeter, Pa. Applicant's attorney: Murray Mackson, Second National Bank Bldg., Wilkes-Barre, Pa. For authority to operate as a *common carrier*, over irregular routes, tranpsorting: *Cinder blocks, concrete blocks, chimney blocks*, and *similar cinder and concrete products*, from Exeter, Pa., Wyoming, Pa., and Frackville, Pa. to Philadelphia and Hatboro, Pa., New Brunswick, N. J. and Belvidere, N. J., Ithaca, Syracuse, Monticello, Freeville, Smithtown, Solvay, and points on Long Island, N. Y.; *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 115650, filed October 28, 1955, BUCKLEY'S EGG EXPRESS, INC., South Avenue, Derry, N. H. Applicant's attorney: Philip G. Peters, 45 Market Street, Manchester, N. H. For authority to operate as a *common carrier*, over irregular routes, transporting: *Paper products*, (mostly egg case fillers), *chick boxes*, and *egg cases* from Philadelphia, Pa., to Hartford, Conn., Worcester, Mass., Nashua and Derry, N. H., Portland and Waterville, Me., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 115651, filed October 31, 1955, KANEY TRANSPORTATION, INC., 1023 E. Album St., Freeport, Ill. Applicant's representative: George S. Mullins, 4704 W. Irving Park Road; Chicago 41, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid foundry core compound, paints, paint materials, varnish, lacquers, driers, stains, shellacs, fillers, thickeners, thinners*, and *reducing or removing compounds*, in bulk, in tank vehicles, from Rockford, Ill. to Quincy, Mass., St. Louis, Mo., Omaha, Nebr., Minneapolis, Minn. and St. Paul, Minn.; points in Indiana on and north of U. S. Highway 40, those in Michigan on and south of a line beginning at Lake Michigan and extending along Michigan Highway 20 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction U. S. Highway 131, thence along U. S. Highway 131 to junction Michigan Highway 57, thence along Michigan Highway 57 to junction Michigan Highway 24, thence along Michigan Highway 24 to junction Michigan Highway 90, and thence along Michigan Highway 90 to Lake Huron; those in Wisconsin on and south of U. S. Highway 10; and those in Iowa on and east of U. S. Highway 69.

No. MC 115658, filed November 1, 1955, MARINE MOTOR TRANSPORT, INC., 814 S. W. 27th Avenue, Miami, Fla. Applicant's attorney: Leo P. Kitchen, Suite 713, Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Boats* (all sizes up to a capacity of vehicle and weight allowed by various states), *boat parts*, including *engines*, and *racks* and *frames* necessary for the transportation of boats, between points in Florida, Georgia, South Carolina, Delaware, North Carolina, Virginia, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Iowa, Oklahoma, Missouri, Arkansas, Mississippi, Alabama, Louisiana, Kentucky, Tennessee, Texas, and the District of Columbia.

No. MC 115659, filed November 3, 1955, EDMUND A. OBERMEYER, doing business as OBERMEYER TRANSFER COMPANY, Corner Washington & Grant, Clinton, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in DeWitt County, Ill., and points in Arkansas, Kentucky, Indiana, Missouri, Iowa and Wisconsin.

No. MC 115660, filed November 3, 1955, RICHARD E. JAHNEL, R. F. D. #5, Osage, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commercial fertilizer*, from Charles City and Mason City, Iowa to points in Minn., and *feed*, from points in Minn., to points in Worth, Cerro Gardo, Mitchell, Floyd, Howard and Chickasaw Counties, Iowa on return.

No. MC 115661, filed November 4, 1955, ORVAL MOORE, doing business as ORVAL MOORE TRUCKING CO., Box 305, French Lick, Ind. Applicant's attorney: Harry E. Yockey, 108 East Washington Street, Morris Plan Bldg., Suite 806, Indianapolis 4, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Products manufactured from sandstone, including sandstone veneering;* from the site of the sandstone mill of French Lick Sandstone Company, Inc., located on Indiana Highway 450 approximately 8 miles north of Shoals, Ind., to points in Michigan, Ohio, Wisconsin, and Illinois; and (2) *empty containers or other such incidental facilities* used in transporting the commodities specified, and *damaged and returned products* manufactured from sandstone, from points in the above specified states to the site of above referred to sandstone mill of French Lick Sandstone Company, Inc.

No. MC 115663, filed November 4, 1955, LAURENCE HARBAUGH, Natoma, Kans. Applicant's attorney: J. Max Harding, 901 South Thirteenth Street, Lincoln, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Race horses* and *equipment* used by race horses, *stable supplies* and *equipment used in the care and exhibition of such horses, mascots*, and the *personal effects of their attendants, trainers, and exhibitors*, (1) between points in Nebraska, Kansas, Colorado, Missouri and South Dakota, and (2) between points in Nebraska, Kansas, Colorado, Missouri and South Dakota, on the one hand, and, on the other, points in Ohio, Illinois, West Virginia, and Arkansas.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 228 Sub 17, filed October 3, 1955 (Amended), published October 12, 1955 on Page 7631, HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N. J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, in seasonal operations during the period extending from June 20 to September 15, both inclusive, of each year, (1) between Barryville, N. Y., and junction U. S. Highways 106 and 6, in Wayne County, Pa., from Barryville over New York Highway 97 to junction U. S. Highway 106 in Narrowsburg, N. Y., thence over U. S. Highway 106 to junction U. S. Highway 6, in Wayne County, (a point on applicant's authorized route); (2) between junction New York Highways 97 and 52, in the Town of Tusten, N. Y., and junction New York Highway 52 and unnumbered highway leading to Lake Huntington in the Town of Cochecton, N. Y., (a point on applicant's authorized route) over New York Highway 52; (3) between Barryville, N. Y., and Eldred, N. Y., over New York Highway 55.

NOTE: Applicant states it is authorized to serve both Barryville and Eldred, N. Y., by authority granted in Certificate No. MC 228; and (4) between Yulan, N. Y., and junction New York Highway 97 and unnumbered highway in the Town of Tusten, N. Y., over unnumbered highway via Neweiden, N. Y., (said unnumbered highway runs to Yulan via Neweiden), and return over the above routes, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

No. MC 228 Sub 19, filed November 4, 1955, HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N. J. Applicant's attorney: James F. X. O'Brien, 17 Academy St., Newark 2, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between junction New York Highway 17M (old New York Highway 17) and new New York Highway 17 in Goshen, N. Y., and junction new New York Highway 17 and New York Highway 32 in the Town of Woodbury, N. Y., from junction New York Highway 17M and new New York Highway 17 over new New York Highway 17 to junction with New York Highway 32, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New York and New Jersey.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F 6045, published in the August 17, 1955, issue of the FEDERAL REGISTER on page 5992. Amendment filed November 7, 1955, to show joinder of MORRILL AKENS, doing business as AKENS MOVING AND STORAGE, et al., as applicants in control of vendee.

No. MC–F 6106, published in the October 26, 1955, issue of the FEDERAL REGISTER on page 8064. Amendment to Section 210a (b) application filed November 3, 1955, to show substitution of lease agreement in lieu of management and control agreement. Terms of new agreement include monthly rental in the amount of $846.60 and other consideration.

No. MC–F 6128. Authority sought for control by PRODUCERS TRANSPORT, INC., 530 Paw Paw Ave., Benton Harbor, Mich., and REID TRANSPORTS, LTD., 597 Christiana St., Sarnia, Ontario, Canada, of the operating rights and property of TANK TRUCK TRANSPORT, LIMITED, P. O. Box 116, Point Edward, Ontario, Canada, and for acquisition by D. E. DAGGITT of Benton Harbor, and J. S. REID of Sarnia of control of the rights and property through the transaction. Applicant's attorney: Jack Goodman, 39 S. LaSalle St., Chicago 3, Ill. Operating rights sought to be controlled: *Dimethylterephthalate*, dry, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Burlington, N. J., to the international boundary between the United States and Canada, through the port of entry situated at or near Cape Vincent, N. Y. PRODUCERS TRANSPORT, INC., is authorized to operate in Indiana, Michigan, Ohio, Illinois, Wisconsin, Kentucky, Missouri, West Virginia, Pennsylvania, Iowa, New York, and Virginia. REID TRANSPORTS, LTD., is authorized to operate in Michigan. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6129. Authority sought for purchase by LEON F. ZULLO, doing business as PROSPECT TRUCKING COMPANY, 2129 Nottingham Way, Trenton, N. J., of the operating rights of MARINE FORWARDING, INC., 2129 Nottingham Way, Trenton, N. J. Applicants' attorney: Jacob Polin, 247 Ellis Road, Havertown, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Trenton, N. J., and New York, N. Y., between Trenton, N. J., and Burlington, N. J., between Philadelphia, Pa., and Burlington and Moorestown, N. J., between Trenton, N. J., and Hopewell, N. J., and between Trenton, N. J., and Lambertville, N. J., serving certain intermediate and off-route points; alternate route between Philadelphia, Pa., and Trenton, N. J.; *coal, processed feed, granite, logs, sawmill machinery, sawmill products, iron* and *steel, structural steel, building materials, exhibits, displays and advertising matter, machinery, fibreboard, electrical appliances, waste paper, oil, wax, sawdust, burlap bags, sawmill equipment, lumber, plumbing and heating supplies, chemicals, theatrical scenery and properties, agricultural commodities, fertilizer and fertilizer materials*, and *prefabricated buildings*, knocked down, or in sections, over irregular routes, from, to and between points in Pennsylvania, New Jersey, New York, and Maryland; *electrical refrigerators, oil burners, washing machines, air conditioning equipment, radios, electrical equipment* and *materials and supplies* used or useful in connection with the above commodities, from certain points in Pennsylvania to certain points in New Jersey, Maryland, and Delaware; *household goods*, as defined by the Commission, between Trenton, N. J., on the one hand, and, on the other, New York, N. Y., and Philadelphia, Pa. Vendee is authorized to operate in New Jersey, Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Illinois, Indiana, Ohio, Virginia, and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6130. Authority sought for purchase by BUCKINGHAM TRANSPORTATION, INC., Omaha and West Blvd., Rapid City, S. Dak., of a portion of the operating rights and certain property of MINER CARTER, doing business as CARTER TRANSPORT, Bowman, N. Dak., and for acquisition by EARL F. BUCKINGHAM AND HAROLD D. BUCKINGHAM, both of Rapid City, of control of the operating rights and property through the purchase. Applicants' attorney: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over a regular route, between Bowman, N. Dak., and Belle Fourche, S. Dak., serving all intermediate points. Vendee is authorized to operate in Minnesota, South Dakota, Nebraska, Iowa, North Dakota, Montana, Wyoming, Colorado, California, Washington, Arizona, Idaho, Oregon, and Wisconsin. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6131. Authority sought for purchase by C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Ave., St. Louis, Mich., of a portion of the operating rights of CONTRACT CARRIERS, INC., 2425 Walton St., Anderson, Ind. Applicants' attorney: Robert A. Sullivan, 2606 Guardian Bldg., Detroit 26, Mich. Operating rights sought to be transferred: *Mineral wool* (glass wool), plain or saturated, in batts or other than batts, with or without paper backing or wrapping, as a *contract carrier*, over irregular routes, from Shelbyville, Ind., to Louisville, Ky., St. Louis, Mo., and points in Illinois, Ohio, and those in the lower peninsula of Michigan. Vendee is authorized to operate in Ohio, Illinois, Indiana, Michigan, Kentucky, Missouri, and Iowa. Application has not been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-9200; Filed, Nov. 15, 1955; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 10, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 31291: *Cotton Linters—Birmingham, Ala., to St. Louis, Mo., and East St. Louis, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cotton linters, in carloads from Birmingham, Ala., to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes operating in part west of Mississippi River.

FSA No. 31292: *Crushed Stone—Ripplemead, Va., to Montgomery, W. Va.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on crushed stone, in carloads from Ripplemead, Va., to Montgomery, W. Va.

Grounds for relief: Rates constructed on the basis of a short-line distance formula and circuity.

Tariff: Supplement 160 to Agent R. B. LeGrande's I. C. C. No. 253.

FSA No. 31293: *Pumice from Bernalillo, Domingo and Santa Fe, N. Mex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pumice stone, crude or ground, in carloads from Bernalillo, Domingo and Santa Fe, N. Mex.

Grounds for relief: Rates constructed on the basis of a short-line distance formula and circuity.

Tariff: Supplement 168 to Agent Kratzmeir's I. C. C. 3987.

FSA No. 31294: *Commodity Rates—Official Territory to the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities, in carloads from points in official territory to points in the Southwest.

Grounds for relief: Carrier competition and circuity.

FSA No. 31295: *Chlorine Gas to Louisville, Ky., and Cincinnati, Ohio.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on liquid chlorine gas, in tank-car loads from points in Maryland, Michigan, New York, Ohio, Virginia, and West Virginia to Louisville, Ky., and Cincinnati, Ohio.

Grounds for relief: Market competition, competition with rail carriers and circuity.

Tariff: Supplement 3 to A. C. & Y. tariff I. C. C. No. 466 and others named in appendix A to the application.

FSA No. 31296: *Paper Boxes—Three Rivers, Mich., to Memphis, Tenn.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on paper boxes, in carloads from Three Rivers, Mich., to Memphis, Tenn.

Grounds for relief: Carrier competition and circuity.

FSA No. 31297: *Merchandise, Less-Than-Carloads Between Points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on merchan-

dise, in less-than-carloads between points in Texas, T–N. M. Ry. points in New Mexico and points in Shreveport, La., group.

Grounds for relief: Motor truck competition and circuity.

Tariffs: Supplement 5 to Agent Brown's tariff I. C. C. 835; Supplement 4 to Agent Hughett's tariff MF-I. C. C. 245.

FSA No. 31298: *Steel or Wrought Iron Pipe from Galveston, Houston, and Orange, Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on steel or wrought iron pipe, in carloads from Galveston, Houston and Orange, Texas to points in Michigan and Wisconsin.

Grounds for relief: Rates constructed on the basis of a short-line distance formula, grouping, and circuity.

Tariff: Supplement 108 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 31299: *Blackstrap Molasses from Louisiana to Texas and New Mexico.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on blackstrap molasses and hydrol, in carloads from points in Louisiana to points in Texas and T–N. M. Ry. points in New Mexico.

Grounds for relief: Rates constructed on basis of a short-line distance formula, grouping and circuity.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–9199; Filed, Nov. 15, 1955; 8:48 a. m.]

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TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, Revised, Supp. 6]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS UNDER REGULATIONS SUPPLEMENTAL TO KHAPRA BEETLE QUARANTINE

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR Supp. 301.76–2, 20 F. R. 1012) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), revised administrative instructions issued as 7 CFR Supp. 301.76–2a (20 F. R. 4361), effective June 22, 1955, as amended effective July 13, 1955, July 30, 1955, August 17, 1955, September 17, 1955, and October 11, 1955 (20 F. R. 4979, 5447, 5961, 6992, 7565), are hereby further amended in the following respects:

a. The designation as regulated areas of the following premises, included in the list contained in such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

ARIZONA

Arizona Sales Co., 116 West Fourth Avenue, Mesa.
H. P. Fites Ranch, Route 3, Box 302, Yuma.
Arthur McCoy Property, Route 1, Box 754, Yuma.
F. P. Nielson & Sons, 116 West Fourth Avenue, Mesa.
Pablo Ortiz Property, 220 Water Street, Yuma.
Western Grain Elevator, 116 West Fourth Avenue, Mesa.

CALIFORNIA

B & J Farm Service, 101 Walnut Street, Porterville.
Joe Clement, Jr., Ranch, 9102 Hanford-Armona Road, Hanford.
Colusa Feed & Seed Company, 851 Seventh Street, Colusa.
J. Garafalo Ranch, on Airport Road, 1½ miles south of Colusa.
Will Gill and Sons Feed Yard, South Pine Street, Madera.
J. D. Heiskell & Co., Inc., 116 West Cedar Street, Tulare.
Steiner Feed & Seed, 515 19th Street, Bakersfield.
Triangle Grain Co., 10118 Artesia Place, Bellflower.
Herman Vossler (large farm storage), Route 1, Box 192, Porterville.
Woodard Ranch (David Nowell, lessee), located one mile west and seven-tenths mile south of Blythe Checking Station. Mail address Box 561, Blythe.

b. The following premises are added to the list, contained in such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist. Such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations:

ARIZONA

C. A. Batty Farm, Box 27, Glenbar.
Casey Seed Company, 2902 Grand Avenue, Phoenix.
Phoenix Hay & Feed Company, 4111 North Seventh Street, Phoenix.
Pratt's Feed & Farm Supply, 4455 North Seventh Street, Phoenix.

CALIFORNIA

Thomas Blackman Property (Bag fumigation), southwest corner of intersection of Sixth Street and Emerson, Calexico.
Hershel Brady Ranch, 1531 East A Street, Brawley.
Madeline Britton Property, 219 First Street, Calexico.
Olaf Dahlquist Ranch, intersection of Road 28 and West N, Route 2, Box K, Imperial.
Harry Finney Ranch, Somerset Road, SW¼ of sec. 24, T. 10 N., R. 3 W., near Hinkley.
H. Johnson Ranch, Route 1, Box 206, Terra Bella.
R. Langley Ranch, Route 2, Box 39A, Holtville.
Gene Malone Ranch, Route 1, Box 1440M, Indio.
F. B. Marlow Ranch, intersection of West A and Road 54, Star Route, Box 27, Westmoreland.
Peter L. Marston Ranch, Route 2, Box 261, El Cajon.

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FEDERAL REGISTER

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(For use during 1955)

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Kelly McCollum Ranch, intersection of Road 28 and West E, Route 1, Box G, Imperial.

St. Anthony Ranch (St. Anthony Oil Corp.), located 2 miles south of Mecca at northeast corner of Avenue 68 and Lincoln Street, P. O. Box 564, Mecca.

Walter E. Scott Ranch, southwest corner of 14th Avenue and Defrain Boulevard, P. O. Box 283, Blythe.

Mrs. L. E. Sinclair (residence), Road East A, one-half mile south of intersection with Road 65, P. O. Box 234, Calipatria.

Albert Whitlock Ranch, southeast corner of intersection of Highway 111 and Road 77, P. O. Box 19, Calipatria.

W. E. Young Ranch, intersection of East N and Road 66, P. O. Box 267, Calipatria.

William Youtsler Ranch, intersection of West J and Road 58, Route 1, Brawley.

c. The item appearing in the list, contained in such instructions under the subhead California, as "Joe Grassotti Ranch, located south side of Fairview Road, one-half mile west of Highway 99. Mail address Box 899, Bakersfield" is changed to read: Joe Grassotti Ranch, 899 West Fairview Road, Bakersfield.

d. The item appearing in the list, contained in such instructions under the subhead California, as "J. A. Ivey Ranch, Route 1, Box 167, Blythe" is changed to read: J. A. Ivey Ranch, Route 2, Box 167, Blythe.

e. The item appearing in the list, contained in such instructions under the subhead California, as "Kern County Land Co., Feed Yard, Gosford" is changed to read: Kern County Land Company, Gosford Feed Yard, 2920 M Street, Bakersfield.

f. The item appearing in the list, contained in such instructions under the subhead California, as "Mee Ranches (lessee), 1901 Brundage Lane, Bakersfield" is changed to read: Mee Ranches (lessee), 1901 East Brundage Lane, Bakersfield.

g. The item appearing in the list, contained in such instructions under the subhead California, as "Emil Rebik Ranch, near East P on north side of Road 58, Box 184, Imperial" is changed to read: Emil Rebik Ranch, near East P on north side of Road 58, Box 184, Brawley.

This amendment shall be effective November 17, 1955.

Subsequent to the fifth amendment of these instructions, effective October 11, 1955, infestations of the khapra beetle were discovered on the Henry Frauenfelder Farm, Route 1, Box 95, Somerton, Arizona, and the Desert Feed Store, 1139 West Hatcher Road, Phoenix, Arizona. Movement of regulated articles from these properties was immediately stopped. Within a few days these infested premises had been fumigated and declared free of khapra beetle infestation. Accordingly, these properties are not being included in this amendment.

This amendment revokes the designation as regulated areas of certain premises, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds additional premises to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations. It further corrects certain designations of presently regulated areas.

This amendment in part imposes restrictions supplementing khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of presently regulated areas. It must be made effective promptly in order to carry out the purposes of the regulations and to permit unrestricted movement of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 10th day of November 1955.

[SEAL] W. L. POPHAM,
Chief, Plant Pest Control Branch.

[F. R. Doc. 55-9247; Filed, Nov. 16, 1955; 8:50 a. m.]

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 600—FUNCTIONS AND PROCEDURES

Part 600 is revised to read as follows:

Sec.
600.1 Soil and water conservation.
600.2 Flood prevention.
600.3 Watershed protection and flood prevention.
600.4 Watershed protection (pilot).
600.5 Land conservation and utilization.
600.6 Water conservation and utilization.
600.7 Appeal from administrative action.

AUTHORITY: §§ 600.1 to 600:7 issued under sec. 4, 49 Stat. 164, sec. 32, 50 Stat. 525, 56 Stat. 725; 7 U. S. C. 1011, 16 U. S. C 590d. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 600.1 *Soil and water conservation*—(a) *Cooperation with soil conservation districts.* (1) The Soil Conservation Service furnishes assistance to soil conservation districts in accordance with a basic memorandum of understanding between the Department of Agriculture and the governing body of each soil conservation district. Copies of that memorandum and forms and information relating to cooperation with districts may be obtained from the respective State Conservationists.

(2) The Soil Conservation Service, in accordance with the basic memorandum of understanding makes assistance available to a district pursuant to a supplemental memorandum of understanding between the district and the Service, after (i) the district has formulated a district program and work plan outlining how it will carry on its activities, and (ii) the State Conservationist determines that the district program and work plan constitute a satisfactory basis for making asssitance available, and that such assistance is available. The Soil Conservation Service may also give the district certain preliminary assistance in connection with the formulation of the district's conservation program and work plan.

(3) Requests by district governing bodies for Soil Conservation Service assistance may be submitted to the State Conservationist, with an explanation of the district's needs on the basis of its work plan. If he determines that assistance is available, copies of the form of supplemental memorandum of understanding will be furnished to the district governing body for execution. Upon return of the executed supplemental memorandum of understanding to the State Conservationist, he is responsible for executing it on behalf of the Soil Conservation Service. A Soil Conservation Service representative prepares and furnishes to the district a schedule of the specific assistance that the Service can make available for the remainder of the current fiscal year. Thereafter, schedules are made annually covering the period ending June 30 of the following year.

(4) Assistance to districts includes technical services, together with clerical assistance, transportation and other facilities required by staff technicians and limited amounts of new plant materials.

(b) *Soil surveys.* (1) All soil survey activities of the Department of Agriculture were combined under the administration of the Soil Conservation Service during the 1953 fiscal year to insure that the needs of all survey users could be met in one standard soil survey. Soil surveys are conducted by the Soil Conservation Service in cooperation with the land grant colleges and other cooperating agencies.

(2) The Soil Survey provides (i) an orderly scientific inventory of the soil resources of the country according to their potentialities and problems of use, (ii) standard soil surveys that meet all reasonable needs of farmers, agricultural technicians, engineers and scientists in planning research and in effectively transferring findings of research and experience to specific fields and other local land areas and (iii) the best possible technical basis and service for planning soil and water conservation on farms and ranches within soil conservation districts.

§ 600.2 *Flood prevention.* The Soil Conservation Service and the Forest Service are carrying out works of improvement for flood prevention on the following eleven watersheds:

Buffalo Creek, New York.
Potomac River, Maryland, Pennsylvania, Virginia, West Virginia.
Coosa River, Georgia.
Little Tallahatchie River, Mississippi.
Yazoo River, Mississippi.
Trinity River, Texas.
Colorado River (Middle), Texas.
Washita River, Oklahoma.
Little Sioux River, Iowa.
Los Angeles River, California.
Santa Ynez River, California.

This work was initiated in 1946 under authority of the Flood Control Acts. Works of improvement will not be installed in additional watersheds under this authority since the Watershed Protection and Flood Prevention Act (68 Stat. 666) repealed the authority of the Department of Agriculture under the Flood Control Acts to make preliminary examination and surveys and to prosecute works of improvement for runoff and waterflow retardation and soil erosion prevention on rivers and other waterways with the exception of the eleven watersheds authorized by the Flood Control Act of December 22, 1944. Works of improvement are installed on the eleven watersheds in cooperation with State and local agencies and organizations. Flood prevention work plans are prepared to provide water management patterns on a subwatershed basis; they also provide facts and characteristics on watershed problems and plans for abatement of floodwater, sediment, and erosion damages by a combination of land treatment and structural measures. Procedures for cooperating with soil conservation districts in carrying out flood prevention operations are generally similar to those described in § 600.1. Information regarding this program may be obtained from the Administrator or from the respective State Conservationists.

(58 Stat. 887; 33 U. S. C. 701–1)

§ 600.3 *Watershed protection and flood prevention.* (a) The Administrator of the Soil Conservation Service is responsible for administering the Watershed Protection and Flood Prevention Act which authorizes the Secretary of Agriculture to assist local organizations in preparing and carrying out plans for works of improvement in watershed or subwatershed areas not exceeding 250,000 acres in size, for flood prevention or the agricultural phases of the conservation, development, utilization and disposal of water (irrigation, drainage and other agricultural water management measures). A local organization must have authority under State law to carry out, maintain and operate the necessary works of improvement. In order to receive this assistance, the local organization must first submit its application to the State agency having supervisory responsibility over such programs, or to the governor if no State agency exists. If the State agency or the governor approves the application, or fails to disapprove it within 45 days, planning assistance in preparing a watershed work plan may be provided by the State Conservationist of the Soil Conservation Service upon authorization by the Administrator. Such authorization is generally based upon priority recommendations of the State agency or the governor.

(b) After planning assistance is authorized, a watershed work plan is prepared setting forth the works of improvement to be installed during a specified period, and their cost and benefits, together with pertinent information concerning the watershed and the obligations of the local organization and the Secretary of Agriculture in carrying out the proposed plan.

(c) When the local organization and the Secretary of Agriculture have agreed on the watershed work plan, the plan, after a 60 day review period by the governor and concerned Federal agencies, is submitted to the Congress through the President. After such plan has remained before the Congress for a period of 45 legislative days occurring during regular or special sessions, the Secretary of Agriculture is authorized to provide technical and financial assistance for carrying out works of improvement in accordance with the provisions of the watershed work plan. After July 1, 1956, local organizations must enter into and administer all contracts for the construction of structures. The Soil Conservation Service may provide technical assistance for land treatment measures; installation services for structural measures including surveys, site investigations, layout, design, preparation of specifications, supervision of construction and related forms of assistance; and share in the construction cost of the structures. Information regarding the availability of this assistance may be obtained from the Administrator or from the respective State Conservationists.

(68 Stat. 666)

§ 600.4 *Watershed protection (pilot).* (a) The Soil Conservation Service, with the assistance of the Forest Service, is carrying out a program of watershed protection in 58 watersheds in 34 States. This program was initiated by the Department of Agriculture Appropriation Act, 1954, and is being carried out under the authority of the Soil Conservation Act of 1935.

(b) It is anticipated that the program will be completed on the 58 watersheds by the end of the fiscal year 1958 at a total cost of $28,706,000 to the Federal Government and at least an equal amount to local interests. No additional watersheds will be treated under this program. The purpose of the program is to (1) provide experience in developing sound procedures for local-State-Federal cooperation in achieving the watershed objectives of local people, and (2) demonstrates the actual physical results of a planned watershed program by determining increased productivity, decreased erosion, decreased floodwater and sediment damages, and other benefits resulting from watershed improvements. Works of improvement are installed on the 58 watersheds in accordance with watershed work plans developed in cooperation with the soil conservation districts sponsoring the the projects. These plans provide for the installation of the needed land treatment and structural measures for reducing floodwater, sediment, and erosion damages. Provisions are also made for measuring the effectiveness of the planned measures. Procedures for cooperating with soil conservation districts in carrying out the project are generally similar to those described in § 600.1 Information regarding this program may be obtained from the Administrator or from the respective State Conservationists.

§ 600.5 *Land conservation and utilization.* (a) Activities of the Soil Conservation Service administering lands acquired under Title III involves the operation of nurseries.

(b) Information concerning the availability of nursery lands for use by States, their political sub-divisions, colleges, universities, and others is available from the Administrator or the State Conservationists.

(c) Easements, leases, licenses, permits, and other instruments granting privileges to use land administered under Title III of the Bankhead-Jones Farm Tenant Act, in connection with the construction and maintenance of telephone lines, transmission lines, pipe lines, roads, irrigation and drainage ditches, dams, fire towers, radio towers, television towers, and other purposes related to transportation, communication, and fire protective measures (but not those power lines or dams, licenses for which are required by law to be granted by the Federal Power Commission) may be obtained from the Administrator.

§ 600.6 *Water conservation and utilization.* (a) The Soil Conservation Service, within the limits of project authorizations issued pursuant to the Water Conservation and Utilization Acts, is carrying out functions in connection with the construction and development of water conservation and utilization projects in the 17 Western States. The Department of Agriculture participation is concerned with the acquisition, development, and settlement on a sound agricultural basis, of project lands, and includes technical guidance and advice to settlers thereon in agricultural matters.

(b) The State Conservationist, when he determines that the acquisition of land is necessary, will have the land in question appraised on the basis of its normal earning capacity. Land will be acquired only at prices and with title satisfactory to the Secretary of Agriculture.

(c) Project Supervisors will determine the extent of land development to be carried out on acquired land, which work may be done either by contract after competitive bids have been received or by force account, with the Soil Conservation Service hiring the labor and purchasing the materials. Project lands and irrigation distribution systems in private ownership likewise may be developed or improved under the contract with the owner upon his request to the Project Supervisor, who will furnish information regarding the conditions under which the work will be prosecuted.

(d) Acquired project lands will be sold, insofar as practicable, in family-size farm units, as determined by State Conservationists. Prior to the time project lands have been developed for irrigation and irrigation water is available, land acquired by the Government may be leased to qualified operators upon application to the project supervisor. After acquired lands have been developed for irrigation and irrigation water is available, State Conservationists will advertise the number of family-size units on projects which will be available for sale and the number which will be available for lease, with option to purchase, at any specified time, except that no advertisement will be made as to units to be sold to persons to whom commitments to purchase were made prior to September 11, 1946, and who have been approved by the Family Selection committee. Developed tracts of land less than family-size farms will be sold without advertising to local farmers who now own less than economic family-size farms when their applications are approved by the Family Selection committee. Application forms, for showing the applicant's qualifications, and information concerning the purchase of project farms may be obtained from the respective project supervisors or State Conservationists. Prospective tenants and purchasers must, insofar as practicable, be in need of a family-type farm; be citizens of the United States; have had previous experience in farming where the major portion of the family income was from the farm; have a satisfactory credit reputation; and own or be in a position to secure necessary equipment and livestock to operate the land for which application is being made. In addition, prospective purchasers must be free from permanent infectious diseases or disabilities that are likely to obstruct the fulfillment of their obligations incident to the purchase of the farm. Applicants will be considered and passed upon by a Family Selection committee composed of seven persons residing in the community or county in which the project is located. The applicants will be notified of the action taken by the Family Selection committee.

(53 Stat. 1418, as amended; 16 U. S. C. 590y)

§ 600.7 *Appeals from administrative action.* In the case of any administrative action taken or decision made pursuant to authority delegated by the Administrator, any member of the public may make an appeal by filing with the officer who made the decision a written request for reconsideration thereof or a notice of appeal. A decision of such officer shall be final unless an appeal is taken therefrom within a reasonable length of time by the person aggrieved. The decision appealed from shall be reviewed by the immediate superior of the officer by whom the decision was made; that is, in the following order: By State Conservationists and the Administrator. Unless a written notice of appeal contains an acceptable reason for allowing a longer time for the preparation of the case, the appellant shall file immediately a statement setting forth in detail the respect in which the action or decision from which the appeal is being taken is contrary to or in conflict with the law, Departmental or Federal regulation, or the determined facts. Upon receipt of such statement the officer from whose decision or action the appeal is taken shall prepare a statement presenting the facts and considerations upon which the decision or action was taken. The appellant's statement, together with the officer's statement and all papers comprising the records of the case, shall be then transmitted to the officer to whom the appeal is taken, who will thereupon review the case and notify both the appellant and the officer of the decision.

Dated: November 7, 1955.

[SEAL] D. A. WILLIAMS,
Administrator.

[F. R. Doc. 55-9250; Filed, Nov. 16, 1955; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 142]

PART 608—RESTRICTED AREAS

CERTAIN ALTERATIONS IN ARIZONA AND CALIFORNIA

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of Section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.12, the Fort Hauchuca, Arizona, area (R-181 formerly D-181), amended on October 20, 1955 in 20 F. R. 7902, is further amended by changing the "Time of Designation" column to read: "Unlimited".

2. In § 608.14, the San Diego, California, areas (R-298 and R-299 formerly D-298 and D-299, respectively), designated on July 16, 1949 in 14 F. R. 4288, are rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective December 12, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9224; Filed, Nov. 16, 1955; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53945]

PART 6—AIR COMMERCE REGULATIONS

REVOCATION OF DESIGNATION OF ISLA GRANDE AIRPORT, SAN JUAN, PUERTO RICO, AS AN INTERNATIONAL AIRPORT

NOVEMBER 10, 1955.

The designation of Isla Grande Airport, San Juan, Puerto Rico, as an international airport (airport of entry) for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (49 U. S. C. 179 (b)), is hereby revoked, effective on the date of publication of this Treasury decision in the FEDERAL REGISTER.

The list of international airports in § 6.13, Customs Regulations, is hereby amended by deleting therefrom the location and name of said airport.

(R. S. 161, sec. 7, 44 Stat. 572, as amended; 5 U. S. C. 22, 49 U. S. C. 177)

Notice of the proposed revocation of the designation of Isla Grande Airport as an international airport (airport of entry) was published in the FEDERAL REGISTER of September 30, 1955 (20 F. R. 7313), pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003). No objections to such action were received. The revocation is made for the reason that this airport will be used exclusively for military operations, in view of which the delayed effective date requirement of section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) is being dispensed with.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-9255; Filed, Nov. 16, 1955; 8:51 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Appendix—Extension of the Trust or Restricted Status of Certain Indian Lands

TRUST PERIODS EXPIRING DURING CALENDAR YEAR 1956

By virtue of and pursuant to the authority delegated by Executive Order No. 10250 of June 5, 1951, and pursuant to section 5 of the act of February 8, 1887, 24 Stat. 388, 389, the act of June 21, 1906, 34 Stat. 325, 326, and the act of March 2, 1917, 39 Stat. 969, 976, and other applicable provisions of law, it is hereby ordered that the periods of trust or other restrictions against alienation contained in any patent applying to Indian lands, whether of a tribal or individual status, which, unless extended, will expire during the calendar year 1956, be, and the same are hereby, extended for a further period of one year from the date on which any such trust would otherwise expire.

This order is not intended to apply to any case in which Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

NOVEMBER 9, 1955.

[F. R. Doc. 55-9232; Filed, Nov. 16, 1955; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order V-5]

DMO V-5—PROGRAMS FOR EXPANSION OF SUPPLIES OF MATERIALS NEEDED FOR DEFENSE PURPOSES IN THE EVENT OF A MAJOR DISASTER

By virtue of the authority vested in me pursuant to the Defense Production Act of 1950, as amended, the Strategic and Critical Materials Stock Piling Act, the National Security Act, section 168 of the Internal Revenue Code of 1954, Reorganization Plan No. 3, effective June 12, 1953, and Executive Order 10480 of August 14, 1953, it is hereby ordered that:

1. Where a major disaster, as defined and determined under the provisions of the act entitled "An Act to Authorize Federal Assistance to States or Local Governments in Major Disasters, and for other purposes" (64 Stat. 1109), has either reduced the supplies of materials needed for defense purposes or has increased defense requirements for such materials, all agencies having defense mobilization assignments shall promptly recommend appropriate programs to the Office of Defense Mobilization for expansion of supply under authority of the Defense Production Act of 1950, as amended.

2. This order shall take effect immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-9285; Filed, Nov. 15, 1955; 4:09 p. m.]

[Defense Mobilization Order V-6]

DMO V-6—Provision of Materials Under Government Control as Needed to Supplement Supplies Commercially Available in the Event of a Major Disaster for Use in Reconstruction or to Meet Defense Orders

By virtue of the authority vested in me pursuant to the Defense Production Act of 1950, as amended, the Strategic and Critical Materials Stock Piling Act, the National Security Act, section 168 of the Internal Revenue Code of 1954, Reorganization Plan No. 3, effective June 12, 1953, and Executive Order 10480 of August 14, 1953, it is hereby ordered that:

1. Where a major disaster, as defined and determined under the provisions of the act entitled "an Act to Authorize Federal Assistance to States or Local Governments in Major Disasters, and for other purposes" (64 Stat. 1109), has impeded production or movement of materials essential to defense purposes (including meeting of defense orders and the reconstruction of facilities essential to the mobilization base) all agencies having defense mobilization assignments shall promptly advise the Office of Defense Mobilization of the quantities and qualities of materials needed for specific defense projects. In the event that other measures cannot make adequate provision for supplying the needed materials, then the ODM will arrange with the General Services Administration for diversions of material under contract to the government or release of materials from the Defense Production Act inventory. Where appropriate, the ODM will arrange with the Department of Agriculture for sale of such materials from the Commodity Credit Corporation inventories.

2. This order shall take effect immediately.

Office of Defense Mobilization,
Arthur S. Flemming,
Director.

[F. R. Doc. 55-9286; Filed, Nov. 15, 1955; 4:09 p. m.]

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-11A (Formerly NPA Order M-11A), Amdt. 9 of November 15, 1955]

M-11A—Copper and Copper-Base Alloys

AMOUNT OF PRODUCTION CAPACITY TO BE RESERVED

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

This amendment affects BDSA Order M-11A (formerly NPA Order M-11A), as amended, by changing the amount of production capacity which producers of copper controlled materials must reserve for the acceptance of authorized controlled material orders.

Paragraph (b) of section 9 of BDSA Order M-11A, as amended by Amendment 8 of May 17, 1955, is hereby further amended to read as follows:

(b) The production capacity to be reserved by a copper controlled materials producer for the production of each copper controlled material product to be delivered pursuant to authorized controlled material orders for any such product for a particular month, shall be that capacity required to produce a quantity by weight of such product, computed by multiplying the average shipment of such product by the applicable percentage set opposite such product in the following list:

	Percentage for orders calling for delivery—	
	Prior to Jan. 1, 1956	After Dec. 31, 1955
Brass mill products:		
Unalloyed:		
Plate, sheet, strip, and rolls	8	8
Rod, bar, shapes, and wire	11	9
Seamless tube and pipe	6	5
Alloyed:		
Plate, sheet, strip, and rolls	6	8
Rod, bar, shapes, and wire	5	7
Seamless tube and pipe	20	20
Military ammunition cups and discs	30	30
Copper wire mill products:		
Copper wire and cable:		
Bare and tinned	8	9
Weatherproof	8	9
Magnet wire	8	9
Insulated building wire	8	9
Paper and lead power cable	8	9
Paper and lead telephone cable	8	9
Asbestos cable	8	9
Portable and flexible cord and cable	8	9
Communications wire and cable	8	9
Shipboard cable	8	9
Automotive and aircraft wire and cable	8	9
Insulated power cable	8	9
Signal and control cable	8	9
Coaxial cable	8	9
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	8	9
Copper foundry products	9	8
Unalloyed copper powder mill products	(1)	(1)
Copper-base alloy powder mill products	(1)	(1)

[1] No reserve space provided. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of the DMS regulations and this order. However, section 7 (f) of this order does not apply to such authorized controlled material orders.

(Sec. 704, 64 Stat. 816, as amended, Pub. Law 295, 84th Cong.; 50 U. S. C. App. 2154)

This amendment shall take effect November 15, 1955.

Business and Defense Services Administration,
By George W. Auxier,
Executive Secretary.

[F. R. Doc. 55-9284; Filed, Nov. 15, 1955; 3:55 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1250]

[Fairbanks 010777]

ALASKA

REVOKING PUBLIC LAND ORDER NO. 1206 OF AUGUST 10, 1955

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 1206 of August 10, 1955, withdrawing the following public lands for use of the Department of the Air Force for military purposes is hereby revoked:

Fairbanks Meridian

T. 3 S., R. 3 E.,
Sec. 7, lots 5 and 6;
Sec. 8, S½;
Sec. 17, lots 1, 2, 3, and 4, E½NW¼, E½;
Sec. 18, lot 1;
Sec. 20, lots 1, 2, 3 and 4, E½;
Sec. 29, lots 1, 2, 3 and 4, SE¼NE¼, N½ NE¼;
Sec. 32, lot 1.

and

Those certain islands or portions thereof, lying in the Tanana River south of the north line of T. 3 S., R. 2 E., F. M., extended west to the west bank of the Tanana River and lying west of the north-south center line of Section 34, T. 3 S., R. 3 E., F. M., extended south to the west bank of the Tanana River.

The areas described aggregate 5,283.10 acres.

The lands are located adjacent to the west boundary of Eielson Air Force Base, and virtually all of them are subject to periodic flooding.

Subject to any existing valid rights and the requirements of applicable law, the lands described are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Home Site and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference

rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on December 15, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on March 16, 1956, will be governed by the time of filing.

(2) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on March 16, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on March 16, 1956.

Persons claiming veterans preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

Wesley A. D'Ewart,
Assistant Secretary of the Interior.

November 9, 1955.

[F. R. Doc. 55-9227; Filed, Nov. 16, 1955; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter G—Navigation Requirements for Certain Inland Waters

[CGFR 55-48]

PART 82—BOUNDARY LINES OF INLAND WATERS

EDITORIAL CHANGE REGARDING PASS CAVALLO LIGHTED WHISTLE BUOY 1 ON THE GULF COAST

The Pass Cavallo Lighted Whistle Buoy 1 is used as a reference point in the description of the line dividing the inland waters from the high seas between the Brazos River and the Rio Grande, Texas (33 CFR 82.116). During 1955 this buoy was moved because the channel shifted. Therefore, this editorial amendment to 33 CFR 82.116 substitutes for this buoy a reference point designating the place where the Pass Cavallo Lighted Whistle Buoy 1 was formerly located so that the line established by regulations published in the Federal Register December 8, 1953 (18 F. R. 7894), will not be affected.

Because the amendment in this document is editorial in nature it is hereby found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate rules and regulations in accordance with section 2, 28 Stat. 672, as amended (33 U. S. C. 151), the following amendment to § 82.116 is prescribed and shall become effective on the date of publication in the Federal Register:

§ 82.116 *Brazos River, Tex., to the Rio Grande, Tex.* A line drawn from Freeport Entrance Lighted Bell Buoy 1 to a point 4,350 yards, 118° true, from Matagorda Lighthouse; thence to Aransas Pass Lighted Whistle Buoy 1A; thence to a position 10½ miles, 90° true, from the north end of Lopeno Island (Lat. 27°00.1′ N., Long. 97°15.5′ W.); thence to Brazos Santiago Entrance Lighted Whistle Buoy 1.

(Sec. 8, 18 Stat. 127, as amended; 14 U. S. C. 92)

Dated: November 9, 1955.

[SEAL] J. A. Hirshfield,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 55-9234; Filed, Nov. 16, 1955; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

CROW INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946, Public Law 404, 79th Congress; the acts of Congress approved August 1, 1914; June 4, 1920; May 26, 1926; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 41 Stat. 751; 44 Stat. 658; 45 Stat. 210; 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 11, 1946 (11 F. R. 10279), and by virtue of authority delegated by the Commissioner of Indian Affairs to the Regional Director September 13, 1949, by Order No. 2535, notice is hereby given of intention to modify § 130.12 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Crow Indian Irrigation Project to read as follows:

§ 130.12 *Charges.* In compliance with the provisions of the act of August 1, 1914 (38 Stat. 583; 25 U. S. C. 385), the operation and maintenance charges for irrigable lands under the Crow Indian Irrigation Project and under certain private ditches for the calendar year 1956 and subsequent years until further notice are hereby fixed as follows:

For the assessable non-district area under constructed works on all Government-operated units excepting Coburn Ditch, per acre	$2.50
For the assessable area under constructed works on certain tracts of irrigable trust patent Indian land within and benefited by the Two Leggins Unit, per acre	1.74
For the assessable area on certain tracts of irrigable trust patent Indian land within and benefited by the Bozeman Trail Unit, per acre	1.25
For all lands in Indian ownership under the Bozeman Trail Unit on June 28, 1946, and under constructed works on all Government-operated units in the Little Big Horn watershed; for non-Indian, non-irrigation district lands, under private ditches, contracting for the benefits and repayment for the costs of the Willow Creek Storage Works; for operation and maintenance of said Works, per acre	.10
For certain tracts of irrigable trust patent Indian lands within and benefited by the Two Leggins Drainage District (contract dated June 29, 1932), per acre	.75

Interested persons are hereby given an opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to the Area Director, U. S. Indian Service, Billings, Montana, within 30 days from the date of the publication of this notice of intention in the daily issue of the Federal Register.

J. M. Cooper,
Area Director.

[F. R. Doc. 55-9226; Filed, Nov. 16, 1955; 8:45 a. m.]

NOTICES

POST OFFICE DEPARTMENT

DECENTRALIZATION OF POST OFFICE OPERATIONS, EMBRACING ILLINOIS, MICHIGAN, AND WISCONSIN, AND ESTABLISHMENT OF REGIONAL HEADQUARTERS AT CHICAGO, ILL.

The following is the text of Order No. 55600 of the Postmaster General, dated April 26, 1954:

Pursuant to the authority of section 1 (b) of Reorganization Plan No. 3 of 1949, the following changes will become effective on April 30, 1954:

1. On the effective date there will be established a regional headquarters at Chicago, Ill., under a Regional Operations Manager. Geographically this region will embrace the States of Illinois (excluding Henry, Rock Island, and Whiteside Counties), Michigan, and Wisconsin, and Lake County, Ind. The Regional Operations Manager will be responsible to the Assistant Postmaster General, Bureau of Post Office Operations, for the direction of post office operations in this region. The Regional Operations Manager will also be subject to all policies affecting regional operations prescribed by the Department in Washington. There will also be a Regional Controller in the regional office who, for the time being, will be responsible to the Controller. The Regional Personnel Manager will be administratively responsible to the Regional Operations Manager insofar as Bureau of Operations activities are concerned, and functionally to the Assistant Postmaster General—Personnel. Functions, such as those listed below, which were formerly discharged by various headquarters bureaus and offices in Washington, will now be discharged by the regional staff.

A. Personnel functions, including such items as recruitment, selection and placement of personnel; training activities; labor relations; safety and health programs; classification of positions; awards and efficiency rating systems; review and disposition of disciplinary actions; and liaison with the Civil Service Commission in the region.

B. Service functions, including recommendations to the Department for the establishment or discontinuance of post offices, classified stations and branches; approval of requests for allowances of funds; maintenance of high standards of service in all post offices; and effective control of costs.

C. Industrial engineering functions, including administration of cost reduction programs; improvement in work methods; endorsement of requests for capital expenditures; maintenance of work standards; layout of facilities; provision of work simplification methods and training; and development of systems and procedures, other than accounting and fiscal procedures.

D. Controller functions including the direction of accounting, budget and cost analysis activities.

E. Public information functions, including encouragement of public cooperation and participation in improving postal methods; and maintaining good relations with federal, state, and municipal officials.

2. Bureaus and offices other than the following are unaffected by this order:

A. Bureau of Operations.
B. Bureau of Personnel.
C. Bureau of Controller.

All other bureaus and offices, however, are expected to coordinate and cooperate with this new regional organization. Decentralization of other departmental functions and the placing of activities already decentralized into the regional organization will be carried forward as soon as possible. Orders effectuating these changes will be issued from time to time.

3. The region will be divided into eight districts. All postmasters in each district, except the Chicago postmaster, will report directly to their district manager. The Chicago postmaster will report directly to the regional operations manager.

4. Previous orders or instructions concerning the routing of communications from postmasters to the above-mentioned bureaus in Washington are hereby superseded. All communications, except from the Chicago post office, with respect to the functions set forth in this order will be directed to the appropriate district manager, with the exceptions of monthly and quarterly accounts, which will continue to be routed as at present.

5. District headquarters cities, and the counties included in each district, are as follows:

DISTRICT NO. 1—CHICAGO, ILL.

Illinois counties: Boone, Carroll, Cook, De Kalb, Du Page, Grundy, Jo Daviess, Kane, Kankakee, Kendall, Lake, La Salle, Lee, McHenry, Ogle, Stephenson, Will, Winnebago.

Indiana County: Lake.

DISTRICT NO. 2—OSHKOSH, WIS.

Wisconsin counties: Barron, Buffalo, Burnett, Calumet, Chippewa, Clark, Douglas, Dunn, Eau Claire, Fond du Lac, Jackson, Manitowoc, Outagamie, Pepin, Pierce, Polk, Portage, Rusk, Saint Croix, Sawyer, Sheboygan, Taylor, Trempealeau, Washburn, Waupaca, Waushara, Winnebago, Wood.

DISTRICT NO. 3—GREEN BAY, WIS.

Michigan counties: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft.

Wisconsin counties: Ashland, Bayfield, Brown, Door, Florence, Forest, Iron, Kewaunee, Langlade, Lincoln, Marathon, Marinette, Oconto, Oneida, Price, Shawano, Vilas.

DISTRICT NO. 4—MILWAUKEE, WIS.

Wisconsin counties: Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Green Lake, Iowa, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Marquette, Milwaukee, Monroe, Ozaukee, Racine, Richland, Rock, Sauk, Vernon, Walworth, Washington, Waukesha.

DISTRICT NO. 5—GRAND RAPIDS, MICH.

Michigan counties: Allegan, Antrim, Barry, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Clinton, Eaton, Emmet, Grand Traverse, Hillsdale, Ingham, Ionia, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, Saint Joseph, Van Buren, Wexford.

DISTRICT NO. 6—DETROIT, MICH.

Michigan counties: Alcona, Alpena, Arenac, Bay, Cheboygan, Clare, Crawford, Genesee, Gladwin, Gratiot, Huron, Iosco, Isabella, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe, Montmorency, Oakland, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, Saint Clair, Sanilac, Shiawasee, Tuscola, Washtenaw, Wayne.

DISTRICT NO. 7—PEORIA, ILL.

Illinois counties: Adams, Brown, Bureau, Cass, Champaign, Christian, De Witt, Ford, Fulton, Hancock, Henderson, Iroquois, Knox, Livingston, Logan, McDonough, McLean, Macon, Marshall, Mason, Menard, Mercer, Morgan, Peoria, Piatt, Pike, Putnam, Sangamon, Schuyler, Scott, Stark, Tazewell, Vermilion, Warren, Woodford.

DISTRICT NO. 8—SAINT LOUIS, MO.

Illinois counties: Alexander, Bond, Calhoun, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Moultrie, Perry, Pope, Pulaski, Randolph, Richland, Saint Clair, Saline, Shelby, Union, Wabash, Washington, Wayne, White, Williamson.

6. District Managers will be designated in a separate announcement. They will act for and be responsible to the Regional Operations Manager on post office matters within their Districts. Each District Manager will be responsible for functions delegated to him by the Regional Operations Manager, including such things as: Making major operating decisions within his District; recommending action on all supervisory appointments; recommending action on requests for funds; advising Regional Operations Manager on District matters and conditions; carrying out regional policies in the District; interpreting departmental and regional policies and recommending changes; coordinating with other bureaus and government agencies in the District; taking necessary actions on complaints; directing the control of expenditures in the District; and maintaining essential records.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55-9246; Filed, Nov. 16, 1955; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The City of Waldport, Oregon, has filed an application, Serial No. Oregon 02948, for the withdrawal of the lands described below, from all forms of appropriation including general mining laws and mineral leasing laws.

The applicant desires the land for watershed purposes for protection of City's water supply and recreation, with the stipulation the management of the timber growing on the land remain under administration of the United States, Bureau of Land Management.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objection in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1001 Northeast Lloyd Boulevard, P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, LINCOLN COUNTY, OREGON

T. 14 S., R. 11 W.,
Sec. 5, Lot 10. Total area 40.62 acres.

VIRGIL T. HEATH,
State Supervisor.

NOVEMBER 7, 1955.

[F. R. Doc. 55-9228; Filed, Nov. 16. 1955; 8:46 a. m.]

UTAH (A-2)

SMALL AREA CLASSIFICATION ORDER NO. 1

NOVEMBER 10, 1955.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954, (19 F. R. 2473), I hereby classify the following described public lands totaling 383.4 acres in San Juan County, Utah, as suitable for construction of uranium ore mill, townsite, and other facilities connected therewith, as provided in Section 7 of the Act of June 28, 1934 (48 Stat. 1272) as amended by the Act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315f).

SALT LAKE MERIDIAN

Beginning at a point which bears N. 53° 3' E. 550 feet of the quarter corner common to sections 15 and 16, T. 34 S., R. 14 E., thence N. 6° 5' E. 4,142 feet; thence N. 56° 32' W. 2,760 feet; thence S. 35° 33' W. 2,640 feet; thence S. 58° 34' E. 2,068 feet; thence S. 5° 34' E. 501 feet; thence S. 28° 24' W. 230 feet; thence S. 61° 4' W. 2,530 feet; thence S. 64° 53' W. 445 feet; thence S. 88° 59' W. 1,540 feet; thence S. 9° 55' E. 840 feet; thence N. 83° 35' E. 5,759 feet to point of beginning, containing 383.4 acres.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except provisions for millsites and the mineral leasing laws. This land is located approximately two miles east of the junction of White Canyon and the Colorado River in San Juan County, Utah. This order is to remain in effect until revoked.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55-9229; Filed, Nov. 16, 1955; 8:46 a. m.]

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 10, 1955.

The U. S. Forest Service, Department of Agriculture has filed an application, Serial No. Montana 020559 (SD), for the withdrawal of the lands described below, from location and entry under the general mining laws.

The applicant desires the land for picnic grounds and camp grounds.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS PRINCIPAL MERIDIAN

BLACK HILLS NATIONAL FOREST

Battle Creek Picnic Ground:
T. 2 S., R. 6 E.,
Sec. 10, SE¼SW¼NE¼.
Total area 10 acres.

Beaver Creek Picnic Ground:
T. 5 S., R. 5 E.,
Sec. 21, E½NE¼SE¼;
Sec. 22, W½NW¼SW¼.
Total area 40 acres.

Boulder Park Picnic Ground:
T. 5 N., R. 4 E.,
Sec. 15, SW¼SW¼SE¼, SE¼SE¼SW¼;
Sec. 22, NW¼NW¼NE¼, NE¼NE¼NW¼.
Total area 40 acres.

Boxelder Forks Picnic Ground:
T. 3 N., R. 5 E.,
Sec. 20, S½SE¼SE¼;
Sec. 28, SW¼NW¼NW¼;
Sec. 29, N½NE¼NE¼, SE¼NE¼NE¼.
Total area 60 acres.

Ditch Creek Camp Ground:
T. 1 S., R. 2 E.,
Sec. 14, SE¼NW¼SE¼, S½NE¼NW¼SE¼, N½NE¼SW¼SE¼.
Total area 20 acres.

Elk Creek Picnic Ground:
T. 4 N., R. 5 E.,
Sec. 26, NW¼NE¼.
Total area 40 acres.

Flynn Creek Picnic Ground:
T. 4 S., R. 5 E.,
Sec. 20, N½SE¼SE¼.
Total area 20 acres.

Glen Erin Picnic Ground:
T. 4 S., R. 5 E.,
Sec. 4, NW¼SW¼SW¼, NW¼SW¼;
Sec. 5, NE¼SE¼SE¼, SE¼NE¼SE¼.
Total area 70 acres.

Icebox Canyon Picnic Ground:
T. 4, N., R. 2 E.,
Sec. 23, N½NW¼SW¼SE¼, SW¼NW¼SE¼, S½SE¼NE¼SW¼, N½NE¼SE¼SW¼, W½SE¼NW¼SE¼.
Total area 30 acres.

Lightning Creek Picnic Ground:
T. 4 S., R. 3 E.,
Sec. 1, NE¼SE¼NW¼, NW¼SW¼NE¼, SE¼NE¼NW¼, SW¼NW¼NE¼.
Total area 40 acres.

Newton Forks Picnic Ground:
T. 1 S., R. 4 E.,
Sec. 14, SE¼NW¼.
Total area 40 acres.

Mann Road Picnic Ground:
T. 4 S., R. 2 E.,
Sec. 3, SW¼SW¼SE¼.
Total area 10 acres.

Mitchell Lake Camp Ground:
T. 1 S., R. 5 E.,
Sec. 28, N½NW¼NW¼, NW¼NE¼NW¼.
Total area 30 acres.

Moon Camp Ground:
T. 1 S., R. 1 E.,
Sec. 21, NE¼SW¼.
Total area 40 acres.

Reno Gulch Picnic Ground:
T. 2 S., R. 4 E.,
Sec. 3, NW¼NW¼NW¼;
Sec. 4, NE¼NE¼NE¼.
Total area 20 acres.

Rockerville Camp Ground:
T. 1 S., R. 6 E.,
Sec. 14, SW¼SE¼.
Total area 40 acres.

Spring Creek Picnic Ground:
T. 1 S., R. 6 E.,
Sec. 5, S½SW¼SE¼ and SE¼SE¼SW¼;
Sec. 8, NE¼NE¼NW¼ and NW¼NW¼NE¼.
Total area 50 acres.

Strato Rim Picnic Ground:
T. 1 S., R. 6 E.,
Sec. 12, SE¼NE¼ and E½SW¼NE¼.
Total area 60 acres.

Vanocker Picnic Ground:
T. 5 N., R. 5 E.,
Sec. 32, N½NW¼NE¼.
Total area 20 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 55-9230; Filed, Nov. 16, 1955; 8:47 a. m.]

COLORADO

SMALL TRACT CLASSIFICATION NO. 15

NOVEMBER 8, 1955.

1. Pursuant to authority delegated to me by the Director, Bureau of Land Management, by order No. 541, dated April 21, 1954 (19 F. R. 2473), the following described lands totaling approximately 200 acres in Grand County, Colorado, are hereby classified as suitable for lease and sale for residence purposes under the Small Tract Act, of June 1, 1938 (52 Stat. 609, 43 U. S. C., Sec. 682 (a)), as amended:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 3 N., R. 76 W.,
Sec. 22: NE¼, NW¼SE¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682 (a)), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to 9:00 a. m. July 21, 1954, will be granted a preference right as provided for by 43 CFR 257.5 (a).

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 55-9231; Filed, Nov. 16, 1955; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SWEETPOTATOES

NOTICE OF PURCHASE PROGRAM WMP 45a

In order to encourage domestic consumption of sweetpotatoes by diverting them from the normal channels of trade and commerce in accordance with Section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, a sweetpotato purchase program was made effective on November 1, 1955, and will continue as needed to and including December 31, 1955. Purchases under this program will be made in producing areas where surpluses are causing serious marketing problems. Sweetpotatoes so purchased will be distributed to nonprofit school lunch programs and other eligible outlets. The quantity to be purchased will depend upon marketing conditions at the time of purchase, the availability of outlets for the use of sweetpotatoes without waste, and upon the amount of funds available for such purchases. Information relative to this purchase program may be obtained from: Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended, 7 U. S. C. and Sup. 612c)

Done at Washington, D. C., this 14th day of November 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9215; Filed, Nov. 16, 1955; 8:45 a. m.]

Commodity Stabilization Service

PEANUTS

REDELEGATION OF FINAL AUTHORITY BY NORTH CAROLINA STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE

Section 729.731 of the Marketing Quota Regulations for the 1956 Crop of Peanuts (20 F. R. 6033), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1393), provides that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State Committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the North Carolina State Agricultural Stabilization and Conservation Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the persons to whom the authority has been redelegated:

NORTH CAROLINA

Sections 729.720 and 729.728—A. P. Hassell, Jr., Chief, Administrative Division of the Office of the State ASC Committee.

Section 729.722—J. L. Nicholson, Program Specialist (PA) of the Office of the State ASC Committee.

Section 729.724 (b)—H. D. Godfrey, Administrative Officer of the Office of the State ASC Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1372, 1373, 1374, 1376, 1388)

Issued at Washington, D. C., this 10th day of November 1955.

[SEAL] EARL M. HUGHES,
Administrator, Commodity Stabilization Service.

[F. R. Doc. 55-9248; Filed, Nov. 16, 1955; 8:50 a. m.]

Office of the Secretary

MICHIGAN

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following named counties in the State of Michigan a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MICHIGAN

Alcona.	Montmorency.
Alpena.	Ogemaw.
Antrim.	Oscoda.
Charlevoix.	Otsego.
Cheboygan.	Presque Isle.
Emmet.	Roscommon.
Kalkaska.	

After June 30, 1956, production emergency loans will not be made in any of the above-named counties except to borrowers who are indebted for such loans.

Done at Washington, D. C., this 10th day of November, 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-9251; Filed, Nov. 16, 1955; 8:50 a. m.]

NORTH CAROLINA

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS AND ECONOMIC EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following named counties in the State of North Carolina a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources:

NORTH CAROLINA

Beaufort.	Jones.
Bertie.	Lenoir.
Bladen.	Martin.
Brunswick.	Nash.
Camden.	New Hanover.
Carteret.	Onslow.
Chowan.	Pamlico.
Columbus.	Pasquotank.
Craven.	Pender.
Cumberland.	Perquimans.
Currituck.	Pitt.
Dare.	Sampson.
Duplin.	Scotland.
Edgecombe.	Tyrrell.
Gates.	Vance.
Granville.	Warren.
Greene.	Washington.
Hertford.	Wayne.
Hyde.	Wilson.

Pursuant to delegations of authority from the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 19 F. R. 5364, and 20 F. R. 4664), and for the purpose of making economic emergency loans pursuant to section 2 (b) of Public Law 38, 81st Congress, as enacted by Public Law 115, 83d Congress (12 U. S. C. 1148a–2 (b)), as amended, it has been determined that the above named counties in North Carolina are within the area affected by the major disaster occasioned by hurricanes determined by the President on August 13, 1955, as amended on August 19, 1955 and September 20, 1955, pursuant to Public Law 875, 81st Congress (42 U. S. C. 1855 et seq.), and that an economic disaster exists in the above named counties that has caused a need for agricultural credit that cannot be met for a temporary period from commercial banks, cooperating lending agencies, the Farmers Home Administration under its regular loan programs, or other responsible sources.

Pursuant to authority set forth in this document, production emergency loans and economic emergency loans may be made to new applicants in the above named counties through December 31, 1956. Thereafter, production emergency loans may be made in such counties only to borrowers indebted for production emergency loans, and economic emergency loans may be made in such counties only to borrowers indebted for economic emergency loans.

Done at Washington, D. C., this 10th day of November 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9252; Filed, Nov. 16, 1955; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 7021, 7027, 7330]

CITY OF FORT SMITH, ARK., ET AL.

NOTICE OF ORAL ARGUMENT

In the matters of the applications of The City of Fort Smith, Arkansas and Fort Smith Chamber of Commerce, Central Airlines, Inc. and Ozark Air Lines, Inc. for temporary exemptions under section 416 (b) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled matter is assigned to be held on November 22, 1955, 10:00 a. m., e. s. t., in room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 10, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-9256; Filed, Nov. 16, 1955; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11516; FCC 55M-940]

ELIZABETH EVANS AND W. COURTNEY EVANS (WSUX)

NOTICE OF PREHEARING CONFERENCE

In re application of Elizabeth Evans and W. Courtney Evans (WSUX), Seaford, Delaware, Docket No. 11516, File No. BMP-6870; for construction permit.

Pursuant to Rules 1.841 and 1.813, a prehearing conference will be held on Monday, November 21, 1955, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Dated: November 7, 1955.

[SEAL] HERBERT SHARFMAN,
Hearing Examiner.

[F. R. Doc. 55-9257; Filed, Nov. 16, 1955; 8:51 a. m.]

[Docket Nos. 11533, 11534; FCC 55-1103]

CENTRAL NEW YORK BROADCASTING CORP. AND TRIANGLE PUBLICATIONS, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Central New York Broadcasting Corporation, Elmira, New York Docket No. 11533, File No. BPCT-2000; Triangle Publications, Inc., (Radio and Television Division), Elmira, New York, Docket No. 11534, File No. BPCT-2008; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of November 1955;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 18 at Elmira, New York; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing thereon, of all objections to their applications, and were given an opportunity to reply; and

It further appearing that upon due consideration of the above applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) a hearing is mandatory; that Central New York Broadcasting Corporation is legally, technically, and financially qualified to construct, own and operate the proposed television broadcast station and is otherwise qualified except as to issue "1" below; and that Triangle Publications, Inc. (Radio and Television Division), is legally, technically, and financially qualified to construct, own and operate the proposed television broadcast station, and is otherwise qualified except as to issues "(1)" and "(2)" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m., on the 2d day of January 1956, in Washington, D. C., upon the following issues:

(1) To determine whether the type and character of the program service proposed by Central New York Broadcasting Corporation and Triangle Publications, Inc. (Radio and Television Division), would meet the needs of the principal community to be served.

(2) To determine, in the light of the Grade A overlap which would exist between the proposed operation of Triangle Publications, Inc. (Radio and Television Division), and the operation of its television Station WNBF-TV, Binghamton, New York, whether a grant of its application would be consistent with the provisions of section 3.636 of the Commission's rules and its policies promulgated thereunder.

(3) To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Adopted: November 9, 1955.

Released: November 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9258; Filed, Nov. 16, 1955; 8:51 a. m.]

[Docket No. 11536 etc.; FCC 55-1112]

RADIO HERKIMER ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Louis Adelman, Norman E. Jorgensen and Seymour Krieger, d/b as Radio Herkimer, Herkimer, New York, Docket No. 11536, File No. BP-9619; Bay State Broadcasting Company (WBSM), New Bedford, Massachusetts, Docket No. 11537, File No. BP-9649; Western Massachusetts Broadcasting Company (WBEC), Pittsfield, Massachusetts, Docket No. 11538, File No. BP-9653; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of November 1955;

The Commission having under consideration the above-entitled applications of Louis Adelman, Norman E. Jorgensen and Seymour Krieger, d/b as Radio Herkimer, for a construction permit for a new standard broadcast station at Herkimer, New York, to operate on 1420 kilocycles with a power of 1 kilowatt, daytime only; of Bay State Broadcasting Company to change the facilities of Station WBSM, New Bedford, Massachusetts, from operation on 1230 kilocycles with a power of 100 watts, unlimited time, to operation on 1420 kilocycles with a power of 1 kilowatt, directional antenna, unlimited time; and of the Western Massachusetts Broadcasting Company for a construction permit to change the facilities of Station WBEC, Pittsfield, Massachusetts, from operation on 1490 kilocycles with a power of 250 watts, unlimited time, to operation on 1420 kilocycles with a power of 1 kilowatt, directional antenna, unlimited time; and

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to construct and operate its proposed facilities; but that mutual interference nighttime is involved in the proposed operations of Stations WBSM and WBEC to the extent that the percentage of population within the normally protected primary service area affected would be approximately 8.8 per cent in the WBSM proposal and 12 percent in the WBEC proposal so that the WBEC proposal would not comply with section 3.28 (c) of the Commission's rules; and that the Radio Herkimer proposal would cause interference daytime to the WBEC proposal; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated April 21, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that in a letter dated August 2, 1955, WBEC contended that its proposal should come within the exception to section 3.28 (c) by providing the first nighttime facility to the city since the other existing facility in Pittsfield (WBRK) provides service to only part of the city; and that, if its proposal is not considered to be within the exception, a waiver of section 3.28 (c) is requested on the grounds of substantial compliance, of providing additional service to approximately 40,000 persons, and of making possible a simultaneous grant of the other two proposals which would also provide additional service to a substantial number of persons; and

It further appearing that the exception to section 3.28 (c) referred to by WBEC provides that "an assignment may be made if the proposed station would provide a standard broadcast nighttime facility to a community not having such a facility • • •", that the differentiation between facility and service by a presently assigned facility is patent; and that this proposal does not come within the said exception; and

It further appearing that the Commission, on the basis of the information before it, is unable to make a determination as to whether the grounds advanced by WEBC are sufficient to constitute a valid basis for a waiver of section 3.28 (c) of the rules; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WBSM and WBEC and the areas and populations which would receive primary service from the operation proposed by Radio Herkimer, and the availability of other primary service to such areas and populations of the three proposals.

2. To determine whether the proposed operations of Stations WBSM and WBEC would involve mutual nighttime interference, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, as a result of the interference received by the proposed operation of WBEC, the proposal would comply with the provisions of section 3.28 (c) of the Commission's rules and whether circumstances exist which would warrant waiver of that rule.

4. To determine whether the operation proposed by Radio Herkimer would cause interference to the proposed operation of Station WBEC, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine in light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-entitled applications would best provide a fair, efficient and equitable distribution of radio service.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegation of fact in support thereof, by the addition of the following issue:

To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated

Released: November 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9259; Filed, Nov. 16, 1955; 8:52 a. m.]

[Docket No. 11539 etc.; FCC 55-1114]

MUSSER BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Sam Ferguson Musser and Gloria G. Musser d/b as Musser Broadcasting Company, Elizabethtown, Pennsylvania, Docket No. 11539, File No. BP-9698; Will Groff tr/as Colonial Broadcasting Company, Elizabethtown, Pennsylvania, Docket No. 11540, File No. BP-9759; H. Raymond Stadiem, Lester P. Etter and M. Leonard Savage d/b as Radio Columbia, Columbia, Pennsylvania, Docket No. 11541, File No. BP-9940; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of November 1955;

The Commission having under consideration the above-entitled applications for construction permits for new standard broadcast stations by Sam Ferguson Musser and Gloria G. Musser, a partnership, d/b as Musser Broadcasting Company, to operate on 1580 kilocycles with a power of 1 kilowatt, daytime only, at Elizabethtown, Pennsylvania; by Will Groff, tr/as Colonial Broadcasting Company, to operate on 1600 kilocycles with a power of 500 watts, daytime only, at Elizabethtown, Pennsylvania; and by H. Raymond Stadiem, Lester P. Etter and M. Leonard Savage, a limited partnership, d/b as Radio Columbia to operate on 1580 kilocycles with a power of 500 watts, daytime only, at Columbia, Pennsylvania; and

It appearing that each applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the proposed operations of the Musser Broadcasting Company and Colonial Broadcasting Company are mutually exclusive; that the proposed operations of Musser Broadcasting Company and Radio Columbia are mutually exclusive; that measurements would be required to prove that 2 and 25 mv/m contour overlap would not occur between the proposed operations of Colonial Broadcasting Company and Radio Columbia; that the proposed operation of Radio Columbia would cause interference to Station WPGC, Morningside, Maryland (1580 kc, 10 kw, DA-Day); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated May 18, 1955, and August 10, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that an amendment was filed on September 2, 1955, by the Colonial Broadcasting Company and on October 12 and 19, 1955, by Radio Columbia purporting to reduce the radiation efficiency of the proposed antenna systems, but that measurements would still be required to prove that no overlap of the 2 and 25 mv/m contours would obtain in the proposed operations of Colonial Broadcasting Company and Radio Columbia; and

It further appearing that in a letter dated September 8, 1955, Station WPGC opposed a grant of the application of Radio Columbia and requested that it be designated for hearing and stated that it would appear and participate in the proceeding; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Radio Columbia would involve objectionable interference with Station WPGC, Morningside, Maryland, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the respective 2 mv/m and 25 mv/m contours of the proposed operations of Colonial Broadcasting Company and Radio Columbia would overlap.

4. To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

5. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which, if any, of the above-entitled applications would provide the most fair, efficient and equitable distribution of radio service.

It is further ordered, That WPGC, Inc., licensee of Station WPGC, Morningside, Maryland, is made a party to the proceeding.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

Released: November 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9260; Filed, Nov. 16, 1955; 8:52 a. m.]

[Docket Nos. 11642, 11543; FCC 55-1115]

COURIER-TIMES, INC., AND DON H. MARTIN (WSIM)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Courier-Times, Inc., New Castle, Indiana, Docket No. 11542, File No. BP-8886; Don H. Martin (WSIM), Salem, Indiana, Docket No. 11543, File No. BP-9392; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of November 1955;

The Commission having under consideration the above-entitled applications of Courier-Times, Inc., for a construction permit for a new standard broadcast station to operate on 1220 kilocycles with a power of 250 watts, daytime only with directional antenna at New Castle, Indiana; and Don H. Martin to increase the power of Station WSIM, Salem, Indiana from 250 watts to one kilowatt to operate on 1220 kilocycles, daytime only; and

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues below, to operate its proposed station, but that both stations as proposed would result in mutually destructive interference; that the application of Courier-Times, Inc., may cause interference to Station WHBU, Anderson, Indiana (1240 kc, 250 w, unl.); and that it has not been determined what adverse effects, if any, to the operation of the proposed New Castle directional antenna system may be expected because of the proximity of high power transmission lines and the corrective action contemplated if adverse effects result; and

It further appearing that the Courier-Times application, as amended, involves an increase in radiation towards WHBU, Anderson, Indiana, to the extent that the respective 2 mv/m and 25 mv/m contours of the Courier-Times proposal and Station WHBU may overlap, and field intensity measurements, made and analyzed in accordance with the Commission Engineering Standards, would be required to prove that such overlap would not occur; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated August 9, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would serve the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of Courier-Times, Inc. and the availability of other service to such areas and populations.

2. To determine the areas and populations which would gain or lose primary service from Station WSIM operating as proposed and the availability of other primary service to such areas and populations.

3. To determine whether the operation proposed by Courier-Times, Inc., would involve objectionable interference with Station WHBU, Anderson, Indiana, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine, in view of the proximity of high power transmission lines, whether the proposed directional antenna system of Courier-Times, Inc., could operate as proposed.

5. To determine, whether the respective 2 mv/m and 25 mv/m contours of the proposed operation of Courier-Times, Inc., and Station WHBU, Anderson, Indiana, would overlap.

6. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-entitled applications would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That Anderson Broadcasting Corporation, licensee of Station WHBU, Anderson, Indiana, is made a party to the proceeding.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

Released: November 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9261; Filed, Nov. 16, 1955; 8:52 a. m.]

[Docket No. 11544; FCC 55-1118]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B

FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Leaksville, N. C.	247	233

3. The purpose of the proposed amendment is to provide a Class B channel in Leaksville, North Carolina, for station WLOE-FM which will eliminate the present interference caused in the area to reception of television station WSLS-TV, Roanoke, Virginia, from its operations on Channel No. 247.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before December 9, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed before or on the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of section 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 9, 1955.

Released: November 10, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9262; Filed, Nov. 16, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-6222 etc.]

ANDERSON-PRICHARD OIL CORP. AND FIRST CHICAGO CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 8, 1955.

In the matters of Anderson-Prichard Oil Corporation, Docket Nos. G-6222-G-6250, incl.; G-6614-G-6615, incl.; G-6617; G-6681-G-6683, incl.; G-6685-G-6688, incl.; G-7093-G-7095, incl.; and G-7225; Anderson-Prichard Oil Corporation and First Chicago Corporation, Docket No. G-6680 and G-7226.

Take notice that Anderson-Prichard Oil Corporation (Anderson-Prichard), a Delaware corporation and First Chicago Corporation (First Chicago), a Texas corporation, Applicants, with their principal places of business at Oklahoma City, Oklahoma, and Fort Worth, Texas, respectively, filed applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Docket No.	Date filed	Location of field	Buyer
G-6222-G-6224, inclusive, and G-6685.	Nov. 29, 1954 Nov. 30, 1954	Chickasha Field, Grady County, Okla.	Consolidated Gas Utilities Corp.
G-6225	Nov. 29, 1954	Golden Trend, Hart Field, Garvin County, Okla.	Lone Star Gas Co.
G-6226	do	Langlie-Mattix Field, Lea County, N. Mex.	El Paso Natural Gas Co.
G-6227, G-6229, G-6234, G-6241-G-6244, inclusive, and G-6249.	do	Golden Trend Field, Garvin County, Okla.	Warren Petroleum Corp.; Cities Service Oil Co.; Kerr-McGee Oil Industries; Oklahoma Natural Gas Co.; The Texas Co.
G-6228, G-6246, G-6688	do Nov. 30, 1954	Monument Field, Lea County, N. Mex.	Warren Petroleum Corp.
G-6230	Nov. 29, 1954	Blanco Field, San Juan County, N. Mex.	El Paso Natural Gas Co.
G-6231 and G-6248	do	Wasson Field, Yoakum County, Tex.	Shell Oil Co.; Coltexo Corp.
G-6232, G-6238, G-6239 and G-6247.	do	S. W. Maysville Field, Garvin County, Okla.	Warren Petroleum Corp.; Cities Service Oil Co.; Kerr-McGee Oil Industries; Oklahoma Natural Gas Co.; and The Texas Co.
G-6233	do	Velma Field, Stephens County, Okla.	Skelly Oil Co.
G-6235	do	Goldsmith Field, Ector County, Tex.	Phillips Petroleum Co.
G-6236 and G-6240	do	Witcher Field, Oklahoma County, Okla.	Peppers Refining Co.
G-6237	do	Drinkard Field, Lea County, N. Mex.	Skelly Oil Co.
G-6245	do	Slaughter Field, Cochran County, Tex.	Stanolind Oil & Gas Co., et al.
G-6250 and G-6615	do Nov. 30, 1954	Southwest Antioch Field, Garvin County, Okla.	Warren Petroleum Co.; Cities Service Oil Co.; Kerr-McGee Oil Industries; Oklahoma Natural Gas Co.; and The Texas Co.
G-6614	do	Sprayberry Trend Field, Upton and Reagan Counties, Tex.	El Paso Natural Gas Co.
G-6617	do	Levelland Field, Hockley County, Tex.	Stanolind Oil & Gas Co.
G-6680-G-6682, incl, G-6686, G-7094 and G-7226.	do Dec. 1, 1954	Langlie-Mattix Field, Lea County, N. Mex.	El Paso Natural Gas Co.
G-6683	Nov. 30, 1954	San Domingo Field, Bee County, Tex.	Texas Eastern Transmission Corp.
G-6687	do	Wade City Field, Jim Wells County, Tex.	Orange Grove Oil & Gas Corp.
G-7093	do	Sprayberry Trend Area, Upton County, Tex.	Phillips Petroleum Co.
G-7095	do	Ray Field, Bee County, Tex.	Transcontinental Gas Pipe Line Corp.
G-7225	Dec. 1, 1954	North Lindsay Field, McClain County, Okla.	Warren Petroleum Co.; Cities Service Oil Co.; Kerr-McGee Oil Industries; Oklahoma Natural Gas Co.; and The Texas Co.

Applicants produce and sell natural gas for transportation in interstate commerce for resale, as indicated above.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 14, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9233; Filed, Nov. 16, 1955; 8:47 a. m.]

[Docket No. G-5671 etc.]

W. B. OSBORN, JR., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 10, 1955.

In the matters of W. B. Osborn, Jr., Docket No. G-5671; B. O. Biedenharn, Docket No. G-5672; C. O. Barrett, Docket No. G-5673; W. B. Osborn, Docket No. G-5674; Jewel Osborn, Docket No. G-5675; Lee Minton, Docket No. G-5676; Delia Minton, Docket No. G-5677; Winnie Lou Jones, Docket No. G-5678.

Take notice that the above designated parties with a principal office in San Antonio, Texas, filed applications in the designated dockets on November 23, 1954, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the sale of natural gas in interstate commerce for resale in accordance with the data reflected in the following tabulation, subject to the jurisdiction of the Commission, all as fully set forth in the applications filed herein, and open to public inspection.

The applications reflect:

Docket No.	Applicant	Purchaser and sale date	Field	County and State
G-5671	W. B. Osborn, Jr.	Colorado Interstate Gas Co. (Aug. 26, 1947).	Hugoton	Kearny, Grant Haskell, Finney, Kans.
		Colorado Interstate Gas Co. (Aug. 1, 1949).	do	Do.
		Northern Natural Gas Co. (Sept. 29, 1950).	do	Do.
		Lone Star Gas Co. (Jan. 1, 1953)	Katie	Garvin, Okla.
		Lone Star Gas Co. (Jan. 1, 1954)	do	Do.
		do	do	Do.
		do	do	Do.
		Tennessee Gas Transmission Co. (Apr. 1, 1954).	Zim	Starr, Tex.
G-5672	B. O. Biedenharn	Colorado Interstate Gas Co. (Aug. 26, 1947).	Hugoton	Kearny, Grant Haskell, Finney, Kans.
		Colorado Interstate Gas Co. (Aug. 1, 1949).	do	Do.
		Northern Natural Gas Co. (Sept. 29, 1950).	do	Do.
		Lone Star Gas Co. (Jan. 1, 1953)	Katie	Garvin, Okla.
		Lone Star Gas Co. (Jan. 1, 1954)	do	Do.
		do	do	Do.
		do	do	Do.
		Tennessee Gas Transmission Co. (Apr. 1, 1954).	Zim	Starr, Tex.
G-5673	C. O. Barrett	Colorado Interstate Gas Co. (Aug. 26, 1947).	Hugoton	Kearny, Grant Haskell, Finney, Kans.
		Colorado Interstate Gas Co. (Aug. 1, 1949).	do	Do.
		Northern Natural Gas Co. (Sept. 29, 1950).	do	Do.
		Lone Star Gas Co. (Jan. 1, 1953)	Katie	Garvin, Okla.
		Lone Star Gas Co. (Jan. 1, 1954)	do	Do.
		do	do	Do.
		do	do	Do.
		Tennessee Gas Transmission Co. (Apr. 1, 1954).	Zim	Starr, Tex.
G-5674	W. B. Osborn	Colorado Interstate Gas Co. (August 26, 1947).	Hugoton	Kearney, Grant Haskell, Finney, Kans.
		Colorado Interstate Gas Co. (August 1, 1949).	do	Do.
		Northern Natural Gas Co. (August 29, 1950).	do	Do.
		Lone Star Gas Co. (January 1, 1953).	Katie	Garvin, Okla.
		do	do	Do.
		Lone Star Gas Co. (January 1, 1954).	do	Do.
		do	do	Do.
		Tennessee Gas Transmission Co. (April 1, 1954).	Zim	Starr, Tex.
		Tennessee Gas Transmission Co. (November 16, 1953).	Agua	Nueces, Tex.
		do	Dulce	Do.
			Agua	
			Dulce	
G-5675	Jewel Osborn	Colorado Interstate Gas Co. (Aug. 26, 1947).	Hugoton	Kearny, Grant Haskell, Finney, Kans.
		Colorado Interstate Gas Co. (Aug. 1, 1949).	do	Do.
		Northern Natural Gas Co. (Sept. 29, 1950).	do	Do.
		Lone Star Gas Co. (Jan. 1, 1953)	Katie	Garvin, Okla.
		Lone Star Gas Co. (Jan. 1, 1954)	do	Do.
		do	do	Do.
		do	do	Do.
		Tennessee Gas Transmission Co. (April 1, 1954).	Zim	Starr, Tex.
		Tennessee Gas Transmission Co. (Nov. 16, 1953).	Agua	Nueces, Tex.
		do	Dulce	Do.
			Agua	
			Dulce	
G-5676	Lee Minton	Tennessee Gas Transmission Co. (Apr. 1, 1954).	Zim	Starr, Tex.
G-5677	Delia Minton	do	do	Do.
G-5678	Winnie Lou Jones	do	do	Do.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 19, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9236; Filed, Nov. 16, 1955; 8:48 a. m.]

[Docket No. G-1783]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER FIXING DATE FOR ORAL ARGUMENT

The National Coal Association, et al., on November 7, 1955, filed a motion to present oral argument before the Commission in connection with the above-entitled matter.

The Commission orders:

(A) Oral argument be had before the Commission on November 22, 1955, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented in this proceeding.

(B) Each party to the proceeding desiring to participate in the oral argument shall notify the Secretary of the Commission on or before November 17, 1955, of such intention and of the amount of time requested for presentation of their argument.

Adopted: November 9, 1955.

Issued: November 10, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9234; Filed, Nov. 16, 1955; 8:47 a. m.]

[Docket Nos. G-4650, 4651]

TEXAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 10, 1955.

Take notice that The Texas Company (Applicant), a Delaware corporation, with a principal office in Houston, Texas, filed on November 1, 1954, applications for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant produces natural gas from (1) the Hiawatha Field, Moffat County, Colorado, which is sold in interstate commerce to Mountain Fuel Supply Company (G-4560) and for resale; and (2) from the Padroni and Mt. Hope Fields, Logan County, Colorado, which is sold in interstate commerce to Kansas-Nebraska Natural Gas Company, Inc., for resale (G-4651).

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the appli-

cable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 16, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 30, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9235; Filed, Nov. 16, 1955; 8:47 a. m.]

[Docket Nos. G-6216, G-6878]

RALPH E. FAIR, INC., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 10, 1955.

In the matters of Ralph E. Fair, Inc., F. William Carr and Jack F. Chrysler; Docket No. G-6216, Docket No. G-6878.

Take notice that Ralph E. Fair, Inc., a Delaware corporation, with its principal place of business at Milam Building, San Antonio, Texas, and F. William Carr and Jack F. Chrysler, individuals, Applicants, whose addresses are Corpus Christi, Texas filed on November 29 and 30, 1954, respectively, their applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications are on file with the Commission and open for public inspection.

Applicant Ralph E. Fair, Inc., produces natural gas from the Magnolia City, North Magnolia City, Fremont and Government Wells Area Gas Fields of Jim Wells and Duval Counties, Texas, and sells it in interstate commerce to the Tennessee Gas Transmission Company for resale. Applicant F. William Carr and Jack F. Chrysler produce natural gas from the Duffy Gas Field, Wharton County, Texas and sell it also to the Tennessee Gas Transmission Company for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 12, 1955, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 25, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9237; Filed, Nov. 16, 1955; 8:48 a. m.]

[Docket No. G-6219 etc.]

NANCY LEWIS WELSH ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 10, 1955.

In the matters of Nancy Lewis Welsh, et al., Docket No. G-6219; Van Lewis, Docket No. G-6220; Bracken Oil Company, Docket No. G-6883.

Take notice that Nancy Lewis Welsh and Van Lewis, of San Antonio, Texas, and Bracken Oil Company, a co-partnership composed of Glenn H. Bracken, Jeff M. Bracken, Sam T. Bracken, J. Paul Price, A. Y. Lewis, John A. Bracken and Rhoda S. Bracken, Trustees for Addie Bracken Price Trust, Ida Bracken Lewis Trust, Glen H. Bracken Trust, Sam T. Bracken Trust, E. Fred Herschbach (Applicants), filed on November 29, 1954, in Docket Nos. G-6219 and G-6220 and on November 30, 1954, in Docket No. G-6883, applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production from the following fields in Texas, as indicated below, and sell it in interstate commerce to the Texas Eastern Transmission Corporation for resale.

Docket No. and Source of Gas

G-6219 Englehart Field, in Colorado County, Tex.
G-6220 Englehart Field, in Colorado County, Tex.
G-6883 Willow Springs Field, Gregg County, Tex.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 12, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 30, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9238; Filed, Nov. 16, 1955; 8:48 a. m.]

[Docket No. G-9166]

TEXAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 8, 1955.

Take notice that the Texas Company (Applicant), a Delaware corporation whose address is P. O. Box 2332, Houston 1, Texas, filed on July 21, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production

of leases in Graylin, Luft, and Northwest Graylin Fields, Logan County, Colorado, to Kansas-Nebraska Natural Gas Company, Inc., for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, December 20, 1955, at 9:50 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9239; Filed, Nov. 16, 1955; 8:48 a. m.]

[Docket No. G-9209]

W. C. MCBRIDE, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 8, 1955.

Take notice that W. C. McBride, Inc. (Applicant), a Delaware corporation whose address is 2101 Missouri Pacific Building, St. Louis, Missouri, operator of certain leases, "D" Sand Formation, Padroni Area, Logan County, Colorado, filed, on August 8, 1955, as supplemented on October 25, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act. Coronado Petroleum Company, Inc. is the owner of an undivided ½ non-operating working interest in these leases. Applicant, all as more fully represented in the application which is on file with the Commission and open for public inspection, seeks authority to sell natural gas in interstate commerce to Kansas-Nebraska Natural Gas Company, Inc. for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, December 21, 1955, at 9:50 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessay for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9240; Filed, Nov. 16, 1955; 8:48 a. m.]

[Docket No. G-9232]

GRIMM AND DUFFIELD

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 8, 1955.

Take notice that Grimm and Duffield (Applicant), a West Virginia corporation whose address is Washington District, Calhoun County, West Virginia, filed on August 16, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of 80 acres in Washington District, Calhoun County, West Virginia, to Hope Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, December 21, 1955, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9241; Filed, Nov. 16, 1955; 8:49 a. m.]

[Docket No. G-9515]

IMPERIAL PRODUCTION CORP. ET AL.

ERRATA NOTICE

NOVEMBER 4, 1955.

The following correction should be made in the order suspending proposed changes in rates adopted by the Commission on October 19, 1955, and issued October 24, 1955, in the above-entitled matter (20 F. R. 8134): Page 2, line 8 of ordering paragraph (A), change "April 1, 1955," to read "April 1, 1956,".

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9242; Filed, Nov. 16, 1955; 8:49 a. m.]

[Docket No. E-6650]

BLACK HILLS POWER AND LIGHT CO.

NOTICE OF APPLICATION SEEKING ORDER AUTHORIZING LEASE OF ELECTRIC GENERATING PLANT

NOVEMBER 9, 1955.

Take notice that on November 1, 1955, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Black Hills Power and Light Company (Applicant), a corporation organized under the laws of the State of South Dakota and doing business in the States of Wyoming and South Dakota, with its principal business office at Rapid City, South Dakota, seeking an order authorizing the lease of a 16,500 kw electric generating plant to be constructed by the Applicant for Rushmore G. & T. Electric Cooperative, Inc. (Rushmore), at the Kirk Plant of Applicant near Lead, South Dakota; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said

application should on or before the 30th day of November 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's Rules of Practice and Procedure. The application is on file and available for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9243; Filed, Nov. 16, 1955; 8:49 a. m.]

[Docket No. G-8807]

HOLLY OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 8, 1955.

Take notice that Holly Oil Company (Applicant), a Colorado corporation whose address is Carlton Building, Colorado Springs, Colorado, filed on April 27, 1955 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of its ½ interest in 640 acres in Greenwood Field, Morton County, Kansas, to Colorado Interstate Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, December 19, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9244; Filed, Nov. 16, 1955; 8:49 a. m.]

[Docket No. G-9114]

H. M. BENNETT GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 8, 1955.

Take notice that H. M. Bennett Gas Company (Applicant), a West Virginia corporation whose address is Rosedale, Gilmer County, West Virginia, filed on July 7, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of 654 acres in Center District, Gilmer County, West Virginia, to Equitable Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, December 20, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9245; Filed, Nov. 16, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 14, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31300: *Substituted rail service—Official to W. T. L. Territories.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on various commodities in trailers on flat cars from points in official territory to points in W. T. L. territory.

Grounds for relief: Motor truck competition.

Tariff: D. L. & W. tariff I. C. C. No. 24559 and three other tariffs.

FSA No. 31301: *Fertilizer from Pace Junction, Fla., to Official Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, in carloads from Pace Junction, Fla., to destinations in official (including Illinois) territory.

Grounds for relief: Rates constructed on basis of a short-line distance formula, rail competition and circuity.

Tariff: Supplement 58 to Agent Spaninger's I. C. C. No. 1366.

FSA No. 31302: *Fresh meats from Jackson, Miss., to Pacific Coast Territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on fresh meats and other articles, in carloads from Jackson, Miss., to points in Pacific Coast territory.

Grounds for relief: Competition with rail carriers and circuity.

Tariff: Supplement 76 to Agent Prueter's I. C. C. 1564.

FSA No. 31303: *Sodium sulphite to Pacific Coast Territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on sodium sulphite, in carloads from points in Alabama, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Nebraska, North Carolina, South Carolina, South Dakota, Tennessee, Virginia, and Wyoming to Pacific Coast territory.

Grounds for relief: Revised commodity description, rail competition and circuity.

Tariff: Supplement 76 to Agent Prueter's I. C. C. 1564.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-9253; Filed, Nov. 16, 1955; 8:50 a. m.]

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FEDERAL REGISTER

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Washington, Friday, November 18, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

DELAYED FILING FOR EXAMINATIONS

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (3) of § 2.208 is amended as set out below.

§ 2.208 *Acceptance of applications after closing date*—(a) *Applicants in military or foreign service.* • • •

(3) Any United States citizen who could not file application for an examination, or appear for an assembled test, because of foreign service with a Federal agency or with an international organization in which the United States Government participates. ("Foreign service" means service in an area outside the United States proper but shall not include service in Alaska, Hawaii, the Panama Canal Zone, Puerto Rico, or the Virgin Islands.)

(R. S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-9299; Filed, Nov. 17, 1955; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6378]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

L. & I. FISHKIN, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition: Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act. Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1982 *Guarantee—statutory:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68c) [Cease and desist order, L. & I. Fishkin, Inc., et al., New York, N. Y., Docket 6378, November 5, 1955]

In the Matter of L. & I. Fishkin, Inc., a Corporation, and Louis Fishkin, Individually and as an Officer of Said Corporation, and Irving Fishkin, Individually

This proceeding was heard by Everett F. Haycraft, hearing examiner, upon the complaint of the Commission—which charged respondents with violating the Wool Products Labeling Act and the Federal Trade Commission Act through falsely labeling as "100 percent Wool" interlinings of children's coats and jackets, failing to label certain of such coats and jackets, and falsely guaranteeing that such wool products were not misbranded—and an agreement between the parties providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of November 4, 1955, became, on November 5, 1955, pursuant to § 3.21 of the rules of practice, the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That the respondent L. & I. Fishkin, Inc., a corporation, and respondent Louis Fishkin, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of children's coats and jackets or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or

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FEDERAL REGISTER

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amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool products, of any non-fibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool products or of one or more persons engaged in introducing such wool products into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; and

3. Furnishing false guaranties when there is reason to believe the wool products so guaranteed may be introduced, sold, transported or distributed in commerce:

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of Section 3 of the Wool Products Labeling Act of 1939, and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said Act or the Rules and Regulations promulgated thereunder:

It is further ordered, That the complaint be, and the same hereby is, dismissed without prejudice as to the respondent Irving Fishkin, individually.

By said "Decision of the Commission," report of compliance was required as follows:

It is ordered, That the respondents L. & I. Fishkin, Inc., a corporation, and Louis Fishkin, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 4, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-9300; Filed, Nov. 17, 1955; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter D—Soil and Water Conservation Loans

[FHA Instruction 442.4]

PART 354—PROCESSING LOANS TO ASSOCIATIONS

SCHEDULING PAYMENTS ON SOIL AND WATER CONSERVATION LOANS

Section 354.8 (b) (5) in Title 6, Code of Federal Regulations (20 F. R. 7214), is hereby amended to read as follows:

§ 354.8 *Loan closing.* • • •

(b) *Preparation of promissory note.* • • •

(5) Payments on Soil and Water Conservation loans to associations will be scheduled in annual installments.

(Sec. 6 (3), 50 Stat. 870, sec. 10 (a) (7), 68 Stat. 735; 16 U. S. C. 590w (3), 590x-3)

Dated: November 14, 1955.

[SEAL] H. C. SMITH, *Acting Administrator, Farmers Home Administration.*

[F. R. Doc. 55-9264; Filed, Nov. 17, 1955; 8:45 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter A—General Regulations and Policies

PART 400—RULES OF CONTRACT DISPUTES BOARD FOR COMMODITY CREDIT CORPORATION

JURISDICTION AND LEGAL ADVICE

Pursuant to the authority contained in Sections 4, 9, and 10 of the Commodity Credit Corporation Charter Act (P. L. 806, 80th Congress, 62 Stat. 1070, as amended), the rules of the Contract Disputes Board for Commodity Credit Corporation, as amended (Code of Federal Regulations, Title 6, Subchapter A of Chapter IV, Part 400, 1954 Supp., January 1, 1955) are further amended as follows:

1. In § 400.1, paragraph (c) *Jurisdiction* is amended by deleting the following: "(including but not limited to Article 22 of PMA Form 100, Standard Contract Conditions, and raw material cost adjustment provisions)", and inserting in lieu thereof the following: "(including but not limited to Article 36, Form CSS-10, Uniform Contractual Provisions [Procurement], and Article 39, Form CSS-50, Uniform Contractual Provisions [Servicing]."

2. Section 400.1 (e) is amended to read as follows:

(e) *Legal advice from the Office of the General Counsel.* If any matter involves any doubtful questions of law, the Contract Disputes Board will obtain the advice of the Office of the General Counsel, Department of Agriculture, with respect thereto.

Adopted by the Contract Disputes Board for Commodity Credit Corporation at meeting held on November 3, 1955, at Washington, D. C.

(Sec. 4, 62 Stat. 1070; 15 U. S. C. 714b)

[SEAL] HARRY B. WIRIN, *Chairman, Contract Disputes Board for Commodity Credit Corporation.*

[SEAL] WALTER C. BERGER, *Acting Executive Vice President, Commodity Credit Corporation.*

Attest:

EMIL F. DIETSCH, *Secretary, Contract Disputes Board for Commodity Credit Corporation.*

NOVEMBER 14, 1955.

[F. R. Doc. 55-9297; Filed, Nov. 17, 1955; 8:50 a. m.]

PART 464—TOBACCO

SUBPART—1955 TOBACCO LOAN PROGRAM

Set forth below are schedules of advance rates, by grades, for the 1955 crop of types 21, 22, 23, 35, 36, and 37 tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published May 20, 1955 (20 F. R. 3525).

Sec.
464.731 1955 crop; Virginia fire-cured tobacco, Type 21; advance schedule.
464.732 1955 crop; Tennessee and Kentucky fire-cured tobacco, Type 22; advance schedule.
464.733 1955 crop; Kentucky and Tennessee fire-cured tobacco, Type 23; advance schedule.
464.734 1955 crop; Dark air-cured tobacco, Types 35 and 36; advance schedule.
464.735 1955 crop; Virginia sun-cured tobacco, Type 37; advance schedule.

AUTHORITY: §§ 464.731 to 464.735 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054, sec. 2, 59 Stat. 506; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421, 1312 note.

§ 464.731 *1955 crop; Virginia fire-cured tobacco, type 21; advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44	Grade	
A1F	51.12	52.12	.....	T3F	38.12
A2F	49.12	50.12	49.12	T4F	36.12
A3F	46.12	47.12	46.12	T5F	31.12
A1D	51.12	52.12	.....	T3D	38.12
A2D	49.12	50.12	49.12	T4D	36.12
A3D	46.12	47.12	46.12	T5D	31.12
				T3M	36.12
B1F	48.12	49.12	48.12	T4M	33.12
B2F	46.12	47.12	46.12	T5M	27.12
B3F	40.12	41.12	40.12	T3G	36.12
B4F	37.12	38.12	37.12	T4G	33.12
B5F	34.12	35.12	34.12	T5G	27.12
B1D	48.12	49.12	48.12		
B2D	46.12	47.12	46.12	X1L	37.12
B3D	40.12	41.12	40.12	X2L	34.12
B4D	37.12	38.12	37.12	X3L	31.12
B5D	34.12	35.12	34.12	X4L	29.12
B3M	37.12	38.12	37.12	X5L	24.12
B4M	36.12	37.12	36.12	X1F	38.12
B5M	32.12	33.12	32.12	X2F	35.12
B3G	37.12	38.12	37.12	X3F	33.12
B4G	36.12	37.12	36.12	X4F	29.12
B5G	32.12	33.12	32.12	X5F	24.12
				X1D	38.12
C1L	50.12	51.12	50.12	X2D	35.12
C2L	48.12	49.12	48.12	X3D	33.12
C3L	42.12	43.12	42.12	X4D	29.12
C4L	38.12	39.12	38.12	X5D	24.12
C5L	33.12	34.12	33.12	X3M	29.12
C1F	50.12	51.12	50.12	X4M	26.12
C2F	48.12	49.12	48.12	X5M	22.12

[1] The Cooperative Associations through which price support is made available for Virginia fire-cured, type 21, and Virginia sun-cured, type 37, are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against overhead costs. Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), DAM (damaged), N2L, N2R, N2G, N-K, botched, nested, off-type, or decayed will not be accepted. Tobacco graded "W" (doubtful keeping order) will be accepted at advance rates 10 percent below the regular grade advance rates for types 22, 23, 35, and 36, and 20 percent below the regular grade advance rates for types 21 and 37. Types 22 and 23, grades marked with the special factor "OS" and dark air-cured, type 35, grades marked with special factor "BL" in addition to the regular grade symbols shall have an advance rate 20 percent below the advance rate for the regular grades without such special factor.

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44	Grade	
C3F	42.12	43.12	42.12	X3G	29.12
C4F	38.12	39.12	38.12	X4G	25.12
C5F	33.12	34.12	33.12	X5G	20.12
C2D	35.12	36.12	35.12		
C3D	30.12	31.12	30.12	N1L	14.12
C4D	29.12	30.12	29.12	N1R	14.12
C5D	26.12	27.12	26.12	N1G	14.12
C3M	32.12	33.12	32.12		
C4M	30.12	31.12	30.12		
C5M	28.12	29.12	28.12		
C3G	30.12	31.12	30.12		
C4G	28.12	29.12	28.12		
C5G	23.12	24.12	23.12		

§ 464.732 *1955 crop; Tennessee and Kentucky fire-cured tobacco, Type 22; advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Lengths 46 and 45	Length 44	Grade	
A1F	59		T3F	33
A2F	55	48	T4F	28
A3F	45	42	T5F	22
A1D	59		T3D	33
A2D	55	48	T4D	28
A3D	45	42	T5D	21
			T3M	31
B1F	50	46	T4M	24
B2F	47	44	T5M	18
B3F	43	41	T3G	29
B4F	39	37	T4G	23
B5F	31	29	T5G	16
B3FV	41	38		
B4FV	36	34	X1L	38
B5FV	29	27	X2L	35
B1D	51	47	X3L	31
B2D	48	45	X4L	26
B3D	46	43	X5L	20
B4D	40	38	X1F	38
B5D	30	27	X2F	35
B3M	41	38	X3F	31
B4M	36	33	X4F	26
B5M	26	22	X5F	21
B3G	42	39	X3FV	28
B4G	36	33	X4FV	23
B5G	26	22	X5FV	17
			X1D	38
C1L	49	46	X2D	35
C2L	45	42	X3D	28
C3L	43	40	X4D	22
C4L	38	36	X5D	13
C5L	30	28	X3M	25
C1F	49	46	X4M	17
C2F	45	42	X5M	12
C3F	43	40	X3G	25
C4F	38	36	X4G	16
C5F	30	28	X5G	11
C3FV	39	36		
C4FV	34	32	N1L	11
C5FV	28	26	N1R	10
C2D	43	40	N1G	9
C3D	40	37		
C4D	34	31		
C5D	26	24		
C3M	38	35		
C4M	32	30		
C5M	26	22		
C3G	36	32		
C4G	29	25		
C5G	21	17		

§ 464.733 *1955 crop; Kentucky and Tennessee fire-cured tobacco, Type 23; advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Lengths 46 and 45	Length 44	Grade	
A1F	58		T3F	32
A2F	54	47	T4F	27
A3F	44	41	T5F	21
A1D	58		T3D	32
A2D	54	47	T4D	27
A3D	44	41	T5D	20
			T3M	30
B1F	49	45	T4M	23
B2F	46	43	T5M	17
B3F	42	40	T3G	28
B4F	38	36	T4G	22
B5F	31	29	T5G	15
B3FV	40	37		

[1] See footnote on p. 8535.

[Dollars per hundred pounds, farm sales weight]

Grade	Lengths 46 and 45	Length 44	Grade	
B4FV	35	33	X1L	37
B5FV	29	27	X2L	34
B1D	50	46	X3L	30
B2D	47	44	X4L	25
B3D	45	42	X5L	20
B4D	39	37	X1F	37
B5D	30	27	X2F	34
B3M	40	37	X3F	30
B4M	35	32	X4F	25
B5M	26	22	X5F	20
B3G	41	38	X3FV	27
B4G	35	32	X4FV	22
B5G	26	22	X5FV	17
			X1D	37
C1L	48	45	X2D	34
C2L	44	41	X3D	27
C3L	42	39	X4D	21
C4L	37	35	X5D	13
C5L	30	28	X3M	24
C1F	48	45	X4M	16
C2F	44	41	X5M	12
C3F	42	39	X3G	24
C4F	37	35	X4G	16
C5F	30	28	X5G	11
C3FV	38	35		
C4FV	33	31	N1L	11
C5FV	28	26	N1R	10
C2D	42	39	N1G	9
C3D	39	36		
C4D	33	30		
C5D	26	24		
C3M	37	34		
C4M	32	30		
C5M	26	22		
C3G	35	31		
C4G	29	25		
C5G	21	17		

§ 464.734 *1955 crop; Dark air-cured tobacco, Types 35 and 36; advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Lengths 46 and 45	Length 44	Grade	
A1F	50		T3F	33
A2F	46	44	T4F	28
A3F	42	40	T5F	21
A1R	50		T3R	33
A2R	46	44	T4R	28
A3R	42	40	T5R	21
			T3D	33
B1F	49	47	T4D	28
B2F	45	43	T5D	21
B3F	44	42	T3M	32
B4F	41	39	T4M	27
B5F	34	32	T5M	20
B3FV	41	39	T3G	32
B4FV	39	37	T4G	27
B5FV	34	32	T5G	20
B1R	49	47		
B2R	45	43	X1L	38
B3R	44	42	X2L	35
B4R	41	39	X3L	31
B5R	34	32	X4L	27
B1D	49	47	X5L	21
B2D	45	43	X1F	38
B3D	42	40	X2F	35
B4D	40	38	X3F	31
B5D	33	31	X4F	27
B3M	40	38	X5F	21
B4M	37	35	X3FV	30
B5M	30	28	X4FV	24
B3G	40	38	X5FV	18
B4G	37	35	X1R	38
B5G	30	27	X2R	34
			X3R	30
C1L	45	43	X4R	25
C2L	43	41	X5R	18
C3L	42	40	X3D	30
C4L	39	37	X4D	25
C5L	30	28	X5D	15
C1F	45	43	X3M	29
C2F	43	41	X4M	21
C3F	42	40	X5M	14
C4F	39	37	X3G	29
C5F	30	28	X4G	19
C3FV	39	37	X5G	12
C4FV	37	35		
C5FV	28	26	N1L	12
C1R	43	41	N1R	11
C2R	41	39	N1G	11
C3R	40	38		
C4R	38	36		
C5R	28	26		
C3M	39	37		
C4M	35	33		
C5M	26	23		
C4G	35	33		
C5G	25	22		

§ 464.735 *1955 crop; Virginia sun-cured tobacco, Type 37; advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 45	Length 44	Grade	
A1F	47.12		T3F	33.12
A2F	45.12	43.12	T4F	31.12
A3F	42.12	40.12	T5F	24.12
A1R	47.12		T3R	33.12
A2R	45.12	43.12	T4R	31.12
A3R	42.12	40.12	T5R	24.12
			T3D	31.12
B1F	46.12	44.12	T4D	28.12
B2F	43.12	40.12	T5D	21.12
B3F	40.12	38.12	T3M	31.12
B4F	37.12	35.12	T4M	28.12
B5F	32.12	30.12	T5M	21.12
B1R	46.12	44.12	T3G	31.12
B2R	43.12	41.12	T4G	28.12
B3R	40.12	38.12	T5G	19.12
B4R	37.12	35.12		
B5R	32.12	30.12	X1L	37.12
B1D	45.12	43.12	X2L	34.12
B2D	41.12	39.12	X3L	31.12
B3D	39.12	37.12	X4L	29.12
B4D	35.12	33.12	X5L	22.12
B5D	30.12	28.12	X1F	37.12
B3M	37.12	35.12	X2F	34.12
B4M	34.12	32.12	X3F	31.12
B5M	31.12	29.12	X4F	29.12
B3G	37.12	35.12	X5F	22.12
B4G	34.12	32.12	X1R	37.12
B5G	31.12	29.12	X2R	34.12
			X3R	31.12
C1L	41.12	39.12	X4R	28.12
C2L	39.12	37.12	X5R	21.12
C3L	38.12	36.12	X3D	29.12
C4L	36.12	34.12	X4D	27.12
C5L	30.12	28.12	X5D	20.12
C1F	41.12	39.12	X3M	29.12
C2F	39.12	37.12	X4M	26.12
C3F	38.12	36.12	X5M	20.12
C4F	36.12	34.12	X3G	28.12
C5F	30.12	28.12	X4G	24.12
C1R	40.12	38.12	X5G	20.12
C2R	38.12	36.12		
C3R	35.12	33.12	N1L	14.12
C4R	32.12	30.12	N1R	14.12
C5R	28.12	26.12	N1G	14.12
C3M	33.12	31.12		
C4M	31.12	29.12		
C5M	27.12	25.12		
C4G	31.12	29.12		
C5G	27.12	25.12		

Issued this 10th day of November 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-9249; Filed, Nov. 17, 1955; 8:45 a. m.]

PART 474—FARM STORAGE FACILITIES

STORAGE PAYMENTS EARNED BY BORROWERS UNDER PRICE SUPPORT OR RESEAL PROGRAMS

Notwithstanding the provisions of CCC Grain Price Support Bulletins (1950–1955) 15 F. R. 3147, 16 F. R. 1987, 17 F. R. 3521, 18 F. R. 1960, 19 F. R. 967, and 20 F. R. 3017, and the provisions of Farm Storage Facility Loan Program Bulletins, 15 F. R. 4867, 16 F. R. 6492, and 20 F. R. 5113 (which provide for the application of farm storage payments by CCC to the accelerated reduction of loans made under the Farm Storage Facility Loan Program and the Mobile Drying Equipment Loan Program), any payments for storage of commodities in farm storage structures under a price support or reseal program due from Commodity Credit Corporation to a borrower shall be applied (1) to any delinquent amount(s), and, (2) to the borrower's storage facility loan installment or mobile drying equipment loan installment which is due and payable when the storage payment is due, and (3) to any extended installment(s), each including interest. This Notice shall be effective with regard to any storage payments disbursed subsequent to the date of publication hereof. The provisions of any CCC Grain Price Support Bulletin or Farm Storage Facility Loan Bulletin which are inconsistent with the provisions of this Notice are hereby modified accordingly.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b)

NOTE: This notice affects §§ 474.431 (c) and 474.506 (c).

Issued this 14th day of November 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-9298; Filed, Nov. 17, 1955; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

MUSTERING-OUT PAYMENTS

In § 536.75, paragraphs (a) (2) (viii) and (1) are amended to read as follows:

§ 536.75 *Mustering-out payments—*(a) *Members engaged in active service in World War II.* • • •

(2) *To whom not payable.* • • •

(viii) Any commissioned officer unless he was discharged or relieved from active duty before April 29, 1955.

• • • • •

(1) *Claims—Veterans' Readjustment Assistance Act of 1952—*(1) *By whom paid.* All claims for mustering-out payments of members who have performed active duty on or after June 27, 1950 and who were discharged prior to July 16, 1952, will be paid by the Settlements Division, Finance Center, U. S. Army, Indianapolis 49, Indiana, provided the application is submitted not later than July 16, 1956. The postmark date on the envelope will be considered the effective date of the application. 1200 midnight, July 16, 1956 being the last hour acceptable.

(2) *Information required to be furnished with application.* Former members who are entitled to mustering-out payments as specified in subparagraph (1) of this paragraph will submit a signed application containing the following information:

(i) Statement that member was not discharged or released from active duty on his own request to accept employment; or if discharged or released to accept employment, statement that the member served outside the United States after June 26, 1950.

(ii) Statement that member is not now serving on active duty in the Armed Forces of the United States, if applicable.

(iii) Statement that member has not and will not make any other application for mustering-out payment for service after June 26, 1950.

(iv) Statement that member served outside the continental limits of the United States or in Alaska after June 26, 1950, if applicable.

(v) If member has served outside the continental limits of the United States or in Alaska, date of arrival in the United States.

(vi) Statement that member has or has not received any mustering-out payment for service after June 26, 1950.

(vii) Address to which check should be mailed, substantially as set forth below:

Print or type (first name)	(Middle name)	(Surname)
(Service number)	(Street number)	
(City and zone)	(State)	

(viii) Statement reading as follows:

I certify that the above information is true and correct.

(Signature)

(3) *Claims on file in the Settlements Division, Finance Center, U. S. Army.* Claims on file in the Settlements Division, Finance Center, U. S. Army, which have been denied because they were received after the date such claims were required to have been filed under the Veterans' Readjustment Assistance Act of 1952, will be processed for payment, if entitlement otherwise exists. The payee will not be required to file a new claim.

[C1, AR 35-1340, September 13, 1955] (Sec. 5, 58 Stat. 10, as amended; sec. 505, 66 Stat. 690; 38 U. S. C. 691, 1015)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-9266; Filed, Nov. 17, 1955; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

OHIO RIVER AT NEW ALBANY, INDIANA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.560 governing the operation of drawbridges across the Mississippi River and tributaries where constant attendance of draw tenders is not required is amended with respect to paragraph (g) (1), governing the operation of the Kentucky and Indiana Terminal Railroad Company bridge across the Ohio River at New Albany, Indiana, as follows:

§ 203.560 *Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(g) *Ohio River and Upper Mississippi River.* (1) Ohio River, Ky., and Ind.; Kentucky and Indiana Terminal Railroad Company bridge at New Albany, Indiana. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

• • • • • •

[Regs., 2 November 1955, 823.01 (Ohio River)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-9265; Filed, Nov. 17, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1251]

[Anchorage 019316, Misc. 1928465, Misc. 59678]

ALASKA

REVOKING PUBLIC LAND ORDER NO. 36 OF SEPTEMBER 7, 1942; PARTIALLY REVOKING AIR NAVIGATION SITE WITHDRAWAL NO. 132 OF JANUARY 15, 1940; WITHDRAWING PORTIONS OF THE RELEASED LANDS FOR VARIOUS PUBLIC PURPOSES

By virtue of the authority vested in the President by Section 1 of the act of March 12, 1914 (38 Stat. 305; 48 U. S. C. 304) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, and Section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), it is ordered as follows:

1. Public Land Order No. 36 of September 7, 1942, withdrawing lands in Alaska for use of the War Department for military purposes, which was partially revoked by Public Land Order No. 447 of February 17, 1948, is hereby revoked in its entirety. The following lands are released from withdrawal by this order:

SEWARD MERIDIAN

T. 19 N., R. 4 W.,
Sec. 5, SW¼;
Sec. 6, SE¼;
Sec. 7, lots 3, 4, 7, NE¼;
Sec. 8, lots 1, 2, NW¼, E½SW¼, SW¼ SE¼;
Sec. 17, lots 1, 2, NE¼, E½NW¼;
Sec. 18, lots 1, 4.

The areas described aggregate 1,294.31 acres, of which the SW¼, sec. 5; NW¼, SW¼SW¼, sec. 8; N½NE¼, sec. 17, are nonpublic lands.

2. The Departmental order of January 15, 1940 (Air Navigation Site No. 132), as amended and modified by the Bureau of Land Management order of June 14, 1955 (20 F. R. 4329), withdrawing lands for use of the Department of Aviation, Territory of Alaska for air navigation facilities, is hereby revoked so far as it affects the following-described lands:

SEWARD MERIDIAN

T. 19 N., R. 4 W.,
Sec. 17, lots 1, 2.

The tracts described contain 66.70 acres.

3. Subject to valid existing rights, the following-described public lands, which

are a portion of the lands released from withdrawal by paragraph 1 of this order, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved as follows:

(a) Under the jurisdiction of the Department of the Interior for use of the Department of Aviation of the Alaska Aeronautics and Communications Commission:

SEWARD MERIDIAN

T. 19 N., R. 4 W.,
Sec. 6, SE¼;
Sec. 7, E½NE¼;
Sec. 8, lots 1, 2, and that portion of the NE¼SW¼ lying west of the right-of-way of the Alaska Railroad;
Sec. 17, SW¼NE¼, that part lying westerly of a line 200 feet from and parallel to the center line of the main track of the Alaska Railroad.

The areas described aggregate 355.65 acres.

(b) Under the jurisdiction of the Department of the Interior for use of the Alaska Railroad for railroad purposes:

SEWARD MERIDIAN

T. 19 N., R. 4 W.,
Sec. 17, E½SW¼NE¼, W½SE¼NE¼, those parts lying between lines 100 feet and 200 feet respectively, southwesterly from and parallel to the center line of the main track of the Alaska Railroad. The tract of land is 100 feet by 1,440 feet approximately and extends along the Alaska Railroad from Mileage 185.04 to 185.31.

The tract described contains 3.31 acres.

4. Subject to valid existing rights, the following-described public lands, which are a portion of the lands released from withdrawal by paragraph 1 of this order, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws nor the Materials Act of July 31, 1947 (61 Stat. 681; 43 U. S. C. Sup. 1185–1187), and reserved under the jurisdiction of the Bureau of Land Management, Department of the Interior, for recreation purposes:

SEWARD MERIDIAN

T. 19 N., R. 4 W.,
Sec. 8, that portion of the NE¼SW¼ lying east of the Alaska Railroad right-of-way.

The tract described contains 12.33 acres.

5. Subject to any existing valid rights and the requirements of applicable law, the W½NE¼, lots 3, 4, 7, sec. 7; lots 1, 2, and that portion of the S½NE¼ lying east of the Alaska Railroad right-of-way, sec. 17; and lots 1 and 4, sec. 18, T. 19 N., R. 4 W., containing 349.80 acres, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws and applications and offers under the mineral-leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Home Site, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on December 16, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on March 16, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral-leasing laws, presented prior to 10:00 a. m. on March 16, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m. on March 16, 1956.

6. Persons claiming veteran's preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

NOVEMBER 10, 1955.

[F. R. Doc. 55-9267; Filed, Nov. 17, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

EMPLOYEE STOCK OPTIONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

The following regulations are hereby prescribed under section 421 of the Internal Revenue Code of 1954, relating to employee stock options:

Sec.
1.421 Statutory provisions; employee stock options.
1.421-1 Meaning and use of certain terms.
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1.421-3 Exercise of restricted stock option.
1.421-4 Modification, extension, or renewal.
1.421-5 Operation of section 421.
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§ 1.421 *Statutory provisions; employee stock options.*

SEC. 421. *Employee stock options*—(a) *Treatment of restricted stock options.* If a share of stock is transferred to an individual pursuant to his exercise after 1949 of a restricted stock option, and no disposition of such share is made by him within 2 years from the date of the granting of the option nor within 6 months after the transfer of such share to him—

(1) No income shall result at the time of the transfer of such share to the individual upon his exercise of the option with respect to such share;

(2) No deduction under section 162 (relating to trade or business expenses) shall be allowable at any time to the employer corporation, a parent or subsidiary corporation, of such corporation, or a corporation issuing or assuming a stock option in a transaction to which subsection (g) is applicable, with respect to the share so transferred; and

(3) No amount other than the price paid under the option shall be considered as received by any of such corporations for the share so transferred.

This subsection and subsection (b) shall not apply unless (A) the individual, at the time he exercises the restricted stock option, is an employee of either the corporation granting such option, a parent or subsidiary corporation of such corporation, or a corporation or a parent or subsidiary of such corporation issuing or assuming a stock option in a transaction to which subsection (g) is applicable, or (B) the option is exercised by him within 3 months after the date he ceases to be an employee of such corporations.

(b) *Special rule where option price is between 85 percent and 95 percent of value of stock.* If no disposition of a share of stock acquired by an individual on his exercise after 1949 of a restricted stock option is made by him within 2 years from the date of the granting of the option nor within 6 months after the transfer of such share to him, but, at the time the restricted stock option was granted, the option price (computed under subparagraph (d) (1) (A)) was less than 95 percent of the fair market value at such time of such share, then, in the event of any disposition of such share by him, or in the event of his death (whenever occurring) while owning such share, there shall be included as compensation (and not as gain upon the sale or exchange of a capital asset) in his gross income, for the taxable year in which falls the date of such disposition or for the taxable year closing with his death, whichever applies—

(1) In the case of a share of stock acquired under an option qualifying under clause (i) of subparagrah (d) (1) (A), an amount equal to the amount (if any) by which the option price is exceeded by the lesser of—

(A) The fair market value of the share at the time of such disposition or death, or

(B) The fair market value of the share at the time the option was granted; or

(2) In the case of stock acquired under an option qualifying under clause (ii) of subparagraph (d) (1) (A), an amount equal to the lesser of—

(A) The excess of the fair market value of the share at the time of such disposition or death over the price paid under the option, or

(B) The excess of the fair market value of the share at the time the option was granted over the option price (computed as if the option had been exercised at such time).

In the case of the disposition of such share by the individual, the basis of the share in his hands at the time of such disposition shall be increased by an amount equal to the amount so includible in his gross income.

(c) *Acquisition of new stock.* If stock is received by an individual in a distribution to which section 305, 354, 355, 356, or 1036, or so much of section 1031 as relates to section 1036, applies and such distribution was made with respect to stock transferred to him upon his exercise of the option, such stock shall be considered as having been transferred to him on his exercise of such option. A similar rule shall be applied in the case of a series of such distributions.

(d) *Definitions.* For purposes of this section—

(1) *Restricted stock option.* The term "restricted stock option" means an option granted after February 26, 1945, to an individual, for any reason connected with his employment by a corporation, if granted by the employer corporation or its parent or subsidiary corporation, to purchase stock of any of such corporations, but only if—

(A) At the time such option is granted—

(i) The option price is at least 85 percent of the fair market value at such time of the stock subject to the option, or

(ii) In case the purchase price of the stock under the option is fixed or determinable under a formula in which the only variable is the value of the stock at any time during a period of 6 months which includes the time the option is exercised, the option price (computed as if the option had been exercised when granted) is at least 85 percent of the value of the stock at the time such option is granted; and

(B) Such option by its terms is not transferable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him; and

(C) Such individual, at the time the option is granted, does not own stock possessing more than 10 percent of the total combined voting power of all classes of stock of the employer corporation or of its parent or subsidiary corporation. This subparagraph shall not apply if at the time such option is granted the option price is at least 110 percent of the fair market value of the stock subject to the option and such option either by its terms is not exercisable after the expiration of 5 years from the date such option is granted or is exercised within one year after the date of enactment of this title. For purposes of this subparagraph—

(1) Such individual shall be considered as owning the stock owned, directly or indirectly, by or for his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants; and

(ii) Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust, shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries; and

(D) Such option by its terms is not exercisable after the expiration of 10 years from the date such option is granted, if such option has been granted on or after June 22, 1954.

(2) *Parent corporation.* The term "parent corporation" means any corporation (other than the employer corporation) in an unbroken chain of corporations ending with the employer corporation if, at the time of the granting of the option, each of the corporations other than the employer corporation owns stock possessing 50 percent or more of the total combined voting power of all classes of stock in one of the other corporations in such chain.

(3) *Subsidiary corporation.* The term "subsidiary corporation" means any corporation (other than the employer corporation) in an unbroken chain of corporations beginning with the employer corporation if, at the time of the granting of the option, each of the corporations other than the last corporation in the unbroken chain owns stock possessing 50 percent or more of the total combined voting power of all classes of stock in one of the other corporations in such chain.

(4) *Disposition*—(A) *General rule.* Except as provided in subparagraph (B), the term "disposition" includes a sale, exchange, gift, or a transfer of legal title, but does not include—

(i) A transfer from a decedent to an estate or a transfer by bequest or inheritance;

(ii) An exchange to which section 354, 355, 356, or 1036 (or so much of section 1031 as relates to section 1036) applies; or

(iii) A mere pledge or hypothecation.

(B) *Joint tenancy.* The acquisition of a share of stock in the name of the employee and another jointly with the right of survivorship or a subsequent transfer of a share of stock into such joint ownership shall not be deemed a disposition, but a termination of such joint tenancy (except to the extent such employee acquires ownership of such stock) shall be treated as a disposition by him occurring at the time such joint tenancy is terminated.

(5) *Stockholder approval.* If the grant of an option is subject to approval by stockholders, the date of grant of the option shall be determined as if the option had not been subject to such approval.

(6) *Exercise by estate*—(A) *In general.* If a restricted stock option is exercised subsequent to the death of the employee by the estate of the decedent, or by a person who acquired the right to exercise such option by bequest or inheritance or by reason of the death of the decedent, the provisions of this section shall apply to the same extent as if the option had been exercised by the decedent, except that—

(i) The holding period and employment requirements of subsection (a) shall not apply, and

(ii) Any transfer by the estate of stock acquired shall be considered a disposition of such stock for purposes of subsection (b).

(B) *Deduction for estate tax.* If an amount is required to be included under subsection (b) in gross income of the estate of the deceased employee or of a person described in subparagraph (A), there shall be allowed to the estate or such person a deduction with respect to the estate tax attributable to the inclusion in the taxable estate of the deceased employee of the net value for estate tax purposes of the restricted stock option. For this purpose, the deduction shall be determined under section 691 (c) as if the option acquired from the deceased employee were an item of gross income in respect of the decedent under section 691 and as if the amount includible in gross income under subsection (b) of this section were an amount included in gross income under section 691 in respect of such item of gross income.

(e) *Modification, extension, or renewal of option*—(1) *Rules of application.* For purposes of subsection (d), if the terms of any option to purchase stock are modified, extended, or renewed, the following rules shall be applied with respect to transfers of stock made on the exercise of the option after the making of such modification, extension, or renewal—

(A) Such modification, extension, or renewal shall be considered as the granting of a new option,

(B) The fair market value of such stock at the time of the granting of such option shall be considered as—

(i) The fair market value of such stock on the date of the original granting of the option,

(ii) The fair market value of such stock on the date of the making of such modification, extension, or renewal, or

(iii) The fair market value of such stock at the time of the making of any intervening modification, extension, or renewal,

whichever is the highest.

Subparagraph (B) shall not apply if the aggregate of the monthly average fair market values of the stock subject to the option for the 12 consecutive calendar months before the date of the modification, extension, or renewal, divided by 12, is an amount less than 80 percent of the fair market value of such stock on the date of the original granting of the option or the date of the making of any intervening modification, extension, or renewal, whichever is the highest.

(2) *Definition of modification.* The term "modification" means any change in the terms of the option which gives the employee additional benefits under the option, but such term shall not include a change in the terms of the option—

(A) Attributable to the issuance or assumption of an option under subsection (g); or

(B) To permit the option to qualify under subsection (d) (1) (B).

If an option is exercisable after the expiration of 10 years from the date such option is granted, subparagrah (B) shall not apply unless the terms of the option are also changed to make it not exercisable after the expiration of such period.

(f) *Effect of disqualifying disposition.*. If a share of stock, acquired by an individual pursuant to his exercise of a restricted stock option, is disposed of by him within 2 years from the date of the granting of the option or within 6 months after the transfer of such share to him, then any increase in the income of such individual or deduction from the income of his employer corporation for the taxable year in which such exercise occurred attributable to such disposition, shall be treated as an increase in income or a deduction from income in the taxable year of such individual or of such employer corporation in which such disposition occurred.

(g) *Corporate reorganization, liquidations, etc.* For purposes of this section, the term "issuing or assuming a stock option in a transaction to which subsection (g) is applicable" means a substitution of a new option for the old option, or an assumption of the old option, by an employer corporation, or a parent or subsidiary of such corporation, by reason of a corporate merger, consolidation, acquisition of property or stock, separation, reorganization, or liquidation, if—

(1) The excess of the aggregate fair market value of the shares subject to the option immediately after the substitution or assumption over the aggregate option price of such shares is not more than the excess of the aggregate fair market value of all shares subject to the option immediately before such substitution or assumption over the aggregate option price of such shares, and

(2) The new option or the assumption of the old option does not give the employee additional benefits which he did not have under the old option.

For purposes of this subsection, the parent-subsidiary relationship shall be determined at the time of any such transaction under this subsection.

§ 1.421–1 *Meaning and use of certain terms*—(a) *Option.* (1) For the purpose of section 421, the term "option" includes the right or privilege of an individual to purchase stock from a corporation by virtue of an offer of the corporation continuing for a stated period of time, whether or not irrevocable, to sell such stock at a price determined under paragraph (d) of this section, such individual being under no obligation to purchase. Such right or privilege, when granted, must be evidenced in writing. The individual who has such right or privilege is referred to as the optionee and the corporation offering to sell stock under such an arrangement is referred to as the optionor. While no particular form of words is necessary, the written option should express, among other things, an offer to sell at the option price and the period of time during which the offer shall remain open.

(2) An option may be granted as part of or in conjunction with an employee stock purchase plan or subscription contract.

(3) An arrangement between a corporation and an employee may involve more than one option. For example, if a corporation on June 1, 1954, grants to an employee the right to purchase 1,000 shares of its stock on or after June 1, 1955, another 1,000 shares on or after June 1, 1956, and a further 1,000 shares on or after June 1, 1957, all shares to be purchased before June 1, 1958, provided the employee at the time of exercise of any of the purchase rights is employed by the corporation, such an arrangement will be construed as the grant to the employee on June 1, 1954, of three options, each for the purchase of 1,000 shares. Similarly, if a corporation grants to an employee on January 1, 1955, the right to purchase 1,000 shares of its stock at $85 per share during 1955, or at $75 per share during 1956, or at $65 per share during 1957, such an arrangement will be construed as the grant to the employee on January 1, 1955, of three alternative options, one option for the purchase of 1,000 shares at $85 per share during 1955, an alternative option for the purchase of 1,000 shares at $75 per share during 1956, and a third alternative option for the purchase of 1,000 shares at $65 per share during 1957.

(b) *Time and date of granting of option.* (1) For the purpose of section 421, the words "the date of the granting of the option" and "the time such option is granted", and similar phrases refer to the date or time when the corporation completes the corporate action constituting an offer of stock for sale to an individual under the terms and conditions of a restricted stock option. Ordinarily, if the corporate action contemplates an immediate offer of stock for sale to an individual or to a class including such individual, or contemplates a particular date on which such offer is to be made, the time or date of the granting of the option is the time or date of such corporate action if the offer is to be made immediately, or the date contemplated as the date of the offer, as the case may be. However, an unreasonable delay in the giving of notice of such offer to the individual or to the class will be taken into account as indicating that the corporation contemplated that the offer was to be made at the subsequent date on which such notice is given.

(2) If the corporation imposes conditions on the granting of an option (as distinguished from conditions governing the exercise of the option), such conditions shall be given effect in accordance with the intent of the corporation. A special rule is provided by section 421 (d) (5) for options subject to stockholder approval. If the grant of an option is subject to approval by stockholders, the date of grant of the option shall be determined as if the option had not been subject to such approval. A condition which does not require corporate action, such as the approval of some regulatory or governmental agency, for example, a stock exchange or the Securities and Exchange Commission, is ordinarily considered a condition upon the exercise of the option unless the corporate action clearly indicates that the option is not to be granted until such condition is satisfied. If an option is granted to an individual upon the condition that such individual will become an employee of the corporation granting the option or of its parent or subsidiary corporation, such option is not granted prior to the date the individual becomes such an employee.

(3) In general, conditions imposed upon the exercise of an option will not operate to make ineffective the granting of the option. For example, on June 1, 1954, the A Corporation grants to X, an employee, an option to purchase 5,000 shares of the corporation stock, exercisable by X on or after June 1, 1955, provided he is employed by the corporation on June 1, 1955. Such an option is granted to X on June 1, 1954.

(c) *Stock.* For the purpose of section 421, the term "stock" means capital stock of any class, including voting or nonvoting common or preferred stock. The term includes both treasury stock and stock of original issue. Special classes of stock authorized to be issued to and held by employees are within the scope of the term "stock" as used in section 421, provided such stock otherwise possesses the rights and characteristics of capital stock.

(d) *Option price.* (1) For the purpose of section 421, the term "option price" or "price paid under the option" means the consideration in money or property which, pursuant to the terms of the option, is the price at which the stock subject to the option is purchased.

(2) With respect to its option price, a restricted stock option must, when granted, meet either of the following requirements:

(i) The option must specify the price which shall be paid for any stock acquired pursuant to such option; or

(ii) In the case of an option exercised during any taxable year of the optionee which begins after December 31, 1953, and ends after August 16, 1954, the option must provide that such price shall be determined by a formula in which the only variable is the value of the stock at any time during a period of six consecutive months which includes the day on which such option is exercised. Such formula may provide for determining such price by reference to such value on any particular day in such six-month period, or by reference to an average value of the stock over either the whole of such six-month period or over any shorter period included in such six-month period. Such six-month period may begin with, end with, or in any other manner span the day on which such option is exercised. Such formula may also depend upon factors other than such value of the stock, but such other factors must not be variable and must be fixed in the option when granted. For example, such formula may provide that the option price shall be 85 percent of the value of the stock on the day the option is exercised, but such price shall not be less than $85, nor more than $110. However, this requirement is not met by a formula which provides that if the profits of the employer for the year do not exceed $100,000, the option price shall be $15 under the fair market value of the stock at the time the option is exercised, but if such profits exceed $100,000, the option price shall be $20 under such value of the stock.

An option which does not meet the requirements of either subdivision (i) or (ii) of this subparagraph when granted, will not be treated as a restricted stock option unless it is subsequently changed to meet such requirements. In case of such a change, see § 1.421–4 (c) (2).

(e) *Exercise.* For the purpose of section 421, the term "exercise", when used in reference to an option, means the act of acceptance by the optionee of the offer to sell contained in the option. In general, the time of exercise is the time when there is a sale or a contract to sell between the corporation and the individual. An agreement or undertaking by the employee to make payments under a stock purchase plan does not constitute the exercise of an option so long as the payments made remain subject to withdrawal by the employee.

(f) *Transfer.* For the purpose of section 421, the term "transfer", when used in reference to the transfer to an individual of a share of stock pursuant to his exercise of a restricted stock option, means the transfer of ownership of such share, or the transfer of substantially all the rights of ownership. Such transfer must, within a reasonable time, be evidenced on the books of the corporation.

§ 1.421–2 *Restricted stock option*—(a) *In general.* (1) A "restricted stock option" is an option granted after February 26, 1945, to an individual, for any reason connected with his employment by a corporation, if granted by the employer corporation or its parent or subsidiary corporation, to purchase stock of any of such corporations, but, except in the case of options described in subparagraph (2) of this paragraph, only if—

(i) At the time such option is granted the option price is at least 85 percent of the fair market value at such time of the stock subject to the option; and

(ii) Such option by its terms is not transferable by such individual otherwise than by will or by the laws of descent and distribution, and is exercisable, during his lifetime, only by him; and

(iii) Such individual, at the time the option is granted, does not own stock possessing more than 10 percent of the total combined voting power of all classes of stock either of the employer corporation or of its parent or subsidiary corporation; and

(iv) In the case of options granted after June 21, 1954, such option by its terms is not exercisable after the expiration of ten years from the date on which such option was granted.

For the purpose of applying the rule of subdivision (i) of this subparagraph if the option price is determined by a formula described in § 1.421–1 (d) (2) (ii), the option price shall, notwithstanding any provision of the option, be computed as if such option is exercised on the day when it is granted. For example, if on June 15, 1954, an option is granted providing that the option price shall be $10 under the average value of the stock during the month preceding the month in which the option is exercised, and if on June 15, 1954, the value of the stock subject to the option is $100 a share, to determine if the option meets the requirement of subdivision (i) of this subparagraph, it is necessary to determine the average value of the stock during the month of May 1954. If such average value is $95 or more, the option meets the requirement of subdivision (i) of this subparagraph.

(2) Regardless of the extent to which the individual to whom the option is granted owns stock of either the employer corporation, or of its parent or subsidiary corporation, an option is a restricted stock option if—

(i) Such option is granted after February 26, 1945, to such individual, for any reason connected with his employment by a corporation, if granted by the employer corporation or its parent or subsidiary corporation, to purchase stock of any of such corporations; and

(ii) At the time such option is granted the option price is at least 110 percent of the fair market value at such time of the stock subject to the option; and

(iii) Such option by its terms is not transferable by such individual otherwise than by will or by the laws of descent and distribution, and is exercisable, during his lifetime, only by him; and

(iv) Such option by its terms is not exercisable after the expiration of five years from the date on which such option was granted, or such option is exercised before August 17, 1955.

(3) At the time the option is granted, the relationship between the individual to whom an option is granted and the corporation granting the option (or a corporation which is a parent or subsidiary thereof) must be the legal and bona fide relationship of employer and employee. For rules applicable to the determination whether the employer-employee relationship exists, see 26 CFR (1939) 406.203, relating to collection of income tax at source on wages. An option granted before employment or after termination of employment is not a restricted stock option. As to the granting of an option conditioned upon employment, see § 1.421–1 (b) (2). The option must be granted for a reason connected with the individual's employment by the corporation or by its parent or subsidiary corporation.

(4) An option may qualify as a restricted stock option only if, under the terms of the option, it is not transferable (other than by will or by the laws of descent and distribution) by the individual to whom it is granted, and is exercisable, during the lifetime of such individual, only by him. Accordingly, an option which is transferable by the individual to whom it is granted during his lifetime, or is exercisable during such individual's lifetime by another person, is not a restricted stock option. However, in case the option contains a provision permitting the individual to whom the option was granted to designate the person who may exercise the option after his death, neither such provision, nor a designation pursuant to such provision, disqualifies the option as a restricted stock option.

(b) *Ownership of 10 percent of stock.* In determining the amount of stock owned by an individual, for the purpose of applying the 10 percent test of section 421 (d) (1) (C), stock of the employer corporation or of its parent or subsidiary owned (directly or indirectly) by or for such individual's brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants, shall be considered as owned by such individual. Also, for such purpose, if a domestic or foreign corporation, partnership, estate, or trust owns (directly or indirectly) stock of the employer corporation or of its parent or subsidiary, such stock shall be considered as being owned proportionately by or for the shareholders, partners, or beneficiaries of the corporation, partnership, estate, or trust.

§ 1.421–3 *Exercise of restricted stock option.* (a) The special rules of income tax treatment provided in section 421 (a) and (b) are applicable only if the following conditions exist with respect to the transfer of a share of stock to an individual:

(1) The share of stock is transferred to the individual pursuant to his exercise after 1949 of a restricted stock option; and

(2) At the time the option is exercised by him, the individual is an employee of the corporation granting such option (or parent or subsidiary thereof), or of a corporation (or parent or subsidiary thereof) which issued or assumed the option under section 421 (g) (see § 1.421–4 (d)), or was an employee of any such corporations within three months before the date the option is exercised.

(b) (1) Section 421 is applicable to the exercise of a restricted stock option only if at the time the individual exercises the option he is a bona fide employee of the corporation granting the option, or of a corporation which is at the time the option is exercised a parent or subsidiary of such corporation, unless the old option has been assumed or a new option has been issued in its place under section 421 (g). See § 1.421–4 (d). In case of such an assumption of the old option or such issuance of a new option, the individual exercising the option must, at the time he exercises the option, be a bona fide employee of the corporation so assuming or issuing the option, or a parent or subsidiary of such corporation. Section 421 is also applicable if the individual exercising the option was a bona fide employee of any of such corporations within three months before the exercise of the option.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). On June 1, 1954, X Corporation granted a restricted stock option to A, an employee of X Corporation, to purchase a share of X stock. On February 1, 1955, X sold the plant where A was employed to M Corporation, an unrelated corporation, and A was employed by M. If A exercises this restricted stock option on June 1, 1955, section 421 is not applicable to such exercise, because on June 1, 1955, A is not employed by the corporation which granted the option or by a parent or subsidiary of such corporation. Nor was he employed by any of such corporations within three months before June 1, 1955.

Example (2). Assume the facts to be the same as in example (1), except that when A was employed by M Corporation, the option to purchase X stock was terminated, and was

replaced by an option to buy M stock in such circumstances that M Corporation is treated as a corporation issuing an option under section 421 (g). If A exercises the option to purchase the share of M stock on June 1, 1955, section 421 is applicable for A is then employed by a corporation which issued an option under section 421 (g).

(c) (1) The determination whether an option ultimately exercised is a restricted stock option is made as of the date such option is granted. An option which is a restricted stock option when granted does not lose its character as such an option by reason of subsequent events, and an option which is not a restricted stock option when granted does not become such an option by reason of subsequent events. See, however, § 1.421–4, relating to modification, extension, or renewal of an option.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). S–1 Corporation is a subsidiary of S Corporation which, in turn, is a subsidiary of P Corporation. On June 1, 1954, P grants to an employee of P a restricted stock option to purchase a share of stock of S–1. On January 1, 1955, S sells a portion of the S–1 stock which it owns to an unrelated corporation and, as of that date, S–1 ceases to be a subsidiary of S. On May 1, 1955, while still employed by P, the employee exercises his option to purchase a share of S–1 stock. The employee has exercised a restricted stock option.

Example (2). Assume P grants an option to an employee under the same facts as in example (1) above, except that on June 1, 1954, S–1 is not a subsidiary of either S or P. Such option is not a restricted stock option on June 1, 1954. On January 1, 1955, S purchases from an unrelated corporation a sufficient number of shares of S–1 stock to make S–1, as of that date, a subsidiary of S. On May 1, 1955, while still employed by P, the employee exercises his option to purchase a share of S–1 stock. The employee has not exercised a restricted stock option.

(d) For the rules applicable to an exercise of a restricted stock option by the estate of the individual to whom the option was granted, or by a person who acquired the option by bequest or inheritance or by reason of the death of such individual, see § 1.421–5 (d).

§ 1.421–4 *Modification, extension, or renewal*—(a) *In general.* Section 421 (e) provides the rules for determining whether a share of stock transferred to an individual upon his exercise of an option, after the terms thereof have been modified, extended, or renewed, is transferred pursuant to the exercise of a restricted stock option. Such rules and the rules of this section are applicable to modifications, extensions, or renewals (or to changes which are not treated as modifications) in the case of an exercise of an option in any taxable year of the optionee which begins after December 31, 1953, and ends after August 16, 1954.

(b) *Effect of a modification, extension, or renewal.* (1) Any modification, extension, or renewal of the terms of an option to purchase stock shall be considered as the granting of a new option.

(2) Except as otherwise provided in subparagraph (3) of this paragraph, in case of a modification, extension, or renewal of an option, the highest of the following values shall be considered to be the fair market value of the stock at the time of the granting of such option for the purpose of applying the rule of section 421 (d) (1) (A)—

(i) The fair market value on the date of the original granting of the option,

(ii) The fair market value on the date of the making of such modification, extension, or renewal, or

(iii) The fair market value at the time of the making of any intervening modification, extension, or renewal.

(3) (i) The rules of subparagraph (2) of this paragraph do not apply if the aggregate of the monthly average fair market values of the stock subject to the option for the 12 consecutive calendar months preceding the month in which the modification, extension, or renewal occurs, divided by 12, is an amount less than 80 percent of the fair market value of such stock on the date of the original granting of the option or the date of the making of any intervening modification, extension, or renewal, whichever is the highest. In such case, any modification, extension, or renewal of the option is treated as the granting of a new option but only the fair market value of the stock subject to the option at the time of the modification, extension, or renewal is considered in determining whether the option is a restricted stock option. In the case of stocks listed on a stock exchange, the average fair market value of the stock for any month may be determined by adding the highest and lowest quoted selling prices during such month and dividing the sum by two. The method used for determining the average fair market value of the stock for any month must be used for all 12 months.

(ii) The application of subdivision (i) of this subparagraph may be illustrated by the following example:

Example. On June 1, 1954, a restricted stock option was granted to purchase before July 1, 1955, a share of stock for $85. The fair market value of such stock on June 1, 1954, was $100. On June 15, 1955, when the fair market value of the stock is $60, such option is extended so that it is exercisable at any time before July 1, 1956, at $55 a share. The average fair market value of the stock subject to the option for each of the 12 calendar months preceding June 1955, is as follows:

1954		1955	
June	$100	January	$90
July	90	February	80
August	80	March	70
September	70	April	60
October	80	May	60
November	80		
December	90		

The aggregate of such values is $950. When this sum is divided by 12, the result is $79.17, which is an amount less than 80 percent of the fair market value of the stock ($100) when the option was granted. Accordingly, when the option is extended on June 15, 1955, the option price could have been reduced as low as $51 (85 percent of the fair market value of the stock on such day) without disqualifying the option as a restricted stock option. If the aggregate fair market values of the stock so ascertained had amounted to $960 or more, the rules of subparagraph (2) of this paragraph would have been applicable with the result that any reduction in the option price would have disqualified the option as a restricted stock option.

(c) *Definition of modification, extension, or renewal.* (1) The time or date when an option is modified, extended, or renewed shall be determined, insofar as applicable, in accordance with the rules governing determination of the time or date of granting an option provided in § 1.421–1 (b). For the purpose of section 421, the term "modification" means any change in the terms of the option which gives the optionee additional benefits under the option. For example, a change in the terms of the option, which shortens the period during which the option is exercisable, is not a modification. However, a change, which accelerates the time when the option is first exercisable, or which provides more favorable terms for the payment for the stock purchased under the option, is a modification. A mere change in the terms of the option, with respect to the number, kind, or price of the shares subject to the option, solely to reflect a stock dividend or reorganization, such as a recapitalization, is not a modification of the option. See § 1.421–4 (d) for rules relating to the issuance or assumption of an option under section 421 (g). Where an option is amended solely to increase the number of shares subject to the option, such increase shall not be considered as a modification of the option, but shall be treated as the grant of a new option for the additional shares.

(2) Any change in the terms of an option for the purpose of qualifying the option as a restricted stock option is a modification. For example, if an option was granted to purchase for $80 a share of stock, the fair market value of which was $100 at such time, and if later the option price is increased to $85 in order to meet the requirement of section 421 (d) (1) (A), such change is a modification of the option, although the price is increased. Accordingly, the option, despite the change, is not a restricted stock option if the fair market value of the share is more than $100 when the price is increased. However, if the terms of an option are changed to provide that the optionee cannot transfer the option except by will or by the laws of descent and distribution, such change is not a modification, provided the option is at the same time changed so that it is not exercisable after the expiration of ten years from the date the option was granted.

(3) An extension of an option refers to the granting by the corporation to the optionee of an additional period of time within which to exercise the option beyond the time originally prescribed. A renewal of an option is the granting by the corporation of the same rights or privileges contained in the original option on the same terms and conditions. The rules of this paragraph apply as well to successive modifications, extensions, and renewals.

(d) *Assumption or substitution of restricted stock options in connection with certain corporate transactions.* (1) Where, by reason of a corporate transaction, as defined in this paragraph, the employer corporation, or its parent or subsidiary corporation, assumes an existing option, or issues a new option in place of the old option, such assumption or issuance is not a modification, if—

(i) The excess of the aggregate fair market value of the stock subject to the option immediately after such assumption or issuance over the aggregate option price is not more than the excess of the aggregate fair market value of the stock subject to the option immediately before such assumption or issuance over the aggregate option price, and

(ii) Such assumption of the old option, or issuance of the new option, does not give the optionee additional benefits under the option.

For the purpose of this paragraph, the term "corporate transaction" means a corporate merger, consolidation, purchase or acquisition of property or stock, separation, reorganization, or liquidation. Thus, for this purpose, a "corporate transaction" includes a taxable transaction (such as, a purchase of stock or property for cash) and any corporate reorganization (whether or not it comes within the definition of such term in section 368) and any corporate liquidation (whether or not section 332 is applicable).

(2) This paragraph provides rules under which, in connection with a corporate transaction, the new employer corporation, or a parent or subsidiary corporation thereof, may assume an existing restricted stock option or may issue a new option in place of an existing restricted stock option without having such assumption or substitution considered to be a modification of the option. This paragraph is applicable, for example, where the former employer is merged into another corporation and the new employer assumes the option granted by the former employer, provided the requirements of this paragraph are met. However, this paragraph is applicable if, and only if, by reason of the corporate transaction the optionee is not thereafter an employee of the corporation which granted the existing restricted stock option or a parent or subsidiary of such corporation. The assumption or substitution may take place in accordance with this paragraph at the time of the corporate transaction, notwithstanding that the option could still be exercised in accordance with § 1.421–3 for a period of three months thereafter. The determination of the parent-subsidiary relationship shall be made after the assumption of the old option or after the issuance of the new option.

(e) *Effect on qualification.* A restricted stock option may, as a result of a modification, extension, or renewal, thereafter cease to be a restricted stock option, or any option may, by modification, extension, or renewal, thereafter become a restricted stock option.

(f) *Examples.* The rule states in section 421 (e) may be illustrated by the following examples:

Example (1). On June 1, 1954, the X Corporation grants to an employee an option to purchase 100 shares of the stock of X Corporation at $90 per share, such option to be exercised on or before June 1, 1956. At the time the option is granted, the fair market value of the X Corporation stock is $100 per share. On February 1, 1955, before the employee exercises the option, X Corporation modifies the option to provide that the price at which the employee may purchase the stock shall be $80 per share. On February 1, 1955, the fair market value of the X Corporation stock is $90 per share. Under section 421 (e), the X Corporation is deemed to have granted an option to the employee on February 1, 1955. Unless the value of the stock has substantially declined making paragraph (b) (3) of this section applicable, such option shall be treated as an option to purchase at $80 per share 100 shares of stock having a fair market value of $100 per share, that is, the higher of the fair market value of the stock on June 1, 1954, and on February 1, 1955. The exercise of such option by the employee after February 1, 1955, is not the exercise of a restricted stock option.

Example (2). On June 1, 1954, the X Corporation grants to an employee a restricted stock option to purchase 100 shares of X Corporation stock at $90 per share, exercisable after December 31, 1955, and on or before June 1, 1956. On June 1, 1954, the fair market value of X Corporation's stock is $100 per share. On February 1, 1955, X Corporation modifies the option to provide that the option shall be exercisable on or after February 1, 1955, and on or before June 1, 1956. On February 1, 1955, the fair market value of X Corporation stock is $110 per share. Under section 421 (e), X Corporation is deemed to have granted an option to the employee on February 1, 1955, to purchase at $90 per share 100 shares of stock having a fair market value of $110 per share, that is, the higher of the fair market value of the stock on June 1, 1954, and on February 1, 1955. The exercise of such option by the employee is not the exercise of a restricted stock option.

Example (3). The facts are the same as in example (1), except that the employee exercised the option to the extent of 50 shares on January 15, 1955, before the date of the modification of the option. Any exercise of the option after February 1, 1955, the date of the modification, is not the exercise of a restricted stock option. See example (1) in this paragraph. The exercise of the option on January 15, 1955, pursuant to which 50 shares were acquired, is the exercise of a restricted stock option.

Example (4). On June 1, 1954, the X Corporation grants to an employee an option to purchase 100 shares of the stock of X Corporation at $80 per share, such option to be exercised on or before June 1, 1956. At the time the option is granted, the fair market value of the X Corporation stock is $100 per share. On February 1, 1955, before the employee exercises the option, the X Corporation modifies the option to provide that the number of shares of stock which the employee may purchase at $80 per share will be 250. On February 1, 1955, the fair market value of the X Corporation stock is $90 per share. Under these facts, the X Corporation has granted two options, one option (not a restricted stock option) with respect to 100 shares having been granted on June 1, 1954, and the other option (a restricted stock option) with respect to the additional 150 shares having been granted on February 1, 1955. In the absence of facts identifying which option is exercised first, the employee will be deemed to have exercised the options in the order in which they were granted.

§ 1.421–5 *Operation of section 421*—(a) *Rules applicable to all restricted stock options*—(1) *In general.* If a share of stock is transferred to an individual pursuant to his timely exercise of a restricted stock option and is not disposed of by him within two years from the date of the granting of the option nor within six months after the transfer of such share to him, then, under section 421 (a)—

(i) No income shall result at the time of the transfer of such share to the individual upon his exercise of the option with respect to such share;

(ii) No deduction under section 162 shall be allowable at any time to the employer corporation of such individual or its parent or subsidiary corporation, or to a corporation which assumed or issued the option under section 421 (g), with respect to the share so transferred; and

(iii) No amount other than the option price shall be considered as received by any of such corporations for the share so transferred.

For the purpose of subdivisions (i), (ii), and (iii) of this subparagraph, each share of stock transferred pursuant to a restricted stock option is treated separately. For example, if an individual, while employed by a corporation granting him a restricted stock option, exercises the option with respect to part of the stock covered by the option, and if such individual exercises the balance of the option more than three months after leaving such employment, the application of section 421 to the stock obtained upon the earlier exercise of the option is not affected by the fact that the income taxes of the employer and the individual with respect to the stock obtained upon the later exercise of the option are not determined under section 421.

(2) *Holding period.* The special rules provided in section 421 (a) are not applicable if the individual disposes of the share of stock within two years from the date the option is granted or within six months after the transfer of such share to him. Section 421 is not made inapplicable by a transfer within the 2-year or 6-month period if such transfer is not a disposition of the stock as defined in subparagraph (3) of this paragraph, for example, a transfer from the decedent to his estate or a transfer by bequest or inheritance. Similarly, a disposition by the executor, administrator, heir, or legatee is not a disposition by the decedent. In case a restricted stock option is exercised by the estate of the individual to whom the option was granted, or by a person who acquired the option by bequest or inheritance or by reason of the death of such individual, see paragraph (d) of this section.

(3) *Disposition of stock.* (i) For the purpose of section 421, the term "disposition" includes a sale, exchange, gift, or any transfer of legal title, but does not include—

(*a*) A transfer from a decedent to his estate or a transfer by bequest or inheritance; or

(*b*) An exchange which occurs in a taxable year of the optionee beginning after December 31, 1953, and ending after August 16, 1954, and to which is applicable section 354, 355, 356, or 1036 (or so much of section 1031 as relates to sec-

tion 1036) or a corresponding provision of the Internal Revenue Code of 1939; or

(c) A mere pledge or hypothecation.

However, a disposition of the stock pursuant to a pledge or hypothecation is a disposition by the individual, even though the making of the pledge or hypothecation is not such a disposition.

(ii) If an individual exercises a restricted stock option, a share of stock acquired pursuant to such exercise is not considered disposed of by the individual if such share is taken in the name of the individual and another person jointly with right of survivorship, or is subsequently transferred into such joint ownership, or is retransferred from such joint ownership to the sole ownership of the individual. However, any termination of such joint ownership is a disposition of such share, except to the extent that the individual reacquires ownership of the share. For example, if such individual and his joint owner transfer such share to another person, the individual has made a disposition of such share. Likewise, if a share of stock held in the joint names of such individual and another person is transferred to the name of such other person, there is a disposition of such share by the individual. If an individual exercises a restricted stock option and a share of stock is transferred to another or is transferred to such individual in his name as trustee for another, the individual has made a disposition of such share.

(4) *Examples.* The rules of section 421 (a) may be illustrated by the following examples:

Example (1). On June 1, 1954, the X Corporation grants to E, an employee, a restricted stock option to purchase 100 shares of X Corporation stock at $95 per share. On that date, the fair market value of X Corporation stock is $100 per share. On June 1, 1955, while employed by X Corporation, E exercises the option in full and pays X Corporation $9,500, and on that day X Corporation transfers to E 100 shares of its stock having a fair market value of $12,000. Before June 1, 1956, E makes no disposition of the 100 shares so purchased. E realizes no income on June 1, 1955, with respect to the transfer to him of the 100 shares of X Corporation stock. X Corporation is not entitled to any deduction at any time with respect to its transfer to E of the stock. E's basis for such 100 shares is $9,500.

Example (2). Assume, in example (1), that on August 1, 1956, two years and one month after the granting of the option and one year and one month after the transfer of the shares to him, E sells the 100 shares of X Corporation stock for $13,000, which is the fair market value of the stock on that date. For the taxable year in which the sale occurs, E realizes a gain of $3,500 ($13,000 minus E's basis of $9,500), which is treated as long-term capital gain.

Example (3). Assume, in example (2), that on August 1, 1956, E makes a gift of the 100 shares of X Corporation stock to his son. Such disposition results in no realization of gain to E either for the taxable year in which the option is exercised or the taxable year in which the gift is made. E's basis of $9,500 becomes the donee's basis for determining gain or loss.

Example (4). Assume, in example (1), that on May 1, 1956, one year and 11 months after the granting of the option and 11 months after the transfer of the shares to him, E sells the 100 shares of X Corporation stock for $13,000. The special rules of section 421 (a) are not applicable to the transfer of the stock by X Corporation to E, because disposition of the stock was made by E within two years from the date the option was granted. See paragraph (e) of this section for the effect of a disqualifying disposition.

Example (5). Assume, in example (1), that E dies on September 1, 1955, owning the 100 shares of X Corporation stock acquired by him pursuant to his exercise on June 1, 1955, of the restricted stock option. On the date of death, the fair market value of the stock is $12,500. No income is realized by E by reason of the transfer of the 100 shares to his estate. If the stock is valued as of the date of E's death for estate tax purposes, the basis of the 100 shares in the hands of the executor is $12,500.

(b) *Additional rules applicable where the option price is between 85 percent and 95 percent of the value of the stock—* (1) *In general.* (i) If all the conditions necessary for the application of section 421 (a) exist, section 421 (b) provides additional rules which are applicable in cases where, at the time the restricted stock option is granted, the option price per share is less than 95 percent (but not less than 85 percent) of the fair market value of such share. In such case, upon the disposition of such share by the individual after the expiration of the 2-year and the 6-month periods, or upon his death while owning such share (whether occurring before or after the expiration of such periods), there shall be included in the individual's gross income as compensation (and not as gain upon the sale or exchange of a capital asset) an amount determined in the following manner. If the option qualified under section 421 (d) (1) (A) (i) (see § 1.421–1 (d) (2) (i)) such amount shall be the amount, if any, by which the option price is exceeded by the lesser of the fair market value of the share at the time the option was granted or the fair market value of the share at the time of such disposition or death. However, if the option qualified under section 421 (d) (1) (A) (ii) (see § 1.421–1 (d) (2) (ii)), such amount shall be whichever of the following amounts is lesser:

(*a*) The excess of the fair market value of the share at the time of such disposition or death over the price paid under the option, or

(*b*) The excess of the fair market value of the share at the time the option was granted over the option price, computed as if the option had been exercised at such time.

The amount of such compensation shall be included in the individual's gross income for the taxable year in which the disposition occurs or for the taxable year closing with his death, whichever event results in the application of section 421 (b).

(ii) The application of the special rules provided in section 421 (b) shall not affect the rules provided in section 421 (a) with respect to the individual exercising the option, the employer corporation, or its parent or subsidiary corporation. Thus, notwithstanding the inclusion of an amount as compensation in the gross income of an individual, as provided in section 421 (b), no income results to the individual at the time the stock is transferred to him, and no deduction under section 162 is allowable at any time to the employer corporation or its parent or subsidiary with respect to such amount.

(iii) If the individual exercises a restricted stock option during his lifetime and dies before the stock is transferred to him pursuant to his exercise of the option, the transfer of such stock to the individual's executor, administrator, heir, or legatee is deemed, for the purpose of section 421, to be a transfer of the stock to the individual exercising the option and a further transfer by reason of death from such individual to his executor, administrator, heir, or legatee.

(2) *Basis.* If the special rules provided in section 421 (b) are applicable to the disposition of a share of stock by an individual, the basis of such share in the individual's hands at the time of such disposition, determined under section 1011, shall be increased by an amount equal to the amount includible as compensation in his gross income under section 421 (b). If the special rules provided in section 421 (b) are applicable to a share of stock upon the death of an individual, the basis of such share in the hands of the estate or the person receiving the stock by bequest or inheritance shall be determined under section 1014, and shall not be increased by reason of the inclusion upon the decedent's death of any amount in his gross income under section 421 (b). See example (9) of this paragraph with respect to the determination of basis of the share in the hands of a surviving joint owner.

(3) *Examples.* The operation of section 421 (b) may be illustrated by the following examples:

Example (1). On June 1, 1954, the X Corporation grants to E, an employee, a restricted stock option to purchase a share of X Corporation's stock for $85. The fair market value of the X Corporation stock on such date is $100 per share. On June 1, 1955, E exercises the restricted stock option and on that date the X Corporation transfers the share of stock to E. On January 1, 1957, E sells the share for $150, its fair market value on that date. E makes his income tax return on the basis of the calendar year. The income tax consequences to E and X Corporation are as follows: (i) Compensation in the amount of $15 is includible in E's gross income for 1957, the year of the disposition of the share. The $15 represents the difference between the option price ($85) and the fair market value of the share on the date the option was granted ($100), since such value is less than the fair market value of the share on the date of disposition ($150). For the purpose of computing E's gain or loss on the sale of the share, E's cost basis of $85 is increased by $15, the amount includible in E's gross income as compensation. Thus, E's basis for the share is $100. Since the share was sold for $150, E realizes a gain of $50, which is treated as long-term capital gain; (ii) The X Corporation is entitled to no deduction under section 162 at any time with respect to the share transferred to E.

Example (2). Assume, in example (1), that E sells the share of X Corporation stock on January 1, 1958, for $75, its fair market value on that date. Since $75 is less than the option price ($85), no amount in respect of the sale is includible as compensation in E's gross income for 1958. E's basis for determining gain or loss on the sale is $85. Since E sold the share for $75, E realized a loss of $10 on the sale, which loss is treated as a long-term capital loss.

Example (3). Assume, in example (1), that the option provides that the option price shall be 90 percent of the fair market value of a share of the stock on the day the option is exercised. On June 1, 1955, when the option is exercised, the fair market value of the stock is $120 per share so that E pays $108 for the share of stock. Compensation in the amount of $10 is includible in E's gross income for 1957, the year of the disposition of the share. This is determined in the following manner. The excess of the fair market value of the stock at the time of the disposition ($150) over the price paid for the share ($108) is $42; and the excess of the fair market value of the stock at the time the option was granted ($100) over the option price, computed as if the option had been exercised at such time ($90), is $10. Accordingly, $10, the lesser, is includible in gross income. In this situation, E's cost basis of $108 is increased by $10, the amount includible in E's gross income as compensation. Thus, E's basis for the share is $118. Since the share was sold for $150, E realizes a gain of $32, which is treated as long-term capital gain.

Example (4). Assume, in example (1), that instead of selling the share on January 1, 1957, E makes a gift of the share on that day. In such case, $15 is includible as compensation in E's gross income for 1957. E's cost basis of $85 is increased by $15, the amount includible in E's gross income as compensation. Thus, E's basis for the share is $100, which becomes the donee's basis, as of the time of the gift, for determining gain or loss.

Example (5). Assume, in example (2), that instead of selling the share on January 1, 1958, E makes a gift of the share on that date. Since the fair market value of the share on that day ($75) is less than the option price ($85), no amount in respect of the disposition by way of gift is includible as compensation in E's gross income for 1958. E's basis for the share is $85, which becomes the donee's basis, as of the time of the gift, for the purpose of determining gain. The donee's basis for the purpose of determining loss, determined under section 1015 (a), is $75 (fair market value of the share at the date of gift).

Example (6). Assume, in example (1), that after acquiring the share of stock on June 1, 1955, E dies on August 1, 1956, at which time the share has a fair market value of $150. Compensation in the amount of $15 is includible in E's gross income for the taxable year closing with his death, such $15 being the difference between the option price ($85) and the fair market value of the share when the option was granted ($100), since such value is less than the fair market value at date of death ($150). The basis of the share in the hands of E's estate is determined under section 1014 without regard to the $15 includible in the decedent's gross income.

Example (7). Assume, in example (6), that E dies on August 1, 1955, at which time the share has a fair market value of $150. Although E's death occurred within two years from the date of the granting of the option and within six months after the transfer of the share to him, the income tax consequences are the same as in example (6).

Example (8). Assume the same facts as in example (1) except that the share of stock was issued in the names of E and his wife jointly with right of survivorship, and except that E and his wife sold the share on June 15, 1956, for $150, its fair market value on that date. Compensation in the amount of $15 is includible in E's gross income for 1956, the year of the disposition of the share. The basis of the share in the hands of E and his wife for the purpose of determining gain or loss on the sale is $100, that is, the cost of $85 increased by the amount of $15 includible as compensation in E's gross income. The gain of $50 on the sale is treated as long-term capital gain, and is divided equally between E and his wife.

Example (9). Assume the same facts as in example (1), except that the share of stock was issued in the names of E and his wife jointly with right of survivorship, and except that E predeceased his wife on August 1, 1956, at which time the share had a fair market value of $150. Compensation in the amount of $15 is includible in E's gross income for the taxable year closing with his death. See example (6). The basis of the share in the hands of E's wife as survivor is determined under section 1014 without regard to the $15 includible in the decedent's gross income.

Example (10). Assume, in example (9), that E's wife predeceased him on July 1, 1956. Section 421 (b) does not apply in respect of her death. Upon the subsequent death of E on August 1, 1956, the income tax consequences in respect of E's taxable year closing with the date of his death, and in respect of the basis of the share in the hands of his estate, are the same as in example (6). If E had sold the share on July 15, 1956 (after the death of his wife), for $150, its fair market value at that time, the income tax consequences would be the same as in example (1).

(c) *Acquisition of other stock.* (1) Section 421 (c) provides that the special rules stated in section 421 (a) and (b), if applicable with respect to stock transferred to an individual upon his exercise of an option, shall likewise be applicable with respect to stock acquired by a distribution to which is applicable section 305, 354, 355, 356, or 1036 (or so much of section 1031 as relates to section 1036) or a corresponding provision of the Internal Revenue Code of 1939. Stock so acquired shall, for the purpose of section 421, be considered as having been transferred to the individual upon his exercise of the option. A similar rule shall be applied in the case of a series of such acquisitions. With respect to such acquisitions, section 421 (c) does not make inapplicable any of the provisions of section 305, 354, 355, 356, or 1036 (or so much of section 1031 as relates to section 1036). Section 421 (c) is applicable only with respect to such acquisitions which occur in any taxable year of the shareholder which begins after December 31, 1953, and ends after August 16, 1954. As to acquisitions occurring in earlier taxable years, see section 130A (c) of the Internal Revenue Code of 1939.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. If, with respect to stock transferred pursuant to the timely exercise of a restricted stock option, there is a distribution of new stock to which section 305 (a) is applicable, and if there is a disposition of such new stock within two years after the option was granted, such disposition makes section 421 inapplicable to the transfer of the original stock pursuant to the exercise of the option to the extent that the disposition effects a reduction of the individual's total interest in the old and new stock. However, if the new stock, as well as the old stock, is not disposed of within two years after the option was granted, nor within six months after the transfer of the old stock pursuant to the exercise of the option, section 421 is applicable.

(d) *Exercise after death.* (1) If a restricted stock option is exercised by the estate of the individual to whom the option was granted, or by any person who acquired such option by bequest or inheritance or by reason of the death of such individual, and if such exercise occurs in a taxable year of the estate or of such person beginning after December 31, 1953, and ending after August 16, 1954, section 421 applies to such exercise in the same manner as if such option had been exercised by such deceased individual. Consequently, neither the estate nor such person is required to include any amount in gross income as a result of a transfer of stock pursuant to such exercise of the option. Nor does section 421 become inapplicable if such executor, administrator, or person disposes of the stock so acquired within two years after the granting of such option or within six months after the transfer of the stock pursuant to the exercise of such option. This exception as to the applicability of section 421 does not affect the applicability of section 1222, relating to what constitutes a short-term and long-term capital gain or loss. Section 421 is applicable even though such executor, administrator, or person is not employed by the corporation granting the option, or a parent or subsidiary thereof, either when the option is exercised or at any time. However, section 421 is not applicable to an exercise of the option by the estate or by such person, unless the individual to whom the option was granted met the requirements of § 1.421–3 (b), relating to the employment of such individual, either at the time of his death or within three months before such time. If the option is exercised by a person other than the executor or administrator, or other than a person who acquired the option by bequest or inheritance or by reason of the death of such deceased individual, section 421 is not applicable to the exercise. For example, if the option is sold by the estate, section 421 does not apply to an exercise of the option by such buyer; but if the option is distributed by the administrator to an heir as part of the estate, section 421 is applicable to an exercise of the option by such heir.

(2) Any transfer by the estate, whether a sale, a distribution of assets, or otherwise, of the stock acquired by its exercise of the option under this paragraph is a disposition of the stock. Therefore, if section 421 (b) is applicable, the estate must include an amount as compensation in its gross income. Similarly, if section 421 (b) is applicable in case of an exercise of the option under this paragraph by a person who acquired the option by bequest or inheritance or by reason of the death of the individual to whom the option was granted, there must be included in the gross income of such person an amount as compensation, either when such person disposes of the stock, or when he dies owning the stock.

(3) (i) If under section 421 (b) an amount is required to be included in the gross income of the estate or of such person, the estate or such person shall be allowed a deduction as a result of the in-

clusion of the value of the restricted stock option in the estate of the individual to whom the option was granted. Such deduction shall be computed under section 691 (c) by treating the restricted stock option as an item of gross income in respect of a decedent under section 691 and by treating the amount required to be included in gross income under section 421 (b) as an amount included in gross income under section 691 in respect of such item of gross income. No such deduction shall be allowable with respect to any amount other than an amount includible under section 421 (b). For the rules relating to the computation of a deduction under section 691 (c), see § 1.691 (c)–1.

(ii) The application of subdivision (i) may be illustrated by the following example:

Example. On June 1, 1953, E was granted a restricted stock option to purchase for $85 one share of the stock of his employer. On such day, the fair market value of such stock was $100 a share. E died on February 1, 1954, without having exercised such option. The option was, however, exercisable by his estate, and for purposes of the estate tax was valued at $30. On March 1, 1955, the estate exercised the option, and on March 15, 1955, sold for $150 the share of stock so acquired. For its taxable year including March 15, 1955, the estate is required by section 421 (b) to include in its gross income as compensation the amount of $15. During such taxable year, no amounts of income were properly paid, credited, or distributable to the beneficiaries of the estate. However, under section 421 (d) (6) (B) the estate is entitled to a deduction determined in the following manner. E's estate includes no other items of income in respect of a decedent referred to in section 691 (a), and no deductions referred to in section 691 (b), so that the value for estate tax purposes of the restricted stock option, $30, is also the net value of all items of income in respect of the decedent. The estate tax attributable to the inclusion of the restricted stock option in the estate of E is $10. Since $15, the amount includible in gross income by reason of section 421 (b), is less than the value for estate tax purposes of the option, only $^{15}/_{30}$ of the estate tax attributable to the inclusion of the option in the estate is deductible; that is, $^{15}/_{30}$ of $10, or $5. The estate realizes a capital gain of $50 since the $15 which is included in the gross income of the estate is added to the $85 paid for the stock in determining the basis of the stock, but the basis of the stock is not increased by reason of the inclusion of the restricted stock option in the estate (see section 1014 (d)). No deduction under section 421 (d) (6) (B) is allowable with respect to the $50 capital gain.

(e) *Disqualifying disposition.* The disposition of a share of stock, acquired by the exercise of a restricted stock option, within two years after the granting of the option or within six months after the transfer of the share pursuant to such exercise makes section 421 inapplicable to such transfer of the share. If such disqualifying disposition occurs in a taxable year of the individual which begins after December 31, 1953, and ends after August 16, 1954, the income attributable to such transfer shall be treated by the individual as income received in the taxable year in which such disposition occurs. Similarly, if such disposition occurs in a taxable year of the employer which begins after December 31, 1953, and ends after August 16, 1954, the deduction attributable to the transfer of the share of stock pursuant to the exercise of the option shall be allowable for the taxable year in which such disposition occurs. In such cases, no amount shall be treated as income, and no amount shall be allowed as a deduction, for the taxable year in which the stock was transferred pursuant to the exercise of the option. The extent to which such deduction is allowable, though, shall be determined as if such deduction was claimed for the taxable year of the transfer.

§ 1.421–6 *Effective date.* Sections 1.421–1 to 1.421–5, inclusive, shall be applicable to taxable years beginning after December 31, 1953, and ending after August 16, 1954, except as is otherwise provided in such sections.

[F. R. Doc. 55–9281; Filed, Nov. 17, 1955; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 115]

REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

PERMITS FOR RIGHTS-OF-WAY FOR LOGGING ROADS

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of August 28, 1937 (50 Stat. 874) and Revised Statutes 2478 (43 U. S. C. 1201), it is proposed to issue regulations implementing the said act of August 28, 1937, supra, so far as is necessary.

The proposed regulations are set forth below.

Interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed regulations or forms to the Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

DOUGLAS MCKAY,
Secretary of the Interior.

NOVEMBER 10, 1955.

1. Section 115.166 (a) is amended to read as follows:

§ 115.166 *Agreements and arbitration between permittee and licensee respecting compensation payable by licensee to permittee for use of road.* (a) In the event the United States exercises the rights received from a permittee hereunder to license a person to remove forest products over any road, right-of-way, or lands of the permittee or of his successor in interest, to the extent that such matters are not covered by an agreement under § 115.165, such licensee will be required to pay the permittee or his successor in interest such compensation and to furnish him such security, and to carry such liability insurance as the permittee or his successor in interest and the licensee may agree upon. If the parties do not agree, then upon the written request of either party delivered to the other party, the matter shall be referred to and finally determined by arbitration in accordance with the procedures established by § 115.169. During the pendency of such arbitration proceedings, the licensee shall be entitled to use the road, right-of-way, or lands involved upon payment, or tender thereof validly maintained, to the permittee of an amount to be determined by the authorized officer and upon the furnishing to the permittee of a corporate surety bond in an amount equal to the difference between the amount fixed by the authorized officer and the amount sought by the permittee. The licensee shall also, as a condition of use in such circumstances, maintain such liability insurance in such amounts covering any additional hazard and risk which might accrue by reason of the licensee's use of the road, as the authorized officer may prescribe.

2. Section 115.171 (b) is amended to read as follows:

§ 115.171 *Payment to the United States for road use.* • • •

(b) In addition, where the permittee receives a right to use a road constructed or acquired by the United States, which is under the administrative jurisdiction of the Bureau of Land Management, he will be required to pay to the United States for the use thereof, except where he transports forest products purchased from the United States through the Bureau, a fee to be determined by the authorized officer who shall base his determination upon the amortization of the replacement costs for a road of the type involved, together with a reasonable interest allowance on such costs, plus costs of maintenance if furnished by the United States and any extraordinary costs peculiar to the construction or acquisition of the particular road. In arriving at the amortization item, the authorized officer shall take into account the probable period of time, past and present, during which such road may be in existence and the volume of timber which has been moved and the volume of timber, currently merchantable, which probably will be moved from all sources over such road. The authorized officer may fix the rate at which payments shall be made by the permittee during his use of the road: *Provided, however,* That this paragraph shall not apply where payment for such road use to another permittee is required under §§ 115.154 to 115.179: *Provided further,* That where the United States is entitled to charge a fee for the use of a road, the authorized officer may waive such fee if the permittee grants to the United States and its licenses the right to use, without charge, permittee's roads of approximately equal value, taking into account, in determining such values, the proposed use of the roads.

3. Section 115.174 (a) is amended by adding at the end thereof two new subparagraphs as follows:

§ 115.174 *Terms and conditions of permit.* (a) As to all permits: Every permittee shall agree: • • •

(10) Upon request of an authorized officer, to submit to the Bureau within 15 days with permission to publish the detailed terms and conditions, including the fee which the permittee will ask as a condition of such licensee's use for the removal of forest products over any road or right-of-way which the United States and its licensees have acquired a right to use under § 115.162.

(11) To grant to the United States, upon request of an authorized officer, in lieu of the rights-of-way across legal subdivisions granted pursuant to § 115.162, such permanent easements on specifically described locations as may be necessary to permit the Bureau to construct roads on such legal subdivisions with appropriated funds: *Provided,* That at the time of the grant of such permanent easements the Bureau shall release, except for necessary connecting spur roads, the rights-of-way across such legal subdivisions previously granted: *Provided further,* That if the United States builds a road on such permanent easements it shall pay for any timber of the permittee which is cut, removed, or destroyed in accordance with § 115.167. The authorized officer shall waive the requirement under this paragraph, however, if the permittee makes a satisfactory showing to the authorized officer that he does not own a sufficient interest in the land to grant a permanent easement, and that he has negotiated therefor in good faith without success.

(28 Stat. 635, as amended, sec. 11, 39 Stat. 223, sec. 6, 40 Stat. 1181, sec. 5, 50 Stat. 875; 43 U. S. C. 956)

[F. R. Doc. 55–9269; Filed, Nov. 17, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

[Docket No. AO–243–A1]

HANDLING OF MILK IN CENTRAL ARKANSAS MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Hearing Room, Fish & Game Building, State Capitol, Little Rock, Arkansas, beginning at 10:00 a. m., November 22, 1955.

The public hearing is for the purpose of receiving evidence with respect to emergency marketing conditions and the proposed amendment hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order regulating the handling of milk in the Central Arkansas marketing area. The proposed amendment has not received the approval of the Secretary of Agriculture.

By The Central Arkansas Producers Association:

1. Amend § 908.51 (a) to provide for an automatic adjustment of the Class I price based upon the supply-demand adjustment now provided in § 918.51 (a) of the order regulating the handling of milk in the Memphis, Tennessee marketing area.

2. Consider the need for emergency action with respect to the proposal stated above.

Copies of this notice of hearing and the order now in effect may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: November 15, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55–9302; Filed, Nov. 17, 1955; 8:52 a. m.]

[7 CFR Part 966]

[Docket No. AO–257–A1]

HANDLING OF MILK IN SHREVEPORT, LOUISIANA, MARKETING AREA

NOTICE OF POSTPONEMENT AND SUPPLEMENTAL NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended, (CFR Part 900), notice is hereby given of the postponement of a public hearing previously scheduled to be held in Shreveport, Louisiana, on November 21, 1955 (20 F. R. 8336). The hearing will be held in the State Exhibit Museum, 3015 Greenwood Road, Shreveport, Louisiana, beginning at 10:00 a. m., December 12, 1955.

In addition to the proposals contained in the original notice of hearing which was published in the FEDERAL REGISTER November 5, 1955, the following proposals are to be considered:

By Parker's Dairy, Haynesville, Louisiana:

8. Amend § 966.7 to read as follows:

§ 966.7 *Distributing plant.* "Distributing plant" means any plant from which Class I milk is disposed during the month through routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except fluid milk plants) located in the marketing area.

By Sanitary Dairy Products, Inc., Minden, Louisiana:

9. Review § 966.41 (b) relative to "shrinkage".

The proposed amendments have not received approval of the Secretary of Agriculture. Copies of this notice of hearing and the order now in effect may be procured from the market administrator, 3822 Linwood Avenue, Shreveport, Louisiana, or the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be inspected there.

Dated: November 15, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55–9301; Filed, Nov. 17, 1955; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 193]

[Ex Parte No. MC–40]

CARRIERS BY MOTOR VEHICLE; PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 10th day of November A. D. 1955.

It appearing that our continuing study of the Motor Carrier Safety Regulations and the effectiveness thereof indicates the desirability in the public interest, of imposing at the earliest practicable date, additional regulations with respect to safeguards against parts failures in motor vehicle braking systems;

It further appearing that the mechanical means for accomplishing the results sought have been sufficiently perfected to permit the imposition of reasonable regulations with respect thereto;

And it further appearing that by petition, dated September 3, 1954, filed by the Brotherhood of Locomotive Firemen and Enginemen to which American Trucking Associations, Inc., Private Truck Council of America, Inc., National Association of Motor Bus Operators, Public Service Coordinated Transport, Automobile Manufacturers Association, Inc., and National Automobile Transporters Association, concurred in by Ford Motor Company, filed replies, petitioner seeks the institution of an investigation for the purpose of determining whether motor carriers (including common carriers, contract carriers, private carriers and so-called "exempt" carriers under section 203 (b) of the Interstate Commerce Act) in the interest of public safety should be required to install and maintain on every motor vehicle equipment which would cause the brakes on such vehicles to apply automatically when a condition of loss of braking power is created from any cause; and good cause appearing therefor:

It is ordered, That pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given of the Commission's proposal to adopt and prescribe the following regulation as an addition to the Motor Carrier Safety Regulations, adopted April 14, 1952, as amended (49 CFR Parts 190–197) (49 Stat. 546, as

amended; 49 U. S. C. 304). The proposed regulation is as follows:

§ 193.53 *Safeguards against parts failure.* Every motor vehicle, the date of manufacture of which is subsequent to September 30, 1956, and every motor vehicle in use after March 31, 1957, if used in a combination of motor vehicles shall, except as otherwise provided in this rule, have its service braking system so designed, constructed, and maintained as to provide that failure of any part thereof shall not prevent the effective application of brakes on more than one axle of the combination except that the front axle brakes of the towing vehicle need not be included in the protected group. The braking system shall be subject to the driver's control at all times by means of the controls which are used in the application of the service brakes, except as provided in these regulations with respect to automatic brake applications. Application of towed-vehicle brakes shall be, and application of towing-vehicle brakes may be, automatic in the event of failure of the source of braking power on the towing vehicle or of the means of applying the brakes, but the system shall not be arranged to permit automatic brake application on the towing vehicle without brake application on the towed vehicle or vehicles, nor to permit automatic brake application on the foremost axle of the towing vehicle in any event. Neither the design, construction, nor installation of the protective features necessary for compliance with this rule shall be such as to interfere with the normal operation of the service brakes under any circumstances. This rule shall not be so construed as to require all wheels of all vehicles to be provided with brakes, where provision to the contrary is made in § 193.42 or § 193.48, nor to constitute an exception to the requirement for automatic braking of towed vehicles in the event of breakaway contained in § 193.43, nor to constitute an exception to the requirements of § 193.48 regarding operative condition of vehicle brakes.

It is further ordered, That interested persons may, on or before January 3, 1956, submit written statements containing data, views, or arguments, verified under oath by a person having knowledge of such data, views, or arguments, and that thereafter consideration will be given to the proposed rule or some revision thereof in the light of the statements which may be submitted.

It is further ordered, That one signed copy and 14 additional copies of such statements be furnished for the use of the Commission by mailing to the Secretary of the Interstate Commerce Commission, Washington, D. C. No oral hearing is contemplated, but any request for such hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in the form heretofore provided. The Commission, thereafter, will determine whether or not assignment of the matter for oral hearing is necessary or desirable.

It is further ordered, That the said petition, except to the extent that the relief sought therein is provided by the rule proposed herein, be, and it is hereby, denied.

And it is further ordered, That notice of this proposed rule shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-9273; Filed, Nov. 17, 1955; 8:46 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 8]

ORGANIZATION AND FUNCTIONS

MISCELLANEOUS AMENDMENTS

In accordance with the public information requirements of the Administrative Procedure Act, the description of the Organization and Functions of the Civil Aeronautics Administration is hereby amended by (1) adding the Deputy Administrator as a principal officer of the Office of the Administrator, (2) defining the functions and responsibilities of the Deputy Administrator, (3) deleting the Executive Staff Division and Technical Staff Division of the Office of Aviation Safety, and (4) deleting the Executive Staff Division of the Office of Federal Airways.

1. Section 11 (b) (1), published in 20 F. R. 2202 of April 7, 1955, is amended to read:

(1) Office of the Administrator, which includes the—

(i) Immediate Office of the Administrator.

(ii) Office of the Deputy Administrator.

(iii) Office of the Assistant Administrator for Administration.

(iv) Office of the Assistant Administrator for Operations.

(v) Office of the Assistant Administrator for Planning, Research, and Development.

(vi) Office of the Executive Assistant.

2. Section 14, published in 20 F. R. 2202 of April 7, 1955, is amended by renumbering subsections (b) (2) through (b) (5) as (b) (3) through (b) (6), respectively, and inserting a new subsection (b) (2) to read as follows:

(2) The Deputy Administrator assists the Administrator in performing the functions and exercising the powers, authorities, and discretions vested in the Administrator; exercises general supervision on behalf of the Administrator over all Washington Offices and field organizations of the Civil Aeronautics Administration; and performs such other duties and assignments as the Administrator may prescribe.

3. Section 15 (h), published in 19 F. R. 2099 of April 10, 1954, and renumbered as 15 (g) in 20 F. R. 2202 of April 7, 1955, is amended by deleting "Executive Staff Division, Technical Staff Division".

4. Section 15 (i), published in 19 F. R. 2099 of April 10, 1954, and renumbered as 15 (h) in 20 F. R. 2202 of April 7, 1955, is amended by deleting "Executive Staff Division".

This amendment shall become effective November 1, 1955.

[SEAL] F. B. LEE, *Administrator of Civil Aeronautics.*

Approved:

SINCLAIR WEEKS, *Secretary of Commerce.*

[F. R. Doc. 55-9296; Filed, Nov. 17, 1955; 8:50 a. m.]

FARM CREDIT ADMINISTRATION

INVITATION TO BID ON SURETY BOND

Notice is hereby given to all companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, that the Farm Credit Administration will accept sealed bids beginning November 17, 1955, on a position schedule bond covering approximately 40 of its officers and employees. Copies of the invitation to bid, service requirements, the bond, and the schedule of positions to be bonded may be obtained by phoning or writing to Joseph Kudlack, Room 0456 South Building, USDA, Washington 25, D. C., Phone RE 7-4142, extension 4219. Bids are to be opened at 2 p. m., e. s. t., on December 15, 1955.

[SEAL] A. T. ESGATE, *Acting Governor.*

[F. R. Doc. 55-9270; Filed, Nov. 17, 1955; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 450]

SPECIAL INDUSTRY COMMITTEES; PUERTO RICO

NOTICE OF RESIGNATION AND APPOINTMENT OF REPRESENTATIVES

Mr. Emiliano Pol of Pueblo Viejo, Puerto Rico, having resigned as a representative of the employers on Special Industry Committees Nos. 18-A, 18-B, and 18-D for Puerto Rico, the Secretary of Labor, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), hereby appoints Mr. Frank Besosa of San Juan, Puerto Rico, to serve in his stead as a representative of the employers on such Committees. The prior appointments of both Mr. Pol and Mr. Besosa to serve as employer representatives on Special Industry Committee No. 18-C are not affected by this order.

Signed at Washington, D. C., this 14th day of November 1955.

JAMES P. MITCHELL, *Secretary of Labor.*

[F. R. Doc. 55-9280; Filed, Nov. 17, 1955; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11055, 11056; FCC 55M-946]

AIRCALL, INC., AND TELEPHONE ANSWERING SERVICE

ORDER CONTINUING HEARING

In re applications of Aircall, Inc., Detroit, Michigan, Docket No. 11055, File No. 744-C2-P-54; John W. Bennett, d/b as Telephone Answering Service, Flint, Michigan, Docket No. 11056, File No. 276-C2-P-54; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration the above-entitled proceeding;

It appearing that a short continuance of the hearing herein is necessary to accommodate the Hearing Examiner's calendar;

It is ordered, This 10th day of November 1955, on the Hearing Examiner's own motion, that the hearing now scheduled for November 16, 1955, is continued until November 30, 1955, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-9290; Filed, Nov. 17, 1955; 8:49 a. m.]

[Docket No. 11300; FCC 55M-947]

ALLEGHENY-KISKI BROADCASTING CO. (WKPA)

STATEMENT CONCERNING HEARING CONFERENCE AND ORDER SCHEDULING HEARING

In re application of Allegheny-Kiski Broadcasting Co. (WKPA), New Kensington, Pennsylvania, Docket No. 11300, File No. BP-9546; for construction permit.

1. A hearing conference was held herein, before the Hearing Examiner, on October 26, 1955, to consider matters connected with new issues added by the Commission's order of October 12, 1955.

2. Agreements were reached among the parties and were stated on the record, as reflected in the transcript which is incorporated herein by reference. Such agreements are found to be acceptable and approved by the Hearing Examiner. They include the following subjects:

(a) Exchange of direct case, in writing, covering all matters which any party desires to introduce on its original affirmative showing concerning the new issues, on or before November 16, 1955 (Tr. 29).

(b) Notification, on or before November 28, 1955, as to which witnesses parties desire to be presented for cross-examination (Tr. 29).

(c) Omission of further conference before hearing (Tr. 29, 46).

(d) Hearing schedule for December 5, 1955, at 10:00 a. m. (Tr. 29).

(e) Limitation of evidence to be adduced under issues 3 and 4: program service rendered by Station WWVA limited primarily to composite weeks and descriptive material of not too great magnitude relating to special programs within last two years (Tr. 30-31).

3. The timeliness of a request for information under Section 1.841 (e) was discussed, and parties indicated they did not desire a time limit to be specified at that time (Tr. 43-45).

4. The scope of issue number 3 was discussed, and it was agreed by the parties that the Hearing Examiner should rule on the evidence as it was offered and should not attempt to rule on the scope of that issue at the hearing conference (Tr. 32-46).

It is ordered, This 10th day of November 1955, that the foregoing agreements and requirements shall govern the course of the proceeding to the extent indicated, unless modified by the Hearing Examiner for cause or by the Commission upon review of the Hearing Examiner's ruling; and hearing herein is scheduled to be held on December 5, 1955, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-9291; Filed, Nov. 17, 1955; 8:49 a. m.]

[Docket No. 11469 etc.; FCC 55M-921]

ROLLINS BROADCASTING, INC., ET AL.

STATEMENT AND ORDER SCHEDULING HEARING

In re applications of Rollins Broadcasting, Inc., Indianapolis, Indiana, Docket No. 11469, File No. BP-9414; Jules J. Paglin & Stanley W. Ray, Jr., d/b as OK Broadcasting Company, Indianapolis, Indiana, Docket No. 11470, File No. BP-9473; Charles N. Cutler and Earl T. Herzog, d/b as Wireless Broadcasters, Franklin, Indiana, Docket No. 11471, File No. BP-9494; Wabash-Peru Broadcasting Company, Inc. (WARU), Peru, Indiana, Docket No. 11472, File No. BP-9731; Twin Valley Broadcasters, Inc. (WTVB), Coldwater, Michigan, Docket No. 11473, File No. BP-9732; for construction permits.

Appearances. Leonard H. Marks and Paul Dobin, on behalf of Rollins Broadcasting, Inc.; Leo Resnick, on behalf of Wireless Broadcasters; John H. Midlen, on behalf of Wabash-Peru Broadcasting Company, Inc. (WARU), and Twin Valley Broadcasters, Inc. (WTVB); and Thomas B. Fitzpatrick, on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. Pursuant to sections 1.813 and 1.841 (c) of the Commission's rules, as amended, the first session of the initial pre-hearing conference in the above-entitled proceeding was held on September 21, 1955, and the second session was held on October 21, 1955, in the offices of this Commission, Washington, D. C. The names of the parties attending and participating in the September 21, 1955, session, as well as certain dates which were tentatively set therein for the taking of several procedural steps involved in this proceeding, were set forth in a Statement and Order subsequently issued by the undersigned Hearing Examiner on September 28, 1955. The October 21, 1955, session of this pre-hearing conference was attended by counsel for all of the parties listed above under the heading "Appearances".

2. At the opening of the second session of this pre-hearing conference on October 21, 1955, the Hearing Examiner stated that on October 19, 1955, he had been advised by telephone by Mr. D. F. Prince, attorney for OK Broadcasting Company (Docket No. 11470), that he was about to file a petition on behalf of his client to dismiss the application of that party from the instant proceeding and had therefore decided not to appear at this conference. (The Commission's records disclose that a petition to dismiss the application of OK Broadcasting Company was subsequently filed on October 24, 1955, and that as yet no action has been taken thereon.) Radio St. Clair, Inc. (WDOG), Respondent, was not represented by counsel at this second session.

3. As indicated in the Hearing Examiner's Statement and Order of September 28, 1955, Mr. John H. Midlen, Counsel for Wabash-Peru Broadcasting Company, Inc. (WARU), and Twin Valley Broadcasters, Inc. (WTVB), did not participate in the September 21, 1955, session of this pre-hearing conference due to the fact that he was confined to his home by illness. At this session a few agreements were reached and procedures established governing the hearing, subject to subsequent consent thereto by Mr. Midlen on behalf of his clients. At the October 21, 1955, session of the pre-hearing conference Mr. Midlen stated on the record that he agreed to these stipulations and procedures. He further stated, however, that he had previously filed with the Commission a petition requesting reconsideration and grant of the application of Twin Valley Broadcasters, Inc. (WTVB), Coldwater, Michigan (Docket No. 11473) and was considering filing a similar petition requesting reconsideration and grant of the application of Wabash-Peru Broadcasting Company, Inc. (WARU) (Docket No. 11472). (The Commission's records disclose that

a petition was filed for reconsideration and grant of the application of Twin Valley Broadcasters, Inc. (WTVB) on October 14, 1955, and that a supplement thereto was filed on November 2, 1955. To date no action has been taken on this petition). The following procedures were established at the two sesisons of the initial pre-hearing conference: (1) No letters will be received in evidence, offered for the purpose of proving the facts contained therein, if objections are raised to their admission on the ground that it would be in violation of the hearsay rule; (2) no evidence will be admitted which is hearsay in character concerning the past operation of existing broadcast stations owned or operated by applicants in this proceeding and the facts concerning such operation must be proved either by the presentation of witnesses at the hearing, the taking of their depositions, the production of properly authenticated program logs and other competent evidence; (3) all of the parties stipulated that formal proof will not be required for the purpose of authenticating contracts offered in evidence but do not waive any of their rights to object to the admission of such contracts on the ground that they may be lacking in rejevance or materiality; (4) each applicant will be required to appropriately identify its exhibits by name and to number such exhibits, beginning with the number "1"; (5) the hearing will begin on the application with the lowest docket number, namely that of Rollins Broadcasting, Inc. (Docket No. 11469), to be followed by the remaining applications in consecutive order of their docket numbers; and (6) with respect to each application, the affirmative case will be presented in its entirety and the cross-examination of witnesses will be completed before proceeding to take evidence on the next application; however, following the presentation of evidence on these applications all parties to the proceeding will be allowed a reasonable period, if desired, for the preparation and presentation of rebuttal evidence, including the taking of depositions for this purpose.

4. Pursuant to discussions between the parties, with the approval of the Hearing Examiner, it was agreed, that the date now set for the presentation and exchange of the affirmative written cases by the parties to the proceeding, namely, November 10, 1955, will be retained; except with respect to the applications of Wabash-Peru Broadcasting Company, Inc. (WARU), and Twin Valley Broadcasters, Inc. (WTVB); that written requests by parties to the proceeding for information from opposing parties concerning the cost of construction and operation of the proposed station or other information relevant to their proposals, as authorized under section 1.841 (e) of the Commission's rules, as amended, must be served on such opposing parties on or before November 21, 1955; that the final pre-hearing conference, required under section 1.841 (c), supra, shall be held on November 29, 1955; and that the date for the commencement of the hearing and the taking of testimony shall be December 12, 1955.

5. Counsel for Wabash-Peru Broadcasting Company, Inc. (WARU), stated on the record that he would submit the affirmative written case of that applicant on November 10, 1955, unless prior to that date he files a petition for reconsideration and grant of that application, showing the acceptance of mutual interference by both the said applicant and Rollins Broadcasting, Inc., which would be expected to result from the grant of their proposals and supported by a complete engineering study in exhibit form on this subject. Thereupon, the Hearing Examiner ruled, with the consent of all parties to the proceeding, that with respect to Wabash-Peru Broadcasting Company, Inc. (WARU), and Twin Valley Broadcasters, Inc. (WTVB), if either or both of those parties have pending before the Commission petitions to reconsider and grant their respective applications upon which no action has been taken, they will not be required to submit their affirmative cases in writing on November 10, 1955, and that such cases may be presented for the first time on the date now set for the commencement of the taking of testimony, namely, December 12, 1955.

In accordance with the foregoing: *It is ordered*, This 4th day of November 1955, that unless subsequently modified upon an appropriate showing of good cause, the procedures set forth herein shall govern the hearing; that, with the exceptions noted above, the affirmative written cases of the applicants shall be presented and exchanged on or before November 10, 1955; that written requests by parties for information from opposing parties, as authorized under section 1.841 (e), supra, shall be served upon such opposing parties on or before November 21, 1955; that the final pre-hearing conference required under section 1.841 (c), supra, shall be held on November 29, 1955; and that the hearing shall begin on December 12, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9292; Filed, Nov. 17, 1955; 8:50 a. m.]

[Docket No. 11474, 11475; FCC 55M-949]

NORTHERN INDIANA BROADCASTERS, INC., AND ST. JOSEPH VALLEY BROADCASTING CORP.

ORDER SCHEDULING HEARING

In re applications of Northern Indiana Broadcasters, Inc., South Bend, Indiana, Docket No. 11474, File No. BP-9602; St. Joseph Valley Broadcasting Corporation, Mishawaka, Indiana, Docket No. 11475, File No. BP-9778; for construction permits.

The Hearing Examiner having under consideration a petition filed November 4, 1955, by Northern Indiana Broadcasters, Inc., applicant in Docket 11474, requesting that a specified date be announced for the start of the hearing in the above-entitled proceeding; and

It appearing that the hearing was originally scheduled to commence on October 12, 1955, but that it was continued at the request of St. Joseph Valley Broadcasting Corporation with the concurrence of counsel for all parties; and

It further appearing that there are no objections to specifying a date certain for the commencement of the hearing and that such a date should be specified;

It is ordered, This the 10th day of November 1955, that the hearing in the above-entitled proceeding is scheduled to begin on December 19, 1955.

It is further ordered, That a pre-hearing conference pursuant to the provisions of Section 1.813 of the Commission's Rules will be held Friday, November 18, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9293; Filed, Nov. 17, 1955; 8:50 a. m.]

[Docket No. 11530; FCC 55M-950]

JAMES W. MILLER

ORDER SCHEDULING HEARING

In re application of James W. Miller, Milford, Massachusetts, Docket No. 11530, File No. BP-9878; for construction permit.

It is ordered, This 10th day of November 1955, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 6, 1956, in Washington, D. C.

Released: November 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9294; Filed, Nov. 17, 1955; 8:50 a. m.]

[Docket No. 11531; FCC 55M-951]

SANFORD A. SCHAFITZ

ORDER SCHEDULING HEARING

In re application of Sanford A. Schafitz, Lorain, Ohio, Docket No. 11531, File No. BP-9934; for construction permit.

It is ordered, This 10th day of November 1955, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 6, 1956, in Washington, D. C.

Released: November 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9295; Filed, Nov. 17, 1955; 8:50 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARIES OF THE MILITARY DEPARTMENTS, AND DIRECTOR, OFFICE OF ADMINISTRATIVE SERVICES, OFFICE OF THE SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY RE PURCHASE OF BONDS TO COVER CIVILIAN OFFICERS AND EMPLOYEES AND MILITARY PERSONNEL OF THE DEPARTMENT OF DEFENSE

The authority vested in the Secretary of Defense as head of the Department in Public Law 323, 84th Congress (5 U. S. C. 1003), approved August 9, 1955, and Regulations of the Department of the Treasury (31 CFR Part 226) is hereby delegated to the Secretaries of the military departments with respect to such departments and to the Director, Office of Administrative Services, with respect to the Office, Secretary of Defense, pursuant to authorities contained in the National Security Act, 1947, as amended. Such authority may be redelegated to the extent required for effective administration.

C. E. WILSON,
Secretary of Defense.

NOVEMBER 14, 1955.

[F. R. Doc. 55-9282; Filed, Nov. 17, 1955; 8:48 a. m.]

ASSISTANT SECRETARY OF DEFENSE (SUPPLY AND LOGISTICS)

DELEGATION OF AUTHORITY WITH RESPECT TO CERTIFICATION OF CONSTRUCTION, REPLACEMENT OR REACTIVATION OF BAKERIES, LAUNDRIES OR DRY-CLEANING FACILITIES

By virtue of the authority vested in the Secretary of Defense by section 202 (f) of the National Security Act of 1947, as amended, and section 5 of the Reorganization Plan No. 6 of 1953, there is hereby delegated to the Assistant Secretary of Defense (Supply and Logistics) the authority to determine and certify in writing, with reasons therefor, that service furnished by bakery, laundry or dry-cleaning facilities are not obtainable from commercial sources at reasonable rates. The purpose of such certification is to meet the restrictions upon the use of appropriated funds for the construction, replacement, or reactivation of any bakery, laundry or dry-cleaning facility which are imposed by (a) section 604, Second Supplemental Appropriation Act, 1952 (65 Stat. 765), (b) section 804, Supplemental Appropriation Act, 1953 (66 Stat. 647), (c) section 804, Supplemental Appropriation Act, 1954 (67 Stat. 429), (d) section 736, Department of Defense Appropriation Act, 1955 (68 Stat. 357), (e) section 905, Supplemental Appropriation Act, 1955 (68 Stat. 821), (f) section 632, Department of Defense Appropriation Act, 1956 (69 Stat. 320), and (g) section 305, Supplemental Appropriation Act, 1956 (69 Stat. 454) or which may be similarly imposed by future statutes. Requests for such authorizations as may be required for the construction or replacement of such facilities, or for the apportionment of funds therefor or for the reactivation of such facilities, will continue to be submitted in accordance with established procedures.

The Assistant Secretary of Defense (Supply and Logistics) may not redelegate the authority contained herein.

Delegation of authority published at 19 F. R. 6834 is hereby superseded and cancelled.

C. E. WILSON,
Secretary of Defense.

NOVEMBER 14, 1955.

[F. R. Doc. 55-9283; Filed, Nov. 17, 1955; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-4964 etc.]

GRAGG OIL AND GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 14, 1955.

In the matters of Gragg Oil and Gas Company, Docket No. G-4964; Cox Oil and Gas Company, Docket No. G-4965; Dougherty Oil and Gas Company, Docket No. G-4966; Newlon Oil and Gas Company, Docket No. G-4968; Simons Oil and Gas Company, Docket No. G-4969; Byrd Oil and Gas Company, Docket No. G-4974.

Take notice that there have been filed with the Federal Power Commission applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce for resale, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications on file with the Commission, and open to public inspection.

The above-named Applicants produce and sell natural gas in interstate commerce to Carnegie Natural Gas Company for resale, as indicated in the following tabulation:

Docket No., Name of Applicant, and Location

G-4964; Gragg Oil and Gas Company; Gilmer County, W. Va.

G-4965; Cox Oil and Gas Company; Ritchie County, W. Va.

G-4966; Dougherty Oil and Gas Company; Ritchie County, W. Va.

G-4968; Newlon Oil and Gas Company; Ritchie County, W. Va.

G-4969; Simons Oil and Gas Company, Ritchie County, W. Va.

G-4974; Byrd Oil and Gas Company; Ritchie County, W. Va.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 20, 1955, at 9:45 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9275; Filed, Nov. 17, 1955; 8:47 a. m.]

[Docket No. G-7912, etc.]

VAN CAMP OIL AND GAS CO. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 14, 1955.

In the matters of Van Camp Oil & Gas Company, Docket No. G-7912; Lewis Oil & Gas Company, Docket No. G-7915; John Metro and Joseph Pulaski, Docket No. G-7917; McCall Drilling Company, Inc., Docket Nos. G-7944 through G-7957, inclusive, G-7960 through G-7967, inclusive.

Take notice that there have been filed with the Federal Power Commission applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the respective Applicants to sell natural gas in interstate commerce for resale and render service as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in their respective applications on file with the Commission, and open for public inspection.

The above-named Applicants produce and sell natural gas in interstate commerce for resale as indicated below:

Applicant and Docket; Purchaser and Sale Date; Field; County and State

Van Camp Oil & Gas Company, (G-7912); Godfrey L. Cabot, Inc. (6-5-52); Sherman District; Calhoun, W. Va.

Lewis Oil & Gas Company (G-7915); Penova Interests (2-26-52); Murphy District; Ritchie, W. Va.

John Metro & Joseph Pulaski (G-7917); New York State Natural Gas Corp. (2-27-54); Driftwood Field; Cameron, W. Va.

McCall Drilling Company, Inc. (G-7944); Godfrey L. Cabot, Inc. (4-14-31); Sherman District; Calhoun, W. Va.

McCall Drilling Company, Inc. (G-7945); Godfrey L. Cabot, Inc. (5-5-32); Dekalb District; Gilmer, W. Va.

McCall Drilling Company, Inc. (G-7946); Godfrey L. Cabot, Inc. (10-7-32); Center District; Gilmer, W. Va.

McCall Drilling Company, Inc. (G-7947); Godfrey L. Cabot, Inc. (10-7-32); Center District; Gilmer, W. Va.

McCall Drilling Company, Inc. (G–7948); Godfrey L. Cabot, Inc. (11–25–32); Sherman District; Calhoun, W. Va.

McCall Drilling Company, Inc. (G–7949); Godfrey L. Cabot, Inc. (10–7–33); Sherman District; Calhoun, W. Va.

McCall Drilling Company, Inc. (G–7950); Godfrey L. Cabot, Inc. (5–1–34); Center District; Gilmer, W. Va.

McCall Drilling Company, Inc. (G–7951); Godfrey L. Cabot, Inc. (1–3–35); Sherman District; Calhoun, W. Va.

McCall Drilling Company, Inc. (G–7952); Godfrey L. Cabot, Inc. (12–23–37); Sherman District; Calhoun, W. Va.

McCall Drilling Company, Inc. (G–7953); Godfrey L. Cabot, Inc. (3–27–46); Reedy District; Wirt, W. Va.

McCall Drilling Company, Inc. (G–7954); Carnegie Natural Gas Company (7–3–36); Clay District; Ritchie, W. Va.

McCall Drilling Company, Inc. (G–7955); Carnegie Natural Gas Company (7–6–37); Glenville Ind. District; Gilmer, W. Va.

McCall Drilling Company, Inc. (G–7956); Carnegie Natural Gas Company (10–25–37); DeKalb, Murphy Districts; Gilmer, W. Va.

McCall Drilling Company, Inc. (G–7957); Carnegie Natural Gas Company (5–5–41); Center District; Gilmer, W. Va.

McCall Drilling Company, Inc. (G–7960); Equitable Gas Company (10–6–21); Troy District; Gilmer, W. Va.

McCall Drilling Company, Inc. (G–7961); Equitable Gas Company (4–20–23); Glenville District; Gilmer, W. Va.

McCall Drilling Company, Inc. (G–7962); Equitable Gas Company (10–10–35); Union District; Ritchie, W. Va.

McCall Drilling Company, Inc. (G–7963); Equitable Gas Company (2–20–42); Freeman's Creek District; Lewis, W. Va.

McCall Drilling Company, Inc. (G–7964); Equitable Gas Company (2–20–42); Freeman's Creek District; Lewis, W. Va.

McCall Drilling Company, Inc. (G–7965); Equitable Gas Company (2–20–42); Troy District; Gilmer, W. Va.

McCall Drilling Company, Inc. (G–7966); Equitable Gas Company (9–13–29); Freeman's Creek District; Lewis, W. Va.

McCall Drilling Company, Inc. (G–7967); Equitable Gas Company (6–18–51); Collins Settlement District; Lewis, W. Va.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 20, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–9276; Filed, Nov. 17, 1955; 8:47 a. m.]

[Docket Nos. G–1142, G–2019, G–1508, G–2074, G–2210, G–2220, G–2378]

UNITED GAS PIPE LINE CO.

NOTICE OF ORDER MODIFYING DECISION

NOVEMBER 14, 1955.

Notice is hereby given that on November 8, 1955, the Federal Power Commission issued its order adopted November 2, 1955, modifying decision of Presiding Examiner and affirming decisions as so modified in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–9277; Filed, Nov. 17, 1955; 8:47 a. m.]

[Docket Nos. G–5258, G–8487]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF ORDER APPROVING PROPOSED RATE SETTLEMENT

NOVEMBER 14, 1955.

Notice is hereby given that on November 7, 1955, the Federal Power Commission issued its order adopted November 2, 1955, approving proposed rate settlement in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–9278; Filed, Nov. 17, 1955; 8:47 a. m.]

[Docket No. ID–1175]

DON B. POTTER

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

NOVEMBER 14, 1955.

Notice is hereby given that on November 7, 1955, the Federal Power Commission issued its order adopted November 2, 1955, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–9279; Filed, Nov. 17, 1955; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DELEGATIONS OF FINAL AUTHORITY

MISCELLANEOUS AMENDMENTS

Section II, Delegations of Final Authority, is amended as follows:

1. Paragraph A is amended to read as follows:

A. Powers delegated in this section may not be redelegated. However, they may be exercised by an officer or employee designated to serve in an "Acting" capacity during the absence from duty of the official to whom the powers are delegated. Any officer or employee to whom powers are delegated in this section is authorized to designate any officer or employee under his supervision to serve in an "Acting" capacity, for periods not exceeding 30 days, during his absence; except that a Field Office Director is authorized to make such a designation only for periods of absence during which both designees set forth in Section I are also absent.

2. Paragraph G 3 is amended to read as follows:

3. To execute or approve contracts and amendments thereto for the purchase and rental of equipment and supplies, for the rental of space, for the purchase of services other than personal services, and for the sale or transportation of personal property.

Assistant Commissioner for Administration.

Director, Property and Services Branch.

3. Paragraph E 10 is hereby revoked.

Date approved: November 10, 1955.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 55–9271; Filed, Nov. 17, 1955; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–970]

GAS INDUSTRIES FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION FROM PROVISIONS CONCERNING PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

NOVEMBER 14, 1955.

Notice is hereby given that Gas Industries Fund, Inc. ("Gas Industries"), a registered open-end diversified investment company, has filed an application pursuant to section 10 (f) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 10 (f) of the act the proposed purchase by Gas Industries of not more than 10,000 shares of the common stock of Colorado Interstate Gas Company ("Colorado") during the existence of the underwriting syndicate mentioned below.

The application states that The First Boston Corporation ("First Boston") expects to be among a group of principal underwriters which plans to sell by public offering 256,503 shares of outstanding common stock of Colorado now owned by Public Service Company of Colorado; that James H. Orr, one of the four directors of Gas Industries, is also a director of, and therefore an affiliated person of, First Boston; and that Gas Industries considers it desirable to be in a position to purchase not more than 10,000 shares of Colorado common stock during the public offering in order to have reasonable assurance of being able to obtain a substantial block of shares and to avoid the possibility of a higher price after the underwriting syndicate has dissolved.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person, unless the Commission by order upon application grants an exemption therefrom. The application states that since a director of Gas Industries is an affiliated person of an investment banking organization which is part of the principal underwriting group, the proposed purchase is subject to the provisions of section 10 (f).

It is represented that the directors of Gas Industries have authorized the purchase by Gas Industries of not exceeding 10,000 shares of common stock of Colorado from underwriters or members of the selling group, if any, other than First Boston, except to the extent that First Boston might be included if a purchase were to be made from Union Securities Corporation (the representative of the principal underwriters) for the account of the several underwriters.

Colorado, a Delaware corporation, owns and operates a natural gas pipeline system for the production, purchase, gathering, transportation and sale of natural gas. Its general area of supply includes fields in Texas, Kansas, Oklahoma and Colorado, and its pipeline system extends from such supply areas to Denver, Colorado.

The application states that if Gas Industries were to purchase 10,000 shares of common stock of Colorado, it would acquire approximately 3.9 percent of the total contemplated offering, and assuming a purchase price of $60 a share (the proposed maximum offering price set forth in the preliminary prospectus of Colorado), the aggregate purchase price would represent an investment of $600,000 or approximately 1.6 percent of the total assets of Gas Industries as of November 4, 1955.

It is represented that the proposed purchase by Gas Industries is consistent with its stated investment policies.

Notice is further given that any interested person may, not later than November 28, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the Rules and Regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–9274; Filed, Nov. 17, 1955; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

BERTHA BECKER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Bertha Becker, Los Angeles, California, Salli (a/k/a Salomon) Baum, Villeurbanne, France, Joachim Hess, Manchester, England, Manfred Hess, Haifa, Israel, Claim No. 24192, Vesting Order No. 1042; $815.34 in the Treasury of the United States, payable as follows: one-third (⅓) to Bertha Becker, one-third (⅓) to Salli (a/k/a Salomon) Baum, one-sixth (⅙) to Joachim Hess and one-sixth (⅙) to Manfred Hess.

Executed at Washington, D. C., on November 8, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55–9287; Filed, Nov. 17, 1955; 8:49 a. m.]

CLARA HINKEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Clara Hinkel, nee Bissinger, Augsburg, Germany, Claim No. 40363, Vesting Order 6487; ¼ of $8,453.91 in the Treasury of the United States.

Executed at Washington, D. C., on November 8, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55–9288; Filed, Nov. 17, 1955; 8:49 a. m.]

WILLIAM DOUGLAS NOAR

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. Property, and Location

William Douglas Noar, Chauny (Aisne), France, Claim No. 61325, Vesting Order No. 17807; $1,382.19 in the Treasury of the United States.

Executed at Washington, D. C., on November 9, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55–9289; Filed, Nov. 17, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 15, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31304: *Merchandise from Detroit, Mich., to Tennessee.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on merchandise, viz.: freight, all kinds, carloads from Detroit, Mich., to Glencliff and Nashville, Tenn.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Agent Hinsch's tariff I. C. C. No. 4685.

FSA No. 31305: *Iron or steel pipe in the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pipe, wrought iron or steel, carloads from, to, and between points in southwestern territory.

Grounds for relief: Short-line distance formula, circuity, and grouping.

Tariff: Supplement 10 to Agent Kratzmeir's I. C. C. No. 4171.

FSA No. 31306: *Slag from Tennessee to Belton, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on slag, carloads from Mt. Pleasant and Siglo, Tenn., to Belton, Texas.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 39 to Agent Kratzmeir's I. C. C. No. 4135.

FSA No. 31307: *Motor-rail rates, Missouri-Kansas-Texas R. R., et al.* Filed by Middlewest Motor Freight Bureau, Agent, for interested rail and motor carriers. Rates on Highway truck trailers,

loaded and empty, on flat cars between St. Louis, Mo., and Dallas, Texas.

Grounds for relief: Motor carrier competition.

Tariff: Supplement 30 to Middlewest Motor Freight Bureau Tariff MF-I. C. C. No. 223.

FSA No. 31308: *Coke from Illinois to Keokuk, Iowa.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on coke, coke breeze, coke dust or coke screenings, carloads from Lockport and Joliet, Ill., to Keokuk, Iowa.

Grounds for relief: Barge competition.

Tariff: Supplement 37 to Agent Raasch's I. C. C. 767.

FSA No. 31309: *Rubber tires from Ohio to Lower Mississippi River Crossings.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on tires, rubber, pneumatic and parts, carloads from Toledo, Middletown, and Sebring, Ohio to Memphis, Tenn., Baton Rouge, New Orleans, North Baton Rouge, La., and Natchez, Miss.

Grounds for relief: Circuity.

Tariff: Supplement 89 to Agent Hinsch's I. C. C. 4367.

FSA No. 31310: *Petroleum products from Panama City, Fla., to Alabama.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on petroleum products, carloads from Panama City, Fla., to Alabama City and Gadsden, Ala.

Grounds for relief: Circuity.

Tariff: Supplement 228 to Agent C. A. Spaninger's I. C. C. No. 1253.

FSA No. 31311: *Cereal foods from Battle Creek, Mich., to Mobile, Ala.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cereal food preparations, carloads from Battle Creek, Mich., to Mobile, Ala.

Grounds for relief: Circuity.

Tariff: Supplement 89 to Agent Hinsch's I. C. C. No. 4367.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-9272; Filed, Nov. 17, 1955; 8:46 a. m.]

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VOLUME 20 — 1934 — NUMBER 226

Washington, Saturday, November 19, 1955

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 61]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.361 *Navel Orange Regulation 61*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on November 17, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 20, 1955, and ending at 12:01 a. m., P. s. t., November 27, 1955, is hereby fixed as follows:

(i) District 1: 244,088 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," and "District 4" have the same meaning as when used in said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit, or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 18, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9392; Filed, Nov. 18, 1955; 11:35 a. m.]

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FEDERAL REGISTER

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[Grapefruit Reg. 231]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.753 *Grapefruit Regulation 231*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 21, 1955. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 21, 1955; the recommendation and supporting information for continued regulation subsequent to November 20, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 15; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 21, 1955, and ending at 12:01 a. m., e. s. t., December 5, 1955, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Russet;

(ii) Any seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Russet;

(iii) Any seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 2;

(iv) Any seedless grapefruit, grown in Regulation Area II, which are mature and which grade U. S. No. 2 or U. S. No. 2 Bright unless such seedless grapefruit (*a*) are in the same container with seedless grapefruit which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all seedless grapefruit in such container;

(v) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vi) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," "Growers Administrative Committee," "Regulation Area I," and "Regulation Area II," shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Bright," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 16, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9336; Filed, Nov. 18, 1955; 8:53 a. m.]

[Orange Reg. 285]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.754 *Orange Regulation 285*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 21, 1955. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 21, 1955; the recommendation and supporting information for continued regulation subsequent to November 20, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 15; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, and compliance with this section will not require any special preparation on the part of the persons subect thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 21, 1955, and ending at 12:01 a. m., e. s. t., December 5, 1955, no handler shall ship:

(i) Any oranges, including Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than $2\frac{19}{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum

diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title, 20 F. R. 7205): *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2^{10}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{11}/_{16}$ inches in diameter and smaller.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet" shall have the same meaning as when used in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title, 20 F. R. 7205).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 16, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9335; Filed, Nov. 18, 1955; 8:53 a. m.]

[Tangerine Reg. 162]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.755 *Tangerine Regulation 162*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 21, 1955. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 21, 1955; the recommendation and supporting information for continued regulation subsequent to November 20, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 15; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 21, 1955, and ending at 12:01 a. m., e. s. t., November 28, 1955, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Russet; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2}$ x $9\frac{1}{2}$ x $19\frac{1}{8}$ inches; capacity 1,726 cubic inches).

(2) During the period beginning at 12:01 a. m., e. s. t., November 28, 1955, and ending at 12:01 a. m., e. s. t., December 5, 1955, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Russet; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than $2^{5}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(3) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 16, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9334; Filed, Nov. 18, 1955; 8:52 a. m.]

[Lemon Reg. 616]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.723 *Lemon Regulation 616*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 16, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 20, 1955, and ending at 12:01 a. m., P. s. t., November 27, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 162,750 cartons;

(iii) District 3: 13,950 cartons.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 17, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9360; Filed, Nov. 18, 1955; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 65]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATION; HERNDON, VA., TO HARRISBURG, PA.

The civil airway alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and is adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

Section 600.6223 is added to read:

§ 600.6223 *VOR Civil airway No. 223 (Herndon, Va., to Harrisburg, Pa.).* From the Herndon, Va., omnirange station to the Harrisburg, Pa., omnirange station.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. November 25, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55-9326; Filed, Nov. 18, 1955; 8:51 a. m.]

[Amdt. 65]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area and control zone alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1391 is added to read:

§ 601.1391 *Control area extension (Gettysburg, Pa.).* That airspace within a 5-mile radius of the Gettysburg Airport and within 5 miles either side of the 180° True radial of the Gettysburg terminal omnirange extending from the terminal omnirange station to VOR civil airway No. 223.

2. Section 601.6223 is added to read:

§ 601.6223 *VOR Civil Airway No. 223 control areas (Herndon, Va., to Harrisburg, Pa.).* All of VOR Civil Airway No. 223.

Name and location (Chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
MOLOKAI (R-325) (Hawaiian Islands).	5-mile radius centered at latitude 21°09'00" N., longitude 157°16'45" W. excluding that portion overlapping Civil Airway Red 87.	Unlimited....	Continuous daylight hours only.	Hawaiian Sea Frontier.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective on December 15, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9304; Filed, Nov. 18, 1955; 8:45 a. m.]

[Amdt. 93]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., November 25, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55-9327; Filed, Nov. 18, 1955; 8:51 a. m.]

[Amdt. 143]

PART 608—RESTRICTED AREAS

ALTERATION; MOLOKAI, HAWAII

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.62, the West Molokai, Island of Molokai, Territory of Hawaii area (R-325 formerly D-325) amended on February 11, 1953, in 18 F. R. 844 is redesignated as follows:

1. Section 610.13 *Green civil airway 3* is amended to read in part:

From—	To—	Minimum altitude
Ogden, Utah,[1] LFR....	Ft. Bridger, Wyo., LFR.	12,000

[1] 11,000'—Minimum crossing altitude at Ogden LFR, eastbound.

2. Section 610.15 *Green civil airway 5* is amended to read in part:

From—	To—	Minimum altitude
Jackson, Tenn., LFR..	Fairview INT, Tenn..	2,500
Fairview INT, Tenn...	Nashville, Tenn., LFR.	3,000
Nashville, Tenn., LFR.	Lebanon INT, Tenn..	3,000
Lebanon INT, Tenn...	Smithville, Tenn., LFR.	3,500

3. Section 610.106 *Amber civil airway 6* is amended to read in part:

From—	To—	Minimum altitude
Jacksonville, Fla., LFR.	Alma, Ga., LFR.....	1,600

4. Section 610.108 *Amber civil airway 8* is amended to read in part:

From—	To—	Minimum altitude
Santa Barbara, Calif., LFR.	Bradley INT, Calif...	7,000

5. Section 610.216 *Red civil airway 16* is amended to read in part:

From—	To—	Minimum altitude
Tallahassee, Fla. LFR.	Albany, Ga., LFR...	1,600

6. Section 610.219 *Red civil airway 19* is amended by adding:

From—	To—	Minimum altitude
Traverse City, Mich., LF/RBN.	Gladwin, Mich., LF/RBN.	2,500
Gladwin, Mich., LF/RBN.	Saginaw, Mich., LF/RBN.	2,000
Saginaw, Mich., LF/RBN.	Flint, Mich., ILS/LOM.	2,200
Flint, Mich., ILS/LOM.	White Lake INT, Mich.	2,200
White Lake INT, Mich.	Detroit, Mich., LFR.	2,500

7. Section 610.230 *Red civil airway 30* is amended to read in part:

From—	To—	Minimum altitude
Bay Minette, Ala., LF/RBN.	Crestview, Fla., LFR.	1,400
Crestview, Fla., LFR..	Marianna INT, Fla...	1,400
Marianna INT, Fla....	Tallahassee, Fla., LFR.	1,500

8. Section 610.603 *Blue civil airway 3* is amended to read in part:

From—	To—	Minimum altitude
Miami, Fla., LFR.....	Tamiami INT, Fla...	1,100
Tamiami INT, Fla.....	Ft. Myers, Fla., LF/RBN.	1,200
Ft. Myers, Fla., LF/RBN.	Tampa, Fla., LFR....	1,200

9. Section 610.613 *Blue civil airway 13* is amended to read in part:

From—	To—	Minimum altitude
Texarkana, Ark., LFR.	Hartford INT, Ark.[1]...	3,800
Hartford INT, Ark.[1]...	Van Buren, Ark., LF/RBN.	3,800

[1] 6,000'—Minimum reception altitude.

10. Section 610.662 *Blue civil airway 62* is amended to delete:

From—	To—	Minimum altitude
Detroit, Mich., LFR...	White Lake INT, Mich.	2,500
White Lake INT, Mich.	Flint, Mich., ILS/LOM.	2,200
Flint, Mich., ILS/LOM.	Saginaw, Mich., LF/RBN.	2,200
Saginaw, Mich., LF/RBN.	Gladwin, Mich., LF/RBN.	2,000
Gladwin, Mich., LF/RBN.	Traverse City, Mich., LFR.	2,500

11. Section 610.1001 *Direct routes—U. S.* amended by adding:

From—	To—	Minimum altitude
Int. Seattle, Wash., VOR 247° T rad. and Olympia, Wash., VOR 013° T rad.	Int. Olympia, Wash., VOR 013° T rad. and NW crs. Seattle, Wash., LFR.	5,000

12. Section 610.6001 *VOR civil airway 1* is amended by adding:

From—	To—	Minimum altitude
Myrtle Beach, S. C., VOR.	Wilmington, N. C., VOR.	1,400
Wilmington, N. C., VOR.	New Bern, N. C., VOR.	1,400
New Bern, N. C., VOR.	Williamston, N. C., VAR.	1,200
Williamston, N. C., VAR.	Harrelsville INT, Va.	[1] 1,200
Harrelsville INT, Va..	Norfolk, Va. ILS localizer.	1,500
Norfolk, Va., ILS localizer.	Whitehurst INT, Va.	1,500

[1] 1,100'—Minimum terrain clearance altitude.

13. Section 610.6002 *VOR civil airway 2* is amended by adding:

From—	To—	Minimum altitude
Seattle, Wash.,[1] VOR via S alter.	Cumberland INT, Wash., via S alter.: SE-bound	10,000
	NW-bound	4,000
Cumberland INT, Wash., via S alter.	Ranger Creek INT, Wash., via S alter.	10,000
Ranger Creek INT, Wash.: via S alter.	Thorp INT, Wash., via S alter.	10,000
Thorp INT, Wash., via S alter.	Ellensburg, Wash.[2] VOR via S alter.: Eastbound	7,000
	Westbound	10,000

[1] 6,000'—Minimum crossing altitude at Seattle VOR, southeast-bound.
[2] 6,700'—Minimum crossing altitude at Ellensburg VOR, westbound.

14. Section 610.6004 *VOR civil airway 4* is amended to delete:

From—	To—	Minimum altitude
Kansas City, Mo., VOR, via S alter.	Columbia, Mo., VOR, via S alter.	[1] 4,000

[1] 2,400'—Minimum terrain clearance altitude.

15. Section 610.6004 *VOR civil airway 4* is amended by adding:

From—	To—	Minimum altitude
Topeka, Kans., VOR, via S alter.	Bonner Springs INT, Kans., via S alter.	2,400
Bonner Springs INT, Kans., via S alter.	Blue Springs, Mo., VOR, via S alter.	[1] 4,000
Blue Springs, Mo., VOR, via S alter.	Columbia, Mo., VOR, via S alter.	[2] 4,000

[1] 3,000'—Minimum terrain clearance altitude.
[2] 2,400'—Minimum terrain clearance altitude.

16. Section 610.6004 *VOR civil airway 4* is amended to read in part:

From—	To—	Minimum altitude
Seattle, Wash.,[1] VOR...	Cumberland INT, Wash.: Southeast-bound	10,000
	Northwest-bound	4,000
Cumberland INT, Wash.	Ranger Creek INT, Wash.	10,000
Ranger Creek INT, Wash.	Tieton INT, Wash....	10,000
Tieton INT, Wash....	Selah INT, Wash.:[2] Southeast-bound	5,000
	Northwest-bound	7,000
Selah INT, Wash.....	Yakima, Wash. VOR.	4,500
Seattle, Wash.,[3] VOR, via S alter.	Carbonado INT, Wash.,[4] via S alter.	6,000
Carbonado INT, Wash., via S alter.	Mud Lake INT, Wash., via S alter.: Eastbound	10,000
	Westbound	8,500
Mud Lake INT, Wash., via S alter.	Ranger Creek INT, Wash., via S alter.	10,000
Ranger Creek INT, Wash., via S alter.	Tieton INT, Wash., via S alter.	10,000
Tieton INT, Wash., via S alter.	Selah INT, Wash.,[5] via S alter: Southeast-bound	5,000
	Northwest-bound	7,000
Selah INT, Wash., via S alter.	Yakima, Wash. VOR, via S alter.	4,500
Excelsior INT, Mo., via N alter.	Tina INT, Mo., via N alter.	[6] 3,000

[1] 6,000'—Minimum crossing altitude at Seattle VOR, southeast-bound.
[2] 7,000'—Minimum crossing altitude at Selah INT, northwest-bound.
[3] 3,000'—Minimum crossing altitude at Seattle VOR, southbound.
[4] 8,500'—Minimum crossing altitude at Carbonado INT, eastbound.
[5] 2,400'—Minimum terrain clearance altitude.

17. Section 610.6005 *VOR civil airway 5* is amended by adding:

From—	To—	Minimum altitude
Columbus, Ohio, VOR, via E alter.	Mansfield, Ohio, VOR, via E alter.	2,500

18. Section 610.6005 *VOR civil airway 5* is amended to read in part:

From—	To—	Minimum altitude
Jacksonville, Fla., VOR, via W alter.	Alma, Ga., VOR, via W alter.	1,600

19. Section 610.6006 *VOR civil airway 6* is amended by adding:

From—	To—	Minimum altitude
Ogden, Utah, [1] VOR, via N alter.	Fort Bridger, Wyo., VOR, via N alter.	13,000

[1] 11,000'—Minimum crossing altitude at Ogden VOR, eastbound.

20. Section 610.6006 *VOR civil airway 6* is amended to read in part:

From—	To—	Minimum altitude
Sacramento, Calif., VOR.	Coloma INT, Calif.[1]..	9,500
Folsom INT, Calif....	Reno, Nev.,[2] VOR....	13,000
Coloma INT, Calif....	Mt. Lola INT, Calif., via N alter.	11,000
Sacramento, Calif.,[3] VOR, via N alter.	Reno, Nev., VOR, via N alter.	11,000
Mt. Lola INT, Calif., via N alter.	Fort Bridger, Wyo., VOR.	12,000
Ogden, Utah,[4] VOR...	Ogallala INT, Nebr..	6,100
Ogallala INT, Nebr...	North Platte, Nebr., VOR.	[5] 5,600
Sidney, Nebr., VOR, via N alter.	North Platte, Nebr., VOR, via N alter.	6,100

[1] 9,500'—Minimum crossing altitude at Coloma INT, northeast-bound.
[2] 12,000'—Minimum crossing altitude at Reno VOR, southwest-bound.
[3] 3,000'—Minimum crossing altitude at Sacramento VOR, northeast-bound.
[4] 11,000'—Minimum crossing altitude at Ogden VOR, eastbound.
[5] 5,400'—Minimum terrain clearance altitude.

21. Section 610.6007 *VOR civil airway 7* is amended to read in part:

From—	To—	Minimum altitude
Cross City, Fla., VOR, via W alter.	Lobster INT, Fla., via W alter.	[1] 2,000
Lobster INT, Fla., via W alter.	St. Marks INT, Fla.,[2] via W alter.	[2] 2,000
St. Marks INT, Fla., via W alter.	Tallahassee, Fla., VOR, via W alter.	1,500
Marianna, Fla., VOR..	Shady Grove INT, Fla.[4]	[3] 2,500
Shady Grove INT, Fla.	Montgomery, Ala., VOR.	[3] 2,000

[1] 1,500'—Minimum terrain clearance altitude.
[2] 2,000'—Minimum reception altitude.
[3] 1,000'—Minimum terrain clearance altitude.
[4] 3,500'—Minimum reception altitude.
[5] 1,800'—Minimum terrain clearance altitude.

22. Section 610.6010 *VOR civil airway 10* is amended to read in part:

From—	To—	Minimum altitude
Pueblo, Colo., VOR, via N alter.	Lamar, Colo., VOR, via N alter.	6,000
Excelsior INT, Mo., via S alter.	Kirksville, Mo., VOR, via S alter.	6,400 [1] 3,000

[1] 2,400'—Minimum terrain clearance altitude.

23. Section 610.6011 *VOR civil airway 11* is amended to read in part:

From—	To—	Minimum altitude
Houston, Tex., VOR...	Humble INT, Tex.[1]...	1,600
Humble INT, Tex.....	Cleveland INT, Tex.[2].	1,600
Cleveland INT, Tex...	Lufkin, Tex., VOR...	1,600

[1] 2,300'—Minimum reception altitude.
[2] 3,000'—Minimum reception altitude.

24. Section 610.6012 *VOR civil airway 12* is amended by adding:

From—	To—	Minimum altitude
Columbus, Ohio, VOR, via N alter.	Wheeling, W. Va., VOR, via N alter.	[1] 3,500

[1] 2,500'—Minimum terrain clearance altitude.

25. Section 610.6012 *VOR civil airway 12* is amended to read in part:

From—	To—	Minimum altitude
Santa Barbara, Calif., VOR.	Fillmore, Calif., VOR.	8,000
Gage, Okla., VOR, via N alter.	Aetena INT, Okla., via N alter.	3,500
Aetena INT, Okla., via N alter.	Rago INT, Kans., via N alter.	[1] 4,500
Rago INT, Kans., via N alter.	Wichita, Kans., VOR, via N alter.	3,400
Excelsior INT, Mo., via N alter.	Tina INT, Mo., via N alter.	[2] 3,000

[1] 3,500'—Minimum terrain clearance altitude.
[2] 2,400'—Minimum terrain clearance altitude.

26. Section 610.6013 *VOR civil airway 13* is amended by adding:

From—	To—	Minimum altitude
Houston, Tex., VOR, via E alter.	Dalsetta INT, Tex.,[1] via E alter.	1,600
Dalsetta INT, Tex., via E alter.	Lufkin, Tex., VOR, via E alter.	[2] 4,000

[1] 4,000'—Minimum reception altitude.
[2] 1,500'—Minimum terrain clearance altitude.

27. Section 610.6013 *VOR civil airway 13* is amended to read in part:

From—	To—	Minimum altitude
Houston, Tex., VOR...	Humble INT, Tex.[1]...	1,600
Humble INT, Tex.....	Cleveland INT, Tex.[2].	1,600
Cleveland INT, Tex...	Lufkin, Tex., VOR...	1,600

[1] 2,300'—Minimum reception altitude.
[2] 3,000'—Minimum reception altitude.

28. Section 610.6014 *VOR civil airway 14* is amended to read in part:

From—	To—	Minimum altitude
Roswell, N. Mex., VOR.	Caprock INT, N. Mex.[1]	[2] 7,000
Caprock INT, N. Mex.	Whiteface INT, Tex.[3]	[2] 7,000
Whiteface INT, Tex...	Lubbock, Tex., VOR.	[2] 7,000
Roswell, N. Mex., VOR, via N alter.	Kenna INT, N. Mex.,[4] via N alter.	[2] 8,000
Kenna INT, N. Mex., via N alter.	Pep INT, Tex.,[5] via N alter.	[2] 8,000
Pep INT, Tex., via N alter.	Lubbock, Tex., VOR via N alter.	[2] 8,000
Tulsa, Okla., VOR, via S alter.	Neosho, Mo., VOR, via S alter.	2,000

[1] 7,500'—Minimum reception altitude.
[2] 5,500'—Minimum terrain clearance altitude.
[3] 9,500'—Minimum reception altitude.
[4] 9,000'—Minimum reception altitude.
[5] 11,300'—Minimum reception altitude.

29. Section 610.6016 *VOR civil airway 16* is amended to read in part:

From—	To—	Minimum altitude
Graham, Tenn., VOR..	Nashville, Tenn., VOR.	3,000

30. Section 610.6019 *VOR civil airway 19* is amended to read in part:

From—	To—	Minimum altitude
Raton, N. Mex., VOR..	Pueblo, Colo., VOR...	11,000

31. Section 610.6020 *VOR civil airway 20* is amended by adding:

From—	To—	Minimum altitude
Houston, Tex., VOR... via N alter.	Crosby INT, Tex.,[1] via N alter.	1,600
Crosby INT, Tex., via N alter.	Beaumont, Tex., VOR, via N alter.	[2] 1,900
Houston, Tex., VOR, via S alter.	High Island INT, Tex.,[3] via S alter.	1,500
High Island INT, Tex., via S alter.	Waterway INT, Tex., via S alter.	[4] 3,000
Waterway INT, Tex., via S alter.	Lake Charles, La., VOR, via S alter.	2,000
Atlanta, Ga., VOR, via N alter.	Norcross, Ga., VOR, via N alter.	3,000
Norcross, Ga., VOR, via N alter.	Homer INT, Ga., via N alter.	2,500
Homer INT, Ga., via N alter.	Clemson INT, S. C., via N alter.	[5] 4,500
Clemson INT, S. C., via S alter.	Spartanburg, S. C., VOR, via S alter.	[5] 4,500

[1] 1,900'—Minimum reception altitude.
[2] 1,600'—Minimum terrain clearance altitude.
[3] 3,000'—Minimum reception altitude.
[4] 1,400'—Minimum terrain clearance altitude.
[5] 3,200'—Minimum terrain clearance altitude.

32. Section 610.6020 *VOR civil airway 20* is amended to read in part:

From—	To—	Minimum altitude
Beaumont, Tex., VOR	Lake Charles, La., VOR	1,400
Lake Charles, La., VOR	Lafayette, La., VOR	1,300

33. Section 610.6022 *VOR civil airway 22* is amended to read in part:

From—	To—	Minimum altitude
Marianna, Fla., VOR	Tallahassee, Fla., VOR	1,500
Via N alter	Via N alter	1,500
Mobile, Ala., VOR	McDavid INT, Fla	[1] 3,000
McDavid, INT, Fla	Crestview, Fla., VOR	[1] 1,500

[1] 1,500′—Minimum terrain clearance altitude.
[2] 1,400′—Minimum terrain clearance altitude.

34. Section 610.6023 *VOR civil airway 23* is amended to read in part:

From—	To—	Minimum altitude
Portland, Oreg., VOR	Seattle, Wash., VOR	5,000
Ranier INT, Wash	Seattle, Wash., VOR, northbound only.	3,000

35. Section 610.6027 *VOR civil airway 27* is amended to read in part:

From—	To—	Minimum altitude
Santa Barbara, Calif.,[1] VOR	Paso Robles, Calif., VOR	8,000
Via W alter	Via W alter	7,000

[1] 8,000′—Minimum crossing altitude at Santa Barbara VOR, northwest-bound.

36. Section 610.6048 *VOR civil airway 48* is amended to read:

From—	To—	Minimum altitude
Burlington, Iowa, VOR	Peoria, Ill., VOR	1,900
Peoria, Ill., VOR	Pontiac, Ill., VOR	2,200

37. Section 610.6059 *VOR civil airway 59* is amended to read in part:

From—	To—	Minimum altitude
Springfield, Ill., VOR	Peoria, Ill., VOR	2,000
Peoria, Ill., VOR	Bradford, Ill., VOR	2,000

38. Section 610.6068 *VOR civil airway 68* is amended to read in part:

From—	To—	Minimum altitude
Corona, N. Mex., VOR	Roswell, N. Mex., VOR	9,000
Via N alter	Via N alter	9,000
Roswell, N. Mex., VOR	Hagerman INT, N. Mex.[1]	6,000
Hagerman INT, N. Mex.[1]	Hobbs, N. Mex., VOR	6,000
Junction, Tex., VOR	Boerne INT, Tex	[1] 3,600
Boerne INT, Tex	San Antonio, Tex., VOR	2,800

[1] 6,500′—Minimum reception altitude.
[2] 3,400′—Minimum terrain clearance altitude.

39. Section 610.6070 *VOR civil airway 70* is amended to read in part:

From—	To—	Minimum altitude
Galveston, Tex., VOR	Lake Charles, La. VOR	[1] 3,000

[1] 1,400′—Minimum terrain clearance altitude.

40. Section 610.6074 *VOR civil airway 74* is amended to read in part:

From—	To—	Minimum altitude
Tulsa, Okla., VOR, via N alter.	Salina INT, Okla., via N alter.	2,000
Salina INT, Okla., via N alter.	Fort Smith, Ark., VOR., via N alter.	[1] 4,000

[1] 2,600′—Minimum terrain clearance altitude.

41. Section 610.6076 *VOR civil airway 76* is amended to read in part:

From—	To—	Minimum altitude
Kingsland INT, Tex.[1]	Lake Travis INT, Tex.[2]	[3] 3,000
Austin, Tex., VOR	McDade INT, Tex.[4]	2,000
McDade INT, Tex.[4]	Sealy INT, Tex	[5] 3,700
Austin, Tex., VOR, via S alter.	Smithville INT, Tex.[6] via S alter.	2,000
Smithville INT, Tex., via S alter.	Eagle Lake, Tex., VOR, via S alter.	[7] 3,000

[1] 5,000′—Minimum reception altitude.
[2] 3,600′—Minimum reception altitude.
[3] 2,500′—Minimum terrain clearance altitude.
[4] 2,800′—Minimum reception altitude.
[5] 1,700′—Minimum terrain clearance altitude.
[6] 2,300′—Minimum reception altitude.
[7] 2,000′—Minimum terrain clearance altitude.

42. Section 610.6077 *VOR civil airway 77* is amended by adding:

From—	To—	Minimum altitude
St. Joseph, Mo., VOR	Lamoni, Iowa, VOR	2,400
Lamoni, Iowa, VOR	Osceola INT, Iowa[1]	2,300
Osceola INT, Iowa	Des Moines, Iowa, VOR	2,300

[1] 4,300′—Minimum reception altitude.

43. Section 610.6083 *VOR civil airway 83* is amended to read in part:

From—	To—	Minimum altitude
Carlsbad, N. Mex., VOR	Roswell, N. Mex., VOR	5,000
Roswell, N. Mex., VOR, via E alter.	Corona, N. Mex., VOR, via E alter.	9,000

44. Section 610.6088 *VOR civil airway 88* is amended to read in part:

From—	To—	Minimum altitude
White Oak INT, Okla	Waco INT, Mo.[1]	[2] 6,500
Waco INT, Mo	Avilla INT, Mo	[2] 6,500
Avilla INT, Mo	Springfield, Mo., VOR	2,600

[1] 7,000′—Minimum reception altitude.
[2] 2,600′—Minimum terrain clearance altitude.

45. Section 610.6097 *VOR civil airway 97* is amended to read in part:

From—	To—	Minimum altitude
Lobster INT, Fla	St. Marks INT, Fla.[1]	[2] 2,000
St. Marks INT, Fla	Tallahassee, Fla., VOR	1,500
Cross City, Fla., VOR, via E alter.	Lobster INT, Fla., via E alter.	[3] 2,000
Lobster INT, Fla., via E alter.	St. Marks INT, Fla.,[1] via E alter.	[3] 2,000
St. Marks INT, Fla., via E alter.	Tallahassee, Fla., VOR, via E alter.	1,500

[1] 2,000′—Minimum reception altitude.
[2] 1,000′—Minimum terrain clearance altitude.
[3] 1,500′—Minimum terrain clearance altitude.

46. Section 610.6106 *VOR civil airway 106* is amended to read in part:

From—	To—	Minimum altitude
Walnut Grove INT, W. Va.	Clara INT, W. Va.	[1] 5,000
Clara INT, W. Va.	Morgantown, W. Va., VOR	4,000
Morgantown, W. Va., VOR, via N alter.	Johnstown, Pa., VOR, via N alter.	4,500

[1] 3,000′—Minimum terrain clearance altitude.

47. Section 610.6115 *VOR civil airway 115* is amended to read in part:

From—	To—	Minimum altitude
Knoxville, Tenn., VOR	Rutledge INT, Tenn.	3,500
Rutledge INT, Tenn.	Charleston, W. Va., VOR	6,000

48. Section 610.6116 *VOR civil airway 116* is amended to read in part:

From—	To—	Minimum altitude
Excelsior INT, Mo	Tina INT, Mo	[1] 3,000
Quincy, Ill., VOR	Peoria, Ill., VOR	2,000
Peoria, Ill., VOR	Joliet, Ill., VOR	2,000

[1] 2,400′—Minimum terrain clearance altitude.

49. Section 610.6140 *VOR civil airway 140* is amended by adding:

From—	To—	Minimum altitude
Amarillo, Tex., VOR	Sayre, Okla., VOR	4,700
Via N alter	Via N alter	4,700
Sayre, Okla., VOR	Oklahoma City, Okla., VOR	[1] 3,200
Via N alter	Via N alter	[2] 3,500
Oklahoma City, Okla., VOR	Drumright INT, Okla.	3,700
Drumright INT, Okla.	Tulsa, Okla., VOR	3,100

[1] 3,000′—Minimum terrain clearance altitude.
[2] 3,300′—Minimum terrain clearance altitude.

50. Section 610.6140 *VOR civil airway 140* is amended to read in part:

From—	To—	Minimum altitude
Tulsa, Okla., VOR	Salina INT, Okla.	2,000
Salina INT, Okla.	Fayetteville, Ark., VOR	2,600
Montebello, Va., VOR	Casanova INT, Va.[1]	6,000
Casanova INT, Va.	Herndon, Va., VOR	3,000
Graham, Tenn., VOR, via S alter.	Nashville, Tenn., VOR, via S alter.	3,000

[1] 4,000′—Minimum reception altitude.

51. Section 610.6155 *VOR civil airway 155* is amended to read in part:

From—	To—	Minimum altitude
Gordonsville, Va., VOR	Casanova INT, Va.[1]	3,000
Casanova INT, Va.	Front Royal, Va., VOR	4,000

[1] 4,000′—Minimum reception altitude.

52. Section 610.6161 *VOR civil airway 161* is amended to read in part:

From—	To—	Minimum altitude
Excelsior INT, Mo	Lawson INT, Mo.	[1] 2,400
Lawson INT, Mo.	Jameson INT, Mo.[1]	[2] 2,900

[1] 3,000′—Minimum reception altitude.
[2] 2,400′—Minimum terrain clearance altitude.

53. Section 610.6171 *VOR civil airway 171* is amended to read in part:

From—	To—	Minimum altitude
Joliet, Ill., VOR	Sycamore INT, Ill.	2,000
Sycamore INT, Ill.	Janesville, Wis., VOR	2,100

54. Section 610.6183 *VOR civil airway 183* is amended to read in part:

From—	To—	Minimum altitude
Santa Barbara, Calif.,[1] VOR	Bakersfield, Calif., VOR	9,000

[1] 8,000′—Minimum crossing altitude at Santa Barbara VOR, northeast-bound.

55. Section 610.6185 *VOR civil airway 185* is amended by adding:

From—	To—	Minimum altitude
Augusta, Ga., VOR, via W alter.	Int. Augusta, Ga., 345° mag. rad. and S crs. Greenville, S. C., ILS localizer, via W alter.	1,800
Int. Augusta, Ga., 345° mag. rad. and S crs Greenville, S. C., ILS localizer, via W alter.	Greenville, S. C., ILS localizer, via W alter.	4,000
Greenville, S. C., ILS localizer, via W alter.	Int. N crs. Greenville S. C., ILS localizer crs. and Asheville, N. C., 190° mag. rad., via W alter.	4,000
Int. N crs., Greenville, S. C., ILS localizer, crs. and Asheville, N. C., 190° mag. rad., via W alter.	Asheville, N. C., VOR, via W alter.	6,000

56. Section 610.6190 *VOR civil airway 190* is amended by adding:

From—	To—	Minimum altitude
Gage, Okla., VOR	Ponca City, Okla., VOR	[1] 3,500
Ponca City, Okla., VOR	Waco INT, Mo.[1]	[1] 7,000
Waco INT, Mo.	Avilla INT, Mo	[2] 6,500
Avilla INT, Mo	Springfield, Mo., VOR	2,600
Springfield, Mo., VOR	Farmington, Mo., VOR	[4] 4,000
Farmington, Mo., VOR	Evansville, Ind., VOR	2,500

[1] 2,500′—Minimum terrain clearance, altitude.
[2] 7,000′—Minimum reception altitude.
[3] 2,900′—Minimum terrain clearance altitude.
[4] 2,800′—Minimum terrain clearance altitude.

57. Section 610.6194 *VOR civil airway 194* is amended to delete:

From—	To—	Minimum altitude
Rocky Mount, N. C., VOR	Boykins INT, Va.	1,500

58. Section 610.6194 *VOR civil airway 194* is amended by adding:

From—	To—	Minimum altitude
Raleigh, N. C., VOR	Rocky Mount, N. C., VOR	1,700
Rocky Mount, N. C., VOR	Harrelsville INT, Va.	1,400
Harrelsville INT, Va.	Norfolk, Va., ILS localizer.	1,500
Norfolk, Va., ILS localizer.	Whitehurst INT, Va.	1,500

59. Section 610.6194 *VOR civil airway 194* is amended to read in part:

From—	To—	Minimum altitude
Charlotte, N. C., VOR	Norwood INT, N. C.	[1] 3,000
Norwood INT, N. C.	Moncure INT, N. C.	[1] 3,500
Moncure INT, N. C.	Raleigh, N. C., VOR	1,600

[1] 1,800′—Minimum terrain clearance altitude.

60. Section 610.6198 *VOR civil airway 198* is amended to read in part:

From—	To—	Minimum altitude
San Antonio, Tex., VOR, via N alter.	Smithville INT, Tex.[1] via N alter.	2,500
Smithville INT, Tex., via N alter.	Round Top INT Tex., via N alter.	[2] 3,000

[1] 2,300′—Minimum reception altitude.
[2] 1,700′—Minimum terrain clearance altitude.

61. Section 610.6199 *VOR civil airway 199* is amended to read in part:

From—	To—	Minimum altitude
*San Francisco, Calif.,[1] VOR.	Los Banos INT, Calif.	7,000

[1] 4,500′—Minimum crossing altitude at San Francisco VOR, eastbound.

62. Section 610.6205 *VOR civil airway 205* is added to read:

From—	To—	Minimum altitude
Springfield, Mo., VOR	Bolivar INT, Mo.[1]	2,500
Bolivar INT, Mo.	Holden INT, Mo.	2,400
Holden INT, Mo.	Blue Springs, Mo., VOR	[2] 4,000
Blue Springs, Mo., VOR	Kansas City, Mo., VOR	[2] 4,000
Springfield, Mo., VOR, via W alter.	Schell City INT, Mo.,[3] via W alter.	2,500
Schell City INT, Mo., via W alter.	Blue Springs, Mo., VOR, via W alter.	[2] 4,000

[1] 5,000′—Minimum reception altitude.
[2] 2,400′—Minimum terrain clearance altitude.
[3] 4,000′—Minimum reception altitude.

63. Section 610.6207 *VOR civil airway 207* is added to read:

From—	To—	Minimum altitude
Denver, Colo., VOR	Int. Denver, Colo., VOR 002° mag. rad. and Cheyenne, Wyo., VOR 084° mag. rad.	7,500

64. Section 610.6208 *VOR civil airway 208* is added to read:

From—	To—	Minimum altitude
Thermal, Calif., VOR	Needles, Calif., VOR	[1] 10,000

[1] 6,500′—Minimum terrain clearance altitude.

65. Section 610.6211 *VOR civil airway 211* is added to read:

From—	To—	Minimum altitude
Cotulla, Tex., VOR	Junction, Tex., VOR	[1] 4,000

[1] 3,500'—Minimum terrain clearance altitude.

66. Section 610.6213 *VOR civil airway 213* is added to read:

From—	To—	Minimum altitude
Rocky Mount, N. C., VOR	Boykins, INT, Va	1,500

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective December 1, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9137; Filed, Nov. 18, 1955; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 45 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 373.2 *Confirmation of country of ultimate destination and verification of actual delivery* is amended in the following particulars:

a. Paragraph (a) *Scope* is amended by adding to the list of countries in subdivision (ii) of subparagraph (1), the country name: "Belgian Congo."

This part of the amendment shall become effective as of January 2, 1956.

b. The Explanatory Statements and Interpretations at the end of this section is amended by revising the last unnumbered paragraph of the answer to Question 5 to read as follows:

In some cases, an importer in Hong Kong may obtain an Import License from his government when the commodities to be exported from the United States to Hong Kong are destined to be reexported to another country. The Import License covering such a transaction will be endorsed:

For re-export to _____
_____
(Approved destination)

[1] This amendment was published in Current Export Bulletin No. 758, dated November 17, 1955.

diversion en route prohibited. To be delivered by shipping or airline company concerned to govt-designated godown. Overside delivery not permitted. Release from godown subject to approval of export license.

2. Part 373, Licensing Policies and Related Special Provisions, is amended by adding a new section to read as follows:

§ 373.6 *Return of unused quota.* As soon as a licensee decides that he does not intend to export the entire licensed amount of a commodity subject to a quantitative quota he shall promptly request reduction of the quantity covered by the license to the amount he actually intends to export. The request for reduction shall be made by submitting to the Bureau of Foreign Commerce a Form IT– or FC–763, in accordance with the procedure set forth in § 380.2 of this subchapter. If none of the commodities covered by the license is to be exported, the license shall be returned to the BFC for cancellation in accordance with § 372.14 of this subchapter.

3. Section 373.68 *Cambodia, Laos, and Viet-Nam (the area formerly known as Indo-China)* is amended to read as follows:

§ 373.68 *Cambodia, Laos, and Viet-Nam (the area formerly known as Indo-China).* All license applications (Form IT– or FC–419), Ultimate Consignee and Purchaser Statements (Form IT– or FC–842 or 843, see § 373.65), and destination control statements (see § 379.10 (c) of this subchapter) which make reference to Indo-China shall also specify which of the following areas are referred to:

(a) Communist controlled areas of Viet-Nam and Laos.

(b) Cambodia and the non-Communist controlled areas of Viet-Nam and Laos.

4. Section 373.69 *Confirmation of country of ultimate destination and verification of actual delivery for Hong Kong* is amended in the following particulars:

a. Paragraph (b) *Documents* is amended to read as follows:

(b) *Documents.* For export control purposes, an endorsed Import License (Form 3) issued by the Hong Kong Government to importers in Hong Kong is the equivalent document to the Import Certificate (Form IT– or FC–826) issued to U. S. importers. C & I Form 229, Delivery Verification, and C & I Form 42, Landing Certificate, as issued by the Government of Hong Kong to importers in Hong Kong, are the equivalent documents of the Delivery Verification (Form IT– or FC–908) issued to U. S. importers (see § 368.1 of this subchapter).

b. Paragraph (c) *Submission of import license* is amended to read as follows:

(c) *Submission of import license—*(1) *Single transaction import license.* (i) The applicant shall attach to his license application, covering a proposed exportation described in paragraph (a) of this section, the duplicate copy of the Import License, bearing the official authentication of the governmental authorities in Hong Kong, issued to the named importer or his agent and covering the commodity or commodities described in the export license application. The copy of the Hong Kong Import License attached to the application for a validated license shall include thereon one of the following stamped endorsements which shall bear the signature of an official of the Hong Kong Government:

(*a*) For consumption in Hong Kong. Diversion en route prohibited. Re-export not permitted except under special license and subject in addition to general or specific concurrence of government of supplying country concerned.

(b) For re-export to _____
_____
(Approved destination)
Diversion en route prohibited. To be delivered by shipping or airline company concerned to Govt. designated godown. Overside delivery not permitted. Release from godown subject to approval of export license.

(c) For local consumption in Hong Kong.

(ii) Where the Hong Kong Import License covers commodities for which more than one export license application is submitted, the Import License shall be attached to the first such application. Each subsequent application shall include the following certification:

I (we) certify that I (we) have not submitted applications, including the present application, against the Hong Kong Import License No. _____ in excess of the total quantity authorized thereon. This Import License was submitted in support of Application No. _____
_____
_____
(BFC Case No. or if Case No. is unknown, the Applicant's Reference No., date of submission of the application to which the Import License was attached, and Schedule B Nos. shown on that application)

NOTE: BFC Case No. Inclusion. Whenever possible, the BFC Case Number should be indicated on the certification set forth above since failure to supply the BFC Case Number may result in delay in processing the application.

(2) *Multiple transaction import license.* Exporters may submit to the Bureau of Foreign Commerce the duplicate copy of the Hong Kong Import License issued by the Government of Hong Kong, appropriately endorsed as provided in subparagraph (1) (i) of this paragraph, covering all proposed exportations of a commodity or commodities, regardless of value, including commodities based on export orders amounting to less than $500. However, to be acceptable, the multiple transaction Import License must indicate either a specific validity period or a specific quantity or value. The exporter shall submit the Import License bearing the official authentication of the Hong Kong governmental authorities, together with one additional copy for each Bureau of Foreign Commerce processing code to which the Import License applies and a listing of such processing codes. Each subsequent application for export license submitted against a multiple transaction Import License shall bear on the face of the application one of the following certifications (depending on whether a quantity is shown on the Import License) signed by the applicant:

I (we) certify that I (we) have not submitted applications including the present application against the Hong Kong Import License No. _____ in excess of the total quantity authorized thereon.

or (if no quantity is shown on the Import License):

This application is supported by the Hong Kong multiple transaction Import License No. _____.

c. Paragraph (d) *Submission of Hong Kong landing certificate* is retitled and amended to read as follows:

(d) *Submission of verification of delivery.* (1) The Bureau of Foreign Commerce may require verification of delivery in the form of a Hong Kong Delivery Verification or Landing Certificate, for any exportation to Hong Kong for which a validated license is granted, including commodities not listed on the Positive List. Where a verification of delivery is required, the face of the export license will bear the stamped words "Delivery Verification Required, see attached Form IT– or FC–863." Where a Form IT– or FC–863 is attached to a license forwarded by the Bureau of Foreign Commerce to an agent or freight forwarder of the licensee, it shall be the responsibility of the agent to notify the licensee that a verification of delivery is required.

(2) Where verification of delivery is required on a shipment, the U. S. exporter shall submit the Hong Kong Delivery Verification (C & I Form 229) to the Bureau of Foreign Commerce. In instances where the Bureau of Foreign Commerce requires verification of delivery and the Hong Kong Government does not issue their Delivery Verification form, the U. S. exporter shall obtain a Landing Certificate (C & I Form 42) from the Hong Kong importer and submit this certificate to the Bureau of Foreign Commerce in lieu of the Delivery Verification form.

(3) The requirement that a verification of delivery be submitted for a particular commodity is canceled automatically if, subsequent to the issuance of a license, the commodity is authorized by the Bureau of Foreign Commerce to be shipped to Hong Kong under General License GHK.

d. Paragraph (e) *Applicability of IC/DV provisions in* § 373.2 is amended to read as follows:

(e) *Applicability of IC/DV provisions in* § 373.2. The provisions of § 373.2 (a) (2), the note following § 373.2 (c), (d), (e), (f), (g), and (h), and the note and explanatory statements and interpretations following § 373.2 (h), shall be equally applicable to license applications and validated export licenses to Hong Kong.

5. Section 373.71 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by deleting the footnote reference in the heading and the footnote, and adding a note at the end of the schedule to read as follows:

NOTE: *Return of unused quotas.* As soon as a licensee determines that he will not export the entire licensed amount of a commodity subject to a quantitative quota he shall promptly submit to the Bureau of Foreign Commerce a request for an amendment reducing the quantity covered by the license to the amount he actually intends to export (see § 373.6). If none of the commodities covered by the license is to be exported, the license shall be returned to the Bureau of Foreign Commerce.

Where no filing dates are announced. Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time (see § 372.5 (c)).

Intransit shipment. Export applications for commodities requiring a validated license when moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see Note following § 372.6 (d)).

This part of the amendment shall become effective December 19, 1955.

6. Section 379.10 *Destination control,* paragraph (c) *Statement regarding ultimate destination on declaration, bill of lading, and commercial invoice,* subparagraph (1) is amended by adding a footnote reference 1 at the end of each destination statement and the following footnote:

[1] For shipments to Cambodia, Laos or Viet-Nam, the country area designations shown in § 373.68 of this subchapter shall be used.

7. Section 380.2 *Amendments or alterations of licenses* is amended in the following particulars:

a. Paragraph (d) *Changes by amendment* is amended by adding a new subparagraph (9) to read as follows:

(9) Decrease in quantity of commodity included in § 373.71.

b. Paragraph (f) *Where to file* is amended in the following particulars:

Subparagraph (1) *General* is amended to read as follows:

(1) *General.* All requests for amendments to licenses may be filed with the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. However, certain types of amendments described in subparagraph (2) of this paragraph may be requested from those field offices of the Department of Commerce listed below:

Boston.	Miami.
Chicago.	New Orleans.
Cleveland.	New York.
Detroit.	Philadelphia.
El Paso.	Portland, Oreg.
Houston.	San Francisco.
Jacksonville.	Savannah.
Los Angeles.	Seattle.

Subparagraph (3) *Amendment requests on which field offices may not take action* is amended by amending subdivision (ii) and adding a new subdivision (vii) to read as follows:

(ii) Requests for amendment of licenses where the intended port of exit is not known to the licensee.

* * * * * * *

(vii) Decrease in quantity of commodity included in § 373.71.

c. Paragraph (g) *Procedure for submitting requests for amendments,* subparagraph (3) *Signature* is amended by revising the first sentence thereof to read as follows: "The signature of the licensee, or an officer or duly authorized agent of the licensee, shall be placed on the original 1 of Form IT– or FC–763, in the space provided."

[1] Notwithstanding instruction No. 5 on the reverse side of Form IT– or FC–763, the duplicate copy need not be signed.

8. Section 382.51 *Table of compliance orders currently in effect denying export privileges,* paragraph (b) *Table of compliance orders* is amended by adding the following entries:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Bierma, Sipke N., Keizersgracht 702, Amsterdam, Netherlands.	10–28–55	10–28–56 (Duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F. R. 8224, 11–2–55.
Chemische Industrie, "Den Haag," N. V., Le van der Kunstraat 55–57, The Hague, Netherlands.	10–27–55	10–27–57 (Duration.)*	do	20 F. R. 8202, 11–1–55.
Continental Import and Export Co., N. V., Stadhouderskade 51, Amsterdam Z, Netherlands.	10–28–55	10–28–56 (Duration.)*	do	20 F. R. 8224, 11–2–55.
de Pesters, Jhr. C. A., Adjunct Managing Director, Chemische Industrie, "Den Haag," N. V., Le van der Kunstraat 55–57, The Hague, Netherlands.	10–27–55	10–27–57 (Duration.)*	do	20 F. R. 8202, 11–1–55.
Fisher, P., 46–47 Chancery Lane, London, W. C. 2, England.	9–29–55	Until further notice.	do	20 F. R. 7383, 10–4–55.
Gintz, F., 46–47 Chancery Lane, London, W. C. 2, England.	9–29–55	do	do	20 F. R. 7383, 10–4–55.
Lijnzaad, D., N. V., Transport en Handelmaatschappij, 58 Coolsingel, Boursgebouw, Rotterdam, Netherlands.	(10–27–55)	(Duration)*	General and validated licenses, all commodities, any destination, also exports to Canada. (No actual period of suspension. On probation from 10–27–55 for duration of export controls.)	20 F. R. 8226, 11–2–55.
Lijnzaad, Dirk, 7 Dulnweg, Wassenaar, Netherlands.	(10–27–55)	do	do	20 F. R. 8226, 11–2–55.
Nedimtrans, N. V., 58 Coolsingel, Boursgebouw, Rotterdam, Netherlands.	(10–27–55)	do	do	20 F. R. 8226, 11–2–55.
Noord-Hollandsche, Handelsassociatie, N. V., Keizersgracht 702, Amsterdam, Netherlands.	10–28–55	10–28–56 (Duration.)*	General and validated licenses, all commodities, any destination, als exports to Canada.	20 F. R. 8224, 11–2–55.
Pesters, Jhr. C. A. de, Adjunct Managing Director, Chemische Industrie, "Den Haag," N. V., Le van der Kunstraat 55–57, The Hague, Netherlands.	10–27–55	10–27–57 (Duration.)*	do	20 F. R. 8202, 11–1–55.

*This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Stemmler, Carl Herman Ferdinand, Manager and Director, Stemmler-Imex, N. V., Leidseplein - Hirschehouw, Post Box 649, Amsterdam, Netherlands.	10-27-55	10-27-57 (Duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F. R. 8202, 11-1-55.
Zemanek & Co., Ltd., 46-47 Chancery Lane, London, W. C. 2, England.	9-29-55	Until further notice.	do	20 F. R. 7383, 10-4-55.

*This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.

This amendment shall become effective as of November 17, 1955, except as otherwise specifically provided.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55-9325; Filed, Nov. 18, 1955; 8:50 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

SUMMARY PROSPECTUS PREPARED BY INDEPENDENT ORGANIZATIONS

The Securities and Exchange Commission announced today the adoption of § 230.434 (Rule 434) which specifies the conditions under which a bulletin or card prepared by certain independent statistical services, primarily engaged in publishing statements and financial information for distribution to subscribers and summarizing information contained in a preliminary prospectus might be deemed a summary prospectus meeting the requirements of section 10 of the act for the purpose of section 5 (b) (1) prior to the effective date of the registration statement. This rule implements section 10 (b) of the act under the amendment made by Public Law 577, 83d Congress, which authorizes the Commission to adopt rules and regulations deemed necessary or appropriate in the public interest or for the protection of investors to permit the use of a summary prospectus for the purposes of subsection (b) (1) of section 5 which omits in part or summarizes information in the preliminary prospectus filed as part of the registration statement. The rule is adopted pursuant to sections 10 (b), 10 (d), and 19 (a) of the Securities Act of 1933.

It is understood to be the policy of such statistical services preparing bulletins or cards for sale in bulk to underwriters and dealers for distribution, promptly to prepare a revised bulletin or card if a material amendment to the preliminary prospectus is filed with the Commission and the previously published bulletin or card is no longer a fair summary of information contained in the amended preliminary prospectus, and to transmit such revised bulletin or card to all persons to whom the original document was furnished by the statistical service together with a notice that the original bulletin or card should no longer be used. In adopting this rule it is assumed that this practice will be continued.

The text of § 230.434 is as follows:

§ 230.434 *Summary prospectus prepared by independent organizations.* (a) A bulletin, card or other document which summarizes information contained in a form of prospectus (hereinafter called a "preliminary prospectus") filed as a part of the registration statement and containing the information specified in paragraph (a) of § 230.433 (Rule 433), shall be deemed to be a summary prospectus which meets the requirements of section 10 of the act for the purpose of section 5 (b) (1) thereof prior to the effective date of the registration statement, provided the following conditions are met:

(1) Such summary prospectus is prepared by an independent organization primarily engaged in publishing statistical and financial manuals with respect to securities generally, as distinct from particular classes, issuers or localities, and in circulating to subscribers statistical and financial information and summaries.

(2) The issuer of the securities to which the prospectus relates is required to file reports pursuant to sections 13 or 15 (d) of the Securities Exchange Act of 1934.

(3) No consideration is paid directly or indirectly by such issuer, any underwriter or dealer participating or proposing to participate in the distribution, or any affiliate of any of the foregoing, for the preparation of the summary: *Provided, however,* That nothing herein shall prevent the payment of the usual subscription price, or the regular purchase price of reprints or copies.

(4) The summary prospectus shall be dated, shall contain a fair summary of information contained in the latest form of preliminary prospectus which has been filed as part of the registration statement at the time when the summary prospectus is issued by the organization preparing it, shall not stress the favorable as against the unfavorable aspects of the issuer or the security, and shall not include or be accompanied by any rating, recommendation, or other expression of opinion as to the merits of the issuer or the security. The summary may contain the name and address of the organization issuing it, and the name and address of the person distributing it.

(5) The summary prospectus shall include on the front thereof substantially the following statement:

Information contained herein is based upon a registration statement filed under the Federal Securities Act of 1933 which is subject to correction and amendment. These securities may not be sold nor may offers to buy them be accepted prior to the time when the registration statement becomes effective. Further and more complete information is contained in the prospectus which must be furnished to purchasers.

The summary prospectus may also contain any statement or legend required by state law or administrative authority.

(b) A summary prospectus used pursuant to this section shall be subject to the suspension power of the Commission under section 10 (b) of the act, but need not be filed with the Commission as part of any registration statement or otherwise.

On September 20, 1955, the Commission published notice that it had under consideration the adoption of a proposed § 230.434 (Rule 434) and all interested persons were invited to submit their views and comments on the proposed rule on or before October 15, 1955. The foregoing action adopting Rule 434 shall become effective immediately.

(Sec. 19, 48 Stat. 85; 15 U. S. C. 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

NOVEMBER 8, 1955.

[F. R. Doc. 55-9322; Filed, Nov. 18, 1955; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53946]

PART 12—SPECIAL CLASSES OF MERCHANDISE

MEAT AND MEAT-FOOD PRODUCTS; INSPECTION; BOND; RELEASE

Section 12.8, Customs Regulations, amended to delegate authority to collectors of customs to settle certain claims for liquidated damages under bonds.

In order to expedite the disposition of claims for liquidated damages under bonds for failure to comply with the requirements of the Meat Inspection Branch, Agricultural Research Service, Department of Agriculture, and also to correctly state the name of that Branch, section 12.8 of the Customs Regulations is hereby amended by designating the matter in the present section following the headnote as paragraph (a), by substituting "Meat Inspection Branch" for "Animal Inspection and Quarantine Branch" each place where it appears, and by adding a new paragraph (b) reading as follows:

(b) Liquidated damages assessed for breach of bonds taken under this section, if not in excess of $20,000, and if a written application for relief is filed, may be canceled by the collector of customs upon the payment of less than the full amount as he shall deem appropriate, or without the payment of any amount, as may be deemed appropriate, but the collector shall not act under this paragraph unless the officer in charge of the local office of the Meat Inspection Branch, Agricultural Research Service, Department of Agriculture, is in full agreement with the proposed action. If there is no local inspector of the Meat Inspection Branch, the collector shall not act unless he has obtained the full agreement of the Meat Inspection Branch in Washington.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 623, 46 Stat. 759, as amended; 19 U. S. C. 1623)

Approved: November 14, 1955.

[SEAL] RALPH KELLY,
Commissioner of Customs.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-9323; Filed, Nov. 18, 1955; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

EXEMPTION FROM REQUIREMENT OF A TOLERANCE FOR RESIDUES OF ALLETHRIN

A petition was filed with the Food and Drug Administration requesting an exemption from the requirement of a tolerance for residues of allethrin used in the production of growing crops.

The Secretary of Agriculture has not certified that this pesticide chemical is useful in the production of all growing crops. He has certified that it is useful in the production of vegetables for which exemption from the requirement of a tolerance is granted by this order.

After consideration of the data submitted in the petition and other relevant material which show that a tolerance is not necessary to protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g); 20 F. R. 759), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended by adding the following new section:

§ 120.113 *Exemption from the requirement of a tolerance for residues of allethrin.* (a) Allethrin (allyl homolog of cinerin I) is exempted from the requirement of a tolerance for residues when used before harvest in the production of beans, broccoli, brussels sprouts, cabbage, cauliflower, collards, horseradish, kale, kohlrabi, lettuce, mushrooms, mustard greens, radish, rutabagas, turnips.

(b) Allethrin is not exempted from the requirement of a tolerance when used at time of or after harvest.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 412; 21 U. S. C. 346a)

Dated: November 14, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-9317; Filed, Nov. 18, 1955; 8:48 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF FERBAM, ZINEB, AND ZIRAM

Petitions were filed with the Food and Drug Administration requesting the establishment of tolerances for residues of ferbam, zineb, and ziram in or on certain raw agricultural commodities.

The Secretary of Agriculture has certified that these pesticide chemicals are useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petitions and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g); 20 F. R. 759), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended by adding the following new sections:

§ 120.114 *Tolerance for residues of ferbam.* A tolerance of 0.1 part per million is established for residues of ferbam (ferric dimethyldithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, in or on almonds.

§ 120.115 *Tolerance for residues of zineb.* A tolerance of 7 parts per million is established for residues of zineb (zinc ethylenebisdithiocarbamate) in or on mushrooms.

§ 120.116 *Tolerances for residues of ziram.* (a) A tolerance of 7 parts per million is established for residues of ziram (zinc dimethyldithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, in or on strawberries.

(b) A tolerance of 0.1 part per million is established for residues of ziram (zinc dimethyldithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, in or on almonds and pecans.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: November 14, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-9318; Filed, Nov. 18, 1955; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 874—AVIATION CADET TRAINING

AVIATION CADETS—AIR FORCE

In Part 874, §§ 874.1 to 874.13 are rescinded and the following substituted therefor:

Sec.
874.1 General.
874.2 Requirements.
874.3 Waivers of minor offenses.
874.4 Application.
874.5 Processing.
874.6 Information to be furnished applicants.
874.7 Selection and assignment.
874.8 Termination and reassignment.
874.9 Graduates.

AUTHORITY: §§ 874.1 to 874.9 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply secs. 1, 3, 4, 55 Stat. 239, 240, as amended; sec. 6, 62 Stat. 609; 10 U. S. C. 297a, 299, 304, 304b, 50 U. S. C. App. 456.

DERIVATION: AFR 51-3, August 25, 1955.

§ 874.1 *General*—(a) *Purpose.* Sections 874.1 to 874.9 tell how to apply for flying training in either aviation cadet or noncommissioned officer grade.

(b) *Definitions*—(1) *Aviation cadet training program.* Includes all aircrew training courses whose graduates are awarded the aeronautical rating of pilot or aircraft observer and are tendered appointments as commissioned officers of the Air Force.

(2) *Airmen applicants.* Male enlisted personnel of the Air Force who are in the active military service of the United States and airmen of the Air Force Reserve who are assigned to Air Force Reserve Programs in Training Categories A, B–1, B–2, C, or D as outlined in §§ 861.1 to 861.14 of this chapter. All other airmen of the Air Force Reserve not serving on extended active duty may apply as civilian applicants.

(3) *Air National Guard applicant.* Enlisted personnel of the Air National Guard who apply for aviation cadet training under the separate Air National Guard quota.

(4) *Civilian applicants.* United States male citizens who are not in the active military service. The term "civilian" includes members of reserve components of armed forces, other than those Air Force Reserve Airmen defined in subparagraph (2) of this paragraph and airmen of the Air National Guard, who are neither in nor alerted for active military service.

(5) *"Tentatively qualified" applicant.* An applicant who has successfully completed the aviation cadet preliminary examinations.

(6) *"Fully qualified" applicant.* An applicant who has successfully completed all qualifying examinations and who has been furnished written notification of his eligibility to compete for selection by the Commander, Flying Training Air Force.

(7) *"Selected applicant".* A fully qualified applicant who has received written notice of his selection and class assignment.

(8) *Aviation cadet preliminary examination (medical).* A Class I or Class IA Medical Examination.

(9) *Aviation cadet preliminary test (written).* A written examination for the purpose of determining the tentative qualification of applicants who are otherwise eligible for aviation cadet training in accordance with paragraph (c) of this section.

(10) *Final qualifying examination.* A series of tests used for final qualification of aviation cadet applicants. Results of these tests determine aptitude for pilot and/or aircraft observer training as well as officer quality.

(11) *Aviation students.* Noncommissioned officers of the Air Force who attend the aviation cadet training program in their enlisted grades (E–5 through E–7). The eligibility requirements for training as an aviation student are the same as for aviation cadet training, except that applicants must be serving in a noncommissioned officer grade at the time of application. Aviation students undergoing aviation cadet training receive all pay and allowances of their respective grades; however, they receive identical training, quarters messing facilities, and treatment accorded aviation cadets. Aviation students successfully completing the flying training course will be commissioned Second Lieutenants, Reserve of the Air Force, in the same manner as are aviation cadets.

(12) *Student.* Unless otherwise specified herein, the term "student" used alone applies to both aviation cadets and aviation students.

(13) *Air Force Academy and Aircrew Examining Center.* An Air Force base, centrally located with respect to source of applicants and having facilities adequate for final examination of such applicants. The following bases have been designated as Air Force Academy and Aircrew Examining Centers:

(i) Barksdale AFB, Shreveport, Louisiana.
(ii) Bolling AFB, Washington, D. C.
(iii) Chanute AFB, Rantoul, Illinois.
(iv) Davis-Monthan AFB, Tucson, Arizona.
(v) Ellington AFB, Houston, Texas.
(vi) Ellsworth AFB, Rapid City, South Dakota.
(vii) Great Falls AFB, Great Falls, Montana.
(viii) Hill AFB, Ogden, Utah.
(ix) Keesler AFB, Biloxi, Mississippi.
(x) Langley AFB, Hampton, Virginia.
(xi) Lowry AFB, Denver, Colorado.
(xii) MacDill AFB, Tampa, Florida.
(xiii) McChord AFB, Tacoma, Washington.
(xiv) March AFB, Riverside, California.
(xv) Maxwell AFB, Montgomery, Alabama.
(xvi) Mitchel AFB, Hempstead, Long Island, New York.
(xvii) Moody AFB, Valdosta, Georgia.
(xviii) Offutt AFB, Omaha, Nebraska.
(xix) Olmsted AFB, Middletown, Pennsylvania.
(xx) Parks AFB, Pleasanton, California.
(xxi) Randolph AFB, San Antonio, Texas.
(xxii) Sampson AFB, Geneva, New York.
(xxiii) Scott AFB, Belleville, Illinois.
(xxiv) Selfridge AFB, Mt. Clemens, Michigan.
(xxv) Sewart AFB, Smyrna, Tennessee.
(xxvi) Shaw AFB, Sumter, South Carolina.
(xxvii) Sheppard AFB, Wichita Falls, Texas.
(xxviii) Tinker AFB, Oklahoma City, Oklahoma.
(xxix) Travis AFB, Fairfield, California.
(xxx) Walker AFB, Roswell, New Mexico.
(xxxi) Westover AFB, Chicopee Falls, Massachusetts.
(xxxii) Wright-Patterson AFB, Dayton, Ohio.
(xxxiii) Ramey AFB, Aquadilla, Puerto Rico.
(xxxiv) FEAMCOM Air Base, Tachikawa, Honshu, Japan.
(xxxv) Albrook AFB, Balboa, Canal Zone.
(xxxvi) Clark AFB, Luzon, Philippine Islands.
(xxxvii) Elmendorf AFB, Anchorage, Alaska.
(xxxviii) Ernest Harmon AFB, Stephenville, Newfoundland.
(xxxix) Hickam AFB, Honolulu, Oahu Island, T. H.
(xl) Third Air Force Hq, Victoria Park Estate, South Ruislip, Middlesex, England.
(xli) Weisbaden Air Base, Weisbaden, Germany.

§ 874.2 *Requirements*—(a) *Eligibility*—(1) *Age and citizenship.* Applicants must be United States male citizens between 19 and 26½ years of age at the time of application. Selected applicants must be enrolled in a specific flying training class prior to their 27th birthday. Applicants below age 21 must secure the written consent of parents or guardian in accordance with § 874.4.

(2) *Marital status.* Applicants must be unmarried at the time of application and must agree in writing to remain unmarried for the duration of the training program. Unmarried civilian applicants may have no more than one dependent unless eligible to enlist in grade E–4 or higher.

(3) *Base or residence.* (i) Civilian applicants must be residing at time of application, in the continental United States, Alaska, Hawaii, Puerto Rico, or the Panama Canal Zone.

(ii) Airmen may apply and undergo processing at any time unless prohibited under paragraph (d) of this section.

(4) *Educational qualifications.* The minimum educational requirement is high school graduate level. Civilian applicants must have completed high school as evidenced by a diploma or certificate of graduation. Airmen and prior service applicants not graduated from high school may apply if they have completed the entire battery of USAFI high school level GED tests with a minimum standard score of 35 on any one or with an average standard score of not less than 45 on all five tests as evidenced by a USAFI certificate. Documentary evidence of highest education level achieved will be required with application.

(5) *Eligibility for enlistment.* All applicants must be eligible to enlist or reenlist in the Air Force under the provisions of §§ 871.1 to 871.7 of this subchapter.

(6) *Moral character.* Applicants must be of good moral character and must possess other personal qualities desired in a commisisoned officer.

(7) *Medical standards.* All applicants must meet the medical standards for flying training as outlined in pertinent regulations. Waiver of sub-standard medical findings will not be granted.

(b) *Ineligibility.* The following persons are ineligible to apply for this training:

(1) An airman based within the continental United States who has been alerted for overseas assignment.

(2) An airman based in an overseas area who has been reported on rotation forecast for return to the zone of interior.

(3) A person not eligible for enlistment or reenlistment in the Air Force in accordance with §§ 871.1 to 871.7 of this subchapter.

(4) For pilot training, a person who holds or has held the aeronautical rating of pilot or comparable rating in any of the Armed Forces of the United States. (Army aviator is not comparable.) Such a person, if otherwise qualified, may apply for aircraft observer training.

(5) For aircraft observer training, a person who holds or has held the aeronautical rating of aircraft observer or comparable rating in any of the Armed Forces of the United States. Such a person, if otherwise qualified, may apply for pilot training.

(6) A person eliminated or disenrolled from a course of training leading to commissoned status conducted by any of the Armed Forces or servce academies of the United States unless recommended by the eliminating authority for further training leading to a commission.

(7) A person eliminated from a flying training course conducted by any of the Armed Forces of the United States unless recommended by the eliminating authority for further aircrew training.

(8) A person in the active military service of the United States other than the Air Force.

(9) A member of a Reserve Force of the United States who has been alerted for active military service with any of the Armed Forces other than the Air Force.

(10) A person currently enrolled in a training program conducted by any of the Armed Forces of the United States leading to commissioned status, unless his application is approved and further training is recommended by an authorized official of the parent service conducting the training.

(11) An airman who is enrolled in or selected for enrollment in a foreign language training course or a formal technical training course leading to the award of an Air Force Specialty Code or upgrading of skill level in Air Force Specialty Code. This restriction does not apply to airmen who will become over age for this training while enrolled in such a course.

(12) An airman who is undergoing court-martial proceedings.

(13) A person who is undergoing board action directed toward the resolution of information indicating that the applicant possess undesirable personal qualities, or a person concerning whom a personnel security clearance has been denied or revoked.

(14) A person who has a record of conviction by any type of court-martial or civilian court, other than for a minor traffic violation, except that, if appropriate, a request for waiver of a minor offense not considered prejudicial to the performance of duty as an officer may be sent to the Commander, Flying Training Air Force, Waco, Texas, for consideration in accordance with § 874.3. A waiver will not be granted for an offense that involves moral turpitude. Requests for waiver will not be submitted if moral turpitude is clearly evident.

(15) An airman who has pending an application for hardship discharge or who is under investigation for any type of offense.

(16) A person who is or ever has been:

(i) A conscientious objector.

(ii) Affiliated or sympathetic with an organization, movement, or group advocating a subversive policy or seeking to alter the Government of the United States by unconstitutional means or seeking to deny the constitutional rights of others unless or until the applicant has had a final determination favorable to him by Headquarters USAF in accordance with §§ 886.1 to 886.21 of this subchapter.

(17) A Selective Service Registrant who has been ordered to report for active military service with any of the Armed Forces other than the Air Force.

(18) Minor applicants (below age 21), without the written consent of parents or guardian.

(19) Applicants who have previously applied for aviation cadet training and who were disqualified or not selected, within a period of 1 year from the date of last written examination either preliminary or final.

§ 874.3 *Waivers of minor offenses.* (a) A civilian applicant may submit a request for waiver of a minor offense to any USAF recruiting detachment or station. An airman applicant may submit a request for waiver to his commander. Each request for waiver will contain complete information in regard to the offense and circumstances involved and will be considered on its own merits as substantiated by the following:

(1) Copy of court record if applicant has a record of conviction by any military or civilian court.

(2) Detailed statement by the applicant concerning the offense and circumstances involved.

(3) Any additional documentary evidence substantiating the applicant's statement or justifying the request, such as statements from other persons, records of outstanding achievements, awards, and so forth.

(b) Request for waiver will not be submitted until the applicant has been released from all restraint, probation, or parole for a minimum period of 6 months, or until 6 months has expired from date of conviction.

§ 874.4 *Application*—(a) *AF Form 56.* Application will be accomplished by completing AF Form 56 in duplicate. The applicant's attention will be directed to item V (B) of AF Form 56 whereby he agrees that, on completion of the training course, he will accept an appointment as a Reserve Officer of the Air Force for an indefinite term and will serve in the active military service as a commissioned officer for a period of 3 years after graduation unless sooner relieved by competent authority. In the case of a minor (below age 21 years) such agreement shall be signed with the consent of his parents or guardian. The signature of parents or guardian will be notarized by a notary public or other person authorized to perform notarial acts.

(b) *Content.* Each application will contain:

(1) Evidence of date of birth which may be in the form of a birth certificate, an authenticated copy thereof, or any other documentary evidence which is considered sufficient in establishing the applicant's date of birth.

(2) Evidence of citizenship, if the applicant is not a citizen by birth, in the form of a certificate, signed by an officer, notary public, or other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original certificate of naturalization number _____ (or certified copy of court order establishlishing citizenship) stating that _____ was
(Full name)
admitted to United States Citizenship by the _____ Court of _____
(District or County)
_____ on _____
(State) (Date)

The following person was named in the certificate as a minor child: _____; age _____

(3) Evidence of college work completed, where applicable, in the form of an official transcript of scholastic credits earned, a diploma, or statement signed by an official of the school in which the applicant matriculated.

(4) Evidence of having completed high school, where applicable, as evidenced by a diploma or certificate of graduation, or, if applicable, a certificate from the United States Armed Forces Institute indicating standard scores of not less than 35 on any one or an average standard score of not less than 45 on all five tests of the United States Armed Forces Institute high school level General Educational Development tests.

(5) A loyalty certificate: Each applicant will be required to complete DD Form 98, "Loyalty Certificate for Personnel of the Armed Forces." If, after proper instruction, the applicant fails to complete the certificate in its entirety or completes it with qualifications or makes entries thereon which provide reason to believe that his appointment would not be clearly consistent with interests of national security, the applicant will be requested to complete five copies of DD Form 398, "Statement of Personal History," and an FBI Applicant Fingerprint Card.

(6) Members of Reserve Forces of the United States will attach a statement indicating service number, military status at time of application, and Reserve assignment.

(7) Data Processing Control sheet, AF Form 338.

(c) *Applications from students enrolled in their senior year of college.* Applications from students enrolled in their senior year of college submitted within 135 days of scheduled graduation date will be processed as college graduate applicants. Applications from these persons will include a statement from the student attesting to the fact that he is enrolled in his senior year of college and giving the date he is scheduled to graduate.

§ 874.5 *Processing*—(a) *Preliminary*—(1) *All applicants.* All applicants, in order to qualify for aviation cadet training, must attain passing scores on all tests administered for the type training desired in addition to meeting the required medical standards. Applicants may apply for either pilot or aircraft observer training or for both programs indicating their preference. If an applicant who applies for both programs is found disqualified for the training of his first choice he will be automatically considered for his second choice. If an applicant declines to indicate a second choice but is found qualified for the alternate training, he may be considered for the alternate training, providing upon notification, he indicates his acceptance in writing or his application is changed accordingly and initialed by the applicant.

(2) *Civilians.* A civilian applicant will normally apply at a USAF Recruiting Station or Detachment. In remote areas

applicants may apply at the nearest Air Force base.

(3) *Airmen.* (i) Airmen will submit applications to their immediate commanders.

(ii) Airmen who have applications pending for aviation cadet or aviation student training will not be assigned to oversea shipments nor assigned to technical training schools.

(b) *Final*—(1) *General.* Each tentatively qualified applicant referred to an Air Force Academy and Aircrew Examining Center for final processing will be administered the Air Force Officer Qualifying Test, a complete medical examination for flying training as prescribed in pertinent regulations, and such other examinations as may be directed by Headquarters USAF. If, at any time during the processing, an applicant is determined to have a medical defect which is unquestionably disqualifying for both pilot and aircraft observer training, processing of that applicant will cease and disposition as a disqualified applicant will be made.

§ 874.6 *Information to be furnished applicants*—(a) *General.* Each applicant who successfully completes the final processing will, prior to his departure from the examining center, be advised that he is fully qualified, subject to administrative and medical review by the Commander, Flying Training Air Force. Selections will be based on the results of the examinations completed together with the overall qualifications of each applicant. Each applicant will be advised in writing of his status by the Commander, Flying Training Air Force, as soon as possible but not later than 4 weeks from receipt of application. Applicants who are not selected within a period of 1 year will be notified and their personal documents will be returned. If eligible, a nonselected applicant may reapply after 1 year has elapsed from the date of his last preliminary testing.

(b) *Qualified applicants*—(1) *Draft deferment for "selected" civilian applicants.* A draft-eligible civilian applicant who is subsequently notified of his acceptance for aviation cadet training will be furnished a 4-month draft deferment by the Commander, Flying Training Air Force. If an applicant is ordered to report to active military service by the Selective Service System before his deferment is issued or after his deferment expires his application for aviation cadet training will be canceled since such persons are not assigned for service with the Air Force. There are no provisions of law which authorize the transfer of military personnel between the separate military departments of the Department of Defense.

(2) *Medical status.* A report of medical examination (SF 88) must be accomplished within 90 days of the date of application for aviation cadet training. At time of entry into training, the report of medical examination must not be more than 1 year old. If the date of the report of medical examination has expired, the selected applicant will be required to undergo a second medical examination. Fully qualified civilian applicants will be instructed that the two copies of the completed SF 88 furnished them must be submitted to the enlisting agency.

(3) *Enlistment.* After notification of selection and class assignment, selected civilian applicants will be required to enlist in the Regular Air Force for a period of 2 years in the grade of basic airman (E–1) unless authorized under current enlistment directives to enlist in a higher grade. They will be appointed as aviation cadets upon arrival at the Air Force Pre-Flight Training School.

(4) *Changes affecting status of accepted applicants.* Applicants notified of their acceptance by the Commander, Flying Training Air Force, need not take any further action regarding their applications unless requested to do so. However, Flying Training Air Force must be informed of any changes which affect an applicant, such as:

(i) Enlistment in the Regular Air Force.

(ii) For airmen, advancement to noncommissioned officer grade which would permit assignment to training as an aviation student.

(iii) Change of address.

(iv) Modification of physical status which would be disqualifying for flying training.

(v) Change in marital status.

(vi) Change of desire for training.

(vii) Receipt of notification from the Selective Service System ordering the applicant into the active military service of the United States or alerting him for such service.

(viii) Receipt of orders to enter the active military service by a fully qualified applicant who is a member of a Reserve Force of the United States other than the Air Force.

(5) *College seniors applying as college graduates.* Applications of students enrolled in their senior year of college who apply for aviation cadet training within 135 days of their scheduled graduation date will be processed as other applicants and those found fully qualified will be advised to furnish, upon graduation, a copy of their college transcript to the Commander, Flying Training Air Force, in order that they may receive selection priority as college graduates. Immediately upon receipt of college transcript the Commander, Flying Training Air Force, will furnish the applicant with a tentative class assignment.

(c) *Disqualified applicants.* Disqualified applicants will be advised as soon as possible of the reason for disqualification. An applicant who fails to attain the minimum qualifying score on the Air Force Officer Qualifying Test will not be furnished information as to scores made on the tests but only that he failed to attain the minimum qualifying score. If disqualified because of failure to pass the Air Force Officer Qualifying Test, he may reapply for aviation cadet training 1 year from the date of disqualification provided he is otherwise qualified.

(d) *Reserve personnel*—(1) *Air Force.* Eligible Air Force Reserve personnel may apply and will be processed as outlined in § 874.5 (a) (3).

(2) *Other services.* Members of Reserve Forces, other than airmen of the Air Force Reserve as defined in paragraph (b) (2) of § 874.1, who are neither in nor alerted for active military service may apply for aviation cadet training and will be processed as civilian applicants. Those persons selected for training may be enlisted in the Regular Air Force in accordance with §§ 871.1 to 871.7 of this subchapter after notification of their selection. The policy in §§ 871.1 to 871.7 of this subchapter pertaining to enlistment of personnel of Reserve Forces other than the Air Force will apply.

§ 874.7 *Selection and assignment*—(a) *Selection of applicants.* Fully qualified and accepted applicants will be selected for training by the Commander, Flying Training Air Force, in the following order of priority:

(1) College graduates with baccalaureate degrees or higher.

(2) Persons having completed two or more years of college (60 semester hours or 90 quarter hours) but less than a baccalaureate degree.

(3) All others, based on results of examinations taken and by date of qualification.

(b) *Airmen in the active military service*—(1) *Reassignment.* Reassignment of airmen will be in grade held, on a permanent change of station basis. Selected applicants who applied for aviation cadet training while assigned to military units based in oversea areas will be returned to the zone of interior for aviation cadet training only after completing one-half of their oversea tour.

(2) *Extension of enlistment.* An airman of the Regular Air Force selected for aviation cadet training who does not have 16 months of service remaining in his current enlistment contract as of the class starting date will be required to extend his enlistment contract to include such period prior to departure from his unit of assignment. An airman of the Regular Air Force who has been notified in writing that he is "fully qualified" for aviation cadet training but who has not been selected for a specific training Class may, immediately following discharge upon normal expiration of term of service, be reenlisted for a period of 2 years pending assignment to a training class. In the event airman fails to complete the course of training, he may, upon request, be separated from the service in accordance with § 874.8 (a) (3).

(3) *Reserve airmen.* Reserve airmen selected for aviation cadet training will be discharged from their Reserve status upon enlisting in the Regular Air Force. Enlistment in the Regular Air Force will be for a period of 2 years.

(4) *Appointment.* On arrival at the Air Force Pre-Flight School the airman will be appointed an aviation cadet unless eligible to undergo flying training as an aviation student as defined in paragraph (b) (11) of § 874.1.

(c) *Civilian applicants.* The Commander, Flying Training Air Force, will furnish draft deferments (DD Form 44), letters of acceptance, and class assignments to fully qualified and selected applicants. Letters of acceptance will authorize selected applicants to enlist in the Regular Air Force for a period of 2 years. After enlisting, the selected applicant who has received class assignment instructions will be assigned to the Air Force Pre-Flight Training School. On arrival at the Pre-Flight Training School, he will be appointed an aviation cadet by the Commandant. An applicant who declines to accept appointment as an aviation cadet after enlisting for a 2-year period will be disposed of in the same manner as an eliminated cadet. However, such a person will be advised that he will not be considered at a future date for a direct commission in the Air Force or for training leading to a commission in the Air Force without prior approval of the Chief of Staff, USAF. In addition, he will be informed that since his enlistment was subsequent to June 19, 1951, he is obligated for an additional 6 years of Reserve service with the Air Force following the completion of his 2-year enlistment contract in the Regular Air Force. Upon completing the 2 years of service in the Regular Air Force, he will be processed under pertinent regulations for separation from active military service.

(d) *National agency check*—(1) *For selected airmen applicants.* Immediately upon determination that an airman applicant will be selected, the Commander, Flying Training Air Force, will request the airman's commander to initiate a National Agency Check for the applicant, if the applicant's records do not show a record of one having been accomplished or initiated.

(2) *For civilian applicants.* The Commandant, USAF Pre-Flight Training School will, when the applicant is appointed to the grade of aviation cadet, initiate a National Agency Check.

§ 874.8 *Termination and reassignment*—(a) *Termination of training*—(1) *Suspension.* When the faculty board of an Air Force school determines that an aviation cadet or aviation student is no longer qualified to continue in his course of training, the commandant or Air Force supervisor, as applicable, will suspend the student from training. Upon final approval of the faculty board proceedings, the commandant will terminate the student's appointment as an aviation cadet or status as an aviation student.

(2) *Grade.* In the case of aviation cadets eliminated from training, the commandant will appoint the eliminated student to the airman grade held immediately prior to appointment as an aviation cadet.

(3) *Discharge from the Air Force.* The commandant will afford an eliminated aviation cadet, whose current enlistment was specifically for aviation cadet training, and who, at the time of enlistment, had completed a tour of active service (6 months or more in duration) required by the Universal Military Training and Service Act, as amended, the opportunity to request discharge from the Air Force. The eliminated student must indicate in writing, at the time of elimination his desire either to complete his enlistment contract or to be immediately separated from the service. Should he elect to complete his enlistment contract, he will not be permitted to request separation from the Air Force at a later date because of his elimination. Eliminated students who request separation and who have remaining obligated service as outlined in §§ 864.31 to 864.43 of this chapter, will be transferred to the Air Force Reserve.

(b) *Student relieved from training*—(1) *Reassignment.* Eliminated or disqualified students, other than those separated from the service in accordance with paragraph (a) (3) of this section, will be reassigned as follows:

(i) Eliminees who reported to aviation cadet training from civilian status or from overseas commands, other than from units of Strategic Air Command or Military Air Transport Service, will be reassigned within Air Training Command.

(ii) Those who were previously assigned to overseas units of Strategic Air Command or Military Air Transport Service will be reported to the appropriate headquarters for reassignment to the airman's former command.

(iii) Those who were previously assigned to major air commands with station assignment within the zone of interior will be reported to the headquarters of that command for assignment.

(2) *Service credited.* Periods of service as an aviation cadet or aviation student will be credited as time spent in the airman grade held at time of appointment as an aviation cadet or designation as an aviation student and will be credited in computing the service remaining under the original enlistment contract.

(3) *Extended enlistments.* If applicable, the extension required by paragraph (b) (2) of § 874.7 will be canceled in accordance with §§ 871.1 to 871.7 of this subchapter.

(4) *Discharge.* If an airman is eliminated during the extension period, he will be separated from the service. Such an airman will be given time to reenlist as specified in current enlistment directives.

(c) *Reinstatement of former students*—(1) *Flying deficiency.* A student eliminated from training because of flying deficiency will not be considered for reinstatement into the same course of training. An application may be submitted for other flying training if the eliminated student is recommended by the eliminating authority and is otherwise qualified.

(2) *Academic deficiency.* Students eliminated from training because of academic deficiency will not be reinstated at a later date unless recommended for further officer training by the faculty board. They must also have substantially improved their educational qualifications and at least 1 year must elapse from the date of termination of student status before reapplication.

(3) *Military deficiency.* Students eliminated from training because of military deficiency will not be reinstated.

(4) *Medical.* Students eliminated from training because of substantiated medical disqualification may reapply, if a subsequent medical examination indicates that the previous disqualification has been corrected or no longer exists. However, the former student must meet all other requirements for appointment and must have been recommended for reinstatement by the eliminating authority.

(5) *Resignation.* A student who resigns from the training program will not be reinstated.

(6) *Emergency leave.* Under such regulations as may be issued by the Commander, Air Training Command, a student may be granted emergency leave in instances of a severe personal hardship. In such an instance, he will be held over for succeeding classes, if necessary. The length of time involved or the number of "hold overs" granted any one student will be determined by the Commander, Air Training Command.

(7) *Reinstated students.* The phase of training to which eligible students may be reinstated will be determined by the Commander, Flying Training Air Force.

§ 874.9 *Graduates*—(a) *Appointment as Reserve Officer of the Air Force*—(1) *Tendering appointment.* Students who successfully complete the prescribed basic flying training course and who are mentally, morally, and physically qualified will be tendered appointments as second lieutenant Reserve of the Air Force for an indefinite term. Each graduate, so appointed, will be ordered into active military service and will serve for a continuous period of 3 years from the date of graduation from basic flying training unless sooner relieved by orders of competent authority. Each graduate will be awarded the aeronautical rating appropriate to his training and concurrently will be ordered to participate in regular and frequent aerial flights.

(2) *Graduates who decline to accept appointment.* A graduate who declines to accept an appointment as a Reserve officer of the Air Force will be disposed of as an eliminted student. His appointment as an aviation cadet, or status as an aviation student, will be terminated as outlined in § 874.8 (a), and he will be reassigned within the Air Force in accordance with § 874.8 (b).

(b) *Discharge.* When commissioned in accordance with paragraph (a) of this section, the student will be discharged from his airman status. The commandant will prepare a discharge certificate and report of separation as of the day preceding the date of appointment as a commisioned officer. The discharge certificate and report of separation will not be delivered to the graduate until after the oath (AF Form 133) as commissioned officer has been administered.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 55–9303; Filed, Nov. 18, 1955; 8:45 a. m.]

Chapter XII—National Advisory Committee for Aeronautics

PART 1220—CONTRACT DISPUTES AND APPEALS

Sec.
1220.1 Introduction.
1220.2 NACA Board of Contract Appeals.
1220.3 Action by contracting officer.
1220.4 Appeal by contractor.
1220.5 Preparation of appeal file.
1220.6 Proceedings of NACA Board of Contract Appeals.
1220.7 Final decision.
1220.8 Effective date.

AUTHORITY: §§ 1220.1 to 1220.8 issued under R. S. 161; 5 U. S. C. 22, interpret or apply 62 Stat. 21, as amended; 41 U. S. C. 151.

§ 1220.1 *Introduction*—(a) *Purpose.* The regulations in this part establish an NACA Board of Contract Appeals and prescribe administrative procedures for hearing, considering, and deciding disputes and appeals arising under NACA contracts.

(b) *Authority.* The Armed Services Procurement Act of 1947, 62 Stat. 21, as amended (41 U. S. C. 151), and NACA General Administrative Directive No. 1–49, May 19, 1949, vest in the NACA Executive Secretary authority to make final decisions on all appeals arising under the disputes clause of NACA contracts.

§ 1220.2 *NACA Board of Contract Appeals*—(a) *Establishment.* There is hereby established an NACA Board of Contract Appeals. The functions of this Board shall be to:

(1) Review appeals arising under NACA contracts.

(2) Conduct hearings, where necessary.

(3) Submit reports of findings and recommendations to the NACA Executive Secretary for his final decision.

(b) *Membership.* (1) The NACA Board of Contract Appeals shall consist of the NACA Legal Adviser, who shall be designated the permanent Board member, and at least two ad hoc members to be appointed by the NACA Executive Secretary.

(2) No person directly involved in the awarding or administration of the contract in dispute shall be appointed to the Board of Contract Appeals.

§ 1220.3 *Action by contracting officer.* NACA contracting officers shall follow the procedure outline in this section in resolving disputes on questions of fact arising under NACA contracts containing the standard disputes clause or similar provisions:

(a) *Statement of facts from contractor.* Whenever a dispute arises which is not disposed of by mutual agreement, the contracting officer shall request the contractor to furnish a full statement of the pertinent facts and the reasons in support of the contractor's contention, with a reference to the contract provisions relied upon in support of such contention.

(b) *Decision by contracting officer.* The contracting officer executing the contract shall in each instance decide the dispute and furnish directly to the contractor a statement in writing of his decision, together with his findings of fact. It is the responsibility of the contracting officer to exercise his own judgment in making his findings of fact and in reaching his decision.

§ 1220.4 *Appeal by contractor*—(a) *Notice of appeal.* An appeal from a finding of fact or decision of a contracting officer shall be made by notice of appeal in writing, addressed to the NACA Executive Secretary, and shall be mailed or filed with the contracting officer within the time allowed by the contract. The notice of appeal shall specify the portion of the findings of fact or decision from which the appeal is taken, the reasons why the findings or decision are deemed erroneous, and the relief sought by the appeal. A suggested form of notice of appeal is attached as Appendix A.[1]

(b) *Appeal brief.* A brief in support of the appeal may be submitted with the notice of appeal or within 30 days after the mailing or filing of such notice.

§ 1220.5 *Preparation of appeal file*—(a) *Documents to be filed by contracting officer.* Within 15 days after receipt of a notice of appeal, the contracting officer shall transmit the appeal file to the NACA Board of Contract Appeals. The appeal file shall consist of the notice of appeal and any supporting briefs, and copies of all pertinent documents, including the following:

(1) The findings of fact and the decision from which the appeal is taken,

(2) The invitation for bids, the contract, pertinent plans, specifications, and amendments, and

(3) Correspondence and other data material to the appeal.

§ 1220.6 *Proceedings of NACA Board of Contract Appeals*—(a) *Review and consideration of record.* The Board shall review and consider the record presented to it and shall take whatever action is necessary to insure a full and fair consideration of the case. A hearing will be held if requested by the contractor or determined by the Board to be necessary. Requests for a hearing shall be submitted with the notice of appeal or within 30 days thereafter.

(b) *Hearings.* (1) Hearings will be held at NACA Headquarters, Washington, D. C., unless the Board determines that the holding of the hearing elsewhere will best serve the interests of the parties concerned.

(2) Hearings shall be conducted in an orderly manner and in a serious, business-like atmosphere of dignity and decorum and shall be expedited as much as possible. Attendance shall be limited to persons officially concerned with the hearing, including representatives of the contractor and contracting officer and any witness while actually testifying. Testimony shall be given under oath or affirmation. Rules of evidence shall not be binding on the Board, but reasonable restrictions shall be imposed as to the relevancy, competency, and materiality of matters considered.

[1] Filed as part of the original document. Copies available upon request to NACA Board of Contract Appeals, National Advisory Committee for Aeronautics, 1512 H Street NW., Washington 25, D. C.

(3) The contractor and the contracting officer, or their representatives, may offer at a hearing such evidence or argument as they deem appropriate, subject to the exercise of reasonable discretion by the presiding officer as to the extent and manner of presenting such argument.

(4) Provision shall be made for an adequate record of the hearings. It shall be discretionary with the Board as to whether a summary record or verbatim transcript or recording will be made. A copy of the summary or transcript shall be furnished to the contractor.

(c) *Deliberations and findings of Board.* Deliberations of the Board shall be made in executive session. No record shall be made of such deliberations nor of the vote of a particular member unless such member desires to submit a minority opinion. The Board shall base its findings on the complete record. The finding of the Board shall be in writing, shall indicate whether reached by unanimous decision, and shall be signed by all members of the Board. The findings of the Board, together with the complete record of the case, shall be sent to the NACA Executive Secretary.

§ 1220.7 *Final decision.* The NACA Executive Secretary shall review the complete record of the case and shall render a final decision in writing, a copy of which shall be furnished to the contractor and the contracting officer.

§ 1220.8 *Effective date.* The regulations in this part shall be effective November 14, 1955.

Issued at Washington, D. C., November 14, 1955.

J. F. VICTORY,
Executive Secretary.

[F. R. Doc. 55–9324; Filed, Nov. 18, 1955; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1252]

[Sacramento 048400]

CALIFORNIA

RESERVING PUBLIC LANDS IN CONNECTION WITH TOPAZ LAKE PUBLIC FISHING AREA.

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and the act of March 10, 1934, as amended by the act of August 14, 1946 (48 Stat. 401; 60 Stat. 1080; 16 U. S. C. 661–666c), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in California are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use of the Department of Fish and Game of the State of California in connection with the Topaz Lake Public Fishing Area, under such conditions as may be prescribed by the Secretary of the Interior: *Provided*, That the Bureau of Land Management, its permittees and licensees, shall have the use of the lands when trailing livestock and as may be needed to secure access to water for such livestock:

MOUNT DIABLO MERIDIAN

T. 9 N., R. 22 E.,
Sec. 2, W½NW¼, NW¼SW¼.
T. 10 N., R. 22 E.,
Sec. 34, SW¼NE¼, NW¼SE¼.

The areas described aggregate 200.40 acres.

This order shall be subject to existing withdrawals for reclamation purposes so far as they affect any of the above-described lands.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

NOVEMBER 15, 1955.

[F. R. Doc. 55–9305; Filed, Nov. 18, 1955; 8:45 a. m.]

[Public Land Order 1253]

[Fairbanks 012594]

[Misc. 1966031]

[Misc. 2119370]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 225 OF APRIL 21, 1944; WITHDRAWING PORTIONS OF RELEASED LANDS FOR VARIOUS PUBLIC PURPOSES

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and sections 2380 and 2381 of the Revised Statutes (43 U. S. C. 711, 712) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 225 of April 21, 1944, temporarily withdrawing lands in Alaska from settlement, location, sale, or entry, for classification, which was partially revoked by Public Land Order No. 537 of December 15, 1948, is hereby revoked so far as it affects the following-described lands:

BIRCH LAKE

Latitude 64°19′ N., longitude 146°40′ W.
All lands within one-half mile of Birch Lake, including all islands, embracing among other lands the following surveyed subdivisions:

FAIRBANKS MERIDIAN

T. 7 S., R. 5 E.,
Sec. 13;
Sec. 14, lots 2, 3, and NE¼;
Sec. 24; NW¼NE¼ and NE¼NW¼.

The areas described aggregate approximately 2,300 acres, including 1,888 acres of public land and 300 acres of non-public land.

Excepting, however, the following-described tract, which shall remain within the withdrawal created by Public Land Order No. 225:

FAIRBANKS MERIDIAN

T. 7 S., R. 5 E.,
Sec. 12, lots 7, 8, 10, and 11.

The tracts described contain 8.36 acres.

2. The following-described lands released from withdrawal are patented lands:

FAIRBANKS MERIDIAN

T. 7 S., R. 5 E.,
Sec. 12, lots 1, 2, and 9;
Sec. 13, lots 1, 2, 5, 6, and 7;
Sec. 14, lots 2, 3, S½NE¼.

The areas described aggregate 300.13 acres.

3. Subject to valid existing rights, the following-described public lands, which are a portion of the lands released from withdrawal by paragraph 1 of this order, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved as follows:

(a) For townsite purposes to be hereafter disposed of under applicable townsite laws:

FAIRBANKS MERIDIAN

T. 7 S., R. 5 E.,
Sec. 13, lots 3, 4, NE¼SE¼.

The tracts described contain 73.24 acres.

(b) Under the jurisdiction of the Department of the Interior for recreation and other public purposes:

FAIRBANKS MERIDIAN

T. 7 S., R. 6 E.,
Sec. 18, lots 1, 2, and 10.

The tracts described contain 36.37 acres.

4. The following-described lands released from withdrawal by this order, shall not become subject to the initiation of any rights or to any disposition under the public-land laws until it is so provided by an order of classification to be issued by an authorized officer, opening such lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, with a 91-day preference-right period for filing such applications by veterans of World War II, the Korean Conflict, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended:

FAIRBANKS MERIDIAN

T. 7 S., R. 6 E.,
Sec. 12, lots 3, 4, and 5.
T. 7 S., R. 6 E.,
Sec. 7, lots 1, 2, 3, 4, 5, NE¼NW¼.

The areas described aggregate 273.99 acres.

5. The SW¼NE¼SW¼SW¼ and the SE¼NW¼SW¼SW¼ (part of lot 5) sec. 12, T. 7 S., R. 5 E., containing 5 acres, are included in an application for withdrawal filed by the Territorial Department of Lands, Alaska (Fairbanks 012594), with respect to which lands, applications under the public-land laws will be suspended in accordance with 43 CFR 295.10 until action on the application for withdrawal has been taken.

6. The following public lands are restored to disposition under the public-land laws by this order:

FAIRBANKS MERIDIAN

T. 7 S., R. 5 E.,
Sec. 1, SE¼, E½SW¼, SW¼SW¼;
Sec. 11, E½NE¼, SE¼;
Sec. 12, W½NW¼, NE¼NW¼;
Sec. 13, S½SE¼, SE¼SW¼;
Sec. 14, N½NE¼;
Sec. 24, NW¼NE¼, NE¼NW¼.
T. 7 S., R. 6 E.,
Sec. 6, SW¼, SW¼SE¼, unsurveyed;
Sec. 7, NE¼, SE¼SW¼, W½SE¼, NE¼SE¼;
Sec. 18, lots 3, 4, 11, 12, 16, 17, S½SW¼SW¼NE¼, NW¼NE¼, NE¼NW¼, E½SW¼, NW¼SE¼.

The areas described aggregate 1,760.89 acres.

7. Subject to any valid existing rights and the requirements of applicable law, the surveyed public lands described in paragraphs 5 and 6 hereof are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Home Site, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on December 21, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on March 21, 1956, will be governed by the time of filing.

8. Subject to any valid existing rights and the requirements of applicable law, the unsurveyed public lands released from withdrawal by paragraph 6 of this order, are hereby opened to filing of applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the applications and claims described in paragraph b (1) below, the lands beginning 10:00 a. m. on December 21, 1955, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended). Beginning 10:00 a. m. on March 21, 1956, any remaining lands will be subject to settlement under those laws by other qualified persons.

b. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on December 21, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications after that hour and before 10:00 a. m. on March 21, 1956, will be governed by the time of filing.

9. All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs 7 (a) (1) and (2) and 8 (b) (1) and (2) above, presented prior to 10:00 a. m. on March 21, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

10. The lands have been open to applications and offers under the mineral-leasing laws and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m. on March 21, 1956.

11. Persons claiming veterans preference rights under paragraphs 7 (a) (2) and 8 (b) (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

NOVEMBER 15, 1955.

[F. R. Doc. 55-9306; Filed, Nov. 18, 1955; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11094]

[Rules Amdt. 3-60]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS

The Commission's Report and Order in the above-entitled matter, adopted November 3, 1955 (FCC 55-1096), published in the FEDERAL REGISTER November 9, 1955 at page 8384, is corrected in the following respects:

1. In paragraph (a) of § 3.691, the last two words are changed to read, "the requirements of this subpart.".

2. In paragraph (d) of § 3.692, the date "December 12, 1955" is inserted following the words "prior to".

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9328; Filed, Nov. 18, 1955; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[27 CFR Part 5]

ALCOHOL AND TOBACCO TAX DIVISION; LABELING AND ADVERTISING OF DISTILLED SPIRITS

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U. S. C. 205), of a public hearing to be held on December 1, 1955, at 10 a. m., at Room 3303, Internal Revenue Building, Washington, D. C., at which time and place all interested parties will be afforded opportunity to be heard, in person or by authorized representative, with reference to the proposal, the substance of which is stated below, to amend Regulations No. 5 (27 CFR Part 5), relating to labeling and advertising of distilled spirits.

Written data, views or arguments relevant and material to this proposal may be submitted in duplicate for incorporation into the record of hearing (1) by mailing the same to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., provided that they are received prior to the termination of the hearing, or (2) by presenting the same at the said hearing. At the conclusion of the hearing a reasonable opportunity will be afforded interested parties for examination of the record and for the submission of briefs.

Substance of proposal: To amend section 21, class 4 (27 CFR 5.21 (d)) and other pertinent sections of the regulations to require a grape distillate, produced in the United States or imported and not aged for at least 2 years, to be designated as "wine spirits", "grape distillate", "immature brandy", "young brandy", "substandard brandy", "brandy ____ years and/or months old", or some similar designation, with or without such further statement of composition as may be required; or, in the alternative, to amend section 21, class 4 (27 CFR 5.21 (d)) and other pertinent sections of the regulations to authorize the use of the designation "aged brandy" and/or "mature brandy", or some other designation or device to indicate that the product has been matured, on labels and in advertising in the case of grape brandy aged for not less 2 years, and to prohibit the use of these designations on labels and in advertising in the case of brandy aged for less than 2 years.

[SEAL] DWIGHT E. AVIS,
Director, Alcohol and Tobacco Tax Division, Internal Revenue Service.

[F. R. Doc. 55-9348; Filed, Nov. 18, 1955; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 903]

[Docket No. AO 10-A19]

HANDLING OF MILK IN ST. LOUIS, MO., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 3rd day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was held at St. Louis, Missouri, on October 25, 1955, pursuant to notice thereof which was issued October 19, 1955 (20 F. R. 7967).

The sole material issue of the hearing related to the pricing of Class I milk.

Findings and conclusions. Based upon the evidence presented at the hearing and the record thereof it is found and concluded that:

1. No change should be made in the Class I price differential on the basis of this record; adjustment of the Class I price on the basis of the ratio of receipts from producers to Class I sales should be modified to reflect a combination of changes in recent months with the 12-month average utilization, and through August 1956 an increased rate of adjustment for such changes should be provided.

The Class I price of the St. Louis order is determined by adding to a basic formula price 70 cents for April through June, $1.45 for September through November, and $1.15 for other months, adjusted on the basis of the extent to which the ratio of producers' receipts to Class I sales in a recent 12-month period varies from 125 percent. The rate of adjustment per percentage point of such variation is 1 cent for April through June, 3 cents for September through November and 2 cents for all other months.

Producers proposed that the differentials added to the basic formula price be increased. One cooperative association proposed that the present $0.70, $1.15 and $1.45 be increased to $0.90, $1.40, and $1.70, respectively. Two other associations proposed that these differentials be $0.90, $1.60, and $1.90.

During the past year Class I sales in the St. Louis market have increased more rapidly than have receipts of milk from producers. For September 1955 Class I sales exceeded those of September 1954 by 5.1 percent while producer receipts had increased only 2.35 percent over those of a year earlier. September 1955 production represented 100.3 percent of Class I sales for that month. For each of the first nine months of 1955 except July comparison with the same month a year earlier shows that sales have increased substantially more than has production. As a result, for the 12 months ending with September 1955 producer receipts are 121.3 percent of Class I sales, whereas for the 12 months ending with September 1954 this ratio was 125.4 percent. Since this 12-month ratio is the factor used in adjusting the Class I price, a 12-cent increase is in effect for November 1955, based on the 121.3 ratio for the period through September. Upward adjustments ranging from 2 cents to 9 cents have occurred each month from February through October.

Effective in January 1956, the city of St. Louis will require that milk be delivered to plants at a temperature of 50 degrees Fahrenheit. The present temperature requirement at time of delivery is 70 degrees. Numerous producers testified to the effect that meeting the temperature requirements soon to become effective would require substantial additional investment in refrigeration equipment. It is claimed that a substantial proportion of producers on the St. Louis market do not have sufficient cooler capacity to refrigerate all of their milk at the same time, so that the current practice is to remove the nights' milk from the cooler in order to cool the mornings' milk. Present temperature requirements can be met by this system but continuous refrigeration will be required to meet the lower 50 degree delivery requirement.

Truck refrigeration may be required to maintain temperatures while milk is enroute from farms to plants. Much of the St. Louis milk supply is collected on stub routes from which cans are transferred to larger trucks for movement to the city. Increased hauling costs to producers were predicted as a result of the investments that will be required of milk haulers.

Proponents of increased differential contend that the necessity for additional capital investment by a large percentage of producers supplying the market at a time when sales are increasing faster than production creates a situation requiring a substantial price increase. They claim that many producers without adequate cooling capacity will not add the necessary equipment under present pricing provisions but will either (1) seek other markets with less stringent requirements, (2) reduce production to the cooling capacity of their present equipment or (3) discontinue production. A number of secondary markets in the Illinois portion of the milkshed which have not heretofore required Grade A milk will require such milk in the near future under the terms of a recently enacted State law; temperature requirements for such markets will not, however, be as low as 50 degrees. Some St. Louis producers could sell Grade A milk to Illinois plants without the additional investment necessary for them to continue delivery to St. Louis.

The extent to which the St. Louis milk supply will be affected by this situation cannot be determined, however, from this record; neither can the amount or duration of price change necessary to maintain the supply at an adequate level. The extent and duration of price change should be determined by the changes that occur in the relationship of supply to sales. It is evident, however, that price changes brought about by the present supply-demand adjuster of the order occur much more slowly than changes in supply-sales relationships. With respect to the increased temperature requirements of the St. Louis ordinance, it is to be expected that the maximum impact on the volume of milk supply will be within a short period of the effective date of enforcement. This impact will not, however, be reflected to any substantial extent in the 12-month relationship until considerable time after it has occurred. An adjustment more responsive to current conditions should be employed.

Supply-demand adjustments most responsive to current conditions base price adjustments on the supply-sales ratio in recent months, usually the two most recent months for which data are available when the price is to be announced. However, no proposal to use such a basis of adjustment was made at the hearing. Such adjustment devices require determination of a normal relationship for each month of the year. While the record shows the actual relationships that have occurred each month for several years, it fails to show the factors which might have caused them to vary from the normal pattern from time to time.

Some additional responsiveness to current conditions can be provided by adjusting the 12-month mover now provided in the order so as to give more significant effect to changes in recent months. A proposal was made at the hearing to use the amount of change in the 12-month supply-demand ratio in recent months as an additional basis for price adjustment. Under this proposal the 12-month ratio would be adjusted by the amount that it had changed within the most recent three-month period. The adjusted ratio so computed would be compared with the 125 percent standard of the order to determine the amount of price change.

Such a provision would, in effect, give recognition to the amount by which utilization in the three most recent months included in the 12-month average has changed from that in the same three months a year previous. By giving added weight to supply relationships in this recent period the responsiveness of the adjuster to current conditions will be substantially enhanced. As indicated in previous decisions and testimony in this record, alignment of the St. Louis Class I price with that of the Chicago market is necessary because of the considerable volumes of milk that move from Chicago to St. Louis. The supply-demand adjustment of the Chicago order now contains a provision similar to that proposed at the hearing. Adoption of such a provision in the St. Louis order will tend to restore and preserve the alignment of prices between the two markets.

For the period through August 1956 an increase in the rate of adjustment should be made so that more substantial price adjustments will result during the initial period of effectiveness of the increased temperature requirements. While normal seasonal increases in production may be expected to prevent any shortage of supply for Class I needs in the coming spring and early summer months, it is important that production be maintained at a level that will not result in a serious shortage of supply in the fall months of 1956. An increase in the rate of adjustment of from 1 cent to 4 cents per percentage point of variation for months of April through June 1956, and from 2 cents to 5 cents for other months through August 1956 will provide wider price changes in response to changes in supply-sales relationships. Such price changes appear appropriate for this period in view of the likelihood that at this time need for long term capital investments may influence producers' decisions to a greater than normal extent.

Rulings on proposed findings and conclusions. Written arguments and proposed findings and conclusions submitted

on behalf of interested persons concerning issues on which decision is herein recommended were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order, amending the order, as amended. The following amended order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the amended order.

1. Add to § 903.51 (a) (2) the following proviso: "*Provided,* That for the months of April 1956 through June 1956, such rate shall be 4 cents, and for all other months from the effective date hereof through August 1956 such rate shall be 5 cents."

2. Amend § 903.51 (a) (3) to read as follows:

(3) For each month calculate a utilization percentage by (i) dividing the net pounds of Class I milk disposed of from all pool plants (except non-Grade A milk disposed of outside the marketing area and allocated to other source milk) plus the Class I milk disposed of in the marketing area from nonpool plants, all for the 12-month period ending with the beginning of the preceding month, into the total pounds of producer milk during such 12-month period, (ii) multiplying by 100, (iii) adding or subtracting, respectively, any amount by which such result is greater or less than the comparable result as computed for the third month preceding, and (iv) rounding the resultant figure to the nearest whole percent.

Filed at Washington, D. C., this 18th day of November 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-9369; Filed, Nov. 18, 1955; 10:49 a. m.]

[7 CFR Part 913]

[Docket No. AO-23-A15]

HANDLING OF MILK IN GREATER KANSAS CITY MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the act, and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area.

Interested parties may file written exceptions to the decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order were formulated was conducted at Kansas City, Missouri, on September 7–8, 1955, pursuant to notice thereof which was issued on August 16, 1955 (20 F. R. 6052).

The material issues of the hearing related to:

(1) Extension of the marketing area;

(2) Pool plant qualifiactions;

(3) Obligations of handlers operating nonpool plants;

(4) Extension of the surplus disposal area; and

(5) Location adjustments to producers and handlers.

Findings and conclusions. The following findings and conclusions are based on the evidence received at the hearing and the record thereof:

1. *Marketing area.* The marketing area should be expanded by the addition of a portion of Carroll Township, Platte County, Missouri. This addition should not, however, include the town of Platte City.

The Greater Kansas City marketing area presently includes four townships in Platte County, Missouri, that are located close to the corporate limits of Kansas City, Missouri, and directly north (across the Missouri River) from Kansas City, Kansas. It was proposed that the northern boundary of the marketing area in Platte County be State Highway 92, which presently constitutes most of the northern boundary of the marketing area as it extends eastward in Clay County, Missouri. It was also proposed that all of Platte City, through which State Highway 92 passes, be included. The proposed boundary lies 2 to 5 miles north of the present boundary.

The city of Kansas City, Missouri, has purchased a tract of 4,590 acres of land in Platte County and is constructing on it the Mid-Continent International Airport. This tract of land lies partly within and partly beyond the present marketing area. Contracts totaling 26.5 million dollars have been awarded for construction to be completed by mid-1956. Additional expenditures of approximately 20 million dollars are proposed. One facility now under construction is expected to employ 4,000 persons at the start of operations and 10,000 persons ultimately. Certain of these operations are presently performed at the Kansas City Municipal Airport in the marketing area.

Kansas City producers and handlers consider this development to be a part of the economic life of Kansas City and that the potential milk sales outlets to be created in this area by municipal action should be subject to the same rules as prevail in the territory now included in the marketing area. They predict that employment opportunities at this point, approximately 15 miles from the center of Kansas City, will stimulate residential development in a continuous area extending from Kansas City to points beyond the airport.

Present milk sales in the additional area proposed for consideration at the hearing are almost entirely in Platte City, for which present population is estimated to be approximately 900 people. Three Kansas City handlers and two handlers from St. Joseph, Missouri, now sell milk in Platte City. The volume of sales claimed by Kansas City handlers appeared to be about equal to that claimed by St. Joseph handlers. In no case does the present volume of sales represent any significant proportion of any handler's total business. The plants of St. Joseph handlers would not qualify as pool plants on the basis of present distribution in the area proposed and these handlers would therefore be regulated under the provisions applicable to operators of nonpool plants discussed elsewhere in this decision if the hearing notice proposal on marketing area should be adopted and present sales volumes continued.

It is concluded that the major part of the area proposed should be included in the marketing area because of the close association of Kansas City interests with the airport and the development in progress there. Increased importance of Platte City as a market for milk appears to depend largely upon speculation as to the trend and direction of housing development that may be stimulated by the airport. It is therefore concluded that expansion of the marketing area to include Platte City should not be made on the basis of this record. The record fails to show that competition between Kansas City and St. Joseph for the present volume of sales in Platte City has created any marketing problems.

2. *Pool plant qualifications.* The standards which determine the plants that participate in the marketwide pool should be revised.

The Kansas City order presently provides three standards by which plants approved by health authorities may qualify their receipts for inclusion in the marketwide pool of the order:

(1) Route operating plants, which qualify by disposing of 15 percent or more of their receipts as Class I milk in the marketing area;

(2) Supply plants, which qualify for current status in September through February by shipping 30 percent or more of their receipts to route operating pool plants and may retain pool plant status in March through August following by being a pool plant in each of such earlier months;

(3) Cooperative plants, for which no plant performance standards apply, but the association operating the plant must supply three-fourths or more of its member milk direct to the pool plants of other handlers.

Where the same handler operates more than one plant, aggregate performance determines the pool plant status of all plants of the multiple plant operation.

It was proposed that route operating plants should be required to dispose of 20 to 25 percent (seasonally varied) of their receipts on routes in the marketing area and that as a further requirement total Class I sales, both within and without the marketing area, should be not less than 30–45 percent (also varied seasonally) of such receipts. It was further proposed to delete the present provision for supply plants.

Additional specification should be included in the route operating plant definition. A route operating plant which confines its distribution to the marketing area need have Class I disposition for only 15 percent of its receipts. A plant with such a small proportion of its business as Class I milk is not primarily engaged in the distribution of fluid milk and accordingly should not be considered to be a route operating plant. It is concluded that a requirement with respect to total Class I use should be added to the present requirement with respect to Class I sales in the marketing area, and that the latter requirement should be increased from 15 to 20 percent of receipts.

Typically, a route operating plant has a substantial proportion of its receipts used as Class I milk each month. In many markets, all route operating plants maintain Class I utilizations of greater than 50 percent of their receipts from producers, and a provision is included in many orders specifying that such a plant shall be one which, among other things, maintains a Class I utilization each month of 50 percent or more of its receipts of producer milk. In this market, Class I utilization in some plants is normally somewhat lower than 50 percent. Certain producers proposed at the hearing that route operating plants be defined as those which, among other things, have Class I utilizations of 30 percent for four spring months, 40 percent for December, January, and February, and 45 percent for all other months. Such a definition would appear to meet the particular operations of the Kansas City market. However, a specification of Class I usage of 30 percent in the four spring months and 40 percent in all other months will accomplish the same objective but with less complication and such a provision should be adopted.

In addition to these requirements with respect to total Class I disposition, the order should continue to require substantial Class I disposition in the marketing area as identification with the trade of the area. Seasonal variation of this requirement does not appear necessary if such variation is provided in the total Class I percentage required. Disposition of 20 percent of a plant's receipts on routes in the marketing area will provide adequate identification with the trade of the area. A route operating plant having more than 80 percent of its business outside the marketing area or in other outlets should not be considered as being an essential part of the marketing area supply.

A plant which has met such pool plant requirements in any month should continue to be a pool plant in the following month. Such a provision will promote stability by limiting frequent changes from pool to nonpool status with consequent uncertainty concerning the extent of regulation from one month to the next.

In connection with pool plant determination when milk is transferred between approved plants in packaged form credit, as route sales in the marketing area, should be attributed to the plant at which the milk is packaged. In the Kansas City market the packaging plant normally arranges for the milk supply and must carry the reserve milk supply required for such sales.

The proposal to delete any provision whereby an independently operated supply plant may qualify as a pool plant should not be adopted. There are presently four receiving plants in the Kansas City market. Two handlers each operate two such plants as the principal sources of supply for their route operating plants, and these plants are, consequently, pooled as parts of multiple plant operations which qualify under the percentages applicable to route operating plants. Since no independently operated supply plants have operated in the Kansas City market it was contended that no provision for such plants need be retained in the order. Nevertheless, some provision should be in the order in the event such a plant should enter the market.

In view of the increased requirements herein adopted for route operating plants, it is appropriate that the shipping requirement for supply plants be increased from 30 to 50 percent of receipts in the short season and that six-month short season compliance be retained as a qualification for retention in the pool in the six spring and summer months. The specific months have been changed slightly to conform to changes in the seasonal pattern of use recognized in other features of the order. While there was testimony in the record to the effect that credit for shipments should be restricted to those needed for Class I use, the matter was not sufficiently developed to provide a basis for action. Bulk receipts from other plants are included in the base on which route operating plants percentages are computed. This will deter to some extent movements made without regard to need.

3. *Obligations of nonpool handlers.* The Kansas City order presently requires that a handler who disposes of Class I milk on routes in the marketing area from a plant which is approved, but nonpool, shall pay into the pool the difference between the Class I and Class II values of all milk so disposed of. No handler has operated in such a manner as to be subject to this provision since its inclusion in the order in 1951. As indicated elsewhere in the decision, under the expansion of the marketing area originally proposed two handlers from St. Joseph, Missouri, would have been subject to this provision if they maintained their present distribution. The proposal to increase requirements for pool plant participation makes it more likely that the provision will become effective. While this decision with respect to each of these issues would not cause any handler who maintains present distribution and relative receipts and sales volumes to be affected by the provision, the record clearly indicates increased probability of such a situation.

In opposing extension of the marketing area St. Joseph handlers contended that the present provisions would place them at a prohibitive competitive disadvantage with respect to sales in the marketing area. These handlers and the manager of the cooperative association with which they have arrangements for their milk supply claim that they buy milk from the association on a classified price plan which uses the Kansas City order classification and prices, except for a Class I price adjustment of 15 cents as compared to the 16-cent location adjustment which would apply under the present order. The record indicates some exceptions to this pricing scheme and indicates that the lack of systematic audits may result in the classified price plan not being fully effective at all times. Nevertheless, it is clear that it cannot be assumed that in the Kansas City area a continuing supply of milk of quality suitable for the day-to-day distribution associated with route operations will be available under all circumstances to a nonpool handler at the Class II price.

The nonpool handler must presently report to the market administrator his receipts and utilization of milk in order that his status and pool obligations may be determined. The payments he makes to dairy farmers for milk approved for fluid use are also ascertainable. The amount, if any, by which the sum of these payments is less than the pool obligation that would be computed under

full regulation, represents the maximum payment necessary to prevent any competitive advantage to the nonpool handler. It is concluded that the payment required of nonpool handlers should be the lesser of the amount so computed or that presently required. Retention of the present payment provision as a ceiling to that determined by comparison of payments for milk with its use value at order prices will provide adequate protection to the pool. In addition the nonpool handler should pay administrative costs of the order on the same basis as pool handlers. Determination of payments in relation to use value will entail complete audits by the market administrator.

The provisions herein adopted will afford necessary protection to the regulatory plan and will recognize the payments that nonpool handlers make through choice or for competitive reasons to dairy farmers supplying milk qualified for fluid use.

4. *Surplus disposal area.* The area within which milk and skim milk may be moved to nonpool plants for Class II use should be enlarged. This area is presently 150 highway miles from the approved plant at which the milk is received (or from which it is diverted). Handlers proposed that this distance be 200 miles in order that certain additional manufacturing plants might be within the defined area. The record shows the desirability of measurement of distance from a common central point so that a common surplus area is available to all handlers. For this purpose a distance of 250 miles from the City Hall in Kansas City, Missouri, is appropriate.

5. *Location adjustments.* No changes should be made on the basis of this record with respect to location adjustments to producers or to handlers.

The Kansas City order presently provides that 16 cents per hundredweight may be deducted from the uniform prices to be paid producers delivering their milk to plants located from 50 to 70 miles from the City Hall in Kansas City, Missouri. A credit of 16 cents is given handlers on milk received at such plants and used as Class I milk; other rates are provided for plants more than 70 miles from the City Hall but the only plants presently affected are in the 16-cent zone.

A producer organization proposed that the producer location adjustment apply only on Class I milk, thus being restricted in total amount to the credit received by the handler at the same plant. Nearly all the members of this organization deliver their milk to a plant in the 55–70 mile zone. The location adjustment to producers is intended to measure the advantage the producer receives in being able to deliver his milk at a point nearer his farm than is the marketing area. Under the marketwide pooling of the Greater Kansas City order all producers wherever situated share equally in the Class I sale of the market. The proposal would seek to adjust the prices reflecting this equal sharing by an amount that would vary with the Class I utilization of a single plant. Furthermore, the proposal would result in producers who deliver to country plants receiving the least money in relation to other producers at the time at which there was the greatest need for their milk, and vice versa. For these reasons the proposal should be denied.

A handler proposal would substitute air miles for highway miles as the basis of measurement and provide adjustments only beyond 55 air miles. The purpose of these proposals was to remove one plant from the area to which adjustments apply without affecting the status of another plant in another part of the milkshed. At the first plant the handler currently is paying producers without deducting the location adjustment. It was testified that competition of the Topeka market (for which the Class I price is the same as Kansas City) required payment of this 16-cent premium at this location. By deleting provision for adjustments, the handler hoped to transfer to the pool the cost of this premium with respect to his Class II milk at this plant. While location adjustments to handlers apply equally in all directions in order to equalize the minimum costs that handlers operating distant plants are required to incur in comparison with those who receive milk at plants in the marketing area, it is not expected that competitive conditions are identical in all areas of a milk shed. When competition from other markets is of a nature to affect the adequacy of the market supply, examination of the Class I price structure may be warranted. Otherwise, it is to be expected that the milk supply of the market will develop in these areas in which the price proves most attractive to producers in comparison with alternative outlets. Location adjustments need not and cannot be adjusted to equalize competition which may arise from other markets. The proposal should be denied.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producer organizations and handlers subject to the proposed marketing agreement and order, as hereby proposed to be further amended. The briefs contained proposed findings, conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following order, amending the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Amend § 913.6 to read as follows:

§ 913.6 *Greater Kansas City marketing area.* "Greater Kansas City marketing area", hereinafter called "marketing area", means all of the territory in Jackson County, Missouri; that part of Clay County, Missouri, south of Highway 92, beginning at the Platte County and Clay County line, east to the west section line of section 26 in Washington Township, north to the north section line of said section 26, east to the Clay County and Ray County Line; Lee, Waldron, May and Pettis Townships, and that portion of Carroll Township lying south of a line extending from the northeast corner of Lee Township east to the intersection of State Highway 92 and U. S. Highway 71, thence along State Highway 92 to Platte County and Clay County line, all in Platte County, Missouri; Wyandotte County, Kansas; Shawnee and Mission Townships in Johnson County, Kansas; and Delaware, Leavenworth, and that part of Kickapoo and High Prairie Townships east of the 95th principal meridian in Leavenworth County, Kansas.

2. Amend § 913.10 to read as follows:

§ 913.10 *Pool plant.* "Pool plant" means any approved plant other than that of a producer-handler:

(a) Which during the current or immediately preceding delivery period:

(1) Disposes of as Class I milk on routes in the marketing area, an amount equal to 20 percent or more of such plant's total receipts of milk from dairy farmers qualified to become producers (as defined in § 913.7) and in bulk from other approved plants; and also

(2) During the same delivery period disposes of, as Class I milk in total an amount equal to not less than the applicable percentage of such receipts, as follows:

(i) March through June, 30 percent;

(ii) July through February, 40 percent;

(3) For the purposes of calculating the percentages specified in subparagraphs (1) and (2) of this paragraph:

(i) Milk in packaged form transferred from one approved plant to another approved plant shall be credited as Class I disposition on routes by the transferor plant and an equal volume shall be excluded from the Class I disposition of the transferee plant; and

(ii) The combined receipts and disposition of the multiple plant operation shall be used in the case of each handler who disposes of any milk on a route in the marketing area and also operates more than one approved plant;

(b) Which during any delivery period of August through January transfers in bulk to a plant described in paragraph (a) of this section an amount of milk equal to 50 percent or more of such plant's receipts of milk from dairy farmers qualified to become producers (as defined in § 913.7). Any such plant which is a pool plant in each of the delivery periods of August through January shall be a pool plant for each of the following delivery periods of February through July regardless of the quantity of milk then disposed of to other pool plants, if a written request for pool plant status for such six-month period is received from the operator of such plant by the market administrator before February 1; or

(c) Which is operated by a cooperative association and 75 percent or more of the milk delivered during the delivery period by producers who are members of such association is received at the pool plants of other handlers.

3. Amend § 913.44 (c) and (d) to read as follows:

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant located more than 250 miles from the City Hall in Kansas City, Missouri, by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified as Class II milk if its utilization as Class II milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class II milk, subject to such verification of alternate utilization as the market administrator may make.

(d) As Class I milk, if transferred or diverted in the form of milk, swim milk or cream to a nonpool plant located not more than 250 miles from the City Hall in Kansas City, Missouri, by shortest highway distance as determined by the market administrator, unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat received at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest use remaining after subtracting in series beginning with Class I milk, receipts of skim milk and butterfat at such nonpool plant direct from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such nonpool plant in markets supplied by such plant.

4. Amend § 913.61 to read as follows:

§ 913.61 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant but from which Class I milk is disposed of on routes in the marketing area shall, in lieu of the payments required by § 913.80 through § 913.89, pay to the market administrator on or before the 25th day after the end of the delivery period as follows:

(a) For the producer-settlement fund, the lesser of the amounts resulting from the following computations:

(1) From the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, deduct the value of such skim milk and butterfat at the Class II price; or

(2) Any plus amount remaining after deducting from the value that would have been computed pursuant to § 913.70 if such handler had operated a pool plant the gross payments made by such handler for milk received during the delivery period from dairy farmers whose milk was approved for fluid use; and

(b) As his pro rata share of the expense of administration hereof, an amount equal to that which would have been computed pursuant to § 913.89 had such handler operated a pool plant.

Filed at Washington, D. C., this 16th day of November 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-9337; Filed, Nov. 18, 1955; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 40]

WEATHER REPORTING FACILITIES AND REQUIREMENTS COVERING LANDING LIMITATIONS OUTSIDE CONTINENTAL UNITED STATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Part 40 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by January 20, 1956. Copies of such communications will be available after January 24, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Part 40 of the Civil Air Regulations contains the certification and operation rules for scheduled air carriers conducting interstate operations. Part 41, on the other hand, contains the regulations applicable to scheduled air carriers operating outside the continental limits of the United States. However, § 40.1 of Part 40 permits the Administrator to authorize air carriers whose operations are essentially domestic in character to operate on routes extending beyond the continental limits of the United States in accordance with the provisions of Part 40 in lieu of the provisions of Part 41 in order to permit continuity of operating procedures throughout the air carriers' systems.

Currently effective § 40.35 of Part 40 requires air carriers to show that sufficient weather reporting services are available en route to insure necessary weather reports and forecasts prepared and releasd by the United States Weather Bureau or by a source approved by the Weather Bureau. However, reports prepared by the United States Weather Bureau or a source approved by the Weather Bureau are not normally available for areas under the jurisdiction of other nations.

Currently effective § 40.406 of Part 40 prescribes the take-off and landing weather minimum requirements for IFR flight. These requirements include provisions allowing pilots to "take-a-look" to determine whether conditions at the airport are at or above prescribed weather minimums and, if so, to continue to approach and land. Authority to "take-a-look" is limited to airports served by ILS and GCA in operative condition or to airports at which certain instrument approach procedures are commenced when wheather conditions above prescribed minimums exist but which a later report indicates are below minimum requirements. Part 41, on the other hand, prohibits air carriers from "taking-a-look" only at airports at which United States Weather Bureau reports indicate below minimum conditions exist. At airports outside the United States which do not possess a United States Weather Bureau reporting service, a pilot may in his discretion "take-a-look." If he finds that weather conditions at the airport are at or above prescribed weather minimums, he may complete the approach and land.

The inapplicability of § 40.35 to air carrier operations outside the United States and the inconsistency between Parts 40 and 41 with respect to "take-a-look" restrictions apear to have been an oversight. The Bureau proposes, therefore, to recommend to the Board the amendment of § 40.35 to provide for the use of weather reports prepared by sources other than those approved by the United States Weather Bureau on routes extending beyond the continental limits of the United States on which operations are conducted pursuant to § 40.1. The

Bureau proposes that these "other" sources shall be approved by the Administrator.

The Bureau also proposes to amend § 40.406 by prohibiting pilots from "take-a-look" only when the latest United States Weather Bureau report or a report from a source authorized by the Weather Bureau indicates the ceiling or visibility to be less than the prescribed minimum.

In view of the foregoing, notice is hereby given that it is proposed to amend Part 40 of the Civil Air Regulations:

1. By amending § 40.35 to read as follows:

§ 40.35 *Weather reporting facilities.* The air carrier shall show that sufficient weather reporting services are available along the route to insure weather reports and forecasts necessary for the operation. Forecasts used to control flight movements shall be prepared from weather reports made in accordance with paragraphs (a) and (b) of this section as appropriate.

(a) Except as provided in paragraph (b) of this section, weather reports used to control flight movements shall be those prepared by the United States Weather Bureau, or by a source authorized by the Weather Bureau.

(b) For operations authorized in accordance with § 40.1 to be conducted outside the continental limits of the United States, weather reports used to control flight movements may be those prepared by any source approved by the Administrator.

2. By amending § 40.406 (a) to read as follows:

§ 40.406 *Take-off and landing weather minimums; IFR.* (a) Except as provided in paragraphs (c) and (d) of this section, irrespective of any clearance which may be obtained from air traffic control, no airplane shall take off or land under IFR when the ceiling or ground visibility reported by a source authorized in accordance with §40.35 (a) is less than that approved for the airport when used as a regular airport.

3. By amending § 40.406 (b) by deleting the reference "§ 40.35" and inserting in lieu thereof the reference "§ 40.35 (a)".

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., November 10, 1955.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 55–9329; Filed, Nov. 18, 1955; 8:51 a. m.]

[14 CFR Parts 42, 45, 47]

AIR TAXI CERTIFICATION AND OPERATION RULES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Bureau of Safety Regulation is instituting rule-making proceedings by circulating Civil Air Regulations Draft Release No. 55–24 to persons on the Bureau's current distribution list. Other interested persons may secure a copy of this draft release upon request made to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C.

It has become apparent that a distinct difference exists between the operation of large and small aircraft currently governed by regulations in Part 42 of the Civil Air Regulations, and that the regulations applicable to each should be divided into two separate parts. Accordingly, this draft release proposes to revise those regulations in current Part 42 which apply to small aircraft and incorporate them into a new Part 47. This new part would govern the certification and operation of air taxi operators and also the operation of Part 45 commercial operators who use aircraft of 12,500 pounds or less in their operations. The Bureau will propose an appropriate amendment to Part 45 to require commercial operators using small aircraft to conduct their operations in accordance with the operating rules of proposed Part 47 rather than those of current Part 42. This proposal is being circulated as the first step in the rule-making process in the hope that it will serve to narrow or eliminate the areas of substantive difference between interested persons as to the adequacy or the desirability of the proposed rules.

The Bureau desires that all persons who will be affected by the requirements of this proposal be given an opportunity to participate in the consideration of these rules and to submit such comment as they may desire not only in the final rule-making stage, but throughout the entire rule-making process. Draft Release No. 55–24 requires that comment be submitted on or before February 15, 1956. If the nature of the comment is such that a discussion between the Board's staff and interested members of the public would be of constructive assistance in the further development of the proposed rules, all interested parties will be invited to participate in such a discussion to be held in Washington, D. C. Notice of the time and place of such a meeting, together with advance documentation, will be circulated to persons who have signified their interest prior to February 15, 1956.

Since it is intended that the rule as finally evolved as a result of the foregoing procedure will be published in its entirety as a notice of proposed rule making, interested persons who do not care to participate in the rule-making proceedings at this stage will have a further opportunity for commenting thereon.

The foregoing procedure is proposed under the authority of sec. 4 of the Administrative Procedure Act, and Title VI of the Civil Aeronautics Act of 1938, as amended.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., November 9, 1955.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 55–9330; Filed, Nov. 18, 1955; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

CENTRAL UTAH PROJECT, UTAH

FIRST FORM RECLAMATION WITHDRAWAL

DECEMBER 17, 1954.

Pursuant to the authority delegated by Department Order No. 2515 of April 7, 1949, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by Section 3 of the Act of June 17, 1902 (32 Stat. 388):

SALT LAKE BASE AND MERIDIAN, UTAH

T. 2 S., R. 1 E.,
Sec. 36: NE¼ and E½SE¼.
T. 5 S., R. 1 E.,
Sec. 29: That portion unsurveyed.
T. 10 S., R. 1 E.,
Sec. 12: SE¼SE¼;
Sec. 13: SW¼NE¼, SE¼NW¼, E½SW¼, NE¼SE¼ and W½SE¼.
T. 11 S., R. 1 E.,
Sec. 10: Lots 7, 8 and 9;
Sec. 15: Lots 1 to 4, inclusive, W½NE¼ and E½NW¼;
Sec. 22: Lots 1 to 4, inclusive, SW¼NE¼, SE¼NW¼, E½SW¼ and W½SE¼;
Sec. 28: S½NE¼ and N½SE¼.
T. 12 S., R. 1 E.,
Sec. 9: Lot 2 and SE¼;
Sec. 16: E½ and SE¼SW¼;
Sec. 21: E½ and NE¼NW¼;
Sec. 28: Lots 1, 2, and 4, and NE¼SE¼;
Sec. 34: NE¼SW¼ and N½SE¼.
T. 13 S., R. 1 E.,
Sec. 3: Lot 1A.
T. 7 S., R. 2 E.,
Sec. 4: That portion unsurveyed;
Secs. 5 and 8: Unsurveyed;
Secs. 9, 10, 13, and 14: Those portions unsurveyed;
Sec. 15: Lot 1 and that portion unsurveyed;
Secs. 16, 17 and 20 to 24 inclusive, unsurveyed;
Sec. 25: Lots 2 and 3, SE¼SW¼ and that portion unsurveyed;
Sec. 26: Lots 1 to 4 inclusive, and that portion unsurveyed;
Sec. 27: Lot 1 and that portion unsurveyed;
Secs. 28 and 29: Unsurveyed;
Sec. 32: Lots 5 to 8 inclusive, and that portion unsurveyed;
Secs. 33 and 34: Those portions unsurveyed.
T. 8 S., R. 2 E.,
Sec. 5: That portion unsurveyed.
T. 9 S., R. 2 E.,
Sec. 27: W½SW¼;
Sec. 28;
Sec. 31: N½S½SE¼ and S½S½S½SE¼;
Sec. 32: NE¼NE¼, S½NE¼, E½SW¼ and and SE¼;
Sec. 33;
Sec. 34: W½W½.
T. 10 S., R. 2 E.,
Sec. 5: Lots 1 to 4 inclusive, S½N½ and S½;
Sec. 6: Lots 5 to 10 inclusive, SE¼NE¼, SE¼NW¼ and E½SE¼;
Sec. 7: Lots 5 to 10 inclusive, E½NE¼ and NE¼SE¼;
Sec. 8: N½ and SW¼.
T. 7 S., R. 3 E.,
Secs. 18, 19, and 30: Those portions unsurveyed.
T. 9 S., R. 3 E.,
Sec. 15: E½;
Sec. 16.
T. 5 S., R. 4 E.,
Sec. 3: NE¼SE¼.
T. 8 S., R. 4 E.,
Sec. 35: SE¼NW¼.
T. 9 S., R. 4 E.,
Sec. 9: Lots 1 and 2, NW¼NE¼, NW¼, N½NE¼SW¼, SW¼NE¼SW¼ and NW¼SW¼.
T. 6 E., R. 5 E.,
Sec. 7: Lots 1 to 4 inclusive, and E½E½;
Secs. 8 and 17;
Sec. 18: Lots 1 to 4 inclusive, and E½E½.
T. 8 S., R. 5 E.,
Sec. 16: E½E½ and W½W½;
Sec. 17: NE¼ and S½;
Sec. 18: Lot 3, E½SW¼ and S½SE¼;
Sec. 19: Lot 4, N½NE¼, SW¼NE¼, E½W½, NW¼SE¼ and S½SE¼;
Sec. 20: N½, SW¼, W½NE¼SE¼ and W½SE¼;
Sec. 21: N½NE¼, SE¼NE¼, NW¼NW¼, W½SW¼NW¼, S½NE¼SW¼, E½SW¼SW¼, SE¼SW¼ and SE¼;
Sec. 29: SW¼SW¼.
T. 9 S., R. 5 E.,
Sec. 5: Lots 1 to 4 inclusive, S½N½ and S½;
T. 2 S., R. 6 E.,
Sec. 30: Lot 4 and SE¼SW¼;
Sec. 32: S½NE¼, SE¼NW¼ and NW¼SE¼.
T. 3 S., R. 21 E.,
Sec. 23: NE¼SW¼;
Sec. 24: N½SW¼ and SE¼SW¼;
Sec. 25: NW¼NW¼, S½NW¼ and SW¼;
Sec. 27: N½NE¼, SE¼NE¼, NW¼, W½SW¼ and SE¼SE¼;
Sec. 33: Lots 1 and 2, NE¼ and N½SE¼;
Sec. 34: Lot 4 and NW¼NW¼.
T. 4 S., R. 21 E.,
Sec. 3: SE¼NW¼ and NW¼SW¼;
Sec. 4: Lots 2 and 3, and SW¼SE¼.
T. 4 S., R. 1 W.,
Sec. 21: Lot 3, S½NE¼ and S½;
Sec. 27: Lots 1 to 4 inclusive, and E½SW¼.
T. 5 S., R. 1 W.,
Sec. 24: Lots 2 and 4.
T. 10 S., R. 1 W.,
Sec. 35: S½S½;
Sec. 36: Lots 1 to 16 inclusive.
T. 11 S., R. 1 W.,
Sec. 1: Lots 3 and 4, S½NW¼, SW¼ and SW¼SE¼;
Sec. 12: N½NE¼, SW¼NE¼, N½NW¼ and SE¼NW¼.

The above areas contain approximately 30,566.39 acres.

FLOYD E. DOMINY,
Acting Assistant Commissioner.

[68235]

NOVEMBER 14, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55–9268; Filed, Nov. 18, 1955; 8:45 a. m.]

CENTRAL VALLEY PROJECT, CALIFORNIA

ORDER OF REVOCATION

OCTOBER 28, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of March 11, 1936, and July 7, 1936, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 32 N., R. 5 W.,
Sec. 14, Lot 1, SW¼NE¼, W½SW¼SE¼NE¼, W½NW¼NE¼, W½NE¼NW¼NE¼, NW¼SE¼NW¼NE¼, S½SE¼NW¼NE¼, NE¼NW¼, N½N½SE¼NW¼, SW¼NW¼, W½SW¼, NE¼SW¼, NW¼SE¼, SW¼NE¼SE¼, SW¼SE¼NE¼SE¼, S½NW¼NE¼SE¼, NW¼NW¼NE¼SE¼.

The above areas aggregate 369.84 acres.

S. W. CROSTHWAIT,
Acting Commissioner.

[1578415]

NOVEMBER 14, 1955.

1. I concur. The records of the Bureau of Land Management will be noted accordingly.

2. Portions of the lands have been classified and opened to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended. Additional lands are deemed suitable for such classification and will be so classified by an order of an authorized officer of the Bureau of Land Management.

3. The following-described lands are located near Buckeye and Redding, Shasta County, California. A paved road passes near the lands and other roads serve them. The topography is rough and adverse to small tract development, and many are covered by mining claims:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 5 W.,
Sec. 14, S½SE¼NW¼SE¼, E½NE¼NW¼SE¼, W½NW¼NE¼SE¼, SE¼NW¼SE¼, SW¼NE¼SE¼, SW¼SE¼NW¼NE¼, E½SW¼NE¼, SE¼NW¼SW¼NE¼, W½SW¼SE¼NE¼.

The tracts described contains 65 acres.

4. No application for the lands described in paragraph 3 may be allowed under the homestead, desert land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraphs 3, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead and Desert Land Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on December 20, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on March 20, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on March 20, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on March 20, 1956.

Persons claiming veteran's preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant

to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55-9307; Filed, Nov. 18, 1955; 8:46 a. m.]

BELLE FOURCHE PROJECT, SOUTH DAKOTA

ORDER OF REVOCATION

Correction

In F. R. Document 55-8570, appearing in the issue for Tuesday, October 25, 1955, on page 8020, make the following change: Line 3 of the land description for Black Hill Meridian, South Dakota, should read "Sec. 12, W½NE¼, NW¼."

National Park Service

[Order 14, Amdt. 3]

REGIONAL DIRECTOR

DELEGATION OF AUTHORITY WITH RESPECT TO APPEAL

NOVEMBER 1, 1955.

Section 3 of Order No. 14, issued December 1, 1954 (19 F. R. 8824), is amended to read as follows:

SEC. 3. *Appeal.* Except in matters relating to contracts for construction, supplies, or services, any party aggrieved by any action or decision of a Regional Director or the Superintendent, National Capital Parks, shall have a right of appeal to the Director. Any such appeal shall be in writing and shall be submitted to the Director within 30 days after receipt by the aggrieved party of notice of the action taken or decision made by the Regional Director or the Superintendent, National Capital Parks, as the case may be.

(Secretary's Order No. 2640; 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2.)

[SEAL] CONRAD L. WIRTH,
Director.

[F. R. Doc. 55-9320; Filed, Nov. 18, 1955; 8:49 a. m.]

[Order 21]

ASSISTANT DIRECTORS ET AL.

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS

NOVEMBER 1, 1955.

The Assistant Directors, and officers designated by them to serve as Acting Assistant Directors in their absence, may enter into contracts, irrespective of the amount involved, for construction, supplies, or services, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations.

(Secretary's Order No. 2509, as amended; 17 F. R. 6793)

[SEAL] CONRAD L. WIRTH,
Director.

[F. R. Doc. 55-9321; Filed, Nov. 18, 1955; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

Aheskie Manufacturing Co., Sunset Drive, Aheskie, N. C., effective 10-31-55 to 2-29-56; 70 learners for plant expansion purposes (children's outerwear).

Benjamin & Johnes, Inc., 413 South Clinton Avenue, Dunn, N. C., effective 11-5-55 to 11-4-56; 10 learners for normal labor turnover purposes (foundation garments).

Duquesne Manufacturing Co., 852 Stanton Avenue, New Kensington, Pa., effective 11-15-55 to 11-14-56; 10 learners for normal labor turnover purposes (cotton dresses, brunch coats, etc.).

Honea Path Shirt Co., Simpsonville S. C., effective 11-1-55 to 10-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's sport shirts).

Kentucky Pants Co., 117 North Race Street, Glasgow, Ky., effective 11-15-55 to 11-14-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants).

Monroe Trouser Manufacturing Co., Inc., Smithville, Miss., effective 11-1-55 to 10-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' trousers).

Newport News Children's Dress Co., 824 South 39th Street, Newport News, Va., effective 11-17-55 to 11-16-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's and girls' dresses and play suits).

J. H. Rutter-Rex Manufacturing Co., Inc., Franklinton, La., effective 11-15-55 to 11-14-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work pants).

Salant and Salant, Inc., South First Street, Union City, Tenn., effective 11-13-55 to 11-12-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's cotton work pants, etc).

Shane Manufacturing Co., Inc., 2015 West Maryland Street, Evansville, Ind., effective 11-16-55 to 11-15-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work clothes).

Steiner-Lobman Dry Goods Co., 230 Commerce Street, Montgomery, Ala., effective 11-2-55 to 11-1-56; 5 learners for normal labor turnover purposes (men's and boys' bib overalls, dungarees, work pants).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304).

Newton Glove Manufacturing Co., Newton, N. C., effective 11-21-55 to 11-20-56; 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended April 19, 1955, 20 F. R. 2304).

Villa Rica Hosiery Mills, Villa Rica, Ga., effective 11-18-55 to 11-17-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended April 19, 1955, 20 F. R. 2304).

Hooper Telephone Co., Hooper, Nebr., effective 11-7-55 to 11-6-56.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Nali'i Fashions, Ltd., Pier 7, Honolulu, Hawaii; effective 11-7-55 to 11-6-56; 2 learners for normal labor turnover purposes in the occupation of sewing machine operating, for 480 hours at 70 cents per hour for the first 320 hours of employment and 72½ cents per hour for the remaining 160 hours (children's outer play clothes and sportswear).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737)

Atlantic Union College, Main Street, South Lancaster, Mass., effective 10-31-55 to 8-31-56; 15 learners in the print shop industry in the occupations of compositor, pressman, bindery worker and related skilled and semiskilled occupations for 500 hours at 65 cents an hour and 500 hours at 70 cents an hour; 20 learners in bookbindery industry in occupations of bookbinder, bindery worker and related skilled and semiskilled occupations for 300 hours at 65 cents an hour and 300 hours at 70 cents an hour.

Newbury Park Academy, Newbury Park, Calif., effective 10-26-55 to 8-31-56; 12 learners in the broom shop in the occupations of broom maker, stitcher, sorter winder, handle painter and related skilled and semiskilled occupations for 200 hours at 65 cents an hour and 200 hours at 70 cents an hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 10th day of November 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-9308; Filed, Nov. 18, 1955; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6646]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF PROMISSORY NOTES

NOVEMBER 15, 1955.

Notice is hereby given that on November 2, 1955, the Federal Power Commission issued its order adopted November 2, 1955, authorizing issuance of promissory notes in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9309; Filed, Nov. 18, 1955; 8:47 a. m.]

[Docket No. E-6647]

FLORIDA POWER CORP.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF PROMISSORY NOTE

NOVEMBER 15, 1955.

Notice is hereby given that on November 3, 1955, the Federal Power Commission issued its order adopted November 2, 1955, authorizing issuance of promissory notes in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9310; Filed, Nov. 18, 1955; 8:47 a. m.]

[Project No. 1990]

FRANCIS N. DLOUHY

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

NOVEMBER 15, 1955.

Notice is hereby given that on November 9, 1955, the Federal Power Commission issued its order adopted November 2, 1955, issuing preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9311; Filed, Nov. 18, 1955; 8:47 a. m.]

[Docket Nos. G-2318, G-2320]

LATERAL GAS PIPELINE CO. AND IOWA ELECTRIC LIGHT AND POWER CO.

NOTICE OF DATE OF HEARING

NOVEMBER 15, 1955.

In the matters of Lateral Gas Pipeline Company, Docket No. G-2318; Iowa Electric Light and Power Company, Docket No. G-2320.

Take notice that Lateral Gas Pipeline Company (Lateral), and Iowa Electric Light and Power Company (Iowa Electric), Applicants, Iowa corporations with their principal place of business at Cedar Rapids, Iowa, filed on April 22, 1955, a joint petition to amend the Commission's Order issued on July 12, 1954, issuing a certificate of public convenience and necessity which authorized Lateral to construct and operate certain facilities.

Applicants, by said joint petition, seeks authorization which would authorize Lateral to construct and operate a town border station near the City of Villisca, Iowa, for the purpose of delivering natural gas to Iowa Electric for local distribution by it in the aforementioned city, subject to the jurisdiction of the Commission and as more fully represented in the joint petition which is on file with the Commission and open for public inspection.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 8, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G. Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

F. R. Doc. 55-9312; Filed, Nov. 18, 1955; 8:47 a. m.]

[Docket No. G-5795 etc.]

CONTINENTAL OIL CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 15, 1955.

In the matters of Continental Oil Co., Docket Nos. G-5795, G-5796, G-5799, G-5800, G-5833, G-5834, G-5837 to G-5840, incl., G-5857 to G-5868, incl., G-5875 to G-5884, incl., G-6337.

Take notice that there have been filed with the Federal Power Commission applications by Continental Oil Company (Applicant), for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant produces natural gas and sells natural gas in interstate commerce for resale (Applicant to Warren Petroleum Corporation to Lone Star Gas Company or El Paso Natural Gas Company) as indicated in the following tabulation:

Docket No.; Purchaser and Sale Date; Field; County and State

G-5795; Lone Star Gas Company (5-26-51); Golden Trend; Garvin, Okla.
G-5796; Lone Star Gas Company (5-26-51); Golden Trend; Garvin, Okla.
G-5799; Lone Star Gas Company (6-29-49); Southwest Maysville; Garvin, Okla.
G-5800; Lone Star Gas Company (6-29-49); Southwest Maysville; Garvin, Okla.
G-5833; El Paso Natural Gas Company (3-13-53); Skaggs area, Warren-McKee Pool; Lee, N. Mex.
G-5834; El Paso Natural Gas Company (3-13-53); Skaggs area, Warren-McKee Pool; Lee, N. Mex.
G-5837; Lone Star Gas Company (12-13-48); Southwest Maysville; Garvin, Okla.
G-5838; Lone Star Gas Company (12-13-48); Southwest Maysville; Garvin, Okla.
G-5839; Lone Star Gas Company (10-20-44); Graham Field; Carter, Okla.
G-5840; Lone Star Gas Company (10-20-44); Graham Field; Carter, Okla.
G-5857; Lone Star Gas Company (5-26-51); Golden Trend; Garvin, Okla.
G-5858; Lone Star Gas Company (5-26-51); Golden Trend; Garvin, Okla.
G-5859; Lone Star Gas Company (12-12-51); Golden Trend; Garvin, Okla.
G-5860; Lone Star Gas Company (12-12-51); Golden Trend; Garvin, Okla.
G-5861; Lone Star Gas Company (12-12-51); Golden Trend; Garvin, Okla.
G-5862; Lone Star Gas Company (12-12-51); Golden Trend; Garvin, Okla.
G-5863; Lone Star Gas Company (12-12-51); Golden Trend; Garvin, Okla.
G-5864; Lone Star Gas Company (12-12-51); Golden Trend; Garvin, Okla.
G-5865; Lone Star Gas Company (12-12-51); Golden Trend; Garvin, Okla.
G-5866; Lone Star Gas Company (12-12-51); Golden Trend; Garvin, Okla.
G-5867; Lone Star Gas Company (12-26-51); Golden Trend; Garvin, Okla.
G-5868; Lone Star Gas Company (12-26-51); Golden Trend; Garvin, Okla.
G-5875; Lone Star Gas Company (8-11-52); Golden Trend; Garvin, Okla.
G-5876; Lone Star Gas Company (8-11-52); Golden Trend; Garvin, Okla.
G-5877; Lone Star Gas Company (8-11-52); Golden Trend; Garvin, Okla.
G-5878; Lone Star Gas Company (8-11-52); Golden Trend; Garvin, Dkla.
G-5879; Lone Star Gas Company (10-1-55); Golden Trend; Garvin, Okla.
G-5880; Lone Star Gas Company (10-1-55); Golden Trend; Garvin, Okla.
G-5881; Lone Star Gas Company (11-3-52); Golden Trend; Garvin, Okla.
G-5882; Lone Star Gas Company (11-3-52); Golden Trend; Garvin, Okla.
G-5883; Lone Star Gas Company (12-11-52); Golden Trend; Garvin, Okla.
G-5884; Lone Star Gas Company (12-11-52); Golden Trend; Garvin, Okla.
G-6337; El Paso Natural Gas Company (3-13-53); Monument Field; Lea, N. Mex.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 19, 1955, at 9:45 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Wash-

ington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear to be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 5, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9313; Filed, Nov. 18, 1955; 8:47 a. m.]

[Docket No. G-9305]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 15, 1955.

Take notice that the Montana-Dakota Utilities Company, Applicant, a Delaware corporation whose address is 831 Second Avenue South, Minneapolis 2, Minnesota, filed on September 7, 1955, an application for a certificate of public convenience and necessity to acquire on December 31, 1955, all of the facilities of the Montana-Wyoming Gas Pipe Line Company, which facilities are now leased and operated by Applicant under the Commission's jurisdiction. Supplement to the application was filed on September 9, 1955.

The facilities proposed to be acquired by Applicant included:

(1) Approximately 340 miles of 12¾-inch natural gas transmission line extending north and east from Worland Field, Washkie County, Wyoming, to a connection with Applicant's system at its Cabin Creek compressor station in Fallon County, Montana, together with the Worland Compressor Station, dehydration and sulphur removal plant in the Worland Field.

(2) The 880 horsepower compressor units added to the Worland Compressor Station after 1949.

(3) A 2,640 horsepower compressor station and appurtenant facilities located near Hardin, Montana, along the above-mentioned Worland-Cabin Creek 12 inch line.

Applicant has simultaneously applied to the Commission under section 204 (a) of the Federal Power Act, at Docket No. E-6643 for authority to issue common stock and assume first mortgage bonds for the purpose of acquiring the property of Montana-Wyoming.

The original cost of the facilities involved herein as recorded on the books of Montana-Wyoming as of June 30, 1955, was $9,924,644. The depreciation reserves accrued at 4 percent annually against this plant is $1,733,339 making a net investment of $8,191,305.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 16, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9314; Filed, Nov. 18, 1955; 8:48 a. m.]

[Docket No. G-9400]

VICTOR HALE AND GROVER LOWE

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 15, 1955.

Take notice that Victor Hale and Grover Lowe, hereinafter referred to as Applicant, a partnership whose address is Prestonsburg, Kentucky, filed an application on September 26, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Willard Prater et al. Lease, Middle Creek, Floyd County, Kentucky, to Kentucky West Virginia Gas Company at 15 cents per Mcf for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 20, 1955, at 9:35 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 5, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9315; Filed, Nov. 18, 1955; 8:48 a. m.]

[Docket No. G-9438]

J. ROBERT HORNER

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 15, 1955.

Take notice that J. Robert Horner (Applicant), an individual whose address is P. O. Box 225, Clarksburg, West Virginia, filed an application on October 5, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Marple, Reger and Rinehart Leases, Warren District, Upshur County, West Virginia, to Equitable Gas Company at 20 cents per Mcf, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on De-

CIVIL AERONAUTICS BOARD

[Docket No. 4294]

NORTHWEST AIRLINES, INC.; PITTSBURGH-CLEVELAND AND DETROIT RESTRICTION CASE

NOTICE OF HEARING

In the matter of the application of Northwest Airlines, Inc., for amendment of its certificate of public convenience and necessity for route No. 3 to effect removal of restriction or modification thereof, on turn-around service between Detroit and Cleveland, on the one hand, and Pittsburgh, on the other.

Pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on December 13, 1955, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C. before Examiner James S. Keith.

Without limiting the scope of the issues presented in said proceeding, particular attention will be directed to the following question:

Do the public convenience and necessity require the modification of the restriction in Northwest's certificate for route No. 3 which prevents Northwest from providing turn-around service between Detroit and Cleveland, on the one hand, and Pittsburgh, on the other?

Notice is further given that any person other than the applicant and interveners of record desiring to be heard in this proceeding may file with the Board on or before December 13, 1955, a statement setting forth the issues of fact and of law raised by this proceeding which he desires to controvert and such person may appear and participate in the hearing in accordance with section 302.14 of the Procedural Regulations under Title I of the Civil Aeronautics Act, as amended.

Dated at Washington, D. C., November 15, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-9331; Filed, Nov. 18, 1955; 8:52 a. m.]

[Docket No. 7173]

FOREIGN AIR CARRIER CHARTER SERVICE INVESTIGATION

NOTICE OF HEARING

In the matter of a proceeding to amend the permits held by various foreign air carriers so as to provide that said carriers may make charter trips without regard to points named in their permits, under regulations prescribed by the Board.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 1 (21), 2, 205 (a), 401 (f), 402 (g), 801, and 1002 (b) of said act, and the applicable regulations thereunder, that a public hearing in the above-entitled proceeding is assigned to be held on December 5, 1955, at 10:00 a. m., e. s. t., in Room No. E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues raised by the Board's order of investigation instituting this proceeding, particular attention will be directed to the following matters and questions:

(1) Does the public interest require the alteration, modification, or amendment of section 402 permits now held by or which may be issued to the foreign air carrier parties to this proceeding so as to provide that such carriers may operate charter trips without regard to the points named in their permits under regulations prescribed by the Board?

(2) Does the public interest require the promulgation of regulations to govern the performance of charter trips by foreign air carriers, and if so, in what form should said regulations be issued?

(a) In what manner should "charter trip" be defined?

(b) Should off-route charter service be limited to a fixed number of trips per calendar period?

(c) Should performance of off-route charters require prior Board approval, and if so, what standards should apply thereto?

For further details regarding this proceeding, interested parties are referred to Board Order No. E-9217, adopted May 19, 1955, the Prehearing Conference Report served June 30, 1955, and other documents contained in the formal docket in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Notice is hereby further given that any person not a party of record desiring to be heard in this proceeding must file with the Board on or before December 5, 1955, a statement setting forth the matters of fact or of law which he desires to advance. Any person filing such a statement may participate in the hearing in accordance with section 302.14 of the Board's Rules of Practice in Economic Proceedings.

Dated at Washington, D. C., November 16, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-9332; Filed, Nov. 18, 1955; 8:52 a. m.]

[Docket No. 1705]

AMERICAN AIRLINES, INC., AND FLYING TIGER LINE, INC.; PETITION TO MODIFY MINIMUM RATES

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled matters is assigned to be held on November 22, 1955, at 10:00 a. m., e. s. t., in Room 2062, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., November 15, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-9333; Filed, Nov. 18, 1955; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 16, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31312: *Sorghum grains to Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sorghum grains, whole, broken, chopped, cracked, crushed, or ground, carloads from points in Oklahoma and Kansas to points in Texas.

Grounds for relief: Motor carrier competition and to permit storage in transit.

Tariff: Supplement 112 to Agent Kratzmeir's I. S. C. 3941.

FSA No. 31313: *Motor-rail rates—Chicago and North Western Ry. Co., et al.* Filed by Chicago and North Western Railway Company for interested rail carriers. Rates on motor truck trailers or semi-trailers, loaded, transported on flat cars from points in Illinois, Minnesota, and Wisconsin to points in official territory.

Grounds for relief: Motor carrier competition.

Tariff: Chicago and North Western Railway I. C. C. 11319.

FSA No. 31314: *Petroleum coke briquettes from Superior, Wis.* Filed by

W. J. Prueter, Agent, for interested rail carriers. Rates on petroleum coke briquettes, carloads from Superior, Wis., to points in Minnesota, North Dakota, and South Dakota.

Grounds for relief: Market competition and circuity.

Tariff: C. M. St. P. & P. R. R. tariff I. C. C. No. B–7767 and four other tariffs.

FSA No. 31315: *Iron and steel articles to Iowa and Nebraska.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from points in Illinois, Missouri and Wisconsin to Council Bluffs, Iowa, Omaha, and South Omaha, Nebr.

Grounds for relief: Rail and truck competition and circuity.

Tariff: Supplement 46 to Agent Prueter's I. C. C. A–4038.

FSA No. 31316: *Logs from Virginia to North Carolina.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on logs, native wood, Canadian wood, or Mexican pine, carloads from Norfolk and Western Railway stations in Virginia to High Point, Thomasville, and Statesville, N. C.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 95 to Agent Spaninger's I. C. C. 1297.

FSA No. 31317: *Lumber from the South to Portsmouth, Ohio.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on lumber and related articles, carloads from Atlantic Coast Line Railroad stations to Portsmouth, Ohio.

Grounds for relief: Rail competition and circuity.

Tariff: Supplement 74 to Agent C. A. Spaninger's I. C. C. No. 1230.

FSA No. 31318: *Grain and grain products from Texas to St. Joseph, Mo.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain, grain products and related articles, also seeds, carloads from points in Texas to St. Joseph, Mo., and stations in Iowa, Missouri, and Nebraska.

Grounds for relief: Circuity.

Tariff: Supplement 6 to Chicago, Burlington & Quincy Railroad tariff I. C. C. No. 20293.

FSA No. 31319: *Iron or steel pipe from Washington C. H., Ohio, to Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pipe, steel or wrought iron, and related articles, carloads from Washington C. H., Ohio, to points in the Southwest.

Ground for relief: Market competition.

Tariff: Supplement 48 to Agent Kratzmeir's I. C. C. 4116.

FSA No. 31320: *Roofing or building materials from Stephens, Ark.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on roofing and building materials and roofing slate, straight or mixed carloads from Stephens, Ark., to Mississippi River crossings, points in southern territory and Louisiana.

Grounds for relief: Market competition and circuity.

Tariffs: Supplement 261 to Agent Kratzmeir's I. C. C. 3908; Supplement 3 to Agent Kratzmeir's I. C. C. 4148.

FSA No. 31321: *Lumber from the South to Western Canada.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on lumber and related articles, carloads from points in southern territory to points in western Canada.

Grounds for relief: Rail competition, circuity, and grouping.

Tariff: Supplement 129 to Agent Spaninger's I. C. C. 1101.

FSA No. 31322: *Sulphuric acid from Pulaski, Va., to Amco, Ga.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Pulaski, Va., to Amco, Ga.

Grounds for relief: Short-line distance formula, circuity, and market competition.

Tariff: Supplement 103 to Agent Spaninger's I .C. C. 1357.

FSA No. 31323: *Cheese from Harrodsburg, Ky., to the South.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on Cheese, carload from Harrodsburg, Ky., to points in southern territory.

Ground for relief: Short-line distance formula, circuity, and market competition.

Tariff: Supplement 3 to Agent Spaninger's I. C. C. 1497.

FSA No. 31324: *Perlite rock from Socorro, N. Mex., to New Jersey.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on perlite rock, broken, crushed or ground, carloads from Socorro, N. Mex., to Hillside and Paterson, N. J.

Ground for relief: Short-line distance formula and circuity.

Tariff: Supplement 113 to Agent Kratzmeir's I. C. C. No. 4139.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–9319; Filed, Nov. 18, 1955; 8:49 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter II—Rural Electrification Administration, Department of Agriculture

PART 200—PROCEDURES

Part 200 of Title 6, issued September 11, 1946 (11 F. R. 177A–294–296, inclusive) (redesignated at 13 F. R. 8248) as amended April 23, 1949 (14 F. R. 2006) as amended August 26, 1952 (17 F. R. 7765–7767 inclusive) is hereby amended as follows:

1. By deleting all of Part 200, and substituting therefor a new Part 200 reading as follows:

Sec.
200.1 Loans pursuant to section 4 of Rural Electrification Act.
200.2 Loans pursuant to section 5 of Rural Electrification Act.
200.3 Loans pursuant to section 201 of Rural Electrification Act.
200.4 Studies, investigations, and reports.
200.5 Loan security activities.
200.6 Issuances implementing procedures.

AUTHORITY: §§ 200.1 to 200.5 issued under 49 Stat. 1363, as amended, 69 Stat. 131; 7 U. S. C. 901–915, 921–924.

§ 200.1 *Loans pursuant to section 4 of Rural Electrification Act*—(a) *General.* These loans are made to finance the construction and operation of generating plants, electric transmission and distribution lines or systems to serve persons in rural areas not receiving central station electric service. The loans must be self-liquidating within a period of not to exceed thirty-five years, bear interest at the rate of two percentum per annum, and must be reasonably secured in the judgment of the Administrator. They may be made to persons, corporations, public bodies, and to cooperative, nonprofit, or limited dividend associations.

(b) *Loan applications.* Applications for these loans are made on REA Form 740a, copies of which are made available by REA on request. Applicants for an initial loan from the Rural Electrification Administration for the construction of a rural power system are assisted in perfecting their organization, in the conduct of their surveys and in the preparation of the loan application. After the information provided by the application has been examined, the applicant is notified of any further steps to be taken. If an application is acceptable after legal, engineering, economic, and financial studies, funds are obligated by a loan contract and the borrower gives a note, mortgage, and in some cases, other security.

(c) *Construction.* Under the loan agreements, REA reserves the right to approve the design and construction of the facilities, and to require progress reports on construction, and audits of the borrower's records relating to construction.

(d) *Advance of loan funds.* Loan funds are advanced on the basis of requisitions submitted by borrowers in accordance with the loan contract.

§ 200.2 *Loans pursuant to section 5 of Rural Electrification Act*—(a) *General.* These loans are made to finance the wiring of the premises of persons in rural areas and the purchase and installation of electrical and plumbing appliances and equipment. The loans are generally required to be repaid over a period of five years and bear interest at two per centum per annum. The loans are ordinarily made to REA borrowers for relending to their consumers.

(b) *Loan applications.* There is no standard or prescribed form of application for this type of loan. The information submitted in support of such an application should set forth the purposes for which the loan is requested and the amount required for each purpose. If the Administrator approves a loan proposal, the applicant is notified and loan papers are forwarded for the signature of the borrower.

(c) *Advance of loan funds.* Loan funds are advanced on the basis of requisitions submitted by borrowers in accordance with the loan contract.

§ 200.3 *Loans pursuant to section 201 of Rural Electrification Act*—(a) *General.* These loans are made for the purpose of financing the improvement, expansion, construction, acquisition, and operation of telephone lines, facilities, or systems to furnish or improve telephone service in rural areas. Borrowers are required to provide a portion of the investment themselves. The loans must be self-liquidating within a period of not to exceed thirty-five years, bear interest at the rate of two per centum per annum, and must be reasonably secured in the

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judgment of the Administrator. The loans may be made to any type of commercial or nonprofit corporation now providing or who may hereafter provide telephone service in rural areas.

(b) *Loan applications.* Applications for these loans should be made on Form 490, copies of which are made available by REA on request. Applicants for an initial loan from the Rural Electrification Administration for the construction of a rural telephone system are assisted in perfecting their organization, in the conduct of their surveys, and in the preparation of loan applications. After the information provided by the application has been examined, the applicant is notified of any further steps to be taken. If an application is acceptable after legal, engineering, economic, and financial studies, funds are obligated by a loan contract and the borrower gives a note, mortgage, and, in some cases, other security.

(c) *Construction.* Under the loan agreements, REA reserves the right to approve the design and construction of the facilities, and to require progress reports on construction and audits of the borrower's records relating to construction.

(d) *Advance of loan funds.* Loan funds are advanced on the basis of requisitions submitted by borrowers in accordance with the loan contract.

§ 200.4 *Studies, investigations, and reports.* Pursuant to section 2 of the act, the agency may make or cause to be made studies, investigations, and reports concerning the condition and progress of electrification and telephony in rural areas in the several States and territories and may publish and disseminate information with respect thereto.

§ 200.5 *Loan security activities.* In carrying out the program of rural electrification and rural telephony provided by the act, and in the interest of loan security, the agency requires of borrowers periodic reports on operations, annual audits, etc., and provides limited specialized and technical accounting, engineering, and other managerial assistance to borrowers in respect to the construction and operation of their facilities, and to help them establish efficient and economical service in rural areas.

§ 200.6 *Issuances implementing procedure.* There are available from REA, upon request, (a) basic forms of loan agreements, and (b) bulletins issued from time to time which implement the loan agreements and the procedures herein set forth.

Issued this 16th day of November 1955.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55–9366; Filed, Nov. 21, 1955; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 64]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.210 *Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.)* is amended by changing the words which read: "excluding the portion below 5,000 feet which overlaps the Camp Gordon, Ga., Danger Area, to the Augusta, Ga., radio range station." to read: "excluding the portion below 5,500 feet which overlaps Camp Gordon restricted area (R–124), to the Augusta, Ga., radio range station."

2. Section 600.219 is amended by changing caption to read: *"Red civil airway No. 19 (Traverse City, Mich., to Norfolk, Va.)"* and by changing all before Akron, Ohio, radio range station to read: "From the Traverse City, Mich., radio range station via the Gladwin, Mich., nondirectional radio beacon; Saginaw, Mich., nondirectional radio beacon; Flint, Mich., ILS outer marker; Detroit, Mich., radio range station; the intersection of the southeast course of the Detroit, Mich., radio range and the west course of the Akron, Ohio, radio range to the Akron, Ohio, radio range station."

3. Section 600.601 is amended to read:

§ 600.601 *Blue civil airway No. 1 (Miami, Fla., to Tampa, Fla.).* From the Miami, Fla., radio range station to the Tampa, Fla., radio range station.

4. Section 600.603 *Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.)* is amended between the Miami, Fla., radio range station and the Tampa, Fla., radio range station to read: "From the Miami, Fla., radio range station via the intersection of the west course of the Miami, Fla., radio range and a line bearing 128° True from the Fort Myers, Fla., nondirectional radio beacon; Fort Myers, Fla., nondirectional radio beacon; Tampa, Fla., radio range station;".

5. Section 600.662 *Blue civil airway No. 62 (Detroit, Mich., to Traverse City, Mich.)* is revoked.

6. Section 600.6001 *VOR civil airway No. 1 (Charleston, S. C., to New York, N. Y.)* is amended by changing the portion which reads: "From the Charleston, S. C., omnirange station to the Myrtle Beach, S.C., omnirange station." to read: "From the Charleston, S. C., omnirange station via the Myrtle Beach, S. C., omnirange station; Wilmington, N. C., omnirange station; New Bern, N. C., omnirange station; Williamston, N. C., VAR station; intersection of the Williamston VAR north course and the Norfolk, Va., ILS localizer southwest course; Norfolk, Va., ILS localizer; to the point of intersection of the Norfolk ILS localizer northeast course and the Norfolk, Va., VAR north course, excluding the portion between 11,000 feet and 16,000 feet and between 23,000 feet and 45,000 feet above mean sea level, during the hours of darkness, which lie within the Cherry Point, N. C., night restricted area (R–125), and excluding the portion lying west of Amber civil airway No. 9 between the Wilmington, N. C., omnirange station and the Williamston, N. C., VAR station."

7. Section 600.6002 *VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by changing all before the Ephrata, Wash., omnirange station to read: "From the Seattle, Wash., omnirange station via the Ellensburg, Wash., omnirange station, including a south alternate via the intersection of the Seattle omnirange 124° True and the Ellensburg omnirange 274° True radials; Ephrata, Wash., omnirange station;".

8. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* is amended by changing all before the Pendleton, Oreg., omnirange station to read: "From the Seattle, Wash., omnirange station via the Yakima, Wash., omnirange station, including a south alternate from the Seattle omnirange station to the Yakima omnirange station via the point of intersection of the Seattle omnirange 163° True and the Olympia, Wash., omnirange 084° True radials; thence via the point of intersection of the Olympia omnirange 084° True and the Seattle omnirange 124° True radials; Pendleton, Oreg., omnirange station;" by deleting the following words: "via the interestion of the Laramie omnirange 131° True and the Denver omnirange 014° True radials;" and substituting the following words in lieu thereof: "via the intersection of the Laramie omnirange 131° True and the Denver omnirange 016° True radials;" and by changing the last sentence to read: "The portions of this airway which overlap the Yakima restricted area (R–247) and the Lake City restricted area (R–307) are excluded."

9. Section 600.6404 *Hawaiian VOR civil airway No. 4* is amended by adding a new last sentence to read: "The portion of this airway which overlaps the Waikane restricted area (R–496) is excluded."

10. Section 600.6005 *VOR civil airway No. 5 (Jacksonville, Fla., to Cleveland, Ohio)* is amended by changing all after the Columbus, Ohio, omnirange station to read: "Columbus, Ohio, omnirange station; Mansfield, Ohio, omnirange station, including an east alternate from the Columbus omnirange station to the Mansfield omnirange station via the intersection of the Columbus omnirange 051° True and the Mansfield omnirange 184° True radials; to the Cleveland, Ohio, omnirange station."

11. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by changing all before the Fort Bridger, Wyo., omnirange station to read: "From the point of intersection of the Oakland omnirange 217° True and the Salinas, Calif., omnirange 319° True radials via the Oakland, Calif., omnirange station; Sacramento, Calif., omnirange station; intersection of the Sacramento omnirange 055° True and the Reno omnirange 230° True radials; Reno, Nev., omnirange station, including a north alternate from the Sacramento omnirange station to the Reno omnirange station via the intersection of the Sacramento omnirange 040° True and the Reno omnirange 268° True radials; Lovelock, Nev., omnirange station; Battle Mountain, Nev., omnirange station; Wells, Nev., omnirange station, including a south alternate from the Battle Mountain omnirange station to the Wells omnirange station via the Elko, Nev., omnirange station; Lucin, Utah, omnirange station; Ogden, Utah, omnirange station; Fort Bridger, Wyo., omnirange station, including a north alternate via the intersection of the Ogden omnirange 052° True and the Fort Bridger omnirange 278° True radials;".

12. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing all between the Gage, Okla., omnirange station and the Wichita, Kans., omnirange station to read: "Gage, Okla., omnirange station, including a north alternate; Anthony, Kans., omnirange station; Wichita, Kans., omnirange station, including a north alternate from the Gage omnirange station to the Wichita omnirange station via the intersection of the Gage omnirange 044° True and the Wichita omnirange 245° True radials and also a south alternate from the Anthony omnirange station to the Wichita omnirange station via the intersection of the Anthony omnirange 078° True and the Wichita omnirange 194° True radials;" and by changing all after the Columbus, Ohio, omnirange station to read: "Columbus, Ohio, omnirange station, including a north alternate via the intersection of the Dayton omnirange 060° True and the Columbus omnirange 281° True radials; Wheeling, W. Va., omnirange station, including a north alternate from the Columbus omnirange station to the Wheeling omnirange station via the point of intersection of the Columbus omnirange 067° True and the Mansfield, Ohio, omnirange 120° True radials thence via the direct radial to the Wheeling omnirange station; Pittsburgh, Pa., omnirange station, including a north alternate via the intersection of

the Pittsburgh omnirange 067° True and the Johnstown omnirange 290° True rarials; Johnstown, Pa., omnirange station; Harrisburg, Pa., omnirange station, including a south alternate; to the West Chester, Pa., omnirange station."

13. Section 600.6013 *VOR civil airway No. 13 (Houston, Tex., to Duluth, Minn.)* is amended by changing the first portion to read: "From the Houston, Tex., omnirange station via the Lufkin, Tex., omnirange station, including an east alternate via the intersection of the Houston omnirange 044° True and the Lufkin omnirange 178° True radials; Shreveport, La., omnirange station; to the Texarkana, Ark., omnirange station, including a west alternate via the intersection of the Shreveport omnirange 275° True and the Texarkana omnirange 188° True radials."

14. Section 600.6019 *VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.)* is amended by deleting the following words: "via the intersection of the Denver omnirange 014° True and the Cheyenne omnirange 131° True radials;" and substituting the following words in lieu thereof: "via the intersection of the Denver omnirange 016° True and the Cheyenne omnirange 131° True radials;".

15. Section 600.6207 is added to read:

§ 600.6207 *VOR civil airway No. 207 (Denver, Colo., to Egbert, Wyo.)*. From the Denver, Colo., omnirange station to the point of intersection of the Denver omnirange 016° True and the Cheyenne omnirange 098° True radials.

16. Section 600.6020 *VOR civil airway No. 20 (Laredo, Tex., to Richmond, Va.)* is amended by changing all before the Lake Charles, La., omnirange station to read: "That airspace over United States territory from the Laredo, Tex., omnirange station via the Corpus Christi, Tex., omnirange station; Palacios, Tex., omnirange station; Houston, Tex., omnirange station; Beaumont, Tex., omnirange station; including a north alternate via the intersection of the Houston omnirange 044° True and the Beaumont omnirange 273° True radials; Lake Charles, La., omnirange station, including a south alternate from the Houston omnirange station to the Lake Charles omnirange station via the intersection of the Houston omnirange 090° True and the Lake Charles omnirange direct radial to the Galveston, Tex., omnirange station;" and by changing all after the Atlanta, Ga., omnirange station to read: "Atlanta, Ga., omnirange station; intersection of the Atlanta omnirange 048° True and the Royston omnirange 236° True radials; Royston, Ga., omnirange station; Spartanburg, S. C., omnirange station, including a north alternate from the Atlanta omnirange station to the Spartanburg, S. C., omnirange station via the Norcross, Ga., omnirange station, and the intersection of the Norcross omnirange 054° True and the Spartanburg omnirange 249° True radials; Greensboro, N. C., omnirange station; South Boston, Va., omnirange station; to the Flat Rock, Va., omnirange station."

17. Section 600.6077 is amended by changing the caption to read: *"VOR civil airway No. 77 (San Angelo, Tex., to Des Moines, Iowa)"* and by changing all after the Topeka, Kans., omnirange station to read: "Topeka, Kans., omnirange station; St. Joseph, Mo., omnirange station; Lamoni, Iowa, omnirange station; to the Des Moines, Iowa, omnirange station".

18. Section 600.6106 *VOR civil airway No. 106 (Charleston, W. Va., to Kennebunk, Maine)* is amended by changing all before the Philipsburg, Pa., omnirange station to read: "From the Charleston, W. Va., omnirange station via the Morgantown, W. Va., omnirange station; Johnstown, Pa., omnirange station, including a north alternate via the point of intersection of the Morgantown omnirange 021° True and the Pittsburgh omnirange 117° True radials; Philipsburg, Pa., omnirange station;".

19. Section 600.6140 is amended by changing the caption to read: *"VOR civil airway No. 140 (Amarillo, Tex., to New York, N. Y.)"* and by changing all before the Flippin, Ark., omnirange station to read: "From the Amarillo, Tex., omnirange station via the Sayre, Okla., omnirange station, including a north alternate; Oklahoma City, Okla., omnirange station, including a north alternate; Tulsa, Okla., omnirange station; Fayetteville, Ark., omnirange station, including a north alternate via the intersection of the Tulsa omnirange 065° True and the Fayetteville omnirange 287° True radials; Flippin, Ark., omnirange station;" and by deleting the following words, "Montebello, Va., omnirange station, to the Herndon, Va., omnirange station." and substituting the following words in lieu thereof: "Montebello, Va., omnirange station; point of intersection of the Front Royal, Va., omnirange 140° True and the Washington, D. C., omnirange 249° True radials; to the Herndon, Va., omnirange station."

20. Section 600.6155 is amended to read:

§ 600.6155 *VOR civil airway No. 155 (Gordonsville, Va., to Front Royal, Va.)*. From the Gordonsville, Va., omnirange station via the direct radial to the point of intersection of the Front Royal, Va., omnirange 140° True and the Washington, D. C., terminal omnirange station 249° True radials; to the Front Royal, Va., omnirange station.

21. Section 600.6185 is amended to read:

§ 600.6185 *VOR civil airway No. 185 (Augusta, Ga., to Knoxville, Tenn.)*. From the Augusta, Ga., omnirange station via the Spartanburg, S. C., omnirange station; Asheville, N. C., omnirange station, including a west alternate from the Augusta omnirange station to the Asheville omnirange station via the intersection of the Augusta omnirange 345° True radial and the Greenville ILS localizer south course, the Greenville, S. C., ILS localizer, and the intersection of the Greenville ILS localizer north course and the Asheville omnirange 189° True radial; intersection of the Asheville omnirange 300° True and the Knoxville omnirange 069° True radials; to the Knoxville, Tenn., omnirange station, including an east alternate from the Asheville omnirange station to the Knoxville omnirange station via the intersection of the Asheville omnirange 329° True and the Knoxville omnirange 069° True radials.

22. Section 600.6190 is amended to read:

§ 600.6190 *VOR civil airway No. 190 (Grants, N. Mex., to Evansville, Ind.)*. From the Grants, N. Mex., omnirange station via the intersection of the Grants omnirange 067° True and the Santa Fe omnirange 253° True radials; Santa Fe, N. Mex., omnirange station; Las Vegas, N. Mex., omnirange station; Dalhart, Tex., omnirange station; Gage, Okla., omnirange station; intersection of the Gage omnirange 059° True and the Ponca City omnirange 280° True radials; Ponca City, Okla., omnirange station; intersection of the Ponca City omnirange 076° True and the Springfield omnirange 261° True radials; Springfield, Mo., omnirange station; Farmington, Mo., omnirange station; to the Evansville, Ind., omnirange station.

23. Section 600.6194 is amended by changing the caption to read: *"VOR civil airway No. 194 (Royston, Ga., to Norfolk, Va.)"* and by changing all after the Charlotte, N. C., omnirange station to read: "Charlotte, N. C., omnirange station; Raleigh, N. C., omnirange station; Rocky Mount, N. C., omnirange station; point of intersecton of the Williamston, N. C., VAR north course and the Norfolk ILS localizer southwest course; Norfolk, Va., ILS localizer; to the point of intersection of the Norfolk ILS localizer northeast course and the Norfolk, Va., VAR north course."

24. Section 600.6208 is amended to read:

§ 600.6208 *VOR civil airway No. 208 (Thermal, Calif., to Needles, Calif.)*. From the Thermal, Calif., omnirange station to the Needles, Calif., omnirange station.

25. Section 600.6210 is added to read:

§ 600.6210 *VOR civil airway No. 210.* [Unassigned.]

26. Section 600.6211 is added to read:

§ 600.6211 *VOR civil airway No. 211 (Cotulla, Tex., to Junction, Tex.)*. From the Cotulla, Tex., omnirange station to the Junction, Tex., omnirange station.

27. Section 600.6212 is added to read:

§ 600.6212 *VOR civil airway No. 212.* [Unassigned.]

28. Section 600.6213 is added to read:

§ 600.6213 *VOR civil airway No. 213 (Rocky Mount, N. C., to Boykins, Va.)*. From the Rocky Mount, N. C., omnirange station via its direct radial to the point of intersection of the Lawrenceville, Va., omnirange 116° True radial and the southwest course of the Waverly, Va., LF radio range.

29. Section 600.6048 is amended to read:

§ 600.6048 *VOR civil airway No. 48 (Burlington, Iowa, to Pontiac, Ill.)*. From the Burlington, Iowa, omnirange station via the Peoria, Ill., omnirange station; to the Pontiac, Ill., omnirange station.

30. Section 600.6059 *VOR civil airway No. 59 (Evansville, Ind., to Moline, Ill.)* is amended by changing the last portion to read: "From the Springfield, Ill., omnirange station via the Peoria, Ill., omnirange station; Bradford, Ill., omnirange station; to the Moline, Ill., omnirange station."

31. Section 600.6116 *VOR civil airway No. 116 (Kansas City, Mo., to New York, N. Y.)* is amended by changing the portion which reads: "Peoria, Ill., radio range station;" to read: "Peoria, Ill., omnirange station;".

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., December 1, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9339; Filed, Nov. 21, 1955; 8:45 a. m.]

[Amdt. 64]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone, and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administration Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.219 is amended to read:

§ 601.219 *Red civil airway No. 19 control areas (Traverse City, Mich., to Norfolk, Va.)* All of Red civil airway No. 19.

2. Section 601.662 *Blue civil airway No. 62 control areas (Detroit, Mich., to Traverse City, Mich.)* is revoked.

3. Section 601.1013 is amended to read:

§ 601.1013 *Control area extension (Fort Myers, Fla.)*. Within 5 miles either side of lines bearing 45° True and 220° True from the Fort Myers, Fla., nondirectional radio beacon extending from Blue civil airway No. 1 on the northeast to a point 20 miles southwest of the nondirectional radio beacon.

4. Section 601.1036 is added to read:

§ 601.1036 *Control area extension (West Palm Beach, Fla.)*. Within 5 miles either side of the 151° True radial of the West Palm Beach omnirange extending from the West Palm Beach omnirange station via the intersection of the West Palm Beach 151° True radial and the Miami, Fla., 060° True radial thence via the Miami 060° True radial to the Miami, Fla., omnirange station. The airspace which lies within Miami Warning Area (W-171) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

5. Section 601.1052 is amended to read:

§ 601.1052 *Control area extension (Atlanta, Ga.)*. That airspace within a 50-mile radius of the Atlanta, Ga., radio range station including the airspace north of Atlanta bounded on the west by VOR civil airway No. 5, on the north by VOR civil airway No. 54 and on the east by VOR civil airway No. 97, and the airspace east of Atlanta bounded on the northwest by VOR civil airway No. 20, on the east by VOR civil airway No. 35 and on the south by VOR civil airway No. 18.

6. Section 601.1118 is amended to read:

§ 601.1118 *Control area extension (Grand Junction, Colo.)*. Within 5 miles either side of a line bearing 305° True extending from Walker Airport, Grand Junction, Colo., to a point 30 miles northwest of the airport, and within 5 miles either side of the 357° True radial of the Grand Junction omnirange extending from the omnirange station to a point 15 miles north.

7. Section 601.1122 is amended to read:

§ 601.1122 *Control area extension (Tri-City, Tenn.)*. That airspace within a 28-mile radius of the Tri-City radio range station lying in the east quadrant of the radio range; that airspace within a 30-mile radius of the radio range station lying in the west quadrant of the radio range, and the airspace within 5 miles either side of the 289° True radial of the Tri-City omnirange extending from the omnirange station to a point 50 miles northwest.

8. Section 601.1194 is amended to read:

§ 601.1194 *Control area extension (Sacramento, Calif.)*. That airspace within a 50-mile radius of Mather Air Force Base lying in the east quadrant of the Sacramento radio range bounded on the northwest by Green civil airway No. 3 and on the southwest by Amber civil airway No. 1; that airspace north of Sacramento bounded on the north by Red civil airway No. 76, on the southeast by Green civil airway No. 3 and on the southwest by Amber civil airway No. 1, and the airspace bounded on the south by Red civil airway No. 76, on the west by Longitude 121°30'00", on the north by Latitude 39°09'00" and on the east by Longitude 121°20'00".

9. Section 601.1228 is amended to read:

§ 601.1228 *Control area extension (Tampa, Fla.)*. That airspace within 5 miles either side of a straight line extending from the Tampa, Fla., radio range station to the Key West, Fla., radio range station, excluding the portion below 2,000 feet which lies outside the continental limits of the United States and excluding the portion which overlaps warning areas (W-173) and (W-174).

10. Section 601.1325 is amended to read:

§ 601.1325 *Control area extension (Tampa, Fla.)*. All that airspace within a 50-mile radius of the Tampa radio range station, excluding the portions which overlap Dinner Point restricted area (R-142), Dinner Point warning area (W-143) and Sarasota warning area (W-168); all that airspace bounded on the northeast by a line 5 miles northeast of and parallel to a line extending from the intersection of the north course of the Tampa radio range and the southeast course of the Cross City, Fla., radio range to the intersection of the southeast course of the Tampa radio range and a line bearing 45° True from the Fort Myers, Fla., nondirectional radio beacon, on the southeast by the Fort Myers control area extension, and on the west by direct lines extending from the Fort Myers nondirectional radio beacon to the Tampa omnirange station thence to the point of beginning.

11. Section 601.1330 *Control area extension (Sherman, Tex.)* is amended by adding the following to present control area extension: "including the airspace within a 15-mile radius of Cox Field, Paris, Tex., and the airspace bounded on the east by a line 5 miles east of and parallel to a straight line extending from the Sulphur Springs, Tex., omnirange station to the McAlester, Okla., omnirange station, and on the northwest by the Tulsa, Okla., control area extension."

12. Section 601.1389 is added to read:

§ 601.1389 *Control area extension (Miami, Fla.)*. Within 5 miles either side of the 023° True radial of the Miami, Fla., omnirange extending from Amber civil airway No. 7 and VOR civil airway No. 3 via the intersection of the Miami omnirange 023° True radial and the Vero Beach, Fla., omnirange 143° True radial to the intersection of the Vero Beach omnirange 143° True radial with the Wilmington, N. C., control area extension (601.1150).

13. Section 601.1392 is added to read:

§ 601.1392 *Control area extension (Ogden, Utah)*. That airspace northeast of Ogden bounded on the north by Red civil airway No. 108, on the south by Green civil airway No. 3 and on the west by Amber civil airway No. 2.

14. Section 601.2143 is amended to read:

§ 601.2143 *Fort Myers, Fla., control zone.* Within a 5-mile radius of Page Field, Fort Myers, Fla., within 2 miles either side of a line bearing 220° True

extending from the Fort Myers nondirectional radio beacon to a point 10 miles southwest, and within 2 miles either side of the 224° True radial of the Fort Myers omnirange extending from the omnirange station to a point 10 miles southwest.

15. Section 601.2185 is amended to read:

§ 601.2185 *Sacramento, Calif., control zone.* The airspace within circles of 5-mile radii centered on the Sacramento Municipal Airport and the McClellan Air Force Base and within lines drawn tangent thereto, including the airspace within 2 miles either side of the southwest course of the Sacramento radio range extending from the radio range station to a point 10 miles southwest and within 2 miles either side of a line bearing 358° True extending from McClellan AFB to Red civil airway No. 76.

16. Section 601.2331 is amended to read:

§ 601.2331 *Lake Charles, La., control zone.* Within a 5-mile radius of the Lake Charles Air Force Base; within 2 miles either side of the south course of the Lake Charles radio range extending from the radio range station to a point 10 miles south; within 2 miles either side of the 334° and 154° True radials of the Lake Charles omnirange extending from the 5-mile radius zone to a point 10 miles southeast of the omnirange station, and within 2 miles either side of a direct line extending from the Lake Charles AFB through the Lake Charles AFB nondirectional radio beacon to a point 10 miles northwest of the nondirectional radio beacon.

17. Section 601.2369 is added to read:

§ 601.2369 *Sacramento, Calif., control zone.* Within a 5-mile radius of Mather Air Force Base, Sacramento, Calif., and within 2 miles either side of a line extending from the Mather AFB to the Mather nondirectional radio beacon.

18. Section 601.4219 is amended to read:

§ 601.4219 *Red civil airway No. 19 (Traverse City, Mich., to Norfolk, Va.).* The Saginaw, Mich., nondirectional radio beacon.

19. Section 601.4230 *Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.)* is amended by changing the reporting point which reads: "the intersection of the east course of the Tallahassee, Fla., radio range and a line bearing 180° True from the Valdosta, Ga., nondirectional radio beacon" to read: "the intersection of the east course of the Tallahassee, Fla., radio range and a line bearing 182° True from the Valdosta, Ga., nondirectional radio beacon."

20. Section 601.4601 is amended to read:

§ 601.4601 *Blue civil airway No. 1 (Miami, Fla., to Tampa, Fla.).* The intersection of a line bearing 45° True from the Fort Myers, Fla., nondirectional radio beacon and the southeast course of the Tampa, Fla., radio range.

21. Section 601.4603 *Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.)* is amended by changing name of facility at Fort Myers, Fla., to read: "Fort Myers, Fla., nondirectional radio beacon;" in lieu of "radio range station".

22. Section 601.4662 *Blue civil airway No. 62 (Detroit, Mich., to Traverse City, Mich.)* is revoked.

23. Section 601.6004 is amended to read:

§ 601.6004 *VOR civil airway No. 4 control areas (Seattle, Wash., to Washington, D. C.).* All of VOR civil airway No. 4 including north and south alternates, but excluding the airspace between the main airway and its south alternate between the Seattle, Wash., omnirange station and the Yakima, Wash., omnirange station and excluding the airspace between the main and its south alternate between the Topeka, Kans., omnirange station and the Columbia, Mo., omnirange station.

24. Section 601.6207 is added to read:

§ 601.6207 *VOR civil airway No. 207 control areas (Denver, Colo., to Egbert, Wyo.).* All of VOR civil airway No. 207.

25. Section 601.6020 is amended to read:

§ 601.6020 *VOR civil airway No. 20 control areas (Laredo, Tex., to Richmond, Va.).* All of VOR civil airway No. 20 including a north alternate and a south alternate, but excluding the airspace between the main airway and the north alternate airway from the Atlanta, Ga., omnirange station to the Spartanburg, S. C., omnirange station.

26. Section 601.6077 is amended to read:

§ 601.6077 *VOR civil airway No. 77 control areas (San Angelo, Tex., to Des Moines, Iowa).* All of VOR civil airway No. 77, including east alternates and a west alternate.

27. Section 601.6140 is amended to read:

§ 601.6140 *VOR civil airway No. 140 control areas (Amarillo, Tex., to New York, N. Y.).* All of VOR civil airway No. 140 including north alternates and a south alternate.

28. Section 601.6185 is amended to read:

§ 601.6185 *VOR civil airway No. 185 control areas (Augusta, Ga., to Knoxville, Tenn.).* All of VOR civil airway No. 185 including an east and a west alternate, but excluding the airspace between the main airway and its west alternate airway from the Augusta, Ga., omnirange station to the Asheville, N. C., omnirange station and also excluding the airspace between the main airway and its east alternate from the Asheville, N. C., omnirange station to the Knoxville, Tenn., omnirange station.

29. Section 601.6190 is amended to read:

§ 601.6190 *VOR civil airway No. 190 control areas (Grants, N. Mex., to Evansville, Ind.).* All of VOR civil airway No. 190.

30. Section 601.6194 is amended to read:

§ 601.6194 *VOR civil airway No. 194 control areas (Royston, Ga., to Norfolk, Va.).* All of VOR civil airways No. 194.

31. Section 601.6208 is added to read:

§ 601.6208 *VOR civil airway No. 208 control areas (Thermal, Calif., to Needles, Calif.).* All of VOR civil airway No. 208.

32. Section 601.6210 is added to read:

§ 601.6210 *VOR civil airway No. 210.* [Unassigned.]

33. Section 601.6211 is added to read:

§ 601.6211 *VOR civil airway No. 211 control areas (Cotulla, Tex., to Junction, Tex.).* All of VOR civil airway No. 211.

34. Section 601.6212 is added to read:

§ 601.6212 *VOR civil airway No. 212 control areas.* [Unassigned.]

35. Section 601.6213 is added to read:

§ 601.6213 *VOR civil airway No. 213 control areas (Rocky Mount, N. C., to Boykins, Va.).* All of VOR civil airway No. 213.

36. Section 601.7001 *Domestic VOR Reporting Points* is amended by adding the following reporting points:

New Bern, N. C., omnirange station.
Peoria, Ill., omnirange station.
Arcola Intersection: The intersection of the Houston, Tex., omnirange 226° True and the Galveston, Tex., omnirange 286 True radials.
Colt Intersection: The intersection of the Memphis, Tenn., omnirange 276° True and the Walnut Ridge, Ark., omnirange 171° True radials.
Harrelsville Intersection: The intersection of the Williamston, N. C., VAR north course and the Rocky Mount, N. C., omnirange 064° True radial.
Honea Intersection: The intersection of the Royston, Ga., omnirange 078° True radial and the Greenville, S. C., ILS localizer south course.
Moncure Intersection: The intersection of the Greensboro, N. C., omnirange 122° True and the Raleigh, N. C., omnirange 249° True radials.

and by revoking the following reporting point:

Lake Carey Intersection: The intersection of the Binghamton, N. Y., omnirange 160° True and the Scranton, Pa., omnirange 299° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., December 1, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9340; Filed, Nov. 21, 1955; 8:45 a. m.]

[Amdt. 170]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. When a procedure turn is published in connection with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport, initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Ceiling and visibility minimums			If visual contact not established at authorized minimum altitude after passing facility or within limiting distance specified, or if landing not accomplished
					Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	
1	2	3	4	5	8	9	10	11
COLUMBUS, GA. Lawson Army Air Field, 232'. SIMRIZ-CSG. Procedure No. 1. Amendment: Original. Effective: December 17, 1955. Supersedes: None. Notice: None. Establishes CAA procedure for Lawson Army Air Field (formerly Lawson AFB). Lowers landing minimums to (60)-1 circling, and 300-1 straight-in, less final approach altitude, column 6.	Columbus VOR	204—19	2,000	E side SW course: 202° outbound. 022° inbound. 1,600' within 10 miles.	2 engines or less: T-dn 300-1; C-dn 600-1; S-dn 2 500-1; A-dn 800-2. More than 2 engines: T-dn ----; C-dn ----; S-dn 2 ----; A-dn ----.	2 engines or less: 300-1; 600-1; 500-1; 800-2. More than 2 engines: 200-½; 600-1½; 800-1; 800-2.		Within 3.3 miles turn left and climb to 1,600' on SW course (SIW) LFR within 10 miles. CAUTION: (1) 1,000' mean sea level radio tower located 1½ miles N of Lawson Army Air Field; (2) 580' mean sea level jump towers located 1½ miles NE of Lawson Army Air Field; (3) Restricted Area R-120 E and SE of Lawson Army Air Field.
	Columbus LOM	173—11.0	2,000					
	Marvyn Intersection	123—20	1,700					
CUT BANK, MONT. Cut Bank 3,863'. SIMRAZ-DTV-CTB. Procedure No. 7. Amendment No. 7. Effective date: December 17, 1955. Supersedes Amendment 6, dated June 15, 1954. Major change in format; adds CTB-VOR; lower altitude under column 6 and equalize landing minimums with CTB 311.3A; change limiting distance for procedure turn.	CTB-VOR	202—0.9	6,000	E. side SE. course: 130° outbound. 310° inbound. 5,500' within 10 miles.	2 engines or less: T-dn 300-1; C-dn 500-1; S-dn 500-2; A-dn 400-1. More than 2 engines: T-dn 400-2; C-dn 800-2; S-dn 400-2; A-dn 800-2.	2 engines or less: 300-1; 500-1; 500-2; 400-1. More than 2 engines: 400-2; 800-2; 400-2; 800-2.		Within 3.1 miles, climb to 6,000' on N course of CTB-LFR within 25 miles.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
EVERETT, WASH. Paine Air Force Base, 603'. MRLWZ. Procedure No. 1. Amendment: Original. Effective date: December 17, 1955.	Instrument approach to be conducted in accordance with standard instrument approach procedure—USAF as contained on current U. S. C. & G. S. chart AL-142-RNG.						2 engines or less T-dn C-d C-n S-d S-n Runway 34 A-dn More than 2 engines T-dn C-d C-n A-dn	 300-1 500-1 500-1½ 500-1 500-1 800-2 ---------- ---------- ---------- ----------	 300-1 600-1 600-1½ 600-1 600-1½ 800-2 200-½ 600-1½ 600-2 800-2	
GRAND FORKS, N. DAK. Municipal, 836'. BMIX-DTV-GFK. Procedure No. 1. Amendment No. 7. Effective date: December 17, 1955. Supersedes No. 6, dated May 26, 1954. Major changes: (1) Column 5 revised to 10 miles (criteria); (2) Columns 8, 9, and 10 format revised; (3) Minor change column 11.	----------	----------	----------	E side S course: 171° outbound. 351° inbound. 2,000' within 10 miles.	1,500	351—3.4	2 engines or less T-dn C-d C-n S-d 35 S-n 35 A-dn More than 2 engines T-dn C-dn S-d 35 S-n 35 A-dn	 300-1 500-1 500-1½ 500-1 500-1½ 800-2 ---------- ---------- ---------- ---------- ----------	 300-1 500-1 500-1½ 500-1 500-1½ 800-2 200-½ 500-1½ 500-1 500-1½ 800-2	Within 3.4 miles climb to 2,100' on N course Grand Forks LFR within 25 miles. ADF procedure not authorized.
HURON, S. DAK. W. W. Howes, 1,287'. BMRLZ-DVT-HON. Procedure No. 1. Amendment No. 8. Effective date: December 17, 1955. Supersedes No. 7, dated May 26, 1954. Major changes: (1) Column 5 distances beyond 10 miles deleted (criteria); (2) Column 7 revised to C & G measurements; (3) new format on minimums; (4) caution note added; (5) note deleted column 11 regarding procedure turn beyond 20 miles.	Virgil Intersection SW course HON and E course Pierre (final). Huron VOR	044—11.0 152—6.0	2,000 2,500	S side of SW course: 224° outbound. 044° inbound. 2,500' within 10 miles.	2,000	040—2.8	2 engines or less T-dn C-d C-n A-dn More than 2 engines T-dn C-dn A-dn	 300-1 400-1 400-1½ 800-2 ---------- ---------- ----------	 300-1 500-1 500-1½ 800-2 200-½ 500-1½ 800-2	Within 2.8 miles climb to 3,000' on NE course within 25 miles. CAUTION: Radio tower 1,484' mean sea level 1¼ miles S of airport.
YAKATAGA, ALASKA. Yakataga Airport, 12'. BMRLZ-PDVT-CYT. Procedure No. 1. Amendment No. 7. Effective date: December 17, 1955. Supersedes Amendment 6, dated August 27, 1955. Major changes: (1) Procedure turn clarified to 10 miles of South Yakataga Intersection; (2) direction of turn on missed approach added.	South Yakataga Intersection. South Yakataga Intersection to point of missed approach (final).	326—18 326—8 See column 11.	3,500 500	E side of S course: 146° outbound. 326° inbound. 1,000' within 10 miles of South Yakataga Intersection.	See Column 11.	146—0.4	2 engines or less T-dn C-dn A-dn More than 2 engines T-dn C-dn A-dn	 300-1 500-1 800-2 ---------- ---------- ----------	 300-1 500-1 800-2 200-½ 500-1½ 800-2	If visual contact not established on final approach at authorized landing minimums 8 miles after passing South Yakataga Intersection, turn left, climb to 3,500' on S course (146°) to South Yakataga Intersection. This procedure not authorized for ADF approach. CAUTION: All maneuvering must be confined to area S of airport. High terrain N through E. Hill 2,258' mean sea level 4.1 miles E of range station.

2. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
CUT BANK, MONT. Cut Bank, 3,863'. BVOR-CTB. Procedure No. 1. Amendment No. 2. Effective date: December 17, 1955. Supersedes Amendment 1, dated July 30, 1954. Major changes: new format; correct course and distance transition; change limiting distance on procedure turn.	CTB-LFR	022—0.9	6,000	E side of course: 131° outbound. 311° inbound. 5,500' within 10 miles.	4,600	311—2.6	2 engines or less T-dn C-d C-n S-d Runway 31 S-n Runway 31 A-dn More than 2 engines T-dn C-d C-n S-d Runway 31 S-n Runway 31 A-dn	 300-1 400-1 400-2 400-1 400-2 800-2 ---------- ---------- ---------- ---------- ---------- ----------	 300-1 500-1 500-2 400-1 400-2 800-2 200-½ 500-1½ 500-2 400-1 400-2 800-2	Within 2.6 miles, climb to 6,000' on the 327° radial within 25 miles of CTB-VOR.
HURON, S. DAK. W. W. Howes, 1,287'. BVOR-HON. Procedure No. 1. Amendment No. 4. Effective date: December 17, 1955. Supersedes Amendment 3, dated May 26, 1954. Major changes: (1) Column 5 distance revised to 10 miles (criteria); (2) new format on minimums; (3) caution note added.	Huron LFR	332—6.0	2,400	W side of NW course: 303° outbound. 123° inbound. 2,400' within 10 miles.	1,900	123—5.2	2 engines or less T-dn C-d C-n S-dn 12 A-dn More than 2 engines T-dn C-dn S-dn 12 A-dn	 300-1 400-1 400-1½ 400-1 800-2 ---------- ---------- ---------- ----------	 300-1 500-1 500-1½ 400-1 800-2 200-½ 500-1½ 400-1 800-2	Within 5.2 miles, climb to 2,800' on course 123° within 25 miles HON-VOR. CAUTION: Radio tower 1,484' mean sea level 1¼ miles S of airport.
JOLIET, ILL. Joliet Airport, 580'. BVOR-JOT. Procedure No. 1. Amendment No. 1. Effective date: December 17, 1955. Supersedes: Original, dated August 6, 1955. Major changes: (1) distance column 7 revised; (2) straight-in runway designated in minimums column; (3) column 11 revised.	Joliet LFR	086—1.7	1,800	W side of course: 329° outbound. 149° inbound. 1,800' within 10 miles.	1,300	149—2.7	2 engines or less T-dn C-dn S-dn 12 A-dn More than 2 engines None established	 300-1 600-1 400-1 NA	 300-1 600-1 400-1 NA	Within 2.7 miles make right turn, climbing to 2,000', proceed to Joliet VOR. Hold at VOR on the 149R until further clearance received. No approved weather reporting services. AIR CARRIER NOTE: Not authorized for more than 2 engine aircraft.
LEXINGTON, KY. Blue Grass, 978'. BVOR-LEX. Procedure No. 1. Amendment No. 2. Effective date: December 17, 1955. Supersedes amendment 1 dated January 22, 1955. Major changes: Procedure turn altitude reduced. Transition added.	Lexington BH Richmond Intersection	109—10 347—16	2,300 2,500	N side of course: 124° outbound. 304° inbound. 2,200' within 10 miles.	1,800	304—8.4	2 engines or less T-dn C-dn A-dn More than 2 engines T-dn C-dn A-dn	 300-1 500-1 800-2 ---------- ---------- ----------	 300-1 500-1 800-2 200-½ 500-1½ 800-2	Within 8.4 miles, climb to 2,200' on 304° radial within 10 miles or, when requested by ATC, make climbing left turn and return to Lexington VOR at 2,300'.

3. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. b. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ROANOKE, VA. Woodrum Field, 1,174'. TVOR-ROA. TVOR-35. Amendment No. 1. Effective date: December 17, 1955. Supersedes Amendment Original dated October 8, 1955. Major change: Adds Air Carrier Note.	Red Hill FM (final)	349—11	*2,700	E side S course: 169° outbound. 349° inbound. 4,600' within 10 miles of Red Hill FM.	4,600' over Red Hill FM 2,700 after passing Red Hill FM*	No straight in landing minimums authorized	All aircraft #T-dn C-d #C-n #A-dn	1,000-2 1,500-2 2,000-2 2,500-2	1,000-2 1,500-2 2,000-2 2,500-2	Within 8 miles after passing Red Hill FM climb to 5,000' on course of 349° within 15 miles of TVOR, maintaining at least 500' per minute rate of climb. Return to ROA TVOR at 5,000', or if unable to maintain 500' per minute rate of climb, notify ATC and make right climbing turn, climbing to 5,000' on course of 169°. *After passing Red Hill FM, descend to authorized minimums. AIR CARRIER NOTES: Sliding scale not authorized. No reduction in landing minimums authorized due to local visibility conditions. #Takeoffs on Runway 33 and landings on Runway 15 not authorized at night.
TRENTON, N. J. Mercer County, 213'. TVOR-TTN. TVOR-6. Amendment: Original. Effective date: December 17, 1955. Facility owned and operated by Mercer County.	North Philadelphia LFR	047—13	1,500	E side of course: 230° outbound. 050° inbound. 1,400' within 10 miles.	800	056—0.3	2 engines or less T-dn C-dn S-dn 6 A-dn	300-1 600-1 600-1 800-2	300-1 600-1 600-1 800-2	Climb straight ahead to 1,000', make a left climbing turn, return to North Philadelphia LFR at 1,500'.
	Bellemead Intersection	207—15	1,500							
	Colts Neck VOR	277—35	1,500							
	Intersection course 50° to Trenton VOR and NW course McGuire LFR.	050—7	800 (final)							
TRENTON, N. J. Mercer County, 213'. TVOR-TTN. TVOR-16. Amendment: Original. Effective date: December 17, 1955. Facility owned and operated by Mercer County.	North Philadelphia LFR	047—13	1,500	W side of course: 344° outbound. 164° inbound. 1,500' within 10 miles.	900	156—0.3	2 engines or less T-dn C-dn S-dn 19 A-dn	300-1 700-1 700-1 800-2	300-1 700-1 700-1 800-2	Climb straight ahead to 1,000', make a right climbing turn and proceed to North Philadelphia LFR at 1,500'.
	Bellemead Intersection	206—15	1,500							
	Colts Neck VOR	277—35	1,500							

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept. inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
BILLINGS, MONT. Billings Municipal, 3,612'. ILS-BIL-LOM-B1. Combination ILS-ADF. Procedure No. 1. Amendment No. 10. Effective date: January 29, 1955.	PROCEDURE CANCELED OCTOBER 17, 1955.											
CHEYENNE, WYO. Municipal, 6,156'. ILS-CYS. Procedure No. 1. Amendment No. 14. Effective date: December 17, 1955. Supersedes Amendment 13, dated August 17, 1954. Major changes: Minor adjustments distances and altitude over middle marker 300-1 to minimums for 2-engine equipment.	CYS-LFR	LOM	081—9.0	7,500	N side of E course: 082° outbound. 262° inbound. 7,500' within 5 miles of LOM.	7,500	7,500—6.08	6,312—0.69	2 engines or less T-dn C-dn S-dn Runway 26 A-dn	300-1 400-1 200-½ 600-2	300-1 500-1 200-½ 600-2	Climb to 7,500' on S course CYS-LFR. Alternate missed approach when directed by ATC: Climb to 7,500' on N course of CYS-LFR or to 7,500' on radial 348° from CYS-VOR within 25 miles of respective station.
	Silver Crown FM	LOM	092—20.0	8,000					More than 2 engines T-dn C-dn S-dn Runway 26 A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 200-½ 600-2	
	CYS-VOR	LOM	119—7.0	7,500								
SALT LAKE CITY, UTAH. Salt Lake City No. 1, 4,222'. ILS-SLC. Procedure No. 1. Amendment No. 10. Effective date: December 17, 1955. Supersedes amendment 9, dated April 28, 1955. Major changes: Change transition altitudes to agree with procedure turn altitude.	*Intersection of S course Salt Lake City ILS and bearing of 212° to Fairfield LFR (glide slope interception).	ILS S course	338—0.0	12,000	E or W side of S course: 158° outbound. 338° inbound. 6,100' within 5 miles of LOM. Beyond 5 miles not authorized. 80° reversal recommended for procedure turn.	6,100	6,028—6.3 Riverton FM 9,340—18.1	4,457—0.69	2 engines or less *T-dn C-dn **S-dn Runway 34L A-dn	300-1 500-1 300-¾ 600-2	300-1 600-1 300-¾ 600-2	Climb to cross W course SLC LFR not above 6,500', then climb to 8,000' on W course SLC LFR to Stansbury Intersection, then to 9,000' on course of 335° to promontory point RBN. Alternate missed approach: When directed by ATC cross W course SLC LFR or SLC VOR not above 6,500', then climb to 11,000' on W course SLC LFR or SLC VOR radial 248°. *Start descent at glide slope interception. Glide slope must be operative for this transition. CAUTION: No approach lights. **Straight-in minimums no lower than 300-1 authorized with inoperative ILS components. #500-2 required for takeoff Runway 7. CAUTION: Terrain 11,253' mean sea level approximately 9 miles E of localizer course at Riverton FM.
	Salt Lake City LFR	LOM	163—10.0	6,100					More than 2 engines *T-dn C-dn **S-dn Runway 34L A-dn	---------- ---------- ---------- ----------	200-½ 600-1½ 300-¾ 600-2	
	Salt Lake City VOR	LOM	158—12.0	6,100								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at— Outer marker	Altitude of glide slope and distance to approach end of runway at— Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
TYLER, TEX. Pounds Field, 544'. ILS-ITYR. LOM-TY. Combination ILS and ADF. Procedure No. 1. Amendment No. 1. Effective date: December 17, 1955. Supersedes Amendment Original, dated October 9, 1954. Major changes: Adds straight-in minima for more than 2-engine aircraft.	Tyler LFR	LOM	308—3.5	1,600	W side of NW course: 306° outbound. 126° inbound. 1,800' within 10 miles. Beyond 10 miles not authorized.	ILS 1,800	1,800—5.3	720—0.7	2 engines or less			Climb to 2,000' on SE course ILS. Within 5.3 miles after passing LOM (ADF) climb to 2,000' on course 126 within 25 miles. NOTES: *400-¾ required when G/S not utilized. No approach lights.
	Intersection NW course ILS and Gregg County radial 270° (final).	OM	126—10.0	ILS 1,800		ADF 1,300 over LOM			T-dn	300-1	300-1	
									C-dn S-13	400-1	500-1	
									ILS-dn	*300-¾	*300-¾	
									ADF-dn	400-1	400-1	
									More than 2 engines			
									T-dn	----------	200-½	
									C-dn S-13	----------	500-1½	
									ILS-dn	----------	*300-¾	
									ADF-dn	----------	400-1	
									All aircraft			
									A-dn ILS	600-2	----------	
									ADF	800-2	----------	

5. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State; airport name, elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums: Runway No.	Condition	Precision approach (PAR): 75 m. p. h. or less	Precision approach (PAR): More than 75 m. p h.	Surveillance approach (ASR): 75 m. p.h. or less	Surveillance approach (ASR): More than 75 m. p h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds; (b) directed by ground controller; (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished
1	2	3	4	5	6	7	8	9
NEW YORK, N. Y. International, 12'. Procedure No. 1. Amendment No. 5. Effective date: December 17, 1955. Supersedes Amendment 4, dated February 26, 1955. Major changes: Straight-in landing minimums revised. Approach lights commissioned.	All directions 2,500' within 25 miles	4	2 engines or less					Climb to 500' on heading of 042°, make a climbing right turn to 130° intersecting SW course Mitchel LFR. Continue climb to 1,500' (or higher altitude when directed by ATC) outbound on SW course Mitchel LFR. CAUTION: Ceiling minimums do not provide standard clearance over 278' stack 1.7 miles SSE of Runway 4R and 165' airport control tower.
	E of NE/SW courses of La Guardia LFR 1,500' within 15 miles.	4	T-dn	300-1	300-1	----------	----------	
			C-dn	400-1	500-1			
			S-dn	200-½	200-½			
			A-dn	600-2	600-2			
			More than 2 engines					
			T-dn	----------	200-½			
			C-dn	----------	500-1½			
			S-dn	----------	200-½			
			A-dn	----------	600-2			

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9225; Filed, Nov. 21, 1955; 8:45 a. m.]

[Amdt. 171]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
KEENE, N. H. Dillant-Hopkins, 482'. HW-EEN. Procedure No. 1. Amendment No. 3. Effective date: December 31, 1955. Supersedes Amendment 2, dated April 1, 1954. Major changes: Initial approach transitions added. Climb-out procedure added. Missed approach clarified. Air carrier restrictions added. Facility owned and operated by State of New Hampshire.	Greenfield Intersection LMF	062—20	4,000	W side of course:# 201° outbound. 021° inbound. 3,500' within 10 miles. Not authorized beyond 10 miles.	2,500	021—3.2	2 engines or less			Within 3.2 miles, make a left climbing turn returning to Keene "HW" facility. Continue to climb to 4,000' in standard holding pattern 193° outbound, 013° inbound, all turns W of holding track. #Procedure turn W to avoid terrain to the E. *Night take-off to SE not authorized. IFR CLIMB-OUT PROCEDURE: Climb with visual reference to enter ceiling over airport on direct track climbing to Keene "HW" facility, continue to climb in holding pattern. Minimum facility departure altitude 4,000' except 5,000' northeastbound. Facility must be monitored aurally during this procedure. AIR CARRIER NOTE: Visibility below 1 mile day, 2 miles night not authorized: (1) By application of sliding scale; (2) for local visibility conditions for landing; or (3) for reduction of takeoff minimums.
	Greenfield Intersection VOR	069—23	4,000				*T-dn	1,500-2	----------	
							C-dn	1,500-2	----------	
							A-d	2,500-2	----------	
							A-n	4,000-3	----------	
WHITE SULPHUR SPRINGS, W. VA. Greenbrier Airport, 1,795'. "H"-SSU. Hours of operation: 08:00 until sundown daily. Procedure No. 1. Amendment No. 1. Effective date: December 31, 1955. Supersedes Amendment Original, dated November 12, 1954. Major changes: Establishes Sinks Grove Intersect for intial approach and missed approach. Facility privately owned and operated.	Lynchburg LFR	298—67	6,000	N side of course: 050° outbound. 230° inbound. 4,500' within 10 miles.	3,900	At airport	2 engines or less			Within 0 mile, proceed on course 230° to Sinks Grove Intersect* climbing to 6,000' and hold southeast. Contact Roanoke radio for further clearance. CAUTION: High terrain to 3,388' mean sea level within 2 miles of airport. Contact Greenbrier Airport at least 10 miles out for traffic advisory information. *Sinks Grove Intersect: Intersect bearing 050° to SSU "H" and bearing 132° to Roanoke LFR. #No weather reporting facilities at airport.
	Pulaski LFR	029—51	6,000				T-d	1,600-1	1,600-1	
	Elkins LFR	200—84	6,800				T-n	NA	NA	
	Sinks Grove Intersect*	050—13	6,000				C-d	2,100-2	2,100-2	
	Montebello VOR	265—67	6,000				C-n	NA	NA	
							A-dn	#NA	#NA	

2. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
GETTYSBURG, PA. Gettysburg Airport, 600'. VOR-GTY. 109.0. Procedure No. 1. Amendment original. Effective date: November 25, 1955.	Harrisburg VOR	214 26 nautical	2,600	E side of course: 187° outbound. 007° inbound. 1,700' within 10 nautical miles. Not authorized beyond 10 nautical miles.	1,100	On airport	2 engines or less T-dn C-dn A-dn	300-1 500-1 800-2	---------- ---------- ----------	Within 0 mile, climb on radial 033° within 10 nautical miles, make right climbing turn returning to GTY VOR at 3,000', or when directed by ATC, climb to 2,600' on radial 033° within 26 nautical miles. CAUTION: 2,440' mean sea level terrain 10 nautical miles W of airport. *New Oxford Intersection: Intersection GTY radial 097° and either HAR radial 204° or HRN radial 022°.
	New Oxford Intersection*	277 4.3 nautical	2,600							

3. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; Procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ALMA, GA. Alma, 200'. VOR-DME AMG. TVOR-4. Amendment 1. Effective date: December 31, 1955. Supersedes Amendment Original, dated July 30, 1955.	4 nautical miles DME fix on R. 224° (final).	044 4 nautical	#600	S side of course: 224° outbound. 044° inbound. 1,300' within 10 nautical miles.	#600	039—0.72 nautical (from 1 nautical mile DME fix)	2 engines or less T-dn C-dn S-dn 4, 22 A-dn	300-1 500-1 #400-1 800-2	300-1 500-1 #400-1 800-2	Climb to 1,600' on R 044° within 25 miles.
	Intersection 359° ADF bearing to Alma LFR (final).	044 2 nautical	#600							
TVOR-22. Amendment original Effective date: December 31, 1955.	4 nautical miles DME fix on R. 035° (final).	215 4 nautical	#600	W side of course: 035° outbound. 215° inbound. 1,300' within 10 nautical miles.	#600	219—0.56 nautical (from 1 nautical mile DME fix)	More than 2 engines T-dn C-dn S-dn 4, 22 A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ #400-1 800-2	Climb to 1,600' on R 215° within 25 miles. #700' mean sea level and 500' ceiling minimums if no DME or ADF available. Air carrier use not authorized.
	Intersection 260° ADF bearing, to Alma LFR (final).	215 3 nautical	#600							
	Alma LFR	144—2.5	1,400							

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
SAN ANTONIO, TEX. International, 800'. ILS-ISAT. LOM-SA. Combination ILS and ADF. Procedure No. 1. Amendment 11. Effective date: December 31, 1955. Supersedes Amendment 10, dated June 25, 1955. Major changes: Kelly LFR transition added.	San Antonio VOR	LOM	186—12.0	2,200	W side of SW course: 211° outbound. 031° inbound. 2,200' within 10 miles. Beyond 10 miles not authorized.	ILS 2,100 ADF over LOM 2,000	2,050—4.4	1,000—0.7	2 engines or less T-dn C-dn	300-1 400-1	300-1 500-1	Climb to 2,500' on NE course ILS or within 4.4 miles after passing LOM (ADF) climb to 2,500' on course of 031° or when directed by ATC turn left climb to 2,500' on N course LFR within 25 miles. NOTE: 400-¾ required when glide slope not utilized.
	San Antonio LFR	ILS SW course	174—4.0	2,200					S-dn 3 ILS	200-½	200-½	
	Kelly LFR	LOM	039—8.0	2,200					ADF	400-1	400-1	
	Wetmore Intersection	LOM	211—9.0	2,200					More than 2 engines T-dn C-dn	---------- ----------	200-½ 500-1½	
	San Antonio LFR	LOM	194—8.0	2,200					S-dn 3 ILS	----------	200-½	
	Medina Intersection	LOM	103—21.0	2,700					ADF	----------	400-1	
	Losoya Intersection	LOM	346—18.0	2,200					All aircraft A-dn ILS	600-2	600-2	
	Intersection SW course ILS and SE course Kelly LFR (final).	LOM	031—9.0	2,100 ILS 2,000 ADF					ADF	800-2	800-2	
TALLAHASSEE, FLA. Dale Mabry, 70'. ILS-ITLH. LOM-TL. Combination ILS-ADF. Procedure No. 1. Amendment 12. Effective date: Dec. 31, 1955. Supersedes Amendment 11, July 2, 1955. Major changes: Revise glide slope altitudes.	Tallahassee VOR	LOM	143—10.0	1,500	E side SE course: 122° outbound. 302° inbound. 1,400' within 10 miles.	ILS 1,300 ADF 900 over LOM	1,220—4.2	295—0.7	2 engines or less T-dn C-dn	300-1 500-1	300-1 500-1	Climb to 1,500' on NW course ILS within 15 miles or within 4.2 miles LOM (ADF) climb to 1,500' on course of 302° within 15 miles. When directed by ATC climb to 1,300' on S course LFR or radial 190° within 15 miles. CAUTION: 244' tank 1,500' S of approach lights, 300' unlighted terrain 1 mile NE of airport. #400-¾ required when glide slope not utilized. 400-1 required if locator and either LOM or OM only are operative. AIR CARRIER NOTE: Take-offs with less than 200-½ not authorized.
	Tallahassee LFR	LOM	108—7.0	1,500					S-dn 30 #ILS	200-½	200-½	
	Intersection TLH-VOR R-088 and 223° bearing to ILS-LOM.	LOM	223—12.0	1,500					ADF	500-1	500-1	
	Intersection TLH-VOR R-288 and NW course ILS.	LOM	122—26.0	1,500					A-dn ILS	600-2	600-2	
									ADF	800-2	800-2	
									More than 2 engines T-dn C-dn	---------- ----------	200-½ 500-1½	
									S-dn 30 #ILS	----------	200-½	
									ADF	----------	500-1	
									A-dn ILS	----------	600-2	
									ADF	----------	800-2	

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9371; Filed, Nov. 21, 1955; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.8, Supp. 12]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

NEW MEXICO FARM PROPORTIONATE SHARES FOR THE 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260), as amended (20 F. R. 1635), the Agricultural Stabilization and Conservation New Mexico State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 770 acres established for New Mexico, by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 1015 Tijeras Avenue NW., Albuquerque, New Mexico, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of New Mexico. The bases and procedures incorporate the following:

§ 850.20 *New Mexico*—(a) *Set asides of acreage.* From the State allocation there is set aside 76 acres for use in establishing farm proportionate shares for new producers and 8 acres for adjusting individual farm proportionate shares under appeals.

(b) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(c) *Establishment of individual farm proportionate shares*—(1) *Farm bases.* For each farm in New Mexico, the farm base shall be established from the planted sugar beet acreage record of the farm by giving a weighting of 50 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production" and a weighting of 50 percent to the average acreage of the crops of 1953–54, as a measure of "ability to produce".

(2) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases on a pro rata basis so that the total of the farm shares equals the State allocation less the prescribed set-asides.

(3) *Adjustments in initial shares.* Within the acreage of initial shares in excess of requested acreages, adjustments shall be made in initial farm proportionate shares so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the locality by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(4) *Proportionate shares for new producers.* Within the acreage set aside for new producers, proportionate shares shall be established for new producers (as defined in § 850.8) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of the determination applicable to appeals.

(6) *Redistribution of unused proportionate share acreage.* Any farm operator who receives notice of proportionate share acreage and who, prior to planting time, makes a change in his farm operations so that the share established for the farm will not be fully planted shall be encouraged by the county committee to voluntarily release the unused acreage. The county committee, subject to the approval of the State Committee, shall redistribute prior to planting time, as far as practicable, such acreage to other sugar beet farms within the county.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop, even if the acreage established is "none" and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a form SU–103 marked "Revised".

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation New Mexico State Committee for determining farm proportionate shares in New Mexico in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The establishment of individual farm proportionate shares directly from the State allocation, without subdividing the State into proportionate share areas, is reasonable considering that the sugar beet producing region of the State is relatively small and ordinarily only one beet sugar company contracts for acreage in New Mexico. The formula used for establishing individual farm shares from the State allocation gives reasonable weightings to the factors of "past production" and "ability to produce", with relatively heavy weight for recent performance.

The bases and procedures for making adjustments in initial proportionate shares, for establishing shares for new producers, and for adjusting proportionate shares because of unused acreage and appeals, set forth criteria to be followed for each of these operations in order that a fair and equitable proportionate share may be established for each farm.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. Sup. 1132)

Dated: August 16, 1955.

[SEAL] H. M. RICKMAN,
Chairman, Agricultural Stabilization and Conservation New Mexico State Committee.

Approved:

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

NOVEMBER 2, 1955.

[F. R. Doc. 55–9363; Filed, Nov. 21, 1955; 8:50 a. m.]

[Sugar Determination 850.8, Supp. 14]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

CALIFORNIA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR THE 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260), as amended (20 F. R. 1635), the Agricultural Stabilization and Conservation California State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 182,410 acres established for California by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 2020 Milvia Street, Berkeley, California, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of California. These bases and procedures incorporate the following:

§ 850.22 *California*—(a) *Proportionate share areas.* California shall be divided into two proportionate share areas, one of which shall comprise all of California except Imperial County and the other shall be Imperial County. These areas shall be designated the "Northern Area" and the "Imperial Area," respectively. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the average acreage for the crops of 1953 through 1954, as a measure of "ability to produce", with a minimum of 93 percent of the 1953–54 average acreage and with pro rata adjustments to a total of 182,410 acres. Acreage allotments computed as aforestated are established as follows: Northern Area—142,059 acres, and Imperial Area—40,351 acres.

(b) *Set asides of acreage*—(1) *Northern area.* From the Northern Area allotment there is set aside 2 percent of such allotment for use in establishing farm proportionate shares for new producers, 2 percent for adjusting individual farm proportionate shares under appeals, and 3 percent for adjusting initial farm proportionate shares.

(2) *Imperial area.* From the Imperial Area allotment there is set aside 1 percent for use in establishing farm proportionate shares for new producers, 2 percent for adjusting individual farm proportionate shares under appeals, and 3 percent for adjusting initial farm proportionate shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100 (California) Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(d) *Establishment of individual farm proportionate shares*—(1) *Farm bases.* For each farm whose operator is not a tenant in the 1955-crop season, a farm base will be computed from the planted sugar beet acreage record of the farm accruing to the landowner under the effective cropping arrangements by giving a weighting of 75 percent to the average acreage of the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the average acreage for the crops of 1952 through 1954, as a measure of "ability to produce". For each farm whose operator is a tenant in the 1955-crop season, the farm base shall be the larger of the results obtained by applying the aforestated weightings to the planted sugar beet acreage record accruing to the owner or owners of the farm under the effective cropping arrangements or to the planted sugar beet acreage record of the operator.

(2) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases in each proportionate share area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the locality by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. Within the available acreage, adjustments shall be made in the following order of precedence and subject to the limitations hereinafter indicated: (i) Shares for growers with five years or less of production history in the 1950–54 period whose farm bases do not constitute fair representations of their past operations or production records of their farms (such as where a former tenant becomes an owner-operator in 1955 on a farm with less history than his personal history or an operator with little or no personal history operates a farm in 1955 with sugar beet history, the creditable portion of which is limited to the landlord's share), provided that the final share after adjustment shall not exceed that for a similar farm in the area on the basis of either personal or full land history; (ii) for growers with less than five years of production history in the 1950–54 period, provided that the final share after adjustment shall be limited generally to 85 percent of the average of the four-year plantings, 70 percent of the average of the three-year plantings, 55 percent of the average of the two-year plantings, and 40 percent of single-year planting; provided further that these limits may be exceeded in special cases such as those involving a rotation plan, too small an acreage for economic operations or where a grower had one or more years of low plantings due to causes beyond his control; however, no grower's share may exceed his highest acreage in any one year during the base period; (iii) shares for growers with five years of production history in the 1950–54 period to correct for low plantings during one or more years of the base period, to fill out fields, and for other similar reasons, provided that the final share after adjustment shall not exceed the highest acreage in any one year of the base period.

(4) *Proportionate shares for new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established for new producers (as defined in § 850.8) by taking into consideration the suitability and area of available land, area of available fields, availability of irrigation water, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of the determination applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant proportionate share acreages, and from set-aside acreages remaining unallotted, adjustments shall be made in farm proportionate shares insofar as practicable during the planting season on a pro rata basis upon written requests of producers who have not intentionally planted in excess of their prior allotments, whose plantings will include additional acreage, and who have reasonable assurance of contracting the additional acreage with a sugar beet processing company.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop, even if the acreage established is "none" and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a form SU–103 marked "Revised".

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation California State Committee for determining farm proportionate shares in California in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The division of California into two general areas is reasonable since sugar beets are planted in the Northern Area largely in the winter and spring months whreas plantings are made in the Imperial Area during the early fall months. A further subdivision of the Northern Area is infeasible because smaller areas are not segregated geographically or with respect to districts served by the four beet sugar companies which operate in the State. The formula used in establishing allotments for the two areas is identical to that used by the Department in establishing State allocations. The formula used in subdividing the area allotments into individual farm proportionate shares is similar, but "ability to produce" is measured by the average acreage of the crops of 1952–54 rather than the largest acreage of the 1950–54 period. Since sugar beet production in California is organized around tenant-operators rather than around units of land, the formula gives consideration to the personal production records of farm operators as well as to the production records of farms.

The bases and procedures for making adjustments in initial proportionate shares, for establishing shares for new producers, and for adjusting proportionate shares because of unused acreage and appeals, set forth criteria to be followed for each of these operations in order that

a fair and equitable proportionate share may be established for each farm.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies Sec. 302, 61 Stat. 930; 7 U. S. C. Sup. 1132)

Dated: August 23, 1955.

[SEAL] GLEN R. HARRIS,
Chairman, Agricultural Stabilization and Conservation California State Committee.

Approved:

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

NOVEMBER 2, 1955.

[F. R. Doc. 55-9361; Filed, Nov. 21, 1955; 8:50 a. m.]

[Sugar Determination 850.8, Supp. 21]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

OHIO PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260), as amended (20 F. R. 1635), the Agricultural Stabilization and Conservation Ohio State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 20,220 acres established for Ohio by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at the Old Post Office Building, Third and State Streets, Columbus 15, Ohio, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Ohio. These bases and procedures incorporate the following:

§ 850.29 *Ohio*—(a) *Proportionate share areas.* Ohio shall be divided into two proportionate share areas or districts comprising beet sugar factory districts as served by two beet sugar companies. These areas shall be designated "Great Lakes District" and "Buckeye District", respectively. Acreage allotments for these districts shall be computed by applying to the planted sugar beet acreage record for each district a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a ceiling of 125 percent of the 1954 acreage and pro rata adjustments to a total of 20,220 acres. Acreage allotments computed as aforestated are established as follows: Great Lakes District, 14,315 acres, and Buckeye District, 5,905 acres.

(b) *Set asides of acreage.* Set-asides of acreage shall be made from the district allotments for new producers, for appeals, and for making adjustments in initial proportionate shares, respectively, in percentages as follows: Great Lakes District—15.3, 2.0 and 8.9; and Buckeye District—15.6, 2.0 and 9.2.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(d) *Establishment of individual farm proportionate shares*—(1) *Farm bases.* Farm bases shall be established in each proportionate share district by giving a weighting of 50 percent to the average acreage of the crops of 1952 through 1954, as a measure of "past production", and a weighting of 50 percent to the largest acreage of the crops of 1952 through 1954, as a measure of "ability to produce".

(2) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases in each proportionate share district on a pro rata basis so that the total of the farm shares equals the district allotment less the prescribed set-asides, except that the minimum initial proportionate share shall be the smaller of five acres or the requested acreage.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(4) *Proportionate shares for new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established for new producers (as defined in § 850.8) by taking into consideration the availability and suitability of land, area of available fields, availability of production and marketing facilities and the production experience of the operator. The minimum initial proportionate share for a new producer shall be the smaller of five acres or the requested acreage.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of the determination applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant proportionate share acreages, and from set-aside acreages remaining unallotted, adjustments shall be made in farm proportionate shares throughout the 1955-crop season. These adjustments shall be made insofar as practicable during the planting season in the area on a pro rata basis for the farms whereon additional acreage may be planted.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop, even if the acreage established is "none" and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a form SU-103 marked "Revised".

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Ohio State Committee for determining farm proportionate shares in Ohio in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The division of Ohio into two districts as served by beet sugar companies provides a reasonable subdivision of the State, in relation to the operation of sugar beet processing plants and the use of advisory committees comprising grower and processor representatives. The formula used in dividing the State acreage allocation between these districts is similar to the formula used by the Department of Agriculture in establishing State allocations. Individual farm shares are computed under a formula using a shorter base period and different weightings to give greater consideration to recent production.

The bases and procedures for making adjustments in initial proportionate shares, for establishing shares for new producers, and for adjusting proportionate shares because of unused acreage and appeals, set forth criteria to be followed for each of these operations in order that a fair and equitable proportionate share may be established for each farm.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies Sec. 302, 61 Stat. 930; 7 U. S. C. Sup. 1132)

Dated: September 14, 1955.

[SEAL] FRANK N. FARNSWORTH,
Chairman, Agricultural Stabilization and Conservation Ohio State Committee.

Approved:

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

NOVEMBER 2, 1955.

[F. R. Doc. 55-9362; Filed, Nov. 21, 1955; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 615, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.722 (Lemon Regulation 615, 20 F. R. 8452) are hereby amended to read as follows:

(ii) District 2: 186,000 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 17, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9359; Filed, Nov. 21, 1955; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53949]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

WAIVER OF COASTWISE TOWING LAWS

NOVEMBER 17, 1955.

Upon the written recommendation of the Secretary of the Army, acting under the delegation of August 18, 1955 (20 F. R. 6361), of certain powers of the Secretary of Defense with respect to matters concerning the St. Lawrence Seaway Power Project or the St. Lawrence Seaway Navigation Project, and by virtue of the authority vested in me by the Act of December 27, 1950 (64 Stat. 1120), and Revised Treasury Department Order No. 165 (T. D. 53654), I hereby waive compliance with section 316, title 46, United States Code, to permit the use of the Canadian tug "Radel" in assisting in the towing of a barge laden with certain merchandise including a large excavation drag line on one voyage to commence on or about November 20, 1955, from Ogdensburg, New York, to Long Sault Island for work in connection with the Long Sault Dam on the St. Lawrence River.

(64 Stat. 1120; 46 U. S. C. prec. sec. 1)

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs,

[F. R. Doc. 55-9349; Filed, Nov. 21, 1955; 8:47 a. m.]

[T. D. 53947]

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

PART 6—AIR COMMERCE REGULATIONS

PART 14—APPRAISEMENT

PART 21—CARTAGE AND LIGHTERAGE

MISCELLANEOUS AMENDMENTS

The suggestion has been made that customs Form 7523, Entry of Merchandise Unconditionally Free of Duty, Carrier's Certificate and Release, be modified to permit its use as a combined entry, manifest, carrier's certificate, and release for merchandise entered on that form. The adoption of this suggestion will simplify customs requirements but requires amendment of the Customs Regulations.

A footnote to § 14.5 (g) of the Customs Regulations relating to coal-tar products requires deletion because it is not in accordance with existing law.

As the result of suggestions from the field, the Bureau has considered the question whether the issuance of identification cards to a licensed cartman or lighterman or his employees serves a good purpose at all ports. Consideration has also been given to the question whether before the employment of the holder of an identification card is changed to another licensed cartman or lighterman, the card, together with an application of the new employer, should always be submitted to the customhouse for noting the change of employer on both the identification card and the customhouse records, in accordance with § 21.2 of the Customs Regulations.

For example, it is sometimes necessary for the holder of an identification card, because of the lack on some days of the work normally offered by his regular employer, to seek temporary employment by another licensed cartman or lighterman. Insistence upon compliance with the above-mentioned requirement may unnecessarily deprive the employee of the temporary work offered.

It has been decided that the answers to the foregoing questions regarding identification cards are matters which may properly be determined on a local basis and that the Customs Regulations should be amended to so provide. Accordingly, the Customs Regulations are amended as follows:

1. Section 5.1 (b) is amended by adding the following sentence after the fifth sentence: "Customs Form 7523 also may be used in lieu of other forms of customs manifests for merchandise which is entered on that form."

(R. S. 251, secs. 459, 460, 498, 624, 46 Stat. 717, as amended, 728, as amended, 759; 19 U. S. C. 66, 1459, 1460, 1498, 1624)

2. Section 6.7 (b) (3) is amended by adding the following sentence after the third complete sentence: "Customs Form 7523 also may be used in lieu of other forms of cargo manifests for merchandise in a single shipment which is entered on that form."

(R. S. 161, 251, secs. 431, 624, 644, 46 Stat. 710, as amended, 759, 761, secs. 7, 44 Stat. 572, as amended; 5 U. S. C. 22, 19 U. S. C. 66, 1431, 1624, 1644, 49 U. S. C. 177)

3. Section 14.5 (g) is amended by deleting the reference numeral "11" where it appears therein, and footnote 11 appended to that section is deleted.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 402, 46 Stat. 708, as amended, pars. 27, 28, sec. 1, 46 Stat. 592, 594, as amended; 19 U. S. C. 1402, 1001, pars 27, 28)

4. Section 21.1 (a) is amended by deleting "who are required by § 21.2 to possess identification cards (customs Form 3873)" from the last sentence and substituting therefore: "who will receive or transport imported merchandise which has not been released from customs"

5. Section 21.2 is amended as follows:

a. The first sentence is amended by changing the first letter in the first word to lower case and inserting the following at the beginning of that sentence: "When required for purposes of local administration,"

b. The following sentence is inserted immediately after the eleventh sentence: "The collector may authorize such exceptions to the requirements of the preceding sentence as he deems necessary and advisable when the employment of the holder of an identification card is changed only temporarily to another licensed cartman or lighterman."

(Secs. 565, 624, 46 Stat. 747, 759; 19 U. S. C. 1565, 1624)

Until such time as customs Form 7523 is reprinted, it may be used as a manifest as provided for in §§ 5.1 (b) and 6.7 (b) (3), as amended above, after the word "Manifest" has been added to the title by means of a rubber stamp or other printing.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 14, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-9347; Filed, Nov. 21, 1955; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN -(OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE-(OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 507, 59 Stat. 463, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR, 1954 Supp., Parts 141b, 141c, 146a, 146c, 146e) are amended as indicated below:

1. Section 141b.126 (a) (1) (i) and (1) (ii) (g) are amended to read as follows:

§ 141b.126 *Streptomycin-erythromycin ointment*—(a) *Ointment*—(1) *Potency*—(i) *Streptomycin content.* Proceed as directed in § 141b.101 (a) through (i), except prepare the sample as follows: Place a representative quantity of the ointment (usually an entire container) in a blending jar containing approximately 225 milliliters of chloroform. Using a high-speed blender, blend the mixture for 3 minutes. Transfer the blended material to a large Buchner funnel (at least 10 centimeters in diameter) fitted with a highly retentive filter paper and attached to a vacuum line. Apply vacuum long enough to insure removal of chloroform from the filter cake. Place the filter cake and the paper in a blending jar containing 250 milliliters of 0.1 *M* phosphate buffer, pH 8.0, and blend for 10 minutes. Filter the blended material through a fast, porous, filter paper. Dilute the filtrate to obtain a solution for assay containing 1.0 microgram per milliliter. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(ii) *Erythromycin content.* • • •

(g) *Assay.* Place a representative quantity of the ointment (usually an entire container) in a blending jar containing approximately 225 milliliters of polyethylene glycol. Using a high-speed blender, blend the mixture for 10 minutes and filter through a Buchner filter. Dilute the filtrate to 1.0 microgram per milliliter (estimated) in 0.1 *N* potassium phosphate buffer, pH 8.0, and proceed as directed in § 141b.101 (h) and (i), except that the incubation temperature is 32° C. to 35° C. Its content of erythromycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

2. The headnote of § 141c.202 is amended to read as follows: "§ 141c.202 *Chlortetracycline ointment (chlortetracycline hydrochloride ointment), chlortetracycline calcium ointment, chlortetracycline calcium cream; tetracycline hydrochloride ointment (tetracycline hydrochloride in oil suspension)*—".

3. Section 146a.67 *Procaine penicillin in streptomycin sulfate solution* • • • is amended in paragraph (b) *Packaging* by inserting after the words "30 milliliters," in the last sentence, the following parenthetical expression: "(unless it is packaged and intended solely for veterinary use),".

4. Section 146c.202 is amended in the following respects:

a. The section headnote is changed to read as follows: "§ 146c.202 *Chlortetracycline ointment (chlortetracycline hydrochloride ointment), chlortetracycline calcium ointment, chlortetracycline calcium cream; tetracycline hydrochloride ointment (tetracycline hydrochloride in oil suspension)*—".

b. Paragraph (b) is changed to read as follows:

(b) *Packaging.* The ointment shall be packaged in collapsible tubes which are well-closed containers as defined by the U. S. P., or in containers of glass or plastic that are tight containers as defined by the U. S. P. Unless it is labeled solely for hospital use, each such container shall contain not more than 2 ounces, except if it is intended for ophthalmic use each such container shall contain not more than ⅛-ounce, if it is a collapsible tube, or more than ½-ounce if it is a tight container. Each such container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practices shall be disregarded.

5. Section 146e.402 *Bacitracin ointment* • • • is amended in the following respects:

a. In paragraph (c) *Labeling* subparagraphs (3) and (4) are renumbered as (4) and (5), respectively, and a new subparagraph (3), reading as follows, is inserted between subparagraph (2) and renumbered subparagraph (4):

(3) On the outside wrapper or container, if it is intended solely for veterinary use and it contains fludrocortisone (9 α-fluorohydrocortisone), the statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian" and a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such ointment by practitioners licensed by law to administer such drug; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

b. In paragraph (c) renumbered subparagraph (5) is amended by inserting immediately after the word "sulfonamides," the following new words: "or if it is intended for veterinary use and it contains fludrocortisone, (9 α-fluorohydrocortisone),".

6. Section 146e.411 *Bacitracin-neomycin ointment* • • • is amended by deleting the last sentence from paragraph (a) (2).

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: November 15, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-9351; Filed, Nov. 21, 1955; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

[Docket No. AO-71-A24]

HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

NOTICE OF TERMINATION OF PROCEEDING

A decision on proposals to amend the order regulating the handling of milk in the New York metropolitan milk marketing area was issued on December 14, 1953 and published in the FEDERAL REGISTER on December 17, 1953 (18 F. R. 8444) on the basis of evidence in the record of a public hearing (herein referred to as "the 1953 hearing"), held pursuant to notices thereof issued on January 8, 1953 (18 F. R. 256) and February 27, 1953 (18 F. R. 1249). Such public hearing was conducted beginning on March 10, 1953 at Elmira, New York, and ending on May 6, 1953 at New York City, with intervening sessions at Malone, Odgensburg, and Watertown, New York.

Findings and conclusions were set forth in the decision of December 14, 1953 relating to only a portion of the issues presented on the record of the hearing, and findings and conclusions on other issues in the proceeding were at that time deferred pending further consideration. Those issues concerning which findings and conclusions thus were deferred are:

1. Revision of provisions for the designation of plants at which the handling of milk is fully subject to the pricing and utilization provisions of the order (issue No. 11, as listed in the decision);

2. The revision of transportation and location on differentials applicable both to minimum class prices paid by handlers and to the uniform price paid to producers (issue No. 12, as listed in the decision); and

3. The classification and pricing of milk disposed of for fluid use in Northern New Jersey or within the State of New York outside the marketing area (a portion of issue No. 10, as listed in the decision).

Subsequent to the hearing which ended on May 6, 1953, but prior to the decision of December 14, 1953, the subject matter reflected in the above listed issues, together with related marketing problems, was referred for study and recommendations thereon to a committee appointed jointly by the United States Department of Agriculture and the New York State Department of Agriculture and Markets. A report containing recommendations relative to these and other issues was released by this committee in January 1954. Since that time various new proposals have been received for new or revised Federal or joint Federal-State regulation of the handling of milk in the New York-New Jersey area, and public proceedings have been initiated relating to such proposals. It is apparent that such new proceedings may involve consideration of the same issues as those considered in the 1953 hearing but as to which findings and conclusions were deferred in the decision of December 14, 1953. Thus, it is of importance to interested parties to know whether or not further action is to be taken on the record of the 1953 hearing.

Nearly three years now have elapsed since the period of time to which data in the record of the 1953 hearing apply, and a recent review of that record indicates that the evidence therein does not constitute a suitable basis on which to resolve the above listed issues.

Accordingly, notice is hereby given that no further findings of fact, conclusions, or proposed marketing agreement or marketing order will be issued on the basis of evidence in the record of such 1953 hearing, that such hearing will not be reopened, and that such proceeding is hereby terminated.

It is hereby ordered that this notice be filed by the Hearing Clerk, United States Department of Agriculture and be published in the FEDERAL REGISTER.

Done at Washington, D. C., this 16th day of November 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-9346; Filed, Nov. 21, 1955; 8:47 a. m.]

[7 CFR Part 978]

[Docket No. AO 184-A12]

HANDLING OF MILK IN NASHVILLE TENNESSEE MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Nashville, Tennessee, on September 22-23, 1955, pursuant to notice thereof which was published in the FEDERAL REGISTER (20 F. R. 7007), upon proposed amendments to the tentative marketing agreement and to the order as amended regulating the handling of milk in the Nashville, Tennessee marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on November 2, 1955, issued a recommended decision. Said decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on November 5, 1955 (20 F. R. 8336).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues, findings and conclusions, and general findings of the recommended decision (20 F. R. 8336, Doc. 55-8967) are hereby approved and adopted as the issues, findings and conclusions, and general findings of this decision as if set forth in full herein.

Determination of representative period. The month of September 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Nashville, Tennessee marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period were engaged in the production of milk for sale in the marketing area specified in such marketing area.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Nashville, Tennessee Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Nashville, Tennessee Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended and proposed to be hereby further amended.

This decision filed at Washington, D. C., this 16th day of November 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Nashville, Tennessee, Marketing Area

§ 978.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area. Upon

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handing. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Nashville, Tennessee marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 978.51 (a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.40 during the months of September through February, and plus $1.10 during all other months, plus an additional 10 cents during the months through March 1956, plus or minus a supply-demand adjustment calculated for each month after March 1956 as follows:

(1) Divide the total hundredweight of producer milk of all fluid milk plants for the twelve-month period ending with the beginning of the preceding month, by the net hundredweight of Class I milk disposed of from all fluid milk plants during the same period and multiply by 100. The resulting figure rounded to the nearest whole percentage shall be known as the utilization ratio.

(2) For each percentage by which the utilization ratio calculated for the month pursuant to subparagraph (1) of this paragraph exceeds 130 subtract from, or for each percentage by which it is less than 125 add to, the Class I price, 1 cent.

[F. R. Doc. 55-9345; Filed, Nov. 21, 1955; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 130]

PRIORITIES REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them, in triplicate, to the United States Atomic Energy Commission at the places indicated below within 30 days after publication of this notice in the FEDERAL REGISTER:

Written comments and suggestions should be addressed to the United States Atomic Energy Commission, Richland, Washington, Attention: Manager, Hanford Operations Office, or the United States Atomic Energy Commission, Oak Ridge, Tennessee, Attention: Manager, Oak Ridge Operations Office.

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AUTHORITY: §§ 130.1 to 130.60 issued under sec. 111, Pub. Law 221, 84th Cong. Interpret or apply sec. 42, Pub. Law 221, 84th Cong.

GENERAL PROVISIONS

§ 130.1 *Purpose.* This part establishes priority rights applicable to the sale of government-owned property offered for disposal at Oak Ridge, Tennessee and Richland, Washington, pursuant to the provisions of Chapter 5 of the Atomic Energy Community Act of 1955.

§ 130.2 *Findings.* (a) The Commission has determined that the priorities established in this part are reasonable and fair, will be uniform in each class or subclass of property, and will give such priority rights to occupants, project-connected persons, and incoming employees as are necessary or desirable and such priority rights to former occupants, former project-connected persons, or inhabitants as are fair and equitable. In establishing these priorities the Commission has given due consideration to the following factors:

(1) The retention and recruitment of personnel essential to the atomic energy program;

(2) The minimization of dislocations within the community;

(3) The expeditious accomplishment of the disposal program; and

(4) The desirability of encouraging private firms to locate or remain in the community.

§ 130.3 *Definitions.* As used in this part:

(a) "Act" means the Atomic Energy Community Act of 1955 (69 Stat. 471), including any amendments thereto.

(b) "Commission" means the Atomic Energy Commission or any authorized officer or employee thereof. For purposes of determining seniority under § 130.43, "Commission" shall include the Manhattan Engineer District, U. S. Army Corps of Engineers.

(c) "Community" means:

(1) With respect to property at Oak Ridge, that area at Oak Ridge, Tennessee, designated on a map on file at the principal office of the Commission, entitled "Minimum Geographic Area, Oak Ridge, Tennessee", bearing the legend "Boundary Line, Minimum Geographic Area, Oak Ridge, Tennessee", and marked "Approved, 21 April 1955, K. D. Nichols, General Manager"; or

(2) With respect to property at Richland, that area at Richland, Washington, designated on a map on file at the principal office of the Commission, entitled "Minimum Geographic Area, Richland, Washington", bearing the legend "Boundary Line, Minimum Geographic Area, Richland, Washington", and marked "Approved, 21 April 1955, K. D. Nichols, General Manager".

(d) "Property management contractor" means the contractor managing, on behalf of the Commission, the Commission-owned properties at the community. On November 1, 1955, the property management contractor at Oak Ridge was Management Services, Inc., and at Richland was General Electric Company.

(e) "Occupant" means a person who, on the date on which the property in question is first offered for sale, is entitled to residential occupancy of the government-owned house in question, or of a family dwelling unit in such house, in accordance with a lease or license agreement with the Commission or its property management contractor.

(f) "Resident" means any person who, on the date on which the property in question is first offered for sale, is either:

(1) A person who is entitled under a lease or license with the Commission or its community management contractor to residential occupancy of government-owned accommodations at the community, or

(2) A project-connected person who is entitled, in accordance with a lease or similar agreement, to residential occupancy of privately-owned rental housing in the community.

(g) "Member of his family" means any person having the following relationship to an occupant (including those having the same relationship through marriage or legal adoption): spouse, father, mother, grandfather, grandmother, brother, sister, son, daughter, uncle, aunt, nephew, niece, or first cousin.

(h) "Project area" means that area which on August 4, 1955, constituted the Federal area at Oak Ridge, Tennessee (in the case of property at Oak Ridge), or Richland, Washington (in the case of property at Richland).

(i) "Project-connected person" means any person who, on the date the property in question is first offered for sale, is regularly employed at the project area in one of the following capacities:

(1) An officer or employee of the Commission or any of its contractors or subcontractors, or of the United States or any agency thereof (including members of the Armed Forces), or of a State or political subdivision or agency thereof;

(2) An officer or employee employed at a school or hospital located in the project area;

(3) A person engaged in or employed in the project area by any professional, commercial, or industrial enterprise occupying premises located in the project area; or

(4) An officer or employee of any church or non-profit organization occupying premises located in the project area.

(j) "Senior occupant" means that one of the occupants of a family dwelling unit in the government-owned duplex house in question who has the longer continuous occupancy, computed as provided in § 130.45, in the duplex house.

(k) "Junior occupant" means that one of the occupants of a family dwelling unit in the government-owned duplex house in question who has the shorter continuous occupancy, computed as provided in § 130.45, in the duplex house.

(l) "Retired former resident" means any person, other than an occupant, resident or project-connected person, who

(1) Having been employed at the project area in one of the capacities set forth in the definition of project-connected person, retired, at any time prior to the date the property in question is first offered for sale, from such employment in accordance with the retirement plan established by his employer; and

(2) At the time of such retirement was either (i) entitled, in accordance with a lease or license agreement with the Commission or its community management contractor, to residential occupancy of government-owned accommodations at the community, or (ii) entitled, in accordance with a lease or similar agreement, to residential occupancy of privately owned rental housing of the community.

(m) "Inhabitant" means a person who owned real property in the project area at Oak Ridge on October 6, 1942, or in the project area at Richland on December 31, 1943.

(n) "Person" means any individual, corporation, partnership, firm, or association.

(o) "Sales agency" means the agency of the Federal Government which is responsible for disposal of property offered pursuant to Chapter 5 of the act.

(p) "Successful claimant" means the person whom the Commission has initially or finally determined to be entitled to purchase a particular piece of property through the exercise of a priority right.

§ 130.4 *Computation of time.* Except as otherwise provided in § 130.44, in computing any period of time prescribed or allowed by this part, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of any period prescribed or allowed by this part is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period will be extended until the end of the next day which is neither a Saturday, Sunday or a legal holiday.

§ 130.5 *Method of service.* All documents of information required to be furnished by priority holders must be actually received by the appropriate agency prior to the expiration of the period of time prescribed or allowed by this part.

PRIORITIES

§ 130.21 *Residential priorities.* The following rights of priority shall be applicable in the sale of property for private residential use:

(a) For government-owned single family houses:

(1) First priority; the occupant.

(2) Second priority; any resident.

(3) Third priority; any project-connected person.

(4) Fourth priority; any retired former resident.

(5) Fifth priority; any inhabitant.

(b) For government-owned duplex houses:

(1) First priority; the senior occupant.

(2) Second priority; the junior occupant.

(3) Third priority; a junior occupant of any duplex house who has been prevented from exercising his second priority by reason of the exercise of the first priority by the senior occupant.

(4) Fourth priority; any resident.

(5) Fifth priority; any project-connected person.

(6) Sixth priority; any retired former resident.

(7) Seventh priority; any inhabitant.

(c) For vacant lots classified for residential use, not under lease or license agreement:

(1) First priority; any resident.

(2) Second priority; any project-connected person.

(3) Third priority; any retired former resident.

(4) Fourth priority; any inhabitant.

(d) For lots and acreage classified for residential use under lease or license agreement on which there is no government-owned building.

(1) First priority; any person who on the date the property in question is first offered for sale is entitled to occupancy of the premises offered for sale in accordance with a lease or license agreement with the Commission or its property management contractor authorizing the use of the permises for residential purposes.

§ 130.22 *Commercial, industrial and nonprofit priorities.* In the sale of property classified for commercial or industrial use, or for use of nonprofit organizations (other than churches), any person who, on the date such property is first offered for sale, is entitled to occupancy of the property offered for sale or a part thereof in accordance with a lease or license agreement with the Commission or its property management contractor, authorizing the use of the property for commercial, industrial or nonprofit use, shall have a priority to purchase the property offered for sale.

§ 130.23 *Church priorities.* In the case of property classified for use of churches, any person who, on the date such property is offered for sale, is entitled to occupancy thereof in accordance with a lease or license agreement with the Commission or its property management contractor, authorizing the use of the premises for church use, shall have a right of priority.

§ 130.24 *Other properties.* In the case of any property not covered by §§ 130.21 to 130.23, inclusive, no priority rights are conferred under this part.

APPLICATION FOR AND EXERCISE OF PRIORITY RIGHTS

§ 130.31 *Applications for priority.* (a) All priority rights within each priority class, other than rights under § 130.21 (a) (1), shall be invalid unless an application for the determination thereof, in the form prescribed by the Commission, is filed with the Commission within 30 days after the date on which the property in question is offered for sale to such priority class.

(b) No application need be filed for priority rights under § 130.21 (a) (1).

(c) Notice of the offering for sale will be given by the sales agency. Such notice will:

(1) Be in such manner as the sales agency shall prescribe;

(2) Identify the property to be sold;

(3) State the terms and conditions of sale and the date of the offer; and

(4) State which rights of priority must be exercised.

§ 130.32 *Exercise of priority.* The sales agency shall prescribe the manner and time within which a priority right that has been determined by the Commission shall be exercised: *Provided, however,* That the time for exercise of priority rights of occupants of single family houses and senior occupants of duplex houses shall be not less than 90 days after the date the property in question is first offered for sale.

§ 130.33 *Abandonment of priority.* (a) Any priority right other than a priority for church property which has been exercised as prescribed by the sales agency shall be deemed abandoned unless the priority purchaser concludes the

sale or executes the contract to purchase:

(1) Within 60 days after tender by the sales agency of a deed or contract to purchase, or

(2) Prior to expiration of the period prescribed for exercise of such priority, whichever is later.

(b) Any right of priority to purchase church property, shall be deemed abandoned unless within six months after a tender by the sales agency of a deed the priority purchaser concludes the sale.

(c) In all cases covered by this section, such time may for good cause be extended by the sales agency.

§ 130.34 *Transfer of priority.* (a) No priority established hereunder shall be transferable except:

(1) A husband and wife may exercise a priority in their joint names.

(2) A religious organization may exercise the occupant's priority which would otherwise belong to its priest, minister or rabbi, regardless of whether that position happens to be filled at the time of the exercise of the priority.

(3) Two or more holders of priorities, granted pursuant to § 130.21 (b) (1) and (2), or § 130.22, having a common interest in a building or location, may assign to a single assignee their rights of priority to purchase such building or location.

§ 130.35 *Nonimpairment of rights.* No priorities determined or exercised hereunder shall impair any rights, including purchase rights, conferred by existing leases and covenants. In the event the Commission finds that such rights would be impaired, it may, notwithstanding any other provisions of this part, cancel the priority or priorities or take such other action as it deems appropriate.

§ 130.36 *Limitation.* (a) No person, married couple or transferee of a priority shall be entitled to purchase more than one parcel of residential property through the exercise of a priority.

(b) Notwithstanding any other provision of this part, lessees of residential property comprehended by section 57 (a) of the act purchasing such property pursuant to an offering thereof by the Commission or the sales agency under authority of section 57a of the act, shall have no residential priority under this part.

§ 130.37 *Persons applying for determinations or exercising priority.* Application for the determination of a priority or the exercise thereof may be executed and filed by the priority holder or, on his behalf, by his duly authorized agent, executor, trustee, administrator, or guardian.

DETERMINATIONS OF PRIORITY RIGHTS

§ 130.41 *Determination of priorities.* All priority rights shall be determined by the Commission and certified by it to the sales agency.

§ 130.42 *Determination of conflicting claims for priority.* (a) Conflicting claims between persons within the same priority class for priority to purchase a particular piece of property shall be determined in accordance with this section and §§ 130.43 through 130.47, as follows:

(1) Conflicting claims for priority to purchase residential property within the same priority group as a junior occupant, resident, or project-connected person, shall be resolved on the basis of seniority of employment in accordance with §§ 130.43 and 130.44.

(2) Conflicting claims for priority to purchase a duplex house by a senior occupant shall be resolved on the basis of seniority of occupancy in accordance with § 130.45.

(3) Conflicting claims for priority to purchase residential property as a retired former resident or inhabitant shall be resolved by the Commission by lot.

(4) Conflicting claims for priority to purchase property classified for commercial, industrial or nonprofit use shall be resolved as follows: From among the conflicting priority holders the Commission shall draw lots until all such priority holders have been ranked. The first name chosen shall have the first opportunity to purchase the property in question. In the event the person first chosen fails to exercise the priority within the time established by the sales agency or abandons the priority as provided in § 130.33, each succeeding priority holder in accordance with his ranking as determined by the drawing shall, subject to the same conditions, have a right to purchase the property in question.

(b) Except as provided in subparagraph (4) of paragraph (a) of this section and in §§ 130.51 to 130.510 all priority rights of unsuccessful claimants to purchase the particular piece of property which is the subject of conflicting claims shall lapse upon the determination by the Commission of the successful claimant.

§ 130.43 *Determination of seniority of employment or service.* Seniority of employment or service shall be determined as of the date any residential property was first offered for sale by adding the periods of employment or service of the claimant, whether or not consecutive, within the following categories:

(a) Employment or service periods of not less than four consecutive weeks at not less than 20 hours per week at the project area at Oak Ridge (in the case of a claim for priority at Oak Ridge) or Richland, (in the case of a claim for priority at Richland) of a claimant by or for:

(1) A contractor or lower tier contractor of the Commission;

(2) The Commission, the United States or any agency thereof (including the Armed Forces) or the State or any political subdivision or agency thereof;

(3) A school or hospital;

(4) Any professional, commercial, or industrial enterprise;

(5) A church or nonprofit organization.

(b) Self-employment periods of a claimant for a minimum of four consecutive weeks at not less than 20 hours per week at the project area at Oak Ridge (in the case of a claim for priority at Oak Ridge), or Hanford (in the case of a claim for priority at Hanford), in one of the capacities listed in subparagraphs (1) and (4) of paragraph (a) of this section.

(c) Service in the Armed Services of the United States when claimant entered the Armed Services within 30 days after leaving any employment set forth in the definition of project-connected person.

§ 130.44 *Evaluation of conflicting claims.* In determining seniority of employment or service, the Commission shall apply the following rules:

(a) The first and last date of each period of employment or service shall be included.

(b) As between claimants employed or discharged at different times during the same day, no seniority of employment or service shall be granted to a claimant by virtue of being first employed or last discharged on such day.

(c) No deduction from periods of employment or service computed in accordance with § 130.48 shall be made for periods of employment or service off the project area when the claimant was or is maintained on and paid from a payroll of an employer located at the project area and such claimant was or is compensated for such period as an employee in travel status in accordance with the recognized practice of such employer.

(d) If a husband and wife exercise a priority in their joint names as provided in § 130.34, only the seniority of the husband or wife, whichever is greater, shall be counted.

(e) In the case of identical claims of seniority of employment or service, the successful claimant shall be determined by lot.

§ 130.45 *Determination of seniority of occupancy of duplex houses.* (a) In determining which of the occupants of a duplex house is the senior occupant,

(1) Occupancy of either dwelling unit in the house shall be counted in determining the period of continuous occupancy;

(2) Occupancy shall be determined by the effective date on which the occupant or a member of his family executed the initial lease or license agreement; and

(3) In the case of claimants whose initial lease or license bears the same effective date, determination shall be made by lot.

§ 130.46 *Evidence.* (a) Claimants shall support their claims to seniority by listing in the space and manner provided on the application prescribed by the Commission, all claimed periods of employment or service coming within § 130.43. The Commission, in determining seniority of a claimant, need not consider any employment or service unless the same is so listed.

(b) At the request of the Commission, any claimant shall furnish such evidence in support of his claim to priority or seniority, at such times and in such form, as the Commission shall specify. In the event of failure to furnish the specified evidence, at the time and in the form requested, the Commission may take such action as it deems appropriate, including the disallowance of the claim or part thereof to which such evidence relates.

§ 130.47 *Commission examination.* The Commission may make such independent examination of the submitted claims to priority or seniority as it deems appropriate.

APPEAL PROCEDURE

§ 130.51 *Establishment of appeal boards.* The Commission's Manager of Operations at each community shall establish an advisory board to consider appeals as to property at the community. The board may adopt such procedures, consistent with this part, as it deems appropriate to carry out its functions.

§ 130.52 *Notice.* (a) With respect to each offering of property to persons in a priority class, other than persons in the priority class granted by § 130.21 (a) (1), the Commission shall post, at one or more public places in the community, a notice stating the person whom the Commission has initially determined to be the successful priority applicant with regard to property offered for disposal.

(b) In all cases in which claims to seniority have been filed pursuant to § 130.43, the notice shall include the total period of seniority allowed by the Commission in making its initial determination.

(c) Upon request by any person whose claim to a priority or to seniority has been disallowed, in whole or in part, the Commission shall advise such person of the reasons for such disallowance.

§ 130.53 *Appeal.* (a) Appeals from the initial determinations of the Commission in cases coming within § 130.52 must be filed in writing with the Commission's Manager of Operations at the community not later than ten days after the posting of the notice referred to in § 130.51.

(b) Any person who had attempted to exercise a right of priority under § 130.21 (a) (1) within the time prescribed by the sales agency, and has been notified by the sales agency that his rights had not been certified by the Commission pursuant to § 130.41, may within ten days after the receipt of such notice, file an appeal in the manner prescribed in paragraph (a) of this section.

(c) Appeals shall specify the bases for the appeal and the nature of the evidence to be produced.

§ 130.54 *Classes of appeals.* (a) Appeals with respect to all priorities except those established for retired former residents and inhabitants and those established under § 130.22 shall be governed by §§ 130.55 to 130.58.

(b) Appeals with respect to priorities established under § 130.21 for retired former residents and inhabitants and to priorities established under § 130.22 shall be governed by § 130.59.

§ 130.55 *Parties to appeal.* Appeals in cases coming within § 130.54 (a) may be filed by any person if:

(a) Assuming the appellant were to prevail as to the matters stated in his appeal, he would have a superior claim to that of the successful claimant to the property in respect of which the appeal is filed; and

(b) The appellant is not the successful claimant to another property offered to the priority class in question.

§ 130.56 *Grounds of appeal.* A person eligible to file an appeal under § 130.55 may appeal as to one or more of the following issues:

(a) His right or the right of the successful claimant to a priority of the class to which the property has been offered;

(b) His period of occupancy or the period of occupancy of the successful claimant, in the case of occupants of duplex houses; and

(c) His periods of seniority of employment or service, or the periods of seniority of employment or service of the successful claimant.

§ 130.57 *Recommended determination.* In the case of appeals coming within § 130.54 (a) the Board may recommend:

(a) Dismissal of any appeal which is not in accordance with the provisions of this part or which is not supported by sufficient evidence;

(b) Affirmance of the initial determination; or

(c) Determination in favor of that one of the conflicting claimants to the property in question, whether or not such claimant has filed an appeal, whom it finds to be entitled to a priority to purchase the property in question: *Provided, however,* That the Board shall disregard all claims of persons who are the successful claimants to any other property offered to the priority class in question, and may disregard the claims of any person who fails to file within the time prescribed by the Board any appearance or evidence requested by the Board.

§ 130.58 *Decision by Manager of Operations or his designee.* The recommendation of the Board will be submitted to the Manager of Operations or his designee, and such Manager or designee shall determine the successful claimant to the property in question. The Manager or his designee may remand any matter to the Board for further consideration and recommendation prior to final determination.

§ 130.59 *Appeals in cases determined by lot.* (a) In cases coming within § 130.54 (b) any person may appeal if:

(1) Assuming the appellant were to prevail as to the matters stated in his appeal, he would establish that the successful claimant is not entitled to a priority of the class to which the property had been offered or that the appellant was improperly denied such a priority; and

(2) In cases of priorities for former retired residents or inhabitants, the appellant is not the successful claimant to another property offered to the priority class in question.

(b) If the Board determines that the person initially determined to be the successful claimant is not entitled to a priority of the class in question, it shall recommend that the initial determination be set aside.

(c) If the Manager or his designee determines that the initial determination shall be set aside, the commission shall:

(1) In the case of claims of retired former residents or inhabitants, resolve the remaining conflicting claims by lot, provided that the claims of persons who are the successful claimants as to any other property offered to the priority class in question shall be disregarded;

(2) In the case of claims under § 130.22, award the property to the next succeeding priority holder, according to his ranking.

(d) No appeal shall lie from a redetermination made pursuant to paragraph (c) of this section.

(e) If the Board determines that the appellant was improperly denied a priority of the class to which the property in question was offered, the Board shall so report to the Manager or his designee, who shall take such action as may appear equitable.

§ 130.60 *Finality.* An initial determination which is not appealed in accordance with this part and a determination or decision by the Manager of Operations or his designee shall be final.

Dated at Washington, D. C., this 14th day of November 1955.

R. W. COOK,
Acting General Manager.

[F. R. Doc. 55-9338; Filed, Nov. 21, 1955; 8:45 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

VARIOUS OFFICIALS

DELEGATIONS OF AUTHORITY

The following delegations of authority have been authorized:

A. Authority has been delegated to the Deputy Administrator to exercise, in the absence of the Administrator, as Acting Administrator, any of the powers of the Administrator. In the absence of the Administrator and the Deputy Administrator, the powers of the Administrator shall be exercised, as Acting Administrator, by one of the two Assistant Administrators, as designated by the Administrator. In the absence of the Administrator and the other officials herein above designated, the powers of the Administrator shall be exercised, as Acting Administrator, by such person as shall be designated by the Administrator.

B. Authority has been delegated to the Deputy Administrator to approve or execute:

1. Agreements or contracts covering management or operations services between telephone and electric borrowers.

2. All matters and documents as to which authority to approve or execute is conferred upon others in paragraphs C through R hereof.

C. Authority has been delegated to the Assistant Administrator (Telephone) to approve or execute:

1. Action concerning the selection of a manager by a borrower.
2. Action concerning the selection of an attorney by a borrower.
3. Contracts for the sale, purchase, or removal of property in place by borrower except instruments relating to interborrower transfers involving the assumption of indebtedness.
4. The use of general funds, or reimbursements thereof from loan funds.
5. Authorization for advance of funds where waiver of loan contract provisions is involved and the placement and release of stop orders on loans involving other considerations.
6. Basis date agreements on approved forms providing for modification of existing mortgage notes.
7. Agreements between telephone borrowers and other REA borrowers for the joint use of the borrowers' facilities.
8. All matters and documents as to which authority to approve or execute is conferred upon others in paragraphs D through L below.

D. Authority has been delegated to the Chief, Telephone Engineering Division to approve or execute:

1. Joint use agreements between telephone borrowers and parties other than REA borrowers.
2. Waiver of defects in title and rights of way.
3. Award of construction and central office equipment contracts.
4. Engineering fee schedules and fees in excess of such schedules.
5. All matters and documents as to which authority to approve or execute is conferred upon others in paragraphs E and F below.

E. Authority has been delegated to the Assistant Chiefs, Telephone Engineering Division to approve or execute:

1. The selection by borrower of an engineer.
2. The selection by borrower of an architect.
3. Plans and specifications for all facilities.
4. Area coverage design.
5. Amendments to construction contracts or central office equipment contracts or requests to amend such contracts where the amount of the amendment exceeds ten percent of the original contract price.
6. Selection by telephone borrowers of the force account method of construction.
7. Borrowers' requests to provide engineering service by force account.
8. Borrowers' proposals for the purchase of special equipment involved in construction other than central office equipment.
9. All matters and documents as to which authority to approve or execute is conferred upon others in paragraph F below.

F. Authority has been delegated to the Line Section Engineers, Telephone Engineering Division to approve or execute:

1. Construction contracts and amendments thereto (including removals involved in new construction) and central office equipment contracts and amendments thereto.
2. Engineering service and architectural service contracts and amendments thereto.
3. Borrowers' proposals and cost estimates for force account engineering and construction.
4. Contracts and amendments thereto for the purchase of materials and special equipment involved in construction (other than central office equipment).
5. Agreements with reference to physical or electrical interference with power and telephone or other communication facilities.
6. Agreements with reference to highway, river, and railroad crossings and sidings and permits for crossing of public lands.

G. Authority has been delegated to the Chief, Telephone Operations and Loans Division, to approve or execute:

1. First advance of loan funds where waiver of loan contract conditions is not involved.
2. Borrowers' agreements or contracts covering management or operations services except those involving electric borrowers.
3. All matters and documents as to which authority to approve or execute is conferred on others in paragraphs H through K, below.

H. Authority has been delegated to the Assistant Chiefs, Telephone Operations and Loans Division, to approve or execute:

1. The use by borrowers of equity funds prior to the first release of loan funds.
2. Forms of certificates evidencing equity payments.
3. Partial release of lien on borrower's property other than real estate or facilities in place when required.
4. All matters and documents as to which authority to approve or execute is conferred on others in paragraphs I through L below.

I. Authority has been delegated to the Line Section Heads, Telephone Operations and Loans Division to approve:

1. Affidavits and certificates with respect to the recording and filing of mortgages and deeds of trust.
2. Municipal and county franchises obtained by borrowers.
3. Special legal fees to be paid by borrowers from loan funds.
4. Proof of borrower's incorporation or changes in corporate status or name.
5. State regulatory body orders and approvals for conformance to REA loan requirements.
6. Borrower's sales and transfers of material and equipment not in place on the telephone system.

J. Authority has been delegated to the Head, Telephone Rate Section, Telephone Operations & Loans Division to approve borrowers' exchange rates and tariffs.

K. Authority has been delegated to the Head, Management Section, Telephone Operations & Loans Division, to approve the insurance and fidelity coverage of borrowers.

L. Authority has been delegated to the Regional Accountant, Telephone Operations & Loans Division, to approve:

1. Depositories for funds of borrowers and trustees under trust indentures when required.
2. Financial Requirement Statements.
3. Selection of certified public accountants to perform audits.
4. Final inventory documents and payments to contractors and engineers.

M. Authority has been delegated to the Assistant Administrator (Electric) to approve or execute:

1. Action concerning the selection of a manager by a borrower.
2. Action concerning the selection of an attorney by a borrower.
3. Wholesale power contracts.
4. Contracts for purchase, sale or removal of property in place by borrowers, except instruments relating to interborrower transfers involving the assumption of indebtedness.
5. Wheeling and interchange power contracts.
6. Budget transfers for generation, transmission, and headquarters facilities.
7. The use of general funds, or reimbursement thereof from loan funds.
8. Borrowers' retail rate schedules.
9. Agreements between electric borrowers and parties other than REA borrowers for the general joint use of the borrowers' facilities.
10. Placement and release of stop orders on loans.
11. Basis date agreements on approved forms providing for modification or existing mortgage notes.
12. All matters and documents as to which authority to approve or execute is conferred upon others in paragraphs N through P below:

N. Authority has been delegated to the Area Directors (Electric) to approve or execute:

1. Construction contracts.
2. Engineering service contracts.
3. Architectural service contracts.
4. Contracts for the purchase and installation of generating equipment.
5. Agreements between electric borrowers and parties other than REA borrowers for the joint use of limited itemized facilities of the borrower.
6. Borrower's selection of force account method of construction and of proposals designed to provide for such construction.
7. Affidavits and certificates with respect to the recording and filing of mortgages and deeds of trust.
8. Proof of borrower's incorporation or changes in corporate status or name.
9. Sales and removals of borrowers' property in place of sales of real estate involving transactions not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser.
10. Loan budget adjustments involving changes in loan purpose except where generation, transmission, headquarters facilities, and reimbursement of general funds are involved.
11. Municipal and county franchises obtained by borrowers.
12. Agreements between electric borrowers for operation of a borrower's facilities.

13. Electric borrowers' optimum service area boundaries.
14. Special legal fees to be paid by borrower from loan funds.
15. Waiver of defects in title or rights-of-way obtained by borrowers.
16. Mortgages to be recorded as financing statements, pursuant to the Uniform Commercial Code of Pennsylvania, and as chattel mortgages in the personal property records of the various counties and in the Office of the Secretary of Commonwealth, all in the State of Pennsylvania.
17. All matters and documents as to which authority to approve or execute is conferred upon others in paragraphs P and Q below.

O. Authority has been delegated to the Engineering Section Heads, Electric Area Offices, to approve:

1. Contracts for the purchase of equipment other than generating and office equipment.
2. Contracts for Materials.
3. Proposals and contracts for the installation of off-peak load control equipment.
4. Meter loop material and installation contracts.
5. Right-of-way clearing contracts.
6. Agreements with reference to physical or electrical interference with power and telephone or other communication facilities.
7. Agreements with reference to highway, river, and railroad crossings and sidings, and permits for crossing of public lands.
8. The selection by borrower of an engineer.
9. The selection by borrower of an architect.
10. Borrowers' proposals for radio and carrier current facilities subject to a loan or budget transfer.
11. Final inventory documents and payments to contractors and engineers.
12. Borrowers' requisitions for loan funds and borrowers' expenditure reports.

P. Authority has been delegated to the Operations Section Head, Electric Area Offices to approve:

1. Retail rate contracts between borrowers and others relating to large power installations.
2. Release of liens upon motor vehicles purchased by borrowers and all other documents and final payments of instruments relating to such liens or releases thereof.
3. Contracts for the purchase of office equipment.
4. Borrowers' sales and transfers of material and equipment (excluding property in place.)
5. Insurance and fidelity coverage of borrowers.
6. Depositories for funds of borrowers and trustees under trust indentures.
7. The selection by a borrower of a certified public accountant to perform audits.
8. Borrowers' request for approval to loan in excess of $2,500 of Section V. loan funds to a consumer.

Q. Authority has been delegated to the Chief, Administrative and Loan Accounting Division to:

1. Execute endorsements or assignments of promissory notes or other collateral pledged by borrowers as security for Rural Electrification Administration loans, as may be necessary in connection with the return of such documents to borrowers because of the payment of the obligations in full or in order that the borrowers may institute legal action thereon or in conection therewith.
2. Cancel or endorse the fact of payment on borrowers' notes which have been paid in full or which are to be returned to borrowers by reason of the cancellation of such notes resulting from the receipt by REA of refunding, renewal, or substituted notes.

R. Authority has been delegated to the Chief, Administrative Division, the head, Administrative Services Section, Administrative Division, and to the Head, Supply and Space Management Unit, Administrative Division to approve the procurement of equipment, materials, and services for REA.

In the event that any of the incumbents of positions to whom delegations are made herein are absent or are unable to act, the person designated to act for such incumbent shall have authority to exercise the authority conferred by such delegations.

These delegations supersede all prior delegations with reference to these matters.

Issued this 16th day of November 1955.

[SEAL] ANCHER NELSEN, Administrator.

[F. R. Doc. 55-9364; Filed; Nov. 21, 1955; 8:51 a. m.]

STATEMENT OF ORGANIZATION

The organization of the Rural Electrification Administration is as follows:

Central Organization. The principal office of the Rural Electrification Administration is at Washington, D. C. The function of the Agency is the carrying out of a program of rural electrification and rural telephony, as provided for by the Rural Electrification Act of 1936, as amended (7 U. S. C. 901–915, 921–924).

The Administrator. The Administrator is appointed by the President, with the advice and consent of the Senate, for a term of ten years. He functions as the chief administrative official of the Agency under the general supervision and direction of the Director, Agricultural Credit Services. He is aided directly by a Deputy Administrator, an Assistant Administrator for the Electric Program, and an Assistant Administrator for the Telephone Program. The work is carried on through the area offices and divisions, described in succeeding paragraphs.

Electric Area Offices. All REA programs for electric borrowers are administered through five area offices designated as Northeast, Southeast, North Central, Southwest and Western. Each of the area offices advises and assists loans applicants in system development and in the preparation of applications; receives, evaluates and processes all loan applications; makes recommendations on loans; advises and assists borrowers in the design and construction of their systems; reviews proposed or completed construction for approval on behalf of the Administrator; provides assistance to borrowers, when necessary, in the business and operating management of their systems.

Telephone Operations and Loan Division. Advises and assists loan applicants in system development and in the preparation of applications; receives, evaluates, and processes all loan applications; makes recommendations on allocations and loans; provides assistance to borrowers, where necessary, in business and operating management.

Telephone Engineering Division. Executes all REA programs for telephone borrowers in connection with the design, construction, and technical operations and maintenance of rural telephone systems and related facilities. Reviews proposed and completed construction for approval on behalf of the Administrator.

Electric Operations and Loans Division. Provides staff service to the REA organization concerning the management and loans phases of the electric program including such matters as systems operations (other than engineering); accounting; loans; retail rates; performance standards and methods; insurance; and power use.

Electric Engineering Division. Provides staff services to the REA organization relating to design, construction, technical operation and maintenance of the physical plant of electric borrowers; power supply and wholesale power rates; system engineering studies; consulting engineering and architectural services; safety and job training; and radio and communication facilities.

Administrative and Loan Accounting Division. Provides accounting and statistical services for REA including fiscal control; accounting systems and procedures; financial and statistical analysis and reports; examination and certification of vouchers and payroll; custody of loan documents; and collections from REA borrowers.

Information Services Division. Prepares and disseminates information designed to acquaint borrowers and the public with the status and progress of the rural electrification and rural telephone programs; and provides technical assistance to other staff divisions and to line divisions in the preparation of written and audio-visual materials as required in the execution of their programs.

Personnel Division. Conducts the personnel program of REA including classification and organization matters; employment, employee relations and counseling; training; health and general welfare.

Administrative Division. Provides administrative services for REA including budget, organization and methods; program analysis; procurement; property accountability; space management; communications and records management; and the maintenance of records required

for the administration of the Agency's production control system.

Internal Audit Division. Conducts an independent appraisal activity of agency operations as a basis for protective and constructive service to the agency management.

Issued this 16th day of November 1955.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-9365; Filed, Nov. 21, 1955; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

NOVEMBER 15, 1955.

In F. R. Document 55-8360, appearing in the issue for Friday, October 14, 1955, at pages 7739 and 7740, make the following changes in descriptions of the legal subdivisions:

SAN BERNARDINO MERIDIAN

T. 2 N., R. 6 E.,
Sec. 12 should be changed to Sec. 12, W½.
T. 3 N., R. 6 E.,
Secs. 1 to 16, inclusive, should be changed to:
Secs. 1 to 3, inclusive;
Sec. 4, N½, SE¼, N½SW¼, and SW¼SW¼;
Secs. 5 to 16, inclusive.
T. 2 N., R. 7 E.,
Secs. 1 to 18, inclusive, should be changed to:
Sec. 1;
Sec. 2, E½, SW¼, and E½NW¼;
Sec. 3, W½, SE¼, W½NE¼, and SE¼NE¼;
Secs. 4 to 6, inclusive;
Sec. 7, N½;
Secs. 8 to 16, inclusive;
Sec. 17, NE¼;
Sec. 18, N½, and SE¼.
T. 2 N., R. 8 E.,
Secs. 3 to 18, inclusive, should be changed to:
Secs. 3 to 10, inclusive;
Sec. 11, W½, and SE¼;
Sec. 12, NE¼, E½SE¼, NW¼SE¼, SW¼SW¼, and N½NW¼;
Sec. 13, W½, SE¼, and S½NE¼;
Secs. 14 to 18, inclusive;
Sec. 24, NE¼ should be changed to Sec. 24, E½NE¼, SW¼NE¼, N½NW¼NE¼, SW¼NW¼NE¼, and N½SE¼NW¼NE¼.
T. 3 N., R. 8 E.,
Add Secs. 26 to 35, inclusive.
T. 2 N., R. 9 E.,
Sec. 18 should be changed to Sec. 18, E½, and NW¼SW¼;
Sec. 19, N½, and NE¼SE¼ should be changed to Sec. 19, NE¼, NE¼SE¼, and E½NW¼;
Sec. 33, E½E½ should be changed to Sec. 33, E½E½, NW¼NE¼, and NW¼.
T. 5 N., R. 10 E.,
Add Secs. 14 and 15.

The area described should be changed to 454,570 acres.

R. E. MCCARTHY,
Acting State Supervisor.

[F. R. Doc. 55-9341; Filed, Nov. 21, 1955; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9563]

GENERAL AMERICAN OIL COMPANY OF TEXAS

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 16, 1955.

Take notice that General American Oil Company of Texas (Applicant), a Delaware corporation whose address is Meadows Building, Dallas, Texas, filed as operator on October 26, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce to be produced from the Mary Murray No. 1 Well, Antioch Pool, Garvin County, Oklahoma, to Lone Star Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, December 27, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 5, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9350; Filed, Nov. 21, 1955; 8:47 a. m.]

[Project No. 2056]

NORTHERN STATES POWER CO. ET AL.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

NOVEMBER 15, 1955.

In the matter of Northern States Power Company, Minneapolis Mill Company and Saint Anthony Falls Water Power Company.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Northern States Power Company, licensee for Project No. 2056, for amendment of its license for the project to authorize certain changes in the project works and to include in the license its Main Street and Consolidated Hydro Plants, Saint Anthony Falls, Water Power Company's redeveloped Hennepin Island Hydro Plant, and the existing Upper Dam owned jointly by Saint Anthony Falls Water Power Company and Minneapolis Mill Company. Minneapolis Mill Company and Saint Anthony Falls Water Power Company have joined in the application for amendment to include in the license their respective project facilities and themselves as joint licensees of Project No. 2056 as their respective interests appear and to the extent that each owns property requested to be included in Project No. 2056.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure. The last day upon which protests or petitions may be filed is January 4, 1956. The application is on file with the Commission for public inspection.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9342; Filed, Nov. 21, 1955; 8:46 a. m.]

[Docket No. G-9647]

SUN OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Sun Oil Comapny (Applicant), on October 19, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change (undated)...	United Fuel Gas Co.....	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 38.	Nov. 19, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 19, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practive and procedure.

By the Commission.[1]

Adopted: November 9, 1955.

Issued: November 15, 1955.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-9343; Filed, Nov. 21, 1955; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7478]

EMPRESA DE TRANSPORTES, AEROVIAS BRASIL, S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Empresa de Transportes, Aerovias Brasil, S. A., for a permit to engage in foreign air transportation pursuant to sections 402, 801 and 1102 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on November 28, 1955, at 10:00 a. m., e. s. t., in Room 2044, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 17, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-9367; Filed, Nov. 21, 1955; 8:51 a. m.]

[1] Commissioner Digby dissenting.

[Docket No. 7492]

SEABOARD & WESTERN AIRLINES, INC.

NOTICE OF HEARING FOR EXEMPTION OF EXECUTION OF CERTAIN SALE-LEASE AGREEMENTS

In the matter of the application of Seaboard & Western Airlines, Inc. for an exemption of the execution of certain Sale-Lease Agreements from the provisions of section 408 of the Civil Aeronautics Act of 1938, as amended, pursuant to section 416 thereof.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on November 22, 1955, at 10:00 a. m., e. s. t., in Room 2044, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., November 17, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-9368; Filed, Nov. 21, 1955; 8:51 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[DPAV-1 (p)]

COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN THE VOLUNTARY PLAN TO CONTRIBUTE TANKER CAPACITY

DELETIONS FROM LIST

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there are herewith published the following deletions from the list of companies which have accepted the request to participate in the voluntary plan entitled, "Voluntary Plan under Public Law 774, 81st Congress, for the Contribution of Tanker Capacity for National Defense Requirements," dated January 18, 1951, which request, original list of companies accepting such request, and the voluntary plan were published in 16 F. R. 1964, on March 1, 1951. Subsequent changes in the list were published in 16 F. R. 3315, 3931, 6545, 8378, 9734; 17 F. R. 1161, 2400, 11074; 18 F. R. 2804, 5376; 19 F. R. 2916, 3950; 20 F. R. 255, 475, and 5110.

Deletions

Pan American Petroleum and Transport Company.
National Shipping and Trading Corporation.
Dorac Shipping Corporation.
Olympia Oil Corporation.
Ventura Steamship Company.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F. R. 4939)

Dated: November 18, 1955.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-9398; Filed, Nov. 18, 1955; 3:05 p. m.]

SMALL BUSINESS ADMINISTRATION

Regional Directors

DELEGATION OF AUTHORITY TO APPROVE LOANS TO VICTIMS OF FLOODS OR OTHER CATASTROPHES

By virtue of the authority vested in the Small Business Administration and its Administrator under the Small Business Act of 1953 (Public Law 163, 83d Congress, 1st Session; 67 Stat. 232) as amended by Public Law 268 of the 84th Congress, 1st Session, the Regional Directors of the Small Business Administration are hereby authorized on behalf of the United States of America, the Small Business Administration or the Administrator thereof:

1. To take final action on disaster loans in an amount not exceeding $20,000 to any one borrower.

2. To redelegate to Managers of Disaster Field Offices, the authority delegated in paragraph 1 above.

3. The Regional Directors at New York, Philadelphia, Boston and Richmond, are hereby authorized to take final action on disaster loans in an amount not exceeding $50,000 to any one borrower.

The authority delegated in paragraph 3 above will expire April 30, 1956.

"Regional Directors" as used herein shall include Acting Regional Directors and "Managers of Disaster Field Offices" shall include Acting Managers of Disaster Field Offices.

The delegation of authority hereunder shall in no way revoke or impair the authority of the Small Business Administration, its Administrator or other of its employees or agents to perform any act or to take any and all actions which are the same or similar to those delegated hereunder.

All acts hereby authorized to be performed hereunder shall be performed in accordance with the provisions of applicable laws.

Dated: November 15, 1955.

WENDELL B. BARNES,
Administrator,
Small Business Administration.

[F. R. Doc. 55-9344; Filed, Nov. 21, 1955; 8:46 a. m.]

[Declaration of Disaster Area 67, Amdt. 1]

GEORGIA

AMENDMENT TO DECLARATION OF DISASTER AREA

1. Declaration of Disaster Area 67 dated August 31, 1955, for the State of Georgia is hereby amended by adding the Counties of McDuffie, Pike, Coffee and Ware to the list of Counties referred to in paragraph 1 of said Declaration.

2. Applications for disaster loans under the authority of said Declaration, as hereby amended, with respect to the

above counties, will not be accepted subsequent to May 31, 1956.

Dated: November 4, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-9403; Filed, Nov. 18, 1955; 3:57 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AURELIO BISETTI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Aurelio Bisetti, Boca, Prov. Novara, Italy, Claim No. 63512, Vesting Order No. 2271; $1,884.27 in the Treasury of the United States.

Executed at Washington, D. C., on November 8, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-9352; Filed, Nov. 21, 1955; 8:48 a. m.]

CAMILLA H. BUCHERER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Camilla H. Bucherer, Administratrix of the Estate of Helen Bucherer, deceased, Joachim Strasse 13, Bonn Germany, Claim No. 29605, Vesting Order No. 2851; $14,792.48 in the Treasury of the United States. A one-half interest in one (1) $1,000.00 United States Treasury Bond, No. 220901, 2½ percent due 1964-69, presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on November 8, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-9353; Filed, Nov. 21, 1955; 8:48 a. m.]

DOROTHEA JAECKEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dorothea Jaeckel, nee Weil, Goerlitz, Germany, Claim No. 41007, Vesting Order No. 5941; $1,587.88 in the Treasury of the United States.

Executed at Washington, D. C., on October 31, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-9354; Filed, Nov. 21, 1955; 8:48 a. m.]

ANTONIO MANDILO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Antonio Mandilo, Stigliano Matera, Italy, Claim No. 44030; $34.57 in the Treasury of the United States. Giuseppe Mandilo, Stigliano Matera, Italy, Claim No. 44031; $34.57 in the Treasury of the United States. Dominico Mandilo, Stigliano Matera, Italy, Claim No. 44032; $34.57 in the Treasury of the United States. Francesco Mandilo, Stigliano Matera, Italy, Claim No. 44033; $34.57 in the Treasury of the United States. Vesting Order No. 699.

Executed at Washington, D. C., on November 8, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-9355; Filed, Nov. 21, 1955; 8:48 a. m.]

THERESIA OPATRIL ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Theresia Opatril, $265.32 in the Treasury of the United States. Christine Kurzmann, $265.32 in the Treasury of the United States. Ferdinand Handler, $265.32 in the Treasury of the United States; All of Styria, Austria, Claim No. 41210; Vesting Order No. 1437.

Executed at Washington, D. C., on November 9, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-9356; Filed, Nov. 21, 1955; 8:49 a. m.]

CHRISTA-MENIKA WINKLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Christa-Menika Winkler, nee Wetzstein, Munich-Lochham, Germany, Claim No. 39859, Vesting Order No. 5951; $679.40 in the Treasury of the United States.

Executed at Washington, D. C., on October 31, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-9357; Filed, Nov. 21, 1955; 8:49 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 45]

DRESSED RABBIT FURS AND FUR SKINS, NOT DYED

INVESTIGATION INSTITUTED AND PUBLIC HEARING ORDERED

Investigation instituted: Upon application of the Rabbit Dressers Institute, Inc., 209 West 26th Street, New York, New York, received October 21, 1955, the United States Tariff Commission, on the 16th day of November 1955, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether dressed rabbit furs and fur skins, not dyed, provided for in paragraph 1519 (a) of the Tariff Act of 1930, are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon

under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Hearing ordered: A public hearing in this investigation was ordered by the Tariff Commission to begin at 10 a. m., e. s. t., on December 19, 1955, in the Hearing Room of the Tariff Commission, 8th and E Streets NW., Washington, D. C., at which hearing all interested parties will be given opportunity to be present, to produce evidence, and to be heard.

Requests to appear at hearing: Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date of the hearing.

Inspection of application: The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted and the above hearing was ordered by the Tariff Commission on the 16th day of November 1955.

Issued: November 17, 1955.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 55-9358; Filed, Nov. 21, 1955; 8:49 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
UNIVERSITY OF MICHIGAN
NOV 23 1955
MAIN READING ROOM

FEDERAL REGISTER

VOLUME 20 1934 NUMBER 228

Washington, Wednesday, November 23, 1955

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 443.2, Administration Letter 440 (440)]

PART 332—PROCESSING INITIAL LOANS

Subchapter C—Production and Subsistence Loans

[FHA Instruction 441.3, Administration Letter 440 (440)]

PART 342—PROCESSING

Subchapter D—Soil and Water Conservation Loans

[FHA Instruction 442.2, Administration Letter 440 (440)]

PART 352—PROCESSING LOANS TO INDIVIDUALS

LOANS IN DESIGNATED AREAS

Chapter III, Title 6, is amended to prescribe additional requirements in the making of loans under Subchapter B "Farm Ownership Loans," Subchapter C "Production and Subsistence Loans," and Subchapter D "Soil and Water Conservation Loans" in special designated areas. In Part 332, § 332.7 (20 F. R. 3670) a new paragraph (f) is added; in Part 342, § 342.3 (20 F. R. 396) a new paragraph (n) is added; and in Part 352, § 352.1 (c) (20 F. R. 1967) a new subparagraph (8) is added, to read as follows:

§ 332.7 *Action by loan approval official.* * * *

(f) *Special requirements for loans in designated areas.* If the loan is to be made in a county designated by the Secretary for Emergency loans in the States of Colorado, Kansas, New Mexico, Oklahoma, Texas, or Wyoming, the following additional requirements are applicable:

(1) Each applicant will be required to furnish a copy of a land capabilities map prepared by the Soil Conservation Service.

(2) If the applicant is not an active Farmers Home Administration borrower, he will be expected to carry on farming operations that are consistent with proper land use for the area. If he is an active Farmers Home Administration borrower, he must be willing and will be expected to carry on such farming operations insofar as conditions within his control will permit; he will be expected to comply fully with recommended land use requirements within a reasonable time; and he must have reasonable prospects for success.

(Sec. 41 (1), 60 Stat. 1066, sec. 4 (c), 64 Stat. 100; 7 U. S. C. 1015 (1), 40 U. S. C. 442 (c). Interprets or applies secs. 1, 3 (a) and (b) (4), 12 (a) and (c) (4), 60 Stat. 1072, 1074, 1076, sec. 44 (b), 62 Stat. 1069 sec. 2 (f), 64 Stat. 99; 7 U. S. C. 1001, 1003 (a) and (b) (4), 1005b (a) and (c) (4), 1018 (b), 40 U. S. C. 440 (f))

§ 342.3 *Loan forms and routines.* * * *

(n) *Special requirements for loans in designated areas.* If the loan is to be made in a county designated by the Secretary for Emergency Loans in the States of Colorado, Kansas, New Mexico, Oklahoma, Texas, or Wyoming, the following additional requirements are applicable:

(1) Each applicant will be required to furnish a copy of a land capabilities map prepared by the Soil Conservation Service.

(2) If the applicant is not an active Farmers Home Administration borrower, he will be expected to carry on farming operations that are consistent with proper land use for the area. If he is an active Farmers Home Administration borrower, he must be willing and will be expected to carry on such farming operations insofar as conditions within his control will permit; he will be expected to comply fully with recommended land use requirements within a reasonable time; and he must have reasonable prospects for success.

(3) If the applicant is a tenant, the landlord must agree in writing for the farm to be operated in accordance with the land use recommendations for the particular farm.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 21, (a), (c), 60 Stat. 1072, 65 Stat. 197, sec. 42 (c), 60 Stat. 1067, sec. 44 (b), 60 Stat. 1069, sec. 48, 60 Stat. 1070, 65 Stat. 198, sec. 1, 63 Stat. 407, sec. 1311 Pub. Law 663, 83d Cong., 68 Stat. 830; 7 U. S. C. 1007, 1016, 1018 (b), 1022, 31 U. S. C. 712a)

§ 352.1 *Loan forms and routines.* * * *

(c) *Special items in preparation of docket.* * * *

(8) *Special requirements for loans in designated areas.* If the loan is to be made in a county designated by the Secretary for Emergency loans in the States

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of Colorado, Kansas, New Mexico, Oklahoma, Texas, or Wyoming, the following additional requirements are applicable:

(i) Each applicant will be required to furnish a copy of a land capabilities map prepared by the Soil Conservation Service.

(ii) If the applicant is not an active Farmers Home Administration borrower, he will be expected to carry on farming operations that are consistent with proper land use for the area. If he is an active Farmers Home Administration borrower, he must be willing and will be expected to carry on such farming operations insofar as conditions within his control will permit; he will be expected to comply fully with recommended land use requirements within a reasonable time; and he must have reasonable prospects for success.

(iii) If the applicant is a tenant, the landlord must agree in writing for the farm to be operated in accordance with the land use recommendations for the particular farm.

(R. S. 161, sec. 6 (3) 50 Stat. 870, sec. 10 (a) (7), 68 Stat. 735; 5 U. S. C. 22, 16 U. S. C. 590w (3), 590x–3. Interprets or applies secs. 2 (3), 5, 50 Stat. 869, 870, secs. 9, 10, 68 Stat. 735, 736; 16 U. S. C. 590s (3), 590v, 590x–2, 590x–3)

Dated: November 17, 1955.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 55–9421; Filed, Nov. 22, 1955; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments contained herein are issued pursuant to authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301 to 1388). The amendments are for the purpose of clarifying the provisions governing the establishment of community referendum committees and of extending the regulations in this part to Puerto Rico.

Referendums with respect to the 1956 crops of upland cotton and extra long staple cotton are to be held on December 13, 1955, and it is, therefore, necessary that the proposed amendments be made effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the provisions of the Administrative Procedure Act (5 U. S. C. 1003) pertaining to notice, public procedure, and effective date is impractical and that the amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

The regulations in this part are amended as follows:

1. Section 717.2 is amended by striking out paragraph (b) and inserting in lieu thereof the following:

(b) *Community referendum committees where one referendum is to be conducted.* In each county with 100 or more farms on which there are producers who are eligible to vote in the referendum, the county committee shall designate a community referendum committee for each community or neighborhood in the county in which there are producers who are eligible to vote in the referendum. Each referendum committee shall consist of three members and one alternate chosen from among the farmers who reside in the community or neighborhood and who are eligible to vote in the referendum. The county committee shall name one member of the community referendum committee as chairman and another member thereof as vice chairman. The vice chairman shall act as the chairman in the event of the absence or incapacity of the chairman and the alternate shall serve on the committee in the place of any regular member who cannot serve. The community referendum committee shall be responsible for the proper holding of the referendum in its community or neighborhood by secret ballot in a fair, unbiased, and impartial manner in accordance with the regulations in this part. In counties with less than 100 farms on which there are producers who are eligible to vote in the referendum, the county shall be considered as one community for the purpose of the referendum and the county committee shall perform, in addition to its other duties, the duties of the community referendum committee unless, for any such county, the county committee and the State committee determine that one or more community referendum committees are necessary to the county for the proper holding of the referendum.

(c) *Community referendum committees where two or more referendums are to be conducted.* Where two or more referendums are to be held in the county on the same day, the provisions of paragraph (b) of this section shall be applicable except that (1) the total number of farms on which there are producers eligible to vote in any one or more of such referendums shall be used to determine whether there are 100 or more farms on which there are producers who are eligible to vote in the referendums, and (2) each community referendum committee shall consist of three members and one alternate chosen from among the farmers who reside in the community or neighborhood and who are eligible to vote in any of such referendums.

2. By adding a new § 717.14 to read as follows:

§ 717.14 *Applicability of regulations to Puerto Rico.* The Agricultural Stabilization and Conservation Caribbean Area Committee shall be in charge of and responsible for conducting in the Commonwealth of Puerto Rico each referendum on marketing quotas for any commodity required by the Act. Insofar as applicable the ASC Caribbean Area Committee shall perform all the duties and assume all the responsibilities otherwise required of State and county committees as provided in the regulations in this part, except that (a) the Director, Agricultural Stabilization and Conservation Caribbean Area Office shall nominate for appointment the members and alternates to serve on community referendum committees and shall establish the boundaries of referendum communities or neighborhoods in such a manner that polling places therein will be conveniently located for the farmers eligible to vote in the referendum, and (b) following the canvass of the ballots as provided in § 717.10 the community referendum committee shall report the results of the referendum to the ASC Caribbean Area Committee.

(Sec. 375, 52 Stat. 66, as amended, 7 U. S. C. 1375)

Issued at Washington, D. C., this 18th day of November 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–9441; Filed, Nov. 21, 1955; 4:35 p. m.]

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS FOR THE 1956 CROP OF EXTRA LONG STAPLE COTTON

GENERAL

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722.1311 Basis and purpose.
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REVIEW OF QUOTAS

722.1329 Review of quotas.

AUTHORITY: §§ 722.1311 to 722.1329 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply Secs. 301, 343–347, 361–368, 373, 374, 388, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1343–1347, 1361–1368, 1373, 1374, 1388.

GENERAL

§ 722.1311 *Basis and purpose.* (a) The regulations contained in §§ 722.1311 to 722.1329 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of State, county, and farm acreage allotments for the 1956 crop of extra long staple cotton and the determination of the acreage planted to extra long staple cotton on individual farms in 1956. The Secretary of Agriculture proclaimed a national marketing quota and a national acreage allotment for the 1956 crop of extra long staple cotton on October 14, 1955 (20 F. R. 7807). The latest available statistics of the Federal Government are used in making the determinations required to be made in connection with §§ 722.1311 to 722.1329. Prior to preparing the regulations in §§ 722.1311 to 722.1329, public notice was given (20 F. R. 6388) in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations which were submitted in response to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In order that the State and county Agricultural Stabilization and Conservation Committees may establish farm acreage allotments as early as possible prior to the extra long staple cotton referendum, which shall be held on December 13, 1955, it is essential that the regulations in §§ 722.1311 to 722.1329 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest, and such regulations shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 722.1312 *Definitions.* As used in §§ 722.1311 to 722.1329 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department of Agriculture acting in his stead pursuant to delegated authority.

(c) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(d) "Director" means the Director, or Acting Director, of the cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Committees":

(1) "Community committee" means the group of persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F. R. 3637), as amended.

(2) "County committee" means the group of persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F. R 3637), as amended. In Puerto Rico the ASC Caribbean Area Committee shall, insofar as applicable, perform all functions of the county committee.

(3) "State committee" means the group of persons designated for a State by the Secretary as the Agricultural Stabilization and Conservation State Committee. In Puerto Rico the ASC Caribbean Area Committee, shall, insofar as applicable, perform all functions of the State committee.

(4) "Review committee" means the group of persons appointed by the Secretary as a review committee pursuant to section 363 of the act.

(f) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof, or the Federal Government or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(g) "Owner" or "landlord" means a person who owns farmland and rents such land to another person or who operates such land.

(h) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(i) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(j) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Farm" means all adjacent or nearby farm or rangeland under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or rangeland which the county committee determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(m) "Farm acreage allotment" means an acreage allotment established for extra long staple cotton for a farm under the regulations in this subpart. Farm acreage allotments are initially established on the basis of the data for farms as finally constituted for 1955; where there is a change in the land in a farm for 1956, the farm acreage allotment will be redetermined in accordance with § 722.1317 (h).

(n) "Extra long staple cotton" means American-Egyptian, Sea Island, and Sealand cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates.

(o) "State and county code number" means the applicable number assigned by the Commodity Stabilization Service to each State and county for the purpose of identification.

(p) "Serial number of the farm" or "farm serial number" means the serial number assigned to a farm by the county committee for purposes of identification.

(q) "Old ELS cotton farm" means a farm located in a county designated in § 722.1316 (b) on which extra long staple cotton was planted in any one or more of the years 1953, 1954, and 1955.

(r) "New ELS cotton farm" means a farm located in a county designated in § 722.1316 (b) on which extra long staple cotton is to be planted in 1956 but on which no acreage was planted to extra long staple cotton in any of the years 1953, 1954, and 1955.

(s) "Normal yield" means the average yield per acre of extra long staple lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year the data are not available or there was no actual yield, then the normal yield for the farm shall be appraised by the county committee, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. The normal yield for a new ELS cotton farm shall be that yield per acre which the county committee determines is normal for the farm as compared with other farms in the locality which are similar with respect to soil and other physical factors affecting the production of extra long staple cotton.

(t) "Normal production" of any number of acres means the normal yield per acre of extra long staple lint cotton for the farm multiplied by such number of acres.

(u) "Actual production" of extra long staple cotton on the farm means the total number of pounds of extra long staple lint cotton determined to have been produced on the farm in 1956.

(v) "Actual yield" per acre means the number of pounds of extra long staple lint cotton determined by dividing the actual production of extra long staple cotton on the farm by the acreage planted to such cotton on the farm in 1956.

(w) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper on a farm, is entitled to all or a share of the 1956 crop of extra long staple cotton produced thereon or of the proceeds thereof.

(x) "Acreage planted to extra long staple cotton":

(1) *State.* The acreages of extra long staple cotton to be used in establishing State acreage allotments are as follows:

(i) *For 1950, 1951, and 1952.* The official planted acreage of extra long staple cotton, as determined by the Agricultural Marketing Service (formerly the Bureau of Agricultural Economics) of the United States Department of Agriculture.

(ii) *For 1953.* The measured acreages of extra long staple cotton for all farms in the State, as determined in accordance with official instructions.

(iii) *For 1954.* The measured acreages of extra long staple cotton for all farms in the State, as determined for purposes of the 1954 extra long staple cotton marketing quota program, and adjusted according to the provisions of subsections (g) (3), (i), and (m) (2) of section 344 of the act.

(2) *County.* The acreages of extra long staple cotton to be used in establishing county acreage allotments are as follows:

(i) *For 1950, 1951, and 1952.* The official planted acreages of extra long staple cotton, as determined by the Agricultural Marketing Service (formerly the Bureau of Agricultural Economics) of the United States Department of Agriculture.

(ii) *For 1953.* The measured acreage of extra long staple cotton for all farms in the county, as determined in accordance with official instructions.

(iii) *For 1954.* The measured acreages of extra long staple cotton for all farms in the county, as determined for purposes of the 1954 extra long staple cotton marketing quota program, and adjusted according to the provisions of subsections (g) (3), (i), and (m) (2) of section 344 of the act.

(3) *Farm (1953, 1954, 1955).* For purposes of establishing farm acreage allotments for the 1956 crop of extra long staple cotton, the acreage planted to such cotton on a farm means the acreage of land planted to extra long staple cotton for the years 1953, 1954, and 1955, which shall be determined as follows:

(i) *For 1953.* The acreage of extra long staple cotton measured in accordance with official instructions.

(ii) *For 1954 and 1955.* The acreage of extra long staple cotton measured for purposes of the 1954 and 1955 extra long staple cotton marketing quota programs, and adjusted, as provided in subsections (g) (3), (i), and (m) (2) of section 344 of the act.

(4) *Farm (1956).* For purposes of determining compliance with the farm acreage allotment, the acreage planted to extra long staple cotton on a farm in 1956 shall be the acreage of land seeded to such cotton on the farm in 1956, excluding any acreage in excess of the farm acreage allotment which (i) is destroyed by causes beyond the producer's control prior to the expiration of the period established under subdivision (ii) of this subparagraph for disposing of excess extra long staple cotton acreage, or (ii) is disposed of not later than 20 days, or such longer period as is approved in writing by the county committee, in accordance with § 722.1325 after the original notice of the measured acreage of extra long staple cotton is mailed to the farm operator.

(y) "Abnormal weather conditions" means weather conditions (including conditions directly resulting therefrom) adversely affecting the planting of extra long staple cotton, which conditions must have been of sufficient duration and intensity to prevent the seeding of land to extra long staple cotton and must have continued until the end of the planting season for the area. In apportioning the national acreage allotment to States in accordance with § 722.1315, adjustments for abnormal weather conditions are made in the acreages planted to extra long staple cotton in the States on the basis of recommendations of the State committees and official statitsics and studies of the Department of Agriculture. In apportioning the State acreage allotment among counties in accordance with § 722.1316 (b), adjustments for abnormal weather conditions are made in the acreage planted to extra long staple cotton in counties on the basis of recommendations of the State committee and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to extra long staple cotton in a State or county is the amount established by reference to available information and data as the net reduction of planted acreage in the State or county attributable solely to abnormal weather conditions. Such adjustments for abnormal weather conditions take into consideration failure to seed extra long staple cotton because of abnormal weather conditions.

(z) "Cropland" means farmland which in 1955 was tilled or was in regular crop-rotation, excluding (1) bearing orchards and vineyards (except the acreage or cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

§ 722.1313 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions with respect to internal management as are necessary for carrying out these regulations. The forms shall be issued by the Director with the approval of the Deputy Administrator, and the instructions shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or to the Director.

§722.1314 *Extent of calculations and rule of fractions.* The acreages planted to extra long staple cotton on farms and farm acreage allotments shall be computed to three places beyond the decimal point and rounded to tenths of acres. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of less than fifty-one thousandths of an acre shall be dropped. For example, 10.051 would be 10.1 and 10.050 would be 10.0.

STATE AND COUNTY ACREAGE ALLOTMENTS

§ 722.1315 *Apportionment of national acreage allotment among States.* The National acreage allotment proclaimed for the 1956 crop of extra long staple cotton, is apportioned among the States (including Puerto Rico) on the basis of the average acreage planted to extra long staple cotton in each such State for the years 1950, 1951, 1952, 1953, and 1954, with adjustments in such acreages for abnormal weather conditions. The acreage allotted to a State pursuant to the provisions of this section is referred to herein as the "State acreage allotment". The State acreage allotment for each State for the 1956 crop of extra long staple cotton is as follows:

State:	State acreage allotments
Arizona	18,433
California	291
Florida	559
Georgia	120
New Mexico	8,424
Puerto Rico	1,708
Texas	15,770
United States, total	45,305

§ 722.1316 *Apportionment of State acreage allotment among counties*—(a) *Establishment of State acreage reserve.* The State committee shall determine the percentage of the State acreage allotment which is needed for the purposes of subparagraphs (1) through (5) of paragraph (c) of this section and shall set aside a total State acreage reserve of not more than 10 percent of the State acreage allotment, and not less than 3 percent of the State acreage allotment unless, on the basis of the needs of the State, the State committee recommends a smaller acreage reserve than 3 percent of the State acreage allotment and the Administrator of the Commodity Stabilization Service approves such recommendation.

(b) *Computed county acreage allotments.* The State acreage allotment for the 1956 crop of extra long staple cotton, less the State acreage reserve established pursuant to paragraph (a) of this section shall be apportioned to the following counties designated pursuant to section 347 (a) of the act: Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; Imperial and Riverside Counties, California; Alachua, Bradford, Columbia, Hamilton, Jefferson, Lake, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwanee, Union, and Volusia Counties, Florida; Atkinson, Berrien, Cook, and Lanier Counties, Georgia; Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; the North Area and the South Area in Puerto Rico; and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas. Such apportionment is made on the basis of the acreage planted to extra long staple cotton in 1950, 1951, 1952, 1953, and 1954 (herein referred to as the "base years"), with adjustments for abnormal weather conditions during such years. The acreage allotted to a county pursuant to the provisions of this paragraph is herein referred to as the "computed county acreage allotment." The extra long staple cotton producing areas located in the northern part of Puerto Rico shall be considered as a county and the cotton producing areas located in the southern part of Puerto Rico shall be considered as a county.

(c) *Use of State acreage reserve.* The State acreage reserve established under paragraph (a) of this section shall be used by the State committee for any one or more of the purposes set forth in subparagraphs (1) through (5) of this paragraph.

(1) *To adjust computed county acreage allotments for trends in the acreage of extra long staple cotton.* A part or all of the State acreage reserve may be used by the State committee, as determined to be necessary, to adjust the computed county acreage allotments for trends in the acreage planted to extra long staple cotton in the counties during recent years (the period of years may include the year 1955 but shall not include the year 1949). The State committee may determine such adjustments by use of a formula which shall be applied uniformly to each county in the State.

(2) *To adjust computed county acreage allotments for counties adversely affected by abnormal conditions affecting plantings of extra long staple cotton.* A part or all of the State acreage reserve may be used by the State committee, as determined to be necessary, to adjust the computed county acreage allotments for abnormal conditions adversely affecting plantings in the counties during the base years. The State committee shall examine the acreage planted to extra long staple cotton in the county in each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions. In determining whether an adjustment should be made for abnormal conditions adversely affecting plantings in a county, the State committee shall take into consideration the following factors: (i) abnormal weather conditions, such as floods and droughts during the planting season which caused plantings during such season to be abnormally low in comparison with normal; (ii) conditions in counties in which a number of farms are being returned to extra long staple cotton production or are increasing the acreage in such cotton after having been out of production or having been on a reduced level of extra long staple cotton production because such farms were used to a larger extent than normal in connection with air bases, defense plants and other wartime activities; (iii) abnormal reduction in planted acreage of extra long staple cotton because of an unusual movement of labor from farms in the area or county to war industries or into the armed forces and the return of such labor as compared with such movements in other counties; and (iv) any other abnormal conditions which adversely affected plantings in the county to a greater extent than in other counties. In determining any adjustment under subdivision (i) of this subparagraph for abnormal weather conditions the State committee shall take into consideration any adjustment made for abnormal weather conditions pursuant to paragraph (b) of this section.

(3) *To make adjustments in acreage allotments for small farms.* The State committee shall determine the acreage, if any, which is required from the State acreage reserve to supplement that part of the county acreage reserves established as provided for in subparagraphs (1) and (2) of § 722.1317 (e) to adjust indicated farm acreage allotments for old ELS cotton farms established at 15 acres or less under paragraph (c) or (d) of § 722.1317. The State committee shall determine the acreage, if any, to be made available to a county for the purposes of this subparagraph and such acreage shall be used by the county committee only for adjustments in small farm allotments.

(4) *To establish 1956 acreage allotments for new ELS cotton farms.* Where the State committee determines that the needs for acreage to establish acreage allotments for new ELS cotton farms are generally uniform in counties throughout the State, the State committee shall determine whether all the acreage required to establish acreage allotments for new ELS cotton farms shall be provided from the State acreage reserve or the county acreage reserve, or from both such reserves. In determining the source of acreage for new ELS cotton farms the State committee shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.1317 (e) (3). Where it is determined by the State committee that the entire county acreage reserve for any county is needed for making adjustments pursuant to subparagraphs (1) and (2) of § 722.1317 (e), the State committee shall consider establishing an acreage from the State acreage reserve to supplement the acreage, if any, set aside by the county committee from the county acreage reserve for establishing acreage allotments for new ELS cotton farms. In determining the estimated acreage to be set aside for establishing acreage allotments for new ELS cotton farms on the basis of the factors set forth in § 722.1317 (e) (3), the State committee shall take into consideration the experience of State and county committees in establishing acreage allotments for new ELS cotton farms under previous acreage allotment programs and any other available information. The acreage made available to any county under this subparagraph shall be used by the county committee only for new ELS cotton farms.

(5) *To correct inequities in farm allotments and to prevent hardship.* The State committee shall determine the acreage required from the State acreage reserve to supplement that part of the county acreage reserve established, as provided for in § 722.1317 (e) (4), for making adjustments in farm acreage allotments to correct inequities and to prevent hardship.

(d) *Availability of data for inspection.* The following shall be on file and shall be available in the office of the State committee for examination by any interested producer of extra long staple cotton: (1) The amount of the State acreage reserve; (2) the formula, if any, and data developed and used under subparagraphs (1) and (2) of paragraph (c) of this section; and (3) the total acreage set aside from the State acreage reserve for the purposes set forth in subparagraphs (3), (4), and (5) of paragraph (c) of this section.

(e) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (b) of this section, and (2) the acreages from the State acreage reserve which are added to the computed county acreage allotment under subparagraphs (1) and (2) of paragraph (c) of this section. This paragraph will be amended at a later date to include the county acreage allotment established for each county.

(f) *Administrative areas.* If the county committee with the approval of the State committee, or if the State committee, determines with respect to a county in which farm acreage allotments are to be established under § 722.1317 (c) that, because of different conditions pertaining to the production of extra long staple cotton in separate areas of the county, including differences in types, kinds, and productivity of the soil, different areas of the county should be treated separately in order to prevent discrimination, each such area shall be designated as an administrative area and, insofar as practicable, each such area shall be treated as a county in determining the acreage allotment for the area and in establishing farm acreage allotments.

(g) *Apportionment of excess released acreage to counties.* The acreage allotment surrendered to the State committee pursuant to § 722.1317 (j) shall be apportioned by the State committee to counties on the basis of trends in acreage, abnormal conditions adversely affecting plantings, or for small or new farms or to correct inequities in farm allotments and to prevent hardship.

ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS

§ 722.1317 *Apportionment of county acreage allotment*—(a) *Determination of method to be used in apportioning county acreage allotment among farms.* Section 344 (f) (2) of the act provides that the county acreage allotment, less the county acreage reserve, shall be allotted to farms by multiplying the adjusted cropland for each old ELS cotton farm by a uniform county (or administrative area) cropland factor (this method of establishing allotments will be referred to herein as the "cropland basis"). Section 344 (f) (6) of the act provides that if the county committee so recommends and the Secretary determines that such action will result in a more equitable distribution of the county allotment among farms in the county than would be the case if the cropland basis were used, the county acreage allotment, less the county acreage reserve, shall be apportioned to old ELS cotton farms on the basis of the acreage planted to such cotton on the farm during the preceding three years, adjusted as may be necessary for abnormal conditions affecting plantings (this method will be referred to herein as the "historical basis"). The county committee shall study these two methods of apportioning the county acreage allotment among farms and determine which method should be used in order to establish equitable allotments for farms in the county. If the county committee determines that farm acreage allotments should be determined on the historical basis, its recommendation to that effect should be forwarded to the State committee for transmittal to the Deputy Administrator. When § 722.1316 (e) is amended to include the county acreage allotment established for each county, the Secretary will designate the basis on which farm acreage allotments are to be established in the county.

(b) *Determination of county acreage reserve.* The county committee shall establish a county acreage reserve of not in excess of 15 percent of the county acreage allotment which may be used to adjust indicated farm acreage allotments for old ELS cotton farms determined under paragraph (c) or (d) of this section and to establish acreage allotments for new ELS cotton farms under paragraph (e) (3) of this section. The county acreage reserve shall be not less than five percent of the county acreage allotment unless the county committee recommends a smaller acreage reserve and the State committee gives its approval. Any approval of a smaller acreage reserve shall be based upon a showing that such acreage is adequate, on the basis of the factors set forth in paragraph (e) of this section, to make necessary adjustments in indicated allotments for old ELS cotton farms and to establish allotments for new ELS cotton farms. The county acreage reserve approved by the State committee shall be not less than three percent of the county acreage allotment, except that the Deputy Administrator may approve a smaller reserve for a county if he finds that three percent of the county acreage allotment would provide more acreage for adjustments and establishing new farm allotments than is needed in the county.

(c) *Indicated acreage allotments for old ELS cotton farms in counties where farm acreage allotments are determined on the cropland basis.* If farm acreage allotments are to be determined in the county on the cropland basis, the county acreage allotment, less the acreage reserved pursuant to paragraph (b) of this section, shall be used to determine indicated allotments for old ELS cotton farms as follows:

(1) *Determination of adjusted cropland.* The county committee shall determine an adjusted cropland acreage for each old ELS cotton farm by deducting from the cropland on the farm the sum of the following acreages:

(i) The 1955 acreage of surgarcane for sugar or for syrup and sugar beets for sugar;

(ii) The 1955 acreage of tobacco for market (or the 1955 farm acreage allotment, if any, for the applicable type of tobacco if the 1955 acreage has not been determined);

(iii) The 1955 acreage of peanuts picked and threshed, as adjusted by the county committee for abnormal conditions affecting such acreage;

(iv) The 1955 wheat acreage for market (including the acreage of wheat for feeding to livestock for market). In States in the commercial wheat-producing area for 1956, if the 1955 wheat acreage on the farm was reduced substantially below the 1955 farm wheat acreage allotment because of adverse weather conditions, the acreage to be deducted shall be the 1956 wheat allotment for the farm (less the acreage determined by the county committee to be used on the farm for home use other than for feeding to livestock for market). In the counties designated in subdivision (vi) of this subparagraph, the deduction for wheat acreage shall be limited to the acreage by which the deduction which otherwise would be made under this subdivision exceeds the acreage deducted under subdivision (vi) of this subparagraph;

(v) The acreage planted to rice in 1955 for market (including the acreage of rice for feeding to livestock for market), plus the acreage of other riceland on the farm for which water is available and which is not used for the production of extra long staple cotton under the rotation system for the farm; and

(vi) In Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; and in Imperial and Riverside Counties, California; and in Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; and in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas, the acreage of cropland in excess of that acreage for which irrigation water is normally available and adequate from available facilities for the production of irrigated crops during the cotton-producing season (seeding to maturity).

(2) *Determination of county cropland factors.* The first county cropland factor shall be computed by dividing (i) the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section) by (ii) the total of the adjusted cropland acreage determined for old ELS cotton farms in the county under subparagraph (1) of this paragraph. Second and additional county cropland factors shall be determined, if necessary, by dividing (i) the available county acreage allotment remaining after maximum indicated farm acreage allotments, as defined in subparagraph (3) of this paragraph have been determined for such old ELS cotton farms by (ii) the total of the adjusted cropland acreages determined for old ELS cotton farms in the county under subparagraph (1) of this paragraph, which under the preceding factor were not affected by the maximum allotment provision. The last county (or administrative area) cropland factor computed and applied shall be referred to herein as the "final county cropland factor."

(3) *Indicated farm acreage allotment.* An indicated acreage allotment shall be computed for each old ELS cotton farm under this paragraph by multiplying the adjusted cropland for each such farm by the applicable county cropland factor except that (i) the maximum indicated acreage allotment for any such farm shall not exceed the highest acreage planted to extra long staple cotton on the farm in any of the years 1953, 1954, and 1955.

(d) *Indicated acreage allotments for old ELS cotton farms in counties where farm acreage allotments are determined on the historical basis pursuant to section 344 (f) (6) of the act.* In counties where the county committee recommends that the county acreage allot-

ment, less the acreage reserved pursuant to paragraph (b) of this section, be apportioned among farms for the year 1956 on the historical basis and the Deputy Administrator approves such recommendation, indicated allotments for old ELS cotton farms shall be determined by multiplying the allotment base for the farm by a factor determined by dividing the total of all such allotment bases into the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section): *Provided*, That, if the county committee so elects, any such indicated farm acreage allotment shall not exceed an acreage equal to 50 percent of the cropland on the farm, and any part of the county acreage allotment not apportioned by reason of the application of such 50 percent limitation shall be added to the county acreage reserve established under paragraph (b) of this section and shall be available for the purposes specified in paragraph (e) of this section. For the purposes of this paragraph, the term "allotment base" means the average of the acreages planted to extra long staple cotton on the farm during each of the three years 1953, 1954, and 1955 (sum of the acreages divided by three), with such adjustment in the acreage for any year as may be necessary for abnormal conditions affecting plantings. Adjustments for abnormal conditions affecting plantings will be made by the county committee on the basis of data and information available in the county office records or furnished by producers on the farm.

(e) *Use of county acreage reserve.* The county acreage reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm acreage allotments of 15 acres or less.* Not less than 20 percent of the county acreage reserve shall, to the extent required, be used by the county committee to adjust indicated farm acreage allotments determined under paragraph (c) or (d) of this section to be 15 acres or less. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the acreages planted to extra long staple cotton in 1953, 1954, and 1955; the land, labor, and equipment available for the production of such cotton; crop-rotation practices; the soil and other physical facilities affecting the production of such cotton; and abnormal conditions of production. The county committee shall not make adjustments under this subparagraph so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage which could be planted to extra long staple cotton on the farm in 1956 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause extra long staple cotton to be planted on land unsuited for the production of such cotton.

(2) *Adjustments in indicated acreage allotments for other farms.* The remainder of the acreage in the county acreage reserve, after meeting or determining the requirements under subparagraphs (1), (3) and (4) of this paragraph, shall be used by the county committee to adjust indicated farm acreage allotments which are more than 15 acres. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the land, labor, and equipment available for the production of extra long staple cotton; crop-rotation practices; the soil and other physical facilities affecting the production of such cotton; and abnormal conditions of production. In the absence of specific data relating to the labor and equipment available for the production of extra long staple cotton and to the crop-rotation practices followed on a farm, the county committee may consider the acreage planted to such cotton on the farm in 1953, 1954, or 1955 as reflecting such factors and use such acreage as the basis for adjusting the indicated farm acreage allotment under this subparagraph. The county committee shall not make adjustments under this subparagraph so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage of extra long staple cotton which could be planted on the farm in 1956 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause extra long staple cotton to be planted on land unsuited for the production of such cotton.

(3) *Acreage allotments for new ELS cotton farms*—(i) *Determination of acreage needed for establishing acreage allotments for new ELS cotton farms.* The county committee, with the assistance of the community committees, shall estimate from county office records and other available sources of information the number of new ELS cotton farms in the county. In counties where farm acreage allotments are established on the cropland basis, an estimate shall be made of the adjusted cropland acreage for new ELS cotton farms; and in counties where farm allotments are established on the historical basis, an estimate shall be made of the cropland on new ELS cotton farms. Such estimates shall be used by the State and county committees as a basis for determining the acreage that will be required for establishing acreage allotments for new ELS cotton farms. In determining the acreage from the county acre reserve which is to be used for establishing acreage allotments for new ELS cotton farms, the county committee shall taken into consideration the acreage, if any, to be made available from the State acreage reserve pursuant to subparagraph (4) of § 722.1316 (c) for establishing acreage allotments for new ELS cotton farms. The total acreage reserved for establishing allotments for new ELS cotton farms in the county, including any acreage allocated to the county for new ELS cotton farms from the State acreage reserve, shall not exceed 75 percent of the total of the farm acreage allotments which the county committee estimates will be determined for the same number of old ELS farms in the county which are similar except for the acreages planted to extra long staple cotton during the years 1953, 1954, and 1955.

(ii) *Eligibility of a new ELS cotton farm for a farm acreage allotment.* An acreage allotment for extra long staple cotton for a new ELS cotton farm may be established by the county committee if each of the following conditions is met:

(*a*) An application for an acreage allotment is filed by the farm operator with the county committee by the closing date established by the State committee. In no event is the closing date to be earlier than February 15, 1956 (January 15, 1956, in Puerto Rico).

(*b*) The farm operator is largely dependent on income from the farm for his livelihood.

(*c*) The farm is the only farm in the county which is owned or operated by the farm operator or farm owner for which an acreage allotment for extra long staple cotton is established for 1956.

(iii) *Establishment of acreage allotments for new ELS cotton farms.* If the applicant's farm is eligible for an acreage allotment for extra long staple cotton, such allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of extra long staple cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of such cotton. The acreage allotment so determined for any such farm shall not exceed the smallest of (*a*) the acreage allotment established for old ELS cotton farms in the county which are similar with respect to the foregoing factors, (*b*) the acreage allotment requested by the applicant, and (*c*) the indicated allotments established pursuant to paragraph (c) or (d) of this section for old ELS cotton farms in the county which are similar except for the acreages planted to extra long staple cotton during the years 1953, 1954, and 1955. The sum of the acreage allotments determined by the county committee for new ELS cotton farms shall not exceed the acreage reserves available for such farms in the county under this subparagraph. The acreage allotments for new ELS cotton farms shall be subject to review and approval by the State committee, as provided in § 722.1328.

(4) *Adjustments in farm acreage allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage requirefrom the county reserve to supplement any acreage allocated to the county from the State acreage reserve to correct inequities in farm allotments and to prevent hardship. Such reserve shall be used by the county committee where it determines that the farm acreage allotment established under other provisions of this section is inequitable or that such allotment would work undue hardship on the producers on the farm. Such reserve may also be used for establishing and adjusting farm acreage allotments as provided in paragraph (h) of this section.

(f) *Use of acreage allocated to county from State acreage reserve for adjusting allotments for small farms.* The acreage allocated to a county from the State acreage reserve for small farms shall be used by the county committee to adjust indicated farm acreage allotments of 15 acres and less for old ELS cotton farms on the basis of the factors set forth in paragraph (e) (1) of this section for adjusting small farm allotments.

(g) *Allocation of reserve acreage by use of mathematical formula or rule.* Any mathematical formula or rule adopted by the county committee for use in calculating the amount of acreage to be allocated to an individual farm from the acreage reserves provided for in paragraphs (e) and (f) of this section shall be subject to the approval of the State committee.

(h) *Allotments for late and reconstituted farms and correction of errors.* The acreage reserve provided for in paragraph (e) (4) of this section shall be used by the county committee for the purposes specified therein and also for establishing allotments for old ELS cotton farms for which allotments were not established at the time allotments were originally established for old ELS cotton farms in the county because of oversight on the part of the county committee or because the county committee had no information or data with respect to acreage planted to extra long staple cotton on the farm in 1953, 1954, and 1955, for correcting errors in farm acreage allotments, and for use in establishing acreage allotments for farms which are divided or combined for 1956. Where reconstitutions of farms are made for 1956 after farm acreage allotments for 1956 are established prior to the referendum, the extra long staple cotton acreage histories and the acreage allotments for all such reconstituted farms shall be established as provided in subparagraphs (1) and (2) of this paragraph.

(1) If land which was constituted as a single farm for the year 1955 is divided into two or more tracts for 1956:

(i) The acreages planted to extra long staple cotton on the farm in 1953, 1954, and 1955 (as defined in § 722.1312 (x) and as shown in Col. (2), Cotton Table 2 of the county committee's farm cotton acreage record) shall be divided among the tracts in proportion to the acreage of cropland on each tract, except that upon agreement by the owners and operators and approval by the county committee the acreages normally considered as riceland, wheatland and sugarcane land may be excluded from the cropland on each tract in apportioning the extra long staple cotton acreage history among the tracts: *Provided*, That, if two or more tracts of land were combined for 1954 or for 1955 to form the single farm and the single farm is divided for 1956, the extra long staple cotton acreage history for any year in the farm base period prior to the combination which was contributed by each tract to the history for the single farm will be restored to such tract; and if any such tract is divided into two or more parts in connection with a reconstitution for 1956 the extra long staple cotton acreage history for such tract for any year in the farm base period prior to the combination shall be divided among such parts in proportion to the acreage of cropland in each such part, except that, upon agreement by the owners and operators and approval by the county committee, the acreages normally considered as riceland, wheatland and sugarcane land may be excluded from the cropland in apportioning the extra long staple cotton acreage history for the tract among the parts.

(ii) In counties where farm acreage allotments are determined on the historical basis, if the acreage planted to extra long staple cotton in 1953, 1954, or 1955 is adjusted for abnormal conditions affecting plantings, as provided in § 722.1317 (d), such adjusted acreage shall be divided among the tracts as follows:

(*a*) For any of the years 1953, 1954, and 1955 when the farm being divided was operated as a single farm, the cropland ratio determined under subdivision (i) of this subparagraph shall be used in apportioning such adjusted extra long staple cotton acreage among the tracts.

(*b*) In case the farm being divided was established by combining two or more tracts of land for 1954 or for 1955, each such tract shall be referred to herein as an "identical tract", and the adjusted extra long staple cotton acreage for 1953 (in case of a combination for 1954) or for 1953 and 1954 (in case of a combination for 1955) shall be divided among the identical tracts as follows:

(*1*) Where any such adjustment in the acreage planted to extra long staple cotton was made prior to the combination and the adjusted extra long staple cotton acreage for that year for the combined farm which was used in establishing the original 1956 farm acreage allotment is the same as when the combination was made, the adjusted extra long staple cotton acreage which was used for the identical tract in making the combination shall be reestablished for the tract for that year.

(*2*) Where any such adjustment in the acreage planted to extra long staple cotton was made prior to the combination and the adjusted extra long staple cotton acreage for that year for the combined farm which was used in establishing the original 1956 farm acreage allotment is less than when the combination was made, the adjustment for each identical tract in making the combination shall be reduced by the same percentage that the adjustment previously applicable for the combined farm was reduced.

(*3*) Where any such adjustment (upward) for any year for the combined farm which was used in establishing the original 1956 farm acreage allotment is larger than the adjustment in effect at the time the combination was made, the county committee shall determine the share of the increase in the adjustment which is to be assigned to each identical tract on the basis of the conditions obtaining on the tract which were the cause for the increase and shall add its share of such increase to the adjusted extra long staple cotton acreage determined for each such tract for that year prior to the combination.

(*4*) Where any such adjustment (upward) in the acreage planted to extra long staple cotton in a year prior to the combination was initially made in establishing the original 1956 farm acreage allotment, the county committee shall determine the share of the adjustment which is to be assigned to each identical tract and shall add its share of such increase to the planted extra long staple cotton acreage for each such tract for that year.

(*5*) If, in establishing the original 1956 farm acreage allotment for a farm which was established by combining two or more tracts of land for 1954 or for 1955, the acreage planted to extra long staple cotton on the combined farm was adjusted downward for abnormal conditions affecting plantings, the county committee shall determine the share of the adjustment which is to be assigned to each identical tract and make a corresponding reduction in the acreage planted to extra long staple cotton on such tract for that year.

(*c*) Where an identical tract is divided, the adjusted extra long staple cotton acreage for that year for the identical tract shall be divided among the tracts thereof in proportion to the acreage of cropland on each such tract, except that upon agreement by the owners and operators and approval by the county committee the acreages normally considered as riceland, wheatland, and sugarcane land may be excluded from the cropland on each tract in apportioning the adjusted extra long staple cotton acreage for the identical tract among the tracts thereof.

(iii) In counties where farm acreage allotments are determined on the cropland basis the 1956 farm acreage allotment established for the single farm shall be apportioned among the tracts on the basis of the cropland used or which would be used for each such tract in apportioning the 1955 extra long staple cotton acreage among the tracts pursuant to subdivision (i) of this subparagraph.

(iv) In counties where farm acreage allotments are determined on the historical basis the 1956 farm acreage allotment established for the single farm shall be apportioned among the tracks in proportion to the allotment bases determined for such tracts.

(v) The sum of the 1956 allotments established for the several tracts shall not exceed the 1956 acreage allotment initially established for the single farm, except that the allotment determined under the foregoing provisions of this subparagraph for any farm consisting of such a tract or of which such a tract becomes a part may be (*a*) adjusted by the county committee with the reserve available to correct inequities and to prevent hardship, and (*b*) increased with released acreage available to the county committee under paragraphs (j) and (k) of this section.

(2) If two or more tracts of land are combined and operated as a single farm in 1956 the allotment established for

such single farm shall be the sum of the allotments established for such tracts, except that the allotment for such single farm shall not exceed the maximum farm allotment if such allotment limitation is in effect in the county: *Provided*, That the allotment determined for such single farm under the foregoing provisions of this subparagraph may be (*i*) adjusted by the county committee with the reserve available to correct inequities and to prevent hardship and (*ii*) increased with released acreage available to the county committee under paragraphs (j) and (k) of this section.

(i) *Availability of reserves for inspection by interested producers.* The allocations to the county from the State acreage reserve and the total amount and the distribution of the county acreage reserve shall be available in the office of the county committee for examination by any interested producer.

(j) *Release and reapportionment of extra long staple cotton acreage allotments.* Any part of any 1956 farm acreage allotment which will not be used in 1956 and which is voluntarily released to the county committee by the farm owner or operator by the applicable closing date shall be deducted from the farm acreage allotment and may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm acreage allotments in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of extra long staple cotton, land, labor, and equipment available for the production of extra long staple cotton, crop-rotation practices, and soil and other physical facilities affecting the production of such cotton. The State committee shall establish closing dates for purposes of the foregoing provisions for the entire State or for areas in the State if there is a substantial difference in planting dates for different areas in the State. The closing date so established for releasing farm acreage allotments shall be the date on which the planting of extra long staple cotton normally becomes general on farms in the State or area, and the closing date so established for reapportionment of such released acreage to other farms in the same county shall be the latest date on which extra long staple cotton can normally be planted on farms in the State or area with reasonable expectation of producing an average crop. If all of the allotted acreage voluntarily released is not needed in the county, the county committee may surrender the excess acreage to the State committee for reapportionment to counties as provided in § 722.1316 (g). Any farm acreage allotment released for 1956 only shall, in determining future farm acreage allotments, be regarded as having been planted on the farm from which such allotment was released if extra long staple cotton was planted on such farm in at least one of the years in the three-year farm base period, except that acreage released by the owner or operator of a new ELS cotton farm will not be regarded as planted on such farm unless a part of such allotment is retained and extra long staple cotton is planted on the farm in 1956. Any part of any farm acreage allotment may be permanently released in writing to the county committee by the owner and operator of the farm, and reapportioned as provided in this paragraph. In determining future farm acreage allotments, the planting in 1956 of reapportioned acreage allotments shall not be considered. For the purpose of determining future State and county acreage allotments, reapportioned acreage will be credited to the State and to the county in which such acreage was planted. Notwithstanding the foregoing provisions of this paragraph, the county committee shall not accept a release of a farm acreage allotment permanently or for 1956 only, if (1) such release is opposed by the owner or operator or the holder of a real estate lien on the farm, or (2) the county committee determines that the farm is being acquired for governmental or other public purposes.

(k) *Apportionment of surrendered acreage allocated to county by State committee.* The acreage apportioned to the county under paragraph (g) of § 722.1316 may be used by the county committee for establishing and adjusting farm acreage allotments for new ELS cotton farms or small farms or to correct inequities and to prevent hardship in accordance with the provisions of paragraphs (e) and (f) of this section.

§ 722.1318 *Publicly-owned agricultural experiment stations*—(a) *Acreage allotments for farms operated by publicly-owned agricultural experiment station.* A farm acreage allotment shall be established pursuant to the provisions of § 722.1317 for a farm operated by a publicly-owned agricultural experiment station.

(b) *Conditions under which production is exempted from penalty.* The marketing penalty shall not apply to the marketing of any extra long staple cotton of the 1956 crop which is grown, for experimental purposes only, on a farm operated by a publicly-owned agricultural experiment station and produced at public expense by employees of the experiment station. Where the acreage planted to extra long staple cotton on a farm operated by a publicly-owned agricultural experiment station is in excess of the farm acreage allotment, the acreage used for determining the marketing excess, if any, for the farm shall be the smaller of (1) the acreage planted to extra long staple cotton on the farm in excess of the farm acreage allotment, or (2) the acreage planted to extra long staple cotton on the farm which is not for experimental purposes. Also, the marketing penalty shall not apply to extra long staple cotton produced for experimental purposes on other land by a person pursuant to a written agreement with a publicly-owned agricultural experiment station whereby the experiment station bears the costs and risks incident to the production of the extra long staple cotton and the proceeds from the crop inure to the benefit of the experiment station and such agreement is approved by the State committee. Such approval will be given if the State committee finds that the agreement conforms to the requirements of this subparagraph.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.1319 *Notice of farm acreage allotment and marketing quota.* Immediately after farm acreage allotments in a county or other local administrative area are established and approved by the State committee pursuant to § 722.1328 (a), the county committee shall mail to the operator of each such farm a written notice of the farm acreage allotment and marketing quota for the farm. The county committee shall also mail to the operator of each new ELS cotton farm for which application for an allotment is made but for which it is determined that no farm acreage allotment and marketing quota will be established, a similar written notice showing "None" as the acreage allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant, or sharecroper will be interested in the extra long staple cotton produced on the farm for which this acreage allotment and marketing quota are established". Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. A copy of each notice, containing a notation thereon of the date of mailing the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as a true and correct copy, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper, is interested in the extra long staple cotton produced in 1956 on the farm for which the notice is given. Insofar as practicable, the notice for each old ELS cotton farm shall be prepared and mailed to the operator so as to be received prior to the referendum to determine whether extra long staple cotton farmers favor or oppose marketing quotas for the 1956 crop. Where it is impractical or impossible to use the United States mail to serve the producer in Puerto Rico with the notice provided for in this section, use shall be made of such other method of service as is available; however, when such other method is used the county committee shall make provision for keeping an accurate record of the date and method of delivery to the producer of any such notice.

§ 722.1320 *Amount of the farm marketing quota.* The farm marketing quota for any farm for the 1956 crop of extra long staple cotton shall be the actual production of extra long staple lint cotton on the farm less the farm marketing excess.

§ 722.1321 *Amount of the farm marketing excess.* The farm marketing excess for the 1956 crop of extra long staple cotton shall be the normal production of the acreage of such cotton on the farm in excess of the farm acreage allotment: *Provided*, That, such farm marketing excess shall not be larger than the amount by which the actual production of extra long staple cotton on the farm exceeds the normal production of the farm acreage allotment if the producer establishes such actual production in accordance with regulations to be issued under this part by the Secretary.

§ 722.1322 *Publication of farm acreage allotments and marketing quotas.* One copy of each notice of the farm acreage allotment and marketing quota for farms in a county shall be placed in binders or folders, or in lieu thereof a listing of such allotments shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. If the county is divided into administrative areas, separate binders, folders, or listings shall be prepared and made available for inspection for each administrative area. The listing sheets on which farm acreage allotments are determined shall be kept available with the Chairman of the county committee at the office of the county committee.

§ 722.1323 *Successors - in - interest.* Any person who succeeds to the interest of a producer in a farm, or in a crop of extra long staple cotton, or in extra long staple cotton for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of extra long staple cotton.

§ 722.1324 *Marketing quotas not transferable.* A farm marketing quota is established for a farm and, except as specifically provided for in § 722.1317 (j) and (k), may not be assigned or otherwise transferred in whole or in part to any other farm.

MISCELLANEOUS PROVISIONS

§ 722.1325 *Measurement of farms to determine compliance with allotments*—(a) *Premeasurement.* The county committee shall provide for the measurement prior to planting of an acreage on the farm equal to the farm acreage allotment if the farm operator requests such measurement and pays the cost thereof, as determined by the county committee, and any farm on which such measured acreage is the only acreage planted to extra long staple cotton shall be deemed to have an acreage not in excess of the farm acreage allotment.

(b) *Measurement after planting.* Measurement of the acreage planted to extra long staple cotton on each farm in the county shall be made under the general supervision of the county committee in accordance with the following provisions:

(1) The measurement of the farm shall be made by an employee of the county committee who has been designated as a reporter and determined by the county office manager to be qualified to carry out the duties of a reporter. A reporter may be assisted in the measurement of a farm by another reporter, a community, county, or State committeeman, a State committee representative, any employee of the county office when authorized by the county office manager or by any employee of the U. S. Department of Agriculture when authorized by the Deputy Administrator. The reporter may request the operator or producer or his representative to designate all fields on the farm on which extra long staple cotton was planted in 1956 and otherwise to assist in measuring the farm. If so requested, the operator or producer or his representative shall so designate all fields planted to extra long staple cotton on the farm in 1956. The reporter may utilize any assistance from the operator or producer or his representative in measuring the farm.

(2) The county office manager shall have responsibility for assigning, in writing, insofar as practicable, the farms in the county to be measured by a reporter.

(3) A reporter shall visit each farm assigned to him for measurement and enter thereon if such entry will facilitate measurement. Upon request he will obtain and exhibit to the farm operator, producer, or owner his written assignment to measure the farm.

(4) Measurement may be made by identification of fields or parts of fields by use of a map or aerial photograph, or by means of a steel or metallic tape or chain, or rod and chain, or by use of a measuring wheel when authorized by the Deputy Administrator, or by a combination of two or more of the foregoing methods. The pertinent data and information for the farm shall be entered by the reporter on the Form CSS-578, and on maps or aerial photographs where applicable, and filed in the county office. Computations of acreages shall be made by an employee in the county office from the data so obtained, and the use of a planimeter or rotometer in connection therewith is authorized.

(5) Measurements of whole fields made prior to the effective date of this § 722.1325 and in accordance with existing procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the acreage planted to extra long staple cotton in 1956 and the acreage of such cotton in excess of the 1956 farm acreage allotment.

(c) *Notice of measured acreage and disposition of excess acreage.* The county committee shall notify the farm operator by mail of the 1956 measured acreage of extra long staple cotton on the farm. If such acreage is in excess of the farm acreage allotment, the county committee shall also notify the farm operator that unless the acreage of extra long staple cotton on the farm is adjusted to the farm acreage allotment within the time established under this paragraph the farm marketing excess for the farm will be determined on the basis of the excess acreage and the normal yield for the farm. Notice so given shall constitute notice to each producer having an interest in the 1956 crop of extra long staple cotton produced on the farm. If producers on the farm do not dispose of the excess acreage of extra long staple cotton within 20 days after notice of the measured extra long staple cotton acreage is mailed to the farm operator as provided in this paragraph, or within 20 days after notice of the remeasured extra long staple cotton acreage determined pursuant to paragraph (d) of this section is mailed to the farm operator, and a request in writing for additional time and a showing to the satisfaction of the county committee that circumstances beyond their control prevented the disposition of the excess acreage within the applicable 20-day period is filed with the county committee, the county committee may allow an additional period not to exceed 10 days for disposing of the excess acreage. No extra long staple cotton acreage shall be disposed of for purposes of adjusting the planted acreage of such cotton to the farm acreage allotment after any cotton has been harvested from such planted acreage.

(d) *Remeasurement.* The county committee shall provide for the remeasurement, upon request by the farm operator, of the acreage planted to extra long staple cotton on the farm, but the operator shall be required to deposit with the treasurer of the county committee an amount equal to the estimated cost of such remeasurement and such deposit shall not be returned to the farm operator if the planted acreage is found upon such remeasurement to be in excess of the farm acreage allotment. Where the farm operator requests an additional remeasurement of the acreage planted to extra long staple cotton on the farm, the county committee shall provide for such remeasurement only if it finds, on the basis of evidence presented by the farm operator and other available information or data, that an error was probably made in the prior remeasurement.

(e) *Measurement of acreage disposed of.* If the excess acreage of extra long staple cotton on any farm is disposed of within the time allowed pursuant to paragraph (c) of this section and a producer on the farm requests that the acreage disposed of be measured and pays the estimated cost of measuring such acreage, the county committee shall provide for such measurement.

§ 722.1326 *Future effect of underplanting or overplanting farm acreage allotment*—(a) *Underplanting the farm acreage allotment.* For any farm on which extra long staple cotton is planted in 1956 and the acreage of such cotton in 1956 is less than the 1956 farm acreage allotment by not more than the larger of 10 percent of the allotment or one acre, an acreage equal to the farm acreage allotment shall be deemed to be the acreage planted to extra long staple cotton on the farm in 1956, and the additional acreage added to the extra long staple cotton acreage history for the farm shall be added to the extra long staple cotton acreage history for the county and State.

(b) *No credit for overplanting the farm acreage allotment.* Any acreage planted to extra long staple cotton in

1956 in excess of the farm acreage allotment for the 1956 crop of extra long staple cotton shall not be taken into account in establishing State, county, and farm acreage allotments for 1957 and subsequent crops of extra long staple cotton.

§ 722.1327 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving extra long staple cotton acreage allotments, all records pertaining to extra long staple cotton acreage allotments and marketing quotas.

§ 722.1328 *Approval of county committee determinations and redelegation of authority by the State committee*—(a) *Approval of county committee determinations.* The State committee shall review all acreage allotments and may revise or require revision of any determinations made under §§ 722.1311 to 722.1325. All acreage allotments for both old and new ELS cotton farms shall be approved by the State committee, and no official notice of farm acreage allotment and marketing quota shall be mailed to a farm operator until such allotment has been approved by the State committee.

(b) *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 722.1317 to 722.1328 (a), inclusive, may be redelegated by the State committee.

REVIEW OF FARM ACREAGE ALLOTMENT

§ 722.1329 *Review of farm acreage allotment*—(a) *Review committees.* Any producer who is dissatisfied with the farm acreage allotment established for his farm, or in the case of a new ELS cotton farm with the action of the county committee in refusing to establish a farm acreage allotment for such farm, may, by making application within 15 days after the mailing to him of the notice provided for in § 722.1319, have such allotment reviewed by a review committee composed of three farmers appointed by the Secretary pursuant to section 363 of the act. The review committee shall, upon proper application, review the action of the county committee. The review committee in determining any farm acreage allotment shall, to the same extent as the county committee, be limited to the establishment of a farm acreage allotment in an amount which, under the act and regulations, should have been established. Unless such application is made within 15 days, the original determination of the farm acreage allotment shall be final. All applications for review shall be made in accordance with the marketing quota review regulations issued by the Secretary, a copy of which may be obtained from the county committee.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 18th day of November 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9449; Filed, Nov. 21, 1955; 4:36 p. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[959.313 Amdt. 2]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

LIMITATION OF SHIPMENTS

Findings. a. Pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959; 20 F. R. 7068), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said amended marketing agreement and amended order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

b. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (vi) this amendment relieves restrictions on the handling of Irish potatoes grown in the production area.

Order, as amended. The provisions of paragraph (b) (5) of § 959.313 (FEDERAL REGISTER October 11 and October 27, 1955; 20 F. R. 7567, 8071) are hereby amended to read as follows:

(5) During the period November 21, 1955, to June 30, 1956, both dates inclusive: (i) No handler shall ship (*a*) potatoes for export which do not meet the requirements of the U. S. No. 1 or better grade, 1½ inches minimum diameter, or (*b*) potatoes for dehydration or manufacture or conversion into starch, flour, or alcohol which do not meet the requirements of 85 percent of the U. S. No. 1 or better grade, 1½ inches minimum diameter; (ii) potatoes grown in a particular district and which fail to meet applicable grade and size requirements of this section because of damage from shriveling or sprouting caused by the conditioning of the potatoes for potato chipping may be shipped for use for potato chipping; (iii) potatoes grown in a particular district and which by clipping second growth could be made to meet the aforesaid applicable grade and size requirements may be shipped for use for potato chipping without such clipping; (iv) potatoes grown in a particular district and which meet the aforesaid applicable grade and size requirements may be commingled in the handling thereof for use for potato chipping; (v) potatoes of the Kennebec variety grown in a particular district and which fail to meet applicable grade and size requirements because of damage from hollow heart may be shipped for use for potato chipping; and (vi) potatoes grown in a particular district which have been conditioned for use for potato chipping and from which more than one-fourth of any potato has been cut away may be shipped for use for potato chipping if such potatoes otherwise meet the applicable grade and size requirements.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 17th day of November 1955 to become effective November 21, 1955.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 55-9393; Filed, Nov. 22, 1955; 8:48 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 66]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (20 F. R. 2881, 2973, 3499, 3931, 4397, 4841, 5256, 5709, 6076, 6575, 7134, 7897, 8364), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. Subparagraph (11) of paragraph (a), relating to San Mateo County in California, is deleted.

2. Subparagraph (1) of paragraph (a), relating to California, is amended to read:

(1) E. ½ Sec. 13, T. 3 S., R. 3 W., MDBM, in Alameda County.

3. Paragraph (e), relating to Rockland County in New York, is deleted.

4. Subparagraph (12) of paragraph (a), relating to California, is amended to read:

(12) NE. ¼ Sec. 22, T. 6 S., R. 1 W., MDBM; and SE. ¼ of T. 5 S., R. 1 W., MDBM, in Santa Clara County.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment includes the following area in California within the areas quarantined because of vesicular exanthema:

SE. ¼ of T. 5 S., R. 1 W., MDBM, in Santa Clara County.

Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1954 Supp., Part 76, Subpart B, as amended, will apply to such area.

The amendment also excludes certain areas in California and New York from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1954 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment imposes certain further restrictions necessary to prevent the spread of vesicular exanthema, and relieves certain restrictions presently imposed. It must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended, 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 18th day of November 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-9420; Filed, Nov. 22, 1955; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6380]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

THE BEST FOODS, INC.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods;* § 13.135 *Nature:* Product or service. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition;* § 13.1685 *Nature.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 12, 15, 52 Stat. 114, as amended; 15 U. S. C. 45, 52, 55) [Cease and desist order, The Best Foods, Inc., New York, N. Y., Docket 6380, November 8, 1955]

This proceeding was heard by Everett F. Haycraft, hearing examiner, on the complaint of the Commission—charging respondent corporation with falsely representing its "Nucoa" margarine in advertising as a dairy product and as richer in milk properties than butter—and an agreement between respondent and counsel supporting the complaint providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of November 8, 1955, became, pursuant to § 3.21 of the rules of practice, the "Decision of the Commission."

The order to cease and desist is as follows:

It is ordered, That the respondent, The Best Foods, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of oleomargarine or margarine, do forthwith cease and desist from, directly or indirectly,

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any statement, word, grade designation, design, device, symbol, sound or any combination thereof which represents or suggests that said product is a dairy product;

Provided, however, That nothing contained in this order shall prevent the use in advertisements of a truthful, accurate, and full statement of all of the ingredients contained in said product, or of a truthful statement that said product contains skim milk, milk-minerals or any other dairy product provided the percentage thereof contained is clearly and conspicuously set forth.

2. Disseminating or causing to be disseminated by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act of said product any advertisement which contains any of the representations prohibited in paragraph one of this order.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: November 8, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-9404; Filed, Nov. 22, 1955; 8:50 a. m.]

[Docket 6272]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GARY SALES CO., INC., ET AL.

Subpart—*Using, selling, or supplying lottery devices:* § 13.2475 *Devices for lottery selling;* § 13.2480 *In merchandising.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Gary Sales Company, Inc., et al., New York, N. Y., Docket 6272, November 8, 1955]

In the Matter of Gary Sales Company, Inc., a Corporation, and Sam Frank, Norman Eisner, Henry Davis, and Eli Tockar, Individually and as Officers of Gary Sales Company, Inc.

This proceeding was heard by Abner E. Lipscomb, hearing examiner, on the complaint of the Commission, charging respondents with furnishing pull cards for the sale of their jewelry, novelties, household articles, cookware, silverware, etc., to purchasers by means of a game of chance, gift enterprise, or lottery scheme.

Following respondents' answer and hearings, the hearing examiner made his initial decision, including findings and conclusions and order to cease and desist, from which respondents appealed.

The Commission, in a per curiam decision, denied the appeal and disposed of the matter by a "Final Order", dated November 8, 1955, as follows:

This matter having come before the Commission upon respondents' appeal from the hearing examiner's initial decision and the matter having been heard on the whole record, including briefs

(oral argument not having been requested); and the Commission having rendered its decision denying respondents' appeal and affirming the initial decision;

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

The order in the initial decision, thus affirmed as the decision of the Commission, is as follows:

It is ordered, That Respondent Gary Sales Company, Inc., a corporation, and its officers, Sam Frank, Norman Eisner, Henry Davis, and Eli Tockar, individually, and Respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of jewelry, novelties, household articles, cookware, silverware, or any other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others pull cards or any other device or devices which are designed or intended to be used in the sale and distribution of Respondents' merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

2. Shipping, mailing and transporting to agents or distributors or to members of the public pull cards or any other device or devices which are designed or intended to be used in the sale and distribution of Respondents' merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

Issued: November 8, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-9405; Filed, Nov. 22, 1955; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter A—Armed Services Procurement Regulation

[Amdt. 8]

MISCELLANEOUS AMENDMENTS

The following amendments are made to the Armed Services Procurement Regulation:

PART 1—GENERAL PROVISIONS

SUBPART A—INTRODUCTION

The Department of Defense Code of Conduct for personnel engaged in procurement and related activities has been restated in § 1.113.

§ 1.113 *Code of conduct.* All governmental personnel engaged in procurement and related activities shall conduct business dealings with industry in a manner above reproach in every respect. Transactions relating to expenditure of public funds require the highest degree of public trust to protect the interests of the Government. While many Federal laws and regulations place restrictions on the actions of Governmental personnel, the latter's official conduct must, in addition, be such that the individual would have no reticence about making a full public disclosure thereof.

SUBPART C—GENERAL POLICIES

1. Amendments to § 1.302–4 (a) (1), (b) (2), and (d) (2) implement ODM Defense Manpower Policy No. 4, Amendment No. 1, effective 27 July 1955, which provides for preferences to firms in areas which are not classified as "labor surplus areas", but which are individually certified as areas of substantial labor surplus by a local Employment Security Office of the Department of Labor. Section 1.302–4, as revised, reads as follows:

§ 1.302–4 *Firms performing contracts in labor surplus areas*—(a) *Definitions.* (1) "Labor Surplus Areas" are those (i) classified as such by the Department of Labor and set forth in a list entitled, "Areas of Substantial Labor Surplus" issued by that Department in conjunction with its publication, "Bi-Monthly Summary of Labor Market Developments in Major Areas," and (ii) areas which are not classified by the Department of Labor but which are individually certified as areas of substantial labor surplus by a local Employment Security Office at the request of any firm located in the areas, which is bidding for a procurement involving set-asides.

(2) "Set-asides," as used in this part, designates a method of procurement whereby a portion of the requirement, as determined by the procurement activity, is withheld from general solicitation (either formally advertised or negotiated), is reserved for negotiation exclusively with firms located in labor surplus areas, and is to be performed substantially within such labor surplus areas.

(b) *Policy.* Defense Manpower Policy No. 4 (revised 5 November 1953), issued by the Director of Defense Mobilization, directs the placement of supply contracts, at prices no higher than might otherwise be obtainable elsewhere, with such suppliers as will perform contracts substantially in current labor surplus areas. Accordingly, the Departments shall comply with the following:

(1) Use their best efforts to award negotiated procurements to contractors located within labor surplus areas for performance substantially within such labor surplus areas to the extent that procurement objectives will permit: *Provided*, That in no case shall price differentials be paid for the purpose of carrying out this policy.

(2) Where deemed appropriate, set aside portions of procurements for negotiation exclusively with firms located in classified labor surplus areas at prices no higher than those paid on the non set-aside portions of such procurements: *Provided*, That a substantial proportion of the production under such contracts will be performed within such labor surplus areas; *Provided further*, That a firm located in an area not classified by the Department of Labor shall be eligible for participation in a set-aside if such firm submits a certificate obtained from the local Employment Security Office that a substantial labor surplus exists in the area. (For detailed procedures see §§ 2.205, 3.105, and 3.219 of this subchapter.)

(3) Assure that firms in labor surplus areas which are on appropriate bidders' lists are given the opportunity to submit bids or proposals on all procurements for which they are qualified and on which small business joint determinations have not been made. Whenever the number of firms on a bidders' list is excessive, a representative number of firms from labor surplus areas shall be included for the particular procurement.

(4) In the event of tie bids or proposals on any procurement, the contract shall be awarded in accordance with § 2.406–4.

(5) Encourage prime contractors to award subcontracts to firms in labor surplus areas.

(6) Cooperate with other agencies listed in Defense Manpower Policy No. 4 in achieving the objectives of this policy.

(c) *Application.* The above policy shall be applicable to procurements estimated to be in excess of $25,000.

(d) *Implementation.* (1) The Departments shall cause information identifying labor surplus areas as defined above to be disseminated to appropriate procurement personnel. When an entire industry is depressed, the Director of Defense Mobilization may establish appropriate measures upon an industry-wide, rather than a normal geographical, basis. Designations of such industries will be accomplished by ODM Notifications, and such industries will thereafter be given special treatment as specified therein.

(2) The Department of Labor has provided standard criteria to the local Employment Security Offices for use in certifying non-classified areas. Contracting Officers will accept the certification of the local Employment Security Office, in each individual procurement in which a certification is submitted.

(3) Procedures shall be established with respect to the issuance of invitations for bids and requests for proposals as set forth in §§ 2.205–3 and 3.105 of this subchapter. Awards of contracts involving labor surplus areas shall be made in accordance with § 3.219 of this subchapter.

(4) Contract files shall be documented to indicate the extent to which labor surplus areas were considered and the action taken with regard thereto.

2. The words "whenever possible" have been deleted from the first sentence of § 1.306–2, between "United States" and "regardless." The revised § 1.306–2 reads as follows:

§ 1.306–2 *Shipments originating within the continental United States for ultimate delivery outside the continental United States.* Unless there are valid reasons to the contrary purchases of supplies within the continental United States for ultimate delivery to destinations outside of the continental United States, regardless of the quantity of the shipment, shall be made on the basis of delivery f. o. b. carrier's equipment, wharf, or freight station (at the Government's option), at or near contractor's plant, at a specified city or shipping point. Shipments included in this policy are those in which supplies are shipped directly to a port area for export or to storage areas for subsequent reshipment to a port area for export.

(R. S. 161; 5 U. S. C. 22)

PART 2—PROCUREMENT BY FORMAL ADVERTISING

SUBPART B—SOLICITATION OF BIDS

1. A new § 2.204–9 authorizes the release of a list of names of prospective bidders (on construction contracts only) who have been furnished copies of plans and specifications, to trade journals, prospective subcontractors, material suppliers and others having a bona fide interest in such information. Section 2.204–9 as revised reads as follows:

§ 2.204–9 *Release of names of prospective bidders on construction contracts.* When invitations for bids for construction contracts have been issued, trade journals, prospective subcontractors, material suppliers, and others having a bona fide interest in such information, will be supplied, upon request, with a list of names of all prospective bidders who have been furnished copies of the plans and specifications.

2. A new § 2.205–3 (c) has been added implementing ODM Defense Manpower Policy No. 4, Amendment No. 1, effective 27 July 1955, which provides for preferences to firms in areas which are not classified as "labor surplus areas", but which are individually certified as areas of substantial labor surplus by a local Employment Security Office of the Department of Labor. Section 2.205–3, as amended, reads as follows:

§ 2.205–3 *Special conditions to be inserted in invitations for bids.* Whenever it has been determined to set aside a quantity of a procurement in accordance with § 1.302–4 of this subchapter, the invitation for bids covering procurement of the items not set aside shall provide that:

(a) "Set-asides" in aid of labor surplus areas may be utilized.

(b) The right to participate in subsequent negotiation for any "set-asides" shall be conditioned upon the submission of a bid upon the items not set aside at a unit price within 120 percent of the highest award made with respect to quantities not set aside.

(c) Firms located in areas not classified by the Department of Labor will be eligible for participation in any set-aside only upon the submission of a bid accompanied by a certification from the local Employment Security Office that the firm is located in an area of substantial labor surplus.

SUBPART E—QUALIFIED PRODUCTS

Section 2.505 has been amended to provide that only bids offering products which have been approved and qualified shall be considered in making an award. However, manufacturers whose products are not listed, but which have been qualified or approved, should be given an opportunity to offer evidence thereof in the time interval before the final award is made. A new provision to be inserted in invitations for bids is set forth in § 2.505–2. Section 2.505–3 remains unchanged. Sections 2.505–1 and 2.505–2, as amended, read as follows:

§ 2.505 *Procurement of qualified products.*

§ 2.505–1 *Contracts entered into by formal advertising.* Whenever procurement of qualified products by a Department is made pursuant to formal advertising in accordance with the provisions of this part, only bids offering products which have been approved or qualified shall be considered in making an award. Manufacturers having products not listed but which have been qualified or approved should be given consideration and an opportunity to offer evidence of such qualification or approval in the time interval before final award must be made.

§ 2.505–2 *Solicitation of bids.* In formally advertised procurements involving qualified products, the following provision shall be inserted in invitations for bids:

With respect to products requiring qualification, awards will be made only for such products as have, prior to the bid opening date, been tested and approved for inclusion in the Federal Qualified Products List (insert here the title of the applicable Federal Qualified Products List or Lists), whether or not such products have actually been so listed by that date. Manufacturers are urged to communicate with the (insert here the name and address of the applicable office) and arrange to have the products that they propose to offer tested for qualification.

(R. S. 161; 5 U. S. C. 22)

PART 3—PROCUREMENT BY NEGOTIATION

SUBPART A—USE OF NEGOTIATION

1. Section 3.105 has been revised to implement ODM Defense Manpower Policy No. 4, Amendment No. 1, effective 27 July 1955, which provides for preferences to firms in areas which are not classified as "labor surplus areas", but which are individually certified as areas of substantial labor surplus by a local Employment Security Office of the Department of Labor. Section 3.105, as revised, reads as follows:

§ 3.105 *Aids to labor surplus areas in negotiated procurements.*

§ 3.105–1 *General.* In implementing the policy set forth in § 1.302–4 of this subchapter, quantities of negotiated procurements may be set aside in the same manner as provided in § 2.205 of this subchapter for formally advertised procurements. The determination of quantities to be set aside shall be governed by § 2.205–2 of this subchapter. The procedures for negotiation of "set-asides" are set forth in § 3.219.

§ 3.105–2 *Special conditions to be inserted in requests for proposals.* Whenever it has been determined to set aside a quantity of a procurement in accordance with § 1.302–4 of this subchapter, the Request for Proposals covering procurement of the items not set aside shall provide that:

(a) Set-asides in aid of labor surplus areas may be utilized.

(b) The right to participate in subsequent negotiation for any "set-asides" shall be conditioned upon the submission of an initial proposal upon the items not set aside, conforming with the Request for Proposals, at a unit price within 120 percent of highest award with respect to the quantities not set aside.

(c) Firms located in areas not classified by the Department of Labor will be eligible for participation in any set-aside only upon the submission of a proposal accompanied by a certification from the local Employment Security Office that the firm is located in an area of substantial labor surplus.

2. Section 3.107 has been added, setting forth a uniform Department of Defense policy to the effect that requests for proposals will contain a deadline for submission of proposals with a saving clause authorizing the Government to consider late proposals before award is made. Upon receipt of a late proposal, the contracting officer will submit the case to such authority as required by the Departments; if a decision is made to consider the late proposal, the contracting officer shall resolicit all firms which have submitted proposals and have been determined to be capable of meeting requirements, as follows:

§ 3.107 *Late proposals and late unsolicited revisions to proposals.*

§ 3.107–1 *Clause.* In all negotiations where proposals are being sought from more than one prospective contractor there shall be included in the request for proposals a statement of the desired deadline date for the submission of proposals and the following statement which is contained in paragraph 9 (c)[1] of the terms and conditions on the reverse side of DD Form 746,[1] "Request for Proposals and Proposal (Negotiated Fixed Price Contract)": "Late Proposals. The Government reserves the right to consider proposals or modifications thereof received after the date indicated for such purpose, but before award is made, should such action be in the interest of the Government."

§ 3.107–2 *Procedure.* It is important and desirable that the Government not be precluded in specific situations from gaining the benefit of advantageous late proposals, but it must be recognized that careful consideration of such situations is required to prevent abuses. To assure such consideration, the following procedure is established:

(a) In each case in which a late low proposal, or a late proposal otherwise

[1] Filed as part of original document.

worthy of consideration, is received from a qualified firm, the Contracting Officer shall document a recommended course of action which he deems to be in the best interests of the Government, taking into account all pertinent factors, and shall refer it for decision to such other authority as may be prescribed by the department concerned.

(b) In the event it is determined by such other authority that it is in the best interests of the Government to consider the late proposal, the Contracting Officer shall resolicit all firms which have submitted proposals and have been determined to be capable of meeting requirements.

(R. S. 161; 5 U. S. C. 22)

PART 7—CONTRACT CLAUSES

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

A typographical error in paragraph (e) of the contract clause set forth in § 7.106–2 is corrected, so that revised unit prices shall not exceed 110 percent of the original contract price. Appropriate changes should be made immediately in all local or departmental forms. Section 7.106–2 (e), as revised, reads as follows:

(e) Each contract unit price shall be revised for each month in which, by the terms of this contract, delivery of supplies is required to be made, and such revised contract unit price(s) shall apply to the deliveries of those quantities of supplies required to be made in that month regardless of when actual delivery be made of said quantities of supplies. Each revised contract unit price for any month shall be computed by adding together the following three amounts: (i) the amount (representing the adjusted cost of labor) obtained by multiplying ---- percent of the contract unit price by a fraction, the numerator of which shall be the current labor index and the denominator of which shall be the base labor index; (ii) the amount (representing the adjusted cost of steel) obtained by multiplying ---- percent of the contract unit price by a fraction, the numerator of which shall be the current steel index and the denominator of which shall be the base steel index; and (iii) the amount equal to ---- percent of the original contract unit price (representing that portion of such unit price which relates neither to the cost of labor nor to the cost of steel and which is therefore not subject to revision); provided, however, that any revised contract unit price made pursuant to the provisions of this clause shall in no event exceed 110 percent of the original contract unit price. All computations shall be made to the nearest one-hundredth of one cent.

SUBPART B—CLAUSES FOR COST-REIMBURSEMENT TYPE SUPPLY CONTRACTS

A perfecting amendment has been made to the contract clause set forth in § 7.203–11 and as Clause 11, in DD Form 748.[1] Appropriate alterations should be made when the form is used. Section 7.203–11, as amended, reads as follows:

§ 7.203–11 *Excusable delays.* The Contractor shall not be in default by reason of any failure in performance of this contract, in accordance with its terms (including any failure by the Contractor to make progress in the prosecution of the work hereunder which endangers such performance), if such failure arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes include, but are not restricted to, acts of God or of the public enemy, acts of the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, and failure of subcontractors to perform or make progress due to such causes, unless the Contracting Officer shall have determined that the supplies or services to be furnished under the subcontract were obtainable from other sources and shall have ordered the Contractor in writing to procure such services or supplies from such other sources, and the Contractor shall have failed reasonably to comply with such order. Upon request of the Contractor, the Contracting Officer shall ascertain the facts and extent of such failure and if he shall determine that such failure was occasioned by any one or more of the said causes, the delivery schedule shall be revised accordingly, subject to the rights of the Government under the clause hereof entitled "Termination."

[1] Filed as part of original document.

PART 9—PATENTS, COPYRIGHTS, AND TECHNICAL DATA

SUBPART A—PATENTS

An amendment to § 9.102–1 provides for omission of the Authorization and Consent Clause in purchase orders of $5,000 or less. Section 9.102–1, as revised, reads as follows:

§ 9.102–1 *Authorization and consent in contracts for supplies.* Except as otherwise authorized in § 9.102–2, the following clause shall be included in all contracts for supplies (including construction work), except purchase orders of $5,000 or less:

Authorization and consent. The Government hereby gives its authorization and consent (without prejudice to its rights of indemnification, if such rights are provided for in this contract) for all use and manufacture, in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract), of any patented invention (i) embodied in the structure or composition of any article the delivery of which is accepted by the Government under this contract, or (ii) utilized in the machinery, tools, or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with (a) specifications or written provisions now or hereafter forming a part of this contract, or (b) specific written instructions given by the Contracting Officer directing the manner of performance. The Contractor's entire liability to the Government for patent infringement shall be determined solely by the provisions of the indemnity clause, if any, included in the contract and the Government assumes liability for all other infringement to the extent of the authorization and consent hereinabove granted.

(Sec. 1, 54 Stat. 712, as amended, sec. 201, 55 Stat. 839, 62 Stat. 20, sec. 638, 66 Stat. 637; 50 U. S. C. App. 1171, 611, 41 U. S. C. 162. E. O. 9001, 6 F. R. 6787, as amended, E. O. 9296, 8 F. R. 1429; 3 CFR 1943 Cum. Supp.)

PART 16—PROCUREMENT FORMS

Section 16.011–1 (c) has been amended by omission of the last sentence, "Reproduction and supply of this form shall be the obligation of the contractors". The "Weekly Payroll Affidavit and Certification" form, which is used in construction contracts, will hereafter be supplied by the Government, instead of the contractor. Section 16.011–1 (c), as revised, reads as follows:

§ 16.011 *Compliance with labor clauses.*

§ 16.011–1 *Construction contracts.* • • •

(c) When required by § 12.404–6 (a) of this subchapter and the contract clauses prescribed by § 12.403–1 or § 12.403–4 of this subchapter, a "Weekly Payroll Affidavit and Certification" form, as set forth below, shall be used by the contractor. When the contract clauses prescribed by § 12.403–2 of this subchapter, are applicable the form set forth below shall be used by the contractor with the omission of paragraphs (2) and (3).

(R. S. 161; 5 U. S. C. 22)

PART 30—APPENDIXES TO ASPR

Part 2 of § 30.1 has been revised. Revised rules of the Armed Services Board of Contract Appeals are also obtainable by contractors from the Board. Principal changes involve: filing of pleadings (complaint, answer, and, by direction, a reply); provisions for amendment of pleadings; a procedure to dismiss appeals for failure to state a case; prehearing conferences; filing of notice of appearance by Government Counsel; restriction of representation to attorneys-at-law, unless the Board otherwise authorizes in a particular case (contractors may also appear in person and corporations by their officers); a procedure for recess of hearing when Government Counsel and the contractor are in agreement as to disposition of the controversy to permit reconsideration by the contracting officer; evidence offered shall be such as would be admissible under generally accepted rules of evidence applied in the courts of the United States in non-jury trials. Part 2, as revised, reads as follows:

§ 30.1 *Appendix A—Armed Services Board of Contract Appeals; charter and rules.*

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PART 2—RULES

PREFACE TO RULES

The Armed Services Board of Contract Appeals is the authorized representative of the Secretaries of the Army, Navy, and Air Force in hearing, considering and determining as fully and finally as might each of the Secretaries:

(a) Appeals by contractors from decisions on disputed questions by contracting officers or their authorized representatives or by other authorities pursuant to the provisions of Armed Services contracts requiring the determination of appeals by the head of a Department of the Armed Services or by his duly authorized representative or board, or pursuant to the provisions of any directive whereby the Secretary of a Department of the Armed Services has granted a right of appeal not contained in the contract;

(b) Appeals by Armed Services contractors pursuant to section 13 (c) (1) (i) and section 17 (c) of the Contract Settlement Act of 1944.

When an appeal is taken pursuant to a disputes clause in a contract which provides only for appeals from decisions on questions of fact, the Board may in its discretion hear, consider and decide all questions of law necessary for the complete adjudication of the issue. Unless the contract provides otherwise, when in the consideration of an appeal it appears that a claim for unliquidated damages is involved therein, the Board, insofar as the evidence permits, makes findings of fact with respect to such claims without expressing opinion on questions of liability.

When a contract requires the Secretary of a Department of the Armed Services personally to render a decision on the matter in dispute, the Board submits its findings and recommendations to the Secretary of the Department.

There are three panels of the Board: the Army, Navy, and Air Force panels. In general, appeals are assigned for decision to the panel of the Department whose contract or procurement is directly involved. Each of the panels acts in divisions, which normally consist of three or more members of the panel. Hearings may be held by a division, by a designated member, or by a duly authorized examiner. The decision of a majority of a division constitutes the decision of the panel and of the Board, provided that all three panel chairman signify that in their opinion a review by the full Board is not required. If a majority of the members of a division do not agree upon a decision, or if one or more panel chairmen do not waive review by the full Board, determination of the appeal is made by a majority of the members of the full Board.

SCOPE OF RULES

1. *General.* These rules govern the procedure in all cases before the Board. They shall be construed for the purpose of securing just and inexpensive determination of appeals without unnecessary delay. All pleadings provided for hereunder shall be so construed as to do substantial justice.

PROCEEDINGS PRELIMINARY TO HEARINGS

2. *Appeals, how taken.* Notice of an appeal must be in writing, and the original, together with two copies, may be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract or allowed by applicable provision of directive or law.

3. *Notice of appeal, contents of.* A notice of appeal should indicate that an appeal is thereby intended, and should identify the contract (by number), the department and agency or bureau cognizant of the dispute, and the decision from which the appeal is taken. The notice of appeal should be signed personally by the appellant (the contractor taking the appeal), or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in Rule 5 may be filed with the notice of appeal.

4. *Duties of contracting officer.* When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing or the date of receipt if otherwise filed and within 10 days shall forward the notice of appeal, and the complaint if filed therewith, to the Board. The contracting officer shall promptly thereafter compile and transmit to counsel for the Government copies of all documents pertinent to the appeal, including the following:

(1) The findings of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued;

(2) The contract and pertinent plans, specifications, amendments, and change orders;

(3) Correspondence between the parties and other data pertinent to the appeal;

(4) Transcripts of any testimony taken during the course of the proceedings on the matter in dispute prior to the filing of the notice of appeal with this Board;

(5) Such additional information as the contracting officer may consider material.

When the Board has received the original notice of appeal the Board will promptly so advise the contractor and the contracting officer, and will forward to the contractor a copy of these rules.

5. *Complaint.* Within 30 days after receipt of notice of docketing by the Board of the appeal, or within such longer period of time as may be allowed by the Board, the appellant shall file with the Board, if not previously filed with the notice of appeal, a complaint setting forth simple, concise and direct statements of each of his claims showing that he is entitled to relief. Each claim shall be stated with as much particularity as is practical. No technical form is required, but each claim should be separately identified. Documentary evidence in support of claims may be filed as exhibits to the complaint. All documents filed as exhibits to the complaint shall be plainly listed and identified in the complaint. An original and three copies of the complaint shall be filed. Upon receipt thereof the Recorder of the Board shall serve a copy of the complaint on counsel for the Government.

6. *Answer.* Within 60 days after service of the complaint, or within such longer period of time as may be allowed by the Board, counsel for the Government shall prepare and file with the Board an answer thereto. The answer shall set forth simple, concise and direct statements of the Government's defenses to each claim asserted by appellant. Each defense shall be stated with as much particularity as is practical. Defenses which go to the jurisdiction of the Board may be included in the answer, or may be raised by motion pursuant to the provisions of Rule 10. Counsel for the Government shall at the same time file with the Board the following documents, which shall be plainly listed and identified:

(1) The findings of fact if any and the decision from which the appeal is taken, and the letter or letters or documents of claim in response to which the decision was issued by the contracting officer;

(2) The contract and pertinent plans, specifications, amendments, and change orders.

Documentary evidence in support of the Government's defenses may be filed as exhibits to the answer. All documents filed as exhibits to the answer shall be plainly listed and identified in the answer. An original and three copies of the answer shall be filed with the Board. Upon receipt thereof the Recorder shall serve a copy of the answer on appellant or his attorney.

7. *Appeal file; inspection of file.* The notice of appeal, the complaint and exhibits attached thereto, the answer and exhibits attached thereto and the documents required to be filed therewith pursuant to Rule 6, all papers filed by the parties with the Board pursuant to these rules, and all correspondence exchanged between the Board and the parties or their attorneys shall constitute the appeal file, which shall be available for inspection by appellant and Government counsel at the offices of the Board. Prior arrangements for inspection of the file should be made with the Recorder of the Board.

8. *Amendments of pleadings.* At any time before oral hearing or before submission of a case by the parties without an oral hearing the Board in its discretion may permit a party, within the proper scope of the appeal, to amend its complaint or answer, upon conditions just to both parties. The Board upon its own initiative or upon application by a party may in its discretion order a party to make a more definite statement of its complaint or answer, or to reply to an answer. When issues within the proper scope of the appeal but not raised by the complaint and answer are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised therein. Such amendment of the complaint and answer as may be necessary to cause them to conform to the evidence may be made upon motion at any time, even after decision, but failure so to amend does not affect the result of the trial of these issues. If evidence is objected to at the hearing on the ground that it is not within the issues made by the complaint and answer, the hearing member or examiner may allow the pleadings to be amended within the proper scope of the appeal and shall do so freely when the presentation of the merits of the action will be served thereby and the objecting party fails to satisfy the hearing member or examiner that the admission of such evidence would prejudice him in maintaining his case or defense upon the merits. The hearing member or examiner may, however, grant a continuance to enable the objecting party to meet such evidence.

9. *Trial briefs.* The Board in its discretion may order the submission of trial briefs prior to assignment of a case for oral hearing.

10. *Motions to dismiss.* Defenses which go to the jurisdiction of the Board may be raised by motion. Filing of motions to dismiss for lack of jurisdiction shall not be unreasonably delayed. The Board, however, has the right at any time to recognize its lack of authority to proceed in a particular case. Motions to dismiss for lack of jurisdiction shall, on application of either party, be heard and determined before oral hearing on the merits unless the Board orders that determination of the motion be deferred pending oral hearing on both the merits and the motion.

11. *Failure to state a case.* In the event, after completion of the pleadings, the Board finds that appellant has failed to state a case on which any relief could be granted by the Board, the Board may give notice to appellant to show cause why the appeal should not be dismissed on the ground that no useful purpose would be served by setting the case for oral hearing on the merits. Appellant, in such event, will be afforded the opportunity to be heard orally for the purpose of showing cause why the appeal should not be dismissed on that ground, and if appellant so desires to move to amend the complaint, within the proper scope of the appeal. If the Board thereafter finds appellant has failed to show cause, and finds that the complaint, with such amendments as may be offered by appellant, fails to state a case on which the Board could grant relief, the appeal shall be dismissed.

12. *Depositions.* Depositions which a party desires to take for the purpose of offering in evidence shall be taken in accordance with the procedure set forth in the Appendix to Rules.

13. *Interrogatories to parties; inspection of documents; admission of facts.* Under appropriate circumstances, but not as a matter of course, the Board will entertain applications for permission to serve written interrogatories upon the opposing party, applications for an order to produce and permit the inspection of designated documents, and applications for permission to

serve upon the opposing party a request for the admission of specified facts. Such applications shall be received and approved only to the extent and upon such terms as the Board in its discretion considers to be consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay, and essential to the proper pursuit of that objective in the particular case.

14. *Prehearing conferences.* In any case the Board in its discretion, upon its own initiative or upon the application of one of the parties, may call upon the parties or their attorneys or representatives to appear before a member or examiner of the Board for a conference to consider:

(1) The simplification of the issues;

(2) The necessity or desirability of amendments to the pleadings;

(3) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;

(4) The limitation of the number of expert witnesses;

(5) Such other matters as may aid in the disposition of the appeal.

The presiding member or examiner, at the conclusion of such a conference, shall make such order as in his discretion is found to be appropriate with reference to action taken at the conference, amendments allowed or to be made to the pleadings, agreements made by the parties as to any of the matters considered, and limitation of issues for trial.

15. *Service of papers.* Service of papers in all proceedings pending before the Board may be made personally, or by mailing the same in a sealed envelope, registered, return receipt requested, with postage prepaid, addressed to the party upon whom service shall be made, and the date of the registry receipt shall be the date of service. Waiver of the service of any papers may be noted thereon or on a copy thereof, or on a separate paper, signed by the parties or their attorneys and filed with the Board. When any party has appeared by attorney, service upon the attorney will be deemed proper service upon such party.

HEARINGS

16. *Where held.* Hearings will be held at the office of the Board in Washington, D. C. unless it is otherwise ordered by the Board. Hearings will not ordinarily be held elsewhere, but if a request therefor is seasonably made and good cause therefor appears, the Board may order a hearing to be held at another location.

17. *Notice of hearings.* Appellant and Government counsel shall be given at least 15 days' notice of the time and place of hearing.

18. *Submission without a hearing.* If either party does not wish to appear or be represented at a hearing, the Board shall be so advised. A party who so advises the Board may submit a brief within 20 days after the date assigned for the hearing, or within such other period of time as may be allowed by the Board. If both parties advise the Board that an oral hearing is not desired, briefs may be submitted by the parties within such period of time as may be allowed by the Board.

19. *Absence of parties or counsel.* The unexcused absence of a party or his authorized representative at the time and place set for the hearing will not be the occasion for delay. In such event the hearing will proceed and the case will be regarded as submitted by the absent party.

20. *Nature of hearings.* Hearings shall be as informal as may be reasonably allowable and appropriate under all the circumstances. Appellant and Government counsel may offer at a hearing on the merits such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the exercise of reasonable discretion by the presiding member or examiner in supervising the extent and manner of presentation of such evidence. Letters or copies thereof, affidavits, or other evidence, not ordinarily admissible under the generally accepted rules of evidence, may be received in evidence at the discretion of the presiding member or examiner. The weight to be attached to evidence presented in any particular form will be determined by the Board in the exercise of reasonable discretion under all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used in evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may, however, in any case, require additional evidence.

21. *Examination of witnesses.* Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated or the Board member or examiner shall otherwise order. If the testimony of a witness is not given under oath the Board may, if it seems expedient, warn the witness that his statements may be subject to the provisions of Title 18, U. S. C., secs. 287, 1001; sec. 19 of the Contract Settlement Act of 1944 (41 U. S. C. sec. 119), and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

22. *Copies of papers.* When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

23. *Briefs.* All briefs shall be filed within 20 days after conclusion of the hearing, or within such other period of time as may be allowed by the Board.

24. *Transcript of proceedings.* Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract between the Board and the reporter. If the proceedings are reported by an employee of the Government, the appellant may receive transcripts upon payment to the Government at the same rates as those set by contract between the Board and the independent reporter.

25. *Withdrawal of exhibits.* After a decision has become final the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

REPRESENTATION

26. *The contractor.* An individual appellant may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or by an attorney at law duly licensed in any State, Commonwealth, Territory, or in the District of Columbia. The Board may authorize a contractor to appear by a duly authorized representative other than those mentioned in a special case, but for the purposes of that case only.

27. *Status of Government counsel.* Government counsel designated by the various departments to represent the departments, agencies, and bureaus cognizant of the disputes brought before the Board may in accordance with their authority represent the interests of the Government before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or his attorney in the form specified by the Board from time to time. Government counsel may, when it appears to them that there are questions of fact as to which there is no substantial controversy, agree with appellant or his attorney as to such facts by written stipulation or otherwise. Whenever at any time it appears that appellant and Government counsel are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal in order to permit reconsideration by the contracting officer; provided, however, that if the Board is advised thereafter by either party that the controversy has not been disposed of by agreement the case shall be restored to the Board's calendar for hearing without loss of position.

DECISIONS

28. Decisions of the Board will be made in writing and authenticated copies thereof will be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions (except those required for good cause to be held confidential and not cited as precedents) shall be available to public inspection at the offices of the Board in Washington, D. C.

MOTIONS FOR RECONSIDERATION

29. A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

DEFINITIONS

30. (a) As used in these rules the term "contracting officer" includes any officer or other authority whose decision may be reviewed by the Board pursuant to the joint directive of the Secretaries of the Army, Navy, and Air Force effective 1 May 1949.

(b) As used in these rules the term "Board" means the full Board, president of the Board, panel, chairman of a panel, member, or examiner, as may be appropriate, except that in Rule 11 the term "Board" refers to action of the Board by written decision in accordance with the procedures set forth in the Board's charter.

EFFECTIVE DATE AND APPLICABILITY

31. These rules shall take effect on the first day of the second month following the month in which they are approved by the cognizant Assistant Secretaries of the Department of the Army, Department of the Navy and the Department of the Air Force. Except as otherwise directed by the Board, these rules shall not apply to appeals which have been docketed prior to their effective date.

Approved this 30th day of June 1955.

F. H. HIGGINS,
Assistant Secretary of the Army (L & R & D).

R. H. FOGLER,
Assistant Secretary of the Navy (Material).

ROGER LEWIS,
Assistant Secretary of the Air Force (Materiel).

APPENDIX TO RULES

DEPOSITIONS

1. *When depositions may be taken.* After an appeal has been docketed by the Board either party may take the testimony of any person by deposition upon oral examination or written interrogatories for use as evidence in the appeal proceedings.

2. *Before whom taken.* Depositions to be offered in evidence before the Board may be taken before and authenticated by any person authorized by the laws of the United States, or by the laws of the place where the deposition is taken, to administer oaths.

3. *Written interrogatories.* (a) A party desiring to take the deposition of any person upon written interrogatories shall serve them upon the opposite party with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the person before whom the deposition is to be taken. Within 15 days thereafter the party so served may serve cross interrogatories upon the party proposing to take the deposition.

(b) A copy of the notice and copies of all interrogatories served shall be delivered by the party taking the deposition to the person designated in the notice who should proceed promptly to take the testimony of the witness in response to the interrogatories.

4. *Oral interrogatories.* When either party desires to take the testimony of any person by deposition upon oral examination, unless the parties stipulate as to the time and place where the deposition is to be taken and the name of the person before whom it is to be taken and the name and address of the witness, such party shall give the opposite party at least 15 days written notice of the time and place where such deposition will be taken and the name and address and official title of the person before whom it is proposed to take the deposition, and the name and address of the witness.

5. *Form and return of deposition.* Each deposition should show the docket number and the caption of the proceedings, the place and date of taking, the name of the witness, and the names of all persons present. The persons taking the deposition shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and shall enclose the original deposition and exhibits in a sealed packet with postage and other transportation prepaid and forward same to the Recorder, Armed Services Board of Contract Appeals.

6. *Introduction in evidence.* Either party to the appeal may offer depositions in evidence. The entire deposition must be offered unless otherwise stipulated by the parties or directed by the Board.

(R. S. 161; 5 U. S. C. 22)

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

NOVEMBER 17, 1955.

[F. R. Doc. 55-9396; Filed, Nov. 22, 1955; 8:48 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 3—NATIONAL CAPITAL PARKS REGULATIONS

CHECKING ON SPEED BY USE OF ELECTRONIC DEVICE

Part 3 is amended by adding a new paragraph (d) to § 3.28, reading as follows:

(d) *Checking on speed by use of electronic device.* The speed of any motor vehicle may be checked on any public highway in a park area in the States of Maryland and Virginia by the use of radiomicro waves or other electrical device when such highway on which such device is used is clearly marked within four miles of such device and at State lines and at primary streets and highways by the posting of signs indicating radar control, when marked "Speed checked by radar."

(Sec. 6, 30 Stat. 571, sec. 3, 39 Stat. 535, as amended; 8 D. C. Code 143, 16 U. S. C. 3)

Issued this 15th day of November 1955.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 55-9399; Filed, Nov. 22, 1955; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

PERMITS FOR COMMERCIAL VESSELS HANDLING EXPLOSIVES AT MILITARY INSTALLATIONS

CROSS REFERENCE: For promulgation of § 19.15, see Title 46, Chapter I, Part 154, *infra*.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

RATES OF EDUCATION AND TRAINING ALLOWANCES; INSTITUTIONAL ON-FARM TRAINING

In § 21.2052, paragraph (d) (1) is amended to read as follows:

§ 21.2052 *Rates of education and training allowances.* • • •

(d) *Institutional on-farm training.* (1) The education and training allowance of an eligible veteran pursuing institutional on-farm training shall be computed at the rate of $95 per month, if he has no dependent, or $110 per month, if he has one dependent, or $130 per month, if he has more than one dependent, except that:

(i) Prior to October 1, 1955, his education and training allowance shall be reduced at the end of each 4-month period as his program progresses by an amount which bears the same ratio to $65 per month, if the veteran has no dependent, or $80 per month if he has one dependent, or $100 per month, if he has more than one dependent as 4 months bears to his originally approved certified period of enrollment in the course under this law (except as modified in subparagraph (2) of this paragraph).

(ii) On and after October 1, 1955, his education and training shall be reduced at the end of the third, and each subsequent, 4-month period as his program progresses by an amount which bears the same ratio to $65 per month, if the veteran has no dependent, or $80 per month, if he has one dependent, or $100 per month, if he has more than one dependent, as 4-months bears to the total duration of such veteran's institutional on-farm training reduced by 8 months. The provisions of this subdivision are effective October 1, 1955, but for the purpose of computing education and training allowance to be paid to those veterans who are pursuing training on that date or who reenter training after that date, these provisions shall be deemed to have been in effect since July 16, 1952.

• • • • • •

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12A. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended, sec. 261, 66 Stat. 663; 38 U. S. C. 693g, 697–697d, 697f, g, 971, ch. 12A)

This regulation is effective November 23, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-9397; Filed, Nov. 22, 1955; 8:49 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter O—Regulations Applicable To Certain Vessels During Emergency

[CGFR 55-49]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS [1]

PERMITS FOR COMMERCIAL VESSELS HANDLING EXPLOSIVES AT MILITARY INSTALLATIONS

The Secretary of Defense in a letter dated October 19, 1955, to the Secretary of the Treasury requested a general waiver of quantitative restrictions for commercial vessels loading explosives at the Department of Defense waterfront installations. Section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U. S. C., note preceding 1), states in part as follows:

That the head of each department or agency responsible for the administration of the navigation and vessel-inspection laws is directed to waive compliance with such laws upon the request of the Secretary of Defense to the extent deemed necessary in the interest of national defense by the Secretary of Defense. • • •

Accordingly, the request of the Secretary of Defense for a waiver order is granted. The purpose for this waiver order designated § 154.15, as well as 33 CFR 19.15, is to waive the navigation and vessel inspection laws and regulations issued pursuant thereto which are administered by the United States Coast Guard to the extent that no quantitative restrictions, based on considerations of isolation and remoteness, shall be required by the Coast Guard for commercial vessels loading or unloading explosives at the Department of Defense waterfront installations. It is hereby found that compliance with R. S. 4472, as amended, and the Administrative Procedure Act with respect to notice of

[1] This is also codified in 33 CFR Part 19.

proposed rule making, public rule making procedure thereon, and effective date requirements thereof is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secretary of the Treasury, dated January 23, 1951, identified as CGFR 51-1 and published in the FEDERAL REGISTER dated January 26, 1951 (16 F. R. 731), the following waiver order is promulgated and shall be in effect on and after the date of publication in the FEDERAL REGISTER:

§ 154.15 *Permits for commercial vessels handling explosives at military installations.* Pursuant to the request of the Secretary of Defense in a letter dated October 19, 1955, made under the provisions of section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U. S. C., note prec. 1), I hereby waive in the interest of national defense compliance with the provisions of R. S. 4472, as amended (46 U. S. C. 170), and the regulations promulgated thereunder in Part 146 of this chapter to the extent that no quantitative restrictions, based on considerations of isolation and remoteness, shall be required by the Coast Guard for commercial vessels loading or unloading explosives at the Department of Defense waterfront installations. This waiver shall not relieve a commercial vessel loading or unloading explosives at the Department of Defense waterfront installations from the requirement of securing a permit from the Coast Guard for such operations with respect to quantitative or other restrictions imposed by the Coast Guard on the basis of each vessel's ability to meet prescribed stowage and handling requirements.

(64 Stat. 1120; 46 U. S. C., note prec. 1)

Dated: November 16, 1955.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 55-9400; Filed, Nov. 22, 1955; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10798; FCC 55-1134]

[Rules Amdt. 2-10]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

ESTABLISHING A PROGRAM FOR CERTIFICATION OF EQUIPMENT ACCEPTABLE FOR LICENSING

1. The Commission has under consideration a petition filed by the Radio-Electronics-Television Manufacturers Association (RETMA) for amendment of § 2.524 (d) (2), formerly designated § 2.523 (b) (4) (iv) (b), of its rules so as to change the effective date specified therein from November 15, 1955, to May 15, 1956. This paragraph of the rules requires field intensity measurements of spurious radiations to be submitted with requests for type acceptance of equipment.

2. The rules in Part 2 concerning type acceptance became effective May 16, 1955, pursuant to rule making proceedings in the above-entitled matter. In the course of these proceedings, the Commission considered a petition by RETMA which requested, among other things, the postponement until November 15, 1955, of the requirement for field intensity measurements of spurious radiations. RETMA proposed to develop a standard measurement technique for field intensity measurement of spurious radiation, based on a correlation test program involving measurements of a given transmitter by various manufacturers and by the Commission's laboratory. The Commission agreed that further development of measurement techniques in this area was needed and that the proposed test program offered promise of providing a generally acceptable measurement technique within a relatively short time. Accordingly, the requirement (§ 2.524 (d) (2)) for field intensity measurements of spurious omissions was made to become effective on and after November 15, 1955. In the meantime, since May 16, 1955, the remainder of the type acceptance requirements in Part 2 have been effective, including the requirement for measurements of spurious omissions by radio frequency voltage measuresments at the output terminals of the equipment (§ 2.524 (d) (1)).

3. In support of their request, the petitioners state that the industry test program for development of techniques for field intensity measurement of spurious omission has been carried out energetically but, to date, the refinement of techniques necessary to provide meaningful information in type acceptance applications has not been achieved. It is stated that the correlation test measurements carried out on a single transmitter show an average spread of 12 percent of the decibel value. The petitioners consider this spread excessive and desire to carry out additional tests and to evaluate a new measurement technique which has been proposed to them. Petitioners estimate that a total of six months may be required for completion of their contemplated additional work.

4. It appears from the information presented by the petitioners that additional time is needed for the development of a satisfactory technique for field intensity measurement of spurious omissions. Consequently, a postponement of the effective date of § 2.524 (d) (2) for an additional six months is considered warranted and is being adopted herein.

5. Since the amendment in question relates solely to a change in the effective date of a provision of the rules which would otherwise become effective as of November 15, 1955, notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act would be both impracticable and contrary to the public interest. Moreover, since the effect of the amendment is to relieve for a six month period a restriction otherwise imposed upon persons seeking type acceptance of various types of equipment covered in these proceedings, it may be effective immediately under section 4 (c) of the Administrative Procedure Act.

6. In view of the foregoing considerations and pursuant to the authority contained in sections 4 (i), 301 and 303 of the Communications Act of 1934, as amended; *It is ordered*, That effective immediately, Part 2 of the Commission's rules and regulations is amended as follows:

Section 2.524 (d) (2) is amended by changing the date specified therein from November 15, 1955, to May 15, 1956.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Adopted: November 16, 1955.

Released: November 17, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9406; Filed, Nov. 22, 1955; 8:50 a. m.]

[Docket No. 11181; FCC 55-1138]

[Rules Amdt. 3-1]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; ORDER EXTENDING EFFECTIVE DATE

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 16th day of November 1955;

The Commission has before it for consideration its report and order (FCC 55-802), issued in the above-entitled proceeding on July 22, 1955, amending § 3.614 (b) of its rules relating to antena height and power requirements for VHF television stations in Zone I.

The amendment was originally scheduled to become effective on August 31, 1955. However, on September 1, 1955, the Commission issued an order extending the effective date to October 1, 1955, pointing out that several petitions had been filed with the Commission for reconsideration of its action in this proceeding and requesting that the effectiveness of the amendment be stayed pending such reconsideration. It was noted, also, that several requests had been submitted seeking postponement of the effective date of the amendment until the present studies of the Air Coordinating Committee on the subject of tall towers are completed. Oppositions to the various petitions for reconsideration and requests for stay have also been filed. On September 28, 1955, the Commission further extended the effective date to November 1, 1955; and on October 21, 1955, further extended the effective date to December 1, 1955.

Additional time will be necessary for the Commission to consider the above requests. Accordingly, the Commission believes that the public interest would be served by further staying the effectiveness of the amendment.

In view of the foregoing: *It is ordered*, That the effective date of the amendment of the Commission's rules and regulations adopted by its report and order issued July 22, 1955, in this proceeding, is extended to January 9, 1956.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 17, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9407; Filed, Nov. 22, 1955; 8:50 a. m.]

[Docket No. 10377; FCC 55-1129]

[Rules Amdts. 7-5, 8-6]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete authority for operation by coast stations, ship stations and aircraft stations on currently assignable frequencies for telephony in the band 4000 kc to 18000 kc; and to include authority for operation of such stations on other frequencies for telephony within the same band.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of November 1955;

The Commission having under consideration that portion of its proposal in the above-entitled matter embodied in the sixth further notice of proposed rule making which relates to the availability of the frequency 4115.3 kc and the deletion of the frequency 4402.5 kc in the vicinity of Kahuku, T. H.;

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on September 7, 1955 (20 F. R. 6564) and the period for filing comments has now expired; and

It further appearing that no comments were received with respect to the proposal; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in the original notice of proposed rule making in this docket;

It is ordered, That, effective December 22, 1955, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 17, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is amended as follows:

1. In the table of § 7.306 (a) (1) delete the coast station receiving carrier frequency 4402.5 kc for the Hawaiian Islands and substitute therefor the frequency 4115.3 kc.

2. In § 7.306 (b), that portion of the frequency table dealing with Kahuku, T. H., is amended to read as follows:

Kahuku, T. H.----	2530 4420.7	None.... None....	2134 4115.3	None. None.

B. Part 8 is amended as follows:

1. In the table in § 8.351 (a) delete the frequency 4402.5 kc.

2. In § 8.354 (a) (1), that portion of the frequency table dealing with Kahuku, T. H., is amended to read as follows:

Kahuku, T. H.----	2134 4115.3	None.... None....	2530 4420.7	None. None.

[F. R. Doc. 55-9408; Filed, Nov. 22, 1955; 8:50 a. m.]

[Docket No. 11502; FCC 55-1130]

[Rules Amdt. 14-3]

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

AUTHORIZED EMISSION OF COAST STATIONS USING TELEGRAPHY IN CERTAIN BANDS

In the matter of amendment of Part 14 of the Commission's rules regarding authorized emission of coast stations using telegraphy in the band 415-490 kc.

At a session of the Federal Communications Commission held in its offices at Washington, D. C., on the 16th day of November 1955;

The Commission having under consideration the above-captioned matter;

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties was duly published in the FEDERAL REGISTER on September 28, 1955 (20 F. R. 7230) and the period for filing comments has now expired; and

It further appearing that no comments were received with respect to the proposal; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in sections 303 (e) (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective February 16, 1956 Part 14 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 17, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 14 is amended as follows:

1. The table in § 14.152 (b) is amended to read:

Class of station	Frequency range	Class of emission
Fixed	From 50 to 200 kc and on 1666 kc	A-1, and for brief testing A-0.
Fixed	From 1605 to 1800 kc (except 1666 kc) From 2000 to 2035 kc From 2107 to 3400 kc From 5000 to 9000 kc	A-1, and for brief testing A-0; A-2 until Jan. 1, 1957, only.
Coast	From 415 to 490 kc	A-1, and for brief testing A-0. A-2, A-2a, A-2b for brief testing and distress, urgency and safety signals, or any communication preceded by one of these signals.
Coast	From 490 to 515 kc	A-1, A-2, A-2a, A-2b, and for brief testing A-0.
Ship	From 405 to 515 kc	A-1, A-2, A-2a, A-2b and for brief testing A-0.
Coast and ship	From 1605 to 1800 kc From 2000 to 2035 kc From 2107 to 3400 kc From 5000 to 9000 kc	A-1, and for brief testing A-0; A-2 until Jan. 1, 1957, only.
Coast and ship	From 2035 to 2107 kc	A-1, and for brief testing A-0.
Coast and ship	On 156.4, 156.5, 156.7 and 156.9 Mc	F-1, F-2, and for brief testing F-0.

[F. R. Doc. 55-9409; Filed, Nov. 22, 1955; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

AUGMENTING EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 15th day of November A. D. 1955.

It appearing that by order of October 6, 1955, in this proceeding, the Commission prescribed amended § 207.4 (a) (3) and (5) of the rules and regulations governing lease and interchange of vehicles by motor carriers to become effective December 1, 1955;

And it further appearing that numerous requests have been received representing that the advancement of the effective date of the amended rules and regulations prescribed by the order of October 6, 1955, may result in hardship to persons subject thereto; and good cause appearing therefor:

It is ordered, That the effective date of the order of October 6, 1955, prescribing amended § 207.4 (a) (3) and (5) be and it is hereby postponed from December 1, 1955, to March 1, 1956.

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C.,

and by filing it with the Director of the Division of the Federal Register.

(49 Stat. 546, amended; 49 U. S. C. 304)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-9386; Filed, Nov. 22, 1955; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 914]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1955-56 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Navel Orange Administrative Committee, established under Marketing Agreement No. 117, as amended, and Order No. 14, as amended (19 F. R. 2941), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $156,832.83 will be necessarily incurred during the fiscal year November 1, 1955, through October 31, 1956, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles oranges shall pay during the fiscal year in accordance with the aforesaid marketing agreement and order, the rate of assessment of $0.0075 per carton of oranges handled by such handler as the first handler thereof during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used in this section, "handle," "handler," "oranges," and "fiscal year" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and "carton" shall mean the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 17, 1955.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division.*

[F. R. Doc. 55-9418; Filed, Nov. 22, 1955; 8:51 a. m.]

[7 CFR Part 927]

HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

NOTICE OF PROPOSED RULE MAKING; SUSPENSION OF CERTAIN PRICING PROVISIONS OF ORDER

Notice is hereby given that, pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), consideration is being given to the suspension of certain of the provisions of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area relating to the pricing of Class I-A milk so that the provisions remaining in effect will result in a Class I-A price of $5.66 for the month of December 1955, and a price of $5.32 for the months of January and February 1956.

Those provisions proposed to be suspended are as follows:

(1) For the month of December 1955, all provisions of paragraph (a) of § 927.40, except the provision "For Class I-A milk the price during each month shall be" (appearing in the first sentence of paragraph (a)), and the provision "the base price of $5.66" (appearing in subparagraph (2)).

(2) For the months of January and February 1956, all provisions of paragraph (a) of § 927.40, except:

(a) The provision "For Class I-A milk the price during each month shall be a price computed pursuant to subparagraphs (1) through (11) of this paragraph." (appearing in the first sentence of paragraph (a));

(b) The provision "(2) Multiply the base price of $5.66 by" (appearing in subparagraph (2)); and

(c) The provision "0.94" (appearing in subparagraph (11)).

All persons desiring to submit data, views and arguments with respect to the foregoing proposed suspension may do so by forwarding four copies thereof postmarked no later than November 26, 1955, to the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D. C.

Issued at Washington, D. C., this 21st day of November 1955.

[SEAL] EARL L. BUTZ, *Assistant Secretary.*

[F. R. Doc. 55-9461; Filed, Nov. 22, 1955; 11:05 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11546; FCC 55-1136]

MECHANICAL REPRODUCTIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of Amendment of §§ 3.188, 3.288, 3.588, and 3.653 of the Commission's rules and regulations relating to mechanical reproductions.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on January 24, 1955, by the National Association of Radio and Television Broadcasters (NARTB), Washington, D. C., requesting it to amend §§ 3.188 (AM), 3.288 (FM), and 3.653 (TV) of its rules and regulations to eliminate certain program interruption occasioned by announcements that broadcasts consist in whole or in part of one or more mechanical reproductions. Present regulations require such announcements for virtually all mechanically reproduced programs. Petitioner proposes that the following wording be substituted for the present text in each of §§ 3.188, 3.288, and 3.653, or, alternatively, that some other amendment be designed to effectuate the same purpose:

(a) No mechanically reproduced program, whether visual or aural, consisting of a speech, news event, news commentator, forum, panel discussion, special event, or any other such program, in which the element of time is of special significance and presentation of which would create, either intentionally or otherwise, the impression or belief on the part of the listening or viewing audience that the event or program being broadcast is in fact occurring simultaneously with the broadcast, shall be broadcast without an appropriate announcement being made at the beginning and conclusion of the broadcast that it is a mechanically reproduced program: *Provided, however,* That each such program of one minute or less need not be announced as such.

(b) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. Any other program mechanically produced or series of mechanical reproductions need not be announced as provided in subsection (a), but the licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

3. In support of the proposed amendment, the NARTB urges that the present rules governing mechanical reproductions are outmoded and that the great strides which have been made in the recording, transcription, broadcasting and telecasting fields, as well as the existence of a more sophisticated audience response, warrant relaxation of these rules to conform to the situation currently existing in broadcasting. While the Association subscribes to the broad principle that the public interest is best served by the elimination of industry practices deliberately calculated to mislead or deceive the public in any way, it urges that the present rules extend a protection neither warranted by the actualities of broadcasting nor really desired by the public. The Association submits that there is little possibility of deceiving the public by deletion of the announcement that a broadcast is accomplished by means of mechanical reproduction, except with respect to those programs in which the element of time is of such special significance that the impression or belief would be treated in the mind of the public that the event or program was, in fact, occurring simultaneously with the broadcast, i. e., newscasts, political speeches, panels, forums, news commentators and special events. It maintains that no real benefit results from requiring programs in which the time element is not of special importance to be announced as being mechanically reproduced since a mechanically reproduced program is often superior to a live program today; the possibilities of deception are minimal, and such announcements serve only to disrupt program continuity and to irritate the public. NARTB maintains that the public is more concerned with technical quality and program content than with the method by which the programs reach it. While the Association recognizes that under its proposal the public may occasionally believe that a mechanically reproduced program is a live broadcast, it urges that the public interest requires the application of a rule of reason and that the public interest considerations inherent in "high-program" content call for service to the public free from announcements of the obvious. With respect to delayed programs in which the element of time is of special significance, the Association contends that broadcasters may be expected to present such programs in a manner that informs listeners adequately of the circumstances.

4. The Commission has also before it for consideration a petition filed on June 9, 1955, by the American Broadcasting Company (ABC), a division of American Broadcasting-Paramount Theatres, Inc., requesting that the footnote to § 3.188 (AM) of the Rules and Regulations be amended to extend the waiver provision to network programs which are transcribed and rebroadcast at a later hour because of the time differential resulting from the time zone differences between the place where the program originates and where it is rebroadcast. The present waiver applies only to the time differential resulting from the adoption of daylight saving time in some areas. Petitioner proposes that the following wording be substituted for the present text of the footnote to § 3.188; and that § 3.288 (FM) also be amended by the addition of the same proposed footnote: "The requirements of this section are waived with respect to network programs, transcribed and rebroadcast at a later hour because of the time differential resulting from the adoption of daylight saving time in some areas or because of the time zone differentials between the place where the program originates and where it is rebroadcast, provided the off-the-line recording (whether by the network itself at one of its key stations or by an individual station) is for delayed broadcast locally where the delay does not exceed the daylight saving and/or time zone differentials between the place where the program originates and where it is rebroadcast. Each station which broadcasts network programs on a delayed basis in accordance with this waiver shall make an appropriate announcement at least once each day between the hours of 10:00 a. m. and 10:00 p. m. stating that some or all of the network programs which are broadcast by that station are delayed broadcasts by means of transcription, and indicating whether the transcriptions have been made by the network or the individual station. A network organization or individual station taking advantage of this waiver should so advise the Commission."

5. In support of the proposed amendment, ABC notes that the presentation of programs by transcription is an accepted part of American broadcasting. It points out that the present waiver provision in the mechanical reproduction rules—which applies to network programs delayed for one hour because of daylight saving time in some areas—has been in effect over eight years; that there is no indication that the networks and stations operating under the waiver have found any confusion resulting from the failure to make separate announcements for each transcribed network program, and that the public has benefited from the elimination of needless repetition of the announcements that a particular program is transcribed and presented one hour later. While ABC states that it is generally in accord with the revisions proposed by NARTB to the mechanical reproduction rules, it asserts that the changes the Association proposes may require formal rule making and unavoidable delay before a decision can be reached with respect to the Association's proposals. It therefore urges the Commission to extend the present waiver to take care of the time zone differences throughout the United States pending consideration of the NARTB petition. Petitioner urges that to compete with television, it is desirable for network radio to broadcast at the same clock hour in the various time zones; that the requirement of an announcement that a program is transcribed before or after each five minute program and at the beginning and end of a longer program, with an additional interruption every 30 minutes in programs of longer duration, results in additional costs to the station and unnecessary annoyance to the listener; and that in view of the experience with the present waiver provision, no repercussions would result from extending the waiver to cover broadcasts delayed up to a maximum of four hours because of time zone differences.

6. The Commission is of the view that rule making proceedings are warranted in this matter. The Commission desires that all interested parties submit comments with respect to these proposals in order that it may have the benefit of such views prior to taking further action. It is noted that the NARTB proposal is much broader in scope than the proposal of ABC and, if adopted in substance, would render moot the proposal filed by ABC. Accordingly, the Commission requests that comments be directed towards the relative merits of the two proposals. It is also noted that the NARTB proposal is limited to amendment of §§ 3.188 (AM), 3.288 (FM), and 3.653 (TV). The Commission requests comments on the desirability of extending the proposed amendment to include § 3.588 (noncommercial educational FM). The footnote waiver which the ABC request proposes to amend is appended only to § 3.188 (AM). The Commission requests comments on the desirability of extending the present waiver, and also the amendment proposed by ABC, to the other sections relating to mechanical reproductions, particularly §§ 3.288 (FM) and 3.653 (TV.)

7. Authority for the issuance of the instant notice is contained in sections 4 (i), 303 (f), and 303 (r) of the Communications Act of 1934, as amended.

8. Any interested person who is of the view that the proposal herein should not be adopted may file with the Commission on or before December 15, 1955, written data, views, or arguments setting forth his comments. Comments in support of the proposals may also be filed on or before the same date. Comments or briefs in reply to such original comments as may be submitted should be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for filing such additional comments is established. The Commission will consider all such additional comments submitted before taking further action in this matter, and if any comments appear to warrant the holding of a hearing, oral argument, or demonstration, notice of the time and place of such hearing, oral argument or demonstration will be given.

9. In acordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: November 16, 1955.

Released: November 17, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-9410; Filed, Nov. 22, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 11]

[Docket No. R-129]

ANNUAL CHARGES PRESCRIBED FOR LICENSES

NOTICE OF POSTPONEMENT OF HEARING

NOVEMBER 15, 1955.

In the matter of amendment to Part 11 of Subchapter B of the regulations relat-

ing to annual charges prescribed for licensees under the provisions of the Federal Power Act.

Upon consideration of the motion of the South Carolina Public Service Authority, filed November 9, 1955, for continuance of the hearing now scheduled for November 30, 1955, in the above-designated matter;

The hearing now scheduled for November 30, 1955, is hereby postponed to January 16, 1956 at 10:00 a. m., e. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9375; Filed, Nov. 22, 1955; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[443.566]

MIRROR CASES CONTAINING MIRROR AND COMB

NOTICE OF PROPOSED TARIFF CLASSIFICATION

NOVEMBER 17, 1955.

It appears that certain mirror cases containing a mirror and a comb are properly classifiable as (1) mirrors, not over 144 square inches in size, with cases under paragraph 230 (b), Tariff Act of 1930, and (2) combs, under paragraph 1537 (c), Tariff Act of 1930, at a rate of duty higher than that heretofore assessed under an established and uniform practice.

Pursuant to section 16.10a (d) of the Customs Regulations (19 CFR 16.10a (d)), notice is hereby given that the existing uniform practice of classifying such merchandise as an entirety under paragraph 230 (b) as mirrors with their cases is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D. C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] C. A. EMERICK, *Acting Commissioner of Customs.*

[F. R. Doc. 55-9401; Filed, Nov. 22, 1955; 8:49 a .m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Dissolution Order 113]

BAUER TYPE FOUNDRY, INC.

Whereas by Vesting Order No. 1630, dated June 7, 1943, as amended (8 F. R. 10309, July 23, 1943; 9 F. R. 7105, June 27, 1944), and Executive Order No. 9788 of October 14, 1946 (3 CFR, 1946 Supp.), there is vested in the Attorney General of the United States (hereinafter referred to as "Attorney General"), all of the issued and outstanding stock (consisting of 400 shares of $100 par value common stock) of The Bauer Type Foundry, Inc. (hereinafter referred to as "the Company") a New York corporation;

Whereas a Certificate of Dissolution was issued by the Secretary of State of New York on July 14, 1952, certifying to the dissolution of the Company; and

Whereas the Company has been substantially liquidated.

Now, therefore, under the Trading with the Enemy Act, as amended, the Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned after investigation:

1. Finding that the known assets of the Company consist of funds in the amount of $12,985.27 deposited in an account maintained in the Manufacturers Trust Co., New York, New York,

2. Finding that the known liabilities of the Company consist of an indebtedness in the amount of $63,209.77, owing to the Attorney General by virtue of Vesting Order No. 4184, dated September 27, 1944 (9 F. R. 12053, October 3, 1944), and Executive Order No. 9788; and

3. Having determined that it is in the national interest of the United States that the Company be dissolved, that its affairs be wound up and that its assets be distributed;

hereby orders, that the officers and directors of the Company (and their successors, or any of them) wind up the affairs of the Company and distribute the assets of the Company coming into their possession, as follows:

1. They shall first pay current expenses and necessary charges, if any, in effecting the dissolution of the Company and the winding up of its affairs;

2. They shall then pay all Federal, State and local taxes and fees, if any, owed by or accruing against the Company; and

3. They shall then pay over, transfer, assign and deliver to the Attorney General all remaining funds and property of the Company, of whatsoever kind and nature (including any after-discovered assets and any and all claims or causes of action of whatsoever kind and nature), the same (or any net proceeds thereof) to be applied by the Attorney General as follows: First, in payment of the aforementioned obligation owed to the Attorney General by virtue of Vesting Order No. 4184, and in satisfaction of such claim, if any, as the Attorney General may have for monies advanced or services rendered to or on behalf of the Company, and second, as a liquidating distribution of assets to the Attorney General as holder of all of the issued and outstanding stock of the Company;

and further orders, that nothing herein set forth shall be construed as prejudicing the rights under the Trading With the Enemy Act, as amended, of any person who may have a claim against the Company to file such claim with the Attorney General against any funds or property received by the Attorney General hereunder:

Provided, however, That nothing herein contained shall be construed as creating additional rights in such person; *Provided further,* That any such claim against said Company shall be filed with or presented to the Attorney General within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the officers and directors of the Company pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to Section 5 (b) (2) of the Trading with the Enemy Act, as amended (50 U. S. C. App. 5), and the acquittance and exculpation provided therein.

Executed in Washington, D. C., on November 16, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55-9402; Filed, Nov. 22, 1955; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 461]

CALIFORNIA

SMALL TRACT CLASSIFICATION

NOVEMBER 9, 1955.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify, under the Small Tract Act of June 1, 1938, as amended (43 U. S. C. 682a), the tracts of public land in Imperial County described below, for lease and sale for residence-site purposes only:

SAN BERNARDINO BASE AND MERIDIAN

T. 16½ South Range 10 East:
Section 6. Tracts 11 to 20, inclusive;
NW¼SW¼NE¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the Mineral leasing laws.

3. The lands are located approximately two miles southwest of Coyote Wells Station and one and one-half miles south of Ocotillo Townsite. The lands are within one mile of U. S. Highway 80. The Yuha cut-off road passes through the approximate center of the tracts. Electric power is available to the area and water for domestic use is available within reasonable depths. Schools, stores and other public facilities are available in the town of El Centro, 28 miles easterly on Highway 80. The soil is a loose, rocky, sandy loam, supporting a sparse vegetation of desert plants, such as ocotillo, creosote bush, Mormon Tea and various cacti. There is no evidence of metallic or nonmetallic minerals.

4. The individual tracts vary in size from 1.33 acres to 6.59 acres, and are all rectangular in shape. A plat of survey showing the location of each tract can be secured for $1.50 from the Bureau of Land Management, Room 706 California Fruit Building, 4th and J Streets, Sacramento 14, California.

The appraised value of the tracts varies from $40 to $200 per tract, as shown below.

Rights-of-way, 50 feet in width, for street and road purposes and for public utilities, will be reserved as shown below.

Tract No.	Acres	Advance rentals (3 years)	Right-of-way, width—location	Appraised value
11	4.56	$22.50	50' S. boundary	$150
12	5.00	22.50	50' E. and S. boundary	150
13	6.57	30.00	50' W. and S. boundary	200
14	6.59	30.00	50' W. and S. boundary	200
15	5.00	22.50	50' E. and S. boundary	150
16	5.80	27.00	50' E. and S. boundary	180
17	5.80	27.00	50' E. and S. boundary	180
18	1.33	10.00	50' S. boundary	40
19	1.58	10.00	50' S. boundary	40
20	1.58	10.00	50' S. boundary	40
N½NW¼SW¼NE¼	5.00	22.50	50' S. and E. bonndary	150
S½NW¼SW¼NE¼	5.00	22.50	50' S. and E. boundary	150

5. Leases will be issued for a term of three years, and will contain an option to purchase in accordance with 3 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above providing that during the period of their leases they (a) construct the improvements specified in paragraph 6 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards:

The dwelling-house must be suitable for year-round use, erected on a permanent foundation and with a minimum of 400 square feet of floor space. The dwelling house must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed. Conventional concrete, or concrete slab foundations are acceptable. Concrete piers are not acceptable as foundations.

7. The lands are now open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who have served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Land Office, 5th Floor, Bartlett Bldg., 215 W. 7th, Los Angeles 14, California.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and with the above-named official prior to 10:00 a. m., March 15, 1956. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order in which their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4–776), with instructions as to their execution and return and as to payment of fees and rentals.

8. All valid applications filed prior to November 7, 1955, will be granted the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER, *Officer in Charge, Southern Field Group, Los Angeles.*

NOVEMBER 9, 1955.

[F. R. Doc. 55-9372; Filed, Nov. 22, 1955; 8:45 a. m.]

[010755]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

NOVEMBER 15, 1955.

Pursuant to determination DA 372—Colorado, of the Federal Power Commission, and in accordance with Order No. 541, section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954, (19 F. R. 2473–2476), it is ordered as follows:

The lands hereinafter described, so far as they are reserved for power purposes, are hereby restored to disposition under the public land laws subject to provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 8 S., R. 70 W.,
Section 6: Lot 1.

The area described totals 41.65 acres of land within the exterior boundaries of Pike National Forest.

The land described shall be subject to application by the State of Colorado for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended.

The lands are within the exterior limits of the Pike National Forest of the Forest Service, U. S. Department of Agriculture, and are not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting a preference right of application to veterans of World War II and others.

Inquiries concerning these lands shall be addressed to the State Supervisor, Bureau of Land Management, 357 New Custom House, Box 1018, Denver 1, Colorado.

MAX CAPLAN, *State Supervisor.*

[F. R. Doc. 55-9373; Filed, Nov. 22, 1955; 8:45 a. m.]

Bureau of Reclamation

NORTH PLATTE PROJECT, NEBRASKA

ORDER OF REVOCATION

MARCH 6, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of May 3, 1904, in so far as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, NEBRASKA

T. 24 N., R. 57 W.,
Section 18, S½SE¼.

The above area aggregates 80 acres.

G. W. LINEWEAVER, *Assistant Commissioner.*

[Misc. 64433]

NOVEMBER 17, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are included in allowed homestead entry, Alliance 018379, and are not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, grant-

ing preference rights to veterans of World War II, the Korean Conflict, and others.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55-9374; Filed, Nov. 22, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CATTLEMAN'S LIVESTOCK AUCTION, INC.

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Cattleman's Livestock Auction, Inc., Nampa, Idaho, is a stockyard as defined in Section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 17th day of November 1955.

[SEAL] H. E. REED,
Director, Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 55-9419; Filed, Nov. 22, 1955; 8:51 a. m.]

Commodity Stabilization Service

UPLAND COTTON MARKETING QUOTA

NOTICE OF REFERENDUM FOR 1956 CROP

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for the crop of upland cotton produced in 1956.

A referendum of the farmers who were engaged in the production of upland cotton in the calendar year of 1955 will be held on December 13, 1955, pursuant to the provisions of the act and applicable regulations, to determine whether such farmers are in favor of or opposed to the 1956 quota. If two-thirds or more of the cotton farmers voting in the upland cotton referendum favor the quota, such quota will be in effect for the 1956 upland cotton crop. If more than one-third of the cotton farmers voting in such referendum oppose the quota, the quota will not be in effect for the 1956 upland cotton crop; however, farm acreage allotments established for such crop pursuant to the Agricultural Adjustment Act of 1938, as amended, will remain in effect and compliance with such acreage allotments will be a condition of eligibility of producers for price support under the Agricultural Act of 1949, as amended.

REGISTRATION

Any person who, on the basis of the eligibility requirements set out below, is eligible to vote in the referendum and who has reason to believe he is not on record as a 1955 upland cotton producer in the county should notify the Agricultural Stabilization and Conservation County Committee of his eligibility and request that his name be entered on the register of eligible voters.

ELIGIBILITY TO VOTE

1. Farmers eligible to vote in the referendum will be those farmers who were engaged in the production of upland cotton in 1955 as owner-operator, cash tenant, standing-rent or fixed-rent tenant, or landlord (other than a landlord of a standing-rent tenant, cash-rent or fixed-rent tenant) of a share tenant, or as a share tenant or sharecropper.

2. Any farmer whose only cotton production in 1955 consisted of extra long staple cotton shall not be eligible to vote in this referendum, but, if otherwise eligible, may vote in the extra long staple cotton referendum.

3. No cotton farmer (whether an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof) shall be entitled to more than one vote in the referendum, even though such farmer may have been engaged in 1955 in the production of upland cotton on two or more farms or in two or more communities, counties, or States.

4. In case several persons, such as husband, wife, and children, participated in the production of upland cotton in 1955, under the same rental or cropping agreement or lease, only the persons who signed or entered into the rental or cropping agreement or lease shall be eligible to vote.

5. In the event two or more persons were engaged in producing upland cotton in 1955 not as members of a partnership but as tenants in common or as owners of community property, each such person shall be eligible to vote.

6. No person shall be eligible to vote in any community other than the community in which he now resides except as follows:

(a) Any person who resides in a community other than the community in which he is engaged in the production of upland cotton may, if he will not vote in the community in which he resides, vote at the polling place for the community in which he is engaged in the production of such cotton.

(b) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he resides.

(c) Any person who on the day of the referendum will not be present in the county in which he is eligible to vote may, as early as 5 days prior to the date of the referendum, obtain a ballot at the most conveniently located ASC County Committee office and may cast his ballot by indicating his choice on the ballot, signing his name thereto and mailing it so that the ballot reaches the ASC County Committee for the county in which he is eligible to vote not later than the closing hour on the date of the referendum, which shall not be earlier than 5 o'clock p. m., local standard time.

7. There shall be no voting by mail (except as provided in paragraph 6 (c) above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

The foregoing provisions relating to registration and eligibility to vote in the referendum will appear on printed notices which will be posted in a conspicuous place in each community in which upland cotton was produced in 1955. The language appearing below will also appear on the notices prepared for posting and will be filled in by the Agricultural Stabilization and Conservation County Committee to show the place for balloting and the time for opening and closing of the polls.

PLACE FOR BALLOTING

The place for voting in the referendum in the -------- community will be ---------

TIME

The polls, in accordance with the official instructions for holding the referendum, shall be opened promptly at ------ o'clock a. m. and closed promptly at ------ o'clock p. m., local standard time, on Tuesday, December 13, 1955.

(ASC County Committee)

Issued ----------, 1955.

NOTE: Upland cotton means all cotton other than extra long staple cotton. For purposes of the referendum and as used in this notice, the term "extra long staple cotton" means the designated types of cotton grown in the areas designated by the Secretary, as set forth in the regulations pertaining to acreage allotments for the 1956 crop of upland cotton. Such regulations are published in the FEDERAL REGISTER and copies are available at the ASC county office.

Issued at Washington, D. C., this 18th day of November 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9445; Filed, Nov. 21, 1955 4:35 p. m.]

EXTRA LONG STAPLE COTTON MARKETING QUOTA

NOTICE OF REFERENDUM FOR 1956 CROP

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for the crop of extra long staple cotton produced in 1956.

A referendum of the farmers who were engaged in the production of extra long staple cotton in the calendar year of 1955 will be held on December 13, 1955, pursuant to the provisions of the Act and applicable regulations, to determine whether such farmers are in favor of or opposed to the 1956 quota. If two-thirds or more of the cotton farmers voting in the extra long staple cotton referendum favor the quota, such quota will be in effect for the 1956 extra long staple cotton crop. If more than one-third of the cotton farmers voting in such referendum oppose the quota, the quota will not be in effect for the 1956 extra long staple cotton crop; however, farm acreage allotments established for such crop pursuant to the Agricultural Adjustment Act of 1938, as amended, will remain in effect and compliance with such acreage allotments will be a condition of eligibility of producers for price support under the Agricultural Act of 1949, as amended.

REGISTRATION

Any person who, on the basis of the eligibility requirements set out below, is eligible to vote in the referendum and who has reason to believe he is not on record as a 1955 extra long staple cotton producer in the county should notify the Agricultural Stabilization and Conservation County Committee of his eligibility and request that his name be entered on the register of eligible voters.

ELIGIBILITY TO VOTE

1. Farmers eligible to vote in the referendum will be those farmers who were engaged in the production of extra long staple cotton in 1955 as owner-operator, cash tenant, standing-rent or fixed-rent tenant, or landlord (other than a landlord of a standing-rent tenant, cash-rent or fixed-rent tenant) of a share tenant, or as a share tenant or sharecropper.

2. Any farmer whose only cotton production in 1955 consisted of upland cotton shall not be eligible to vote in this referendum, but, if otherwise eligible may vote in the upland cotton referendum.

3. No cotton farmer (whether an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof) shall be entitled to more than one vote in the referendum, even though such farmer may have been engaged in 1955 in the production of extra long staple cotton on two or more farms or in two or more communities, counties, or States.

4. In case several persons, such as husband, wife, and children, participated in the production of extra long staple cotton in 1955, under the same rental or cropping agreement or lease, only the persons who signed or entered into the rental or cropping agreement or lease shall be eligible to vote.

5. In the event two or more persons were engaged in producing extra long staple cotton in 1955 not as members of a partnership but as tenants in common or as owners of community property, each such person shall be eligible to vote.

6. No person shall be eligible to vote in any community other than the community in which he now resides except as follows:

(a) Any person who resides in a community other than the community in which he is engaged in the production of extra long staple cotton may, if he will not vote in the community in which he resides, vote at the polling place for the community in which he is engaged in the production of such cotton.

(b) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he resides.

(c) Any person who on the day of the referendum will not be present in the county in which he is eligible to vote may, as early as 5 days prior to the date of the referendum, obtain a ballot at the most conveniently located ASC County Committee office and may cast his ballot by indicating his choice on the ballot, signing his name thereto and mailing it so that the ballot reaches the ASC County Committee for the county in which he is eligible to vote not later than the closing hour on the date of the referendum, which shall not be earlier than 5 o'clock p. m., local standard time.

7. There shall be no voting by mail (except as provided in paragraph 6 (c) above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

The foregoing provisions relating to registration and eligibility to vote in the referendum will appear on printed notices which will be posted in a conspicuous place in each community in which extra long staple cotton was produced in 1955. The language appearing below will also appear on the notices prepared for posting and will be filled in by the Agricultural Stabilization and Conservation County Committee to show the place for balloting and the time for opening and closing of the polls.

PLACE FOR BALLOTING

The place for voting in the referendum in the -------- community will be ---------

TIME

The polls, in accordance with the official instructions for holding the referendum, shall be opened promptly at ------ o'clock a. m. and closed promptly at ------ o'clock p. m., local standard time, on Tuesday, December 13, 1955.

(ASC County Committee)

Issued ----------, 1955.

NOTE: Upland cotton means all cotton other than extra long staple cotton. For purposes of the referendum and as used in this notice, the term "extra long staple cotton" means the designated types of cotton grown in the areas designated by the Secretary, as set forth in the regulations pertaining to acreage allotments for the 1956 crop of extra long staple cotton. Such regulations are published in the FEDERAL REGISTER and copies are available at the ASC county office.

Issued at Washington, D. C., this 18th day of November 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9446; Filed, Nov. 21, 1955; 4:35 p. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

HOME LINES, INC., AND NATIONAL HELLENIC AMERICAN LINE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8057, between Home Lines Inc., and National Hellenic American Line, covers an arrangement whereby Home Lines will make available to National Hellenic its vessel the S. S. "Queen Frederica", for operation of a common carrier service in the trade between Piraeus, Greece, and New York, N. Y., via Mediteranean ports, and provides that Home Lines shall not during the period of the agreement, unless requested by National Hellenic, operate any vessel as a common carrier of passengers or cargo in such trade.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 18, 1955.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-9422; Filed, Nov. 22, 1955; 8:51 a. m.]

ATOMIC ENERGY COMMISSION

Patent Compensation Board

[Docket No. 20]

CONSOLIDATED ENGINEERING CORP.

NOTICE OF APPEARANCE

Notice is hereby given that Consolidated Engineering Corporation has filed a claim for an award before the Patent Compensation Board, United States Atomic Energy Commission, in the above docket. The claim is based on alleged use of U. S. Patents No. Re. 23,464; 2,450,462; and 2,587,575.

The application of Consolidated Engineering Corporation is on file with the Patent Compensation Board. Any person other than the applicants desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, Washington 25, D. C., within thirty days from the date of pub-

lication of this notice, a statement of fact concerning the nature of his interest.

MARGARET H. MELIN,
Acting Clerk,
Patent Compensation Board.

NOVEMBER 16, 1955.

[F. R. Doc. 55-9370; Filed, Nov. 22, 1955; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11455, etc.; FCC 55-1141]

ROBERT E. BOLLINGER ET AL.

ORDER AMENDING ISSUES

In re applications of Robert E. Bollinger, Portland, Oregon, Docket No. 11455, File No. BP-9320; Mercury Broadcasting Company, Inc. (KLIQ), Portland, Oregon, Docket No. 11456, File No. BP-9400; Docket No. 11457, File No. BP-2266; Albert L. Capstaff and H. Quenton Cox, a partnership d/b as Capstaff Broadcasting Company, Oreg. Ltd., Portland, Oregon, Docket No. 11458, File No. BP-9585; for construction permits and renewal of license.

At a session of the Federal Communication Commission held at its offices in Washington, D. C., on the 16th day of November 1955;

The Commission having under consideration a petition filed August 4, 1955, by Robert E. Bollinger, Portland, Oregon, requesting an enlargement of issues in the above-entitled proceeding with respect to the application of Capstaff Broadcasting Company, Oreg. Ltd., Portland, Oregon; and comment on petition to enlarge filed September 1, 1955, by Chief, Broadcast Bureau;

It appearing that Robert E. Bollinger alleges that the ground system proposed by Capstaff Broadcasting Company, Oreg. Ltd., will not meet the requirements of the Commission's rules and standards because the available area around Capstaff's proposed site on which a ground system can be installed is severely limited due to the refusal of adjacent property owners to permit ground wires to be placed on their property; and that, in view thereof, Bollinger requests an enlargement of issues to permit an inquiry into the matter;

It further appearing that Chief, Broadcast Bureau, in view of the allegations made, requests that the issues be enlarged to include the following issue:

To determine whether the radiating system proposed by Capstaff Broadcasting Company, Oregon Limited, would meet the minimum requirements with respect to effective field intensity as required by the Commission's rules and standards of good engineering practice.

and that the order of designation be modified so as to find Capstaff technically qualified except as to the matter raised in the aforesaid issue;

It further appearing that no opposition to the petition to enlarge has been filed;

Accordingly, it is ordered, That the petition of Robert E. Bollinger to enlarge issues is granted and the issues in the above-entitled proceeding is enlarged to include the following issue:

6. To determine whether the radiating system proposed by Capstaff Broadcasting Company, Oregon Limited, would meet the minimum requirements with respect to effective field intensity as required by the Commission's rules and standards of good engineering practice.

It is further ordered, That the order of designation (FCC 55-778, Mimeo 20951) is amended so that Issues now numbered "6" and "7" are renumbered "7" and "8"; and

It is further ordered, That the order of designation is amended to show that Capstaff Broadcasting Company, Oregon Ltd. is technically qualified to operate the proposed station except with respect to the matter raised in Issue 6 hereof.

Released: November 17, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9411; Filed, Nov. 22, 1955; 8:50 a. m.]

[Docket No. 11477; FCC 55M-958]

RADIO STATION KLLL, INC., (KLLL)

ORDER CONTINUING HEARING

In re application of Radio Station KLLL, Inc. (KLLL), Lubbock, Texas, Docket No. 11477; File No. BP-9750; for construction permit.

The Hearing Examiner having under consideration a petition filed November 14, 1955, by Radio Station KLLL, Inc., requesting that the hearing in the above-entitled proceeding presently scheduled for December 6, 1955, be continued until December 28, 1955;

It appearing that the parties hereto desire to complete discussion and review of certain engineering data in an effort to expedite disposition of the issues involved in such proceeding;

It further appearing that counsel for Snyder Broadcasting Company (KSNY), Snyder, Texas, respondent in this proceeding, has informally agreed to a waiver of the so-called four-day rule and concurs in the request for continuance; and that counsel for the Broadcast Bureau has, likewise, agreed to a waiver of the four-day rule and has consented to a grant of the petition;

It is ordered, This 15th day of November 1955, that the petition be and it is hereby granted; and that the hearing in the above-entitled proceeding be and it is hereby continued to December 28, 1955, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9421; Filed, Nov. 22, 1955; 8:50 a. m.]

[Docket Nos. 11493, 11494; FCC 55M-955]

RADIO BROADCASTING SERVICE AND DANA W. ADAMS

ORDER CONTINUING HEARING

In re applications of Louis Alford Phillip D. Brady and Albert Mack Smith, d/b as Radio Broadcasting Service, Tyler, Texas, Docket No. 11493, File No. BP-9761, Dana W. Adams, Tyler, Texas, Docket No. 11494, File No. BP-9841; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 15th day of November 1955, that all parties, or their attorneys, are directed to appear for a prehearing conference, pursuant to the provisions of section 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., December 12, 1955;

It is further ordered, On the Hearing Examiner's own motion, that the hearing herein scheduled to commence on December 15, 1955, is continued to January 12, 1956, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9413; Filed, Nov. 22, 1955; 8:50 a. m.]

[Docket Nos. 11533, 11534; FCC 55M-956]

CENTRAL NEW YORK BROADCASTING CORP. AND TRIANGLE PUBLICATIONS, INC.

ORDER CONTINUING HEARING

In re applications of Central New York Broadcasting Corporation, Elmira, New York, Docket No. 11533, File No. BPCT-2000; Triangle Publications, Inc., (Radio and Television Division) Elmira, New York, Docket No. 11534, File No. BPCT-2008; for construction permits for new television broadcast stations.

It is ordered, This 15th day of November 1955, that J. D. Bond will preside at the hearing in the above-entitled proceeding, which is hereby continued from January 2, 1956, to January 3, 1956, in Washington, D. C.

Released: November 16, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9414; Filed, Nov. 22, 1955; 8:51 a. m.]

[Docket No. 11536, etc.; FCC 55 M-961]

RADIO HERKIMER ET AL.

ORDER SCHEDULING HEARING

In re application of Louis Adelman, Norman E. Jorgensen and Seymour Krieger, d/b as Radio Herkimer, Herkimer, New York, Docket No. 11536; File No. BP-9619; Bay State Broadcasting Company (WBSM), New Bedford, Massachusetts, Docket No. 11537, File No. BP-9649; Western Massachusetts Broadcasting Company (WBEC), Pittsfield, Massachusetts, Docket No. 11538, File No. BP-9653, for Construction Permits.

It is ordered, This 17th day of November 1955, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 26, 1956, in Washington, D. C.

Released: November 18, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9415; Filed, Nov. 22, 1955; 8:51 a. m.]

[Docket No. 11539, etc.; FCC 55M-962]

MUSSER BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of Sam Ferguson Musser and Gloria G. Musser d/b as Musser Broadcasting Company, Elizabethtown, Pennsylvania, Docket No. 11539, File No. BP-9698; Will Groff tr/as Colonial Broadcasting Company, Elizabethtown, Pennsylvania, Docket No. 11540, File No. BP-9759; H. Raymond Stadiem, Lester P. Etter and M. Leonard Savage d/b as Radio Columbia, Columbia, Pennsylvania, Docket No. 11541, File No. BP-9940; for construction permits.

It is ordered, This 17th day of November 1955, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 26, 1956, in Washington, D. C.

Released: November 18, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9416; Filed, Nov. 22, 1955; 8:51 a. m.]

[Docket Nos. 11542, 11543; FCC 55M-963]

COURIER-TIMES, INC. AND DON H. MARTIN

ORDER SCHEDULING HEARING

In re applications of Courier-Times, Inc., New Castle, Indiana, Docket No. 11542, File No. BP-8886; Don H. Martin (WSLM), Salem, Indiana, Docket No. 11543, File No. BP-9392; for construction permits.

It is ordered, This 17th day of November 1955, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 16, 1956, in Washington, D. C.

Released: November 18, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9417; Filed, Nov. 22, 1955; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6623]

GULF STATES UTILITIES CO.

NOTICE OF AMENDMENT OF APPLICATION

NOVEMBER 17, 1955.

Take notice that on November 9, 1955, an amendment was filed to the application in this matter (notice published 20 F. R. 3519) pursuant to section 204 of the Federal Power Act by Gulf States Utilities Company (Applicant), a Texas corporation doing business in the States of Louisiana and Texas, with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance of additional promissory notes in the aggregate amount of $5,000,000, and authorizing Applicant to have outstanding at any one time a maximum principal amount of not to exceed $18,000,000 of unsecured promissory notes. Said notes will have a maturity of not in excess of eleven months from the date of issue and bear interest at the lender's prime rate in effect at the time of each borrowing. The proposed will be issued to the Irving Trust Company, New York, N. Y., and The Chase Manhattan Bank, New York, N. Y: Applicant states that the proceeds from the proposed issuance will be used for general corporate purposes and to carry on its construction program; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 28th day of November 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9394; Filed, Nov. 22, 1955; 8:48 a. m.]

[Docket No. G-6822]

SUNRAY MID-CONTINENT OIL CO.

NOTICE OF CONTINUANCE OF HEARING

NOVEMBER 16, 1955.

Upon consideration of the motion of Sunray Mid-Continent Oil Company filed on November 4, 1955, for continuance of the hearing now scheduled for November 22, 1955, in the above-designated matter;

The hearing now scheduled for November 22, 1955, is hereby postponed to December 14, 1955, at 10:00 a. m., e. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9395; Filed, Nov. 22, 1955; 8:48 a. m.]

[Docket No. G-4573 etc.]

STEWART M. VOCKEL ET AL.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 16, 1955.

In the matters of Stewart M. Vockel, Trustee, Ellis Properties, Docket No. G-4573; Finch and Snider O. & G. Company, Docket Nos. G-4574 and G-4575; Perrytown Gas Company, Docket No. G-5754; Brooks Gas Company, Docket No. G-5755; Marval Gas Company, Docket No. G-5756; Curry Gas Company, Docket Nos. G-5757 and G-5758; Sweetland Land and Mineral Company, Docket Nos. G-6014 and G-6016; Haught Gas Company, Docket No. G-6221; Mrs. Clara B. Guthrie, Docket No. G-6395; Truman E. Gore & John S. Secret, DBA Truman E. Gore et al., Docket No. G-6418; Riverhead Gas Company, Docket No. G-6419; Lloyd G. Jackson, Agent, Docket No. G-6420; The Mower Lumber Company, Docket No. G-6422; Mud River Gas Company, Docket No. G-6423; Alex T. Hunt, Docket No. G-6436; Western Pocahontas Corporation, Docket No. G-6443; Rich Oil and Gas Company, Docket No. G-6446; Monarch Gas Company, Docket No. G-6455; Bee Gas Company, Docket No. G-6456; Cantes Gas Company, Docket No. G-6460; Mandell Gas Company, Docket No. G-6461.

Notice is hereby given that on November 8, 1955, the Federal Power Commission issued its findings and order adopted November 2, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9376; Filed, Nov. 22, 1955; 8:45 a. m.]

[Docket No. G-3222 etc.]

SOUTHEASTERN GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

NOVEMBER 16, 1955.

In the matters of Southeastern Gas Company (formerly Hamilton Gas Corporation), Docket No. G-3222; Cities Service Oil Company et al., Docket No. G-4579; Fred H. Ryan, Docket No. G-5239; Ira J. Cox, Docket No. G-5296; George R. Brown, Docket No. G-6740; Mowery Lease No. 1, Jack Price, Agent, Docket No. G-7302; The Atlantic Refining Company, Docket No. G-7309; Stanolind Oil & Gas Company, Docket No. G-8965; Gas Transmission Company, Docket No. G-9042; Graham Oil Company, Docket No. G-9059; Late Oil Company, Docket No. G-9153; Moran Bros. Inc., Docket No. G-9164; Foster Petroleum Corporation, Docket No. G-9178; Hudson Oil & Metals Company, Docket No. G-9165.

Notice is hereby given that on November 8, 1955, the Federal Power Commission issued its findings and orders adopted November 2, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9377; Filed, Nov. 22, 1955; 8:46 a. m.]

[Docket No. G-8540]

CITIZENS UTILITIES CO.

NOTICE OF ORDER IN REGARD TO PHYSICAL FACILITIES AND SALE OF NATURAL GAS

NOVEMBER 17, 1955.

Notice is hereby given that on November 7, 1955, the Federal Power Commission issued its order adopted November 2, 1955, directing physical connection of facilities and sale of natural gas in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9378; Filed, Nov. 22, 1955; 8:46 a. m.]

[Docket No. G-8871 etc.]

COLORADO INTERSTATE GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

NOVEMBER 17, 1955.

In the matters of Colorado Interstate Gas Company, Docket No. G-8871, El Paso Natural Gas Company, Docket No. G-9158; Arkansas-Missouri Power Company, Docket No. G-9219.

Notice is hereby given that on November 7, 1955, the Federal Power Commission issued its findings and orders adopted November 2, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9379; Filed, Nov. 22, 1955; 8:46 a. m.]

[Docket No. G-6477, etc.]

EDWIN NIELSEN ET AL.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 16, 1955.

In the matters of Edwin Nielsen et al., Docket No. G-6477; The Citizens National Bank in Abilene, Texas, Executor and Trustee of Ellis A. Hall, Docket No. G-6484; John E. Prothro, Docket Nos. G-6512 and G-6513; Leona Cox Skelton, Docket No. G-6521; H. W. Perritt, Docket No. G-6702; Mrs. L. M. Moffit and Mrs. Betty M. Gustine, Docket No. G-6703; Rycade Oil Company, Docket No. G-6739; F. L. Andrews et al., Docket No. G-6709.

Notice is hereby given that on November 8, 1955, the Federal Power Commission issued it findings and order adopted November 2, 1955, in the above-entitled matters, issuing certificates of public convenience and necessity in Docket Nos. G-6477, G-6521, G-6702, G-6703, G-6739, G-6709; and dismissing applications in Docket Nos. G-6484, G-6512 and G-6513 for lack of jurisdiction.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9380; Filed, Nov. 22, 1955; 8:46 a. m.]

[Docket No. G-7854, etc.]

RALPH SNYDER ET AL.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 16, 1955.

In the matters of Ralph Snyder, Docket No. G-7854; Sinclair B. Kouns et al., Docket No. G-7855; Granite Oil Trust No. 2 of Oklahoma, Docket No. G-7856; Jefferson Gas Company, Docket No. G-7857; McIntosh and Grimm, Docket Nos. G-7858, G-7859; Compbell Gas Company, Docket No. G-7860; Smith Gas Company, Docket No. G-7863; Lamar Hunt, Docket No. G-7874; J. H. Herd, Docket No. G-7875; Thomas J. Davis, Docket No. G-7876; M. G. Drake Gas Company, Docket No. G-7877; John J. Redfern, Jr., Docket No. G-7878; Drake Oil & Gas Company, Docket No. G-7886; Donnell Drilling Company, Docket No. G-7890.

Notice is hereby given that on November 8, 1955, the Federal Power Commission issued its findings and order adopted November 2, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9381; Filed, Nov. 22, 1955; 8:46 a. m.]

[Docket No. G-6954 etc.]

D. D. FELDMAN OIL AND GAS ET AL.

NOTICE OF FINDINGS AND ORDERS

NOVEMBER 16, 1955.

In the matters of D. D. Feldman d/b/a D. D. Feldman Oil and Gas, Docket No. G-6954; Charles McCamic et al., Docket No. G-9089; Texas Eastern Transmission Corporation, Docket No. G-9099; Roy E. Briscoe et al., Docket No. G-9123.

Notice is hereby given that on November 9, 1955, the Federal Power Commission issued its findings and orders adopted November 2, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9382; Filed, Nov. 22, 1955; 8:46 a. m.]

[Docket No. G-9201]

SOUTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 16, 1955.

Notice is hereby given that on November 2, 1955, the Federal Power Commission issued its findings and order adopted November 2, 1955, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9383; Filed, Nov. 22, 1955; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-972]

ATLAS CORP. ET AL.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATES

NOVEMBER 16, 1955.

In the matter of Atlas Corporation, Wasatch Corporation, Airfleets, Inc., San Diego Corporation, and Lisbon Uranium Corporation; File No. 812-972.

Notice is hereby given that Atlas Corporation ("Atlas") and Wasatch Corporation ("Wasatch"), both closed-end, non-diversified management investment companies registered under the Investment Company Act of 1940 ("act"), and Airfleets, Inc. ("Airfleets"), San Diego Corporation ("San Diego"), and Lisbon Uranium Corporation ("Lisbon"), have filed a joint application for an order or orders pursuant to sections 17 (b) and 6 (c) of the act exempting certain transactions hereinafter described from the provisions of sections 17 (a) and 18 (a) (1) (A) of the act.

The application makes the following representations:

San Diego is engaged in the oil and gas production business as is Airfleets. The latter company is also engaged in the manufacture and sale of aircraft equipment. Lisbon is engaged in the exploration and development of uranium properties.

Atlas owns approximately 96 percent of the voting stock of Wasatch, 18 percent of the voting stock of San Diego and 3 percent of the voting stock of Airfleets. Voting stock of Lisbon is owned by Wasatch, San Diego and Airfleets, respectively, in the amount of 32 percent, 16 percent and 16 percent. Floyd B. Odlum, President of Atlas, is also President of Airfleets and is the owner of more than 5 percent of its voting stock.

For a considerable period prior to February 1955, Lisbon had been interested in acquiring certain uranium claims in the Colorado Plateau owned by Robert M. Barrett of Salt Lake City, Utah, some of which claims were and are contiguous on three sides to some of the claims then and now owned by Lisbon.

Barrett is not an officer or director or, so far as is known, a stockholder of any of the corporations which are parties to this application. After protracted negotiations with Barrett, it appeared that the terms upon which Barrett would sell the claims owned by him were beyond the cash resources of Lisbon at the time such negotiations reached the point where a definite decision had to be reached promptly. Lisbon thereupon entered into an agreement dated February 15, 1955, with Wasatch, Airfleets and San Diego, whereby the latter named corporations undertook to enter into a written option agreement with Barrett relating to the Barrett claims. The option agreement with Barrett was executed by a duly authorized agent of Airfleets, which, in turn, was acting for itself and as agent for San Diego and Wasatch.

Pursuant to this agreement, Wasatch, Airfleets and San Diego have paid an aggregate of $510,000 to Barrett, and have expended $228,704 in exploration and drilling activities and for other related expenses. These expenditures were made by Wasatch, Airfleets and San Diego in the proportions of 50 percent, 25 percent and 25 percent, respectively.

Atlas now proposes to advance to Lisbon up to $4,350,000 (of which $60,000 has already been advanced) in order that Lisbon may, among other things, reimburse Wasatch, Airfleets and San Diego for their expenditures on its behalf with interest at 5 percent from the dates of the payments to the date of reimbursement. Upon such reimbursement, Wasatch, Airfleets and San Diego will transfer the Barrett option agreement to Lisbon.

The amount to be advanced by Atlas will also enable Lisbon to make the final payment of $3,090,000 required to be made on or before December 1, 1955, in order to complete the payments required for exercise of the Barrett option. The balance of the proposed advance is for acquisition, exploration, drilling and other expenses either incurred or anticipated prior to May 1, 1956. Lisbon has in contemplation a permanent financing program which should, under present plans, be completed by that date.

Lisbon proposes to deliver to Atlas its promissory note or notes in the aggregate amount of the advance, maturing not later than May 1, 1956, with interest at 5 percent per annum, together with a mortgage which will be a first lien on the Barrett claims. Wasatch, Airfleets and San Diego propose to deliver to Atlas, in consideration of the Atlas advance, their several guarantees of collection of a portion of the advance equivalent to the proportionate stock interests in Lisbon of 32 percent, 16 percent and 16 percent, respectively.

Generally speaking, section 17 (a) of the act prohibits an affiliated person of a registered investment company or any affiliated person of such a person, from selling to, or purchasing from such registered investment company or any company controlled by such registered investment company, any securities or property, subject to certain exceptions not here pertinent. The Commission upon application, pursuant to section 17 (b), may grant an exemption from the provisions of section 17 (a) if it finds that the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

The proposed transfer by Wasatch, Airfleets and San Diego of their respective interests in the option agreement to Lisbon involves the purchase by an affiliate (Lisbon) of a registered investment company (Atlas) of property from a company (Wasatch) controlled by such registered company. It also involves a sale by affiliates (Airfleets and San Diego) of an affiliate (Lisbon) of a registered investment company (Wasatch) of property to a company (Lisbon) presumed to be controlled by such registered investment company. Consequently, the transfer would be prohibited by the provisions of section 17 (a) (1) of the act unless exempted pursuant to section 17 (b) thereof.

To the extent that the several guarantees of Wasatch, Airfleets and San Diego may be deemed to constitute the sale of a security by each of those corporations to Atlas, there is involved a sale of securities to a registered investment company (Atlas) by affiliates (Wasatch and San Diego) or an affiliate (Airfleets) of an affiliate (Lisbon) of such registered investment company. The proposed guarantees would therefore be prohibited under section 17 (a) (1) of the act unless exempted pursuant to section 17 (b) thereof.

To the extent that the guarantee by Wasatch of the repayment of 32 percent of the advance by Atlas may be deemed to constitute the issuance of a senior debt security by Wasatch within the meaning of section 18 of the act, it may contravene the provisions of section 18 (a) (1) (A) of said act, because the asset coverage for the senior debt securities of Wasatch may be less than 300 percent after the making of such guarantee.

Section 6 (c) of the act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than November 30, 1955, at 12:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9387; Filed, Nov. 22, 1955; 8:47 a. m.]

[File No. 70-3426]

DELAWARE POWER & LIGHT CO.

NOTICE OF FILING REGARDING PROPOSED ISSUANCE AND SALE OF BONDS AND PREFERRED STOCK

NOVEMBER 17, 1955.

Notice is hereby given that Delaware Power & Light Company ("the Company"), a registered holding company and a public utility company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 and 7 of the act and Rule U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

The Company proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of its First Mortgage and Collateral Trust Bonds -- percent Series due 1985 ("1985 Series Bonds") and 50,000 shares of its -- percent Preferred Stock, Cumulative, par value $100 per share ("New Preferred Stock").

The 1985 Series Bonds will be issued under and secured by the Mortgage and Deed of Trust of Delaware Power & Light Company to The New York Trust Company, Trustee, dated as of October 1, 1943, and indentures supplemental thereto, including a proposed Eighteenth Supplemental Indenture to be dated as of December 1, 1955. The rights and preferences of the 1985 Series Bonds will be substantially identical with the presently outstanding First Mortgage and Collateral Trust Bonds, 3⅛ percent Series due 1977, except with respect to the interest rate, redemption prices, and maturity date thereof. The invitation for bids will specify that the amount to be received by the Company shall not be less than one hundred percent nor more than 102.75 percent of the principal amount thereof, and that the interest rate shall be a multiple of one-eighth of one percent.

The rights and preferences of the New Preferred Stock will be substantially identical with those of the presently outstanding 4 percent, 3.70 percent, 4.28 percent and 4.56 percent Preferred Stocks except with respect to the dividend rate and redemption prices thereof. The invitation for bids will specify that the amount to be received by the Company shall not be less than $100 per share, nor more than $102.75 per share (plus accrued dividends), and that the dividend rate shall be a multiple of 4-hundredths of one percent (0.004 percent).

A statement of the fees, commissions, and expenses to be paid in connection with said transactions will be filed by amendment.

The net proceeds from the sale of said bonds and preferred stock will be applied toward the cost of the construction program of the Company and its two subsidiaries, including the retirement of any bank loans incurred prior to the sale.

The issuance and sale of said securities are subject to the approval of the Public Service Commission of Delaware.

The Company requests that the Commission's order herein be made effective not later than December 6, 1955.

Notice is further given that any interested person may, not later than December 5, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9388; Filed, Nov. 22, 1955; 8:47 a. m.]

[File No. 70-3399]

FALL RIVER ELECTRIC LIGHT CO. AND EASTERN UTILITIES ASSOCIATES

ORDER REGARDING ISSUANCE OF COMMON STOCK BY PUBLIC-UTILITY COMPANY AND ACQUISITION OF ITS EMPLOYEES' STOCK BY SAID COMPANY

NOVEMBER 17, 1955.

Fall River Electric Light Company ("Fall River"), a public-utility company, and its parent, Eastern Utilities Associates, a registered holding company, having filed with this Commission a declaration and amendments thereto pursuant to sections 7 and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-42 promulgated thereunder regarding the proposed transactions which are summarized as follows:

Fall River has outstanding 210,000 shares of $25 par value common capital stock and 5,000 shares of $10 par value employees' stock. Each share of common capital stock is entitled to one vote and ten shares of employees' stock are entitled to one vote. Fall River proposes to issue and sell up to 2,000 additional shares of common capital stock and offer such shares to the holders of the employees' stock for cash at the par value thereof and to use the proceeds to purchase employees' stock at the par value thereof. The offer will be made on the basis of two whole shares of common capital stock for five whole shares of employees' stock or multiples thereof. According to the declaration there are only thirty-five holders of employees' stock and, by reason of limitations provided in Fall River's by-laws prescribed by authority granted in the General Laws of Massachusetts, such stock may not be transferred except to Fall River employees or the company and if sold or transferred to Fall River the price which can be paid for such stock is limited to its par value.

The foregoing transactions have been expressly authorized by the Massachusetts Department of Public Utilities and it appears that no other commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that there are no commissions, fees or expenses to be paid in connection with the proposed transactions, except legal fees and expenses estimated in the aggregate at $1,600. It is requested that the Commission's order herein become effective upon issuance.

Notice of the filing of the declaration having been duly given in the manner prescribed by Rule U-23, and no hearing having been ordered by or requested of the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied; and that the declaration, as amended, should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be and the same hereby is permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9389; Filed, Nov. 22, 1955; 8:48 a. m.]

[File No. 30-236]

WESTERN KENTUCKY GAS CO.

NOTICE OF FILING OF APPLICATION FOR ORDER

NOVEMBER 17, 1955.

Notice is hereby given that Western Kentucky Gas Company ("Western Kentucky"), a registered holding company and a public utility company, has filed an application with this Commission pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 ("act") requesting an order declaring that it has ceased to be a holding company.

On March 7, 1955, this Commission by order permitted a declaration to become effective regarding a proposed merger into Western Kentucky of Shelbyville Gas Company ("Shelbyville"), a public utility subsidiary company. (Holding Company Act Release No. 12813.) On October 10, 1955, Western Kentucky filed a Certificate of Notification pursuant to Rule U-24 wherein it is stated, inter alia, that Shelbyville has been formally dissolved and that a certificate of such dissolution was issued on July 22, 1955, by the Secretary of State of Delaware, the State in which Shelbyville had been organized.

It is stated by Western Kentucky that its only remaining subsidiary, Kengas, Inc., is not a gas utility company within the meaning of the act, it being represented that Kengas, Inc., distributes only liquefied petroleum gas in containers to its customers.

Notice is further given that any interested person may not later than December 1, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application, as filed or as amended, may be granted, or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9390; Filed, Nov. 22, 1955; 8:48 a. m.]

[File Nos. 30-65, 70-3403]

INTERSTATE POWER CO. ET AL.

GRANTING OF APPLICATION FOR ORDER DECLARING CESSATION AS HOLDING COMPANY

NOVEMBER 17, 1955.

In the matter of Interstate Power Company, File No. 30-65; Interstate Power Company, East Dubuque Electric Company, File No. 70-3403.

Interstate Power Company ("Interstate"), a registered holding company, having filed an application with the Commission pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 requesting an order declaring that it has ceased to be a holding company; and

The Commission finding that, pursuant to its order of September 26, 1955, in File No. 70-3403 (Holding Company Act Release No. 12994), East Dubuque Electric Company ("East Dubuque"), the wholly-owned and sole subsidiary company of Interstate, was completely liquidated and dissolved as of September 30, 1955; that on September 30, 1955, certificates for all of the outstanding capital stock of East Dubuque were surrendered by Interstate for cancellation and cancelled in consideration of the distribution and transfer to Interstate by way of a final liquidating dividend of all of the properties and assets of East Dubuque, subject to the assumption by Interstate of all of East Dubuque's obligations and liabilities; that on October 3, 1955, the Secretary of State of the State of Illinois issued a Certificate of Dissolution certifying to the dissolution of East Dubuque, so that the existence of such corporation ceased; and that upon such cessation of existence of East Dubuque, Interstate ceased to be a holding company; and

Notice of the filing of said application having been duly given and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the Act are met, that no terms and conditions need be imposed, and that the application should be granted forthwith:

It is ordered, Pursuant to the provisions of section 5 (d) of the act, that Interstate has ceased to be a holding company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9391; Filed, Nov. 22, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 87]

MOTOR CARRIER APPLICATIONS

NOVEMBER 18, 1955.

Protests, consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when the circumstances require immediate action, an application for approval, under Section 210a (b) of the Act of the temporary operations of motor carrier properties sought to be acquired in an application under Section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 200 Sub 185, filed November 3, 1955, RISS & COMPANY, INC., 15 West 10th Street, Riss Building, Kansas City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Baltimore, Md., and Philadelphia, Pa., from Baltimore over U. S. Highway 40 to junction U. S. Highway 13, thence over U. S. Highway 13 to Philadelphia, and return over the same route, serving no intermediate points. RESTRICTION: Service over the above-described route shall be restricted against the handling of traffic moving between two points, both of which are located east of points in the Pittsburgh, Pa., Commercial Zone as defined by the Commission. Applicant is authorized to conduct operations in Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and the District of Columbia.

No. MC 891 Sub 6, filed October 27, 1955, GERARD MOTOR EXPRESS, INC., 10 Cherry Street, P. O. Box 328, Terre Haute, Ind. Applicant's attorney: Robert H. Levy, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *Class A, B and C explosives*, serving Roy Cartage lot located on Caton Road approximately one-half mile west of U. S. Highway 66-A and approximately one and one-half miles north of the city limits of Joliet, Ill., as an off-route point in connection with carrier's regular route operations between Chicago, Ill., and Terre Haute, Ind. Applicant is authorized to conduct operations in Illinois and Indiana.

No. MC 2202 Sub 136, filed November 2, 1955, ROADWAY EXPRESS, INC., 147 Park Street, P. O. Box 471, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Birmingham, Ala., and Cleveland, Tenn., over U. S. Highway 11, serving no intermediate points, and with service at junction points for the purpose of joinder only, as an alternate route, for operating convenience only, in connection with carrier's regular route operations between Cleveland, Tenn., and Birmingham, Ala., operating as follows: from Cleveland over U. S. Highway 60 to the Tennessee-Georgia State line, thence over Georgia Highway 71 to Dalton, Ga., thence over U. S. Highway 41 to Calhoun, Ga., thence over Georgia Highway 53 to Rome, Ga., thence over U. S. Highway 27 to Cedartown, Ga., thence over U. S. Highway 278 to Gadsden, Ala., thence over U. S. Highway 411 to Saint Clair, Ala., and thence over U. S. Highway 11 to Birmingham, and return over the same route. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin and the District of Columbia.

No. MC 2221 Sub 5, filed November 2, 1955, GROSSMAN & BEST, INCORPORATED, 710 Union St., Hudson, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State St., Albany 7, New York. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Household goods*, as defined by the Commission, between Hudson, N. Y., and points within 35 miles of Hudson, N. Y., on the one hand, and, on the other, points in Virginia, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Ohio, Delaware, Maryland, Indiana, and the District of Columbia, and (2) *Pies, cakes* and *bread*, from Hudson, N. Y., to Pittsfield, Mass., and *empty containers and cartons or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in New York, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Ohio, Indiana, Delaware, Maryland, and the District of Columbia.

No. MC 2229 Sub 75, filed November 8, 1955, RED BALL MOTOR FREIGHT, INC., P. O. Box 3148, 1210 South Lamar St., Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Forth Worth, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding those of unusual value, livestock, cotton, lumber, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Amarillo, Tex., and Denver, Colo., over U. S. Highway 87, serving all intermediate points. Applicant is authorized to conduct operations in Arkansas, Louisiana, and Texas.

No. MC 13499 Sub 1, filed November 4, 1955 PACIFIC TRANSPORTATION LINES, INC., North Division, Spring and Eagle Streets, Buffalo, N. Y. for authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, between points and places within the territory bounded by a line beginning at Buffalo, N. Y., and extending in a southwesterly direction along the shore of Lake Erie to Erie, Pa., thence in a southeasterly direction through Union City to Tionesta, Pa., thence east through Ridgway and Saint Marys to Renova, Pa., thence in a northeasterly direction to Savona, N. Y., thence east to Greene, N. Y., thence in a northeasterly direction to Richfield Springs, N. Y., thence north through Mohawk, Herkimer, Newport, Old Forge, and Newton Falls, to Massena, N. Y., thence in a northwesterly direction to Louisville Landing, N. Y., thence along the bank of the St. Lawrence River, and the shore of Lake Ontario to Youngstown, N. Y., and thence south along the east bank of the Niagara River (including Grand Is-

land) to Buffalo, including the points named.

NOTE: Applicant is presently authorized to conduct the above described operations by virtue of Permit No. MC 13499 dated June 11, 1943 and the purpose of instant application is to permit applicant to transport for other than persons (as defined in Section 203 (a) Interstate Commerce Act), who operate retail stores.

No. MC 20783 Sub 30, filed November 7, 1955, TOMPKINS MOTOR LINES, INC., 1000 Third Avenue, North, Nashville, Tenn. Applicant's attorney: James Clarence Evans, Third National Bank Building, Nashville 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Citrus products* requiring refrigeration but not frozen, from points in Florida to points in Ohio, Indiana, Illinois, Kentucky, Wisconsin, Minnesota, New York, Pennsylvania, Maryland, West Virginia, Tennessee, Alabama, Georgia, South Carolina, North Carolina, Virginia, and Florida, and points in Michigan on or south of Michigan State Highway, Route 21. Applicant is authorized to conduct operations in Tennessee, Georgia, North Carolina; Alabama, Florida and South Carolina.

No. MC 25643 Sub 40, filed November 7, 1955, EVERTS' COMMERCIAL TRANSPORT, INC., 920–18th Pl., West, Eugene, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Phenol*, in bulk, in tank vehicles, from points in Contra Costa County, Calif., to points in Grays Harbor County, Wash. Applicant is authorized to conduct operations in California, Oregon, and Washington.

No. MC29910 Sub 45, filed November 7, 1955, THE ARKANSAS MOTOR FREIGHT LINES, INC., 401 S. 11th, Fort Smith, Ark. Applicant's attorney: Thomas Harper, Kelley Bldg., Fort Smith, Ark. For authority to operate as a *common carrier*, over regular routes, transporting: *Asphalt, asphalt products, lubricating oils and greases*, from the plant site of the Berry Asphalt Company at Waterloo, Ark. to Hope, Ark. and Camden, Ark., (1) from Waterloo over Arkansas Highway 19 to junction Arkansas Highway 4, and thence west over Arkansas Highway 4 to Hope; (2) from Waterloo to junction Arkansas Highway 4 as indicated above, and thence east over Arkansas Highway 4 to Camden; *equipment, materials, and supplies* used in the manufacture of the above commodities, from Hope and Camden, Ark. over the above-specified routes to Waterloo, Ark. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, Illinois, Louisiana, Texas, and Mississippi.

No. MC 30319 Sub 60, filed October 28, 1955, SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 810 N. San Jacinto Street, P. O. Box 4045, Houston, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Maurice, La., and Abbeville, La., over U. S. Highway 167, serving no intermediate points. RESTRICTION: (a) Service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of rail service of applicant's affiliate, the Texas & New Orleans Railroad Company; (b) Shipments transported by carrier shall be limited to those which have a prior or subsequent movement by rail or water; (c) Carrier shall not serve any point not a station on the railroad; (d) All contractual arrangements between said carrier and the railroad shall be reported to the Interstate Commerce Commission and shall be subject to revision if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties; and (e) Such further specific conditions as the Commission, in the future may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to or supplemental of rail service. Applicant is authorized to conduct operations in Louisiana and Texas.

No. MC 39443 Sub 8, filed September 16, 1955, (Amended), published October 5, 1955 on page 7405, RAY E. THOMPSON & SONS, INC., 4800 Broadway, Quincy, Ill. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mineral mixture for livestock and poultry feeding, animal feed* and *poultry feed, insecticides*, (other than agricultural), *animal and poultry tonics and medicines, dry earth paint*, and *advertising matter*, between Quincy, Ill., on the one hand, and, on the other, points in Monona, Crawford, Carroll, Harrison, Shelby, Audubon, Pottawattamie, Cass, Adair, Mills, Montgomery, Adams, Fremont, Page, and Taylor Counties, Iowa. Applicant is authorized to conduct operations in Illinois, Missouri, and Wisconsin.

No. MC 52869 Sub 20, filed July 28, 1953, as amended, *reopened, on the Commission's own motion, for further hearing*, E. G. BALSAM, L. W. BALSAM, S. F. DEFRANCE, and V. L. DEFRANCE, doing business as BALSAM & DEFRANCE (now reentitled NORTHERN TANK LINE), No. 8 S. 7th St., Miles City, Mont. Applicant's attorney: Daniel G. Kelly, 12 N. Sixth St., Miles City, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Williston, N. Dak., and points within ten (10) miles thereof, to points in that portion of Montana on and east of a line beginning at a point on the International Boundary of the United States and Canada, near Willow Creek, Saskatchewan, Canada, and extending in a southernly direction to Havre, Mont., thence along U. S. Highway 87 through Great Falls, Lewistown, and Billings, Mont., to the Montana-Wyoming State line. Applicant is authorized to conduct operations in Wyoming, Montana, North Dakota, and South Dakota.

No. MC 59185 Sub 15, filed November 7, 1955, HIGHWAY EXPRESS, INC., 2416 W. Superior Avenue, Cleveland, Ohio. Applicant's attorney: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, transporting: *General Commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the new plant of the General Motors Corporation located on the south side of U. S. Highway 30 North, 3 miles west of Mansfield, Ohio, as an off-route point in connection with applicant's regular route operations between Cleveland, Ohio, and Ashland, Ohio, as authorized in Certificate No. MC 59185 Sub 5. Applicant is authorized to conduct operations in Michigan and Ohio.

No. MC 59185 Sub 16, filed November 7, 1955, HIGHWAY EXPRESS, INC., 2416 W. Superior Avenue, Cleveland, Ohio. Applicant's attorney: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Cleveland, Ohio, and the site of the new plant of the Chrysler Corporation in or near Macedonia, Ohio. Applicant is authorized to conduct operations in Michigan and Ohio.

No. MC 66562 Sub 1257, filed November 10, 1955, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's attorney: William H. Marx, same address as applicant. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, between Buffalo, N. Y., and Punxsutawney, Pa., from Buffalo over New York Highway 210 to junction New York Highway 39, thence over New York Highway 39 to Springville, N. Y., thence over U. S. Highway 219 to DuBois, Pa., thence over U. S. Highway 119 to Punxsutawney, and return over the same route, serving the intermediate points of Orchard Park, Jewettville, Colden, Springville, and Ellicottville, N. Y., and Bradford, Ridgway, Brockway, DuBois, and Sykesville, Pa., and the off-route points of Salamanca, N. Y., and Mount Jewett and Falls Creek, Pa. RESTRICTION: (a) The authority applied for is subject to the condition that service to be performed shall be limited to service which is auxiliary to, or supplemental of, air or railway express service; (b) Shipments transported by carrier shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movement by carrier, an immediately prior or immediately subsequent movement by air or rail; and (c) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operation to service which is auxiliary to, or supplemental of, air or railway express service.

Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 SUB 1258, filed November 10, 1955, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's attorney: William H. Marx, same address as applicant. For authority to operate as a *common carrier*, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, serving Evans City, Pa., as an intermediate point, and Mars, Pa., as an off-route point in connection with applicant's regular route operations between Pittsburgh, Pa., and Butler, Pa. RESTRICTION: (a) The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, railway express service; (b) Shipments transported by carrier shall be limited to those moving on a through bill of lading or express receipt covering in addition to the motor carrier movement by carrier, an immediately prior or immediately subsequent movement by air or rail; and (c) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operation to service which is auxiliary to, or supplemental of, air or railway express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 68078 Sub 15, filed November 7, 1955, CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, Chattanooga, Tenn. Applicant's attorney: E. Blaine Buchanan, James Building, Chattanooga 2, Tenn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Cleveland, Tenn., and Knoxville, Tenn., from Cleveland over U. S. Highway 64 to junction U. S. Highway 411, thence over U. S. Highway 411 to Maryville, Tenn., thence over Tennessee Highway 73 to Knoxville, and return over the same route, (2) between Athens, Tenn., and Etowah, Tenn., from Athens over Tennessee Highway 30 to Etowah, and return over the same route, (3) between Athens, Tenn., and Englewood, Tenn., from Athens over Tennessee Highway 39 to Englewood, and return over the same route, (4) between Sweetwater, Tenn., and Tellico Plains, Tenn., from Sweetwater over Tennessee Highway 68 to Tellico Plains, and return over the same route, (5) between junction U. S. Highways 129 and 411 about six miles southward of Maryville, Tenn., and the Tennessee-North Carolina State line, from junction U. S. Highways 129 and 411 over U. S. Highway 129 to the Tennessee-North Carolina State line, and return over the same route, and (6) between McGhee, Tenn., and junction Tennessee Highway 72 and U. S. Highway 129, from McGhee over Tennessee Highway 72 to junction U. S. Highway 129, and return over the same route. Serving all intermediate points on the above-specified routes, except Benton, Tenn., on Route (1). Applicant is authorized to conduct operations in Alabama, Georgia, and Tennessee.

NOTE: Applicant states it proposes to tack the foregoing described routes to its present authority.

No. MC 87514 Sub 10, filed November 9, 1955, NICHOLAS TUSO, JR., doing business as INTER-STATE TRANSPORTATION COMPANY, P. O. Box 55, Third and Chestnut Ave., Vineland, N. J. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between Delaware City, Del. and points in New Jersey on and south of New Jersey Highway 33. Applicant is authorized to transport the named commodities from Philadelphia, Marcus Hook, and Chester, Pa., and Claymont, Del. to the above-indicated destination territory.

No. MC 96615 Sub 1, filed October 19, 1955, L. H. DOOLITTLE, doing business as DOOLITTLE TRANSPORTATION CO., 500 Dakota St., Seattle, Wash Applicant's attorney: Elton B. Jones, White-Henry-Sturart Bldg., Seattle 1, Wash. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Seattle, Wash., and the International Boundary between the United States and Canada at the port of entry of Sumas, Wash., from Seattle, over U. S. Highway 99 to Bellingham, Wash., thence over Washington Highways 1B and 1A to Sumas, and return. RESTRICTION: Service herein is restricted to shipments moving to or from Territories and possessions of the United States. Applicant is authorized to conduct operations in Washington, Idaho, and Montana.

No. MC 101126 Sub 39, filed November 7, 1955, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Vegetable Oils and blends thereof* and *vegetable oil products*, in bulk, in tank vehicles, from Cincinnati, Ohio to Buffalo, Dunkirk and Tonawanda, N. Y. and *empty containers* or other such incidental facilities used in transporting the commodities specified on return. Applicant is authorized to conduct irregular route operations in Illinois, Arkansas, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee and Wisconsin.

No. MC 103066 Sub 10, filed November 10, 1955, VAN STONE, doing business as STONE TRUCKING CO., 1516 West 49th Street, P. O. Box 2014, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, between points in Oklahoma, Texas, Kansas and Arkansas, on the one hand, and, on the other, points in Tennessee. Applicant is authorized to conduct operations in Arkansas, Illinois, Kansas, Louisiana, New Mexico, Missouri, Montana, North Dakota, South Dakota, Oklahoma and Texas.

No. MC 103880 Sub 160, filed November 7, 1955, PRODUCERS TRANSPORT, INC., 530 Paw Paw Ave., Benton Harbor, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, and *acids*, in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Illinois. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

No. MC 103993 Sub 59, filed November 10, 1955, MORGAN DRIVE-AWAY, INC., 509 Equity Bldg., Elkhart, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 W. Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, by the truckaway method, in initial movements, from points in California (except Los Angeles County, Calif., La Habra and Costa Mesa, in Orange County, and points in Riverside County, Calif., within four miles of Mira Loma, Calif., but *not excluding Riverside, Calif.*) to points in the United States, and *damaged shipments* of the above-specified commodity on return movement. Applicant is authorized to conduct operations throughout the United States.

No. MC 103993 Sub 60, filed November 14, 1955, MORGAN DRIVE-AWAY, INC., 509 Equity Bldg., Elkhart, Ind. Applicant's attorney; John E. Lesow, 632 Illinois Building, 17 W. Market St., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passengers automobiles, by the truckaway method, initial movements, from Clearwater, Fla., to points in the United States, and *damaged shipments* of the above-specified commodity, on return movement. Applicant is authorized to conduct operations throughout the United States.

No. MC 109126, Sub 5, filed November 10, 1955, LA SALLE TRUCKING COMPANY, a corporation, Box 13037, 2317 Newton Avenue, San Diego 13, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, between points in Orange, Imperial, and Los Angeles Counties, Calif., to ports of entry on the International Boundary line between the United States and Mexico located at or near San Luis, Ariz., and Mexicale, Tecate, Andrade, and Tijuana, Mexico. Applicant is authorized to conduct operations in California.

No. MC 110190 Sub 31, filed November 9, 1955, PENN-DIXIE LINES, INC., P. O. Box 42, 2000 So. George Street, York, Pa. Applicant's attorney: Robert R. Hendon, Investment Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fresh citrus fruit sections* and *fresh fruit salad*, in containers unfrozen, requiring refrigeration; and *related advertising material*, from points in Florida to points in the District of Columbia, Maryland, Pennsylvania, Delaware, New Jersey, and New York. Applicant is authorized to conduct operations in Pennsylvania, Maryland, Alabama, Georgia, Florida, New Jersey, Mississippi, Louisiana and Texas.

No. MC 111170 Sub 25, filed November 9, 1955, WHEELING PIPE LINE, INC., P. O. Box 270, El Dorado, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, from Norphlet and El Dorado, Ark., to points in Warrick County, Ind., and points in Tennessee west of the Tennessee River. Applicant is authorized to conduct operations in Alabama, Arkansas, Louisiana, Mississippi, Missouri, Tennessee and Texas.

No. MC 111201 Sub 1, filed October 31, 1955, J. N. ZELLNER & SON TRANSFER COMPANY, P. O. Box 172, East Point, Ga. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Bldg., Atlanta 5, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Waste* (by-products of textile mills such as synthetic waste, wool waste, and mixtures thereof), between points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee. Applicant holds authority to transport cotton waste between points in the above-named states, and by this application seeks no duplicating authority.

No. MC 112020 Sub 13, filed November 4, 1955, COMMERCIAL OIL TRANSPORT, a corporation, 1030 Stayton Street, Fort Worth, Texas. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fats, oils and greases, products and blends thereof*, other than petroleum and petroleum products and blends thereof, between points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, Texas, Illinois and Indiana. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, and Kansas.

No. MC 113666 Sub 1, filed November 9, 1955, ANDREW SMETANICK, Box 215, Freeport, Pa. Applicant's attorney: Jerome Solomon, 1325–27 Grand Building, Pittsburgh, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brick, tile* and *other clay products*, and *empty containers or other such incidental facilities* used in transporting the commodities specified in this application, between points in Armstrong County, Pa., and points in West Virginia, Ohio, Michigan, Maryland, New Jersey, Delaware, Virginia, District of Columbia, New York, Rhode Island, Connecticut and Massachusetts.

No. MC 113979 Sub 1, filed September 14, 1955, MINER TRUCKING, INC., North Creek, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, from points in Hamilton, Warren, and Essex Counties, N. Y., to points in Pennsylvania, Massachusetts, Vermont, Connecticut, New Jersey, New Hampshire and New York.

No. MC 114052 Sub 2, filed November 9, 1955, HOWARD CATENCAMP, doing business as CATENCAMP TRANSFER & STORAGE, 303 East Stephens, Shawano, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid glue*, in bulk, in tank vehicles, from Shawano, Wis., to points in Michigan, Ohio, Indiana, Illinois, Iowa and Minnesota.

NOTE: If and when the authority requested herein is granted, Certificate No. MC 114052 should be cancelled. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota and Wisconsin.

No. MC 114143 Sub 2, filed November 4, 1955, L. D. LAUGHLIN, doing business as L. D. LAUGHLIN TRUCK COMPANY, Route 1, Cyril, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Roofing asphalt, asphalt roof coating*, and *asphalt under-coating materials*, from Cyril, Okla., to points in Kansas, and those in Colorado located on and east of U. S. Highway 87. Applicant does not presently hold any authority from this Commission.

No. MC 114527 Sub 5, filed November 9, 1955, M. HARDY TRUCKING CO., A Corporation, 2338 Delmonte Avenue, Monterey, Calif. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chrome ore* and *Chrome ore concentrates*, from the mill site of Bonnell Mining Co., approximately 14 miles northwest of Coalinga, Calif., to Grants Pass, Oreg. Applicant is authorized to conduct operations in California and Oregon.

No. MC 114569 Sub 7, filed November 3, 1955, SHAFFER TRUCKING, INC., Elizabethville, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Charcoal*, from points in Wiconisco Township, Dauphin County, Pa., to Irvington, N. J.

NOTE: Applicant has contract carrier, irregular route authority in MC 55813 dated May 19, 1954—Section 210 (dual operations) may be involved.

No. MC 115193 Sub 1 (amended), filed August 19, 1955, WARREN TRANSPORT, INC., 213 Witry St., Waterloo, Iowa. Applicant's attorney: Franklin R. Overmyer, Harris Trust Building, 111 West Monroe St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Farm tractors;* and *related farm tractor parts*, and *related internal combustion engines and parts thereof*, when their transportation is incidental to the transportation of farm tractors; and *farm tractor show displays*, and *experimental farm tractors*, from Waterloo, Iowa, to points in New Mexico, Oklahoma, and Texas, and (2) *farm machinery;* and *experimental farm machinery*, and *related parts thereof*, when their transportation is incidental to the transportation of farm machinery; and *farm machinery show displays*, and *experimental farm machinery*, from Ottumwa, Iowa, and points in Polk County, Iowa, to points in Oklahoma, Texas, Nebraska, Colorado, and New Mexico. Applicant does not presently hold any common carrier authority from this Commission but is authorized under Permit No. MC 111326 to conduct contract carrier operations in Iowa, Illinois, Wisconsin, Michigan, and Indiana, and has application pending in No. MC 115193 requesting conversion of said contract carrier authority to common carrier authority.

No. MC 115197 Sub 2, filed November 7, 1955, AMERICAN TRANSPORT, INC., P. O. Box 683, Springfield, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade Bldg., 10th and Wyandotte, Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from the pipeline terminal of the Cherokee Pipe Line located approximately seven (7) miles northeast of Mount Vernon, Mo., to Ava, Mo., and points in that part of Missouri bounded by a line beginning at the Missouri-Kansas State Line and extending along U. S. Highway 36 to junction with U. S. Highway 63, thence along U. S. Highway 63 to junction with U. S. Highway 60, thence along U. S. Highway 60 to the Missouri-Oklahoma State Line, thence along the Missouri-Oklahoma State Line to the Missouri-Kansas State Line, and thence along the Missouri-Kansas State Line to the point of beginning, including points on the indicated portions of the highways specified. Applicant is authorized to transport the above-named commodities as a contract carrier from named points in Kansas to Missouri. Dual operations are involved.

No. MC 115251 Sub 1, filed November 4, 1955, BENJAMIN A. COBB, Main Street, New Milford, Pa. For authority to operate as a *common carrier* over irregular routes, transporting: *Flagstone*, from points in Susquehanna County Pa., and those in Broome and Delaware Counties, N. Y., to White Plains and Yonkers, N. Y. and points on Long Island, N. Y.

No. MC 115442 Sub 1, filed October 10, 1955, H. W. BUTLER, doing business as BUTLER TRUCKING COMPANY, 801 N. Jefferson St., Milledgeville, Ga. Applicant's attorney: Robert H. Green, 102 Sanford Bldg., Milledgeville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Clay products*, such as sewer pipe, flue lining, wall coping, farm drain tile, fire clay, and fire brick, from Milledgeville, Ga., Stevens Pottery, Ga., and Carrs Station, Ga. to points in North Carolina, South Carolina, Florida, Alabama, Tennessee, Mississippi, and Louisiana; *damaged shipments* of the above-indicated commodities on return.

No. MC 115520, filed August 15, 1955, MOTOR EXPRESS RENTALS CORPORATION, 141 West Jackson Boulevard, Chicago, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *General commodities*, including *household goods as defined by the Commission*, but excluding articles of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, and *returned goods, damaged goods* and *articles returned for repair* of the above-described commodities, between Denver, Colo., and points within 25 miles thereof, on the one hand, and, on the other, points on combined U. S. Highways 85 and 87 between Littleton, Colo., and Pueblo, Colo., including Colorado Springs, Colo., and points within ten (10) miles of each, as more fully described in the application.

No. MC 115540, filed August 25, 1955, GORDON A. BLANEY AND CRYSTOL L. BLANEY, doing business as GREYBULL TRANSFER, 631 Greybull Avenue, Greybull, Wyo. Applicant's attorney: Jerome Anderson, Electric Building, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Drilling muds, bentonite, chemicals*, and *other lost circulation materials*, in bulk, in containers, in dump trucks, or in tank vehicles, used in drilling and maintaining wells for the discovery, development, and production of natural gases and petroleum, and (2) *portable storage buildings*, commonly referred to as "mud houses", utilized at well sites for the storage of drilling muds, bentonite, chemicals, and other lost circulation materials used in drilling and maintaining wells for the discovery, development, and production of natural gases and petroleum, between Greybull, Wyo., and points within ten (10) miles thereof, on the one hand, and, on the other, points in Montana.

No. MC 115608 Sub 1, filed November 7, 1955, LESTER THIEL AND LEONARD J. GORECKI, doing business as TEMPCO DISTRIBUTING CO., 1006 South 15th St., Manitowoc, Wis. Applicant's attorney: Arden A. Muchin, First Floor Union Building, 1004 Washington St., Manitowoc, Wis. For authority to operate as a common carrier, over irregular routes, transporting: *Items made of Styrofoam or expanded polystyrene and combined with other materials, resulting in snow balls, canes, styrofoam blocks, crosses, floral wreaths and decorations, table center-pieces, styrofoam snow and decorative items of styrofoam which are used to form figures or displays, and instruction pamphlets*, from Manitowoc, Wis., to Chicago, Ill., and *supplies consisting of unfabricated styrofoam, styrofoam planks, corrugated cartons, set-up boxes and containers, ribbons, hangers, tinsel, glass balls, sequins, pine and similar items*, on return movement.

No. MC 115655, filed November 1, 1955, BARNETT BERCH, doing business as THE SHULTZ COMPANY, 44 West 143rd Street, New York, N. Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New and used store fixtures* and *equipment*, between New York, N. Y., on the one hand, and, on the other, points in Fairfield, Litchfield and New Haven Counties, Conn., points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren Counties, N. J., and those in Dutchess, Orange, Nassau, Putnam, Rockland, Suffolk, Ulster and Westchester Counties, N. Y.

No. MC 115666, filed November 7, 1955, LELAND C. BIGGS and ALMA DUKE BIGGS, doing business as CHEM-HAULERS, P. O. Box 245, Sheffield, Ala. Applicant's attorney: John A. Reynolds, 600–601 Mutual Building, Decatur, Ala. For authority to operate as a *common carrier*, over regular routes, transporting: (1) *Caustic soda*, (a) from Sheffield, Ala., to Atlanta, Ga., operating over U. S. Highway 43 from Sheffield to junction Alabama Highway 20, thence over Alabama Highway 20 to Decatur, Ala., thence over U. S. Highway 31, to Cullman, Ala., and thence over U. S. Highway 278 to Atlanta, Ga., serving no intermediate points, (b) from Sheffield, Ala., to Canton, Ga., operating over route described under (1) above from Sheffield to Rockmart, Ga., thence over Georgia Highway 113 to Cartersville, Ga., thence over U. S. Highway 411 to junction Georgia Highway 20, and thence over Georgia Highway 20 to Canton, serving no intermediate points, and (c) from Sheffield, Ala., to Gainesville, Ga., operating over routes described under (1) and (2) above from Sheffield to Canton, Ga., thence over Georgia Highway 20 to Cummings, Ga., thence over U. S. Highway 19 to junction Georgia Highway 141 at or near Coal Mountain, Ga., and thence over Georgia Highway 141 to Gainesville, serving the intermediate point of Canton, Ga., and (2) *empty containers or other such incidental facilities* (not specified) used in transporting caustic soda, over the above described routes, as return movements (a) from Atlanta, Ga. to Sheffield, Ala., serving no intermediate points, (b) from Canton, Ga. to Sheffield, Ala., serving no intermediate points, and (c) from Gainesville, Ga., to Sheffield, Ala., serving the intermediate point of Canton, Ga. Applicant does not presently hold any authority from this Commission.

No. MC 115667, filed November 7, 1955, ARROW TRANSFER CO., LTD., Granville Island, Vancouver, British Columbia, Canada. Applicant's attorneys: George R. LaBissoniere, 835 Central Bldg., Seattle 4, Wash., and J. Stewart Black, 1322 Laburnum St., Vancouver 9, British Columbia, Canada. For authority to operate as a *common carrier*, over irregular routes, transporting: *Heavy machinery* and *commodities* which because of their size or weight require the use of special equipment, handling, or rigging, between the United States-Canada International Boundary at or near Blaine, Wash. and Lynden, Wash. and at or near Eastport, Idaho and Porthill, Idaho, on the one hand, and, on the other, Portland, Oreg. and points in Washington.

No. MC 115668, filed November 7, 1955, WARREN G. HARDING, Rural Route #2, Kendallville, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bakery goods*, between River Forest, Ill., on the one hand, and, on the other, Lakeside, Mich., South Bend, Elkhart, Warsaw, and Wolcottville, Ind., and *empty containers* or *other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 115669, filed November 7, 1955, HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's attorney: C. A. Ross, 1004–1005 Trust Building, Lincoln 8, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt*, and *salt compounds*, from (1) Hutchinson, South Hutchinson, Kanopolis, and Lyons, Kans., and points within 10 miles of each, to points in Montana, and (2) from Kanopolis, Kans., and points within 10 miles of Kanopolis to points in North and South Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 115670, filed November 7, 1955, DAVID C. TRUE, doing business as, DAVIS TRUCKING COMPANY, Springfield, Tenn. Applicant's attorney: William H. Crabtree, 405 Stahlman Building, Nashville 3, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Farm implements and farm machinery*, from New Holland, Pa., to points in Davidson, Robertson, Montgomery, Sumner, Macon, Wilson, Bedford, Rutherford, Lincoln, Giles, Lawrence, Maury, Williamson, Lewis, Benton, Decatur and Marshall Counties, Tenn.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1501 Sub 111, filed October 24, 1955, THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago 4, Ill. Applicant's attorney: Edmund M. Brady, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, and *express, newspapers*, and *mail*, between Harrisburg, Ill., and junction Illinois Highways 145 and U. S. Highway 45, from Harrisburg over Illinois Highway 34 to junction Illinois Highway 145, thence over Illinois Highway 145 to junction U. S. Highway 45, serving no intermediate points. Applicant is authorized to conduct operations throughout the United States.

No. MC 1501 Sub 113, filed November 7, 1955, THE GREYHOUND CORPORATION, a corporation, 2600 Board of Trade Building, Chicago 4, Ill. Applicant's representative: J. D. Segal, Comptroller, Florida Greyhound Lines, (Division of the Greyhound Corporation), P. O. Box 329, Jacksonville 1, Fla. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *newspapers, express*, and *mail*, in the same vehicle with passengers, between Childs Junction, Fla. (junction of U. S. Highway 27 and Florida Highway 70 one mile east of

Childs, Fla.), and Miami, Fla., over U. S. Highway 27, serving all intermediate points including Venus Junction, Fla. Applicant is authorized to conduct operations throughout the United States, including the District of Columbia.

APPLICATIONS UNDER SECTION 5 (2) AND 210a (b)

No. MC–F 5755, published in the August 11, 1954, issue of the FEDERAL REGISTER on page 5076. Amendment filed November 8, 1955, to substitute M and M OIL AND TRANSPORTATION, INC., as vendee in lieu of S. A. MARKLEY and LOREN G. MARKLEY, doing business as M & M TRUCK COMPANY OF WYOMING.

No. MC–F 6096 published in the October 19, 1955, issue of the FEDERAL REGISTER on page 7893. Supplemental application filed November 10, 1955, to show joinder in application of ROGERS CARTAGE COMPANY OF INDIANA, INC., as a person in control of TEXAS-ARIZONA MOTOR FREIGHT, INC.

MC–F 6132. Authority sought for purchase by SHAW TRANSPORTATION, INC., 710 W. 2nd Street, Hutchinson, Kans., of the operating rights of F. M. COLEMAN, doing business as COLEMAN TRANSFER & STORAGE CO., 515 East 2nd Street, Hutchinson, Kans., and for acquisition by W. C. SHAW AND Wm. C. SHAW, JR., of control of said operating rights through the purchase. Applicants' attorney: James F. Miller, 500 Board of Trade Building, Kansas City, Mo. Operating rights sought to be transferred: *General commodities*, with certain exceptions, not including household goods, as a COMMON CARRIER over a regular route, between Hutchinson, Kans., and Wichita, Kans., serving the intermediate points of Maize, Colwich, Andale, Mt. Hope, and Haven, Kans. Vendee is authorized to operate in Kansas and Missouri. Application has not been filed for temporary authority under Section 210a (b).

NO. MC–F 6133. Authority sought for purchase by THE KAW VALLEY BUS LINES, INC., 1709 Minnesota Ave., Kansas City, Kans., of the operating rights and property of KANSAS CITY, KAW VALLEY RAILROAD, INC., doing business as KAW VALLEY STAGES, 1709 Minnesota Ave., Kansas City, Kans., and for acquisition by R. P. JOHNSON, H. F. JOHNSON, MARTHA M. JOHNSON, HAZEL P. JOHNSON, and CRESCENT OIL, INC., all of Kansas City, of control of such operating rights and property through the purchase. Applicant's attorneys: Carll V. Kretsinger, 1014–18 Temple Bldg., Kansas City, Mo., and Blake A. Williamson, 727 Ann Ave., Kansas City, Kans. Operating rights sought to be transferred: *Passengers and their baggage*, as a *common carrier*, over a regular route between Bonner Springs, Kans., and Lawrence, Kans., serving all intermediate points, and over an alternate route for operating convenience only between Bonner Springs, Kans., and junction U. S. Highway 40 and Kansas Highway 32; *passengers and their baggage*, over regular and irregular routes, between Kansas City, Mo., and Bonner Springs, Kans., serving all intermediate points, with service at Kansas City, Kans., restricted to traffic moving to and from points other than Kansas City, Mo. Vendee holds no authority from the Interstate Commerce Commission. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6134. Authority sought for control by R. A. BROWN, Post Office Box 248, Bettendorf, Iowa; C. F. ILES, 1101 Grand Avenue, Des Moines, Iowa; and H. E. McKINNEY, 1312 Grand Avenue, Des Moines, Iowa, of the operating rights and property of DYER-O'HARE HAULING CO., St. Louis, Mo. Applicants' attorney, Rex H. Fowler, 510 Central National Building, Des Moines 9, Iowa. Operating rights sought to be controlled: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, as a CONTRACT CARRIER over irregular routes, between points within the territory bounded by a line beginning at Cairo, Ill., and extending in a northeasterly direction to Mt. Carmel, Ill., thence north through Lawrenceville to Gilman, Ill., thence west to Galesburg, Ill., thence in a southwesterly direction to Quincy, Ill., thence in a northwesterly direction to Unionville, Mo., thence south to Springfield, Mo., and thence east to Cairo, including the points named; between points and places in the above-specified territory, on the one hand, and, on the other, Terre Houte, Ind., and Keokuk, Iowa. Applicants are members of two partnerships operating under the trade names of Iowa Film Delivery and Meadows Transfer Company, which together are authorized to operate in Iowa, Illinois, Nebraska, Missouri and Indiana. Application has been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–9385; Filed, Nov. 22, 1955; 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 18, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31325: *Cast iron borings from Columbus, Ohio, to Brooklyn, N. Y.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cast iron borings, carloads from Columbus, Ohio to Brooklyn, N. Y.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 76 to Agent Hinsch's I. C. C. 4350.

FSA No. 31326: *Iron and steel articles from Illinois to the South.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from points in Illinois freight association to points in southern freight association.

Grounds for relief: Rail competition, circuity, market competition, and change in minimum weight.

Tariff: Supplement 6 to Agent Spaninger's I. C. C. 1476.

FSA No. 31327: *Mixed freight between points in Western Trunk Line Territory.* Filed by W. J. Preuter, Agent, for interested rail carriers. Rates on groceries, general store supplies, and freight, all kinds, carloads, from points in Illinois, Indiana, Missouri, and Wisconsin to points in Iowa, Kansas, Missouri, and Nebraska.

Grounds for relief: Circuity and to maintain grouping.

FSA No. 31328: *Various commodities from Illinois and Iowa to the South.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on various commodities, carloads from points in Illinois and Iowa to points in southern territory.

Grounds for relief: Rail competition and circuity.

FSA No. 31329: *Various commodities from, to, and between the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities, carloads from, to, and between points in southwestern territory.

Grounds for relief: Rail competition and circuity.

FSA No. 31330: *Various commodities from Official Territory to South.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on various commodities, carloads from points in official territory to points in southern territory.

Grounds for relief: Rail competition and circuity.

FSA No. 31331: *Paper boxes from Gastonia, N. C.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on boxes, corrugated; covers, corrugated; and fillers, partitions or wrappers, carloads from Gastonia, N. C., to points in official and Illinois territories.

Grounds for relief: Short-line distance formula, circuity, and market competition.

Tariff: Supplement 90 to Agent Spaninger's I. C. C. 1349.

FSA No. 31332: *Sulphuric acid from Baton Rouge and North Baton Rouge, La.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Baton Rouge and North Baton Rouge, La., to Albany, Ga., Biltmore, N. C., Celriver, S. C., and Fernandina, Fla.

Grounds for relief: Circuity and market competition.

Tariff: Supplement 103 to Agent Spaninger's I. C. C. 1357.

FSA No. 31333: *Sulphuric acid from New Orleans, La.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from New Orleans, La., to Albany, Atlanta, East Point, Ga., and Starke, Fla.

Grounds for relief: Circuity and market competition.

Tariff: Supplement 103 to Agent Spaninger's I. C. C. 1357.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–9384; Filed, Nov. 22, 1955; 8:47 a. m.]

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VOLUME 20 NUMBER 229

Washington, Thursday, November 24, 1955

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 443.2]

PART 332—PROCESSING INITIAL LOANS

MORTGAGES TAKEN IN CONNECTION WITH INSURED FARM OWNERSHIP LOANS

Sections 332.8 and 332.13 (d), (f), (g), and (h) of this chapter (20 F. R. 3671, 3672) are hereby amended to provide for the taking of mortgages in favor of the Government in connection with insured Farm Ownership loans, to conform the processing of such loans in accordance therewith, and to read as follows:

§ 332.8 *Accepting option and requesting title servce.* (a) Subject to the provisions of paragraph (b) of this section, when the County Supervisor receives Form FHA–476 indicating approval of the loan, he will: (1) In case of a Tenant Purchase or Farm Enlargement loan prepare the acceptance of option letter, Form FHA–191, "Acceptance of Option (Vendor to Furnish Abstract)," or Form FHA–191B, "Acceptance of Option (Vendor to Furnish Title Insurance)." The original of the option acceptance letter will be signed by the applicant as "Buyer," and by his wife if she is named in the option, and mailed to the seller. Form FHA–191B also will be signed by the County Supervisor. If it is necessary that the seller submit a deposit for furnishing an abstract in connection with placing the order for title insurance, information to that effect will be added to the option acceptance letter, and it will be the responsibility of the County Supervisor to see that the necessary action is taken by the seller; and (2) see that the title service is requested in accordance with Part 327 of this chapter. For all types of loans he will stamp or type "Insured" or "Direct" on the signed application for title insurance and forward it to the representative of the title insurance company or to the office of the company whichever is customary. When forwarding the application for title insurance or requesting title clearance other than title insurance, the County Supervisor will request that the preliminary title evidence be sent to the Farmers Home Administration County Office. He will also request that the mortgagee policy of title insurance and owner's policy of title insurance, if any, or other final title evidence, be sent to the Farmers Home Administration County Office. The County Supervisor will request that the mortgagee title insurance policy be made payable to the United States of America.

(b) For an insured loan, no acceptance of option letter will be prepared and no title service will be requested until the County Supervisor ascertains the name and address of the lender who will make the specific loan.

(Sec. 16, 69 Stat. 553 (P. L. 273, 84th Cong.))

§ 332.13 *Action by County Supervisor following receipt of closing instructions.*

• • •

(d) *Collection of appraisal fee and initial loan insurance charge for insured loans.* (1) The County Supervisor will collect a $20 appraisal fee from each applicant at the time of loan closing. This fee may be included in the loan. Form FHA–37, "Receipt for Payment," will be prepared for the appraisal fee payment.

(2) The initial loan insurance charge will be collected from an insured loan applicant at the time of loan closing. The amount of such charge will be computed at the rate of one percent of the principal amount of the loan for the period from the date of loan closing to the first January 1 thereafter. Such charge must be paid from the applicant's personal funds. The amount of the initial loan insurance charge will be included on the same Form FHA–37 prepared for the appraisal fee payment. If the first installment on the loan, or any portion thereof, is collected at the time of loan closing, it will be entered as a regular payment on the same Form FHA–37.

• • • • •

(f) *Mortgage forms.* Real estate mortgage forms in series FHA–187 will be used for direct loans and forms in series FHA–242 will be used for insured loans.

(g) *Insurance endorsement for insured loan.* The County Supervisor is

(Continued on next page)

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authorized to execute the insurance endorsement on the reverse of Form FHA-240, "Promissory Note (Insured Farm Ownership Loan)," or 240A, "Bond (Insured Farm Ownership Loan)." The State Director also is authorized to sign the insurance endorsement. Execution of the insurance endorsement constitutes the Government's insurance of the loan.

(h) *Other closing actions.* (1) When there are insurable buildings on the farm, the County Supervisor will see that adequate insurance is provided, effective as of the time of loan closing.

(2) Immediately after loan closing, the original Form FHA-190, "Promissory Note," or a conformed copy of Form FHA-240 will be sent to the Finance Office.

(3) Immediately after loan closing, the original Form FHA-240 will be sent to the lender, except that when the United States as trustee for a State Rural Rehabilitation Corporation is the lender, it will be forwarded to the State Director for safekeeping.

(4) The original deed of conveyance, if any, and conformed copy of the mortgage will be delivered to the borrower.

(5) If the borrower secures an owner's policy of title insurance, the County Supervisor will deliver it to the borrower as soon as it is received from the title insurance company.

(6) The following material will be placed in the borrower's County Office case folder: (i) Original recorded mortgage, except that in the case of an insured loan when the United States as trustee for a State Rural Rehabilitation Corporation is the lender, the original recorded mortgage will be forwarded to the State Director for safekeeping, and (ii) mortgagee policy of title insurance.

(7) Any abstract of title will be delivered to the borrower for safekeeping. The County Supervisor will obtain a receipt from the borrower at the time the abstract is delivered to him. The receipt will be signed and dated by the borrower and the abstract will be identified in the receipt by showing the name of the abstractor who prepared the abstract, the number, if any, assigned by the abstractor, and the period covered by the abstract.

(8) A Farm Ownership loan is considered closed when the mortgage is filed for record.

(Secs. 3 (a) and (b) (1), (3) and (4), 12 (a), (c) (4), (d) and (e) (1), 48, 60 Stat. 1074, 1076, 1070, sec. 3, 62 Stat. 534, sec. 2 (f), 64 Stat. 99, sec. 16, 69 Stat. 553 (P. L. 273, 84th Cong.); 7 U. S. C. 1003 (a) and (b) (1), (3) and (4), 1005b (a), (c) (4), (d) and (e) (1), 1022, 40 U. S. C. 440 (f))

Dated: November 18, 1955.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 55-9458; Filed, Nov. 23, 1955; 8:49 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

PART 464—TOBACCO

SUBPART—1955 TOBACCO LOAN PROGRAM

Set forth below is schedule of adance rates, by grades, for the 1955 crop of type 31, Burley tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published May 20, 1955 (20 F. R. 3525).

§ 464.718 *1955 crop—Burley tobacco, Type 31, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
B1F	60.12	B5M	27.12
B2F	58.12	B3GF	31.12
B3F	54.12	B4GF	28.12
B4F	50.12	B5GF	23.12
B5F	42.12	B3GR	21.12
B3FV	49.12	B4GR	18.12
B4FV	44.12	B5GR	14.12
B3FK	44.12	M3F	47.12
B4FK	39.12	M4F	42.12
B1FR	50.12	M5F	37.12
B2FR	48.12	M3R	35.12
B3FR	43.12	M4R	31.12
B4FR	39.12	M5R	26.12
B5FR	33.12	T3F	43.12
B1R	38.12	T4F	38.12
B2R	36.12	T5F	31.12
B3R	32.12	T3FV	36.12
B4R	28.12	T4FV	30.12
B5R	25.12	T3FR	37.12
B3RV	25.12	T4FR	32.12
B4RV	21.12	T5FR	26.12
B4D	19.12	T3R	26.12
B5D	16.12	T4R	23.12
B3M	41.12	T5R	18.12
B4M	37.12	T3RV	23.12
C4M	50.12	T4RV	20.12
C5M	44.12	T4D	17.12
C4G	34.12	T5D	14.12
C5G	27.12	T4GF	21.12
X1L	67.12	T5GF	17.12
X2L	66.12	T4GR	15.12
X3L	65.12	T5GR	13.12
X4L	61.12	C1L	67.12
X5L	52.12	C2L	66.12
X1F	66.12	C3L	65.12
X2F	65.12	C4L	64.12
X3F	64.12	C5L	59.12
X4F	60.12	C1F	66.12
X5F	51.12	C2F	65.12
X3R	54.12	C3F	64.12
X4R	50.12	C4F	62.12
X5R	40.12	C5F	57.12
X4M	47.12	C3FV	59.12
X5M	37.12	C4FV	57.12
X4G	37.12	C3FK	53.12
X5G	27.12	C4FK	51.12
N1L	38.12	C3R	56.12
N1F	27.12	C4R	53.12
N1D	13.12	C5R	46.12
N1G	11.12	C3RV	49.12
		C4RV	46.12

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 18th day of November 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-9443; Filed, Nov. 23, 1955; 8:47 a. m.]

PART 464—TOBACCO

SUBPART—1955 TOBACCO LOAN PROGRAM

Set forth below are schedules of advance rates, by grades, for the 1955 crop of types 42, 43, 44, 53, 54, and 55 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published May 20, 1955 (20 F. R. 3525).

Sec.
464.741 1955 crop—Ohio filler tobacco, Types 42, 43, and 44.
464.742 1955 crop—New York and Pennsylvania Havana seed tobacco, Type 53.
464.743 1955 crop—Southern Wisconsin tobacco, Type 54.
464.744 1955 crop—Northern Wisconsin tobacco, Type 55.

AUTHORITY: §§ 464.741 to 464.744 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 464.741 *1955 crop—Ohio filler tobacco, Types 42, 43, and 44, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Fillers (farm wrappers):	
C1MB	32
C1M	27
C2M	26
C3M	25
C4M	25

[1] The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower fifty cents per hundred pounds to apply against receiving and overhead costs plus a fee of $5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. Tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

[2] The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower $1.00 per hundred pounds on tobacco of the B grade group and fifty cents per hundred pounds on tobacco of the R, C, X, and Y grade groups to apply against receiving and overhead costs, plus a fee of $5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. Tobacco graded B1M through B7M and marked with the special factor "Moist" or "Damp" will be supported at the advance rate for

[1] The Cooperative Associations through which price support is made available are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against overhead costs. Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "U" (unsound), "DAM" (damaged), N2L, N2D, N2G, nested, botched, off-type, or decayed will not be accepted.

[1] The Cooperative Association through which price support is made available is au-

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Crop-run (stripped together):	
X1	27
X2	25
X3	24
X4	22
X5	19
Farm fillers:	
Y1	19
Y2	17
Y3	15

§ 464.742 *1955 crop—New York and Pennsylvania Havana seed tobacco, Type 53, advance schedule.*[2]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1M	53
B2M	49
B3M	45
B4M	41
B5M	39
B6M	36
B7M	33
Binder pickers:	
R1	28
R2	25
R3	24
Strippers:	
C1	24
C2	22
C3	20
Crop-run:	
X1	23
X2	21
X3	19
X4	17
X5	16
Farm fillers:	
Y1	20
Y2	18
Y3	16

§ 464.743 *1955 crop—Southern Wisconsin tobacco, Type 54, advance schedule.*[2]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1M	55
B2M	51
B3M	47
B4M	43
B5M	39
B6M	36
B7M	33
Binder pickers:	
R1	29
R2	26
R3	25

thorized to deduct from the amount paid the grower fifty cents per hundred pounds to apply against receiving and overhead costs plus a fee of $5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

[2] The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower $1.00 per hundred pounds on tobacco of the B grade group and fifty cents per hundred pounds on tobacco of the R, C, X, and Y grade groups to apply against receiving and overhead costs, plus a fee of $5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. Tobacco graded B1M through B7M and marked with the special factor "Moist" or "Damp" will be supported at the advance rate for

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Strippers:	
C1	25
C2	24
C3	22
Crop-run:	
X1	24
X2	23
X3	22
X4	18
X5	15
Farm fillers:	
Y1	21
Y2	18
Y3	15

§ 464.744 *1955 crop—Northern Wisconsin tobacco, Type 55, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1M	62
B2M	58
B3M	54
B4M	49
B5M	45
B6M	41
B7M	37
Binder pickers:	
R1	32
R2	29
R3	26
Strippers:	
C1	24
C2	23
C3	20
Crop-run:	
X1	23
X2	22
X3	21
X4	17
X5	15
Farm fillers:	
Y1	20
Y2	18
Y3	15

Issued this 18th day of November 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-9440; Filed, Nov. 23, 1955; 8:47 a. m.]

[1] the grade minus $4.00 and $6.00, respectively. Grades B1M through R3 containing damaged leaves will be marked with the special factor "D" followed by the percentage of damaged leaves. The weight of the damaged leaves will be deducted and the advance will be made only on the weight of sound or undamaged tobacco. Tobacco graded in a subgrade of the C, X, or Y group and marked with the special factor "DAM" will be supported at the advance rate for that grade less $2.00. No advance is authorized for tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—FOREIGN COTTON AND COVERS

On March 9, 1955, there was published in the FEDERAL REGISTER (20 F. R. 1407), a notice of rule making setting forth certain proposed amendments to the provisions in the Subpart "Foreign Cotton and Covers" in 7 CFR, 1954 Supp., Part 319. After due consideration of all matters presented pursuant to the notice of rule making and under the authority of sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159, 160, 162), said provisions are hereby amended to read as follows:

QUARANTINE

Sec.
319.8 Notice of quarantine.

REGULATIONS; GENERAL

319.8–1 Definitions.

CONDITIONS OF IMPORTATION AND ENTRY OF COTTON AND COVERS

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319.8–16 Importation into United States of cotton and covers exported therefrom.
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319.8–26 Material refused entry.
319.8–27 Applicability of Mexican Border Regulations.

AUTHORITY: §§ 319.8 to 319.8–27 issued under sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interpret or apply secs. 5, 7, 37 Stat. 316, 317, as amended; 7 U. S. C. 159, 160.

QUARANTINE

§ 319.8 *Notice of quarantine.* (a) Pursuant to sections 5 and 7 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159, 160), and after the public hearing required thereunder, the Administrator of the Agricultural Research Service hereby determines that the unrestricted importation into the United States from all foreign countries and localities of (1) any parts or products of plants of the genus Gossypium, including seed cotton; cottonseed; cotton lint, linters, and other forms of cotton fiber (not including yarn, thread, and cloth); cotton seed hulls, cake, meal, and other cottonseed products, except oil; cotton waste, including gin waste and thread waste; and any other unmanufactured parts of cotton plants; and (2) secondhand burlap and other fabrics, shredded or otherwise, which have been used or are of the kinds ordinarily used, for containing cotton, grains (including grain products), field seeds, agricultural roots, rhizomes, tubers, or other underground crops, may result in the entry into the United States of the pink bollworm (Pectinophora gossypiella (Saund.)), the golden mematode of potatoes Heterodera rostochiensis Wr.), the flag smut disease (Urocystis tritici Koern.), and other injurious plant diseases and insect pests, and said Administrator hereby further determines, that, in order to prevent the introduction into the United States of said plant diseases and insect pests, which are new to or not heretofore widely prevalent or distributed within and throughout the United States, it is necessary to forbid the importation into the United States of the plants and products, including fabrics, specified above, except as permitted in the regulations supplemental hereto. Hereafter the plants and products specified above shall not be imported or offered for entry into the United States from any foreign country or locality except as permitted by said regulations, and the plants and products permitted by the regulations to be imported or offered for entry shall be subject to the provisions of sections 1, 2, 3, and 4 of said Plant Quarantine Act (7 U. S. C. 154, 156, 157, and 158): *Provided*, That whenever the Chief of the Plant Quarantine Branch shall find that existing conditions as to the pest risk involved in the importation of any of the permitted plants or products as provided in the regulations make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall set forth and publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective.

(b) As used in this section the term "United States" shall have the meaning ascribed to it in the regulations supplemental hereto.

REGULATIONS; GENERAL

§ 319.8–1 *Definitions.* For the purposes of the regulations in this subpart, the following words shall be construed, respectively, to mean:

(a) *Cotton.* Parts and products of plants of the genus Gossypium, including seed cotton; cottonseed; cotton lint, linters and other forms of cotton fiber, not including yarn, thread and cloth; cottonseed hulls, cake, meal, and other cottonseed products, except oil; waste; and all other unmanufactured parts of cotton plants.

(b) *Seed cotton.* Cotton as it comes from the field.

(c) *Cottonseed.* Cottonseed from which the lint has been removed.

(d) *Lint.* All forms of raw ginned cotton, either baled or unbaled, except linters and waste.

(e) *Linters.* All forms of cotton fiber separated from cottonseed after the lint has been removed, excluding so-called hull fiber.

(f) *Waste.* All forms of cotton waste derived from the manufacture of cotton lint, in any form or under any trade designation, including gin waste and thread waste; and waste products derived from the milling of cottonseed. Gin trash is not within the definition of waste.

(g) *Gin trash.* All of the material produced during the cleaning and ginning of seed cotton, bollies or snapped cotton except the lint, cottonseed, and gin waste.

(h) *Covers.* Second-hand burlap and other fabrics, shredded or otherwise, including any whole bag, any bag that has been slit open, and any part of a bag, which have been used, or are of the kinds ordinarily used, for containing cotton, grains (including grain products), field seeds, agricultural roots, rhizomes, tubers, or other underground crops. Burlap and other fabrics, when new or unused are excluded from this definition.

(i) *Uncompressed.* Baled or packaged to a density not exceeding approximately 20 pounds per cubic foot.

(j) *Compressed.* Compressed or pressed and baled or packaged to a density greater than approximately 20 pounds and less than approximately 28 pounds per cubic foot.

(k) *Compressed to high density.* Compressed or pressed and baled or packaged to a density of approximately 28 or more pounds per cubic foot.

(l) *Contamination (contaminate).* Containing or bearing whole cottonseed or seed cotton or other material which may carry the pink bollworm, the golden nematode of potatoes, the flag smut disease, or other injurious plant diseases or insect pests. (The verb contaminate shall be construed accordingly.)

(m) *Samples.* Samples of lint, linters, waste, cottonseed cake, and cottonseed meal, of the amount and character usually required for trade purposes.

(n) *United States.* Any of the States, the District of Columbia, Alaska, Hawaii, Puerto Rico, or the Virgin Islands of the United States.

(o) *North, northern.* When used to designate ports of arrival, these terms mean the port of Norfolk, Virginia, and all Atlantic Coast ports north thereof, ports along the Canadian border, and Pacific Coast ports in the States of Washington and Oregon. When used in a geographic sense to designate areas or locations, these terms mean any State in which cotton is not grown commercially. However, when cotton is grown commercially in certain portions of a State, as is the case in Illinois, Kansas, and Missouri, these terms include those portions of such State as may be determined by the Chief of the Branch as remote from the main area of cotton production.

(p) *Contiguous areas of Mexico.* The cotton-producing areas of Mexico contiguous to cotton-producing areas in that part of the United States designated as the regulated area in Federal pink bollworm regulations (§ 301.52–2 of this chapter, as amended).

(q) *West Coast of Mexico.* The State of Sinaloa, the State of Sonora (except that part of the Imperial Valley lying between San Luis Mesa and the Colorado River), and the Southern Territory of Baja California, in Mexico.

(r) *Imperial Valley of Mexico.* The Imperial Valley in the State of Baja California, Mexico, and that portion of the Valley in the State of Sonora, Mexico, lying between San Luis Mesa and the Colorado River.

(s) *Treatment.* Procedures administratively approved by the Chief of the Branch for destroying infestations or infections of insect pests or plant diseases, such as fumigation, application of chemicals or dry or moist heat, or processing, utilization, or storage.

(t) *Permit.* A form of authorization to allow the importation of cotton or covers in accordance with the regulations in this subpart.

(u) *Approved.* Approved by the Chief of the Branch.

(v) *Approved fumigation facilities.* Approved vacuum fumigation plant at a port where an inspector is available to supervise the fumigation.

(w) *Utilization.* Processing or manufacture, in lieu of fumigation at time of entry, at a mill or plant specifically approved by the Chief of the Branch.[1]

(x) *Authorized.* Authorized by the Chief of the Branch.

(y) *Chief of the Branch.* The Chief of the Plant Quarantine Branch, or any officer of employee of the Branch to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(z) *Branch.* The Plant Quarantine Branch, Agricultural Research Service, of the United States Department of Agriculture.

(aa) *Inspector.* Any person authorized by the Secretary of Agriculture to enforce the provisions of the Plant Quarantine Act.

(bb) *Person.* Any individual, firm, corporation, company, society, or association, or any organized group of any of the foregoing.

(cc) *Root crop.* The underground crop portions of any plants.

CONDITIONS OF IMPORTATION AND ENTRY OF COTTON AND COVERS

§ 319.8–2 *Permit procedure.* (a) Except as otherwise provided for in §§ 319.8–10 and 319.8–18, permits shall be obtained for importations into the United States of all cotton and covers. Permits will be issued only for cotton and covers authorized entry under §§ 319.8–6 through 319.8–20. Persons desiring to import cotton or covers under §§ 319.8–6 through 319.8–20 shall, in advance of departure of such material from a foreign port, submit to the Branch an application[2] stating the name and address of the importer, the country from which such material is to be imported, and the kind of cotton or covers it is desired to import. Applications to import cottonseed shall state the approximate quantity and the proposed United States port of entry. Applications to import lint, linters, or waste shall state whether such materials are compressed.

(b) Applications to import lint, linters, or waste at a port[3] other than one in the North, in California, or on the Mexican Border shall also specify whether the commodity is compressed to high density.

(c) Applications for permits may be made orally or on forms provided for the purpose by the Branch, or may be made by a letter or telegram containing all the information required by this section.

(d) Upon receipt and approval of such application by the Branch, an individual or continuing permit will be issued authorizing the importation and specifying the port of entry and the conditions of entry. A copy of the permit will be supplied to the importer.

(e) Upon receipt of an application to import lint, linters, waste, or covers, without treatment, for utilization under agreement as defined in § 319.8–8 (a) (2), an investigation will be made by an inspector to determine that the receiving mill or plant is satisfactorily located geographically, is equipped with all necessary safeguards, and is apparently in a position to fulfill all precautionary conditions to which it may agree. Upon determination by the inspector that these qualifications are fulfilled, the owner or operator of the mill or plant may sign an agreement specifying that the required precautionary conditions will be maintained. Such signed agreement will be a necessary requisite to the release at the port of entry of any imported lint, linters, waste, or covers for forwarding to and utilization at such mill or plant in lieu of vacuum fumigation or other treatment otherwise required by this subpart. Permits for the importation of such materials will be issued in accordance with paragraph (a) of this section.

(f) Permits for importation of any cotton or covers are conditioned upon compliance with all requirements set forth therein and such additional requirements in this subpart as are in terms applicable thereto. Failure to comply with any such requirement will be deemed to invalidate the permit. Permits may also be cancelled or may be refused as provided in § 319.8–3, or entry denied as provided in §§ 319.8–11, 319.8–12, and 319.8–13.

(g) If through no fault of the importer a shipment of cotton or covers arrives at a United States port in advance of the issuance of a permit, it may be held, under suitable safeguards prescribed by the inspector at the port, in Customs custody at the risk of the importer, pending issuance of a permit, for a period not exceeding 20 days.

§ 319.8–3 *Refusal and cancellation of permits.* (a) Permits for the importation of lint, linters, and waste from contiguous areas of Mexico as authorized in § 319.8–11 may be refused and existing permits cancelled by the Chief of the Branch or the inspector (1) if, in the opinion of the Chief of the Branch, effective quarantine measures are not maintained by the duly authorized officials of Mexico to prohibit the movement into such contiguous areas of cotton and covers grown or handled in other parts of Mexico infested by the pink bollworm or in countries other than the United States, or (2) if the lint, linters, and

[1] A list of approved mills and plants may be obtained from the Plant Quarantine Branch, Room 406, U. S. Appraisers Stores, 408 Atlantic Ave., Boston 10, Mass.

[2] Applications for permits should be made to Import and Permit Unit, Plant Quarantine Branch, 209 River Street, Hoboken, N. J.

[3] Including ports in Hawaii, Puerto Rico, and the Virgin Islands of the United States.

waste have not been produced in the contiguous areas and handled under sanitary conditions paralleling those required by § 301.52–1 et seq. of this chapter, as amended, for like products originating in parts of the United States designated in § 301.52–2 of this chapter, as amended, as coming within the pink bollworm regulated area.

(b) Permits for the importation of lint and linters from the West Coast of Mexico as authorized in § 319.8–12 may be refused and existing permits cancelled by the Chief of the Branch or the inspector (1) if, in the opinion of the Chief of the Branch, effective quarantine measures are not maintained by the duly authorized officials of Mexico to prohibit the movement into the West Coast of Mexico of cotton and covers grown or handled in other parts of Mexico infested with the pink bollworm or in countries other than the United States, or (2) if it has been determined by the Branch that the pink bollworm exists in the area comprising the West Coast of Mexico.

(c) Permits for the importation of cotton and covers from the Imperial Valley of Mexico as authorized in § 319.8–13 may be refused and existing permits cancelled by the Chief of the Branch or the inspector (1) if, in the opinion of the Chief of the Branch, effective quarantine measures are not maintained by the duly authorized officials of Mexico to prohibit the movement into the State of Baja California, Mexico, of cotton and covers grown or handled in other parts of Mexico or in countries other than the United States, (2) if it has been determined by the Branch that the pink bollworm exists in the Imperial Valley of Mexico, or elsewhere in the State of Baja California, or (3) if cottonseed is moved to the Southern Territory of Baja California from areas of Mexico infested with the pink bollworm or from countries other than the United States, or other pest hazards are discovered or allowed to develop therein or in the State of Baja California which in the opinion of the Chief of the Branch would increase the risk of pest introduction into the United States by importations under § 319.8–13.

§ 319.8–4 *Notice of arrival.* Immediately upon arrival at a port of entry of any shipment of cotton or covers the importer shall submit in duplicate, through the United States Collector of Customs and for the United States Department of Agriculture, a notice of such arrival, on a form provided for that purpose (Form PQ–368) and shall give such information as is called for by that form.

§ 319.8–5 *Marking of containers.* Every bale or other container of lint, linters, waste, or covers imported or offered for entry shall be plainly marked with a bale number or other mark to distinguish it from other bales or containers. Bales of lint and linters from contiguous areas of Mexico, the West Coast of Mexico, and the Imperial Valley of Mexico shall, in addition, be tagged or otherwise marked to show the gin or mill of origin, unless for immediate export.

§ 319.8–6 *Cottonseed cake and cottonseed meal.* Entry of cottonseed cake and cottonseed meal will be authorized through any port at which the services of an inspector are available, subject to examination by an inspector for freedom from contamination. If found to be free of contamination, importations of such cottonseed cake and cottonseed meal will be released from further plant quarantine entry restrictions. If found to be contaminated such importations will be refused entry or subjected as a condition of entry to such safeguards as the inspector may prescribe, according to a method selected by him from administratively authorized procedures known to be effective under the conditions under which the safeguards are applied.

§ 319.8–7 *Processed lint, linters, and waste.* Entry of lint, linters, and waste will be authorized without treatment but upon compliance with other applicable requirements of this subpart when the inspector can determine that such lint, linters, and waste have been so processed by bleaching, dyeing, or other means, as to have removed all cottonseed or to have destroyed all insect life.

§ 319.8–8 *Lint, linters, and waste—*(a) *Compressed to high density.* (1) (i) Entry of lint, linters, and waste, compressed to high density, will be authorized subject to vacuum fumigation by approved methods at any port where approved fumigation facilities are available.

(ii) Importations of such lint, linters, and waste, arriving at a northern port where there are no approved fumigation facilities may be entered for transportation in bond to another northern port where such facilities are available, for the required vacuum fumigation.

(iii) Importations of such lint, linters, and waste, arriving at a port in the State of California where there are no approved fumigation facilities may be entered (*a*) for immediate transportation in bond by all-water route to a port where approved fumigation facilities are available, there to receive the required vacuum fumigation before release, or (*b*) for immediate transportation in bond by all-water route to a northern port for entry, without fumigation, for utilization as provided for in subparagraph (2) of this paragraph.

(2) Entry of lint, linters, and waste compressed to high density, will be authorized without vacuum fumigation at any northern port, subject to movement to an approved mill or plant, the owner or operator of which has executed an agreement with the Branch to the effect that, in consideration of the waiving of vacuum fumigation as a condition of entry and the substitution of approved utilization therefor:

(i) The lint, linters, and waste so entered will be processed or manufactured at the mill or plant and until so used will be retained thereat, unless written authority is granted by the Branch to move the material to another mill or plant:

(ii) Sanitary measures satisfactory to the Branch will be taken with respect to the collection and disposal of any waste, residues, and covers, including the collection and disposal of refuse from railroad cars, trucks, or other carriers used in transporting the material to the mill or plant;

(iii) Inspectors of the Branch will have access to the mill or plant at any reasonable time to observe the methods of handling the material, the disposal of refuse, residues, waste, and covers, and otherwise to check compliance with the terms of the agreement;

(iv) Such reports of the receipt and utilization of the material, and disposal of waste therefrom as may be required by the inspector will be submitted to him promptly;

(v) Such other requirements as may be necessary in the opinion of the Chief of the Branch to assure retention of the material, including all wastes and residues, at the mill or plant and its processing, utilization or disposal in a manner that will eliminate all pest risk, will be complied with.

(3) Failure to comply with any of the conditions of an agreement specified in subparagraph (2) of this paragraph may be cause for immediate cancellation of the agreement by the inspector and refusal to release, without vacuum fumigation, lint, linters, and waste for transportation to the mill or plant.

(4) Agreements specified in subparagraph (2) of this paragraph may be executed only with owners or operators of mills or plants located in States in which cotton is not grown commercially and at locations in such other States as may be administratively designated by the Chief of the Branch after due consideration of possible pest risk involved and the proximity of growing cotton.

(b) *Uncompressed or compressed.* (1) (i) Entry of uncompressed or compressed lint, linters, and waste will be authorized, subject to vacuum fumigation by approved methods, through any northern port, through any port in the State of California, and through any port on the Mexican Border, where approved fumigation facilities are available.

(ii) Importations of such lint, linters, and waste arriving at a northern port where there are no approved fumigation facilities may be entered for immediate transportation in bond to another northern port where such facilities are available, for the required vacuum fumigation.

(iii) Importation of such lint, linters, and waste arriving at a port in the State of California where there are no approved fumigation facilities may be entered (*a*) for immediate transportation in bond by all-water route to any port in California or any northern port where approved fumigation facilities are available, there to receive the required vacuum fumigation before release, or (*b*) if compressed below high density, or if uncompressed waste derived from cotton milled in a non-cotton-producing country,[4] for immediate transportation in bond by all-water route to a northern port for entry without vacuum fumigation for utilization as provided for in paragraph (a) (2) of this section.

(2) Entry without vacuum fumigation will be authorized for compressed lint, linters, and waste and for uncompressed waste derived from cotton milled in non-cotton-producing countries,[4] arriving at a northern port, subject to movement to an approved mill or plant, the owner or operator of which has executed an agreement with the Branch as provided for in paragraph (a) (2) of this section.

§ 319.8–9 *Hull fiber and gin trash.* (a) Entry of hull fiber will be authorized under the same conditions as are applicable to waste under this subpart.

(b) Entry of gin trash will be authorized under the same conditions as are applicable to either seed cotton or cottonseed under this subpart.

§ 319.8–10 *Covers.* (a) Covers, including bags, slit bags, and parts of bags, which have been used as containers for cotton grown or processed in countries other than the United States may be authorized entry either (1) through northern ports or ports in the State of California, subject to vacuum fumigation by an approved method at a northern port or a California port, or without vacuum fumigation when the covers are moved for utilization to an approved mill or plant the owner or operator of which has executed an appropriate agreement with the Branch similar to that described in § 319.8–8 (a) (2), provided that movement by an all-water route will be required when it is necessary to move such covers from a California port to another California port or to a northern port for vacuum fumigation thereat or for forwarding therefrom to a mill or plant for utilization; or (2) through Mexican Border ports named in the permits, for vacuum fumigation by approved methods in parts of the United States within the pink bollworm regulated area designated in § 301.52–2 of this chapter, as amended. When such covers arrive at a port[5] other than a northern, California or Mexican Border port they will be required to be transported therefrom immediately, in bond by an all-water route, to a northern or California port where approved vacuum fumigation facilities are available, for vacuum fumigation thereat by an approved method or forwarding therefrom to an approved mill or plant for utilization: *Provided,* That such forwarding from a northern port to a California mill or plant must be by an all-water route.

(b) American cotton bagging, commonly known as coarse gunny, which has been used to cover only cotton grown or processed in the United States, may be authorized entry at any port under permit and upon compliance with §§ 319.8–4 and 319.8–5, without fumigation or other treatment. Marking patches of the finer burlaps or other fabrics when attached to bales of such bagging may be disregarded if, in the judgment of the inspector, they do not present a risk of carrying live pink bollworms, golden ematode cysts or flag smut spores.

(c) Bags, slit bags, parts of bags, and other covers which have been used as containers for root crops or are of a kind ordinarily used as containers for root crops may be authorized entry subject to immediate treatment in such manner and according to such method as the inspector may select from administratively authorized procedures known to be effective under the conditions under which the treatment is applied, and subject to any additional safeguard measures that may be prescribed by the inspector pursuant to § 319.8–24, or that he may prescribe in regard to the manner of discharge from the carrier and conveyance to the place of treatment: *Provided,* That such covers may be authorized entry from Canada without treatment as prescribed in this paragraph unless the covers are found to be contaminated.

(d) Bags, slit bags, parts of bags, and other covers that have been used as containers for wheat or wheat products that have not been so processed as to have destroyed all flag smut disease spores, or that have been used as containers for field seeds separated from wheat during the process of screening, and which arrive from a country named in § 319.59 (notice of quarantine No. 59 relating to the flag smut disease),[6] if intended for reuse in this country as grain containers may be authorized entry, subject to immediate treatment at the port of arrival. If such covers are not intended to be reused in this country as grain containers their entry may be authorized subject to movement for utilization to an approved mill or plant the owner or operator of which has executed an appropriate agreement with the Branch similar to that described in § 319.8–8 (a) (2). Covers coming within this paragraph only, may be entered without permit other than the authorization provided in this paragraph and without other restriction under this subpart upon presentation to an inspector of satisfactory evidence that they have been used only for grains exported from the United States and are being returned empty without use abroad and that while abroad they have been handled in a manner to prevent their contamination.

(e) When upon arrival at a port of entry any shipment of bags, slit bags, parts of bags, or other covers, is found to include one or more bales containing material the importation of which is regulated by paragraph (a), (c), or (d) of this section, the entire shipment, or any portion thereof, may be required by the inspector to be treated as specified in the applicable paragraph.

(f) If upon their arrival at a port of entry covers are classified by the inspector as coming within more than one paragraph of this section, they will be authorized entry only upon compliance with such requirements of the applicable paragraphs as the inspector may deem necessary to prevent the introduction of plant diseases and insect pests.

(g) Notwithstanding the provisions of any other paragraph of this section the entry from any country of bags, slit bags, parts of bags, and other covers will be authorized without treatment but upon compliance with other applicable sections of this subpart if the inspector finds that they have obviously not been used in a manner that would contaminate them or when in the inspector's opinion there is otherwise no plant pest risk associated with their entry.

OTHER CONDITIONS APPLICABLE TO COTTON AND COVERS FROM MEXICO

§ 319.8–11 *From contiguous areas of Mexico—*(a) *Lint, linters, and waste.* (1) Contingent upon the continued maintenance by the duly authorized Mexican officials of effective quarantine measures to prohibit the movement into contiguous areas of Mexico of cotton and covers grown or handled in other parts of Mexico infested with the pink bollworm or in countries other than the United States, the entry of lint, linters, and waste that have been certified by an inspector as having been produced in the contiguous areas of Mexico and as having been grown and handled under sanitary conditions paralleling those required for like products originating in adjacent parts of the United States designated as within the pink bollworm regulated area in § 301.52–2 of this chapter, as amended, will be authorized through ports on the Mexican Border named in the permits for movement into such regulated area of the United States. Gin and oil mill wastes from the contiguous areas of Mexico may be similarly authorized entry subject to treatment, under supervision of an inspector, according to procedures administratively approved under § 301.52 et seq. of this chapter, as amended, as a prerequisite for movement out of the area regulated on account of pink bollworm. Such lint, linters, and waste must be in covers free of contamination to the satisfaction of the inspector. Upon arrival at such ports, the lint, linters, and waste meeting the requirements of this section will be released from further plant quarantine entry restrictions and will immediately become subject to the requirements of said § 301.52 et seq., applicable to like products originating in the pink bollworm regulated area.

(2) If the chief of the Branch or the inspector finds that effective quarantines are not so maintained by Mexican officials, or if an inspector is unable to certify lint, linters, or waste as specified in subparagraph (1) of this paragraph, entry will be refused under this section and will only be authorized in accordance with § 319.8–7, § 319.8–8, § 319.8–14, § 319.8–16, § 319.8–17, § 319.8–18, or § 319.8–20.

(b) *Cottonseed and cottonseed hulls.* (1) Entry of cottonseed will be authorized at any port on the Mexican Border

[4] For the purposes of this subpart the following countries are considered as non-cotton-producing countries: Austria, Belgium, Canada, Denmark, Eire, Finland, France, Germany, Great Britain (United Kingdom), Iceland, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Sweden and Switzerland.

[5] See footnote 3 on p. 8661.

[4] See footnote 4 on p. 8662.

[6] The countries named in § 319.59, the Flag Smut Disease Quarantine, are Aden Protectorate, Afganistan, Australia, Bulgaria, Caucasus (including but not limited to Azerbaidzhan, South Russia, and Transcaucasia), Chile, China, Cypress, Egypt, Germany, Greece, India, Iran, Iraq, Israel, Italy, Japan, Netherlands, Oman, Pakistan, Palestine, Portugal, Saudi Arabia, Sinai Peninsula, Spain, Syria, Trans-Jordan, Tunisia, Turkestan, Turkey, Union of South Africa, and Yemen.

when certified by an inspector as having been produced in a contiguous area of Mexico, as having been treated by a method satisfactory to the Chief of the Branch, and as having been subsequently handled so as to prevent risk of introducing live pink bollworms and other injurious insects and plant diseases.

(2) Entry of cottonseed hulls will be authorized at any port on the Mexican Border when certified by an inspector as having been produced from seed that was treated in a contiguous area of Mexico by a method satisfactory to the Chief of the Branch, and as having been subsequently handled so as to prevent risk of introducing live pink bollworms and other injurious insects and plant diseases.

(3) Upon arrival in the United States such cottonseed and cottonseed hulls shall be released from further plant quarantine entry restrictions and shall immediately become subject to the requirements of § 301.52 et seq. of this chapter, as amended, applicable to cottonseed and cottonseed hulls originating in the pink bollworm regulated area.

§ 319.8–12 *From West Coast of Mexico*—(a) *Compressed lint and linters.* Contingent (1) upon the continued maintenance by the duly authorized Mexican officials of effective quarantine measures to prohibit the movement into the West Coast of Mexico of cotton and covers grown or handled in parts of Mexico infested with the pink bollworm or in countries other than the United States, and (2) upon continued freedom of this area from infestation with the pink bollworm, the entry of lint and linters that are compressed and that originate in the West Coast of Mexico will be authorized through such ports as are specified in the permits. If the Chief of the Branch or the Inspector determines that either of these contingencies is not met, entry will be refused under this paragraph and will only be authorized in accordance with §§ 319.8–7, 319.8–8, 319.8–14, 319.8–16, 319.8–17, 319.8–18, or 319.8–20.

(b) *Uncompressed lint and linters.* Uncompressed lint and linters from the West Coast of Mexico in covers free of contamination to the satisfaction of the inspector may be entered for immediate transportation in bond to a port designated by the inspector and by a route selected by him from a list of administratively approved ports and routings available to him, for compression, vacuum fumigation, or immediate exportation, or such material may be entered for movement to an approved mill or plant, the owner or operator of which has executed an agreement with the Branch similar to that described in § 319.8–8 (a) (2).

(c) *Treated linters and cottonseed hulls.* Linters and cottonseed hulls originating in the West Coast of Mexico that have been certified by an inspector as having been produced from cottonseed that was treated in the West Coast of Mexico by a method satisfactory to the Chief of the Branch and as having been subsequently protected from contamination may be entered through Nogales, Arizona, and such other ports as are specified in the permits.

§ 319.8–13 *From Imperial Valley, Mexico.* Contingent upon the continued maintenance by the duly authorized Mexican officials of effective quarantine measures to prohibit the movement into the State of Baja California, Mexico, of cotton and covers grown or handled in other parts of Mexico or in countries other than the United States, and upon continued freedom of the Imperial Valley of Mexico and other parts of the State of Baja California from infestation with the pink bollworm, and upon the absence of conditions in the Southern Territory of Baja California and the State of Baja California that would increase the risk of pest introduction into the United States by importations under this section, the entry of cotton and covers originating in the Imperial Valley of Mexico will be authorized through such ports on the Mexican Border as are specified in the permits. If the Chief of the Branch or the inspector determines that any of these contingencies is not met, entry will be refused under this section and will only be authorized in accordance with §§ 319.8–6 through 319.8–10, 319.8–14, or 319.8–16 through 319.8–20.

§ 319.8–14 *Special authorization for lint, linters, and waste from Mexico.* (a) Compressed lint, linters, and waste originating in Mexico may be entered under a permit at ports on the Mexican Border named in the permits, for movement via rail, over specified routes if required by the inspector, to (1) New Orleans, Louisiana, for vacuum fumigation or immediate exportation, (2) an approved mill or plant in the north, or other designated plant for manufacture into cellulose, if the owner or operator of such mill or plant has executed an agreement with the Branch as provided in § 319.8–8 (a) (2), or (3) northern ports for vacuum fumigation or exportation.

(b) Uncompressed lint, linters, and waste originating in Mexico will be authorized entry at Mexican Border ports specified in the permits (1) for movement to Fabens, Texas, for vacuum fumigation, after which they will be released from further plant quarantine entry restrictions and will immediately become subject to the requirements of § 301.52 et seq. of this chapter, as amended, applicable to like products originating in the pink bollworm regulated area, or (2) for compression at designated places located in parts of the United States designated as within the pink bollworm regulated area in § 301.52–2 of this chapter, as amended, after which such lint, linters, and waste shall be moved under the same conditions as described in paragraph (a) of this section.

(c) All such lint, linters, and waste enterable under this section must be in covers free from uncrushed cottonseed to the satisfaction of the inspector.

§ 319.8–15 *Mexican cotton and covers otherwise enterable.* Cotton and covers from Mexico may also be entered in accordance with §§ 319.8–6 through 319.8–10 and 319.8–16 through 319.8–20 insofar as said sections are applicable.

MISCELLANEOUS PROVISIONS

§ 319.8–16 *Importation into United States of cotton and covers exported therefrom.* (a) Cotton and covers grown, produced, or handled in the United States and exported therefrom, and in the original bales or other containers in which such material was exported therefrom, may be imported into the United States at any port under permit, without vacuum fumigation or other treatment or restriction as to utilization, upon compliance with §§ 319.8–2, 319.8–4, and 319.8–5, and upon the submission of evidence satisfactory to the inspector that such material was grown, produced, or handled in the United States and does not constitute a risk of introducing the pink bollworm into the United States.

(b) Cotton and covers of foreign origin imported into the United States in accordance with this subpart and exported therefrom, when in the original bales or other original containers, may be reimported into the United States under the conditions specified in paragraph (a) of this section.

§ 319.8–17 *Importation for exportation, and importation for transportation and exportation; storage.* (a) Importation of cotton and covers for exportation, or for transportation and exportation, in accordance with this subpart shall also be subject to §§ 352.1 through 352.8 of this chapter, as amended.

(b) Importation at northern ports of unfumigated lint, linters, waste, cottonseed cake, cottonseed meal, and covers used only for cotton, for exportation or for transportation and exportation through another northern port, may be authorized by the inspector under permit if, in his judgment, such procedures can be authorized without risk of introducing the pink bollworm.

(c) Importation, for purposes of storage in Customs custody pending exportation, of lint, linters, and waste, compressed to high density, will be authorized under permit at any port where approved fumigation facilities are available, and where there are inspectors at the port to supervise such storage, if the bales of such material are free of surface contamination, if they are kept segregated from other cotton and covers in a manner satisfactory to the inspector, and if waste is collected and disposed of in a manner satisfactory to the inspector.

(d) Except as provided in § 319.8–23 (a) (4), compressed lint, linters, and waste, uncompressed waste derived from cotton milled in a non-cotton-producing country,[4] and covers, arriving at a port in the north for entry for exportation, vacuum fumigation, or utilization in accordance with the requirements in this subpart, may be allowed movement in Customs custody for storage at a point in the north pending such exportation, or movement to an approved mill or plant for vacuum fumigation or utilization, when there are inspectors available to supervise such storage, if the bales are free of surface contamination, if they are kept segregated from other cotton

[4] See footnote 4 on p. 8662.

and covers in a manner satisfactory to the inspector, and if waste is collected and disposed of in a manner satisfactory to the inspector. Such lint, linters, waste, and covers shall remain under Customs custody until released by the inspector.

(e) Importation of lint, linters, and waste from Mexico for transportation and exportation will be authorized under permit if such material is compressed before, or immediately upon entering into the United States, or is compressed while en route to the port of export at a compress specifically authorized in the permit. The ports of export which may be named in the permit shall be limited to those that have been administratively approved for such exportation. Storage of such compressed cotton may be authorized, in approved bonded warehouses in Texas.

(f) Importation of uncompressed lint, linters, and waste from Mexico will be authorized under permit at Brownsville, Texas, for exportation. Importation of such material may also be authorized at such other ports and under such conditions as may be designated in the permits for transportation to and exportation from the designated ports.

§ 319.8–18 *Samples.* (a) Samples of lint, linters, waste, cottonseed cake, and cottonseed meal may be entered without further permit other than the authorization contained in this section, but subject to inspection and such treatment as the inspector may deem necessary. Samples which represent either such products of United States origin or such products imported into the United States in accordance with the requirements of this subpart, and which were exported from the United States, may be entered into the United States without inspection when the inspector is satisfied as to the identity of the samples.

(b) Samples of cottonseed or seed cotton may be entered subject to the conditions and requirements provided in §§ 319.8–2, 319.8–4, and 319.8–19.

(c) Bales or other containers of cotton shall not be broken or opened for sampling and samples shall not be drawn until the inspector has so authorized and has prescribed the conditions and safeguards under which such samples shall be obtained.

§ 319.8–19 *Cottonseed or seed cotton for experimental or scientific purposes.* Entry of small quantities of cottonseed or seed cotton for experimental or scientific purposes may be authorized through such ports as may be named in the permit, and shall be subject to such special conditions as shall be set forth in the permit to provide adequate safeguards against pest entry.

§ 319.8–20 *Importations by the Department of Agriculture.* Cotton and covers may be imported by the Department of Agriculture for experimental or scientific purposes under such conditions as may be prescribed by the Chief of the Branch, which conditions may include clearance through the Plant Introduction Section of the Horticultural Crops Research Branch, Agricultural Research Service.

§ 319.8–21 *Release of cotton and covers after 18 months' storage.* Cotton and covers, the entry of which has been authorized subject to vacuum fumigation or other treatment because of the pink bollworm only, and which have not received such treatment but have been stored for a period of 18 months or more will be released from further plant quarantine entry restrictions.

§ 319.8–22 *Ports of entry or export.* When ports of entry or export are not specifically designated in this subpart but are left to the judgment of the inspector, the inspector shall designate only such ports as have been administratively approved for such entry or export.

§ 319.8–23 *Treatment.* (a) (1) Vacuum fumigation as required in this subpart shall consist of fumigation, in a vacuum fumigation plant approved by the Chief of the Branch, under the supervision of an inspector and to his satisfaction. Continued approval of the plant will be contingent upon the granting by the operator thereof, to the inspector, of access to all parts of the plant at all reasonable hours for the purpose of supervising sanitary and other operating conditions, checking the efficacy of the apparatus and chemical operations, and determining that wastage has been cleaned up and disposed of in a manner satisfactory to the inspector; and upon the maintenance at the plant of conditions satisfactory to the inspector.

(2) After cotton and covers have been vacuum fumigated they shall be so marked under the supervision of an inspector. Such material may thereafter be distributed, forwarded, or shipped without further plant quarantine entry restriction.

(3) Cotton and covers held by an importer for vacuum fumigation must be stored under conditions satisfactory to the inspector.

(4) Prompt vacuum fumigation of cotton and covers (other than high density cotton free of surface contamination) will be required at non-northern ports. Similar prompt vacuum fumigation will be required at Norfolk, Virginia, during the period June 15 to October 15 of each year, except for covers which have been used to contain only lint, linters, or waste, and the bales of which are compressed to a density of 28 or more pounds per cubic foot and are free of surface contamination.

(b) An inspector may authorize the substitution of processing, utilization, or other form of treatment for vacuum fumigation when in his opinion such other treatment, selected by him from administratively authorized procedures, will be effective in eliminating infestation of the pink bollworm.

§ 319.8–24 *Collection and disposal of waste.* (a) Importers shall handle imported, unfumigated cotton and covers in a manner to avoid waste. If waste does occurr, the importer or his agent shall collect and dispose of such waste in a manner satisfactory to the inspector.

(b) If, in the judgment of an inspector, it is necessary as a safeguard against risk of pest dispersal to clean railway cars, lighters, trucks, and other vehicles and vessels used for transporting such cotton or covers, or to clean piers, warehouses, fumigation plants, mills, or other premises used in connection with importation of such cotton or covers, the importer or his agent shall perform such cleaning, in a manner satisfactory to the inspector.

(c) All costs incident to such collection, disposal, and cleaning other than the services of the inspector during his regular tour of duty and at the usual place of duty, shall be borne by the importer or his agent.

§ 319.8–25 *Costs and charges.* The services of the inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished without cost to the importer. The Branch will not assume responsibility for any costs or charges, other than those indicated in this section, in connection with the entry, inspection, treatment, conditioning, storage, forwarding, or any other operation of any character incidental to the physical entry of an importation of a restricted material.

§ 319.8–26 *Material refused entry.* Any material refused entry for noncompliance with the requirements of this subpart shall be promptly removed from the United States or abandoned by the importer for destruction, and pending such action shall be subject to the immediate application of such safeguards against escape of plant pests as the inspector may prescribe. If such material is not promptly safeguarded by the importer, removed from the United States, or abandoned for destruction to the satisfaction of the inspector it may be seized, destroyed, or otherwise disposed of in accordance with section 10 of the Plant Quarantine Act (7 U. S. C. 164a). Neither the Department of Agriculture nor the inspector will be responsible for any costs accruing for demurrage, shipping charges, cartage, labor, chemicals, or other expenses incidental to the safeguarding or disposal of material refused entry by the inspector, nor will the Department of Agriculture or the inspector assume responsibility for the value of material destroyed.

§ 319.8–27 *Applicability of Mexican Border Regulations.* The provisions in this subpart in no way affect the applicability of Part 320 of this chapter, as amended, the Mexican Border Regulations, to the entry from Mexico of railway cars or other vehicles or materials.

This document modifies some of the requirements of the regulations for entry of cotton, certain cotton products, and covers where experience with trade practices and enforcement of the regulations have shown the desirability of changes to accord with recognized hazards of pest introduction. The principal modification requires that in most instances importations of bagging used for root crops, or of a kind ordinarily used for root crops, regardless of origin (with an exception for that imported from Canada), must be fumigated upon entry. This is being required because of the impracticability of determining whether or not

such bagging has previously been used for root crops produced on soil infested with the golden nomatode, and because of the present lack of knowledge concerning golden hematode distribution in foreign countries. Other changes are made in the quarantine and regulations for the sake of clarity.

The foregoing quarantine and regulations shall be effective on and after December 26, 1955, at which time they shall supersede the subpart—Foreign Cotton and Covers (7 CFR 1954 Supp. 319.8, 319.8–1 *et seq.*) effective May 10, 1953 (18 F. R. 2015).

Done at Washington, D. C., this 18th day of November 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-9439; Filed, Nov. 23, 1955; 8:47 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 721—CORN

SUBPART—1956

PROCLAMATION OF COMMERCIAL CORN-PRODUCING AREA

§ 721.701 *Basis and purpose.* (a) This document is issued to proclaim the commercial corn-producing area for 1956 pursuant to sections 301 (b) (4) and 327 of the Agricultural Adjustment Act of 1938, as amended.

(b) In making the determinations contained in § 721.702, the corn acreage estimates of the Agricultural Marketing Service (formerly Bureau of Agricultural Economics) and the statistics of the Bureau of the Census relating to numbers of farms and acreage of farmland were used, adjusted where necessary to reflect the difference in the definition of "farm" used by the Commodity Stabilization Service and the Agricultural Conservation Program Service from that of the Bureau of the Census. It is hereby found and determined that the statistics of the Agricultural Marketing Service (formerly Bureau of Agricultural Economics) and the Bureau of the Census, as so adjusted and supplemented by Agricultural Conservation Program Service data, constitute the latest and most reliable statistics of the Federal Government.

§ 721.702 *Commercial corn-producing area for the year 1956.* The commercial corn-producing area for the year 1956 comprises the following counties:

ALABAMA

De Kalb.
Jackson.
Madison.
Marshall.

ARKANSAS

Clay.
Craighead.
Greene.

DELAWARE

All counties.

ILLINOIS

All counties.

INDIANA

All counties except Brown and Crawford.

IOWA

All counties.

KANSAS

Anderson.
Atchison.
Brown.
Clay.
Cloud.
Doniphan.
Douglas.
Franklin.
Jackson.
Jefferson.
Jewell.
Johnson.
Leavenworth.
Marshall.
Miami.
Nemaha.
Phillips.
Pottawatomie.
Republic.
Riley.
Shawnee.
Smith.
Washington.

KENTUCKY

Allen.
Ballard.
Barren.
Boone.
Boyle.
Breckenridge.
Bullitt
Butler.
Caldwell.
Calloway.
Carlisle.
Carroll.
Christian.
Crittenden.
Daviess.
Edmonson.
Fulton.
Graves.
Grayson.
Hancock.
Hardin.
Hart.
Henderson.
Hickman.
Hopkins.
Jefferson.
Larue.
Livingston.
Logan.
Lyon.
Mason.
McCracken.
McLean.
Marion.
Meade.
Monroe.
Nelson.
Oldham.
Shelby.
Simpson.
Spencer.
Taylor.
Todd.
Trigg.
Trimble.
Union.
Warren.
Washington.
Webster.

MARYLAND

Caroline.
Carroll.
Cecil.
Dorchester.
Frederick.
Kent.
Montgomery.
Queen Annes.
Somerset.
Talbot.
Washington.
Wicomico.
Worcester.

MICHIGAN

Allegan.
Barry.
Berrien.
Branch.
Calhoun.
Cass.
Clinton.
Eaton.
Genesee.
Gratiot.
Hillsdale.
Ingham.
Ionia.
Isabella.
Jackson.
Kalamazoo.
Kent.
Lapeer.
Lenawee.
Livingston.
Macomb.
Mecosta.
Midland.
Monroe.
Montcalm.
Oakland.
Saginaw.
Sanilac.
St. Clair.
St. Joseph.
Shiawassee.
Tuscola.
Van Buren.
Washtenaw.
Wayne.

MINNESOTA

Anoka.
Benton.
Big Stone.
Blue Earth.
Brown.
Carver.
Chippewa.
Chisago.
Cottonwood.
Dakota.
Dodge.
Douglas.
Faribault.
Fillmore.
Freeborn.
Goodhue.
Grant.
Hennepin.
Houston.
Jackson.
Kandiyohi.
Lac qui Parle.

MINNESOTA—Continued

Le Sueur.
Lincoln.
Lyon.
McLeod
Martin.
Meeker.
Morrison.
Mower.
Murray.
Nicollet.
Nobles.
Olmsted.
Otter Tail.
Pipestone.
Pope.
Redwood.
Renville.
Rice.
Rock.
Scott.
Sherburne.
Sibley.
Stearns.
Steele.
Stevens
Swift.
Todd.
Traverse.
Wabasha.
Waseca.
Washington.
Watonwan.
Wilkin.
Winona.
Wright.
Yellow Medicine.

MISSOURI

Adair.
Andrew.
Atchison.
Audrain.
Bates.
Benton.
Bollinger.
Boone.
Buchanan.
Caldwell.
Callaway.
Cape Girardeau.
Carroll.
Cass.
Chariton.
Clark.
Clay.
Clinton.
Cole.
Cooper.
Daviess.
De Kalb.
Dunklin.
Franklin.
Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.
Jackson.
Jefferson.
Johnson.
Knox.
Lafayette.
Lewis.
Lincoln.
Linn.
Livingston.
Macon.
Marion.
Mercer.
Mississippi.
Moniteau.
Monroe.
Montgomery.
New Madrid.
Nodaway.
Perry.
Pettis.
Pike.
Platte.
Putnam.
Ralls.
Randolph.
Ray.
St. Charles.
St. Clair.
St. Louis.
Ste. Genevieve.
Saline.
Schuyler.
Scotland.
Scott.
Shelby.
Stoddard.
Sullivan.
Vernon.
Warren.
Wayne.
Worth.

NEBRASKA

Adams.
Antelope.
Boone.
Boyd.
Buffalo.
Burt.
Butler.
Cass.
Cedar.
Clay.
Colfax.
Cuming.
Custer.
Dakota.
Dawson.
Dixon.
Dodge.
Douglas.
Fillmore.
Franklin.
Furnas.
Gage.
Garfield.
Gosper.
Greeley.
Hall.
Hamilton.
Harlan.
Holt.
Howard.
Jefferson.
Johnson.
Kearney.
Knox.
Lancaster.
Lincoln.
Madison.
Merrick.
Nance.
Nemaha.
Nuckolls.
Otoe.
Pawnee.
Phelps.
Pierce.
Platte.
Polk.
Richardson.
Saline.
Sarpy.
Saunders.
Seward.
Sherman.
Stanton.
Thayer.
Thurston.
Valley.
Washington.
Wayne.
Webster.
York.

NEW JERSEY

Burlington.
Cumberland.
Gloucester.
Hunterdon.
Mercer.
Salem.
Somerset.
Warren.

NORTH CAROLINA

Beaufort.
Bertie.
Camden.
Chowan.
Craven.
Currituck.
Duplin.
Edgecombe.
Gates.
Greene.
Halifax.
Hertford.
Johnston.
Jones.
Lenoir.
Martin.
Nash.
Northampton.
Onslow.
Pasquotank.
Perquimans.
Pitt.
Sampson.
Washington.
Wake.
Wayne.
Wilson.

NORTH DAKOTA

Richland.

OHIO

Adams.
Allen.
Ashland.
Auglaize.
Brown.
Butler.
Champaign.
Clark.
Clermont.
Clinton.
Coshocton.
Crawford.
Darke.
Defiance.
Delaware.
Erie.
Fairfield.
Fayette.
Franklin.
Fulton.
Green.
Hamilton.
Hancock.
Hardin.
Henry.
Highland.
Hocking.
Holmes.
Huron.
Jackson.
Knox.
Lawrence.
Licking.
Logan.
Lorain.
Lucas.
Madison.
Marion.
Medina.
Mercer.
Miami.
Montgomery.
Morgan.
Morrow.
Muskingum.
Ottawa.
Paulding.
Perry.
Pickaway.
Pike.
Preble.
Putnam.
Richland.
Ross.
Sandusky.
Scioto.
Seneca.
Shelby.
Stark.
Tuscarawas.
Union.
Van Wert.
Vinton.
Warren.
Wayne.
Williams.
Wood.
Wyandot.

PENNSYLVANIA

Adams.
Berks.
Blair.
Bucks.
Carbon.
Centre.
Chester.
Clinton.
Columbia.
Cumberland.
Dauphin.
Franklin.
Fulton.
Huntingdon.
Juniata.
Lancaster.
Lebanon.
Lehigh.
Lycoming.
Mifflin.
Montgomery.
Montour.
Northampton.
Northumberland.
Perry.
Schuylkill.
Snyder.
Union.
York.

SOUTH DAKOTA

Aurora.
Beadle.
Bon Homme.
Brookings.
Brule.
Charles Mix.
Clark.
Clay.
Codington.
Davison.
Day.
Deuel.
Douglas.
Grant.
Gregory.
Hamlin.
Hanson.
Hutchinson.
Jerauld.
Kingsbury.
Lake.
Lincoln.
McCook.
Miner.
Minnehaha.
Moody.
Roberts.
Sanborn.
Tripp.
Turner.
Union.
Yankton.

TENNESSEE

Benton.
Cheatham.
Crockett.
Dyer.
Franklin.
Gibson.
Haywood.
Henry.
Lauderdale.
Marion.
Montgomery.
Obion.
Robertson.
Stewart.
Tipton.
Weakley.

VIRGINIA

Accomack.
Charles City.
Isle of Wight.
Nansemond.
Norfolk.
Northampton.
Princess Anne.
Southampton.
Surry.
Sussex.

WEST VIRGINIA

Berkeley, Jefferson.

WISCONSIN

Adams.
Buffalo.
Columbia.
Crawford.
Dane.
Dodge.
Dunn.
Eau Claire.
Fond du Lac.
Grant.
Green.
Green Lake.
Iowa.
Jackson.
Jefferson.
Juneau.
Kenosha.
La Crosse.
Lafayette.
Marquette.
Milwaukee.
Monroe.
Pepin.
Pierce.
Polk.
Racine.
Richland.
Rock.
St. Croix.
Sauk.
Trempealeau.
Vernon.
Walworth.
Waukesha.
Waushara.
Winnebago.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 301, 327, 52 Stat. 38, 51, as amended; 7 U. S. C. 1301, 1327)

Done at Washington, D. C., this 18th day of November 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-9442; Filed, Nov. 23, 1955; 8:50 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1956-Alaska, Supp. 1]

PART 1104—AGRICULTURAL CONSERVATION; ALASKA

SUBPART—1956

MISCELLANEOUS AMENDMENTS

Assignments; clearing land to permit land-use adjustments needed in establishing soil conserving cropping systems; constructing wells for livestock water to provide soil protection through the adoption of livestock farming systems and increased acreages of permanent vegetative cover.

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956, the 1956 Agricultural Conservation Program for Alaska, approved August 2, 1955 (20 F. R. 5629), is amended as follows:

1. Section 1104.540 is amended by revising the last sentence to read as follows: "No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter)."

2. Section 1104.555 (practice 5) is amended by deleting the last sentence and substituting therefor the following: "To be eligible for land clearing, the farmer must either own or be buying the farm, lease or rent the farm, or be homesteading. If he is homesteading, he must have completed the requirements necessary to prove up on the homestead except in Homer County."

3. Section 1104.557 (practice 7) is amended by deleting the last sentence and substituting therefor the following: "To be eligible for a livestock well, the farmer must either own or be buying the farm, lease or rent the farm, or be homesteading. If he is homesteading, he must have completed the requirements necessary to prove up on the homestead except in Homer County."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 69 Stat. 55; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 21st day of November 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55-9457; Filed, Nov. 23, 1955; 8:19 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53953]

PART 12—SPECIAL CLASSES OF MERCHANDISE

PART 14—APPRAISEMENT

PART 16—LIQUIDATION OF DUTIES

PRACTICES IN IMPORT TRADE

In order to clarify, simplify, and make more effective and uniform the administration of the provisions of law hereinafter specified, relating to certain practices which may occur in import trade, the Customs Regulations are amended as follows:

1. Sections 12.42 to 12.47, relating to merchandise produced abroad by convict, forced, or indentured labor, are deleted and the following new sections are substituted therefor:

§ 12.42 *Findings of Commissioner of Customs.* (a) If any appraiser or other principal customs officer has reason to believe that any class of merchandise which is being, or is likely to be, imported into the United States is being produced, whether by mining, manufacture, or other means, in any foreign locality with the use of convict labor, forced labor, or indentured labor under penal sanctions so as to come within the

purview of the first sentence of section 307, Tariff Act of 1930,[29] he shall communicate his belief to the Commissioner of Customs. Every such communication shall contain or be accompanied by a statement of substantially the same information as is required in paragraph (b) of this section, if in the possession of the appraiser or other officer or readily available to him.

(b) Any person outside the Customs Service who has reason to believe that merchandise produced in the circumstances mentioned in paragraph (a) of this section is being, or is likely to be, imported into the United States and, if the production is with the use of forced labor or indentured labor under penal sanctions, that merchandise of the same class is being produced in the United States in such quantities as to meet the consumptive demands of the United States may communicate his belief to any appraiser or the Commissioner of Customs. Every such communication shall contain, or be accompanied by, (1) a full statement of the reasons for the belief, (2) a detailed description or sample of the merchandise, and (3) all pertinent facts obtainable as to the production of the merchandise abroad. If the foreign merchandise is believed to be mined, produced, or manufactured with the use of forced labor or indentured labor under penal sanctions, such communication shall also contain (4) detailed information as to the production and consumption of the particular class of merchandise in the United States and the names and addresses of domestic producers likely to be interested in the matter.

(c) If any information filed with an appraiser pursuant to paragraph (b) of this section does not conform with the requirements of that paragraph, the communication shall be returned promptly to the person who submitted it with detailed written advice as to the respects in which it does not conform. If such information is found to comply with the requirements, it shall be transmitted by the appraiser within 10 days to the Commissioner of Customs, together with all pertinent additional information available to the appraiser.

(d) Upon receipt by the Commissioner of Customs of any communication submitted pursuant to paragraph (a) or (b) of this section and found to comply with the requirements of the pertinent paragraph, the Commissoner will cause such investigation to be made as appears to be warranted by the circumstances of the case and the Commissioner or his designated representative will consider any representations offered by foreign interests, importers, domestic producers, or other interested persons.

(e) If the Commissioner of Customs finds at any time that information available reasonably but not conclusively indicates that merchandise within the purview of section 307 is being, or is likely to be, imported, he will promptly advise all collectors of customs accordingly and the collectors shall thereupon withhold release of any such merchandise pending instructions from the Commissioner as to whether the merchandise may be released otherwise than for exportation.

(f) If it is determined on the basis of the foregoing that the merchandise is subject to the provisions of the said section 307, the Commissioner of Customs, with the approval of the Secretary of the Treasury, will publish a finding to that effect.

(g) Any merchandise of a class specified in a finding made under paragraph (f) of this section, which is imported directly or indirectly from the locality specified in the finding and has not been released from customs custody before the date of publication of such finding shall be considered and treated as an importation prohibited by section 307, Tariff Act of 1930, unless the importer establishes by satisfactory evidence that the merchandise was not mined, produced, or manufactured in any part with the use of a class of labor specified in the finding.

(Sec. 307, 46 Stat. 689; 19 U. S. C. 1307)

§ 12.43 *Proof of admissibility.* (a) If an importer of any article detained under § 12.42 (e) or (g) desires to contend that the article was not mined, produced, or manufactured in any part with the use of a class of labor specified in section 307, Tariff Act of 1930, he shall submit to the Commissioner of Customs within 3 months after the date the article was imported a certificate of origin in the form set forth below, signed by the foreign seller or owner of the article and sworn to by him before an American consular officer or a person designated in section 482 (f), Tariff Act of 1930. If the article was mined, produced, or manufactured wholly or in part in a country other than that from which it was exported to the United States, an additional certificate in such form and so signed and sworn to by the last owner or seller in such other country, substituting the facts of transportation from such other country for the statements with respect to shipment from the country of exportation, shall be so submitted.

CERTIFICATE OF ORIGIN

I, _____, foreign seller or owner of the merchandise hereinafter described, do solemnly swear (affirm) that such merchandise, consisting of _____ (Quantity) of _____ (Description) in _____ bearing _____ (Number and kind of packages) the following marks and numbers _____ was mined, produced, or manufactured by _____ (Name) at or near _____, and was laden on board _____ (Carrier to the United States) at _____ which departed from (Place of lading) _____ (Place of final departure from country of exportation) on _____; and that _____ (Date) _____ (Class of labor specified in finding) was not employed in any stage of the mining, production, or manufacture of the merchandise or of any component thereof.

Dated _____

_____ (Signature)

Subscribed and sworn to before me this _____ day of _____, 19__.

[SEAL] _____ (Title)

(b) The importer shall also submit to the Commissioner of Customs within such 3-month period a statement of the ultimate consignee of the merchandise, showing in detail that he had made every reasonable effort to determine the source of the merchandise and of every component thereof and to ascertain the character of labor used in the production of the merchandise and each of its components, the full results of his investigation, and his belief with respect to the use of the class of labor specified in the finding in any stage of the production of the merchandise or of any of its components.

(c) If the certificate or certificates and statement specified in paragraphs (a) and (b) of this section are submitted within the time prescribed and the Commissioner finds that the merchandise is admissible, the collector of customs concerned will be advised to that effect, whereupon he shall release the merchandise upon compliance with the usual entry requirements.

(Sec. 307, 46 Stat. 689; 19 U. S. C. 1307)

§ 12.44 *Disposition.* Merchandise detained pursuant to § 12.42 may be exported at any time before it is deemed to have been abandoned as hereinafter provided for. If it has not been exported within 3 months after the date of importation, the collector shall ascertain whether the proof specified in § 12.43 has been submitted within the time prescribed in that section. If the proof has not been so submitted, or if the Commissioner of Customs advises the collector that the proof furnished does not establish the admissibility of the merchandise, the collector shall promptly advise the importer in writing that the merchandise is excluded from entry. Upon the expiration of 60 days after the delivery or mailing of such advice by the collector, the merchandise shall be deemed to have been abandoned and shall be destroyed, unless it has been exported or a protest has been filed as provided for in section 514, Tariff Act of 1930.

(Sec. 307, 46 Stat. 689; 19 U. S. C. 1307)

§ 12.45 *Transportation and marketing of prison-labor products.* If any apparent violation of section 1761 or 1762, title 18, United States Code,[30] with respect to any imported article comes to the attention of a collector of customs, he shall detain the article and report the facts to the appropriate United States attorney. If the United States attorney advises the collector that action should be taken against the article, it shall be seized and held pending the receipt of further instructions from the United States attorney or the court.

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624)

2. Sections 14.8, 14.15, 14.16, and 14.17, relating to procedures under the Antidumping Act, 1921, as amended (19 U. S. C. 160–173), are deleted and the following new sections are substituted therefor:

§ 14.6 *Suspected dumping.* (a) If any appraiser or other principal customs officer has knowledge of any grounds for a reasonable suspicion that any merchandise is being, or is likely to be, imported into the United States at a purchase price or exporter's sales price less than the foreign market value (or, in the absence of such value, than the cost of production), as contemplated by section 201 (b), Anti-

[29] "All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to enter at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this section relating to goods, wares, articles, and merchandise mined, produced, or manufactured by forced labor or/and indentured labor, shall take effect on January 1, 1932; but in no case shall such provisions be applicable to goods, wares, articles, or merchandise so mined, produced, or manufactured which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

"'Forced labor,' as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily." (Tariff Act of 1930, sec. 307; 19 U. S. C. 1307.)

dumping Act, 1921, as amended,[31] or at less than its "fair value" as that term is defined in § 14.7, he shall communicate his knowledge promptly to the Commissioner of Customs. Every such communication shall contain or be accompanied by a statement of substantially the same information as is required in paragraph (b) of this section, if in the possession of the appraiser or other officer or readily available to him.

(b) Any person outside the Customs Service who has reason to believe that merchandise is being, or is likely to be, imported into the United States under such circumstances as to bring it within the purview of the Antidumping Act, 1921, as amended,[31] may communicate

[30] "(a) Whoever knowingly transports in interstate commerce or from any foreign country into the United States any goods, wares, or merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal or reformatory institution, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) This chapter shall not apply to agricultural commodities or parts for the repair of farm machinery, nor to commodities manufactured in a Federal, District of Columbia, or State institution for use by the Federal Government, or by the District of Columbia, or by any State or Political subdivision of a State." (18 U. S. C. 1761.)

"(a) All packages containing any goods, wares, or merchandise manufactured, produced, or mined wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal or reformatory institution, when shipped or transported in interstate or foreign commerce shall be plainly and clearly marked, so that the name and address of the shipper, the name and address of the consignee, the nature of the contents, and the name and location of the penal or reformatory institution where produced wholly or in part may be readily ascertained on an inspection of the outside of such package.

"(b) Whoever violates this section shall be fined not more than $1,000, and any goods, wares or merchandise transported in violation of this section or section 1761 of this title shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property, imported into the United States contrary to law." (18 U. S. C. 1762.)

[31] "Whenever, in the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, the Secretary has reason to believe or suspect, from the invoice or other papers or from information presented to him or to any person to whom authority under this section has been delegated, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the cost of production), he shall forthwith authorize, under such regulations as he may prescribe, the withholding of appraisement reports as to such merchandise entered, or withdrawn from warehouse, for consumption, not more than one hundred and twenty days before the question of dumping has been raised by or presented to him or any person to whom authority under this section has been delegated, until the further order of the Secretary, or until the Secretary has made public a finding as provided for in subdivision (a) in regard to such merchandise." (Antidumping Act, 1921, sec. 201 (b), as amended; 19 U. S. C. 160 (b).)

[32] "SEC. 201. (a) Whenever the Secretary of the Treasury (hereinafter called the 'Secretary') determines that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value, (see § 14.7) he shall so advise the United States Tariff Commission, and the said Commission shall determine within three months thereafter whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. The said Commission, after such investigation as it deems necessary, shall notify the Secretary of its determination, and, if that determination is in the affirmative, the Secretary shall make public a notice (hereinafter in this Act called a 'finding') of his determination and the determination of the said Commission. The Secretary's finding shall include a description of the class or kind of merchandise to which it applies in such detail as he shall deem necessary for the guidance of customs officers.

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"SEC. 202. (a) In the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary has made public a finding as provided for in section 201, entered, or withdrawn from warehouse, for consumption, not more than one hundred and twenty days before the question of dumping was raised by or presented to the Secretary or any person to whom authority under section 201 has been delegated, and as to which no appraisement report has been made before such finding has been so made public, if the purchase price or the exporter's sales price is less than the foreign market value (or, in the absence of such value, than the cost of production) there shall be levied, collected, and paid, in addition to any other duties imposed thereon by law, a special dumping duty in an amount equal to such difference.

"(b) If it is established to the satisfaction of the appraising officers that the amount of such difference between the purchase price and the foreign market value is wholly or partly due to the fact that the wholesale quantities, in which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States), then due allowance shall be made therefor in determining the foreign market value for the purposes of this section.

"(c) If it is established to the satisfaction of the appraising officers that the amount of such difference between the exporter's sales price and the foreign market value is wholly or partly due to the fact that the wholesale quantities, in which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the United States in the ordinary course of trade, are greater than the wholesale quantities in which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States), then due allowance shall be made therefor in determining the foreign market value for the purposes of this section.

"SEC. 203. That for the purposes of this title, the purchase price of imported merchandise shall be the price at which such merchandise has been purchased or agreed to be purchased, prior to the time of exportation, by the person by whom or for whose account the merchandise is imported, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, less the amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States; and plus the amount, if not included in such price, of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States; and plus the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States; and plus the amount of any taxes imposed in the country of exportation upon the manufacturer, producer, or seller, in respect to the manufacture, production or sale of the merchandise, which have been rebated, or which have not been collected by reason of the exportation of the merchandise to the United States.

"SEC. 204. That for the purpose of this title the exporter's sales price of imported merchandise shall be the price at which such merchandise is sold or agreed to be sold in the United States, before or after the time of importation, by or for the account of the exporter, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, less (1) the

his belief and the reasons therefor in writing to any appraiser of merchandise or to the Commissioner of Customs. Every such communication shall contain or be accompanied by the following:

(1) A detailed description or sample of the merchandise; the name of the country from which it is being, or is likely to be, imported; and the ports or probable ports of importation into the United States. If no sample is furnished, the appraiser concerned in appropriate cases may call upon the person who furnished the information to furnish samples of the imported and competitive domestic articles, or either.

(2) Such detailed data as to values and prices as is reasonably available to the person furnishing the information and is relied upon by him to support his belief, including information as to any differences between the foreign market value or cost of production and the import purchase price or exporter's sales price which may be accounted for by any difference in taxes, discounts, incidental costs such as those for packing or freight, or other items.

(3) All information as to the existence of any conditions or restrictions attached to sales of the merchandise in question in the country of exportation which is reasonably available to the person furnishing the information.

(4) Such detailed information as to the existence or likelihood of injury to an established or prospective industry in the United States as is reasonably available to the person furnishing the information.

(c) If any information filed with an appraiser pursuant to paragraph (b) of this section does not conform with the requirements of that paragraph, the communication shall be returned promptly to the person who submitted it with detailed written advice as to the respects in which it does not conform. If such information is found to comply with the requirements, it shall be transmitted by the appraiser within 10 days to the Commissioner of Customs, together with all pertinent additional information obtainable by the appraiser. Before making such transmittal, or as soon thereafter as possible, the appraiser shall make such inquiry regarding the matter among importers, domestic producers and distributors, or others as he may deem appropriate and report the results to the Commissioner together with his comments thereon.

(d) Upon receipt pursuant to paragraph (a), (b), or (c) of this section of information in proper form, the Commissioner will proceed expeditiously to ascertain whether reasonable grounds exist to suspect that the merchandise is being, or is likely to be, sold at less than its fair value as that term is defined in § 14.7, or at less than its statutory value under the Antidumping Act, that is, its foreign market value (or, in the absence of such value, the cost of production).

(e) If the Commissioner determines that there are reasonable grounds to suspect that any merchandise is being, or is likely to be, sold at less than its statutory value under the Antidumping Act, he will advise all appraisers of that fact, furnishing an adequate description of the merchandise and the name of each country of exportation. Upon receipt of such advice the appraisers shall proceed in accordance with the pertinent provisions of § 14.9.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U. S. C. 160, 173)

§ 14.7 *Fair value.* The amendment to this section was published in T. D. 53773.

§ 14.8 *Determination of fact or likelihood of sales at less than fair value; determination of injury; finding of dumping.* (a) When the Commissioner of Customs has given advice to appraisers pursuant to § 14.6 (e), the Secretary of the Treasury will proceed as promptly as possible to determine whether the merchandise in question is in fact being, or is likely to be, sold in the United States or elsewhere at less than its fair value. If the determination is affirmative, the Secretary will advise the United States Tariff Commission accordingly.

(b) If the Tariff Commissioner determines that there is, or is likely to be, the injury contemplated by the statute, the Commissioner of Customs will make the finding contemplated by section 201 (a) of the Anti-dumping Act, as amended, with respect to the involved merchandise.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U. S. C. 160, 173)

§ 14.9 *Action by appraiser; appearance of importer.* (a) Upon receipt of advice from the Commissioner of Customs pursuant to § 14.6 (e) or of advice of a finding made in accordance with § 14.8 (b), the appraiser shall withhold appraisement of any merchandise within the purview of the advice or finding and shall notify the collector and importer immediately of each lot of merchandise with respect to which appraisement is so withheld.

(b) When the appraiser notifies the importer of a withheld appraisement in accordance with paragraph (a) of this section, he shall concurrently request the importer or his duly authorized agent, except as specified in paragraph (f) or (g) of this section, to appear before him to furnish the following information, unless the information has already been obtained.

(1) The name and address of the ultimate consignee of the merchandise and, if such consignee is not the person for whose account the merchandise was imported, the name and address of the last-mentioned person.

(2) Whether or not the person for whose account the merchandise was imported is the exporter of such merchandise within the meaning of section 207 of the Antidumping Act.

(c) If, before a finding of dumping has been made, or before a case has been closed without a finding, the appraiser is satisfied by information furnished by the importer or otherwise that the purchase price or exporter's sales price, in respect of any shipment, is not less than foreign market value (or, in the absence of such value, than the cost of production), he shall so advise the Commissioner and request authorization to proceed with his appraisement of that shipment in the usual manner.

(d) If the appraiser is not satisfied by information furnished by the importer or otherwise that the merchandise is not being sold at less than its foreign market value (or, in the absence of such value, than the cost of production), or if a finding of dumping has been made, he shall require the importer or his agent to file a certificate of the importer on the appropriate one of the following forms:

Form 1

NONEXPORTER'S CERTIFICATE

ANTIDUMPING ACT, 1921

Port of _____
Date _____, 19__
Re: Entry No. _____, dated _____, 19__
Import carrier: _____. Arrived _____, 19__.

I certify that I am not the exporter as defined in section 207, Antidumping Act, 1921, of the merchandise covered by the aforesaid entry. I further certify that the merchandise was purchased for importation by _____ on _____, 19__, and that the purchase price is _____

(Signed) _____

Form 2

EXPORTER'S CERTIFICATE WHEN SALES PRICE IS KNOWN

ANTIDUMPING ACT, 1921

Port of _____
Dated _____, 19__
Re: Entry No. _____, dated _____, 19__
Import carrier: _____. Arrived _____, 19__.

I certify that I am the exporter as defined in section 207, Antidumping Act, 1921, of the merchandise covered by the aforesaid entry; that the merchandise is sold or agreed to be sold at the price stated in the attached statement; and that, if any of such merchandise is actually sold at any price different from the price stated therefor in the attached statement, I will immediately notify the appraiser of all the circumstances.

The merchandise was acquired by me in the following manner: _____

and has been sold or agreed to be sold to _____ at _____
(Name and address) (Price)

(Signed) _____

Form 3

EXPORTER'S CERTIFICATE WHEN SALES PRICE IS NOT KNOWN

ANTIDUMPING ACT, 1921

Port of _____
Dated _____, 19__
Re: Entry No. _____, dated _____, 19__
Import carrier: _____. Arrived _____, 19__.

I certify that I am the exporter as defined in section 207, Antidumping Act, 1921, of the merchandise covered by the aforesaid entry, and that I have no knowledge as to any price at which such merchandise will be sold in the United States. I hereby agree that I will keep a record of the sales and will furnish the appraiser within 30 days after the sale of any of such merchandise a statement of each selling price. I further agree that, if any of the merchandise has not been sold before the expiration of 6 months from the date of entry, I will so report to the appraiser upon such expiration date.

The merchandise was acquired by me in the following manner: _____

(Signed) _____

Form 4

EXPORTER'S CERTIFICATE WHEN MERCHANDISE IS NOT, AND WILL NOT BE, SOLD

ANTIDUMPING ACT, 1921

Port of _____
Date _____, 19__
Re: Entry No. _____, dated _____, 19__
Import carrier: _____. Arrived _____, 19__.

I certify that I am the exporter as defined in section 207, Antidumping Act, 1921, of the merchandise covered by the aforesaid entry, and that such merchandise has not been, and will not be, sold in the United States for the following reason: _____

(Signed) _____

(e) If an unqualified certificate on Form 4 is filed and the appraiser is satisfied that no evidence can be obtained to contradict it, he shall notify the collector promptly that appraisement of the shipment is no longer being withheld on account of the Antidumping Act and proceed to appraise the merchandise in the usual manner.

(f) When an importer has filed a certificate provided for in paragraph (d) of this section, upon each subsequent importation by the same person of merchandise of the kind covered by such certificate, the importer or his agent may attach an appropriate certificate to the invoice at the time of entry, and the appraiser may thereupon waive a further appearance by the importer or his agent.

(g) An importer who imports the same kind of merchandise from the same country at two or more ports in the United States under a single arrangement with the foreign shipper may prepare in written form all the information furnished by him or his agent to one appraiser regarding such merchandise pursuant to paragraph (b) of this section and submit it to such appraiser. If the appraiser approves the statement as correctly and fully covering all the information so furnished to him, he shall endorse the statement accordingly and transmit it to any other appraiser or appraisers specified by the importer or the importer's agent. Upon receipt of the endorsed statement and a written re-

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amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States, (2) the amount of the commissions, if any, for selling in the United States the particular merchandise under consideration, (3) an amount equal to the expenses, if any, generally incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise, and (4) the amount of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States; and plus the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States; and plus the amount of any taxes imposed in the country of exportation upon the manufacturer, producer, or seller in respect to the manufacture, production, or sale of the merchandise, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States.

"SEC. 205. That for the purposes of this title the foreign market value of imported merchandise shall be the price, at the time of exportation of such merchandise to the United States, at which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States), plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States, except that in the case of merchandise purchased or agreed to be purchased by the person by whom or for whose account the merchandise is imported, prior to the time of exportation, the foreign market value shall be ascertained as of the date of such purchase or agreement to purchase. In the ascertainment of foreign market value for the purposes of this title no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, shall be taken into account.

"SEC. 206. That for the purposes of this title the cost of production of imported merchandise shall be the sum of—

"(1) The cost of materials of, and of fabrication, manipulation, or other process employed in manufacturing or producing, identical or substantially identical merchandise, at a time preceding the date of shipment of the particular merchandise under consideration which would ordinarily permit the manufacture or production of the particular merchandise under consideration in the usual course of business;

"(2) The usual general expenses (not less than 10 per centum of such cost) in the case of identical or substantially identical merchandise;

"(3) The cost of all containers and coverings, and all other costs, charges, and expenses incident to placing the particular merchandise under consideration in condition, packed ready for shipment to the United States; and

"(4) An addition for profit (not less than 8 per centum of the sum of the amounts found under paragraphs (1) and (2)) equal to the profit which is ordinarily added, in the case of merchandise of the same general character as the particular merchandise under consideration, by manufacturers or producers in the country of manufacture or production who are engaged in the same general trade as the manufacturer or producer of the particular merchandise under consideration.

"SEC. 207. That for the purposes of this title the exporter of imported merchandise shall be the person by whom or for whose account the merchandise is imported into the United States;

"(1) If such person is the agent or principal of the exporter, manufacturer, or producer; or

"(2) If such person owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in the business of the exporter, manufacturer, or producer; or

"(3) If the exporter, manufacturer, or producer owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in any business conducted by such person; or

"(4) If any person or persons, jointly or severally, directly or indirectly, through stock ownership or control or otherwise, own or control in the aggregate 20 per centum or more of the voting power or control in the business carrier on by the person by whom or for whose account the merchandise is imported into the United States, and also 20 per centum or more of such power or control in the business of the exporter, manufacturer, or producer.

"SEC. 208. That in the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary has made public a finding as provided in section 201, and delivery of which has not been made by the collector before such finding has been so made public, unless the person by whom or for whose account such merchandise is imported makes oath before the collector, under regulations prescribed by the Secretary, that he is not an exporter, or unless such person declares under oath at the time of entry, under regulations prescribed by the Secretary, the exporter's sales price of such merchandise, it shall be unlawful for the collector to deliver the merchandise until such person has made oath before the collector, under regulations prescribed by the Secretary, that the merchandise has not been sold or agreed to be sold by such person, and has given bond to the collector, under regulations prescribed by the Secretary, with sureties approved by the collector, in an amount equal to the estimated value of the merchandise, conditioned: (1) that he will report to the collector the exporter's sales price of the merchandise within 30 days after such merchandise has been sold or agreed to be sold in the United States, (2) that he will pay on demand from the collector the amount of special dumping duty, if any, imposed by this title upon such merchandise, and (3) that he will furnish to the collector such information as may be in his possession and as may be necessary for the ascertainment of such duty, and will keep such records as to the sale of such merchandise as the Secretary may by regulation prescribe.

"SEC. 209. That in the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary has made public a finding as provided in section 201, and as to which the appraiser or person acting as appraiser has made no appraisement report to the collector before such finding has been so made public, it shall be the duty of each appraiser or person acting as appraiser, by all reasonable ways and means to ascertain, estimate, and appraise (any invoice or affidavit thereto or statement of cost of production to the contrary notwithstanding) and report to the collector the foreign market value or the cost of production, as the case may be, the purchase price, and the exporter's sales price, and any other facts which the Secretary may deem necessary for the purposes of this title.

"SEC. 210. That for the purposes of this title the determination of the appraiser or person acting as appraiser as to the foreign market value or the cost of production, as the case may be, the purchase price, and the exporter's sales price, and the action of the collector in assessing special dumping duty, shall have the same force and effect and be subject to the same right of appeal and protest, under the same conditions and subject to the same limitations; and the general appraisers, the Board of General Appraisers, and the Court of Customs Appeals shall have the same jurisdiction, powers, and duties in connection with such appeals and protests as in the case of appeals and protests relating to customs duties under existing law.

"SEC. 211 That the special dumping duty imposed by this title shall be treated in all respects as regular customs duties within the meaning of all laws relating to the drawback of customs duties.

"SEC. 212. That this title may be cited as the 'Antidumping Act, 1921.'

"SEC. 406. That when used in Title II • • •

"The term 'person' includes individuals, partnerships, corporations, and associations; and

"The term 'United States' includes all Territories and possessions subject to the jurisdiction of the United States, except the Virgin Islands, the islands of Guam and Tutuila, and the Canal Zone.

"SEC. 407. That the Secretary shall make rules and regulations necessary for the enforcement of this Act." (Antidumping Act, 1921, as amended; 19 U. S. C. 160–173.)

quest and declaration of the importer or his agent that the statement be accepted in lieu of the appearance required by paragraph (b) of this section and that the statement fully and truly applies with respect to the merchandise under consideration by the appraiser receiving the statement and request, such appraiser shall grant the request, unless he has good reason to believe that pertinent information not contained in the statement is obtainable from the importer or his agent.

(Secs. 201, 202, 208, 407, 42 Stat. 11, as amended, 14, 18, Sec. 486, 46 Stat. 725, as amended, 19 U. S. C. 160, 161, 167, 173, 1486)

§ 14.10 *Release of merchandise; bond.* (a) When the collector has received a notice of withheld appraisement provided for in § 14.9 (a), or when he has been advised of a finding provided for in § 14.8 (b), and so long as such notice or finding is in effect, he shall withhold release of any merchandise of a class or kind covered by such notice or finding which is then in his custody or is thereafter imported, unless an appropriate bond is filed or is on file, as specified hereafter in this section, or unless he is advised by the appraiser that the merchandise covered by a specified entry will be appraised without regard to the Antidumping Act.

(b) If the merchandise is of a class or kind covered by a notice of withheld appraisement provided for in § 14.9 (a) or by a finding provided for in § 14.8 (b), a single consumption entry bond covering the shipment, in addition to any other required bond, shall be furnished by the person making the entry or withdrawal, unless the provisions of the next paragraph are applicable and in other cases unless the collector is satisfied that the bond under which the entry was filed is sufficient.

(c) If the merchandise is of a class or kind covered by a finding provided for in § 14.8 (b) and the importer or his agent has filed a certificate on Form 3 (§ 14.9 (d)), the bond required by section 208 of the Antidumping Act shall be on customs Form 7591. In such case, a separate bond shall be required for each entry or withdrawal, and such bond shall be in addition to any other bond required by law or regulation. The record of sales required under the conditions of the bond on customs Form 7591 shall identify the entry covering the merchandise and show the name and address of each purchaser, each selling price, and the date of each sale.

(d) The penalty of any additional bond required under this section, shall be in an amount equal to the entered value of the merchandise covered by the notice or finding, except that, in the case of merchandise which appears to the satisfaction of the collector to be unconditionally free of duty and not potentially subject to any demand for redelivery on account of any import restriction or prohibition, the bond may be in such lesser amount as will assure payment of any special duty that may accrue by reason of the Antidumping Act, but in no case less than $100.

(Secs. 208, 407, 42 Stat. 14, 18; 19 U. S. C. 167, 173)

§ 14.11 *Conversion of currencies.* In determining the existence and amount of any difference between the purchase price or exporter's sales price and the foreign market value (or, in the absence of such value, the cost of production) for the purposes of section 201 (b) or 202 (a) of the Antidumping Act, as amended, any necessary conversion of a foreign currency into its equivalent in United States currency shall be made in accordance with the provisions of section 522, Tariff Act of 1930 (31 U. S. C. 372) (a) as of the date of purchase or agreement to purchase, if the purchase price is an element of the comparison, or (b) as of the date of exportation, if the exporter's sales price is an element of the comparison.

(Secs. 201, 202, 407, 42 Stat. 11, as amended, 18; 19 U. S. C. 160, 161, 173)

§ 14.12 *Modification or revocation of finding.* An application for the modification or revocation of any finding made as provided for in § 14.8 (b) will receive due consideration if submitted in writing to the Commissioner of Customs together with detailed information concerning any change in circumstances or practice which has obtained for a substantial period of time, or other reasons, which the applicant believes will establish that the basis of the finding no longer exists with respect to all or any part of the merchandise covered thereby.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U. S. C. 160, 173)

§ 14.13 *Publication of findings.* (a) Each finding made in accordance with § 14.8 (b) will be published in a weekly issue of Treasury Decisions and in the FEDERAL REGISTER.

(b) The following findings of dumping are currently in effect:

Merchandise	Country	T. D.
Hardboard	Sweden	53567
Cast iron soil pipe, other than "American Pattern".	United Kingdom	53931

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U. S. C. 160, 173)

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

3. Section 16.21 (a) is amended by substituting "Commissioner of Customs" for "Secretary of the Treasury."

4. Footnote 16, appended to § 16.21 (a), is amended by revising the first paragraph to read "See § 14.13 of this Chapter.

5. The citation of authority for § 16.21 is amended to read as follows: (Secs. 202, 209, 407, 42 Stat. 11, as amended, 15, 18; 19 U. S. C. 161, 168, 173).

6. Section 16.24 is amended to read as follows:

§ 16.24 *Countervailing duties.* (a) Any appraiser or other principal customs officer who obtains any information that any bounty or grant is being paid or bestowed with respect to dutiable merchandise imported into the United States, so as to require action under section 303, Tariff Act of 1930,[*] shall communicate such information promptly to the Commissioner of Customs. Every such communication shall contain or be accompanied by a statement of substantially the same information as is required in paragraph (b) of this section, if in the possession of the appraiser or other officer or readily available to him.

(b) Any person outside the Customs Service who has reason to believe that any bounty or grant is being paid or bestowed with respect to dutiable merchandise imported into the United States may communicate his belief to any appraiser or the Commissioner of Customs. Every such communication shall contain, or be accompanied by, (1) a full statement of the reasons for the belief, (2) a detailed description or sample of the merchandise, (3) all pertinent facts obtainable as to any bounty or grant being paid or bestowed with respect to such merchandise.

(c) If any information filed with an appraiser pursuant to paragraph (b) of this section does not conform with the requirements of that paragraph, the communication shall be returned promptly to the person who submitted it with detailed written advice as to the respects in which it does not conform. If such information is found to comply with the requirements, it shall be transmitted by the appraiser within 10 days to the Commissioner of Customs, together with all pertinent additional information available to the appraiser.

(d) Upon receipt by the Commissioner of Customs of any communication submitted pursuant to paragraph (a), (b), or (c), of this section and found to comply with the requirements of the pertinent paragraph, the Commissioner will cause such investigation to be made as appears to be warranted by the circumstances of the case and the Commissioner or his designated representative will consider any representations offered by foreign interests, importers, domestic producers, or other interested presons.

(e) If it is determined that the application of the said section 303 is required, the Commissioner of Customs, with the approval of the Secretary of the Treasury, will issue a countervailing duty order describing the merchandise, designating the country or area in which it is produced or from which it is exported, and declaring the ascertained or estimated amount of the bounty or grant or a rule for calculating or estimating such amount.

(f) Each order issued pursuant to paragraph (e) of this section will be published in a weekly issue of Treasury Decisions and in the FEDERAL REGISTER. Orders or notices issued under section 303, Tariff Act of 1930, or a corresponding provision of a prior act, are currently in effect with respect to the merchandise listed below:

Country	Commodity	Treasury Decision	Action
Australia	Sugar content of certain articles	39541	Declared rate.
		49157	New estimated rates.
		52923	Contingent suspension of rates.
	Butter	42937	Bounties declared—Rates.
		43067	New rates.
		48551	New estimated rate.
	Fortified wines	51476	Bounties declared—Contingent rates.
Canada	Cheese, 93-94 score, from whole milk, cheddar, including "washed curd," types.	50093	Bounties declared—Rates.
	Cheese, 93-94 score, blue-vein, of Roquefort type.	53182	Bounties declared—Rates.
Cuba	Cordage	53534	Bounties declared—Rates.
Denmark	Butter	57896	Bounties declared—Rates.
		48734	Discontinued as to direct shipments.
Great Britain	Spirits	34466	Bounties declared—Rates.
		34752	Descriptions.
		34982	No bounty on rum.
		35089	Proof gallons.
		35510	Alcoholic perfumery.
		35668	Orange bitters.
		47826-7	Quantity for computing duty.
		52555	Bounty on plain spirits terminated.
	Silk and silk articles	42805	Bounties declared—Rates.
		43034	Bounties—Additional articles.
		44742	New rates.
		47475	New rates.
		53476	New rates and additional articles.
	Sugar	49355	Bounties declared—Rates
		50108	New rates.
		50127	
Ireland	Spirits	47753	Bounties declared—Rates.
		47826-7	Quantity for computing duty.
Uruguay	Wool tops	53257	Bounties declared—Rates.
		53446	New rate.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 7, 1955:

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-9448; Filed, Nov. 23, 1955; 8:48 a. m.]

[*] "Whenever any country, dependency, colony, province, or other political subdivision of government, person, partnership, association, cartel, or corporation shall pay or bestow, directly or indirectly, any bounty or grant upon the manufacture or production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government, and such article or merchandise is dutiable under the provisions of this act, then upon the importation of any such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to the duties otherwise imposed by this act, an additional duty equal to the net amount of such bounty or grant, however the same be paid or bestowed. The Secretary of the Treasury shall from time to time ascertain and determine, or estimate, the net amount of each such bounty or grant, and shall declare the net amount so determined or estimated. The Secretary of the Treasury shall make all regulations he may deem necessary for the identification of such articles and merchandise and for the assessment and collection of such additional duties." (Tariff Act of 1930, sec. 303; 19 U. S. C. 1303.)

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 governing the operation of drawbridges where constant attendance of draw tenders is not required over navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, is hereby amended prescribing paragraph (j) (25-a), (27), and (28), respectively, to govern the operation of the St. Louis, Brownsville and Mexico Railway Company bridge across Lavaca River in the vicinity of Vanderbilt, Texas, the Nueces County bridge in Padre Island Causeway across Humble Oil and Refining Company channel (Laguna Madre), and the Texas Highway Department bridge across the Arroyo Colorado River at Rio Hondo, Texas, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(j) *Waterways discharging into Gulf of Mexico west of Mississippi River.* • • •

(25-a) Lavaca River, Tex.; St. Louis, Brownsville and Mexico Railway Company bridge near Vanderbilt. At least 48-hours' advance notice required, except in emergencies, when the bridge will be opened as soon as possible after receipt of notice.

• • • • • •

(27) Laguna Madre, Tex.; Padre Island Causeway (Nueces County) swing barge bridge across Humble Oil and Refining Company channel. Between 4:00 p. m. and 7:00 a. m., at least 1-hour advance notice required: *Provided*, That these regulations may be temporarily suspended by the District Engineer, Corps of Engineers, Galveston, Texas, for such periods as he may determine to be necessary upon notice to Nueces County.

(28) Arroyo Colorado River, Tex.; The Texas Highway Department bridge at Rio Hondo. At least 24-hours' advance notice required.

[Regs., November 2, 1955, 823.01-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.560 governing the operation of drawbridges where constant attendance of draw tenders is not required over the Mississippi River and its tributaries, is hereby amended in respect to paragraph (f) (23) and (25), respectively, governing the operation of the Arkansas Highway Department bridges across the Black River at Pocahontas, Arkansas, and across the Current River at Biggers, Arkansas, as follows:

§ 203.560 *Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(f) *Lower Mississippi River.* • • •

(23) Black River, Ark.; Arkansas Highway Department bridge at Pocahontas. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

• • • • • •

(25) Current River, Ark.; Arkansas Highway Department bridge at Biggers. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

• • • • • •

[Regs., November 2, 1955, 823.01-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-9423; Filed, Nov. 23, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1008]

[Docket No. AO 275]

HANDLING OF MILK IN THE INLAND EMPIRE MILK MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900) notice is hereby given that the time for filing exceptions to the recommended decision of the Acting Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Inland Empire marketing area which was issued November 1, 1955 (20 F. R. 8295) is hereby extended until November 26, 1955.

Dated: November 22, 1955.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 55-9481; Filed, Nov. 22, 1955; 12:30 p. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-8968 etc.]

SUCCESSOR OF ED. E. HURLEY ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 18, 1955.

In the matters of Successor of Ed. E. Hurley, Docket No. G-8968; Guy R. Campbell, Docket No. G-8996; C. A. Pearis, Jr., Trustee, Mary W. Bottomly and John S. Bottomly, Docket No. G-9005; National Gas Corporation, Docket No. G-9013; B. B. Jaynes, Trustee, Docket No. G-9014; Palmer Gas Company, Docket No. G-9015; Viney Gas Company, Docket No. G-9016; Clark Curry, Docket No. G-9017; Apache Gasoline Company, Docket No. G-9064; W. G. Haun, Docket No. G-9068; Albert S. Clinkscales, Docket No. G-9101; Frederick Finnup, Docket No. G-9104; Shamrock Oil and Gas Corporation, Docket No. G-9122; F. M. Late, Docket No. G-9150; F. M. Late, Docket No. G-9151; F. M. Late, Docket No. G-9152; Michaelis Drilling Company, Docket No. G-9180; Sherrod & Apperson, Docket No. G-9186.

Take notice that there have been filed with the Federal Power Commission applications for certificates of public convenience an necessity, pursuant to section 7 of the Natural Gas Act, authorizing the respective Applicants to render service as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open for public inspection.

Each of the above-named Applicants produce and/or purchase natural gas which is sold in interstate commerce for transportation and for resale as indicated below:

Docket No.; Location of Field in Which Gas Is Purchased and/or Produced; Purchaser

G-8968; Produced and purchased from Delhi Field, Richland Parish, Louisiana; Texas Eastern Transmission Corporation.

G-8996; Produced from Big Springs Field, Denel County, Nebraska; Kansas-Nebraska Natural Gas Company, Inc.

G-9005; Produced from Hugoton Field, Stevens County, Kansas; Northern Natural Gas Company.

G-9013; Purchased and Produced from Cabell County, West Virginia; Southeastern Gas Company.

G-9014; Produced from Union and Jefferson Districts, Lincoln County, West Virginia; South Penn Natural Gas Company.

G-9015; Produced from McComes District, Cabell County, West Virginia; United Fuel Gas Company.

G-9016; Produced from Sheridan District, Lincoln County, West Virginia; South Penn Natural Gas Company.

G-9017; Produced from Carrol District, Lincoln County, West Virginia, South Penn Natural Gas Company.

G-9064; Purchased from West Brook Field, Carter County, Oklahoma; Lone Star Gas Company.

G-9068; Produced from Hugoton Field, Finney County, Kansas; Kansas-Nebraska Natural Gas Co., Inc.

G-9101; Produced from Hugoton Field, Texas County, Oklahoma; Northern Natural Gas Company.

G-9104; Produced from Hugoton Field, Kearney and Finney Counties, Kansas; Kansas-Nebraska Natural Gas Co., Inc.

G-9122; Produced from West Panhandle Field, Hutchinson County, Texas; Phillips Petroleum Co.

G-9150; Produced from Levelland Field, Cochran County, Texas; Llano Grande Corporation.

G-9151; Produced from Levelland Field, Cochran County, Texas; Llano Grande Corporation.

G-9152; Produced from Levelland Field, Cochran County, Texas; Llano Grande Corporation.

G-9180; Produced from Hugoton Field, Haskel County, Texas; Colorado Interstate Gas Company.

G-9186; Produced from Big Springs Field, Goliad County, Texas; Wilcot Trend Gathering System.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 6, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 12, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9426; Filed, Nov. 23, 1955; 8:45 a. m.]

[Docket No. G-6213]

UNION PACIFIC RAILROAD CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 17, 1955.

Take notice that Union Pacific Railroad Company, a Utah corporation (Applicant), whose address is 1416 Dodge Street, Omaha 2, Nebraska, filed on November 29, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Natural gas is produced from lands owned or leased by Applicant in the Church Buttes Field, South Baxter Basin Field, and Middle Baxter Basin Field of Sweetwater and Uinta Counties, Wyoming, which is sold in interstate commerce to Mountain Fuel Supply Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 22, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings, pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 16, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9427; Filed, Nov. 23, 1955; 8:45 a. m.]

[Docket No. G-6214 etc.]

HENRIETTA YEAGER JONES ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 17, 1955.

In the matters of Van Lewis, Attorney-in-fact, for Henrietta Yeager Jones, Dockets Nos. G-6214, G-6215; Nancy Lewis Welsh, et al., Docket No. G-6218; R. D. McDonald, Jr., Docket No. G-6902.

Take notice that the above-designated Applicants filed applications docketed as above listed and as hereinafter tabulated, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing each Applicant to render service as shown in the tabulation, subject to the jurisdiction of the Commission, all as more fully stated in the applications which are on file with the Commission and open to public inspection.

Applicants produce natural gas from gas fields located in Texas, as indicated below, and sell it in interstate commerce to the Texas-Illinois Gas Pipeline Company for resale.

Docket No.; Gas Field; County; and Date Filed

G-6214; Clayton; Live Oak; November 29, 1954.

G-6215; Clayton; McMullen; November 29, 1954.

G-6218; Clayton; Live Oak and McMullen; November 29, 1954.

G-6902; Old Ocean; Matagorda and Brazoria; November 30, 1954.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 22, 1955, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 16, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9428; Filed, Nov. 23, 1955; 8:45 a. m.]

[Docket No. G-6881 etc.]

HUGH MCMILLAN AND TED M. WHITE ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 17, 1955.

In the matters of Hugh McMillan and Ted M. White Docket No. G-6881; William G. Webb, Docket No. G-6887; W. O. McConnell Docket No. G-6888; Critchell Parsons, et al., Docket No. G-6908.

Take notice that the above-designated Applicants, hereinafter referred to singly and collectively as Applicant, whose respective addresses are as follows: Hugh McMillan and Ted White, El Paso, Texas; William G. Webb, Dallas, Texas; W. O. McConnell, Farmington, New Mexico; Critchell Parsons, Dallas, Texas, filed on November 30, 1954, their respective applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant produces natural gas from gas fields in San Juan and Rio Arriba Counties, New Mexico, and sells it in interstate commerce to the El Paso Natural Gas Company for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 20, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 15, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9429; Filed, Nov. 23, 1955; 8:45 a. m.]

[Docket No. G-6915]

NUECES ROYALTY CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 17, 1955.

Take notice that Nueces Royalty Company, a partnership J. R. Howe, manager (Applicant), whose address is South Texas Building, San Antonio, Texas, filed on November 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant, an independent producer, produces natural gas in the Sun Gas Field, Starr County, Texas, which is sold to the Sun Oil Company and resold by it in interstate commerce to the Tennessee Gas Transmission Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 22, 1955, at 9:50 a. m., e. s. t., in a hearing room of Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before December 16, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therfor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9430; Filed, Nov. 23, 1955; 8:46 a. m.]

[Docket No. G-6946, etc.]

CONTINENTAL OIL CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 17, 1955.

Take notice that Continental Oil Company (Applicant), a Delaware corporation whose address is 608 Fannis St., Houston, Texas, filed on November 30, 1954, five applications for certificates of public convenience and necessity in the above-designated dockets, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from various gas fields in Texas, Oklahoma, Louisiana, Wyoming and Montana, as shown in the tabulation below, which gas is sold in interstate commerce to the natural gas companies as indicated, for resale.

Docket No.; Gas Field; County; State; and Name of Buyer

G-6946; Carthage; Panola; Texas; Texas Gas Transmission Corporation.
G-6949; Johnson; Cameron Parish; Louisiana; United Gas Pipe Line Company.
G-6957; West Edmond; Canadian, King Fisher, Logan, and Oklahoma; Oklahoma; Cities Service Gas Company.
G-6958; Elk Basin; Park, Carbon; Wyoming, Montana; Montana-Dakota Utilities Company.
G-6959; Elk Basin; Park, Carbon; Wyoming, Montana; Montana-Dakota Utilities Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 20, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 15, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9431; Filed, Nov. 23, 1955; 8:46 a. m.]

[Docket Nos. G-6916—G-6918, G-6920]

BEN F. BRACK OIL CO., INC.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 18, 1955.

Take notice that Ben F. Brack Oil Company, Inc. (Applicant), a Kansas corporation whose address is Brown Building, Wichita, Kansas, filed on November 30, 1954, applications for certificates of public convenience and necessity in the above designated dockets, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Alefs and Ryan, Gas Fields in Barton and Rush Counties, Kansas, which gas is sold in interstate commerce to the Kansas-Nebraska Natural Gas Company, Incorporated, for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 27, 1955, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9432; Filed, Nov. 23, 1955; 8:46 a. m.]

[Docket No. G-6919]

BEN F. BRACK ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 18, 1955.

Take notice that Helen B. Dale, Joe E. Dale, Henry B. Brack, Ben F. Brack, Lucille B. Grant, Bernard D. Grant, Dorothy M. Brack, Leland E. Brack and Anna E. Brack, hereinafter referred to singly and collectively, as (Applicant), whose address is 309 Brown Building, Wichita, Kansas, filed on November 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Alefs Gas Field, Barton County, Kansas, and sells it to the Kansas-Nebraska Natural Gas Company, Inc., in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 27, 1955, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9433; Filed, Nov. 23, 1955; 8:46 a. m.]

[Docket Nos. G-7005—G-7017, G-7019]

COLUMBIAN FUEL CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 18, 1955.

Take notice that Columbian Fuel Corporation (Applicant), a Delaware corporation whose address is 380 Madison Avenue, New York City, New York, filed on November 30, 1954, fourteen applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant produces natural gas from various gas fields in several counties and states which it sells to various natural gas companies in interstate commerce for resale. Natural gas which is produced by Applicant and sold as aforesaid, are as follows:

Docket No.; Name of Purchaser; Gas Field; County; and State

G-7005; Panhandle Eastern Pipe Line Co.; Hugoton; Grant; Kansas.
G-7006; Colorado Interstate Gas Company; Hugoton; (eight counties); Kansas.
G-7007; Cities Service Gas Company; Hugoton; Grant; Kansas.
G-7008; Kentucky-West Virginia Gas Co.; Leases; Pike; Kentucky.
G-7009; United Fuel Gas Company; (nine counties); Kentucky.
G-7010; Colorado-Interstate Gas Company; Hugoton; (four counties); Kansas.
G-7011; Hugoton Plains Gas and Oil Co.; Hugoton; Texas; Oklahoma.
G-7012; The Kansas Nebraska Natural Gas Co.; Hugoton; Texas; Oklahoma.
G-7013; Cities Service Gas Company; Hugoton; Stevens; Kansas.
G-7014; Northern Natural Gas Company; Hugoton; Texas; Oklahoma.
G-7015; Northern Natural Gas Company; Hugoton; Kearny; Texas.
G-7016; Colorado-Interstate Gas Company; Hugoton; Haskell; Kansas.
G-7017; Northern Natural Gas Company; Hugoton; Stevens; Kansas.
G-7019; Panhandle Eastern Pipe Line Co.; Hugoton; Stevens; Kansas.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 27, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9434; Filed, Nov. 23, 1955; 8:46 a. m.]

[Docket No. G-9266]

DAYTON POWER AND LIGHT CO.

NOTICE OF APPLICATION

NOVEMBER 18, 1955.

Take notice that the Dayton Power and Light Company (Applicant), filed on August 26, 1955, an application, pursuant to Section 7 (a) of the Natural Gas Act, for an order directing Ohio Fuel Gas Company (Ohio Fuel) to establish a physical connection of its transmission facilities with the proposed distribution facilities of Applicant and to supply natural gas to Applicant for resale in the Village of West Liberty, Ohio.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 5, 1955. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9435; Filed, Nov. 23, 1955; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH CAROLINA

DISASTER ASSISTANCE; DELINEATION OF AREA AND DESIGNATION OF COUNTIES

Pursuant to Public Law 875, the President determined on August 13 and August 19, 1955, that major disasters occasioned by hurricanes existed in the State of North Carolina.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148; 19 F. R. 5364; and 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following named counties in the State of North Carolina were on October 7, 1955, determined to be the area affected by the major disasters of hurricanes for said purposes:

NORTH CAROLINA

Beaufort.	Hyde.
Carteret.	Pamlico.
Craven.	Tyrell.
Dare.	Washington.

Done at Washington, D. C., this 18th day of November 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-9444; Filed, Nov. 23, 1955; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S.C. 814.

(1) Agreement No. 57-59, between the member lines of the Pacific Westbound Conference, modifies the Appendix to the basic conference agreement (No. 57) in order to implement the reorganization of the conference; i. e., consolidation of the Southern and Northern Districts with headquarters at San Francisco.

(2) Agreement No. 8055, between Matson Navigation Company and Compagnie Generale Transatlantique, covers the transportation of canned pineapple on through bills of lading from Hawaii to Europe, with transshipment at ports on the Pacific Coast of the United States.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: November 18, 1955.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-9459; Filed, Nov. 23, 1955; 8:49 a. m.]

Maritime Administration

CERTAIN TRADE ROUTES

ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS; CONCLUSIONS AND DETERMINATIONS

Notice is hereby given that the Maritime Administrator has considered the comments and views submitted by interested persons, firms or corporations with respect to his conclusions and determinations regarding the essentiality and United States flag service requirements of the following United States foreign trade routes as published in the FEDERAL REGISTER issues on the respective dates indicated below:

1. Trade Routes Nos. 5, 7 and 9—June 22, 1955 (20 F. R. 4374);
2. Trade Route No. 10—June 16, 1955 (20 F. R. 4231);
3. Trade routes Nos. 16 and 17—March 29, 1955 (20 F. R. 1900);
4. Trade Route No. 25—June 18, 1955 (20 F. R. 4309); and
5. Trade Route No. 27—June 14, 1955 (20 F. R. 4164).

and has directed that the conclusions and determinations with respect to said trade routes as published in the above-mentioned issues of the FEDERAL REGISTER shall stand unchanged.

By order of the Maritime Administrator.

Dated: November 18, 1955.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-9460; Filed, Nov. 23, 1955; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF URBAN RENEWAL AND PROJECT REPRESENTATIVES, REGION IV (CHICAGO)

REDELEGATION OF AUTHORITY TO APPROVE THIRD PARTY CONTRACTS WITH RESPECT TO SLUM CLEARANCE AND URBAN RENEWAL PROGRAM

The Regional Director of Urban Renewal of Region IV (Chicago) and Project Representatives of Region IV are authorized to approve contracts between local public agencies and third parties, with respect to the program authorized under Title I of the Housing Act of 1949, as amended (63 Stat. 414–421, as amended, 42 U. S. C. 1450–1460) and under Section 312 of the Housing Act of 1954 (68 Stat. 629).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c; Delegation of Authority effective December 23, 1954 (20 F. R. 428–9, 1–19–55) as amended effective June 17, 1955 (20 F. R. 4275, 6–17–55))

Effective as of the 27th day of October 1955.

JOHN P. MCCOLLUM,
Regional Administrator,
Region IV.

[F. R. Doc. 55-9456; Filed, Nov. 23, 1955; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE FOR FILING OBJECTIONS TO TRANSFER OF JURISDICTION OF INTEREST

NOVEMBER 16, 1955.

Notice is hereby given that the Office of Territories, Department of the Interior, has made an application, Fairbanks 012860, for transfer of jurisdiction of interest to the Office of Territories of the following property:

Commencing at the northwest corner of Lot 13, Block 4W, Tok Townsite, U. S. Survey No. 2931: thence, N. 9° 02' E., 80 feet across First Avenue West to the true point of beginning: thence continuing N. 9° 02' E. along east line of West Second Street 300 feet: thence S. 80° 58' E. along the south line of Second Avenue West 400 feet: thence S. 9° 02' W. along the west line of West First Street 300 feet: thence N. 80° 58' W. along the north line of First Avenue West 400 feet to true point of beginning, containing about 2.75 acres.

The purpose of this notice is to give persons having a bona fide objection to the transfer the opportunity to file with the Manager of the Land Office, Fairbanks, Alaska, a protest within 30 days from the date of the notice, together with evidence that a copy of the protest has been served on the Director, Alaska Public Works, Juneau, Alaska.

ROGER R. ROBINSON,
Acting Area Administrator.

[F. R. Doc. 55-9424; Filed, Nov. 23, 1955; 8:45 a. m.]

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 18, 1955.

The U. S. Forest Service, Department of Agriculture has filed an application, Serial No. Montana 020881 (SD), for the withdrawal of the lands described below, from location and entry under the general mining laws. The applicant desires the land for campgrounds, an organization camp and a picnic ground.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS PRINCIPAL MERIDIAN

BLACK HILLS NATIONAL FOREST

Castle Peak Camp Ground:
T. 1 N., R. 3 E.,
Sec. 2: NW¼.
Total area 160 acres.
Cheese Hill Camp Ground:
T. 1 N., R. 4 E.,
Sec. 7: E½NW¼.
Total area 80 acres.
100 F Organization Camp:
T. 3 N., R. 5 E.,
Sec. 20: NE¼SW¼.
Total area 40 acres.
Oreville Picnic Ground:
T. 2 S., R. 4 E.,
Sec. 14: W½NW¼NE¼, E½NW¼.
Total area 100 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 55-9425; Filed, Nov. 23, 1955; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 21, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31334: *Fertilizer from Ohio to the South.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads, from Lima and Fernald, Ohio to points in southern territory.

Grounds for relief: Short-line distance formula, circuity, and market competition.

Tariff: Agent Boin's tariff I. C. C. No. A-1075.

FSA No. 31335: *Magazines and periodicals to New Orleans, La.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on magazines and periodicals, also magazine parts or sections carloads, from Dunellen, New York, Brooklyn, N. Y., Philadelphia and Darby, Pa., to New Orleans, La.

Grounds for relief: Truck and water competition.

Tariff: Supplement 1 to Agent Boin's I. C. C. A-1079.

FSA No. 31336: *Cottonseed oil cake and meal to Lynchburg, Va.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cottonseed oil cake or oil cake meal; cottonseed oil meal and soybean oil meal; peanut oil cake or oil cake meal, and soybean oil cake or meal, straight or mixed carloads from Augusta, Ga., Columbia and Greenwood, S. C., to Lynchburg, Va.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 36 to Agent Spaninger's I. C. C. No. 1411.

FSA No. 31337: *Merchandise from Howells Transfer, Ga.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on various commodities in mixed carloads from Howells Transfer, Ga., to Cincinnati, Ohio, Memphis, Tenn., East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief: Carrier competition, short-line distance formula, and circuity.

Tariff: Supplement 21 to Agent Spaninger's I. C. C. 1458.

FSA No. 31338: *Citrus fruit from Florida to Fort Smith, Ark.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on citrus fruit, carloads from points in Florida to Fort Smith, Ark.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 72 to Agent Spaninger's I. C. C. 1211.

FSA No. 31339: *Fertilizer solutions from Tuscola, Ill., to South.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on fertilizer ammoniating solution and nitrogen fertilizer solution, tank-car loads from Tuscola, Ill., to points in southern territory.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement No. 52 to Agent Raasch's I. C. C. 784; Supplement No. 67 to Agent Raasch's I. C. C. 776.

FSA No. 31340: *Iron or steel billets from Steelton, Ky., to Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron or steel billets, other than copper clad, carloads from Steelton, Ky., to Beaumont and Houston, Tex.

Grounds for relief: Truck and barge competition.

Tariff: Supplement 20 to Agent Kratzmeir's I. C. C. 4170.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-9447; Filed, Nov. 23, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1769]

REPUBLIC AVIATION CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

NOVEMBER 17, 1955.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Republic Aviation Corporation Common Stock, $1 Par Value.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before December 5, 1955, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-9436; Filed, Nov. 23, 1955; 8:46 a. m]

[File No. 70-3405]

NATIONAL FUEL GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

NOVEMBER 17, 1955.

National Fuel Gas Company ("National"), a registered holding company, having filed an application-declaration and an amendment thereto pursuant to sections 6, 7, 10, 12 (e) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act"), and Rules U-43, U-50 and U-62 promulgated thereunder, regarding certain proposed transactions, which are summarized as follows:

National owns 387,308 shares (62.26 percent) of the common stock of its utility subsidiary, Pennsylvania Gas Company ("Penn"), the remaining 234,772 shares of common stock of Penn being held by approximately 850 minority stockholders.

National proposes to offer to all the minority stockholders of Penn, including Horace Crary who is a director of Penn and an affiliate of Penn and National, an opportunity to exchange their shares of Penn's common stock for shares of National's common stock on the basis of 1.45 shares of National's stock for 1 share of Penn's stock. If the exchange is accepted by all the minority stockholders, National will be required to issue 340,419 shares of its common stock, $10 par value.

The offer is to be made within a period of 15 days after approval of the Commission is obtained, and will remain open for a period of 30 days thereafter.

National will not issue any fractional shares in connection with the exchange, nor will it pay cash or issue script in lieu of fractional shares. However, Warren National Bank of Warren, Pennsylvania, will be appointed as Agent for the exchanging Penn stockholders, and fractional interests in shares of National stock will be consolidated and full shares therefor will be issued to such Agent. Upon receipt of orders from Penn stockholders, the Agent will buy or sell the fractional interests, matching buy and sell orders as far as possible, and will sell on the market any remaining shares for the account of such exchanging stockholders of Penn. The fees and expenses of the Agent will be paid by National.

National requests exemption from the competitive bidding requirements of Rule U-50 and also proposes to send certain solicitation material to the stockholders of Penn relating to the exchange.

A public hearing having been held after appropriate notice, the Commission having examined the record and having this day made and filed its Findings and Opinion herein:

It is ordered, On the basis of said Findings and Opinion and the applicable provisions of the Act and the Rules thereunder that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-9437; Filed, Nov. 23, 1955; 8:47 a. m.]

[File No. 70-3415]

NEW ENGLAND ELECTRIC SYSTEM AND WEYMOUTH LIGHT AND POWER CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARY PURSUANT TO RIGHTS OFFERING, AND ACQUISITION OF SUBSIDIARY'S STOCK BY PARENT COMPANY

NOVEMBER 18, 1955.

New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary Weymouth Light and Power Company ("Weymouth") have filed a joint application and an amendment thereto pursuant to sections 6 (b), 9 (a), and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

Weymouth, which presently has outstanding 65,191 shares of capital stock (par value $25 per share) and $2,850,000 of notes payable to NEES, proposes to issue and sell for cash 32,595 additional shares at the price of $42 per share, on the basis of one new share for each two shares presently outstanding, and to apply the proceeds thereof (amounting to $1,368,990) to the payment of a like amount of said notes. Rights to subscribe will be evidenced by full and half-share warrants, exercisable during a subscription period of 21 days. Full shares only will be issued.

NEES, which now owns 64,990 shares (99.671 percent) of Weymouth's capital stock, proposes: (1) To exercise its rights to subscribe for 32,495 additional shares to which it will be entitled, and (2) to purchase from Weymouth any unsubscribed shares at the subscription price of $42 per share. NEES states that during the subscription period it will offer to purchase from minority stockholders (5 in number, holding 201 shares) their present holdings, together with their rights to subscribe for additional shares,

on the basis of $60 per share. NEES will use treasury funds for its proposed acquisitions.

Weymouth and NEES desire to consummate the proposed issue and sale of additional capital stock in order to finance permanently a portion of the capitalizable additions to Weymouth's plant through the issuance of equity securities. NEES also desires to invest funds not otherwise required in its business in acquiring the minority interest in Weymouth.

The Massachusetts Department of Public Utilities, the regulatory commission of the State in which Weymouth is organized and doing business, has approved the issuance and sale of the additional shares by Weymouth, and the sale of any unsubscribed shares to NEES, at a price of $42 per share.

Due notice having been given of the filing of said amended application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding with respect to the proposed transactions that the applicable provisions of the Act and the Rules thereunder are satisfied and that no adverse findings are necesary; and deeming it appropriate in the public interest and in the interest of investors and consumers that the amended application be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said application as amended be, and it hereby is, granted, effective forthwith, subject to the conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-9438; Filed, Nov. 23, 1955; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 72, Amdt. 1]

MASSACHUSETTS

AMENDMENT TO DECLARATION OF DISASTER AREA

1. Declaration of Disaster Area 72 dated October 17, 1955 for the State of Massachusetts is hereby amended by adding the County of Worcester to the Counties referred to in paragraph 1 of said Declaration.

Dated: November 10, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-9451; Filed, Nov. 23, 1955; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

KURT WERNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Kurt Werner, Guardian for Ina-Susanne Werner, minor, Hamburg, Germany, Claim No. 41922, Vesting Order No. 104; $1,135.94 in the Treasury of the United States.

Executed at Washington, D. C., on November 17, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-9452; Filed, Nov. 23, 1955; 8:48 a. m.]

CAROLINE CHARLOTTE (LOLETTE) INVALD VON WALDTREN SUGAR

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Caroline Charlotte (Lolette) Invald von Waldtren Sugar, Paris, France, Claim No. 56987, Vesting Order No. 1124; $49,054.35 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Caroline Charlotte (Lolette) Invald von Waldtren Sugar in and to the estate of Anne W. Penfield, deceased.

Executed at Washington, D. C., on November 17, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-9453; Filed, Nov. 23, 1955; 8:48 a. m.]

JOSEFA KAUFMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Josefa Kaufmann, Furth b. Krems, Nieder-Osterreich, (Lower Austria), Claim No. 42069, Vesting Order No. 3265; $2,907.99 in the Treasury of the United States.

Executed at Washington, D. C., on November 17, 1955

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-9454; Filed, Nov. 23, 1955; 8:48 a. m.]

ELVIRA DE BAGUER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elvira De Baguer, Corizia, Italy, Claim No. 62869, Vesting Order No. 12248; $3,628.75 in the Treasury of the United States, and 3 Hungarian Land Mortgage Institute Sinking Fund Land Mortgage Gold Bond Dollar Bonds 7½%, Series B, due May 1, 1961, of $1,000 face value each, Certificate Nos. BM-258, BM259, and BM1384, with coupons November 1, 1940, and subsequent coupons attached, presently in the custody of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on November 18, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-9455; Filed, Nov. 23, 1955; 8:48 a. m.]

FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10645

AMENDMENT OF EXECUTIVE ORDER NO. 9 OF JANUARY 17, 1873, TO PERMIT AN OFFICER OR EMPLOYEE OF THE FEDERAL GOVERNMENT TO HOLD THE OFFICE OF MEMBER OF THE STATE BOARD OF AGRICULTURE OF THE STATE OF MICHIGAN

By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States (5 U. S. C. 631), and as President of the United States, Executive Order No. 9 of January 17, 1873, as amended, prohibiting, with certain exceptions, Federal officers and employees from holding State, territorial, and municipal offices, is hereby further amended so as to permit any officer or employee of the Federal Government to hold the office of Member of the State Board of Agriculture of the State of Michigan: *Provided*, That the holding of such office shall not in any manner interfere or conflict with the incumbent's performance of his regular duties as an officer or employee of the Federal Government.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 22, 1955.

[F. R. Doc. 55-9526; Filed, Nov. 23, 1955; 3:11 p. m.]

EXECUTIVE ORDER 10646

DESIGNATING THE SECRETARY OF DEFENSE TO COORDINATE AND FACILITATE ACTIONS REQUIRED TO DISCHARGE FEDERAL RESPONSIBILITIES UNDER THE FEDERAL VOTING ASSISTANCE ACT OF 1955

By virtue of the authority vested in me by section 201 of the Federal Voting Assistance Act of 1955 (69 Stat. 585), and as President of the United States, it is ordered as follows:

1. The Secretary of Defense is hereby designated as the official to coordinate and facilitate such actions as may be required to discharge Federal responsibilities under the Federal Voting Assistance Act of 1955.

2. In order to effectuate the purposes of the said act, the Secretary of Defense is hereby authorized to delegate any or all of the functions, responsibilities, powers, authority, or discretion devolving upon him in consequence of this order to any person or persons within the Department of Defense.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 22, 1955.

[F. R. Doc. 55-9527; Filed, Nov. 23, 1955; 3:11 p. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS

(INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRADES OF DRIED FIGS [1]

On October 4, 1955, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 7373) regarding a proposed revision of the United States Standards for Grades of Dried Figs (§§ 52.1021–52.1035).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Dried Figs are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

The proposed revision of the United States Standards for Grades of Dried Figs which were contained in the aforesaid notice are hereby adopted in the form in which such standards appeared in said notice and are hereby incorporated herein as set forth below except for minor editorial changes appearing in the citations of authority, §§ 52.1024, 52.1025, 52.1026, 52.1030, and 52.1032, and Table IIB.

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(Continued on p. 8683)

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplement is now available:

General Index ($1.25)

All of the Cumulative Pocket Supplements and revised books of the Code of Federal Regulations (as of January 1, 1955) are now available with the exception of Titles 1–3

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The United States Standards for Grades of Dried Figs (which is the third issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER and thereupon will supersede the United States Standards for Grades of Dried Figs (§§ 52.1021–52.1035) which have been in effect since August 29, 1949.

Dated: November 22, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

PRODUCT DESCRIPTION, COLOR TYPES, STYLES, SIZES, GRADES

Sec.
52.1021 Product description.
52.1022 Color types of dried figs.
52.1023 Styles and types of packs of dried figs.
52.1024 Sizes of Style I (a), Whole, Loose, Dried figs.
52.1025 Grades of dried figs.

MOISTURE ALLOWANCES

52.1026 Moisture allowances for grades of dried figs.

DEFECT ALLOWANCES

52.1027 Allowances for defects in dried figs.

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52.1028 Stages of maturity.
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WORK SHEET

52.1033 Work sheet for grades of dried figs.

AUTHORITY: §§ 52.1021 to 52.1033 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, COLOR TYPES, STYLES, SIZES, GRADES

§ 52.1021 *Product description.* Dried figs are the fruit of the fig tree (Ficus carica) from which the greater portion of moisture has been removed. The dried figs are prepared from clean and sound fruit and are sorted and thoroughly cleaned to assure a clean, sound, wholesome product. The figs may or may not be sulphured or otherwise bleached.

§ 52.1022 *Color types of dried figs*—(a) *"White."* "White figs" (or "white type" figs) are white to dark brown in color and include such varieties as Adriatic, Calimyrna, and Kadota.

(b) *"Black."* "Black figs" (or "black type" figs) are black or dark purple in color as in the Mission varieties.

§ 52.1023 *Styles and types of packs of dried figs*—(a) *Style I, Whole.* "Style I, Whole" (or "whole figs") means dried figs in any of the following types of packs:

(1) "Whole, loose, figs", referred to as Style I (a), are whole dried figs, not materially changed from their original dried form, that are packed without special arrangement in a container.

(2) "Whole, pulled, figs", referred to as Style I (b), are whole dried figs which are changed from their original dried form by purposely flattening and shaping and are placed in a definite arrangement in a container. The dried figs may or may not be split slightly across the eye but are not split to the extent that the seed cavity is materially exposed.

(3) "Whole, layered, figs", referred to as Style I (c), are whole dried figs which are changed from their original dried form by purposely flattening and shaping and are placed in a staggered-layer arrangement in a container. The figs are split across the base to the extent that the seed cavity may be materially exposed.

(b) *Style II, Sliced.* "Style II, Sliced" (or "sliced figs") means dried whole figs that have been cut into slices not less than ¼ inch in thickness and such slices are not recut showing more than two cut surfaces.

§ 52.1024 *Sizes of Style I (a), whole, loose, dried figs*—(a) *Sizes.* The sizes of Style I (a), whole, loose, dried figs for the respective varieties are as follows:

Adriatic or Kadota

No. 1 size (jumbo size)—1$^{5}/_{16}$ inches or larger in width.
No. 2 size (extra fancy size)—1$^{5}/_{16}$ inches to, but not including, 1$^{5}/_{16}$ inches in width.
No. 3 size (fancy size)—1$^{5}/_{16}$ inches to, but not including, 1$^{5}/_{16}$ inches in width.
No. 4 size (extra choice size)—1$^{1}/_{16}$ inches to, but not including, 1$^{3}/_{16}$ inches in width.
No. 5 size (choice size)—1$^{3}/_{16}$ inch to, but not including, 1$^{1}/_{16}$ inches in width.
No. 6 size (standard size)—Less than 1$^{1}/_{16}$ inch in width.

Calimyrna

No. 1 size (jumbo size)—1$^{9}/_{16}$ inches or larger in width.
No. 2 size (extra fancy size)—1$^{9}/_{16}$ inches to, but not including, 1$^{9}/_{16}$ inches in width.
No. 3 size (fancy size)—1$^{9}/_{16}$ inches to, but not including, 1$^{9}/_{16}$ inches in width.
No. 4 size (extra choice size)—1$^{1}/_{16}$ inches to, but not including, 1$^{3}/_{16}$ inches in width.
No. 5 size (choice size)—1$^{3}/_{16}$ inch to, but not including, 1$^{1}/_{16}$ inches in width.
No. 6 size (standard size)—Less than 1$^{1}/_{16}$ inch in width.

Black Mission

No. 1 size (jumbo size)—1$^{5}/_{16}$ inches or larger in width.
No. 2 size (extra fancy size)—1$^{3}/_{16}$ inches to, but not including, 1$^{5}/_{16}$ inches in width.
No. 3 size (fancy size)—1$^{1}/_{16}$ inches to, but not including, 1$^{3}/_{16}$ inches in width.
No. 4 size (extra choice size)—1$^{5}/_{16}$ inch to, but not including, 1$^{1}/_{16}$ inches in width.
No. 5 size (choice size)—1$^{3}/_{16}$ inch to, but not including, 1$^{5}/_{16}$ inch in width.
No. 6 size (standard size)—Less than 1$^{3}/_{16}$ inch in width.

(b) *Ascertaining compliance for a single size.* In ascertaining compliance with the size requirements of this section, Style I (a), whole, loose, dried figs will be considered as a single size if not less than 80 percent by count of the figs are of one predominant size and not more than 14 percent by count of the figs are of a size or sizes smaller than that predominating size and not more than 6 percent by count of the figs are of a size or sizes larger than that predominating size. "Uniformity of size", as such, is not a grade requirement for Style I (a), whole, loose, dried figs.

§ 52.1025 *Grades of dried figs.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of whole or sliced dried figs in which Style I, whole figs, are of one variety and in which Style II, sliced figs, are of one variety or similar varieties; that are well-matured with not more than 5 percent, by count, of reasonably well-matured dried figs; that are practically uniform in size, except for Style I (a), whole, loose, figs and Style II, sliced figs; that possess a practically uniform typical color; that possess a good flavor; that are free from foreign material; and that do not exceed the maximum allowances and limitations as specified in Table I (Moisture) and Table IIA (Defects in White Figs) and Table IIB (Defects in Black Figs).

(b) "U. S. Grade B" or "U. S. Choice" is the quality of whole or sliced dried figs in which Style I, whole figs, are of one variety and in which Style II, sliced figs, are of one variety or similar varieties; that are reasonably well-matured with not more than 10 percent, by count, of fairly well-matured dried figs; that are reasonably uniform in size, except for Style I (a), whole, loose, figs and Style II, sliced figs; that possess a reasonably uniform typical color; that possess a reasonably good flavor; that are free from foreign material; and that do not exceed the maximum allowances and limitations as specified in Table I (Moisture) and Table IIIA (Defects in White Figs) and Table IIIB (Defects in Black Figs).

(c) "U. S. Grade C" or "U. S. Standard" is the quality of whole or sliced dried figs that are of one variety or of similar varieties; that are fairly well-matured with not more than 10 percent, by count, of figs that fail to meet the requirements for fairly well-matured dried figs; that are fairly uniform in size, except for Style I (a), whole, loose, figs and Style II, sliced figs; that possess a fairly uniform typical color; that possess a typical and normal flavor; that are free from foreign material; and that do not exceed the maximum allowances and limitations as specified in Table I (Moisture) and Table IVA (Defects in White

TABLE II B—ALLOWANCES FOR DEFECTS IN BLACK FIGS

(Style I, Whole; Style II, Sliced, except as indicated otherwise)

Grade	Total allowance [1]—Not more than a total of 10 percent [2]	Limited allowance—Not more than ½ of the total or 5 percent [2]
U. S. Grade A or U. S. Fancy.	Damaged by: scars or disease, sunburn, mechanical injury,[3] visible sugaring, other similar defects. Seriously damaged by: scars or disease, sunburn, mechanical injury,[3] other similar defects.	Seriously damaged by: scars or disease, sunburn, mechanical injury,[3] other similar defects.

[1] Total maximum allowances: *Provided*, that the appearance or edibility of the product is not more than slightly affected by such defects or by the presence of otherwise defective units.
[2] Percentages are by count.
[3] Not applicable to Style II, Sliced figs.

TABLE III A—ALLOWANCES FOR DEFECTS IN WHITE FIGS

(Style I, Whole; Style II, Sliced, except as indicated otherwise)

Grade	Total allowance [1]—Not more than a total of 10 percent [2]	Limited allowance—Not more than ⅓ of the total or 5 percent
U. S. Grade B or U. S. Choice.	Damaged by: scars or disease, sunburn, mechanical injury,[3] visible sugaring, other similar defects. Seriously damaged by: scars or disease, sunburn, mechanical injury,[3] other similar defects.	Seriously damaged by: scars or disease, sunburn, mechanical injury,[3] other similar defects.

TABLE III B—ALLOWANCES FOR DEFECTS IN BLACK FIGS

(Style I, Whole; Style II, Sliced, except as indicated otherwise)

Grade	Total allowance [1]—Not more than a total of 15 percent [2]	Limited allowance—Not more than 7/16 of the total or 7 percent [2]
U. S. Grade B or U. S. Choice.	Damaged by: scars or disease, sunburn, mechanical injury,[3] visible sugaring, other similar defects. Seriously damaged by: scars or disease, sunburn, mechanical injury,[3] other similar defects.	Seriously damaged by: scars or disease, sunburn, mechanical injury,[3] other similar defects.

[1] Total maximum allowances: *Provided*, That the appearance or edibility of the product is not materially affected by such defects or by the presence of otherwise defective units.
[2] Percentages are by count.
[3] Not applicable to Style II, Sliced figs.

TABLE IV A—ALLOWANCES FOR DEFECTS IN WHITE FIGS

(Style I, Whole; Style II, Sliced, except as indicated otherwise)

Grade	Total allowance [1]—Not more than a total of 15 percent [2]	Limited allowance—Not more than 7/16 of the total or 7 percent [2]
U. S. Grade C or U. S. Standard.	Damaged by: scars or disease; sunburn; mechanical injury,[3] visible sugaring; other similar defects. Seriously damaged by: scars or disease; sunburn; mechanical injury,[3] other similar defects.	Seriously damaged by: scars or disease; sunburn, mechanical injury,[3] other similar defects.

[1] Total maximum allowances: *Provided*, That the appearance or edibility of the product is not materially affected by such defects or by the presence of otherwise defective units.
[2] Percentages are by count.
[3] Not applicable to Style II, Sliced figs.

Figs) and Table IVB (Defects in Black Figs).

(d) "Substandard" is the quality of dried figs that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

MOISTURE ALLOWANCES

§ 52.1026 *Moisture allowances for grades of dried figs*—(a) *Moisture limits.* Dried figs shall not exceed the moisture limits for the grades, color types, styles, and groups designated in Table I of this section. Group I includes figs in containers which do not completely enclose and seal the figs; such containers include, but are not limited to, wood boxes or fiber boxes. Group II includes figs packaged in completely sealed packages; such containers include, but are not limited to, cellophane, pliofilm, metalfoil wrapped bags or cartons, and hermetically-sealed glass or metal containers.

TABLE I—MOISTURE ALLOWANCES FOR DRIED FIGS

Grades	Color types	Styles	Maximum moisture limits (by weight)	
			Group I	Group II
			Percent	*Percent*
U. S. Grade A or U. S. Fancy and U. S. Grade B or U. S. Choice and U. S. Grade C or U. S. Standard.	White	Whole	24	30
	White	Sliced	23	
	Black	Whole	23	30
	Black	Sliced	23	
	Black and White (mixed)	Whole	23	30
	Black and White (mixed)	Sliced	23	

(b) *Ascertaining compliance with moisture limits.* In ascertaining compliance with the moisture limits in Table I of this section, some of the samples which represent a specific lot of dried figs may possess no more than 1 percent additional moisture, if the average moisture for all samples representing the lot is within the limits stated in Table I of this section.

DEFECT ALLOWANCES

§ 52.1027 *Allowances for defects in dried figs.* The following tables in this section summarize the total maximum allowances and maximum limitations within the total allowances for the respective grades and styles as follows:

(a) U. S. Grade A or U. S. Fancy; Styles I and II:

Table II A—White figs.
Table II B—Black figs.

(b) U. S. Grade B or U. S. Choice; Styles I and II:

Table III A—White figs.
Table III B—Black figs.

(c) U. S. Grade C or U. S. Standard; Styles I and II:

Table IV A—White figs.
Table IV B—Black figs.

TABLE II A—ALLOWANCES FOR DEFECTS IN WHITE FIGS

(Style I, Whole; Style II, Sliced, except as indicated otherwise)

Grade	Total allowances [1]—Not more than a total of 5 percent [2]	Limited allowance—Not more than ⅓ of the total or 3 percent [2]
U. S. Grade A or U. S. Fancy.	Damaged by: scars or disease, sunburn, mechanical injury,[3] visible sugaring, other similar defects. Seriously damaged by: scars or disease, sunburn, mechanical injury,[3] other similar defects.	Seriously damaged by: scars or disease, sunburn, mechanical injury,[3] other similar defects.

[1] Total maximum allowances: *Provided*, that the appearance or edibility of the product is not more than slightly affected by such defects or by the presence of otherwise defective units.
[2] Percentages are by count.
[3] Not applicable to Style II, Sliced figs.

TABLE IV B—ALLOWANCES FOR DEFECTS IN BLACK FIGS

(Style I, Whole, Style II, Sliced except as indicated otherwise)

Grade	Total allowance [1]—Not more than a total of 20 percent [2]	Limited allowance—Not more than ⅜ of the total or 8 percent [2]
U. S. Grade C or U. S. Standard.	Damaged by: scars [3] or disease, sunburn, mechanical injury,[4] visible sugaring, other similar defects. Seriously damaged by: scars or disease, sunburn, mechanical injury,[4] other similar defects.	Seriously damaged by: scars or disease, sunburn, mechanical injury,[4] other similar defects.

[1] Total maximum allowances: *Provided*, That the appearance or edibility of the product is not seriously affected by such defects or by the presence of otherwise defective units.
[2] Percentages are by count.
[3] Not applicable to Style II, Sliced figs.

DEFINITIONS AND EXPLANATIONS OF TERMS

§ 52.1028 *Stages of maturity*—(a) *Well matured.* A "well-matured" dried fig means a dried fig which is well developed and in which the interior shows very good sugary tissue development that is sirupy and gumlike in consistency and texture.

(b) *Reasonably well matured.* A "reasonably well-matured" dried fig means a dried fig which is reasonably well developed and in which (1) the interior shows good sugary tissue development that is gummy but slightly fibrous in consistency and texture, or (2) one-third or less of the interior of the fig may be entirely lacking in sugary tissue, if the remainder of the interior of the fig is sirupy and gumlike in consistency and texture.

(c) *Fairly well matured.* A "fairly well-matured" dried fig means a dried fig which is fairly well developed and in which (1) the sugary tissue in the interior of the fig is gummy and fibrous in consistency and texture, or (2) one-third or less of the interior of the fig may be entirely lacking in sugary tissue, if the remainder of the interior of the fig is gummy but slightly fibrous in consistency and texture, or (3) more than one-third, but less than one-half, of the interior of the fig may be entirely lacking in sugary tissue, if the remainder of the interior of the fig is sirupy and gumlike in consistency and texture.

§ 52.1029 *Degrees of uniformity of size.* Uniformity of size applies to Style I (b), whole, pulled, figs and Style I (c), whole, layered, figs, where the original shape has been materially changed.

(a) *Practically uniform in size.* "Practically uniform in size" means that not more than a total of 10 percent, by count, of dried figs may be conspicuously larger or smaller than the approximate average size of the dried figs in the container.

(b) *Reasonably uniform in size.* "Reasonably uniform in size" means that not more than a total of 15 percent, by count, of dried figs may be conspicuously larger or smaller than the approximate average size of the dried figs in the container.

(c) *Fairly uniform in size.* "Fairly uniform in size" means that not more than a total of 20 percent, by count, of dried figs may be conspicuously larger or smaller than the approximate average size of the dried figs in the container.

§ 52.1030 *Degrees of uniformity of color*—(a) *White figs*—(1) *Practically uniform typical color.* "Practically uniform typical color" means, with respect to white varieties of dried figs that are light in color, that there may be not more than 5 percent, by count, of dried figs that are markedly dark figs; and, with respect to white varieties that are dark in color, that there may be not more than 5 percent, by count, of dried figs that are markedly light-colored figs.

(2) *Reasonably uniform typical color.* "Reasonably uniform typical color" means, with respect to white varieties of dried figs that are light in color, that there may be not more than 10 percent, by count, of dried figs that are markedly dark figs; and, with respect to white varieties that are dark in color, that there may be not more than 10 percent, by count, of dried figs that are markedly light-colored figs.

(3) *Fairly uniform typical color.* "Fairly uniform typical color" means, with respect to white varieties of dried figs that are light in color or are very light green in color, that there may be not more than 20 percent, by count, of dried figs that are markedly dark figs; and, with respect to white varieties that are dark in color, that there may be not more than 20 percent, by count, of dried figs that are markedly light-colored figs.

(b) *Black figs*—(1) *Practically uniform typical color.* "Practically uniform typical color" means, with respect to Black varieties of dried figs, that the color is practically uniform and a typical natural black or dark reddish-brown color of dried figs and that not more than 10 percent, by count, of the dried figs may be, singly or in combination:

(i) Affected by very light-colored scars which are not calloused and which, singly or in the aggregate on a whole dried fig, are more than one-eighth but less than one-half of the exterior surface of the dried fig; or

(ii) Seriously damaged by scars or disease (as defined in § 52.1031 (b)) which affect the color of the dried fig.

(2) *Reasonably uniform typical color.* "Reasonably uniform typical color" means, with respect to Black varieties of dried figs, that the color is reasonably uniform and a typical natural black or dark reddish-brown color of dried figs and that not more than 20 percent, by count, of the dried figs may be, singly or in combination:

(i) Affected by very light-colored scars which are not calloused and which, singly or in the aggregate on a whole dried fig, are more than one-fourth but less than one-half of the exterior surface of the dried fig; or

(ii) Seriously damaged by scars or disease (as defined in § 52.1031 (b)) which affect the color of the dried fig.

(3) *Fairly uniform typical color.* "Fairly uniform typical color" means, with respect to Black varieties of dried figs, that the color is fairly uniform and a typical natural black or dark reddish-brown color of dried figs and that not more than 30 percent, by count, of the dried figs may be, singly or in combination:

(i) Affected by very light-colored scars which are not calloused and which, singly or in the aggregate on a whole dried fig, are more than one-fourth but less than one-half of the exterior surface of the dried fig; or

(ii) Seriously damaged by scars or disease (as defined in § 52.1031 (b)) which affect the color of the dried fig.

§ 52.1031 *Definitions of defects*—(a) *Damaged by scars or disease.* "Damaged by scars or disease" means that the area of tough or calloused scars, singly or in the aggregate on a dried fig or portion of a dried fig, is equal to, or exceeds, the area of a circle ⅜ inch in diameter but is less than the area of a circle ½ inch in diameter.

(b) *Seriously damaged by scars or disease.* "Seriously damaged by scars or disease" means that the area of tough or calloused scars, singly or in the aggregate on a dried fig or portion of a dried fig, is equal to, or exceeds, the area of a circle ½ inch in diameter. Figs which possess very light-colored scars that are not calloused are considered as "seriously damaged by scars" if such scars, singly or in the aggregate on a whole dried fig, are equal to one-half or more of the exterior surface of the dried fig.

(c) *Damaged by sunburn.* "Damaged by sunburn" means any substantial damage from excessive heat to the skin evidenced by dry and tough surface areas.

(d) *Seriously damaged by sunburn.* "Seriously damaged by sunburn" means any substantial damage from excessive heat to the skin evidenced by dry and tough surface areas and which damage is accompanied by a lack of sugary tissue affecting one-third or more of the interior of a dried fig.

(e) *Damaged by mechanical injury.* "Damaged by mechanical injury" in Styles I (a), (b), and (c)—whole loose, whole pulled, and whole layered—dried figs means skin breaks that more than slightly affect the appearance of the product.

(f) *Seriously damaged by mechanical injury.* "Seriously damaged by mechanical injury" means injury to the styles of whole dried figs as follows: (1) In Style I (a), Whole, loose, figs and Style I (b), Whole, pulled, figs, the seed tissue is mashed out beyond the outer wall or there are excessive skin breaks which affect materially the appearance of the dried figs for the applicable style; (2) in Style I (c), Whole, layered, figs, there are excessive skin breaks (other than the normal splitting for the style) to the extent that a dried fig cannot be identified as a whole, layered, fig.

(g) *Damaged by visible sugaring.* "Damaged by visible sugaring" means white sugar crystals which form on the

exterior surface of a dried fig or portion of a dried fig so as to damage materially the appearance. Units showing a few lightly sugared spots are not considered as "Damaged by visible sugaring" unless singly or in combination with other defective units they affect the appearance or edibility, or both, for the respective grade.

(h) *Damaged by other similar defects.* "Damaged by other similar defects" includes any exposed (external or cut surface) injury or defect not specifically mentioned (such as abnormally discolored areas other than from scars, disease, or sunburn) which more than slightly affects the appearance, edibility, or keeping quality of the dried figs, except that stems which attach the fig to the twig of the tree are not considered as "damage by other similar defects."

(i) *Seriously damaged by other similar defects.* "Seriously damaged by other similar defects" includes any exposed (external or cut surface) injury or defect not specifically mentioned (such as abnormally discolored areas other than from scars, disease, or sunburn) which affects materially the appearance, edibility, or keeping quality of the dried figs, except that stems which attach the fig to the twig of the tree are not considered as "seriously damaged by other similar defects."

§ 52.1032 *Degrees of flavor and odor*—(a) *Good flavor.* "Good flavor" means a clean and distinct dried fig flavor and odor free from any flavors or odors such as are characteristic of scorching or caramelization and free from other slight abnormal flavors or odors.

(b) *Reasonably good flavor.* "Reasonably good flavor" means a clean and distinct dried fig flavor and odor which may possess very slight flavors or odors such as are characteristic of slight scorching or slight caramelization or may possess other very slight abnormal flavors or odors.

(c) *Typical and normal flavor.* "Typical and normal flavor" means a clean and distinct dried fig flavor and odor which may possess slight flavors or odors such as are characteristic of scorching or caramelization but may not possess any flavor in amounts resulting in objectionable or off flavors.

WORK SHEET

§ 52.1033 *Work sheet for grades of dried figs.*

Size and kind of container							
Container mark or identification							
Label or brand							
Net weight							
Color type ( ) White ( ) Black							
Style (type of pack)							
Size or sizes (whole, loose, figs): ---% Size ---; ---% Size ---; ---% Size ---							
Moisture content							%
Varietal characteristics: Similar ---- Mixed							
Uniformity of color:							
White: Marked variation from Light ---- Dark							%
Black: ---- Uniform; Natural Black							%
Very light scars (uncalloused, etc.)							%
Uniformity of size: (Whole, pulled, and layered). Conspicuously larger ----; smaller							%
Maturity and development:							
(A) Well-matured							%
(B) Reasonably well-matured							%
(C) Fairly well-matured							%
Flavor and odor: (A), (B), (C)							
Count (per sample)							

Defects	White figs			Black figs			
	A	B	C	A	B	C	
Seriously damaged by: scars or disease; sunburn, mechanical injury,[1] other similar defects	3%	5%	7%	5%	7%	8%	%
Subtotal above defects							%
Damaged by: scars or disease, sunburn, mechanical injury,[1] other similar defects							%
Grand total all defects	5%	10%	15%	10%	15%	20%	%
U. S. Grade (including all factors)							

[1] "Damaged or seriously damaged by mechanical injury" is not applicable to any grade of Style II, sliced figs.

[F. R. Doc. 55-9498; Filed, Nov. 25, 1955; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 62]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.362 *Navel Orange Regulation 62*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on November 23, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 27, 1955, and ending at 12:01 a. m., P. s. t., December 4, 1955, is hereby fixed as follows:

(i) District 1: 646,800 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," and "District 4" have the same meaning as when used in said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit, or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 25, 1955.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9558; Filed, Nov. 25, 1955; 11:28 a. m.]

[Lemon Regulation 617]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.724 *Lemon Regulation 617*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 22, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 27, 1955, and ending at 12:01 a. m., P. s. t., December 4, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 162,750 cartons;

(iii) District 3: 18,600 cartons.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 23, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9539; Filed, Nov. 25, 1955; 9:01 a. m.]

[958.319 Amdt. 2]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the area committee for Area No. 3, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances for such preparation, (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (vi) this amendment relieves restrictions on the handling of Irish potatoes grown in Area No. 3.

Order, as amended. The provisions of § 958.319 (b) (1) (FEDERAL REGISTER, July 20 and August 12, 1955; 20 F. R. 5155, 5848) are hereby amended to read as follows:

(b) *Order.* (1) During the period, from November 29, 1955, to May 31, 1956, both dates inclusive, no handler shall ship any potatoes (i) of the long varieties (including, but not limited to, White Rose and Russet Burbank) unless such potatoes are of a size not smaller than 2 inches minimum diameter or 4 ounces minimum weight, and meet the requirements of U. S. No. 2, or better grade; and (ii) of the round varieties (including, but not limited to, Irish Cobbler, Katahdin, Kennebec, Bliss Triumph and Pontiac) unless such potatoes are of a size not smaller than 2¼ inches minimum diameter, and meet the requirements of the U. S. No. 2, or better grade, except that such potatoes must be fairly well shaped, free from damage caused by second growth, growth cracks, sunburn, and cuts, free from surface scab which covers an area of more than 25 percent of the surface of the potato in the aggregate, and free from pitted scab which affects the appearance of the potato to a greater extent than the amount of the surface scab permitted: *Provided*, That an additional tolerance of five percent shall be allowed for potatoes which do not meet the above specified marketing limitations for shape and scab, and damage from second growth, growth cracks, sunburn, and cuts, but such potatoes must meet the requirements of the U. S. No. 2 grade, as such terms, grades, and sizes are set forth in the United States Standards for Potatoes (§§51.1540 to 51.1559 of this title) including the tolerances set forth therein."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c).

Done at Washington, D. C., this 23d day of November 1955, to become effective November 29, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 55-9540; Filed, Nov. 25, 1955; 9:01 a. m.]

[Avocado Order 11, Amdt. 1]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

MATURITY REGULATION

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 20 F. R. 4177), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 28, 1955. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until November 22, 1955; determination as to the time of maturity of the varieties of avocados covered by this section were made at a telephone meeting of said committee on November 22, 1955, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for the amendment to the maturity regulation was submitted to the Department; such telephone meeting was held to consider recommendation for such amended regulation; the provisions of this section are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) It is, therefore, ordered as follows: Effective as of 12:01 a. m., e. s. t., November 28, 1955, the provisions of paragraph (b) of § 969.311 (Avocado Order 11, 20 F. R. 8328), including the table forming a part of such section, are amended by removing from coverage thereunder the Hickson and Taylor varieties of avocados and, in lieu of such coverage of such varieties, the following restrictions shall apply to them:

(1) During the period from 12:01 a. m., e. s. t., November 28, 1955, to 12:01 a. m., e. s. t., December 5, 1955, no handler shall handle any Hickson variety of avocados unless the individual fruit weighs at least 8 ounces or measures at least $2^{12}/_{16}$ inches in diameter: *Provided,* That up to 10 percent, by count, of the individual fruit in each lot may weigh less than 8 ounces and measure less than $2^{12}/_{16}$ inches in diameter, but no such avocados may weigh less than 6 ounces. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an inidvidual container in a lot;

(2) During the period from 12:01 a. m., e. s. t., November 28, 1955, to 12:01 a. m., e. s. t., December 12, 1955, no handler shall handle any Taylor variety of avocados unless the individual fruit weighs at least 12 ounces or measures at least $3^{2}/_{16}$ inches in diameter: *Provided,* That up to 10 percent, by count, of the individual fruit in each lot may weigh less than 12 ounces and measure less than $3^{3}/_{16}$ inches in diameter, but no such avocados may weigh less than 10 ounces. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot;

(3) During the period from 12:01 a. m., e. s. t., December 12, 1955, to 12:01 a. m., e. s. t., January 2, 1956, no handler shall handle any Taylor variety of avocados grown in District 1 unless the individual fruit weighs at least 9 ounces or measures at least $2^{13}/_{16}$ inches in diameter; *Provided,* That up to 10 percent, by count, of the individual fruit in each lot may weigh less than 9 ounces and measure less than $2^{13}/_{16}$ inches in diameter, but no such avocados may weigh less than 7 ounces. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot;

(4) During the period 12:01 a. m., e. s. t., December 12, 1955, to 12:01 a. m., e. s. t., January 2, 1956, no handler shall handle any Taylor variety of avocados grown in District 2 unless the individual fruit weighs at least 7 ounces or measures at least $2^{10}/_{16}$ inches in diameter; *Provided,* That up to 10 percent, by count, of the individual fruit in each lot may weigh less than 7 ounces and measure less than $2^{10}/_{16}$ inches in diameter, but no such avocados may weigh less than 5 ounces. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot;

(5) The provisions of subparagraphs (b) (2) and (b) (3) of Avocado Order 6 (§ 969.306; 20 F. R. 3427) shall not apply to the Hickson and Taylor varieties of avocados.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 23, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9522; Filed, Nov. 25, 1955; 9:01 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 65]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

TEMPORARY SUSPENSION OF CERTAIN CLEANING AND DISINFECTING REQUIREMENTS

Pursuant to sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 3 of the act of March 3, 1905, as amended (21 U. S. C. 125), the provisions of paragraphs (b) and (c) of § 76.35, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations, are hereby suspended until October 15, 1956, unless the suspension is rescinded prior to that date.

Such provisions require the cleaning and disinfecting of certain vehicles and feed, water, and rest facilities used in connection with the interstate movement of swine. In view of the favorable situation existing for some time with respect to vesicular exanthema with no outbreaks of the disease in most sections of the country, and in view of the provisions of paragraph (a) of § 76.35, which require that vehicles and other facilities used in connection with the interstate movement of swine shall be kept clean and of paragraph (d) of § 76.35, which authorize the Chief of the Animal Disease Eradication Branch, Agricultural Research Service, to require the cleaning and disinfecting of any vehicle or facility used in connection with the interstate movement of swine affected with or exposed to vesicular exanthema or swine fed any raw garbage, it appears that the requirements of said paragraphs (b) and (c) may be suspended without endangering the swine of the country, provided the requirements under the other provisions of § 76.35 are complied with and the present favorable situation with respect to vesicular exanthema continues.

The amendment relieves certain restrictions presently imposed, and should be made effective immediately in order to be of maximum benefit to affected persons. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amndment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon issuance.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125)

Done at Washington, D. C. this 21st day of November 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 55-9501; Filed, Nov. 25, 1955; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 24 to Revision of May 10, 1949]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENTS OF PUBLIC AIRPORTS

PROJECT COSTS

Acting pursuant to the authority vested in me by the Federal Airport Act, I hereby amend Part 550 of the regulations of the Civil Aeronautics Administration as follows:

Section 550.4 (c) (1) is hereby amended to read as follows:

§ 550.4 *Project costs.* • • •

(c) *United States share of project costs.* • • •

(1) *Project costs other than costs of installation of high intensity lighting on runways designated instrument landing runways.* The United States share of the project costs (other than costs of installation of high intensity lighting on runways designated instrument landing runways) of an approved project for the development of an airport, regardless of the size or location of the airport to be developed, shall be 50 percent of the allowable project costs (other than costs of installation of high intensity lighting on runways designated instrument landing runways), except that this share, in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 percent of the total area of all lands therein shall be increased as provided in section 10 (b) of the act and except that the United States share shall be 75 percent in the case of the Territory of Alaska and the Virgin Islands, all as set forth in the following table:

UNITED STATES PERCENTAGE SHARE OF ALLOWABLE PROJECT COSTS IN STATES CONTAINING UNAPPROPRIATED AND UNRESERVED PUBLIC LANDS AND NONTAXABLE INDIAN LANDS

Arizona	60.99	New Mexico	56.46
California	54.19	Oregon	55.98
Colorado	53.25	South Dakota	52.99
Idaho	55.72	Utah	62.38
Montana	53.31	Washington	51.74
Nevada	62.50	Wyoming	57.17

Note: The percentages listed in this table will vary as changes occur with respect to the area of unappropriated and unreserved public lands and nontaxable Indian lands in the several States. In which event such changed percentages will be used by the Administrator in determining the United States share of allowable project costs other than costs of installing high intensity lighting on runways designated instrument landing runways, except that no such increase will be made effective immediately in order to be of maximum benefit to affected persons. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amndment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon issuance.

(Secs. 1–15, 60 Stat. 170–178, as amended; 49 U. S. C. 1101–1114)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] *Administrator of Civil Aeronautics.*

[F. R. Doc. 55-9464; Filed, Nov. 25, 1955; 8:45 a. m.]

[Amdt. 172]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

Note: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with those established for air route operation in the particular area or as set forth below. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Initial approaches shall be made over specified routes.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.
1	2	3	4	5	6	7	8	9	10
ABILENE, TEX. Municipal, 1,778'. SBRAZ-ANI. Procedure No. 1. Amendment 2. Effective date: December 24, 1955. Supersedes Amendment 1, July 2, 1955. Major changes: Raise procedure turn altitude and reverse direction. Change airport name from New Abilene.	Abilene VOR	081—11	2,100	E side N course: 021° outbound. 181° inbound. 3,100' within 10 miles.*	2,400	171—3.2	2 engines or less: T-dn, C-dn, 8-dn 17, A-dn	300-1, 600-1, 400-1, 800-2	M
	Phantom Hill Intersection (final).	181—10	2,400				More than 2 engines: T-dn, C-dn, 8-dn 17, A-dn	300-1½, 600-1½, 400-1, 800-2	

Within 3.2 miles, climb to 3,800' on S course within 20 miles.
C minus 2,778' mean sea level radio tower 10 miles S of airport.
*Procedure turn nonstandard dne ATC.

If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished

2. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ABILENE, TEX. Municipal, 1,778'. BVOR-ABI. Procedure No. 1. Amendment 2. Effective date: December 24, 1955. Supersedes Amendment 1, July 2, 1955. Major changes: Raise procedure turn altitude.	Abilene LFR	262—11	3,100	S side of course: 281° outbound. 101° inbound. 3,500' within 10 miles.	2,600	101—10.9	2 engines or less T-dn C-d C-n A-dn	 300-1 800-1 800-2 1,000-2	 300-1 800-1 800-2 1,000-2	Within 10.9 miles, climb to 3,100' on radial 101° within 25 miles.
							More than 2 engines T-dn C-d C-n A-dn	 	 200-½ 800-1½ 800-2 1,000-2	
BUTTE, MONT. Butte, 5,554'. Whitehall-BVOR HIA and Homestake FM. Procedure No. 2. Amendment No. 2. Effective date: December 24, 1955. Supersedes Amendment 1, dated May 7, 1955. Major changes: Correct identification; change columns 5, 6, 7 from 273° to 268°; change column 11 from 273° to 270° radial. Final approach course passes to S of airport for better terrain clearance.	Whitehall VOR	268—13.0	9,500	No procedure turn. Final approach course 268°.	Homestake FM 9,500	268—4.1	2 engines or less T-d T-n C-d C-n A-dn	 1,500-1 1,500-2 3,000-1 3,000-2 3,000-2	 1,500-1 1,500-2 3,000-1 3,000-2 3,000-2	Within 4.1 miles of Homestake FM climb westbound to 10,000' on 270° radial Whitehall VOR within 15 miles of Homestake FM; alternate missed approach when directed by ARTC: Climb westbound to 10,000' on 093° radial Butte VOR to VOR. CAUTION: 8,212' terrain 2 miles E of Butte Airport. NOTE: Sliding scale not authorized for landing.
							More than 2 engines T-d T-n C-d C-n A-dn	 	 1,500-1 1,500-2 3,000-1½ 3,000-2 3,000-2	
CHARLOTTE, N. C. Douglas, 748'. BVOR-CLT. Procedure No. 1. Amendment 1. Effective date: December 24, 1955. Supersedes Amendment. Original, August 20, 1955. Major changes: Courses and distances revised.	Charlotte LFR	187—14.0	2,100	E side of course: 186° outbound. 006° inbound. 2,000' within 10 miles.	CLT-VOR 1,600 CLT-LFR/Z *1,600	006—15.3 006—1.7	2 engines or less T-dn *C-dn *A-dn	 300-1 400-1 800-2	 300-1 500-1 800-2	Within 1.7 miles climb to 2,300' on radial 006° or when directed by ATC turn right climb to 2,300' on radial 040° within 25 miles. CAUTION: 1,116' mean sea level tower located 4 miles SE of LFR and 3 miles E of final approach course. *If LFR/Z not identified descent below 1,600' not authorized and minima become 900-2.
							More than 2 engines T-dn *C-dn *A-dn	 	 200-½ 500-1½ 800-2	
ROSWELL, N. MEX. Roswell, 3,621'. BVOR-ROW. Procedure No. 1. Original. Effective date: December 24, 1955.	ROW-LFR	274—10.0	5,500	SE side of course: 207° outbound. 027° inbound. 5,300' within 10 miles.	4,800	027—5.7	2 engines or less T-dn C-dn S-dn Runway 3 A-dn	 300-1 500-2 400-1 800-2	 300-1 500-2 400-1 800-2	Within 5.9 miles climb to 5,000' on radial 027° within 25 miles. Alternate missed approach when directed by ATC turn left climb to 5,500' on radial 323° within 25 miles. *300-1 required runway 12.
							More than 2 engines T-dn C-dn S-dn Runway 3 A-dn	 	 *200-½ 500-2 400-1 800-2	

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
SOUTH BEND, IND. St. Joseph County, 773'. BVOR-VDT SBN. Procedure No. 1. Amendment No. 4. Effective date: December 24, 1955. Supersedes Amendment 3 dated December 24, 1954. Major changes: (1) Minor revisions to transitions; (2) altitude revised column 11 account new obstruction, 992' mean sea level which is to be erected in the near future.	Goshen LFR	305—29.0	2,200	W side of course: 356° outbound. 180° inbound. 2,100' within 10 miles.	1,400	180—4.0	2 engines or less T-dn C-dn A-dn	 300-1 500-1 800-2	 300-1 500-1 800-2	Within 4 miles make right turn, climbing to 2,000' and return to SBN VOR or when directed by ATC: (1) Climb to 2,000' on SBN VOR 180° radial within 25 miles.
	South Bend LFR	031—6.0	2,000				More than 2 engines T-dn C-dn A-dn	 	 200-½ 500-1½ 800-2	
	Union Intersection	266—25.0	2,000							
	North Liberty Intersection	012—17.0	2,000							
	Intersection W course SBN LFR and 253° radial SBN VOR.	073—14.0	2,000							
	Intersection N course SBN LFR and 350° radial SBN VOR.	170—14.0	1,900							
TUCUMCARI, N. MEX. Tucumcari Municipal, 4,063'. BVOR-TCC. Procedure No. 1. Amendment No. 4. Effective date: May 28, 1954.	PROCEDURE CANCELED AND SUPERSEDED BY TVOR PROCEDURE, EFFECTIVE DECEMBER 24, 1955.									

3. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
TUCUMCARI, N. MEX. Tucumcari Municipal, 4,063'. BVOR-TCC. TVOR-21. Original. Effective date: December 24, 1955.	Tucumcari LFR	078—3.0	5,200	W side of course: 019° outbound. 199° inbound. 5,100' within 10 miles.	4,500	212—0.6 to Runway 21	All procedures 2 engines or less T-dn C-dn S-dn Runways 21, 26 A-dn	 300-1 500-1 400-1 800-2	 300-1 500-1 400-1 800-2	Climb to 6,000' within 25 miles on radial 255°. CAUTION: 5,020' terrain 6 miles SW of airport.
TVOR-26				N side of course: 066° outbound. 246° inbound. 5,100' within 10 miles.	4,500	257—0.6 to Runway 26	More than 2 engines T-dn C-dn S-dn 21, 26 A-dn	 	 300-1 500-1½ 400-1 800-2	

4. The very high frequency omnirange procedures prescribed in § 609.9 (c) are amended to read in part:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Elevations and altitude are in feet MSL.
If a VOR/DME instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator of Civil Aeronautics for such airport. Initial approaches shall be made over specific routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.
NOTE: Distances are in nautical miles unless otherwise indicated except visibilities, which are in statute miles.

El Paso, Tex.; International Airport; elevation, 3,936'; facility BVOR-DME; identification ELP; Amendment No. original; effective date, December 24, 1955; supersedes, none.

Transition to facility or transition to DME orbit				Procedure turn; side of approach radial; altitudes; limiting distances	Minimum altitude on approach radial				Procedure No.; direct or right or left turn to final approach orbit; Runway No.	Minimum altitude on final approach orbit			Ceiling and visibility minimums				If visual contact not established at authorized landing minimums at fix specified, or if landing not accomplished—
													Condition	Two engines or less		More than two engines	
From—(mi.)	To—(mi.)	Radial	Minimum altitude (ft.)		From—(mi.)	To—(mi.)	Radial	Minimum altitude (ft.)		From radial	To radial	Minimum altitude (ft.)		65 knots or less	More than 65 knots	More than 65 knots	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
15 8	8 0	259 259	8,500 5,100	S side 079° 6,500' within 10 miles.	10 5 0	5 0 4.7	079 079 259	#5,200 4,800 4,300	Procedure No. 1 direct to Runway 26.				T-dn C-dn ##S-dn A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2	Turn left to 125°, climb to 5,000', intercept and proceed on radial 150° within 25 miles. #DME not required for Procedure No. 1 if 5,200' is maintained to VOR. ##Straight-in to runway indicated by procedure. NOTE: When authorized by ATC, DME may be used within 10 miles between radials 325° clockwise to 200° at 6,000' to position aircraft for final approach with the elimination of a procedure turn.
					10 0	0 5.9	079 325	5,200 4,500	Procedure No. 2 left 5.9 Runway 17.	325 278	278 269	4,400 4,300					
					10 0	0 5.8	079 200	5,200 4,600	Procedure No. 3 right 5.8 Runway 35.	200 247	247 257	4,400 4,300					

Greensboro, N.C.; Greensboro-High Point Airport; elevation 913'; facility BVOR-DME; identification GSO; Amendment No. original; effective date, December 24, 1955; supersedes, none.

				E side 210° 2,300' within 10 miles.	10 0	0 3.0	210 030	1,800 1,300	Procedure No. 1 direct to Runway 5.	------	------	------	T-dn C-dn *S-dn A-dn	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2	Climb to 2,300' on radial 030° within 25 miles.
				W side 035° 2,300' between 6 miles and 16 miles.	16 6.0	6.0 4.0	035 035	1,800 1,300	Procedure No. 2 direct to Runway 23.	------	------	------	------	------	------	------	Turn left, climb to 2,400' on radial 125° within 25 miles. *Straight-in to runway indicated by procedure. NOTE: When authorized by ATC, DME may be used within 10 miles at 2,500' in all directions to position aircraft for final approach, with the elimination of a procedure turn.

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure, authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums			If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
										Type aircraft		
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	75 m.p.h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11	12	13
FORT WORTH, TEX. Meacham, 692'. ILS-IFTW. Procedure No. 2. Amendment 4. Effective date: December 24, 1955. Supersedes Amendment 3, dated July 29, 1954. Major changes: Raise final approach altitude. Delete transitions. Add to Caution Note.	Stadium VHF Intersection.	Rockwood FM (final).	354—5	1,500	W side of S course: 174° outbound. 354° inbound. 2,000' within 10 miles Rockwood FM.#	No glide slope, 1,500' at Rockwood FM, 2.6 miles from approach end of Runway 35.			2 engines or less T-dn C-dn *S-dn 35 A-dn More than 2 engines T-dn C-dn *S-dn 35 A-dn	300-1 500-1 400-1 800-2 --------- --------- --------- ---------	300-1 600-1 400-1 800-2 200-½ 600-1½ 400-1 800-2	Within 2.6 miles of Rockwood FM, climb to 2,000' on N course ILS within 25 miles. CAUTION: Tank 864' mean sea level located 1.5 miles W of course between Rockwood FM and airport. TV tower 1,743' mean sea level located 5.5 miles E of S course ILS. #Procedure turn nonstandard due obstruction. *635 feet per minute descent required at 120 miles per hour. AIR CARRIER NOTES: Takeoff on Runways 9-27 and 13-31 not authorized with less than 300-1. Reduction in landing minima not authorized on cargo and ferry flights.
	Intersection W course DAL-LFR and S course ILS.	Rockwood FM (final).	354—5	1,500								
MIAMI, FLA. International, 9'. ILS-IMIA. LOM-MI. Combination ILS and ADF. Procedure No. 1. Amendment 5. Effective date: November 24, 1955. Supersedes Amendment M-4, dated July 2, 1955. Major changes: Change of glide slope angle and elevation over markers.	Miami VOR	OM	264—1.5	1,100	N side W course: 266° outbound. 086° inbound. 1,100' within 10 miles.	ILS 1,100 ADF over LOM 600	1,070—4.4	205—0.7	2 engines or less T-dn C-dn S-dn 9R ILS ADF More than 2 engines T-dn C-dn S-dn 9R ILS ADF All aircraft *S-dn 9L ILS ADF A-dn ILS ADF	300-1 400-1 200-½ 400-1 --------- --------- --------- --------- --------- --------- --------- ---------	300-1 500-1 200-½ 400-1 200-½ 500-1½ 200-½ 400-1 400-1 400-1 600-2 800-2	Climb to 1,400' on E course ILS or 4.4 miles after passing LOM (ADF), climb to 1,400' on course of 086° within 25 miles, or when directed by ATC turn right to 180°, climb to 1,400' and proceed SE. on SE course LFR or VOR radial 150° within 25 miles. #Right turn from S or left turn from N, from Miami LFR to LOM not authorized. *Course and distance LOM to runway 9L 073° 4.7 miles.
	Miami LFR# (final)	LOM	086—1.5	ILS 1,100 ADF 600								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation, facility; class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course; distance outbound and inbound; altitudes; limiting distances	Minimum altitude of glide slope intercept-ion (ft.)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
	From—	To—	Course and distance	Minimum altitudes (ft.)			
1	2	3	4	5	6	7	13
NEWARK, N. J. Newark Airport, 18' LOC (FAA) Combination ILS-ADF, Procedure No. 1, Amendment No. 7. Effective date: December 24, 1955. Supersedes Amendment 6, dated April 1, 1954. Major changes: Includes runway visual range minimums.	New Brunswick Intersection.	Woodbridge Intersection.#	074—14	1,500	E side of SW course. 217° outbound, 037° inbound. 1,500' within 10 miles.	ILS 1,500 ADF 1,000 over LOM	Climb to 1,000' on NE course ILS or ADF LOM, then make left climbing turn to Paterson Radiobeacon at 2,000' or when directed by ATC: (1) Make climbing left turn to 2,000' direct to Chatham Radiobeacon, or (2) Make climbing right turning to 1,500' return to LOM.
	Colts Neck VOR	Woodbridge Intersection.#	352—17	1,500			
	Flatbush Radiobeacon	LOM	276—11	1,500			#Straight-in approach authorized from Woodbridge Intersection (intersection 352° radial OLF VOR and SW course ILS or 037° bearing to LOM).
	Newark LFR	LOM	207—5	1,500			
	Chatham Radiobeacon	LOM	140—14	2,000			
	Radar transition attitudes south quadrant Newark LFR within 25 nautical miles: 1,500'. All other directions within 20 nautical miles 2,800'.						

Ceiling and visibility minimums				Altitude of glide slope and distance to approach end of runway at—	
Condition	Type aircraft			Outer marker	Middle marker
	75 m.p.h. or less	More than 75 m. p. h.			
10	11	12		8	9
2 engines or less	300-1	600-1		1,625—8.6	250—0.7
T-din	600-1				
C-din	600-1				
S-din 4 ILS	*200-½	*200-½			
ADF	600-1				
A-din ILS	600-2	600-2			
ADF	800-2	800-2			
More than 2 engines	*200-½	*200-½			
T-din	600-1½				
C-din		600-1½			
S-din 4 ILS	*200-½				
ADF	600-1				
A-din ILS	600-2	600-2			
ADF	800-2				

*Runway visual range (RVR) 200-½ or runway visual range of 2,600'. Provided, that approaches conducted on the basis of reported runway visual range shall be governed by the following: (1) All components of the approach lights and high intensity runway lights shall be in normal operation and (2) descent below the authorized landing minimum altitude of 215' mean sea level shall not be made unless the visual contact point of the approach lights has been established or (b) the aircraft is clear of clouds.

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9463; Filed, Nov. 25, 1955; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 211—REAL ESTATE ACTIVITIES OF THE CORPS OF ENGINEERS IN CONNECTION WITH CIVIL WORKS PROJECTS

RECONVEYANCE OF LAND OR INTERESTS THEREIN ACQUIRED FOR DEMOPOLIS LOCK AND DAM PROJECT, ALABAMA, TO FORMER OWNERS

Section 211.4a, prescribing rules and regulations governing the reconveyance of land or interests therein acquired for the Demopolis Lock and Dam Project, Alabama, to former owners pursuant to Public Law 312, 84th Congress, is added as follows:

§ 211.4a *Reconveyance of land or interests therein acquired for the Demopolis Lock and Dam Project, Alabama, to former owners pursuant to Public Law 312, 84th Congress*—(a) *Definitions*—(1) *General.* Any term used in this section which is defined in Public Law 312, 84th Congress, shall have the meaning given to it in said Public Law.

(2) *Land.* Any land or interest in land acquired by the United States for the Demopolis Lock and Dam, Alabama.

(b) *Determination of whether land is required for public purposes.* The Chief of Engineers and/or the Assistant Chief of Engineers for Civil Works is hereby delegated authority to determine which lands are not required for public purposes and to determine the exceptions, restrictions, and reservations, as are in the public interest, to be included in any reconveyance. Such determinations will be made so as to adjust the ownership in lands heretofore acquired to conform with the District Engineer, Mobile District, Corps of Engineers, Mobile, Alabama. Said application shall be in writing, dated and signed by a former owner or by his attorney in fact, and shall identify the land for which he is making application for reconveyance. Any such application will be considered as filed timely when mailed to or delivered to the aforementioned District Engineer within 90 days from the date of the last publication of availability of the land for reconveyance to said former owners. Any application may be withdrawn by written notice, executed by the former owner or by his attorney in fact, to the said District Engineer at any time prior to the execution of the contract of sale.

(c) *Notice to former owners of availability of land for reconveyance.* Upon determination in accordance with this section that land is not required for public purposes, the District Engineer, Mobile District, Corps of Engineers, Mobile, Alabama, shall give notice to the former owner or by his attorney in fact, and in the event of default, the deposit will be retained by the Government as liquidated damages. Failure of the applicant to execute the contract of sale and to deposit the earnest money with the said District Engineer within 30 days after receipt thereof, unless a written extension of said 30 days is granted by said District Engineer, shall be deemed by said District Engineer to be a withdrawal of the application for reconveyance. Authority is hereby delegated to the Chief of Engineers and/or the District Engineer, Mobile District, Mobile, Alabama to execute the contract of sale for and on behalf of the United States of America.

(g) *Conveyance.* Reconveyance of the land will be by quitclaim deed executed by the Secretary of the Army.

(h) *Failure of former owner to make application for reconveyance.* If no application for reconveyance is made by a former owner within 90 days from the date of the last publication of the notice in a newspaper, the Chief of Engineers and/or the District Engineer, Mobile District, Corps of Engineers, Mobile, Alabama, is hereby delegated authority to certify that notice has been given to the former owner of such land pursuant to Public Law 312, 84th Congress, and this section, and that no qualified applicant has made timely application for reconveyance of such land. After such certification has been executed, disposition of the land shall be made pursuant to the Federal Property and Administrative Services Act of 1949, as amended, subject to such reservations, restrictions, exceptions, and conditions as the Chief of Engineers and/or the Assistant Chief of Engineers for Civil Works consider necessary for the operation of the project or in the public interest.

[Regs., Oct. 19, 1955, 602-ENGLT] (Pub. Law 312, 84th Cong.)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-9462; Filed, Nov. 25, 1955; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 1954 Supp., Parts 146, 146a, 146b, 146c, 146e) are amended as indicated below:

1. In § 146.26 *Animal feed containing penicillin* • • • paragraph (b) (1) (i) is amended by inserting the following parenthetical clause immediately after "0.0125 percent": (or if it is intended solely for the prevention of the intestinal coccidia *E. acervalina* in poultry laying flocks, not less than 0.005 percent)".

2. Section 146a.51 *Buffered penicillin powder* • • • is amended by adding the following new paragraph:

(f) *Exemption of buffered penicillin powder and penicillin powder with buffered aqueous diluent for veterinary use from certification.* Buffered penicillin powder and penicillin powder with buffered aqueous diluent that conform to the requirements of paragraphs (a) (except that they may contain one or more essential vitamin and mineral substances for nutritive purposes), (b), and (c) of this section shall be exempt from the requirements of sections 502 (l) and 507 of the act, if they comply with all the following conditions:

(1) They are intended solely for veterinary use and are conspicuously so labeled.

(2) If they contain added vitamins or minerals, the labels bear the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The labels bear an expiration date that is not more than 36 months after the month during which the batch was last assayed and released by the manufacturer.

(4) The labels bear a statement that solutions prepared with the drugs are stable for not more than 24 hours.

(5) The circular or other labeling within or attached to the package bears information that only the antibiotics are intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Chronic respiratory disease (air-sac infection) in chickens.

(ii) Blue comb (mud fever, nonspecific infectious enteritis) in poultry.

(iii) Infectious sinusitis in poultry.

3. Section 146a.87 *Penicillin-bacitracin-neomycin ointment* • • • is amended by changing the first sentence in paragraph (a) to read as follows: "It contains not less than 5.0 milligrams of neomycin and not less than 250 units of bacitracin per gram, unless it is packaged and labeled solely for veterinary use."

4. Section 146a.88 *Penicillin-streptomycin tablets* • • • is amended by adding the following new paragraph:

(c) *Exemption of penicillin-streptomycin tablets and penicillin-dihydrostreptomycin tablets for veterinary use from certification.* Penicillin-streptomycin tablets and penicillin-dihydrostreptomycin tablets that conform to the requirements of paragraph (a) of this section (except that they may contain one or more essential vitamin and mineral substances for nutritive purposes) shall be exempt from the requirements of sections 502 (l) and 507 of the act, if they comply with all the following conditions:

(1) They are intended solely for veterinary use and are conspicuously so labeled.

(2) If they contain added vitamins or minerals, the labels bear the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The labels bear an expiration date that is not more than 18 months after the month during which the batch was last assayed and released by the manufacturer.

(4) The labels bear a statement that solutions prepared with the drugs are stable for not more than 24 hours.

(5) The circular or other labeling within or attached to the package bears information that only the antibiotics are intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Chronic respiratory disease (air-sac infection) in chickens.

(ii) Blue comb (mud fever, nonspecific infectious enteritis) in poultry.

5. Section 146a.93 *Penicillin-streptomycin powder; penicillin-dihydrostreptomycin powder* is amended by adding the following new paragraph:

(e) *Exemption of penicillin-streptomycin powder and penicillin-dihydrostreptomycin powder for veterinary use from certification.* Penicillin-streptomycin powder and penicillin-dihydrostreptomycin powder that conform to the requirements of this section (except that they may contain one or more essential vitamin and mineral substances for nutritive purposes) shall be exempt from the requirements of section 502 (l) and 507 of the act, if they comply with all the following conditions:

(1) They are intended solely for veterinary use and are conspicuously so labeled.

(2) If they contain added vitamins or minerals, the labels bear the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The labels bear an expiration date that is not more than 12 months after the month during which the batch was last assayed and released by the manufacturer.

(4) The labels bear a statement that solutions prepared with the drugs are stable for not more than 24 hours.

(5) The circular or other labeling within or attached to the package bears information that only the antibiotics are intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Bacterial enteritis in swine.

(ii) Bacterial calf scours.

(iii) Chronic respiratory disease (air-sac infection) in chickens.

(iv) Blue comb (mud fever, nonspecific infectious enteritis) in poultry.

(v) Infectious sinusitis in poultry.

6. Section 146b.112 *Streptomycin for inhalation therapy* • • • is amended by adding the following new paragraph:

(f) *Exemption of streptomycin for inhalation therapy and dihydrostreptomycin for inhalation therapy for veterinary use from certification.* Streptomycin for inhalation therapy and dihydrostreptomycin for inhalation therapy that conform to the requirements of paragraphs (a), (b), and (c) of this section shall be exempt from the requirements of section 502 (l) and 507 of the act, if they comply with all the following conditions:

(1) They are intended solely for veterinary use and are conspicuously so labeled.

(2) The labels bear an expiration date that is not more than 48 months after the month during which the batch was last assayed and released by the manufacturer, except that such date is not more than 24 months if it is packaged with inert gases.

(3) The circular or other labeling within or attached to the package bears information that the antibiotics are for use only in the prevention or treatment of chronic respiratory disease (air-sac infection) in chickens and bears directions and warnings adequate for such use.

7. In § 146b.115 *Streptomycin sulfate powder oral veterinary* • • •, paragraph (f) is amended to read as follows:

(f) *Exemption of streptomycin sulfate powder oral veterinary and streptomycin sulfate granules oral veterinary from certification.* Streptomycin sulfate powder oral veterinary and streptomycin sulfate granules oral veterinary that conform to the requirements of paragraphs (a) (except that they may contain one or more essential vitamin and mineral substances for nutritive purposes), (b), and (c) of this section shall be exempt from the requirements of sections 502 (l) and 507 of the act, if they comply with all the following conditions:

(1) The labels bear an expiration date that is not more than 36 months after the month during which the batch was last assayed and released by the manufacturer.

(2) If they contain added vitamins or minerals, the labels bear the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The labels bear a statement that solutions prepared with the drugs are stable for not more than 24 hours.

(4) The circular or other labeling within or attached to the package bears information that only the antibiotics are intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Bacterial enteritis in swine.

(ii) Bacterial calf scours.

(iii) Chronic respiratory disease (air-sac infection) in chickens.

(iv) Blue comb (mud fever, nonspecific infectious enteritis) in poultry.

8. Section 146b.119 *Streptomycin hydrochloride solution oral veterinary* is amended by adding the following new paragraph:

(f) *Exemption of streptomycin hydrochloride solution oral veterinary and streptomycin sulfate solution oral veterinary from certification.* Streptomycin hydrochloride solution oral veterinary and streptomycin sulfate solution oral veterinary that conform to the requirements of paragraphs (a) (except that they may contain one or more essential vitamin and mineral substances for nutritive purposes), (b), and (c) of this section shall be exempt from the requirements of sections 502 (l) and 507 of the act, if they comply with all the following conditions:

(1) The labels bear an expiration date that is not more than 12 months after the month during which the batch was last assayed and released by the manufacturer.

(2) If they contain added vitamins or minerals, the labels bear the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The labels bear a statement that solutions prepared with the drugs are stable for not more than 24 hours.

(4) The circular or other labeling within or attached to the package bears information that only the antibiotics are intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Bacterial enteritis in swine.

(ii) Bacterial calf scours.

(iii) Chronic respiratory disease (air-sac infection) in chickens.

(iv) Blue comb (mud fever, nonspecific infectious enteritis) in poultry.

(v) Infectious sinusitis in poultry.

9. Section 146c.205 *Chlortetracycline powder* • • • is amended by adding the following new paragraph:

(f) *Exemption of chlortetracycline powder for veterinary use, tetracycline hydrochloride powder for veterinary use, and tetracycline powder for veterinary use, from certification.* Chlortetracycline powder, tetracycline hydrochloride powder, and tetracycline powder that conform to the requirements of paragraphs (a) (except that if they contain one or more added vitamin substances such substances are essential for nutritive purposes, and except that they may contain one or more added mineral substances essential for nutritive purposes), (b), and (c) of this section shall be exempt from the requirements of sections 502 (l) and 507 of the act, if they comply with all the following conditions:

(1) They are intended solely for veterinary use and are conspicuously so labeled.

(2) If they contain added vitamins or minerals, the labels bear the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The labels bear an expiration date that is not more than 48 months, or 24 months if it contains a vitamin substance or it is tetracycline hydrochloride powder or tetracycline powder, after the month during which the batch was last assayed and released by the manufacturer.

(4) The labels bear a statement that solutions prepared with the drugs are stable for not more than 24 hours.

(5) The circular or other labeling within or attached to the package bears information that only the antibiotics are intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Pinkeye and superficial cuts and abrasions.

(ii) Bacterial enteritis in swine.

(iii) Bacterial pneumonia in swine.

(iv) Chronic respiratory disease (air-sac infection), hexamitiasis, blue comb (mud fever, nonspecific infectious enteritis) in poultry.

(v) Infectious sinusitis in poultry.

10. Section 146c.219 (f) is amended to read as follows:

§ 146c.219 *Crude chlortetracycline oral veterinary.* • • •

(f) *Exemption of crude chlortetracycline oral veterinary from certification.* Crude chlortetracycline oral veterinary that conforms to the requirements of paragraphs (a) (except that it may contain one or more essential vitamin and mineral substances for nutritive purposes), (b), and (c) of this section shall be exempt from the requirements of sections 502 (l) and 507 of the act, if it complies with all the following conditions:

(1) If it contains added vitamins or minerals, its label bears the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(2) The label bears an expiration date that is not more than 12 months after the month during which the batch was last assayed and released by the manufacturer.

(3) The label bears a statement that solutions prepared with the drug are stable for not more than 24 hours.

(4) The circular or other labeling within or attached to the package bears information that only the antibiotic is intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Bacterial enteritis in swine.

(ii) Bacterial pneumonia in swine.

(iii) Chronic respiratory disease (air-sac infection), hexamitiasis, blue comb (mud fever, nonspecific infectious enteritis) in poultry.

(iv) Infectious sinusitis in poultry.

11. Section 146e.423 *Soluble bacitracin methylene disalicylate* is amended by adding the following new paragraph:

(c) *Exemption of soluble bacitracin methylene disalicylate from certification.* Soluble bacitracin methylene disalicylate that conforms to the requirements of paragraphs (a) (except that it may contain one or more essential vitamin and mineral substances for nutritive purposes) and (b) of this section shall be exempt from the requirements of sections 502 (l) and 507 of the act if it complies with all the following conditions:

(1) Its label bears an expiration date that is not more than 24 months after the month during which the batch was last assayed and released by the manufacturer.

(2) If it contains added vitamins or minerals, its label bears the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The label bears a statement that solutions prepared with the drug are stable for not more than 24 hours.

(4) The circular or other labeling within or attached to the package bears information that only the antibiotic is intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Chronic respiratory disease (air-sac infection) in chickens.

(ii) Blue comb (mud fever, nonspecific infectious enteritis) in poultry:

(iii) Infectious sinusitis in poultry.

(iv) Bacterial enteritis in swine.

12. Section 146e.425 *Bacitracin powder* is amended by adding the following new paragraph:

(f) *Exemption of bacitracin powder from certification.* Bacitracin powder that conforms to the requirements of paragraphs (a) (except that it may contain one or more essential vitamin and mineral substances for nutritive purposes), (b), and (c) of this section, except paragraph (c) (1) (iii), shall be exempt from the requirements of sections 502 (l) and 507 of the act if it complies with all the following conditions:

(1) Its label bears an expiration date that is not more than 18 months after the month during which the batch was last assayed and released by the manufacturer.

(2) If it contains added vitamins or minerals, its label bears the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The label bears a statement that solutions prepared with the drug are stable for not more than 24 hours.

(4) The circular or other labeling referred to in paragraph (c) (2) of this section bears information that only the antibiotic is intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Chronic respiratory disease (air-sac infection) in chickens.

(ii) Blue comb (mud fever, nonspecific infectious enteritis) in poultry.

(iii) Infectious sinusitis in poultry.

(iv) Bacterial enteritis in swine.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it conditionally relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that the drugs exempted from certification by amendments 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of this order need not comply with the requirements of section 502 (l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy provided they comply with the provisions specified in the amendments designated above.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the effected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup. 357)

Dated: November 21, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-9468; Filed, Nov. 25, 1955; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter C—Mail Classification and Rates

PART 29—MIXED CLASSES

COMBINATION MAILING

CROSS REFERENCE: For temporary regulations affecting Part 29 of this chapter see F. R. Doc. 55-9523 under Post Office Department in the Notices Section of this issue.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1943]

PART 255—TOWN SITES

MISCELLANEOUS AMENDMENTS

Sections 255.9, 255.10, 255.11, and 255.15, are amended to read as follows:

§ 255.9 *Town site settlement.* Section 2382 of the Revised Statutes, as amended by the act of August 24, 1954 (68 Stat. 792) and sections 2383, 2384, and 2386 of the Revised Statutes (43 U. S. C. 713–715, 717), authorize the platting of town sites by or for the occupants and the disposal of such town sites, where town site settlement has been or may be made upon unreserved public lands subject to such settlement. Public lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, or 6964 of February 5, 1935, are not subject to occupation for town site purposes unless first classified for such occupation, pursuant to Part 296 of this chapter.

§ 255.10 *Filing with county recorder of plat, field notes, and statement of improvements.*[3] (a) The occupants, at their own expense, must cause a survey of the land into lots, blocks, streets, and alleys to be made, and the plat and field notes thereof to be filed with the recorder of the county in which the land is situated. The plat must show (1) that the land does not include an area in excess of 640 acres; (2) that the boundaries of the land are correctly shown and described thereon according to the lines of the public surveys, or if not so surveyed, then that the exterior lines of

[3] 18 U. S. C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

the townsite survey are tied to a designated, permanent, and thoroughly identified monument; (3) that the streets, blocks, lots, and alleys, the dimensions of the same, with measurements, courses, and area of each municipal subdivision, and the name of the town, are correctly delineated thereon; and (4) the exterior lines of all existing railroad rights-of-way and station grounds. The lots shall conform in size to local ordinances or accepted local standards for subdivision platting, or in the absence of such ordinances or standards, to standards prescribed by the authorized official of the Bureau of Land Management. The above-required facts should be embodied in the statement of the surveyor entered upon the margin of the plat.

(b) A statement of the extent and general character of the improvements on the land must be filed with the plat and field notes, and over the signature of the party acting for and on behalf of the occupants of the land.

§ 255.11 *Filing in land office, in duplicate, of transcript of plat, field notes, and statement.* Within one month after filing such plat, field notes, and statement, a transcript thereof in duplicate, each copy duly verified by the certificate of the county recorder, and accompanied by the statement of the two persons that such town has been established in good faith, and showing the number of inhabitants thereof and when it was so established, shall be filed with the manager of the land office having jurisdiction over the land district in which the town site is located.

§ 255.15 *Minimum price of lots.* The minimum price for all lots is $10 per lot, except in cases where the survey into lots and blocks is made by the Government, in which case the minimum price is $15 per lot.

(R. S. 2478; 43 U. S. C. 1201. Interpret or apply 68 Stat. 792; 43 U. S. C. 713)

DOUGLAS MCKAY,
Secretary of the Interior.

NOVEMBER 18, 1955.

[F. R. Doc. 55-9469; Filed, Nov. 25, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

DEHYDRATED ORANGE JUICE [1]

U. S. STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Dehydrated Orange Juice pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq.; 7 U. S. C. 1621 et seq.). This issuance, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

PRODUCT DESCRIPTION, AND GRADES

Sec.
52.2981 Product description.
52.2982 Grades of dehydrated orange juice.

FACTORS OF QUALITY

52.2983 Ascertaining the grade.
52.2984 Ascertaining the rating for the factors which are scored.
52.2985 Color.
52.2986 Defects.
52.2987 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.2988 Definition of terms.
52.2989 Methods of analyses.

LOT CERTIFICATION TOLERANCES

52.2990 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2991 Score sheet for dehydrated orange juice.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

AUTHORITY: §§ 52.2981 through 52.2991 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 52.2981 *Product description.* Dehydrated orange juice (Crystals) is the product initially obtained from clean, sound, mature fruit of the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines. The fruit is prepared by sorting and by washing prior to extraction of the juice; the extracted juice is concentrated and single-strength orange juice extracted from sorted and washed fruit may or may not be admixed to the concentrate. The concentrated orange juice is processed in accordance with good commercial practice and may be dehydrated immediately or frozen and stored at suitable temperatures. The concentrated orange juice to which an amount of sodium bisulfite may have been added is dehydrated in accordance with good commercial practice. Cold-pressed orange oil and granules of sorbitol may be added to the product in such amounts as to provide a proper flavor to the reconstituted product. The product thus prepared is packaged with a desiccant in hermetically sealed containers and held at proper temperatures to assure stabilization of the product. The dehydrated orange juice reconstitutes into a single-strength orange juice that tests not less than 11.8 degrees Brix. The sulfur dioxide content of the dehydrated orange juice is not less than 100 p. p. m. nor more than 250 p. p. m.

§ 52.2982 *Grades of dehydrated orange juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of dehydrated orange juice that contains not more than 3 percent by weight of moisture; has a porous open structure free from lumps or other signs of caking; and which dissolves readily in water to produce an orange juice that is reasonably characteristic in appearance to fresh orange juice. The reconstituted juice possesses a very good color; is practically free from defects; possesses a good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of dehydrated orange juice that contains not more than 3 percent by weight of moisture; has a reasonably porous open structure free from lumps; and which dissolves reasonably readily in water to produce an orange juice that is fairly characteristic in appearance to fresh orange juice. The reconstituted juice possesses a good color; is reasonably free from defects; possesses a reasonably good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of dehydrated orange juice that fails to meet the requirement of U. S. Grade B or U. S. Choice.

FACTORS OF QUALITY

§ 52.2983 *Ascertaining the grade—* (a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(1) *Factors not rated by score points.* (i) Moisture content.

(ii) Physical condition and faculty of dissolving readily in water.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
Color	40
Defects	20
Flavor	40
Total score	100

§ 52.2984 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "17 to 19" means 17, 18, or 19 points). The rating is ascertained immediately after the product has been reconstituted to single-strength orange juice.

§ 52.2985 *Color—*(a) *(A) classification.* Dehydrated orange juice of which the reconstituted juice possesses a very good color may be given a score of 34 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of rich-colored fresh orange juice.

(b) *(B) classification.* If the reconstituted juice possesses a good color a score of 28 to 33 points may be given. Dehydratd orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is the yellow to yellow-orange color typical of fresh orange juice, which may be dull but is not off-color for any reason.

(c) *(SStd.) classification.* If the reconstituted juice fails to meet the requirements of paragraph (b) of this section a score of 0 to 27 points may be given and the product shall not be graded above Substandard regardless of the total score for the product, (this is a limiting rule).

§ 52.2986 *Defects—* (a) *General.* The factor of defects refers to the degree of freedom from seeds or portions thereof, pulp, dark specks, improperly rehydrated orange material, or other defects that affect the appearance or drinking quality of the reconstituted juice.

(b) *(A) classification.* Dehydrated orange juice of which the reconstituted juice is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that the appearance and drinking quality of the juice is not materially affected by defects.

(c) *(B) classification.* If the reconstituted juice is only reasonably free from defects a score of 14 to 16 points may be given. Dehydrated orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product, (this is a limiting rule). "Reasonably free from defects" means that the appearance and drinking quality of the juice is not seriously affected by defects.

(d) *(SStd.) classification.* Dehydrated orange juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard regardless of the total score for the product, (this is a limiting rule).

§ 52.2987 *Flavor—*(a) *(A) classification.* Dehydrated orange juice of which the reconstituted juice possesses a very good flavor may be given a score of 34 to 40 points. "Good flavor" means that the flavor is a distinct orange juice flavor typical of reconstituted, properly processed, canned concentrated orange juice which is free from terpenic, carmelized, oxidized, rancid or off-flavors. To score in this classification the ratio of the Brix to acid shall be not less than 12 to 1 nor more than 18 to 1 and the recoverable oil content not less than 0.006 nor more than 0.012 milliliter per 100 milliliters of the reconstituted juice.

(b) *(B) classification.* If the reconstituted juice posses a reasonably good flavor a score of 28 to 33 points may be given, Dehydrated orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product, (this is a limiting rule). "Reasonably good flavor" means that the flavor is reasonably typical of reconstituted, properly processed, canned concentrated orange juice which is free from abnormal and off-flavors of any kind. To score in this classification the ratio of the Brix to acid shall be not less than 10.5 to 1 nor more than 19 to 1 and the recoverable oil content not less than 0.008 nor more than 0.20 milliliter per 100 milliliters of the reconstituted juice.

(c) *(SStd.) classification.* Dehydrated orange juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade C or U. S. Choice regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.2988 *Definition of terms.* (a) "Reconstituted juice" means the product obtained by dissolving an entire package of dehydrated orange juice in the volume of water specified by the manufacturer.

(b) "Dissolves readily" means that (1) the product dissolves readily in the prescribed amount of cold water with only a reasonable amount of stirring, (2) that the fruit particles rehydrate readily, and (3) that there is no rapid separation of collodial or suspended matter.

(c) "Dissolves reasonably readily" means that (1) the product may require excessive stirring, beating or whipping to dissolve the solids, (2) fruit particles may not rehydrate readily, and/or (3) collodial or other suspended material is not held in suspension for a reasonable length of time.

(d) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in the reconstituted orange juice and is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(e) The "Brix" of the reconstituted juice means the degree Brix as determined by the Brix hydrometer calibrated at 20 degrees C. (68 degrees F.) and to which any applicable temperature correction has been applied.

§ 52.2989 *Methods of analyses.* (a) "Recoverable oil" is determined by the following method:

(1) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 and Figure 2.[1]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
Three-liter narrow-neck flask.

[1] Filed as part of the original document.

(2) *Procedure.* Place exactly 2 liters of the reconstituted juice in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the mixture to a boil. Continue boiling for one hour at the rate of approximately 50 drops per minute. By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask; allow it to cool, and record the amount of oil recovered. The number of milliliters of oil recovered divided by 20 is equivalent to the number of milliliters of oil per 100 milliliters of the reconstituted juice.

(b) The "moisture content" of the dehydrated orange juice is determined as follows:

(1) A 3 to 5 gram sample is weighed into an aluminum weighing dish 1½ to 2 inches in diameter, having a tight-fitting cover. The samples are dried in a vacuum oven for 30 hours at a temperature of 60 degrees C. (140 degrees F.) and a pressure not exceeding 100 m.m. of mercury. During the drying period air is passed through H_2SO_4 and admitted through the release cock at the rate of approximately two bubbles per second. At the end of the drying period the dishes are removed from the oven, the covers are placed on immediately and the dishes allowed to cool in a desiccator prior to final weighing. Sampling and weighing is carried out as rapidly as possible under low humidity conditions.

(c) The "sulfur dioxide" content of the dehydrated orange juice is determined by the following method:

(1) The monier-Williams method for total sulforous acid as approved by the Association of Official Agricultural Chemists and using a 50-gram sample of the dehydrated orange juice.

LOT CERTIFICATION TOLERANCES

§ 52.2990 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of dehydrated orange juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Costmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored;

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than four points below the minimum score for the grade indicatd by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2991 *Score sheet for dehydrated orange juice.*

Size and kind of container	----
Container mark or identification	----
Label (including dilution factor)	----
Net weight	----
Brix of the reconstituted juice	----
Anhydrous citric acid (grams per 100 milliliters in the reconstituted juice)	----
Brix-acid ratio	----
Recoverable oil (ml./100 ml. of the reconstituted juice)	----
Reconstitutes properly: (Yes) (No)	

Factors	Score points		
Color	40	(A)	34–40
		(B)	[1] 28–33
		(SStd.)	[1] 0–27
Defects	20	(A)	17–20
		(B)	[1] 14–16
		(SStd.)	[1] 0–13
Flavor	40	(A)	34–40
		(B)	[1] 28–33
		(SStd.)	[1] 0–27
Total score	100		
Grade	----		----

[1] Indicates limiting rule.

Dated: November 22, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55–9497; Filed, Nov. 25, 1955; 8.50 a. m.]

[7 CFR Part 911]

[Docket No. AO–262]

HANDLERS OF MILK IN TEXAS PANHANDLE MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at Amarillo, Texas, January 31–February 7 and April 12–13, 1955, pursuant to notice thereof which was issued on January 8, 1955 (20 F. R. 198) and March 24, 1955 (20 F. R. 1785), respectively.

Upon the basis of the evidence introduced at the hearing and the record thereof the Deputy Administrator, Agricultural Marketing Service, on October 4, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on October 7, 1955 (20 F. R. 7492).

Within the period reserved therefor, exceptions were filed to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions and regulatory provisions of this decision, such exceptions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled. To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues of record related to:

1. Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a marketing agreement or order; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification of milk;

(c) The level and method of determining class prices;

(d) The method to be used in distributing proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

1. *Character of commerce.* The handling of milk in the proposed marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in milk and its products.

The marketing area specified in the proposed order, hereinafter referred to as the Texas Panhandle marketing area, includes all the territory in the counties of Armstrong, Briscoe, Carson, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Moore, Oldham, Ochiltree, Potter, Randall, Roberts, Sherman, and Wheeler, all in the State of Texas. Milk handled in the marketing area moves in large volumes and in many forms back and forth over State lines. The production areas from which milk is received by the various handlers who distribute milk in the marketing area overlap State boundaries. Milk from the farms of many producers in Oklahoma and New Mexico is received at plants in the marketing area where it is processed and packaged for distribution to consumers. From a country station at Arnett, Oklahoma, milk received from producers is moved regularly to a milk plant at Amarillo, Texas, from which plant it is distributed for fluid consumption throughout the marketing area and in Oklahoma. During those months in recent years when producer deliveries were inadequate for the needs of the market, milk for fluid distribution in the marketing area was purchased by handlers in tank lots from plants in Oklahoma, Missouri, Wisconsin, and Illinois.

Handlers operating plants located in the marketing area are the principal distributors in the market. From several of such plants, distribution of Grade A milk for fluid consumption in New Mexico and Oklahoma represents a significant portion of their business. Routes emanating from Elk City, Oklahoma, deliver substantial quantities of milk in the marketing area. In addition, deliveries are made regularly at some localities in the marketing area from a plant in Dodge City, Kansas.

Manufactured milk products made from excess milk in the plants of handlers, or at plants to which it has been transferred or diverted, are sold throughout various southwestern States. A principal outlet for Grade A milk received from producers which is in excess of that needed for fluid use is the Quint County Creamery at Mangum, Oklahoma. During the months of heavy production large quantities of milk are transferred or diverted by marketing area handlers to the Quint County plant. In addition to processing and packaging milk for fluid distribution in the nearby Texas and Oklahoma communities, a variety of manufactured dairy products which are moved in interstate commerce is made at this plant.

Routes of handlers under the Central West Texas and Southwest Kansas Federal milk marketing orders extend into the proposed marketing area, where milk is sold in competition with distributors who would be handlers under the Texas Panhandle order. At the plants of these handlers who are regulated by other Federal orders the interstate commerce factor is indicated by the receipts of milk from and distribution to locations outside the State of Texas.

2. *Need for an order.* Marketing conditions in the Texas Panhandle marketing area justify the issuance of a marketing agreement and order.

There is no overall plan whereby farmers supplying the Texas Panhandle marketing area are assured of payment for their milk in accordance with its use. Neither is there a procedure whereby farmers may participate in the price determinations throughout the area necessary for the marketing of their milk, which because of its perishability must be delivered to the market soon after it is produced. Farmers cannot retain milk on their farms in order to await favorable price conditions. Production of milk for fluid use, under the sanitary requirements prevailing in the proposed marketing area, requires substantial investment.

A certain amount of reserve milk in excess of actual trade sales is necessary to assure consumers of an adequate supply of milk at all times. Fluctuations brought on by the seasonal nature of milk production, coupled with a relatively uniform pattern of consumption, necessitate the disposition of some of the Grade A milk produced for the market into manufacturing channels. Such excess milk must be manufactured into products and sold in competition with similar products produced from ungraded milk. Milk marketed in this manner returns considerably less than that marketed for fluid use. Consequently, a well-defined and uniformly applied plan of use classification and the proper pricing of milk in such uses is necessary to prevent such excess milk from depressing the market price of all Grade A milk. To be successful, the classification of milk in accordance with its use and the payments to producers on a use basis, require full participation and cooperation of those engaged in the industry.

Orderly marketing of the milk produced for fluid consumption requires uniformly dependable methods for determining prices according to the use made of the milk. It also requires uniformity of pricing according to the use made of milk by each handler, and a means whereby lower average returns resulting from the maintenance of the necessary reserve supplies of milk may be shared equitably among producers.

The problems of unstable marketing encountered by producers in the Texas Panhandle marketing area are not uncommon in fluid milk markets. The problems, which have resulted in unrest and instability in this area, are similar to those characteristic of the fluid milk industry in the absence of regulation or a well-defined classified pricing plan. A marketing order as herein proposed will promote orderly marketing by assuring producers prices equivalent to those contemplated under the act.

The buying practices of various handlers in the market have caused chaotic conditions and instability in the marketing of milk. Prices paid farmers for milk for fluid use have frequently been below the Class I prices an order would provide. Producers have no means of ascertaining how their milk is utilized at the various plants to which they deliver, or whether the basis on which they are being paid from month to month will be revised. Accuracy of weights and butterfat tests have been ascertained infrequently. Payment of surplus prices by handlers for milk which producers believe was needed in the market for fluid consumption is one of the causes of instability and uncertainty in the market.

Several handlers in the area have dealt with farmers in such a way as to discourage cooperative action by these farmers. Some handlers refused to make deductions for cooperative dues from payments due member producers, even though such deductions had been properly authorized by the producers. Failure to make such deductions has limited the cooperative in instituting check weighing and testing programs.

Representatives of the principal producer cooperative association stated that major handlers in the market have refused or failed to recognize or to bargain with the association as to price, or any other terms with respect to the sale of the milk of its members. Some handlers in the area used various means to attempt to deter producers from affiliating with the cooperative association. They advised producers that they preferred to deal with them individually and in some instances indicated that preferential treatment would be given those producers who did not become members of the cooperative. Activity by producers in behalf of the cooperative association was looked upon with disfavor by handlers. A producer who was active in the soliciting of new members for the association was cut off by the handler to whom he was making deliveries because "his milk did not come up to the company's standards." Information from the Health Department indicated that it had never ordered the producer cut off or degraded and that the bacteria count of his milk was rarely over 5,000.

Producers contended that their milk is frequently rejected by handlers when such rejection is not warranted. It was stated that milk was rejected by a handler as being off flavor only when such handler had an excess supply of milk in his plant. Producers were further aggravated by the fact that a red coloring was added by the handler to rejected milk before it was returned to the producer, thus destroying the value such producer might realize from the sale of such rejected milk at a manufacturing plant.

Evidence adduced at the hearing indicated that the rates charged a large number of producers in the market by handlers for hauling are considerably greater than the actual cost of transporting such producers' milk from their farms to the handlers' plants. This has caused considerable dissatisfaction among producers, and has resulted in unjustly depressing producer returns. One producer, who complained that a rate of 95 cents per hundredweight was being deducted from his pay check for hauling for which the hauler was paid 75 cents per hundredweight, was advised by the handler to find another market for his milk if he was not satisfied.

Producers whose milk is received at a country plant at Arnett, Oklahoma (150 to 155 miles from Amarillo) are charged 75 cents per hundredweight by the handler for moving their milk to Amarillo in his tank truck. This 75-cent charge is in addition to the hauling cost, from their farms to the country plant, which cost is as high as 50 cents per hundredweight for some producers. When milk from the Arnett plant is not needed in the handler's Amarillo plant for Class I purposes it is usually moved to the ungraded portion of the handler's plant in Arnett for manufacturing purposes.

Under such circumstances, producers are charged 75 cents per hundredweight on all base milk delivered at the Arnett plant. Producers at the hearing contended that the 75-cent charge is unwarranted in that it exceeds by a wide margin the actual cost incurred in moving producer milk from Arnett to Amarillo.

Producers claimed that an order with appropriate pricing and location differential provisions would tend to correct such inequities as they contend have resulted from the various hauling charge arrangements which now prevail in the market.

The stated base and excess prices paid producers are generally at the option of the handler and not meaningful. Since no complete systematic verification is made of the way milk is utilized, payment to a producer at the excess, or surplus price, for any of his milk does not indicate that such milk was not used for fluid purposes. It was testified that arbitrary methods have been used in some instances in arriving at the percentages of milk to be paid for at the base and excess prices. Most handlers deal with their producers on an individual basis so that it is difficult for producers to ascertain the overall basis used in determining the rate of payment for their deliveries.

The conditions complained of by producers, and herein cited, with regard to the unstable marketing conditions are not peculiar to one or several localities in the marketing area, but apply throughout the area. Moreover, those handlers who would be regulated by the attached order compete with one another throughout substantial portions of the proposed marketing area.

The record indicates that there is a lack of detailed market information relative to the procurement of milk for and disposition of milk throughout the marketing area. Such information is essential to the effectuation of orderly marketing and in achieving a level of Grade A milk production commensurate with consumer demand for Grade A milk. Some data on receipts and utilization of milk for fluid and manufacturing uses were made available for the hearing by various handlers. This information is incomplete with regard to the overall receipts and utilization of milk and milk products by all handlers operating in the area, and it, therefore, does not portray marketing conditions for the whole area.

It is concluded that the issuance of a marketing agreement and order for the Texas Panhandle marketing area would contribute substantially to the improvement of many of the conditions complained of and would tend to effectuate the declared policy of the act. The adoption of a classified price plan based on the audited utilization of handlers will provide a uniform system of minimum prices to handlers for milk purchased from producers and a fair division among all producers of the proceeds from the sale of this milk. The public hearing procedure required by the Agricultural Marketing Agreement Act will provide opportunity for representation of producers, handlers and the public in presenting information on marketing conditions and participating in the determination of prices for milk in the area.

3. (a) *Scope of regulation.* It is necessary to designate clearly what milk and what persons would be subject to the various provisions of the order. This can best be done by providing definitions which set forth the categories of persons, plants and milk products for purposes of classification of milk and of application of other provisions of the order.

Marketing area. The marketing area should include all the territory within the counties of Armstrong, Briscoe, Carson, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Moore, Oldham, Ochiltree, Potter, Randall, Roberts, Sherman and Wheeler, all in the State of Texas.

According to the 1950 census, the population of the 20 counties which constitute the proposed marketing area was

approximately 250,000. It was indicated at the hearing that since 1950 there has been a substantial overall increase in population throughout the area. Because a relatively large portion of the sales of fluid milk in this area is in rural communities and because of the substantial population immediately surrounding the various cities, the marketing area should be defined on the basis of county rather than city boundaries. To a large extent, health ordinances in effect in this area apply to both the county and the cities and towns therein.

Grade A milk products sold for fluid consumption throughout the proposed 20-county area must be approved by health authorities who are governed by health ordinances, practices and procedures patterned after the United States Public Health Milk Ordinance and Code. Movements of milk both in bulk and packaged form between cities and counties take place through reciprocal approval of the respective health authorities. Ratings by the United States Public Health Service are recognized as a basis for approval of outside sources of milk. The degree of similarity of minimum health standards throughout the area justifies uniform regulation for milk marketed throughout the area.

Amarillo, which is centrally located with respect to the marketing area is the largest city in the area. Its 1950 population was 74 thousand and that for the next largest cities—Borger and Pampa—was 18 and 17 thousand, respectively. All of these cities have substantial populations surrounding their boundaries. Amarillo is the principal point at which milk from producers is processed and packaged for distribution throughout the marketing area. The four handlers whose plants are located in Amarillo receive milk from approximately three-fourths of the estimated 500 producers supplying handlers who would be regulated by the proposed order. From these plants in Amarillo, milk is distributed on routes in each of the 20 counties in the marketing area. Three other plants in the marketing area which would be fully regulated by the order and sell milk in competition principally with Amarillo handlers are located in Borger, Pampa, and Herford. A distributor whose plant is located at Elk City, Oklahoma, distributes milk in the proposed marketing area in competition with a number of the aforementioned handlers and it is likely that milk at this plant would be fully subject to the order. Except for a relatively small volume of milk which is sold in a few counties on the outer edges of the marketing area by other plants located outside of the area, all milk distributed in the marketing area would be fully subject to the order.

The marketing area which was suggested in the proposals submitted by various parties to the hearing included, in the aggregate, 51 counties (40 in Texas, 6 in New Mexico and 5 in Oklahoma), an area of more than 53,000 square miles. A preliminary investigation and examination of the available data relative to the supply of milk for and the distribution throughout the overall area indicated that the intent of the act would be best effectuated by limiting consideration at that time to an order in which the marketing area was defined as not greater than the territory within Potter County and the cities of Borger and Pampa, Texas. The hearing notice which was issued to that effect also provided that if evidence adduced at the hearing indicated that it would not be feasible to promulgate an order for that limited area or that additional territory should properly be included under any proposed order for the Texas Panhandle area the hearing would be reopened for the purpose of giving further consideration to an appropriate marketing area. The hearing was convened on January 31 and continued through February 7, 1955. On the basis of evidence presented at that time, however, it was evident that it would not be feasible to promulgate an order with a marketing area limited to Potter County and the cities of Borger and Pampa. Accordingly, the hearing was reopened on April 12 to afford interested parties the opportunity to submit additional evidence with respect to the marketing area and other provisions of a proposed order. For the purpose of the reopened hearing, consideration was given to a marketing area composed of all the territory within 28 counties, including in addition to the 20 herein designated as the marketing area, the counties of Castro, Childress, Collingsworth, Cottle, Hale, Lipscomb, Parmer and Swisher.

It is neither administratively feasible nor necessary to include all territory in the marketing area in which handlers to be regulated distribute milk. Furthermore, it would not be possible to designate a marketing area of reasonable size which would include all sales outlets of each and every handler that would be subject to regulation. As additional territory would be added, the problems associated with the extension of regulation to distributors that make a substantial portion of their fluid milk sales outside of the marketing area would be increased many fold. Difficulties would be encountered also in the pooling of returns from milk which is only remotely associated with the market. It is necessary, therefore, to define an area which in conjunction with other order provisions will promote orderly marketing of milk of those producers which should be priced and pooled under the order.

The counties of Cottle, Childress, Collingsworth, and Lipscomb, which append to the east and south of the proposed area, and which some handlers urged be a part of the marketing area, are not included in the marketing area herein recommended. The population of these counties is relatively small. There is only one city in these counties of more than 4,000 people (Childress—population 7,600). In Lipscomb, Childress, and Cottle Counties, a portion of the milk sold is already subject to regulation under other Federal orders.

Sufficient milk is sold in Collingsworth and Childress Counties from a distant plant in Oklahoma to extend the regulation to this milk if these counties were included in the marketing area. To do so would extend unnecessarily the scope of the regulation. This would result in the pooling under the order of milk which is not primarily associated with the principal market outlets of the Texas Panhandle area. The main competition for sales outlets of a major portion of the milk at this plant would not be subject to regulation.

The counties of Hale, Swisher, Castro and Parmer, which attach to the south of the proposed marketing area were also considered for inclusion therein. According to the 1950 census, these counties had populations of 28.2, 8.2, 5.4 and 5.8 thousand, respectively. Total sales by Amarillo handlers in this four-county area are about 40 percent of the fluid milk distributed in such area. The percentages of the total distribution by Amarillo handlers is 20 percent in Hale, 65 in Castro and 80 percent in each Swisher and Parmer Counties. This is in contrast to the 20 counties recommended wherein handlers who would be regulated by the proposed order are essentially the only distributors who furnish milk to them.

Plainview (population 14,000), the principal city in Hale County, is 76 miles south of Amarillo and 46 miles north of Lubbock, Tex. Relatively small quantities of milk are distributed in Hale County by Amarillo handlers. The major distributor in Hale County, whose plant is in Plainview, also disposes of significant quantities of milk throughout Swisher and Castro Counties. The largest urban area included in the sales territory of the Plainview distributor is the city of Lubbock (72,000 population). The primary competition of the Plainview distributor, therefore, is not from Amarillo handlers but from Lubbock distributors who in turn distribute no milk in the proposed 20-county marketing area. This is true, not only throughout Lubbock and Hale Counties but also in the less populous counties adjacent to them. Hale County, geographically and from the viewpoint of milk distribution, is more closely associated with the Lubbock area than that of Amarillo.

Historically, prices paid producers at Plainview and Lubbock plants for base milk have been above those paid by Amarillo handlers. At the time of the hearing, the Plainview distributor was paying dairy farmers $5.83 per hundredweight for milk of 4 percent butterfat content compared to $5.55 and $5.58 paid by the two major Amarillo handlers. The comparable price paid to their dairy farmers by Lubbock distributors was $6.05. As stated below in this decision, the average Class I price pursuant to the proposed order for the Texas Panhandle area would have averaged $5.55 per hundredweight for the year of 1954. Although Swisher and Castro Counties are about equi-distant from Amarillo and Lubbock, it is concluded that it is unnecessary to include them in the proposed marketing area at this time. To incorporate these counties in the proposed marketing area would result in extending regulations to the Plainview distributor who operates primarily in the orbit of the Lubbock distribution area.

Parmer County which lies between Castro County and the eastern border of New Mexico was considered for inclusion in the marketing area. Milk is distributed in the county by distributors from nearby Clovis and Portales, New Mexico. Prices reported to have been paid by these New Mexico distributors have been higher historically than prices paid by Amarillo handlers. At the time of the hearing, the base price paid by such distributors for milk of 4 percent butterfat content was $5.77 per hundredweight. Marketing conditions in Parmer County are similar to those described above for Swisher and Castro Counties and, therefore, should not be included in the marketing area.

It was not shown on the record that the inclusion of Hale, Swisher, Castro, and Parmer Counties in the marketing area is necessary to effectuate orderly marketing conditions in the proposed Texas Panhandle marketing area at this time. The record does not indicate that unregulated handlers operating in these counties adjacent to the marketing area would have a price advantage in the procurement of milk over regulated handlers who dispose of milk in this area. In addition, by providing for a marketing area as proposed herein, the extension of regulation to milk distributors located outside of the marketing area is at a minimum and their operation will not be disturbed with respect to the major portion of their sales area wherein they compete with other distributors who would not be regulated by the proposed order.

Certain handlers testified that they distribute Class I milk in other counties in addition to those proposed to be included in the marketing area. Extension of regulation to those counties and the numerous other counties which had been suggested would bring additional handlers under regulations who in turn have important other sales which would be unregulated. The volume of milk sold outside the marketing area from pool plants as defined under the proposed order is not in itself justification for the inclusion of these counties in the marketing area, nor are marketing conditions in these counties such that their exclusion would be inappropriate or unjustified at this time.

The handlers who would be regulated pursuant to the attached order are in competition throughout the marketing area. The various communities throughout the marketing area in which milk is distributed are closely related marketwise. Uniform regulations through the device of a marketing order wil promote orderly and stable marketing conditions throughout the proposed area.

Definition of plants. The minimum class prices of the order should apply to that milk eligible for distribution as Grade A milk in the marketing area which is received from dairy farmers at plants primarily engaged in supplying fluid milk products for sale on retail and wholesale routes in the marketing area. Such plants would be defined as "pool plants."

Determining which plants shall be pool plants under the order, and thereby fully subject to regulation, requires that definitive standards be prescribed. Such standards should be clearly set forth in the order and apply uniformly to all plants, wherever located. Pool plant status should not be determined solely on an occasional shipment of milk to the market, or on approval by a specified health authority. Such a method for determining which plants shall be subject to regulation would not provide a workable basis for administering an order for the Texas Panhandle marketing area. In order to effectuate the intent of the act, it is concluded that pool plant status under the order should be determined on the basis of specified performance standards.

As indicated elsewhere in this decision, marketwide pooling of producer returns is considered essential to the stable and orderly functioning of this market. Since a marketwide pool results in payment to all producers on an average utilization for the market, individual handlers are relieved of any responsibility for maintaining a high Class I utilization in order to support their pay rates to producers. Whatever utilization of milk a handler may have, his rate of pay to producers will be the same as that of all other handlers in the market. Thus, it is possible that status with respect to the pool may become a determining factor in guiding a handler's operation.

The scope of pooling or the rules for distributing the returns from Class I sales under the order must be such that the differentials over manufacturing milk values paid by users of Class I milk will serve the purpose for which they are intended. Class I milk prices of the order are fixed at a level which exceeds the value of the milk for manufacturing uses by stated amounts. This premium, or differential, over the manufactured milk price is essential as an incentive to producers for producing milk of the quality and volume required by the market. Extra costs are involved in meeting the sanitary requirements relative to the maintenance of a dairy herd for the production of Grade A milk and in providing milk during the fall and winter months when feed and housing costs are high. Extra costs are involved also on farms since milk for fluid use must be handled through sanitary utensils and facilities, refrigerated and marketed promptly.

The extra costs thus involved for Grade A or fluid milk producers must be borne by that share of the milk which is marketed as Class I milk. Excess or "surplus" milk, although an essential part of a fluid milk business, cannot be expected to return more to producers than a manufactured milk value. The only outlet for reserve milk not needed for fluid use is in the form of manufactured products. Such products must be marketed in competition with similar products made throughout the country.

Since the production of high quality milk involves extra expenses, it is important that the amount of milk produced under Grade A inspection be no more than the minimum necessary to provide the market with an adequate and dependable supply of quality milk. To encourage more than enough production of such milk would represent an economic waste, since the expenditures involved in producing Grade A milk not an essential part of the market supply would result in no extra value to consumers.

One of the primary problems, then, in setting up a marketwide pool is to establish rules which will provide for the sharing of Class I sales (Class I differentials) among the producers who are an essential and regular part of the milk supply for the marketing area.

Class I prices must first be set as nearly as possible at the minimum levels which will encourage the necessary amount of milk production and the resulting returns should be distributed in such a way as to assure the market of the maximum dependable supply of quality milk which can be obtained at these prices. In order to do this, provision is made that equalization of market sales should be only to plants meeting reasonable performance standards with respect to supplying their producer milk to the market.

Performance standards should apply uniformly to all plants. Any plant, regardless of its location, should have equal opportunity to comply with the standards and thereby to participate in the marketwide pool and have its producers share in the Class I sales of the market. Any producer who meets the necessary health department requirements should be permitted, under the order, to sell his milk to plants meeting the standards of qualification. Whether or not plants and producers choose to supply the Texas Panhandle market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs, and alternative outlets.

Performance standards should be such that any plant which has as its major function the supplying of milk to the market would pool its sales and share in the marketwide equalization. On the other hand, plants only casually, or incidentally, associated with the market should not be subject to complete regulation, nor should they be permitted or required to equalize their sales with all handlers in the market. If a milk plant were to be permitted to share on a prorata basis the Class I utilization of the entire market without being genuinely associated with the market, then the premiums or differentials paid by users of Class I milk would be dissipated without accomplishing their intended purpose. If a plant were to be qualified and fully regulated merely by making a token shipment of milk or cream into the market for sale as Class I milk, then any milk plant which found itself in a position where it was selling a smaller share of its milk in Class I than the average for all regulated handlers might make such shipment and receive equalization payments from the pool. The only qualification such a plant would be required to meet would be compliance with

the necessary health department standards.

The mere circumstance of having obtained health department approval, plus the token shipment of milk, is not sufficient justification for equalizing the sales of such plant with the market. There are many plants having milk of suitable quality for sale in the marketing area which are in no way, or are only incidentally, associated with the market. Different health authorities have jurisdiction in various parts of the marketing area. In the absence of performance standards, approval by any one of these authorities or reciprocal acceptance of permits by them would entitle a plant to participate in the equalization pool. A health officer gives his approval to a plant in terms of sanitary consideration. There is no reason to think that he would make his determination of approval only on the economic bases contemplated by the Agricultural Marketing Agreement Act of 1937. Consequently, the standards appropriate to the act for determining pool plant qualification must be set out in the order.

Since reserve milk is an essential part of any fluid milk business there will always be some excess milk in the plants of handlers supplying other markets This will be particularly true in the months of flush production. Plants selling primarily to other markets, or plants shipping milk on an opportunity basis to any market where supplies happen to be short, do not represent sources of milk on which the Texas Panhandle market may depend. If such plants were allowed to sell a token quantity of milk in the marketing area and pool their surplus whenever Class I outlets were not available to them, the result would be that such handler could gain an advantage in paying producers through receipt of equalization payments from the Texas Panhandle pool.

The Texas Panhandle market, however, would gain no advantage from the payment of equalization to such a handler. Such a distribution of equalization payments would, in fact, reduce the blend price to producers regularly supplying the market, thereby having an adverse effect on the milk supplies upon which the market depends. This could result in the need for higher Class I prices than would otherwise be required to supply the market adequately.

Performance standards must be flexible enough to allow a plant which is primarily associated with the market to maintain its association with the pool under the changing conditions which occur from year to year, and yet not permit the distribution of equalization payments to plants not part of the essential supply. The performance standards herein provided are such that these objectives should be accomplished.

Because of the difference in marketing practices and in demands for supply of milk from distributing plants as related to supply plants, two sets of performance standards have been provided. A "distributing plant" under the order would be defined as a plant in which milk is processed or packaged and from which any fluid milk product (as hereinafter defined) is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area. "Supply plant" would be defined to mean a plant (except a distributing plant) from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant which is qualified as a pool plant.

In order to qualify as a pool plant, a distributing plant should be required to distribute at least 15 percent of its milk from producers and other pool plants during the month as Class I milk on retail or wholesale routes to outlets in the marketing area.

A distributing plant having more than 85 percent of its business outside the marketing area or in other outlets should not be considered as essentially associated with the market. It is not considered advisable to bring such a plant under full regulation because of the minor share of its business which is in the marketing area. Full regulation in such case would not be necessary to accomplish the purposes of the order, and might well place such plant at a competitive disadvantage in relation to its competitors in supplying the unregulated market.

Such a minimum is necessary also to avoid the possibility that a plant otherwise not associated with the market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market, by means of minor sales in the marketing area.

It is contemplated that only plants primarily engaged in route distributions of fluid milk products should be qualified as pool plants under this definition. In order to preserve this distinction, a further condition is placed on distributing plants that their total distribution of Class I milk on routes to wholesale or retail outlets, both inside and outside the marketing area, must amount to at least 50 percent of their receipts during the month of milk from dairy farmers and from other plants. Any plant which does not qualify on this basis should be deemed to be primarily a supply plant and its status under the pool should be judged by the standards applied to such plants.

Evidence in the record indicates that most plants doing business in the marketing area dispose of their milk in such a way as to exceed by a considerable margin the minimum performance standards necessary to qualify as pool plants. There may be plants supplying milk to the marketing area which would not qualify for pool status. Such plants would be subject to payments hereinafter discussed if they are not fully subject to regulation.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that the Texas Panhandle market is a deficit market in that producer milk is not adequate on an annual basis for the needs of the market. Throughout most months of the year distributors in the market have needed all of the milk available from producers in order to keep their Class I outlets fully supplied. In order to assure that all the producer milk which is pooled with the market will be available for Class I, supply plant standards should be set at levels which require that the milk will be available. If conditions in the market should change so that Class I outlets are adequately supplied with producer milk and the percentage standards herein recommended are not necessary to assure the availability of such producer milk for Class I sales, the recommended standards should be subject to further review.

Under present circumstances it is concluded that a supply plant should dispose of at least 50 percent of its receipts of milk from dairy farmers in any month in the form of supplemental supplies of fluid milk products, as hereinafter defined, shipped to distributing plants in order to qualify for pool plant status. Unless more than half of the milk from such plant is disposed of in this manner, a supply plant should not under the present conditions in the Texas Panhandle market be considered as primarily associated with the regulated market.

It is recognized, however, that the demand for milk from supply plants may vary seasonally and will be greatest during the season of low production. For sustained periods during the months of flush production supplies of milk received at plants located in or near the marketing area may be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the most distant milk in the country for manufacture, and use local supplies for Class I use. The performance provisions should not force milk to be transported to distributing plants in the summertime where it must be manufactured in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant may maintain pool plant status throughout the year if it supplies a substantial portion of its producer milk to distributing plants during the months when milk production tends to be lowest. The proposed standards require that a supply plant provide distributing plants with milk to the extent of 75 percent of its producer milk receipts during the months of September through November to maintain automatic pool status for the months of March through June.

Any distributing plant or supply plant which does not meet the standards for a pool plant should be required to file reports and submit to audits by the market administrator to verify the status of such plant.

Some handlers in the market receive milk from both Grade A and ungraded producers. Where such an operation takes place, it is generally the practice of the handler to maintain the ungraded operation physically apart from that of his Grade A operation. Several of the ungraded operations of such dual plants have historically been associated with the market as important outlets for reserve supplies of milk during the months of seasonally high production. These plants receive such reserve supplies not only from the Grade A operations of the handler operating such ungraded plants but also from other Grade A plants in the market. The handler who operates an ungraded plant which is in the adjoining or same building as his Grade A plant should not be restricted in the operation of his ungraded plant to any greater degree than the operator of any other ungraded plant. However, proper safeguards should be provided in the order to insure that the ungraded and graded portions of a plant operated by the same handler are maintained as separate entities. It is concluded therefore, that if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it should not be considered a part of a pool plant. However, if the graded and ungraded operations of a plant are not maintained separately, the entire operation of such plant would be considered as that of a pool plant, and all ungraded milk received at such plant would be considered as other source milk received at a pool plant.

Some milk that is distributed in the marketing area is from plants which are fully subject to the classification, pricing and pooling provisions of other Federal milk marketing orders. It is not necessary to extend full regulation under this order to such plants which dispose of a major portion of their receipts in another area and are subject to such regulation. To do so would subject such plants to duplicate regulation. However, in order that the market administrator may be fully apprised of the continuing status of such a plant, the operator thereof should, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

Handler. Handler should be defined as any person in his capacity as the operator of one or more distributing or supply plants. The definition should also include any cooperative association with respect to the milk from producers diverted for the account of such association from a pool plant to a nonpool plant.

The handler is the person who receives milk from producers and who is responsible for reporting receipts and utilization of milk and payment therefor. A cooperative association which markets the milk of its producer members may for short periods of time need to divert producers' milk from pool plants to nonpool plants. If the association is defined as a handler for such milk, even though it has no plant, the producers whose milk is so diverted will continue to receive the uniform prices under the order and their milk production will be available for fluid use when needed in the fall months or at other times.

In case a person operates more than one pool plant, he should be a handler with respect to the combined operation of such plants. If the handler operates a plant not associated with the regulatory market, he would not be a handler with respect to such plant.

Producer-handlers and operators of distributing plants and supply plants which do not qualify as pool plants should be considered handlers in order to require such persons to report to the market administrator as is needed to determine their status. With regard to distributing plants, which are nonpool plants, such reports also are necessary to determine the amount payable by the operator of such plant on unpriced milk distributed in the marketing area.

Producer. Producer should be defined as any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority and such milk is received at a pool plant.

When producer milk is not needed in the market for Class I purposes, the movement of such milk to nonpool plants for manufacturing purposes should be facilitated. Allowing for unlimited diversion during those months when reserve supplies of milk are heaviest will contribute to this end. Unlimited diversion is neither necessary nor desirable during the other months of the year when milk of producers regularly associated with the market is needed to supply the Class I needs of the market. It is necessary, however, to provide for limited diversion during such months to enable handlers to divert producer milk on such occasions as weekends or holidays when the milk is not needed in the market for Class I purposes.

Provision should be made so that the milk of producers regularly received at a pool plant may be diverted for the account of a handler to a nonpool plant any day during the flush production months and on not more than 15 days during any other months and still retain producer milk status under the order. Diverted milk shall be deemed to have been received at the plant from which it was diverted.

Producer-handler. Producer-handler should be defined as any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers. The order is not intended to establish minimum prices for such operators, but they should be required to make reports to the market administrator. Such reports are necessary to make a determination as to whether the operator is a producer-handler and to facilitate accounting with respect to transfer of milk from other handlers.

Classification provisions of the proposed order should provide that any milk, skim milk, or cream transferred by a handler to a producer-handler will be Class I milk. Any supplemental supplies of milk which may be obtained from other handlers may, by virtue of the type of operation involved, be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from other handlers and still maintain his status as a producer-handler. Pursuant to the proposed order, any milk which a handler receives from a producer-handler would be other source milk and would, therefore, be allocated to the lowest class utilization at the pool plant(s) of a handler after the allocation of shrinkage on producer milk. Milk disposed of to another handler by a producer-handler must be presumed to be surplus to the operation of the producer-handler.

Fluid milk product. Fluid milk product should be defined as milk, skim milk, buttermilk, milk drinks, cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated products, eggnog, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). The items designated as fluid milk products pursuant to this definition are those products which when disposed of by handlers are considered as Class I milk.

Other source milk. Other source milk should be defined as all skim milk and butterfat contained in fluid milk products utilized by the handler in his operations except milk received from producers and fluid milk products received from other pool plants. Thus, other source milk would represent skim milk and butterfat which may not be subject to the pricing provisions of this order. It will include all milk products from plants other than pool plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It will include those manufactured products from a plant's own production which are made and are reprocessed or converted into another product during the same or a later month.

(b) *Classification of milk.* Milk and milk products received by handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, such skim milk and butterfat was used or disposed of as either Class I milk or Class II milk.

Under an order, only producer milk is priced. Milk is received, however, at pool plants directly from producers, from other handlers and from other sources. Milk from all of these sources is intermingled in handlers' plants. It is necessary, therefore, to classify all receipts of milk to afford a means to establish the classification of producer milk and apply the classified price plan.

The products which should be included in Class I milk are those required by health authorities in the marketing area to be obtained from milk or milk products from approved "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products somewhat above the ungraded or manufacturing milk price. This higher price should be at such a level that it will yield a blend price to producers that will encourage production of enough milk to meet market needs.

Excess milk not needed seasonally or at other times for Class I use must be

disposed of for manufactured products. These products are less perishable and must be sold in competition with products made from ungraded milk. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

In accordance with these standards, Class I milk should comprise all skim milk (including concentrated and reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream, and any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, eggnog, ice cream mixes, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers); and skim milk and butterfat not accounted for as Class II milk.

Class I products which contain concentrated skim milk solids such as skim milk drinks to which extra solids have been added or concentrated whole milk disposed of for fluid use, would be included under the Class I milk definition. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed cans would not be considered as concentrated milk.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. Included as Class II milk are products such as ice cream, ice cream mix and other frozen desserts and mixes; aerated cream products and eggnog; butter, cheese, including cottage cheese; evaporated and condensed milk (plain and sweetened); nonfat dry milk solids; dry whole milk; condensed or dry buttermilk; and any other products not specified as Class I milk. The health ordinances applicable in the marketing area do not require that these products be made from approved milk.

Cream which is placed in storage and frozen should be classified as Class II milk. Such cream is intended primarily for use in ice cream and ice cream mixes. Any frozen cream or other Class II products which are used later in a pool plant would be considered as other source milk at the time of such use and assigned to the lowest price utilization in the plant. The skim milk and butterfat in any fluid milk product which is disposed of and used for livestock feed should be classified as Class II milk.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. The accounting procedure will be facilitated by providing that month-end inventories of all fluid milk products be classified in Class II milk, regardless of whether such products are held in bulk or in packages. Inventories of such products on hand will then be subtracted under the proposed allocation procedure from any available Class II milk in the following month. The higher use value of any fluid milk products in inventory which are allocated to Class I milk in the following month should be reflected in returns to producers. The mechanics of the attached order provide for the reclassification of inventories on that basis.

Inventories of products designated as Class I milk on hand at a pool plant at the beginning of any month during which such plant becomes a pool plant for the first time should likewise be allocated to any available Class II utilization of the plant during the month. This will preserve the priority of assignment of current producer receipts to current Class I use.

Shrinkage should be determined by subtracting from the total pounds of skim milk and butterfat received by the handler his total established utilization of skim milk and butterfat, respectively. Shrinkage not in excess of 2 percent of the handler's receipts of producer and other source milk should be prorated between producer and other source milk on the basis of the pounds received from each source. None of the shrinkage should be assigned to milk received from other pool plants because shrinkage on such milk will be allowed to the transferring handler. A plant which is operated in a reasonably efficient manner, and for which complete and accurate records of receipts and utilization are maintained, should have total shrinkage of less than 2 percent of total receipts. It is concluded that shrinkage which is not more than 2 percent of total receipts of producer milk and other source milk should be classified as Class II milk and any shrinkage in excess of this quantity should be classified as Class I milk.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from producers, and therefore should be classified separately according to their separate uses. The skim milk and butterfat content of milk products received and disposed of by a handler, can be determined through certain testing procedures. Some of these products, such as ice cream and condensed products, present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable, in the case of such products, to provide an acceptable means of ascertaining the amount of skim milk and butterfat contained in, or used to produce, these products. This may be accomplished through the use of adequate plant records made available to the market administrator or by means of standard conversion factors of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any concentrated milk product such as condensed milk or nonfat dry milk solids should be based on the pounds of milk or skim milk required to produce such product.

Butterfat and skim milk used to produce Class II products should be considered to be disposed of when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of any product including products in Class I milk should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from producers should be responsible for establishing the classification of, and making payment to producers for, such milk. Fixing responsibility in this manner is a practice which is consistently followed in regulated markets and is necessary to effectively administer the provisions of the order. The operator of a plant at which milk is first received from producers is the person with whom contractual relations have been made by producers or their representatives. It would be unreasonable to expect producers to look elsewhere for payment for their deliveries. Moreover, producers would be without adequate protection if the order did not prescribe specifically which handler shall be responsible for the classification and payment of their milk. Except for such limited quantities of shrinkage, which under certain conditions (as set forth elsewhere in this decision) may be classified in Class II, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use. It is necessary to place the burden of proof on the handler to establish the utilization of any milk as other than Class I.

Transfers. Classification of butterfat and skim milk used in the production of Class II milk items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, some Class I items may be disposed of to other plants for Class II use. Classification of any product so transferred to another plant should, under certain circumstances, be determined according to its utilization in the plant to which transferred.

Milk, skim milk, cream, or other fluid milk products transferred by a handler to the pool plant of another handler, except that of a producer-handler, should be classified as Class I milk unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II milk. However, sufficient Class II utilization must be available at the transferee-plant for such assignment after prior allocation of shrinkage and other source milk. On the other hand, if the transferring handler had other source milk during the month, the assignment of fluid milk products transferred to another plant to the Class I utilization of such plant should be limited so that other source milk in the transferring handler's plant will not be allocated to Class I milk while producer milk is allocated to Class II milk in the transferee-handler's plant.

Milk, skim milk and cream disposed of to a nonpool plant, including milk which is diverted (sent directly to the nonpool plant from the producer's farm) should be classified as Class I milk, unless certain conditions are met. The operator of the nonpool plant, if requested, must make his books and records available to the market administrator for the purpose of verifying the receipt and utilization of milk in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to effectuate the clarification procedure and assure that producer milk will be paid for in accordance with its utilization. In order to classify such diversions as Class II milk the fluid milk products disposed of from the receiving nonpool plant should not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers directly supplying such plant. This recognizes the principle that is incorporated in this order that the dairy farmers regularly supplying such a plant should have prior claim to supply the milk for fluid distribution in this market and at the same time assures that producer milk which is diverted for Class I use will be paid for accordingly. The provision for classifying milk, skim milk or cream as Class II milk should not be extended to include milk transferred to nonpool plants located more than 300 miles from the nearest point in the marketing area. The area thus described is adequate to dispose of reserve milk for Class II uses. Fluid milk products moving greater distances are normally for Class I uses.

When milk or skim milk in bulk has been transferred or diverted to a nonpool plant located not more than 300 miles from the nearest point in the marketing area, the market administrator is required to verify the utilization claimed by such nonpool plant. It may reasonably be expected that the market administrator will be able to make such verification within such "surplus disposal area" without incurring undue expense. It would not, however, be administratively feasible or otherwise justifiable to have a surplus disposal area of unlimited expanse or to cover a geographical area which is larger than that provided herein. Making such provision might well tend to make unreasonable demands on the market administrator in connection with the verification of occasional or irregular shipments to nonpool plants located beyond the area wherein Texas Panhandle handlers normally dispose of reserve supplies of milk for Class II purposes.

As stated elsewhere in this decision, any fluid milk product transferred to a producer-handler should be classified in Class I and should not be subject to reclassification.

Allocation. The order class prices apply only to producer milk. It is necessary, therefore, if a plant has butterfat or skim milk other than that received in milk from producers, to determine the quantities of milk in each class to be assigned to producers. It is recognized that some supplemental milk may be needed when supplies are short in the Texas Panhandle market.

Other source milk from unregulated sources should be assigned to Class II milk first. The plants supplying such milk may not have purchased such milk from dairy farmers on a classification and use basis and it is not feasible to determine this or other conditions of sale. There is no assurance that such milk would not be used to displace producer milk in Class I to the advantage of the purchasing handler.

The milk of producers who are primarily engaged in supplying the Texas Panhandle market, however, should be given priority in the assignment to the Class I utilization at regulated plants. This is necessary to insure the stability of the classified pricing program of the order. If the order permitted handlers to obtain other source milk whenever it was advantageous to do so for Class I use while producer milk in the plant was utilized in Class II, the order would not be effective in carrying out the purpose of the act. Also, the market would be deprived of a dependable supply of milk. Much of the supplemental milk has in the past been brought in from other Federal order markets. Handlers bringing in such milk have assisted the market in keeping Class I outlets fully supplied.

When such supplemental milk is actually needed and is obtained under conditions which assure that it was paid for at Class I prices under another Federal order, a more limited priority of assignment to Class I should be permitted under the order. Provision should be made, therefore, that 5 percent of producer milk may be assigned to Class II before any assignment of Federally regulated other source milk to such class. This will permit a handler whose producer milk supplies run short to bring in milk from other Federal markets and have it assigned to Class I, even though he has a small amount of reserve milk in his plant. Such other source milk will be assigned to any Class II milk in excess of 5 percent of producer milk. This is necessary to assure producers that no more than the necessary reserve supplies will be allocated to Class II use when milk is imported from other regulated markets.

If, after making the various assignments of skim milk and butterfat pursuant to the allocation provisions of the order, the total of all Class I and Class II milk assigned to producer milk exceeds the amount of producer milk reported to have been received by the handler for whose pool plant the computation is being made, such "overage" should be assigned first to the available Class II utilization and any remainder to Class I. Such overage should be paid for by the handler at the applicable class prices.

(c) *Class prices.* Class I prices should be established at a level which, in conjunction with the Class II prices hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate but not excessive supply of quality milk to meet the requirements of the marketing area. If prices remain too low, insufficient quantities of milk will be produced to assure that the Class I market will be fully supplied. Conversely, if prices are too high, production will be overstimulated and consumption curtailed. This would cause more milk to be produced than is needed to satisfy the demand for Class I milk, resulting in the development of unnecessary and uneconomic surpluses.

When milk produced locally is insufficient to meet the Class I needs of the market, supplemental supplies of Grade A milk are purchased by handlers in the marketing area from plants outside the regular supply area. Prices of this milk fluctuate to a considerable extent with the value of milk produced for manufacture. Other items which determine the prices at which such milk will be available to Texas Panhandle handlers include the cost of transporting such milk to the marketing area and the alternative outlets for such milk.

Proper recognition must be given the prices at which alternative sources of supply are available, especially since any milk plant wherever located may, by meeting the prescribed qualifications, become a pool plant under the order. It is necessary, therefore, that the Class I prices in the proposed Texas Panhandle milk marketing order should not be set at levels which will bring the cost of such milk above the cost of obtaining regular and dependable Grade A milk supplies from other areas.

The Class I price should be fixed in relation to the general level of the value of milk used to produce manufactured dairy products. To achieve this end a basic price should be adopted which will reflect this general level and to which differentials should be added to result in the appropriate Class I price. Such basic price should be the higher of (a) the average of the prices paid by the 13 "Midwestern Condenseries" or (b) a price computed on the basis of the daily quotations for 92-score butter at Chicago and the carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plants in the Chicago area.

The purpose of such basic price is to give consideration to the national economic factors underlying the price for milk and manufactured dairy products and which in turn also influence the local market prices. Prices for milk used for fluid purposes in competitive markets are related to the prices paid for milk used for manufacturing purposes. Production and marketing of milk for each type of manufacturing outlet are subject to many of the same economic factors. Since the market for most manufactured products is countrywide, prices of manufactured dairy products reflect, to a large extent, changes in general economic conditions affecting the supply and demand for milk. For these reasons, fluid milk markets have used butter, nonfat dry milk solids, and cheese prices, or the prices paid by condenseries with differentials over these basic or manufacturing prices to establish fluid milk prices. These differentials are needed to cover the cost of meeting quality requirements in the production of market milk, transportation costs to the fluid market, and to furnish the necessary incentive to get such milk produced.

The basic formula proposed herein is similar to that used in many other Federally regulated markets and the price resulting therefrom will usually be the same as or will closely approximate the

basic formula price which is applicable in determining the Class I price in the various Federal orders in the Southwest. The price computed under the formula would have averaged $3.47 for 1954. The differential to be added to this basic price in determining the Class I price would be applicable to all skim milk and butterfat included in the Class I definition of the proposed order. Consequently, the total quantities of producer milk classified in Class I under the order may be significantly greater than the quantities of producer milk now allocated to Class I under the various classification schemes now in effect in the market. It is concluded that the differentials to be added to the basic formula price should be $1.85 for the months of March through June and $2.15 for all other months.

The seasonality of the Class I differential herein proposed—30 cents less in March through June than in other months—gives greater incentive to the production of milk for the market in those months when it is needed for Class I purposes. It also serves to provide price changes more nearly in accord with seasonal price changes in other markets both regulated and unregulated.

The average Class I milk price which would have been provided under the proposed formula for the year 1954 is $5.55. The prices paid producers at the time of the hearing by the two principal handlers in the market for base or "Class I milk" of four percent butterfat content delivered to their plants in Amarillo were $5.55 and $5.58, respectively. It was indicated at the hearing that these prices are representative of the Class I or base prices paid by the other handlers in the market at their plants in the marketing area.

Evidence at the hearing indicated that eight handlers receiving milk from approximately 500 Grade A producers would be fully subject to regulation under the order. Detailed information relative to the combined receipts and Class I disposition of six of these handlers for the year 1954 was presented at the hearing. These six handlers, who receive milk from approximately five-sixths of the producers on the market, distribute Class I milk throughout the marketing area from plants in Amarillo, Borger, and Pampa. Producer deliveries of raw milk to the plants of these handlers in 1954 totaled 81.5 million pounds, and Class I disposition from these plants in the same period was 77.5 million pounds.

Producers proposed a Class I differential of $2.25 compared with the average monthly differential of $2.05 which is provided in the attached order. Prices paid their producers by handlers in nearby markets must be considered in establishing the Class I price under the Texas Panhandle order. Handlers who would be regulated by the proposed order compete for business in some areas with handlers regulated by other Federal orders. In addition, substantial quantities of milk are at times moved into the market from plants subject to such other orders. In 1954 supplemental supplies of milk for Class I purposes were purchased by local handlers from plants under the Oklahoma City, North Texas, Ozarks (Springfield, Missouri), and Chicago Federal orders.

In the absence of regulation, the value of Grade A milk f. o. b. the marketing area is not greater than the price of such milk in the nearest major production area from which substantial quantities of milk are available plus the cost of transporting the milk to the market. More supplemental supplies of milk in 1954 were moved to the Texas Panhandle market from the Producers' Creamery Company plant at Springfield, Missouri, than from any other source. The Springfield plant is in the Ozarks marketing area and the Class I differentials under that order range from 63 cents for the months of April, May and June to $1.08 for the 3 fall months of lowest production. The average monthly Class I differential applicable under the Ozarks order at Springfield is 78 cents. The cost of moving milk the 580 miles from Springfield to Amarillo in tank trucks of 27,500 pound capacity is $1.02 per hundredweight. This transportation cost plus the average Class I differential under the Ozark order is 25 cents less than the average Class I differential of $2.05 which is provided in the attached order. The margin of 25 cents per hundredweight is less than is customarily charged as a receiving, cooling and handling allowance on milk moved from Springfield to the Texas Panhandle marketing area.

The Class I price under the Federal order for the North Texas marketing area is widely accepted and used as a basis for determining the Class I prices in various other milk marketing areas throughout Texas. Large quantities of milk throughout the State are sold on the basis of the North Texas Class I price, and some of this milk is distributed in competition with milk from the plants of Texas Panhandle handlers. The average monthly Class I differential under the North Texas order is $2.13. Dallas, which is the largest city in the North Texas marketing area, is 361 miles southeast of Amarillo.

Several handlers who would be subject to th Texas Panhandle order distribute milk at some points outside the marketing area in competition with a handler subject to the Central West Texas order. The applicable Class I price under the Central West Texas order at two of the principal cities in that marketing area, Abilene and Midland, is the North Texas Class I price plus 25 and 45 cents, respectively. Midland is 260 miles directly south of Amarillo. Abilene, which is 146 miles east of Midland, is 270 miles from Amarillo.

Reference at the hearing was made to the competition from milk priced under the Southwest Kansas order. Dodge City, Kansas, which is the largest city in the Southwest Kansas marketing area, is 244 miles north of Amarillo. There was no evidence at the hearing to indicate an overlapping of the production areas for that market and for the Texas Panhandle market. On the distribution side, a Dodge City handler distributes a relatively small quantity of milk in several communities near the northern boundary of the proposed marketing area.

The Class I differential under the Southwest Kansas order is $1.65. After giving consideration to the transportation costs, handlers under the Southwest Kansas order would have no advantage in competing with local handlers for sales in the Texas Panhandle marketing area, and local handlers would have no incentive to replace producer milk with bulk tank shipments from plants under the Southwest Kansas order. The average monthly differential of 40 cents by which the Class I differential under the Texas Panhandle order exceeds that of the Southwest Kansas order will provide a relationship of prices which is economically sound. This is also very near the historical relationship of prices between the two markets.

Consideration at the hearing was given to making provision in the order for adjusting the Class I price upward or downward each month as supplies of producer milk changed in relation to the demand for Class I milk in the market. A supply-demand adjustment provision in the order to reflect such changing conditions could be helpful in providing proper price adjustments within the market and a proper price relationship between the Texas Panhandle market and other markets.

It was contended at the hearing that any supply-demand formula which would be provided in the order should not be made effective until the order has been in operation for at least 12 months. It would not be feasible to make provision in the order on the basis of the information now available for a supply-demand formula to become effective a year after the inception of the order. It was evident at the hearing that adequate data were not available which would serve as a proper basis to formulate an appropriate supply-demand adjustment provision. Such a provision could be better formulated after the order had been in effect for a reasonable period of time and the necessary detailed statistical data were available.

It is concluded, therefore, that a supply-demand adjustment provision should not be incorporated in the order at the present time. However, such a provision should be given consideration at an amendment hearing at such a time after adequate experience in the operation of the order has been realized and the statistical data necessary for its proper formulation are available. At such a hearing it would be timely and appropriate to review in a detailed manner the Class I pricing formula which is herein provided. Provision is made therefore that the Class I pricing formula in the attached order shall not be effective beyond August 31, 1957. Such a provision would insure a reappraisal of the level of the Class I price and the components used in its determination within a reasonable period after the order became effective.

The Class I price should be announced by the fifth day of the month. In order to do this, it is necessary to use price quotations for the preceding month in calculating the basic formula price.

Class II price. Some milk in excess of Class I requirements is necessary in order to maintain an adequate supply of fluid milk for the market on an annual basis. The Class II price for such excess milk should be maintained at the highest level consistent with facilitating its movement to manufacturing outlets when it is not needed in the market for Class I purposes. The Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

Most handlers in the proposed area have extremely limited facilities for handling any milk above that needed for their day to day fluid operations. A few handlers manufacture such by-products as cottage cheese and ice cream mix for the needs of their own trade. However, most milk not needed for fluid distribution in the market must be transferred or diverted from the plant at which it is usually received to a plant having adequate manufacturing facilities.

During the spring months of heavy production producer milk which is not needed by handlers is moved to manufacturing plants after being received by the handler or is diverted directly to the manufacturing plant for the account of the handler. Returns to producers for such milk have been that which the handler realized in its sale to the manufacturing plant. Payments to producers at other times for "overbase" milk which was utilized or disposed of for manufacturing purposes followed no consistent pattern.

Prices paid by manufacturing plants may differ because of changes in the relative prices of the products which they manufacture. Handlers will dispose of excess milk to those plants which are paying the highest price at the time of such disposal. Because of small volume and inefficient means of handling, it is possible that some handlers may, at times, incur losses in handling their necessary reserve supply of milk. The handling of such reserve milk is incidental, however, to the handling of fluid milk.

The pricing of milk in the months of flush production should be at the rate at which milk produced for the market will be handled so that such seasonal reserves will not disrupt the orderly marketing of milk. The level of such pricing should not be below that paid for ungraded milk, since such pay prices represent the lowest value in the milkshed for milk for manufacturing purposes. Handlers who need and desire the entire output of producers during periods of short supply should assume the responsibility of paying producers at least the competitive manufacturing prices for Class II milk throughout the months of flush production. During the months of short production, a higher level of prices for Class II milk should be provided in the order so as to encourage the transfer or allocation of the available supplies of milk from manufacturing uses to fluid uses.

The Class II price for the months of March through June should be the average of the prices paid for milk received from dairy farmers by selected manufacturing plants in the area. The four such plants whose pay prices should be so used are Plains Creamery, Arnett, Oklahoma; Price Creamery, Portales, New Mexico; Quint County Creamery, Mangum, Oklahoma; and Swisher County Creamery, Tulia, Texas. These plants are the principal buyers of ungraded milk in the milkshed of the proposed marketing area.

For each of the months of July through February the Class II price should be the higher of either the price computed pursuant to a butter-nonfat solids formula which will reflect changes in manufactured product values in the general area; or the average of the prices paid by the four local manufacturing plants.

For the year 1954, the Class II price herein proposed for milk containing 4 percent butterfat would have averaged $3.26 per hundredweight. The comparable average price paid by the four local manufacturing plants during the same period was $2.93. However, during those months when the quantity of Class II milk on the market is largest, March through June, the Class II price (based on the paying price of the four local manufacturing plants) would have averaged $2.88 in 1954.

Provision is made in the attached order to permit a handler to divert directly to manufacturing plants any milk not needed in his own operations. Handlers who need and desire the entire output of producers during periods of short supply should assume the responsibility of paying producers at least the competitive manufacturing prices for Class II milk throughout the year.

Butterfat differentials. As pointed out previously herein, it is concluded that butterfat and skim milk should be accounted for separately for classification purposes. It will be necessary, therefore, to adjust Class I and Class II prices of milk in accordance with the average test of milk in each class by a butterfat differential which will reflect differences in value due to variations in the butterfat content of each product. The values resulting from multiplying the average price of 92-score butter at Chicago by 0.120 for Class I milk and by 0.110 for Class II milk will provide an appropriate basis for adjusting such prices in this market. The use of butter prices in this manner will reflect changes in the central market prices of butterfat and follows standard practices in most fluid milk markets for adjusting for butterfat variations. The basing point from which such adjustments are made should be 4.0 percent butterfat. This is the basis now used in the Texas Panhandle marketing area.

In order that the Class I butterfat differential may be announced early each month, it is provided that the Class I differential be based on the average price of butter in the preceding month. This will permit the announcement of the Class I differential at the same time that the Class I price is announced.

Class II prices and butterfat differentials will not be announced until after the end of the month. Although handlers will not know the exact cost of such milk as it is utilized, they will know that their cost will tend to follow movements in daily or weekly dairy product prices and in any event the cost of milk of their principal competitors for manufactured product outlets.

The butterfat differential used in making payments to producers should be calculated at the average of the return actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sale value of their butterfat at the class prices provided in the order. The producer butterfat differential in no way affects the handlers' cost of milk but merely prorates returns among producers whose milk differs in butterfat test.

It was indicated at the hearing that the average test of producer receipts exceeds that of Class I sales. The butterfat differentials recommended herein for Class I and Class II milk should tend to encourage the production of milk with a fat test more in line with the fat requirements of the market.

Location differentials. It was proposed at the hearing that handlers be allowed a location differential with respect to milk moved from a receiving plant to a processing plant.

The record discloses that some of the milk normally supplied to the marketing area is received by handlers at a distance from the plant which processes and distributes the milk. In addition, some of the milk is brought to the marketing area in packaged form.

It is customary for handlers to pay producers delivering milk to country receiving stations a lesser price per hundredweight than is paid producers delivering directly to bottling plants. To the extent that this represents a lower price because of the location of the milk, such difference in value should be recognized under the order. Location differentials should be included in the pricing arrangements to recognize differences in the value of producer milk in relation to its location with respect to the market.

The principal supply plant to which the location differential herein provided would be applicable is at Arnett, Oklahoma, 150 to 155 miles from Amarillo. Milk is received at this plant from approximately 100 Grade A producers and is moved by the handler in tank trucks to his processing plant in Amarillo. At such times that this milk is not needed by the handler in Amarillo for Class I purposes it is utilized by the handler in his ungraded operation at Arnett or otherwise dispose of for manufacturing purposes.

Producers delivering to the Arnett plant are paid 75 cents per hundredweight less than producers delivering directly to the same handler's plant in Amarillo. The handler proposed that the 75-cent rate be incorporated in the order as an appropriate location differential on milk received at the Arnett plant. He contended that although this

amount is greater than the actual cost of moving the milk from Arnett to Amarillo, such charge is necessary in order to compensate him for having established, and to enable him to continue to maintain, the receiving station facilities at that location. In addition, he contended that incorporation of the 75-cent rate within the framework of the order is justified since that is the rate which has been maintained for some time.

Various suggestions were made at the hearing relative to location differentials other than the 75-cent rate proposed by the handler. One of these would provide a location differential of 35 cents applicable to the Arnett plant and not otherwise make any provision for a location differential in the order. Another proposal would use as a basis for a location differential the rates prescribed by the Railroad Commission of Texas on intrastate shipments of milk in bulk tank trucks by regulated carriers. For a 150 to 155-mile haul, the distance from Arnett to Amarillo, the rate fixed by the Commission is 50 to 52 cents per hundredweight. The rates for the same distance charged by the Dairyland Transport Corporation, Springfield, Missouri, a company specializing in hauling milk and milk products in tank trucks, are 29 to 31 cents per hundredweight.

Producers shipping to the Arnett plant are an integral part of the supply for the Texas Panhandle market. If this plant were closed as a receiving station for the Amarillo market, producers would be required to ship directly to Amarillo or to find another market for their Grade A milk. It was not shown that such other markets are readily available to these producers. Neither was it shown that it would be more practicable for the producers now shipping to Arnett to ship directly to the handler's plant in Amarillo.

In view of the above stated considerations, the Class I price at a pool plant should be reduced by 35 cents per hundredweight of milk for the first 100 miles and by 1.6 cents per hundredweight of milk for each additional 10 miles or fraction thereof that such plant is from the primary center of consumption of the proposed area. The City Hall of Amarillo, Texas, affords the most appropriate point in the marketing area for the market administrator to determine the rates applicable at such plants.

The location differential which is provided in the attached order is economically sound and will be equitable to all handlers wherever located. The proposed rates are representative of the cost of hauling milk by an efficient means to the market. To make provision in the Texas Panhandle order for a location differential the applicability of which would be limited to one and only one plant or to provide a differential predicated solely on the historical experience of one plant in the market without giving consideration to all other relevant factors would be neither feasible nor justifiable.

Prices paid producers supplying plants to which location differentials apply should be reduced to reflect the lower value of such milk f. o. b. the point to which delivered.

No adjustment should be made in the Class II price because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with the location of the plant receiving the milk. This is true because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices paid for ungraded milk received at various sections of the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk in the most advantageous possible manner. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk. To do otherwise would remove part of the incentive for keeping handling costs at a minimum. To insure that milk will not be moved unnecessarily at the expense of producers under the marketwide pool, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that any milk transferred be assigned to any Class II use remaining in the transferee plant after a maximum assignment of 5 percent of the direct producer receipts to Class II milk at such plant.

Payments on unpriced milk. The order should provide that payments be made into the producer settlement fund of the marketwide pool with respect to milk not priced under the order which is allocated to Class I milk in a pool plant.

Testimony at the hearing indicated that substantial quantities of milk which would not be subject to the pricing provisions of the Texas Panhandle order are being sold in the proposed marketing area. Without the payment provisions on unpriced milk which are herein provided the sale of such milk in the marketing area would seriously jeopardize the successful operation of the classified pricing provisions of the order.

Receipts of milk in excess of actual Class I disposition is necessary to operate a fluid milk business. Because of seasonal fluctuations in production not matched by seasonal changes in consumption, this excess is particularly large in certain months of the year. Such excess or reserve milk is surplus to the fluid operation, and can be marketed only in manufactured form in competition with products made from ungraded milk produced in the major low cost dairying areas of the United States. Thus, such reserve milk yields a considerably lower return than is necessary to sustain graded milk production in the Texas Panhandle milkshed. Likewise, it yields a lower price than would be necessary to purchase graded milk on a regular basis in other supply areas and pay the cost of transportation to the Texas Panhandle marketing area.

The existence of this reserve Grade A milk, which must be marketed at a lower price, is the primary cause of the instability which may affect all fluid milk markets. If a handler is able to use milk he purchases at Class II prices for Class I use, he stands to gain advantage, but in so doing he demoralizes the Class I market price.

One of the paramount reasons why regulation of prices is considered necessary in the Texas Panhandle market is to insure that the position of handlers paying producers a Class I price for fluid milk will not be undermined by other handlers using the market's excess or surplus producer milk for Class I use. It is equally important that the Class I market be protected from the use of seasonal or other excess milk from other markets as well as from its own surplus. If the order failed to provide such protection, a handler could curtail purchases of producer milk to his own advantage and secure low cost reserve supplies from other markets for Class I use.

Seasonal supplies are easily and cheaply acquired during the months of flush production when most markets are receiving milk greatly in excess of their current fluid needs. If adjacent milksheds dispose of seasonal surplus in each other's Class I markets, the result will soon be market chaos, particularly in the spring months. Class I prices would be demoralized and the rate of milk production for both markets on a permanent basis would be seriously impaired. Such marketing conditions would be contrary to the stated purpose of the act. It is necessary, therefore, in order to insure the effectiveness of the classified pricing program and to promote orderly marketing, that some measure be taken to remove the incentive which handlers have to acquire unpriced milk and undermine the Class I pricing structure.

One possible alternative would be to extend price regulation in accordance with order provisions to all milk plants which supply milk either directly or indirectly to the Texas Panhandle market. This alternative is both economically and administratively unacceptable within the framework of the proposed order. It would open the market pool to anyone who applied merely a token quantity of milk to a plant serving the marketing area. The objections to such distribution of pooled funds was discussed earlier in the decision in connection with the recommendations for standards of pool participation.

Such regulation would have the further disadvantage of being cumbersome, expensive, difficult to enforce, and it would interfere with the acquisition of needed supplemental milk supplies for the market. It would not be possible or desirable to limit the number of plants or area from which milk might be purchased. However, in order to bring such plants under regulation, it would be necessary to establish individually tailored transfer and allocation rules according to the various plant locations, markets and supplies. Milk would have to be accounted for in its disposition from these plants to its various destinations and uses to determine classification. Also, it would be necessary to ascertain sources of supply other than receipts directly from farmers and determine what priority should be given such supplies in the allocation of Class I milk. In the case of a plant which made an incidental shipment of milk, perhaps at the end of the month, or in the case of such items as storage cream, additional complications would be involved. Earlier inventories as well as sales would have to be ascertained and classified. Classification might depend upon transactions made in the past concerning which adequate records were not kept. Producer prices would be fixed for milk already purchased and sold. Required record keeping and auditing problems would be greatly multiplied with such regulation.

It is concluded that it is not feasible to price all milk which may enter the market and that provision is necessary in the order which will insure against the displacement of producer milk by such unpriced milk for the purpose of cost advantage. There is no choice as to what type of provision can be used for this purpose. The only alternative available under the order is to levy a charge against unpriced milk used in Class I to whatever extent is necessary to remove the advantage there may be in using such milk instead of priced milk from producers.

Several problems are involved in formulating the provisions for any charge or payment designed to bring about the removal of the advantage of using unregulated milk. The rate of payment for this purpose must not be so low that it will permit a handler to have temporary or permanent advantage through sale of unpriced milk as Class I in the marketing area. It should not be so high that it will penalize suppliers of unpriced milk who offer milk needed by the market and who are not in a position of gaining an unfair advantage by such sale of milk. The payment must be provided for in a manner which is administratively feasible and which does not bring about unjustified administrative inconvenience or expense.

One method for setting the rate of payment would be to ascertain the actual cost to the regulated handler of milk which he purchases from unregulated plants and charge as a compensation payment any amount by which the Class I price exceeded the cost of the unregulated milk used in Class I. Such a scheme is not sound from the standpoint of administrative feasibility and it would not necessarily remove the advantage in using unregulated milk even though it were feasible. Rates at which milk sales are billed may not represent actual cost to the purchaser. In the case of a firm which owns or controls pool plants under the proposed order as well as unregulated plants, the rate of payment from one plant to another, if any were made, would have little or no significance. If such a provision were to be adopted, the billing rate might be deliberately set in each instance at a level which would avoid any payments without regard to the value of the milk. Thus, the intended effect of this provision might be circumvented by merely adjusting the bookkeeping procedure.

A handler having no unregulated plants would no doubt find it possible to arrange a billing price on purchased milk which would avoid any compensatory payments. If a handler had the choice of paying money to the market-wide pool or to a person from whom he was buying milk, he would probably choose the latter. A kick-back arrangement or offsetting purchase and sale might readily be arranged, perhaps through a third party. Since the billing price for milk would be a self-serving figure for both parties to the transaction, it would be virtually impossible to ascertain that it represented the true cost to the purchaser.

If the stated purchase price were a true cost, it would still not fulfill the purpose of removing the advantage to unregulated milk to base compensation payments on the difference between such price and the Class I price. Sales of priced milk between regulated handlers ordinarily take place at the class price plus a handling charge. This handling charge varies according to circumstances, but represents a payment to the receiver of the milk to offset his purchasing and receiving costs, such as dumping, weighing, testing and cooling the milk, paying producers, and other costs of doing business. The cost of receiving the milk in bulk form is somewhat less than receiving it from producers. Thus, in order to remove the advantage to unregulated milk, it would be necessary to provide that the cost of bulk unregulated milk be somewhat more than the Class I price. It would be exceedingly difficult to determine what this rate should be, particularly in the case of products such as condensed skim milk and cream, where the allocation of additional processing costs among more than one end product is involved. Furthermore, the marketing agreement act does not give the Secretary express authority to enforce prices other than producer prices. This scheme for removing the advantage in using unregulated milk is rejected for these reasons.

Another suggested method is to determine the price actually paid dairy farmers by the unregulated milk dealer who first received the milk, and base the compensation payment thereon. This method has several shortcomings. The various payment plans which are used in paying farmers for milk would make the determination of pay rates to individual farmers an exceedingly difficult task. For example, unregulated milk dealers may use varying rates of butterfat differentials, different types of base rating plans, or payments based on volume of deliveries. Various devices such as these for paying farmers often make it impossible to determine actual rate of payment per hundredweight of milk. In this case as with bulk milk purchases stated prices are often illusory. The cost of the milk itself may be modified by unrealistic charges for various items of supplies and services. A milk dealer affected by such a provision might increase his producer price and increase hauling rates an offsetting amount. Whatever payment plan an unregulated milk dealer may use is a matter of his own choice and it can be changed readily. Pricing or paying arrangements he may have with farmers are not subject to regulation. Calculation of compensation payments according to this suggestion would give any affected dealer special incentive to resort to these special payment plans suggested here or others he might devise for purposes of evading payments.

The further problem of establishing the rate of payment to be required would in itself preclude use of the actual cost of the milk purchased from farmers by unregulated handlers as a basis for calculating the payment to be required. If a payment were to be required on the unregulated milk based on the difference between prices paid farmers and some other price, the unregulated handler could avoid payments by increasing his prices to farmers. This would give an unregulated handler the advantage over regulated handlers in that a regulated handler has no choice as to what he is required to pay producers nor how this money is to be distributed. Likewise, it would enable unregulated suppliers to dispose of Class I milk in the marketing area with no obligation to equalize such sales with other suppliers of the market.

Even though the rate of payment to producers for all milk might be known, it would still be impossible to ascertain the rate of payment on that portion of the milk disposed of in the marketing area. Since milk marketed outside the marketing area would represent most of the total supply in the unregulated plant, it would be necessary to determine payment for milk marketed to the various outlets. When handlers have both surplus as well as Class I milk in their plants, it is not realistic to assume that the purchase price for milk for each use is the same.

It has been suggested that in order to overcome this objection the plant of the unregulated handler be subject to audit and that the rate of compensation payment be based on the difference between the average utilization value at order prices in the unregulated plant and the average rate of payment to producers. This method would not recover the entire advantage of selling surplus milk as Class I in the marketing area. This method has not only the disadvantages associated with other schemes which assume the determination of actual pay rates to producers, but it would involve, in the case of the Texas Panhandle market, an extremely complicated and administratively impractical system of accounting and determination in such plants. The unregulated plants which are potential sources of supply of supplemental milk and milk products are numerous and widely scattered. Determination of utilization value in these plants would involve the same complications and administrative expense and difficulties as discussed earlier which would be involved in complete regulation of such plants. To make the detailed accounting necessary to establish classification, such unregulated dealers would need to maintain the same detailed records as wholly regulated handlers.

An alternative method for determining the rate of compensation payments would be to base the rate of payment on the difference between blend prices prevailing in an area and the Class I price. This method has been suggested because

it is assumed that unregulated handlers will be forced by competition to pay farmers approximately average blend prices. While this approach eliminates the need for attempting to determine actual pay rates, it could not be used without modification and still prevent the displacement of regulated milk with surplus milk from other markets at all times throughout the year. Unregulated plants, as well as regulated plants, may have some surplus milk at all times and particularly during the seasons of flush production. As a result, prices paid farmers are, in fact, blend prices made up of returns from the sale of milk in Class I outlets, as well as sales to the surplus market. If an unregulated plant were in a position to sell its surplus milk for Class I use in the marketing area and maintain its regular Class I outlets, it would have a competitive advantage over regulated handlers who found it necessary to dispose of part of their milk as surplus.

None of these suggestions presents an acceptable approach to the problem of compensation payments, to be applied to other source milk allocated to Class I in pool plants. It is necessary, therefore, to resort to a different procedure. The only sound method of dealing with this problem is one based on a recognition of the economics involved as they affect producers and handlers. This approach resolves itself primarily into a question of market values of milk.

Fully regulated handlers under the order seeking to purchase unregulated milk will naturally resort to the lowest cost source from which suitable milk is available. In fixing the rate of compensation payment, it is necessary, therefore, to determine what the lowest cost source may be and to base the payment on the difference between the cost of such milk and the cost of milk priced under the order for similar use. Milk supplies are larger in spring and summer than in fall and winter, and because of relatively constant sales of fluid milk, the excess increased production must be marketed largely as manufactured products. This outlet represents the opportunity cost of the surplus milk since it is the highest price at which the milk can otherwise be sold. It is this opportunity cost or value of such milk which would be effective in determining the price at which the unregulated plant would sell such milk.

Since considerable volumes of Grade A milk must be disposed of as surplus by various unregulated plants from which the Texas Panhandle market may obtain milk, it is evident that handlers under the order could obtain such milk at prices reflecting its value as surplus milk. In short, the actual value of seasonal or reserve milk is not the blend price paid to dairy farmers but rather the price which can be obtained for it in the market when disposed of as surplus milk.

Therefore, for the months of March through June, during which period surplus milk may be available in substantial volumes to the Texas Panhandle market from nonpool sources, the compensation payment on the receipts of other source fluid milk products which are allocated to Class I milk should be based on the difference between the minimum price of producer milk used for surplus and the applicable Class I price under the Texas Panhandle order. The Class II price established by the order is a fair and economic measure of the value of milk in surplus uses in the Texas Panhandle area.

During the months of July through February the milk supplies for the Texas Panhandle market tend to be shorter than in other seasons of the year. It is not likely that other source fluid milk products will be available to the market at surplus prices. The compensation payment during these months should be the difference between the marketing area uniform price to producers and the Class I price adjusted to the location of the plant from which such fluid milk products are supplied. The relationship between the supply of milk and the demand for milk in the Texas Panhandle market during the July through February period tends to fluctuate from year to year according to marketing conditions. These conditions will generally prevail also in surrounding markets which are potential sources of supply for unpriced milk. Thus, the rate of compensation payment based on the difference between Class I and uniform prices will adjust itself automatically in these months according to the changes in the demand for and the price of outside supplies. If supplies of producer milk are relatively plentiful, unpriced milk can be expected to be cheaper. Therefore, in order to equalize costs of milk the rate of compensation payment should be somewhat higher. On the other hand, as milk supplies in the area tend to be shorter, it is to be expected that the cost of unregulated milk will increase. Under these circumstances the rate of compensation payment will be correspondingly less.

In some instances there will be no and in all cases insignificant transportation charges per hundredweight experienced by handlers on other source milk used in the form of concentrated milk products under the skim milk equivalent basis of accounting provided for in the order. For this reason, other source milk from such products should be considered to be from a source at the location of the pool plant where it is used. In other words, the compensation payment on such other source milk derived from concentrated products, such as condensed milk or nonfat dry milk solids, which is allocated to Class I milk will be equal to the difference between the market area Class I price and the corresponding uniform blend price or Class II price, as the case may be. By following this procedure, other source milk derived from Grade A manufactured products which may be made from producer milk in handlers' plants or purchased from outside sources will be subject to identical reclassification changes. This will remove to the greatest extent that it is administratively possible, any advantage there may be in utilizing the products from unregulated sources for producer milk. It also will tend to promote the use and storage of producer milk in the form of manufactured products during periods when receipts of producer milk are greater than the Class I requirements of the market.

By choosing a rate of compensation payment which reflects the cost of the cheapest other source milk which may be expected to be available to regulated handlers, any advantage to one handler relative to the others in obtaining such cheap milk and substituting it for producer milk in Class I, is removed insofar as is administratively possible. No handler is given the clear opportunity to gain an unfair advantage over his competitors which otherwise would exist. However, if other source milk is to be purchased, the incentive for purchasing the cheapest of such milk remains, because the lower the price which a handler pays for other source milk, the lower will be his total cost of purchasing such milk. This follows from the fact that the measure of the compensation payment is an objective one and does not depend upon the particular price which the handler paid for the other source milk.

As indicated elsewhere in this decision, the process of marketwide pooling creates special incentive for milk to come into the market to gain certain advantages. Such milk would not be associated with the market in the absence of regulation.

The act requires that prices fixed under the order for milk purchased from producers or associations of producers be uniform as to all handlers, subject only to usual adjustments, such as those for butterfat content and location of the milk. The only prices fixed under the order are those for producer milk, and it is hereby determined that they are uniform as required by the act. Class prices for pool milk under the order are for raw milk as received from farmers, f. o. b. the loading platform at the plant where first received.

In calculating the payments on other source milk the Class I price must relate to and be fixed as of the point where the milk is received from farmers at the first receiving plant, so as to be properly comparable with the minimum Class I price for producer milk at that level of marketing. No allowance should be made for subsequent handling costs and profits in this farm level comparison between producer and other source milk because such costs and profits attach at stages of marketing subsequent to the basing point to which minimum Class I prices for producer milk refer. They are in no way regulated by the order with respect to producer milk. Neither the act nor the proposed order contemplates, authorizes or provides for the regulation of subsequent handling charges or profits or the establishment of uniform resale prices between handlers, whether the milk be from producers or other sources.

The compensation payments herein provided are not only incidental, but necessary to sustain the classification and pricing of milk according to its use in the market. The rates of payment specified are those which are necessary and appropriate to accomplish this purpose.

Testimony in the hearing record concerning availability of milk supplies to Texas Panhandle handlers indicates that

the rate of payment recommended here will tend to equalize the competitive position of priced and unpriced milk, and will avoid displacement of producer milk for reasons of cost. However, if experience proves that milk is available to handlers in the future at prices different than those now indicated, or that such payments otherwise interfere with the purposes of the order, then it will be necessary to reconsider the rate of compensation payment on the basis of that experience.

In addition to that other source milk which would enter the marketing area through pool plants, some nonpool milk may be distributed within the marketing area from nonpool plants. It would not be possible to stabilize the market under the classified pricing program if distribution in the marketing area of unpriced milk from nonpool plants without compensation payments were allowed. Such milk should be classified and priced the same as unpriced milk distributed through any other channels.

Handlers distributing such unpriced milk in the marketing area from nonpool distributing plants have the same opportunity to buy milk at the opportunity cost level as do the operators of pool plants who purchase other source milk. Such milk may be purchased and distributed in the marketing area. In addition, however, the operator of the nonpool plant in all probability has surplus milk in his own plant which he would want to dispose of on any basis which would yield a higher return than the surplus value. It would be particularly easy to dispose of such milk for Class I use in the marketing area by supplying contract business such as hospitals and defense establishments. With surplus outlets as the alternative, and no compensation payments to make, the nonpool handlers would have considerable incentive or margin to underbid the seller of priced milk for such sales. A nonpool plant might also use such price advantage in selling his surplus milk to Class I outlets for the purpose or establishing a regular trade on retail or wholesale routes to homes and stores in the marketing area. The nonpool plant might sell up to 15 percent of its milk into the marketing area as Class I without becoming subject to regulation. To allow a nonpool plant to use its surplus milk in this manner for establishing a regular trade in the marketing area without compensation payments would mean that such plant would have a marked competitive advantage over regulated handlers selling priced milk. Such conditions could readily lead to disorderly marketing conditions.

It is considered inappropriate also to subject a plant to full regulation if only a small share of its milk is sold in the marketing area. Such regulation might place a plant of this kind at a distinct disadvantage in relation to its unregulated competition. In some cases, a nonpool plant may be disposing of a larger share of its milk as Class I than the average utilization for the market. In such cases, the compensation payments herein provided might cost the handler less than the equalization payments such plant would pay into the marketwide pool if fully regulated as a pool plant. In these instances, the sale of small quantities of milk in the marketing area would be more likely to take place under the compensation payment provisions herein provided than if full regulation were extended to all plants.

The rate of compensation payment provided for nonpool plants making distribution directly in the marketing area should be the same as that for pool plants which obtain and use unpriced milk in Class I. The administrative feasibility of any other method of levying compensation payments is substantially the same as that described in the case of unpriced milk distributed in the marketing area by pool plants.

No compensation payments should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where Texas Panhandle handlers might obtain supplemental supplies approximate or exceed the Texas Panhandle Class I prices, as adjusted for location of the supplying plants. Since handlers operating plants under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to unload their surplus producer milk into the Texas Panhandle market for Class I use at less than Class I prices. If it should develop that such other plants have Class I sales in excess of producer milk and a compensatory payment is not applicable to such milk, further consideration may be given to the question of a payment on such milk.

Any funds collected in the form of compensatory payments should be added to the producer-settlement fund. It is the purpose of the order to insure that a sufficient and dependable supply of quality milk be available for Class I needs of the market. To the extent that Class I sales are displaced through the disposition of surplus milk from unpriced sources, producers stand to lose income from the sale of milk to the market which they are expected to supply. This loss of income would mean that the prices contemplated under the order would not be realized by producers. As a result, production might suffer, in which case consumers would stand to lose because of the disappearance of milk supplies from the regular and dependable sources which have provided milk to the market on a year-round basis. Otherwise, Class I prices would have to be increased to offset the loss of income to producers. There is no alternative source of dependable milk supplies which would cost consumers less over a period of time than the milk supplied by the regular producers. Thus, there is justification in terms of overall benefit to the market for returning to producers the difference between the value of such milk at its opportunity cost, which would otherwise be its value to the seller, and the Class I price. There is no other alternative disposition of funds from compensation payments under the authority of the act other than that herein provided.

It is necessary that the order specify the handler who is obligated to make the compensation payments. If the unpriced milk is distributed in the marketing area from a nonpool plant, the operator of such plant should make the payment. In the case of supplemental milk received at pool plants from unpriced sources, either the buying or selling plant might be assessed. From the standpoint of the economics involved, it would make no difference, since the amount of payment would be the same in both cases.

From the standpoint of administration and enforcement, it would be much easier and simpler for the regulated plant to make the payment. The market administrator has regular dealings with the pool plant handler. Such handler would be expected to know and understand the terms and provisions of the order. He is the handler who assumes the responsibility for distributing the milk in the regulated market. Whether or not a compensation payment would be required would depend upon the application of the allocation provisions of the order to the pool plant of the receiving handler.

The seller, on the other hand, would not be aware until later whether a compensation payment would be required, and might not even know at the time of the sale, particularly if the sale took place through a broker, whether or not his milk would be moved to a regulated market for disposition. If enforcement proceedings were to be required, it would be more convenient and logical to bring the case to court in the area of the regulated market where the problem arose.

The compensation payments herein provided will not prohibit the marketing of milk nor limit the marketing of milk products from any production area of the United States. The rate of payment required would be uniform for all plants similarly situated with respect to their location in relation to the marketing area.

The quantity of milk and milk products which may be sold in any regulated market is dependent at least to some extent upon the price fixed under the order for the particular class of utilization. Such influence should not be construed, however, as a limitation of the type precluded under the act. No price can be fixed without influencing, to some extent, the quantity of milk and milk products which may be sold from either regulated or unregulated sources. No quantitative limitations are imposed in the proposed order on the amounts of unpriced milk which may be disposed of in the marketing area nor does it prohibit such use or any other use of unpriced nonpool milk or milk products. The compensation payment herewith provided will not discriminate against producers by areas, but will provide for equalization of competitive prices by type of transaction with respect to regulated and unregulated milk.

The payment will not deprive suppliers of unpriced milk of a high priced market which they would otherwise enjoy. The alternative sale value of the unpriced milk is recognized, and this value is returned to these sources when sale is made to the Texas Panhandle market. If marketing facilities and outlets are such that it is advantageous

for nonpool plants to dispose of their surplus milk to the Texas Panhandle Class I market, under the provisions of the attached order, they may be expected to and undoubtedly will do so, and the return they receive should be the full surplus value for such milk.

The compensation payment herewith provided has as its primary purpose the elimination of economic incentives for handlers to use unpriced milk to displace minimum priced milk in Class I sales. The rate of payment found to be appropriate for this purpose is one which recognizes general competitive conditions in the purchase and sale of regulated and unregulated milk. It is recognized, however, that general competitive conditions do not prevail in all cases. Each handler is situated differently and each individual transaction is made under different circumstances. It is not possible, however, to adjust prices or payments to individual circumstances or transactions. Such an individual approach would not be administratively or economically feasible. Compensatory payments must therefore be applied at a definite and specified rate applicable to all handlers similarly situated. No single rate of payment can be determined, however, which would result in complete equality of cost to all handlers. Consequently, instances will undoubtedly arise which will appear to indicate that the objectives of the compensatory payment are not being achieved in particular cases. In some cases, the payments required may seem harsh.

It is necessary in seeking an overall solution to problems of this nature to adopt provisions which will be reasonable and as liberal as possible, and at the same time will still guarantee the integrity of regulation. To provide inadequate payments would leave the door open to practices which would render the program ineffective. Commerce in milk is entirely at the option of handlers. They are free to complete only those transactions which are most favorable to themselves. Order provisions must recognize this fact. They must recognize, also, that the varying conditions under which milk transactions occur give rise to great complexity and some doubtful circumstances. Where marginal problems arise, they must be resolved in favor of producers under the order, otherwise the advantage may go to unregulated milk and to dealers and farmers who are not required to abide by any rules of procedure or price making.

(d) *Distribution of the proceeds to producers.* A marketwide equalization pool should be included in the order as a means of distributing to producers the proceeds from the sale of their milk. Such a pool will assure each producer supplying the market that he will receive a return based on his pro rata share of the Class I sales of the entire market. The "blend", "base", and "excess" prices, as the case may be, that a producer receives will depend on the overall utilization of all producer milk received at the pool plants of all regulated handlers during the month. Although each handler subject to the order will be required to pay uniform prices for producer milk in accordance with the classification of such milk pursuant to the order, the minimum blend prices payable to producers will be the same for all producers in the market, irrespective of the use made of such milk by the individual handler.

The uniformity of payments to producers which is provided under a marketwide pool permits a handler either to maintain a manufacturing operation in his plant to handle the seasonal and daily reserve supplies of milk or to limit the operation at his plant to the handling of milk for Class I purposes only, without affecting the blend prices payable to his producers as against other producers in the market. The facilities in the plants of Texas Panhandle handlers for handling producer milk which is in excess of that needed for Class I purposes, vary considerably. Some of the handlers are equipped to handle limited amounts of the seasonal reserve supplies of milk in the market. Most of the Texas Panhandle handlers, however, have very limited facilities in their plants for the manufacture of dairy products. Under these conditions a marketwide pool in the Texas Panhandle marketing area will facilitate the marketing of producer milk. A marketwide pool will make it possible for the producers' associations to assist in diverting seasonal reserve milk and thus keeping producers on the market which are needed to fulfill the year-round requirements of the market. It assists in spreading the cost of carrying the necessary reserve for the market among all producers where otherwise this burden may be placed on individual groups of producers. A marketwide pool will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk.

Base and excess plan. A "base and excess" plan of distributing the returns for milk among producers should be employed in connection with the marketwide pool.

Base and excess plans, although they vary considerably among handlers, have been commonly used throughout the milkshed area. The base and excess method of distributing milk returns during the months of heaviest production has wide support among both producers and handlers and should be continued. Interruption in the use of a base plan at this time might result in increased seasonality of production to the detriment of the market.

Because of the seasonal variations in the production of milk, there is need for an incentive to maintain production in the fall and winter months relative to spring and summer levels. Some handlers have difficulty in utilizing efficiently all milk delivered to them in the months of seasonally high production. By providing returns related directly to a producer's ability to deliver additional milk in the fall and winter as compared with deliveries during the season of flush production, a more even milk production pattern will be encouraged.

The base-excess plan provided in the attached order would establish for each producer in the market a base which would depend upon his deliveries of milk to pool plants during the months of September through December. During these months, as well as all other months in the period of July through February, producers would receive the marketwide blend or uniform price for all milk which they deliver to pool plants.

For each of the months of March through June separate uniform prices for "base milk" and "excess milk" would be computed so that Class I sales would first be allotted to base milk. Base milk would be milk received at a pool plant from a producer during any of the months of March through June which is not in excess of an amount equal to the daily base of such producer multiplied by the number of days in such month. Class II disposition in the market would first be allotted to excess milk. If Class I disposition is more than the base milk received from producers in any month, such additional Class I milk would be allocated to excess milk and the excess blend price increased accordingly.

The daily base of each producer would be calculated by the market administrator by dividing the total pounds of milk received at all pool plants from such producer during the months of September through December by the number of days from the first day such milk is received during those months to the last day of December, inclusive, but not less than 112 days. On or before February 15 of each year the market administrator would be required to notify each producer and the handler receiving milk from him, the daily base established by such producer.

It was proposed by producers that February also be included in the base operating period. The record does not indicate that February is a month of high production or that the handling of reserve supplies of milk for the Texas Panhandle market during that month is burdensome. In fact, in recent years producer receipts in the market during February have been comparatively low in relation to receipts in other months of the year.

The uniform prices, including uniform base and excess prices, which are required to be paid producers by each handler should be computed for milk containing 4.0 percent butterfat which is in accordance with past and current market practice. In distributing proceeds to producers, a differential should be applied to recognize different values of milk in accordance with its butterfat content. This differential should be determined on the basis of the weighted average value of producer butterfat according to its utilization at the class prices of the order.

Location differentials heretofore discussed should be applied to prices paid producers for base milk. Since excess milk will represent principally producer milk classified in Class II to which no location differential is applicable, the producer price for excess milk should likewise not be subject to the location differential provision of the order.

It is necessary to provide certain rules in connection with the establishment and transfer of bases in order to provide reasonable administrative workability of the plan. Such rules should outline specifically the method for calculating the base for each producer and set forth clearly and unequivocally the procedure to be followed for transferring bases. It is desirable that the need for administrative discretion and restrictive conditions in connection with the application of the base rules be kept at a minimum. To accomplish this, it is necessary that transfer of bases be limited to the entire base of a producer.

It is recognized, that a producer who adjusts his production under the base-excess plan to even out seasonal variations may suffer financial loss if he must discontinue production before having availed himself of the benefit of the base earned by him. It was proposed by producers at the hearing that in the event of death, retirement or entry into military service, a producer would be permitted to transfer his base to a member of his immediate family who carries on the dairy operations. In addition, it was proposed that a base be transferable by a producer discontinuing production to a person to whom the entire herd of such producer was sold.

The base rules relative to the transfer of bases which were proposed by producers lend themselves to various interpretations and would tend to result in numerous administrative determinations by the market administrator. For example, producers at the hearing were not explicit as to what would constitute retirement of a producer under this proposal.

The term "retirement" could be interpreted in numerous ways and by various standards to mean any producer who was going out of the dairy business. It would be impracticable for the market administrator to interpret such a term precisely. Moreover, regardless of the interpretation which may be applied, producers might be encouraged to resort to subterfuge if they stand to lose because of operation of the base rules. To circumscribe in an unnecessarily restrictive manner the rules for the transfer of bases might frequently result in undue hardship on producers who must liquidate their business at a time other than at the beginning of a base forming period.

A free transfer of entire bases as proposed herein will facilitate the operation and contribute toward carrying out the intent of the base-excess plan. The purpose of the base-excess plan is to encourage fall production by providing for each producer to share in the Class I market during the spring months of high production along with other producers in proportion to his deliveries to the market during the preceding fall months. Transfers of bases as herein recommended will give added assurance to a producer that he will have the full benefit of the base he has made whether or not he is able to continue milk production for his own account through the following months of flush production. This assurance should increase the effectiveness of the base-excess plan in encouraging production of milk during the months of the year when it is most needed on the market.

Bases should be transferred by the market administrator to be effective only on the first day of a month following receipt of a statement, on an approved form, showing the holder of such base, the person to whom it is to be transferred and signed by both parties.

The most practicable date on which the Texas Panhandle order could become effective would be prior to the 1956 base-operating period. Such date, however, will necessarily be subsequent to the period which would be used for determining producer bases applicable during the 1956 base-operating months. Nearly all handlers have heretofore observed base-forming periods or used methods of calculating bases which differ in various ways from that contained in the proposed order. On the basis of these facts and from the viewpoint of administrative feasibility, it is concluded that the base and excess method of paying producers should not be effective during the 1956 base-operating period. Accordingly, during 1956 each producer is to be paid not less than the monthly market-wide uniform price for his total deliveries of milk. The means by which this will be accomplished for this temporary period, without requiring special provisions in a number of sections of the order, is by providing that all milk delivered by producers to pool plants during the 1956 base-operating period shall be considered base milk.

Payment to producers. The order should provide that each handler shall pay each producer for milk received from such producer, and for which payment is not made to a cooperative association, at not less than the applicable uniform price(s) on or before the 15th day after the end of each month. Since it has been the practice in this area for handlers to pay producers semi-monthly, provision should be made for partial payments to such producers on or before the last day of each month for milk delivered during the first 15 days of such month at not less than the Class II milk price per hundredweight for the preceding month. No adjustment for butterfat content is required on such partial payment.

It was proposed by producers that provision be made for a cooperative association to receive payment for the producer milk which it causes to be delivered to a pool plant. The taking of title to milk of its members and the blending of the proceeds from the sale of such milk will tend to promote the orderly marketing of milk and will assist the cooperative association in discharging its responsibility to its members and to the market and such functions can be accomplished more expediently if the association is collecting payments for the sales of members milk.

The contract with its members of the principal cooperative in the market authorizes it to collect payment for their milk. The act provides for the payment by handlers to cooperative associations of producers for milk delivered by them and permits the blending of all proceeds from the sale of members' milk. It is concluded, therefore, that each handler shall, if requested in writing by a cooperative association, pay such association an amount equal to the sum of the individual payments otherwise payable to such producers. Handlers should be required to make such payments to the cooperative association on or before the 26th of the month for milk received during the first 15 days of the month and make the final settlement for milk received during the month on or before the 13th day of the following month.

Provision should also be made for the handler, if authorized in writing by the producer, to make proper deductions for goods or services furnished to or for payments made on behalf of the producer. At the time final settlement is made for milk received from producers during the month, the handler should be required to furnish to each producer a supporting statement. Such statement should show the pounds and butterfat tests of milk received from him, the rate(s) of payment for such milk and a description of any deductions claimed by the handler.

Producer-settlement fund. Because all producers will receive payment at the rate of the marketwide uniform price(s) each month and because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers for such milk at the applicable uniform price(s) would pay the difference into the producer-settlement fund, and each handler whose obligation for producer milk is less than the applicable uniform price value would receive payment of the difference from the fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached order is similar to that contained in all other Federal orders with marketwide pools.

Experience has indicated that it is desirable to set aside a reasonable reserve or balance in such fund at the end of each month. Such a reserve is necessary in order to provide for contingencies such as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the attached order at not less than four nor more than five cents per hundredweight of producer milk in the pool for the month. The unobligated balance in the producer-settlement fund remaining from the preceding month would be added to the values used in calculating the uniform prices each month. The amount of the reserve which is provided herein should be adequate to enable the producer-settlement fund to perform its function efficiently.

As indicated elsewhere in this decision, compensatory payments received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited into the producer-settlement fund would be included in the uniform price computation and thereby be distributed to all producers on the market.

In order that producers may be paid in full no later than on the dates prescribed in the order, it is necessary that payments owed the producer-settlement fund be made promptly. This is necessary so that money will be available to the market administrator to make payment to those handlers to whom money is due from the fund so that they may make payment in full to their producers. A handler's failure to make payment when due to the producer-settlement fund could obstruct the clearing of the producer equalization pool.

Sufficient time is provided in the order between the billing date and the due date of the various payments which are required to be made to the market administrator. If payments to the market administrator are not made when due, interest should be charged at the rate of 6 percent per annum. Such charge is not a penalty but represents a fair interest rate for the use of money. Charging interest will avoid giving a handler any incentive to retain money temporarily for use in his business at no cost until compliance can be enforced.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers would be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount. The remaining amounts due such handlers from the fund would be paid as soon as the balance in the fund becomes adequate to meet such payments, and handlers would then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has not made the payments required of him into the producer-settlement fund would be eliminated in the computation of the uniform prices in subsequent months until such handler has completed all delinquent payments.

(e) *Administrative provisions.* Provisions should be included in the order with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term denotes the same meaning. Such terms as are defined in the attached order are common to many other Federal milk orders.

Market Administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

Records and reports. Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make reports necessary to establish classification of producer milk and payments due therefor. Time limits must be prescribed for filing such reports and for making the payments to producers.

Handlers should maintain and make available to the market adminstrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the order.

As indicated elsewhere in this decision detailed reports to the market administrator and complete records available for his inspection by all handlers would be used to determine whether the plants of such handlers qualify as pool plants. Reports of handlers operating nonpool plants from which fluid milk products are distributed in the marketing area are needed by the market administrator in order to compute the amounts payable to the producer-settlement fund on such unpriced milk.

In addition to the regular reports required of handlers, provision is made for a handler to notify the market administrator when he intends to divert producer milk or when he intends to import other source milk. This will facilitate the check-testing program of the market administrator. Such information on a marketwide basis also may assist handlers in locating local sources of producer milk and expedite the transfer of such milk among handlers.

It is necessary that handlers retain records to prove the utilization of the milk and that proper payments were made to producers. Since the books and records of all handlers cannot be completed or audited immediately after the milk has been delivered to a plant, it therefore becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain such books and records and on the period of time in which obligations under the order shall terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

Expense of administration. Each handler should be required to pay the market administrator, as his pro rata share of the cost of administering the order, not more than 5 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on (a) producer milk, (b) other source milk at a pool plant which is classified as Class I milk, and (c) Class I milk disposed of on routes in the marketing area from a nonpool plant which is not fully subject to the classification, pricing and pooling provisions of another order issued pursuant to the act.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. The record indicates that other source milk is received by some handlers to supplement local producer supplies of milk. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (which includes a handler's own production) and other source milk allocated to Class I milk.

Plants not subject to the classification and pricing provisions of the order may distribute limited quantities of Class I milk in the marketing area. The records of such plants must be checked to verify their status under the order. Assessment of administrative expense with respect to such milk sold in the marketing area will help to defray the costs of such verification.

In view of the anticipated volume of milk and the costs of administering orders in markets of comparable circumstances, it is concluded that an initial rate of 5 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 5 cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

Marketing services. Provision should be made in the order for furnishing marketing services to producers, such as verifying of tests and weights and furnishing market information. These services should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a cooperative association is performing such services for any member producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own service.

There is a need for a marketing services program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are based on the pricing provisions of the order, and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

An important phase of the marketing service program is to furnish producers with current market information. Detailed information regarding market conditions is not now regularly available either to producers or to cooperative associations. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a marketwide basis to all producers.

To enable the market administrator to furnish such services, provision should be made for a maximum deduction of 6 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the extent of the milkshed and the volume of milk involved with that of several other markets now under Federal regulation indicates that this will reflect the maximum cost of such services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

General findings. (a) The proposed marketing agreement and the order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order of the Secretary directing the conduct of a referendum; determination of a representative period; and designation of referendum agent. Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among producers (as defined in the attached order regulating the handling of milk in the Texas Panhandle marketing area) who, during the month of October, 1955, which month is hereby determined to be the representative period for such referendum, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order, to determine whether such producers favor the issuance of the order which is filed herewith.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this decision is filed with the Hearing Clerk, United States Department of Agriculture.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Texas Panhandle Marketing Area," and "Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, which will be published with this decision.

This decision filed at Washington, D. C., on the 22nd day of November 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order,[1] Regulating the Handling of Milk in the Texas Panhandle Marketing Area

Sec.
911.0 Findings and determinations.

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§ 911.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced in such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect the market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to butterfat and skim milk contained in (a) receipts of producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 911.46 and, (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 911.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 911.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 911.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 911.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 911.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 911.6 *Texas Panhandle marketing area.* "Texas Panhandle marketing area," hereinafter called the "marketing area," means all the territory within the counties of Armstrong, Briscoe, Carson, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchison, Moore, Oldham, Ochiltree, Potter, Randall, Roberts, Sherman and Wheeler, all in the State of Texas.

§ 911.7 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association (1) any day during the months of March through June and (2) on not more than 15 days during any of the months of July through February: *Provided*, That milk diverted pursuant to this section shall be deemed to have been received at the location of the plant from which diverted.

§ 911.8 *Distributing plant.* "Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 911.9 *Supply plant.* "Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 911.10 (a).

§ 911.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 50 percent of the Grade A milk received at such point from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 75 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year: *And provided further*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

§ 911.11 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 911.12 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of one or more distributing or supply plants, or (b) any cooperative association with respect to the milk from producers diverted by the association for the account of such association from a pool plant to a nonpool plant.

§ 911.13 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers.

§ 911.14 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 911.7.

§ 911.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, eggnog, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 911.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 911.17 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

§ 911.18 *Base milk.* "Base milk" means milk received at a pool plant from a producer during any of the months of March through June which is not in excess of such producer's daily base computed pursuant to § 911.95 multiplied by the number of days in such month: *Provided*, That all milk received at a pool plant from a producer or diverted from such a plant during any of the months of March through June 1956 shall be base milk.

§ 911.19 *Excess milk.* "Excess milk" means milk received at a pool plant from a producer during any of the months of March through June which is in excess of base milk received from such producer during such month, and milk received during such month from a producer for whom no base can be computed pursuant to § 911.95.

MARKET ADMINISTRATOR

§ 911.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 911.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 911.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 911.88 (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 911.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 911.30 and 911.31, or payments pursuant to §§ 911.80, 911.84, 911.86, 911.87, and 911.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk, pursuant to § 911.51 (a), and the Class I butterfat differential, pursuant to § 911.52 (a), both for the current month; and the minimum price for Class II milk, pursuant to § 911.51 (b), and the Class II butterfat differential, pursuant to § 911.52 (b), both for the preceding month;

(2) The 10th day after the end of the months of July through February the uniform price pursuant to § 911.72 and the producer butterfat differential pursuant to § 911.81;

(3) The 10th day after the end of each of the months of March through June, the uniform prices for base milk and excess milk pursuant to § 911.73 and the producer butterfat differential pursuant to § 911.81; and

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests, the percentage of the milk caused to be delivered by the cooperative association or by its members to the pool plant(s) of each handler during the month, which was utilized in each class. For the purpose of this report, the milk so delivered shall be allocated to each class for each handler in the same ratio as all producer milk received by such handler during the month.

REPORTS, RECORDS AND FACILITIES

§ 911.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk, and the aggregate quantities of base and excess milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 911.7;

(e) Inventories of fluid milk products on hand at the beginning and end of the month; and

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 911.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, for the months of March through June, the total pounds of base and excess milk, (iii) the number of days, if less than the entire month for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

§ 911.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 911.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is

necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 911.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 911.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 911.41 through 911.46.

§ 911.41 *Classes of utilization.* Subject to the conditions set forth in § 911.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2) of this section) and (2) not accounted for as Class II milk:

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) disposed of and used for livestock feed; (3) contained in inventory of fluid milk products on hand at the end of the month; and (4) in shrinkage allocated to receipts of producer milk and other source milk (except milk diverted to a nonpool plant pursuant to § 911.7) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively.

§ 911.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 911.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 911.44 *Transfers.* Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to the pool plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 911.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 911.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of fluid milk product;

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 300 miles by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area;

(d) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located not more than 300 miles by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 911.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided,* That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products so transferred or diverted and classified as Class I milk: *And provided further,* That if the total skim milk and butterfat in fluid milk products which were transferred by all handlers to such nonpool plant during the month is less than the skim milk and butterfat classified as Class I milk pursuant to the preceding proviso hereof, the assignment to Class I milk shall be prorated over the claimed Class II classification reported by each such handler on transfers to the nonpool plant.

§ 911.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk.

§ 911.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 911.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 911.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source received in the form of fluid milk products which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 911.44 (a);

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(9) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with

Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 911.50 *Basic formula price.* The basic formula price shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest cent.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Clarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price obtained by adding together the amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Subtract 3 cents from the Chicago butter price and multiply the remainder by 4.8; and

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.16.

§ 911.51 *Class prices.* Subject to the provisions of §§ 911.52 and 911.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* From the effective date of this part through August, 1957, the Class I milk price shall be the basic formula price for the preceding month, plus $2.15 during the months of July through February and plus $1.85 during all other months.

(b) *Class II milk price.* The Class II milk price shall be:

(1) For the months of March through June, the average of the prices reported to have been paid or to be paid for ungraded milk of 4 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator or the Department:

Present Operator and Location

Plains Creamery, Arnett, Okla.
Price Creamery, Portales, N. Mex.
Quint County Creamery, Mangum, Okla.
Swisher County Creamery, Tulia, Tex.

(2) For the months of July through February, the higher of the prices computed pursuant to subparagraph (1) of this paragraph and paragraph (b) of § 911.50.

§ 911.52 *Butterfat differentials to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 911.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II prices.* Multiply the Chicago butter price for the current month by 0.110.

§ 911.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 100 miles or more from the City Hall, Amarillo, Texas, by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to a distributing plant which is a pool plant in the form of a fluid milk product and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 911.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Amarillo City Hall (miles):	*Rate per hundredweight (cents)*
100 but less than 110	35.0
For each additional 10 miles or fraction thereof an additional	1.6

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 911.46 (a) (5), and the comparable steps in (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 911.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 911.60 *Producer-handlers.* Sections 911.40 through 911.46, 911.50 through 911.53, 911.70 through 911.73, 911.80 through 911.88, and 911.95 through 911.97 shall not apply to a producer-handler.

§ 911.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless: (a) Such plant is qualified as a pool plant pursuant to § 911.10 (a) and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets (excluding pool plants) in the Texas Panhandle marketing area than in the marketing area regulated pursuant to such other order, or (b) such plant is qualified as a pool plant pursuant to § 911.10 (b): *Provided,* That the operator of a distributing plant or a supply plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 911.30) and allow verification of such reports by the market administrator.

§ 911.62 *Handlers operating nonpool plants.* None of the provisions from §§ 911.44 through 911.53, inclusive, or from §§ 911.70 through 911.85, inclusive, shall apply in the case of a handler in his capacity as the operator of a nonpool plant, except that such handler shall, on or before the 13th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month, by the rate determined pursuant to § 911.63.

§ 911.63 *Rate of payment on unpriced milk.* The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount calculated as follows:

(a) During the months of March through June, subtract from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through February subtract from the Class I price f. o. b. such nonpool plant the uniform price to producers adjusted by the Class I butterfat differential.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 911.70 *Computation of value of milk for each handler.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 911.46 (a) (9) and the corresponding step of (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II less shrinkage during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 911.46 (a) (8) and the corresponding step of (b), whichever is less; and

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 911.46 (a) (2) and (3) and the corresponding step of (b), by the rate of payment on unpriced milk determined pursuant to § 911.63 at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided*, That if the source of any such fluid milk product received at a pool plant is not clearly established or if such skim milk and butterfat is received or used in a form other than as a fluid milk product such product shall be considered to have been received from a source at the location of the pool plant where it is classified.

§ 911.71 *Computation of aggregate value used to determine uniform prices.* For each month the market administrator shall compute an aggregate value from which to determine uniform prices per hundredweight for producer milk, of 4.0 percent butterfat content, f. o. b. plants located within 100 miles of the City Hall of Amarillo, Texas, as follows:

(a) Combine into one total the values computed pursuant to § 911.70 for all handlers who made the reports prescribed in § 911.30 for such month, except those in default of payments required pursuant to § 911.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 4.0 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 911.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 911.72 *Computation of uniform price.* For each of the months of July through February, the market administrator shall compute a uniform price for producer milk of 4.0 percent butterfat content f. o. b. pool plants located within 100 miles of the City Hall of Amarillo, Texas, as follows:

(a) Divide the aggregate value computed pursuant to § 911.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The resulting figure shall be the uniform price for producer milk.

§ 911.73 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, f. o. b. pool plants located within 100 miles of the City Hall of Amarillo, Texas, as follows:

(a) From the reports submitted by handlers pursuant to § 911.30, determine the aggregate classification of producer milk included in the computation of value pursuant to § 911.71 and the total hundredweight of such milk which is base milk and which is excess milk;

(b) Determine the value of such excess milk on a 4 percent butterfat basis by multiplying the total hundredweight of such milk which is not greater than the total Class II milk pursuant to paragraph (a) of this section by the Class II milk price and by adding thereto the value obtained by multiplying the hundredweight of such excess milk which is greater than the quantity of such Class II milk by the Class I milk price;

(c) Divide the value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk, and subtract not less than 4 nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for excess milk;

(d) Subtract the value of excess milk obtained in paragraph (b) of this section from the aggregate value of all milk obtained in § 911.71; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for base milk.

§ 911.80 *Time and method of payment for producer milk.* Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month, for milk received during the first 15 days of the month, at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform prices per hundredweight pursuant to §§ 911.72 and 911.73 subject to the butterfat differential computed pursuant to § 911.81 plus or minus adjustments for errors made in previous payments to such producer; and less (1) payment made pursuant to paragraph (a) of this section, (2) location differential deductions pursuant to § 911.82, (3) marketing service deductions pursuant to § 911.87 and (4) proper deductions authorized by such producer: *Provided*, That if such handler has not received full payment for such month pursuant to § 911.85 he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator. The handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 13th and 26th days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer, including for the months of March through June, the pounds of base milk and excess milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 911.81 *Butterfat differentials to producers.* The applicable uniform prices to be paid each producer pursuant to § 911.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 911.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 911.82 *Location differentials to producers.* In making payment pursuant to § 911.80 the uniform price pursuant to § 911.72 and the uniform price for base milk pursuant to § 911.73 to be paid for milk which is received from producers at a pool plant located 100 miles or more from the City Hall, Amarillo, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Amarillo City Hall (miles):	*Rate per hundredweight (cents)*
100 but less than 110	35.0
For each additional 10 miles or fraction thereof an additional	1.6

§ 911.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 911.62, 911.84, and 911.86, and out of which he shall make all payments pursuant to §§ 911.85 and 911.86: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 911.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the value of milk for such handler, pursuant to § 911.70, for such month exceeds the obligation, pursuant to § 911.80, of such handler to producers for milk received during the month.

§ 911.85 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 911.80, of such handler to producers for milk received during the month exceeds the value of milk for such handler computed pursuant to § 911.70. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the appropriate funds are available.

§ 911.86 *Adjustment of errors in payment.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 911.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 911.85, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 911.80, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

§ 911.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 911.80 (b), shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from such producer (except such handler's own farm production), during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 911.88 *Expense of administration.* As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator, on or before the 15th day after the end of each month, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to butterfat and skim milk contained in (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 911.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

§ 911.89 *Adjustment of overdue accounts.* There shall be added to any balance due the market administrator pursuant to §§ 911.62, 911.84, 911.86, 911.87, and 911.88 an amount equal to one-half of one percent of such balance for each month or any portion thereof that payment of the balance is overdue.

§ 911.90 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this

part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 911.95 *Daily base.* The daily base for each producer shall be the amount obtained by dividing the total pounds of producer milk received from such producer by all handlers during the months of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of December inclusive, less the number of days for which no deliveries are made, but not less than 112 days.

§ 911.96 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the months of September through December;

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the first day of any month following receipt by the market administrator of an application for such transfer. Such application shall be on a form approved by the market administrator and shall be signed by the baseholder and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders.

§ 911.97 *Announcement of established bases.* On or before February 15 of each year subsequent to 1956, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 911.100 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 911.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 911.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment or which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 911.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under this control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 911.110 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 911.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

[F. R. Doc. 55-9496; Filed, Nov. 25, 1955; 8:50 a. m.]

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

SCHEDULE OF PAYMENTS TO HANDLERS

Notice is hereby given that the Secretary of Agriculture is considering the approval of a proposed further amendment submitted by the Prune Administrative Committee, as set forth hereinafter, of the amended schedule of payments to handlers to compensate them for necessary services in connection with surplus tonnage prunes (19 F. R. 6495) issued pursuant to the applicable provisions of Marketing Agreement No. 110, as further amended, and Marketing Order No. 93, as further amended (19 F. R. 1301), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining to the amendment hereinafter set forth which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the tenth day after the date of publication of this notice in the FEDERAL REGISTER, except that, if said tenth day after publication should fall on a legal holiday or Saturday or Sunday, such submission will be received by the Director not later than the close of business on the next following business day.

The proposed amendment is as follows:

Amend the introductory portion of § 993.401 (b) (i. e., that portion which precedes subparagraph (1) of that section) to read as follows:

(b) For surplus tonnage received by a handler from producers and dehydrators either as standard prunes or as standard prunes in appraisal lots, the handler so holding such prunes, who performs the necessary services thereon for the commitee, shall be reimbursed, except as provided in paragraphs (c) and (e) of this section, at the rate of $18.00 per ton for the following service costs.

Issued at Washington, D. C., this 22d day of November 1955.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 55-9499; Filed, Nov. 25, 1955; 8:50 a. m.]

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

ADMINISTRATIVE RULES AND PROCEDURES

Notice is herby given that the Secretary of Agriculture is considering the approval of proposed further amendments submitted by the Prune Administrative Committee, as set forth hereinafter, of the amended administrative rules and procedures (19 F. R. 5297, 6908; 20 F. R. 1240) issued pursuant to the applicable provisions of Marketing Agreement No. 110, as further amended, and Marketing Order No. 93, as further amended (19 F. R. 1301), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining to the amendments hereinafter set forth which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the tenth day after the date of publication of this notice in the FEDERAL REGISTER, except that, if said tenth day after publication should fall on a legal holiday or Saturday or Sunday, such submission will be received by the Director not later than the close of business on the next following business day.

The proposed amendments of the amended administrative rules and procedures are as follows:

1. Amend the provisions of § 993.150 (c) (1) to read as follows:

§ 993.150 *Receiving and disposition of prunes by handlers during any crop year when the estimated seasonal average price is in excess of parity.* * * *

(c) *Reports of accounting*—(1) *Independent handler's reports of accounting.* Within 10 days (exclusive of Saturdays, Sundays and legal holidays) after a handler, other than a nonprofit cooperative agricultural marketing association, makes a size report, accounting, or settlement with a producer or dehydrator for prunes delivered to him, he shall submit to the committee a copy of the size report, and the accounting or settlement record, which shall contain the following information: (i) The names and addresses of the producer or dehydrator and the handler, and the date of size report, accounting, or settlement; (ii) the contract number, if any; (iii) an itemized statement of the total tenders of prunes in the delivery, showing the date, receiving point, weight certificate or door receipt number, inspection certificate number, net weight, variety, crop year of production, and the total net weight of the delivery. In the event more than one producer or dehydrator has a financial interest in prunes shown on a size report, accounting, or settlement sheet required to be submitted hereunder, the handler shall include thereon the name and address of each person having such financial interest as shown by the handler's records.

2. Amend the provisions of § 993.161 (a) (3) to read as follows:

§ 993.161 *Surplus tonnage*—(a) *Reports.* * * *

(3) *Independent handler's reports of accounting.* Within 10 days (exclusive of Saturdays, Sundays and legal holidays) after a handler, other than a nonprofit cooperative agricultural marketing association, makes a size report, accounting, or settlement with a producer or dehydrator for prunes delivered to him, he shall submit to the committee a copy of the size report and the accounting or settlement record, which shall contain the following information: (i) The names and addresses of the producer or dehydrator and the handler, and the date of the size report, accounting, or settlement; (ii) the contract number, if any; (iii) an itemized statement of the total tenders of prunes in the delivery, showing the date, receiving point, weight certificate or door receipt number, inspection certificate number, net weight, variety, the crop year of production, and type of certification, and, if substandard, the average size count of a representative sample of the off-grade prunes in the tender, and if received on appraisal, the tonnage of prunes equivalent to the quantity of off-grade prunes necessary to be removed therefrom for the remainder to be standard prunes; and (iv) the total net weight of the delivery, itemized as to salable, surplus standard, and surplus substandard prunes, the net weight, by sizes, of the surplus standard prunes, and the net weight by classifications (edible and inedible), of the surplus substandard prunes as determined by inspection certificate data developed for the administration of the provisions of § 993.63 (f). In the event more than one producer or dehydrator has a financial interest in prunes shown on a size report, accounting, or settlement sheet required to be submitted hereunder, the handler shall include thereon the name and address of each person having such financial interest as shown by the handler's records.

3. Amend the provisions of § 993.161 (b) (1) to read as follows:

§ 993.161 *Surplus tonnage.* * * *

(b) *Holding in proper storage and delivery of surplus tonnage*—(1) *Provision in the event of failure to deliver in accordance with obligation.* In the event a handler fails to deliver to the committee the total surplus tonnage of any established grade or size group category in accordance with his obligation to so deliver, after any applicable tolerance allowances for shrinkage in weight, increase in the number of prunes per pound, and normal and natural deterioration and spoilage which may then be in effect have been applied, the handler shall make up any deficiency by delivering to the committee a quantity of prunes of his salable tonnage of the weight, grade, and size necessary to rectify such deficiency: *Provided,* That a handler may deliver prunes for disposition as animal feed, botanicals, or distillation without a requirement as to grade or its certification, if such prunes, on the basis of incoming inspection certificates or certificates of appraisal, as the case may be, were received as standard prunes. To the extent that a handler is unable to rectify such a deficiency with prunes of his salable tonnage he shall compensate the committee in the amount of the reduction of surplus tonnage revenue that is occasioned by his unfulfilled surplus tonnage obligation, such amount to be calculated on the basis of the average price received by the committee during the crop year for surplus tonnage prunes of the applicable grade or size category and of the specific grade and size involved plus costs to the committee caused by the handler's failure to meet his obligation: *Provided,* That the remedies herein provided shall be in addition to and not exclusive of any of the remedies or penalties prescribed in the act with respect to the failure on the part of the handler to comply with the applicable provisions of the act or any part or subpart thereof.

4. Add a new § 993.176, immediately after existing § 993.175, reading as follows:

§ 993.176 *Records.* Each handler shall maintain such records as are necessary to furnish any report required to be submitted to the committee by him under this subpart, including, but not limited to, all records of prunes received, held and disposed of by him, and he shall retain such records for at least two years after the end of the crop year in which the applicable transaction occurred.

Issued at Washington, D. C., this 22d day of November 1955.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 55-9500; Filed, Nov. 25, 1955; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED PRUNE JUICE, A WATER EXTRACT OF DRIED PRUNES

EXTENSION OF TIME FOR FILING WRITTEN COMMENTS UPON PROPOSED RULE MAKING

On October 28, 1955, a notice of proposed rule making concerning a definition and standard of identity for canned prune juice, a water extract of dried prunes, was published in the FEDERAL REGISTER (20 F. R. 8125). Interested persons were given 30 days to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C.

The Commissioner of Food and Drugs, having been requested to extend the time within which such written documents may be filed: *It is ordered,* That the time for filing written comments be extended until December 27, 1955, and that such extension shall apply to all interested persons.

Dated: November 21, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-9484; Filed, Nov. 25, 1955; 8:47 a. m.]

[21 CFR Part 130]

DRUGS EXEMPTED FROM PRESCRIPTION—DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

NOTICE OF PROPOSED RULE MAKING

Notice is given that the Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 701 (a); 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353 (b) (3), 371 (a)) and the

authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR, 1954 Supp., 1.108 (c)) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposed amendment set forth below:

It is proposed to amend paragraph (a) of § 130.1 *Exemption for certain drugs limited by new-drug applications to prescription sale* by adding the following new subparagraphs (8) and (9):

(8) Dicyclomine hydrochloride (1-cyclohexylhexahydrobenzoic acid, β-diethylaminoethyl ester hydrochloride; diethylaminocarbethoxy-bicyclohexyl hydrochloride) preparations meeting all the following conditions:

(i) The dicyclomine hydrochloride is prepared with suitable antacid and other components; in tablet or other dosage form for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The dicyclomine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 milligrams of dicyclomine hydrochloride per dosage unit, or if it is in liquid form not more than 0.5 milligram of dicyclomine hydrochloride per milliliter.

(v) The preparation is labeled with adequate directions for use only by adults and children over 12 years of age, in the temporary relief of gastic hyperacidity.

(vi) The dosages recommended or suggested in the directions for use do not exceed 10 milligrams of dicyclomine hydrochloride per dose or 30 milligrams in a 24-hour period.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, clear warning statements against:

(*a*) Exceeding the recommended dosage.

(*b*) Prolonged use, except as directed by a physician, since persistent or recurring symptoms may indicate a serious disease requiring medical attention.

(*c*) Administration to children under 12 years of age except as directed by a physician.

(*d*) Use if dryness of the throat, blurring of vision, dizziness, or rapid pulse occurs.

(9) Neomycin sulfate preparations meeting all the following conditions:

(i) The neomycin sulfate is prepared with a vasoconstrictor, and with or without other drugs, in an aqueous vehicle suitable for administration in self-medication as a nasal spray, or as nose drops, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The preparation is packaged with a style of container or assembly suited to self-medication by the recommended route of administration, and delivering not more than 0.1 milliliter of the preparation per spray or per drop.

(iii) The neomycin sulfate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iv) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(v) The neomycin sulfate content of the preparation does not exceed the equivalent of 0.8 milligram of standard neomycin base per milliliter.

(vi) The preparation is labeled with adequate directions for use in the temporary relief of nasal congestion due to the common cold and hay fever.

(vii) The dosages recommended or suggested in the directions for use do not exceed: For adults, 3 sprays or 3 drops per nostril per dose, or 5 doses in a 24-hour period; for children over 3 years of age, 2 sprays or 2 drops per nostril per dose, or 5 doses in a 24-hour period.

(viii) The labeling bears, in juxtaposition with the dosage recommendations, clear warning statements against:

(*a*) Administration to children under 3 years of age, except as directed by a physician.

(*b*) Exceeding the recommended dosage.

(*c*) Use in a manner contraindicated by the nature of the vasoconstrictor or other components.

The proposed amendment will remove the drugs mentioned therein from the prescription-dispensing requirements of the Federal Food, Drug, and Cosmetic Act (sec. 503 (b) (1) (C), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (1) (C)). These drugs were previously limited by their new-drug applications to use under professional supervision because the scientific data establishing the toxic potential of the drugs and their intended use showed that they were safe only if used under professional supervision.

Pursuant to the regulations in § 1.108 (c) of this chapter (21 CFR, 1954 Supp., 1.108 (c)), petitions have been submitted to remove the prescription restrictions from these drugs. Evidence now available through investigation and marketing experience shows that the drugs can be safely used by the laity in self-medication if they are used in accordance with the proposed labeling. The restriction to prescription sale is no longer necessary for the protection of the public health.

This action in removing the prior restriction limiting these drugs to prescription sale is taken under the authority of the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c)), which provides for and requires the removal of such restrictions if they are not necessary for the protection of the public health.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c))

Dated: November 18, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-9467; Filed, Nov. 25, 1955; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 11]

[Docket No. 11435]

POWER RADIO SERVICE; ELIGIBILITY

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of § 11.251 of the Commission's rules and regulations (20 F. R. 4777, 6751).

The Commission having under consideration a petition filed on November 10, 1955, by the National Committee for Utilities Radio in the above-entitled proceeding requesting an extension of time in which to file further comments directed to the Commission's order and further notice of proposed rule making in this docket from November 14, 1955, to December 8, 1955;

It appearing that good and sufficient reasons have been advanced by the National Committee for Utilities Radio in its petition for an extension of time and that the public interest would be served by a grant thereof;

It is ordered, Pursuant to the provisions of section 0.291 (b) (4) of the Commission's rules that the time for filing comments in the above-entitled proceeding is hereby extended from November 14, 1955, to December 8, 1955, and that the date for filing comments in reply thereto is extended to December 19, 1955.

Dated: November 18, 1955.

Released: November 18, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9492; Filed, Nov. 25, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 11645, Amdt.]

PAUL HALLER

In re: Estate of Paul Haller, Deceased. File No. D-28-12231; E. & T. sec. 16456.

Vesting Order 11645, dated July 19, 1948, is hereby amended as follows and not otherwise:

1. By inserting, in subparagraph 1 of Vesting Order 11645, immediately after the words "Jakob Haller", the words "or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Albert Haller and Johannas (Hans) Haller."

All other provisions of said Vesting Order 11645 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong., 60 Stat. 50; Public 671, 79th Cong.; 60 Stat. 925; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR 1945, Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on November 21, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 55-9486; Filed, Nov. 25, 1955; 8:48 a. m.]

POST OFFICE DEPARTMENT

COMBINATION MAILINGS

MAILING ENCLOSURES OF DIFFERENT CLASSES

Effective November 28, 1955, the Post Office Department will place in effect a more convenient method for the mailing of two classes of mail together. Until February 1, 1956, combined classes of mail will be accepted for mailing in accordance with the temporary regulations set forth below. It is not considered practicable to delay adoption of this new method beyond November 28, 1955, and thereby deny the benefits of this method to the mailing public during the period preceding Christmas, 1955.

The Postmaster General desires, however, to afford patrons of the Postal Service an opportunity to present written views concerning this method of mailing combined classes of mail. Such written views may be submitted to N. R. Abrams, Assistant Postmaster General, Bureau of Post Office Operations, Post Office Department, Washington 25, D. C., at any time prior to January 15, 1956.

The views and comments submitted will be considered by the Department and the final regulations which will govern this new method of mailing mixed classes of mail will be made effective on February 1, 1956.

SECTION 1. *Enclosures mailed with second-class publications—(a) First- and third-class enclosures.* Letters or other pieces of first- or third-class mail may be mailed with second-class publications. They may be:

(1) Placed in the outside envelope or wrapper with a single copy.

(2) Secured inside an unwrapped copy, or

(3) Enclosed in a bundle of copies.

(b) *Payment of postage.* Postage at the appropriate first- or single piece third-class rate must be paid for each separate enclosure. The postage may be placed on the outside envelope, wrapper, or cover of a publication, or the postage may be placed on the enclosure by using precanceled or meter stamps. Postage at the second-class pound or per copy rates must be paid on the publication in the manner prescribed by 39 CFR Part 16. When postage at the transient second-class rate is paid on the publication, follow the procedure in section 2.

(c) *Marking required.* When postage for the enclosure is placed on the outside envelope, wrapper, or cover of a publication, the mailer must mark each piece as required by section 2 (e). Markings are not required when postage is placed on the enclosure.

SEC. 2. *Enclosures mailed with third- and fourth-class parcels—(a) First-class enclosure.* Letters may be enclosed in a third- or fourth-class parcel. Postage at the first-class rate must be paid for each letter.

(b) *Third-class enclosures.* Third-class mail may be enclosed in a fourth-class parcel. Postage at the single-piece third-class rate must be paid for each enclosure.

(c) *Placement of enclosure.* The enclosure should be placed on top of other items in the parcel when practical.

(d) *Payment of postage.* Postage for the enclosure must be placed on the outside of the parcel. It may be added to the postage for the parcel and the total amount paid together, or the postage for the enclosure may be affixed separately from the postage for the parcel.

(e) *Marking required.* The mailer must place the endorsement "First-Class Mail Enclosed" or "Third-Class Mail Enclosed" on each parcel below the postage and above the address. The endorsement may be handstamped, handwritten, typewritten, printed, or put on by any other method.

SEC. 3. *Penalty—(a) Failure to pay.* If postage is not paid at the appropriate rate in the manner provided for by sections 1 and 2 for letters or other pieces of first- or third-class mail, the second-class publications or the third- or fourth-class parcels in which they are enclosed will be subject to the higher rate applicable to the enclosure.

(b) *Concealment.* Mailers are subject to a fine of not more than $100 if they knowingly conceal letters or other pieces of first- or third-class mail in second-class publications or in third- or fourth-class parcels without paying the appropriate rate of postage on the enclosures in the manner provided for by sections 1 and 2.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 1, 62 Stat. 784; 5 U. S. C. 22, 369, 18 U. S. C. 1723)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55-9523; Filed, Nov. 23, 1955; 3:08 p. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 601, Amdt. 1]

REVESTED OREGON AND CALIFORNIA GRANT LANDS AND COOS BAY WAGON ROAD GRANT LANDS

DECLARATION OF ANNUAL PRODUCTIVE CAPACITY

NOVEMBER 21, 1955.

The final paragraph of Bureau Order No. 601 dated October 25, 1955, published in the FEDERAL REGISTER October 29, 1955, Doc. 55-8738, is amended to read as follows:

Section 3 of Secretarial Orders No. 2385, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, and 2390 is hereby revoked.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55-9470; Filed, Nov. 25, 1955; 8:46 a. m.]

[Docket Nos. DA-119, 120]

WASHINGTON

RESTORATION ORDER UNDER FEDERAL POWER ACT; AMENDMENT

NOVEMBER 18, 1955.

The Restoration Order under Federal Power Act; Docket Nos. DA-119, 120, in Federal Register Document 54-9443, December 1, 1954, at page 7910, is hereby amended to show the date of the order to be November 23, 1954.

FRED J. WEILER,
State Supervisor.

[F. R. Doc. 55-9485; Filed, Nov. 25, 1955; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S-60]

ISBRANDTSEN CO., INC.

NOTICE OF HEARING ON APPLICATION FOR OPERATING-DIFFERENTIAL SUBSIDY AGREEMENT

Notice is hereby given that a public hearing will be held under sections 605 (c) and 805 (a) of the Merchant Marine Act, 1936, as amended, upon on application of Isbrandtsen Company, Inc., for an operating-differential subsidy agreement

on said Company's Eastbound Round-the-World Service under which it would be permitted to operate a minimum of 24 and a maximum of 29 subsidized sailings per year, and for written permission to carry cargoes in the United States Eastbound Intercoastal trade on unsubsidized voyages with cargo vessels. Isbrandtsen's Eastbound Round-the-World Service is described as follows:

Fortnightly sailings with dry-cargo vessels and with limited passenger accommodations in a Round-the-World Eastbound Service from United States North Atlantic ports north of Hatteras; to Azores; Morocco (Casablanca); Mediterranean Spain (optional call at Spanish Atlantic port); Mediterranean France; West Coast of Italy; Greece; Eastern Mediterranean and Suez Canal ports; ports in the Red Sea; West Pakistan; India; Ceylon; Singapore; Straits Settlements/Malaya/Indonesia; Thailand; French Indochina; Philippines; Hongkong; Formosa; Chinese ports when and if open to traffic; Korea; Japan, and thence return to United States North Atlantic ports via California, Panama Canal ports and Puerto Rico.

The purpose of the hearing under sec. 605 (c) is to receive evidence relevant to the following: (1) whether the application is one with respect to a vessel or vessels to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon; (2) whether the application is one with respect to a vessel operated or to be operated in a service, route, or line served by two or more citizens of the United States with vessels of United States registry, and, if so, whether the effect of the subsidy contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines; and (3) whether it is necessary to enter into such contract in order to provide adequate service by vessels of the United States registry.

The purpose of the hearing under sec. 805 (a) is to receive evidence relevant to whether granting such application (a) will result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the said Act.

The hearing will be conducted before an Examiner at a time and place to be announced, in accordance with the Board's Rules of Practice and Procedure, and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in this proceeding are requested to notify the Secretary of the Board within fifteen (15) days from publication hereof, and should promptly file petitions for leave to intervene in accordance with said Rules of Practice and Procedure.

Dated: November 22, 1955.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 55-9483; Filed, Nov. 25, 1955; 8:47 a. m.]

Office of the Secretary

[Department Order 87 (A) Amdt. 1]

COAST AND GEODETIC SURVEY

ORGANIZATION AND FUNCTIONS

The material appearing in 20 F. R. 5279 et seq. is amended by the following:

Department Order No. 87 (Amended) of July 6, 1955, is hereby amended as follows:

1. Subsection 3 of section 2.02 is changed to read as follows:

3. Administrative Divisions, which include:

(1) Administrative Services Division.
(2) Budget and Fiscal Services Division.
(3) Instruments Division.
(4) Personnel Division.
(5) Organization and Management Division.

2. Subsection 4 of section 7.01 is changed to read as follows:

4. The Personnel Division develops and directs the civilian personnel program for the Bureau, giving assistance and guidance to all other divisions on personnel administration. The division has responsibility for position classification and wage board matters, employee relations, recruitment, placement, orientation, and supervisory training; performance ratings, and incentive awards programs; and processing related records and reports.

The following subsection 5 is added to section 7.01:

5. The Organization and Management Division provides advice and assistance and conducts surveys and studies relating to organization, staffing, methods and systems, work flow, and other management activities to promote efficiency and economy throughout the Bureau. It develops and coordinates other special programs including forms and records management, motor vehicles, and management improvement. It reviews and implements Department and other agency issuances and prepares and coordinates Bureau issuances.

3a. The present subsection (2) of section 6.026 is deleted and subsection (3) is renumbered (2).

b. Subsection 1 of section 6.02 is changed to read as follows:

1. The Coastal Surveys Division prepares plans for and supervises the execution of hydrographic and plane table topographic surveys along the coasts of the United States and its possessions; maintains the Bureau's vessels and other floating equipment, and directs their construction, maintenance, and repair; compiles and edits the Coast Pilots and makes field investigations for maintaining accuracy of the information published therein.

Effective date: October 24, 1955.

[SEAL] SINCLAIR WEEKS, *Secretary of Commerce.*

[F. R. Doc. 55-9465; Filed, Nov. 25, 1955; 8:45 a. m.]

[Department Order 90 (Amended)]

NATIONAL BUREAU OF STANDARDS

ORGANIZATION AND FUNCTIONS

The material appearing in 20 F. R. 5354, et seq. is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to describe the organization and define the functions of the National Bureau of Standards.

SEC. 2. *Organization.* .01 The National Bureau of Standards, established by the act of March 3, 1901 (31 Stat. 1449; 15 U. S. C. 271), is a primary organization unit within and under the jurisdiction of the Department of Commerce. The Bureau shall be headed by a Director appointed by the President with the advice and consent of the Senate. The Director shall report and be immediately responsible to the Under Secretary of Commerce.

.02 The National Bureau of Standards shall be constituted as follows:

1. Office of the Director:

Director.
Associate Director for Chemistry.
Associate Director for Physics.
Associate Director for Testing.
Associate Director for Planning.
Assistant Director for Administration.
Director, Boulder Laboratories.

2. Scientific divisions at headquarters, reporting to the Director through Associate Directors as assigned.

Electricity and Electronics.
Optics and Metrology.
Heat and Power.
Atomic and Radiation Physics.
Chemistry.
Mechanics.
Organic and Fibrous Materials.
Metallurgy.
Mineral Products.
Building Technology.
Applied Mathematics.
Data Processing Systems.

3. Divisions in the field reporting to the Director, Boulder Laboratories:

Cryogenic Engineering.
Radio Propagation Physics.
Radio Propagation Engineering.
Radio Standards.
Administration.

4. Technical Staff Officers reporting to the Director or an Associate Director:

Office of Publications.
Office of Weights and Measures.
Office of Basic Instrumentation.
Office of Technical Information.

5. Service divisions reporting to the Assistant Director for Administration:

Accounting.
Personnel.
Administrative Services.
Shops.
Supply.
Management Planning.
Budget.
Plant.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, and subject to such policies and directives as the Secretary of Commerce may prescribe, the Director is hereby delegated the authorities and powers assigned to the Secretary by Title 15, Chapters 6 and 7, U. S. Code, or by any subsequent legislation with respect to physical science activities within the special competence of the National Bureau of Standards.

.02 The Director of the National Bureau of Standards may redelegate and authorize the successive relegation of the authority granted herein to any employee of the Bureau and may prescribe such limitations, restrictions and conditions in the exercise of such authority as he deems appropriate.

SEC. 4. *General functions.* .01 The basic functions of the National Bureau of Standards are (a) development and maintenance of the national standards of measurement, and the provision of means for making measurements consistent with those standards; (b) determination of physical constants and properties of materials; (c) development of methods for testing materials, mechanisms, and structures, and the making of such tests as may be necessary, particularly for Government agencies; (d) cooperation in the establishment of standard practices, incorporated in codes and specifications; (e) advisory service to Government agencies on scientific and technical problems; and (f) invention and development of devices to serve special needs of the Government.

.02 In carrying out these functions the Bureau is authorized to undertake the activities enumerated in section 6.02 and similar activities for which the need may arise in the operation of Government agencies, scientific institutions and industrial enterprises.

SEC. 5. *Functions of the Office of the Director.* .01 The Director, subject to legal requirements and policy direction from the Secretary, determines the policies of the National Bureau of Standards and directs the development and execution of its programs.

.02 The Associate Directors for Chemistry, Physics and Testing have the following combination of responsibilities:

1. Generally assist the Director in the planning and policy direction of Bureau operations and the improvement of its management;

2. Specifically coordinate for the Director designated functions or specialized fields of activity throughout the Bureau;

3. Provide on behalf of the Director necessary supervision of divisions and offices as assigned from time to time (see Exhibit 1).

.03 The Associate Director for Planning is the Director's principal staff adviser on program development, coordination and evaluation, giving special attention to the long-range responsibilities of the Bureau in relation to the needs of science and technology.

.04 The Assistant Director for Administration is responsible for the planning and operation of administrative functions in support of technical programs and serves as the Director's principal staff adviser on management matters.

.05 In the absence of the Director, the Acting Director is automatically the first official available in the sequence listed in 5.02, 5.03, and 5.04.

.06 The Director, Boulder Laboratories, in addition to supervising the major field establishment of the Bureau, acts as an adviser to the Director on Bureau programs and operations.

SEC. 6. *Functions of scientific divisions.* .01 The general functions of the Bureau are carried out primarily by the scientific divisions, with the technical offices and services assisting them.

.02 Each scientific division is authorized to engage in such of the following activities as are appropriate to its special functions; as indicated generally by division titles (see Section 2.02).

1. Research in engineering, mathematics, and physical sciences;

2. Construction of physical standards;

3. Testing, calibration and certification of standards and standard measuring apparatus;

4. Improvement of instruments and means of measurement;

5. Investigation and testing of scales for weighing commodities for interstate shipment;

6. Cooperation with states in securing uniformity in weights and measures laws and methods;

7. Provision of standard samples for checking basic properties of materials and provision of standard instruments for calibration of measuring equipment;

8. Development of methods of chemical analysis and synthesis of materials, and investigation of properties of rare substances;

9. Study of methods of producing and measuring high and low temperatures and the behavior of materials at such temperatures;

10. Investigation of radiation, radioactive substances, and X-rays, together with their uses and means of protecting persons from their harmful effects;

11. Study of the atomic and molecular structure of chemical elements;

12. Broadcasting of radio signals of standard frequency;

13. Investigation of conditions which affect the transmission of radio waves; and distribution of information for choice of frequencies to be used in radio operations;

14. Study of new technical processes of fabricating materials in which the Government has a special interest; also, study of processes and methods of measurement used in manufacture of optical glass, pottery, tile and other clay products;

15. Determination of properties of building materials and structural elements and encouragement of their standardization and most effective use, including fire prevention aspects;

16. Metallurgical research, including study of alloy steel and light metal alloys; investigation of foundry and related practices; prevention of corrosion of metals and alloys, behavior of bearing metals; and development of standards for metals and sands;

17. Operation of a laboratory of applied mathematics;

18. Provision of general scientific and technical data resulting from the above activities or derived from other sources when such data are important to scientific or manufacturing interests or the general public and are not readily available elsewhere; and, demonstration of the results of the Bureau's work by exhibits and other means.

SEC. 7. *Functions of technical staff offices.* .01 While many technical services are obtained by scientific divisions from one another, certain service and coordinating activities are carried out by technical offices which report to the Director or to Associate Directors as assigned.

.02 The Office of Publications provides library services and assistance in the preparation, scheduling, printing, and distribution of the Bureau's publications. This includes reference searching, staff assistance to Bureau Editorial Committees, art work, and related services leading to the publication of Bureau research results in its publication series and in outside scientific and technical journals.

.03 The Office of Weights and Measures develops model laws, rules, regulations, specifications, tolerances, and general administrative procedures, including testing apparatus and test methods and promotes adoption of these by State and local weights and measures jurisdictions. As a part of this activity, that Office serves as Liaison between the States and technical staff of the National Bureau of Standards, and conducts an annual National Conference on Weights and Measures.

.04 The Office of Basic Instrumentation analyzes methods and devices for measurements of physical magnitude; coordinates Bureau projects in basic instrumentation; surveys all work in progress at the Bureau with regard to its applicability to existing or proposed instrumentation projects; arranges for the testing and evaluation of new instrument developments; stimulates and directs experimental studies of original ideas for improved means of measurements; and, arranges for preparation and dissemination of articles relating to instrumentation.

.05 The Office of Technical Information provides information on the Bureau's program and accomplishments to the public, other Government agencies, and non-governmental organizations interested in the Bureau's findings. This

Board within fifteen (15) days from publication hereof, and should promptly

topographic surveys along the coasts of

Office of Technical Information.

includes the coordination of technical reports prepared for agencies by Scientific Divisions, information for and liaison with the technical and scientific press, and staff responsibility for the preparation of technical films, news bulletins, and exhibits.

SEC. 8. *Functions of the Administrative divisions.* .01 The central administrative divisions are responsible for their special functions and also for providing staff assistance to the Assistant Director for Administration in carrying out his functions.

02. The Accounting Division administers the official system of central fiscal records, payments and reports, conducts internal audits, and provides staff assistance on accounting and related matters.

.03 The Personnel Division advises on personnel policy and utilization and administers recruitment, placement, classification, training, and employee relations activities, assisting operating officials on these and other aspects of personnel management.

.04 The Administrative Services Division has staff responsibility for security, safety, emergency relocation planning, and civil defense activities, and administers custodial functions, communication services, records management, duplicating service, test administration service, and local transportation service.

.05 The Shops Division designs, constructs, and repairs precision scientific instruments and auxiliary equipment.

.06 The Supply Division performs or facilitates procurement and distribution of materiel, keeps records and promotes effective utilization of property, and acts as the contracting office for all research, construction, supply, and lease contracts entered into by the Bureau.

.07 The Management Planning Division advises on all aspects of management not otherwise assigned, and provides staff assistance on the maintenance and improvement of organization and methods.

.08 The Budget Division advises on financial management and provides staff assistance in the preparation of estimates and the utilization of funds.

.09 The Plant Division maintains the physical plant at Washington, and performs staff work in planning and providing grounds, buildings, and improvements at all Bureau locations.

SEC. 9. *Field operations.* .01 The major field activity of the Bureau is Boulder Laboratories whose divisional organization is given in Section 2.02. The titles of these divisions are descriptive of the functions performed.

.02. In addition several scientific divisions have field establishments. For the most part, these contribute to the specific programs and projects of their corresponding headquarters divisions rather than perform special services for the public. Activities include concreting materials testing, lamp inspection, development and application of visual range meters, development of uniform standards for railway freight car weighing, and radio frequency and propagation testing and monitoring.

Effective date: November 1, 1955.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55-9466; Filed, Nov. 25, 1955; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11392, 11393; FCC 55 M-967]

BARTLETT AND REED MANAGEMENT AND BLACKHILLS VIDEO CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Bartlett and Reed Management, Rapid City, South Dakota, Docket No. 11392, File Nos. 557/558/559/560/561/562/563-C1-P-55; and Blackhills Video Company, Rapid City, South Dakota, Docket No. 11393, File Nos. 1096/1097/1098/1099/1100/1101/1102/1103/1104/1105-C1-P-55; for construction permits for radio relay facilities.

The Hearing Examiner having under consideration an informal request that a further pre-hearing conference be held December 5, 1955, in lieu of the evidentiary hearing presently scheduled; and

It appearing that since the last hearing conference the Commission has granted the petition of the American Telephone and Telegraph Company to intervene;

It is ordered, This the 17th day of November 1955, that a further prehearing conference pursuant to the provisions of Section 1.813 of the Commission's Rules will be held on December 5, 1955, in lieu of the evidentiary hearing now scheduled.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9487; Filed, Nov. 25, 1955; 8:48 a. m.]

[Docket No. 11421, 11422; FCC 55M-974]

HENRYETTA RADIO CO. AND HENRYETTA BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of J. Leland Gourley, Lloyd W. Simpson and Charles E. Engleman, d/b as Henryetta Radio Company, Henryetta, Oklahoma, Docket No. 11421, File No. BP-9308; W. D. Miller, Glyndal D. Roberts and Donaghey G. Sammons, d/b as Henryetta Broadcasting Company, Henryetta, Oklahoma, Docket No. 11422, File No. BP-9627; for construction permits.

It appearing from facts developed at a pre-hearing conference held today (full facts concerning which will be set forth in detail in a forthcoming Memorandum Opinion and Order) that there is good cause for extending the hearing date now set; and all participants having consented to the extension set forth below;

It is ordered, This 18th day of November 1955, on the Hearing Examiner's own motion that hearing in the above-entitled proceeding be continued from 10:00 a. m. December 2, 1955, to 10:00 a. m. January 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9488; Filed, Nov. 25, 1955; 8:48 a. m.]

[Docket Nos. 11455—11458; FCC 55M-971]

ROBERT E. BOLLINGER ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Robert E. Bollinger, Portland, Oregon; Docket No. 11455, File No. BP-9320; Mercury Broadcasting Co., Inc. (KLIQ), Portland, Oregon, Docket No. 11456, File No. BP-9400; Docket No. 11457, File No. BR-2266; Albert L. Capstaff & Quenton Cox a partnership, d/b as Capstaff Broadcasting Co., Oreg. Ltd., Portland, Oregon, Docket No. 11458, File No. BP-9585; for construction permits and renewal of license.

On September 22, 1955, the hearing conference in the above-entitled proceeding was continued until 14 days after the Commission has acted upon the petition of Robert E. Bollinger to dismiss the application of Mercury Broadcasting Co., Inc. (KLIQ), and the petition of Mercury Broadcasting Co., Inc. (KLIQ), to accept its late appearance; and

It appearing that the Commission by order dated November 16, 1955, granted the request of Robert E. Bollinger to withdraw its petition to dismiss the application of Mercury Broadcasting Co., Inc. (KLIQ) and on the same date granted the petition of Mercury Broadcasting Co., Inc. (KLIQ), to accept late appearance;

It is ordered, This the 18th day of November 1955, that pursuant to the provisions of section 1.813 of the Commission's rules, all parties in this proceeding are directed to appear either in person or by attorney at the further prehearing conference which will begin at 10:00 A. M., Tuesday, December 6, 1955, in the offices of the Commission in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9489; Filed, Nov. 25, 1955; 8:48 a. m.]

[Docket Nos. 11505, 11506; FCC 55M-969]

HI-LINE BROADCASTING CO. AND WOLF POINT BROADCASTING CO.

ORDER AFTER PREHEARING CONFERENCE AND CONTINUANCE

In re applications of Mike M. Vukelich, E. E. Krebsbach and Robert E. Coffey, d/b as Hi-Line Broadcasting Company, Wolf Point, Montana, Docket No. 11505, File No. BP-9720; Charles L. Scofield and

Willard L. Holter, d/b as The Wolf Point Broadcasting Company, Wolf Point, Montana, Docket No. 11506, File No. BP-9843; for construction permits.

1. A prehearing conference, under Rules 1.841 and 1.813, was held on November 16. The official transcript of the conference is incorporated by reference.

2. Among other things, the scope of the parties' written cases under Rule 1.841 was discussed, and it was agreed that each party need only set forth in its affirmative written case the attributes of its own upon which it relies (see Tr. 13).

3. Because of the shortness of time and to accommodate the convenience of counsel, the hearing now scheduled for December 15, 1955, is continued to Wednesday, January 11, 1956, at 10:00 a. m. in the offices of the Commission, Washington, D. C. The date for the exchange of the written case under Rule 1.841 is set at Thursday, December 22, 1955; and the date for the further conference contemplated by Rule 1.841 at Tuesday, January 3, 1956.

It is so ordered, This 18th day of November 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9490; Filed, Nov. 25, 1955; 8:48 a. m.]

[Docket No. 11518; FCC 55M-973]

AMERICAN TELEPHONE AND TELEGRAPH CO.

ORDER AFTER PREHEARING CONFERENCE

In the matter of American Telephone and Telegraph Company, charges classifications, regulations and practices for and in connection with multiple private line services and channels.

Appearances: Mr. Ernest D. North, Mr. John T. Quisenberry, and Mr. Charles F. Martin on behalf of the respondents American Telephone and Telegraph Company and the twenty-three associated Bell System telephone companies;[1] Mr. John H. Waters, Mr. William Wendt, Mr. William E. Seward, and Mr. Jack Werner on behalf of the intervenor Western Union Telegraph Company; Mr. Donald C. Beelar and Mr. Kelley E. Griffith on behalf of the intervenor Aeronautical Radio, Inc.; and Mr. Bernard Strassburg and Mr. William M. Lesher on behalf of the Chief, Common Carrier Bureau, Federal Communications Commission, The Harrison Telephone Company of Ohio, a named party respondent, was not represented.

1. Pursuant to Hearing Examiner's order dated November 1, 1955, a prehearing conference in this proceeding was held on November 10, 1955, in which the parties participated by counsel as indicated in the statement of appearances above. The parties as fully identified above will be refered to hereinafter for convenience as respectively: Telephone Companies, Western Union, AerInc., and Bureau. Various matters of procedure and substance were discussed as shown by Transcript Volume 1 (pages 1–86) which is made a part of the record herein. The matters upon which significant agreements and determinations were reached are hereinafter summarized.

2. After some discussion on the record, followed by a conference among all counsel off the record, it was agreed and stipulated on the record that for the purposes of this proceeding the numbered paragraph 4 in the third ordering clause of the Commission's order dated October 19, 1955, released October 21, and which is as follows:

4. The effect of the new tariff schedules on competition in the field of private line teletypewriter service and channels.

has reference to and includes all private line telegraph services and channels furnished by both Western Union and Telephone Companies. It was also agreed by all counsel that the foregoing clarifying statement does not constitute an enlargement or change of the scope of the issues as stated in the Commission's order, and consequently that the issue or matter for investigation is thus sufficiently redefined and clarified without any necessity for further action by the Commission.

3. Bureau counsel read into the record a statement, and provided all parties with a copy thereof, outlining in more detail than is specified in the Commission's order the matters and subjects to be covered by the evidence which is to be sought in this proceeding. (The statement appears in the transcript at pages 17–21.) Telephone Companies agreed in general that they would cooperate to provide the most complete record possible for consideration by the Commission, and that evidence along the lines suggested in Bureau's statement would be offered to the extent that the information contemplated thereby reasonably can be made available; some types of requested information may not be susceptible of production from the records of Telephone Companies, and the preparation of some other requested information will require more time than is available prior to the scheduled hearing date of November 21, 1955. The hearing date was postponed by order made on the record as hereinafter noted. Moreover, counsel, for all parties will participate in informal conferences upon these and other matters in order to derive specific agreements, stipulations, and statements to be submitted for the record at the commencement of the hearing. Accordingly, no further definition of the issues in these respects was undertaken or achieved at the prehearing conference.

4. The prehearing conference was recessed for three hours at noontime in order that counsel for all parties might confer informally upon various matters that had arisen during the morning session of the formal conference. Upon reconvening certain agreements, in addition to those above set out, were stated on the record and concurred in by counsel for all parties; the agreements are:

a. The direct evidence for all parties will consist of oral testimony and written exhibits, but the witnesses may testify from previously prepared memoranda; no prepared written testimony will be previously exchanged among the parties or offered in direct evidence. Written exhibits to be offered in evidence will be notified to all other parties by copies thereof in advance of the hearing to the extent that such exhibits become available for prior exchange. Objections to exhibits offered at the hearing will not be ruled upon until cross-examination of th identifying witnesses has been completed.

b. Telephone Companies will proceed first at the hearing to offer in evidence the direct affirmative testimony and exhibits deemed to be responsive to the matters under inquiry. A recess in the hearing will then be ordered to allow other parties an opportunity to prepare for cross-examination; the duration of such recess will be determined in the light of the needs of the parties and in consideration of the mandate that this proceeding shall receive expedited consideration.

c. Cross-examination of Telephone Companies' witnesses shall be conducted first by AerInc., second by Western Union, third by Bureau. Cross-examination shall be completed before redirect examination. Further oral examinations shall proceed in the same sequences.

d. After examination of the witnesses offered by Telephone Companies, and after an appropriate recess period, AerInc., Western Union, and Bureau respectively will offer such testimony and exhibit evidence as they intend to present; cross-examination upon each party's direct evidence will be completed as it is offered and before presentation by the following party; appropriate recess periods for preparation of cross-examination will be allowed.

e. Objections to testimony or exhibits shall be explicitly stated with the reasons therefor and each objection so stated and considered will be ruled upon by statement made on the record.

f. Exhibits to be offered in evidence shall be identified by consecutive numbers for each party beginning respectively at: Number 1 for Telephone Companies; Number 101 for AerInc.;

[1] The associated Bell System telephone companies who are parties to this proceeding and who are represented as above stated are: Bell Telephone Company of Nevada, Bell Telephone Company of Pennsylvania, The Cincinnati & Suburban Bell Telephone Company, Citizens Telephone Company, Inc., Diamond State Telephone Company, Illinois Bell Telephone Company, Indiana, Indiana Bell Telephone Company, Michigan Bell Telephone Company, Mountain States Telephone & Telegraph Company, New England Telephone Company, New Jersey Bell Telephone Company, New York Telephone Company, Northwestern Bell Telephone Company, The Ohio Bell Telephone Company, The Pacific Telephone & Telegraph Company, Southern Bell Telephone & Telegraph Company, The Southwestern Bell Telephone Company, Wisconsin Telephone Company, The Chesapeake & Potomac Telephone Company, The Chesapeake & Potomac Telephone Company of Baltimore City, The Chesapeake & Potomac Telephone Company of Virginia, The Chesapeake & Potomac Telephone Company of West Virginia, and Southern New England Telephone Company.

Number 201 for Western Union; and Number 301 for Bureau.[3]

g. The hearing of evidence in this proceeding shall be commenced at 10:00 a. m. on Tuesday, December 6, 1955, at the offices of the Commission in Washington, D. C.

5. Discussions were had concerning the evidentiary showing to be made by the Telephone Companies upon certain construction and termination costs and charges; further clarification of these matters was left for development in the informal conferences among counsel to be conducted by them prior to the convening of the hearing. Prehearing discussions also touched upon the suspension of the tariffs under investigation which has been ordered to be effective until February 1, 1956; no action could be or was taken at the prehearing conference, this being a matter within the jurisdiction of the Commission.

6. It is expected that further informal conferences will develop agreements and stipulations to be submitted for the record at the hearing. Such agreements will include various documentary and other facts susceptible of stipulation in lieu of proof, and concise statements of matters of public record to be made a part of the evidentiary record through official notice. At the commencement of the hearing any party by informal statement on the record may request clarification or modification of the provisions of this order, and ruling thereon will then be made.

It is ordered, This 18th day of November 1955, that, unless modified as hereinabove permitted or pursuant to the Commission's rules, the foregoing statements and provisions to the extent of their applicability shall govern the conduct of the hearing in this proceeding.

Released: November 22, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9491; Filed, Nov. 25, 1955; 8:49 a. m.]

[3] This departs from the assignments indicated at pages 83 and 84 of the transcript; the purpose is to maintain the chronology of numbering with the order of presentation of evidence by the parties.

FEDERAL POWER COMMISSION

[Docket No. G-5259]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF ORDER IN REGARD TO PROPOSED TARIFF SHEETS

NOVEMBER 18, 1955.

Notice is hereby given that on November 4, 1955, the Federal Power Commission issued its order adopted November 2, 1955, allowing certain proposed tariff sheets to become effective subject to refund and allowing other sheets to become effective in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9471; Filed, Nov. 25, 1955; 8:46 a. m.]

[Docket No. G-5939]

POINT CORP.

NOTICE OF ORDER DISMISSING APPLICATION FOR LACK OF JURISDICTION

NOVEMBER 18, 1955.

Notice is hereby given that on November 7, 1955, the Federal Power Commission issued its order adopted November 2, 1955, dismissing application for lack of jurisdiction in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9472; Filed, Nov. 25, 1955; 8:46 a. m.]

[Docket No. G-8884]

OLIN GAS TRANSMISSION CORP. AND HOPE PRODUCING CO.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF APPLICATION FOR ABANDONMENT OF NATURAL GAS SERVICE

NOVEMBER 18, 1955.

Notice is hereby given that on November 7, 1955, the Federal Power Commission issued its order adopted November 2, 1955, permitting withdrawal of application for abandonment of natural gas service in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9473; Filed, Nov. 25, 1955; 8:46 a. m.]

[Docket No. G-3175]

PHILLIPS PETROLEUM CO.

NOTICE OF ORDER MAKING EFFECTIVE PROPOSED RATE CHANGES

NOVEMBER 18, 1955.

Notice is hereby given that on November 8, 1955, the Federal Power Commission issued its order adopted November 2, 1955, making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9475; Filed, Nov. 25, 1955; 8:46 a. m.]

[Docket No. G-8960]

SUNRAY MID-CONTINENT OIL CO.

NOTICE OF ORDER MAKING EFFECTIVE PROPOSED RATE CHANGES

NOVEMBER 18, 1955.

Notice is hereby given that on November 9, 1955, the Federal Power Commission issued its order adopted November 2, 1955, making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9476; Filed, Nov. 25, 1955; 8:46 a. m.]

[Docket No. G-9309]

CITIES SERVICE GAS PRODUCING CO.

NOTICE OF ORDER MAKING EFFECTIVE PROPOSED RATE CHANGES

NOVEMBER 18, 1955.

Notice is hereby given that on November 7, 1955, the Federal Power Commission isued its order adopted November 2, 1955, making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9477; Filed, Nov. 25, 1955; 8:46 a. m.]

[Project No. 2114]

PUBLIC UTILITY DISTRICT NO. 2 OF GRANT COUNTY, WASH.

NOTICE OF ORDER ISSUING LICENSE (MAJOR)

NOVEMBER 18, 1955.

Notice is hereby given that on November 4, 1955, the Federal Power Commission issued its order adopted November 4, 1955, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY;
Secretary.

[F. R. Doc. 55-9478; Filed, Nov. 25, 1955; 8:47 a. m.]

[Docket No. G-6508]

TEXAS EASTERN TRANSMISSION CORP. AND TRUNKLINE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 21, 1955.

Take notice that, on November 30, 1954, Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation with its principal place of business in Shreveport, Louisiana, and Trunkline Gas Company (Trunkline), a Delaware corporation with its principal place of business in Houston Texas, filed a joint application, pursuant to section 7 (c) of the Natural Gas Act, authorizing the exchange of natural gas between them, and the construction and operation of facilities required to effect the exchange.

Texas Eastern proposes to install, maintain and operate an 8-inch reversible meter setting on its transmission pipeline in Wharton County, Texas, at the point of interconnection where Trunkline's existing 24-inch transmission line crosses Texas Eastern's existing 16-inch Provident City line. The estimated maximum capacity of the proposed interconnection in Wharton County is 75,000 Mcf per day.

Trunkline proposes to construct, maintain and operate an 8-inch reversible meter setting on its existing 26-inch transmission line at the point of interconnection of that line with Texas Eastern's existing 24-inch transmission line in Williamson County, Illinois. The estimated maximum capacity of the proposed interconnection in Williamson County is approximately 75,000 Mcf per day from the facilities of Trunkline to Texas Eastern, and approximately 64,000 Mcf per day from Texas Eastern to Trunkline.

Any deliveries of gas at either of these two points of interconnection are to be returned in like quantities at the same point of interconnection at which the deliveries were received, within 60 days from the date of initial delivery. The proposed exchange will not affect the gas supply of Texas Eastern or Trunkline and deliveries are to be made only when they can be effected without impairment of Texas Eastern's or Trunkline's obligations to others.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 20, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 7, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9479; Filed, Nov. 25, 1955; 8:47 a. m.]

[Docket No. G-8901]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 21, 1955.

Take notice that Texas Eastern Transmission Corporation (Applicant), a Delaware corporation having its principal place of business in Shreveport, Louisiana, filed on May 13, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing emergency deliveries to existing customers and persons interconnected with its system.

Applicant proposes to deliver gas under its emergency service rate schedules from time to time as required by its connected customers in order to prevent interruption or serious curtailment of service for temporary periods. Applicant's proposal would not require the construction of any new facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 20, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 7, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9480; Filed, Nov. 25, 1955; 8:47 a. m.]

[Docket No. G-9295]

NATIONAL GAS & OIL CORP.

NOTICE OF DECLARATION OF EXEMPTION

NOVEMBER 18, 1955.

Notice is hereby given that on November 7, 1955, the Federal Power Commission issued its declaration of exemption from the provisions of the Natural Gas Act adopted November 2, 1955, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9474; Filed, Nov. 25, 1955; 8:46 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

[FCDA Delegation 4]

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO NATIONAL CIVIL-DEFENSE PROGRAM

By virtue of the authority vested in me by section 201 (b) of the Federal Civil Defense Act of 1950 (64 Stat. 1248), and in the interest of the development of the national civil-defense program contemplated by that act, including action in support of the States during a civil-defense emergency, I hereby delegate the following-described responsibilities to the Secretary of the Interior, which are in addition to the responsibilities delegated to him by FCDA Delegation No. 3, approved by the President August 13, 1955 (20 F. R. 5957): Plan a national program, provide technical guidance to the States and direct Federal activities concerned with the emergency restoration of electric utility service to attacked areas and provision of adequate electric utility service to support areas.

In carrying out his responsibilities hereunder, the Secretary of the Interior shall be governed by the general provisions contained in the said FCDA Delegation No. 3.

The provisions hereof shall become effective upon the date of approval by the President.

Dated: November 7, 1955.

VAL PETERSON,
Federal Civil Defense Administrator.

Approved: November 22, 1955.

DWIGHT D. EISENHOWER,
The White House.

[F. R. Doc. 55-9529; Filed, Nov. 23, 1955; 4:11 p. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

FEDERAL HOUSING COMMISSIONER ET AL.

DELEGATION OF AUTHORITY WITH RESPECT TO PURCHASE OF SURETY BONDS TO COVER CIVILIAN OFFICERS AND EMPLOYEES

Each of the following officers within the Housing and Home Finance Agency:

Officer and Constituent Agency or Office

Federal Housing Commissioner; Federal Housing Administration.
Public Housing Commissioner: Public Housing Administration.
President, Federal National Mortgage Association; Federal National Mortgage Association.
Assistant Administrator (Administration), Office of the Administrator; Office of the Administrator, including Regional Offices of the Housing and Home Finance Agency.

is hereby authorized:

1. To executed the powers and functions vested in the Housing and Home Finance Administrator (as head of an independent establishment) under the provisions of Public Law 323, 84th Cong. (69 Stat. 618, 6 U. S. C. 14), and regulations issued pursuant thereto, with respect to the purchase of blanket, position schedule, or other types of surety bonds covering civilian officers and employees under the jurisdiction of such designated officer, as shown above, who are required by law or administrative ruling to be bonded.

2. To redelegate any of the authority herein delegated to one or more officers or employees under the jurisdiction of such designated officer as shown above.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c)

Effective as of the 26th day of November 1955.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 55-9493; Filed, Nov. 25, 1955; 8:49 a. m.]

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION V, AND PROJECT REPRESENTATIVE, REGION V (FORT WORTH, TEXAS)

REDELEGATION OF AUTHORITY TO APPROVE CERTAIN CONTRACTS WITH RESPECT TO SLUM CLEARANCE AND URBAN RENEWAL PROGRAM

The Regional Director of Urban Renewal, Region V (Fort Worth, Texas), is hereby authorized, and each Project Representative in such Region is hereby authorized, to take the following action within such Region with respect to the program authorized under Title I of the Housing Act of 1949, as amended (63 Stat. 414–421, as amended, 42 U. S. C. 1450–1460) and under Section 312 of the Housing Act of 1954 (68 Stat. 629):

Approve contracts between local public agencies and third parties.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c; Delegation of Authority effective December 23, 1954 (20 F. R. 428–9, 1/19/55), as amended effective June 17, 1955 (20 F. R. 4275, 6/17/55).)

Effective as of the 14th day of November 1955.

W. H. SINDT,
Acting Regional Administrator, Region V.

[F. R. Doc. 55-9494; Filed, Nov. 25, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 22, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31341: *Hoisting machinery from Iowa to Kansas City, Mo.* Filed by The Chicago and North Western Railway Company for and on behalf of interested rail carriers. Rates on hoisting machinery and parts thereof, set up or knocked down, straight or mixed carloads from Cedar Rapids and Crandic Iowa to Kansas City, Mo.

Grounds for relief: Circuity.

Tariff: Supplement 25 to Chicago & North Western Railway tariff I. C. C. No. 11215.

FSA No. 31342: *Fertilizer between Official Territory and the South.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads between points in official territory and points in southern territory.

Grounds for relief: Carrier competition, circuity, grouping, and market competition.

Tariffs: Agent Boin's tariff I. C. C. No. A–1075. Supplement 59 to Agent Spaninger's I. C. C. 1366.

FSA No. 31343: *Iron or steel billets from Huntington, W. Va. to Beaumont, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron or steel billets, other than copper clad, carloads from Huntington, W. Va., to Beaumont, Tex.

Grounds for relief: Barge competition.

Tariff: Supplement 19 to Agent Kratzmeir's I. C. C. 4170.

FSA No. 31344: *Trailer-on-flat car service—N. Y., N. H. & H. R. R. Co.* Filed by The New York, New Haven and Hartford Railroad Company, for interested rail carriers. Rates on various commodities loaded in or on trailers transported on flat cars, between points in Massachusetts and Rhode Island, on the one hand, and points in Illinois, Indiana, Michigan, Missouri, Ohio, and Pennsylvania, on the other.

Grounds for relief: Motor truck competition.

Tariff: New York, New Haven & Hartford Railroad tariff I. C. C. F–4383.

FSA No. 31345: *Lumber from the South to Western Trunk Line Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on lumber and related articles, carloads from points in southern territory to points in western trunk line territory.

Grounds for relief: Carrier competition and circuity; additional routes.

Tariff: Supplement 130 to Agent Spaninger's I. C. C. 1101.

FSA No. 31346: *Aluminum from Southwest to Illinois, Wisconsin, and Official Territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs, or slabs, carloads from points in Arkansas and Texas to points in Illinois, Wisconsin, and Official territory.

Grounds for relief: Carrier competition, circuity, grouping, and rates constructed on basis of a distance scale.

Tariff: Agent Kratzmeir's tariff I. C. C. No. 4176.

FSA No. 31347: *Fertilizer solution from Selma, Mo.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on nitrogen fertilizer solution and fertilizer ammoniating solution, tank-car loads from Selma, Mo., to points in central and Illinois Freight Association territories.

Grounds for relief: Short-line distance formula, circuity, and market competition.

Tariff: Supplement 100 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 31348: *Merchandise from St. Louis to Florida and Georgia.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on various commodities in mixed carloads from St. Louis, Mo., to Yukon, Fla., and Warner Robins, Ga.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 21 to Agent Spaninger's I. C. C. 1458.

FSA No. 31349: *Sugar from the Southwest to Harrison, Ark.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sugar, beet or cane, carloads from points in Louisiana and Texas to Harrison, Ark.

Grounds for relief: Rail and truck competition.

Tariff: Supplement 14 to Agent Kratzmeir's I. C. C. No. 4088.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-9482; Filed, Nov. 25, 1955; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30-144]

AMERICAN POWER & LIGHT CO.

CESSATION AS HOLDING COMPANY

NOVEMBER 21, 1955.

American Power & Light Company ("American") having filed an application with the Commission, pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 ("act"), requesting an order that it has ceased to be a holding company; and

The Commission finding that, pursuant to a certain plan of dissolution of American (File No. 54–207), which was approved by the Commission by order dated March 31, 1953 (Holding Company Act Release No. 11797), and was approved and ordered enforced by the United States District Court for the District of Maine by order dated May 15, 1953 (Civil Action No. 731), American was dissolved on July 22, 1953; and that the remaining assets of its estate, which consist principally of cash and United States Government obligations and which do not include any outstanding voting securities of a public utility or a holding company, are now here being administered by its Trustees in Dissolution named in said plan; and that by reason of the foregoing, American has ceased to be a holding company.

Notice of the filing of said application having been duly given and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the Act are met and that the application should be granted forthwith, subject to the condition hereinafter set forth; and

The Commission finding that, while American has ceased to be a holding company, it is necessary for the protection of investors that the Commission retain jurisdiction over American to the same extent as though it were still in all respects a registered holding company in respect of the matters over which jurisdiction was reserved in the Commission's order dated March 31, 1953, in File No. 54–207 (Holding Company Act Release No. 11797) to the extent that the matters specified therein shall not have heretofore been disposed of, but that except for such retained jurisdiction the registration of American as a holding company should cease to be in effect:

It is ordered, Pursuant to the provisions of section 5 (d) of the act, that American has ceased to be a holding company and that, subject to the condition prescribed below, the registration of American as a holding company shall cease to be in effect: *Provided, however*, That this order shall be subject to the condition, which is prescribd as necessary for the protection of investors, that the Commission shall retain jurisdiction over American in respect of any further proceedings or orders which the Commission may deem necessary or appropriate pursuant to the reservation of jurisdiction contained in the Commission's order of March 31, 1953, in File No. 54–207 (Holding Company Act Release No. 11797) in the same manner and to the same extent as though American were in all respects a registered holding company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-9502; Filed, Nov. 25, 1955; 8:50 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 14]

KNITTED GARMENTS

INSTITUTING NOTICE OF INVESTIGATION AND SETTING HEARING

In the matter of complaint of unfair methods of competition and unfair acts in the importation of knitted garments.

Having considered the complaint under oath filed with the United States Tariff Commission on July 1, 1955, by Renee Hall, Mount Vernon, New York, and others, alleging unfair methods of competition or unfair acts in the importation of knitted garments and in the sale thereof in the United States in violation of the provisions of section 337 of the Tariff Act of 1930, and after preliminary inquiry with respect to the matters alleged in the said complaint in accordance with section 203.3 of the rules of practice and procedure of the United States Tariff Commission, the Commission, on the 28th day of October 1955, ordered:

(1) That an investigation pursuant to section 337 of the Tariff Act of 1930 in the matter of the aforementioned allegations be instituted; and

(2) That a public hearing in said investigation be held in the Hearing Room of the United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m., e. s. t., on the 29th day of February 1956, at which hearing all parties concerned will be afforded opportunity to be present, to produce evidence, and to be heard concerning the said alleged unfair methods of competition and unfair acts.

Public notice of the receipt of the aforesaid complaint was duly issued on July 22, 1955 (20 F. R. 5378; July 28, 1955, issue of Treasury Decisions), and the said complaint has been available for inspection by interested parties since that date at the office of the Secretary, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., and also in the New York office of the Tariff Commission located in Room 437 of the Custom House.

I hereby certify that the institution of the foregoing investigation and the hearing therein were ordered by the United States Tariff Commission on the 28th day of October 1955.

Issued: November 1, 1955.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 55-9495; Filed, Nov. 25, 1955; 8:49 a. m.]

FEDERAL REGISTER

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THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

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DEC 6 1955

MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS FOR THE 1956 CROP OF UPLAND COTTON

Basis and purpose. The purpose of this amendment is to establish the county acreage allotments for the 1956 crop of upland cotton pursuant to section 344 (e) of the Agricultural Adjustment Act of 1938, as amended. Notice of the proposed establishment of such allotments was given on August 31, 1955 (20 F. R. 6387), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), and in the regulations issued pursuant to said notice it was provided in § 722.716 (e) that that paragraph would be amended at a later date to include the county acreage allotment established for each county (20 F. R. 8250). Furthermore, farmers engaged in the production of upland cotton in 1955 will determine in a referendum to be held on December 13, 1955, whether marketing quotas will be in effect on the 1956 crop of upland cotton. In order that county acreage allotments may be apportioned to farms and notices of individual farm acreage allotments mailed, insofar as practicable, so as to be received by farmers prior to the referendum, as required by Section 362 of the Agricultural Adjustment Act of 1938, as amended, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure thereon and the 30-day effective date requirements of section 4 of the Administrative Procedure Act is impracticable, unnecessary, and contrary to the public interest, and the county acreage allotments contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.716 (e) of the Regulations Pertaining to Acreage Allotments for the 1956 Crop of Upland Cotton (20 F. R. 8247) is amended to read as follows:

(e) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (b) of this section and (2) the acreages from the State acreage reserve which are added to the computed county acreage allotment under subparagraphs (1) and (2) of paragraph (c) of this section. The county acreage allotment for each county is set out below. The amount of the acreage reserved by each county committee pursuant to § 722.717 (b) is available for inspection by any interested person at the office of the county committee. Also available for inspection at the office of the county committee are the data pertaining to the establishment of administrative areas in accordance with paragraph (f) of § 722.716.

ALABAMA	
County:	*County allotments*
Autauga	8,898
Baldwin	2,303
Barbour	13,912
Bibb	3,632
Blount	15,913
Bullock	9,169
Butler	8,797
Calhoun	5,896
Chambers	9,488
Cherokee	20,887
Chilton	8,538
Choctaw	5,612
Clarke	4,725
Clay	3,496
Cleburne	2,544
Coffee	18,615
Colbert	21,746
Conecuh	11,181
Coosa	1,511
Covington	15,709
Crenshaw	10,859
Cullman	30,994
Dale	7,833
Dallas	26,163
DeKalb	29,271
Elmore	14,648
Escambia	9,854
Etowah	10,409
Fayette	8,185
Franklin	12,918
Geneva	19,846
Greene	12,970
Hale	14,980
Henry	14,958
Houston	25,641
Jackson*	22,972
Jefferson	2,817

*See footnote on p. 8742.

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ALABAMA—Con. County:	*County allotments*
Lamar	10,700
Lauderdale	27,085
Lawrence	37,628
Lee	9,308
Limestone	49,870
Lowndes	10,553
Macon	16,481
Madison*	58,229
Marengo	15,850
Marion	12,602
Marshall	28,423
Mobile	2,986
Monroe	17,269
Montgomery	10,393
Morgan	27,467
Perry	10,675
Pickens	14,704
Pike	16,708
Randolph	9,220
Russell	10,353
St. Clair	4,738
Shelby	5,767
Sumter	13,668
Talladega	12,101
Tallapoosa	6,855
Tuscaloosa	15,438
Walker	5,779
Washington	2,006
Wilcox	11,187
Winston	6,322
a. State total	948,255
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	76,886
c. State allotment	1,025,141

*See footnote on p. 8742.

ARIZONA County:	*County allotments*
Cochise	12,980
Gila*	3
Graham*	9,886
Greenlee	1,722
Maricopa	127,209
Mohave*	231
Pima	22,571
Pinal	138,179
Santa Cruz	1,991
Yavapai*	10
Yuma	28,858
a. State total	343,640
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	0
c. State allotment	343,640

ARKANSAS	
Arkansas	10,164
Ashley	24,056
Baxter	88
Benton	1
Boone	37
Bradley	6,095
Calhoun	4,310
Chicot	30,788
Clark	4,580
Clay	38,131
Cleburne*	3,436
Cleveland	5,029
Columbia	14,177
Conway	6,656
Craighead	78,643
Crawford	282
Crittenden*	95,622
Cross	37,536
Dallas	2,343
Desha	43,339
Drew	14,068
Faulkner	13,101
Franklin	474
Fulton	903
Garland	23
Grant	989
Greene	37,695
Hempstead	11,066
Hot Spring	654
Howard	2,668
Independence	6,214
Izard	2,147
Jackson	44,661
Jefferson	68,512
Johnson	925
Lafayette	15,237
Lawrence	20,245
Lee	57,482
Lincoln	35,074
Little River	5,978
Logan	1,578
Lonoke	52,596
Marion	75
Miller*	12,058
Mississippi*	183,322
Monroe	37,356
Montgomery	109
Nevada	5,118
Newton	51
Ouachita	2,728
Perry	967
Phillips	77,333
Pike	435
Poinsett	83,191
Polk	41
Pope	2,742
Prairie	10,641
Pulaski	17,382
Randolph	9,289
St. Francis	66,461
Saline	138
Scott	254
Searcy	202
Sebastian	331
Sevier	734
Sharp	2,517
Stone	187
Union	2,966

*See footnote on p. 8742.

ARKANSAS—Con. County:	*County allotments*
Van Buren	1,203
Washington	0
White	22,886
Woodruff	36,996
Yell	6,460
a. State total	1,381,776
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	42,735
c. State allotment	1,424,511

CALIFORNIA	
Butte	3
Fresno	196,538
Glenn	7
Imperial	47,559
Kern	182,300
Kings	97,368
Los Angeles	218
Madera	47,982
Merced	29,627
Riverside	19,795
San Benito	204
San Bernardino	683
San Diego	317
San Joaquin	3
San Luis Obispo	52
Stanislaus	129
Tehama	71
Tulare	150,151
Yuba	9
a. State total	773,016
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	9,389
c. State allotment	782,405

FLORIDA	
Alachua	131
Baker	5
Bay	59
Calhoun	728
Clay	1
Columbia	262
Dixie	5
Duval	2
Escambia	1,440
Gadsden	231
Gilchrist	2
Hamilton	1,193
Hillsborough	1
Holmes	4,907
Jackson	7,627
Jefferson	1,455
Lafayette	227
Leon	1,061
Levy	8
Liberty	12
Madison	2,871
Nassau	4
Okaloosa	1,552
Orange	10
Putnam	1
Santa Rosa	5,982
Suwannee	653
Taylor	25
Union	10
Walton	2,266
Washington	916
a. State total	33,647
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	3,327
c. State allotment	36,974

GEORGIA	
Appling	4,365
Atkinson	841
Bacon	2,224
Baker	3,154
Baldwin	2,550
Banks	3,168
Barrow	5,791

GEORGIA—Con. County:	*County allotments*
Bartow	16,247
Ben Hill	5,056
Berrien	3,085
Bibb	1,227
Bleckley	6,824
Brantley	39
Brooks	8,589
Bryan	197
Bulloch	15,030
Burke	35,066
Butts	4,398
Calhoun	5,353
Camden	2
Candler	6,594
Carroll	10,128
Catoosa	1,405
Charlton	10
Chatham	43
Chattahoochee	156
Chattooga	4,616
Cherokee	722
Clarke	1,921
Clay	3,467
Clayton	1,122
Clinch	119
Cobb	998
Coffee	6,789
Colquitt	20,288
Columbia	1,973
Cook	3,646
Coweta	7,448
Crawford	1,805
Crisp	9,468
Dade	349
Dawson	131
Decatur	3,879
DeKalb	550
Dodge	13,380
Dooly	18,707
Dougherty	1,975
Douglas	1,091
Early	13,445
Echols	44
Effingham	1,494
Elbert	8,532
Emanuel	16,593
Evans	2,583
Fayette	4,699
Floyd	7,304
Forsyth	1,893
Franklin	7,598
Fulton	2,203
Gilmer	9
Glascock	4,887
Gordon	10,260
Grady	3,396
Greene	3,004
Gwinnett	4,277
Habersham	364
Hall	2,075
Hancock	8,821
Haralson	2,807
Harris	1,685
Hart	11,231
Heard	2,687
Henry	11,274
Houston	5,453
Irwin	9,722
Jackson	9,644
Jasper	4,384
Jeff Davis	2,129
Jefferson	19,508
Jenkins	11,573
Johnson	15,841
Jones	580
Lamar	2,482
Lanier	582
Laurens	29,073
Lee	3,432
Liberty	114
Lincoln	2,379
Long	473
Lowndes	3,136
Lumpkin	50
McDuffie	6,508
McIntosh	4
Macon	11,644
Madison	10,090
Marion	3,738
Meriwether	11,825
Miller	5,763

GEORGIA—Con. County:	County allotments
Mitchell	12,160
Monroe	1,544
Montgomery	3,948
Morgan	13,967
Murray	3,830
Muscogee	187
Newton	7,446
Oconee	7,752
Oglethorpe*	7,631
Paulding	2,798
Peach	2,364
Pickens	463
Pierce	2,092
Pike	6,183
Polk	6,261
Pulaski	8,757
Putnam	1,726
Quitman	1,563
Randolph	5,610
Richmond	2,456
Rockdale	3,178
Schley	3,913
Screven	16,716
Seminole	4,617
Spalding	2,426
Stephens	913
Stewart	2,952
Sumter	10,524
Talbot	1,358
Taliaferro	1,754
Tattnall	5,000
Taylor	6,838
Telfair	4,664
Terrell	11,641
Thomas	5,608
Tift	6,809
Toombs	7,680
Treutlen	3,416
Troup	1,799
Turner	7,583
Twiggs	3,476
Upson	1,284
Walker	2,791
Walton	18,724
Ware	726
Warren	11,020
Washington	17,085
Wayne	2,389
Webster	1,609
Wheeler	3,449
White	414
Whitfield	2,077
Wilcox	11,273
Wilkes	4,352
Wilkinson	2,565
Worth	18,138
a. State total	858,825
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	44,396
c. State allotment	903,221
ILLINOIS	
Alexander	1,641
Jefferson	1
Massac	1
Pulaski	1,155
Williamson	1
a. State total	2,799
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	311
c. State allotment	3,110
KANSAS	
Cowley	2
Montgomery	24
a. State total	26
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	3
c. State allotment	29

*See footnote on p. 8742.

KENTUCKY County:	County allotments
Ballard	12
Calloway	122
Carlisle	44
Fulton	5,945
Graves	148
Hickman	951
McCracken	3
Marshall	44
a. State total	7,269
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	530
c. State allotment	7,799
LOUISIANA	
Acadia	12,696
Allen	831
Ascension	552
Assumption	34
Avoyelles	25,508
Beauregard	371
Blenville	6,615
Bossier	20,129
Caddo:*	
Administrative Area I	4,849
Administrative Area II	30,600
Calcasieu	235
Caldwell	7,057
Cameron	318
Catahoula	12,161
Claiborne	10,552
Concordia	9,586
DeSoto	10,512
East Baton Rouge	858
East Carroll	25,325
East Feliciana	3,740
Evangeline	17,843
Franklin	56,794
Grant	4,062
Iberia	1,982
Iberville	704
Jackson	1,272
Jefferson	3
Jefferson Davis	559
Lafayette	15,176
Lafourche	171
La Salle	388
Lincoln	4,680
Livingston	386
Madison	18,731
Morehouse	30,844
Natchitoches	25,119
Orleans	5
Ouachita	14,498
Plaquemines*	1
Pointe Coupee	11,032
Rapides	17,281
Red River	12,005
Richland	48,677
Sabine	2,367
St. Bernard*	1
St. Helena	2,329
St. James	16
St. John the Baptist	12
St. Landry	38,010
St. Martin	8,983
St. Mary*	3
St. Tammany	341
Tangipahoa	1,440
Tensas	19,840
Union	6,497
Vermillion	5,786
Vernon	1,140
Washington	5,877
Webster	7,411
West Baton Rouge	1,213
West Carroll*	25,877
West Feliciana	2,661
Winn	1,148
a. State total	595,694
b. State acreage reserve for small farms, for inequities and for hardship cases	15,197
c. State allotment	610,891

MARYLAND County:	County allotments
Caroline	23
a. State total	23
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	2
c. State allotment	25
MISSISSIPPI	
Adams	2,934
Alcorn	14,106
Amite	9,566
Attala	13,514
Benton	11,376
Bolivar*	117,737
Calhoun	16,202
Carroll	15,200
Chickasaw	14,370
Choctaw	4,081
Claiborne	5,043
Clarke	4,854
Clay	8,188
Coahoma*	86,325
Copish	8,938
Covington	10,173
DeSoto*:	
Administrative Area I	23,351
Administrative Area II	9,040
Forrest	1,234
Franklin	1,843
George	1,171
Greene	1,083
Grenada	11,813
Hancock	34
Harrison	11
Hinds	27,730
Holmes*:	
Administraive Area I	15,025
Administrative Area II	18,754
Humphreys*	46,969
Issaquena	10,459
Itawamba	11,589
Jackson	60
Jasper	7,604
Jefferson	5,410
Jefferson Davis	15,993
Jones	8,721
Kemper	11,135
Lafayette	16,975
Lamar	3,781
Lauderdale	6,334
Lawrence	8,511
Leake	17,568
Lee	27,732
Leflore*	71,911
Lincoln	6,087
Lowndes	16,421
Madison	33,003
Marion	10,594
Marshall	33,522
Monroe	29,363
Montgomery	8,128
Neshoba	15,646
Newton	9,607
Noxubee	16,571
Oktibbeha	4,682
Panola	38,787
Pearl River	309
Perry	1,833
Pike	6,172
Pontotoc	19,927
Prentiss	17,325
Quitman*	57,900
Rankin	9,884
Scott	11,325
Sharkey*	26,877
Simpson	13,625
Smith	10,827
Stone	141
Sunflower*	118,460
Tallahatchie:*	
Administrative Area I	4,504
Administrative Area II	52,147
Tate	23,376
Tippah	16,337
Tishomingo	9,786
Tunica*	48,035
Union	17,826
Walthall	13,358

MISSISSIPPI—Con. County:	County allotments
Warren	6,316
Washington*	82,213
Wayne	6,595
Webster	8,337
Wilkinson	4,415
Winston	12,967
Yalobusha	11,491
Yazoo	41,686
a. State total	1,600,853
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	45,709
c. State allotment	1,646,562
MISSOURI	
Bollinger	94
Butler	17,084
Cape Girardeau	113
Carter	21
Dunklin	81,355
Howell	28
Jefferson	3
Mississippi	27,149
New Madrid	89,593
Oregon	86
Ozark	31
Pemiscot*	94,776
Ripley	2,076
Scott	16,212
Stoddard	39,059
Vernon	1
Wayne	2
a. State total	367,683
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	10,372
c. State allotment	378,055
NEVADA	
Clark	25
Nye	2,299
a. State total	2,324
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	0
c. State allotment	2,324
NEW MEXICO	
Bernalillo	2
Chaves*	30,701
Curry	1,205
De Baca	361
Dona Ana*	32,216
Eddy*	26,353
Grant	65
Guadalupe	10
Hidalgo*	5,828
Lea	25,962
Luna	12,437
Otero	1,337
Quay	2,416
Roosevelt	17,917
Sierra*	2,209
Socorro*	1,672
Valencia	30
a. State total	165,721
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	13,657
c. State allotment	179,378
NORTH CAROLINA	
Alamance	85
Alexander	898
Anson	14,765
Beaufort	1,408
Bertie	6,536
Bladen	4,052
Brunswick	314
Burke	103
Cabarrus	5,029

*See footnote on p. 8742.

NORTH CAROLINA—Con. County:	County allotments
Caldwell	50
Camden	411
Carteret	77
Catawba	3,221
Chatham	716
Chowan	2,344
Cleveland	33,527
Columbus	2,723
Craven	546
Cumberland	12,928
Currituck	421
Davidson	1,039
Davie	2,192
Duplin	3,890
Durham	153
Edgecombe	13,111
Forsyth	148
Franklin	9,815
Gaston	3,720
Gates	2,182
Granville	370
Greene	4,415
Guilford	93
Halifax	22,955
Harnett	15,059
Hertford	4,570
Hoke	16,050
Hyde	328
Iredell	9,943
Johnston	20,785
Jones	370
Lee	1,274
Lenoir	2,463
Lincoln	8,342
Martin	2,683
Mecklenburg	8,280
Montgomery	1,768
Moore	2,016
Nash	13,469
New Hanover	26
Northampton	20,560
Onslow	412
Orange	109
Pamlico	299
Pasquotank	334
Pender	368
Perquimans	1,502
Person	1
Pitt	8,045
Polk	1,373
Randolph	81
Richmond	7,092
Robeson	48,543
Rockingham	0
Rowan	6,759
Rutherford	8,700
Sampson	25,671
Scotland	20,528
Stanly	2,439
Tyrrell	284
Union	17,360
Vance	3,041
Wake	6,200
Warren	7,884
Washington	646
Wayne	11,954
Wilkes	83
Wilson	9,135
Yadkin	44
a. State total	471,110
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	12,822
c. State allotment	483,932
OKLAHOMA	
Adair	67
Alfalfa	63
Atoka	1,699
Beaver	66
Beckham	65,160
Blaine	12,342
Bryan	17,985
Caddo	48,617
Canadian	14,410
Carter	1,259
Cherokee	79

OKLAHOMA—Con. County:	County allotments
Choctaw	3,313
Cleveland	1,699
Coal	3,027
Comanche	13,685
Cotton	18,974
Craig	91
Creek	2,191
Custer	24,532
Delaware	1
Dewey	8,290
Ellis	617
Garfield	109
Garvin	5,247
Grady	17,553
Grant	24
Greer	42,580
Harmon	49,963
Harper	17
Haskell	2,762
Hughes	4,706
Jackson	58,895
Jefferson	16,918
Johnston	3,306
Kay	410
Kingfisher	1,865
Kiowa	54,511
Latimer	284
Le Flore	1,939
Lincoln	1,283
Logan	3,028
Love	8,495
McClain	8,098
McCurtain	6,221
McIntosh	11,848
Major	2,406
Marshall	3,966
Mayes	636
Murray	414
Muskogee	18,374
Noble	1,167
Nowata	1,002
Okfuskee	5,454
Oklahoma	428
Okmulgee	10,054
Osage	3,167
Pawnee	3,364
Payne	2,726
Pittsburg	5,199
Pontotoc	1,125
Pottawatomie	774
Pushmataha	343
Roger Mills	22,233
Rogers	910
Seminole	1,394
Sequoyah	850
Stephens	5,378
Texas	12
Tillman	73,109
Tulsa	1,533
Wagoner	9,228
Washington	32
Washita	79,092
Woodward	568
a. State total	793,167
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	52,449
c. State allotment	845,616
SOUTH CAROLINA	
Abbeville	7,936
Aiken	20,123
Allendale	9,592
Anderson	26,553
Bamberg	12,397
Barnwell	14,400
Beaufort	1,045
Berkeley	8,999
Calhoun	15,220
Charleston	1,258
Cherokee	12,367
Chester	10,294
Chesterfield	31,481
Clarendon	32,298
Colleton	9,320
Darlington	29,543
Dillon	21,641

South Carolina—Con. County:	County allotments
Dorchester	9,190
Edgefield	9,466
Fairfield	4,841
Florence	30,791
Georgetown	2,686
Greenville	14,620
Greenwood	4,170
Hampton	7,852
Horry	9,344
Jasper	2,535
Kershaw	19,415
Lancaster	8,190
Laurens	17,312
Lee	33,514
Lexington	10,904
McCormick	3,599
Marion	11,381
Marlboro	38,844
Newberry	7,842
Oconee	7,410
Orangeburg	56,703
Pickens	6,120
Richland	6,348
Saluda	7,876
Spartanburg	22,792
Sumter	38,330
Union	5,691
Williamsburg	31,787
York	15,656
a. State total	709,676
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	16,517
c. State allotment	726,193
Tennessee	
Bedford	1,425
Benton	2,435
Blount	0
Bradley	1,163
Cannon	26
Carroll	18,235
Chester	10,443
Coffee	1,410
Crockett	30,065
Cumberland	0
Davidson	12
Decatur	3,436
De Kalb	35
Dyer	31,217
Fayette	41,193
Franklin	5,319
Gibson	41,285
Giles	8,621
Grundy	153
Hamilton	709
Hardeman	20,342
Hardin	8,678
Haywood	40,970
Henderson	16,793
Henry	4,668
Hickman	24
Humphreys	9
Knox	6
Lake	20,677
Lauderdale	33,738
Lawrence	19,116
Lewis	318
Lincoln	12,187
Loudon	5
McMinn	750
McNairy	18,354
Madison	31,019
Marion	327
Marshall	369
Maury	180
Meigs	636
Monroe	254
Montgomery	1
Moore	74
Obion	9,418
Perry	171
Polk	850

Tennessee—Con. County:	County allotments
Rhea	19
Roane	4
Robertson	1
Rutherford	4,384
Sequatchie	1
Shelby	42,665
Stewart	1
Tipton	43,945
Van Buren	31
Warren	506
Wayne	2,775
Weakley	9,246
White	66
Williamson	118
Wilson	73
a. State total	540,951
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	22,540
c. State allotment	563,491
Virginia	
Accomack	11
Appomattox	0
Brunswick	2,032
Caroline	5
Charlotte	5
Chesterfield	3
Cumberland	5
Dinwiddie	232
Franklin	19
Greeneville	4,181
Halifax	1
Hanover	0
Isle of Wight	283
Lunenburg	225
Mecklenburg	1,837
Nansemond	1,602
Norfolk	38
Prince Edward	5
Prince George	62
Princess Anne	8
Southampton	4,427
Surry	13
Sussex	1,607
a. State total	16,601
b. State acreage reserve for small farms, for new farms, for inequities and for hardship cases	513
c. State allotment	17,114

*Indicates that the county acreage allotment will be apportioned among farms on the cropland basis in accordance with § 722.717 (c). For all other counties listed in this paragraph (e), the Deputy Administrator has approved the recommendation of the county committee that the county acreage allotment be apportioned among farms on the historical basis in accordance with section 722.717 (d). This paragraph (e) may be amended at a later date to show changes in the method to be used by county committees in apportioning the county acreage allotment among farms.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 344, 362, 52 Stat. 57, 62, as amended; 7 U. S. C. 1344, 1362)

Issued at Washington, D. C., this 23d day of November 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9549; Filed, Nov. 25, 1955; 12:30 p. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-184-A12]

PART 978—MILK IN NASHVILLE, TENN., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 978.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order, as amended, regulating the handling of milk in the Nashville, Tennessee marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held;

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective December 1, 1955. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk for the Nashville marketing area. Under the present order, the supply-demand adjustment provision is temporarily inoperative. A finding was made in the decision issued by the Acting Secretary on November 16, 1955 (20 F. R. 8607) that the action contained in this order is necessary to reflect changing supply-demand conditions which are taking place in the Nashville market at the present time. Any delay beyond December 1, 1955 in the effective date of this order will tend to affect adversely the production of an adequate supply of milk for the Nashville marketing area in that the present accelerated rate of Class I sales in relation to production will not result in an appropriate price adjustment.

The changes effected by this order amending the order, as amended, do not require of persons affected substantial or extensive changes prior to the effective date. The provisions of the said order are well known to handlers, the public hearing having been held on September 22-23, 1955, the recommended decision having been published in the FEDERAL REGISTER (20 F. R. 8336) on November 5, 1955 and the final decision having been executed by the Acting Secretary on November 16, 1955. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER.

In view of the foregoing, it is hereby found that good cause exists for making this order amending the order, as amended, effective December 1, 1955 (Sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended) of more than 50 percent of the volume of milk covered by this order, amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

1. The refusal or failure of such handlers to sign said marketing agreement tend to prevent the effectuation of the declared policy of the Act;

2. This issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the Act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

3. The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who during the determined representative period (September, 1955) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 978.51 (a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.40 during the months of September through February, and plus $1.10 during all other months, plus an additional 10 cents during the months through March 1956, plus or minus a supply-demand adjustment calculated for each month after March 1956 as follows:

(1) Divide the total hundredweight of producer milk of all fluid milk plants for the twelve-month period ending with the beginning of the preceding month, by the net hundredweight of Class I milk disposed of from all fluid milk plants during the same period and multiply by 100. The resulting figure rounded to the nearest whole percentage shall be known as the utilization ratio.

(2) For each percentage by which the utilization ratio calculated for the month pursuant to subparagraph (1) of this paragraph exceeds 130 subtract from or for each percentage by which it is less than 125 add to, the Class I price, 1 cent.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 23d day of November 1955, to be effective on and after the 1st day of December 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-9541; Filed, Nov. 28, 1955; 8:50 a. m.]

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

BUDGET OF EXPENSES OF THE WALNUT CONTROL BOARD AND RATES OF ASSESSMENT FOR THE MARKETING YEAR BEGINNING AUGUST 1, 1955

Notice of proposed rule making with respect to the budget of expenses of the Walnut Control Board for the marketing year beginning August 1, 1955, and rates of assessment, was published in the FEDERAL REGISTER of October 28, 1955 (20 F. R. 8124), pursuant to the provisions of Marketing Agreement No. 105, as amended, and Order No. 84, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington (20 F. R. 5387), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to the issuance of the final rule. No such documents were received during the time specified in the notice.

Therefore, after consideration of all relevant matters, it is found and determined that the budget of expenses of the Walnut Control Board and the rates of assessment shall be as follows:

§ 984.307 *Budget of expenses of the Walnut Control Board and rates of assessment for the marketing year beginning August 1, 1955*—(a) *Budget of expenses.* Expenses in the amount of $112,000 are reasonable and likely to be incurred by the Walnut Control Board for its maintenance and functioning, and for such purposes as the Secretary may, pursuant to the provisions of the amended agreement and order, determine to be appropriate for the marketing year beginning August 1, 1955.

(b) *Rates of assessments.* Each handler shall pay to the Control Board on demand from time to time 0.12 cent per pound of merchantable walnuts handled or certified for handling and 0.15 cent per pound of shelled walnuts handled or declared for handling by him during the marketing year beginning August 1, 1955.

It is hereby found and determined that good cause exists for making this document effective upon publication in the FEDERAL REGISTER, instead of waiting 30 days after publication, for the reasons that (1) the regulation should become effective prior to or as soon as practicable after handling of the 1955 walnut crop begins, (2) the handling of such crop has begun, and (3) the regulation herein will require no special preparation on the part of handlers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 23d day of November 1955, to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 55-9545; Filed, Nov. 28, 1955; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6377]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DIAMOND CAP CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition: Wool Products Labeling Act;* § 13.1325 *Source or origin:* Maker or seller, etc.: *Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1900 *Source or origin:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1126-1130; 15 U. S. C. 45, 68-68 (c)) [Cease and desist order, Diamond Cap Company, Inc. (Philadelphia, Pa.) et al., Docket 6377, November 9, 1955.]

In the Matter of Diamond Cap Company, Inc., a Corporation; and Crisfield Cap Company, a Corporation; and Louis Goldenberg and Harry Faerman, Individually and as Officers of Said Corporations

This proceeding was heard by Everett F. Haycraft, hearing examiner, upon the complaint of the Commission—which charged the corporate manufacturer and its officers with misbranding in violation of the Wool Products Labeling Act, through labeling as "100% Wool" caps which in fact contained a large percentage of reprocessed or reused wool, and through failing to stamp or tag other such wool products with the information required by the act—and an agreement between the parties providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of November 9, 1955, pursuant to § 3.21 of the rules of practice, became the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That respondent Diamond Cap Company, Inc., a corporation; and respondent Crisfield Cap Company, a corporation; and respondents Louis Goldenberg and Harry Faerman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with introduction or manufacture for introduction into commerce, or offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of caps or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight, or (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool products, of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool products or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; and

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939, and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said Act or the Rules and Regulations promulgated thereunder.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 9, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-9520; Filed, Nov. 28, 1955; 8:47 a. m.]

[Docket 6358]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ROSEMAN ENTERPRISES CO., ETC.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees;* § 13.130 *Manufacture or preparation;* § 13.175 *Quality of product or service.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1980 *Guarantee, in general.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; as amended; 15 U. S. C. 45) [Cease and desist order, Roseman Enterprises Company, etc., New York, N. Y., Docket 6358, November 10, 1955]

In the Matter of Edward Roseman, Arthur Roseman and Herman Roseman, Individuals and Copartners Trading as Roseman Enterprises Company, Dunhall Imports Company, Sorjine Continental Watch Company and Brooks Products Company

This proceeding was heard by James A. Purcell, hearing examiner, on the complaint of the Commission—which charged respondent individuals with advertising falsely that the "Dunhall" and "Pennant" watches which they sold to jobbers and dealers for resale to the purchasing public had "Jeweled Movement" and were "Guaranteed For One Year"—and an agreement between the parties providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

On this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of November 10, 1955, pursuant to § 3.21 of the rules of practice, became the "Decision of the Commission."

Order to cease and desist is as follows:

It is ordered, That respondents, Edward Roseman, Arthur Roseman and Herman Roseman, individually and as copartners trading under the firm names of Roseman Enterprises Company, Dunhall Imports Company, Sorjine Continental Watch Company and Brooks Products Company, or any other trade name or names, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watches in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that a watch is a "jeweled" watch, or that it contains a jeweled movement, unless said watch contains at least 7 jewels, each of which serves a mechanical purpose as a frictional bearing.

2. Representing that watches offered for sale or sold by respondents are guaranteed unless and until the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 10, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-9534; Filed, Nov. 28, 1955; 8:48 a. m.]

[File No. 205-4]

PART 302—RULES AND REGULATIONS UNDER FLAMMABLE FABRICS ACT

REASONABLE AND REPRESENTATIVE TESTS

On October 19, 1955, a notice of proposed rule making by the Federal Trade Commission was published in the FEDERAL REGISTER. Such notice stated that the Commission would on November 4, 1955, give consideration to an amendment of § 302.7 of the regulations under the Flammable Fabrics Act. A draft of the proposed amendment was made part of the notice.

Interested parties participated by submitting in writing their views, arguments and other pertinent data, and these have been made a part of the record.

After due consideration of the proposed amendment of § 302.7 of the regulations under the Flammable Fabrics Act, together with all views, arguments and other data submitted, § 302.7 (a) (2) is hereby amended by striking out subsections (i) and (ii) thereof, and renumbering subsections (iii) and (iv) as (ii) and (iii), respectively, and by adding a new subsection (i). Section 302.7 (a) (3) is hereby amended by adding a new subsection (iii).

The amended subsections of § 302.7 will read as follows:

§ 302.7 *Reasonable and representative tests under section 8 of the act.* (a) • • •

(2) *Plain surface textile fabrics weighing less than two ounces per square yard.* (i) When, on the initial test of any plain surface textile fabric weighing less than two ounces per square yard, such fabric exhibits a burning time of 3.5 seconds or more, such test may suffice for any fabric of the same fiber composition, construction and finish type. This class of fabric shall be tested at least once at intervals of not more than three months thereafter while in production. If, after four consecutive interval production tests have been made, none of such test results show the flame spread to have been less than 4.5 seconds, no further tests of such class of fabric need be made.

(ii) When, on the initial test of any plain surface textile fabric weighing less than two ounces per square yard, none of the specimens ignite, such initial test may suffice for any fabric of the same fiber composition, construction and finish type.

(iii) When, on the initial test of any plain surface textile fabric weighing less than two ounces per square yard, such fabric ignites but the flame is extinguished before the stop cord is burned, such test may suffice for any fabric of the same fiber composition, construction and finish type. This class of fabric shall be tested at least once at intervals of not more than one year thereafter while in production.

(3) *Certain raised fiber surface textile fabrics.* (i) When a test of any raised fiber surface textile fabric which has a dense cut pile of uniform short length or looped yarns, does not exhibit a surface flash and does not ignite, such test shall suffice for any such fabric having a dense cut pile of the same length or the same looped yarns and of the same fiber composition, construction and finish type. Examples of the types of fabrics referred to are velvets, velveteens, velours, and corduroys.

(ii) One test of any raised fiber surface textile fabric, the raised fiber surface of which consists of not less than ninety percentum (90%) protein fiber, or one test of any fabric in a particular class of such fabrics, shall suffice for any such fabric or class of fabrics.

(iii) When, on the initial test of any raised surface textile fabric which has a surface composed of looped yarns, such fabric exhibits a burning time in excess of 12 seconds, such test may suffice for any such fabric having the same looped yarns and of the same fiber composition, construction and finish type. An example of the type of fabric referred to is "terry cloth".

(Sec. 5, 67 Stat. 112; 15 U. S. C. Sup. 1194)

Promulgated and made effective as of date of publication in FEDERAL REGISTER, inasmuch as amended Rule relieves restrictions with respect to testing certain fabrics.

Issued: November 23, 1955.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-9528; Filed, Nov. 28, 1955; 8:48 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. P. L. 24 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
708460	Carrier current line-communications terminal and intermediate repeater or amplifier equipment, designed to transmit, carry, or receive frequencies higher than 10 kilocycles; and specially fabricated parts, n. e. c.[1]	----------	RARA 50	100	RO
708500	Telegraph apparatus (wire), n. e. c., and specially fabricated parts, n. e. c.: Other multi-channel telegraph terminal transmitting and receiving equipment; and specially fabricated parts, n. e. c.[1]	----------	RARA 50	100	RO
708700	Telephone terminal and intermediate repeater or amplifier equipment designed to transmit, carry, or receive frequencies higher than 10 kilocycles; and specially fabricated parts, n. e. c.[1]	----------	RARA 50	100	RO
764670	Air-conditioning and refrigerating equipment, n. e. c., and parts, n. e. c. (electric, gas, gasoline and kerosene operated): Reciprocating compressor units, over 10 horsepower and not over 30 horsepower, having a designed capacity of 60 cubic feet per minute or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cubic feet per minute capacity and kind of metal, and if nickel alloy, state percentage of nickel content.)[1]	No.	GIEQ	500	RO
775998	Industrial manufacturing and service-industrial machines, n. e. c. (specify by name): Machines for forming, stranding, or assembling coaxial cable, with or without conductors other than coaxial tubes; and specially fabricated parts, n. e. c.[1]	----------	TOOL	500	RO
775998	Machines for applying insulating material to conductors of multipair electric telecommunication cables; and specially fabricated parts, n. e. c.[1]	----------	TOOL	500	RO
775998	Machines for laying together conductors for multipair telecommunication cables and/or applying insulating, separating, binding, or identifying material thereto; and specially fabricated parts, n. e. c.[1]	----------	TOOL	500	RO
775998	Machines for laying together conductors (pairs, quads, etc.) to form complete cable core or a part thereof; and specially fabricated parts, n. e. c.[1]	----------	TOOL	500	RO
919080	Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c.: Helium cryostat equipment[1]	No.	SATE	None	RO
919080	Parts, n. e. c., specially fabricated for helium cryostat equipment.[1]	----------	SATE	25	RO

[1] This commodity is subject to the IC/DV procedure (see § 373.2 of this subchapter), effective Jan. 2, 1956.

This part of the amendment shall become effective as of 12:01 a. m., November 25, 1955.

2. The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
619159	Metal powders: Titanium. (Specify titanium content.) (7)[1][11]	Lb.	MINL	None	RO
664572	Titanium: Sponge (including iodide titanium) and scrap. (Specify Brinell hardness of sponge.)[1][13]	Lb.	MINL	None	RO
664574	Intermediate mill shapes[1][12]	Lb.	MINL	None	RO
664576	Mill products, n. e. c.[1][13]				
707608	Radio and television apparatus (report tubes, capacitors (condensers), inductors (transformers and coils) in 707803-707915; radar equipment in 708410; antenna towers in 618961; and television picture projectors in 900700-900900): Radio and television broadcast transmitting equipment designed for operation at frequencies above 216 megacycles; and specially fabricated parts.[2]	----------	RARA 50	100	RO

See footnotes at end of table.

[1] This amendment was published in Current Export Bulletin No. 758, dated November 17, 1955.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Industrial process indicating (measuring), recording, and/or controlling instruments, n. e. c., and specially fabricated parts, n. e. c. (for measuring and/or controlling temperatures, pressure, level, flow, humidity, moisture, motion, rotation, gas analysis, chemical properties, and variables) (Specify by name):				
706070	Continuous measuring pH (O) equipment, and specially fabricated parts, n. e. c. [1]		GIEQ	100	RO
706993	Size measuring machines and instruments, n. e. c., and specially fabricated parts, n. e. c.:		TOOL	250	RO
	Instruments or devices capable of controlling the dimensions of a rolled metal product during its production; and specially designed parts as a unit of such equipment, n. e. c., and specially fabricated parts, n. e. c. (specify by name):				
706995	Geiger-Mueller counters (all types), and specially fabricated parts, n. e. c. (report Geiger-Mueller counter tubes in 707830). (2) [1]		MINE	100	RO
	Air compressors:				
770500	Stationary, classify over 25 cubic feet: Compressors: (a) Requiring a drive unit rated at 900 horsepower or more, or (b) requiring a drive unit rated at 300 horsepower or more when designed for a delivery pressure exceeding 450 pounds per square inch. (Specify delivery pressure and horsepower.) [1] [26]	No.	CONS 2	None	RO
770500	Compressors having a designed capacity of 60 cubic feet per minute or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cubic feet per minute capacity and kind of metal, and if nickel alloy, state percentage of nickel content.) [1] [26]	No.	CONS 2	500	RO
770615	Portable, capacity 60 cubic feet and over: Compressors having all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cubic feet per minute capacity and kind of metal, and if nickel alloy, state percentage of nickel content.) [1] [26]	No.	CONS 2	500	RO
770625	Gas compressors, n. e. c.: Gas compressors: (a) Requiring a drive unit rated at 900 horsepower or more, or (b) requiring a drive unit rated at 300 horsepower or more when designed for a delivery pressure exceeding 450 pounds per square inch. (Specify delivery pressure and horsepower.) [1] [26]	No.	CONS 2	None	RO
770625	Gas compressors having a desinel capacity of 60 cubic feet per minute or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cubic feet per minute capacity and kind of metal, and if nickel alloy, state percentage of nickel content.) [1] [26]	No.	CONS 2	500	RO
770710	Centrifugal blowers (except turboblowers) designed to compress air or gas: (a) Requiring a drive unit rated at 900 horsepower or more, or (b) requiring a drive unit rated at 300 horsepower or more when designed for a delivery pressure exceeding 450 pounds per square inch. (Specify delivery pressure and horsepower.) [1] [26]	No.	CONS 2	None	RO
770700	Centrifugal blowers (except turboblowers), having a designed capacity of 60 cubic feet per minute or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cubic feet per minute capacity and kind of metal, and if nickel alloy, state percentage of nickel content.) [26]	No.	CONS 2	500	RO
770710	Axial blowers (except turboblowers), designed to compress air or gas: (a) Requiring a drive unit rated at 900 horsepower or more, or (b) requiring a drive unit rated at 300 horsepower or more when designed for a delivery pressure exceeding 450 pounds per square inch. (Specify delivery pressure and horsepower.) [1] [26]	No.	CONS 2	None	RO

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Electronic-type components:				
707507	Electron tubes (report X-ray tubes in 707505 and 707507):				
707830	Electron counter tubes designed to operate with grid currents of less than 1 micromicroampere. (1) [18]	No.	RAPA 51	50	RO
707830	Geiger-Mueller counter tubes [1] [22]	No.	RAPA 51	50	HO
707830	Photomultiplier tubes having photo-cathode sensitivity of 10 or more microamperes per lumen and an average amplification greater than 10.[4] (1) [24]	No.	RAPA 51	50	RO
709855	Insulated wire and cable (except magnet wire): Coaxial cable (single or multi-tube) having any of the following characteristics: (1) An attenuation of 10 decibels or less per 100 feet and a standing wave ratio of 2 or less at 3,000 megacycles; (2) air-spaced types; or (3) having poly tetrafluoroethylene (e. g., Teflon) electric material and type number.) [24]	Lb.	NONF	100	RO
709855	Communications submarine cable. (2) [1] [2]	Lb.	NONF	100	HO
709855	Communications cable containing more than 1 pair of conductors and containing any conductor (single or stranded) exceeding 0.9 millimeter in diameter [3]	Lb.	NONF	100	RO
770500	Compressors, n. e. c., and parts, n. e. c.: Specially fabricated parts for off-the-road haulage vehicles (trucks, wagons and trailers) included on the Positive List under Schedule B No. 722027. (1) [3]		CONS 1	500	R
742300	Power-driven metalworking machine tools (nonportable), and parts: Hollow drill deep-hole drilling machines (report hollow deep-hole drills in 744881).[20]	No.	TOOL	500	RO
764080	Air-conditioning and refrigerating equipment, n. e. c., and parts, n. e. c. (electric, gas, gasoline and kerosene operated): Reciprocating compressor units: (a) Requiring a drive unit rated at 900 horsepower or more, or (b) requiring a drive unit rated at 300 horsepower or more when designed for a delivery pressure exceeding 450 pounds per square inch. (Specify delivery pressure and horsepower.) [1] [26]	No.	GIEQ	None	RO
764080	Reciprocating compressor units over 30 horsepower, designed to have a capacity of 60 cubic feet per minute or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cubic feet per minute capacity and kind of metal, and if nickel alloy, state percentage of nickel content.) [1] [26]	No.	GIEQ	500	RO
764710	Centrifugal refrigerating units: Requiring a drive unit rated at 900 horsepower or more, or (b) requiring a drive unit rated at 300 horsepower or more when designed for a delivery pressure exceeding 450 pounds per square inch. (Specify delivery pressure and horsepower.) [1] [26]	No.	GIEQ	None	RO
764710	Centrifugal refrigerating units having a designed capacity of 60 cubic feet per minute or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cubic feet per minute capacity and kind of metal, and if nickel alloy, state percentage of nickel content.) [26]	No.	GIEQ	500	RO
766010	Blowers and fans, n. e. c., and specially fabricated parts, n. e. c., specially fabricated for air-conditioning and refrigerating equipment, and having a designed capacity of 60 cubic feet per minute or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cubic feet per minute capacity and kind of metal, and if nickel alloy, state percentage of nickel content.) [26]		GIEQ	500	RO
766030	Parts, n. e. c., specially fabricated for air-conditioning and refrigerating equipment included on the Positive List under Schedule B Nos. 764710 through 764710, for replacement.[1] [2]		GIEQ	500	RO
766050	Parts, n. e. c., specially fabricated for air-conditioning and refrigerating equipment included on the Positive List under Schedule B Nos. 764670 through 764710, for replacement.[1] [2]		GIEQ	500	RO

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
770710	Blowers, n. e. c., turboblowers, and parts—Continued Axial blowers (except turboblowers), having a designed capacity of 60 cubic feet per minute or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cubic feet per minute capacity and kind of metal, and if nickel alloy, state percentage of nickel content.) [26]	No.	CONS 2	500	RO
770720	Turboblowers designed to compress air or gas: (a) Requiring a drive unit rated at 900 horsepower or more, or (b) requiring a drive unit rated at 300 horsepower or more when designed for a delivery pressure exceeding 450 pounds per square inch. (Specify delivery pressure and horsepower.) [1] [26]	No.	CONS 2	None	RO
770720	Turboblowers having a designed capacity of 60 cubic feet per minute or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cubic feet per minute capacity and kind of metal, and if nickel alloy, state percentage of nickel content.) [26]	No.	CONS 2	500	RO
770775	Blowers, n. e. c. designed to compress air or gas: (a) Requiring a drive unit rated at 900 horsepower or more, or (b) requiring a drive unit rated at 300 horsepower or more when designed lor a delivery pressure exceeding 450 pounds per square inch (Specify delivery pressure and horsepower.) (2) [1] [26]	No	CONS 2	None	RO
770775	Blowers, n. e. c., having a designed capacity of 60 cubic feet per minute or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cubic feet per minute capacity and kind of metal, and if nickel alloy, state percentage of nickel content.) (2) [26]	No.	CONS 2	500	RO
770820	Mechanical vacuum pumps capable of producing a vacuum of 0.01 millimeter or less mercury pressure absolute, except pumps having a capacity of less than 60 liters of free air per minute.[30]	No.	GIEQ 1	None	RO
770820	Other mechanical vacuum pumps capable of producing a vacuum of 0.1 millimeter or less mercury pressure absolute.[1] [27]	No.	GIEQ 1	None	R
	Industrial manufacturing and service-industries, machines, n. e. c., and specially fabricated parts, n. e. c. (specify by name):				
775998	Machines for applying insulating separators to the inner conductor of air spaced coaxial electric cable; and specially fabricated parts, n. e. c. (2) [15] [22]	----------	TOOL	500	RO
775998	Machines for applying metal strip or sheet to form the outer conductor of coaxial electric cable; and specially fabricated parts, n. e. c. (3) [4] [15] [22]	----------	TOOL	500	RO
919080	Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c.: Proportional counters. (14) [23]	No.	SATE	None	RO

[1] The GLV dollar-value limit is increased.
[2] The GLV dollar-value limit is decreased, effective November 25, 1955.
[3] The processing code is changed or related commodity group number is changed (see § 372.5 (f) of this subchapter).
[4] The letter "A" is added in the column headed "Commodity Lists," indicating that the commodity is subject to the IC/DV procedure (see § 373.2 of this subchapter), effective Jan. 2, 1956.
[5] The letter "A" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to the IC/DV procedure (see § 373.2 of this subchapter).
[7] The letter "B" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to DL restrictions (see § 374.2 of this subchapter), and is no longer excepted from the Time Limit licensing procedure (see Part 377 of this subchapter).
[12] The letter "F" is added in the column headed "Commodity Lists," indicating that the commodity may be exported under the Foreign Distribution licensing procedure (see Part 378 of this subchapter).
[13] The letter "F" is deleted in the column headed "Commodity Lists," indicating that the commodity may no longer be exported under the Foreign Distribution licensing procedure (see Part 378 of this subchapter), effective Dec. 19, 1955.
[16] The letter "G" is deleted in the column headed "Commodity Lists," indicating that the commodity may be exported to Group O destinations under General License GLV within the $500 dollar-value limit provisions (see § 371.10 (c) of this subchapter).
[18] The destination control is changed from R to RO, effective Nov. 25, 1955.
[17] The destination control is changed from RO to R.
[19] The commodity description is revised without substantive change.
[21] The unit of quantity is changed.
[20] The commodity coverage is decreased.
[22] The commodity coverage is increased, effective Nov. 25, 1955.
[23] Geiger-Mueller counter tubes, formerly included on the Positive List under Schedule B No. 9190S0, are transferred to Schedule B No. 707830 to conform to Bureau of the Census classification practice.
[24] Air-spaced types formerly included in the last entry on the Positive List under Schedule B No. 709855 are subject to the IC/DV procedure (see § 373.2 of this subchapter), effective Jan. 2, 1956.
[25] Formerly included on the Positive List in the last entry under Schedule B No. 709855, and is subject to the IC/DV procedure (see § 373.2 of this subchapter), effective Jan. 2, 1956.
[26] Two entries are substituted for the present entry without change in coverage.

This part of the amendment shall become effective as of November 17, 1955, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Part 2 of this amendment, which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., November 25, 1955, may be exported under the previous general license provisions up to and including December 19, 1955, any such shipment not laden aboard the exporting carrier on or before December 19, 1955, requires a validated license for export.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55-9450; Filed, Nov. 28, 1955; 8:45 a. m.]

Chapter VIII—Office of Business Economics, Department of Commerce

PART 805—CENSUS OF AMERICAN DIRECT INVESTMENTS IN FOREIGN COUNTRIES

RESCISSION OF RETENTION OF REPORTS

The requirement for the retention of a copy of the report by each person filing which is contained in the material appearing in § 305.8 at 16 F. R. 5007 (redesignated as § 805.8 at 18 F. R. 8111) is hereby rescinded effective upon publication of this notice in the FEDERAL REGISTER.

Because of the nature of this notice, I find, for good cause shown, that it is impracticable and unnecessary, and no good reason would be served to give preliminary notice, engage in public rulemaking procedure or postpone the effective date thereof.

[SEAL] JAMES W. MCNALLY,
Acting Director,
Office of Business Economics.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55-9524; Filed, Nov. 28, 1955; 11:06 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

STERILIZATION OF DRUGS BY IRRADIATION

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055; 21 U. S. C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), and pursuant to the provisions of the Administrative Procedure Act (sec. 3, 60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of interpretation is issued:

§ 3.45 *Sterilization of drugs by irradiation.* There is a current interest in the utilization of newly developed sources of radiation for the sterilization of drugs. Prior to the marketing of a drug sterilized by such means, it is necessary in the interest of protecting the public health to establish by adequate investigations that the irradiation treatment does not cause the drug to become unsafe or otherwise unsuitable for use. Accordingly, all drug products, including injections, ophthalmic solutions, surgi-

cal sutures, and surgical dressings sterilized by means of irradiation are regarded as new drugs within the meaning of section 201 (p) of the Federal Food, Drug, and Cosmetic Act. An effective new-drug application pursuant to section 505 of the act is therefore a prerequisite to interstate shipment of such articles, except as provided by section 505 (i).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 201, 505, 52 Stat. 1042, 1052; 21 U. S. C. 321, 355)

Dated: November 22, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-9532; Filed, Nov. 28, 1955; 8:48 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF PHYGON

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of Phygon (dichlone or 2,3-dichloro-1,4-naphthoquinone) in or on certain raw agricultural commodities.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g); 20 F. R. 759), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended by adding the following new section:

§ 120.118 *Tolerances for residues of Phygon (dichlone or 2,3-dichloro-1,4-naphthoquinone).* A tolerance of 3 parts per million is established for residues of Phygon (dichlone or 2,3-dichloro-1,4-naphthoquinone) in or on each of the following raw agricultural commodities: Celery, tomatoes.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: November 23, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-9531; Filed, Nov. 28, 1955; 8:48 a. m.]

PART 144—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

PART 164—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 506, 55 Stat. 851; 21 U. S. C. 356), and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for the certification of batches of drugs composed wholly or partly of insulin (21 CFR, 1954 Supp., Part 144) are revoked, and are revised and reissued as Part 164, as set forth below. This revision is necessary to delete from these regulations the standards and tests and methods of assay for NPH insulin, which appear in the monograph for Isophane Insulin Injection in the latest revision of the United States Pharmacopeia and because of the contemplated recodification and renumbering of the parts in Chapter I of Title 21.

Sec.
164.1 Definitions and interpretations of terms.
164.2 Requests for certification; samples; storage; approvals preliminary to certification.
164.3 Certifications.
164.4 Conditions on the effectiveness of certificates.
164.5 Packaging.
164.6 Labeling.
164.7 Distinguishing colors on packages.
164.8 Records of distribution.
164.9 Authority to refuse certification service.
164.10 Fees.
164.11 Standards of quality and purity for protamine.
164.12 Standards of quality and purity for globin hydrochloride.
164.13 Standards of identity, strength, quality, and purity for lente insulin.
164.14 Tests and methods of assay.

AUTHORITY: §§ 164.1 to 164.14 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 506, 55 Stat. 851; 21 U. S. C. 356.

§ 164.1 *Definitions and interpretations of terms.* For the purpose of the regulations in this part:

(a) The term "insulin" means the active principle of pancreas which affects the metabolism of carbohydrate in the animal body and which is of value in the treatment of diabetes mellitus.

(b) The term "insulin U. S. P." means the insulin injection recognized in the official United States Pharmacopeia, including supplements thereto.

(c) The term "protamine zinc insulin" means the protamine zinc insulin injection recognized in the official United States Pharmacopeia, including supplements thereto.

(d) The term "globin zinc insulin" means the globin zinc insulin injection recognized in the official United States Pharmacopeia, including supplements thereto.

(e) The term "isophane insulin" means the isophane insulin injection recognized in the official United States Pharmacopeia, including supplements thereto.

(f) The term "lente insulin" means the insulin preparation described in § 164.13.

(g) The term "master lot" means a quantity (which is purified and which has been mixed in one container so as to be homogeneous) of:

(1) A concentrated solution of insulin; or

(2) The insulin-containing solids, in amorphous or crystalline form, derived from one or more such solutions.

(h) The term "batch" means a quantity of a drug, in labeled packages, of uniform composition and intended for administration without further change, in which the sole insulin-containing ingredient is a single dilution (which has been mixed in one container so as to be homogeneous) of:

(1) A single master lot or part thereof; or

(2) A mixture of two or more master lots or parts thereof;

except that such term means a portion of such quantity when certification of such portion is requested.

(i) The term "master lot mark" means an identifying mark or other identifying device assigned to a master lot by the manufacturer thereof.

(j) The term "batch mark" means an identifying mark or other identifying device assigned to a batch by the manufacturer thereof.

(k) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(l) The term "Commissioner" means the Commissioner of Food and Drugs.

(m) The functions and duties of the Commissioner under the regulations in this part may be exercised by such other responsible officials of the Food and Drug Administration as the Commissioner may designate for that purpose.

(n) The term "act" means the Federal Food, Drug, and Cosmetic Act, as amended.

(o) The definitions and interpretations of terms contained in section 201 of the act shall be applicable to such terms when used in the regulations in this part.

§ 164.2 *Requests for certification; samples; storage; approvals preliminary to certification.* (a) A request for certification of a batch shall be addressed to the Commissioner, Food and Drug Administration, Department of Health, Education, and Welfare, Washington 25, D. C. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

(b) The initial request for certification submitted by any person shall be preceded or accompanied by a full statement of the facilities and controls used to maintain the identity, strength, quality, and purity of each batch, including a description of:

(1) The equipment, methods, and processes used in diluting master lots and parts thereof, and in maintaining the identity, strength, quality, and purity of master lots and dilutions therefrom;

(2) The tests and assays made on master lots and mixtures thereof, on dilutions and batches therefrom, and on ingredients used in such dilutions and batches; and

(3) The laboratory facilities used in such controls.

Such initial request shall also be preceded or accompanied by the keys to the master lot marks and batch marks used by such person. When any change is made in any of such facilities or controls, or in any such key, the next request for certification thereafter shall be accompanied by a full statement of such change.

(c) A person who requests certification of a batch shall submit in connection with his request statements showing:

(1) The master lot mark of each master lot used or to be used wholly or partly as an ingredient or component of an ingredient of the batch;

(2) The quantity of each such master lot so used;

(3) The original quantity of each such master lot (unless such information has been previously submitted);

(4) The quantity of the batch; and

(5) The batch mark.

(d) Except as otherwise provided in paragraphs (g) and (h) of this section, a person who requests certification of a batch shall submit in connection with his request and in the quantities hereinafter indicated, accurately representative samples of the following:

(1) The single master lot or the mixture of two or more master lots or parts thereof, to be used as ingredients of the batch; in a quantity containing approximately 10,000 U. S. P. Units of insulin, except that, if the batch is to be isophane insulin, the quantity shall contain not less than 20,000 U. S. P. Units of Insulin.

(2) A trial dilution made from such master lot or mixture, glycerin, phenol or cresol, and hydrochloric acid, which dilution conforms to the standard of identity, strength, quality, and purity for insulin U. S. P., except that it may contain not less than 35 U. S. P. Units nor more than 45 U. S. P. Units of insulin per cubic centimeter; in a quantity containing approximately 2,000 U. S. P. Units of insulin.

(3) If the batch is to be protamine zinc insulin, a trial mixture which is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,000 U. S. P. Units of insulin.

(4) If the batch is to be protamine zinc insulin or isophane insulin, the lot of protamine used as an ingredient of the trial mixture referred to in subparagraph (3) or (7) of this paragraph; in a quantity of approximately 2 grams.

(5) If the batch is to be globin zinc insulin, a trial mixture made from the master lot or mixture referred to in subparagraph (1) of this paragraph, globin, zinc chloride, hydrochloric acid, glycerin, and phenol or cresol, which mixture is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,000 U. S. P. Units of insulin.

(6) If the batch is to be globin zinc insulin, the lot of globin hydrochloride from which the globin is to be prepared for use as an ingredient of the trial mixture referred to in subparagraph (5) of this paragraph; in a quantity of approximately 5 grams.

(7) If the batch is to be isophane insulin, a trial mixture which is intended to be accurately representative of the finished batch; in a quantity of approximately 2,500 U. S. P. Units of insulin.

(8) If the batch is to be lente insulin, a trial mixture which is intended to be accurately representative of the finished batch; in a quantity of approximately 50 milliliters.

(9) The finished batch; in a quantity not less than five packages; except that if the batch is insulin U. S. P. of 500-unit strength; in a quantity of one package.

(e) Except as otherwise provided by paragraphs (g) and (h) of this section, a person who requests certification shall submit in connection with his request results of the tests and assays listed after each of the following materials, made by him on a sample of such material:

(1) The master lot or mixture, referred to in paragraph (d) (1) of this section: Ash, nitrogen, potency, reaction, sterility, and zinc, if such master lot or mixture is a solution; ash, moisture, nitrogen, potency, and zinc, if such master lot or mixture is a solid.

(2) A trial dilution of such master lot or mixture, of the potency of the trial dilution referred to in paragraph (d) (2) of this section: Nitrogen, reaction, and potency.

(3) If the batch is to be protamine zinc insulin, the trial mixture referred to in paragraph (d) (3) of this section: Nitrogen, reaction, zinc, and biological reaction (by the test prescribed in the official United States Pharmacopeia, including supplements thereto).

(4) If the batch is to be protamine zinc insulin or isophane insulin, the protamine referred to in paragraph (d) (4) of this section: Moisture, nitrogen, and sulfate.

(5) If the batch is to be globin zinc insulin, the trial mixture referred to in paragraph (d) (5) of this section: Nitrogen, reaction, zinc, and biological reaction (by the test prescribed in the official United States Pharmacopeia, including supplements thereto).

(6) If the batch is to be globin zinc insulin, the globin hydrochloride referred to in paragraph (d) (6) of this section: Moisture, nitrogen, chloride, and ash.

(7) If the batch is to be isophane insulin, the trial mixture referred to in paragraph (d) (7) of this section: Nitrogen, reaction, zinc, isophane ratio of the protamine to the master lot or mixture (by the test prescribed in § 164.14 (c)), and biological activity of the supernatant liquid (by the test prescribed in the official United States Pharmacopeia, including supplements thereto).

(8) If the batch is to be lente insulin, the trial mixture referred to in paragraph (d) (8) of this section: Nitrogen, reaction, zinc, zinc in the supernatant liquid, and proportion of crystalline component (by the test prescribed in § 164.14 (e)).

(9) The finished batch: Nitrogen, reaction, sterility; and if the batch is protamine zinc insulin, globin zinc insulin, isophane insulin, or lente insulin, zinc.

(f) The results of tests and assays for the following shall be reported in the terms indicated:

(1) Ash (except globin hydrochloride)—milligrams per 1,000 U. S. P. Units of insulin.

(2) Ash in globin hydrochloride—percent by weight.

(3) Chloride—percent by weight as HCl.

(4) Isophane ratio—milligrams of protamine per 100 U. S. P. Units of insulin.

(5) Moisture—percent by weight.

(6) Nitrogen (except in globin hydrochloride and protamine)—milligrams per milliliter in the cases of solutions and suspensions, and percent by weight in the case of solids.

(7) Nitrogen in globin hydrochloride—percent by weight, calculated to a moisture-free, ash-free, chloride-free basis.

(8) Nitrogen in protamine—percent by weight, calculated to a moisture-free basis.

(9) Potency—U. S. P. Units of insulin per milliliter in the case of solutions, and U. S. P. Units of insulin per milligram in the case of solids.

(10) Proportion of crystalline component—percent of total nitrogen of the preparation present in the crystalline component.

(11) Reaction—hydrogen ion concentration (pH).

(12) Sulfate—percent by weight, as SO_4, calculated to a moisture-free basis.

(13) Zinc—milligrams per milliliter in the cases of solutions and suspensions, and percent by weight in the case of solids.

(g) (1) No sample referred to in paragraph (d) (1) to (8), inclusive, of this section, and no result referred to in paragraph (e) (1) to (8), inclusive, of this section, is required if such sample or result has been submitted in connection with a previous request for certification. No sample referred to in paragraph (d) (3) of this section, and no result referred to in paragraph (e) (3) of this section, is required if the batch is to be protamine zinc insulin of 80-unit strength and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (3) of this section of 40-unit strength, prepared from the same materials and in the same manner (except for

adjustment of reaction of the buffer solution) as such batch of 80-unit strength is to be made. No sample referred to in paragraph (d) (5) of this section and no result referred to in paragraph (e) (5) of this section, is required if the batch is to be globin zinc insulin of 80-unit strength and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (5) of this section of 40-unit strength, prepared from the same materials and in the same manner as such batch of 80-unit strength is to be made. No sample referred to in paragraph (d) (7) of this section, and no result referred to in paragraph (e) (7) of this section, is required if the batch is to be isophane insulin of 80-unit strength and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (7) of this section of 40-unit strength, prepared from the same materials and in the same manner as such batch of 80-unit strength is to be made.

(2) Each sample submitted pursuant to this section shall be so packaged as to maintain its representative character, and in the case of any solution or suspension, shall be collected and packaged under aseptic conditions. Each package shall be clearly identified as to its contents and shall bear the name and post office address of the person submitting the request.

(3) The packages constituting the samples submitted pursuant to paragraph (d) (9) of this section shall be collected at such intervals that the quantities packaged between collections are approximately equal; in no case shall any such quantity be more than 10,000 packages. The collections shall cover the entire period of packaging.

(4) Each sample submitted pursuant to paragraph (d) (2), (3), (5), (7) and (8) of this section shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient in the material from which the sample was taken.

(5) If the tests and assays, results of which are submitted pursuant to paragraph (e) (2) of this section, were not made on the same trial dilution as that from which the sample submitted pursuant to paragraph (d) (2) of this section was taken, such sample shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient of the trial dilution on which such tests and assays were made.

(6) The value for nitrogen submitted pursuant to paragraph (c) (1) and (2) of this section may be calculated from the result of a test therefor submitted pursuant to either paragraph (e) (1) or (2) of this section. The result on potency required under paragraph (e) (1) of this section may be calculated from an assay therefor submitted pursuant to paragraph (e) (2) of this section. The value of each of the components nitrogen and zinc, to the extent required under paragraph (e) (9) of this section, may be calculated from the result of a test therefor submitted pursuant to paragraph (e) (3), or (5), or (7), or (8) of this section or from the result of a test of the bulk dilution from which the batch was prepared. The value for nitrogen required under paragraph (e) (9) of this section may, if the batch is insulin U. S. P. or lente insulin, be calculated from a test therefor submitted pursuant to either paragraph (e) (1) or (2) of this section. Each calculated value shall be indicated as such.

(7) The information required under paragraph (c) (1), (2), and (3) of this section, and the samples and results of tests and assays required under paragraphs (d) (1) and (2) and (e) (1) and (2) of this section, should be submitted before submission of the samples and results required in paragraph (d) (3) to (8), inclusive, of this section and (e) (3) to (8), inclusive, of this section; and the samples and results required under paragraphs (d) (3) to (8), inclusive, and (e) (3) to (8), inclusive, should be submitted before submission of the information, samples, and results required under paragraphs (c) (4) and (5), (d) (9) and (e) (9) of this section. All information, including results of tests and assays (except results of tests for sterility), required under this section should be submitted at the same time as the samples to which they relate are submitted.

(h) The person who requests certifications shall submit such information additional to that submitted pursuant to paragraphs (b), (c), (e), and (g) of this section, such additional samples of any substance referred to in paragraph (d) of this section, and such samples of any other substance used or to be used as an ingredient or as a component of an ingredient in the batch, as the Commissioner may require for the purpose of investigations to determine whether or not such batch complies with the requirements set forth by § 164.3 for the issuance of a certificate.

(i) After a sample required by paragraph (d) of this section is taken from any master lot or mixture of parts of two or more master lots, such master lot or master lots and all parts thereof, and all dilutions and batches and all parts thereof in which any such master lot is used as an ingredient or as a component of an ingredient, shall be stored at the establishment where manufactured until used up or shipped or otherwise delivered, at a temperature above freezing but not above 15° C. (59° F.), and under such other conditions as prevent, so far as practicable, any change in composition; except that master lots and parts thereof which are solids may be stored at ordinary room temperatures.

(j) As promptly as practicable after the samples submitted pursuant to paragraph (d) (1) and (2) of this section, and any other material or information relative thereto that may be required under this section, are received by the Commissioner, he shall notify the person who submitted such samples of his approval or refusal to approve the use of the master lot or mixture for the making of bulk dilutions. In case of a refusal to approve, the Commissioner shall state his reasons therefor.

(k) In like manner, the Commissioner shall notify the person who submits samples pursuant to paragraph (d) (3) to (8), inclusive, of this section of his approval or refusal to approve the use of the materials represented by such samples in completing the manufacture of the batch. In case of a refusal to approve, the Commissioner shall state his reasons therefor.

(l) If, under the provisions of paragraph (j) or (k) of this section, the Commissioner has refused to approve any material for use in a subsequent operation, he shall examine no other sample required hereunder which includes such material as an ingredient or component of an ingredient, unless and until the person requesting certification makes an adequate showing that the cause for such refusal no longer exists.

§ 164.3 *Certifications.* (a) If it appears to the Commissioner, after such investigation as he considers necessary, that:

(1) The information (including results of tests and assays) and the samples required by or pursuant to § 164.2 have been submitted, and such information contains no untrue statement of a material fact;

(2) The batch complies with these regulations and conforms to the standards of identity, strength, quality, and purity for insulin U. S. P., protamine zinc insulin, globin zinc insulin, isophane insulin, or lente insulin;

the Commissioner shall certify that such batch is safe and efficacious for use, subject to such conditions on the effectiveness of such certifications as are set forth in § 164.4, and shall issue to the person who requested it a certificate to that effect.

(b) If the Commissioner determines, after such investigation as he considers to be necessary, that the information submitted pursuant to § 164.2, or the batch covered by such request, does not comply with the requirements set forth in paragraph (a) of this section for the issuance of a certificate, the Commissioner shall refuse to certify such batch and shall give notice thereof to the person who requested certification, stating his reasons for refusal.

(c) For the purposes of his investigations under the authority of this section, the Commissioner may accept, when he is satisfied as to the completeness and accuracy thereof, the results of any tests or assays made by the control laboratory of the Insulin Committee of the University of Toronto.

§ 164.4 *Conditions on the effectiveness of certificates.* (a) A certificate shall not become effective:

(1) If it is obtained through fraud, or through misrepresentation or concealment of a material fact;

(2) With respect to any package, unless its immediate container complies with the requirements of § 164.5 and such package or such immediate container has been so sealed that its contents cannot be used without destroying such package or seal; or

(3) With respect to any package, unless its label and labeling bear all words, statements, and other information, and

are distinguished by the color or colors, required by §§ 164.6 and 164.7.

(b) A certificate shall cease to be effective:

(1) With respect to any package of insulin U. S. P., protamine zinc insulin, globin zinc insulin, or isophane insulin, on the expiration date specified in the official United States Pharmacopeia, including supplements thereto;

(2) With respect to any package of lente insulin, 18 months after the immediate container therein was filled;

(3) With respect to any package, when such package or the seal thereof or the immediate container therein or the seal of the immediate container is broken, or when its label or labeling ceases to conform to any requirement of § 164.6 or § 164.7; or

(4) With respect to any package, when the drug therein so changes that it fails to meet the standards of identity, strength, quality, and purity upon the basis of which the batch was certified; except that those minor changes in potency (not exceeding 10 percent from the potency stated on the label, in the case of insulin U. S. P.) which occur before the expiration date, and which are normal and unavoidable in good storage and distribution practice, shall be disregarded.

§ 164.5 *Packaging.* Each batch shall be packaged in immediate containers of colorless transparent glass. Such containers shall be closed with a substance through which successive doses may be withdrawn by hypodermic needle without removing the closure or destroying its effectiveness. The containers and closures shall be sterile at the time the containers are filled and closed. The composition of the containers and closures shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor prescribed in applicable standards of strength, quality, and purity. The shape of the containers shall be cylindrical, except that the cross-section of the containers for isophane insulin shall be a rounded square and the shoulder of the containers for lente insulin shall be hexagonal.

§ 164.6 *Labeling.* Each package from a batch that has been certified in accordance with the regulations in this part shall bear, on its label or labeling as hereinafter indicated, the following:

(a) On the outside wrapper or container and the immediate container of the retail package:

(1) The batch mark of such batch;

(2) The strength of the drug in terms of the U. S. P. Units of insulin per milliliter; and

(3) If the seal required by § 164.4 (a) (2) is on the immediate container only, the statement required by paragraph (b) (1) of this section.

(b) On the outside container or wrapper of the retail package:

(1) The statement "Expiration date _____," the blank being filled in with the date on which the certificate applicable to such batch expires with respect to such package, as provided in § 164.4 (b) (1) or (2); and

(2) The statement "Keep in a cold place, avoid freezing."

(c) If the batch contains 40, 80, or 100 U. S. P. Units of insulin per milliliter, on the circular or other labeling of the retail package:

(1) A statement that the treatment of diabetes mellitus is an individual problem and that the use of the drug, the time of its administration, and the number of daily doses and the quantity of each, as well as diet and exercise, are problems which require direct and continuous medical supervision;

(2) A statement explaining that the volume of the dose depends on the number of units of insulin per milliliter stated on the label, and that the patient should understand the meaning of the volume markings on the syringe;

(3) A description of a practicable method for sterilizing the needle and syringe before use;

(4) A description of the technique of withdrawal from the vial and the use of an antiseptic on the stopper, and a caution against the removal of the stopper;

(5) A description of the technique for cleansing, and the use of an antiseptic on, the site of injection;

(6) A statement that failure to comply with the techniques described in subparagraphs (3), (4), and (5) of this paragraph may lead to infection of the patient;

(7) A statement that injection should be subcutaneous, at a different site from that of the preceding injection, and a caution against intravenous or intramuscular use;

(8) An explanation of hypoglycemia and its relation to overdosage, omission of meals, illness, and infection;

(9) A statement of the significance of sugar in the urine and of the necessity of tests therefor; and

(10) A caution against use after the expiration date shown on the outside wrapper or container.

(d) On the circular or other labeling of the retail package, if the batch is insulin U. S. P. (in addition to the information required by paragraphs (a), (b), and (c) or (i) of this section), a caution against use if the drug has become viscous or if its color has become other than water clear.

(e) On the outside wrapper or container and the immediate container of the retail package, if the batch is protamine zinc insulin, isophane insulin, or lente insulin (in addition to the information required by paragraphs (a), (b), and (c) of this section), the statement "Shake carefully," or "Shake well before using," or "Shake well," or "Shake carefully to suspend all particles."

(f) On the circular or other labeling of the retail package, if the batch is protamine zinc insulin, isophane insulin, or lente insulin (in addition to the information required by paragraphs (a), (b), (c), and (e) of this section):

(1) An explanation of the difference, as compared with other insulin-containing drugs, in onset of action, duration, and the time and frequency of administration;

(2) A caution that it is not to be substituted for any other insulin-containing drug except on the advice and direction of a physician;

(3) A statement that a uniform suspension of the preparation is necessary and is brought about by careful shaking before use; and

(4) A caution against use when the precipitate has become lumped or granular in appearance or has formed a deposit of solid particles on the wall of the container.

(g) On the circular or other labeling of the retail package, if the batch is globin zinc insulin (in addition to the information required by paragraphs (a), (b), and (c) of this section):

(1) An explanation of the difference, as compared with other insulin-containing drugs, in onset of action, duration, and the time and frequency of administration;

(2) A caution that it is not to be substituted for any other insulin-containing drug except on the advice and direction of a physician; and

(3) A caution against use if any turbidity or precipitate has developed in the solution.

(h) If the batch contains 500 U. S. P. Units of insulin per milliliter, on the outside container or wrapper and the immediate container of the retail package:

(1) The statement "Caution: Federal law prohibits dispensing without prescription"; and

(2) The statement "Warning—High potency—Not for ordinary use."

(i) If the batch contains 500 U. S. P. Units of insulin per milliliter, on the circular or other labeling of the retail package:

(1) Information adequate for the safe and effective use of the drug, by practitioners licensed by law to administer it, in insulin shock therapy and for the treatment of diabetic patients with high insulin resistance (daily requirement more than 200 units);

(2) A prominently placed and conspicuous statement: "Warning—This insulin preparation contains 500 units of insulin in each cubic centimeter. Extreme caution must be observed in measurement of dosage because inadvertent overdose may result in irreversible insulin shock. Serious consequences may result if it is used other than under constant medical supervision";

(3) A caution against intravenous use; and

(4) A caution against use after the expiration date shown on the outside wrapper or container.

§ 164.7 *Distinguishing colors on packages.* (a) The outside containers or wrappers of the packages, and the labels on the immediate containers, of each strength of insulin U. S. P. shall be distinguished by the following colors:

Red, if it contains 40 U. S. P. Units of insulin per milliliter.

Green, if it contains 80 U. S. P. Units of insulin per milliliter.

Orange, if it contains 100 U. S. P. Units of insulin per milliliter.

Narrow (at least 5 but not more than 20 to each inch) brown and white diagonal stripes, if it contains 500 U. S. P. Units of insulin per milliliter.

But if the master lot used was in crystalline form, the distinguishing colors, instead of those prescribed above, may be the following:

Red and gray, if it contains 40 U. S. P. Units of insulin per milliliter.
Green and gray, if it contains 80 U. S. P. Units of insulin per milliliter.

(b) The outside containers or wrappers of the packages, and the labels on the immediate containers, of each strength of protamine zinc insulin shall be distinguished by the following colors:

Red and white, if it contains 40 U. S. P. Units of insulin per milliliter.
Green and white, if it contains 80 U. S. P. Units of insulin per milliliter.

(c) The outside containers or wrappers of the packages, and the labels of the immediate containers, of each strength of globin zinc insulin shall be distinguished by the following colors:

Red and brown, if it contains 40 U. S. P. Units of insulin per milliliter.
Green and brown, if it contains 80 U. S. P. Units of insulin per milliliter.

(d) The outside containers or wrappers of the packages, and the labels of the immediate containers, of each strength of isophane insulin shall be distinguished by the following colors:

Red and blue, if it contains 40 U. S. P. Units of insulin per milliliter.
Green and blue, if it contains 80 U. S. P. Units of insulin per milliliter.

(e) The outside containers or wrappers of the packages, and the labels of the immediate containers, of each strength of lente insulin shall be distinguished by the following colors:

Red and lavender, if it contains 40 U. S. P. Units of insulin per milliliter.
Green and lavender, if it contains 80 U. S. P. Units of insulin per milliliter.

§ 164.8 *Records of distribution.* (a) The person to whom a certificate is issued shall keep complete records showing each shipment and other delivery (including exports) of each batch or part thereof, by the person requesting certification, and showing each such shipment and delivery into, or from any place in, any State or Territory, made by any person subject to his control, including records showing the date and quantity of each such shipment and delivery and the name and post office address of the person to whom such shipment or delivery was made.

(b) Upon the request of any officer or employee of the Food and Drug Administration or of any other officer or employee of the United States, acting on behalf of the Secretary, the person to whom a certificate is issued, at all reasonable hours within 3 years after disposal of all the batch covered by such certificate, shall make such records available to any such officer or employee, and shall accord to such officer or employee full opportunity to make inventory of stocks of such batch on hand and otherwise to check the correctness of such records.

§ 164.9 *Authority to refuse certification service.* When the Secretary finds, after giving notice and opportunity for hearing, that a person has:

(a) Obtained or attempted to obtain a certificate through fraud, or through misrepresentation or concealment of a material fact;

(b) Falsified the records required to be kept by § 164.8; or

(c) Failed to keep such records or to make them available, or to accord full opportunity to make an inventory of stocks on hand or otherwise to check the correctness of such records, as required by such section,

the Secretary may immediately suspend service to such person under the regulations in this part, and may continue such suspension unless and until such person shows adequate cause why such suspension should be terminated.

§ 164.10 *Fees.* (a) (1) Fees for the services rendered under the regulations in this part shall be such as are necessary to provide, equip, and maintain an adequate certification service.

(2) Whenever in the judgment of the Commissioner the ratio between fees collected (which are based upon experience and the best estimate of costs and the best estimate of earnings) and the costs of providing the service during an elapsed period of time, in the light of all circumstances and contingencies, warrants a refund from the fund collected during such period, he shall make ratable refunds to those persons to whom the services were rendered and charged, except for those services described under paragraph (b) (2) (ii), (3) (ii), and (5) of this section.

(b) The fees for the services rendered with respect to the samples submitted pursuant to § 164.2 (d) shall be:

(1) For each master lot or mixture of two or more master lots or parts thereof, as follows:

(i) $50 if the master lot or mixture has not been previously approved by the Commissioner;

(ii) $25 if the master lot or mixture has been previously approved by the Commissioner in accordance with § 164.2 (j).

(2) For each trial dilution, as follows:

(i) $50 if the results of an assay for potency of a trial dilution made by the laboratory referred to in § 164.3 (c) are submitted or are to be submitted;

(ii) The cost of the services rendered if the results referred to in subdivision (i) of this subparagraph are not submitted and are not to be submitted.

(3) For each trial mixture of protamine zinc insulin, as follows:

(i) $50 if the results of tests for biological reactions made by the laboratory referred to in § 164.3 (c) are submitted or are to be submitted;

(ii) The cost of the services rendered if the results referred to in subdivision (i) of this subparagraph are not submitted and are not to be submitted.

(4) $50 for each lot of protamine.

(5) The cost of the services rendered for each trial mixture of globin zinc insulin, isophane insulin, or lente insulin.

(6) $50 for each lot of globin hydrochloride.

(7) $10 for each package in the sample of the finished batch.

Except as otherwise provided by paragraph (c) of this section, each request for certification submitted, or the initial sample or samples submitted in connection therewith pursuant to § 164.2 (d), whichever is sent first to the Commissioner, shall be accompanied by such fees as are prescribed in specific amounts for the samples submitted. When the fee is the cost of the services rendered, each sample referred to in subparagraph (2) (ii) of this paragraph shall be accompanied by an advance deposit of $1,200; each sample referred to in subparagraphs (3) (ii) and (5) of this paragraph shall be accompanied by an advance deposit of $500; and thereafter such additional advance deposits shall be made as the Commissioner estimates may be necessary to prevent arrears in the payment of such fee.

(c) A person requiring continuing certification services may maintain an advance deposit of the estimated costs of such services for a period of 2 months or more. Such deposits shall be debited with fees for services rendered, but shall not be debited for any fee the amount of which is not definitely specified in these regulations unless the depositor has previously requested the performance of the services to be covered by such fee. A monthly statement for each such advance deposit shall be rendered.

(d) The unearned portion of any advance deposit made pursuant to paragraph (b) or (c) of this section shall be refunded to the depositor upon his application.

(e) All advance deposits required by the regulations in this part shall be paid by money order, bank draft, or certified check drawn to the order of the Treasurer of the United States, collectible at par at Washington, D. C. All deposits shall be forwarded to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington 25, D. C., whereupon after making appropriate record thereof they will be transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasury Department, for deposit to the special account "Certification and Inspection Services, Food and Drug Administration."

§ 164.11 *Standards of quality and purity for protamine.* When protamine is dried to constant weight at 100° C., its total nitrogen content is not less than 22.5 percent and not more than 25.5 percent, and its sulfate content, calculated as SO_4, is not less than 16 percent and not more than 19 percent.

§ 164.12 *Standards of quality and purity for globin hydrochloride.* The ash content of globin hydrochloride is not more than 0.3 percent; its nitrogen content, calculated to moisture, ash, and hydrochloric acid free basis, is not less than 16.0 percent and not more than 17.5 percent.

§ 164.13 *Standards of identity, strength, quality, and purity for lente insulin.* Lente insulin is a sterile suspension, in a buffered water medium, of insulin modified by the addition of zinc chloride. Of the insulin contained in the preparation not more than 1 U. S. P. Unit of insulin per milliliter is in solution, approximately 70 percent is crystalline, and the remainder is amorphous. Zinc-insulin crystals are used in such quantity that each milliliter of the preparation, when the precipitate therein is brought into uniform suspension, contains either 40 or 80 U. S. P. Units of insulin. The preparation contains, for each 100 U. S. P. Units of insulin, not less than 0.20 milligram and not more than 0.25 milligram zinc (of which not less than 40 percent nor more than 65 percent is in the supernatant liquid), and not more than 0.65 milligram nitrogen. The preparation also contains not less than 0.15 percent and not more than 0.17 percent (w/v) sodium acetate, not less than 0.65 percent and not more than 0.75 percent (w/v) sodium chloride, and not less than 0.09 percent and not more than 0.11 percent (w/v) methyl-*p*-hydroxybenzoate. The pH of the finished product is not less than 7.1 nor more than 7.5.

§ 164.14 *Tests and methods of assay.* The following tests and methods of assay are prescribed for the purposes of the regulations in this part. (All reagents specified in this section shall be of U. S. P. quality or better.)

(a) *Tests and methods of assay for insulin U. S. P., protamine zinc insulin, globin zinc insulin, and isophane insulin.* The tests and methods of assay for insulin U. S. P., protamine zinc insulin, globin zinc insulin, and isophane insulin shall be those set forth therefor in the official United States Pharmacopeia, including supplements thereto.

(b) *Identification of lente insulin.* Acidify lente insulin to a pH between 2.5 and 3.5. The precipitate dissolves, giving a clear, colorless liquid which conforms to the requirements of the identification test for insulin U. S. P. in the official United States Pharmacopeia, including supplements thereto. Add a few drops of ferric chloride test solution to lente insulin. A reddish-brown color develops that is destroyed by the addition of a mineral acid.

(c) *Isophane ratio.* The isophane ratio shall be expressed as milligrams of protamine per 100 U. S. P. Units of Insulin.

(1) *Reagents*—(i) *The stock buffer solution.* Dissolve in water the quantities of metacresol, phenol, glycerin, and disodium phosphate required to make 10 liters of the batch of isophane insulin and dilute to 1,000 milliliters.

(ii) *The insulin solution.* From a sample of the zinc-insulin crystals to be used in making the batch weigh a quantity which contains 10,000 U. S. P. Units of insulin. Dissolve the crystals in 15 milliliters of 0.1 percent hydrochloric acid. The resulting solution must be clear. Add it to 25 milliliters of the stock buffer solution (subdivision (i) of this subparagraph). Dilute with water to approximately 200 milliliters. Adjust the pH to 7.2 using hydrochloric acid or sodium hydroxide. The solution must be clear at this stage. If sodium chloride is to be used in preparing the batch add 25 milliliters of 4.2 percent (w/v) sodium chloride solution. Dilute to 250 milliliters with water. The pH must be between 7.1 and 7.4.

(iii) *The protamine solution.* Weigh 500 milligrams of the protamine to be used in making the batch and dissolve in 10 milliliters of the stock buffer solution (subdivision (i) of this subparagraph). If sodium chloride is to be used in preparing the batch add 10 milliliters of 4.2 percent (w/v) sodium chloride solution. Dilute with water to approximately 80 milliliters. Adjust the pH to 7.2 using hydrochloric acid or sodium hydroxide. Dilute with water to 100 milliliters. The pH must be between 7.2 and 7.4, and the solution must be clear.

(2) *Conduct of the test.* Measure six 25-milliliter samples of the insulin solution (subparagraph (1) (ii) of this paragraph) into six tubes. To the first tube add 0.60 milliliter of the protamine solution (subparagraph (1) (iii) of this paragraph), to the second add 0.72 milliliter, to the third add 0.84 milliliter, to the fourth add 0.96 milliliter, to the fifth add 1.08 milliliters, and to the sixth add 1.20 milliliters. Mix the contents of each tube and let stand for at least 30 minutes. Centrifuge. (Do not filter.) From each supernatant fluid remove two 10-milliliter samples, thus creating two series of samples. To each of one series add 1 milliliter of the insulin solution (subparagraph (1) (ii) of this paragraph). To each of the other series add 1 milliliter of the protamine solution (subparagraph (1) (iii) of this paragraph). Mix each sample and let stand 10 minutes. Measure the turbidity of each sample by means of a photometer or nephelometer. Plot the readings of the two series of samples, using the amount of protamine originally added in milligrams per 100 U. S. P. Units of insulin as abscissas, and the photometer or nephelometer readings as ordinates. The abscissa of the intersection of the two curves indicates the isophane ratio of the protamine to the zinc-insulin crystals. In order to increase the precision of the test, when the approximate isophane ratio is known, the quantities of protamine solution to be added to the six tubes may be so chosen that the range (0.60 to 1.20 milliliters) is reduced, and the approximate isophane ratio is near the middle of the range.

The isophane ratio found is not more than 100 percent nor less than 90 percent of the ratio of protamine to insulin used in the trial mixture referred to in § 164.2 (d) (7).

(d) *Proportion of crystalline component in lente insulin.* The proportion of crystalline component shall be expressed as percent of the total nitrogen of the preparation which is present in the crystalline component.

(1) *Reagent.* Dissolve in water 8.15 grams of crystalline sodium acetate and 42 grams of sodium chloride. Add 68 milliliters of tenth-normal hydrochloric acid, 150 milliliters of acetone, and sufficient water to make 500 milliliters.

(2) *Conduct of test.* Centrifuge 15 milliliters of lente insulin and carefully pour off the supernatant liquid. Resuspend the solid phase in 5 milliliters of water and 10 milliliters of the wash reagent (subparagraph (1) of this paragraph) and again centrifuge. Discard the supernatant liquid and repeat the washing with the same quantities of water and wash reagent and again discard the supernatant liquid. Dissolve the crystalline residue in sufficient dilute hydrochloric acid to make the volume 15 milliliters. Determine the nitrogen content of this solution by the method specified in paragraph (h) of this section. The nitrogen found must be not less than 55 percent nor more than 67 percent of the total nitrogen of the preparation.

(e) *Sterility of lente insulin.* Use the method described in the official United States Pharmacopeia, including supplements thereto, for insulin U. S. P.

(f) *Chloride in globin hydrochloride*—(1) *Conduct of the test.* Weigh accurately approximately 0.5 gram of globin hydrochloride into a small beaker and dissolve in 10-15 milliliters of distilled water. Add 10 milliliters of tenth-normal silver nitrate, 5 milliliters of nitric acid, and 5 milliliters of a saturated solution of potassium permanganate. Stir and place on a steam bath for approximately 1 hour. If any brown color remains, stir again, rinse the sides of the beaker with distilled water and place on the steam bath until the brown color disappears. Transfer quantitatively to a 50-milliliter volumetric flask and fill the flask to the mark with distilled water. Mix and filter through a dry filter paper into a dry vessel. Transfer exactly 40 milliliters of the filtrate to a flask, add 2 milliliters of ferric ammonium sulfate test solution and titrate with tenth-normal ammonium thiocyanate. To obtain the percent chloride as HCl, subtract 1.25 times the number of milliliters of ammonium thiocyanate used from 10; multiply this difference by 0.365 and divide by the weight of the sample in grams.

(2) *Reagents.* The reagents used are those described in the official United States Pharmacopeia, including supplements thereto.

(g) *Sulfate in protamine*—(1) *Conduct of the test.* Weigh accurately about 250 milligrams of protamine and dissolve it in about 100 milliliters of approximately tenth-normal hydrochloric acid. Heat to boiling and add 5 milliliters of barium chloride test solution. Digest on a steam bath for 1 hour; allow to cool. Filter through an ignited and weighed Gooch crucible; wash free of chlorides. Dry, ignite, and weigh. The weight of barium sulfate thus obtained multiplied by 41.15 and divided by the weight of sample is the percent sulfate (SO_4) in the sample. Calculate the results to a moisture-free basis.

(2) *Reagents.* The reagents used are those described in the official United States Pharmacopeia, including supplements thereto.

(h) *Nitrogen.* Determine total nitrogen by the method described in the official United States Pharmacopeia, including supplements thereto, for insulin U. S. P.

(i) *Zinc in insulin-containing solutions or suspensions.* Use the method described in the official United States Pharmacopeia, including supplements thereto, for insulin U. S. P.

(j) *Zinc in insulin-containing solids.* Dissolve 10 to 20 milligrams, accurately

weighed, of insulin-containing solids in 5 to 10 milliliters of distilled water containing 1 drop of five-normal hydrochloric acid, and proceed as directed in the official United States Pharmacopeia, including supplements thereto, under the test for zinc in insulin U. S. P.

This order, which provides for the deletion of the standards of identity, strength, quality, and purity of NPH insulin that appear in the revision of the United States Pharmacopeia to become official on December 15, 1955, and thus are unnecessary in these regulations, and for a revocation of Part 144 and reissuance of these regulations in their entirety under Part 164, shall become effective on December 15, 1955, the date on which the Fifteenth Revision of the United States Pharmacopeia becomes official.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with members of the affected industry and is promulgated for their convenience.

Dated: November 21, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-9533; Filed, Nov. 28, 1955; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

THUNDER BAY RIVER, MICH.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.697 is hereby prescribed to govern the operation of the Second Avenue Bridge across Thunder Bay River, at Alpena, Michigan, as follows:

§ 203.697 *Thunder Bay River, Mich.; City of Alpena bridge at Second Avenue.* (a) The owner of or agency controlling the bridge will not be required to keep draw tenders in constant attendance.

(b) For openings of the draw, at least 3-hours' advance notice is required.

(c) Advance notice shall be given to the Dispatcher, Police Department, City of Alpena, Michigan, telephone Alpena 375. Notice shall include the name of the vessel, its location at the time notice is given, if inbound, the destination and expected time of arrival, and if outbound, the point and expected time of departure. The actual opening in each case will be accomplished only after exchange of the prescribed signals.

(d) The signal for opening the bridge shall be three distinct blasts of a whistle or horn blown on the vessel. If the draw is ready and will be opened immediately, the draw operator shall answer by three blasts of a siren on the bridge.

(e) The owner of or agency controlling the bridge shall keep a copy of this section conspicuously posted on both sides of the bridge in such manner that it can be read easily at any time.

(f) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

[Regs., 8 November 1955, 823 (Thunder Bay Riv., Alpena, Mich.)-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 55-9503; Filed, Nov. 28, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 70]

GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of amendments to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70), issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et. seq.). The proposed amendments will implement Public Law 272, 84th Congress, 1st Session, approved August 9, 1955, amending the aforesaid act, by designating the certificates, memoranda, marks and other identifications and devices for making such marks or identifications, with respect to inspection, class, grade, quality, size, or condition, that are official for the purpose of said act. The proposal also makes minor changes in the manner of providing poultry inspection service on a Federal-State basis.

All persons who desire to submit written data, views, or arguments in connection with this amendment should file the same in triplicate with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2095, South Building, Washington 25, D. C., not later than 10 days after publication hereof in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. Delete the definition of "Official Identification" in § 70.1.

2. Delete the definition of "State Supervisor" in § 70.1 *Definitions*, and substitute in lieu thereof the following: "State supervisor or Federal-State supervisor means any authorized and designated individual who is in charge of the poultry grading service or the poultry inspection service in a State. A State supervisor or a Federal-State supervisor of poultry inspection service shall be a veterinarian and a Federal employee."

3. Add new § 70.2 to read as follows:

§ 70.2 *Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.* Subsection 203 (h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this Part, the terms listed below shall have the respective meaning specified:

(a) "Official certificate" means any form of certification, either written or printed, used under this part to certify with respect to the inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U. S. Grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part, including but not limited to, those set forth in §§ 70.381 through 70.384.

(d) "Official identification" means any United States (U. S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

4. Delete the first sentence of § 70.14 *Dressed poultry; eligibility.*

5. Change paragraph (a) of § 70.60 *Denial of service*, to read as follows:

(a) The acts or practices set forth in §§ 70.61 to 70.66 and 70.2 or the causing thereof, may be deemed sufficient cause for the debarment, by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person from any or all benefits of the act for a specified period after notice and opportunity for hearing has been accorded him: • • •

5a. Insert "and 70.2" after the number "70.66" in paragraph (b) of § 70.60 *Denial of service.*

6. Add the words "or the act" at the end of the first sentence of § 70.63 *Wilful violation of the regulations.*

7. Change the number "70.404" in § 70.390 *Basis of providing Federal-State service*, to read "70.401".

8. Delete §§ 70.391 through 70.404 and insert in lieu thereof the following renumbered sections:

§ 70.391 *Supervision.* All inspection service which is provided under this part shall be technically and administratively supervised by the Agricultural Marketing Service (hereinafter referred to as AMS) through its national and area supervisory organization. It shall be the responsibility of AMS to determine that the services rendered pursuant to any cooperative agreement under the regulations are conducted in a satisfactory manner, that the actual postmortem inspection of poultry is adequate, and that uniform procedures and policies are followed in all plants in accordance with the requirements of the regulations. Inspection service furnished on a Federal-State basis shall be carried on either under the direct supervision of a Federally-employed Circuit Supervisor (hereinafter referred to as Alternative I) or under the direct supervision of a Federally-employed State Supervisor (hereinafter referred to as Alternative II). In either case, such supervisor shall be immediately responsible for the activities within the State. However, any supervisory official of AMS of a higher administrative level shall have the authority to observe, independently of or in conjunction with the Federal-State supervisor, any particular station or the official activities of any particular inspector at any time he deems it advisable; and shall have the authority to supervise such activities as may be desirable and necessary.

CONDITIONS

§ 70.395 *Regulations.* The regulations of the Secretary of Agriculture governing the grading and inspection of poultry and edible products thereof and instructions of the Administrator governing the inspection of products shall apply to both Federal-State inspection service and to Federal inspection service. AMS shall assume the responsibility for developing the regulations and any instructions issued pursuant thereto and for the supervision of inspection work carried on under the service.

§ 70.396 *Duties of the Federal-State Supervisor.* The Federal-State supervisor of inspection service shall be responsible for the supervision and proper conduct of inspection service within the State or States to which he is assigned. He may be assigned to supervise inspection service in a single State or in two or more adjoining States providing this is agreed to by AMS and the cooperating agencies in such States. He shall examine each prospective State inspector and recommend acceptable applicants for a license. Such recommendation shall be in writing and accompanied by a statement of the qualifications of the applicant. He shall be responsible for making surveys of plants applying for service within the State. The assignment of State employed inspectors to plants shall be mutually agreeable to the State agency and AMS. Insofar as practicable inspectors will not be assigned to plants where they have been previously employed.

§ 70.397 *Employment and licensing of State inspectors.* (a) The cooperating State agency shall assume responsibility for recruitment and employment of State inspectors for plants under the Federal-State service, and the salaries of such inspectors shall be paid by the State. Such inspectors may be employed only when licensed by AMS, and it shall be understood that AMS shall have the authority to withdraw such license at any time (and thus terminate the services of any such inspector) in accordance with the provisions of this part. The licensed State inspector shall not, while a licensed inspector, accept employment, money or remuneration of any kind from the company to which assigned.

(b) Each State inspector at the time he begins service as an inspector shall complete a period of training under the immediate supervision of a Federally employed training supervisor. The license issued to such inspector shall be a limited license authorizing him to perform inspection work only under the supervision of the inspector-in-charge of the station to which he is assigned. A license authorizing the State inspector to serve as inspector-in-charge of a station may be issued when it has been determined by the officer-in-charge of the poultry inspection service of AMS that the inspector is qualified for such position.

§ 70.398 *Duties of State-employed inspectors.* The duties of the State-employed inspectors shall be the same as the duties of Federally-employed inspectors. Inspectors shall make proper, accurate, and adequate post-mortem examinations of poultry carcasses and shall thoroughly familiarize themselves with and adhere to the inspection procedures and the applicable provisions of the Federal regulations governing inspection service.

§ 70.399 *Replacement of Federal inspectors.* When Federal-State inspection service replaces Federal inspection service in a State the replacement of Federal inspectors by State inspectors shall not be carried out until satisfactory transfers of the Federal inspectors to plants out of the State can be accomplished by AMS.

§ 70.400 *Collection of fees.* Through designated respresentatives, the State Agency shall collect all fees and charges for services rendered under cooperative agreements, except to branches of the Federal Government, and will establish a special fund into which these fees and charges will be deposited. Any person or firm desiring Federal-State inspection service shall make application therefor to the State Agency. The application shall set forth the conditions under which service is to be performed. Such applications shall be approved or concurred in by AMS.

§ 70.401 *Reimbursement of AMS by State cooperating agency.* The State Agency shall reimburse AMS from fees collected or from State appropriations, or both, for the following:

(a) An amount equal to (1) the salaries of any Federally employed inspectors assigned to plants under the Federal-State inspection service, plus an amount to cover travel costs, annual leave accrued, and sick leave earned and taken while such Federally employed inspectors are assigned to plants in the State; (2) an amount to cover travel costs incurred by AMS with respect to training activities performed by any Federal training supervisors in the State; and (3) an amount calculated upon the amounts specified in (1) and (2) of this paragraph (a) to cover administrative costs incurred by AMS with respect to Federal employees while they are assigned in the State.

(b) An amount equal to the actual amounts reimbursed to the Agricultural Research Service by AMS, plus fifteen (15) percent of such amounts to cover administrative costs of AMS when inspectors of the Agricultural Research Service are employed in any plant, performing the inspection of canning or other processing of poultry food products.

(c) An amount equal to fifteen (15) percent of the salaries and other expenses of inspectors employed by the State Agency, to cover administrative costs of AMS when such inspectors are employed in any plant, performing the inspection of canning or other processing of poultry food products.

(d) As compensation toward supervisory and administrative costs of AMS as well as toward costs incurred for sup-

plies, equipment, certificates, report forms, and other materials furnished by AMS as follows:

(1) Where Alternative I, referred to in § 70.391 is adopted, an amount equal to thirty-five (35) cents per thousand pounds of eviscerated poultry processed in each official plant operating under Federal-State inspection service, plus one hundred and twenty-five ($125) dollars, for the combined initial and final survey made of each plant in the State by AMS pursuant to § 70.44 of the regulations. (The request for such survey will be made by the State Agency to AMS upon receipt by the State Agency, of an application for inspection service.)

(2) Where Alternative II, referred to in § 70.391 is adopted, an amount equal to (i) the salary of the Federally employed State Supervisor, plus an amount to cover travel costs, annual leave accrued, and sick leave earned and taken while such State Supervisor is employed in the State, and (ii) an amount equal to twenty (20) cents per thousand pounds of eviscerated poultry processed in each official plant operating under Federal-State inspection service to cover administrative and supervisory costs of AMS, above the State level.

(60 Stat. 1087; 7 U. S. C. 1621 et seq.)

Issued at Washington, D. C., this 22nd day of November 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-9521; Filed, Nov. 28, 1955; 8:47 a. m.]

[7 CFR Part 913]

[Docket No. AO-23-A15]

MILK IN GREATER KANSAS CITY MARKETING AREA

EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area, which was issued November 16, 1955 (20 F. R. 8576), is hereby extended to December 13, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

NOVEMBER 23, 1955.

[F. R. Doc. 55-9542; Filed, Nov. 28, 1955; 8:50 a. m.]

[7 CFR Part 987]

[Docket No. AO-252-A2]

HANDLING OF MILK IN CENTRAL MISSISSIPPI MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Assembly Room, second floor, Woolfolk State Office Building, Jackson, Mississippi, beginning at 10:00 a. m. local time, December 15, 1955.

Subjects and issues involved in the hearing. The public hearing is for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Central Mississippi marketing area (7 CFR Part 987 et seq.). This hearing also is for the purpose of receiving evidence as to the economic and marketing conditions relating to the handling of milk for the several other counties in the State of Mississippi hereinafter named, and to the alternative possibilities of expanding the present Central Mississippi marketing area to regulate the handling of milk in the additional counties, or of issuing one or more separate orders to regulate the handling of milk in all or part of these counties, with provisions the same as those in Federal Order No. 87, as amended, and as further proposed herein to be amended, with appropriate modifications. The proposed marketing agreement and order provisions set forth below and the proposed amendments have not received the approval of the Secretary of Agriculture. At the hearing, evidence will be received with respect to all aspects of the marketing conditions which are dealt with by the proposals and any appropriate modifications thereof.

The hearing on the marketing agreement and order proposals and amendments is to determine whether (1) the handling of milk in the area proposed to be regulated is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects interstate or foreign commerce, (2) the amendment of the present order or the issuance of one or more additional marketing agreements and orders regulating the handling of milk in the proposed area are justified, and (3) the provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act, as amended, will best tend to effectuate the declared policy of such act.

The following amendments to the order regulating the handling of milk in the Central Mississippi marketing area are proposed by the Mississippi Milk Producers Association:

1. Delete § 987.6 and substitute therefor the following:

§ 987.6 *Central Mississippi marketing area.* "Central Mississippi marketing area" hereinafter called the "marketing area", means all the territory within the following counties: Adams, Amite, Clarke, Claiborne, Copiah, Covington, Forrest, Franklin, Jasper, Jefferson Davis, Jefferson, Jones, Lawrence, Lauderdale, Lincoln, Madison, Marion, Neshoba, Newton, Perry, Pike, Rankin, Scott, Simpson, Smith, Walthall, Warren, Wayne, Wilkinson, Lamar (except beat 2 thereof), all in the State of Mississippi.

2. Delete § 987.12 and substitute therefor the following:

§ 987.12 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of a distributing plant or a supply plant; (b) a producer-handler; or (c) a cooperative association with respect to milk from producers diverted for the account of such association from a pool plant to a nonpool plant.

3. Delete § 987.13 and substitute therefor the following:

§ 987.13 *Producer.* "Producer" means a person other than a producer-handler who produces milk for consumption as milk in the marketing area and which is received at a pool plant or diverted by a cooperative association qualified pursuant to § 987.5 for the account of such association from a pool plant to a nonpool plant: *Provided,* That milk so diverted shall be deemed to have been received by the cooperative association at a pool plant at the location of the plant from which diverted.

4. Delete § 987.14 and substitute therefor the following:

§ 987.14 *Producer milk.* "Producer milk" means only that skim or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant by a cooperative association.

5. Add a new § 987.18 as follows:

§ 987.18 *Distributing plant.* "Distributing plant" means a plant in which milk is processed and packaged and from which milk, skim milk or cream is disposed of during the month as Class I milk in the marketing area to wholesale or retail outlets (including deliveries by vendors and sales through plant stores) other than distributing or supply plants.

6. Add a new § 987.19 as follows:

§ 987.19 *Supply plant.* "Supply plant" means a plant, except a distributing plant, which is qualified as a pool plant pursuant to the proviso in § 987.20 (b) or a plant from which milk or skim milk which may be distributed in the marketing area under a Grade A label is supplied during the month to a plant qualified pursuant to § 987.20 (a).

7. Add a new § 987.20 as follows:

§ 987.20 *Pool plant.* "Pool plant" means:

(a) A distributing plant which not less than 50 percent of its receipts of producer milk and approved milk from plants qualified pursuant to paragraph (b) of this section is distributed during the month as Class I milk on routes to wholesale or retail outlets (including plant stores, but not including pool plants or nonpool plants), and from which no less than 25 percent of such receipts are distributed as Class I milk during the month on routes to wholesale or retail outlets (including plant stores, but not including pool plants or nonpool plants) located in the marketing area: *Provided,* That a plant which qualifies as a pool plant by complying with the foregoing percentages during any month shall be a pool plant during the following month; or

(b) A distributing or supply plant from which no less than 50 percent of its approved milk, during the month, is shipped to pool plants and assigned as reserve supply credit, pursuant to § 987.21 or distributed on routes to retail or wholesale outlets (including plant stores, but not including pool plants or nonpool plants) located in the marketing area: *Provided,* That if a supply plant ships to pool plants and has assigned as reserve supply credit, pursuant to § 987.21, approved milk equal to at least 75 percent of its producer milk in September, October and November and at least 50 percent of such milk in three additional months during the months of August through January, inclusive, such plant shall, upon written application to the market administrator on or before January 31 of any year, be designated as a pool plant until the end of any month during the succeeding August through January period in which the milk of such plant is disposed of in such a way that it becomes impossible for the plant to reestablish its qualification.

8. Add a new § 987.21 as follows:

§ 987.21 *Reserve supply credit.* The hundredweight of reserve credit which may be assigned to approved milk transferred to a pool plant shall be an amount calculated for each month as follows: Deduct from the total hundredweight of skim milk and butterfat distributed from the transferee plant as Class I milk on routes to retail or wholesale outlets (including plant stores, but not including pool plants or nonpool plants) an amount calculated by multiplying the hundredweight of approved milk at such plant by 0.90. Any plus figure resulting from this calculation shall be known as reserve supply credit and shall be assigned pro rata to Class I approved milk received from supply plants: *Provided,* That if the operator of the transferee-plant notifies the market administrator in writing on or before the 7th day after the end of the month of an assignment to Class I approved milk received from supply plants, other than that specified in this section, such other assignment shall be allowed.

9. Add a new section as follows:

Nonpool plant. "Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant.

10. Amend present § 987.22 by deleting the word (and) at the end of the sentence in paragraph (j) (2) and by adding (3) to paragraph (j).

(3) The calculated producer payroll; and

11. Add a new § 987.23 as follows:

§ 987.23 *Approved milk.* "Approved milk" means any skim milk or butterfat contained in producer milk, or in milk, skim milk or cream which is received from a pool plant, except the plant of a producer-handler, and which is approved by the appropriate health authority for distribution as Class I milk in the marketing area.

12. Amend § 987.30 by adding paragraph (f).

(f) The producers payroll sheet which shall show for each producer (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of March through July the total pounds of base and excess milk, (iii) the number of days on which milk was received from such producer if less than a full calendar month, (iv) the average butterfat content of such milk, and (v) the amount of advance payment, and the amount and nature of any deductions;

13. Delete paragraph (b) (1) of § 987.31 and change the numbers of same paragraph (b) (2) to (b) (1) and (b) (3) to (b) (2).

14. Amend § 987.51 as follows:

a. Delete paragraph (b) and substitute therefor the following:

(b) The price for Class I milk which is received at a fluid milk plant directly from farms on bulk tank pickup routes or bulk tank shipments received at distributing plants from supply plants shall be the Class I price computed pursuant to paragraph (a) of this section, plus 30 cents per hundredweight.

b. Add a new paragraph (c) as follows:

(c) *Supply-demand adjustment.* The supply-demand adjustment for each month shall be determined as follows: Divide the total hundredweight of producer milk of all fluid milk plants for the twelve-month period ending with the beginning of the preceding month, by the net hundredweight of Class I milk disposed of from all fluid milk plants during the same period and multiply by 100. The resulting figure rounded to the nearest whole percentage shall be known as the utilization ratio.

For each percentage by which the utilization ratio calculated for the month exceeds 130 subtract from, or for each percentage by which it is less than 125 add to, the Class I price, 1 cent.

c. Add a new paragraph (d) as follows:

(d) *Class II milk price.* The price per hundredweight of Class II milk shall be the price computed pursuant to § 987.50 (c) for the months of March, April, May and June and the higher of the prices computed pursuant to § 987.50 (b) less 20 cents or § 987.50 (c) for all other months, rounded in each case to the nearest cent.

15. Delete § 987.61 and substitute therefor the following:

§ 987.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject.

16. Amend § 987.71 and 987.72 to provide that the uniform price(s) shall be calculated on a market-wide average basis, and that a small reserve fund be provided to be held in the producer-settlement fund.

17. Add a new § 987.73 as follows:

§ 987.73 *Notification of handlers.* On or before the 10th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) The amount and value of any overage, and the amount necessary to correct errors discovered by the market administrator in the verification of reports of such handlers receipts and utilization for previous months;

(c) The uniform price(s) computed pursuant to §§ 987.71 and 987.72 and the butterfat differential computed pursuant to § 987.52; and

(d) The amounts to be paid by such handler pursuant to §§ 987.90 and 987.93.

18. Delete §.987.80 and substitute therefor the following:

§ 987.80 (a) *Determination of daily base.* The daily base of each producer

shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the months of September through January by the number of days within this period or not less than 153 days.

(b) For each cooperative association qualified under § 987.5 which requests payment for the milk of its members, pursuant to § 987.90 (e), each handler shall compute the total base pounds for such cooperative association by summing the base pounds of all milk of members of such association. The base pounds determined in this manner shall be known as the base for such cooperative association.

19. Delete § 987.81 and substitute therefor the following:

§ 987.81 *Computation of base.* The base of each producer to be applied during the months of March through July, shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days in the month.

20. Delete § 987.82 and substitute therefor the following:

§ 987.82 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base-forming period; and

(b) The entire base of a producer may be transferred by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person or persons named in such notice. Person, as used in this paragraph, shall include a producers' cooperative association as defined in § 987.5.

21. Amend § 987.90 (b) to read that written authorization be made by producers and/or association of producers.

22. Delete § 987.92 and substitute therefor the following:

§ 987.92 *Location differentials to producers.* In making payments to producers pursuant to § 987.90, the applicable uniform prices to be paid for producer milk received at fluid milk plants located outside the marketing area and more than 60 miles from the edge of the marketing area by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced 10 cents per hundredweight. It is suggested that this shall be the appropriate location differential to handlers as set forth in § 987.53.

23. Delete § 987.93 and substitute therefor the following:

§ 987.93 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts disclose that money is due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from the market administrator, the market administrator shall notify the handler, producer, or cooperative association of any amount due, and such payments, thereof, shall be made on or before the next date for making payments as set forth in the provisions relating to the payments which were in error.

24. Amend § 987.94 (a), deleting the words "who are not receiving such service from a cooperative association;" at the end of said section.

25. Amend paragraph (b) of § 987.94 to read:

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing under the supervision of the administrator, the services set forth in paragraph (a) of this section. The administrator shall, on or before the 18th day after the end of each month, pay to the cooperative association the deductions specified in paragraph (a) of this section made from producers who are members of such associations, furnishing a copy of such producers payroll reported for such producers pursuant to § 987.22 (j) (3).

26. Add a new § 987.96 as follows:

§ 987.96 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund to be known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 987.93 and 987.97 and out of which he shall make payments due pursuant to § 987.93.

27. Add a new § 987.97 as follows:

§ 987.97 *Payments to the producer-settlement fund.* On or before the specified date in § 987.90, each handler shall pay to the market administrator for deposit into the producer-settlement fund, the appropriate amount calculated pursuant to such section: *Provided*, That to this amount shall be added one-half of 1 percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue.

28. Amend the various provisions of the order as necessary to provide for equalization payments on unpriced milk disposed of as Class I milk in the marketing area by nonpool plants or allocated to Class I milk in pool plants.

29. Make such other necessary changes as will properly provide for a market-wide pool.

Proposed by Sunflower County Dairy Association and Bolivar County Dairy Association:

30. Include the following counties in the Central Mississippi marketing area, or in a separate Federal order.

Bolivar.	Leflore.
Coahoma.	Grenada.
Tallahatchie.	Montgomery.
Sunflower.	Carroll.
Washington.	Attalla.
Issoquena.	Quitman.
Holmes.	Yazoo.
Humphreys.	Sharkey.

31. Winco Dairy Products Co., Louisville, Mississippi; LuVel Dairy Products Co., Kosciusko, Mississippi; and Walker Farms Dairy Products Co., Stoneville, Mississippi, proposed one or more of the following counties to be included in the Central Mississippi marketing area.

Leake.
Winston.
Choctaw.
Lawrence (except beats 1, 2, 3).

Proposed by Walker Farms Dairy Products, Stoneville, Mississippi:

32. Delete § 987.51 (a) and substitute therefor the following:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.68 during the months of March through August, and plus $2.08 during all other months: *Provided*, That such price thus computed shall not exceed by more than 40 cents the Class I price as determined pursuant to § 918.51 (a) of the order, as amended, regulating the handling of milk in the Memphis, Tennessee marketing area.

33. Further amend § 987.51 (a) to consider the possibility of providing a price for Class I milk used in the production of buttermilk, or any other cultured milk product containing less than 1.0 percent butterfat which is in line with the price of nonfat dry milk solids, spray process, f. o. b. manufacturing plants in the Chicago area.

Proposed by East Central Dairies (A. A. L.) Newton, Mississippi:

34. Delete § 987.12 and substitute therefor the following:

§ 987.12 *Handler.* "Handler" means (a) any person in his capacity as the operator of a distributing plant or a supply plant; (b) a producer-handler; or (c) a cooperative association with respect to milk from producers diverted for the account of such association from a pool plant (other than a plant owned wholly by such association and cooling only the milk of its members) to a nonpool plant.

35. Delete § 987.14 and substitute therefor the following:

§ 987.14 *Producer milk.* "Producer milk" means only that skim or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant by a cooperative association; but all milk disposed of to wholesale or retail outlets outside of any marketing area is excluded from this definition and from the provisions of this order.

36. Add a new § 987.20 as follows:

§ 987.20 *Pool plant.* "Pool plant" means:

(a) A distributing plant (other than a plant owned by a cooperative association receiving milk produced by its members only) from which not less than 50 percent of its receipts of producer milk and approved milk from plants qualified pursuant to paragraph (b) of this section is distributed during the month as Class I milk on routes to wholesale or retail outlets (including plant stores, but not including pool plants or nonpool plants), and from which no less than 25 percent of such receipts are distributed as Class I milk during the month on routes to wholesale or retail outlets (including plant stores, but not including pool plants or nonpool plants) located in the marketing area: *Provided*, That a plant which qualifies as a pool plant by complying with the foregoing percentages during any month shall be a pool plant during the following month; or

(b) A distributing or supply plant (other than a plant owned by a cooperative association receiving milk produced by its members only) from which no less than 50 percent of its approved milk, during the month, is shipped to pool plants and assigned as reserve supply credit, pursuant to § 987.21 or distributed on routes to retail or wholesale outlets (including plant stores, but not including pool plants or nonpool plants) located in the marketing area: *Provided*, That if a supply plant ships to pool plants and has assigned as reserve supply credit, pursuant to § 987.21, approved milk equal to at least 75 percent of its producer milk in September, October, and November and at least 50 percent of such milk in three additional months during the months of August through January, inclusive, such plants shall, upon written application to the market administrator on or before January 31 of any year, be designated as a pool plant until the end of any month during the succeeding August through January period in which the milk of such plant is disposed of in such a way that it becomes impossible for the plant to re-establish its qualification.

Proposed by Oaklawn Dairy, Columbia, Mississippi:

37. Amend the Central Mississippi order to permit handlers to use the uniform method of allocating classes of milk to producers under a producer base plan employed by the North Carolina Milk Commission.

38. Amend §§ 987.13 and 987.14 of the amendment proposed by the Mississippi Milk Producers Association to provide that a handler may divert from a Pool Plant to a nonpool plant during February, March, April, May, June, July and August, and on not more than 5 days per month during September, October, November, December and January.

Proposed by Blue Ribbon Creamery, Jackson, Mississippi:

39. Amend § 987.41 by adding § 987.41 (c) as follows:

(c) *Class III milk.* "Class III milk" shall be any milk diverted by a handler either by tank truck or in producers' cans because it is surplus beyond Class I or Class II utilization by the handler.

40. Delete §§ 987.50 and 987.51 in their entireties, including all paragraphs thereof, and substitute therefor those provisions of Federal Order No. 18 (Memphis, Tennessee, marketing area) as amended so as to provide for the Central Mississippi marketing area the same price for Class I milk as is provided by said Federal Order No. 18, plus 30 cents.

In revising §§ 987.50 and 987.51 as indicated above, retain the provisions of § 987.50 (c) to determine the price of Class II milk, and add a subparagraph providing that the price of Class III milk shall be the price of Class II milk less 20 cents.

41. Delete § 987.53 and substitute the following:

§ 987.53 *Location differentials to handlers.* For that milk which is received from producers at a fluid milk plant located 40 miles or more from the State Capitol Building, Jackson, Mississippi, by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred in the form of products designated as Class I milk in § 987.41 (a) (1) to another fluid milk plant and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 987.51 (a) shall be reduced by 20 cents: *Provided*, That for purposes of calculating such location differential products so designated as Class I milk which are transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 987.46 (a) (1) and (2) and the comparable steps in § 987.46 (b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant such assignment to transferor plants to be made first to plants to which the location differential is applicable.

42. Delete § 987.92 and substitute the following:

§ 987.92 *Location differentials to producers.* In making payments to producers pursuant to § 987.90, the applicable uniform prices to be paid for producer milk received at a fluid milk plant more than 40 miles from the State Capitol Building in Jackson, Mississippi, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced 20 cents per hundredweight.

Proposed by Hattiesburg Creamery, Hattiesburg, Mississippi:

43. Delete § 987.51 (a) and substitute the following:

§ 987.51 (a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.75.

The following amendment to the order is proposed by the Dairy Division, Agricultural Marketing Service:

44. Make such changes as may be necessary to conform the provisions of the marketing agreement and order with any amendments thereto which may result from this hearing.

Copies of this notice of hearing, and the order now in effect, may be procured from the market administrator, Rooms 204–6, Fondren Bank Branch Building, 603 Duling Street, Jackson, Mississippi, or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Dated: November 25, 1955.

ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-9559; Filed, Nov. 28, 1955; 8:52 a. m.]

[7 CFR Part 1065]

IMPORTS OF TOMATOES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Secretary of Agriculture is giving consideration to the grading and inspection regulations that are to be made applicable to the importation of tomatoes into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable General Regulations (7 CFR Part 1060; 19 F. R. 7707, 8012).

The regulations under consideration are to apply to all imports of tomatoes on the same basis as regulations now proposed to be imposed upon handlers of tomatoes grown in Florida pursuant to regulations issued under Marketing Agreement No. 125 and Order No. 45 (§ 945.301; 20 F. R. 8295).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 1065.1 *Tomato Regulation No. 1.* (a) During the period from January 2, 1956, to May 31, 1956, both dates inclusive, and subject to the General Regulations (7 CFR Part 1060; 19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirments of this section, no person shall import any tomatoes of any variety unless such tomatoes meet the requirements of the U. S. No. 2 or better grade.

(b) Minimum quantities: Any importation which in the aggregate, does not exceed 300 pounds, may be imported without regard to the provisions of paragraph (a) of this section.

(c) Plant quarantine: No provisions of this section shall supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(d) Inspection and certification:

(1) The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated, pursuant to § 1060.4 (a) of the General Regulations, as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of tomatoes that are imported, or to be imported into the United States under the provisions of section 8e of the act.

(2) Inspection and certification by the Federal or the Federal State Inspection Service of each lot of imported tomatoes is required pursuant to § 1060.3 *Eligible Imports* of the aforesaid General Regulations and this section. Each such lot shall be made available and accessible for inspection. Such inspection and certification will be made available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). Since inspectors may not be stationed in the immediate

vicinity of some smaller ports of entry, importers of uninspected and uncertified tomatoes should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice
All Texas points	George B. Crisp, Jeffers Bldg., P. O. Box 111, Harlingen, Tex. (Telephone Garfield 3-1240.)	1 day.
All Arizona points	R. H. Bertelson, Room 202 Trust Bldg., 305 American Ave., P. O. Box 1646, Nogales, Ariz. (Telephone 484.)	1 day.
All California points	Carley D. Williams, 284 Wholesale Terminal Bldg., 784 S. Central Ave., Los Angeles 21, Calif. (Telephone Vandike 8756.)	3 days.
All Florida points	Lloyd W. Boney, Room 4, Dade County Growers Market, 1200 N.W. 21st Terr., Miami 42, Fla. (Telephone 82-6632.)	3 days.
All other points	E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, Washington 25, D. C. (Telephone Republic 7-4142 Ext. 5870.)	3 days.

(3) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(4) The inspections performed, and certificates issued by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(5) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall be set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the certificate;

(vi) The principal identifying marks on the containers;

(vii) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement, if the facts warrant: Meets U. S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(e) Definitions:

(1) The term "U. S. No. 2" means the U. S. No. 2 grade, as set forth in the United States Standards for Tomatoes (§§ 51.1855 to 51.1876, inclusive, of this title; 18 F. R. 7142), including the tolerances set forth therein.

(2) All other terms have the same meaning as when used in the General Regulations (7 CFR Part 1060; 19 F. R. 7707, 8012) applicable to the importation of listed commodities.

Dated: November 22, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9543; Filed, Nov. 28, 1955; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Bureau of Federal Credit Unions, Social Security Administration

[45 CFR Part 350]

CREDIT UNIONS CHARTERED BY THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238, 5 U. S. C. 1003) that the regulations set forth in tentative form below are proposed to be prescribed by the Director of the Bureau of Federal Credit Unions with approval of the Commissioner of Social Security and the Secretary of Health, Education, and Welfare. The proposed regulations are designed to set forth the character and amount of reserves to be established and maintained by credit unions chartered by the District of Columbia.

Prior to the official adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Director of the Bureau of Federal Credit Unions, Department of Health, Education, and Welfare, Washington 25, D. C., within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under authority contained in the District of Columbia Code, as amended (47 Stat. 330, as amended by 67 Stat. 260, 68 Stat. 682; D. C. Code 26-512).

Dated: November 14, 1955.

[SEAL] J. DEANE GANNON,
Director, Bureau of Federal Credit Unions.

Approved:

C. I. SCHOTTLAND,
Commissioner of Social Security.

Approved: November 23, 1955.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

Sec.
350.1. Reserves in general.
350.2 Special reserve for delinquent loans.

§ 350.1 *Reserves in general.* Credit unions organized under the provisions of the District of Columbia Credit Unions Act (D. C. Code 26-501 to 26-518), shall establish and maintain such reserves as may be required by the regulations in this part, or in special cases by the Director of the Bureau of Federal Credit Unions on his finding that the reserves of a credit union chartered by the District of Columbia are insufficient.

§ 350.2 *Special reserves for delinquent loans.* (a) Each credit union chartered by the District of Columbia shall establish a special reserve to be known as the Special Reserve for Delinquent Loans.

(b) For purposes of this section, the provisions of § 302.3 of this chapter with respect to Federal credit unions shall be deemed to be applicable to credit unions chartered by the District of Columbia, except that wherever reference is made in said § 302.3 to the term "the Regular Reserve", such term shall be deemed to refer to the regular reserve provided for by section 26-512 of the District of Columbia Code.

[F. R. Doc. 55-9538; Filed, Nov. 28, 1955; 8:49 a. m.]

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF TOXAPHENE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Hercules Powder Company, Wilmington 99, Delaware, proposing the establishment of a tolerance of 7 parts per million for residues of toxaphene (chlorinated camphene containing 67%-69% chlorine) in or on the following raw agricultural commodities: Cranberries, plums, prunes, beets, turnips, rutabagas, sugar beets, horseradish, parsnips, collards, kale, mustard greens, spinach, Swiss chard, peppers, pimentos, cowpeas, oats, rye, barley, wheat, rice, sorghum, grain, buckwheat, pecans, walnuts, hazelnuts, hickory nuts, almonds, meat, and a tolerance of 60 parts per million in or on the following raw agricultural commodities: Clovers, alfalfa, soybean hay, peanut hay, lespedeza, cowpea hay, pasture and range grass, timothy, grass hay, corn forage, sorghum forage, sugarcane.

The analytical method proposed in the petition for determining residues of toxaphene is a modification of the method for DDT appearing on page 406, 8th Edition, Official Methods of Analysis of the Association of Official Agricultural Chemists, in which organic chloride is determined and calculated to toxaphene by application of a suitable factor.

A confirmatory method is reported in "Organic chlorine determinations as a measure of insecticide residues in agricultural products," Advances in Chemistry Series, Vol. I, page 271 (1950).

The infrared absorption spectrum of toxaphene in animal fat is reported in "Infrared Absorption Spectrum of Toxaphene," Analytical Chemistry, Vol. 24, page 1197, July, 1952.

The Food and Drug Administration advised the petitioner that the petition is considered deficient. In accordance with § 120.7 (d) of General Regulations for Setting Tolerances and Granting Exemptions from Tolerances, published in the FEDERAL REGISTER of February 4, 1955 (20 F. R. 759), the petitioner requested that it be filed.

Dated: November 23, 1955.

JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-9530; Filed, Nov. 28, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

IMPERIAL SALES CO. ET AL.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Imperial Sales Company, Imperial, Nebraska.
Loup City Commission Company, Loup City, Nebraska.
North Bend Auction Company, North Bend, Nebraska.
Ord Livestock Market, Ord, Nebraska.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 22d day of November 1955.

[SEAL] DAVID M. PETTUS,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 55-9544; Filed, Nov. 28, 1955; 8:50 a. m.]

Office of the Secretary

MASSACHUSETTS

DISASTER ASSISTANCE; EXTENSION OF TIME FOR MAKING PRODUCTION DISASTER AND ECONOMIC EMERGENCY LOANS IN CERTAIN COUNTIES

For the purpose of making Production Disaster loans pursuant to section 2 (a) and Economic Emergency loans pursuant to section 2 (b) of Public Law 38, as amended, the counties of Bristol, Norfolk, and Plymouth, in the State of Massachusetts, were determined to be in an area affected by a major disaster determined by the President under Public Law 875 on September 17, 1954, and were determined to be an area in which an economic emergency existed on September 22, 1954 (19 F. R. 6244).

This designation is hereby extended for the purpose of making Production Disaster loans and Economic Emergency loans to new applicants through December 31, 1956. Thereafter, Production Disaster loans and Economic Emergency loans will be approved only to applicants who are indebted for such loans and can qualify under established policies for additional assistance.

Done at Washington, D. C., this 2d day of November 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-9546; Filed, Nov. 28, 1955; 8:50 a. m.]

TEXAS

DISASTER ASSISTANCE; EXTENSION OF TIME FOR MAKING ECONOMIC EMERGENCY LOANS IN CERTAIN COUNTIES

For the purpose of making Economic Emergency loans pursuant to section 2 (b) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress and section 301 of Public Law 480, 83d Congress, it has heretofore been determined that a major disaster occasioned by drought as determined by the President pursuant to Public Law 875, 81st Congress, existed and that an economic disaster existed in the State of Texas. The time for making Economic Emergency loans in all counties in the State of Texas was extended on December 9, 1954, to terminate on December 31, 1955 (19 F. R. 8544 and 8545). The period for making initial Economic Emergency loans pursuant to the authority above referred to in the counties of the State of Texas listed below is herewith extended to December 31, 1956. Thereafter, Economic Emergency loans will be approved only to applicants who are indebted for such loans and can qualify under established policies for additional assistance.

TEXAS

Anderson.
Archer.
Bandera.
Bee.
Blanco.
Brazoria.
Brooks.
Burnet.
Callahan.
Cass.
Clay.
Collin.
Comanche.
Coryell.
Angelina.
Atascosa.

TEXAS—Continued

Bastrop.
Bell.
Bosque.
Brazos.
Brown.
Caldwell.
Cameron.
Chambers.
Coke.
Colorado.
Concho.
Crane.
Aransas.
Austin.
Baylor.
Bexar.
Bowie.
Brewster.
Burleson.
Calhoun.
Camp.
Cherokee.
Coleman.
Comal.
Cooke.
Crockett.
Culberson.
Denton.
Duval.
Edwards.
Erath.
Fayette.
Franklin.
Galveston.
Goliad.
Gregg.
Hamilton.
Harrison.
Henderson.
Hood.
Hudspeth.
Jack.
Jeff Davis.
Jim Wells.
Karnes.
Kenedy.
Kinney.
Lamar.
Lavaca.
Liberty.
Llano.
Marion.
Maverick.
McMullen.
Midland.
Montague.
Nacogdoches.
Nueces.
Panola.
Polk.
Reagan.
Reeves.
Rockwall.
San Augustine.
San Saba.
Shelby.
Starr.
Sutton.
Throckmorton.
Travis.
Upshur.
Val Verde.
Walker.
Washington.
Wichita.
Williamson.
Wise.
Zapata.
Dallas.
De Witt.
Eastland.
Ellis.
Falls.
Foard.
Freestone.
Gillespie.
Gonzales.
Grimes.
Hardin.
Haskell.
Hidalgo.
Hopkins.
Hunt.
Jackson.
Jefferson.
Johnson.
Kaufman.
Kerr.
Kleberg.
Lampasas.
Lee.
Limestone.
Loving.
Mason.
McCulloch.
Medina.
Milam.
Montgomery.
Navarro.
Orange.
Parker.
Presidio.
Real.
Refugio.
Rusk.
San Jacinto.
Schleicher.
Smith.
Stephens.
Tarrant.
Titus.
Trinity.
Upton.
Van Zandt.
Waller.
Webb.
Wilbarger.
Wilson.
Wood.
Zavala.
Delta.
Dimmit.
Ector.
El Paso.
Fannin.
Fort Bend.
Frio.
Glasscock.
Grayson.
Guadalupe.
Harris.
Hays.
Hill.
Houston.
Irion.
Jasper.
Jim Hogg.
Jones.
Kendall.
Kimble.
Knox.
La Salle.
Leon.
Live Oak.
Madison.
Matagorda.
McLennan.
Menard.
Mills.
Morris.
Newton.
Palo Pinto.
Pecos.
Rains.
Red River.
Robertson.
Sabine.
San Patricio.
Shackelford.
Somervell.
Sterling.
Terrell.
Tom Green.
Tyler.
Uvalde.
Victoria.
Ward.
Wharton.
Willacy.
Winkler.
Young.

Done at Washington, D. C., this 23d day of November 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-9547; Filed, Nov. 28, 1955; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

MILL-DEER CREEK DIVISION; CENTRAL VALLEY PROJECT, CALIFORNIA

ORDER OF REVOCATION

FEBRUARY 21, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of February 19, 1952, in so far as said order affects the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 25 N., R. 2 E.,
Sec. 2, Lots 2, 3, 5, 6;
Sec. 10, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, NW¼SE¼;
Sec. 11, Lot 4;
Sec. 18, Lot 4, SE¼SW¼, S½SE¼;
Sec. 20, N½N½.
T. 26 N., R. 2 E.,
Sec. 24, NW¼, E½SW¼;
Sec. 25, N½NE¼;
Sec. 36, NW¼NE¼, NW¼SW¼.
T. 26 N., R. 3 E.,
Sec. 5, Lots 2, 3, SE¼NW¼, N½SW¼, SW¼SW¼;
Sec. 6, SE¼SE¼;
Sec. 7, Lots 4, 7, 12, N½NE¼, SW¼NE¼, NE¼SE¼;
Sec. 18, Lot 1;
Sec. 30, Lots 2, 3.
T. 27 N., R. 3 E.,
Sec. 32, E½NE¼, SE¼.
T. 27 N., R. 4 E.,
Sec. 9, N½NE¼, E½NW¼, NE¼SW¼;
Sec. 17, N½NE¼, SW¼NE¼, S½SW¼, NW¼SE¼;
Sec. 20, NW¼NW¼, S½NW¼, SW¼;
Sec. 29, NW¼NW¼;
Sec. 30, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, N½SE¼, SW¼SE¼.
T. 29 N., R. 4 E.,
Sec. 23, NE¼SE¼.
T. 28 N., R. 5 E.,
Sec. 4, N½SW¼, SE¼SW¼, S½SE¼;
Sec. 5, SE¼NE¼, NE¼SE¼;
Sec. 6, SW¼NE¼;
Sec. 9, NE¼NE¼;
Sec. 10, NW¼NW¼, SE¼NW¼, NE¼SW¼, SW¼SW¼;
Sec. 15, NW¼NW¼.

The above areas aggregates 3,775.05 acres.

E. G. NIELSEN,
Acting Assistant Commissioner.

[62449]

NOVEMBER 22, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The NW¼NW¼, sec. 9, T. 27 N., R. 4 E., is patented land.

The remaining lands released from withdrawal by this order are either within the Lassen National Forest or withdrawn for power purposes and in aid of classification.

Subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the national forest lands are hereby opened to such applications, selections, and locations as are permitted on these lands, effective at 10:00 a. m. on December 28, 1955.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55-9504; Filed, Nov. 28, 1955; 8:45 a. m.]

CUYAMA DEBRIS RESERVOIR; SANTA BARBARA PROJECT, CALIFORNIA

ORDER OF REVOCATION

NOVEMBER 5, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of February 20, 1946, in so far as said order affects the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 32 S., R. 17 E.,
Sec. 25, S½;
Sec. 36, N½NE¼.
T. 32 S., R. 18 E.,
Sec. 30, Lots 1, 2, 3, 4, NE¼, E½NW¼;
Sec. 31, NE¼.

The above areas aggregate 975.10 acres.

E. V. LINDSETH,
Acting Commissioner.

[2090071]

NOVEMBER 22, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The N½NE¼ sec. 36, T. 32 S., R. 17 E., is patented land.

The remaining lands released from withdrawal by this order are within the Los Padres National Forest. Subject to any valid existing rights and the requirements of applicable law, these lands are hereby opened to such applications, selections, and locations as are permitted on national forest lands, effective at 10:00 a. m. on December 28, 1955.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55-9505 Filed, Nov. 28, 1955; 8:45 a. m.]

KINGS RIVER DIVISION; CENTRAL VALLEY PROJECT, CALIFORNIA

ORDER OF REVOCATION

NOVEMBER 8, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of February 16, 1920, November 16, 1932, August 21, 1941, November 18, 1941, May 26, 1943 and February 19, 1952, in so far as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 12 S., R. 24 E.,
Sec. 1, Lots 1, 2, 3, 4;
Sec. 12, E½SE¼;
Sec. 13, E½E½;
Sec. 22, NE¼SW¼;
Sec. 24, SW¼SW¼, N½SW¼, NW¼SE¼.
T. 11 S., R. 25 E.,
Sec. 31, Lots 3, 4, E½SW¼, S½SE¼;
Sec. 32, SW¼SW¼;
Sec. 33, SE¼.
T. 12 S., R. 25 E.,
Sec. 3, Lot 4, SW¼NW¼, W½SW¼;
Sec. 4, Lots 1, 2, S½NE¼, SW¼SW¼, SE¼;
Sec. 5, Lot 3, N½ Lot 4, SE¼ Lot 4, SE¼NE¼, SW¼SW¼NW¼, N½SE¼NW¼, SE¼SE¼NW¼, W½SW¼, NE¼NE¼SW¼, SE¼SE¼SW¼, E½SE¼, NE¼SW¼SE¼;
Sec. 6, NE¼ Lot 1, S½ Lot 2, Lot 3, S½NE¼, E½SE¼;
Sec. 7, Lot 1, NW¼NE¼, SE¼NE¼, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 8, NE¼NE¼NE¼, NW¼NW¼NE¼, S½NW¼NE¼, E½NW¼, SW¼NW¼, W½SW¼, E½SE¼;
Sec. 9, E½NE¼, W½E½, W½W½, SE¼SW¼;
Sec. 10, W½;
Sec. 14, SW¼NW¼, NW¼SW¼;
Sec. 15, S½N½, NW¼NW¼, S½;
Sec. 16, All;
Sec. 17, S½NE¼, NW¼, S½;
Sec. 18, Lot 4, NE¼, E½SE¼;
Sec. 19, Lots 1, 2, 3, 4, E½SW¼, SE¼;
Sec. 20, NE¼, NE¼NW¼, SW¼;
Sec. 21, N½N½, SW¼NW¼, W½SW¼;
Sec. 22, All;
Sec. 23, NW¼NE¼, S½N½, S½;
Sec. 24, N½, N½S½, SW¼SW¼;
Sec. 26, N½NE¼;
Sec. 27, N½NE¼, NE¼NW¼;
Sec. 28, N½NW¼, N½SW¼NW¼, SE¼NW¼, N½NE¼SW¼, NW¼SE¼, N½SW¼SE¼;
Sec. 29, NE¼NE¼, N½SE¼NE¼, SW¼NE¼, NW¼NW¼, S½NW¼, NW¼SW¼, SW¼SE¼;
Sec. 30, Lots 3, 4, E½E½, SE¼SW¼;
Sec. 31, Lots 1, 2, NE¼NE¼, SW¼NE¼, E½NW¼;
Sec. 32, NE¼.
T. 10 S., R. 26 E.,
Sec. 8, SE¼SE¼;
Sec. 17, NE¼, S½;
Sec. 19, E½SE¼;
Sec. 20, N½NE¼, W½, W½SE¼;
Sec. 21, S½NW¼, S½;
Sec. 22, W½SW¼;
Sec. 27, NW¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, NW¼SE, S½SE¼;
Sec. 28, SE¼NE¼, N½N½;
Sec. 34, N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 35, SW¼NW½, NW¼SW¼, S½SW¼, SW¼SE¼.
T. 11 S., R. 26 E. Unsurveyed),
Sec. 1, SW¼NW¼, W½SW¼;
Sec. 2, N½, E½SE¼;
Sec. 10, SE¼SE¼;
Sec. 11, NE¼, SE¼NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 14, N½NW¼, SW¼SW¼;
Sec. 15, NE¼, E½NW¼, E½SE¼;
Sec. 22, E½E½;
Sec. 23, W½W½;
Sec. 27, E½E½;
Sec. 34, E½NE¼, NE¼SE¼;
Sec. 35, W½NW¼, SW¼;
Sec. 36, All.

T. 12 S., R. 26 E.,
Secs. 1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, All;
Sec. 21, Lots 1, 2, 3, 4, 5, 6, 7, N½NE¼, SE¼NE¼, W½W½, SE¼SW¼;
Sec. 22, N½;
Sec. 23, N½;
Sec. 24, Lots 1, 2, W½NE¼, NW¼;
Secs. 28, 34, 35, All.
T. 9 S., R. 27 E.,
Sec. 25, NE¼NE¼, S½N½, S½;
Sec. 26, S½NE¼, SE¼NW¼, SE¼;
Sec. 36, E½, E½W½.
T. 10 S., R. 27 E.,
Sec. 1, Lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 12, NE¼, NE¼NW¼;
Sec. 25, All;
Sec. 31, Lot 2, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 32, W½NW¼, SW¼;
Sec. 36, W½.
T. 11 S., R. 27 E.,
Sec. 1, Lots 1, 2, 4, SE¼NE¼, SW¼NW¼, S½;
Sec. 5, Lot 3, S½NW¼;
Sec. 6, Lots 1, 2, 5, 6, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 11, All;
Sec. 12, N½, SW¼, W½SE¼, NE¼SE¼;
Secs. 13, 14, 15, All;
Secs. 22, 23, 24, 25, 26, 27, 28, All;
Secs. 31, 32, 33, 34, 35, All.
T. 12 S., R. 27 E.,
Secs. 3, 4, 5, 6, 7, 8, 9, All.
T. 9 S., R. 28 E.,
Sec. 19, Lots 3, 4;
Sec. 26, SW¼NW¼, SW¼;
Sec. 27, SE¼NE¼, E½SE¼;
Sec. 30, Lots 1, 2, 3, 4, E½W½;
Sec. 31, Lots 1, 2, 3, 4, E½W½, SW¼SE¼;
Sec. 32, S½SW¼;
Sec. 33, S½SE¼;
Sec. 34, NE¼NE¼, S½NE¼, SE¼NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 35, SW¼NE¼, NW¼, NE¼SW¼, W½SE¼.
T. 10 S., R. 28 E.,
Sec. 1, Lots 2, 3, 4, S½N½, N½SE¼, SE¼SE¼;
Sec. 2, Lots 1, 2;
Sec. 4, Lots 2, 3, 4, SW¼NW¼;
Sec. 5, Lots 2, 3, 4;
Sec. 6, Lots 2, 3, 4, 5, 6, 7;
Sec. 7, Lots 1, 2, 3, 4, SE¼SW¼;
Sec. 17, All;
Sec. 18, Lots 1, 2, E½W½, SW¼SE¼;
Secs. 19, 20, 29, All;
Sec. 30, Lots 1, 2, E½, E½NW¼;
Sec. 31, E½SE¼.
T. 11 S., R. 28 E.,
Sec. 6, Lots 1, 2, 4, 5, 6, 7, S½NE¼, E½SW¼, SE¼;
Secs. 7, 18, 19, All;
Sec. 30, Lots 2, 3, 4, E½, E½W½;
Sec. 31, All.
T. 10 S., R. 29 E.,
Sec. 6, Lots 6, 7, SE¼SW¼, SW¼SE¼;
Sec. 7, Lot 1, NE¼, E½NW¼.

The above areas aggregate approximately 59,108.46 acres.

E. V. LINDSETH,
Acting Commissioner.

[Misc. 62449]

NOVEMBER 21, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands released from withdrawal by this order are within the Sierra National Forest and portions are withdrawn for power purposes. Subject to any valid existing rights and the requirements of applicable law, these lands are hereby opened to such applications, selections, and locations as are permitted on national forest lands, effective at 10:00 a. m. on December 27, 1955.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55-9506; Filed, Nov. 28, 1955; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

EDUARDO LOAIZA ET AL.

NOTICE TO SHOW CAUSE WHY FREIGHT FORWARDER REGISTRATIONS ISSUED TO CERTAIN REGISTRANTS SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., the 18th day of November 1955, the Board entered the following order:

Whereas the following registrants were assigned freight forwarder registration numbers pursuant to General Order 72 (46 CFR 244):

Name; Registration No.; Date Issued

Eduardo Loaiza (New York, N. Y.); 1726; April 29, 1954.

Imperial Forwarding Co., Inc. (New York, N. Y.); 1167; November 9, 1950.

Mid-States Export-Import Co., Inc. (Peoria, Ill.); 1656; August 25, 1953.

Parana Shipping Company (Alexander Ramirez, d/b/a) (New York, N. Y.); 1668; October 15, 1953.

Pronto Service (Manuel Pardo, d/b/a) (Miami, Fla.); 1605; March 16, 1953.

Nat Rockmore (New York, N. Y.); 1696; January 21, 1954.

L. E. Schierer (Savannah, Ga.); 1643; July 20, 1953.

Whereas the Board has, by registered letters, requested these registrants to furnish certain information in connection with their forwarding activities, pursuant to section 244.3, General Order 72; and

Whereas registered letter to the first named registrant has been returned by the post office as undeliverable and the Board is therefore unable to exercise regulatory authority over him because his present whereabouts is unknown; and

Whereas the other six registrants have failed to respond to or to accept registered letters in violation of General Order 72,

It is ordered, That the above-named registrants show cause, in writing or at a public hearing to be hereafter set if requested by registrant, within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER, why their registrations should not be cancelled for the reasons above stated.

It is further ordered, That failure of any registrant named above to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration without further action by the Board, and that notice of such cancellation shall be sent to the registrant by the Secretary, and

It is further ordered, That a copy of this order be sent by registered mail to each of the above-named registrants at the last known address thereof and

It is further ordered, That this order be published in the FEDERAL REGISTER.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 55-9548; Filed, Nov. 28, 1955; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8262]

COPELAND GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 21, 1955.

Take notice that Copeland Gas Company (Applicant), a West Virginia corporation, whose address is Huntington, West Virginia, filed on December 20, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas, which is produced from acreage in Gideon District, Cabell County, West Virginia, which is sold to Cumberland Gas Corporation for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 23, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 8, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9507; Filed, Nov. 28, 1955; 8:45 a. m.]

[Docket No. G–9274]

STANDARD OIL COMPANY OF TEXAS

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 21, 1955.

Take notice that Standard Oil Company of Texas (Applicant) a Delaware corporation, whose address is Houston, Texas, filed on August 29, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas, which is produced from the Euamont Field, Lea County, New Mexico, to El Paso Natural Gas Company for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 23, 1955, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 8, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–9508; Filed, Nov. 28, 1955; 8:45 a. m.]

[Docket No. G–6897 etc.]

INDIAN CREEK GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 21, 1955.

In the matters of Indian Creek Gas Company, Docket No. G–6897; Empire State Gas Company, Docket No. G–6904; W. E. Pawley—Agent, Docket No. G–6906.

Take notice that Indian Creek Gas Company by W. E. Pawley, Empire State Gas Company, a corporation, and W. E. Pawley (Agent) hereinafter referred to singly and collectively as Applicant, whose address is 4400 Virginia Avenue (SE), Charleston 4, West Virginia, filed on November 30, 1954, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant produces natural gas from gas fields in West Virginia, which gas is sold in interstate commerce to various natural gas companies, as indicated below, for resale.

Docket No.; Name of Purchaser; Gas Field; and County

G–6897; Godfrey L. Cabot Inc.; Pleasant District; Clay.

G–6904; South Penn Natural Gas Company; Sheridan; Lincoln.

G–6906; South Penn Natural Gas Company; Curry District; Putnam.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 29, 1955, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 23, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–9509; Filed, Nov. 28, 1955; 8:45 a. m.]

[Docket No. 6907]

J. GLENN TURNER

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 21, 1955.

Take notice that J. Glenn Turner (Applicant), an individual whose address is 1711 Mercantile Bank Building, Dallas, Texas, filed on November 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the San Juan Gas Field, San Juan and Rio Arriba Counties, New Mexico, which gas he sells in interstate commerce to the El Paso Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 29, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commissions rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 23, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–9510; Filed, Nov. 28, 1955; 8:45 a. m.]

[Docket No. G–7633, etc.]

GLENN DEVITT ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 21, 1955.

In the matters of Glenn Devitt, Docket No. G–7633; J. W. Compton Oil and Gas Company, Docket No. G–7849; David Hall Oil and Gas Company, Docket No. G–7850; Union Drilling, Inc., Docket No. G–7864; Union Drilling, Inc., Docket No. G–7865; Valentine Oil & Gas Company, Docket No. G–7866; Z. N. Connolly & Corel Poling, Docket No. G–7867; J. F. Gainer Gas Company, Docket No. G–7868; Gill Oil & Gas Company, Docket No. G–7869; W. W. Lindsey, Jr., Docket No. G–7870; John D. Forsyth, Agent, Docket No. G–7871; C. I. Collins, Agent, Docket No. G–7882; C. I. Collins, Docket No. G–7883; C. I. Collins, Docket No. G–7884; C. I. Collins, Docket No. G–7885; W. W. Lindsey and W. E. Elliott, Docket No. G–7899; W. W. Lindsey, and/or W. W. Lindsey, Agent and/or W. W. Lindsey, Trustee, Docket No. G–7900; Urpman Oil & Gas Company, Docket No. G–7903; Nobe Oil & Gas Company, Docket No. G–7904; L. W. Cunningham Gas Company and Rexroad Oil & Gas Company, Docket No. G–7905; Wilson Oil & Gas Company, Docket No. G–7906; W. F. Roberts Gas Company, Docket No. G–7907; M. R. Osbourn Gas Co. and Mary Osbourn Gas Co., Docket No. G–7908; Cox Oil & Gas Company, Docket No. G–7909; W. B. Cunningham Gas Company, Docket No. G–7910; Nicholas Heirs Oil & Gas Co., Docket No. G–7911.

There have been filed with the Federal Power Commission applications by, on behalf of, or in connection with the persons captioned above as hereinafter indicated:

Applicant, Address; Date Filed; and Docket Number

Glenn Devitt, R. D. No. 1, Hookstown, Pennsylvania; 12–2–54, 2–14–55; G–7633.

J. W. Compton Oil and Gas Company, Prestonsburg, Kentucky; 12–2–54, 1–31–55; G–7849.

David Hall Oil and Gas Company, Prestonsburg, Kentucky; 12–2–54, 1–31–55; G–7850.

Union Drilling, Inc., Box 281, Washington, Pennsylvania; 12–3–54; G–7864.

Union Drilling, Inc., Box 281, Washington, Pennsylvania; 12–3–54; G–7865.

Valentine Oil & Gas Company, Murphy District, Ritchie County, West Virginia; 12–3–54; G–7866.

Z. N. Connolly & Corel Poling, Grantsville, West Virginia; 12–3–54; G–7867.

J. F. Gainer Gas Company, DeKalb District, Gilmer County, West Virginia; 12–3–54; G–7868.

Gill Oil & Gas Company, Murphy District, Ritchie County, West Virginia; 12–3–54; G–7869.

W. W. Lindsey, Jr., Pikeville, Kentucky; 12–3–54; G–7870.

John D. Forsyth, Agent, Pikeville, Kentucky; 12–3–54; G–7871.

C. I. Collins, Agent, Pennsboro, West Virginia; 12–3–54, 1–31–55; G–7882.

C. I. Collins, Pennsboro, West Virginia; 12–3–54, 1–31–55; G–7883.

C. I. Collins, Pennsboro, West Virginia; 12–3–54, 1–31–55; G–7884.

C. I. Collins, Pennsboro, West Virginia; 12–3–54, 1–31–55; G–7885.

W. W. Lindsey and W. E. Elliott, Pikeville, Kentucky; 12–3–54; G–7899.

W. W. Lindsey, and/or W. W. Lindsey, Agent, and/or W. W. Lindsey, Trustee, Pikeville, Kentucky; 12–3–54; G–7900.

Urpman Oil & Gas Company, Murphy District, Ritchie County, West Virginia; 12–3–54; G–7903.

Nobe Oil & Gas Company, DeKalb District, Gilmer County, West Virginia; 12–3–54; G–7904.

L. W. Cunningham Gas Company and Rexroad Oil & Gas Company, Murphy District, Ritchie County, West Virginia; 12–3–54; G–7905.

Wilson Oil & Gas Company, Murphy District, Ritchie County, West Virginia; 12–3–54; G–7906.

W. F. Roberts Gas Company, DeKalb District, Gilmer County, West Virginia; 12–3–54; G–7907.

M. R. Osbourn Gas Co. and Mary Osbourn Gas Co., Murphy District, Ritchie County, West Virginia; 12–3–54; G–7908.

Cox Oil & Gas Company, Murphy District, Ritchie County, West Virginia; 12–3–54; G–7909.

W. B. Cunningham Gas Company, Murphy District, Ritchie County, West Virginia; 12–3–54; G–7910.

Nicholas Heirs Oil & Gas Co., Sherman District, Calhoun County, West Virginia; 12–3–54; G–7911.

Each of said applications is for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing each Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in each application which is on file with the Commission and open for public inspection.

Docket Number; Applicant; Source of Gas; and Buyer

G–7633; Glenn Devitt; 250-acre Moore Lease and 132-acre Devitt Lease, Hanover Township, Washington County, Pennsylvania; The Manufacturers Light and Heat Co.

G–7849; J. W. Compton Oil and Gas Company; 156 acres in Sucker Creek Field, Pike County, Kentucky; Kentucky West Virginia Gas Company.

G–7850; David Hall Oil and Gas Company; 160 acres in Right Beaver Creek Field, Knott County, Kentucky; Kentucky West Virginia Gas Company.

G–7864; Union Drilling, Inc.; 60 acre Sarah M. Clarke Lease, South Franklin Township, Washington County, Pennsylvania; Manufacturers Light & Heat Company.

G–7865; Union Drilling, Inc.; 100-acre Howard Vankirk Lease, North Franklin Township, Washington County, Pennsylvania; Manufacturers Light & Heat Company.

G–7866; Valentine Oil & Gas Company; 5 acres, Murphy District, Ritchie County, West Virginia; Godfrey L. Cabot, Inc.

G–7867; Z. N. Connolly & Corel Poling; Sycamore Field, Sherman District, Calhoun County, West Virginia; Godfrey L. Cabot, Inc.

G–7868; J. F. Gainer Gas Company; 21 acres, DeKalb District, Gilmer County, West Virginia; Godfrey L. Cabot, Inc.

G–7869; Gill Oil & Gas Company; 75 acres, Murphy District, Ritchie County, West Virginia; Godfrey L. Cabot, Inc.

G–7870; W. W. Lindsey, Jr.; 213 acres of Charles Sowards, et al. Lease of 251.5 acres, on waters of Big Sandy River, Pike County; Kentucky; United Fuel Gas Company.

G–7871; John D. Forsyth, Agent; 2 wells on approximately 250 acres inclusive of 215.42 acre, Kentucky West Virginia Gas Company Lease, on Harolds Branch, Pike County, Kentucky; Kentucky West Virginia Gas Company.

G–7882; C. I. Collins, Agent; 26-acre Freeland Lease, Clay District, Ritchie County, West Virginia; Consumers Gas Utility Co.

G–7883; C. I. Collins; 10,000 square feet around well, Saddler Lease, Clay District, Ritchie County, West Virginia; Consumers Gas Utility Co.

G–7884; C. I. Collins; 136 acres, Wilson Heirs Farm, Clay District, Ritchie County, West Virginia; Consumers Gas Utility Co.

G–7885; C. I. Collins; 136 acres, Wilson Heirs Farm, Clay District, Ritchie County, West Virginia; Consumers Gas Utility Co.

G–7899; W. W. Lindsey and W. E. Elliott; 1 well on 90-acre tract inclusive of T. N. Huffman Land Company Lease of 86 acres, on waters of Lower Chloe Creek, Pike County, Kentucky; United Carbon Company.

G–7900; W. W. Lindsey, and/or W. W. Lindsey, Agent and/or W. W. Lindsey, Trustee; 7 wells on 1,500 acres inclusive of 500-acre Kentucky, West Virginia Gas Company Lease and 474 acre First National Company Lease, Pike County, Kentucky; Kentucky West Virginia Gas Company.

G–7903; Urpman Oil & Gas Company; 20 acres, Murphy District, Ritchie County, West Virginia; Godfrey L. Cabot, Inc.

G–7904; Nobe Oil & Gas Company; 52 acres, DeKalb District, Gilmer County, West Virginia; Godfrey L. Cabot, Inc.

G–7905; L. W. Cunningham Gas Company and Rexroad Oil & Gas Company; 132 acres and 511 acres, Murphy District, Ritchie County, West Virginia; Godfrey L. Cabot, Inc.

G–7906; Wilson Oil & Gas Company; 20 acres, Murphy District, Ritchie County, West Virginia; Godfrey L. Cabot, Inc.

G–7907; W. F. Roberts Gas Company; 31 acres, DeKalb District, Gilmer County, West Virginia; Godfrey L. Cabot, Inc.

G–7908; M. R. Osbourn Gas Co. and Mary Osbourn Gas Co.; 90 acres and 90 acres, Murphy District, Ritchie County, West Virginia; Godfrey L. Cabot, Inc.

G–7909; Cox Oil & Gas Company; 132 acres, Murphy District, Ritchie County, West Virginia; Godfrey L. Cabot, Inc.

G–7910; W. B. Cunningham Gas Company; 128 acres, Murphy District, Ritchie County, West Virginia; Godfrey L. Cabot, Inc.

G–7911; Nicholas Heirs Oil & Gas Co.; 75 acres, Sherman District, Calhoun County, West Virginia; Godfrey L. Cabot, Inc.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, December 27, 1955, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 7, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–9511; Filed, Nov. 28, 1955; 8:45 a. m.]

[Docket No. G-9679]

HUMBLE OIL & REFINING CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Humble Oil & Refining Company (Applicant), on October 27, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of Change dated October 28, 1955; Southern Natural Gas Company; Supplement No. 8 to Applicant's FPC Gas Rate Schedule No. 39; December 1, 1955.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 16, 1955.

Issued: November 22, 1955.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9512; Filed, Nov. 28, 1955; 8:46 a. m.]

[Docket No. G-9680]

NATURAL GAS DISTRIBUTING CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Natural Gas Distributing Corporation (Applicant), on October 31, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of Change, dated October 17, 1955; United Fuel Gas Company; Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. 1; December 1, 1955.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 16, 1955.

Issued: November 22, 1955.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9513; Filed, Nov. 28, 1955; 8:46 a. m.]

[Docket No. G-9681]

MONSANTO CHEMICAL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Monsanto Chemical Company (Applicant), on October 31, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of Change (undated); Texas Eastern Transmission Corporation; Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 1; December 1, 1955.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 16, 1955.

Issued: November 22, 1955.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9514; Filed, Nov. 28, 1955; 8:46 a. m.]

[Docket No. G-9862]

MONSANTO CHEMICAL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Monsanto Chemical Company (Applicant) on October 31, 1955 tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of Change (undated); Texas Eastern Transmission Corporation; Supplement No. 9 to Applicant's F. P. C. Gas Rate Schedule No. 2; December 1, 1955.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant if later.

[2] Commissioners Digby and Stueck dissenting.

unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as herein after ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 16, 1955.

Issued: November 22, 1955.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9515; Filed, Nov. 28, 1955; 8:46 a. m.]

[Docket No. G-8691]

CITY OF FRANKLIN, GA.

DATE OF HEARING RE NATURAL GAS CONNECTION

NOVEMBER 22, 1955.

Take notice that the City of Franklin, Georgia (Applicant), filed on March 30, 1955, an application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Transcontinental Gas Pipe Line Corporation to extend its transportation facilities and to establish a connection of such facilities with the facilities of Applicant's proposed natural-gas system, and to sell natural gas in the amounts as set forth in the application which is on file and open for public inspection.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 15, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application:

Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene were to have been filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 27, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9516; Filed, Nov. 28, 1955; 8:46 a. m.]

[Project No. 2059]

CITY OF EUGENE, OREG.

NOTICE OF FINAL DECISION

NOVEMBER 21, 1955.

In the matter of City of Eugene, Oregon (acting by and through its Eugene Water & Electric Board).

Notice is hereby given that the Presiding Examiner's Decision issuing a license in the above-designated matter was issued and served upon all parties on October 20, 1955. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure, said Decision became effective on November 21, 1955, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9517; Filed, Nov. 28, 1955; 8:46 a. m.]

[Docket No. G-3183, etc.]

GAS TRANSMISSION CO. ET AL.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 21, 1955.

In the matters of Gas Transmission Company, Docket No. G-3183; Gulf Oil Corporation, Docket Nos. G-7160, G-7161; Wm. Plack Carr, et al., Docket No. G-7165; Gulf Refining Company, Docket Nos. G-7172, G-7173, G-7175, G-7177; K. S. Williams, Docket Nos. G-7183, G-7184; Edwin Adkins, Docket No. G-7190; Pasotex Petroleum Co., Docket Nos. G-7194, G-7195, G-7196; Standard Oil Co. of Texas, Docket Nos. G-7211, G-7215, G-7216, G-7217, G-7218, G-7219, G-7220, G-7221, G-7222, G-7223, G-7224; Forest Oil Corporation, Docket No. G-7227; King, Warren & Dye, Docket No. G-7228; Southwest Natural Production Co., Docket No. G-7229; Lee Drilling Company, Docket No. G-7238; J. S. Abercrombie, Docket No. G-7239; Aztec Oil & Gas Co., Docket No. G-7241; W. W. Hamilton, et al., Docket No. G-7291; Davis Oil Company, Docket No. G-7315; Sun Oil Company, Docket Nos. G-7344, G-7345, G-7346; Hugh K. Haddox, Docket No. G-7363; Cunningham & Sweeny, Docket No. G-7365; J. F & P. C. Flanigan, Docket No. G-7366; Falcon Seaboard Drilling Co., Docket No. G-7367; Clinton Henry, Docket No. G-7450; F. C. Parker, Docket No. G-7456.

Notice is hereby given that on November 15, 1955, the Federal Power Commission issued its findings and order adopted November 9, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9525; Filed, Nov. 28, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 57, Amdt. 4]

RAILROADS SERVING CERTAIN STATES

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 57 and good cause appearing therefor:

It is ordered, That: Taylor's I. C. C. Order No. 57 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., December 20, 1955, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., November 20, 1955, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., November 18, 1955.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 55-9519; Filed, Nov. 28, 1955; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

QUARTERLY REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATIONS

Activities under the Defense Production Act as amended. Quarterly report of purchases under Domestic Purchase Regulations as of September 30, 1955.

Pursuant to Section 4, Public Law 206, 83rd Congress, the tabulation below details the quarterly and cumulative purchases under Purchase Regulation noted.

[2] Commissioners Digby and Stueck dissenting.

Regulation	Termination date	Units	Quantity		
			Program limitation	Purchases[2] during quarter	Cumulative purchases[2] through end of quarter
Asbestos	10- 1-57	Short tons, crude No. 1 and/or crude No. 2, asbestos.	1,500	130	1,093
		Short tons, crude No. 3		84	540
Beryl	6-30-57	Short dry tons, beryl ore	1,500	66	774
Chrome	6-30-57	Long dry tons, chrome ore and/or chrome concentrates.	200,000	6,152	93,985
Columbium-Tantalum [1]	12-31-58	Pounds contained combined pentoxide.	15,000,000	1,648,748	13,446,027
Manganese:					
Butte-Phillipsburg	6-30-58	Long ton units, recoverable, manganese.	6,000,000	81,416	1,809,417
Deming	6-30-58	do	6,000,000	1,199,794	4,459,646
Wenden	6-30-58	do	6,000,000	0	6,108,316
Domestic Small Producers	6-30-58	Long ton units, contained, manganese.	19,000,000	998,493	4,493,499
Mica	6-30-57	Short tons, hand-cobbed mica or equivalent.	25,000	714	6,999
Tungsten	7- 1-58	Short ton units, tungsten trioxide.	3,000,000	223,073	2,153,101

[1] Columbium-Tantalum Regulation provides for both Domestic and Foreign Purchases. Report includes both. Foreign forward commitments have caused the program limitation to be exceeded. No further purchases of foreign ore or concentrates will be made.
[2] Quantities represent deliveries.

Dated: November 21, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-9577; Filed, Nov. 25, 1955; 12:30 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-132 etc.]

ENGINEERS PUBLIC SERVICE CO. ET AL.

SUPPLEMENTAL ORDER POSTPONING HEARING AND DESIGNATING HEARING OFFICER

NOVEMBER 21, 1955.

In the matter of Engineers Public Service Company, File No. 54-132; El Paso Electric Company, File No. 70-1149; Gulf States Utilities Company, File No. 70-1150; Virginia Electric and Power Company, File No. 70-1419.

The Commission having on November 4, 1955, issued its Notice of Filing and Order for Hearing (Holding Company Act Release No. 13030) with respect to a claim by Louis Boehm and Raymond L. Wise for allowances of additional fees and disbursements in connection with the section 11 (e) reorganization plan of Engineers Public Service Company approved January 8, 1947 (Engineers Public Service Company et al., 25 S. E. C. 37); and

Said notice and order having fixed December 6, 1955, as the date on which said hearing would be held, and having designated William W. Swift as the hearing officer to preside at the hearing, and having given interested persons, who were not already parties, or who had not been granted leave to particate, until December 5, 1955, to file requests to be heard or to otherwise participate; and

Counsel for Engineers Public Service Company having requested that the hearing be postponed until December 9, 1955; and

The Commission deeming it appropriate to grant the request of counsel;

It is ordered, That the hearing set for December 6, 1955, be, and it hereby is, postponed to December 9, 1955, at 10:00 a. m., at the office of the Commission, 425 Second Street NW., Washington, D. C.; that James G. Ewell is hereby designated, in lieu of William W. Swift, as the hearing officer to preside at the hearing; and that the time within which interested persons may request leave to be heard or otherwise participate is hereby extended to December 8, 1955.

It is further ordered, That except as to the date for the hearing, the designation of James G. Ewell, in lieu of William W. Swift, as the hearing officer, and the extension of time within which interested persons may request leave to be heard or participate, the order of November 4, 1955 shall remain in full force and effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-9537; Filed, Nov. 28, 1955; 8:49 a. m.]

[File No. 811-549]

ASTOR FINANCIAL CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

NOVEMBER 21, 1955.

Notice is hereby given that Astor Financial Corporation ("Astor"), a registered closed-end non-diversified management investment company, has filed an amended application pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") for an order declaring that it has ceased to be an investment company under the Act.

Astor filed its Notification of Registration under the act on July 28, 1948.

It is represented that pursuant to an Agreement and Plan of Reorganization between Astor and North River Securities Co., Inc. ("North River"), Astor transferred all of its property and assets on July 26, 1955, to North River; and that Astor has delivered to Manufacturers Trust Company of New York, its certificate for the shares of common stock of North River received pursuant to the Agreement and Plan of Reorganization with instructions to transfer and distribute such shares pro rata among the shareholders of Astor, except that cash will be distributed in lieu of Fractional shares of North River.

It is stated that all unclaimed shares of North River distributable to shareholders of Astor will be held by the Manufacturers Trust Company for such period of time as required by the Abandoned Property Law of New York and if not claimed within the said time, will be turned over to the Comptroller of the State of New York pursuant to said Abandoned Property Law.

It is further represented that on August 29, 1955, Astor filed a Certificate of Dissolution with the Secretary of State of New York pursuant to section 105 of the New York Stock Corporation Law, and that on the same day the Secretary of State of New York issued a Certificate declaring that a Certificate of Dissolution has been filed and that it appears therefrom that Astor has been dissolved.

Section 8 (f) of the act provides, in pertinent part, that whenever the Commission on application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 6, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-9536; Filed, Nov. 28, 1955; 8:49 a. m.]

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10647

PROVIDING FOR THE APPOINTMENT OF CERTAIN PERSONS UNDER THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

By virtue of the authority vested in me by the Defense Production Act of 1950 (64 Stat. 798), as amended (50 U. S. C. App. 2061 *et seq.*), hereinafter referred to as the Act, it is hereby ordered as follows:

PART I—DELEGATION OF AUTHORITY

SECTION 101 (a) There is hereby delegated to the head of each department or agency to whom functions are delegated or assigned under the Act the authority vested in the President by subsection 710 (b) (1) of the Act to employ persons of outstanding experience and ability without compensation. The authority delegated by this subsection shall not be redelegated.

(b) There is hereby further delegated to the head of each such department or agency the authority vested in the President by subsection 710 (c) of the Act to employ experts and consultants or organizations thereof. The authority delegated by this subsection shall not be redelegated.

SEC. 102. The head of each department or agency to whom authority is delegated by subsections 101 (a) and 101 (b) of this order shall be guided in the exercise of that authority by the following-described policies:

(a) So far as possible, operations under the Act shall be carried on by full-time, salaried employees of the Government, and appointments under this authority shall, so far as possible, be to advisory or consultative positions only.

(b) Appointments to positions other than advisory or consultative may be made under this authority only when the requirements of the position are such that the incumbent must personally possess outstanding experience and ability not obtainable on a full-time, salaried basis.

(c) In addition to other requirements imposed by this order, the head of the department or agency involved shall, in the appointment of personnel and in assignment of their duties, take steps to avoid, to as great an extent as possible, any conflict between the Government duties and the private interests of such personnel.

SEC. 103. (a) All persons appointed pursuant to the authority delegated by subsection 101 (a) of this order, or appointed pursuant to the authority delegated by subsection 101 (a) of Executive Order No. 10182 of November 21, 1950, as amended by Executive Order No. 10205 of January 16, 1951, and still employed on the date of this order, shall, when policy matters are involved, be limited to advising appropriate full-time Government officials who are responsible for making policy decisions.

(b) All persons appointed pursuant to the authority delegated by subsection 101 (b) of this order, or appointed pursuant to the authority delegated by subsection 101 (b) of the said Executive Order No. 10182, as amended, and still employed on the date of this order, shall, when policy matters are involved, be limited to advising appropriate persons who are responsible for making policy decisions or who are authorized to make recommendations with respect to policy matters.

PART II—EXEMPTIONS

SEC. 201. Any person employed pursuant to the authority delegated by subsection 101 (a) of this order is exempted, with respect to such employment, by section 710 (b) (4) of the Act from the operation of sections 281, 283, 284, 434, and 1914 of title 18 of the United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99) except that:

(a) Exemption thereunder does not extend to the negotiation or execution, by such appointee, of Government contracts with the private employer of such appointee or with any corporation, joint stock company, association, firm, partnership, or other entity in the pecuniary profits or contracts of which the appointee has any direct or indirect interest;

(b) Exemption thereunder does not extend to making any recommendation or taking any action with respect to individual applications to the Government for relief or assistance, on appeal or otherwise, made by the private em-

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FEDERAL REGISTER

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ployer of the appointee or by any corporation, joint stock company, association, firm, partnership, or other entity in the pecuniary profits or contracts of which the appointee has any direct or indirect interest;

(c) Exemption thereunder does not extend to the prosecution by the appointee, or participation by the appointee in any fashion in the prosecution, of any claims against the Government involving any matter concerning which the appointee had any responsibility during his employment under subsection 101 (a) of this order during the period of such employment and the further period of two years after the termination of such employment; and

(d) Exemption thereunder does not extend to the receipt or payment of salary in connection with the appointee's Government service from any source other than the private employer of the appointee at the time of his appointment under subsection 101 (a) of this order.

SEC. 202. Any person employed pursuant to the authority delegated by subsection 101 (b) of this order is hereby exempted, with respect to such employment, from the operation of sections 281, 283, and 284 of title 18 of the United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99), except that:

(a) Exemption hereunder shall not extend to the negotiation or execution, by such appointee, of Government contracts with the private employer of such appointee or with any corporation, joint stock company, association, firm, partnership, or other entity in the pecuniary profits or contracts of which the appointee has any direct or indirect interest;

(b) Exemption hereunder shall not extend to making any recommendation or taking any action with respect to individual applications to the Government for relief or assistance, on appeal or otherwise, made by the private employer of the appointee or by any corporation, joint stock company, association, firm, partnership, or other entity in the pecuniary profits or contracts of which the appointee has any direct or indirect interest; and

(c) Exemption hereunder shall not extend to the prosecution by the appointee, or participation by the appointee in any fashion in the prosecution, of any claims against the Government involving any matter concerning which the appointee had any responsibility during his employment under subsection 101 (b) of this order during the period of such employment and the further period of two years after the termination of such employment.

PART III—CERTIFICATIONS, STATEMENTS, AND REPORTS

SEC. 301 (a) Appointments made pursuant to the authority delegated by subsection 101 (a) of this order shall be supported by written certification by the head of the employing department or agency:

(1) That the appointment is necessary and appropriate in order to carry out the provisions of the Act;

(2) That the duties of the position to which the appointment is being made require outstanding experience and ability;

(3) That the appointee has the outstanding experience and ability required by the position; and

(4) That the department or agency head has been unable to obtain a person with the qualifications necessary for the position on a full-time, salaried basis.

(b) The certification required by subsection (a) of this section shall be accompanied by a statement:

(1) Describing the functions under the Act which the appointee is expected to perform and his responsibilities and duties in performing such functions;

(2) Showing why the head of the department or agency has concluded that the duties of the position require outstanding experience and ability;

(3) Showing the appointee's experience and accomplishments which justify the conclusion of the head of the department or agency that the employee has outstanding experience and ability; and

(4) Setting forth a summary of the reasons why the head of the department or agency has been unable to obtain a person with the qualifications necessary for the position on a full-time, salaried basis.

Sec. 302 (a) The heads of the departments or agencies making appointments pursuant to the authority delegated by subsection 101 (a) of this order shall, within thirty days from the date of appointment, file with the Federal Register Division for publication in the FEDERAL REGISTER a statement including:

(1) The name of the appointee;

(2) The name of the employing department or agency;

(3) The title of the appointee's position; and

(4) The name of the appointee's private employer or employers.

(b) All persons appointed pursuant to the authority delegated by subsection 101 (a) of this order shall, within thirty days from the date of the appointment, file with the Federal Register Division for publication in the FEDERAL REGISTER a statement listing:

(1) The names of any corporation of which he is, or within 60 days preceding his appointment has been, an officer or director;

(2) The names of any corporation in which he owns, or within 60 days preceding his appointment has owned, any stocks, bonds, or other financial interests;

(3) The names of any partnerships in which he is, or within 60 days preceding his appointment has been, a partner; and

(4) The names of any other businesses in which he owns, or within 60 days preceding his appointment has owned, any similar interest.

(c) At the end of each succeeding six-month period, the appointee shall file with the Federal Register Division for publication in the FEDERAL REGISTER a statement showing any changes in such interests during such period.

(d) As used in this section:

(1) The term "owns" or "has owned" refers to any legal or equitable, vested or contingent, interest, however held. The names of corporations, partnerships, or other businesses in which a legal interest is owned by the appointee in a fiduciary capacity shall be listed only when any beneficiary is the spouse, parent, child, brother, or sister of the appointee. The names of corporations, partnerships, or other businesses in which an equitable interest is owned by the appointee shall be listed only when the appointee controls, or participates in the control of, the legal interest. However, the name and nature of the legal interest shall be specified when the appointee owning an equitable interest does not control, or participate in the control of, the legal interest.

(2) The term "other financial interests" includes any direct or indirect interests in the pecuniary profits or contracts of corporations, partnerships, or other businesses, including salaries, commissions, bonuses, options, retirement benefits, severance pay, or like interests, but excludes insurance policies of insurance companies in which the sole interest of the appointee is that policy.

SEC. 303. Persons employed pursuant to the authority delegated by subsection 101 (a) or 101 (b) of this order may be allowed transportation and not to exceed $15 per diem in lieu of subsistence while away from their homes or regular places of business pursuant to such appointment. Persons employed pursuant to the authority delegated by subsection 101 (b) of this order may also be compensated at rates not in excess of $50 per diem.

SEC. 304. All appointments under 710 (b) (1) and 710 (c) of the Act shall be made under the terms of this order. All persons heretofore appointed under subsection 101 (a) of Executive Order

No. 10182, as amended by Executive Order No. 10205, who are still employed on the date of this order shall comply with this Part, and, upon compliance, shall be deemed for all purposes to have been appointed under this order and to be subject to its provisions, including the provisions of subsections 302 (a) and 302 (b) relating to statements required thereby, except that statements relating to appointments made under subsection 101 (a) of Executive Order No. 10182, as amended, shall be filed within thirty days from the date of this order.

SEC. 305 (a) At least once every three months the Chairman of the Civil Service Commission shall survey appointments made under the Act. Such survey shall include the following:

(1) A determination whether a statement with respect to each person appointed pursuant to subsection 101 (a) of this order has been filed by the head of the department or agency concerned in accordance with the requirements of subsection 302 (a) of this order;

(2) A determination whether each person appointed pursuant to the said subsection 101 (a) has filed a statement in accordance with the requirements of subsection 302 (b) of this order;

(3) A determination whether each person appointed pursuant to subsection 101 (a) of this order who has served six months or more has filed a statement in accordance with the requirements of subsection 302 (c) of this order;

(4) A determination whether a statement with respect to each person appointed pursuant to subsection 101 (a) of Executive Order No. 10182, as amended by Executive Order No. 10205, has been filed by the head of the department or agency concerned in accordance with the requirements of section 304 of this order;

(5) A determination whether each person appointed pursuant to subsection 101 (a) of the said Executive Order No. 10182, as amended, has filed a statement in accordance with the requirements of section 304 of this order; and

(6) An inspection of individual department and agency files to determine whether the certifications and the statements required by subsections 301 (a) and (b), respectively, of this order have been made.

(b) A report of each such survey shall be made by the Chairman of the Civil Service Commission to the President and to the Joint Committee on Defense Production and shall include the following:

(1) A statistical report showing the number of appointments made pursuant to the authority of this order by each department or agency for the three-month period covered, the total number of such appointees on the rolls of each department or agency, the number of employees serving in advisory or consultative positions, and the number of appointees who are serving in other than consultative or advisory positions;

(2) A list of the names of all appointees for whom the statements required by section 302 of this order have not been filed, and a list of the names of all appointees for whom the certification required by subsection 301 (a) of this order has not been made; and

(3) Such comments or recommendations as the Chairman of the United States Civil Service Commission may deem proper.

SEC. 306. Executive Order No. 10182 of November 21, 1950, and Executive Order No. 10205 of January 16, 1951, are hereby revoked.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 28, 1955.

[F. R. Doc. 55-9654; Filed, Nov. 29, 1955; 11:45 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

PART 381—PRODUCTION EMERGENCY AND PROPERTY DAMAGE LOANS

LOANS TO PREVIOUSLY INDEBTED BORROWERS

1. In the order of the Administrator dated March 31, 1955 (20 F. R. 2147) the following words are hereby deleted "Production Emergency loans will no longer be made to paid-up borrowers unless the area is redesignated as a disaster area because of a new disaster. Accordingly:."

2. Section 381.4 (a), Title 6, Code of Federal Regulations (16 F. R. 3967) is revised to provide for the making of loans to previously indebted borrowers and to read as follows:

§ 381.4 *Eligibility and certifications.* • • •

(a) *Subsequent loans and loans to applicants previously indebted.* A subsequent loan to an applicant presently indebted for a Production Emergency loan may be made when necessary to protect the Government's investment in Production Emergency loans previously made, provided there is reasonable assurance that the subsequent loan and the outstanding balances on the previous loans will be repaid. The Administrator may, within any limitations that may be contained in area designations, authorize the making of loans to applicants who were previously indebted.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 2 (a), 63 Stat. 44; 12 U. S. C. 1148a-2 (a))

[Order of the Administrator dated November 23, 1955.]

Dated: November 23, 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55-9566; Filed, Nov. 29, 1955; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.30, Amdt. 1]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

1956 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, paragraphs (h), paragraph (i) (1) and (k) of the Determination of Proportionate Shares for the Domestic Beet Sugar Producing Area—1956 Crop (§ 850.30), issued September 21, 1955 (20 F. R. 7159) are hereby amended to read as follows:

(h) *Subdivision of State acreage allocation.* Before establishing individual farm proportionate shares, the State Committee may subdivide the State acreage allocation into allotments for areas within the State, such as an area served by a beet sugar company, a county, or a group of counties. In making any such subdivision, appropriate weightings, approved by the Director, shall be given to the past production of sugar beets and the ability to produce sugar beets. "Past production" shall be measured by the average planted acreage of the area for not less than three crop years during the period 1950 through 1954, except that if the State Committee determines that the period 1950 through 1954 is not representative for the area, a longer period may be used upon prior approval of the Director. "Ability" shall be measured by the area's largest planted acreage during any of the crop years used to measure "past production". The measurement of "past production" and "ability" as heretofore provided in this paragraph may be modified by the use of the 1955-crop planted acreage, the planted acreage in any one or more of the years utilized in such measurement of "past production" and "ability", or a combination of the planted acreages in any of such years. Subject to the provisions of paragraph (i) (4) of this section, unused acreage may be reallotted by the State Committee among the aforementioned areas within the State. If the State acreage allocation is not subdivided, proportionate shares will be established directly from such allocation.

(i) *Establishment of individual proportionate shares*—(1) *Old producers.* In establishing individual farm proportionate shares for old producers from area allotments or from the State allocation, the State Committee shall consider the factors of past production of sugar beets and ability to produce sugar beets. These factors shall be measured by applying a formula to the record of production of sugar beets on the farm during not less than three crop years in the period 1950 through 1954, except that if the State Committee determines that the period 1950 through 1954 is not representative for the area, a longer period may be used upon prior approval of the Director.. The measurement of "past production" and "ability" as heretofore provided in this subparagraph may be modified by the use of 1955-crop planted acreage. However, if the farm operator is a tenant in an area where sugar beet production is organized around tenant-operators rather than around units of land, production may be measured by the personal sugar beet production record of the farm operator within such area during such selected years or the State Committee may use a combination of farm and such personal production records. In case of death or incapacity of a tenant, his personal sugar beet production record shall be credited to the administrator or executor of his estate or to a member of his family, if in the year of such death or incapacity, or the following year, such administrator, executor, or family member continues as a tenant the customary sugar beet operations of the deceased or incapacitated tenant. The acreages resulting from the application of such formula for individual farms (farm bases) shall be adjusted pro rata by the percentage relationship between the total acreage to be allotted (area allotment less the set-asides made pursuant to paragraph (g) of this section and the initial proportionate shares of second-year producers established in accordance with subparagraph (2) of this paragraph) and the total acreage resulting from the use of the formula. The resulting acreage for each such farm (initial proportionate share), as well as the initial proportionate share of each second-year producer, shall then be adjusted by the State Committee to the extent determined by it to be necessary to establish a proportionate share for the farm which is fair and equitable as compared with proportionate shares for all other farms in the area, by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water (where irrigation is used), adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

• • • • •

(k) *Appeals.* A farm operator who believes that the proportionate share established for his farm pursuant to this section is inequitable, may file a written appeal for reconsideration of such proportionate share at the local Agricultural Stabilization and Conservation county office, not later than the date established therefor by the State Committee. The appeal shall be accompanied by a statement of facts constituting the basis for such appeal. The appeal shall be reviewed in such county office and forwarded with recommendations to the Agricultural Stabilization and Conservation State Office. The appeal shall be reviewed and acted upon by the State Committee, or in lieu thereof, by a sugar beet appeals committee to be designated by the State Committee and to be composed of three members, including the State Administrative Officer. Each of the two other members shall be a State committeeman or an employee of the ASC State Office. Any increase in the proportionate share approved by reason of the appeal shall be within the acreage set aside for appeals pursuant to paragraph (g) of this section and any other acreage remaining unused within the State allocation. The operator shall be notified in writing as soon as possible regarding the decision in the case. If the farm operator is dissatisfied with the decision in his case, he may appeal in writing to the Director, whose decision shall be final. In acting upon the appeal, the State Committee, the Sugar Beet Appeals Committee, or the Director shall consider only such matters as under the provisions of this determination are required or permitted to be considered by the State Committee in the establishment of the farm proportionate share to be reviewed.

STATEMENT OF BASES AND CONSIDERATIONS

The 1956-crop State allocations established in S. D. 850.30, as issued September 21, 1955, were based on 1955-crop allocations, with relatively small modifications reflecting underplantings of the 1955 crop in certain States. However, the provisions of the determination do not authorize ASC State Committees to make use of 1955-crop acreages in subdividing State allocations into proportionate share area allotments or in establishing individual farm shares from area allotments. In certain States, the use of 1955-crop acreages might result in more equitable allotments and shares. This amendment restates paragraph (h) and paragraph (i) (1) to include provision for the limited use of 1955-crop acreages at both area and farm levels and it also provides more details regarding the measurement of "past production" and "ability" to produce sugar beets in reference to the establishment of area allotments.

Under the determination as originally issued, State Committees were required to act on appeals. State Committees customarily meet but once a month. Because appeals must be acted upon promptly, to permit increases in plantings where shares are increased, paragraph (k) has been changed to authorize the State Committee to designate State Office personnel to act on appeals. The amended provision will thus facilitate action on appeals without special meetings of the State Committee.

Under these circumstances, I hereby find and conclude that the aforestated amendment will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932, 7 U. S. C. 1153. Interprets or applies Sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Issued this 23d day of November 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9563; Filed, Nov. 29, 1955; 8:47 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 927—MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to notice published in the FEDERAL REGISTER (20 F. R. 8640), consideration has been given to the suspension of certain provisions in § 927.40 of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, hereinafter referred to as the "order."

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and to the order, and after having considered all relevant information including the written data, views, and arguments which were filed with the Hearing Clerk pursuant to the notice referred to, it is hereby found and determined, that:

a. The following provisions do not tend to effectuate the declared policy of the act:

1. For the period of December 1–15, 1955, all provisions of § 927.40 (a), except the provision "(a) For Class I-A milk the price during each month shall be" (appearing in the first sentence thereof), and the provision "the base price of $5.66" (appearing in subparagraph (2) thereof).

2. For the period December 16–31, 1955, all provisions of § 927.40 (a), except the provision "(a) For Class I-A milk the price during each month shall be a price computed pursuant to subparagraphs (1) through (11) of this paragraph." (appearing in the first sentence thereof), the provision "(2) Multiply the base price of $5.66 by" (appearing in subparagraph (2) thereof), and the provision "0.95." (appearing in subparagraph (11) thereof).

3. For the months of January and February 1956, all provisions of subparagraph (11) of § 927.40 (a), except the provision "(11) Multiply the result determined pursuant to subparagraph (10) of this paragraph by" and the provision "1.09.".

b. It is hereby found and determined, that it is necessary in the public interest to make this suspension order effective by not later than December 1, 1955, in order to reflect current marketing conditions, and to facilitate, promote, and maintain the orderly marketing of milk produced for the New York metropolitan milk marketing area. Notice of consideration of this suspension action and of opportunity to file written data, views and arguments thereon was published in the FEDERAL REGISTER on November 23, 1955 (20 F. R. 8640). The changes effected by this suspension order do not require substantial or extensive preparation by the persons affected prior to the effective date hereof.

It is therefore ordered, That, the following provisions appearing in § 927.40 (a) of the order be and hereby are suspended:

1. For the period of December 1–15, 1955, all provisions of § 927.40 (a), except the provision "(a) For Class I–A milk the price during each month shall be" (appearing in the first sentence thereof), and the provision "the base price of $5.66" (appearing in subparagraph (2) thereof).

2. For the period December 16–31, 1955, all provisions of § 927.40 (a), except the provision "(a) For Class I–A milk the price during each month shall be a price computed pursuant to subparagraphs (1) through (11) of this paragraph." (appearing in the first sentence thereof), the provision "(2) Multiply the base price of $5.66 by" (appearing in subparagraph (2) thereof), and the provision "0.95." (appearing in subparagraph (11) thereof).

3. For the months of January and February 1956, all provisions of subparagraph (11) of § 927.40 (a), except the provision "(11) Multiply the result determined pursuant to subparagraph (10) of this paragraph by" and the provision "1.09.".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 29th day of November 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55–9644; Filed, Nov. 29, 1955; 11:07 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 224—DISCOUNT RATES

MISCELLANEOUS AMENDMENTS

Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 *Advances and discounts for member banks under sections 13 and 13a.* The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	2½	Nov. 22, 1955
New York	2½	Nov. 18, 1955
Philadelphia	2½	Nov. 18, 1955
Cleveland	2½	Nov. 18, 1955
Richmond	2½	Nov. 22, 1955
Atlanta	2½	Nov. 18, 1955
Chicago	2½	Nov. 18, 1955
St. Louis	2½	Nov. 22, 1955
Minneapolis	2½	Nov. 21, 1955
Kansas City	2½	Nov. 21, 1955
Dallas	2½	Nov. 23, 1955
San Francisco	2½	Nov. 18, 1955

2. Section 224.3 is amended to read as follows:

§ 224.3 *Advances to member banks under section 10 (b).* The rates for advances to member banks under section 10 (b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	3	Nov. 22, 1955
New York	3	Nov. 18, 1955
Philadelphia	3	Nov. 18, 1955
Cleveland	3	Nov. 18, 1955
Richmond	3	Nov. 22, 1955
Atlanta	3	Nov. 18, 1955
Chicago	3	Nov. 18, 1955
St. Louis	3	Nov. 22, 1955
Minneapolis	3	Nov. 21, 1955
Kansas City	3	Nov. 21, 1955
Dallas	3	Nov. 23, 1955
San Francisco	3	Nov. 18, 1955

3. Section 224.4 is amended to read as follows:

§ 224.4 *Advances to persons other than member banks.* The rates for advances to individuals, partnerships or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	3½	Nov. 22, 1955
New York	3¼	Sept. 9, 1955
Philadelphia	3¼	Nov. 18, 1955
Cleveland	3½	Nov. 18, 1955
Richmond	3½	Nov. 22, 1955
Atlanta	3½	Nov. 18, 1955
Chicago	3½	Nov. 18, 1955
St. Louis	3¼	Nov. 22, 1955
Minneapolis	3¾	Sept. 12, 1955
Kansas City	3½	Sept. 9, 1955
Dallas	3½	Aug. 5, 1955
San Francisco	3½	Nov. 18, 1955

4. Section 224.6, relating to loans to financing institutions under section 13b of the Federal Reserve Act, is amended so as to change the percentage rate for the Federal Reserve Bank of St. Louis on discounts or purchases on the portion for which the institution is obligated from 1¾–2¼ to 2½–3, effective November 22, 1955.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interpret or apply sec. 14 (d), 38 Stat. 264, as amended; 12 U. S. C. 357)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 55–9592; Filed, Nov. 29, 1955; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6337]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DENNING-GOLDEN FURS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act;[1] § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.90 *History of product or offering;* § 13.135 *Nature:* Product or service; § 13.155 *Prices:* Forced or sacrifice sales; Savings and discounts subsidized; § 13.235 *Source or origin:* Maker or seller, etc.; place: *Foreign, in general.* Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act;[1] § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1225 *History;* § 13.1260 *Nature;* § 13.1325 *Source or origin:* Maker or seller, etc.: *Fur Products Labeling Act;* Place: *Fur Products Labeling Act.*[1] Subpart—*Misrepresenting oneself and goods*—goods: § 13.1590 *Composition;* § 13.1623 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1650 *History of product;* § 13.1685 *Nature;* § 13.1745 *Source or origin:* Maker or seller, etc.; place: *Foreign, in general;* [*Misrepresenting oneself and goods*]—Prices: § 13.1813 *Forced or sacrifice sales.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1854 *History of product:* Fur Products Labeling Act; § 13.1870 *Nature:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Maker or seller, etc.; Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Denning-Golden Furs, Inc., et al., New York, N. Y., Docket 6337, November 10, 1955.]

In the Matter of Denning-Golden Furs, Inc., a Corporation, Denning, Inc., a Corporation, Irving Golden, Individually and as President of Said Corporations, and Bernard Golden, an Individual

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission — which charged respondent retail fur dealers with violating the Federal Trade Commission Act by conducting spurious liquidation sales and in connection therewith advertising fictitious prices as the former value of furs on sale and sale prices as affording 40 percent to 80 percent savings off regular prices; and violating the Fur Products Labeling Act through failing to disclose information concerning their furs and to keep records as required by the act, and through false invoicing—and an agreement between the parties providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of November 10, 1955, became, pursuant to § 3.21 of the rules of practice, the "Decision of the Commission."

[1] New.

The order to cease and desist is as follows:

It is ordered, That respondents Denning-Golden Furs, Inc., a corporation, and its officers; Denning, Inc., a corporation, and its officers; Irving Golden, individually and as an officer of said corporations; and Bernard Golden, individually; and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or the sale, advertising or offering for sale, or the transportation or distribution of any fur product in commerce; or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which had been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices showing:

(a) The name or names of the animal producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in the fur product.

2. Using on invoices the name or names of any animal or animals other than the name or names provided for in paragraph A (1) (a) above, or setting forth thereon any form of misrepresentation or deception, directly or by implication, with respect to such fur products.

3. Setting forth required information in abbreviated form.

4. Failing to show the item number or mark of fur products on the invoices pertaining to such products, as required by Rule 40 of the rules and regulations.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur when such is the fact;

(c) That fur products are composed, in whole or in substantial part, or paws, tails, bellies or waste fur when such is the fact;

(d) The name of the country of origin of imported furs contained in fur products.

2. Contains the name or names of any animal or animals other than the name or names provided for in paragraph B (1) (a) above.

3. Sets forth required information in abbreviated form.

4. Represents that any of such fur products are from the stock of a business in a state of liquidation, contrary to the fact.

5. Represents that a sales price enables purchasers of fur products to effectuate any savings in excess of the difference between the said price and the price at which comparable products were sold by respondents during the time specified or, if no time is specified, in excess of the difference between said price and the current price at which comparable products are sold.

6. Represents that an amount set forth, relating or referring to fur products, is the value of the usual price at which said fur products had been customarily sold by respondents in the recent regular course of their business, contrary to the fact.

7. Makes pricing claims or representations of the type referred to in paragraph B (5) and (6) above, unless there is maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based as required by Rule 44 (e) of the rules and regulations:

It is further ordered, That Denning-Golden Furs, Inc., a corporation, and its officers; Denning, Inc., a corporation, and its officers; Irving Golden, individually, and as officer of said corporations; and Bernard Golden, individually; and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of fur garments in commerce, as "commerce" is defined in the Federal Trade Commission Act, do further cease and desist from making, directly or by implication, any of the representations prohibited by paragraph B (4) through (6), inclusive, of this order.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 10, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55–9593; Filed, Nov. 29, 1955; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53959]

PART 24—CUSTOMS FINANCIAL OR ACCOUNTING PROCEDURE

CHECKS RECEIVABLE FOR DUTIES

Section 24.1 (b) now contains a provision that an uncertified check which can be cashed without expense to the Government shall be accepted by the collector of customs in payment of duties and other charges if drawn and tendered by a business or other organization, or by an individual, "who has on file with the collector of customs a customs entry bond or other bond to secure the payment of such duties or other charges." It is not intended that this provision be interpreted as requiring that the drawer of the check and the principal on the bond shall necessarily be the same person or organization, and it is deemed desirable to clarify the regulation on this point.

The provision of the regulation for accepting uncertified checks in the absence of bonds is believed to be unduly restrictive in that it provides for the use of "all available credit data which can be obtained without cost to the Government."

In order to clarify the provision relating to bonds and to remove the undue restriction upon the collectors' discretion in accepting uncertified checks in the absence of bonds, § 24.1 (b) is hereby amended to read as follows:

(b) An uncertified check drawn by an interested party on a national or state bank or trust company of the United States which can be cashed without expense to the Government shall be accepted by the collector of customs in payment of duties or other charges if there is on file with the collector of customs a customs entry bond or other bond to secure the payment of such duties or other charges, or if a bond has not been filed, the organization or individual drawing and tendering the uncertified check has been approved by the collector to make payment in such manner. In determining whether an uncertified check shall be accepted in the absence of a bond, the collector shall use available credit data obtainable without cost to the Government, such as that furnished by banks, local business firms, better business bureaus, or local credit exchanges, sufficient to satisfy him of the credit standing or reliability of the drawer of the check. The collector may refuse to accept an uncertified check in any case if in his discretion he deems such acceptance inadvisable.

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624. Interprets or applies sec. 1, 36 Stat. 965, as amended, sec. 648, 46 Stat. 762; 19 U. S. C. 198, 1648)

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: November 22, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55–9579; Filed, Nov. 29, 1955; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

DIRECT OR INDIRECT ADDITION OF ANTIBIOTIC DRUGS TO FOODS FOR HUMAN CONSUMPTION

In exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 402, 408, 52 Stat. 1046; 68 Stat. 511 et seq.; 21 U. S. C. 342, 346a) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), and pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1002), § 3.29 published in the FEDERAL REGISTER of February 25, 1953 (18 F. R. 1077) is amended by adding the following new paragraph (c):

§ 3.29 *Direct or indirect addition of antibiotic drugs to foods for human consumption.* • • •

(c) This statement of policy will not bar the establishment of safe tolerances for antibiotic drugs in or on raw agricultural commodities under the provisions of section 408 of the act, where suitable evidence of usefulness of the antibiotic drugs and of safety of the residues is available.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: November 23, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-9550; Filed, Nov. 29, 1955; 8:45 a. m.]

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PESTICIDE CHEMICALS; FURTHER EXTENDED DATES ON WHICH STATUE SHALL BECOME FULLY EFFECTIVE

Requests have been received for extension of the date on which the pesticide chemicals amendment (68 Stat. 511 et seq.; 21 U. S. C. 342, 346a) shall become fully effective. The United States Department of Agriculture has requested extension for ethylene dibromide as a fumigant to permit the continued use of the chemical, under its supervision, to fumigate food commodities held in quarantine. The Dow Chemical Company has requested extension for sodium-o-phenylphenate to permit continued post-harvest use of the chemical on citrus; a petition has been submitted requesting a tolerance for such use. These uses are considered nonseasonal. The requested extensions are necessary. Therefore the following order is issued pursuant to sections 402 (a) (2) and 408, 68 Stat. 511, 517 (Ch. 559, secs. 2, 5); 21 U. S. C. 342 and note 1 under section 342; 346a, and under authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (20 F. R. 1996).

Section 3.44 *Pesticide chemicals; further extended dates on which statute shall become fully effective*, published in the FEDERAL REGISTER of October 29, 1955 (20 F. R. 8156) is amended in paragraph (a) (2) by deleting the word "grain" from the item "Ethylene dibromide: As a grain fumigant" and by inserting in proper alphabetical order the item "Sodoum-o-phenylphenate: On citrus."

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 402, 408, 68 Stat. 511; 21 U. S. C. 342, 346a)

Dated: November 23, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-9552; Filed, Nov. 29, 1955; 8:45 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF CHLORTETRACYCLINE

A petition was filed with the Food and Drug Administration requesting the establishment of a tolerance for residues of chlortetracycline in or on uncooked poultry. The petition shows that cooking destroys residues of chlortetracycline that are within the tolerance being established.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g); 20 F. R. 759), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended by adding the following new section:

§ 120.117 *Tolerance for residues of chlortetracycline.* A tolerance of 7 parts per million is established for residues of chlortetracycline in or on uncooked poultry. This tolerance level shall not be exceeded in any part of the poultry.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: November 23, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-9551; Filed, Nov. 29, 1955; 8:45 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF EPN

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of EPN in or on certain raw agricultural commodities. The request for the establishment of the tolerance for some of the commodities was later withdrawn without prejudice to a future filing.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g); 20 F. R. 759), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended by adding the following new section:

§ 120.119 *Tolerances for residues of EPN (O-ethyl-O-p-nitrophenyl benzene thiophosphonate).* Tolerances for residues of EPN (O-ethyl-O-p-nitrophenyl benzene thiophosphonate) are established as follows:

(a) 3 parts per million in or on grapes, olives, sugar beets (but not sugar beet tops), tomatoes.

(b) 0.5 part per million in or on almonds, cottonseed, pecans, walnuts.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: November 25, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-9594; Filed, Nov. 29, 1955; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1254]

[Misc. 67808]

ARKANSAS

RESERVING PUBLIC LANDS IN CONNECTION WITH ST. FRANCIS SUNKEN LANDS AND MARKED TREE FLOODWAY PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, the act of September 2, 1937 (50 Stat. 917; 16 U. S. C. 669-669i), and the act of March 10, 1934 as amended by the act of August 14, 1946 (48 Stat. 401; 60 Stat. 1080; 16 U. S. C. 661-666c), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Arkansas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use of the Game and Fish Commission of the State of Arkansas in connection with the St. Francis Sunken Lands and Marked Tree Floodway Project, under such conditions as may be prescribed by the Secretary of the Interior:

FIFTH PRINCIPAL MERIDIAN

T. 11 N., R. 6 E.,
Sec. 2, lot 3;
Sec. 3, SW¼NW¼;
Sec. 4, lots 8 and 11 to 14 inclusive, SE¼NW¼;
Sec. 9, lots 2 and 3, SW¼NE¼;
Sec. 10, lots 3, 4, and 11;
Sec. 22, lots 1 and 2.

T. 12 N., R. 6 E.,
Sec. 4, lots 5, 6, 10, 11, 14, and 15, SE¼NW¼, E½SW¼;
Sec. 5, lots 6 and 7;
Sec. 8, lots 1 and 4;
Sec. 9, lots 1 and 4, SE¼NW¼, NE¼SW¼;
Sec. 22, S½SE¼;
Sec. 33, lot 7.

T. 13 N., R. 6 E.,
Sec. 1, lots 1 and 8 to 10 inclusive, 19;
Sec. 12, lots 1 to 4 inclusive, and 9, 14, and 19;
Sec. 13, lot 7;
Sec. 14, lots 5 to 11 inclusive, and 14 to 16 inclusive;
Sec. 24, lot 3;
Sec. 27, lots 11 and 16;
Sec. 28, lot 12;
Sec. 33, lots 6 to 11 inclusive, and 14;
Sec. 34, lots 1, 6, and 14;
Sec. 35, lot 2;
Sec. 36, lot 4.

T. 13 N., R. 7 E.,
Sec. 19, lot 1;
Sec. 30, lot 1.

T. 14 N., R. 6 E.,
Sec. 3, lots 1 to 6 inclusive;
Sec. 4, lots 1 and 2;
Sec. 9, lots 16 and 17;
Sec. 10, lot 13;
Sec. 15, lots 1, 2, 4, and 6;
Sec. 22, lots 12, 14, 19, and 20;
Sec. 23, lot 9;
Sec. 25, lot 3;
Sec. 26, lots 1, 3, 5, and 6.

T. 14 N., R. 7 E.,
Sec. 31, lots 4, 5, 12, and 13.

T. 15 N., R. 6 E.,
Sec. 12, lot 2;
Sec. 13, lots 1 to 6 inclusive, and 11 to 14, inclusive;
Sec. 22, lot 10;
Sec. 23, lots 1, 4, and 5;
Sec. 24, lot 5;
Sec. 27, lots 5 and 9;
Sec. 33, lot 5;
Sec. 34, lots 5 and 6.

T. 15 N., R. 7 E.,
Sec. 6, lots 1 to 3 inclusive, and 5;
Sec. 7, lots 2 and 5.

T. 16 N., R. 7 E.,
Sec. 30, lots 2 and 4;
Sec. 31, lots 1, 6, and 10.

The areas described aggregate 3,990.31 acres.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

NOVEMBER 22, 1955.

[F. R. Doc. 55-9581; Filed, Nov. 29, 1955; 8:50 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Part 41]

[Draft Release No. 55-28]

FLIGHT TIME LIMITATIONS; NAVIGATORS

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING AND ORAL ARGUMENT THEREON

On April 22, 1955, the Bureau of Safety Regulation circulated Draft Release No. 55-10 and published a notice of proposed rule making in the FEDERAL REGISTER on April 27, 1955 (20 F. R. 2822) in which notice was given that it had under consideration the adoption of an amendment to Part 41 of the Civil Air Regulations. Reference is made to said notice for a full explanation of the purpose and background of the proposed rules. Copies of the notice may be obtained from the Director, Bureau of Safety Regulation, Civil Aeronautics Board, Washington 25, D. C.

In the notice dated April 22, 1955, the Bureau of Safety Regulation requested comment from interested persons with respect to proposals contained therein. The objective of the proposal was to amend the flight time limitations of Part 41 so as to subject flight navigators to the same daily flight time limitations as are specified for other flight crew members. Comment received revealed that considerable disagreement existed with respect to this proposal. In addition, the board has received a request that it hear oral argument before taking final action on the proposal. In view of the nature of the comment received and the request for oral argument the Board will hear oral argument with respect to the matter described herein on February 1, 1956, at 10 a. m., e. s. t., in Room 5042, Department of Commerce Building, Washington, D. C. In order that all interested persons may have the opportunity to ascertain the arguments to be presented to the Board and thereby present views which differ from those proposed to be presented by the person requesting opportunity for oral argument, persons desiring to be heard are requested to inform John M. Chamberlain, Director, Bureau of Safety Regulation, Civil Aeronautics Board, Washington 25, D. C., not later than January 20, 1956, with regard to the matter described herein concerning which they desire to present oral argument and to submit a brief statement containing the nature of the argument to be presented. Each person desiring to present oral argument will be notified as soon as practicable of the time allocation. As a general guide, however, it is expected that approximately one hour will be allocated for the presentation of the views in favor of this particular proposal and a similar time for the opposition views. Where more than one person desires to present argument in favor of or in opposition to the proposal, it is proposed that the total time for such presentation will be divided between such persons. Copies of replies received in response to this notice will be available after January 24, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

In the event interested persons desire to review the comments submitted to the Board in response to the notice of proposed rule making dated April 22, 1955, all such persons are advised that these comments are currently on file at the Docket Section of the Board and are available for examination.

In response to the notice dated April 22, 1955, the Board received comment which raised the following issues:

Navigator flight time limitations. a. The proposed daily flight time limitations were opposed by the Air Transport Association on the principal grounds that eleven years of operating experience have shown the present requirement to be adequate; and that no showing has been made that the 12-hour limitation is needed in the interest of safety. The navigators, on the other hand, assert that the safety record in international operations does not reflect the many instances in which the efficiency of flight navigators was seriously compromised by reason of excessively long flight assignments.

b. The Air Transport Association maintains that aircraft, radio and navigational aids, weather facilities, communication techniques, and procedures have all been greatly improved since 1944 reducing the burden on navigators. The navigators, on the other hand, contend that the increase in aircraft speed and complexity has necessitated more frequent and accurate position fixing by the navigator which has more than offset the increase and improvement in navigational and communication aids.

c. The Air Transport Association contends that the navigators' duties involve only 50 percent of his time. The navigators insist that the navigators' responsibilities require almost continuous attention to duty while he is acting as a required navigator.

d. The Air Transport Association maintains that the only instances involving actual duty in excess of 12 hours in a 24-hour period occurred on certain Atlantic cargo flights; that these flights were scheduled to require not more than 12 hours duty, but were rerouted as the result of various operational considerations which the Board and the Civil Aeronautics Administration have ruled cannot reasonably be taken into account by a carrier at the time of scheduling; and that over the past 4 years these cargo flights have been operated according to schedule within the scheduled time substantially more than 50 percent of the time. The navigators assert, however, that certain operators have repeatedly scheduled navigators in excess of 12 hours duty.

e. The navigators maintain that the air carriers have been under an obligation not to schedule navigators in excess of 12 hours flight duty in view of the Board's intent expressed in draft releases and correspondence to establish uniform flight time limitations for all crew members when practicable. However, certain air carriers have indicated to the Administrator that in the absence of specific regulations, they did not consider themselves obligated to limit navigators to the 12-hour duty period.

In view of the foregoing the Board desires to hear oral argument as to:

1. Whether flight navigators should be subject to daily flight time limitations, and

2. If daily flight time limitations are made applicable to flight navigators, whether they should be those proposed in Draft Release No. 55–10, and

3. If daily flight time limitations are adopted, whether the Board should apply the principles of Interpretation No. 1 to Part 41 (which is now applicable only to flight radio operators) to flight navigators.

The oral argument presented pursuant to this notice may be an explanation of, in addition to, or in lieu of written comment submitted in response to the previous notice dated April 22, 1955.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated: November 18, 1955, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55–9596; Filed, Nov. 29, 1955; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 11550; FCC 55–1149]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of a portion of the Commission's Table of Frequency Allocations in § 2.104 of its rules covering the frequencies between 9800 and 13225 Mc.

1. Notice is given hereby of proposed rule making in the above-entitled matter.

2. Several problems involving the allocation and usage of the freqency bands between 9800 Mc and 13225 Mc in the Commission's Table of Frequency Allocations in § 2.104 of its rules have been the subject of recent study by the Commission, and it has been found advisable to treat them interdependently in this rule making proceeding.

3. The first problem concerns the potential usefulness of the 9800 to 9900 Mc band which is allocated presently to the non-Government fixed services. Because of the relatively narrow width of this band, it cannot be used for microwave fixed purposes unless another band of equal width at approximately the same frequency range were available to permit pairing of assignments on a duplex basis. The solution proposed would allocate this band to the Government service, thereby placing it in juxtaposition to another band of 100 megacycles width already assigned to the Government service. In partial exchange therefor (the other part of the exchange will be found in paragraph 5 below), the 10550–10700 Mc band, now allocated to the Government and non-Government services on a shared basis, would be allocated exclusively to the non-Government fixed and mobile services. This new non-Government allocation from 10550 to 10700 Mc is adjacent to the present non-Government block between 10700 to 13200 Mc and thereby would increase its utility.

4. The next problem under consideration concerns the justification for continuing the present allocation of the frequency 10600 Mc for industrial, scientific, and medical devices. This frequency is one of a family of ISM frequencies set aside by the Commission in 1947 in anticipation of a need for ISM frequencies at regular intervals throughout the spectrum, and is presently included in a rule making proposal in Docket No. 11442 which contemplates adding to Part 18, all the ISM microwave frequencies, including 10,600 Mc, presently allocated in Part 2. The Commission is not suggesting now that there is no further need for a family of ISM frequencies. But it does desire to review the need for this particular ISM frequency in view of its potential interference to the span of frequencies from 10500 to 10700 Mc which by the foregoing proposal in paragraph 3 would become part of a band of frequencies allocated to the non-Government fixed and mobile services. Inasmuch as it appears that there is no present usage or foreseeable future need for ISM operation on the frequency 10600 Mc and a number of other frequencies remain allocated for ISM purposes, it is believed that this specific allocation to ISM can be deleted and the band from 10500 to 10700 Mc cleared of any potential interference from such devices. Therefore, it is proposed to delete the allocation of the 10600 Mc frequency for ISM devices.

5. A further matter under study is an apparent need for an allocation of a small band of frequencies somewhere in the range of the spectrum under review here to be shared between Government and non-Government users for radiolocation purposes, when using continuous wave emissions. It is proposed to retain the present general allocation of the band 10500–10550 Mc, which is presently shared by the Government and non-Government services, but to exclusively allocate it to Government and non-Government radiolocation stations, limited to continuous wave emissions. In addition, as an integral part of the reallocations proposed above, the band from 13200–13225 Mc, now assigned to the Government service, would be allocated to the non-Government service, to complete the equitable distribution between Government and non-Government usage. Pertinent to the proposal in this paragraph is a petition received by the Commission from Westinghouse Air Brake Company, which is incorporated by reference in this proceeding and made a part hereof. This petition requests that an allocation of frequencies be established at 10600 Mc to accommodate speed measuring devices in the radiolocation service. The choice of 10600 Mc by said petitioner appears to be based on the existing designation of that frequency for ISM devices, i. e., equipment which radiate electromagnetic energy but which are not intended to be used for radiocommunication purposes. This petition has been studied in conjunction with the several matters under consideration in this proceeding, and it is believed that the suballocation of the band 10500–10550 Mc for CW radiolocation purposes will meet the needs of this petitioner and at the same time conform to the pattern of changes herein proposed.

6. The foregoing proposes no change in the present non-Government allocations and suballocations between 10700–13200 Mc. If the amendments herein proposed are adopted, the bands 10550–10700 and 13200–13225 Mc would be given the general classification of fixed and mobile only. More specific reallocations in the range 10550–13225 Mc which appear necessary or desirable in the future will be made the subject of subsequent proceedings. Nothing in this proceeding is intended to have any effect upon the rule making now before the Commission in Docket No. 10797.

7. The readjustment which the Commission proposes here may be viewed most readily from the following table:

Band (Megacycles)	Present allocation	Proposed allocation
9800–9900	NG Fixed	Government.
9900–10000	Government	Government (no change).
10000–10500	Amateur	Amateur (no change).
10500–10550	Government and NG (must accept interference from ISM).	CW Radiolocation (Government and NG).
10550–10700	do	NG Fixed and Mobile.
10700–13200	NG Fixed and Mobile	NG Fixed and Mobile (no change).
13200–13225	Government	NG Fixed and Mobile.

Because of the relatively narrow width of the band 13200–13225 Mc, it may be of little or no practical value in itself. It may therefore be necessary to later consider this band as additional spectrum space for use in revising existing suballocations in the adjacent non-Government Fixed and Mobile bands, as indicated in paragraph 6 above. Although the matter of revising these suballocations is not within the scope of this proceeding, comments are invited in this proceeding with reference to whether there are any apparent equipment availability or operational problems which would be involved in making effective use of the band 13200–13225 Mc.

8. The amendments proposed here are issued under authority of sections 4 (i), 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

9. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before January 23, 1956, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendments also may be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing the said original data, views, or arguments. Comments relative to the frequency 10,600 Mc which have been filed in connection with FCC Docket No. 11442 will be made a part of this Docket. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in these matters, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

10. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 23, 1955.

Released: November 25, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–9584; Filed, Nov. 29, 1955; 8:51 a. m.]

[47 CFR Part 11]

[Docket No. 11435]

POWER RADIO SERVICE; ELIGIBILITY

ORDER EXTENDING TIME FOR FILING COMMENTS; AMENDMENT

In the matter of amendment of § 11.251 of Part 11 of the Commission's rules and regulations.

The Commission's Order (mimeograph file no. 25954), dated and released November 18, 1955 (20 F. R. 8726), issued in response to a petition of the National Committee for Utilities Radio, appears to have created some misunderstanding. This order was intended only to extend the time for filing comments in reply to original comments to December 19, 1955, and to the extent that it may appear to do more, it is corrected hereby.

Dated: November 23, 1955.

Released: November 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–9585; Filed, Nov. 29, 1955; 8:51 a. m.]

[47 CFR Part 31]

[Docket No. 11548; FCC 55–1145]

UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND CLASS B TELEPHONE COMPANIES

TELEPHONE PLANT UNDER CONSTRUCTION

In the matter of amendment to § 31.100:2 of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules and regulations, relating to telephone plant under construction.

1. The American Telephone and Telegraph Company, by letter dated December 27, 1954, addressed to this Commission, requesting the Commission's approval of two changes in its plant accounting practices, described as follows:

(a) Exclude from account 100.2, "Telephone plant under construction," the costs of jobs with authorized gross construction expenditures of less than $15,000 and charge the costs of such jobs directly to account 100.1, "Telephone plant in service," and

(b) Establish a limit of $15,000 for plant retirements below which retirements would not be recorded in the accounts in advance of physical removal of plant.

2. Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's Rules and Regulations presently requires that the cost of construction of telephone plant not completed ready for service must be accounted for through account 100.2, "Telephone plant under construction," with the exception that the cost of construction projects which will be completed within a period of one or two months is not required to be so accounted for. The system of accounts contemplates that the accounting for plant retirements shall be accomplished at the time plant is retired from telephone service whether or not it is physically removed at that time.

3. The American Telephone and Telegraph Company in support of its proposals contends that the proposed accounting changes would have no material effect on the accounts and would result in substantial accounting cost savings by contributing significantly to further introduction of simplification and economy of record keeping.

4. The Commission is of the opinion that effectuation of proposals of the type described above would require amendment of Part 31 of the Commission's rules and regulations. On the basis of information before it the Commission is of the view that $15,000 as the limit in the proposal set out in paragraph 1 (a) above is too great a relaxation of the present rule. The Commission, however, has decided to invite comments from interested persons on a proposal that the cost of jobs with authorized gross construction expenditures of less than $10,000 (in lieu of the $15,000 suggested) may be charged directly to account 100.1, "Telephone plant in service." The change, if adopted, would be made by changing the note to the text of account 100.2 to read as follows:

NOTE: There may be charged directly to the appropriate plant accounts the cost of any construction project which is estimated to be completed ready for service within two months. There may also be charged directly to the plant accounts the cost of any construction project for which the gross additions to plant are estimated to amount to less than $10,000.

This proposed revision, in addition to extending the permissive accounting to certain dollar as well as time limitations, also serves to clearly specify the accounting to be performed if advantage is taken of the option set forth in the Note as presently worded.

5. This notice is issued under authority of sections 4 (i) and 220 of the Communications Act of 1934, as amended.

6. With respect to the proposal set out in paragraph 1 (b), above, the Commission is of the opinion that the potential savings in record keeping are not sufficient to warrant further consideration of the proposal, in view of the risks involved in permitting delays in the accounting for retirement of plant that is no longer in service. Accordingly, no rule making proposal on this item is being issued.

7. Any interested person who is of the opinion that the one amendment proposed by American Telephone and Tele-

graph Company, as modified and stated in paragraph 4, above, should not be adopted, or should not be adopted in the manner set forth, may file with the Commission on or before January 3, 1956, a statement or brief setting forth his comments. At the same time, persons favoring the amendment as set forth may file statements in support thereof. Since justification for the proposed amendment is predicated solely upon practical considerations, any comments submitted by telephone companies should contain a statement describing any change in record keeping such as would be occasioned by relaxation of the companies' own administrative requirements, that would be initiated in the event the proposal is adopted, along with estimates of cost savings. In addition, the submission of data illustrating the effect on revenue requirements of charging construction expenditures directly to account 100.1, assuming net book cost (account 100.1 less depreciation reserve) as to the rate base, would be helpful. This effect - on - revenue - requirements calculation is intended to exclude any expense savings from simplified record keeping. Comments and briefs in reply to the original comments or briefs may be filed within ten days of the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for filing of such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument notice of the time and place of such oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: November 23, 1955.

Released: November 25, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9586; Filed, Nov. 29, 1955; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Gallup Area Office Redelegation Order 2, Amdt. 3]

GENERAL SUPERINTENDENTS, SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

REDELEGATION OF AUTHORITY; NAVAJO AGENCY

Order No. 2, as amended (19 F. R. 8675; 20 F. R. 2894, and 3941), is further amended as hereinafter indicated.

1. The title and introductory paragraph of Part 5 is amended to read as follows:

PART 5—AUTHORITY OF SUBAGENCY SUPERINTENDENTS, NAVAJO AGENCY

Subject to the provisions of Part 1, any Subagency Superintendent, Navajo Agency, is authorized to exercise the authority of his superior, the General Superintendent, Navajo Agency as indicated in this part.

2. A new section 5.170 *Peddler permits* and new heading, "Functions Relating to Trading with Indians", are added to Part 5 to read as follows:

FUNCTIONS RELATING TO TRADE WITH INDIANS

SEC. 5.170 *Peddler permits.* The issuance of permits to Navajo Indian peddlers pursuant to the provisions of 25 CFR Part 277, provided each such permit is limited to lands under the jurisdiction of the Subagency Superintendent issuing the permit.

W. WADE HEAD,
Area Director.

Approved: November 23, 1955.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 55-9580; Filed, Nov. 29, 1955; 8:50 a. m.]

Bureau of Reclamation

COLORADO RIVER STORAGE AND YUMA PROJECTS, ARIZONA, CALIFORNIA, AND NEVADA

ORDER OF REVOCATION

APRIL 21, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Orders of July 2, 1902, September 15, 1902, January 31, 1903, August 1, 1903, February 5, 1903, September 8, 1903, July 8, 1919, February 19, 1929, March 14, 1929, June 4, 1930, and October 16, 1931, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 11 N., R. 17 W.,
Sec. 19, lot 1, NE¼, E½NW¼, N½SE¼;
Sec. 27, SW¼, W½SE¼, SE¼SE¼;
Sec. 28, N½SE¼, SW¼SE¼;
Sec. 29, NE¼;
Sec. 33, N½NE¼, NE¼NW¼;
Sec. 35, S½NE¼, NW¼, N½NE¼SW¼, N½NW¼SE¼.

T. 10 N., R. 18 W.,
Sec. 16 mining claim 2483A, 37 to 42 inclusive.

T. 11 N., R. 18 W.,
Secs. 5 and 9, all;
Sec. 10, S½SE¼;
Sec. 11, S½NW¼SW¼, SW¼SW¼, S½SE¼SW¼;
Sec. 13, S½NW¼NE¼, SW¼NE¼, W½SE¼NE¼, SE¼SE¼NE¼, NW¼, E½NE¼SW¼, N½SE¼, N½SW¼SE¼, N½SE¼SE¼, SE¼SE¼SE¼;
Sec. 14, SW¼NE¼, NW¼SE¼, S½SE¼;
Secs. 15 and 21, all;
Sec. 25, S½NW¼, S½;
Secs. 27 and 31, all;
Sec. 33, lots 3 and 5;
Sec. 35, N½, E½SW¼, SE¼.

T. 12 N., R. 18 W.,
Sec. 31, all;
Sec. 32, E½, E½NW¼.

T. 9 N., R. 19 W.,
Sec. 3, lots 1 to 6 incl., S½NW¼, SW¼, W½SE¼;
Secs. 4 to 9 incl., all;
Sec. 10, lots 1 and 2, W½NE¼, NW¼, S½;
Sec. 11, lots 1 and 2;
Sec. 14, lots 1 to 4 incl.;
Secs. 15 to 21 incl., all;
Sec. 22, lots 1 to 4 incl., W½NE¼, W½, NW¼SE¼;
Sec. 23, lot 1;
Sec. 27, lots 1 to 4 incl., NW¼, W½SW¼;
Secs. 29 to 33 incl., all;
Sec. 34, lots 1 to 4 incl., NW¼NW¼.

T. 10 N., R. 19 W.,
Secs. 1 and 11, all;
Sec. 13, NW¼NW¼;
Sec. 15, all;
Sec. 22, lots 1, 2 and 3, SE¼SE¼;
Secs. 27, 28, 29, 31, 32, and 33, all;
Sec. 34, lots 1 to 4, incl., W½NW¼, SW¼.

T. 12 N., R. 19 W.,
Sec. 5, lots 1 to 4 incl., SE¼;
Secs. 7, 9, 15, 23 and 25, all.

T. 13 N., R. 19 W.,
Sec. 31, all.

T. 6 N., R. 20 W.,
Sec. 2, lots 1 to 5 incl., SW¼NW¼, W½SW¼;
Secs. 3 to 9 incl., all;
Sec. 10, lot 1, N½, SW¼, NE¼SE¼, W½SE¼;
Sec. 11, lots 1 and 2;
Sec. 15, lots 1 to 4 incl., NW¼NE¼, W½;
Secs. 16 to 21 incl., all;
Sec. 22, lots 1 to 4 incl., W½W½;
Sec. 27, lots 1, 2 and 3;
Sec. 28, lot 1, N½, SW¼, NE¼SE¼, W½SE¼;
Secs. 29 to 32 incl., all;
Sec. 33, lots 1 to 4 incl., W½NE¼, W½.

T. 7 N., R. 20 W.,
Secs. 1 to 11, incl., all;
Sec. 12, lot 1, N½, SW¼, NE¼SE¼, W½SE¼;
Sec. 13, lots 1 to 4 incl., NW¼NE¼, W½;
Secs. 14 to 23 incl., all;
Sec. 24, lots 1 to 4 incl., W½NW¼, NW¼SW¼;
Sec. 25, lots 1 to 3 incl.;
Sec. 26, lot 1, N½, SW¼, NE¼SE¼, W½SE¼;
Secs. 27 to 34 incl., all;
Sec. 35, lots 1 to 4 incl., NW¼NE¼, W½.

T. 8 N., R. 20 W.,
All of township.

T. 9 N., R. 20 W.,
All of township.

T. 10 N., R. 20 W.,
All of township.

T. 12 N., R. 20 W.,
All of township.

T. 13 N., R. 20 W.,
Secs. 5, 9, 15, 17, 21, 23 and 25, all.

T. 14 N., R. 20 W.,
Secs. 7, 17, 19 and 29, all;
Sec. 33, W½.

T. 14 N., R. 20½ W.,
Sec. 1, all.

T. 15 N., R. 20½ W.,
Sec. 3, lots 3 and 4;
Sec. 15, all;
Sec. 23, lots 1, 2 and 3, NW¼NW¼, NW¼NE¼SW¼, S½NE¼SW¼, SW¼SW¼SE¼;
Sec. 25, lot 1, S½SW¼NW¼, SW¼SE¼NW¼, NW¼SW¼, W½E½SW¼;
Sec. 35, lots 1 to 5 incl., SW¼SW¼SE¼.

T. 4 N., R. 21 W.,
Secs. 4 to 9, incl., and 16 to 18 incl., all.

T. 5 N., R. 21 W.,
All of township.

T. 6 N., R. 21 W.,
All of township.

T. 7 N., R. 21 W.,
All of township.

T. 8 N., R. 21 W.,
All of township.

T. 9 N., R. 21 W.,
All of township.

T. 15 N., R. 21 W.,
Secs. 3 and 11, all;
Sec. 13, lots 2, 3, and 4, NE¼, NW¼NE¼NW¼, S½NE¼NW¼, W½NW¼SE¼;
Sec. 25, all.

T. 16 N., R. 21 W.,
Secs. 5, 7, and 9, all;
Sec. 16, E½;
Secs. 17, 21 and 27, all;
Sec. 35, lot 1, N½, N½SW¼, SE¼SW¼.

T. 17 N., R. 21 W.,
Sec. 7, all;
Sec. 16, E½;
Secs. 17 and 19, all;
Sec. 21, W½, W½NW¼NE¼, SW¼NE¼, W½SE¼;
Sec. 27, W½SW¼;
Secs. 29, 31, 32 and 33, all.

T. 18 N., R. 21 W.,
Sec. 18, lots 1 to 4 incl., E½W½;
Secs. 19, 30 and 31, all.

T. 3 N., R. 22 W.,
Secs. 2 and 3, all;
Sec. 10, lots 2 and 3;
Sec. 11, lot 2, NW¼NE¼, E½NW¼;
Sec. 15, lots 1 to 3, incl., mineral survey Ehrenberg No. 1 to 8 incl.;
Sec. 16, all.

T. 4 N., R. 22 W.,
All of township.

T. 5 N., R. 22 W.,
All of township.

T. 6 N., R. 22 W.,
All of township.

T. 7 N., R. 22 W.,
All of township.

T. 16 N., R. 22 W.,
All of township.

T. 17 N., R. 22 W.,
Secs. 1 to 4 incl., 9, 11, 13, 15, 22 and 23, all.

T. 18 N., R. 22 W.,
Sec. 2, all;
Sec. 3, lots 1 to 5 incl., SE¼NE¼, E½SE¼;
Sec. 10, lots 1 to 4 incl., E½E½;
Secs. 11 to 14 incl., all;
Sec. 15, lots 1 to 4 incl., E½E½;
Sec. 21, all;
Sec. 22, lots 1, 2 and 3, E½NE¼, NE¼SW¼, S½SW¼, SE¼;
Secs. 23 to 28, incl., and 33 to 36 incl., all.

T. 19 N., R. 22 W.,
Sec. 3, all;
Sec. 34, lots 3 and 4, B½SE¼.

T. 20 N., R. 22 W.,
Sec. 1, all;
Sec. 13, lots 1 and 2, E½NW¼;
Sec. 16, lots 3 and 4, NE¼, S½NW¼;
Secs. 17, 18 and 19, all;
Sec 29, lot 5, NW¼, N½SW¼ (W½).

T. 1 N., R. 23 W.,
Secs. 2 and 16, all;
Sec. 20, N½NE¼, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 21, N½, SW¼, N½SE¼, SW¼SB¼;
Sec. 28, W½NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 29, S½NE¼, SE¼SW¼, SE¼;
Sec. 30, lots 3 and 4, SE¼NE¼, E½SW¼, N½SE¼, SW¼SB¼;
Sec. 31, S½NE¼, N½SE¼, SE¼SE¼;
Sec. 32, SW¼NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 33, W½NW¼, NW¼SW¼.

T. 20 N., R. 23 W.,
Secs. 13 and 24, all.

T. 1 N., R. 24 W.,
Sec. 25, S½S½;
Sec. 36, all.

T. 5 S., R. 21 W.,
Sec. 19, lots 1, 2 and 3;
Sec. 30, lot 2, W½SE¼.

T. 1 S., R. 23 W.,
Sec. 6, lots 1 to 7 incl., S½NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 7, lots 1 to 4 incl., E½W½, W½E½;
Sec. 18, lots 1 to 4 incl., E½W½, W½E½, SE¼NE¼;
Sec. 19, lots 1 to 4 incl., E½W½, W½E½, SE¼SB¼;
Secs. 30 and 31, all;
Sec. 32, W½.

T. 2 S., R. 23 W.,
Sec. 5, lots 3 and 4, S½NW¼, SW¼;
Secs. 6 and 7, all;
Sec. 8, NW¼, W½SW¼;
Sec. 17, W½NW¼;
Sec. 18, all;
Sec. 19, lots 1 to 4 incl., NE¼, E½NW¼, NE¼SW¼, W½SE¼;
Sec. 30, lot 1.

T. 3 S., R. 23 W.,
Sec. 6, lots 4, 6, and 7, NE¼SW¼;
Sec. 7, lots 1 to 4 incl.

T. 4 S., R. 23 W.,
Sec. 19, lot 3, SW¼SE¼;
Sec. 28, lots 1 to 4, incl.,
Sec. 29, lots 1, 2, and 4, S½SW¼;
Sec. 30, lots 1, 2, and 3, W½E½, SE¼SE¼;
Sec. 31, NE¼NE¼;
Sec. 34, lots 3 and 4;
Sec. 35, lot 1, E½SW¼;
Sec. 36, lots 1, 2, and 3, N½NE¼.

T. 1 S., R. 24 W.,
Sec. 1, lots 1, 2, and 3, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Secs. 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36, all.

T. 2 S., R. 24 W.,
Sec. 1, all;
Sec. 13, lot 1.

T. 3 S., R. 24 W.,
Sec. 25, lots 1 to 4 incl., NW¼SE¼;
Sec. 35, all;
Sec. 36, E½, SE¼NW¼, E½SW¼.

T. 4 S., R. 24 W.,
Sec. 11, lots 1, 2, and 3, SE¼NE¼.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 11 N., R. 21 E.,
Sec. 24, lots 6 and 7, NW¼SE¼, S½SE¼;
Sec. 25, lots 1, 3, 4, 5, 6, 10 and 11, NE¼NE¼;
Sec. 36, lots 2 to 6 incl., S½SW¼, SW¼SE¼;
Tracts 41, 45 and 46.

T. 9 N., R. 22 E.,
Secs. 1 and 12, all;
Sec. 13, NE¼, N½NW¼, S½SW¼, SE¼;
Sec. 24, N½NE¼, SE¼NE¼, NE¼SE¼.

T. 10 N., R. 22 E.,
Sec. 22, SW¼;
Sec. 36, all.

T. 11 N., R. 22 E.,
Sec. 19, lot 1;
Secs. 30 and 31, all.

T. 8 N., R. 23 E.,
Sec. 4, lots 1, 2, 3, 5, 6, 7 and 8, SE¼NW¼;
Sec. 9, lot 1, SE¼NE¼, NE¼SE¼;
Secs. 10, 11, 13 and 14, all;
Sec. 15, E½, E½W½;
Sec. 22, NE¼, SW¼SE¼;
Secs. 23, 24 and 25, all;
Sec. 26, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 36, lots 1 and 2, S½NE¼, NE¼NW¼, SE¼.

T. 9 N., R. 23 E.,
Secs. 7, 18, 19, 20, 27, 28 and 29, all;
Sec. 30, lot 1, E½, NE¼NW¼;
Sec. 32, NE¼, N½NW¼, SW¼NW¼, N½SE¼, SW¼SE¼;
Secs. 33 and 34, all.

T. 5 N., R. 24 E.,
Secs. 1, 25 and 36, all.

T. 6 N., R. 24 E.,
Secs. 13, 25, 26 and 36, all.

T. 7 N., R. 24 E.,
Secs. 5 and 9, all;
Sec. 16, lots 1 to 4 incl., W½E½;
Secs. 21 and 33, all.

T. 1 N., R. 25 E.,
Sec. 1, all;
Sec. 2, lots 1, 2 and 3, E½, NE¼SW¼, S½SW¼;
Sec. 3, lot 1;
Sec. 9, lot 1;
Sec. 10, lots 1 to 4 incl., NE¼NE¼, S½NE¼, SE¼SW¼, SE¼;
Secs. 11 to 15 incl., all;
Sec. 16, lots 1 to 4 incl., SE¼NE¼, SE¼;
Sec. 20, lots 1 to 4 incl., NE¼SE¼, S½SE¼;
Sec. 21, lot 1, NE¼, NE¼NW¼, S½NW¼, S½;
Secs. 22 to 28 incl., all;
Sec. 29, lots 1 and 2, NE¼, SE¼NW¼, S½;
Sec. 30, lots 1 and 2, SE¼SE¼;
Sec. 31, lots 1 to 4 incl., E½, E½SW¼;
Secs. 32 to 35 incl., all.

T. 2 N., R. 25 E.,
Secs. 25, 35 and 36, those portions inside of Indian Reservation.

T. 4 N., R. 25 E.,
Secs. 5 to 8 incl., 14 to 18 incl., and 22 to 24 incl., all.

T. 5 N., R. 25 E.,
All of township.

T. 1 N., R. 26 E.,
Sec. 3, lots 1 to 4 incl., W½;
Secs. 4 to 9 incl., all;
Sec. 10, lots 1 to 6 incl., W½NE¼, NW¼;
Secs. 15 to 19 incl., all.

T. 2 N., R. 26 E.,
Sec. 8, lot 1;
Sec. 9, lots 1 to 5 incl., NE¼SW¼, S½SW¼;
Sec. 16, lots 1 to 4 incl., W½, SW¼SE¼;
Sec. 17, lots 1 to 4 incl., E½NE¼, SE¼SW¼, SE¼;
Sec. 18, lot 1;
Sec. 19, lots 1 to 4 incl., SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 20, all;
Sec. 21, lots 1 and 2, W½NE¼, NW¼, S½;
Sec. 22, lots 1 and 2;
Sec. 27, lots 1 to 4 incl., SW¼SW¼;
Secs. 28 and 29;
Sec. 30, lot 1, NE¼, NE¼NW¼, S½NW¼, S½;
Secs. 31, 32 and 33 all;
Sec. 34, lots 1 to 4 incl., W½W½.

T. 4 N., R. 26 E.,
All of township.

T. 9 S., R. 21 E.,
Secs. 1 and 2 all;
Sec. 12, W½;
Sec. 13; N½NE¼, SW¼NE¼, N½NW¼, SE¼NW¼, SW¼, NW¼SE¼;
Sec. 24, W½, W½SE¼, SE¼SE¼;
Sec. 25, NW¼NE¼, NW¼, NE¼SW¼;
Sec. 26, NE¼, E½NW¼, W½SE¼, SE¼SE¼;
Sec. 36, all.

T. 10 S., R. 21 E.,
Sec. 1, E½ of lots 1 and 2 of the NW¼;
Secs. 11 and 13, all;
Sec. 14, W½NE¼, E½NW¼;
Secs. 23 and 25, all.

T. 12 S., R. 21 E.,
Sec. 13, lots 1 and 2, W½NE¼, NW¼;
Sec. 24, lots 2 to 4 incl., SW¼SE¼;

Sec. 25, lots 1 to 4 incl.;
Sec. 36, all.
T. 8 S., R. 22 E.,
Secs. 13, 23, 25 and 26, all;
Sec. 33, SW¼, N½SE¼, SW¼SE¼;
Sec. 34, S½;
Sec. 35, N½SW¼;
Sec. 36, all.
T. 9 S., R. 22 E.,
Sec. 5, lots 4, 6 and 7, SW¼NW¼, N½SW¼, NW¼SE¼;
Sec. 6, all.
T. 10 S., R. 22 E.,
Secs. 19 and 31, all.
T. 11 S., R. 22 E.,
Sec. 7, lots 5 and 6, W½NE¼, SE¼;
Secs. 8 and 17, all;
Sec. 20, lots 1 to 4 incl., SE¼SW¼;
Sec. 29, all;
Sec. 32, lots 1 to 4 incl.
T. 12 S., R. 22 E.,
Sec. 5, all;
Sec. 7, lots 1 and 2, SW¼, W½SE¼;
Sec. 8, all;
Sec. 18, lot 1;
Sec. 19, lot 2.
T. 13 S., R. 22 E.,
Sec. 5, lots 1 to 6 incl., SW¼NW¼;
Sec. 8, lots 1 and 2, SW¼NE¼, NE¼SE¼;
Secs. 9 and 14, all;
Sec. 15, lots 1, 2 and 3, SE¼SE¼;
Sec. 16, all;
Sec. 22, NE¼NE¼;
Sec. 23, lots 1 and 2, W½NW¼, NE¼SW¼;
Sec. 24, lots 2, 3 and 4.
T. 2 S., R. 23 E.,
Sec. 12, lots 1, 2 and 3;
Sec. 13, lots 1 to 4, incl.;
Sec. 24, lots 3 to 6, incl.;
Sec. 25, lots 5 and 6;
Sec. 36, all.
T. 5 S., R. 23 E.,
Sec. 1, lots 2, 3 and 4;
Sec. 12, lot 2;
Sec. 25, lots 1, 2 and 3, SW¼NE¼, SW¼;
Sec. 26, S½;
Sec. 34, E½;
Secs. 35 and 36, all.
T. 6 S., R. 23 E.,
Sec. 1 and 2, all;
Sec. 3, lots 1 and 2, S½NE¼, SE¼;
Secs. 11 to 14, incl., all;
Sec. 15, E½;
Sec. 22, E½;
Secs. 23 to 26 incl., 35 and 36, all.
T. 7 S., R. 23 E.,
Sec. 2, all;
Sec. 3, lots 1, 2, 5 and 6, S½NE¼, W½SE¼;
Sec. 10, lots 1 to 4 incl., W½SE¼;
Secs. 11 and 14, all;
Sec. 15, NE¼, S½;
Sec. 20, lot 1, N½SE¼, SW¼SE¼;
Sec. 21, lots 1 to 4 incl., NE¼, N½S½;
Secs. 22, 23, 26 and 27, all;
Sec. 29, lots 1 to 4 incl., SW¼;
Secs. 31 and 32, all.
T. 8 S., R. 23 E.,
All of township.
T. 13 S., R. 23 E.,
Sec. 19, lots 1 and 2;
Sec. 25, lots 2, 3, and 4, SE¼NW¼, NW¼SE¼;
Sec. 36, E½, N½NW¼, SE¼NW¼, SW¼.
T. 1 S., R. 24 E.,
Sec. 1, lots 1, 2, 4, 5, 6, 8, 9, 10, 11, and 13 to 16 incl., S½NE¼, N½SE¼;
Sec. 2, lots 1 to 4 incl., and 6, S½N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 3, SE¼NE¼;
Sec. 9, E½;
Sec. 10, SW¼NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, NW¼SE¼, S½SE¼;
Sec. 11, lots 1, 4, 5 and 8;
Sec. 14, lots 1, 3 and 4;
Sec. 15, lots 1, 2, 3 and 4, N½NW¼, E½SE¼;
Sec. 16, all;
Sec. 20, E½SW¼;
Sec. 21, lots 1, 2 and 3, NE¼NE¼, W½NE¼, W½, SE¼SE¼;
Sec. 22, lots 1, 2, 5, 6, 7 and 8, W½E½, SE¼NW¼, SW¼;
Secs. 23 and 27, all;
Sec. 28, lots 1, 4 and 5, NE¼NE¼, S½NE¼, E½SW¼, SE¼;
Sec. 29, lot 1, NE¼, E½NW¼;
Sec. 31, lot 1;
Sec. 32, lots 1, 4, 5, 8, 9, 10, E½NE¼, SE¼SW¼, N½SE¼;
Secs. 33 and 34, all.
T. 2 S., R. 24 E.,
Sec. 5, all;
Sec. 6, lots 1 to 5 incl., SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 7, lots 1 to 4 incl., E½, E½W½;
Secs. 8, 9, 16 to 21, incl., and 30, all.
T. 5 S., R. 24 E.,
Sec. 7, lots 1 and 2;
Sec. 18, lots 1 to 4 incl., E½W½;
Sec. 19, lots 3, 4 and 5, E½NW¼;
Sec. 30, all.
T. 6 S., R. 24 E.,
All of township.
T. 1 S., R. 25 E.,
All of township.

MT. DIABLO MERIDIAN, NEVADA

T. 32 S., R. 66 E.,
Secs. 13, 25 and 33, all.

All lands lying within the Ft. Mohave Indian Reservation in the states of Arizona, California and Nevada.

The above area aggregates 388,347.25 acres.

FLOYD E. DOMINY,
Acting Assistant Commissioner.

[66983]

NOVEMBER 23, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are Indian, private and State lands located along the Colorado River between Davis and Imperial Dams. None of them are public lands.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55-9582; Filed, Nov. 29, 1955; 8:50 a. m.]

CENTRAL ARIZONA PROJECT, ARIZONA

FIRST FORM RECLAMATION WITHDRAWAL

MARCH 17, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515, of April 7, 1949, I hereby withdraw the following described lands from public entry under the first form of withdrawal as provided by section 3 of the act of June 17, 1902, (32 Stat. 388).

ARIZONA

GILA AND SALT RIVER MERIDIAN

T. 3 N., R. 6 E.,
Sec. 1, lots 9, 10, and 11.
T. 3 N., R. 7 E., unsurveyed,
Secs. 16 and 21, that portion lying east of the Salt River Indian Reservation Boundary;
Sec. 22, W½W½;
Sec. 27, W½NW¼;
Sec. 28, that portion lying east of the Salt River Indian Reservation Boundary.
T. 4 N., R. 7 E., unsurveyed,
Sec. 5, that portion lying north of the Salt River Indian Reservation Boundary.
T. 5 N., R. 7 E., unsurveyed,
Sec. 32, E½.

The above areas aggregate approximately 1,930.90 acres.

G. W. LINEWEAVER,
Acting Commissioner.

[63069]

NOVEMBER 23, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Central Arizona Project, Arizona

MARCH 17, 1952.

Notice is hereby given that a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Arizona, for use in connection with proposed Maxwell Dam, Central Arizona Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. W. LINEWEAVER,
Acting Commissioner.

[F. R. Doc. 55-9583; Filed, Nov. 29, 1955; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CREIGHTON LIVESTOCK MARKET

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Creighton Livestock Market, Creighton, Nebraska, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D. C.

Done at Washington, D. C., this 25th day of November 1955.

[SEAL] H. E. REED,
Director, Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 55-9595; Filed, Nov. 29, 1955; 8:53 a. m.]

Commodity Credit Corporation

ORGANIZATION, FUNCTIONS AND DELEGATIONS OF AUTHORITY

I. *General.* The Commodity Credit Corporation Charter Act on June 29, 1948 (15 U. S. C. 714) established the Commodity Credit Corporation, effective July 1, 1948, under a permanent Federal Charter, as an agency and instrumentality of the United States within the United States Department of Agriculture, subject to the general supervision and direction of the Secretary of Agriculture. Originally, the Commodity Credit Corporation had been incorporated under the laws of the State of Delaware, pursuant to section 2 (a) of the National Industrial Recovery Act of June 16, 1933, and Executive Order 6340 of October 16, 1933. The principal office of the Commodity Credit Corporation is at the United States Department of Agriculture, Washington 25, D. C.

A. *Stock and borrowing power.* The Commodity Credit Corporation has a capital stock of $100,000,000 which is subscribed by the United States, and has authority to borrow, with the approval of the Secretary of the Treasury, not to exceed an amount fixed by law.

II. *Organization*—A. *Board of Directors.* The Board of Directors consists of seven members. The Secretary of Agriculture is an ex officio director and serves as Chairman of the Board. The President of the United States, by and with the consent and advice of the Senate, appoints the remaining members of the Board.

B. *Advisory Board.* An advisory board of five members is appointed by the President of the United States to survey the general policies of the Corporation and the operation of its programs and to advise the Secretary of Agriculture with respect thereto. Not more than three members may belong to the same political party. The advisory board meets at least every 90 days.

C. *Officers.* The Under Secretary of Agriculture is President of the Commodity Credit Corporation and the following Commodity Stabilization Service officials are ex officio officers of the Corporation: The Administrator, CSS, Executive Vice President, CCC; the Associate Administrator, CSS, Vice President, CCC; the General Sales Manager, CSS, Vice President, CCC; the Deputy Administrators, CSS, Vice Presidents, CCC; the Executive Assistant to the Administrator, CSS; Secretary, CCC; Director of Fiscal Division, CSS, Controller, CCC; Deputy Director in Charge of Finance, Fiscal Division, CSS, Treasurer, CCC; and Deputy Director in Charge of Accounting, Fiscal Division, CSS, Chief Accountant, CCC. The Directors of Divisions and Commodity Offices of the Commodity Stabilization Service are ex officio Contracting Officers of the Corporation.

D. *Management.* The management of the Commodity Credit Corporation is vested in its Board of Directors, subject to the general supervision and direction of the Secretary. The President of the Corporation is Vice Chairman of the Board and performs such other duties as the Secretary or the Board may prescribe. The Executive Vice President is the chief executive officer of the Corporation. His authority, together with that of the other Vice Presidents, is set forth in section IV hereof. Activities of the Corporation, approved by its Board of Directors and the Secretary of Agriculture, are generally carried out through the facilities and personnel of the Commodity Stabilization Service of the Department. From time to time services of other agencies of the Department may be utilized on certain operations or programs. The Directors of the Divisions and Commodity Offices of the Commodity Stabilization Service serve as executives of the Corporation in general charge of the activities carried out through their respective Divisions or Offices.

E. *The Contract Disputes Board.* The Contract Disputes Board is composed of three members, appointed by the Board of Directors of the Corporation. The Contract Disputes Board is authorized to handle all matters, including settlement and adjustment of claims, relating to renegotiation of those contracts of the Corporation which provide for renegotiation of profits or costs, and to consider and determine appeals from findings of fact of an officer of the Corporation within the scope of any contract disputes provision which provides a method for final and conclusive determination of disputed questions of fact. The Contract Disputes Board is also responsible for considering and determining appeals by claimants on all other contract claims against the Corporation where settlement and adjustment cannot otherwise be effected under established policies and procedures.

III. *Functions.* The major types of programs conducted by CCC are as follows:

A. *Price Support Program.* Price Support operations are carried out under the Corporation's charter powers, in conformity with the Agricultural Act of 1949, as amended (7 U. S. C. § 1421 et seq.). Price Support of various agricultural commodities is made available through loans, purchase agreements, purchases, and in the case of wool and mohair, through incentive payments based on marketings.

B. *Supply and Foreign Purchase Program.* This program is carried out under the authority contained in the Corporation's charter, particularly sections 5 (b) and (c) thereof. The Corporation procures foods, agricultural commodities, their products, and related materials to supply the requirements of Government agencies and to meet domestic requirements. Foods, agricultural commodities, and their products are procured or aid is given in their procurement to facilitate distribution or to meet anticipated requirements during periods of short supply.

C. *Storage Facilities Program.* This program is carried out under the authority contained in the Corporation's charter, particularly sections 4 (h), 4 (m), and 5 (a). The Corporation (a) purchases and maintains granaries and equipment for care and storage of grain owned or controlled by the Corporation; (b) makes loans for the construction or expansion of farm storage facilities; (c) provides storage-use guarantees to encourage the construction of commercial storage facilities; and (d) undertakes other operations necessary to provide storage adequate to carry out the Corporation's programs.

D. *Commodity Export Program.* This program is carried out under the authority contained in the Corporation's charter, particularly sections 5 (d) and 5 (f); the International Wheat Agreement Act of 1949; the Agricultural Trade Development and Assistance Act of 1954; and Title I of the Agricultural Act of 1954. The Corporation stimulates the export of agricultural commodities and products through sales, barters, payments and other operations.

IV. *Delegations of authority*—A. *Authority of Vice Presidents CCC.* Pursuant to the bylaws of the Commodity Credit Corporation, the Vice Presidents of the Corporation hold office ex officio by virtue of their positions in the Commodity Stabiliaztion Service. The Vice Presidents and their authority are as follows:

1. Executive Vice President:

The Executive Vice President, who is the Administrator, Commodity Stabilization Service, has general supervision and direction of the preparation of policies and programs for submission to the Board, of the administration of the policies and programs approved by the Board, and of the day to day conduct of the business of the Corporation and of its officers and employees.

2. Other Vice Presidents:

(a) The other Vice Presidents, with the exception of the Vice President who is the General Sales Manager, CSS, whose duties are set forth in subparagraph b hereof, assist the President and the Executive Vice President in the performance of their duties and the exercise of their powers to such extent as the President or the Executive Vice President shall prescribe. The authority of these Vice Presidents is as follows:

(1) The Vice President who is Associate Administrator, Commodity Stabilization Service, acts for and in behalf of the Executive Vice President in the supervision and direction of the preparation of policies and programs for submission to the Board, in the administration of policies and programs approved by the Board, and in the day-to-day conduct of the business of the Corporation and of its officers and employees.

(2) The Vice President who is Deputy Administrator, Production Adjustment, Commodity Stabilization Service, has responsibility for the supervision and direction of the ASC State, County, and community committees and personnel thereof in the day-to-day discharge of their responsibilities and performance of their functions in connection with CCC operations.

(3) The Vice President who is Deputy Administrator, Price Support, Commodity Stabilization Service, has primary responsibility for planning, developing and administering the price support, foreign supply, commodity disposal (except CCC sales) and such other programs of the Corporation as may be assigned to him, and for the supervision and direction of the program divisions of CSS (i. e., Cotton, Grain, Livestock and Dairy, Oils and Peanut, Sugar, Tobacco, Commodity Disposal Coordination, Price and Barter and Stockpiling Divisions) and personnel thereof in the day-to-day discharge of their responsibilities and performance of their functions in connection with CCC operations.

(4) The Vice President who is Deputy Administrator, Operations, Commodity Stabilization Service, has primary responsibility for the supervision and direction of the Commodity Offices and the service and management divisions of CSS (i. e., Administrative Services, Budget, Fiscal, Personnel Management, Information, and Transportation and Storage Services Division) and personnel thereof in the day-to-day discharge of their responsibilities and performance of their functions in connection with CCC operations.

(b) The Vice President who is General Sales Manager, Commodity Stabilization Service, under the general supervision of the Executive Vice President, is responsible for the preparation of sales policies and programs for submission to the Board, and for the administration of the sales policies and programs approved by the Board, and consults and advises with the Board with respect to such policies and programs.

(c) The Vice Presidents perform such special duties and exercise such powers as may be prescribed from time to time by the Secretary of Agriculture, the Board, the President or the Executive Vice President of the Corporation.

(d) The Vice Presidents are authorized in the discharge of their responsibilities, subject to the general supervision and direction of the Executive Vice President, to establish and interpret policies, institute activities and operations, execute documents, issue instructions and orders, and perform any other necessary actions which are in accordance with the bylaws and programs and policies adopted by the Board of Directors.

B. *Authority of Directors of Divisions and Commodity Offices of the Commodity Stabilization Service.* The Directors of Divisions and Commodity Offices of the Commodity Stabilization Service are in general charge of the activities of Commodity Credit Corporation carried out through their respective Divisions and Offices. See statement with respect to CCC activities assigned to respective Divisions and Offices.[1]

C. *Acting capacity.* The person occupying, in acting capacity, the office of any person designated ex officio by the bylaws of the CCC as an officer of the Corporation, acts as such officer during his occupancy of such office.

D. *Authority to execute contracts.* Contracts of the Corporation relating to any of its activities may be executed in its name by the Secretary of Agriculture or the President. The Vice Presidents, the Controller, the Treasurer, the Directors of the Divisions and Commodity Offices of the Commodity Stabilization Service may execute contracts relating to the activities of the Corporation for which they are respectively responsible. The Executive Vice President and, subject to the written approval of the appointment by the Executive Vice President, the Vice Presidents, the Controller, the Directors of the Divisions and Commodity Offices of the Commodity Stabilization Service may appoint, by written instrument or instruments, such Contracting Officers as they deem necessary, who may, to the extent authorized by such instrument or instruments, execute contracts in the name of the Corporation. The names of such officers and information with respect to their authority may be obtained from the appropriate Director.

E. *Authority to settle claims.* The Executive Vice President, CCC, and the Vice President, CCC, who is Deputy Administrator, Price Support, may settle and adjust claims in controversy by or against CCC. The Directors of Divisions and Commodity Offices of CSS may settle and adjust any claim arising out of activities under their jurisdiction not in excess of the face amount of $10,000 or in excess of such amount with the approval of the Executive Vice President or the Vice President, CCC, who is Deputy Administrator, Price Support. Claims officers, appointed by the Executive Vice President, the Vice President, CCC, who is Deputy Administrator, Price Support, or by Directors of Divisions and Commodity Offices with the approval of the Executive Vice President or the Vice President who is the Deputy Administrator, Price Support, may carry out such responsibilities with respect to settlement and adjustment of claims as may be delegated to such claims officers. The names of such officers and information with respect to their authority may be obtained from the Directors of the respective Divisions and Commodity Offices.

V. *Availability of records and information.* Any person desiring information or to make submittals or requests with respect to Commodity Credit Corporation activity should address the Director of the Division or Commodity Office of the Commodity Stabilization Service through which such activity is carried out, or the Secretary of the Commodity Credit Corporation, U. S. Department of Agriculture, Washington 25, D. C. The records of the Divisions and Commodity Offices pertaining to Commodity Credit Corporation activities, including those maintained in field offices, are available for examination in accordance with the rules issued by the Secretary of Agriculture.

VI. *Prior authorizations and delegations.* All actions relating to any function affected hereby, and previous delegations of authority, with respect thereto, shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority; and nothing herein shall affect the validity of anything heretofore done under previous delegations of authority or assignment of functions.

Done at Washington, D. C., this 18th day of November, 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9561; Filed, Nov. 29, 1955; 8:47 a. m.]

SALES OF CERTAIN COMMODITIES

NOVEMBER 1955 DOMESTIC AND EXPORT SALES LIST; SUPPLEMENT

The price listing of cheese available for sale as set forth in the November 1955 Domestic and Export Sales List (20 F. R. 8481) is supplemented by the addition of the following listing of an available quantity of cheese for sale, on a competitive bid basis, for export pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669):

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Cheddar cheese: Cheddars, flats, twins, and rindless blocks (standard moisture basis in carlots only).	Special export. Competitive bid on 15,000,000 pounds, under terms and conditions of Announcement LD-5 as amended and supplemented by supplement 1, and amendments 1 and 2 thereto. Bids will be received each Tuesday beginning November 22 by the Livestock and Dairy Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: November 23, 1955.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice-President, Commodity Credit Corporation.

[F. R. Doc. 55-9560; Filed, Nov. 29, 1955; 8:46 a. m.]

[1] See Department of Agriculture, Commodity Stabilization Service, F. R. Document 55-9562, *infra*.

Commodity Stabilization Service

ORGANIZATION, FUNCTIONS AND DELEGATIONS OF AUTHORITY

I. *General.* Effective November 2, 1953 the Commodity Stabilization Service was established by Secretary's Memorandum No. 1320, Supplement 4. This Service is responsible for planning, coordinating and administering production adjustment activities including acreage allotments and marketing quotas; for formulating proposed programs and administering programs adopted by Commodity Credit Corporation and related programs to adjust and stabilize the production, supply, price, and carry-over of agricultural commodities, to sell and otherwise dispose of government-owned surplus commodities through domestic and foreign outlets; for financing the commercial sale and exportation of surplus commodities for foreign currencies; for conducting procurement, processing, shipment, payment, and related service operations on surplus removal and supply programs directed by other Services of the Department and by other agencies; and for assigned mobilization planning, stockpiling, and defense activities. The principal office of the Commodity Stabilization Service is at Washington, D. C., in the Administration Building of the U. S. Department of Agriculture. It consists of offices and divisions listed in the following paragraph.

II. *Organization, Commodity Stabilization Service.* A. The following is a listing of the CSS by reporting lines.

1. *Administrator.*

Associate Administrator.
General Sales Manager, CSS.
Audit Division.
Compliance and Investigation Division.
Food and Materials Requirements Division.

2. *Deputy Administrator, Production Adjustment.*

Performance and Aerial Photographic Division.
Area Directors:
ASC State Offices.
ASC County Offices.

3. *Deputy Administrator, Price Support.*

Cotton Division.
Grain Division.
Livestock and Dairy Division.
Oils and Peanut Division.
Sugar Division.
Tobacco Division.
Commodity Disposal Coordination Division.
Price Division.
Barter and Stockpiling Division.

4. *Deputy Administrator, Operations.*

Administrative Services Division.
Personnel Management Division.
Budget Division.
Information Division.
Fiscal Division.
Transportation and Storage Services Division.
CSS Commodity Offices:
Boston.
Chicago.
Cincinnati.
Dallas.
Kansas City.
Minneapolis.
New Orleans.
Portland.

III. *Functional responsibilities.* The following are the responsibilities of the organizational units of the Commodity Stabilization Service, listed in accordance with reporting lines.

A. *Administrator.* The Administrator, who is also the Executive Vice President of the Commodity Credit Corporation, is responsible to the Assistant Secretary in charge of Agricultural Stabilization for the general direction and supervision of programs assigned to the Commodity Stabilization Service.

Associate Administrator. The Associate Administrator acts for and assists the Administrator in formulating and administering the policies and programs of CSS and CCC. The Associate Administrator is also Vice President of the CCC. In the absence or unavailability of the Administrator, the Associate Administrator exercises the powers and performs the duties of the Administrator of CSS and the Executive Vice President of CCC.

1. *General Sales Manager, CSS.* The General Sales Manager, CSS, who represents the Administrator in developing and determining policies to expand sales opportunities for, and sales of agricultural commodities owned by CCC, is primarily responsible for (1) directing and coordinating sales policies and programs and, (2) consulting and advising with, and reporting to the Board of Directors, CCC, through the Administrator, on policies, programs and problems arising out of the expanded effort directed toward the increased sales of government-owned surplus commodities through domestic and foreign outlets. The General Sales Manager, CSS, is also Vice President of the Commodity Credit Corporation.

2. *Audit Division.* The Audit Division advises the Administrator in the formulation of plans and policies to insure sound and progressive audit practices and procedures; and formulates and administers a comprehensive audit program covering all operations of CSS, CCC, ASC State and County Offices, their agents and contractors. The following States are served by the Audit Division, Washington, D. C.: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia and Virginia, except agents and contractors under peanut and cotton programs, CSS Commodity Office at Boston, Massachusetts. Washington Field Office, Fiscal Division, Washington, D. C.

a. *Field Offices.* Field Offices of the Audit Division conduct audits within their geographical areas. The Chiefs of Field Offices, Audit Division report to the Director, Audit Division. Field Offices are located at the following addresses and serve the States as shown:

Field Office, Audit Division, Commodity Stabilization Service, U. S. Department of Agriculture, 50 Seventh Street NE., Atlanta 5, Ga.: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Caribbean Area, and agents and contractors under peanut and cotton programs in Virginia. CSS Commodity Offices at Cincinnati, Ohio, and New Orleans, Louisiana.

Field Office, Audit Division, Commodity Stabilization Service, U. S. Department of Agriculture, 1212 North Lake Shore Drive, Chicago 10, Ill.: Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Montana, North Dakota, Ohio, South Dakota,. Wisconsin. CSS Commodity Offices at Chicago, Illinois, and Minneapolis, Minnesota.

Field Office, Audit Division, Commodity Stabilization Service, U. S. Department of Agriculture, 580 U. S. Terminal Annex, Dallas 2, Tex.: Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, Texas, Wyoming. CSS Commodity Offices at Dallas, Texas, and Kansas City, Missouri. Denver Field Office, Fiscal Division, Denver, Colorado.

Field Office, Audit Division, Commodity Stabilization Service, U. S. Department of Agriculture, 630 Sansome Street, San Francisco 11, Calif.: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, Territory of Alaska, and Territory of Hawaii. CSS Commodity Office at Portland, Oregon.

3. *Compliance and Investigation Division.* The Compliance and Investigation Division advises the Administrator in the formulation of plans and policies to insure maximum compliance with laws, regulations and other requirements governing programs and activities; administers a compliance and investigations program for all operations of CSS, CCC, and ASC State and County Offices.

a. *Field Offices.* Field Offices of the Compliance and Investigation Division develop and execute compliance and investigation practices, procedures and surveys within their geographical areas. The Chiefs of Field Offices, Compliance and Investigation Division report to the Director, Compliance and Investigation Division. Field Offices are located at the following addresses and serve the States as shown:

Field Office, Compliance and Investigation Division, CSS, U. S. Department of Agriculture, 139 Centre Street, New York 13, N. Y.: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, New Jersey.

Field Office, Compliance and Investigation Division, CSS, U. S. Department of Agriculture, 50 Seventh Street NE., Atlanta 5, Ga.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Field Office, Compliance and Investigation Division, CSS, U. S. Department of Agriculture, 1212 N. Lake Shore Drive, Chicago 10, Ill.: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin.

Field Office, Compliance and Investigation Division, CSS, U. S. Department of Agriculture, 519 U. S. Terminal Annex, Dallas 2, Tex.: Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas.

Field Office, Compliance and Investigation Division, CSS, U. S. Department of Agriculture, 1000 Geary Street, San Francisco 9, Calif.: Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming.

4. *Food and Materials Requirements Division.* The Food and Materials Requirements Division determine over-all requirements and adequacy of supplies of food and other agricultural commodities, related non-food requisites and manpower under peacetime and mobilization conditions by correlating data pertaining to requirements and availability. The Division coordinates USDA responsibilities pertaining to: expansion

programs for food, food facilities, non-food requisites and the National Stockpile; allocation of food supplies; planning stabilization measures under mobilization conditions; and facilities protection and post-attack rehabilitation. The Division administers functions pertaining to individual non-food materials such as distribution controls for farm equipment and commercial fertilizer; and it coordinates or administers related peacetime and mobilization functions.

B. *Deputy Administrator, Production Adjustment.* The Deputy Administrator, Production Adjustment is primarily responsible for planning, coordinating and administering production adjustment programs, including acreage allotments and marketing quotas; for the stabilization of sugar production; for directing the operations of Agricultural Stabilization and Conservation (ASC) State and County Offices; and for assigned defense food activities. The Deputy Administrator, Production Adjustment is responsible for directing the activities of the Performance and Aerial Photographic Division. The Deputy Administrator, Production Adjustment is also Vice President of the Commodity Credit Corporation.

1. *Performance and Aerial Photographic Division.* The Performance and Aerial Photographic Division formulates and administers an over-all plan and policy to insure that State and County ASC Committees determine each farm operator's compliance with acreage allotment, and sugar proportionate shares programs. The Division coordinates the development of uniform and complete policies, procedures, methods and forms for determining performance of Agricultural Conservation and Production Adjustment Programs administered through ASC State and County Offices; and administers the aerial photographic program for CSS.

a. *Aerial Photographic Laboratories.* The Performance and Aerial Photographic Division maintains two Aerial Photographic Laboratories which plan, organize and direct the photogrammetric service for CSS and cooperating agencies. The Chiefs of Aerial Photographic Laboratories report to the Director, Performance and Aerial Photographic Division.

2. *Area Directors.* The Area Directors have responsibility within specific geographic areas for the administration of assigned Agricultural Stabilization and Conservation programs within ASC State Offices, Insular Areas, and County Offices. The Area Directors report to the Deputy Administrator, Production Adjustment.

3. *Agricultural Stabilization and Conservation Offices.* Responsibility for the administration of Agricultural Stabilization and Conservation State, Insular, and County Offices has been assigned to the Commodity Stabilization Service by the Secretary of Agriculture, pursuant to Reorganization Plan No. 2 of 1953.

a. *ASC State Offices.* ASC State Offices recommend and suggest agricultural programs applicable to the State or Insular Area. They coordinate the execution of agricultural conservation and stabilization, production adjustment, price support, Sugar Act payment and other assigned programs; and direct and coordinate the activities of county offices. The ASC State Chairman of each ASC State Committee reports to the Area Director having responsibility for the area to which the specific State or Territory is assigned.

(1) *ASC County Offices.* ASC County Offices recommend and suggest to the ASC State Committee agricultural programs applicable to the county. They execute agricultural conservation and stabilization, production adjustment, price support, Sugar Act payment and other assigned programs requiring direct dealings with the farmer. The Chairmen of ASC County Committees report to the Chairman of their particular ASC State Committee.

C. *Deputy Administrator, Price Support.* The Deputy Administrator, Price Support is primarily responsible for planning and developing price support, foreign supply, commodity disposal except CCC sales, and other assigned programs of the CCC; for administration of the International Wheat Agreement; for coordinating assigned activities relating to a national stockpile of strategic and critical material; for liaison with other Services of the Department on the development and coordination of assigned surplus removal, purchase, diversion, and export payment activities; for assigned defense food activities; and for directing and coordinating the policies, operations and technical services of assigned divisions. The Deputy Administrator, Price Support is responsible for the activities of the Cotton Division, Grain Division, Livestock and Dairy Division, Oils and Peanut Division, Sugar Division, Tobacco Division, Commodity Disposal Coordination Division, Price Division, and Barter and Stockpiling Division. The Deputy Administrator, Price Support, is also Vice President of the Commodity Credit Corporation.

1. *Commodity Divisions.* There are six Commodity Divisions, each of which report to the Deputy Administrator. These divisions and the specific commodity assignments of each are as follows:

Commodity Division and Specific Assignments

Cotton: Upland cotton, extra long staple cotton, cotton products, cottonseed, linters and other fibers.

Grain: Grain, grain products and related commodities; and operations under the International Wheat Agreement.

Livestock and Dairy: Livestock, meat products, wool, mohair, poultry, poultry products, milk, butterfat and their products.

Oils and Peanut: Peanuts, tung nuts, castor beans, fats, oils and other assigned commodities.

Sugar: Sugar, sugarcane, sugar beets, sugar-containing products, and other assigned commodities; also activities pertinent to the Sugar Act of 1948, and the International Sugar Agreement.

Tobacco: Tobacco, tobacco products and byproducts, and naval stores.

With respect to commodities assigned, general responsibilities of the Commodity Divisions include:

a. Formulating and administering policies and programs pertaining to production, production adjustment, price support, foreign supply, purchase, sale, disposal other than CCC sales, warehousing, and assigned defense activities.

b. Preparing instructions and procedures for signature of appropriate Deputy Administrator with respect to programs carried out through ASC State, Insular and County Offices, CSS Commodity Offices and agents of CCC; and reviewing the progress of such programs through inspection and reports.

2. *Price Division.* The Price Division administers a price program by developing guides and standards for use in establishing prices, differentials, and margins in connection with price support, inventory, sales, disposal, surplus removal, diversion, export payment, import control, foreign trade and related programs.

3. *Barter and Stockpiling Division.* The Barter and Stockpiling Division plans, develops and administers an operational program involving negotiation, contracting and administration of exchanges or barters of agricultural commodities for strategic and critical materials for the National Stockpile and for materials, goods and equipment to meet overseas needs for foreign aid, military assistance, off-shore construction programs and foreign produced goods for military procurement programs; administers activities which relate to the procurement of materials for the National Stockpile through barter.

4. *Commodity Disposal Coordination Division.* The Commodity Disposal Coordination Division coordinates the administration of supply and export programs with the requirements of foreign and domestic claimants; and serves as focal point in coordinating negotiations with claimants in regard to the planning, execution and completion of commodity disposal commitments and contracts.

D. *Deputy Administrator, Operations.* The Deputy Administrator, Operations is primarily responsible for directing and coordinating the over-all management program for CSS–CCC, and ASC and, directing and coordinating the many and diverse aspects of price support program operations in the field; reviewing and appraising program operations and management services and recommending adjustments and changes in policies and operations; for directing and coordinating the policies and operations of assigned divisions and CSS Commodity Offices; providing management reviews and appraisals of the operations of participating governmental and non-governmental organizations, recommending adjustments for the orderly, economical and efficient execution of programs; and for assigned defense food activities. The Deputy Administrator, Operations is responsible for the activities of the Administrative Services Division, Budget Division, Fiscal Division, Personnel Management Division, Information Division, Transportation and Storage Services Division, and for the activities of CSS Commodity Offices.

1. *Administrative Services Division.* The Administrative Services Division formulates and administers an administrative services program on records and forms management, procedure and communications management, procurement, real and personal property management and related office services. Installs, maintains, operates or supervises the operation of administrative services in Washington and field offices, including ASC State and County Offices. The following States are served by the Administrative Services Division, Washington, D. C.:

Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin.

(a) *Field Office.* The Field Office of the Administrative Services Division in Denver, Colorado, directs and coordinates the management of administrative services within the designated geographical area which comprises its territory. The field office is located at the following address and serves the States shown:

Field Office, Administrative Services Division, CSS, U. S. Department of Agriculture Bldg. 53, Denver Federal Center, Denver 1, Colo.: Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming.

2. *Personnel Management Division.* The Personnel Management Division formulates and administers a personnel management program, including employment, qualifications, position classification, employee relations, employee suggestions and incentives, personnel investigation, training, safety promotion, organization planning and management improvement activities. The Division installs, maintains, operates, coordinates or supervises the operation of the personnel management program in CSS Washington and field offices, including CSS Commodity Offices and in ASC State and County Offices. The following States are served by the Personnel Management Division, Washington, D. C.:

Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin.

(a) *Field Office.* The Field Office of the Personnel Management Division in Denver, Colorado directs and coordinates the execution of position classification, employment, employee training, relations, incentives, information, safety promotion and related functions within the designated geographical area which comprises its territory. The field office is located at the following address and serves the States shown:

Field office, Personnel Management Division, CSS, U. S. Department of Agriculture, Building 22, Denver Federal Center, Denver 1, Colo.; Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming.

3. *Budget Division.* The Budget Division formulates and administers CSS, CCC and ASC State and County Office budget plans, policies, presentation and procedures, covering all funds utilized, including administrative expense funds, corporate capital funds, funds appropriated for payments to farmers, funds allocated from other sources and other funds, and coordinates all activities related to legislation affecting CSS and CCC programs.

4. *Information Division.* The Information Division formulates and administers a comprehensive information service program, including current releases, background statements, technical and popular publications, educational services, annual and special reports, radio and television scripts, and other information material for authorized dissemination to the public and to the trade.

5. *Fiscal Division.* The Fiscal Division formulates and administers fiscal and claims policies for CSS and CCC and for ASC State and County Offices; develops, implements and installs systems, accounts, methods and procedures relating to CCC financing and to accounting for programs and program activities financed with CSS, CCC and other funds available to CSS and ASC State and County Offices, including administrative funds; analyzes financial and operating data and prepares financial statements; exercises technical direction over fiscal activities of CSS offices, fiscal agents and ASC State and County Offices.

a. *Field Offices.* Field Offices of the Fiscal Division are responsible for the operation of accounting systems to provide control over appropriated and other funds of CSS, including funds of other agencies made available to CSS for activities within the jurisdictional area; and direct and coordinate assigned fiscal and claims work within their designated geographical areas.

Field Office (Washington), Fiscal Division, CSS, U. S. Department of Agriculture, Washington 25, D. C.: ASC State Offices and field offices of the Audit Division and Compliance and Investigation Division and CSS Divisions located in the following States: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Washington, D. C., and the ASC Caribbean Area Office. Also, the CSS Commodity Offices located in Boston, Massachusetts, and Cincinnati, Ohio.

Field Office (Denver), Fiscal Division, CSS, U. S. Department of Agriculture, Federal Center Building 22, Denver 1, Colo.: ASC State Offices and field offices of Audit Division and Compliance and Investigation Division located in the following States: Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, and the Western Laboratory of the Performance and Aerial Photographic Division. Also, the CSS Commodity Offices located in Chicago, Illinois, Dallas, Texas, Kansas City, Missouri, Minneapolis, Minnesota, New Orleans Louisiana, and Portland, Oregon, and the ASC Insular offices for the Hawaiian Area and Alaska.

6. *Transportation and Storage Services Division.* The Transportation and Storage Services Division formulates and administers over-all transportation programs for CSS–CCC; negotiates charters and books ocean shipping space for assigned programs; carries out assigned responsibilities under the Cargo Preference Act; provides technical assistance and advice to CSS Commodity Offices on storage operations within over-all storage policies; and carries out assigned defense activities.

7. *CSS Commodity Offices.* There are eight CSS Commodity Offices which report to the Deputy Administrator, Operations. These offices execute programs and conduct operations on commodity loans, purchases, movements, storage, sales and disposals, and export financing; conduct all necessary fiscal examination, payment, and accounting work on assigned programs. CSS Commodity Offices are located at the following addresses and the commodity responsibilities and territorial jurisdictions are shown opposite each address:

Office address	Commodity responsibility	Area served
Boston CSS Commodity Office, Commodity Stabilization Service, U. S. Department of Agriculture, 408 Atlantic Ave., Boston 10, Mass.	Wool: Inventory management and disposal program.	All States.
Chicago CSS Commodity Office, Commodity Stabilization Service, U. S. Department of Agriculture, 623 S. Wabash Ave., Chicago 5, Ill.	All commodities except processed commodities and commodities designated for centralized field administration by Boston, Dallas and New Orleans Commodity Offices.	Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.
Cincinnati CSS Commodity Office, Commodity Stabilization Service, U. S. Department of Agriculture, 1010 Broadway, Cincinnati 2, Ohio.	Processed commodities, including butter, cheese, non-fat dry milk solids, linseed oil, livestock products, and processed fruits and vegetables.	District of Columbia, and all States currently serviced by the Chicago, Dallas, Kansas City and Minneapolis Commodity Offices.
	Honey and tung oil inventories after take-over by any commodity office except Portland.	
Dallas CSS Commodity Office, Commodity Stabilization Service, U. S. Department of Agriculture, 3306 Main St., Dallas 26, Tex.	All commodities, except processed commodities and commodities designated for centralized field administration by Boston and New Orleans Commodity Offices.	Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Puerto Rico.
	Centralized field administration for: (1) Castor bean program; (2) Peanuts, naval stores, tung nuts, and tung oil loans; (3) Kanaf program.	All States.

Office address	Commodity responsibility	Area served
Kansas City CSS Commodity Office, Commodity Stabilization Service, U. S. Department of Agriculture, Federal Office Bldg., 911 Walnut St., Kansas City 6, Mo.	All commodities, except processed commodities and commodities designated for centralized field administration by Boston, New Orleans, and Dallas Commodity Offices.	Colorado, Kansas, Missouri, Nebraska, Wyoming.
Minneapolis CSS Commodity Office, Commodity Stabilization Service, U. S. Department of Agriculture, 1006 W. Lake St., Minneapolis 8, Minn.	All commodities except processed commodities and commodities designated for centralized field administration by Boston, New Orleans, and Dallas Commodity Offices.	Minnesota, Montana, North Dakota, South Dakota, Wisconsin.
New Orleans CSS Commodity Office, Commodity Stabilization Service, U. S. Department of Agriculture, Wirth Bldg., 120 Marais St., New Orleans 16, La.	Centralized field administration for: (1) Cotton program; (2) cottonseed programs.	All States.
Portland CSS Commodity Office, Commodity Stabilization Service, U. S. Department of Agriculture, Eastern Bldg., 515 SW. 10th Ave., Portland 5, Oreg.	Portland Office: All commodities, except those designated for centralized field administration by Boston, New Orleans and Dallas Commodity Offices.	Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, Territory of Hawaii, Territory of Alaska.

IV. *Contracting and claims officers and representatives of the Secretary*—A. *CCC Contracting Officers.* CCC Contracting Officers are appointed by the Executive Vice President, CCC, or by Division and Commodity Office Directors with the approval of the Executive Vice President of the Commodity Credit Corporation and may, to the extent authorized by their appointment, execute contracts relating to activities of the Commodity Credit Corporation for which the Division or office is responsible. The names of such officers and information with respect to their authority may be obtained from the appropriate Director.

B. *Representatives of the Secretary.* Representatives of the Secretary are appointed by Division and Commodity Office Directors, subject to the written approval of the Administrator, Commodity Stabilization Service, and may, to the extent authorized by their appointment execute contracts relating to the activities under commodity programs approved pursuant to Section 32 of the Act of August 24, 1935, as amended, or Section 6 of the National School Lunch Act for which the Division or Office is responsible. The names of such officers and information may be obtained from the appropriate Director.

C. *CCC Claims Officers.* CCC Claims Officers are appointed by the Executive Vice President, CCC; or by Division and Commodity Office Directors with the approval of the Executive Vice President of the Commodity Credit Corporation and may settle certain types of claims by and against the Commodity Credit Corporation. The names of such officers and information with respect to their authority may be obtained from the appropriate Director.

V. *Delegations of authority*—A. *Administrator.* The Administrator formulates and administers programs assigned to CSS under delegated authority from the Secretary of Agriculture (19 FR 74). This includes authority to execute any document, authorize any expenditure, promulgate any rule, regulation, order or instruction required by law or deemed by him to be necessary and proper to the discharge of the functions assigned to the CSS, and to take any other actions incident to the discharge of such functions. This authority is exercised under the general direction and supervision of the Assistant Secretary in charge of Agricultural Stabilization and is subject to the general responsibility of the Secretary to the President and to Congress.

In no case does any delegation of authority to the Administrator preclude the Secretary from exercising any of the powers or functions so delegated. With the exception of authorities which are restricted from redelegation, the Administrator may delegate his authority and provide for the redelegation thereof to appropriate officers and employees. General delegations of authority are cited in paragraphs V B and V C.

B. *Members of the Administrator's Immediate Staff.* Subject to any restrictions on redelegation of authority by heads of agencies, the Administrator has delegated to the Associate Administrator authority to act for him in his absence or inability to act, including the exercise of all powers and authorities which he himself holds; to the General Sales Manager, CSS, the Deputy Administrator, Production Adjustment, the Deputy Administrator, Price Support, and the Deputy Administrator, Operations, authority to establish and interpret policies, institute activities and operations, execute documents, issue instructions and orders, and perform any other actions necessary to the performance of their assigned functions and responsibilities, as currently assigned or as hereafter assigned to them. Except when redelegation is specifically prohibited, this authority includes the power of redelegation.

C. *Directors of Divisions and CSS Commodity Offices.* Under the general supervision and direction of the Administrator or of the Deputy Administrator who has been specifically assigned responsibility for direction of the programs and activities involved, the directors of all divisions of the CSS and directors of all CSS commodity offices are authorized to execute contracts, agreements, and other documents; settle and adjust CCC claims within limitations established by the Commodity Credit Corporation; and perform any other actions necessary to the performance of their assigned functions and responsibilities. All authorities shall be exercised within the confines of administrative and functional areas of jurisdiction and in the case of commodity divisions and CSS commodity offices, in accordance with commodity assignments. Current functions, responsibilities, and commodity assignments are set forth in paragraph III C, D. With the exception of authorities which are restricted from redelegation, this authority includes the power of redelegation. This statement of authority shall not be construed as waiving any restrictions, limitations, or requirements stated in the specific delegation of authority or imposed in governing policies, rules, regulations, or procedures.

VI. *Availability of records and information.* Any person desiring information or to make submittals or requests with respect to the programs and functions of this Service, should address his request to: Administrator, Commodity Stabilization Service, U. S. Department of Agriculture, Washington, D. C., or to the Director of the particular Division or Office, Commodity Stabilization Service, U. S. Department of Agriculture, Washington, D. C. The records of the Service and its Divisions and Offices are available for examination in accordance with rules and designations of records issued by the Secretary.

VII. *Price authorizations and delegations.* All actions relating to any function affected hereby, and previous delegations of authority, with respect thereto, shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority; and nothing herein shall affect the validity of anything heretofore done under previous delegations of authority or assignment of functions.

Done at Washington, D. C., this 18th day of November 1955.

[SEAL] WALTER C. BERGER,
Acting Administrator,
Commodity Stabilization Service.

Approved: November 18, 1955.

TRUE D. MORSE,
Acting Secretary of Agriculture and President, Commodity Credit Corporation.

[F. R. Doc. 55-9562; Filed, Nov. 29, 1955; 8:47 a. m.]

PEANUTS

REDELEGATION OF FINAL AUTHORITY BY MISSISSIPPI STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE

Section 729.731 of the Marketing Quota Regulations for the 1956 Crop of Peanuts (20 F. R. 6033), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1393), provides that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State Committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Mississippi State Agricultural Stabilization and Conservation Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the persons to whom the authority has been redelegated:

MISSISSIPPI

Sections 729.717 (b) (5), 729.718, 729.720, 729.724 (b) and (c) and 729.727 (a)—State Administrative Officer or the Acting State Administrative Officer, of the Office of the State ASC Committee.

Sections 729.722 (a) and 729.728—State Administrative Officer; Acting State Administrative Officer; Marketing Quota Specialist; and District Fieldmen, of the Office of the State ASC Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1372, 1373, 1374, 1376, 1388)

Issued at Washington, D. C. this 23d day of November 1955.

[SEAL] PRESTON RICHARDS,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 55-9565; Filed, Nov. 29, 1955; 8:48 a. m.]

PEANUTS

REDELEGATION OF FINAL AUTHORITY BY VIRGINIA STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE

Section 729.731 of the Marketing Quota Regulations for the 1956 Crop of Peanuts (20 F. R. 6033), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1393), provides that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State Committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Virginia State Agricultural Stabilization and Conservation Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the persons to whom the authority has been redelegated:

VIRGINIA

Section 729.711 (1)—W. T. Powers, State Administrative Officer and J. S. Shackleton, Jr., Program Specialist, of the Office of the State ASC Committee.

Sections 729.722 (a) and 729.728—W. T. Powers, State Administrative Officer; J. S. Shackleton, Jr., Program Specialist; and H. O. Simpson, Marketing Quota Specialist, of the Office of the State ASC Committee.

Section 729.724 (b)—W. T. Powers, State Administrative Officer; J. S. Shackleton, Jr., Program Specialist; H. O. Simpson, Marketing Quota Specialist; and, A. L. Flippen, Assistant Marketing Quota Specialist, of the Office of the State ASC Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1372, 1373, 1374, 1376, 1388)

Issued at Washington, D. C., this 23d day of November 1955.

[SEAL] PRESTON RICHARDS,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 55-9564; Filed, Nov. 29, 1955; 8:47 a. m.]

Office of the Secretary

OREGON

DISASTER ASSISTANCE; DELINEATION OF COUNTIES IN DROUGHT AREA

Pursuant to Public Law 875, 81st Congress, the President determined on November 5, 1955, that a major disaster occasioned by drought existed in the State of Oregon.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following described area was on November 7, 1955, determined to be the area affected by the major disaster occasioned by drought:

OREGON

That part of Malheur County, Oregon, extending from junction of State Highway 78 with U. S. Highway 95 south to the Nevada line.

Done at Washington, D. C., this 23d day of November 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-9567; Filed, Nov. 29, 1955; 8:48 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[472.13]

MILDEW-TREATED JUTE CORDAGE

NOTICE OF PROSPECTIVE CLASSIFICATION

NOVEMBER 23, 1955.

It appears probable that certain jute cordage, twine, and twist, mildew-treated, is properly classifiable as jute cordage, twine, and twist, bleached, dyed, or otherwise treated, under paragraph 1003, Tariff Act of 1930, at a rate of duty higher than that heretofore assessed under an established and uniform practice.

Pursuant to § 16.10a (d) of the Customs Regulations (19 CFR 16.10a (d)), notice is hereby given that the existing uniform practice of classifying mildew-treated jute cordage, twine, and twist, as jute cordage, twine, and twist, not bleached, dyed, or otherwise treated, under paragraph 1003, Tariff Act of 1930, is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D. C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 55-9578; Filed, Nov. 29, 1955; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part . 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

Allen Garment Co., 706 19th Avenue North, Nashville, Tenn., effective 11–26–55 to 11–25–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sport shirts).

Cluett, Peabody & Co., Inc., Virginia, Minn., effective 11–19–55 to 11–18–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Dunhill Shirt Co., El Dorado Springs, Mo., effective 11–22–55 to 2–29–56; 10 percent learners for plant expansion purposes (men's shirts).

Four's Co., Inc., Blairsville, Pa., effective 11–10–55 to 11–9–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's cotton dresses).

Pittston Apparel Co., East and Tompkins Streets, Pittston, Pa., effective 11–7–55 to 2–29–56; 100 learners for plant expansion purposes (brassieres).

Seamprufe, Inc., McAlester, Okla., effective 11–9–55 to 11–8–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (slips and lingerie).

Henry I. Siegel Co., Inc., Hohenwald, Tenn., effective 11–10–55 to 2–29–56; 50 learners for

plant expansion purposes (work shirts, pants, lined covert and moleskin jackets).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended April 19, 1955, 20 F. R. 2304).

John H. Swisher & Son, Inc., 16th and Ionia Street, Jacksonville, Fla., effective 11-10-55 to 11-9-56; to employ not in excess of 10 percent of the total number of workers engaged in each of the occupations listed hereinafter for normal labor turnover purposes: cigar machine operating, and packing (cigars retailing for over 6 cents) each 320 hours; (cigar packing, cigar retailing for 6 cents or less) and stripping each 160 hours. All at 65 cents an hour.

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended February 28, 1955, 20 F. R. 645).

West Iowa Telephone Co., Marcus, Iowa, effective 11-17-55 to 11-16-56.

West Iowa Telephone Co., Remsen, Iowa, effective 11-17-55 to 11-16-56.

West Iowa Telephone Co., Anita, Iowa, effective 11-17-55 to 11-16-56.

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended April 19, 1955, 20 F. R. 2304).

Gem Footwear, Inc., 16 Glenwood Avenue, Gloversville, N. Y., effective 11-9-55 to 11-8-56; 10 learners for normal labor turnover purposes.

Town & Country Shoes, Odessa, Mo., effective 11-12-55 to 11-11-56; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

Town & Country Shoes, Inc., Warrensburg, Mo., effective 11-12-55 to 11-11-56; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

Town & Country Shoes, Inc., Slater, Mo., effective 11-12-55 to 11-11-56; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

Town & Country Shoes, Inc., 110 North Missouri, Sedalia, Mo., effective 11-12-55 to 11-11-56; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Palm Beach Co., Roanoke, Ala., effective 11-19-55 to 2-29-56; 7 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operating (except cutting), pressing, and hand sewing; each for 480 hours at 70 cents per hour for the first 240 hours and not less than 72½ cents per hour for the remaining 240 hours (men's palm beach suits).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Airflex, Inc., Bayamon, P. R., effective 10-28-55 to 4-27-56; 10 learners to be employed in the occupation of assembly operations for 160 hours, at 50 cents an hour (assembly of metal expansion watch bands).

Consolidated Cigar Corporation of Puerto Rico, Villa Turabo, Caguas, P. R., effective 10-25-55 to 4-24-56; 66 learners to be employed in the occupations of cigar making, packing, and machine stripping; each for 320 hours at 40 cents an hour (cigar manufacturing).

Gordonshire Knitting Mills, Inc., Cayey, P. R., effective 10-25-55 to 10-24-56; 10 learners to be employed in the occupations hereinafter listed: Looping, and mending; each for 320 hours at 35 cents an hour, 320 hours at 40 cents an hour, and 320 hours at 45 cents an hour; knitting and examining, each for 240 hours at 37½ cents an hour, and 240 hours at 45 cents an hour (seamless hoisery).

Rico Electronics, Inc., Vega Alta, P. R., effective 10-25-55 to 10-24-56; 10 learners to be employed in the occupation of gun assembler; for 240 hours at 50 cents an hour, and 240 hours at 60 cents an hour (electronic guns for cathode ray tubes).

Rio Piedras Glove Corp., 1178 Brambaugh Street, Rio Pedras, P. R.; effective 11-1-55 to 4-30-56; 5 learners to be employed in the occupation of sewing machine operating for 160 hours at 35 cents an hour, 160 hours at 43 cents an hour, and 160 hours, at 52 cents an hour (ladies' and children's fabric gloves).

Tobacco Products Manufacturers Corp. of P. R., Ruiz Belvis Street, Caguas, P. R., effective 10-31-55 to 4-30-56; 46 learners to be employed in the occupations listed hereinafter: sorting, for 240 hours; and sizing and tying for 160 hours. All at 40 cents an hour (processing Connecticut wrapper tobacco).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Ozark Academy, Gentry, Ark., effective 11-7-55 to 8-31-56; 3 learners to be employed in venetian blind shop in the occupations of rail cutter; machine operator; spray painter; slat, cord and tape cutter and installer; and related skilled and unskilled occupations, each for 250 hours at 65 cents an hour and 250 hours at 70 cents an hour; 12 learners to be employed in the broom shop in the occupations of winder; stitcher; sorter; painter; and related skilled and semi-skilled occupations, each for 200 hours at 65 cents an hour and 200 hours at 70 cents an hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 18th day of November 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-9553; Filed, Nov. 29, 1955; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5701 et al.]

FLORIDA-TEXAS SERVICE CASE

NOTICE OF HEARING

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on December 6, 1955, at 10:00 a. m., in room 5859, Department of Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., November 21, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-9597; Filed, Nov. 29, 1955; 8:54 a. m.]

[Docket No. 7422]

NATIONAL AIRLINES, INC., AND CERTAIN OTHER AIR CARRIERS, FOREIGN AIR CARRIERS AND OTHER CARRIERS; INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

In the matter of an investigation instituted to determine whether and to what extent IATA resolutions adopted pursuant to Agreement CAB No. 1175, insofar as they restrict the right of an IATA member to enter into an interline agreement with a non-IATA member to provide through transportation over a route involving only a domestic or overseas segment of the IATA member, may be adverse to the public interest, and to formulate such conditions on Board approval of such IATA resolutions as shall be found appropriate.

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on December 5, 1955, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., November 18, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-9593; Filed, Nov. 29, 1955; 8:54 a. m.]

[Docket No. 7415]

WIEN ALASKA AIRLINES, INC., AND BYERS AIRWAYS, INC.; MERGER

NOTICE OF FURTHER POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of the joint application of Wien Alaska Airlines, Inc., and Byers Airways, Inc., for approval of agreement of acquisition and purchase of the routes and certificate of Byers Airways, Inc.

Notice is hereby given that the prehearing conference in the above-entitled proceeding now assigned for November 22, 1955, is hereby cancelled and reassigned to be held on December 5, 1955, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 21, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-9599; Filed, Nov. 29, 1955; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-3625 etc.]

JACKSON BROS. ET AL.

NOTICE OF FINDINGS AND ORDERS

NOVEMBER 23, 1955.

In the matters of Clyde D. & Carl D. Jackson d/b/a Jackson Brothers, Docket No. G-3625; Columbian Fuel Corporation, Docket Nos. G-4308 and G-4310; United Carbon Company, Inc. (Maryland), Docket Nos. G-4309 and G-4316; United Producing Company, Inc., Docket Nos. G-4314 and G-4328; Coltexo Corporation, Docket No. G-4315; Natural Gas Pipeline Company of America, Docket No. G-8839; The Texas Company, Docket No. G-8820; Phillips Petroleum Company, Docket No. G-8876; Columbian Fuel Corporation, Docket No. G-8994; Morris Oil and Gas Company, Inc., Docket No. G-9242.

Notice is hereby given that on November 15, 1955, the Federal Power Commission issued its findings and orders adopted November 9, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9568; Filed, Nov. 29, 1955; 8:48 a. m.]

[Docket No. G-6912]

COLONIAL ROYALTIES CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 23, 1955.

Take notice that Colonial Royalties Company, Applicant, an Oklahoma corporation whose address is 434 Kennedy Building, Tulsa, Oklahoma, filed on November 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Hugoton Field, Morton County, Kansas, which it sells in interstate commerce to the Colorado Interstate Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 30, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure, under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 23, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9569; Filed, Nov. 29, 1955; 8:48 a. m.]

[Docket No. G-6913]

F. A. GILLESPIE AND SONS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 23, 1955.

Take notice that F. A. Gillespie and Sons Company, Applicant, an Oklahoma corporation whose address is Thompson Building, Tulsa, Oklahoma, filed on November 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the East Panhandle Field, Wheeler County, Texas, and sells it in interstate commerce to the Lone Star Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 30, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 23, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9570; Filed, Nov. 29, 1955; 8:48 a. m.]

[Docket No. G-6914]

BIG MARSH OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 23, 1955.

Take notice that Big Marsh Oil Company, Applicant, a West Virginia corporation whose address is 1033 Quarrier Street, Charleston, West Virginia, filed on November 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully repersented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Marsh Fork and Clear Fork Districts, Raleigh County, West Virginia, and sells it in interstate commerce to the United Fuel Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 30, 1955, at 9:50 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and pro-

cedure (18 CFR 1.8 or 1.10) on or before December 23, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9571; Filed, Nov. 29, 1955; 8:48 a. m.]

[Docket No. G-6491]

HENRY I. SCHOBER AND T. A. WILLIAMS

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 23, 1955.

Take notice that Henry I. Schober, an individual whose address is 431 Prospect Street, Shreveport, Louisiana, and T. A. Williams, an individual whose address is 167 Carrollton Street, Shreveport, Louisiana, hereinafter referred to as Applicant, filed, as non-operator on November 29, 1954, and as amended on August 18, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of Cotton Valley D Sand of owned and leased acreage in Greenwood Field, Caddo Parish, Louisiana, to United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, January 3, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 12, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9573; Filed, Nov. 29, 1955; 8:49 a. m.]

[Docket No. G-8852]

GULF OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 23, 1955.

Take notice that Gulf Oil Corporation (Applicant), Pennsylvania corporation with principal office in the City of Pittsburgh, Pennsylvania, filed on May 4, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production in San Salvador Field, Hidalgo County, Texas., to Trunkline Gas Company for resale. The proposed rate of delivery is 1,000 Mcf per day for each 8,000,000 Mcf in place at 14.65 p. s. i. a., and the sales price is 12 cents per Mcf plus 0.25 cent per Mcf for dehydration.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 4, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 23, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9572; Filed, Nov. 29, 1955; 8:48 a. m.]

[Docket No. G-8744]

ROY H. BETTIS ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 23, 1955.

In the matter of Roy H. Bettis, G. Frederick Shepherd and John L. Loeb.

Take notice that the above designated Applicants hereinafter referred to singly and collectively as (Applicant), independent producers of natural gas in Texas, filed on April 11, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production in Hidalgo Field, Hidalgo County, Texas, to Trunkline Gas Company for resale. The proposed rate of delivery is 1,000 Mcf per day for each 8,000,000 Mcf of recoverable reserves and the sales price is 12 cents per Mcf at 14.65 p. s. i. s.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 4, 1956, at 9:45 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 23, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9574; Filed, Nov. 29, 1955; 8:49 a. m.]

[Docket No. G-9172]

PHILLIPS PETROLEUM CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 23, 1955.

Take notice that Phillips Petroleum Company (Applicant), a Delaware corporation whose address is Bartlesville, Oklahoma, filed as nonoperator on July 22, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of a 50 percent interest in a 40 acre tract out of Archer County School Land, League No. 3, Northeast Noelke Field, Crockett County, Texas, to El Paso Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, January 3, 1956, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 12, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9575; Filed, Nov. 29, 1955; 8:49 a. m.]

[Docket No. G-9324]

J. M. FLAITZ AND R. B. MITCHELL

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 23, 1955.

Take notice that J. M. Flaitz & R. B. Mitchell, two individuals whose addresses are 1418 City National Bank Building, Houston, Texas, hereinafter referred to as Applicant, filed, as joint operators on September 14, 1955, an application for a temporary certificate and a separate application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of leases in Magnet-Withers Field, Wharton County, Texas, to Tennessee Gas Transmission Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, January 3, 1956, at 9:50 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 12, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9576; Filed, Nov. 29, 1955; 8:49 a. m.]

[Docket No. G-2409]

NORTHERN NATURAL GAS CO.

ORDER GRANTING MOTION TO VACATE PORTION OF ORDER

On October 25, 1955, Northern Natural Gas Company filed a motion to vacate that portion of the Commission's order issued October 11, 1955, whereby Docket No. G-2409 was reopened and consolidated for further hearing with Northern's supplemental application filed on September 12, 1955, in Docket Nos. G-2399, G-2458, G-2465, G-4259, G-4260 and G-4261, and requested the fixing of a date for oral argument.

The Commission finds: The aforesaid order issued on October 11, 1955, should be vacated insofar as it relates to the proceeding in Docket No. G-2409 and such proceeding should be set for oral argument before the Commission at the earliest possible date.

The Commission orders:

(A) The aforesaid order issued by the Commission on October 11, 1955, be and the same hereby is vacated and held for naught insofar as Docket No. G-2409 was reopened and consolidated for further hearing with Docket Nos. G-2399, G-2458, G-2465, G-4259, G-4260 and G-4261.

(B) Oral argument in Docket No. G-2409 shall be had before the Commission on December 15, 1955, at 10:00 a. m. in the hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C.

(C) Requests for time for oral argument shall be filed with the Secretary of the Federal Power Commission on or before December 5, 1955.

Adopted: November 16, 1955.

Issued: November 23, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9591; Filed, Nov. 29, 1955; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11417, 11418; FCC 55M-983]

TAYLOR BROADCASTING CO. AND GARDEN OF THE GODS BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Taylor Broadcasting Company, Colorado Springs, Colorado, Docket No. 11417, File No. BP-9439; Garden of the Gods Broadcasting Company, Manitou Springs, Colorado, Docket No. 11418, File No. BP-9462; for construction permits.

The Hearing Examiner having under consideration the matter of a continuance in the above-entitled proceeding;

It appearing that the following pleadings in this case are now pending and waiting action by the full Commission: (1) "Petition for removal of application from hearing" filed by the Broadcast Bureau on October 20, 1955; (2) "Comments of Taylor Broadcasting Company on petition for removal of application from hearing; petition for relief" filed on October 21; (3) "Opposition to petition for removal of application from hearing" filed by Garden of the Gods on October 31; (4) "Motion to set aside default" filed by Garden of the Gods on October 31; (5) "Opposition to motion to set aside default; motion to strike" filed by Taylor on November 4; (6) "Opposition to motion to set aside default, and motion to strike" filed by Boulder Radio KBOL, Inc. on November 10; and (7) "Reply to opposition to motion to set aside default; motion to strike" filed by Garden of the Gods on November 10, 1955; and

It further appearing that any further hearing before final action on the above matters would be untimely;

It is ordered, This 25th day of November 1955, that the further hearing in this proceeding now scheduled for December 1, 1955, is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-9587; Filed, Nov. 29, 1955; 8:51 a. m.]

[Docket No. 11428; FCC 55M-980]

DELSEA BROADCASTERS

ORDER CONTINUING HEARING

In re application of Mortimer Hendrickson, Vivian Eliza Hendrickson and John Thomas Jones, Jr., a partnership, d/b as The Delsea Broadcasters, Pitman-Glassboro, New Jersey, Docket No. 11428, File No. BP-9431; for construction permit.

The Hearing Examiner having under consideration the request of Delsea Broadcasters for a continuance of the hearing in the above-entitled proceeding;

It appearing that good cause has been shown for the requested continuance and that other parties to the proceeding have not objected thereto;

It is ordered, This 22d day of November 1955, that the hearing now scheduled for November 28 is continued to January 9, 1956, at 10:00 a. m. in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9588; Filed, Nov. 29, 1955; 8:51 a. m.]

[Network Study Committee Order 1; FCC 55M-978]

COMMITTEE FOR STUDY OF RADIO AND TELEVISION NETWORK BROADCASTING

In the matter of study of radio and television network broadcasting pursuant to Delegation Order No. 10, dated July 20, 1955.

Whereas by Delegation Order No. 10 dated the 20th day of July 1955, the Commission, pursuant to section 5 (d) of the Communications Act of 1934, as amended, and section 0.201 of the Commission's rules and regulations, designated this committee composed of George C. McConnaughey, Chairman, and Commissioners Rosel H. Hyde, Robert T. Bartley and John C. Doerfer, and ordered that this Committee institute and carry on the study of radio and television network broadcasting provided for by Public Law 112, 84th Congress, 1st session, with the same powers and jurisdiction conferred by law upon the Commission; and

Whereas orders of this committee issued in respect to the matters assigned or referred to this committee by said delegation order shall have the same force and effect and may be made evidenced and enforced in the same manner as if made by the Commission (47 U. S. C. A. Sec. 155 (d). Sec. 0.201 F. C. C. Rules and Regulations); and

Whereas the Commission pursuant to section 403 of the Communications Act of 1934, as amended (47 U. S. C. A. Sec. 403), has full authority and power, at any time, to institute an inquiry to obtain information necessary to the discharge of its proper functions and duties; and

Whereas under the provisions of the Communications Act of 1934, as amended, this Commission is empowered and directed to grant construction permits and station licenses, or modifications or renewals thereof, for broadcast stations only after it has made a determination that the public interest, convenience, or necessity would be served thereby; and

Whereas the Commission is empowered to perform any and all acts, make such rules and regulations, and issue orders not inconsistent with the act, as may be necessary in the execution of its functions (47 U. S. C. A. 154 (i) and 47 U. S. C. A. 303 (f)—), and to make such special regulations applicable to radio stations engaged in chain broadcasting as the public interest, convenience, or necessity requires (47 U. S. C. A. Sec. 303 (i)—); and

Whereas the Commission is required to make specific recommendations to Congress as to additional legislation which the Commission deems necessary or desirable (47 U. S. C. A. 154 (k)—); and

Whereas the Commission has been requested by Congress to comment on proposed legislation affecting networks; and

Whereas the Network Study Committee has determined that, in order to institute and carry on the study of radio and television network broadcasting directed by the Commission, as aforesaid, and to report to the Commission the relevant facts necessary to enable the Commission properly to perform its functions and duties under the Communications Act of 1934, as amended, as above set forth, it is essential that inquiry be instituted pursuant to said Section 403 of the Communications Act of 1934, as amended, by the Committee, to obtain certain data and other information from various persons and sources regarding radio and television network broadcasting.

Now, therefore, it is ordered, This 21st day of November 1955, that inquiry be made by the Network Study Committee to obtain data and other information relevant to the study ordered by the Commission, as aforesaid, regarding the following matters and such other matters relating to radio and television network broadcasting as the Committee may, from time to time, direct:

(a) What has been and will continue to be the effect on radio and television broadcasting of the following:

(i) Ownership and operation of both radio and television networks by the same person, or persons affiliated with, controlled by, or under common control with the same person;

(ii) Ownership and operation of radio and television broadcasting stations by persons who, directly or indirectly, own or operate radio or television networks;

(iii) The production, distribution or sale of programs or other materials or services (including the providing of talent) by various persons, both within and outside of the broadcast industry, for (1) radio and television network broadcasting, and (2) radio and television non-network broadcasting;

(iv) The representation of stations in the national sport field by various persons;

(v) The relationships between networks and their affiliates including but not limited to those having to do with (1) selection of affiliates, (2) exclusivity, (3) option time, (4) free hours, (5) division of revenue, and (6) term of contract;

(vi) The contracting for or lease of line facilities used in the operation of networks by persons who, directly or indirectly, own and operate networks;

(vii) Related interests, other than network broadcasting, of persons who, directly or indirectly, own or operate networks;

(viii) The ownership of more than one radio or television broadcast license by any one person.

(b) Under present conditions in the radio and television broadcasting industry, what is the opportunity for and the economic feasibility of the development of a multiple-network structure in terms of (1) the number of broadcast outlets available, (2) national advertising potential, (3) costs of network establishment and operation, and (4) other relevant factors.

(c) Under present conditions in the radio and television broadcasting industry, what is the opportunity for and economic feasibility of effective competition in the national advertising field between networks and non-network organizations in terms of (1) the number and type of broadcast outlets available, (2) national advertising potential, (3) needs of the advertiser, and (4) other relevant factors.

Adopted: November 21, 1955.

Released: November 22, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9589; Filed, Nov. 29, 1955; 8:51 a. m.]

[Change List 96]

CANADIAN BROADCAST STATIONS

CHANGES, PROPOSED CHANGES AND CORRECTIONS

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, Proposed changes, and Corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power	Antenna	Schedule	Class	Proposed date of change or commencement of operation
		680 kilocycles				
CJOB	Winnipeg, Manitoba (PO: 1340 kc 250 w ND).	5 kw D/2.5 kw N	DA-N	U	II	Oct. 1, 1956.
		710 kilocycles				
CFRG	Gravelbourg, Saskatchewan (PO: 1230 kc 250 w ND).	5 kw	ND	D	II	Oct. 1, 1956.
		1050 kilocycles				
CFGP	Grande Prairie, Alberta	5 kw	DA-1	U	II	N in O.
		1070 kilocycles				
CJET	Smiths Falls, Ontario	250 w	ND	D	II	Assignment of call letters.
		1140 kilocycles				
CBI	Sydney, Nova Scotia	5 kw	DA-1	U	II	N in O.
		1220 kilocycles				
CJOC	Lethbridge, Alberta	10 kw D/5 kw N	DA-N	U	II	N in O.
		1230 kilocycles				
CFCW	Camrose, Alberta	250 w	ND	U	IV	N in O.
		1350 kilocycles				
CKEN	Kentville, Nova Scotia	1 kw	DA-N	U	III	Aug. 15, 1956.
		1400 kilocycles				
CKCY	Sault Ste. Marie, Ontario	250 w	ND	U	IV	N in O.
		1560 kilocycles				
New	Simcoe, Ontario	250 w	ND	D	II	Aug. 15, 1956.
		1570 kilocycles				
New	Portage la Prairie, Manitoba	250 w	ND	U	II	Oct. 1, 1956.
CFOR	Orillia, Ontario	5 kw D/1 kw N	ND	U	II	N in O.
CBL	Sydney, Nova Scotia	1 kw	ND	U	II	Delete assignment.
CBH	Halifax, Nova Scotia	5 kw	DA-1	U	II	Delete assignment.
New	Halifax, Nova Scotia	5 kw	DA-1	U	II	Oct. 1, 1956.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9590; Filed, Nov. 29, 1955; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 25, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31356: *Cement and mortar from Buffalo, N. Y., to the South.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cement, hydraulic, natural or Portland, concrete mix or concrete mixture, masonry cement, mortar cement or dry building mortar, carloads, from Buffalo, N. Y., to points in southern territory, Helena and West Helena, Ark.

Grounds for relief: Short-line distance formula, circuity, and grouping.

Tariff: Agent Hinsch's tariff I. C. C. No. 4688.

FSA No. 31357: *Cement and mortar from Ohio to Florida.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cement, hydraulic, natural or Portland, concrete mix or concrete mixture, masonry cement, mortar cement or dry building mortar, carloads from Painesville, Perry, Bay Bridge, and Cleveland, Ohio to Fort Meyers and Naples, Fla.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Agent Hinsch's tariff I. C. C. No. 4688.

FSA No. 31358: *Cement and mortar to the South.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cement, hydraulic, natural or Portland, concrete mix or concrete mixture, masonry cement, mortar or dry building mortar, carloads from points in Illinois, Indiana, Iowa, and Missouri to points in southern territory and Helena, Ark.

Grounds for relief: Short-line distance formula, circuity, and grouping.

Tariff: Agent Hinsch's tariff I. C. C. No. 4688.

FSA No. 31359: *Potash from Carlsbad and Loving, N. Mex., to South.* Filed by The Atchison, Topeka and Santa Fe Railway Company for itself, and other interested rail carriers. Rates on potassium (potash), carloads from Carlsbad and Loving, N. Mex., to Sumrall, Bynum and Wardwell, Miss.

Grounds for relief: Competition with rail carriers and circuity.

Tariff: Supplement 98 to Atchison, Topeka & Santa Fe Railway tariff I. C. C. 14478.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-9555; Filed, Nov. 29, 1955; 8:46 a. m.]

[No. MC-C-1891]

OIL FIELD EQUIPMENT, MATERIALS, AND SUPPLIES TO AND BETWEEN THE SOUTHWEST

ORDER INSTITUTING INVESTIGATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 21st day of November, A. D. 1955.

The Commission having under consideration the matter of motor-carrier rates and charges, and the rules, regulations, and practices affecting such rates and charges, including transit, storage, and absorption practices, loading and unloading practices and charges, and all other accessorial and terminal services and charges therefor, applicable in connection with the transportation, in interstate and foreign commerce, of machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of petroleum, its products and by-products; pipeline equipment, materials and supplies, including pipe, casing, or oil well tubing, iron or steel, including drill pipe, with or without tool joints, fittings, set shoes, clamps, or protectors attached, plain, coated, or wrapped, cement, plastic, or rubber lined, and the stringing, picking-up and dismantling of pipe lines, from, to, and between points within an area embracing all of Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas, and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted by the Commission, upon its own motion, into and concerning the reasonableness and lawfulness otherwise of the rates and charges and the rules, regulations, and practices, including the question whether traffic moving from gulf and river ports, and rail sidings, to destinations in, and wholly within, said States is subject to the Commission's jurisdiction; the propriety and lawfulness of transit arrangements, rules and practices in connection therewith, maintained by the carriers on said traffic; and the propriety and lawfulness of certain absorptions and allowances made by certain carriers for unloading and other terminal services, and all other practices affecting the rates and charges, for the transportation of shipments of the property described and between the points referred to in the preceding paragraph of this order, in interstate or foreign commerce, with a view to making such findings and order

in the premises as the facts and circumstances shall appear to warrant.

It is further ordered, That all common carriers of property by motor vehicle subject to the Interstate Commerce Act, operating between the points and participating in the transportation referred to in this order be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Interstate Commerce Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, Washington, D. C.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-9556; Filed, Nov. 29, 1955; 8:46 a. m.]

[Notice 88]

MOTOR CARRIER APPLICATIONS

NOVEMBER 25, 1955.

Protests, consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when the circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 665 Sub 48, filed November 14, 1955, MISSOURI-ARKANSAS TRANSPORTATION COMPANY, a corporation, 1505 Malden Lane, Joplin, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 1014-18 Temple Building, Kansas City 6, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Springfield, Mo., and Wichita, Kans., from Springfield over U. S. Highway 166 to Joplin, Mo., thence over U. S. Highway 66 to junction Kansas Highway 26, thence over Kansas Highway 26 to junction Kansas Highway 96, thence over Kansas Highway 96 to junction U. S. Highway 160, thence over U. S. Highway 160 to junction U. S. Highway 75, thence over U. S. Highway 75 to junction Kansas Highway 96, thence over Kansas Highway 96 to Kansas Highway 47, thence over Kansas Highway 47 to junction Kansas Highway 96, thence over Kansas Highway 96 to Wichita, and return over the same route, serving all intermediate points on the above route between Fredonia, Kans., and Wichita, Kans., including Fredonia. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, and Oklahoma.

No. MC 1405 Sub 271, filed November 17, 1955, DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, 1624 Eye Street, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer chassis*, and *semi-trailer chassis*, (other than those designed to be drawn by passenger automobiles) including *accessories* and *equipment* therefor, in or attached to the transported trailers, in initial movements, in truckaway and driveaway service, from Longview, Gregg County, Tex., to all points in the United States, and (2) *Tractors*, other than farm tractors, in secondary movements, in driveaway service, only when drawing trailers moving in initial movements, in driveaway service, from Longview, Gregg County, Tex., to points in Arizona, Nevada, Oregon and Vermont. Applicant is authorized to conduct operations throughout the United States.

No. MC 7555 Sub 27, filed November 15, 1955, TEXTILE MOTOR FREIGHT, INC., P. O. Box 788, Laurinburg, N. C. Applicant's attorney: Reuben G. Crimm, Eight O Five Peachtree Street Building, Atlanta, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Teething Biscuits*, from Rochester, N. Y., to points in Alabama, Florida, North Carolina, and Florence, Greenville, and Sumter, South Carolina. Applicant is authorized to conduct operations in Maryland, South Carolina, Pennsylvania, New York, New Jersey, Alabama, West Virginia, Connecticut, Virginia, Delaware and Florida.

No. MC 18436 Sub 10, filed November 9, 1955, HAINES CAR-RIERS, INC., 1050 Fuhrmann Blvd., Buffalo, N. Y. Applicant's attorney: Harold G. Hernly, 1624 Eye Street,, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *new automobiles, trucks and chassis*, completely or partially assembled, restricted to initial movements, during the season of open navigation on the Great Lakes in truckaway service, from the sites of plants of the Chrysler Corporation in Wayne County, and Warren Township, Macomb County, Michigan, to points in New Jersey; and (2) *new automobiles, trucks and chassis*, completely or partially assembled, restricted to initial movements, in truckaway service, from the sites of plants of the Chrysler Corporation in Wayne County, and Warren Township, Macomb County, Michigan, to points in Providence County, R. I., those in Massachusetts bounded by a line beginning at the Massachusetts-Vermont State line and extending along U. S. Highway 5 to the Massachusetts-Connecticut State line, thence along the Massachusetts-Connecticut State line to the Massachusetts-Rhode Island State line, thence along the Massachusetts-Rhode Island State line to Fall River, Mass., thence along Massachusetts Highway 138 to Boston, Mass., thence along U. S. Highway 3 to the Massachusetts-New Hampshire State line, thence along the Massachusetts-New Hampshire State line to the Massachusetts-Vermont State line and thence along the Massachusetts-Vermont State line to the point of beginning, and those in Hartford County, Conn., north of a line beginning at the Hartford-Tolland County, Conn. line, and extending along old Connecticut Highway 15 to East Hartford, Conn., thence along U. S. Highway 44 to Canton, Conn., and thence along Connecticut Highway 4 to the Hartford-Litchfield County, Conn. line, including points on the indicated portions of the highways specified. Applicant is authorized to conduct operations in Michigan, Pennsylvania, New Jersey, New York, Rhode Island, Massachusetts, and Connecticut.

No. MC 22254 Sub 22, filed November 14, 1955, TRANS-AMERICAN VAN SERVICE, INC., 7540 S. Western Avenue, Chicago 20, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Self-propelled passenger or property carrying electric motor vehicles*, between all points in the United States. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and Wyoming.

No. MC 23942 Sub 6, filed November 7, 1955, ATLANTIC COAST LINE RAILROAD COMPANY, A Corporation, Box 461, Wilmington, N. C. Applicant's attorney: U. B. Ellis, Law Department, Atlantic Coast Line Railroad Company (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, (A) (1) between Latta, S. C., and Mullins, S. C., over South Carolina Highway 917, serving no intermediate points, as a connecting route, in connection with carrier's regular route operations between (a) New Bern, N. C., and Florence, S. C., which is a portion of regular route operations between New Bern, N. C., and Waycross, Ga., and (b) Dunn, N. C., and junction U. S. Highways 76 and 301 near Pee Dee, S. C., (2) between Manning, S. C., and Pinewood, S. C., over South Carolina Highway 261, serving no intermediate points, as a connecting route, in connection with carrier's regular route operations between (a) Sumter, S. C., and Kingstree, S. C., and (b) Remini, S. C., and Darlington, S. C., (3) this applied-for route is set up herein as two separate routes, as follows: (3) (a) between Giant, S. C., and Holly Hill, S. C., over South Carolina Highway 453, serving the intermediate point of Four Holes, S. C., (3) (b) between Holly Hill, S. C., and Orangeburg, S. C., from Holly Hill over U. S. Highway 176 to junction U. S. Highway 301, thence over U. S. Highway 301 to Orangeburg, serving no intermediate points, as a connecting route, in connection with carrier's regular route operations between (a) Robbins, S. C., and Lone Star, S. C., and (b) Holly Hill, S. C., and junction South Carolina Highways 6 and 33 (near Creston, S. C.), and (4) between Jacksonboro, S. C., and Walterboro, S. C., over South Carolina Highway 64, serving no intermediate points, as a connecting route, in connection with carrier's regular route operations between (a) New Bern, N. C., and Jacksonboro, S. C., which is a portion of regular route operations between New Bern, N. C., and Waycross, Ga., and (b) Ehrhardt, S. C., and Walterboro, S. C., which is a portion of regular route operations between Ehrhardt and junction South Carolina Highways 303 and 32 near Green Pond, S. C.; subject to the same restrictive conditions imposed in applicant's Certificates Nos. MC 23942 Subs 1, 3 and 4, except as provided for in this application. (B) Request for the elimination of the key point of Sumter, S. C., which key point restriction is imposed at Sumter, S. C., in the third condition under RESTRICTIONS in Certificate No. MC 23942 Sub 3. The third condition under RESTRICTIONS in Certificate No. MC 23942 Sub 3 with the elimination of the key point restriction of Sumter, S. C., is to provide as follows: No shipments shall be transported by said carrier between any of the following points, or through, or to, or from more than one of said points: Rocky Mount, Fayetteville, New Bern, and Wilmington, N. C., Florence-Darlington-Bennettsville, S. C. (considered as a single key point), Orangeburg, Columbia, and Charleston, S. C., Savannah, Waycross-Patterson-Nahunta-Brunswick-Dupont, Ga. (considered as a single key point), Cordele, Manchester, Altanta, Albany, and Thomasville, Ga., Roanoke, Birmingham, Montgomery, Troy, and Dothan, Ala., Jacksonville, Palatka, Gainesville-Newberry-Wilcox (considered as a single key point), Leesburg, Sanford-Orlando (considered as a single key point), St. Petersburg, Fort Myers, Clewiston, Tampa, and Lakeland-Haines City (considered as a single key point), Fla., except that said carrier may transport shipments from New Bern to Wilmington, N. C., and between Tampa, Fla., on the one hand, and, Lakeland-Haines City, Fla., on the other, provided such shipments have an immediately prior or immediately subsequent haul by rail. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, South Carolina and Virginia.

No. MC 38183 Sub 35, filed October 17, 1955, published on page 8235 of issue of November 2, 1955, amended on October 28, 1955, and republished on page 8409 of issue of November 9, 1955, now further amended on November 18, 1955. WHEELOCK BROS., INC., 720 E. 3rd St., Kansas City, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 6, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *Meats, meat products* and *meat by-products, dairy products*, and *articles distributed by meat-packing houses*, as defined by the Commission, and *such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, between Arkansas City, Kans., and Lindsborg, Kans., over U. S. Highway 166 from Arkansas City to junction U. S. Highway 81, thence over U. S. Highway 81 to Wichita, Kans., thence over presently authorized route (U. S. Highway 81) to Lindsborg, and return over the same route, serving the intermediate point of Wichita, Kans. The applicant also desires to join the proposed operations with present operations at any and all points common to both the proposed route and presently authorized routes. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Kansas, and Missouri.

No. MC 44969 Sub 2, filed September 16, 1955, VALVIN GRESHAM DRISKILL, High and Market Streets, Petersburg, Va. Applicant's attorney: John C. Goodin, State-Planters Bank Building, Richmond 19, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Plug and twist tobacco*, from Petersburg, Va. to Newport News, and Norfolk, Va., and *damaged plug and twist tobacco* on return. Applicant is authorized to conduct operations in Virginia and North Carolina.

No. MC 50069 Sub 163, filed November 17, 1955, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals, synthetic resins, lacquers, varnishes* and *liquid glues*, in bulk, in tank vehicles, from Swanton, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Pennsylvania, West Virginia and Wisconsin. Applicant is authorized to conduct operations in Ohio, Michigan, Indiana, Illinois, Pennsylvania, West Virginia, Kentucky, Missouri, Wisconsin, Minnesota, Connecticut, Iowa, Delaware, Kansas, Nebraska, Oklahoma and Tennessee.

No. MC 50069 Sub 164, filed November 17, 1955, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank trucks, from Ashland and Catlettsburg, Ky., and points within 10 miles of Ashland and Catlettsburg, to points in Michigan on and south of Michigan Highway 46. Applicant is authorized to conduct operations in Ohio, Michigan, Indiana, Pennsylvania, West Virginia, Illinois, Kentucky, Wisconsin, New York, Iowa, Minnesota, New Jersey, Missouri, Connecticut, Delaware, Nebraska and Oklahoma.

No. MC 52657 Sub 476, filed November 15, 1955, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (A) *Trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from Galion, Ohio, to all points in the United States; (B) *Tractors*, in secondary movements, in driveaway service, only when drawing trailers moving in initial movements, in driveaway service, as described above, from Galion, Ohio, to all points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia, and (C) *New bodies*, and *cabs* without wheels, and *hydraulic hoists*, from Galion, Ohio, to all points in Alabama, Arizona, California, Colorado, Florida, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nebraska (except Omaha), Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Vermont, Washington and Wyoming. Applicant is authorized to conduct operations throughout the United States.

No. MC 59894 Sub 11, filed November 14, 1955, TEXAS-ARIZONA MOTOR FREIGHT, INC., 1704 East 2nd Street, P. O. Box 1034, El Paso, Tex. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A and B explosives*, (1) between El Paso, Tex., and Midland, Tex., from El Paso, over U. S. Highway 80 to junction U. S. Highway 290, thence over U. S. Highway 290 to Ft. Stockton, Tex., thence over U. S. Highway 67 to McCamey, Tex., thence over Texas Highway 51 to Odessa, Tex., thence over U. S. Highway 80 to Midland, and return over the same route, serving all intermediate points; (2) between Ft. Stockton, Tex., and Alpine, Tex., over U. S. Highway 67, serving all intermediate points; (3) between Houston, Tex., and Ozona, Tex., from Houston over Alternate U. S. Highway 90 to junction Texas Highway 102,

thence over Texas Highway 102 (formerly Alternate U. S. Highway 90) to junction U. S. Highway 90, near Columbus, Tex., thence over U. S. Highway 90 via Columbus and Waelder, Tex., to San Antonio, Tex., thence over U. S. Highway 87 to Comfort, Tex., thence over Texas Highway 27 to junction U. S. Highway 290, thence over U. S. Highway 290 via Sonora, Tex., to Ozona, and return over the same route, serving all intermediate points, and the off-route point of San Jacinto Ordnance Depot, located approximately eight (8) miles southeast of Houston, Tex.; (4) between Houston, Tex., and junction U. S. Highway 90 and Alternate U. S. Highway 90 near Columbus, Tex., over U. S. Highway 90 (formerly Texas Highway 73), serving all intermediate points; (5) between Waelder, Tex., and San Antonio, Tex., from Waelder over Texas Highway 97 (formerly Texas Highway 3), to junction Alternate U. S. Highway 90, thence over Alternate U. S. Highway 90 (formerly Texas Highway 3) to Sequin, Tex., thence over unnumbered highway to San Antonio, and return over the same route, serving all intermediate points (6) between San Angelo, Tex., and Sonora, Tex., over U. S. Highway 277, serving all intermediate points; (7) between McCamey, Tex., and Sheffield, Tex., from McCamey over U. S. Highway 67 to junction Texas Highway 51, thence over Texas Highway 51 to Sheffield, and return over the same route, serving the intermediate point of Iraan, Tex.; (8) between Balmorhea, Tex., and Fort Davis, Tex., over Texas Highway 17, serving no intermediate points; and *general commodities* including *Class A and B explosives*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Odessa, Tex., and junction U. S. Highways 80 and 290, over U. S. Highway 80, serving no intermediate points; (2) between San Angelo, Tex., and Junction, Tex., from San Angelo over U. S. Highway 87 to junction U. S. Highway 83, thence over U. S. Highway 83 to Junction, and return over the same route, serving no intermediate points; and (3) between Midland, Tex., and San Angelo, Tex., from Midland over Texas Highway 158 to junction U. S. Highway 87, thence over U. S. Highway 87 to San Angelo, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Arizona, California, New Mexico, and Texas.

NOTE: Instant application is directly related to MC-F 6096, published in the FEDERAL REGISTER of October 19, 1955, on Page 7892.

No. MC 63290 Sub 4, filed November 7, 1955, WILLIAM O. MATTOX, doing business as MATTOX CHEMICAL TRANSPORT, 418 Grove St., Newark, N. J. Applicant's representative: Bert Collins, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from Philadelphia, Pa., to Old Bridge, N. J., together with *motion to dismiss* on ground that applicant believes authorization is already held to transport said commodity under existing authority in Certificate No. MC 63290 to transport "feed and chemicals". Replies by protestants, if any, to said motion must be filed with this Commission within 40 days after date of publication of the filing of the application in the FEDERAL REGISTER. The applicant is not presently specifically authorized to transport the commodity named in this application.

No. MC 72262 Sub 5, filed November 10, 1955, BURNSIDE MOTOR FREIGHT LINES, INC., 106 Scioto Street, Urbana, Ohio. Applicant's attorney: Harold G. Hernly, 1624 Eye Street, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (A) 1. Between Covington, Ohio and Greenville, Ohio, from Covington over U. S. Highway 36 to Greenville, and return over the same route, serving all intermediate points, and the off-route point of Bradford, Ohio. 2. Between Columbus, Ohio and Marion, Ohio, from Columbus over U. S. Highway 23 to Marion, and return over the same route, serving all intermediate points, and the off-route point of Green Camp, Ohio. 3. Between Columbus, Ohio and Lockbourne Air Force Base, Ohio, from Columbus over Lockbourne Road to its junction with the Groveport Pike, thence to Lockbourne Air Force Base, and return over the same route, serving no intermediate points. (B) 1. Between Greenville, Ohio and Mercer, Ohio, from Greenville over U. S. Highway 127 to Mercer, and return over the same route, serving no intermediate points, as a connecting route, in connection with carrier's regular route operations between (a) Zanesville, Ohio, and Chicago, Ill., (b) Chicago, Ill., and Dayton, Ohio, (c) Willshire, Ohio and junction U. S. Highway 33 and Ohio Highway 127 at Mercer, Ohio, and (d) Springfield, Ohio and Greenville, Ohio. 2. Between St. Marys, Ohio and junction U. S. Highway 33 and Ohio Highway 117, from St. Marys over U. S. Highway 33 via Wapakoneta and New Hampshire, Ohio to junction Ohio Highway 117, and return over the same route, serving no intermediate points, as a connecting route, in connection with carrier's regular route operations between (a) Zanesville, Ohio, and Chicago, Ill., and (b) Jacksontown, Ohio and Lima, Ohio. 3. Between Kirkwood, Ohio and junction Ohio Highway 543 and U. S. Highway 36 just east of Piqua, Ohio, from Kirkwood over Ohio Highway 543 to junction U. S. Highway 36 just east of Piqua, and return over the same route, serving no intermediate points, as a connecting route, in connection with carrier's regular route operations between (a) Zanesville, Ohio, and Chicago, Ill., and (b) Springfield, Ohio and Greenville, Ohio. (4) Between Bellefontaine, Ohio and Kenton, Ohio, from Bellefontaine over U. S. Highway 68 to Kenton, and return over the same route, serving no intermediate points, as a connecting route, in connection with carrier's regular route operations between (a) Urbana, Ohio and Bellefontaine, Ohio, and (b) Marysville, Ohio and Kenton, Ohio. 5. Between Marysville, Ohio and Marion, Ohio, from Marysville over Ohio Highway 4 to Marion, and return over the same route, serving no intermediate points, as a connecting route, in connection with carrier's regular route operations between (a) Jacksontown, Ohio and Lima, Ohio, (b) Marysville, Ohio and Kenton, Ohio, (c) Columbus, Ohio and Lima, Ohio, and (d) Urbana, Ohio and Delaware, Ohio. 6. Between Hebron, Ohio and Newark, Ohio, from Hebron over Ohio Highway 79 to Newark, and return over the same route, serving no intermediate points, as a connecting route, in connection with carrier's regular route operations between (a) Zanesville, Ohio, and Chicago, Ill., and (b) Jacksontown, Ohio and Lima, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana and Ohio.

No. MC 75320 Sub 70, filed November 14, 1955, CAMPBELL SIXTY-SIX EXPRESS, INC., 2333 E. Mill Street, P. O. Box 390, Springfield, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U. S. Highway 45 and unnumbered Mississippi County Road near Lauderdale, Miss., and Meridian, Miss., from junction U. S. Highway 45 and unnumbered Mississippi County Road near Lauderdale over unnumbered Mississippi County road to junction Mississippi Highway 39, thence over Mississippi Highway 39 to Meridian, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas.

No. MC 77291 Sub 2, filed October 28, 1955, JAMES FRANK JACOBS, doing business as JACOBS COAL & TRANSFER CO., Sparta, Ky. Applicant's attorney: Rudy Yessin, McClure Bldg., Sixth Floor, Frankfort, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, from Cincinnati, Ohio, and Jeffersonville, Ind., to points in Gallatin, Owen, and Carroll Counties, Ky.

No. MC 103993 Sub 61, filed November 14, 1955, MORGAN DRIVE-AWAY, INC., 509 Equity Bldg., Elkhart, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Bldg., 17 W. Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, by the truckaway method, in initial movements, from Camp Hill, Pa., to points in the United States, and *damaged shipments* of the above-specified commodity, on return movement. Applicant is authorized to conduct operations throughout the United States.

No. MC 103993 Sub 62, filed November 14, 1955, MORGAN DRIVE-AWAY, INC., 509 Equity Bldg., Elkhart, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 W. Market St., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, by the truckaway method, in initial movements, from St. Paul, Minn., to points in the United States, and *damaged shipments* of the above named commodity on return movement. Applicant is authorized to conduct operations throughout the United States.

No. MC 106398 Sub 50, filed November 14, 1955, NATIONAL TRAILER CONVOY, INC., 1916 N. Sheridan Road, P. O. Box 896, Dawson Station, Tulsa, Okla. Applicant's attorney: Anderson, Lesow & Lesh, 632 Illinois Bldg., 17 West Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from St. Paul, Minn., to all points in the United States; and *damaged or rejected trailers* on return movements. Applicant is authorized to conduct operations throughout the United States.

No. MC 106398 Sub 51, filed November 14, 1955, NATIONAL TRAILER CONVOY, INC., 1916 N. Sheridan Road, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 632 Illinois Bldg., 17 W. Market St., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *trailers*, designed to be drawn by passenger automobiles, by the truckaway method, in initial movements, from Camp Hill, Pa., to points in the United States, and *damaged shipments* of the above-specified commodity, on return movement. Applicant is authorized to conduct operations throughout the United States.

No. MC 106398 Sub 52, filed November 14, 1955, NATIONAL TRAILER CONVOY, INC., 1916 N. Sheridan Road, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 532 Illinois Bldg., 17 W. Market St., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, by the truckaway method, in initial movements, from the site of the Holiday Trailers Mfg., Inc., located approximately 8 miles south of El Reno, Okla., to points in the United States, and *damaged shipments* of the above-specified commodities, on return movement. Applicant is authorized to conduct operations throughout the United States.

No. MC 106398 Sub 53, filed November 14, 1955, NATIONAL CONVOY, INC., 1916 North Sheridan Road, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 632 Illinois Bldg., 17 W. Market St., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, by the truckaway method, in initial movements, from Clearwater, Fla., to points in the United States, and *damaged shipments* of the above-specified commodities, on return movement. Applicant is authorized to conduct operations throughout the United States.

No. MC 108836 Sub 9, filed November 7, 1955, COATES-NORRELL MOTOR EXPRESS, INCORPORATED, 614 West Holmes Street, Huntsville, Ala. Applicant's attorney: E. Blaine Buchanan, James Building, Chattanooga 2, Tenn. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, high explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Florence, Ala., and Collinwood, Tenn., from Florence over Alabama Highway 34 to the Alabama-Tennessee State line, thence over Tennessee Highway 13 to Collinwood, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Alabama and Tennessee.

No. MC 109451 Sub 52, filed November 14, 1955, ECOFF TRUCKING, INC., 112 Merrill St., Fortville, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Nitrogen fertilizer solution*, and *fertilizer ammoniating solution*, in bulk, in tank vehicles, from South Point, Ohio to points in Illinois, Michigan, and Pennsylvania; and *alcohol*, in bulk, in tank vehicles, from Ficklin, Ill., to points in Minnesota. Applicant is authorized to conduct operations in Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, West Virginia, and Wisconsin.

No. MC 109478 Sub 24, filed November 16, 1955, WORSTER MOTOR LINES, INC., East Main Road, R. D. #1, North East, Pa. Applicant's attorney: William W. Knox, 1101–5 Palace Hardware Building, Erie, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fruit juices*, in bulk, in tank vehicles, and *frozen foods*, from Geneva, Ohio, to points in New York, Pennsylvania, New Jersey, Maryland, Illinois, Indiana, Delaware, the Lower Peninsula of Michigan, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) on return movement.

No. MC 110436 Sub 17, filed October 19, 1955, published in the November 2, 1955 issue on page 8237, amended November 17, 1955, ROBERTSON TRANSPORTS, INC., 5700 Polk Street, Houston, Tex. Applicant's attorney: Harry W. Patterson, San Jacinto Building, Houston 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Acids* and *chemicals* (liquids), in bulk, in tank vehicles, from points in Montgomery County, Tex., to points in Louisiana, Arkansas, Oklahoma and New Mexico, and (2) *Petroleum lubricating oil*, in bulk, in tank vehicles, from points in the Houston, Tex. Commercial Zone, as defined by the Commission, to points in Eddy, Lea and Chavez Counties, N. Mex.

No. MC 110478 Sub 4, filed September 23, 1955, amended November 14, 1955, published October 12, 1955, page 7629, WATKINS TRUCKING, INC., 818 Gorley Street, Uhrichsville, Ohio. Applicant's attorney: Ralph W. Sanborn, Hartman Bldg., Columbus, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay products* and *fire clay*, palletized and non-palletized, from points in Tuscarawas County, Jefferson County, Springfield Township, Summit County, Palmyra Township, Portage County, Brown Township, Carroll County, Ohio, to points in Wisconsin, and *Empty containers, pallets, corrugated sheeting, cardboard, lumber, machinery, machinery parts and supplies* used in the manufacture, packing or shipping of clay products and fire clay, on return. Applicant is authorized to conduct irregular route operations in Delaware, Kentucky, Illinois, Indiana, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia and the District of Columbia.

No. MC 110698 Sub 67, filed November 16, 1955, MILLER MOTOR LINE OF NORTH CAROLINA, INC., J. ARCHIE CANNON, JR., TRUSTEE, Winton Rd., P. O. Box 457, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Macon, Ga. to Roanoke, Va. Applicant is authorized to conduct operations in North Carolina.

No. MC 110698 Sub 68, filed November 22, 1955, MILLER MOTOR LINE OF NORTH CAROLINA, INC., J. Archie Cannon, Trustee, P. O. Box 457, Winston Rd., Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Wash., D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, not including petroleum chemicals, in bulk, in tank vehicles, from Charleston and Boomer, W. Va., to points in Alleghany, Bath, Bland, Botetourt, Buchanan, Craig, Dickenson, Giles, Highland, Lee, Montgomery, Pulaski, Roanoke, Russell, Scott, Smythe, Tazewell, Washington, Wise, Wythe, Carroll, Grayson, Floyd, Patrick, Bedford, Campbell, Amherst, Rockbridge, and Augusta Counties, Va. Applicant is authorized to conduct operations in North Carolina, South Carolina and Georgia.

No. MC 112595 Sub 6, filed November 14, 1955, FORD BROTHERS, INC., 2940 S. Third Street, Box 419, Ironton, Ohio. Applicant's attorney: Chas. T. Dodrill, West Virginia Building, Huntington, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, between points in Scioto County, Ohio, on the one hand, and, on the other, points in Kentucky on and east of U. S. Highway 31W, including points on the indicated highway. Applicant is authorized to conduct operations in Kentucky, Michigan, Ohio, Virginia and West Virginia.

No. MC 113779 Sub 26, filed November 15, 1955, YORK INTERSTATE TRUCK-

ING, INC., 8222 Market Street Road, Houston, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Oakite Compounds*, in bulk, in tank vehicles, from Baton Rouge, La. to points in Arkansas and Texas, and *contaminated shipments of the above-described commodity* on return. Applicant is authorized to conduct operations in Louisiana, Texas, Oklahoma, Mississippi, Arkansas, New Mexico and Tennessee.

No. MC 113779 Sub 27, filed November 15, 1955 YORK INTERSTATE TRUCKING, INC., 8222 Market Street Road, P. O. Box 9686, Houston 15, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Houston, Tex., to points in Louisiana and Arkansas; and *rejected or contaminated shipments* of the commodity specified, on return movements. Applicant holds temporary authority to conduct operations in Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

No. MC 114012 Sub 10, filed November 10, 1955, B. D. ARMSTRONG, and C. EARL ARMSTRONG, doing business as ARMSTRONG BROTHERS, Sunbury, N. C. Applicant's attorney: James E. Wilson, Continental Building, 14th at K Street, NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural machinery, implements and parts*, as described in Ex Parte No. MC 45, from ports of entry on the International Boundary between the United States and Canada at or near Niagara Falls and Buffalo, N. Y., to points in Ohio, and *rejected, refused or damaged shipments* of the commodities specified, on return movements. Applicant is authorized to conduct operations in all states in the United States except Arizona, Arkansas, California, Colorado, Florida, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, Wyoming and the District of Columbia.

No. MC 114045 Sub 15, filed October 21, 1955, R. L. MOORE AND JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, 318 Cadiz St., P. O. Box 5842, Dallas 22, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Bldg., Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen cakes, cookies and pies*, from Lake City, Pa., to Oklahoma City, Okla., and Tulsa, Okla.; Little Rock, Ark.; Dallas, Houston, Fort Worth, Austin, Waco, San Antonio, El Paso, Lubbock and Amarillo, Tex.; and Shreveport, La., and New Orleans, La. Applicant is authorized to conduct operations between stated points in New York, Pennsylvania, Virginia, Kentucky, Louisiana, Oklahoma, Texas, Massachusetts, Connecticut, New Jersey, Maryland and the District of Columbia.

No. MC 115186 Sub 1, filed November 15, 1955, RAY E. RAMSEY, doing business as RAMSEY TRUCKING COMPANY, Box 1065, One Mile Combs Highway, Harlingen, Texas. Applicant's attorney: Kelley, Looney, McLean & Littleton, Woodroof Building, Edinburg, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cotton linters*, in bales, from Harlingen, Raymondville and Robstown, Tex., to Port Brownsville, Tex. (located near Brownsville, Tex.). Applicant holds temporary authority to conduct operations in Texas.

No. MC 115550 Sub 1, filed November 14, 1955, A. C. NORTHCUTT, doing business as NORTHCUTT TRUCK LINES, 513 Candelaria Road N. W., Albuquerque, N. Mex. Applicant's attorney: William J. Torrington, 1219 Simms Bldg., Albuquerque, N. Mex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Wood moulding*, from points in the El Paso, Tex., Commercial Zone, as defined by the Commission, to Dallas, Tex., Denver, Colo., Phoenix, Ariz., and points in the Los Angeles and San Francisco, Calif., Commercial Zones, as defined by the Commission.

No. MC 115562 Sub 1, filed November 10, 1955, TRI-STATE TRUCKERS AND LUMBER HAULERS, INC., 100½ Hunter Street, S. W., Atlanta, Ga. Applicant's attorney: James R. Venable, Walter R. Brown Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, rough and dressed, and *posts*, treated and untreated, from points in Georgia on and south of U. S. Highway 78 to points in Florida.

No. MC 115606, filed September 20, 1955, (amended) published page 8062, issue of October 26, 1955, NORTH CREEK TRUCKING, INC., North Creek, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rough lumber*, and *lumber dunnage*, used for flooring and shiplap, furniture manufacturing, manufacture of heels for women's shoes, doors, windows, boxes and crates, etc., from points in Warren, Essex, Hamilton, Franklin, Oneida, Herkimer and Lewis Counties, N. Y., to points in New York, New Jersey, New Hampshire, Massachusetts, Vermont, Connecticut, Pennsylvania, and Maine, and *wooden racks* used in the transportation of *rough lumber* on return.

NOTE: Applicant states: None of this lumber is finished lumber. Applicant has pending application similar to the above requested authority for contract operations and is agreeable that if and when the authority applied for herein is granted such contract carrier request may be cancelled or revoked.

No. MC 115643 Sub 1, filed November 14, 1955, JOHN J. GROSS, 1706 Arlington St., Independence, Mo. Applicant's attorney: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dairy products*, as defined by the Commission, *orange drinks*, and *similar products produced by dairies* for retail distribution, from Kansas City, Mo. to Paola, Kans. and Louisburg, Kans.; *empty containers or other* such incidental facilities (not specified) used in transporting the above-named commodities on return.

No. MC 115673, filed November 14, 1955, JOE UMTHUN AND VIRGIL IMTHUN, doing business as UMTHUN TRUCKING COMPANY, 910 South Jackson Street, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed*, and *ingredients for animal and poultry feed*, between Eagle Grove, Iowa, on the one hand, and, on the other, points in Minnesota, Nebraska, and South Dakota.

No. MC 115674, filed November 14, 1955, JACK W. GRAHAM, R. R. No. 2, North, Effingham, Ill. Applicant's attorney: Hugh J. Graham, Jr., 404 Reisch Bldg., Springfield, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Non-metal buildings*, complete, knocked down, or in sections, including all component parts, materials, supplies, and fixtures, and, when shipped with such buildings, *accessories* used in the erection, construction, and completion thereof, from Effingham County, Ill., to points in Iowa, Nebraska, Missouri, Arkansas, Kansas, Kentucky, Tennessee, Indiana, Ohio, Wisconsin, Michigan, and Minnesota; *materials, supplies, fixtures, and component parts* used in the manufacture of prefabricated non-metal buildings, from St. Louis County, Mo., and St. Clair, Peoria, and Cook Counties, Ill., to Effingham County, Ill.

No. MC 115675, filed November 14, 1955, R. A. BRUE, doing business as BRUE TRUCKING SERVICE, 1115 First Ave., Ottawa, Ill. Applicant's attorney: George S. Mullins, 4704 W. Irving Park Road, Chicago 41, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Industrial sand*, in bulk or in bags, from Wedron, Ill., to points in Indiana, Kentucky, Michigan, Iowa, Minnesota, Missouri, Ohio, and Wisconsin, and *fertilizer and fertilizer materials*, from Fulton, Ill., to points in Iowa and Wisconsin.

No. MC 115678, filed November 14, 1955, JOHN C. GILLEY, doing business as GILLEY'S TRUCK LINE, Brewster, Kans. Applicant's attorney: J. Wm. Townsend, 204–206 Central Building, Topeka, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Farm machinery* and *implements*, set up and knocked down, in minimum truck loads of 26,000 pounds, from Moline, Ill., Racine and Horicon, Wis., Waterloo and Des Moines, Iowa, and St. Joseph, Mo., to points in Thomas, Sherman, Cheyenne and Rawlins Counties, Kans., and *returned shipments* of the above-named commodities on return.

No. MC 115680, filed November 16, 1955, R. E. BROYLES, doing business as BOB BROYLES GRAIN CO., Lineville, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sacked commercial feed*, from St. Joseph, Mo. to points in Wayne, Appanoose, Clarke, Union, Lucas, Monroe, Decatur, and Ringgold Counties, Iowa, and those in Mercer, Putnam, Grundy, Sullivan, and Harrison Counties, Mo.

No. MC 115681, filed November 16, 1955, SETH INGRAM, Milford Center, Ohio. Applicant's attorney: Ralph W. Sanborn, 810 Hartman Building, Columbus, 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Road building equipment, road maintenance equipment, road building equipment parts and accessories*, and *road maintenance equipment parts and accessories*, between points in Marion Township, Marion County, Ohio, and points in the United States, including the District of Columbia.

No. MC 115682, filed November 17, 1955, A. C. BLACKBURN, doing business as A. C. BLACKBURN TANK TRUCK SERVICE, P. O. Box 1614, Hobbs, N. Mex. Applicant's attorney: Harold O. Waggoner, Simms Building, P. O. Box 1035, Albuquerque, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Water, crude oil* and *oils* used in or in connection with the completion, operation and repair of oil wells and gas wells, in bulk, in tank vehicles, between the sites of oil wells, gas wells and storage facilities located at points in Lea, Lincoln, Guadalupe, DeBaca, Otero, Eddy, Chaves, Roosevelt and Curry Counties, N. Mex., and Cochran, Hockley, Yoakum, Terry, Gaines, Dawson, Howard, Martin, Midland, Ector, Andrews, Winkler, Crane, Ward, Reeves, Culberson, Mitchell, Loving and Hudspeth Counties, Tex.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 668 Sub 57, filed October 3, 1955, (amended), Published on page 7892 of issue of October 19, 1955. INTER-CITY TRANSPORTATION CO., INC., 730 Madison Ave., Paterson, N. J. Applicant's representative: Edward F. Bowes, 1060 Broad St., Newark 2, N. J. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between the junction of Godwin Avenue and Paterson Avenue, in the Borough of Midland Park, N. J., and the junction of Oakland Avenue and East Oakland Avenue, in the Borough of Oakland, N. J., over Godwin Avenue from junction Paterson Avenue to junction Franklin Avenue, in the Township of Wyckoff, in the Borough of Franklin Lakes, N. J., thence over Franklin Avenue to junction Belmont Avenue, in the Borough of Oakland, N. J., thence over Belmont Avenue to junction U. S. Highway 202, thence over U. S. Highway 202 (also known as Oakland Avenue) to junction East Oakland Avenue, and return over the same route, serving all intermediate points. Simultaneously with grant of instantly applied for authority the applicant also requests that the restriction applicable against operations presently being conducted under authority from this Commission in Certificate issued on August 31, 1949, in Docket No. MC 668 Sub 46 be amended to read "operations over the above-specified route shall be conducted only in conjunction with the service performed over said carrier's presently authorized regular route west and north of the intersection of Passaic Street and New Jersey Highway 17, Rochelle Park, N. J., serving points on said carrier's presently authorized regular route only on Saddle River Road in Fairlawn, N. J., and points in Glen Rock, N. J., Midland Park, N. J., Wyckoff, N. J., Franklin Lakes, N. J., and Oakland, N. J., and that portion of Ridgewood, west of Hope Street and North Maple Avenue, not including North Maple Avenue" thereby allowing said previously authorized operations to be conducted in conjunction with the operations proposed under the authority now being applied for in this application. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 668 Sub 58, filed November 7, 1955, INTER-CITY TRANSPORTATION CO., INC., 733 Madison Avenue, Paterson, N. J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Glen Rock, N. J., and Fairlawn, N. J., from the junction of South Maple Avenue and Rock Road in Glen Rock, over South Maple Avenue to junction of South Maple Avenue and New Jersey Highway 208 access road, thence over New Jersey Highway 208 access road to junction of New Jersey Highway 208, thence over New Jersey Highway 208 to junction of New Jersey Highway 208 and New Jersey Highway 4, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

NOTE: Applicant further seeks in subject application to amend the restriction contained in Certificate No. MC 668 Sub 46, dated August 31, 1949, so as to include the right to serve points in Fairlawn, N. J., on New Jersey Highway 208.

No. MC 1501 Sub 114, filed November 17, 1955, THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago 4, Ill. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Ave. NW., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers, and mail* in the same vehicle with passengers, between Interchange No. 9 (Scranton Interchange) Northeastern Extension, Pennsylvania Turnpike System, and Valley Forge Interchange (Interchange No. 24) Pennsylvania Turnpike at King of Prussia, Pa., from Interchange No. 9 (Scranton Interchange), Northeastern Extension of the Pennsylvania Turnpike at junction U. S. Highway 11 near Clarks Summit, thence over the Northeastern Extension of Pennsylvania Turnpike to its junction with the Pennsylvania Turnpike Interchange No. 1 (Northeast junction Interchange), Northeastern Extension of Pennsylvania Turnpike, near Norristown, Pa., thence over Pennsylvania Turnpike to King of Prussia, Pa., Valley Forge Interchange (Interchange No. 24) Pennsylvania Turnpike, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations throughout the United States and the District of Columbia.

No. MC 114845 Sub 1, filed November 15, 1955, HARRY LOBEL, SAMUEL KUSHNER, and MARTIN COHEN, a partnership, doing business as MOUNTAIN LIMOUSINE SERVICE, 8230 Fayette Street, Philadelphia, Pa. Applicant's attorney: Jacob Polin, 257 Ellis Road, Havertown, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in special operations in non-scheduled door-to-door service, limited to the transportation of not more than six passengers in any one vehicle, but not including the driver thereof, and not including children under 10 years of age who do *not* occupy a seat or seats, during the period extending from May 15 to September 15, both inclusive, of each year, between Philadelphia, Pa., on the one hand, and, on the other, points in Orange County, N. Y. Applicant is authorized to conduct operations in Pennsylvania and New York.

APPLICATIONS UNDER SECTION 5(2) AND 210a (b)

No. MC–F 5952, published in the April 13, 1955, issue of the FEDERAL REGISTER on page 2444. By Amendment filed November 16, 1955, RICHARDS FREIGHT LINES, INC., proposes to purchase the entire operating rights of JET MOTOR LINES, INC., (WILLIAM FALCONER, RECEIVER). Additional authority sought to be transferred: *Such commodities* as are used or useful in the erection, operation, and dismantling of carnivals and the dismantling of factories, *heavy machinery, scrap iron, clay products, hollow building tile, iron and steel*, and *iron and steel products*, over irregular routes, from, to, and between certain points in Ohio, Pennsylvania, West Virginia and New York. Application was also filed on November 16, 1955, for temporary authority under Section 210a(b).

No. MC–F 6097, published in the October 19, 1955, the FEDERAL REGISTER on page 7893. Application filed November 21, 1955, for temporary authority under Section 210a(b).

No. MC–F 6135. Authority sought for control by CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby St., Portland, Oregon, of the operating rights and property of THE SILVER FLEET MOTOR EXPRESS, INC., 216 E. Pearl St., Louisville 2, Ky., Applicant's attorney: Donald A. Schafer, 803 Public Service Bldg., Portland 4, Oregon. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a common carrier, over regular routes, including routes between Nashville, Tenn., and Chicago, Ill., between Chattanooga, Tenn., and Chicago, Ill., between Louisville, Ky., and Chattanooga, Tenn., Charlestown, Ind., Columbus, and Cincinnati, Ohio, between Cincinnati, Ohio, and Mt. Vernon, Ky., between Indianapolis, Ind., and Cincinnati, and Columbus, Ohio, between Norton, Va., and Clintwood, Va., between Knoxville, Tenn., and Fontana, N. C., serving certain intermediate and off-route points;

several alternate routes for operating convenience only; *general commodities*, with certain exceptions not including household goods, over certain regular routes including routes between Nashville, Tenn., and Birmingham, Ala., between Asheville, N. C., and Knoxville, Tenn., between Asheville, N. C., and Murphy, N. C., and between Sylva, N. C., and Glenville, N. C., serving certain intermediate and off-route points; *empty trucks*, between Kingsport, Tenn., and Appalachia, Va., and between Jonesville, Va., and Duffield, Va., serving no intermediate points; *general commodities*, with certain exceptions including household goods, over irregular routes, between points in Indianapolis, Ind., between points in Anderson, Ind., and between points in Marion, Ind. CONSOLIDATED FREIGHTWAYS, INC., is authorized to operate in California, Idaho, Illinois, Iowa, Minnesota, Montana, Nevada, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6136. Authority sought for purchase by TRANSAMERICAN FREIGHT LINES, INC., 1700 N. Waterman Ave., Detroit 9, Mich., of the operating rights and property of LEONARD RAGLAND, 801 S. 7th St., St. Joseph, Mo., and for acquisition by R. B. GOTFREDSON and CHARLOTTE B. GOTFREDSON, both of Detroit, of control of said operating rights and property through the purchase. Applicant's attorney: Howell Ellis, 520 Illinois Bldg., Indianapolis 4, Ind. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Seneca, Kans., and St. Joseph and Kansas City, Mo., between St. Joseph, Mo., and Marysville, Kans., and between Smithville, Mo., and Kansas City, Kans., serving certain intermediate and off-route points; alternate routes for operating convenience only, between St. Joseph, Mo., on the one hand, and, on the other, points in the Kansas City, Mo.-Kans., Commercial Zone, as defined by the Commission, and between points in the Kansas City, Mo.-Kans., Commercial Zone as defined by the Commission, on the one hand, and, on the other, Hiawatha, Kans.; *general commodities*, with certain exceptions including household goods, over irregular routes, between St. Joseph, Mo., and Kansas City, Kans. Vendee is authorized to operate in Michigan, Illinois, Indiana, Ohio, Pennsylvania, Missouri, Kentucky, Wisconsin, New Jersey, New York, Connecticut, Iowa, Nebraska, Minnesota, Colorado, West Virginia, Delaware, and Kansas. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6137. Authority sought for control and merger by INTERSTATE MOTOR LINES, INC., 235 W. 3rd South, Salt Lake City 1, Utah, of the operating rights and property of AIRLINE EXPRESS, INC., 4401 Vine St., Denver, Colo., and for acquisition by T. S. CARTER, also of Salt Lake City, of control of the operating rights and property through the transaction. Applicant's attorney: Edward M. Berol, 100 Bush St., San Francisco 4, Calif. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between Denver, Colo., and Norton, Kans., between junction U. S. Highways 36 and 383 and Atwood, Kans., between Park, Kans., and Kansas City, Mo., and between Kansas City, Mo., and St. Francis, Kans., serving certain intermediate and off-route points; *grain, livestock, feed, automobile tires, batteries and accessories, farm machinery, petroleum products, flour, cotton goods, bags, bagging, containers, plumbing supplies, electrical appliances*, and *seed*, from, to and between certain points in Colorado, Kansas, Missouri, and Nebraska, serving certain intermediate and off-route points; *hardware, blacksmith supplies, agricultural machinery, plumbing fixtures, steel tanks, farm machinery, farm machinery parts, building material, tanks, fencing materials, pipe, pipe fittings, furniture, seed, petroleum products*, in containers, *advertising, road-building machinery, road-building machinery parts, bridge-building materials, agricultural implements and parts thereof, heavy machinery, construction materials, supplies and equipment, agricultural commodities, feed, livestock, malt beverages, harvester-thresher combines* and *parts thereof*, over irregular routes, from, to and between certain points in Kansas, Missouri, Nebraska and Colorado; *household goods*, as defined by the Commission, and emigrant movables, between Oakley, Kans., and points within 50 miles of Oakley, on the one hand, and, on the other, Kansas City, Kans., Kansas City and North Kansas City, Mo., and points in Colorado and Nebraska. INTERSTATE MOTOR LINES, INC., is authorized to operate in Colorado, Utah, Wyoming, Nevada, California, Illinois, Nebraska, and Iowa. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6138. Authority sought for control and merger by CARGO TRANSPORTATION, INC., 60 Lansdowne St., Cambridge, Mass., of the operating rights and property of IMPERIAL FREIGHT LINES, INC., 66 Binney St., Cambridge, Mass., and for acquisition by MORRIS L. ROSENBAUM, HYMAN BECKER, and NATHAN BECKER, all of Cambridge, of control of the operating rights and property through the transaction. Applicant's attorney: S. S. Eisen, 140 Cedar St., New York 6, N. Y. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between Albany, N. Y., and Boston, Mass., between Albany, N. Y., and Gloversville, N. Y., and between Endicott, N. Y., and Albany, N. Y., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods, over irregular routes, between certain points in New York and Massachusetts, on the one hand, and, on the other, certain points in Massachusetts, Connecticut and Rhode Island. CARGO TRANSPORTATION, INC., is authorized to operate in New York and Massachusetts. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6139. Authority sought for purchase by A. DUIE PYLE, INC., 131–141 E. Chestnut St., Coatesville, Pa., of the operating rights of BENJAMIN KABINOFF, MILTON KABINOFF, (MINNIE KABINOFF, ADMINISTRATRIX), SIDNEY KABINOFF, and ISADORE KABINOFF, (ROSE KABINOFF, ADMINISTRATRIX, doing business as NEW WAY TRANSPORT CO., 5 Roebling St., Brooklyn, N. Y., and for acquisition by A. DUIE PYLE, also of Coatesville, of control of said operating rights through the purchase. Applicants' attorney: Wilmer A. Hill, Transportation Bldg., Washington 6, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between New York, N. Y. and Camden, N. J., serving certain intermediate and offroute points; *general commodities*, with exceptions as specified above, over irregular routes, from, to and between certain points in New Jersey and New York; *plumbing fixtures and supplies*, from Trenton, N. J., to New York, N. Y.; *clothing*, from Red Bank, Long Branch, and Asbury Park, N. J., to New York, N. Y. Vendee is authorized to operate in Pennsylvania, New York, New Jersey, Maryland, Delaware, Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, North Carolina, Ohio, Rhode Island, Virginia, West Virginia, Wisconsin and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6140. Authority sought for purchase by SMITH TRANSPORT LIMITED, 150 Commissioner St., Toronto, Ontario, Canada, of the operating rights of EASON L. SIMMONS, 132 W. Main St., Watertown, N. Y., and for acquisition SMITHSONS HOLDINGS LIMITED, also of Toronto, HARRY SMITH, Montreal, Quebec, Canada, SAMUEL PHILIP SMITH, Oshawa, Ontario, Canada, THEODOR SMITH, Whitby, Ontario, Canada, and BRUCE SMITH, also of Toronto, of control of such operating rights through the purchase. Applicants' attorneys: Bert Collins, 140 Cedar St., New York, N. Y., Leonard H. Amdursky, 1 E. Bridge St., Oswego, N. Y., and Luke A. Burns, Unity Bldg., Watertown, N. Y., Operating rights sought to be transferred: *Talc*, as a *common carrier*, over irregular routes, from Balmat and Hailesboro, N. Y., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, and Pennsylvania; *condensed skimmed milk*, in barrels, from Pierrepont Manor and Adams Center, N. Y., to Hoboken and Paterson, N. J. Vendee is authorized to operate in New York, New Jersey, Vermont, Massachusetts and New Hampshire. Application has been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–9557; Filed, Nov. 29, 1955; 8:46 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 23, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31350: *Ingot molds from Pittsburgh, Pa., to Atlanta, Ga.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on ingot molds, ingot mold stools, bottom or sprue plates, carloads from Neville Island, Pittsburgh, and Pittsburgh (West End), Pa., to Atlanta, Ga.

Grounds for relief: Water-truck competition.

Tariff: Supplement 1 to Agent Boin's I. C. C. No. A–1079.

FSA No. 31351: *Phosphate of soda from trunk-line territory to the South.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on phosphate of soda, di-sodium phosphate, and trisodium phosphate, carloads, from Camden, N. J., Chester and Marcus Hook, Pa., and North Claymont, Del., to points in southern territory.

Grounds for relief: Short-line distance formula, circuity, and grouping.

Tariff: Supplement 1 to Agent Boin's I. C. C. No. A–1079.

FSA No. 31352: *Motor-rail rates, Missouri-Kansas-Texas Railroad, et al.* Filed by Middlewest Motor Freight Bureau, Agent, for interested rail and motor carriers. Rates on various commodities in loaded highway trailers, transported on railroad flat cars between St. Louis and Kansas City, Mo., on the one hand, and Fort Worth, Tex., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 31 to Middlewest Motor Freight Bureau MF–I. C. C. No. 223.

FSA No. 31353: *Artificial rubber from Southwest to Alabama.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rubber, crude, viz: artificial, synthetic or neoprene, carloads from points in Texas and Louisiana to Gadsden and Tuscaloosa, Ala.

Grounds for relief: Barge and truck competition.

Tariffs: Supplement No. 107 to Agent Kratzmeir's I. C. C. 4087; Supplement No. 114 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 31354: *Chlorobenzol to Pacific Coast.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on chlorobenzol and orthodichlorobenzol, tank-car loads from points in official, southern, southwestern, and western trunk-line territories, and western Canada to Pacific Coast points.

Grounds for relief: Circuity and to maintain grouping.

Tariff: Supplement 79 to Agent Prueter's I. C. C. 1564.

FSA No. 31355: *Motor-rail rates—St. Louis-San Francisco Railway, et al.* Filed by Middlewest Motor Freight Bureau, Agent, for interested motor and rail carriers. Rates on various commodities in loaded highway trailers, transported on railroad flat cars, between St. Louis, Mo., and Oklahoma City, Okla., and between Kansas City and Springfield, Mo., on the one hand, and Dallas, Texas, Memphis, Tenn., Oklahoma City and Tulsa, Okla., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 31 to Middlewest Motor Freight Bureau MF–I. C. C. No. 223.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–9518; Filed, Nov. 28, 1955; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3423]

NORTH SHORE GAS CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARY PURSUANT TO RIGHTS OFFERING, AND ACQUISITION OF SUBSIDIARY'S STOCK BY PARENT COMPANY AND ISSUANCE AND SALE BY SUBSIDIARY OF PRINCIPAL AMOUNT OF BONDS PURSUANT TO COMPETITIVE BIDDING

NOVEMBER 23, 1955.

North Shore Gas Company ("North Shore"), a public-utility subsidiary of New England Electric System ("NEES"), a registered holding company, and NEES have filed a joint application and an amendment thereto pursuant to sections 6 (b), 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 thereunder regarding the following proposed transactions:

Common stock transactions. North Shore, which presently has outstanding 198,975 shares of common capital stock (par value $10 per share), proposes to issue and sell for cash 39,795 additional shares, which will be offered to its stockholders at the price of $14 a share on the basis of one new share for each five shares held. Rights to subscribe will be evidenced by full and fractional share warrants, exercisable during a subscription period of 21 days. Full shares only will be issued.

NEES, which now owns 192,446 shares (96.719 percent) of North Shore's capital stock, proposes to exercise all its subscription rights (for 38,489 full shares of the additional stock) and also to purchase from North Shore all unsubscribed shares at the subscription price of $14 a share. NEES also states that it will offer during the subscription period to purchase from minority stockholders (numbering 125, and owning 6,529 shares) their present holdings together with their rights to subscribe for additional shares, on the basis of $16.50 a share. NEES will use treasury funds for its proposed acquisitions.

Bond transactions. North Shore also proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $2,500,000 principal amount of Series B bonds, to be dated as of December 1, 1955 and to mature December 1, 1975. The interest rate (to be a multiple of ⅛ of 1 percent, not in excess of 4 percent) and the price (to be not less than 100 percent nor more than 102¾ percent of the principal amount, excluding accrued interest) will be determined by competitive bidding.

The Series B bonds will be issued under a First Mortgage Indenture and Deed of Trust dated as of October 1, 1950, of Salem Gas Light Company, a predecessor of North Shore, as heretofore supplemented and as to be supplemented by a Second Supplemental Indenture from North Shore to The Merchants National Bank of Boston, Trustee, dated as of December 1, 1955.

The proceeds from the sale of the additional common stock and bonds, together with treasury funds, will be applied by North Shore to the payment of all short-term debt to banks (which was $2,200,000 at August 31, 1955), and the balance to short-term indebtedness payable to NEES (which was $1,225,000 at the same date).

The Massachusetts Department of Public Utilities, the regulatory commission of the State in which North Shore is organized and doing business, has approved the issuance and sale by North Shore of the additional comon stock and bonds as proposed.

Due notice having been given of the filing of said application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding with respect to the proposed transactions that the applicable provisions of the Act and the Rules thereunder are satisfied and that no adverse findings are necessary; and deeming it appropriate in the public interest and in the interest of investors and consumers that the application, as amended, be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said application as amended be, and it hereby is, granted, effective forthwith, subject to the conditions prescribed in Rules U-50 and U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–9554; Filed, Nov. 29, 1955; 8:46 a. m.]

[File No. 70–3421]

MISSOURI EDISON CO.

ORDER REGARDING ISSUANCE AND SALE OF NOTES TO BANK

NOVEMBER 21, 1955.

Missouri Edison Company ("Missouri Edison"), a public-utility subsidiary of Union Electric Company of Missouri, a registered holding company, has filed a declaration with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") in respect of the following proposed transactions:

Missouri Edison proposes to borrow from time to time up to June 30, 1956,

from The Boatmen's National Bank of St. Louis, amounts aggregating not in excess of $1,100,000, and to evidence each borrowing by the issuance to the bank of a promissory note maturing not later than September 30, 1956, and bearing interest at the prime rate effective in St. Louis on the dates of the particular borrowing.

The sums borrowed are to be used in part to repay at maturity outstanding bank loan notes in the amounts of $375,000 due January 18, 1956, and $225,000 due June 25, 1956; and the remainder of such proceeds are to be used to pay in part the costs of construction of additional facilities during 1955–1956.

It is contemplated that the funds for the repayment of the sums proposed to be borrowed and for the continuation of its construction program will be obtained by Missouri Edison through the issue and sale of additional bonds or other securities during the second half of 1956.

It appearing that no State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over the proposed issue and sale of securities; and that no fees, commissions, or expenses, other than nominal expenses, are to be incurred or paid in connection with the proposed transactions; and

Due notice of the filing of the declaration having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of, or ordered by, the Commission; and the Commission observing no basis for adverse findings, or for the imposition of any terms and conditions other than those prescribed in Rule U-24, and finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and of the rules thereunder, that the declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-9535; Filed, Nov. 28, 1955; 8:49 a. m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 20 NUMBER 233

Washington, Thursday, December 1, 1955

UNIVERSITY OF MICHIGAN
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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.272]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following December 3, 1955, paragraph (a) is amended by the addition of the following posts:

Iwo Jima, Bonin Islands.
Tarija, Bolivia.

2. Effective as of the beginning of the first pay period following November 19, 1955, paragraph (b) is amended by the addition of the following post:

Cajamarca, Peru.

(Sec. 102, Part I, E. O. 10,000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

Dated: November 22, 1955.

For the Secretary of State:

[SEAL] I. W. CARPENTER, Jr.,
Assistant Secretary-Controller.

[F. R. Doc. 55-9612; Filed, Nov. 30, 1955; 8:47 a. m.]

PART 350—TERRITORIAL POST DIFFERENTIALS AND TERRITORIAL COST-OF-LIVING ALLOWANCES

PAYMENT

Effective at the beginning of the first pay period after November 1, 1955, § 350.6 is amended as set out below.

§ 350.6 *Payment of territorial post differentials and territorial cost-of-living allowances.* (a) Additional compensation paid under authority of section 207 of the act shall not exceed in any instance 25 percent of the rate of basic compensation.

(b) Payments of territorial post differentials and territorial cost-of-living allowances shall begin as of the date of arrival at the post of duty on assignment, transfer, or detail, and shall stop as of the close of business on the date of departure from the post of duty for separation, transfer, or detail, except that in the case of local recruitment such payments shall begin and stop as of the beginning and end of employment.

(c) Payments to persons serving on a part-time basis shall be prorated to cover only those periods of time for which such persons receive basic compensation.

(d) Payments shall be made for all periods of sick leave and annual leave taken during the period covered by paragraph (b) of this section and for transit time authorized for purposes of leave so taken.

(e) Payment shall not be made for any time for which an employee does not receive basic compensation.

(f) Neither a territorial post differential nor a territorial cost-of-living allowance shall be included in the base used in computing overtime pay, night differential, holiday pay, retirement deductions, or any other additional compensation, allowance, or pay differential.

(g) Payment of a territorial post differential or territorial cost-of-living allowance shall not be construed to be an "equivalent increase" in compensation within the meaning of the Classification Act of 1949, as amended.

(h) Payments of territorial post differentials represent "additional compensation properly includible in the gross income of the recipient for Federal income tax purposes." (Letter of Commissioner of Internal Revenue to Bureau of the Budget, August 28, 1948.) Payments of territorial cost-of-living allowances "are excludable from gross income and exempt from Federal income tax under the provisions of Section 116 (j) of the Internal Revenue Code." (Revenue Ruling 237, Internal Revenue Bulletin No. 22 of October 26, 1953, page 13.)

(Sec. 202, Part II, E. O. 10,000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-9635 Filed, Nov. 30, 1955; 8:51 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter F—Banks for Cooperatives

[FCA Order 639]

PART 70—LOAN INTEREST RATES AND SECURITY

INCREASE IN INTEREST RATES BY CENTRAL BANK FOR COOPERATIVES

Effective December 1, 1955, the rate of interest which may be charged by the Central Bank for Cooperatives, as specified in § 70.4 of Chapter I, Title 6, Code of Federal Regulations, is hereby changed to 3½ per centum per annum.

Effective December 1, 1955, the rate of interest which may be charged by the Central Bank for Cooperatives, as specified in § 70.5 of Chapter I, Title 6, Code of Federal Regulations, is hereby changed to 3 per centum per annum.

Effective December 1, 1955, the rate of interest which may be charged by the Central Bank for Cooperatives, as specified in § 70.7 of Chapter I, Title 6, Code of Federal Regulations, is hereby changed to 4½ per centum per annum.

(Sec. 8, 46 Stat. 14, 12 U. S. C. 1141f)

[SEAL] R. B. TOOTELL, *Governor, Farm Credit Administration.*

[F. R. Doc. 55-9613; Filed, Nov. 30, 1955; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 815, Amdt. 1]

PART 815—REQUIREMENTS RELATING TO MARKETING OF SUGAR AND LIQUID SUGAR PRODUCED FROM SUGAR BEETS AND SUGARCANE GROWN IN CONTINENTAL UNITED STATES

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments herein are based on the provisions of the Sugar Act of 1948, as amended (61 Stat. 922 as amended by 65 Stat. 318, 7 U. S. C. 1100), and are made for the purpose of amending §§ 815.3 and 815.6 (c) (1) to clarify the manner in which this regulation relates to the disposition of mainland sugar and to modify the requirements relating to the refining and storage of mainland sugar under bond until released within an applicable quota and allotment.

Paragraph (c) (1) of § 815.6 establishes a limit on the movement of mainland sugar which is permitted to be marketed by the processors for refining and storage until released within an applicable quota and allotment. In view of the continued increase in year-end inventories of processors of raw mainland cane sugar, it is imperative that the provision permit the fullest possible use of storage facilities ordinarily used by refiners who are permitted to receive such sugar under the provisions of this paragraph consistent with the maintenance of adequate quota controls. The amendment of this paragraph is believed to accomplish this purpose.

Section 815.3 has been amended to include a clarifying provision that mainland sugar removed from the continental United States for consumption out of the continental United States is not chargeable to the quotas and allotments thereof for the domestic beet sugar area or the mainland cane sugar area.

Prior to the adoption of these amendments notice was given (20 F. R. 7815) that the Secretary was considering amending the regulations in the manner herein provided, and that any interested person might express his views in writing in respect thereto. The data, views and recommendations received pursuant to the notice have been duly considered within the limits permitted by the Sugar Act of 1948, as amended.

Sugar is now being processed from 1955-crop sugarcane. In order that the amendments set forth herein may be given effect in connection with the quantities of sugar from 1955-crop sugarcane now being delivered to refiners in excess of allotments established pursuant to Sugar Regulation 814.22, Amendment 1 (20 F. R. 7987), it is necessary that such amendments be made effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1103) is impracticable and contrary to the public interest and the amendment contained herein shall be effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (60 Stat. 922, 65 Stat. 318, 7 U. S. C. 1100), and the Administrative Procedure Act, §§ 815.3 and 815.6 of Sugar Regulation 815 are hereby amended as follows:

1. The following paragraph (c) is added to § 815.3:

§ 815.3 *Effect of marketings on quotas and allotments.* * * *

(c) A marketing of mainland sugar for which it is established to the satisfaction of the Secretary by sales and shipping documents of the processor and buyers, available pursuant to § 815.7, or otherwise, that such mainland sugar was removed from the continental United States for consumption outside thereof, shall not be effective for the purpose of filling a quota or allotments thereof.

2. Paragraph (c) (1) of § 815.6 is amended to read as follows:

§ 815.6 *Provisions of bond.* * * *

(c) *Conditions.* * * *

(1) In the case of any application approved by the Secretary to market to the principal named in the bond a quantity of mainland sugar for refining and storage, the principal shall hold and store, until release thereof is authorized by the Secretary, all of such quantity of mainland sugar, or an equivalent quantity of sugar or liquid sugar acquired within a quota or allotment. Such sugar or liquid sugar must be held and stored at the refinery where the mainland sugar was received or at other storage facilities where the quantity of sugar or liquid sugar refined or to be refined at such refinery is placed in storage after receipt of the mainland sugar under the bond.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153)

Done at Washington, D. C., this 28th day of November 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORRIS, *Acting Secretary of Agriculture.*

[F. R. Doc. 55-9642; Filed, Nov. 30, 1955; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 903—MILK IN ST. LOUIS, MO. MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 903.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions thereof, will tend

to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to Section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order, as amended, effective not later than December 1, 1955, so as to reflect current marketing conditions. Any delay beyond December 1, 1955, in the effective date of this order amending the order, as amended, will impair the orderly marketing of milk in the St. Louis, Missouri, marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected, substantial or extensive preparation prior to the effective date.

In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective December 1, 1955, and that it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order 30 days after its publication in the FEDERAL REGISTER (Sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the St. Louis, Missouri, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the representative period (October 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended and the aforesaid order, as amended, is hereby further amended as follows:

1. Add to § 903.51 (a) (2) the following proviso: "*Provided*, That for the months of April 1956 through June 1956, such rate shall be 4 cents, and for all other months from the effective date hereof through August 1956 such rate shall be 5 cents."

2. Amend § 903.51 (a) (3) to read as follows:

(3) For each month calculate a utilization percentage by (i) dividing the net pounds of Class I milk disposed of from all pool plants (except non-Grade A milk disposed of outside the marketing area and allocated to other source milk) plus the Class I milk disposed of in the marketing area from nonpool plants, all for the 12-month period ending with the beginning of the preceding month, into the total pounds of producer milk during such 12-month period, (ii) multiplying by 100, (iii) adding or subtracting, respectively, any amount by which such result is greater or less than a comparable 12-month utilization percentage as computed for the third month preceding, and (iv) rounding the resultant figure to the nearest whole percent.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 29th day of November 1955, to be effective on and after the 1st day of December 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

[F. R. Doc. 55-9661; Filed, Nov. 30, 1955; 8:53 a. m.]

[Docket No. AO-247-RO-1]

PART 916—MILK IN UPSTATE MICHIGAN MARKETING AREA

CORRECTION TO THE ORDER

In F. R. Doc. 55-8413 which appeared in the issue for Saturday, October 15, 1955, make the following change on page 7772:

In § 916.70 (b) (1) change the phrase "on or before the 16th day of each month ", to read "on or before the 15th day of each month".

Issued at Washington, D. C., this 25th day of November 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

[F. R. Doc. 55-9625; Filed, Nov. 30, 1955; 8:49 a. m.]

PART 945—TOMATOES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 945.301 *Limitation of shipments*—(a) *Findings.* (1) Notice of rule making regarding proposed limitation of shipments, to be made effective under Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945; 20 F. R. 7357), regulating the handling of tomatoes grown in the State of Florida, was published in the FEDERAL REGISTER November 4, 1955 (20 F. R. 8295). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and the data, views, and arguments filed by Herbert S. Young, P. O. Box 645, Boca Ratoa, Florida, W. H. Wahrendorff, President, Florida Hydroponic Growers' Cooperative Association Inc., P. O. Box 53, Kendall, Florida and J. R. Hime, President, Vita King Farms, Hypoluxo, Florida, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient in that the handling of tomatoes grown in the production area will have begun by the effective date of this section, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of tomatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted under the circumstances, for such preparation, and (v) notice has been given of the proposed limitation of shipments by publication thereof in the FEDERAL REGISTER of November 4, 1955 (20 F. R. 8295).

(b) *Order.* (1) During the period from December 5, 1955, to May 31, 1956, both dates inclusive, and except as otherwise provided in this section, no person shall handle tomatoes of any variety grown in the production area unless such tomatoes meet the requirements of the U. S. No. 2 or better grade.

(2) Pursuant to § 945.53 each person may handle not in excess of 300 pounds of tomatoes per day without regard to the requirements of this part.

(3) The requirements of subparagraph (1) of this paragraph shall not be applicable to shipments of tomatoes (i) to registered handlers within the production area, (ii) to all State-operated auction markets and to the Sumter County Farmers Market, Webster, Florida, (iii) to canning plants, or (iv) for relief or charity.

(4) Each handler making shipments of tomatoes to canning plants or for relief or charity shall file an application pursuant to § 945.56 with the committee for a Certificate of Privilege for such shipments. Further, each handler who ships tomatoes for relief or charity shall, pursuant to § 945.80, furnish a record of such shipments to the committee. In addition, each application for a Certificate of Privilege to ship tomatoes for relief or charity or to canning plants shall be accompanied by the respective consignee's certification that the tomatoes to be shipped to him will be used only for canning or for relief or charity, as the case may be.

(5) No person shall handle any tomatoes for which inspection is required unless an appropriate inspection certificate had been issued with respect thereto and the certificate is valid at the time of handling. For purposes of operation under this part, each inspection certificate is hereby determined, pursuant to paragraph (c) of § 945.60, to be valid for a period not to exceed 72 hours following completion of inspection as shown on the applicable certificate.

(6) "U. S. No. 2 Grade," as used in this section, shall have the same meaning assigned this term in the United States Standards for Fresh Tomatoes (§§ 51.1855 to 51.1876 of this title; 18 F. R. 7142), including the tolerances set forth therein. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945; 20 F. R. 7357).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 28, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 55-9640; Filed, Nov. 30, 1955; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

[B. A. I. Order 378, Amdt. 3]

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

INSPECTION AND CERTIFICATION

Pursuant to the provisions of sections 4 and 5 of the Act of May 29, 1884, as amended (23 Stat. 32, as amended; 21 U. S. C. 112, 113), section 10 of the Act of August 30, 1890 (26 Stat. 417; 21 U. S. C. 105), section 1 of the Act of February 2, 1903, as amended (32 Stat. 791, as amended; 21 U. S. C. 112, 113, 120, 121), the Act of March 4, 1907 (34 Stat. 1263; 21 U. S. C. 80, 81, 82, 86), and the Act of July 24, 1919 (41 Stat. 241; 21 U. S. C. 96), Part 91 of Title 9 of the Code of Federal Regulations, governing the inspection and handling of livestock for exportation, is hereby amended by changing the last sentence of paragraph (a) of § 91.4 to read as follows: "Certificates accompanying animals to the port of export shall show proper identification of the animals in the shipment with respect to breed, sex, and age and, when applicable, shall also show registration name, registration number, tattoo markings, tag number, or other natural or acquired markings, and shall be endorsed by the veterinarian in charge of Animal Disease Eradication Branch field activities of the Department in the State of origin of the animals, or by another Department veterinarian so authorized by the Chief of Branch."

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment clarifies the manner of identifying certain animals on certificates issued in connection with export shipments of such animals and will not adversely affect the rights or obligations of any persons subject to the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are unnecessary, impracticable, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 10, 26 Stat. 417, sec. 1, 26 Stat. 833, as amended; 21 U. S. C. 105, 112, 113, 120, 46 U. S. C. 466a. Interprets or applies 34 Stat. 1263, 41 Stat. 241, sec. 1, 32 Stat. 791, as amended; 21 U. S. C. 80–82, 86, 96, 121)

Done at Washington, D. C., this 28th day of November 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator.

[F. R. Doc. 55-9641; Filed, Nov. 30, 1955; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 22]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

MISCELLANEOUS AMENDMENTS

Section 3.345–3 of this supplement makes available to the general aviation public minimum standards concerning pulleys for control systems.

Section 3.10–1 is no longer necessary as the change to § 3.241 (effective August 25, 1955) requires dynamic loading to be considered in evaluating the design loads under the ground load conditions.

1. A new § 3.345–3 is added as follows:

§ 3.345–3 *Approval of pulleys for control systems (CAA policies which apply to § 3.345).* The Administrator does not issue specific approval as such for pulleys for general use on aircraft. Approval is limited to its use as a part of a specific airplane design. Conformance with the Army-Navy-Aeronautical Standards, National Aircraft Standards, or with standards established for pulleys previously approved for use in civil aircraft, or adequate substantiation of the manufacturer's own design through stress analysis or tests are the procedures utilized in complying with the "approved specifications" of CAR 3.345.

2. Section 3.10–1 as published in 19 F. R. 8653, December 17, 1954, is rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007; 49 U. S. C. 551)

This supplement shall become effective December 30, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9601; Filed, Nov. 30, 1955; 8:45 a. m.]

[Supp. 18]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

STRAIGHT-IN APPROACHES USING NON-DIRECTIONAL L/MF RADIO FACILITY

The purpose of this supplement is to clarify § 40.406–2 (c) (3). As presently written this subparagraph could be interpreted to mean that the CAA may establish circling minimums of 500–1 for four engine aircraft with stall speeds in excess of 75 m. p. h. Such an interpretation was not intended. Therefore, to eliminate any possibility of such an interpretation, § 40.406–2 (c) (3) is revised to read that when a non-directional L/MF radio facility is located on an airport, the minimum ceiling will be not less than 500 feet and the visibility minimums will be those specified in § 40.406–2 (c) (3) for circling approaches.

Section 40.406–2 (c) (3) is revised to read as follows:

§ 40.406–2 *Ceiling and visibility minimums—IFR (CAA policies which apply to § 40.406).* • • •

(c) *Landing minimums, regular, refueling, or provisional airports.* • • •

(3) *Straight-in approaches using non-directional L/MF radio facility.* When a non-directional L/MF radio facility is located on an airport, the minimum ceiling will not be less than 500 feet and the visibility minimum as specified in subparagraph (1) of this paragraph for circling approaches.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective December 30, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9602; Filed, Nov. 30, 1955; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 144]

PART 608—RESTRICTED AREAS

ALTERATION

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.18, the Banana River, Florida, area (R–162), amended on September 27, 1955 in 20 F. R. 7189, is further amended by changing the "Designated Altitudes" column to read: "Unlimited excluding that portion overlapping the Orlando Control Area above 13,000 feet MSL."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective December 23, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–9603; Filed, Nov. 30, 1955; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 46]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR CERTAIN LICENSES

Section 373.71 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by deleting the date "Before December 1, 1955" in the column headed "Fourth Quarter, 1955" and substituting in lieu thereof the date "Before December 16, 1955" for the following commodities:

Dept. of Commerce Schedule B No.	Commodity
630050	Aluminum scrap (new and old).
630070	Aluminum remelt ingots.
641300	Copper scrap (new and old) containing 40 percent or more copper.
644000	Copper-base alloy scrap (new and old) containing 40 percent or more copper.

This amendment shall become effective as of December 1, 1955.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55–9655; Filed, Nov. 30, 1955; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter A—Policies, Procedure, and Orders

[Docket 6383]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN BRAKE SHOE CO.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.715 *Charges and price differentials.* Subpart—*Selling below cost:* § 13.2180 *Selling below cost.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, American Brake Shoe Company, New York, N. Y., Docket 6383, November 15, 1955]

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission—charging the second largest bearing manufacturer in the industry, which, combined with the largest, accounted for more than 90 percent of that business, with violation of section 2 (a) of the Clayton Act through selling railroad car journal bearings at different prices in different trade areas from 1950 to 1954, and selling such bearings to a favored customer in the southeastern trade area (including the States of Virginia, North Carolina, Georgia, and Florida) at a lower price than that charged other customers in the same area, which was below the cost of manufacture and sale during much of the years 1953 and 1954—and an agreement between the parties providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, by the Commissioner's order of November 15, 1955, became, pursuant to § 3.21 of the rules of practice, the "Decision of the Commission".

Said "Decision of the Commission and Order to File Report of Compliance" is as follows:

Whereas, the hearing examiner on October 6, 1955, filed his initial decision in this matter, which initial decision was based upon an agreement for a consent order executed on September 13, 1955, by all parties; and

Whereas, upon its review of said initial decision the Commission has noted that the order to cease and desist contained therein, through inadvertent omission of a definition of the term "trade area," varies from the order to cease and desist agreed upon by the parties; and

In order to correct this obviously clerical omission and to conform the order in the initial decision with the form of order in the "Agreement Containing Consent Order to Cease and Desist" executed by the parties hereto:

It is ordered, That the order to cease and desist contained in said initial decision be modified so that the said order shall read in full as follows:

It is ordered, That respondent, American Brake Shoe Company, a corporation, and its officers, representatives, agents and employees, directly or indirectly, through the National Bearing Division or any other division, or through any corporate or other device, in or in connection with the sale of railroad car journal bearings in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from discriminating, directly or indirectly, in the price of said product by:

Selling railroad car journal bearings of like grade and quality to a purchaser in any trade area at prices different from those charged any other purchaser in the same trade area, whether the sale is effected through respondent's plant which customarily supplies such area or through any of its other plants, where, in the sale of said bearings to any purchaser charged a lower price, respondent is in competition with any other seller.

The term "trade area" as used herein means the geographical area customarily supplied with railroad car journal bearings by each of respondent's several manufacturing plants.

As so modified, the initial decision of the hearing examiner shall, on the 15th day of November 1955, become the decision of the Commission; and, accordingly

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: November 15, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55–9632; Filed, Nov. 30, 1955; 8:50 a. m.]

[Docket 6408]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BERJON CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods;* § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Berjon Company et al., Memphis, Tenn., Docket 6408, November 10, 1955]

In the Matter of E. R. Ferguson, Jr., and John R. Pepper, Individually and as Copartners Trading as The Berjon Company; and Brick Muller and Associates, a Corporation

This proceeding was heard by William L. Pack, hearing examiner, on the complaint of the Commission—charging respondents with the dissemination of false advertisements in newspapers and by radio broadcasts concerning their "Pep-Ti-Kon" vitamin and mineral preparation—and an agreement between the parties providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of November 10, 1955, became, pursuant to § 3.21 of the rules of practice, the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That respondents E. R. Ferguson, Jr., and John R. Pepper, individually and as copartners trading as The Berjon Company, and respondent Brick Muller and Associates, a corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation Pep-Ti-Kon, whether sold under the same or any other name, or any other preparation of substantially similar composition or possessing substantially similar properties, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Pep-Ti-Kon will prevent or overcome the discomforts caused by weather conditions or the lassitude experienced by some individuals in spring.

2. Bad teeth or false teeth cause, in all instances or in any percentage of instances contrary to established fact, the consumption of a diet which is deficient in iron.

3. Pep-Ti-Kon supplies essential minerals in the diet other than iron.

4. Boils or pimples are caused by iron or vitamin deficiencies or that Pep-Ti-Kon is an effective treatment for these conditions.

5. Loss of youth is due to iron deficiency.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in wirting setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 10, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55–9633; Filed, Nov. 30, 1955; 8:50 a. m.]

[Docket 6364]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN CREDIT BUREAU, INC., ET AL.

Subpart—*Misrepresenting oneself and goods*—Services:[1] § 13.1837 *Cost;*[1] § 13.1838 *Terms and conditions.*[1] Subpart—*Securing information deceptively:*[1] § 13.2168 *Securing information deceptively.*[1]

[1] New.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The American Credit Bureau, Inc., et al., Chicago, Ill., Docket 6364, November 10, 1955]

In the Matter of The American Credit Bureau, Inc., a Corporation; and Larry Lawrence, Eugene E. Stewart, and D. B. Dolmyer, Individually and as Officers and Directors of Said Corporation, and Victor Dolmyer, Individually and as Director of Said Corporation

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission—which charged a corporate collection agency and its officers with misrepresenting the cost and terms of services to customers and with making misleading statements in letters in attempts to obtain by subterfuge information concerning debtors—and an agreement between the parties providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of November 10, 1955, pursuant to § 3.21 of the rules of practice, became the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That respondents, The American Credit Bureau, Inc., a corporation, and its officers and directors, and Larry Lawrence, Eugene H. Stewart and D. B. Dolmyer, individually and as officers and directors of said corporation, and Victor Dolmyer, individually and as director of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the collection of, or attempts to collect, accounts in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from using any printed forms or written matter seeking information concerning delinquent debtors, which represents, directly or by implication, that the purpose for which the information is requested is other than that of obtaining information concerning delinquent debtors.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 10, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55–9634; Filed, Nov. 30, 1955; 8:51 a. m.]

Subchapter B—Trade Practice Conference Rules

[File No. 21–461]

PART 21—CORSET, BRASSIERE, AND ALLIED PRODUCTS INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the Group I trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of December 1, 1955.

Statement by the Commission. Trade practice rules for the Corset, Brassiere, and Allied Products Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which these rules are established is composed of persons, firms, corporations, and organizations engaged in the manufacture, importation, or marketing at any level of distribution, of corsets, brassieres, girdles, combinations, garter belts, bust pads, and related foundation garments.

The rules are directed to the prevention and elimination of various practices deemed to be violative of laws adminis-

tered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings under which the rules have been established were instituted pursuant to a joint application by The Corset and Brassiere Association of America, Inc., and Associated Corset and Brassiere Manufacturers, Inc. A general industry conference was held under Commission auspices in New York City on April 22, 1954, at which proposals for rules were submitted for consideration of the Commission. Thereafter, proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice a public hearing was held in New York City on June 23, 1955, and all matters there presented, or otherwise received in the proceeding, were duly considered by the Commission.

Thereafter, and upon full consideration of the entire matter final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules as approved become operative thirty (30) days after the date of their promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec.
21.0 Definitions.
21.1 Prohibited discrimination.
21.2 Misrepresentation in general.
21.3 Misrepresentation as to weight-reducing properties.
21.4 Identification and disclosure of fiber or material content.
21.5 Deception as to foreign origin.
21.6 Defamation of competitors or false disparagement of their products.
21.7 Commercial bribery.
21.8 Inducing breach of contract.
21.9 Prohibited forms of trade restraints (unlawful price fixing, etc.).
21.10 Exclusive deals.
21.11 Guarantees, warranties, etc.
21.12 Push money.
21.13 Discriminatory returns.
21.14 Consignment distribution.
21.15 Seconds, irregulars, or rejects.
21.16 Fictitious prices, price lists, etc.
21.17 Misuse of terms "close-outs," "discontinued lines," "special bargains," etc.
21.18 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 21.0 to 21.18 issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 21.0 *Definitions.* As used in the rules in this part, the terms "industry member" and "industry products" shall have the following meanings, respectively:

(a) *Industry member.* Any person, firm, corporation, or organization engaged in the manufacture, importation, or marketing at any level of distribution, of industry products. Industry members who purchase industry products for resale are sometimes referred to in these rules as customers or competing customers.

(b) *Industry products.* Corsets, brassieres, girdles, combinations, garter belts, bust pads, and related foundation garments.

General statement: The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

GROUP I

§ 21.1 *Prohibited discrimination* [1]—(a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential (whether in the guise of samples, or so-called free deals, or otherwise), where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

NOTE 1: Industry members giving advertising allowances to competing customers must exercise precaution and diligence in seeing that all of such allowances are used in accordance with the terms of their offers.

NOTE 2: When an industry member gives allowances to competing customers for advertising in a newspaper or periodical, the fact that a lower advertising rate for equivalent space is available to one or more, but not all, such customers, is not to be regarded by the industry member as warranting the retention by such customer or customers of any portion of the allowance for his or their personal use or benefit.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination and resulting competitive injury, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing contained in this section shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services of facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. See section 2 (b), Clayton Act. [Rule 1]

§ 21.2 *Misrepresentation in general.* It is an unfair trade practice to use, or cause or promote the use of, any false, untrue, or deceptive statement, representation, guarantee, warranty, testimonial, or endorsement, by way of advertising (through newspapers, magazines, circulars, booklets, or by radio, television, or any other medium), oral representation or otherwise, which has the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public with respect to the efficacy, curative or healthful properties, grade, quality, substance, weight, durability, serviceability, character, or manufacture of any product of the industry, or concerning the purported approval or endorsement of such product by State, Federal, medical, or other authority. [Rule 2]

§ 21.3 *Misrepresentation as to weight-reducing properties.* It is an unfair trade practice, in connection with the distribution, sale, or offering for sale of an industry product, to use, or cause or promote the use of, any statement, directly or indirectly, oral or otherwise, which represents or implies that an industry product has weight-reducing properties, when such is not the fact. [Rule 3]

[1] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

§ 21.4 *Identification and disclosure of fiber or material content.* In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to misrepresent the fiber or material content of any such product, or fail to disclose the fiber content of products containing rayon or acetate, silk, or linen, in accordance with the requirements of trade practice rules heretofore promulgated by the Commission for the Rayon and Acetate Textile Industry, Silk Industry, and Linen Industry: *Provided, however:*

(a) That industry products containing both nonelastic fabric and elastic material [2] shall be identified as to fiber content solely on the basis of the fiber content of the nonelastic fabric, provided the nonelastic fabric constitutes at least 75 percent of the surface area of the product, in which event the elastic material shall be identified as elastic material;

(b) That the rubber content of industry products shall not be taken into account in identifying the fiber content of industry products;

(c) That the fiber content of industry products consisting entirely of elastic material, as defined in part (a) of footnote 2 to paragraph (a) of this section, and containing rayon, acetate, silk, or linen, with or without other fibers, shall be identified on the basis of the nonrubber thread and the covering, if any, of the rubber thread contained in the product: *Provided, however,* That the fiber content of the rubber thread covering, if any, shall be set forth in conjunction with a legend reading, "With ---------- covered rubber thread" (the blank being filled in with the fiber content of the rubber thread covering);

(d) That the fiber content of industry products consisting entirely of elastic material, as defined in part (b) of footnote 2 to paragraph (a) of this section, shall be identified on the basis of the fiber content of the rubber thread covering;

(e) That in all cases where this section requires disclosure of the fiber content of the covering of rubber thread in elastic material, if the rubber thread is covered by more than one layer, each having a different fiber content, it shall be necessary only to disclose the fiber content of the outer or surface layer of such rubber thread covering: *Provided, however,* That the inner layer of such covering does not adversely affect the washability, drying time, and care and treatment, of the product, nor reduce or impair its use and general wearing qualities;

(f) That it shall not be necessary, in identifying the fiber content of industry products, to take into account the fiber content of any linings, paddings, trimmings, facings, casings, strippings, garter clasps, zippers, or hook and eye tapes, except those concerning which express or implied representations of fiber content are customarily made: *Provided,* That if any of the foregoing items purport to contain, or in any manner is represented as containing, rayon or acetate, silk, or linen, the provisions of the trade practice rules applicable thereto shall be complied with and the information required with respect to fiber content thereof shall be separately set forth and segregated. [Rule 4]

[2] Elastic material means either (a) material composed of covered or uncovered rubber thread, woven or knitted with thread which does not contain rubber, or (b) material composed entirely of covered rubber thread.

§ 21.5 *Deception as to foreign origin.* (a) It is an unfair trade practice falsely to represent, directly or by implication, through any means or device, the origin of any industry product or component part.

(b) It is also an unfair trade practice to fail to disclose, adequately and conspicuously, the foreign origin of any industry product or component thereof, where the failure to make such disclosure has the capacity and tendency or effect of deceiving purchasers or prospective purchasers. [Rule 5]

§ 21.6 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade or quality of the goods of competitors, their credit terms, values, policies, services, the nature or form of the business conducted, or in any other material respect, is an unfair trade practice. [Rule 6]

§ 21.7 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 7]

§ 21.8 *Inducing breach of contract.* (a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for any industry member to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more

industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 8]

§ 21.9 *Prohibited forms of trade restraints (unlawful price, price fixing, etc.)* [2] It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 9]

§ 21.10 *Exclusive deals.* It is an unfair trade practice for any member of the industry to contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 10]

§ 21.11 *Guarantees, etc.* (a) It is an unfair trade practice to use any guarantee respecting an industry product which does not make reasonable disclosure of the conditions or limitations of such guarantee, or which contains statements, representations, or assertions which have the capacity and tendency or effect of misleading or deceiving in any respect, or which are of such form, text, or character as to represent or imply that the guarantee is broader than is in fact true.

(b) It is an unfair trade practice for the guarantor to fail to observe scrupulously his obligation under the guarantee by him used or caused to be used.

(c) This section shall be applicable also to warranties or any writing purported to be a guarantee or warranty. [Rule 11]

§ 21.12 *Push money.* It is an unfair trade practice for any industry member to pay or contract to pay anything of value to a salesperson employed by a customer of the industry member as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the salesperson in promoting the resale of products supplied by the industry member to the customer.

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the salesperson's employer; or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the salesperson or customer is dependent on lottery or chance; or

(c) When any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sales of products of competitors of an industry member; or

(d) When, because of the terms and conditions of the agreement or understanding, including its duration, or the attendant circumstances, the effect may be to substantially lessen competition or tend to create a monopoly; or

(e) When similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with section 2 (d) and (e) of the Clayton Act.

NOTE: Payments made by an industry member to a salesperson or a customer under any agreement or understanding that all or any part of such payments is to be transferred by the salesperson to the customer, or is to result in a corresponding decrease in the salesperson's salary, are not to be considered within the purview of this section, but are to be considered as subject to the requirements and provisions of section 2 (a) of the Clayton Act.

[Rule 12]

§ 21.13 *Discriminatory returns.* It is an unfair trade practice for any member of the industry to discriminate in favor of one customer-purchaser against another customer-purchaser of industry products, bought from such member of the industry for resale, by contracting to furnish, or furnishing in connection therewith, upon terms not accorded to all customer-purchasers on proportionally equal terms, the service or facility whereby such favored customer is accorded the privilege of returning industry products so purchased and receiving therefor credit or refund of purchase price: *Provided, however,* That nothing in the rules in this part shall prohibit or be used to prevent the return of merchandise by purchaser for credit or refund of purchase price, when and because such merchandise has not been properly labeled by the seller in accordance with these rules or has been otherwise falsely or deceptively labeled or represented, or when and because such merchandise is defective in material, workmanship, or in any other respect is contrary to warranty or purchase contract: [3] *And provided, further,* That nothing in this section shall prohibit a purchaser from exchanging the current season's merchandise for different sizes of the same style number in order to balance purchaser's stock. (Nothing in this section is intended to modify or affect any of the requirements of § 21.1, entitled "Prohibited Discrimination.") [Rule 13]

§ 21.14 *Consignment distribution.* (a) It is an unfair trade practice for any member of the industry to employ the practice of shipping goods on consignment, pretended consignment, or for delivery "on memorandum":

(1) When such practice is so used, or the terms and conditions thereof so varied or arranged, as to effectuate a discrimination contrary to the provisions of § 21.1; or

(2) When such consignment, pretended consignment, or delivery "on memorandum," is used for the purpose and with the effect of artificially clogging trade outlets and unduly restricting competitors' use of said outlets in getting their products to purchasers or consumers through regular channels of distribution, and thereby injuring, destroying, or preventing competition, tending to create a monopoly, or unreasonably restraining trade.

(b) Nothing in this section shall be construed as restricting or preventing consignment shipping, or marketing "on memorandum," when carried out in good faith and without illegal discrimination, suppression of competition, or undue interference with competitors' use of the usual channels of distribution. [Rule 14]

§ 21.15 *Seconds, irregulars, or rejects.* (a) Industry products which are "seconds," "irregulars," or "rejects," or which are represented as being "seconds," "irregulars," or "rejects," shall be so marked, clearly and conspicuously, to the end that confusion, misunderstanding, or deception of the purchasing or consuming public may be avoided and prevented. "Seconds" may be marked or referred to by the manufacturer as "seconds," "irregulars," or "rejects" provided that such marking or reference clearly indicates that the product is not of first quality. Such disclosure of "seconds," "irregulars," or "rejects" shall also be made on invoices as well as on the garment itself, and on the immediate package, if any, in which it is sold to the consumer, and on display cards, advertisements, or other representations under which such "seconds," "irregulars," or "rejects" are offered for sale or advertised to the purchasing or consuming public.

(b) It is an unfair trade practice deceptively to conceal the fact that said industry products are "seconds," "irregulars," or "rejects," or to fail or refuse to make such disclosure to the end specified in paragraph (a) of this section. [Rule 15]

§ 21.16 *Fictitious prices, price lists, etc.* (a) The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, terms or conditions of sale, or reports as to production or sales, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, or the advertising, sale, or offering for sale of industry products at prices purporting to be reduced from what are in fact fictitious prices, or at purported reductions in prices when such purported reductions are in fact fictitious or are otherwise misleading or deceptive, is an unfair trade practice.

(b) It is an unfair trade practice, in connection with the sale, offering for sale, or distribution of industry products at prices that are in any manner represented as reduced from or lower than current, former, or regular prices, to use, or to furnish or supply for such use, price tags, labels, or advertising material that set forth a false, fictitious, or exaggerated current, former, or regular price, or a false, fictitious, or exaggerated manufacturer's or distributor's suggested retail selling price, or that contain what purport to be bona fide price quotations which are in fact higher than the prices at which such products are regularly and customarily sold in bona fide retail transactions. It is likewise an unfair trade practice to distribute, sell, or offer for sale to the consuming public in such manner products bearing such false, fictitious, or exaggerated price tags or labels. [Rule 16]

§ 21.17 *Misuse of terms "close-outs," "discontinued lines," "special bargains," etc.* It is an unfair trade practice to offer for sale, sell, advertise, describe, or otherwise represent, industry products as "Close-outs," "Discontinued Lines," or "Special Bargains," by use of such terms or by words or representations of similar import, when such is not true in fact; or to so offer for sale, sell, advertise, describe, or otherwise represent industry products where the capacity and tendency or effect thereof is to lead the purchasing or consuming public to believe such products are being offered for sale or sold at greatly reduced prices, or at so-called "bargain" prices, when such is not the fact. [Rule 17]

§ 21.18 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly, or indirectly, to use or promote the use of any unfair trade practice specified in these rules. [Rule 18]

Promulgated by the Federal Trade Commission December 1, 1955.

Issued: November 28, 1955.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-9639; Filed, Nov. 30, 1955; 8:52 a. m.]

[2] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[3] It is the consensus of the industry that where a purchaser is entitled to return goods for any of the reasons hereinabove set forth, such return shall be made within fifteen (15) days after receipt of the goods.

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 545—HOMEWORKERS IN THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

CLARIFICATION

The amendment of Part 545, as contained in the November 9, 1955 issue of the FEDERAL REGISTER (20 F. R. 8372), to become effective December 9, 1955, amended §§ 545.1–545.14 but does not affect § 545.100 of this title which remains in full force and effect.

Signed at Washington, D. C., this 28th day of November 1955.

NEWELL BROWN, *Administrator, Wage and Hour Division.*

[F. R. Doc. 55-9636; Filed, Nov. 30, 1955; 8:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

JAMAICA BAY, LONG ISLAND, NEW YORK

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.37 is hereby prescribed establishing and governing the use and navigation of a seaplane restricted area in Jamaica Bay, Long Island, New York, as follows:

§ 207.37 *Jamaica Bay, Long Island, New York; seaplane restricted area—* (a) *The restricted area.* An area in Jamaica Bay bounded as follows: Beginning at Island Channel Range Front Light; thence 157° 00′ true, 1,125 yards to Runway Channel Lighted Buoy A; thence 113° 00′ true, 3,000 yards through Big Fishkill Channel Lighted Buoy 3, and Runway Channel Lighted Buoy D to Runway Channel Lighted Buoy E; thence 194° 00′ true, 250 yards to a point on a line ranging with Church Spire, Rockaway Beach; thence 238° 00′ true, 3,275 yards to a point on a line ranging with the Cupola, Rockaway Point Coast Guard Station No. 92; thence 326° 00′ true, 465 yards to a point on a line ranging between the West Tower of the Twin Towers, Jacob Riis Park and the westerly side of seaplane runway at south side of Naval Air Station, Floyd Bennett Field; thence 30° 00′ true, 875 yards to Fourteen Foot Spot Lighted Buoy on a line ranging with the Cupola, Rockaway Point Coast Guard Station No. 92; thence 344° 00′ true, 3,000 yards through Island Channel Lighted Buoy 7 to Island Channel Can Buoy 7, thence 60° 00′ true, 325 yards to the point of beginning, excluding therefrom Nova Scotia Bar defined by lines connecting the following buoys: Nova Scotia Bar Lighted Buoy, Island Channel Lighted Buoy 6, Runway Channel Lighted Buoy B, Runway Channel Lighted Buoy C, and Beach Channel Lighted Buoy 1A.

(b) *The regulations.* (1) Vessels shall not anchor or moor within the restricted area.

(2) All vessels traversing the area shall pass directly through without unnecessary delay, and shall give seaplanes the right-of-way at all times.

(3) The regulations in this section shall be enforced by the Commander, Third Coast Guard District, and such agencies as he may designate.

[Regs., November 7, 1955, 800.2121 (Jamaica Bay, N. Y.)-ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] JOHN A. KLEIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 55-9600; Filed, Nov. 30, 1955; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53958]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

WAIVER OF COASTWISE TOWING LAWS

NOVEMBER 23, 1955.

Upon the written recommendation of the Secretary of the Army, acting under the delegation of August 18, 1955 (20 F. R. 6361), of certain powers of the Secretary of Defense with respect to matters concerning the St. Lawrence Seaway Power Project or the St. Lawrence Seaway Navigation Project, and by virtue of the authority vested in me by the Act of December 27, 1950 (64 Stat. 1120), and Revised Treasury Department Order No. 165 (T. D. 53654), I hereby waive compliance with section 316, title 46, United States Code, to the extent necessary to permit the Canadian tug "Newfie Queen" to tow an American barge loaded with construction equipment for work on the Galop South Channel in the St. Lawrence Seaway on a single movement from Lyons, New York, to Oswego, New York; the Canadian tug "Salvage Prince" to tow that barge on a single movement from Oswego, New York, to Clayton, New York; and the Canadian tug "Newfie Queen" to conclude the operation by towing that barge on a single movement from Clayton, New York, to Ogdensburg, New York, the towing operation to commence on or about this date.

(Sec. 1, 64 Stat. 1120; 46 U. S. C. prec. sec. 1)

[SEAL] RALPH KELLY, *Commissioner of Customs.*

[F. R. Doc. 55-9638; Filed, Nov. 30, 1955; 8:51 a. m.]

[T. D. 53960]

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

ENTRY OF MERCHANDISE ARRIVING UNDER IMMEDIATE TRANSPORTATION ENTRIES AND SHIPMENTS OF BAGGAGE IN BOND

In view of the amendment of section 484 (f), Tariff Act of 1930, by section 3 (b) of the Customs Simplification Act of

1953 (67 Stat. 509), the Customs Regulations are hereby amended as follows:

1. The last sentence of § 18.12 (e) is deleted.

2. The first sentence of § 18.13 (a) is amended to read: "Baggage may be forwarded in bond to another port of entry (see also § 18.11 (c)) at the request of the passenger, the transportation company, or the agent of either, under cord and seal and baggage manifest described in paragraph (c) of this section without examination or assessment of duty at the port of first arrival."

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 22, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-9637; Filed, Nov. 30, 1955; 8:51 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 221—TIMBER

WHERE TIMBER MAY BE CUT

Part 221 is hereby amended by the revision of § 221.5 to read as follows:

§ 221.5 *Where timber may be cut.* (a) The cutting of timber may be authorized as prescribed by regulation on any national forest land whether reserved from the public domain, purchased, acquired by exchange, donated, or transferred from other Federal agencies, or on land administered by the Forest Service under an authorization for the application to it of the regulations for the occupancy and use of the national forests, except for:

(1) Timber reserved by a grantor of land during the life of such reservation.

(2) Timber reserved from cutting under other regulations.

(3) Timber on valid unpatented mining claims located prior to July 23, 1955, unless the claimant has executed a waiver pursuant to section 6 of the act of July 23, 1955 (69 Stat. 367), or unless, pursuant to a proceeding under section 5 of that act, the claimant has failed to file a verified statement or has failed to establish the validity and effectiveness of his asserted rights, and timber on valid claims other than mining claims, when any of such claims were located or entered prior to:

(i) The first publication of the notice of sale.

(ii) The execution of the sale contract or approval of permit for timber where disposal is without publication of notice.

(iii) The recommendation by the Department of Agriculture to the Department of the Interior for an exchange in which timber on the area is to be given to the proponent.

(iv) The first publication of a notice of hearing under the provisions of § 221.4 on a cooperative or Federal sustained yield unit including the area.

(b) The cutting of timber on mining claims shall be conducted in such manner as not to endanger or materially interfere with prospecting, mining or processing operations.

(c) No person shall prevent or interfere with the cutting and removal of timber under any sale, permit, grant, contract, or establishment of a sustained yield unit because of a location or entry made subsequent to authorized actions for timber disposal.

(d) Timber on an unpatented claim to which the United States does not otherwise have disposal rights may be disposed of with the written consent of the claimant, or, in emergencies arising from insect infestations, disease infections, or rapid deterioration of timber killed or dying from fire or other causes, without the consent of the claimant.

(e) Timber on an unpatented claim may be cut by the claimant only for the actual development of the claim or for uses consistent with the purposes for which the claim was entered. Any severance or removal of timber, other than severance or removal to provide clearance, shall be in accordance with sound principles of forest management as applied in the severance and removal of timber from the surrounding national forest lands.

(f) Timber on unapproved selections or other lands of unsettled status may be sold, or otherwise disposed of with prior approval of the Regional Forester, in emergencies to prevent loss, under arrangement guaranteeing payment of not less than the stipulated price for the timber cut if title is not perfected adversely to the United States within a specified period, or if claim of title thereto adverse to the United States is determined to be invalid.

(g) With prior approval by the Regional Forester, timber on lands under option by the United States or on offered lands included in an approved land exchange agreement may be sold. Before the sale is made, a cooperative agreement must be made with the owner of the land authorizing the Forest Service to conduct the sale and providing for return of stumpage receipts to the owner if title to the land is not accepted by the United States.

(Sec. 1, 30 Stat. 35, as amended, 16 U. S. C. 551. Interprets or applies sec. 4, Pub. Law 167, 84th Cong., 69 Stat. 368)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 28th day of November 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 55-9643; Filed, Nov. 30, 1955; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1255]

[Spokane 015025]

WASHINGTON

RESERVING PUBLIC LANDS IN CONNECTION WITH SUNNYSIDE WATERFOWL MANAGEMENT AREA

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, the act of September 2, 1937 (50 Stat. 917; 16 U. S. C. 669-669i), and the act of March 10, 1934, as amended by the act of August 14, 1946 (48 Stat. 401; 60 Stat. 1080; 16 U. S. C. 661-666c), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Washington are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use of the Department of Game of the State of Washington in connection with the Sunnyside Waterfowl Management Area, under such conditions as may be prescribed by the Secretary of the Interior:

WILLAMETTE MERIDIAN

T. 8 N., R. 23 E.,
Sec. 2, S½SE¼;
Sec. 10, N½NE¼;
Sec. 12, N½NW¼, SE¼NW¼, SW¼NE¼.

The areas described aggregate 320 acres.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

NOVEMBER 25, 1955.

[F. R. Doc. 55-9607; Filed, Nov. 30, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

GAIN OR LOSS ON DISPOSITION OF PROPERTY

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 1051, 1071, 1081, 1082, 1091, and 7805 of the Internal Revenue Code of 1954 (68A Stat. 310, 311, 312, 315, 319, 917; 26 U. S. C. 1051, 1071, 1081, 1082, 1091, 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

The following regulations relating to gain or loss on the disposition of property are hereby prescribed under parts IV, V, VI, and VII of subchapter O of chapter 1 of the Internal Revenue Code of 1954, and are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

Sec.
1.1051 Statutory provisions; property acquired during affiliation.
1.1051-1 Basis of property acquired during affiliation.
1.1052 Statutory provisions; basis established by the Revenue Act of 1932 or 1934 or by the Internal Revenue Code of 1939.
1.1052-1 Basis of property established by Revenue Act of 1932.
1.1052-2 Basis of property established by Revenue Act of 1934.
1.1052-3 Basis of property established by the Internal Revenue Code of 1939.
1.1053 Statutory provisions; basis of property acquired before March 1, 1913.
1.1053-1 Property acquired before March 1, 1913.
1.1054 Statutory provisions; cross references.
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SPECIAL RULES

§ 1.1051 *Statutory provisions; property acquired during affiliation.*

SEC. 1051. *Property acquired during affiliation.* In the case of property acquired by a corporation, during a period of affiliation, from a corporation with which it was affiliated, the basis of such property, after such period of affiliation, shall be determined in accordance with regulations prescribed by the Secretary or his delegate, without regard to inter-company transactions in respect of which gain or loss was not recognized. For purposes of this section, the term "period of affiliation" means the period during which such corporations were affiliated (determined in accordance with the law applicable thereto) but does not include any taxable year beginning on or after January 1, 1922, unless a consolidated return was made, nor any taxable year after the taxable year 1928. The basis in case of property acquired by a corporation during any period, in the taxable year 1929 or any subsequent taxable year, in respect of which a consolidated return was made by such corporation under chapter 6 of this subtitle (sec. 1501 and following) or under section 141 of the Internal Revenue Code of 1939 or of the Revenue Act of 1938, 1936, 1934, 1932, or 1928 shall be determined in accordance with regulations prescribed under section 1502 or in accordance with regulations prescribed under the appropriate section 141, as the case may be. The basis in the case of property held by a corporation during any period, in the taxable year 1929 or any subsequent taxable year, in respect of which a consolidated return was made by such corporation under chapter 6 of this subtitle or such section 141 shall be adjusted in respect of any items relating to such period, in accordance with regulations prescribed under section 1502 or in accordance with regulations prescribed under the appropriate section 141, as the case may be.

§ 1.1051-1 *Basis of property acquired during affiliation.* (a) (1) The basis of property acquired by a corporation during a period of affiliation from a corporation with which it was affiliated shall be the same as it would be in the hands of the corporation from which acquired. This rule is applicable if the basis of the property is material in determining tax liability for any year, whether a separate return or a consolidated return is made in respect of such year. For the purpose of this section, the term "period of affiliation" means the period during which such corporations were affiliated (determined in accordance with the law applicable thereto), but does not include any taxable year beginning on or after January 1, 1922, unless a consolidated return was made, nor any taxable year after the taxable year 1928.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. The X Corporation, the Y Corporation, and the Z Corporation were affiliated for the taxable year 1920. During that year the X Corporation transferred assets to the Y Corporation for $120,000 cash, and the Y Corporation in turn transferred the assets during the same year to the Z Corporation for $130,000 cash. The assets were acquired by the X Corporation in 1916 at a cost of $100,000. The basis of the assets in the hands of the Z Corporation is $100,000.

(b) The basis of property acquired by a corporation during any period, in the taxable year 1929 or any subsequent taxable year, in respect of which a consolidated return was made or was required under the regulations governing the making of consolidated returns, shall be determined in accordance with such regulations. The basis in the case of property held by a corporation during any period, in the taxable year 1929 or any subsequent taxable year, in respect of which a consolidated return is made or is required under the regulations governing the making of consolidated returns, shall be adjusted in respect of any items relating to such period in accordance with such regulations.

(c) Except as otherwise provided in the regulations promulgated under section 1502, or the regulations under section 141 of the Internal Revenue Code of 1939 or the Revenue Acts of 1938, 1936, 1934, 1932, or 1928, the basis of property after a consolidated return period shall be the same as the basis immediately prior to the close of such period.

§ 1.1052 *Statutory provisions; basis established by the Revenue Act of 1932 or 1934 or by the Internal Revenue Code of 1939.*

SEC. 1052. *Basis established by the Revenue Act of 1932 or 1934 or by the Internal Revenue Code of 1939*—(a) *Revenue Act of 1932.* If the property was acquired, after February 28, 1913, in any taxable year beginning before January 1, 1934, and the basis thereof, for purposes of the Revenue Act of 1932 was prescribed by section 113 (a) (6), (7), or (9) of such Act (47 Stat. 199), then for purposes of this subtitle the basis shall be the same as the basis therein prescribed in the Revenue Act of 1932.

(b) *Revenue Act of 1934.* If the property was acquired, after February 28, 1913, in any taxable year beginning before January 1, 1936, and the basis thereof, for purposes of the Revenue Act of 1934, was prescribed by section 113 (a) (6), (7), or (8) of such Act (48 Stat. 706), then for purposes of this subtitle the basis shall be the same as the basis therein prescribed in the Revenue Act of 1934.

(c) *Internal Revenue Code of 1939.* If the property was acquired, after February 28,

1913, in a transaction to which the Internal Revenue Code of 1939 applied, and the basis thereof, for purposes of the Internal Revenue Code of 1939, was prescribed by section 113 (a) (6), (7), (8), (13), (15), (18), (19), or (23) of such code, then for purposes of this subtitle the basis shall be the same as the basis therein prescribed in the Internal Revenue Code of 1939.

§ 1.1052–1 *Basis of property established by Revenue Act of 1932.* Section 1052 (a) provides that if property was acquired after February 28, 1913, in any taxable year beginning before January 1, 1934, and the basis of the property, for the purposes of the Revenue Act of 1932, was prescribed by section 113 (a) (6), (7), or (9) of that act, then for purposes of subtitle A the basis shall be the same as the basis prescribed in the Revenue Act of 1932. For the rules applicable in determining the basis of stocks or securities under section 113 (a) (9) of the Revenue Act of 1932 in case of certain distributions after December 31, 1923, and in any taxable year beginning before January 1, 1934, see 26 CFR (1939) 39.113 (a) (12)–1 (Regulations 118).

§ 1.1052–2 *Basis of property established by Revenue Act of 1934.* Section 1052 (b) provides that if property was acquired after February 28, 1913, in any taxable year beginning before January 1, 1936, and the basis of the property for the purposes of the Revenue Act of 1934 was prescribed by section 113 (a) (6), (7), or (8) of that act, then for purposes of subtitle A the basis shall be the same as the basis prescribed in the Revenue Act of 1934. For example, if after December 31, 1920, and in any taxable year beginning before January 1, 1936, property was acquired by a corporation by the issuance of its stock or securities in connection with a transaction which is not described in section 112 (b) (5) of the Internal Revenue Code of 1939 but which is described in section 112 (b) (5) of the Revenue Act of 1934, the basis of the property so acquired shall be the same as it would be in the hands of the transferor, with proper adjustments to the date of the exchange.

§ 1.1052–3 *Basis of property established by the Internal Revenue Code of 1939.* Section 1052 (c) provides that if property was acquired after February 28, 1913, in a transaction to which the Internal Revenue Code of 1939 applied and the basis thereof was prescribed by section 113 (a) (6), (7), (8), (13), (15), (18), (19) or (23) of such code, then for purposes of subtitle A the basis shall be the same as the basis prescribed in the Internal Revenue Code of 1939. In such cases see section 113 (a) of the Internal Revenue Code of 1939 and the regulations thereunder.

§ 1.1053 *Statutory provisions; basis of property acquired before March 1, 1913.*

SEC. 1053. *Property acquired before March 1, 1913.* In the case of property acquired before March 1, 1913, if the basis otherwise determined under this part, adjusted (for the period before March 1, 1913) as provided in section 1016, is less than the fair market value of the property as of March 1, 1913, then the basis for determining gain shall be such fair market value. In determining the fair market value of stock in a corporation as of March 1, 1913, due regard shall be given to the fair market value of the assets of the corporation as of that date.

§ 1.1053–1 *Property acquired before March 1, 1913*—(a) *Basis for determining gain.* In the case of property acquired before March 1, 1913, the basis as of March 1, 1913, for determining gain is the cost or other basis, adjusted as provided in section 1016 and other applicable provisions of chapter 1, or its fair market value as of March 1, 1913, whichever is greater.

(b) *Basis for determining loss.* In the case of property acquired before March 1, 1913, the basis as of March 1, 1913, for determining loss is the basis determined in accordance with part II of subchapter O, or other applicable provisions of chapter 1, without reference to the fair market value as of March 1, 1913.

(c) *Example.* The application of paragraphs (a) and (b) of this section may be illustrated by the following example:

Example. (i) On March 1, 1908, a taxpayer purchased for $100,000, property having a useful life of 50 years. Assuming that there were no capital improvements to the property, the depreciation sustained on the property before March 1, 1913, was $10,000 (5 years @ $2,000), so that the original cost adjusted, as of March 1, 1913, for depreciation sustained prior to that date is $90,000. On that date the property had a fair market value of $94,500 with a remaining life of 45 years.

(ii) For the purpose of determining gain from the sale or other disposition of the property on March 1, 1954, the basis of the property is the fair market value of $94,500 as of March 1, 1913, adjusted for depreciation allowed or allowable after February 28, 1913, computed on $94,500. Thus, the substituted basis, $94,500, is reduced by the depreciation adjustment from March 1, 1913, to February 28, 1954, in the aggregate of $86,100 (41 years @ $2,100), leaving an adjusted basis for determining gain of $8,400 ($94,500 less $86,100).

(iii) For the purpose of determining loss from the sale or other disposition of such property on March 1, 1954, the basis of the property is its cost, adjusted for depreciation sustained before March 1, 1913, computed on cost, and the amount of depreciation allowed or allowable after February 28, 1913, computed on the fair market value of $94,500 as of March 1, 1913. In this example, the amount of depreciation sustained before March 1, 1913, is $10,000 and the amount of depreciation determined for the period after February 28, 1913, is $86,100. Therefore, the aggregate amount of depreciation for which the cost ($100,000) should be adjusted is $96,100 ($10,000 plus $86,100), and the adjusted basis for determining loss on March 1, 1954, is $3,900 ($100,000 less $96,100).

(d) *Fair market value.* The determination of the fair market value of property on March 1, 1913, is generally a question of fact and shall be established by competent evidence. In determining the fair market value of stock or other securities, due regard shall be given to the fair market value of the corporate assets as of such date, and other pertinent factors. In the case of property traded in on public exchanges, actual sales on or near the basic date afford evidence of value. In general, the fair market value of a block or aggregate of a particular kind of property is not to be determined by a forced-sale price, or by an estimate of what a whole block or aggregate would bring if placed upon the market at one and the same time. In such a case the value should be determined by ascertaining as the basis the fair market value of each unit of the property. All relevant facts and elements of value as of the basic date should be considered in each case.

§ 1.1054 *Statutory provisions; cross references.*

SEC. 1054. *Cross references.* (1) For nonrecognition of gain in connection with the transfer of obsolete vessels to the Maritime Administration under section 510 of the Merchant Marine Act, 1936, see subsection (e) of that section, as amended August 4, 1939 (46 U. S. C. 1160).

(2) For recognition of gain or loss in connection with the construction of new vessels, see section 511 of such Act, as amended (46 U. S. C. 1161).

(3) For nonrecognition of gain in connection with vessels exchanged with the Maritime Administration under section 8 of the Merchant Ship Sales Act of 1946, see subsection (a) of that section (50 U. S. C. App. 1741).

CHANGES TO EFFECTUATE F. C. C. POLICY

§ 1.1071 *Statutory provisions; gain from sale or exchange to effectuate policies of Federal Communications Commission.*

SEC. 1071. *Gain from sale or exchange to effectuate policies of F. C. C.*—(a) *Nonrecognition of gain or loss.* If the sale or exchange of property (including stock in a corporation) is certified by the Federal Communications Commission to be necessary or appropriate to effectuate the policies of the Commission with respect to the ownership and control of radio broadcasting stations, such sale or exchange shall, if the taxpayer so elects, be treated as an involuntary conversion of such property within the meaning of section 1033. For purposes of such section as made applicable by the provisions of this section, stock of a corporation operating a radio broadcasting station, whether or not representing control of such corporation, shall be treated as property similar or related in service or use to the property so converted. The part of the gain, if any, on such sale or exchange to which section 1033 is not applied shall nevertheless not be recognized, if the taxpayer so elects, to the extent that it is applied to reduce the basis for determining gain or loss on sale or exchange of property, of a character subject to the allowance for depreciation under section 167, remaining in the hands of the taxpayer immediately after the sale or exchange, or acquired in the same taxable year. The manner and amount of such reduction shall be determined under regulations prescribed by the Secretary or his delegate. Any election made by the taxpayer under this section shall be made by a statement to that effect in his return for the taxable year in which the sale or exchange takes place, and such election shall be binding for the taxable year and all subsequent taxable years.

(b) *Basis.* For basis of property acquired on a sale or exchange treated as an involuntary conversion under subsection (a), see section 1033 (c).

§ 1.1071–1 *Gain from sale or exchange to effectuate policies of Federal Communications Commission.* (a) At the election of the taxpayer, section 1071 in effect postpones the recognition of gain upon the sale or exchange of property, if the Federal Communications Commission certifies such sale or exchange to be necessary or appropriate to effectuate the policies of the Commission with respect to the ownership and control of radio broadcasting stations. Any taxpayer desiring to obtain the benefits of section 1071 shall file with the Commissioner of Internal Revenue, or the district director of internal revenue for the district in which the income tax return of the taxpayer is required to be filed, a certificate from the Federal Communications Commission clearly identifying the property and showing that the sale or exchange of such property is necessary or appropriate to effectuate the policies of the Commission with respect to the ownership and control of radio broadcasting stations. Such certificate shall be accompanied by a detailed statement showing: The kind of property, the date of acquisition, the cost or other basis of the property, the date of sale or exchange, the name and address of the transferee, and the amount of money and the fair market value of the property other than money received upon such sale or exchange.

(b) Section 1071 applies only in the case of a sale or exchange made necessary by reason of the Federal Communications Commission's policies as to ownership or control of radio facilities. Section 1071 does not apply in the case of a sale or exchange made necessary as a result of other matters, such as the operation of a broadcasting station in a manner determined by the Commission to be not in the public interest or in violation of Federal or State law.

(c) An election to have the benefits of section 1071 shall be made in the manner prescribed in § 1.1071–4.

(d) For purposes of section 1071, the term "radio broadcasting" includes telecasting.

§ 1.1071–2 *Nature and effect of election*—(a) *Alternative elections.* (1) A taxpayer entitled to the benefits of section 1071 in respect of a sale or exchange of property may elect—

(i) To treat such sale or exchange as an involuntary conversion under the provisions of section 1033; or

(ii) To treat such sale or exchange as an involuntary conversion under the provisions of section 1033, and in addition elect to reduce the basis of property, in accordance with the regulations prescribed in § 1.1071–3, by all or part of the gain that would otherwise be recognized under section 1033; or

(iii) To reduce the basis of property, in accordance with the regulations prescribed in § 1.1071–3, by all or part of the gain realized upon the sale or exchange.

(2) The effect of the provisions of subparagraph (1) of this paragraph is, in general, to grant the taxpayer an election to treat the proceeds of the sale or exchange as the proceeds of an involuntary conversion subject to the provisions of section 1033, and a further election to reduce the basis of certain property owned by the taxpayer by the amount of the gain realized upon the sale or exchange to the extent of that portion of the proceeds which is not treated as the proceeds of an involuntary conversion.

(3) An election under section 1071 for any taxable year shall be irrevocable and shall be binding for such taxable year and all subsequent taxable years.

(b) *Application of section 1033.* (1) If the taxpayer elects, under either paragraph (a) (1) (i) or (ii) of this section, to treat the sale or exchange as an involuntary conversion, the provisions of section 1033, as modified by section 1071, together with the regulations prescribed under such sections, shall be applicable in determining the amount of recognized gain and the basis of property acquired as a result of such sale or exchange. For the purposes of section 1071 and the regulations thereunder, stock of a corporation operating a radio broadcasting station shall be treated as property similar or relates in service or use to the property sold or exchanged. Securities of such a corporation other than stock, or securities of a corporation not operating a radio broadcasting station, do not constitute property similar or related in service or use to the property sold or exchanged. If the taxpayer exercises the election referred to in paragraph (a) (1) (i) of this section, the gain realized upon such sale or exchange shall be recognized to the extent of that part of the money received upon the sale or exchange which is not expended in the manner prescribed in section 1033 and the regulations thereunder. If, however, the taxpayer exercises the elections referred to in paragraph (a) (1) (ii) of this section, the amount of the gain which would be recognized, determined in the same manner as in the case of an election under paragraph (a) (1) (i) of this section, shall not be recognized but shall be applied to reduce the basis of property, remaining in the hands of the taxpayer after such sale or exchange or acquired by him during the same taxable year, which is of a character subject to the allowance for depreciation under section 167. Such reduction of basis shall be made in accordance with and under the conditions prescribed by § 1.1071–3.

(2) In the application of section 1033 to determine the recognized gain and the basis of property acquired as a result of a sale or exchange pursuant to an election under paragraph (a) (1) (i) or (ii) of this section, the entire amount of the proceeds of such sale or exchange shall be taken into account.

(c) *Example.* The application of the provisions of section 1071 may be illustrated by the following example:

Example. A, who makes his return on a calendar year basis, sold in 1954, for $100,000 cash, stock of X Corporation, which operates a radio broadcasting station. A's basis of this stock was $75,000. The sale was certified by the Federal Communications Commission as provided in section 1071. Soon after, in the same taxable year, A used $50,000 of the proceeds of the sale to purchase stock in Y Corporation, which operates a radio broadcasting station. A elected in his 1954 return to treat such sale and purchase as an involuntary conversion subject to the provisions of section 1033. He also elected at the same time to reduce the basis of depreciable property by the amount of the gain that otherwise would be recognized under the provisions of section 1033, as made applicable by section 1071. The sale results in a recognized gain of $25,000 under section 1033. However, this gain is not recognized in this case because the taxpayer elected to reduce the basis of other property by the amount of the gain. This may be shown as follows:

(1) Sale price of X Corporation stock	$100,000
Basis for gain or loss	75,000
Gain realized	25,000
Proceeds of sale	100,000
Amount expended to replace property sold	50,000
Amount not expended in manner prescribed in section 1033	50,000
Realized gain, recognized under section 1033 (not to exceed the unexpended portion of proceeds of sale)	25,000
Less: Amount applied as a reduction of basis of depreciable property	25,000
Recognized gain for tax purposes	None

(2) The basis of Y Corporation stock in the hands of A is $50,000, computed in accordance with section 1033 and the regulations prescribed under that section. The $50,000 basis is computed as follows:

Basis of property sold (converted)	$75,000
Less: Amount of proceeds not expended	50,000
Balance	25,000
Plus amount of gain recognized under section 1033	25,000
Basis of Y Corporation stock in A's hands	50,000

§ 1.1071–3 *Reduction of basis of property pursuant to election under section 1071*—(a) *General rule.* (1) In addition to the adjustments provided in section 1016 and other applicable provisions of chapter 1, which adjustments are required to be made with respect to the cost or other basis of property, a further adjustment shall be made in the amount of the unrecognized gain under section 1071, if the taxpayer so elects. Such further adjustment shall be made only with respect to the cost or other basis of property which is of a character subject to the allowance for depreciation under section 167, and which remains in the hands of the taxpayer immediately after the sale or exchange in respect of which the election is made, or which is acquired by the taxpayer in the same taxable year in which such sale or exchange occurs. If the property is in the hands of the taxpayer immediately after the sale or exchange, the time of reduction of the basis is the date of the sale or exchange; in all other cases the time of reduction of the basis is the date of acquisition.

(2) The reduction of the basis under section 1071 in the amount of the unrecognized gain shall be made in respect of the cost or other basis, as of the time prescribed, of all units of property of the specified character. The cost or other basis of each unit shall be decreased in an amount equal to such proportion of the unrecognized gain as the adjusted basis (for determining gain, determined without regard to this section) of such unit bears to the aggregate of such ad-

justed bases of all units of such property, but the amount of the decrease shall not be more than the amount of such adjusted basis. If in the application of such rule the adjusted basis of any unit is reduced to zero, the process shall be repeated to reduce the adjusted basis of the remaining units of property by the portion of the unrecognized gain which is not absorbed in the first application of the rule. For such purpose the "adjusted basis" of the remaining units shall be the adjusted basis for determining gain reduced by the amount of the adjustment previously made under this section. The process shall be repeated until the entire amount of the unrecognized gain has been absorbed.

(3) The application of the provisions of this section may be illustrated by the following example:

Example. Using the facts given in the example set forth in § 1.1071–2 (c), except that the taxpayer elects to reduce the basis of depreciable property in accordance with paragraph (a) (1) (iii) of § 1.1071–2, the computation may be illustrated as follows:

Sale price of X Corporation stock	$100,000
Basis for gain or loss	75,000
Realized gain (recognized except for the election under § 1.1071–1)	25,000
Adjusted basis of other depreciable property in hands of A immediately after sale:	
Building	80,000
Transmitter	16,000
Fixtures	4,000
Total	100,000
Computation of reduction:	
Building $\frac{80,000}{100,000} \times \$25,000$ (gain)	20,000
Transmitter $\frac{16,000}{100,000} \times \$25,000$	4,000
Fixtures $\frac{4,000}{100,000} \times \$25,000$	1,000
Total reduction	25,000
New basis of assets:	
Building ($80,000 minus $20,000)	60,000
Transmitter ($16,000 minus $4,000)	12,000
Fixtures ($4,000 minus $1,000)	3,000
Total adjusted basis after reduction under section 1071	75,000
Realized gain upon sale of X Corporation stock	25,000
Less: Amount applied as a reduction to basis of depreciable property	25,000
Recognized gain for tax purposes	None

(b) *Special cases.* With the consent of the Commissioner, the taxpayer may, however, have the basis of the various units of property of the class specified in section 1071 and this section adjusted in a manner different from the general rule set forth in paragraph (a) of this section. Variations from such general rule may, for example, involve adjusting the basis of only certain units of such property. The request for variations from such general rule should be filed by the taxpayer with his return for the taxable year in which he elects to have the basis of property reduced under section 1071. Agreement between the taxpayer and the Commissioner as to any variations from such general rule shall be effective only if incorporated in a closing agreement entered into under the provisions of section 7121.

§ 1.1071–4 *Manner of election.* (a) An election under the provisions of section 1071 shall be in the form of a written statement and shall be executed and filed in duplicate. Such statement shall be signed by the taxpayer or his authorized representative. In the case of a corporation the statement shall be signed with the corporate name, followed by the signature and title of an officer of the corporation empowered to sign for the corporation, and the corporate seal must be affixed. An election under section 1071 to reduce the basis of property and an election under such section to treat the sale or exchange as an involuntary conversion under section 1033 may be exercised independently of each other. An election under section 1071 must be filed with the return for the taxable year in which the sale or exchange occurs. Where practicable, the certificate of the Federal Communications Commission required by § 1.1071–1 should be filed with the election.

(b) If, in pursuance of an election to have the basis of its property adjusted under section 1071, the taxpayer desires to have such basis adjusted in any manner different from the general rule set forth in § 1.1071–3 (a), the precise method (including allocation of amounts) should be set forth in detail on separate sheets accompanying the election. Consent by the Commissioner to any departure from such general rule shall be effected only by a closing agreement entered into under the provisions of section 7121.

EXCHANGES IN OBEDIENCE TO S. E. C. ORDERS

§ 1.1081 *Statutory provisions; exchanges and distributions in obedience to orders of the Securities and Exchange Commission; nonrecognition of gain or loss.*

SEC. 1081. *Nonrecognition of gain or loss on exchanges or distributions in obedience to orders of S. E. C.*—(a) *Exchanges of stock or securities only.* No gain or loss shall be recognized to the transferor if stock or securities in a corporation which is a registered holding company or a majority-owned subsidiary company are transferred to such corporation or to an associate company thereof which is a registered holding company or a majority-owned subsidiary company solely in exchange for stock or securities (other than stock or securities which are nonexempt property), and the exchange is made by the transferee corporation in obedience to an order of the Securities and Exchange Commission.

(b) *Exchanges and sales of property by corporations*—(1) *General rule.* No gain shall be recognized to a transferor corporation which is a registered holding company or an associate company of a registered holding company, if such corporation, in obedience to an order of the Securities and Exchange Commission, transfers property in exchange for property, and such order recites that such exchange by the transferor corporation is necessary or appropriate to the integration or simplification of the holding company system of which the transferor corporation is a member. Any gain, to the extent that it cannot be applied in reduction of basis under section 1082 (a) (2), shall be recognized.

(2) *Nonexempt property.* If any such property so received is nonexempt property, gain shall be recognized unless such nonexempt property or an amount equal to the fair market value of such property at the time of the transfer is, within 24 months of the transfer, under regulations prescribed by the Secretary or his delegate, and in accordance with an order of the Securities and Exchange Commission, expended for property other than nonexempt property or is invested as a contribution to the capital, or as paid-in surplus, of another corporation, and such order recites that such expenditure or investment by the transferor corporation is necessary or appropriate to the integration or simplification of the holding company system of which the transferor corporation is a member. If the fair market value of such nonexempt property at the time of the transfer exceeds the amount expended and the amount invested, as required in the preceding sentence, the gain, if any, to the extent of such excess, shall be recognized.

(3) *Cancellation or redemption of stock or securities.* For purposes of this subsection, a distribution in cancellation or redemption (except a distribution having the effect of a dividend) of the whole or a part of the transferor's own stock (not acquired on the transfer) and a payment in complete or partial retirement or cancellation of securities representing indebtedness of the transferor or a complete or partial retirement or cancellation of such securities which is a part of the consideration for the transfer shall be considered an expenditure for property other than nonexempt property, and if, on the transfer, a liability of the transferor is assumed, or property of the transferor is transferred subject to a liability, the amount of such liability shall be considered to be an expenditure by the transferor for property other than nonexempt property.

(4) *Consents.* This subsection shall not apply unless the transferor corporation consents, at such time and in such manner as the Secretary or his delegate may by regulations prescribe to the regulations prescribed under section 1082 (a) (2) in effect at the time of filing its return for the taxable year in which the transfer occurs.

(c) *Distribution of stock or securities only*—(1) *In general.* If there is distributed, in obedience to an order of the Securities and Exchange Commission, to a shareholder in a corporation which is a registered holding company or a majority-owned subsidiary company, stock or securities (other than stock or securities which are nonexempt property), without the surrender by such shareholder of stock or securities in such corporation, no gain to the distributee from the receipt of the stock or securities so distributed shall be recognized.

(2) *Special rule.* If—

(A) There is distributed to a shareholder in a corporation rights to acquire common stock in a second corporation without the surrender by such shareholder of stock in the first corporation,

(B) Such distribution is in accordance with an arrangement forming a ground for an order of the Securities and Exchange Commission issued pursuant to section 3 of the Public Utility Holding Company Act of 1935 (49 Stat. 810; 15 U. S. C. 79c) that such corporation is exempt from any provision or provisions of such Act, and

(C) Before January 1, 1958, the first corporation disposes of all of the common stock in the second corporation which it owns,

then no gain to the distributee from the receipt of the rights so distributed shall be recognized. If the first corporation does not, before January 1, 1958, dispose of all of the common stock which it owns in the second corporation, then the periods of limitation provided in sections 6501 and 6502 on the making of an assessment or the collection by levy or a proceeding in court shall, with respect to any deficiency (including interest and additions to the tax) resulting solely from the receipt of such rights to acquire stock, include one year immediately following the date on which the first corporation notifies the Secretary or his delegate whether or not the requirements of subparagraph (C) of the preceding sentence have been met; and such assessment and collection may be made notwithstanding any provision of law or rule of law which would otherwise prevent such assessment and collection.

(d) *Transfers within system group*—(1) *General rule.* No gain or loss shall be recognized to a corporation which is a member of a system group—

(A) If such corporation transfers property to another corporation which is a member of the same system group in exchange for other property, and the exchange by each corporation is made in obedience to an order of the Securities and Exchange Commission, or

(B) If there is distributed to such corporation as a shareholder in a corporation which is a member of the same system group, property, without the surrender by such shareholder of stock or securities in the corporation making the distribution, and the distribution is made and received in obedience to an order of the Securities and Exchange Commission.

If an exchange by or a distribution to a corporation with respect to which no gain or loss is recognized under any of the provisions of this paragraph may also be considered to be within the provisions of subsection (a), (b), or (c), then the provisions of this paragraph only shall apply.

(2) *Sales of stock or securities.* If the property received on an exchange which is within any of the provisions of paragraph (1) consists in whole or in part of stock or securities issued by the corporation from which such property was received, and if in obedience to an order of the Securities and Exchange Commission such stock or securities (other than stock which is not preferred as to both dividends and assets) are sold and the proceeds derived therefrom are applied in whole or in part in the retirement or cancellation of stock or of securities of the recipient corporation outstanding at the time of such exchange, no gain or loss shall be recognized to the recipient corporation on the sale of the stock or securities with respect to which such order was made; except that if any part of the proceeds derived from the sale of such stock or securities is not so applied, or if the amount of such proceeds is in excess of the fair market value of such stock or securities at the time of such exchange, the gain, if any, shall be recognized, but in an amount not in excess of the proceeds which are not so applied, or in an amount not more than the amount by which the proceeds derived from such sale exceed such fair market value, whichever is the greater.

(e) *Exchanges not solely in kind*—(1) *General rule.* If an exchange (not within any of the provisions of subsection (d)) would be within the provisions of subsection (a) if it were not for the fact that property received in exchange consists not only of property permitted by such subsection to be received without the recognition of gain or loss, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property, and the loss, if any, to the recipient shall not be recognized.

(2) *Distribution treated as dividend.* If an exchange is within the provisions of paragraph (1) and if it includes a distribution which has the effect of the distribution of a taxable dividend, then there shall be taxed as a dividend to each distributee such an amount of the gain recognized under such paragraph as is not in excess of his ratable share of the undistributed earnings and profits of the corporation accumulated after February 28, 1913. The remainder, if any, of the gain recognized under paragraph (1) shall be taxed as a gain from the exchange of property.

(f) *Conditions for application of section.* Except in the case of a distribution described in subsection (c) (2), the provisions of this section shall not apply to an exchange, expenditure, investment, distribution, or sale unless—

(1) The order of the Securities and Exchange Commission in obedience to which such exchange, expenditure, investment, distribution, or sale was made recites that such exchange, expenditure, investment, distribution, or sale is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 (49 Stat. 820; 15 U. S. C. 79k (b)),

(2) Such order specifies and itemizes the stock and securities and other property which are ordered to be acquired, transferred, received, or sold on such exchange, acquisition, expenditure, distribution, or sale, and, in the case of an investment, the investment to be made, and

(3) Such exchange, acquisition, expenditure, investment, distribution, or sale was made in obedience to such order, and was completed within the time prescribed therefor.

(g) *Nonapplication of other provisions.* If a distribution described in subsection (c) (2), or an exchange or distribution made in obedience to an order of the Securities and Exchange Commission, is within any of the provisions of this part and may also be considered to be within any of the other provisions of this subchapter or subchapter C (sec. 301 and following, relating to corporate distributions and adjustments), then the provisions of this part only shall apply.

§ 1.1081–1 *Terms used.* The following terms, when used in this section and §§ 1.1081–2 to 1.1083–1, inclusive, shall have the meanings assigned to them in section 1083: "Order of the Securities and Exchange Commission"; "registered holding company"; "holding company system"; "associate company"; "majority-owned subsidiary company"; "system group"; "nonexempt property"; and "stock or securities". Any other term used in this section and §§ 1.1081–2 to 1.1083–1, inclusive, which is defined in the Internal Revenue Code of 1954, shall be given the respective definition contained in such Code.

§ 1.1081–2 *Purpose and scope of exception.* (a) The general rule is that the entire amount of gain or loss from the sale or exchange of property is to be recognized (see section 1002) and that the entire amount received as a dividend is to be included in gross income. (See sections 61 and 301.) Exceptions to the general rule are provided elsewhere in subchapters C and O of chapter 1, one of which is that made by section 1081 with respect to exchanges, sales, and distributions specifically described in section 1081. Section 1081 provides the extent to which gain or loss is not to be recognized on (1) the receipt of a distribution described in section 1081 (c) (2), or (2) an exchange or sale, or the receipt of a distribution, made in obedience to an order of the Securities and Exchange Commission, which is issued to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79k (b)). Section 331 provides that a distribution in liquidation of a corporation shall be treated as an exchange. Such distribution is to be treated as an exchange under the provisions of sections 1081 to 1083, inclusive. The order of the Securities and Exchange Commission must be one requiring or approving action which the Commission finds to be necessary or appropriate to effect a simplification or geographical integration of a particular public utility holding company system. For specific requirements with respect to an order of the Securities and Exchange Commission, see section 1081 (f).

(b) The requirements for nonrecognition of gain or loss as provided in section 1081 are precisely stated with respect to the following general types of transactions:

(1) The exchange that is provided for in section 1081 (a), in which stock or securities in a registered holding company or a majority-owned subsidiary company are exchanged for stock or securities.

(2) The exchange that is provided for in section 1081 (b), in which a registered holding company or an associate company of a registered holding company exchanges property for property.

(3) The distribution that is provided for in section 1081 (c) (1), in which stock or securities are distributed to a shareholder in a corporation which is a registered holding company or a majority-owned subsidiary company, or the distribution that is provided for in section 1081 (c) (2), in which a corporation distributes to a shareholder, rights to acquire common stock in a second corporation.

(4) The transfer that is provided for in section 1081 (d), in which a corporation which is a member of a system group transfers property to another member of the same system group.

Certain rules with respect to the receipt of nonexempt property on an exchange described in section 1081 (a) are prescribed in section 1081 (e).

(c) These exceptions to the general rule are to be strictly construed. Unless both the purpose and the specific requirements of sections 1081 to 1083, inclusive, are clearly met, the recognition of gain or loss upon the exchange, sale, or distribution will not be postponed under those sections. Moreover, even though a taxable transaction occurs in connection or simultaneously with a realization of gain or loss to which nonrecognition is accorded, nevertheless, nonrecognition will not be accorded to such taxable transaction. In other words, the provisions of section 1081 do not extend in any case to gain or loss other than that realized from and directly attributable to a disposition of property as such, or the receipt of a corporate distribution as such, in an exchange, sale, or distribution specifically described in section 1081.

(d) The application of the provisions of sections 1081 to 1083, inclusive, is intended to result only in postponing the

recognition of gain or loss until a disposition of property is made which is not covered by such provisions, and, in the case of an exchange or sale subject to the provisions of section 1081 (b), in the reduction of basis of certain property. The provisions of section 1082 with respect to the continuation of basis and the reduction in basis are designed to effect these results. Although the time of recognition may be shifted, there must be a true reflection of income in all cases, and it is intended that the provisions of sections 1081 to 1083, inclusive, shall not be construed or applied in such a way as to defeat this purpose.

§ 1.1081–3 *Exchanges of stock or securities solely for stock or securities.* The exchange, without the recognition of gain or loss, that is provided for in section 1081 (a) must be one in which stock or securities in a corporation which is a registered holding company or a majority-owned subsidiary company are exchanged solely for stock or securities other than stock or securities which constitute nonexempt property. An exchange is not within the provisions of section 1081 (a) unless the stock or securities transferred and those received are stock or securities as defined by section 1083 (f). The stock or securities which may be received without the recognition of gain or loss are not limited to stock or securities in the corporation from which they are received. An exchange within the provisions of section 1081 (a) may be a transaction between the holder of stock or securities and the corporation which issued the stock or securities. Also the exchange may be made by a holder of stock or securities with an associate company (i. e., a corporation in the same holding company system with the issuing corporation) which is a registered holding company or a majority-owned subsidiary company. In either case, the nonrecognition provisions of section 1081 (a) apply only to the holder of the stock or securities. However, the transferee corporation must be acting in obedience to an order of the Securities and Exchange Commission directed to such corporation, if no gain or loss is to be recognized to the holder of the stock or securities who makes the exchange with such corporation. See also section 1081 (b), in case the holder of the stock or securities is a registered holding company or an associate company of a registered holding company. An exchange is not within the provisions of section 1081 (a) if it is within the provisions of section 1081 (d), relating to transfers within a system group. For treatment when nonexempt property is received, see section 1081 (e); for further limitations, see section 1081 (f).

§ 1.1081–4 *Exchanges of property for property by corporations*—(a) *Application of section 1081 (b).* Section 1081 (b) applies only to the transfers specified therein with respect to which section 1081 (d) is inapplicable, and deals only with such transfers if gain is realized upon the sale or other disposition effected by such transfers. If loss is realized section 1081 (b) is inapplicable and the application of other provisions of subtitle A must be determined. See section 1081 (g). If section 1081 (b) is applicable, the other provisions of subchapters C and O relating to the nonrecognition of gain are inapplicable, and the conditions under which, and the extent to which, the realized gain is not recognized are set forth in paragraphs (b), (c), (d), (e), and (f) of this section.

(b) *Nonrecognition of gain; no nonexempt proceeds.* No gain is recognized to a transferor corporation upon the sale or other disposition of property transferred by such transferor corporation in exchange solely for property other than nonexempt property, as defined in section 1083 (c), but only if all of the following requirements are satisfied:

(1) The transferor corporation is, under the definition in section 1083 (b), a registered holding company or an associate company of a registered holding company;

(2) Such transfer is in obedience to an order of the Securities and Exchange Commission (as defined in section 1083 (a)) and such order satisfies the requirements of section 1081 (f);

(3) The transferor corporation has filed the required consent to the regulations under section 1082 (a) (2) (see paragraph (g) of this section); and

(4) The entire amount of the gain, as determined under section 1001, can be applied in reduction of basis under section 1082 (a) (2).

(c) *Nonrecognition of gain; nonexempt proceeds.* If the transaction would be within the provisions of paragraph (b) of this section if it were not for the fact that the property received in exchange consists in whole or in part of nonexempt property (as defined in section 1083 (e)), then no gain is recognized if such nonexempt property, or an amount equal to the fair market value of such nonexempt property at the time of the transfer,

(1) Is expended within the required 24-month period for property other than nonexempt property; or

(2) Is invested within the required 24-month period as a contribution to the capital, or as paid-in surplus, of another corporation;

but only if the expenditure or investment is made

(3) In accordance with an order of the Securities and Exchange Commission (as defined in section 1083 (a)) which satisfies the requirements of section 1081 (f) and which recites that such expenditure or investment by the transferor corporation is necessary or appropriate to the integration or simplification of the holding company system of which the transferor corporation is a member; and

(4) The required consent, waiver, and bond have been executed and filed. See paragraphs (g) and (h) of this section.

(d) *Recognition of gain in part; insufficient expenditure or investment in case of nonexempt proceeds.* If the transaction would be within the provisions of paragraph (c) of this section if it were not for the fact that the amount expended or invested is less than the fair market value of the nonexempt property received in exchange, then the gain, if any, is recognized, but in an amount not in excess of the amount by which the fair market value of such nonexempt property at the time of the transfer exceeds the amount so expended and invested.

(e) *Items treated as expenditures for the purpose of paragraphs (c) and (d) of this section.* For the purposes of paragraphs (c) and (d) of this section, the following are treated as expenditures for property other than nonexempt property:

(1) A distribution in cancellation or redemption (except a distribution having the effect of a dividend) of the whole or a part of the transferor's own stock (not acquired on the transfer);

(2) A payment in complete or partial retirement or cancellation of securities representing indebtedness of the transferor or a complete or partial retirement or cancellation of such securities which is a part of the consideration for the transfer; and

(3) If, on the transfer, a liability of the transferor is assumed, or property of the transferor is transferred subject to a liability, the amount of such liability.

(f) *Recognition of gain in part; inability to reduce basis.* If the transaction would be within the provisions of paragraph (b) or (c) of this section, if it were not for the fact that an amount of gain cannot be applied in reduction of basis under section 1082 (a) (2), then the gain, if any, is recognized, but in an amount not in excess of the amount which cannot be so applied in reduction of basis. If the transaction would be within the provisions of paragraph (d) of this section, if it were not for the fact that an amount of gain cannot be applied in reduction of basis under section 1082 (a) (2), then the gain, if any, is recognized, but in an amount not in excess of the aggregate of—

(1) The amount of gain which would be recognized under paragraph (d) of this section if there were no inability to reduce basis under section 1082 (a) (2); and

(2) The amount of gain which cannot be applied in reduction of basis under section 1082 (a) (2).

(g) *Consent to regulations under section 1082 (a) (2).* To be entitled to the benefits of the provisions of section 1081 (b), a corporation must file with its return for the taxable year in which the transfer occurs a consent to have the basis of its property adjusted under section 1082 (a) (2) (see § 1.1082–3), in accordance with the provisions of the regulations in effect at the time of filing of the return for the taxable year in which the transfer occurs. Such consent shall be made in duplicate on Form 982A in accordance with these regulations and instructions on the form or issued therewith.

(h) *Requirements with respect to expenditure or investment.* If the full amount of the expenditure or investment required for the application of paragraph (c) of this section has not been made by the close of the taxable year in which such transfer occurred, the taxpayer shall file with the return for such year

an application for the benefit of the 24-month period for expenditure and investment, reciting the nature and time of the proposed expenditure or investment. When requested by the district director of internal revenue, the taxpayer shall execute and file (at such time and in such form) such waiver of the statute of limitations with respect to the assessment of deficiencies (for the taxable year of the transfer and for all succeeding taxable years in any of which falls any part of the period beginning with the date of the transfer and ending 24 months thereafter) as the district director may specify, and such bond with such surety as the district director may require, in an amount not in excess of double the estimated maximum income tax which would be payable if the corporation does not make the required expenditure or investment within the required 24-month period.

§ 1.1081–5 *Distribution solely of stock or securities*—(a) *In general.* If, without any surrender of his stock or securities as defined in section 1083 (f), a shareholder in a corporation which is a registered holding company or a majority-owned subsidiary company receives stock or securities in such corporation or owned by such corporation, no gain to the shareholder will be recognized with respect to the stock or securities received by such shareholder which do not constitute nonexempt property, if the distribution to such shareholder is made by the distributing corporation in obedience to an order of the Securities and Exchange Commission directed to such corporation. A distribution is not within the provisions of section 1081 (c) (1) if it is within the provisions of section 1081 (d), relating to transfers within a system group. A distribution is also not within the provisions of section 1081 (c) (1) if it involves a surrender by the shareholder of stock or securities or a transfer by the shareholder of property in exchange for the stock or securities received by the shareholder. For further limitations, see section 1081 (f).

(b) *Special rule.* (1) If there is distributed to a shareholder in a corporation rights to acquire common stock in a second corporation, no gain to the shareholder from the receipt of the rights shall be recognized, but only if all the following requirements are met:

(i) The rights are received by the shareholder without the surrender by the shareholder of any stock in the distributing corporation,

(ii) Such distribution is in accordance with an arrangement forming a ground for an order of the Securities and Exchange Commission issued pursuant to section 3 of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79c) that the distributing corporation is exempt from any provision or provisions of such Act, and

(iii) Before January 1, 1958, the distributing corporation disposes of all the common stock in the second corporation which it owns.

(2) The distributing corporation shall, as soon as practicable, notify the district director of internal revenue in whose district the corporation's income tax return and supporting data was filed (see § 1.1081–11 (g)), as to whether or not requirement (iii) of paragraph (b) (1) above has been met. If such requirement has not been met, the periods of limitation (sections 6501 and 6502) with respect to any deficiency, including interest and additions to the tax, resulting solely from the receipt of such rights to acquire stock, shall include one year immediately following the date of such notification; and assessment and collection shall be made notwithstanding any provisions of law or rule of law which would otherwise prevent such assessment and collection.

§ 1.1081–6 *Transfers within system group.* (a) The nonrecognition of gain or loss provided for in section 1081 (d) (1) is applicable to an exchange of property for other property (including money and other nonexempt property) between corporations which are all members of the same system group. The term "system group" is defined in section 1083 (d).

(b) Section 1081 (d) (1) also provides for nonrecognition of gain to a corporation which is a member of a system group if property (including money or other nonexempt property) is distributed to such corporation as a shareholder in a corporation which is a member of the same system group, without the surrender by such shareholder of stock or securities in the distributing corporation.

(c) As stated in § 1.1081–2, nonrecognition of gain or loss will not be accorded to a transaction not clearly provided for in sections 1081 to 1083, inclusive, even though such transaction occurs simultaneously or in connection wiht an exchange, sale, or distribution to which nonrecognition is specifically accorded. Therefore, nonrecognition will not be accorded to any gain or loss realized from the discharge, or the removal of the burden, of the pecuniary obligations of a member of a system group, even though such obligations are acquired upon a transfer or distribution specifically described in section 1081 (d) (1); but the fact that the acquisition of such obligations was upon a transfer or distribution specifically described in section 1081 (d) (1) will, because of the basis provisions of section 1082 (d), affect the cost to the member of such discharge or its equivalent. Thus, section 1081 (d) (1) does not provide for the nonrecognition of any gain or loss realized from the discharge of the indebtedness of a member of a system group as the result of the acquisition in exchange, sale, or distribution of its own bonds, notes, or other evidences of indebtedness which were acquired by another member of the same system group for a consideration less or more than the issuing price thereof (with proper adjustments for amortization of premiums or discounts).

(d) The provisions of paragraph (c) of this section may be illustrated by the following example:

Example. Suppose that the A Corporation and the B Corporation are both members of the same system group; that the A Corporation holds at a cost of $900 a bond issued by the B Corporation at par, $1,000; and that the A Corporation and the B Corporation enter into an exchange subject to the provisions of section 1081 (d) (1) in which the $1,000 bond of the B Corporation is transferred from the A Corporation to the B Corporation. The $900 basis reflecting the cost to the A Corporation which would have been the basis available to the B Corporation if the property transferred to it had been something other than its own securities (see § 1.1082–6) will, in this type of transaction, reflect the cost to the B Corporation of effecting a retirement of its own $1,000 bond. The $100 gain of the B Corporation reflected in the retirement will therefore be recognized.

(e) No exchange or distribution may be made without the recognition of gain or loss as provided for in section 1081 (d) (1), unless all the corporations which are parties to such exchange or distribution are acting in obedience to an order of the Securities and Exchange Commission. If an exchange or distribution is within the provisions of section 1081 (b) (1) and also may be considered to be within some other provisions of section 1081, it shall be considered that only the provisions of section 1081 (d) (1) apply and that the nonrecognition of gain or loss upon such exchange or distribution is by virtue of that section.

§ 1.1081–7 *Sale of stock or securities received upon exchange by members of system group.* (a) Section 1081 (d) (2) provides that to the extent that property received upon an exchange by corporations which are members of the same system group consists of stock or securities issued by the corporation from which such property was received, such stock or securities may, under certain specifically described circumstances, be sold to a party not a member of the system group, without the recognition of gain or loss to the selling corporation. The nonrecognition of gain or loss is limited, in the case of stock, to a sale of stock which is preferred as to both dividends and assets. The stock or securities must have been received upon an exchange with respect to which section 1081 (d) (1) operated to prevent recognition of gain or loss to any party to the exchange. Nonrecognition of gain or loss upon the sale of such stock or securities is permitted only if the proceeds derived from the sale are applied in retirement or cancellation of stock or securities of the selling corporation which were outstanding at the time the exchange was made. It is also essential to nonrecognition of gain or loss upon the sale that both the sale of the stock or securities and the application of the proceeds derived therefrom be made in obedience to an order of the Securities and Exchange Commission. If any part of the proceeds derived from the sale is not applied in making the required retirement or cancellation of stock or securities and if the sale is otherwise within the provisions of section 1081 (d) (2), the gain resulting from the sale shall be recognized, but in an amount not in excess of the proceeds which are not so applied. In any event, if the proceeds derived from the sale of the stock or securities exceed the fair market value of such stock or securities at the time of the exchange through which they were ac-

quired by the selling corporation, the gain resulting from the sale is to be recognized to the extent of such excess. Section 1081 (d) (2) does not provide for the nonrecognition of any gain resulting from the retirement of bonds, notes, or other evidences of indebtedness for a consideration less than the issuing price thereof. Also, that section does not provide for the nonrecognition of gain or loss upon the sale of any stock or securities received upon a distribution or otherwise than upon an exchange.

(b) The application of paragraph (a) of this section may be illustrated by the following example:

Example. The X Corporation and the Y Corporation, both of which make their income tax returns on a calendar year basis, are members of the same system group. As part of an exchange to which section 1081 (d) (1) is applicable the Y Corporation on June 1, 1954, issued to the X Corporation 1,000 shares of class A stock, preferred as to both dividends and assets. The fair market value of such stock at the time of issuance was $90,000 and its basis to the X Corporation was $75,000. On December 1, 1954, in obedience to an appropriate order of the Securities and Exchange Commission, the X Corporation sells all of such stock to the public for $100,000 and applies $95,000 of this amount to the retirement of its own bonds, which are outstanding on June 1, 1954. The remaining $5,000 is not used to retire any of the X Corporation's stock or securities. Of the total gain of $25,000 realized on the disposition of the Y Corporation stock, only $10,000 is recognized (the difference between the fair market value of the stock when acquired and the amount for which it was sold), since such amount is greater than the portion ($5,000) of the proceeds not applied to the retirement of the X Corporation's stock or securities. If in this example the stock acquired by the X Corporation had not been stock of the Y Corporation issued to the X Corporation or if it had been stock not preferred as to both dividends and assets, the full amount of the gain ($25,000) realized upon its disposition would have been recognized, regardless of what was done with the proceeds.

§ 1.1081–8 *Exchanges in which money or other nonexempt property is received.* (a) Under section 1081 (e) (1), if in any exchange (not within any of the provisions of section 1081 (d) in which stock or securities in a corporation which is a registered holding company or a majority-owned subsidiary are exchanged for stock or securities as provided for in section 1081 (a), there is received by the taxpayer money or other nonexempt property (in addition to property permitted to be received without recognition of gain), then—

(1) The gain, if any, to the taxpayer is to be recognized in an amount not in excess of the sum of the money and the fair market value of the other nonexempt property, but

(2) The loss, if any, to the taxpayer from such an exchange is not to be recognized to any extent.

(b) If money or other nonexempt property is received from a corporation in an exchange described in paragraph (a) of this section and if the distribution of such money or other nonexempt property by or on behalf of such corporation has the effect of the distribution of a taxable dividend, then, as provided in section 1081 (e) (2), there shall be taxed to each distributee (1) as a dividend, such an amount of the gain recognized on the exchange as is not in excess of the distributee's ratable share of the undistributed earnings and profits of the corporation accumulated after February 28, 1913, and (2) the remainder of the gain so recognized shall be taxed as a gain from the exchange of property.

§ 1.1081–9 *Requirements with respect to order of Securities and Exchange Commission.* The term "order of the Securities and Exchange Commission" is defined in section 1083 (a). In addition to the requirements specified in that definition, section 1081 (f) provides that, except in the case of a distribution described in section 1081 (c) (2), the provisions of section 1081 shall not apply to an exchange, expenditure, investment, distribution, or sale unless each of the following requirements is met:

(a) The order of the Securities and Exchange Commission must recite that the exchange, expenditure, investment, distribution, or sale is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79k (b)).

(b) The order shall specify and itemize the stocks and securities and other property (including money) which are ordered to be acquired, transferred, received, or sold upon such exchange, acquisition, expenditure, distribution, or sale and, in the case of an investment, the investment to be made, so as clearly to identify such property.

(c) The exchange, acquisition, expenditure, investment, distribution, or sale shall be made in obedience to such order and shall be completed within the time prescribed in such order.

These requirements were not designed merely to simplify the administration of the provisions of section 1081, and they are not to be considered as pertaining only to administrative matters. Each one of the three requirements is essential and must be met if gain or loss is not to be recognized from the transaction.

§ 1.1081–10 *Nonapplication of other provisions of the Internal Revenue Code of 1954.* The effect of section 1081 (g) is that an exchange, sale, or distribution which is within section 1081 shall, with respect to the nonrecognition of gain or loss and the determination of basis, be governed only by sections 1081 to 1083, inclusive, the purpose being to prevent overlapping of the provisions of such sections and other provisions of subtitle A. In other words, if by virtue of section 1081 any portion of a person's gain or loss on any particular exchange, sale, or distribution is not to be recognized, then the gain or loss of such person shall be nonrecognized only to the extent provided in section 1081, regardless of what the result might have been if sections 1081 to 1083, inclusive, had not been enacted; and similarly, the basis in the hands of such person of the property received by him in such transaction shall be the basis provided by section 1082, regardless of what the basis of such property might have been under section 1011 if sections 1081 to 1083, inclusive, had not been enacted. On the other hand, if section 1081 does not provide for the nonrecognition of any portion of a person's gain or loss (whether or not such person is another party to the same transaction referred to above), then the gain or loss of such person shall be recognized or nonrecognized to the extent provided for by other provisions of subtitle A as if sections 1081 to 1083, inclusive, had not been enacted; and similarly, the basis in his hands of the property received by him in such transaction shall be the basis provided by other provisions of subtitle A as if sections 1081 to 1083, inclusive, had not been enacted.

§ 1.1081–11 *Records to be kept and information to be filed with returns.*—(a) *Exchanges; holders of stock or securities.* Every holder of stock or securities who receives stock or securities and other property (including money) upon an exchange shall, if the exchange is made with a corporation acting in obedience to an order of the Securities and Exchange Commission, file as a part of his income tax return for the taxable year in which the exchange takes place a complete statement of all facts pertinent to the nonrecognition of gain or loss upon such exchange, including—

(1) A clear description of the stock or securities transferred in the exchange, together with a statement of the cost or other basis of such stock or securities.

(2) The name and address of the corporation from which the stock or securities were received in the exchange.

(3) A statement of the amount of stock or securities and other property (including money) received from the exchange. The amount of each kind of stock or securities and other property received shall be set forth upon the basis of the fair market value thereof at the date of the exchange.

(b) *Exchanges; corporations subject to S. E. C. orders.* Each corporation which is a party to an exchange made in obedience to an order of the Securities and Exchange Commission directed to such corporation shall file as a part of its income tax return for its taxable year in which the exchange takes place a complete statement of all facts pertinent to the nonrecognition of gain or loss upon such exchange, including—

(1) A copy of the order of the Securities and Exchange Commission directed to such corporation, in obedience to which the exchange was made.

(2) A certified copy of the corporate resolution authorizing the exchange.

(3) A clear description of all property, including all stock or securities, transferred in the exchange, together with a complete statement of the cost or other basis of each class of property.

(4) The date of acquisition of any stock or securities transferred in the exchange, and, if any of such stock or securities were acquired by the corporation in obedience to an order of the Securities and Exchange Commission, a copy of such order.

(5) The name and address of all persons to whom any property was transferred in the exchange.

(6) If any property transferred in the exchange was transferred to another corporation, a copy of any order of the Securities and Exchange Commission directed to the other corporation, in obedience to which the exchange was made by such other corporation.

(7) If the corporation transfers any nonexempt property, the amount of the undistributed earnings and profits of the corporation accumulated after February 28, 1913, to the time of the exchange.

(8) A statement of the amount of stock or securities and other property (including money) received upon the exchange, including a statement of all distributions or other dispositions made thereof. The amount of each kind of stock or securities and other property received shall be stated on the basis of the fair market value value thereof at the date of the exchange.

(9) A statement showing as to each class of its stock the number of shares and percentage owned by any other corporation, the voting rights and voting power, and the preference (if any) as to both dividends and assets.

(10) The term "exchange" shall, wherever occurring in this paragraph, be read as "exchange, expenditure, or investment".

(c) *Distributions; shareholders.* Each shareholder who receives stock or securities or other property (including money) upon a distribution made by a corporation in obedience to an order of the Securities and Exchange Commission shall file as a part of his income tax return for the taxable year in which such distribution is received a complete statement of all facts pertinent to the nonrecognition of gain upon such distribution, including—

(1) The name and address of the corporation from which the distribution is received.

(2) A statement of the amount of stock or securities or other property received upon the distribution, including (in case the shareholder is a corporation) a statement of all distributions or other disposition made of such stock or securities or other property by the shareholder. The amount of each class of stock or securities and each kind of property shall be stated on the basis of the fair market value thereof at the date of the distribution.

(3) If the shareholder is a corporation, a statement showing as to each class of its stock the number of shares and percentage owned by a registered holding company or a majority-owned subsidiary company of a registered holding company, the voting rights and voting power, and the preference (if any) as to both dividends and assets.

(d) *Distributions; distributing corporations subject to S. E. C. orders.* Every corporation making a distribution in obedience to an order of the Securities and Exchange Commission shall file as a part of its income tax return for its taxable year in which the distribution is made a complete statement of all facts pertinent to the nonrecognition of gain to the distributee upon such distribution including—

(1) A copy of the order of the Securities and Exchange Commission, in obedience to which the distribution was made.

(2) A certified copy of the corporate resolution authorizing the distribution.

(3) A statement of the amount of stock or securities or other property (including money) distributed to each shareholder. The amount of each kind of stock or securities or other property shall be stated on the basis of the fair market value thereof at the date of the distribution.

(4) The date of acquisition of the stock or securities distributed, and, if any of such stock or securities were acquired by the distributing corporation in obedience to an order of the Securities and Exchange Commission, a copy of such order.

(5) The amount of the undistributed earnings and profits of the corporation accumulated after February 28, 1913, to the time of the distribution.

(6) A statement showing as to each class of its stock the number of shares and percentage owned by any other corporation, the voting rights and voting power, and the preference (if any) as to both dividends and assets.

(e) *Sales by members of system groups.* Each corporation which is a member of a system group and which in obedience to an order of the Securities and Exchange Commission sells stock or securities received upon an exchange (made in obedience to an order of the Securities and Exchange Commission) and applies the proceeds derived therefrom in retirement or cancellation of its own stock or securities shall file as a part of its income tax return for the taxable year in which the sale is made a complete statement of all facts pertaining to the nonrecognition of gain or loss upon such sale, including—

(1) A copy of the order of the Securities and Exchange Commission in obedience to which the sale was made.

(2) A copy of the order of the Securities and Exchange Commission in obedience to which the proceeds derived from the sale were applied in whole or in part in the retirement or cancellation of its stock or securities.

(3) A certified copy of the corporate resolutions authorizing the sale of the stock or securities and the application of the proceeds derived therefrom.

(4) A clear description of the stock or securities sold, including the name and address of the corporation by which they were issued.

(5) The date of acquisition of the stock or securities sold, together with a statement of the fair market value of such stock or securities at the date of acquisition, and a copy of all orders of the Securities and Exchange Commission in obedience to which such stock or securities were acquired.

(6) The amount of the proceeds derived from such sale.

(7) The portion of the proceeds of such sale which was applied in retirement or cancellation of its stock or securities, together with a statement showing how long such stock or securities were outstanding prior to retirement or cancellation.

(8) The issuing price of its stock or securities which were retired or canceled.

(f) *Section 1081 (c) (2) distributions; shareholders.* Each shareholder who receives a distribution described in section 1081 (c) (2) (concerning rights to acquire common stock) shall file as a part of his income tax return for the taxable year in which such distribution is received a complete statement of all the facts pertinent to the nonrecognition of gain upon such distribution, including—

(1) The name and address of the corporation from which the distribution is received.

(2) A statement of the amount of the rights received upon the distribution, stated on the basis of their fair market value at the date of the distribution.

(g) *Section 1081 (c) (2) distributions; distributing corporations.* Every corporation making a distribution described in section 1081 (c) (2) (concerning rights to acquire common stock) shall file as a part of its income tax return for its taxable year in which the distribution is made a complete statement of all facts pertinent to the nonrecognition of gain to the distributees upon such distribution including—

(1) A copy of the arrangement forming the basis for the issuance of the order by the Securities and Exchange Commission.

(2) A copy of the order issued by the Securities and Exchange Commission pursuant to section 3 of the Public Utility Holding Company Act of 1935.

(3) A certified copy of the corporate resolution authorizing the arrangement and the distribution.

(4) A statement of the amount of the rights distributed to each shareholder, stated on the basis of their fair market value at the date of the distribution.

(5) The date of acquisition of the stock with respect to which such rights are distributed, and, if any were acquired by the distributing corporation in obedience to an order of the Securities and Exchange Commission, a copy of such order.

(6) The amount of the undistributed earnings and profits of the distributing corporation accumulated after February 28, 1913, to the time of the distribution.

(h) *General requirements.* Permanent records in substantial form shall be kept by every taxpayer who participates in an exchange or distribution to which sections 1081 to 1083, inclusive, are applicable, showing the cost or other basis of the property transferred and the amount of stock or securities and other property (including money) received, in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received on the exchange or distribution.

§ 1.1082 *Statutory provisions; basis of property acquired in exchanges and distributions made in obedience to orders of the Securities and Exchange Commission.*

SEC. 1082. *Basis for determining gain or loss.*—(a) *Exchanges generally.*—(1) *Exchanges subject to the provisions of section*

1081 (a) or (e). If the property was acquired on an exchange subject to the provisions of section 1081 (a) or (e), or the corresponding provisions of prior internal revenue laws, the basis shall be the same as in the case of the property exchanged, decreased in the amount of any money received by the taxpayer, and increased in the amount of gain or decreased in the amount of loss to the taxpayer that was recognized on such exchange under the law applicable to the year in which the exchange was made. If the property so acquired consisted in part of the type of property permitted by section 1081 (a) to be received without the recognition of gain or loss, and in part of nonexempt property, the basis provided in this subsection shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such nonexempt property (other than money) an amount equivalent to its fair market value at the date of the exchange. This subsection shall not apply to property acquired by a corporation by the issuance of its stock or securities as the consideration in whole or in part for the transfer of the property to it.

(2) *Exchanges subject to the provisions of section 1081 (b).* The gain not recognized on a transfer by reason of section 1081 (b) or the corresponding provisions of prior internal revenue laws shall be applied to reduce the basis for determining gain or loss on sale or exchange of the following categories of property in the hands of the transferor immediately after the transfer, and property acquired within 24 months after such transfer by an expenditure or investment to which section 1081 (b) relates on account of the acquisition of which gain is not recognized under such subsection, in the following order:

(A) Property of a character subject to the allowance for depreciation under section 167;

(B) Property (not described in subparagraph (A)) with respect to which a deduction for amortization is allowable under section 168 or 169;

(C) Property with respect to which a deduction for depletion is allowable under section 611 but not allowable under section 613;

(D) Stock and securities of corporations not members of the system group of which the transferor is a member (other than stock or securities of a corporation of which the transferor is a subsidiary);

(E) Securities (other than stock) of corporations which are members of the system group of which the transferor is a member (other than securities of the transferor or of a corporation of which the transferor is a subsidiary);

(F) Stock of corporations which are members of the system group of which the transferor is a member (other than stock of the transferor or of a corporation of which the transferor is a subsidiary);

(G) All other remaining property of the transferor (other than stock or securities of the transferor or of a corporation of which the transferor is a subsidiary).

The manner and amount of the reduction to be applied to particular property within any of the categories described in subparagraphs (A) to (G), inclusive, shall be determined under regulations prescribed by the Secretary or his delegate.

(3) *Basis in case of pre-1942 acquisition.* Notwithstanding the provisions of paragraph (1) or (2), if the property was acquired in a taxable year beginning before January 1, 1942, in any manner described in section 372 of the Internal Revenue Code of 1939 before its amendment by the Revenue Act of 1942, the basis shall be that prescribed in such section (before its amendment by such Act) with respect to such property.

(b) *Transfers to corporations.* If, in connection with a transfer subject to the provisions of section 1081 (a), (b), or (e) or the corresponding provisions of prior internal revenue laws, the property was acquired by a corporation, either as paid-in surplus or as a contribution to capital, or in consideration for stock or securities issued by the corporation receiving the property (including cases where part of the consideration for the transfer of such property to the corporation consisted of property or money in addition to such stock or securities), then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain or decreased in the amount of loss recognized to the transferor on such transfer under the law applicable to the year in which the transfer was made.

(c) *Distributions of stock or securities.* If the stock or securities were received in a distribution subject to the provisions of section 1081 (c) or the corresponding provisions of prior internal revenue laws, then the basis in the case of the stock in respect of which the distribution was made shall be apportioned, under regulations prescribed by the Secretary or his delegate, between such stock and the stock or securities distributed.

(d) *Transfers within system group.* If the property was acquired by a corporation which is a member of a system group on a transfer or distribution described in section 1081 (d) (1), then the basis shall be the same as it would be in the hands of the transferor; except that if such property is stock or securities issued by the corporation from which such stock or securities were received and they were issued—

(1) As the sole consideration for the property transferred to such corporation, then the basis of such stock or securities shall be either—

(A) The same as in the case of the property transferred therefor, or

(B) The fair market value of such stock or securities at the time of their receipt, whichever is the lower; or

(2) As part consideration for the property transferred to such corporation, then the basis of such stock or securities shall be either—

(A) An amount which bears the same ratio to the basis of the property transferred as the fair market value of such stock or securities at the time of their receipt bears to the total fair market value of the entire consideration received, or

(B) The fair market value of such stock or securities at the time of their receipt, whichever is the lower.

§ 1.1082–1 *Basis for determining gain or loss.* (a) For determining the basis of property acquired in a taxable year beginning before January 1, 1942, in any manner described in section 372 of the Internal Revenue Code of 1939 prior to its amendment by the Revenue Act of 1942, see such section (before its amendment by such Act).

(b) If the property was acquired in a taxable year beginning after December 31, 1941, in any manner described in section 1082 (other than subsection (a) (2)), or section 372 (other than subsection (a) (2)) of the Internal Revenue Code of 1939 after its amendments, the basis shall be that prescribed in section 1082 with respect to such property. However, in the case of property acquired in a transaction described in section 1081 (c) (2), this paragraph is applicable only if the property was acquired in a distribution made in a taxable year subject to the Internal Revenue Code of 1954.

(c) Section 1082 makes provisions with respect to the basis of property acquired in a transfer in connection with which the recognition of gain or loss is prohibited by the provisions of section 1081 with respect to the whole or any part of the property received. In general, and except as provided in § 1.1082–3, it is intended that the basis for determining gain or loss pertaining to the property prior to its transfer, as well as the basis for determining the amount of depreciation or depletion deductible and the amount of earnings or profits available for distribution, shall continue notwithstanding the nontaxable conversion of the asset in form or its change in ownership. The continuance of the basis may be reflected in a shift thereof from one asset to another in the hands of the same owner, or in its transfer with the property from one owner into the hands of another. See also § 1.1081–2.

§ 1.1082–2 *Basis of property acquired upon exchanges under section 1081 (a) or (e).* (a) In the case of an exchange of stock or securities for stock or securities as described in section 1081 (a), if no part of the gain or loss upon such exchange was recognized under section 1081, the basis of the property acquired is the same as the basis of the property transferred by the taxpayer with proper adjustments to the date of the exchange.

(b) If, in an exchange of stock or securities as described in section 1081 (a), gain to the taxpayer was recognized under section 1081 (e) on account of the receipt of money, the basis of the property acquired is the basis of the property transferred (adjusted to the date of the exchange), decreased by the amount of money received and increased by the amount of gain recognized upon the exchange. If, upon such exchange, there were received by the taxpayer money and other nonexempt property (not permitted to be received without the recognition of gain), and gain from the transaction was recognized under section 1081 (e), the basis (adjusted to the date of the exchange) of the property transferred by the taxpayer, decreased by the amount of money received and increased by the amount of gain recognized, must be apportioned to and is the basis of the properties (other than money) received on the exchange. For the purpose of the allocation of such basis to the properties received, there must be assigned to the nonexempt property (other than money) an amount equivalent to its fair market value at the date of the exchange.

(c) Section 1081 (e) provides that no loss may be recognized on an exchange of stock or securities for stock or securities as described in section 1081 (a), although the taxpayer receives money or other nonexempt property from the transaction. However, the basis of the property (other than money) received by the taxpayer is the basis (adjusted to the date of the exchange) of the property transferred, decreased by the amount of money received. This basis must be apportioned to the properties received, and for this purpose there must be allocated to the nonexempt property (other than money) an amount of such basis equivalent to the fair market value of such nonexempt property at the date of the exchange.

(d) Section 1082 (a) does not apply in ascertaining the basis of property acquired by a corporation by the issuance of its stock or securities as the consideration in whole or in part for the transfer of the property to it. For the rule in such cases, see section 1082 (b).

(e) For purposes of this section, any reference to section 1081 shall be deemed to include a reference to corresponding provisions of prior internal revenue laws.

§ 1.1082–3 *Reduction of basis of property by reason of gain not recognized under section 1081 (b)—(a) Introductory.* In addition to the adjustments provided in section 1016 and other applicable provisions of chapter 1, and the regulations relating thereto, which are required to be made with respect to the cost or other basis of property, section 1082 (a) (2) provides that a further adjustment shall be made in any case in which there shall have been a nonrecognition of gain under section 1081 (b). Such further adjustment shall be made with respect to the basis of the property in the hands of the transferor immediately after the transfer and of the property acquired within 24 months after such transfer by an expenditure or investment to which section 1081 (b) relates, and on account of which expenditure or investment gain is not recognized. If the property is in the hands of the transferor imediately after the transfer, the time of reduction is the day of the transfer; in all other cases the time of reduction is the date of acquisition. The effect of applying an amount in reduction of basis of property under section 1081 (b) is to reduce by such amount the basis for determining gain upon sale or other disposition, the basis for determining loss upon sale or other disposition, the basis for depreciation and for depletion, and any other amount which the Internal Revenue Code of 1954 prescribes shall be the same as any of such bases. For the purposes of the application of an amount in reduction of basis under section 1081 (b), property is not considered as having a basis capable of reduction if—

(1) It is money, or

(2) If its adjusted basis for determining gain at the time the reduction is to be made is zero, or becomes zero at any time in the application of section 1081 (b).

(b) *General rule.* (1) Section 1082 (a) (2) sets forth seven categories of property, the basis of which for determining gain or loss shall be reduced in the order stated.

(2) If any of the property in the first category has a basis capable of reduction, the reduction must first be made before applying an amount in reduction of the basis of any property in the second or in a succeeding category, to each of which in turn a similar rule is applied.

(3) In the application of the rule to each category, the amount of the gain not recognized shall be applied to reduce the cost or other basis of all the property in the category as follows: The cost of other basis (at the time immediately after the transfer or, if the property is not then held but is thereafter acquired, at the time of such acquisition) of each unit of property in the first category shall be decreased (but the amount of the decrease shall not be more than the amount of the adjusted basis at such time for determining gain, determined without regard to this section) in an amount equal to such proportion of the unrecognized gain as the adjusted basis (for determining gain, determined without regard to this section) at such time of each unit of property of the taxpayer in that category bears to the aggregate of the adjusted basis (for determining gain, computed without regard to this section) at such time of all the property of the taxpayer in that category. When such adjusted basis of the property in the first category has been thus reduced to zero, a similar rule shall be applied, with respect to the portion of such gain which is unabsorbed in such reduction of the basis of the property in such category, in reducing the basis of the property in the second category. A similar rule with respect to the remaining unabsorbed gain shall be applied in reducing the basis of the property in the next succeeding category.

(c) *Special cases.* (1) With the consent of the Commissioner, the taxpayer may, however, have the basis of the various units of property within a particular category specified in section 1082 (a) (2) adjusted in a manner different from the general rule set forth in paragraph (b) of this section. Variations from such general rule may, for example, involve adjusting the basis of only certain units of the taxpayer's property within a given category. A request for variations from the general rule should be filed by the taxpayer with its income tax return for the taxable year in which the transfer of property has occurred.

(2) Agreement between the taxpayer and the Commissioner as to any variations from such general rule shall be effective only if incorporated in a closing agreement entered into under the provisions of section 7121. If no such agreement is entered into by the taxpayer and the Commissioner, then the consent filed on Form 982A shall (except as otherwise provided in this subparagraph) be deemed to be a consent to the application of such general rule, and such general rule shall apply in the determination of the basis of the taxpayer's property. If, however, the taxpayer specifically states on such form that it does not consent to the application of the general rule, then, in the absence of a closing agreement, the document filed shall not be deemed a consent within the meaning of section 1081 (b) (4).

§ 1.1082–4 *Basis of property acquired by corporation under section 1081 (a), 1081 (b), or 1081 (e) as contribution of capital or surplus, or in consideration for its own stock or securities.* If, in connection with an exchange of stock or securities for stock or securities as described in section 1081 (a), or an exchange of property for property as described in section 1081 (b), or an exchange as described in section 1081 (e), property is acquired by a corporation by the issuance of its stock or securities, the basis of such property shall be determined under section 1082 (b). If the corporation issued its stock or securities as part or sole consideration for the property acquired, the basis of the property in the hands of the acquiring corporation is the basis (adjusted to the date of the exchange) which the property would have had in hands of the transferor if the transfer had not been made, increased in the amount of gain or decreased in the amount of loss recognized under section 1081 to the transferor upon the transfer. If any property is acquired by a corporation from a shareholder as paid-in surplus, or from any person as a contribution to capital, the basis of the property to the corporation is the basis (adjusted to the date of acquisition) of the property in the hands of the transferor.

§ 1.1082–5 *Basis of property acquired by shareholder upon tax-free distribution under section 1081 (c) (1) or (2)—(a) Stock or securities.* If there was distributed to a shareholder in a corporation which is a registered holding company or a majority-owned subsidiary company, stock or securities (other than stock or securities which are nonexempt property), and if by virtue of section 1081 (c) (1) no gain was recognized to the shareholder upon such distribution, then the basis of the stock in respect of which the distribution was made must be apportioned between such stock and the stock or securities so distributed to the shareholder. The basis of the old shares and the stock or securities received upon the distribution shall be determined in accordance with the following rules:

(1) If the stock or securities received upon the distribution consist solely of stock in the distributing corporation and the stock received is all of substantially the same character and preference as the stock in respect of which the distribution is made, the basis of each share will be the quotient of the cost or other basis of the old shares of stock divided by the total number of the old and the new shares.

(2) If the stock or securities received upon the distribution are in whole or in part stock in a corporation other than the distributing corporation, or are in whole or in part stock of a character or preference materially different from the stock in respect of which the distribution is made, or if the distribution consists in whole or in part of securities other than stock, the cost or other basis of the stock in respect of which the distribution is made shall be apportioned between such stock and the stock or securities distributed in proportion, as nearly as may be, to the respective values of each class of stock or security, old and new, at the time of such distribution, and the basis of each share of stock or unit of security will be the quotient of the cost or other basis of the class of stock or security to which such share or unit belongs, divided by the number of shares or units in the class. Within the meaning of this subparagraph, stocks or securities in one corporation are different in class from stocks or securities in another corporation, and, in general, any material difference in character or preference or

terms sufficient to distinguish one stock or security from another stock or security, so that different values may properly be assigned thereto, will constitute a difference in class.

(b) *Stock rights.* If there was distributed to a shareholder in a corporation rights to acquire common stock in a second corporation, and if by virtue of section 1081 (c) (2) no gain was recognized to the shareholder upon such distribution, then the basis of the stock in respect of which the distribution was made must be apportioned between such stock and the stock rights so distributed to the shareholder. The basis of such stock and the stock rights received upon the distribution shall be determined in accordance with the following:

(1) The cost or other basis of the stock in respect of which the distribution is made shall be apportioned between such stock and the stock rights distributed, in proportion to the respective values thereof at the time the rights are issued.

(2) The basis for determining gain or loss from the sale of a right, or from the sale of a share of stock in respect of which the distribution is made, will be the quotient of the cost or other basis, properly adjusted, assigned to the rights or the stock, divided, as the case may be, by the number of rights acquired or by the number of shares of such stock held.

(c) *Cross reference.* As to the basis of stock or securities distributed by one member of a system group to another member of the same system group, see § 1.1082–6 below.

§ 1.1082–6 *Basis of property acquired under section 1082 (d) in transactions between corporations of the same system group.* (a) If property was acquired by a corporation which is a member of a system group, from a corporation which is a member of the same system group, upon a transfer or distribution described in section 1081 (d) (1), then as a general rule the basis of such property in the hands of the acquiring corporation is the basis which such property would have had in the hands of the transferor if the transfer or distribution had not been made. Except as otherwise indicated in this section, this rule will apply equally to cases in which the consideration for the property acquired consists of stock or securities, money, and other property, or any of them, but it is contemplated that an ultimate true reflection of income will be obtained in all cases, notwithstanding any peculiarities in form which the various transactions may assume. See the example in § 1.1081–6.

(b) An exception to the general rule is provided for in case the property acquired consists of stock or securities issued by the corporation from which such stock or securities were received. If such stock or securities were the sole consideration for the property transferred to the corporation issuing such stock or securities, then the basis of the stock or securities shall be (1) the same as the basis (adjusted to the time of the transfer) of the property transferred for such stock or securities, or (2) the fair market value of such stock or securities at the time of their receipt, whichever is the lower. If such stock or securities constituted only part consideration for the property transferred to the corporation issuing such stock or securities, then the basis shall be an amount which bears the same ratio to the basis of the property transferred as the fair market value of such stock or securities on their receipt bears to the total fair market value of the entire consideration received, except that the fair market value of such stock or securities at the time of their receipt shall be the basis therefor, if such value is lower than such amount.

(c) The application of paragraph (b) of this section may be illustrated by the following examples:

Example (1). Suppose the A Corporation has property with an adjusted basis of $600,000 and, in an exchange in which section 1081 (d) (1) is applicable, transfers such property to the B Corporation in exchange for a total consideration of $1,000,000, consisting of (1) cash in the amount of $100,000, (2) tangible property having a fair market value of $400,000 and an adjusted basis in the hands of the B Corporation of $300,000, and (3) stock or securities issued by the B Corporation with a par value and a fair market value as of the date of their receipt in the amount of $500,000. The basis to the B Corporation of the property received by it is $600,000, which is the adjusted basis of such property in the hands of the A Corporation. The basis to the A Corporation of the assets (other than cash) received by it is as follows: Tangible property, $300,000, the adjusted basis of such property to the B Corporation, the former owner; stock or securities issued by the B Corporation, $300,000, an amount equal to 500,000/1,000,000ths of $600,000.

Example (2). Suppose that in example (1) the property of the A Corporation transferred to the B Corporation had an adjusted basis of $1,100,000 instead of $600,000, and that all other factors in the example remain the same. In such case the basis to the A Corporation of the stock or securities in the B Corporation is $500,000, which was the fair market value of such stock or securities at the time of their receipt by the A Corporation, because this amount is less than the amount established as 500,000/1,000,000ths of $1,100,000 or $550,000.

§ 1.1083 *Statutory provisions; exchanges and distributions in obedience to orders of the Securities and Exchange Commission; definitions.*

SEC. 1083. *Definitions*—(a) *Order of Securities and Exchange Commission.* For purposes of this part, the term "order of the Securities and Exchange Commission" means an order issued after May 28, 1938, by the Securities and Exchange Commission which requires, authorizes, permits, or approves transactions described in such order to effectuate section 11 (b) of the Public Utility Holding Company Act of 1935 (49 Stat. 820; 15 U. S. C. 79k (b)), which has become or becomes final in accordance with law.

(b) *Registered holding company; holding company system; associate company.* For purposes of this part, the terms "registered holding company", "holding company system", and "associate company" shall have the meanings assigned to them by section 2 of the Public Utility Holding Company Act of 1935 (49 Stat. 804; 15 U. S. C. 79b (a)).

(c) *Majority-owned subsidiary company.* For purposes of this part, the term "majority-owned subsidiary company" of a registered holding company means a corporation, stock of which, representing in the aggregate more than 50 percent of the total combined voting power of all classes of stock of such corporation entitled to vote (not including stock which is entitled to vote only on default or nonpayment of dividends or other special circumstances) is owned wholly by such registered holding company, or partly by such registered holding company and partly by one or more majority-owned subsidiary companies thereof, or by one or more majority-owned subsidiary companies of such registered holding company.

(d) *System group.* For purposes of this part, the term "system group" means one or more chains of corporations connected through stock ownership with a common parent corporation if—

(1) At least 90 percent of each class of the stock (other than (A) stock which is preferred as to both dividends and assets, and (B) stock which is limited and preferred as to dividends but which is not preferred as to assets but only if the total value of such stock is less than 1 percent of the aggregate value of all classes of stock which are not preferred as to both dividends and assets) of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations; and

(2) The common parent corporation owns directly at least 90 percent of each class of the stock (other than stock, which is preferred as to both dividends and assets) of at least one of the other corporations; and

(3) Each of the corporations is either a registered holding company or a majority-owned subsidiary company.

(e) *Nonexempt property.* For purposes of this part, the term "nonexempt property" means—

(1) Any consideration in the form of evidences of indebtedness owed by the transferor or a cancellation or assumption of debts or other liabilities of the transferor (including a continuance of encumbrances subject to which the property was transferred);

(2) Short-term obligations (including notes, drafts, bills of exchange, and bankers' acceptances) having a maturity at the time of issuance of not exceeding 24 months, exclusive of days of grace;

(3) Securities issued or guaranteed as to principal or interest by a government or subdivision thereof (including those issued by a corporation which is an instrumentality of a government or subdivision thereof);

(4) Stock or securities which were acquired from a registered holding company or an associate company of a registered holding company which acquired such stock or securities after February 28, 1938, unless such stock or securities (other than obligations described as nonexempt property in paragraph (1), (2), or (3)) were acquired in obedience to an order of the Securities and Exchange Commission or were acquired with the authorization or approval of the Securities and Exchange Commission under any section of the Public Utility Holding Company Act of 1935 (49 Stat. 820; 15 U. S. C. 79k (b));

(5) Money, and the right to receive money not evidenced by a security other than an obligation described as nonexempt property in paragraph (2) or (3).

(f) *Stock or securities.* For purposes of this part, the term "stock or securities" means shares of stock in any corporation, certificates of stock or interest in any corporation, notes, bonds, debentures, and evidences of indebtedness (including any evidence of an interest in or right to subscribe to or purchase any of the foregoing).

§ 1.1083–1 *Definitions*—(a) *Order of the Securities and Exchange Commission.* (1) An order of the Securities and Exchange Commission as defined in section 1083 (a) must be issued after May 28, 1938 (the date of the enactment of the Revenue Act of 1938), and must be issued under the authority of section 11 (b) or 11 (e) of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79k (b), (e)), to effectuate the provisions of section 11 (b) of such Act. In all cases the order must become or have become final in accordance with law; i. e., it must be valid, outstanding, and not subject to further appeal. See further sections 1083 (a) and 1081 (f).

(2) Section 11 (b) of the Public Utility Holding Company Act of 1935 provides:

(b) It shall be the duty of the Commission, as soon as practicable after January 1, 1938:

(1) To require by order, after notice and opportunity for hearing, that each registered holding company, and each subsidiary company thereof, shall take such action as the Commission shall find necessary to limit the operations of the holding-company system of which such company is a part to a single integrated public-utility system, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system: *Provided, however,* That the Commission shall permit a registered holding company to continue to control one or more additional integrated public-utility systems, if, after notice and opportunity for hearing, it finds that—

(A) Each of such additional systems cannot be operated as an independent system without the loss of substantial economies which can be secured by the retention of control by such holding company of such system;

(B) All of such additional systems are located in one State, or in adjoining States, or in a contiguous foreign country; and

(C) The continued combination of such systems under the control of such holding company is not so large (considering the state of the art and the area or region affected) as to impair the advantages of localized management, efficient operation, or the effectiveness of regulation. The Commission may permit as reasonably incidental, or economically necessary or appropriate to the operations of one or more integrated public-utility systems the retention of an interest in any business (other than the business of a public-utility company as such) which the Commission shall find necessary or appropriate in the public interest or for the protection of investors or consumers and not detrimental to the proper functioning of such system or systems.

(2) To require by order, after notice and opportunity for hearing, that each registered holding company, and each subsidiary company thereof, shall take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in the holding-company system does not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among security holders, of such holding-company system. In carrying out the provisions of this paragraph the Commission shall require each registered holding company (and any company in the same holding-company system with such holding company) to take such action as the Commission shall find necessary in order that such holding company shall cease to be a holding company with respect to each of its subsidiary companies which itself has a subsidiary company which is a holding company. Except for the purpose of fairly and equitably distributing voting power among the security holders of such company, nothing in this paragraph shall authorize the Commission to require any change in the corporate structure or existence of any company which is not a holding company, or of any company whose principal business is that of a public-utility company. The Commission may by order revoke or modify any order previously made under this subsection, if, after notice and opportunity for hearing, it finds that the conditions upon which the order was predicated do not exist. Any order made under this subsection shall be subject to judicial review as provided in section 24.

(3) Section 11 (e) of the Public Utility Holding Company Act of 1935 provides:

(e) In accordance with such rules and regulations or order as the Commission may deem necessary or appropriate in the public interest or for the protection of investors or consumers, any registered holding company or any subsidiary company of a registered holding company may, at any time after January 1, 1936, submit a plan to the Commission for the divestment of control, securities, or other assets, or for other action by such company or any subsidiary company thereof for the purpose of enabling such company or any subsidiary company thereof to comply with the provisions of subsection (b). If, after notice and opportunity for hearing, the Commission shall find such plan, as submitted or as modified, necessary to effectuate the provisions of subsection (b) and fair and equitable to the persons affected by such plan, the Commission shall make an order approving such plan; and the Commission, at the request of the company, may apply to a court, in accordance with the provisions of subsection (f) of section 18, to enforce and carry out the terms and provisions of such plan. If, upon any such application, the court, after notice and opportunity for hearing, shall approve such plan as fair and equitable and as appropriate to effectuate the provisions of section 11, the court as a court of equity may, to such extent as it deems necessary for the purpose of carrying out the terms and provisions of such plan, take exclusive jurisdiction and possession of the company or companies and the assets thereof, wherever located; and the court shall have jurisdiction to appoint a trustee, and the court may constitute and appoint the Commission as sole trustee, to hold or administer, under the direction of the court and in accordance with the plan therefore approved by the court and the Commission, the assets so possessed.

(b) *Registered holding company, holding-company system, and associate company.* (1) Under section 5 of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79e), any holding company may register by filing with the Securities and Exchange Commission a notification of registration, in such form as the Commission may by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors or consumers. A holding company shall be deemed to be registered upon receipt by the Securities and Exchange Commission of such notification of registration. As used in this part, the term "registereded holding company" means a holding company whose notification of registration has been so received and whose registration is still in effect under section 5 of the Public Utility Holding Company Act of 1935. Under section 2 (a) (7) of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79b (a) (7)), a corporation is a holding company (unless it is declared not to be such by the Securities and Exchange Commission), if such corporation directly or indirectly owns, controls, or holds with power to vote 10 percent or more of the outstanding voting securities of a public-utility company (i. e., an electric utility company or a gas utility company as defined by such act) or of any other holding company. A corporation is also a holding company if the Securities and Exchange Commission determines, after notice and opportunity for hearing, that such corporation directly or indirectly exercises (either alone or pursuant to an arrangement or understanding with one or more other persons) such a controlling influence over the management or policies of any public-utility company (i. e., an electric utility company or a gas utility company as defined by such act) or holding company as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that such corporation be subject to the obligations, duties, and liabilities imposed upon holding companies by the Public Utility Holding Company Act of 1935 (15 U. S. C. c. 2 C). An electric utility company is defined by section 2 (a) (3) of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79b (a) (3)) to mean a company which owns or operates facilities used for the generation, transmission, or distribution of electrical energy for sale, other than sale to tenants or employees of the company operating such facilities for their own use and not for resale; and a gas utility company is defined by section 2 (a) (4) of such act (15 U. S. C. 79b (a) (4)), to mean a company which owns or operates facilities used for the distribution at retail (other than distribution only in enclosed portable containers, or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power. However, under certain conditions the Securities and Exchange Commission may declare a company not to be an electric utility company or a gas utility company, as the case may be, in which event the company shall not be considered an electric utility company or a gas utility company.

(2) The term "holding company system" has the meaning assigned to it by section 2 (a) (9) of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79b (a) (9)), and hence means any holding company, together with all its subsidiary companies (i. e., subsidiary companies within the meanig of section 2 (a) (8) of such act (15 U. S. C. 79b (a) (8)), which in general include all companies 10 percent of whose outstanding voting securities is owned directly or indirectly by such holding company and all mutual service companies of which such holding company or any subsidiary company thereof is a member company. The term "mutual service company" means a company approved as a mutual service company under section 13 of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79m). The term "member company" is defined by section 2 (a) (14) of such act (15 U. S. C. 79b (a) (14)), to mean a company which is a member of an association or group of companies mutually served by a mutual service company.

(3) The term "associate company" has the meaning assigned to it by section 2 (a) (10) of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79b (a) (10)), and hence an associate company of a company is any company in the same holding-company system with such company.

(c) *Majority-owned subsidiary company.* The term "majority-owned subsidiary company" is defined in section 1083 (c). Direct ownership by a registered holding company of more than 50 percent of the specified stock of another corporation is not necessary to constitute such corporation a majority-owned subsidiary company. To illustrate, if the H Corporation, a registered holding company, owns 51 percent of the common stock of the A Corporation and 31 percent of the common stock of the B Corporation, and the A Corporation owns 20 percent of the common stock of the B Corporation (the common stock in each case being the only stock entitled to vote), both the A Corporation and the B Corporation are majority-owned subsidiary companies.

(d) *System group.* The term "system group" is defined in section 1083 (d) to mean one or more chains of corporations connected through stock ownership with a common parent corporation, if at least 90 percent of each class of stock (other than (1) stock which is preferred as to both dividends and assets, and (2) stock which is limited and preferred as to dividends but which is not preferred as to assets but only if the total value of such stock is less than 1 percent of the aggregate value of all classes of stock which are not preferred as to both dividends and assets) of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations, and if the common parent corporation owns directly at least 90 percent of each class of stock (other than stock preferred as to both dividends and assets) of at least one of the other corporations; but no corporation is a member of a system group unless it is either a registered holding company or a majority-owned subsidiary company. While the type of stock which must, for the purpose of this definition, be at least 90 percent owned may be different from the voting stock which must be more than 50 percent owned for the purpose of the definition of a majority-owned subsidiary company under section 1083 (c), as a general rule both types of ownership tests must be met under section 1083 (d), since a corporation, in order to be a member of a system group, must also be a registered holding company or a majority-owned subsidiary company.

(e) *Nonexempt property.* The term "nonexempt property" is defined by section 1083 (e) to include—

(1) The amount of any consideration in the form of a cancellation or assumption of debts or other liabilities of the transferor (including a continuance of encumbrances subject to which the property was transferred). To illustrate, if in obedience to an order of the Securities and Exchange Commission the X Corporation, a registered holding company, transfers property to the Y Corporation in exchange for property (not nonexempt property) with a fair market value of $500,000, the X Corporation receives $100,000 of nonexempt property, if for example—

(i) The Y Corporation cancels $100,000 of indebtedness owed to it by the X Corporation;

(ii) The Y Corporation assumes an indebtedness of $100,000 owed by the X Corporation to another company, the A Corporation; or

(iii) The Y Corporation takes over the property conveyed to it by the X Corporation subject to a mortgage of $100,000.

(2) Short-term obligations (including notes, drafts, bills of exchange, and bankers' acceptances) having a maturity at the time of issuance of not exceeding 24 months, exclusive of days of grace.

(3) Securities issued or guaranteed as to principal or interest by a government or subdivision thereof (including those issued by a corporation which is an instrumentality of a government or subdivision thereof).

(4) Stock or securities which were acquired from a registered holding company which acquired such stock or securities after February 28, 1938, or an associate company of a registered holding company which acquired such stock or securities after February 28, 1938, unless such stock or securities were acquired in obedience to an order of the Securities and Exchange Commission (as defined in section 1083 (a)) or were acquired with the authorization or approval of the Securities and Exchange Commission under any section of the Public Utility Holding Company Act of 1935, and are not nonexempt property within the meaning of section 1083 (e) (1), (2), or (3).

(5) Money, and the right to receive money not evidenced by a security other than an obligation described as nonexempt property in section 1083 (e) (2) or (3). The term "the right to receive money" includes, among other items, accounts receivable, claims for damages, and rights to refunds of taxes.

(f) *Stock or securities.* The term "stock or securities" is defined in section 1083 (f) for the purposes of sections 1081 to 1083, inclusive. As therein defined, the term includes voting trust certificates and stock rights or warrants.

WASH SALES OF STOCKS OR SECURITIES

§ 1.1091 *Statutory provisions; losses from wash sales of stocks or securities; basis.*

SEC. 1091. *Loss from wash sales of stock or securities*—(a) *Disallowance of loss deduction.* In the case of any loss claimed to have been sustained from any sale or other disposition of shares of stock or securities where it appears that, within a period beginning 30 days before the date of such sale or disposition and ending 30 days after such date, the taxpayer has acquired (by purchase or by an exchange on which the entire amount of gain or loss was recognized by law), or has entered into a contract or option so to acquire, substantially identical stock or securities, then no deduction for the loss shall be allowed under section 165 (c) (2); nor shall such deduction be allowed a corporation under section 165 (a) unless it is a dealer in stocks or securities, and the loss is sustained in a transaction made in the ordinary course of its business.

(b) *Stock acquired less than stock sold.* If the amount of stock or securities acquired (or covered by the contract or option to acquire) is less than the amount of stock or securities sold or otherwise disposed of, then the particular shares of stock or securities the loss from the sale or other disposition of which is not deductible shall be determined under regulations prescribed by the Secretary or his delegate.

(c) *Stock acquired not less than stock sold.* If the amount of stock or securities acquired (or covered by the contract or option to acquire) is not less than the amount of stock or securities sold or otherwise disposed of, then the particular shares of stock or securities the acquisition of which (or the contract or option to acquire which) resulted in the nondeductibility of the loss shall be determined under regulations prescribed by the Secretary or his delegate.

(d) *Unadjusted basis in case of wash sale of stock.* If the property consists of stock or securities the acquisition of which (or the contract or option to acquire which) resulted in the nondeductibility (under this section or corresponding provisions of prior internal revenue laws) of the loss from the sale or other disposition of substantially identical stock or securities, then the basis shall be the basis of the stock or securities so sold or disposed of, increased or decreased, as the case may be, by the difference, if any, between the price at which the property was acquired and the price at which such substantially identical stock or securities were sold or otherwise disposed of.

§ 1.1091–1 *Losses from wash sales of stock or securities.* (a) A taxpayer cannot deduct any loss claimed to have been sustained from the sale or other disposition of stock or securities if, within a period beginning 30 days before the date of such sale or disposition and ending 30 days after such date (referred to in this section as the 61-day period), he has acquired (by purchase or by an exchange upon which the entire amount of gain or loss was recognized by law), or has entered into a contract or option so to acquire, substantially identical stock or securities. However, this prohibition does not apply (1) in the case of a taxpayer, not a corporation, if the sale or other disposition of stock or securities is made in connection with the taxpayer's trade or business, or (2) in the case of a corporation, a dealer in stock or securities, if the sale or other disposition of stock or securities is made in the ordinary course of its business as such dealer.

(b) Where more than one loss is claimed to have been sustained within the taxable year from the sale or other disposition of stock or securities, the provisions of this section shall be applied to the losses in the order in which the stock or securities the disposition of which resulted in the respective losses were disposed of (beginning with the earliest disposition). If the order of disposition of stock or securities disposed of at a loss on the same day cannot be determined, the stock or securities will be considered to have been disposed of in the order in which they were originally acquired (beginning with the earliest acquisition).

(c) Where the amount of stock or securities acquired within the 61-day period is less than the amount of stock or securities sold or otherwise disposed of, then the particular shares of stock or securities the loss from the sale or other disposition of which is not deductible shall be those with which the stock or securities acquired are matched in accordance with the following rule: The stock or securities acquired will be matched in accordance with the order of their acquisition (beginning with the earliest acquisition) with an equal number of the shares of stock or securities sold or otherwise disposed of.

(d) Where the amount of stock or securities acquired within the 61-day period is not less than the amount of stock or securities sold or otherwise disposed of, then the particular shares of stock or securities the acquisition of which resulted in the nondeductibility of the loss shall be those with which the stock or securities disposed of are matched in accordance with the following rule: The stock or securities sold or otherwise disposed of will be matched with an equal number of the shares of stock or securities acquired in accordance with the order of acquisition (beginning with the earliest acquisition) of the stock or securities acquired.

(e) The acquisition of any share of stock or any security which results in the nondeductibility of a loss under the provisions of this section shall be disregarded in determining the deductibility of any other loss.

(f) The word "acquired" as used in this section means acquired by purchase or by an exchange upon which the entire amount of gain or loss was recognized by law, and comprehends cases where the taxpayer has entered into a contract or option within the 61-day period to acquire by purchase or by such an exchange.

(g) The following examples illustrate the application of this section:

Example (1). A, whose taxable year is the calendar year, on December 1, 1954, purchased 100 shares of common stock in the M Company for $10,000 and on December 15, 1954, purchased 100 additional shares for $9,000. On January 3, 1955, he sold the 100 shares purchased on December 1, 1954, for $9,000. Because of the provisions of section 1091, no loss from the sale is allowable as a deduction.

Example (2). A, whose taxable year is the calendar year, on September 21, 1954, purchased 100 shares of the common stock of the M Company for $5,000. On December 21, 1954, he purchased 50 shares of substantially identical stock for $2,750, and on December 27, 1954, he purchased 25 additional shares of such stock for $1,125. On January 3, 1955, he sold for $4,000 the 100 shares purchased on September 21, 1954. There is an indicated loss of $1,000 on the sale of the 100 shares. Since, within the 61-day period, A purchased 75 shares of substantially identical stock, the loss on the sale of 75 of the shares ($3,750−$3,000, or $750) is not allowable as a deduction because of the provisions of section 1091. The loss on the sale of the remaining 25 shares ($1,250−$1,000, or $250) is deductible subject to the limitations provided in sections 267 and 1211. The basis of the 50 shares purchased December 21, 1954, the acquisition of which resulted in the nondeductibility of the loss ($500) sustained on 50 of the 100 shares sold on January 3, 1955, is $2,500 (the cost of 50 of the shares sold on January 3, 1955) + $750 (the difference between the purchase price $2,750) of the 50 shares acquired on December 21, 1954, and the selling price ($2,000) of 50 of the shares sold on January 3, 1955, or $3,250. Similarly, the basis of the 25 shares purchased on December 27, 1954, the acquisition of which resulted in the nondeductibility of the loss ($250) sustained on 25 of the shares sold on January 3, 1955, is $1,250+$125, or $1,375. See § 1.1091–2.

Example (3). A, whose taxable year is the calendar year, on September 15, 1954, purchased 100 shares of the stock of the M Company for $5,000. He sold these shares on February 1, 1956, for $4,000. On each of the four days from February 15, 1956, to February 18, 1956, inclusive, he purchased 50 shares of substantially identical stock for $2,000. There is an indicated loss of $1,000 from the sale of the 100 shares on February 1, 1956, but, since within the 61-day period A purchased not less than 100 shares of substantially identical stock, the loss is not deductible. The particular shares of stock the purchase of which resulted in the nondeductibility of the loss are the first 100 shares purchased within such period, that is, the 50 shares purchased on February 15, 1956, and the 50 shares purchased on February 16, 1956. In determining the period for which the 50 shares purchased on February 15, 1956, and the 50 shares purchased on February 16, 1956, were held, there is to be included the period for which the 100 shares purchased on September 15, 1954, and sold on February 1, 1956, were held.

§ 1.1091–2 *Basis of stocks or securities acquired in "wash sales".* The application of section 1091 (d) may be illustrated by the following examples:

Example (1). A purchased a share of common stock of the X Corporation for $100 in 1935, which he sold January 15, 1955, for $80. On February 1, 1955, he purchased a share of common stock of the same corporation for $90. No loss from the sale is recognized under section 1091. The basis of the new share is $110; that is, the basis of the old share ($100) increased by $10, the excess of the price at which the new share was acquired ($90) over the price at which the old share was sold ($80).

Example (2). A purchased a share of common stock of the Y Corporation for $100 in 1935, which he sold January 15, 1955, for $80. On February 1, 1955, he purchased a share of common stock of the same corporation for $70. No loss from the sale is recognized under section 1091. The basis of the new share is $90; that is, the basis of the old share ($100) decreased by $10, the excess of the price at which the old share was sold ($80) over the price at which the new share was acquired ($70).

[F. R. Doc. 55–9631; Filed, Nov. 30, 1955; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 115]

REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

SALES AND APPRAISALS; ACTION ON BIDS

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of August 28, 1937 (50 Stat. 874), it is proposed to amend the regulations governing the sale of timber on the O. & C. lands. A tentative draft of the proposed regulations, 43 CFR 115.39 (f) and 115.45 (3), is set forth below.

Interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments, to the Director, Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication of this notice.

Upon receiving the recommendation of the Director, Bureau of Land Management, together with all responses received pursuant to this notice, the Secretary of the Interior will determine whether the proposed regulations, 43 CFR 115.39 (f) and 115.45 (3), as proposed to be amended should be adopted. Should the Secretary of the Interior decide that the proposed regulations be adopted they will be duly published in the FEDERAL REGISTER.

DOUGLAS MCKAY,
Secretary of the Interior.

NOVEMBER 25, 1955.

A new paragraph (f) is added to § 115.39; and paragraph (b) (3) of § 115.45 is amended, to read as follows:

§ 115.39 *Sales and appraisals.* • • •

(f) When the Director determines that good forest management requires the rapid removal of windthrown, insect-damaged, or fire-killed timber or other salvage material, he may waive any or all marketing area restrictions as to sales of any timber which may be classified as salvage in nature by the authorized officer. Salvage sales may include such minimum amounts of intermingled or adjacent green timber as are necessary to insure economic operations.

§ 115.45 *Action on bids.* • • •

(b) • • •

(3) Timber which has been determined by the authorized officer to be salvage in nature, which has been advertised as such, which has not been affected by a marketing area waiver issued under § 115.39 (f), and which is sold under the terms of this section because no bids were received within the time specified in the notice of sale, may be manufactured in any O. & C. marketing area which has been established by the Secretary of the Interior, or the Director, Bureau of Land Management.

[F. R. Doc. 55–9611; Filed, Nov. 30, 1955; 8:47 a. m.]

Bureau of Mines

[30 CFR Part 11]

[Schedule 13C]

SELF-CONTAINED BREATHING APPARATUS

TESTS FOR PERMISSIBILITY; FEES

Notice is hereby given that the Secretary of the Interior proposes to amend the regulations in this part governing tests and investigations leading to approval of self-contained breathing apparatus as indicated below. Interested persons may submit, in triplicate, written data, views, or arguments concerning the proposed amendment of the regulations to the Director, Bureau of Mines, U. S. Department of the Interior, Washington 25, D. C. All relevant material received not later than 30 days after this notice is published in the FEDERAL REGISTER will be considered in formulating the amendment of these regulations.

Part 11 would be amended as follows:

1. Section 11.2 (a) would be amended to read as follows:

§ 11.2 *Conditions under which self-contained breathing apparatus will be tested.* The conditions under which the Bureau of Mines will examine and test self-contained breathing apparatus to establish their permissibility follow:

(a) (1) Applications for inspection, examination, and testing shall be made in duplicate to the District Supervisor, Health and Safety District B, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, and shall be accompanied by (i) a check, bank draft, or money order (see § 11.13) payable to the order of the United States Bureau of Mines; (ii) a complete written description of the apparatus in duplicate; and (iii) a set of drawings in duplicate showing full details of construction of the apparatus. If an apparatus operates with a regenerator, the application shall be accompanied by a complete written description of the regenerator and a set of drawings showing full details of its construction, all in duplicate. The application shall state, among other things, whether the apparatus is ready to be marketed.

(2) Manufacturers or their representatives may visit or communicate with the Engineer in Charge of Breathing-Apparatus Testing, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania to obtain criticism of proposed designs or to discuss the requirements covering the approval of self-contained breathing apparatus. No charge is made for such consultation.

2. Paragraphs (h) and (i) of § 11.2 would be deleted.

3. Paragraphs (j) and (k) of § 11.2 would become new paragraphs (h) and (i), respectively.

4. A new paragraph (j) would be inserted in § 11.2 to read as follows:

(j) No one shall be present during any part of the formal investigation, conducted by the Bureau, that leads to approval except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the bureau. When a self-contained breathing apparatus is approved as permissible, the Bureau will announce that such approval has been granted and may thereafter conduct from time to time, in its discretion, public demonstrations of the tests on approved self-contained breathing apparatus. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses and all information contained in the drawings, specifications, and instructions shall be deemed confidential, and the Bureau will appropriately safeguard them against disclosure.

5. A new paragraph (k) would be inserted in § 11.2 to read as follows:

(k) After the Bureau has considered the results of the investigation and suitable drawings and specifications have been placed on file, the Bureau will supply the applicant with a formal written notification of approval or disapproval of the self-contained breathing apparatus. If the breathing apparatus meets all requirements of this part, the notification will not be accompanied by test data or detailed results of tests. If the apparatus fails to meet any requirements of this part, the notification will be accompanied by details of the failure, with a view to possible remedying of the defect or defects in self-contained breathing apparatus submitted for testing and approval in the future. Results of tests of self-contained breathing apparatus that fail to meet the requirements will not be made public by the Bureau.

6. Paragraphs (l) and (m) of § 11.2 would be deleted.

7. Paragraphs (n) and (o) of § 11.2 would become new paragraphs (l) and (m), respectively.

8. Subparagraph (1) of paragraph (e) of § 11.3 would be amended to read as follows:

(e) (1) For an apparatus in which the expired air is recirculated and in which a mouth-breathing device, a supply of compressed oxygen, and a separate regenerator are utilized, the regenerating material shall absorb carbon dioxide from the expired air to the extent that not more than 2½ percent of carbon dioxide is present in the inspired air at any time. The average carbon dioxide content shall not exceed 1 percent throughout the test, as determined by analyses of air samples obtained as close as practicable to the point of inspiration and at uniform time intervals.

9. A new paragraph (e) (2) would be inserted in § 11.3, as follows:

(2) For an apparatus in which expired air is recirculated and in which a facepiece, a supply of compressed oxygen, and a separate regenerator are utilized the regenerating material shall absorb carbon dioxide from the expired air to the extent that not more than 2½ percent of carbon dioxide is present in the inspired air at any time. The average carbon dioxide content shall not exceed 2 percent throughout the test, determined by analyses of air samples taken from within the facepiece as close as practicable to the nose and mouth of the wearer and at uniform time intervals. Air samples will be taken only when the wearer is inhaling.

10. Former paragraph (e) (2) of §11.3 would become (e) (3) and would be amended to read as follows:

(3) For an oxygen-generating apparatus utilizing a mouth-breathing device in which the expired air is recirculated and wherein a chemical change is effected so that carbon dioxide is absorbed concurrently with generation of oxygen within the oxygen generator, the absorbent shall absorb carbon dioxide from the expired air to the extent that not more than 2½ percent of carbon dioxide is present in the inspired air at any time. The average carbon dioxide content shall not exceed 1 percent throughout the test, as determined by analyses of air samples obtained as close as practicable to the point of inspiration and at uniform time intervals.

11. A new paragraph (e) (4) would be inserted in § 11.3, as follows:

(4) For an oxygen-generating apparatus utilizing a facepiece in which the expired air is recirculated and wherein a chemical change is effected so that carbon dioxide is absorbed concurrently with generation of oxygen within the oxygen generator, the absorbent shall absorb carbon dioxide from the expired air to the extent that not more than 2½ percent of carbon dioxide is present in the inspired air at any time. The average carbon dioxide content shall not exceed 2 percent throughout the test, determined by analyses of air samples taken from within the facepiece as close as practicable to the nose and mouth of the wearer and at uniform time intervals. Air samples shall be taken only when the wearer is inhaling.

12. Paragraph (q) of § 11.4 would be amended to read as follows:

(q) Apparatus equipped with a mouth-breathing device or a facepiece shall be provided with an adequate saliva or moisture trap and release valve at the exhalation side of the inhalation and exhalation valve assembly and shall be so designed that while the saliva or moisture trap and release valve are functioning, no atmosphere external thereto can be drawn into the apparatus during inhalation.

13. Subparagraph (2) of paragraph (s) of § 11.4 would be amended to read as follows:

(2) The eyepieces shall be of nonshatter type and located to provide a satisfactory field of vision for persons of widely varying facial dimensions and contours. Air or oxygen shall enter the facepiece and be directed across the eyepieces to reduce precipitation or accumulation of moisture. The lenses shall be treated with an effective fog-preventing solution that is nonirritating, odorless, and nonflammable.

14. New subparagraphs (5) and (6) would be added to paragraph(s) of § 11.4, as follows:

(5) A facepiece, used as a supplemental attachment complete with inhalation- and exhalation-valve assembly and breathing tubes, shall not exceed a total weight of 3 pounds.

(6) The facepiece shall be distinctively and permanently marked to identify it as a supplemental part of a specific type of self-contained breathing apparatus.

15. The first sentence of the 4th paragraph of § 11.5 would be amended to read as follows: "Samples of air from an apparatus in which air is recirculated and which utilizes a mouth-breathing device shall be taken from the inhalation side of the circulatory system as close as possible to the mouthpiece or face attachment. Samples of air from a regenerating- or recirculating-type apparatus utilizing a facepiece shall be taken from the interior of the facepiece as close as possible to the nose and mouth of the wearer and shall be taken only when the wearer is inhaling."

16. Section 11.13 would be amended to read as follows:

§ 11.13 *Fees for testing self-contained breathing apparatus.*

	Apparatus with separate regenerator	Oxygen-generating apparatus	Demand-type apparatus
Complete 2-hour self-contained breathing apparatus inspection and tests	$1,500	$1,500	$1,500
Complete 1-hour self-contained breathing apparatus inspection and tests	1,390	1,390	1,390
Complete ¾-hour self-contained breathing apparatus inspection and tests	1,390	1,390	1,390
Complete ½-hour self-contained breathing apparatus inspection and tests	1,390	1,390	1,390
Separate preliminary 2-hour apparatus inspection and tests	230	230	230
Separate preliminary 1-hour apparatus inspection and tests	230	230	230
Separate preliminary ¾-hour apparatus inspection and tests	230	230	230
Separate preliminary ½-hour apparatus inspection and tests	230	230	230
Separate supplementary facepiece assembly	230	230	------
Separate regenerator 2-hour apparatus inspection and tests	165	------	------
Separate regenerator 1-hour apparatus inspection and tests	165	------	------
Separate regenerator ¾-hour apparatus inspection and tests	165	------	------
Separate regenerator ½-hour apparatus inspection and tests	165	------	------
Special reducing valve inspection and tests, all models	165	165	165
Separate auxiliary parts inspection and tests, each part	110	110	110

Fees for testing unusually complicated types of self-contained breathing apparatus and for extensions of approval will be based on the actual cost of testing, as determined by the Bureau of Mines in advance; the applicant will be notified and the fees paid before the tests are begun.

17. Section 11.14 would be deleted.

DOUGLAS MCKAY,
Secretary of the Interior.

NOVEMBER 23, 1955.

[F. R. Doc. 55-9610; Filed, Nov. 30, 1955; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 903]

[Docket No. AO-10-A19]

MILK IN ST. LOUIS, MO., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at St. Louis, Missouri, on October 25, 1955.

Upon the basis of the evidence introduced at the hearing and the record, thereof, the Deputy Administrator, Agricultural Marketing Service, on November 18, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision with respect to issues of this proceeding. The recommended decision including notice of an opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on November 19, 1955 (20 F. R. 8574).

The material issues, findings and conclusions, and general findings of the recommended decision (20 F. R. 8574; Doc. 55-9369) are hereby approved and adopted by this decision as is set forth in full herein.

Ruling on exceptions. Within the period reserved for exceptions, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

Determination of representative period. The month of October 1955, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area," and "Order Amending the Order as Amended, Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached Order which will be published with this decision.

This decision filed at Washington, D. C., this 25th day of November 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area

§ 903.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to Section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

aforesaid order, as amended, is hereby further amended as follows:

1. Add to § 903.51 (a) (2) the following proviso: "*Provided*, That for the months of April 1956 through June 1956, such rates shall be 4 cents, and for all other months from the effective date hereof through August 1956 such rate shall be 5 cents."

2. Amend § 903.51 (a) (3) to read as follows:

(3) For each month calculate a utilization percentage by (i) dividing the net pounds of Class I milk disposed of from all pool plants (except non-Grade A milk disposed of outside the marketing area and allocated to other source milk) plus the Class I milk disposed of in the marketing area from nonpool plants, all for the 12-month period ending with the beginning of the preceding month, into the total pounds of producer milk during such 12-month period, (ii) multiplying by 100, (iii) adding or subtracting, respectively, any amount by which such result is greater or less than a comparable 12-month utilization percentage as computed for the third month preceding, and (iv) rounding the resultant figure to the nearest whole percent.

[F. R. Doc. 55–9629; Filed, Nov. 30, 1955; 8:50 a. m.]

[7 CFR Part 937]

[AO–264]

Celery Grown in Florida

DETERMINATIONS ON RESULTS OF REFERENDUM ON PROPOSED MARKETING ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Winter Haven, Florida, on March 28–31, 1955, pursuant to notice thereof which was published in the Federal Register (20 F. R. 1217) upon proposed Marketing Agreement No. 124 and proposed Marketing Order No. 37 (hereinafter referred to as the "order") regulating the handling of celery grown in Florida. The recommended decision (20 F. R. 6171) of the Deputy Administrator, Agricultural Marketing Service, and the decision (20 F. R. 7997) of the Assistant Secretary of Agriculture setting forth a proposed marketing agreement and order as the appropriate and detailed means for effectuating the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, were published in the Federal Register on August 24, 1955, and October 25, 1955, respectively. The Assistant Secretary also issued an order (20 F. R. 8018) directing that a referendum be conducted among producers of celery grown in Florida to determine whether the requisite majority of such producers approve or favor the issuance of the proposed marketing order.

It is hereby determined, on the basis of the results of the referendum conducted pursuant to the aforesaid referendum order, that the issuance of the proposed marketing order regulating the handling of celery grown in Florida is approved or favored by only 47 percent of the producers who voted in the aforesaid referendum.

It is therefore determined that the proposed marketing order set forth in the Assistant Secretary's decision of October 20, 1955 (20 F. R. 8012), shall not be made effective.

Done at Washington, D. C., this 25th day of November 1955.

[SEAL] Earl L. Butz,
Assistant Secretary.

[F. R. Doc. 55–9628; Filed, Nov. 30, 1955; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Utah

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; AMENDMENT

Notice of Proposed Withdrawal and Reservation of Lands dated September 19, 1955, identified as F. R. Doc. 55–7845, filed September 28, 1955, 8:46 a. m. and appearing in the Federal Register of September 29, 1955, page 7273, is amended to include:

Salt Lake Meridian

T. 4 N., R. 14½ W. All.

Wm. N. Andersen,
State Supervisor.

[F. R. Doc. 55–9608; Filed, Nov. 30, 1955; 8:47 a. m.]

Utah

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

Notice of Proposed Withdrawal and Reservation of Lands, No. 15 (A–2) Utah, dated September 19, 1955, identified as F. R. Doc. 55–7844, filed September 28, 1955, 8:46 a. m. and appearing in the Federal Register of September 29, 1955, page 7273, is corrected as follows:

The first paragraph reading: "An application, serial number Utah 013925, for the withdrawal from prospecting, location, entry or purchase under the mining laws of the lands described below was filed on November 24, 1954 by the Atomic Energy Commission. The purpose of the withdrawal: for use by the Atomic Energy Commission," is hereby corrected to read as follows: "An application, serial number Utah 013925, for the withdrawal from all forms of disposal under the public land laws, including the mining and mineral leasing laws, of the lands described below was filed on November 24, 1954 by the Atomic Energy Commission. The purpose of the withdrawal: for use by the Atomic Energy Commission."

Wm. N. Andersen,
State Supervisor.

[F. R. Doc. 55–9609; Filed, Nov. 30, 1955; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

North Carolina

DISASTER ASSISTANCE; DELINEATION OF AREA AND DESIGNATION OF COUNTIES

Pursuant to Public Law 875, the President determined on August 13 and August 19, 1955, that major disasters occasioned by hurricanes existed in the State of North Carolina.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148; 19 F. R. 5364; and 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following named counties in the State of North Carolina were on November 23, 1955, determined to be the area affected by the major disasters of hurricanes for said purposes:

North Carolina

Onslow and Pender.

Done at Washington, D. C., this 25th day of November 1955.

[SEAL] True D. Morse,
Acting Secretary.

[F. R. Doc. 55–9626; Filed, Nov. 30, 1955; 8:49 a. m.]

Utah

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF ADDITIONAL COUNTIES CONTAINED IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress (42 U. S. C. 1855 et seq.), the President determined on October 19, 1954, that a major disaster occasioned by drought existed in the State of Utah.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148; 19 F. R. 5364; and 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the Counties of Daggett, Emery, and a portion of Box Elder County, Utah, were on December 6, 1954, determined to be the area affected by the major disaster by drought. Pursuant to the aforesaid delegations, the delineation and certification of counties in the drought areas described above, is hereby amended by adding that part of Box Elder County north of the right-of-way of the Southern Pacific Railroad running through Lucin, Utah, and west of range 10.

Done at Washington, D. C., this 25th day of November 1955.

[SEAL] True D. Morse,
Acting Secretary.

[F. R. Doc. 55–9627; Filed, Nov. 30, 1955; 8:49 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[Delegation 8–1 [1]]

Surplus Real Property and Related Personal Property

DELEGATION RELATING TO DISPOSAL AND UTILIZATION FOR HEALTH AND EDUCATIONAL PURPOSES

1. Each Regional Director, except the Regional Director in Region VIII, with respect to disposal and utilization for health and educational purposes of surplus real property and related personal property located within his jurisdiction, is authorized:

(a) To execute deeds, contracts of sale, and all instruments incident or corollary to the transfer of land and improvements thereon where the acquisition and improvement cost of the property was $150,000 or less;

(b) To execute instruments in modification of previous transfers where the acquisition and improvement cost of the land and improvements thereon involved in the modification action was $150,000 or less;

(c) To execute all instruments with respect to land and improvements thereon where the acquisition and improvement cost exceeded $150,000, where the Division of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Office;

(d) To execute all instruments relating to the transfer of improvements for removal and use away from the site; and

(e) To execute all modifying or retransfer instruments affecting improvements originally disposed of for removal and use away from the site.

2. The Regional Director of Region IX, with respect to property located within the states comprising Region VIII, shall exercise the authority as above delegated.

Dated: November 25, 1955.

[SEAL] M. B. Folsom,
Secretary.

[F. R. Doc. 55–9604; Filed, Nov. 30, 1955; 8:45 a. m.]

[1] Supersedes Delegation 8–1 dated February 8, 1951.

[Delegation 8–2 [1]]

Surplus Real Property and Related Personal Property

DELEGATION RELATING TO DISPOSAL AND UTILIZATION FOR HEALTH AND EDUCATIONAL PURPOSES

1. The surplus property utilization program representative in each region, except for Region I and VIII, is the Regional Property Coordinator. The Regional Property Coordinators in Region II and Region IX shall serve as program representatives in Region I and Region VIII, respectively.

2. Each Regional Property Coordinator, with respect to the disposal for health and educational purposes of surplus real property and related personal property within his jurisdiction, is authorized:

(a) To request and accept assignments from Federal agencies of:

(1) Improvements for removal and use away from the site; and

(2) Land and improvements thereon where the acquisition and improvement cost of the property was $150,000 or less;

(b) Consistent with the policies and procedures set forth in applicable regulations of the Department, to make determinations incident to the disposal of assigned property described in 2 (a) (1) and 2 (a) (2) above;

(c) To issue and execute licenses and interim permits affecting assigned property described in 2 (a) (1) and 2 (a) (2) above;

(d) To execute instruments of transfer relating to property described in 2 (a) (1) above;

(e) To execute instruments necessary to carry out actions incident or corollary to the health or educational transfer of property described in 2 (a) (2) above;

(f) Except for execution of instruments of conveyance to the health or educational transferee, to take all action with respect to land and improvements thereon where the acquisition and improvement cost exceeded $150,000, where the Division of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Office;

(g) Incident to the exercise of the authority hereinbefore provided, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

3. From the foregoing delegation there is reserved to the Division of Surplus Property Utilization authority to request and accept assignments of property from Federal agencies whose disposal authority is exempted from the provisions of the Federal Property and Administrative Services Act of 1949, as amended, by section 602 (d) thereof.

4. Each Regional Property Coordinator, with respect to property within his jurisdiction previously disposed of for health and educational purposes, is authorized:

(a) Consistent with the policies and procedures set forth in applicable regulations of the Department, to make determinations concerning the utilization and the enforcement of compliance with the terms and conditions of disposal of:

(1) Improvements for removal and use away from the site; and

(2) Land and improvements thereon where the acquisition and improvement cost of the property involved in the current action was $150,000 or less;

(b) To accept voluntary reconveyances and to effect reverter of title to land and improvements located thereon, without regard to acquisition cost;

(c) To report to General Services Administration revested properties excess to program requirements in accordance with applicable regulations;

(d) To take all action with respect to land and improvements thereon where the acquisition and improvement cost of the property involved in the current action exceeded $150,000, where the Division of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Office;

(e) To execute instruments necessary to carry out or incident to the exercise of the authority delegated in this paragraph;

(f) Incident to the exercise of the authority delegated in this paragraph, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

Dated: November 25, 1955.

[SEAL] M. B. Folsom,
Secretary.

[F. R. Doc. 55–9605; Filed, Nov. 30, 1955; 8:46 a. m.]

[Delegation 8–3]

Surplus Personal Property

DELEGATION RELATING TO ALLOCATION AND UTILIZATION FOR HEALTH AND EDUCATIONAL PURPOSES

1. The surplus property utilization program representative in each region, except for Regions I and VIII, is the Regional Property Coordinator. The Regional Property Coordinators in Region II and Region IX shall serve as program representatives in Region I and Region VIII, respectively.

2. Each Regional Property Coordinator, with respect to the allocation for donation for health and educational purposes of surplus personal property located within his jurisdiction, is authorized:

(a) To make determinations, consistent with the policies and procedures set forth in applicable regulations of the Department, concerning the usability of and need for surplus personal property by health or educational institutions;

(b) To allocate surplus personal property and to take all actions necessary to accomplish donation or transfer of property so allocated, consistent with the policies and procedures set forth in applicable regulations of the Department;

(c) To certify and assign individuals designated by State Agencies as State

[1] Supersedes Delegation 8–2 dated February 8, 1951.

representatives for the purpose of screening surplus personal property;

(d) To execute all instruments, documents and forms necessary to carry out or incident to exercise of any of the foregoing authority.

3. Each Regional Property Coordinator, with respect to personal property located within his jurisdiction previously donated for health and educational purposes, or transferred to State Agencies for subsequent donation for such purposes, is authorized:

(a) As limited by subparagraphs (b) and (c) hereof, to make determinations and take actions appropriate thereto, consistent with the policies and procedures set forth in applicable regulations of the Department, concerning the utilization of such property, including retransfer and the enforcement of compliance with terms and conditions which may have been imposed on and which are currently applicable to such property;

(b) To approve sales by State Agencies (1) where the acquisition cost of the items listed for sale does not exceed $25,000.00 and (2) as the Division of Surplus Property Utilization specifically directs;

(c) To approve destruction or abandonment of property in the custody of State Agencies after a determination in writing that the property has no commercial value or that the cost of care and handling would exceed the estimated proceeds from its sale, except that where the acquisition cost of the property was more than $1,000 (estimated if not known), the determination must be approved by the Division of Surplus Property Utilization;

(d) To execute instruments necessary to carry out or incident to the exercise of the authority delegated in this paragraph;

(e) Incident to the exercise of the authority delegated in this paragraph, to receive remittance and to request refunds or payments.

4. The authority herein delegated, or any part thereof, may be redelegated in writing to Assistant Regional Property Coordinators, Compliance Assistants, or Administrative Assistants.

Dated: November 25, 1955.

[SEAL] M. B. FOLSOM, *Secretary.*

[F. R. Doc. 55-9606; Filed, Nov. 30, 1955; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8646]

R. T. BOTELER

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 25, 1955.

Take notice that R. T. Boteler (Applicant), an individual whose address is P. O. Box 1035, Jackson, Mississippi, filed as non-operator on March 21, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of 1¼ acres in Morgan and Norton Creosote No. 2 Unit, Pistol Ridge Field, Forrest and Pearl River Counties, Mississippi, to United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, January 4, 1956, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 14, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9614; Filed, Nov. 30, 1955; 8:48 a. m.]

[Docket No. G-8650]

EVON A. FORD

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 25, 1955.

Take notice that Evon A. Ford (Applicant), an individual whose address is P. O. Box 217, Taylorsville, Mississippi, filed as a non-operator on March 23, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of 40 acres of the 320-acre Morgan and Norton Entriken Gas Unit No. 1 and 80 acres of the 320-acre Sun Oil Company's Federal Creosote Gas Unit No. 1, both in Forrest County, Pistol Ridge-Maxie Field, Mississippi, to United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, January 4, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 14, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9615; Filed, Nov. 30, 1955; 8:48 a. m.]

[Docket No. G-8683]

SUN OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 25, 1955.

Take notice that Sun Oil Company (Southwest Division), Applicant, a New Jersey corporation whose address is P. O. Box 2880, Dallas, Texas, filed on March 29, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of the 214 acre Robert F. Goehring et al. Lease, Cabeza Creek Field, Goliad County, Texas, to United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, January 4, 1956, at 9:50 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 14, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9616; Filed, Nov. 30, 1955; 8:48 a. m.]

[Docket No. G-8740]

JAMES F. BORTHWICK, JR.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 25, 1955.

Take notice that James F. Borthwick, Jr. (Applicant), an individual whose address is 4566 Kings Highway, Jackson, Mississippi, filed as nonoperator on April 8, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of 5 acres of the 320 acre Morgan and Norton–Entriken Gas Unit No. 1 Pistol Ridge-Maxie Field, Forrest and Pearl River Counties, Mississippi, to United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, January 5, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 15, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9617; Filed, Nov. 30, 1955; 8:48 a. m.]

[Docket No. G-8796]

JACK W. GRIGSBY

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 25, 1955.

Take notice that Jack W. Grigsby (Applicant), an individual whose address is 418 Market St., Suite 512, Shreveport, Louisiana, filed on April 25, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production in Carthage Field, Panola County, Texas, to United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, January 5, 1956, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 15, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9618; Filed, Nov. 30, 1955; 8:48 a. m.]

[Docket No. G-9140]

PUBCO DEVELOPMENT, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 25, 1955.

Take notice that Pubco Development, Inc. (N. S. L.) (Applicant), a New Mexico corporation whose address is 111 Fifth Street SW., Albuquerque, New Mexico, filed on July 15, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from the State Gas Unit "J" No. 1 Well and the Hubbard No. 2 Well located on lands and leases in Blanco Field, San Juan County, New Mexico, to El Paso Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, January 5, 1956, at 9:50 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 15, 1955. Failure of any party to appear at and participate in the hearing shall be construed as

waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9618; Filed, Nov. 30, 1955; 8:48 a. m.]

waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9619; Filed, Nov. 30, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 28, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31360: *Substituted service, Pennsylvania Railroad Company.* Filed by Household Goods Carriers' Bureau, Agent, for and on behalf of Bekins Van Lines Co., and the Pennsylvania Railroad Company. Rates on household goods, in trailers on flat cars between Chicago, East St. Louis, Ill., and Pittsburgh, Pa., on the one hand, and Kearny, N. J., Philadelphia and Pittsburgh, Pa., on the other.

Grounds for relief: Competition with motor carriers.

Tariff: Supplement 8 to Household Goods Carriers' Bureau, Agent, tariff MF-I. C. C. No. 63.

FSA No. 31361: *Coal tar products from Birmingham, Ala., to Atlanta, Ga.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on toluene (toluol) and xylene (xylol), tank-car loads from Birmingham, Ala., and points grouped therewith to Atlanta, Ga.

Grounds for relief: Carrier competition and circuity.

Tariff: Supplement 124 to Agent Spaninger's I. C. C. 1295.

FSA No. 31362: *Packing house products to Landover, Md.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on packing house products and fresh meats, carloads from points in southern territory to Landover, Md.

Grounds for relief: Carrier competition, circuity, and grouping.

Tariff: Supplement 54 to Agent Spaninger's I. C. C. 1102.

FSA No. 31363: *Potatoes from Minnesota and North Dakota.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on potatoes (other than sweet), carloads from points in Minnesota and North Dakota to points in Illinois, Iowa, Minnesota, Nebraska, South Dakota, and Wisconsin.

Grounds for relief: Competition with motor trucks and circuity.

Tariff: Supplement 109 to Agent Prueter's I. C. C. A-3511.

FSA No. 31364: *Petroleum coke from Illinois and Indiana to Emco, Ala.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on petroleum coke, carloads from Chicago and Lockport, Ill., and East Chicago, Ind., to Emco, Ala.

Grounds for relief: Circuity.

Tariff: Supplement 53 to Agent Raasch's I. C. C. No. 784.

FSA No. 31365: *Various commodities from and to Southern Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on various commodities, carloads from points in southern territory to points in southern and official territories.

Grounds for relief: Carrier competition and circuity.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-9620; Filed, Nov. 30, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1850]

BELLOWS FALLS HYDRO-ELECTRIC CORP. ET AL.

NOTICE OF FILING OF AMENDMENT NO. 7 REQUESTING RELEASE OF JURISDICTION OVER CERTAIN ACCOUNTING MATTERS

NOVEMBER 25, 1955.

In the matter of Bellows Falls Hydro-Electric Corporation, Connecticut River Power Company, New England Power Company, New England Electric System.

Notice is hereby given that Amendment No. 7 to the joint application-declaration of the above-entitled companies has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Electric System ("NEES"), a registered holding company, and its subsidiary company, Bellows Falls Hydro-Electric Corporation ("Bellows"). By orders, dated July 13, 1948, and July 21, 1948, the Commission granted and permitted to become effective said application-declaration which related, among other things, to the sale by Bellows of its utility assets to New England Power Company, another subsidiary of NEES, all as more fully described in Holding Company Act Release No. 8348.

In said order of July 13, 1948, the Commission authorized NEES and Bellows to allocate consolidated Federal income taxes for the taxable year 1948, in the first instance, so that NEES would receive the full tax credit for the loss claimed to be sustained in connection with said sale and reserved jurisdiction with respect to "(a) the disposition of the proposed reserve account of NEES to be entitled 'Reserve Re Tax Allocation', (b) the disposition of the tax credit for the loss claimed to be sustained in connection with the sale by Bellows of its utility assets and to be included in the 1948 consolidated Federal income tax return of NEES and the participating companies, and (c) the disposition of the investment account of NEES in Bellows or any amount recorded therein."

Amendment No. 7 to said joint application-declaration states that final determination of the tax credit for the loss sustained in connection with said sale by Bellows has now been agreed upon with the United States Internal Revenue Service. NEES requests that this Commission (a) release jurisdiction with respect to the above-mentioned matters, (b) grant authority to allocate consolidated Federal income taxes for the taxable year 1948 in a manner other than permitted by Rule U-45 (b) (6), and (c) approve the accounting entries with respect to the disposition of NEES' investment in Bellows as set forth in Amendment No. 7. Bellows proposes that when said accounting entries have been affected, it will take the necessary steps to effect its dissolution.

NEES and Bellows request that the order of this Commission become effective upon issuance.

Notice is further given that any interested person may, not later than December 7, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said Amendment No. 7 which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application-declaration as further amended by said Amendment No. 7 may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9621; Filed, Nov. 30, 1955; 8:49 a. m.]

[File Nos. 54-164 and 59-14]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

ORDER FIXING MAXIMUM ALLOWANCES FOR FEES AND EXPENSES TO CERTAIN REPRESENTATIVES OF PREFERRED AND CLASS A STOCKHOLDERS AND TO CERTAIN OTHER APPLICANTS

NOVEMBER 25, 1955.

The Commission by orders heretofore entered herein having approved Parts I, II, and III (as amended) of the Second Plan of Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), a registered holding company, filed pursuant to section 11 (d) of the Public Utility Holding Company Act of 1935, relating, among other things, to the retirement of the debentures and preferred stock of IHES and the election by the Class A stockholders of an Interim Board of Directors to formulate a plan for the conversion of said holding company into an investment company; and

The Commission in its said orders having reserved jurisdiction over the fees and expenses in connection therewith, for which provision was made in said plan; and

The Commission having, by order entered on January 11, 1955, approved the maximum amounts to be paid as fees and expenses to the representatives of the debenture holders; and

Applications for allowances of fees for services rendered to September 30, 1954, and reimbursement of expenses in said reorganization proceedings having been filed by representatives of the preferred and Class A stockholders and by various other applicants, and due notice and opportunity for hearing having been given with respect to certain of said applications which after negotiations with the applicants had been recommended by the Trustee for approval, and no request for hearing having been made and the Commission not having ordered a hearing with respect thereto; and

A hearing having been duly held on November 15, 1955, with respect to the remaining applications, following which two of such applications were amended pursuant to further negotiations between the applicants and the Trustee; and the Trustee having recommended that such amended applications be also approved; and

The Commission having considered the record and having this day issued its Memorandum Opinion with respect to the aforesaid applications as to which agreement has been reached with the Trustee; on the basis of said Memorandum Opinion and the applicable provisions of the Act and the Rules thereunder:

It is ordered, That the following fees and expenses be, and the same hereby are, approved as the maximum amounts that may be paid by the Trustee of International Hydro-Electric System for the services and expenses aforesaid:

Applicant and capacity	Fee	Expenses
Erwin N. Griswold, tax consultant employed by Trustee	$75,000.00	----------
LeBoeuf, Lamb & Leiby, special counsel employed by Trustee for work before New York Public Service Commission	42,500.00	$1,639.05
Hutchinson, Pierce, Atwood & Scribner, special counsel employed by Trustee, in connection with conveyance of ESNY properties	350.00	20.29
Ropes, Gray, Best, Coolidge & Rugg, special counsel to old Board of Directors	3,000.00	----------
Buchman & Buchman, counsel for preferred stockholders in Paper Company litigation	2,000.00	493.00
Preferred Stockholders Protective Committee: C. Shelby Carter and Ralph H. Baas, committeemen	7,000.00	[1] 1,318.94
Harold P. Seligson and Edmund Burke, Jr., counsel	[2] 80,000.00	8,566.02
J. Samuel Hartt, engineering adviser	37,000.00	6,984.58
Preferred Stockholders Group: William Stubenfield and Joseph D. Allen, committeemen	2,750.00	(3)
Percival E. Jackson, counsel	[4] 75,000.00	4,642.18
Equity Holding Corp.	----------	3,926.69
Estate of Franke Bailey	----------	3,926.69
William M. Greve	----------	3,926.69
Paul H. Todd, Class A stockholder	----------	[5] 69,712.50
Root, Ballantine, Bushby & Palmer and Purcell & Nelson, counsel (net)	[6] 180,133.33	----------
Drexel & Company, financial adviser	28,000.00	[7] 100.68
Sullivan and Sullivan, financial and engineering adviser	45,000.00	495.60

See footnotes at end of table.

Applicant and capacity	Fee	Expenses
S. Philip Cohen, counsel for certain Class A stockholders	2,500.00	720.40
Class A Stockholders Committee: James A. Davis, John M. McGrath and Anthony Shimko, committeemen	10,000.00	----------
Harold Barnett, secretary	3,000.00	----------
Nemerov & Shapiro, counsel	[8] 107,500.00	8,129.43
Theodore R. Mackoul, financial adviser	[9] 48,950.00	983.22
Total	849,683.33	115,585.96

[1] $500 advanced to Reis & Chandler was reimbursed by Equitable Holding Corporation, Estate of Frank Bailey, and William M. Greve, and the amount is included in their claims.

[2] In addition, Jackson received a fee of $10,000 from Equitable Holding Corporation, Estate of Frank Bailey, and William M. Greve, and the amount is included in their claims.

[3] This amount includes $44,866.67 advanced to counsel.

[4] This amount is exclusive of $44,866.67 advanced by Todd.

[5] Expenses of $15,397.77 were reimbursed by Todd and are included in his claim.

[6] Including $7,500 to be paid by Nemerov & Shapiro to Leo B. Mittelman, associate counsel.

[7] This amount is exclusive of $1,050 advanced by Nemerov & Shapiro and included in their claim for expenses.

It is further ordered, That, out of the aforesaid allowances to Nemerov & Shapiro, said firm shall pay to Leo B. Mittelman $7,500 in full consideration for his services herein, and that said firm shall reimburse those several stockholders who have made advances to it in the aggregate amount of $7,000.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9622; Filed, Nov. 30, 1955; 8:49 a. m.]

[File No. 24SF-2096]

JET URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 25, 1955.

I. Jet Uranium Corp., Room 4, Cornet Building, Las Vegas, Nevada, having filed with the Commission on June 2, 1955, a notification on Form 1-A and an offering circular, and an amendment thereto on June 9, 1955, relating to an offering of 300,000 shares of $1 par value common stock at $1 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having been advised that an order was entered on October 11, 1955, in the United States District Court for the District of Nevada, permanently enjoining H. O. Hart, an officer, director and promoter of the issuer from further violations of the registration requirements of the Securities Act of 1933, as amended, in connection with the sale of securities of Tri-State Metals, Inc., and Great Western Metals Corporation; and

The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the issuer has been offering its securities in a jurisdiction not stated in the notification as a jurisdiction in which it is proposed to offer issuer's securities and the issuer failed to file, as required by Rule 221 of Regulation A, an advertisement relating to the offering which was published in behalf of the issuer on August 18, 1955, in the Santa Cruz Sentinel-News and which was not in conformance with Rule 220 of said Regulation.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this Order and Notice shall be served upon Jet Uranium Corp., Room 4, Cornet Building, Las Vegas, Nevada, personally or by registered mail or by confirmed telegraphic notice and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9623; Filed, Nov. 30, 1955; 8:49 a. m.]

[File No. 70-3422]

STANDARD POWER AND LIGHT CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING PROPOSED SALE OF COMMON STOCK OF PUBLIC-UTILITY SUBSIDIARY AND PROPOSED CASH DISTRIBUTION OUT OF CAPITAL SURPLUS

NOVEMBER 25, 1955.

Standard Power and Light Corporation ("Standard Power"), a registered holding company, having filed with this Commission a declaration pursuant to section 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-44 and U-46 promulgated thereunder regarding a proposal by Standard Power (a) to sell not more than 10,000 shares of common stock of Duquesne Light Company, a public-utility subsidiary of

Standard Power, either (i) on the New York Stock Exchange by means of ordinary brokers' transactions at prevailing market prices on the date or dates of sale or (ii) by negotiated sale, after inquiry among a limited number of prospective buyers, with a buyer or buyers who will agree to purchase for investment and not for resale to the public and at prevailing market prices on the New York Stock Exchange on the date or dates of sale, less a discount of not more than $0.50 per share; and (b) to make a cash distribution of $0.40 per share, in part out of earned surplus to the full extent thereof, which at September 30, 1955, amounted to $311,715.43, and the balance out of capital surplus which as of the same date amounted to $110,982,551.45, to each holder of record on December 5, 1955, of its outstanding 1,320,000 shares of common stock and 110,000 shares of common stock, Series B.

The declaration states that no State commission or Federal commission other than this Commission, has jurisdiction over the proposed transactions. Standard Power requests that the Commission's order herein become effective upon issuance.

Notice of the filing of the declaration having been duly given in the manner prescribed by Rule U-23 and no hearing having been ordered by or requested of the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied and that the declaration should be permitted to become effective forthwith:

It is ordered, Pursuant to the applicable provisions of the act and the rules and regulations thereunder, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24, and subject to the following additional terms and conditions:

That Standard Power shall accompany the cash distribution checks with a statement to the effect:

(1) That Standard Power filed a declaration with the Commission pursuant to Section 12 of the act and the Commission permitted the declaration to become effective without determining whether and to what extent the payment is being made out of capital or unearned surplus; and

(2) That the Commission's action in permitting the declaration to become effective is not to be construed as a determination by the Commission that all or any portion of such payment is or is not taxable to the recipients pursuant to the provisions of the Internal Revenue Code.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9624; Filed, Nov. 30, 1955; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 234

Washington, Friday, December 2, 1955

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

UNIVERSITY OF MICHIGAN DEC 6 1955 MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 1—COVERAGE AND DEFINITIONS

PART 2—FILLING COMPETITIVE POSITIONS

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

PART 9—SEPARATIONS, SUSPENSIONS, AND DEMOTIONS

PART 11—SPECIAL TRANSITIONAL AUTHORITIES

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER VETERANS' PREFERENCE ACT OF 1944

MISCELLANEOUS AMENDMENTS

The amendments and additions to Parts 1, 2, 6, 9, 11, and 22, as set out below, have resulted from the issuance of Executive Order 10641 of October 26, 1955.

1. Paragraph (dd) is added to § 1.102 as follows:

§ 1.102 *Definitions.* As used in Parts 1 through 11 of the regulations in this chapter, the term: • • •

(dd) "Overseas" means outside the continental limits of the United States, but not in Alaska, Hawaii, the Isthmus of Panama, Puerto Rico, or the Virgin Islands.

2. Part 2 is amended as set out below.

§ 2.105 *Restriction as to members of family.* • • •

(b) The members of family restriction shall not apply to temporary appointment, to overseas limited appointment under § 2.308, to appointment in rare cases under § 2.305, or to conversion from career-conditional appointment to career appointment.

§ 2.204 *Certification for appointment.* • • •

(b) *Selective certification.* When there is no register appropriate as a whole for certification for filling a particular position, there may be certified selectively from the most nearly appropriate existing register the names of eligibles who are qualified for the particular position. Such eligibles shall be certified in the order of their ranking. The Commission may, when appropriate, rerate the eligibles on the register on the basis of the particular requirements of the position. Special overseas selection factors may also be used as a basis for selective certification from registers used for filling overseas positions.

• • • • •

§ 2.205 *Selection from certificates*—(a) *Order of selection.* An appointing officer shall, with sole reference to merit and fitness, make selection for the first vacancy from the highest three eligibles available for appointment on the certificate. For the second vacancy, he shall make selection from the three highest unselected and available eligibles on the certificate. Each succeeding vacancy shall be filled in like manner. An appointing officer shall not be required to consider any eligible (1) who has been considered by him for three separate appointments from the same or different certificates for the same position, or (2) to whose certification for the particular position he has made an objection which has been sustained by the Commission for any of the reasons stated in § 2.106. The Commission may also sustain an objection to certification of an otherwise qualified eligible for an overseas position on the basis of special overseas selection factors.

• • • • •

§ 2.302 *Temporary appointment in absence of eligibles.* • • •

(e) *Restrictions.* The restrictions of § 2.502 (b) through (j) on promotion shall be applied to temporary appointments under this section within one year after separation from any nontemporary appointment.

• • • • •

§ 2.308 *Overseas limited appointment*—(a) *Authorization of appointment.* Where it finds such appointments are in the public interest, the Commission may authorize agencies to make overseas limited appointments without competitive examination, to overseas positions in the competitive service.

(b) *Appointment of United States citizens recruited overseas.* The Commission hereby delegates to agencies, subject to prior agreement between the agency and the Commission, authority to give overseas limited appointments to United States citizens recruited overseas, unless there is an adequate and appro-

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplement is now available:

General Index ($1.25)

All of the Cumulative Pocket Supplements and revised books of the Code of Federal Regulations (as of January 1, 1955) are now available with the exception of Titles 1–3

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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priate register of eligibles resulting from an examination held in the locality where the vacancy exists.

(c) *Appointment of citizens recruited in the United States.* When the Commission determines that unusual or emergency conditions exist so that it is not feasible to appoint from a civil service register, it may authorize agencies to give overseas limited appointments to United States citizens recruited within the continental limits of the United States.

(d) *Duration of appointment.* (1) Persons appointed to continuing positions under this section shall be given overseas limited appointments of indefinite duration.

(2) When there is work of a temporary nature at the completion of which the services of an additional employee will not be required, overseas limited appointments shall be made for periods not to exceed one year. Such appointments, when made for periods of less than one year, may be extended for a period or periods not extending beyond one year from the date of the initial appointment.

(e) *Status and trial period.* Persons appointed under this section shall not thereby acquire a competitive status. They shall be required to serve a trial period of one (1) year when given overseas limited appointments of indefinite duration.

(f) *Requirements and restrictions.* The requirements and restrictions in § 2.302 (c), (d), and (e) shall be applied to all appointments under this section.

(g) *Salary step increases.* Employees serving under overseas limited appointments of indefinite duration in positions within the scope of the compensation schedules of the Classification Act of 1949, as amended, shall be eligible for periodic step increases in accordance with Subpart A of Part 25 of this chapter.

• • • • •

§ 2.501 *Agency authority*—(a) *Position change.* The Commission hereby delegates authority to agencies: • • •

(3) To promote, demote, or reassign employees serving under overseas limited appointment of indefinite duration to other positions to which initial appointments under § 2.308 are authorized.

• • • • •

§ 2.502 *Restrictions on position change or transfer to a higher grade or different line of work.* • • •

(b) *Applicability of restrictions.* (1) The restrictions on promotion in the following paragraphs shall also apply to transfer to a higher grade and appointment and reemployment at a higher grade within one (1) year after separation from any nontemporary appointment.

• • • • •

3. Section 6.101 (h) is amended as follows:

§ 6.101 *Entire executive civil service.* • • •

(h) Any position in a foreign country, or beyond the continental limits of the United States, when in the opinion of the Commission, appointment through competitive examination is impracticable, except as provided in paragraph (i) of this section, and except: Positions in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; in the Immigration and Naturalization Service, all positions in Canada and Mexico, and continuing positions at GS–7 and above in Cuba; positions in the Bureau of Customs, Treasury Department, in foreign countries; General Accounting Office positions in foreign countries; positions in the International Field Offices of the Civil Aeronautics Administration, Department of Commerce; technical positions in foreign countries in the Internal Revenue Service, Treasury Department; positions in the Department of Defense, Army, Navy, and Air Force.

NOTE: The provisions for positions in the Departments of Defense, Army, Navy, and Air Force, is effective April 1, 1956.

4a. Section 9.102 (a) is amended as set out below.

§ 9.102 *Procedure in separating, suspending, or demoting employees.* (a) One of the following procedures shall be followed in connection with the removal, involuntary separation (except retirement for age or disability), furlough in excess of thirty (30) days, suspension, or involuntary demotion of any career, career-conditional, overseas limited of indefinite duration, or indefinite employee in a competitive position who is not serving a probationary or trial period, or any employee having a competitive status who occupies a position in Schedule B. The procedural requirements of this section shall not apply to any employee who is removed pursuant to instructions of the Commission.

b. Section 9.105 (a) is amended as set out below.

§ 9.105 *Procedure in displacing temporary, indefinite, and overseas limited employees.*

(a) Agencies shall separate temporary, indefinite, and overseas limited employees (classified in Tenure Group III under § 20.4 of this chapter) in response to a specific displacement order by the Commission or to comply with the provisions of the Commission's program to place separated career employees.

5a. Section 11.101 (a) and (c) is revised as follows:

§ 11.101 *Agency authority and general requirements for promotion, demotion, or reassignment of status quo and indefinite employees.* (a) The Commission hereby delegates authority to agencies to promote, demote, or reassign (1) status quo employees and (2) employees serving under indefinite appointments in competitive positions, subject to the restrictions on promotion in § 2.502 of this chapter. This authority shall not be used to move employees (1) from positions in which initial overseas limited appointments are authorized, to other positions, or (2) to positions in which initial overseas limited appointments are authorized from other positions.

• • • • •

(c) (1) Except for status quo employees who are serving overseas, the promotion, demotion, or reassignment of a status quo employee shall be indefinite unless he is changed back to his status quo position.

(2) A status quo employee serving overseas who is promoted, demoted, or reassigned shall have the tenure of an overseas limited employee unless he is changed back to his status quo position.

b. Section 11.201 (a) is revised as follows:

§ 11.201 *Agency authority and general requirements for noncompetitive indefinite appointments.* (a) The Commission hereby delegates authority to agencies to employ present or former indefinite Federal employees by noncompetitive indefinite appointment, subject to the following conditions:

(1) A present or former Federal employee without competitive status who last served under indefinite appointment in a competitive position and who has received a notice of separation because of reduction in force may be appointed in any agency, if he is selected not later than ninety (90) days after separation because of reduction in force.

(2) A former Federal employee without a competitive status who entered the military service while serving under an indefinite appointment in a competitive position may be appointed in any agency, if he is selected within ninety (90) days after his honorable separation from military service.

(3) A present or former Federal employee without competitive status who last served under indefinite appointment in a competitive position may be appointed in any agency, if he is unable to move with his office to a different locality and if he is selected for appointment after notification that the office is to move but not later than ninety (90) days after separation because of inability to move with his office.

This authority shall not be used for appointment to positions in which initial overseas limited appointments are authorized.

(R. S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

6. Section 22.102 (a) is amended as set out below.

§ 22.102 *Employee coverage*—(a) *Employees covered.* The regulations in this part shall apply to any career, career-conditional, overseas limited or indefinite employee who has completed a probationary or trial period in a position in the competitive service, or to any employee who has completed one year of current continuous employment in a position outside the competitive service. Such employment may be in the service of any establishment, agency, bureau, administration, project, or department created by acts of Congress or Presidential order or in the service of the District of Columbia.

(Secs. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868. Interpret or apply sec. 14, 58 Stat. 390, as amended; 5 U. S. C. 863)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-9659; Filed, Dec. 1, 1955; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 722—COTTON

1956 CROP OF EXTRA LONG STAPLE COTTON; COUNTY ACREAGE ALLOTMENT

Basis and purpose. The purpose of this amendment is to establish the county acreage allotments for the 1956 crop of extra long staple cotton pursuant to sections 344 (e) and 347 (c) of the Agricultural Adjustment Act of 1938, as amended. Notice of the proposed establishment of such allotments was given on August 31, 1955 (20 F. R. 6388), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), and in the regulations issued pursuant to said notice it was provided in § 722.1316 (e) that that paragraph would be amended at a later date to include the county acreage allotment established for each county. Furthermore, farmers engaged in the production of extra long staple cotton in 1955 will determine in a

referendum to be held on December 13, 1955, whether marketing quotas will be in effect on the 1956 crop of extra long staple cotton. In order that county acreage allotments may be apportioned to farms and notices of individual farm acreage allotments mailed, insofar as practicable, so as to be received by farmers prior to the referendum, as required by section 362 of the Agricultural Adjustment Act of 1938, as amended, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure thereon and the 30-day effective date requirements of section 4 of the Administrative Procedure Act is impracticable, unnecessary, and contrary to the public interest, and the county acreage allotments contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.1316 (e) of the Regulations Pertaining to Acreage Allotments for the 1956 Crop of Extra Long Staple Cotton to States, Counties, and Farms (20 F. R. 8621) is amended to read as follows:

(e) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (b) of this section and (2) the acreages which are added to the computed county acreage allotment under subparagraphs (1) and (2) of paragraph (c) of this section. The county acreage allotment for each county is set out below. The amount of the acreage reserved by each county committee pursuant to § 722.1317 (b) is available for inspection by any interested person at the office of the county committee.

ARIZONA	*County allotments*
County:	
Cochise	68
Graham [1]	4,736
Maricopa	7,695
Pima	1,365
Pinal	4,411
Santa Cruz	17
Yuma	141
a. State total	18,433
b. State acreage reserve for small farms, for new farms, for inequities, and for hardship cases	0
c. State allotment	18,433

[1] Indicates that the county acreage allotment will be apportioned among farms on the cropland basis in accordance with § 722.1317 (c). For all other counties listed in this paragraph, the Deputy Administrator has approved the recommendation of the county committee that the county acreage allotment be apportioned among farms on the historical basis in accordance with section 722.1317 (d). This paragraph may be amended at a later date to show changes in the method to be used by county committees in apportioning the county acreage allotment to farms.

CALIFORNIA	*County allotments*
County:	
Imperial	52
Riverside	224
a. State total	276
b. State acreage reserve for small farms, for new farms, for inequities, and for hardship cases	15
c. State allotment	291

FLORIDA	
Alachua	40
Bradford	0.8
Columbia	9
Hamilton	2
Jefferson	0.2
Lake	114
Madison	35
Marion	143
Orange	20
Putnam	10
Seminole	68
Sumter	32
Suwannee	2
Union	29
Volusia	9
a. State total	514
b. State acreage reserve for small farms, for new farms, for inequities, and for hardship cases	45
c. State allotment	559

GEORGIA	
Atkinson	1
Berrien	84
Cook	25
Lanier	4
a. State total	114
b. State acreage reserve for small farms, for new farms, for inequities, and for hardship cases	6
c. State allotment	120

NEW MEXICO	
Dona Ana [1]	8,060
Eddy	91
Luna	18
Otero	12
Sierra [1]	71
a. State total	8,252
b. State acreage reserve for small farms, for new farms, for inequities, and for hardship cases	172
c. State allotment	8,424

TEXAS	
Brewster	35
Culberson	160
El Paso [1]	9,793
Hudspeth	1,318
Loving	9
Pecos	204
Presidio	51
Reeves	3,466
Ward	383
a. State total	15,419
b. State acreage reserve for small farms, for new farms, for inequities, and for hardship cases	351
c. State allotment	15,770

PUERTO RICO [2]	*Area allotments*
Area:	
North	1,294
South	243
a. Total—Puerto Rico	1,537
b. Acreage reserve for small farms, for new farms, for inequities, and for hardship cases	171
c. Total allotment	1,708

[2] The cotton producing areas located in the northern part of Puerto Rico are considered as a county and the cotton producing areas in the southern part of Puerto Rico are considered as a county.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies Secs. 344, 347, 362, 52 Stat. 57, 59, 62, as amended; 7 U. S. C. 1344, 1347, 1362)

Issued at Washington, D. C., this 29th day of November 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9673; Filed, Nov. 30, 1955; 12:30 p. m.]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

PROCLAMATIONS AND DETERMINATIONS

Proclamation of the national marketing quotas for cigar-filler tobacco for the 1956–57, 1957–58 and 1958–59 marketing years; announcement of the amounts of the national marketing quotas for cigar-filler tobacco and for cigar-filler and binder tobacco for the 1956–57 marketing year; and apportionment of the quotas for the 1956–57 marketing year among the several states.

Sec.
723.701 Basis and purpose.
723.702 Findings and determinations with respect to the national marketing quota for cigar-filler tobacco for the marketing year beginning October 1, 1956.
723.703 Findings and determinations with respect to the national marketing quota for cigar-filler and cigar-binder tobacco for the marketing year beginning October 1, 1956.

AUTHORITY: §§ 723.701 to 723.703 issued under sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313.

§ 723.701 *Basis and purpose.* (a) Sections 723.701 to 723.703 are issued to announce the reserve supply level and the total supply of cigar-filler tobacco and cigar-filler and cigar-binder tobacco (exclusive of type 46 which has been designated (15 F. R. 8214) as a separate kind of tobacco) for the marketing year beginning October 1, 1955; to proclaim national marketing quotas for cigar-filler tobacco for the three succeeding marketing years beginning October 1, 1956; to establish the amounts of the national marketing quotas for cigar-filler tobacco and cigar-filler and cigar-binder tobacco for the marketing year beginning October 1, 1956; to establish the amounts of the national marketing quotas for cigar-filler tobacco and cigar-filler and cigar-binder tobacco for the marketing years beginning October 1, 1956, and to apportion the quotas among the several States. The findings and determinations by the Secretary contained in §§ 723.702 and 723.703 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from cigar-filler tobacco and cigar-filler and cigar-binder tobacco producers and others as provided in a notice (20 F. R. 7918) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of cigar-filler tobacco producers within 30 days after the issuance of a proclamation of the national marketing quotas for cigar-filler tobacco for the 1956–57, 1957–58, and 1958–59 marketing years to determine whether such producers favor marketing quotas and requires, insofar as practical, the mailing of notices of farm acreage allotments for the 1956–57 marketing year to farm operators prior to the date of the referendum, it is hereby found that compliance with the 30-day effective date provision of section 4 of the Administrative Procedure Act with respect to cigar-filler tobacco is impracticable and contrary to the public interest. Therefore, the proclamation of quotas and the announcement and apportionment of the national marketing quota for cigar-filler tobacco contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

§ 723.702 *Findings and determinations with respect to the amount of the national marketing quota for cigar-filler tobacco for the marketing year beginning October 1, 1956* [1]—(a) *Reserve supply level.* The reserve supply level for cigar-filler tobacco is 138,800,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 47,500,000 pounds and a normal year's exports of 1,000,000 pounds.

(b) *Total supply.* The total supply of cigar-filler tobacco for the marketing year beginning October 1, 1955, is 153,400,000 pounds consisting of carryover of 112,900,000 pounds and estimated 1955 production of 40,500,000 pounds.

(c) *Carryover.* The estimated carryover of cigar-filler tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1956, is 104,400,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1955, of 49,000,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The marketing quota for cigar-filler tobacco previously proclaimed for the 1955–56 marketing year was disapproved by producers voting in a referendum, and national marketing quotas for the 1956–57, 1957–58, and 1958–59 marketing years are hereby proclaimed. The amount of cigar-filler tobacco which will make available during the marketing year beginning October 1, 1956, a supply of cigar-filler tobacco equal to the reserve supply level of such tobacco is 34,400,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 34,400,000 pounds would be inadequate to meet market demands during the 1956–57 marketing year and such amount is hereby increased by 10 percent. Therefore, the amount of the national marketing quota for cigar-filler tobacco which may be marketed during the marketing year beginning October 1, 1956, is 37,800,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Kentucky	2
Maryland	1
Pennsylvania	24,328
Reserve [1]	246

[1] Acreage reserved for establishing allotments for new farms.

§ 723.703 *Findings and determinations with respect to the amount of the national marketing quota for cigar-filler and cigar-binder tobacco for the year beginning October 1, 1956* [1]—(a) *Reserve supply level.* The reserve supply level for cigar-filler and cigar-binder tobacco (exclusive of type 46 which has been designated (15 F. R. 8214) as a separate kind of tobacco) is 187,100,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 63,000,000 pounds and a normal year's exports of 3,000,000 pounds.

(b) *Total supply.* The total supply of cigar-filler and cigar-binder tobacco (exclusive of type 46) for the marketing year beginning October 1, 1955, is 192,900,000 pounds consisting of carryover of 139,800,000 pounds and estimated 1955 production of 53,100,000 pounds.

(c) *Carryover.* The estimated carryover of cigar-filler and cigar-binder tobacco (exclusive of type 46) at the beginning of the marketing year for such tobacco beginning October 1, 1956, is 131,100,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1955, of 61,800,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of cigar-filler and cigar-binder tobacco (exclusive of type 46) which will make available during the marketing year beginning October 1, 1956, a supply of cigar-filler and cigar-binder tobacco equal to the reserve supply level of such tobacco is 56,000,000 pounds, and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 56,000,000 pounds would be inadequate to meet market demands during the 1956–57 marketing year and such amount is hereby increased by 10 percent. Therefore, the amount of the national marketing quota for cigar-filler and cigar-binder tobacco (exclusive of type 46) in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1956, is 61,600,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Connecticut	10,149
Illinois	8
Indiana	2
Iowa	8
Massachusetts	5,136
Minnesota	253
New Hampshire	1
New York	191
Ohio	5,051
Pennsylvania	330
Vermont	8
Wisconsin	17,822
Reserve [1]	394

[1] Acreage reserved for establishing allotments for new farms.

Done at Washington, D. C., this 30th day of November 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9690; Filed, Nov. 30, 1955; 12:30 p. m.]

PART 725—BURLEY AND FLUE-CURED TOBACCO

PROCLAMATIONS AND DETERMINATIONS

Proclamation of national marketing quotas for Burley tobacco for the 1956–57, 1957–58, and 1958–59 marketing years; announcement of the amount of the national marketing quota for Burley tobacco for the 1956–57 marketing year; and apportionment of the national marketing quota for Burley tobacco for the 1956–57 marketing year among the several States.

§ 725.705 *Basis and purpose.* (a) Sections 725.705 to 725.706 are issued (1) to proclaim national marketing quotas for Burley tobacco for the 1956–57, 1957–58 and 1958–59 marketing year; (2) to announce the reserve supply level and the total supply of Burley tobacco for the marketing year beginning October 1, 1955; (3) to establish the amount of the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1956; and (4) to apportion the national marketing quota for

[1] Rounded to the nearest tenth of a million pounds.

Burley tobacco for the 1956–57 marketing year among the several States. The findings and determinations contained in §§ 725.705 to 725.706 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from Burley tobacco producers and others as provided in a notice (20 F. R. 7918) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of Burley tobacco producers within 30 days after the issuance of the proclamation of national marketing quotas for Burley tobacco for the 1956–57, 1957–58 and 1958–59 marketing years to determine whether such producers favor marketing quotas and requires, insofar as practical, the mailing of notices of farm acreage allotments for the 1956–57 marketing year to farmers prior to the date of the referendum, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impractical and contrary to the public interest. Therefore the proclamation of national marketing quotas and the announcement and apportionment of the national marketing quota for Burley tobacco for the 1956–57 marketing year contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

§ 725.706 *Findings and determinations with respect to the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1956*[1]—(a) *Reserve supply level.* The reserve supply level for Burley tobacco is 1,606,000,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 535,000,000 pounds and a normal year's exports of 36,000,000 pounds.

(b) *Total supply.* The total supply of Burley tobacco for the marketing year beginning October 1, 1955, is 1,868,000,000 pounds consisting of carryover of 1,348,000,000 pounds and estimated 1955 production of 520,000,000 pounds.

(c) *Carryover.* The estimated carryover of Burley tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1956, is 1,302,000,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1955, of 566,000,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The 1955–56 marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed for Burley tobacco will be in effect and therefore marketing quotas for the 1956–57, 1957–58 and 1958–59 marketing quotas for Burley tobacco are hereby proclaimed. The amount of Burley tobacco which will make available during the marketing year beginning October 1, 1956, a supply of Burley tobacco equal to the reserve supply level of such tobacco is 304,000,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 304,000,000 pounds would result in undue restriction of marketings during the 1956–57 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Burley tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1956, is 365,000,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Alabama	25
Arkansas	44
Georgia	74
Illinois	5
Indiana	6,606
Kansas	81
Kentucky	170,444
Missouri	2,721
North Carolina	8,588
Ohio	8,493
Oklahoma	4
Pennsylvania	2
South Carolina	4
Tennessee	53,861
Texas	1
Virginia	9,322
West Virginia	2,422
Reserve[1]	658

[1] Acreage reserved for establishing allotments for new farms.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 30th day of November 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9691; Filed, Nov. 30, 1955; 12:30 p. m.]

[1] Rounded to the nearest million pounds.

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

PROCLAMATIONS AND DETERMINATIONS

Proclamation of national marketing quotas for Virginia sun-cured tobacco for the 1956–57, 1957–58 and 1958–59 marketing years; announcement of the amounts of the national marketing quotas for fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1956–57 marketing year; and apportionment of the quotas for the 1956–57 marketing year.

Sec.
726.701 Basis and purpose.
726.702 Findings and determinations with respect to the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1956.
726.703 Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1956.
726.704 Findings and determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1956.

AUTHORITY: §§ 726.701 to 726–704 issued under sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended, 7 U. S. C. 1301, 1312, 1313.

§ 726.701 *Basis and purpose.* (a) Sections 726.701 to 726.704 are issued (1) to proclaim national marketing quotas for Virginia sun-cured tobacco for the 1956–57, 1957–58 and 1958–59 marketing years; (2) to announce the reserve supply level and the total supply of fire-cured tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco for the marketing year beginning October 1, 1955; (3) to establish the amounts of the national marketing quotas for fire-cured, dark air-cured, and Virginia sun-cured tobacco for the marketing year beginning October 1, 1956; and (4) to apportion the national marketing quotas for the 1956–57 marketing year among the several States. The findings and determinations contained in §§ 726.702 to 726.704 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of the data, views, and recommendations received from fire-cured, dark air-cured, and Virginia sun-cured tobacco producers and others as provided in a notice (20 F. R. 7918) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of Virginia sun-cured tobacco producers within 30 days after the issuance of the proclamation of national marketing quotas for Virginia sun-cured tobacco for the 1956–57, 1957–58 and 1958–59 marketing years to determine whether such producers favor marketing quotas and requires, insofar as practicable, the mailing of notices of farm acreage allotments for the 1956–57 marketing year to farm operators prior to the date of the referendum, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act with respect to Virginia sun-cured tobacco is impractical and contrary to the public interest. Therefore, the proclamation of quotas and the announcement and apportionment of the quota for Virginia sun-cured tobacco for the 1956–57 marketing year contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

§ 726.702 *Findings and determinations with respect to the amount of the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1956*[1]—(a) *Reserve supply level.* The reserve supply level for fire-cured tobacco is 172,600,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 37,000,000 pounds and a normal year's exports of 38,000,000 pounds.

(b) *Total supply.* The total supply of fire-cured tobacco for the marketing year beginning October 1, 1955, is 202,000,000 pounds consisting of carryover of 137,200,000 pounds and estimated 1955 production of 64,800,000 pounds.

(c) *Carryover.* The estimated carryover of fire-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1956, is 131,700,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1955, of 70,300,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of fire-cured tobacco which will make available during the marketing year beginning October 1, 1956, a supply of fire-cured tobacco equal to the reserve supply level of such tobacco is 40,900,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 40,900,000 pounds would result in undue restriction of marketings during the 1956–57 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1956, is 49,100,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Illinois	1
Kentucky	16,174
Tennessee	18,177
Virginia	8,296
Reserve[1]	107

[1] Acreage reserved for establishing allotments for new farms.

§ 726.703 *Findings and determinations with respect to the amount of the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1956*[1]—(a) *Reserve supply level.* The reserve supply for dark air-cured tobacco is 87,800,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 25,000,000 pounds and a normal year's exports of 9,000,000 pounds.

[1] Rounded to the nearest tenth of a million pounds.

(b) *Total supply.* The total supply of dark air-cured tobacco for the marketing year beginning October 1, 1955, is 107,100,000 pounds consisting of carryover of 76,800,000 pounds and estimated 1955 production of 30,300,000 pounds.

(c) *Carry-over.* The estimated carry-over of dark air-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1956, is 71,200,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1955, of 35,900,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1956, a supply of dark air-cured tobacco equal to the reserve supply level of such tobacco is 16,600,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 16,600,000 pounds would result in undue restriction of marketings during the 1956–57 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for dark air-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1956, is 19,900,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Kentucky	14,192
Tennessee	2,390
Indiana	50
Reserve[1]	42

[1] Acreage reserved for establishing allotments for new farms.

§ 726.704 *Findings and determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1956*[1]—(a) *Reserve supply level.* The reserve supply level for Virginia sun-cured tobacco is 10,141,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 3,200,000 pounds and a normal year's exports of 520,000 pounds.

(b) *Total supply.* The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1955, is 8,223,000 pounds consisting of a carryover of 4,128,000 pounds and estimated 1955 production of 4,095,000 pounds.

(c) *Carry-over.* The estimated carryover of Virginia sun-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1956, is 4,541,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1955, of 3,682,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The 1955–56 marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed for Virginia sun-cured tobacco will be in effect and therefore marketing quotas for the 1956–57, 1957–58 and 1958–59 marketing years are hereby proclaimed. The amount of Virginia sun-cured tobacco which will make available during the marketing year beginning October 1, 1956, a supply of Virginia sun-cured tobacco equal to the reserve supply level of such tobacco is 5,600,000 pounds and a national marketing quota of such amount is hereby proclaimed.

(e) *Apportionment of the quota.* Since Virginia sun-cured tobacco is grown only in the State of Virginia, the quota is apportioned only to that State under section 313 (a) of the Agricultural Adjustment Act of 1938, as amended. The national marketing quota proclaimed in paragraph (d) of this section, less 14,000 pounds reserved for establishing allotments for farms upon which no Virginia sun-cured tobacco has been grown within the past five years, becomes the State marketing quota for Virginia. The State marketing quota is hereby converted in accordance with section 313 (g) of the act into a State acreage allotment of 5,525 acres. Likewise, the reserve of 14,000 pounds for establishing allotments for new farms is hereby converted into 14 acres.

Done at Washington, D. C., this 30th day of November, 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9692; Filed, Nov. 30, 1955; 12:30 p. m.]

[1] Rounded to nearest thousand pounds.

PART 727—MARYLAND TOBACCO

PROCLAMATIONS AND DETERMINATIONS

Proclamation of national marketing quotas for Maryland tobacco for the 1956–57, 1957–58 and 1958–59 marketing years; announcement of the amount of the national marketing quota for Maryland tobacco for the 1956–57 marketing year; and apportionment of the quota for the 1956–57 marketing year among the several states.

§ 727.701 *Basis and purpose.* (a) Sections 727.701 and 727.702 are issued to announce the reserve supply level and the total supply of Maryland tobacco for the marketing year beginning October 1, 1955; to proclaim national marketing quotas for Maryland tobacco for the three succeeding marketing years beginning October 1, 1956; to establish the amount of the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1956; and to apportion such quota among the several States. The findings and determinations by the Secretary contained in § 727.702 have been made on the basis of the latest available statistics of the Federal Government, and after due con-

sideration of data, views, and recommendations received from Maryland tobacco producers and others as provided in a notice (20 F. R. 7918) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of Maryland tobacco producers within 30 days after the issuance of the proclamation of national marketing quotas for the 1956–57, 1957–58 and 1958–59 marketing years to determine whether such producers favor marketing quotas and requires, insofar as practicable, the mailing of notices of farm acreage allotments for the 1956–57 marketing year to farm operators prior to the date of the referendum, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the proclamation of national marketing quotas and the announcement and apportionment of the quota for the 1956–57 marketing year contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

§ 727.702 *Findings and determinations with respect to the amount of the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1956*[1]—(a) *Reserve supply level.* The reserve supply level for Maryland tobacco is 104,200,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 31,000,000 pounds and a normal year's export of 8,500,000 pounds.

(b) *Total supply.* The total supply of Maryland tobacco for the marketing year beginning October 1, 1955, is 111,200,000 pounds consisting of carryover of 75,500,000 pounds and estimated 1955 production of 35,700,000 pounds.

(c) *Carryover.* The estimated carryover of Maryland tobacco on January 1, 1957, is 72,600,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1955, of 38,600,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The marketing quota previously proclaimed for Maryland tobacco for the 1955–56 marketing year is not in effect because of disapproval by producers in a referendum, and marketing quotas for the 1956–57, 1957–58 and 1958–59 marketing years are hereby proclaimed. The amount of Maryland tobacco which will make available during the marketing year, beginning October 1, 1956, a supply of Maryland tobacco equal to the reserve supply level of such tobacco is 31,600,000 pounds, and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 31,600,000 pounds would be inadequate to meet market demands during the 1956–57 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Maryland tobacco in terms of the total quantity of tobacco which may be marketed during the marketing year beginning October 1, 1956, is 37,900,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	Acreage allotment
Maryland	45,629
Virginia	28
Delaware	1
Reserve[1]	115

[1] Acreage reserved for establishing allotments for new farms.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 30th day of November 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–9693; Filed, Nov. 30, 1955; 12:30 p. m.]

[1] Rounded to the nearest tenth of a million pounds.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 40–20]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

EMERGENCY AND EVACUATION EQUIPMENT AND PROCEDURES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of November 1955.

Currently effective provisions of Part 40 of the Civil Air Regulations contain certain requirements for emergency and evacuation equipment and procedures. This amendment requires air carriers operating pursuant to Part 40 to make certain additional provisions with respect to emergency and evacuation equipment and procedures.

The necessity for these additional provisions was indicated following the Board's investigation of several air carrier accidents and they have been under consideration for some time. These matters were the substance of a notice of proposed rule making which was published in the FEDERAL REGISTER (17 F. R. 8022) and circulated as Civil Air Regulations Draft Release No. 52–26 dated August 29, 1952. As a result of comment received, it appeared desirable to arrange a meeting with representatives of industry to discuss particular issues. Such a meeting was held in Washington, D. C., on November 25, 1952, at which the general intent of each proposal was thoroughly discussed and specific changes in the wording of the rules were proposed.

As a result of comment received in response to Draft Release No. 52–26 and the discussions at the subsequent industry meeting, the proposals were revised and a new notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 4744) and circulated as Civil Air Regulations Draft Release No. 53–15 dated August 10, 1953. Since a substantial lapse of time occurred following the issuance of Draft Release No. 53–15, and because of the changes made as a result of comment received on the revised proposals, the Board decided to publish the proposed rules again prior to taking any final action. Accordingly, the proposed rules were published in the FEDERAL REGISTER (20 F. R. 1016) and circulated as Civil Air Regulations Draft Release No. 55–5 dated February 10, 1955. The comment received in response thereto has been considered by the Board in the drafting of this amendment. The following are summaries of the regulatory changes made by this amendment:

1. *Means of emergency evacuation.* There are no requirements in Part 40 of the Civil Air Regulations for evacuation equipment to assist passengers in evacuating an airplane on the ground. Experience has shown, however, that in certain instances it is essential that some means be provided in addition to those required by the applicable airworthiness requirements. Accordingly, this amendment requires that at all emergency exits which are more than 6 feet from the ground means be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means for emergency evacuation shall be a chute or an equivalent device which will be suitable for the rapid evacuation of passengers. The Board intends that this means shall be in a position for ready use during flight time (as defined by the Civil Air Regulations, "Flight Time" includes that time during which the airplane is taxiing) and so located that it will not create a hazard by obstructing any emergency exit. As an example, certain of the air carriers have already installed chutes immediately above exit doors or on brackets attached to the fuselage immediately adjacent to the doors. An approved chute so located is in a position for "ready use" within the meaning of the new section.

2. *Interior emergency exit markings.* At the present time § 40.178 (a) of Part 40 requires that emergency exits for airplanes carrying passengers be clearly marked as such with luminous paint in letters not less than ¾ inches high, such markings to be located either on or immediately adjacent to pertinent exits and readily visible to passengers. Location and method of operation of the handles are required to be marked with luminous paint. The Board does not consider that these requirements are adequate to ensure that in case of a crash landing or ditching at night the passengers and crew would be able to identify and operate emergency exits. This amendment, therefore, provides that for all air carrier passenger airplanes lights be installed so as to illuminate all emergency exits in such a manner as to attract the attention of the occupants of the airplane at night. It is further required that these lights be equipped with an integral energy supply system. Since Draft Release No. 55–5 was circulated, the Board has determined that a light designed only for manual operation, if designed to withstand the impact forces of a crash landing and continue operation, will serve as a suitable alternative to an automatic light to provide emergency lighting at those times when it is most likely to be needed. Accordingly, this amendment requires that these lights either (1) be designed to function automatically in the event of a crash landing and to continue to function thereafter and also be operable manually, or (2) be designed only for manual operation and also to continue to function after a crash landing. When such lights require manual operation to function, they must be turned on prior to each night take-off and landing. With respect to the automatic light, any approved system, whether it is designed to operate as a result of inertia forces or upon failure of the main electrical system, will be satisfactory as long as it meets the two requirements; namely, it will function automatically in the event of a crash landing and continue to function thereafter, and it is also operable manually.

The requirements for emergency exit markings in the airplane interior are deleted from § 40.178 and incorporated with modifications in § 40.173 (f). This latter section includes revised language which takes account of the new emergency exit lighting requirements.

3. *Equipment for extended overwater operations.* This amendment modifies and expands the current provisions to require scheduled air carriers in extended overwater operations to have on their airplanes suitable equipment in the form of life vests, life rafts, signaling devices, and survival kits. This equipment is required to be installed in conspicuously marked approved locations where it will be easily accessible in the event of ditching.

An intensive investigation of ditching operations, including tests of life-raft capacity, has recently been conducted by the Civil Aeronautics Administration and the United States Navy in cooperation with other government agencies and interested aeronautical organizations. The Board has been advised that analysis of the results of these tests has not yet been accomplished. Consequently, as indicated in Draft Release No. 55–5, pending development of satisfactory criteria of life-raft capacity, the Board is not taking any action at this time to require that such life rafts possess sufficient maximum capacity to accommodate all occupants in the event of a loss of one life raft of the largest capacity on board. In view of the foregoing, this amendment does not change the requirement that airplanes on extended overwater flights carry life rafts sufficient in number and of such rated capacity as to accommodate all occupants of the airplane.

The Board is also concerned by the lack of any current requirement that life jackets and life rafts be equipped with a means of illumination which would materially assist in the rescue of persons from the water at night. Although such a light is not yet available, the Board has recently been informed that progress is being made toward the development of a serviceable, reliable, lightweight, inexpensive light of indefinite shelf life, adaptable to such use. Therefore, the Board will consider further whether a means of illuminating life jackets and life rafts should be required when it has determined that developments are sufficiently mature to warrant such action.

4. *Assignment of emergency evacuation functions for each crew member.* This amendment requires each air carrier to assign emergency functions for each crew member to perform in the event of circumstances requiring emergency evacuation. The objective of this requirement is to assure that each crew member will know, and be able to perform, those basic functions which are necessary in order to accomplish an emergency evacuation. The "emergency" for which this rule requires each crew member to be prepared is that of evacuating the airplane. Although innumerable types of emergencies may arise in flight which may necessitate an emergency evacuation of an airplane, the Board is of the opinion that the procedures to be followed in evacuating an airplane remain limited in number. Therefore, it is considered reasonable, and it is the intent of this rule, to require that each crew member be prepared to perform emergency evacuation functions when necessitated by various general situations; for example, ditching, fire in flight, and landing gear collapse. This rule will not, of course, limit the authority of the pilot in command over crew members with respect to the assignment of duties under the particular conditions of an emergency.

The Board has always based its rules on the premise that wherever possible the air carrier should be responsible for assigning crew duties. It has been brought to the attention of the Board, however, that in certain instances crew duties are not sufficiently delineated and crew training programs are not sufficiently complete to provide proper coordination of the crew in the event of a crash landing or ditching. The Board considers that it is necessary to ensure that assigned crew duties are realistic, and do not, for example, require an individual to be assigned certain tasks which are not probable of accomplishment under the conditions anticipated. Therefore, these functions are required to be listed in the air carrier manual and all crew members must be made thoroughly familiar with them during both initial and recurrent training. In addition, the air carrier must show that the functions so assigned are practicable of accomplishment.

5. *Briefing of passengers.* This amendment requires each air carrier engaged in extended overwater operations to establish a procedure for orally briefing passengers in order to ensure that they will be familiar with the location and method of operation of life vests and emergency exits, and the location of life rafts. Such briefing must include a demonstration of donning life jackets.

The Board considers that it is in the public interest to attain the increased safety sought by these rules at the earliest opportunity. At the same time it recognizes that certain of the requirements involving physical changes to airplane structures and the procurement of additional equipment would be unduly burdensome unless an appropriate period of time for planning, procurement, and installation is allowed. Accordingly, a majority of these rules need not be complied with for approximately 18 months. However, the rules involving procedures only must be complied with in approximately 6 months.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment contains rules which need not be complied with for at least 6 months, it may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective November 28, 1955:

1. By amending § 40.173 by adding new paragraphs (e) and (f) to read as follows:

§ 40.173 *Emergency equipment for all operations.* * * *

(e) *Means for emergency evacuation.* After May 31, 1957, on all passenger-carrying airplanes, at all emergency exits which are more than 6 feet from the ground with the airplane on the ground and with the landing gear extended, means shall be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means shall be a chute or equivalent device suitable for the rapid evacuation of passengers. During flight time this means shall be in a position for ready use: *Provided,* That the requirements of this paragraph do not apply to emergency exits over the wing where the greatest distance from the lower sill of the exit to the wing surface does not exceed 36 inches.

(f) *Interior emergency exit markings.* (1) After May 31, 1957, all emergency exits, their means of access, and their means of opening shall be marked conspicuously. The identity and location of emergency exits shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches by a person with normal eyesight.

(2) After May 31, 1957, for night operations, a source or sources of light, with an energy supply independent of the main lighting system, shall be installed to illuminate all emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter and shall also be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. When

such lights require manual operation to function, they shall be turned on prior to each night take-off and landing.

2. By amending § 40.178 to read as follows:

§ 40.178 *Exterior exit and evacuation markings for all operations.* Effective January 1, 1956, exterior surfaces of the airplane shall be marked to identify clearly all required emergency exits. When such exits are operable from the outside, markings shall consist of or include information indicating the method of opening.

3. By amending § 40.206 to read as follows:

§ 40.206 *Equipment for overwater operations.* (a) The following equipment shall be required for all extended overwater operations:

(1) Life vest or other adequate individual flotation device for each occupant of the airplane;

(2) Life rafts sufficient in number and of such rated capacity and buoyancy as to accommodate all occupants of the airplane;

(3) Suitable pyrotechnic signaling devices; and

(4) One portable emergency radio signaling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the airplane power supply and which is self-buoyant and water-resistant.

(b) All required life rafts, life vests, and signaling devices shall be easily accessible in the event of a ditching without appreciable time for preparatory procedures. After May 31, 1957, this equipment shall be installed in conspicuously marked approved locations.

(c) After May 31, 1957, a survival kit, appropriately equipped for the route to be flown, shall be attached to each required life raft.

4. By adding a new § 40.267 to read as follows:

§ 40.267 *Assignment of emergency evacuation functions for each crew member.* After May 31, 1956, each air carrier shall assign all necessary emergency functions for each crew member to perform in the event of circumstances requiring emergency evacuation. The air carrier shall show that functions so assigned are practicable of accomplishment. These functions shall be described in the air carrier manual.

5. By adding a new § 40.370 to read as follows:

§ 40.370 *Briefing of passengers.* After May 31, 1956, each air carrier engaged in extended overwater operations shall assure that all passengers are briefed orally concerning the location and method of operation of life vests and emergency exits and the location of life rafts. The procedure to be followed in presenting this briefing shall be described in the air carrier manual. Such a briefing shall include a demonstration of the method of donning and inflating a life vest. Where the airplane proceeds directly over water after take-off, the briefing on location of the life vests and emergency exits shall be accomplished prior to take-off, and the remainder of the briefing shall be accomplished as soon thereafter as practicable. Where the airplane does not proceed directly over water after take-off, no part of the briefing need be accomplished prior to take-off but the entire briefing shall be accomplished prior to reaching the overwater portion of the flight.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-9670; Filed, Dec. 1, 1955; 8:49 a. m.]

[Civil Air Regs., Amdt. 41-8]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

EMERGENCY AND EVACUATION EQUIPMENT AND PROCEDURES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of November 1955.

Currently effective provisions of Part 41 of the Civil Air Regulations contain certain requirements for emergency and evacuation equipment and procedures. This amendment requires air carriers operating pursuant to Part 41 to make certain additional provisions with respect to emergency and evacuation equipment and procedures.

The necessity for these additional provisions was indicated following the Board's investigation of several air carrier accidents and they have been under consideration for some time. These matters were the substance of a notice of proposed rule making which was published in the FEDERAL REGISTER (17 F. R. 8022) and circulated as Civil Air Regulations Draft Release No. 52-26 dated August 29, 1952. As a result of comment received, it appeared desirable to arrange a meeting with representatives of industry to discuss particular issues. Such a meeting was held in Washington, D. C., on November 25, 1952, at which the general intent of each proposal was thoroughly discussed and specific changes in the wording of the rules were proposed.

As a result of comment received in response to Draft Release No. 52-26 and the discussions at the subsequent industry meeting, the proposals were revised and a new notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 4744) and circulated as Civil Air Regulations Draft Release No. 53-15 dated August 10, 1953. Since a substantial lapse of time occurred following the issuance of Draft Release No. 53-15, and because of the changes made as a result of comment received on the revised proposals, the Board decided to publish the proposed rules again prior to taking any final action. Accordingly, the proposed rules were published in the FEDERAL REGISTER (20 F. R. 1016) and circulated as Civil Air Regulations Draft Release No. 55-5 dated February 10, 1955. The comment received in response thereto has been considered by the Board in the drafting of this amendment. The following are summaries of the regulatory changes made by this amendment:

1. *Means of emergency evacuation.* There are no requirements in Part 41 of the Civil Air Regulations for evacuation equipment to assist passengers in evacuating an airplane on the ground. Experience has shown, however, that in certain instances it is essential that some means be provided in addition to those required by the applicable airworthiness requirements. Accordingly, this amendment requires that at all emergency exits which are more than 6 feet from the ground means be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means for emergency evacuation shall be a chute or an equivalent device which will be suitable for the rapid evacuation of passengers. The Board intends that this means shall be in a position for ready use during flight time (as defined by the Civil Air Regulations, "Flight Time" includes that time during which the airplane is taxiing) and so located that it will not create a hazard by obstructing any emergency exit. As an example, certain of the air carriers have already installed chutes immediately above exit doors or on brackets attached to the fuselage immediately adjacent to the doors. An approved chute so located is in a position for "ready use" within the meaning of the new section.

2. *Interior emergency exit markings.* At the present time Part 41 requires that emergency exists for airplanes carrying passengers be clearly marked as such with luminous paint in letters not less than ¾-inch high, such markings to be located either on or immediately adjacent to pertinent exists and readily visible to passengers. Location and method of operation of the handles are required to be marked with luminous paint. The Board does not consider that these requirements are adequate to ensure that in case of a crash landing or ditching at night the passengers and crew would be able to identify and operate emergency exits. This amendment, therefore, provides that for all air carrier passenger airplanes lights be installed so as to illuminate all emergency exists in such a manner as to attract the attention of the occupants of the airplane at night. It is further required that these lights be equipped with an integral energy supply system. Since Draft Release No. 55-5 was circulated, the Board has determined that a light designed only for manual operation, if designed to withstand the impact forces of a crash landing and continue operation, will serve as a suitable alternative to an automatic light to provide emergency lighting at those times when it is most likely to be needed. Accordingly, this amendment requires that these lights either (1) be designed to function automatically in the event of a crash landing and to continue to function

thereafter and also be operable manually, or (2) be designed only for manual operation and also to continue to function after a crash landing. When such lights require manual operation to function, they must be turned on prior to each night take-off and landing. With respect to the automatic light, any approved system, whether it is designed to operate as a result of inertia forces or upon failure of the main electrical system, will be satisfactory as long as it meets the two requirements; namely, it will function automatically in the event of a crash landing and continue to function thereafter, and it is also operable manually.

3. *Equipment for extended overwater operations.* This amendment modifies and expands the current provisions to require scheduled air carriers in extended overwater operations to have on their airplanes suitable equipment in the form of life vests, life rafts, signaling devices, and survival kits. This equipment is required to be installed in conspicuously marked approved locations where it will be easily accessible in the event of ditching.

An intensive investigation of ditching operations, including tests of life-raft capacity, has recently been conducted by the Civil Aeronautics Administration and the United States Navy in cooperation with other government agencies and interested aeronautical organizations. The Board has been advised that analysis of the results of these tests has not yet been accomplished. Consequently, as indicated in Draft Release No. 55-5, pending development of satisfactory criteria of life-raft capacity, the Board is not taking any action at this time to require that such life rafts possess sufficient maximum capacity to accommodate all occupants in the event of a loss of one life raft of the largest capacity on board. In view of the foregoing, this amendment does not change the requirement that airplanes on extended overwater flights carry life rafts sufficient in number and of such rated capacity as to accommodate all occupants of the airplane.

The Board is also concerned by the lack of any current requirement that life jackets and life rafts be equipped with a means of illumination which would materially assist in the rescue of persons from the water at night. Although such a light is not yet available, the Board has recently been informed that progress is being made toward the development of a serviceable, reliable, lightweight, inexpensive light of indefinite shelf life, adaptable to such use. Therefore, the Board will consider further whether a means of illuminating life jackets and life rafts should be required when it has determined that developments are sufficiently mature to warrant such action.

The Board has carefully studied the various proposals submitted with respect to a definition of extended overwater operation as applied to scheduled and irregular operations and considers that the distance of 50 miles is a reasonable measure of such operations. Since there may exist particular operations which would require or permit some flexibility in the administration of the rule, the Administrator is authorized to require the carriage of all of the prescribed equipment, or any item thereof, for any operation over water if he finds that the standards of safety appropriate for air carrier operations so require. The rule also permits the Administrator to determine, upon application of an air carrier, how much, if any, of the equipment will be required for each extended overwater operation. Unless otherwise specified by the Administrator, the equipment required herein will be carried in all extended overwater operations.

4. *Assignment of emergency evacuation functions for each crew member.* This amendment requires each air carrier to assign emergency functions for each crew member to perform in the event of circumstances requiring emergency evacuation. The objective of this requirement is to assure that each crew member will know, and be able to perform, those basic functions which are necessary in order to accomplish an emergency evacuation. The "emergency" for which this rule requires each crew member to be prepared is that of evacuating the airplane. Although innumerable types of emergencies may arise in flight which may necessitate an emergency evacuation of an airplane, the Board is of the opinion that the procedures to be followed in evacuating an airplane remain limited in number. Therefore, it is considered reasonable, and it is the intent of this rule, to require that each crew member be prepared to perform emergency evacuation functions when necessitated by various general situations; for example, ditching, fire in flight, and landing gear collapse. This rule will not, of course, limit the authority of the pilot in command over crew members with respect to the assignment of duties under the particular conditions of an emergency.

The Board has always based its rules on the premise that wherever possible the air carrier should be responsible for assigning crew duties. It has been brought to the attention of the Board, however, that in certain instances crew duties are not sufficiently delineated and crew training programs are not sufficiently complete to provide proper coordination of the crew in the event of a crash landing or ditching. The Board considers that it is necessary to ensure that assigned crew duties are realistic, and do not, for example, require an individual to be assigned certain tasks which are not probable of accomplishment under the conditions anticipated. Therefore, these functions are required to be listed in the air carrier manual and all crew members must be made thoroughly familiar with them during both initial and recurrent training. In addition, the air carrier must show that the functions so assigned are practicable of accomplishment.

5. *Briefing of passengers.* This amendment requires each air carrier engaged in extended overwater operations to establish a procedure for orally briefing passengers in order to ensure that they will be familiar with the location and method of operation of life vests and emergency exits, and the location of life rafts. Such briefing must include a demonstration of donning life jackets.

The Board considers that it is in the public interest to attain the increased safety sought by these rules at the earliest opportunity. At the same time it recognizes that certain of the requirements involving physical changes to airplane structures and the procurement of additional equipment would be unduly burdensome unless an appropriate period of time for planning, procurement, and installation is allowed. Accordingly, a majority of these rules need not be complied with for approximately 18 months. However, the rules involving procedures only must be complied with in approximately 6 months.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment contains rules which need not be complied with for at least 6 months, it may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective November 28, 1955:

1. By amending § 41.23 to read as follows:

§ 41.23 *Emergency and safety equipment.* After May 31, 1957, the equipment required in §§ 41.23b, 41.23c, and 41.23d shall be approved by the Administrator.

2. By adding new §§ 41.23b, 41.23c, and 41.23d to read as follows:

§ 41.23b *First-aid kits and emergency equipment.* Each airplane shall be equipped with a conveniently accessible first-aid kit adequate for the type of operation involved. Airplanes scheduled over routes requiring flights for long distances over uninhabited terrain must carry such additional emergency equipment as appropriate for the particular operation involved.

§ 41.23c *Equipment for overwater operations.* (a) The following equipment shall be required for all extended overwater operations: *Provided,* That the Administrator, after appropriate investigation, may require the carriage of all of the prescribed equipment, or any item thereof, for any operation over water, or upon application of an air carrier, permit deviation from these requirements for a particular extended overwater operation:

(1) Life vest or other adequate individual flotation device for each occupant of the airplane;

(2) Life rafts sufficient in number and of such rated capacity and buoyancy as to accommodate all occupants of the airplane;

(3) Suitable pyrotechnic signaling devices; and

(4) One portable emergency radio signaling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the airplane power supply and

which is self-buoyant and water-resistant.

(b) All required life rafts, life vests, and signaling devices shall be easily accessible in the event of a ditching without appreciable time for preparatory procedures. After May 31, 1957 this equipment shall be installed in conspicuously marked locations approved by the Administrator.

(c) A survival kit, appropriately equipped for the route to be flown, shall be attached to each required life raft.

§ 41.23d *Emergency evacuation equipment*—(a) *Means for emergency evacuation.* After May 31, 1957, on all passenger-carrying airplanes, at all emergency exits which are more than 6 feet from the ground with the airplane on the ground and with the landing gear extended, means shall be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means shall be a chute or equivalent device suitable for the rapid evacuation of passengers. During flight time this means shall be in a position for ready use: *Provided*, That the requirements of this paragraph do not apply to emergency exits over the wing where the greatest distance from the lower sill of the exit to the wing surface does not exceed 36 inches.

(b) *Interior emergency exit markings.* (1) After May 31, 1957, all emergency exits, their means of access, and their means of opening shall be marked conspicuously. The identity and location of emergency exits shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches by a person with normal eyesight.

(2) After May 31, 1957, for night operations, a source or sources of light, with an energy supply independent of the main lighting system, shall be installed to illuminate all emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter and shall also be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. When such lights require manual operation to function, they shall be turned on prior to each night take-off and landing.

3. By amending § 41.126 to read as follows:

§ 41.126 *Assignment of emergency evacuation functions for each crew member.* After May 31, 1956, each air carrier shall assign all necessary emergency functions for each crew member to perform in the event of circumstances requiring emergency evacuation. The air carrier shall show that functions so assigned are practicable of accomplishment. These functions shall be described in the air carrier manual.

4. By amending § 41.127 to read as follows:

§ 41.127 *Briefing of passengers.* After May 31, 1956, each air carrier engaged in extended overwater operations shall assure that all passengers are briefed orally concerning the location and method of operation of life vests and emergency exits and the location of life rafts. The procedure to be followed in presenting this briefing shall be described in the air carrier manual. Such a briefing shall include a demonstration of the method of donning and inflating a life vest. Where the airplane does not proceed directly over water after take-off, no part of the briefing need be accomplished prior to take-off but the entire briefing shall be accomplished prior to reaching the overwater portion of the flight.

5. By amending § 41.137 by adding the following definition in alphabetical order:

§ 41.137 *Definitions.* • • •

Extended overwater operation. An extended overwater operation shall be considered an operation over water conducted at a distance in excess of 50 miles from the nearest shore line.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-9671; Filed, Dec. 1, 1955; 8:49 a. m.]

[Civil Air Regs., Amdt. 42-6]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

EMERGENCY AND EVACUATION EQUIPMENT AND PROCEDURES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of November 1955.

Currently effective provisions of Part 42 of the Civil Air Regulations contain certain requirements for emergency and evacuation equipment and procedures. This amendment requires air carriers operating pursuant to Part 42 to make certain additional provisions with respect to emergency and evacuation equipment and procedures.

The necessity for these additional provisions was indicated following the Board's investigation of several air carrier accidents and they have been under consideration for some time. These matters were the substance of a notice of proposed rule making which was published in the FEDERAL REGISTER (17 F. R. 8022) and circulated as Civil Air Regulations Draft Release No. 52-26 dated August 29, 1952. As a result of comment received, it appeared desirable to arrange a meeting with representatives of industry to discuss particular issues. Such a meeting was held in Washington, D. C., on November 25, 1952, at which the general intent of each proposal was thoroughly discussed and specific changes in the wording of the rules were proposed.

As a result of comment received in response to Draft Release No. 52-26 and the discussions at the subsequent industry meeting, the proposals were revised and a new notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 4744) and circulated as Civil Air Regulations Draft Release No. 53-15 dated August 10, 1953. Since a substantial lapse of time occurred following the issuance of Draft Release No. 53-15, and because of the changes made as a result of comment received on the revised proposals, the Board decided to publish the proposed rules again prior to taking any final action. Accordingly, the proposed rules were published in the FEDERAL REGISTER (20 F. R. 1016) and circulated as Civil Air Regulations Draft Release No. 55-5 dated February 10, 1955. The comment received in response thereto has been considered by the Board in the drafting of this amendment. The following are summaries of the regulatory changes made by this amendment:

1. *Means of emergency evacuation.* There are no requirements in Part 42 of the Civil Air Regulations for evacuation equipment to assist passengers in evacuating an airplane on the ground. Experience has shown, however, that in certain instances it is essential that some means be provided in addition to those required by the applicable airworthiness requirements. Accordingly, this amendment requires that at all emergency exits which are more than 6 feet from the ground means be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means for emergency evacuation shall be a chute or an equivalent device which will be suitable for the rapid evacuation of passengers. The Board intends that this means shall be in a position for ready use during flight time (as defined by the Civil Air Regulations, "Flight Time" includes that time during which the airplane is taxiing) and so located that it will not create a hazard by obstructing any emergency exit. As an example, certain of the air carriers have already installed chutes immediately above exit doors or on brackets attached to the fuselage immediately adjacent to the doors. An approved chute so located is in a position for "ready use" within the meaning of the new section.

2. *Interior emergency exit markings.* This amendment requires, in addition to markings, the installation of a light in all passenger-carrying large aircraft to eliminate all emergency exits in such a manner as to attract the attention of the occupants of the airplane at night. The object of this requirement is to ensure that in the case of a crash landing or ditching at night the passengers and crew will be able to identify and operate emergency exits. It is further required that these lights be equipped with an integral energy supply system. Since Draft Release No. 55-5 was circulated, the Board has determined that a light designed only for manual operation, if designed to withstand the impact forces of a crash landing and continue operation, will serve as a suitable alternative to an automatic light to provide emergency lighting at those times when it is most likely to be needed. Accordingly, this amendment requires that these lights either (1) be designed to function automatically in the event of a crash landing and to continue to function thereafter and also be operable manually, or (2) be designed only for manual operation and also to continue to function after a crash landing. When such lights require manual operation to function, they must be turned on prior to each night take-off and landing. With respect to the automatic light, any approved system, whether it is designed to operate as a result of inertia forces or upon failure of the main electrical system, will be satisfactory as long as it meets the two requirements; namely, it will function automatically in the event of a crash landing and continue to function thereafter, and it is also operable manually.

3. *Equipment for extended overwater operations.* This amendment modifies and expands the current provisions to require irregular air carriers in extended overwater operations to have on their airplanes suitable equipment in the form of life vests, life rafts, signaling devices, and survival kits. This equipment is required to be installed in conspicuously marked approved locations where it will be easily accessible in the event of ditching.

An intensive investigation of ditching operations, including tests of life-raft capacity, has recently been conducted by the Civil Aeronautics Administration and the United States Navy in cooperation with other government agencies and interested aeronautical organizations. The Board has been advised that analysis of the results of these tests has not yet been accomplished. Consequently, as indicated in Draft Release No. 55-5, pending development of satisfactory criteria of life-raft capacity, the Board is not taking any action at this time to require that such life rafts possess sufficient maximum capacity to accommodate all occupants in the event of a loss of one life raft of the largest capacity on board. In view of the foregoing, this amendment does not change the requirement that airplanes on extended overwater flights carry life rafts sufficient in number and of such rated capacity as to accommodate all occupants of the airplane.

The Board is also concerned by the lack of any current requirement that life jackets and life rafts be equipped with a means of illumination which would materially assist in the rescue of persons from the water at night. Although such a light is not yet available, the Board has recently been informed that progress is being made toward the development of a serviceable, reliable, lightweight, inexpensive light of indefinite shelf life, adaptable to such use. Therefore, the Board will consider further whether a means of illuminating life jackets and life rafts should be required when it has determined that developments are sufficiently mature to warrant such action.

The Board has carefully studied the various proposals submitted with respect to a definition of extended overwater operation as applied to scheduled and irregular operations and considers that the distance of 50 miles is a reasonable measure of such operations. Since there may exist particular operations which would require or permit some flexibility in the administration of the rule, the Administrator is authorized to require the carriage of all of the prescribed equipment, or any item thereof, for any operation over water if he finds that the standards of safety appropriate for air carrier operations so require. The rule also permits the Administrator to determine, upon application of an air carrier, how much, if any, of the equipment will be required for each extended overwater operation. Unless otherwise specified by the Administrator, the equipment required herein will be carried in all extended overwater operations.

4. *Assignment of emergency evacuation functions for each crew member.* This amendment requires each air carrier to assign emergency functions for each crew member to perform in the event of circumstances requiring emergency evacuation. The objective of this requirement is to assure that each crew member will know, and be able to perform, those basic functions which are necessary in order to accomplish an emergency evacuation. The "emergency" for which this rule requires each crew member to be prepared is that of evacuating the airplane. Although innumerable types of emergencies may arise in flight which may necessitate an emergency evacuation of an airplane, the Board is of the opinion that the procedures to be followed in evacuating an airplane remain limited in number. Therefore, it is considered reasonable, and it is the intent of this rule, to require that each crew member be prepared to perform emergency evacuation functions when necessitated by various general situations; for example, ditching, fire in flight, and landing gear collapse. This rule will not, of course, limit the authority of the pilot in command over crew members with respect to the assignment of duties under the particular conditions of an emergency.

The Board has always based its rules on the premise that wherever possible the air carrier should be responsible for assigning crew duties. It has been brought to the attention of the Board, however, that in certain instances crew duties are not sufficiently delineated and crew training programs are not sufficiently complete to provide proper coordination of the crew in the event of a crash landing or ditching. The Board considers that it is necessary to ensure that assigned crew duties are realistic, and do not, for example, require an individual to be assigned certain tasks which are not problable of accomplishment under the conditions anticipated. Therefore, these functions are required to be listed in the air carrier manual and all crew members must be made thoroughly familiar with them during both initial and recurrent training. In addition, the air carrier must show that the functions so assigned are practicable of accomplishment.

5. *Briefing of passengers.* This amendment requires each air carrier engaged in extended overwater operations to establish a procedure for orally briefing passengers in order to ensure that they will be familiar with the location and method of operation of life vests and emergency exits, and the location of life rafts. Such briefing must include a demonstration of donning life jackets.

The Board considers that it is in the public interest to attain the increased safety sought by these rules at the earliest opportunity. At the same time it recognizes that certain of the requirements involving physical changes to airplane structures and the procurement of additional equipment would be unduly burdensome unless an appropriate period of time for planning, procurement, and installation is allowed. Accordingly, a majority of these rules need not be complied with for approximately 18 months. However, the rules involving procedures only must be complied with in approximately 6 months.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment contains rules which need not be complied with for at least 6 months, it may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective November 28, 1955:

1. By amending § 42.1 by adding the following definition in alphabetical order:

§ 42.1 *Definitions.* • • •

Extended overwater operation. An extended overwater operation shall be considered an operation over water conducted at a distance in excess of 50 miles from the nearest shore line.

2. By amending § 42.24 to read as follows:

§ 42.24 *Emergency and safety equipment.* After May 31, 1957, the equipment required in §§ 42.24a, 42.24b, and 42.24c shall be approved.

3. By adding new §§ 42.24a, 42.24b, and 42.24c to read as follows:

§ 42.24a *First-aid kits and emergency equipment.* Each airplane shall be equipped with a conveniently accessible first-aid kit adequate for the type of operation involved. Airplanes operated over routes requiring flights for long distances over uninhabited terrain must carry such additional emergency equipment as appropriate for the particular operation involved.

§ 42.24b *Equipment for overwater operations.* (a) The following equipment shall be required for all extended overwater operations: *Provided*, That the Administrator, after appropriate investigation, may require the carriage of all of the prescribed equipment, or any item thereof, for any operation over water, or upon application of an air carrier, permit deviation from these requirements for a particular extended overwater operation:

(1) Life vest or other adequate individual flotation device for each occupant of the airplane;

(2) Life rafts sufficient in number and of such rated capacity and buoyancy as to accommodate all occupants of the airplane;

(3) Suitable pyrotechnic signaling devices; and

(4) One portable emergency radio signaling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the airplane power supply and which is self-buoyant and water-resistant.

(b) All required life rafts, life vests, and signaling devices shall be easily accessible in the event of a ditching without appreciable time for preparatory procedures. After May 31, 1957, this equipment shall be installed in conspicuously marked approved locations.

(c) A survival kit, appropriately equipped for the route to be flown, shall be attached to each required life raft.

§ 42.24c *Emergency evacuation equipment*—(a) *Means for emergency evacuation.* After May 31, 1957, on all passenger-carrying airplanes, at all emergency exists which are more than 6 feet from the ground with the airplane on the ground and with the landing gear extended, means shall be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means shall be a chute or equivalent device suitable for the rapid evacuation of passengers.. During flight time this means shall be in a position for ready use: *Provided*, That the requirements of this paragraph do not apply to emergency exits over the wing where the greatest distance from the lower sill of the exit to the wing surface does not exceed 36 inches.

(b) *Interior emergency exit markings.* (1) After May 31, 1957, all emergency exits of large aircraft, their means of access, and their means of opening shall be marked conspicuously. The identity and location of emergency exists shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches by a person with normal eyesight.

(2) After May 31, 1957, for night operations, a source or sources of light, with an energy supply independent of the main lighting system, shall be installed in large aircraft to illuminate all emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter and shall also be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. When such lights require manual operation to function, they shall be turned on prior to each night take-off and landing.

4. By adding a new § 42.49 to read as follows:

§ 42.49 *Assignment of emergency evacuation functions for each crew member.* After May 31, 1956, each air carrier shall assign all necessary emergency functions for each crew member to perform in the event of circumstances requiring emergency evacuation. The air carrier shall show that functions so assigned are practicable of accomplishment. These functions shall be described in the air carrier manual.

5. By amending § 42.59 to read as follows:

§ 42.59 *Briefing of passengers.* After May 31, 1956, each air carrier engaged in extended overwater operations shall assure that all passengers are briefed orally concerning the location and method of operation of life vests and emergency exits and the location of life rafts. The procedure to be followed in presenting this briefing shall be described in the air carrier manual. Such a briefing shall include a demonstration of the method of donning and inflating a life vest. Where the airplane proceeds directly over water after take-off, the briefing on location of the life vests and emergency exits shall be accomplished prior to take-off, and the remainder of the briefing shall be accomplished as soon thereafter as practicable. Where the airplane does not proceed directly over water after take-off, no part of the briefing need be accomplished prior to take-off but the entire briefing shall be accomplished prior to reaching the overwater portion of the flight.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-9672; Filed, Dec. 1, 1955; 8:49 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

Subchapter A—Procedural Regulations

[Amdt. 2]

PART 410—DELEGATION OPTION PROCEDURES FOR CERTIFICATION OF SMALL AIRPLANES

DATA AND RECORDS

Appendix A to Title 1 was added in 20 F. R. 2217, April 8, 1955, to furnish a guide to show what non-Federal records must be kept, who must keep them, and how long they must be kept. Accordingly, 14 CFR Part 410 is amended as follows:

1. Section 410.39 (a) (1) is amended by adding a final sentence as follows: "This file shall be retained for the duration of the manufacturer's operation under the delegation option procedure."

2. Section 410.39 (a) (2) is amended by adding subdivisions (i), (ii), and (iii) as follows:

(i) A complete inspection record for each airplane produced according to serial number and data covering the processes and tests to which materials and parts are subjected. These records shall be retained for 2 years.

(ii) The report required to be submitted with the original application for the production certificate and amendments thereto. This report shall be retained for the duration of the manufacturer's operation under the delegation option procedure.

(iii) The factory inspection reports specified in § 410.33 (b) and (c). These factory inspection reports shall be retained for 2 years.

3. Section 410.39 (a) (3) is amended by adding a final sentence as follows: "This record shall be retained for the duration of the manufacturer's operation under the delegation option procedure."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 603, 52 Stat. 1009, as amended, sec. 310, 64 Stat. 1080; 49 U. S. C. 553, 460)

This amendment shall become effective December 15, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9645; Filed, Dec. 1, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 941]

[Docket No. AO-101-20]

MILK IN CHICAGO, ILLINOIS, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the seventh day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed

amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Chicago, Illinois, on July 5–8, 1955 pursuant to notice thereof which was issued on June 14, 1955 (20 F. R. 4256) and June 28, 1955 (20 F. R. 4690).

The material issues on the record of the hearing were:

1. Whether Kankakee, Will County, and Lake County, all in Illinois, or portions thereof, should be added to the marketing area;

2. Class I price differentials;

3. General changes in accounting for milk, including use of a skim milk and butterfat system of accounting;

4. Special classification and price for milk used in the manufacture of American Cheese;

5. Revision of differential to producers with respect to milk received in the marketing area;

6. Revision of the base-excess method of paying producers, including changes in the calculation of bases, changes in base rules, and calculation of base and excess prices.

7. Allocation of class utilization to own farm production;

8. Application of the 70-cent differential added in the case of bulk Class I and Class II milk moved outside the surplus milk manufacturing area;

9. Pool plant approval on the basis of shipments to plants distributing in the marketing area; and

10. Establishment of order prices at locations where milk is transferred from the tank truck in which it was picked up at the producer's farm to another tank truck.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing:

1. *Marketing area.* No change should be made in the marketing area. Proposals were made to add Kankakee County, Will County, and Lake County, all in Illinois, or parts thereof, to the marketing area. Parts of Will County and Lake County are now in the marketing area.

At the hearing, the proposals were supported only with respect to Crete Township in Will County, and the portion of Lake County not now in the marketing area.

It was testified, with respect to both of these areas for which inclusion was asked, that no additional milk would be regulated under the order. The reason given, in each case, for the additional area, was to include the proponent's plant in the marketing area, thus enabling the plant to pay the higher price applicable to milk received in the marketing area. It was explained that these operators experienced difficulty in holding producers in competition with plants in the marketing area.

Inasmuch as the difficulty brought out in testimony was only a matter of competition between regulated handlers for producers, this is not a basis for expanding the area of regulation. The additions to the marketing area are denied.

2. *Class I price differentials.* The Class I price differentials should be $1.10 for the months of August through November, and 80 cents in other months.

Proposals were made by producer associations to change the Class I price differentials in a manner which would raise the average level and reduce the seasonal range. One proposal was to make the differentials $1.10 in the months of August through November, and 90 cents in other months. Another proposal would establish a constant differential of $1.00 year around.

Testimony in support of these proposals was generally based on the following factors: reduced need for seasonal differentials because of the effect of the base-excess plan; increased costs of milk production; and the desire to lessen market problems producers feel to be associated with frequent changes in the Class I price.

Class I differentials now in the order are $1.10 per hundredweight for August through November, 90 cents for December through February, 70 cents for March through June, and 90 cents in July. The average of these differentials for the year is 90 cents. The effective level of the differentials is modified, however, by a supply-demand adjustment.

It is apparent that the proposal for a $1.00 differential a year around would raise the annual level by 10 cents per hundredweight. The proposal to have a 90-cent differential for December through July would raise the annual average 6⅔ cents.

An examination of supply and demand conditions does not show a need for an increase in the general level of the Class I price differentials in addition to what has occurred as the result of the automatic price adjustments based on the supply-demand ratio, and what may be expected similarly on the basis of any further changes in supply and demand. Since the beginning of the year, the supply-demand price adjustment has increased from a minus 24 cents per hundredweight to a minus 4 cents in November. (Official notice is taken in this connection of data published by the market administrator.)

The record shows that during the first five months of 1955, the volume of Class I sales had increased about 5 percent over a year earlier. In the same period, receipts from producers were down more than 6 percent. Effective August 1, this year the supply-demand ratio calculation was changed so that it would be more responsive to recent changes in supply and disposition. As a result, producers' prices are already affected by the improvement in utilization which has occurred this year.

Even with the changes in utilization already noted, data and testimony in the record indicate the market will continue to have an adequate supply under present price formulas. Accordingly, it is concluded no change should be made in the annual level of the Class I differentials.

Producer testimony on Class I differentials favored reducing the amount of seasonal variation in the differentials. It was contended that, with the base and excess plan in effect, a more moderate variation in the differentials would be appropriate. Handlers contended, however, that some seasonal variation is important so that they can maintain their competitive position with respect to sales in nearby markets.

It has been concluded herein that no change should be made in the annual level of the differentials. Nevertheless, a seasonal schedule of differentials with less variation could be devised. A schedule of differentials using 80 cents for the December–July period, and $1.10, as now, for the August–November period, would have the advantage of giving greater incentive under the base plan, and yet would retain some seasonal variation. With respect to sales outside the marketing area, handlers would benefit by reduced cost in January, February, July and December to the same amount as their cost would be increased in the months of March through June. It is concluded that this schedule should be adopted.

3. *Accounting.* No change should be made on the basis of this record in the system of accounting for milk.

Proposals were made on the record to change entirely or partially the order accounting system, from the present milk equivalent method, to a method which accounts for skim milk and butterfat separately.

It is apparent on the record that most interests in the milk trade are generally satisfied with the present system of accounting. Only one handler advocated a complete revision of the accounting system. One producer group proposed separate accounting for butterfat and nonfat solids in ice cream. The same group, however, as well as handlers of most of the milk, opposed a general change in the accounting system at this time. The change with respect to ice cream was also opposed by handlers. Apparently resistance to a complete change to butterfat and skim milk accounting arises largely from uncertainty among the trade as to what the effects would be on the cost of products.

It is apparent from the testimony that the problem involves appropriate pricing as well as accounting for the butterfat and nonfat components of these products. It is not feasible to accomplish this purpose without a change in accounting with respect to all utilizations. A partial change would unduly complicate the accounting. The same is true with respect to proposed changes in methods of reconciliation.

Under the circumstances, it is concluded no change should be made in the accounting system at this time.

4. *Cheese price formula.* Milk used in the manufacture of American Cheese should continue to be classified and priced the same as other uses in Class IV.

A proposal made by producer groups would establish a special class and price for milk used in American Cheese. The proposed formula price is the same as proposed at a previous hearing, June 1–4, 7–11, and 14–15, 1954. The proposal as made on the June 1954 record was denied in a decision issued November 23, 1954 (19 F. R. 7693).

The formula would establish a per hundredweight price for milk on the basis of the following calculations: 9.745

x the price of State Brand Cheddar Cheese on the Plymouth Exchange, plus 0.3 x the price of Grade A (92-score) butter at Chicago, less 46.8 cents.

A supplementary proposal was that this formula should also serve as an alternative for the basic formula price.

The immediate effect of using the proposed formula would be a reduced value for part of what is now Class IV milk. In 1953 it would have averaged eight cents lower, in 1954, about 14 cents lower, and in March 1955, 16 cents lower than the Class IV price. In some prior periods it would have yielded a higher price than the Class IV price.

Proponents of the new price formula argued that this price relationship would be reasonable, since they claimed that cheese factories are not able to pay as much as butter-powder operations under current conditions, including the effect of the price support program. However, much evidence in the record was in disagreement with this contention.

Data as to prices paid by cheese factories and creameries in the United States since the beginning of 1948 show that at times the cheese factories have overpaid the creameries, and at other times the reverse has been true. In general, the paying prices of the two types of operations have moved upward or downward together, with only a small percentage of difference.

On a regional basis, prices paid by cheese factories in the East North Central States (Wisconsin, Illinois, Indiana, Michigan and Ohio) have averaged as high as, or higher than, prices paid by creameries, in each of the four years 1950–54. Other data in the record showed, for a group of cheese plants in Wisconsin, paying prices at the same level in recent months as the Class IV price.

Besides the immediate effect the proposed formula would have in reducing the value of all producer milk, there would be a tendency to encourage additional manufacturing operations to enter the pool. This would reduce the uniform price to all producers. In view of these disadvantages to producers in general, there is a question as to what need would be served by establishing a separate price for milk used in American Cheese at a generally lower level than the present Class IV formula price.

Under a class utilization pricing system, a surplus price serves to assure producers a market for milk in excess of the regular requirements of the market. Such a price should not be lower than needed to accomplish this purpose, for otherwise producer returns are unnecessarily reduced. This record does not show the need for the proposed lower price.

5. *Differential in marketing area.* No change should be made in the location differential applied to milk received in the marketing area.

The differential, as now effective, is 10 cents per hundredweight over the 70-mile zone price, and applies to milk which moves directly from farms to plants in the marketing area. Of this 10-cent differential, four cents is a charge against the plant receiving the milk, and the other six cents is, in effect, a payment out of the market-wide pool.

A handler proposed that the part of the differential paid out of the pool should be eliminated. This is the same as a proposal made at a hearing in June 1954, and denied in the decision previously referred to herein, issued November 23, 1954.

It was argued at this hearing that the inner-market differential is not in accord with uniform pricing insofar as part of it is paid out of the pool. Testimony failed to show, however, that the differential is incompatible with uniform pricing of milk, according to the location of the plant where the milk is received, as provided in the Act.

Testimony on this proposal did not indicate that the situation had changed significantly from conditions shown in the June 1954 hearing, except with respect to milk picked up at farms in tank trucks and delivered to the marketing area without being received at a plant outside the marketing area. It was argued that this method of milk procurement was not anticipated at the time the differential was established, and has made the differential work differently from the way intended.

Record data show that bulk tank procurement of milk at the farm has continued to develop. A relatively new phase of this development has been the practice of reloading the milk from several trucks into a larger truck for movement to the marketing area. This method of milk assembly has extended the distance of the bulk movement of milk from farms to area plants. Such milk, under the terms of the order, is entitled to the inner-market differential. In another part of this decision it is concluded that the order should establish the price for such milk at the point of assembly; i. e., the point at which the milk is reloaded from several tank trucks into the truck which delivers the milk to the marketing area. Evidence did not show that there had been any significant change in milk received at plants in the marketing area, aside from milk which had been reloaded as described above.

6. *Base-excess plan*—(a) *Calculation of base and excess prices.* No change should be made in the method of calculation of the base and excess prices.

A proposal was made by some cooperative associations of producers to alter the base and excess prices by making the excess price the same as the Class IV price. No location differentials would apply to the excess price under this plan. The base price would then represent the remaining value of producer milk.

Under the base-excess plan now in effect, there is a fixed difference of 40 cents per hundredweight between the base and excess prices. Location differentials apply equally to both base and excess prices, and accordingly the 40-cent difference is maintained in all zones. The base-making period is September through November, and payment on base and excess is made only in the months of March through June.

Proponents of the plan to use the Class IV price as an excess price complained of the low excess price in outer zones of the milkshed under the present method. As an example, it was pointed out that the May 1955 excess price in the 21st zone was $2.56, as compared to the Class IV price of $2.93. It was indicated that this condition caused some withdrawal of excess milk from the pool. Nonpool manufacturing plants paid more than such excess price.

It is observed, however, that the average return to a producer in the 21st zone, including both his base and excess milk, is no different from what his average return would be without the base-excess plan, except insofar as his seasonal variation in production differs from the market-wide average of seasonal variation. It is also observed that the relation of the excess price to the Class IV price is affected by the level of market-wide utilization. A relatively low level of utilization reduces the excess price in relation to the Class IV price. In this connection, the 10-cent higher Class I differential for the base-paying months in 1956, decided upon in another part of this decision, will tend to improve the excess price in relation to the Class IV price. A similar improvement will result from the supply-demand ratio, as amended, effective August 1, 1955, if the same general level of utilization persists.

In the non-base payment months of July through February, producer location differentials apply alike to all milk. The similar application of location differentials in base payment months results in the same allocation of the value of pool milk with respect to location, as in other months. The record does not justify a greater allocation of such value to outer zones in these months (such as would result from the proposed plan) than would be the case without the base plan.

(b) *Calculation of bases.* The amount of base milk for producers who have not earned a base, or who relinquish an earned base, should be 65 percent of deliveries in March 1956, 60 percent of deliveries in April 1956, 55 percent in May and June 1956, and five percent less than these percentages in the same months of subsequent years. Producers should be allowed until January 15 to elect the option of relinquishing an earned base.

Order provisions allow a producer until December 31 of any year to decide whether he wishes to retain his earned base or take a base calculated the same as for a new producer. For the 1955 season, a new producer's base was calculated for the several months as follows: For March, 65 percent of his average daily deliveries in the month, for April, 60 percent, and for May and June, 55 percent. Beginning with 1956, new producer bases would be calculated as 10 percent less than the average percentage of base milk calculated for the same month of the previous year with respect to producers with earned bases.

Proposals were made to reduce or eliminate the opportunity for a producer to relinquish his earned base in favor of a new base. These proposals were directed towards giving a greater incentive for producers to earn a satisfactory base during the September-November base-earning period. The magnitude of the problem is shown by the fact that for 1955, there were 4,888 producers who relinquished their bases.

One proposal was made to eliminate the option to claim a new base after January 15, 1956. Another proposal was made to change the 10 percent deduction which would begin to be effective in 1956, to be instead a deduction of 15 percent effective for the base-paying period of 1957, and 20 percent in 1958 and subsequent years.

The present provisions of the order serve to allow producers who experience hardship in earning a base, the same opportunity for sharing in the market as a producer entering the market during the base-payment period. It would appear that this feature of the order could be retained, and yet not render the plan ineffective in giving incentive for earning a base. Testimony generally favored continuation of use of optional bases through the 1956 base-payment period. In this connection, since producers have had a year of experience in adjusting their production to the base-excess plan it is possible there will be less cause for relinquishing earned bases than last season. However, the manner in which optional bases would be computed for the March–June 1956 period would appear to be more liberal than used in the prior season. Since this condition would tend to lessen the effectiveness of the base plan, it is preferable to retain the fixed percentages of deliveries for the 1956 base-paying period to serve as the method for computing an optional base. For subsequent years, the amount of optional base allowed should be reduced, as producers will have had greater opportunity to adjust their production. Beginning with the 1957 base-paying period, the percentages of base milk allowed to new producers and as optional bases should be 60 percent of deliveries in March, 55 percent in April, and 50 percent in May and June.

It was proposed that the period for allowing a producer to relinquish an earned base be extended from December 31, this year, as now provided, to January 15, 1956. Such an extension would give producers additional time to submit a notice of adopting new producer status, without interfering with the operation or administration of the base-excess plan. It is concluded that this change should be adopted with respect to bases earned in 1955 and subsequent years.

(c) *Base rules.* The following changes should be made in base rules:

Producers with more than one farm should be allowed to establish a base for each farm and relinquish a base for one farm without doing so for his other farms; if more than one producer ships from a farm, one base should be computed for the farm, and be allocated to each producer according to his share in the sale of milk from the farm; provision should be made for division of a jointly held base; provision should be made to allow a producer to transfer credit towards establishment of a base in the same manner as he may transfer a base. The base rules should not be amended to allow a base to be earned on milk delivered to nonpool plants.

Testimony indicated that a number of producers with multiple farms found themselves at a disadvantage in that they could not relinquish a base and take the option of new producer status under the same circumstances as producers with a single farm. Present rules require that a producer with more than one farm must relinquish bases earned on all his farms, if he relinquishes the base on one farm. It was testified there would be little danger of manipulation if a producer were allowed to elect the optional base on each farm separately. The proposed change is adopted in the proposed amendment attached hereto.

An additional base rule was proposed by the Dairy Division with respect to farms where there are two or more producers. Under the proposal, each producer would share in the base, during March, April, May, and June, in the same proportion each month as he shares in the milk deliveries. This provision will serve to clarify administration of the base plan and should be adopted. Another provision proposed by the Dairy Division would allow producers having an interest in a jointly held base to divide the base upon notice to the market administrator within the month in which the division is effective. It would be provided, however, that if producers holding a joint base cease producing milk, and do not notify the market administrator of the terms of division, it shall be divided in the same proportion as they shared in milk deliveries during the base-making period, except that in the case of a partnership, the base shall be divided equally among the producers. This provision appears to be in accord with the experience in administration of the base plan, and will provide a specific method of division of bases.

An additional provision should be included to allow transfers of credit towards an earned base by a producer who discontinues shipping milk during the base-earning period.

It was proposed that a producer who has not earned a base on this market be allowed a base computed on his record of deliveries to another market.

Testimony in opposition to this proposal stressed the danger that dairy farmers, who in the short season sell in secondary markets where no base plans exist, might take advantage of such a provision to exploit the producer pool in this market during the base-payment months. There does not appear to be a real need for such a provision, inasmuch as a base allowance is provided for new producers.

7. *Allocation of own farm production.* The order should be changed to be explicit as to the method of prorating "own farm" production.

The order provides in § 941.45 (a) that a handler's own farm production be subtracted pro rata from the pounds of milk in each class. The method of prorating to each class is to assign the same percentage of this milk to each class as the handler's total utilization in such class is of his total receipts.

It was proposed by a handler, having own farm production, that the order be amended to provide a different method of proration. An exhibit presented at the hearing compared the present method of allocation with the proposed method. This exhibit shows that under the present method of allocating own farm production, the money value per hundredweight of the milk from a handler's own farm is equal to the money value per hundredweight of other milk which is pooled. The proposed method on the other hand gives different money values to own farm production and producer milk. This record does not support changing the relative values of own farm production and producer milk. Accordingly, it is concluded that the present method of prorating own farm production should be continued. The method should be explicitly set forth in the order.

8. *Price for sales outside the surplus milk manufacturing area.* No action relative to the provision for 70 cents additional Class I and Class II price on sales outside the surplus milk manufacturing area should be taken on this record. Before further action is taken, this year's experience with the provision needs to be evaluated.

On the basis of the hearing on August 24, 1955, this provision was amended to free week-end shipments from the provision for October and November 1955. Also this provision was set aside by suspension actions for September this year, and, subsequent to the amendment referred to, for November this year. The effects of such steps, as well as market experience with the provision this year, should become a part of the record of any hearing for considering whether beneficial effects can any longer reasonably be expected from this provision, and, if so, whether they might be enhanced by further amendment.

On this record, testimony in regard to this provision was conflicting. A few producer associations, arguing for its elimination, contended that it had become essentially detrimental to producers. Such argument was based on data showing changed conditions in the interstate and inter-regional trade in fluid milk, and in supply conditions of the Chicago area trade, and how the provision seems to have affected the marketing and prices of producer milk. Other parties, including most handlers as well as associations of producers representing the majority of producers, while admitting changed conditions as revealed by the data, supported the provision in its present or some modified form. Doubtless, evidence from this year's experience would contribute something to an appraisal of this provision. Since it will not again apply until next Fall, it may be examined in the light of this year's experience as well as its previous history.

9. *Pool plant approval.* The proposal to delete § 941.66 (c) is denied. No testimony was offered on this proposal.

10. *Pricing at reloading points.* Producer milk moved from the farm in a bulk tank truck and reloaded into another tank truck before entering a plant should be priced at the point of reloading.

A proposal was made on the record to establish order prices at locations where milk is reloaded, from the tank trucks which have brought the milk from farms, into a larger tank truck for movement to a plant. The proposal contemplated that the zone differentials, applicable in the case of milk reloaded in the manner described, would be the same as now applied in the case of plants, except that for milk reloaded in the marketing area the location differential would be four cents over the 70-mile zone price.

The evidence showed continued development of the practice of collecting milk from producers' farms in tank trucks. In March 1955, milk was obtained from 1398 producers in this manner as compared to 1040 in the prior November. Another recent development is the practice of transferring into a larger tank truck the loads from several trucks which have collected the milk from farms. Such reloading is accomplished without the milk entering a plant. It was testified that the health authority for Chicago has required that such transfers take place at approved facilities equipped for washing the tanks. In every case the reloading takes place at an established location.

The order now establishes minimum producer prices at the plant where the milk is first received. It is at this stage in the marketing process that milk received in cans, which currently represents most of the milk for the market, is accepted by the handler, and loses its identity as the milk of any particular producer. Plant prices are established throughout the supply area by the application of zone differentials based upon the cost of moving the milk to the market. The producer is thus assured of the order price, subject, of course to hauling and miscellaneous charges, at a plant with which he may establish a regular business connection. The same conditions apply to milk collected at farms in tank trucks and brought directly to a plant, except that such milk is accepted prior to arrival at the plant.

The development of reload points raises the problem as to whether, under present order provisions, the producer can be assured that his milk is similarly fully subject to order regulation, as in the case of milk moving directly to a plant. It is observed that the reloading operation makes it practically impossible for the individual farmer to know the actual plant destination of his milk. If producer prices under the order could be established at reload points, the producer would be assured of (1) a more definite association with the market, and (2) order prices for all of his milk moving to the reloading point.

It is apparent that milk transferred at a reload point has been accepted by the handler. The milk has already lost its identity, inasmuch as it has been commingled with other milk. Furthermore, the reloading operation provides a definite location for establishing a price, and the substantialness of the operation provides a basis for assigning responsibility for the milk under the order. For the handler, the reload point serves as a means of assembling loads for movement in large tank lots the same as milk moved from a receiving plant. The reload points have a regular association with the market in that they are operated primarily for supplying this market.

In view of the circumstances described, it appears that the function of a reload point is sufficiently similar to the function of pool plants as now defined so that a reload point may be considered to be a type of pool plant. Such a treatment of reload points under the order would mean that all qualified milk handled at the reload point would be producer milk. This appears to be a logical extension of the method of pricing now employed under the order, and it should be adopted.

General findings. (a) The tentative marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to § 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Rulings. Briefs were filed on behalf of interested persons. The briefs contained suggested findings of facts, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreement and amendment to the order, as amended. The following amendment to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Add a new § 941.19 as follows:

§ 941.19 *Reload point.* "Reload point" means any location at which milk moved from the farm in a tank truck is reloaded into another truck before entering a plant.

2. Delete § 941.45 (a) and substitute the following:

(a) Subtract from the pounds in each class the pounds of milk received from a handler's own farm production as follows:

(1) Determine the total quantity of milk, skim milk, and 3.5 percent milk equivalent of the butterfat in cream received by the handler from all sources;

(2) Determine the percentage that the quantity of milk in each class, computed pursuant to § 941.44, is of the quantity of milk computed pursuant to subparagraph (1) of this paragraph;

(3) Multiply the pounds of milk in own farm production by the percentages computed in subparagraph (2) of this paragraph and subtract the resulting pounds from the pounds of milk in the respective class.

3. In § 941.65 (a) after the word "plant" insert a comma and the words "or reload point,".

4. In § 941.66 delete the words preceding paragraph (a) and substitute the following:

§ 941.66 *Pool plant.* "Pool plant" means any plant or reload point which receives milk from dairy farmers and which:

5. In § 941.69 (a) (1) delete the words "December 31" and insert the words "January 15 preceding the months in which the base applies,".

6. Delete § 941.69 (a) (2) and substitute the following:

(2) Any producer who has not earned a base by deliveries during the previous September, October and November, and any producer who elects to relinquish his base pursuant to subparagraph (1) of this paragraph, shall be allotted a base for each of the delivery periods of March, April, May and June equal to the following percentages of his average daily deliveries:

Month:	Percentage
March	60
April	55
May	50
June	50

Provided, That for March, April, May and June 1956, the percentages used shall be, respectively, 65, 60, 55 and 55.

7. Delete § 941.69 (b) (3) and substitute the following:

(3) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be jointly held in the names of the producers. During March, April, May and June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period.

8. Renumber § 941.69 (b) (4) as § 941.69 (b) (5) and insert a new subparagraph (4) as follows:

(4) A jointly held base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signatures of all interested producers: *Provided*, That in the event producers holding a joint base cease producing milk from the same farm, and do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

9. In § 941.69 (b) insert subparagraph (6) as follows:

(6) Subject to the provisions set forth in subparagraph (2) of this paragraph, a producer who discontinues shipping milk to a pool plant during September, October or November may transfer to another producer credit for milk deliveries for base making purposes.

Issued at Washington, D. C., this 29th day of November, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-9666; Filed, Dec. 1, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1955 Dept. Circular 971]

2⅝ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES D–1956

OFFERING OF CERTIFICATES

NOVEMBER 28, 1955.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for certificates of indebtedness of the United States, designated 2⅝ percent Treasury Certificates of Indebtedness of Series D–1956, in exchange for 1¼ percent Treasury Certificates of Indebtedness of Series E–1955, maturing December 15, 1955, or 1¾ percent Treasury Notes of Series B–1955, maturing December 15, 1955. Exchanges will be made at par with an adjustment of interest as of December 1, 1955. The amount of the offering under this circular will be limited to the amount of maturing certificates and notes tendered in exchange and accepted. The books will be open only on November 28 through November 30 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the maturing securities are offered the privilege of exchanging all or any part of such securities for 2⅞ percent Treasury Notes of Series A–1958, which offering is set forth in Department Circular No. 972, issued simultaneously with this circular.

II. *Description of certificates.* 1. The certificates will be dated December 1, 1955, and will bear interest from that date at the rate of 2⅝ percent per annum, payable with the principal at maturity on December 1, 1956. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before December 8, 1955, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series E-1955 or Treasury Notes of Series B-1955, maturing December 15, 1955, which will be accepted at par, and should accompany the subscription. Coupons dated December 15, 1955, must be *attached* to the certificates and notes when surrendered, and accrued interest from December 15, 1954, to December 1, 1955 ($12.02055 per $1,000) in the case of the certificates, and accrued interest from June 15, 1955, to December 1, 1955 ($8.0806 per $1,000) in the case of the notes, will be paid on December 8 following acceptance of the securities to be exchanged.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 55-9662; Filed, Dec. 1, 1955; 8:47 a. m.]

[1955 Dept. Circular 972]

2⅞ PERCENT TREASURY NOTES OF SERIES A–1958

OFFERING OF NOTES

NOVEMBER 28, 1955.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for notes of the United States, designated 2⅞ percent Treasury Notes of Series A–1958, in exchange for 1¼ percent Treasury Certificates of Indebtedness of Series E–1955, maturing December 15, 1955, or 1¾ percent Treasury Notes of Series B–1955, maturing December 15, 1955. Exchanges will be made at par with an adjustment of interest as of December 1, 1955. The amount of the offering under this circular will be limited to the amount of maturing certificates and notes tendered in exchange and accepted. The books will be open only on November 28 through November 30 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the maturing

securities are offered the privilege of exchanging all or any part of such securities for 2⅝ percent Treasury Certificates of Indebtedness of Series D–1956, which offering is set forth in Department Circular No. 971, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated December 1, 1955, and will bear interest from that date at the rate of 2⅞ percent per annum, payable on a semiannual basis on June 15 and December 15, 1956, and thereafter on June 15 and December 15 in each year until the principal amount becomes payable. They will mature June 15, 1958, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before December 8, 1955, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series E–1955 or Treasury Notes of Series B–1955, maturing December 15, 1955, which will be accepted at par, and should accompany the subscription. Coupons dated December 15, 1955, must be *attached* to the certificates and notes when surrendered, and accrued interest from December 15, 1954, to December 1, 1955 ($12.02055 per $1,000) in the case of the certificates, and accrued interest from June 15, 1955, to December 1, 1955 ($8.0806 per $1,000) in the case of the notes, will be paid on December 8 following acceptance of the securities to be exchanged.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 55–9663; Filed, Dec. 1, 1955; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

COLORADO RIVER STORAGE AND YUMA PROJECTS, ARIZONA

ORDER OF REVOCATION

DECEMBER 16, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Orders of July 2, 1902, September 30, 1904, and March 14, 1929, insofar as said orders affect the following described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 9 S., R. 21 W.,
Sec. 4, all;
Sec. 5, N½, SE¼;
Secs. 6 to 9 incl., and 16 to 18 incl., all.
T. 9 S., R. 22 W.,
Sec. 2, S½;
Sec. 3, E½SE¼;
Sec. 9, E½SE¼, SW¼SE¼;
Secs. 10 to 15 incl., all;
Sec. 16, E½, SW¼;
Sec. 20, E½;
Secs. 21 to 28 incl., all;
Sec. 29, E½, E½NW¼, SW¼;
Sec. 30, S½SE¼;
Sec. 31, N½, N½SW¼, SE¼;
Secs. 32 to 36 incl., all.

The above area aggregates 20,250.48 acres.

FLOYD E. DOMINY,
Acting Assistant Commissioner.

[68233]

NOVEMBER 28, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

Portions of the released lands are school lands or have been patented. The following-described lands are vacant public domain:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 21 W.,
Sec. 4, Lots 1, 2, 3, 4, S½N½, SE¼;
Sec. 5, Lots 1, 2, S½NE¼;
Sec. 6, Lots 3, 4, 5, SE¼NW¼;
Sec. 7, SE¼;
Sec. 8, SE¼;
Sec. 9, NW¼;
Sec. 17, E½, SW¼, S½NW¼;
Sec. 18, Lots 1, 2, 3, 4, SE¼, E½W½, S½NE¼.
T. 9 S., R. 22 W.,
Sec. 10, SE¼;
Sec. 12, SE¼SW¼;
Sec. 13;
Sec. 14, S½, E½NE¼, SW¼NE¼;
Sec. 22, NE¼, E½SE¼, SW¼SE¼, SE¼SW¼;
Secs. 23, 24, 25, 26 and 27;
Sec. 28, S½;
Sec. 29, W½NE¼, SE¼SE¼, NE¼SW¼;
Sec. 30, S½SE¼;
Secs. 33, 34 and 35.

The areas described aggregate 9,664.75 acres.

The restored lands are located on the Yuma Desert west of the Gila Mountains in southwestern Arizona. The topography in the southeastern portion of the area is quite rough and broken, becoming more level and open toward the north and west. The soil is principally sand of varying grades. Elevation ranges from about 200 to 375 feet above sea level, and vegetation consists of a sparse desert shrub association dominated by creosote bush. The climate is arid with approximately four inches of rain annually. None of the lands are considered suitable for agricultural development.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284, as amended), presented prior to 10:00 a. m. on January 3, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on April 3, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on April 3, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m. on April 3, 1956.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55–9646; Filed, Dec. 1, 1955; 8:45 a. m.]

EXCHEQUER RESERVOIR PROJECT, CALIFORNIA

ORDER OF REVOCATION

FEBRUARY 24, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of November 16, 1932, in so far as said order affects the following described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 3 S., R. 15 E.,
Sec. 9, SE¼NE¼;
Sec. 35, SW¼SE¼.
T. 3 S., R. 16 E.,
Sec. 5, S½SW¼;
Sec. 6, Lots 5, 6, 7, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 7, Lots 6, 7, 8, S½NE¼, NE¼NW¼;
Sec. 8, Lot 4;
Sec. 17, Lots 6, 7, NW¼NW¼;
Sec. 18, Lots 6, 7, NE¼, W½SE¼;
Sec. 20, SE¼NE¼;
Sec. 26, NW¼SW¼.

and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284, as amended), presented prior to 10:00 a. m. on January 3, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on April 3, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on April 3, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m. on April 3, 1956.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55–9646; Filed, Dec. 1, 1955; 8:45 a. m.]

T. 4 S., R. 18 E.,
Sec. 21, NW¼NW¼.
T. 3 S., R. 17 E.,
Sec. 31, Lots 11, 12, 13, 14, 15.
T. 4 S., R. 17 E.,
Sec. 6, Lots 3, 4, 13.

The above area aggregates 1,524.83 acres.

E. G. NIELSEN,
Acting Commissioner.

[1476664]

NOVEMBER 28, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are withdrawn for power site purposes and are, therefore, not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55–9647; Filed, Dec. 1, 1955; 8:45 a. m.]

MISSOURI RIVER BASIN PROJECT, COLORADO

ORDER OF REVOCATION

MAY 12, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of December 22, 1949, in so far as said order affects the following described land; *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 5 S., R. 44 W.,
Sec. 14, Lots 12 and 13.

The above area aggregates 43.78 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[64708]

NOVEMBER 28, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The land is situated approximately six miles south of Idalia, Colorado. These lands are not suitable for crop production due to shallow, sandy soils, low average annual precipitation and lack of water for irrigation.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on January 3, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on April 3, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on April 3, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

The lands have been open to applications and offers under the mineral-leasing laws and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m. on April 3, 1956.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55–9648; Filed, Dec. 1, 1955; 8:45 a. m.]

Office of the Secretary

OUTER CONTINENTAL SHELF; GULF OF MEXICO

ADDITIONAL AREAS PLATTED FOR LEASING PURPOSES

Pursuant to 43 CFR 201.3 (b), the Bureau of Land Management has prepared additional maps to supplement the existing leasing maps for those portions of the outer Continental Shelf known as the High Island area off Texas and the West Cameron area off Louisiana. The purpose of these maps is solely and exclusively to make the additional areas available for leasing. The additional areas will be designated as the High Island Area, East Addition, which is platted on Bureau of Land Management Map Texas 7–A, and the West Cameron Area, West Addition, which is platted on Bureau of Land Management Map Louisiana 1–A. Maps Louisiana 1–A and Texas 7–A will be available for public distribution at the Bureau of Land Management, Washington 25, D. C., or at the local office of the Bureau of Land Management, 608 Masonic Temple Building, New Orleans, Louisiana by December 5, 1955.

Because there is an apparent controversy as to the location of the line dividing the States of Louisiana and Texas the area within which that conflict can possibly exist is not platted at this time.

The Federal adoptions of the Texas and Louisiana platting systems extend seaward from the outermost limits of all zones of controversy between those States and they are separated by a line which extends S. 11° 30′ E., true bearing, from a point at the center of the mouth of the Sabine River. The direction of this line was determined graphically in a position normal to the shore line by bisection of the angle of intersection, based upon the general direction of the shore for distances of 40 geographical miles east and west of the mouth of the Sabine River. The line so delineated is substantially equidistant from the shorelines to the full distance, if extended, to the limit of the outer Continental Shelf.

The line separating the two platting systems is solely for administrative use in leasing areas on the outer Continental Shelf. It is in no way to be construed as an executive determination or inference of the location of the boundary between the States of Louisiana and Texas and the method of tract designation used is intended to be and is an exception to the provisions of 43 CFR 201.3 by reason of the existing uncertainty respecting the position of that boundary nor is it intended as the projection of the States' boundaries which the President is required to determine under section 4 (a) (2) of the Outer Continental Shelf Lands Act for the purpose of fixing the areas for which the laws of Texas and the laws of Louisiana respectively are adopted and apply. This Department expressly disclaims any intent to determine or define either of these boundary lines.

DOUGLAS MCKAY,
Secretary of the Interior.

NOVEMBER 25, 1955.

[F. R. Doc. 55–9649; Filed, Dec. 1, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

BURLEY TOBACCO MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, national marketing quotas for burley tobacco for the marketing years beginning October 1, of 1956, 1957 and 1958. A referendum of farmers who were engaged in the production of the 1955 crop of burley tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations to determine whether such farmers are in favor of or opposed to burley tobacco marketing quotas for the next three succeeding marketing years beginning October 1, 1956.

Registration. The operator on each farm on which burley tobacco was produced in 1955 should inform a county or community committeeman of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. 1. All persons engaged in the production of the 1955 crop of burley tobacco are eligible to vote in the referendum. Any person who shares in the proceeds of the 1955 crop of burley tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or share cropper, is considered as engaged in the production of such crop of tobacco in 1955.

2. If several members of the same family participate in the production of the 1955 crop of burley tobacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or share cropper, and are entitled as such to share in the proceeds of the 1955 crop.

3. No person shall be eligible to vote in any community other than the community in which he resides except as follows:

(a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of burley tobacco in 1955.

(b) Any person who does not reside in or who will not be present in the county in which he engaged in the production of burley tobacco in 1955 may obtain a ballot at the most conveniently located county committee office and may cast his ballot by signing his name thereto and mailing it so that the ballot reaches the county committee for the county in which he engaged in the production of tobacco in 1955 not later than the closing hour on the date of the referendum.

(c) Any person whose religious beliefs forbid his voting on the day of the referendum may, at any time within 5 days prior to the date of the referendum, obtain one ballot form from the county office of the county in which he is eligible to vote and cast his ballot by signing his name thereto and leaving it (in a sealed envelope, marked "absentee ballot") at the county office.

4. There shall be no voting by mail (except as provided in paragraph 3 above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

5. Persons who planted tobacco in the field in 1955 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of tobacco in 1955 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

6. No person (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1955.

7. In the event two or more persons were engaged in producing tobacco in 1955 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

Time and place for balloting. The burley tobacco marketing quota referendum will be held on Thursday, December 29, 1955. The place of voting and the hours which the polls will be open for voting in each community will be announced by the ASC County Committee.

Done at Washington, D. C., this 30th day of November, 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–9694; Filed, Nov. 30, 1955; 12:30 p. m.]

VIRGINIA SUN-CURED TOBACCO MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, national marketing quotas for Virginia Sun-Cured tobacco for the marketing years beginning on October 1, of 1956, 1957 and 1958. A referendum of farmers who were engaged in the production of the 1955 crop of Virginia Sun-Cured tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations to determine whether such farmers are in favor of or opposed to Virginia Sun-Cured tobacco marketing quotas for the next three succeeding marketing years beginning October 1, 1956.

Registration. The operator on each farm on which Virginia Sun-Cured tobacco was produced in 1955 should inform a county or community committeeman of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. 1. All persons engaged in the production of the 1955 crop of Virginia Sun-Cured tobacco are eligible to vote in the referendum. Any person who shares in the proceeds of the 1955 crop of Virginia Sun-Cured tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or sharecropper, is considered as engaged in the production of such crop of tobacco in 1955.

2. If several members of the same family participate in the production of the 1955 crop of Virginia Sun-Cured tobacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or sharecropper, and are entitled as such to share in the proceeds of the 1955 crop.

3. No person shall be eligible to vote in any community other than the community in which he resides except as follows:

(a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of Virginia Sun-Cured tobacco in 1955.

(b) Any person who does not reside in or who will not be present in the county in which he engaged in the production of Virginia Sun-Cured tobacco in 1955 may obtain a ballot at the most conveniently located county committee office and may cast his ballot by signing his name thereto and mailing it so that the ballot reaches the county committee for the county in which he engaged in the production of tobacco in 1955 not later than the closing hour on the date of the referendum.

(c) Any person whose religious beliefs forbid his voting on the day of the referendum may, at any time within 5 days prior to the date of the referendum, obtain one ballot form from the county office of the county in which he is eligible to vote and cast his ballot by signing his name thereto and leaving it (in a sealed envelope, marked "absentee ballot") at the county office.

4. There shall be no voting by mail (except as provided in par. 3 above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

5. Persons who planted tobacco in the field in 1955 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of tobacco in 1955 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

6. No person (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1955.

7. In the event two or more persons were engaged in producing tobacco in 1955 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

Time and place for balloting. The Virginia Sun-Cured tobacco marketing quota referendum will be held on Thursday, December 29, 1955. The place of voting and the hours which the polls will be open for voting in each community will be announced by the ASC County Committee.

Done at Washington, D. C., this 30th day of November, 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–9695; Filed, Nov. 30, 1955; 12:30 p. m.]

CIGAR FILLER (TYPE 41) TOBACCO MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, national marketing quotas for Cigar-Filler tobacco for the marketing years beginning on October 1, of 1956, 1957 and 1958. A referendum of farmers who were engaged in the production of the 1955 crop of Cigar-Filler tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations to determine whether such farmers are in favor of or opposed to Cigar-Filler tobacco marketing quotas for the next three succeeding marketing years beginning October 1, 1956.

Registration. The operator on each farm on which Cigar-Filler tobacco was produced in 1955 should inform a county or community committeeman of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. 1. All persons engaged in the production of the 1955 crop of Cigar-Filler tobacco are eligible to vote in the referendum. Any person who shares in the proceeds of the 1955 crop of Cigar-Filler tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or share cropper, is considered as engaged in the production of such crop of tobacco in 1955.

2. If several members of the same family participate in the production of the 1955 crop of Cigar-Filler tobacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or share cropper, and are entitled as such to share in the proceeds of the 1955 crop.

3. No person shall be eligible to vote in any community other than the community in which he resides except as follows:

(a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of Cigar-Filler tobacco in 1955.

(b) Any person who does not reside in or who will not be present in the county in which he engaged in the production of Cigar-Filler tobacco in 1955 may obtain a ballot at the most conveniently located county committee office and may cast his ballot by signing his name thereto and mailing it so that the ballot reaches the county committee for the county in which he engaged in the production of tobacco in 1955 not later than the closing hour on the date of the referendum.

(c) Any person whose religious beliefs forbid his voting on the day of the referendum may, at any time within 5 days prior to the date of the referendum, obtain one ballot form from the county office of the county in which he is eligible to vote and cast his ballot by signing his name thereto and leaving it (in a sealed envelope, marked "absentee ballot") at the county office.

4. There shall be no voting by mail (except as provided in par. 3 above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

5. Persons who planted tobacco in the field in 1955 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of tobacco in 1955 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

6. No person (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1955.

7. In the event two or more persons were engaged in producing tobacco in 1955 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

Time and place for balloting. The Cigar-Filler tobacco marketing quota referendum will be held on Thursday, December 29, 1955. The place of voting and the hours which the polls will be open for voting in each community will be announced by the ASC County Committee.

Done at Washington, D. C., this 30th day of November 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9696; Filed, Nov. 30, 1955; 12:30 p. m.]

MARYLAND TOBACCO MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, national marketing quotas for Maryland tobacco for the marketing years beginning on October 1, of 1956, 1957 and 1958. A referendum of farmers who were engaged in the production of the 1955 crop of Maryland tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations to determine whether such farmers are in favor of or opposed to Maryland tobacco marketing quotas for the next three succeeding marketing years beginning October 1, 1956.

Registration. The operator on each farm on which Maryland tobacco was produced in 1955 should inform a county or community committeeman of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. 1. All persons engaged in the production of the 1955 crop of Maryland tobacco are eligible to vote in the referendum. Any person who shares in the proceeds of the 1955 crop of Maryland tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or share cropper, is considered as engaged in the production of such crop of tobacco in 1955.

2. If several members of the same family participate in the production of the 1955 crop of Maryland tobacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or share cropper, and are entitled as such to share in the proceeds of the 1955 crop.

3. No person shall be eligible to vote in any community other than the community in which he resides except as follows:

(a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of Maryland tobacco in 1955.

(b) Any person who does not reside in or who will not be present in the county in which he engaged in the production of Maryland tobacco in 1955 may obtain a ballot at the most conveniently located county committee office and may cast his ballot by signing his name thereto and mailing it so that the ballot reaches the county committee for the county in which he engaged in the production of tobacco in 1955 not later than the closing hour on the date of the referendum.

(c) Any person whose religious beliefs forbid his voting on the day of the referendum may, at any time within 5 days prior to the date of the referendum, obtain one ballot form from the county office of the county in which he is eligible to vote and cast his ballot by signing his name thereto and leaving it (in a sealed envelope, marked "absentee ballot") at the county office.

4. There shall be no voting by mail (except as provided in paragraph 3 above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

5. Persons who planted tobacco in the field in 1955 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of tobacco in 1955 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

6. No person (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1955.

7. In the event two or more persons were engaged in producing tobacco in 1955 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

Time and place for balloting. The Maryland tobacco marketing quota referendum will be held on Thursday, December 29, 1955. The place of voting and the hours which the polls will be open for voting in each community will be announced by the ASC County Committee.

Done at Washington, D. C., this 30th day of November, 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9697; Filed, Nov. 30, 1955; 12:30 p. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 451]

SPECIAL INDUSTRY COMMITTEE IN PUERTO RICO

NOTICE OF RESIGNATION AND APPOINTMENT

Hipolito Marcano of San Juan, Puerto Rico, having resigned as a representative of the employees on Special Industry Committees Nos. 18-C and 18-D for Puerto Rico, the Secretary of Labor, pursuant to authority under the Fair Labor Standards Act of 1938, as amended, (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), hereby appoints Sara Claudio of San Juan, Puerto Rico, to serve in his stead as a representative of the employees on such Committees. The prior appointment of Hipolito Marcano to serve as employee representative on Special Industry Committees Nos. 18-A and 18-B is not affected by this order.

Signed at Washington, D. C., this 29th day of November 1955.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 55-9665; Filed, Dec. 1, 1955; 8:47 a. m.]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order 640]

COOPERATIVE BANK SERVICE

AUTHORITY AND ORDER OF PRECEDENCE OF CERTAIN OFFICERS TO ACT AS DIRECTOR

NOVEMBER 25, 1955.

1. B. F. Viehmann, Deputy Director of Cooperative Bank Service is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Director of Cooperative Bank Service in the event that the Director is unavailable to act by reason of his absence or for any other cause.

2. Dorwin Scott, Treasurer, Central Bank for Cooperatives, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of the Director of Cooperative Bank Service in the event that the Director and Deputy Director Viehmann are unavailable to act by reason of absence or for any other cause.

3. R. C. Mahone, Cooperative Bank Coordinator, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of the Director of Cooperative Bank Service in the event that the Director, Deputy Director Viehmann, and Treasurer Scott are unavailable to act by reason of absence or for any other cause.

4. This order shall be effective during the period beginning on the day and date hereof and ending at the close of business on December 31, 1955, after which date it shall be of no effect.

5. FCA Order No. 583 is revoked.

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 55-9650; Filed, Dec. 1, 1955; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9253 etc.]

MONTANA-DAKOTA UTILITIES CO. ET AL.

NOTICE OF APPLICATION, CONSOLIDATION OF PROCEEDINGS, AND DATE OF RESUMED HEARING

NOVEMBER 28, 1955.

In the matters of Montana-Dakota Utilities Co., Docket No. G-9253; Signal Oil and Gas Company, Docket No. G-9228; Amerada Petroleum Corporation, Docket No. G-9190.

Take notice that Amerada Petroleum Corporation (Amerada), a Delaware corporation with a principal office in Tulsa, Oklahoma, filed on August 1, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Amerada to make a proposed sale of natural gas in interstate commerce to Montana-Dakota Utilities Co., for resale, subject to the jurisdiction of the Commission, all as more fully represented in the application, on file with the Commission for public inspection. Amerada proposes to produce said natural gas from the Beaver Lodge, Tioga and Capa Fields, in Williams, Burke, Mountrail and McKinzie Counties, North Dakota, respectively.

Take further notice that (a), Montana-Dakota Utilities Co. (Montana-Dakota), a Delaware corporation with its principal place of business in Minneapolis, Minnesota, filed an application on August 23, 1955, and a supplement thereto on September 22, 1955, pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity, authorizing the construction and operation of (1) approximately 41.8 miles of 12¾-inch O. D. natural-gas transmission pipeline extending from Tioga to Williston, North Dakota, (2) four lateral pipelines extending to Ray (8,000 feet of 3-inch), to Wheelock (2,100 feet of 2-inch), to Epping (1,000 feet of 2-inch), and to Springbrook (380 feet of 2-inch), all in North Dakota, and in which Montana-Dakota proposes to operate local distribution systems, and (3) authority to establish an emergency connection between the proposed Tioga-Williston interstate line, all as more fully described in the application and supplement on file with the Commission. Notice of said application has been duly published in the FEDERAL REGISTER on October 12, 1955 (20 F. R. 7619-20); and (b) Signal Oil and Gas Company (Signal), a Delaware corporation having its principal place of business in Los Angeles, California, filed an application on August 15, 1955, and a supplement thereto on August 26, 1955, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Signal to sell natural gas to Montana-Dakota Utilities Co., asserted to be residue gas resulting from the processing of casing-head gas at its Tioga plant in Williams County, North Dakota, which will comprise 12.5 percent of the quantity of gas which Montana-Dakota may dispose of in Williston, North Dakota, and in Fairview, Sidney, Savage and Glendive, Montana, plus 12.5 percent of the quantity of gas which can be transported through Montana-Dakota's present facilities from Williston, North Dakota, to its Baker, Montana, storage reservoir in excess of the quantity disposed of in the above-mentioned towns, provided such total quantity shall not be less than 1935 Mcf daily. Notice of said application has been duly published in the FEDERAL REGISTER on October 12, 1955 (20 F. R. 7619). Pursuant to notice, the matter came on for hearing on November 14, 1955, at which time, due to intervention and protest of the Public Service Commission of the State of North Dakota, the matter was recessed to reconvene subject to further order of the Commission or further notice of the Secretary of the Commission.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations of the Commission, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, the Commission's rules of practice and procedure, and the order of the presiding examiner of November 14, 1955, recessing the hearing in Docket No. G-9228 until further order of the Commission or Secretary, hearings in the above proceedings will be held commencing December 19, 1955 at 10:00 a. m., e. s. t., in a hearing room, of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented therein.

Protests or petitions to intervene in Docket No. G-9190 may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 9, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9651; Filed, Dec. 1, 1955; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7517]

QUEEN CHARLOTTE AIRLINES, LTD.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Queen Charlotte Airlines Ltd. for an extension of foreign air carrier permit dated November 20, 1952, issued pursuant to section 402 of the Civil Aeronautics Act to perform operations of a regular nature between the terminal point Ketchikan, Alaska and the terminal Prince Rupert, British Columbia.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on December 13, 1955, at 10:00 a. m., e. s. t., in Room 2507, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 29, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-9667; Filed, Dec. 1, 1955; 8:48 a. m.]

[Docket No. 7518]

AIR AMBULANCE SERVICE

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Air Ambulance Service, Department of Public Health, Government of Saskatchewan, for renewal of the foreign air carrier permit issued pursuant to section 402 of the Civil Aeronautics Act, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on December 13, 1955, at 10:30 a. m., e. s. t., in Room 2507, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 29, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-9668; Filed, Dec. 1, 1955; 8:48 a. m.]

[Docket No. 5701 et al.]

FLORIDA-TEXAS SERVICE CASE

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that the hearing in the above-entitled proceeding assigned for December 6, 1955, is postponed to January 10, 1956, at 10:00 a. m., in room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., November 28, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-9669; Filed, Dec. 1, 1955; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY WITH RESPECT TO ADVANCES FOR PUBLIC WORKS PLANNING

1. Each Regional Administrator of the Housing and Home Finance Agency is hereby authorized to take the following actions, on behalf of the Housing and Home Finance Administrator, in connection with advances for public works planning authorized under section 702

of the Housing Act of 1954 (68 Stat. 641), as amended by section 112 of the Housing Amendments of 1955 (69 Stat. 641), 40 U. S. C. 462:

(a) Execute offers to public agencies for planning projects in amounts approved by the Community Facilities Commissioner;

(b) Amend or modify contracts resulting from acceptance of offers under subparagraph (a) above (except that any amendment or modification involving a substantial increase in the scope of a project or an increase in the amount of the Government advance shall not be executed until the prior approval thereof has been obtained from the Community Facilities Commissioner);

(c) Approve the planning data submitted by public agencies in accordance with contracts resulting from acceptance of offers under subparagraphs (a) or (b) above;

(d) Authorize payments under any contracts resulting from acceptance of offers under subparagraphs (a) or (b) above; and

(e) Redelegate to such officers or employees as he may select any of the authorities delegated in subparagraphs (c) and (d) above.

2. This delegation of authority supersedes the delegation to the Regional Representatives effective December 23, 1954 (19 F. R. 8830).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C., 1952 ed. 1701c)

Effective as of the 2d day of December 1955.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 55-9664; Filed, Dec. 1, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3424]

AMERICAN GAS AND ELECTRIC CO.

ORDER PERMITTING EFFECTIVENESS TO DECLARATION IN RESPECT OF PROPOSED COMMON STOCK DIVIDEND

NOVEMBER 28, 1955.

American Gas and Electric Company ("American Gas"), a registered holding company, having filed with this Commission a declaration with an amendment thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions which are summarized as follows:

On October 26, 1955, the Board of Directors of American Gas, in addition to declaring a regular quarterly cash dividend of 50 cents per share to the holders of its $5 par value common stock, also declared a stock dividend at the rate of one share for each fifty shares of $5 par value common stock outstanding. This stock dividend is to be payable on January 10, 1956, to holders of record on December 9, 1955 (except upon shares held by nominees of American Gas for the exchange of Scrip Certificates representing fractional shares).

No fractional shares of common stock of American Gas are to be issued in connection with the stock dividend. American Gas proposes in lieu thereof to mail, on January 10, 1956, to each stockholder of record on December 9, 1955, who would otherwise be entitled to a fractional share, a letter advising such holder that arrangements have been made with Guaranty Trust Company of New York, Agent, pursuant to which such holder will be entitled during a period of 24 days, to instruct the Agent to take either of the following courses of action with respect to the fractional interest to which such holder would otherwise be entitled: (1) to consolidate such fractional interest into one full share of common stock upon payment by such holder to the Agent of the cost of the additional fractional interest required to effect such consolidation, or (2) to sell such fractional interest on behalf of such holder. The communication so mailed will further advise that if the Agent shall not have received instructions from such holder prior to the expiration of such period the fractional interest to which such holder would otherwise be entitled will be sold for the account of such holder. The Agent will be authorized to execute consolidation and sale requests received from time to time by matching the same upon the basis of the currently prevailing market price of shares of common stock of American Gas, as determined by the Agent in its discretion.

In the event that, at the expiration of the 24-day period, the Agent shall have received requests for consolidation calling for an aggregate number of shares of common stock of American Gas greater than the aggregate number of shares of common stock represented by all fractional interests, the Agent will acquire the necessary additional shares of common stock by purchases on the New York Stock Exchange or otherwise. In the event that, at the expiration of the period, after giving effect to all requests for consolidation and sale of fractional interests, there shall remain any of the aggregate number of shares of common stock represented by all fractional interests, the Agent will sell the balance upon the New York Stock Exchange or otherwise. Cash proceeds received by the Agent in respect of fractional interests which are sold will be remitted to the holders of shares of common stock of American Gas entitled thereto.

Interest in a fractional share will not entitle a stockholder to dividends or any other rights of a stockholder of American Gas with respect to such fractional interest.

The services of the Agent will be rendered without charge to stockholders effecting consolidations and dispositions of fractional interests.

The proposed common stock dividend will result in the issuance of an estimated 257,050 shares of $5 par value common stock. American Gas proposes to record the issuance by debiting its earned surplus with an assigned value of $45 per share, or an aggregate of $11,567,250, and by crediting its common stock capital account with the par value of $5 per share or a total of $1,285,250, and its Capital Surplus-Premium on Common Stock account with $40 per share, or a total of $10,282,000. At September 30, 1955, the earned surplus of American Gas amounted to $84,459,899.

American Gas proposes to pay the following estimated fees and expenses in connection with the proposed common stock dividend:

Federal issuance stamp taxes	$4,000.00
Federal New York State transfer taxes	1,200.00
New York Stock Exchange initial listing fee	650.00
Legal fees of Simpson Thacher & Bartlett, Counsel to American Gas	3,000.00
Printing Form U-1, Stock Exchange Listing Application, letters of transmittal, fractional interest forms, etc	2,000.00
Printing and engraving stock certificates	6,600.00
Fee of Guaranty Trust Co. of New York as Agent for dividend distribution	55,000.00
Registrar fees—Irving Trust Co	8,250.00
Mailing and postage	8,300.00
Miscellaneous expense	2,700.00
Total	91,700.00

Notice of the filing of said declaration having been duly given in the manner prescribed by Rule U-23 and no hearing having been ordered by or requested of the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied and that there is no reason to make any adverse findings or to impose special conditions; that the fees and expenses set forth above are not unreasonable; and that the declaration as amended should be granted and permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be and the same hereby is permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-9653; Filed, Dec. 1, 1955; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[List S-7-1]

ELECTRON TUBES AND COMPONENT PARTS

SUSPENSION OF ACTION ON COMPLAINT

NOVEMBER 21, 1955.

On November 16, 1955, the Tariff Commission suspended action on the complaint under section 337 of the Tariff Act of 1930 filed by Eitel-McCullough, Inc., San Bruno, California, alleging unfair methods of competition and unfair acts in the importation and sale in the United States of certain foreign electron tubes and component parts thereof. Notice of receipt of the complaint was issued by the Commission on July 22, 1955 (20 F. R. 5378).

The suspension of action on this complaint will continue until a final decision is rendered in the proceeding in the United States District Court for the District of Maryland, Civil Action No. 8348, Eitel-McCullough, Incorporated v. Wholesale Radio Parts Company, Incorporated, and Amperex Electronic Corporation.

I certify that the above action was taken by the United States Tariff Commission on November 16, 1955.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 55-9660; Filed, Dec. 1, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 29, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31366: *Scrap iron or steel—Louisville, Ky., to Huntington, W. Va.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on iron or steel scrap (not copper clad), having value for remelting purposes only, carloads from Louisville, Ky., to Huntington, W. Va.

Grounds for relief: Competition of carriers by water and circuity.

Tariff: Supplement 33 to Agent Hinsch's I. C. C. 4251.

FSA No. 31367: *Liquefied petroleum gas—Minnesota to western points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Minneapolis, St. Paul, Minnesota Transfer, Fordson, Refinery Spru, Roseport and St. Paul Park, Minn., to specified points in Iowa, Michigan (upper peninsula), South Dakota, and Wisconsin.

Grounds for relief: Carrier competition and circuity.

Tariffs: Supplement 16 to C. G. W. Ry. tariff I. C. C. No. 5616 and four other tariffs.

FSA No. 31368: *Paper and paper articles—Red Rock, Ont., to U. S. points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on Newsprint paper and ground wood papers, carloads from Red Rock, Ont., Canada, to specified points in Illinois, Iowa, Missouri, and Wisconsin.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 19 to Canadian National Rys. I. C. C. E. 501; Supplement 29 to Canadian Pacific Ry. Co. I. C. C. E. 2597.

FSA No. 31369: *Potatoes—Maine and Canada to New Jersey and Pennsylvania.* Filed by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on potatoes (white), carloads from specified points in Maine and the Province of New Brunswick, Canada to specified points in New Jersey and Pennsylvania.

Grounds for relief: Circuitous routes.

Tariff: Supplement 31 to Agent Swenson's I. C. C. 611.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-9652; Filed, Dec. 1, 1955; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ELVIRA TAFURI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elvira Tafuri, Paternopoli, Avellino, Italy, Claim No. 57675, Vesting Order No. 2214; $16.17 in the Treasury of the United States.

Executed at Washington, D. C., on November 25, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 55-9657; Filed, Dec. 1, 1955; 8:46 a. m.]

DR. LUDWIG A. WEITMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. Ludwig A. Weitmann, Flemingstrasse 15, Muenchen 27, Germany, Claim No. 63044, Vesting Order No. 17997; $486.00 in the Treasury of the United States.

Executed at Washington, D. C., on November 25, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 55-9658; Filed, Dec. 1, 1955; 8:47 a. m.]

[Vesting Order 5765, Amdt.]

FRIEDERIKE FRANCO

In re: Estate of Friederike Franco, also known as Frieda Franco, Mrs. Freda Franco, Mrs. Friederike Franco, and Friederike Hagenbuch, deceased. File D-28-8190; E. T. sec. 9172.

Vesting Order No. 5765, dated January 31, 1946, is hereby amended by inserting in the first subparagraph thereof, immediately following the name and words "Mrs. Pauline Schack and surviving issue," the following: "the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Karl Hagenbuch, deceased, some of whom are unknown, including but not limited to Mrs. Martha Hagenbuch, nee Dankoff, and Kurt Hagenbuch," and by inserting after the words "Nationals: Last known address:" the following "The domiciliary personal representatives, heirs, next of kin, legatees and distributees of Karl Hagenbuch, deceased, some of whom are unknown, including but not limited to Mrs. Martha Hagenbuch, nee Dankhoff, and Kurt Hagenbuch: Germany".

All other provisions of said Vesting Order 5765 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong., 60 Stat. 50; Public 671, 79th Cong.; 60 Stat. 925; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Sup.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR 1945, Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on November 28, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 55-9656; Filed, Dec. 1, 1955; 8:46 a. m.]

of the Housing Act of 1954 (68 Stat. 641), as amended by section 112 of the Housing Amendments of 1955 (69 Stat. 641), 40 U. S. C. 462:

(a) Execute offers to public agencies for planning projects in amounts approved by the Community Facilities Commissioner;

(b) Amend or modify contracts resulting from acceptance of offers under subparagraph (a) above (except that any amendment or modification involving a substantial increase in the scope of a project or an increase in the amount of the Government advance shall not be executed until the prior approval thereof has been obtained from the Community Facilities Commissioner);

(c) Approve the planning data submitted by public agencies in accordance with contracts resulting from acceptance of offers under subparagraphs (a) or (b) above;

(d) Authorize payments under any contracts resulting from acceptance of offers under subparagraphs (a) or (b) above; and

(e) Redelegate to such officers or employees as he may select any of the authorities delegated in subparagraphs (c) and (d) above.

2. This delegation of authority supersedes the delegation to the Regional Representatives effective December 23, 1954 (19 F. R. 8830).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C., 1952 ed. 1701c)

Effective as of the 2d day of December 1955.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 55-9664; Filed, Dec. 1, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3424]

AMERICAN GAS AND ELECTRIC CO.

ORDER PERMITTING EFFECTIVENESS TO DECLARATION IN RESPECT OF PROPOSED COMMON STOCK DIVIDEND

NOVEMBER 28, 1955.

American Gas and Electric Company ("American Gas"), a registered holding company, having filed with this Commission a declaration with an amendment thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions which are summarized as follows:

On October 26, 1955, the Board of Directors of American Gas, in addition to declaring a regular quarterly cash dividend of 50 cents per share to the holders of its $5 par value common stock, also declared a stock dividend at the rate of one share for each fifty shares of $5 par value common stock outstanding. This stock dividend is to be payable on January 10, 1956, to holders of record on December 9, 1955 (except upon shares held by nominees of American Gas for the exchange of Scrip Certificates representing fractional shares).

No fractional shares of common stock of American Gas are to be issued in connection with the stock dividend. American Gas proposes in lieu thereof to mail, on January 10, 1956, to each stockholder of record on December 9, 1955, who would otherwise be entitled to a fractional share, a letter advising such holder that arrangements have been made with Guaranty Trust Company of New York, Agent, pursuant to which such holder will be entitled during a period of 24 days, to instruct the Agent to take either of the following courses of action with respect to the fractional interest to which such holder would otherwise be entitled: (1) to consolidate such fractional interest into one full share of common stock upon payment by such holder to the Agent of the cost of the additional fractional interest required to effect such consolidation, or (2) to sell such fractional interest on behalf of such holder. The communication so mailed will further advise that if the Agent shall not have received instructions from such holder prior to the expiration of such period the fractional interest to which such holder would otherwise be entitled will be sold for the account of such holder. The Agent will be authorized to execute consolidation and sale requests received from time to time by matching the same upon the basis of the currently prevailing market price of shares of common stock of American Gas, as determined by the Agent in its discretion.

In the event that, at the expiration of the 24-day period, the Agent shall have received requests for consolidation calling for an aggregate number of shares of common stock of American Gas greater than the aggregate number of shares of common stock represented by all fractional interests, the Agent will acquire the necessary additional shares of common stock by purchases on the New York Stock Exchange or otherwise. In the event that, at the expiration of the period, after giving effect to all requests for consolidation and sale of fractional interests, there shall remain any of the aggregate number of shares of common stock represented by all fractional interests, the Agent will sell the balance upon the New York Stock Exchange or otherwise. Cash proceeds received by the Agent in respect of fractional interests which are sold will be remitted to the holders of shares of common stock of American Gas entitled thereto.

Interest in a fractional share will not entitle a stockholder to dividends or any other rights of a stockholder of American Gas with respect to such fractional interest.

The services of the Agent will be rendered without charge to stockholders effecting consolidations and dispositions of fractional interests.

The proposed common stock dividend will result in the issuance of an estimated 257,050 shares of $5 par value common stock. American Gas proposes to record the issuance by debiting its earned surplus with an assigned value of $45 per share, or an aggregate of $11,567,250, and by crediting its common stock capital account with the par value of $5 per share or a total of $1,285,250, and its Capital Surplus-Premium on Common Stock account with $40 per share, or a total of $10,282,000. At September 30, 1955, the earned surplus of American Gas amounted to $84,459,899.

American Gas proposes to pay the following estimated fees and expenses in connection with the proposed common stock dividend:

Federal issuance stamp taxes	$4,000.00
Federal New York State transfer taxes	1,200.00
New York Stock Exchange initial listing fee	650.00
Legal fees of Simpson Thacher & Bartlett, Counsel to American Gas	3,000.00
Printing Form U-1, Stock Exchange Listing Application, letters of transmittal, fractional interest forms, etc	2,000.00
Printing and engraving stock certificates	6,600.00
Fee of Guaranty Trust Co. of New York as Agent for dividend distribution	55,000.00
Registrar fees—Irving Trust Co	8,250.00
Mailing and postage	8,300.00
Miscellaneous expense	2,700.00
Total	91,700.00

Notice of the filing of said declaration having been duly given in the manner prescribed by Rule U-23 and no hearing having been ordered by or requested of the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied and that there is no reason to make any adverse findings or to impose special conditions; that the fees and expenses set forth above are not unreasonable; and that the declaration as amended should be granted and permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be and the same hereby is permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-9653; Filed, Dec. 1, 1955; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[List S-7-1]

ELECTRON TUBES AND COMPONENT PARTS

SUSPENSION OF ACTION ON COMPLAINT

NOVEMBER 21, 1955.

On November 16, 1955, the Tariff Commission suspended action on the complaint under section 337 of the Tariff Act of 1930 filed by Eitel-McCullough, Inc., San Bruno, California, alleging unfair methods of competition and unfair acts in the importation and sale in the United States of certain foreign electron tubes and component parts thereof. Notice of receipt of the complaint was issued by the Commission on July 22, 1955 (20 F. R. 5378).

The suspension of action on this complaint will continue until a final decision is rendered in the proceeding in the United States District Court for the District of Maryland, Civil Action No. 8348, Eitel-McCullough, Incorporated v. Wholesale Radio Parts Company, Incorporated, and Amperex Electronic Corporation.

I certify that the above action was taken by the United States Tariff Commission on November 16, 1955.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 55-9660; Filed, Dec. 1, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 29, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31366: *Scrap iron or steel—Louisville, Ky., to Huntington, W. Va.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on iron or steel scrap (not copper clad), having value for remelting purposes only, carloads from Louisville, Ky., to Huntington, W. Va.

Grounds for relief: Competition of carriers by water and circuity.

Tariff: Supplement 33 to Agent Hinsch's I. C. C. 4251.

FSA No. 31367: *Liquefied petroleum gas—Minnesota to western points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Minneapolis, St. Paul, Minnesota Transfer, Fordson, Refinery Spru, Roseport and St. Paul Park, Minn., to specified points in Iowa, Michigan (upper peninsula), South Dakota, and Wisconsin.

Grounds for relief: Carrier competition and circuity.

Tariffs: Supplement 16 to C. G. W. Ry. tariff I. C. C. No. 5616 and four other tariffs.

FSA No. 31368: *Paper and paper articles—Red Rock, Ont., to U. S. points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on Newsprint paper and ground wood papers, carloads from Red Rock, Ont., Canada, to specified points in Illinois, Iowa, Missouri, and Wisconsin.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 19 to Canadian National Rys. I. C. C. E. 501; Supplement 29 to Canadian Pacific Ry. Co. I. C. C. E. 2597.

FSA No. 31369: *Potatoes—Maine and Canada to New Jersey and Pennsylvania.* Filed by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on potatoes (white), carloads from specified points in Maine and the Province of New Brunswick, Canada to specified points in New Jersey and Pennsylvania.

Grounds for relief: Circuitous routes.

Tariff: Supplement 31 to Agent Swenson's I. C. C. 611.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-9652; Filed, Dec. 1, 1955; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ELVIRA TAFURI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elvira Tafuri, Paternopoli, Avellino, Italy, Claim No. 57675, Vesting Order No. 2214; $16.17 in the Treasury of the United States.

Executed at Washington, D. C., on November 25, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 55-9657; Filed, Dec. 1, 1955; 8:46 a. m.]

DR. LUDWIG A. WEITMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. Ludwig A. Weitmann, Flemingstrasse 15, Muenchen 27, Germany, Claim No. 63044, Vesting Order No. 17997; $486.00 in the Treasury of the United States.

Executed at Washington, D. C., on November 25, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 55-9658; Filed, Dec. 1, 1955; 8:47 a. m.]

[Vesting Order 5765, Amdt.]

FRIEDERIKE FRANCO

In re: Estate of Friederike Franco, also known as Frieda Franco, Mrs. Freda Franco, Mrs. Friederike Franco, and Friederike Hagenbuch, deceased. File D-28-8190; E. T. sec. 9172.

Vesting Order No. 5765, dated January 31, 1946, is hereby amended by inserting in the first subparagraph thereof, immediately following the name and words "Mrs. Pauline Schack and surviving issue," the following: "the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Karl Hagenbuch, deceased, some of whom are unknown, including but not limited to Mrs. Martha Hagenbuch, nee Dankoff, and Kurt Hagenbuch," and by inserting after the words "Nationals: Last known address:" the following "The domiciliary personal representatives, heirs, next of kin, legatees and distributees of Karl Hagenbuch, deceased, some of whom are unknown, including but not limited to Mrs. Martha Hagenbuch, nee Dankhoff, and Kurt Hagenbuch: Germany".

All other provisions of said Vesting Order 5765 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong., 60 Stat. 50; Public 671, 79th Cong.; 60 Stat. 925; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Sup.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR 1945, Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on November 28, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 55-9656; Filed, Dec. 1, 1955; 8:46 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 235

Washington, Saturday, December 3, 1955

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

DEC 12 1955

MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.31, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DOMESTIC BEET SUGAR AREA, 1955

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (7 U. S. C. 1100 et seq., hereinafter called the "act") for the purpose of revising Sugar Regulation 814.31 (19 F. R. 9326, 20 F. R. 3999) which allots the 1955 sugar quota for the Domestic Beet Sugar Area among persons who process domestic sugar beets into sugar.

In accordance with the provisions of the applicable rules of practice and procedure (7 CFR 801.1 et seq.) as amended (20 F. R. 1174) notice was given (20 F. R. 2820) and a hearing was held on May 6, 1955, to permit the taking of evidence on the basis of which the Secretary might revise the allotment of the 1955 sugar quota for the Domestic Beet Sugar Area for the purpose of allotting deficits in other area quotas or deficits in allotments declared by any allottee. Based on the evidence in the record of the allotment proceeding, a finding and conclusion was made in S. R. 814.31, Amendment 1, effective June 9, 1955 (20 F. R. 3999) that any quantities within allotments made therein which allottees were unable to fill should be reallotted to others able to supply the additional sugar in proportion to their allotments.

The Department was notified by The National Sugar Manufacturing Company and the Superior Sugar Refining Company that they will be unable to market in 1955, 1,338 and 1,070 short tons, raw value, respectively, of the allotments made to them in Sugar Regulation 814.31, Amendment 1, effective June 9, 1955, and The Great Western Sugar Company notified the Department that it would be unable to market in 1955 a quantity of sugar in excess of its 1955 allotment. The quantity released, amounting to 2,408 short tons, raw value, has been prorated to the other allottees, all of whom notified the Department that they will be able to market the additional quantities of sugar. The proration has been made on the basis of the allotments of such allottees as set forth in paragraph (a) of § 814.31, Amendment 1. The names of the allottees receiving additional prorations and the quantities prorated are set forth below:

Processors	Additional allotments	
	Short tons, raw value	100-pound bags beet sugar
Amalgamated Sugar Co., The	404	7,509
American Crystal Sugar Co.	450	8,416
Buckeye Sugars, Inc.	18	331
Franklin County Sugar Co.	18	331
Garden City Co., The	13	244
Great Lakes Sugar Co.	37	697
Holly Sugar Corp.	480	8,974
Lake Shore Sugar Co.	16	296
Layton Sugar Co.	14	255
Menominee Sugar Co.	9	174
Michigan Sugar Co.	103	1,917
Monitor Sugar Division of Robt. Gage Coal Co.	35	645
Spreckels Sugar Co.	352	6,578
Union Sugar Division, Consolidated Foods Corp.	139	2,596
Utah-Idaho Sugar Co.	320	5,977
Total	2,408	45,000

Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently this amendment shall be effective when published in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the Act, paragraph (a) of § 814.31, Amendment 1, is hereby further amended to read as follows:

§ 814.31 *Allotment of the 1955 sugar quota for Domestic Beet Sugar Area*—(a) *Allotments.* The 1955 sugar quota for the Domestic Beet Sugar Area is hereby allotted to the following persons

(Continued on p. 8871)

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in the amounts which appear opposite their respective names:

Processors	Allotment: Short tons raw value	Allotment: 100-pound bags beet sugar
Amalgamated Sugar Co., The	232,801	4,351,429
American Crystal Sugar Co	258,855	4,838,416
Buckeye Sugars, Inc	10,183	190,331
Franklin County Sugar Co	10,183	190,331
Garden City Co., The	7,503	140,244
Great Lakes Sugar Co	21,437	400,697
Great Western Sugar Co., The	406,600	7,600,000
Holly Sugar Corp	276,005	5,158,974
Lake Shore Sugar Co	9,111	170,296
Layton Sugar Co	7,825	146,255
Menominee Sugar Co	5,359	100,174
Michican Sugar Co	58,953	1,101,917
Monitor Sugar Division of Robt. Gage Coal Co	19,830	370,645
National Sugar Manufacturing Co., The	4,012	75,000
Spreckels Sugar Co	202,314	3,781,578
Superior Sugar Refining Co	5,350	100,000
Union Sugar Division, Consolidated Foods Corp	79,854	1,492,506
Utah-Idaho Sugar Co	183,825	3,435,977
All other persons	000	+000
Total	1,800,000	33,644,860

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. 1115)

Done at Washington, D. C., this 29th day of November 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9698; Filed, Dec. 2, 1955; 8:47 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 63]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.363 *Navel Orange Regulation 63*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 1, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 4, 1955, and ending at 12:01 a. m., P. s. t., December 11, 1955, is hereby fixed as follows:

(i) District 1: 1,108,800 cartons;

(ii) District 2: 10,420 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," and "District 4" have the same meaning as when used in said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit, or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 2, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9806; Filed, Dec. 2, 1955; 11:16 a. m.]

[Grapefruit Reg. 232]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.756 *Grapefruit Regulation 232*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 5, 1955. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 5, 1955; the recommendation and supporting information for continued regulation subsequent to December 4, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 29; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 5, 1955, and ending at 12:01 a. m., e. s. t., December 19, 1955, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Russet;

(ii) Any seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Russet;

(iii) Any seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 2;

(iv) Any seedless grapefruit, grown in Regulation Area II, which are mature and which grade U. S. No. 2 or U. S. No. 2 Bright unless such seedless grapefruit (*a*) are in the same container with seedless grapefruit which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all seedless grapefruit in such container;

(v) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vi) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," "Growers Administrative Committee," "Regulation Area I," and "Regulation Area II," shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Bright," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (7 CFR 51.750–51.790); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 30, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9738; Filed, Dec. 2, 1955; 8:49 a. m.]

[Orange Reg. 286]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.757 *Orange Regulation 286*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 5, 1955. Shipments of all oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 5, 1955; the recommendation and supporting information for continued regulation subsequent to December 4, 1955, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 29; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 5, 1955. Shipments of all oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 5, 1955; the recommendation and supporting information for continued regulation subsequent to December 4, 1955, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 29; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 5, 1955, and ending at 12:01 a. m., e. s. t., December 19, 1955, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Russet; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (7 CFR 51.1810–51.1836).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 30, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9739; Filed, Dec. 2, 1955; 8:49 a. m.]

[Tangerine Reg. 163]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.758 *Tangerine Regulation 163*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 5, 1955. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 5, 1955; the recommendation and supporting information for continued regulation subsequent to December 4, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 29; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 5, 1955, and ending at 12:01 a. m., e. s. t., December 19, 1955, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Russet; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (7 CFR 51.1810–51.1836).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 30, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9740; Filed, Dec. 2, 1955; 8:50 a. m.]

[Lemon Reg. 618]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.725 *Lemon Regulation 618*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 30, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 4, 1955, and ending at 12:01 a. m., P. s. t., December 11, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 158,100 cartons;

(iii) District 3: 13,950 cartons.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 1, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9781; Filed, Dec. 2, 1955; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 545—HOMEWORKERS IN NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

PIECE RATES

On November 9, 1955, notice was published in the FEDERAL REGISTER (20 F. R. 8389) that the Administrator of the Wage and Hour Division, United States Department of Labor, proposed to amend 29 CFR, § 545.13, providing piece rates for the needlework and fabricated textile products industry in Puerto Rico (1) by the addition to Schedule A of piece rates applicable to the silk, rayon and nylon (except infants') underwear division, and (2) by the addition of Schedule E, containing the piece rates applicable to the general division. Interested persons were given 15 days to submit for consideration data, views or arguments pertaining to the proposed changes. No objections have been received.

Accordingly, pursuant to authority under section 6 (a) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), § 545.13 is amended by the addition of the following piece rates:

§ 545.13 *Piece rates established in accordance with § 545.9.*

SCHEDULE A—PIECE RATE SCHEDULE FOR THE SILK, RAYON AND NYLON (EXCEPT INFANTS') DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

No.	Operation	Piece rates based on hourly rate of 25 cents	Unit of payment
	HAND-SEWING OPERATIONS[1]		
		Cents	
1	Arenilla (seed stitch), close, 1/8" squares	31.20	Per dozen squares.
2	Arenilla (seed stitch), scattered, 1/2" squares	15.60	Do.
3	Arrows, filled in, 1/4"	7.80	Per dozen.
4	Back stitch on yokes, armholes, etc	17.33	Per yard.
5	Basting bias with cord	8.58	Do.
6	Basting darts before sewing	9.04	Do.
7	Basting for fagoting	2.35	Do.
8	Basting hems, 1" to 6" wide	5.20	Do.
9	Basting lace	4.49	Do.
10	Basting waist lines, plackets and facings, 2 to 3 stitches per inch	3.26	Do.
11	Bias piping, joined, double, over 10 stitches per inch	10.40	Do.
12	Bias piping, joined, single, over 10 stitches per inch	13.00	Do.
13	Bias piping, second seam, joined, double, set flat on garment with running stitch.	15.66	Do.
14	Blanket stitch, folding included, 18 stitches per inch	29.46	Do.

[1] For description of operations included under "hand-sewing", see definitions in applicable section of wage order.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE SILK, RAYON AND NYLON (EXCEPT INFANTS') DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO—Con.

No.	Operation	Piece rates based on hourly rate of 25 cents	Unit of payment
	HAND-SEWING OPERATIONS[1]—continued	*Cents*	
79	Shirring and setting lace edging with hemming stitch on straight outline, material to be measured after shirring	11.32	Per yard.
80	Shoulder straps, set with buttonhole stitch 1½" x ¾", measured after turning, sewed on with hemming stitch, of bra	30.73	For dozen straps.
81	Size tickets set with hemming stitch, cutting tickets included	5.20	For dozen inches.
82	Smocking	22	For dozen stitches.
83	Snaps, sewing on, both sides	5.20	For dozen.
84	Solid cord stitch on gores and embroidery	24.44	For yard.
85	Solid cord stitch to sew on lace	22.10	Do.
86	Spiders, 4 legs	5.20	For dozen.
87	Stitches, 8 stitches per inch	19.16	Do.
88	Tacks, set for handling	2.60	Do.
89	Tucks, stamped, ½" to ¾" wide, up to 6" long	8.13	Do.
90	Tucks, pin, stamped, up to 7" long	8.57	Do.
91	Tucks, pin, unstamped, up to 6" long	10.40	Do.
	NON-HAND-SEWING OPERATIONS		
93	Cutting material under lace, or at seams, straight outline, following machine operations	2.68	Per yard.
94	Turning bolts, machine sewn, 2½" x ¾", measured after turning	11.17	Per dozen bolts.
95	Turning bolts, machine sewn, 60" x ¾", measured after turning	11.19	Do.
96	Turning shoulder pads, 5¼" long, with an unsewn slit, of 1" for turning	7.27	Per dozen pads.
97	Turning shoulder straps, 1½" x ¾", measured after turning	22.24	Per dozen straps.

[1] For description of operations included under "hand-sewing", see definitions in applicable section of wage order.

SCHEDULE E—PIECE RATE SCHEDULE FOR THE GENERAL DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO[1]

No.	Operation	Piece rates based on hourly rate of 45 cents	Unit of Payment
	CROCHETING SHADE PULLS, NOT OVER 30 STITCHES PER RING		
207	Cotton thread	$1.41	Per gross.
208	Nylon thread	1.47	Do.

[1] The piece rates apply only to "hand-sewing" operations. For description of operations included under "hand-sewing", see definition in applicable section of wage order.

A wage order which fixed the minimum hourly wage rates to which these piece rates are related became effective October 6, 1955, and an order making final other proposed piece rates related to the same industry will become effective December 9, 1955. It is in the public interest for all piece rates in this industry to become effective simultaneously and as soon as possible after the applicable wage order establishing new minimum hourly wage rates.

I noticed in the proposed amendment, published in the November 9, 1955, issue of the FEDERAL REGISTER, my intention to find good cause to shorten the period prior to the effective date of any final order on the proposed amendment, in order to make the piece rates contained therein effective December 9, 1955. This statement of intention afforded persons affected 30 days in which to prepare for the effective date of this amendment, and, therefore, I find that it is contrary to the public interest and not practicable to delay its effective date, and this amendment shall become effective December 9, 1955.

(Secs. 6, 11, 52 Stat. 1062, 1066, as amended; 29 U. S. C. 206, 211)

Signed at Washington, D. C., this 1st day of December 1955.

NEWELL BROWN,
Administrator, Wage and Hour Division, United States Department of Labor.

[F. R. Doc. 55-9748; Filed, Dec. 2, 1955; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6152]

PART 1—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

CORPORATE DISTRIBUTIONS AND ADJUSTMENTS

On December 11, 1954, notice of proposed rule making regarding the regulations under Parts I to IV, inclusive, and Part VI of Subchapter C of Chapter 1 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (19 F. R. 8237). After consideration of such relevant suggestions as were presented by interested persons regarding the proposals, the following regulations are hereby adopted:

Part I—Distributions by corporations. The rules in §§ 1.301 to 1.318–4 are to be applied in connection with the provisions of Part I, sections 301 through 318. For rules relating to the effective date of §§ 1.301 to 1.318–4 and to the application of §§ 1.301 to 1.318–4 to years subject to the Internal Revenue Code of 1939, see Part VI (§§ 1.391 to 1.395–1).

Part II—Corporate liquidations. The rules in §§ 1.331 to 1.346–3 are to be applied in connection with the provisions of Part II, sections 331 through 346. For rules relating to the effective date of §§ 1.331 to 1.346–3 and to the application of §§ 1.331 to 1.346–3 to years subject to the Internal Revenue Code of 1939, see Part VI (§§ 1.391 to 1.395–1).

Part III—Corporate organizations and reorganizations. The rules in §§ 1.351 to 1.368–3 are to be applied in connection with the provisions of Part III, sections 351 through 368. For rules relating to the effective date of §§ 1.351 to 1.368–3 and to the application of §§ 1.351 to 1.368–3 to years subject to the Internal Revenue Code of 1939, see Part VI (§§ 1.391 to 1.395–1).

Part IV—Insolvency reorganizations. The rules in §§ 1.371 to 1.373–3 are to be applied in connection with the provisions of Part IV, sections 371 through 373. For rules relating to the effective date of §§ 1.371 to 1.373–3 and to the application of §§ 1.371 to 1.373–3 to years subject to the Internal Revenue Code of 1939, see Part VI (§§ 1.391 to 1.395–1).

Part VI—Effective date of subchapter C. The rules in §§ 1.391 to 1.395–1 are to be applied in connection with the provisions of Part VI, sections 391 through 395.

CORPORATE DISTRIBUTIONS AND ADJUSTMENTS

DISTRIBUTIONS BY CORPORATIONS

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1.301 Statutory provisions; distributions by corporations; distributions of property.
1.301–1 Rules applicable with respect to distributions of money and other property.
1.302 Statutory provisions; distributions in redemption of stock.
1.302–1 General.
1.302–2 Redemptions not taxable as dividends.
1.302–3 Substantially disproportionate redemption.
1.302–4 Termination of shareholder's interest.
1.303 Statutory provisions; distributions in redemption of stock to pay death taxes.
1.303–1 General.
1.303–2 Requirements.
1.303–3 Application of other sections.
1.304 Statutory provisions; redemption through use of related corporations.
1.304–1 General.
1.304–2 Acquisition by related corporation (other than subsidiary).
1.304–3 Acquisition by a subsidiary.
1.305 Statutory provisions; distributions of stock and stock rights.
1.305–1 Stock dividends.
1.305–2 Election of shareholders as to medium of payment.
1.305–3 Distributions in discharge of preference dividends.
1.306 Statutory provisions; dispositions of certain stock.
1.306–1 General.
1.306–2 Exceptions.
1.306–3 Section 306 stock defined.
1.307 Statutory provisions; basis of stock and stock rights acquired in distribution.
1.307–1 General.
1.307–2 Exception.

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1.311 Statutory provisions; taxability of corporation on distribution.
1.311–1 General.
1.312 Statutory provisions; effect on earnings and profits.
1.312–1 Adjustment to earnings and profits reflecting distributions by corporations.
1.312–2 Distributions of inventory assets.
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1.312–4 Examples of adjustments provided in section 312 (c).
1.312–5 Special rule for partial liquidations and certain redemptions.
1.312–6 Earnings and profits.
1.312–7 Effect on earnings and profits of gain or loss realized after February 28, 1913.
1.312–8 Effect on earnings and profits of receipt of tax-free distributions requiring adjustment or allocation of basis of stock.
1.312–9 Adjustments to earnings and profits reflecting increase in value accrued before March 1, 1913.
1.312–10 Allocation of earnings in certain corporate separations.
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1.312–12 Distributions of proceeds of loans guaranteed by the United States.

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1.316 Statutory provisions; dividend defined.
1.316–1 Dividends.
1.316–2 Sources of distribution in general.
1.317 Statutory provisions; other definitions.
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1.318 Statutory provisions; constructive ownership of stock.
1.318–1 Constructive ownership of stock; introduction.
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1.318–3 Estates, trusts, and options.
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1.331 Statutory provisions; gain or loss to shareholders in corporate liquidations.
1.331–1 Corporate liquidations.
1.332 Statutory provisions; complete liquidations of subsidiaries.
1.332–1 Distributions in liquidation of subsidiary corporation; general.
1.332–2 Requirements for nonrecognition of gain or loss.
1.332–3 Liquidations completed within one taxable year.
1.332–4 Liquidations covering more than one taxable year.
1.332–5 Distributions in liquidation as affecting minority interests.
1.332–6 Records to be kept and information to be filed with return.
1.332–7 Indebtedness of subsidiary to parent.
1.333 Statutory provisions; election as to recognition of gain in certain liquidations.
1.333–1 Corporate liquidation in some one calendar month.
1.333–2 Qualified electing shareholder.
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1.333–4 Treatment of gain.
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1.334 Statutory provisions; corporate liquidations; basis of property received in liquidations.
1.334–1 Basis of property received in liquidations.
1.334–2 Property received in liquidation under section 333.

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1.336 Statutory provisions; general rule.
1.336–1 General rule on liquidation of corporation.
1.337 Statutory provisions; gain or loss on sales or exchanges in connection with certain liquidations.
1.337–1 General.
1.337–2 Sales or exchanges within the scope of section 337.
1.337–3 Property defined.
1.337–4 Limitation of gain.
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1.338 Statutory provisions; effect on earnings and profits.

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1.341 Statutory provisions; collapsible corporations.
1.341–1 Collapsible corporations; in general.
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1.341–3 Presumptions.
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1.342 Statutory provisions; liquidation of certain foreign personal holding companies.
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1.346 Statutory provisions; partial liquidation defined.
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1.351 Statutory provisions; transfer to corporation controlled by transferor.
1.351–1 Transfer to corporation controlled by transferor.
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1.354 Statutory provisions; exchanges of stock and securities in certain reorganizations.
1.354–1 Exchanges of stock and securities in certain reorganizations.
1.355 Statutory provisions; distribution of stock and securities of a controlled corporation.
1.355–1 Distribution of stock and securities of controlled corporation.
1.355–2 Limitations.
1.355–3 Non prorata distributions, etc.
1.355–4 Active conduct of a trade or business.
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1.356 Statutory provisions; receipt of additional consideration.
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1.356–3 Rules for treatment of securities as "other property".
1.356–4 Exchanges for section 306 stock.
1.356–5 Transactions involving gift or compensation.
1.357 Statutory provisions; assumption of liability.
1.357–1 Assumption of liability.
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1.358 Statutory provisions; basis to distributees.
1.358–1 Basis to distributees.
1.358–2 Allocation of basis among nonrecognition property.
1.358–3 Treatment of assumption of liabilities.
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1.361 Statutory provisions; nonrecognition of gain or loss to corporations.
1.361–1 Nonrecognition of gain or loss to corporations.
1.362 Statutory provisions; basis to corporations.
1.362–1 Basis to corporations.
1.362–2 Certain contributions to capital.
1.363 Statutory provisions; effect on earnings and profits.

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1.367 Statutory provisions; foreign corporations.
1.367–1 Foreign corporations.
1.368 Statutory provisions; definitions relating to corporate reorganizations.
1,368–1 Purpose and scope of exception of reorganization exchanges.
1.368–2 Definition of terms.
1.368–3 Records to be kept and information to be filed with returns.

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1.371 Statutory provisions; insolvency reorganizations; reorganization in certain receivership and bankruptcy proceedings.
1.371–1 Exchanges by corporations.
1.371–2 Exchanges by security holders.
1.372 Statutory provisions; insolvency reorganizations; basis in connection with certain receivership and bankruptcy proceedings.
1.372–1 Corporations.
1.373 Statutory provisions; insolvency reorganizations; loss not recognized in certain railroad reorganizations.
1.373–1 Nonrecognition of loss upon transfer of property of railroad corporation.
1.373–2 Property acquired by railroad corporation in a receivership or railroad reorganization proceeding.
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EFFECTIVE DATE OF SUBCHAPTER C

1.391 Statutory provisions; effective date of Part I.
1.391–1 Effective date of Part I of subchapter C.
1.392 Statutory provisions; effective date of Part II.
1.392–1 Effective date of Part II of subchapter C.
1.393 Statutory provisions; effective dates of Parts III and IV.
1.393–1 Effective dates of Parts III and IV of subchapter C.
1.393–2 Special rule with respect to certain plans of reorganization arising in 1954.
1.393–3 Making and filing of elections.
1.395 Statutory provisions; special rules for application of subchapter C.
1.395–1 Special rules for application of subchapter C.

AUTHORITY: §§ 1.301 to 1.395–1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

CORPORATE DISTRIBUTIONS AND ADJUSTMENTS

DISTRIBUTIONS BY CORPORATIONS

Effects on Recipients

§ 1.301 *Statutory provisions; distributions by corporations; distributions of property.*

SEC. 301. *Distributions of property*—(a) *In general.* Except as otherwise provided in this chapter, a distribution of property (as defined in section 317 (a)) made by a corporation to a shareholder with respect to its stock shall be treated in the manner provided in subsection (c).

(b) *Amount distributed*—(1) *General rule.* For purposes of this section, the amount of any distribution shall be—

(A) *Noncorporate distributees.* If the shareholder is not a corporation, the amount of money received, plus the fair market value of the other property received.

(B) *Corporate distributees.* If the shareholder is a corporation, the amount of money received, plus whichever of the following is the lesser:

(i) The fair market value of the other property received; or

(ii) The adjusted basis (in the hands of the distributing corporation immediately before the distribution) of the other property received, increased in the amount of gain to the distributing corporation which is recognized under subsection (b) or (c) of section 311.

(2) *Reduction for liabilities.* The amount of any distribution determined under paragraph (1) shall be reduced (but not below zero) by—

(A) The amount of any liability of the corporation assumed by the shareholder in connection with the distribution, and

(B) The amount of any liability to which the property received by the shareholder is subject immediately before, and immediately after, the distribution.

(3) *Determination of fair market value.* For purposes of this section, fair market value shall be determined as of the date of the distribution.

(c) *Amount taxable.* In the case of a distribution to which subsection (a) applies—

(1) *Amount constituting dividend.* That portion of the distribution which is a dividend (as defined in section 316) shall be included in gross income.

(2) *Amount applied against basis.* That portion of the distribution which is not a dividend shall be applied against and reduce the adjusted basis of the stock.

(3) *Amount in excess of basis*—(A) *In general.* Except as provided in subparagraph (B), that portion of the distribution which is not a dividend, to the extent that it exceeds the adjusted basis of the stock, shall be treated as gain from the sale or exchange of property.

(B) *Distributions out of increase in value accrued before March 1, 1913.* That portion of the distribution which is not a dividend, to the extent that it exceeds the adjusted basis of the stock and to the exent that it is out of increase in value accrued before March 1, 1913, shall be exempt from tax.

(d) *Basis.* The basis of property received in a distribution to which subsection (a) applies shall be—

(1) *Noncorporate distributees.* If the shareholder is not a corporation, the fair market value of such property.

(2) *Corporate distributees.* If the shareholder is a corporation, whichever of the following is the lesser:

(A) The fair market value of such property; or

(B) The adjusted basis (in the hands of the distributing corporation immediately before the distribution) of such property, increased in the amount of gain to the distributing corporation which is recognized under subsection (b) or (c) of section 311.

(e) *Exception for certain distributions by personal service corporations.* Any distribution made by a corporation, which was classified as a personal service corporation under the provisions of the Revenue Act of 1918 or the Revenue Act of 1921, out of its earnings or profits which were taxable in accordance with the provisions of section 218 of the Revenue Act of 1918 (40 Stat. 1070), or section 218 of the Revenue Act of 1921 (42 Stat. 245), shall be exempt from tax to the distributees.

(f) *Special rules.* (1) For distributions in redemption of stock, see section 302.

(2) For distributions in partial or complete liquidation, see part II (sec. 331 and following).

(3) For distributions in corporate organizations and reorganizations, see part III (sec. 351 and following).

(4) For partial exclusion from gross income of dividends received by individuals, see section 116.

§ 1.301–1 *Rules applicable with respect to distributions of money and other property*—(a) *General.* Section 301 provides the general rule for treatment of distributions on or after June 22, 1954, of property by a corporation to a shareholder with respect to its stock. The term "property" is defined in section 317 (a). Such distributions, except as otherwise provided in this chapter, shall be treated as provided in section 301 (c). Under section 301 (c), distributions may be included in gross income, applied against and reduce the adjusted basis of the stock, treated as gain from the sale or exchange of property, or (in the case of certain distributions out of increase in value accrued before March 1, 1913) may be exempt from tax. The amount of the distributions to which section 301 applies is determined in accordance with the provisions of section 301 (b). The basis of property received in a distribution to which section 301 applies is determined in accordance with the provisions of section 301 (d). Accordingly, except as otherwise provided in this chapter, a distribution on or after June 22, 1954, of property by a corporation to a shareholder with respect to its stock shall be included in gross income to the extent the amount distributed is considered a dividend under section 316. For examples of distributions treated otherwise, see sections 116, 301 (c) (2), 301 (c) (3) (B), 301 (e), 302 (b), 303, and 305. See also Part II (relating to distributions in partial or complete liquidation), Part III (relating to corporate organizations and reorganizations), and Part IV (relating to insolvency reorganizations) of subchapter C.

(b) *Time of inclusion in gross income and of determination of fair market value.* A distribution made by a corporation to its shareholders shall be included in the gross income of the distributees when the cash or other property is unqualifiedly made subject to their demands. However, if such distribution is a distribution other than in cash, the fair market value of the property shall be determined as of the date of distribution without regard to whether such date is the same as that on which the distribution is includible in gross income. For example, if a corporation distributes a taxable dividend in property (the adjusted basis of which exceeds its fair market value on December 31, 1955) on December 31, 1955, which is received by, or unqualifiedly made subject to the demand of, its shareholders on January 2, 1956, the amount to be included in the gross income of the shareholders will be the fair market value of such property on December 31, 1955, although such amount will not be includible in the gross income of the shareholders until January 2, 1956.

(c) *Application of section to shareholders.* Section 301 is not applicable to an amount paid by a corporation to a shareholder unless the amount is paid to the shareholder in his capacity as such.

(d) *Distributions of property to corporate shareholders.* If property (other than money and other than the obligations of the distributing corporation) is distributed in kind to a shareholder which is a corporation and the fair market value of such property is greater than the adjusted basis in the hands of the distributing corporation, only the adjusted basis of such property (determined immediately before the distribution and increased for any gain recognized to the distributing corporation under section 311 (b) and (c)) shall be taken into account under section 301 (c). Thus, in such a case, the amount of such a dividend in kind under section 301 (c) (1) may not exceed such adjusted basis. Similarly, in such cases where the distribution is not out of earnings and profits, the amount of the reduction in basis of the shareholder's stock and the amount of any gain resulting from such distribution are determined by reference to the adjusted basis of the property distributed. If the property distributed is money, the amount of the distribution shall be the amount of such money. If the property distributed consists of the obligations of the distributing corporation, or stock of the distributing corporation treated as property under section 305 (b), or rights to acquire such stock treated as property under section 305 (b), the amount of such distribution shall be an amount equal to the fair market value of such obligations, stock, or rights. For special rule as to certain distributions of property received by a domestic corporation from a foreign corporation, see section 902 (d).

(e) *Adjusted basis.* In determining the adjusted basis of property distributed in the hands of the distributing corporation immediately before the distribution for purposes of section 301 (b) (1) (B) (ii) and (d) (2) (B), the basis to be used shall be the basis for determining gain upon a sale or exchange.

(f) *Examples.* The application of section 301 may be illustrated by the following examples:

Example (1). On January 1, 1955, A, an individual owned all of the stock of Corporation M with an adjusted basis of $2,000. During 1955, A received distributions from Corporation M totaling $30,000, consisting of $10,000 in cash and listed securities having a basis in the hands of Corporation M and a fair market value on the date distributed of $20,000. Corporation M's taxable year is the calendar year. As of December 31, 1954, Corporation M had earnings and profits accumulated after February 28, 1913, in the amount of $26,000, and it had no earnings and profits and no deficit for 1955. Of the $30,000 received by A, $26,000 will be treated as an ordinary dividend; the remaining $4,000 will be applied against the adjusted basis of his stock; the $2,000 in excess of the adjusted basis of his stock will either be treated as gain from the sale or exchange of property (under section 301 (c) (3) (A)) or, if out of increase in value accrued before March 1, 1913, will (under section 301 (c) (3) (B)) be exempt from tax. If A subsequently sells his stock in Corporation M, the basis for determining gain or loss on the sale will be zero.

Example (2). The facts are the same as in Example 1 with the exceptions that the shareholder of Corporation M is Corporation W and that the securities which were distributed had an adjusted basis to Corporation M of $15,000. The distribution received by Corporation W totals $25,000 consisting of $10,000 in cash and securities with an adjusted basis of $15,000. The total $25,000 will be treated as a dividend to Corporation W since the earnings and profits of Corporation M ($26,000) are in excess of the amount of the distribution.

Example (3). Corporation X owns timber land which it acquired prior to March 1, 1913, at a cost of $50,000 with $5,000 allocated as the separate cost of the land. On March 1, 1913, this property had a fair market value of $150,000 of which $135,000 was attributable to the timber and $15,000 to the land. All of the timber was cut prior to 1955 and the full appreciation in the value thereof, $90,000 ($135,000−$45,000), realized through depletion allowances based on March 1, 1913, value. None of this surplus from realized appreciation had been distributed. In 1955, Corporation X sold the land for $20,000 thereby realizing a gain of $15,000. Of this gain, $10,000 is due to realized appreciation in value which accrued before March 1, 1913 ($15,000−$5,000). Of the gain of $15,000, $5,000 is taxable. Therefore, at December 31, 1955, Corporation X had a surplus from realized appreciation in the amount of $100,000. It had no accumulated earnings and profits and no deficit at January 1, 1955. The net earnings for 1955 (including the $5,000 gain on the sale of the land) were $20,000. During 1955, Corporation X distributed $75,000 to its stockholders. Of this amount, $20,000 will be treated as a dividend. The remaining $55,000, which is a distribution of realized appreciation, will be applied against and reduce the adjusted basis of the shareholders' stock. If any part of the $55,000 is in excess of the adjusted basis of a shareholder's stock, such part will be exempt from tax.

(g) *Reduction for liabilities.* For the purpose of section 301 (a), the amount of any distribution shall be reduced by—

(1) The amount of any liability of the corporation assumed by the shareholder in connection with the distribution, and

(2) The amount of any liability to which the property received by the shareholder is subject immediately before and immediately after the distribution.

Such reduction, however, shall not cause the amount of the distribution to be reduced below zero.

(h) *Basis.* The basis of property received in the distribution to which section 301 applies shall be—

(1) If the shareholder is not a corporation, the fair market value of such property;

(2) If the shareholder is a corporation—

(i) In the case of a distribution of the obligations of the distributing corporation or of the stock of such corporation or rights to acquire such stock (if such stock or rights are treated as property under section 305 (b)), the fair market value of such obligations, stock, or rights;

(ii) In the case of the distribution of any other property, whichever of the following is the lesser—

(*a*) The fair market value of such property; or

(*b*) The adjusted basis (in the hands of the distributing corporation immediately before the distribution) of such property increased in the amount of gain to the distributing corporation which is recognized under section 311 (b) (relating to distributions of LIFO inventory) or under section 311 (c) (relating to distributions of property subject to liabilities in excess of basis).

(j) *Transfers for less than fair market value.* If property is transferred by a corporation to a shareholder which is not a corporation for an amount less than its fair market value in a sale or exchange, such shareholder shall be treated as having received a distribution to which section 301 applies. In such case, the amount of the distribution shall be the difference between the amount paid for the property and its fair market value. If property is transferred in a sale or exchange by a corporation to a shareholder which is a corporation, for an amount less than its fair market value and also less than its adjusted basis, such shareholder shall be treated as having received a distribution to which section 301 applies, and—

(1) Where the fair market value of the property equals or exceeds its adjusted basis in the hands of the distributing corporation the amount of the distribution shall be the excess of the adjusted basis over the amount paid for the property;

(2) Where the fair market value of the property is less than its adjusted basis in the hands of the distributing corporation, the amount of the distribution shall be the excess of such fair market value over the amount paid for the property.

In all cases, the earnings and profits of the distributing corporation shall be decreased by the excess of the basis of the property in the hands of the distributing corporation over the amount received therefor. In computing gain or loss from the subsequent sale of such property, its basis shall be the amount paid for the property increased by the amount of the distribution.

(k) *Application of rule respecting transfers for less than fair market value.* The application of paragraph (j) of this section may be illustrated by the following example:

Example. On January 1, 1955, A, an individual shareholder of Corporation X, purchased property from that corporation for $20. The fair market value of such property was $100, and its basis in the hands of Corporation X was $25. The amount of the distribution determined under section 301 (b) is $80. If A were a corporation, the amount of the distribution would be $5, the excess of the basis of the property in the hands of Corporation X over the amount received therefor. The basis of such property to Corporation A would be $25. If the basis of the property in the hands of Corporation X were $10, the corporate shareholder, A, would not receive a distribution. The basis of such property to Corporation A would be $20. Whether or not A is a corporation, the excess of the amount paid over the basis of the property in the hands of Corporation X ($20 over $10) would be a taxable gain to Corporation X.

(l) *Transactions treated as distributions.* A distribution to shareholders with respect to their stock is within the terms of section 301 although it takes place at the same time as another transaction if the distribution is in substance a separate transaction whether or not connected in a formal sense. This is most likely to occur in the case of a recapitalization, a reincorporation, or a merger of a corporation with a newly organized corporation having substantially no property. For example, if a corporation having only common stock outstanding, exchanges one share of newly issued common stock and one bond in the principal amount of $10 for each share of outstanding common stock, the distribution of the bonds will be a distribution of property (to the extent of their fair market value) to which section 301 applies, even though the exchange of common stock for common stock may be pursuant to a plan of reorganization under the terms of section 368 (a) (1) (E) (recapitalization) and even though the exchange of common stock for common stock may be tax free by virtue of section 354.

(m) *Cancellation of indebtedness.* The cancellation of indebtedness of a shareholder by a corporation shall be treated as a distribution of property.

(n) *Cross references.* For certain rules relating to adjustments to earnings and profits and for determining the extent to which a distribution is a dividend, see sections 312 and 316 and regulations thereunder.

§ 1.302 *Statutory provisions; distributions in redemption of stock.*

SEC. 302. *Distributions in redemption of stock*—(a) *General rule.* If a corporation redeems its stock (within the meaning of section 317 (b)), and if paragraph (1), (2), (3), or (4) of subsection (b) applies, such redemption shall be treated as a distribution in part or full payment in exchange for the stock.

(b) *Redemptions treated as exchanges*—(1) *Redemptions not equivalent to dividends.* Subsection (a) shall apply if the redemption is not essentially equivalent to a dividend.

(2) *Substantially disproportionate redemption of stock*—(A) *In general.* Subsection (a) shall apply if the distribution is substantially disproportionate with respect to the shareholder.

(B) *Limitation.* This paragraph shall not apply unless immediately after the redemption the shareholder owns less than 50 percent of the total combined voting power of all classes of stock entitled to vote.

(C) *Definitions.* For purposes of this paragraph, the distribution is substantially disproportionate if—

(i) The ratio which the voting stock of the corporation owned by the shareholder immediately after the redemption bears to all of the voting stock of the corporation at such time,

is less than 80 percent of—

(ii) The ratio which the voting stock of the corporation owned by the shareholder immediately before the redemption bears to all of the voting stock of the corporation at such time.

For purposes of this paragraph no distribution shall be treated as substantially disproportionate unless the shareholder's ownership of the common stock of the corporation (whether voting or nonvoting) after and before redemption also meets the 80 percent requirement of the preceding sentence. For purposes of the preceding sentence, if there is more than one class of common stock, the determinations shall be made by reference to fair market value.

(D) *Series of redemptions.* This paragraph shall not apply to any redemption made pursuant to a plan the purpose or effect of which is a series of redemptions resulting in a distribution which (in the aggregate) is not substantially disproportionate with respect to the shareholder.

(3) *Termination of shareholder's interest.* Subsection (a) shall apply if the redemption is in complete redemption of all of the stock of the corporation owned by the shareholder.

(4) *Stock issued by railroad corporations in certain reorganizations.* Subsection (a) shall apply if the redemption is of stock issued by a railroad corporation (as defined in section 77 (m) of the Bankruptcy Act, as amended) pursuant to a plan of reorganization under section 77 of the Bankruptcy Act.

(5) *Application of paragraphs.* In determining whether a redemption meets the requirements of paragraph (1), the fact that such redemption fails to meet the requirements of paragraph (2), (3), or (4) shall not be taken into account. If a redemption meets the requirements of paragraph (3) and also the requirements of paragraph (1), (2), or (4), then so much of subsection (c) (2) as would (but for this sentence) apply in respect of the acquisition of an interest in the corporation within the 10-year period beginning on the date of the distribution shall not apply.

(c) *Constructive ownership of stock*—(1) *In general.* Except as provided in paragraph (2) of this subsection, section 318 (a) shall apply in determining the ownership of stock for purposes of this section.

(2) *For determining termination of interest.* (A) In the case of a distribution described in subsection (b) (3), section 318 (a) (1) shall not apply if—

(i) Immediately after the distribution the distributee has no interest in the corporation (including an interest as officer, director, or employee), other than an interest as a creditor,

(ii) The distributee does not acquire any such interest (other than stock acquired by bequest or inheritance) within 10 years from the date of such distribution, and

(iii) The distributee, at such time and in such manner as the Secretary or his delegate by regulations prescribes, files an agreement to notify the Secretary or his delegate of any acquisition described in clause (ii) and to retain such records as may be necessary for the application of this paragraph.

If the distributee acquires such an interest in the corporation (other than by bequest or inheritance) within 10 years from the date of the distribution, then the periods of limitation provided in sections 6501 and 6502 on the making of an assessment and the collection by levy or a proceeding in court shall, with respect to any deficiency (including interest and additions to the tax) resulting from such acquisition, include one year immediately following the date on which the distributee (in accordance with regulations prescribed by the Secretary or his delegate) notifies the Secretary or his delegate of such acquisition; and such assessment and collection may be made notwithstanding any provision of law or rule of law which otherwise would prevent such assessment and collection.

(B) Subparagraph (A) of this paragraph shall not apply if—

(i) Any portion of the stock redeemed was acquired, directly or indirectly, within the 10-year period ending on the date of the distribution by the distributee from a person the ownership of whose stock would (at the time of distribution) be attributable to the distributee under section 318 (a), or

(ii) Any person owns (at the time of the distribution) stock the ownership of which is attributable to the distributee under section 318 (a) and such person acquired any stock in the corporation, directly or indirectly, from the distributee within the 10-year period ending on the date of the distribution, unless such stock so acquired from the distributee is redeemed in the same transaction.

The preceding sentence shall not apply if the acquisition (or, in the case of clause (ii), the disposition) by the distributee did not have as one of its principal purposes the avoidance of Federal income tax.

(d) *Redemptions treated as distributions of property.* Except as otherwise provided in this subchapter, if a corporation redeems its stock (within the meaning of section 317 (b)), and if subsection (a) of this section does not apply, such redemption shall be treated as a distribution of property to which section 301 applies.

(e) *Cross references.* For special rules relating to redemption—

(1) *Death taxes.* Of stock to pay death taxes, see section 303.

(2) *Section 306 stock.* Of section 306 stock, see section 306.

(3) *Liquidations.* Of stock in partial or complete liquidation, see section 331.

§ 1.302–1 *General.* (a) Under section 302 (d), unless otherwise provided in subchapter C, a distribution in redemption of stock shall be treated as a distribution of property to which section 301 applies if the distribution is not within any of the provisions of section 302 (b). A distribution in redemption of stock shall be considered a distribution in part or full payment in exchange for the stock under section 302 (a) provided paragraph (1), (2), (3), or (4) of section 302 (b) applies. Section 318 (a) (relating to constructive ownership of stock) applies to all redemptions under section 302 except that in the termination of a shareholder's interest certain limitations are placed on the application of section 318 (a) (1) by section 302 (c) (2). The term "redemption of stock" is defined in section 317 (b). Section 302 does not apply to that portion of any distribution which qualifies as a distribution in partial liquidation under section 346. For special rules relating to redemption of stock to pay death taxes see section 303. For special rules relating to redemption of section 306 stock see section 306. For special rules relating to redemption of stock in partial or complete liquidation see section 331.

(b) If, in connection with a partial liquidation under the terms of section 346, stock is redeemed in an amount in excess of the amount specified by section 331 (a) (2), section 302 (b) shall first apply as to each shareholder to which it is applicable without limitation because of section 331 (a) (2). That portion of the total distribution which is used in all redemptions from specific shareholders which are within the terms of section 302 (a) shall be excluded in determining the application of sections 346 and 331 (a) (2). For example, Corporation X has $50,000 which is attributable to the sale of one of two active businesses and which, if distributed in redemption of stock, would qualify as a partial liquidation under the terms of section 346 (b). Corporation X distributes $60,000 to its shareholders in redemption of stock, $20,000 of which is in redemption of all of the stock of shareholder A within the meaning of section 302 (b) (3). The $20,000 distributed in redemption of the stock of shareholder A will be excluded in determining the application of sections 346 and 331 (a) (2). The entire $60,000 will be treated as in part or full payment for stock ($20,000 qualifying under section 302 (a) and $40,000 qualifying under sections 346 and 331 (a) (2)).

§ 1.302–2 *Redemptions not taxable as dividends.* (a) The fact that a redemption fails to meet the requirements of paragraph (2), (3) or (4) of section 302 (b) shall not be taken into account in determining whether the redemption is not essentially equivalent to a dividend under section 302 (b) (1). See, however, paragraph (b) of this section. For example, if a shareholder owns only nonvoting stock of a corporation which is not section 306 stock and which is limited and preferred as to dividends and in liquidation, and one-half of such stock is redeemed, the distribution will ordinarily meet the requirements of paragraph (1) of section 302 (b) but will not meet the requirements of paragraph (2), (3) or (4) of such section. The determination of whether or not a distribution is within the phrase "essentially equivalent to a dividend" (that is, having the same effect as a distribution without any redemption of stock) shall be made without regard to the earnings and profits of the corporation at the time of the distribution. For example, if A owns all the stock of a corporation and the corporation redeems part of his stock at a time when it has no earnings and profits, the distribution shall be treated as a distribution under section 301 pursuant to section 302 (d).

(b) The question whether a distribution in redemption of stock of a shareholder is not essentially equivalent to a dividend under section 302 (b) (1) depends upon the facts and circumstances of each case. One of the facts to be considered in making this determination is the constructive stock ownership of such shareholder under section 318 (a). All distributions in pro rata redemptions of a part of the stock of a corporation generally will be treated as distributions under section 301 if the corporation has only one class of stock outstanding. However, for distributions in partial liquidation, see section 346. The redemption of all of one class of stock (except section 306 stock) either at one time or in a series of redemptions generally will be considered as a distribution under section 301 if all classes of stock outstanding at the time of the redemption are held in the same proportion. Distribution in redemption of stock may be treated as distributions under section 301 regardless of the provisions of the stock certificate and regardless of whether all stock being redeemed was acquired by the stockholders from whom the stock was redeemed by purchase or otherwise. In every case in which a shareholder transfers stock to the corporation which issued such stock in exchange for property, the facts and circumstances shall be reported on his return except as provided in § 1.331–1 (d). See sections 346 (a) and 6043 for requirements relating to returns by corporations.

(c) In any case in which an amount received in redemption of stock is treated as a distribution of a dividend, proper adjustment of the basis of the remaining stock will be made with respect to the stock redeemed. The following examples illustrate the application of this rule:

Example (1). A, an individual, purchased all of the stock of Corporation X for $100,000. In 1955 the corporation redeems half of the stock for $150,000, and it is determined that this amount constitutes a dividend. The remaining stock of Corporation X held by A has a basis of $100,000.

Example (2). H and W, husband and wife, each own half of the stock of Corporation X. All of the stock was purchased by H for $100,000 cash. In 1950 H gave one-half of the stock to W, the stock transferred having a value in excess of $50,000. In 1955 all of the stock of H is redeemed for $150,000, and it is determined that the distribution to H in redemption of his shares constitutes the distribution of a dividend. Immediately after the transaction, W holds the remaining stock of Corporation X with a basis of $100,000.

Example (3). The facts are the same as in Example (2) with the additional facts that the outstanding stock of Corporation X consists of 1,000 shares and all but 10 shares of the stock of H is redeemed. Immediately after the transaction, H holds 10 shares of the stock of Corporation X with a basis of $50,000, and W holds 500 shares with a basis of $50,000.

§ 1.302–3 *Substantially disproportionate redemption.* (a) Section 302 (b) (2) provides for the treatment of an amount received in redemption of stock as an amount received in exchange for such stock if—

(1) Immediately after the redemption the shareholder owns less than 50 percent of the total combined voting power of all classes of stock as provided in section 302 (b) (2) (B),

(2) The redemption is a substantially disproportionate redemption within the meaning of section 302 (b) (2) (C), and

(3) The redemption is not pursuant to a plan described in section 302 (b) (2) (D).

Section 318 (a) (relating to constructive ownership of stock) shall apply both in making the disproportionate redemption test and in determining the percentage of stock ownership after the redemption. The requirements under section 302 (b) (2) shall be applied to each shareholder separately and shall be applied only with respect to stock which is issued and outstanding in the hands of the shareholders. Section 302 (b) (2) only applies to a redemption of voting stock or to a redemption of both voting stock and other stock. Section 302 (b) (2) does not apply to the redemption solely of nonvoting stock (common or preferred). However, if a redemption is treated as an exchange to a particular shareholder under the terms of section 302 (b) (2), such section will apply to the simultaneous redemption of nonvoting preferred stock (which is not section 306 stock) owned by such shareholder and such redemption will also be treated as an exchange. Generally, for purposes of this section, stock which does not have voting rights until the happening of an event, such as a default in the payment of dividends on preferred stock, is not voting stock until the happening of the specified event. Subsection 302 (b) (2) (D) provides that a redemption will not be treated as substantially disproportionate if made pursuant to a plan the purpose or effect of which is a series of redemptions which result in the aggregate in a distribution which is not substantially disproportionate. Whether or not such a plan exists will be determined from all the facts and circumstances.

(b) The application of paragraph (a) of this section is illustrated by the following example:

Example. Corporation M has outstanding 400 shares of common stock of which A, B, C and D each own 100 shares or 25 percent. No stock is considered constructively owned by A, B, C or D under section 318. Corporation M redeems 55 shares from A, 25 shares from B, and 20 shares from C. For the redemption to be disproportionate as to any shareholder, such shareholder must own after the redemptions less than 20 percent (80 percent of 25 percent) of the 300 shares of stock then outstanding. After the redemptions, A owns 45 shares (15 percent), B owns 75 shares (25 percent), and C owns 80 shares (26⅔ percent). The distribution is disproportionate only with respect to A.

§ 1.302–4 *Termination of shareholder's interest.* Section 302 (b) (3) provides that a distribution in redemption of all of the stock of the corporation owned by a shareholder shall be treated as a distribution in part or full payment in exchange for the stock of such shareholder. In determining whether all of the stock of the shareholder has been redeemed, the general rule of section 302

(c) (1) requires that the rules of constructive ownership provided in section 318 (a) shall apply. Section 302 (c) (2), however, provides that section 318 (a) (1) (relating to constructive ownership of stock owned by members of a family) shall not apply where the specific requirements of section 302 (c) (2) are met. The following rules shall be applicable in determining whether the specific requirements of section 302 (c) (2) are met:

(a) The agreement specified in section 302 (c) (2) (A) (iii) shall be in the form of a separate statement in duplicate signed by the distributee and attached to his return timely filed for the year in which the distribution described in section 302 (b) (3) occurs. The agreement shall recite that the distributee has not acquired any interest in the corporation (as described in section 302 (c) (2) (A) (i)) since such distribution, and that he agrees to notify the district director of internal revenue for the district in which such return is filed of any acquisition of such an interest in the corporation within 30 days after such acquisition if such acquisition occurs within 10 years from the date of such distribution.

(b) The distributee who files an agreement under section 302 (c) (2) (A) (iii) shall retain copies of income tax returns and any other records indicating fully the amount of tax which would have been payable had the redemption been treated as a distribution subject to section 301.

(c) If stock of a parent corporation is redeemed, subparagraph (A) relating to acquisition of an interest in the corporation within 10 years after termination shall be applied with reference to an interest both in the parent corporation and any subsidiary of such parent corporation. If stock of a parent corporation is sold to a subsidiary in a transaction described in section 304, subparagraph (A) shall be applicable to the acquisition of an interest in such subsidiary corporation or in the parent corporation. If stock of a subsidiary corporation is redeemed, subparagraph (A) shall be applied with reference to an interest both in such subsidiary corporation and its parent. Such subparagraph shall also be applied with respect to an interest in a corporation which is a successor corporation to the corporation the interest in which has been terminated.

(d) For the purpose of section 302 (c) (2) (A) (i), a person will be considered to be a creditor only if the rights of such person with respect to the corporation are not greater or broader in scope than necessary for the enforcement of his claim. Such claim must not in any sense be proprietary and must not be subordinate to the claims of general creditors. An obligation in the form of a debt may thus constitute a proprietary interest. For example, if under the terms of the instrument the corporation may discharge the principal amount of its obligation to a person by payments, the amount or certainty of which are dependent upon the earnings of the corporation, such a person is not a creditor of the corporation. Furthermore, if under the terms of the instrument the rate of purported interest is dependent upon earnings, the holder of such instrument may not, in some cases, be a creditor.

(e) In the case of a distributee to whom section 302 (b) (3) is applicable, who is a creditor after such transaction, the acquisition of the assets of the corporation in the enforcement of the rights of such creditor shall not be considered an acquisition of an interest in the corporation for purposes of section 302 (c) (2) unless stock of the corporation, its parent corporation, or, in the case of a redemption of stock of a parent corporation, of a subsidiary of such corporation is acquired.

(f) In determining whether an entire interest in the corporation has been terminated under section 302 (b) (3), under all circumstances paragraphs (2), (3), and (4) of section 318 (a) (relating to constructive ownership of stock) shall be applicable.

(g) Section 302 (c) (2) (B) provides that section 302 (c) (2) (A) shall not apply—

(1) If any portion of the stock redeemed was acquired directly or indirectly within the 10-year period ending on the date of the distribution by the distributee from a person, the ownership of whose stock would (at the time of distribution) be attributable to the distributee under section 318 (a), or

(2) If any person owns (at the time of the distribution) stock, the ownership of which is attributable to the distributee under section 318 (a), such person acquired any stock in the corporation directly or indirectly from the distributee within the 10-year period ending on the date of the distribution, and such stock so acquired from the distributee is not redeemed in the same transaction,

unless the acquisition (described in (1) above) or the disposition by the distributee (described in (2) above) did not have as one of its principal purposes the avoidance of Federal income tax. A transfer of stock by the transferor, within the 10-year period ending on the date of the distribution, to a person whose stock would be attributable to the transferor shall not be deemed to have as one of its principal purposes the avoidance of Federal income tax merely because the transferee is in a lower income tax bracket than the transferor.

§ 1.303 *Statutory provisions; distributions in redemption of stock to pay death taxes.*

SEC. 303. *Distributions in redemption of stock to pay death taxes*—(a) *In general.* A distribution of property to a shareholder by a corporation in redemption of part or all of the stock of such corporation which (for Federal estate tax purposes) is included in determining the gross estate of a decedent, to the extent that the amount of such distribution does not exceed the sum of—

(1) The estate, inheritance, legacy, and succession taxes (including any interest collected as a part of such taxes) imposed because of such decedent's death, and

(2) The amount of funeral and administration expenses allowable as deductions to the estate under section 2053 (or under section 2106 in the case of the estate of a decedent nonresident, not a citizen of the United States),

shall be treated as a distribution in full payment in exchange for the stock so redeemed.

(b) *Limitations on application of subsection* (a)—(1) *Period for distribution.* Subsection (a) shall apply only to amounts distributed after the death of the decedent and—

(A) Within the period of limitations provided in section 6501 (a) for the assessment of the Federal estate tax (determined without the application of any provision other than section 6501 (a)), or within 90 days after the expiration of such period, or

(B) If a petition for redetermination of a deficiency in such estate tax has been filed with the Tax Court within the time prescribed in section 6213, at any time before the expiration of 60 days after the decision of the Tax Court becomes final.

(2) *Relationship of stock to decedent's estate*—(A) *In general.* Subsection (a) shall apply to a distribution by a corporation only if the value (for Federal estate tax purposes) of all of the stock of such corporation which is included in determining the value of the decedent's gross estate is either—

(i) More than 35 percent of the value of the gross estate of such decedent, or

(ii) More than 50 percent of the taxable estate of such decedent.

(B) *Special rule for stock of two or more corporations.* For purposes of the 35 percent and 50 percent requirements of subparagraph (A), stock of two or more corporations, with respect to each of which there is included in determining the value of the decedent's gross estate more than 75 percent in value of the outstanding stock, shall be treated as the stock of a single corporation. For the purpose of the 75 percent requirement of the preceding sentence, stock which, at the decedent's death, represents the surviving spouse's interest in property held by the decedent and the surviving spouse as community property shall be treated as having been included in determining the value of the decedent's gross estate.

(c) *Stock with substituted basis.* If—

(1) A shareholder owns stock of a corporation (referred to in this subsection as "new stock") the basis of which is determined by reference to the basis of stock of a corporation (referred to in this subsection as "old stock"),

(2) The old stock was included (for Federal estate tax purposes) in determining the gross estate of a decedent, and

(3) Subsection (a) would apply to a distribution of property to such shareholder in redemption of the old stock,

then, subject to the limitation specified in subsection (b) (1), subsection (a) shall apply in respect of a distribution in redemption of the new stock.

§ 1.303–1 *General.* Section 303 provides that in certain cases a distribution in redemption of stock, the value of which is included in determining the value of the gross estate of a decedent, shall be treated as a distribution in full payment in exchange for the stock so redeemed.

§ 1.303–2 *Requirements.* (a) Section 303 applies only where the distribution is with respect to stock of a corporation the value of whose stock in the gross estate of the decedent for Federal estate tax purposes is an amount in excess of (1) 35 percent of the value of the gross estate of such decedent, or (2) 50 percent of the taxable estate of such decedent. For the purposes of such 35 percent and 50 percent requirements, stock of two or more corporations shall be treated as the stock of a single corporation if more than 75 percent in value of the outstanding

stock of each such corporation is included in determining the value of the decedent's gross estate. For the purpose of the 75 percent requirement, stock which, at the decedent's death, represents the surviving spouse's interest in community property shall be considered as having been included in determining the value of the decedent's gross estate.

(b) For the purpose of section 303 (b) (2) (A) (i), the term "gross estate" means the gross estate as computed in accordance with section 2031 (or, in the case of the estate of a decedent nonresident not a citizen of the United States, in accordance with section 2103). For the purpose of section 303 (b) (2) (A) (ii), the term "taxable estate" means the taxable estate as computed in accordance with section 2051 (or, in the case of the estate of a decedent nonresident not a citizen of the United States, in accordance with section 2106).

(c) (1) In determining whether the estate of the decedent is comprised of stock of a corporation of sufficient value to satisfy the percentage requirements of section 303 (b) (2) (A) and section 303 (b) (2) (B), the total value, in the aggregate, of all classes of stock of the corporation includible in determining the value of the gross estate is taken into account. A distribution under section 303 (a) may be in redemption of the stock of the corporation includible in determining the value of the gross estate, without regard to the class of such stock.

(2) The above may be illustrated by the following example:

Example. The gross estate of the decedent has a value of $1,000,000, the taxable estate is $700,000, and the sum of the death taxes and funeral and administration expenses is $275,000. Included in determining the gross estate of the decedent is stock of three corporations which, for Federal estate tax purposes, is valued as follows:

Corporation A:	
Common stock	$100,000
Preferred stock	100,000
Corporation B:	
Common stock	50,000
Preferred stock	350,000
Corporation C:	
Common stock	200,000

The stock of Corporation A and Corporation C included in the estate of the decedent constitutes all of the outstanding stock of both corporations. The stock of Corporation A and the stock of Corporation C, treated as the stock of a single corporation under section 303 (b) (2) (B), has a value in excess of $350,000 (35 percent of the gross estate or 50 percent of the taxable estate). Likewise, the stock of Corporation B has a value in excess of $350,000. The distribution by one or more of the above corporations, within the period prescribed in section 303 (b) (1), of amounts not exceeding, in the aggregate, $275,000, in redemption of preferred stock or common stock of such corporation or corporations, will be treated as in full payment in exchange for the stock so redeemed.

(d) If stock includible in determining the value of the gross estate of a decedent is exchanged for new stock, the basis of which is determined by reference to the basis of the old stock, the redemption of the new stock will be treated the same under section 303 as the redemption of the old stock would have been. Thus section 303 shall apply with respect to a distribution in redemption of stock received by the estate of a decedent (1) in connection with a reorganization under section 368, (2) in a distribution or exchange under section 355 (or so much of section 356 as relates to section 355), (3) in an exchange under section 1036 or (4) in a distribution to which section 305 (a) applies. Similarly, a distribution in redemption of stock will qualify under section 303, notwithstanding the fact that the stock redeemed is section 306 stock to the extent that the conditions of section 303 are met.

(e) Section 303 applies to distributions made after the death of the decedent and (1) before the expiration of the 3-year period of limitations for the assessment of estate tax provided in section 6501 (a) (determined without the application of any provisions of law extending or suspending the running of such period of limitations), or within 90 days after the expiration of such period, or (2) if a petition for redetermination of a deficiency in such estate tax has been filed with the Tax Court within the time prescribed in section 6213, at any time before the expiration of 60 days after the decision of the Tax Court becomes final. The extension of the period of distribution provided in section 303 (b) (1) (B) has reference solely to bona fide contests in the Tax Court and will not apply in the case of a petition for redetermination of a deficiency which is initiated solely for the purpose of extending the period within which section 303 would otherwise be applicable.

(f) While section 303 will most frequently have application in the case where stock is redeemed from the executor or administrator of an estate, the section is also applicable to distributions in redemption of stock included in the decedent's gross estate and held at the time of the redemption by any person who acquired the stock by any of the means comprehended by Part III, Subchapter A, Chapter 11 of Subtitle B, including the heir, legatee, or donee of the decedent, a surviving joint tenant, surviving spouse, appointee, or taker in default of appointment, or a trustee of a trust created by the decedent. Thus section 303 may apply with respect to a distribution in redemption of stock from a donee to whom the decedent has transferred stock in contemplation of death where the value of such stock is included in the decedent's gross estate under section 2035. Similarly, section 303 may apply to the redemption of stock from a beneficiary of the estate to whom an executor has distributed the stock pursuant to the terms of the will of the decedent. However, section 303 is not applicable to the case where stock is redeemed from a stockholder who has acquired the stock by gift or purchase from any person to whom such stock has passed from the decedent. Nor is section 303 applicable to the case where stock is redeemed from a stockholder who has acquired the stock from the executor in satisfaction of a specific monetary bequest.

(g) The total application of section 303 with respect to stock included in the gross estate of any decedent can never exceed the sum of the amount of the estate, inheritance, legacy, and succession taxes (including any interest collected as a part of such taxes) imposed because of the decedent's death and the amount of funeral and administration expenses allowable as deductions to the estate. In determining whether the total distributions in redemption of such stock made within the period of time prescribed in section 303 (b) (1) exceed the amount of such taxes, interest, and expenses, account shall be taken of all such distributions without regard to whether any distribution would be treated as a dividend were it not for section 303.

(h) For the purpose of section 303, the Federal estate tax or any other estate, inheritance, legacy, or succession tax shall be ascertained after the allowance of any credit, relief, discount, refund, remission or reduction of tax.

§ 1.303–3 *Application of other sections.* (a) The sole effect of section 303 is to exempt from tax as a dividend a distribution to which such section is applicable when made in redemption of stock includible in a decedent's gross estate. Such section does not, however, in any other manner affect the principles set forth in sections 302 and 306. Thus, if stock of a corporation is owned equally by A, B, and the C Estate, and the corporation redeems one-half of the stock of each shareholder, the determination of whether the distributions to A and B are essentially equivalent to dividends shall be made without regard to the effect which section 303 may have upon the taxability of the distribution to the C Estate.

(b) See section 304 relative to redemption of stock through the use of related corporations.

§ 1.304 *Statutory provisions; redemption through use of related corporations.*

SEC. 304. *Redemption through use of related corporations*—(a) *Treatment of certain stock purchases*—(1) *Acquisition by related corporation (other than subsidiary).* For purposes of sections 302 and 303, if—

(A) One or more persons are in control of each of two corporations, and

(B) In return for property, one of the corporations acquires stock in the other corporation from the person (or persons) so in control,

then (unless paragraph (2) applies) such property shall be treated as a distribution in redemption of the stock of the corporation acquiring such stock. In any such case, the stock so acquired shall be treated as having been transferred by the person from whom acquired, and as having been received by the corporation acquiring it, as a contribution to the capital of such corporation.

(2) *Acquisition by subsidiary.* For purposes of sections 302 and 303, if—

(A) In return for property, one corporation acquires from a shareholder of another corporation stock in such other corporation, and

(B) The issuing corporation controls the acquiring corporation,

then such property shall be treated as a distribution in redemption of the stock of the issuing corporation.

(b) *Special rules for application of subsection* (a)—(1) *Rule for determinations under section 302* (b). In the case of any acquisition of stock to which subsection (a) of this section applies, determinations as to whether the acquisition is, by reason of section 302 (b), to be treated as a dis-

tribution in part or full payment in exchange for the stock shall be made by reference to the stock of the issuing corporation. In applying section 318 (a) (relating to constructive ownership of stock) with respect to section 302 (b) for purposes of this paragraph, section 318 (a) (2) (C) shall be applied without regard to the 50 percent limitation contained therein.

(2) *Amount constituting dividend*—(A) *Where subsection (a) (1) applies.* In the case of any acquisition of stock to which paragraph (1) (and not paragraph (2)) of subsection (a) of this section applies, the determination of the amount which is a dividend shall be made solely by reference to the earnings and profits of the acquiring corporation.

(B) *Where subsection (a) (2) applies.* In the case of any acquisition of stock to which subsection (a) (2) of this section applies, the determination of the amount which is a dividend shall be made as if the property were distributed by the acquiring corporation to the issuing corporation and immediately thereafter distributed by the issuing corporation.

(c) *Control*—(1) *In general.* For purposes of this section, control means the ownership of stock possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote, or at least 50 percent of the total value of shares of all classes of stock. If a person (or persons) is in control (within the meaning of the preceding sentence) of a corporation which in turn owns at least 50 percent of the total combined voting power of all stock entitled to vote of another corporation, or owns at least 50 percent of the total value of the shares of all classes of stock of another corporation, then such person (or persons) shall be treated as in control of such other corporation.

(2) *Constructive ownership.* Section 318 (a) (relating to the constructive ownership of stock) shall apply for purposes of determining control under paragraph (1). For purposes of the preceding sentence, section 318 (a) (2) (C) shall be applied without regard to the 50 percent limitation contained therein.

§ 1.304–1 *General.* Section 304 is applicable where a shareholder sells stock of one corporation to a related corporation as defined in section 304. Such sales shall be treated as redemptions subject to sections 302 and 303.

§ 1.304–2 *Acquisition by related corporation (other than subsidiary).* (a) If a corporation, in return for property, acquires stock of another corporation from one or more persons and the person or persons from whom the stock was acquired were in control of both such corporations before the acquisition, then such property shall be treated as received in redemption of stock of the acquiring corporation. The stock received by the acquiring corporation shall be treated as a contribution to the capital of such corporation and shall have the same basis in its hands as it had in the hands of the transferor. The transferor's basis for his stock in the acquiring corporation shall be increased by the basis of stock surrendered by him. (But see below for subsequent reductions of basis in certain cases. As to each person transferring stock, the amount received shall be treated as a distribution of property under section 302 (d), unless as to such person such amount is to be treated as received in exchange for the stock under the terms of section 302 (a) or section 303. In applying section 302 (b), reference shall be had to the shareholder's ownership of stock in the issuing corporation and not to his ownership of stock in the acquiring corporation (except for purposes of applying section 318 (a)). In determining control and applying section 302 (b), section 318 (a) (relating to the constructive ownership of stock) shall be applied without regard to the 50 percent limitation in section 318 (a) (2) (C). A series of redemptions referred to in section 302 (b) (2) (D) shall include acquisitions by either of the corporations of stock of the other and stock redemptions by both corporations. If section 302 (d) applies to the surrender of stock by a shareholder, his basis for his stock in the acquiring corporation after the transaction (increased as above stated) shall not be decreased except as provided in section 301. If section 302 (d) does not apply, the property received shall be treated as received in a distribution in payment in exchange for stock of the acquiring corporation under section 302 (a), which stock has a basis equal to the amount by which the shareholder's basis for his stock in the acquiring corporation was increased on account of the contribution to capital as provided for above. Accordingly, such amount shall be applied in reduction of the shareholder's basis for his stock in the acquiring corporation. Thus, the basis of each share of the shareholder's stock in the acquiring corporation will be the same as the basis of such share before the entire transaction. The holding period of the stock which is considered to have been redeemed shall be the same as the holding period of the stock actually surrendered.

(b) In any case in which two or more persons, in the aggregate, control two corporations, section 304 (a) (1) will apply to sales by such persons of stock in either corporation to the other (whether or not made simultaneously) provided the sales by each of such persons are related to each other. The determination of whether the sales are related to each other shall be dependent upon the facts and circumstances surrounding all of the sales. For this purpose, the fact that the sales may occur during a period of one or more years (such as in the case of a series of sales by persons who together control each of such corporations immediately prior to the first of such sales and immediately subsequent to the last of such sales) shall be disregarded, provided the other facts and circumstances indicate related transactions.

(c) The application of section 304 (a) (1) may be illustrated by the following examples:

Example (1). Corporation X and Corporation Y each have outstanding 100 shares of common stock. One-half of the stock of each corporation is owned by an individual, A, and one-half by another individual, B, who is unrelated to A. A sells 40 shares of Corporation X stock to Corporation Y for $50,000, such stock having an adjusted basis of $10,000 to A. After the sale, A is considered as owning Corporation X stock as follows:

(i) 10 shares directly.

(ii) 45 shares constructively since by virtue of his 50 percent ownership of Y, he constructively owns 50 percent of the 40 shares owned directly by Corporation Y, and 50 percent of the 50 shares attributed to Corporation Y because they are owned by Y's stockholder, B.

Since after the sale A owns a total of more than 50 percent of the voting power of all the outstanding stock of Corporation X, the transfer is not "substantially disproportionate" as to him as provided in section 302 (b) (2). Under these facts, section 302 (b) (1) is not applicable and the entire $50,000 is, therefore, treated as a dividend to A to the extent of the earnings and profits of Corporation Y. The basis of the Corporation X stock to Corporation Y is $10,000, its adjusted basis to A. The amount of $10,000 is added to the basis of the stock of Corporation Y in the hands of A.

Example (2). Corporation X and Corporation Y each have outstanding 100 shares of common stock. A, an individual, owns one-half the stock of each corporation, B owns one-half the stock of Corporation X, and C owns one-half the stock of Corporation Y. A, B, and C are unrelated. A sells 30 shares of the stock of Corporation X to Corporation Y for $50,000, such stock having an adjusted basis of $10,000 to him. After the sale, A is considered as owning 35 shares of the stock of Corporation X (20 shares directly and 15 constructively because one-half of the 30 shares owned by Corporation Y are attributed to him). Since before the sale, he owned 50 percent of the stock of Corporation X and after the sale he owned directly and constructively only 35 percent of such stock, the redemption is substantially disproportionate as to him pursuant to the provisions of section 302 (b) (2). He, therefore, realizes a gain of $40,000 ($50,000 minus $10,000). If the stock surrendered is a capital asset, such gain is long-term or short-term capital gain depending on the period of time that such stock was held. The basis to A for the stock of Corporation Y is not changed as a result of the entire transaction. The basis to Corporation Y for the stock of Corporation X is $10,000, the basis of the transferor.

Example (3). Corporation X and Corporation Y each have outstanding 100 shares of common stock. H, an individual, W, his wife, S, his son, and G, his grandson, each own 25 shares of stock of each corporation. H sells all of his 25 shares of stock of Corporation X to Corporation Y. Since both before and after the transaction H owned directly and constructively 100 percent of the stock of Corporation X, the amount received by him for his stock of Corporation X is treated as a dividend to him to the extent of the earnings and profits of Corporation Y.

§ 1.304–3 *Acquisition by a subsidiary.* (a) If a subsidiary acquires stock of its parent corporation from a shareholder of the parent corporation, the acquisition of such stock shall be treated as though the parent corporation had redeemed its own stock. For the purpose of this section, a corporation is a parent corporation if it meets the 50 percent ownership requirements of section 304 (c). The determination whether the amount received shall be treated as an amount received in payment in exchange for the stock shall be made by applying section 303, or by applying section 302 (b) with reference to the stock of the issuing parent corporation. If such distribution would have been treated as a distribution of property (pursuant to section 302 (d)) under section 301, the entire amount of the selling price of the stock shall be treated as a dividend to the seller to the extent

of the earnings and profits of the parent corporation determined as if the distribution had been made to it of the property that the subsidiary exchanged for the stock. In such cases, the transferor's basis for his remaining stock in the parent corporation will be determined by including the amount of the basis of the stock of the parent corporation sold to the subsidiary.

(b) Section 304 (a) (2) may be illustrated by the following example:

Example. Corporation M has outstanding 100 shares of common stock which are owned as follows: B, 75 shares, C, son of B, 20 shares, and D, daughter of B, 5 shares. Corporation M owns the stock of Corporation X. B sells his 75 shares of Corporation M stock to Corporation X. Under section 302 (b) (3) this is a termination of B's entire interest in Corporation M and the full amount received from the sale of his stock will be treated as payment in exchange for this stock, provided he fulfills the requirements of section 302 (c) (2) (relating to an acquisition of an interest in the corporations).

§ 1.305 *Statutory provisions; distributions of stock and stock rights.*

SEC. 305. *Distributions of stock and stock rights*—(a) *General rule.* Except as provided in subsection (b), gross income does not include the amount of any distribution made by a corporation to its shareholders, with respect to the stock of such corporation, in its stock or in rights to acquire its stock.

(b) *Distributions in lieu of money.* Subsection (a) shall not apply to a distribution by a corporation of its stock (or rights to acquire its stock), and the distribution shall be treated as a distribution of property to which section 301 applies—

(1) To the extent that the distribution is made in discharge of preference dividends for the taxable year of the corporation in which the distribution is made or for the preceding taxable year; or

(2) If the distribution is, at the election of any of the shareholders (whether exercised before or after the declaration thereof), payable either—

(A) In its stock (or in rights to acquire its stock), or

(B) In property.

(c) *Cross references.* For special rules—

(1) Relating to the receipt of stock and stock rights in corporate organizations and reorganizations, see part III (sec. 351 and following).

(2) In the case of a distribution which results in a gift, see section 2501 and following.

(3) In the case of a distribution which has the effect of the payment of compensation, see section 61 (a) (1).

§ 1.305–1 *Stock dividends.* Under section 305, a distribution made by a corporation to its shareholders in its stock or in rights to acquire its stock shall not be included in gross income except as provided in section 305 (b). If the distribution of stock or rights to acquire stock is received in discharge of preference dividends, to the extent that such distribution is not taxable pursuant to section 305, such stock, whether or not preferred stock, or such rights may be section 306 stock within the meaning of section 306 (c). A distribution made by a corporation to its shareholders in its stock or rights to acquire its stock which would not otherwise be included in gross income by reason of section 305 shall not be so treated merely because such distribution was made out of treasury stock or consisted of rights to acquire treasury stock. A right to acquire stock is an option to buy unissued or treasury stock of the corporation issuing the right. See section 307 for rules as to basis of stock and stock rights acquired in a distribution.

§ 1.305–2 *Election of shareholders as to medium of payment.* (a) If any shareholder has the right to an election or option with respect to whether a distribution shall be made either in money or any other property, or in stock or rights to acquire stock of the distributing corporation, then, with respect to all shareholders, the distribution of stock or rights to acquire stock shall be considered as a distribution of property to which section 301 applies regardless of—

(1) Whether the distribution is actually made in whole or in part in stock or in stock rights;

(2) Whether the election or option is exercised or exercisable before or after the declaration of the distribution;

(3) Whether the declaration of the dividend provides that payment will be made in one medium unless the shareholder specifically requests payment in the other; or

(4) Whether all or part of the shareholders have the election.

(b) The application of the above rule may be illustrated by the following example:

Example. Corporation X declared a dividend payable in additional shares of its common stock to the holders of its outstanding common stock on the basis of two additional shares for each share held on the record date but with the provision that, at the election of any shareholder made within a specified period prior to the distribution date, he may receive one additional share for each share held on the record date plus $12 principal amount of securities of Corporation Y owned by Corporation X. The fair market value of the stock of Corporation X on the distribution date was $10 per share. The fair market value of $12 principal amount of securities of Corporation Y on the distribution date was $11 but such securities had a cost basis to Corporation X of $9. The distribution of the second share of stock of Corporation X to those shareholders who do not elect to receive securities of Corporation Y will constitute a distribution of property to which section 301 applies whether such shareholders are individuals or corporations. The amount of the distribution to which section 301 applies will be $10 per share of stock of Corporation X held on the record date (the fair market value of the stock of Corporation X on the distribution date). The distribution of securities of Corporation X in lieu of the second share of stock of Corporation X to the shareholders of Corporation X, whether individuals or corporations, who elect to receive such securities, will also constitute a distribution of property to which section 301 applies. Thus, in the case of the individual shareholders of Corporation X who elect to receive such securities, the amount of the distribution to which section 301 applies will be $11 per share of stock of Corporation X held on the record date (the fair market value of the $12 principal amount of securities of Corporation Y on the distribution date). In the case of the corporate shareholders of Corporation X electing to receive such securities, the amount of the distribution to which section 301 applies will be $9 per share of stock of Corporation X held on the record date (the basis of the securities of Corporation Y in the hands of Corporation X). The receipt by either an individual or corporate shareholder of the one additional share of stock of Corporation X (with respect to which no election applies) for each share held will not result in a distribution of property to such shareholder to which section 301 is applicable.

§ 1.305–3 *Distributions in discharge of preference dividends.* A distribution made by a corporation to its shareholders in its stock or in rights to acquire its stock shall be treated as a distribution of property to which section 301 applies to the extent that the distribution is made in discharge of preference dividends for the taxable year of the corporation in which the distribution is made made or for the preceding taxable year.

§ 1.306 *Statutory provisions; dispositions of certain stock.*

SEC. 306. *Dispositions of certain stock*—(a) *General rule.* If a shareholder sells or otherwise disposes of section 306 stock (as defined in subsection (c))—

(1) *Dispositions other than redemptions.* If such disposition is not a redemption (within the meaning of section 317 (b))—

(A) The amount realized shall be treated as gain from the sale of property which is not a capital asset. This subparagraph shall not apply to the extent that—

(i) The amount realized, exceeds

(ii) Such stock's ratable share of the amount which would have been a dividend at the time of distribution if (in lieu of section 306 stock) the corporation had distributed money in an amount equal to the fair market value of the stock at the time of distribution.

(B) Any excess of the amount realized over the sum of—

(i) The amount treated under subparagraph (A) as gain from the sale of property which is not a capital asset, plus

(ii) The adjusted basis of the stock,

shall be treated as gain from the sale of such stock.

(C) No loss shall be recognized.

(2) *Redemption.* If the disposition is a redemption, the amount realized shall be treated as a distribution of property to which section 301 applies.

(b) *Exceptions.* Subsection (a) shall not apply—

(1) *Termination of shareholder's interest*—(A) *Not in redemption.* If the disposition—

(i) Is not a redemption;

(ii) Is not, directly or indirectly, to a person the ownership of whose stock would (under section 318 (a)) be attributable to the shareholder; and

(iii) Terminates the entire stock interest of the shareholder in the corporation (and for purposes of this clause, section 318 (a) shall apply).

(B) *In redemption.* If the disposition is a redemption and section 302 (b) (3) applies.

(2) *Liquidations.* If the section 306 stock is redeemed in a distribution in partial or complete liquidation to which part II (sec. 331 and following) applies.

(3) *Where gain or loss is not recognized.* To the extent that, under any provision of this subtitle, gain or loss to the shareholder is not recognized with respect to the disposition of the section 306 stock.

(4) *Transactions not in avoidance.* If it is established to the satisfaction of the Secretary or his delegate—

(A) That the distribution, and the disposition or redemption, or

(B) In the case of a prior or simultaneous disposition (or redemption) of the stock with respect to which the section 306 stock disposed of (or redeemed) was issued, that the disposition (or redemption) of the section 306 stock,

was not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income tax.

(c) *Section 306 stock defined*—(1) *In general.* For purposes of this subchapter, the term "section 306 stock" means stock which meets the requirements of subparagraph (A), (B), or (C) of this paragraph.

(A) *Distributed to seller.* Stock (other than common stock issued with respect to common stock) which was distributed to the shareholder selling or otherwise disposing of such stock if, by reason of section 305 (a), any part of such distribution was not includible in the gross income of the shareholder.

(B) *Received in a corporate reorganization or separation.* Stock which is not common stock and—

(i) Which was received, by the shareholder selling or otherwise disposing of such stock, in pursuance of a plan of reorganization (within the meaning of section 368 (a)), or in a distribution or exchange to which section 355 (or so much of section 356 as relates to section 355) applied, and

(ii) With respect to the receipt of which gain or loss to the shareholder was to any extent not recognized by reason of part III, but only to the extent that either the effect of the transaction was substantially the same as the receipt of a stock dividend, or the stock was received in exchange for section 306 stock.

For purposes of this section, a receipt of stock to which the foregoing provisions of this subparagraph apply shall be treated as a distribution of stock.

(C) *Stock having transferred or substituted basis.* Except as otherwise provided in subparagraph (B), stock the basis of which (in the hands of the shareholder selling or otherwise disposing of such stock) is determined by reference to the basis (in the hands of such shareholder or any other person) of section 306 stock.

(2) *Exception where no earnings and profits.* For purposes of this section, the term "section 306 stock" does not include any stock no part of the distribution of which would have been a dividend at the time of the distribution if money had been distributed in lieu of the stock.

(d) *Stock rights.* For purposes of this section—

(1) Stock rights shall be treated as stock, and

(2) Stock acquired through the exercise of stock rights shall be treated as stock distributed at the time of the distribution of the stock rights, to the extent of the fair market value of such rights at the time of the distribution.

(e) *Convertible stock.* For purposes of subsection (c)—

(1) If section 306 stock was issued with respect to common stock and later such section 306 stock is exchanged for common stock in the same corporation (whether or not such exchange is pursuant to a conversion privilege contained in the section 306 stock), then (except as provided in paragraph (2)) the common stock so received shall not be treated as section 306 stock; and

(2) Common stock with respect to which there is a privilege of converting into stock other than common stock (or into property), whether or not the conversion privilege is contained in such stock, shall not be treated as common stock.

(f) *Source of gain.* The amount treated under subsection (a) (1) (A) as gain from the sale of property which is not a capital asset shall, for purposes of part I of subchapter N (sec. 861 and following, relating to determination of sources of income), be treated as derived from the same source as would have been the source if money had been received from the corporation as a dividend at the time of the distribution of such stock. If under the preceding sentence such amount is determined to be derived from sources within the United States, such amount shall be considered to be fixed or determinable annual or periodical gains, profits, and income within the meaning of section 871 (a) or section 881 (a), as the case may be.

(g) *Change in terms and conditions of stock.* If a substantial change is made in the terms and conditions of any stock, then, for purposes of this section—

(1) The fair market value of such stock shall be the fair market value at the time of the distribution or at the time of such change, whichever such value is higher;

(2) Such stock's ratable share of the amount which would have been a dividend if money had been distributed in lieu of stock shall be determined as of the time of distribution or as of the time of such change, whichever such ratable share is higher; and

(3) Subsection (c) (2) shall not apply unless the stock meets the requirements of such subsection both at the time of such distribution and at the time of such change.

(h) *Stock received in distributions and reorganizations to which 1939 Code applied.* If stock—

(1) Was received in a distribution or reorganization to which the Internal Revenue Code of 1939 (or the corresponding provisions of prior law) applied,

(2) Such stock would have been section 306 stock if this Code applied to such distribution or reorganization, and

(3) Such stock is disposed of or redeemed on or after June 22, 1954,

then the foregoing subsections of this section shall not apply in respect of such disposition or redemption. The extent to which such disposition or redemption shall be treated as a dividend shall be determined as if the Internal Revenue Code of 1939 (as modified by the provisions of this Code other than the foregoing subsections of this section) continued to apply in respect of such disposition or redemption.

§ 1.306–1 *General.* (a) Section 306 provides, in general, that the proceeds from the sale or redemption of certain stock (referred to as "section 306 stock") shall be treated either as gain from the sale of property which is not a capital asset, or as a distribution of property to which section 301 applies. Section 306 stock is defined in section 306 (c) and is usually preferred stock received either as a nontaxable dividend or in a transaction in which no gain or loss is recognized. Section 306 (b) lists certain circumstances in which the special rules of section 306 (a) shall not apply.

(b) (1) If a shareholder sells or otherwise disposes of section 306 stock (other than by redemption or within the exceptions listed in section 306 (b)), the entire proceeds received from such disposition shall be treated as gain from the sale of property not a capital asset to the extent that the fair market value of the stock sold, on the date distributed to the shareholder, would have been a dividend to such shareholder had the distributing corporation distributed cash in lieu of stock. Any excess of the amount received over the sum of the amount treated as ordinary income plus the adjusted basis of the stock disposed of, shall be treated as gain from the sale of a capital asset or noncapital asset as the case may be. No loss shall be recognized. While the amount of earnings and profits at the time of the distribution is one of the measures of the amount to be treated as ordinary income, no reduction of earnings and profits results from any disposition of stock other than a redemption. The term "disposition" under section 306 (a) (1) includes, among other things, pledges of stock under certain circumstances, particularly where the pledgee can look only to the stock itself as its security.

(2) Section 306 (a) (1) may be illustrated by the following examples:

Example (1). On December 15, 1954, A and B owned equally all of the stock of Corporation X which files its income tax return on a calendar year basis. On that date Corporation X distributed pro rata 100 shares of preferred stock as a dividend on its outstanding common stock. On December 15, 1954, the preferred stock had a fair market value of $10,000. On December 31, 1954, the earnings and profits of Corporation X were $20,000. The 50 shares of preferred stock so distributed to A had an allocated basis to him of $10 per share or a total of $500 for the 50 shares. Such shares had a fair market value of $5,000 when issued. A sold the 50 shares of preferred stock on July 1, 1955, for $6,000. Of this amount $5,000 will be treated as gain from the sale of property which is not a capital asset; $500 ($6,000 minus $5,500) will be treated as gain from the sale of a capital or noncapital asset as the case may be.

Example (2). The facts are the same as in Example 1 except that A sold his 50 shares of preferred stock for $5,100. Of this amount $5,000 will be treated as gain from the sale of property which is not a capital asset. No loss will be allowed. There will be added back to the basis of the common stock of Corporation X with respect to which the preferred stock was distributed, $400, the allocated basis of $500 reduced by the $100 received.

Example (3). The facts are the same as in example 1 except that A sold 25 of his shares of preferred stock for $2,600. Of this amount $2,500 will be treated as gain from the sale of property which is not a capital asset. No loss will be allowed. There will be added back to the basis of the common stock of Corporation X with respect to which the preferred stock was distributed, $400, the allocated basis of $500 reduced by the $100 received.

(c) The entire amount received by a shareholder from the redemption of section 306 stock shall be treated as a distribution of property under section 301. In the case of a redemption, the amount of the earnings and profits of the distributing corporation at the time the section 306 stock was distributed is immaterial. See also section 303 (relating to distribution in redemption of stock to pay death taxes).

§ 1.306–2 *Exception.* (a) If a shareholder terminates his entire stock interest in a corporation,

(1) By a sale or other disposition within the requirements of section 306 (b) (1) (A), or

(2) By redemption under section 302 (b) (3), (through the application of section 306 (b) (1) (B)),

the amount received from such disposition shall be treated as an amount received in part or full payment for the stock sold or redeemed. In the case of a sale, only the stock interest need be terminated. In determining whether an entire stock interest has been terminated under section 306 (b) (1) (A), all of the provisions of section 318 (a) (relating to constructive ownership of

stock) shall be applicable. In determining whether a shareholder has terminated his entire interest in a corporation by a redemption of his stock under section 302 (b) (3), all of the provisions of section 318 (a) shall be applicable unless the shareholder meets the requirements of section 302 (c) (2) (relating to termination of all interest in the corporation). If the requirements of section 302 (c) (2) are met, section 318 (a) (1) (relating to members of a family) shall be inapplicable. Under all circumstances paragraphs (2), (3), and (4) of section 318 (a) shall be applicable.

(b) Section 306 (a) does not apply to—

(1) Redemptions of section 306 stock pursuant to a partial or complete liquidation of a corporation to which part II (section 331 and following) applies.

(2) Exchanges of section 306 stock solely for stock in connection with a reorganization or in an exchange under section 351, 355, or section 1036 (relating to exchanges of stock for stock in the same corporation) to the extent that gain or loss is not recognized to the shareholder as the result of the exchange of the stock (see § 1.306–3 (d) relative to the receipt of other property), and

(3) A disposition or redemption, if it is established to the satisfaction of the Commissioner that the distribution, and the disposition or redemption, was not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income tax. However, in the case of a prior or simultaneous disposition (or redemption) of the stock with respect to which the section 306 stock disposed of (or redeemed) was issued, it is not necessary to establish that the distribution was not in pursuance of such a plan. For example, in the absence of such a plan and of any other facts, the first sentence of this subparagraph would be applicable to the case of dividends and isolated dispositions of section 306 stock by minority shareholders. Similarly, in the absence of such a plan and of any other facts, if a shareholder received a distribution of 100 shares of section 306 stock on his holdings of 100 shares of voting common stock in a corporation and sells his voting common stock before he disposes of his section 306 stock, the subsequent disposition of his section 306 stock would not ordinarily be considered a disposition one of the principal purposes of which is the avoidance of Federal income tax.

§ 1.306–3 *Section 306 stock defined.* (a) For the purpose of Subchapter C the term "section 306 stock" means stock which meets the requirements of section 306 (c) (1). Any class of stock distributed to a shareholder in a transaction in which no amount is includible in the income of the shareholder or no gain or loss is recognized may be section 306 stock, provided the distributing corporation has earnings and profits at the time of distribution and for this purpose the total amount of the earnings and profits is immaterial. However, except as provided in section 306 (g), if the distributing corporation has no earnings and profits at the time of distribution, pursuant to section 306 (c) (2), the stock distributed will not constitute section 306 stock.

(b) For the purpose of section 306, rights to acquire stock shall be treated as stock. Such rights shall not be section 306 stock if no part of the distribution would have been a dividend if money had been distributed in lieu of such rights. If money distributed in lieu of such rights would have been a dividend, the amount referred to in section 306 (a) (1) (A) (ii) shall be determined as of the time of the distribution of such rights. When stock is acquired by the exercise of rights which are section 306 stock, the stock acquired is section 306 stock, and the amount referred to in section 306 (a) (1) (A) (ii) is determined by reference to the date of distribution of the rights.

(c) Section 306 (c) (1) (A) provides that section 306 stock is any stock (other than common issued with respect to common) distributed to the shareholder selling or otherwise disposing thereof if, under section 305 (a) (relating to distributions of stock and stock rights) any part of the distribution was not included in the gross income of the distributee. Common stock received as a stock dividend will not be considered as section 306 stock unless such dividend is (1) distributed with respect to stock which is not common stock, and (2) is not taxable upon receipt. For example, common stock distributed in payment of arrearages on preferred stock dividends may be section 306 stock unless the common stock is taxable under section 305 (b) (1). Thus, where part of the distribution is in payment of the dividends for the current and preceding year on preferred stock and part of the distribution relates to arrearages of such stock, only that part of the distribution applying to arrearages will be treated as section 306 stock. For example, if 100 shares of common stock are distributed in payment of all dividends due on preferred stock which relates to arrearages on such stock, applying to the current and immediately preceding year's dividends and nine-tenths to arrearages, only nine-tenths of each share may be section 306 stock.

(d) Section 306 (c) (1) (B) includes in the definition of section 306 stock any stock except common stock, which is received by a shareholder in connection with a reorganization under section 368 or in a distribution or exchange under section 355 (or so much of section 356 as relates to section 355) provided the effect of the transaction is substantially the same as the receipt of a stock dividend, or the stock is received in exchange for section 306 stock. If, in a transaction to which section 356 is applicable, a shareholder exchanges section 306 stock for stock and money or other property, the entire amount of such money and of the fair market value of the other property (not limited to the gain recognized) shall be treated as a distribution of property to which section 301 applies. Common stock received in exchange for section 306 stock in a recapitalization shall not be considered section 306 stock. Ordinarily, section 306 stock includes stock which is not common stock received in pursuance of a plan of reorganization (within the meaning of section 368 (a)) or received in a distribution or exchange to which section 355 (or so much of section 356 as relates to section 355) applies if cash received in lieu of such stock would have been treated as a dividend under section 356 (a) (2) or would have been treated as a distribution to which section 301 applies by virtue of section 356 (b) or section 302 (d). The application of the preceding sentence is illustrated by the following examples:

Example (1). Corporation A, having only common stock outstanding, is merged in a statutory merger (qualifying as a reorganization under section 368 (a)) with Corporation B. Pursuant to such merger, the shareholders of Corporation A received both common and preferred stock in Corporation B. The preferred stock received by such shareholders is section 306 stock.

Example (2). X and Y each own one-half of the 2,000 outstanding shares of preferred stock and one-half of the 2,000 outstanding shares of common stock of Corporation C. Pursuant to a reorganization within the meaning of section 368 (a) (1) (E) (recapitalization) each shareholder exchanges his preferred stock for preferred stock of a new issue which is not substantially different from the preferred stock previously held. Unless the preferred stock exchanged was itself section 306 stock the preferred stock received is not section 306 stock.

(e) Section 306 (c) (1) (C) includes in the definition of section 306 stock any stock (except as provided in section 306 (c) (1) (B)) the basis of which in the hands of the person disposing of such stock, is determined by reference to section 306 stock held by such shareholder or any other person. Under this subparagraph common stock can be section 306 stock. Thus, if a person owning section 306 stock in Corporation A transfers it to Corporation B which is controlled by him in exchange for common stock of Corporation B in a transaction to which section 351 is applicable, the common stock so received by him would be section 306 stock and subject to the provisions of section 306 (a) on its disposition. In addition, the section 306 stock transferred is section 306 stock in the hands of Corporation B, the transferee. Section 306 stock transferred by gift remains section 306 stock in the hands of the donee. Stock received in exchange for section 306 stock under section 1036 (a) (relating to exchange of stock for stock in the same corporation) or under so much of section 1031 (b) as relates to section 1036 (a) becomes section 306 stock and acquires, for purposes of section 306, the characteristics of the section 306 stock exchanged. The entire amount of the fair market value of the other property received in such transaction shall be considered as received upon a disposition (other than a redemption) to which section 306 (a) applies. Section 306 stock ceases to be so classified if the basis of such stock is determined by reference to its fair market value on the date of the decedent-stockholder's death or the optional valuation date under section 1014.

(f) If section 306 stock which was distributed with respect to common stock, is exchanged for common stock in the same corporation (whether or not such exchange is pursuant to a conversion privilege contained in section 306 stock), such common stock shall not be section 306

stock. This subparagraph applies to exchanges not coming within the purview of section 306 (c) (1) (B). Common stock which is convertible into stock other than common stock or into property, shall not be considered common stock. It is immaterial whether the conversion privilege is contained in the stock or in some type of collateral agreement.

(g) If there is a substantial change in the terms and conditions of any stock, then, for the purpose of this section—

(1) The fair market value of such stock shall be the fair market value at the time of distribution or the fair market value at the time of such change, whichever is higher;

(2) Such stock's ratable share of the amount which would have been a dividend if money had been distributed in lieu of stock shall be determined as of the time of distribution or as of the time of such change, whichever ratable share is higher; and

(3) Section 306 (c) (2) shall be inapplicable if there would have been a dividend to any extent if money had been distributed in lieu of the stock either at the time of the distribution or at the time of such change.

(h) When section 306 stock is disposed of, the amount treated under section 306 (a) (1) (A) as gain from the sale of property which is not a capital asset will, for the purposes of Part I of Subchapter N, be treated as derived from the same source as would have been the source if money had been received from the corporation as a dividend at the time of the distribution of such stock. If the amount is determined to be derived from sources within the United States, the amount shall be considered to be fixed or determinable annual or periodic gains, profits, and income within the meaning of section 871 (a) or section 881 (a), relating, respectively, to the tax on nonresident alien individuals and on foreign corporations not engaged in business in the United States.

(i) Section 306 shall be inapplicable to stock received before June 22, 1954, and to stock received on or after June 22, 1954, in transactions subject to the provisions of the 1939 Code. See § 1.391–1.

§ 1.307 *Statutory provisions; basis of stock and stock rights acquired in distribution.*

SEC. 307. *Basis of stock and stock rights acquired in distribution*—(a) *General rule.* If a shareholder in a corporation receives its stock or rights to acquire its stock (referred to in this subsection as "new stock") in a distribution to which section 305 (a) applies, then the basis of such new stock and of the stock with respect to which it is distributed (referred to in this section as "old stock"), respectively, shall, in the shareholder's hands, be determined by allocating between the old stock and the new stock the adjusted basis of the old stock. Such allocation shall be made under regulations prescribed by the Secretary or his delegate.

(b) *Exception for certain stock rights*—(1) *In general.* If—

(A) A corporation distributes rights to acquire its stock to a shareholder in a distribution to which section 305 (a) applies, and

(B) The fair market value of such rights at the time of the distribution is less than 15 percent of the fair market value of the old stock at such time,

then subsection (a) shall not apply and the basis of such rights shall be zero, unless the taxpayer elects under paragraph (2) of this subsection to determine the basis of the old stock and of the stock rights under the method of allocation provided in subsection (a).

(2) *Election.* The election referred to in paragraph (1) shall be made in the return filed within the time prescribed by law (including extensions thereof) for the taxable year in which such rights were received. Such election shall be made in such manner as the Secretary or his delegate may by regulations prescribe, and shall be irrevocable when made.

(c) *Cross Reference.* For basis of stock and stock rights distributed before June 22, 1954, see section 1052.

§ 1.307–1 *General.* (a) If a shareholder receives stock or stock rights as a distribution on stock previously held and under section 305 such distribution is not includible in gross income then, except as provided in section 307 (b) and § 1.307–2, the basis of the stock with respect to which the distribution was made shall be allocated between the old and new stocks or rights in proportion to the fair market values of each on the date of distribution. If a shareholder receives stock or stock rights as a distribution on stock previously held and pursuant to section 305 part of the distribution is not includible in gross income, then (except as provided in section 307 (b) and § 1.307–2) the basis of the stock with respect to which the distribution is made shall be allocated between (1) the old stock and (2) that part of the new stock or rights which is not includible in gross income, in proportion to the fair market values of each on the date of distribution. The date of distribution in each case shall be the date the stock or the rights are distributed to the stockholder and not the record date. The general rule will apply with respect to stock rights only if such rights are exercised or sold.

(b) The application of paragraph (a) of this section is illustrated by the following example:

Example. A taxpayer in 1947 purchased 100 shares of common stock at $100 per share and in 1954 by reason of the ownership of such stock acquired 100 rights entitling him to subscribe to 100 additional shares of such stock at $90 a share. Immediately after the issuance of the rights, each of the shares of stock in respect of which the rights were acquired had a fair market value, ex-rights, of $110 and the rights had a fair market value of $19 each. The basis of the rights and the common stock for the purpose of determining the basis for gain or loss on a subsequent sale or exercise of the rights or a sale of the old stock is computed as follows:

100 (shares) × $100 = $10,000, cost of old stock (stock in respect of which the rights were acquired).

100 (shares) × $110 = $11,000, market value of old stock.

100 (rights) × $19 = $1,900, market value of rights.

$\frac{11,000}{12,900}$ of $10,000 = $8,527.13, cost of old stock apportioned to such stock.

$\frac{1,900}{12,900}$ of $10,000 = $1,472.87, cost of old stock apportioned to rights.

If the rights are sold, the basis for determining gain or loss will be $14.7287 per right. If the rights are exercised, the basis of the new stock acquired will be the subscription price paid therefor ($90) plus the basis of the rights exercised ($14.7287 each) or $104.7287 per share. The remaining basis of the old stock for the purpose of determining gain or loss on a subsequent sale will be $85.2713 per share.

§ 1.307–2 *Exception.* The basis of rights to buy stock which are excluded from gross income under section 305 (a), shall be zero if the fair market value of such rights on the date of distribution is less than 15 percent of the fair market value of the old stock on that date, unless the shareholder elects to allocate part of the basis of the old stock to the rights as provided in § 1.307–1 (a). The election shall be made by a shareholder with respect to all the rights received by him in a particular distribution in respect of all the stock of the same class owned by him in the issuing corporation at the time of such distribution. Such election to allocate basis to rights shall be in the form of a statement attached to the shareholder's return for the year in which the rights are received. This election, once made, shall be irrevocable with respect to the rights for which the election was made. Any shareholder making such an election shall retain a copy of the election and of the tax return with which it was filed, in order to substantiate the use of an allocated basis upon a subsequent disposition of the stock acquired by exercise.

Effects on Corporation

§ 1.311 *Statutory provisions; taxability of corporations on distribution.*

SEC. 311. *Taxability of corporation on distribution*—(a) *General rule.* Except as provided in subsections (b) and (c) of this section and section 453 (d), no gain or loss shall be recognized to a corporation on the distribution, with respect to its stock, of—

(1) Its stock (or rights to acquire its stock), or

(2) Property.

(b) *LIFO inventory*—(1) *Recognition of gain.* If a corporation inventorying goods under the method provided in section 472 (relating to last-in, first-out inventories) distributes inventory assets (as defined in paragraph (2) (A)), then the amount (if any) by which—

(A) The inventory amount (as defined in paragraph (2) (B)) of such assets under a method authorized by section 471 (relating to general rule for inventories), exceeds

(B) The inventory amount of such assets under the method provided in section 472,

shall be treated as gain to the corporation recognized from the sale of such inventory assets.

(2) *Definitions.* For purposes of paragraph (1)—

(A) *Inventory assets.* The term "inventory assets" means stock in trade of the corporation, or other property of a kind which would properly be included in the inventory of the corporation if on hand at the close of the taxable year.

(B) *Inventory amount.* The term "inventory amount" means, in the case of inventory assets distributed during a taxable year, the amount of such inventory assets determined as if the taxable year closed at the time of such distribution.

(3) *Method of determining inventory amount.* For purposes of this subsection, the inventory amount of assets under a method authorized by section 471 shall be determined—

(A) If the corporation uses the retail method of valuing inventories under section 472, by using such method, or

(B) If subparagraph (A) does not apply, by using cost or market, whichever is lower.

(c) *Liability in excess of basis.* If—

(1) A corporation distributes property to a shareholder with respect to its stock,

(2) Such property is subject to a liability, or the shareholder assumes a liability of the corporation in connection with the distribution, and

(3) The amount of such liability exceeds the adjusted basis (in the hands of the distributing corporation) of such property,

then gain shall be recognized to the distributing corporation in an amount equal to such excess as if the property distributed had been sold at the time of the distribution. In the case of a distribution of property subject to a liability which is not assumed by the shareholder, the amount of gain to be recognized under the preceding sentence shall not exceed the excess, if any, of the fair market value of such property over its adjusted basis.

§ 1.311–1 *General.* (a) Except as provided in subsections (b) and (c) of section 311 and section 453 (d) (relating to installment obligations) no gain or loss is recognized to a corporation on the distribution, with respect to its stock, of stock, or rights to acquire its stock, or property (regardless of the fact that such property may have appreciated or depreciated in value since its acquisition by the corporation). However, the proceeds of the sale of property in form made by a shareholder receiving such property in kind from the corporation may be imputed to the corporation if, in fact, the corporation made the sale. Moreover, where property is distributed by a corporation, which distribution is in effect an anticipatory assignment of income, such income may be taxable to the corporation. The term "distributions with respect to its stock" includes distributions made in redemption of stock (other than distributions in complete or partial liquidations). See, however, paragraph (e) for distributions to which section 311 does not apply. For the rule respecting the taxation of a corporation making a distribution of property in partial or complete liquidation, see section 336.

(b) In any case in which a corporation distributes with respect to its stock assets which have been part of an inventory, the value of which has been computed for income tax purposes under the method provided in section 472 (relating to last-in, first-out inventories), such corporation shall—

(1) Compute the amount of its inventory under the method provided in section 472 immediately prior to the distribution and immediately after such distribution;

(2) Compute the difference between the two amounts described in (1) of this paragraph;

(3) Compute the amount of its inventory under the method authorized by section 471 (relating to general rule for inventories) immediately prior to the distribution and immediately after such distribution;

(4) Compute the difference between the two amounts determined under (3) of this paragraph.

If the amount computed under (4) of this paragraph is in excess of the amount computed under (2) of this paragraph, then such excess shall be included in the income of the corporation for the year in which such distribution occurs. In any case in which a corporation distributes assets which have been a part of an inventory whose value has been computed for income tax purposes under the method provided in section 472, such corporation shall on the date of distribution record a specific statement of the amount of its inventory under each of the applicable methods for use in the determination of the amount of income includible under section 311.

(c) The following example illustrates the application of section 311 (b):

Example. Corporation R, a manufacturing corporation inventorying goods under the method provided in section 472, distributes 200 units of its inventory assets to its shareholders on November 15, 1955. Immediately before the distribution, the corporation held 300 identical inventory units at the following basis determined by reference to the value computed by using the LIFO method and the value computed by using the FIFO method, in the order of acquisition:

Number of units	Basis LIFO	Number of units	Basis FIFO
a. 100	$1,000	100	$4,000
b. 100	2,000	50	2,500
c. 50	1,000	50	2,500
d. 50	2,000	100	6,000

The amount includible in income pursuant to section 311 (b) is $4,000 computed as follows:

(1) Inventory before distribution under FIFO method (a, b, c and d)	$15,000	
(2) Inventory under FIFO method immediately after distribution (d)	6,000	
(3) Difference (FIFO basis of inventory distributed)		$9,000
(4) Inventory before distribution under LIFO method (a, b, c and d)	$6,000	
(5) Inventory under LIFO method immediately after distribution (a)	1,000	
(6) Difference (LIFO basis of inventory distributed)		5,000
(7) Amount includible in income under section 311 (b)		4,000

(d) Section 311 (c) provides in general for the inclusion in the income of a corporation, on a distribution of property by such corporation to its shareholders, of an amount equal to the excess of a liability over the basis of the property distributed. Thus, section 311 (c) applies where the property distributed is subject to a liability or where the shareholder assumes a liability of the corporation in connection with the distribution. For example, if property which is a capital asset having an adjusted basis to the distributing corporation of $100 and a fair market value of $1,000 (but subject to a liability of $900) is distributed to a shareholder, such distribution is taxable (as long-term or short-term gain, as the case may be) to the corporation to the extent of the excess of the liability ($900) over the adjusted basis ($100) or $800. However, if in the preceding example the fair market value of the property distributed were $800, the amount taxable to the corporation is limited to the excess of the fair market value of the property ($800) over its adjusted basis ($100) or $700. If the property subject to a liability were not a capital asset in the hands of the distributing corporation, the gain would be taxable as gain from the sale of a noncapital asset. The holding period of assets so distributed shall be determined as if such property were sold on the date of the distribution.

(e) (1) Section 311 is limited to distributions which are made by reason of the corporation-stockholder relationship. Section 311 does not apply to transactions between a corporation and a shareholder in his capacity as debtor, creditor, employee, or vendee, where the fact that such debtor, creditor, employee, or vendee is a shareholder is incidental to the transaction. Thus, if the corporation receives its own stock as consideration upon the sale of property by it, or in satisfaction of indebtedness to it, the gain or loss resulting is to be computed in the same manner as though the payment had been made in any other property.

(2) The following examples illustrate the application of subparagraph (1):

Example (1). Corporation A has a claim against Corporation B for damages for loss of profits due to patent infringement. Corporation B satisfies such claim by surrendering shares of the stock of Corporation A to Corporation A. The fair market value of such stock is includible in the gross income of Corporation A.

Example (2). Corporation C, a corporation engaged in the manufacture and sale of automobiles, sells an automobile to individual X, and receives in payment therefor shares of the stock of Corporation C. The transaction will be treated in the same manner as if an amount of cash equal to the fair market value of such stock had been received by Corporation C.

§ 1.312 *Statutory provision; effect on earnings and profits.*

SEC. 312. *Effect on earnings and profits*—(a) *General rule.* Except as otherwise provided in this section, on the distribution of property by a corporation with respect to its stock, the earnings and profits of the corporation (to the extent thereof) shall be decreased by the sum of—

(1) The amount of money,

(2) The principal amount of the obligations of such corporation, and

(3) The adjusted basis of the other property,

so distributed.

(b) *Certain inventory assets*—(1) *In general.* On the distribution by a corporation, with respect to its stock, of inventory assets (as defined in paragraph (2) (A)) the fair market value of which exceeds the adjusted basis thereof, the earnings and profits of the corporation—

(A) Shall be increased by the amount of such excess; and

(B) Shall be decreased by whichever of the following is the lesser:

(i) The fair market value of the inventory assets distributed, or

(ii) The earnings and profits (as increased under subparagraph (A)).

(2) *Definitions*—(A) *Inventory assets.* For purposes of paragraph (1), the term "inventory assets" means—

(i) Stock in trade of the corporation, or other property of a kind which would properly be included in the inventory of the corporation if on hand at the close of the taxable year;

(ii) Property held by the corporation primarily for sale to customers in the ordinary course of its trade or business; and

(iii) Unrealized receivables or fees, except receivables from sales or exchanges of assets other than assets described in this subparagraph.

(B) *Unrealized receivables or fees.* For purposes of subparagraph (A) (iii), the term "unrealized receivables or fees" means, to the extent not previously includible in income under the method of accounting used by the corporation, any rights (contractual or otherwise) to payment for—

(i) Goods delivered, or to be delivered, to the extent that the proceeds therefrom would be treated as amounts received from the sale or exchange of property other than a capital asset, or

(ii) Services rendered or to be rendered.

(c) *Adjustments for liabilities, etc.* In making the adjustments to the earnings and profits of a corporation under subsection (a) or (b), proper adjustment shall be made for—

(1) The amount of any liability to which the property distributed is subject,

(2) The amount of any liability of the corporation assumed by a shareholder in connection with the distribution, and

(3) Any gain to the corporation recognized under subsection (b) or (c) of section 311.

(d) *Certain distributions of stock and securities*—(1) *In general.* The distribution to a distributee by or on behalf of a corporation of its stock or securities, of stock or securities in another corporation, or of property, in a distribution to which this Code applies, shall not be considered a distribution of the earnings and profits of any corporation—

(A) If no gain to such distributee from the receipt of such stock or securities, or property, was recognized under this Code, or

(B) If the distribution was not subject to tax in the hands of such distributee by reason of section 305 (a).

(2) *Prior distributions.* In the case of a distribution of stock or securities, or property, to which section 115 (h) of the Internal Revenue Code of 1939 (or the corresponding provision of prior law) applied, the effect on earnings and profits of such distribution shall be determined under such section 115 (h), or the corresponding provision of prior law, as the case may be.

(3) *Stock or securities.* For purposes of this subsection, the term "stock or securities" includes rights to acquire stock or securities.

(e) *Special rule for partial liquidations and certain redemptions.* In the case of amounts distributed in partial liquidation (whether before, on, or after June 22, 1954) or in a redemption to which section 302 (a) or 303 applies, the part of such distribution which is properly chargeable to capital account shall not be treated as a distribution of earnings and profits.

(f) *Effect on earnings and profits of gain or loss and of receipt of tax-free distributions*—(1) *Effect on earnings and profits of gain or loss.* The gain or loss realized from the sale or other disposition (after February 28, 1913) of property by a corporation—

(A) For the purpose of the computation of the earnings and profits of the corporation, shall (except as provided in subparagraph (B)) be determined by using as the adjusted basis the adjusted basis (under the law applicable to the year in which the sale or other disposition was made) for determining gain, except that no regard shall be had to the value of the property as of March 1, 1913; but

(B) For purposes of the computation of the earnings and profits of the corporation for any period beginning after February 28, 1913, shall be determined by using as the adjusted basis the adjusted basis (under the law applicable to the year in which the sale or other disposition was made) for determining gain.

Gain or loss so realized shall increase or decrease the earnings and profits to, but not beyond, the extent to which such a realized gain or loss was recognized in computing taxable income under the law applicable to the year in which such sale or disposition was made. Where, in determining the adjusted basis used in computing such realized gain or loss, the adjustment to the basis differs from the adjustment proper for the purpose of determining earnings and profits, then the latter adjustment shall be used in determining the increase or decrease above provided. For purposes of this subsection, a loss with respect to which a deduction is disallowed under section 1091 (relating to wash sales of stock or securities), or the corresponding provision of prior law, shall not be deemed to be recognized.

(2) *Effect on earnings and profits of receipt of tax-free distributions.* Where a corporation receives (after February 28, 1913) a distribution from a second corporation which (under the law applicable to the year in which the distribution was made) was not a taxable dividend to the shareholders of the second corporation, the amount of such distribution shall not increase the earnings and profits of the first corporation in the following cases:

(A) No such increase shall be made in respect of the part of such distribution which (under such law) is directly applied in reduction of the basis of the stock in respect of which the distribution was made; and

(B) No such increase shall be made if (under such law) the distribution causes the basis of the stock in respect of which the distribution was made to be allocated between such stock and the property received (or such basis would, but for section 307 (b), be so allocated).

(g) *Earnings and profits—increase in value accrued before March 1, 1913.* (1) If any increase or decrease in the earnings and profits for any period beginning after February 28, 1913, with respect to any matter would be different had the adjusted basis of the property involved been determined without regard to its March 1, 1913, value, then, except as provided in paragraph (2), an increase (properly reflecting such difference) shall be made in that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913.

(2) If the application of subsection (f) to a sale or other disposition after February 28, 1913, results in a loss which is to be applied in decrease of earnings and profits for any period beginning after February 28, 1913, then, notwithstanding subsection (f) and in lieu of the rule provided in paragraph (1) of this subsection, the amount of such loss so to be applied shall be reduced by the amount, if any, by which the adjusted basis of the property used in determining the loss exceeds the adjusted basis computed without regard to the value of the property on March 1, 1913, and if such amount so applied in reduction of the decrease exceeds such loss, the excess over such loss shall increase that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913.

(h) *Earnings and profits of personal service corporations.* In the case of a personal service corporation subject for any taxable year to supplement S of the Internal Revenue Code of 1939, an amount equal to the undistributed supplement S net income of the personal service corporation for its taxable year shall be considered as paid in as of the close of such taxable year as paid-in surplus or as a contribution to capital, and the accumulated earnings and profits as of the close of such taxable year shall be correspondingly reduced, if such amount or any portion thereof is required to be included as a dividend in the gross income of the shareholders.

(i) *Allocation in certain corporate separations.* In the case of a distribution or exchange to which section 355 (or so much of section 356 as relates to section 355) applies, proper allocation with respect to the earnings and profits of the distributing corporation and the controlled corporation (or corporations) shall be made under regulations prescribed by the Secretary or his delegate.

(j) *Distribution of proceeds of loan insured by the United States*—(1) *In general.* If a corporation distributes property with respect to its stock, and if, at the time of the distribution—

(A) There is outstanding a loan to such corporation which was made, guaranteed, or insured by the United States (or by any agency or instrumentality thereof), and

(B) The amount of such loan so outstanding exceeds the adjusted basis of the property constituting security for such loan,

then the earnings and profits of the corporation shall be increased by the amount of such excess and (immediately after the distribution) shall be decreased by the amount of such excess. For purposes of subparagraph (B) of the preceding sentence, the adjusted basis of the property at the time of distribution shall be determined without regard to any adjustment under section 1016 (a) (2) (relating to adjustment for depreciation, etc.). For purposes of this paragraph, a commitment to make, guarantee, or insure a loan shall be treated as the making, guaranteeing, or insuring of a loan.

(2) *Effective date.* Paragraph (1) shall apply only with respect to distributions made on or after June 22, 1954.

§ 1.312–1 *Adjustment to earnings and profits reflecting distributions by corporations.* (a) In general, on the distribution of property by a corporation with respect to its stock, its earnings and profits (to the extent thereof) shall be decreased by—

(1) The amount of money,

(2) The principal amount of the obligations of such corporation issued in such distribution, and

(3) The adjusted basis of other property.

For special rule with respect to distributions to which section 312 (e) applies, see § 1.312–5.

(b) The adjustment provided in section 312 (a) (3) and (a) (3) of this section with respect to a distribution of property (other than money or its own obligations) shall be made notwithstanding the fact that such property has appreciated or depreciated in value since acquisition.

(c) The application of paragraphs (a) and (b) of this section may be illustrated by the following examples:

Example (1). Corporation A distributes to its sole shareholder property with a value of $10,000 and a basis of $5,000. It has $12,500 in earnings and profits. The reduction in earnings and profits by reason of such distribution is $5,000. Such is the reduction even though the amount of $10,000 is includible in the income of the shareholder (other than a corporation) as a dividend.

Example (2). The facts are the same as in example (1) above except that the property has a basis of $15,000 and the earnings and profits of the corporation are $20,000. The reduction in earnings and profits is $15,000. Such is the reduction even though only the amount of $10,000 is includible in the income of the shareholder as a dividend.

(d) In the case of a distribution of stock or rights to acquire stock a portion of which is includible in income by reason of section 305 (b), the earnings and profits shall be reduced by the fair market value of such portion. No reduction shall be made if a distribution of stock or rights to acquire stock is not includible in income under the provisions of section 305.

(e) No adjustment shall be made in the amount of the earnings and profits of the issuing corporation upon a disposition of section 306 stock unless such disposition is a redemption.

§ 1.312–2 *Distribution of inventory assets.* Section 312 (b) provides for the increase and the decrease of the earnings and profits of a corporation which distributes with respect to its stock, inventory assets as defined in section 312 (b) (2), where the fair market value of such assets exceeds their adjusted basis. The rules provided in section 312 (b) (relating to distributions of certain inventory assets) shall be applicable without regard to the method used in computing inventories for the purpose of the computation of taxable income. Section 312 (b) does not apply to distributions described in section 312 (e).

§ 1.312–3 *Liabilities.* The amount of any reductions in earnings and profits described in section 312 (a) or (b) shall be (a) reduced by the amount of any liability to which the property distributed was subject and by the amount of any other liability of the corporation assumed by the shareholder in connection with such distribution, and (b) increased by the amount of gain recognized to the corporation under section 311 (b) or (c).

§ 1.312–4 *Examples of adjustments provided in section 312 (c).* The adjustments provided in section 312 (c) may be illustrated by the following examples:

Example (1). On December 2, 1954, Corporation X distributed to its sole shareholder, A, an individual, as a dividend in kind a vacant lot which was not an inventory asset. On that date, the lot had a fair market value of $5,000 and was subject to a mortgage of $2,000. The adjusted basis of the lot was $3,100. The amount of the earnings and profits was $10,000. The amount of the dividend received by A is $3,000 ($5,000, the fair market value, less $2,000, the amount of the mortgage) and the reduction in the earnings and profits of Corporation X is $1,100 ($3,100, the basis, less $2,000, the amount of mortgage).

Example (2). The facts are the same as in example (1) above with the exception that the amount of the mortgage to which the property was subject was $4,000. The amount of the dividend received by A is $1,000, and there is no reduction in the earnings and profits of the corporation as a result of the distribution (disregarding such reduction as may result from an increase in tax to Corporation X because of gain resulting from the distribution). There is a gain of $900 recognized to Corporation X, the difference between the basis of the property ($3,100) and the amount of the mortgage ($4,000), under section 311 (c) and an increase in earnings and profits of $900.

Example (3). Corporation A, having accumulated earnings and profits of $100,000, distributed in kind to its shareholders, not in liquidation, inventory assets which had a basis to it on the "Life" method (section 472) of $46,000 and on the basis of cost or market (section 471) of $50,000. The inventory had a fair market value of $55,000 and was subject to a liability of $35,000. This distribution results in a net decrease in earnings and profits of Corporation A of $11,000, (without regard to any tax on Corporation A) computed as follows:

"Fifo" basis of inventory	$50,000	
Less: "Lifo" basis of inventory	46,000	
Gain recognized—addition to earnings and profits (section 311 (b))		$4,000
Adjustment to earnings and profits required by section 312 (b) (1) (A):		
Fair market value of inventory	$55,000	
Less: "Lifo" basis plus adjustment under section 311 (b)	50,000	
		5,000
Total increase in earnings and profits		9,000
Decrease in earnings and profits—under section 312 (b) (1) (B) (i)	$55,000	
Less: Liability assumed	35,000	
Net amount of distribution (decrease in earnings)		20,000
Net decrease in earnings and profits		11,000

§ 1.312–5 *Special rule for partial liquidations and certain redemptions.* The part of the distribution properly chargeable to capital account within the provisions of section 312 (e) shall not be considered a distribution of earnings and profits within the meaning of section 301 for the purpose of determining taxability of subsequent distributions by the corporation.

§ 1.312–6 *Earnings and profits.* (a) In determining the amount of earnings and profits (whether of the taxable year, or accumulated since February 28, 1913, or accumulated before March 1, 1913) due consideration must be given to the facts, and, while mere bookkeeping entries increasing or decreasing surplus will not be conclusive, the amount of the earnings and profits in any case will be dependent upon the method of accounting properly employed in computing taxable income (or net income, as the case may be). For instance, a corporation keeping its books and filing its income tax returns under subchapter E on the cash receipts and disbursements basis may not use the accrual basis in determining earnings and profits; a corporation computing income on the installment basis as provided in section 453 shall, with respect to the installment transactions, compute earnings and profits on such basis; and an insurance company subject to taxation under section 831 shall exclude from earnings and profits that portion of any premium which is unearned under the provisions of section 832 (b) (4) and which is segregated accordingly in the unearned premium reserve.

(b) Among the items entering into the computation of corporate earnings and profits for a particular period are all income exempted by statute, income not taxable by the Federal Government under the Constitution, as well as all items includible in gross income under section 61 or corresponding provisions of prior revenue acts. Gains and losses within the purview of section 1002 or corresponding provisions of prior revenue acts are brought into the earnings and profits at the time and to the extent such gains and losses are recognized under that section. Interest on State bonds and certain other obligations, although not taxable when received by a corporation, is taxable to the same extent as other dividends when distributed to shareholders in the form of dividends.

(c) (1) In the case of a corporation in which depletion or depreciation is a factor in the determination of income, the only depletion or depreciation deductions to be considered in the computation of the total earnings and profits are those based on cost or other basis without regard to March 1, 1913, value. In computing the earnings and profits for any period beginning after February 28, 1913, the only depletion or depreciation deductions to be considered are those based on (i) cost or other basis, if the depletable or depreciable asset was acquired subsequent to February 28, 1913, or (ii) adjusted cost or March 1, 1913, value, whichever is higher, if acquired before March 1, 1913. Thus, discovery or percentage depletion under all revenue acts for mines and oil and gas wells is not to be taken into consideration in computing the earnings and profits of a corporation. Similarly, where the basis of property in the hands of a corporation is a substituted basis, such basis, and not the fair market value of the property at the time of the acquisition by the corporation, is the basis for computing depletion and depreciation for the purpose of determining earnings and profits of the corporation.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. Oil producing property which A had acquired in 1949 at a cost of $28,000 was transferred to Corporation Y in December 1951, in exchange for all of its capital stock. The fair market value of the stock and of the property as of the date of the transfer was $247,000. Corporation Y, after four years' operation, effected in 1955 a cash distribution to A in the amount of $165,000. In determining the extent to which the earnings and profits of Corporation Y available for dividend distributions have been increased as the result of production and sale of oil, the depletion to be taken into account is to be computed upon the basis of $28,000 established in the nontaxable exchange in 1951 regardless of the fair market value of the property or of the stock issued in exchange therefor.

(d) A loss sustained for a year before the taxable year does not affect the earnings and profits of the taxable year.

However, in determining the earnings and profits accumulated since February 28, 1913, the excess of a loss sustained for a year subsequent to February 28, 1913, over the undistributed earnings and profits accumulated since February 28, 1913, and before the year for which the loss was sustained, reduces surplus as of March 1, 1913, to the extent of such excess. If the surplus as of March 1, 1913, was sufficient to absorb such excess, distributions to shareholders after the year of the loss are out of earnings and profits accumulated since the year of the loss to the extent of such earnings.

(e) With respect to the effect on the earnings and profits accumulated since February 28, 1913, of distributions made on or after January 1, 1916, and before August 6, 1917, out of earnings or profits accumulated before March 1, 1913, which distributions were specifically declared to be out of earnings and profits accumulated before March 1, 1913, see section 31 (b) of the Revenue Act of 1916, as amended by section 1211 of the Revenue Act of 1917.

§ 1.312–7 *Effect on earnings and profits of gain or loss realized after February 28, 1913.* (a) In order to determine the effect on earnings and profits of gain or loss realized from the sale or other disposition (after February 28, 1913) of property by a corporation, section 312 (f) (1) prescribed certain rules for—

(1) The computation of the total earnings and profits of the corporation of most frequent application in determining invested capital; and

(2) The computation of earnings and profits of the corporation for any period beginning after February 28, 1913, of most frequent application in determining the source of dividend distributions.

Such rules are applicable whenever under any provision of this subtitle it is necessary to compute either the total earnings and profits of the corporation or the earnings and profits for any period beginning after February 28, 1913. For example, since the earnings and profits accumulated after February 28, 1913, or the earnings and profits of the taxable year, are earnings and profits for a period beginning after February 28, 1913, the determination of either must be in accordance with the rules herein prescribed for the ascertainment of earnings and profits for any period beginning after February 28, 1913. Under subparagraph (1) of this paragraph, such gain or loss is determined by using the adjusted basis (under the law applicable to the year in which the sale or other disposition was made) for determining gain, but disregarding value as of March 1, 1913. Under subparagraph (2) of this paragraph, there is used such adjusted basis for determining gain, giving effect to the value as of March 1, 1913, whenever applicable. In both cases the rules are the same as those governing depreciation and depletion in computing earnings and profits (see § 1.312–6). Under both subparagraphs (1) and (2) of this paragraph, the adjusted basis is subject to the limitations of the third sentence of section 312 (f) (1) requiring the use of adjustments proper in determining earnings and profits. The proper adjustments may differ under (A) and (B) of the first sentence of section 312 (f) (1) depending upon the basis to which the adjustments are to be made. If the application of (B) of the first sentence of section 312 (f) (1) results in a loss and if the application of (A) of such sentence to the same transaction reaches a different result, then the loss under (B) of such first sentence will be subject to the adjustment thereto required by section 312 (g) (2). (See § 1.312–9).

(b) (1) The gain or loss so realized increases or decreases the earnings and profits to, but not beyond, the extent to which such gain or loss was recognized in computing taxable income (or net income, as the case may be) under the law applicable to the year in which such sale or disposition was made. As used in this paragraph, the term "recognized" has reference to that kind of realized gain or loss which is recognized for income tax purposes by the statute applicable to the year in which the gain or loss was realized. For example, see section 356. A loss (other than a wash sale loss with respect to which a deduction is disallowed under the provisions of section 1091 or corresponding provisions of prior revenue laws) may be recognized though not allowed as a deduction (by reason, for example, of the operation of sections 267 and 1211 and corresponding provisions of prior revenue laws) but the mere fact that it is not allowed does not prevent decrease in earnings and profits by the amount of such disallowed loss. Wash sale losses, however, disallowed under section 1091 and corresponding provisions of prior revenue laws, are deemed nonrecognized losses and do not reduce earnings or profits. The "recognized" gain or loss for the purpose of computing earnings and profits is determined by applying the recognition provisions to the realized gain or loss computed under the provisions of section 312 (f) (1) as distinguished from the realized gain or loss used in computing taxable income (or net income, as the case may be).

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). Corporation X on January 1, 1952, owned stock in Corporation Y which it had acquired from Corporation Y in December 1951, in an exchange transaction in which no gain or loss was recognized. The adjusted basis to Corporation X of the property exchanged by it for the stock in Corporation Y was $30,000. The fair market value of the stock in Corporation Y when received by Corporation X was $930,000. On April 9, 1955, Corporation X made a cash distribution of $900,000 and, except for the possible effect of the transaction in 1951, had no earnings or profits accumulated after February 28, 1913, and had no earnings or profits for the taxable year. The amount of $900,000 representing the excess of the fair market value of the stock of Corporation Y over the adjusted basis of the property exchanged therefor was not recognized gain to Corporation X under the provisions of section 112 of the Internal Revenue Code of 1939. Accordingly, the earnings and profits of Corporation X are not increased by $900,000, the amount of the gain realized but not recognized in the exchange, and the distribution was not a taxable dividend. The basis in the hands of Corporation Y of the property acquired by it from Corporation X is $30,000. If such property is thereafter sold by Corporation Y, gain or loss will be computed on such basis of $30,000, and earnings and profits will be increased or decreased accordingly.

Example (2). On January 2, 1910, Corporation M acquired nondepreciable property at a cost of $1,000. On March 1, 1913, the fair market value of such property in the hands of Corporation M was $2,200. On December 31, 1952, Corporation M transfers such property to Corporation N in exchange for $1,900 in cash and all Corporation N's stock, which has a fair market value of $1,100. For the purpose of computing the total earnings and profits of Corporation M, the gain on such transaction is $2,000 (the sum of $1,900 in cash and stock worth $1,100 minus $1,000, the adjusted basis for computing gain, determined without regard to March 1, 1913, value), $1,900 of which is recognized under section 356, since this was the amount of money received, although for the purpose of computing net income the gain is only $800 (the sum of $1,900 in cash and stock worth $1,100, minus $2,200, the adjusted basis for computing gain determined by giving effect to March 1, 1913, value). Such earnings and profits will therefore be increased by $1,900. In computing the earnings and profits of Corporation M for any period beginning after February 28, 1913, however, the gain arising from the transaction, like the taxable gain, is only $800, all of which is recognized under section 112 (c) of the Internal Revenue Code of 1939, the money received being in excess of such amount. Such earnings and profits will therefore be increased by only $800 as a result of the transaction. For increase in that part of the earnings and profits consisting of increase in value of property accrued before, but realized on or after March 1, 1913, see § 1.312–9.

Example (3). On July 31, 1955, Corporation R owned oil-producing property acquired after February 28, 1913, at a cost of $200,000, but having an adjusted basis (by reason of taking percentage depletion) of $100,000 for determining gain. However, the adjusted basis of such property to be used in computing gain or loss for the purpose of earnings and profits is, because of the provisions of the third sentence of section 312 (f) (1), $150,000. On such day Corporation R transferred such property to Corporation S in exchange for $25,000 in cash and all of the stock of Corporation S, which had a fair market value of $100,000. For the purpose of computing taxable income, Corporation R has realized a gain of $25,000 as a result of this transaction, all of which is recognized under section 356. For the purpose of computing earnings and profits, however, Corporation R has realized a loss of $25,000, none of which is recognized owing to the provisions of section 356 (c). The earnings and profits of Corporation R are therefore neither increased nor decreased as a result of the transaction. The adjusted basis of the Corporation S stock in the hands of Corporation R for purposes of computing earnings and profits, however, will be $125,000 (though only $100,000 for the purpose of computing taxable income), computed as follows:

Basis of property transferred	$200,000
Less money received on exchange	25,000
Plus gain or minus loss recognized on exchange	None
Basis of stock	175,000
Less adjustments (same as those used in determining adjusted basis of property transferred)	50,000
Adjusted basis of stock	125,000

If, therefore, Corporation R should subsequently sell the Corporation S stock for $100,000, a loss of $25,000 will again be realized for the purpose of computing earnings and profits, all of which will be recognized and will be applied to decrease the earnings and profits of Corporation R.

(c) (1) The third sentence of section 312 (f) (1) provides for cases in which the adjustments, prescribed in section 1016, to the basis indicated in (A) or (B), as the case may be, of the first sentence of section 312 (f) (1), differ from the adjustments to such basis proper for the purpose of determining earnings or profits. The adjustments provided by such third sentence reflect the treatment provided by § 1.312–6 relative to cases where the deductions for depletion and depreciation in computing taxable income (or net income, as the case may be) differ from the deductions proper for the purpose of computing earnings and profits.

(2) The effect of the third sentence of section 312 (f) (1) may be illustrated by the following examples:

Example (1). Corporation X purchased on January 2, 1931, an oil lease at a cost of $10,000. The lease was operated only for the years 1931 and 1932. The deduction for depletion in each of the years 1931 and 1932 amounted to $2,750, of which amount $1,750 represented percentage depletion in excess of depletion based on cost. The lease was sold in 1955 for $15,000. Under section 1016 (a) (2), in determining the gain or loss from the sale of the property, the basis must be adjusted for cost depletion of $1,000 in 1931 and percentage depletion of $2,750 in 1932. However, the adjustment of such basis, proper for the determination of earnings and profits, is $1,000 for each year, or $2,000. Hence, the cost is to be adjusted only to the extent of $2,000, leaving an adjusted basis of $8,000 and the earnings and profits will be increased by $7,000, and not by $8,750. The difference of $1,750 is equal to the amount by which the percentage depletion for the year 1932 ($2,750) exceeds the depletion on cost for that year ($1,000) and has already been applied in the computation of earnings and profits for the year 1932 by taking into account only $1,000 instead of $2,750 for depletion in the computation of such earnings and profits. (See § 1.316–1.)

Example (2). If, in example (1), above, the property, instead of being sold, is exchanged in a transaction described in section 1031 for like property having a fair market value of $7,750 and cash of $7,250, then the increase in earnings and profits amounts to $7,000, that is, $15,000 ($7,750 plus $7,250) minus the basis of $8,000. However, in computing taxable income of Corporation X, the gain is $8,750, that is, $15,000 minus $6,250 ($10,000 less depletion of $3,750), of which only $7,250 is recognized because the recognized gain cannot exceed the sum of money received in the transaction. See section 1031 (b) and the corresponding provisions of prior revenue laws. If, however, the cash received was only $2,250 and the value of the property received was $12,750, then the increase in earnings and profits would be $2,250, that amount being the gain recognized under section 1031.

(d) For adjustment and allocation of the earnings and profits of the transferor as between the transferor and the transferee in cases where the transfer of property by one corporation to another corporation results in the nonrecognition in whole or in part of gain or loss, see § 1.312–10; and see section 381 for earnings and profits of successor corporations in certain transactions.

§ 1.312–8 *Effect on earnings and profits of receipt of tax-free distributions requiring adjustment or allocation of basis of stock.* (a) In order to determine the effect on earnings and profits, where a corporation receives (after February 28, 1913) from a second corporation a distribution which (under the law applicable to the year in which the distribution was made) was not a taxable dividend to the shareholders of the second corporation, section 312 (f) prescribes certain rules. It provides that the amount of such distribution shall not increase the earnings and profits of the first or receiving corporation in the following cases: (1) No such increase shall be made in respect of the part of such distribution which (under the law applicable to the year in which the distribution was made) is directly applied in reduction of the basis of the stock in respect of which the distribution was made and (2) no such increase shall be made if (under the law applicable to the year in which the distribution was made) the distribution causes the basis of the stock in respect of which the distribution was made to be allocated between such stock and the property received (or such basis would but for section 307 (b) be so allocated). Where, therefore, the law (applicable to the year in which the distribution was made, as, for example, a distribution in 1934 from earnings and profits accumulated before March 1, 1913) requires that the amount of such distribution shall be applied against and reduce the basis of the stock with respect to which the distribution was made, there is no increase in the earnings and profits by reason of the receipt of such distribution. Similarly, where there is received by a corporation a distribution from another corporation in the form of a stock dividend and the law applicable to the year in which such distribution was made requires the allocation, as between the old stock and the stock received as a dividend, of the basis of the old stock (or such basis would but for section 307 (b) be so allocated), then there is no increase in the earnings and profits by reason of the receipt of such stock dividend even though such stock dividend constitutes income within the meaning of the sixteenth amendment to the Constitution.

(b) The principles set forth in paragraph (a) of this section may be illustrated by the following examples:

Example (1). Corporation X in 1955 distributed to Corporation Y, one of its shareholders, $10,000 which was out of earnings or profits accumulated before March 1, 1913, and did not exceed the adjusted basis of the stock in respect of which the distribution was made. This amount of $10,000 was, therefore, a tax-free distribution and under the provisions of section 301 (c) (2) must be applied against and reduce the adjusted basis of the stock in respect of which the distribution was made. The earnings and profits of Corporation Y are not increased by reason of the receipt of this distribution.

Example (2). Corporation Z in 1955 had outstanding common and preferred stock of which Corporation Y held 100 shares of the common and no preferred. The stock had a cost basis to Corporation Y of $100 per share, or a total cost of $10,000. In December of that year it received a dividend of 100 shares of the preferred stock of Corporation Z. Such distribution is a stock dividend which, under section 305, was not taxable and was accordingly not included in the gross income of Corporation Y. The original cost of $10,000 is allocated to the 200 shares of Corporation Z none of which has been sold or otherwise disposed of by Corporation Y. See section 307 and § 1.307–1. The earnings and profits of Corporation Y are not increased by reason of the receipt of such stock dividend.

§ 1.312–9 *Adjustments to earnings and profits reflecting increase in value accrued before March 1, 1913.* (a) In order to determine, for the purpose of ascertaining the source of dividend distributions, that part of the earnings and profits which is represented by increase in value of property accrued before, but realized on or after, March 1, 1913, section 312 (g) prescribes certain rules.

(b) (1) Section 312 (g) (1) sets forth the general rule with respect to computing the increase to be made in that part of the earnings and profits consisting of increase in value of property accrued before, but realized on or after, March 1, 1913.

(2) The effect of section 312 (g) (1) may be illustrated by the following examples:

Example (1). Corporation X acquired nondepreciable property before March 1, 1913, at a cost of $10,000. Its fair market value as of March 1, 1913, was $12,000 and it was sold in 1955 for $15,000. The increase in earnings and profits from the value as of March 1, 1913, representing earnings and profits accumulated since February 28, 1913, is $3,000. If the basis is determined without regard to the value as of March 1, 1913, there would be an increase in earnings and profits of $5,000. The difference of $2,000 ($5,000 minus $3,000) represents the increase to be made in that part of the earnings and profits of Corporation X consisting of the increase in value of property accrued before, but realized on or after, March 1, 1913.

Example (2). Corporation Y acquired depreciable property in 1908 at a cost of $100,000. Assuming no additions or betterments, and that the depreciation sustained before March 1, 1913, was $10,000, the adjusted cost as of that date was $90,000. Its fair market value as of March 1, 1913, was $94,000 and on February 28, 1955, it was sold for $25,000. For the purpose of determining gain from the sale, the basis of the property is the fair market value of $94,000 as of March 1, 1913, adjusted for depreciation for the period subsequent to February 28, 1913, computed on such fair market value. If the amount of the depreciation deduction allowed after February 28, 1913, and properly allowable for each of such years to the date of the sale in 1955 is the aggregate sum of $81,467, the adjusted basis for determining gain in 1955 ($94,000 less $81,467) is $12,533 and the gain would be $12,467 ($25,000 less $12,533). The increase in earnings and profits accumulated since February 28, 1913, by reason of the sale, based on the value as of March 1, 1913, adjusted for depreciation is $12,467. If the depreciation since February 28, 1913, had been based on the adjusted cost of $90,000 ($100,000 less $10,000) instead of the March 1, 1913, value of $94,000, the depreciation sustained from that date to the date of sale would have been $78,000 instead of $81,467 and the actual gain on the sale based on the cost of $100,000 adjusted by depreciation on such cost to $12,000 ($100,000 reduced by the

sum of $10,000 and $78,000) would be $13,000 ($25,000 less $12,000). If the adjusted basis of the property was determined without regard to the value as of March 1, 1913, there would be an increase in earnings and profits of $13,000. The difference of $533 ($13,000 minus $12,467) represents the increase to be made in that part of the earnings and profits of Corporation Y consisting of the increase in value of property accrued before, but realized on or after, March 1, 1913 (assuming that the proper increase in such surplus had been made each year for the difference between depreciation based on cost and the depreciation based on March 1, 1913, value). Thus, the total increase in that part of earnings and profits consisting of the increase in value of property accrued before, but realized on or after, March 1, 1913, is $4,000 ($94,000 less $90,000).

(c) (1) Section 312 (g) (2) is an exception to the general rule in section 312 (g) (1) and also operates as a limitation on the application of section 312 (f). It provides that, if the application of part (B) of the first sentence of section 312 (f) (1) to a sale or other disposition after February 28, 1913, results in a loss which is to be applied in decrease of earnings and profits for any period beginning after February 28, 1913, then, notwithstanding section 312 (f) and in lieu of the rule provided in section 312 (g) (1), the amount of such loss so to be applied shall be reduced by the amount, if any, by which the adjusted basis of the property used in determining the loss, exceeds the adjusted basis computed without regard to the fair market value of the property on March 1, 1913. If the amount so applied in reduction of the loss exceeds such loss, the excess over such loss shall increase that part of the earnings and profits consisting of increase in value of property accrued before, but realized on or after March 1, 1913.

(2) The application of section 312 (g) (2) may be illustrated by the following examples:

Example (1). Corporation Y acquired nondepreciable property before March 1, 1913, at a cost of $8,000. Its fair market value as of March 1, 1913, was $13,000, and it was sold in 1955 for $10,000. Under (B) of the first sentence of section 312 (f) (1) the adjusted basis would be $13,000 and there would be a loss of $3,000. The application of (B) of the first sentence of section 312 (f) (1) would result in a loss from the sale in 1955 to be applied in decrease of earnings and profits for that year. Section 312 (g) (2), however, applies and the loss of $3,000 is reduced by the amount by which the adjusted basis of $13,000 exceeds the cost of $8,000 (the adjusted basis computed without regard to the value on March 1, 1913), namely, $5,000. The amount of the loss is, accordingly, reduced from $3,000 to zero and there is no decrease in earnings and profits of Corporation Y for the year 1955 as a result of the sale. The amount applied in reduction of the decrease, namely, $5,000, exceeds $3,000. Accordingly, as a result of the sale the excess of $2,000 increases that part of the earnings and profits of Corporation Y consisting of increase in value of property accrued before, but realized on or after March 1, 1913.

Example (2). Corporation Z acquired nondepreciable property before March 1, 1913, at a cost of $10,000. Its fair market value as of March 1, 1913, was $12,000, and it was sold in 1955 for $8,000. Under (B) of the first sentence of section 312 (f) (1) the adjusted basis would be $12,000 and there would be a loss of $4,000. The application of (B) of the first sentence of section 312 (f) (1) would result in a loss from the sale in 1955 to be applied in decrease of earnings and profits for that year. Section 312 (g) (2), however, applies and the loss of $4,000 is reduced by the amount by which the adjusted basis of $12,000 exceeds the cost of $10,000 (the adjusted basis computed without regard to the value on March 1, 1913), namely, $2,000. The amount of the loss is, accordingly, reduced from $4,000 to $2,000, and the decrease in earnings and profits of Corporation Z for the year 1955 as a result of the sale is $2,000 instead of $4,000. The amount applied in reduction of the decrease, namely, $2,000, does not exceed $4,000. Accordingly, as a result of the sale there is no increase in that part of the earnings and profits of Corporation Z consisting of increase in value of property accrued before, but realized on or after March 1, 1913.

§ 1.312–10 *Allocation of earnings in certain corporate separations.* (a) If one corporation transfers part of its assets constituting an active trade or business to another corporation in a transaction to which section 368 (a) (1) (D) applies and immediately thereafter the stock and securities of the controlled corporation are distributed in a distribution or exchange to which section 355 (or so much of section 356 as relates to section 355) applies, the earnings and profits of the distributing corporation immediately before the transaction shall be allocated between the distributing corporation and the controlled corporation. In the case of a newly created controlled corporation, such allocation generally shall be made in proportion to the fair market value of the business or businesses (and interests in any other properties) retained by the distributing corporation and the business or businesses (and interests in any other properties) of the controlled corporation immediately after the transaction. In a proper case, allocation shall be made between the distributing corporation and the controlled corporation in proportion to the net basis of the assets transferred and of the assets retained or by such other method as may be appropriate under the facts and circumstances of the case. The term "net basis" means the basis of the assets less liabilities assumed or liabilities to which such assets are subject. The part of the earnings and profits of the taxable year of the distributing corporation in which the transaction occurs allocable to the controlled corporation shall be included in the computation of the earnings and profits of the first taxable year of the controlled corporation ending after the date of the transaction.

(b) If a distribution or exchange to which section 355 applies (or so much of section 356 as relates to section 355) is not in pursuance of a plan meeting the requirements of a reorganization as defined in section 368 (a) (1) (D), the earnings and profits of the distributing corporation shall be decreased by the lesser of the following amounts:

(1) The amount by which the earnings and profits of the distributing corporation would have been decreased if it had transferred the stock of the controlled corporation to a new corporation in a reorganization to which section 368 (a) (1) (D) applied and immediately thereafter distributed the stock of such new corporation or,

(2) The net worth of the controlled corporation. (For this purpose the term "net worth" means the sum of the bases of all of the properties plus cash minus all liabilities.)

If the earnings and profits of the controlled corporation immediately before the transaction are less than the amount of the decrease in earnings and profits of the distributing corporation (including a case in which the controlled corporation has a deficit) the earnings and profits of the controlled corporation, after the transaction, shall be equal to the amount of such decrease. If the earnings and profits of the controlled corporation immediately before the transaction are more than the amount of the decrease in the earnings and profits of the distributing corporation, they shall remain unchanged.

(c) In no case shall any part of a deficit of a distributing corporation within the meaning of section 355 be allocated to a controlled corporation.

§ 1.312–11 *Effect on earnings and profits of certain other tax-free exchanges and tax-free distributions.* (a) (1) If property is transferred by one corporation to another corporation within the provisions of section 351, no allocation of earnings and profits shall be made between the transferor and transferee by reason of such transfer. The preceding sentence may not apply when such transfer immediately follows or immediately precedes either a reorganization under section 368 or a liquidation under section 332 to which section 334 (b) (2) does not apply. See § 1.312–10 for allocation of earnings and profits upon the distribution of the stock of a controlled corporation in a transaction subject to section 355 or so much of section 356 as relates to section 355.

(2) The following example will illustrate the application of paragraph (a) (1) of this section:

Example. Corporation A transfers half of its assets subject to half of its liabilities to Corporation B in exchange for all of its stock. Such stock is not distributed by Corporation A. The transaction is not followed or preceded by a reorganization or a liquidation. No allocation of earnings and profits from Corporation A to Corporation B shall be made.

(b) The general rule provided in section 316 that every distribution is made out of earnings or profits to the extent thereof and from the most recently accumulated earnings or profits does not apply to:

(1) The distribution, in pursuance of a plan of reorganization, by or on behalf of a corporation a party to the reorganization, or in a transaction subject to section 355, to its shareholders—

(i) Of stock or securities in such corporation or in another corporation a party to the reorganization in any taxable year beginning before January 1, 1934, without the surrender by the distributees of stock or securities in such corporation (see section 112 (g) of the Revenue Act of 1932); or

(ii) Of stock (other than preferred stock) in another corporation which is a party to the reorganization without the surrender by the distributees of stock in the distributing corporation if the distribution occurs after October 20, 1951, and is subject to section 112 (b) (11) of the Internal Revenue Code of 1939; or

(iii) Of stock or securities in such corporation or in another corporation a party to the reorganization in any taxable year beginning before January 1, 1939, or on or after such date, in exchange for its stock or securities in a transaction to which section 112 (b) (3) of the Internal Revenue Code of 1939 was applicable; or

(iv) Of stock or securities in such corporation or in another corporation in exchange for its stock or securities in a transaction subject to section 354 or 355,

if no gain to the distributees from the receipt of such stock or securities was recognized by law.

(2) The distribution in any taxable year (beginning before January 1, 1939, or on or after such date) of stock or securities, or other property or money, to a corporation in complete liquidation of another corporation, under the circumstances described in section 112 (b) (6) of the Revenue Act of 1936, the Revenue Act of 1938, of the Internal Revenue Code of 1939, or section 332.

(3) The distribution in any taxable year (beginning after December 31, 1939), of stock or securities, or other property or money, in the case of an exchange or distribution described in section 371 of the Internal Revenue Code of 1939 or in section 1081 (relating to exchanges and distributions in obedience to orders of the Securities and Exchange Commission), if no gain to the distributee from the receipt of such stock, securities, or other property or money was recognized by law.

(4) A stock dividend which was not subject to tax in the hands of the distributee because either it did not constitute income to him within the meaning of the sixteenth amendment to the Constitution or because exempt to him under section 115 (f) of the Revenue Act of 1934 or a corresponding provision of a prior Revenue Act, or section 305.

(5) The distribution, in a taxable year of the distributee beginning after December 31, 1931, by or on behalf of an insolvent corporation, in connection with a section 112 (b) (10) reorganization under the Internal Revenue Code of 1939, or in a transaction subject to section 371, of stock or securities in a corporation organized or made use of to effectuate the plan of reorganization, if under section 112 (1) of the Internal Revenue Code of 1939 or section 371 no gain to the distributee from the receipt of such stock or securities was recognized by law.

(c) A distribution described in subparagraph (1), (2), (3), (4), or (5) of paragraph (b) does not diminish the earnings or profits of any corporation. In such cases, the earnings or profits remain intact and available for distribution as dividends by the corporation making such distribution, or by another corporation to which the earnings or profits are transferred upon such reorganization or other exchange. In the case, however, of amounts distributed in liquidation (other than a tax-free liquidation or reorganization described in subparagraph (1), (2), (3), or (5) of paragraph (b)) the earnings or profits of the corporation making the distribution are diminished by the portion of such distribution properly chargeable to earnings or profits accumulated after February 28, 1913, after first deducting from the amount of such distribution the portion thereof, allocable to capital account.

(d) For the purposes of this section, the terms "reorganization" and "party to the reorganization", shall, for any taxable year beginning before January 1, 1934, have the meanings assigned to such terms in section 112 of the Revenue Act of 1932; for any taxable year beginning after December 31, 1933, and before January 1, 1936, have the meanings assigned to such terms in section 112 of the Revenue Act of 1934; for any taxable year beginning after December 31, 1935, and before January 1, 1938, have the meanings assigned to such terms in section 112 of the Revenue Act of 1936; for any taxable year beginning after December 31, 1937; and before January 1, 1939, have the meanings assigned to such terms in section 112 of the Revenue Act of 1938; and for any taxable year beginning after December 31, 1938, and ending before June 22, 1954, providing no election is made under section 393 (b) (2) of the Internal Revenue Code of 1954, have the meanings assigned to such terms in section 213 (b) of the Revenue Act of 1939.

§ 1.312–12 *Distributions of proceeds of loans guaranteed by the United States.* (a) The provisions of section 312 (j) are applicable with respect to a loan, any portion of which is guaranteed by an agency of the United States Government without regard to the percentage of such loan subject to such guarantee.

(b) The application of section 312 (j) is illustrated by the following example:

Example. Corporation A borrowed $1,000,000 for the purpose of construction of an apartment house, the cost and adjusted basis of which was $900,000. This loan was guaranteed by an agency of the United States Government. One year after such loan was made and after the completion of construction of the building (but before such corporation had received any income) it distributed $100,000 cash to its shareholders. The earnings and profits of the taxable year of such corporation are increased (pursuant to section 312 (j)) by $100,000 immediately prior to such distribution and are decreased by $100,000 immediately after such distribution. Such decrease, however, does not reduce the earnings and profits below zero. Two years later, it has no accumulated earnings and has earnings of the taxable year of $100,000. Before it has made any payments on the loan, it distributes $200,000 to its shareholders. The earnings and profits of the taxable year of the corporation ($100,000) are increased by $100,000, the excess of the amount of the guaranteed loan over the adjusted basis of the apartment house (calculated without adjustment for depreciation). The entire amount of each distribution is treated as a distribution out of earnings and profits and, accordingly, as a taxable dividend.

Definitions; Constructive Ownership of Stock

§ 1.316 *Statutory provisions; dividend defined.*

SEC. 316. *Dividend Defined*—(a) *General rule.* For purposes of this subtitle, the term "dividend" means any distribution of property made by a corporation to its shareholders—

(1) Out of its earnings and profits accumulated after February 28, 1913, or

(2) Out of its earnings and profits of the taxable year (computed as of the close of the taxable year without diminution by reason of any distributions made during the taxable year), without regard to the amount of the earnings and profits at the time the distribution was made.

Except as otherwise provided in this subtitle, every distribution is made out of earnings and profits to the extent thereof, and from the most recently accumulated earnings and profits. To the extent that any distribution is, under any provision of this subchapter, treated as a distribution of property to which section 301 applies, such distribution shall be treated as a distribution of property for purposes of this subsection.

(b) *Special rules*—(1) *Certain insurance company dividends.* The definition in subsection (a) shall not apply to the term "dividend" as used in sections 803 (e), 821 (a) (2), 823 (2), and 832 (c) (11) (where the reference is to dividends of insurance companies paid to policyholders.)

(2) *Distributions by personal holding companies.* In the case of a corporation which—

(A) Under the law applicable to the taxable year in which the distribution is made, is a personal holding company (as defined in section 542), or

(B) For the taxable year in respect of which the distribution is made under section 563 (b) (relating to dividends paid after the close of the taxable year), or section 547 (relating to deficiency dividends), or the corresponding provisions of prior law, is a personal holding company under the law applicable to such taxable year,

the term "dividend" also means any distribution of property (whether or not a dividend as defined in subsection (a)) made by the corporation to its shareholders, to the extent of its undistributed personal holding company income (determined under section 545 without regard to distributions under this paragraph) for such year.

§ 1.316–1 *Dividends.* (a) (1) The term "dividend" for the purpose of subtitle A (except when used in section 803 (e), section 821 (a) (2), section 823 (2), and section 832 (c) (11) where the reference is to dividends of insurance companies paid to policyholders) comprises any distribution of property as defined in section 317 in the ordinary course of business, even though extraordinary in amount, made by a domestic or foreign corporation to its shareholders out of either—

(i) Earnings and profits accumulated since February 28, 1913, or

(ii) Earnings and profits of the taxable year computed without regard to the amount of the earnings and profits (whether of such year or accumulated since February 28, 1913) at the time the distribution was made.

The earnings and profits of the taxable year shall be computed as of the close of such year, without diminution by reason of any distributions made during the taxable year. For the purpose of deter-

mining whether a distribution constitutes a dividend, it is unnecessary to ascertain the amount of the earnings and profits accumulated since February 28, 1913, if the earnings and profits of the taxable year are equal to or in excess of the total amount of the distributions made within such year.

(2) Where a corporation distributes property to its shareholders on or after June 22, 1954, the amount of the distribution which is a dividend to them may not exceed the earnings and profits of the distributing corporation.

(3) The rule of (2) above may be illustrated by the following example:

Example. X and Y, individuals, each own one-half of the stock of Corporation A which has earnings and profits of $10,000. Corporation A distributes property having a basis of $6,000 and a fair market value of $16,000 to its shareholders, each shareholder receiving property with a basis of $3,000 and with a fair market value of $8,000 in a distribution to which section 301 applies. The amount taxable to each shareholder as a dividend under section 301 (c) is $5,000.

(b) In the case of a corporation which, under the law applicable to the taxable year in which a distribution is made, is a personal holding company or which, for the taxable year in respect of which a distribution is made under section 563, relating to dividends paid within 2½ months after the close of the taxable year, or section 547 (relating to deficiency dividends), or corresponding provisions of a prior income-tax law, was under the applicable law a personal holding company, the term "dividend," in addition to the meaning set forth in the first sentence of section 316, also means a distribution to its shareholders as follows: A distribution within a taxable year of the corporation, or of a shareholder, is a dividend to the extent of the corporation's undistributed personal holding company income (determined under section 545 without regard to distributions under section 316 (b) (2)) for the taxable year in which, or, in the case of a distribution under section 563 or section 547, the taxable year in respect of which, the distribution was made.

(c) Except as provided in section 316 (b) (1), the term "dividend" includes any distribution of property to shareholders to the extent made out of accumulated or current earnings and profits. See, however, section 331 (relating to distributions in complete or partial liquidation), section 301 (e) (relating to distributions by personal service corporations), section 302 (b) (relating to redemptions treated as amounts received from the sale or exchange of stock), and section 303 (relating to distributions in redemption of stock to pay death taxes). See also section 305 (b) for certain distributions of stock or stock rights treated as distributions of property.

(d) The application of section 316 may be illustrated by the following examples:

Example (1). At the beginning of the calendar year 1955, Corporation M had an operating deficit of $200,000 and the earnings and profits for the year amounted to $100,000. Beginning on March 16, 1955, the corporation made quarterly distributions of $25,000 during the taxable year to its shareholders. Each distribution is a taxable dividend in full, irrespective of the actual or the pro rata amount of the earnings and profits on hand at any of the dates of distribution, since the total distributions made during the year ($100,000) did not exceed the total earnings and profits of the year ($100,000).

Example (2). At the beginning of the calendar year 1955, Corporation N, a personal holding company, had no accumulated earnings and profits. During that year it made no earnings and profits but, due to the disallowance of certain deductions, its undistributed personal holding company income (determined under section 545 without regard to distributions under section 316 (b) (2)) was $16,000. It distributed to shareholders on December 15, 1955, $15,000, and on February 1, 1956, $1,000, the latter amount being claimed as a deduction under section 563 in its personal holding company schedule for 1955 filed with its return for 1955 on March 15, 1956. Both distributions are taxable dividends in full, since they do not exceed the undistributed personal holding company income (determined without regard to such distributions) for 1955, the taxable year in which the distribution of $15,000 was made and with respect to which the distribution of $1,000 was made. It is immaterial whether Corporation N is a personal holding company for the taxable year 1956 or whether it had any income for that year.

Example (3). In 1959, a deficiency in personal holding company tax was established against Corporation O for the taxable year 1955 in the amount of $35,500 based on an undistributed personal holding company income of $42,000. Corporation O complied with the provisions of section 547 and in December 1959 distributed $42,000 to its stockholders as "deficiency dividends." The distribution of $42,000 is a taxable dividend since it does not exceed $42,000 (the undistributed personal holding company income for 1955, the taxable year with respect to which the distribution was made). It is immaterial whether Corporation O is a personal holding company for the taxable year 1959 or whether it had any income for that year.

Example (4). At the beginning of the taxable year 1955, Corporation P, a personal holding company, had a deficit in earnings and profits of $200,000. During that year it made earnings and profits of $90,000. For that year, however, it had an undistributed personal holding income (determined under section 545 without regard to distributions under section 316 (b) (2)) of $80,000. During such taxable year it distributed to its shareholders $100,000. The distribution of $100,000 is a taxable dividend to the extent of $90,000 since its earnings and profits for that year, $90,000, exceed $80,000, the undistributed personal holding company income determined without regard to such distribution.

§ 1.316–2 *Sources of distribution in general.* (a) For the purpose of income taxation every distribution made by a corporation is made out of earnings and profits to the extent thereof and from the most recently accumulated earnings and profits. In determining the source of a distribution, consideration should be given first, to the earnings and profits of the taxable year; second, to the earnings and profits accumulated since February 28, 1913, only in the case where, and to the extent that, the distributions made during the taxable year are not regarded as out of the earnings and profits of that year; third, to the earnings and profits accumulated before March 1, 1913, only after all the earnings and profits of the taxable year and all the earnings and profits accumulated since February 28, 1913, have been distributed; and, fourth, to sources other than earnings and profits only after the earnings and profits have been distributed.

(b) If the earnings and profits of the taxable year (computed as of the close of the year without diminution by reason of any distributions made during the year and without regard to the amount of earnings and profits at the time of the distribution) are sufficient in amount to cover all the distributions made during that year, then each distribution is a taxable dividend. See § 1.316–1. If the distributions made during the taxable year consist only of money and exceed the earnings and profits of such year, then that proportion of each distribution which the total of the earnings and profits of the year bears to the total distributions made during the year shall be regarded as out of the earnings and profits of that year. The portion of each such distribution which is not regarded as out of earnings and profits of the taxable year shall be considered a taxable dividend to the extent of the earnings and profits accumulated since February 28, 1913, and available on the date of the distribution. In any case in which it is necessary to determine the amount of earnings and profits accumulated since February 28, 1913, and the actual earnings and profits to the date of a distribution within any taxable year (whether beginning before January 1, 1936, or, in the case of an operating deficit, on or after that date) cannot be shown, the earnings and profits for the year (or accounting period, if less than a year) in which the distribution was made shall be prorated to the date of the distribution not counting the date on which the distribution was made.

(c) The provisions of the section may be illustrated by the following example:

Example. At the beginning of the calendar year 1955, Corporation M had $12,000 in earnings and profits accumulated since February 28, 1913. Its earnings and profits for 1955 amounted to $30,000. During the year it made quarterly cash distributions of $15,000 each. Of each of the four distributions made, $7,500 (that portion of $15,000 which the amount of $30,000, the total earnings and profits of the taxable year, bears to $60,000, the total distributions made during the year) was paid out of the earnings and profits of the taxable year; and of the first and second distributions, $7,500 and $4,500, respectively, were paid out of the earnings and profits accumulated after February 28, 1913, and before the taxable year, as follows:

Distributions during 1955		Portion out of earnings and profits of the taxable year	Portion out of earnings accumulated since Feb. 28, 1913, and before the taxable year	Taxable amount of each distribution
Date	Amount			
March 10	$15,000	$7,500	$7,500	$15,000
June 10	15,000	7,500	4,500	12,000
September 10	15,000	7,500	----------	7,500
December 10	15,000	7,500	----------	7,500
Total amount taxable as dividends				42,000

(d) Any distribution by a corporation out of earnings and profits accumulated before March 1, 1913, or out of increase in value of property accrued before March 1, 1913 (whether or not realized by sale or other disposition, and, if realized, whether before, on, or after March 1, 1913), is not a dividend within the meaning of subtitle A.

(e) A reserve set up out of gross income by a corporation and maintained for the purpose of making good any loss of capital assets on account of depletion or depreciation is not a part of surplus out of which ordinary dividends may be paid. A distribution made from a depletion or a depreciation reserve based upon the cost or other basis of the property will not be considered as having been paid out of earnings and profits, but the amount thereof shall be applied against and reduce the cost or other basis of the stock upon which declared. If such a distribution is in excess of the basis, the excess shall be taxed as a gain from the sale or other disposition of property as provided in section 301 (c) (3) (A). A distribution from a depletion reserve based upon discovery value to the extent that such reserve represents the excess of the discovery value over the cost or other basis for determining gain or loss, is, when received by the shareholders, taxable as an ordinary dividend. The amount by which a corporation's percentage depletion allowance for any year exceeds depletion sustained on cost or other basis, that is, determined without regard to discovery or percentage depletion allowances for the year of distribution or prior years, constitutes a part of the corporation's "earnings and profits accumulated after February 28, 1913," within the meaning of section 316, and, upon distribution to shareholders, is taxable to them as a dividend. A distribution made from that portion of a depletion reserve based upon a valuation as of March 1, 1913, which is in excess of the depletion reserve based upon cost, will not be considered as having been paid out of earnings and profits, but the amount of the distribution shall be applied against and reduce the cost or other basis of the stock upon which declared. See section 301. No distribution, however, can be made from such a reserve until all the earnings and profits of the corporation have first been distributed.

§ 1.317 *Statutory provisions; other definitions.*

SEC. 317. *Other definitions*—(a) *Property.* For purposes of this part, the term "property" means money, securities, and any other property; except that such term does not include stock in the corporation making the distribution (or rights to acquire such stock).

(b) *Redemption of stock.* For purposes of this part, stock shall be treated as redeemed by a corporation if the corporation acquires its stock from a shareholder in exchange for property, whether or not the stock so acquired is cancelled, retired, or held as treasury stock.

§ 1.317–1 *Property defined.* The term "property", for purposes of Part 1 of subchapter C, means any property (including money, securities, and indebtedness to the corporation) other than stock, or rights to acquire stock, in the corporation making the distribution.

§ 1.318 *Statutory provisions; constructive ownership of stock.*

SEC. 318. *Constructive ownership of stock*—(a) *General rule.* For purposes of those provisions of this subchapter to which the rules contained in this section are expressly made applicable—

(1) *Members of family*—(A) *In general.* An individual shall be considered as owning the stock owned, directly or indirectly, by or for—

(i) His spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance), and

(ii) His children, grandchildren and parents.

(B) *Effect of adoption.* For purposes of subparagraph (A) (ii), a legally adopted child of an individual shall be treated as a child of such individual by blood.

(2) *Partnerships, estates, trusts and corporations*—(A) *Partnerships and estates.* Stock owned, directly or indirectly, by or for a partnership or estate shall be considered as being owned proportionately by its partners or beneficiaries. Stock owned, directly or indirectly, by or for a partner or a beneficiary of an estate shall be considered as being owned by the partnership or estate.

(B) *Trusts.* Stock owned, directly or indirectly, by or for a trust shall be considered as being owned by its beneficiaries in proportion to the actuarial interest of such beneficiaries in such trust. Stock owned, directly or indirectly, by or for a beneficiary of a trust shall be considered as being owned by the trust, unless such beneficiary's interest in the trust is a remote contingent interest. For purposes of the preceding sentence, a contingent interest of a beneficiary in a trust shall be considered remote if, under the maximum exercise of discretion by the trustee in favor of such beneficiary, the value of such interest, computed actuarially, is 5 percent or less of the value of the trust property. Stock owned, directly or indirectly, by or for any portion of a trust of which a person is considered the owner under subpart E of Part I of subchapter J (relating to grantors and others treated as substantial owners) shall be considered as being owned by such person; and such trust shall be treated as owning the stock owned, directly or indirectly, by or for that person. This subparagraph shall not apply with respect to any employees' trust described in section 401 (a) which is exempt from tax under section 501 (a).

(C) *Corporations.* If 50 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, then—

(i) Such person shall be considered as owning the stock owned, directly or indirectly, by or for that corporation, in that proportion which the value of the stock which such person so owns bears to the value of all the stock in such corporation; and

(ii) Such corporation shall be considered as owning the stock owned, directly or indirectly, by or for that person.

(3) *Options.* If any person has an option to acquire stock, such stock shall be considered as owned by such person. For purposes of this paragraph, an option to acquire such an option, and each one of a series of such options, shall be considered as an option to acquire such stock.

(4) *Constructive ownership as actual ownership*—(A) *In general.* Except as provided in subparagraph (B), stock constructively owned by a person by reason of the application of paragraph (1), (2), or (3) shall, for purposes of applying paragraph (1), (2), or (3), be treated as actually owned by such person.

(B) *Members of family.* Stock constructively owned by an individual by reason of the application of paragraph (1) shall not be treated as owned by him for purposes of again applying paragraph (1) in order to make another the constructive owner of such stock.

(C) *Option rule in lieu of family rule.* For purposes of this paragraph, if stock may be considered as owned by an individual under paragraph (1) or (3), it shall be considered as owned by him under paragraph (3).

(b) *Cross references.* For provisions to which the rules contained in subsection (a) apply, see—

(1) Section 302 (relating to redemption of stock);

(2) Section 304 (relating to redemption by related corporations);

(3) Section 306 (b) (1) (A) (relating to disposition of section 306 stock);

(4) Section 334 (b) (3) (C) (relating to basis of property received in certain liquidations of subsidiaries); and

(5) Section 382 (a) (3) (relating to special limitations on net operating loss carryovers).

§ 1.318–1 *Constructive ownership of stock; introduction.* (a) For the purposes of certain provisions of subchapter C, section 318 (a) provides that stock owned by a taxpayer includes stock constructively owned by such taxpayer under the rules set forth in such section. An individual is considered to own the stock owned, directly or indirectly, by or for his spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance), and by or for his children, grandchildren, and parents. Under section 318 (a) (2) constructive ownership rules are established for partnerships and partners, estates and beneficiaries, trusts and beneficiaries, and corporations and stockholders. If any person has an option to acquire stock, such stock is considered as owned by such person. The term "option" includes an option to acquire such an option and each of a series of such options. The rules of section 318 (a) are applicable to the following sections:

(1) Section 302 (relating to redemption of stock);

(2) Section 304 (relating to redemption by related corporations);

(3) Section 306 (b) (1) (A) (relating to disposition of section 306 stock);

(4) Section 334 (b) (3) (C) (relating to basis of property received in certain liquidations of subsidiaries); and

(5) Section 382 (a) (3) (relating to special limitations on net operating loss carryovers).

Stock constructively owned by a person by reason of the application of paragraph (1), (2), or (3) of section 318 (a) is, for purposes of applying paragraph (1), (2), or (3) treated as actually owned by such person, except as provided in section 318 (a) (4) (B) and § 1.318–4.

(b) In applying section 318 (a) to determine the stock ownership of any person for any one purpose—

(1) A corporation shall not be considered to own its own stock by reason of section 318 (a) (2) (C) (ii),

(2) In any case in which an amount of stock owned by any person may be included in the computation more than one time—

(i) Such stock shall be used in such computation only once, and

(ii) Such stock shall be used in such computation in the manner in which it will impute to the person concerned the largest total stock ownership, and

(3) In determining the 50 percent requirement of section 318 (a) (2) (C) all of the stock owned actually and constructively by the person concerned shall be aggregated.

§ 1.318–2 *Application of general rules.* (a) The application of paragraph (b) of § 1.318–1 may be illustrated by the following examples:

Example (1). H, an individual, owns all of the stock of Corporation A. Corporation A is not considered to own the stock owned by H in Corporation A.

Example (2). A owns 40 percent of the Brown Corporation and 50 percent of the Green Corporation. Under section 318 (a) (2) (C), the stock ownership of A in the Brown Corporation will be limited to 40 percent of such stock. No amount of the stock of the Brown Corporation considered to be owned by the Green Corporation under section 318 (a) (2) (C) (ii) will be considered as owned by A under section 318 (a) (2) (C) (i) since, under § 1.318–1 (b) (2) (i), the same stock shall not be taken into account twice in the same computation, and pursuant to § 1.318–1 (b) (2) (ii), the amount of stock must be computed as if actually owned by A since this will impute to him the largest total stock ownership. The same result will follow if A is a fifty percent beneficiary of a trust or a fifty percent partner in a partnership rather than a 50 percent shareholder of the Green Corporation.

Example (3). Two unrelated individuals, A and B, own stock of a corporation, and are also the beneficiaries of a trust or estate or the members of a partnership. In determining the stock constructively owned by A, the trust, estate or partnership is considered as actually owning the stock owned by B.

Example (4). H, an individual, his wife, W, and his son, S, each own one-third of the stock of the Green Corporation. For purposes of determining the amount of stock owned by H, W, or S for the purpose of section 318 (a) (2) (C), the amount of stock held by the other members of the family shall be added pursuant to § 1.318–1 (b) (3) above in applying the 50 percent requirement of such section. H, W, or S, as the case may be, is for this purpose deemed to own 100 percent of the stock of the Green Corporation.

(b) The application of section 318 (a) (1), relating to members of a family, may be illustrated by the following example:

Example. An individual, H, his wife, W, his son, S, and his grandson (S's son), G, own the 100 outstanding shares of stock of a corporation, each owning 25 shares. H, W, and S are each considered as owning 100 shares. G is considered as owning only 50 shares, that is, his own and his father's.

(c) The application of section 318 (a) (2) relating to partnerships, trusts and corporations may be illustrated by the following examples:

Example (1). A, an individual, has a 50 percent interest in a partnership. The partnership owns 50 of the 100 outstanding shares of stock of a corporation, the remaining 50 shares being owned by A. The partnership is considered as owning 100 shares. A is considered as owning 75 shares.

Example (2). A testamentary trust owns 25 of the outstanding 100 shares of stock of a corporation. A, an individual, who holds a vested remainder in the trust having a value, computed actuarially equal to 4 percent of the value of the trust property, owns the remaining 75 shares. Since the interest of A in the trust is a vested interest rather than a contingent interest (whether or not remote), the trust is considered as owning 100 shares. A is considered as owning 76 shares.

Example (3). The facts are the same as in (2), above, except that A's interest in the trust is a contingent remainder. A is considered as owning 76 shares. However, since A's interest in the trust is a remote contingent interest, the trust is not considered as owning any of the shares owned by A.

Example (4). A and B, unrelated individuals, own 70 percent and 30 percent, respectively, in value of the stock of Corporation M. Corporation M owns 50 of the 100 outstanding shares of stock of Corporation O, the remaining 50 shares being owned by A. Corporation M is considered as owning 100 shares of Corporation O, and A is considered as owning 85 shares.

Example (5). A and B, unrelated individuals, own 70 percent and 30 percent, respectively, of the stock of Corporation M. A, B and Corporation M all own stock of Corporation O. Since B owns less than 50 percent in value of the stock of Corporation M, neither B nor Corporation M constructively owns the stock of Corporation O owned by the other. However, for the purpose of section 304 (b) (1), 304 (c) (2), and 382 (a) (3), section 318 (a) (2) (C) is applied without regard to the 50 percent limitation contained therein, and for such purposes, B constructively owns the stock of Corporation O owned by Corporation M, and Corporation M constructively owns the stock of Corporation O owned by B. Therefore, for such purpose, in determining the stock constructively owned by A, Corporation M is treated as actually owning the stock of Corporation O owned by B.

§ 1.318–3 *Estates, trusts, and options.* (a) For the purpose of applying section 318 (a) relating to estates, property of a decedent shall be considered as owned by his estate if such property is subject to administration by the executor or adminstrator for the purpose of paying claims against the estate and expenses of administration notwithstanding that, under local law, legal title to such property vests in the decedent's heirs, legatees or devisees immediately upon death. The term "beneficiary" includes any person entitled to receive property of a decedent pursuant to a will or pursuant to laws of descent and distribution. A person shall no longer be considered a beneficiary of an estate when all the property to which he is entitled has been received by him, when he no longer has a claim against the estate arising out of having been a beneficiary, and when there is only a remote possibility that it will be necessary for the estate to seek the return of property or to seek payment from him by contribution or otherwise to satisfy claims against the estate or expenses of administration. When, pursuant to the preceding sentence, a person ceases to be a beneficiary, stock owned by him shall not thereafter be considered owned by the estate, and stock owned by the estate shall not thereafter be considered owned by him. The application of section 318 (a) relating to estates may be illustrated by the following examples:

Example (1). A decedent's estate owns 50 of the 100 outstanding shares of stock of Corporation X. The remaining shares are owned by three unrelated individuals, A, B, and C, who together own the entire interest in the estate. A owns 12 shares of stock of Corporation X directly and is entitled to 50 percent of the estate. B owns 18 shares directly and has a life estate in the remaining 50 percent of the estate. C owns 20 shares directly and also owns the remainder interest after B's life estate. Under these circumstances, the estate is considered as owning 80 shares of the stock of Corporation X; 50 shares directly, 12 shares constructively through A, and 18 shares constructively through B. A is considered as owning 46 shares of the stock of Corporation X; 12 shares directly and 34 shares constructively (50 percent of the 50 shares owned directly by the estate and 50 percent of the 18 shares owned constructively by the estate through B). B is considered as owning 49 shares of the stock of Corporation X; 18 shares directly and 31 shares constructively (50 percent of the 50 shares owned directly by the estate and 50 percent of the 12 shares owned constructively by the estate through A). C is considered as owning 20 shares directly and no shares constructively. C is not considered a beneficiary of the estate under section 318 (a) since he has no direct present interest in the property held by the estate nor in the income produced by such property.

Example (2). Under the will of A, Blackacre is left to B for life, remainder to C, an unrelated individual. The residue of the estate consisting of stock of a corporation is left to D. B and D are beneficiaries of the estate under section 318 (a). C is not considered a beneficiary since he has no direct present interest in Blackacre nor in the income produced by such property. The stock owned by the estate is considered as owned proportionately by B an D.

(b) For the purpose of section 318 (a) (2) (B) stock owned by a trust will be considered as being owned by its beneficiaries only to the extent of the interest of such beneficiaries in the trust. Accordingly, the interest of income beneficiaries, remainder beneficiaries, and other beneficiaries will be computed on an actuarial basis. Thus, if a trust owns 100 percent of the stock of Corporation A, and if, on an actuarial basis, W's life interest in the trust is 15 percent, Y's life interest is 25 percent, and Z's remainder interest is 60 percent, under this provision W will be considered to be the owner of 15 percent of the stock of Corporation A, Y will be considered to be the owner of 25 percent of such stock, and Z will be considered to be the owner of 60 percent of such stock.

(c) The application of section 318 (a) relating to options may be illustrated by the following example:

Example. A and B, unrelated individuals, own all of the 100 outstanding shares of stock of a corporation, each owning 50 shares. A has an option to acquire 25 of B's shares and has an option to acquire a further option to acquire the remaining 25 of B's shares. A is considered as owning the entire 100 shares of stock of the corporation.

§ 1.318–4 *Constructive family ownership.* An exception concerning the treatment of constructive ownership as actual ownership is provided in section 318 (a) (4) (B) with respect to stock constructively owned by reason of ownership by a member of a family. This exception is intended to make clear that unless the stock is directly attributable to the individual whose stock ownership is in question, the constructive ownership rules of section 318 (a) (1) are not applicable. Thus, for example, if F and his two sons, A and B, each own one-third of the stock of a corporation, under section 318 (a) (1), A is treated as owning constructively the stock owned by his father but is not treated as owning the stock owned by B. Section 318 (a) (4) (B) prevents the attribution of the stock of one brother through the father to the other brother, an attribution beyond the scope of section 318 (a) (1) directly.

CORPORATE LIQUIDATIONS

Effects on Recipients

§ 1.331 *Statutory provisions; gain or loss to shareholders in corporate liquidations.*

SEC. 331. *Gain or loss to shareholders in corporate liquidations*—(a) *General rule*—(1) *Complete liquidations.* Amounts distributed in complete liquidation of a corporation shall be treated as in full payment in exchange for the stock.

(2) *Partial liquidations.* Amounts distributed in partial liquidation of a corporation (as defined in section 346) shall be treated as in part or full payment in exchange for the stock.

(b) *Nonapplication of section 301.* Section 301 (relating to effects on shareholder of distributions of property) shall not apply to any distribution of property in partial or complete liquidation.

(c) *Cross references.* (1) For general rule for determination of the amount of gain or loss to the distributee, see section 1001.

(2) For general rule for determination of the amount of gain or loss recognized, see section 1002.

§ 1.331–1 *Corporate liquidations.* (a) Section 331 contains rules governing the extent to which gain or loss is recognized to a shareholder receiving a distribution in complete or partial liquidation of a corporation. Under section 331 (a) (1), it is provided that amounts distributed in complete liquidation of a corporation shall be treated as in full payment in exchange for the stock. Under section 331 (a) (2), it is provided that amounts distributed in partial liquidation of a corporation shall be treated as in full or part payment in exchange for the stock. For this purpose, the term "partial liquidation" shall have the meaning ascribed in section 346. If section 331 is applicable to the distribution of property by a corporation, section 301 (relating to the effects on a shareholder of distributions of property) has no application.

(b) The gain or loss to a shareholder from a distribution in partial or complete liquidation is to be determined under section 1001 by comparing the amount of the distribution with the cost or other basis of the stock. The gain or loss will be recognized to the extent provided in section 1002 and will be subject to the provisions of sections 1201–1223.

(c) A liquidation which is followed by a transfer to another corporation of all or part of the assets of the liquidating corporation or which is preceded by such a transfer may, however, have the effect of the distribution of a dividend or of a transaction in which no loss is recognized and gain is recognized only to the extent of "other property." See sections 301 and 356.

(d) In every case in which a shareholder transfers stock in exchange for property to the corporation which issued such stock, the facts and circumstances shall be reported on his return unless the property is part of a distribution made pursuant to a corporate resolution reciting that the distribution is made in liquidation of the corporation and the corporation is completely liquidated and dissolved within one year after the distribution. See section 6043 for requirements relating to returns by corporations.

(e) The provisions of this section may be illustrated by the following example:

Example. A, an individual who makes his income tax returns on the calendar year basis, owns 20 shares of stock of the P Corporation, a domestic corporation, 10 shares of which were acquired in 1951 at a cost of $1,500 and the remainder of 10 shares in December 1954 at a cost of $2,900. He receives in April 1955 a distribution of $250 per share in complete liquidation, or $2,500 on the 10 shares acquired in 1951, and $2,500 on the 10 shares acquired in December 1954. The gain of $1,000 on the shares acquired in 1951 is a long-term capital gain to be treated as provided in sections 1201 through 1223. The loss of $400 on the shares acquired in 1954 is a short-term capital loss to be treated as provided in sections 1201 through 1223.

§ 1.332 *Statutory provisions; complete liquidations of subsidiaries.*

SEC. 332. *Complete liquidations of subsidiaries*—(a) *General rule.* No gain or loss shall be recognized on the receipt by a corporation of property distributed in complete liquidation of another corporation.

(b) *Liquidations to which section applies.* For purposes of subsection (a), a distribution shall be considered to be in complete liquidation only if—

(1) The corporation receiving such property was, on the date of the adoption of the plan of liquidation, and has continued to be at all times until the receipt of the property, the owner of stock (in such other corporation) possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and the owner of at least 80 percent of the total number of shares of all other classes of stock (except nonvoting stock which is limited and preferred as to dividends); and either

(2) The distribution is by such other corporation in complete cancellation or redemption of all its stock, and the transfer of all the property occurs within the taxable year; in such case the adoption by the shareholders of the resolution under which is authorized the distribution of all the assets of such corporation in complete cancellation or redemption of all its stock shall be considered an adoption of a plan of liquidation, even though no time for the completion of the transfer of the property is specified in such resolution; or

(3) Such distribution is one of a series of distributions by such other corporation in complete cancellation or redemption of all its stock in accordance with a plan of liquidation under which the transfer of all the property under the liquidation is to be completed within 3 years from the close of the taxable year during which is made the first of the series of distributions under the plan, except that if such transfer is not completed within such period, or if the taxpayer does not continue qualified under paragraph (1) until the completion of such transfer, no distribution under the plan shall be considered a distribution in complete liquidation.

If such transfer of all the property does not occur within the taxable year, the Secretary or his delegate may require of the taxpayer such bond, or waiver of the statute of limitations on assessment and collection, or both, as he may deem necessary to insure, if the transfer of the property is not completed within such 3-year period, or if the taxpayer does not continue qualified under paragraph (1) until the completion of such transfer, the assessment and collection of all income taxes then imposed by law for such taxable year or subsequent taxable years, to the extent attributable to property so received. A distribution otherwise constituting a distribution in complete liquidation within the meaning of this subsection shall not be considered as not constituting such a distribution merely because it does not constitute a distribution or liquidation within the meaning of the corporate law under which the distribution is made; and, for purposes of this subsection a transfer of property of such other corporation to the taxpayer shall not be considered as not constituting a distribution (or one of a series of distributions) in complete cancellation or redemption of all the stock of such other corporation, merely because the carrying out of the plan involves (A) the transfer under the plan to the taxpayer by such other corporation of property, not attributable to shares owned by the taxpayer, on an exchange described in section 361, and (B) the complete cancellation or redemption under the plan, as a result of exchanges described in section 354, of the shares not owned by the taxpayer.

(c) *Special rule for indebtedness of subsidiary to parent.* If—

(1) A corporation is liquidated and subsection (a) applies to such liquidation, and

(2) On the date of the adoption of the plan of liquidation, such corporation was indebted to the corporation which meets the 80 percent stock ownership requirements specified in subsection (b),

then no gain or loss shall be recognized to the corporation so indebted because of the transfer of property in satisfaction of such indebtedness.

§ 1.332–1 *Distributions in liquidation of subsidiary corporation; general.* Under the general rule prescribed by section 331 for the treatment of distributions in liquidation of a corporation, amounts received by one corporation in complete liquidation of another corporation are treated as in full payment in exchange for stock in such other corporation, and gain or loss from the receipt of such amounts is to be determined as provided in section 1001. Section 332 excepts from the general rule property received, under certain specifically described circumstances, by one corporation as a distribution in complete liquidation of the stock of another corporation and provides for the nonrecognition of gain or loss in those cases which meet the statutory requirements. Section 367 places a limitation on the application of section 332 in the case of foreign corporations. See section 334 (b) for the basis for determining gain or loss from the subsequent sale of property received upon complete liquidations such as described in this section. See section 453 (d) (4) (A) relative to distribution of installment obligations by subsidiary.

§ 1.332–2 *Requirements for nonrecognition of gain or loss.* (a) The nonrecognition of gain or loss is limited to

the receipt of such property by a corporation which is the actual owner of stock (in the liquidating corporation) possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and the owner of at least 80 percent of the total number of shares of all other classes of stock (except nonvoting stock which is limited and preferred as to dividends). The recipient corporation must have been the owner of the specified amount of such stock on the date of the adoption of the plan of liquidation and have continued so to be at all times until the receipt of the property. If the recipient corporation does not continue qualified with respect to the ownership of stock of the liquidating corporation and if the failure to continue qualified occurs at any time prior to the completion of the transfer of all the property, the provisions for the nonrecognition of gain or loss do not apply to any distribution received under the plan.

(b) Section 332 applies only to those cases in which the recipient corporation receives at least partial payment for the stock which it owns in the liquidating corporation. If section 332 is not applicable, see section 165 (g) relative to allowance of losses on worthless securities.

(c) To constitute a distribution in complete liquidation within the meaning of section 332, the distribution must be (1) made by the liquidating corporation in complete cancellation or redemption of all of its stock in accordance with a plan of liquidation, or (2) one of a series of distributions in complete cancellation or redemption of all its stock in accordance with a plan of liquidation. Where there is more than one distribution, it is essential that a status of liquidation exist at the time the first distribution is made under the plan and that such status continue until the liquidation is completed. Liquidation is completed when the liquidating corporation and the receiver or trustees in liquidation are finally divested of all the property (both tangible and intangible). A status of liquidation exists when the corporation ceases to be a going concern and its activities are merely for the purpose of winding up its affairs, paying its debts, and distributing any remaining balance to its shareholders. A liquidation may be completed prior to the actual dissolution of the liquidating corporation. However, legal dissolution of the corporation is not required. Nor will the mere retention of a nominal amount of assets for the sole purpose of preserving the corporation's legal existence disqualify the transaction. (See § 39.22 (a)-20 of Regulations 118 (26 CFR (1939), 1953 revision, § 39.22 (a)-20).)

(d) If a transaction constitutes a distribution in complete liquidation within the meaning of the Internal Revenue Code of 1954 and satisfies the requirements of section 332, it is not material that it is otherwise described under the local law. If a liquidating corporation distributes all of its property in complete liquidation and if pursuant to the plan for such complete liquidation a corporation owning the specified amount of stock in the liquidating corporation receives property constituting amounts distributed in complete liquidation within the meaning of the Code and also receives other property attributable to shares not owned by it, the transfer of the property to the recipient corporation shall not be treated, by reason of the receipt of such other property, as not being a distribution (or one of a series of distributions) in complete cancellation or redemption of all of the stock of the liquidating corporation within the meaning of section 332, even though for purposes of those provisions relating to corporate reorganizations the amount received by the recipient corporation in excess of its ratable share is regarded as acquired upon the issuance of its stock or securities in a tax-free exchange as described in section 361 and the cancellation or redemption of the stock not owned by the recipient corporation is treated as occurring as a result of a tax-free exchange described in section 354.

(e) The application of these rules may be illustrated by the following example:

Example. On September 1, 1954, the M Corporation had outstanding capital stock consisting of 3,000 shares of common stock, par value $100 a share, and 1,000 shares of preferred stock, par value $100 a share, which preferred stock was limited and preferred as to dividends and had no voting rights. On that date, and thereafter until the date of dissolution of the M Corporation, the O Corporation owned 2,500 shares of common stock of the M Corporation. By statutory merger consummated on October 1, 1954, pursuant to a plan of liquidation adopted on September 1, 1954, the M Corporation was merged into the O Corporation, the O Corporation under the plan issuing stock which was received by the other holders of the stock of the M Corporation. The receipt by the O Corporation of the properties of the M Corporation is a distribution received by the O Corporation in complete liquidation of the M Corporation within the meaning of section 332, and no gain or loss is recognized as the result of the receipt of such properties.

§ 1.332-3 *Liquidations completed within one taxable year.* If in a liquidation completed within one taxable year pursuant to a plan of complete liquidation, distributions in complete liquidation are received by a corporation which owns the specified amount of stock in the liquidating corporation and which continues qualified with respect to the ownership of such stock until the transfer of all the property within such year is completed (see § 1.332-2 (a)), then no gain or loss shall be recognized with respect to the distributions received by the recipient corporation. In such case no waiver or bond is required of the recipient corporation under section 332.

§ 1.332-4 *Liquidations covering more than one taxable year.* (a) If the plan of liquidation is consummated by a series of distributions extending over a period of more than one taxable year, the nonrecognition of gain or loss with respect to the distributions in liquidation shall, in addition to the requirements of § 1.332-2, be subject to the following requirements:

(1) In order for the distribution in liquidation to be brought within the exception provided in section 332 to the general rule for computing gain or loss with respect to amounts received in liquidation of a corporation, the entire property of the corporation shall be transferred in accordance with a plan of liquidation, which plan shall include a statement showing the period within which the transfer of the property of the liquidating corporation to the recipient corporation is to be completed. The transfer of all the property under the liquidation must be completed within three years from the close of the taxable year during which is made the first of the series of distributions under the plan.

(2) For each of the taxable years which falls wholly or partly within the period of liquidation, the recipient corporation shall, at the time of filing its return, file with the district director of internal revenue a waiver of the statute of limitations on assessment. The waiver shall be executed on such form as may be prescribed by the Commissioner and shall extend the period of assessment of all income and profits taxes for each such year to a date not earlier than one year after the last date of the period for assessment of such taxes for the last taxable year in which the transfer of the property of such liquidating corporation to the controlling corporation may be completed in accordance with section 332. Such waiver shall also contain such other terms with respect to assessment as may be considered by the Commissioner to be necessary to insure the assessment and collection of the correct tax liability for each year within the period of liquidation.

(3) For each of the taxable years which falls wholly or partly within the period of liquidation, the recipient corporation may be required to file a bond, the amount of which shall be fixed by the district director of internal revenue. The bond shall contain all terms specified by the Commissioner, including provisions unequivocally assuring prompt payment of the excess of income and profits taxes (plus penalty, if any, and interest) as computed by the district director without regard to the provisions of sections 332 and 334 (b) over such taxes computed with regard to such provisions, regardless of whether such excess may or may not be made the subject of a notice of deficiency under section 6212 and regardless of whether it may or may not be assessed. Any bond required under section 332 shall have such surety or sureties as the Commissioner may require. However, see 6 U. S. C. 15, providing that where a bond is required by law or regulations, in lieu of surety or sureties there may be deposited bonds or notes of the United States. Only surety companies holding certificates of authority from the Secretary as acceptable sureties on Federal bonds will be approved as sureties. The bonds shall be executed in triplicate so that the Commissioner, the taxpayer, and the surety or the depositary may each have a copy. On and after September 1, 1953, the functions of the Commissioner with respect to such bonds shall be performed by the district director of internal revenue for the internal revenue district in which the return was filed and any bond filed on or after such date shall be filed with such district director.

(b) Pending the completion of the liquidation, if there is a compliance with subparagraphs (1), (2), and (3) of paragraph (a) of this section and § 1.332-2 with respect to the nonrecognition of gain or loss, the income and profits tax liability of the recipient corporation for each of the years covered in whole or in part by the liquidation shall be determined without the recognition of any gain or loss on account of the receipt of the distributions in liquidation. In such determination, the basis of the property or properties received by the recipient corporation shall be determined in accordance with section 334 (b). However, if the transfer of the property is not completed within the three-year period allowed by section 332 or if the recipient corporation does not continue qualified with respect to the ownership of stock of the liquidating corporation as required by that section, gain or loss shall be recognized with respect to each distribution and the tax liability for each of the years covered in whole or in part by the liquidation shall be recomputed without regard to the provisions of section 332 or section 334 (b) and the amount of any additional tax due upon such recomputation shall be promptly paid.

§ 1.332-5 *Distributions in liquidation as affecting minority interests.* Upon the liquidation of a corporation in pursuance of a plan of complete liquidation, the gain or loss of minority shareholders shall be determined without regard to section 332, since it does not apply to that part of distributions in liquidation received by minority shareholders.

§ 1.332-6 *Records to be kept and information to be filed with return.* (a) Permanent records in substantial form shall be kept by every corporation receiving distributions in complete liquidation within the exception provided in section 332 showing the information required by this section to be submitted with its return. The plan of liquidation must be adopted by each of the corporations parties thereto; and the adoption must be shown by the acts of its duly constituted responsible officers, and appear upon the official records of each such corporation.

(b) For the taxable year in which the liquidation occurs, or, if the plan of liquidation provides for a series of distributions over a period of more than one year, for each taxable year in which a distribution is received under the plan the recipient must file with its return a complete statement of all facts pertinent to the nonrecognition of gain or loss, including—

(1) A certified copy of the plan for complete liquidation, and of the resolutions under which the plan was adopted and the liquidation was authorized, together with a statement under oath showing in detail all transactions incident to, or pursuant to, the plan.

(2) A list of all the properties received upon the distribution, showing the cost or other basis of such properties to the liquidating corporation at the date of distribution and the fair market value of such properties on the date distributed.

(3) A statement of any indebtedness of the liquidating corporation to the recipient corporation on the date the plan of liquidation was adopted and on the date of the first liquidating distribution. If any such indebtedness was acquired at less than face value, the cost thereof to the recipient corporation must also be shown.

(4) A statement as to its ownership of all classes of stock of the liquidating corporation (showing as to each class the number of shares and percentage owned and the voting power of each share) as of the date of the adoption of the plan of liquidation, and at all times since, to and including the date of the distribution in liquidation. The cost or other basis of such stock and the date or dates on which purchased must also be shown.

§ 1.332-7 *Indebtedness of subsidiary to parent.* If section 332 (a) is applicable to the receipt of the subsidiary's property in complete liquidation, then no gain or loss shall be recognized to the subsidiary upon the transfer of such properties even though some of the properties are transferred in satisfaction of the subsidiary's indebtedness to its parent. However, any gain or loss realized by the parent corporation on such satisfaction of indebtedness, shall be recognized to the parent corporation at the time of the liquidation. For example, if the parent corporation purchased its subsidiary's bonds at a discount and upon liquidation of the subsidiary the parent corporation receives payment for the face amount of such bonds, gain shall be recognized to the parent corporation. Such gain shall be measured by the difference between the cost or other basis of the bonds to the parent and the amount received in payment of the bonds.

§ 1.333 *Statutory provisions; election as to recognition of gain in certain liquidations.*

SEC. 333. *Election as to recognition of gain in certain liquidations*—(a) *General rule.* In the case of property distributed in complete liquidation of a domestic corporation (other than a collapsible corporation to which section 341 (a) applies), if—

(1) The liquidation is made in pursuance of a plan of liquidation adopted on or after June 22, 1954, and

(2) The distribution is in complete cancellation or redemption of all the stock, and the transfer of all the property under the liquidation occurs within some one calendar month,

then in the case of each qualified electing shareholder (as defined in subsection (c)) gain on the shares owned by him at the time of the adoption of the plan of liquidation shall be recognized only to the extent provided in subsections (e) and (f).

(b) *Excluded corporation.* For purposes of this section, the term "excluded corporation" means a corporation which at any time between January 1, 1954, and the date of the adoption of the plan of liquidation, both dates inclusive, was the owner of stock possessing 50 percent or more of the total combined voting power of all classes of stock entitled to vote on the adoption of such plan.

(c) *Qualified electing shareholders.* For purposes of this section, the term "qualified electing shareholder" means a shareholder (other than an excluded corporation) of any class of stock (whether or not entitled to vote on the adoption of the plan of liquidation) who is a shareholder at the time of the adoption of such plan, and whose written election to have the benefits of subsection (a) has been made and filed in accordance with subsection (d), but—

(1) In the case of a shareholder other than a corporation, only if written elections have been so filed by shareholders (other than corporations) who at the time of the adoption of the plan of liquidation are owners of stock possessing at least 80 percent of the total combined voting power (exclusive of voting power possessed by stock owned by corporations) of all classes of stock entitled to vote on the adoption of such plan of liquidation; or

(2) In the case of a shareholder which is a corporation, only if written elections have been so filed by corporate shareholders (other than an excluded corporation) which at the time of the adoption of such plan of liquidation are owners of stock possessing at least 80 percent of the total combined voting power (exclusive of voting power possessed by stock owned by an excluded corporation and by shareholders who are not corporations) of all classes of stock entitled to vote on the adoption of such plan of liquidation.

(d) *Making and filing of elections.* The written elections referred to in subsection (c) must be made and filed in such manner as to be not in contravention of regulations prescribed by the Secretary or his delegate. The filing must be within 30 days after the date of the adoption of the plan of liquidation.

(e) *Noncorporate shareholders.* In the case of a qualified electing shareholder other than a corporation—

(1) There shall be recognized, and treated as a dividend, so much of the gain as is not in excess of his ratable share of the earnings and profits of the corporation accumulated after February 28, 1913, such earnings and profits to be determined as of the close of the month in which the transfer in liquidation occurred under subsection (a) (2), but without diminution by reason of distributions made during such month; but by including in the computation thereof all amounts accrued up to the date on which the transfer of all the property under the liquidation is completed; and

(2) There shall be recognized, and treated as short-term or long-term capital gain, as the case may be, so much of the remainder of the gain as is not in excess of the amount by which the value of that portion of the assets received by him which consists of money, or of stock or securities acquired by the corporation after December 31, 1953, exceeds his ratable share of such earnings and profits.

(f) *Corporate shareholders.* In the case of a qualified electing shareholder which is a corporation, the gain shall be recognized only to the extent of the greater of the two following—

(1) The portion of the assets received by it which consists of money, or of stock or securities acquired by the liquidating corporation after December 31, 1953; or

(2) Its ratable share of the earnings and profits of the liquidating corporation accumulated after February 28, 1913, such earnings and profits to be determined as of the close of the month in which the transfer in liquidation occurred under subsection (a) (2), but without diminution by reason of distributions made during such month; but by including in the computation thereof all amounts accrued up to the date on which the transfer of all the property under the liquidation is completed.

§ 1.333-1 *Corporate liquidation in some one calendar month*—(a) *In general.* Section 333 provides a special rule, in the case of certain specifically de-

scribed complete liquidations of domestic corporations (other than collapsible corporations to which section 341 (a) applies) occurring within some one calendar month, for the treatment of gain on the shares of stock owned by qualified electing shareholders at the time of the adoption of the plan of liquidation. The effect of such section is in general to postpone the recognition of that portion of a qualified electing shareholder's gain on the liquidation which would otherwise be recognized and which is attributable to appreciation in the value of certain corporate assets unrealized by the corporation at the time such assets are distributed in complete liquidation. Only qualified electing shareholders are entitled to the benefits of section 333. The determination of who is a qualified electing shareholder is to be made under section 333 (c). For the basis of property received on such liquidations, see section 334 (c). Section 333 has no application to collapsible corporations. See section 341 (b) for definition of collapsible corporations.

(b) *Type of liquidation.* (1) The liquidation must be in pursuance of a plan of liquidation adopted on or after June 22, 1954. The plan must be adopted before the first distribution under the liquidation occurs. The 1954 Code requires that the transfer of all the property, both tangible and intangible, of the corporation to its shareholders shall occur entirely within some one calendar month. This requirement will be considered to have been complied with if cash is set aside under arrangements for the payment, after the close of such month, of unascertained or contingent liabilities and expenses, and such arrangements are made in good faith and the amount set aside is reasonable. It is not necessary that the month in which the transfer occurs must fall within the taxable or calendar year in which the plan of liquidation is adopted. Though it is not necessary that the corporation dissolve in the month of liquidation, it is essential that a status of liquidation exist at the time the first distribution is made under the plan and that such status continue to the date of dissolution of the corporation. A status of liquidation exists when the corporation ceases to be a going concern and its activities are merely for the purpose of winding up its affairs, paying its debts, and distributing any remaining balance to its shareholders.

(2) If a transaction constitutes a distribution in complete liquidation within the meaning of the 1954 Code and satisfies the requirements of section 333, it is immaterial that it is otherwise described under the local law.

§ 1.333–2 *Qualified electing shareholder.* (a) No corporate shareholder may be a qualified electing shareholder if at any time between January 1, 1954 and the date of the adoption of the plan of liquidation, both dates inclusive, it is the owner of stock of the liquidating corporation possessing 50 percent or more of the total combined voting power of all classes of stock entitled to vote upon the adoption of the plan of liquidation. All other shareholders are divided into two groups for the purpose of determining whether they are qualified electing shareholders: (1) shareholders other than corporations, and (2) corporate shareholders.

(b) Any shareholder of either of such two groups, whether or not the stock he owns is entitled to vote on the adoption of the plan of liquidation, is a qualified electing shareholder if:

(1) His written election to be governed by the provisions of section 333, which cannot be withdrawn or revoked, has been made and filed as prescribed in § 1.333–3; and

(2) Like elections have been made and filed by owners of stock possessing at least 80 percent of the total combined voting power of all classes of stock owned by shareholders of the same group at the time of, and entitled to vote upon, the adoption of the plan of liquidation, whether or not the shareholders making such elections actually realize gain upon the cancellation or redemption of such stock upon the liquidation.

(c) The application of this section may be illustrated by the following example:

Example. The R Corporation has outstanding 20 shares of common stock on July 1, 1954, at the time of the adoption of a plan of liquidation within the provisions of section 333, each entitled to one vote upon the adoption of such plan of liquidation. At that time ten of such shares are owned by the S Corporation, two each by the X Corporation and the Y Corporation, one by the Z Corporation, and one each by A, B, C, D, and E, individuals. There are also outstanding at such time two shares of preferred stock, not entitled to vote on liquidation, one share being owned by F, an individual, and one share by the P Corporation. The S Corporation, being a corporate shareholder and the owner of 50 percent of the voting stock, may not be a qualified electing shareholder under any circumstances. In order for any other corporate shareholder to be a qualified electing shareholder, it is necessary that the X Corporation and the Y Corporation file their written elections to be governed by section 333. If this is done, the P Corporation will also be a qualified electing shareholder if it has filed a like election. Similarly, in the case of the individual shareholders, some combination of four of the individual holders of the common stock must have filed their written elections, before any individual shareholder may be considered a qualified electing shareholder, but if this is done, F will also be a qualified electing shareholder if he has filed a like election.

(d) An election to be governed by the provisions of section 333 relates to the treatment of gain realized upon the cancellation or redemption of stock upon liquidation. Such election, therefore, can be made only by or on behalf of the person by whom gains, if any, will be realized. Thus, the shareholder who may make such election must be the actual owner of stock and not a mere record holder, such as a nominee.

(e) A shareholder is entitled to make an election relative to the gain only on stock owned by him at the time of the adoption of the plan of liquidation. The election is personal to the shareholder making it and does not follow such stock into the hands of a transferee.

§ 1.333–3 *Making and filing of written elections.* An election to be governed by section 333 shall be made on Form 964 (revised) in accordance with the instructions printed thereon and with this section. The original and one copy shall be filed by the shareholder with the district director of internal revenue with whom the final income tax return of the corporation will be filed. The elections must be filed within 30 days after the adoption of the plan of liquidation. Under no circumstances shall section 333 be applicable to any shareholders who fail to file their elections within the 30-day period prescribed. An election shall be considered as timely filed if it is placed in the mail on or before midnight of the 30th day after the adoption of the plan of liquidation, as shown by the postmark on the envelope containing the written election or as shown by other available evidence of the mailing date. Another copy of the election shall be attached to and made a part of the shareholder's income tax return for his taxable year in which the transfer of all the property under the liquidation occurs.

§ 1.333–4 *Treatment of gain—(a) Computation of gain.* As in the case of shareholders generally, amounts received by qualified electing shareholders are treated as in full payment in exchange for their stock, as provided in section 331 and gain from the receipt of such amounts is determined as provided in section 1001. Gain or loss must be computed separately on each share of stock owned by a qualified electing shareholder at the time of the adoption of the plan of liquidation. The limited recognition and special treatment accorded by section 333 applies only to the gain on such shares of stock upon which gain was realized and not to net gain computed by setting off losses realized on some shares against gain on others. Since section 333 applies only to gain recognized, losses realized on the liquidation will be allowable only in the year of liquidation even though Forms 964 (revised) have been filed by those shareholders who realize only losses. Such filings may be necessary to fulfill the 80 percent requirement (under section 332 (b)) so that these shareholders who realize gain may qualify under this section.

(b) *Recognition of gain.* Pursuant to section 333 only so much of the gain on each share of stock owned by a qualified electing shareholder at the time of the adoption of the plan of liquidation is recognized as does not exceed the greater of the following:

(1) Such share's ratable share of the earnings and profits of the corporation accumulated after February 28, 1913, computed as of the last day of the month of liquidation, without diminution by reason of distributions made during such month, and including in such computation all items of income and expense accrued up to the date on which the transfer of all the property under the liquidation is completed; or

(2) Such share's ratable share of the sum of the amount of money received by such shareholder on shares of the same class and the fair market value of all the stock or securities so received which were acquired by the liquidating corporation after December 31, 1953. The mere replacement after December 31, 1953 of lost or destroyed certificates or instruments acquired on or before December 31, 1953, or the mere conversion of certificates or instruments into certificates or instruments of larger or smaller denominations will not constitute an acquisition within the meaning of the phrase "acquired after December 31, 1953." Nor will such an acquisition result from the issuance after December 31, 1953 of certificates of stock in connection with a subscription made and accepted on or before December 31, 1953.

(c) *Treatment of recognized gain.* (1) In the case of a qualified electing shareholder other than a corporation, that part of the recognized gain on a share of stock owned at the time of the adoption of the plan of liquidation which is not in excess of his ratable share of the earnings and profits of the liquidating corporation accumulated after February 28, 1913, determined as provided in section 333 (e) (1), is treated as a dividend. It retains its character as a dividend for all tax purposes. The remainder of the gain which is recognized is treated as a short-term or long-term capital gain, as the case may be. In the case of a qualified electing shareholder which is a corporation, the entire amount of the gain which is recognized is treated as a short-term or long-term capital gain, as the case may be.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. (i) X Corporation has only one class of stock outstanding, owned in equal amounts by three shareholders. The basis of the stock owned by each shareholder is $50, each having bought his stock in a single block prior to the date of the adoption of a plan of liquidation conforming to the requirements of section 333. One of the shareholders is an individual; two are corporations. All are "qualified electing shareholders".

(ii) X Corporation has earnings and profits accumulated after February 28, 1913, of $60 (computed as provided in section 333). Its assets consist of (*a*) cash of $75, (*b*) stock and securities acquired after December 31, 1953, having a fair market value of $90, and (*c*) other property having a fair market value of $240. In October 1954, all of these assets are distributed to the shareholders pro rata in complete liquidation of the corporation, as provided in section 333. Each shareholder thus receives $135 in cash and property, and has $85 gain.

(iii) $55 of each shareholder's gain is recognized since such amount represents the sum of (*a*) the cash received by him and (*b*) the fair market value of the stock and securities received by him which were acquired by the X Corporation after December 31, 1953, and is greater than his ratable share of the earnings and profits ($20). The remainder of each shareholder's gain ($30) is not recognized.

(iv) In the case of the corporate shareholders the entire amount of the recognized gain ($55) is treated as capital gain. In the case of the individual shareholder, $20, being the amount of the shareholder's ratable share of the earnings and profits, is recognized and treated as a dividend, and $35, being the difference between the shareholder's ratable share of the earnings and profits and the sum of the cash and stock and securities received by him, is treated as a short-term or long-term capital gain, as the case may be.

(v) If the basis of each shareholder's stock had been $100, instead of $50, each of the corporate shareholders would be taxed on only $35 as capital gain and the individual shareholder would be taxed on $20 as a dividend and on only $15 as capital gain, since the total amount taxed is limited to the amount of gain realized by the shareholder upon the cancellation or redemption of his stock.

§ 1.333–5 *Records to be kept and information to be filed with return.* (a) Permanent records in substantial form shall be kept by every qualified electing shareholder receiving distributions in complete liquidation of a domestic corporation. Such shareholder must file with his income tax return for his taxable year in which the liquidation occurs a statement of all facts pertinent to the recognition and treatment of the gain realized by him upon the shares of stock owned by him at the time of the adoption of the plan of liquidation, including:

(1) A statement of his stock ownership in the liquidating corporation as of the date of the distribution, showing the number of shares of each class owned on such date and the cost or other basis of each such share;

(2) A list of all the property, including money, received upon the distribution, showing the fair market value of each item of such property other than money on the date distributed and stating what items, if any, consist of stock or securities acquired by the liquidating corporation after December 31, 1953.

(3) A statement of his ratable share of the earnings and profits of the liquidating corporation accumulated after February 28, 1913, computed without diminution by reason of distributions made during the month of liquidation; and

(4) A copy of such shareholder's written election to be governed by the provisions of section 333. (See § 1.333–3.)

(b) For information to be filed by the liquidating corporation, see section 6043.

§ 1.334 *Statutory provisions; corporate liquidations; basis of property received in liquidations.*

SEC. 334. *Basis of property received in liquidations*—(a) *General rule.* If property is received in a distribution in partial or complete liquidation (other than a distribution to which section 333 applies), and if gain or loss is recognized on receipt of such property, then the basis of the property in the hands of the distributee shall be the fair market value of such property at the time of the distribution.

(b) *Liquidation of subsidiary*—(1) *In general.* If property is received by a corporation in a distribution in complete liquidation of another corporation (within the meaning of section 332 (b)), then, except as provided in paragraph (2), the basis of the property in the hands of the distributee shall be the same as it would be in the hands of the transferor. If property is received by a corporation in a transfer to which section 332 (c) applies, and if paragraph (2) of this subsection does not apply, then the basis of the property in the hands of the transferee shall be the same as it would be in the hands of the transferor.

(2) *Exception.* If property is received by a corporation in a distribution in complete liquidation of another corporation (within the meaning of section 332 (b)), and if—

(A) The distribution is pursuant to a plan of liquidation adopted—

(i) On or after June 22, 1954, and

(ii) Not more than 2 years after the date of the transaction described in subparagraph (B) (or, in the case of a series of transactions, the date of the last such transaction); and

(B) Stock of the distributing corporation possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote, and at least 80 percent of the total number of shares of all other classes of stock (except nonvoting stock which is limited and preferred as to dividends), was acquired by the distributee by purchase (as defined in paragraph (3)) during a period of not more than 12 months,

then the basis of the property in the hands of the distributee shall be the adjusted basis of the stock with respect to which the distribution was made. For purposes of the preceding sentence, under regulations prescribed by the Secretary or his delegate, proper adjustment in the adjusted basis of any stock shall be made for any distribution made to the distributee with respect to such stock before the adoption of the plan of liquidation, for any money received, for any liabilities assumed or subject to which the property was received, and for other items.

(3) *Purchase defined.* For purposes of paragraph (2) (B), the term "purchase" means any acquisition of stock, but only if—

(A) The basis of the stock in the hands of the distributee is not determined (i) in whole or in part by reference to the adjusted basis of such stock in the hands of the person from whom acquired, or (ii) under section 1014 (a) (relating to property acquired from a decedent),

(B) The stock is not acquired in an exchange to which section 351 applies, and

(C) The stock is not acquired from a person the ownership of whose stock would, under section 318 (a), be attributed to the person acquiring such stock.

(4) *Distributee defined.* For purposes of this subsection, the term "distributee" means only the corporation which meets the 80 percent stock ownership requirements specified in section 332 (b).

(c) *Property received in liquidation under section 333.* If—

(1) Property was acquired by a shareholder in the liquidation of a corporation in cancellation or redemption of stock, and

(2) With respect to such acquisition—

(A) Gain was realized, but

(B) As the result of an election made by the shareholder under section 333, the extent to which gain was recognized was determined under section 333,

then the basis shall be the same as the basis of such stock cancelled or redeemed in the liquidation, decreased in the amount of any money received by the shareholder, and increased in the amount of gain recognized to him.

§ 1.334–1 *Basis of property received in liquidations*—(a) *In general.* Section 334 sets forth rules prescribing the basis of property received in a distribution in partial or complete liquidation of a corporation. The general rule of section 334 is set forth in section 334 (a) to the effect that if property is received in a distribution in partial or complete liquidation and if gain or loss is recognized on the receipt of such property, then the basis of the property in the hands of the distributee shall be the fair market value of such property at the time of the distribution. Such general rule has no application to a liquidation to

which section 332 or section 333 applies. See section 334 (b) and (c).

(b) *Transferor's basis.* Unless section 334 (b) (2) and subsection (c) of this section apply, property received by a parent corporation in a complete liquidation to which section 332 is applicable shall, under section 334 (b) (1), have the same basis in the hands of the parent as its adjusted basis in the hands of the subsidiary. The rule stated above is applicable even though the subsidiary was indebted to the parent on the date the plan of liquidation was adopted and part of such property was received in satisfaction of such indebtedness in a transfer to which section 332 (c) is applicable.

(c) *Application of stock basis to property.* If section 334 (b) (2) applies to a complete liquidation to which section 332 is applicable, then property received by a parent corporation in such complete liquidation shall have a basis determined by reference to the basis of the stock of the subsidiary corporation with respect to which it is received. In general, section 334 (b) (2) will be applicable to a distribution in complete liquidation of a subsidiary corporation if the parent corporation purchased, within the meaning of section 334 (b) (3) and during a period of not more than twelve months, 80 percent or more of the stock (other than nonvoting stock which is limited and preferred as to dividends) of the subsidiary corporation and then adopted a plan of liquidation (on or after June 22, 1954) not more than two years after the date on which the stock ownership requirement was met. The application of section 334 (b) (2) is subject to the following rules:

(1) Property received with reference to stock owned immediately before the liquidation by the parent corporation is the only property to which section 334 (b) (2) is applicable. The section is not applicable to property received with respect to debt or other claims. The basis of the stock used in determining the basis of the assets is the total basis of all stock held by the parent corporation whether or not such stock was acquired by purchase and whether or not such stock is the stock acquired during the period to which reference is made in section 334 (b) (2) (A).

(2) The date of adoption of a plan of liquidation is determined under section 332 (b) (2).

(3) (i) In the case of a series of purchases of stock, the two-year period specified in section 334 (b) (2) (A) shall begin on the day following the date of the last such purchase if the amount of stock specified in section 334 (b) (2) (B) is purchased during the preceding 12 months.

(ii) Application of the rule prescribed in subparagraph (3) (i) may be illustrated by the following examples:

Example (1). Twenty percent of the stock of Corporation A is purchased on each of the following dates: April 1, 1954, June 30, 1954, September 30, 1954, December 31, 1954, and April 1, 1955. Although 80 percent of the stock of Corporation A has been purchased as of December 31, 1954, the date of the last transaction of the series of transactions described in section 334 (b) (2) (B) is April 1, 1955, and therefore the two-year period shall begin on April 2, 1955.

Example (2). The facts are the same as in example (1) except that the last purchase is made on July 1, 1955. Since the date of the last transaction of the series of transactions described in section 334 (b) (2) (B) is December 31, 1954, the two-year period shall begin on January 1, 1955.

(4) For the purpose of section 334 (b) (2) only, the following adjustments shall be made to the adjusted basis of the subsidiary's stock in the hands of the parent:

(i) Such adjusted basis shall be reduced by the amount of all distributions received by the parent from the subsidiary during the period beginning on the day on which the stock used in determining the applicability of section 334 (b) (2) was purchased (or if such stock was purchased on more than one day, on the day of the earliest purchase of the stock so used) and ending when the plan of liquidation is adopted.

(ii) In order to apply the rule of (i) the amount of a distribution in kind shall be whichever of the following is the greater:

(*a*) The amount described in section 301 (b) (1) (B) (ii) (regardless of the amount of the distribution under section 301 (b)), or

(*b*) The portion of the adjusted basis of the stock allocable to the property so distributed.

(iii) The reduction provided in (i) shall be made whether or not such distributions were taxable to the parent as ordinary dividends.

(iv) The reduction provided in (i) shall not be made—

(*a*) To the extent that a reduction in the adjusted basis of the stock is required by section 301 (c) (2); or

(*b*) To the extent that such distributions of the subsidiary are out of earnings and profits of the period beginning on the date of purchase and ending upon the date of the last distribution in liquidation.

(v) The adjusted basis of the subsidiary's stock held by the parent with respect to which the distributions in liquidation are made (reduced as in (i))—

(*a*) Shall be increased—

(*1*) By the amount of any unsecured liabilities assumed by the parent, and

(*2*) By the portion of the subsidiary's earnings and profits (less the amount of any distributions therefrom) of the period beginning on the date of purchase and ending upon the date of the last distribution in liquidation attributable to the stock of the subsidiary held by the parent.

(*b*) Shall be decreased—

(*1*) By the amount of any cash and its equivalent received, and

(*2*) By the portion of the subsidiary's deficit in earnings and profits of the period beginning on the date of purchase and ending upon the date of the last distribution in liquidation attributable to the stock of the subsidiary held by the parent.

(vi) For the purpose of (v) (*a*) (*2*) and (*b*) (*2*)—

(*a*) With respect to property held on the date of purchase and property held on the date additional stock, if any, is acquired any gain or loss from sales or exchanges of such property (whether tangible or intangible) and any other items determined by reference to basis of such property shall be computed by substituting for such basis a new basis determined by reference to the part of the adjusted basis of the stock allocable to such property.

(*b*) The part of the adjusted basis of stock allocable to such property for the purpose of (*a*) shall be the basis of the stock held on the date of purchase or on the date of a later acquisition of stock allocated among the assets held on such date on the basis of their net fair market values on such date,

(c) In order to prevent distortion in the adjusted basis of the stock—

(*1*) Transactions (including distributions, liquidations, and reorganizations) involving a corporation the affairs of which the subsidiary controls at any time after the date of purchase through ownership of stock (whether or not the subsidiary owns a majority of the stock of such corporation) may be disregarded in whole or in part, and

(*2*) Tax-free reorganizations involving the subsidiary may be disregarded in whole or in part, and

(*d*) In the case of a subsidiary using the cash receipts and disbursements method of accounting, the earnings and profits of such subsidiary shall be computed for the period specified in (v) (*a*) (*2*) and (*b*) (*2*) as if such subsidiary had used an accrual method of accounting prior to such period.

(vii) For the purposes of subdivisions (iv), (v), and (vi) the expression "the date of purchase" means the date of the transaction described in section 334 (b) (2) (B) (or, in the case of a series of transactions, the date of the last such transaction), determined without regard to subparagraph (6) (iii).

(viii) In the case of a distribution by the subsidiary of property directly or indirectly acquired by the subsidiary through a direct or indirect contribution to capital by the parent, the basis of such property to the parent shall be the same as if such contribution had not been made and the adjusted basis of the stock shall not be increased or decreased because of such contribution and distribution. Except as provided in the preceding sentence, the amount of the adjusted basis of the stock adjusted as provided in this paragraph shall be allocated as basis among the various assets received (except cash and its equivalent) both tangible and intangible (whether or not depreciable or amortizable). Ordinarily, such allocation shall be made in proportion to the net fair market values of such assets on the date received (the net fair market value of an asset being its fair market value less any specific mortgage or pledge to which it is subject). To that portion of the basis thus determined, for each property against which there is a lien, should be added the amount of such lien. Where more than one property is covered by the same lien, the amount of the lien should be divided among the properties, allocating to each that portion of the lien which the fair market value of such property bears to the total fair market value of the properties covered by the same lien. Whether the mortgage indebtedness is assumed by the parent or the property is taken subject to the mortgage is immaterial. The basis of the property received shall be zero if the cash and its equivalent received is equal to or in excess of the adjusted basis of the stock.

(5) The application of the rules prescribed in (4) may be illustrated by the following examples:

Example (1). Corporation A bought all of the stock of Corporation B for $1,000 on January 1, 1955. The only asset of Corporation B was a building having a basis of $100. On July 1, 1955, such building was sold for $1,050. The amount received was invested in another building immediately thereafter. On December 30, 1955, Corporation B was liquidated under section 332 in a transaction in which the basis of the assets in the hands of the recipient corporation was determined under section 334 (b) (2). The basis of the stock of Corporation B in the hands of Corporation A is increased by $50 pursuant to § 1.334–1 (c) (4) (v) and (vi). The basis of the building received by Corporation A upon the liquidation of Corporation B is $1,050.

Example (2). The facts are the same as in example (1) except that the sale price of the building sold was $750. The basis of the building in the hands of Corporation A upon liquidation is $750.

(6) For the purposes of section 334 (b) (2) the term "purchase" means any acquisition of stock, but only if—

(i) The basis of stock in the hands of the distributee is not determined either in whole or in part by reference to the adjusted basis of stock in the hands of the person from whom acquired, or under section 1014 (a) (relating to property acquired from the decedent);

(ii) The stock is not acquired in an exchange to which section 351 applies; and

(iii) The stock is not acquired from a person the ownership of whose stock would, under section 318 (a), be attributed to the person acquiring such stock. However, if a corporation acquires stock pursuant to an option to buy such stock from a person who, without regard to such option, is not a person the ownership of whose stock would, under section 318 (a), be attributed to such corporation, such stock shall be considered to have been purchased on the date of the acquisition of such option, if such option is exercised on or before the last day of a period of 12 months beginning on the day of the earliest purchase of stock (including the stock subject to such option) used in determining the applicability of section 334 (b) (2) and for this purpose the stock with respect to which the option was exercised shall be deemed to have been purchased on the date such option was acquired.

(7) Section 334 (b) does not apply to minority shareholders. The basis of property, other than cash, received by such shareholders shall be determined under section 334 (a), 334 (c) or 358.

§ 1.334–2 *Property received in liquidation under section 333.* The basis of assets (other than money) acquired by stockholders in a liquidation upon which the amount of gain recognized was limited under section 333 shall be the same as the basis of the shares of stock redeemed or cancelled, decreased in the amount of any money received and increased in the amount of gain recognized and the amount of the unsecured liabilities assumed by the stockholders. The amount thus arrived at should be allocated to the various assets received on the basis of their net fair market values (the net fair market value of an asset is its fair market value less any specific mortgage or pledge to which it is subject). To that portion of the basis thus determined, for each property against which there is a lien, should be added the amount of such lien. Where more than one property is covered by the same lien, the amount of the lien should be divided among the properties, allocating to each that portion of the lien that the fair market value of such property bears to the total market value of the properties covered by the same lien. Whether the mortgage indebtedness is assumed by the shareholders or the property is taken subject to the mortgage is immaterial. The application of this section may be illustrated by the following example:

Example. The X corporation distributed all its property in complete liquidation during the month of October 1954 pursuant to the provisions of section 333. A, an individual, and a qualifying electing shareholder, received, in cancellation or redemption of 100 shares of stock owned by him at the time of the adoption of the plan of liquidation, $1,000 in cash, property (other than stock or securities acquired by the corporation after December 31, 1953) with a fair market value of $22,000 subject to a lien of $1,000, and stock acquired by the liquidating corporation after December 31, 1953 with a fair market value of $4,000. A, also assumed a $2,000 liability of the liquidating corporation. The basis of the shares owned by A was $120 per share or $12,000. A's ratable share of the earnings and profits of the X corporation accumulated after February 28, 1913 (computed as provided in section 333) was $2,500. His gain is $12,000, but under section 333 only $5,000 of this gain is recognized, $2,500 thereof being taxed as a dividend. The basis of all the property other than money received by A is $19,000, computed as follows:

Adjusted basis of stock cancelled or redeemed	$12,000
Less: money received	1,000
Remainder	11,000
Liability assumed	2,000
Specific lien against property (other than stock)	1,000
Gain recognized	5,000
Basis of property acquired	19,000

The basis, excluding the specific lien attached to the property, ($19,000 less $1,000, $18,000) will be apportioned among the classes of property other than money received as follows: $21,000/$25,000 of $18,000 or $15,120 to the property other than stock; $4,000/$25,000 of $18,000 or $2,880 to the stock. The basis of the property other than stock, $15,120, must be increased by the amount of the specific lien attached thereto, $1,000, making a total basis for such property of $16,120.

Effects on Corporation

§ 1.336 *Statutory provisions; general rule.*

SEC. 336. *General rule.* Except as provided in section 453 (d) (relating to disposition of installment obligations), no gain or loss shall be recognized to a corporation on the distribution of property in partial or complete liquidation.

§ 1.336–1 *General rule on liquidation of corporation.* Except as provided in section 453 (d), no gain or loss is recognized to a corporation on the distribution by it of property in kind in partial or complete liquidation (regardless of the fact that such property may have appreciated or depreciated in value since its acquisition by the corporation). However, gain or loss is recognized to a corporation on all sales by it, whether directly or indirectly (as through trustees or a receiver), except as provided in section 337 (relating to sales or exchanges in connection with certain liquidations). See sections 61, 6036, 6155 (a), 6161 (c), 6503 (b), 6601, 6871, 6872 and 6873.

§ 1.337 *Statutory provisions; gain or loss on sales or exchanges in connection with certain liquidations.*

SEC. 337. *Gain or loss on sales or exchanges in connection with certain liquidations—*(a) *General rule.* If—

(1) A corporation adopts a plan of complete liquidation on or after June 22, 1954, and

(2) Within the 12-month period beginning on the date of the adoption of such plan, all of the assets of the corporation are distributed in complete liquidation, less assets retained to meet claims,

then no gain or loss shall be recognized to such corporation from the sale or exchange by it of property within such 12-month period.

(b) *Property defined—*(1) *In general.* For purposes of subsection (a), the term "property" does not include—

(A) Stock in trade of the corporation, or other property of a kind which would properly be included in the inventory of the corporation if on hand at the close of the taxable year, and property held by the corporation primarily for sale to customers in the ordinary course of its trade or business,

(B) Installment obligations acquired in respect of the sale or exchange (without regard to whether such sale or exchange occurred before, on, or after the date of the adoption of the plan referred to in subsection (a)) of stock in trade or other property described in subparagraph (A) of this paragraph, and

(C) Installment obligations acquired in respect of property (other than property described in subparagraph (A)) sold or exchanged before the date of the adoption of such plan of liquidation.

(2) *Nonrecognition with respect to inventory in certain cases.* Notwithstanding paragraph (1) of this subsection, if substantially all of the property described in subparagraph (A) of such paragraph (1) which is attributable to a trade or business of the corporation is, in accordance with this section, sold or exchanged to one person in one transaction, then for purposes of subsection (a) the term "property" includes—

(A) Such property so sold or exchanged, and

(B) Installment obligations acquired in respect of such sale or exchange.

(c) *Limitations—*(1) *Collapsible corporations and liquidations to which section 333 applies.* This section shall not apply to any sale or exchange—

(A) Made by a collapsible corporation (as defined in section 341 (b)), or

(B) Following the adoption of a plan of complete liquidation, if section 333 applies with respect to such liquidation.

(2) *Liquidations to which section 332 applies.* In the case of a sale or exchange fol-

lowing the adoption of a plan of complete liquidation, if section 332 applies with respect to such liquidation, then—

(A) If the basis of the property of the liquidating corporation in the hands of the distributee is determined under section 334 (b) (1), this section shall not apply; or

(B) If the basis of the property of the liquidating corporation in the hands of the distributee is determined under section 334 (b) (2), this section shall apply only to that portion (if any) of the gain which is not greater than the excess of (i) that portion of the adjusted basis (adjusted for any adjustment required under the second sentence of section 334 (b) (2)) of the stock of the liquidating corporation which is allocable, under regulations prescribed by the Secretary or his delegate, to the property sold or exchanged, over (ii) the adjusted basis, in the hands of the liquidating corporation, of the property sold or exchanged.

§ 1.337–1 *General.* Except as provided in sections 337 (c) and 392 (b), if a corporation distributes all of its assets in complete liquidation within 12 months after the adoption of a plan of liquidation, which plan must be adopted on or after June 22, 1954, no gain or loss shall be recognized from the sale of property (as defined in section 337 (b)) during such 12-month period. For this purpose such sales may be made before the adoption of the plan of liquidation if made on the same day such plan is adopted. All assets (less assets retained to meet claims), both tangible and intangible, must be distributed within the 12-month period. Any assets retained after the expiration of the 12-month period for the payment of claims (including unascertained or contingent liabilities or expenses) must be specifically set apart for that purpose and must be reasonable in amount in relation to the items involved. The 12-month period shall begin on the date of adoption of the plan determined as provided in § 1.337–2 (b) and no extension of such period can be granted. See section 453 (d) (4) (B) relative to nonrecognition of gain on the distribution of certain installment obligations. Sales or exchanges made by a collapsible corporation (as defined in section 341 (b)) are excluded from the operation of section 337 by section 337 (c). Accordingly, section 337 does not apply to any sale or exchange of property whenever the distribution of such property in partial or complete liquidation to the shareholders in lieu of such sale or exchange would have resulted in the taxation of the gain from such distribution in the manner provided in section 341 (a) as to any shareholder or would have resulted in the taxation of the gain in such manner, but for the application of section 341 (d). Likewise, section 337 does not apply to sales or exchanges made by a corporation if such corporation is liquidated in a transaction to which section 333 is applicable, or in a transaction to which section 332 applies (except to the extent provided in section 337 (c) (2) (B)). Section 392 (b) provides special rules with respect to the recognition of gain or loss upon certain sales made by a liquidating corporation during 1954 and 1955.

§ 1.337–2 *Sales or exchanges within the scope of section 337.* (a) Provided the other conditions of section 337 are met, sales or exchanges which occur on or after the date on which the plan of complete liquidation is adopted and within the 12-month period thereafter are subject to the provisions of such section. The date on which a sale occurs depends primarily upon the intent of the parties to be gathered from the terms of the contract and the surrounding circumstances. In ascertaining whether a sale or exchange occurs on or after the date on which the plan of complete liquidation is adopted, the fact that negotiations for sale may have been commenced, either by the corporation or its shareholders, or both shall be disregarded. Moreover, an executory contract to sell is to be distinguished from a contract of sale. Ordinarily, a sale has not occurred when a contract to sell has been entered into but title and possession of the property have not been transferred and the obligation of the seller to sell or the buyer to buy is conditional.

(b) Ordinarily the date of the adoption of a plan of complete liquidation by a corporation is the date of adoption by the shareholders of the resolution authorizing the distribution of all the assets of the corporation (other than those retained to meet claims) in redemption of all of its stock. Where the corporation sells substantially all of its property of the type defined in section 337 (b) prior to the date of adoption by the shareholders of such resolution, then the date of the adoption of the plan of complete liquidation by such corporation is the date of the adoption by the shareholders of such resolution and gain or loss will be recognized with respect to such sales. Where no substantial part of the property of the type defined in section 337 (b) has been sold by the corporation prior to the date of adoption by the shareholders of such resolution, the date of the adoption of the plan of complete liquidation by such corporation is the date of adoption by the shareholders of such resolution and no gain or loss will be recognized on sales of such property on or after such date, if all the corporate assets (other than those retained to meet claims) are distributed in liquidation to the shareholders within 12 months after the date of the adoption of such resolution. In all other cases the date of the adoption of the plan of liquidation shall be determined from all the facts and circumstances. Section 337 shall not apply in any case in which all of the corporate assets (other than those retained to meet claims) are not distributed to the shareholders within 12 months after the date of the adoption of a resolution by the shareholders authorizing the distribution of all the corporate assets in redemption of all the corporate stock. A corporation will be considered to have distributed all of its property other than assets retained to meet claims even though it has retained an amount of cash equal to its known liabilities and liquidating expenses plus an amount of cash set aside under arrangements for the payment after the close of the 12-month period of unascertained or contingent liabilities and contingent expenses. Such arrangements for payment must be made in good faith, the amount set aside must be reasonable, and no amount may be set aside to meet claims of shareholders with respect to their stock. If it is established to the satisfaction of the Commissioner that there are shareholders who cannot be located, a distribution in liquidation includes a transfer to a State official, trustee, or other person authorized by law to receive distributions for the benefit of such shareholders. For the purposes of this paragraph "property of the type defined in section 337 (b)" means property upon the sale of which section 337 (a) may provide for the nonrecognition of gain or loss upon sale or exchange during a 12-month period, including property described in subparagraph (A) of section 337 (b) (1) if sold or exchanged at any time under the conditions set forth in section 337 (b) (2) and including installment obligations acquired in respect of such sale or exchange.

§ 1.337–3 *Property defined.* (a) Except as provided in section 337 (b) (2) and this section, the term "property" as used in section 337 (a) and § 1.337–1 does not include, (1) stock in trade of the corporation, or other property of a kind which would properly be included in the inventory of the corporation if on hand at the close of the taxable year and property held by the corporation primarily for sale to customers in the ordinary course of its trade or business (hereinafter for purposes of section 337 referred to as "inventory"), (2) installment obligations acquired at any time from the sale or exchange of inventory, or (3) installment obligations acquired from the sale or exchange of property (other than inventory) prior to the adoption of the plan of liquidation. With the exceptions listed above, the term "property" includes all assets owned by a corporation.

(b) Except as provided in paragraph (c) of this section, if substantially all of the inventory is sold or exchanged to one person in one transaction, then for the purpose of section 337 (a) the term "property" shall include:

(1) The inventory so sold or exchanged, and

(2) Installment obligations acquired in such sale or exchange.

For this purpose, the term "substantially all" means substantially all of the inventory at the time of the sale and includes inventory subject to liabilities, specific or otherwise. Section 337 (b) (2) shall be inapplicable if the inventory so sold is replaced by like inventory, or by a new kind of inventory.

(c) The term "property" in the case of a corporation which is engaged in two or more distinct businesses shall include the inventory of any one of such trades or businesses if substantially all of the inventory attributable to such trade or business is sold or exchanged to one person in one transaction. If installment obligations are received upon such a sale, such obligations are also included within the meaning of the term "property".

(d) This section may be illustrated by the following examples:

Example (1). Corporation A operates a grocery store at one location and a hardware store at another. Neither store handles items similar to those handled by the other. Both stores are served by a common warehouse. Pursuant to a plan of liquidation adopted by the corporation, the grocery store and all of its inventory, including that part of its inventory held in the warehouse, are sold to one person in one transaction. Thereafter, and within 12 months after the adoption of the plan of liquidation, all of the assets of the corporation are distributed to the shareholders. No gain or loss will be recognized upon the sale of all of the assets attributable to the grocery business, including the inventory items.

Example (2). Corporation B operates two department stores, one in the downtown business district and the other in a suburban shopping center. Both handle the same items and are served by a common warehouse which contains an amount of inventory items equal to the total of that in both stores. The part of the inventory in the warehouse which is attributable to each store cannot be clearly determined. Pursuant to a plan of liquidation adopted by the corporation, the assets of the suburban store, including the inventory held in such store, but not including any portion of the inventory held in the warehouse, are sold to one person in one transaction. Thereafter, and within 12 months after the adoption of the plan of liquidation, all of the assets of the corporation are distributed to the shareholders. No gain or loss will be recognized with respect to the sale of the property other than the inventory, but gain or loss will be recognized upon the sale of the inventory.

Example (3). The facts are the same as in example (2) except that the part of the inventory in the warehouse which is attributable to the suburban store can be clearly determined and both the inventory held in the store and that part of the inventory in the warehouse attributable to such store are sold. No gain or loss will be recognized upon the sale of the inventory.

§ 1.337–4 *Limitation of gain.* (a) Section 337 (c) (2) (B) provides a limitation upon the amount of gain not recognized where a corporation sells or exchanges property pursuant to a plan of complete liquidation (and such property, if distributed, would take the basis of the stock held by the distributee pursuant to the provisions of section 334 (b) (2) (relating to plans of liquidation adopted within 2 years after purchase of the stock)). The amount of gain not recognized shall not be greater than the excess of (1) that portion of the adjusted basis (further adjusted as provided in the second sentence of section 334 (b) (2) and in § 1.334–1 (c)) of the stock of the liquidating corporation in the hands of its parent corporation allocable to the property sold or exchanged over (2) the adjusted basis of such property in the hands of the liquidating corporation.

(b) Paragraph (a) of this section may be illustrated by the following example:

Example. Corporation A owns more than 80 percent of the stock of Corporation B, which it purchased for $10,000. All of the assets of Corporation B, having a total basis of $4,000 are sold for $12,000. The portion of the realized gain of $8,000 which is not recognized is $6,000, computed as follows:

Basis of stock allocable to property sold	$10,000
Basis of property sold	4,000
Excess (not recognized)	6,000

In general, where section 337 (c) (2) (B) is applicable and where the gain realized from the sale of property is greater than the excess of the selling price of the property over the basis of the stock allocable to the property sold, the amount of gain to be recognized from such sale is equal to such excess. In the above example, the $2,000 gain representing the excess of the selling price of $12,000 over the basis of the stock allocable to the property sold ($10,000) would be recognized to the liquidating corporation.

(c) For the purpose of this section only, the basis (adjusted as described in (a) of this section) of the liquidating corporation's stock in the hands of its parent corporation on the date of the first sale of property, shall be allocated to the assets of the liquidating corporation (unreduced by any amount applicable to minority interests) on the basis of the fair market value of such assets (see § 1.334–1 (c)), both tangible and intangible, on the date the first property is sold by the liquidating corporation. The allocation then made shall remain unchanged for the purpose of determining recognized gain upon subsequent sales of property by the liquidating corporation unless the stock ownership of the parent corporation changes. In the event of such a change, a new allocation shall be made at the time of the next sale of property thereafter. The new allocation shall be made on the basis of the fair market value of the liquidating corporation's assets on the date of such sale.

§ 1.337–5 *Information to be filed with return.* There must be attached to the return of the liquidating corporation, the following information:

(a) A copy of the minutes of the stockholders' meeting at which the plan of liquidation was formally adopted, including a copy of the plan of liquidation.

(b) A statement of the assets sold after the adoption of the plan of liquidation including the dates of such sales. If section 337 (c) (2) (B), relating to limited nonrecognition of gain on sales by subsidiaries, is applicable, this statement must include a computation of the total gain and of the gain not recognized under this section.

(c) Information as to the date of the final liquidating distribution.

(d) A statement of the assets, if any, retained to pay liabilities and the nature of the liabilities.

§ 1.338 *Statutory provisions; effect on earnings and profits.*

SEC. 338. *Effect on earnings and profits.* For special rule relating to the effect on earnings and profits of certain distributions in partial liquidation, see section 312 (e).

Collapsible Corporations; Foreign Personal Holding Companies

§ 1.341 *Statutory provisions; collapsible corporations.*

SEC. 341. *Collapsible corporations—(a) Treatment of gain to shareholders.* Gain from—

(1) The sale or exchange of stock of a collapsible corporation,

(2) A distribution in partial or complete liquidation of a collapsible corporation, which distribution is treated under this part as in part or full payment in exchange for stock, and

(3) A distribution made by a collapsible corporation which, under section 301 (c) (3) (A), is treated, to the extent it exceeds the basis of the stock, in the same manner as a gain from the sale or exchange of property,

to the extent that it would be considered (but for the provisions of this section) as gain from the sale or exchange of a capital asset held for more than 6 months shall, except as provided in subsection (d), be considered as gain from the sale or exchange of property which is not a capital asset.

(b) *Definitions—(1) Collapsible corporation.* For purposes of this section, the term "collapsible corporation" means a corporation formed or availed of principally for the manufacture, construction, or production of property, for the purchase of property which (in the hands of the corporation) is property described in paragraph (3), or for the holding of stock in a corporation so formed or availed of, with a view to—

(A) The sale or exchange of stock by its shareholders (whether in liquidation or otherwise), or a distribution to its shareholders, before the realization by the corporation manufacturing, constructing, producing, or purchasing the property of a substantial part of the taxable income to be derived from such property, and

(B) The realization by such shareholders of gain attributable to such property.

(2) *Production or purchase of property.* For purposes of paragraph (1), a corporation shall be deemed to have manufactured, constructed, produced, or purchased property, if—

(A) It engaged in the manufacture, construction, or production of such property to any extent,

(B) It holds property having a basis determined, in whole or in part, by reference to the cost of such property in the hands of a person who manufactured, constructed, produced, or purchased the property, or

(C) It holds property having a basis determined, in whole or in part, by reference to the cost of property manufactured, constructed, produced, or purchased by the corporation.

(3) *Section 341 assets.* For purposes of this section, the term "section 341 assets" means property held for a period of less than 3 years which is—

(A) Stock in trade of the corporation, or other property of a kind which would properly be included in the inventory of the corporation if on hand at the close of the taxable year;

(B) Property held by the corporation primarily for sale to customers in the ordinary course of its trade or business;

(C) Unrealized receivables or fees, except receivables from sales of property other than property described in this paragraph; or

(D) Property described in section 1231 (b) (without regard to any holding period therein provided), except such property which is or has been used in connection with the manufacture, construction, production, or sale of property described in subparagraph (A) or (B).

In determining whether the 3-year holding period specified in this paragraph has been satisfied, section 1223 shall apply, but no such period shall be deemed to begin before the completion of the manufacture, construction, production, or purchase.

(4) *Unrealized receivables.* For purposes of paragraph (3) (C), the term "unrealized receivables or fees" means, to the extent not previously includible in income under the method of accounting used by the corporation, any rights (contractual or otherwise) to payment for—

(A) Goods delivered, or to be delivered, to the extent the proceeds therefrom would be treated as amounts received from the sale or exchange of property other than a capital asset, or

(B) Services rendered or to be rendered.

(c) *Presumption in certain cases.*—(1) *In general.* For purposes of this section, a corporation shall, unless shown to the contrary, be deemed to be a collapsible corporation if (at the time of the sale or exchange, or the distribution, described in subsection (a)) the fair market value of its section 341 assets (as defined in subsection (b) (3)) is—

(A) 50 percent or more of the fair market value of its total assets, and

(B) 120 percent or more of the adjusted basis of such section 341 assets.

Absence of the conditions described in subparagraphs (A) and (B) shall not give rise to a presumption that the corporation was not a collapsible corporation.

(2) *Determination of total assets.* In determining the fair market value of the total assets of a corporation for purposes of paragraph (1) (A), there shall not be taken into account—

(A) Cash,

(B) Obligations which are capital assets in the hands of the corporation (and governmental obligations described in section 1221 (5)), and

(C) Stock in any other corporation.

(d) *Limitations on application of section.* In the case of gain realized by a shareholder with respect to his stock in a collapsible corporation, this section shall not apply—

(1) Unless, at any time after the commencement of the manufacture, construction, or production of the property, or at the time of the purchase of the property described in subsection (b) (3) or at any time thereafter, such shareholder (A) owned (or was considered as owning) more than 5 percent in value of the outstanding stock of the corporation, or (B) owned stock which was considered as owned at such time by another shareholder who then owned (or was considered as owning) more than 5 percent in value of the outstanding stock of the corporation;

(2) To the gain recognized during a taxable year, unless more than 70 percent of such gain is attributable to the property so manufactured, constructed, produced, or purchased; and

(3) To gain realized after the expiration of 3 years following the completion of such manufacture, construction, production, or purchase.

For purposes of paragraph (1), the ownership of stock shall be determined in accordance with the rules prescribed in paragraphs (1), (2), (3), (5), and (6) of section 544 (a) (relating to personal holding companies); except that, in addition to the persons prescribed by paragraph (2) of that section, the family of an individual shall include the spouses of that individual's brothers and sisters (whether by the whole or half blood) and the spouses of that individual's lineal descendants.

§ 1.341–1 *Collapsible corporations; in general.* Subject to the limitations contained in § 1.341–4, the entire gain from (a) the actual sale or exchange of stock of a collapsible corporation, (b) amounts distributed in complete or partial liquidation of a collapsible corporation which are treated, under section 331 as payment in exchange for stock, and (c) a distribution made by a collapsible corporation which, under section 301 (c) (3), is treated, to the extent it exceeds the basis of the stock, in the same manner as a gain from the sale or exchange of property, shall be considered as gain from the sale or exchange of property which is not a capital asset.

§ 1.341–2 *Definitions.*—(a) *Determination of collapsible corporation.* (1) A collapsible corporation is defined by section 341 (b) (1) to be a corporation formed or availed of principally (i) for the manufacture, construction, or production of property, (ii) for the purchase of property which (in the hands of the corporation) is property described in section 341 (b) (3), or (iii) for the holding of stock in a corporation so formed or availed of, with a view to (*a*) the sale or exchange of stock by its shareholders (whether in liquidation or otherwise), or a distribution to its shareholders, prior to the realization by the corporation manufacturing, constructing, producing, or purchasing the property of a substantial part of the taxable income to be derived from such property, and (*b*) the realization by such shareholders of gain attributable to such property. See § 1.341–5 for a description of the facts which will ordinarily be considered sufficient to establish whether or not a corporation is a collapsible corporation under the rules of this section. See § 1.341–5 (d) for examples of the application of section 341.

(2) Under section 341 (b) (1) the corporation must be formed or availed of with a view to the action therein described, that is, the sale or exchange of its stock by its shareholders, or a distribution to them prior to the realization by the corporation manufacturing, constructing, producing, or purchasing the property of a substantial part of the taxable income to be derived from such property, and the realization by the shareholders of gain attributable to such property. This requirement is satisfied in any case in which such action was contemplated by those persons in a position to determine the policies of the corporation, whether by reason of their owning a majority of the voting stock of the corporation or otherwise. The requirement is satisfied whether such action was contemplated, unconditionally, conditionally, or as a recognized possibility. If the corporation was so formed or availed of, it is immaterial that a particular shareholder was not a shareholder at the time of the manufacture, construction, production, or purchase of the property, or if a shareholder at such time, did not share in such view. Any gain of such a shareholder on his stock in the corporation shall be treated in the same manner as gain of a shareholder who did share in such view. The existence of a bona fide business reason for doing business in the corporate form does not, by itself, negate the fact that the corporation may also have been formed or availed of with a view to the action described in section 341 (b).

(3) A corporation is formed or availed of with a view to the action described in section 341 (b) if the requisite view existed at any time during the manufacture, production, construction, or purchase referred to in that section. Thus, if the sale, exchange, or distribution is attributable solely to circumstances which arose after the manufacture, construction, production, or purchase (other than circumstances which reasonably could be anticipated at the time of such manufacture, construction, production, or purchase), the corporation shall, in the absence of compelling facts to the contrary, be considered not to have been so formed or availed of. However, if the sale, exchange or distribution is attributable to circumstances present at the time of the manufacture, construction, production, or purchase, the corporation shall, in the absence of compelling facts to the contrary, be considered to have been so formed or availed of.

(4) The property referred to in section 341 (b) is that property or the aggregate of those properties with respect to which the requisite view existed. In order to ascertain the property or properties as to which the requisite view existed, reference shall be made to each property as to which, at the time of the sale, exchange, or distribution referred to in section 341 (b) there has not been a realization by the corporation manufacturing, constructing, producing, or purchasing the property of a substantial part of the taxable income to be derived from such property. However, where any such property is a unit of an integrated project involving several properties similar in kind, the determination whether the requisite view existed shall be made only if a substantial part of the taxable income to be derived from the project has not been realized at the time of the sale, exchange, or distribution, and in such case the determination shall be made by reference to the aggregate of the properties constituting the single project.

(5) A corporation shall be deemed to have manufactured, constructed, produced, or purchased property if it (i) engaged in the manufacture, construction, or production of property to any extent, or (ii) holds property having a basis determined, in whole or in part, by reference to the cost of such property in the hands of a person who manufactured, constructed, produced, or purchased the property, or (iii) holds property having a basis determined, in whole or in part, by reference to the cost of property manufactured, constructed, produced, or purchased by the corporation. Thus, under subdivision (i) of this subparagraph, for example, a corporation need not have originated nor have completed the manufacture, construction, or production of the property. Under subdivision (ii) of this subparagraph, for example, if an individual were to transfer property constructed by him to a corporation in exchange for all of the capital stock of such corporation, and such transfer qualifies under section 351, then the corporation would be deemed to have constructed the property, since the basis of the property in the hands of the corporation would, under section 362 be determined by reference to the basis of the property in the hands of the individual. Under subdivision (iii) of this subparagraph, for example, if a corporation were to exchange property constructed by it for property of like kind constructed by another person, and such exchange qualifies under section 1031 (a), then the corporation would be deemed to have constructed the property received by it in the exchange, since the basis of the property received by it in the exchange would, under section 1031 (d), be determined by reference to the basis of the property constructed by the corporation.

(6) In determining whether a corporation is a collapsible corporation by reason of the purchase of property, it is immaterial whether the property is purchased from the shareholders of the corporation or from persons other than such shareholders. The property, however, must be property which, in the hands of the corporation, is property of a kind described in section 341 (b) (3). The determination whether property is of a kind described in section 341 (b) (3) shall be made without regard to the fact that the corporation is formed or availed of with a view to the action described in section 341 (b) (1).

(7) Section 341 is applicable whether the shareholder is an individual, a trust, an estate, a partnership, a company, or a corporation.

(b) *Section 341 assets.* For the purposes of this section, the term "section 341 assets" means the following listed property if held for less than 3 years:

(1) Stock in trade of the corporation, or other property of a kind which would properly be included in the inventory of the corporation if on hand at the close of the taxable year.

(2) Property held primarily for sale to customers in the ordinary course of a trade or business.

(3) Property used in a trade or business as defined in section 1231 (b) and held for less than 3 years, except property that is or has been used in connection with the manufacture, construction, production or sale of property described above in (1) and (2).

(4) Unrealized receivables or fees pertaining to property listed in this paragraph. The term "unrealized receivables or fees" means any rights (contractual or otherwise) to payment for property listed in (1), (2), and (3) above which has been delivered or is to be delivered and rights to payments for services rendered or to be rendered, to the extent such rights have not been included in the income of the corporation under the method of accounting used by it. In determining whether the assets referred to in this paragraph have been held for 3 years, the time such assets were held by a transferor shall be taken into consideration (section 1223). However, no such period shall begin before the date the manufacture, construction, production, or purchase of such assets is completed.

§ 1.341–3 *Presumptions.* (a) Unless shown to the contrary a corporation shall be considered to be a collapsible corporation if at the time of the transactions described in § 1.341–1 the fair market value of the section 341 assets held by it constitutes 50 percent or more of the fair market value of its total assets and the fair market value of the section 341 assets is 120 percent or more of the adjusted basis of such assets. In determining the fair market value of the total assets, cash, obligations which are capital assets in the hands of the corporation, governmental obligations, and stock in any other corporation shall not be taken into consideration. The failure of a corporation to meet the requirements of this paragraph, shall not give rise to the presumption that the corporation was not a collapsible corporation.

(b) The following example will illustrate the application of this section:

Example. A corporation, filing its income tax returns on the accrual basis, on July 31, 1955, owned assets with the following fair market values: Cash, $175,000; note receivable held for investment, $130,000; stocks of other corporations, $545,000; rents receivable, $15,000; and a building constructed by the corporation in 1953 and held thereafter as rental property, $750,000. The adjusted basis of the building on that date was $600,000. The only debt outstanding was a $500,000 mortgage on the building. On July 31, 1955, the corporation liquidated and distributed all of its assets to its shareholders. In computing whether the fair market value of the section 341 assets (only the building) is 50 percent or more of the fair market value of the total assets, the cash, note receivable, and stocks of other corporations are not taken into account in determining the value of the total assets, with the result that the fair market value of the total assets was $765,000 ($750,000 (building) plus $15,000 (rents receivable)). Therefore, the value of the building is 98 percent of the total assets ($750,000÷$765,000). The value of the building is also 125 percent of the adjusted basis of the building ($750,000÷$600,000). In view of the above facts, there arises a presumption that the corporation is a collapsible corporation.

§ 1.341–4 *Limitations on application of section.*—(a) *General.* This section shall apply only to the extent that the recognized gain of a shareholder upon his stock in a collapsible corporation would be considered, but for the provisions of this section, as gain from the sale or exchange of a capital asset held for more than six months. Thus, if a taxpayer sells at a gain stock of a collapsible corporation which he had held for six months or less, this section would not, in any event, apply to such gain. Also, if it is determined, under provisions of law other than section 341, that a sale or exchange at a gain of stock of a collapsible corporation which has been held for more than six months results in ordinary income rather than long-term capital gain, then this section (including the limitations contained herein) has no application whatsoever to such gain.

(b) *Stock ownership rules.* (1) This section shall apply in the case of gain realized by a shareholder upon his stock in a collapsible corporation only if the shareholder, at any time after the actual commencement of the manufacture, construction, or production of the property, or at the time of the purchase of the property described in section 341 (b) (3) or at any time thereafter, (i) owned, or was considered as owning, more than 5 percent in value of the outstanding stock of the corporation, or (ii) owned stock which was considered as owned at such time by another shareholder who then owned, or was considered as owning, more than 5 percent in value of the outstanding stock of the corporation.

(2) The ownership of stock shall be determined in accordance with the rules prescribed by section 544 (a) (1), (2), (3), (5), and (6), except that, in addition to the persons prescribed by section 544 (a) (2), the family of an individual shall include the spouses of that individual's brothers and sisters, whether such brothers and sisters are by the whole or the half blood, and the spouses of that individual's lineal descendants.

(3) For the purpose of this limitation, treasury stock shall not be considered as outstanding stock.

(4) It is possible, under this limitation, that a shareholder in a collapsible corporation may have gain upon his stock in that corporation treated differently from the gain of another shareholder in the same collapsible corporation.

(c) *Seventy-percent rule.* (1) This section shall apply to the gain recognized during a taxable year upon the stock in a collapsible corporation only if more than 70 percent of such gain is attributable to the property referred to in section 341 (b) (1). If more than 70 percent of such gain is so attributable, then all of such gain is subject to this section, and, if 70 percent or less of such gain is so attributable, then none of such gain is subject to this section.

(2) For the purpose of this limitation, the gain attributable to the property referred to in section 341(b(1) is the excess of the recognized gain of the shareholder during the taxable year upon his stock in the collapsible corporation over the recognized gain which the shareholder would have if the property had not been manufactured, constructed, produced, or purchased. In the case of gain on a distribution in partial liquidation or a distribution described in section 301 (c) (3) (A), the gain attributable to the property shall not be less than an amount which bears the same ratio to the gain on such distribution as the gain which would be attributable to the property if there had been a complete liquidation at the time of such distribution bears to the total gain which would have resulted from such complete liquidation.

(3) Gain may be attributable to the property referred to in section 341 (b) (1) even though such gain is represented by an appreciation in the value of property other than that manufactured, constructed, produced, or purchased. Where, for example, a corporation owns a tract of land and the development of one-half of the tract increases the value of the other half, the gain attributable to the developed half of the tract includes the increase in the value of the other half.

(4) The following example will illustrate the application of the 70 percent rule:

Example: On January 2, 1954, A formed the Z Corporation and contributed $1,000,000 cash in exchange for all of the stock thereof. The Z Corporation invested $400,000 in one project for the purpose of building and selling residential houses. As of December 31, 1954, the residential houses in this project were all sold, resulting in a profit of $100,000 (after taxes). Simultaneously with the development of the first project and in connection with a second and separate project the Z Corporation invested $600,000 in land for the purpose of subdividing such land into lots suitable for sale as home sites and distributing such lots in liquidation before the realization by the corporation of a substantial part of the taxable income to be realized from this second project. As of

December 31, 1954, Corporation Z had derived $60,000 in profits (after taxes) from the sale of some of the lots. On January 2, 1955, the Z Corporation made a distribution in complete liquidation to shareholder A who received:

(i) $560,000 in cash and notes, and

(ii) Lots having a fair market value of $940,000. The gain recognized to shareholder A upon the liquidation is $500,000 ($1,500,000 minus $1,000,000). The gain which would have been recognized to A if the second project had not been undertaken is $100,000 ($1,100,000 minus $1,000,000). Therefore, the gain attributable to the second project which is property referred to in section 341 (b) (1), is $400,000 ($500,000 minus $100,000). Since this gain ($400,000) is more than 70 percent of the entire gain ($500,000) recognized to A on the liquidation, the entire gain so recognized is gain subject to section 341 (a).

(d) *Three-year rule.* This section shall not apply to that portion of the gain of a shareholder that is realized more than three years after the actual completion of the manufacture, construction, production, or purchase of the property to which such portion is attributable.

§ 1.341–5 *Application of section.* (a) Whether or not a corporation is a collapsible corporation shall be determined under the rules of § 1.341–2 and § 1.341–3 on the basis of all the facts and circumstances in each particular case. The following paragraphs of this section set forth those facts which will ordinarily be considered sufficient to establish that a corporation is or is not a collapsible corporation. The facts set forth in the following paragraphs of this section are not exclusive of other facts which may be controlling in any particular case. For example, if the facts in paragraph (b) of this section, but not the facts in paragraph (c) of this section, are present, the corporation may nevertheless not be a collapsible corporation if there are other facts which clearly establish that the rules of § 1.341–2 and § 1.341–3 are not satisfied. Similarly, if the facts in paragraph (c) of this section are present, the corporation may nevertheless be a collapsible corporation if there are other facts which clearly establish that the corporation was formed or availed of in the manner described in § 1.341–2 and § 1.341–3 or if the facts in paragraph (c) of this section are not significant by reason of other facts, such as the fact that the corporation is subject to the control of persons other than those who were in control immediately prior to the manufacture, construction, production, or purchase of the property. See § 1.341–4 for provisions which make section 341 inapplicable to certain shareholders of collapsible corporations.

(b) The following facts will ordinarily be considered sufficient (except as otherwise provided in paragraph (a) of this section and paragraph (c) of this section) to establish that a corporation is a collapsible corporation:

(1) A shareholder of the corporation sells or exchanges his stock, or receives a liquidating distribution, or a distribution described in section 301 (c) (3) (A),

(2) Upon such sale, exchange, or distribution, such shareholder realizes gain attributable to the property described in subparagraphs (4) and (5) of this paragraph, and

(3) At the time of the manufacture, construction, production, or purchase of the property described in subparagraphs (4) and (5) of this paragraph, such activity was substantially in relation to the other activities of the corporation which manufactured, constructed, produced, or purchased such property.

The property referred to in subparagraphs (2) and (3) of this paragraph is that property or the aggregate of those properties which meet the following two requirements:

(4) The property is manufactured, constructed, or produced by the corporation or by another corporation stock of which is held by the corporation, or is property purchased by the corporation or by such other corporation which (in the hands of the corporation holding such property) is property described in section 341 (b) (3), and

(5) At the time of the sale, exchange, or distribution described in subparagraph (1) of this paragraph, the corporation which manufactured, constructed, produced, or purchased such property has not realized a substantial part of the taxable income to be derived from such property.

In the case of property which is a unit of an integrated project involving several properties similar in kind, the rules of this subparagraph shall be applied to the aggregate of the properties constituting the single project rather than separately to such unit. Under the rules of this subparagraph, a corporation shall be considered a collapsible corporation by reason of holding stock in other corporations which manufactured, constructed, produced, or purchased the property only if the activity of the corporation in holding stock in such other corporations is substantial in relation to the other activities of the corporation.

(c) The absence of any of the facts set forth in paragraph (b) of this section or the presence of the following facts will ordinarily be considered sufficient (except as otherwise provided in paragraph (a) of this section) to establish that a corporation is not a collapsible corporation:

(1) In the case of a corporation subject to the rules of paragraph (b) of this section only by reason of the manufacture, construction, production, or purchase (either by the corporation or by another corporation the stock of which is held by the corporation) of property which is property described in section 341 (b) (3) (A) and (B), the amount (both in quantity and value) of such property is not in excess of the amount which is normal—

(i) For the purpose of the business activities of the corporation which manufactured, constructed, produced, or purchased the property if such corporation has a substantial prior business history involving the use of such property and continues in business, or

(ii) For the purpose of an orderly liquidation of the business if the corporation which manufactured, constructed, produced, or purchased such property has a substantial prior business history involving the use of such property and is in the process of liquidation.

(2) In the case of a corporation subject to the rules of paragraph (b) of this section with respect to the manufacture, construction, or production (either by the corporation or by another corporation the stock of which is held by the corporation) of property, the amount of the unrealized taxable income from such property is not substantial in relation to the amount of the taxable income realized (after the completion of a material part of such manufacture, construction, or production, and prior to the sale, exchange, or distribution referred to in paragraph (b) (1) of this section) from such property and from other property manufactured, constructed, or produced by the corporation.

(d) The following examples will illustrate the application of this section:

Example (1). (i) On January 2, 1954, A formed the W Corporation and contributed $50,000 cash in exchange for all of the stock thereof. The W Corporation borrowed $900,000 from a bank and used $800,000 of such sum in the construction of an apartment house on land which it purchased for $50,000. The apartment house was completed on December 31, 1954. On December 31, 1954, the corporation, having determined that the fair market value of the apartment house separate and apart from the land, was $900,000, made a distribution (permitted under the applicable State law) to A of $100,000. At this time, the fair market value of the land was $50,000. As of December 31, 1954, the corporation has not realized any earnings and profits. In 1955, the corporation began the operation of the apartment house and received rentals therefrom. The corporation has since continued to own and operate the building. The corporation reported on the basis of the calendar year and cash receipts and disbursements.

(ii) Since A received a distribution and realized a gain attributable to the building constructed by the corporation, since, at the time of such distribution, the corporation has not realized a substantial part of the taxable income to be derived from such building, and since the construction of the building was a substantial activity of the corporation, the W Corporation is considered a collapsible corporation under § 1.341–5 (b). The provisions of section 341 (d) do not prohibit the application of section 341 (a). Therefore, the distribution, if and to the extent that it may be considered long-term capital gain rather than ordinary income without regard to section 341, will be considered ordinary income under section 341 (a).

(iii) In the event of the existence of additional facts and circumstances in the above case, the corporation, notwithstanding the above facts, might not be considered a collapsible corporation. See §§ 1.341–2 and 1.341–5 (a).

Example (2). (i) On January 2, 1954, B formed X Corporation and became its sole shareholder. In August 1954, the corporation completed construction of an office building. It immediately sold this building at a gain of $50,000, included this entire gain in its return for 1954, and distributed this entire gain (less taxes) to B. In June 1955, the corporation completed construction of a second office building. In August 1955, B sold the entire stock of X Corporation at a gain of $12,000, which gain is attributable to the second building.

(ii) X Corporation is a collapsible corporation under section 341 (b) for the following reasons: The gain realized through the sale of the stock of X Corporation was attributable to the second office building; the construction of that building was a substantial activity of X Corporation during the time of construction and, at the time of sale, the corporation had not realized a substantial part of the taxable income to be derived from such building. Since the provisions of section 341 (d) do not prohibit the application of section 341 (a) to B, the gain of $12,000 to B is, accordingly, considered ordinary income.

Example (3). The facts are the same as in example (2), except that the following facts are shown: B was the president of the X Corporation and active in the conduct of its business. The second building was constructed as the first step in a project of the X Corporation for the development for rental purposes of a large suburban center involving the construction of several buildings by the corporation. The sale of the stock by B was caused by his retiring from all business activity as a result of illness arising after the second building was constructed. Under these additional facts, the corporation is not considered a collapsible corporation. See §§ 1.341–2 and 1.341–5 (a).

Example (4). (i) On January 2, 1948, C formed the Y Corporation and became the sole shareholder thereof. The Y Corporation has been engaged solely in the business of producing motion pictures and licensing their exhibition. On January 2, 1955, C sold all of the stock of the Y Corporation at a gain. The Y Corporation has produced one motion picture each year since its organization and before January 2, 1955, it has realized a substantial part of the taxable income to be derived from each of its motion pictures except the last one made in 1954. This last motion picture was completed September 1, 1954. As of January 2, 1955, no license had been made for its exhibition. The fair market value on January 2, 1955, of this last motion picture exceeds the cost of its production by $50,000. A material part of the production of this last picture was completed on January 1, 1954, and between that date and January 2, 1955, the corporation had realized taxable income of $500,000 from other motion pictures produced by it. The corporation has consistently distributed to its shareholder its taxable income when received (after adjustment for taxes).

(ii) Although the corporation is within paragraph (b) of this section with respect to the production of property, the amount of the unrealized income from such property ($50,000) is not substantial in relation to the amount of the income realized, after the completion of a material part of the production of such property and prior to sale of the stock, from such property and other property produced by the corporation ($500,000). Accordingly, the Y Corporation is within paragraph (c) (2) of this section, and is not considered a collapsible corporation.

Example (5). The facts are the same as in example (4) except that C sold all of his stock to D on February 1, 1954. On January 2, 1955, D sold all of the Y Corporation stock at a gain, the gain being attributable to the picture completed September 1, 1954, and not released by the corporation for exhibition. In view of the change of control of the corporation, the provisions of paragraph (c) (2) of this section are not significant at the time of the sale by D, and the Y Corporation would be considered a collapsible corporation on January 2, 1955. See §§ 1.341–2 and 1.341–5 (a).

§ 1.342 *Statutory provisions; liquidation of certain foreign personal holding companies.*

SEC. 342. *Liquidation of certain foreign personal holding companies*—(a) *In general.* If any distribution—

(1) Is, within the meaning of the Internal Revenue Code of 1939, a distribution in partial liquidation or in complete liquidation (including any one of a series of distributions made by the corporation in complete cancellation or redemption of all its stock) and

(2) Is made by a foreign corporation which, with respect to any taxable year beginning on or before, and ending after, August 26, 1937, was a foreign personal holding company, and with respect to which a United States group (as defined in section 552 (a) (2)) existed after August 26, 1937, and before January 1, 1938,

then the distribution shall be treated as a distribution in full or part payment in exchange for the stock, and the amount of the gain recognized (determined under section 1002 without regard to this part) resulting from such distribution shall be considered as a gain from the sale or exchange of a capital asset held for not more than 6 months.

(b) *Special rule for certain liquidations before 1956.* Subsection (a) shall not apply in the case of a series of distributions in complete liquidation described in subsection (a) if—

(1) The first distribution is made on or after June 22, 1954, and

(2) The final distribution is made before January 1, 1956;

and the amount of the gain recognized (determined under section 1002 without regard to this part) resulting from such distributions shall be considered as a gain from the sale or exchange of a capital asset, or of property which is not a capital asset, as the case may be.

§ 1.342–1 *General.* The determination of whether a foreign corporation was a foreign personal holding company with respect to a taxable year beginning on or before, and ending after August 26, 1937, shall be made under section 331 of the Revenue Act of 1936 and the regulations thereunder. For the purpose of section 342 (a), a liquidation may be completed before the actual dissolution of the liquidating corporation. However, no liquidation shall be considered as completed until the liquidating corporation and the receiver (or trustees in liquidation) are finally divested of all the property, whether tangible or intangible.

Definition

§ 1.346 *Statutory provisions; partial liquidation defined.*

SEC. 346. *Partial liquidation defined*—(a) *In general.* For purposes of this subchapter, a distribution shall be treated as in partial liquidation of a corporation if—

(1) The distribution is one of a series of distributions in redemption of all of the stock of the corporation pursuant to a plan; or

(2) The distribution is not essentially equivalent to a dividend, is in redemption of a part of the stock of the corporation pursuant to a plan, and occurs within the taxable year in which the plan is adopted or within the succeeding taxable year, including (but not limited to) a distribution which meets the requirements of subsection (b).

For purposes of section 562 (b) (relating to the dividends paid deduction) and section 6043 (relating to information returns), a partial liquidation includes a redemption of stock to which section 302 applies.

(b) *Termination of a business.* A distribution shall be treated as a distribution described in subsection (a) (2) if the requirements of paragraphs (1) and (2) of this subsection are met.

(1) The distribution is attributable to the corporation's ceasing to conduct, or consists of the assets of, a trade or business which has been actively conducted throughout the 5-year period immediately before the distribution, which trade or business was not acquired by the corporation within such period in a transaction in which gain or loss was recognized in whole or in part.

(2) Immediately after the distribution the liquidating corporation is actively engaged in the conduct of a trade or business, which trade or business was actively conducted throughout the 5-year period ending on the date of the distribution and was not acquired by the corporation within such period in a transaction in which gain or loss was recognized in whole or in part.

Whether or not a distribution meets the requirements of paragraphs (1) and (2) of this subsection shall be determined without regard to whether or not the distribution is pro rata with respect to all of the shareholders of the corporation.

(c) *Treatment of certain redemptions.* The fact that, with respect to a shareholder, a distribution qualifies under section 302 (a) (relating to redemptions treated as distributions in part or full payment in exchange for stock) by reason of section 302 (b) shall not be taken into account in determining whether the distribution, with respect to such shareholder, is also a distribution in partial liquidation of the corporation.

§ 1.346–1 *Partial liquidation*—(a) *General.* This section defines a partial liquidation. If amounts are distributed in partial liquidation such amounts are treated under section 331 (a) (2) as received in part or full payment in exchange for the stock. A distribution is treated as in partial liquidation of a corporation if—

(1) The distribution is one of a series of distributions in redemption of all of the stock of the corporation pursuant to a plan of complete liquidation, or

(2) The distribution—

(i) Is not essentially equivalent to a dividend,

(ii) Is in redemption of a part of the stock of the corporation pursuant to a plan, and

(iii) Occurs within the taxable year in which the plan is adopted or within the succeeding taxable year.

An example of a distribution which will qualify as a partial liquidation under paragraph (2) and section 346 (a) is a distribution resulting from a genuine contraction of the corporate business such as the distribution of unused insurance proceeds recovered as a result of a fire which destroyed part of the business causing a cessation of a part of its activities. On the other hand, the distribution of funds attributable to a reserve for an expansion program which has been abandoned does not qualify as a partial liquidation within the meaning of section 346 (a). A distribution to which section 355 applies (or so much of section 356 as relates to section 355) is not a distribution in partial liquidation within the meaning of section 346 (a).

(b) *Special requirements on termination of business.* A distribution which occurs within the taxable year in which the plan is adopted or within the succeeding taxable year and which meets

the requirements of subsection (b) of section 346 falls within subparagraph (2) of paragraph (a) of this section and within section 346 (a) (2). The requirements which a distribution must meet to fall within subsection (b) of section 346 are:

(1) Such distribution is attributable to the corporation's ceasing to conduct, or consists of assets of, a trade or business which has been actively conducted throughout the five-year period immediately before the distribution, which trade or business was not acquired by the corporation within such period in a transaction in which gain or loss was recognized in whole or in part, and

(2) Immediately after such distribution by the corporation it is actively engaged in the conduct of a trade or business, which trade or business was actively conducted throughout the five-year period ending on the date of such distribution and was not acquired by the corporation within such period in a transaction in which gain or loss was recognized in whole or in part.

A distribution shall be treated as having been made in partial liquidation pursuant to section 346 (b) if it consists of the proceeds of the sale of the assets of a trade or business which has been actively conducted for the five-year period and has been terminated, or if it is a distribution in kind of the assets of such a business, or if it is a distribution in kind of some of the assets of such a business and of the proceeds of the sale of the remainder of the assets of such a business. In general, a distribution which will qualify under section 346 (b) may consist of, but is not limited to—

(i) Assets (other than inventory or property described in (ii)) used in the trade or business throughout the five-year period immediately before the distribution (for this purpose an asset shall be considered used in the trade or business during the period of time the asset which it replaced was so used), or

(ii) Proceeds from the sale of assets described in (i), and, in addition,

(iii) The inventory of such trade or business or property held primarily for sale to customers in the ordinary course of business, if—

(a) The items constituting such inventory or such property were substantially similar to the items constituting such inventory or property during the five-year period immediately before the distribution, and

(b) The quantity of such items on the date of distribution was not substantially in excess of the quantity of similar items regularly on hand in the conduct of such business during such five-year period,

or

(iv) Proceeds from the sale of inventory or property described in (iii), if such inventory or property is sold in bulk in the course of termination of such trade or business and if with respect to such inventory the conditions of (a) and (b) of (iii) would have been met had such inventory or property been distributed on the date of such sale.

(c) *Active conduct of a trade or business.* For the purpose of section 346 (b) (1), a corporation shall be deemed to have actively conducted a trade or business immediately before the distribution, if—

(1) In the case of a business the assets of which have been distributed in kind, the business was operated by such corporation until the date of distribution, or

(2) In the case of a business the proceeds of the sale of the assets of which are distributed, such business was actively conducted until the date of sale and the proceeds of such sale were distributed as soon thereafter as reasonably possible.

The term "active conduct of a trade or business" shall have the same meaning in this section as in § 1.355–1 (c).

§ 1.346–2 *Treatment of certain redemptions.* If a distribution in a redemption of stock qualifies as a distribution in part or full payment in exchange for the stock under both section 302 (a) and this section, then only this section shall be applicable. None of the limitations of section 302 shall be applicable to such redemption.

§ 1.346–3 *Effect of certain sales.* The determination of whether assets sold in connection with a partial liquidation are sold by the distributing corporation or by the shareholder is a question of fact to be determined under the facts and circumstances of each case.

CORPORATE ORGANIZATIONS AND REORGANIZATIONS

§ 1.351 *Statutory provisions; transfer to corporation controlled by transferor.*

SEC. 351. *Transfer to corporation controlled by transferor*—(a) *General rule.* No gain or loss shall be recognized if property is transferred to a corporation by one or more persons solely in exchange for stock or securities in such corporation and immediately after the exchange such person or persons are in control (as defined in section 368 (c)) of the corporation. For purposes of this section, stock or securities issued for services shall not be considered as issued in return for property.

(b) *Receipt of property.* If subsection (a) would apply to an exchange but for the fact that there is received, in addition to the stock or securities permitted to be received under subsection (a), other property or money, then—

(1) Gain (if any) to such recipient shall be recognized, but not in excess of—

(A) The amount of money received, plus

(B) The fair market value of such other property received; and

(2) No loss to such recipient shall be recognized.

(c) *Special rule.* In determining control, for purposes of this section, the fact that any corporate transferor distributes part or all of the stock which it receives in the exchange to its shareholders shall not be taken into account.

(d) *Cross references.* (1) For special rule where another party to the exchange assumes a liability, or acquires property subject to a liability, see section 357.

(2) For the basis of stock, securities, or property received in an exchange to which this section applies, see sections 358 and 362.

(3) For special rule in the case of an exchange described in this section but which results in a gift, see section 2501 and following.

(4) For special rule in the case of an exchange described in this section but which has the effect of the payment of compensation by the corporation or by a transferor, see section 61 (a) (1).

§ 1.351–1 *Transfer to corporation controlled by transferor.* (a) (1) Section 351 (a) provides, in general, for the nonrecognition of gain or loss upon the transfer by one or more persons of property to a corporation solely in exchange for stock or securities in such corporation if, immediately after the exchange, such person or persons are in control of the corporation to which the property was transferred. As used in section 351, the phrase "one or more persons" includes individuals, trusts, estates, partnerships, associations, companies, or corporations (see section 7701 (a) (1)). To be in control of the transferee corporation, such person or persons must own immediately after the transfer stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of such corporation (see section 368 (c)). In determining control under this section, the fact that any corporate transferor distributes part or all of the stock which it receives in the exchange to its shareholders shall not be taken into account. The phrase "immediately after the exchange" does not necessarily require simultaneous exchanges by two or more persons, but comprehends a situation where the rights of the parties have been previously defined and the execution of the agreement proceeds with an expedition consistent with orderly procedure. For purposes of this section—

(i) Stock or securities issued for services rendered or to be rendered to or for the benefit of the issuing corporation will not be treated as having been issued in return for property, and

(ii) Stock or securities issued for property which is of relatively small value in comparison to the value of the stock and securities already owned (or to be received for services) by the person who transferred such property, shall not be treated as having been issued in return for property if the primary purpose of the transfer is to qualify under this section the exchanges of property by other persons transferring property.

For the purpose of section 351, stock rights or stock warrants are not included in the term "stock or securities."

(2) The application of section 351 (a) is illustrated by the following examples:

Example (1). C owns a patent right worth $25,000 and D owns a manufacturing plant worth $75,000. C and D organize the R Corporation with an authorized capital stock of $100,000. C transfers his patent right to the R Corporation for $25,000 of its stock and D transfers his plant to the new corporation for $75,000 of its stock. No gain or loss to C or D is recognized.

Example (2). B owns certain real estate which cost him $50,000 in 1930, but which has a fair market value of $200,000 in 1955. He transfers the property to the N Corporation in 1955 for 78 percent of each class of stock of the corporation having a fair market value of $200,000, the remaining 22 percent of the stock of the corporation having been issued by the corporation in 1940 to other persons for cash. B realized a taxable gain of $150,000 on this transaction.

Example (3). E, an individual, owns property with a basis of $10,000 but which has a fair market value of $18,000. E also had rendered services valued at $2,000 to Corporation F. Corporation F has outstanding 100 shares of common stock all of which are held by G. Corporation F issues 400 shares of its common stock (having a fair market value of $20,000) to E in exchange for his property worth $18,000 and in compensation for the services he has rendered worth $2,000. Since immediately after the transaction, E owns 80 percent of the outstanding stock of Corporation F, no gain is recognized upon the exchange of the property for the stock. However, E realized $2,000 of ordinary income as compensation for services rendered to Corporation F.

(b) (1) Where property is transferred to a corporation by two or more persons in exchange for stock or securities, as described in paragraph (a) of this section, it is not required that the stock and securities received by each be substantially in proportion to his interest in the property immediately prior to the transfer. However, where the stock and securities received are received in disproportion to such interest, the entire transaction will be given tax effect in accordance with its true nature, and in appropriate cases the transaction may be treated as if the stock and securities had first been received in proportion and then some of such stock and securities had been used to make gifts (section 2501 and following), to pay compensation (section 61 (a) (1)), or to satisfy obligations of the transferor of any kind.

(2) The application of paragraph (b) (1) of this section may be illustrated as follows:

Example (1). Individuals A and B, father and son, organize a corporation with 100 shares of common stock to which A transfers property worth $8,000 in exchange for 20 shares of stock, and B transfers property worth $2,000 in exchange for 80 shares of stock. No gain or loss will be recognized under section 351. However, if it is determined that A in fact made a gift to B, such gift will be subject to tax under section 2501 and following. Similarly, if B had rendered services to A (such services having no relation to the assets transferred or to the business of the corporation) and the disproportion in the amount of stock received constituted the payment of compensation by A to B, B will be taxable upon the fair market value of the 60 shares of stock received as compensation for services rendered, and A will realize gain or loss upon the difference between the basis to him of the 60 shares and their fair market value at the time of the exchange.

Example (2). Individuals C and D each transferred, to a newly organized corporation, property having a fair market value of $4,500 in exchange for the issuance by the corporation of 45 shares of its capital stock to each transferor. At the same time, the corporation issued to E, an individual, 10 shares of its capital stock in payment for organizational and promotional services rendered by E for the benefit of the corporation. E transferred no property to the corporation. C and D were under no obligation to pay for E's services. No gain or loss is recognized to C or D. E received compensation taxable as ordinary income to the extent of the fair market value of the 10 shares of stock received by him.

§ 1.351–2 *Receipt of property.* (a) If an exchange would be within the provisions of section 351 (a) if it were not for the fact that the property received in exchange consists not only of property permitted by such subsection to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property. No loss to the recipient shall be recognized.

(b) See section 357 and the regulations pertaining to that section for applicable rules as to the treatment of liabilities as "other property" in cases subject to section 351, where another party to the exchange assumes a liability, or acquires property subject to a liability.

(c) See sections 358 and 362 and the regulations pertaining to those sections for applicable rules with respect to the determination of the basis of stock, securities, or other property received in exchanges subject to section 351.

(d) See Part I of subchapter C and regulations pertaining to that part (§§ 1.301 to 1.318–4) for applicable rules with respect to the taxation of dividends where a distribution by a corporation of its stock or securities in connection with an exchange subject to section 351 (a) has the effect of the distribution of a taxable dividend.

§ 1.351–3 *Records to be kept and information to be filed.* (a) Every person who received the stock or securities of a controlled corporation, or other property as part of the consideration, in exchange for property under section 351, shall file with his income tax return for the taxable year in which the exchange is consummated a complete statement of all facts pertinent to such exchange, including—

(1) A description of the property transferred, or of his interest in such property, together with a statement of the cost or other basis thereof, adjusted to the date of transfer.

(2) With respect to stock of the controlled corporation received in the exchange, a statement of,—

(i) The kind of stock and preferences, if any;

(ii) The number of shares of each class received; and

(iii) The fair market value per share of each class at the date of the exchange.

(3) With respect to securities of the controlled corporation received in the exchange, a statement of—

(i) The principal amount and terms; and

(ii) The fair market value at the date of exchange.

(4) The amount of money received, if any.

(5) With respect to other property received—

(i) A complete description of each separate item;

(ii) The fair market value of each separate item at the date of exchange; and

(iii) In the case of a corporate shareholder, the adjusted basis of the other property in the hands of the controlled corporation immediately before the distribution of such other property to the corporate shareholder in connection with the exchange.

(6) With respect to liabilities of the transferors assumed by the controlled corporation, a statement of—

(i) The nature of the liabilities;

(ii) When and under what circumstances created;

(iii) The corporate business reason for assumption by the controlled corporation; and

(iv) Whether such assumption eliminates the transferor's primary liability.

(b) Every such controlled corporation shall file with its income tax return for the taxable year in which the exchange is consummated—

(1) A complete description of all the property received from the transferors.

(2) A statement of the cost or other basis thereof in the hands of the transferors adjusted to the date of transfer.

(3) The following information with respect to the capital stock of the controlled corporation—

(i) The total issued and outstanding capital stock immediately prior to and immediately after the exchange, with a complete description of each class of stock;

(ii) The classes of stock and number of shares issued to each transferor in the exchange, and the number of shares of each class of stock owned by each transferor immediately prior to and immediately after the exchange, and

(iii) The fair market value of the capital stock as of the date of exchange which was issued to each transferor.

(4) The following information with respect to securities of the controlled corporation—

(i) The principal amount and terms of all securities outstanding immediately prior to and immediately after the exchange,

(ii) The principal amount and terms of securities issued to each transferor in the exchange, with a statement showing each transferor's holdings of securities of the controlled corporation immediately prior to and immediately after the exchange,

(iii) The fair market value of the securities issued to the transferors on the date of the exchange, and

(iv) A statement as to whether the securities issued in the exchange are subordinated in any way to other claims against the controlled corporation.

(5) The amount of money, if any, which passed to each of the transferors in connection with the transaction.

(6) With respect to other property which passed to each transferor—

(i) A complete description of each separate item;

(ii) The fair market value of each separate item at the date of exchange, and

(iii) In the case of a corporate transferor, the adjusted basis of each separate item in the hands of the controlled corporation immediately before the distribution of such other property to the corporate transferor in connection with the exchange.

(7) The following information as to the transferor's liabilities assumed by the controlled corporation in the exchange—

(i) The amount and a description thereof,

(ii) When and under what circumstances created, and

(iii) The corporate business reason or reasons for assumption by the controlled corporation.

(c) Permanent records in substantial form shall be kept by every taxpayer who participates in the type of exchange described in section 351, showing the information listed above, in order to facilitate the determination of gain or loss from a subsequent disposition of stock or securities and other property, if any, received in the exchange.

Effects on Shareholders and Security Holders

§ 1.354 *Statutory provisions; exchanges of stock and securities in certain reorganizations.*

SEC. 354. *Exchanges of stock and securities in certain reorganizations*—(a) *General rule*—(1) *In general.* No gain or loss shall be recognized if stock or securities in a corporation a party to a reorganization are, in pursuance of the plan of reorganization, exchanged solely for stock or securities in such corporation or in another corporation a party to the reorganization.

(2) *Limitation.* Paragraph (1) shall not apply if—

(A) The principal amount of any such securities received exceeds the principal amount of any such securities surrendered, or

(B) Any such securities are received and no such securities are surrendered.

(3) *Cross reference.* For treatment of the exchange if any property is received which is not permitted to be received under this subsection (including an excess principal amount of securities received over securities surrendered), see section 356.

(b) *Exception*—(1) *In general.* Subsection (a) shall not apply to an exchange in pursuance of a plan of reorganization within the meaning of section 368 (a) (1) (D), unless—

(A) The corporation to which the assets are transferred acquires substantially all of the assets of the transferor of such assets; and

(B) The stock, securities, and other properties received by such transferor, as well as the other properties of such transferor, are distributed in pursuance of the plan of reorganization.

(2) *Cross reference.* For special rules for certain exchanges in pursuance of plans of reorganization within the meaning of section 368 (a) (1) (D), see section 355.

(c) *Certain railroad reorganizations.* Notwithstanding any other provision of this subchapter, subsection (a) (1) (and so much of section 356 as relates to this section) shall apply with respect to a plan of reorganization (whether or not a reorganization within the meaning of section 368 (a)) for a railroad approved by the Interstate Commerce Commission under section 77 of the Bankruptcy Act, or under section 20b of the Interstate Commerce Act, as being in the public interest.

§ 1.354–1 *Exchanges of stock and securities in certain reorganizations.* (a) Section 354 provides that under certain circumstances no gain or loss is recognized to a shareholder who surrenders his stock in exchange for other stock or to a security holder who surrenders his securities in exchange for stock. Section 354 also provides that under certain circumstances a security holder may surrender securities and receive securities in the same principal amount or in a lesser principal amount without the recognition of gain or loss to him. The exchanges to which section 354 applies must be pursuant to a plan of reorganization as provided in section 368 (a) and the stock and securities surrendered as well as the stock and securities received must be those of a corporation which is a party to the reorganization. Section 354 does not apply to exchanges pursuant to a reorganization described in section 368 (a) (1) (D) unless the transferor corporation—

(1) Transfers all or substantially all of its assets to a single corporation, and

(2) Distributes all of its remaining properties (if any) and the stock, securities and other properties received in the exchange to its shareholders or security holders in pursuance of the plan of reorganization. The fact that properties retained by the transferor corporation, or received in exchange for the properties transferred in the reorganization, are used to satisfy existing liabilities not represented by securities and which were incurred in the ordinary course of business before the reorganization does not prevent the application of section 354 to an exchange pursuant to a plan of reorganization defined in section 368 (a) (1) (D).

(b) Except in the case described in subsection (c), section 354 is not applicable to an exchange of stock or securities if a greater principal amount of securities is received than the principal amount of securities the recipient surrenders, or if securities are received and the recipient surrenders no securities. See, however, section 356 and regulations pertaining to such section. See also section 306 with respect to the receipt of preferred stock in a transaction to which section 354 is applicable.

(c) An exchange of stock or securities shall be subject to section 354 (a) (1) even though—

(1) Such exchange is not pursuant to a plan of reorganization described in section 368 (a), and

(2) The principal amount of the securities received exceeds the principal amount of the securities surrendered or if securities are received and no securities are surrendered—

if such exchange is pursuant to a plan of reorganization for a railroad corporation as defined in section 77 (m) of the Bankruptcy Act and is approved by the Interstate Commerce Commission under section 77 of such act or under section 20b of the Interstate Commerce Act as being in the public interest. Section 354 is not applicable to such exchanges if there is received property other than stock or securities. See, however, section 356 and regulations pertaining to such section.

(d) The rules of section 354 may be illustrated by the following examples:

Example (1). Pursuant to a reorganization under section 368 (a) to which Corporations T and W are parties, A, a shareholder in Corporation T, surrenders all his common stock in Corporation T in exchange for common stock of Corporation W. No gain or loss is recognized to A.

Example (2). Pursuant to a reorganization under section 368 (a) to which Corporations X and Y (which are not railroad corporations) are parties, B, a shareholder in Corporation X, surrenders all his stock in X for stock and securities in Y. Section 354 does not apply to this exchange. See, however, section 356.

Example (3). C, a shareholder in Corporation Z (which is not a railroad corporation), surrenders all his stock in Corporation Z in exchange for securities in Corporation Z. Whether or not this exchange is in connection with a recapitalization under section 368 (a) (1) (E), section 354 does not apply. See, however, section 302.

(e) For the purpose of section 354, stock rights or stock warrants are not included in the term "stock or securities".

§ 1.355 *Statutory provisions; distribution of stock and securities of a controlled corporation.*

SEC. 355. *Distribution of stock and securities of a controlled corporation*—(a) *Effect on distributees*—(1) *General rule.* If—

(A) A corporation (referred to in this section as the "distributing corporation")—

(i) Distributes to a shareholder, with respect to its stock, or

(ii) Distributes to a security holder, in exchange for its securities,

solely stock or securities of a corporation (referred to in this section as "controlled corporation") which it controls immediately before the distribution,

(B) The transaction was not used principally as a device for the distribution of the earnings and profits of the distributing corporation or the controlled corporation or both (but the mere fact that subsequent to the distribution stock or securities in one or more of such corporations are sold or exchanged by all or some of the distributees (other than pursuant to an arrangement negotiated or agreed upon prior to such distribution) shall not be construed to mean that the transaction was used principally as such a device),

(C) The requirements of subsection (b) (relating to active businesses) are satisfied, and

(D) As part of the distribution, the distributing corporation distributes—

(i) All of the stock and securities in the controlled corporation held by it immediately before the distribution, or

(ii) An amount of stock in the controlled corporation constituting control within the meaning of section 368 (c), and it is established to the satisfaction of the Secretary or his delegate that the retention by the distributing corporation of stock (or stock and securities) in the controlled corporation was not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income tax,

then no gain or loss shall be recognized to (and no amount shall be includible in the income of) such shareholder or security holder on the receipt of such stock or securities.

(2) *Non pro rata distributions, etc.* Paragraph (1) shall be applied without regard to the following:

(A) Whether or not the distribution is pro rata with respect to all of the shareholders of the distributing corporation.

(B) Whether or not the shareholder surrenders stock in the distributing corporation, and

(C) Whether or not the distribution is in pursuance of a plan of reorganization (within the meaning of section 368 (a) (1) (D)).

(3) *Limitation.* Paragraph (1) shall not apply if—

(A) The principal amount of the securities in the controlled corporation which are received exceeds the principal amount of the securities which are surrendered in connection with such distribution, or

(B) Securities in the controlled corporation are received and no securities are surrendered in connection with such distribution.

For purposes of this section (other than paragraph (1) (D) of this subsection) and so much of section 356 as relates to this section, stock of a controlled corporation acquired by the distributing corporation by reason of any transaction which occurs within 5 years of the distribution of such stock and in which gain or loss was recognized in whole or in part, shall not be treated as stock of such controlled corporation, but as other property.

(4) *Cross reference.* For treatment of the distribution if any property is received which is not permitted to be received under this subsection (including an excess principal amount of securities received over securities surrendered), see section 356.

(b) *Requirements as to active business*—(1) *In general.* Subsection (a) shall apply only if either—

(A) The distributing corporation, and the controlled corporation (or, if stock of more than one controlled corporation is distributed, each of such corporations), is engaged immediately after the distribution in the active conduct of a trade or business, or

(B) Immediately before the distribution, the distributing corporation had no assets other than stock or securities in the controlled corporations and each of the controlled corporations is engaged immediately after the distribution in the active conduct of a trade or business.

(2) *Definition.* For purposes of paragraph (1), a corporation shall be treated as engaged in the active conduct of a trade or business if and only if—

(A) It is engaged in the active conduct of a trade or business, or substantially all of its assets consist of stock and securities of a corporation controlled by it (immediately after the distribution) which is so engaged,

(B) Such trade or business has been actively conducted throughout the 5-year period ending on the date of the distribution,

(C) Such trade or business was not acquired within the period described in subparagraph (B) in a transaction in which gain or loss was recognized in whole or in part, and

(D) Control of a corporation which (at the time of acquisition of control) was conducting such trade or business—

(i) Was not acquired directly (or through one or more corporations) by another corporation within the period described in subparagraph (B), or

(ii) Was so acquired by another corporation within such period, but such control was so acquired only by reason of transactions in which gain or loss was not recognized in whole or in part, or only by reason of such transactions combined with acquisitions before the beginning of such period.

§ 1.355–1 *Distribution of stock and securities of controlled corporation*—(a) *Application of section.* Section 355 provides for the separation, without recognition of gain or loss to the shareholders and security holders, of two or more existing businesses formerly operated, directly or indirectly, by a single corporation. It applies only to the separation of existing businesses which have been in active operation for at least five years, and which, in general, have been owned for at least five years by the corporation making the distribution of stock or of stock and securities. Section 355 does not apply to the division of a single business. For the purpose of section 355, stock rights or stock warrants are not included in the term "stock and securities".

(b) *Types of separations.* Section 355 is concerned with two general types of separations of businesses. The first is the distribution of the stock of an existing corporation. The second is the distribution of the stock of a new corporation which stock was received in exchange for the assets of a business previously operated by the distributing corporation. In both cases, this section contemplates the continued operation of the businesses existing prior to the separation.

(c) *Active business.* Section 355 is not applicable unless the controlled corporation and the distributing corporation are each engaged in the active conduct of a trade or business. For specific rules in this connection see section 355 (b) (1) and (2). Without regard to such rules, for purposes of section 355, a trade or business consists of a specific existing group of activities being carried on for the purpose of earning income or profit from only such group of activities, and the activities included in such group must include every operation which forms a part of, or a step in, the process of earning income or profit from such group. Such group of activities ordinarily must include the collection of income and the payment of expenses. It does not include—

(1) The holding for investment purposes of stock, securities, land or other property, including casual sales thereof (whether or not the proceeds of such sales are reinvested),

(2) The ownership and operation of land or buildings all or substantially all of which are used and occupied by the owner in the operation of a trade or business, or

(3) A group of activities which, while a part of a business operated for profit, are not themselves independently producing income even though such activities would produce income with the addition of other activities or with large increases in activities previously incidental or insubstantial.

(d) The following examples illustrate the application of the rules described in paragraph (c) of this section:

Example (1). Corporation A is engaged in the manufacture and sale of soap and detergents and owns investment securities. It proposes to place the investment securities in a new corporation and distribute the stock of such new corporation to its shareholders. The holding of investment securities does not constitute a trade or business.

Example (2). Corporation B is engaged in the business of manufacturing and selling hats in its own factory building. It proposes to transfer the factory building to a new corporation and distribute the stock of such new corporation to its shareholders. The activities in connection with the manufacturing of hats constitute a trade or business; but the operation of the factory building does not.

Example (3). Corporation C, a bank, owns an eleven-story downtown office building, the ground floor of which is occupied by it in the conduct of its banking business and the remaining ten floors of which it rents to various tenants. The ten floors are rented, managed and maintained by the real estate department of the bank. It is proposed to transfer the building to a new corporation and distribute the stock of such new corporation to the bank's shareholders. The activities in connection with banking constitute a trade or business as do also the activities in connection with the rental of the building.

Example (4). Corporation D, a bank, owns a two-story building in a suburban area, the ground floor and approximately one-half of the second floor of which is occupied by it in the conduct of its banking business. The remainder of the second floor is rented as storage space to a neighboring retail merchant. It is proposed to transfer the building to a new corporation and distribute the stock of such new corporation to the bank's shareholders. With respect to the rental of part of the second floor of its building, the bank is not engaged in the active conduct of a trade or business, such activity being only incidental to its banking business.

Example (5). Corporation E is engaged in the manufacture and sale of wood products. In connection with such manufacturing, it maintains a research department for its own use. It proposes to transfer the research department to a new corporation after which it will engage the services of the new corporation on a contract basis. The activities of the research department do not constitute a trade or business.

Example (6). Corporation F owns and rents an office building and owns vacant land. It proposes to transfer the vacant land to a new corporation and distribute the stock of such new corporation to its shareholders. The holding of the vacant land does not constitute a trade or business.

Example (7). Corporation G owns land on which it engages in the ranching business. Oil has been discovered in the area and it is apparent that oil may be found under the land on which the ranching activities are maintained. Corporation G has engaged in no activities in connection with the mineral rights. It proposes to transfer the mineral rights to a new corporation and distribute the stock of such new corporation to its shareholders. Corporation G is not engaged in an active trade or business with respect to the mineral rights.

Example (8). Corporation H manufactures and sells ice cream at a plant in State X and at a plant in State Y. Corporation H proposes to transfer the plant and related activities in State Y to a new corporation and distribute the stock of such new corporation to its shareholders. The activities in each State constitute a trade or business.

Example (9). Corporation I manufactures and sells ice cream in State X. It purchases land and constructs a new plant in State Y. After manufacturing and selling operations have commenced at the new plant, it proposes to transfer it to a new corporation and distribute the stock of such new corporation to its shareholders. The activities at the new plant constitute a trade or business which, however, has been in existence only since such activities began.

Example (10). Corporation J has owned and operated a men's retail clothing store in the downtown area of the City of R for seven years and has also owned and operated a men's retail clothing store in the suburban area of the City of R for nine years. The manager of each store directs its operations and makes the necessary purchases. No common warehouse is maintained. Corporation J proposes to transfer the store building, fixtures, and inventory of the suburban store to a new corporation and distribute the stock of such new corporation to the shareholders of Corporation J. The activities of each store constitute a trade or business which has been in existence for more than five years.

Example (11). Corporation K processes and sells meat products. It is proposed to separate the selling from the manufacturing activities by forming a separate corporation, L, to handle sales. Corporation K will transfer to Corporation L certain

physical assets pertaining to the sales function plus cash for working capital in exchange for the capital stock of Corporation L which will be distributed to the shareholders of Corporation K. Since the manufacturing and selling operations constitute only one integrated business, neither Corporation K nor Corporation L will be continuing the active conduct of a trade or business formerly conducted by Corporation K.

Example (12). Corporation M is engaged in the manufacture and sale of steel and steel products. In addition, Corporation M owns and operates a coal mine for the sole purpose of supplying its coal requirements in the manufacture of steel. It is proposed to transfer the coal mine to a new corporation and distribute the stock of such new corporation to the shareholders of Corporation M. The activities of Corporation M in connection with the operation of the coal mine do not constitute a trade or business, since such activities are not themselves independently producing income although a part of the business operated for profit.

Example (13). Corporation N manufactures steel containers for oil and oil products at a plant in State X and at a plant in State Y. Pursuant to a sales contract with Corporation O, Corporation N sells its entire product to Corporation O. Corporation N proposes to transfer the plant and related activities in State Y, together with that portion of the sales contract with Corporation O applicable to the sales of that plant to a new corporation and distribute the stock of such new corporation to its shareholders. The activities in each State constitute a trade or business before and after the transfer to the new corporation.

Example (14). Corporation P manufactures and sells steel containers for oil and oil products at a plant in State X and at a plant in State Y. Corporation P makes all of its sales through its wholly-owned subsidiary pursuant to a sales contract, by virtue of which the subsidiary acts either as principal or sales agent for Corporation P. Corporation P proposes to transfer the plant and related activities in State Y, together with that portion of the sales contract applicable to the sales of that plant to a new corporation and distribute the stock of such new corporation to its shareholders. The activities in each State constitute a trade or business before and after the transfer to the new corporation.

Example (15). Corporation Q manufactures electrical products at a plant in State X and at a plant in State Y. The sales of the electrical products produced by each plant are made by the corporation's sales office located at the plant in State X. Corporation Q proposes to transfer the plant and related activities in State Y, together with that portion of the facilities and personnel of the sales office allocable to the sales of the plant in State Y to a new corporation and distribute the stock of such new corporation to its shareholders. The activities in each state constitute a trade or business before and after the transfer to the new corporation.

Example (16). Corporation R manufactures and sells automobiles and operates an executive dining room primarily for the convenience of its executives. The dining room is managed and operated as a separate unit and the executives are charged for their meals. Corporation R derives a profit from the operation of the dining room. The activities connected with the executive dining room do not constitute a trade or business.

(e) For further examples of businesses operated by one corporation, see § 1.337–3 (d).

§ 1.355–2 *Limitations*—(a) *Property distributed.* The property distributed must consist solely of stock or stock and securities of a controlled corporation. If additional property (including an excess principal amount of securities received over securities surrendered) is received, see section 356.

(b) *Distribution of earnings and profits.* (1) The transaction must not have been used principally as a device for the distribution of the earnings and profits of the distributing corporation or of the controlled corporation or of both. If, pursuant to an arrangement negotiated or agreed upon prior to the distribution of stock or securities of the controlled corporation, part or all of the stock or securities of either corporation are sold or exchanged after the distribution, such sale or exchange will be evidence that the transaction was used principally as a device for the distribution of the earnings and profits of the distributing corportion or of the controlled corporation, or both. However, if the rules respecting continuity of interest contained in paragraph (c) of this section are not met, section 355 will not apply. If a sale of such stock or securities is made after the distribution and is not pursuant to an arrangement negotiated or agreed upon prior to the distribution, the mere fact of such sale is not determinative that the transactions was used principally as a device for the distribution of earnings and profits, but such fact will be evidence that the transaction was used principally as such a device.

(2) A sale is pursuant to an arrangement agreed upon prior to the distribution when enforcible rights to buy or to sell exist before such distribution. In any case in which a sale or exchange was discussed by the buyer and the seller before the distribution, but enforcible rights to buy or to sell did not exist before such distribution, the question whether an arrangement was negotiated within the meaning of section 355 (a) (1) (B) shall be determined from all the facts and circumstances.

(3) In determining whether a transaction was used principally as a device for the distribution of the earnings and profits of the distributing corporation or of the controlled corporation or both, consideration will be given to all of the facts and circumstances of the transaction. In particular, consideration will be given to the nature, kind and amount of the assets of both corporations (and corporations controlled by them) immediately after the transaction. The fact that at the time of the transaction substantially all of the assets of each of the corporations involved are and have been used in the active conduct of trades or businesses which meet the requirements of section 355 (b) will be considered evidence that the transaction was not used principally as such a device.

(c) *Business purpose.* The distribution by a corporation of stock or securities of a controlled corporation to its shareholders with respect to its own stock or to its security holders in exchange for its own securities will not qualify under section 355 where carried out for purposes not germane to the business of the corporation. The principal reason for this requirement is to limit the application of section 355 to certain specified distributions or exchanges with respect to the stock or securities of controlled corporations incident to such readjustment of corporate structures as is required by business exigencies and which, in general, effect only a readjustment of continuing interests in property under modified corporate forms. Section 355 contemplates a continuity of the entire business enterprise under modified corporate forms and a continuity of interest in all or part of such business enterprise on the part of those persons who, directly or indirectly, were the owners of the enterprise prior to the distribution or exchange. All the requisites of business and corporate purposes described under § 1.368 must be met to exempt a transaction from the recognition of gain or loss under this section.

(d) *Stock and securities distributed.* The distributing corporation must distribute—

(1) All of the stock and securities of the controlled corporation which it owns, or

(2) At least an amount of the stock which constitutes control as defined in section 368 (c). In such case all, or any part, of the securities of the controlled corporation may be distributed.

Where a part of either the stock or securities is retained under (2), it must be established to the satisfaction of the Commissioner that such retention was not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income tax. Ordinarily, the business reasons (as distinguished from the desire to make a distribution of the earnings and profits) which support a distribution of stock and securities of a controlled corporation under paragraph (c) of this section will require the distribution of all of the stock and securities. If the distribution of all of the stock and securities of a controlled corporation would be treated to any extent as a distribution of "other property" under section 356, this fact does not tend to establish that the retention of any of such stock and securities is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income tax.

(e) *Principal amount of securities.* (1) Section 355 (a) (1) is not applicable if the principal amount of securities received exceeds the principal amount of securities surrendered or if securities are received and no securities are surrendered. In such cases, see section 356.

(2) If only stock is received in a transaction to which section 355 is applicable, the principal amount of securities surrendered, if any, and the par or stated value of stock is not relevant to the application of such section. For example: All of the stock of Corporation A is owned by X, an individual, and securities in the principal amount of $100,000 which were issued by Corporation A are owned by Y, an individual. Corporation A distributes all of the stock of a controlled corporation to Y in exchange for his securities. The par or stated value of the stock of the controlled corporation is $150,000. No gain or loss is recognized to Y upon the receipt of the stock of the controlled corporation.

(f) *Period of ownership.* (1) For the purposes of determining whether gain or loss will be recognized upon a distribution, stock of a controlled corporation acquired (in a transaction in which gain or loss is recognized, in whole or in part) within five years of the date of the distribution of such stock is treated as "other property." Section 355 does not apply to a transaction which includes a distribution of such stock. See section 356. The stock so acquired is "stock", however, for the purpose of the requirements respecting the distribution of stock of such controlled corporation provided in section 355 (a) (1) (D).

(2) Paragraph (f) (1) of this section may be illustrated by the following example:

Example. Corporation A has held 85 of the 100 outstanding shares of the stock of Corporation B for more than five years on the date of distribution. Six months before such date, it purchased 10 shares of such stock. If all of the stock of the controlled corporation owned by Corporation A is distributed, section 355 is not applicable to such distribution since the 10 shares would represent "other property." See, however, section 356. If, however, for proper business reasons it is decided to retain some of the stock of Corporation B, then the determination of the amount of such stock which must be distributed under section 355 (a) (1) (D) in order to constitute a distribution to which section 355 is applicable must be made by reference to all of the stock of the controlled corporation including the 10 shares acquired six months before such date and the 5 shares owned by others. Similarly, if, by the use of any agency, the distributing corporation acquires stock of the controlled corporation within five years of the date of distribution, for example, where another subsidiary purchases such stock, such stock will be treated as "other property." If Corporation A had held only 75 of the 100 outstanding shares of stock of Corporation B for more than five years on the date of distribution and had purchased the remaining 25 shares six months before such date, neither section 355 nor section 356 would be applicable.

(g) *Active businesses.* The rules of section 355 (b) and § 1.355–4, relating to active businesses, must be satisfied.

§ 1.355–3 *Non pro rata distributions, etc.* (a) The rule of section 355 (a) (1) prescribing that gain or loss will not be recognized applies whether or not the distribution is pro rata with respect to the interests of all the shareholders in the distributing corporation provided all other requirements of section 355 are satisfied. For example, if two individuals, A and B, own all of the stock of Corporation X which operates two active businesses, one business may be transferred to a new corporation in exchange for all of its stock and such stock distributed to either A or B in exchange for all of his stock of Corporation X. Similarly, if, in the above example, only a part of the stock of the new corporation is transferred to one of the shareholders in exchange for all of his stock of Corporation X and the balance of such stock is distributed to the other shareholder (whether or not such other shareholder surrenders stock in Corporation X), no gain or loss will be recognized. The same rule will be applicable if the stock of an existing controlled corporation is distributed to the shareholders even though such distribution is not pursuant to a plan of reorganization. Section 355 does not apply, however, if the substance of the transaction is merely an exchange between shareholders or security holders of stock or securities in one corporation for stock or securities in another corporation. For example, if two individuals, C and D, each own directly fifty percent of the stock of Corporation M and fifty percent of the stock of Corporation N, section 355 would not apply to a transaction in which C and D transfer all of their stock in Corporation M and Corporation N to a new corporation, P, for all of the stock of Corporation P, and Corporation P then distributes the stock of Corporation M to C and the stock of Corporation N to D.

(b) The stock of the controlled corporation which is distributed may consist of either common or preferred stock. See, however, section 306 with respect to the receipt of preferred stock in a transaction to which section 355 is applicable.

(c) The rule of section 355 (a) (1) prescribing that gain or loss will not be recognized applies whether or not the shareholder surrenders stock in the distributing corporation and whether or not the distribution is in pursuance of a plan of reorganization (within the meaning of section 368 (a) (1) (D)).

§ 1.355–4 *Active conduct of a trade or business.* (a) A distribution of stock or securities of a controlled corporation is subject to section 355 (a) only, if:

(1) The distributing corporation and the controlled corporation are each engaged in the active conduct of a trade or business immediately after the distribution of stock or securities of the controlled corporation; or

(2) Immediately before the distribution the distributing corporation had no assets other than stock or securities in the controlled corporations and each of the controlled corporations is engaged in the active conduct of a trade or business immediately after the distribution. In connection with the requirement of "no assets" a de minimis rule is applicable.

(3) These rules are illustrated by the following examples:

Example (1). Corporation A, prior to the distribution, operates an active business and owns all of the stock of Corporation B which also is engaged in the active conduct of a business. Corporation A distributes all of the stock of Corporation B to its shareholders, and both continue the operations of their separate businesses. The active business requirement of section 355 (b) (1) (A) is satisfied.

Example (2). The facts are the same as in example 1, except that Corporation A transfers all of its assets except the stock of Corporation B to a new corporation in exchange for all of its stock and transfers the stock of both controlled corporations to its shareholders. The active business requirement of section 355 (b) (1) (B) is satisfied.

(b) (1) Section 355 (b) (2) provides rules for determining whether any corporation is treated as engaged in the active conduct of a trade or business for purposes of ascertaining whether the distributing corporation and the controlled corporation meet the requirements of section 355 (b) (1). Under section 355 (b) (2) (A), a corporation is treated as engaged in the active conduct of a trade or business if it is itself engaged in such a trade or business or if substantially all of its assets consist of the stock and securities of a corporation or corporations controlled by it (immediately after the distribution) each of which is engaged in the active conduct of a trade or business. Regardless of whether the determination is based upon a corporation's own conduct of a trade or business or on the basis of its ownership of the stock of a corporation or corporations which conduct a trade or business, such trade or business must have been actively conducted for the five-year period ending on the date of distribution of the stock and securities of the controlled corporation the stock of which was distributed as provided in section 355 (b) (2) (B). Furthermore, such trade or business must not have been acquired by either corporation during such five-year period unless it was acquired in a transaction in which gain or loss was not recognized (section 355 (b) (2) (C)). In addition, under section 355 (b) (2) (D), such business must not have been indirectly acquired during such five-year period by means of the acquisition of control of another corporation in a transaction in which gain or loss was recognized. Thus, section 355 (b) (2) (D) requires that during the five-year period during which the trade or business must be actively conducted, such business cannot have been acquired, directly or indirectly, through another corporation by such other corporation or any of its predecessors in interest in a transaction in which gain or loss was recognized in whole or in part.

(2) Paragraph (b) (1) of this section may be illustrated by the following example:

Example. In 1956, Corporation B, having cash and other liquid assets and engaged in only one active business purchases all of the stock of Corporation A, also engaged in a single active business. Later in the same year, Corporation B in a "downstairs" statutory merger merges into Corporation A. In 1958, Corporation A places the assets of the active business formerly operated by Corporation B in a new subsidiary X. A distribution of the stock of Corporation X to the stockholders of Corporation A is not within the terms of section 355, since one of the active businesses had, in effect, been purchased less than five years prior to the distribution.

(3) For the purpose of determining whether such trade or business has been actively conducted throughout the five-year period described in section 355 (b) (2), the fact that during such five-year period such trade or business underwent change (for example, by the addition of new or the dropping of old products, changes in production capacity, and the like) shall be disregarded provided the changes are not of such a character as to constitute the acquisition of a new or different business.

§ 1.355–5 *Records to be kept and information to be filed.* (a) Every corporation that makes a distribution of stock or securities of a controlled corporation, as described in section 355, shall attach to its return for the year of the distribution a detailed statement setting forth such data as may be appropriate in order to show compliance with the provisions of such section.

(b) Every taxpayer who receives a distribution of stock or securities of a corporation that was controlled by a corporation in which he holds stock or securities shall attach to his return for the year in which such distribution is received a detailed statement setting forth such data as may be appropriate in order to show the applicability of section 355. Such statement shall include, but shall not be limited to, a description of the stock and securities surrendered (if any) and received, and the names and addresses of all of the corporations involved in the transaction.

§ 1.356 *Statutory provisions; receipt of additional consideration.*

SEC. 356. *Receipt of additional consideration*—(a) *Gain on exchanges*—(1) *Recognition of gain.* If—

(A) Section 354 or 355 would apply to an exchange but for the fact that

(B) The property received in the exchange consists not only of property permitted by section 354 or 355 to be received without the recognition of gain but also of other property or money,

then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

(2) *Treatment as dividend.* If an exchange is described in paragraph (1) but has the effect of the distribution of a dividend, then there shall be treated as a dividend to each distributee such an amount of the gain recognized under paragraph (1) as is not in excess of his ratable share of the undistributed earnings and profits of the corporation accumulated after February 28, 1913. The remainder, if any, of the gain recognized under paragraph (1) shall be treated as gain from the exchange of property.

(b) *Additional consideration received in certain distributions.* If—

(1) Section 355 would apply to a distribution but for the fact that

(2) The property received in the distribution consists not only of property permitted by section 355 to be received without the recognition of gain, but also of other property or money,

then an amount equal to the sum of such money and the fair market value of such other property shall be treated as a distribution of property to which section 301 applies.

(c) *Loss.* If—

(1) Section 354 would apply to an exchange, or section 355 would apply to an exchange or distribution, but for the fact that

(2) The property received in the exchange or distribution consists not only of property permitted by section 354 or 355 to be received without the recognition of gain or loss, but also of other property or money,

then no loss from the exchange or distribution shall be recognized.

(d) *Securities as other property.* For purposes of this section—

(1) *In general.* Except as provided in paragraph (2), the term "other property" includes securities.

(2) *Exceptions*—(A) *Securities with respect to which nonrecognition of gain would be permitted.* The term "other property" does not include securities to the extent that, under section 354 or 355, such securities would be permitted to be received without the recognition of gain.

(B) *Greater principal amount in section 354 exchange.* If—

(i) In an exchange described in section 354 (other than subsection (c) thereof), securities of a corporation a party to the reorganization are surrendered and securities of any corporation a party to the reorganization are received, and

(ii) The principal amount of such securities received exceeds the principal amount of such securities surrendered,

then, with respect to such securities received, the term "other property" means only the fair market value of such excess. For purposes of this subparagraph and subparagraph (C), if no securities are surrendered, the excess shall be the entire principal amount of the securities received.

(C) *Greater principal amount in section 355 transaction.* If, in an exchange or distribution described in section 355, the principal amount of the securities in the controlled corporation which are received exceeds the principal amount of the securities in the distributing corporation which are surrendered, then, with respect to such securities received, the term "other property" means only the fair market value of such excess.

(e) *Exchanges for section 306 stock.* Notwithstanding any other provision of this section, to the extent that any of the other property (or money) is received in exchange for section 306 stock, an amount equal to the fair market value of such other property (or the amount of such money) shall be treated as a distribution of property to which section 301 applies.

(f) *Transactions involving gift or compensation.* For special rules for a transaction described in section 354, 355, or this section, but which—

(1) Results in a gift, see section 2501 and following, or

(2) Has the effect of the payment of compensation, see section 61 (a) (1).

§ 1.356–1 *Receipt of additional consideration in connection with an exchange.* (a) If in any exchange to which the provisions of section 354 or section 355 would apply except for the fact that there is received by the shareholders or the security holders other property (in addition to property permitted to be received without recognition of gain, by such sections) or money, then—

(1) The gain, if any, to the taxpayer shall be recognized in an amount not in excess of the sum of the money and the fair market value of the other property, but,

(2) The loss, if any, to the taxpayer from the exchange or distribution shall not be recognized to any extent.

(b) If the distribution of such other property or money by or on behalf of a corporation has the effect of the distribution of a dividend, then there shall be chargeable to each distributee (either an individual or a corporation)—

(1) As a dividend, such an amount of the gain recognized as is not in excess of the distributee's ratable share of the undistributed earnings and profits of the corporation accumulated after February 28, 1913, and

(2) As a gain from the exchange of property, the remainder of the gain so recognized.

(c) The rules of this section may be illustrated by the following examples:

Example (1). In an exchange to which the provisions of section 356 apply and to which section 354 would apply but for the receipt of property not permitted to be received without the recognition of gain or loss, A (either an individual or a corporation), received the following in exchange for a share of stock having an adjusted basis to him of $85:

One share of stock worth	$100
Cash	25
Other property (basis $25) fair market value	50
Total fair market value of consideration received	175
Adjusted basis of stock surrendered in exchange	85
Total gain	90
Gain to be recognized, limited to cash and other property received	75
A's pro rata share of earnings and profits accumulated after February 28, 1913 (taxable dividend)	30
Remainder to be treated as a gain from the exchange of property	45

Example (2). If, in example (1), A's stock had an adjusted basis to him of $200, he would have realized a loss of $25 on the exchange, which loss would not be recognized.

(d) Section 301 (b) (1) (B) and section 301 (d) (2) do not apply to a distribution of "other property" to a corporate shareholder if such distribution is within the provisions of section 356.

(e) See § 1.301–1 (l) for certain transactions which are not within the scope of section 356.

§ 1.356–2 *Receipt of additional consideration not in connection with an exchange.* (a) If, in a transaction to which section 355 would apply except for the fact that a shareholder (individual or corporate) receives property permitted by section 355 to be received without the recognition of gain, together with other property or money, without the surrender of any stock or securities of the distributing corporation, then the sum of the money and the fair market value of the other property as of the date of the distribution shall be treated as a distribution of property to which the rules of section 301 (other than section 301 (b) and section 301 (d)) apply. See section 358 for determination of basis of such other property.

(b) The rule under paragraph (a) of this section may be illustrated by the following examples:

Example (1). Individuals A and B each own 50 of the 100 outstanding shares of common stock of Corporation X. Corporation X owns all of the stock of Corporation Y, 100 shares. Corporation X distributes to each shareholder 50 shares of the stock of Corporation Y plus $100 cash without requiring the surrender of any shares of its own stock. The $100 cash received by each is treated as a distribution of property to which the rules of section 301 apply.

Example (2). If, in the above example, Corporation X distributes 50 shares of stock of Corporation Y to A and 30 shares of such stock plus $100 cash to B without requiring the surrender of any of its own stock, the amount of cash received by B is treated as a distribution of property to which the rules of section 301 apply.

§ 1.356–3 *Rules for treatment of securities as "other property."* (a) As a general rule, for purposes of section 356, the term "other property" includes securities. However, it does not include securities permitted under section 354 or section 355 to be received tax free. Thus, when securities are surrendered in a transaction to which section 354 or section 355 is applicable, the characterization of the securities received as "other property" does not include securities received where the principal amount of such securities does not exceed the principal amount of securities surrendered in the transaction. If a greater principal amount of securities is received in an exchange described in section 354 (other than subsection (c) thereof) or section 355 over the principal amount of securities surrendered, the term "other property" includes the fair market value of such excess principal amount as of the date of the exchange. If no securities are surrendered in exchange, the term "other property" includes the fair market value, as of the date of receipt, of the entire principal amount of the securities received.

(b) The following examples illustrate the application of the above rules:

Example (1). A, an individual, exchanged 100 shares of stock for 100 shares of stock and a security in the principal amount of $1,000 with a fair market value of $990. The amount of $990 is treated as "other property."

Example (2). B, an individual, exchanged 100 shares of stock and a security in the principal amount of $1,000 for 300 shares of stock and a security in the principal amount of $1,500. The security had a fair market value on the date of receipt of $1,575. The fair market value of the excess principal amount, or $525, is treated as "other property."

Example (3). C, an individual, exchanged a security in the principal amount of $1,000 for 100 shares of stock and a security in the principal amount of $900. No part of the security received is treated as "other property."

Example (4). D, an individual, exchanged a security in the principal amount of $1,000 for 100 shares of stock and a security in the principal amount of $1,200 with a fair market value of $1,100. The fair market value of the excess principal amount, or $183.33, is treated as "other property."

Example (5). E, an individual, exchanged a security in the principal amount of $1,000 for another security in the principal amount of $1,200 with a fair market value of $1,080. The fair market value of the excess principal amount, or $180, is treated as "other property."

Example (6). F, an individual, exchanged a security in the principal amount of $1,000 for two different securities each in the principal amount of $750. One of the securities had a fair market value of $750, the other had a fair market value of $600. One-third of the fair market value of each security ($250 and $200) is treated as "other property."

§ 1.356–4 *Exchanges for section 306 stock.* If, in a transaction to which section 356 is applicable, other property or money is received in exchange for section 306 stock, an amount equal to the fair market value of the property plus the money, if any, shall be treated as a distribution of property to which section 301 is applicable. The determination of whether section 306 stock is surrendered for other property (including money) is a question of fact to be decided under all of the circumstances of each case. Ordinarily, the other property (including money) received will first be treated as received in exchange for any section 306 stock owned by a shareholder prior to such transaction. For example, if a shareholder who owns a share of common stock (having a basis to him of $100) and a share of preferred stock which is section 306 stock (having a basis to him of $100) surrenders both shares in a transaction to which section 356 is applicable for one share of common stock having a fair market value of $80 and one $100 bond having a fair market value of $100, the bond will be deemed received in exchange for the section 306 stock and it will be treated as a distribution to which section 301 is applicable to the extent of its entire fair market value ($100).

§ 1.356–5 *Transactions involving gift or compensation.* With respect to transactions described in sections 354, 355, or 356, but which—

(a) Result in a gift, see section 2501 and following, and the regulations pertaining thereto, or

(b) Have the effect of the payment of compensation, see section 61 (a) (1), and the regulations pertaining thereto.

§ 1.357 *Statutory provisions; assumption of liability.*

SEC. 357. *Assumption of liability*—(a) *General rule.* Except as provided in subsections (b) and (c), if—

(1) The taxpayer receives property which would be permitted to be received under section 351, 361, or 371 without the recognition of gain if it were the sole consideration, and

(2) As part of the consideration, another party to the exchange assumes a liability of the taxpayer, or acquires from the taxpayer property subject to a liability,

then such assumption or acquisition shall not be treated as money or other property, and shall not prevent the exchange from being within the provisions of section 351, 361, or 371, as the case may be.

(b) *Tax avoidance purpose*—(1) *In general.* If, taking into consideration the nature of the liability and the circumstances in the light of which the arrangement for the assumption or acquisition was made, it appears that the principal purpose of the taxpayer with respect to the assumption or acquisition described in subsection (a)—

(A) Was a purpose to avoid Federal income tax on the exchange, or

(B) If not such purpose, was not a bona fide business purpose,

then such assumption or acquisition (in the total amount of the liability assumed or acquired pursuant to such exchange) shall, for purposes of section 351, 361, or 371 (as the case may be), be considered as money received by the taxpayer on the exchange.

(2) *Burden of proof.* In any suit or proceeding where the burden is on the taxpayer to prove such assumption or acquisition is not to be treated as money received by the taxpayer, such burden shall not be considered as sustained unless the taxpayer sustains such burden by the clear preponderance of the evidence.

(c) *Liabilities in excess of basis*—(1) *In general.* In the case of an exchange—

(A) To which section 351 applies, or

(B) To which section 361 applies by reason of a plan of reorganization within the meaning of section 368 (a) (1) (D),

if the sum of the amount of the liabilities assumed, plus the amount of the liabilities to which the property is subject, exceeds the total of the adjusted basis of the property transferred pursuant to such exchange, then such excess shall be considered as a gain from the sale or exchange of a capital asset or of property which is not a capital asset, as the case may be.

(2) *Exceptions.* Paragraph (1) shall not apply to any exchange to which—

(A) Subsection (b) (1) of this section applies, or

(B) Section 371 applies.

§ 1.357–1 *Assumption of liability*—(a) *General rule.* Section 357 (a) does not affect the rule that liabilities assumed are to be taken into account for the purpose of computing the amount of gain or loss realized under section 1001 upon an exchange. Section 357 (a) provides, subject to the exceptions and limitations specified in section 357 (b) and (c), that—

(1) Liabilities assumed are not to be treated as "other property or money" for the purpose of determining the amount of realized gain which is to be recognized under sections 351, 361, or 371, if the transactions would, but for the receipt of "other property or money" have been exchanges of the type described in any one of such sections; and

(2) If the only type of consideration received by the transferor in addition to that permitted to be received by sections 351, 361, or 371, consists of an assumption of liabilities, the transaction, if otherwise qualified, will be deemed to be within the provisions of sections 351, 361, or 371.

(b) *Application of general rule.* The application of paragraph (a) of this section may be illustrated by the following example:

Example. A, an individual, transfers to a controlled corporation property with an adjusted basis of $10,000 in exchange for stock of the corporation with a fair market value of $8,000, $3,000 cash, and the assumption by the corporation of indebtedness of A amounting to $4,000. A's gain is $5,000, computed as follows:

Stock received, fair market value	$8,000
Cash received	3,000
Liability assumed by transferee	4,000
Total consideration received	15,000
Less: Adjusted basis of property transferred	10,000
Gain realized	5,000

Assuming that the exchange falls within section 351 as a transaction in which the gain to be recognized is limited to "other property or money" received, the gain recognized to A will be limited to the $3,000 cash received, since, under the general rule of section 357 (a), the assumption of the $4,000 liability does not constitute "other property."

(c) *Tax avoidance purpose.* The benefits of section 357 (a) do not extend to any exchange involving an assumption of liabilities where it appears that the principal purpose of the taxpayer with respect to such assumption was to avoid Federal income tax on the exchange, or, if not such purpose, was not a bona fide business purpose. In such cases, the total amount of liabilities assumed or acquired pursuant to such exchange (and not merely a particular liability with respect to which the tax avoidance purpose existed) shall, for the

purpose of determining the amount of gain to be recognized upon the exchange in which the liabilities are assumed or acquired, be treated as money received by the taxpayer upon the exchange. Thus, if in the example set forth in paragraph (b) of this section, the principal purpose of the assumption of the $4,000 liability was to avoid tax on the exchange, or was not a bona fide business purpose, then the amount of gain recognized would be $5,000. In any suit or proceeding where the burden is on the taxpayer to prove that an assumption of liabilities is not to be treated as "other property or money" under section 357, which is the case if the Commissioner determines that the taxpayer's purpose with respect thereto was a purpose to avoid Federal income tax on the exchange or was not a bona fide business purpose, and the taxpayer contests such determination by litigation, the taxpayer must sustain such burden by the clear preponderance of the evidence. Thus, the taxpayer must prove his case by such a clear preponderance of all the evidence that the absence of a purpose to avoid Federal income tax on the exchange, or the presence of a bona fide business purpose, is unmistakable.

§ 1.357–2 *Liabilities in excess of basis.* (a) Section 357 (c) provides in general that in an exchange to which section 351 (relating to a transfer to a corporation controlled by the transferor) is applicable, or to which section 361 (relating to the nonrecognition of gain or loss to corporations) is applicable by reason of a section 368 (a) (1) (D) reorganization, if the sum of the amount of liabilities assumed plus the amount of liabilities to which the property is subject, exceeds the total of the adjusted basis of the property transferred pursuant to such exchange, then such excess shall be considered as a gain from the sale or exchange of a capital asset or of property which is not a capital asset as the case may be. Thus, if an individual transfers, under section 351, properties having a total basis in his hands of $20,000, one of which has a basis of $10,000 but is subject to a mortgage of $30,000, to a corporation controlled by him, such individual will be subject to tax with respect to $10,000, the excess of the amount of the liability over the total adjusted basis of all the properties in his hands. The same result will follow whether or not the liability is assumed by the transferee. The determination of whether a gain resulting from the transfer of capital assets is long or short-term capital gain shall be made by reference to the holding period to the transferor of the assets transferred. An exception to the general rule of section 357 (c) is made (1) for any exchange as to which under section 357 (b) (relating to assumption of liabilities for tax avoidance purposes) the entire amount of the liabilities is treated as money received, and (2) for an exchange to which section 371 (relating to reorganizations in certain receivership and bankruptcy proceedings) is applicable.

(b) The application of paragraph (a) of this section may be illustrated by the following examples:

Example (1). If all such assets transferred are capital assets and if half the assets (ascertained by reference to their fair market value at the time of the transfer) have been held for less than 6 months and the remaining half for more than 6 months, half the excess of the amount of the liability over the total of the adjusted basis of the property transferred pursuant to the exchange shall be treated as short-term capital gain, and the remaining half shall be treated as long-term capital gain.

Example (2). If half of the assets (ascertained by reference to their fair market value at the time of the transfer) transferred are capital assets and half are assets other than capital assets, then half of the excess of the amount of the liability over the total of the adjusted basis of the property transferred pursuant to the exchange shall be treated as capital gain, and the remaining half shall be treated as gain from the sale or exchange of assets other than capital assets.

§ 1.358 *Statutory provisions; basis to distributees.*

SEC. 358. *Basis to distributees*—(a) *General rule.* In the case of an exchange to which section 351, 354, 355, 356, 361 or 371 (b) applies—

(1) *Nonrecognition property.* The basis of the property permitted to be received under such section without the recognition of gain or loss shall be the same as that of the property exchanged—

(A) Decreased by—

(i) The fair market value of any other property (except money) received by the taxpayer, and

(ii) The amount of any money received by the taxpayer, and

(B) Increased by—

(i) The amount which was treated as a dividend, and

(ii) The amount of gain to the taxpayer which was recognized on such exchange (not including any portion of such gain which was treated as a dividend).

(2) *Other property.* The basis of any other property (except money) received by the taxpayer shall be its fair market value.

(b) *Allocation of basis*—(1) *In general.* Under regulations prescribed by the Secretary or his delegate, the basis determined under subsection (a) (1) shall be allocated among the properties permitted to be received without the recognition of gain or loss.

(2) *Special rule for section 355.* In the case of an exchange to which section 355 (or so much of section 356 as relates to section 355) applies, then in making the allocation under paragraph (1) of this subsection, there shall be taken into account not only the property so permitted to be received without the recognition of gain or loss, but also the stock or securities (if any) of the distributing corporation which are retained, and the allocation of basis shall be made among all such properties.

(c) *Section 355 transactions which are not exchanges.* For purposes of this section, a distribution to which section 355 (or so much of section 356 as relates to section 355) applies shall be treated as an exchange, and for such purposes the stock and securities of the distributing corporation which are retained shall be treated as surrendered, and received back, in the exchange.

(d) *Assumption of liability.* Where, as part of the consideration to the taxpayer, another party to the exchange assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability, such assumption or acquisition (in the amount of the liability) shall, for purposes of this section, be treated as money received by the taxpayer on the exchange.

(e) *Exception.* This section shall not apply to property acquired by a corporation by the issuance of its stock or securities as consideration in whole or in part for the transfer of the property to it.

§ 1.358–1 *Basis to distributees.* (a) In the case of an exchange or distribution to which section 354, 355, or 371 (b) applies in which, under the law applicable to the year in which the exchange is made, only nonrecognition property is received, the sum of the basis of all of the stock and securities in the corporation whose stock and securities are exchanged or with respect to which the distribution is made, held immediately after the transaction, plus the basis of all stock and securities received in the transaction shall be the same as the basis of all the stock and securities in such corporation held immediately before the transaction allocated in the manner described in section § 1.358–2. In the case of an exchange to which section 351 or 361 applies in which, under the law applicable to the year in which the exchange was made, only nonrecognition property is received, the basis of all the stock and securities received in the exchange shall be the same as the basis of all property exchanged therefor. If in an exchange or distribution to which section 351, 356, 361, or 371 (b) applies both nonrecognition property and "other property" are received, the basis of all the property except "other property" held after the transaction shall be determined as described in the preceding two sentences decreased by the sum of the money and the fair market value of the "other property" (as of the date of the transaction) and increased by the sum of the amount treated as a dividend (if any) and the amount of the gain recognized on the exchange, but the term "gain" as here used does not include any portion of the recognized gain that was treated as a dividend. The basis of the "other property" is its fair market value as of the date of the transaction.

(b) The application of paragraph (a) of this section may be illustrated by the following example:

Example. A purchased a share of stock in Corporation X in 1935 for $150. Since that date he has received distributions out of other than earnings and profits (as defined in section 316) totalling $60, so that his adjusted basis for the stock is $90. In a transaction qualifying under section 356, A exchanged this share for one share in Corporation Y, worth $100, cash in the amount of $10, and other property with a fair market value of $30. The exchange had the effect of the distribution of a dividend. A's ratable share of the earnings and profits of Corporation X accumulated after February 28, 1913, was $5. A realized a gain of $50 on the exchange, but the amount recognized is limited to $40, the sum of the cash received and the fair market value of the other property. Of the gain recognized, $5 is taxable as a dividend, and $35 as a gain from the exchange of property. The basis to A of the one share of stock of Corporation Y is $90, that is, the adjusted basis of the one share of stock of Corporation X ($90), decreased by the sum of the cash received ($10) and the fair market value of the other property received ($30) and increased by the sum of the amount treated as a dividend ($5) and the amount treated as a gain from the exchange of property ($35). The basis of the other property received is $30.

§ 1.358–2 *Allocation of basis among nonrecognition property.* (a) (1) As used in this paragraph the term "stock" means stock which is not "other property" under section 356 or 371 (b), stock with respect to which a distribution is made, and, in the case of a surrender of part of the stock of a particular class, the retained part of such stock. The term "securities" means securities (including, where appropriate, fractional parts of securities) which are not "other property" under section 356 or 371 (b) and in the case of a surrender of part of the securities of a particular class, the retained part of such securities. Stock, or securities, as the case may be, which differ either because they are in different corporations or because the rights attributable to them differ (although they are in the same corporation) are considered different classes of stock or securities, as the case may be, for purposes of this section.

(2) If as the result of an exchange or distribution under the terms of section 354, 355, 356 or 371 (b) a shareholder who owned stock of only one class before the transaction owns stock of two or more classes after the transaction, then the basis of all the stock held before the transaction (as adjusted under § 1.358–1) shall be allocated among the stock of all classes (whether or not such stock was received in the transaction) held immediately after the transaction in proportion to the fair market values of the stock of each class.

(3) If as the result of an exchange under the terms of section 354, 355, 356 or 371 (b) a security holder who owned only securities, all of one class, before the transaction, owns securities or stock of more than one class, or owns both stock and securities, then the basis of all the securities held before the transaction (as adjusted under § 1.358–1) shall be allocated among all the stock and securities (whether or not received in the transaction) held immediately after the transaction in proportion to the fair market values of the stock of each class and the securities of each class.

(4) In every case in which, before the transactions, a person owned stock of more than one class or securities of more than one class or owned both stock and securities, a determination must be made, upon the basis of all the facts, of the stock or securities received with respect to stock and securities of each class held (whether or not surrendered). The allocation described in subparagraph (2) of this paragraph shall be separately made as to the stock of each class with respect to which there is an exchange or distribution and the allocation described in subparagraph (3) of this paragraph shall be separately made with respect to the securities of each class, part or all of which are surrendered in the exchange.

(5) Notwithstanding the provisions of subparagraphs (2), (3) and (4) of this paragraph, in any case in which a plan of recapitalization under section 368 (a) (1) (E) provides that each holder of stock or securities of a particular class shall have an option to surrender some or none of such stock or securities in exchange for stock or securities, and a shareholder or security holder exchanges an identifiable part of his stock or securities, the basis of the part of the stock or securities retained shall remain unchanged and shall not be taken into account in determining the basis of the stock or securities received.

(b) (1) As used in this paragraph the term "stock" refers only to stock which is not "other property" under section 351 or 361 and the term "securities" refers only to securities which are not "other property" under section 351 or 361.

(2) If in an exchange to which section 351 or 361 applies property is transferred to a corporation and the transferor receives stock or securities of more than one class or receives both stock and securities, then the basis of the property transferred (as adjusted under § 1.358–1) shall be allocated among all of the stock and securities received in proportion to the fair market values of the stock of each class and the securities of each class.

(c) The application of paragraphs (a) and (b) of this section may be illustrated by the following examples:

Example (1). A, an individual, owns stock in Corporation X with an adjusted basis of $1,000. In a transaction qualifying under section 356 (so far as such section relates to section 354), he exchanged this stock for 20 shares of stock of Corporation Y worth $1,200 and securities of Corporation Y worth $400. A realizes a gain of $600 of which $400 is recognized. The adjusted basis in A's hands of each share of the stock of Corporation Y is $50 determined by allocating the basis of the stock of Corporation X ratably to the stock of Corporation Y received in the exchange. The securities of Corporation Y have a basis in the hands of A of $400.

Example (2). B, an individual, owns a security in the principal amount of $10,000 with a basis of $5,000. In a transaction to which section 354 is applicable, he exchanges this security for four securities in the principal amount of $750 each, worth $800 each, four securities in the principal amount of $750 each, worth $600 each, class A common stock worth $1,000, and class B common stock worth $400. B realizes a gain of $2,000 none of which is recognized. The basis of his original security, $5,000, will be allocated 32/70ths to the four securities worth $800, 24/70ths to the four securities worth $600, 10/70ths to the class A common stock, and 4/70ths to the class B common stock.

Example (3). C, an individual, owns stock of Corporation Y with a basis of $5,000 and owns a security issued by Corporation Y in the principal amount of $5,000 with a basis of $5,000. In a transaction to which section 354 is applicable, he exchanges the stock of Corporation Y for stock of Corporation Z with a value of $6,000, and he exchanges the security of Corporation Y for stock of Corporation Z worth $1,500 and a security of Corporation Z in the principal amount of $4,500 worth $4,500. No gain is recognized to C on either exchange. The basis of the stock of Corporation Z received for the stock of Corporation Y is $5,000. The bases of the stock and security of Corporation Z received in exchange for the security of Corporation Y are $1,250 and $3,750, respectively.

Example (4). D, an individual, owns stock in Corporation M with a basis of $15,000, worth $40,000, and owns a security issued by Corporation M in the principal amount of $5,000 with a basis of $4,000. In a transaction qualifying under section 356 (so far as such section relates to section 355), he exchanges the security of Corporation M for a security of Corporation O (a controlled corporation) in the principal amount of $5,000, worth $5,000, and exchanges one-half of his stock of Corporation M for stock of Corporation O worth $15,000 and a security of Corporation O in the principal amount of $5,000, worth $5,000. All of the stock and securities of Corporation O are distributed pursuant to the transaction. D realizes a gain of $12,500 on the exchange of the stock of Corporation M for the stock and security of Corporation O of which $5,000 is recognized. D also realizes a gain of $1,000 on the exchange of a security of Corporation M for a security of Corporation O, none of which is recognized. The basis of his stock of Corporation M held before the transaction is allocated 20/35ths to the stock of Corporation M held after the transaction and 15/35ths to the stock of Corporation O. The basis of the security of Corporation O received in exchange for his security of Corporation M is $4,000, the basis of the security of Corporation M exchanged. The basis of the security of Corporation O received with respect to D's stock of Corporation M is $5,000, its fair market value.

§ 1.358–3 *Treatment of assumption of liabilities.* (a) For purposes of section 358, where a party to the exchange assumes a liability of a distributee or acquires from him property subject to a liability, the amount of such liability is to be treated as money received by the distributee upon the exchange, whether or not the assumption of liabilities resulted in a recognition of gain or loss to the taxpayer under the law applicable to the year in which the exchange was made.

(b) The application of paragraph (a) of this section may be illustrated by the following examples:

Example (1). A, an individual, owns property with an adjusted basis of $100,000 on which there is a purchase money mortgage of $25,000. On December 1, 1954, A organizes Corporation X to which he transfers the property in exchange for all the stock of Corporation X and the assumption by Corporation X of the mortgage. The capital stock of the Corporation X has a fair market value of $150,000. Under sections 351 and 357, no gain or loss is recognized to A. The basis in A's hands of the stock of Corporation X is $75,000, computed as follows:

Adjusted basis of property transferred	$100,000
Less: Amount of money received (amount of liabilities assumed)	25,000
Basis of Corporation X stock to A	75,000

Example (2). A, an individual, owns property with an adjusted basis of $25,000 on which there is a mortgage of $50,000. On December 1, 1954, A organizes Corporation X to which he transfers the property in exchange for all the stock of Corporation X and the assumption by Corporation X of the mortgage. The stock of Corporation X has a fair market value of $50,000. Under sections 351 and 357, gain is recognized to A in the amount of $25,000. The basis in A's hands of the stock of Corporation X is zero, computed as follows:

Adjusted basis of property transferred	$25,000
Less: Amount of money received (amount of liabilities)	−50,000
Plus: Amount of gain recognized to taxpayer	25,000
Basis of Corporation X stock to A	0

§ 1.358–4 *Exception.* Section 358 does not apply in determining the basis of property acquired by a corporation by the issuance of its stock or securities (or by the issuance of stock or securities of another corporation which is in control of such corporation) as the consideration in whole or in part for the transfer of the property to it. See section 362 and the regulations pertaining to that section for rules relating to basis to corporations of property acquired in such cases.

Effects on Corporation

§ 1.361 *Statutory provisions; nonrecognition of gain or loss to corporations.*

SEC. 361. *Nonrecognition of gain or loss to corporations*—(a) *General rule.* No gain or loss shall be recognized if a corporation a party to a reorganization exchanges property, in pursuance of the plan of reorganization, solely for stock or securities in another corporation a party to the reorganization.

(b) *Exchanges not solely in kind*—(1) *Gain.* If subsection (a) would apply to an exchange but for the fact that the property received in exchange consists not only of stock or securities permitted by subsection (a) to be received without the recognition of gain, but also of other property or money, then—

(A) If the corporation receiving such other property or money distributes it in pursuance of the plan of reorganization, no gain to the corporation shall be recognized from the exchange, but

(B) If the corporation receiving such other property or money does not distribute it in pursuance of the plan of reorganization, the gain, if any, to the corporation shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property so received, which is not so distributed.

(2) *Loss.* If subsection (a) would apply to an exchange but for the fact that the property received in exchange consists not only of property permitted by subsection (a) to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

§ 1.361–1 *Nonrecognition of gain or loss to corporations.* Section 361 provides the general rule that no gain or loss shall be recognized if a corporation, a party to a reorganization, exchanges property in pursuance of the plan of reorganization solely for stock or securities in another corporation, a party to the reorganization. This provision includes only stock and securities received in connection with a reorganization defined in section 368 (a). It also includes nonvoting stock and securities in a corporation, a party to a reorganization, received in a transaction to which section 368 (a) (1) (C) is applicable only by reason of section 368 (a) (2) (B).

§ 1.362 *Statutory provisions; basis to corporations.*

SEC. 362. *Basis to corporations*—(a) *Property acquired by issuance of stock or as paid-in surplus.* If property was acquired on or after June 22, 1954, by a corporation—

(1) In connection with a transaction to which section 351 (relating to transfer of property to corporation controlled by transferor) applies, or

(2) As paid-in surplus or as a contribution to capital,

then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain recognized to the transferor on such transfer.

(b) *Transfers to corporations.* If property was acquired by a corporation in connection with a reorganization to which this part applies, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain recognized to the transferor on such transfer. This subsection shall not apply if the property acquired consists of stock or securities in a corporation a party to the reorganization, unless acquired by the issuance of stock or securities of the transferee as the consideration in whole or in part for the transfer.

(c) *Special rule for certain contributions to capital*—(1) *Property other than money.* Notwithstanding subsection (a) (2), if property other than money—

(A) Is acquired by a corporation, on or after June 22, 1954, as a contribution to capital, and

(B) Is not contributed by a shareholder as such, then the basis of such property shall be zero.

(2) *Money.* Notwithstanding subsection (a) (2), if money—

(A) Is received by a corporation, on or after June 22, 1954, as a contribution to capital, and

(B) Is not contributed by a shareholder as such, then the basis of any property acquired with such money during the 12-month period beginning on the day the contribution is received shall be reduced by the amount of such contribution. The excess (if any) of the amount of such contribution over the amount of the reduction under the preceding sentence shall be applied to the reduction (as of the last day of the period specified in the preceding sentence) of the basis of any other property held by the taxpayer. The particular properties to which the reductions required by this paragraph shall be allocated shall be determined under regulations prescribed by the Secretary or his delegate.

§ 1.362–1 *Basis to corporations.* Section 362 provides, as a general rule, that if property was acquired on or after June 22, 1954, by a corporation in connection with (a) a transaction to which section 351 (relating to transfer of property to corporation controlled by transferor) applies, (b) as paid-in surplus or as a contribution to capital, or (c) in connection with a reorganization to which Part III of Subchapter C applies, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain recognized to the transferor on such transfer. Section 362 does not apply if the property acquired consists of stock or securities in a corporation a party to the reorganization, unless acquired by the issuance of stock or securities of the transferee as the consideration in whole or in part for the transfer. (See also § 1.362–2.)

§ 1.362–2 *Certain contributions to capital.* The following rules shall be used in the application of section 362 (c):

(a) Property deemed to be acquired with contributed money shall be that property, if any, the acquisition of which was the purpose motivating the contribution;

(b) In the case of an excess of the amount of money contributed over the cost of the property deemed to be acquired with such money (as defined in paragraph (a) of this section) such excess shall be applied to the reduction of the basis (but not below zero) of other properties held by the corporation, on the last day of the 12-month period beginning on the day the contribution is received, in the following order—

(1) All property of a character subject to an allowance for depreciation (not including any properties as to which a deduction for amortization is allowable),

(2) Property with respect to which a deduction for amortization is allowable,

(3) Property with respect to which a deduction for depletion is allowable under section 611 but not under section 613, and

(4) All other remaining properties.

The reduction of the basis of each of the properties within each of the above categories shall be made in proportion to the relative bases of such properties.

(c) With the consent of the Commissioner, the taxpayer may, however, have the basis of the various units of property within a particular category adjusted in a manner different from the general rule set forth in paragraph (b) of this section. Variations from such rule may, for example, involve adjusting the basis of only certain units of the taxpayer's property within a given category. A request for variations from the general rule should be filed by the taxpayer with its return for the taxable year for which the transfer of the property has occurred.

§ 1.363 *Statutory provisions; effect on earnings and profits.*

SEC. 363. *Effect on earnings and profits.* For rules relating to the effect on earnings and profits of transactions to which this part applies, see sections 312 and 381.

Special Rule; Definitions

§ 1.367 *Statutory provisions; foreign corporations.*

SEC. 367. *Foreign corporations.* In determining the extent to which gain shall be recognized in the case of any of the exchanges described in section 332, 351, 354, 355, 356, or 361, a foreign corporation shall not be considered as a corporation unless, before such exchange, it has been established to the satisfaction of the Secretary or his delegate that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes. For purposes of this section, any distribution described in section 355 (or so much of section 356 as relates to section 355) shall be treated as an exchange whether or not it is an exchange.

§ 1.367–1 *Foreign corporations.* Whether any one of the exchanges or distributions described in section 332, 351, 354, 355, 356, or 361, involving a foreign corporation, is in pursuance of a plan having as one of its principal purposes the avoidance of Federal income tax, is a question of fact. In any such case if a taxpayer desires to establish that an exchange or distribution is not in pursuance of such a plan, a statement under oath of the facts and circumstances relating to the plan under which the exchange or distribution is to be made, together with a copy of the plan, shall be forwarded to the Commissioner of Internal Revenue, Washington 25, D. C., for a ruling. A letter setting forth the Commissioner's determination will be mailed to the taxpayer. If the Commissioner determines that the exchange or distribution is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income tax, the taxpayer should retain a copy of the Commissioner's letter as authority for treating the foreign corporation as a corporation in determining the extent to which gain is recognized from the exchange or distribution. If the transaction is not carried out in accordance with the plan submitted, the Commissioner's approval will not render the transaction tax-free.

§ 1.368 *Statutory provisions; definitions relating to corporate reorganizations.*

SEC. 368. *Definitions relating to corporate reorganizations*—(a) *Reorganization*—(1) *In general.* For purposes of parts I and II and this part, the term "reorganization" means—

(A) A statutory merger or consolidation;

(B) The acquisition by one corporation, in exchange solely for all or a part of its voting stock, of stock of another corporation if, immediately after the acquisition, the acquiring corporation has control of such other corporation (whether or not such acquiring corporation had control immediately before the acquisition);

(C) The acquisition by one corporation, in exchange solely for all or a part of its voting stock (or in exchange solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation), of substantially all of the properties of another corporation, but in determining whether the exchange is solely for stock the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded;

(D) A transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor, or one or more of its shareholders (including persons who were shareholders immediately before the transfer), or any combination thereof, is in control of the corporation to which the assets are transferred; but only if, in pursuance of the plan, stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 354, 355, or 356;

(E) A recapitalization; or

(F) A mere change in identity, form, or place of organization, however effected.

(2) *Special rules relating to paragraph (1)—(A) Reorganizations described in both paragraph (1) (C) and paragraph (1) (D).* If a transaction is described in both paragraph (1) (C) and paragraph (1) (D), then, for purposes of this subchapter, such transaction shall be treated as described only in paragraph (1) (D).

(B) *Additional consideration in certain paragraph (1) (C) cases.* If—

(i) One corporation acquires substantially all of the properties of another corporation,

(ii) The acquisition would qualify under paragraph (1) (C) but for the fact that the acquiring corporation exchanges money or other property in addition to voting stock, and

(iii) The acquiring corporation acquires, solely for voting stock described in paragraph (1) (C), property of the other corporation having a fair market value which is at least 80 percent of the fair market value of all of the property of the other corporation,

then such acquisition shall (subject to subparagraph (A) of this paragraph) be treated as qualifying under paragraph (1) (C). Solely for the purpose of determining whether clause (iii) of the preceding sentence applies, the amount of any liability assumed by the acquiring corporation, and the amount of any liability to which any property acquired by the acquiring corporation is subject, shall be treated as money paid for the property.

(C) *Transfers of assets to subsidiaries in certain paragraph (1) (A) and (1) (C) cases.* A transaction otherwise qualifying under paragraph (1) (A) or paragraph (1) (C) shall not be disqualified by reason of the fact that part or all of the assets which were acquired in the transaction are transferred to a corporation controlled by the corporation acquiring such assets.

(b) *Party to a reorganization.* For purposes of this part, the term "a party to a reorganization" includes—

(1) A corporation resulting from a reorganization, and

(2) Both corporations, in the case of a reorganization resulting from the acquisition by one corporation of stock or properties of another.

In the case of a reorganization qualifying under paragraph (1) (C) of subsection (a), if the stock exchanged for the properties is stock of a corporation which is in control of the acquiring corporation, the term "a party to a reorganization" includes the corporation so controlling the acquiring corporation. In the case of a reorganization qualifying under paragraph (1) (A) or (1) (C) of subsection (a) by reason of paragraph (2) (C) of subsection (a), the term "a party to a reorganization" includes the corporation controlling the corporation to which the acquired assets are transferred.

(c) *Control.* For purposes of part I (other than section 304), part II, and this part, the term "control" means the ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of the corporation.

§ 1.368–1 *Purpose and scope of exception of reorganization exchanges*—(a) *Reorganizations.* As used in the regulations under Parts I, II, and III of subchapter C of the Internal Revenue Code of 1954 (§§ 1.301 to 1.368–3) the terms "reorganization" and "party to a reorganization" mean only a reorganization or a party to a reorganization as defined in subsections (a) and (b) of section 368. With respect to insolvency reorganizations, see part IV of subchapter C of the Internal Revenue Code of 1954.

(b) *Purpose.* Under the general rule, upon the exchange of property, gain or loss must be accounted for if the new property differs in a material particular, either in kind or in extent, from the old property. The purpose of the reorganization provisions of the Internal Revenue Code is to except from the general rule certain specifically described exchanges incident to such readjustments of corporate structures made in one of the particular ways specified in the Code, as are required by business exigencies and which effect only a readjustment of continuing interest in property under modified corporate forms. Requisite to a reorganization under the Code are a continuity of the business enterprise under the modified corporate form, and (except as provided in section 368 (a) (1) (D)) a continuity of interest therein on the part of those persons who, directly or indirectly, were the owners of the enterprise prior to the reorganization. The Code recognizes as a reorganization the amalgamation (occurring in a specified way) of two corporate enterprises under a single corporate structure if there exists among the holders of the stock and securities of either of the old corporations the requisite continuity of interest in the new corporation, but there is not a reorganization if the holders of the stock and securities of the old corporation are merely the holders of short-term notes in the new corporation. In order to exclude transactions not intended to be included, the specifications of the reorganization provisions of the law are precise. Both the terms of the specifications and their underlying assumptions and purposes must be satisfied in order to entitle the taxpayer to the benefit of the exception from the general rule. Accordingly, under the Code, a short-term purchase money note is not a security of a party to a reorganization, an ordinary dividend is to be treated as an ordinary dividend, and a sale is nevertheless to be treated as a sale even though the mechanics of a reorganization have been set up.

(c) *Scope.* The nonrecognition of gain or loss is prescribed for two specifically described types of exchanges, viz: The exchange that is provided for in section 354 (a) (1) in which stock or securities in a corporation, a party to a reorganization, are, in pursuance of a plan of reorganization, exchanged for the stock or securities in a corporation, a party to the same reorganization; and the exchange that is provided for in section 361 (a) in which a corporation, a party to a reorganization, exchanges property, in pursuance of a plan of reorganization, for stock or securities in another corporation, a party to the same reorganization. Section 368 (a) (1) limits the definition of the term "reorganization" to six kinds of transactions and excludes all others. From its context, the term "a party to a reorganization" can only mean a party to a transaction specifically defined as a reorganization by section 368 (a). Certain rules respecting boot received in either of the two types of exchanges provided for in section 354 (a) (1) and section 361 (a) are prescribed in sections 356, 357, and 361 (b). A special rule respecting a transfer of property with a liability in excess of its basis is prescribed in section 357 (c). Under section 367 a limitation is placed on all these provisions by providing that except under specified conditions foreign corporations shall not be deemed within their scope. The provisions of the Internal Revenue Code referred to in this paragraph are inapplicable unless there is a plan of reorganization. A plan of reorganization must contemplate the bona fide execution of one of the transactions specifically described as a reorganization in section 368 (a) and for the bona fide consummation of each of the requisite acts under which nonrecognition of gain is claimed. Such transaction and such acts must be an ordinary and necessary incident of the conduct

of the enterprise and must provide for a continuation of the enterprise. A scheme, which involves an abrupt departure from normal reorganization procedure in connection with a transaction on which the imposition of tax is imminent, such as a mere device that puts on the form of a corporate reorganization as a disguise for concealing its real character, and the object and accomplishment of which is the consummation of a preconceived plan having no business or corporate purpose, is not a plan of reorganization.

§ 1.368–2 *Definition of terms.* (a) The application of the term "reorganization" is to be strictly limited to the specific transactions set forth in section 368 (a). The term does not embrace the mere purchase by one corporation of the properties of another corporation, for it imports a continuity of interest on the part of the transferor or its shareholders in the properties transferred. If the properties are transferred for cash and deferred payment obligations of the transferee evidenced by short-term notes, the transaction is a sale and not an exchange in which gain or loss is not recognized.

(b) The words "statutory merger or consolidation" refer to a merger or consolidation effected pursuant to the corporation laws of the United States or a State or Territory or the District of Columbia.

(c) In order to qualify as a "reorganization" under section 368 (a) (1) (B), the acquisition by the acquiring corporation of stock of another corporation must be in exchange solely for all or a part of the voting stock of the acquiring corporation, and the acquiring corporation must be in control of the other corporation immediately after the transaction. If, for example, Corporation X, in one transaction exchanges nonvoting preferred stock or bonds in addition to all or a part of its voting stock in the acquisition of stock of Corporation Y, the transaction is not a reorganization under section 368 (a) (1) (B). The acquisition of stock of another corporation by the acquiring corporation solely for its voting stock is permitted tax-free even though the acquiring corporation already owns some of the stock of the other corporation. Such an acquisition is permitted tax-free in a single transaction or in a series of transactions taking place over a relatively short period of time such as 12 months. For example, Corporation A purchased 30 percent of the common stock of Corporation W (the only class of stock outstanding) for cash in 1939. On March 1, 1955, Corporation A offers to exchange its own voting stock for all the stock of Corporation W tendered within 6 months from the date of the offer. Within the 6 months' period Corporation A acquires an additional 60 percent of the stock of Corporation W solely for its own voting stock, so that it owns 90 percent of the stock of Corporation W. No gain or loss is recognized with respect to the exchanges of stock of Corporation A for stock of Corporation W. For this purpose, it is immaterial whether such exchanges occurred before Corporation A acquired control (80 percent) of Corporation W or after such control was acquired. If Corporation A had acquired 80 percent of the stock of Corporation W for cash in 1939, it could likewise acquire some or all of the remainder of such stock solely in exchange for its own voting stock without recognition of gain or loss.

(d) In order to qualify as a reorganization under section 368 (a) (1) (C), the transaction must be one described in subparagraph (1) or (2) below:

(1) One corporation must acquire substantially all the properties of another corporation solely in exchange for all or a part of its own voting stock, or solely in exchange for all or a part of the voting stock of a corporation which is in control of the acquiring corporation. For example, Corporation P owns all the stock of Corporation A. All the properties of Corporation W are transferred to Corporation A either solely in exchange for voting stock of Corporation P or solely in exchange for less than 80 percent of the voting stock of Corporation A. Either of such transactions constitutes a reorganization under section 368 (a) (1) (C). However, if the properties of Corporation W are acquired in exchange for voting stock of both Corporation P and Corporation A, the transaction will not constitute a reorganization under section 368 (a) (1) (C). In determining whether the exchange meets the requirement of "solely for voting stock", the assumption by the acquiring corporation of liabilities of the transferor corporation, or the fact that property acquired from the transferor corporation is subject to a liability, shall be disregarded. Though such an assumption does not prevent an exchange from being solely for voting stock for the purposes of the definition of a reorganization contained in section 368 (a) (1) (C), it may in some cases, however, so alter the character of the transaction as to place the transaction outside the purposes and assumptions of the reorganization provisions. Section 368 (a) (1) (C) does not prevent consideration of the effect of an assumption of liabilities on the general character of the transaction but merely provides that the requirement that the exchange be solely for voting stock is satisfied if the only additional consideration is an assumption of liabilities.

(2) One corporation—

(i) Must acquire substantially all of the properties of another corporation in such manner that the acquisition would qualify under (1) above, but for the fact that the acquiring corporation exchanges money, or other property in addition to such voting stock, and

(ii) Must acquire solely for voting stock (either of the acquiring corporation or of a corporation which is in control of the acquiring corporation) properties of the other corporation having a fair market value which is at least 80 percent of the fair market value of all the properties of the other corporation.

(3) For the purposes of subparagraph (2) (ii) only, a liability assumed or to which the properties are subject is considered money paid for the properties. For example, Corporation A has properties with a fair market value of $100,000 and liabilities of $10,000. In exchange for these properties, Corporation Y transfers its own voting stock, assumes the $10,000 liabilities, and pays $8,000 in cash. The transaction is a reorganization even though a part of the properties of Corporation A is acquired for cash. On the other hand, if the properties of Corporation A worth $100,000, were subject to $50,000 in liabilities, an acquisition of all the properties, subject to the liabilities, for any consideration other than solely voting stock would not qualify as a reorganization under this section since the liabilities alone are in excess of 20 percent of the fair market value of the properties. If the transaction would qualify under either (1) or (2) above and also under section 368 (a) (1) (D), such transaction shall not be treated as a reorganization under section 368 (a) (1) (C).

(e) A "recapitalization", and therefore a reorganization, takes place if, for example:

(1) A corporation with $200,000 par value of bonds outstanding, instead of paying them off in cash, discharges them by issuing preferred shares to the bondholders;

(2) There is surrendered to a corporation for cancellation 25 percent of its preferred stock in exchange for no par value common stock;

(3) A corporation issues preferred stock, previously authorized but unissued, for outstanding common stock;

(4) An exchange is made of a corporation's outstanding preferred stock, having certain priorities with reference to the amount and time of payment of dividends and the distribution of the corporate assets upon liquidation, for a new issue of such corporation's common stock having no such rights;

(5) An exchange is made of an amount of a corporation's outstanding preferred stock with dividends in arrears for a similar amount of a corporation's preferred stock plus an amount of stock (preferred or common) with respect to the amount of dividends in arrears. However, if such an exchange is made solely for the purpose of effecting the payment of dividends for the current and immediately preceding taxable years upon the preferred stock exchanged, an amount equal to the value of the stock issued in lieu of such dividends shall be treated as a distribution to which section 305 (b) (1) is applicable.

(f) The term "a party to a reorganization" includes a corporation resulting from a reorganization, and both corporations, in a transaction qualifying as a reorganization where one corporation acquires stock or properties of another corporation. A corporation remains a party to the reorganization although it transfers all or part of the assets acquired to a controlled subsidiary. A corporation controlling an acquiring corporation is a party to the reorganization when the stock of such controlling corporation is used in the acquisition of properties. Both corporations are parties to the reorganization if, under statutory authority, Corporation A is merged into Corporation B. All three of the corporations are parties to the reorganization if, pursuant to statutory authority, Corporation C and Corporation D are consolidated into Corporation E. Both corporations are parties to the reorganization if Corporation F transfers substantially all its assets to Corporation G in exchange for all or a part of the voting stock of Corporation G. All three corporations are parties to the reorganization if Corporation H transfers substantially all its assets to Corporation K in exchange for all or a part of the voting stock of Corporation L, which is in control of Corporation K. Both corporations are parties to the reorganization if Corporation M transfers all or a part of its assets to Corporation N in exchange for all or a part of the stock and securities of Corporation N, but only if (1) immediately after such transfer, Corporation M, or one or more of its shareholders (including persons who were shareholders immediately before such transfer), or any combination thereof, is in control of Corporation N, and (2) in pursuance of the plan, the stock and securities of Corporation N are transferred or distributed by Corporation M in a transaction in which gain or loss is not recognized under section 354 or 355, or is recognized only to the extent provided in section 356. Both Corporation O and Corporation P, but not Corporation S, are parties to the reorganization if Corporation O acquires stock of Corporation P from Corporation S in exchange solely for a part of the voting stock of Corporation O, if (1) the stock of Corporation P does not constitute substantially all of the assets of Corporation S, (2) Corporation S is not in control of Corporation O immediately after the acquisition, and (3) Corporation O is in control of Corporation P immediately after the acquisition.

(g) The term "plan of reorganization" has reference to a consummated transaction specifically defined as a reorganization under section 368 (a). The term is not to be construed as broadening the definition of "reorganization" as set forth in section 368 (a), but is to be taken as limiting the nonrecognition of gain or loss to such exchanges or distributions as are directly a part of the transaction specifically described as a reorganization in section 368 (a). Moreover, the transaction, or series of transactions, embraced in a plan of reorganization must not only come within the specific language of section 368 (a), but the readjustments involved in the exchanges or distributions effected in the consummation thereof must be undertaken for reasons germane to the continuance of the business of a corporation a party to the reorganization. Section 368 (a) contemplates genuine corporate reorganizations which are designed to effect a readjustment of continuing interests under modified corporate forms.

(h) As used in section 368, as well as in other provisions of the Internal Revenue Code, if the context so requires, the conjunction "or" denotes both the conjunctive and the disjunctive, and the singular includes the plural. For example, the provisions of the statute are complied with if "stock and securities" are received in exchange as well as if "stock or securities" are received.

§ 1.368–3 *Records to be kept and information to be filed with returns.* (a) The plan of reorganization must be adopted by each of the corporations parties thereto; and the adoption must be shown by the acts of its duly constituted responsible officers, and appear upon the official records of the corporation. Each corporation, a party to a reorganization, shall file as a part of its return for its taxable year within which the reorganization occurred a complete statement of all facts pertinent to the nonrecognition of gain or loss in connection with the reorganization, including:

(1) A certified copy of the plan of reorganization, together with a statement under oath or affirmation showing in full the purposes thereof and in detail all transactions incident to, or pursuant to, the plan.

(2) A complete statement of the cost or other basis of all property, including all stock or securities, transferred incident to the plan.

(3) A statement of the amount of stock or securities and other property or money received from the exchange, including a statement of all distributions or other disposition made thereof. The amount of each kind of stock or securities and other property received shall be stated on the basis of the fair market value thereof at the date of the exchange.

(4) A statement of the amount and nature of any liabilities assumed upon the exchange, and the amount and nature of any liabilities to which any of the property acquired in the exchange is subject.

(b) Every taxpayer, other than a corporation a party to the reorganization, who receives stock or securities and other property or money upon a tax-free exchange in connection with a corporate reorganization shall incorporate in his income tax return for the taxable year in which the exchange takes place a complete statement of all facts pertinent to the nonrecognition of gain or loss upon such exchange including:

(1) A statement of the cost or other basis of the stock or securities transferred in the exchange, and

(2) A statement in full of the amount of stock or securities and other property or money received from the exchange, including any liabilities assumed upon the exchange, and any liabilities to which property received is subject. The amount of each kind of stock or securities and other property (other than liabilities assumed upon the exchange) received shall be set forth upon the basis of the fair market value thereof at the date of the exchange.

(c) Permanent records in substantial form shall be kept by every taxpayer who participates in a tax-free exchange in connection with a corporate reorganization showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed on the exchange, or any liabilities to which any of the properties received were subject), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

INSOLVENCY REORGANIZATIONS

§ 1.371 *Statutory provisions; insolvency reorganizations; reorganization in certain receivership and bankruptcy proceedings.*

SEC. 371. *Reorganization in certain receivership and bankruptcy proceedings*—(a) *Exchanges by corporations*—(1) *In general.* No gain or loss shall be recognized if property of a corporation (other than a railroad corporation, as defined in section 77 (m) of the Bankruptcy Act (49 Stat. 922; 11 U. S. C. 205)) is transferred in pursuance of an order of the court having jurisdiction of such corporation—

(A) In a receivership, foreclosure, or similar proceeding, or

(B) In a proceeding under chapter X of the Bankruptcy Act (52 Stat. 883–905; 11 U. S. C., chapter 10) or the corresponding provisions of prior law,

to another corporation organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, in exchange solely for stock or securities in such other corporation.

(2) *Gain from exchanges not solely in kind.* If an exchange would be within the provisions of paragraph (1) if it were not for the fact that the property received in exchange consists not only of stock or securities permitted by paragraph (1) to be received without the recognition of gain, but also of other property or money, then—

(A) If the corporation receiving such other property or money distributes it in pursuance of the plan of reorganization, no gain to the corporation shall be recognized from the exchange, but

(B) If the corporation receiving such other property or money does not distribute it in pursuance of the plan of reorganization, the gain, if any, to the corporation shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property so received, which is not so distributed.

(b) *Exchanges by security holders*—(1) *In general.* No gain or loss shall be recognized on an exchange consisting of the relinquishment or extinguishment of stock or securities in a corporation the plan of reorganization of which is approved by the court in a proceeding described in subsection (a), in consideration of the acquisition solely of stock or securities in a corporation organized or made use of to effectuate such plan of reorganization.

(2) *Gain from exchanges not solely in kind.* If an exchange would be within the provisions of paragraph (1) if it were not for the fact that the property received in exchange consists not only of property permitted by paragraph (1) to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

(c) *Loss from exchanges not solely in kind.* If an exchange would be within the provisions of subsection (a) (1) or (b) (1) if it were not for the fact that the property received in exchange consists not only of property permitted by subsection (a) (1) or (b) (1) to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

(d) *Assumption of liabilities.* In the case of a transaction involving an assumption of a liability or the acquisition of property subject to a liability, the rules provided in section 357 shall apply.

§ 1.371–1 *Exchanges by corporations*—(a) *Exchange solely for stock or securities.* (1) Section 371 (a) (1) provides for the nonrecognition of gain or loss by a corporation upon certain exchanges made in connection with the reorganization of an insolvent corporation. The section does not apply to a railroad corporation as defined in section 77 (m) of the Bankruptcy Act (49 Stat. 922; 11 U. S. C. 205). In order to qualify as a section 371 (a) reorganization, the transaction must satisfy the express statutory requirements as well as the underlying assumptions and purposes for which the exchange is excepted from the general rule requiring the recognition of gain or loss upon the exchange of property.

(2) Section 371 (a) (1) applies only with respect to a reorganization effected in one of two specified types of court proceedings: (i) Receivership, foreclosure, or similar proceedings, or (ii) corporate reorganization proceedings under Chapter X of the Bankruptcy Act (52 Stat. 883–905; 11 U. S. C. c. 10). The specific statutory requirements are the transfer of property of a corporation, in pursuance of an order of the court having jurisdiction of the corporation in such proceeding, to another corporation organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, in exchange solely for stock or securities in such other corporation. If the consideration for the transfer consists of other property or money as well as stock and securities, see sections 371 (a) (2) and 371 (c). As to the assumption of liabilities in an exchange described in section 371 (a), see section 371 (d).

(3) The application of section 371 (a) (1) is to be strictly limited to a transaction of the character set forth in such section. Hence, the section is inapplicable unless there is a bona fide plan of reorganization approved by the court having jurisdiction of the proceeding and the transfer of the property of the insolvent corporation is made pursuant to such plan. It is unnecessary that the transfer be a direct transfer from the insolvent corporation; it is sufficient if the transfer is an integral step in the consummation of the reorganization plan approved by the court. By its terms, the section has no application to a reorganization consummated by adjustment of the capital or debt structure of the insolvent corporation without the transfer of its assets to another corporation.

(4) As used in section 371 (a) (1), the term "reorganization" is not controlled by the definition of "reorganization" contained in section 368. However, certain basic requirements, implicit in the statute, which are essential to a reorganization under section 368, are likewise essential to qualify a transaction as a reorganization under section 371 (a) (1). Among these requirements are a continuity of the business enterprise under the modified corporate form and a continuity of interest therein on the part of those persons who were the owners of the enterprise prior to the reorganization. Thus, the nonrecognition accorded by section 371 (a) (1) applies only to a genuine reorganization as distinguished from a liquidation and sale of property to either new or old interests supplying new capital and discharging the obligations of the old corporation. For the purpose of determining whether the requisite continuity of interest exists, the interest of creditors who have, by appropriate legal steps, obtained effective command of the property of an insolvent corporation is considered as the equivalent of a proprietary interest. But the mere possibility of a proprietary interest is not its equivalent. In general, any transaction will be subject to nonrecognition of gain or loss as prescribed by section 371 (a) (1) where the property is transferred to a corporation and the stock and securities of such corporation are transferred to persons who were shareholders or creditors of the transferor corporation as if such stock or securities had been transferred to such persons as shareholders pursuant to the nonrecognition provisions of Part III of subchapter C. The determinative and controlling factors are the corporation's insolvency and the effective command by the creditors over its property. The term "insolvent" as used herein refers to insolvency at any time during the course of the proceeding referred to in section 371 (a) (1), either in the sense of excess of liabilities over assets or in the sense of inability to meet obligations as they mature.

(5) A short-term purchase money note is not a security within the meaning of this section, and the transfer of the properties of the insolvent corporation for cash and deferred payment obligations of the transferee evidenced by short-term notes is a sale and not an exchange.

(b) *Exchange for stock or securities and other property or money.* If an exchange would be within the provisions of section 371 (a) (1) if it were not for the fact that the consideration for the transfer of the property of the insolvent corporation consists not only of stock or securities but also of other property or money, then, as provided in section 371 (a) (2), if the other property or money received by the corporation is distributed by it pursuant to the plan of reorganization, no gain to the corporation will be recognized. Property is distributed within the meaning of this section if it is paid over or distributed to shareholders or creditors who have by appropriate legal steps obtained effective command of the property of the corporation. If the other property or money received by the corporation is not distributed by it pursuant to the plan of reorganization, the gain, if any, to the corporation from the exchange will be recognized in an amount not in excess of the sum of money and the fair market value of the other property so received which is not distributed. In either case no loss from the exchange will be recognized (see section 371 (c)).

(c) *Records to be kept and information to be filed.* (1) Each corporation a party to a section 371 (a) reorganization shall furnish a complete statement of all facts pertinent to the nonrecognition of gain or loss in connection with the exchange, including:

(i) A certified copy of the plan of reorganization approved by the court in the proceeding, together with a statement showing in full the purposes thereof and in detail all transactions incident, or pursuant, to the plan;

(ii) A complete statement of the cost or other basis of all property, including all stock or securities, transferred incident to the plan;

(iii) A statement of the amount of stock or securities and other property or money received in the exchange, including a statement of all distributions or other disposition made thereof. The amount of each kind of stock or securities or other property shall be stated on the basis of the fair market value thereof at the date of the exchange;

(iv) A statement of the amount and nature of any liabilities assumed upon the exchange.

The information required by this section shall be filed as a part of the corporation's return for its taxable year within which the reorganization occurred.

(2) Permanent records in substantial form must be kept by every taxpayer who participates in a tax-free exchange in connection with a corporate reorganization showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

§ 1.371–2 *Exchanges by security holders*—(a) *In general.* (1) Section 371 (b) prescribes the rules relative to the recognition of gain or loss upon certain exchanges made by the holders of stock or securities of an insolvent corporation in connection with a reorganization described in section 371 (a). Under section 371 (b) (1), no gain or loss shall be recognized if, pursuant to the plan of reorganization, stock or securities in the insolvent corporation are exchanged solely for stock or securities in the corporation organized or made use of to effectuate such plan. If, in addition to such stock or securities, other property or money is received upon such exchange, gain is recognized to the extent of such other property or money (section 371 (b) (2)), but no loss is recognized (section 371 (c)). As to the basis of the stock or securities or other property acquired upon an exchange under section 371 (b), see section 358.

(2) By thus characterizing as an exchange, and regarding as a single taxable event, the event or series of events resulting in the relinquishment or extinguishment of the stock or securities in the old corporation and the acquisition in consideration thereof, in whole or in part, of stock or securities in the new corporation, the Internal Revenue Code secures uniformity of treatment for the participating security holders, regardless of the particular steps or the procedural devices by which such exchange is effected. Thus, the transaction which qualified as a reorganization under section 371 (a) may take one of several forms. In a typical creditors' reorganization there may be a transfer of the property of the old corporation to its bondholders, or the bondholders' committee, upon surrender of the bonds, followed by the transfer of such property to the new corporation in consideration of stock in the latter; or there may be a transfer of the bonds to the new corporation in exchange for its stock or securities, followed by the transfer of the property of the old corporation in consideration of the surrender of its bonds. In either event, section 371 (b) treats the result to the participating security holders as an exchange of the securities of the old corporation for securities of the new corporation. In order, however, to qualify as an exchange under section 371 (b) the various events resulting in the relinquishment or extinguishment of the old securities and the acquisition of the new securities must be embraced within the plan of reorganization and must be undertaken for reasons germane to the plan. If the event, or series of events, qualifies as an exchange under section 371 (b), no antecedent event necessarily a component of the relinquishment or extinguishment of the securities of the old corporation in consideration of the acquisition of the securities of the new corporation shall be considered a transaction or event having consequences for income tax purposes.

(b) *Exchange solely for stock or securities.* Section 371 (b) (1) provides that no gain or loss shall be recognized upon an exchange consisting of the relinquishment or extinguishment of stock or securities in an insolvent corporation described in section 371 (a), in consideration of the acquisition solely of stock or securities in a corporation organized or made use of to effectuate the plan of reorganization. As used in this section, the term security does not include a short-term note.

(c) *Exchanges for stock or securities and other property or money.* If an exchange would be within section 371 (b) (1) if it were not for the fact that the property received in the exchange consists not only of stock or securities in the corporation organized or made use of to effectuate the plan of reorganization, but also of other property or money, then

(1) As provided in section 371 (b) (2), the gain, if any, to the taxpayer will be recognized in an amount not in excess of the sum of money and the fair market value of the other property. The gain so recognized shall be treated as capital gain.

(2) The loss, if any, to the taxpayer from such an exchange is not to be recognized to any extent (see section 371 (c)).

(d) *Records to be kept and information to be filed.* (1) Every taxpayer who receives stock or securities and other property or money upon an exchange described in section 371 (b) in connection with a corporate reorganization, must furnish a complete statement of all facts pertinent to the recognition or nonrecognition of gain or loss upon such exchange, including—

(i) A statement of the cost or other basis of the stock or securities transferred in the exchange, and

(ii) A statement in full of the amount of stock or securities and other property or money received from the exchange, including any liability assumed upon the exchange. The amount of each kind of stock or securities and other property (other than liabilities assumed upon the exchange) received shall be set forth upon the basis of the fair market value thereof at the date of the exchange.

The statement shall be incorporated in the taxpayer's income tax return for the taxable year in which the exchange occurs.

(2) Permanent records in substantial form shall be kept by every taxpayer who participates in an exchange described in section 371 (b), showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

§ 1.372 *Statutory provisions; insolvency reorganization; basis in connection with certain receivership and bankruptcy proceedings.*

SEC. 372. *Basis in connection with certain receivership and bankruptcy proceedings*—(a) *Corporation.* If property was acquired by a corporation in a transfer to which—

(1) Section 371 (a) applies,

(2) So much of section 371 (c) as relates to section 371 (a) (1) applies, or

(3) The corresponding provisions of prior law apply,

then notwithstanding the provisions of section 270 of the Bankruptcy Act (54 Stat. 709; 11 U. S. C. 670), the basis in the hands of the acquiring corporation shall be the same as it would be in the hands of the corporation whose property was so acquired, increased in the amount of gain recognized to the corporation whose property was so acquired under the law applicable to the year in which the acquisition occurred, and such basis shall not be adjusted under section 1017 by reason of a discharge of indebtedness in pursuance of the plan of reorganization under which such transfer was made.

(b) *Stock or security holder.* For basis of stock or securities acquired under section 371 (b), see section 358.

§ 1.372–1 *Corporations.* (a) If, as the result of a transaction described in section 371, so much of section 371 (c) as relates to section 371 (a), or the corresponding provisions of prior law, the property of an insolvent corporation is transferred, in pursuance of a plan of reorganization, to a corporation organized or made use of to effectuate such plan, the basis of such property in the hands of the acquiring corporation is the same as it would be in the hands of the insolvent corporation, increased in the amount of gain recognized upon such transfer under the law applicable to the year in which the transfer was made. In any such case, the adjustments to basis provided by section 270 of the Bankruptcy Act (54 Stat. 709; 11 U. S. C. 670), or section 1017 of the Internal Revenue Code of 1954, shall not be made in respect of any indebtedness cancelled pursuant to the plan of reorganization under which the transfer was made. If the transaction falls within the provisions of section 372 (a), the basis of the property involved shall be determined pursuant to such provisions, notwithstanding that the transaction might otherwise fall within another basis provision.

(b) The provisions of section 372 (a) are applicable in the determination of basis for all taxable years beginning after December 31, 1933, except that the basis so determined shall not be given effect in the determination of the tax liability for any taxable year beginning prior to January 1, 1943. With the exception indicated, the basis so prescribed is applicable from the date of acquisition of such property. For example, the provisions of section 1016 relating to adjusted basis shall be applied as if section 372 (a) were a part of the Internal Revenue Code of 1939 and prior internal revenue laws applicable to all taxable years beginning after December 31, 1933. Hence, in determining the amount of the adjustments for depreciation, depletion, etc., under the provisions of section 1016 (a) (2), the "amount allowable" is the amount computed with reference to the basis provided in section 372 (a).

(c) The effect of the application of section 372 (a) may be illustrated by the following examples:

Example (1). On January 1, 1935, the Y Corporation, a taxpayer making its returns on the calendar year basis, acquired depreciable property from the X Corporation as the result of a transaction described in section 372 (a). On January 1, 1935, the property had, in the hands of the X Corporation, a basis of $200,000, an adjusted basis of $150,000, a fair market value as of January 1, 1935, of $80,000, and an estimated remaining life of 20 years. The 1935 transaction was treated as a taxable exchange and, accordingly, the Y Corporation claimed and was allowed depreciation in the amount of $4,000 for each of the eight taxable years 1935 through 1942, inclusive. For each of the twelve taxable years 1943 through 1954, inclusive, the Y Corporation claimed and was allowed depreciation in the amount of $7,500. On December 31, 1954, the property was sold for $10,000 cash. The amount of the gain realized upon the sale is computed as follows:

Basis to X Corporation		$200,000
Adjustment for depreciation in the hands of X Corporation (sec. 1016)		50,000
Adjusted basis for depreciation in the hands of both X and Y Corporations (sec. 372 (b))		150,000
Deduct:		
Depreciation allowable in amount of $7,500 per year (1/20 of $150,000) for 8 years, from Jan. 1, 1935, through Dec. 31, 1942	$60,000	
Depreciation allowable Jan. 1, 1943, to Dec. 31, 1954 (12 years at $7,500)	90,000	
		150,000
Adjusted basis for computing gain or loss		0
Sale price		10,000
Gain realized		10,000

For the taxable year 1943 and succeeding taxable years, the Y Corporation is entitled to deductions for depreciation in respect of such property in the amounts of $7,500 in the determination of its tax liabilities for such years. But no change in the tax liability is authorized for preceding taxable years by reason of the difference between the $7,500 depreciation allowable and the $4,000 deduction previously allowed.

Example (2). Assume the same facts as in example (1), except that the property acquired by the Y Corporation had a fair market value as of January 1, 1935, of $180,000, instead of $80,000, and the Y Corporation claimed and was allowed depreciation in the amount of $9,000 for each of the eight taxable years 1935 to 1942, inclusive, and in the amount of $6,500 for the taxable years 1943 to 1954, inclusive. In such case, the amount of the gain realized upon the sale of the property would be computed as follows:

Adjusted basis for depreciation in the hands of Y Corporation as computed in example (1)		$150,000
Deduct:		
Depreciation allowed in the amount of $9,000 per year for 8 years Jan. 1, 1935 to Dec. 31, 1942	$72,000	
Depreciation allowable Jan. 1, 1943, to Dec. 31, 1954, inclusive (12 times $6,500)	78,000	
		150,000
Adjusted basis for computing gain or loss		0
Sale price		10,000
Gain realized		10,000

No change in the tax liability is authorized for taxable years preceding 1943 by reason of the difference between the $7,500 depreciation allowable and the $9,000 deduction previously allowed.

§ 1.373 *Statutory provisions; insolvency reorganizations; loss not recognized in certain railroad reorganizations.*

SEC. 373. *Loss not recognized in certain railroad reorganizations*—(a) *Nonrecognition of loss.* No loss shall be recognized if property of a railroad corporation, as defined in section 77 (m) of the Bankruptcy Act (49 Stat. 922; 11 U. S. C. 205), is transferred in pursuance of an order of the court having jurisdiction of such corporation—

(1) In a receivership proceeding, or

(2) In a proceeding under section 77 of the Bankruptcy Act,

to a railroad corporation (as defined in section 77 (m) of the Bankruptcy Act) organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding.

(b) *Basis.* (1) *Railroad corporations.* If the property of a railroad corporation (as defined in section 77 (m) of the Bankruptcy Act) was acquired after December 31, 1938, in pursuance of an order of the court having jurisdiction of such corporation—

(A) In a receivership proceeding, or

(B) In a proceeding under section 77 of the Bankruptcy Act, and the acquiring corporation is a railroad corporation (as defined in section 77 (m) of the Bankruptcy Act) organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, the basis shall be the same as it would be in the hands of the railroad corporation whose property was so acquired.

(2) *Property acquired by street, suburban, or interurban electric railway corporation.* If the property of any street, suburban, or interurban electric railway corporation engaged as a common carrier in the transportation of persons or property in interstate commerce was acquired after December 31, 1934, in pursuance of an order of the court having jurisdiction of such corporation in a proceeding under section 77B of the Bankruptcy Act (48 Stat. 912), and the acquiring corporation is a street, suburban, or interurban electric railway engaged as a common carrier in the transportation of persons or property in interstate commerce, organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, then, notwithstanding the provisions of section 270 of the Bankruptcy Act (52 Stat. 904; 11 U. S. C. 670), the basis shall be the same as it would be in the hands of the corporation whose property was so acquired.

§ 1.373–1 *Nonrecognition of loss upon transfer of property of railroad corporation.* (a) For the purpose of section 373 (a), it is unnecessary that the transfer be a direct transfer by the corporation undergoing reorganization or that such reorganization constitute a reorganization within the meaning of section 368 (a) since that section does not apply to part IV of subchapter C. It is sufficient if the transfer is made in pursuance of an order of the court and is an integral step in the consummation of a plan of reorganization approved by the court having jurisdiction of the proceeding. If these conditions are satisfied, no loss is recognized to the transferor upon the ultimate transfer of the property, or to the transferor upon any intermediate transfer.

(b) Section 373 (a) applies only to a transfer resulting in a loss and has no application if the transfer therein described results in a gain.

(c) See section 354 (c) relative to exchanges by stock or security holders.

§ 1.373–2 *Property acquired by railroad corporation in a receivership or railroad reorganization proceeding.* (a) Section 373 (b) (1) sets forth certain conditions under which the basis of property acquired by a railroad corporation is the same as it would have been in the hands of the railroad corporation whose property was acquired. For the purpose of section 373 (b) (1), it is unnecessary that the acquisition in question be a direct transfer from the corporation undergoing reorganization or that such reorganization constitute a reorganization within the meaning of section 368 (a) since that section does not apply to part IV of subchapter C. It is sufficient if the acquisition is in pursuance of an order of the court and is an integral step in the consummation of a reorganization plan approved by the court having jurisdiction of the proceeding.

(b) If the conditions of section 373 (b) (1) are satisfied, then for the purpose of determining basis, the provisions of section 373 (b) (1) only shall apply, notwithstanding that the transaction might also fall within another basis provision.

§ 1.373–3 *Property acquired by electric railway corporation in corporate reorganization proceeding.* Subject to the limitations and conditions set forth in section 373 (b) (2), if the reorganization under section 77B of the Bankruptcy Act, 48 Stat. 912, of an electric railway corporation results in the acquisition of the property of such corporation by another corporate entity, the basis of such property in the hands of the acquiring corporation is the same as it would be in the hands of the old corporation. It is requisite to the application of the section that both corporations be street, suburban, or interurban electric railway corporations engaged in the transportation of persons or property in interstate commerce, and that the acquisition is in pursuance of an order of the court and is an integral step in the consummation of a reorganization plan approved by the court having jurisdiction of the proceeding. If section 373 (b) (2) applies, section 270 of the Bankruptcy Act (11 U. S. C. 670), relating to the adjustment of basis by reason of the cancellation or reduction of indebtedness in a corporate reorganization proceeding, is inapplicable. Moreover, if the transaction is within the provisions of section 373 (b) (2) and may also be considered to be within any other basis provision, then the provisions of section 373 (b) (2) only shall apply.

EFFECTIVE DATE OF SUBCHAPTER C

§ 1.391 *Statutory provisions; effective date of Part I.*

SEC. 391. *Effective date of Part I.* Except as otherwise provided in this subchapter, part I shall take effect on June 22, 1954. Section 306 shall apply only with respect to dispositions (or redemptions) occurring on or after June 22, 1954.

§ 1.391–1 *Effective date of part I of subchapter C.* Pursuant to section 395 and regulations thereunder, the provisions of part I of subchapter C shall be effective with respect to the described transactions which occur on or after June 22, 1954, and with respect to section 306 (relating to the disposition or redemption of "section 306 stock"), such section shall apply only to stock which is received in a transaction subject to the Internal Revenue Code of 1954, and which is disposed of or redeemed after June 22, 1954. Generally, stock issued after June 22, 1954, will be section 306 stock if such stock comes within the definition set forth in section 306 (c). However, stock which otherwise qualifies within the definition set forth in section 306 is not section 306 stock if it is issued pursuant to a reorganization which by reason of the application of section 393 (b) and section 395 is governed by the provisions of the Internal Revenue Code of 1939 without amendment by the Internal Revenue Code of 1954. In addition, stock which otherwise qualifies within the definition set forth in section 306 (c) is not section 306 stock if it is issued pursuant to a reorganization which by reason of an election under section 393 (b) (2) is governed by the provisions of the Internal Revenue Code of 1939 without amendment by the Internal Revenue Code of 1954.

§ 1.392 *Statutory provisions; effective date of Part II.*

SEC. 392. *Effective date of Part II*—(a) *General rule.* Except as otherwise provided in this subchapter, part II shall apply with respect to a plan of liquidation only if the first distribution in pursuance of such plan occurs on or after June 22, 1954. Section 341 shall apply only with respect to sales, exchanges, and distributions on or after June 22, 1954.

(b) *Special rule for certain sales during 1954*—(1) *Nonrecognition of gain or loss.* If—

(A) All of the assets of a corporation (less assets retained to meet claims) are distributed before January 1, 1955, in complete liquidation of such corporation; and

(B) The corporation elects (at such time and in such manner as the Secretary or his delegate may by regulations prescribe) to have this subsection apply,

then no gain or loss shall be recognized to such corporation from the sale or exchange by it of property during the calendar year 1954.

(2) *Certain provisions of section 337 made applicable.* For purposes of paragraph (1)—

(A) The term "property" has the meaning given to such term by section 337 (b); except that any determination required by section 337 (b) to be made by reference to the date of the adoption of the plan of liquidation shall be made by reference to January 1, 1954; and

(B) The limitations of section 337 (c) shall apply.

For purposes of section 453 (d) (4) (B) (relating to disposition of installment obligations), nonrecognition of gain or loss under paragraph (1) of this subsection shall be treated as nonrecognition of gain or loss under section 337.

(3) *Plans of liquidation adopted after December 31, 1953 and before June 22, 1954.* If the plan of complete liquidation was adopted after December 31, 1953, and before June 22, 1954, then, at the election of the corporation (made at such time and in such manner as the Secretary or his delegate may by regulations prescribe)—

(A) The 12-month period beginning on the date of the adoption of such plan shall be (i) the period for distribution (in lieu of the requirement in paragraph (1) (A) of this subsection that the assets be distributed before January 1, 1955), and (ii) the period during which, by reason of paragraph (1) of this subsection, gain or loss to the corporation is not recognized (in lieu of nonrecognition of gain or loss during the calendar year 1954); and

(B) Notwithstanding paragraph (2) (A) of this subsection, any determination required by section 337 (b) to be made by reference to the date of the adoption of the plan of liquidation shall be made by reference to such date (and not by reference to January 1, 1954).

§ 1.392–1 *Effective date of part II of subchapter C*—(a) *General.* Section 392 provides the general rule that Part II of Subchapter C, relating to liquidations shall be applicable only if the first distribution in pursuance of any plan of liquidation occurs on or after June 22, 1954. For this purpose, the date of adoption of the plan of liquidation is not material, except as provided in such part.

(b) *Certain sales in 1954.* Section 392 (b) provides special rules with respect to nonrecognition of gain or loss upon certain sales or exchanges of property in connection with liquidations completed during the calendar year 1954 and in connection with plans of liquidation adopted after December 31, 1953, and before June 22, 1954.

(c) *Election.* Any election provided in section 392 (b) shall be made by attaching to the return of the liquidating corporation for the year in which falls the date of the final liquidating distribution, a statement indicating its election with respect to section 392 (b) or, in any case in which the final return of the corporation was filed on or before December 11, 1954, the date of publication of the notice of proposed rule making, within 90 days after the date of final promulgation of these regulations by filing such a statement with the proper district director of internal revenue for association with the final return. If such a statement is not attached to the return for such year or, in any case in which the final return of the corporation was filed on or before December 11, 1954, is not filed with the proper district director of internal revenue within the time prescribed herein, the provisions of section 392 (b) shall not be applicable.

§ 1.393 *Statutory provisions; effective dates of Parts III and IV.*

SEC. 393. *Effective dates of Parts III and IV*—(a) *General rule.* Except as otherwise provided in this subchapter, parts III and IV shall take effect on June 22, 1954.

(b) *Special rules for plans of reorganization*—(1) *In general.* Except as provided in paragraphs (2) and (3), parts III and IV shall apply only in respect of plans of reorganization adopted on or after June 22, 1954. For purposes of this paragraph and paragraphs (2) and (3), a plan to make a transfer to a controlled corporation described in section 351, or a plan to make an exchange or distribution which is described in section 355 (or so much of section 356 as relates to section 355) shall be treated as a plan of reorganization.

(2) *Election to have 1939 Code apply.* If—

(A) A plan of reorganization was submitted to the Secretary or his delegate before June 22, 1954, but such plan was not adopted before such date,

(B) The Secretary or his delegate issues (whether before, on, or after such date) a ruling with respect to such plan, and

(C) The corporations which are parties to the reorganization elect (at such time and in such manner as the Secretary or his delegate may by regulations prescribe) to have this paragraph apply,

then, if such reorganization is completed in accordance with the plan so submitted, the tax treatment of such reorganization (as to the corporations which are parties to the reorganization and as to their shareholders and security holders) shall be determined under the Internal Revenue Code of 1939 (in accordance with the contents of such ruling) and not under this Code.

(3) *Election to have 1954 Code apply.* If—

(A) A plan of reorganization—

(i) Was adopted after March 1, 1954, and before June 22, 1954, or

(ii) Was adopted before June 22, 1954, in pursuance of a court order and all distributions under the plan occur after March 1, 1954, and before July 1, 1954, and

(B) The corporations which are parties to the reorganization elect (at such time and in such manner as the Secretary or his delegate may by regulations prescribe) to have this paragraph apply,

then the tax treatment of such reorganization (as to the corporations which are parties to the reorganization and as to their shareholders and security holders) shall be determined under this Code and not under the Internal Revenue Code of 1939.

§ 1.393–1 *Effective dates of parts III and IV of subchapter C.* Section 393 provides the general rule that Part III of Subchapter C, relating to corporate reorganizations, and Part IV of Subchapter C, relating to certain insolvency reorganizations, shall take effect on June 22, 1954.

§ 1.393–2 *Special rule with respect to certain plans of reorganization arising in 1954.* (a) For the purpose of section 393 (b) (1)—

(1) If a corporation has adopted a plan of reorganization as there described before June 22, 1954, it may, if no action has been taken with respect to such plan which would constitute a realization of income or loss (whether or not recognized), and if no conveyance, exchange or distribution has been made by the corporation, rescind by proper corporate action and adopt such plan or another plan of reorganization after June 22, 1954, if all other corporations, parties to such reorganization, likewise rescind and readopt after such date.

(2) A corporation shall be considered to have adopted a plan of reorganization on the date on which a resolution of the board of directors is passed, adopting such plan or recommending its adoption to the shareholders, or upon the date of adoption of the plan of reorganization by the shareholders of such corporation, whichever is earlier.

(b) For the purpose of section 393 (b) (2)—

(1) A plan of reorganization shall be deemed to have been submitted before June 22, 1954, if such plan was filed before such date, with any office of the Internal Revenue Service with a request for a ruling as to the tax treatment thereof,

(2) A ruling with respect to such plan shall be a ruling letter signed by an official authorized to issue rulings in the office of the Assistant Commissioner (Technical) in the National Office of the Internal Revenue Service,

(3) Any such ruling issued shall be conclusive as to the law applicable to the transaction under the Internal Revenue Code of 1939 and for this purpose such Code shall be deemed not to be amended by the provisions of Parts III and IV,

(4) A plan of reorganization shall be deemed to have been filed on the date it is placed in the mail as shown by the postmark on the envelope containing such request for ruling or as shown by other available evidence of the mailing date, if the envelope is properly addressed and the proper postage affixed.

(c) For the purpose of section 393 (b) (3), a plan of reorganization shall be considered to have been adopted by a corporation after March 1, 1954, and before June 22, 1954, if between such dates either the plan was adopted by the shareholders or a resolution of a board of directors was passed adopting the plan or recommending its adoption to the shareholders.

§ 1.393–3 *Making and filing of elections.* The elections provided for in sub-

section (b) (2) and (b) (3) of section 393 shall be executed in the same manner as is required in the case of the income tax returns of the taxpayers. Where more than one corporation is involved in the transaction, all such corporations shall join in making the election, except that a corporation which was not in existence on June 22, 1954, shall not be required to make an election (unless it is the only corporation involved in the transaction). It will be sufficient if the corporations in existence on June 22, 1954, make the election for themselves and for the corporation to be organized after that date pursuant to the plan of reorganization, but such election shall be binding on the new corporation when it is formed and on the holders of its stock and securities. The elections are to be filed with the district director of internal revenue in the district in which the returns of the corporations are filed. The filing is to be accomplished by attaching the election (or certified copy thereof if more than one corporation is involved) to the tax return for the year in which the transaction took place. Furthermore, a copy of such election is to be attached to the income tax return of each shareholder or security holder who made exchanges, or received distributions, pursuant to the plan, for the year in which the transaction took place or, in any case in which the copy of the election is not received by such shareholder or security holder until after the due date for filing the return for the year in which the transaction took place, the copy of the election shall be filed with the proper district director of internal revenue for association with the return of such shareholder or security holder. The elections filed with the corporation returns must be accompanied by all relevant data pertaining to the transaction and by certified copies of the resolution of the directors authorizing the election. An election once made and filed by the corporations that are parties to the reorganization shall be irrevocable both as to the corporations involved and as to the holders of their stock and securities. Permanent records of all relevant data shall be kept by every taxpayer for whom an election was filed under section 393 (b), in order to facilitate the determination of gain or loss from a subsequent disposition of stock or securities or other property acquired in the transaction in respect of which the election was filed.

§ 1.395 *Statutory provisions; special rules for application of subchapter C.*

SEC. 395. *Special rules for application of this subchapter*—(a) *Taxable years affected.* Any provision of this subchapter the applicability of which is stated in terms of a specific date shall apply with respect to taxable years ending after such date. Each provision shall, in the case of a taxable year subject to the Internal Revenue Code of 1939, be deemed to be included in the Internal Revenue Code of 1939, but shall apply only to taxable years ending after such specific date.

(b) *Repeal and continuance of Internal Revenue Code of 1939.* To the extent that the provisions of this subchapter supersede the provisions of the Internal Revenue Code of 1939, such provisions of the Internal Revenue Code of 1939 are hereby repealed. The provisions of the Internal Revenue Code of 1939 shall continue to apply with respect to transactions for which rules are provided in this subchapter until such rules take effect.

§ 1.395–1 *Special rules for application of subchapter C.* (a) In general, under section 7851, the provisions of subchapter C are applicable to any taxable year beginning after December 31, 1953, which ends after August 16, 1954, the date of the enactment of the Internal Revenue Code of 1954. The applicable date of each provision with respect to such year is stated either in connection therewith or in sections 391 through 394. The years to which this subchapter is applicable will include the calendar year 1954, and all fiscal years beginning in 1954 and ending after August 16, 1954. All years beginning before January 1, 1954, and ending either before, on or after August 16, 1954, are subject to the Internal Revenue Code of 1939. All taxable years beginning after December 31, 1953, and ending before August 16, 1954, are also subject to the Internal Revenue Code of 1939.

(b) If there is included in the return for a taxable year subject to the Internal Revenue Code of 1939 items to which the provisions of this subchapter would be applicable if such years were subject to the Internal Revenue Code of 1954, such items shall be reported pursuant to the requirements of this subchapter if the transactions giving rise to such items occurred after the applicable dates specified. The determination in this case of the proper tax treatment shall be made by substituting the applicable provisions of subchapter C for the provisions of the Internal Revenue Code of 1939 which would otherwise be applicable thereto. For example, if a complete liquidation of a corporation occurs and if such liquidation would have been subject to the provisions of section 332 had the Internal Revenue Code of 1954 been applicable then section 332 of this Code shall be deemed to have superseded section 112 (b) (6) of the Internal Revenue Code of 1939. If such transaction occurred prior to the applicable date, then the provisions of the Internal Revenue Code of 1939 alone are applicable. If there is included in the return for a taxable year subject to the Internal Revenue Code of 1954 items to which the provisions of this subchapter would be applicable, except for the applicable dates specified, such items shall be reported pursuant to the requirements of the Internal Revenue Code of 1939 applicable to such transactions. For example, the tax treatment of a complete liquidation of a corporation described in section 332 will be determined not by section 332 but pursuant to the rules of section 112 (b) (6) of the Internal Revenue Code of 1939. If such liquidation occurred after June 21, 1954, only section 332 shall be applicable.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: November 25, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55–9630; Filed, Dec. 2, 1955; 8:45 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 604—POLICIES OF THE UNITED STATES EMPLOYMENT SERVICE

SERVICE TO MINORITY GROUPS

Pursuant to the authority vested in me by section 12, 48 Stat. 117, as amended, 29 U. S. C. 49k, Reorganization Plan No. 2 of 1949 and by delegation from the Secretary of Labor, this part is amended in the manner set forth below. The amendment deletes the reference to Executive Order 9980 and substitutes a reference to the superseding Executive Order 10590.

1. Paragraph (c) of § 604.8 is amended to read as follows:

(c) To assist the United States Civil Service Commission in effectuating Executive Order 10590 by disregarding nonperformance factors of race, color, religion, or national origin in the recruitment, selection, and referral of workers on job orders from Federal establishments.

(Sec. 12, 48 Stat. 117; 29 U. S. C. 49k)

Signed at Washington, D. C., this 29th day of November 1955.

ROBERT C. GOODWIN,
Director, Bureau of Employment Security.

[F. R. Doc. 55–9745; Filed, Dec. 2, 1955; 8:50 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter R—Leases and Sale of Minerals, Restricted Indian Lands

PART 183—LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

PART 186—LEASING OF TRIBAL LANDS FOR MINING

PART 189—LEASING OF CERTAIN RESTRICTED ALLOTTED INDIAN LANDS FOR MINING

PART 195—LEASING OF LANDS IN CROW INDIAN RESERVATION, MONTANA, FOR MINING

ROYALTY RATES FOR MINERALS OTHER THAN OIL AND GAS

1. The regulations in this subchapter are amended as follows:

§ 183.23 *Royalty rates for minerals other than oil and gas.* Unless otherwise authorized by the Commissioner of Indian Affairs, the minimum rates for minerals other than oil and gas shall be as follows:

(a) For substances other than gold, silver, copper, lead, zinc, tungsten, coal, asphaltum and allied substances, oil, and gas, the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 percent of the value, at the nearest shipping point, of all ores, metals, or minerals marketed.

(b) For gold and silver the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 percent to be computed on the value of bullion as shown by mint returns after deducting forwarding charges to the point of sale; and for copper, lead, zinc, and tungsten, a royalty of not less than 10 percent to be computed on the value of ores and concentrates as shown by reduction returns after deducting freight charges to the point of sale. Duplicate returns shall be filed by the lessee with the Superintendent within 10 days after the ending of the quarter or other period specified in the lease within which such returns are made: *Provided, however,* That the lessee shall pay a royalty of not less than 10 percent of the value of the ore or concentrates sold at the mine unless otherwise provided in the lease.

(c) For coal the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 cents per ton of 2,000 pounds of mine run, or coal as taken from the mine, including what is commonly called "slack."

(d) For asphaltum and allied substances the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 cents per ton of 2,000 pounds on crude material or not less than 60 cents per ton on refined substances.

(Sec. 2, 35 Stat. 312, sec. 18, 41 Stat. 426, sec. 1, 45 Stat. 495, sec. 1, 47 Stat. 777; 25 U. S. C. 356)

§ 186.15 *Royalty rates for minerals other than oil and gas.* Unless otherwise authorized by the Commissioner of Indian Affairs, the minimum rates for minerals other than oil and gas shall be as follows:

(a) For substances other than gold, silver, copper, lead, zinc, tungsten, coal, asphaltum and allied substances, oil, and gas, the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 percent of the value, at the nearest shipping point, of all ores, metals, or minerals marketed.

(b) For gold and silver the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 percent to be computed on the value of bullion as shown by mint returns after deducting forwarding charges to the point of sale; and for copper, lead, zinc, and tungsten, a royalty of not less than 10 percent to be computed on the value of ores and concentrates as shown by reduction returns after deducting freight charges to the point of sale. Duplicate returns shall be filed by the lessee with the Superintendent within 10 days after the ending of the quarter or other period specified in the lease within which such returns are made: *Provided, however,* That the lessee shall pay a royalty of not less than 10 percent of the value of the ore or concentrates sold at the mine unless otherwise provided in the lease.

(c) For coal the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 cents per ton of 2,000 pounds of mine run, or coal as taken from the mine, including what is commonly called "slack."

(d) For asphaltum and allied substances the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 cents per ton of 2,000 pounds on crude material or not less than 60 cents per ton on refined substances.

(35 Stat. 783; 25 U. S. C. 396)

§ 189.18 *Royalty rates for minerals other than oil and gas.* Unless otherwise authorized by the Commissioner of Indian Affairs, the minimum rates for minerals other than oil and gas shall be as follows:

(a) For substances other than gold, silver, copper, lead, zinc, tungsten, coal, asphaltum and allied substances, oil, and gas, the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 percent of the value, at the nearest shipping point, of all ores, metals, or minerals marketed.

(b) For gold and silver the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 percent to be computed on the value of bullion as shown by mint returns after deducting forwarding charges to the point of sale; and for copper, lead, zinc, and tungsten, a royalty of not less than 10 percent to be computed on the value of ores and concentrates as shown by reduction returns after deducting freight charges to the point of sale. Duplicate returns shall be filed by the lessee with the Superintendent within 10 days after the ending of the quarter or other period specified in the lease within which such returns are made: *Provided, however,* That the lessee shall pay a royalty of not less than 10 percent of the value of the ore or concentrates sold at the mine unless otherwise provided in the lease.

(c) For coal the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 cents per ton of 2,000 pounds of mine run, or coal as taken from the mine, including what is commonly called "slack."

(d) For asphaltum and allied substances the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 cents per ton of 2,000 pounds on crude material or not less than 60 cents per ton on refined substances.

(Secs. 16, 17, 48 Stat. 987, 988, sec. 9, 49 Stat. 1968, sec. 4, 52 Stat. 348; 25 U. S. C. 396d, 476, 477, 509)

§ 195.17 *Royalty rates for minerals other than oil and gas.* Unless otherwise authorized by the Commissioner of Indian Affairs, the minimum rates for minerals other than oil and gas shall be as follows:

(a) For substances other than gold, silver, copper, lead, zinc, tungsten, coal, asphaltum and allied substances, oil, and gas, the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 percent of the value, at the nearest shipping point, of all ores, metals, or minerals marketed.

(b) For gold and silver the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 percent to be computed on the value of bullion as shown by mint returns after deducting forwarding charges to the point of sale; and for copper, lead, zinc, and tungsten, a royalty of not less than 10 percent to be computed on the value of ores and concentrates as shown by reduction returns after deducting freight charges to the point of sale. Duplicate returns shall be filed by the lessee with the Superintendent within 10 days after the ending of the quarter or other period specified in the lease within which such returns are made: *Provided, however,* That the lessee shall pay a royalty of not less than 10 percent of the value of the ore or concentrates sold at the mine unless otherwise provided in the lease.

(c) For coal the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 cents per ton of 2,000 pounds of mine run, or coal as taken from the mine, including what is commonly called "slack."

(d) For asphaltum and allied substances the lessee shall pay quarterly or as otherwise provided in the lease, a royalty of not less than 10 cents per ton of 2,000 pounds on crude material or not less than 60 cents per ton on refined substances.

(Sec. 6, 41 Stat. 753; 44 Stat. 659)

DOUGLAS MCKAY,
Secretary of the Interior.

NOVEMBER 28, 1955.

[F. R. Doc. 55–9674; Filed, Dec. 2, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1256]

[Oregon 03141]

OREGON

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH DALLES DAM PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Oregon are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved for use of the Department of the Army in connection with The Dalles Dam Project:

WILLAMETTE MERIDIAN

T. 2 N., R. 16 E.,
Sec. 7, lot 1;
Sec. 9, that part of lots 1 and 2 lying north of a line described as follows: Beginning at the point of intersection of the west line of said lot 2 with the south boundary of the right of way of the Oregon-Washington Railroad and Navigation Company, said point being 1,300 feet north of the southwest corner of said lot 2; thence northeasterly following the south boundary of said railroad right of way 150 feet to a point that is 65 feet northerly from the center line of the Columbia River Highway; thence northeasterly, parallel with and 65 feet northerly from the center line of said highway, 180 feet to a point opposite Engineer's Station 234+50 of said high-

way; thence S. 10° 53' E. 25 feet to a point that is opposite and 40 feet northwesterly from Engineer's Station 234+50; thence northeasterly, parallel with and 40 feet northwesterly from the center line of said highway, 965 feet to a point on the south boundary of the right of way of the Oregon-Washington Railroad and Navigation Company; thence easterly, following the south boundary of the right of way of said railroad, a distance of 1,430 feet, more or less, to a point on the east line of said lot 1 from which point the quarter section corner common to Sections 9 and 10 in said township and range bears south 1,867 feet;

Sec. 10, that part of lot 2 lying north of a line described as follows: Beginning at the point of intersection of the west line of said lot 2 with the south boundary of the right of way of the Oregon-Washington Railroad and Navigation Company, said point being 1,867 feet north of the quarter section corner common to sections 9 and 10 in said township and range; thence easterly, following the south boundary of the right of way of said railroad, a distance of 185 feet, more or less, to a point approximately 90 feet southerly, when measured radially, from the center line survey for the relocation of the railroad of the Oregon-Washington Railroad and Navigation Company; thence S. 7° 46' E. 10 feet, more or less, to a point opposite and 100 feet distant southerly from said center line at Engineer's Station LR 3488+18.20 P. C. C.; thence S. 42° 00' E. 335 feet to a point that is 150 feet southerly, when measured at right angles, from the center line survey for the relocation of the Columbia River Highway at Engineer's Station LH 0+00 P. S.; thence easterly, from a tangent which bears S. 88° 59' 13" E., concentric with and 150 feet southerly from the center line of said highway, said center line being an increasing Standard Highway spiral to the left (a–0.4), a distance of 382.37 feet through an angle of 2° 48' 48" to a point opposite Engineers' Station LH 3+75.00 P. S. C.; thence easterly, concentric with and 150 feet southerly from said highway center line survey, on a curve to the left having a radius of 3,819.72 feet a distance of 600 feet more or less, to a point on the east line of said lot 2 from which point the southeast corner of said lot 2 bears south 453 feet more or less;

Sec. 18, that part of lots 4 and 5 described as follows: Beginning at a point that is 200 feet southeasterly, when measured at right angles, from the center line survey for the relocation of the Columbia River Highway at Engineer's Station LH: 1966+62.82 P. T., from which point a mound of stones in fence corner marking the quarter section corner common to Sections 17 and 18 in said township and range bears N. 70° 35' 35" E. a distance of 5,043.03 feet; thence N. 40° 07' 57" W. 50 feet to a point opposite and 150 feet distant southeasterly from Station LH: 1966+62.82 P. T.; thence southwesterly, from a tangent which bears S. 49° 52' 03" W., concentric with and 150 feet southeasterly from the center line survey, said center line being an increasing Standard Highway spiral to the left (a–0.2), a distance of 248.36 feet through an angle of 0° 37' 30" to a point opposite Station LH: 1964+12.82 P. C. S.; thence southwesterly concentric with and 150 feet southeasterly from the said center line survey, on a curve to the left having a radius of 11,309.16 feet, a distance of 1,100 feet more or less, to a point on the west line of said lot 5; thence northerly on the said west line a distance of 615 feet, more or less, to a point on the line of ordinary high water on the left bank of the Columbia River; thence northeasterly along the line of ordinary high water on the said left bank a distance of 2,350 feet, more or less, to a point on the east line of said lot 4; thence southerly on the said east line a distance of 560 feet, more or less, to a point on a line which bears N. 49° 52' 03" E. from the point of beginning; thence S. 49° 52' 03" W., parallel with and 200 feet southeasterly from the center line survey for the relocation of the Columbia River Highway, a distance of 978 feet, more or less, to the point of beginning.

The tracts described contain 55.37 acres.

This order shall take precedence over but not otherwise affect the withdrawal for power purposes made by Power Site Classification No. 378 of February 10, 1948.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

NOVEMBER 28, 1955.

[F. R. Doc. 55–9675; Filed, Dec. 2, 1955; 8:45 a. m.]

[Public Land Order 1257]

[New Mexico 020780]

NEW MEXICO

WITHDRAWING RESERVED MINERALS IN PATENTED LANDS WITHIN SANDIA BASE OF THE DEPARTMENT OF THE ARMY

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals reserved to the United States in patented lands in the following-described areas within the Sandia Base of the Department of the Army in New Mexico are hereby withdrawn from disposition under the mining and mineral-leasing laws:

NEW MEXICO PRINCIPAL MERIDIAN

T. 9 N., R. 3 E.,
Secs. 1 and 12;
Sec. 13, N½N½.
T. 9 N., R. 4 E.,
Secs. 1 to 32, inclusive;
Sec. 33, S½N½, S½;
Secs. 34, 35, and 36.
T. 10 N., R. 4 E.,
Sec. 29, S½S½N½, S½;
Sec. 30, S½S½NW¼, S½;
Sec. 31, E½, NW¼;
Sec. 32, all, except 3.67 acres in the NE¼NE¼SE¼ comprising water reservoir of the City of Albuquerque.

The areas described aggregate approximately 26,201.65 acres.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

NOVEMBER 29, 1955.

[F. R. Doc. 55–9676; Filed, Dec. 2, 1955; 8:45 a. m.]

[Public Land Order 1258]

MONTANA

RESERVATION OF LANDS FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITE

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, except for oil and gas, provided that no part of the surface of the lands shall be used in connection with prospecting, mining, and removal of the oil and gas, and reserved for use of the Forest Service, Department of Agriculture, as the Sheep Creek Administrative Site:

MONTANA PRINCIPAL MERIDIAN

T. 15 S., R. 10 W.,
Sec. 9, NE¼SE¼NW¼, W½SE¼NW¼, W½SE¼SE¼NW¼, NE¼SW¼.

The areas described aggregate 75 acres.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

NOVEMBER 29, 1955.

[F. R. Doc. 55–9677; Filed, Dec. 2, 1955; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter C—Carriers by Water

[Ex Parte No. 152]

PART 315—EXEMPTION OF CONTRACT CARRIER OPERATIONS

CHARTERING OF VESSELS TO UNITED STATES

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 18th day of November A. D. 1955.

It appearing that by order of April 17, 1942, 49 CFR 315.3, under section 302 (e) of the Interstate Commerce Act, the Commission, Division 4, upon representations made to it by the Administrator of the then War Shipping Administration, exempted persons engaged in the chartering of vessels to the United States Government or any department or agency thereof for use by the Government in the transportation of its own property in interstate or foreign commerce, from the requirements of part III of the act until further order of the Commission;

It further appearing that by order of May 18, 1955, the said division reopened the proceeding for further consideration and invited any interested party to file with the Commission a memorandum or brief containing its views on the question whether or not the exemption heretofore issued should be revoked, and whether a hearing with respect thereto is desired;

It further appearing that memoranda and briefs have been filed by Pacific American Steamship Association on behalf of certain intercoastal carriers, members thereof, by American Merchant Marine Institute, Inc., an association representing the owners of a majority of the privately owned ocean-going steamship vessels operated under the American Flag, by Luckenbach Steamship Company, Inc., and Pope & Talbot, Inc., intercoastal water carriers and by the United States Maritime Administration;

And it further appearing that upon consideration of the record in this proceeding, and of statements of fact and contentions advanced in the memoranda and briefs filed by the parties, the application of the second sentence of section 302 (e) of the act to persons engaged in furnishing for compensation (under charter, lease, or other agreement) vessels to the United States Government, or departments or agencies thereof, for use by said government in the transportation of its own property, is necessary in order to effectuate the national transportation policy as declared in the act; and that the exemption provided by the regulations embraced in said order of April 17, 1942, should be revoked and set aside; and good cause appearing therefor:

It is ordered, That:

Section 315.3 *Chartering of vessels to the United States* be, and it is hereby revoked and set aside. (Issued under authority of section 302 (e), 54 Stat. L. 932, 49 U. S. C. 903.)

It is further ordered, That this order shall take effect on March 6, 1956.

And it is further ordered, That copy of this order be served on the following:

Chief of Naval Operations,
Military Sea Transport Service,
Department of Defense,
Washington, D. C.

Maritime Administration,
Department of Commerce,
Washington, D. C.

and that notice of this order be given to the public by posting copies thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing with the Division of the Federal Register.

(54 Stat. 933; 49 U. S. C. 904. Interprets or applies 54 Stat. 931, as amended; 49 U. S. C. 903)

By the Commission, Division 4.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55–9688; Filed, Dec. 2, 1955; 8:47 a. m.]

Subchapter D—Freight Forwarders

[Ex Parte No. 159]

PART 405—SURETY BONDS AND POLICIES OF INSURANCE

MISCELLANEOUS AMENDMENTS

In the matter of security for protection of the public as provided in part IV of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to part IV of the act.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 14th day of November A. D. 1955.

The matter of revision of certain sections contained in our rules and regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements prescribed pursuant to sections 403 (c) and (d) of the Interstate Commerce Act (49 CFR Part 405) being under consideration, and

It appearing that a notice, dated August 24, 1955, to the effect that certain revisions of the said rules and regulations were to be given consideration, was published in the FEDERAL REGISTER on September 9, 1955 (20 F. R. 6661), pursuant to the provisions of section 4 of the Administrative Procedure Act; and that, no written arguments, opinions or statements of facts concerning the matter having been submitted, and no oral hearing being deemed necessary, revision of the said rules and regulations and of certain forms prescribed pursuant thereto is deemed justified and necessary;

It is ordered, That the titles and texts of §§ 405.8 (b–1), 405.8 (f) and 405.10 (c) be, and the same are hereby, deleted in their entirety.

It is further ordered, That § 405.6 *Insurance Companies* (b) *Financial Resources* be amended by inserting the words "and surety" following the second word, "insurance", therein.

It is further ordered, That §§ 405.2, 405.4, 405.6 (a), 405.8, (except for note at end), 405.9 and 405.10 be revised so as to read as follows:

§ 405.2 *General requirements*—(a) *Cargo.* No freight forwarder shall engage or continue in service subject to part IV of the Interstate Commerce Act unless and until there shall have been filed with and accepted by the Commission a surety bond, certificate of insurance, qualifications as a self-insurer or other securities or agreements, in the amounts hereinafter prescribed, for loss of or damage to property with respect to which said freight forwarder performs service subject to part IV of the Act.

(b) *Public liability and property damage.* No freight forwarder shall engage or continue in the performance of transfer, collection and delivery service subject to part IV of the Interstate Commerce Act unless and until there shall have been filed with and accepted by the Commission a surety bond, certificate of insurance, qualifications as a self-insurer, or other securities or agreements, in the amounts hereinafter prescribed, conditioned to pay any final judgment recovered against such freight forwarder on account of bodily injuries to or death of any person, or loss of or damage to property, except property referred to in paragraph (a) of this section, resulting from the negligent operation, maintenance, or use of motor vehicles operated by or under its direction and control in the performance of transfer, collection or delivery service.

§ 405.4 *Surety bonds*—(a) *Surety companies.* Each surety bond filed with the Commission shall be for the full limits of liability provided in § 405.3. Only corporations or companies approved by the Commission may qualify to act as surety.

§ 405.6 *Insurance and surety companies*—(a) *State authority and designation of agent.* No certificate of insurance or surety bond will be accepted by the Commission under the rules and regulations in this part unless written or issued by an insurance or surety company legally authorized to issue policies of the type indicated by such certificate, or surety bonds, as the case may be, in each state in which the freight forwarder is authorized to perform service under part IV of the Interstate Commerce Act, and such company fully complies with paragraph (b) of this section: *Provided, however*, That in lieu of the licensing requirement with respect to any state except that in which the freight forwarder has its principal place of business or domicile, the insurance or surety company may file with the Commission a designation in writing of the name and post office address of a person in each state upon whom process issued by or under the authority of any court having jurisdiction of the subject matter may be served in any proceeding at law or equity brought against such company. Such designation may from time to time be changed by like designation similarly filed, but shall be maintained during the effectiveness of any certificate of insurance or surety bond issued by the company, and thereafter with respect to any claims arising during the effectiveness of such certificate or bond.

§ 405.8 *Forms and procedure*—(a) *Forms.* Endorsements for policies of insurance, surety bonds, certificates of insurance, applications to qualify as a self-insurer or for approval of other securities or agreements, notices of cancellation and notices to rescind cancellation or reinstate policies of insurance and surety bonds must be in accordance with any forms prescribed and approved by the Commission.

CROSS REFERENCE: For list of forms prescribed, see note following this section.

(b) *Procedure.* Certificates of insurance, surety bonds, notices of cancellation and notices to rescind cancellation or reinstate policies of insurance or surety bonds must be filed with the Commission in triplicate.

(c) *Names.* Certificates of insurance and surety bonds shall be issued in the full and correct name, including the trade name, if any, of the individual, partnership, corporation, or other person to whom or which the permit under part IV of the Interstate Commerce Act is issued or is to be issued. In the case of a partnership all partners shall be named.

(d) *Cancellation.* Certificates of insurance, surety bonds and other securities and agreements shall not be canceled or withdrawn until after 30 days' notice in writing has first been given by the insurance company or companies, surety or sureties, freight for-

warder, or other party thereto, as the case may be, to the Commission at its office in Washington, D. C., which period of 30 days shall commence to run from the date such notice is actually received at the office of the Commission. However, such certificates of insurance, surety bonds and other securities and agreements may be canceled prior to the expiration of the said 30 days if, on or before the date notice of cancellation is received, a replacement filing acceptable to the Commission shall have been received, such replacement being effective on or before the effective date of such cancellation. No cancellation may become effective before the date of receipt of such notice by the Commission.

(e) *Rescinder and reinstatement.* Surety bonds, certificates of insurance, and other securities and agreements on file with the Commission which have been canceled may be reinstated or a notice of cancellation may be rescinded by filing with the Commission a form prescribed for that purpose.

§ 405.9 *Acceptance and revocation by Commission.* The Commission may at any time refuse to accept or may revoke its acceptance of any surety bond, certificate of insurance, qualifications as a self-insurer or other securities or agreements if, in its judgment, such security does not comply with these rules or, for any reason, fails to provide satisfactory or adequate protection for the public.

§ 405.10 *Fiduciaries*—(a) *Interpretations.* The terms "insured" and "principal" as used in certificates of insurance, surety bonds, notices of cancellation, and notices to rescind cancellation or reinstate policies of insurance and surety bonds filed by or on behalf of freight forwarders under these rules shall be construed to include not only the freight forwarder named in such certificate, bond or notice, but also the fiduciary of such freight forwarder. The coverage of fiduciaries herein provided for shall attach at the moment of succession of such fiduciaries.

(b) *Span of security coverage.* The coverage furnished under the provisions of this rule on behalf of a fiduciary shall not apply subsequent to the effective date of other insurance, or other security, filed with and accepted by the Commission in behalf of such fiduciary. After the coverage provided in this rule shall have been in effect 30 days, it may be canceled or withdrawn within the succeeding period of 30 days by the insurer, the insured, the surety, or the principal upon 10 days' notice in writing to the Commission at its office in Washington, D. C., which period of 10 days shall commence to run from the date such notice is actually received by the Commission. After such coverage has been in effect for a total of 60 days, it may be canceled or withdrawn only in accordance with § 405.8 (d).

It is further ordered, That, the list of prescribed forms appearing in the editorial note to § 405.8 be amended by deleting therefrom the following:

FF 35-B. Notice Reinstating Freight Forwarder Policy of Insurance;

FF 44. Notice Reinstating Freight Forwarder Surety Bond;

and by substituting in lieu of FF 35-A and FF 36-A the following:

FF 35-A (Revised). Notice to Rescind Cancellation or Reinstate Freight Forwarder Policy of Insurance;

FF 36-A (Revised). Notice to Rescind Cancellation or Reinstate Freight Forwarder Surety Bond;

and also that the orders of the Commission dated December 7, 1944, and June 5, 1951, be vacated insofar as they apply to the approval and use of Forms FF 35-B and FF 44; and that Forms FF 35-A (Revised) and FF 36-A (Revised), copies of which are attached hereto[1] and made a part hereof, be and they are hereby adopted and prescribed for appropriate use by or in behalf of freight forwarders subject to part IV of the act;

And it is further ordered, That this order shall be effective December 31, 1955, and shall continue in effect until the further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(56 Stat. 285; 49 U. S. C. 1003)

By the Commission, Division 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-9689; Filed, Dec. 2, 1955; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 55]

GRADING AND INSPECTION OF EGG PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of an amendment to the regulations governing the grading and inspection of egg products (7 CFR Part 55), issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.). The proposed amendment will implement Public Law 272, 84th Congress, 1st Session, approved August 9, 1955, amending the aforesaid act, by designating the certificates, memoranda, marks and other identifications and devices for making such marks or identifications, with respect to inspection, class, grade, quality, size, or condition, that are official for the purposes of said act. The proposal also makes a minor change in the sanitary requirements dealing with the procedures for washing eggs prior to breaking.

All persons who desire to submit written data, views, or arguments in connection with this amendment should file the same in triplicate with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2095, South Building, Washington 25, D. C., not later than 10 days after publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Delete paragraph (q) of § 55.2 *Terms defined.*

2. Add a new § 55.2a, to read as follows:

§ 55.2a *Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.* Subsection 203 (h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of the said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, used under this part to certify with respect to the inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U. S. grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part, including but not limited to those set forth in §§ 55.36 through 55.38.

(d) "Official identification" means any United States (U. S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

3. Change the first sentence of paragraph (a) of § 55.30 *Denial of service,* to read as follows: "(a) The following acts or practices and those set forth in § 55.2a, or the causing thereof, may be deemed sufficient cause for the debarment, by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person from any or all benefits of the act for a specified period, after notice and opportunity for hearing has been accorded him:"

4. Add the words "or the act" at the end of the first sentence of paragraph (a) (3) of § 55.30 *Denial of service.*

5. Change paragraph (b) of § 55.81 *Egg washing operations,* to read as follows:

(b) Shell eggs with adhering dirt shall be washed, rinsed with a water spray and dried. Such eggs may be immersed in or sprayed with a bactericidal solution immediately following the water rinse and thereafter dried prior to breaking: *Provided,* That, if other than hypochlorites are used for the bactericidal treatment, the eggs shall again be rinsed prior to drying and breaking.

(60 Stat. 1087; 7 U. S. C. 1621 et seq.)

Issued at Washington, D. C., this 30th day of November 1955.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator, Agricultural Marketing Service.*

[F. R. Doc. 55-9699; Filed, Dec. 2, 1955; 8:47 a. m.]

[1] Filed as part of original document.

[7 CFR Part 56]

GRADING AND INSPECTION OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES AND WEIGHT CLASSES FOR SHELL EGGS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of an amendment to the regulations governing the grading and inspection of shell eggs and United States standards, grades and weight classes for shell eggs (7 CFR Part 56) issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat 1087; 7 U. S. C. 1621 et seq.). The proposed amendment will implement Public Law 272, 84th Congress, 1st Session, approved August 9, 1955, amending the aforesaid act by designating the certificates, memoranda, marks and other identifications, and devices for making such marks or identifications, with respect to inspection, class, grade, quality, size, or condition, that are official for the purposes of said act. The proposal also includes minor changes with respect to the information which is required in the grade mark, and changes the language in the U. S. wholesale grades for shell eggs in the interest of clarity.

All persons who desire to submit written data, views or arguments in connection with this amendment should file the same in triplicate with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2095, South Building, Washington 25, D. C., not later than ten days after publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Delete paragraph (p) of §56.2 *Terms defined.*

2. Add a new § 56.2a, to read as follows:

§ 56.2a *Designation of official certificates, memoranda, marks, other identifications and devices for purposes of the Agricultural Marketing Act.* Subsection 203 (h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed in this section shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, used under this part to certify with respect to the inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U. S. grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part, including but not limited to, those set forth in § 56.38.

(d) "Official identification" means any United States (U. S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

3. Change the first sentence of paragraph (a) in § 56.31 *Denial of service,* to read as follows: "The following acts or practices and those set forth in § 56.2a or the causing thereof, may be deemed sufficient cause for the debarment, by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person from any or all benefits of the act for a specified period after notice and opportunity for hearing has been accorded him:"

4. Add the words "or the act" at the end of the first sentence of paragraph (a) (3) of § 56.31 *Denial of service.*

5. Change § 56.38 *Form of grade mark,* with the exception of Figures 1 and 2, to read as follows:

§ 56.38 *Form of grade mark.* The grade mark permitted to be used to officially identify cartons containing one dozen shell eggs, which are graded pursuant to the regulations in this part, shall be contained in a shield of the form and design indicated in examples in Figures 1 and 2 of this section. The information (including the form and arrangement of its wording) which is to be included in such marks shall be: (1) The letters "U. S. D. A."; (2) the U. S. grade, such as, "U. S. A Grade"; (3) one of the following phrases: "Graded Under Federal-State Supervision", "Graded Under U. S. and State Supervision", or a term of similar import, and (4) the size or weight class of the product, such as, "Large": *Provided,* That, the size may be omitted from the grade mark if it appears prominently on the main panel of the carton. The grade mark shall be printed on the carton or on a label used to seal the carton. When the size or weight class is included as a part of the grade mark the form of such mark shall be as indicated in Figure 1 of this section

and when the size or weight class designation is not included in the grade mark the form of the grade mark shall be as indicated in Figure 2 of this section. The grade mark shall also include the plant number of the official plant where the product was packed if the appropriate plant number does not appear elsewhere on the packaging material.

In addition, the date the eggs were graded shall be stamped either on the grade mark used to seal the carton or applied in a legible manner elsewhere on the carton. Such date of grading shall be expressed as the month and day or as the consecutive day of the year. The grade mark shall be not less than 1⅛ inches in height and should not exceed 1¾ inches in height. The size of the letters designating the grade shall be not less than ¼ inch in height. The size of the print and the arrangement of the other information within the shield shall be in approximately the same proportion as shown in the examples in Figures 1 and 2 of this section.

6. Change § 56.226 *Grades*, to read as follows:

§ 56.226 *Grades.* (a) "U. S. Specials --% AA Quality" shall consist of eggs of which at least 20 percent are AA Quality; and the actual percentage of AA Quality eggs shall be stated in the grade name. Within the maximum of 80 percent which may be below AA Quality, not more than 7.5 percent may be B Quality, C Quality, Dirties or Checks in any combination and not more than 2.0 percent may be Loss.

(b) "U. S. Extras --% A Quality" shall consist of eggs of which at least 20 percent are not less than A Quality; and the actual total percentage of A Quality and better quality eggs shall be stated in the grade name. Within the maximum of 80 percent which may be below A Quality, not more than 11.7 percent may be C Quality, Dirties, or Checks in any combination, and not more than 3.0 percent may be Loss.

(c) "U. S. Standards --% B Quality" shall consist of eggs of which at least 20 percent are not less than B Quality; and the actual total percentage of B Quality and better quality eggs shall be stated in the grade name. Within the maximum of 80 percent which may be below B Quality, not more than 11.7 percent may be Dirties or Checks in any combination, and not more than 4 percent may be Loss.

(d) "U. S. Trades --% C Quality" shall consist of eggs of which at least 83.3 percent are not less than C Quality; and the actual total percentage of C Quality and better quality eggs shall be stated in the grade name. Within the maximum of 16.7 percent which may be below C Quality not more than 11.7 percent may be Dirties or Checks in any combination and not more than 5 percent may be Loss.

(e) "U. S. Dirties" shall consist of eggs that are Dirty and shall contain not more than 11.7 percent Checks and not more than 5 percent Loss.

(f) "U. S. Checks" shall consist of eggs that are Checks and shall contain not more than 5 percent Loss.

(g) "No grade" means eggs of possible edible quality that fail to meet the requirements of an official U. S. Grade or that have been contaminated by smoke, chemicals, or other foreign material that has seriously affected the character, appearance, or flavor of the eggs.

7. Change § 56.227 *Summary of grades*, to read as follows:

§ 56.227 *Summary of grades.* A summary of the United States Wholesale Grades for Shell Eggs follows as Table I of this section:

TABLE I—SUMMARY OF UNITED STATES WHOLESALE GRADES FOR SHELL EGGS

Wholesale grade designation	Minimum percentage of eggs of specific qualities required [1]				Maximum tolerance permitted (lot average)				
	AA Quality	A Quality or better	B Quality or better	C Quality or better	B Quality, C Quality, Dirties, and Checks	C Quality, Dirties, and Checks	Dirties and Checks	Checks	Loss
					Percent	Percent	Percent	Percent	Percent [2]
U. S. Specials--% AA Quality. [2]	20	Balance	None permitted except for tolerances.		7.5				2
U. S. Extras--% A Quality [2]		20	Balance	None permitted except for tolerances.		11.7			3
U. S. Standards--% B Quality. [2]			20	Balance			11.7		4
U. S. Trades --% C Quality. [2]				83.3			11.7		5
U. S. Dirties --%									5
U. S. Checks								11.7	5

[1] Substitution of eggs possessing higher qualities for those possessing lower specified qualities is permitted.
[2] The actual total percentage must be stated in the grade name.

(60 Stat. 1087; 7 U. S. C. 1621 et seq.)

Issued at Washington, D. C., this 30th day of November 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-9700; Filed, Dec. 2, 1955; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 16]

[Docket No. 11549; FCC 55-1146]

LAND TRANSPORTATION RADIO SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment to part 16 of the Commission's rules and regulations to effectuate the Commission's CONELRAD Plan for the Land Transportation Radio Services.

1. The Commission has before it the approved CONELRAD Plan for the Land Transportation Radio Services. This plan was developed in cooperation with licensees, the Department of Defense and the Office of Defense Mobilization and representatives of government and industry concerned. In order to put this plan into effect it is necessary to modify Part 16 of the Commission's rules and regulations as set forth below.

2. These proposed amendments are promulgated by authority of sections 303 (r) and 606 (c) of the Communications Act of 1934 as amended and Executive Order No. 10312 signed by the President December 10, 1951.

3. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file on or before December 30, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within one week from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and, if any comments appear to warrant the holding of a hearing or oral argument, a notice of the time and place of such hearing or oral argument will be given.

4. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 23, 1955.

Released: November 28, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend Part 16 of the Commission's rules by adding the following new subpart.

SUBPART L—CONELRAD

§ 16.601 *Scope and objective.* (a) This subpart applies to all radio stations in the Land Transportation Radio Services located within the Continental United States, and is for the purpose of providing for the alerting and operation of radio stations in these services during periods of air attack or imminent threat thereof.

(b) The objective of these CONELRAD rules is to minimize the navigational aid that an enemy might obtain from the electromagnetic radiations from radio stations in the Land Transportation Radio Services, while simultaneously providing for a continued radio service under controlled conditions when such operation is essential to the public welfare.

§ 16.602 *Alerting.* (a) All radio stations in the Land Transportation Radio Services licensed by the Federal Communications Commission are responsible for making provisions to receive the CONELRAD Radio Alert and the CONELRAD Radio All Clear. (As used herein the term "licensed by" includes every form of authority issued by FCC pursuant to which a radio station may be operated, including construction permits, station licenses, temporary authorizations, etc.).

(b) The CONELRAD Radio Alert will be initiated by the Commanding Officer of the Air Division (Defense) or higher military authority.

(c) A Land Transportation mobile radio system, including fixed stations associated therewith, and fixed service systems where applicable, may, if desired, be alerted at a single point, normally the control point or the control center of the system. The control point thus receiving the Radio Alert will be responsible for the dissemination of the CONELRAD Radio Alert to all stations integrated into the single radio system and insuring that all associated stations execute CONELRAD requirements immediately.

(d) The provision of an adequate receiver to monitor a standard, FM or TV broadcast station, either by aural or by automatic means, during the hours of service of the radio station in the Land Transportation Radio Service, will be considered compliance with the requirements of paragraph (a) of this section. Other means of receiving the CONELRAD Radio Alert may be authorized by the Federal Communications Commission in special cases.

(e) Base, fixed or mobile stations in the Land Transportation Radio Services not directly receiving the CONELRAD Radio Alert must use caution in returning to the air after an "out of service" period, to insure that a CONELRAD Radio Alert is not in progress before making any transmissions.

NOTE: Every standard, FM and TV broadcast station will be notified of the Radio Alert by telephone calls or by radio broadcasts. Immediately upon receipt of the Radio Alert, each standard, FM and TV broadcast station will proceed as follows on its normally assigned frequency:

(1) Discontinue the normal program in progress.
(2) Cut the transmitter carrier for approximately five seconds. (Sound carrier only for TV stations.)
(3) Return the carrier to the air for approximately five seconds.
(4) Cut the transmitter carrier for approximately five seconds.
(5) Return carrier to the air.
(6) Broadcast 1,000 cycle (approximately) steady state tone for fifteen seconds.
(7) Broadcast the CONELRAD Radio Alert message as follows: "We interrupt our normal program to cooperate in security and Civil Defense measures as requested by the United States Government. This is a CONELRAD Radio Alert. Normal broadcasting will now be discontinued for an indefinite period. Civil Defense information will be broadcast in most areas at 640 and 1240 on your regular radio receiver."
(8) The CONELRAD Radio Alert message will then be repeated.

§ 16.603 *Operation during a CONELRAD Radio Alert.* (a) Radio stations in the Land Transportation Radio Services, upon receipt of a CONELRAD Radio Alert, will interrupt any communications in progress, may make a brief announcement, leave the air and maintain radio silence for the duration of the Radio Alert, except for limited transmissions handled in accordance with the following restrictions unless otherwise ordered by the Federal Communications Commission:

(1) No transmissions shall be made unless they are of extreme emergency affecting the national safety or the safety of people and property.

(2) All transmissions shall be as short as possible and the stations' carrier shall be removed from the air during periods of no message transmission.

(3) No station identification shall be given either by announcement of regularly assigned call signals or by announcement of geographical location. If identification is necessary to carry on a specially authorized service, the use of tactical calls or codes will be authorized.

§ 16.604 *Special conditions.* Certain radio stations or systems, licensed in the Land Transportation Radio Services, may be specially authorized by the Federal Communications Commission to operate in a manner not provided in these rules, if such operation is essential to the public welfare.

§ 16.605 *Radio all clear.* The Radio All Clear will be initiated only by the Air Division (Defense) Commander or higher military authority and will be disseminated over the same channels as the CONELRAD Radio Alert. Broadcast stations will transmit the CONELRAD "All Clear" message on normally assigned frequencies as follows:

"CONELRAD Radio All Clear, Resume normal operation.
I repeat—
"CONELRAD Radio All Clear. Resume normal operation."

Radio stations and systems licensed in the Land Transportation Radio Services may resume normal operations when the Radio All Clear message is received, unless otherwise restricted by order of the Federal Communications Commission.

§ 16.606 *Tests.* Tests of the CONELRAD alerting and operating systems of the Land Transportation Radio Services may be conducted at appropriate intervals. Reports of the results of such tests may be required in a form to be prescribed by the Commission.

§ 16.607 *Log entries.* Appropriate entries of all CONELRAD tests, drills and operations shall be made in the station log.

[F. R. Doc. 55-9681; Filed, Dec. 2, 1955; 8:46 a. m.]

[47 CFR Part 18]

[Docket No. 11442]

INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICE

ACCEPTANCE PROCEDURE FOR INDUSTRIAL HEATING EQUIPMENT

In the matter of amendment of Part 18 to establish a type acceptance procedure for industrial heating equipment and in general to reorganize the regulations applicable to industrial heating equipment.

The Commission having under consideration a Notice of Proposed Rule Making in the above-entitled matter adopted on July 6, 1955, providing that written comments in connection therewith be filed by interested parties on or before August 15, 1955; and

It appearing that as a result of a petition filed by Westinghouse Electric Corporation the time for filing comments was extended to November 15, 1955; and

It further appearing that the Commission, having received several requests for additional time within which to submit comments to Item 6 of the Appendix to the above-entitled proposed rule making, issued an order on November 4, 1955, extending the date for filing comments with respect to this item from November 15, 1955, to May 15, 1956; and

It further appearing that the General Electric Company has submitted a petition requesting that the time for filing replies to the comments which were submitted on or before November 15, 1955, in the above-entitled proceeding be extended from November 30, 1955, to December 10, 1955. The General Electric Company stated that it would be unable to secure adequate review of the comments filed in opposition to the Commission's proposal and prepare a considered reply in the time allotted; and

It further appearing that the public interest would be served by granting the additional time requested by the petitioner;

It is ordered, This 29th day of November 1955 that the General Electric Company petition is granted and the date for filing replies to the comments with respect to Items 1–5 of the Appendix of the above-entitled proposed rule making is hereby extended to December 10, 1955.

Released: November 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9712; Filed, Dec. 2, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 57]

KLAMATH PROJECT, OREGON AND CALIFORNIA TULE LAKE DIVISION, PARTS 1 AND 2

NOTICE EXTENDING DEVELOPMENT PERIOD AND THE DATE FOR PAYMENT OF CERTAIN CHARGES

NOVEMBER 28, 1955.

In connection with this Public Notice, the following should be noted:

A. Since the issuance on August 25, 1955, of Public Notice No. 56, Tule Lake Division, Part 1, the negotiation of a joint liability repayment contract with the Tule Lake Irrigation District which District includes most of the entered and unentered public lands of the Tule Lake Division, has been intensified and brought to a successful conclusion. The proposed contract will supersede and take the place of the individual water right ccntracts referred to in Public Notice No. 56.

B. The Secretary of the Interior on November 9, 1955, approved as to form a draft of repayment contract (Draft 10/17/55; Rev. W. O. 11/4/55) proposed to be entered into with the Tule Lake Irrigation District.

C. The Board of Directors of the Tule Lake Irrigation District has approved the form of the proposed contract referred to in B above, and has indicated that it will submit the contract for approval of the District landowners at an election to be held for that purpose in the immediate future and further will urge the Ditrict landowners to vote favorably on the contract.

D. Before the proposed contract can be executed on behalf of the District, the landowners must vote favorably on the contract and, pursuant to California law, certain other legal processes must be completed. Before the contract can be executed on behalf of the United States, the contract must be submitted to the Congress for legislative approval pursuant to Section 7 of the Reclamation Project Act of 1939.

E. Inasmuch as District Board action approving the form of the proposed contract has greatly enhanced the possibility of there being a valid executed repayment contract with the Tule Lake Irrigation District before the end of the 1956 irrigation season and in order to permit adequate time to complete the actions prerequisite to obtaining such an executed contract, and to provide a basis for the continuance of water deliveries to certain lands of the Tule Lake Division, it is desirable that Public Notices Nos. 55 and 56 be amended by the issuance of the Public Notice which follows:

1. Public Notice No. 56, dated August 25, 1955, establishes a date of December 1, 1955, for the payment of certain construction charges. The date for the initial installment due under this Notice is advanced from December 1, 1955, to December 1, 1956, and all other dates are accordingly advanced 1 year.

2. The development period established for certain lands of Tule Lake Division, Parts 1 and 2 in Public Notice No. 55, which is to expire on December 31, 1955, is hereby extended to November 30, 1956.

[SEAL] FRED G. AANDAHL,
Assistant Secretary of the Interior.

[F. R. Doc. 55-9679; Filed, Dec. 2, 1955; 8:45 a. m.]

Office of the Secretary

[Order No. 2583, Amdt. 13]

LANDS AND RESOURCES: BUREAU OF LAND MANAGEMENT

DELEGATION OF AUTHORITY

NOVEMBER 28, 1955.

Order No. 2583, as amended (15 F. R. 5643, 6997; 16 F. R. 6805; 17 F. R. 7513, 10486; 18 F. R. 161, 3446, 5715; 19 F. R. 1021, 1937, 2555, 5919, and 6126), is further amended as follows:

1. Section 2.13 is amended to read:

SEC. 2.13 *Roads.* Matters involving the acquisition of rights-of-way and roads under the Act of July 26, 1955 (69 Stat. 374), including purchases after clearance with the Department of Justice but not including recommendations to the Attorney General for condemnation proceedings; also the approval of projects for the construction of roads to provide access to the timber on public lands subject to that act.

2. Section 2.45 is amended to read:

SEC. 2.45 *Mining claims.* Claims pursuant to the General Mining Laws and laws supplemental thereto, and 43 CFR Parts 69, 185, and 186.

3. Paragraph (a) of section 2.72 is amended to read:

SEC. 2.72 *Rights-of-way.* (a) Right-of-way permits and easements over public and acquired lands, including revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon, and over reservations other than Indian reservations, when authorized by law, and rights-of-way over the Outer Continental Shelf pursuant to 43 CFR Part 202. However, only the Secretary of the Interior may issue an order, pursuant to 43 CFR 244.9 (m), requiring the discontinuance, without liability or expense to the United States, of the use of a right-of-way for the purpose granted.

[SEAL] DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 55-9680; Filed, Dec. 2, 1955; 8:45 a. m.]

[1375265]

COLORADO, WYOMING, UTAH

MODIFYING DEPARTMENTAL ORDERS OF MAY 29, 1930, WHICH CONSTRUED OIL SHALE WITHDRAWALS MADE BY EXECUTIVE ORDER NO. 5327 OF APRIL 15, 1930

The three orders of the Secretary of the Interior dated May 29, 1930, construing Executive Order No. 5327 of April 15, 1930, entitled "Withdrawal of Public Oil Shale Deposits and Lands Containing Same for Classification", in part to apply to all lands which were indicated upon maps of the States of Colorado, Utah, and Wyoming, as oil shale lands, upon the margin of which maps the said orders were endorsed, are hereby modified to the extent necessary to provide that a classification by the Geological Survey, heretofore or hereafter made, of any of the lands delineated upon the maps, as being in fact non-oil shale in character, shall constitute an amendment, as of the date of the classification, of the order or orders of May 29, 1930, and an exclusion of the lands from the area or areas delineated upon such maps.

[SEAL] DOUGLAS MCKAY,
Secretary of the Interior.

NOVEMBER 28, 1955.

[F. R. Doc. 55-9678; Filed, Dec. 2, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TRANSFER OF CERTAIN FUNCTIONS AMONG DEPARTMENTAL AGENCIES

Pursuant to the authority contained in section 161, Revised Statutes (5 U. S. C. 22) and Reorganization Plan No. 2 of 1953, sections 200, 300, and 400 of the Secretary's order of December 24, 1953 (19 F. R. 74), are amended and supplemented (1) to assign to the Agricultural Research Service the use, administration and disposition under Title III of the Bankhead-Jones Farm Tenant Act (7 U. S. C. 1010–1012) and the related provisions of Title IV thereof of lands heretofore transferred or hereafter transferred with the approval of the Assistant Secretary; (2) to except the administration of the Brooksville Nursery in Hernando County, Florida, from the Title III functions assigned to the Soil Conservation Service; and (3) to exclude the administration of the Title III lands heretofore or hereafter transferred to the Agricultural Research Service from the functions assigned to the Forest Service, and to read as follows:

1. SEC. 200. *Assignment of functions.*
• • •

1. The use, administration and disposition under Title III of the Bankhead-Jones Farm Tenant Act (7 U. S. C. 1010–1012) and the related provisions of Title IV thereof of lands which have heretofore been transferred or which hereafter may be transferred by agreement between the interested agencies with the approval of the Assistant Secretary.

2. SEC. 300. *Assignment of functions.*
• • •

h. The use, administration and disposition under Title III of the Bankhead-Jones Farm Tenant Act (7 U. S. C. 1010–1012), of lands under the administration of this Department including the custodianship of lands under lease to States and local agencies, except as otherwise assigned in 9 AR 200–1 and 400–e.

3. SEC. 400. *Assignment of functions.*
• • •

e. The use, administration and disposition under Title III of the Bankhead-Jones Farm Tenant Act (7 U. S. C. 1010–1012) and the related provisions of Title IV thereof of the nursery projects designated and described in Executive Order No. 10516 of January 26, 1954 (19 F. R. 467).

Done at Washington, D. C., this 29th day of November 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55-9741; Filed, Dec. 2, 1955; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

EDWARD ABBOTT

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Edward Abbott.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: November 18, 1955.
4. Title of position: Consultant.
5. Name of private employer: Abbotts Dairies, Inc., Philadelphia, Pa.

[SEAL] CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointmnet has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

A. Abbotts Dairies, Inc.; Bank deposits.

Dated: November 18, 1955.

EDWARD ABBOTT.

[F. R. Doc. 55-9713; Filed, Dec. 1, 1955; 1:00 p. m.]

FRANK R. BAILEY

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Frank R. Bailey.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: March 30, 1954 (December 3, 1951, Assistant Chief, Nickel Section).
4. Title of position: Advisor, Nickel.
5. Name of private employer: International Nickel Co., 67 Wall Street, New York, N. Y.

[SEAL] CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

6. a. International Nickel Co.; Banks-Miller Supply Co., Huntington, W. Va.; Bank deposits.

Dated: November 16, 1955.

FRANK R. BAILEY.

[F. R. Doc. 55-9714; Filed, Dec. 1, 1955; 1:00 p. m.]

ROBERT W. CLARK

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Robert W. Clark.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: May 26, 1955, Consultant; June 27, 1955, Deputy Director, Scientific, Motion Picture & Photographic Products Division.
4. Title of position.
5. Name of private employer: Powers Regulator Company.

[SEAL] CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned any similar interest.

Powers Regulator Company; Bank deposits; Building and Loan Association deposits.

Dated: November 16, 1955.

ROBERT WARREN CLARK.

[F. R. Doc. 55-9715; Filed, Dec. 1, 1955; 1:00 p. m.]

JOHN L. CROSS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. John L. Cross.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: August 15, 1955.
4. Title of position: Director, Electrical Equipment Division.
5. Name of private employer: Westinghouse Electric Corporation.

[SEAL] JOHN F. LUKENS,
Dep. Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned any similar interest.

Bank deposits. Add November 21, 1955; Westinghouse Electric Corp.

Dated: August 15, 1955.

J. L. CROSS.

Redated: November 21, 1955.

J. L. CROSS.

[F. R. Doc. 55-9716; Filed, Dec. 1, 1955; 1:00 p. m.]

COURTLANDT F. DENNEY

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Courtlandt F. Denney.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: August 15, 1955.
4. Title of position: Director, Power Equipment Division.
5. Name of private employer: Foster Wheeler Corporation.

[SEAL] CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Foster Wheeler Corp. stock; Bank deposits; B & L deposits.

Dated: August 18, 1955.

COURTLANDT F. DENNEY.

Redated: November 16, 1955.

COURTLANDT F. DENNEY.

[F. R. Doc. 55-9717; Filed, Dec. 1, 1955; 1:00 p. m.]

WILLIAM J. EDMUNDS, JR.

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. William J. Edmunds, Jr.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: August 15, 1955.
4. Title of position: Director, Aluminum & Magnesium Division.
5. Name of private employer: Kaiser Aluminum & Chemical Corporation.

[SEAL] JOHN F. LUKENS,
Dep. Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

(a) Appointee owns common stock in the following corporations: (1) Kaiser Aluminum & Chemical Corporation; (2) ACF Industries; (3) Avco Manufacturing.
(b) None.
(c) None.
Bank deposits.

Dated: August 16, 1955.

WILLIAM J. EDMUNDS, JR.

[F. R. Doc. 55-9718; Filed, Dec. 1, 1955; 1:00 p. m.]

PAUL E. FLOYD

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Paul E. Floyd.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: May 13, 1953; June 4, 1954, Chief, Ferroalloys Branch
4. Title of position: Assistant Director Iron & Steel Division, for Ferroalloys.
5. Name of private employer: Allegheny Ludlum Steel Corporation.

[SEAL] CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

a. Allegheny Ludlum Steel Corporation; International Harvester Company; American Bosch Arma Corp.; Affiliated Fund Inc.; Timken Roller Bearing Co.; Sinclair Oil Co.; Bank deposits; Income from mortgage.

Dated: November 16, 1955.

P. E. FLOYD.

[F. R. Doc. 55-9719; Filed, Dec. 1, 1955; 1:00 p. m.]

LAWRENCE J. HALDERMAN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Lawrence J. Halderman.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: November 9, 1955.
4. Title of position: Director, General Components Division.
5. Name of private employer: The Timken Roller Bearing Company.

[SEAL] CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

a. General Motors Corp.; Timken Roller Bearing Co.; Southern California Building and Loan; Bank deposits.
b. and c. None.

Dated: November 22, 1955.

LAWRENCE J. HALDERMAN.

[F. R. Doc. 55-9720; Filed, Dec. 1, 1955; 1:00 p. m.]

THEODORE S. HODGINS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Theodore S. Hodgins.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: June 28, 1955.
4. Title of position: Director, Chemical and Rubber Division.
5. Name of private employer: Reichhold Chemicals, Inc., 525 Broadway, White Plains, N. Y.

[SEAL] CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

6. a. 1. Reichhold Chemicals, Inc., White Plains, N. Y. Vice President in charge of Research & Development. Stockholder.
2. Reichhold Chemicals (Canada) Ltd., Toronto, Ontario. Vice President. Member of the Board of Directors. Stockholder.
3. Reichhold Chemicals Industries (Australia) Ltd. Rosebery (Sydney) N. S. W. Australia. Stockholder.
4. Hoppi-Copters, Inc., Seattle, Wash. Stockholder.
5. Cornucopia Gold Mines, Inc., Spokane, Wash. Stockholder.
6. b. None.
6. c. 1. Real Estate, King County, Seattle, Wash.
2. Real Estate, Kitsap County, Hansville, Wash.
3. Insurance—New York Life, Travelers, Northwestern Mutual.
4. Bank deposits.

Dated: November 21, 1955.

THEODORE S. HODGINS.

[F. R. Doc. 55-9721; Filed, Dec. 1, 1955; 1:00 p. m.]

JOHN A. HUNTER, JR.

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: John A. Hunter, Jr.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: May 23, 1955.
4. Title of position: Chief, Business Research and Analysis Branch.
5. Name of private employer: Tennessee Coal & Iron Division, U. S. Steel, Fairfield, Ala.

[SEAL] CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

6. (a). Carrier Corporation; Cincinnati Gas & Electric Corporation; Jas. Dole Engineering Corporation; Motorola, Inc.; Pfizer, Chas. Co.; Pittsburgh Consolidation Coal Corporation; Shell Oil Company; Square D Company; United States Steel Corporation; Westinghouse Electric Corporation; Bank deposits.

Dated: November 17, 1955.

JOHN A. HUNTER, JR.

[F. R. Doc. 55-9722; Filed, Dec. 1, 1955; 1:00 p. m.]

GEORGE IRELAND

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. George Ireland.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of Appointment: August 15, 1955.
4. Title of position: Director, Communications Equipment Division.
5. Name of private employer: Bell Telephone Company of Pennsylvania.

[SEAL] CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

American Telephone & Telegraph Co.; Bank deposits; Bell Telephone Company of Pennsylvania.

Dated: August 15, 1955.

GEORGE IRELAND.

Redated: November 16, 1955.

GEORGE IRELAND.

[F. R. Doc. 55-9723; Filed, Dec. 1, 1955; 1:00 p. m.]

WILLIAM J. JONES

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: William J. Jones.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: September 30, 1955.
4. Title of position: Director, Automotive Division.
5. Name of private employer: Chrysler Corporation.

[SEAL] JOHN F. LUKENS,
Acting Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Chrysler Corp. Bank deposits.

Dated: October 3, 1955.

WILLIAM J. JONES.

Redated: November 16, 1955.

WILLIAM J. JONES.

[F. R. Doc. 55-9724; Filed, Dec. 1, 1955; 1:00 p. m.]

ELMER L. LAGRELIUS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Elmer L. La Grelius.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: April 12, 1955.
4. Title of position: Chief, Stainless Steel Branch.
5. Name of private employer: Eastern Stainless Steel, Box 1975, Baltimore 2, Md.

[SEAL] CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days pre-

ceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Eastern Stainless Steel; United Light and Power; American Steel Foundries; Deere and Company; Bank deposits; Building and Loan deposits; Rents.

Dated: November 16, 1955.

ELMER L. LAGRELIUS.

[F. R. Doc. 55-9725; Filed, Dec. 1, 1955; 1:01 p. m.]

ROBERT D. JAMES

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Robert D. James.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: July 11, 1955.
4. Title of position: Director, Forest Products Division.
5. Name of private employer: American Box Board Company.

[SEAL] CARLTON HAYWARD, *Director of Personnel.*

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointed owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bank deposits; American Box Board Co.; American Box Board Profit Sharing Plan (Trust); American Box Board Retirement Income Plan (Trust).

Dated: November 17, 1955.

ROBERT D. JAMES.

[F. R. Doc. 55-9726; Filed, Dec. 1, 1955; 1:01 p. m.]

L. G. LEA

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: L. G. Lea.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: June 28, 1955.
4. Title of position: Deputy Director, Containers and Packaging Division.
5. Name of private employer: Kieckhefer Container Company.

[SEAL] CARLTON HAYWARD, *Director of Personnel.*

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

a. Kieckhefer Container Co., Camden, N. J. Vice President. Stockholder.
Elgin Paper Company, Elgin, Ill. Vice President. Stockholder.
c. Standard Oil Company, Ind. Stockholder.
Great Northern Railway. Stockholder.
Eddy Paper Corporation. Stockholder.
Dresser Industries. Stockholder.
Douglas Aircraft. Stockholder.
The Lea Company. Stockholder.
Bank deposits.

Dated: November 16, 1955.

L. G. LEA.

[F. R. Doc. 55-9727; Filed, Dec. 1, 1955; 1:01 p. m.]

EDWARD F. LICKEY

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Edward F. Lickey.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: October 14, 1955.
4. Title of position: Consultant.
5. Name of private employer: Retired from Motch & Merryweather Machine Company.

[SEAL] JOHN F. LUKENS, *Acting Director of Personnel.*

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or wthin 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

U. S. Steel Corp.; Excello Corp.; General Motors Corp.; General Foods; Massachusetts Investment Trust; American Bus. Shares; Cerro De Pasco Copper Corp.; National Bank of Detroit; Shamut Bank of Boston; Transcontinental Pipeline; Southern Production; American T. & T.; Consumers Power Co.; Cities Service Co.; Detroit Edison Co.; Carborundum Co.; General Telephone; Kellogg Co.; Kresge S. S.; Phillips Petroleum; Toledo Edison; Southern Natural Gas; Gerber Products (Baby Food); Bank deposits; Retirement Benefit From Motch & Merryweather Machine Co.

Dated: October 14, 1955.

EDWARD F. LICKEY.

Redated: November 17, 1955.

EDWARD F. LICKEY.

[F. R. Doc. 55-9728; Filed, Dec. 1, 1955; 1:01 p. m.]

CLIFFORD G. POMMER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Clifford G. Pommer.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: November 14, 1955.
4. Title of position: Director, Shipbuilding, Railroad, Ordnance and Aircraft Division.
5. Name of private employer: General Electric Company.

[SEAL] CARLTON HAYWARD, *Director of Personnel.*

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

General Electric Co.; American Airlines; Garfinckel; Van Curler Hotel; State Loan and Finance; General Electric Elfun Trust Fund; Economy Auto Stores; International

Bank of Washington; Three States Natural Gas; Colorado Oil & Gas; American Can Co.; Niskayuna Co-operative; Schenectady A & O Employees Credit Union; Bank deposits.

Dated: November 17, 1955.

CLIFFORD G. POMMER.

[F. R. Doc. 55-9729; Filed, Dec. 1, 1955; 1:01 p. m.]

NORVAL W. POSTWEILER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Norval W. Postweiler.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: January 26, 1955, Deputy Director, Construction and Packing Division.
4. Title of position: June 28, 1955, Assistant Administrator.
5. Name of private employer: Riegel Paper Corp.

[SEAL] CARLTON HAYWARD, *Director of Personnel.*

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Wheeling Steel; Riegel Paper Corp.; Riegel Textile Corp.; Bethlehem Steel; National Biscuit Co.; American Telephone and Telegraph Co.; General Motors; Bank deposits; Building and Loan deposits.

Dated: November 16, 1955.

N. W. POSTWEILER.

[F. R. Doc. 55-9730; Filed, Dec. 1, 1955; 1:01 p. m.]

ROBERT L. SEBASTIAN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Robert L. Sebastian.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: September 20, 1954.
4. Title of position: Consultant.
5. Name of private employer: Retired.

[SEAL] CARLTON HAYWARD, *Director of Personnel.*

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; none.

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and none.

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest, none.

d. Owner of Maryland farm.

e. Bank deposits.

Dated: November 21, 1955.

ROBERT L. SEBASTIAN.

[F. R. Doc. 55-9731; Filed, Dec. 1, 1955; 1:01 p. m.]

LOUIS A. SCHLUETER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Louis A. Schlueter.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: September 16, 1953.
4. Title of position: Advisor (Chemical and Rubber Industries).
5. Name of private employer: American Coke and Coal Chemicals Institute.

[SEAL] CARLTON HAYWARD, *Director of Personnel.*

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Susquehanna Chemical Corp., Bradford, Pa.; Bank deposits; Income from Rental Property (Residential); American Coke and Coal Chemicals Institute (Present Employer); Interest on Real Estate Mortgage.

Dated: November 17, 1955.

L. A. SCHLUETER.

[F. R. Doc. 55-9732; Filed, Dec. 1, 1955; 1:01 p. m.]

CLARENCE W. SEELEY

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Clarence W. Seeley.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: November 2, 1955.
4. Title of position: Director, Copper Division.
5. Name of private employer: Scovill Manufacturing Company, Waterbury, Conn.

[SEAL] CARLTON HAYWARD, *Director of Personnel.*

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Scovill Manufacturing Company; U. S. Bonds; Bank deposits.

Dated: November 2, 1955.

CLARENCE W. SEELEY.

Redated: November 16, 1955.

CLARENCE W. SEELEY.

[F. R. Doc. 55-9733; Filed, Dec. 1, 1955; 1:01 p. m.]

CHARLES M. STUART

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Charles M. Stuart.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: October 27, 1955.

4. Title of position: Director, General Industrial Equipment Division.

5. Name of private employer: Carrier Corporation, Syracuse, N. Y.

[SEAL] JOHN F. LUKENS,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Carrier Corporation; Niagara Mohawk Power Company; British Petroleum Corporation; Bank deposits.

Dated: November 1, 1955.

CHARLES M. STUART.

[F. R. Doc. 55-9734; Filed, Dec. 1, 1955; 1:01 p. m.]

WILLIAM H. THOMAS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: William H. Thomas.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: May 31, 1955, Director of General Industrial Equipment Division.

4. Title of position: Assistant Administrator (as of July 28, 1955).

5. Name of private employer: Air Products, Inc., Allentown, Pa.

[SEAL] CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Air Products, Incorporated; Bank deposits.

Dated: November 16, 1955.

WILLIAM H. THOMAS.

[F. R. Doc. 55-9735; Filed, Dec. 1, 1955; 1:01 p. m.]

CARL M. VUCKEL

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Carl M. Vuckel.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: September 16, 1955.

4. Title of position: Consultant.

5. Name of private employer: Swift & Company.

[SEAL] JOHN F. LUKENS,
Acting Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Acme Steel Co.; City Products Co.; Swift and Co.; Sylvania Electric Products; Louisiana Land & Exploration Co.; United Elastic Co.; Farm; Bank deposits.

Dated: September 19, 1955.

C. M. VUCKEL.

Redated: November 22, 1955.

C. M. VUCKEL.

[F. R. Doc. 55-9736; Filed, Dec. 1, 1955; 1:01 p. m.]

JOEL B. WARE

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Joel B. Ware.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: October 31, 1955.

4. Title of position: Consultant.

5. Name of private employer: Great Northern Paper Company.

[SEAL] CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

A. Great Northern Paper Company; The Mead Corporation; Curtis Publishing Company; Crowell-Collier Publishing Company; Bank deposits.

B. None.

C. None.

Dated: October 31, 1955.

JOEL B. WARE.

Redated: November 22, 1955.

JOEL B. WARE.

[F. R. Doc. 55-9737; Filed, Dec. 1, 1955; 1:01 p. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 452]

REPRESENTATIVE OF EMPLOYEES ON SPECIAL INDUSTRY COMMITTEES

NOTICE OF RESIGNATION AND APPOINTMENT

Lewis C. Harkins of Silver Spring, Maryland, having resigned as representative of the employees on Special Industry Committees Nos. 18-C and 18-D for Puerto Rico, the Secretary of Labor, pursuant to authority under the Fair Labor Standards Act of 1938, as amended, (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), hereby appoints Samuel Baron of Washington, D. C., to serve in his stead as a representative of the employees on such Committees.

Signed at Washington, D. C., this 30th day of November 1955.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 55-9706; Filed, Dec. 2, 1955; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11526; FCC 55M-992]

ELYRIA-LORAIN BROADCASTING CO. (WEOL)

ORDER SCHEDULING HEARING

In re application of Elyria-Lorain Broadcasting Co. (WEOL), Elyria, Ohio, Docket No. 11526, File No. BR-2173; for renewal of license.

It is ordered, This 25th day of November 1955, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 18, 1956, in Washington, D. C.

Released: November 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9682; Filed, Dec. 2, 1955; 8:46 a. m.]

[Docket Nos. 11551, 11552; FCC 55-1156]

RADIO KYNO, VOICE OF FRESNO (KYNO) AND WRATHER-ALVAREZ BROADCASTING, INC. (KFMB)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Amelia Schuler, Lester Eugene Chenault and Bert Williamson, d/b as Radio KYNO, The Voice of Fresno (KYNO), Fresno, California, Docket No. 11551, File No. BP-9511; Wrather-Alvarez Broadcasting, Inc. (KFMB), San Diego, California, Docket No. 11552, File No. BP-9794; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of November 1955;

The Commission having under consideration the above-entitled applications for construction permits by Radio KYNO, The Voice of Fresno, to change the facilities of Station KYNO, Fresno, California, from operation on 1300 kilocycles with a power of 1 kilowatt, directional antenna, unlimited time, to operation on 540 kilocycles with a power of 1 kilowatt, directional antenna, daytime only; and by Wrather-Alvarez Broadcasting, Inc. to change the facilities of Station KFMB, San Diego, California, from operation with a directional antenna day and night to operation with a directional antenna nighttime only on 540 kilocycles with a power of 5 kilowatts, unlimited time;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its station as proposed, but that operation by both stations as proposed would involve mutual interference; that the operation of Station KYNO as proposed would involve interference to Station KSFO, San Francisco, California, and the proposed directional antenna system may not meet the minimum efficiency requirements of the Commission's Standards of Good Engineering Practice, and the site photograph does not show sufficient detail from which a determination can be made of whether the proposed site is satisfactory; and the proposed operation of Station KFMB would cause interference to Station KBAK, Bakersfield, California; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated December 10, 1954, and August 23, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would serve the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that in a letter dated July 27, 1955, Station KBAK, Bakersfield, California, agreed to accept the interference which would be caused to it by the proposed operation of Station KFMB, in consideration of KFMB's accepting from any future proposal of KBAK interference not in excess of that which would result from 1 kilowatt, nondirectional operation of KBAK; however this agreement cannot operate to preclude the Commission from considering the effect of this interference in its evaluation of the KFMB proposal; and

It further appearing that in a letter dated September 6, 1955, Station KSFO requested that the application of Station KYNO be designated for hearing on grounds of the above-described interference; and

It further appearing that while Station KFMB in letters dated September 22, October 7 and October 27, 1955, requested an extension of time to November 28, 1955, in which to reply to the Commission's letter of August 23, 1955, and complete a projected agreement with Station KYNO whereby it would accept the interference caused to it by KFMB's proposal, such an agreement, upon proper motion, can be made a part of the record in the proceeding herein provided for; and

It further appearing that the Commission, after consideration of the foregoing, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Stations KYNO and KFMB and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operations of Stations KYNO and KFMB would involve mutual interference and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of Station KYNO would involve objectionable interference with Station KSFO, San Francisco, California, or any other existing station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the directional antenna system proposed by Station KYNO would meet the minimum efficiency requirements of the Commission's Standards of Good Engineering Practice.

5. To determine whether the site proposed by Station KYNO would be satisfactory.

6. To determine whether the proposed operation of Station KFMB would cause interference to Station KBAK, Bakersfield, California, or any other existing station, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

7. To determine in light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-entitled applications would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

It is further ordered, That San Francisco Broadcasters, Inc., and Bakersfield Broadcasting Co., licensees of Stations KSFO, San Francisco, California, and KBAK, Bakersfield, California, respectively, are made parties to the proceeding.[1]

It is further ordered, That the above-described request by Station KFMB for extension of time to November 28, 1955, in which to further reply to the Commission's letter of August 23, 1955, is denied.

Released: November 28, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9683; Filed, Dec. 2, 1955; 8:46 a. m.]

[Docket Nos. 11553, 11554; FCC 55-1157]

HAZARD BROADCASTING CORP. AND PERRY COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Hazard Broadcasting Corporation, Hazard, Kentucky, Docket No. 11553, File No. BP-9726; Claude P. Stephens and Frank L. Jones, d/b as Perry County Broadcasting Company, Hazard, Kentucky, Docket No. 11554, File No. BP-9840; for construction permits.

At a session of the Federal Communications Commission held at its offices in

[1] The license of Station KBAK has been assigned to Paschall, Tullis and Hearne, and the call letters have been changed from KBAK to KAFY.

Washington, D. C., on the 23d day of November 1955;

The Commission having under consideration the above-entitled applications of the Hazard Broadcasting Corporation and Claude P. Stephens and Frank L. Jones, d/b as Perry County Broadcasting Company, each for a construction permit for a new standard broadcast station to operate on 1390 kilocycles with a power of 5 kilowatts, daytime only, at Hazard, Kentucky; and

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to construct and operate its proposed station but that operation of both stations as proposed would result in mutually destructive interference; and that the operation proposed by the Perry County Broadcasting Company may be in contravention of the provisions of § 3.35 of the Commission's Rules on multiple ownership; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated July 5 and September 29, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that timely replies were received from each of the applicants; and

It further appearing that in pleadings filed on August 31 and October 18, 1955, by the Hazard Broadcasting Corporation it was contended that the proposal of the Perry County Broadcasting Company would be in contravention of the provisions of § 3.35 of the Commission's rules on multiple ownership because Frank L. Jones, a partner in the latter company, was an officer, director and stockholder of Station WTCW, Whitesburg, Kentucky until February, 1955 and is a brother-in-law of Kenneth J. Crosthwait, the majority stockholder of the KY-VA Broadcasting Corp., licensee of Station WTCW; and that Frank L. Jones is employed by WCTW as a salesman; that the 2 mv/m contours of the operation proposed by the Perry County Broadcasting Company and Station WTCW would overlap; and that the application was in fact filed on behalf of Kenneth J. Crosthwait; and

It further appearing that in a letter filed on October 28, 1955, by the Perry County Broadcasting Company it was stated that "There will be no joint operations of any nature [with WTCW], and except to the extent that Frank L. Jones may on occasion wish the benefit of his brother-in-law's counsel on operating problems, there will be no direct or indirect association between the two and the operation or control of their respective stations" and that accordingly no contravention of § 3.35 of the Commission's Rules would obtain; and that the application was not filed on behalf of Kenneth J. Crosthwait; and

It further appearing that after consideration of the foregoing the Commission is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the application of the Perry County Broadcasting Company would be in contravention of the provision of § 3.35 of the Commission's Rules on multiple ownership because of overlap with Station WTCW, Whitesburg, Kentucky; and WKYV, Harlan, Kentucky.

3. To determine which of the operations proposed in the above-entitled applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

Released: November 28, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9684; Filed, Dec. 2, 1955; 8:46 a. m.]

[Docket Nos. 11555, 11556; FCC 55-1158]

JOHN F. SHEA AND GREENVILLE BROADCASTING CORP. (WGYV)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of John F. Shea, Montgomery, Alabama, Docket No. 11555, File No. BP-9947; Greenville Broadcasting Corporation (WGYV), Greenville, Alabama, Docket No. 11556, File No. BP-9953; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of November 1955;

The Commission having under consideration the above-entitled applications of John F. Shea for a construction permit for a new standard broadcast station to operate on 1370 kilocycles with a power of one kilowatt, daytime only, at Montgomery, Alabama; and Greenville Broadcasting Corporation to change the facilities of Station WGYV, Greenville, Alabama, from operation on 1400 kilocycles with a power of 250 watts, unlimited time, to operate on 1380 kilocycles with a power of one kilowatt daytime only;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually prohibitive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated October 3, 1955, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of either application would serve the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of John F. Shea and the availability of other primary service to such areas and populations.

2. To determine areas and populations that would gain or lose service from the proposed operation of Station WGYV and the availability of other primary service to such areas and populations.

3. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-entitled applications would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

Released: November 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9685; Filed, Dec. 2, 1955; 8:46 a. m.]

[Docket No. 11527; FCC 55M-999]

RICHLAND, INC. (WMAN)

NOTICE OF PREHEARING CONFERENCE

In re application of Richland, Inc. (WMAN), Mansfield, Ohio, Docket No. 11527, File No. BR-1037; for renewal of license.

Pursuant to Rule 1.813, a prehearing conference is scheduled for Thursday, December 8, 1955, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Dated: November 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9707; Filed, Dec. 2, 1955; 8:48 a. m.]

[Docket No. 11526; FCC 55M-998]

ELYRIA-LORAIN BROADCASTING CO., INC. (WEOL)

NOTICE OF PREHEARING CONFERENCE

In re application of Elyria-Lorain Broadcasting Co., Inc. (WEOL), Elyria, Ohio, Docket No. 11526, File No. BR-2173; for renewal of license.

Pursuant to Rule 1.813, a prehearing conference is scheduled for Monday, December 5, 1955, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Dated: November 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9708; Filed, Dec. 2, 1955; 8:48 a. m.]

[Docket Nos. 11444, 11445; FCC 55M-996]

COLUMBIA-MT. PLEASANT AND SPRING HILL RADIO CORP. AND SAVANNAH BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Columbia-Mt. Pleasant and Spring Hill Radio Corporation, Columbia, Tennessee, Docket No. 11444, File No. BP-9557; S. Q. Hanna, tr/as The Savannah Broadcasting Company, Savannah, Tennessee, Docket No. 11445, File No. BP-9697; for construction permits.

The Hearing Examiner having under consideration the applications in the above-entitled proceeding, on which a hearing is now scheduled to be held on December 5, 1955; and

It appearing that there are now pending before the Commission en banc (1) a petition by the Chief of the Broadcast Bureau requesting the dismissal with prejudice of the application of S. Q. Hanna tr/as The Savannah Broadcasting Company, and a reply in opposition thereto by that applicant; and (2) a petition by Columbia-Mt. Pleasant and Spring Hill Radio Corporation for reconsideration and grant of its application, a motion to strike the said petition by The Savannah Broadcasting Company, and related pleadings; and

It further appearing that a grant of either of the above petitions would obviate the necessity for the presently scheduled hearing;

It is ordered, This 28th day of November 1955, by the Hearing Examiner, on his own motion, that the hearing in the above-entitled proceeding be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9709; Filed, Dec. 2, 1955; 8:49 a. m.]

[Docket No. 11404; FCC 55M-995]

NIAGARA BROADCASTING SYSTEM (WNIA)

ORDER CONTINUING HEARING

In re application of Gordon P. Brown, tr/as Niagara Broadcasting System (WNIA), Cheektowaga, New York, Docket No. 11404, File No. BMP-6773; for modification of permit to extend completion date.

The Hearing Examiner having under consideration a petition, filed by applicant on November 23, 1955, for continuance of the hearing now scheduled for November 29, 1955, until January 10, 1956, on the grounds that petitioner's co-counsel and prospective witness in the matter is ill, and that there is now pending before the Commission a further petition for reconsideration of the Commission's action designating for hearing petitioner's application for modification of construction permit;

It appearing that counsel for the Broadcast Bureau does not oppose the requested continuance;

It is ordered, This 28th day of November 1955, that the petition for continuance is granted and the hearing is continued from November 29, 1955 to Tuesday, January 10, 1956 at 10:00 a.m. in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9710; Filed, Dec. 2, 1955; 8:49 a. m.]

[Docket Nos. 8730, 8840; FCC 55-1166]

WWSW, INC., AND PITTSBURGH RADIO SUPPLY HOUSE, INC.

MEMORANDUM OPINION AND ORDER REOPENING RECORD AND DESIGNATING FOR FURTHER HEARING ON SPECIFIED ISSUES

In re applications of WWSW, Inc., Pittsburgh, Pennsylvania, Docket No. 8730, File No. BPCT-254; Pittsburgh Radio Supply House, Inc., Pittsburgh, Pennsylvania, Docket No. 8840, File No. BPCT-345; for television construction permits.

1. Following the grant of WWSW's application herein, Telecasting filed with the Commission on August 22, 1955 a document entitled Petition Protesting Grant and for Reconsideration and Rehearing. WWSW, Pittsburgh Radio Supply House, the Broadcast Bureau and petitioner have filed numerous documents[1] treating on the points raised by the petition. The protest has already been disposed of by denial for the reasons detailed in our Memorandum Opinion and Order released September 23, 1955 (FCC 55-968, Mimeo No. 22964). The petition for reconsideration and rehearing and for a stay of the effective date of the grant to WWSW remain to be decided.[2] For the reasons which we will set forth, we propose to grant reconsideration and rehearing, to allow Telecasting to participate in the hearing, and to deny the request for a stay.

2. Our reconsideration of the grant, particularly in the light of the merger contract, convinces us that further hearing on issues which we will specify is necessary. Embodied in the merger contract are provisions which indicate that there may have been an unauthorized transfer of control and other violations of the Communications Act and of the rules and policies of the Commission. Telecasting has called attention to various provisions and aspects of the merger agreement which are alleged to be either contrary to law or not in the public interest, and the Broadcast Bureau has detailed the objectionable nature of certain of the contractural provisions. In reply, WWSW and Pittsburgh Radio Supply have stated that certain of the aforementioned provisions have been deleted by amendment and that the remaining provisions furnish no ground for rehearing.

[1] Petition protesting grant and for reconsideration or rehearing filed by Telecasting August 22, 1955; Broadcast Bureau Comment filed September 1, 1955; Motion to dismiss and opposition filed by Pittsburgh Radio Supply House, Inc., on September 1, 1955; Motion to dismiss filed by WWSW, Inc., on August 23, 1955; Brief in support of motion to dismiss re petition for rehearing filed by WWSW, Inc., on August 24, 1955; Reply to motion to dismiss filed by Telecasting on September 6, 1955; Reply to Broadcast Bureau comment filed by Pittsburgh Radio Supply House and WWSW on September 6, 1955; Response to comments of Broadcast Bureau filed by Telecasting on September 7, 1955.

[2] In this Opinion we are not considering the Supplement to Petition for Reconsideration and Petition to Designate BMPCT-3486 For Hearing, filed by Telecasting on November 3, 1955.

3. The parties to the June 2, 1955, merger contract are P. G. Publishing Company (hereinafter sometimes referred to as P. G. Publishing) which owns all the capital stock of WWSW; WWSW, Inc.; Pittsburgh Radio Supply House, Inc. (hereinafter sometimes referred to as Supply House); and the Supply House Stockholders (H. Kenneth Brennen, Margaret M. Brennen and Mary Thelma Bregenser) who own 55 percent of the stock of Supply House. In broad terms, the merger agreement contemplates equal ownership in WWSW television station by P. G. Publishing and the Supply House group. The present broadcast operations of WWSW are to be transferred to a new corporation still under the control of P. G. Publishing, and Supply House is to dispose of WJAS (AM) and FM, its stations.

4. In the reorganization of WWSW which is specified by the agreement various corporate actions in addition to transfer of the existing WWSW broadcast operations are to be taken by WWSW preparatory to consummation of the merger. Notes in the amount of $500,000 are to be issued in the form specified by an exhibit to the contract and 2,500 shares each of Class A and Class B stock ($100 par value) are to be authorized. P. G. Publishing will buy all of the notes, all of the Class B stock, and 1,500 of the 2,500 shares of Class A,[2] depositing in escrow the purchase price of $900,000 ($500,000 for the notes, $250,000 for the Class B shares, and $150,000 for the 1,500 shares of Class A). The 2,500 Class B shares and $250 000 of the notes are also to be deposited in escrow to be held in trust for the Supply House stockholders. Ten days after deposit of the sum of $900,000 by P. G. Publishing, Supply House is to deposit with the escrow agent $500,000 for the stock and notes being held in trust for Supply House by the escrow agent. Upon transfer of specified assets and liabilities of WWSW (primarily those reflecting existing broadcast operations) to the new corporation to be formed, the $900,000 deposit made by P. G. Publishing is to be delivered by the escrow agent to WWSW in full payment for the subscription to the Class A and Class B stock and the notes. This sum is to finance construction of the television station. However, the $500,000 deposited by Supply House and the stock and notes held by the escrow agent for Supply House are not to be transferred at this time.

5. Supply House's anticipated disposition of WJAS (AM) and FM requires Commission approval, and upon the filing of an application covering such a transfer P. G. Publishing is to file an application to permit the sale and transfer to the Supply House stockholders of the stock and notes held in escrow. Approval for the latter transfer must be secured within three years. When disposition of WJAS (AM) and FM and transfer of the stock and notes have been approved by the Commission, the escrow agent will deliver the stock and notes to the Supply House stockholders and the $500,000 to P. G. Publishing.

6. Although approval of the transfer of the stock and notes may be delayed as much as three years from the date of the agreement (i. e., until June 1958), several provisions of the June 2 contract suggest the exercise of a degree of control by Supply House stockholders before then. Section 3.03 of the contract states that upon transfer of WWSW's existing broadcast assets to the new corporation, WWSW will enter into employment contracts with six named persons at specified salaries. Three of these persons appear to be presently affiliated with Supply House as directors, officers or stockholders. The contract with H. Kenneth Brennen, who is president, assistant treasurer, director and stockholder of Supply House, provides for five years employment at a minimum annual salary of $25,000, although his employment is not to commence until final consummation of the merger agreement. Two of the contracts are to take effect upon final consummation of the merger "or the time when WWSW begins transmitting regular television programs, whichever is earlier." The two persons involved are H. H. Stehman who is vice president, secretary and director of Supply House and who is to be employed for four years at an annual salary of $11,000 and Caley Augustine who is a director of Supply House and is to be paid $10,000 a year. The merger contract makes no provision for severance by these three individuals of their connections with Supply House.

7. The merger agreement contemplates amendment of WWSW's by-laws to provide for seven directors, three of whom are to be elected by Supply House after the merger is consummated. In the interim, other arrangements are prescribed. Immediately after Supply House has deposited $500,000 with the escrow agent,[4] P. G. Publishing is to cause the WWSW board of directors to be increased to seven. Four vacancies are to be created, and three of these four vacancies are to be filled by specifically named persons who appear to be nominees of Supply House and will act as if they were the owners of the Class B stock to which Supply House is entitled upon consummation of the merger. P. G. Publishing promises that during the interim period it will vote its stock in favor of the three named persons or their nominees.

8. By terms of the agreement, restrictions are placed upon the activities which may be conducted by WWSW prior to consummation of the merger. Until the interim directors are elected, WWSW may conduct no business and will incur no liabilities other than those provided for or contemplated by the agreement. During the same period Supply House stockholders are to have access to the books, records and accounts of WWSW in order to assure themselves that the provisions of the agreement have been and are being met. From the date of agreement until consummation, no amendments to the articles of incorporation or by-laws of WWSW other than those provided for in the contract shall be made without the prior written consent of the Supply House stockholders. The corporate proceedings whereby the by-laws are amended to provide for additional directors shall be in a form and substance satisfactory to counsel for the Supply House stockholders.

9. In the foregoing discussion it has been noted that the occurrence of one or the other of two events is the condition precedent to the ripening of various rights and obligations of the parties. One of these events, designated in the agreement as the first effective date, is the date when the transfer of existing station assets and liabilities of WWSW to the new corporation takes place. On July 13, 1955, the Commission consented to the assignment of licenses from WWSW, Inc. to WWSW Radio, Inc. According to advice received from WWSW, the actual transfer took place on August 1, 1955. The other conditioning event is the deposit in escrow of $500,000 by Supply House within ten days after deposit in escrow of $900,000 by P. G. Publishing. The latter deposit was to take place within 10 days after WWSW had amended its articles of incorporation to provide for recapitalization in the manner heretofore described. This amendment was to take place within 10 days after the date of the agreement, June 2, 1955. Thus, by July 2 at the latest the $500,000 deposit should have been made, this date being prior to finalization of the grant to WWSW.

10. One further matter related to the foregoing concerns the possibility of overlap between WWSW and WHJB. Supply House is the licensee of the latter station which is situated at Greensburg, Pennsylvania. According to data in the Commission's files, there appears to be a substantial daytime overlap of the 2.0 mv/m contours of WWSW and WHJB as well as some overlap of primary nighttime service areas of the two.

11. From the foregoing discussion it appears not only that the agreement contains provisions which may involve unauthorized transfer of control of WWSW to Supply House, violation of Section 3.35 of the Rules, and violations of Commission policy, but also that by the terms of the agreement various of these provisions are now operative. That some of them became effective prior to the time our finalization of the grant took place is also apparent. The Commission's attention has been directed to the fact that on or about August 31, 1955, amendments to the contract were filed by the parties thereto, the purport of which was to delete the provision for the selection by Supply House of some of the interim directors of WWSW and to alter the employment contract provisions so that no person involved in any potential employment agreement may simultaneously be connected with WWSW and Supply House. Nevertheless, the Commission is not satisfied that the problems described above have been resolved altogether by the submission of the amendments. The latter are not part of the record in the case; the amendments were not filed until nearly two months after several of the questionable provisions could have gone into effect; and even with the elimination of the provisions which were the subject of amendment, there are other provisions, such as those giving veto power to Supply House, which raise questions of the degree of control exercised by Supply House. Having the foregoing in mind, it is our considered opinion that a rehearing is necessary to determine all the facts and circumstances relative to the possible unauthorized transfer of control to Supply House and to the possible violations of Section 3.35 of the Rules and of Commission policy.

12. Problems concerning financial qualification also arise. In the amendment to its application which WWSW filed in February 1954, a total estimated cost of construction of $1,909,348.70 was stated, this sum to be financed out of $350,000 of existing WWSW capital, a loan from the New York Trust Company in the amount of $1,500,000 guaranteed by P. G. Publishing, and $520,000 in deferred credit payments to RCA. Our examination of the record has revealed no change in the estimated cost of construction although the new financing arrangement described in the merger agreement shows financing of $1,000,000. This sum plus the $520,000 of deferred payments (assuming these to be still available) leaves a shortage in finances of $389,348.70. Whereas prior to merger WWSW planned to rely upon existing capital of $350,000, that sum, except for $100,000 included in the $1,000,000 figure above, is no longer available, having been transferred to the new corporation to which the AM and FM licenses were assigned. No indication is given that any funds will now be supplied by New York Trust, and the changes in financing anticipated by the merger agreement leave it unclear how the sums for which each party is obligated will be raised. Thus, an issue on financial qualifications must be included in the rehearing hereinafter to be ordered.

13. Telecasting's petition for rehearing contains allegations and proposed issues on various other matters, but our appraisal of them persuades us that their consideration in the hearing is not warranted. Thus, no new arguments are offered which require that we disturb our previous action in dismissing the Supply House application. Likewise, we are not moved by Telecasting's reiterated contention that the policy we have followed in this and other merger cases of retaining the remaining television applicant in hearing status is incorrect. The reasons why we refused to designate Telecasting's application for the same channel for a comparative hearing against the remaining WWSW application after Supply House was dismissed have not been attacked by any new arguments not previously weighed and rejected by the Commission.

14. Telecasting asserts that the Commission should specify an issue in the further hearing to determine whether "it is in the public interest to grant an additional VHF channel in Pittsburgh until pending de-intermixture rule-making proceedings have been decided and the future policy of the Commission on de-intermixture has been enunciated." A related issue concerning the effect a second VHF commercial grant in Pittsburgh will have on existing UHF operations is also requested.

15. In view of the actions taken by us on November 10, 1955 in connection with the de-intermixture rule-making proceedings and petitions,[5] we believe inclusion of the requested issue is clearly inappropriate. To add such issue could lead to an inappropriate interposition in an adjudicatory proceeding of matters essentially rule-making in nature. Moreover, if such an intermingling of rule-making matters with adjudicatory matters were appropriate, Telecasting's request for an issue in these regards is tardy. Unlike the questions raised by the merger agreement, questions which could not be raised earlier because the facts of the agreement were not previously known, the UHF–VHF problem and the related possibility of economic injury to UHF stations in Pittsburgh have been known for some time. No showing has been made by Telecasting why inclusion of issues relating to these matters was not sought by appropriate petition filed at an earlier stage of the proceeding in the manner provided by the Commission's Rules.[6] The tardiness of the request is particularly applicable to the proposed "economic injury" issue, for the fact that Telecasting would ultimately be subjected to the economic effects of competition from an additional VHF station in Pittsburgh has been apparent for at least as long as the applications for the instant television channel have been on file.

16. Telecasting has requested that it be made a party to any rehearing ordered. With respect to those matters which are being placed in issue hereinafter participation is warranted. Petitioner called these matters to the Commission's attention thereby raising the questions as to the propriety of the grant to WWSW. It is apparent that it was not possible for petitioner to raise these matters until the final stages of the proceeding. Thus, good cause for allowing Telecasting to participate in this phase of the proceeding has been shown.

17. The issuance of an order temporarily staying the effectiveness of the grant to WWSW until completion of the rehearing proceeding is not, in our opinion, desirable. It has not been shown how the public interest would be injured by allowing construction authorized by the permit to continue, for the use of the material and equipment so constructed, of course, will be subject to the outcome of the rehearing. No irreparable injury to petitioner has been shown to justify the stay.

18. In view of the foregoing: *It is ordered*, This 25th day of November 1955, that to the extent hereinafter indicated by the issues specified the petition for rehearing and reconsideration is granted, that Telecasting, Inc., is made a party to the rehearing ordered, that the petition for stay of the effective date of the grant to WWSW is denied, and that the record is reopened and designated for further hearing on the following issues:

1. To ascertain the effect of the June 2, 1955 agreement, the provisions of any amendments thereto either formal or informal and their effect if any upon such agreement, and whether there are any understandings between the parties to the agreement affecting said agreement.

2. To determine the extent to which the terms and provisions of the June 2 agreement have been or will be effectuated and the dates upon which such effectuations have taken or will take place.

3. To determine whether implementation of the terms of the June 2 agreement or any amendments or understandings in relation thereto have resulted or will result in transfer of control from WWSW to Supply House and whether such transfer of control, if any, is contrary to the provisions of section 310 (b) of the Communications Act of 1934, as amended, and the Commission's rules and policies thereunder.

4. To determine whether, pending disposition of WJAS (AM) and FM by Supply House, the relationship of the parties to the June 2 agreement as expressed in said agreement and any amendments or understandings with respect thereto results in a violation of Commission policy expressed in Macon Television Co., 7 Pike & Fischer RR 703 and 897.

5. To determine the extent of overlap between Station WWSW and Station WHJB and whether such overlap results or will result in a violation of Commission policy expressed in Macon Television Co., supra.

6. To determine the effect of the June 2 agreement upon WWSW's financial qualifications and whether WWSW remains financially qualified to construct, own and operate the station as proposed in its application as amended.

7. To determine in the light of the evidence adduced under the foregoing issues whether the grant to WWSW, Inc. should be set aside.

Released: November 28, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9711; Filed, Dec. 2, 1955; 8:49 a. m.]

[2] WWSW retains 1,000 shares of Class A stock.

[4] See paragraph 4, supra.

[5] (a) In the Matter of Amendment of Section 3.606, Dockets Nos. 11238 et al., (FCC 55-1125); (b) Notice of Proposed Rule Making, Docket No. 11532 (FCC 55-1124); and (c) In the Matter of Amendment of Part 3 of the Commission's Rules (FCC 55-1126).

[6] Telecasting's reliance on isolated language in the Notice of Further Rule Making in Docket No. 11238 (Vail Mills-Albany) released April 21, 1955 (FCC 55-492) is no excuse for Telecasting's delay.

GENERAL SERVICES ADMINISTRATION

CHINESE HOG BRISTLES

DISPOSITION OF THOSE HELD IN NATIONAL STOCK PILE

Pursuant to the provisions of section 3 (e) of the Strategic and Critical Materials Stock Piling Act, 60 Stat. 597, 50 U. S. C. 98b (e), notice is hereby given of a proposed disposition of approximately 2,000,000 pounds of Chinese hog

bristles now held in the National Stock Pile.

This quantity of Chinese hog bristles is no longer needed in the Stock Pile because of a revised determination by the Office of Defense Mobilization that Chinese hog bristles are obsolescent for use in time of war because of the development of new non-strategic substitute materials.

The Chinese hog bristles to be disposed of will be offered for sale in lots of the quantity and composition sold in the usual markets. It is believed that this plan will protect the United States againt avoidable loss and also protect producers, processors and consumers against avoidable disruption of their usual markets.

This material will be available for disposition on and after June 4, 1956.

Dated: November 29, 1955.

R. A. HEDDLESTON,
Acting Commissioner,
Emergency Procurement Service.

[F. R. Doc. 55-9705; Filed, Dec. 2, 1955; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-5165 etc.]

WESTERN OIL CO. ET AL.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 29, 1955.

In the matters of Western Oil Company, Docket No. G-5165; Samedan Oil Corporation et al., Docket Nos. G-5169, G-5170, G-5171; Martin Gas Company, Docket No. G-7587; John Gas Company, Docket No. G-7588; Woodall and Jackson Gas Company, Docket No. G-7589; Laurel Hill Gas Company, Docket No. G-7590; Sue Gas Company, Docket No. G-7591; Emery Gas Company, Docket No. G-7592; Triangle Gas Company, Docket No. G-7593; Templeton Gas Company, Docket No. G-7594; Houston Gas Company, Docket No. G-7595; R. H. Adkins, Trustee for Pridemore, et al., Docket No. G-7596; Hill Gas Company, Docket No. G-7597; Tincher Gas Company, Docket No. G-7598; Stockton Gas Company, Docket No. G-7599; Muriel Gas Company, Docket No. G-7600; Hoover Gas Company, Docket No. G-7601; Hamilton Creek Gas Company, Docket No. G-7602; Ethel Gas Company, Docket No. G-7603; McComas Gas Company, Docket No. G-7604; Harts Gas Company, Docket No. G-7605; Charley's Branch Gas Company, Docket No. G-7606; Elkins Branch Gas Company, Docket No. G-7607; Watson Gas Company, Docket No. G-7608; Juda Gas Company, Docket No. G-7609; Wolf Pen Gas Company, Docket No. G-7610; Barcamp Gas Company, Docket No. G-7611; Cooper Gas Company, Docket No. G-7612; Dean Gas Company, Docket No. G-7613; Toms Creek Gas Company, Docket No. G-7614; Edsel Gas Company, Docket No. G-7615; Midland Gas Company, Docket No. G-7616; Jenny's Creek Gas Company, Docket No. G-7617; Ranger Gas Company, Docket No. G-7618; Hall Gas Company, Docket No. G-7620; R. F. Turley, Agent, Docket No. G-7621; Morris Mizel, Docket No. G-8038; Graokla Gas Corporation, Docket No. G-8045; H. H. Coffield, Docket No. G-8046; Texas Gas Corporation, Docket No. G-8048; R. E. Hibbert, Docket No. G-8049; Rusky Oil Company, Docket Nos. G-8052 and G-8053.

Notice is hereby given that on November 15, 1955, the Federal Power Commission issued its findings and order adopted November 9, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9686; Filed, Dec. 2, 1955; 8:47 a. m.]

[Docket Nos. G-8600, G-8610]

CENTRAL KENTUCKY NATURAL GAS CO. AND UNION LIGHT, HEAT AND POWER CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 29, 1955.

Notice is hereby given that on November 14, 1955, the Federal Power Commission issued its findings and order adopted November 9, 1955, issuing certificates of public convenience and necessity and permitting abandonment of facilities in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9701; Filed, Dec. 2, 1955; 8:47 a. m.]

[Docket No. G-9100]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 29, 1955.

Notice is hereby given that on November 14, 1955, the Federal Power Commission issued its findings and order adopted November 9, 1955, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9702; Filed, Dec. 2, 1955; 8:48 a. m.]

[Docket No. G-6505]

DORCHESTER CORP.

NOTICE OF ORDER REVERSING INITIAL DECISION

NOVEMBER 29, 1955.

Notice is hereby given that on November 14, 1955, the Federal Power Commission issued its order adopted November 10, 1955, reversing initial decision of Presiding Examiner issued September 14, 1955, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9703; Filed, Dec. 2, 1955; 8:48 a. m.]

[Docket No. G-8819 etc.]

MRS. TOM J. MOFFITT ET AL.

NOTICE OF ORDERS MAKING EFFECTIVE PROPOSED RATE CHANGES

NOVEMBER 29, 1955.

In the matters of Mrs. Tom J. Moffitt et al., Docket No. G-8819; Phillips Petroleum Company, Docket No. G-8883; Blackwell Oil & Gas Company, Docket No. G-8970.

Notice is hereby given that on November 10, 1955, the Federal Power Commission issued its orders adopted November 9, 1955, making effective proposed rate changes upon filing of bond to assure refund of excess charges in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9704; Filed, Dec. 2, 1955; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 236

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TITLE 12—BANKS AND BANKING

Chapter I—Federal Deposit Insurance Corporation

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

MISCELLANEOUS AMENDMENTS

Effective December 7, 1955, the amendment of § 329.0 of the rules and regulations of the Corporation which was published in the FEDERAL REGISTER of October 25, 1955 (20 F. R. 8019), under Notice of Proposed Rule Making, is adopted, after consideration of all relevant matter presented by interested persons on the proposed amendment, with further amendment by deleting the words "the United States of America and the District of Columbia" therein and substituting therefor the words "the States of the United States and the District of Columbia".

The amendment of paragraph (e) of § 329.1, providing for the renumbering thereof, as set forth below, is adopted effective December 7, 1955, and, as this change does not diminish the rights of insured banks, notice of it as a proposed rule is found to be unnecessary.

The amendments of the regulations, as adopted, are as follows:

1. Section 329.0 is amended by deleting the last sentence thereof and by substituting in lieu thereof the following sentence: "The provisions of this part do not apply to mutual savings banks, or to guaranty savings banks operating in the State of New Hampshire so long as said guaranty savings banks operate substantially under and pursuant to the laws of the State of New Hampshire pertaining to mutual savings banks and do not engage in commercial banking, or to any deposit in a bank located outside of, or payable only at a bank's office which is located outside of, the States of the United States and the District of Columbia."

2. Paragraph (e) of § 329.1 is amended to read as follows:

(e) *Savings deposits.* (1) The term "savings deposit" means a deposit evidenced by a pass book consisting of funds (i) deposited to the credit of one or more individuals or of a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit,[4] or (ii) in which the entire beneficial interest is held by one or more individuals or by such a corporation, association, or other organization and in respect to which:

(*a*) The depositor is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than thirty (30) days before such withdrawal is made; or the bank consistently continues to adhere to a practice existing prior to January 23, 1936, of requiring notice of at least fifteen (15) days before permitting withdrawal;

(*b*) Withdrawals are permitted in only two ways, either upon presentation of the pass book through payment to the person presenting the pass book, or without presentation of the pass book, through payment to the depositor himself but not to any other person, whether or not acting for the depositor.[5]

(2) The provisions of subparagraph (1) (i) and (ii) of this paragraph limiting savings deposits to funds of certain classes of persons, shall not be applicable to deposits received and credited on or before February 1, 1936, to accounts evidenced by pass books in insured nonmember banks and these deposits, together with interest subsequently payable on such deposits, less any withdrawals from such accounts, may be classed by insured nonmember banks as savings deposits under the terms of this paragraph, even though such deposits belong to an association, organization, or corporation organized for profit. The said provisions of subparagraph (1) (i)

[4] Deposits in joint accounts of two or more individuals may be classified as savings deposits if they meet the other requirements of the above definition, but deposits of a partnership operated for profit may not be so classified. Deposits to the credit of an individual of funds in which any beneficial interest is held by a corporation, partnership, association, or other organization operated for profit or not operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes may not be classified as savings deposits.

[5] Presentation of a pass book may be made over the counter or through the mails; and payment may be made over the counter, through the mails or otherwise, subject to the limitations contained herein as to the person to whom such payment may be made.

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FEDERAL REGISTER

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(For use during 1955)

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and (ii) of this paragraph, however, shall be applicable to deposits received subsequently to February 1, 1936, whether or not such deposits are credited to an account existing prior to February 1, 1936.

(3) The presentation by any officer, agent or employee of the bank of a pass book or a duplicate thereof retained by the bank of by any of its officers, agents or employees is not a presentation of the pass book within the meaning of this part except where the pass book is held by the bank as a part of an estate of which the bank is a trustee or other fiduciary, or where the pass book is held by the bank as security for a loan. If a pass book is retained by the bank, it may not be delivered to any person other than the depositor for the purpose of enabling such person to present the pass book in order to make a withdrawal, although the bank may deliver the pass book to a duly authorized agent of the depositor for transmittal to the depositor.

(4) Every withdrawal made upon presentation of a pass book shall be entered in the pass book at the time of the withdrawal, and every other withdrawal shall be entered in the pass book as soon as practicable after the withdrawal is made.

(5) The term "savings deposit" also means a deposit evidenced by a written receipt or agreement although not by a pass book, consisting of funds of the kind described above in this paragraph and in respect to which deposit the depositor is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than thirty (30) days before such withdrawal is made, and withdrawals are permitted only through payment to the depositor himself but not to any other person whether or not acting for the depositor.[5a]

(Sec. 9, 64 Stat. 881; 12 U. S. C. 1819)

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 55–9776; Filed, Dec. 5, 1955; 8:50 a. m.]

[5a] Payment may be made to the depositor over the counter, through the mails or otherwise.

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 2]

PART 722—COTTON

ACREAGE ALLOTMENTS FOR 1956 CROP OF UPLAND COTTON

Basis and purpose. The purpose of this amendment is to establish the county acreage allotments for the 1956 crop of upland cotton in the State of Texas pursuant to section 344 (e) of the Agricultural Adjustment Act of 1938, as amended. Notice of the proposed establishment of such allotments was given on August 31, 1955 (20 F. R. 6387), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), and in the regulations issued pursuant to said notice it was provided in § 722.716 (e) that that paragraph would be amended at a later date to include the county acreage allotment established for each county. Furthermore, farmers engaged in the production of upland cotton in 1955 will determine in a referendum to be held on December 13, 1955, whether marketing quotas will be in effect on the 1956 crop of upland cotton. In order that county acreage allotments may be apportioned to farms and notices of individual farm acreage allotments mailed, insofar as practicable, so as to be received by farmers prior to the referendum, as required by section 362 of the Agricultural Adjustment Act of 1938, as amended, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure thereon and the 30-day effective date requirements of section 4 of the Administrative Procedure Act is impracticable, unnecessary, and contrary to the public interest, and the county acreage allotments contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

The State Agricultural Stabilization and Conservation Committee for the State of Texas has established under section 344 (e) of the act and § 722.716 of the regulations a reserve of 10 percent of the State acreage allotment for 1956 of 7,410,893 acres, or 741,089 acres, and determined that said reserve should be used as follows:

	Percent	Acres
(a) To adjust computed county acreage allotments for trends in the acreage of cotton	0.000	0
(b) To adjust computed county acreage allotments for counties adversely affected by abnormal conditions affecting plantings of cotton	.085	633
(c) To make adjustment in acreage allotments for small farms	34.718	255,063
(d) To establish 1956 acreage allotments for new cotton farms	2.689	19,928
(e) To correct inequities in farm allotments and to prevent hardship	62.808	465,465

The acreage available for adjusting county acreage allotments for counties adversely affected by abnormal conditions affecting plantings has been allocated by the State committee to Ector County (27 acres), Loving County (19 acres), and Ward County (587 acres), and such acreage adjustments are included in the county acreage allotments hereinafter set forth for these counties. Initial allocations of the reserve to make adjustments in acreage allotments for small farms and to correct inequities in farm allotments and to prevent hardship have been made by the State committee to the counties as follows:

County	To make adjustments in acreage allotments for small farms	To correct inequities in farm allotments and to prevent hardship
Anderson	4,287	1,229
Andrews	16	337
Angelina	1,121	339
Aransas	7	40
Archer	198	125
Armstrong	33	384
Atascosa	1,319	785
Austin	2,992	1,962
Bailey	224	6,543
Bandera	0	0
Bastrop	1,583	1,286
Baylor	813	723
Bee	1,187	611
Bell	2,823	5,896
Bexar	660	672
Blanco	30	29
Borden	20	1,670
Bosque	1,715	1,417
Bowie	1,009	2,702
Brazoria	824	280
Brazos	501	1,190
Brewster	0	52
Briscoe	181	1,862
Brooks	323	202
Brown	956	517
Burleson	1,999	2,163
Burnet	416	230
Caldwell	857	1,763
Calhoun	383	315
Callahan	1,385	534
Cameron	10,355	3,705
Camp	752	354
Carson	16	187
Cass	2,407	1,379
Castro	561	5,547
Chambers	20	17
Cherokee	3,892	822
Childress	284	805
Clay	690	1,519
Cochran	53	5,221
Coke	297	488
Coleman	1,339	1,350
Collin	4,063	12,635
Collingsworth	396	1,769
Colorado	1,715	1,175
Comal	30	77
Comanche	2,506	475
Concho	185	2,180
Cooke	1,161	1,140
Coryell	2,374	1,437
Cottle	92	1,377
Crane	0	0
Crockett	3	51
Crosby	92	9,525
Culberson	7	620
Dallam	7	7
Dallas	1,451	4,943
Dawson	158	5,879
Deaf Smith	528	816
Delta	1,121	4,905
Denton	2,111	3,239
De Witt	2,572	2,263
Dickens	125	1,434
Dimmit	36	592
Donley	409	785
Duval	1,385	1,324
Eastland	1,979	507
Ector	3	5
Edwards	0	0
Ellis	1,675	9,925
El Paso	2,506	2,953
Erath	2,309	594
Falls	3,034	7,018
Fannin	4,551	9,824
Fayette	5,804	2,829
Fisher	394	1,037
Floyd	356	6,609
Foard	297	1,090
Fort Bend	2,638	5,039
Franklin	693	512
Freestone	3,957	2,066
Frio	429	488
Gaines	204	4,791
Galveston	26	0
Garza	49	1,866
Gillespie	330	135
Glasscock	13	523
Goliad	462	528
Gonzales	1,847	2,209
Gray	396	238
Grayson	3,034	5,264
Gregg	468	172
Grimes	1,794	1,515
Guadalupe	2,309	2,403
Hale	396	12,709
Hall	218	1,659
Hamilton	2,704	869
Hansford	3	115
Hardeman	468	1,696
Hardin	33	0
Harris	429	165
Harrison	3,034	1,053
Hartley	4	4
Haskell	495	1,819
Hays	297	910
Hemphill	106	70
Henderson	3,166	739
Hidalgo	13,192	7,120
Hill	2,770	13,187
Hockley	158	5,400
Hood	923	159
Hopkins	2,572	3,952
Houston	2,826	1,139
Howard	53	2,324
Hudspeth	40	1,431
Hunt	2,671	11,868
Hutchinson	0	0
Irion	16	35
Jack	224	174
Jackson	686	730
Jasper	369	45
Jeff Davis	7	99
Jefferson	23	16
Jim Hogg	112	80
Jim Wells	1,055	869
Johnson	1,847	1,604
Jones	1,121	1,260
Karnes	1,979	2,443
Kaufman	1,900	8,098
Kendall	16	0
Kenedy	0	0
Kent	99	1,667
Kerr	7	15
Kimble	33	44
King	0	392
Kinney	0	0
Kleberg	594	230
Knox	442	2,467
Lamar	1,840	7,625
Lamb	284	5,300
Lampasas	462	269
La Salle	89	100
Lavaca	6,530	4,496
Lee	2,440	993
Leon	2,177	482
Liberty	646	185
Limestone	2,210	8,872
Lipscomb	0	0
Live Oak	989	585
Llano	79	64
Loving	7	151
Lubbock	567	4,654
Lynn	82	5,162
McCulloch	660	600
McLennan	3,562	8,152
McMullen	36	57
Madison	1,319	762
Marion	877	248
Martin	59	1,631
Mason	284	418
Matagorda	1,055	893
Maverick	277	109
Medina	495	107
Menard	122	128
Midland	66	1,739
Milam	1,715	5,077
Mills	422	240
Mitchell	119	2,787
Montague	673	511
Montgomery	528	59
Moore	0	22
Morris	627	251
Motley	148	690
Nacogdoches	1,582	761
Navarro	2,968	9,533
Newton	416	36
Nolan	429	1,964
Nueces	1,121	1,255
Ochiltree	0	0
Oldham	7	1
Orange	0	7
Palo Pinto	462	188
Panola	2,309	1,635
Parker	755	140
Parmer	894	7,244
Pecos	152	5,575
Polk	778	130
Potter	7	1
Presidio	178	296
Rains	923	1,214
Randall	69	173

County	To make adjustments in acreage allotments for small farms	To correct inequities in farm allotments and to prevent hardship
Reagan	7	137
Real	0	17
Red River	1,016	3,944
Reeves	145	5,014
Refugio	277	206
Roberts	0	5
Robertson	904	2,742
Rockwall	429	2,616
Runnels	346	1,080
Rusk	3,496	1,796
Sabine	857	181
San Augustine	1,339	404
San Jacinto	989	133
San Patricio	673	866
San Saba	857	394
Schleicher	20	920
Scurry	208	4,700
Shackelford	198	165
Shelby	2,506	1,048
Sherman	0	0
Smith	2,903	893
Somervell	396	98
Starr	1,649	1,503
Stephens	188	119
Sterling	16	121
Stonewall	264	1,544
Sutton	3	0
Swisher	811	5,176
Tarrant	394	1,334
Taylor	1,187	1,130
Terrell	0	0
Terry	165	10,540
Throckmorton	402	490
Titus	897	533
Tom Green	462	1,474
Travis	653	3,575
Trinity	1,583	170
Tyler	211	19
Upshur	1,069	462
Upton	0	0
Uvalde	20	132
Val Verde	7	0
Van Zandt	3,496	1,890
Victoria	1,121	1,431
Walker	1,484	317
Waller	653	425
Ward	49	3,029
Washington	3,957	2,786
Webb	66	116
Wharton	2,342	4,049
Wheeler	709	1,096
Wichita	726	526
Wilbarger	759	3,644
Willacy	1,167	3,136
Williamson	2,111	11,596
Wilson	996	890
Winkler	0	1
Wise	726	424
Wood	1,418	470
Yoakum	20	2,748
Young	890	647
Zapata	122	324
Zavala	132	446

The foregoing actions of the State committee are hereby approved, and § 722.716 (e) is amended as hereinafter set forth.

Section 722.716 (e) of the Regulations Pertaining to Acreage Allotments for the 1956 Crop of Upland Cotton (20 F. R. 8247), as amended, is further amended by adding between the county acreage allotments for Tennessee and those for Virginia the county acreage allotments for counties in Texas as follows:

TEXAS—Continued County:	*County allotments*
Anderson	10,139
Andrews	3,375
Angelina	3,040
Aransas	1,101
Archer	2,061
Armstrong	1,416
Atascosa	9,402
Austin	16,499
Bailey*	90,128
Bastrop	10,865
Baylor	17,194
Bee	12,945
Bell	65,666
Bexar	3,626
Blanco	94
Borden	17,607
Bosque	10,479
Bowie	7,879
Brazoria	10,649
Brazos	17,832
Brewster	137
Briscoe	23,696
Brooks	3,261
Brown	7,177
Burleson	25,383
Burnet	4,859
Caldwell	20,094
Calhoun	16,970
Callahan	7,761
Cameron	152,967
Camp	1,668
Carson	314
Cass	7,280
Castro	45,081
Chambers	77
Cherokee	10,806
Childress	53,256
Clay	9,923
Cochran	69,730
Coke	6,874
Coleman	31,157
Collin	74,233
Collingsworth	64,594
Colorado	8,570
Comal	238
Comanche	8,274
Concho	24,910
Cooke	6,128
Coryell	18,121
Cottle*	54,298
Crockett	15
Crosby	112,417
Culberson	3,730
Dallam	29
Dallas	33,872
Dawson*	198,432
Deaf Smith	8,463
Delta	34,411
Denton	18,923
DeWitt	15,484
Dickens*	52,469
Dimmit	1,545
Donley	28,006
Duval	13,845
Eastland	4,332
Ector	217
Edwards*	1
Ellis*	127,930
El Paso*	21,616
Erath	8,144
Falls	74,451
Fannin	61,554
Fayette	24,775
Fisher	80,999
Floyd*	86,173
Foard	12,067
Fort Bend	55,015
Franklin	3,298
Freestone	18,008
Frio	4,052
Gaines	72,260
Galveston	39
Garza*	39,904
Gillespie	1,127
Glasscock*	9,412
Goliad	4,346
Gonzales	13,320
Gray	3,270
Grayson	30,152
Gregg	1,240
Grimes	14,178
Guadalupe	18,297
Hale*	145,407
Hall*	93,566
Hamilton	8,658
Hansford	323
Hardeman	31,949
Hardin	52
Harris	4,126
Harrison	10,605
Haskell	118,538
Hays	7,305
Hemphill	1,498
Henderson	8,472
Hidalgo*	176,383
Hill	110,279
Hockley	182,407
Hood	3,035
Hopkins	24,586
Houston	23,392
Howard*	73,499
Hudspeth	15,438
Hunt	84,622
Irion*	692
Jack	1,823
Jackson	16,880
Jasper	382
Jeff Davis	399
Jefferson	31
Jim Hogg*	1,756
Jim Wells	22,110
Johnson	34,606
Jones	106,872
Karnes	30,923
Kaufman	54,722
Kendall	44
Kenedy*	4
Kent*	19,644
Kerr	106
Kimble	110
King*	9,268
Kinney	422
Kleberg	8,506
Knox*	57,750
Lamar	53,749
Lamb*	184,648
Lampasas	2,053
La Salle	2,910
Lavaca	29,615
Lee	8,374
Leon	10,485
Liberty	2,852
Limestone*	66,057
Live Oak	18,229
Llano	376
Loving	296
Lubbock*	220,958
Lynn*	181,097
McCulloch	16,403
McLennan	81,937
McMullen	1,327
Madison	6,150
Marion	1,631
Martin*	89,576
Mason	1,474
Matagorda	16,566
Maverick	6,479
Medina	1,092
Menard	685
Midland	25,428
Milam	48,429
Mills	2,607
Mitchell	67,348
Montague	3,488
Montgomery	1,083
Moore	287
Morris	1,546
Motley*	34,181
Nacogdoches	5,292
Navarro	103,911
Newton	413
Nolan	41,468
Nueces	97,199
Ochiltree*	171
Oldham	19
Orange*	1
Palo Pinto	2,938
Panola	7,029
Parker	3,307
Parmer	33,775
Pecos	14,289
Polk	4,536
Potter	95
Presidio	2,588
Rains	7,542
Randall	674
Reagan	832
Real	1
Red River	25,438
Reeves	44,843
Refugio	12,180
Roberts	82
Robertson	24,216
Rockwall	18,426
Runnels*	84,489

TEXAS—Continued County:	*County allotments*
Rusk	10,858
Sabine	2,301
San Augustine	5,997
San Jacinto	3,653
San Patricio	77,624
San Saba	6,864
Schleicher*	8,606
Scurry	65,085
Shackelford	3,589
Shelby	7,129
Smith	7,405
Somervell	1,234
Starr*	24,706
Stephens	1,109
Sterling	336
Stonewall	25,469
Sutton	13
Swisher	43,185
Tarrant	9,012
Taylor	33,448
Terrell*	5
Terry*	139,396
Throckmorton	11,042
Titus	2,443
Tom Green	54,180
Travis	34,775
Trinity	4,132
Tyler	387
Upshur	2,329
Uvalde	899
Val Verde	137
Van Zandt	20,382
Victoria	23,519
Walker	5,692
Waller	4,534
Ward	6,939
Washington	19,748
Webb	1,792
Wharton	67,410
Wheeler	26,638
Wichita	5,544
Wilbarger	48,295
Willacy*	89,056
Williamson	102,729
Wilson	5,487
Winkler	0
Wise	1,916
Wood	2,894
Yoakum	30,995
Young	11,470
Zapata*	2,128
Zavala	7,885
a. State total	6,670,437
b. State acreage reserve for small farms, for new farms, for inequities, and for hardship cases	740,456
c. State allotment	7,410,893

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Done at Washington, D. C., this 2d day of December 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9812; Filed, Dec. 2, 1955; 3:36 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

TEMPORARY AUTHORIZATION FOR NATIONAL DEFENSE TRANSPORTATION

By order of the Board, No. E-9756, dated November 18, 1955, the effectiveness of the provisions of § 207.11 was further extended to December 1, 1956.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425)

Dated: November 30, 1955.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-9778; Filed, Dec. 5, 1955; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVI—Agricultural Marketing Service, Department of Agriculture

[Defense Food Order 2, as Amended, Termination]

DFO 2—PROCESSED FRUITS AND VEGETABLES: SET ASIDE REQUIREMENTS

TERMINATION

It is hereby found and determined that the provisions of Defense Food Order 2, as amended (16 F. R. 3345, 4981; 19 F. R. 58) are at this time not necessary to promote the national defense; therefore, the order is hereby terminated effective December 1, 1955:

Provided, That with respect to violations, rights accrued, liabilities incurred, or appeals taken with respect to said Defense Food Order No. 2, as amended, prior to the effective date of the provisions hereof, all provisions of said Defense Food Order No. 2, as amended, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

Defense Food Order 2 essentially is a Delegation of Authority and no set aside requirements are in effect under its provisions. Further, military requirements are being obtained under procurement other than through set asides. Since the termination of this order is a matter of internal management, industry consultation is not necessary with respect to this action.

(Sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. 2154)

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-9782; Filed, Dec. 5, 1955; 8:51 a. m.]

[Defense Food Order 4, as Amended, Termination]

DFO 4—REGULATIONS GOVERNING FILING OF AND ACTIONS ON PETITIONS FOR RELIEF FROM HARDSHIP AND OTHER ADJUSTMENTS AND EXCEPTIONS AND APPEALS

TERMINATION

It is hereby found and determined that the provisions of Defense Food Order 4, as amended (16 F. R. 7568; 19 F. R. 57, 59), do not now appear necessary or appropriate and this termination order is hereby made effective. Defense Food Order 2, as amended (16 F. R. 3345, 4981) has been terminated and no other defense food orders are in effect. In view of the foregoing, consultation with industry representatives, including trade association representatives, in the formulation of this termination order has been rendered impracticable and unnecessary.

Summary of termination order. The effect of this action is to terminate the regulations governing the filing of, and actions on, petitions for relief from hardship and appeals therefrom.

Regulatory provisions. Defense Food Order 4, as amended (16 F. R. 7568; 19 F. R. 57, 59) is hereby terminated effective December 1, 1955: *Provided*, That with respect to rights accrued, liabilities incurred, and petitions and appeals taken under the provisions of said Defense Food Order 4, as amended, the provisions of said Defense Food Order 4, as amended, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such right, liability, petition, or appeal.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154)

Done at Washington, D. C., this 1st day of December 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9783; Filed, Dec. 5, 1955; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1228, Correction]

IDAHO

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF THE FOREST SERVICE AS ADMINISTRATIVE SITES, RECREATION AREAS, OR FOR OTHER PUBLIC PURPOSES

NOVEMBER 30, 1955.

In Federal Register Document 55-7925, appearing at page 7335 of the issue for Saturday, October 1, 1955, the name of the forest under Idaho 05282 should read: "Challis National Forest".

The Indian Creek Landing Field, Lake Creek Patrol Station, and Little Creek Patrol Station are all in the Challis National Frest.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55-9743; Filed, Dec. 5, 1955; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 909-A]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS, TO TRANSPORT FRUIT AND VEGETABLE CONTAINERS AND BOX SHOOKS

At a session of the Interstate Commerce Commission, Division 3, held at

its office in Washington, D. C., on the 30th day of November A. D. 1955.

Upon further consideraiton of Service Order No. 909 (20 F. R. 7370) and good cause appearing therefor:

It is ordered, that:

Section 95.909 *Substitution of refrigerator cars for box cars, to transport fruit and vegetable containers and box shooks,* be and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 11:59 p. m., December 2, 1955; that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-9768; Filed, Dec. 5, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 200]

RULES OF PRACTICE IN PERMIT PROCEEDINGS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U. S. C. 1001, et seq.), approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805) and the Federal Alcohol Administration Act (49 Stat. 977; 27 U. S. C. 201, et seq.).

[SEAL] PAUL K. WEBSTER, *Acting Commissioner of Internal Revenue.*

Preamble. 1. The regulations in this part shall supersede Regulations 123 (26 CFR (1939) Part 200; 19 F. R. 8502).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

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200.1 Scope of part.
200.2 Liberal construction.
200.3 Forms prescribed.

Subpart B—Definitions

200.5 Meaning of terms.
200.6 Applicant.
200.7 Application.
200.8 Assistant regional commissioner.
200.9 Attorney for the Government.
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200.11 Commissioner.
200.12 Director, Alcohol and Tobacco Tax Division.
200.13 Examiner.
200.14 Initial decision.
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200.17 Permit.
200.18 Permittee.
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200.21 Regional commissioner.
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Subpart C—General

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REPRESENTATION AT HEARINGS

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Subpart D—Compliance and Settlement

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INFORMAL SETTLEMENT

200.36 General.
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Subpart E—Grounds for Citation

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200.56 Form.
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200.86 Stenographic record.
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200.95 Responsibilities of examiners.
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200.98 Separation of functions.
200.99 Conduct of hearing.
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ACTION BY ASSISTANT REGIONAL COMMISSIONER

200.107 Initial application proceedings.
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200.109 Notice to Director, Alcohol and Tobacco Tax Division.
200.110 Proceedings involving violations not within region of issuance of permit.

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200.115 Appeal on petition to the Director, Alcohol and Tobacco Tax Division.
200.116 Review by Director, Alcohol and Tobacco Tax Division.
200.117 Permit privileges, exceptions.
200.118 Court review; permits under the Internal Revenue Code.
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Subpart J—Miscellaneous

200.125 Depositions.
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200.127 Witnesses and fees.

RECORD

200.128 What constitutes record.
200.129 Availability.

AUTHORITY: §§ 200.1 to 200.129 issued under 68A Stat. 917, 49 Stat. 977; 26 U. S. C. 7805, 27 U. S. C. 201 et seq.

SUBPART A—SCOPE AND CONSTRUCTION OF REGULATIONS

§ 200.1 *Scope of part.* The rules in this part govern the procedure and practice in connection with the disapproval of applications for basic permits, and for the suspension, revocation and annulment of such permits under sections 3 and 4 of the Federal Alcohol Administration Act (27 U. S. C. 201 et seq.) and disapproval, suspension, and revocation of basic permits under the Internal Revenue Code (26 U. S. C.). The rules in this part shall also govern, insofar as applicable, any adversary proceeding involving adjudication required by statute to be determined on the record, after opportunity for hearing, under laws administered by the Alcohol and Tobacco Tax Division, Internal Revenue Service.

§ 200.2 *Liberal construction.* The rules in this part shall be liberally construed to secure just, expeditious, and efficient determination of the issues presented. The Rules of Civil Procedure for the District Courts of the United States, where applicable, shall be a guide in any situation not provided for or controlled by this part, but shall be liberally construed, or relaxed when necessary.

§ 200.3 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part. Information called for shall be furnished in accordance with the instructions on the form or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 200.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 200.6 *Applicant.* "Applicant" shall mean any person who has filed an initial application for a permit under the Federal Alcohol Administration Act or Internal Revenue Code.

§ 200.7 *Application.* "Application" shall mean any application for a permit under the Federal Alcohol Administration Act or Internal Revenue Code. The term "initial application" shall mean an application for an original permit for operations not covered by an existing permit. The term "renewal application" shall mean an application timely filed for the renewal of an existing permit.

§ 200.8 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of the regional commissioner.

§ 200.9 *Attorney for the government.* The attorney for the Government shall mean the attorney in the office of the chief counsel (assigned to the National or regional office) authorized to represent the assistant regional commissioner in the proceeding.

§ 200.10 *Citation.* "Citation" shall include any notice contemplating the disapproval of an application (whether initial or renewal) or any order to show cause why a permit should not be suspended, revoked or annulled.

§ 200.11 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 200.12 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D. C.

§ 200.13 *Examiner.* "Examiner" shall mean the examiner appointed pursuant to section 11 of the Administrative Procedure Act, designated to preside over any administrative proceeding under this part.

§ 200.14 *Initial decision.* "Initial decision" shall mean the decision (order) of the assistant regional commissioner in any proceeding on an initial application for a permit, and the decision of the examiner in any proceeding on the suspension, revocation or annulment of a permit or on the disapproval of a renewal application.

§ 200.15 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 200.16 *Other terms.* Any other term defined in the Federal Alcohol Administration Act (27 U. S. C. 201), the Internal Revenue Code (26 U. S. C.) or the Administrative Procedure Act (5 U. S. C. 1001) where used in the regulations in this part shall have the meaning assigned to it therein.

§ 200.17 *Permit.* "Permit" shall mean a formal document issued under the Federal Alcohol Administration Act or the Internal Revenue Code, authorizing the person named therein to engage in the activities described. "FAA permit" shall mean a basic permit under the provisions of the Federal Alcohol Administration Act. "Alcohol permit" shall mean a basic permit under the provisions of the Internal Revenue Code relating to alcohol, whether industrial, taxfree, or denatured. "Container permit" shall mean a permit under the provisions of the Internal Revenue Code relating to the regulation of the traffic in containers of distilled spirits. "Tobacco permit" shall mean a permit under the provisions of the Internal Revenue Code relating to tobacco materials, tobacco, cigars, cigarettes, and cigarette papers and tubes.

§ 200.18 *Permittee.* "Permittee" shall mean any person holding a basic permit under the Federal Alcohol Administration Act or the Internal Revenue Code, as aforesaid.

§ 200.19 *Person.* "Person" shall mean an individual, partnership, joint stock company, business trust, association, corporation or other form of business enterprise including receivers, trustees, or liquidating agents.

§ 200.20 *Recommended decision.* "Recommended decision" shall mean the advisory decision of the examiner in any proceeding on an initial application for a permit.

§ 200.21 *Regional Commissioner.* "Regional Commissioner" shall mean the Regional Commissioner of Internal Revenue of an internal revenue region.

§ 200.22 *Respondent.* "Respondent" shall mean any person holding a permit against which an order has been issued to show cause why such permit should not be suspended, revoked or annulled, or against the renewal of which a notice of contemplated disapproval has been issued.

SUBPART C—GENERAL

§ 200.25 *Communications and pleadings.* All communications to the Government regarding the procedures set forth in this part and all pleadings, such as answers, motions, requests, or other papers or documents required or permitted to be filed under this part, relating to a proceeding pending before an examiner, shall be addressed to the examiner at his post of duty or to the examiner in care of the assistant regional commissioner of the region in which the business of the applicant or respondent is operated or proposed to be operated to be forwarded to the examiner. Communications concerning proceedings not pending before an examiner should be addressed to the Assistant Regional Commissioner or Director, Alcohol and Tobacco Tax Division, as the case may be. All pleadings should be filed in quadruplicate.

§ 200.26 *Service on applicant or respondent.* All orders, notices, citations, motions and other formal documents, except subpoenas, required to be served under the regulations in this part may be served by mailing a signed duplicate original copy thereof to the permittee or applicant by registered mail, with request for return receipt card, at the address stated in his permit or application or at his last known address, or by delivery of such original copy to the permittee or applicant personally, or in the case of a corporation, partnership, or other unincorporated association, by delivering the same to an officer, or manager, or general agent thereof, or to its attorney of record. Such personal service may be made by any employee of the Internal Revenue Service or by any employee of the Treasury Department designated by the Secretary. A certificate of mailing, and the return receipt card, or certificate of service signed by the person making such service, shall be filed as a part of the record.

§ 200.27 *Service on the assistant regional commissioner or Director.* Pleadings, motions, notices, and other formal

documents, except subpoenas, may be served, by registered mail or personally, on the assistant regional commissioner (or upon the attorney for the Government on behalf of the assistant regional commissioner), or on the Director, Alcohol and Tobacco Tax Division if the proceeding is before him for review on appeal.

TIME

§ 200.28 *Computation.* In computing any period of time prescribed or allowed by this part, the day of the act, event or default after which the designated period of time is to run, is not to be included. The last day of the period to be computed is to be included, unless it be a Saturday, Sunday or legal holiday, in which event the period runs until the next day which is neither a Saturday, Sunday or legal holiday. Pleadings, requests, or other papers or documents required or permitted to be filed under this part must be received for filing at the appropriate office within the time limits, if any, for such filing.

§ 200.29 *Continuances and extensions.* For good cause shown, the Commissioner, Director, Alcohol and Tobacco Tax Division, Assistant Regional Commissioner, or the examiner, as the case may be, may grant continuances and as to all matters pending before him extend any time limit prescribed by the rules in this part (except where the time limit is statutory).

REPRESENTATION AT HEARINGS

§ 200.30 *Personal representation.* Any individual or member of a partnership may after adequate identification, appear for himself, or such partnership, and a corporation or association may be represented by a bona fide officer of such corporation or association, upon showing of adequate authorization.

§ 200.31 *Attorneys.* A respondent or applicant may be represented by an attorney: *Provided,* That such attorney is duly enrolled to practice before the Treasury Department under the provisions of 31 CFR Part 10 (Treasury Department Circular No. 230),[1] and files in the proceeding a duly executed power of attorney to represent the applicant or respondent. See Conference and Practice Requirements, Internal Revenue Service, §§ 601.501–601.511 of this chapter. The assistant regional commissioner shall be represented in proceedings under this part by the attorney for the Government who is authorized to execute and file motions, briefs and other papers in the proceeding, on behalf of the assistant regional commissioner, in his own name as "Attorney for the Government".

§ 200.32 *Authority of Commissioner.* The Commissioner shall have all the authority granted by this part to examiners, assistant regional commissioners, and the Director, Alcohol and Tobacco Tax Division, and may exercise any of the functions prescribed in this part.

[1] See also 31 CFR Part 14.

SUBPART D—COMPLIANCE AND SETTLEMENT

§ 200.35 *Opportunity for compliance.* Except in proceedings involving willfulness or those in which the public interest requires otherwise, and the assistant regional commissioner so alleges in his citation, stating his reasons therefor, no permit shall be suspended, revoked or annulled, or application for renewal disapproved, unless, prior to the institution of proceedings, facts or conduct warranting such action shall have been called to the attention of the permittee, or applicant for renewal, by the assistant regional commissioner, in writing, and the permittee shall have been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements, as set forth in section 9 (b) of the Administrative Procedure Act. If the permittee fails to meet the requirements of the law and regulations within such reasonable time as may be specified by the assistant regional commissioner, proceedings for suspension, revocation or annulment of the permit, or disapproval of the renewal application, shall be initiated.

INFORMAL SETTLEMENT

§ 200.36 *General.* In all proceedings in which a permittee is cited to show cause why his permit should not be suspended, revoked or annulled, or his application for renewal disapproved, he shall be afforded opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment, where time, the nature of the proceeding, and the public interest permit, in accordance with section 5 (b) of the Administrative Procedure Act. Such submittals should be made to the assistant regional commissioner, but may be made through the attorney for the Government. Where necessary, the date of the hearing may be postponed, pending consideration of such proposals, when they are made in good faith and not for the purpose of delay. If proposals of settlement are submitted, and they are considered unsatisfactory, the assistant regional commissioner may reject the proposals and may, either directly or through the attorney for the Government, inform the permittee of any conditions on which the alleged violations may be settled. If the proposals of settlement are considered satisfactory to the assistant regional commissioner, he shall notify the permittee thereof and the attorney for the Government shall move the dismissal of the proceedings, unless such proposals of settlement include a monetary offer in compromise, in which event he shall advise the hearing examiner that the offer has been made and is under consideration and the hearing examiner may, in his discretion, continue the proceeding pending final action on such monetary offer in compromise or he may proceed with the hearing and his consideration of the matter pending final action, but in no event shall he render his decision until final action on such offer in compromise.

§ 200.37 *Notice of contemplated action.* Where the assistant regional commissioner believes that the matter may be settled informally, i. e., without formal administrative proceedings, he shall, in accordance with section 5 (b) of the Administrative Procedure Act, prior to the issuance of a citation, inform the permittee of the contemplated issuance of an order to show cause why his permit should not be suspended, revoked or annulled, or his application for renewal thereof be disapproved, and that he is being given an opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment. The notice should inform the permittee of the charges on which the citation would be based, if issued, and afford him a period of 10 days from the date of the notice, or such longer period as the assistant regional commissioner deems necessary, in which to submit proposals of settlement to the assistant regional commissioner. Where informal settlement is not reached promptly because of the inaction of the permittee, or proposals are made for the purpose of delay, citation shall issue in accordance with §§ 200.55 and 200.56, and the hearing shall be held in accordance with the rules in this part.

§ 200.38 *Limitation on informal settlement.* Where the evidence is conclusive and the nature of the violation is such as to preclude any settlement short of suspension, revocation or annulment, or disapproval of renewal application, or the violation is of a continuing character that necessitates immediate action to protect the public interest, or where the assistant regional commissioner believes that any informal settlement of the alleged violation will not insure future compliance with the laws and regulations, or in any similar case where the circumstances are such as to clearly preclude informal settlement, and the assistant regional commissioner so finds and states his reasons therefor as provided in § 200.35, he may restrict settlement to that provided in § 200.71.

SUBPART E—GROUNDS FOR CITATION

§ 200.45 *FAA permits.* Whenever the assistant regional commissioner has reason to believe that any person has willfully violated any of the conditions of his FAA permit, or has not in fact or in good faith engaged in the operations authorized by such permit for a period of more than two years, or that such permit was procured through fraud, misrepresentation or concealment of material facts, he shall issue a citation for the suspension, revocation or annulment of such permit, as the case may be.

§ 200.46 *Tobacco permits.* Whenever the assistant regional commissioner has reason to believe that any person has not in good faith complied with any of the provisions of Chapter 52 or regulations issued thereunder, or has not complied with any provision of the Internal Revenue Code which involves intent to defraud, or has violated any of the conditions of his permit, or has failed to disclose any material information required, or has made any materially false statement, in the application for his permit, or has failed to maintain his premises in such manner as to protect the revenue, the assistant regional commissioner shall issue a citation for the revocation or suspension of such permit.

§ 200.47 *Container permits.* Whenever the assistant regional commissioner has reason to believe that the permittee has violated any of the provisions of the Internal Revenue Code regulating the traffic in containers of distilled spirits, the regulations thereunder, or any of the terms or conditions of his permit, the assistant regional commissioner shall issue a citation for the revocation or suspension of such permit.

§ 200.48 *Alcohol permits.* If at any time there shall be filed with the assistant regional commissioner a complaint under oath setting forth facts showing, or if the assistant regional commissioner has reason to believe, that any person who has an alcohol permit is not in good faith conforming to the provisions of law applicable to such permit or has violated the terms of such permit, or has made any false statement in the application therefor, or has willfully failed to disclose any information required by regulation to be furnished, or has violated any law of the United States, or any State or any Territory or possession of the United States or of the District of Columbia relating to intoxicating liquor, he shall issue a citation for the revocation of such permit.

§ 200.49 *Applications.* If, upon examination of any application (including a renewal application) for a permit, the assistant regional commissioner has reason to believe that the applicant is not entitled to such permit he shall issue a citation for the contemplated disapproval of the application.

§ 200.50 *Expiration of permit.* In any case where a permittee has, in accordance with the law and regulations, made timely and sufficient application for a renewal of its permit, such permit shall not expire until such application shall have been finally determined.

SUBPART F—HEARING PROCEDURE

CITATIONS

§ 200.55 *Content.* Citations for the suspension, revocation or annulment of a permit shall be issued by the assistant regional commissioner and shall set forth (a) the sections of law and regulations relied upon for authority and jurisdiction of the hearing, (b) in separate paragraphs, the matters of fact constituting the violations specified, dates, places, sections of law and regulations violated, and (c) the time (in alcohol permit proceedings not more than 30 and not less than 15 days from date of service of citation) and place and nature of the hearing. Citations for the disapproval of an application for an initial or renewal permit shall set forth (1) the sections of law and regulations relied upon for authority and jurisdiction, (2) in separate paragraphs, the matters of fact and law relied upon for the contemplated disapproval of the application, and (3) that the application will be disapproved unless within 15 days a hearing thereon is requested.

§ 200.56 *Form.* Citations shall be issued on the following forms:

(a) Form 1430, "Order To Show Cause Why Permit Should Not Be Revoked," shall be used where citations are issued against alcohol permittees on complaint, under oath, of persons other than the assistant regional commissioner, and there shall be attached thereto a copy of the complaint.

(b) Form 1430–A, "Order To Show Cause," shall be used for all other citations for the suspension, revocation, or annulment, as the case may be, of permits under the Internal Revenue Code or the Federal Alcohol Administration Act.

(c) Form 1430–C, "Notice of Contemplated Disapproval of Application For Basic Permit," shall be used to issue notice of contemplated disapproval of applications for permit, whether initial or renewal.

§ 200.57 *Execution and disposition.* Forms 1430, 1430–A and 1430–C shall be executed in quintuplicate. A signed duplicate original shall be served on the permittee, one copy shall be sent to the examiner designated to conduct the hearing, the original copy, containing the certificate of service, shall be placed in the official record of the proceeding, and the remaining copies shall be retained for the assistant regional commissioner's office.

§ 200.58 *Designated place of hearing.* The designated place of hearing, (a) in the case of alcohol permits, shall be within the same Federal judicial district and within fifty miles of the place wherein the acts constituting the violations are alleged to have occurred unless the parties agree on a different place; and (b) in the case of all other permits, shall be such as meets the convenience or necessity of the parties.

REQUEST FOR HEARING

§ 200.59 *Application cases.* If the applicant for an initial or renewal permit desires a hearing, he shall file a request therefor, in writing, with the assistant regional commissioner within fifteen days after receipt of notice of the contemplated disapproval, in whole or in part, of his application.

§ 200.60 *Suspension, revocation or annulment cases.* No request for a hearing is necessary on citations for suspension, revocation or annulment, since the order to show cause sets forth on its face the date the respondent is to appear to show cause why his permit should not be suspended, revoked or annulled.

§ 200.61 *Notice of hearing.* In case a request for a hearing is filed by the applicant within the required time, the assistant regional commissioner shall refer the matter to the examiner and the examiner shall set a time and place for a hearing and shall serve notice thereof upon the parties at least ten days in advance of the hearing date.

NON-REQUEST FOR HEARING

§ 200.62 *Initial application.* In the case of an initial application, if the applicant does not request a hearing within the time specified in § 200.59, or within such further time as the assistant regional commissioner may in his discretion allow, the assistant regional commissioner will by order, stating the findings upon which it is based, disapprove the application, and will serve signed duplicate original of such order on the applicant.

§ 200.63 *Renewal application.* In the case of a renewal application, if the applicant does not request a hearing within the time specified in § 200.59, the assistant regional commissioner shall immediately refer the matter to the examiner who shall set it down for hearing as if such hearing had been requested.

ANSWERS

§ 200.64 *When required.* After service of a citation upon the respondent, ordering him to appear and show cause why his permit shall not be suspended, revoked or annulled, if he desires to contest the proceedings he shall, within 15 days from service of the order to show cause, file with the examiner and serve on the assistant regional commissioner an answer, in writing, to the allegations set forth therein. Such answer shall contain a concise statement of the facts that constitute his grounds of defense. Evidence to be introduced upon such hearing may be limited to the issues contained in the order to show cause and answers filed thereto: *Provided, however,* That where justice demands, the examiner shall waive any of the requirements of this section. Answers need not be filed ni application proceedings.
be filed in application proceedings.

§ 200.65 *Answer admitting facts.* If the respondent desires to waive the hearing on the allegations of fact set forth in the order to show cause, and does not contest the facts, the answer may consist of a statement that the respondent admits all material allegations of fact charged in the citation to be true. The examiner shall thereupon base his findings on the citation and such answer: *Provided, however,* That nothing herein contained shall affect the respondent's right to submit proposed findings and conclusions of fact or law and his right of appeal.

§ 200.66 *Prehearing conferences.* In any proceeding the hearing examiner may, upon his own motion or upon the motion of one of the parties or their qualified representatives, in his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider:

(a) The simplifications of the issues;

(b) The necessity of amendments to the pleadings;

(c) The possibility of obtaining stipulations, admissions of facts and of documents;

(d) The limitation of the number of expert witnesses; and

(e) Such other matters as may aid in the disposition of the proceeding.

As soon as practicable after such conference, the hearing examiner shall issue an order which recites the action taken thereat, the amendments allowed

to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, and which limits the issues for hearing to those not disposed of by admission or agreement; and such order shall control the subsequent course of the proceedings, unless modified for good cause by a subsequent order.

FAILURE TO APPEAR

§ 200.67 *Initial applications.* Where the applicant on an initial application for a permit has requested a hearing and does not appear at the appointed time and place, and evidence has not been offered to refute or explain the grounds upon which disapproval of the application is contemplated, this shall be construed as a waiver of the hearing, a default will be entered and the examiner shall recommend disapproval of said application.

§ 200.68 *Renewal applications.* Where the applicant on an application for a renewal permit has requested a hearing, or hearing has been set as provided in § 200.63, and no evidence is offered as stated, the attorney for the Government will proceed ex parte as set forth in § 200.69.

§ 200.69 *Suspension, revocation or annulment.* If on the date set for the hearing respondent does not appear and no evidence has been offered, the attorney for the Government will proceed ex parte and offer for the record sufficient evidence to make a prima facie case. At such hearing, documents, statements and affidavits may be submitted in lieu of testimony of witnesses.

WAIVER OF HEARING

§ 200.70 *Application proceedings.* At any time prior to final action thereon the applicant may, by filing written notice with the assistant regional commissioner, withdraw his application. If such a notice is filed after referral to the hearing examiner of a proceeding on an application for an initial or renewal permit and prior to issuance of his recommended decision or decision thereon, the assistant regional commissioner shall move the examiner to dismiss the proceedings as moot. If such a notice is filed while the proceeding is before the assistant regional commissioner and prior to final action thereon, that is, either (a) after issuance of a notice of contemplated disapproval and before referral of the proceeding to the hearing examiner or (b) after issuance by the hearing examiner of his recommended decision and prior to the assistant regional commissioner's order disapproving the application, the assistant regional commissioner shall, by order, dismiss the proceeding.

§ 200.71 *Suspension, revocation or annulment proceedings.* After the service of a citation for the suspension, revocation or annulment of a basic permit, the permittee may, if he so desires, waive the taking of evidence, but such waiver shall be accepted only if he stipulates that the examiner may enter an appropriate decision sustaining the charges and suspending, revoking or annulling the permit.

SURRENDER OF PERMIT

§ 200.72 *Before citation.* If a respondent surrenders his permit before citation, the assistant regional commissioner may accept the surrender. But if the evidence, in the opinion of the assistant regional commissioner, warrants citation for suspension, revocation or annulment, he shall refuse to accept such surrender and shall issue the citation notifying the permittee at the same time that he may file a formal waiver as provided in § 200.71. Should such waiver not be filed after notice, the examiner will proceed with the hearing on the citation.

§ 200.73 *After citation.* If a respondent surrenders his permit after citation and prior to the decision of the examiner, the assistant regional commissioner may accept the surrender of the permit and move the examiner to dismiss the proceeding as moot. If, however, in the opinion of the assistant regional commissioner the evidence is such as to warrant suspension, revocation or annulment, as the case may be, he shall refuse to accept the surrender of the permit and shall notify the respondent that he may file a formal waiver as provided in § 200.71. Should such formal waiver not be filed after notice, the examiner will proceed with the hearing on the citation.

MOTIONS

§ 200.74 *General.* All motions shall be made and addressed to the officer before whom the proceeding is pending, and copies of all motion papers shall be served upon the other party or parties. Such officer may dispose of any motion without oral argument, but he may, if he so desires, set it down for hearing and request argument. He may dispose of such motion prior to the hearing on the merits or he may postpone the disposition until the hearing on the merits. No appeal may be taken from any ruling on a motion until the whole record is certified for review. Examples of typical motions may be found in the Rules of Civil Procedure referred to in § 200.2.

§ 200.75 *Prior to hearing.* All motions which should be made prior to the hearing, such as motions directed to the sufficiency of the pleadings or of preliminary orders, shall be filed in writing with the assistant regional commissioner issuing the citation or the examiner if the matter has been referred to him, and shall briefly state the order or relief applied for and the grounds for such motion, and shall be filed within 15 days after service of the citation.

§ 200.76 *At hearing.* Motions at the hearing may be made in writing to the examiner, or stated orally on the record.

HEARING

§ 200.77 *General.* Unless the hearing is waived by the applicant or permittee, or postponed, or transferred to another place, by a written agreement signed by the applicant or permittee, or his attorney, and the attorney for the Government and approved and filed with the examiner, or unless the hearing is postponed, or transferred (subject to statutory limitations) by order of the examiner for good cause shown by either party, it shall be held at the time and place stated in the citation, by the examiner named in the citation, or in the notice of hearing as the case may be, or any other duly designated and appointed examiner assigned to hold such hearing.

§ 200.78 *Initial applications.* The examiner who presides at the hearing on initial applications shall recommend a decision to the assistant regional commissioner who shall make the initial decision as provided in § 200.107. The applicant may be directed by the assistant regional commissioner to produce such records as may be deemed necessary for examination. All hearings on initial applications shall be open to the public subject to such restrictions and limitations as may be consistent with orderly procedure.

§ 200.79 *Suspension, revocation, annulment or renewal.* The examiner who presides at the hearing in proceedings on applications for renewal permits and in proceedings for the suspension, revocation and annulment of permits shall make the initial decision.

BURDEN OF PROOF

§ 200.80 *Initial applications.* In hearings on the contemplated disapproval of initial applications there may be incorporated in the record sufficient testimony, reports, affidavits and other documents to be considered only for the limited purpose of establishing probable cause for the issuance of the notice of contemplated disapproval by showing that the assistant regional commissioner had reason to believe that the applicant is not entitled to a permit. The burden of proof shall be upon the applicant to produce evidence to show he is entitled to a permit. The assistant regional commissioner may, instead of following the aforementioned procedure, assume the burden of going forward.

§ 200.81 *Suspension, revocation, annulment or renewal.* In hearings on the contemplated disapproval of renewal applications, or on the suspension, revocation or annulment of permits, the burden of proof is on the Government.

GENERAL

§ 200.82 *Stipulations at hearing.* If there has been no prehearing conference under § 200.66, the examiner shall at the beginning of the hearing, require that the parties attempt to arrive at such stipulations as will eliminate the necessity of taking evidence with respect to allegations of fact concerning which there is no substantial dispute. The examiner should take similar action, where it appears appropriate, throughout the hearing and should call and conduct any conferences which he deems advisable with a view to the simplification, clarification, and disposition of any of the issues involved.

§ 200.83 *Evidence.* Any evidence which would be admissible under the rules of evidence governing proceedings in matters not involving trial by jury in the

Courts of the United States, shall be admissible and controlling as far as possible: *Provided*, That the examiner may relax such rules in any hearing when in his judgment such relaxation would not impair the rights of either party and would more speedily conclude the hearing, or would better serve the ends of justice. Except as provided in § 200.81, the proponent of an order shall have the burden of proof. Every party shall have the right to present his case or defense by oral or documentary evidence, depositions, duly authenticated copies of records and documents, to submit rebuttal evidence, and to conduct such reasonable cross-examination as may be required for a full and true disclosure of the facts. The examiner shall have the right in his discretion to limit the number of witnesses whose testimony may be merely cumulative and shall, as a matter of policy, not only exclude irrelevant, immaterial, or unduly repetitious evidence but shall also limit the cross-examination of witnesses to reasonable bounds so as not to unnecessarily prolong the hearing and unduly burden the record. Material and relevant evidence shall not be excluded, because it is not the best evidence, unless its authenticity is challenged, in which case reasonable time shall be given to establish its authenticity. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document should be made available for examination and for use by opposing counsel for purposes of cross-examination. Compilations, charts, summaries of data and photostatic copies of documents may be admitted in evidence if the proceedings will thereby be expedited, and if the material upon which they are based is available for examination by the parties. Objections to the evidence shall be in short form, stating the grounds relied upon. The transcript shall not include argument or debate on objections, except as ordered by the examiner, but shall include the rulings thereon.

§ 200.84 *Closing of hearing; arguments, briefs and proposed findings.* Before closing a hearing, the examiner shall inquire of each party whether he has any further evidence to offer, which inquiry and the response thereto shall be shown in the record. The examiner may hear arguments of counsel and may limit the time of such arguments at his discretion, and may, in his discretion, allow briefs to be filed on behalf of either party but shall closely limit the time within which the briefs for both parties shall be filed, so as to avoid unreasonable delay. The examiner shall also ascertain whether the parties desire to submit proposed findings and conclusions, together with supporting reasons, and if so a period of not more than 15 days (unless extended by the examiner)—after the close of the hearing or receipt of a copy of the record, if one is requested—will be allowed for such purpose.

§ 200.85 *Reopening of the hearing.* The Commissioner, the Director, Alcohol and Tobacco Tax Division, the assistant regional commissioner or the examiner, as the case may be, may, as to all matters pending before him, in his discretion reopen the hearing (a) in case of default where applicant failed to request a hearing or to appear after one was set, upon petition setting forth reasonable grounds for such failure, and (b) in case any party desires leave to adduce additional evidence upon petition summarizing such evidence, establishing its materiality and stating reasonable grounds why such party with due diligence was unable to produce such evidence at the hearing.

RECORD OF TESTIMONY

§ 200.86 *Stenographic record.* A stenographic record shall be made of the testimony and proceedings, including stipulations and admissions of fact (but not arguments of counsel unless otherwise ordered by the examiner) in all proceedings. A transcript of the evidence and proceedings at the hearing shall be made in all cases.

§ 200.87 *Oath of reporter.* The reporter making the stenographic record shall subscribe an oath before the examiner, to be filed in the record of the case, that he will truly and correctly report the oral testimony and proceedings at such hearing and accurately transcribe the same to the best of his ability.

SUBPART G—HEARING EXAMINERS

§ 200.95 *Responsibilities of examiners.* Examiners shall be under the administrative control of the Commissioner. They shall be responsible for the conduct of hearings and shall render their decisions as soon as is reasonably possible after the hearing is closed. Examiners shall also be responsible for the preparation, certification and forwarding of reports of hearings, and the administrative work relating thereto, and, by arrangement with assistant regional commissioners and representatives of the Chief Counsel, shall have access to facilities and temporary use of personnel at such times and places as are needed in the prompt dispatch of official business.

§ 200.96 *Disqualification.* An examiner shall, at any time, withdraw from any proceeding if he deems himself disqualified; and upon the filing in good faith by the applicant or respondent, or by the attorney for the Government, of a timely and sufficient affidavit of facts showing personal bias or otherwise warranting the disqualification of any examiner, the Director, Alcohol and Tobacco Tax Division, shall upon appeal as provided in § 200.115, if the examiner fails to disqualify himself, determine the matter as a part of the record and decision in the proceeding. If he decides the examiner should have declared himself disqualified, he will remand the record for hearing de novo before another examiner. If the Director, Alcohol and Tobacco Tax Division, should decide against the disqualification of the examiner, the proceeding will be reviewed on its merits.

§ 200.97 *Powers.* Examiners shall have authority to (a) administer oaths and affirmations; (b) issue subpoenas authorized by law; (c) rule upon offers of proof and receive relevant evidence; (d) take or cause depositions to be taken whenever the ends of justice would be served thereby; (e) regulate the course of the hearing; (f) hold conferences for the settlement or simplification of the issues by consent of the parties; (g) dispose of procedural requests or similar matters; (h) render recommended decisions in proceedings on initial applications for permits, and initial decisions in renewal applications for permits and in suspension, revocation, or annulment proceedings against permits; (i) call, examine and cross-examine witnesses, including hostile or adverse witnesses when he deems such action to be necessary to a just disposition of the cause, and introduce into the record documentary or other evidence; and (j) take any other action authorized by rule of the Internal Revenue Service consistent with the Administrative Procedure Act.

§ 200.98 *Separation of functions.* Examiners shall perform no duties inconsistent with their duties and responsibilities as such. Examiners may be assigned duties not inconsistent with the performance of their functions as examiners. Save to the extent required for the disposition of ex parte matters as required by law, no examiner shall consult any person or party as to any fact in issue unless upon notice and opportunity for all parties to participate. The functions of the examiner shall be entirely separated from the general investigative functions of the agency. No officer, employee, or agent engaged in the performance of investigative or prosecuting functions in any proceeding shall, in that or a factually related proceeding, participate or advise in the examiner's or Commissioner's decision, or in the agency review on appeal, except as a witness or counsel in the proceedings. The examiner may not informally obtain advice or opinions from the parties or their counsel, or from any officer or employee of the Internal Revenue Service, as to the facts or the weight or interpretation to be given to the evidence. He may, however, informally obtain advice on matters of law from officers or employees who were not engaged in the performance of investigative or prosecuting functions in that or a factually related proceeding. This limitation does not apply to the Commissioner, and the examiner may, at any time, consult with and obtain instructions from him on questions of law and policy.

§ 200.99 *Conduct of hearing.* The examiner is charged with the duty of conducting a fair and impartial hearing and of maintaining order in form and manner consistent with dignity. In the event that counsel or any person or witness in any proceeding shall refuse to obey the orders of the examiner, or be

guilty of disorderly or contemptuous language or conduct in connection with any hearing, the examiner may, for good cause stated in the record, suspend the hearing, and, in the case of an attorney, recommend that the Commissioner report the matter to the Director of Practice for disciplinary action. The refusal of a witness to answer any question which has been ruled to be proper shall be considered by the examiner in determining the weight to be given all the testimony of that witness.

§ 200.100 *Unavailability of examiner.* In the event that the examiner designated to conduct a hearing becomes unavailable before the filing of his findings and decision or recommended decision, the Commissioner may assign the case to another examiner for the continuance of the proceeding, in accordance with the regulations in this part in the same manner as if he had been designated examiner at the commencement of the proceeding.

SUBPART H—DECISIONS

§ 200.105 *Examiner's finding and decision or recommended decision.* Within a reasonable time after the conclusion of the hearing, and as expeditiously as possible, the examiner shall render his decision or recommended decision, as the case may be. All decisions shall become a part of the record and, if proposed findings and conclusions have been filed, shall show the examiner's ruling upon each of such proposed findings and conclusions. Decisions shall consist of (a) a brief statement of the issues of fact involved in the proceeding; (b) the examiner's findings and conclusions, as well as the reasons or basis therefor with record references, upon all the material issues of fact, law or discretion presented on the record (including, when appropriate, comment as to the credibility and demeanor of the witnesses); and (c) the examiner's determination or recommended determination on the record. Where the examiner determines that the imposition of a period of suspension of the permit is appropriate, his decision shall state the length of such period of suspension, to commence at such time as the assistant regional commissioner shall specify.

§ 200.106 *Certification and transmittal of record and decision.* After reaching his decision, the examiner shall certify to the complete record of the proceeding before him and (a), in proceedings on initial application, shall immediately forward the complete certified record together with four copies of his recommended decision to the assistant regional commissioner for initial decision, or (b), in proceedings on renewal applications and revocation, suspension or annulment proceedings, shall immediately forward the complete certified record, together with two copies of his decision, to the assistant regional commissioner, serve one copy of his decision on the respondent or his counsel and transmit a copy of his decision to the attorney for the Government.

ACTION BY ASSISTANT REGIONAL COMMISSIONER

§ 200.107 *Initial application proceedings.* If, upon receipt of the record and the recommended decision of the examiner, the assistant regional commissioner decides that the permit should be issued, he shall thereupon approve the application briefly stating, for the record, his reasons therefor, but if he contemplates the disapproval of the application he shall serve a copy of the examiner's recommended decision on the applicant, informing the applicant of his contemplated action and affording the applicant not more than 10 days in which to submit proposed findings and conclusions or exceptions to the recommended decision with reasons in support thereof. If the assistant regional commissioner, after consideration of the record of the hearing and of any proposed findings, conclusions or exceptions filed with him by the applicant, approves the findings, conclusions and recommended decision of the examiner, he shall by order approve or disapprove of the application in accordance therewith. If, after such consideration, he disapproves of the findings, conclusions and recommended decision of the examiner, in whole or in part, he shall by order make such findings and conclusions as in his opinion are warranted by the law and facts in the record. Any decision of the assistant regional commissioner ordering the disapproval of an initial application for a permit shall state the findings and conclusions upon which it is based, including his ruling upon each proposed finding, conclusion and exception to the examiner's recommended decision, together with a statement of his findings and conclusions, and reasons or basis therefor, upon all material issues of fact, law or discretion presented on the record. A signed duplicate original of the decision shall be served upon the applicant and the original copy containing certificate of service shall be placed in the official record of the proceeding.

§ 200.108 *Suspension, revocation, annulment or renewal application proceedings.* Upon receipt of the complete certified record of the hearing the assistant regional commissioner shall enter an order suspending, revoking or annulling the permit (on Form 1430–B) disapproving the application or dismissing the proceedings in accordance with the examiner's findings and decision, unless he disagrees with such findings and decision and files a petition with the Director, Alcohol and Tobacco Tax Division, for review thereof, as provided in § 200.115. If the assistant regional commissioner files such petition, he shall withhold issuance of the order, pending the decision of the Director, Alcohol and Tobacco Tax Division, upon receipt of which he shall issue the order in accordance therewith. A signed duplicate original of the order of the assistant regional commissioner shall be served upon the respondent and the original copy containing certificate of service shall be placed in the official record of the proceeding. In all proceedings in which a suspension is imposed, the assistant regional commissioner's order shall state the time when the suspension period set forth in the examiner's decision shall commence and terminate.

§ 200.109 *Notice to Director, Alcohol and Tobacco Tax Division.* When the assistant regional commissioner makes an order suspending, revoking or annulling a permit or disapproving a renewal application, he will furnish a copy of the order and of the decision on which it is based to the Director, Alcohol and Tobacco Tax Division. Should such order be subsequently set aside on review by the courts, the assistant regional commissioner will so advise the Director, Alcohol and Tobacco Tax Division.

§ 200.110 *Proceedings involving violations not within region of issuance of permit.* In the event that a citation covers violations which occurred at a place not within the region of issuance of the permit involved, the assistant regional commissioner of such region may (and, in the case of alcohol permits, shall) set the matter for hearing. In all such cases the hearing examiner shall forward the complete and duly certified transcript of the entire record of such proceeding and a copy of his decision to the assistant regional commissioner of the region in which the basic permit was issued who shall take appropriate action in accordance with § 200.108.

SUBPART I—REVIEW

§ 200.115 *Appeal on petition to the Director, Alcohol and Tobacco Tax Division.* An appeal is not required prior to application to the Federal Courts for review. An appeal may be taken by the applicant or respondent to the Director, Alcohol and Tobacco Tax Division, from an examiner's decision suspending, revoking or annulling a permit or disapproving a renewal application, and from an order disapproving an initial application for a permit. Similarly, an appeal may be taken by the assistant regional commissioner from an examiner's decision. Such appeal shall be taken by filing a petition for review on appeal with the Director, Alcohol and Tobacco Tax Division, within 15 days of the service of the order or examiner's decision. The petition must set forth facts tending to show (a) action of an arbitrary nature, (b) action without reasonable warrant in fact, or (c) action contrary to law and regulations. A copy of the petition shall be filed with the assistant regional commissioner or served on the respondent, as the case may be. In the event of such appeal, the assistant regional commissioner shall immediately forward the complete original record, by registered mail, to the Director, Alcohol and Tobacco Tax Division, for his consideration and review.

§ 200.116 *Review by Director, Alcohol and Tobacco Tax Division.* The Director, Alcohol and Tobacco Tax Division, on appeal on petition for review, shall afford a reasonable opportunity for the submission of proposed findings, conclusions or exceptions with reasons in support thereof and an opportunity for oral argument. He may alter or modify any finding of the examiner (or of the assistant regional commissioner in initial application proceedings) and may affirm, reverse, or modify the decision of the examiner (or of the assistant regional commissioner in initial application proceedings), or he may remand the case for further hearing, but he shall not consider evidence which is not a part of the record. Appeals and petitions for review shall not be decided by the Director, Alcohol and Tobacco Tax Division, in any proceeding in which he has engaged in investigation or prosecution, and in such event he shall so state his disqualification in writing and refer the record to the Commissioner for appropriate action. The Commissioner may designate an Assistant Commissioner or one of his principal aides to consider any proceeding instead of the Director, Alcohol and Tobacco Tax Division. The original copy of the decision on review shall be placed in the official record of the proceeding, a signed duplicate original shall be served upon the applicant or respondent and a copy shall be transmitted to the assistant regional commissioner. When, on appeal, the Director, Alcohol and Tobacco Tax Division, affirms the decision of the assistant regional commissioner or the examiner, as the case may be, disapproving an application or suspending, revoking or annulling a permit, such action shall not supersede the decision of the assistant regional commissioner or the examiner and such decision shall be final.

§ 200.117 *Permit privileges, exceptions.* Pending final determination of any timely appeal in revocation, suspension, annulment or renewal application proceedings to the Director, Alcohol and Tobacco Tax Division, the permit involved shall continue in force and effect except that, in the case of alcohol permits, any time after a citation has been issued withdrawals of alcohol or specially denatured alcohol by such permittee may, in the discretion of the assistant regional commissioner or Director, Alcohol and Tobacco Tax Division, be restricted to the quantity which, together with the quantity then on hand, is necessary to carry on legitimate operations under such permit. The assistant regional commissioner may, in restricting the permittee to his legitimate needs, refuse to issue any purchase or withdrawal permit.

§ 200.118 *Court review; permits under the Internal Revenue Code.* If an applicant or respondent desires to have a decision of the examiner, or a final order of the assistant regional commissioner or of the Director, Alcohol and Tobacco Tax Division, reviewed on appeal by the Federal court, the assistant regional commissioner or the Director, Alcohol and Tobacco Tax Division, upon notification that such an appeal has been taken shall have prepared in triplicate a complete transcript of the record of the proceeding. The assistant regional commissioner or the Director, Alcohol and Tobacco Tax Division, as the case may be, will certify to the correctness of such transcript of the record, forward one copy to the attorney for the Government in the review of the case, and file the original record of the proceedings with the original certificate in the district court.

§ 200.119 *Court review; FAA permits.* If an applicant or respondent desires to have a decision of the examiner or a final order of the assistant regional commissioner, or the Director, Alcohol and Tobacco Tax Division, reviewed on appeal by the United States Circuit Court of Appeals, as provided by law, the Director, Alcohol and Tobacco Tax Division, upon notification of the filing of the petition for review, shall have prepared, in triplicate, a complete transcript of the record of the proceeding. The assistant regional commissioner or Director, Alcohol and Tobacco Tax Division, as the case may be, will certify to the correctness of the record and file the original certificate with the original record in the Circuit Court of Appeals.

SUBPART J—MISCELLANEOUS

§ 200.125 *Depositions.* The examiner may take or order the taking of depositions by either party to the proceeding at such time and place as he may designate before a person having the power to administer oaths, upon application therefor and notice to the parties to the action. The testimony shall be reduced to writing by the person taking the deposition, or under his direction, and the deposition shall be subscribed by the deponent unless subscribing thereof is waived in writing by the parties. Any person may be subpoenaed to appear and depose and to produce documentary evidence in the same manner as witnesses at hearings.

§ 200.126 *Subpoenas.* Where authorized by law, upon written application by a party to a proceeding, the attendance and testimony of any person, or the production of documentary evidence in proceedings instituted under this part may be required by personal subpoena (Form 1644) or by subpoena duces tecum (Form 1645). Application should be addressed to, and subpoenas should be issued by, the examiner before whom the proceedings are pending, but may be issued by the assistant regional commissioner or by the Director, Alcohol and Tobacco Tax Division, if the examiner is unavailable. Both the application and the subpoena shall set forth the title of the proceedings, the name and address of the person whose attendance is required, the date and place of his attendance and, if documents are to be produced, a description thereof; and the application must have reasonable scope and specify as exactly as possible the documents required, if any, and show their general relevance. Subpoenas shall be served in person. When issued on behalf of the United States, service shall be made by an officer, employee, or agent of the Treasury Department; when issued on behalf of a permittee or applicant, service shall be made by any person who is not a party to the proceeding and is not less than 18 years of age.

§ 200.127 *Witnesses and fees.* Witnesses summoned before the examiner may be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear and the person taking the deposition shall be paid by the party at whose instance the deposition is taken.

RECORD

§ 200.128 *What constitutes record.* The transcript of testimony, pleadings and exhibits, all papers and requests filed in the proceeding, together with all findings, decisions and orders, shall constitute the exclusive record. Where the decision rests on official notice of material fact not appearing in the record, the examiner shall so state in his findings and any party shall, on timely request, be afforded an opportunity to show facts to the contrary.

§ 200.129 *Availability.* A copy of the record shall be available for inspection by the parties to the proceedings during business hours at the office of the examiner or the assistant regional commissioner or, pending administrative review, at the office of the Director, Alcohol and Tobacco Tax Division. Copies of the record desired by the respondent or applicant may be purchased from the contract reporter, or, if the hearing was reported by a Government employee, a charge will be made for the copies at the lowest prevailing rates charged by public reporters in the region where the hearing is held, and in the case of photostats or copies of other documents in accordance with the provisions of Com-Mim. A. T. No. 719, dated January 3, 1952.

[F. R. Doc. 55–9771; Filed, Dec. 5, 1955; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 226]

[Economic Regulations, Draft Release 78A]

FREE AND REDUCED-RATE TRANSPORTATION TO BOARD EMPLOYEES TRAVELING ON OFFICIAL BUSINESS

SUPPLEMENTAL NOTICE OF RULE MAKING

DECEMBER 1, 1955.

If the notice of proposed rule making on this matter, published in the FEDERAL REGISTER on November 9, 1955 (20 F. R. 8390), it was stated that the Board would cosider all relevant matter in communications received on or before December 9, 1955. The Air Transport Association of America, acting on behalf of itself and its members, has requested the Board to extend the date by which comments must be filed for a minimum additional period of 14 days. This request was predicated upon the need for careful study of the subject proposal and a desire for mutual consultation between the managements of various interested airlines.

The draft release proposed to clarify the legal status of a voluntary offer,

made by any air carrier engaged in interstate air transportation, to furnish free or reduced-rate transportation to Board personnel traveling on official business and also to include such personnel in the category of persons to whom preferential rate overseas or foreign air transportation may be furnished under the provisions of section 403 (b) of the act. Since these proposals are matters of substantial concern to the industry, the Board finds that the date presently set for return of comment should be extended to December 20, 1955.

Accordingly, the second sentence of the last paragraph of the aforementioned notice is amended to read as follows: "All relevant matter in communications received on or before December 20, 1955, will be considered by the Board before taking final action on the proposed rule."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 403, 404, 405, 52 Stat. 992, 993, 994; 49 U. S. C. 483, 484, 485)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55-9779; Filed, Dec. 5, 1955; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 52]

FROZEN GRAPE JUICE CONCENTRATE FOR GRAPE BEVERAGE[1]

U. S. STANDARDS FOR GRADES

Subsequent to publication on October 20, 1954 (19 F. R. 6773), of a proposed United States Standards for Grades of Frozen Grape Juice Concentrate for Grape Beverage, views and arguments were received from interested persons indicating a need for further study relative to the proposed grade standards. After such study, this second notice is hereby given that the U. S. Department of Agriculture is considering the issuance of United States Standards for Grades of Frozen Grape Juice Concentrate for Grape Beverage pursuant to the authority contained in the Agricultural Marketing Act of 1946, (60 Stat. 1087 et seq.; 7 U. S. C. 1621 et seq.). This issuance, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act. The product covered by these standards is essentially sweetened concentrated grape juice usually with acid added but is generally marketed under the name "Frozen Concentrated Grape Juice."

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

Sec.
52.2451 Product description.
52.2452 Types of frozen grape juice concentrate for grape beverage.
52.2453 Styles of frozen grape juice concentrate for grape beverage.
52.2454 Grades of frozen grape juice concentrate for grape beverage.

FILL OF CONTAINER

52.2455 Recommended fill of container.

FACTORS OF QUALITY

52.2456 Ascertaining the grade and score for frozen grape juice concentrate for grape beverage.
52.2457 Ascertaining the rating for the factors which are scored.
52.2458 Color.
52.2459 Defects.
52.2460 Flavor.

EXPLANATIONS AND METHODS OF ANALYSIS

52.2461 Definition of terms used in these standards.
52.2462 Methods of analysis.

LOT CERTIFICATION TOLERANCE

52.2463 Tolerances for certification of officially drawn samples.

SCORE SHEETS

52.2464 Score sheet for frozen grape juice concentrate for grape beverage.

AUTHORITY: §§ 52.2451 to 52.2464 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

§ 52.2451 *Product description.* Frozen grape juice concentrate for grape beverage is the frozen product of concentrated, unfermented juice obtained from sound properly matured, fresh grapes. The product is prepared from unfermented single-strength grape juice, which, with or without aging, or depectinization, is then concentrated. Single-strength grape juice, or a combination of single-strength grape juice and natural grape essence is then mixed to the concentrate and packed with the addition of nutritive sweetening ingredient and with or without ascorbic acid. Fruit acid may be added to adjust the flavor. The product is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.2452 *Types of frozen grape juice concentrate for grape beverage*—(a) *Type I.* Frozen grape juice concentrate for grape beverage prepared from grapes of the slip-skin varieties of the Concord type of the Labrusca species. Not less than 50 percent of the total soluble solids of the finished concentrate shall be derived from the grapes.

(b) *Type II.* Frozen grape juice concentrate for grape beverage (prepared from a single variety of grapes other than Concord type). Not less than 75 percent of the total soluble solids of the finished concentrate shall be derived from the grapes.

(c) *Type III.* Frozen grape juice concentrate for grape beverage prepared from a mixture of Type I and Type II or a mixture of Type II varieties. Not less than 60 percent of the total soluble solids of the finished concentrate shall be derived from the grapes.

§ 52.2453 *Style of frozen grape juice concentrate for grape beverage.* Brix value of the finished concentrate (including added sweetening ingredient) shall be not less than the following for the respective dilution factor of frozen grape juice concentrate for grape beverage:

Dilution factor	Minimum Brix value of finished concentrate including added sweetening ingredient
	Degrees
1 plus 1	24.6
1 plus 2	35.5
1 plus 3	43.4
1 plus 4	54.5
1 plus 5	62.6
1 plus 6	70.7

§ 52.2454 *Grades of frozen grape juice concentrate for grape beverage.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen grape juice concentrate for grape beverage which reconstitutes properly and of which the reconstituted product possesses a good color; is practically free from defects; possesses a good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen grape juice concentrate for grape beverage which reconstitutes properly and of which the reconstituted product possesses a reasonably good color; is reasonably free from defects; possesses a reasonably good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen grape juice concentrate for grape beverage that fails to meet the requirements of U. S. Grade B or U. S. Choice.

FILL OF CONTAINER

§ 52.2455 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that the container be filled with frozen grape juice concentrate for grape beverage as full as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.2456 *Ascertaining the grade.* (a) The grade of frozen grape juice concentrate for grape beverage is ascertained by considering the factors of quality which are not scored and those which are scored as follows:

(1) *Factors which are not scored.* Ease of mixing into grape beverage.

(2) *Factors which are scored.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	40
Defects	20
Flavor	40
Total score	100

(b) The scores for the factors of color, defects, and flavor are determined immediately after the beverage has been prepared by thoroughly mixing the frozen grape juice concentrate with a specific volume of water as directed by the manufacturer.

§ 52.2457 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "17 to 20 points" means 17, 18, 19, or 20 points.)

§ 52.2458 *Color*—(a) *(A) classification.* Frozen grape juice concentrate for grape beverage of which the prepared beverage possesses a good color may be given a score of 34 to 40 points. "Good color" has the following meanings with respect to the types of frozen grape juice concentrate for grape beverage.

(1) *Type I.* A bright purple or bright reddish-purple color characteristic of a beverage properly prepared from Concord type grape juice and, in addition, the beverage prepared conforms to the following requirements:

Minimum absorbancy at 520 millimicrons	[2] 4.5
Minimum absorbancy ratio	[2] 2.0

[2] Determined according to § 52.2462.

(2) *Types II and III.* A bright color characteristic of a beverage properly prepared from juice of any varietal type of varietal types of grapes from which prepared.

(b) *(B) classification.* If the prepared beverage possesses a reasonably good color a score of 28 to 33 points may be given. Frozen grape juice concentrate for grape beverage that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product, (this is a limiting rule). "Reasonably good color" has the following meanings with respect to the types of frozen grape juice concentrate for grape beverage.

(1) *Type I.* A purple or reddish-purple color characteristic of a beverage prepared from Concord type grape juice and which color may be slightly dull purple, slightly dull bluish-purple, or slightly dull reddish-purple but which is not off-color for any reason.

(2) *Types II and III.* A color that reflects to a reasonable extent the appearance characteristic of a beverage prepared from juice of any varietal type or varietal types of grapes from which prepared and which color may be slightly dull but not off-color for any reason.

(c) *(SStd.) classification.* Frozen grape juice concentrate for grape beverage that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.2459 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from sediment and other residue, from tartrate crystals, from particles of skin, particles of seed, and from other defects.

(b) *(A) classification.* Frozen grape juice concentrate for grape beverage of which the prepared beverage is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that there may be present not more than a slight amount of sediment and residue; is practically free from tartrate crystals; and is free from particles of skin, particles of seed, and from other defects.

(c) *(B) classification.* If the prepared beverage is fairly free from defects a score of 14 to 16 points may be given. Frozen grape juice concentrate for grape beverage that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product, (this is a limiting rule). "Reasonably free from defects" means that there may be present not more than a slight amount of sediment and residue; may possess a slight amount of tartrate crystals; may possess not more than a trace of particles of skin, particles of seed, and other defects.

(d) *(SStd.) classification.* If the prepared beverage fails to meet the requirements of paragraph (c) of this section a score of 0 to 13 points may be given. Frozen grape juice concentrate for grape beverage that falls into this classification shall not be graded above Substandard regardless of the total score for the product, (this is a limiting rule).

§ 52.2460 *Flavor*—(a) *(A) classification.* Frozen grape juice concentrate for grape beverage of which the prepared beverage possesses a good flavor may be given a score of 34 to 40 points. "Good flavor" means that the flavor is a fine distinct and normal flavor, typical of well-matured grapes for the variety or varieties and is free from any objectionable flavors and objectionable odors of any kind. To score in this classification the prepared beverage and concentrate shall meet the following additional requirements:

(1) *Type I*—(i) *Brix.* Not less than 13.0 degrees.

(ii) *Acid.* Not less than 0.40 gram per 100 milliliters nor more than 0.60 gram per 100 milliliters, calculated as tartaric acid.

(iii) *Brix-acid ratio.* The ratio of Brix value to acid is not less than 20 to 1 nor more than 32 to 1.

(iv) *Concentrate.* Methyl anthranilate (naturally occurring)—not less than the following for the respective dilution factor of frozen grape juice concentrate for grape beverage.

Dilution factor	Minimum methyl anthranilate (naturally occurring) (mg./l.)
1 plus 1	0.4
1 plus 2	.8
1 plus 3	1.2
1 plus 4	1.6
1 plus 5	2.0
1 plus 6	2.4

(2) *Types II and III*—(i) *Brix.* Not less than 19.0 degrees.

(ii) *Acid.* Not less than 0.40 gram per 100 milliliters nor more than 0.75 gram per 100 milliliters, calculated as tartaric acid.

(iii) *Brix-acid ratio.* The ratio of Brix value to acid is not less than 24 to 1 nor more than 40 to 1.

(b) *(B) classification.* If the prepared beverage possesses a fairly good flavor a score of 28 to 33 points may be given. Frozen grape juice concentrate for grape beverage that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means a reasonably typical flavor of reasonably well matured grapes for the varietal type or varietal types and is free from objectionable flavors and objectionable odors of any kind. To score in this classification the prepared beverage shall meet the following additional requirements:

(1) *Type I*—(i) *Brix.* Not less than 13.0 degrees.

(ii) *Acid.* Not less than 0.30 gram per 100 milliliters nor more than 0.60 gram per 100 milliliters, calculated as tartaric acid.

(iii) *Brix-acid ratio.* The ratio of Brix value to acid is not less than 18 to 1 nor more than 36 to 1.

(2) *Types II and III*—(i) *Brix.* Not less than 18.0 degrees.

(ii) *Acid.* Not less than 0.30 gram per 100 milliliters nor more than 0.75 gram per 100 milliliters, calculated as tartaric acid.

(iii) *Brix acid ratio.* The ratio of Brix value to acid is not less than 22 to 1 nor more than 42 to 1.

(c) *(SStd.) classification.* If the frozen grape juice concentrate for grape beverage fails to meet the requirements of paragraph (b) of this section a score of 0 to 27 points may be given. Frozen grape juice concentrate for grape beverage that falls into this classification shall not be graded above Substandard regardless of the total score for the product, (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSIS

§ 52.2461 *Definition of terms used in these standards.* (a) "Brix" means the degrees Brix of the reconstituted grape beverage when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing grape beverage at a temperature other than 20 degrees C. (68 degrees F.), the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of grape beverage may be determined by any other method which gives equivalent results.

(b) "Acid" means the grams of acid (calculated as tartaric acid) per 100 milliliters of the reconstituted grape beverage determined by titration with standard sodium hydroxide solution using phenolphthalein as an indicator.

(c) "Brix-acid ratio" means the ratio between the degrees Brix as determined

in this section and the acid in grams per 100 milliliters of reconstituted grape beverage.

(d) "Dilution factor" is the ratio of the volumes of water to the volume of concentrate. This factor is provided by the manufacturer's directions for preparing the desired grape beverage (i. e., 3 plus 1 implies 3 volumes of water to 1 volume of concentrate).

(e) "Absorbancy ratio" means the ratio of absorbancy reading at 520 millimicrons to the absorbancy reading at 430 millimicrons.

§ 52.2462 *Methods of analysis*—(a) *Methyl anthranilate*—(1) *Reagents.* (i) Hydrochloric acid—dilute 81 milliliters (ml.) of HCL to 100 ml. with H_2O.

(ii) Sodium nitrite solution—dissolve 3 grams (gm.) of $NaNO_2$ in 200 ml. of H_2O.

(iii) Hydrazine sulfate solution—dissolve 5 gm. of $N_2H_4 \cdot H_2SO_4$ in 200 ml. of H_2O.

(iv) Sodium carbonate solution—dissolve 50 gm. of Na_2CO_3 in 150 ml. of H_2O.

(v) Sodium - a - naphthol-2-sulfonate solution—dissolve 4.7 gm. of the sulfonate in 100 ml. of H_2O.

(vi) Standard solution of methyl anthranilate—dissolve 0.25 gm. of methyl anthranilate in 60 ml. of 95 percent ethyl alcohol and dilute with H_2O to 500 ml.

(2) *Apparatus.* Modified Pregl Micro Kjeldahl distilling apparatus (steam distilling apparatus, catalogue No. 22500, Central Scientific Co., Chicago, Ill., or equal, may be used).

(3) *Standard curve.* (i) Dilute 20 ml. of standard solution of methyl anthranilate to 1 liter with H_2O (equivalent to 10 micrograms per ml.).

(ii) Prepare series of solution for standard curve by transferring 0–5 ml. of solution (i) into 100 ml. volumetric flask. Dilute to ca. 80 ml. with H_2O.

(iii) Then add as follows:

(*a*) 1 ml. HCl and 1 ml. sodium nitrite solution. Let stand 2 minutes.

(*b*) 3 ml. hydrazine sulfate solution. Let stand 1 minute.

(*c*) 2 ml. sodium-a-naphthol-2-sulfonate solution.

(*d*) Immediately add 3 ml. sodium carbonate solution, dilute to 100 ml. volume with H_2O, let stand 10 minutes.

(*e*) Read absorbancy at 490 millimicrons, in a spectrophotometer or colorimeter, against a blank, carried through entire procedure, set at zero absorbancy.

(iv) Plot standard curve of concentration (microgram per 100 ml. of final solution) of methyl anthranilate against absorbancy of solutions.

(4) *Determination.* Use a 100 ml. volumetric flask as receiver. Add 5 ml. of water to just cover or seal end of extended condenser tube. Transfer 15–25 ml. of sample concentrate into distillation flask. Collect about (ca.) 80 ml. of distillate. Treat as under subparagraph (3) (iii) of this paragraph. Obtain concentration (micrograms/100 ml. of final solution) of methyl anthranilate from standard curve, (see subparagraph (3) (iv) of this paragraph).

$$\frac{\text{mgs.}}{\text{liter of concentrate}} = \frac{\text{microgram 100 ml. of final solutions}}{\text{ml. of sample taken}}$$

(b) *Absorbancy and absorbancy ratio.* Absorbancy and absorbancy ratio shall be obtained as follows:

(1) The concentrate shall be diluted at 25 degrees C., using MacIlvaine's pH 3.2 buffer as the liquid.

(2) 5 ml. aliquot of diluted sample shall be further diluted to 100 ml. with MacIlvaine's pH 3.2 buffer.

(3) Filter 50 ml. of solution through sintered glass crucible 4-cm. diameter, 4.5-cm. height, medium porosity.

(4) Read absorbancy of filtrate on a spectrophotometer at 520 millimicron wavelength with a 0.05 mm. width slit and at 430 millimicron wavelength with a 0.025 mm. width slit.

$$\text{Absorbancy} = 2 - \log T, \text{ where } T = \text{percentage transmittancy}$$

$$\text{Corrected absorbancy} = \text{observed absorbancy} \times \frac{20}{\text{thickness of cell in cm.}}$$

$$\text{Absorbancy ratio} = \frac{\text{corrected absorbancy at 520 millimicrons}}{\text{corrected absorbancy at 430 millimicrons}}$$

LOT CERTIFICATION TOLERANCES

§ 52.2462 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen grape juice concentrate for grape beverage the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2463 *Score sheet for frozen grape juice concentrate for grape beverage.*

Size and kind of container	
Container mark or identification	
Label (including dilution factor)	
Net contents (fluid ounces)	
Type (Concord, other, blended)	
Brix of the reconst. beverage	
Acid (as tartaric) grams/100 ml.	
Brix-acid ratio	

Factors		Score points
Color	40	(A) 34–40 (B) [1] 28–33 (SStd.) [1] 0–27
Defects	20	(A) 17–20 (B) [1] 14–16 (SStd.) [1] 0–13
Flavor	40	(A) 34–40 (B) [1] 28–33 (SStd.) [1] 0–27
Total score	100	
Grade		

[1] Indicates limiting rule.

Dated: December 1, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55–9751; Filed, Dec. 5, 1955; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 125]

RAILROAD ACCIDENTS; REPORTS AND CLASSIFICATION

MONTHLY REPORTS

DECEMBER 1, 1955.

Notice to all Common Carriers within the scope of the Accident Reports Act, approved May 6, 1910.

The Commission having under consideration the Rules Governing the Monthly Reports of Railway Accidents, effective by its Order of December 31, 1921, as amended, has approved the revised rules set forth below. An appendix listing the causes and codes to be used in classifying railroad accidents will be provided when the revised rules are printed.

Any interested party may, on or before 30 days after the date of this notice, file with the Commission a written statement of reasons why the rules set forth below should not be made effective, and may request oral argument thereon. Unless otherwise decided, after consideration of objections so filed, an order will be entered making them effective January 1, 1956.

[SEAL] HAROLD D. McCOY,
Secretary.

RULES GOVERNING MONTHLY REPORTS OF RAILROAD ACCIDENTS

AUTHORITY

These rules are issued by authority of the Accident Reports Act approved May 6, 1910, section 1 of which requires "that it shall be the duty of the general manager, superintendent, or other proper officer of every common carrier engaged in interstate or foreign commerce by railroad to make to the Interstate Commerce Commission, at its office in Washington, District of Columbia, a monthly report under oath, of all collisions, derailments, or other accidents resulting in injury to persons, equipment, or roadbed arising from the operation of such railroad under such rules and regulations as may be prescribed by the said Commission, which report shall state the nature and causes thereof and the circumstances connected therewith."

PURPOSE

The purpose of reporting accidents arising from the operation of a railroad to this Commission is to carry out the intent of the Congress as expressed in the Accident Reports Act approved May 6, 1910, namely, the disclosure of the hazards inherent in the provision of common carrier transportation by railroad insofar as such disclosure may appear from accident experience. Accident reporting, therefore, being in the interest of the remedial and regulatory process, its requirements apply exclusively to collisions, derailments, and other accidents arising from the actual operation of a railroad.

GENERAL INSTRUCTIONS

1. *Definition of "arising from the operation of a railroad".* The term is limited to the physical operation and maintenance of equipment, track, and roadbed of a railroad and includes only the:

(a) Operation of trains, locomotives, or cars.

(b) Transportation in railroad cars of persons, freight, mail, baggage, express, or other material including loading and unloading of such cars.

(c) Any necessary handling and care, by railroad employees, of persons and lading on cars in transit.

(d) Work performed on railroad property (except as indicated in section 5 (a)) by railroad employees who in the course of their regular duty are engaged in the operation, construction, servicing, or maintenance of existing lines, as follows:

(1) Construction, servicing, or maintenance of locomotives or cars or of any of the facilities used for doing this work.

(2) Construction, installation, or repair of tracks or roadbed or of any of the facilities used for doing this work.

(3) Construction, installation, servicing, or maintenance of signal structures or equipment including highway crossing protection or of any of the facilities used for doing this work.

(4) Construction, installation, servicing, or maintenance of communication structures or equipment or of any of the facilities used for doing this work.

(5) Construction, installation, servicing, or maintenance of other fixed railroad structures, including signs, under, over, or beside tracks.

(6) Physical operation of all railroad facilities and equipment which includes those acts which are performed in and about freight houses and passenger stations (including the loading and unloading of cars), yard offices, car dumpers, or storehouses or any other facilities used for providing railroad service.

2. *Definition of "accidents".* (a) An accident is an occurrence arising from a collision, derailment or other happening incurred in the physical operation of a railroad as herein defined in section 1 above.

(b) The Accident Reports Act requires the reporting of collisions, derailments or other accidents resulting in injury to persons, equipment or roadbed, arising from the operation of a railroad. As used in the act, the term "other accidents" requires that said accidents should include only such accidents as involve the physical movement and maintenance of trains, locomotives, or cars, and the maintenance and use of tracks and roadbed.

(c) An "accident" as herein used which results in external or internal injury to a person presupposes an occurrence, such as a blow, impact of a locomotive, car, machinery, equipment, tool, material or other object, a slip, a trip or fall, or any mishap, usually unforeseen, resulting from an action arising in the operation of a railroad as defined in section 1 above.

(d) The act makes clear that "accident" and "injury" are not synonymous terms, and, therefore an injury must be the result of an accident, or in other words, some physical agency arising from the operation of a railroad as herein defined in section 1 above must inflict injury as defined in paragraph 2 (c) above.

3. *Occurrences not to be classed as "Accidents Arising from the Operation of a Railroad".* (a) In the absence of any such mishap as mentioned in section 2 (c), the application of physical exertion alone shall not be classed as an accident.

(b) Disability through aggravation of an unfavorable physical condition in connection with a mishap as defined in section 2 (c) shall not be classed as a reportable accident if all of the evidence is nonconflicting and clearly indicates that such mishap of itself would have been insufficient to cause reportability.

(c) Disability resulting alone from the accentuation of an unfavorable physical condition, in the absence of a mishap, shall not be classed as an accident.

(d) Disability resulting from illness or disease shall not be classed as an accident.

(e) Disability representing the cumulative effect of repetitive use of tools or appliances or repetitive exposure to the elements or to chemicals, fumes, gases and the like, shall not be classed as an accident. This limitation does not apply to disability arising from a single exposure to chemicals, fumes, gases and the like.

(f) Disability resulting from contact with animals, insects, reptiles, poisonous weeds or leaves, or like objects not arising from the operation of a railroad as herein defined in section 1 above.

(g) Occurrences determined to be suicides by a coroner or other public authority.

4. *"Accidents" to be reported.* A reportable accident is an accident arising from the operation of a railroad as herein defined in section 1 above that results in one of more of the following circumstances:

(a) Death of a person: A death resulting from an accident within 24 hours following its occurrence is reportable as a fatality; if death occurs after the expiration of the 24-hour period, the casualty is reportable as an injury and also as a subsequent fatality.

(b) Injury to an employee sufficient to incapacitate him from performing fully and acceptably and without extra assistance all of the duties customarily included in the assignment of the employee at the time of injury for more than three days (72 hours) in the aggregate during the ten days (240 hours) immediately following the accident. This rule applies to employees on duty, and to those classed as not on duty, but does not apply to employees classed as passengers or trespassers.

Incapacitation, which includes Sundays, holidays, and lay-off days, begins: Whenever the pain or inconvenience resulting from the accident becomes so serious that it would prevent the injured person from performing all of his duties whether or not there is necessity or opportunity for him to do so at the time, and

Incapacitation ends: Whenever the injured person has recovered sufficiently to be able to resume performance of all of his duties whether or not there is necessity or opportunity for him to do so at the time.

(c) Injury to a person other than an employee if the injury is sufficient to incapacitate the injured person from following his customary vocation or mode of life for a period of more than one day. This rule applies also to employees classed as passengers or trespassers.

(d) Damage to equipment, tracks, and roadbed amounting to more than $750 which also results in a reportable casualty, a collision, or a derailment.

When there is uncertainty as to the extent of disability, all the circumstances surrounding an injury will be thoroughly investigated, including any medical attention rendered, which will be submitted to the chief medical officer of the carrier, and in the light of all such circumstances and medical attention the professional opinion of the chief medical officer will govern the determination and duration of physical incapacitation under these rules.

An accident to be reportable must be established directly or indirectly as having occurred at a specified place and date.

5. *"Accidents" not to be reported.* (a) No accident shall be considered as arising from the operation of a railroad as herein defined in section 1 above which occurs off owned or leased railroad property or on that part of railroad property not directly used in transportation, except when occurring in train or switching operations by a reporting carrier on industrial or private premises, or on public or private property adjacent to the railroad right-of-way which is caused by an agency arising from the operation of a railroad on railroad property.

(b) No accident resulting in damage to property or a personal casualty is reportable if it arises from some agency located either on or off railroad premises which agency is not an employee then engaged in, or a part of the railroad used in, transportation. However, any resultant collision or derailment which causes a reportable casualty or damage of more than $750 to a moving train, locomotive, or car must be considered as arising from the operation of a railroad as herein defined in section 1 above.

(c) No accidents and resulting casualties are reportable when caused by an extraordinary force of nature as defined by the United States Weather Bureau (for example, such as floods, earthquakes, hurricanes, tornadoes, and electrical storms). However, any resultant collision or derailment which causes a reportable casualty or damage of more than $750 to a moving train, locomotive, or car must be considered as arising from the operation of a railroad as herein defined in section 1 above.

(d) The consequences of horseplay or assault by persons upon one another on railroad trains or off that part of a railroad used in transportation are not considered as arising from the operation of a railroad as herein defined in section 1 above.

(e) Unless caused by moving trains, locomotives, or cars, or the action of railroad employees on duty engaged in the operation of a railroad as herein defined in section 1 above, accidents to all classes of non-employees either lawfully or unlawfully on railroad property are not reportable, except accidents resulting in casualties to passengers boarding or alighting from passenger trains at passenger stations.

(f) Accidents at highway or street crossings, or on parts of highways within railroad right-of-way, not involving the presence or operations of trains, locomotives, cars, track cars, or similar equipment and not involving employees then engaged in the operation of a railroad as herein defined in section 1 above.

(g) Accidents in or about living quarters not arising from the operation of a railroad as herein defined in section 1 above.

6. *Doubtful cases.* The reporting officer of a railroad will ordinarily determine the reportability or nonreportability of a casualty after an examination of all the evidence available to the railroad. The Commission, however, cannot delegate authority to private parties to decide matters of judgment where facts are in dispute. In all such instances, the decision must be that of the Commission alone. The reporting railroad may directly request a ruling as to reportability or it may report the case as "claimed but not admitted by carrier". These cases are given special examination by this Commission. Facts stated by a railroad which tend to refute the claim of an injured person are given consideration. When all the facts available to the Commission are found to be insufficient to prove the claim, the case will not be allocated to the reporting railroad. Such cases will be eliminated from the I. C. C. records and the reporting officer of the carrier advised of the action taken in the matter.

7. *Joint operations.* "Joint operations" is a term intended to cover operations conducted on terminal or other tracks used jointly or in common by two or more reporting carriers, or where the equipment of one carrier moves as its own train over the track of another carrier.

Locomotives, with or without crews, if loaned or leased by one carrier to another, are not thereby made subject to the rules relative to "joint oprations".

Trains or locomotives of a nonreporting carrier which may become involved in reportable accidents on the line of a reporting carrier do not fall under the rules pertaining to "joint operations"; such accidents, however, should be included in the report of the reporting carrier.

If a reportable accident occurs on a private siding or track of like character, it should be reported by the carrier having possession of the locomotive concerned or employing the persons involved, but not as a joint-operation accident.

The question of responsibility among carriers for accidents classifiable under the rules applicable to joint operations is not to be considered in relation to the making of reports concerning them, but all carriers involved should make reports as respectively required.

(a) Train accidents resulting in casualties and damage to equipment, track, or roadbed, in excess of $750 or collisions and derailments with damage to equipment, track, or roadbed in excess of $750, occurring on tracks used by two or more reporting carriers should be severally reported by the carrier or carriers whose equipment or employees are involved and the carrier whose superintendent is in immediate charge of the track on which the accident occurs. Each carrier concerned in such an accident should report the casualties, if any, and the damage to its equipment and other items of expense as provided in the report form and state (estimating, if unknown) the casualties, if any, and the amount of damage sustained by the other carriers involved, the names of which should be respectively indicated before casualties and the items of damage.

If a reportable train accident, though occurring on jointly used track, involves only the equipment and employees of the carrier whose superintendent is in immediate charge of such track, the accident need be reported only by the carrier concerned.

(b) Train-service accidents occurring on terminal or other tracks used jointly or in common by two or more reporting carriers involving employees on duty should be reported by each of the carriers concerned. Casualties to other persons should be reported by the carrier whose equipment is involved.

(c) Casualties to railroad employees on an adjacent track of another railroad should be reported by both railroads, whether or not a joint operation is involved.

(d) In all cases involving joint operation, whether one or more trains are involved, each carrier will be allocated casualties to all persons on its own train. Casualties to employees not on train, whether on or off duty, will be allocated to the employing railroad. Casualties to all other classes of persons not on train will be allocated to the railroad on whose tracks the accident occurred.

CLASSIFICATION OF RAILROAD ACCIDENTS

8. *Primary groups and their definitions.* Reportable railroad accidents are divided into three groups which are:

Group I. Train accidents,
Group II. Train-service accidents, and
Group III. Nontrain accidents.

Group I. Train accidents are those arising directly from the operation or movement of trains, locomotives, or cars which result in:

(1) A reportable casualty with more than $750 damage to equipment, track, or roadbed;[1] or

(2) Collisions or derailments with more than $750 damage to equipment, track, or roadbed.[1]

Group II. Train-service accidents are those arising directly from the operation or movement of trains, locomotives, or cars which result in a reportable casualty but not more than $750 damage to equipment, track or roadbed.[1]

Group III. Nontrain accidents are those which do not result directly from the operation or movement of trains, locomotives, or cars. They include those specific reportable casualties resulting from movements of locomotives or cars made by shop employees on shop tracks as well as all reportable casualties that occur where no locomotive or car operation or movement was involved but which are includible under section 1.

GROUP I—TRAIN ACCIDENTS

9. Train accidents should be classified as:

(a) A collision (class C) which is a violent impact of a train, locomotive, or car with some other train, locomotive, or car while both are on rails. Accidents, however, in which cars, not in suitable condition to withstand common train usage, that, when coupled in trains, may be damaged through ordinary train movements, should be classified as other train accidents, and not as collisions. (Accidents caused by trains, etc., striking bumping posts, or track motor cars and like roadway machines not equipped with A. A. R. couplers except when operating under train rules and subject to the protection afforded to trains, are not classifiable as collisions.)

Reports of collisions, in addition to furnishing the information required by sections of these rules having general application, should describe briefly the method of operation in use for the track involved, stating whether a signal system was in use, and, if in use, whether it was manual, controlled manual or automatic block; interlocking or C. T. C.; cab signals or automatic train control.

For collisions involving any question of train orders, the information should show whether they were on Form "19" or

[1] Excluding cost of clearing wreck.

Form "31" (A. A. R. Standard Code of Train Rules).

In the case of a collision, the number of main tracks in use in the locality of the accident should be stated.

Collisions should be classified as follows:

(1) Rear-end collisions: A rear-end collision is a collision in which the trains or locomotives involved are bound in the same direction on the same track.[2] Collisions in which all of the equipment involved is employed in a switching movement are to be included in 9 (a–7).

(2) Head-on collisions: A head-on collision is a collision in which the trains or locomotives involved are bound in opposite directions on the same track.[2] Collisions in which all of the equipment involved is employed in a switching movement are to be included in 9 (a–7).

(3) Broken-train collisions: A broken-train collision is a collision in which a moving train breaks into parts and a violent impact of two or more of the uncoupled parts of the same train occurs, or one or more of the parts collide with another train, locomotive, or car. Collisions in which all of the equipment involved is employed in a switching movement are to be included in 9 (a-7).

(4) Side or raking collisions: This class does not include collisions of trains with cars classifiable under 9 (a-6) or collisions of equipment employed in switching movements classifiable under 9 (a-7). An accident caused by parts of equipment on one track coming in contact with equipment on a separate track as a result of a derailment should be classified as a derailment while one due to bulging equipment or improper loading of cars, unless a derailment occurs, should be classified as an other train accident.

(5) Crossing collisions at railroad crossings: The term "crossing collisions at railroad crossings" is used herein to mean collisions occurring at crossings or junctions involving trains, locomotives, or cars operated on intersecting tracks.[2] This class does not include accidents due to striking automobiles or other highway vehicles.

(6) Collisions of trains with cars not in trains: This class does not include collisions of trains with cars, operating under train rules and subject to the protection afforded to trains, which should be classified as (1), (2), (3), (4), or (5) in accordance with the circumstances of the particular cases.

(7) Switching collisions: The term "switching collisions" is used herein to mean collisions occurring to equipment being switched, as in making up or breaking up trains, shifting or setting out cars, etc., including accidents to locomotives involved in such service. A collision should not receive this classification when two or more locomotives, trains, or cuts of cars are involved unless both or all such units of equipment are employed in switching movements at the time of accident, but it should be classified as 9 (a–1), 9 (a–2), 9 (a–3), 9 (a–4), 9 (a–5), 9 (a–6), or 9 (a–8), in accordance with the circumstances of the particular case.

(8) Collisions not elsewhere classifiable: This class includes collisions between locomotives and cars when engaged in switching movements as described in paragraph 9 (a–7).

(b) A derailment (class D) is a failure of the tread of any wheel of a locomotive or car to set on the rail of the track the locomotive or car is intended to be on. (Does not include derailments of track motor cars and like roadway machines not equipped with A. A. R. couplers.) In reporting derailments the information required by provisions of these rules having general application should be furnished, and there should be indicated in particular, by initials and number, or name, the equipment causing the derailment.

If a derailment is the result of a public highway grade-crossing accident, a supplement to a Form T, in addition to a Form T, should be supplied.

If a derailment is the result of the breaking of a rail, a Form R, in addition to a Form T, should be supplied.

(c) Other train accidents (class O) include all train accidents other than collisions and derailments.

If any such other train accident is the result of a public highway grade-crossing accident, a supplement to a Form T, in addition to a Form T, should be supplied.

GROUP II—TRAIN-SERVICE ACCIDENTS

10. Train-service accidents (class S) include all other accidents of trains.

If a train-service accident is the result of a public highway grade-crossing accident, a supplement to a Form T, in addition to a Form T, should be supplied.

GROUP III—NONTRAIN ACCIDENTS

11. Nontrain accidents should include those casualties which are outlined above in section 8. The classification of persons to whom reportable casualties occur in nontrain accidents and the classification of such accidents should be in accordance with the "Instructions" given in "Form V".

FORM AND ARRANGEMENT OF REPORTS

12. *Forms used and duplicate reports.* Monthly reports of railroad accidents should be made on forms provided by the Interstate Commerce Commission or on forms identical therewith in arrangement, size, and in color and weight of paper, and every reporting carrier is required to retain in its files a duplicate of each report rendered to the Commission. For the reporting railroads' files, this duplicate should also show the name or names of the casualty or casualties reported and the precise location at which the accident occurred.

The forms provided, which are of five kinds, are designated as Form V, T, Supplement to T, R, and F.

Each sheet of each report should show in the appropriate place the name of the company for which it is filed, the month and year to which the report relates, and all other particulars called for by the form. Each sheet of each report following Form V should bear the autograph signature of a responsible officer or employee.

13. *Form V (verification).* A report should be made on this form each month, even though no reportable (train, train-service, or nontrain) accident occurred during the month covered. Such report should include an oath or verification, made by the proper officer of the reporting carrier, as provided for attestation on Form V, which should show the number of train and train-service accidents that occurred during the month for which the report is made, and the number of sheets, inclusive of Form V. If no reportable accident occurred during the month, that fact should be stated on this form. Form V should also show the total number of locomotive and motor-train miles run during the month, computed in accordance with Train-Mile, Locomotive-Mile and Car-Mile accounts in the Uniform System of Accounts for Railroad Companies prescribed by the Interstate Commerce Commission. If any reportable nontrain accidents occurred during the month, they should be reported in the tables provided on Form V, but if none occurred, that fact should be stated as required.

14. *Form T (train and train-service accidents).* A separate Form T sheet should be used for each reportable train accident or train-service accident and should show the required particulars concerning the accident.

Information called for by each of the questions shown on T sheets should be supplied except in the instance of questions the answers to which would not be significant in which case the space provided for the answer should be blanked out.

15. A supplement to each Form T sheet also should be used for each reportable:

(a) Derailment due to highway grade-crossing accident.

(b) Other train accident due to a highway grade-crossing accident.

(c) Train-service accident due to a highway grade-crossing accident.

16. *Form R (rail failures).* In case of reportable train accidents resulting from rail failures, particulars of the failures should be reported on Form R, and all the information called for on that form should be furnished additionally to that required on Form T.

17. *Form F (subsequent fatalities).* If, as the result of an injury, a person dies more than 24 hours after the occurrence of the accident the casualty should be reported as an injury and, in addition, a memorandum of the death should be given on Form F in accordance with the requirements of that form. This ad-

[1] The time-table or schedule direction should govern the classification of collisions in classes 9 (a–1) and 9 (a–2) if at the time of the accident either of the trains or locomotives is at rest, or if its incidental movement temporarily differs from its schedule direction.

[2] Crossing collisions covered should be reported by each carrier affected. Casualties to persons and items of damage should be reported in the same manner as described in connection with "joint operation" accidents.

ditional report is to be made in connection with the report for the month in which the accident occurred, if practicable, otherwise it should separately accompany the first monthly report filed after the death has come to the knowledge of the carrier. A single Form F may contain reports of more than one such fatality, provided all persons included therein were injured during the same month.

18. *Classification symbols.* Symbols indicating the class of train accidents or of train-service accidents and the class of persons involved should be entered in the appropriate spaces on Form T as follows:

Class of accident: Sheets carrying reports of collisions are to be marked C; those relating to derailments, D; those relating to other train accidents, O; and those relating to train-service accidents, S.

Class of person: The designation of the class of person should include the applicable capital letter preceding the name of the class, to which should be added the number of the "Reporting Division" with such other descriptive detail as may be appropriate.

19. *Arrangement and numbering of sheets.* All the forms in a monthly report should be arranged in the order V, T, R, and F. Supplements to T sheets should follow the T sheet to which each refers. All Forms T should be further grouped in accordance with the character of the accidents and arranged in the order C, D, O, and S. Collisions should be subgrouped in order by subclasses; as, for example, all of C–1, followed by all of C–2, followed in turn by all of C–3, etc., throughout the series. All sheets are to be numbered consecutively, beginning with No. 1 for Form V each month. When properly arranged and numbered, all sheets, including Form V, should be securely fastened.

In no case should the report for any month include a Form T sheet completed for an accident that did not occur during the month covered by the report. Should it be discovered by a carrier that the report of a particular accident on a Form T has, through mistake or otherwise, been improperly omitted from its regular monthly accident report, the sheet covering such accident should be separately transmitted to the Bureau of Transport Economics and Statistics, with a suitable letter of explanation.

PARTICULARS TO BE REPORTED

20. *General.* The codes shown in the index have been designed, so far as that is practicable, to indicate the primary causes of the accidents reported. As to each specific reportable accident, the Reporting Officer should first examine all the evidence available to the railroad from which he should determine the cause of accident. He will, except in those instances referred to in the following paragraph, then find the number of the code which should be used listed under the alphabetical index of causes. The code number there shown should be entered on the Form T sheet to be sent to the Interstate Commerce Commission.

In instances where the specific cause of an accident cannot be found in the index, the code number of that particular miscellaneous cause which most nearly corresponds with the details of the particular accident being reported should be used. The miscellaneous causes will be found in the Supplementary Index.

In addition to reporting the number of the code under which each accident should be classified, the Reporting Officer should supply sufficient information to not only enable the Interstate Commerce Commission to verify the code number selected but also to classify all other data called for as they pertain to each of the accidents reported.

21. *Yard.* A system of tracks within defined limits provided for the making up or breaking up of trains, for the storing of cars, and for other purposes over which movements not authorized by timetable, or by train order, may be made, subject to prescribed signals and rules or under special instructions.

22. *Train, locomotives and cars.* For the purpose of reporting railroad accidents, a train is defined as a unit of equipment, or a combination of units of equipment (exclusive of light locomotives), in condition for movement over tracks by self-contained motor equipment. A locomotive is a self-propelled unit of equipment designed solely for moving other equipment. A light locomotive is a locomotive in condition for movement by its own motor equipment, uncoupled to cars, work equipment, or dead locomotives. A motor car is a self-propelled unit of equipment designed to carry freight or passenger traffic, and is not to be considered a locomotive. (Train or train-service accidents may result from the movement of cars without the use of a locomotive.) Track motor cars and like roadway machines not equipped with A. A. R. couplers are not regarded as "cars" within the meaning here used.

In reporting accidents involving trains, locomotives, or cars, sufficient particulars should be given to show definitely to which of the four classes of service described below the equipment was assigned. Definite information is required in this respect and descriptive terms of local application, such as "milk", "transfer", "mine", etc., should not be used to designate classes of trains. In connection with this matter, a light engine involved in an accident should be classified as belonging to that class of service to which its assignment at the time of the accident was related.

(a) Transportation service: Freight includes trains run between terminals or stations containing loaded or empty freight-train cars and trains consisting of a locomotive and caboose running light in connection with such service. Trains which contain passenger-train cars shall be classed as freight trains whenever the number of freight-train cars is in excess of the number of passenger-train cars in them.[4]

(b) Transportation service: Passenger includes trains run between terminals or stations containing loaded or empty passenger-train cars. Trains which contain freight-train cars shall be classed as passenger trains whenever the number of passenger-train cars is in excess of the number of freight-train cars in them.[4]

(c) Work service includes nonrevenue trains run in the administration and upkeep service of the railroad, such as official trains, inspection trains, pay trains, special trains running with company fire apparatus to save the railroad's property from destruction, and trains run for the purpose of transporting the railroad's employees to and from work when no transportation charge is made; wrecking trains; construction and upkeep trains run in connection with maintenance and improvement work, the cost of operating such trains being chargeable to the appropriate capital or maintenance accounts for rail-line operations; and material and supply trains run in connection with operation.

Work service trains do not include solid fuel trains and other freight trains laden with company material and running from station to station under the same operating conditions as ordinary revenue freight trains.

(d) Yard service includes the handling of equipment being switched or used in switching other equipment, as for example, in making up or breaking up trains, serving industrial tracks, storing, weighing, or classifying cars, and other like operations. Operations incidental to a road run when performed by a road train crew are not included.

When significant, state the number of cars in the train; where and when locomotives, cars, and brakes were last inspected; and under what orders the train was moving and what were its rights of track at the particular time and place of the accident.

23. *Negligence of employees.* All of the codes of causes numbered between 1000 and 1999, and some but not all of those numbered between 6000 and 6999, refer to those situations in which it is known that the direct or immediate cause of the train or train-service accident was the negligence, mistake, or misconduct of railroad employees. These include such matters as, for example, improper handling of switches, misunderstanding of or error in giving signals, excessive speed in violation of instructions, failure of trackmen to protect while replacing rails, etc.

All of the codes of causes not specifically referred to in the preceding paragraph refer to those situations in which it is known that the direct or immediate cause of the accident was not the negligence, mistake, or misconduct of railroad employees. In these instances there may or may not be present an indirect negligence of railroad employees which contributed to the accident. These include such matters as, for example, the failure of inspectors or maintenance men to discover defects in equipment, track, and roadbed. Because a complete knowledge of these matters cannot be acquired, it is not practicable to place such accidents in usable categories which would indicate contributary negligence. Therefore they should be reported in their proper codes as defects.

[4] Passenger-equipped box or refrigerator cars are counted as passenger-train cars.

There is another form of contributory negligence which is brought about by a prior direct negligence. For example, the prior negligence of a first crew in running through a switch may be the contributing cause of a following train being derailed. But to the crew of the following train, this accident was due to a defective switch and not necessarily its own negligence. Such an accident should be reported under the proper one of the cause codes which go to defective track.

24. *Defective equipment.* All of the codes of causes numbered 2000 to 2999, and some but not all of those numbered between 6000 and 6999, refer to those situations in which it is known that defects in or failure of equipment were the direct or immediate cause of the train or train-service accident. The report should show, whenever significant, details as to:

Number and initials of locomotive or car.

Manufacturer and type of equipment or part.

Weight, number and other identifying marks.

Year of manufacture and year of placing in service.

When, where, and by what class of employees the equipment was last inspected, whether any defects were noted, and, if any, what remedies were applied.

The following relates to explanation of certain specific codes:

(a) On locomotives other than steam, Code 2110, relates only to fires in wiring connecting electrical apparatus. Fires within electrical apparatus should be listed under the respective kinds of electrical equipment involved (see Codes 2103 to 2107, inclusive).

(b) Fires caused by steam generating boiler or appurtenances should be coded under that equipment in Code 2109 and not in Code 2112.

(c) Body center plate should be coded in Code 2212 along with truck center plate and not in car structure Code 2703.

(d) Body side bearings should be coded in Code 2215 and not in Code 2703.

(e) Modified friction type journal bearing assemblies, referred to in Codes 2206, 2319, and 2322, are intended to cover all forms of improvements in A. A. R. standard oil and waste friction bearing assemblies which utilize the friction bearing, (as contrasted with roller bearings, Codes 2207, 2320 and 2323) and include such features as waste retainers, sealed journal boxes, fitted bearings, iron bearings, pads, rings or other non-waste lubrication, etc., or a combination of these features.

(f) Axle journals broken "cold", referred to in Codes 2318, 2319, and 2320, are intended to refer to axle journals which have been subjected to burning by previous hot boxes, including those which were reclaimed by turning off the burned portion and restored to service.

(g) Accidents caused by wheels broken or rendered otherwise defective as a result of defective or improperly operated brakes should be coded under the proper wheel codes, numbered 2301 to 2316, rather than under codes relating to brakes in the 2400 or 2500 series or under negligence codes. Where a wheel causes an accident due to being unable to rotate because of, for example, a seized armature bearing or a seized journal roller bearing, the accident should be coded under the proper defective part which seized, namely Codes 2104 or 2207.

(h) Couplers pulled out or down by defective sills (Code 2615) relate to defects in that portion of the center sills between the bolster and the end of the car. Other sills, such as end or side sills may be incidentally damaged thereby, but all accidents caused by defective side sills, end sills and the portion of the center sill between bolsters not involving a pulled-out coupler should be coded under Code 2701.

25. *Defective way and structures.* All of the codes of causes numbered 3000 to 3999, and some but not all of those numbered between 6000 and 6999, refer to those situations in which it is known that defects in or improper maintenance of way and structures were the direct or immediate cause of the train or train-service accident, including accidents which occur as the result of ordinary wear and weather conditions. This category does not, however, include accidents due to such conditions as are named in section 26 below. The report should show, whenever significant:

Manufacture and type of apparatus or part.

Weight, number, and other identifying marks.

Year of manufacture and year of placing in service.

When and by what class of employee inspected, whether any defects were noted, and, if any, what remedies were applied.

The following relates to explanation of certain specific codes:

(a) Rail with welded joints, Codes 3202, 3204, 3302, 3307, and 3308 relate to track where at least one end of each rail is welded to the adjoining rail.

(b) All Codes 3400 to 3499 covering special work, namely switches, crossings, derails, etc., should have failure or absence of bolts, nuts, lockwashers, etc., holding the respective parts coded under the part indicated. For example, switch lug bolt defects should be classified under Code 3413 Switch lug or rod.

(c) The codes provided for signal failures are substantially the same as the causes specified by the Interstate Commerce Commission, Bureau of Safety and Service, except that "Undetermined" causes should not be included under Codes 3500 to 3599 but should be classified as "Unascertained Causes" under the 4900 to 4999 series.

(d) Mules (sometimes called barney cars), referred to in Code 3914 are car pushers operated by cables on narrow gage track between standard gage track to lift cars up an incline for unloading. This code covers all related parts including the operating cables. Winches and similar car moving devices are also included in Code 3914.

(e) Train accidents caused by mechanical locomotive or car washing machines should be classified in Code 3918.

26. *Accidents due to miscellaneous causes.* Included in this category are train accidents in codes of causes numbered 4000 to 4899 and train-service accidents in codes of causes numbered 6900 to 6999.

Train accidents which are reportable under sections 5 (b) or 5 (c) and are due to extraordinary forces of nature, as defined by the U. S. Weather Bureau, should be classified in the codes of causes numbered 4300 to 4399 and include such causes as obstructions of track due to floods, earthquakes, hurricanes, tornadoes, and electrical storms, in contrast to causes involving defective maintenance of way and structures, and wear and tear due to use and ordinary weather conditions, which are classified by codes numbered 3000 to 3999 (see section 25 above). An exception is that all signal or interlocking apparatus failures caused by lightning are classifiable under appropriate Codes 3505, 3515 or 3535 respectively and not in the 4300 to 4399 series. Also classifiable under 4300 to 4399 codes are accidents, such as those caused by destruction or damage of bridges or timber tunnel linings by accidental fires, which are reportable under sections 5 (b) and 5 (c).

To be included in this category also are accidents caused by coal, ballast or parts of equipment or lading of another train falling on or afoul of track, throwing track out of alignment or wedging in switch, and other unforeseen happenings or obstructions of similar character. Parts of the equipment or lading of a train which, by falling on or afoul of the track, cause an accident to the same train, are not to be regarded as obstructions classifiable under 4300 to 4399 codes, but should be properly classified under other appropriate codes.

27. *Casualties.* In reporting casualties to persons, personal injuries should be sufficiently described to indicate:

(a) The part of body injured and the specific nature and extent of the injury received which should be reported in sufficient detail to enable the Interstate Commerce Commission to classify the injury. Indefinite terms such as "mashed", "crushed", "injured", "hurt", etc., should not be used. In case of loss of any part, the extent should be indicated, as, for example, tip of index finger of right hand, two middle fingers to second joint of left hand, left arm to elbow, loss of right eye, etc.

(b) The actual number of days of disability if ascertained at the time the report is made but, if the disability has not terminated by that time or is not ascertainable, an estimate of the number should be shown in the appropriate column on Form T, or the absence of an estimate fully explained. When the injury is of a permanent nature, that fact may be stated in lieu of the number of days' disability.

(c) The degree to which the person is maimed, if at all.

28. *Damage.* The question on Form T which calls for the amount of damage occasioned by an accident should be answered only in the case of train acci-

dents. The question should not be answered as to train-service or nontrain accidents.

Amounts of damage should not only include damage to equipment (including damage to foreign cars), track, or roadbed of the reporting railroad but should include comparable expenses of all reporting railroads. Other expenses of reporting railroads occasioned by the accident (such as overhead, cost of clearing wrecks, loss and damage, etc.), all expenses of nonreporting railroads, and contingent expenses because of personal injuries are not to be included. If the amount of damage is not known at the time the report is filed, it should be estimated as accurately as practicable and the fact that it is estimated should be stated.

CLASSIFICATION OF PERSONS

29. *Classification.* For the purpose of permitting an appropriate classification, sufficient particulars of each person involved in a train or train-service accident should be given on Form T. The aggregate of all persons of each class involved in all railway accidents should be given on Form V.

The classes "employees" (A and B) apply to any person having such classification or relationship to a reporting railroad. As used herein, it is intended to include every person in the service of the reporting carrier who is subject to its continuing authority to supervise and direct the manner of rendering his service.

When a casualty is known or believed to be an employee of another reporting railroad that fact should be stated and appropriate class symbols indicating the customary occupation of the employee, with the name of the railroad by which he is employed, should be entered.

(A) Employees on duty are those persons who are engaged in the operation of a railroad, as herein defined in section 1 above, or who are customarily engaged in other work than that defined in section 1 above but who, in the course of duty, may be required to engage in some of the work herein defined in section 1 above; or on occasion be exposed, in the performance of required duty, to the operation of a railroad as herein defined in section 1 above.

Ordinarily the fact that the employee is or is not under pay will determine whether he is or is not "on duty". There may, however, be exceptions such as employees "trading time" or doing work which they are expected to do but actually perform before pay starts or after pay stops. Such persons must be considered as "employees on duty".

(B) Employees not on duty are those persons who are on railroad property, before and after duty: for purposes connected with their employment; or with other railroad permission. An employee is "not on duty" until he actually begins duty in the operation of a railroad as herein defined in section 1 above; while he has been relieved from the performance of any and all service for a definite time; when he has wilfully left the vicinity of his post of duty contrary to accepted or tolerated practice; or when he has completed his duty.

Employees (including members of train and engine crews deadheading between terminals) on trains for the purpose of travel and riding in that part of the train assigned to the use of passengers should be included in class (C) as passengers. Employees trespassing should be included in class (F) as trespassers.

The following list of 128 Reporting Divisions into which all the distinctive classes of railroad positions are grouped is derived from the "Rules Governing the Classification of Steam Railroad Employees and Reports of Their Service and Compensation" prescribed by the Interstate Commerce Commission to be effective on January 1, 1951. The returns on all accident report forms should, with respect to the classification of employees, be made in conformity with these Reporting Divisions. For each employee reported on Form T as killed or injured there should be given the correct number of the Reporting Division to which the employee is properly assignable, and also the pay-roll or distinctive class title of his occupational position. The letter (A) or (B) should be used to indicate respectively whether he was on or off duty at the time of accident. Abbreviations or contractions may be used in the indication of position titles if their meaning is sufficiently clear. For example, to indicate a casualty sustained by a road freight brakeman (through freight) on duty, the proper designation of class of person on Form T should be A–117, Road freight brakemen and flagmen (through freight), while that of a casualty incurred in a train or train-service accident by a train attendant on duty would be A–101, Train attendants.

LIST OF REPORTING DIVISIONS FOR EMPLOYEES

Division No.	Reporting Division
	I—EXECUTIVES, OFFICIALS, AND STAFF ASSISTANTS
1	Executives, general officers, and assistants.
2	Division officers, assistants, and staff assistants.
	II—PROFESSIONAL, CLERICAL, AND GENERAL
3	Professional and subprofessional assistants.
4	Supervisory or chief clerks (major departments).
5	Chief clerks (minor departments) and assistant chief clerks and supervising cashiers.
6	Clerks and clerical specialists (A).
7	Clerks (B) and (C).
8	Mechanical device operators (office).
9	Stenographers and secretaries (A).
10	Stenographers and typists (B).
11	Storekeepers, sales agents, and buyers.
12	Ticket agents and assistant ticket agents.
13	Traveling auditors or accountants.
14	Telephone switchboard operators and office assistants.
15	Messengers and office boys.
16	Elevator operators and other office attendants.
17	Lieutenants and sergeants of police.
18	Patrolmen and watchmen.
19	Traffic and various other agents, inspectors, and investigators.
20	Claim agents or investigators.
	REPORTING DIVISION—Continued
	II—PROFESSIONAL, CLERICAL, AND GENERAL—continued
21	Freight claim agents or investigators.
22	Chief claim agents or investigators.
23	Miscellaneous trade workers (other than plumbers).
24	Motor vehicle and motor car operators.
25	Teamsters and stablemen.
26	Janitors and cleaners.
	III—MAINTENANCE OF WAY AND STRUCTURES
27	Roadmasters, general foremen, and assistants.
28	Maintenance of way and scale inspectors.
29	Bridge and building gang foremen (skilled labor).
30	Bridge and building carpenters.
31	Bridge and building ironworkers.
32	Bridge and building painters.
33	Masons, bricklayers, plasterers, and plumbers.
34	Maintenance of way and structures helpers and apprentices.
35	Portable steam equipment operators.
36	Portable steam equipment operator helpers.
37	Pumping equipment operators.
38	Gang foremen (extra gang and work-train laborers).
39	Gang foremen (bridge and building, signal and telegraph laborers).
40	Gang or section foremen.
41	Extra gang men.
42	Section men.
43	Maintenance of way laborers (other than track and roadway) and gardeners and farmers.
44	General and assistant general foremen and inspectors (signal, telegraph, and electrical transmission).
45	Gang foremen (signal and telegraph skilled trades labor).
46	Signalmen and signal maintainers.
47	Linemen and groundmen.
48	Assistant signalmen and assistant signal maintainers.
49	Signalman and signal maintainer helpers.
	IV—MAINTENANCE OF EQUIPMENT AND STORES
50	General, assistant general, and department foremen.
51	General and assistant general foremen (stores).
52	Equipment, shop, electrical, material and supplies inspectors.
53	Gang foremen and gang leaders (skilled labor).
54	Blacksmiths.
55	Boilermakers.
56	Carmen (A and B).
57	Carmen (C and D).
58	Electrical workers (A).
59	Electrical workers (B).
60	Electrical workers (C).
61	Machinists.
62	Molders.
63	Sheet-metal workers.
64	Skilled trades helpers (M. of E. and stores).
65	Helper apprentices (M. of E. and stores).
66	Regular apprentices (M. of E. and stores).
67	Coach cleaners.
68	Gang foremen (shops, engine houses, and power plants).
69	Gang foremen (stores and ice, reclamation, and timber-treating plants).
70	Classified laborers (shops, engine houses, and power plants).
71	General laborers (shops, engine houses, and power plants).
72	General laborers (stores and ice, reclamation, and timber-treating plants).
73	Stationary engineers (steam).
74	Stationary firemen, oilers, coal passers, and water tenders.

REPORTING DIVISION—Continued

Division No.	Reporting Division
	V—TRANSPORTATION (OTHER THAN TRAIN, ENGINE, AND YARD)
75	Chief train dispatchers.
76	Train dispatchers.
77	Train directors.
78	Station agents (supervisory, major stations, nontelegraphers).
79	Station agents (smaller stations, nontelegraphers).
80	Station agents (telegraphers and telephoners).
81	Chief telegraphers and telephoners or wire chiefs.
82	Clerk-telegraphers and clerk-telephoners.
83	Telegraphers, telephoners, and towermen.
84	Stationmasters and assistants.
85	Supervising baggage agents.
86	Baggage agents and assistants.
87	Baggage, parcel room, and station attendants.
88	General foremen (freight stations, warehouses, grain elevators, and docks).
89	Assistant general foremen (freight stations, warehouses, grain elevators, and docks).
90	Gang foremen (freight station, warehouse, grain elevator, and dock labor).
91	Callers, loaders, sealers, scalers, and perishable-freight inspectors.
92	Truckers (stations, warehouses, and platforms).
93	Laborers (coal and ore docks and grain elevators).
94	Common laborers (stations, warehouses, platforms, and grain elevators).
95	Stewards, restaurant and lodging-house managers, and dining-car supervisors.
96	Chefs and cooks (restaurants or dining cars).
97	Waiters, camp cooks, kitchen helpers, etc.
98	Officers, workers, and attendants on barges, launches, ferry boats, towing vessels, steamers, and shore workers.
	REPORTING DIVISION—Continued
	V—TRANSPORTATION (OTHER THAN TRAIN, ENGINE, AND YARD)—CON.
99	Transportation and dining-service inspectors.
100	Parlor and sleeping car conductors.
101	Train attendants.
102	Bridge operators and helpers.
103	Crossing and bridge flagmen and gatemen.
104	Foremen (laundry) and laundry workers.
	VI (A)—TRANSPORTATION (YARDMASTERS, SWITCHTENDERS, AND HOSTLERS)
105	Yardmasters.
106	Asisstant yardmasters.
107	Switch tenders.
108	Outside hostlers.
109	Inside hostlers.
110	Outside hostler helpers.
	VI (B)—TRANSPORTATION (TRAIN AND ENGINE)
111	Road passenger conductors.
112	Assistant road passenger conductors and ticket collectors.
113	Road freight conductors (through freight).
114	Road freight conductors (local and way freight).
115	Road passenger baggagemen.
116	Road passenger brakemen and flagmen.
117	Road freight brakemen and flagmen (through freight).
118	Road freight brakemen and flagmen (local and way freight).
119	Yard conductors and yard foremen.
120	Yard brakemen and yard helpers.
121	Road passenger engineers and motormen.
122	Road freight engineers and motormen (through freight).
123	Road freight engineers and motormen (local and way freight).
124	Yard engineers and motormen.
125	Road passenger firemen and helpers.
126	Road freight firemen and helpers (through freight).
	REPORTING DIVISION—Continued
	VI (B)—TRANSPORTATION (TRAIN AND ENGINE)—continued
127	Road freight firemen and helpers (local and way freight).
128	Yard firemen and helpers.

(C) Passengers on trains are those persons who are on, or boarding, or alighting from, railroad cars for the purpose of travel.

(D) Nontrespassers are those persons who are lawfully on that part of railroad property which is used in railroad operation, as herein defined in section 1 above, other than those herein defined as employees, passengers, or trespassers, and persons adjacent to railroad premises when injured as the result of the operation of a railroad.

(E) Trespassers are those persons who are on that part of railroad property which is used in railroad operation, as herein defined in section 1 above, whose presence is prohibited, or forbidden, or unlawful.

Whenever persons are classed as "trespassers" the report should state the circumstances that warrant such a classification and, if possible, the regular occupation of such persons killed or injured.

A person should not be classed as a trespasser on a highway grade crossing unless the crossing is protected by gates, or other similar barriers, which were closed when the person went on the crossing, or unless the person attempted to pass over or under trains or cars at the crossing.

[F. R. Doc. 55–9769; Filed, Dec. 5, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[475.43]

SURGICAL STOCKINGS

TARIFF CLASSIFICATION

NOVEMBER 29, 1955.

It appears probable that certain surgical stockings in chief value of cotton and in part of rubber are properly classifiable under the provision for articles wholly or in part of net or netting under paragraph 1529 (a) [18], Tariff Act of 1930, at a rate of duty higher than that heretofore assessed under an established and uniform practice.

Pursuant to section 16.10a (d) of the Customs Regulations, notice is hereby given that the existing uniform practice of classifying such merchandise as knit cotton articles under paragraph 917, Tariff Act of 1930, is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D. C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 55–9770; Filed, Dec. 5, 1955; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JULIUS FRANZ ZIEGLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Julius Franz Ziegler, Vienna, Austria, Claim No. 62811; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent Nos. 1,915,481 and 1,979,184.

Executed at Washington, D. C., on November 29, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 55–9772; Filed, Dec. 5, 1955; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 25, 1955.

The Alaska Native Service has filed an application, Serial No. Fairbanks 011951,

for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for school purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are: A parcel of land located in the vicinity of Tanana, Alaska, and more particularly described as follows:

Beginning at a point located westerly 100 feet from the southeast corner of the abandoned Fort Gibbon Military Reservation boundary at a point on the right bank of the Yukon River; thence N. 0° 41' W., 280 feet to a point; thence N. 89° 19' E., 100 feet to a point; thence S. 0° 41' E., 106 feet to a point; thence N. 89° 19' E., 75 feet to a point; thence S. 0° 41' E., approximately 175 feet to a point on the right bank of the Yukon River; thence westerly 75 feet to the point of beginning.

Containing approximately 0.95 acres.

ROGER R. ROBINSON,
Acting Area Administrator.

[F. R. Doc. 55-9744; Filed, Dec. 5, 1955; 8:45 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Gen. Order 56, Revised]

ASSIGNMENT OF FUNCTIONS

By virtue of and pursuant to the authority vested in me by R. S. 161 (5 U. S. C. sec. 22), Reorganization Plan No. 2 of 1949 (14 F. R. 5225, 63 Stat. 1065), Reorganization Plan No. 6 of 1950 (15 F. R. 3174, 64 Stat. 1263), Title V of the Agricultural Act of 1949 (7 U. S. C. sec. 1461 et seq.), as amended, Regulations issued by the Attorney General in accordance therewith (17 F. R. 11562 et seq.) and the Migrant Labor Agreement of 1951, as amended, it is hereby ordered as follows:

1. Subject to the general direction and control of the Assistant Secretary of Labor for Employment and Manpower, and subject to applicable General Orders and Secretary's Instructions, the Director of the Bureau of Employment Security, or, under his direction and control, such other person or persons as he may designate, is hereby authorized to perform all functions vested in the Secretary of Labor by the Migrant Labor Agreement of 1951, as amended (including all determinations to be made by Regional Representatives or representatives of the Secretary of Labor pursuant to Articles 7 and 30 of such agreement), and by Title V of the Agricultural Act of 1949, as amended; except

(a) Rendering final determinations pursuant to paragraph 2 (e) of Article 7 and paragraphs (e) and (f) of Article 30 of the Migrant Labor Agreement of 1951, as amended, which function shall be performed by David E. Christian, Office of the Secretary, who in connection with the performance of such function shall be directly responsible to the Secretary of Labor; and

(b) Cooperating with the Secretary of State in negotiating agreements or arrangements relating to the employment in the United States of agricultural workers from the Republic of Mexico, pursuant to section 506 (3) of Title V of the Agricultural Act of 1949, as amended.

2. This order shall become effective immediately and shall supersede all prior orders or regulations of the Secretary of Labor or of any officer of the Department of Labor inconsistent herewith.

ARTHUR LARSON,
Acting Secretary of Labor.

NOVEMBER 30, 1955.

[F. R. Doc. 55-9777; Filed, Dec. 5, 1955; 8:50 a. m.]

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

Blue Bell, Inc., 301 North Main Street, Abingdon, Ill., effective 11-21-55 to 11-20-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton twill pants).

Blue Bell, Inc., 626 South Elm Street, Greensboro, N. C., effective 11-16-55 to 11-15-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' boxer shorts, and boxer longs Kiddie overalls, etc.).

Blue Bell, Inc., West Lee and Fuller Streets, Greensboro, N. C., effective 11-17-55 to 11-16-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (coveralls, kiddie overalls).

Blue Ridge Manufacturers, Inc., Christiansburg, Va., effective 11-23-55 to 11-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' dungarees).

Blue Ridge Manufacturers, Inc., Pine and Brown Streets, Petersburg, Va., effective 11-14-55 to 11-13-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (girls', misses', women's denim, twill and corduroy jeans).

Branson Garment Co., Branson, Mo., effective 11-17-55 to 11-16-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (semi-dress and work trousers).

Clayton Garment Co., Inc., Clayton, Ala., effective 11-16-55 to 2-29-56; 25 learners for plant expansion purposes (boys' sport shirts).

Cluett, Peabody & Co., Inc., Bremen, Ga., effective 11-27-55 to 11-26-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's dress shirts).

Cowden Manufacturing Co., 112 Hamilton Avenue, Lancaster, Ky., effective 11-28-55 to 11-27-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (bib overalls and jackets).

Dury Clothing Co., Inc., 330 Philadelphia Avenue, West Pittston, Pa., effective 11-29-55 to 11-28-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's trousers).

Duti-Duds, Inc., 1117 Clay Street, Lynchburg, Va., effective 11-16-55 to 11-15-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's cotton uniforms for maid and nurses).

Eagle Bros., Mahanoy City, Pa., effective 11-23-55 to 11-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sport shirts).

Florence Manufacturing Co., Inc., Florence, S. C., effective 11-29-55 to 11-28-56; 10 percent of the factory production workers for normal labor turnover purposes (ladies' cotton house dresses).

Glen Lyon Bra. Co., West Enterprise and Market Street, Glen Lyon, Pa., effective 11-18-55 to 11-17-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Harrisville Garment Corp., Harrisville, W. Va., effective 11-24-55 to 11-23-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's and children's cotton blouses).

Helena Garment Co., Ritmore Square, West Helena, Ark., effective 11-15-55 to 2-29-56; 75 learners for plant expansion purposes (dresses and blouses).

Henry Blouse Corp., 51 North Spruce Street, Mount Carmel, Pa., effective 11-17-55 to 11-16-56; 5 learners for normal labor turnover purposes (ladies' blouses).

Jacobs Bros., Inc., Hancock, Md., effective 11-18-55 to 11-17-56; 10 percent of the total number factory production workers for normal labor turnover purposes (nurses', beauticians', maids', etc., uniforms).

Mr. Samuel Meltzer, d. b. a., The Liberty Co., East College Street, Dyer, Tenn., effective 11-16-55 to 11-15-56; 10 percent of the total factory production workers for normal labor turnover purposes (men's and boys' pajamas).

Linden Apparel Corp., Linden, Tenn., effective 11-23-55 to 11-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees, western coats).

Milam Manufacturing Co., Tupelo, Miss., effective 11-23-55 to 11-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's wear).

Monticello Manufacturing Co., Monticello, Miss., effective 11-24-55 to 11-23-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's cotton work trousers).

Oberman Manufacturing Co., Fayetteville, Ark., effective 11-30-55 to 11-29-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' single pants and shirts).

Oberman Manufacturing Co., South Marcus Street, Wrightsville, Ga., effective 11-26-55 to 11-25-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's dress trousers).

Reliance Manufacturing Co., Magnolia Factory, Laurel, Miss., effective 12-1-55 to 11-30-56; 10 percent of the total factory production workers for normal labor turnover purposes (men's and boys' sport shirts).

Rice-Stix Factory No. 20, Slater, Mo., effective 11-17-55 to 2-29-56; 20 learners for plant expansion purposes (men's and boys' sport shirts).

D. F. Rodgers Manufacturing Co., Inc., 10 University Ridge, Greenville, S. C., effective 11-21-55 to 11-20-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (junior dresses).

J. H. Rutter-Rex Manufacturing Co., Inc., Columbia, Miss., effective 11-15-55 to 2-29-56; 20 additional learners for plant expansion purposes (cotton work shirts).

J. H. Rutter-Rex Manufacturing Co., Inc., Columbia, Miss., effective 11-15-55 to 11-14-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work shirts).

Steiner Lobman Dry Goods Co., Manufacturing Division, 230 Commerce Street, Montgomery, Ala., effective 11-15-55 to 11-1-56; 10 learners for normal labor turnover purposes (men's and boys' bib overall, dungarees, work pants) (replacement certificate).

Warsaw Manufacturing Co., Warsaw, N. C., effective 11-29-55 to 11-28-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton dresses).

Weldon Manufacturing Co., Lopez, Pa., effective 11-14-55 to 11-13-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (pajamas).

Weldon Manufacturing Co., Muncy, Pa., effective 11-18-55 to 11-17-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (pajamas).

Weldon Manufacturing Co., Dushore, Pa., effective 11-14-55 to 11-13-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (pajamas).

Wentworth Manufacturing Co., 148 East Darlington Street, Florence, S. C., effective 11-17-55 to 11-16-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's cotton house dresses).

Woods Manufacturing Co., 202 Garrison Avenue, Fort Smith, Ark., effective 11-23-55 to 11-22-56; 10 learners for normal labor turnover purposes (men's and boys' trousers).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304).

The Boss Manufacturing Co., 3012 South Adams Street, Peoria, Ill., effective 11-21-55 to 11-20-56; 10 percent of the total number of machine stitchers (work gloves).

The Boss Manufacturing Co., 320 Ballard Street, Lebanon, Ind., effective 11-21-55 to 11-20-56; 10 learners for normal labor turnover purposes (work gloves).

The Boss Manufacturing Co., Palm, Pa., effective 11-21-55 to 11-20-56; 10 learners for normal labor turnover purposes (work gloves).

The Boss Manufacturing Co., 327 North Main Street, Bluffton, Ohio, effective 11-21-55 to 11-20-56; 10 learners for normal labor turnover purposes (work gloves).

The Boss Manufacturing Co., 124 West Williams Street, Breckenridge, Tex., effective 11-21-55 to 11-20-56; 10 learners for normal labor turnover purposes (work gloves).

The Boss Manufacturing Co., 400-06 Seneca Street, Leavenworth, Kans., effective 11-21-55 to 11-20-56; 10 learners for normal labor turnover purposes (work gloves).

North Star Glove Co., 2317 Pacific Avenue, Tacoma, Wash., effective 11-21-55 to 11-20-56; 6 learners for normal labor turnover purposes (Canton flannel gloves).

Western Glove Co., Orting, Wash., effective 11-21-55 to 11-20-56; 6 learners for normal labor turnover purposes (Canton flannel gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended April 19, 1955, 20 F. R. 2304).

Magnet Mills, Inc., 308 Cullom Street, Clinton, Tenn., effective 11-29-55 to 11-28-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304).

Cluett, Peabody & Co., Inc., Eveleth, Minn., effective 11-28-55 to 11-27-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear).

Cynthiana Mills, Inc. Webster Avenue, Cynthiana, Ky., effective 11-17-55 to 11-16-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton woven undershorts).

Highmount Knitting Co., 309-11 Putnam Street, West Hazelton, Pa., effective 11-14-55 to 11-13-56; 5 learners for normal labor turnover purposes (knitted infant and children's outerwear).

Reidler Knitting Mills, Inc., 757 West Broad Street, Hazleton, Pa., effective 11-24-55 to 11-23-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (cotton knit underwear).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended April 19, 1955, 20 F. R. 2304).

Casey Manufacturing Co., East Main, Casey, Ill., effective 11-16-55 to 11-15-56; 10 percent of the number of productive factory workers in the plant, for normal labor turnover purposes.

Ettelbrick Shoe Co., Sole Department, Casey, Ill., effective 11-16-55 to 11-15-56; 5 learners for normal labor turnover purposes.

Greenup Manufacturing Co., Greenup, Ill., effective 11-16-55 to 11-15-56; 10 percent of the number of productive factory workers in the plant, for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Naylor Marine Products, 3616 Curlow Street, San Diego, Calif., effective 11-21-55 to 2-29-56; 2 learners for normal labor turnover purposes in the occupations of hand and machine operating for 240 hours at 65 cents per hour (shell novelties and marine scientific specimens).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Regina Apparel Co., Mayaguez, P. R., effective 11-3-55 to 5-2-56; 14 learners to be employed in the occupations hereinafter listed: sewing machine operating, for 160 hours at 30 cents an hour; 160 hours at 35 cents an hour; and 160 hours at 40 cents an hour; stamping and cleaning, each 160 hours at 35 cents an hour (blouses and silk, rayon and nylon underwear).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 22d day of November 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-9746; Filed, Dec. 5, 1955; 8:45 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

Blue Bell, Inc., Prentiss County, Baldwyn, Miss., effective 11-28-55 to 11-27-56; 10 percent of the total number of factory production workers engaged in the manufacture of sport shirts only for normal labor turnover purposes (sport shirts).

Blue Bell, Inc., Prentiss County, Baldwyn, Miss., effective 11-28-55 to 11-27-56; 10 percent of the total number of factory production workers engaged in the manufacture of blouses, for normal labor turnover purposes (blouses).

Blue Bell, Inc., Prentiss County, Booneville, Miss., effective 11-25-55 to 11-24-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Centralia Garment Co., Freeburg, Ill., effective 11-23-55 to 11-22-56; 10 learners for normal labor turnover purposes (junior and women's dresses).

Centralia Garment Co., Mascoutah, Ill., effective 11-23-55 to 11-22-56; 10 learners for normal labor turnover purposes (junior and women's dresses).

Centralia Garment Co., Centralia, Ill., effective 11-23-55 to 11-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (junior and women's dresses).

Centralia Garment Co., Wayne City, Ill., effective 11-23-55 to 11-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (junior and women's dresses).

Chester Manufacturing Co., Inc., Chester, S. C., effective 11-28-55 to 2-29-56; 50 learners for expansion purposes (men's shirts).

Dart-Win Trousers, Inc., Gonzales, La., effective 11-25-55 to 2-29-56; 65 learners for plant expansion purposes (men's dress trousers).

Finesilver Manufacturing Co., 816 Cameron Street, San Antonio, Tex., effective 11-27-55 to 11-26-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' denim dungarees, work shirts, work pants).

Forest City Manufacturing Co., DuQuoin, Ill., effective 11-23-55 to 11-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (junior and misses' dresses).

General Garment Co., Collinsville, Ill., effective 12-5-55 to 12-4-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (junior and women's dresses).

H. R. Halprin Manufacturing Co., Monsey Avenue & Ash Street, Scranton, Pa., effective 12-1-55 to 11-30-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (girls' sportswear).

Holiday Wear, Inc., Ridgeland, S. C., effective 11-25-55 to 11-24-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' cotton dresses, ladies' cotton sportswear).

Industrial Garment Manufacturing Co., Carolina Street, Erwin, Tenn., effective 12-1-55 to 11-30-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's cotton work clothes).

Kepland and Koral, 597 Main Street, Edwardsville, Pa., effective 11-23-55 to 11-22-56; 5 learners for normal labor turnover purposes (women's dresses).

The H. D. Lee Co. Inc., 409 East Madison, South Bend, Ind., effective 11-28-55 to 11-27-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work clothing).

Lerner-Slone Clothing Corp., Forrest City, Ark., effective 11-24-55 to 11-23-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's trousers).

Linn Manufacturing Co., Linn, Mo., effective 11-22-55 to 11-21-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's semidress pants).

R. Lowenbaum Manufacturing Co., 100 South Minnesota Street, Cape Girardeau, Mo., effective 12-5-55 to 12-4-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (junior dresses).

Mode O'Day Corp., 840 Twelfth Street NW., Mason City, Iowa, effective 11-30-55 to 11-29-56; 10 learners for normal labor turnover purposes (ladies' lingerie).

Prevore-Sanford, Inc., 7 Mill Street, Sanford, Springvale, Maine, effective 11-28-55 to 2-29-56; 35 learners for plant expansion (house dresses, washfrocks, robes, dusters, etc.).

Rhea Manufacturing Co., American Junior Division, Bainbridge, Ga., effective 11-21-55 to 11-20-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (misses' sportswear).

Superb Garments, Inc., Pinckneyville, Ill., effective 11-23-55 to 11-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (junior and misses' dresses).

Superb Garments, Inc., Ziegler, Ill., effective 11-23-55 to 11-22-56; 10 learners for normal labor turnover purposes (junior and misses' dresses).

Superb Garments, Inc., Coulterville, Ill., effective 11-23-55 to 11-22-56; 10 learners for normal labor turnover purposes (junior and women's dresses).

Terre Hill Manufacturing Co. Inc., Blue Ball, Pa., effective 11-22-55 to 11-21-56; 10 percent of the total number of factory production workers engaged in the production of slips and nightgowns of woven fabrics for normal labor turnover purposes (ladies' and children's slips and nightgowns (woven).)

The Warner Brothers Co., Moultrie, Ga., effective 11-24-55 to 2-29-56; 25 learners for plant expansion purposes (corsets and brassieres).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304).

Terre Hill Manufacturing Co., Inc., Blue Ball, Pa., effective 11-22-55 to 11-21-56; 5 percent of the total number of factory production workers engaged in the production of slips and nightgowns of knitted fabrics, for normal labor turnover purposes (ladies', children's slips and nightgowns).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended April 19, 1955, 20 F. R. 2304).

Chambers County Telephone Co., Inc., Winnie, Tex., effective 11-28-55 to 11-27-56.

Iowa-Illinois Telephone Co., New London, Iowa, effective 12-1-55 to 11-30-56.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Nassau Mills, Inc., Caguas Puerto Rico, effective 11-14-55 to 5-13-56; 30 learners to be employed in the occupations hereinafter listed; sewing machine operating, for 480 hours at 30 cents an hour; pressing and examining, each 160 hours at 30 cents an hour (sleeping wear).

Proctor Manufacturing Corp., Sabana Llana, Rio Piedras, P. R., effective 11-16-55 to 11-15-56; 10 learners to be employed in the occupations hereinafter listed; assemblers and machine operators, each 160 hours at 50 cents an hour (assembly of electric irons and electric toaster elements).

Stadium Manufacturing Co. of Puerto Rico, Inc., Villalba, P. R., effective 11-16-55 to 5-15-56; 35 learners to be employed in the occupations hereinafter listed; sewing machine operating and pressing-folding, each 160 hours at 30 cents an hour; 160 hours at 36 cents an hour; 160 hours at 42 cents an hour (men's pajamas).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 28th day of November 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-9747; Filed, Dec. 5, 1955; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7478]

EMPRESA DE TRANSPORTES, AEROVIAS BRASIL, S. A.

NOTICE OF HEARING ON APPLICATION FOR PERMIT

In the matter of the application of Empresa De Transportes, Aerovias Brasil, S. A., for a foreign air carrier permit authorizing it to engage in air transportation between a terminal point in the United States of Brazil, the intermediate points Port of Spain, Trinidad, Caracas, Venezuela, Ciudad Trujillo, Dominican Republic, and the coterminal points Miami, Florida, and Chicago, Illinois.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1002 of said act, that a hearing in the above-entitled proceeding is assigned to be held on January 17, 1956, at 2:30 p. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW, Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 29, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-9742; Filed, Dec. 5, 1955; 8:45 a. m.]

[Docket No. SA-313]

ACCIDENT OCCURRING NEAR NORTH HOLLYWOOD, CALIF.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 5825C, which occurred near North Hollywood, California, October 17, 1955.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Monday, December 19, 1955, at 9:30 a. m. (local time) in the Aviation Room, Hollywood Roosevelt Hotel, Hollywood, California.

Dated at Washington, D. C., November 29, 1955.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 55-9780; Filed, Dec. 5, 1955; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8380]

A. F. CHISHOLM

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 30, 1955.

Take notice that A. F. Chisholm (Applicant), an individual whose address is P. O. Box 625, Laurel, Mississippi, filed on January 19, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of certain mineral and lease interests in Maxie Field, Forrest County, Mississippi, to United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, January 9, 1956, at 9:50 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 19, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9752; Filed, Dec. 5, 1955; 8:47 a. m.]

[Docket No. G-8455]

DURBIN BOND

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 30, 1955.

Take notice that Durbin Bond (Applicant), an individual whose address is Union National Bank Building, Little Rock, Arkansas, filed as nonoperator on February 7, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of a 3.6456 percent working interest in a 318.74 acre Unit, Pistol Ridge Field, Lamar, Pearl and Forrest Counties, Mississippi, to United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, January 10, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9753; Filed, Dec. 5, 1955; 8:47 a. m.]

[Docket No. G-8592]

SUN OIL CO. (SOUTHWEST DIVISION)

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 30, 1955.

Take notice that Sun Oil Company (Southwest Division), Applicant, a New Jersey corporation whose address is P. O. Box 2880, Dallas, Texas, filed on March 16, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of certain lands and leaseholds, Pistol Ridge Field, Forrest, Lamar and Pearl River Counties, Mississippi, to United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, January 10, 1956, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9754; Filed, Dec. 5, 1955; 8:47 a. m.]

[Docket No. G-8644]

MAGNOLIA STATE ROYALTIES, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 30, 1955.

Take notice that Magnolia State Royalties, Inc. (Applicant), a Mississippi corporation whose address is P. O. Box

1370, Jackson, Mississippi, filed as non-operator on March 21, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of 1⅔ acres of the Morgan and Norton Creosote No. 2 Unit, Pistol Ridge Field, Forrest and Pearl River Counties, Mississippi, to United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 9, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 19, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9755; Filed, Dec. 5, 1955; 8:47 a. m.]

[Docket No. G-8645]

ROBERT A. BIGGS, JR., ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 30, 1955.

Take notice that Robert A. Biggs, Jr., Rachel C. Biggs, and Alma G. Conner, individuals, whose addresses are P. O. Box 1370, Jackson, Mississippi, hereinafter referred to as Applicant, filed as non-operator on March 21, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of 2½ acres of the Morgan and Norton Creosote No. 2 Unit, Pistol Ridge Field, Forrest and Pearl Counties, Mississippi, to United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 9, 1956, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 19, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9756; Filed, Dec. 5, 1955; 8:47 a. m.]

[Docket No. G-8854 etc.]

C. R. RIDGWAY ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 30, 1955.

In the matters of C. R. Ridgway and W. B. Ridgway, Docket Nos. G-8854-8864, inclusive; Granite Oil Trust No. 2 of Oklahoma, Docket No. G-8915; A. J. Hodges Industries, Inc., Docket No. G-8975; States Oil Company et al., Docket No. G-8992; Robert B. Prentice et al., Docket No. G-9018; W. Earl Rowe et al., Docket No. G-9026; Sunray Mid-Continent Oil Company, Docket No. G-9043; Flanders Gas & Oil Company, Docket No. G-9052; J. C. Vaughan, Jr., Docket No. G-9160; A. E. Coutant, Docket No. G-9167.

There have been filed with the Federal Power Commission applications, pursuant to section 7 of the Natural Gas Act, for certificates of public convenience and necessity as hereinafter specified:

Docket No.; Applicant; Address; and Date Filed

G-8854-8864, inclusive; C. R. Ridgway & W. B. Ridgway; P. O. Box 472, Jackson, Mississippi; 5-4-55.

G-8915; Granite Oil Trust No. 2 of Oklahoma; Box 1961, Wichita Falls, Texas; 5-16-55.

G-8975; A. J. Hodges Industries, Inc.; 604 Johnson Building, Shreveport, Louisiana; 5-23-55.

G-8992; States Oil Company et al.; 131 East Main Street, Benton Harbor, Michigan; 6-2-55.

G-9018; Robert B. Prentice et al.; Houma, Louisiana; 6-8-55.

G-9026; W. Earl Rowe et al.; 1409 Milam Building, San Antonio, Texas; 6-10-55.

G-9043; Sunray Mid-Continent Oil Company; P. O. Box 2039, Tulsa, Oklahoma; 6-16-55.

G-9052; Flanders Gas & Oil Company; Dallas, Texas; 6-20-55.

G-9160; J. C. Vaughan, Jr.; P. O. Box 1674, Jackson, Mississippi; 7-20-55.

G-9167; A. E. Coutant; 505 Standard Life Building, Jackson, Mississippi; 7-22-55.

Each of the foregoing Applicants seeks authorization to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicants, producers of natural gas in Texas, Louisiana, and Mississippi, propose to deliver and to sell natural gas to United Gas Pipe Line Company for transportation in interstate commerce for resale as indicated below:

Docket No.; Applicant; and Location of Field

G-8854; C. R. Ridgway and W. B. Ridgway; Boone-Clark Unit, Pistol Ridge Field, Forrest and Pearl River Counties, Mississippi.

G-8855; C. R. Ridgway and W. B. Ridgway; Creosote Unit, Pistol Ridge Field.

G-8856; C. R. Ridgway and W. B. Ridgway; Southern Mineral Corporation "A" Unit, Pistol Ridge Field.

G-8857; C. R. Ridgway and W. B. Ridgway; Creosote Oil Corporation Unit, Pistol Ridge Field.

G-8858; C. R. Ridgway and W. B. Ridgway; Southern Mineral Corporation "B" Unit, Pistol Ridge Field.

G-8859; C. R. Ridgway and W. B. Ridgway; Crosby Forest B-1 Unit, Pistol Ridge Field.

G-8860; C. R. Ridgway and W. B. Ridgway; Crosby Forest et al. "A" Unit, Pistol Ridge Field.

G-8861; C. R. Ridgway and W. B. Ridgway; N. D. Entriken Unit, Pistol Ridge Field.

G-8862; C. R. Ridgway and W. B. Ridgway; Gulf Reid Unit, Pistol Ridge Field.

G-8863; C. R. Ridgway and W. B. Ridgway; Southern Mineral Corporation "C" Unit, Pistol Ridge Field.

G-8864; C. R. Ridgway and W. B. Ridgway; McCardle Clark Unit, Pistol Ridge Field.

G-8915; Granite Oil Trust No. 2 of Oklahoma; Albrecht Field, Goliad County, Texas.

G-8975; A. J. Hodges, Industries, Inc.; North Cotton Valley Field, Webster Parish, Louisiana.

G-8992; States Oil Company et al.; Greenwood-Waskom Field, Caddo Parish, Louisiana.

G-9018; Robert B. Prentice et al.; North Houma Field, Terrebonne Parish, Louisiana.

G-9026; W. Earl Rowe et al.; Boyce Field, Goliad County, Texas.

G-9043; Sunray Mid-Continent Oil Company; Pistol Ridge and Maxie Fields, Forrest, Lamar, and Pearl River Counties, Mississippi.

G-9052; Flanders Gas & Oil Company; Sibley Field, Webster Parish, Louisiana.

G-9160; J. V. Vaughan, Jr.; Pistol Ridge and Maxie Fields, Forrest and Pearl River Counties, Mississippi.

G-9167; A. E. Coutant; Pistol Ridge and Maxie Fields, Forrest and Pearl River Counties, Mississippi.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 20, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 15, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicants to be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9757; Filed, Dec. 5, 1955; 8:47 a. m.]

[Project No. 1925]

FRESNO IRRIGATION DISTRICT, CALIF.

NOTICE OF ORDER EXTENDING PERIOD OF PRELIMINARY PERMIT

NOVEMBER 30, 1955.

Notice is hereby given that on November 21, 1955, the Federal Power Commission issued its order adopted November 16, 1955, in the above-entitled matter, extending period of preliminary permit from December 8, 1955, to and including June 7, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9758; Filed, Dec. 5, 1955; 8:47 a. m.]

[Project No. 2064]

WINTER ELECTRIC LIGHT & POWER CO.

NOTICE OF ORDER FURTHER AMENDING LICENSE (MAJOR)

NOVEMBER 30, 1955.

Notice is hereby given that on November 18, 1955, the Federal Power Commission issued its order adopted November 16, 1955, modifying order further amending license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9759; Filed, Dec. 5, 1955; 8:47 a. m.]

[Project No. 2096]

BIG HORN CANYON IRRIGATION AND POWER CO.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF APPLICATION

NOVEMBER 30, 1955.

Notice is hereby given that on November 18, 1955, the Federal Power Commission issued its order adopted November 16, 1955, permitting withdrawal of application for preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9760; Filed, Dec. 5, 1955; 8:47 a. m.]

[Docket No. G-2017]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF ORDER GRANTING PETITION

NOVEMBER 30, 1955.

Notice is hereby given that on November 17, 1955, the Federal Power Commission issued its order adopted November 16, 1955, granting petition to amend prior order accompanying Opinion No. 260 issued August 7, 1953 (18 F. R. 4932), in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9761; Filed, Dec. 5, 1955; 8:48 a. m.]

[Docket No. G-9716]

SINCLAIR OIL & GAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Sinclair Oil & Gas Company (Applicant), on November 1, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges are contained in the following designated filings which are proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Contract dated Aug. 4, 1955.	Frank C. Henderson and Elizabeth P. Henderson Trust No. 2.	Applicant's FPC Gas Rate Schedule No. 79.	Dec. 2, 1955
Notice of change dated Oct. 28, 1955.	....do....	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 79.	Do.

[1] The stated effective date is the first day after expiration of the required 30 days notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated rate schedule and supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated rate schedule and supplement be and the same hereby are suspended and the use thereof deferred until May 2, 1956, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 23, 1955.

Issued: November 30, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9764; Filed, Dec. 5, 1955; 8:48 a. m.]

[Docket No. G-9717]

SINCLAIR OIL & GAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Sinclair Oil & Gas Company (Applicant), on November 1, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Contract, dated Aug. 16, 1955.	Frank C. Henderson and Elizabeth P. Henderson Trust No. 2.	Applicant's FPC Gas Rate Schedule No. 80.	Dec. 2, 1955
Notice of change, dated Oct. 28, 1955.	----do----------	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 80.	Do.

[1] The stated effective date is the first day after expiration of the required 30 days notice, or the effective date proposed by Applicant if later.

The increased rates and changes proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated rate schedule and supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated rate schedule and supplement be and the same hereby are suspended and the use thereof deferred until May 2, 1956, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 23, 1955.

Issued: November 30, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9765; Filed, Dec. 5, 1955; 8:48 a. m.]

[Docket No. G-9718]

SINCLAIR OIL & GAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Sinclair Oil & Gas Company (Applicant), on November 1, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Contract, dated Aug. 16, 1955.	Frank C. Henderson and Elizabeth P. Henderson Trust No. 2.	Applicant's FPC Gas Rate Schedule No. 81.	Dec. 2, 1955
Notice of change, dated Oct. 28, 1955.	----do----------	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 81.	Do.

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated rate schedule and supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated rate schedule and supplement be and the same hereby are suspended and the use thereof deferred until May 2, 1956, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 23, 1955.

Issued: November 30, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9766; Filed, Dec. 5, 1955; 8:48 a. m.]

[Docket No. G-4658]

ANDERSON-PRICHARD OIL CORP.

NOTICE OF FINDINGS AND ORDER PERMITTING AND APPROVING ABANDONMENT OF FACILITIES AND SERVICE

NOVEMBER 30, 1955.

Notice is hereby given that on November 18, 1955, the Federal Power Commission issued its findings and order adopted November 16, 1955, permitting and approving abandonment of facilities and service in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9762; Filed, Dec. 5, 1955; 8:48 a. m.]

[Docket Nos. G-9119, G-9142]

TEXAS EASTERN TRANSMISSION CORP. AND MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 30, 1955.

Notice is hereby given that on November 18, 1955, the Federal Power Commission issued its findings and orders adopted November 16, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9763; Filed, Dec. 5, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

(24FW-973)

PITTMAN DRILLING AND OIL CO.

ORDER TEMPORARILY DENYING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 30, 1955.

I. Pittman Drilling and Oil Company, 420 Citizens National Bank Building, Independence, Kansas, having filed with the Commission on September 6, 1955, a Notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to a proposed public offering of 60,000 shares of 6 percent non-cumulative $4 par preferred stock and 60,000 shares of 10 cents par common stock in units of 1 share of preferred and 1 share of common at $5 per unit, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1953, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in respect of such Notification and the offering circular filed as a part thereof, in that:

1. The aggregate offering price of the securities proposed to be offered and the stock purchase warrants to the underwriter or his nominees, exceed the $300,000 limitation prescribed by Rule 217 (a);

2. The Notification fails to disclose the section of the Act or rule or regulation of the Commission under which exemption is claimed for the issuance of 940,000 shares of common stock to Harry M. Pittman or his nominees, as required by Item 3 of Form 1-A; and

3. The offering circular fails to disclose the interests in the issuer of Eugene Bernard Runyan, secretary-treasurer and director, by security holdings or otherwise; the purposes, amounts and priority of use of the proceeds of the offering; and financial statements, as required by Rules 219 (c) (2), (5) and (6);

B. That the offering circular omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, particularly with respect to whether the company has any drilling contracts, oil or gas leases or properties; the age and date of acquisition of each drilling rig and the depths to which each will drill; the fact that the drilling contracting business is not generally profitable; the salaries to be paid; and the fact that if all the shares were sold, the public would have contributed $300,000 in cash for preferred and common stock representing only 6 percent of the voting stock, while the promoters would hold 94 percent of the voting stock and a demand note of the issuer in the amount of $126,000 for which they gave certain assets;

C. That the use of the offering circular with respect to the securities proposed to be offered thereunder would operate as a fraud or deceit upon the purchasers.

III. *It is ordered*, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily denied.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of denial should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Pittman Drilling and Oil Company and Dewitt Investment Company, 912 West Street, Wilmington 1, Delaware, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9775; Filed, Dec. 5, 1955; 8:50 a. m.]

[File No. 812-965]

VENCAP, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF CLOSED-END INVESTMENT COMPANY

NOVEMBER 30, 1955.

Notice is hereby given that VenCap, Inc. ("VenCap"), a corporation organized under the laws of the Commonwealth of Massachusetts, has filed an application pursuant to section 6 (d) of the Investment Company Act of 1940 ("act"), and Rule N-6D-1 thereunder for an order of the Commission exempting it from the provisions of the act. In an amendment to the application VenCap has agreed that it will accept and be subject to any specified provisions of the act if the Commission deems it necessary or appropriate in the public interest or for the protection of investors that it should be so subject.

VenCap is a closed-end non-diversified management investment company as defined in the Act and was organized on September 9, 1955. Its authorized capital consists of 4,500 shares of no par value common stock. The company proposes to offer such shares to residents of the Commonwealth of Massachusetts at an aggregate public offering price of $90,000.

It is stated to be a fundamental policy of the company that its principal and primary activities will consist of investigation, research, and analysis with respect to new or existing enterprises, processes or products, and of furnishing capital to or purchasing securities of other companies primarily and principaly engaged in the conduct or development of new enterprises, processes or products or the development of existing processes or products.

At the present time VenCap has outstanding 19 shares of stock, representing one share purchased by each of the eleven members of the company's board of directors and one share sold to each of the eight other persons who were instrumental in the formation of the company.

Section 6 (d) of the act provides in substance that the Commission by order upon application shall exempt a closed-end investment company from any or all provisions of the act, but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if the aggregate sums received from the sale of all its securities, outstanding and proposed to be offered, do not exceed $100,000, and if the sale of its securities is restricted to the residents of the state of its organization.

Section 6 (e) of the act provides that if, in connection with any order exempting any investment company from any provisions of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the act pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

The Division of Corporate Regulation has recommended that exemption be granted from the following provisions of the act and the respective rules and regulations promulgated under each of such provisions:

Section 7; section 8 (b), except the requirement to file the information required by Items 3, 4 and 5 of Form N-8B-1 and to report to the Commission any changes thereafter in respect thereof; section 14; section 20 (a); section 23 (c); section 24 (d) insofar as such section makes inapplicable the provisions of section 3 (a) (11) of the Securities Act of 1933 to any securities of a registered investment company; section 30 (a); section 30 (b), except that VenCap shall, pursuant to section 30 (b) (2), file with the Commission copies of all reports sent to stockholders pursuant to section 30 (d) which reports to stockholders shall be accompanied by a certificate of independent public accountants pursuant to section 30 (e); section 30 (f), to the extent that the subject persons shall not be required to file reports more than once each six months; and section 32 (a): *Provided*, That the applicant shall continue to comply with the provisions of sections 6 (d) (1) and 6 (d) (2) of the act and shall at all times maintain its classification as a closed-end company as defined in section 5 (a) (2) of the act.

Notice is further given that any interested person may, not later than December 13, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9774; Filed, Dec. 5, 1955; 8:50 a. m.]

RAILROAD RETIREMENT BOARD

SURETY COMPANIES

SEALED PROPOSALS FOR POSITION SCHEDULE SURETY BOND

The Railroad Retirement Board will receive sealed proposals for a position schedule surety bond covering certain federal employee positions in various locations throughout the Continental United States. Bidding will be limited to corporate surety companies holding certificates of authority from the Secretary of the Treasury under the act of

July 30, 1947 (6 U. S. C. 1–15), as acceptable sureties on Federal bonds. Approximately seventy (70) positions are to be bonded in penalty amounts ranging from $5,000 to $25,000, most of which fall into the former category. The bond will be conditioned upon the faithful performance of the duties of the individuals occupying the positions bonded and will run solely in favor of the United States. The effective date of the bond will be January 1, 1956, and the term will be one year.

Requests for Invitation to Bid and Specifications should be directed to the Director of Supply and Service, Railroad Retirement Board, 844 Rush Street, Chicago 11, Illinois. Bids will be opened at 2 o'clock p. m., c. s. t., on December 20, 1955, in Room 1200, 844 Rush Street, Chicago, Illinois.

Date approved: November 29, 1955.

By direction of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 55–9749; Filed, Dec. 5, 1955; 8:46 a. m.]

RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

PROCLAMATION WITH RESPECT TO BALANCE OF CREDIT

In pursuance of the requirement contained in section 8 (a) of the Railroad Unemployment Insurance Act, as amended, 62 Stat. 577 (45 U. S. C. 1952 ed., section 358 (a)), the Railroad Retirement Board has determined, and hereby proclaims, that the balance to the credit of the Railroad Unemployment Insurance Account in the Treasury of the United States as of the close of business on September 30, 1955, was $395,271,701.75.

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 29th day of November 1955.

[SEAL] RAYMOND J. KELLY, *Chairman.*
HORACE W. HARPER, *Member.*
THOMAS M. HEALY, *Member.*

By the Railroad Retirement Board.

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 55–9750; Filed, Dec. 5, 1955; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 6]

MONTAN WAX IN ITS CRUDE FORM

NOTICE OF HEARING

The United States Tariff Commission announces a public hearing, to begin at 10 a. m. on January 10, 1956, in the hearing room of the Tariff Commission, Eighth and E Streets NW., Washington, D. C., in connection with Investigation No. 6 under section 201 (a) of the Anti-dumping Act, 1921, as amended, with respect to montan wax in its crude form. Public notice of Investigation No. 6 has been previously given (20 F. R. 8278).

Request to appear at hearing. Parties interested will be given opportunity to appear and to be heard at the above-mentioned hearing. Such parties desiring to appear at the hearing should notify the Secretary of the Commission, in writing, three days in advance of the date of the hearing.

By order of the United States Tariff Commission, the 30th day of November 1955.

Issued: December 1, 1955.

DONN N. BENT,
Secretary.

[F. R. Doc. 55–9773; Filed, Dec. 5, 1955; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 1, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31382: *Malt liquors and empty containers to and from the South.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on malt liquors, carloads and empty returned containers, carloads from Milwaukee and Waukesha, Wis., to specified destinations in southern territory named in the tariff schedule listed below, and also in the reverse direction for containers.

Grounds for relief: Additional circuitous routes.

Tariff: Agent Raasch's tariff I. C. C. No. 850.

FSA No. 31383: *Acrylonitrile—New Orleans, La., to Chicago, Ill.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on acrylonitrile, tank-car loads from New Orleans, La., to Chicago, Ill.

Grounds for relief: Barge competition and circuity.

Tariff: Supplement 144 to Alternate Agent Marque's I. C. C. 417.

FSA No. 31384: *Chemicals—Charleston, W. Va., district to St. Louis, Mo., district.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on barium oxide, carbonate and chloride, sodium sulphide, sulphydrate, and sulphate, precipitated (Blanc Fixe), carloads from Charleston, W. Va., and other West Virginia points in the Charleston industrial district named in the application to East St. Louis, Hartford, Hartford (South Wood River), Roxana, and Wood River, Ill., and St. Louis, Mo.

Grounds for relief: Competition of water carriers and circuitous routes.

Tariff: Supplement 98 to Baltimore & Ohio Railroad Company I. C. C. 24244 and two other tariffs.

FSA No. 31385: *Cement or concrete pipe and fittings—Kansas City, Mo., to Shreveport, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pipe and pipe fittings, concrete or cement, reinforced, carloads from Kansas City, Kans.-Mo., to Shreveport, La.

Grounds for relief: Circuitous routes.

Tariff: Supplement 109 to Agent Kratzmeir's I. C. C. 4049.

FSA No. 31386: *Magnesium metals and alloys—Velasco, Tex., to New York Harbor area points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on magnesium metal or magnesium metal alloys, as described, carloads from Velasco, Tex., to Brooklyn, N. Y., and Port Newark, N. J.

Grounds for relief: Competition of water carriers and circuity.

Tariff: Supplement 116 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 31387: *Sand—Michigan and Indiana to the South.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on sand, in open top and closed cars, as described, carloads from specified points in Indiana and Michigan to destinations in southern territory named in tariff listed below.

Grounds for relief: Modified short-line distance formula and circuity.

Tariff: Supplement 10 to Agent Hinsch's I. C. C. 4664.

FSA No. 31388: *Chimney parts—Buda, Ill., to Alabama and Mississippi.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on chimney parts, made of tile, concrete, and cement asbestos, as more fully described in the application, carloads from Buda, Ill., to specified points in Alabama and Mississippi.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 52 to Agent Raasch's I. C. C. 784; Supplement 67 to Agent Raasch's I. C. C. 776.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55–9767; Filed, Dec. 5, 1955; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 30, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31370: *Lubricating oil—Eastern points to North Carolina.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on lubricating oil, tank-car loads from specified points in Delaware, Maryland, New Jersey and Pennsylvania to Charlotte, Friendship, Greensboro, and Thrift, N. C.

Grounds for relief: Truck competition and circuity.

Tariff: Supplement 6 to Agent Boin's I. C. C. A–1035.

FSA No. 31371: *Brass, bronze, copper, and silver articles in Official Territory.* Filed jointly by C. W. Boin, and O. E. Swenson, Agents, for interested rail carriers. Rates on brass, bronze, copper and cupron-nickle-silver articles, carloads between points in official territory, as described in the application.

Grounds for relief: Motor-truck competition and circuity.

Tariff: Agent Boin's I. C. C. No. A–1080.

FSA No. 31372: *Asphalt filler—Alpine, Ala., to Official Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on asphalt filler namely soapstone, pulverized and talc tailings, pulverized, carloads from Alpine, Ala., to specified points in official territory.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 174 to Agent Spaninger's I. C. C. 1351; Supplement 158 to Agent Spaninger's I. C. C. 1324.

FSA No. 31373: *Synthetic rubber—Charleston, S. C., to Chicago, Ill.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on rubber synthetic, coprecipitated with lignin pitch, carloads from Charleston, S. C., to Chicago, Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 174 to Agent Spaninger's I. C. C. 1351.

FSA No. 31374: *Hides, pelts or skins—Beckville, Miss., to Eastern Points.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on hides, pelts or skins, carloads from Beckville, Miss., to specified points in Delaware, Maine, New Hampshire and New Jersey.

Grounds for relief: Modified short-line distance formulas and circuity.

Tariff: Supplement 158 to Agent Spaninger's I. C. C. 1324.

FSA No. 31375: *Pressure pipe—Columbia, S. C., to Southern Points.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on reinforced concrete pressure pipe, carloads from Columbia, S. C., to specified points in southern territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 145 to Agent Spaninger's I. C. C. 1251 and two other tariffs.

FSA No. 31376: *Sugar—Gulf Ports to Alabama and Georgia.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sugar, carloads from New Orleans, Three Oaks, Gramercy, and Reserve, La., Gulfport, Miss., Mobile, Ala., and Pensacola, Fla., to Atlanta, LaGrange, Newnan, and West Point, Ga., Lanett, Opelika, Auburn, Franklin and Montgomery, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 280 to Agent W. P. Emerson, Jr.'s I. C. C. 380.

FSA No. 31377: *Sugar—Western Louisiana to Birmingham, Ala., and Group.* Filed by J. H. Marque, Alternate Agent, for interested rail carriers. Rates on sugar, carloads, from specified points in Louisiana west of the Mississippi River to Birmingham, Ala., and points grouped with and taking Birmingham rates.

Grounds for relief: Market competition, differential origin relations, and circuity.

Tariff: Supplement 281 to Alternate Agent Marque's I. C. C. 380.

FSA No. 31378: *Caustic soda—Evans City, Ala., to Houston, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Evans City, Ala., to Houston, Tex.

Grounds for relief: Truck-barge competition and circuity.

Tariff: Supplement 97 to Agent Kratzmeir's I. C. C. 4115.

FSA No. 31379: *Clay between points in Southern Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on clay, kaolin or pyrophyllite, carloads from specified points in Alabama, Florida, Georgia, North Carolina and South Carolina to McIntyre, Ga., also from Attapulgus, Ga., to Miami, Fla.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 3 to Agent Spaninger's I. C. C. 1491.

FSA No. 31380: *Grain and grain products to Gulf Ports.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain, grain products and related articles, also seeds, carloads from specified points named in Chicago, Burlington and Quincy Railroad Tariff I. C. C. No. 20396, to gulf ports for coastwise movement.

Grounds for relief: Carriers competition, grouping and circuity.

FSA No. 31381: *Malt liquors and containers to and from the South.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on malt liquors, carloads, and empty returned carriers (beverage packages) carloads from Burlington, Wis., Joliet and Thornton, Ill., to specified points in southern territory, and in the reverse direction on the containers.

Grounds for relief: Market competition, modified short-line distance formula, and circuity.

Tariff: Agent Raasch's I. C. C. No. 850.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55–9687; Filed, Dec. 2, 1955; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 237

Washington, Wednesday, December 7, 1955

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

UNIVERSITY OF MICHIGAN

DEC 12 1955

MAIN READING ROOM

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 67]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (20 F. R. 2881, 2973, 3499, 3931, 4397, 4841, 5256, 5709, 6076, 6575, 7134, 7897, 8364, 8630), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. Subdivisions (ii), (iii), (v), and (vi) of subparagraph (2) of paragraph (c), relating to Bristol County in Massachusetts, are deleted.

2. Subdivisions (viii) and (ix) of subparagraph (2) of paragraph (c), relating to Bristol County in Massachusetts are amended to read:

(viii) That part of the Town of Seekonk lying north of County Street, south of Chestnut Street, west of Hammond Street, and east of Arcade Avenue and Mill Road; and

(ix) That part of the Town of Westport lying south of Old Bedford Road, north of the New York, New Haven, and Hartford Railroad, and east of Davis Road.

3. Subdivisions (i), (ii), (iii), and (iv) of subparagraph (3) of paragraph (c), relating to Essex County in Massachusetts, are deleted.

4. Subdivision (vi) of subparagraph (3) of paragraph (c), relating to Essex County in Massachusetts, is amended to read:

(vi) That part of the City of Peabody lying south of Farm Avenue, northwest of Lynnfield Street, and east of Farm Avenue; that part of the City of Peabody lying south of State Route No. 128, north of Lynnfield Street, west of Summit Street, and east of Farm Avenue; that part of the City of Peabody lying north of Lowell Street, east of U. S. Route No. 1, and west of Prospect Street; and that part of the City of Peabody lying north of Lowell Street and west of Birch Street.

5. Subdivisions (ii), (v), and (viii) of subparagraph (4) of paragraph (c), relating to Hampden County in Massachusetts, are deleted.

6. Subdivision (vii) of subparagraph (4) of paragraph (c), relating to Hampden County in Massachusetts, is amended to read:

(ii) That part of the Town of Southwick lying south of Springfield Road, east of South Longyard Road, west of West Street, and north of Barry Road.

7. Subdivisions (ii), (iii), (iv), (v), (vi), (ix), (x), (xi), (xiii), and (xvi) of subparagraph (5) of paragraph (c), relating to Middlesex County in Massachusetts, are deleted.

8. Subdivisions (vii) and (xvii) of subparagraph (5) of paragraph (c), relating to Middlesex County in Massachusetts, are amended to read:

(vii) That part of the Town of Lincoln lying north of State Route No. 117, south of State Route No. 2, and east of Conant Road; and

* * * * *

(xvii) That part of the Town of Weston lying south of South Avenue, and west of Wellesley Street.

9. Subdivisions (ii), (vii), (xiii), and (xiv), of subparagraph (8) of paragraph (c), relating to Worcester County in Massachusetts, are deleted.

10. Subdivision (iii) of subparagraph (8) of paragraph (c), relating to Worcester County in Massachusetts, is amended to read:

(iii) That part of the Town of Boylston lying north and west of the Wachusett Reservoir and south and east of State Route No. 110; and that part of the Town of Boylston lying north of Mill Street, south of South Road, east of State Route No. 70, and west of Sewell Street.

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11. Subdivision (iii) of subparagraph (7) of paragraph (c), relating to Plymouth County in Massachusetts, is deleted.

12. New subdivisions (vi) and (vii) are added to subparagraph (4) of paragraph (d), relating to Burlington County in New Jersey, to read.

(vi) That part of Evesham Township lying west of Taunton Road, south of Deerfield Road and northeast of Kettle Run Road; and

(vii) That part of South Hampton Township lying south of New Jersey State Highway No. 70, west of Whippoorwill Road, and northeast of Little Creek.

13. New subdivisions (xxii) and (xxiii) are added to subparagraph (8) of paragraph (d), relating to Gloucester County in New Jersey, to read:

(xxii) Lots No. 16 and No. 17 in Block 398, in Deptford Township, owned by James J. Scanlon; and

(xxiii) Lot No. 1 in Block 2, in Deptford Township, owned by Dominick Besogni.

14. New subdivisions (xv), (xvi), (xvii) and (xviii), are added to subparagraph (11) of paragraph (d), relating to Monmouth County in New Jersey, to read:

(xv) That part of Howell Township lying south of the Adelphia-Farmingdale Road, east of Havens-Bridge Road, north of the Manasquan River and west of Ketchum Road;

(xvi) Those parts of Manalapan and Marlboro Townships lying south of Gordons Corner-Wickatunk Road, west of Robertsville-Freehold Road, north of Milford Brook and east of U. S. Route No. 9;

(xvii) That part of Wall Township lying south of Farmingdale-Hurley's Pond Road, west of Glendola-Allenwood Road, north of New Jersey State Highway No. 38 and east of the Garden State Parkway; and

(xviii) Lot No. 17 in Block No. 1, in Ocean Township, owned by Amos Tatum.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in Massachusetts and New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1954 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interpret or applies secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 2d day of December 1955.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 55-9818; Filed, Dec. 6, 1955; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 62, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.362 (Navel Orange Regulation 62; 20 F. R. 8686) are hereby amended to read as follows:

(i) District 1: Unlimited movement;

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 2, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9816; Filed, Dec. 6, 1955; 8:51 a. m.]

[957.313 Amdt. 5]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (vi) this amendment relieves restrictions on the handling of potatoes grown in the production area.

Order, as amended. The provisions of paragraph (b) (5) and (6) of § 957.313, as amended (20 F. R. 4794, 5807, 6075, 6729, 7325), are hereby amended to read as follows:

(5) The limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Seed, (ii) export, (iii) canning, dehydration, or manufacture or conversion into starch, flour, meal, or alcohol, (iv) charity, and (v) potato chippings: *Provided,* That shipments of potatoes for potato chipping shall meet the requirements of U. S. No. 2 or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(6) Each handler making shipments of potatoes pursuant to subparagraph (5) of this paragraph (i) shall first obtain, in accordance with §§ 957.130 to 957.133, inclusive, from the committee a Certificate of Privilege for such handling, (ii) shall have each of such shipments (except shipments for seed) inspected pursuant to § 957.65, (iii) shall pay assessments on such shipments pursuant to § 957.42, (iv) shall, with respect to each shipment made pursuant to subdivision (ii), (iii), (iv), or (v) of subparagraph (5) of this paragraph, furnish a copy of the bill of lading applicable thereto to the committee, (v) shall, with respect to each shipment made pursuant to subdivision (ii) of subparagraph (5) of this paragraph, include in his application for the Certificate of Privilege therefor the export license number and shall enter such number on the Federal-State inspection certificate and bill of lading applicable to such shipment or, in the event no export license is required on such shipment, the handler shall furnish the committee with a copy of the Department of Commerce Shippers Export Declaration Form No. 7525-V applicable to such shipment, and (vi) shall, with respect to each application for a Certificate of Privilege to ship potatoes pursuant

to subdivision (iii), (iv), or (v) of subparagraph (5) of this paragraph submit the applicant handler's certification and the buyer's certification that the potatoes to be so shipped are to be used for the purposes stated in the application.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 2d day of December 1955 to become effective December 8, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9819; Filed, Dec. 6, 1955; 8:51 a. m.]

[Lime Order 2, Amdt. 1]

PART 1001—LIMES GROWN IN FLORIDA

CONTAINER REGULATION

Findings. On September 30, 1955, notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 7313) regarding proposed further limitations on the containers used for the handling of limes pursuant to the Marketing Agreement and Order No. 101 (7 CFR Part 1001; 20 F. R. 4179) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

After consideration of all relevant matters presented including the proposals set forth in the aforesaid notice which were submitted by the Florida Lime Administrative Committee (established pursuant to the said marketing agreement and order), it is hereby found that the amended regulation hereinafter set forth is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared policy of the act.

Order. (1) The provisions of paragraph (b) § 1001.302 (20 F. R. 5627) are hereby terminated as of the effective time of this order;

(2) Beginning at the effective time of this order no handler shall handle any variety of limes grown in the production area, covered by the aforesaid marketing agreement and order, in containers having a capacity of more than 2 pounds unless such limes are handled in the following containers:

(i) Containers with inside dimensions 11 by 16¾ by 10 inches: *Provided,* That any such container shall contain not less than 40 pounds net weight of limes;

(ii) Containers with inside dimensions 11½ by 7½ by 5 inches: *Provided,* That any such container shall contain not less than 10 pounds net weight of limes; or

(iii) Containers with inside dimensions 12 by 9⅝ by 3¾ inches: *Provided,* That any such container shall contain not less than 10 pounds net weight of limes.

(3) The limitations set forth in subparagraph (2) of this order shall not apply to master containers for individual cartons, each of which does not contain more than 2 pounds of limes.

(4) As used herein, "production area," "handler," and "handle" shall have the same meaning as when used in said marketing agreement and order.

Effective time. The provisions of this regulation shall become effective at 12:01 a. m., e. s. t., February 1, 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 1, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-9807; Filed, Dec. 6, 1955; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6365]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NATONE CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1710 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, E. Manuel Stolaroff (Los Angeles, Calif.) et al. trading as Natone Company, Docket 6365, November 17, 1955]

In the Matter of E. Manuel Stolaroff, Individually, and E. Manuel Stolaroff, Irving Grath and Moe A. Lesser, Individually and as Trustees, All Trading as Copartners Under the Name of Natone Company

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission—which charged three copartners with disseminating advertisements in newspapers and periodicals and other advertising literature which represented falsely that their "Talika Eye Lash Creme" cosmetic product, when applied to the eyelashes, would make them grow longer and thicker—and an agreement between counsel for both parties providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of November 17, 1955, became, pursuant to § 3.21 of the rules of practice, the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That respondents E. Manuel Stolaroff, individually, and E. Manuel Stolaroff, Irving Graff and Moe A. Lesser, individually and as trustees, all trading as copartners under the name of Natone Company, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a preparation designated as Talika Eyelash Creme, or any other cosmetic product of composition substantially similar thereto, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or through implication:

a. That the use of said product will cause the eyelashes to grow longer or thicker;

2. Disseminating or causing to be disseminated, by any means, any advertisement for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of such product, which advertisement contains any of the representations prohibited in paragraph 1. a. of this order.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That respondents E. Manuel Stolaroff, individually, and E. Manuel Stolaroff, Irving Graff (erroneously named in the complaint as Irving Grath) and Moe A. Lesser, individually and as trustees, all trading as copartners under the name of Natone Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 17, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-9805; Filed, Dec. 6, 1955; 8:48 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

FORMS FOR REGISTRATION STATEMENTS

On August 31, 1955, the Securities and Exchange Commission published notice that it had under consideration a proposal to adopt Form S–12 (17 CFR 239.19), a new registration form under the Securities Act of 1933 for American Depositary Receipts against outstanding foreign securities. All interested persons were invited to comment upon the proposed form. The Commission has considered the comments received and has determined to adopt Form S–12.[1]

Purpose of Form S–12. The purpose of Form S–12 is to provide a simple procedure for the registration of American Depositary Receipts issued against outstanding foreign securities where the issuer is the entity resulting from the

[1] Filed as part of original document.

agreement pursuant to which the receipts are issued, or a corporation or trust organized to act only as a conduit in connection with the deposit of the underlying securities and there is no person who performs the acts and assumes the duties of depositor or manager. The form proposes that the prospectus information, which consists of only four items, might be embodied in the receipts. The form may be used, provided (1) that the holder of the receipts may withdraw the deposited securities at any time, subject to temporary delays of a specified nature, the payment of fees, taxes and similar charges and to compliance with any laws or governmental regulations relating to the withdrawal of deposited securities and (2) that the deposited securities, if sold in the United States or its territories, would not be subject to the registration provisions of the Securities Act of 1933.

Statutory basis. This action is taken pursuant to the Securities Act of 1933, particularly sections 7, 10 and 19 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the Act.

Effective date. The Commission finds that certain persons may wish to use Form S–12 immediately upon publication and that a deferred effective date would result in unnecessary delay and is not necessary in the public interest or for the protection of investors. Accordingly, the foregoing action shall become effective immediately upon publication November 17, 1955.

(Sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

NOVEMBER 17, 1955.

[F. R. Doc. 55-9804; Filed, Dec. 6, 1955; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 511—ASSISTANCE TO RELATIVES AND OTHERS IN CONNECTION WITH DECEASED PERSONNEL

MISCELLANEOUS AMENDMENTS

1. In § 511.4, add paragraph (a–1) and amend paragraphs (c) (3) and (4), (f) (1), and (g) (1) (i) and (2), as follows:

§ 511.4 *Effects.* • • •

(a–1) *Responsibility.* The Quartermaster General is responsible for developing, formulating, and promulgating policies, standards, and procedures for exercising staff and technical supervision relating to the handling and disposition of personal effects of deceased Army personnel.

• • • • • •

(c) *Funds, commercial papers, stocks, bonds, etc.* • • •

(3) Commercial papers, bank accounts, stocks, bonds, or negotiable instruments (which include traveler's checks, money orders, etc.) will not be converted into cash but will be forwarded to the next of kin, legal representative, or The Quartermaster General, Department of the Army, Washington 25, D. C., Attn: Memorial Division.

(4) Military payment orders found among the effects of personnel who are deceased, missing, missing in action, or which are otherwise undeliverable, will be forwarded to the Chief of Finance, Department of the Army, Washington 25, D. C., Attn: Advisory Services Division. Letter of transmittal will furnish information showing the source from which the military payment order was received, the status of the payee, and such other information as may be available regarding the issuance and ownership of same. If the payee is deceased, the name and address of the next of kin also will be furnished. Claimants for the proceeds of such military payment orders will be referred to the Chief of Finance, Washington 25, D. C., Attn: Advisory Services Division.

• • • • • •

(f) *Next of kin or legal representative present.* (1) If the next of kin or legal representative is present, the immediate commanding officer of the deceased or missing person will inventory the effects on WD AGO Form 54 (Inventory of Effects), prepared in triplicate, deliver the effects in person, receiving a receipt therefor, or arrange for packing and shipment at Government expense, if requested, and will forward the original and duplicate of the inventory, with the full name and address of the person receiving the effects, to the commanding officer having custody of the individual's records. The commanding officer will indicate his approval of the disposition by signing Form 54 and will forward the original to The Quartermaster General.

• • • • • •

(g) *Next of kin or legal representative not present*—(1) *Legal representative or next of kin known but not present.* (i) The inventory of effects will be prepared in quadruplicate by the immediate commanding officer, and the original and two copies will be delivered with the effects to the summary court appointed to dispose of the effects. If it appears to the interest of both the eventual owner and the Government that certain effects which meet the general description contained in subdivision (iii) of this subparagraph be sold, particularly when the effects are located overseas, the summary court, if the commanding officer approves, will so advise the next of kin or legal representative and ask for a power of attorney to dispose of the effects concerned. Sale, if authorized, may be by public or private sale. A certified copy of the bill of sale will be prepared for the next of kin or legal representative. In addition, the summary court will collect all local debts due the decedent and will pay undisputed local creditors, taking a receipt for such payments to be attached to the inventory. A complete record of all sales and other cash transactions will be entered on Form 54. The summary court will forward the effects and cash from any transactions at Government expense, with original and duplicate of the inventory, with certified bills of sale, to the person eligible to receive the effects, with the request that both copies of the inventory be signed and returned to the summary court. Upon return of both signed copies of the inventory, the summary court will forward both copies to the commanding officer who had custody of the individual's records. The commanding officer will indicate his approval by signing both copies of the inventory and forwarding the original to The Quartermaster General.

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(2) *Legal representative or next of kin not known.* The inventory of effects will be prepared in sextuplicate by the immediate commanding officer, and the original and 4 copies will be delivered with the effects to the summary court appointed to dispose of the effects. The summary court will verify the inventory and receipt therefor on the last copy which will be returned to the organization commander. After collecting from debtors and paying creditors of the individual, the summary court will sell all effects except those articles defined in the Manual for Courts-Martial as valuable chiefly as keepsakes, and stocks, bonds, evidence of bank accounts or other forms of purely commercial paper, and will pay any bona fide creditors of the deceased. Cash or check received from sale of effects will be transmitted to the local disbursing officer, with the original and four copies of the inventory of effects. The original and two copies of the inventory will be forwarded by the summary court to the commanding officer who had custody of the individual's records. Insignia, decorations, medals, and other articles valuable chiefly as keepsakes, and all purely commercial papers, such as stocks, bonds, evidence of bank accounts, etc., will be forwarded to The Quartermaster General, Department of the Army, Washington 25, D. C., Attn: Memorial Division, for transmission to the Soldier's Home under the provisions of the act of 21 February 1931 (46 Stat. 1203; 10 U. S. C. 1584a), as amended. The commanding officer will indicate his approval by signing the inventory and forwarding the original and duplicate to The Quartermaster General with any effects being forwarded to the Department of the Army for further disposition.

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2. In § 511.5, amend the last sentence as follows:

§ 511.5 *Effects of civilian employees not subject to military law.* • • • In all cases receipts will be obtained and forwarded direct to The Quartermaster General with a complete report of action taken.

[C1, SR 600–560–5, 8 November 1955] (R. S. 161; U. S. C. 22)

[SEAL] JOHN A. KLEIN,
Major General U. S. Army.
The Adjutant General.

[F. R. Doc. 55-9784; Filed, Dec. 6, 1955; 8:45 a. m.]

Chapter XIV—The Renegotiation Board

Subchapter B—The Renegotiation Board Regulations Under the 1951 Act

PART 1461—RECOVERY OF EXCESSIVE PROFITS AFTER DETERMINATION

RECOVERY OF REFUND PURSUANT TO AGREEMENT; RELATION TO INCOME TAX PAYMENTS

This part is amended by deleting in its entirety § 1461.2 (b) *Relation to income tax payments.*

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: December 2, 1955.

THOMAS COGGESHALL,
Acting Chairman.

[F. R. Doc. 55-9808; Filed, Dec. 6, 1955; 8:49 a. m.]

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES

TIME FOR FILING STANDARD COMMERCIAL ARTICLE REPORTS

Section 1467.4 (d) *Time for filing Standard Commercial Article Report* is amended by deleting the last sentence of subparagraph (2) and inserting in lieu thereof the following: "If the Standard Commercial Article Report is not filed within the time specified in the first sentence of this subparagraph, it should be filed by the contractor with its financial statement for such fiscal year, but in no event later than the date upon which the contractor is required to file such financial statement."

(Sec. 109, 65 Stat. 21; 50 U. S. C. App. 1219)

Dated: December 2, 1955.

THOMAS COGGESHALL,
Acting Chairman.

[F. R. Doc. 55-9809; Filed, Dec. 6, 1955; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.762 is hereby revoked; § 203.810 governing the operation of bridges across navigable waters of the United States within the State of Washington where constant attendance of draw tenders is not required, is hereby amended by numbering existing subparagraphs and adding subparagraph (8) to paragraph (f), to govern the operation of the Union Pacific Railroad Company bridge across the Snake River at Riparia, and the Idaho-Washington highway bridge across the Snake River at Clarkston; and § 203.760 is revised throughout to provide for changes in operation of the Union Pacific Railroad Company bridge across the Columbia River below the mouth of the Snake River and Northern Pacific Railway Company bridges across the Columbia River at Pasco and across the Snake River at Burbank, as follows:

§ 203.760 *Columbia and Snake Rivers in vicinity of Pasco, Wash.; bridges*—(a) *Bridges covered by the regulations of this section.* (1) The Union Pacific Railroad Company bridge across the Columbia River about 5 miles downstream from Pasco, Washington.

(2) The Northern Pacific Railway Company bridge across the Columbia River between Pasco and Kennewick, Washington.

(3) The Northern Pacific Railway Company bridge across the Snake River at Burbank, Washington.

(b) *Posting of regulations.* The owner of or agency controlling each bridge shall keep conspicuously posted on the bridge a copy of the regulations of this section together with a notice stating exactly how the representative stated below may be reached. The regulations of this section and notice shall be posted on both the upstream and downstream sides of the bridge and in such a manner that they can be easily read at all times. The names, addresses, and telephone numbers of the bridge representatives are as follows:

(1) For the Union Pacific Railroad Company bridge—The Chief Dispatcher, Spokane, Washington, telephone Main 4121.

(2) For the Northern Pacific Railway Company bridges—The General Yardmaster, Clark and Tacoma Streets, Pasco, Washington, telephone 6242 or 4401.

(c) *Advance notification.* The owners or operators of vessels requiring that the drawspan of either of the bridges owned by the Northern Pacific Railway Company referred to above, be opened between the hours of 4:00 p. m. and 8:00 a. m., will notify the representative of the bridge owner at least 2 hours in advance of the estimated time of arrival of the vessel at the bridge.

(d) *Signals.* (1) *Call signals for opening of draw.* The following signals shall be given by vessels as notice to bridge tender to open the draw, or in case the draw is already open, that they intend to pass through.

(i) *Danger signals.* Shall consist of a series of short blasts, at least four, given in rapid succession, and repeated if necessary, or a red flag during the day or a red light at night swung in full circles in full sight of the vessel. The signals will be used in answering the call signal of a vessel to indicate that the draw cannot or will not be opened at once, or, when vessels are waiting in the vicinity, that the draw, if open is about to be closed. It is also to be used in emergency to revoke an acknowledging signal.

(ii) *Rescinding signals.* Shall be the reverse of the call signal for each bridge. The signal will be used by a vessel to cancel a previous call signal, and to indicate that the vessel does not intend to pass through and that the draw need not be opened, or may be closed.

(iii) Answer by the bridge tender to a rescinding signal shall be the danger signal.

NOTE: The term "long blast" means a distinct blast of approximately five seconds' duration and the term "short blast" means a distinct blast of approximately two seconds' duration. Visual signals are to be used in conjunction with sound signals when conditions are such that sound signals may not be heard.

(a) For the Union Pacific Railroad Company bridge, 2 long blasts and 1 short blast, sounded at least 10 minutes and not more than 30 minutes before passage is desired.

(b) For the Northern Pacific Railway Company bridges, 1 long blast and 2 short blasts, sounded at least 10 minutes and not more than 30 minutes before passage is desired.

(ii) *Visual signals.* A white flag by day or a white light at night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Answering signals*—(i) *Acknowledging signals.* Shall be the same as the call signal for each bridge. The purpose of the signal is to ackowledge the call signal of a vessel and to indicate that the bridge tender intends to open the draw as soon as practicable, or that he will hold the draw open.

(e) All bridges to which the regulations of this section apply shall be equipped with a whistle or horn of sufficient size and range that signals sounded on same shall be distinctly audible up and down stream on a still day for a distance of approximately 2.5 miles.

(f) A vessel, desiring to pass through any of the above bridges, under which it cannot pass with the draw closed, except when advance notice is required by paragraph (c) of this section, shall sound the call signal for such bridge as prescribed and shall repeat such signal at intervals until it is answered by the draw tender. In case two vessels approaching from opposite directions would meet at or near the bridge, the vessel bound downstream shall be considered as having the right of way. When either vessel waits for the passage of the other, the vessel shall again give the call signal for the bridge and receive an acknowledging signal from the draw tender before proceeding. It is incumbent upon navigators to make sure that their signals are understood before proceeding through a drawspan, and when approaching bridges, vessels should be kept under control, with a view to stopping, if necessary, before reaching the bridge.

(g) All vessels when passing any bridge shall be moved as expeditiously as is consistent with safe navigation, and all towboats engaged in towing barges or other craft through any of the bridges shall be of sufficient power to handle the tow without unduly delaying the closing of the drawspan.

(h) Vessels with hinged or adjustable masts or booms projecting above their fixed structure shall lower the same and pass under the bridges, if practicable, without signaling for the draw to open.

(i) If the bridge can be opened, or is already open, when a call signal is given, the draw tender shall promptly answer the vessel calling by giving the acknowledging signal and promptly open the draw or hold it open, as the case may be, except that the opening of the draw may be delayed until immediately after the passage of any train which will cross the bridge before stopping and which has passed any bridge signal block located not more than two miles from the bridge. Trains shall in no event stand in such location as to prevent operation of the draw when a vessel desiring passage through the bridge has signaled for the draw to be opened.

(j) In case the draw cannot be opened at once when the call signal is given, the draw tender shall promptly answer the vessel calling by giving the danger signal and shall repeat the same, if necessary. As soon as the exigency which prevented opening has been removed the bridge tender shall promptly sound the regular acknowledging signal for the bridge to advise vessels that the draw can be opened at once, and he shall thereupon proceed to open same if there is a vessel waiting to pass through.

(k) When two vessels arrive at a bridge at or near the same time and blow the call signal, the lift span, when opened, shall be raised high enough to clear the taller vessel. If either vessel at any drawbridge waits for passage of the other and again gives the call signal, the bridge tender shall promptly answer with the acknowledging signal and shall hold the span open. In case the intentions of a waiting vessel are not fully understood by a draw tender, when the draw is open he shall sound the danger signal as a warning to vessels that he is about to close the draw.

(l) If a rescinding signal is given by a vessel to cancel a previously given call signal, and it is evident the vessel does not intend to pass through, the draw tender shall answer with the danger signal and may close the draw, or need not open the draw.

§ 203.762 *Snake River; Union Pacific Railroad Company bridge at Riparia, Wash., and highway bridge of States of Washington and Idaho at Lewiston, Idaho.* [Revoked.]

§ 203.810 *Navigable waters in the State of Washington; bridges where constant attendance of draw tenders is not required.*

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(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

(1) Puyallup Waterway and River, Tacoma Harbor; • • •
(2) South Fork, Skagit River; • • •
(3) Skagit River; • • •
(4) Wishkah River; • • •
(5) (Reserved)
(6) (Reserved)
(7) (Reserved)
(8) Snake River; Union Pacific Railroad Company bridge at Riparia, and Idaho-Washington Department of Highway bridge at Clarkston. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

[Regs., 22 November 1955, 823.01-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-9785; Filed, Dec. 6, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1259]

[New Mexico 020728]

NEW MEXICO

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES IN CONNECTION WITH WALKER AIR FORCE BASE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in New Mexico are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved for use of the Department of the Air Force for military purposes in connection with Walker Air Force Base:

NEW MEXICO PRINCIPAL MERIDIAN

T. 9 S., R. 25 E.,
Sec. 20, S½NW¼SW¼NE¼.

The tract described contains 5 acres.

This order shall take precedence over but not otherwise affect the Departmental order of April 8, 1935, establishing New Mexico Grazing District No. 6.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

NOVEMBER 30, 1955.

[F. R. Doc. 55-9786; Filed, Dec. 6, 1955; 8:45 a. m.]

[Public Land Order 1260]

[Washington 02135]

WASHINGTON

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE ARMY IN CONNECTION WITH THE DALLES DAM PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Washington are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved for use of the Department of the Army in connection with The Dalles Dam Project:

WILLAMETTE MERIDIAN

T. 2 N., R. 14 E.,
Sec. 16, lot 3, that portion of the southeast quarter of northwest quarter, lying southerly of the north boundary of the existing right of way of the Spokane, Portland and Seattle Railway Company, and lot 4 (now inundated by the Columbia River).

The tract described contains 8.10 acres.

Sec. 17, lot 2, all that portion lying southeasterly of a line that is 100 feet distant northwesterly, when measured at right angles, from the center line survey for the relocation of the railroad of the Spokane, Portland and Seattle Railway Company, said center line being more particularly described as follows:

Beginning at Engineer's Station L 760+00 P. O. T., from which station the southwest corner of Section 17 in said township and range bears S. 66° 19' 09" W. a distance of 2,874.6 feet; thence N. 71° 47' 30" E. 527.32 feet to Station L 765+27.32 B. S.; thence northeasterly, on an increasing Talbot spiral to the left (a=0.5172), a distance of 290.00 feet through an angle of 2° 10' 30" to Station L 768+17.32 B. M. C.; thence northeasterly, on a curve to the left having a radius of 3,819.75 feet, a distance of 170.56 feet through an angle of 2° 33' 30" to Station L 769+87.88 E. M. C.; thence northeasterly, on a decreasing Talbot spiral to the left (a=0.5172), a distance of 290.00 feet through an angle of 2° 10' 30" to Station L 772+77.88 E. S.; thence N. 64° 53' 00" E. 420.83 feet to Station L 776+98.71 B. S.

The tract described contains 5.90 acres.

Sec. 19, NW¼NW¼, all that portion of the east 11.70 chains lying southerly of the south boundary of the right of way of Washington State Highway No. 8 (U. S. No. 830).

The tract described contains 8.30 acres.

T. 2 N., R. 15 E.,
Sec. 14, lots 6, 7, 8 and 9, all those portions lying between the line of ordinary high water of the Columbia River and a contour line 178.0 feet above mean sea level, as determined by reference to the United States Coast and Geodetic Survey datum.

The tract described contains 9.00 acres.

This order shall take precedence over but not otherwise affect Power Site Classification No. 378 of February 10, 1948, so far as it affects any of the lands.

[SEAL] WESLEY A. D'EWART,
Assistant Secretary of the Interior.

DECEMBER 1, 1955.

[F. R. Doc. 55-9787; Filed, Dec. 6, 1955; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 11181, 11532; FCC 55-1198]

[Rules Amdts. 3-62, 3-3]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; POWER AND ANTENNA HEIGHT REQUIREMENTS; MAXIMUM POWER

In the matter of amendment of § 3.614 (b) of the rules governing Tele-

vision Broadcast Stations; Docket No. 11181; amendment of Part 3 of the Commission's rules and regulations governing Television Broadcast Stations; Docket No. 11532.

1. In a report and order adopted on July 20, 1955, under the above-entitled Docket No. 11181 the Commission announced an amendment to § 3.614 (b) of the rules which would permit VHF television stations in Zone 1 to use maximum power at antenna heights up to 1,250 feet, instead of up to 1,000 feet as previously provided in the rules. The effective date for this amendment was designated as August 31, 1955.

2. Prior to August 31, 1955, Elm City Broadcasting Corporation, licensee of Station WNHC–TV on Channel 8 in New Haven, Connecticut, the Air Transport Association of America and the Ultra High Frequency Industry Coordinating Committee filed with the Commission petitions for reconsideration of this action and for stay of the effectiveness of the new rule pending such reconsideration. Also prior to August 31, 1955, the Commission received written requests from Mr. T. P. Pike, Assistant Secretary of Defense and Mr. F. B. Lee, Administrator of Civil Aeronautics Administration, asking that the Commission postpone the effective date of the amendment until the completion of certain studies of the Air Coordinating Committee and the release of findings of the Joint Industry Governmental Tall Structure Committee. In an Order adopted on August 31, 1955, the Commission announced that in its opinion the public interest would be served by staying the effectiveness of the amendment in order that it might afford consideration to the foregoing requests; and the effective date of the foregoing amendment was accordingly extended to October 1, 1955. In subsequent Orders adopted on September 28, 1955, October 21, 1955, and November 16, 1955, the effective date was further extended. Under the last mentioned Order the effective date was designated as January 9, 1956.

3. On November 10, 1955, the Commission issued a Notice of Proposed Rule Making in the above entitled Docket No. 11532, looking toward possible revision of the Table of Assignments or television standards. In this Notice the Commission invited proposals and comments of all interested parties on such modifications of the present nationwide allocations plan as might help to reduce the existing barriers to the fuller expansion of the Nation's television services. In paragraph 8 of the Notice the Commission requested comments on the nature and the extent of departures, if any, from the present standards as adopted in the Sixth Report and Order, with respect to a series of factors basic to the present television system. Among the factors so specified were the "Minimum and maximum limitations on powers and antenna heights".

4. Thus the foregoing amendment to § 3.614 (b) of the rules concerns only one of a considerable number of closely interrelated features of the present system. The Commission has announced its intention in evaluating the merits of proposals submitted under Docket 11532, to consider their bearing on all the factors mentioned in paragraph 8 of the Notice of Proposed Rule Making. This, in the Commission's opinion, will facilitate, and in fact is indispensable to, its quest for adequate solutions to the allocations problem now before it.

5. Also on November 10, 1955, the Ultra High Frequency Industry Coordinating Committee filed a petition requesting that the Commission vacate the above-referenced Report and Order of July 20, 1955, and deny the petitions in the instant proceeding (Docket No. 11181) for amendment of § 3.614 (b). The Committee contended that there are strong public interest considerations which require denial of the petitions of amendment of § 3.614 (b) on their merits and that denial is required for consistency with the Commission's actions of November 10, 1955, in initiating the subject rule making proceeding looking toward possible revision of the Table of Assignment (Docket No. 11532) and in adopting its Memorandum Opinion and Order of November 10, 1955 in which the Commission denied a number of petitions for basic revisions to the present Table of Assignments and television standards. On November 23, 1955, Sarkes Tarzian, Inc. filed a reply and opposition to the petition the Coordinating Committee filed on November 10, 1955. In this pleading Sarkes Tarzian requested that the petition of the Coordinating Committee be denied on the basis of a distinction it suggests between deintermixture proposals which have not been adopted and "the so-called 1,250' rule" which it states has already been adopted in a rule making proceeding. Sarkes Tarzian also contended that the subject amendment would have different effect in the Indianapolis-Bloomington area than in other areas such as New England, and stated that UHF stations which may be affected by the amendment could submit their objections when VHF stations file applications looking toward the use of higher towers with maximum powers in Zone I. On November 28, 1955 WSAZ, Inc., licensee of Station WSAZ-TV at Huntington, West Virginia, and participant in the proceedings under Docket 11181, filed an Opposition to the petition filed by the Coordinating Committee on November 10, 1955. In this Opposition WSAZ argued that the Commission, in taking its actions of November 10, 1955 relating to deintermixture without taking corollary action in the instant proceeding under Docket 11181, had correctly determined that the latter proceeding was independent of the matters on which the Commission acted on November 10, 1955.

6. The subject amendment to § 3.614 (b), although it would not have nationwide effect, would apply to a very significant segment of the television industry. Zone I comprehends almost half the population of the United States and approximately a third of all existing television stations. The amendment concerns factors—maximum antenna heights and powers—which are basic to the structure of the present television system. In these circumstances the Commission believes that it would be preferable not to attempt to dispose of the basic questions remaining in Docket No. 11181 without reference to such decisions as it may reach in the general rule making proceeding under Docket No. 11532 on numerous matters which are interrelated with and have direct bearing on antenna heights and powers. Accordingly, the Commission has decided to consider the basic questions remaining under Docket No. 11181, in the rule making proceeding under Docket No. 11532. The Commission is not in agreement with the contention that it would be appropriate to dispose of the issues in Docket 11181 without reference to such decisions as it may take in the rule making proceeding under Docket 11532.

7. On November 17, 1954, Northern Pacific TV Corporation of Spokane, Washington, filed a petition requesting amendment of § 3.614 (b) so as to permit stations operating on Channels 2 to 6 in Zone II to operate with maximum powers of 100 kw irrespective of antenna height. For reasons similar to those already discussed, the Commission believes it will be desirable to consider this petition also, under the rule making proceeding in Docket No. 11532.

8. There is, however, one limited circumstance concerning which the Commission feels no useful purpose would be served by deferring its decision or consolidating the matter with Docket No. 11532. On March 22, 1951, during the general rule making proceeding in Docket 8736, et al., looking toward revision of the existing system of television allocations and standards the Commission issued its Third Notice of Rule making in which it announced inter alia, proposed increased maximum antenna heights and powers. In its Sixth Report and Order issued on April 14, 1952 in the same proceeding the Commission finally adopted maximum limitations on antenna heights and powers which were more restrictive than those stated in the Third Notice. In the instant proceedings under Docket 11181 there has been called to the Commission's attention a circumstance in which the Commission's authorization to relocate an antenna site to a point farther distant from the principal city to be served was issued by the Commission and acted upon after the issuance of the Third Notice and before issuance of the Sixth Report and Order. To apply the maximum heights and powers adopted in the Sixth Report and Order to a station whose transmitter site was relocated, by authorization of the Commission, at a time when the licensee's choice of a new site was influenced by the maximum heights and powers announced in the Third Notice, would, in the opinion of the Commission, work undue and unnecessary hardship on such a station. For this reason, the Commission is of the view that considerations of equity justify permitting utilization of present maximum powers at the antenna height specified in such authorization.

9. Authority for the adoption of the amendment herein is contained in sections 303 (a), (b), (c), (d), (e), (f), (g) and (r) and 4 (i) of the Communications Act of 1934, as amended.

10. In view of the foregoing: *It is ordered*, That § 3.614 (b) (1) of the rules, effective January 6, 1956, is amended by the addition of the following note:

NOTE: This limitation shall not apply to any licensee or permittee in Zone I who received an authorization after March 22, 1951, to relocate its transmitter site and construct a new tower and antenna to a height in excess of 1000 feet above average terrain and who constructed or who had substantially completed construction of said tower and antenna prior to April 14, 1952. In such case, maximum power may be utilized at the height above average terrain specified in the authorization. The limitation shall apply, however, where the tower or other principal supporting structure had been constructed prior to the date of such authorization.

11. *It is further ordered*, That the Commission's Report and Order in Docket No. 11181 of July 20, 1955, is vacated, and the record in Docket No. 11181 is made part of the general rule making proceeding in Docket No. 11532; and Docket No. 11181 is hereby terminated.

12. *It is further ordered*, That the petition of Northern Pacific TV Corporation filed November 17, 1954, and requesting amendment of § 3.614 (b) in respect to Zone II will be considered under Docket No. 11532.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: November 30, 1955.

Released: December 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–9791; Filed, Dec. 6, 1955; 8:48 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11568; FCC 55–1197]

CONELRAD PLAN FOR NONCOMMERCIAL EDUCATIONAL FM AND INTERNATIONAL BROADCAST SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendments to Part 3 of the Commission's rules to extend CONELRAD to the Noncommercial Educational FM and the International Broadcast Services.

1. The Commission has before it the approved CONELRAD Plan for the Noncommercial Educational FM and the International Broadcast Services. This plan was developed in cooperation with licensees, Department of Defense and Director, Office of Defense Mobilization, and government agencies concerned. In order to put this plan into effect it is necessary to modify Part 3 of the Commission's rules as set forth below. It is proposed to change the title of the present Subpart G of Part 3 of the rules to read, "CONELRAD For Standard, FM and Television Broadcast Stations." It is further proposed to add a new Subpart H to Part 3 of the rules as set forth below.

2. These proposed amendments are promulgated by authority of sections 303 (r) and 606 (c) of the Communications Act of 1934 as amended and Executive Order No. 10312 signed by the President December 10, 1951.

3. Any interested party who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein may file on or before January 3, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within one week from the last day for filing said original comments or briefs. No additional comments may be filed unless, (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and, if any comments appear to warrant the holding of a hearing or oral argument, a notice of the time and place of such hearing or oral argument will be given.

4. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 30, 1955.

Released: December 2, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Change title of Subpart G to read "CONELRAD for Standard, Fm and Television Broadcast Stations."

2. Add a new subpart H as follows:

SUBPART H—CONELRAD FOR NONCOMMERCIAL EDUCATIONAL FM AND INTERNATIONAL BROADCAST STATIONS

§ 3.1001 *Scope and objective.* (a) This subpart applies to all radio stations in the noncommercial educational FM and the international broadcast services located in the Continental U. S., and is for the purpose of providing for the alerting and operation of radio stations in these services during periods of air attack or imminent threat thereof.

(b) The objective of the CONELRAD rules in this subpart is to minimize the navigational aid that an enemy might obtain from the electromagnetic radiations from radio stations in the noncommercial educational FM and international broadcast services, while simultaneously providing for a continued radio service under controlled conditions when such operation is essential to the public welfare.

§ 3.1002 *Alerting.* (a) All radio stations in the noncommercial educational FM and the international broadcast services licensed by the Federal Communications Commission are responsible for making provisions to receive the CONELRAD Radio Alert message and the CONELRAD Radio All Clear. (As used in this subpart the term "licensed by" includes every form of authority issued by FCC pursuant to which a radio station may be operated, including constructions permits, station licenses, temporary authorizations, etc).

(b) The CONELRAD Radio Alert will be initiated by the Commanding Officer of the Air Division (Defense) or higher military authority.

(c) The provision of an adequate receiver, to monitor any standard, FM or TV broadcast station either by aural or by automatic means, during all hours of operation of noncommercial educational FM or international broadcast stations, will be considered as compliance with the requirements of paragraph (a) of this section. Other means of receiving the CONELRAD Radio Alert may be authorized by the Federal Communications Commission in special cases.

NOTE: Every standard, FM and TV broadcast station will be notified of the Radio Alert by telephone calls or by radio broadcasts. Immediately upon receipt of the Radio Alert, each standard, FM and TV broadcast station will proceed as follows on its normally assigned frequency:

(1) Discontinue the normal program in progress.

(2) Cut the transmitter carrier for approximately 5 seconds. (Sound carrier only for television stations.)

(3) Return the carrier to the air for approximately 5 seconds.

(4) Cut transmitter carrier for approximately 5 seconds.

(5) Return carrier to the air.

(6) Broadcast 1,000 cycle (approximately) steady state tone for fifteen seconds.

(7) Broadcast the CONELRAD radio alert message as follows: "We interrupt our normal program to cooperate in security and Civil Defense measures as requested by the United States Government, This is a CONELRAD radio alert. Normal broadcasting will now be discontinued for an indefinite period. Civil Defense information will be broadcast in most areas at 640 and 1240 on your regular radio receiver."

(8) The CONELRAD radio alert message will then be repeated.

§ 3.1003 *Operating during a CONELRAD Radio Alert.* (a) Noncommercial educational FM broadcast stations, upon receipt of a CONELRAD radio alert, will interrupt the program in progress, and broadcast the CONELRAD Radio Alert Message as in § 3.1002 (c) (7) and (8). The station will then discontinue its carrier and maintain radio silence for the duration of the CONELRAD Radio Alert.

(b) International broadcast stations, upon receipt of a CONELRAD radio alert will interrupt the program in progress, may make a brief sign-off announcement not longer than one minute, and, except for those stations specifically authorized by the Federal Communications Commission to continue transmitting, stations in this service will leave the air and maintain radio silence. Stations in the international broadcast service permitted to continue transmitting will be individually authorized to transmit by the Federal Communications Commission with the concurrence of the Secretary of Defense, and the Director, Office of Defense Mobilization, and will transmit only urgent government broadcasts or messages. The stations' carrier must be removed from the air during periods of no broadcast or message transmissions.

§ 3.1004 *Identification.* After receipt of a CONELRAD radio alert, noncommercial educational FM broadcast and international broadcast stations shall make no station identification either by announcement of regularly assigned call signals or by announcement of geographical location.

§ 3.1005 *Radio All Clear.* The radio all clear will be initiated only by the Air Division (Defense) Commander or higher military authority and will be disseminated over the same channels as the CONELRAD radio alert. Radio stations in the noncommercial educational FM and the international broadcast services may resume normal operating schedules when the CONELRAD radio all clear is received, unless otherwise restricted by order of the Commission.

§ 3.1006 *Tests.* Tests of the CONELRAD alerting and operating systems of the noncommercial educational FM and the international broadcast services may be conducted at appropriate intervals. Reports of the results of such tests may be required in a form to be prescribed by the Commission.

§ 3.1007 *Log entries.* Appropriate entries of all CONELRAD tests, drills or operations shall be made in the station log.

[F. R. Doc. 55-9813; Filed, Dec. 6, 1955; 8:50 a. m.]

[47 CFR Part 14]

[Docket No. 11557; FCC 55-1185]

RADIO STATIONS IN ALASKA (OTHER THAN AMATEUR AND BROADCAST)

AVAILABILITY OF CERTAIN FREQUENCY

In the matter of amendment of Part 14 to make available to Alaska-public fixed stations the frequency 3357 kc for communication with the Alaska Communications System fixed station at Anchorage, Alaska.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The proposed amendment of Part 14 of the Commission's rules makes the frequency 3357 kc available to Alaska-public fixed stations for communication with the Alaska Communications System fixed station at Anchorage, Alaska. This frequency already is available to Alaska-public fixed stations for communication with the ACS fixed stations at Juneau and at Fairbanks, Alaska. The proposed amendment provides that use of 3357 kc must be coordinated as necessary with the use of the frequency 3353 kc by fixed stations of United States Government and with the use of the frequency 3365 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

3. The proposed amendment set forth below is issued under the authority contained in sections 303 (c) (f) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before January 15, 1956, written data, views or briefs setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views, or briefs. The Commission will consider all such comments prior to taking final action in this matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs or comments should be furnished the Commission.

Adopted: November 30, 1955.

Released: December 2, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 14 is amended as follows:

1. Section 14.206 (a) (9) is amended to read:

(9) 3357 for telegraphy and/or telephony; for communication with ACS stations located at Fairbanks, Anchorage, and Juneau. The use of this frequency for communication with Anchorage shall be coordinated as necessary with use of the frequency 3353 kc by United States Government stations so as to avoid harmful interference to the latter. The use of 3357 kc for communication with Juneau, Fairbanks and Anchorage shall be coordinated as necessary with the use of the frequency 3365 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

NOTE: The ACS station at Anchorage will act as coordinator between the non-Government stations transmitting to Anchorage on 3357 kc and the Government stations operating on 3353 kc.

[F. R. Doc. 55-9814; Filed, Dec. 6, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-142]

RATES FOR NATURAL GAS SOLD IN INTERSTATE COMMERCE FOR RESALE

ORDER TERMINATING PROCEEDING

The Commission has under consideration in this proceeding principles and methods to be applied in the fixing of just and reasonable rates to be charged by independent producers of natural gas sold in interstate commerce for resale, or transportation in interstate commerce.

General public notice of the proposed rule making in the above-entitled matter was given by publication of notice dated November 17, 1954, in the FEDERAL REGISTER (19 F. R. 7696) and by mailing of notice to natural-gas pipeline companies, State regulatory commissions, independent producers, Federal agencies and others who it was considered would have an interest in the matter. In such notices the Commission invited suggestions as to the principles and methods to be applied by it in its regulation of the rates to be charged by independent producers who are natural-gas companies under the Act for their transportation or sale of natural gas subject to the jurisdiction of the Commission.

In response to such notice, as supplemented by a further notice dated December 2, 1954 (19 F. R. 8107), of an extension of time for submittals and oral argument, several dozen written suggestions, comments, and briefs were filed by interested parties including producers, pipeline companies, distribution companies, State commissions, industry organizations, land and royalty owners' associations and others, respecting the matters involved in this docket. In addition, we heard oral argument on January 11, 12, and 13, 1955, by many of those who had submitted briefs and by the Commission Staff.

However, the information gained in this proceeding convinces us that, on the basis of the record herein, we should not lay down any rules as to what would be necessary or appropriate for consideration in determining the just and reasonable rates of any independent producer subject to our jurisdiction under the Natural Gas Act.

Accordingly, after full consideration of the suggestions, comments, and recommendations submitted, it appears to the Commission that adoption of any standards, principles, or methods respecting the matters and issues involved herein is not appropriate or necessary in carrying out the provisions of the Natural Gas Act. We so find.

The Commission further finds: On the basis of the record herein, the proceeding in this docket should be terminated.

The Commission orders: The proceeding in this docket respecting consideration of principles and methods to be established as a basis for determining just and reasonable rates which may be charged by independent producers for natural gas sold in interstate commerce for resale is terminated.

Adopted: November 30, 1955.

Issued: December 1, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9794; Filed, Dec. 6, 1955; 8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 106-55]

DESIGNATION OF ASSISTANT ATTORNEY GENERAL, DIRECTOR, OFFICE OF ALIEN PROPERTY, TO PERFORM CERTAIN FUNCTIONS IN ADMINISTRATION OF TITLE II OF INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949, AS AMENDED

By virtue of the authority vested in the Attorney General by section 1 of Executive Order No. 10644 of November 7, 1955, I hereby designate the Assistant Attorney General, Director, Office of Alien Property, Department of Justice, to perform the functions conferred by Title II of the International Claims Settlement Act of 1949, as added by Public Law 285, 84th Congress (69 Stat. 562), upon the President, and the functions conferred by that title upon any designee of the President.

HERBERT BROWNELL, Jr.,
Attorney General.

NOVEMBER 23, 1955.

[F. R. Doc. 55-9820; Filed, Dec. 5, 1955; 9:05 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 29, 1955.

The Bureau of Land Management has filed an application, Serial No. Fairbanks 012695, for the withdrawal of the lands described below, from all forms of appropriation including the grazing, materials, mining and mineral leasing acts. The applicant desires the land for recreational site and landing area for both boats and aircraft.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Beginning at Corner No. 4, U. S. Survey No. 2714, thence N. 40° 51' W. 0.38 chains approximately to a point on the left bank of Hot Springs Slough, thence northeasterly along the left bank of Manley Hot Springs Slough approximately 17.40 chains to a point on the left bank of Hot Springs Slough N. 25° 00' W. approximately 0.30 chains distance from Corner No. 2, U. S. Survey No. 2316, thence S. 25° 00' E. approximately 0.30 chains to Corner No. 2, U. S. Survey No. 2316. Thence S. 74° 30' W. 1.45 chains to Corner No. 1, U. S. Survey No. 2316. Thence S. 13° 00' W. 3.90 chains to Corner No. 7, U. S. Survey No. 2316. Thence S. 70° 34' W. 2.675 chains to Corner No. 3, U. S. Survey No. 2850 on line 7-6, U. S. Survey No. 2316. Thence No. 19° 26' W. 2.475 chains distance to Corner No. 2, U. S. Survey No. 2850. Thence S. 68° 12' W. 3.757 chains to Corner No. 1, U. S. Survey No. 2850, identical with Corner No. 1, U. S. Survey No. 2714. Thence S. 59° 18' W. 6.685 chains to point of beginning, containing 2.85 acres, more or less.

ROGER R. ROBINSON,
Acting Area Administrator.

[F. R. Doc. 55-9788; Filed, Dec. 6, 1955; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 29, 1955.

The Department of the Army has filed an application, Serial No. Fairbanks 012783, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for a site for training in mountain climbing.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Commencing at USC & GS monument "Rapids Airport" at Latitude 63°32'03.168" N. and Longitude 145°51'34.005" W., thence S. 11° 30' E. 3,273 feet to the true point of beginning, for this description, said point being situated on the easterly bank of the Delta River; thence east one mile, thence south ¾ mile, thence west to the east bank of the Delta River, thence north on a meandering course along the said east bank of the Delta River to the point of beginning, and containing 480 acres more or less.

ROGER R. ROBINSON,
Acting Area Administrator.

[F. R. Doc. 55-9789; Filed, Dec. 6, 1955; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 29, 1955.

The Bureau of Land Management has filed an application, Serial No. Fairbanks 012829, for the withdrawal of the lands described below, from all forms of appropriation including the mining laws but excepting provisions of the mineral leasing laws and Materials Act. The applicant desires the land for public recreational purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FAIRBANKS MERIDIAN

T. 1 S., R. 2 W.,
Section 28: Lot 8.
Containing 36.92 acres

ROGER R. ROBINSON,
Acting Area Administrator.

[F. R. Doc. 55-9790; Filed, Dec. 6, 1955; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5564]

TUCSON AIRPORT AUTHORITY

NOTICE OF HEARING ON APPLICATION FOR DESIGNATION AS INTERMEDIATE POINT

In the matter of the application of the Tucson Airport Authority for the designation of Tucson as an intermediate point on route No. 2.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401, and 1002 (i) of said act and the applicable regulations thereunder, that a hearing in the above-entitled proceeding is assigned to be held on January 11, 1956, at 10:00 a. m., m. s. t., at the El Conquistador Hotel, Tucson, Arizona, before Examiner William J. Madden.

Without limiting the scope of the issues particular attention will be directed to the following matters and questions:

(1) Whether the public convenience and necessity require that Tucson, Arizona, be designated as an intermediate point on Trans World Airlines, Inc., route No. 2, and that the certificate of public convenience and necessity of said carrier should be amended accordingly, and whether said carrier is fit, willing, and able to perform said air transportation and conform to the provisions of the act and the regulations of the Board thereunder.

Notice is further given that any person not a party of record desiring to be heard in support of or in opposition to questions involved in this proceeding must file with the Board on or before January 11, 1956, a statement setting

forth the matters of fact or law which he desires to advance. Any person filing such a statement may appear at the hearing in accordance with Rule 14 of the Board's Rules of Practice in Economic Proceedings.

Dated at Washington, D. C., December 2, 1955.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-9815; Filed, Dec. 6, 1955; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

Section II, Delegations of Final Authority, is amended as follows:

Paragraph E13 is amended by adding the following official to the list of officials designated therein:

Chief of the Disposition Section, Washington Field Office

Date approved: November 30, 1955.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 55-9795; Filed, Dec. 6, 1955; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11547, File No. P-C-3683]

ILLINOIS BELL TELEPHONE CO.

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

The Commission having under consideration an application filed by Illinois Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Illinois Bell Telephone Company of certain telephone plant and properties of Fowler Central Telephone Company furnishing telephone service in and around Fowler, Illinois, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 25th day of November 1955, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 21st day of December 1955, and that a copy of this order shall be served upon the Governor of Illinois, Illinois Commerce Commission, Illinois Bell Telephone Company, Fowler Central Telephone Company, and the Postmaster of Fowler, Illinois;

It is further ordered, That within ten days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Fowler and Adams County, Illinois, and shall furnish proof of such publication at the hearing herein.

Released: November 25, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9792; Filed, Dec. 6, 1955; 8:46 a. m.]

[Docket No. 11527; FCC 55M-993]

RICHLAND, INC. (WMAN)

ORDER SCHEDULING HEARING

In re application of Richland, Inc. (WMAN), Mansfield, Ohio, Docket No. 11527, File No. BR-1037, for renewal of license.

It is ordered, This 25th day of November 1955, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 25, 1956, in Washington, D. C.

Released: November 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9793; Filed, Dec. 6, 1955; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

CHESTER F. OGDEN

NOTICE OF APPOINTMENT AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Chester F. Ogden, Manager of Purchases, The Detroit Edison Company, Detroit, Michigan, as Assistant Director for Materials on September 27, 1955 (Consultant, April 11, 1955); in the Office of Defense Mobilization.

Mr. Ogden's statement of his business interests follows.

Dated: December 5, 1955.

AUTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

American stocks:
Aeroquip Corporation.
American Airlines, Inc.
Chrysler Corporation.
Davidson Brothers, Inc.
The Detroit Edison Company.
Dow Chemical Company.
Parke Davis & Company.
Rayonier Incorporated.
Republic Steel Corporation.
Sperry Rand Corporation.
Texas Gas Transmission.
Phillips Petroleum Corporation.
Canadian stocks:
Britalta Petroleums, Ltd.
New Althona Mines, Ltd.
New Continental Oil Co. of Canada, Ltd.
Scurry-Rainbow Oil, Ltd.
Rayrock Mines, Ltd.
Aluminium, Ltd.

Dated: September 16, 1955.

C. F. OGDEN,

[F. R. Doc. 55-9870; Filed, Dec. 6, 1955; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3427]

CENTRAL PUBLIC UTILITY CORP.

NOTICE OF FILING REGARDING GUARANTEE BY PARENT OF SHORT-TERM NOTE OF SUBSIDIARY AND EXTENSION OF CREDIT TO SUCH SUBSIDIARY

DECEMBER 1, 1955.

Notice is hereby given that Central Public Utility Corporation ("Central"), a registered holding company under the Public Utility Holding Company Act of 1935 ("act") which has disposed of all its public-utility subsidiaries within the United States and which now has an application pending for exemption pursuant to section 3 (a) (5) of the act (File No. 31-626), has filed a declaration pursuant to section 7 of the act and Rule U-45 of the General Rules and Regulations promulgated under the act with respect to the following proposed transactions:

Central states that, although the consolidated earned surplus of its system exceeds $7,500,000, its own cash and corporate earned surplus have been greatly reduced by prior dividend payments to its stockholders (at the semi-annual rate of 40 cents per share), that it does not have sufficient cash or corporate earned surplus for the payment of its next regular dividend, and that it desires to obtain such cash in the form of dividends to increase its earned surplus to enable it to continue dividends to its own stockholders. The filing indicates that Central's wholly-owned subsidiary, The Islands Gas and Electric Company ("Islands"), an intermediate holding company which is exempt from the requirements of the act pursuant to orders heretofore issued by the Commission under sections 3 (a) (5) and 3 (b) thereof, desires to aid Central and is considering the declaration and payment on its common stock of dividends aggregating not more than $5,000,000. It is further indicated that Islands now has about $2,500,000 in cash immediately available for the payment of dividends and it is contemplating a short-term bank loan of $2,500,000. The bank loan in contemplation would be from some New York bank and would be evidenced by Islands' promissory note bearing interest at a rate not to exceed ½ percent more than the prime rate, maturing in less than nine months and secured by Central's guarantee which, in turn, would be secured by the pledge

with the lending bank of a time deposit equivalent to the amount of the loan and (if required by the bank) by Central's subordination of the indebtedness owed to it by Islands.

Declarant states that, if the proposed loan should be made, Islands believes it would have no difficulty in making repayment but even if Islands were unable to repay the loan, Central would pay the loan by using the pledged cash and would become subrogated to the bank's position as creditor of Islands in the amount of the loan.

Central states that the payment of the described dividends to it by Islands would enable Central to continue its regular dividend payments to its own stockholders and that it would invest the bulk of the cash received, thereby carrying on its proper business as a holding company.

Declarant represents that the proposed transactions by Islands are not subject to the jurisdiction of any state commission or any Federal commission, that the proposed transactions by Central are not subject to the jurisdiction of any state commission or any Federal commission other than this Commission, and that the fees and expenses in connection with the transactions are estimated at not in excess of $600, including miscellaneous expenses of $100, and possible fees and expenses of the attorney for the lending bank in an amount not exceeding $1,000.

Notice is further given that any interested person may, not later than December 14, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-9796; Filed, Dec. 6, 1955; 8:46 a. m.]

[File No. 811-300]

TRUSTEE STANDARD OILSHARES, SERIES "A"

NOTICE OF MOTION TO TERMINATE REGISTRATION

DECEMBER 1, 1955.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion, is proposing to declare by order, pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") that Trustee Standard Oilshares, Series A (the "Trust"), a registered investment company, has ceased to be an investment company.

The Trust was created as a unit investment trust on June 27, 1928, pursuant to a Trust Agreement between Trustee Standard Shares, Inc., Depositor, and Empire Trust Company, New York, New York, Trustee. In accordance with the terms of the Trust Agreement the Trust was terminated as of May 1, 1948.

Following termination of the Trust its assets were sold by the Trustee pursuant to the terms of the Trust Agreement for a net realization of $1,907,963.20, which sum was available for the certificate holders of the Trust.

The Trustee has distributed to certificate holders who surrendered their certificates $9.80 per trust share and holds an aggregate of $53,949 for distribution to the holders of unsurrendered certificates representing 5,505 trust shares. In addition, the Trustee holds $11,038.36 coupon funds covering various maturities of coupons not yet presented for payment, and held for such purpose. The Trustee also holds a cash reserve of $5,066.10 pending final determination of certain claims in litigation. Upon conclusion of the litigation any balance of said reserve will be distributed to or held for certificate holders.

The Trustee represents that the Sponsor [Depositor] of the Trust is no longer in existence and has lost its corporate franchise and that any funds held by the Trustee will be held for the respective certificate holders and if and when such funds become subject to escheat laws, they will be paid to the State of New York.

Section 8 (f) of the act provides, in pertinent part, that whenever the Commission of its own motion finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 19, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may, acting on its own motion, declare that Trustee Standard Oilshares, Series A, has ceased to be an investment company, by order as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-9797; Filed, Dec. 6, 1955; 8:47 a. m.]

[File No. 811-302]

TRUSTEE STANDARD OILSHARES, SERIES B

NOTICE OF MOTION TO TERMINATE REGISTRATION

DECEMBER 1, 1955.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion, is proposing to declare by order, pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") that Trustee Standard Oilshares, Series B (the "Trust"), a registered investment company, has ceased to be an investment company.

The Trust was created as a unit investment trust on February 1, 1930, pursuant to a Trust Agreement between Trustee Standard Shares, Inc., Depositor, and Empire Trust Company, New York, New York, Trustee. In accordance with the terms of the Trust Agreement the Trust was terminated as of April 15, 1947.

Following termination of the Trust its assets were sold by the Trustee pursuant to the terms of the Trust Agreement for a net realization of $335,685.44, which sum was available for the certificate holders of the Trust.

The Trustee has distributed to certificate holders who surrendered their certificates $9.40 per trust share and holds an aggregate of $10,528 for distribution to the holders of unsurrendered certificates representing 1,120 trust shares. In addition, the Trustee holds $6,303.30 coupon funds covering various maturities of coupons not yet presented, and held for such purpose. The Trustee also holds a cash reserve of $3,626.16, pending final determination of certain claims in litigation. Upon conclusion of the litigation any balance of said reserve will be distributed to or held for certificate holders.

The Trustee represents that the Sponsor [Depositor] of the Trust is no longer in existence and has lost its corporate franchise and that any funds held by the Trustee will be held for the respective certificate holders, and if and when such funds become subject to escheat laws, they will be paid to the State of New York.

Section 8 (f) of the act provides, in pertinent part, that whenever the Commission on its own motion finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 19, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange

Commission, Washington 25, D. C. At any time after said date, the Commission may, acting on its own motion, declare that Trustee Standard Oilshares, Series B, has ceased to be an investment company, by order as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9798; Filed, Dec. 6, 1955; 8:47 a. m.]

[File No. 811-298]

TRUSTEE STANDARD INVESTMENT SHARES, SERIES C

NOTICE OF MOTION TO TERMINATE REGISTRATION

DECEMBER 1, 1955.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion, is proposing to declare by order, pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") that Trustee Standard Investment Shares, Series C ("the Trust") a registered investment company, has ceased to be an investment company.

The Trust was created as a unit investment trust on July 1, 1930, pursuant to a Trust Agreement between Trustee Standard Shares, Inc., Depositor, and Empire Trust Company, New York, New York, Trustee. In accordance with the terms of the Trust Agreement the Trust was terminated as of November 9, 1949.

Following termination of the Trust its assets were sold by the Trustee pursuant to the terms of the Trust Agreement for a net realization of $165,641.05, which sum was available for the certificate holders of the Trust.

The Trustee has distributed to certificate holders who surrendered their certificate $3.39 per trust share and holds an aggregate of $7,678.35 for distribution to the holders of unsurrendered certificates representing 2,265 trust shares. The Trustee also holds a cash reserve of $1,134.42 pending final determination of certain claims in litigation. Upon conclusion of the litigation any balance of said reserve will be distributed to or held for certificate holders.

The Trustee represents that the Sponsor [Depositor] of the Trust is no longer in existence and has lost its corporate franchise and that any funds held by the Trustee will be held for the respective certificate holders and if and when such funds become subject to escheat laws, they will be paid to the State of New York.

Section 8 (f) of the act provides, in pertinent part, that whenever the Commission on its own motion finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 19, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may, acting on its own motion, declare that Trustee Standard Investment Shares, Series C has ceased to be an investment company, by order as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9799; Filed, Dec. 6, 1955; 8:47 a. m.]

[File No. 811-299]

TRUSTEE STANDARD INVESTMENT SHARES, SERIES D

NOTICE OF MOTION TO TERMINATE REGISTRATION

DECEMBER 1, 1955.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion, is proposing to declare by order, pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") that Trustee Standard Investment Shares, Series D (the "Trust"), a registered investment company, has ceased to be an investment company.

The trust was created as a unit investment trust on July 1, 1930, pursuant to a Trust Agreement between Trustee Standard Shares, Inc., Depositor, and Empire Trust Company, New York, New York, Trustee. In accordance with the terms of the Trust Agreement the Trust was terminated as of November 9, 1949.

Following termination of the Trust its assets were sold by the Trustee pursuant to the terms of the Trust Agreement for a net realization of $216,042.38, which sum was available for the certificate holders of the Trust.

The Trustee has distributed to certificate holders who surrendered their certificates $2.34 per trust share and holds an aggregate of $9,816.30 for distribution to the holders of unsurrendered certificates representing 4,195 trust shares. The Trustee also holds a cash reserve of $12,183.03 pending final determination of certain claims in litigation. Upon conclusion of the litigation any balance of said reserve will be distributed to or held for certificate holders.

The Trustee represents that the Sponsor [Depositor] of the Trust is no longer in existence and has lost its corporate franchise and that any funds held by the Trustee will be held for the respective certificate holders, and if and when such funds become subject to escheat laws, they will be paid to the State of New York.

Section 8 (f) of the act provides, in pertinent part, that whenever the Commission on its own motion finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 19, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may, acting on its own motion, declare that Trustee Standard Investment Shares, Series D, has ceased to be an investment company, by order as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9800; Filed, Dec. 6, 1955; 8:47 a. m.]

[File No. 811-301]

UNIVERSAL TRUST SHARES

NOTICE OF MOTION TO TERMINATE REGISTRATION

DECEMBER 1, 1955.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion, is proposing to declare by order, pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") that Universal Trust Shares (the "Trust"), a registered investment company, has ceased to be an investment company.

The Trust was created as a unit investment trust on July 1, 1930, pursuant to a Trust Agreement between Trustee Standard Shares, Inc., Depositor, and Empire Trust Company, 120 Broadway, New York 5, New York, Trustee. In accordance with the terms of the Trust Agreement the Trust was terminated as of March 3, 1948.

Following termination of the Trust its assets were sold by the Trustee pursuant to the terms of the Trust Agreement for a net realization of $58,990.60, which sum was available for the certificate holders of the Trust.

The Trustee has distributed to certificate holders who surrendered their certificates $4 per trust share and holds an aggregate of $7,140.00 for distribution to the holders of unsurrendered certificates representing 1,785 trust shares. In addition, the Trustee holds $4,765.35 coupon funds covering various maturities of coupons not yet presented for payment, and held for such purpose. The Trustee also holds a cash reserve of $1,103.56 pending final determination of certain claims in litigation. Upon conclusion of the litigation any balance of said reserve will be distributed to or held for certificate holders.

The Trustee represents that the Sponsor [Depositor] of the Trust is no longer in existence and has lost its corporate franchise and that any funds held by the Trustee will be held for the respective certificate holders and if and when such funds become subject to escheat laws, they will be paid to the State of New York.

Section 8 (f) of the act provides, in pertinent part, that whenever the Commission on its own motion finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 19, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may, acting on its own motion, declare that Universal Trust Shares has ceased to be an investment company, by order as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9801; Filed, Dec. 6, 1955; 8:47 a. m.]

[File No. 811-290]

GUARDIAN INVESTMENT TRUST

NOTICE OF APPLICATION FOR ORDER DECLARING COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

DECEMBER 1, 1955.

Notice is hereby given that Guardian Investment Trust ("Guardian") has filed an amended application pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") for an order declaring that Guardian has ceased to be an investment company.

Guardian, a common law trust, is a closed-end management investment company and registered under the act on November 1, 1940.

It is represented that the Trustees of Guardian on July 15, 1954, voted to terminate, dissolve and completely liquidate the trust pursuant to the authority conferred on the Trustee in the Declaration of Trust.

It is further represented that distribution could not be made to holders of the Common Beneficial Ownership Shares of Guardian until its final tax returns had been examined and approved by the Internal Revenue Service.

It is further represented that a closing agreement has been signed, and the funds for payment to the security holders of Guardian have now been set aside irrevocably in trust for that purpose.

Section 8 (f) of the act provides, in pertinent part, that whenever the Commission on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 19, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9802; Filed, Dec. 6, 1955; 8:47 a. m.]

[File No. 811-659]

GOVERNMENT PERSONNEL MUTUAL FUND, INC.

NOTICE OF AND ORDER FOR HEARING CONCERNING CORPORATE NAME

DECEMBER 1, 1955.

Government Personnel Mutual Fund, Inc., a Delaware corporation, with its principal office in Washington, D. C., having filed with the Commission, on November 15, 1954, a notification of registration on Form N-8A, which notification states that the registrant proposes to engage in business as an open-end, diversified, management investment company; having filed a registration statement on Form N-8B-1 under the Investment Company Act of 1940 on January 7, 1955, which was later amended on October 28, 1955; and having filed a registration statement on Form S-5 under the Securities Act of 1933 on November 3, 1955, in which it is represented that such company proposes to make sales of its securities to personnel of the Federal, State, or local governments, including military personnel, or to organizations of such personnel;

An application for an order under section 35 (d) of the Investment Company Act of 1940 having been filed with the Commission on behalf of Government Personnel Mutual Life Insurance Company, a Texas corporation, which application represents, among other things, in substance as follows:

(a) Government Personnel Mutual Life Insurance Company has been engaged in business since 1934 in the writing of life insurance, particularly for personnel in the armed services.

(b) Such applicant insurance company has its principal office in San Antonio, Texas, and is licensed to engage in the life insurance business in Alabama, Arkansas, California, Colorado, the District of Columbia, Florida, Georgia, Louisiana, Maryland, Mississippi, Maine, New Hampshire, New Mexico, Oregon, Pennsylvania, South Carolina, Tennessee, Virginia, Washington, and the Territory of Hawaii.

(c) The applicant company advertises widely in the District of Columbia and elsewhere, does business in the District of Columbia and in the adjoining States of Maryland and Virginia. Its policies are held by many persons, many of whom are in the District of Columbia. It has more than $120,000,000 of life insurance in force.

(d) The applicant company is generally known and commonly referred to by the public, in the District of Columbia and elsewhere, as "Government Personnel Mutual Life Insurance Company" or as "GPM."

(e) Applicant represents that the phrase "Government Personnel" has become generally identified with the applicant in the public mind where it appears in a corporate name or title in the fields of insurance or finance.

(f) The applicant company represents that Government Personnel Mutual Fund, Inc., the registrant herein, has no connection or affiliation of any kind with the applicant, and has not been authorized by it to use such corporate name or title, and that the use of such corporate name and title by the registrant is deceptive and misleading within the prohibition of section 35 (d) of the Investment Company Act of 1940. Applicant represents that the use of the phrase "Government Personnel" in the corporate name of the registrant has caused and will cause the public to be deceived and misled by inducing them to believe erroneously that an affiliation or connection exists between the registrant and the applicant, and that the applicant is engaged in financial ventures and operations beyond the business of life insurance to which the activities of the applicant are strictly confined.

The foregoing application by Government Personnel Mutual Life Insurance Company, having requested that the Commission find and by order declare that the words "Government Personnel" as used by the registrant in its corporate name and title are deceptive and misleading within the meaning of section

35 (d) of the Investment Company Act of 1940; and

It appearing to the Commission that a substantial question may exist as to whether the use of the name "Government Personnel Mutual Fund, Inc." may represent or imply that the securities issued by such company are guaranteed, sponsored, recommended or approved by the United States or any agency or officer thereof, within the meaning of section 35 (a) of said act, and that for such reason or other reasons such name may be deceptive or misleading within the scope of section 35 (d) of the act;

It further appearing to the Commission that it is in the public interest and the interest of investors that a hearing be held with respect to such matter, for the purpose of considering, in connection therewith, the various matters hereinafter set forth, and for the purpose of determining what order, if any, should be issued by the Commission pursuant to section 35 and any other applicable provisions of the Investment Company Act of 1940;

Wherefore it is ordered, That a hearing under the applicable provisions of the Investment Company Act of 1940 and the rules of the Commission thereunder be held on the 21st day of December 1955, at 10:00 a. m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. At such hearing consideration will be given to the following matters and questions, without prejudice, however, to the specification of any additional issues which may be presented by the use of such corporate name:

(1) Whether the use of the name "Government Personnel Mutual Fund, Inc." and specifically the use of the word "Government" or the phrase "Government Personnel" in such name, may have the effect of representing or implying that such registrant, or any securities issued thereby, has been guaranteed, sponsored, recommended, or approved by the United States or any agency or any officer thereof, in violation of section 35 (a) of said act, or, if such representation or implication may exist, whether such representation or implication may render such name deceptive or misleading within the scope of section 35 (d) of the act;

(2) Whether the name "Government Personnel Mutual Fund, Inc." and specifically the phrase "Government Personnel" therein, is deceptive or misleading, within the meaning of section 35 (d) of the act, as leading to confusion between the name of the registrant and the name of the presently existing Government Personnel Mutual Life Insurance Company;

(3) Whether for any other reason such name is inconsistent with the provisions of said act;

(4) What order, if any, should be entered with respect to the use of such name or any words in such name, pursuant to the applicable provisions of the act.

It is further ordered, That James G. Ewell, or any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's Rules of Practice.

It is further ordered, That notice of such hearing is hereby given to Government Personnel Mutual Fund, Inc., registrant herein, 1033 30th Street NW., Washington, D. C., and to Government Personnel Mutual Life Insurance Company, 505 East Travis Street, San Antonio, Texas, such notice to be given by registered mail and by publication of this notice and order in the FEDERAL REGISTER. Notice is also given to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors, such notice to be given by publication of this notice and order in the FEDERAL REGISTER and by general release of the Commission, distributed to the press and mailed to the mailing list for release.

It is further ordered, That a copy of the application, filed by Government Personnel Mutual Life Insurance Company shall be served upon the registrant herein, and that the registrant shall file with the Secretary of the Commission, not later than 15 days after the date of this notice, an answer or other pleading with respect to the matters set forth in this notice and order and in such application, such answer to state any facts or other material deemed pertinent by such registrant with respect to the use of such proposed name.

It is further ordered, That any person, other than the registrant or the aforenamed applicants, desiring to be heard in said proceedings, shall file with the Secretary of the Commission his application as provided by Rule XVII of the rules of practice, on or before the date provided in that rule setting forth any issues of law or facts which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9803; Filed, Dec. 6, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 89]

MOTOR CARRIER APPLICATIONS

DECEMBER 2, 1955.

Protests, consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when the circumstances require immediate action, an application for approval, under Section 210a (b) of the Act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under Section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 1124 Sub 125, filed November 18, 1955, HERRIN TRANSPORTATION COMPANY, 2301 McKinney Ave., Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Bldg., Dallas 2, Tex. For authority to operate as a common carrier, transporting: *General commodities, including Class A and B explosives, and commodities requiring special equipment,* but excepting those of unusual value, household goods as defined by the Commission, and commodities in bulk, serving the site of the Texas Butadiene and Chemical Corporation plant and the Community Center adjacent thereto located approximately two and two tenths (2.2) miles south of Sheldon, Tex., a point on U. S. Highway 90 approximately 13 miles east of Houston, Tex., as an off-route point in connection with applicant's authorized regular route operations over U. S. Highway 90 between Houston, Tex. and New Orleans, La. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Tennessee, and Mississippi.

No. MC 1124 Sub 127, filed November 18, 1955, HERRIN TRANSPORTATION COMPANY, 2301 McKinney Ave., Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Bldg., Dallas 2, Tex. For authority to operate as a common carrier, transporting: *General commodities, including Class A and B explosives* and *commodities requiring special equipment,* but excepting those of unusual value, household goods as defined by the Commission, and commodities in bulk, serving the site of the Texas Portland Cement Company plant located approximately five (5) miles east of Orange, Tex. as an off-route point in connection with applicant's authorized regular route operations over U. S. Highway 90 between Houston, Tex. and Orange, Tex. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Tennessee, and Mississippi.

No. MC 2304 Sub 22, filed November 25, 1955, THE KAPLAN TRUCKING COMPANY, 1607 Woodland Ave., Cleveland, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad St., Columbus 15, Ohio. For authority to operate as a *common carrier,* over irregular routes, transporting: *Iron and steel; iron and steel products;* and *pallets* and *empty containers* used in the transportation of iron and steel and iron and steel products, between Youngstown, Warren, Niles, Girard, Canton, Lowellville, and Struthers, Ohio, and Sharon, Pa., on the one hand, and, on the other, points in Massachusetts, Rhode Island, and Connecticut. Applicant is authorized to conduct irregular route operations in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

No. MC 2862 Sub 55, filed November 25, 1955, ARROW TRANSPORTATION COMPANY OF DELAWARE, doing business as ARROW TRANSPORTATION COMPANY, A Corporation, 3125 N. W. 35th Avenue, Portland, Oreg. Applicant's attorney: Wm. P. Ellis, 1102 Equitable Building, Portland 4, Oreg. For authority to operate as a *common carrier,* over irregular routes, transporting: *Cherries,* in brine, in bulk, in tank vehicles, from points in Oregon and Washington to points in California, and *contaminated shipments* of the above-specified commodity on return. Applicant is authorized to conduct operations in California, Oregon and Washington.

No. MC 3986 Sub 2, filed November 21, 1955, S. W. JOHNSON, doing business as JOHNSON'S MOTOR SERVICE, 2 Raleigh St., Hamlet, N. C. Applicant's attorney: Vaughan S. Winborne, Security Bank Bldg., Raleigh, N. C. For authority to operate as a *common carrier,* over irregular routes, transporting: *General Commodities,* including *those of unusual value,* but excluding dangerous explosives, household goods as defined by the Commission, and commodities requiring special equipment, from New York, N. Y., Washington, D. C., Richmond, Va., Manville, N. J., York, Pa., Baltimore, Md., and points within 10 miles of Baltimore, Md., to points in North Carolina in the following counties: Catawba, Cleveland, Gaston, Forsyth, Rockingham, Guilford, Alamance, Durham, Wake, Granville, Vance, Halifax, Edgecombe, Wilson, Wayne, Hertford, Chowan, Pasquotank, Beaufort, Craven and New Hanover and those points in the Counties of Mecklenburg, Cabarrus, Bladen and Columbus not within 50 miles of Hamlet, N. C. Applicant is authorized to conduct irregular route operations in North Carolina, Maryland, South Carolina, New Jersey, New York, Pennsylvania, Virginia and the District of Columbia.

No. MC 4368 Sub 2, filed November 16, 1955, EDWIN L. BOHREN and WARREN FROEHLICH, doing business as BOHREN'S EXPRESS & STORAGE, Princeton-Hightstown Road, (Princeton P. O. Box 15), Princeton Junction, N. J. Applicant's attorney: Henry M. Stratton II, 37 Hulfish St., Princeton, N. J. For authority to operate as a *common carrier,* over irregular routes, transporting: *Household goods,* as defined by the Commission, between Princeton, N. J. and points within 10 miles thereof, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

No. MC 4409 Sub 9, filed November 22, 1955, R. & H. CORPORATION, a corporation, 1004 Stanton Ave., New Kensington, Pa. Applicants' attorney: Harold S. Shertz, 811–819 Lewis Tower Building, 225 S. 15th St., Philadelphia 2, Pa. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Glass containers,* returned for replacement, credit, or trade, or as refused, rejected or damaged shipments thereof; and *empty shipping crates or containers,* from points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Virginia, Vermont, and West Virginia, to points in Clarion County, Pa. excepting Knox, Pa.

NOTE: This application is in effect a request for authority to transport the specified commodities on return movements in connection with operations under those particular portions of present outstanding authority in Docket No MC 4409 and Subs thereof wherein authorization is not presently held to transport said commodities on return movements. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. The applicant carrier herein is affiliated with Diamond Transfer and Storage Company who holds authority under Certificate issued in Docket No. MC 52290 to perform certain common carrier operations; therefore, Section 210 matters may be involved in this proceeding.

No. MC 7335 Sub 3, filed November 10, 1955, J. M. DONLEY TRUCK SERVICE, INC., 1523 Buchanan St., St. Louis, Mo. Applicant's attorney: Frederic J. Ball, Ring Bldg., Washington 6, D. C. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from St. Louis, Mo. to points in Louisa, Washington, Keokuk, Wapello, Jefferson, Henry, Des Moines, Lee, Van Buren, and Davis Counties, Iowa; and those in that portion of Illinois south of a line beginning at the Illinois-Indiana State line and extending along U. S. Highway 24 to Peoria, Ill., thence along Illinois Highway 116 to junction U. S. Highway 34, and thence along U. S. Highway 34 to the Mississippi River, including points on the indicated portions of the highways specified. Applicant is authorized to transport such merchandise as is usually manufactured or distributed by soap manufacturing or distributing business establishments from St. Louis, Mo. to the above-set-out destination territory.

No. MC 7746 Sub 75, filed October 31, 1955, UNITED TRUCK LINES, INC., E. 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: George LaBissoniere, 835 Central Building, Seattle 4, Wash. For authority to operate as a *common carrier,* serving the Ice Harbor Dam site near Pasco, Wash., and points within 15 miles of said damsite, (1) as intermediate and off-route points in connection with carrier's regular route operations between Portland, Oreg., and Spokane, Wash., over U. S. Highways 410 and 395, transporting *General commodities,* except those of unusual value, Class A and B explosives, uncrated household goods and office furniture, commodities in bulk, and those requiring special equipment, and (2) as off-route points in connection with carrier's regular route operations between Tacoma, Wash., and Prosser, Wash., over U. S. Highway 410 transporting, *General commodities,* except those of unusual value, Class A and B explosives, commodities in bulk other than petroleum products, and those requiring special equipment other than petroleum products. Applicant is authorized to conduct operations in Idaho, Montana, Oregon and Washington.

No. MC 19201 Sub 86, filed November 25, 1955, PENNSYLVANIA TRUCK LINES, INC., 110 South Main St., W. E., Pittsburgh 20, Pa. Applicant's attorney: Gilbert Nurick, Commerce Building, P. O. Box 432, Harrisburg, Pa. For authority to operate as a *common carrier,* over regular routes, transporting: *General commodities,* including *those of unusual value, commodities in bulk,* and *those requiring special equipment,* but excluding Class A and B explosives, and household goods as defined by the Commission, in service auxiliary to, or supplemental of, rail service of The Pennsylvania Railroad Company, between (1) Carlisle, Pa., and junction U. S. Highway 11 and Pennsylvania Highway 533 north of Shippensburg, Pa., over U. S. Highway 11, (2) Greencastle, Pa., and Hagerstown, Md., over U. S. Highway 11, and (3) Waynesboro, Pa., and Hagerstown, Md., over Pennsylvania Highway 316 from Waynesboro to the Pennsylvania-Maryland State line, thence over Maryland Highway 60 to Hagerstown, and return over the same route; serving all intermediate points on said routes which are stations on the rail line of The Pennsylvania Railroad Company. Applicant is authorized to conduct operations in Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia.

NOTE: The applicant herein is under common control by The Pennsylvania Railroad Company with several other motor carriers one of which, namely, Scott Bros., Incorporated, holds authority under Permit issued by this Commission in Docket No. MC 52405 Sub 1 to perform certain contract carrier operations; therefore, Section 210 matters may be involved in this proceeding.

No. MC 20109 Sub 1, filed November 18, 1955, J. M. TRANSPORTATION COMPANY, INC., 2927 Juniper Street, Philadelphia 48, Pa. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *Malt beverages* and *brewed beverages, empty malt and brewed beverage containers*, and *groceries*, (1) between Philadelphia, Pa., and Swedesboro, N. J., from Philadelphia across the Delaware River to Camden, N. J., thence over New Jersey Highway 45 to Woodbury, N. J., thence over unnumbered highway to Swedesboro, and return over the same route, serving the intermediate point of Camden, N. J.; and (2) between Philadelphia, Pa., and New York, N. Y., (a) from Philadelphia across the Delaware River to Camden, N. J., thence over U. S. Highway 30 to junction unnumbered highway, thence over unnumbered highway to Hammonton, N. J., thence over unnumbered highway to junction U. S. Highway 206, thence over U. S. Highway 206 to junction U. S. Highway 130, thence over U. S. Highway 130 to junction U. S. Highway 1, thence over U. S. Highway 1 to New York; (b) from Philadelphia over U. S. Highway 1 to New York; and (c) from Philadelphia across the Delaware River to Camden, N. J., thence over U. S. Highway 130 to junction U. S. Highway 1, thence over U. S. Highway 1 to New York, and return over Routes (a), (b), and (c) to Philadelphia, serving the intermediate points of Hammonton, Trenton, New Brunswick, Newark, and Jersey City, N. J. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

NOTE: Applicant states that the purpose of this application is to change the commodity description as described above and that no duplication of operating authority is sought.

No. MC 21706 Sub 4, filed November 22, 1955, LONG ISLAND TRANSPORTATION, INC., River Road, Clifton (Delawanna), N. J. Applicant's representative: Bert Collins, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Clifton, N. J., on the one hand, and, on the other, points in Monmouth, and Ocean Counties, N. J. and all other points in New Jersey located on and north of a line beginning at the Delaware River in Trenton, N. J. and thence extending east through Asbury Park, N. J. to the Atlantic Ocean, restricted to transportation of shipments having an immediately prior or subsequent movement in interstate commerce. Applicant is authorized to conduct operations in New Jersey, and New York.

No. MC 27817 Sub 32 (amended), filed November 2, 1955, HAROLD C. GABLER, R. D. #3, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 11 North Front St., Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *concrete products*, and *supplies used in manufacturing concrete products*, from points in Franklin county, Pa., to points in Maryland, Virginia, West Virginia, Ohio, New York, New Jersey, Delaware, and the District of Columbia, and (2) *marble aggregate*, from points in Maryland, and New York, to points in Franklin county, Pa. Applicant does not presently hold any authority to transport the commodities named in this application.

No. MC 30092 Sub 6 (amended), published on page 8058 issue of October 26, 1955, filed October 10, 1955, HERRETT TRUCKING COMPANY, INC., P. O. Box 118, Sunnyside, Wash. Applicant's attorney: George H. Hart, Central Bldg., Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feed, flour* and *grain milling products*, between Ports of Entry on the Washington-British Columbia International Boundary line and points in Washington, Oregon, Idaho and California, and *cottonseed meal* from points in California to points in Oregon, Washington and Idaho. Applicant is authorized to conduct regular route operations in Washington and Oregon and irregular route operations in Oregon, Washington and Idaho.

No. MC 31509 Sub 1 (amended), filed October 3, 1955, HERBERT EARL MAYHEW, doing business as MAYHEW TRUCK LINE, 503 North Main St., Mitchell, S. Dak. Applicant's attorney: H. Lauren Lewis, Morrell Building No. 50, P. O. Box 707, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *livestock feed*, and *poultry feed*, between Mitchell, S. Dak. and points within 100 miles thereof, on the one hand, and, on the other, points in Iowa, Minnesota, and Nebraska, and (2) *fertilizer*, other than liquid fertilizer, from points in Minnesota, Iowa, and Nebraska, to points in South Dakota. Applicant is authorized to conduct operations in Iowa, Minnesota, Nebraska, and South Dakota.

No. MC 35469 Sub 15, filed November 4, 1955, MODERN TRANSFER CO., INC., Hanover Ave., and Maxwell St., Allentown, Pa. Applicant's attorney: Robert H. Shertz, 225 S. Fifteenth St., Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in that portion of Pennsylvania bounded by a line beginning at Renova, thence along U. S. Highway 120 to its junction with Pennsylvania Highway 555 at Driftwood, thence along Pennsylvania Highway 555 to its junction with Pennsylvania Highway 255 at Weedville; thence along Pennsylvania Highway 255 to its junction with Pennsylvania Highway 153 at Penfield; thence along Pennsylvania Highway 153 to its junction with U. S. Highway 322 at Clearfield; thence along U. S. Highway 322 to its junction with Pennsylvania Highway 153 near Bigler; thence along Pennsylvania Highway 153 to its junction with Pennsylvania Highway 53 near Drifting; thence along Pennsylvania Highway 153 to its junction with Pennsylvania Highway 144 at Moshannon; thence along Pennsylvania Highway 144 to Renova, excluding points on the aforesaid boundaries, as off-route points in connection with carrier's authorized operations. Applicant is authorized to conduct operations in Delaware, Maryland, Pennsylvania, New York, New Jersey, and the District of Columbia.

No. MC 38791 Sub 17, filed November 23, 1955, TUOHY TRUCKING CORPORATION, 733 Highway 17, Carlstadt, N. J. Applicant's attorney: Sullivan, Donovan, Hanrahan, McGovern & Lane, 14 Wall Street, New York 5, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise, as is dealt in by wholesale, retail and chain grocery and food busines houses*, between Carlstadt, N. J. and New York, N. Y., on the one hand, and, on the other, points in New Haven and Hartford Counties, Conn. Applicant is authorized to conduct operations in Connecticut, New Jersey, New York and Pennsylvania.

No. MC 52978 Sub 11, filed November 25, 1955, MICHIGAN TRANSPORTATION COMPANY, a corporation, 1650 Waterman Avenue, Detroit, Mich. Applicant's attorney: Rex Eames, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Rock salt*, in bags, and in bulk, in special equipment, from the International Boundary line between the United States and Canada at or near Detroit, Mich., to points in Michigan.

No. MC 59234 Sub 1, filed November 15, 1955, SOL HARRIS AND LEO LEVINE, doing business as HARRIS TRUCKING, 57 Union Ave., Brooklyn 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Corrugated paper products* and *paper specialties*, from Lake View, N. Y. to points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania within one hundred (100) miles of New York, N. Y. By this application, carrier seeks authority to add the additional origin point of Lake View, N. Y. to territory authorized.

No. MC 67111 Sub 6, filed October 28, 1955, MARY G. COOK, HELEN M. COOK (ROBERT B. COOK AND DAVID M. COOK, CO-EXECUTORS), DAVID M. COOK AND ANTHONY W. SELVIO, doing business as KAIN'S MOTOR SERVICE, West End of Bates Street, Logansport, Ind. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Elwood, Ind., and all points within 15 miles of Elwood, Ind. Applicant is authorized to conduct operations in Illinois and Indiana. This application is directly related to MC-F 6069, published in the September 14, 1955 issue on page 6764.

No. MC 68100 Sub 7, filed November 25, 1955, D. P. BONHAM TRANSFER, INC., 318 South Adeline, Bartlesville, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Well-pumping units*, and *materials, equipment*, and *supplies*, used in the installation, operation, and maintenance of such units, between Bartlesville, Okla., on the one hand, and, on the other, points in Illinois, Pennsylvania, New York, West Virginia, Wyoming, Colorado and Montana. Applicant is authorized to conduct operations in Michigan and Oklahoma.

No. MC 70451 Sub 176 (corrected) filed October 21, 1955, published November 2, 1955 issue on page 8236, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th Street, Omaha, Nebr. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Middle Amana, Iowa as an off-route point in connection with carrier's authorized regular route operations between (1) Peoria, Ill., and Omaha, Nebr.; and (2) Des Moines, Iowa, and St. Louis, Mo. Carrier is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington and Wyoming.

No. MC 94350 Sub 6, filed November 23, 1955 TRANSIT HOMES, INC., 22644 Gratiot Ave., East Detroit, Mich. Applicant's attorney: Harold G. Hernly, 1624 Eye St., N. W., Washington, D. C. For authority to operate as a common carrier, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by the truckaway method, from Newton, Kans., to all points in the United States.

No. MC 95350 Sub 1, filed Sepetmber 19, 1955, ROBERT W. JONES AND WILMA A. JONES, doing business as R. W. JONES TRUCKING COMPANY, Box 657, 364 W. Main, Vernal, Utah. Applicant's attorney: Hugh W. Colton, Vernal, Utah. For authority to operate as a common carrier, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; *building materials and supplies; machinery*, new and used; between points in Utah, Colorado, Nevada, Wyoming, Arizona, and New Mexico. Applicant is authorized to transport used machinery, mining timbers, and building mterials from certain Utah territory to certain Colorado and Wyoming points.

No. MC 97792 Sub 2, filed November 15, 1955, WILLIAM E. CARROLL, doing business as MARTHA'S VINEYARD RAPID TRANSIT, Daggett Avenue, Tisbury, Mass. Applicant's attorney: George C. O'Brien, 10 State St., Boston 9, Mass. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Tisbury, Mass., and Boston, Mass., from Boston, over Massachusetts Highway 138 to junction unnumbered highway near So. Easton, Mass., thence over unnumbered highway to junction Fall River Expressway, thence over Fall River Expressway to junction Massachusetts Highway 44, thence over Massachusetts Highway 44 to junction Massachusetts Highway 28, thence over Massachusetts Highway 28 to Woods Hole, Mass., thence via water carrier to Island of Martha's Vineyard, Mass., thence over unnumbered highway to Tisbury, Mass., and return over the same route, serving Falmouth, Mass., as an intermediate point. Applicant is authorized to conduct irregular route operations in Massachusetts.

No. MC 102682 Sub 236, filed November 21, 1955, HUGHES TRANSPORTATION, INC., P. O. Box 851, Charleston, S. C. Applicant's representative: Edward J. Morrison, P. O. Box 956, Columbia, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities including Class A and B explosives*, but excluding commodities of unusual value, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between points in South Carolina, and (2) between points in South Carolina and Augusta and Savannah, Ga., and Charlotte, N. C.

NOTE: This application is for the purpose of handling interstate traffic in connection with interline traffic with motor carriers only.

No. MC 104583 Sub 2, filed November 4, 1955, JAMES F. NIKOLAUS, 109 S. Main St., P. O. Box 648, Big Pine, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ores* and *ore concentrates*, in bulk, between points in Inyo County, Calif.

No. MC 104589 Sub 10, filed November 14, 1955, J. L. LAWHON, 290 University Avenue, S. W., Atlanta, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Carbonated beverages*, in wooden cases, from Atlanta, Ga. to points in Kentucky, and *used empty bottles* in wooden containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations in Georgia, Alabama, Florida, Mississippi, South Carolina, Tennesseee and North Carolina.

No. MC 106647 Sub 30, filed November 16, 1955, CLARK TRANSPORT COMPANY, a corporation, Box 295, Chicago Heights, Ill. Applicant's attorney: Edmund M. Brady, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trucks; truck tractors; truck, bus and tractor chassis;* in initial movements, in truckaway and driveaway service, and *parts* and *accessories* for, and moving in the same shipment with, the vehicles to be transported, from Minneapolis, Minn., to all points in the United States; and *trucks, truck tractors; truck, bus and tractor chassis*, in secondary movements, in truckaway and driveaway service, and *parts* and *accessories* for, and moving in the same shipment with, the vehicles to be transported, from all points in the United States to Minneapolis, Minn. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

No. MC 107107 Sub 73, filed November 10, 1955, ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household as defined by the Commission, commodities in bulk, and those requiring special equipment, between Philadelphia, Pa., on the one hand, and, on the other, New York, N. Y., and points in New Jersey. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, and Pennsylvania.

No. MC 107107 Sub 74, filed November 16, 1955, ALTERMAN TRANSPORT LINES, INC., 2424 N. W. 46th Street, Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Candy* and *confectionery* from Chicago, Ill. to Jacksonville and Tampa, Fla. Applicant is authorized to conduct operations in all States and the District of Columbia, with the exception of Connecticut, New Hampshire, Rhode Island, Maine, North Dakota, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington.

No. MC 107107 Sub 75, filed November 21, 1955, ALTERMAN TRANSPORT LINES, INC., P. O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transport-

ing: (1) *Meat, meat products* and *meat by-products*, from Council Bluffs, Iowa, and points in Nebraska, except Omaha and Fremont, to points in Florida; and (2) *frozen foods*, from Council Bluffs, Iowa, and points in Nebraska to points in Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia.

No. MC 107496 Sub 67, filed November 21, 1955, RUAN TRANSPORT CORPORATION, a corporation, 408 S. E. 30th St., Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, from Humboldt, Iowa, to points in Minnesota. Applicant is authorized to conduct operations in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

No. MC 107871 Sub 5, filed November 21, 1955, BONDED FREIGHTWAYS, INC., 347 West Jefferson Street, Syracuse, N. Y. Applicant's attorney: Norman M. Pinsky, 5th Floor, Weiler Bldg., 407 South Warren Street, Syracuse 2, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from Buffalo, N. Y., to points in Crawford, Warren, McKean, Erie and Potter Counties, Pa. Applicant is not authorized to transport the commodity specified.

No. MC 109425 Sub 8, filed November 18, 1955, LEVITAN INTERSTATE TRANSPORTS, INC., 670 Sayra Ave., Perth Amboy, N. J. Applicant's attorney: Bert Collins, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Piece goods* and *wearing apparel*, between Perth Amboy, Elizabeth, and Newark, N. J., on the one hand, and, on the other, Philadelphia, Pa. Applicant is authorized to conduct operations in New York, Pennsylvania, and New Jersey.

No. MC 109557 Sub 8, filed October 25, 1955, published on page 8237 issue of November 2, 1955, and amended November 25, 1955, JOHN ELDRIDGE WILLETT, doing business as WILLETT BROTHERS TRANSPORTATION, 315 Lincoln Ave. N. E., Roanoke, Va. Applicant's attorney: Harold G. Hernly, 1624 Eye St., N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, as defined by the Commission, except petroleum chemicals, between Charleston and Boomer, W. Va., on the one hand, and, on the other, points in Highland, Bath, Alleghany, Botetourt, Roanoke, Bedford, Campbell, Amherst, Rockbridge, Augusta, Franklin, Henry, Pittsylvania, and Halifax Counties, Va. Applicant is authorized to conduct operations in Virginia and West Virginia.

No. MC 110525 Sub 288, filed November 18, 1955, CHEMICAL TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, 600 Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Schenectady, N. Y., to points in Connecticut, Massachusetts, Maine and Wisconsin. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia and the District of Columbia.

No. MC 111401 Sub 65, filed November 10, 1955, GROENDYKE TRANSPORT, INC., 2204 North Grand, Enid, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between points in Texas on and north of U. S. Highway 66, on the one hand, and, on the other, points in Nebraska and Missouri. Applicant is authorized to conduct operations in Oklahoma, Kansas, Colorado, Texas, and New Mexico.

No. MC 111844 Sub 3, DEAN BRENNAN, Washington Street, Wrightstown, Wis. Applicant's attorney: Solie and Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, in containers, from St. Louis, Mo., to Manitowoc, Marinette and Green Bay, Wis.; and *empty containers or other such incidental facilities* used in transporting the commodities specified, on return. Applicant is not authorized to transport the commodities specified.

No. MC 112020 Sub 15, filed November 18, 1955, COMMERCIAL OIL TRANSPORT, a corporation, 1030 Stayton Street, Ft. Worth, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Vegetable oils* and *animal oils*, in bulk, in tank vehicles, *fats* and *lard*, from points in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Texas, and Wisconsin, to points in Monroe County, N. Y.; and (2) *vegetable oils* and *animal oils*, in bulk, in tank vehicles, *lard*, and *compounds* and *blends* thereof, including but not limited to *shortening, monoglycerides* and *emulsifiers*, from points in Monroe County, N. Y., to points in Illinois, Kentucky, Louisiana, Missouri, Tennessee, and Texas. Applicant is authorized to conduct operations in Arkansas, Kansas, Louisiana, Oklahoma, and Texas.

No. MC 113681 Sub 8, filed November 17, 1955, BAKERY PRODUCTS DELIVERY, INC., 404 West Putnam Avenue, Greenwich, Conn. Applicant's attorney: Arthur J. Piken, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bakery products*, from Newark, N. J. to Boston, Mass., Providence, R. I., and Baltimore, Md., and *stale bakery products* and *empty bakery product containers* on return. Applicant is authorized to conduct operations in New York, Connecticut, Rhode Island, Massachusetts, New Jersey, Delaware, Maryland, District of Columbia and Pennsylvania.

No. MC 114045 Sub 16, filed November 23, 1955, R. L. MOORE AND JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, P. O. Box 5842, 318 Cadiz Street, Dallas 22, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Meats, meat products*, and *meat by-products*, as defined by the Commission, from Baltimore, Md., Palmira and New York, N. Y., and Boston, Mass., to points in Texas, Oklahoma, Louisiana and Arkansas, and (2) *frozen foods*, from points in New York (except Buffalo and Waverly), Pennsylvania (except Pittsburgh), Virginia (except Winchester), Kentucky (except Louisville), New Jersey, Maryland, Massachusetts, Connecticut, West Virginia, Rhode Island, and Delaware, to points in Louisana (except New Orleans and Shreveport), Oklahoma (except Oklahoma City and Tulsa), Arkansas, and Texas (except Amarillo, Austin, Beaumont, Corpus Christi, Dallas, El Paso, Fort Worth, Houston, Lubbock and San Antonio, Tex. Applicant is authorized to conduct operations in Arkansas, Connecticut, Delaware, Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, Texas, Virginia, West Virginia, and the District of Columbia.

No. MC 114091 Sub 6, filed September 15, 1955, clarifying amendment, filed November 28, 1955, DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 4204 Norbourne Blvd., Louisville, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, from (1) Points in Bollinger, Cape Girardeau, Scott and Stoddard Counties, Mo., to points in Arkansas, Illinois, Kentucky, Missouri, and Tennessee. (2) Points in Gallatin, Hamilton, Jackson, Johnson, Saline, Union, White and Williamson Counties, Ill., to points in Illinois, Kentucky, Missouri and Tennessee. (3) Points in Gibson, Pike and Warrick Counties, Ind., to points in Illinois, Indiana and Kentucky. (4) Points in Crawford, Jackson, Jennings, Orange, Scott and Washington Counties, Ind., to points in Indiana and Kentucky. (5) Points in Dearborn, Decatur, Franklin and Ripley Counties, Ind., to points in Indiana, Kentucky and Ohio. (6) Points in Butler, Clinton and Warren Counties, Ohio, to points in Indiana, Kentucky and Ohio.

No. MC 114091 Sub 7, filed November 21, 1955, DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 7th Street Road, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products* in bulk, in tank vehicles, between Doe Run, Ky., and Louisville, Ky., and points in the Louisville Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Illinois and Kentucky.

No. MC 114091 Sub 8, filed November 25, 1955, DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 Seventh Street Road, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, as defined by the Commission, in bulk in tank vehicles, from points in Jefferson County, Ky., and Clark and Floyd Counties, Ind., to points in Tennessee.

NOTE: Authority is not requested from the site of the Ingram Oil & Refining Company installation, at or near Koemoedale, Jefferson County, Ky., to Nashville, Tenn. Applicant is authorized to conduct operations in Illinois and Kentucky.

No. MC 114569 Sub 8, filed November 25, 1955, SHAFFER TRUCKING, INC., Elizabethville, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dairy products* and *pickle products*, from points in Wisconsin to points in Pennsylvania. Applicant holds common carrier authority to conduct operations in West Virginia, Pennsylvania, Maine, New Hampshire and Vermont, and is authorized to conduct operations as a *contract carrier* under Permit No. MC 55813.

No. MC 114734 Sub 1, filed November 25, 1955, ADAM H. LOOS, doing business as LOOS TRUCKING, Sherburn, Minn. Applicant's representatives: A. R. Fowler, Agent, Associated Motor Carriers Tariff Bureau, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fresh meats*, in carcasses, or part carcasses, and in packages, from Spencer, Iowa, to Detroit, Mich., St. Louis, Mo., and Kansas City, Mo. Applicant is authorized to conduct operations in Iowa, Minnesota, Illinois, and Wisconsin.

No. MC 115457 Sub 1, filed November 25, 1955, LEO SIROIS, doing business as LEO SIROIS-TRUCKING, 1820 East Court Street, Kankakee, Ill. Applicant's attorney: Edwin W. Sale, 210 First Trust & Savings Bank Building, Kankakee, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Tile* and *related clay products*, from St. Anne, Ill., to points in Wisconsin south of U. S. Highway 10, and those in Indiana north of U. S. Highway 50.

No. MC 115687, filed November 21, 1955, JOHN W. EGBERS, doing business as EGBERS TRAILER SALES, 1526 North 24th Street, Quincy, Ill. Applicant's attorney: Grover C. Hoff, 208 East Adams Street, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile house trailers*, in secondary movements, between points in Illinois, Iowa and Missouri. Restricted to movements from trailer park to trailer park.

No. MC 115688, filed November 21, 1955, OLLIE GRAY AND COURTNEY GRAY, a partnership, doing business as GRAY AND SON TRUCK LINES, 800 Jones Street, P. O. Box 786, Paducah, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Certain mixtures as Class D, Group III Poisons*, in truckload lots, between Kevil, Ky., and Sargents, Ohio.

No. MC 115689, filed November 21, 1955, Quick Deliveries, Inc., 110 Olean Street, Rochester, N. Y. Applicant's attorney: Mackenzie, Smith, Lewis, Michell & Hughes, Onondaga County Savings Bank Building, Syracuse 2, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Iron and steel tanks*, from points in Onondaga County, N. Y., to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland and Virginia.

No. MC 115691, filed November 21, 1955, R. J. COKER, doing business as COKER TRUCKING COMPANY, Box 398, Demopolis, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, in truckload lots, from points in Sumter, Greene and Marengo Counties, Ala., to points in Mississippi, Tennessee, Georgia, and Florida.

No. MC 115692, filed November 23, 1955, S. A. WHEELER, SR., Soperton, Ga. Applicant's attorney: J. Carlton Warnock, Soperton, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from Soperton, Ga., to points in Georgia, Florida, Alabama and Tennessee.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1501 Sub 115, filed November 22, 1955, THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago 4, Ill. Applicant's attorney: Linwood C. Major, Jr., 2001 Massachusetts Avenue, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, (1) between the Indiana-Ohio State line, near U. S. Highway 20, and the Indiana-Illinois State line, at Hammond, Ind., over the Northern Indiana East-West Toll Road, (also known as the Indiana Turnpike); (2) between junction U. S. Highway 112 and Michigan Highway 103, near White Pigeon, Mich., and the Indiana Turnpike, from junction U. S. Highway 112 and Michigan Highway 103, over Indiana Highway 103 to the Missouri-Indiana State line, thence over Indiana Highway 13 to the Indiana Turnpike; (3) between Elkhart, Ind., and the Indiana Turnpike, from Elkhart over Indiana Highway 120 to junction Indiana Highway 13, thence over Indiana Highway 13 to the Indiana Turnpike; (4) between junction U. S. Highway 20 and Indiana Highway 39 and the Indiana Turnpike, over Indiana Highway 39; (5) between junction Indiana Highway 2 and Indiana Highway 39, at La Porte, Ind., and the Indiana Turnpike, over Indiana Highway 39; and (6) between junction U. S. Highway 30 and Indiana Highway 49, near Valparaiso, Ind., and the Indiana Turnpike, over Indiana Highway 49, and return over the above routes, serving all intermediate points on the Indiana Turnpike. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that it will serve all intermediate points on the Indiana Turnpike, with the right of access wherever there is an interchange with its regular routes.

No. MC 1800 Sub 22, filed November 15, 1955, ALEXANDRIA, BARCROFT & WASHINGTON TRANSPORT COMPANY, a corporation, doing business as A. B. & W. TRANSIT CO., 611 N. Royal St., Alexandria, Va. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between points in Virginia as follows: (1) From junction Columbia Pike and Greenbrier Street in Arlington County, Va., over Greenbrier Street to junction 8th Road South, thence over 8th Road South to junction Carlyn Spring Road; (2) From junction 8th Road South and Carlyn Spring Road over Carlyn Spring Rroad to junction 5th Street; (3) From junction Carlyn Spring Road and 5th Street over 5th Street to junction Virginia Highway 7; (4) From junction Virginia Highway 7 and 5th Street over Virginia Highway 7 to junction Virginia Secondary Route 1078; (5) From junction Virginia Highway 7 and Virginia Secondary Route 1078 over Virginia Secondary Route 1078 to junction Virginia Highway 7; (6) From junction Virginia Secondary Route 1078 and Virginia Highway 7 over Virginia Highway 7 to junction U. S. Highway 50; (7) From junction Virginia Highway 7 and U. S. Highway 50 over U. S. Highway 50 to junction Patrick Henry Drive; and (8) from junction U. S. Highway 50 and Patrick Henry Drive over Patrick Henry Drive to junction Virginia Highway 7, and return over the above routes, serving all intermediate points. Applicant is authorized to conduct operations in Virginia and the District of Columbia.

No. MC 53686 Sub 1, filed October 19, 1955, and amended November 23, 1955, published on page 8238, issue of November 2, 1955, HARRY McCLOSKEY, 208 Warren St., Beverly, N. J. Applicant's attorney: Worth and Worth, Riverside, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special or charter operations, from Beverly, N. J., and points within 15 miles thereof, and Philadelphia, Pa., to points in New Jersey, New York, Delaware, Maryland, and the District of Columbia, and return. Applicant is authorized to conduct operations in New Jersey, and Pennsylvania.

No. MC 58522 Sub 6, filed November 10, 1955. JOSEPH F. WENZEL, doing business as RIVER TRAILS TRANSIT LINES, 151 Locust St., Dubuque, Iowa. Applicant's attorney: Claude J. Jasper, One West Main St., Madison 3, Wis. For authority to operate as a *common*

carrier, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Sabula, Iowa, and Savanna, Ill., over U. S. Highway 52, serving no intermediate points, restricted to transportation of passengers who are at the time moving on railroad tickets in service which is auxiliary to, and supplemental of, rail service of the Chicago, Milwaukee, St. Paul and Pacific Railroad. Applicant is authorized to conduct operations in Iowa, and Wisconsin.

No. MC 58915 Sub 1, filed November 28, 1955. LINCOLN TRANSIT CO., INC., U. S. 46, East Paterson, N. J. Applicant's attorney: Robert E. Goldstein, 24 West 40th St., New York 18, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicles with passengers, in special round-trip operations, during the racing seasons, from Atlantic City, N. J., to Delaware Park, Stanton, Del., Pimlico Race Track, Baltimore, Md., Bowie Race Course, Bowie, Md., and Laurel Race Course, Laurel, Md. Applicant is authorized to conduct operations in New York and New Jersey.

CORRECTIONS

Application of DEALERS TRANSIT, INC., Chicago, Ill., published on page 8796, issue of November 30, 1955. The docket number assigned thereto MC 1405 Sub 271, was in error. The correct docket number assigned is MC 4405 Sub 271.

APPLICATIONS UNDER SECTION 5 (2) AND 210a (b)

No. MC–F 6117, published in the November 2, 1955, issue of the FEDERAL REGISTER on page 8240. Application filed November 9, 1955, for temporary authority under Section 210a (b).

No. MC–F 6141. Authority sought for control by STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Lane, Dallas, Texas, of the operating rights and property of KELLEHER MOTOR FREIGHT LINES, INC., 3130 Hall St., St. Louis, Mo., and for acquisition by L. R. Strickland, also of Dallas, of control of the operating rights and property through the transaction. Applicant's attorney: W. T. Brunson, 508 Leonhardt Bldg., Oklahoma City 2, Okla. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between St. Louis, Mo., and Newark, N. J., serving the intermediate points of Chicago, Ill., Cleveland, Ohio, and New York, N. Y.; *general commodities*, with exceptions as noted above, over irregular routes, from New York, N. Y., to Newburgh and Middletown, N. Y., and between points in Bergen, Essex, Hudson, Morris, Passaic, Union, Middlesex, Monmouth, Hunterdon, and Somerset Counties, N. J., on the one hand, and, on the other, New York, N. Y. STRICKLAND TRANSPORTATION CO., INC., is authorized to operate in Texas, Arkansas, Tennessee, Louisiana, Mississippi, Missouri, Illinois, and Oklahoma. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6142. Authority sought for control and merger by SPECTOR FREIGHT SYSTEM, INC., 3100 S. Wolcott St., Chicago, Ill., of the operating rights and property of BINNS TRUCKING COMPANY, INC., 338 Chestnut St., Passaic, N. J., and for acquisition by SIMON FISHER and W. STANHAUS, both of Chicago, of control of the said operating rights and property through the transaction. Applicant's attorneys: Axelrod, Goodman & Steiner, 39 S. LaSalle St., Chicago 3, Ill., Jack Rinzler, 694 Main Ave., Passaic, N. J., and Maurice P. Golden, 33 N. LaSalle St., Chicago, Ill. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier* over irregular routes, between New York, N. Y., Newark, N. J., Philadelphia, Pa., points in New Jersey within 25 miles of Newark, and those in New Jersey and Pennsylvania within 20 miles of Philadelphia. SPECTOR FREIGHT SYSTEM, INC., is authorized to operate in Missouri, Massachusetts, Indiana, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Illinois, Maryland, Ohio, Wisconsin, Virginia, and the District of Columbia. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6143. Authority sought for control and merger by TRUCK TRANSPORT COMPANY, 8350 Dix, Detroit, Mich., of the operating rights and property of ROADWAY TRANSIT COMPANY, 3601 Wyoming, Dearborn, Mich., and for acquisition by WALTER A. RONEY, also of Detroit, of control of such operating rights and property through the transaction. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Bldg., Detroit 26, Mich. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between Detroit, Mich., and Waukegan, Ill., Niagara Falls, N. Y., and Michigan City, Ind., between Flint, Mich., and Toledo, Ohio, between Monroe, Mich., and Cambridge Junction, Mich., between Elkhart, Ind., and Toledo, Ohio, between Nappanee, Ind., and Sandusky, Ohio between Bryan, Ohio, and Columbia, Ohio, between the junction of Business Route U. S. Highway 20 and Ohio Highway 163, and Cleveland, Ohio, between Detroit, Mich., and junction U. S. Highway 23 and Michigan Highway 17, between Detroit, Mich., and the Ford Willow Run Plant, between Flint Mich., and junction U. S. Highway 24 and Michigan Highway 17, and between junction U. S. Highway 112 and Michigan 205, and Michigan City, Ind., serving certain intermediate and off-route points; two alternate routes for operating convenience only. TRUCK TRANSPORT COMPANY is authorized to operate in Michigan, Ohio, and Indiana. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6144. Authority sought for control and merger by HOWARD VAN LINES, INCORPORATED, 1617 N. Peak St., Dallas, Texas, of the operating rights and property of McHUGO TRANSFER CO., INC., E. 111 Sprague St., Spokane, Wash., and for acquisition by GEORGE T. HOWARD, also of Dallas, of control of said operating rights and property through the transaction. Applicant's attorney: Burton K. Wheeler, Southern Bldg., 15th & H Sts., N. W., Washington 5, D. C. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over irregular routes, between Spokane, Wash., and the site of the U. S. Army Air Corps Maintenance and Supply Depot at Galena, Wash.; *general commodities*, with certain exceptions not including household goods, between points within three miles of Spokane, Wash., including Spokane; *household goods*, as defined by the Commission, between points in Washington, Oregon, Idaho, and Montana, between points in Idaho, Montana, Oregon and Washington, on the one hand, and, on the other, points in California, Nevada, and Utah; *machinery, camp supplies, fencing materials, fruit, tires, paper*, and *iron culverts*, between Spokane, Wash., on the one hand, and, on the other, Portland, Oreg., and certain points in Idaho and Montana. HOWARD VAN LINES, INCORPORATED, is authorized to operate in Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Delaware, and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6145. Authority sought for purchase by V. D. MORGAN VAN SERVICE & STORAGE CO., 819 W. Main St., Louisville 2, Ky., of the operating rights and property of A. R. MORGAN and V. D. MORGAN, doing business as V. D. MORGAN VAN SERVICE & STORAGE COMPANY, 819 W. Main St., Louisville 2, Ky., and for acquisition by V. D. MORGAN, also of Louisville, of control of such rights and property through the purchase. Applicants' attorney: Hubert T. Willis, 501 S. 2nd St., Louisville 2, Ky. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in Jefferson County, Ky., on the one hand, and, on the other, points in Indiana on and south of U. S. Highway 40. Vandee holds no authority from the Commission, but its controlling stockholder is affiliated with UNITED VAN LINES, INC., which is authorized to operate in all states in the United States, and the District of Columbia. Application has not been filed for temporary authority under Section 210a(b).

No. MC–F 6146. Authority sought for purchase by IRVING KIRSCH CORPORATION, 2011 N. 30th St., Milwaukee, Wis., of the operating rights and property of IRVING A. KIRSCH, IRMA KIRSCH, EXECUTRIX, 2011 N. 30th St., Milwaukee, Wis., and for acquisition by IRVING A. KIRSCH, IRMA KIRSCH, EXECUTRIX, also of Milwaukee, of control of the operating rights and property through the purchase. Person to whom correspondence should be addressed: Clarence Eberl, President, Irving Kirsch Corporation, 2011 N. 30th St., Milwaukee 8, Wis. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between Milwaukee, Wis., and points within ten miles of Milwaukee, on the one hand, and, on the other, points in Indiana, Illinois, Iowa, and Minnesota. Vendee holds no authority from the Commission, but its controlling stockholder is affiliated with NORTH AMERICAN VAN LINES, INC., which is authorized to operate in all states in the United States and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6147. Authority sought for purchase by DENVER-CHICAGO TRUCKING COMPANY, INC., 2501 Blake St., Denver, Colo., of the operating rights of BOULDER TRUCK SERVICE, INC., 1420–33rd St., Denver, Colo., and for acquisition by GEORGE J. KOLOWICH, DETROIT AND CLEVELAND NAVIGATION COMPANY, GRISWOLD BUILDING, INC., and WHITTIER CORPORATION, all of Detroit, Mich., and GEORGE J. KOLOWICH, JR., of Denver, Colo., of control of such operating rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 S. LaSalle St., Chicago, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over irregular routes, between Boulder, Colo., and points within 50 miles thereof, on the one hand, and, on the other, points in Colorado. Vendee is authorized to operate in Colorado, Washington, Wyoming, Utah, Idaho, Oregon, Illinois, Missouri, Kansas, Arizona, California, New Mexico, New York, Massachusetts, Indiana, Connecticut, New Jersey, Pennsylvania, Ohio, and Nebraska. Application has not been filed for temporary authority under Section 210a (b).

NO. MC–F 6148. Authority sought for control and merger by LATTAVO BROTHERS, INC., 1620 Cleveland, Ave., S. W., Canton, Ohio, of the operating rights and property of IRON & STEEL TRANSPORT, INC., 2001 Shepler Church Road, S. W., Canton, Ohio, and for acquisition by O. M. LATTAVO and A. P. LATTAVO, both of Canton, of control of such operating rights and property through the transaction. Applicant's attorney: Noel F. George, 44 E. Broad St., Columbus 15, Ohio. Operating rights sought to be controlled and merged: *Malt beverages, iron and steel, iron and steel articles, conductor pipe, downspouting, brick and other clay building materials, motors, machinery*, and *machinery parts*, as a *common carrier*, over irregular routes, from, to, and between certain points in Indiana, Ohio, Pennsylvania, New York, Illinois, West Virginia, and Michigan. LATTAVO BROTHERS, INC., is authorized to operate in Pennsylvania, Ohio, and West Virginia. Application has not been filed for temporary authority under Section 210 (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–9811; Filed, Dec. 6, 1955; 8:50 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 2, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31389: *Manufactured iron and steel articles in Official Territory.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on manufactured iron and steel articles, as more fully described in the application, carloads, between points in official territory as more fully described in appendix "B" of the application.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement No. 138 to Agent Boin's tariff I. C. C. No. A–686 and other tariffs as listed in appendix "A" of application.

FSA No. 31390: *Livestock—Illinois Territory to Southern Territory.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on livestock, carloads from specified points in Illinois territory, as described in exhibit "A" of the application to specified destinations in southern territory as described in exhibit "A" of the application.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 4 to Agent Raasch's I. C. C. 845.

FSA No. 31391: *Naphtha—Southwestern and Mid-Continent Origins to Wayne, Mich.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on naphtha, tank-car loads from specified points in Louisiana, Missouri, Oklahoma, and Texas to Wayne, Mich.

Grounds for relief: Carrier competition and circuity.

Tariff: Supplement 40 to Agent Kratzmeir's I. C. C. 4150.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–9810; Filed, Dec. 6, 1955; 8:49 a. m.]

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TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6384]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NOVEL MFG. & DISTRIBUTING CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.125 *Limited offers or supply;* § 13.135 *Nature:* Product or service; § 13.155 *Prices:* Usual as reduced, special, etc. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1685 Nature: [*Misrepresenting oneself and goods*]—Prices: § 13.1825 *Usual as reduced or to be increased.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.2000 *Limited offers or supply.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Novel Mfg. & Distributing Co., Inc., et al., New York, N. Y., Docket 6384, November 23, 1955]

In the Matter of Novel Mfg. & Distributing Co., Inc., a Corporation; and Sam Weitz and Richard Weith, Individually and as Officers of Said Corporation; and Russell Weith, Individually and as General Manager of Said Corporation

This proceeding was heard by Everett F. Haycraft, hearing examiner, upon the complaint of the Commission—which charged respondent corporation and its officers with advertising falsely in newspapers and other publications that its floral centerpiece known as the "Garden Under Glass" contained natural flowers, that its offer to sell the product at designated prices was for a limited time, and that the prices at which it was offered for sale were reduced—and an agreement between the parties providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of November 23, 1955, became, pursuant to § 3.21 of the rules of practice, the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That respondents Novel Mfg. & Distributing Co., Inc., a corporation, and its officers, and Sam Weitz and Richard Weith, individually and as officers of said corporation, and Russell Weith, individually and as general manager of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a so-called floral centerpiece designated as the "Garden Under Glass," or by any other name or names, or any other merchandise, do forthwith cease and desist from representing, directly or by implication:

1. That any flowers which they sell or offer for sale are natural flowers unless such is the fact.

2. That offers to sell merchandise at designated prices are limited as to time when they are continuous offers.

3. That the usual and customary price of any merchandise is in excess of the price at which said merchandise is regularly and customarily sold in the normal course of business.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 23, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-9869; Filed, Dec. 7, 1955; 8:51 a. m.]

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FEDERAL REGISTER

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(For use during 1955)

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General Index ($1.25)

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TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M–107, Amdt. 1 of December 6, 1955]

M–107—TITANIUM MILL PRODUCTS

LEAD TIME FOR REQUIRED ACCEPTANCE OF RATED ORDERS

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment affects BDSA Order M–107 by further limiting required acceptance of rated orders for titanium mill products to orders which are received not less than 3 months prior to the first day of the month in which delivery is requested.

Section 4 of BDSA Order M–107 is hereby amended to read as follows:

SEC. 4. *Limitations on required acceptance of rated orders.* (a) Unless specifically directed by BDSA, no producer of titanium mill products shall be required to accept rated orders calling for delivery during any calendar month, commencing with the month of June 1954, of an aggregate quantity of titanium mill products by weight which exceeds 90 percent of his scheduled production of such products for that calendar month: *Provided, however,* That no producer shall cancel or postpone delivery of any rated orders already accepted because such orders exceed 90 percent of his scheduled production for that month.

(b) Unless specifically directed by BDSA, a producer of titanium mill products need not accept a rated order which he receives less than 3 months prior to the first day of the month in which delivery is requested.

(64 Stat. 816, as amended; Pub. Law 295, 84th Cong.; 50 U. S. C. App. 2158)

This amendment shall take effect December 6, 1955.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 55–9909; Filed, Dec. 6, 1955; 2:53 p. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

EMPLOYERS' CONTRIBUTION REPORTS

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U. S. C. 362) § 345.5 (a) (2) of the Regulations under such act (4 F. R. 4370; 12 F. R. 2327; 17 F. R. 2303) is amended by Board Order 55–325 dated November 21, 1955, to read as follows:

§ 345.5 *Employers' contribution reports*—(a) *General.* • • •

(2) (i) If an employer was covered by the Act during an entire calendar year, and if the creditable compensation reported during such year, multiplied by the contribution rate for the following year produces an amount of less than $100, the employer may elect to make a single contribution report for such following year.

(ii) Except as otherwise provided by agreement with the Board, each employer is required to file a separate contribution report, and consolidated contribution reports of parent and subsidiary corporations are not permitted.

(iii) Contribution reports of employers who are required by State laws to pay compensation on a weekly basis shall include with respect to such compensation all pay roll weeks in which all or the major part of the compensation falls within the period for which the reports are required.

(Sec. 12, 52 Stat. 1107, as amended; 45 U. S. C. 362)

Dated: December 1, 1955.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 55–9850; Filed, Dec. 7, 1955; 8:47 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

PASSENGER STEAMERS GIVEN PREFERENCE IN TRANSITING

Pursuant to the authority vested in the Governor by section 4.7 of Title 35, Code of Federal Regulations, as adopted by Canal Zone Order 30, January 6, 1953 (18 F. R. 280), § 4.8 is amended to read as follows:

§ 4.8 *Passenger steamers given preference in transiting.* Regular passenger steamers with accommodations for 50 or more passengers, when carrying mail and running on fixed published schedules, will, to the extent consistent with efficient operation of the Canal, as determined by the Marine Director, be given preference over other vessels in transiting regardless of the number of passengers actually on board. However, as between vessels of this class, special consideration will be given to those vessels which are actually ready for transit at regular fixed hours.

(Sec. 5, 37 Stat. 562, as amended; 2 C. Z. Code 9, 48 U. S. C. 1318. E. O. 9746, 11 F. R. 7329, 3 CFR, 1946 Supp.)

Issued at Balboa Heights, Canal Zone, November 28, 1955.

[SEAL] J. S. SEYBOLD,
Governor.

[F. R. Doc. 55–9855; Filed, Dec. 7, 1955; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1945]

PART 192—OIL AND GAS LEASES

LEASING OF WILDLIFE REFUGE LANDS

Section 192.9 is amended to read as follows:

§ 192.9 *Leasing of wildlife refuge lands.* (a) Geological and geophysical prospecting permits may be issued by the Fish and Wildlife Service on areas subject to its jurisdiction prior to leasing under such terms and conditions as that Service may prescribe.

(b) (1) Areas determined to be indispensable for the preservation of rare or endangered species, remnant big-game herds, and irreplaceable examples of unique animal or plant ecology are not available for leasing. Areas in this category at present are included in Appendix A. Oil and gas leases may be issued for other lands administered by the Fish and Wildlife Service for wildlife conservation, except that; on those areas designated by the Fish and Wildlife Service as wilderness, recreational, water development, or marsh, with respect to which the Fish and Wildlife Service reports that oil and gas development might seriously impair or destroy the usefulness of the lands for wildlife conservation purposes, no leases will be issued unless a complete and detailed operating program for the area, which will insure full protection of the particular values for which established, is approved by the Director, Fish and Wildlife Service. All pending applications on such excepted wilderness, recreational, water development, and marsh areas will be rejected unless within 6 months the applicant files an operating program sufficient to accomplish these purposes. Areas in this category are listed in Appendix B.

(2) The following conditions shall be expressed in any lease issued under this section:

(i) Geological and geophysical prospecting conducted on the leased premises shall be of a type and at a time satisfactory to the Fish and Wildlife Service.

(ii) No drilling operations shall be conducted under the lease until such lease has been committed to an approved unit plan. However, the Secretary may, in his discretion, permit or require drilling if he determines that a unit plan including the leased area cannot be secured and that drilling is necessary to protect the interests of the United States.

(a) A unit agreement which includes lands administered for wildlife conservation shall contain a provision that no drilling operations may be conducted on the unitized portion of the Government-leased lands administered for wildlife conservation without the consent and approval of the Fish and Wildlife Service as to the time, place, and nature of such operations.

(b) In every instance, a plan of development which includes lands administered for wildlife conservation shall not be approved without the concurrence of the Fish and Wildlife Service.

(iii) Lessees shall observe and comply with all State and Federal laws and regulations relating to wildlife and shall take such action as is necessary to assure observance and compliance with these laws and regulations by lessees, employees and agents.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

DOUGLAS MCKAY,
Secretary of the Interior.

APPENDIX A—FISH AND WILDLIFE SERVICE LANDS NOT AVAILABLE FOR LEASING

Alaska:
Certain of the Aleutian Islands.
Georgia:
Okefenokee.
Hawaii: [1]
Certain of the Hawaiian Islands.
Maryland:
Patuxent.
Montana:
National Bison Range.
Red Rock Lakes.
Nebraska:
Fort Niobrara.
North Dakota:
Sullys Hill.
Oklahoma:
Wichita Mountains.
Texas:
Aransas.
Santa Ana.
Wyoming:
National Elk.

APPENDIX B—FISH AND WILDLIFE SERVICE LANDS AVAILABLE FOR LEASING UNDER A SATISFACTORY DEVELOPMENT AND OPERATING PLAN

Alabama:
Petit Bois (see also Mississippi).
Wheeler.
Alaska:
Chamisso.
Hazen Bay.
Hazy Island.
Kenai: The following areas and all lands within one mile of Tustemena Lake, Skilak Lake, Kenai River, Upper and Lower Russian Lake and River Hidden Lake, Kasilof River, and Chickaloon Flats.
Pribilof Islands.
St. Lazaria.
Semidi.
Arizona:
Cabeza Prieta Game Range.
Havasu Lake (see also California).
Imperial (see also California).
Kofa Game Range: All Range lands in T. 1 N., Rs. 15–18 W.; T. 2 N., Rs. 16 & 17 W.; T. 1 S., Rs. 15–18 W.; T. 2 S., Rs. 15–19 W.; T 3 S, Rs 15, 18, & 19 W.; T. 4 S., R. 17 West ½; T. 5 S., Rs. 17 & 18 W.; T. 4 S., R. 18 W.

[1] The regulations in 43 CFR, Part 192 do not apply to the Territory of Hawaii.

Arkansas:
Big Lake.
White River.
California:
Clear Lake.
Colusa.
Farallon.
Havasu Lake (see also Arizona).
Imperial (see also Arizona).
Lower Klamath (see also Oregon).
Sacramento.
Salton Sea.
Sutter.
Tule Lake.
Colorado:
Monte Vista:
Delaware:
Bombay Hook.
Killcohook (see also New Jersey).
Florida:
Anclote.
Brevard.
Cedar Keys.
Chassahowitzka.
Chinsegut.
Great White Heron.
Key West.
Loxahatchee.
Passage Key.
Pelican Island.
Pinellas.
Sanibel.
St. Marks: All refuge lands in Ts. 4 and 5 S., Rs. 1, 2, and 3 E., T. M., and refuge lands in the Hartsfield Survey.
Georgia:
Blackbeard Island.
Savannah (see also South Carolina).
Tybee.
Wolf Island.
Idaho:
Camas.
Deer Flat.
Minidoka.
Snake River.
Illinois:
Chautauqua.
Crab Orchard.
Lands made available by the Corps of Engineers on the Mississippi River between Rock Island and Alton, Illinois (see also Iowa and Missouri).
Upper Mississippi River Wild Life and Fish Refuge (see also Iowa, Minnesota, and Wisconsin).
Iowa:
Lands made available by the Corps of Engineers on the Mississippi River between Rock Island and Alton, Illinois (see also Illinois and Missouri).
Union Slough.
Upper Mississippi River Wild Life and Fish Refuge (see also Illinois, Minnesota, and Wisconsin).
Kansas:
Kirwin Wildlife Management Area.
Kentucky:
Kentucky Woodlands.
Louisiana:
Lacassine.
Shell Keys.
Maine:
Widow's Island.
Maryland:
Blackwater.
Chincoteague (see also Virginia).
Glenn Martin.
Massachusetts:
Great Meadows.
Monomoy.
Parker River.
Michigan:
Huron.
Michigan Islands.
Seney.
Shiawassee.
Minnesota:
Beltrami Wildlife Management Area.
Mille Lacs.
Mud Lake.
Rice Lake.
Tamarac.
Talcot.
Upper Mississippi River Wild Life and Fish Refuge (see also Illinois, Iowa, and Wisconsin).
Mississippi:
Noxubee: All refuge lands in the following subdivisions: T. 17 N., R. 13 E., secs. 13, 14, 23, 24, 25, 26, and 36; T. 16 N., R. 14 E., secs. 1–4, 9–15, and 21–24; T. 17 N., R. 14 E., secs. 31–35; T. 16 N., R. 15 E., secs. 4–8 and 16–21.
Petit Bois (see also Alabama).
Missouri:
Mingo.
Lands made available by the Corps of Engineers on the Mississippi River between Rock Island and Alton, Illinois.
Missouri Wildlife Management Area.
Squaw Creek.
Swan Lake.
Montana:
Benton Lake.
Bowdoin.
Medicine Lake: All refuge lands in the following subdivisions: T. 30 N., R. 55 E., all; T. 31 N., Rs. 55 and 56 E., all; T. 31 N., R. 57 E., secs. 3–7, inclusive, all; Sec. 8, N½ and SW¼; Sec. 9, W½ NW¼; Sec. 18, N½NE¼, NW¼, N½ SW¼; T. 32 N., Rs. 55, 56, 57, 58 E., all.
Nine-Pipe.
Pablo.
Pishkun.
Willow Creek.
Nebraska:
Crescent Lake: All refuge lands in the following subdivisions: T. 20 N., R. 44 W., secs. 2–7, inclusive, 9, 10, 11, and 18, all; T. 21 N., Rs. 44 and 45 W., all.
North Platte.
Valentine: All refuge lands in the following subdivisions: T. 28 N., R. 27 W., secs. 3–8, inclusive; T. 28 N., R. 28 W., secs. 1 and 12; Ts. 29 and 30 N., Rs. 27, 28, and 29 W., all.
Nevada:
Anaho Island.
Desert Game Refuge: All Range lands in the following subdivisions: Ts. 9–14 S., Rs. 54–62 E., all; T. 15 S., Rs. 56–62 E., all; T. 16 S., Rs. 56, 57, and 58 E., Secs. 1–6, inclusive; Ts. 16 and 17 S., Rs. 59–62 E., inclusive, all; T. 18 S., Rs. 60, 61, and 62 E., all; also all lands above 6,000' elevation in the following area: T. 17 S., Rs. 54 and 55 E.; Ts. 18 and 19 S., Rs. 54, 55, and 56 E.; T. 20 S., Rs. 55, 56, 57, and 58 E.; T. 21 S., Rs. 56, 57, and 58 E.
Sheldon National Antelope Refuge.
Stillwater National Wildlife Management Area.
Stillwater National Wildlife Refuge.
New Jersey:
Brigantine.
Killcohook (see also Delaware).
New Mexico:
Bitter Lake: All of the lands of the refuge west of the Pecos River in the following area: T. 9 S., R. 25 E., secs. 14, 15, 21, 22, 23, 26, 27, 28, 32, 33, 34, and 35; T. 10 S., R. 25 E., secs. 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 20, 21, 22, 28, and 29.
Bosque del Apache: All refuge lands between the East Side Road and the proposed right-of-way for U. S. Highway No. 85.
New York:
Montezuma.
New York Wildlife Management Area.
Elizabeth Tilton.
Wertheim.
North Carolina:
Mattamuskeet.
Pea Island.
Swanquarter.
North Dakota:
Ardoch.
Arrowwood.
Chase Lake.
Des Lacs.
Lake Ilo.
Kellys Slough.
Lake Zahl.
Long Lake.
Lostwood.
Lower Souris: All refuge lands north of the line common to Townships 158 and 159 North.
Slade.
Stump Lake.
Tewaukon.
Theodore Roosevelt.
Upper Souris.
Ohio:
West Sister Island.
Oklahoma:
Salt Plains.
Oregon:
Cape Meares.
Cold Springs.
Lower Klamath (see also California).
Malheur.
McKay Creek.
Oregon Islands.
Three Arch Rocks.
Upper Klamath.
Puerto Rico:[1]
Culebra.
South Carolina:
Cape Romain.
Santee.
Savannah (see also Georgia).
South Dakota:
Bear Buttee.
Belle Fourche.
Lacreek.
Lake Andes.
Sand Lake.
Waubay.
Tennessee:
Lake Isom.
Reelfoot.
Tennessee.
Texas:
Laguna Atascosa.
Muleshoe.
Utah:
Bear River Migratory Bird Refuge.
Locomotive Springs.
Vermont:
Missisquoi.
Virginia:
Back Bay.
Chincoteague (see also Maryland).
Presquile.
Washington:
Columbia.
Copalis.
Dungeness.
Flattery Rocks.
Jones Island.
Lenore Lake.
Matia Island.
Quillayute Needles.
Smith Island.
Turnbull.
Skagit.
Willapa.
Wisconsin:
Gravel Island.
Green Bay.
Horicon.
Long Tail Point.
Necedah.
Necedah Wildlife Management Area.
Upper Mississippi River Wild Life and Fish Refuge (see also Iowa, Illinois, and Minnesota).
Wyoming:
Hutton Lake.
Pathfinder: All refuge lands in Townships 29 and 30 N., R. 85 W.

[F. R. Doc. 55-9852; Filed, Dec. 7, 1955; 8:48 a. m.]

[1] The regulations in 43 CFR Part 192 do not apply to Puerto Rico.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11194; FCC 55-1196]

[Rules Amdt. 3-2]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

In the Matter of amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations.

1. The Commission has under consideration its Notice of Proposed Rule Making issued in this proceeding on October 7, 1954 (FCC 54-1270), and published in the FEDERAL REGISTER on October 13, 1954 (19 F. R. 6587), proposing to assign Channel 9 to either Blossburg, Pennsylvania, or Elmira, New York, in response to petitions filed by Williamsport Radio Broadcasting Associates, Inc., and John S. Both and Thompson K. Cassel, d/b as Elmira Television, respectively.

2. Comments have been filed by Elmira Television, Williamsport Radio Broadcasting Associates, Inc., Sunbury Broadcasting Corporation, WBRE-TV, Inc., Wyoming Valley Broadcasting Company, Scranton Broadcasters, Inc., Copper City Broadcasting Corporation, Lock Haven Broadcasting Corporation, Southern Tier Radio Service, Inc. The contentions of the parties are discussed below.

3. There is a small area in North Central Pennsylvania and South Central New York where Channel 9 may be assigned in accordance with the Commission's minimum separation requirements. Elmira Television requests that we assign Channel 9 to Elmira, New York, and the mutually exclusive request of Williamsport Radio Broadcasting Associates, Inc., seeks Channel 9 for Blossburg, Pennsylvania. Elmira has a population of 49,716 persons and has been assigned UHF Channels 18 and 24. Elmira Television is authorized to operate Station WTVE on Channel 24, but has not been in operation since the fall of 1954 when its antenna was destroyed by Hurricane "Hazel". A station authorized to operate on Channel 18 surrendered its construction permit in September, 1954. Two competing applications for Channel 18 are now pending. Blossburg, a community of 1,933 persons, has no television assignments. Williamsport, the community which Williamsport Radio proposes to serve from Channel 9 in Blossburg, is assigned UHF Channel 36. Station WRAK-TV has been authorized to operate on Channel 36 in Williamsport but is not yet in operation. The assignment of Channel 9 to Elmira or to Blossburg can be accomplished without making any other changes in the Table of Assignments, except for changes in the offset requirements for Channel 9 at Washington, D. C. (WTOP-TV) and Greenville, North Carolina (WNCT).[1]

[1] In a letter dated October 28, 1954, WNCT has informed the Commission that it "has no comments to add to the proposal to change to a minus nine channel."

4. In support of its request Elmira Television urges that assignment of Channel 9 to Elmira would conform to the Commission's rules and will not require any deletions or substitutions of channels in any community. It further urges that the total population of Elmira and the villages immediately surrounding it is 62,164 as compared to a population of 1,954 for the borough of Blossburg which has no other cities, towns or villages in the immediate vicinity—a ratio of approximately 32 to 1. Similarly, it is contended that the population of the the cities and towns over 2,500 within the proposed Grade A contour, a radius of 46 miles from Elmira, amounts to 221,871 and that there are only 188,899 persons within a radius of 46 miles of Blossburg. Elmira Television also contends that the total population of towns within 63.5 miles of Elmira, the proposed Grade B contour, is 357,569 as compared to 318,761 within 63.5 miles of Blossburg. It is therefore, contended that the assignment of Channel 9 to Elmira would provide a more fair, efficient and economical distribution of service among the several states and communities as required by Section 307 of the Communications Act. Elmira Television also points out that Elmira is by far the largest city in the area in which Channel 9 may be employed in this section of the United States and therefore under the principles set forth in previous rule making proceedings Channel 9 must be assigned to Elmira. It is also contended that in light of the distance and terrain involved, the assignment of Channel 9 to Blossburg would not provide a satisfactory signal to Williamsport and hence would not accomplish the stated objective of Williamsport Radio's proposal.

5. In order to remove the conflict between the two requests, Elmira Television suggests that either Channel 11 or Channel 13 could be assigned to the Blossburg area. It states that Channel 11 could be assigned without making any other changes in the table and that Channel 13 could be assigned to the town of Mansfield, Pennsylvania, located about 10 miles north of Blossburg, by making the following changes in the table.

City	Channel No.	
	Delete	Add
Utica-Rome, N. Y.	13	11
Kingston, Ontario, Canada	11	13
Pembroke, Ontario, Canada	13	11

Station WKTV operates on Channel 13 at Utica, and an authorization has been issued for a station on Channel 11 at Kingston, Ontario.

6. Elmira Television further proposes that Channel 24, presently assigned to Elmira, be shifted to Lock Haven, Pennsylvania, and that the Commission Order Elmira Television to Show Cause why its authorization should not be modified to specify operation on Channel 9 in lieu of Channel 24. Elmira submits that it has conferred with Lock Haven Broadcasting Corporation and has agreed that, in the event Channel 9 is authorized to Elmira Television, and Channel 24 is shifted to Lock Haven, its UHF equipment would be made available to Lock Haven. The agreement also contemplates the operation of a station on Channel 24 at Lock Haven as a "satellite" of Station WTVE and provides that Lock Haven will initiate action to acquire the 10,000 converters now in use in the Elmira area. In order to assign Channel 24 to Lock Haven by deleting it from Elmira, it is suggested that Channel 32 be deleted from Lock Haven, that Channel 45 be substituted for Channel 38 at Sunbury, Pennsylvania, and that Channel 60 be substituted for Channel 24 at Baltimore, Maryland.

7. Lock Haven supports the assignment of Channel 9 to Elmira and opposes its assignment to Blossburg. Lock Haven further supports the request of Elmira for a Show Cause Order and the other amendments necessary to make the assignment of Channel 24 feasible in Lock Haven. Sunbury Broadcasting Corporation opposes this phase of the request, urging that it has expended considerable time and money in connection with an application it plans to file for Channel 38 at Sunbury (BPCT-1934, filed December 21, 1954) and opposes the request of Lock Haven for the substitution of Channel 45 for 38 at that city. Sunbury urges that the public interest would not be served by the Lock Haven proposal since there would be no stability in the assignment table if channels were changed at random to serve the private interest of parties.

8. In support of its request to assign Channel 9 to Blossburg, Williamsport Radio urges that since there are no assignments presently in Blossburg, Channel 9 in that community would not create an intermixture problem. Williamsport argues that, on the other hand, since there are two UHF assignments already in Elmira, the assignment of Channel 9 to that city would create such intermixture and could result in the substitution of one VHF service for two possible UHF services. Williamsport Radio submits that the assignment to Blossburg would constitute a more fair and equitable distribution of available facilities since Pennsylvania—excluding Philadelphia—has 1,500,000 more persons than New York—excluding New York City—it has five fewer VHF assignments. Williamsport notes that one of the Commission's objectives in assigning VHF channels is to obtain the broadest possible distribution and that Channel 9 would be further removed from any existing VHF assignment at Blossburg than at Elmira. Williamsport Radio also urges that, assuming operation with 100 kw at 500 feet antenna height, operation at Blossburg would provide a first service to a greater area and population.

9. Elmira Television argues that if the objective of Williamsport Radio is to bring a first television service to Williamsport, the proposed assignment of a channel to Blossburg, a small community of only 1,954 people, would violate good assignment principles since satisfactory service could not be provided to Williamsport and since the Rules require that the main studio of a station be located in the principal community to be served. Elmira Television argues,

further, that virtually all of the "white area" referred to by Williamsport Radio would be served by an operation at Elmira with maximum power and height. In its reply Williamsport Radio submits that assignments of VHF channels have been made to small communities; that need for a first service is greater in Blossburg than need for a third service in Elmira; that no showing of paramount public interest has been made by Elmira Television for a Show Cause Order; that the request of Lock Haven is predicated upon a grant of the assignment of Channel 9 for use by Elmira Television and is without merit; and that, even assuming the use of maximum facilities, a station at Blossburg would provide more of a first VHF service than would one at Elmira. With respect to the proposed assignment of Channel 11 to the Blossburg area in order to remove the conflict, Williamsport Radio points out that the area in which Channel 11 can be assigned is a very small one in which there are no communities and lies closer to Elmira than to Williamsport. This area, about one-half square mile, is situated about 7 miles north of Blossburg and 38 miles from Williamsport. Williamsport Radio further points out that the elevation in the area in question is lower than the surrounding terrain and that a station located there may not provide a satisfactory service to Williamsport. With respect to the proposed assignment of Channel 13 to Mansfield, Williamsport Radio points out that such an assignment would require a change in the channel assignment of one existing United States station and also changes in two Canadian assignments, on one of which there is an outstanding construction permit.

10. WBRE–TV, Inc., permittee of Station WBRE–TV on Channel 28 at Wilkes-Barre, Pennsylvania; Wyoming Valley Broadcasting Company, permittee of Station WILK–TV on Channel 34 at Wilkes-Barre, and Scranton Broadcasters, Inc., permittee of Station WGBI–TV on Channel 22 at Scranton, Pennsylvania, filed a joint comment opposing the proposals of both Elmira and Williamsport Radio. These parties urge that the North Central and North Eastern sections of Pennsylvania and the South Central portion of New York are predominantly UHF areas since only WNBF–TV in Binghamton operates on the sole VHF channel assignment in the area; that they have expended large sums of money in developing the UHF market in the Wilkes-Barre-Scranton area; that the proposed assignment of Channel 9 to either Blossburg or Elmira would create an intermixture of VHF and UHF signals in portions of their present service areas; that UHF cannot effectively compete with VHF; and that this would adversely affect not only the stations of the parties but UHF assignments in other communities and would reduce the number of local stations providing service to the viewing public. These parties request that an oral hearing be held on this matter. Southern Tier Radio Service, Inc., permittee of Station WINR–TV authorized to operate on Channel 40 in Binghamton, opposes the assignment of Channel 9 to Elmira, asserting that it has incurred expenses in excess of $50,000 in the prosecution of its application; that it proposes to bring a second service to the Binghamton area; that the assignment of Channel 9 would have an adverse effect on its UHF station since a VHF station in Elmira would place a Grade B service over the entire Binghamton metropolitan area; that experience has shown that a UHF station cannot survive the competition from two VHF stations in the same area; and that it would tend to discourage the development of UHF in many communities and result in a lesser number of competitive services.

11. In reply to the comments of the UHF permittees, Elmira Television and Williamsport Radio submit that the proposed assignments would increase the VHF service in the service areas of the stations involved by only a negligible amount; that Binghamton is already an intermixed area in view of the operation of a station on Channel 12 in that city and the VHF signals which are received in the area from Syracuse; and that intermixture is an integral part of the assignment plan. Elmira Television opposes the request of these parties for oral hearing, contending that it would serve no useful purpose and would merely delay a final decision in this matter.

12. Copper City Broadcasting Corporation, licensee of Station WKTV on Channel 13 at Utica, New York opposes the proposal of Elmira Television for the assignment of Channel 13 to Mansfield, Pennsylvania, which would require Station WKTV to shift from Channel 13 to Channel 11. Copper City urges that it has provided the only television service to Utica for five years; that the proposed change would cost about $26,000; that it would cost the public about $860,000 to make adjustments or changes in antenna installations; that it would require the station to be off the air for about a two-week period; and that it has expended over $200,000 in promotion and publicity for the operation of the station on Channel 13. Copper City also requests a hearing or oral argument in the instant matter.

13. We are faced in this proceeding with two mutually exclusive proposals: One seeks the assignment of Channel 9 to Elmira, a city of some 50,000 persons; the other requests the assignment of this channel to Blossburg, a community of some 2,000 persons. In either case, Channel 9 would represent the first VHF assignment in the community and could be accomplished in accordance with the Commission's minimum mileage requirements. No channels have been assigned to Blossburg, and while there are two UHF assignments at Elmira, there are no stations presently on the air in that city.

14. UHF permittees in Wilkes-Barre, Scranton and Binghamton oppose the assignment of a VHF channel in either Elmira or Blossburg. We have carefully considered the contentions of the UHF broadcasters opposing the VHF assignment. As we pointed out in the Report and Order adopted November 10, 1955, in which we added a new channel assignment to Vail Mills, New York, the Commission does not believe that it would be in the public interest to withhold valuable frequencies, for which active demand is indicated, when channels can be added to the present Table of Assignments without violating the established minimum separations or other existing television standards, or otherwise departing from the basic structure of the present television allocations plan. While the Commission has, on November 10, 1955, initiated a rule making proceeding to consider proposals for nationwide revision of the present television assignments and standards, we do not believe it would be either justifiable or desirable, pending the outcome of that proceeding, to block the potential expansion of television services in a situation such as this, where a new assignment can be added to the present Table in complete conformity with all existing requirements. Channel 9 is available for assignment under our Rules in the Elmira-Blossburg area. We believe the record in this proceeding supports the assignment of a VHF channel in the area and the public interest, in our view, would be served by the addition.

15. Having determined that the assignment of Channel 9 in the Elmira-Blossburg area would serve the public interest, we must next decide to which community the channel should be assigned since the requests before us are mutually exclusive. Upon our consideration of the record before us, we have determined that the assignment of Channel 9 to Elmira is to be preferred. The need for this assignment in Elmira, in our view, outweighs the comparative need for this frequency in Blossburg. We are not unmindful in reaching this result of the stated objective of Williamsport Radio in seeking Channel 9 for Blossburg to afford a first VHF service to Williamsport, a city of some 45,000 persons. Nevertheless, Channel 9 cannot, under our mileage separation requirements, be assigned to Williamsport directly, and Blossburg is approximately 30 miles distant from Williamsport.

16. While we have determined that Channel 9 should be assigned to Elmira, we are of the view that this assignment should be made available for application by any interested party, and that Elmira Television's request for the issuance of a Show Cause Order to it to enable Station WTVE to operate on this assignment should be rejected. Since the request and counterproposal of Lock Haven relative to shifting Channel 24 to Lock Haven and changing channel assignments at Baltimore and Sunbury are premised upon a grant of a Show Cause Order to Elmira Television, which we have not issued, there is no need to consider its proposals further.

17. We believe Elmira Television's proposals to remove the conflict involving Channel 9 by assigning either Channel 11 or 13 to the area near Blossburg are without merit. Channel 11 may be assigned in a very small area containing no community of any size, with such terrain and at such a distance as to make it infeasible as a location for operation of a television station to serve Williamsport. To assign Channel 13 to Mansfield, changes would be necessitated in the assignment of an existing United States station and two Canadian assignments. The Commission is of the view that such changes may be justified only upon a clear showing that the public interest would be served thereby. No such showing has been made here. Further, the assignment of Channel 13 to Mansfield presents some of the drawbacks which we found in the Channel 11 proposal.

18. Nor do we see any necessity for the holding of an oral hearing or oral argument, as requested by WBRE-TV, Inc., Wyoming Valley Broadcasting Company and Scranton Broadcasters, Inc. Adequate opportunity has been afforded all interested parties to participate in this proceeding, and the lengthy comments submitted provide a sufficient basis for a decision in the matter before us. Oral argument or an oral hearing is unnecessary and would serve no useful purpose.

19. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

20. In view of the foregoing: *It is ordered*, That effective January 6, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the community named is concerned, as follows:

(a)

City:	Channel No.
Elmira, N. Y.	9−, 18+, 24−

(b) Change the offset carrier requirements for Channel 9 at Washington, D. C., from 9 minus to 9 even and in Greenville, North Carolina, from 9 even to 9 minus.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: November 30, 1955.

Released: December 5, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-9857; Filed, Dec. 7, 1955; 8:49 a. m.]

[1] Commissioners Bartley, Hyde and Webster dissenting. Dissenting statement of Commissioner Hyde filed as part of original document.

[Rules Amdt. 7-6]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 7 of the Commission's rules governing stations on land in the maritime services.

The Commission having under consideration certain editorial changes in Part 7 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of Section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and § 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 5th day of December 1955, that effective immediately, Part 7, Stations on Land in the Maritime Services, is amended to include the editorial changes set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 5, 303, 66 Stat. 713, 48 Stat. 1082, as amended; 47 U. S. C. 155, 303)

Released: December 5, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

A. Part 7 is amended as follows:

1. Section 7.601 (a) is amended as follows:

Change the addresses of the following Radio District Offices:

Radio district	*Address of the engineer in charge*
4.	400 McCawley Building, 400 East Lombard Street, Baltimore 2, Maryland.
5.	(Delete "Ship Office: Room 200, U. S. Post Office Building, Newport News, Virginia" listed under Radio District No. 5.)
6.	718 Atlanta National Building, 50 Whitehall Street SW., Atlanta 3, Georgia. Sub-office: P. O. Box 77, 214 Post Office Building, Savannah, Georgia.
8.	608 Federal Building, 600 South Street, New Orleans 12, Louisiana. Sub-office: 419 U. S. Courthouse and Customhouse, Mobile 10, Alabama.
9.	(NOTE: Main office address unchanged—change Sub-office address to read as follows:) Sub-office: P. O. Box 1527, (329 Post Office Building, 300 Willow Street), Beaumont, Texas.
10.	P. O. Box 5238, 500 U. S. Terminal Annex Building, (Houston and Jackson Streets), Dallas 22, Texas.
12.	323-A Customhouse (555 Battery Street), San Francisco 26, California.
14.	802 Federal Office Building (1st Avenue and Marion), Seattle 4, Washington.
15.	521 New Customhouse (19th between California and Stout Streets), Denver 2, Colorado.
17.	3100 Federal Office Building, 911 Walnut Street, Kansas City 6E, Missouri.
23.	(NOTE: Main office address unchanged—change Sub-office address to read as follows:) Sub-office: P. O. Box 1421, 6 Shattuck Building, Juneau, Alaska.
24.	Briggs Building, 22d and E Streets NW., Washington 25, D. C.

2. Section 7.601 (b) is amended as follows:

Change the addresses of Regional Offices Nos. 1, 2, 3, and 4 to read:

Region No. 2—718 Atlanta National Building, 50 Whitehall Street SW., Atlanta 3, Georgia. To include: Districts Nos. 6, 7, 8, 9, 10 and 22.

Region No. 3—323-A Customhouse (555 Battery Street), San Francisco 26, California. To include: Districts Nos. 11, 12 and 15.

Region No. 4—802 Federal Office Building (First Avenue and Marion), Seattle 4, Washington. To include: Districts Nos. 13, 14 and 23.

3. Section 7.601 (c) is amended to read as follows:

(c) The primary monitoring stations of the Field Engineering and Monitoring Bureau are located at the following addresses:

Federal Communications Commission, Allegan Monitoring Station, P. O. Box 89, Allegan, Michigan.

Federal Communications Commission, Grand Island Monitoring Station, P. O. Box 788, Grand Island, Nebraska.

Federal Communications Commission, Kingsville Monitoring Station, P. O. Box 632, Kingsville, Texas.

Federal Communications Commission, Millis Monitoring Station, P. O. Box 458, Millis, Massachusetts.

Federal Communications Commission, P. O. Box 1142, Lanikai Monitoring Station, Lanikai, Oahu, Hawaii.

Federal Communications Commission, Santa Ana Monitoring Station, P. O. Box 744, Santa Ana, California.

Federal Communications Commission, Laurel Monitoring Station, P. O. Box 31, Laurel, Maryland.

Federal Communications Commission, Livermore Monitoring Station, P. O. Box 989, Livermore, California.

Federal Communications Commission, Portland Monitoring Station, P. O. Box 5165, Portland 16, Oregon.

Federal Communications Commission, Powder Springs Monitoring Station, P. O. Box 98, Powder Springs, Georgia.

4. Section 7.601 (d) is amended to read as follows:

(d) Secondary monitoring stations of the Field Engineering and Monitoring Bureau are located at the following addresses:

Federal Communications Commission, P. O. Box 5098, Fort Lauderdale, Florida.

Federal Communications Commission, P. O. Box 251, Chillicothe, Ohio.

Federal Communications Commission, P. O. Box 1448, Muskogee, Oklahoma.

Federal Communications Commission, Searsport, Maine; P. O. Box 44, Belfast, Maine.

Federal Communications Commission, P. O. Box 191, Spokane, Washington.

Federal Communications Commission, P. O. Box 499, Twin Falls, Idaho.

Federal Communications Commission, P. O. Box 719, Anchorage, Alaska.

Federal Communications Commission, P. O. Box 810, Fairbanks, Alaska.

[F. R. Doc. 55-9858; Filed, Dec. 7, 1955; 8:49 a. m.]

[Rules Amdt. 8-7]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 8 of the Commission's rules governing stations on shipboard in the maritime services.

The Commission having under consideration certain editorial changes in Part 8 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under

the provisions of section 4 of the Administrative Procedure Act is unnecessary and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and § 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 5th day of December 1955, that, effective immediately, Part 8, Stations on Shipboard in the Maritime Services, is amended to include the editorial changes set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 5, 303, 66 Stat. 713, 48 Stat. 1082, as amended; 47 U. S. C. 155, 303)

Released: December 5, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 8 is amended as follows:

1. Change the Note following § 8.49 (b) to read as follows:

NOTE: A list of general exemptions is contained in § 8.803.

2. Section 8.554 (b) is amended to read as follows:

(b) Each type of auto alarm approved by the Commission prior to July 23, 1951, is approved as to its type, for use on board ship as provided by Section 353 of the Communications Act or by the applicable provisions of the Safety Convention, until such time as the Commission, in consideration of developments with respect to improved types of autoalarms, may terminate, in accordance with appropriate rule making proceedings, such type approval.

3. Section 8.501 (d) is amended to read as follows:

(d) Safety Certificates, Safety Radiotelegraphy Certificates and Safety Radiotelephony Certificates are required, in accordance with the Safety Convention, to be posted in a permanent and accessible place in the ship.

4. In § 8.801 (a) make the following changes:

a. In the column headed Radio District, insert the numeral 2 opposite the address 748 Federal Building, 641 Washington Street, New York 14, New York.

b. Change the addresses of the following Radio District offices:

Radio district	*Address of the engineer in charge*
4.	400 McCawley Building, 400 East Lombard Street, Baltimore 2, Maryland.
5.	(Delete "Ship Office: Room 200, U. S. Post Office Building, Newport News, Va." listed under Radio District No. 5.)
6.	718 Atlanta National Building, 50 Whitehall Street SW., Atlanta 3, Georgia. Sub-office: P. O. Box 77, 214 Post Office Building, Savannah, Georgia.
8.	608 Federal Building, 600 South Street, New Orleans 12, Louisiana. Sub-office: 419 U. S. Courthouse and Customhouse, Mobile 10, Alabama.
9.	(NOTE: Main office address unchanged—change Sub-office address to read as follows): Sub-office: P. O. Box 1527 (329 Post Office Building, 300 Willow Street), Beaumont, Texas.
10.	P. O. Box 5238, 500 U. S. Terminal Annex Building (Houston and Jackson Streets), Dallas 22, Texas.
12.	323–A Customhouse (555 Battery Street), San Francisco 26, California.
14.	802 Federal Office Building (First Avenue and Marion), Seattle 4, Washington.
15.	521 New Customhouse (19th between California and Stout Streets), Denver 2, Colorado.
17.	3100 Federal Office Building, 911 Walnut Street, Kansas City 6E, Missouri.
18.	826 U. S. Courthouse Building, 219 South Clark Street, Chicago 4, Illinois.
23.	(NOTE: Main office address unchanged—change Sub-office address to read as follows:) Sub-office: P. O. Box 1421, 6 Shattuck Building, Juneau, Alaska.
24.	Briggs Building, 22d and E Streets NW., Washington 25, D. C.

5. Section 8.801 (b) is amended as follows:

Change the addresses of Regional Offices Nos. 1, 2, 3 and 4 to read:

Region No. 1—954 Federal Building, 641 Washington Street, New York 14, New York. To include: Districts Nos. 1, 2, 3, 4, 5, 20 and 24.

Region No. 2—718 Atlanta National Building, 50 Whitehall Street SW., Atlanta 3, Georgia. To include: Districts Nos. 6, 7, 8, 9, 10 and 22.

Region No. 3—323–A Customhouse (555 Battery Street), San Francisco 26, California. To include: Districts Nos. 11, 12 and 15.

Region No. 4—802 Federal Office Building (First Avenue and Marion), Seattle 4, Washington. To include: District Nos. 13, 14 and 23.

6. Section 8.801 (c) is amended to read as follows:

(c) The primary monitoring stations of the Field Engineering and Monitoring Bureau are located at the following addresses:

Federal Communications Commission, Allegan Monitoring Station, P. O. Box 89, Allegan, Michigan.

Federal Communications Commission, Grand Island Monitoring Station, P. O. Box 788, Grand Island, Nebraska.

Federal Communications Commission, Kingsville Monitoring Station, P. O. Box 632, Kingsville, Texas.

Federal Communications Commission, Millis Monitoring Station, P. O. Box 458, Millis, Massachusetts.

Federal Communications Commission, P. O. Box 1142, Lanikai Monitoring Station, Lanikai, Oahu, Hawaii.

Federal Communications Commission, Santa Ana Monitoring Station, P. O. Box 744, Santa Ana, California.

Federal Communications Commission, Laurel Monitoring Station, P. O. Box 31, Laurel, Maryland.

Federal Communications Commission, Livermore Monitoring Station, P. O. Box 989, Livermore, California.

Federal Communications Commission, Portland Monitoring Station, P. O. Box 5165, Portland 16, Oregon.

Federal Communications Commission, Powder Springs Monitoring Station, P. O. Box 98, Powder Springs, Georgia.

7. Section 8.801 (d) is amended to read as follows:

(d) Secondary monitoring stations of the Field Engineering and Monitoring Bureau are located at the following addresses:

Federal Communications Commission, P. O. Box 5098, Fort Lauderdale, Florida.

Federal Communications Commission, P. O. Box 251, Chillicothe, Ohio.

Federal Communications Commission, P. O. Box 1448, Muskogee, Oklahoma.

Federal Communications Commission, Searsport, Maine, P. O. Box 44, Belfast, Maine.

Federal Communications Commission, P. O. Box 191, Spokane, Washington.

Federal Communications Commission, P. O. Box 499, Twin Falls, Idaho.

Federal Communications Commission, P. O. Box 719, Anchorage, Alaska.

Federal Communications Commission, P. O. Box 810, Fairbanks, Alaska.

[F. R. Doc. 55–9859; Filed, Dec. 7, 1955; 8:49 a. m.]

[Docket 11254; FCC 55–1184]

[Rules Amdt. 10–7]

PART 10—PUBLIC SAFETY RADIO SERVICES

CONELRAD PLAN

In the matter of amendment of Part 10 of the Commission's rules and regulations to effectuate the Commission's CONELRAD Plan for the Public Safety Radio Services.

The Commission has before it for consideration its Notice of Proposed Rule Making in the above captioned matter published January 26, 1955 (20 F. R. 565).

No formal comments have been filed in this matter.

These amendments to Part 10 of the Commission's rules are promulgated under the authority of sections 303 (r) and 606 (c) of the Communications Act as amended and the Executive Order 10312 signed by the President December 10, 1951.

Accordingly, it is ordered, That Part 10 of the Commission's rules and regulations be amended to include the rules set forth below, effective January 2, 1957, or on such earlier date as the Commission, by subsequent order, may designate.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended, sec. 606, 65 Stat. 4087; 47 U. S. C. 303, 606; E. O. 10312, 16 F. R. 12452; 3 CFR, 1951 Supp.)

Adopted: November 30, 1955.

Released: December 5, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

The following new section is added to Part 10.

§ 10.166 *CONELRAD rules for the Public Safety Radio Services*—(a) *Scope and objective.* (1) This section applies to all radio stations in the Public Safety Radio Services located within the Continental U. S. and is for the purpose of providing for the alerting and operation of radio stations in these services during periods of air attack or imminent threat thereof. The objective is to minimize

the navigational aid that may be obtained by an enemy from the electromagnetic radiations emanating from radio stations in the Public Safety Radio Services while simultaneously providing for continued radio service under controlled conditions when such operation is essential to the public welfare.

(2) The Commission will release and maintain a CONELRAD Manual which may be used by licensees in the Public Safety Radio Services as a guide in selecting methods of alerting and operating radio stations in these services in order to effect compliance with the requirements of this section.

(b) *General.* All radio stations in the Public Safety Radio Services are required to provide for receiving the Radio Alert and to operate in accordance with this section.

(c) *Definitions.* (1) The term "CONELRAD" is a contraction of the words "Control of Electromagnetic Radiation" and is the general term applied to the controlled operation of radio facilities under the authority of Executive Order 10312 dated December 10, 1951.

(2) CONELRAD Radio Alert is the term applied to the Military Warning that an air attack is probable or imminent which automatically orders the immediate implementation of CONELRAD procedures for all radio stations. The CONELRAD Radio Alert is distinct from the military or Civil Air Defense Warning Yellow or Red, but may be coincidental with such warnings.

(3) An Air Defense Control Center (ADCC) is an air operations center from which an Air Division (Defense) Commander supervises and coordinates air defense activities within an air defense sector, including dissemination of warnings, identification and security of air traffic, and the utilization of available combat forces in support of the National Air Defense effort.

(4) The CONELRAD Radio All Clear is the Department of Defense order to discontinue CONELRAD requirements as imposed by an outstanding CONELRAD Radio Alert. It is initiated only by the Air Division (Defense) Commander or higher military authority.

(5) As used in this section the term "licensee" means the holder of any form of authority issued by the Federal Communications Commission pursuant to which a radio station may be operated including construction permits, station licenses, temporary authorizations, etc.

(d) *Alerting.* The licensee of a radio station in the Public Safety Radio Services will be responsible for making provisions to receive the CONELRAD Radio Alert and for receiving the CONELRAD Radio Alert. Public Safety Radio systems comprised of one or more base and/or fixed stations with associated mobile units may, if desired, be alerted at only one point, normally the control point of the primary base station. The control point receiving the Alert will be responsible for the dissemination of the CONELRAD Radio Alert to all stations integrated into the single radio system and insuring that all such associated stations execute CONELRAD requirements immediately. Base fixed or mobile stations not directly receiving the CONELRAD Radio Alert must use caution after an "out of service" period to insure that a CONELRAD Radio Alert is not in progress before making any transmissions. Radio stations in the Public Safety Radio Services will immediately comply with CONELRAD rules and regulations upon receipt of one or more of the following alerts:

(1) Initiation of CONELRAD plans by Standard, FM and TV broadcast stations.

(2) Receipt of a CONELRAD Radio Alert or Civil Defense Warning Yellow if no CONELRAD Radio Alert is issued, or Civil Defense Warning Red if neither a CONELRAD Radio Alert nor a Warning Yellow is issued, from a Civil Air Defense Warning Network or extension thereof.

(3) By other means, if so authorized by the Federal Communications Commission.

(e) *Operation during a CONELRAD Radio Alert.* Immediately upon receipt of a CONELRAD Radio Alert all radio stations in the Public Safety Radio Services will operate in accordance with the following limitations unless specifically directed otherwise by the Federal Communications Commission:

(1) No transmissions shall be made unless they are of extreme emergency affecting the national safety or the safety of people and property.

(2) Transmissions shall be as short as possible. The station carrier shall be removed from the air during periods of no message transmission.

(3) No station identification shall be given either by announcement of FCC Assigned Call Signals or announcement of station location. If identification is necessary to carry on the service, special station or unit identifiers may be used in accordance with § 10.152 (b).

(f) *Special limitations.* In addition to limitations specified in this section, it may be necessary for the Commission to require that some radio stations in the Public Safety Radio Services remain silent or operate under special limitations during the CONELRAD Radio Alert. Such decision shall be made after a special investigation and the specific station shall be notified if special limitations are required. Special limitation requirements generally will be necessary for radio stations in the Public Safety Radio Services operating below 3200 kc.

(g) *All clear.* At the conclusion of the CONELRAD Radio Alert and when the CONELRAD All Clear is issued, each Standard, FM and TV broadcast station will broadcast an All Clear message. Radio stations in the Public Safety Radio Services may resume normal operation when the CONELRAD Radio All Clear message is transmitted by Standard, FM or TV broadcast stations unless otherwise restricted by the Federal Communications Commission.

(h) *Alerting system test.* Tests of the Public Safety Radio Services alerting system may be conducted from time to time to insure proper compliance with alerting requirements.

(i) *CONELRAD operating plan tests.* Tests of the Public Safety Radio Services CONELRAD operating plan may be conducted whenever such tests are determined to be necessary or desirable.

(j) *Log entries.* Appropriate records of all CONELRAD tests and operation shall be maintained as a part of the log of radio stations in the Public Safety Radio Services.

(k) *Special operation.* In certain cases the Commission may authortze specific stations to operate during a CONELRAD Radio Alert in a manner not covered by this section; provided, such operation is determined to be necessary in the interest of National Defense or the public welfare.

[F. R. Doc. 55–9860; Filed, Dec. 7, 1955; 8:49 a. m.]

[Docket 11488; FCC 55–1183]

[Rules Amdt. 12–16]

PART 12—AMATEUR RADIO SERVICE

CONELRAD PLAN

In the matter of amendment to Part 12 of the Commission's rules and regulations to effectuate the Commisson's CONELRAD Plan for the Amateur Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of November 1955;

The Commission has before it its Notice of Proposed Rule Making in the above captioned matter published September 7, 1955 (20 F. R. 6565), and the comments that were filed.

It appearing that all comments received were favorable and supported the Proposed Rules; and

It further appearing that at the present time all radio services with the exception of the Amateur Radio Service operate under mandatory or voluntary CONELRAD Rules; and

It further appearing that it would be in the public interest for all amateur licensees to voluntarily comply with these Rules until the date on which the rules become mandatory; and

It further appearing that these amendments to Part 12 are promulgated under the authority of sections 303 (r) and 606 (c) of the Communications Act and the Executive Order 10312 signed by the President December 10, 1951;

It is ordered, That Part 12 of the Commission's rules and regulations be amended to include the rules set forth below, effective January 2, 1957, or on such earlier date as the Commission by subsequent order, may designate.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended, sec. 606, 65 Stat. 4087; 47 U. S. C. 303, 606; E. O. 10312, 16 F. R. 12452; 3 CFR, 1951 Supp.)

Released: December 5, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 12 of the Commission's rules is amended by adding the following new sections:

NOTE: These rules apply to Continental U. S. only.

CONELRAD

§ 12.190 *Scope and objective of CONELRAD.* Control of Electromagnetic Radiation applies to all radio stations in the Amateur Radio Service and is for the purpose of providing for the alerting and operation of radio stations in this service during periods of air attack or imminent threat thereof. The objective is to minimize the navigational aid that may be obtained by an enemy from the electromagnetic radiations emanating from radio stations in the Amateur Radio Service while simultaneously providing for a continued service under controlled conditions when such operation is essential to the public welfare.

§ 12.191 *CONELRAD Radio Alert.* The CONELRAD Radio Alert is the term applied to the Military Warning that an air attack is probable or imminent and which automatically orders the immediate implementation of CONELRAD procedures for all radio stations. The CONELRAD Radio Alert is distinct from the military or Civil Air Defense warnings yellow or red, but may be coincidental with such warnings.

§ 12.192 *Reception of Radio Alert.* (a) The licensee of a station in the Amateur Radio Service is required to provide a means for reception of the CONELRAD Radio Alert or a means for the determination that such alert is in force.

(b) All operators of stations in the Amateur Radio Service will be responsible for the reception of the CONELRAD Radio Alert or indication that such alert is in force by:

(1) Reception of a CONELRAD Radio Alert message which will be broadcast by each standard, FM and TV broadcast station on its regular assigned frequency before they leave the air; or

(2) Reception of standard broadcast stations operating under CONELRAD requirements during the period of the alert on 640 or 1240 kc; or

(3) Determining that an alert is in force by lack of normal broadcast station operation (observations made before amateur station operation is begun and at least once every ten minutes during operation thereafter will be considered as sufficient for compliance with this section); or

(4) Other means if so authorized by the Federal Communications Commission.

§ 12.193 *Operation during an alert.* During a CONELRAD Radio Alert the operation of all amateur radio stations, except stations in the Radio Amateur Civil Emergency Services (RACES) and stations specifically authorized otherwise, will be immediately discontinued until the Radio All Clear is issued. Stations in the RACES and such others as are specifically authorized to operate during the alert will conduct operation under the following restrictions.

(a) No transmission shall be made unless it is of extreme emergency affecting the national safety or the safety of life and property.

(b) Transmissions shall be as short as possible.

(c) No station identification shall be given, either by transmission of call letters or by announcement of location (if station identification is necessary to carry on the service, tactical calls or other means of identification will be utilized in accordance with § 12.246).

(d) The radio station carrier shall be discontinued during periods of no message transmission.

§ 12.194 *Special operation.* In certain cases, the Federal Communications Commission may authorize specific stations to operate during a CONELRAD Radio Alert in a manner not governed by §§ 12.190 to 12.196, provided, such operation is determined to be necessary in the interest of National Defense or the public welfare.

§ 12.195 *Resumption of normal operation.* At the conclusion of a CONELRAD Radio Alert, each standard, FM and TV broadcast station will broadcast a CONELRAD Radio All Clear Message. Unless otherwise restricted by order of the Federal Communications Commission, normal operation of stations in the Amateur Radio Service may be resumed upon reception of the CONELRAD Radio All Clear. Only the CONELRAD Radio All Clear will authorize termination of the CONELRAD Radio Alert.

§ 12.196 *CONELRAD tests.* So far as practicable, tests and practice operation will be conducted at appropriate intervals.

[F. R. Doc. 55-9861; Filed, Dec. 7, 1955; 8:50 a. m.]

[Rules Amdt. 14-4]

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 14 of the Commission's rules governing public fixed stations and stations of the maritime services in Alaska.

The Commission having under consideration certain editorial changes in Part 14 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and § 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 5th day of December 1955, that effective immediately, Part 14, Public Fixed Stations and Stations of the Maritime Services in Alaska, is amended to include the editorial changes set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 5, 303, 66 Stat. 713, 48 Stat. 1082, as amended; 47 U. S. C. 155, 303)

Released: December 5, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 14 is amended as follows:

1. Section 14.25 (a) is amended to read as follows:

(a) The rules relating to applications set forth in the rules and regulations governing stations in the maritime services (Subparts B of Parts 7 and 8 of this chapter) shall apply to stations of these services in the Alaska area so far as they are consistent with this part.

2. Section 14.106 is amended by deleting the note at the end of the section.

3. Section 14.107 is amended by deleting the note at the end of the section.

4. Section 14.108 is amended by deleting the note at the end of the section.

5. In § 14.204 (a), delete the text of subparagraph (6) and insert in lieu thereof the word [Reserved].

6. Section 14.263 is amended as follows:

a. Delete subparagraphs (1) (2) and (3) of paragraph (a).

b. Delete paragraph (b) and subparagraphs (1) and (2) thereof.

c. Section 14.263 as amended reads as follows:

§ 14.263 *Frequencies for temporary use in all zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use, in accordance with Subpart E of this part, temporarily for a limited period as designated herewith; for public coast stations in Alaska and for ship stations in Alaskan waters employing primarily telephony (telegraphy also is permissible) for ship-shore and ship-to-ship communication upon the condition that no interference will result to other services:

(1) 1660 and 3201—available for maritime mobile service (on a shared basis with fixed service) under the respective provisions of subparagraphs (2) and (3) of this paragraph until not later than January 1, 1957, only to ship and coast stations licensed to transmit on the respective frequency before June 20, 1955;

(2) Use of the frequency 1660 kc shall be coordinated as necessary with use of the frequency 1666 kc by fixed stations in the Alaska area so as to avoid harmful interference;

(3) At locations where use of the frequency 1660 kc or 3201 kc for maritime mobile service after September 15, 1955, causes harmful interference to the service of a licensed fixed station or stations operating in accordance with applicable provisions of this part, or to any authorized government service, the station using either of these frequencies for maritime mobile service shall, except in an emergency involving the immediate safety of life or property, limit its transmissions to such periods of time as will not cause such interference.

[F. R. Doc. 55-9862; Filed, Dec. 7, 1955; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

SWEET CHERRIES [1]

U. S. STANDARDS

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Sweet Cherries pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES

Sec.
51.1337 U. S. No. 1.
51.1338 U. S. Commercial.

UNCLASSIFIED

51.1339 Unclassified.

APPLICATION OF TOLERANCES

51.1340 Application of tolerances.

DEFINITIONS

51.1341 Similar varietal characteristics.
51.1342 Mature.
51.1343 Fairly well colored.
51.1344 Well formed.
51.1345 Clean.
51.1346 Damage.
51.1347 Diameter.
51.1348 Serious damage.

AUTHORITY: §§ 51.1337 to 51.1348 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.1337 *U. S. No. 1.* "U. S. No. 1" consists of cherries of similar varietal characteristics which are mature, but not soft, overripe, or shriveled, and which are fairly well colored, well formed, clean, and free from decay, worms or worm holes, undeveloped doubles and sun scald and free from damage caused by bruises, cracks, disease, hail, other insects, limbrubs, pulled stems, russeting, scars, skin breaks, sunburn, sutures, or mechanical or other means.

(a) Unless otherwise specified, the minimum diameter of each cherry shall be not less than three-fourth inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(b) In order to allow for variations incident to proper grading and handling, not more than 5 percent, by count, of the cherries in any lot may fail to meet the specified minimum diameter and not more than 10 percent, by count, may fail to meet any specified maximum diameter. In addition, not more than a total of 10 percent, by count, of the cherries in any lot may fail to meet the remaining requirements of the grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 1 percent for cherries affected by decay. (See § 51.1340.)

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 51.1338 *U. S. Commercial.* "U. S. Commercial" consists of cherries which meet the requirements of U. S. No. 1 grade except for minimum diameter and except for the increased tolerances specified in this section.

(a) Unless otherwise specified, the diameter of each cherry shall be not less than five-eighths inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(b) In order to allow for variations incident to proper grading and handling, not more than 5 percent, by count, of the cherries in any lot may fail to meet the specified minimum diameter and not more than 10 percent, by count, may fail to meet any specified maximum diameter. In addition, not more than a total of 20 percent, by count, of the cherries in any lot may fail to meet the remaining requirements of the grade: *Provided*, That not more than one-fourth of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 1 percent for cherries affected by decay. (See § 51.1340.)

UNCLASSIFIED

§ 51.1339 *Unclassified.* "Unclassified" consists of cherries which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.1340 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains one pound or less, individual packages may contain not more than double the tolerance specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

DEFINITIONS

§ 51.1341 *Similar varietal characteristics.* "Similar varietal characteristics" means that the cherries in any container are similar in color and shape.

§ 51.1342 *Mature.* "Mature" means that the cherries have reached the stage of growth which will insure the proper completion of the ripening process.

§ 51.1343 *Fairly well colored.* "Fairly well colored" means that the cherries show characteristic color for mature cherries of the variety.

§ 51.1344 *Well formed.* "Well formed" means that the cherry has the normal shape characteristic of the variety, except that mature well developed doubles shall be considered well formed when each of the halves is approximately evenly formed.

§ 51.1345 *Clean.* "Clean" means that the cherries are practically free from dirt, dust, spray residue, or other foreign material.

§ 51.1346 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual cherry or the general appearance of the cherries in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Cracks within the stem cavity when deep or not well healed, or when the appearance is affected to a greater extent than that of a cherry which has a superficial well healed crack one-sixteenth inch in width extending one-half the greatest circumference of the stem cavity;

(b) Cracks outside of the stem cavity when deep or not well healed, or when the crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing and handling, or when materially affecting the appearance;

(c) Hail injury when deep or not well healed, or when the aggregate area exceeds the area of a circle three-sixteenths inch in diameter;

(d) Insects when scale or more than one scale mark is present, or when the appearance is materially affected by any insect;

(e) Limbrubs when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(f) Pulled stems when the skin or flesh is torn, or when the cherry is leaking;

(g) Russeting when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(h) Scars when excessively deep or rough or dark colored and the aggregate area exceeds the area of a circle three-sixteenths inch in diameter, or when smooth or fairly smooth, light colored

and superficial and the aggregate area exceeds the area of a circle one-fourth inch in diameter;

(i) Skin breaks when not well healed or when the appearance of the cherry is materially affected; and,

(j) Sutures when excessively deep or when affecting the shape of the cherry to the extent that it is not well formed.

§ 51.1347 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry.

§ 51.1348 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the cherry. Seriously damaged cherries include the following:

(a) Decay;

(b) Wormy cherries or cherries with worm holes;

(c) Skin breaks which are not well healed;

(d) Cracks which are not well healed; and,

(e) Pulled stems with skin or flesh of cherry torn or which causes the cherry to leak.

Dated: December 5, 1955.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-9853; Filed, Dec. 7, 1955; 8:48 a. m.]

[7 CFR Part 52]

CANNED ORANGE JUICE [1]

U. S. STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Grades of Canned Orange Juice (§§ 52.1551–52.1553) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.). This revision, if made effective, will be the seventh issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1551 Product description.
52.1552 Styles of canned orange juice.
52.1553 Grades of canned orange juice.

FILL OF CONTAINER

52.1554 Recommended fill of container.

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

FACTORS OF QUALITY

Sec.
52.1555 Ascertaining the grade.
52.1556 Ascertaining the rating for the factors which are scored.
52.1557 Color.
52.1558 Absence of defects.
52.1559 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.1560 Definitions of terms and methods of analyses.

LOT CERTIFICATION TOLERANCES

52.1561 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1562 Score sheet for canned orange juice.

AUTHORITY: §§ 52.1551 to 52.1562 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1551 *Product description.* Canned orange juice is the undiluted, unconcentrated, unfermented juice obtained from mature fresh fruit of the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines, which fruit has been properly washed; is packed with or without the addition of a non-liquid nutritive sweetening ingredient or sweetening ingredients; and is sufficiently processed by heat to assure preservation of the product in hermetically-sealed containers.

§ 52.1552 *Styles of canned orange juice.* (a) Style I, Unsweetened (or natural juice).

(b) Style II Sweetened (or with added sweetening ingredient). Canned orange juice of this style shall have been processed with the addition of sufficient nutritive sweetening ingredient or sweetening ingredients to produce a Brix measurement of not less than 10.5°: *Provided,* That if the acidity of the canned orange juice is 0.90 gram or more per 100 ml. of juice, the Brix shall be not less than 11.5°.

§ 52.1553 *Grades of canned orange juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned orange juice that shows no coagulation; that possesses a very good color; that is practically free from defects; that possesses a very good flavor; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned orange juice that may show slight coagulation; that possesses a good color; that is fairly free from defects; that possesses a good flavor; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(c) "Substandard" is the quality of canned orange juice that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER

§ 52.1554 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be as full of orange juice as practicable and that the product occupy not less than 90 percent of the volume capacity of the container.

FACTORS OF QUALITY

§ 52.1555 *Ascertaining the grade.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(a) *Factor not rated by score points.* (1) Degree of coagulation.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color	40
(ii) Absence of defects	20
(iii) Flavor	40
Total score	100

§ 52.1556 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1557 *Color*—(a) *(A) classification.* Canned orange juice that possesses a very good color may be given a score of 34 to 40 points. "Very good color" means that the orange juice possesses a bright yellow to yellow-orange color typical of freshly extracted juice and is free from browning due to scorching, oxidation, caramelization, or other causes.

(b) *(C) classification.* If the canned orange juice possesses a good color, a score of 28 to 33 points may be given. Canned orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good color" means that the orange juice may be slightly amber or very light in color but is typical of canned orange juice and may show evidence of slight browning, but is not off-color.

(c) *(SStd) classification.* Canned orange juice that for any reason fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1558 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from recoverable oil; from particles of membrane, core, or skin; from seeds or seed particles; and from other defects.

(b) *(A) classification.* Canned orange juice that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that there may be present not more than 0.030 percent by volume of recoverable oil and that the juice does not contain particles of membrane, core, or skin, seeds or seed particles, or other defects that affect more than slightly the appearance of the product.

(c) *(C) classification.* If the canned orange juice is fairly free from defects, a score of 14 to 16 points may be given. Canned orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present not more than 0.050 percent by volume of recoverable oil and that the juice does not contain particles of membrane, core, or skin, seed or seed particles, or other defects that affect materially the appearance of the product.

(d) *(SStd) classification.* Canned orange juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1559 *Flavor*—(a) *(A) classification.* Canned orange juice that possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means a fine, distinct canned orange juice flavor which is free from traces of scorching, caramelization, oxidation, or terpene; is free from off flavors of any kind; and meets the following requirements for the respective style:

(1) *Style I, Unsweetened (or natural juice)*—(i) *Brix.* Not less than 10.5°;

(ii) *Acid.* Not less than 0.75 gram nor more than 1.45 grams per 100 ml. of juice: *Provided,* That when the canned orange juice has a color that scores 38 to 40 points, the acidity may be not less than 0.70 gram per 100 ml. of juice; and

(iii) *Brix-acid ratio.* Not less than 9 to 1 if the Brix is 11.5° or more; not less than 10 to 1 if the Brix is less than 11.5°; and not more than 18 to 1.

(2) *Style II, Sweetened (or with added sweetening ingredient)*—(i) *Brix.* Not less than 10.5°: *Provided,* That, if the acidity is 0.90 gram or more per 100 ml. of juice, the Brix shall be not less than 11.5°.

(ii) *Acid.* Not less than 0.75 gram nor more than 1.45 grams per 100 ml. of juice: *Provided,* That when the canned orange juice has a color that scores 38 to 40 points, the acidity may be not less than 0.70 gram per 100 ml. of juice; and

(iii) *Brix-acid ratio.* Not less than 11 to 1 if the Brix is 12.5° or more; not less than 12 to 1 if the Brix is less than 12.5°; and not more than 18 to 1: *Provided,* That when the Brix is 15° or more, the Brix-acid ratio may be less than 11 to 1.

(b) *(C) classification.* If the canned orange juice possesses a good flavor, a score of 28 to 33 points may be given. Canned orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good flavor" means a good, normal canned orange juice flavor which may have a slightly carmelized or slightly oxidized flavor but is free from off flavors of any kind and meets the following requirements for the respective style:

(1) *Style I, Unsweetened (or natural juice)*—(i) *Brix.* Not less than 10.0°;

(ii) *Acid.* Not less than 0.55 gram nor more than 1.60 grams per 100 ml. of juice; and

(iii) *Brix-acid ratio.* Not less than 9.0 to 1.

(2) *Style II, Sweetened (or with added sweetening ingredient)*—(i) *Brix.* Not less than 10.5°: *Provided,* That if the acidity is 0.90 gram or more per 100 ml. of juice, the Brix shall be not less than 11.5°.

(ii) *Acid.* Not less than 0.65 gram nor more than 1.65 grams per 100 ml. of juice; and

(iii) *Brix-acid ratio.* Not less than 11 to 1 if the Brix is 12.5° or more; not less than 12 to 1 if the Brix is less than 12.5°: *Provided,* That when the Brix is 15° or more, the Brix-acid ratio may be less than 11 to 1.

(c) *(SStd) classification.* Canned orange juice that fails to meet the requirements of paragraph (b) of this section, or is off flavor for any reason, may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1560 *Definitions of terms and methods of analyses*—(a) *Brix.* "Brix" means the degrees Brix of canned orange juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in the "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of canned orange juice may be determined by any other method which gives equivalent results.

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 ml. of canned orange juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(c) *Recoverable Oil.* "Recoverable oil" in canned orange juice is determined by the following method:

(1) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 or Figure 2.[1]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(2) *Procedure.* (i) Exactly 2 liters of juice are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute.

(ii) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(iii) The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

[1] Filed as part of the original document.

LOT CERTIFICATION TOLERANCES

§ 52.1561 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned orange juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of equality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.1562 *Score sheet for canned orange juice.*

Size and kind of container			
Container mark of identification:			
Cans			
Cases			
Label (including ingredient statement, if any)			
Liquid measure (fluid ounces)			
Vacuum (inches)			
Style			
Brix (degrees)			
Acid (grams/100 ml.: calculated as anhydrous citric acid)			
Brix-acid ratio (:1)			
Recoverable oil (% by volume)			
Degree of coagulation: ( ) None. ( ) Serious. ( ) Slight.			
Factors	**Score points**		
Color	40	(A) 34–40 (C) [1] 28–33 (SStd) [1] 0–27	
Absence of defects	20	(A) 17–20 (C) [1] 14–16 (SStd) [1] 0–13	
Flavor	40	(A) 34–40 (C) [1] 28–33 (SStd) [1] 0–27	
Total score	100		
Grade			

[1] Indicates limiting rule.

Dated: December 5, 1955.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-9854; Filed, Dec. 7, 1955; 8:48 a. m.]

[7 CFR Part 52]

DEHYDRATED GRAPEFRUIT JUICE [1]

U. S. STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Dehydrated Grapefruit Juice pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq.; 7 U. S. C. 1621 et seq.). This issuance, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.3021 Product description.
52.3022 Styles of dehydrated grapefruit juice.
52.3023 Grades of dehydrated grapefruit juice.

FACTORS OF QUALITY

52.3024 Ascertaining the grade.
52.3025 Ascertaining the rating for the factors which are scored.
52.3026 Color.
52.3027 Defects.
52.3028 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.3029 Definition of terms.
52.3030 Methods of analyses.

LOT CERTIFICATION TOLERANCES

52.3031 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.3032 Score sheet for dehydrated grapefruit juice.

AUTHORITY: §§ 52.3021 to 52.3032 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.3021 *Product description.* Dehydrated grapefruit juice (Crystals) is the product initially obtained from clean, sound, mature fruit of the grapefruit tree (Citrus paradisi). The fruit is prepared by sorting and by washing prior to extraction of the juice; the extracted juice is concentrated and single-strength grapefruit juice extracted from sorted and washed fruit may or may not be admixed to the concentrate. The concentrated grapefruit juice is processed in accordance with good commercial practice and may be dehydrated immediately or frozen and stored at suitable temperatures. The concentrated grapefruit juice to which an amount of sodium bisulfite may have been added is dehydrated in accordance with good commercial practice. Cold-pressed grapefruit oil, granules of sorbitol, or other nutritive sweetening ingredients may be added to the product in such amounts as to provide a proper flavor to the reconstituted product. The product thus prepared is packaged with a desiccant in hermetically sealed containers and held at proper temperatures to assure stabilization of the product. The dehydrated grapefruit juice reconstitutes into single-strength grapefruit juice. The sulfur dioxide content of the dehydrated grapefruit juice is not less than 100 p. p. m. nor more than 250 p. p. m.

§ 52.3022 *Styles of dehydrated grapefruit juice.* (a) Style I (unsweetened) contains no added sweetening ingredients except sorbitol. Dehydrated grapefruit juice of this style tests not less than 9 degrees Brix when properly reconstituted.

(b) Style II (sweetened) contains sufficient nutritive sweetening ingredient or sweetening ingredients to produce a Brix measurement of not less than 11.5 degrees Brix when properly reconstituted

§ 52.3023 *Grades of dehydrated grapefruit juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of dehydrated grapefruit juice that contains not more than 3 percent, by weight, of moisture; has a porous open structure free from lumps or other signs of caking; and which dissolves readily in water to produce a grapefruit juice that is reasonably characteristic in appearance to fresh grapefruit juice. The reconstituted juice possesses a very good color; is practically free from defects; possesses a good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of dehydrated grapefruit juice that contains not more than 3 percent, by weight, of moisture; has a reasonably porous open structure free from lumps; and which dissolves reasonably readily in water to produce a grapefruit juice that is fairly characteristic in appearance to fresh grapefruit juice. The reconstituted juice possesses a good color; is reasonably free from defects; possesses a reasonably good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

FACTORS OF QUALITY

§ 52.3024 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(1) *Factors not rated by score points.* (i) Moisture content.

(ii) Physical condition and faculty of dissolving readily in water.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
Color	40
Defects	20
Flavor	40
Total score	100

§ 52.3025 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "17 to 20 points" means 17, 18, 19, or 20 points). The rating is ascertained immediately after the product has been reconstituted to single-strength grapefruit juice.

§ 52.3026 *Color*—(a) *(A) classification.* Dehydrated grapefruit juice of which the reconstituted juice possesses a very good color may be given a score of 34 to 40 points. "Very good color" means that the color is bright and typical of juice freshly extracted from properly matured grapefruit and is free from discoloration of any kind.

(b) *(B) classification.* If the reconstituted juice possesses a good color a score of 28 to 33 points may be given. Dehydrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product, (this is a limiting rule), "Good color" means that the color is fairly typical of juice extracted from properly matured grapefruit which juice may be dull but is not off-color for any reason.

(c) *(SStd) classification.* If the reconstituted juice fails to meet the requirements of paragraph (b) of this section a score of 0 to 27 points may be given and the product shall not be graded above Substandard regardless of the total score for the product, (this is a limiting rule).

§ 52.3027 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from seeds or portions thereof, pulp, dark specks, improperly rehydrated grapefruit material, or other defects that affect the appearance or drinking quality of the reconstituted juice.

(b) *(A) classification.* Dehydrated grapefruit juice of which the reconstituted juice is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that the appearance and drinking quality of the juice is not materially affected by defects.

(c) *(B) classification.* If the reconstituted juice is only reasonably free from defects a score of 14 to 16 points may be given. Dehydrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the appearance and drinking quality of the juice is not seriously affected by defects.

(d) *(SStd) classification.* Dehydrated grapefruit juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.3028 *Flavor*—(a) *(A) classification.* Dehydrated grapefruit juice of which the reconstituted juice possesses a good flavor may be given a score of 34 to 40 points. "Good flavor" means that the reconstituted dehydrated grapefruit juice has a flavor typical of properly processed, good canned grapefruit juice which is free from off-flavors of any kind. To score in this classification the reconstituted juice shall meet the following requirements:

(1) Recoverable oil—not less than 0.006 nor more than 0.012 milliliters per 100 ml.

(2) Acid—not less than 0.85 gram per 100 milliliters.

(3) Brix-acid ratio for the respective style:

(i) Style I (unsweetened)—not less than 8 to 1 nor more than 14 to 1;

(ii) Style II (sweetened)—not less than 11.0 to 1 nor more than 14 to 1.

(b) *(B) classification.* If the reconstituted juice possesses a reasonably good flavor a score of 28 to 33 points may be given. Dehydrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means that the reconstituted dehydrated grapefruit juice has a flavor reasonably typical of canned grapefruit juice and is free from off-flavors of any kind. To score in this classification the reconstituted juice shall meet the following requirements:

(1) Recoverable oil—not less than 0.008 nor more than 0.020 ml. per 100 ml.

(2) Acid—not less than 0.70 gram per 100 ml.

(3) Brix-acid ratio for the respective styles:

(i) Style I (unsweetened)—not less than 7 to 1 nor more than 14 to 1.

(ii) Style II (sweetened)—not less than 11 to 1 nor more than 14 to 1.

(c) *(SStd) classification.* Dehydrated grapefruit juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade C or U. S. Choice regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.3029 *Definition of terms.* (a) "Reconstituted juice" means the product obtained by dissolving an entire package of dehydrated grapefruit juice in the volume of water specified by the manufacturer.

(b) "Dissolves readily" means that (1) the product dissolves readily in the prescribed amount of cold water with only a reasonable amount of stirring, (2) the fruit particles rehydrate readily, and (3) there is no rapid separation of colloidal or suspended matter.

(c) "Dissolves reasonably readily" means that (1) the product may require excessive stirring, beating or whipping to dissolve the solids, (2) fruit particles may not rehydrate readily, and/or (3) colloidal or other suspended material is not held in suspension for a reasonable length of time.

(d) "Acid" means the percent, by weight, of acid (calculated as anhydrous citric acid) in the reconstituted grapefruit juice and is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(e) The "Brix" of the reconstituted juice means the degree Brix as determined by the Brix hydrometer calibrated at 20 degrees Centigrade (68 degrees Fahrenheit) and to which any applicable temperature correction has been applied.

§ 52.3030 *Methods of analyses.* (a) "Recoverable oil" is determined by the following method:

(1) *Equipment.* Oil separatory trap similar to either of these illustrated in Figure 1 and Figure 2.[1]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
Three-liter narrow-neck flask.

(2) *Procedure.* Place exactly 2 liters of the reconstituted juice in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the mixture to a boil. Continue boiling for one hour at the rate of approximately 50 drops per minute. By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask; allow it to cool, and record the amount of oil recovered. The number of milliliters of oil recovered divided by 20 is equivalent to the number of milliliters of oil per 100 milliliters of the reconstituted juice.

(b) The "moisture content" of the dehydrated grapefruit juice is determined as follows:

(1) A 3- to 5-gram sample is weighed into an aluminum weighing dish 1½ to 2 inches in diameter, having a tight-fitting cover. The samples are dried in a vacuum oven for 30 hours at a temperature of 60 degrees centigrade (140 degrees F.) and a pressure not exceeding 100 mm of mercury. During the drying period air is passed through H_2SO_4 and admitted through the release cock at the rate of approximately two bubbles per second. At the end of the drying period the dishes are removed from the oven, the covers are placed on immediately and the dishes allowed to cool in a desiccator prior to final weighing. Sampling and weighing is carried out as rapidly as possible under low humidity conditions.

(c) The "sulfur dioxide" content of the dehydrated grapefruit juice is determined by the following method:

(1) The Monier-Williams method for total sulfurous acid as approved by the Association of Official Agricultural Chemists and using a 50-gram sample of the dehydrated grapefruit juice.

LOT CERTIFICATION TOLERANCES

§ 52.3031 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of dehydrated grapefruit juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored;

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.3032 *Score sheet for dehydrated grapefruit juice.*

Size and kind of container	
Container mark or identification	
Label (including dilution factor)	
Net weight	
Brix of the reconstituted juice	
Anhydrous citric acid (grams per 100 milliliters in the reconstituted juice)	
Brix-acid ratio	
Recoverable oil (ml./100 ml. of the reconstituted juice)	
Reconstitutes properly: (Yes) (No).	

Factors		Score points	
Color	40	(A)	34–40
		(B) [1]	28–33
		(SStd) [1]	0–27
Defects	20	(A)	17–20
		(B) [1]	14–16
		(SStd) [1]	0–13
Flavor	40	(A)	34–40
		(B) [1]	28–33
		(SStd) [1]	0–27
Total score	100		
Grade			

[1] Indicates limiting rule.

Dated: December 2, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55–9817; Filed; Dec. 7, 1955; 8:45 a. m.]

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[1] Filed as part of the original document.

Commodity Stabilization Service

[7 CFR Part 730]

RICE

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO MARKETING QUOTAS, NATIONAL, STATE, AND COUNTY ACREAGE ALLOTMENTS, AND FORMULATION OF REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1956 CROP

Pursuant to the authority contained in applicable provisions of the Agricul-

tural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1352, 1353, 1354), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1956 crop of rice, to determine and proclaim the national acreage allotment for the 1956 crop of rice, to apportion among States and counties the national acreage allotment for the 1956 crop of rice, and to formulate regulations for establishing farm acreage allotments and normal yields for the 1956 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1955 the Secretary determines that the total supply of rice for the 1955–56 marketing year will exceed the normal supply for such marketing year by more than 10 per centum, the Secretary shall, not later than December 31, 1955, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1956.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for any calendar year shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the five calendar years immediately preceding the calendar year for which such national acreage allotment is determined, produce an amount of rice adequate, together with the estimated carry-over from the marketing year ending in such calendar year, to make available a supply for the marketing year commencing in such calendar year not less than the normal supply but that the national allotment for 1956 may not be established at less than 85 per centum of the final allotment established for 1955. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31 of each year.

As defined in Section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carryover of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1–July 31.

Section 353 (a) of the act requires that the national acreage allotment of rice for the 1956 crop, less a reserve of not to exceed one per centum thereof, be apportioned among the several States in which rice is produced in proportion to the average number of acres of rice in each State during the 5-year period, 1951–1955 (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs) with adjustments for trends in acreage during such period. Section 353 (b) of the act requires that the State acreage allotment of rice for the 1956 crop, less a reserve not to exceed three per centum thereof, be apportioned to farms owned or operated by persons who have produced rice in any one of the five calendar years, 1951 through 1955, on the basis of past production of rice in the State by the producer on the farm taking into consideration the acreage allotments previously established in the State for such owners or operators; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice. Provision is made that if the State committee recommends such action and the Secretary determines such action will facilitate the effective administration of the act, he may provide for the apportionment of the State acreage allotment to farms on which rice has been produced during any one of such period of years on the basis of the foregoing factors, using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for such owners or operators.

Section 353 (c) of the act provides that if farm acreage allotments are established by using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for owners or operators, the State acreage allotment shall be apportioned among counties in the State on the same basis as the national acreage allotment is apportioned among the States and the county allotments shall be apportioned to farms on the basis of applicable factors set forth in subsection (b) of Section 353.

Section 301 (b) (13) (D) of the act provides that the "normal yield" for any land planted to rice in 1956 shall be the average yield per acre thereof during the five calendar years 1951 through 1955. Provision is made that if for any reason there is no actual yield or the data therefor is not available for any year, an appraised yield for such year, determined in accordance with regulations of the Secretary, shall be used.

It is expected that the regulations pertaining to farm acreage allotments and normal yields for the 1956 crop of rice will be substantially the same as those for the 1955 crop of rice (20 F. R. 385), with the following exceptions:

1. In States where farm acreage allotments are established on the basis of the past production of rice in the State by producers on the farm, only the past production of rice by the producer in the particular State will be considered in establishing 1956 allotments. Similarly, only rice acreage allotments previously established for producers in the State will be given consideration in lieu of rice acreage allotments previously established for producers wherever situated. These changes are required by Public Law 292, 84th Congress (69 Stat. 578).

2. In accordance with Public Law 28, 84th Congress (69 Stat. 45), in States where farm acreage allotments are established on the basis of the past production of rice by producers on the farm in determining such past production, the acreage of rice on the farm for any year for which farm acreage allotments were in effect will be divided among the producers thereon in the same proportion in which they contributed to the farm acreage allotment.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments for the 1956 crop of rice and the formulation of regulations for the establishment of farm acreage allotments and normal yields for the 1956 crop of rice consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than fifteen days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 5th day of December 1955.

[SEAL] EARL M. HUGHES,
Administrator.

[F. R. Doc. 55-9871; Filed, Dec. 7, 1955; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11559; FCC 55-1188]

ALASKA

FREQUENCY ALLOCATIONS

In the matter of Amendment of Parts 2 and 3 of the Commission's rules and regulations to revise frequency allocations in the Territory of Alaska in the band 72–100 Mc.

1. Notice is hereby given of rule making in the above-entitled matter.

2. On September 7, 1955, the Commission adopted an order (FCC 55-931), effective October 12, 1955, in this proceeding, which, in part, amended Part 2 and Part 3 of the Commission's rules so as to reallocate in the Territory of Alaska only the frequency band 76–100 Mc for the exclusive use of Government radio services and the non-Government fixed service. Prior to the adoption of the above order, this band of frequencies was available for assignment to FM and TV broadcast stations in the Territory of Alaska.

3. Among the amendments adopted in the above order, §§ 3.203 and 3.204 of the rules were revised so as to prohibit the assignment of frequencies for FM broadcast stations in the 88.1 Mc through 99.9 Mc band (Channels 201 through 260) in the Territory of Alaska. Since the only frequencies allocated for noncommercial educational FM broadcasting in § 3.501 of the rules are 88.1 Mc through 91.9 Mc, and these frequencies are among those which have been reallocated in Alaska, there are now no frequencies available for noncommercial educational FM broadcast use in Alaska.

4. The Commission proposes to conform § 3.501 with Part 2 and §§ 3.203 and 3.204, as revised, and also to provide therein that the frequencies allotted for commercial FM broadcast use in the 100.1–107.9 Mc band (Channels 261 through 300) will also be available for noncommercial educational FM broadcasting in Alaska. To date, no FM broadcast assignments have been made in Alaska, and we are of the view that this band of frequencies can accommodate all the commercial and noncommercial educational FM broadcast assignments which may be required in Alaska in the future.

5. In view of the foregoing, it is proposed to amend § 3.501 of the Commission's rules as follows:

a. Insert the paragraph designator (a) after the title of § 3.501.

b. Add a new paragraph (b) to read as follows:

(b) In the Territory of Alaska, the frequency band 88–100 Mc is allocated to Government radio services and the non-Government fixed service only. The frequencies 88.1 Mc through 91.9 Mc (Channels 201 through 220, inclusive) will not be assigned in the Territory of Alaska for use by noncommercial educational FM broadcast stations; however, frequencies in the 100.1–107.9 Mc band (Channels 261 through 300, inclusive) will be assigned for such use.

6. Authority for the issuance of the proposed amendment is contained in sections 4 (i), 303 (c), (g) and (r) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the amendment proposed should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before January 2, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider such comments before taking final action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 30, 1955.

Released: December 5, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9863; Filed, Dec. 7, 1955; 8:50 a. m.]

[47 CFR Part 16]

[Docket No. 11558; FCC 55-1186]

LAND TRANSPORTATION RADIO SERVICES

AUTOMOBILE EMERGENCY RADIO SERVICE

Amendment of Subpart K of Part 16 of the Commission's Rules Governing the Land Transportation Radio Services.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The provisions governing permissible communications in the Automobile Emergency Radio Service are contained in § 16.502 (a) and (b) of Part 16 of the Commission's rules. At present, only the two following types of communications are authorized:

a. Any communications related to the safety of life or the protection of important property.

b. Communications required for dispatching repair trucks to disabled vehicles.

A petition filed by the American Automobile Association requests that automobile clubs authorized in the Automobile Emergency Radio Service be permitted to use their licensed radio facilities to observe and report traffic conditions from the air. The purpose of this proposed use of radio is described as to improve the safety of vehicular traffic and avoid unnecessary arterial congestion on holidays, weekends and other occasions of abnormal vehicular traffic movement.

3. It is believed that the above petition warrants the institution of a rule making proceeding looking toward modification of the existing rules governing the Automobile Emergency Radio Service, to provide for the limited use of radio by associations of owners of private automobiles for the secondary purpose of reporting on traffic conditions both from aircraft and from vehicles on the ground. Accordingly, it is proposed to amend the appropriate sections of Subpart K, Part 16, of the Commission's Rules governing the Land Transportation Radio Services to provide for the secondary usage of certain frequencies by associations of owners of private automobiles for the purpose of reporting on traffic conditions during periods of abnormal traffic movement. In the case of mobile units aboard aircraft, it is proposed to permit the use of the frequencies 452.55 or 457.55 Mc only. The proposed amendments are as follows:

1. Amend § 16.502 *Permissible communications* by the addition of a new paragraph (c) to read as follows:

(c) Associations of owners of private automobiles which provide emergency road service may, on a secondary basis, transmit communications for the purpose of reporting traffic conditions on occasions of abnormal vehicular congestion. Such communications are authorized only on a non-interference basis to those authorized in paragraphs (a) and (b) of this section.

2. Delete the present § 16.503 *Frequencies available for base and mobile stations* and substitute a new section to read as follows:

§ 16.503 *Frequencies available for base and mobile stations.* (a) The frequencies 35.70 and 35.98 Mc are primarily available for assignment to Base Stations and to Mobile Stations, other than those aboard aircraft, which are operated by public garages. In addition, at the discretion of the Commission, these frequencies may be assigned to Base Stations and to Mobile Stations other than those aboard aircraft, which are operated by or on behalf of associations of owners of private automobiles, upon a showing that: (1) The same applicant has previously held an authorization for the operation of a station or stations in the same area on that frequency, or (2) one or both of the frequencies specified in paragraph (b) of this section are currently assigned to stations operated in the same area by or on behalf of another such association with which the applicant is not directly affiliated.

(b) For the purpose of developmental operations, the following frequencies are available for assignment to Base Stations and to Mobile Stations, including those aboard aircraft, which are operated by or on behalf of associations of owners of private automobiles:

Base and Mobile	*Mobile*
Mc	*Mc*
452.55	457.55

4. Petitioner has indicated that close cooperation will be maintained with the police authorities in all areas where the airborne scheme is put into operation. However, the proposed rules do not now include any specific requirement in this regard. The Commission would appreciate the views of police departments, particularly with regard to this aspect of the proposal.

5. Authority for this proposed amendment is contained in sections 4 (i), 303 (b), (f) and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before December 30, 1955, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed 10 days from the last day for filing the said original data, views or arguments. No additional comments may be filed unless (1) specifically re-

quested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: November 30, 1955.

Released: December 5, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F R. Doc. 55-9864; Filed, Dec. 7, 1955; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 72]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 1, 1955.

The Bureau of Public Roads has filed an application, Serial No. Arizona 06615, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for road construction materials for use on a portion of Arizona Forest Highway Route 19, near Beaverhead Lodge.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 8½ N., R. 30 E., unsurveyed,
Sec. 14: S½SE¼NE¼SW¼, S½SW¼NE¼SW¼, N½NE¼SE¼SW¼, N½NW¼SE¼SW¼.

The area described totals 20 acres in the Apache National Forest.

E. R. TRAGITT,
State Lands and Minerals, Staff Officer.

[F. R. Doc. 55-9822; Filed, Dec. 7, 1955; 8:45 a. m.]

[Document 73]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 1, 1955.

The Bureau of Public Roads has filed an application, Serial No. Arizona 09061, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for construction material Forest Highway 3, on the Flagstaff-Clints Well route and Forest Highway 10, on the Pine-Winslow route.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 14 N., R. 10 E.,
Sec. 32: N½SW¼NW¼, N½SE¼SW¼NW¼.

The area described totals 25 acres in the Coconino National Forest.

E. R. TRAGITT,
State Lands and Minerals, Staff Officer.

[F. R. Doc. 55-9823; Filed, Dec. 7, 1955; 8:45 a. m.]

[Document 74]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 1, 1955.

The Bureau of Public Roads has filed an application, Serial No. Arizona 09036, for the withdrawal of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws. The applicant desires the land for a source of materials for construction of Forest Highway 10 on the Pine-Winslow route.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 13 N., R. 9 E.,
Sec. 27: S½NE¼SE¼SW¼, S½NW¼SE¼SW¼, E½SE¼SW¼SW¼, S½SE¼SW¼.

The area described totals 35 acres in the Coconino National Forest.

E. R. TRAGITT,
State Lands and Minerals, Staff Officer.

[F. R. Doc. 55-9824; Filed, Dec. 7, 1955; 8:45 a. m.]

[Document 75]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 1, 1955.

The Bureau of Public Roads has filed an application, Serial No. Arizona 08965, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for a source of materials for construction of Forest Highway 3 on the Flagstaff-Clints Well Route.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of and Management, Department of the Interior, 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 19 N., R. 9 E.,
Sec. 28: S½NE¼SW¼, N½SE¼SW¼, SW¼NW¼SE¼, NW¼SW¼SE¼.

The area described totals 60 acres in the Coconino National Forest.

E. R. TRAGITT,
State Lands and Minerals, Staff Officer.

[F. R. Doc. 55-9825; Filed, Dec. 7, 1955; 8:45 a. m.]

[Document 76]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 1, 1955.

The Bureau of Public Roads has filed an application, Serial No. Arizona 08964,

for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for a source of materials for construction of Forest Highway 3 on the Flagstaff-Clints Well Route.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 20 N., R. 7 E.,
Sec. 11: S½SW¼NE¼.

The area described totals 20 acres in the Coconino National Forest.

E. R. TRAGITT,
State Lands and Minerals, Staff Officer.

[F. R. Doc. 55-9826; Filed, Dec. 7, 1955; 8:45 a. m.]

[Document 77]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 1, 1955.

The Bureau of Public Roads has filed an application Serial No. Arizona No. 08953, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for a source of materials for construction of Forest Highway Project 2 on the Williams-Grand Canyon route.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management Department of the Interior, 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 22 N., R. 2 E.,
Sec. 22: W½SE¼NE¼.

The area described totals 20 acres in the Kaibab National Forest.

E. R. TRAGITT,
State Lands and Minerals, Staff Officer.

[F. R. Doc. 55-9827; Filed, Dec. 7, 1955; 8:45 a. m.]

[Document 78]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 1, 1955.

The Bureau of Public Roads has filed an application, Serial No. Arizona 08890 for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for a source of road construction material in connection with construction of Forest Highway 6–D.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 7 N., R. 9 E.,
Sec. 19: E½NE¼SE¼.

The area described totals 20 acres in the Tonto National Forest.

E. R. TRAGITT,
State Lands and Minerals, Staff Officer.

[F. R. Doc. 55-9828; Filed, Dec. 7, 1955; 8:46 a. m.]

[Document 79]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 1, 1955.

The Bureau of Public Roads has filed an application, Serial No. Arizona 08973, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for a source of materials for construction of Forest Highway 6 on the Salt River-Junction F H 9 route.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 6 N., R. 9 E.,
Sec. 19: N½SW¼NE¼.

The area described totals 20 acres in the Tonto National Forest.

E. R. TRAGITT,
State Lands and Minerals, Staff Officer.

[F. R. Doc. 55-9829; Filed, Dec. 7, 1955; 8:46 a. m.]

[Document 80]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 1, 1955.

The Bureau of Public Roads has filed an application, Serial No. Arizona 09035, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for a source of materials for construction of Forest Highway 9 on the Verde River-Roosevelt Dam route.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 9 N., R. 10 E.,
Sec. 29: S½SW¼NE¼.

The area described totals 20 acres in the Tonto National Forest.

E. R. TRAGITT,
State Lands and Minerals, Staff Officer.

[F. R. Doc. 55-9830; Filed, Dec. 7, 1955; 8:46 a. m.]

[Document 81]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 1, 1955.

The Bureau of Public Roads has filed an application, Serial No. Arizona 09099,

for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for a source of materials for construction of Forest Highway 11, on the Payson-Colcord Mountain route.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 12 E.,
Sec. 19: E½NE¼NE¼NE¼, E½SE¼NE¼NE¼.
Sec. 20: W½NW¼NW¼NW¼, W½SW¼NW¼NW¼.

The area described totals 20 acres in the Tonto National Forest.

E. R. TRAGITT,
State Lands and Minerals,
Staff Officer.

[F. R. Doc. 55–9831; Filed, Dec. 7, 1955; 8:46 a. m.]

[Document 82]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 1, 1955.

The Bureau of Public Roads has filed an application, Serial No. Arizona 09100 Amd., for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for a source of materials for construction of Forest Highway 11, on the Payson-Colcord Mountain route.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Department of the Interior, 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 12 E.,
Sec. 29: SE¼NE¼SW¼, SW¼NE¼SE¼.

The area described totals 20 acres in the Tonto National Forest.

E. R. TRAGITT,
State Lands and Minerals,
Staff Officer.

[F. R. Doc. 55–9832; Filed, Dec. 7, 1955; 8:46 a. m.]

[Document 83]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 1, 1955.

The Bureau of Public Roads has filed an application, Serial No. Arizona 09098, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for a source of materials for construction of Forest Highway 12, on the Globe-Holbrook route.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 13 N., R. 18 E.,
Sec. 32: N½SW¼NW¼.

The area described totals 20 acres in Sitgreaves National Forest.

E. R. TRAGITT,
State Lands and Minerals,
Staff Officer.

[F. R. Doc. 55–9833; Filed, Dec. 7, 1955; 8:46 a. m.]

[Document 84]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 1, 1955.

The Bureau of Public Roads has filed an application, Serial No. Arizona 09097, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for a source of materials for construction of Forest Highway 12, on the Globe-Holbrook route.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 12 N., R. 18 E.,
Sec. 8: SE¼NW¼NW¼, NE¼SW¼NW¼.

The area described totals 20 acres in Sitgreaves National Forest.

E. R. TRAGITT,
State Lands and Minerals,
Staff Officer.

[F. R. Doc. 55–9834; Filed, Dec. 7, 1955; 8:46 a. m.]

[Document 85]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 1, 1955.

The Bureau of Public Roads has filed an application, Serial No. Arizona 09034, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for a source of materials for construction of Forest Highway 9 on the Verde Valley-Roosevelt Dam route.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 11½ N., R. 9 E.,
Sec. 20: S½NW¼SE¼NE¼, N½SW¼SE¼NE¼, excluding patented HES No. 427.

The area described totals 10 acres more or less in Tonto National Forest.

E. R. TRAGITT,
State Lands and Minerals,
Staff Officer.

[F. R. Doc. 55–9835; Filed, Dec. 7, 1955; 8:46 a. m.]

[Document 86]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 1, 1955.

The Bureau of Public Roads has filed an application, Serial No. Arizona 06476,

for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for a source of material for construction of Forest Highway Route 6, Salt River Valley-Junction F. H. 9 at Hardt Creek and Forest Highway Route 9, Verde Valley-Roosevelt Dam Highway.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 7 N., R. 9 E.,
Sec. 19: NE¼SE¼.
T. 6 N., R. 9 E.,
Sec. 20: NE¼NW¼NE¼.
T. 5 N., R. 8 E.,
Sec. 12: S½SW¼NW¼, N½NW¼NW¼SW¼ (excluding portion of HES 445 lying in this area).
T. 9 N., R. 10 E.,
Sec. 20: W½SE¼NW¼.

The areas described total 88.08 acres more or less in Tonto National Forest.

E. R. TRAGITT,
State Lands and Minerals,
Staff Officer.

[F. R. Doc. 55–9836; Filed, Dec. 7, 1955; 8:46 a. m.]

[Doc. 10, California State Office]

CALIFORNIA

RESTORATION ORDER UNDER FEDERAL POWER ACT

DECEMBER 1, 1955.

Pursuant to determination DA–887–California, of the Federal Power Commission, and in accordance with Order No. 541, section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473–2476), *It is ordered* as follows:

The lands hereinafter described, so far as they are reserved for power purposes, are hereby restored to disposition under the public land laws subject to provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

MOUNT DIABLO MERIDIAN

T. 35 N., R. 9 W.,
Section 28, E½E½NE¼SW¼.

The area described totals 10 acres of land within the boundaries of the Trinity National Forest.

The land was withdrawn pursuant to the filing on September 13, 1921, of an application for a preliminary permit under the Federal Power Act for proposed water-power Project No. 247.

Any disposition of the lands described herein shall be subject to the stipulation that if and when the land is required in whole or in part for power development purposes, any structures or improvements placed thereon which may be found to obstruct or interfere with such development, shall without cost, expense, or delay to the United States, its licensees or permittees, be removed or relocated insofar as may be necessary to eliminate interference with such power development.

The lands described shall be subject to application by the State of California for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended, and the special stipulation provided in the preceding paragraph. Upon publication of this order in the FEDERAL REGISTER, the land described shall be subject to operation of the public land laws relating to National Forests, subject to the right of the State of California, as provided in this paragraph.

The land is within the exterior limits of the Trinity National Forest, and is therefore not subject to the provisions of the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting preference rights to veterans of World War II, and others.

Inquiries relating to these lands shall be addressed to the Manager, Land Office, Room 352 New Federal Building, Sacramento, California.

R. R. BEST,
State Supervisor.

[F. R. Doc. 55–9837; Filed, Dec. 7, 1955; 8:46 a. m.]

[Wisc. 61340]

WISCONSIN

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

1. Plats of survey of omitted lands described below will be officially filed in the Eastern States Land Office, Washington, D. C., effective at 10:00 a. m., on January 6, 1956.

FOURTH PRINCIPAL MERIDIAN, WISCONSIN

T. 37 N., R. 10 E.,
Sec. 29, lot 5;
Sec. 30, lot 9.

The area described aggregates 34.49 acres.

2. Available information indicates that the lands are of a sandy loam formation reaching an elevation of 25 feet above the level of Snowden Lake; that the timbered portion has a cover of second growth spruce, balsam, cedar and white pine, with an alder undergrowth.

3. The above-described lands are hereby opened to disposal only under the Act of February 27, 1925 (43 Stat. 1013, 43 U. S. C. 994) and the Act of August 24, 1954 (68 Stat. 789). Claimants under the 1925 act, supra, have a preferred right of application for a period of 90 days from January 6, 1956. Applications for public lands under the 1954 act, supra, must be filed within one year from January 6, 1956. No patents will be issued for the above-described lands prior to January 7, 1957.

4. Any of the above-described lands not patented under the acts of 1925 and 1954, supra, shall not become subject to disposal under the general public land laws until it is so provided by an appropriate order.

5. Inquiries concerning the above-described lands shall be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

CHARLES P. MEAD,
Acting Manager.

[F. R. Doc. 55–9838; Filed, Dec. 7, 1955; 8:46 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 2, 1955.

The Department of Agriculture, U. S. Forest Service, has filed an application, serial No. Colorado 012292, for the withdrawal from location and entry, under the General Mining Laws, subject to existing valid claims, of the lands described below.

The applicant desires the land for use as public service sites along Colorado Highways No. 7, 14, 119, and 160, and Brainard Lake Truck Trail No. 462.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROOSEVELT NATIONAL FOREST

Colorado Highway No. 7, Roadside Zone—South Saint Vrain Highway

A strip of land 200 feet on each side of the center line of Colorado Highway No. 7 through the following legal subdivisions:

T. 3 N., R. 71 W.,
Sec. 26: NW¼NW¼;
Sec. 27: E½, E½SW¼;
Sec. 32: SE¼;
Sec. 33: S½, SE¼NE¼;
Sec. 34: SW¼NW¼.
T. 2 N., R. 71 W.,
Sec. 5: N½N½;
Sec. 6: N½.
T. 2 N., R. 72 W.,
Sec. 1: N½;
Sec. 4: NW¼SE¼, SE¼NW¼.

T. 3 N., R. 73 W.,
Sec. 11: SE¼NW¼;
Sec. 23: NE¼SE¼;
Sec. 24: NW¼SW¼;
Sec. 26: SW¼NE¼.
T. 4 N., R. 73 W.,
Sec. 11: E½SW¼, NW¼SE¼, SW¼NE¼;
Sec. 14: NE¼NW¼.

Colorado Highway No. 14, Roadside Zone—Poudre Canyon Highway

A strip of land 200 feet on each side of the center line of Colorado Highway No. 14 through the following legal subdivisions.

T. 8 N., R. 70 W.,
Sec. 4: SW¼NW¼;
Sec. 5: NE¼NE¼.
T. 9 N., R. 70 W.,
Sec. 31: S½SW¼.
T. 8 N., R. 71 W.,
Sec. 1: N½S½;
Sec. 2: W½SE¼, N½SW¼;
Sec. 3: N½, NE¼SE¼;
Sec. 4: SE¼NE¼, N½S½;
Sec. 5: SW¼NE¼, W½;
Sec. 6: SE¼SE¼.
T. 8 N., R. 72 W.,
Sec. 1: SW¼SE¼, SE¼SW¼;
Sec. 2: W½;
Sec. 3: W½, W½SE¼;
Sec. 4: S½SE¼, SE¼SW¼;
Sec. 5: SE¼, N½;
Sec. 6: N½;
Sec. 8: E½NE¼;
Sec: 9: NW¼;
Sec. 10: NW¼NW¼;
Sec. 11: N½;
Sec. 12: N½, NW¼SW¼.
T. 9 N., R. 72 W.,
Sec. 34: SW¼SW¼;
Sec. 35: SW¼SW¼.
T. 8 N., R. 73 W.,
Sec. 1: NE¼.
T. 9 N., R. 73 W.,
Sec. 31: NW¼SW¼;
Sec. 32: NE¼SE¼;
Sec. 34: S½N½;
Sec. 35: SE¼SE¼.
T. 9 N., R. 74 W.,
Sec. 30: W½SE¼, NE¼SW¼;
Sec. 31: N¼NE¼;
Sec. 32: NE¼SE¼;
Sec. 33: SE¼SE¼, NW¼SW¼;
Sec. 34: SE¼, NE¼SW¼, SW¼SW¼;
Sec. 35: N½SW¼.
T. 7 N., R. 75 W.,
Sec. 5: NW¼NE¼, E½NW¼, SW¼SW¼;
Sec. 7: W½E½, E½W½;
Sec. 18: NW¼, NW¼SW¼.
T. 8 N., R. 75 W.,
Sec. 2: SE¼NE¼, NE¼SE¼, SW¼SE¼;
Sec. 9: SE¼SE¼;
Sec. 10: NE¼SE¼, SW¼SW¼;
Sec. 11: NW¼NE¼, E½NW¼, SW¼NW¼;
Sec. 16: E½, E½SW¼;
Sec. 21: E½;
Sec. 28: E½NE¼, SE¼, SE¼SW¼;
Sec. 32: S½SE¼;
Sec. 33: W½.
T. 9 N., R. 75 W.,
Sec. 36: NE¼NE¼.
T. 6 N., R. 76 W.,
Sec. 2: E½NW¼.
T. 7 N., R. 76 W.,
Sec. 13: E½SE¼;
Sec. 24: NE¼, NW¼SE¼, E½SW¼;
Sec. 25: W½W½, NE¼NW¼;
Sec. 26: E½SE¼;
Sec. 35: NE¼, NW¼SE¼, E½SW¼.

Colorado Highway No. 119, Roadside Zone—Boulder Canyon Highway

A strip of land 200 feet on each side of the center line of Colorado Highway No. 119 through the following subdivisions:

T. 1 N., R. 71 W.,
Sec. 31: S½;
Sec. 32: S½;
T. 1 S., R. 71 W.,
Sec. 6: N½NW¼.
T. 1 N., R. 72 W.,
Sec. 35: E½SE¼;
Sec. 36: S½.
T. 1 S., R. 72 W.,
Sec. 2: NW¼NE¼;
Sec. 8: NE¼SE¼;
Sec. 19: SW¼SW¼.
T. 2 S., R. 72 W.,
Sec. 6: NW¼, NE¼SW¼, W½SE¼;
Sec. 7: NE¼.
T. 1 S., R. 73 W.,
Sec. 13: SW¼SE¼;
Sec. 24: NW¼NW¼, NE¼, NE¼SE¼;
Sec. 36: NE¼.

Colorado Highway No. 160, Roadside Zone—Peak-to-Peak Highway

A strip of land 200 feet on each side of the center line of Colorado Highway No. 160 through the following legal subdivisions:

T. 1 N., R. 72 W.,
Sec. 31: SW¼NW¼.
T. 2 N., R. 72 W.,
Sec. 8: SW¼SW¼, SE¼SE¼;
Sec. 17: SW¼NW¼;
Sec. 18: SE¼NE¼;
Sec. 19: N½NW¼;
Sec. 29: SW¼SW¼;
Sec. 30: SE¼SE¼;
Sec. 31: SE¼SW¼, NE¼SE¼;
Sec. 32: SW¼NW¼.
T. 1 N., R. 73 W.,
Sec. 13: W½;
Sec. 14: E½NE¼;
Sec. 24: W½;
Sec. 25: W½SE¼, SW¼NE¼, E½NW¼;
Sec. 36: E½SE¼.
T. 1 S., R. 73 W.,
Sec. 1: NE¼NE¼.

Truck Trail No. 462, Roadside Zone—Brainard Lake Truck Trail

A strip of land 300 feet on each side of the center line of Truck Trail No. 462 through the following legal subdivisions:

T. 1 N., R. 73 W.,
Sec. 2: NW¼, S½NE¼, NE¼SE¼;
Sec. 3: NE¼;
Sec. 4: N½SE¼, N½SW¼, S½NW¼.

J. ELLIOTT HALL,
Acting State Supervisor.

[F. R. Doc. 55-9856; Filed, Dec. 7, 1955; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11533; FCC 55M-1007]

CENTRAL NEW YORK BROADCASTING CORP.

ORDER ADVANCING HEARING DATE

In re application of Central New York Broadcasting Corporation, Elmira, New York, Docket No. 11533, File No. BPCT-2000; for construction permit for new television broadcast station (Channel 18).

The Hearing Examiner having under consideration a motion to advance hearing date filed November 28, 1955, on behalf of Central New York Broadcasting Corporation, requesting (1) an advancement of the date for commencement of the hearing from January 3, 1956, to December 13, 1955; (2) a waiver of the prehearing conference and other prehearing procedures provided for by sections 1.813 and 1.841 of the Commission's rules; and (3) the scheduling of December 5, 1955, as the date for the applicant to exchange its written direct affirmative case exhibits; and

It appearing that another application that had been designated for comparative hearing in this proceeding (Docket Number 11534) was dismissed by order dated November 30, 1955; and

It further appearing that the motion is supported by good cause, that a grant thereof will conduce to the orderly dispatch of the Commission's business, and that Bureau counsel has informally expressed consent to waiver of time and to a grant of the instant motion; now therefore

It is ordered, This 1st day of December 1955, that the motion to advance hearing date is granted, that applicant's written direct affirmative case exhibits shall be exchanged on or before December 5, 1955, and that the date for the commencement of the hearing in this proceeding is advanced from January 3, 1956, to December 13, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9865; Filed, Dec. 7, 1955; 8:50 a. m.]

[Docket No. 11560, etc.; FCC 55-1192]

OLE MISSISSIPPI BROADCASTING CO. (WSUH) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of E. O. Roden, W. I. Dove and G. A. Pribbenow d/b as Ole Mississippi Broadcasting Company (WSUH), Oxford, Mississippi, Docket No. 11560, File No. BP-9847; East Arkansas Broadcasters, Inc., Wynne, Arkansas, Docket No. 11561, File No. BP-9872; Warren L. Moxley, Blytheville, Arkansas, Docket No. 11562, File No. BP-9922; Sam C. Phillips, Clarence A. Camp and James C. Connolly d/b as Tri-State Broadcasting Service (WHER), Memphis, Tennessee, Docket No. 11563, File No. BMP-6837; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of November 1955;

The Commission having under consideration the above-entitled applications of the Ole Mississippi Broadcasting Company to change the frequency of Station WSUH, Oxford, Mississippi, from 1420 kilocycles to 1430 kilocycles with a power of one kilowatt, daytime only (contingent on the grant of the application of the Tri-State Broadcasting Service for a change in frequncy of Station WHER); East Arkansas Broadcasters, Inc., for a construction permit for a new standard broadcast station to operate on 1400 kilocycles with a power of 250 watts, unlimited time, at Wynne, Arkansas; Warren L. Moxley for a construction permit for a new standard broadcast station to operate on 1410 kilocycles with a power of 500 watts, daytime only, at Blytheville, Arkansas; and the Tri-State Broadcasting Service to change the frequency and increase the power of Station WHER, Memphis, Tennessee, from 1430 kilocycles with a power of one kilowatt, daytime only, to 1410 kilocycles with a power of 5 kilowatts, daytime only (contingent on the grant of the application of the Ole Mississippi Broadcasting Company for a change in frequency of Station WSUH);

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station but that the proposed operations of Warren L. Moxley and Station WHER would result in mutually destructive interference; that the applications of WSUH and WHER are contingent on each other; and that the proposed operations of East Arkansas Broadcasters, Inc., and Tri-State Broadcasting Service would cause interference to each other to the extent that more than 10 percent of the population within the proposed normally protected primary service areas of both operations would be affected in violation of section 3.28 (c) of the Commission's rules; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated September 23, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants, and each of the applicants recognized the mutual interference problems involved; and

It further appearing that the East Arkansas Broadcasters, Inc., in a letter dated October 21, 1955, requested an extension of time in which to file an amendment specifying a different frequency, but that the Commission is of the opinion that it would be expeditious to deny the request for extension, as leave to amend may be granted for good cause shown after designation for hearing; and

It further appearing that the Commission, after consideration of the above replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of East Arkansas Broadcasters, Inc., and Warren L. Moxley, and the availability of other primary service to such areas and populations.

2. To determine areas and populations that would gain or lose primary service from the proposed operations of Stations WSUH and WHER, and the availability of other primary service to such areas and populations.

3. To determine whether the operations proposed by East Arkansas Broadcasters, Inc. and Tri-State Broadcasting Service would cause objectionable interference to each other; and, if so, the nature and extent thereof, the areas and populations affected thereby, and whether, because of the said interference, the proposed operations would comply with section 3.28 (c) of the Commission's rules.

4. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-entitled applications would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

It is further ordered, That the request of East Arkansas Broadcasters, Inc. for additional time to amend its application is denied.

Released: December 2, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9866; Filed, Dec. 7, 1955; 8:50 a. m.]

[Docket No. 11564 etc., FCC 55-1194]

MINERS BROADCASTING SERVICE, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Miners Broadcasting Service, Inc., West Chester, Pennsylvania, Docket No. 11564, File No. BP-8925; Rollins Broadcasting of Delaware, Inc., Philadelphia, Pennsylvania, Docket No. 11565, File No. BP-9500; Lawrence M. C. Smith, d/b as Franklin Broadcasting Company, Philadelphia, Pennsylvania, Docket No. 11566, File No. BP-9633; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of November 1955;

The Commission having under consideration the above-entitled applications for construction permits for new standard broadcast stations to operate on 900 kilocycles, daytime only, by Miners Broadcasting Service, Inc., at West Chester, Pennsylvania, with a power of 500 watts; by Rollins Broadcasting of Delaware, Inc., and by Lawrence M. C. Smith, d/b as Franklin Broadcasting Company at Philadelphia, Pennsylvania, each with a power of 1 kilowatt employing a directional antenna; and pleadings filed by Miners Broadcasting Service, Inc., on November 5, 1954, entitled, "Petition to Reinstate Application and to Modify License of WJWL and Request for Comparative Hearing" wherein it is requested that the Commission direct Rollins Broadcasting, Inc., to show cause why the license of Station WJWL, Georgetown, Delaware, should not be modified so as to specify operation on 1250 kc in lieu of 900 kc; by Rollins Broadcasting of Delaware, Inc., on August 2, 1955, entitled, "Petition to Dismiss Applications of Miners Broadcasting Service, Inc., and Franklin Broadcasting Company and Immediate Grant of Rollins' Pending Application"; and by Wm. Penn Broadcasting Company, licensee of Station WPEN, Philadelphia, Pennsylvania, on December 14, 1955, entitled, "Petition to Designate [Rollins] Application for Hearing";

It appearing that each applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues below, to operate its proposed station but that operation by all stations as proposed would result in mutually destructive interference; and

It further appearing that the proposal of Rollins Broadcasting of Delaware, Inc., would not provide satisfactory service to the city of Philadelphia since the 5 mv/m contour would not encompass the entire residential area of the city as required by the Commission's Standards of Good Engineering Practice; that a grant of the Rollins application might be in contravention of the provisions of section 3.35 of the Commission's rules on multiple ownership because of overlap with the service areas of Stations WJWL, Georgetown, Delaware, and WAMS, Wilmington, Delaware, which stations are licensed to Rollins; and

It further appearing that the proposal of Miners Broadcasting Service, Inc., would involve interference to and from Station WJWL to the extent that the interference received by this proposal would affect more than 10 percent of the population within its primary service area in contravention of section 3.28 (c) of the Commission's rules and that the interference received by WJWL would affect more than 10 percent of the population it now serves; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicants were notified by letters dated April 22, 1955, and August 23, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would serve the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that in its petition filed on November 4, 1954, Miners requested reinstatement of its application, which was dismissed without prejudice on August 19, 1954, at the applicant's request; that originally the application was filed on a site-to-be-determined basis under the Commission's rules at that time; that Rollins opposes reinstatement on the grounds that dismissal left Miners with no rights to reinstatement on a site-to-be-determined basis now precluded by the rules; that on May 23, 1955, Miners tendered an amendment to its application specifying a site; that no reason now obtains for denying the request for reinstatement since the application as amended

could be filed de novo and receive consideration with the other subject applications; and

It further appearing, that in the above-described petition of Miners Broadcasting Service, Inc., requesting the Commission to issue an order requiring Rollins Broadcasting of Delaware, Inc., to show cause why the license of Station WJWL, Georgetown, Delaware, should not be modified to specify operation on 1250 kc instead of 900 kc, it is contended that the public interest would be served by making the 900 kilocycle channel available for assignment to West Chester because no other frequency is available for use in West Chester and because 900 kc is "peculiarly susceptible for assignment" to that city; that Rollins admitted the feasibility of WJWL's operation on 1250 kc when it filed contingent applications on September 24, 1954, for moving WJWL on 900 kc to Philadelphia and for a new standard broadcast station to operate on 1250 kc in Georgetown, Delaware, File Nos. BP-9500 and BP-9501; that in oppositions filed on December 6, 1954, and January 27, 1955, Rollins contended that it should not be subjected to the expense of changing the frequency of WJWL to 1250 kc because in order to maintain its present coverage it would have to increase power on 1250 kc and the estimated cost would approximate $50,000; and

It further appearing that the Commission believes that, as a matter of general policy, show cause orders requiring existing stations to defend their licensed assignments should be issued only under circumstances in which the advantages of the proposed change with respect to an efficient utilization of the frequencies involved are obvious and in which the public interest aspects are clearly defined; that a satisfactory showing has not been made by Miners Broadcasting Service, Inc., that there exists a public need sufficient to warrant the drastic action it seeks; that West Chester, Pennsylvania, is not an underserved area and presently receives primary service from ten existing stations; that the burden of a licensees compliance with a show cause order of this nature is substantial; that a satisfactory showing has not been made by Miners Broadcasting Service, Inc., that the ultimate advantages to the public in requiring WJWL to change its facilities to accommodate the establishment of an additional broadcast service for West Chester have not been demonstrated; and

It further appearing that in a petition filed on August 2, 1955, Rollins Broadcasting of Delaware, Inc., requested that the applications of Miners Broadcasting Service, Inc., and the Franklin Broadcasting Company be dismissed on the grounds that the operation proposed by each would cause extensive interference to WJWL and that, therefore, neither proposal could possibly be granted; that although said proposals may cause interference to WJWL, both applicants are entitled to a hearing on their respective applications with the question of interference to WJWL as one of the issues in the hearing; and

It further appearing that in its petition filed on December 4, 1954, the Wm. Penn Broadcasting Company, licensee of Station WPEN, Philadelphia, Pennsylvania, requested that the application of Rollins Broadcasting of Delaware, Inc. be designated for hearing on an issue designed to determine whether a grant of the Rollins application would be in contravention of section 3.35 of the Commission's rules; and

It further appearing that in an amendment dated October 26, 1955, the Franklin Broadcasting Company changed the location of its proposed station from Ardmore, Pennsylvania, to Philadelphia, Pennsylvania; that the amended proposal, as in the case of the Rollins proposal, would not provide satisfactory service to the city of Philadelphia since the 5 mv/m contour would not encompass the entire residential area of the city as required by the Commission's engineering standards; and that it has not yet been determined whether the antenna system proposed by the Franklin Broadcasting Company in its latest amendment would constitute a hazard to air navigation; and

It further appearing that the Commission, after consideration of the foregoing, is of the opinion that a consolidated hearing is necessary;

It is ordered, That the petition of Miners Broadcasting Service, Inc., for reinstatement of its application is granted and the amendment to the application filed on May 23, 1955, is accepted; and

It is further ordered, That the petition of Miners Broadcasting Service, Inc., requesting the Commission to direct Rollins Broadcasting of Delaware, Inc., to show cause why the frequency of Station WJWL should not be changed from 900 kilocycles to 1250 kilocycles is denied; and

It is further ordered, That the petition of Rollins Broadcasting of Delaware, Inc., requesting the Commission to dismiss the applications of Miners Broadcasting Service, Inc., and the Franklin Broadcasting Company is denied; and

It is further ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the proposals of Rollins Broadcasting of Delaware, Inc., and Franklin Broadcasting Company would provide satisfactory service to the city sought to be served as recommended by the Commission Standards of Good Engineering Practice.

3. To determine whether a grant of the application of Rollins Broadcasting of Delaware, Inc., would be in contravention of the provisions of section 3.35 of the Commission's rules on multiple ownership.

4. To determine whether the antenna system proposed by the Franklin Broadcasting Company would constitute a hazard to air navigation.

5. To determine whether the operations proposed by Miners Broadcasting Service, Inc., Rollins Broadcasting of Delaware, Inc., and the Franklin Broadcasting Company would involve objectionable interference with Station WJWL, or any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine, in light of Issue 5 whether, because of the interference received from Station WJWL, the proposal of Miners Broadcasting Service, Inc., would comply with the provisions of section 3.28 (o) of the Commission's rules.

7. To determine in light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-entitled applications would best provide a fair, efficient and equitable distribution of radio service.

8. To determine, on a comparative basis, which of the stations proposed in the above-entitled applications of Miners Broadcasting Service, Inc.; Rollins Broadcasting of Delaware, Inc.; and Franklin Broadcasting Company would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

It is further ordered, That the Wm. Penn Broadcasting Company, licensee of Station WPEN, Philadelphia, Pennsylvania, is made a party to the proceeding.

Released: December 2, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9867; Filed, Dec. 7, 1955; 8:50 a. m.]

[Docket No. 11567; FCC 55-1195]

CHARLES W. STONE

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Charles W. Stone, Fort Lauderdale, Florida, Docket No. 11567, File No. BP-9626; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of November 1955;

The Commission having under consideration the above-entitled application of Charles W. Stone for a construction permit for a new standard broadcast station to operate on 1470 kilocycles with a power of 1 kilowatt, daytime only, at Fort Lauderdale, Florida; and

It appearing that the applicant is legally, technically and otherwise qualified, except as may appear from the issues specified below, to operate the proposed station, but that the proposed operation may involve interference with Stations WWPB, Miami, Florida, and WAHR, Miami Beach, Florida; and that insufficient information has been submitted to determine whether the applicant is financially qualified; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated August 16, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that a timely reply was filed by the applicant; and

It further appearing that Stations WWPB and WAHR in letters dated August 23 and August 31, 1955, respectively requested that the subject aplication be designated for hearing on the grounds of the above-described interference and that they be made parties to the hearing; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Charles W. Stone is financially qualified to construct and operate the proposed station.

2. To determine the areas and populations which would receive primary service from the proposed operation, and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation would involve objectionable interference with Stations WWPB, Miami, Florida, and WAHR, Miami Beach, Florida, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether in the light of the evidence adduced under the foregoing issues, a grant of the proposed operation would be in the public interest.

It is further ordered, That Paul Brake, licensee of Station WWPB, Miami, Florida; and Alan Henry Rosenson, licensee of Station WAHR, Miami Beach, Florida, are made parties to the proceeding.

Released: December 2, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9868; Filed, Dec. 7, 1955; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2569, G-2570]

CITIES SERVICE GAS CO., AND SIGNAL OIL AND GAS COMPANY

NOTICE OF OPINION NO. 288 AND ORDER

DECEMBER 1, 1955.

Notice is hereby given that on November 28, 1955, the Federal Power Commission issued its opinion and order adopted November 23, 1955, issuing certificates of public convenience and necessity under section 7 (c) of the Natural Gas Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9843; Filed, Dec. 7, 1955; 8:47 a. m.]

[Docket No. G-9504]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF APPLICATION

DECEMBER 2, 1955.

Take notice that Kansas-Nebraska Natural Gas Company, Inc. (Applicant), a Kansas corporation with its principal place of business at Phillipsburg, Kansas, filed an application on October 18, 1955, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of natural gas facilities and to render service as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 9 miles of 8-inch gas pipeline and a measuring station and to serve Central Nebraska Public Power & Irrigation District its entire fuel requirements for the operation of its proposed 100,000 kw electric generating plant to be located approximately 5 miles southeast of Lexington, Nebraska.

The estimated third year requirement of the plant is 5,000,000 Mcf, which Applicant states will be delivered on an interruptible basis, subject to curtailment during peak winter operations or emergencies and therefore such service will neither affect the capacity of Applicant's system nor service to any of its firm customers.

Applicant states that its system primarily serves an agricultural area wherein there are a limited number of industrial customers which consequently reduces the opportunity for Applicant to operate its facilities at a high load factor. Providing gas service to the proposed electric generating plant will increase Applicant's present load factor of about 52 percent to an estimated 59 percent.

The estimated cost of the proposed facilities is $177,000 and Applicant states that no major financing will be required.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 22, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9839; Filed, Dec. 7, 1955; 8:47 a. m.]

[Docket No. G-9721]

REBSTOCK & REEVES DRILLING CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Rebstock & Reeves Drilling Company (Applicant), on November 2, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Oct. 28, 1955.	United Fuel Gas Co	Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. 1.	Dec. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness

of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 3, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State Commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 30, 1955.

Issued: December 2, 1955.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9840; Filed, Dec. 7, 1955; 8:47 a. m.]

[Docket No. G-9451 etc.]

MIDWESTERN GAS TRANSMISSION CO. AND TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATIONS

DECEMBER 2, 1955.

In the matters of Midwestern Gas Transmission Company, Docket Nos. G-9451, G-9452, and G-9453; Tennessee Gas Transmission Company, Docket Nos. G-9454, G-9448, G-9449, G-9450, and G-1922.

Take notice that Midwestern Gas Transmission Company (Midwestern), a Delaware corporation, having its principal place of business in the Commerce Building, Houston, Texas, filed on October 10, 1955, in Docket No. G-9451, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities, as supplemented on November 3, 1955, and further supplemented on December 1, 1955.

Midwestern proposes to construct and operate approximately 1,760 miles of pipelines and five compressor stations totaling 25,520 horsepower, with a daily sales capacity of 401,574 Mcf of gas per day. The transmission system will extend from a point of interconnection near Portland, Tennessee, with the existing natural gas pipeline system of Tennessee Gas Transmission Company, in a northerly direction through the States of Tennessee, Kentucky, Indiana, Illinois, Wisconsin, and Minnesota, to a point on the United States-Canadian International Boundary near Emerson, Manitoba. Midwestern proposes to obtain at the border up to 204,000 Mcf of natural gas per day from Trans-Canada Pipe Lines, Limited, and up to 204,000 Mcf per day from Tennessee Gas Transmission Company at the proposed point of interconnection near Portland, Tennessee.

Midwestern proposes to transport and sell natural gas to the following, for resale: City of Ada, Minnesota; Central Wisconsin Gas Company; City Gas Company; Consumers Gas Company; City of Duluth, Minnesota; Iron Ranges Natural Gas Company; Merrill Gas Company; Minnesota Valley Natural Gas Company; Montana-Dakota Utilities Company; Northern States Power Company; Northwest Gas and Power Company; Peoples Gas Company; Towns of Shawano and Clintonville, Wisconsin; Superior Water, Light and Power Company; City of Wadena, Minnesota; Wisconsin Fuel and Light Company; Wisconsin Hydro-Electric Company; Wisconsin Public Service Corporation; Wisconsin Rapids Gas and Electric Company; and to Michigan-Wisconsin Pipe Line Company for resale in Wisconsin, to Northern Natural Gas Company for resale in Minnesota, to Natural Gas Pipeline Company of America, and to Texas Illinois Natural Gas Pipeline Company for resale; and if such companies do not purchase that gas, Applicant proposes to sell the gas directly to the distribution customers of such companies and to industries located within economic reach of Applicant's lines in such respective states. Midwestern's proposed tariff provides a base rate of a monthly demand charge of $3.75 times the specified contract demand and a commodity charge of 22 cents per Mcf of firm gas delivered. In addition, a rate for overrun, or interruptible gas, of 28 cents per Mcf is provided. The estimated cost of the proposed facilities is $97,988,000. The proposed financing includes the issuance of bonds, bank loans, and common stock.

Take further notice that Midwestern filed on October 10, 1955, in Docket No. G-9452, an application for authorization to import natural gas from Canada, pursuant to Section 3 of the Natural Gas Act, and in Docket No. G-9453 an application for a Presidential Permit, pursuant to Executive Order No. 10485, to construct, operate, and maintain facilities at the International Boundary to be used for the importation of natural gas from Canada.

The applications in Docket Nos. G-9452 and G-9453 complement Midwestern's above-mentioned application in Docket No. G-9451 and seek authorization to import up to 204,000 Mcf of natural gas per day to be purchased from Trans-Canada Pipe Lines, Limited, at the International Boundary near Emerson, in the Province of Manitoba. The facilities to be used for such importation of gas will consist of a 24-inch diameter pipeline to connect with the main transmission pipeline of Midwestern and with the facilities to be constructed by Trans-Canada in the Dominion of Canada.

Tennessee Gas Transmission Company. Take notice that Tennessee Gas Transmission Company (Tennessee), a Delaware corporation, having its principal place of business in the Commerce Building, Houston, Texas, filed on October 10, 1955, in Docket No. G-9454, an application for a certificate of public convenience and necessity, pursuant to Section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities.

Tennessee proposes to construct and operate additions to its existing transmission system of approximately 190 miles of 8-inch equivalent miscellaneous gathering lines in the States of Texas and Louisiana, and seeks herein authorization to construct and operate five new compressor stations and additions to four existing compressor stations, totaling 42,140 compressor horsepower. These facilities are designed to increase the capacity of Tennessee's system to permit the sale and delivery of up to 204,000 Mcf of natural gas per day to Midwestern Gas Transmission Company at a proposed interconnection in the State of Tennessee, such gas to be sold under Tennessee's General Service G-1 (Southern Zone) Rate Schedule at an average charge of 23.40 cents per Mcf of natural gas delivered. The ability of Tennessee to deliver this gas to Midwestern depends on facilities proposed by Tennessee in Docket No. G-9448. The estimated cost of the proposed facilities is $18,615,000, which will be met out of a financing program by Tennessee involving the issuance of bonds, debentures, preferred stock, and common stock.

Take further notice that Tennessee filed on October 10, 1955, in Docket No. G-9448, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipe line facilities. Tennessee proposes to construct and operate additions to its existing transmission system of approximately 162 miles of main line loops, two new compressor stations, and additions to four existing compressor stations, totaling 13,940 compressor horsepower. In addition, Tennessee proposes to construct approximately 75 miles of additional gathering lines on its supply system in Texas and Louisiana. These facilities are designed to increase Tennessee's average day system capacity by 64,000 Mcf.

Tennessee proposes by this application in Docket No. G-9448 to sell and deliver additional gas to: Iroquois Gas Corporation; The Manufacturers Light and Heat Company; National Gas and Oil Corporation; Pennsylvania Gas Company; United Natural Gas Company; Alabama-Tennessee Natural Gas Company; City of Batesville, Mississippi; Berkshire Gas Company; Blackstone Valley Gas & Electric Company; Town of Bolivar, Tennessee; Town of Chatham, Louisiana; Concord Natural Gas Corporation; Connecticut Gas Company; Connecticut Power Company; Town of Dickson, Tennessee; Fitchburg Gas & Electric Light Co.; Greenwich Gas Company; Haverhill Gas Company; Holyoke Gas & Electric Department; Housatonic Public Service Company; Lynn Gas & Electric Company; Manchester Gas Company; City of New Albany, Mississippi; New Britain Gas Light Company; City of Portland, Tennessee; Cities of Ripley, Booneville, and Baldwin, Mississippi; Springfield Gas Light Company; Tennessee Natural Gas Lines, Inc.; United Gas Pipe Line Company; Westfield Gas and Electric Light Department; Worcester Gas Light Company. The estimated cost of the proposed facilities is $24,319,000, which will be met out of a financing program by Tennessee, involving the issuance of bonds, debentures, preferred stock, and common stock.

Take further notice that Tennessee filed on October 10, 1955, in Docket No. G-9449, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the operation of certain transmission pipe line facilities for the purpose of selling a maximum daily quantity of 86,755 Mcf of natural gas to Trans-Canada Pipe Lines, Limited, at the International Boundary near Niagara Falls, New York, for resale in Montreal, Canada, and environs. The sale is proposed only for a period of three years after the date of initial delivery or until Trans-Canada Pipe Lines, Limited, is ready to commence natural gas deliveries in eastern Canada through its proposed all-Canadian line, whichever shall first occur. Tennessee proposes to transport such gas through its presently unused capacity in existing facilities.

Take further notice that Tennessee filed on October 10, 1955, in Docket No. G-9450, an application to export natural gas to Canada, pursuant to section 3 of the Natural Gas Act, and in Docket No. G-1922 an application for an amendment to a Presidential Permit issued on September 11, 1953, to permit the operation and maintenance of existing facilities at the International Boundary near Niagara Falls as therein requested. The above applications in Docket Nos. G-9450 and G-1922 complement Tennessee's above-mentioned application in Docket No. G-9449, and seek authorization to export up to maximum daily quantity of 86,755 Mcf, and an annual quantity of approximately 14,000,000 Mcf, for sale to Trans-Canada Pipe Lines, Limited, at the International Boundary near Niagara Falls, New York.

This gas will be sold under Tennessee's G-5 Rate Schedule at an average charge of 39.3 cents per Mcf.

No additional facilities are proposed to be constructed at the International Boundary near Niagara Falls.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 27, 1955.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9842; Filed, Dec. 7, 1955; 8:47 a. m.]

[Docket No. G-9722]

J. E. MARSHALL ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

J. E. Marshall et al. (Applicant), on November 16, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change, dated Nov. 15, 1955.	Hassie Hunt Trust.....	Supplement No. 4 to Applicant's FPO Gas Rate Schedule No. 1.	Dec. 17, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 17, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 30, 1955.

Issued: December 2, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9841; Filed, Dec. 7, 1955; 8:47 a. m.]

[Docket No. G-5199]

THOMAS JORDAN, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 1, 1955.

Take notice that Thomas Jordan, Incorporated (Applicant), a Delaware corporation whose address is 404 St. Charles St., New Orleans, Louisiana, filed on November 22, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of the Kessler-Sternfels No. 1 Well, located on the Kessler-Sternfels Lease, Napoleonville Field, Assumption Parish, Louisiana, to United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 10, 1956, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9845; Filed, Dec. 7, 1955; 8:47 a. m.]

[Docket Nos. G-8235, G-8290]

MICHEL T. HALBOUTY AND HARRY B. SIMS

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 1, 1955.

Take notice that Michel T. Halbouty, a sole proprietorship, whose address is 323 Shell Building, Houston, Texas, filed as operator[1] on December 16, 1954, an application, and that Harry B. Sims, a sole proprietorship whose address is 401 Mellie Esperson Building, Houston, Texas, filed as non-operator[1] on December 22, 1954, an application, each for a certificate of public convenience and necessity pur-

[1] Michel T. Halbouty is operator and owns a ¾ interest in the Sims (Lessor)-Halbouty (Lessee) Lease. Harry B. Sims is a non-operator and owns the remaining ¼ interest in the lease.

[1] Commissioner Digby dissenting.

suant to section 7 of the Natural Gas Act, authorizing Applicants (hereinafter referred to as Applicant) to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in each application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of an oil, gas and mineral lease comprising a 616 acre tract and a 269.3 acre tract, Pelican Field, Liberty County, Texas, to Tennessee Gas Transmission Company for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, January 11, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 21, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9846; Filed, Dec. 7, 1955; 8:47 a. m.]

[Docket No. G-8932 etc.]

PACIFIC NORTHWEST PIPELINE CORP. ET AL.

NOTICE OF OPINION NO. 259 AND ORDER

DECEMBER 1, 1955.

In the matters of Pacific Northwest Pipeline Corporation, Docket Nos. G-8932, G-8933, G-8934; El Paso Natural Gas Company, Docket No. G-8940; Nevada Natural Gas Pipe Line Co., Docket No. G-8997.

Notice is hereby given that on November 25, 1955, the Federal Power Commission issued its opinion and order adopted November 25, 1955, in the above-entitled matters, issuing certificates under section 7 (e) of the Natural Gas Act and authorizing the importation and exportation of natural gas under section 3 of the Natural Gas Act, and issuing Presidential Permit in Docket No. G-8933.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9844; Filed, Dec. 7, 1955; 8:47 a. m.]

[Docket No. IT-5891]

BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR, FORT PECK PROJECT, MONTANA

NOTICE OF REQUEST FOR CONFIRMATION AND APPROVAL OF SUPPLEMENTAL RATE SCHEDULE FOR SALE OF POWER

DECEMBER 1, 1955.

Notice is hereby given that the Commissioner of the Bureau of Reclamation, Department of the Interior, has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Fort Peck Act (52 Stat. 403), a modification of Rate Schedule No. R6-F4 heretofore approved by the Commission, which reads as follows:

General rate schedule provisions. Service under the rate, terms and conditions specified on Rate Schedule No. R6-F4 shall be subject to the following additional terms and conditions which may be stated as contract provisions in lieu of incorporation in printed rate schedules:

1. Electric service to be furnished. Auxiliary service limitation. (For use in contracts involving firm power sales.)

(c) Service hereunder may be used auxiliary to other sources of supply, and when so used, a minimum amount of firm energy shall be deemed to have been taken by the Contractor and shall be paid for under the rate schedule provided herein. Such minimum amount of firm energy in any billing period shall be the Contractor's total system energy requirements in the billing period times the ratio of the then existing contract rate of delivery for firm power to the Contractor's maximum 30-minute integrated system demand occurring during the billing period or in the eleven months preceding, but such ratio shall not be greater than one nor shall such minimum amount of energy in any billing month be more than such maximum taking of energy for said month as may be established by the contracting officer pursuant to section (d) following. The Contractor shall promptly furnish to the contracting officer at the end of each billing period the data required by him for the necessary computations hereunder.

(d) When an auxiliary source of supply is available the Contractor may take energy hereunder in excess of the amount represented by the contract rate of delivery for firm power at the Contractor's normal average load factor except that when as conclusively determined by the contracting officer there is an insufficient supply of energy available to permit the Contractor to take energy in such excess amounts, the contracting officer shall have the right to restrict the taking of energy to conform with the Contractor's hourly load pattern and to an amount which will not exceed the normal average load factor of the Contractor applied to the then existing contract rate of delivery for firm power. Such restriction shall not be considered to be a curtailment of electric service which is subject to billing adjustment. For the purpose of this contract normal average load factor shall mean the load factor which may reasonably be expected for the billing period in which the restriction is effective and shall be estimated by the contracting officer from load factors of similar periods in previous years or from such other data as may be made available by the Contractor.

2. Schedule of rates. Wheeling charges. (For use in contracts involving wheeling.)

(b) In addition to the charges payable under the rate schedule provided herein, when the United States utilizes transmission facilities other than its own in providing service under this contract, and costs are incurred by the United States for the use of such facilities, the Contractor;

(1) shall pay all such costs, including transmission losses, incurred in the delivery of secondary and dump energy; and

(2) shall pay that portion of such costs, including transmission losses, incurred in the delivery of firm energy which is in excess of a one-mill per kilowatt-hour transmission charge and related transmission losses. Related transmission losses are that portion of the total transmission losses for firm power and energy determined by multiplying the total of such transmission losses by the ratio of the one-mill transmission charge to the total transmission charge involved.

The transmission losses chargeable to the Contractor shall, for billing purposes, be added to the meter readings of the power and energy delivered to the Contractor. If increases in the rate of charge for transmission service and for transmission losses are made during the term of this contract, or the United States notifies the Contractor that an increase will be made, the Contractor at any time not later than sixty (60) days (Upon request by the customer the notification period may be changed to 180 days) after the effective date of any such increase, but not thereafter, may terminate this contract by written notice to the United States, said termination to be effective as of such subsequent date as the Contractor shall therein designate. For the purpose of this section (b), firm energy shall be all energy delivered up to but not exceeding the number of kilowatts on which the demand or capacity charge will apply times the hours in the billing period times the Contractor's system load factor in the billing period. The remainder of the energy furnished shall be considered as energy which shall be subject to the charges specified in (1) of this section (b).

Any person desiring to make comments or suggestions for Commission consideration with respect to the foregoing should submit the same on or before December 28, 1955, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9847; Filed, Dec. 7, 1955; 8:47 a. m.]

[Docket No. G-3045 etc.]

ANTHONY J. TAMBORELLO ET AL.

NOTICE OF OPINION NO. 287 AND ORDER

DECEMBER 1, 1955.

In the matters of Anthony J. Tamborello, et al., Docket No. G-3045; Ted Weiner, et al., Docket No. G-4084; Phillips Petroleum Company, Docket No. G-4178; Shell Oil Company, Docket No. G-4258; Hassie Hunt Trust, Docket No. G-4420; E. A. Courtney, Docket No. G-4719; The Texas Company, Docket No. G-5665; R. R. Frankel, Docket No. G-8125; Shell Oil Company, Docket No. G-8133; Transcontinental Gas Pipe Line Corporation, Docket No. G-4257; Transcontinental Gas Pipe Line Corporation, Docket No. G-4717; Transcontinental Gas Pipe Line Corporation, Docket No. G-4718.

Notice is hereby given that on November 28, 1955, the Federal Power Commission issued its opinion and order adopted November 23, 1955, issuing certificates of public convenience and necessity pursuant to section 7 (e) of the Natural Gas Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9848; Filed, Dec. 7, 1955; 8:47 a. m.]

[Docket No. G-9547]

UNITED GAS PIPE LINE CO.

NOTICE SCHEDULING HEARING

DECEMBER 1, 1955.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 5, and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 6, 1956, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street N.W., Washington, D. C., concerning the lawfulness of the rates and charges contained in United Gas Pipe Line Company's FPC Gas Tariff, and the changes proposed in its filing of September 30, 1955, part of which filing was suspended by order of the Commission issued October 26, 1955.

Protests or petitions to intervene shall be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 16, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9849; Filed, Dec. 7, 1955; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-974]

FINANCIAL INDUSTRIAL FUND, INC.

NOTICE OF FILING OF APPLICATION PERMITTING CERTAIN REINVESTMENTS OF DIVIDEND DISTRIBUTIONS AT NET ASSET VALUE

DECEMBER 2, 1955.

Notice is hereby given that Financial Industrial Fund, Inc. ("Financial"), a registered open-end management investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 22 (d) of the act the offering of certain shares of Financial at net asset value where such shares represent investments of dividends paid under the company's proposed Periodic Withdrawal Plan described below.

Financial has at the present time a dividend reinvestment plan under which holders of shares of Financial may reinvest distributions representing capital gains in additional shares at net asset value and reinvest other dividends in additional shares at the public offering price.

Financial now proposes to establish a Periodic Withdrawal Plan under which any holder of $10,000, or more of its shares at the public offering price may request Financial to pay the shareholder $50 or more, either monthly or quarterly. All shares owned by such shareholders will be credited to his Periodic Withdrawal Account, and sufficient full and fractional shares redeemed to meet the requested withdrawal payments. Under such plan all distributions, whether from capital gains or income, will be automatically reinvested in additional shares at net asset value and credited to the account. It is contemplated that the amount of periodic withdrawals under such plan will be in excess of dividends from income.

Among other things, section 22 (d) of the act, with certain exceptions not applicable here, prohibits a principal underwriter of a registered investment company from selling redeemable securities of such registered investment company except at a curent public offering price described in the prospectus. Since the proposal set forth above may involve the offering of shares of Financial below the normal public offering price thereof described in the prospectus in contravention of the provisions of section 22 (d) of the act, Financial seeks an order pursuant to section 6 (c) of the act exempting such transactions from the provisions of section 22 (d) of the act.

Section 6 (c) of the act authorizes the Commission, by order upon application, to exempt conditionally or unconditionally, any transaction from any provision of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than December 16, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule 5-N of the rules and regulation promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9851; Filed, Dec. 7, 1955; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

ORGANIZATION, FUNCTIONS AND DELEGATIONS OF AUTHORITY

Correction

In F. R. Doc. 55-9562, appearing at page 8785 of the issue for Wednesday, November 30, 1955, the heading for paragraph VII should read: "VII. *Prior authorizations and delegations.*"

Rural Electrification Administration

[Administrative Order 5187]

MISSISSIPPI

LOAN ANNOUNCEMENT

NOVEMBER 1, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mississippi 22T Leake	$395,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-9872; Filed, Dec. 7, 1955; 8:51 a. m.]

[Administrative Order 5188]

KENTUCKY

LOAN ANNOUNCEMENT

NOVEMBER 7, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting

through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 18S Meade	$510,000

[SEAL] ROBERT T. BEALL,
Acting Administrator.

[F. R. Doc. 55-9873; Filed, Dec. 7, 1955; 8:51 a. m.]

[Administrative Order 5189]

ILLINOIS

LOAN ANNOUNCEMENT

NOVEMBER 7, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Illinois 18AN Pike	$520,000

[SEAL] ROBERT T. BEALL,
Acting Administrator.

[F. R. Doc. 55-9874; Filed, Dec. 7, 1955; 8:51 a. m.]

[Administrative Order 5190]

WYOMING

LOAN ANNOUNCEMENT

NOVEMBER 7, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wyoming 5L Big Horn	$320,000

[SEAL] ROBERT T. BEALL,
Acting Administrator.

[F. R. Doc. 55-9875; Filed, Dec. 7, 1955; 8:51 a. m.]

[Administrative Order 5191]

TEXAS

LOAN ANNOUNCEMENT

NOVEMBER 8, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 111T Austin	$400,000

[SEAL] ROBERT T. BEALL,
Acting Administrator.

[F. R. Doc. 55-9876; Filed, Dec. 7, 1955; 8:51 a. m.]

[Administrative Order 5192]

TEXAS

LOAN ANNOUNCEMENT

NOVEMBER 8, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 115P Grimes	$95,000

[SEAL] ROBERT T. BEALL,
Acting Administrator.

[F. R. Doc. 55-9877; Filed, Dec. 7, 1955; 8:51 a. m.]

[Administrative Order 5193]

ARKANSAS

LOAN ANNOUNCEMENT

NOVEMBER 8, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arkansas 22R Clay	$320,000

[SEAL] ROBERT T. BEALL,
Acting Administrator.

[F. R. Doc. 55-9878; Filed, Dec. 7, 1955; 8:51 a. m.]

[Administrative Order 5194]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

NOVEMBER 8, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 31V Horry	$320,000

[SEAL] ROBERT T. BEALL,
Acting Administrator.

[F. R. Doc. 55-9879; Filed, Dec. 7, 1955; 8:52 a. m.]

[Administrative Order 5195]

KENTUCKY

LOAN ANNOUNCEMENT

NOVEMBER 10, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 56P Morgan	$750,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-9880; Filed, Dec. 7, 1955; 8:52 a. m.]

[Administrative Order 5196]

MINNESOTA

LOAN ANNOUNCEMENT

NOVEMBER 10, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 96S Beltrami	$50,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-9881; Filed, Dec. 7, 1955; 8:52 a. m.]

[Administrative Order 5197]

GEORGIA

LOAN ANNOUNCEMENT

NOVEMBER 14, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 22X Colquitt	$335,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-9882; Filed, Dec. 7, 1955; 8:52 a. m.]

[Administrative Order 5198]

TEXAS

LOAN ANNOUNCEMENT

NOVEMBER 14, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 59U Lamb	$399,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-9883; Filed, Dec. 7, 1955; 8:52 a. m.]

[Administrative Order 5199]

NEW MEXICO

LOAN ANNOUNCEMENT

NOVEMBER 14, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 8AA Roosevelt	$100,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-9884; Filed, Dec. 7, 1955; 8:52 a. m.]

[Administrative Order 5200]

COLORADO

AMENDMENTS TO ADMINISTRATIVE ORDER

NOVEMBER 15, 1955.

Inasmuch as Southeast Colorado Power Association has transferred certain of its properties and assets to San Isabel Electric Association, Inc., and San Isabel Electric Association, Inc., has assumed in part the indebtedness to United States of America, of Southeast Colorado Power Association, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 2928, dated September 7, 1950, by changing the project designation appearing therein as "Colorado 17R Prowers" in the amount of $3,332,000 to read "Colorado 17R Prowers" in the amount of $2,489,000 and "Colorado 25TP2 Pueblo (Colorado 17R Prowers)" in the amount of $843,000.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-9885; Filed, Dec. 7, 1955; 8:52 a. m.]

[Administrative Order 5201]

ALASKA

LOAN ANNOUNCEMENT

NOVEMBER 17, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Alaska 5H Kenai	$175,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-9886; Filed, Dec. 7, 1955; 8:52 a. m.]

[Administrative Order 5202]

GEORGIA

LOAN ANNOUNCEMENT

NOVEMBER 18, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 92S Brantley	$100,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-9887; Filed, Dec. 7, 1955; 8:52 a. m.]

[Administrative Order 5203]

NORTH DAKOTA

LOAN ANNOUNCEMENT

NOVEMBER 18, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Dakota 37G McLean	$90,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-9888; Filed, Dec. 7, 1955; 8:53 a. m.]

[Administrative Order 5204]

SOUTH DAKOTA

AMENDMENT TO ADMINISTRATIVE ORDER

NOVEMBER 18, 1955.

I hereby amend:

(a) Administrative Order No. 627, dated October 8, 1941, by rescinding the allocation of $16,000 therein made for "South Dakota 2013S1 Custer."

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-9889; Filed, Dec. 7, 1955; 8:53 a. m.]

[Administrative Order 5205]

OKLAHOMA

AMENDMENTS TO ADMINISTRATIVE ORDER

NOVEMBER 22, 1955.

Inasmuch as Cookson Hill's Electric Cooperative, Inc. has transferred certain of its properties and assets to Kamo Electric Cooperative, Inc., and Kamo Electric Cooperative, Inc., has assumed in part the indebtedness to United States of America, of Cookson Hill's Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 2659, dated May 10, 1950, by changing the project designation appearing therein as "Oklahoma 35G Haskell" in the amount of $1,000,000 to read "Oklahoma 35G Haskell" in the amount of $767,366.71 and "Arkansas 32TP3 Benton (Oklahoma 35G Haskell)" in the amount of $232,633.29.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-9890; Filed, Dec. 7, 1955; 8:53 a. m.]

[Administrative Order 5206]

ALASKA

LOAN ANNOUNCEMENT

NOVEMBER 23, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Alaska 13A Kotzebue	$312,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-9891; Filed, Dec. 7, 1955; 8:53 a. m.]

[Administrative Order 5207]

TEXAS

LOAN ANNOUNCEMENT

NOVEMBER 25, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 11P Kaufman	$155,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-9892; Filed, Dec. 7, 1955; 8:53 a. m.]

[Administrative Order 5208]

TEXAS

LOAN ANNOUNCEMENT

NOVEMBER 25, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 40W Bowie	$1,000,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-9893; Filed, Dec. 7, 1955; 8:53 a. m.]

[Administrative Order 5209]

TEXAS

LOAN ANNOUNCEMENT

NOVEMBER 25, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 48S Hidalgo	$548,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-9894; Filed, Dec. 7, 1955; 8:53 a. m.]

[Administrative Order 5210]

MINNESOTA

LOAN ANNOUNCEMENT

NOVEMBER 25, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 65P Dakota	$780,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-9895; Filed, Dec. 7, 1955; 8:53 a. m.]

[Administrative Order 5211]

MISSOURI

LOAN ANNOUNCEMENT

NOVEMBER 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 30AF Lawrence	$20,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 55-9896; Filed, Dec. 7, 1955; 8:53 a. m.]

[Administrative Order 5212]

KENTUCKY

LOAN ANNOUNCEMENT

NOVEMBER 30, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 52W Fleming	$495,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 55-9897; Filed, Dec. 7, 1955; 8:53 a. m.]

[Administrative Order 5213]

LOUISIANA

LOAN ANNOUNCEMENT

NOVEMBER 30, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Louisiana 6M St. Mary	$160,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 55-9898; Filed, Dec. 7, 1955; 8:54 a. m.]

[Administrative Order 5214]

WISCONSIN

LOAN ANNOUNCEMENT

NOVEMBER 30, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wisconsin 58T Price	$50,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 55-9899; Filed, Dec. 7, 1955; 8:54 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 20 NUMBER 239

Washington, Friday, December 9, 1955

UNIVERSITY OF MICHIGAN
DEC 12 1955
MAIN READING ROOM

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supps. 19, 22, 31]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATIONS RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

OPERATIONAL USE OF WEATHER REPORTS FOR INSTRUMENT APPROACH, LANDING, OR TAKEOFF

The air carrier operating rules of the Civil Air Regulations provide in part that no instrument approach, landing, or takeoff shall be made when the latest weather report furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau indicates a ceiling or visibility below authorized minimums. Current CAA rules (§§ 40.406–1, 41.119–2, and 42.56–2) apply this requirement to a runway weather observation contained in the official weather report for a particular runway.

At airports where runway weather observations are made, when reporting runway visibility to a pilot conducting an instrument approach, the tower controller obtains the runway visibility from a direct reading visibility meter in the tower. This meter is electronically geared to an instrument in the Weather Bureau for graphically recording the runway visibility value measured by the transmissometer instrument. A repeater visibility meter for indicating runway visibility in fractional increments is also located in the Weather Bureau office. Since minimums for instrument approach according to the regulation are predicated on the latest weather report, the tower controller cannot report immediately to a pilot any substantial visibility change observed on the tower visibility meter without coordination with the Weather Bureau, which must issue a special observation report for each such change in visibility value observed. Particularly under variable visibility conditions, this prevents maximum utilization of the instrumentation used for measuring runway visibility. It also places an additional burden on the controller, which is undesirable under instrument weather conditions because his full attention should be directed to the control of air traffic. Also due to the various duties of the Weather Bureau observer, he may be preoccupied in performing some other function. For this reason the control tower operator is in a far better position to continually observe any change in visibility value indicated on the visibility meter and should be able to report such change in visibility to the pilot conducting an instrument approach as the official runway visibility without recording the observation or advising the Weather Bureau. In case any question should later arise as to the official runway visibility at any particular time, this information can be obtained from the Weather Bureau where it is continually recorded on graph recording. However, such visibility data may not be contained in the sequence weather report because of the time interval between the hourly and special observations made and recorded by the weather observer.

In view of the foregoing, the Administrator hereby adopts the following revisions to §§ 40.406–1, 41.119–2, and 42.56–2 of this subchapter. The proposed rules were published on October 1, 1955, in 20 F. R. 7338–9. Interested persons were afforded an opportunity to submit written views, data or arguments. Consideration has been given to all relevant comments presented.

1. Section 40.406–1 is revised to read as follows:

§ 40.406–1 *Takeoff and landing weather minimums (CAA rules which apply to § 40.406 (b))—(a) General.* The ceiling and visibility contained in the main body of the latest weather report furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau shall be used for instrument approach and landing or takeoff for all runways of an airport except as provided in paragraph (b) of this section.

(b) *Runway visibility.* Whenever the latest weather report furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau, including an aural report from the control tower, contains a visibility value specified as a runway visibility for a particular

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[Administrative Order 5209]

TEXAS

LOAN ANNOUNCEMENT

NOVEMBER 25, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 488 Hidalgo	$548,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-9894; Filed, Dec. 7, 1955; 8:53 a. m.]

[Administrative Order 5210]

MINNESOTA

LOAN ANNOUNCEMENT

NOVEMBER 25, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 65P Dakota	$780,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-9895; Filed, Dec. 7, 1955; 8:53 a. m.]

[Administrative Order 5211]

MISSOURI

LOAN ANNOUNCEMENT

NOVEMBER 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 30AF Lawrence	$20,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 55-9896; Filed, Dec. 7, 1955; 8:53 a. m.]

[Administrative Order 5212]

KENTUCKY

LOAN ANNOUNCEMENT

NOVEMBER 30, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 52W Fleming	$495,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 55-9897; Filed, Dec. 7, 1955; 8:53 a. m.]

[Administrative Order 5213]

LOUISIANA

LOAN ANNOUNCEMENT

NOVEMBER 30, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Louisiana 6M St. Mary	$160,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 55-9898; Filed, Dec. 7, 1955; 8:54 a. m.]

[Administrative Order 5214]

WISCONSIN

LOAN ANNOUNCEMENT

NOVEMBER 30, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wisconsin 58T Price	$50,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 55-9899; Filed, Dec. 7, 1955; 8:54 a. m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934 LITTERA SCRIPTA MANET

UNIVERSITY OF MICHIGAN DEC 12 1955 MAIN READING ROOM

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supps. 19, 22, 31]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATIONS RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

OPERATIONAL USE OF WEATHER REPORTS FOR INSTRUMENT APPROACH, LANDING, OR TAKEOFF

The air carrier operating rules of the Civil Air Regulations provide in part that no instrument approach, landing, or takeoff shall be made when the latest weather report furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau indicates a ceiling or visibility below authorized minimums. Current CAA rules (§§ 40.406–1, 41.119–2, and 42.56–2) apply this requirement to a runway weather observation contained in the official weather report for a particular runway.

At airports where runway weather observations are made, when reporting runway visibility to a pilot conducting an instrument approach, the tower controller obtains the runway visibility from a direct reading visibility meter in the tower. This meter is electronically geared to an instrument in the Weather Bureau for graphically recording the runway visibility value measured by the transmissometer instrument. A repeater visibility meter for indicating runway visibility in fractional increments is also located in the Weather Bureau office. Since minimums for instrument approach according to the regulation are predicated on the latest weather report, the tower controller cannot report immediately to a pilot any substantial visibility change observed on the tower visibility meter without coordination with the Weather Bureau, which must issue a special observation report for each such change in visibility value observed. Particularly under variable visibility conditions, this prevents maximum utilization of the instrumentation used for measuring runway visibility. It also places an additional burden on the controller, which is undesirable under instrument weather conditions because his full attention should be directed to the control of air traffic. Also due to the various duties of the Weather Bureau observer, he may be preoccupied in performing some other function. For this reason the control tower operator is in a far better position to continually observe any change in visibility value indicated on the visibility meter and should be able to report such change in visibility to the pilot conducting an instrument approach as the official runway visibility without recording the observation or advising the Weather Bureau. In case any question should later arise as to the official runway visibility at any particular time, this information can be obtained from the Weather Bureau where it is continually recorded on graph recording. However, such visibility data may not be contained in the sequence weather report because of the time interval between the hourly and special observations made and recorded by the weather observer.

In view of the foregoing, the Administrator hereby adopts the following revisions to §§ 40.406–1, 41.119–2, and 42.56–2 of this subchapter. The proposed rules were published on October 1, 1955, in 20 F. R. 7338–9. Interested persons were afforded an opportunity to submit written views, data or arguments. Consideration has been given to all relevant comments presented.

1. Section 40.406–1 is revised to read as follows:

§ 40.406–1 *Takeoff and landing weather minimums (CAA rules which apply to § 40.406 (b))*—(a) *General.* The ceiling and visibility contained in the main body of the latest weather report furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau shall be used for instrument approach and landing or takeoff for all runways of an airport except as provided in paragraph (b) of this section.

(b) *Runway visibility.* Whenever the latest weather report furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau, including an aural report from the control tower, contains a visibility value specified as a runway visibility for a particular

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runway of an airport, such visibility shall be used for a straight-in approach and landing or takeoff for that runway only.[1]

2. Section 41.119–2 as published on March 20, 1954, in 19 F. R. 1536, is revised to read as follows:

§ 41.119–2 *Takeoff and landing weather minimums (CAA rules which apply to § 41.119).* (The rules which apply to this section are the same as those stated in § 40.406–1 of this subchapter.)

3. Section 42.56–2 as published on March 20, 1954, in 19 F. R. 1536, is revised to read as follows:

§ 42.56–2 *Takeoff and landing weather minimums (CAA rules which apply to § 42.56).* (The rules which apply to this section are the same as those stated in § 40.406–1 of this subchapter.)

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective December 15, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–9900; Filed, Dec. 8, 1955; 8:45 a. m.]

[1] Information respecting the official runway visibility observations reported by the control tower operator may be obtained from the Office of the U. S. Weather Bureau for the airport concerned. Such office maintains a continuous graph recording of the runway visibility shown on the visibility meter in the control tower.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 55–1097]

PART 3—RADIO BROADCAST SERVICES

REVISION OF REGULATIONS

In the matter of revision of Part 3 (Radio Broadcast Services) and the Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

1. The Commission has under consideration the desirability of codification of its Standards of Good Engineering Practice Concerning Standard Broadcast Stations, making certain editorial changes therein and making certain editorial changes in Part 3 of its rules and regulations.

2. The AM Standards are contained in Title 47 of the Code of Federal Regulations as an Appendix to Subpart A of Part 3 of Chapter I, but are not codified the same as the other subdivisions of Title 47. The Commission has been requested by the Federal Register Division, National Archives and Records Service, General Services Administration to codify its Standards. The Commission is of the view that the public interest would be served by such a codification. Therefore, section and paragraph designators have been assigned to the Standards; and for the sake of convenience, the title has been changed to Standard Broadcast Technical Standards.

3. The codification of the Standards requires changing certain section numbers in Part 3 of the rules. Certain other editorial changes have been made in the Standards and Part 3 to change footnote to notes or parenthetical expressions to avoid confusion. The following is a table indicating both the new and old section numbers:

New Section No.	*Old Section No.*
3.39	13 AM Standards
3.40	12 AM Standards
3.49	21 AM Standards
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3.185	Annex II AM Standards
3.186	2 AM Standards
3.188	4 AM Standards
3.189	5 AM Standards
3.190	Figures in AM
3.301–3.332	FM Standards

4. The amendments adopted herein are editorial in nature and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary.

5. The amendments adopted herein are issued pursuant to the authority contained in sections 4 (i) and 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Organization, Delegations of Authority and Other Information.

6. *It is ordered,* That effective January 2, 1956, Part 3 and the Standards of Good Engineering Practice of Standard Broadcast Stations of the Commission's rules and regulations are revised as set forth below to include the editorial changes herein and all outstanding amendments adopted as of this date.

Adopted: November 3, 1955.

Released: November 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

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[1] Commissioner Bartley not participating.

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3.970 Notification of a drill.
3.971 Operation during a drill.

AUTHORITY: §§ 3.1 to 3.971 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154.

SUBPART A—STANDARD BROADCAST STATIONS

DEFINITIONS

§ 3.1 *Standard broadcast station.* The term "standard broadcast station" means a broadcasting station licensed for the transmission of radiotelephone emissions primarily intended to be received by the general public and operated on a channel in the band 535–1605 kilocycles.

§ 3.2 *Standard broadcast band.* The term "standard broadcast band" means the band of frequencies extending from 535 to 1605 kilocycles.

§ 3.3 *Standard broadcast channel.* The term "standard broadcast channel" means the band of frequencies occupied by the carrier and two side bands of a broadcast signal with the carrier frequency at the center. Channels shall be designated by their assigned carrier frequencies. The 107 carrier frequencies assigned to standard broadcast stations shall begin at 540 kilocycles and be in successive steps of 10 kilocycles.

§ 3.4 *Dominant station.* The term "dominant station" means a Class I station, as hereinafter defined, operating on a clear channel.

§ 3.5 *Secondary station.* The term "secondary station" means any station except a Class I station operating on a clear channel.

§ 3.6 *Daytime.* The term "daytime" means that period of time between local sunrise and local sunset.

§ 3.7 *Nighttime.* The term "nighttime" means that period of time between local sunset and 12 midnight local standard time.

§ 3.8 *Sunrise and sunset.* The terms "sunrise and sunset" mean, for each particular location and during any particular month, the time of sunrise and sunset as specified in the instrument of authorization.

§ 3.9 *Broadcast day.* The term "broadcast day" means that period of time between local sunrise and 12 midnight local standard time.

§ 3.10 *Experimental period.* The term "experimental period" means that time between 12 midnight and local sunrise. This period may be used for experimental purposes in testing and maintaining apparatus by the licensee of any standard broadcast station on its assigned frequency and with its authorized power, provided no interference is caused to other stations maintaining a regular operating schedule within such period. No station licensed for "daytime" or "specified hours" of operation may broadcast any regular or scheduled program during this period.

§ 3.11 *Service areas.* (a) The term "primary service area" of a broadcast station means the area in which the groundwave is not subject to objectionable interference or objectionable fading.

(b) The term "secondary service area" of a broadcast station means the area served by the skywave and not subject to objectionable interference. The signal is subject to intermittent variations in intensity.

(c) The term "intermittent service area" of a broadcast station means the area receiving service from the groundwave but beyond the primary service

area and subject to some interference and fading.

§ 3.12 *Portable transmitter.* The term "portable transmitter" means a transmitter so constructed that it may be moved about conveniently from place to place, and is in fact so moved about from time to time, but not ordinarily used while in motion. In the standard broadcast band, such a transmitter is used in making field intensity measurements for locating a transmitter site for a standard broadcast station. A portable broadcast station will not be licensed in the standard broadcast band for regular transmission of programs intended to be received by the public.

§ 3.13 *Auxiliary transmitter.* The term "auxiliary transmitter" means a transmitter maintained only for transmitting the regular programs of a station in case of failure of the main transmitter.

§ 3.14 *Technical definitions*—(a) *Combined audio harmonics.* The term "combined audio harmonics" means the arithmetical sum of the amplitudes of all the separate harmonic components. Root sum square harmonic readings may be accepted under conditions prescribed by the Commission.

(b) *Effective field.* The term "effective field" or "effective field intensity" is the root-mean-square (RMS) value of the inverse distance fields at a distance of 1 mile from the antenna in all directions in the horizontal plane.

(c) *Operating power.* "Operating power" is the power that is actually supplied to the radio station antenna.

(d) *Maximum rated carrier power.* "Maximum rated carrier power" is the maximum power at which the transmitter can be operated satisfactorily and is determined by the design of the transmitter and the type and number of vacuum tubes used in the last radio stage.

(e) *Plate input power.* "Plate input power" means the product of the direct plate voltage applied to the tubes in the last radio stage and the total direct current flowing to the plates of these tubes, measured without modulation.

(f) *Antenna power.* "Antenna input power" or "antenna power" means the product of the square of the antenna current and the antenna resistance at the point where the current is measured.

(g) *Antenna current.* "Antenna current" means the radio-frequency current in the antenna with no modulation.

(h) *Antenna resistance.* "Antenna resistance" means the total resistance of the transmitting antenna system at the operating frequency and at the point at which the antenna current is measured.

(i) *Modulator stage.* "Modulator stage" means the last amplifier stage of the modulating wave which modulates a radio-frequency stage.

(j) *Modulated stage* "Modulated stage" means the radio-frequency stage to which the modulator is coupled and in which the continuous wave (carrier wave) is modulated in accordance with the system of modulation and the characteristics of the modulating wave.

(k) *Last radio stage.* "Last radio stage" means the oscillator or radio-frequency-power amplifier stage which supplies power to the antenna.

(l) *Percentage modulation (amplitude).* "Percentage modulation" with respect to an amplitude modulated wave means the ratio of half the difference between the maximum and minimum amplitudes of the amplitude modulated wave to the average amplitude expressed in percentage.

(m) *Maximum percentage of modulation.* "Maximum percentage of modulation" means the greatest percentage of modulation that may be obtained by a transmitter without producing in its output harmonics of the modulating frequency in excess of those permitted by these regulations.

(n) *High level modulation.* "High level modulation" is modulation produced in the plate circuit of the last radio stage of the system.

(o) *Low level modulation.* "Low level modulation" is modulation produced in an earlier stage than the final.

(p) *Plate modulation.* "Plate modulation" is modulation produced by introduction of the modulating wave into the plate circuit of any tube in which the carrier frequency wave is present.

(q) *Grid modulation.* "Grid modulation" is modulation produced by introduction of the modulating wave into any of the grid circuits of any tube in which the carrier frequency wave is present.

(r) *Blanketing.* Blanketing is that form of interference which is caused by the presence of a broadcast signal of 1 v/m or greater intensity in the area adjacent to the antenna of the transmitting station. The 1 v/m contour is referred to as the blanket contour and the area within this contour is referred to as the blanket area.

ALLOCATION OF FACILITIES

§ 3.21 *Three classes of standard broadcast channels*—(a) *Clear channel.* A clear channel is one on which the dominant station or stations render service over wide areas and which are cleared of objectionable interference within their primary service areas and over all or a substantial portion of their secondary service areas.

(b) *Regional channel.* A regional channel is one on which several stations may operate with powers not in excess of 5 kilowatts. The primary service area of a station operating on any such channel may be limited as a consequence of interference to a given field intensity contour.

(c) *Local channel.* A local channel is one on which several stations may operate with powers not in excess of 250 watts. The primary service area of a station operating on any such channel may be limited as a consequence of interference to a given field intensity contour.

§ 3.22 *Classes and power of standard broadcast stations*—(a) *Class I station.* A Class I station is a dominant station operating on a clear channel and designed to render primary and secondary service over an extended area and at relatively long distances. Its primary service area is free from objectionable interference from other stations on the same and adjacent channels, and its secondary service area free from interference except from stations on the adjacent channel, and from stations on the same channel in accordance with the channel designation in § 3.25 or § 3.182. The operating power shall be not less than 10 kilowatts nor more than 50 kilowatts. (Also see § 3.25 (a) for further power limitation.)

(b) *Class II station.* A Class II station is a secondary station which operates on a clear channel (see § 3.25) and is designed to render service over a primary service area which is limited by and subject to such interference as may be received from Class I stations. A station of this class shall operate with power not less than 0.25 kilowatt nor more than 50 kilowatts. Whenever necessary a Class II station shall use a directional antenna or other means to avoid interference with Class I stations and with other Class II stations, in accordance with § 3.182.

(c) *Class III station.* A Class III station is a station which operates on a regional channel and is designed to render service primarily to a metropolitan district and the rural area contiguous thereto. Class III stations are subdivided into two classes. (The term "metropolitan district" as used in this paragraph is not limited in accordance with the definition given by the Bureau of the Census but includes any principal center of population in any area.)

(1) *Class III–A station.* A Class III–A station is a Class III station which operates with power not less than 1 kilowatt nor more than 5 kilowatts and the service area of which is subject to interference in accordance with § 3.182.

(2) *Class III–B station.* A Class III–B station is a Class III station which operates with a power not less than 0.5 kilowatt, and not more than 1 kilowatt night and 5 kilowatts daytime, and the service area of which is subject to interference in accordance with § 3.182.

(d) *Class IV station.* A Class IV station is a station operating on a local channel and designed to render service primarily to a city or town and the suburban and rural areas contiguous thereto. The power of a station of this class shall not be less than 0.1 kilowatt nor more than 0.25 kilowatt, and its service area is subject to interference in accordance with § 3.182.

§ 3.23 *Time of operation of the several classes of stations.* The several classes of standard broadcast stations may be licensed to operate in accordance with the following:

(a) Unlimited time permits operation without a maximum limit as to time.

(b) Limited time is applicable to Class II (secondary stations) operating on a clear channel only. It permits operation of the secondary station during daytime, and until local sunset if located west of the dominant station on the channel, or if located east thereof, until sunset at the dominant station, and in addition during night hours, if any, not used by the dominant station or stations on the channel.

(c) Daytime permits operation during the hours between average monthly local sunrise and average monthly local sunset. Daytime stations operating on local channels may, upon notification to the Commission and the Engineer in Charge of the radio district in which they are located, operate at hours beyond those specified in their license.

(d) Sharing time permits operation during hours which are so restricted by the station license as to require a division of time with one or more other stations using the same channel.

(e) Specified hours means that the exact operating hours are specified in the license. (The minimum hours that any station shall operate are specified in § 3.71.) Specified hours stations operating on local channels except those sharing time with other stations may, upon notification to the Commission and the Engineer in Charge of the radio district in which they are located, operate at hours beyond those specified in their license.

§ 3.24 *Broadcast facilities; showing required.* (a) Applications for new stations or for modifications of existing authorizations shall be filed on FCC Form 301; for licenses, on FCC Form 302; for renewal of licenses, on FCC Form 303.

(b) An authorization for a new standard broadcast station or increase in facilities of an existing station will be issued only after a satisfactory showing has been made in regard to the following, among others:

(1) That the proposed assignment will tend to effect a fair, efficient, and equitable distribution of radio service among the several states and communities.

(2) That objectionable interference will not be caused to existing stations or that if interference will be caused the need for the proposed service outweighs the need for the service which will be lost by reason of such interference. That the proposed station will not suffer interference to such an extent that its service would be reduced to an unsatisfactory degree. (For determining objectionable interference, see §§ 3.182 and 3.186.)

(3) That the applicant is financially qualified to construct and operate the proposed station.

(4) That the applicant is legally qualified. That the applicant (or the person or persons in control of an applicant corporation or other organization) is of good character and possesses other qualifications sufficient to provide a satisfactory public service.

(5) That the technical equipment proposed, the location of the transmitter, and other technical phases of operation comply with the regulations governing the same, and the requirements of good engineering practice. (See technical regulations of this subpart and § 3.188.)

(6) That the facilities sought are subject to assignment as requested under existing international agreements and the rules and regulations of the Commission.

(7) That the population within the 1 v/m contour does not exceed 1.0 percent of the population within the 25 mv/m contour: *Provided, however,* That where the number of persons within the 1 v/m contour is 300 or less the provisions of this subparagraph are not applicable.

(8) That the public interest, convenience, and necessity will be served through the operation under the proposed assignment.

§ 3.25 *Clear channels; Class I and II stations.* The frequencies in the following tabulations are designated as clear channels and assigned for use by the Classes of stations given:

(a) To each of the channels below there will be assigned one Class I station and there may be assigned one or more Class II stations within the continental limits of the United States operating limited time or daytime only: 640, 650, 660, 670, 700, 720, 750, 760, 770, 780, 820, 830, 840, 870, 880, 890, 1020, 1040, 1100, 1120, 1160, 1180, 1200, and 1210 kilocycles. There also may be assigned to these frequencies Class II stations operating unlimited time in Alaska, Hawaii, Virgin Islands and Puerto Rico which will not deliver over 5 microvolts per meter groundwave day or night or 25 microvolts per meter 10 percent time skywave at night at any point within the continental limits of the United States. The power of the Class I stations on these channels shall not be less than 50 kilowatts.

(b) To each of the channels below there may be assigned Class I and Class II stations: 680, 710, 810, 850, 940, 1000, 1030, 1060, 1070, 1080, 1090, 1110, 1130, 1140, 1170, 1190, 1500, 1510, 1520, 1530, 1540, 1550, and 1560 kilocycles.

NOTE: Class I and II stations on 1540 kc shall deliver not over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point of land in the Bahama Islands, and such stations operating nighttime (1. e., sunset to sunrise at the location of the Class II station) shall be located not less than 650 miles from the nearest point of land in the Bahama Islands.

(c) For Class II stations which will not deliver over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point on the Canadian border and provided that such stations operating nighttime (1. e., sunset to sunrise at the location of the Class II station) are located not less than 650 miles from the nearest Canadian border, 540, 690, 740, 860, 990, 1010, and 1580 kilocycles.

NOTE 1: See § 2.104 (a) of this chapter with respect to use of 540 kc.

NOTE 2: A station on 1010 kilocycles shall also protect a Class I–B station at Havana, Cuba.

(d) In continenal United States, for Class II stations which operate daytime only with power not in excess of 1 kilowatt and which will not deliver over 5 microvolts per meter groundwave at any point on the Mexican border, and in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, for Class II stations which will not deliver over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point on the said border: 730, 800, 900, 1050, 1220 and 1570 kilocycles.

NOTE 1: See North American Regional Broadcasting Agreement, Havana, 1937 (Appendix I, Table IV) for use of 1050 kc by a station in New York.

NOTE 2: See agreement with Mexico for further use of 1220 kc.

§ 3.26 *Regional channels: Classes III–A and III–B stations.* The following frequencies are designated as regional channels and are assigned for use by Class III–A and III–B stations: 550, 560, 570, 580, 590, 600, 610, 620, 630, 790, 910, 920, 930, 950, 960, 970, 980, 1150, 1250, 1260, 1270, 1280, 1290, 1300, 1310, 1320, 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles.

NOTE: See North American Regional Broadcasting Agreement for special provisions concerning the assigning of Class II stations in other countries of North America to 560, 570, 590, 630, and 1270 kcs. Such stations shall be protected from interference in accordance with appendix II, table I, of said agreement.

§ 3.27 *Local channels: Class IV stations.* The following frequencies are designated as local channels and are assigned for use by Class IV stations: 1230, 1240, 1340, 1400, 1450, and 1490 kilocycles.

§ 3.28 *Assignment of stations to channels.* (a) The individual assignments of stations to channels which may cause interference to other United States stations only, shall be made in accordance with the provisions of this part for the respective classes of stations involved. (For determining objectionable interference, see §§ 3.182 and 3.186.)

(b) In all cases where an individual station assignment may cause interference with or may involve a channel assigned for priority of use by a station in another North American country, the classifications, allocation requirements and engineering standards set forth in the North American Regional Broadcasting Agreement shall be observed.

NOTE: Pending action with respect to ratification and entry into force of the North American Regional Broadcasting Agreement, Washington, 1950 (referred to herein as NARBA), no assignment for a standard broadcast station will be made which would be inconsistent with the terms of that agreement.

On an interim basis while protection by countries not signatory to the NARBA continues for assignments in the United States, no assignment for a standard broadcast station will be made which would cause objectionable interference to a duly notified station in a North American country which is not signatory to the NARBA (1. e., Mexico and Haiti). For purposes of this paragraph, interference will in general be determined, in accordance with the engineering standards in use at the time of the expiration of the Interim Agreement (Modus Vivendi), Treaties and Other International Acts Series 1553. In particular, the existence or absence of interference resulting from skywave signal transmission will be determined by the use of Figures 1 and 6 (a) of § 3.190 and the "50 per cent exclusion" method of calculating RSS interference described in § 3.182. Figure 1 of § 3.190 will be utilized in connection with curve #1 of Figure 6 (a) of § 3.190 in the determination of 50 percent skywave signals. Figure 1 of § 3.190, converted for radiation of 100 mv/m at angles above the horizontal by the use of curve #1 of Figure 6 (a) of § 3.190 and the vertical radiation pattern for a 0.311 λ antenna in Figure 5 of § 3.190, will be used with the highest value of antenna radiation occurring at any pertinent angle between the limits described by curves #4 and #5 of Figure 6 (a)

of § 3.190 in the determination of 10% skywave signals. The Mexican and Haitian stations considered to be duly notified will be those notified and accepted in accordance with past agreements, and those subsequently notified in substantial accordance with the procedures and understandings that have pertained thus far.

Engineering standards now in force domestically differ in some respects from those specified for international purposes and must be observed in appropriate cases. For example, the engineering standards specified for international purposes will be used to determine (1) the extent to which interference might be caused by a proposed station in the United States to a station in another North American country and (2) whether the United States should register an objection to any new or changed assignment notified by another North American country. The domestic standards in effect in the United States will be used to determine the extent to which interference exists or would exist from a foreign station where the value of such interference (1) enters into a calculation of the service to be rendered by a proposed operation in the United States or (2) enters into the calculation of the permissible interfering signal from one station in the United States towards another United States station.

In general, an application for a standard broadcast station assignment the grant of which would be consistent with provisions of the NARBA and would not cause objectionable interference to a duly notified station in a North American country not signatory to the NARBA, will be considered and acted upon by the Commission in accordance **with the established procedure for action upon such applications even though the NARBA may not yet have entered into force. However, in particular cases such applications may also present considerations of an international nature which require that a different procedure be followed. In such cases the procedure to be followed will be determined by the Commission in the light of the special considerations involved.**

Special provisions of a procedural nature respecting the consideration of applications for standard broadcast station assignments pending action with respect to ratification and entry into force of NARBA, 1950, and respecting the consideration of applications the grant of which would cause objectionable interference to duly notified stations in countries not signatory to the NARBA, are set out in a note to Part 1 of this chapter, Subparts D and G.

(c) Upon showing that a need exists, a Class II, III, or IV station may be assigned to a channel available for such class, even though interference will be received within its normally protected contour; *Provided:* (1) No objectionable interference will be caused by the proposed station to existing stations or that if interference will be caused, the need for the proposed service outweighs the need for the service which will be lost by reason of such interference; and (2) primary service will be provided to the community in which the proposed station is to be located; and (3) the interference received does not affect more than 10 percent of the population in the proposed station's normally protected primary service area. However, in the event that the nighttime interference received by the proposed station would exceed this amount, then an assignment may be made if the proposed station would provide either a standard broadcast nighttime facility to a community not having such a facility or if 25 percent or more of the nighttime primary service area of the proposed station is without primary nighttime service.

§ 3.29 *Class IV stations on regional channels.* No license will be granted for the operation of a Class IV station on a regional channel: *Provided, however,* That Class IV stations presently authorized to operate on regional channels will not be required to change frequency, or power but will not be protected against interference from Class III stations.

§ 3.30 *Station location and program origination.* (a) Except as provided in paragraph (b) of this section, each standard broadcast station will be licensed to serve primarily a particular city, town, or other political subdivision which will be specified in the station license and the station will be considered to be located in such place. Unless licensed as a synchronous amplifier transmitter, each station shall maintain a studio, which will be known as the main studio, in the place where the station is located provided that the main studio may be located at the transmitter site whether or not the transmitter site is in the place where the station is located. A majority (computed on the basis of duration and not number) of a station's programs or in the case of a station affiliated with a network ⅔ of such station's non-network programs, whichever is smaller, shall originate from the main studio or from other studios or remote points situated in the place where the station is located.

(b) Stations will be licensed to serve more than one city, town, or other political subdivision only where a satisfactory showing is made that each such place meets all the requirements of the rules and regulations of this subpart with respect to the location of main studios; that the station can and will originate a substantial number of local live programs from each such place; and that the requirements as to origination of programs contained in paragraph (a) of this section would place an unreasonable burden on the station if it were licensed to serve only one city, town, or other political sub-division. A station licensed to serve more than one place shall be considered to be located in and shall maintain main studios in each such place. With respect to such station the requirements as to origination of programs contained in paragraph (a) of this section shall be satisfied by the origination of programs from any or all of the main studios or from other studios and remote points situated in any or all of the places in which the main studios are located.

(c) The transmitter of each standard broadcast station shall be so located that primary service is delivered to the borough or city in which the main studio is located in accordance with the rules and regulations of this subpart.

§ 3.31 *Authority to move main studio.* The licensee of a station shall not move its main studio outside the borders of the borough or city, state, district, territory, or possession in which it is located, unless such move is to the location of the station's transmitter, without first securing a modification of construction permit or license. The licensee shall promptly notify the Commission of any other change in location of the main studio.

§ 3.32 *Special experimental authorizations.* (a) Special experimental authorization may be issued to the licensee of a standard broadcast station in addition to the regular license upon informal application therefor and upon a satisfactory showing in regard to the following, among others:

(1) That the applicant has a program of research and experimentation which indicates reasonable promise of contribution to the development and practical application of broadcasting, and will be in addition to and advancement of the work that can be accomplished under its regular license.

(2) That the experimental operation and experimentation will be under the direct supervision of a qualified engineer with an adequate staff of engineers qualified to carry on the program of research and experimentation.

(3) That the public interest, convenience, and necessity will be served by granting the authorization requested.

(b) In case a special experimental authorization permits additional hours of operation, no licensee shall transmit any commercial or sponsored program or make any commercial announcement during such time of operation. In case of other additional facilities, no additional charge shall be made by reason of transmission with such facilities.

(c) A special experimental authorization will not be extended after the actual experimentation is concluded.

(d) The program of research and experimentation as outlined in the application for a special experimental authorization shall be adhered to in the main unless the licensee is authorized to do otherwise by the Commission.

(e) The Commission may require from time to time a broadcast station holding such experimental authorization to conduct experiments that are deemed desirable and reasonable.

(f) A supplemental report shall be filed with and made a part of each application for an extension of a special experimental authorization and shall include statements of the following:

(1) Comprehensive summary of all research and experimentation conducted.

(2) Conclusions and outline of proposed program for further research and development.

(3) Comprehensive summary and conclusions as to the social and economic effects of its use.

§ 3.33 *Antenna systems; showing required.* (a) An application for authority to install a broadcast antenna shall specify a definite site and include full details of the antenna design and expected performance. (Site-to-be-determined applications which were on file prior to October 28, 1953, may be granted conditioned upon the filing within 60 days of such grant of an application for modification of permit specifying a site conforming to Commission's rules and standards.)

(b) All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application. If the station is using a directional antenna, a proof of performance must also be filed.

§ 3.34 *Normal license period.* (a) All standard broadcast station licenses will be issued for a normal license period of three years. Licenses will be issued to expire at the hour of 3:00 a. m., e. s. t., in accordance with the following schedule and at three-year intervals thereafter.

(1) For stations located in Delaware and Pennsylvania, August 1, 1957.

(2) For stations located in Maryland, District of Columbia, Virginia, West Virginia, October 1, 1957.

(3) For stations located in North Carolina, South Carolina, December 1, 1957.

(4) For stations located in Florida, Puerto Rico and Virgin Islands, February 1, 1958.

(5) For stations located in Alabama and Georgia, April 1, 1958.

(6) For stations located in Arkansas, Louisiana and Mississippi, June 1, 1958.

(7) For stations located in Tennessee, Kentucky and Indiana, August 1, 1958.

(8) For stations located in Ohio and Michigan, October 1, 1958.

(9) For stations located in Illinois and Wisconsin, December 1, 1958.

(10) For stations located in Iowa and Missouri, February 1, 1956.

(11) For stations located in Minnesota, North Dakota, South Dakota, Montana and Colorado, April 1, 1956.

(12) For stations located in Kansas, Oklahoma, Nebraska, June 1, 1956.

(13) For stations located in Texas, August 1, 1956.

(14) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico and Idaho, October 1, 1956.

(15) For stations located in California, December 1, 1956.

(16) For stations located in Washington, Oregon, Alaska, Guam and Hawaii, February 1, 1957.

(17) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, April 1, 1957.

(18) For stations located in New Jersey and New York, June 1, 1957.

(b) When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.35 *Multiple ownership.* No license for a standard broadcast station shall be granted to any party (including all parties under common control.) if:

(a) Such party directly or indirectly owns, operates or controls another standard broadcast station, a substantial portion of whose primary service area would receive primary service from the station in question, except upon a showing that public interest, convenience and necessity will be served through such multiple ownership situation; or

(b) Such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other standard broadcast station if the grant of such license would result in a concentration of control of standard broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of areas served, the number of people served, classes of stations involved and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven standard broadcast stations.

NOTE: 1. The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

2. In applying the foregoing provisions to the stockholders of a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.

§ 3.36 *Special field test authorization.* (a) Upon a showing that a need exists, a special test authorization to operate a portable or regularly authorized transmitter may be issued to persons desiring to make field intensity surveys to determine values of soil conductivity, or other factors influencing radio wave propagation, in particular areas or paths for the period necessary to conduct the survey. Such authorizations may be granted upon the following conditions:

(1) No objectionable interference will result to the operation of other authorized radio services; in this connection, the power requested shall not exceed that necessary for the purposes of the test.

(2) The carrier will be unmodulated except for half-hourly voice identification.

(3) The plate power ($E_p \times I_p$) of the final stage of the transmitter shall not exceed authorized test power and the antenna current shall be maintained at a constant value for each phase of the test.

(4) The test equipment shall not be permanently installed, unless such installation has been separately authorized. Mobile units shall not be deemed permanent installations.

(5) The equipment must be operated by or under the personal direction of either a licensed radiotelephone first-class or second-class operator.

(6) A report, under oath, containing the measurements, their analysis and other results of the survey shall be filed with the Commission within sixty (60) days from the termination of the test authorization. The measurements taken shall be sufficiently complete, in accordance with § 3.186, so as to permit a determination of the inverse distance field at 1 mile in pertinent directions.

(7) The plate voltage (E_p) and plate current (I_p) of the final stage of the transmitter shall be logged at half-hour intervals and at any time that such power is changed. Certified copies of such log notations shall be submitted to the Commission with the required report.

(8) Operation shall conform to the requirements of Subpart G of this part.

(b) The test equipment, installation and operation thereof need not comply with the requirements of Commission rules and standards except as specified in this section: *Provided however,* That the equipment, installation and operation shall be consistent with good engineering principles and practices.

(c) No authorization shall be issued unless the applicant for such authorization is determined to be legally qualified. Requests for authorizations to operate a transmitter under this section shall be made in writing, signed by the applicant under oath or affirmation (with no special form provided, however), and shall set forth the following information:

(1) Purpose, duration and need for the survey.

(2) Frequency, plate power and time of operation.

(3) A brief description of the test antenna system and its estimated effective field and its proposed location.

(4) In the case of a directional test antenna, an estimate of the maximum fields expected to be radiated in the direction of pertinent broadcast stations.

(5) In the case of a person who is not a licensee or permittee of this Commission the information required by section II of FCC Form 301.

(d) The authorization may be modified or terminated by notification from the Commission if in its judgment such action will promote the public interest, convenience or necessity.

§ 3.37 *Minimum separation between stations.* A license will not be granted for a station on a frequency of ±30 kc from that of another station if the area enclosed by the 25 mv/m groundwave contours of the two stations overlap, nor will a license be granted for the operation of a station on a frequency ±20 kc or ±10 kc from the frequency of another station if the area enclosed by the 25 mv/m groundwave contour of either one overlaps the area enclosed by the 2 mv/m groundwave contour of the other.

EQUIPMENT

§ 3.39 *Indicating instruments—specifications.*

(a) Instruments indicating the plate current or plate voltage of the last radio stage (linear scale instruments), shall meet the following specifications:

(1) Length of scale shall be not less than 2$\frac{3}{4}$ inches.

(2) Accuracy shall be at least 2 percent of the full scale reading.

(3) The maximum rating of the meter shall be such that it does not read off scale during modulation.

(4) Scale shall have at least 40 divisions.

(5) Full scale reading shall not be greater than five times the minimum normal indication.

(b) Instruments indicating the antenna current shall meet the following specifications:

(1) Instruments having logarithmic or square law scales.

(i) Shall meet same requirements as paragraph (a) (1), (2) and (3) of this section for linear scale instruments.

(ii) Full scale reading shall not be greater than three times the minimum normal indication.

(iii) No scale division above one-third full scale reading (in amperes) shall be greater than one-thirtieth of the full scale reading. (Example: An ammeter meeting requirement (i) having full scale reading of 6 amperes is acceptable for reading currents from 2 to 6 amperes, provided no scale division between 2 and 6 amperes is greater than one-thirtieth of 6 amperes, 0.2 ampere.)

(2) Radio frequency instruments having expanded scales.

(i) Shall meet same requirements as paragraph (a) (1), (2) and (3) of this section for linear scale instruments.

(ii) Full scale reading shall not be greater than five times the minimum normal indication.

(iii) No scale division above one-fifth full scale reading (in amperes) shall be greater than one-fiftieth of the full scale reading. (Example: An ammeter meeting the requirement (i) is acceptable for indicating currents from 1 to 5 amperes, provided no division between 1 and 5 amperes is greater than one-fiftieth of 5 amperes, 0.1 ampere.)

(iv) Manufacturers of instruments of the expanded scale type must submit data to the Commission showing that these instruments have acceptable expanded scales, and the type number of these instruments must include suitable designation.

(c) A thermocouple type ammeter meeting the requirements of paragraph (b) of this section shall be permanently installed in the antenna circuit. (This thermocouple ammeter may be so connected that it is short circuited or open circuited when not actually being read. If open circuited, a make-before-break switch must be employed.)

(d) Remote reading antenna ammeters may be employed and the indications logged as the antenna current in accordance with the following:

(1) Remote reading antenna ammeters may be provided by:

(i) Inserting second thermocouple directly in the antenna circuit with remote leads to the indicating instrument.

(ii) Inductive coupling to thermocouple or other device for providing direct current to indicating instrument.

(iii) Capacity coupling to thermocouple or other device for providing direct current to indicating instrument.

(iv) Current transformer connected to second thermocouple or other device for providing direct current to indicating instrument.

(v) Using transmission line current meter at transmitter as remote reading ammeter. See subparagraph (7) of this paragraph.

(vi) Using indications of phase monitor for determining the ratio of antenna currents in the case of directional antennas, provided the indicating instruments in the unit are connected directly in the current sampling circuits with no other shunt circuits of any nature.

(2) The remote ammeter shall be connected at the same point in the antenna circuit as the thermocouple ammeter and shall be so connected and calibrated as to read in amperes within 2 percent of this meter over the entire range above one-third or one-fifth full scale. See paragraphs (b) (1) (i), (iii) and (b) (2) (i), (iii) of this section.

(3) The regular antenna ammeter shall be above the coupling to the remote meter in the antenna circuit so it does not read the current to ground through the remote meter.

(4) All remote meters shall meet the same requirements as the regular antenna ammeter with respect to scale accuracy, etc.

(5) Calibration shall be checked against the regular meter at least once a week.

(6) All remote meters shall be provided with shielding or filters as necessary to prevent any feed-back from the antenna to the transmitter.

(7) In the case of shunt excited antennas, the transmission line current meter at the transmitter may be considered as the remote antenna ammeter provided the transmission line is terminated directly into the excitation circuit feed line, which shall employ series tuning only (no shunt circuits of any type shall be employed), and insofar as practicable, the type and scale of the transmission line meter should be the same as those of the excitation circuit feed line meter (meter in slant wire feed line or equivalent).

(8) Remote reading antenna ammeters employing vacuum tube rectifiers are acceptable provided:

(i) The indicating instruments shall meet all the above requirements for linear scale instruments.

(ii) Data are submitted under oath showing the unit has an over-all accuracy of at least 2 percent of the full scale reading.

(iii) The installation, calibration, and checking are in accordance with the requirements of this paragraph.

(9) In the event there is any question as to the method of providing or the accuracy of the remote meter, the burden of proof of satisfactory performance shall be upon the licensee and the manufacturer of the equipment.

(e) Statons determining power by the indirect method may log the transmission line current in lieu of the antenna current provided the instrument meets the above requirements for antenna ammeters, and further provided that the ratio between the transmission line current and the antenna current is entered each time in the log. In case the station is authorized for the same operating power for both day and nighttime operation, this ratio shall be checked at least once daily. Stations which are authorized to operate with nighttime power different from the daytime power shall check the ratio for each power at least once daily.

(f) No instrument, the seal of which has been broken, or the accuracy of which is questionable, shall be employed. Any instrument which was not originally sealed by the manufacturer that has been opened shall not be used until it has been recalibrated and sealed in accordance with the following: Repairs and recalibration of instruments shall be made by the manufacturer, by an authorized instrument repair service of the manufacturer or by some other properly qualified and equipped instrument repair service. In either case the instrument must be resealed with the symbol or trade-mark of the repair service and a certificate of calibration supplied therewith.

(g) Since it is usually impractical to measure the actual antenna current of a shunt excited antenna system, the current measured at the input of the excitation circuit feed line is accepted as the antenna current.

(h) Recording instruments may be employed in addition to the indicating instruments to record the antenna current and the direct plate current and direct plate voltage of the last radio stage provided that they do not affect the operation of the circuits or accuracy of the indicating instruments. If the records are to be used in any proceedings before the Commission as representation of operation with respect to plate or antenna current and plate voltage only, the accuracy must be the equivalent of the indicating instruments and the calibration shall be checked at such intervals as to insure the retention of the accuracy.

(i) The function of each instrument shall be clearly and permanently shown on the instrument itself or on the panel immediately adjacent thereto.

§ 3.40 *Transmitter; design, construction, and safety of life requirements.*

(a) *Design.* The general design of standard broadcast transmitting equipment [main studio microphone (including telephone lines, if used, as to performance only) to antenna output] shall be in accordance with the following specifications. (In cases where telephone lines are not available to give the performance as required in these specifications a relay transmitter may be authorized to supersede the lines.) For the points not specifically covered below, the principles set out shall be followed: The equipment shall be so designed that:

(1) The maximum rated carrier power (determined by § 3.42) is in accordance with the requirements of § 3.41.

(2) The equipment is capable of satisfactory operation at the authorized operating power or the proposed operating power with modulation of at least 85 to 95 percent with no more distortion than given in (3) below.

(3) The total audio frequency distortion from microphone terminals, including microphone amplifier, to antenna output does not exceed 5 percent harmonics (voltage measurements of arithmetical sum or r. s. s.) when modulated from 0 to 84 percent, and not over 7.5 percent harmonics (voltage measurements of arithmetical sum or r. s. s.) when modulating 85 percent to 95 percent (distortion shall be measured with modulating frequencies of 50, 100, 400, 1000, 5000 and 7500 cycles up to tenth harmonic or 16000 cycles, or any intermediate frequency that readings on these frequencies indicate is desirable).

(4) The audio frequency transmitting characteristics of the equipment from the microphone terminals (including microphone amplifier unless microphone frequency correction is included in which event proper allowance shall be made accordingly) to the antenna output does not depart more than 2 decibels from that at 1000 cycles between 100 and 5000 cycles.

(5) The carrier shift (current) at any percentage of modulation does not exceed 5 percent.

(6) The carrier hum and extraneous noise (exclusive of microphone and studio noises) level (unweighted r. s. s.) is at least 50 decibels below 100 percent modulation for the frequency band of 150 to 5000 cycles and at least 40 decibels down outside this range.

(7) The transmitter shall be equipped with suitable indicating instruments in accordance with the requirements of § 3.58 and any other instruments necessary for the proper adjustment and operation of the equipment.

(8) Adequate provision is made for varying the transmitter power output between sufficient limits to compensate for excessive variations in line voltage, or other factors which may affect the power output.

(9) The transmitter is equipped with automatic frequency control equipment capable of maintaining the operating frequency within the limit specified by § 3.59.

(i) The maximum temperature variation at the crystal from the normal operating temperature shall not be greater than,

Plus or minus 0.1° C. when an *X* or *Y* cut crystal is employed, or

Plus or minus 1.0° C. when low temperature coefficient crystal is employed.

(ii) Unless otherwise authorized, a thermometer shall be installed in such manner that the temperature at the crystal can be accurately measured within 0.05° C. for *X* or *Y* cut crystal or 0.5° for low temperature coefficient crystal.

(iii) It is preferable that the tank circuit of the oscillator tube be installed in the temperature controlled chamber.

NOTE: Explanations of excessive frequency deviations will not be accepted when temperature variations are in excess of the values specified.

(10) Means are provided for connection and continuous operation of approved modulation monitor and approved frequency monitor.

(i) The radio frequency energy for operation of the approved frequency monitor shall be obtained from a radio-frequency stage prior to the modulated stage unless the monitor is of such design as to permit satisfactory operation when otherwise connected and the monitor circuits shall be such that the carrier is not heterodyned thereby.

(11) Adequate margin is provided in all component parts to avoid overheating at the maximum rated power output.

(b) *Construction.* In general, the transmitter shall be constructed either on racks and panels or in totally enclosed frames protected as required by article 810 of the National Electrical Code and as set forth in this paragraph and paragraph (c) of this section.

NOTE 1. The final stages of high power transmitters may be assembled in open frames provided the equipment is enclosed by a protective fence.

NOTE 2. The pertinent sections of article 810 of the National Electrical Code read as follows:

"8191. *General*—Transmitters shall comply with the following:

"*a. Enclosing*—The transmitter shall be enclosed in a metal frame or grille, or separated from the operating space by a barrier or other equivalent means, all metallic parts of which are effectually connected to ground.

"*b. Grounding of controls*—All external metallic handles and controls accessible to the operating personnel shall be effectually grounded. No circuit in excess of 150 volts shall have any parts exposed to direct contact. A complete dead-front type of switchboard is preferred.

"*c. Interlocks on doors*—All access doors shall be provided with interlocks which will disconnect all voltages in excess of 350 volts when any access door is opened."

(1) Means shall be provided for making all tuning adjustments, requiring voltages in excess of 350 volts to be applied to the circuit, from the front of the panels with all access doors closed.

(2) Proper bleeder resistors or other automatic means shall be installed across all the condenser banks to remove any charge which may remain after the high voltage circuit is opened (in certain instances the plate circuit of the tubes may provide such protection; however, individual approval of such shall be obtained by the manufacturer in case of standard equipment, and the licensee in case of composite equipment).

(3) All plate supply and other high voltage equipment, including transformers, filters, rectifiers and motor generators, shall be protected so as to prevent injury to operating personnel.

(i) Commutator guards shall be provided on all high voltage rotating machinery (coupling guards on motor generators, although desirable, are not required).

(ii) Power equipment and control panels of the transmitter shall meet the above requirements (exposed 220 volt AC switching equipment on the front of the power control panels is not recommended; however, is not prohibited).

(iii) Power equipment located at a broadcast station but not directly associated with the transmitter (not purchased as part of same), such as power distribution panels, control equipment on indoor or outdoor stations and the substations associated therewith, are not under the jurisdiction of the Commission; therefore, § 3.46 does not apply.

(iv) It is not necessary to protect the equipment in the antenna tuning house and the base of the antenna with screens and interlocks, provided the doors to the tuning house and antenna base are fenced and locked at all times, with the keys in the possession of the operator on duty at the transmitter. Ungrounded fencing or wires should be effectively grounded, either directly or through proper static leaks. Lighting protection for the antenna system is not specifically required but should be installed.

(v) The antenna, antenna lead-in, counterpoise (if used), etc., shall be installed so as not to present a hazard. The antenna may be located close by or at a distance from the transmitter building. A properly designed and terminated transmission line should be used between the transmitter and the antenna when located at a distance.

(4) Metering equipment. (In addition to the following requirements, instruments shall meet the requirements of §§ 3.39 and 3.58.)

(i) All instruments having more than 1,000 volts potential to ground on the movement shall be protected by a cage or cover in addition to the regular case. (Some instruments are designed by the manufacturer to operate safely with voltages in excess of 1,000 volts on the movement. If it can be shown by the manufacturer's rating that the instrument will operate safely at the applied potential, additional protection is not necessary.)

(ii) In case the plate voltmeter is located on the low potential side of the multiplier resistor with one terminal of the instrument at or less than 1,000 volts above ground, no protective case is required. However, it is good practice to protect voltmeters subject to more than 5,000 volts with suitable over-voltage protective devices across the instrument terminals in case the winding opens.

(iii) The antenna ammeters (both regular and remote and any other radio frequency instrument which it is necessary for the operator to read) shall be so installed as to be easily and accurately read without the operator having to risk contact with circuits carrying high potential radio frequency energy.

(c) *Wiring and shielding.* (1) The transmitter panels or units shall be wired in accordance with standard switchboard practice, either with insulated leads properly cabled and supported or with rigid bus bar properly insulated and protected.

(2) Wiring between units of the transmitter, with the exception of circuits carrying radio frequency energy, shall be installed in conduits or approved fiber or metal raceways to protect it from mechanical injury.

(3) Circuits carrying low level radio frequency energy between units shall be either concentric tube, two wire balanced lines, or properly shielded to prevent the pickup of modulated radio frequency energy from the output circuits.

(4) Each stage (including the oscillator) preceding the modulated stage shall be properly shielded and filtered to prevent unintentional feedback from any circuit following the modulated stage (an exception to this requirement may be made in the case of high level modulated transmitters of approved manufacture which have been properly engineered to prevent reaction).

(5) The crystal chamber, together with the conductor or conductors to the oscillator circuit shall be totally shielded.

(6) The monitors and the radio frequency lines to the transmitter shall be thoroughly shielded.

(d) *Installation.* (1) The installation shall be made in suitable quarters.

(2) Since an operator must be on duty at the transmitter control point during operation, suitable facilities for his wel-

fare and comfort shall be provided at the control point.

(e) *Spart tubes.* A spare tube of every type employed in the transmitter and frequency and modulation monitors shall be kept on hand. When more than one tube of any type are employed, the following table determines the number of spares of that type required:

Number of each type employed:	Spares required
1 or 2	1
3 to 5	2
6 to 8	3
9 or more	4

(f) *Studio equipment.* (1) The studio equipment shall be subject to all the above requirements where applicable except as follows:

(i) If it is properly covered by an underwriter's certificate, it will be considered as satisfying the safety requirements.

(ii) Section 8191 of article 810 of the National Electrical Code shall apply for voltages only when in excess of 500 volts.

(2) No specific requirements are made relative to the design and acoustical treatment. However, the studios and particularly the main studio should be in accordance with the standard practice for the class of station concerned, keeping the noise level as low as reasonably possible.

§ 3.41 *Maximum rated carrier power; tolerances.* The maximum rated carrier power of a transmitter shall be an even power step as recognized by the Commission's plan of allocation (100 watts, 250 watts, 500 watts, 1 kw., 5 kw., 10 kw., 25 kw., 50 kw.) and shall not be less than the authorized power nor shall it be greater than the value specified in the following table:

Class of station	Maximum power authorized to station	Maximum rated carrier power permitted to be installed
		Watts
Class IV	100 or 250 watts	250
Class III	500 or 1,000 watts	1,000
	5,000 watts	5,000
Class II	250, 500, or 1,000 watts	1,000
	5,000 or 10,000 watts	10,000
	25,000 or 50,000 watts	50,000
Class I	10,000 watts	10,000
	25,000 or 50,000 watts	50,000

§ 3.42 *Maximum rated carrier power; how determined.* The maximum rated carrier power of a standard broadcast transmitter shall be determined as the sum of the applicable power ratings of the vacuum tubes employed in the last radio stage.

§ 3.43 *Changes in equipment; authority for.* No licensee or permittee shall change, in the last radio stage, the number of vacuum tubes, nor change to vacuum tubes of different power rating or class of operation, nor shall it change the system of modulation, without authority of the Commission.

§ 3.44 *Other changes in equipment.* Other changes except as provided for in this subpart which do not affect the maximum power rating or operating power of the transmitter or the operation or precision of the frequency control equipment may be made at any time without authority of the Commission, but in the next succeeding application for renewal of license such changes which affect the information already on file shall be shown in full.

§ 3.45 *Radiating system.* (a) All applicants for new, additional, or different broadcast facilities and all licensees requesting authority to change the transmitter site of an existing station shall specify a radiating system the efficiency of which complies with the requirements of good engineering practice for the class and power of the station. (See §§ 3.186 and 3.189.)

(b) No broadcast station licensee or permittee shall change the physical height of the transmitting antenna, or supporting structures, or make any changes in the radiating system which will measurably alter the radiation patterns, except upon application to and authority from the Commission.

(c) Should any changes occur which would alter the resistance of the antenna system, the licensee shall immediately make a new determination of the antenna resistance (see § 3.54) and shall submit application for authority to determine power by the direct method on the basis of the new measurements.

(d) The antenna and/or supporting structure shall be painted and illuminated in accordance with the specifications supplied by the Commission pursuant to section 303 (q) of the Communications Act of 1934 as amended. (See Part 17 of this chapter; Rules Concerning the Construction Marking, and Lighting of Antenna Structures.)

(e) The simultaneous use of a common antenna or antenna structure by more than one standard broadcast station, or by one or more standard broadcast stations and one or more stations of any other class or service may be authorized provided:

(1) Complete verified engineering data are submitted showing that satisfactory operation of each station will be obtained without adversely affecting the operation of the other station.

(2) The minimum antenna height or field intensity for each standard broadcast station concerned complies with paragraph (a) of this section.

(3) Complete responsibility for maintaining the installation and for painting and illuminating the structure in accordance with the pertinent provisions of Part 17 of this chapter is assumed by one of the licensees.

§ 3.46 *Transmitter.* (a) The transmitter proper and associated transmitting equipment of each broadcast station shall be designed, constructed, and operated in accordance with good engineering practice in all phases not otherwise specifically included in the regulations in this subpart.

(b) The transmitter shall be wired and shielded in accordance with good engineering practice and shall be provided with safety features in accordance with the specifications of article 810 of the current National Electrical Code as approved by the American Standards Association.

(c) The station equipment shall be so operated, tuned, and adjusted that emissions are not radiated outside the authorized band which cause or are capable of causing interference to the communications of other stations. Spurious emissions, including radio frequency harmonics, and audio frequency harmonics, shall be maintained at as low a level as practicable at all times in accordance with good engineering practice. In the event interference is caused to other stations by modulating frequencies in excess of 7500 cycles or spurious emissions, including radio frequency harmonics and audio frequency harmonics outside the band plus or minus 7500 cycles of the authorized carrier frequency, the licensee or permittee small install equipment or make adjustments which limit the emissions to within this band or to such an extent above 7500 cycles as to reduce the interference to where it is no longer objectionable.

(d) The audio distortion, audio frequency response, carrier hum, noise level, and other essential phases of the operation which control the external effects shall at all times conform to the requirements of good engineering practice.

§ 3.47 *Equipment performance measurements.* (a) The licensee of each standard broadcast station shall make the following equipment performance measurements at yearly intervals. One such set shall be made during the four-month period preceding the date of filing application for renewal of station license:

(1) Data and curves showing over-all audio frequency response from 30 to 7500 CPS for approximately 25, 50, 85, and 100 (if obtainable) percent modulation. Family of curves should be plotted (one for each percentage above) with DB above and below a reference frequency of 1000 CPS as ordinate and audio frequency as abscissa.

(2) Data and curves showing audio frequency harmonic content for 25, 50, 85, and 100 percent modulation for fundamental frequencies of 50, 100, 400, 1000, 5000, and 7500 CPS (either arithmetical or root sum square values up to the tenth harmonic or 16000 CPS). Plot family of curves (one for each percentage above) with percent distortion as ordinate and audio frequency as abscissa.

(3) Data showing percentage carrier shift for 25, 50, 85, and 100 percent modulation with 400 CPS tone.

(4) Carrier hum and extraneous noise generated within the equipment and measured as the level below 100 percent modulation throughout the audio spectrum or by bands.

(5) Measurements or evidence showing that spurious radiations including radio frequency harmonics are suppressed or are not present to a degree capable of causing objectionable interference to other radio services. Field intensity measurements are preferred but observations made with a communications type receiver may be accepted. However, in particular cases involving interference or controversy, the Commission may require actual measurements. Measurements shall be made with the equipment adjusted for normal program operation and shall include all circuits between main studio amplifier input and antenna output including equalizer or correction circuits normally employed, but without compression if such amplifier is employed.

(b) The data required by paragraph (a) of this section together with a description of instruments and procedure, signed by the engineer making the measurements, shall be kept on file at the transmitter and retained for a period of two years and on request shall be made available during that time to any duly authorized representative of the Federal Communications Commission.

§ 3.48 *Acceptability of broadcast transmitters for licensing.* (a) In order to facilitate the filing of, and action on applications for station authorizations, transmitters will be accepted for licensing by the Commission under one of the following conditions:

(1) A transmitter may be Type-Accepted upon the request of any manufacturer of transmitters built in quantity by following the type acceptance procedure set forth in Part 2 of this chapter, provided that the data and information submitted indicates that the transmitter meets the requirements of § 3.40. If accepted, such transmitter will be included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment". Applicants specifying transmitters included on such a list need not submit detailed descriptions and diagrams where the correct type number is specified, provided that the equipment proposed is identical with that accepted. Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(2) An application specifying a transmitter not included on the Radio Equipment List, Part B may be accepted upon the request of a prospective licensee submitting with the application for construction permit a complete description of the transmitter, including the circuit diagram, listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube, a description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization and the means of varying output power to compensate for power supply voltage variations. However, if this data has been filed with the Commission by a manufacturer in connection with a request for type acceptance, it need not be submitted with the application for construction permit but may be referred to as "on file". Measurement data for type acceptance made in accordance with subparagraph (1) of this paragraph shall be submitted with the license application.

(3) A transmitter shown on an instrument of authorization by manufacturer and type number, or as a composite, and which was in use prior to June 30, 1955 may continue to be used by the licensee, his successors or assignees, provided such transmitter continues to comply with the rules and regulations.

(b) Additional rules with respect to withdrawal of type-acceptance, modification of type-accepted equipment and limitations on the findings upon which type acceptance is based are set forth in Part 2 of this chapter.

§ 3.49 *Requirements for approval of frequency monitors*—(a) *General requirements and approval.* (1) There are several ways or means by which it can be determined whether the frequency of the emitted carrier wave is within the required limits of the assigned frequency. However, one of the commonest ways is by means of a local piezo oscillator of known frequency producing a beat with the emitted wave used in conjunction with an instrument to indicate the resultant beat frequency. The visual indicator is the only method now in common use by which it is considered that the frequency of the beat may be determined with the required degree of accuracy. Approval of a frequency monitor will be given based upon data taken by the Laboratory Division of the F. C. C. Any manufacturer desiring to submit a monitor for approval shall supply the Commission with full details. If the specifications appear to meet the requirements, the Commission will authorize the Laboratory Division to issue shipping instructions. The shipping charges to and from the Laboratory Division at Laurel, Md., shall be paid by the manufacturer.

(2) In approving a frequency monitor, based upon the tests by the Laboratory, the Commission merely recognizes that the type of monitor has the inherent capability of functioning in compliance with § 3.60, if properly constructed, maintained, and operated. The Commission accepts no responsibility beyond this and further realizes that these monitors may have a limited range over which the visual indicator will determine deviations. Accordingly, it is necessary that adjunct equipment be used to determine major deviations.

NOTE: In addition to the visual indicator, the range of which is necessarily limited in order to obtain the required accuracy, an aural indicator should also be employed to indicate frequency deviations beyond the range of the visual indicator, particularly where the visual indicator is so designed that the indication becomes zero when the deviations become considerably greater than the range of the instrument. When it is desired to make any change, either mechanical or electrical, the details shall be submitted to the Commission for its consideration.

(3) No change whatsoever will be permitted in the monitors sold under approval number issued by the Commission except when the licensee or the manufacturer is specifically authorized to make such changes.

(4) When it is desired to make any change, either mechanical or electrical, the details shall be submitted to the Commission for its consideration.

(5) Approval is given subject to withdrawal if the unit proves defective in service and cannot be relied upon under usual conditions of maintenance and operation encountered in the average standard broadcast station. Withdrawal of approval means that no further units may be installed by standard broadcast stations for the purpose of complying with § 3.60, but will not affect units already sold, unless it is found that there has been an unauthorized change in design or construction, or the material or workmanship is defective.

(b) *General specifications.* The general specifications that frequency monitors shall meet before they will be approved by the Commission are as follows:

(1) The unit shall have an accuracy of at least five parts per million under ordinary conditions (temperature, humidity, power supply, and other conditions which may affect its accuracy) encountered in standard broadcast stations throughout the United States.

(2) The range of the indicating device shall be at least from 20 cycles below to 20 cycles above the assigned frequency.

(3) The scale of the indicating device shall be so calibrated as to be accurately read within at least 1 cycle.

(4) The unit shall be equipped with an automatic temperature control chamber (preferably enclosing the tank circuits of the oscillator) such that the maximum temperature variation at the crystal from the normal operating temperature shall not be greater than,

Plus or minus 0.05° C. when *X* or *Y* cut crystal is employed, or

Plus or minus 0.5° C. when low temperature coefficient crystal is employed.

(5) Unless otherwise specifically authorized, the instrument shall be equipped with a thermometer such that the temperature can be accurately measured within 0.025° C. for *X* or *Y* cut crystal or 0.25° C. for low temperature coefficient crystal.

(6) The monitor circuit shall be such that it may be continuously operated and the emitted carrier of the station is not heterodyned thereby.

(7) Means shall be provided for adjustment of the temperature or other means for correction of the indications of the monitor to agree with the external standard.

(c) *Tests to be made by the Laboratory Division of the F. C. C.* The tests to be made at the Laboratory will include the determination of the following:

(1) *Accuracy.* (i) Oscillator frequency, as received.

(ii) Constancy of oscillator frequency, as measured several times in 1 month.

(iii) Accuracy of readings of frequency-difference instrument.

(iv) Functioning of frequency adjustment device.

(v) Effects on frequency of changing tubes and of voltage variations.

(2) *Temperature control stability.* Effect on frequency of variation of room temperature through a range not to exceed 10° to 35° C.

(3) *Sensitivity.* Response of indicating instrument to small changes of frequency.

(4) *General construction.* (i) Inspection to determine ability to stand shipment and service.

(ii) Special tests to determine quality of construction, such as effect of tilting or tipping on frequency.

(5) *Miscellaneous performance.* (a) Various, depending on character of apparatus (e. g., changes after stopping and starting, effect of varying coupling with transmitter, etc.).

(d) The equipment will be operated in a test in the same way and the same conditions under which it will be used in service as specified by the manufacturer. The manufacturer shall supply to the Laboratory Division all instructions or services which will be supplied to the purchaser of the equipment. The equipment, as submitted, shall be adjusted for operation in connection with broadcast stations operating on 1600 kilocycles.

§ 3.50 *Requirements for approval of modulation monitors.* (a) Approval will be given based on the test data taken at the Laboratory Division of the F. C. C. Any manufacturer desiring to submit a monitor for approval shall supply the Commission with full details and if the specifications appear to meet the requirements, the Commission will authorize the Laboratory Division to issue shipping instructions. The shipping charges to and from Laurel, Md., shall be paid by the manufacturer.

(b) The specifications that the modulation monitor shall meet before it will be approved by the Commission are as follows:

(1) A DC meter for setting the average rectified carrier at a specific value and to indicate changes in carrier intensity during modulation.

(2) A peak indicating light or similar device that can be set at any predetermined value from 50 to 120 percent modulation to indicate on positive peaks, and/or from 50 to 100 percent negative modulation.

(3) A semi-peak indicator with a meter having the characteristics given below shall be used with a circuit such that peaks of modulation of duration between 40 and 90 milliseconds are indicated to 90 percent of full value and the discharge rate adjusted so that the pointer returns from full reading to 10 percent of zero within 500 to 800 milliseconds. A switch shall be provided so that this meter will read either positive or negative modulation and, if desired, in the center position it may read both in a full-wave circuit. The characteristics of the indicating meter are as follows:

(i) The time for one complete oscillation of the pointer shall be 290 to 350 milliseconds. The damping factor shall be between 16 and 200. The useful scale length shall be at least 2.3 inches. The meter shall be calibrated for modulation from 0 to 110 percent and in decibels below 100 percent with 100 percent being 0 DB.

(ii) The accuracy of the reading on percentage of modulation shall be ±2 percent for 100 percent modulation, and ±4 percent of full scale reading at any other percentage of modulation.

(4) The frequency characteristics curve shall not depart from a straight line more than ±½ DB from 30 to 10000 cycles. The amplitude distortion or generation of audio harmonics shall be kept to a minimum.

(5) The modulation meter shall be equipped with appropriate terminals so that an external peak counter can be readily connected.

(6) Modulation will be tested at 115 volts ±5 percent and 60 cycles, and the above accuracies shall be applicable under these conditions.

(7) All specifications not already covered above, and the general design, construction, and operation of these units must be in accordance with good engineering practice.

TECHNICAL OPERATION

§ 3.51 *Operating power; how determined.* (a) Except as provided in paragraph (b) of this section, the operating power shall be determined by the direct method (the square of the antenna current times the antenna resistance at the point where the current is measured and at the operating frequency).

(b) Operating power shall be determined on a temporary basis by the indirect method: (1) In case of an emergency where the licensed antenna system has been damaged by causes beyond the control of the licensee (see § 3.45), or (2) Pending completion of authorized changes in the antenna system, or (3) If any change is made in the antenna system or any other change is made which may affect the antenna system. (See § 3.45.)

§ 3.52 *Operating power; indirect measurement.* (a) The operating power determined by indirect measurement from the plate input power of the last radio stage is the product of the plate voltage (Ep), the total plate current of the last radio stage (Ip), and the proper factor (F) given in paragraph (b) of this section: That is

$$\text{Operating power} = Ep \times Ip \times F$$

(b) Factor to be used.

Factor (F)	Method of modulation	Maximum rated carrier power	Class of amplifier
0.70	Plate	0.1–1.0 kw	
.80	Plate	5 kw and over	
.35	Low Level	0.1 kw and over	B
.65	Low Level	0.1 kw and over	BC [1]
.35	Grid	0.1 kw and over	

[1] All linear amplifier operation where efficiency approaches that of Class C operation.

(c) In computing operating power by the indirect method, the factor in paragraph (b) of this section shall apply in all cases, and no distinction will be recognized due to the operating power being less than the maximum rated carrier power.

§ 3.53 [Reserved.]

§ 3.54 *Operating power; direct measurement.* (a) Applications to determine the operating power by the direct method shall be made on FCC Form 302.

(b) The resistance variation method, substitution method and bridge method are acceptable methods of measuring the total antenna resistance.

(c) A determination of the resistance of an omni-directional antenna shall be made by taking a series of measurements at 5, 10, 15, and 20 kc on each side of the operating frequency. The values measured should be plotted with frequency as abscissa and resistance in ohms as ordinate and a smooth curve drawn. The point on the ordinate where this curve intersects the operating frequency gives the value of the antenna resistance.

(d) Antenna resistance for a directional antenna system shall be measured at the point of common radio frequency input to the directional antenna system. The following conditions shall obtain:

(1) The antenna shall be finally adjusted for the required pattern.

(2) The reactance at the operating frequency and at the point of measurement shall be adjusted to zero or as near thereto as practical.

(3) Suitable radio-frequency bridge or other method shall be employed to determine the resistance and reactance at the point of common radio frequency input.

(4) Resistance and reactance measurements at approximately 5, 10, 15, and 20 kc. on each side of the operating frequency shall be made. The values measured shall be plotted and the resistance at the operating frequency determined in the same manner as set forth in paragraph (c) of this section.

(5) A permanently installed antenna ammeter shall be placed in each element of the system as well as at the point of measurement of resistance.

(e) The license for a station of power of 5 kw or under which employs a directional antenna will specify the antenna resistance as 92.5 percent of that determined at the point of common input. The resistance specified for stations of a power over 5 kw will be 95 percent of that determined at the point of common input.

§ 3.55 *Modulation.* The percentage of modulation shall be maintained as high as possible consistent with good quality of transmission and in no case less than 85 percent on peaks nor more than 100 percent on negative peaks of frequent recurrence during any selection which is transmitted at the highest level of the program under consideration.

§ 3.56 *Modulation monitors.* (a) Each station shall have in operation, either at the transmitter or at the place the transmitter is controlled, a modulation monitor of a type approved by the Commission.

NOTE: Approved modulation monitors are included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment". Copies of this list are available for inspection at the Commission's office in Washington, D. C. and at each of its field offices.

(b) In the event that the modulation monitor becomes defective the station may be operated without the monitor pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the operating log of the station showing the date and time the monitor was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the monitor is found to be defective and immediately after the repaired or replacement monitor has been installed and is functioning properly.

(3) The degree of modulation of the station shall be monitored with a cathode ray oscilloscope or other acceptable means.

(c) If conditions beyond the control of the licensee prevent the restoration of the monitor to service within the above allowed period, informal request may be filed with the Engineer in Charge of the radio district in which the station is operating for such additional time as may be required to complete repairs of the defective instrument.

§ 3.57 *Operating power; maintenance of.* (a) The operating power of each station shall be maintained as near as practicable to the licensed power and shall not exceed the limits of 5 percent above and 10 percent below the licensed power, except that in an emergency when due to causes beyond control of the licensee it becomes impossible to operate with full licensed power, the station may be operated with reduced power for a period not to exceed 10 days, provided the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified immediately after the emergency develops and also upon the resumption of licensed power.

(b) In addition to maintaining the operating power within the above limitations, stations employing directional antenna systems shall maintain the ratio of the antenna currents in the elements of the system within 5 percent of that specified by the terms of the license or other instrument of authorization.

§ 3.58 *Indicating instruments.* (a) Each standard broadcast station shall be equipped with indicating instruments which conform with the specifications set forth in § 3.39 for measuring the DC plate circuit current and voltage of the last radio frequency amplifier stage; the radio frequency base current of each antenna element; and, for stations employing directional antenna systems, the radio frequency current at the point of common input to the directional antenna.

(b) In the event that any one of these indicating instruments becomes defective when no substitute which conforms with the required specifications is available, the station may be operated without the defective instrument pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the operating log of the station showing the date and time the meter was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the instrument is found to be defective and immediately after the repaired or replacement instrument has been installed and is functioning properly.

(3) If the defective instrument is the antenna current meter of a nondirectional station which does not employ a remote antenna ammeter, or if the defective instrument is the common point meter of a station which employs a directional antenna, and does not employ a remote common point meter, the operating power shall be determined by the indirect method in accordance with § 3.52 during the entire time the station is operated without the antenna current meter or common point meter. However, if a remote antenna ammeter or a remote common point meter is employed and the antenna current meter or common point meter becomes defective, the remote meter may be used in determining operating power by the direct method pending the return to service of the regular meter, provided other meters maintained at same value previously employed.

(c) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, informal request in accordance with § 1.332 (d) of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

(d) Remote antenna ammeters and remote common point meters are not required therefore authority to operate without them is not necessary. However if a remote antenna ammeter or common point meter is employed and becomes defective, the antenna base currents may be read and logged once daily for each mode of operation, pending the return to service of the regular remote meter.

§ 3.59 *Frequency tolerance.* The operating frequency of each station shall be maintained within 20 cycles of the assigned frequency.

§ 3.60 *Frequency monitor.* (a) The licensee of each station shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a frequency monitor of a type approved by the Commission which shall be independent of the frequency control of the transmitter.

NOTE: Approved frequency monitors are included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment". Copies of this list are available for inspection at the Commission's office in Washington, D. C. and at each of its field offices.

(b) In the event that the frequency monitor becomes defective the station may be operated without the monitor pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the operating log of the station showing the date and time the monitor was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the monitor is found to be defective and immediately after the repaired or replacement monitor has been installed and is functioning properly.

(3) The frequency of the station shall be measured by an external source at least once each seven days and the results entered in the station log.

(c) If conditions beyond the control of the licensee prevent the restoration of the monitor to service within the above allowed period, informal request in accordance with § 1.332 (d) of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

§ 3.61 *New equipment; restrictions.* The Commission will authorize the installation of new transmitting equipment in a broadcast station or changes in the frequency control of an existing transmitter only if such equipment is so designed that there is reasonable assurance that the transmitter is capable of maintaining automatically the assigned frequency within the limits specified in § 3.59.

§ 3.62 *Automatic frequency control equipment; authorization required.* New automatic frequency control equipment and changes in existing automatic frequency control equipment that may affect the precision of frequency control or the operation of the transmitter shall be installed only upon authorization from the Commission.

§ 3.63 *Auxiliary transmitter.* Upon showing that a need exists for the use of an auxiliary transmitter in addition to the regular transmitter of a broadcast station, a license therefor may be issued: *Provided,* That:

(a) An auxiliary transmitter may be installed either at the same location as the main transmitter or at another location.

(b) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(c) The auxiliary transmitter shall be maintained so that it may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitter.

(2) The transmission of regular programs during maintenance or modification work on the main transmitter necessitating discontinuance of its operation for a period not to exceed five days. Where such operation is required for periods in excess of five days an informal application shall be made.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in the case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) of this section is satisfactory. Tests shall be conducted only between midnight and 9 a. m., local standard time. A record shall be kept of the time and result of each test. Such records shall be retained for a period of two years.

(e) The auxiliary transmitter shall be equipped with satisfactory control equip-

ment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by the regulations in this part.

(f) An auxiliary transmitter which is licensed at a geographical location different from that of the main transmitter shall be equipped with a frequency control which will automatically hold the frequency within the limits prescribed by the regulations in this part without any manual adjustment during operation or when it is being put into operation.

(g) The operating power of an auxiliary transmitter may be less than the authorized power, but in no event shall it be greater than such power.

(h) All regulations as to safety requirements and spurious emissions applying to broadcast transmitting equipment shall apply also to an auxiliary transmitter.

§ 3.64 *Alternate main transmitters.* The licensee of a standard broadcast station may be licensed for alternate main transmitters provided that a technical need for such alternate transmitters is shown, such as licensees maintaining 24-hour schedule and needing alternate operations for maintenance, or where developmental work requires alternate operation, and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) The transmitters have the same power rating except at stations operating with different daytime and nighttime power when it shall be permissible to employ transmitters of power ratings appropriate to either the licensed daytime or nighttime power.

(c) The external effects from both transmitters are substantially the same as to frequency stability, reliability of operation, radio harmonics and other spurious emissions, audio frequency range and audio harmonic generation in the transmitter.

§ 3.65 *Antenna structure, marking and lighting.* Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment;* § 17.39, *Cleaning and repainting;* § 17.40, *Time when lights shall be exhibited;* § 17.41, *Spare lamps;* and § 17.42, *Lighting equipment;* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 3.66 *Remote control operation.* (a) A station which is authorized for nondirectional operation with power of 10 kilowatts or less may, upon prior authorization from the Commission, be operated by remote control at the point(s) which shall be specified in the station license. An application for authorization to operate by remote control may be made as a part of an application for construction permit or license, or modification thereof by specifying the proposed remote control point(s). Operation by remote control shall be subject to the following conditions:

(1) The equipment at the operating and transmitting positions shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(2) The control circuits from the operating position to the transmitter shall provide positive on and off control and shall be such that open circuits, short circuits, grounds or other line faults will not actuate the transmitter and any fault causing loss of such control will automatically place the transmitter in an inoperative condition.

(3) Control and monitoring equipment shall be installed so as to allow the licensed operator either at the remote control point or at the transmitter, to perform all of the functions in a manner required by the Commission's rules.

OPERATION

§ 3.71 *Minimum operating schedule.* Except Sundays, the licensee of each standard broadcast station shall maintain a minimum operating schedule of two-thirds of the total hours that it is authorized to operate between 6 a. m. and 6 p. m., local standard time, and two-thirds of the total hours it is authorized to operate between 6 p. m. and midnight, local standard time, except that in an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating, the station may cease operation for a period of not to exceed 10 days, provided that the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

§ 3.72 *Operation during experimental period.* The licensee of each standard broadcast station shall operate or refrain from operating its station during the experimental period as directed by the Commission in order to facilitate frequency measurement or for the determination of interference.

§ 3.73 *Specified hours.* If the license of a station specifies the hours of operation, the schedule so specified shall be adhered to except as provided in §§ 3.71 and 3.72.

§ 3.74 *Sharing time.* If the licenses of stations authorized to share time do not specify hours of operation, the licensees shall endeavor to reach an agreement for a definite schedule of periods of time to be used by each. Such agreement shall be in writing and each licensee shall file the same in triplicate original with each application to the Commission for renewal of license. If and when such written agreements are properly filed in conformity with this section the file mark of the Commission will be affixed thereto, one copy will be retained by the Commission, one copy forwarded to the Engineer in Charge of the radio district in which the station is located, and one copy returned to the licensee to be posted with the station license and considered as a part thereof. If the license specifies a proportionate time division, the agreement shall maintain this proportion. If no proportionate time division is specified in the license, the licensees shall agree upon a division of time. Such division of time shall not include simultaneous operation of the stations unless specifically authorized by the terms of the license.

§ 3.75 *Sharing time; equivalence of day and night hours.* For the purpose of determining the proportionate division of time of the broadcast day for sharing time stations 1 night hour shall be considered the equivalent of 2 day hours.

§ 3.76 *Sharing time; experimental period.* If the license of a station authorized to share time does not specify the hours of operation, the station may be operated for the transmission of regular programs during the experimental period provided an agreement thereto is reached with the other stations with which the broadcast day is shared and further provided such operation is not in conflict with § 3.72. Time-sharing agreements for operation during the experimental period need not be submitted to the Commission.

§ 3.77 *Sharing time; departure from regular schedule.* A departure from the regular operating schedule set forth in a time-sharing agreement will be permitted only in cases where an agreement to that effect is reduced to writing, is signed by the licensees of the stations affected thereby and filed in triplicate by each licensee with the Commission prior to the time of the proposed change. If time is of the essence, the actual departure in operating schedule may precede the actual filing of written agreement, provided appropriate notice is sent to the Commission and the Engineer in Charge of the radio district in which the station is located.

§ 3.78 *Sharing time stations; notification to Commission.* If the licensees of stations authorized to share time are unable to agree on a division of time, the Commission shall be so notified by statement to that effect filed with the applications for renewals of licenses. Upon receipt of such statement the Commission will designate the applications for a hearing and, pending such hearing, the operating schedule previously adhered to shall remain in full force and effect.

§ 3.79 *License to specify sunrise and sunset hours.* If the licensee of a broadcast station is required to commence or cease operation, or to change the mode of operation of the station at the times of sunrise and sunset at any particular location, the controlling times for each month of the year are set forth in the station's instrument of authorization. Uniform sunrise and sunset times are specified for all of the days of each month, based upon the actual times of sunrise and sunset for the fifteenth day of that month adjusted to the nearest quarter hour. In accordance with a standardized procedure described therein, actual sunrise and sunrise and sunset times are derived by interpolation in the tables of the 1946 American Nautical Almanac, issued by the Nautical Almanac Office of the United States Naval Observatory.

§ 3.80 *Secondary station; filing of operating schedule.* The licensee of a secondary station authorized to operate limited time and which may resume operation at the time the dominant station (or stations) on the same channel ceases operation shall, with each application for renewal of license, file in triplicate a copy of its regular operating schedule, bearing a signed notation by the licensee of the dominant station of its objection or lack of objection thereto. Upon approval of such operating schedule, the Commission will affix its file mark and return one copy to the licensee authorized to operate limited time, which shall be posted with the station license and considered as a part thereof. Departure from said operating schedule will be permitted only in accordance with the procedure set forth in § 3.77.

§ 3.81 *Secondary station; failure to reach agreement.* If the licensee of a secondary station authorized to operate limited time and a dominant station on a channel are unable to agree upon a definite time for resumption of operation by the station authorized limited time, the Commission shall be so notified by the licensee of the station authorized limited time. After receipt of such statement the Commission will designate for hearing the applications of both stations for renewal of license, and pending the hearing the schedule previously adhered to shall remain in full force and effect.

§ 3.82 *Departure from schedule; material violation.* In all cases where a station licensee is required to prepare and file an operating schedule, any deviation or departure from such schedule, except as herein authorized, shall be considered as a violation of a material term of the license.

§ 3.83 *Local standard time.* All references herein to standard time or local standard time refer to local standard time as determined and fixed by the Interstate Commerce Commission.

§ 3.84 *Daylight saving time.* If local time is changed from standard time to daylight saving time at the location of all stations sharing time on the same channel, the hours of operation of all such stations on that channel shall be understood to refer to daylight saving time, and not standard time, as long as daylight saving time is observed at such locations. This provision shall govern when the time is changed by provision of law or general observance of daylight saving time by the various communities, and when the time of operation of such stations is specified in the license or is mutually agreed upon by the licensees: *Provided, however,* That when the license specifies average time of sunrise and sunset, local standard time shall be observed. In no event shall a station licensed for daytime only operate on regular schedule prior to local sunrise, or shall a station licensed for greater daytime power than nighttime power or for a different radiation pattern for daytime operation than for nighttime operation operate with the daytime power or radiation pattern prior to local sunrise.

§ 3.85 *Changes in time; agreement between licensees.* Where the local time is not changed from standard time to daylight saving time at the location of all stations sharing time on the same channel, the hours of operation of such stations shall be understood to have reference to standard time, and not daylight saving time, unless said licensees mutually agree upon a new schedule which shall be effective only while daylight saving time is observed at the location of some of these stations.

§ 3.86 *Local standard time; license provisions.* The time of operation of any broadcast station which does not share time with other stations on the same channel shall be understood to have reference to local standard time unless modification of such license with respect to hours of operation is authorized by the Commission.

§ 3.87 *Program transmissions prior to local sunrise.* (a) The provisions of §§ 3.6, 3.8, 3.9, 3.10, 3.23, 3.79, and 3.84 shall not prevent the transmission of programs between 4 o'clock a. m., local standard time, and local sunrise, of standard broadcast stations with their authorized daytime facilities: *Provided,* That the provisions of this section shall not extend to:

(1) Stations regularly sharing time during daytime hours either under licenses pursuant to which time-sharing agreements have been entered into or licenses specifying hours of operation, unless time-sharing agreements have been reached covering such operation prior to local sunrise. Sections 3.74, 3.77, and 3.78 shall be applicable to such agreements.

(2) Any Class II station causing interference, as determined by the standard broadcast Technical Standards of this subpart, by use of its daytime facilities within the 0.5 mv/m 50 percent skywave contour of any Class I station either of the United States or of any country party to the North American Regional Broadcasting Agreement, except (i) where the Class I station is located east of the Class II station in which case operation may begin at local sunrise at the Class I station; (ii) where an agreement has been reached with the Class I station to begin operation prior to local sunrise.

(3) Operation by use of its daytime facilities of any Class II station on any Class I–A channel not assigned to the United States under the North American Regional Broadcasting Agreement.

(b) Any station operating during such hours receiving notice from the Commission that undue interference is caused shall refrain from such operation during such hours pending further notice from the Commission.

(c) Nothing contained in outstanding instruments of authorization for such stations shall prohibit such operation except as herein provided.

(d) The period 4 a. m. to 6 a. m., local standard time, shall not be included in determining compliance with § 3.71.

§ 3.88 *Blanketing interference.* The licensee of each broadcast station is required to satisfy all reasonable complaints of blanketing interference within the 1 v/m contour.

§ 3.89 *Use of frequency and modulation monitors at auxiliary transmitters.* (a) The following shall govern the installation of approved frequency and modulation monitors at auxiliary transmitters:

(1) In case the auxiliary transmitter location is at a site different from that of the main transmitter, an approved frequency monitor shall be installed at the auxiliary transmitter, except when the frequency of the auxiliary transmitter can be monitored by means of the frequency monitor at the main transmitter.

(2) The provision that the frequency monitor may be located at the site of the main transmitter shall not relieve the obligation that the frequency deviation of the auxiliary transmitter shall be maintained within 20 cycles.

(3) Installation of an approved modulation monitor at the location of the auxiliary transmitter, when different from that of the main transmitter, is optional with the licensee. However, when it is necessary to operate the auxiliary transmitter beyond 2 calendar days, a modulation monitor shall be installed and operated at the auxiliary transmitter. The monitor (if taken from the main transmitter) shall be reinstalled at the main transmitter immediately upon resumption of operation of the main transmitter.

(4) In all cases where the auxiliary transmitter and the main transmitter have the same location, the same frequency and modulation monitor may be used for monitoring both transmitters, provided they are so arranged as to be switched readily from one transmitter to the other.

§ 3.90 [Reserved.]

§ 3.91 *Discontinuance of operation.* The licensee of each station shall notify the Commission in Washington, D. C., and the Engineer in Charge of the radio district where such station is located of permanent discontinuance of operation at least two days before operation is discontinued. The licensee, shall, in addition, immediately forward the station license and other instruments of authorization to the Washington, D. C., office of the Commission for cancellation.

§ 3.92 *Station and operator licenses; posting of.* (a) The station license and any other instrument of station authorization shall be posted in a conspicuous place and in such manner that all terms are visible, at the place the licensee considers to be the principal control point of the transmitter. At all other control points listed on the station authorization, a photocopy of the station license and other instruments of station authorization shall be posted.

(b) The original operator license, or FCC Form 759, of each station operator shall be posted at the place where he is on duty as an operator.

§ 3.93 *Operator requirements.* (a) One or more radio operators holding a valid radiotelephone first-class operator license, except as provided below, shall be in actual charge of the transmitting apparatus and shall be on duty either at the transmitter location or remote control point.

(b) A station which is authorized for non-directional operation with power of 10 kilowatts or less may be operated by

persons holding commercial radio operator license of any class, except an aircraft radiotelephone operator authorization or a temporary limited radiotelegraph second-class operator license, when the equipment is so designed that the stability of the frequency is maintained by the transmitter itself within the limits of tolerance specified, and none of the operations, except those specified in subparagraphs (1) through (4) of this paragraph, necessary to be performed during the course of normal operation may cause off-frequency operation or result in any unauthorized radiation. (A person holding any class of radio operator license or permit who is authorized thereunder to perform limited operation of a standard broadcast station may, when a Conelrad Radio Alert is called, make adjustments necessary to effect operation on a Conelrad authorization: *Provided*, That the station's full-time radiotelephone firstclass operator shall have previously instructed such person in the adjustments to the transmitter which are necessary to accomplish Conelrad operation.) Adjustments of transmitting equipment by such operators, except when under the immediate supervision of a radiotelephone first-class operator, shall be limited to the following:

(1) Those necessary to commence or terminate transmitter emissions as a routine matter.

(2) Those external adjustments that may be required as a result of variations of primary power supply.

(3) Those external adjustments which may be necessary to insure modulation within the limits required.

(4) Those adjustments necessary to effect any change in operating power which may be required by the station's instrument of authorization.

Should the transmitting apparatus be observed to be operating in a manner inconsistent with the station's instrument of authorization and none of the above adjustments are effective in bringing it into proper operation, a person holding other than a radiotelephone first-class operator license and not acting under the immediate supervision of radiotelephone first-class operator, shall be required to terminate the station's emissions.

(c) The licensee of a station which is operated by one or more operators holding other than a radiotelephone first-class operator license shall have one or more operators holding a radiotelephone first-class operator license in regular full-time employment at the station whose primary duties shall be to effect and insure the proper functioning of the transmitting equipment. In the event that the licensee also operates an FM broadcast station in the same community, a regular full-time radiotelephone first-class operator or operators employed in connection with the standard broadcast station may concurrently be employed to satisfy the requirements of § 3.265 (c) or § 3.565 (c): *Provided*, That the duties of such operator or operators concerning the FM broadcast transmitting equipment shall in nowise interfere with the proper performance of his duties with respect to the standard broadcast transmitter.

(d) The licensed operator on duty and in charge of a standard broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such other stations: *Provided, however*, That such duties shall in nowise interfere with the proper operation of the standard broadcast transmitter.

§ 3.94 *Period of construction.* Each construction permit for a radio station in the standard broadcast service will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of six months thereafter as the time within which construction shall be completed and with the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 3.95 *Equipment tests.* (a) During the process of construction of a standard broadcast station, the permittee, after notifying the Commission and Engineer in Charge of the radio district in which the station is located, may without further authority of the Commission, conduct equipment tests during the experimental period for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations, and the applicable engineering standards. In addition, the Commission may authorize equipment tests other than during the experimental period if such operation is shown to be desirable to the proper completion of construction and adjustment of the transmitting equipment and antenna system. An informal application for such authority, giving full details regarding the need for such tests, shall be filed with the Commission at least two (2) days (not including Sundays and Saturdays and legal holidays when the offices of the Commission are not open) prior to the date on which it is desired to begin such operation.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid and shall be conducted only during the experimental period (12 midnight to local sunrise) unless otherwise specifically authorized.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of program tests. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations and the applicable engineering standards, the permittee should notify the Engineer in Charge of the radio district in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

§ 3.96 *Program tests.* (a) Upon completion of construction of a standard broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards and when an application for station license has been filed showing the station to be in satisfactory operating condition, the permittee may request authority to conduct program tests: *Provided*, That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the radio district in which the station is located is notified. All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application. If the station is using a directional antenna, a proof of performance must also be filed as required by § 3.33 (b).

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation on program test authority shall be in strict compliance with the rules governing standard broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

§ 3.97 *Station inspection.* The licensee of any radio station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

OTHER OPERATING REQUIREMENTS

§ 3.111 *Logs.* The licensee or permittee of each standard broadcast station shall maintain program and operating logs and shall require entries to be made as follows:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof, and the sponsor's name, with the time of the beginning and ending of the complete program. If a mechanical record is used, the entry shall show the exact nature thereof, such as "record," "transcription," etc., and the time it is announced as a mechanical record. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(3) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor.

(4) An entry showing, for each program of network origin, the name of the network originating the program.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) Antenna current.

(iii) Frequency monitor reading.

(iv) Temperature of crystal control chamber if thermometer is used.

(5) Log of experimental operation during experimental period. (If regular operation is maintained during this period, the above logs shall be kept.)

(i) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record*, of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 3.112 *Logs; retention of.* Logs of standard broadcast stations shall be retained by the licensee or permittee for a period of two years: *Provided, however*, That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee or permittee has been notified, shall be retained by the licensee or permittee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further*, That logs incident to or involved in any claim or complaint of which the licensee or permittee has notice shall be retained by the licensee or permittee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

NOTE: Application forms for licenses and other authorizations require that certain operating and program data be supplied. It is suggested that these application forms be kept in mind in connection with maintenance of station program and operating records.

§ 3.113 *Logs; by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.114 *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.115 *Correction of logs.* No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.116 *Rough logs.* Rough logs may be transcribed into condensed form, but in such case the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.117 *Station identification.* (a) A licensee of a standard broadcast station shall make station identification announcement (call letters and location) at the beginning and ending of each time of operation and during operation (1) on the hour and (2) either on the half hour or at the quarter hour following the hour and at the quarter hour preceding the next hour: *Provided*,

(b) Such identification announcement need not be made on the hour when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production of longer duration than 30 minutes. In such cases the identification announcement shall be made at the beginning of the program, at the first interruption of the entertainment continuity, and at the conclusion of the program.

(c) Such identification announcement need not be made on the half hour or quarter hours when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production. In such cases an identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of the program: *Provided*, That an announcement within 5 minutes of the times specified in paragraph (a) (2) of this section will satisfy the requirements of identification announcements.

(d) In the case of variety show programs, baseball game broadcasts, or similar programs of longer duration than 30 minutes, the identification announcement shall be made within 5 minutes of the hour and of the times specified in paragraph (a) (2) of this section.

(e) In the case of all other programs the identification announcement shall be made within 2 minutes of the hour and of the times specified in paragraph (a) (2) of this section.

(f) In making the identification announcement the call letters shall be given only on the channel of the station identified thereby, except as otherwise provided in § 3.287 of the Commission's rules governing FM broadcast stations.

§ 3.118 *Mechanical records.* (a) Each program broadcast which consists in whole or in part of one or more mechanical reproductions shall be announced in the manner and to the extent set out in this section.

(1) Each such program of longer duration than 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by appropriate announcement at the beginning of the program, at each 30-minute interval and at the conclusion of the program: *Provided, however*, That the identifying announcement at each 30-minute interval is not required in case of a mechanical reproduction consisting of a continuous uninterrupted speech, play, religious service, symphony concert, or operatic production of longer than 30 minutes.

(2) Each such program of a longer duration than 5 minutes and not in excess of 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by an appropriate announcement at the beginning and end of the program.

(3) Each such program of 5 minutes or less, consisting in whole or in part of mechanical reproductions, shall be identified by appropriate announcement immediately preceding the use thereof: *Provided, however*, That each such program of one minute or less need not be announced as such.

(4) In case a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of the sponsorship of the program proper, no announcement of the mechanical reproduction is required.

(5) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. A licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

(6) During the annual periods in which daylight saving time will be effective the requirements of this section are waived with respect to network programs, transcribed and rebroadcast one hour later because of the time differential resulting from the adoption of daylight saving time in some areas, this waiver being applicable whether the off-the-line recording is made by the network itself at one of its key stations or by an individual station, but only when the off-the-line recording is for broadcast one hour later by those stations which operate on standard time. Furthermore, each station which broadcasts network programs one hour later in accordance with this waiver shall make an appropriate announcement at least once each day between the hours of 10 a. m.

and 10 p. m., stating that some or all of the network programs which are broadcast by that station are delayed broadcasts by means of transcription, and indicating whether the transcriptions have been made by the network or the individual station. A network organization or individual station taking advantage of this waiver should so advise the Commission.

§ 3.119 *Sponsored programs; announcement of.* (a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, which announcement may be made either at the beginning or the conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (b) of this section are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for or furnished, either in whole or in part, or for which material or services referred to in paragraph (b) of this section are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section shall disclose the name of such corporation, committee, association or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at one of the radio stations carrying the program.

(e) In the case of programs advertising commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program.

§ 3.120 *Broadcasts by candidates for public office*—(a) *Definitions.* A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, State or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who:

(1) Has qualified for a place on the ballot or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

(b) *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities: *Provided,* That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) *Rates and practices.* (1) The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means direct or indirect. A candidate shall, in each case, be charged no more than the rate the station would charge if the candidate were a commercial advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office for which such person is a candidate. All discount privileges otherwise offered by a station to commercial advertisers shall be available upon equal terms to all candidates for public office.

(2) In making time available to candidates for public office no licensee shall make any discrimination between candidates in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Records; inspection.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted. Such records shall be retained for a period of two years.

§ 3.121 *Rebroadcast.* (a) The term "rebroadcast" means reception by radio of the program of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.

NOTE 1: As used in § 3.121, program includes any complete program or part thereof, or any signals if other than A–3 emission.

NOTE 2: In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

(b) The licensee of a standard broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard or FM broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.

NOTE: The notice and certification of consent shall be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a standard broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

(c) (1) The licensee of the standard broadcast station located within a state or the District of Columbia, may, without further authority of the Commission rebroadcast on a noncommercial basis a noncommercial program of a United States international broadcast station.

(2) The licensee of a standard broadcast station located in any territory or insular possession of the United States may, without further authority of the Commission, rebroadcast any program of a United States international broadcast station.

(3) In the case of any rebroadcast under the provisions of this paragraph, the Commission shall be notified of the call letters of each station whose programs are rebroadcast and the licensee shall certify that express authority has been received from the licensee of the station originating the program.

(d) No licensee of a standard broadcast station shall rebroadcast the program of any other class of United States radio station without written authority having first been obtained from the Commission upon application accompanied by written consent or certification of consent of the licensee of the station originating the program.

NOTE 1: The broadcasting of a program relayed by a remote pick-up broadcast station (§ 4.401 of this chapter) is not considered a rebroadcast.

NOTE 2: Informal application may be employed.

NOTE 3: By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, § 3.121 (d) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for that express purpose by United States Government radio stations.

(e) In case of a program rebroadcast by several standard broadcast stations, such as a chain rebroadcast, the person legally responsible for distributing the program or the network facilities may obtain the necessary authorization for the entire rebroadcast both from the Commission and from the person or licensee of the station originating the program.

(f) Attention is directed to section 325 (b) of the Communications Act of 1934, which reads as follows:

No person shall be permitted to locate, use, or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there, having a power output of sufficient intensity, and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor. (See § 1.327 of this chapter.)

§ 3.122 *Lotteries.* (a) An application for construction permit, license, renewal of license, or any other authorization for the operation of a broadcast station, will not be granted where the applicant proposes to follow or continue to follow a policy or practice of broadcasting or permitting "the broadcasting of, any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes." (See 18 U. S. C. 1304.)

(b) The determination whether a particular program comes within the provisions of paragraph (a) of this section depends on the facts of each case. However, the Commission will in any event consider that a program comes within the provisions of paragraph (a) of this section if in connection with such program a prize consisting of money or thing of value is awarded to any person whose selection is dependent in whole or in part upon lot or chance, if as a condition of winning or competing for such prize, such winner or winners are required to furnish any money or thing of value or are required to have in their possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast on the station in question.

LICENSING POLICIES

§ 3.131 *Exclusive affiliation of station.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization. (The term "network organization" as used herein includes national and regional network organizations. See ch. VII, J, of Report on Chain Broadcasting.)

§ 3.132 *Territorial exclusivity.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents or hinders another station serving a substantially different area from broadcasting any program of the network organization. This section shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its primary service area upon the programs of the network organization.

§ 3.133 *Term of affiliation.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original term, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than 2 years: *Provided,* That a contract, arrangement, or understanding for a period up to 2 years, may be entered into within six months prior to the commencement of such period.

§ 3.134 *Option time.* No license shall be granted to a standard broadcast station which options for network programs any time subject to call on less than 56 days' notice, or more time than a total of 3 hours within each of four segments of the broadcast day, as herein described. The broadcast day is divided into four segments, as follows: 8 a. m. to 1 p. m.; 1 p. m. to 6 p. m.; 6 p. m. to 11 p. m.; 11 p. m. to 8 a. m. (These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.) Such option may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

NOTE 1: As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

NOTE 2: All time options permitted under this section must be for specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

§ 3.135 *Right to reject programs.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which (a) with respect to programs offered pursuant to an affiliation contract, prevents or hinders the station from rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable; or which (b) with respect to network programs so offered or already contracted for, prevents the station from rejecting or refusing any program which, in its opinion, is contrary to the public interest, or from substituting a program of outstanding local or national importance.

§ 3.136 *Network ownership of stations.* No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control with a network organization, for more than one standard broadcast station where one of the stations covers substantially the service area of the other station, or for any standard broadcast station in any locality where the existing standard broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing. (The word "control" as used herein is not limited to full control but includes such a measure of control as would substantially affect the availability of the station to other networks.)

NOTE: Effective date of this section with respect to any station may be extended from time to time in order to permit the orderly disposition of properties; and it shall be suspended indefinitely with respect to regional network organizations.

§ 3.137 *Dual network operation.* No license shall be issued to a standard broadcast station affiliated with a network organization which maintains more than one network: *Provided,* That this section shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such network.

§ 3.138 *Control by networks of station rates.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, fixing or altering its rates for the sale of broadcast time for other than the network's programs.

§ 3.139 *Special rules relating to contracts providing for reservation of time upon sale of a station.* (a) No license, renewal of license, assignment of license, or transfer of control of a corporate licensee shall be granted or authorized to a standard broadcast station which has

a contract, arrangement or understanding, express or implied, pursuant to which, as consideration or partial consideration for the assignment of license or transfer of control, the assignor of a station license or the transferor of stock, where transfer of a corporate licensee is involved, or the nominee of such assignor or transferor retains any right of reversion of the license or any right to the reassignment of the license in the future, or reserves the right to use the facilities of the station for any period whatsoever.

(b) In the case of assignment of license or transfer of control of a corporate licensee approved by the Commission before the effective date of this section, February 15, 1949, involving a contract, arrangement or understanding of the type covered by paragraph (a) of this section and the existence and terms of which were fully disclosed to the Commission at the time of execution, the Commission will give consideration to the issuance of a license despite the existence of such contract, arrangement or understanding, if the parties thereto modify such contract within 6 months from the effective date of this section. Such modifications will be considered on the facts of each case but no such modification will be approved unless the modified contract contains at least the following provisions:

(1) A maximum limitation of the time subject to reservation so that no more than 12 hours per week shall be subject to reservation, of which no more than 4 hours shall be on any given day.

(2) A clause providing that the licensee reserves the right to reject or refuse programs which he reasonably believes to be unsatisfactory or unsuitable or for which, in his opinion, a program of outstanding local or national importance should be substituted, but provision may be made for the substitution of other radio time for programs so rejected or for the payment at the station card rate for the time made unavailable.

(3) A prohibition against the resale or reassignment of any of the broadcast time reserved by such modified contract.

(4) An express negation of any right with respect to reversion or reassignment of license.

(5) An express provision setting forth a definite expiration date of the contract, arrangement or understanding. Such expiration date shall not extend beyond February 15, 1964 and shall in no event extend beyond the expiration date originally provided for in any such contract, agreement or understanding, in the event that such expiration date is a date prior to February 15, 1964.

(6) An express provision giving to the licensee the right to terminate the contract, arrangement or understanding for substantial cause, including, but not limited to, the assignment of license or the transfer of control of a corporate licensee, consistent disagreement over programs between the parties, or the acquisition of a network affiliation by the licensee, upon the payment of a lump sum or periodic payments, and providing that the amount initially fixed shall thereafter decrease as the amount of time reserved is decreased by performance of the contract. Any such payment should not be so unduly large as to constitute in practice an effective deterrent to the licensee exercising the right of termination. In determining whether the amount is unduly large, the Commission will consider the amount by which consideration in return for the transfer of the station was decreased by reason of the reservation of time or the present value of the radio time still reserved and unused as of the date of the exercise of the right of termination.

DATA AND MEASUREMENTS

§ 3.150 *Data required with applications for directional antenna systems.* (a) The following engineering data shall be submitted with the application for authority to install a directional antenna:

(1) Complete description of the proposed system showing:

(i) Number of elements,

(ii) Type of each element (i. e., guyed or self-supporting, uniform cross section or tapered (specifying base width), grounded or insulated, etc.),

(iii) Complete engineering details of top loading or sectionalizing, if any,

(iv) Height of vertical lead of each element in feet (height above base insulator or base, if grounded),

(v) Overall height in feet of each element above ground,

(vi) Details including sketches of ground system for each element (length and number of radials, dimensions of ground screen, if used, and depth buried) and outlines of property,

(vii) Ratio of fields from elements (identifying elements).

(2) Calculated horizontal (ground) plane field intensity patterns for each mode of operation plotted to the largest scale possible on standard letter-size polar coordinate paper (main engraving approximately 7'' x 10'') using only scale divisions and subdivisions having values of 1, 2, 2.5, or 5 times 10^{n}th and showing:

(i) Inverse field intensity at 1 mile and effective field intensity (RMS).

(ii) Direction true north shall be shown at zero azimuth.

(iii) Direction and distance to each existing station with which interference may be involved. (All directions shall be determined by accurate calculation or from Lambert Conformal Conic Projection Map such as United States Coast and Geodetic Survey Map, No. 3060a, or map of equal accuracy, and all distances shall be determined by accurate calculation or from United States Albers Equal Area Projection Map scale 1/2,500,000 or map of equal accuracy. These may be obtained from the United States Coast and Geodetic Survey and the United States Department of Interior, Geological Survey.)

(iv) Orientation of array with respect to true north and time phasing of fields from elements (specifying degrees leading [+] or lagging [−]) and space phasing of elements (identifying elements). (Space phasing should be given in feet as well as in degrees.)

(v) The location of all the minima in the pattern.

(3) Calculated field intensity vs. azimuth patterns for every 5 degrees of elevation through 60 degrees in those instances where radiation at angles above the horizontal plane is a pertinent factor in station allocation. These patterns may be plotted in polar or rectangular coordinates but shall be submitted one to a page. Minor lobe and null detail occurring between the 5 degree intervals need not be submitted.

(4) Data used in computing the patterns in subparagraphs (2) and (3) of this paragraph including:

(i) Formula used for calculating the horizontal patterns, sample calculations. (Derivation of formula if other than standard is used.)

(ii) All assumptions made and basis therefor, including electrical height, current distribution and efficiency of each element, and ground conductivity.

(iii) Complete tabulation of final calculated data used in plotting patterns, including data for determination of RMS value of pattern.

(5) Values of field intensity less than 10 percent of the effective field intensity of the patterns in subparagraphs (2) and (3) of this paragraph shown on an enlarged scale.

(6) In the event actual inverse distance field intensities expected to be determined in practice (that is, the values determined from actual measurements, particularly in sharp nulls) are different from the calculated values in subparagraphs (2) and (3) of this paragraph, the maximum expected operating values (MEOV) as well as the calculated values shall be shown on both the full patterns and the enlarged sections.

(7) Any additional information required by the application form.

§ 3.151 *Field intensity measurements to establish performance of directional antennas.* (a) In addition to the information required by the license application form, the following showing must be submitted to indicate that the pattern obtained for each mode of directional operation is essentially the same as that predicted by the application and required by terms of the authorization and that any specific requirements set out are fully met:

(1) Horizontal field intensity pattern(s) showing the inverse field intensity at 1 mile and effective field intensity (RMS) as determined from field intensity measurements taken and analyzed in accordance with § 3.186 in at least the following directions:

(i) Those specified in the instrument of authorization.

(ii) In major lobes. Generally at least three radials are necessary to establish a major lobe; however, additional radials may be required.

(iii) Along sufficient number of other radials to establish the effective field. In the case of a relatively simple directional antenna pattern, approximately five radials in addition to those in subdivisions (i) and (ii) of this subparagraph are sufficient. However, when more complicated patterns are involved, that is, patterns having several or sharp lobes or nulls, measurements shall be taken along as many radials as may be necessary, to definitely establish the pattern(s).

(2) Pattern(s) plotted with direction true north as zero azimuth and showing the orientation of array with respect to true north, time and space phasing of elements, and both calculated and measured parameters. (Specify degrees leading [+] or lagging [−] and space phasing in feet as well as in degrees.)

(3) Pattern(s) plotted to the largest scale possible on standard letter-size polar coordinate paper (main engraving approximately 7'' x 10'') using divisions and subdivisions having values of 1, 2, 2.5, or 5 times 10^{n}th (no other values shall be used). All values of field intensity less than 10 percent of the RMS field intensity of the pattern shown on an enlarged scale.

(4) Complete tabulation of all data used in plotting the above pattern(s).

(5) The 25 and 5 mv/m field intensity contours and the nighttime interference-free contour, when the pattern is for nighttime operation, as well as any other contours specified by the instrument of authorization, plotted on a map which has the largest practical scale. These contours need not be shown for distances greater than 20 miles from the antenna except that the field intensity contours on the far side of the business and residential areas of the city in which the main studio is located shall be shown. When the station is limited by interference within the 5 mv/m contour the latter contour need not be shown. In the event the 5 mv/m contour includes and extends beyond the city and beyond 20 miles, the highest signal intensity contour that entirely includes the city may be plotted in lieu of the 5 mv/m contour; in the event that the 5 mv/m contour does not include the city, the contour of highest signal intensity encompassing the city shall be plotted in addition to the 5 mv/m contour.

(6) The actual field intensity measured at each monitoring point established in the various directions for which a limiting field was specified in the instrument of authorization together with accurate and detailed description of each monitoring point together with ordinary snapshots, clear and sharp, taken with the field intensity meter in its measuring position and with the camera so located that its field of view takes in as many pertinent landmarks as possible. In addition, the directions for proceeding to each monitoring point together with a rough sketch or map upon which has been indicated the most accessible approaches to the monitoring points should be submitted.

§ 3.152 *Field intensity measurements in support of applications or evidence at hearings.* In the determination of interference, groundwave field intensity measurements will take precedence over theoretical values, provided such measurements are properly taken and presented. When measurements of groundwave signal intensity are presented, they shall be sufficiently complete in accordance with § 3.186 to determine the field intensity at 1 mile in the pertinent directions for that station.

NOTE: The antenna resistance measurements required by § 3.186 need not be taken or submitted.

STANDARD BROADCAST TECHNICAL STANDARDS

§ 3.181 *Introduction.* (a) There are presented herein the Technical Standards giving interpretations and further considerations concerning the rules and regulations of the Federal Communications Commission governing standard broadcast stations. While rules and regulations form the basis of good engineering practice, these standards may go beyond the rules and regulations and set up engineering principles for consideration of various allocation problems. These standards have been approved by the Commission and thus are considered as reflecting the opinion of the Commission in all matters involved.

(b) The Technical Standards set forth herein are those deemed necessary for the construction and operation of standard broadcast stations to meet the requirements of technical regulations and for operation in public interest along technical lines not specifically enunciated in the regulations. These standards are based on the best engineering data available from evidence supplied in formal and informal hearings and extensive surveys conducted in the field by the Commission's personnel. Numerous informal conferences have been held with radio engineers, manufacturers of radio equipment and others for the guidance of the Commission in the formulation of these standards.

(c) These standards are complete in themselves and supersede any previous announcements or policies which may have been enunciated by the Commission on engineering matters concerning standard broadcast stations.

(d) While these standards provide for flexibility and set forth the conditions under which they are applicable, it is not expected that material deviation therefrom as to fundamental principles will be recognized unless full information is submitted as to the reasonableness of such departure and the need therefor.

(e) These standards will necessarily change as progress is made in the art, and accordingly it will be necessary to make revisions from time to time. The Commission will accumulate and analyze engineering data available as to the progress of the art so that its standards may be kept current with the developments.

§ 3.182 *Engineering standards of allocation.* (a) Sections 3.21 to 3.34, inclusive, govern allocation of facilities in the standard broadcast band of 535 to 1605 kc. Section 3.21 establishes three classes of channels in this band, namely, clear channels for the use of high-powered stations, regional channels for the use of medium-powered stations, and local channels for the use of low-powered stations. The classes and power of standard broadcast stations which will be assigned to the various channels are set forth in § 3.22. The classification of the standard broadcast stations are as follows:

(1) Class I stations are dominant stations operating on clear channels with powers of not less than 10 or more than 50 kw. These stations are designed to render primary and secondary service over an extended area and at relatively long distances, hence have their primary service areas free from objectionable interference from other stations on the same and adjacent channels and secondary service areas free from objectionable interference from stations on the same channels. (The secondary service area of a Class I station is not protected from adjacent channel interference. However, if it is desired to make a determination of the area in which adjacent channel groundwave interference (10 kc removed) to skywave service exists, it may be considered as the area where the ratio of the desired 50% skywave of the Class I station to the undesired groundwave of a station 10 kc removed is 1 to 4.) From an engineering point of view, Class I stations may be divided into two groups and, hereafter, for the purpose of convenience, the two groups of Class I stations will be termed Class I–A or I–B in accordance with the assignment to channels allocated by § 3.25 (a) or (b).

(i) The Class I stations in group I–A are those assigned to the channels allocated by § 3.25 (a), on which duplicate nighttime operation is not permitted, that is, no other station is permitted to operate on a channel with a Class I station of this group within the limits of the United States (the Class II stations assigned the channels operate limited time or daytime only), and during daytime the Class I station is protected to the 100 uv/m ground wave contour. Protection is given this class of station to the 500 uv/m ground wave contour from adjacent channel stations for both day and nighttime operations. The power of each such Class I station shall not be less than 50 kw.

(ii) The Class I stations in group I–B are those assigned to the channels allocated by § 3.25 (b), on which duplicate operation is permitted, that is, other Class I or Class II stations operating unlimited time may be assigned to such channels. During nighttime hours of operation a Class I station of this group is protected to the 500 uv/m 50 percent sky wave contour and during daytime hours of operation to the 100 uv/m ground wave contour from stations on the same channel. Protection is given to the 500 uv/m groundwave contour from stations on adjacent channels for both day and nighttime operation. The operating powers of Class I stations on these frequencies shall be not less than 10 kw nor more than 50 kw.

(2) Class II stations are secondary stations which operate on clear channels with powers not less than 0.25 kw. or more than 50 kw. These stations are required to use a directional antenna or other means to avoid causing interference within the normally protected service areas of Class I stations or other Class II stations. These stations normally render primary service only, the area of which depends on the geographical location, power, and frequency. This may be relatively large but is limited by and subject to such interference as may be received from Class I stations. However, it is recommended that Class

II stations be so located that the interference received from other stations will not limit the service area to greater than the 2500 uv/m ground wave contour nighttime and 500 uv/m groundwave contour daytime, which are the values for the mutual protection of this class of stations with other stations of the same class.

(3) Class III stations operate on regional channels and normally render primary service to the larger cities and the rural area contiguous thereto, and are subdivided into two classes:

(i) Class III–A stations which operate with powers not less than 1 kw or more than 5 kw are normally protected to the 2500 uv/m groundwave contour nighttime and the 500 uv/m groundwave contour daytime.

(ii) Class III–B stations which operate with powers not less than 0.5 kw, or more than 1 kw nighttime and 5 kw daytime are normally protected to the 4000 uv/m groundwave contour nighttime and 500 uv/m groundwave contour daytime.

(iii) Class IV stations operate on local channels normally rendering primary service only to a city or town and the surburban and rural areas contiguous thereto with powers not less than 0.1 kw or more than 0.25 kw. The stations are normally protected to 500 uv/m groundwave contour daytime. On local channels the separation required for the daytime protection shall also determine the nighttime separation. The actual nighttime limitation will be calculated.

NOTE: The following approximate method may be used. It is based on the assumption of 0.25 wavelength antenna height and 88 mv/m at one mile effective field for 250 watts power, using the 10% skywave field intensity curve of Figure 2 of § 3.190. Zones defined by circles of various radii specified below are drawn about the desired station and the interfering 10% skywave signal from each station in a given zone is considered to be the value tabulated below. The effective interfering 10% skywave signal is taken to be the RSS value of all signals originating within these zones. (Stations beyond 500 miles are not considered.)

Zone	Inner radius	Outer radius	10 percent skywave signal (mv/m)
A	----------	60	0.10
B	60	80	.12
C	80	100	.14
D	100	250	.16
E	250	350	.14
F	350	450	.12
G	450	500	.10

Where the power of the interfering station is not 250 watts, the 10% skywave signal should be adjusted by the square root of the ratio of the power to 250 watts.

(b) The class of any station is determined by the channel assignment, the power, and the field intensity contour to which it renders service free of interference from other stations as determined by these standards. No station will be permitted to change to a class normally protected to a contour of less intensity than the contour to which the station actually renders interference-free service. Any Station of a class normally protected to a contour of less intensity than that to which the station actually renders interference-free service, will be automatically reclassified according to the class normally protected, the minimum consistent with its power and channel assignment. Likewise, any station to which the interference is reduced so that service is rendered to a contour normally protected for a higher class will be automatically changed to that class if consistent with its power and channel assignment.

(c) When it is shown that primary service is rendered by any station, beyond the normally protected contour, and when primary service to approximately 90 percent of the population (population served with adequate signal) of the area between the normally protected contour and the contour to which such station actually serves, is not supplied by any other station or stations carrying the same general program service, the contour to which protection may be afforded in such cases will be determined from the individual merits of the case under consideration.

(d) When a station is already limited by interference from other stations to a contour of higher value than that normally protected for its class, this contour shall be the established standard for such station with respect to interference from all other stations.

(e) The several classes of broadcast stations have in general three service areas; namely, primary, secondary, and intermittent service areas. (See § 3.11 for the definitions of primary, secondary, and intermittent service areas.) Class I stations render service to all three service areas. Class II stations render service to a primary area but the secondary and intermittent service areas may be materially limited or destroyed due to interference from other stations depending on the station assignments involved. Class III and IV stations usually have only primary service areas as interference from other stations generally prevents any secondary service and may limit the intermittent service area. However, complete intermittent service may be obtained in many cases depending on the station assignments involved.

(f) The signals necessary to render primary service to different types of service areas are as follows:

Area:	Field intensity groundwave [1]
City business or factory areas	10 to 50 mv/m
City residential areas	2 to 10 mv/m
Rural—all areas during winter or northern areas during summer	0.1 to 0.5 mv/m
Rural—southern areas during summer	0.25 to 1.0 mv/m

[1] See § 3.184 for curves showing distance to various ground wave field intensity contours for different frequency and ground conductivities and § 3.183.

All these values are based on an absence of objectionable fading, either in changing intensity or selective fading, the usual noise level in the areas, and an absence of limiting interference from other broadcast stations. The values apply both day and night but generally fading or interference from other stations limits the primary service at night in all rural areas to higher values of field intensity than the values given. The Commission will not authorize a directive antenna for a Class IV station assigned a local channel.

NOTE: Standards have not been established for interference from atmospherics or man-made electric noise as no uniform method of measuring noise or static has been established. In any individual case objectionable interference from any source, except other broadcast signals, may be determined by comparing the actual noise interference reproduced during reception of a desired broadcast signal to the degree of interference that would be caused by another broadcast signal within 20 cycles of the desired signal and having a carrier ratio of 20 to 1 with both signals modulated 100 percent on peaks of usual programs. Standards of noise measurements and interference ratio for noise are now being studied.

(g) In determining the population of the primary service area, it may be considered that the following signals are satisfactory to overcome man-made noise in towns of the population given.

Population:	Field intensity groundwave
Up to 2,500	0.5 mv/m
2,500 to 10,000	2.0 mv/m
10,000 and up	Values given in paragraph (f) of this section

These values are subject to wide variations in individual areas and especial attention must be given to interference from other stations. The values are not considered satisfactory in any case for service to the city in which the main studio of the station is located. The values in paragraph (f) of this section shall apply except as individual consideration may determine.

(h) All classes of broadcast stations have primary service areas subject to limitation by fading and noise, and interference from other stations to the contours set out for each class of station.

(i) Secondary service is delivered in the areas where the sky wave for 50 percent or more of the time has a field intensity of 500 uv/m or greater. (The secondary service area of a Class I-A station should be considered as having this limit only for determination of service in comparison with other stations.) It is not considered that satisfactory secondary service can be rendered to cities unless the sky wave approaches in value the ground wave required for primary service. The secondary service is necessarily subject to some interference and extensive fading whereas the primary service area of a station is subject to no objectionable interference or fading. Class I stations only are assigned on the basis of rendering secondary service.

NOTE: Standards have not been established for objectionable fading as such standards would necessarily depend on the receiver characteristics which have been changed considerably in this regard during the last several years. Selective fading causing audio distortion and the signal fading below the noise level are the objectionable characteristics of fading on modern design receivers. The AVC circuits in the better designed modern receivers in general maintain the audio output sufficiently constant to be satisfactory during most fading.

(j) The intermittent service is rendered by the groundwave and begins at the outer boundary of the primary service area and extends to the value of signal

where it may be considered as having no further service value. This may be down to only a few microvolts in certain areas and up to several millivolts in other areas of high noise level, interference from other stations, or objectionable fading at night. The intermittent service area may vary widely from day to night and generally varies from time to time as the name implies. Only Class I stations are assigned for protection from interference from other stations into the intermittent service area.

(k) Section 3.23 provides that the several classes of broadcast stations may be licensed to operate unlimited time, limited time, daytime, sharing time, and specified hours, with full explanation given in the section.

(l) Section 3.24 sets out the general requirements for obtaining an increase in facilities of a licensed station and for a new station. Section 3.24 (b) concerns the matter of interference that may be caused by a new assignment or increase in facilities of an existing assignment.

(m) [Reserved.]

(n) [Reserved.]

(o) Objectionable interference from another broadcast station is the degree of interference produced when, at a specified field intensity contour with respect to the desired station, the field intensity of an undesired station (or the root-sum-square value of field intensities of two or more stations on the same frequency) exceeds for ten (10) percent or more of the time the values set forth in these standards. (The secondary service area of a Class I–A station should be considered as having this limit only for determination of service in comparison with other stations.)

(1) With respect to the root-sum-square values of interfering field intensities referred to herein, except in the case of Class IV stations on local channels, calculation is accomplished by considering the signals in order of decreasing magnitude, adding the squares of the values and extracting the square root of the sum, excluding those signals which are less than 50% of the RSS value of the higher signals already included.

(2) The RSS value will not be considered to be increased when a new interfering signal is added which is less than 50% of the RSS value of the interference from existing stations, and which at the same time is not greater than the smallest signal included in the RSS value of interference from existing stations.

(3) It is recognized that application of the above "50% exclusion" method of calculating the RSS interference may result in some cases in anomalies wherein the addition of a new interfering signal or the increase in value of an existing interfering signal will cause the exclusion of a previously included signal and may cause a decrease in the calculated RSS value of interference. In order to provide the Commission with more realistic information regarding gains and losses in service (as a basis for determination of the relative merits of a proposed operation) the following alternate method for calculating the proposed RSS values of interference will be employed wherever applicable.

(4) In the cases where it is proposed to add a new interfering signal which is not less than 50% of the RSS value of interference from existing stations or which is greater than the smallest signal already included to obtain this RSS value, the RSS limitation after addition of the new signal shall be calculated without excluding any signal previously included. Similarly, in cases where it is proposed to increase the value of one of the existing interfering signals which has been included in the RSS value, the RSS limitation after the increase shall be calculated without excluding the interference from any source previously included.

(5) If the new or increased signal proposed in such cases is ultimately authorized, the RSS values of interference to other stations affected will thereafter be calculated by the "50% exclusion" method without regard to this alternate method of calculation.

(6) Examples of RSS interference calculations:

(i) Existing interferences:

Station No. 1—1.0 mv/m.
Station No. 2—0.60 mv/m.
Station No. 3—0.59 mv/m.
Station No. 4—0.58 mv/m.

The RSS value from Nos. 1, 2 and 3 is 1.31 mv/m: therefore interference from No. 4 is excluded for it is less than 50% of 1.31 mv/m.

(ii) Station A receives interference from:

Station No. 1—1.0 mv/m.
Station No. 2—0.60 mv/m.
Station No. 3—0.59 mv/m.

It is proposed to add a new limitation—0.68 mv/m. This is more than 50% of 1.31 mv/m, the RSS value of Nos. 1, 2 and 3. The RSS value of Station No. 1 and of the proposed station would be 1.21 mv/m which is more than twice as large as the limitation from Station No. 2 or No. 3. However, under the above provision the new signal and the three existing interferences are nevertheless calculated for purposes of comparative studies, resulting in an RSS value of 1.47 mv/m. However, if the proposed station is ultimately authorized, only No. 1 and the new signal are included in all subsequent calculations for the reason that Nos. 2 and 3 are less than 50% of 1.21 mv/m, the RSS value of the new signal and No. 1.

(iii) Station A receives interference from:

Station No. 1—1.0 mv/m.
Station No. 2—0.60 mv/m.
Station No. 3—0.59 mv/m.

No. 1 proposes to increase the limitation it imposes on Station A to 1.21 mv/m. Although the limitations from stations Nos. 2 and 3 are less than 50% of the 1.21 mv/m limitation, under the above provision they are nevertheless included for comparative studies, and the RSS limitation is calculated to be 1.47 mv/m. However, if the increase proposed by Station No. 1 is authorized, the RSS value then calculated is 1.21 mv/m because Stations Nos. 2 and 3 are excluded in view of the fact that the limitations they impose are less than 50% of 1.21 mv/m.

(p) Objectionable interference from a station on the same channel shall be considered to exist to a station when, at the field intensity contour specified in paragraph (v) of this section with respect to the class to which the station belongs, the field intensity of an interfering station (or the root-sum-square value of the field intensities of two or more interfering stations) operating on the same channel, exceeds for ten (10) percent or more of the time the value of the permissible interfering signal set forth opposite such class in paragraph (v) of this section.

(q) Objectionable interference from a station on an adjacent channel shall be considered to exist to a station when, at the normally protected contour of a desired station, the field intensity of the ground wave of an undesired station operating on an adjacent channel (or the root-sum-square value of the field intensities of two or more such undesired stations operating on the same adjacent channel) exceeds a value specified in paragraph (w) of this section.

(r) For the purpose of estimating the coverage and the interfering effects of stations in the absence of field intensity measurements, use shall be made of Figure 8 of § 3.190 which describes the estimated effective field for one kilowatt power input of simple vertical omnidirectional antennas of various heights with ground systems of at least 120 one-quarter wavelength radials. Certain approximations, based on the curve or other appropriate theory, may be made when other than such antennas and ground systems are employed, but in any event the effective field to be employed shall not be less than given in the following:

Class of station:	Effective field
I	225 mv/m
II and III	175 mv/m
IV	150 mv/m

In case a directional antenna is employed, the interfering signal of a broadcasting station will vary in different directions, being greater than the above values in certain directions and less in others, depending upon the design and adjustment of the directional antenna system. To determine the interference in any direction the measured or calculated radiated field (unabsorbed field intensity at 1 mile from the array) must be used in conjunction with the appropriate propagation curves. (See § 3.185 for further discussion and solution of a typical directional antenna case.)

(s) The existence or absence of objectionable groundwave interference from stations on the same or adjacent channels shall be determined by actual measurements made according to the method hereinafter described, or, in the absence of such measurements, by reference to the propagation curves of § 3.184. The existence or absence of objectionable interference due to skywave propagation shall be determined by reference to the appropriate propagation curves in Figure 1 or Figure 2 of § 3.190.

(t) In computing the fifty (50) percent skywave field intensity values and the ten (10) percent skywave field intensity values of a station on a clear channel, use shall be made of the appropriate graph set forth in Figure 1 of § 3.190 entitled "Average Skywave Field Inten-

sity" (corresponding to the second hour after sunset at the recording station). These graphs are drawn for a radiated field of 100 mv/m at 1 mile in the horizontal plane from a 0.311 wavelength antenna. In computing the ten (10) percent skywave field intensity of a regional channel station, use shall be made of the appropriate curve in Figure 2 of § 3.190 entitled "10 percent Skywave Signal Range." This graph is drawn for a radiated field of 100 mv/m at 1 mile at the vertical angle pertinent to transmission by one reflection. This curve supersedes the ten (10) percent skywave curve of Figure 1 of § 3.190, only for regional and local channels at the present time. Adoption of revised skywave curves for use on clear channels will await the outcome of the Clear Channel Hearing (Docket No. 6741).

(u) The distance to any specified groundwave field intensity contour for any frequency may be determined from the appropriate curves in § 3.184 entitled "Ground Wave Field Intensity vs. Distance."

(v) Protected service contours and permissible interference signals for broadcast stations are as follows:

Class of station	Class of channel used	Permissible power	Signal intensity contour of area protected from objectionable interference [1]		Permissible interfering signal on same channel [2]	
			Day [3]	Night	Day [3]	Night [4]
I-A	Clear	50 kw	SC 100 uv/m.. AC 500 uv/m..	Not duplicated	5 uv/m..	Not duplicated.
I-B	Clear	10 kw. to 50 kw	SC 100 uv/m.. AC 500 uv/m..	500 uv/m (50% skywave).	5 uv/m..	25 uv/m.
II	Clear	0.25 kw. to 50 kw	500 uv/m	2500uv/m [5] (groundwave)	25uv/m..	125 uv/m.
III-A	Regional	1 kw. to 5 kw	500 uv/m	2500 uv/m (groundwave)	25uv/m..	125 uv/m.
III-B	Regional	0.5 to 1 kw. night and 5 kw. day.	500 uv/m	4000 uv/m (groundwave)	25 uv/m.	200 uv/m.
IV	Local	0.1 kw. to 0.25 kw.	500 uv/m	Not prescribed [6]	25 uv/m.	Not prescribed. [6]

[1] When it is shown that primary service is rendered by any of the above classes of stations, beyond the normally protected contour, and when primary service to approximately 90 percent of the population (population served with adequate signal) of the area between the normally protected contour and the contour to which such station actually serves, is not supplied by any other station or stations, the contour to which protection may be afforded in such cases will be determined from the individual merits of the case under consideration. When a station is already limited by interference from other stations to a contour of higher value than that normally protected for its class, this contour shall be the established standard for such station with respect to interference from all other stations.
[2] For adjacent channels see paragraph (w) of this section.
[3] Ground wave.
[4] Skywave field intensity for 10 percent or more of the time.
[5] These values are with respect to interference from all stations except Class I-B, which stations may cause interference to a field intensity contour of higher value. However, it is recommended that Class II stations be so located that the interference received from Class I-B stations will not exceed these values. If the Class II stations are limited by Class I-II stations to higher values, then such values shall be the established standard with respect to protection from all other stations.
[6] See paragraph (a) (4) of this section.

SC=Same channel.
AC=Adjacent channel.

(w) The following ratios are to be used for determining the minimum ratio of the field intensity of a desired to an undesired signal for interference free service. In the case of a desired groundwave signal interfered with by two or more skywave signals on the same frequency, the RSS value of the latter is used.

Frequency separation of desired to undesired signals—	Desired groundwave to—		Desired 50 percent skywave to undesired 10 percent skywave
	Undesired groundwave	Undesired 10 percent skywave	
0 kc	20:1	20:1	20:1
10 kc	1:1	1:5	(1)
20 kc	1:30		

[1] The secondary service area of a Class I station is not protected from adjacent channel interference. However, if it is desired to make a determination of the area in which adjacent channel groundwave interference (10 kc. removed) to skywave service exists, it may be considered as the area where the ratio of the desired 50 percent skywave of the Class I station to the undesired groundwave of a station 10 kc. removed is 1 to 4.

From the above, it is apparent that in many cases stations operating on channels 10 and 20 kilocycles apart may be operated with antenna systems side by side or otherwise in proximity without any indications of interference if the interference is defined only in terms of permissible ratios listed in this paragraph. As a practical matter, serious interference problems may arise when two or more stations with the same general service area are operated on channels 10, 20 and 30 kilocycles apart.

(x) Two stations, one with a frequency twice that of the other, should not be assigned in the same groundwave service area unless special precautions are taken to avoid interference from the second harmonic of the lower frequency. In selecting a frequency, consideration should be given to the fact that occasionally the frequency assignment of two stations in the same area may bear such a relation to the intermediate frequency of some broadcast receivers as to cause so-called "image" interference. However, since this can usually be rectified by readjustment of the intermediate frequency of such receivers, the Commission in general will not take this kind of interference into consideration in allocation problems.

(y) Two stations operating with synchronized carriers and carrying the identical program will have their groundwave service subject to some distortion in areas where the signals from the two stations are of comparable intensity. For the purpose of estimating coverage of such stations areas in which the signal ratio is between 1 to 2 and 2 to 1 will not be considered as having satisfactory service.

NOTE: Two stations are considered to be operated synchronously when the carriers are maintained within one-fifth of a cycle per second of each other and they transmit identical programs.

§ 3.183 *Groundwave signals.* (a) Interference that may be caused by a proposed assignment or an existing assignment during day time should be determined, when possible, by measurements on the frequency involved or on another frequency over the same terrain and by means of the curves in § 3.184 entitled "Ground Wave Field Intensity versus Distance."

(b) In determining interference based upon field intensity measurements, it is necessary to do the following: First, establish the outer boundary of the protected service area of the desired station in the direction of the station that may cause interference to it. Second, at this boundary, measure the interfering signal from the undesired station. The ratio of the desired to the undesired signal given in § 3.182 (w) should be applied to the measured signals and if the required ratio is observed, no objectionable interference is foreseen. When measurements of both the desired and undesired stations are made in one area to determine the point where objectionable interference from groundwave signals occur or to establish other pertinent contours, several measurements of each station shall be made within a few miles of this point or contour. The effective field of the antennas in the pertinent directions of the stations must be established and all measurements must be made in accordance with § 3.186.

(c) In all cases where measurements taken in accordance with the requirements are not available, the groundwave intensity must be determined by means of the pertinent map of ground conductivity and the groundwave curves of field intensity versus distance. The conductivity of a given terrain may be determined by measurements of any broadcast signal traversing the terrain involved. Figures M3 and R3 of § 3.190 show the conductivity throughout the United States by general areas of reasonably uniform conductivity. When it is clear that only one conductivity value is involved, Figure R3 of § 3.190, which is a replica of Figure M3 and contained in these standards, may be used; in all other situations Figure M3 must be employed. It is recognized that in areas of limited size or over a particular path, the conductivity may vary widely from the values given; therefore, these maps are to be used only when accurate and acceptable measurements have not been made. Figure 4 of § 3.190 is a map of ground conductivity in Canada prepared by the Canadian Department of Transport. It is to be noted that at some locations there are differences in conductivity on either side of the border, which cannot be explained by geophysical cleavages. Pending adjustment of the maps for such inconsistencies, all variations at the border will be treated as real.

NOTE: Figure M3 which is incorporated in these Standards by reference, was derived by indicating ground conductivity values in the United States on the United States Albers equal area projection map (based on standard parallels 29½° and 45½°; North American datum; scale 1/2,500,000). Figure M3, consisting of two sections, an eastern and a western half, may be obtained from the Superintendent of Documents, Washington, D. C.

(d) Example of determining interference by the graphs in § 3.184:

It is desired to find whether objectionable interference exists between a 5 kw Class III station on 990 kc and a 1 kw Class III station on 1000 kc, the stations being separated by 190 miles; both stations use nondirectional antennas having such height as to produce an effective field for 1 kw of 175 mv/m. (See § 3.185 in case of use of directional antennas.) The conductivity at each station and of the intervening terrain is determined as 6 mmhos/m. The protection to Class III stations during daytime is to the 500 uv/m contour. The distance to the 500 uv/m groundwave contour of the 1 kw station is determined by the use of the appropriate curve in § 3.184, Graph 12. Since the curve is plotted for 100 mv/m at a mile, to find the distance to the 500 uv/m contour of the 1 kw station, it is necessary to determine the distance to the 285 uv/m contour ($\frac{100\times 500}{175}=285$). From the appropriate curve, the estimated radius of the service area for the desired station is found to be 39.5 miles. Subtracting this distance from the distance between the two stations leaves 90.5 miles for the interfering signal to travel. From the above curve it is found that the signal from the 5 kw station at this distance would be 158 uv/m. Since a one to one ratio applies for stations separated by 10 kc, the undesired signal at that point can have a value up to 500 uv/m without objectionable interference. If the undesired signal had been found to be greater than 500 uv/m, then objectionable interference would exist. For other channel separations, the appropriate ratio of desired to undesired signal should be used.

(e) Where a signal traverses a path over which different conductivities exist, the distance to a particular groundwave field intensity contour shall be determined by the use of the equivalent distance method. Reasonably accurate results may be expected in determining field intensities at a distance from the antenna by application of the equivalent distance method when the unattenuated field of the antenna, the various ground conductivities and the location of discontinuities are known. This method considers a wave to be propagated across a given conductivity according to the curve for a homogeneous earth of that conductivity. When the wave crosses from a region of one conductivity into a region of a second conductivity, the equivalent distance of the receiving point from the transmitter changes abruptly but the field intensity does not. From a point just inside the second region the transmitter appears to be at that distance where, on the curve for a homogeneous earth of the second conductivity, the field intensity equals the value that occurred just across the boundary in the first region. Thus the equivalent distance from the receiving point to the transmitter may be either greater or less than the actual distance. An imaginary transmitter is considered to exist at that equivalent distance. This technique is not intended to be used as a means of evaluating unattenuated field or ground conductivity by the analysis of measured data. The method to be employed for such determinations is set out in § 3.186.

(f) An example of the use of the equivalent distance method follows:

It is desired to determine the distance to the 0.5 mv/m and 0.025 mv/m contours of a station on a frequency of 1000 kc with an inverse distance field of 100 mv/m at one mile being radiated over a path having a conductivity of 10 mmhos/m for a distance of 15 miles, 5 mmhos/m for the next 20 miles and 15 mmhos/m thereafter. By the use of the appropriate curves in § 3.184—Graph 12, it is seen that at a distance of 15 miles on the curve for 10 mmhos/m the field is 3.45 mv/m. The equivalent distance to this field intensity for a conductivity of 5 mmhos/m is 11 miles. Continuing on the propagation curve for the second conductivity, the 0.5 mv/m contour is encountered at a distance of 27.9 miles from the imaginary transmitter. Since the imaginary transmitter was 4 miles nearer (15−11 miles) to the 0.5 mv/m contour, the distance from the contour to the actual transmitter is 31.9 miles (27.9+4 miles). The distance to the 0.025 mv/m contour is determined by continuing on the propagation curve for the second conductivity to a distance of 31 miles (11+20 miles), at which point the field is read to be 0.39 mv/m. At this point the conductivity changes to 15 mmhos/m and from the curve relating to that conductivity, the equivalent distance is determined to be 58 miles—27 miles more distant than would obtain had a conductivity of 5 mmhos/m prevailed. Using the curve representing the conductivity of 15 mmhos/m the 0.025 mv/m contour is determined to be at an equivalent distance of 172 miles. Since the imaginary transmitter was considered to be 4 miles closer at the first boundary and 27 miles farther at the second boundary, the net effect is to consider the imaginary transmitter 23 miles (27−4 miles) more distant than the actual transmitter; thus the actual distance to the 0.025 mv/m contour is determined to be 149 miles (172−23 miles).

§ 3.184 *Groundwave field intensity charts.* (a) Graphs 1–19A show the computed values of groundwave field intensity as a function of the distance from the transmitting antenna. The groundwave field intensity is here considered to be that part of the vertical component of the electric field received on the ground which has not been reflected from the ionosphere nor the troposphere. These 20 charts were computed for 20 different frequencies, a dielectric constant of the ground equal to 15 for land and 80 for sea water (referred to air as unity) and for the ground conductivities (expressed in mmhos/m) given on the curves. The curves show the variation of the groundwave field intensity with distance to be expected for transmission from a short vertical antenna at the surface of a uniformly conducting spherical earth with the ground constants shown on the curves; the curves are for an antenna power and efficiency such that the inverse distance field is 100 mv/m at 1 mile. The curves are valid at distances large compared to the dimensions of the antenna for other than short vertical antennas.

(b) The inverse distance field (100 mv/m divided by the distance in miles) corresponds to the groundwave field intensity to be expected from an antenna with the same radiation efficiency when it is located over a perfectly conducting earth. To determine the value of the groundwave field intensity corresponding to a value of inverse distance field other than 100 mv/m at 1 mile, simply multiply the field intensity as given on these charts by the desired value of inverse distance field at 1 mile divided by 100; for example, to determine the groundwave field intensity for a station with an inverse distance field of 1700 mv/m at 1 mile, simply multiply the values given on the charts by 17. The value of the inverse distance field to be used for a particular antenna depends upon the power input to the antenna, the nature of the ground in the neighborhood of the antenna, and the geometry of the antenna. For methods of calculating the interrelations between these variables and the inverse distance field, see "The Propagation of Radio Waves Over the Surface of the Earth and in the Upper Atmosphere," Part II, by Mr. K. A. Norton, Proc. I. R. E., Vol. 25, September 1937, pp. 1203–1236.

(c) At sufficiently short distances (say less than 35 miles), such that the curvature of the earth does not introduce an additional attenuation of the waves, the graphs were computed by means of the plane earth formulas given in the paper, "The Propagation of Radio Waves Over the Surface of the Eartth and in the Upper Atmosphere," Part I, by Mr. K. A. Norton, Proc. I. R. E., Vol. 24, October 1936, pp. 1367–1387. At larger distances the additional attenuation of the waves which is introduced by the effect of the curvature of the earth was introduced by the methods outlined in the papers, "The Diffraction of Electromagnetic Waves from an Electrical Point Source round a Finitely Conducting Sphere, with Applications to Radiotelegraphy and the Theory of the Rainbow," by Balth van der Pol and H. Bremmer, Part I, Phil. Mag., Vol. 24, p. 141, July 1937, Part II, Phil. Mag., Vol. 24, p. 825, Suppl., November 1937, "Ergebrisse einer Theorie uber die Fortpflanzung elektromagnetischer Wellen uber eine Kugel endlicher Leitfahigkeit," by Balth van der Pol and H. Bremmer, Hochfrequenztechnik und Elektroakustik, Band 51, Heft 6, June 1938, "Further Note on the Propagation of Radio Waves over a Finitely Conducting Spherical Earth," by Balth van der Pol and H. Bremmer, Phil. Mag., Vol. 27, p. 261, March 1939. In order to allow for the refraction of the radio waves in the lower atmosphere due to the variation of the dielectric constant of the air with height above the earth, a radius of the earth equal to 4/3 the actual radius was used in the computations for the effect of the earth's curvature in the manner suggested by C. R. Burrows, "Radio Propagation over Spherical Earth," Proc. I. R. E., May 1935; i. e., the distance corresponding to a given value of attenuation due to the curvature of the earth in the absence of air refraction was multiplied by the factor $(4/3)^{\frac{1}{3}}=1.21$. The amount of this refraction varies from day to day and from season to season, depending on the air mass conditions in the lower atmosphere. If k denotes the ratio between the equivalent radius of the earth and the true radius, the following table gives the values of k for several typical air masses encountered in the United States.

Air mass type	k	
	Summer	Winter
Tropical Gulf—T_c	1.53	1.43
Polar Continental—P_c	1.21	1.25
Superior—S	1.25	1.25
Average	1.33	

It is clear from this table that the use of the average value of $k=4/3$ is justified in obtaining a single correction for the systematic effects of atmospheric refraction.

(d) Provided the value of the dielectric constant is near 15, the curves of Graphs 1–19A may be compared with experimental data to determine the appropriate values of the ground conductivity and of the inverse distance field intensity at 1 mile. This is accomplished simply by plotting the measured fields on transparent log-log graph paper similar to that used for Graphs 1–19A and superimposing this chart over the graph corresponding to the frequency involved. The log-log graph sheet is then shifted vertically until the best fit is obtained with one of the curves on the graph; the intersection of the inverse distance line on the graph with the 1-mile abscissa on the chart determines the inverse distance field intensity at 1 mile. For other values of dielectric constant, the following procedure may be used for a determination of the dielectric constant of the ground, conductivity of the ground and the inverse distance field intensity at 1 mile. Graph 20 gives the relative values of groundwave field intensity over a plane earth as a function of the numerical distance p and phase angle b. On graph paper with coordinates similar to those of Graph 20, plot the measured values of field intensity as ordinates versus the corresponding distances from the antenna expressed in miles as abscissae. The data should be plotted only for distances greater than one wavelength (or, when this is greater, five times the vertical height of the antenna in the case of a single element, i. e., nondirectional antenna or 10 times the spacing between the elements of a directional antenna) and for distances less than $50/f_{mc}^{\frac{1}{3}}$ miles (i. e., 50 miles at 1 mc). Then, using a light box, place the sheet with the data plotted on it over the sheet with the curves of Graph 20 and shift the data sheet vertically and horizontally (making sure that the vertical lines on both sheets are parallel) until the best fit with the data is obtained with one of the curves on Graph 20. When the two sheets are properly lined up, the value of the field intensity corresponding to the intersection of the inverse distance line of Graph 20 with the 1 mile abscissa on the data sheet is the inverse distance field intensity at 1 mile, and the values of the numerical distance at 1 mile, p_1, and of b are also determined. Knowing the values of b and p_1 (the numerical distance at 1 mile), we may substitute in the following approximate formulas to determine the appropriate values of the ground conductivity and dielectric constant.

$$x \simeq \frac{\pi}{p_1} \cdot (R/\lambda)_1 \cdot \cos b \qquad (1)$$

$(R/\lambda)_1$ = Number of wavelengths in 1 mile.

$$\sigma_{e.\ m.\ u.} = \frac{x f_{mc}}{17.9731} \cdot 10^{-14} \qquad (2)$$

$\sigma_{e.\ m.\ u.}$ = Conductivity of the ground expressed in electromagnetic units.

f_{mc} = frequency expressed in megacycles.

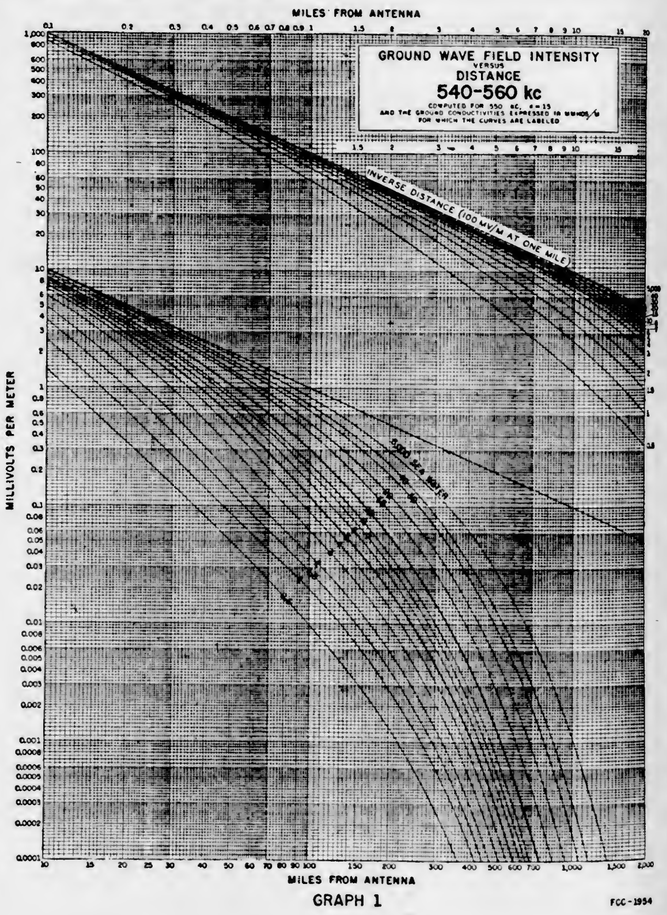
$$\epsilon \simeq x \tan b - 1 \qquad (3)$$

ϵ = dielectric constant of the ground referred to air as unity.

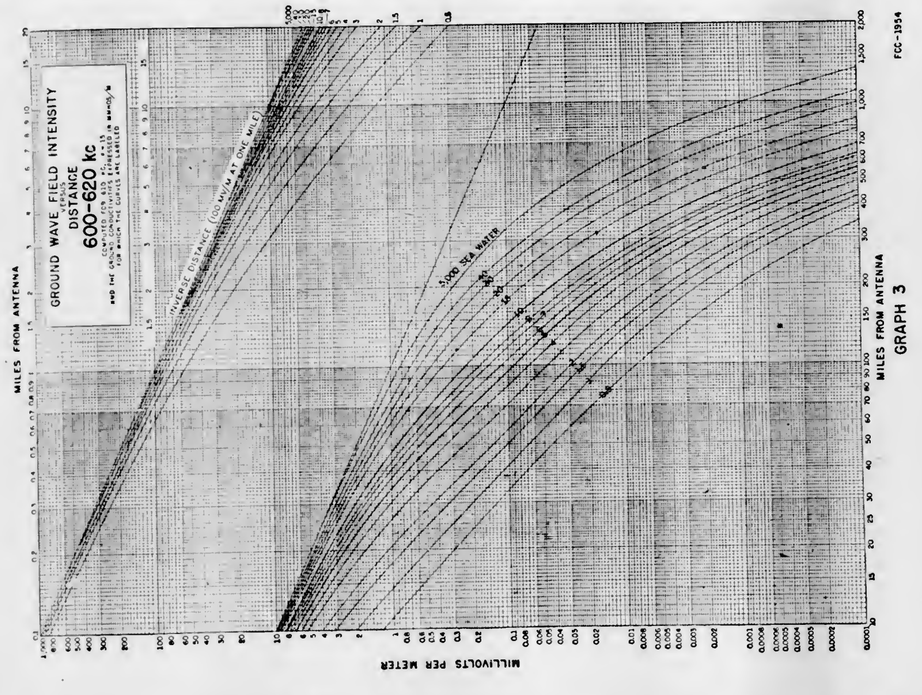
First solve for x by substituting the known values of p_1, $(R/\lambda)_1$, and cos b in equation (1). Equation (2) may then be solved for σ and equation (3) for ϵ. At distances greater than $50/f_{mc}^{\frac{1}{3}}$ miles the curves of Graph 20 do not give the correct relative values of field intensity since the curvature of the earth weakens the field more rapidly than these plane earth curves would indicate. Thus, no attempt should be made to fit experimental data to these curves at the larger distances.

(e) At sufficiently short distances (say less than 35 miles at broadcast frequencies), such that the curvature of the earth does not introduce an additional attenuation of the waves, the curves of Graph 20 may be used for determining the ground wave field intensity for transmitting and receiving antennas at the surface of the earth for any radiated power, frequency, or set of ground constants in the following manner: First, lay off the straight inverse distance line corresponding to the power radiated on transparent log-log graph paper similar to that of Graph 20, labelling the ordinates of the chart in terms of field intensity, and the abscissae in terms of distance. Next, by means of the formulas given on Graph 20, calculate the value of the numerical distance, p, at 1 mile, and the value of b. Then superimpose the log-log chart over Graph 20, shifting it vertically until the inverse distance lines on both charts coincide and shifting it horizontally until the numerical distance at 1 mile on Graph 20 coincides with 1 mile on the log-log graph paper. The curve of Graph 20 corresponding to the calculated value of b is then traced on the log-log graph paper giving the field intensity versus distance in miles.

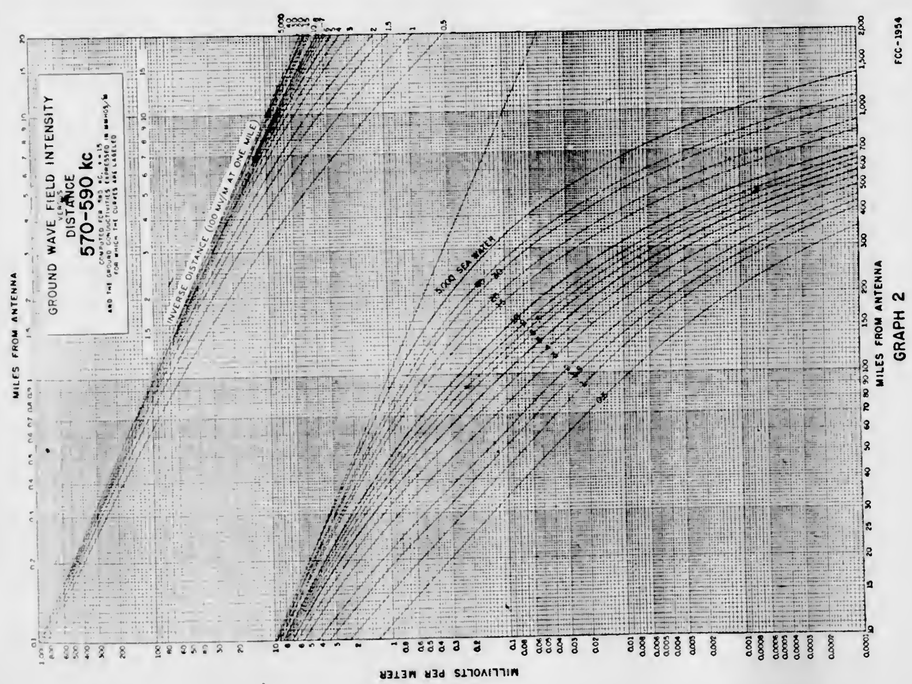
NOTE: The graphs as reproduced herein, due to the small scale are not to be used in connection with material submitted to the F. C. C.



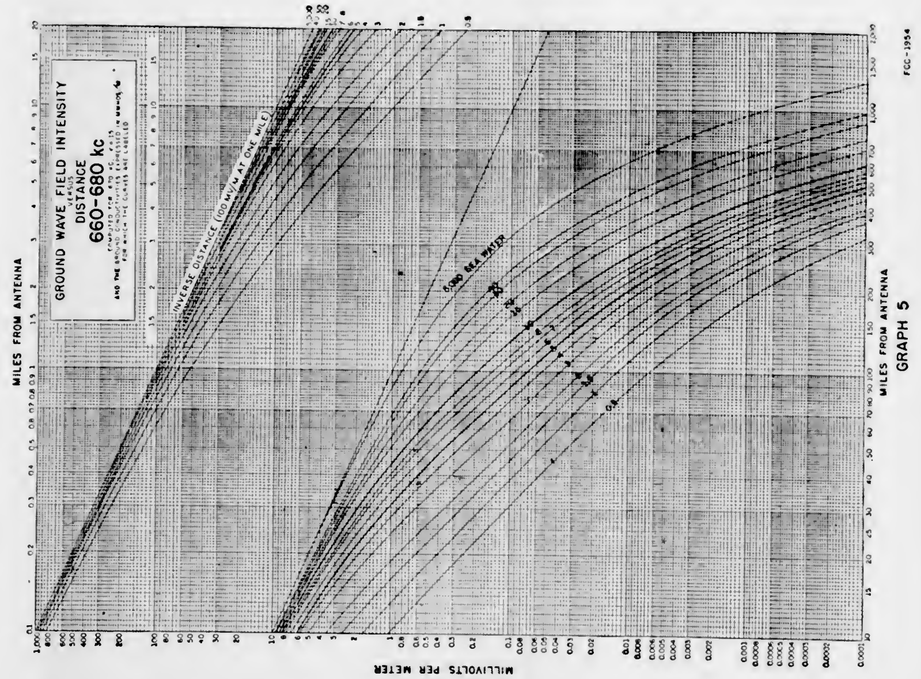
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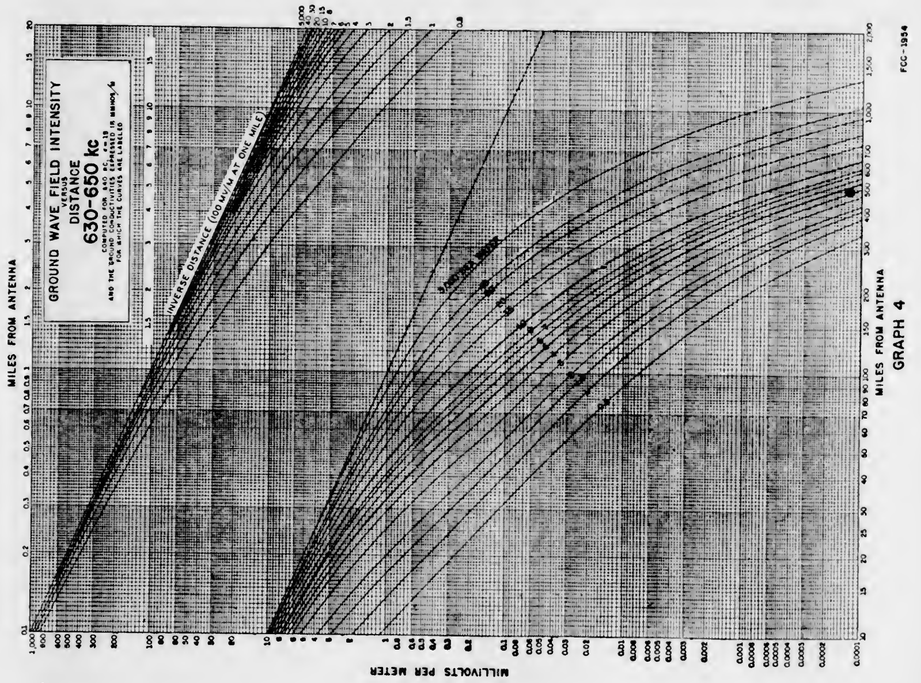
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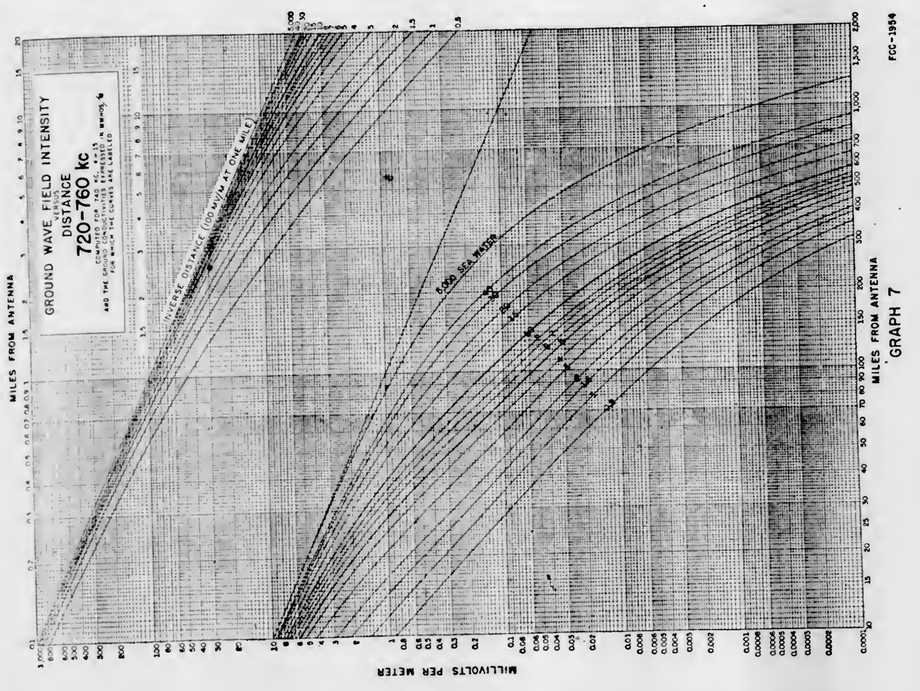
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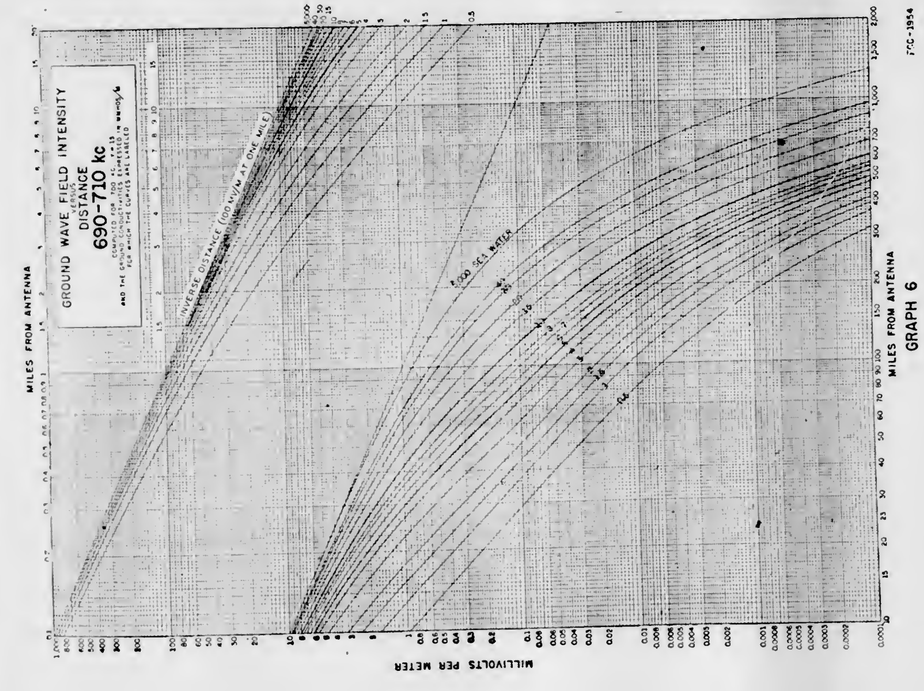
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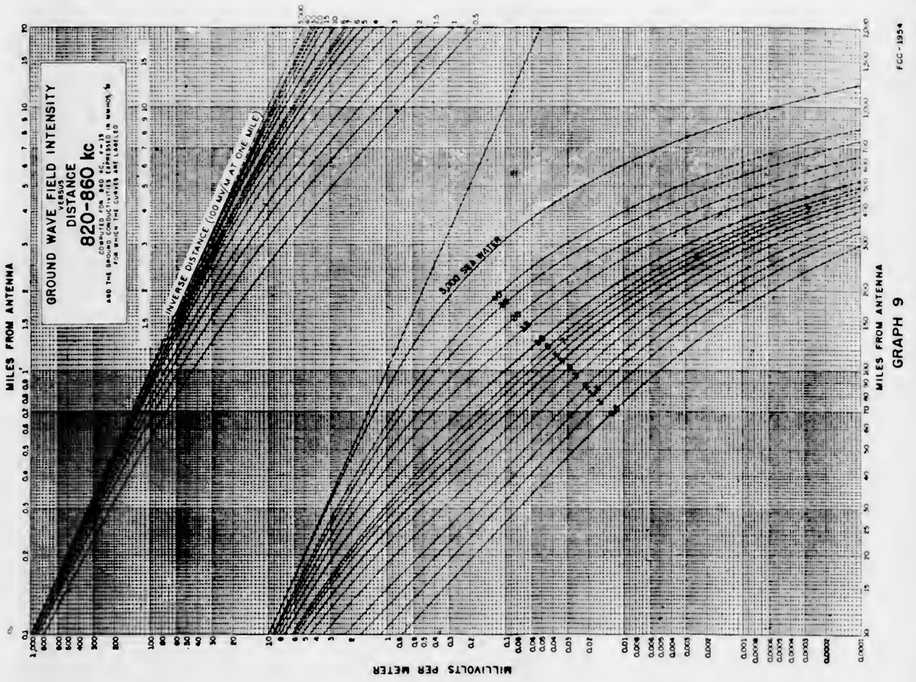
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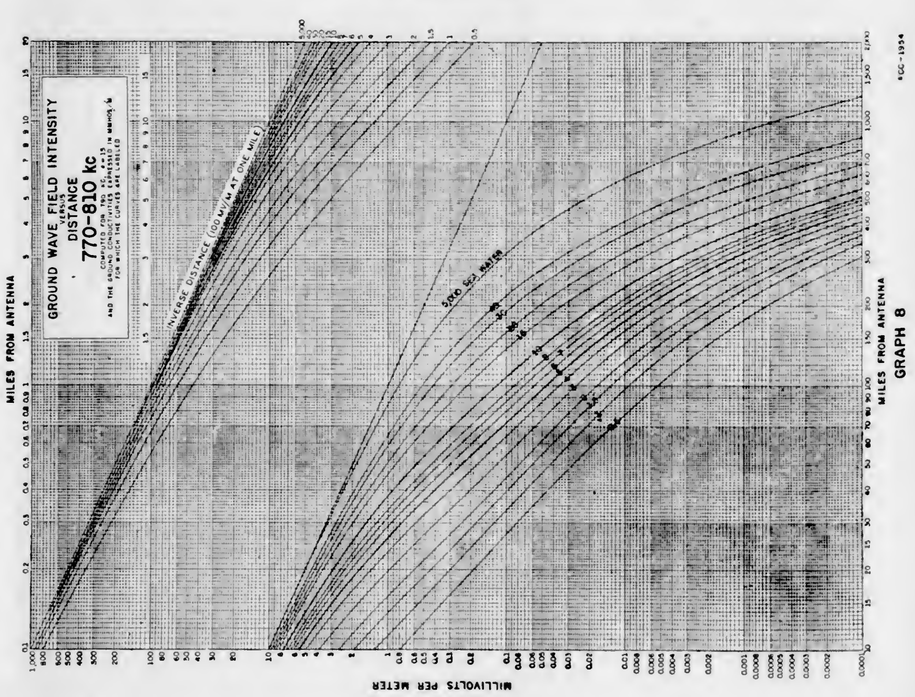
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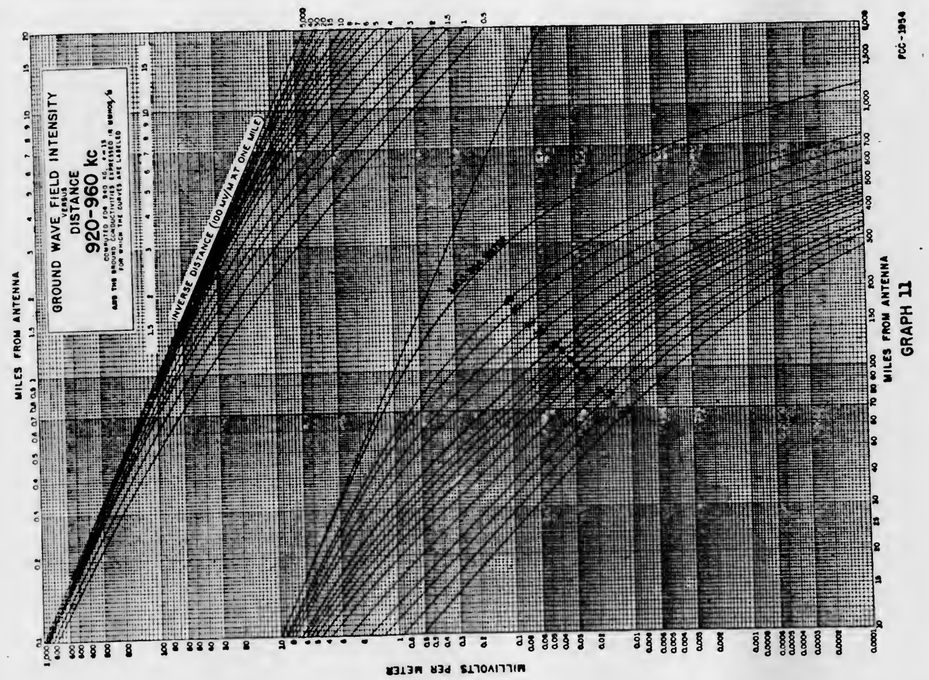
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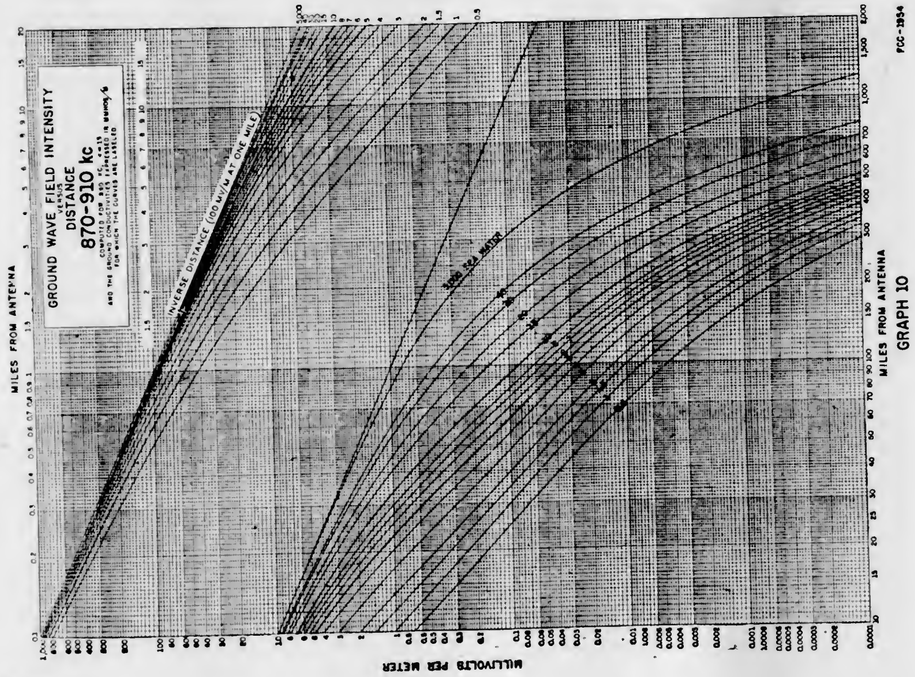
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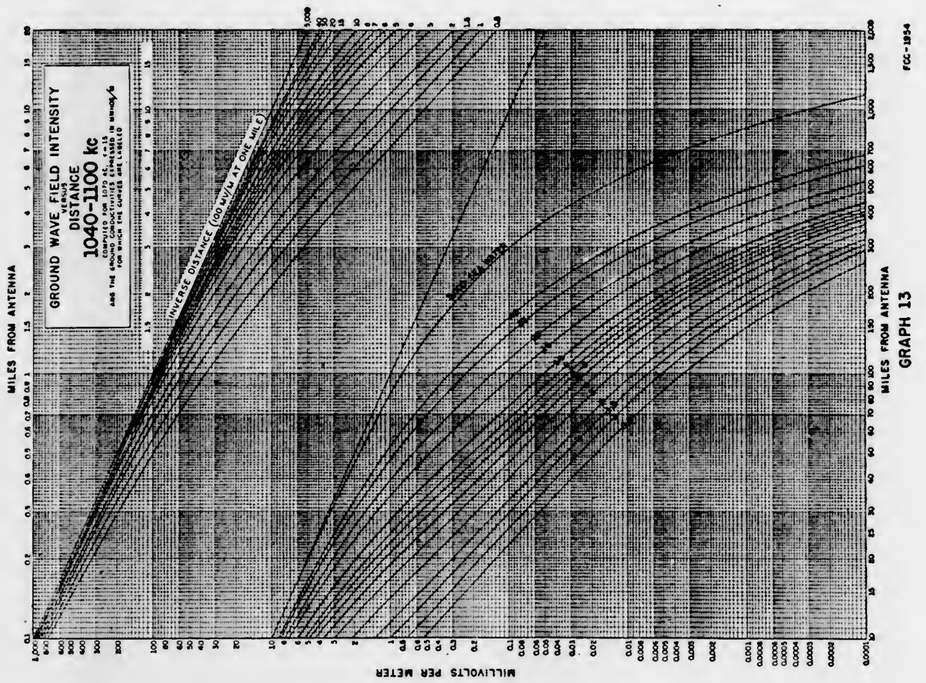
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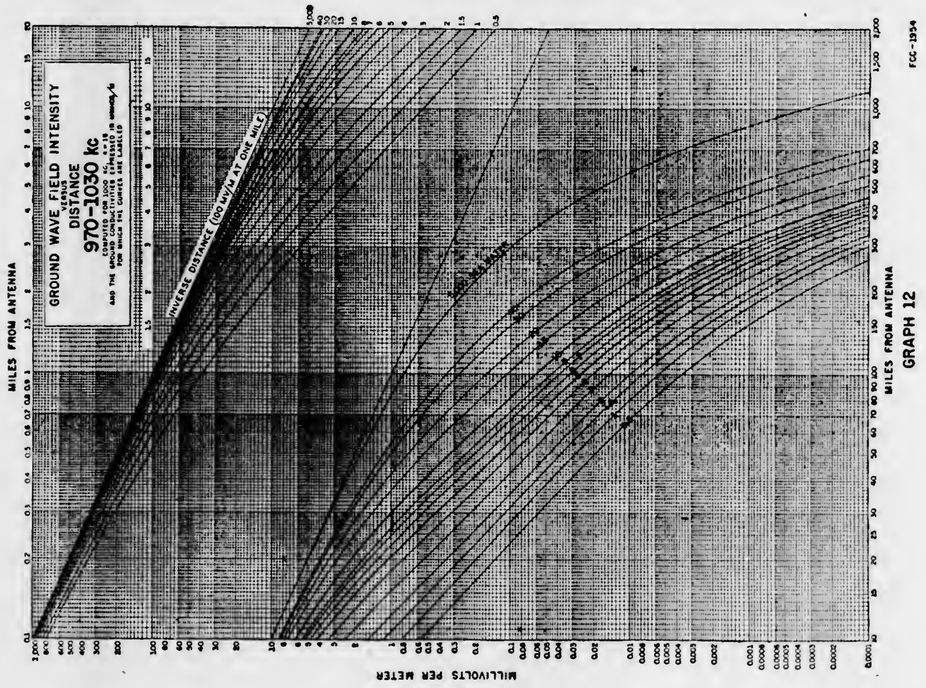
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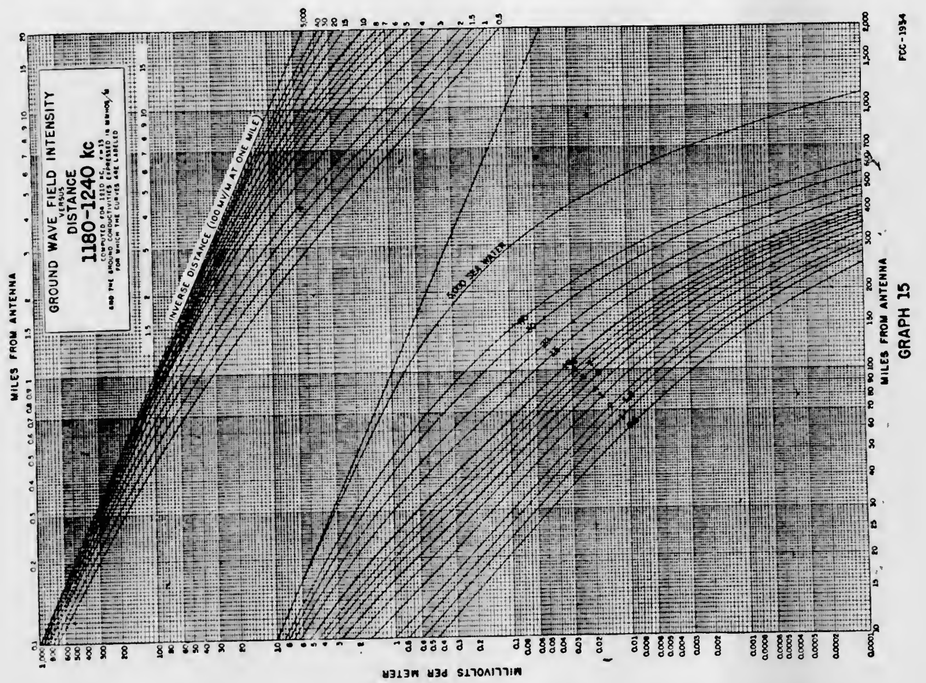
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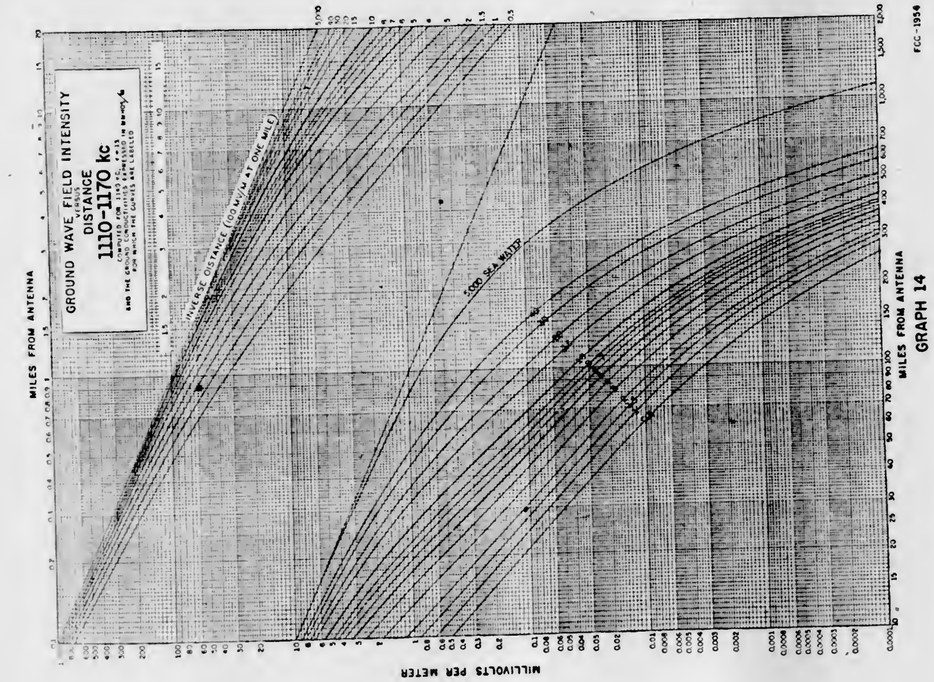
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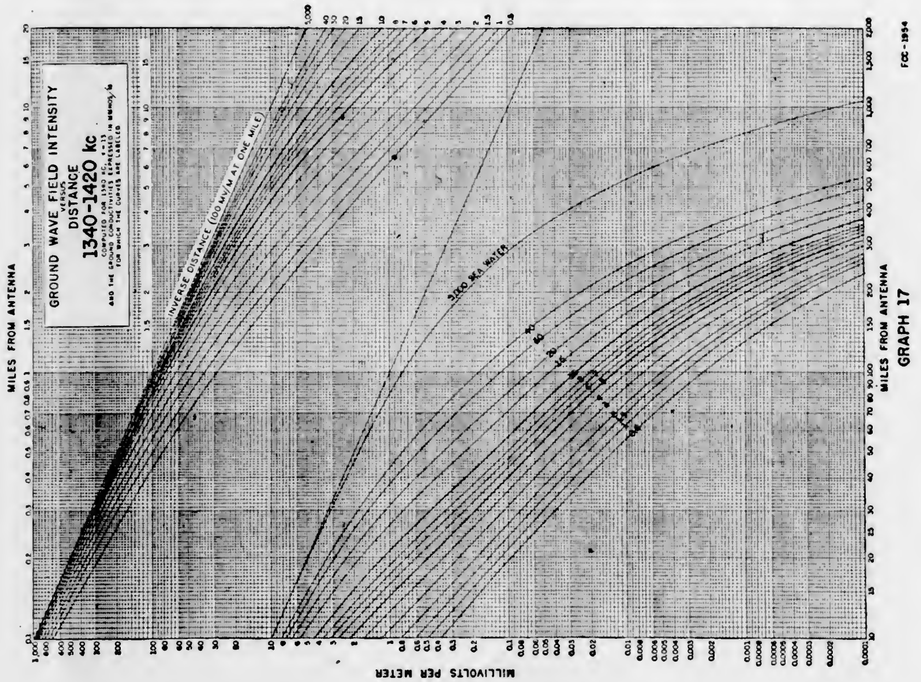
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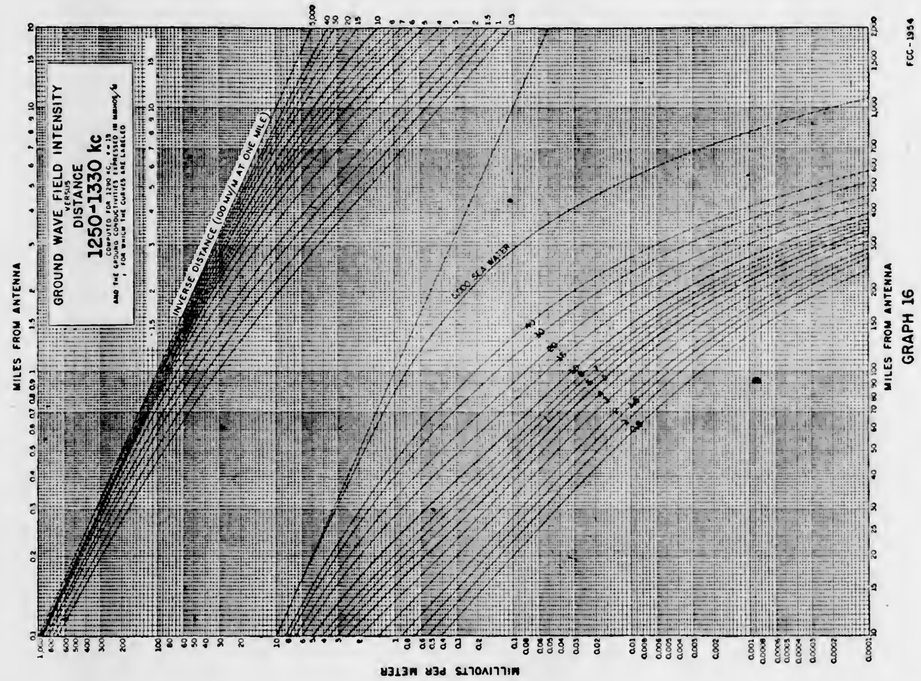
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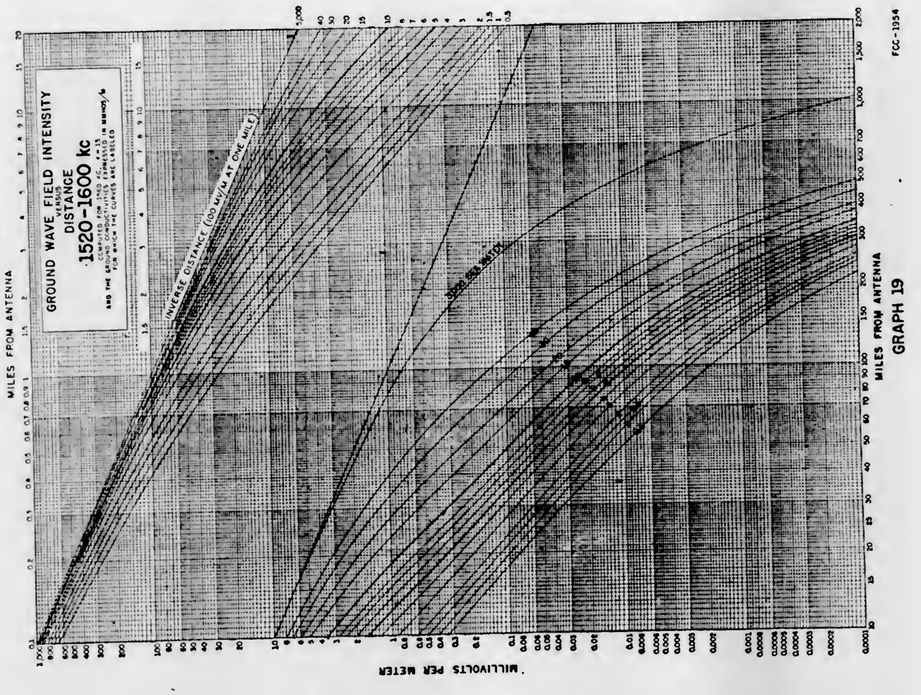
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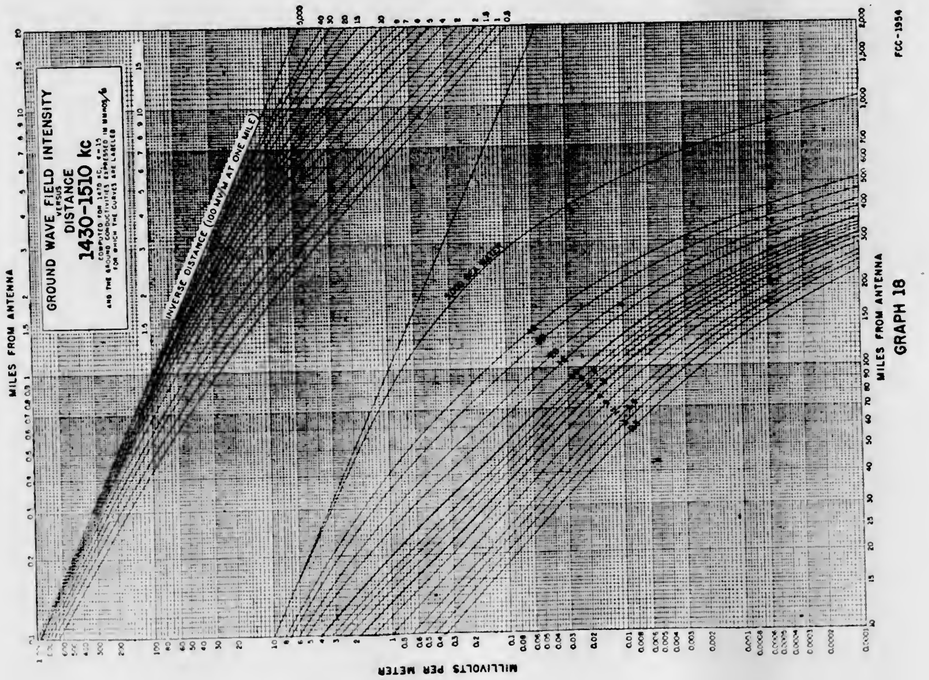
GRAPH 17



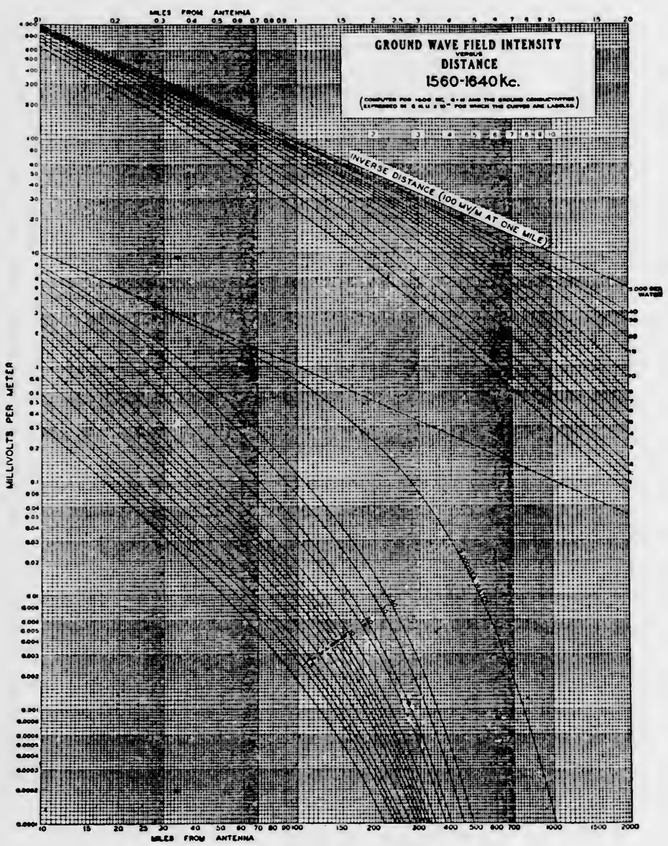
GRAPH 16



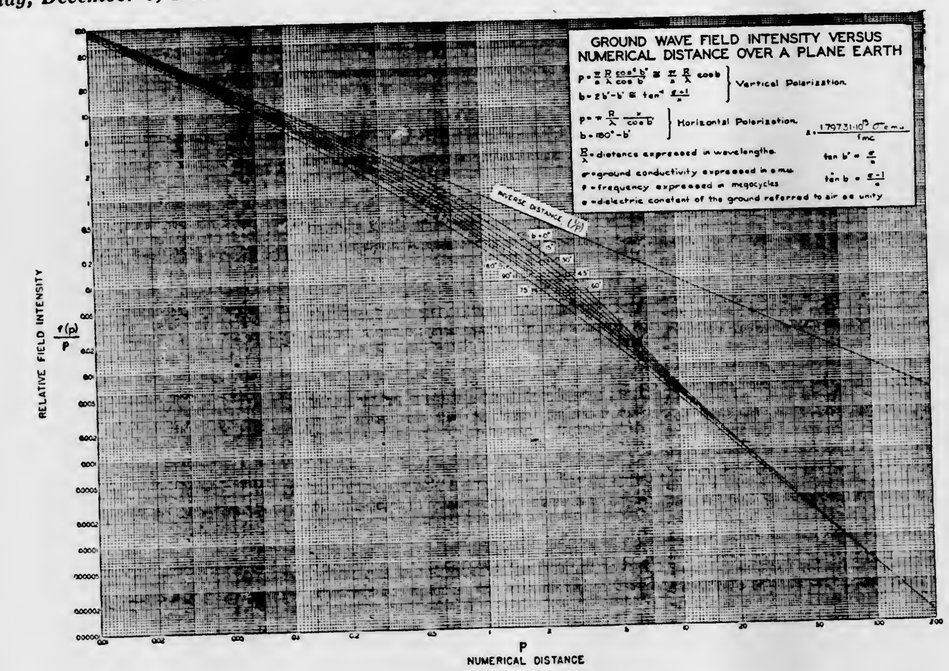
GRAPH 19



GRAPH 18



GRAPH 19-A



GRAPH 20

§ 3.185 *Computation of interfering signal from a directional antenna.* (a) In case of an antenna directional in the horizontal plane, the groundwave interference can be readily computed from the calculated horizontal pattern by determining the vectors toward the service area of the station to be protected and apply these values to the groundwave curves set out in § 3.183.

(b) For signals from stations operating on clear channels, in case of determining skywave interference from an antenna with a vertical pattern different from that on which Figure 1 of § 3.190 is predicated (the basis of the night mileage separation tables), it is necessary to compare the appropriate vectors in the vertical plane.

(c) The skywave curves entitled "Average Skywave Field Intensity" (corresponding to the second hour after sunset at the recording station) as shown in Figure 1 of § 3.190 are based on antenna systems having height of 0.311 wave length (112°) and producing a vertical pattern as shown in Figure 5 of § 3.190. A nondirectional antenna system, as well as a directional antenna system having vertical patterns other than essentially the same as shown, must be converted to the pattern of a 0.311 wave length antenna having the same field intensity at the critical angle as does the pattern of the antenna involved.

(d) Example of the use of skywave curves:

Figure 6 of § 3.190 is a graph entitled "Variation With Distance of Two Important Parameters in the Theory of Sky Wave Propagation." The curve for θ showing the angle above the horizon at which radiation occurs plotted against distance, must be used for this purpose. For instance, assuming the station with which interference may be expected is located at a distance of 450 miles from a proposed station, the critical angle of radiation as determined from this curve is approximately 15°. Therefore, if the vertical pattern of the proposed station in the direction of the other station is such that at 15° above the horizon the radiation is 1.3 times that from an antenna having a vertical pattern as shown in Figure 5 of § 3.190 and producing the same field intensity at 1 mile in the horizontal plane, the interfering signal would be 1.3 times that determined from Figure 1 of § 3.190 for an antenna having the same field intensity in the horizontal plane. That is, if the field intensity in the horizontal plane of the proposed station is 124 mv/m the interfering field intensity exceeded 10 percent of the time at the other station would be

$$140 \times 1.30 \times \frac{124}{100} \text{ or } 225 \text{ uv/m}$$

and would cause interference to the 4.5 mv/m ground wave contour of the existing station.

(e) For signals from stations on regional and local channels, in computing the 10% skywave (interference) field intensity values of Class III and Class IV stations, Fig. 2 of § 3.190 is to be used in place of Figure 1 of § 3.190. (Certain simplifying assumptions may be made in the case of Class IV stations on local channels: See note to § 3.182 (a) (4)) Since Figure 2 of § 3.190 is predicated upon a radiated field of 100 mv/m at one mile in the pertinent direction, no comparison with the vertical pattern of a 0.311 wavelength antenna is to be made. Instead the appropriate radiated field in the vertical plane corresponding to the distance to the receiving station, divided by 100, is multiplied into the value of 10% skywave field intensity determined from Figure 2 of § 3.190. There are two new factors to be considered, however, namely the variation of received field with latitude of the path and the variation of pertinent vertical angle due to variations of ionosphere height and ionosphere scattering.

(f) Figure 2 of § 3.190, "10% Skywave Signal Range Chart," shows the 10% skywave signal as a function of the latitude of the transmission path and the distance from a transmitting antenna with a radiated field of 100 mv/m at the pertinent angle for the distance. The latitude of the transmission path is defined as the geographic latitude of the midpoint between the transmitter and the receiver. Latitude 35° should be used in case the midpoint of the path lies below 35° North and latitude 50° should be used in case the midpoint of the path lies above 50° North.

(g) Figure 6–A of § 3.190, entitled "Angles of Departure vs. Transmission Range," is to be used in determining the angles in the vertical pattern of the antenna of an interfering station to be considered as pertinent to transmission by one reflection. Corresponding to any

given distance, the curves 4 and 5 indicate the upper and lower angles within which the radiated field is to be considered. The maximum value of field intensity occurring between these angles will be used to determine the multiplying factor for the 10% skywave field intensity determined from Figure 2 of § 3.190. (Curves 2 and 3 are considered to represent the variation due to the variation of the effective height of the E-layer while Curves 4 and 5 extend the range of pertinent angles to include a factor which allows for scattering. The dotted lines are included for information only.)

(h) In the case of non-directional vertical antennas, the vertical distribution of relative fields for several heights, assuming sinusoidal distribution of current along the antenna, is shown in Figure 5 of § 3.190. In the case of directional antennas the vertical pattern in the great circle direction toward the point of reception in question must first be calculated. Then for the distance to the points, the upper and lower pertinent angles are determined from Figure 6-A of § 3.190. The ratio of the largest value of radiated field occurring between these angles, to 100 mv/m (for which Figure 2 of § 3.190 is drawn) is then used as the multiplying factor for the value of the field read from the curves of Figure 2 of § 3.190. Note that while the accuracy of the curves is not as well established by measurements for distances less than 250 miles as for distances in excess of 250 miles, the curves represent the most accurate data available today. Pending accumulation of additional data to establish firm standards for skywave calculations in this range, the curves may be used. In cases where the radiation in the vertical plane, in the pertinent azimuth, contains a large lobe at a higher angle than the pertinent angle for one reflection the method of calculating interference will not be restricted to that described above, but each such case will be considered on the basis of the best knowledge available.

(i) Example, suppose it is desired to determine the amount of interference to a Class III station at Portland, Oregon, caused by another Class III station at Los Angeles, California, which is radiating a signal of 560 mv/m unattenuated at one mile in the great circle direction of Portland, using a 0.5 wavelength antenna. The distance is 825 miles. From Figure 6-A of § 3.190 the upper and lower pertinent angles are 7° and 3.5° and, from Figure 5 of § 3.190 the maximum radiation within these angles is 99% of the horizontal radiation or 554 mv/m at 1 mile. The latitude of the path is 39.8° N and from Figure 2 of § 3.190, the 10% skywave field at 825 miles is 0.050 mv/m for 100 mv/m radiated. Multiplying by $55\frac{1}{100}$ to adjust the value to the actual radiation gives 0.277 mv/m. At 20 to 1 ratio the limitation to the Portland station is to the 5.5 mv/m contour.

(j) When the distance is large, more than one reflection may be involved and due consideration must be given each appropriate vector in the vertical pattern, as well as the constants of the earth where reflection takes place between the transmitting station and the service area to which interference may be caused.

§ 3.186 *Field intensity measurements in allocation; establishment of effective field at one mile.* (a) Section 3.45 provides that certain minimum field intensities are acceptable in lieu of the required minimum physical vertical heights of the antennas proper. Also in other allocation problems, it is necessary to determine the effective field at 1 mile. The following requirements shall govern the taking and submission of data on the field intensity produced:

(1) Beginning as near to the antenna as possible without including the induction field and to provide for the fact that a broadcast antenna not being a point source of radiation (not less than one wave length or 5 times the vertical height in the case of a single element, i. e., nondirectional antenna or 10 times the spacing between the elements of a directional antenna), measurements shall be made on eight or more radials, at intervals of approximately one-tenth mile up to 2 miles from the antenna, at intervals of approximately one-half mile from 2 miles to 6 miles from the antenna, at intervals of approximately 2 miles from 6 miles to 15 or 20 miles from the antenna, and a few additional measurements if needed at greater distances from the antenna. Where the antenna is rurally located and unobstructed measurements can be made, there shall be as many as 18 or 20 measurements on each radial. However, where the antenna is located in a city where unobstructed measurements are difficult to make, measurements shall be made on each radial at as many unobstructed locations as possible, even though the intervals are considerably less than stated above, particularly within 2 miles of the antenna. In cases where it is not possible to obtain accurate measurements at the closer distances (even out to 5 or 6 miles due to the character of the intervening terrain), the measurements at greater distances should be made at closer intervals. (It is suggested that "wave tilt" measurements may be made to determine and compare locations for taking field intensity measurements, particularly to determine that there are no abrupt changes in ground conductivity or that reflected waves are not causing abnormal intensities.)

(2) The data required by subparagraph (1) of this paragraph should be plotted for each radial in accordance with either of the two methods set forth below:

(i) Using log-log coordinate paper, plot field intensities as ordinate and distance as abscissa.

(ii) Using semi-log coordinate paper, plot field intensity times distance as ordinate on the log scale and distance as abscissa on the linear scale.

(3) However, regardless of which of the methods in subparagraph (2) of this paragraph is employed, the proper curve to be drawn through the points plotted shall be determined by comparison with the curves in § 3.184 as follows: Place the sheet on which the actual points have been plotted over the appropriate Graph in § 3.184, hold to the light if necessary and adjust until the curve most closely matching the points is found. This curve should then be drawn on the sheet on which the points were plotted, together with the inverse distance curve corresponding to that curve. The field at 1 mile for the radial concerned shall be the ordinate on the inverse distance curve at 1 mile.

(4) When all radials have been analyzed in accordance with subparagraph (3) of this paragraph, a curve shall be plotted on polar coordinate paper from the fields obtained, which gives the inverse distance field pattern at 1 mile. The radius of a circle, the area of which is equal to the area bounded by this pattern, is the effective field. (See § 3.14.)

(5) While making the field intensity survey, the output power of the station shall be maintained at the licensed power as determined by the direct method. To do this it is necessary to determine accurately the total antenna resistance (the resistance variation method, the substitution method or bridge method is acceptable) and to measure the antenna current by means of an ammeter of acceptable accuracy. (See §§ 3.39 and 3.54.)

(b) Complete data taken in conjunction with the field intensity measurements shall be submitted to the Commission in affidavit form including the following:

(1) Tabulation by number of each point of measurement to agree with the map required in (2) below and the field intensity meter reading, the attenuation constant, the field intensity (*E*), the distance from the antenna (*D*) and the product of the field intensity and distance (*ED*) (if data for each radial are plotted on semi-logarithmic paper, see above) for each point of measurement.

(2) Map showing each point of measurement numbered to agree with tabulation required above.

(3) Description of method used to take field intensity measurements.

(4) The family of theoretical curves used in determining the curve for each radial properly identified by conductivity and dielectric constants.

(5) The curves drawn for each radial and the field intensity pattern.

(6) Antenna resistance measurement:

(i) Antenna resistance at operating frequency.

(ii) Description of method employed.

(iii) Tabulation of complete data.

(iv) Curve showing antenna resistance versus frequency.

(7) Antenna current or currents maintained during field intensity measurements.

(8) Description, accuracy, date, and by whom each instrument was last calibrated.

(9) Name, address, and qualifications of the engineer making the measurements.

(10) Any other pertinent information.

§ 3.187 [Reserved.]

§ 3.188 *Location of transmitters.* (a) The four primary objectives to be obtain in the selection of a site for a transmitter of a broadcast station are as follows:

(1) To serve adequately the center of population in which the studio is located and to give maximum coverage to adjacent areas.

(2) To cause and experience minimum interference to and from other stations.

(3) To present a minimum hazard to air navigation consistent with objectives (1) and (2).

(4) To fulfill certain other requirements given below.

(b) The site selected should meet the following conditions:

(1) A minimum field intensity of 25 to 50 mv/m will be obtained over the business or factory areas of the city.

(2) A minimum field intensity of 5 to 10 mv/m will be obtained over the most distant residential section.

(3) The absorption of the signal is the minimum for any obtainable sites in the area. As a guide in this respect the absorption of the signals from other stations in that area should be followed, as well as the results of tests on other sites.

(4) The population within the blanket contour does not exceed that specified by § 3.24 (g).

(c) In selecting a site in the center of a city it is usually necessary to place the radiating system on the top of a building. This building should be large enough to permit the installation of a satisfactory ground and/or counterpoise system. Great care must be taken to avoid selecting a building surrounded by taller buildings or where any nearby building higher than the antenna is located in the direction which it is desired to serve. Such a building will tend to cast "radio shadows" which may materially reduce the coverage of the station in that direction. Irrespective of the height of surrounding buildings, the building on which the antenna is located should not have height of approximately one-quarter wavelength. A study of antenna systems located on buildings tends to indicate that where the building is approximately a quarter wavelength in height, the efficiency of radiation may be materially reduced.

(d) Particular attention must be given to avoiding cross-modulation. In this connection, attention is invited to the fact that it has been found very unsatisfactory to locate broadcast stations so that high signal intensities occur in areas with overhead electric power or telephone distribution systems and sections where the wiring and plumbing are old or improperly installed. These areas are usually found in the older or poorer sections of a city. These conditions give rise to cross-modulation interference due to the nonlinear conductivity characteristics of contacts between wiring, plumbing, or other conductors. This type of interference is independent of the selectivity characteristics of the receiver and normally can be eliminated only by correction of the condition causing the interference. Cross-modulation tends to increase with frequency and in some areas it has been found impossible to eliminate all sources of cross-modulation, resulting in an unsatisfactory condition for both licensee and listeners. The Commission will not authorize, (1) new stations (2) increased facilities to existing stations, or (3) auxiliary transmitters, for use with other than the authorized antenna system of the main transmitter, located in such areas or utilizing roof-top antennas, when the operating power would be in excess of 500 watts.

(e) If it is determined that a site should be selected removed from the city, there are several general conditions to be followed in determining the exact site. Three maps should be given consideration if available:

(1) Map of the density of population and number of people by sections in the area. (See Bureau of Census series P-D and H-E available from Superintendent of Documents, Washington 25, D. C.)

(2) Geographical contour map with contour intervals of 20 to 50 feet.

(3) Map showing the type, nature and depth of the soil in the area with special reference to the condition of the moisture throughout the year.

From these maps a site should be selected with a minimum number of intervening hills between it and the center of the city. In general, because of ground conditions, it is better to select a site in a low area rather than on top of a hill, and the only condition under which a site on top of a hill should be selected is that it is only possible by this means to avoid a substantial number of hills, between the site and the center of a city with the resulting radio shadows. If a site is to be selected to serve a city which is on a general sloping area, it is generally better to select a site below the city than above the city.

(f) If a compromise must be made between probable radio shadows from intervening hills and locating the transmitter on top of a hill, it is generally better to compromise in favor of the low area, where an efficient radiating system may be installed which will more than compensate for losses due to shadows being caused by the hills, if not too numerous or too high. Several transmitters have been located on top of hills, but so far as data has been supplied not a single installation has given superior efficiency of propagation and coverage.

(g) The ideal location of a broadcast transmitter is in a low area of marshy or "crawfishy" soil or area which is damp the maximum percentage of time and from which a clear view over the entire center of population may be had and the tall buildings in the business section of the city would cast a shadow across the minimum residential area.

(h) The type and condition of the soil or earth immediately around a site is very important. Important, to an equal extent, is the soil or earth between the site and the principal area to be served. Sandy soil is considered the worst type, with glacial deposits and mineral-ore areas next. Alluvial, marshy areas and salt-water bogs have been found to have the least absorption of the signal. One is fortunate to have available such an area and, if not available, the next best condition must be selected.

(i) Figures M3 and R3 of § 3.190 indicate effective conductivity values in the United States and are to be used for determining the extent of broadcast station coverage when adequate field intensity measurements over the path in question are not available. Since the values specified are only for general areas and since conductivity values over particular paths may vary widely from those shown, caution must be exercised in using the maps for selection of a satisfactory transmitter site. Where the submission of field intensity measurements is deemed necessary or advisable, the Commission, in its discretion, may require an applicant for new or changed broadcast facilities to submit such data in support of its application.

(j) In general, broadcast transmitters operating with approximately the same power can be grouped in the same approximate area and thereby reduce the interference between them. If the city is of irregular shape, it is often possible to take advantage of this in selecting a suitable location that will give a maximum coverage. The maps giving the density of population will be a key to this. The map giving the elevation by contours will be a key to the obstructing hills between the site and city. The map of the soil conditions will assist in determining the efficiency of the radiating system that may be erected and the absorption of the signal encountered in the surrounding area.

(k) Another factor to be considered is the relation of the site to airports and airways. Procedures and standards with respect to the Commission's consideration of proposed antenna structures which will serve as a guide to persons intending to apply for radio station licenses are contained in Part 17 of this chapter (Rules Concerning the Construction, Marking and Lighting of Antenna Structures).

(l) In finally selecting the site, consideration must be given to the required space for erecting an efficient radiating system, including the ground or counterpoise. It is the general practice to use direct grounds consisting of a radial buried wire system. If the area is such that it is not possible to get such ground system in soil that remains moist throughout the year, it probably will be found better to erect a counterpoise. (Such a site should be selected only as a last resort.) It, like the antenna itself, must of course be designed properly for the operating frequency and other local conditions.

(m) While an experienced engineer can sometimes select a satisfactory site for a 100-watt station by inspection, it is necessary for a higher power station to make a field-intensity survey to determine that the site selected will be entirely satisfactory. There are several facts that cannot be determined by inspection that make a survey very desirable for all locations removed from the city. Often two or more sites may be selected that appear to be of equal promise. It is only by means of field-intensity surveys taken with a transmitter at the different sites or from measurements on the signal of nearby stations traversing the terrain involved that the most desirable site can be determined. There

are many factors regarding site efficiency that cannot be determined by any other method. When making the final selection of a site, the need for a field-intensity survey to establish the exact conditions cannot be stressed too strongly. The selection of a proper site for a broadcast station is an important engineering problem and can only be done properly by experienced radio engineers.

§ 3.189 *Minimum antenna heights or field intensity requirements.* (a) Section 3.45 requires that all applicants for new, additional, or different broadcast facilities and all licensees requesting authority to move the transmitter of an existing station, shall specify a radiating system, the efficiency of which complies with the requirements of good engineering practice for the class and power of the station.

(b) The specifications deemed necessary to meet the requirements of good engineering practice at the present state of the art are set out in detail below.

(1) The licensee of a standard broadcast station requesting a change in power, time of operation, frequency, or transmitter location must also request authority to install a new antenna system or to make changes in the existing antenna system which will meet the minimum height requirements, or submit evidence that the present antenna system meets the minimum requirements with respect to field intensity, before favorable consideration will be given thereto. (See § 3.186.) In the event it is proposed to make substantial changes in an existing antenna system, the changes shall be such as to meet the minimum height requirements or will be permitted subject to the submission of field intensity measurements showing that it meets the minimum requirements with respect to effective field intensity.

(2) These minimum actual physical vertical heights of antennas permitted to be installed are shown by curves A, B, and C of Figure 7 of § 3.190 as follows:

(i) Class IV stations, 150 feet or a minimum effective field intensity of 150 mv/m for 1 kilowatt (100 watts 47.5 mv/m, and 250 watts 75 mv/m). (This height applies to a Class IV station on a local channel only. In the case of a Class IV station assigned to a regional channel Curve A shall apply.)

(ii) Class II and III stations, or a minimum effective field intensity of 175 mv/m for 1 kilowatt.

(iii) Class I stations, or a minimum effective field intensity of 225 mv/m for 1 kilowatt.

(3) The heights given on the graph for the antenna apply regardless of whether the antenna is located on the ground or on a building. Except for the reduction of shadows, locating the antenna on a building does not necessarily increase the efficiency and where the height of the building is in the order of a quarter wave the efficiency may be materially reduced.

(4) To obtain the maximum efficiency of which any antenna is capable a good ground system must be employed (a counterpoise may be substituted under certain conditions).

(5) At the present development of the art, it is considered that where a vertical radiator is employed with its base on the ground, the ground system should consist of buried radial wires at least one-fourth wave length long. There should be as many of these radials evenly spaced as practicable and in no event less than 90. (120 radials of 0.35 to 0.4 of a wave length in length and spaced 3° is considered an excellent ground system and in case of high base voltage, a base screen of suitable dimensions should be employed.)

(6) It should be borne in mind that the above specifications are the minimum and where possible better antenna and ground systems should be installed.

(7) In case it is contended that the required antenna efficiency can be obtained with an antenna of height or ground system less than the minimum specified, a complete field intensity survey must be supplied to the Commission showing that the field intensity at a mile without absorption fulfills the minimum requirements. (See § 3.186.) This field survey must be made by a qualified engineer using equipment of acceptable accuracy.

(8) The main element or elements of a directional antenna system shall meet the above minimum requirements with respect to height or effective field intensity. No directional antenna system will be approved which is so designed that the effective field of the array is less than the minimum prescribed for the class of station concerned, or in case of a Class I station less than 90 percent of the ground wave field which would be obtained from a perfect antenna of the height specified by Figure 7 of § 3.190 for operation on frequencies below 1000 kilocycles, and in the case of a Class II or III station less than 90 percent of the ground wave field which would be obtained from a perfect antenna of the height specified by Figure 7 of § 3.190 for operation on frequencies below 750 kilocycles.

(9) Before any changes are made in the antenna system, it is necessary to submit full details to the Commission for approval. These data may be submitted by letter.

§ 3.190 *Engineering charts.*

NOTE: The charts as reproduced herein, due to their small scale, are not to be used in connection with material submitted to the F. C. C.

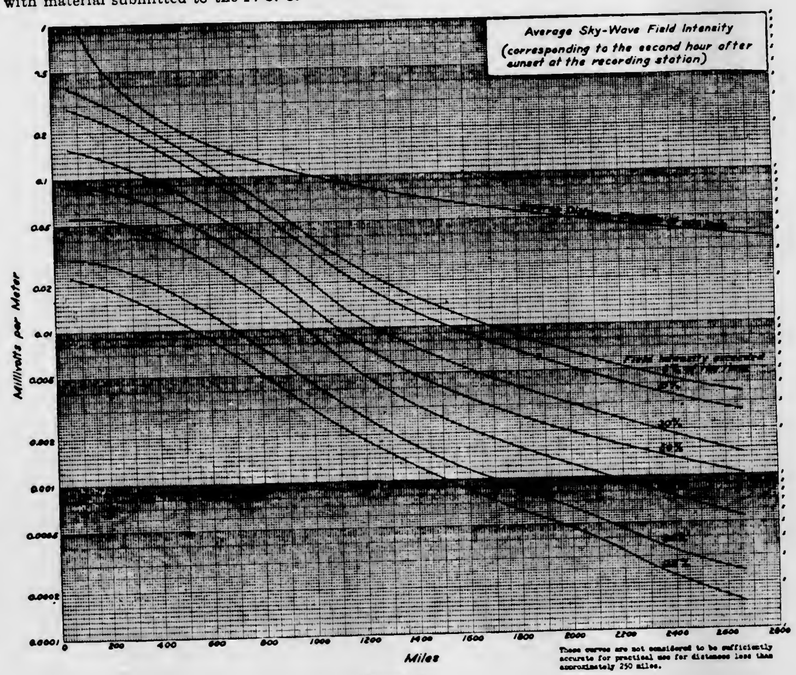


FIGURE 1.

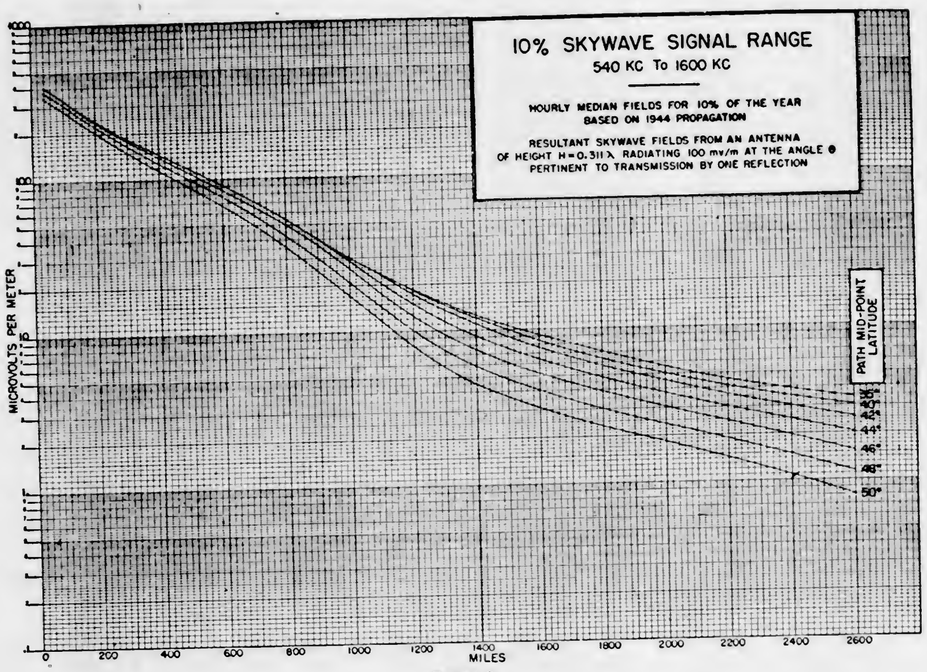


FIGURE 2.

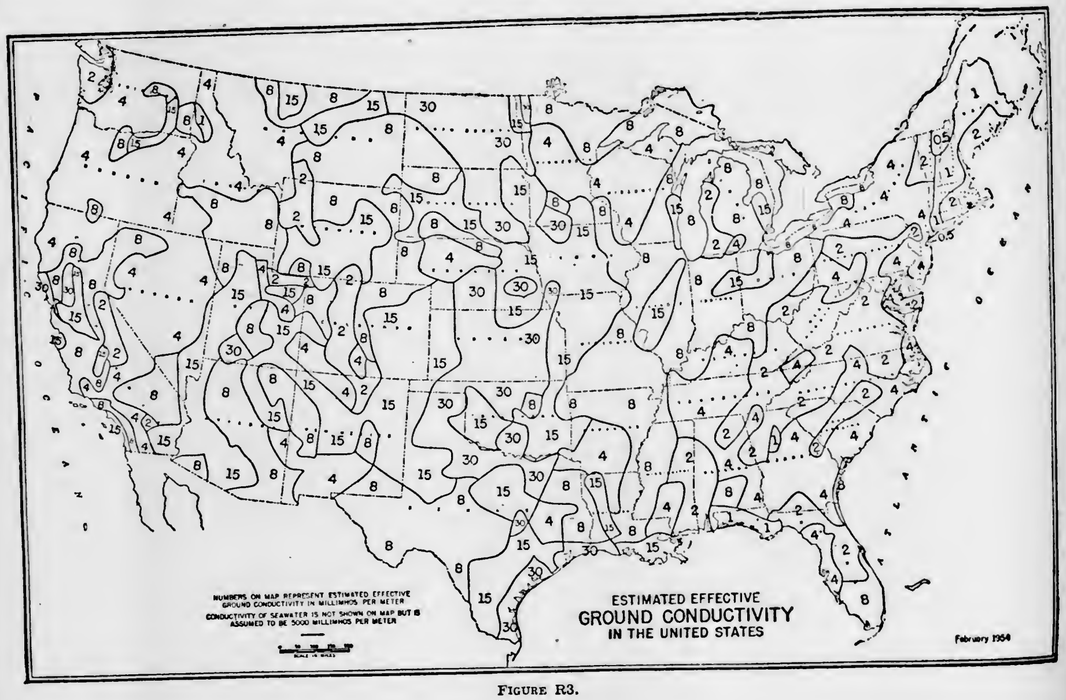


FIGURE R3.

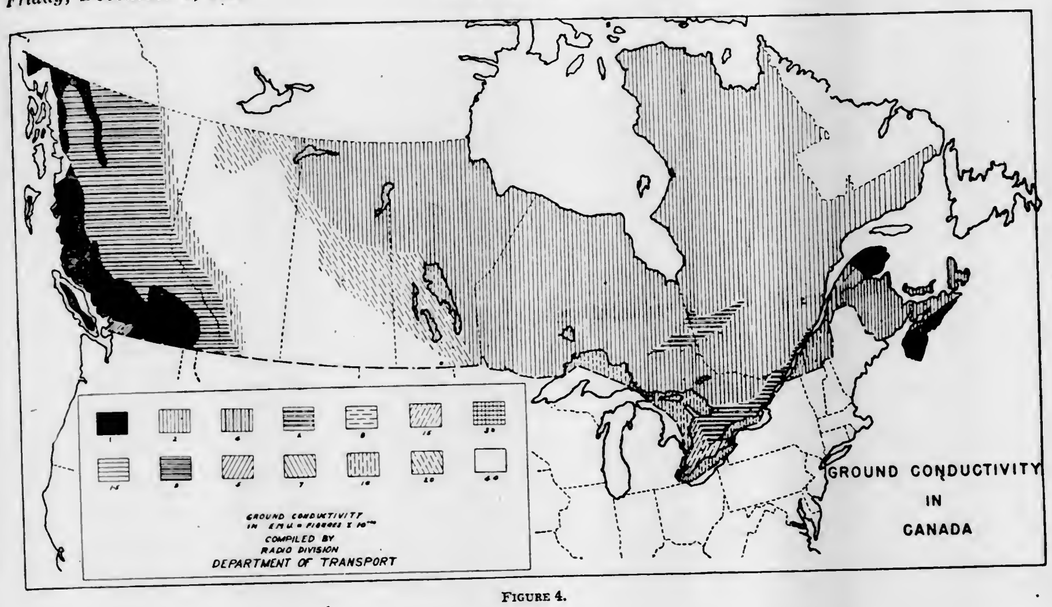


FIGURE 4.

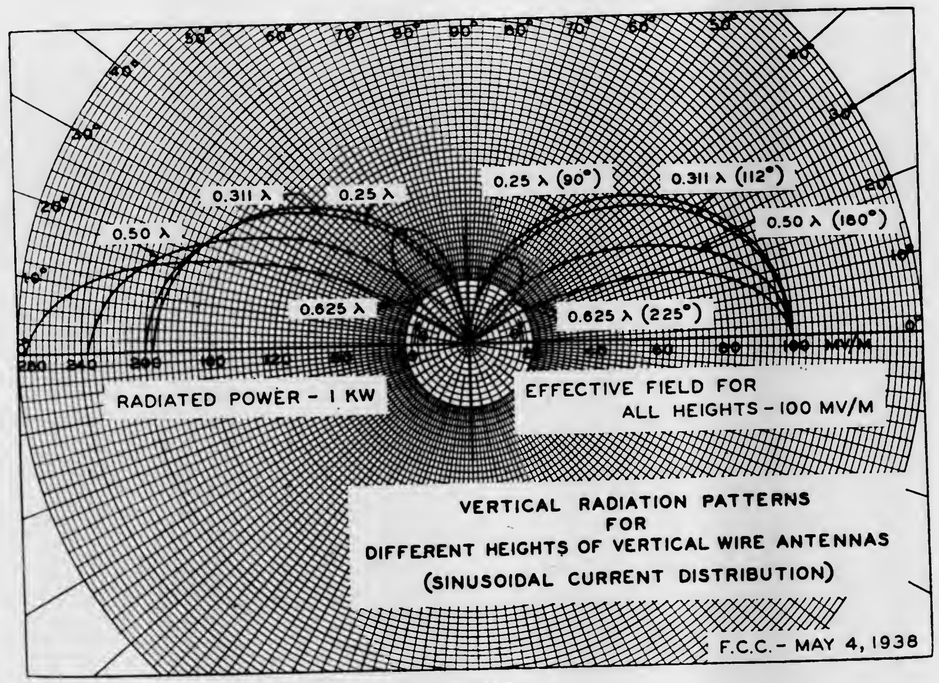


FIGURE 5.

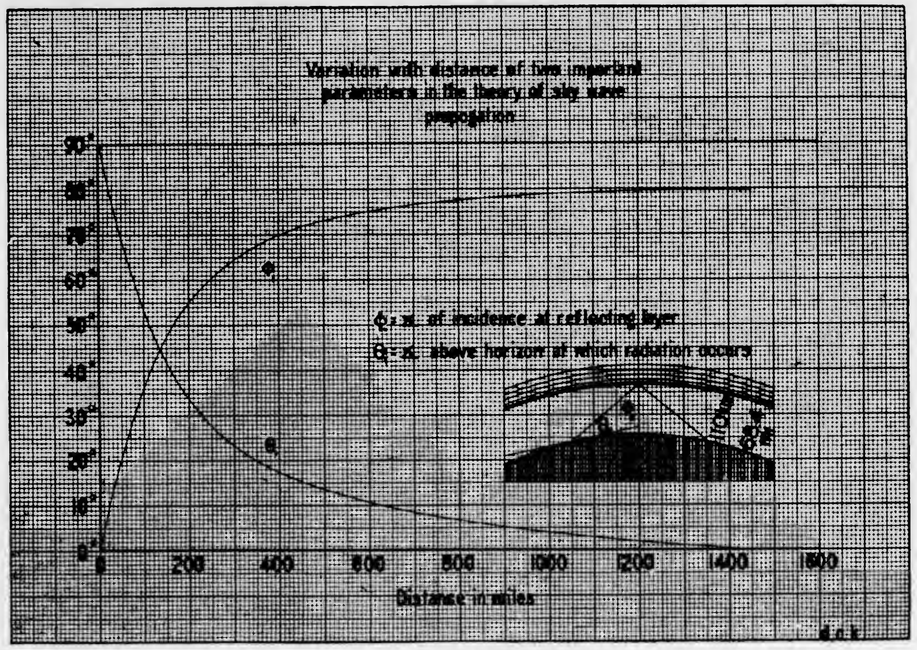


FIGURE 6.

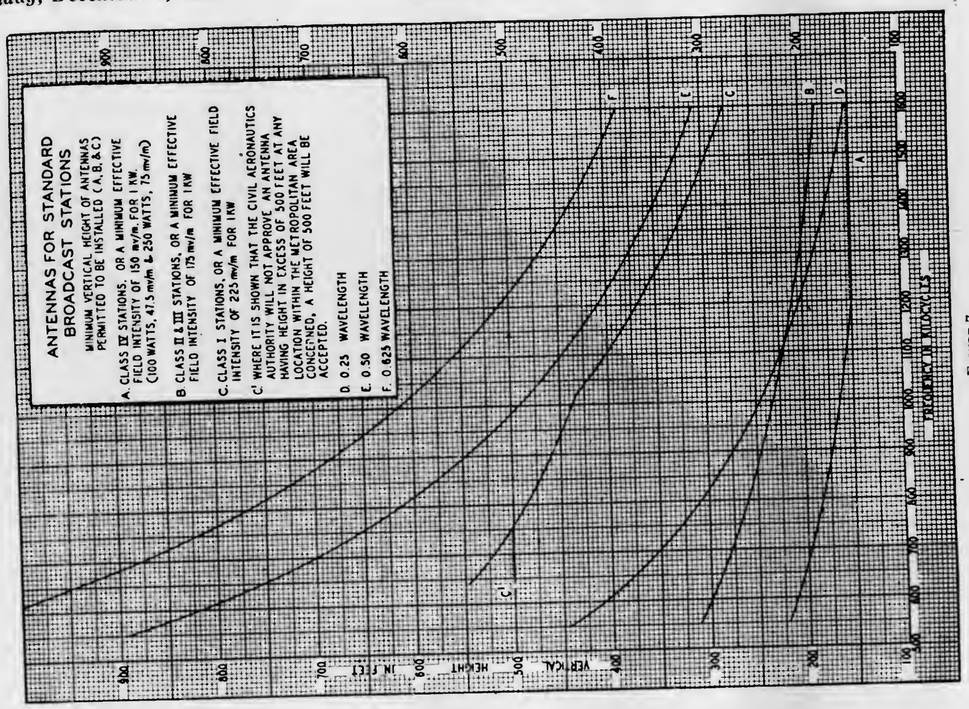


FIGURE 7.

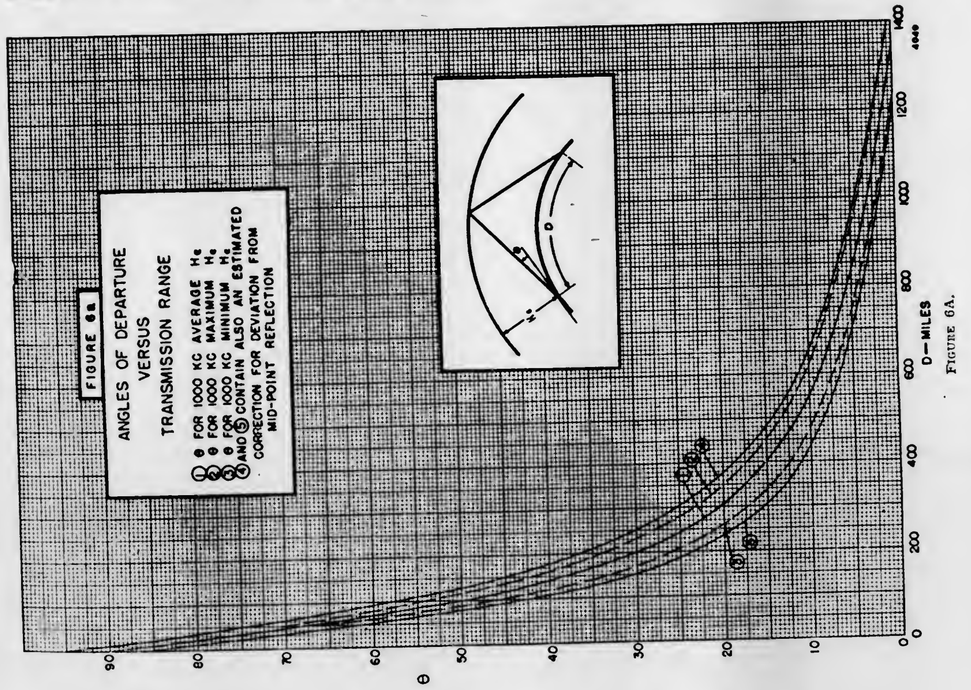


FIGURE 6A.

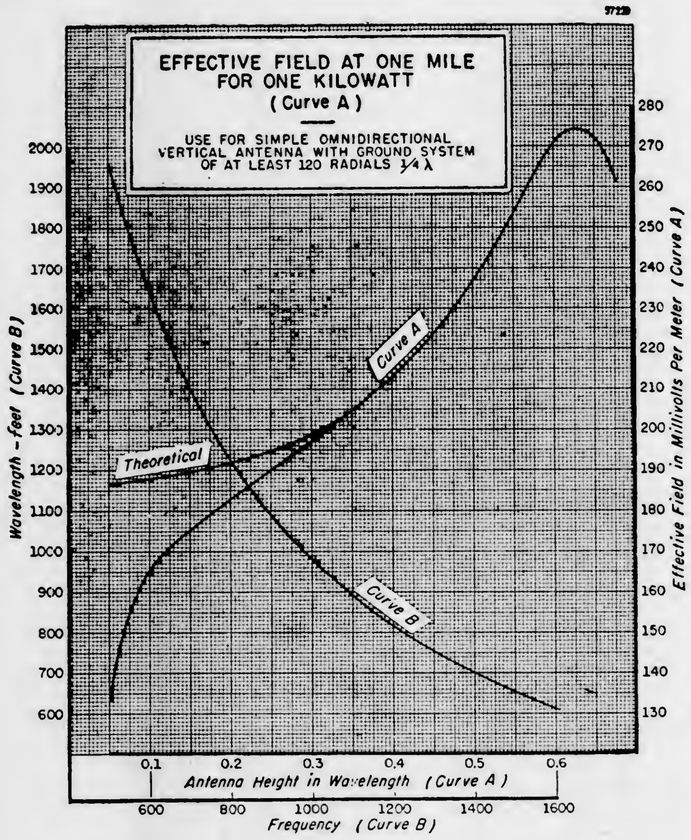


FIGURE 8.

SUBPART B—FM BROADCAST STATIONS

CLASSIFICATION OF FM BROADCAST STATIONS AND ALLOCATION OF FREQUENCIES

§ 3.201 *Numerical designation of FM broadcast channels.* For convenience, the frequencies available for FM broadcasting (including those assigned to noncommercial educational broadcasting) are given numerical designations which are shown in the table below:

Frequency (Mc):	Channel No.	Frequency (Mc):	Channel No.	Frequency (Mc):	Channel No.	Frequency (Mc):	Channel No.
88.1	201	91.7	219	95.3	237	101.7	269
88.3	202	91.9	220	95.5	238	101.9	270
88.5	203	92.1	221	95.7	239	102.1	271
88.7	204	92.3	222	95.9	240	102.3	272
88.9	205	92.5	223	96.1	241	102.5	273
89.1	206	92.7	224	96.3	242	102.7	274
89.3	207	92.9	225	96.5	243	102.9	275
89.5	208	93.1	226	96.7	244	103.1	276
89.7	209	93.3	227	96.9	245	103.3	277
89.9	210	93.5	228	97.1	246	103.5	278
90.1	211	93.7	229	97.3	247	103.7	279
90.3	212	93.9	230	97.5	248	103.9	280
90.5	213	94.1	231	97.7	249	104.1	281
90.7	214	94.3	232	97.9	250	104.3	282
90.9	215	94.5	233	98.1	251	104.5	283
91.1	216	94.7	234	98.3	252	104.7	284
91.3	217	94.9	235	98.5	253	104.9	285
91.5	218	95.1	236	98.7	254	105.1	286
				98.9	255	105.3	287
				99.1	256	105.5	288
				99.3	257	105.7	289
				99.5	258	105.9	290
				99.7	259	106.1	291
				99.9	260	106.3	292
				100.1	261	106.5	293
				100.3	262	106.7	294
				100.5	263	106.9	295
				100.7	264	107.1	296
				100.9	265	107.3	297
				101.1	266	107.5	298
				101.3	267	107.7	299
				101.5	268	107.9	300

§ 3.202 *Areas of the United States.* For the purpose of allocation the United States is divided into two areas. The first area—area I—includes southern New Hampshire; all of Massachusetts, Rhode Island, and Connecticut; southeastern New York as far north as Albany-Troy-Schenectady; all of New Jersey, Delaware, and the District of Columbia; Maryland as far west as Hagerstown; and eastern Pennsylvania as far west as Harrisburg. The second area—area II—comprehends the remainder of the United States not included in area I.

NOTE: In some of the territory contiguous to area I, the demand for frequencies requires that applications be given careful study and consideration to insure an equitable distribution of facilities throughout the region. This region includes the remainder of Maryland, Pennsylvania, and New York (except the northeastern corner) not included in area I; Virginia, West Virginia, North Carolina, South Carolina, Ohio, and Indiana; southern Michigan as far north as Saginaw; eastern Illinois as far west as Rockford-Decatur; and southeastern Wisconsin as far north as Sheboygan. Other regions may be added as required.

§ 3.203 *Class A stations.* (a) A Class A station is a station which operates on a Class A channel and is designed to render service primarily to a community or to a city or town other than the principal city of an area, and the surrounding rural area. The coverage of a Class A station shall be not more than the equivalent of 1 kilowatt effective radiated power and antenna height of 250 feet above average terrain, as determined by the methods prescribed in the Technical Standards of this subpart. (For the purpose of determining equivalent coverage, the 1 mv/m contour should be used.) A Class A station will not be licensed with more than 1 kilowatt effective radiated power. The power rating of the transmitter used for a Class A station shall be not less than 250 watts nor more than 1 kilowatt. The signal intensity requirements of § 3.311 shall determine the minimum coverage of a Class A station. Class A stations will normally be protected to the 1 mv/m contour; however, assignments will be made in a manner to insure, insofar as possible, a maximum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service.

(b) The following frequencies, except as provided in paragraphs (c) and (d) of this section, are designated as Class A channels and are assigned for use by Class A stations:

Frequency (Mc):	Channel No.	Frequency (Mc):	Channel No.
92.1	221	100.1	261
92.7	224	100.9	265
93.5	228	101.7	269
94.3	232	102.3	272
95.3	237	103.1	276
95.9	240	103.9	280
96.7	244	104.9	285
97.7	249	105.5	288
98.3	252	106.3	292
99.3	257	107.1	296

These channels are available for assignment (1) in cities which are not the central city or cities of a metropolitan district, and (2) in central cities of metropolitan districts which have fewer than six Class B stations.

(c) In the Territory of Hawaii, the frequency band 98–108 Mc is allocated for nonbroadcast use. The frequencies 98.1 through 107.9 Mc, inclusive (Channels 251 through 300 inclusive) will not be assigned in the Territory of Hawaii for use by FM broadcast stations.

(d) In the Territory of Alaska the frequency band 88–100 Mc is allocated to Government radio services and the non-Government fixed service only. The frequencies 88.1 Mc through 99.9 Mc (Channels 201 through 260 inclusive) will not be assigned in the Territory of Alaska for use by FM Broadcast stations.

§ 3.204 *Class B stations.* (a) A Class B station is a station which operates on a Class B channel and is designed to render service primarily to a metropolitan district or principal city and the surrounding rural area, or to rural areas removed from large centers of population. The service area of a Class B station will not be protected beyond the 1 mv/m contour; however, Class B assignments will be made in a manner to insure, insofar as possible, a maximum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service. Standard power ratings of transmitters used for Class B stations shall be 1 kw. or greater. The signal intensity requirements of § 3.311 shall determine the minimum coverage of a Class B station. In the following subparagraphs antenna height above average terrain and effective radiated power are to be determined by the methods prescribed in the Technical Standards of this subpart.

(1) The coverage of a Class B station in Area I shall be not more than the equivalent of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain. (For the purpose of determining equivalent coverage, the 1 mv/m contour should be used.) A class B station in Area I will not be licensed with an effective radiated power greater than 20 kilowatts.

(2) The coverage of a Class B station in Area II shall normally be not more than the equivalent of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain. (For the purpose of determining equivalent coverage, the 1 mv/m contour should be used.) The use of greater power and antenna height will be encouraged in those portions of Area II where such use would not result in undue interference to stations already authorized or to probable assignments insofar as can be determined at the time of the grant. In such case, the power, antenna height, and area will be determined on the merits of each application with particular attention being given to rural areas which would not otherwise receive service.

(b) The following frequencies, except as provided in paragraphs (c) and (d) of this section, are designated as Class B channels and are assigned for use by Class B stations:

Frequency (Mc):	Channel No.	Frequency (Mc):	Channel No.	Frequency (Mc):	Channel No.	Frequency (Mc):	Channel No.
92.3	222	96.3	242	100.3	262	104.3	282
92.5	223	96.5	243	100.5	263	104.5	283
92.9	225	96.9	245	100.7	264	104.7	284
93.1	226	97.1	246	101.1	266	105.1	286
93.3	227	97.3	247	101.3	267	105.3	287
93.7	229	97.5	248	101.5	268	105.7	289
93.9	230	97.9	250	101.9	270	105.9	290
94.1	231	98.1	251	102.1	271	106.1	291
94.5	233	98.5	253	102.5	273	106.5	293
94.7	234	98.7	254	102.7	274	106.7	294
94.9	235	98.9	255	102.9	275	106.9	295
95.1	236	99.1	256	103.3	277	107.3	297
95.5	238	99.5	258	103.5	278	107.5	298
95.7	239	99.7	259	103.7	279	107.7	299
96.1	241	99.9	260	104.1	281	107.9	300

(c) In the Territory of Hawaii the frequency band 98–108 Mc is allocated for nonbroadcast use. The frequencies 98.1 through 107.9 Mc inclusive (Channels 251 through 300, inclusive) will not be assigned in the Territory of Hawaii for use by FM broadcast stations.

(d) In the Territory of Alaska the frequency band 88–100 Mc is allocated exclusively to Government radio services and the non-Government fixed service. The frequencies 88.1 through 99.9 Mc (Channels 201 through 260 inclusive) will not be assigned in the Territory of Alaska for use by FM Broadcast stations.

§ 3.205 *Station location and program origination.* (a) Except as provided in paragraph (b) of this section, each FM broadcast station will be licensed to serve primarily a particular city, town, or other political subdivision which will be specified in the station license and the station will be considered to be located in such place. Each station shall maintain a studio, which will be known as the main studio, in the place where the station is located provided that the main studio may be located at the transmitter site whether or not the transmitter site is in the place where the station is located. A majority (computed on the basis of duration and not number) of a station's programs or in the case of a station affiliated with a network, two-thirds of such station's non-network programs, whichever is smaller, shall originate from the main studio or from other studios or remote points situated in the place where the station is located.

(b) Stations will be licensed to serve more than one city, town, or other political subdivision, only where a satisfactory showing is made that each such place meets all the requirements of the rules and Technical Standards of this subpart with respect to the location of main studios; that the station can and will originate a substantial number of local live programs from each such place; and that the requirements as to origination of programs contained in paragraph (a) of this section would place an unreasonable burden on the station if it were licensed to serve only one city, town or other political subdivision. A station licensed to serve more than one place shall be considered to be located in and shall maintain main studios in each such place. With respect to such station the requirements as to origination of programs contained in paragraph (a) of this section shall be satisfied by the origination of programs from any or all of the main studios or from other studios and remote points situated in any or all of the places in which the main studios are located.

(c) The transmitter of each FM broadcast station shall be so located that satisfactory service is delivered to the city where the main studio is located, in accordance with the Technical Standards of this subpart: *Provided, however,* Upon special showing of need, authorization may be granted to locate the transmitter so that adequate service is not rendered to this city, but in no event shall this city be beyond the 50 uv/m contour.

ADMINISTRATIVE PROCEDURE

§ 3.211 *Application for FM broadcast stations.* If the application is for a construction permit or for modification of an existing authorization, FCC Form 301 shall be filed; if for a license, FCC Form 302 shall be filed; if for a renewal of license, FCC Form 303 shall be filed.

§ 3.212 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial, and other qualifications, and as to all matters and things required to be disclosed by the application forms.

§ 3.213 *Installation of apparatus.* Applications for construction permits or modification thereof involving the installation of new transmitting apparatus should be filed at least 60 days prior to the contemplated installation.

§ 3.214 *Period of construction.* Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of 6 months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 3.215 *Forfeiture of construction permits: extension of time.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) Any application for extension of time (FCC Form 701) within which to

construct a station shall be filed at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

(c) If a construction permit has been allowed to expire for any reason, application may be made for a new permit on FCC Form 321, "Application for Construction Permit to Replace Expired Permit."

§ 3.216 *Equipment tests.* (a) During the process of construction of an FM broadcast station, the permittee, after notifying the Commission and Engineer in Charge of the radio district in which the station is located, may without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations, and the applicable engineering standards.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of the program test. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations and the applicable engineering standards, the permittee should notify the Engineer in Charge of the radio district in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

§ 3.217 *Program tests.* (a) Upon completion of construction of an FM broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and the applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition, the permittee may request authority to conduct program tests: *Provided*, That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the radio district in which the station is located is notified. (All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application.)

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance with the rules governing FM broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

§ 3.218 *Normal license period.* (a) All FM broadcast station licenses will be issued for a normal license period of three years. Licenses will be issued to expire at the hour of 3:00 a. m., e. s. t. in accordance with the following schedule and at three-year intervals thereafter.

(1) For stations located in Delaware and Pennsylvania, August 1, 1957.

(2) For stations located in Maryland, District of Columbia, Virginia, West Virginia, October 1, 1957.

(3) For stations located in North Carolina, South Carolina, December 1, 1957.

(4) For stations located in Florida, Puerto Rico and Virgin Islands, February 1, 1958.

(5) For stations located in Alabama and Georgia, April 1, 1958.

(6) For stations located in Arkansas, Louisiana and Mississippi, June 1, 1958.

(7) For stations located in Tennessee, Kentucky and Indiana, August 1, 1958.

(8) For stations located in Ohio and Michigan, October 1, 1958.

(9) For stations located in Illinois and Wisconsin, December 1, 1958.

(10) For stations located in Iowa and Missouri, February 1, 1956.

(11) For stations located in Minnesota, North Dakota, South Dakota, Montana and Colorado, April 1, 1956.

(12) For stations located in Kansas, Oklahoma, Nebraska, June 1, 1956.

(13) For stations located in Texas, August 1, 1956.

(14) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico and Idaho, October 1, 1956.

(15) For stations located in California, December 1, 1956.

(16) For stations located in Washington, Oregon, Alaska and Hawaii, February 1, 1957.

(17) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, April 1, 1957.

(18) For stations located in New Jersey and New York, June 1, 1957.

§ 3.219 *License, simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.220 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of an FM broadcast station license shall be filed at least 90 days prior to the expiration date of the license sought to be renewed (FCC Form 303). No application for renewal of license of an FM broadcast station will be considered unless there is on file with the Commission, the information currently required by §§ 1.341 to 1.344 of this chapter, reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of an FM broadcast station license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 3.221 [Reserved.]

§ 3.222 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new FM broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 3.223 *Assignment or transfer of control*—(a) *Voluntary.* Application for consent to voluntary assignment of an FM broadcast station construction permit or license or for consent to voluntary transfer of control of a corporation holding an FM broadcast station construction permit or license shall be filed with the Commission on FCC Form 314 (Assignment of Licensee), FCC Form 315 (Transfer of Control) or FCC Form 316 (Short Form) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Pro forma.* Assignment or transfer applications shall be filed on FCC Form 316 where:

(1) There is an assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

(2) There is an assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) There is an assignment or transfer by which certain partners or stockholders retire but no new ones are brought in, provided that the interest transferred is not a controlling one;

(4) There is a corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) There is an involuntary transfer to an Executor, Administrator or other court appointed officer caused by death or legal disability except that this form does not cover assignments (or transfers) from the Executor, Administrator or other court appointed officers to the ultimate beneficiary;

(6) There is an assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests.

(7) There is an assignment of less than a controlling interest in a partnership.

(c) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(2) Within 30 days after the occurrence of such death or legal disability, application on FCC Form 316 shall be filed for consent to involuntary assignment of such FM broadcast station permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

LICENSING POLICIES

§ 3.231 *Exclusive affiliation of station.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization. (The term "network organization" as used herein includes national and regional network organizations. See ch. VII, J of Report on Chain Broadcasting.)

§ 3.232 *Territorial exclusivity.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another broadcast station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents or hinders another broadcast station serving a substantially different area from broadcasting any program of the network organization. This section shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its primary service area upon the programs of the network organization.

§ 3.233 *Term of affiliation.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original terms, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than 2 years: *Provided*, That a contract, arrangement, or understanding for a period up to 2 years, may be entered into within 6 months prior to the commencement of such period.

§ 3.234 *Option time.* No license shall be granted to an FM broadcast station which options for network programs any time subject to call on less than 56 days' notice, or more time than a total of 3 hours within each of four segments of the broadcast day, as herein described. The broadcast day is divided into four segments, as follows: 8 a. m. to 1 p. m.; 1 p. m. to 6 p. m.; 6 p. m. to 11 p. m.; 11 p. m. to 8 a. m. (These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.) Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

NOTE 1: As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

NOTE 2: All time options permitted under this section must be specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

§ 3.235 *Right to reject programs.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which (a), with respect to programs offered pursuant to an affiliation contract, prevents or hinders the station from rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable; or which (b), with respect to network programs so offered or already contracted for, prevents the station from rejecting or refusing any program which, in its opinion, is contrary to the public interest, or from substituting a program of outstanding local or national importance.

§ 3.236 *Network ownership of stations.* No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control of a network organization, for an FM broadcast station in any locality where the existing FM broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing. (The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.)

§ 3.237 *Dual network operation.* No license shall be issued to an FM broadcast station affiliated with a network organization which maintains more than one network of FM broadcast stations: *Provided*, That this section shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such network.

§ 3.238 *Control by networks of station rates.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, fixing or altering its rates for the sale of broadcast time for other than the network's programs.

§ 3.239 *Use of common antenna site.* No FM broadcast station license or renewal of FM broadcast station license will be granted to any person who owns, leases, or controls a particular site which is peculiarly suitable for FM broadcasting in a particular area and (a) which is not available for use by other FM broadcast station licensees; and (b) no other comparable site is available in the area; and (c) where the exclusive use of such site by the applicant or licensee would unduly limit the number of FM broadcast stations that can be authorized in a particular area or would unduly restrict competition among FM broadcast stations.

§ 3.240 *Multiple ownership.* No license for an FM broadcast station shall be granted to any party (including all parties under common control) if:

(a) Such party directly or indirectly owns, operates, or controls another FM broadcast station which serves substantially the same service area; or

(b) Such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other FM broadcast station if the grant of such license would result in a concentration of control of FM broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of areas served, the number of people served, classes of stations involved, and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven FM broadcast stations.

NOTE 1: The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

NOTE 2: In applying the foregoing provisions to the stockholders of a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.

§ 3.241 *Special rules relating to contracts providing for reservation of time upon sale of a station.* (a) No license, renewal of license, assignment of license, or transfer of control of a corporate licensee shall be granted or authorized to a FM broadcast station which has a contract, arrangement or understanding, express or implied, pursuant to which, as consideration or partial consideration for the assignment of license or transfer of control, the assignor of a station license or the transferor of stock, where transfer of a corporate licensee is involved, or the nominee of such assignor or transferor retains any right of reversion of the license or any right to the reassignment of the license in the future, or reserves the right to use the facilities of the station for any period whatsoever.

(b) In the case of assignment of license or transfer of control of a corporate licensee approved by the Commission before the effective date of this section, February 15, 1949, involving a contract, arrangement or understanding of the type covered by paragraph (a) of this section and the existence and terms of which were fully disclosed to the Commission at the time of execution, the Commission will give consideration to the issuance of a license despite the existence of such contract, arrangement or understanding, if the parties thereto modify such contract within 6 months from the effective date of this section. Such modification will be considered on the facts of each case but no such modification will be approved unless the modified contract contains at least the following provisions:

(1) A maximum limitation of the time subject to reservation so that no more than 12 hours per week shall be subject to reservation, of which no more than 4 hours shall be on any given day.

(2) A clause providing that the licensee reserves the right to reject or refuse programs which he reasonably believes to be unsatisfactory or unsuitable or for which, in his opinion, a program of outstanding local or national importance should be substituted, but provision may be made for the substitution of other radio time for programs so rejected or for the payment at the station card rate for the time made unavailable.

(3) A prohibition against the resale or reassignment of any of the broadcast time reserved by such modified contract.

(4) An express negation of any right with respect to reversion or reassignment of license.

(5) An express provision setting forth a definite expiration date of the contract arrangement or understanding. Such expiration date shall not extend beyond February 15, 1964, and shall in no event extend beyond the expiration date originally provided for in any such contract, agreement or understanding, in the event that such expiration date is a date prior to February 15, 1964.

(6) An express provision giving to the licensee the right to terminate the contract, arrangement or understanding for substantial cause, including, but not limited to, the assignment of license or the transfer of control of a corporate licensee, consistent disagreement over programs between the parties, or the acquisition of a network affiliation by the licensee, upon the payment of a lump sum or periodic payments, and providing that the amount initially fixed shall thereafter decrease as the amount of time reserved is decreased by performance of the contract. Any such payment should not be so unduly large as to constitute in practice an effective deterrent to the licensee exercising the right. In determining whether the amount is unduly large, the Commission will consider the amount by which consideration in return for the transfer of the station was decreased by reason of the reservation of time or the present value of the radio time still reserved and unused as of the date of the exercise of the right of termination.

§ 3.250 *Acceptability of broadcast transmitters for licensing.* (a) In order to facilitate the filing of, and action on applications for station authorizations, transmitters will be accepted for licensing by the Commission under one of the following conditions:

(1) A transmitter may be type-accepted upon the request of any manufacturer of transmitters built in quantity by following the type acceptance procedure set forth in Part 2 of this chapter, provided that the data and information submitted indicates that the transmitter meets the requirements of § 3.317. If accepted, such transmitter will be included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment". Applicants specifying transmitters included on such a list need not submit detailed descriptions and diagrams where the correct type number is specified, provided that the equipment proposed is identical with that accepted. Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(2) An application specifying a transmitter not included on the Radio Equipment List, Part B, may be accepted upon the request of a prospective licensee submitting with the application for construction permit a complete description of the transmitter, including the circuit diagram, listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube, a description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization and the means of varying output power to compensate for power supply voltage variations. However, if this data has been filed with the Commission by a manufacturer in connection with a request for type acceptance, it need not be submitted with the application for construction permit but may be referred to as "on file". Measurement data for type acceptance made in accordance with subparagraph (1) of this paragraph shall be submitted with the license application.

(3) A transmitter shown on an instrument of authorization by manufacturer and type number, or as a composite, and which was in use prior to June 30, 1955 may continue to be used by the licensee, his successors or assignees, provided such transmitter continues to comply with the rules and regulations.

(b) Additional rules with respect to withdrawal of type-acceptance, modification of type-accepted equipment and limitations on the findings upon which type acceptance is based are set forth in Part 2 of this chapter.

§ 3.251 *Transmitter power.* The standard power rating and operating power range of transmitters shall be in accordance with § 3.317.

§ 3.252 *Frequency monitor.* (a) The licensee of each station shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a frequency monitor of a type approved by the Commission which shall be independent of the frequency control of the transmitter.

NOTE: Approved frequency monitors are included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment". Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(b) In the event that the frequency monitor becomes defective the station may be operated without the monitor pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the operating log of the station showing the date and time the monitor was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the monitor is found to be defective and immediately after the repaired or replacement monitor has been installed and is functioning properly.

(3) The frequency of the station shall be compared with an external frequency source of known accuracy at sufficiently frequent intervals to insure that the frequency is maintained within the tolerance prescribed in § 3.269. An entry shall be made in the station log as to the method used and the results thereof.

(c) If conditions beyond the control of the licensee prevent the restoration of the monitor to service within the above allowed period, informal request in accordance with § 1.332 (d) of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

§ 3.253 *Modulation monitor.* (a) The licensee of each station shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a modulation monitor of the type approved by the Commission.

NOTE. Approved modulation monitors are included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment." Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(b) In the event that the modulation monitor becomes defective the station may be operated without the monitor pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the operating log of the station showing the date and time the monitor was removed from and restored to service.

(2), The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the monitor is found to be defective and immediately after the repaired or replacement monitor has been installed and is functioning properly.

(3) During the period when the station is operated without the modulation monitor the licensee shall provide other suitable means for insuring that the modulation is maintained within the tolerance prescribed in § 3.268.

(c) If conditions beyond the control of the licensee prevent the restoration of the monitor to service within, the above allowed period, informal request in accordance with § 1.332 (d) of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

§ 3.254 *Required transmitter performance.* (a) The construction, installation, operation and performance of the FM broadcast transmitting system shall be in accordance with § 3.317.

(b) The licensee of each FM broadcast station shall make the following equipment performance measurements at least at yearly intervals. (One such set of measurements shall be made during the four-month period preceding the date of filing application for renewal of station license.)

(1) Audio frequency response from 50 to 15,000 cycles for approximately 25, 50 and 100 percent modulation. Measurements shall be made on at least the following audio frequencies: 50, 100, 400, 1000, 5000, 10,000 and 15,000 cycles. The frequency response measurements should normally be made without deemphasis; however, standard 75 microsecond deemphasis may be employed in the measuring equipment or system provided the accuracy of the deemphasis circuit is sufficient to insure that the measured response is within the prescribed limits.

(2) Audio frequency harmonic distortion for 25, 50 and 100 percent modulation for the fundamental frequencies of 50, 100, 400, 1000, and 5000 cycles. Audio frequency harmonics for 100 percent modulation for fundamental frequencies of 10,000 and 15,000 cycles. Measurements shall normally include harmonics to 30,000 cycles. The distortion measurements shall be made employing 75 microsecond deemphasis in the measuring equipment or system.

(3) Output noise level (frequency modulation) in the band of 50 to 15,000 cycles in decibels below the audio frequency level representing a frequency swing of 75 kilocycles. The noise measurements shall be made employing 75 microsecond deemphasis in the measuring equipment or system.

(4) Output noise level (amplitude modulation) in the band of 50 to 15,000 cycles in decibels below the level representing 100 percent amplitude modulation. The noise measurements shall be made employing 75 microsecond deemphasis in the measuring equipment or system. All measurements shall be made with the equipment adjusted for normal program operation and shall include all circuits between the main studio microphone terminals and the antenna output, including telephone lines, preemphasis circuits and any equalizers employed except for microphones, and without compression if a compression amplifier is installed.

(c) The data required by paragraph (b) of this section together with a description of instruments and procedure signed by the engineer making the measurements shall be kept on file at the transmitter and retained for a period of two years and shall be made available during that time upon request to any duly authorized representative of the Federal Communications Commission.

§ 3.255 *Auxiliary transmitter.* Upon showing that a need exists for the use of an auxiliary transmitter in addition to the regular transmitter of an FM broadcast station, a license therefor may be issued: *Provided,* That:

(a) An auxiliary transmitter may be installed either at the same location as the main transmitter or at another location.

(b) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(c) The auxiliary transmitter shall be maintained so that it may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitter.

(2) The transmission of regular programs during maintenance or modification work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed 5 days. (This includes the equipment changes which may be made without authority as set forth elsewhere in the rules and regulations or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.324 of this chapter.)

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in the case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) of this section is satisfactory. Tests shall be conducted only between midnight and 6 a. m., local standard time. A record shall be kept of the time and result of each test. Such records shall be retained for a period of two years.

(e) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by the regulations in this part.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitter, but in no event shall it be greater than such power.

§ 3.256 *Alternate main transmitters.* The licensee of an FM broadcast station may be licensed for alternate main transmitters provided that a technical need for such alternate transmitters is shown (such as licensees maintaining 24-hour schedule and needing alternate operation for maintenance, or where developmental work requires alternate operation) and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the construction, installation, operation, and performance requirements of § 3.317.

§ 3.257 *Changes in equipment and antenna system.* Licensees of FM broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(2) That would result in the external performance of the transmitter being in disagreement with that prescribed in § 3.317.

(b) Specific authority, upon filing formal application (FCC Form 301) therefor, is required for a change in service area or for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitter.

(2) A replacement of the transmitter as a whole.

(3) Change in the location of the transmitting antenna.

(4) Change in antenna system, including transmission line.

(5) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(6) Change in the power delivered to the antenna.

(7) Change in frequency control and/or modulation system.

(8) Change in the authorized transmitter remote control point(s).

(c) Other changes, except as above provided for in this section or in the Technical Standards of this subpart may be made at any time without the authority of the Commission: *Provided*, That the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

§ 3.258 *Indicating instruments.* (a) Each FM broadcast station shall be equipped with indicating instruments, which conform with the specifications set forth in § 3.320, for measuring the direct plate voltage and current of the last radio stage and the transmission line radio frequency current, voltage or power.

(b) In the event that any one of these indicating instruments becomes defective when no substitute which conforms with the required specifications is available, the station may be operated without the defective instrument pending its repair or replacement for a period not in excess of 60 days: *Provided*, That:

(1) Appropriate entries shall be made in the operating log of the station showing the date and time the meter was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified immediately after the instrument is found to be defective and immediately after the repaired or replaced instrument has been installed and functioning properly.

(3) If the defective instrument is a plate voltmeter or plate ammeter in the last radio stage, the operating power shall be maintained by means of the radio frequency transmission line meter.

(c) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, informal request may be filed in accordance with § 1.332 (d) of this chapter with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

TECHNICAL OPERATION

§ 3.261 *Time of operation.* All FM broadcast stations will be licensed for unlimited time operation. A minimum of 36 hours per week during the hours of 6:00 a. m. to midnight, consisting of not less than 5 hours in any one day, must be devoted to the FM broadcast operation; time devoted to operations conducted pursuant to a Subsidiary Communications Authorization (see §§ 3.293–3.295) shall not be included in meeting this 36-hour broadcast requirement. In an emergency when, due to causes beyond the control of a licensee, it becomes impossible to continue operation, the station may cease operation for a period not to exceed 10 days, provided that the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

§ 3.262 *Experimental operation.* The period between 1:00 a. m., and 6:00 a. m., local standard time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any FM broadcast station on its assigned frequency and not in excess of its authorized power, without specific authorization by the Commission.

§ 3.263 *Station inspection.* The licensee of any FM broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.264 *Station and operator licenses; posting of.* (a) The station license and any other instrument of station authorization shall be posted in a conspicuous place and in such manner that all terms are visible, at the place the licensee considers to be the principal control point of the transmitter. At all other control points listed on the station authorization, a photocopy of the station license and other instruments of station authorization shall be posted.

(b) The original operator license, or FCC Form 759, of each station operator shall be posted at the place where he is on duty as an operator.

§ 3.265 *Operator requirements.* (a) One or more radio operators holding a valid radiotelephone first-class operator license, except as provided in this section, shall be in actual charge of the transmitting apparatus and shall be on duty either at the transmitter location or remote control point.

(b) A station which is authorized with transmitter power output of 10 kilowatts or less may be operated by persons holding commercial radio operator license of any class, except an aircraft radiotelephone operator authorization or a temporary limited radiotelegraph second-class operator license, when the equipment is so designed that the stability of the frequency is maintained by the transmitter itself within the limits of tolerance specified, and none of the operations, except those specified in subparagraphs (1), (2) and (3) of this paragraph, necessary to be performed during the course of normal operation may cause off-frequency operation or result in any unauthorized radiation. Adjustments of transmitting equipment by such operators, except when under the immediate supervision of a radiotelephone first-class operator shall be limited to the following:

(1) Those necessary to commence or terminate transmitter emissions as a routine matter.

(2) Those external adjustments that may be required as a result of variations of primary power supply.

(3) Those external adjustments which may be necessary to insure modulation within the limits required.

Should the transmitting apparatus be observed to be operating in a manner inconsistent with the station's instrument of authorization and none of the above adjustments are effective in bringing it into proper operation, a person holding other than a radiotelephone first-class operator license and not acting under the immediate supervision of a radiotelephone first-class operator, shall be required to terminate the station's emissions.

(c) The licensee of a station which is operated by one or more operators holding other than a radiotelephone first-class operator license shall have one or more operators holding a radiotelephone first-class operator license in regular full-time employment at the station whose primary duties shall be to effect and insure the proper functioning of the transmitting equipment. In the event that the licensee also operates a standard broadcast station in the same community, a regular full-time radiotelephone first-class operator or operators employed in connection with the FM broadcast station may concurrently be employed to satisfy the requirements of § 3.93 (c): *Provided*, That the duties of such operator or operators concerning the standard broadcast transmitting equipment shall in nowise interfere with the proper performance of his duties with respect to the FM broadcast transmitter.

(d) The licensed operator on duty and in charge of an FM broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such other stations: *Provided, however*, That such duties shall in nowise interfere with the proper operation of the FM broadcast transmitter.

§ 3.266 *Facsimile broadcasting and multiplex transmission.* (a) FM broadcast stations may transmit simplex facsimile in accordance with transmission standards set forth in § 3.318 during periods not devoted to FM aural broadcasting. Such transmissions may not exceed one hour during the period between 7 a. m. and midnight (no limit for the hours between midnight and 7 a. m.) and may not be counted toward the minimum operation required by § 3.261. The Commission shall be notified by the licensee of the FM broadcast station of its intent to transmit such facsimile.

(b) FM broadcast stations may, upon securing authorization from the Commission, transmit multiplex facsimile in accordance with transmission standards set forth in § 3.318: *Provided*, That the transmission of such facsimile does not reduce the quality of aural programs simultaneously transmitted by the licensee below that required by the Technical Standards of this subpart and that no degradation of such aural programs will result from such facsimile transmissions when received on FM receivers not equipped with filter or other additional equipment.

§ 3.267 *Operating power; determination and maintenance of.* (a) The operating power of each station shall be determined by the indirect method. This is the product of the plate voltage (E_p) and the plate current (I_p) of the last radio stage, and an efficiency factor, F; that is:

$$\text{Operating power} = E_p \times I_p \times F$$

The efficiency factor, F, shall be established by the transmitter manufacturer for each type of transmitter for which Commission approval is requested, and shall be specified in the instruction books supplied to the customer with each transmitter. In the case of composite equipment the factor, F, shall be furnished to the Commission along with a statement of the basis used in determining such factor.

(b) The operating power of each station shall be maintained as near as practicable to the authorized operating power, and shall not exceed the limits of 5 percent above and 10 percent below the authorized power, except that in an emergency when it becomes impossible to operate with the authorized power, the station may be operated with reduced power for a period not to exceed 10 days, provided the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified immediately after the emergency develops, and also upon the resumption of normal operating power.

§ 3.268 *Modulation.* The percentage of modulation of FM broadcast stations shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent nor more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

§ 3.269 *Frequency tolerance.* The center frequency of each FM broadcast station shall be maintained within 2000 cycles of the assigned center frequency.

§ 3.270 *Antenna structure, marking and lighting.* Where an antenna structure(s) is required to be painted or lighted see § 17.29, *Inspection of tower lights and associated control equipment;* § 17.39, *Cleaning and repainting;* § 17.40 *Time when lights shall be exhibited;* § 17.41 *Spare lamps;* and § 17.42, *Lighting equipment;* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 3.271 *Discontinuance of operation.* The licensee of each station shall notify the Commission in Washington, D. C., and the Engineer in Charge of the radio district where such station is located of permanent discontinuance of operation at least two days before operation is discontinued. The licensee shall, in addition, immediately forward the station license and other instruments of authorization to the Washington, D. C., office of the Commission for cancellation.

§ 3.272 *Field intensity measurements.* The Commission may require field intensity measurements in connection with applications and in other cases where such measurements are found to be necessary. For example, any application which asserts that interference predicted under the Technical Standards of this subpart would not be realized may require supplementary data including appropriate field intensity measurements. Furthermore, in order that FM broadcast station coverage data may be accumulated it is desirable that existing FM broadcast stations make such measurements where feasible and file the data with the Commission.

§ 3.273 *Emergency antenna.* In the event it becomes impossible to operate with the regularly authorized antenna, the station may, without further authority, be operated with an emergency antenna for a period of 10 days or less pending necessary repairs: *Provided*, That the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified in writing immediately upon the beginning of such operation and upon the resumption of normal operation.

§ 3.274 *Remote control operation.* A station which is authorized with transmitter power output of 10 kilowatts or less may, upon prior authorization from the Commission, be operated by remote control at the point(s) which shall be specified in the station license. An application for authorization to operate by remote control may be made as a part of an application for construction permit or license or modification thereof by specifying the proposed remote control point(s). Operation by remote control shall be subject to the following conditions:

(a) The equipment at the operating and transmitting positions shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(b) The control circuits from the operating position to the transmitter shall provide positive on and off control and shall be such that open circuits, short circuits, grounds or other line faults will not actuate the transmitter and any fault causing loss of such control will automatically place the transmitter in an inoperative condition.

(c) Control and monitoring equipment shall be installed so as to allow the licensed operator either at the remote control point or at the transmitter to perform all of the functions in a manner required by the Commission's rules and Standards.

OTHER OPERATING REQUIREMENTS

§ 3.281 *Logs.* The licensee or permittee of each FM broadcast station shall maintain separate program and operating logs for such station: *Provided, however*, If the same licensee or permittee operates an FM broadcast station and a standard broadcast station and simultaneously broadcasts the same programs over the facilities of both such stations, one program log may be maintained for both stations for such periods as both stations simultaneuosly broadcast the same programs. Such licensee or permittee shall require entries to be made as follows:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof and the sponsor's name, with the time of the beginning and ending of the complete program. If a mechanical record is used, the entry shall show the exact nature thereof, such as "record," "transcription," etc., and the time it is announced as a mechanical reproduction. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(3) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor.

(4) An entry showing, for each program of network origin, the name of the network originating the program.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time is stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) RF transmission line meter reading.

(iii) Frequency monitor reading.

(5) Log of experimental operation during experimental period (if regular operation is maintained during this period, the above logs shall be kept).

(i) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record*, of Part 17 of this chapter, (Construction, Marking and Lighting of Antenna Structures).

§ 3.282 *Logs; retention of.* Logs of FM broadcast stations shall be retained by the licensee or permittee for a period of two years: *Provided, however*, That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and

concerning which the licensee or permittee has been notified, shall be retained by the licensee or permittee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee or permittee has notice shall be retained by the licensee or permittee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 3.283 *Logs; by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.284 *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.285 *Correction of logs.* No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.286 *Rough logs.* Rough logs may be transcribed into condensed form, but in such case the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.287 *Station identification.* (a) A licensee of an FM broadcast station shall make separate station identification announcement (call letters and location) for such station: *Provided, however,* That, if the same licensee operates an FM broadcast station and a standard broadcast station and simultaneously broadcasts the same programs over the facilities of both such stations, station identification announcements may be made jointly for both stations for periods of such simultaneous operation. If the call letters of the FM station do not clearly reveal that it is an FM station, the joint announcement shall state that one of the stations is an FM station. Station identification announcement shall be made at the beginning and ending of each time of operation and during operation (1) on the hour and (2) either on the half hour or at the quarter hour following the hour and at the quarter hour preceding the next hour: *Provided,*

(b) Such identification announcement need not be made on the hour when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production of longer duration than 30 minutes. In such cases the identification announcement shall be made at the beginning of the program, at the first interruption of the entertainment continuity, and at the conclusion of the program.

(c) Such identification announcement need not be made on the half hour or quarter hours when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production. In such cases an identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of the program: *Provided,* That an announcement within 5 minutes of the times specified in paragraph (a) (2) of this section will satisfy the requirements of identification announcements.

(d) In the case of variety show programs, baseball game programs or similar programs of longer duration than 30 minutes, the identification announcement shall be made within 5 minutes of the hour and of the times specified in paragraph (a) (2) of this section.

(e) In the case of all other programs, the identification announcement shall be made within 2 minutes of the hour and of the times specified in paragraph (a) (2) of this section.

(f) In making the identification announcement the call letters shall be given only on the channel of the station identified thereby except as otherwise provided herein.

§ 3.288 *Mechanical records.* Each program broadcast which consists in whole or in part of one or more mechanical reproductions shall be announced in the manner and to the extent set out in paragraphs (a) to (e) of this section.

(a) Each such program of longer duration than 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by appropriate announcement at the beginning of the program, at each 30-minute interval and at the conclusion of the program: *Provided, however,* That the identifying announcement at each 30-minute interval is not required in case of a mechanical reproduction consisting of a continuous uninterrupted speech, play, religious service, symphony concert, or operatic production of longer than 30 minutes.

(b) Each such program of a longer duration than 5 minutes and not in excess of 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by an appropriate announcement at the beginning and end of the program.

(c) Each such program of duration of 5 minutes or less, consisting in whole or in part of mechanical reproductions, shall be identified by appropriate announcement immediately preceding the use thereof: *Provided, however,* That each such program of one minute or less need not be announced as such.

(d) In case a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of the sponsorship of the program proper, no announcement of the mechanical reproduction is required.

(e) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. A licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

§ 3.289 *Sponsored programs; announcement of.* (a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, which announcement may be made either at the beginning or conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (b) of this section are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for, or furnished, either in whole or in part, or for which material or services referred to in paragraph (b) of this section are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section, shall disclose the name of such corporation, committee, association or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at one of the radio stations carrying the program.

(e) In the case of programs advertising commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program.

§ 3.290 *Broadcasts by candidates for public office*—(a) *Definitions.* A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who—

(1) Has qualified for a place on the ballot or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

(b) *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities: *Provided,* That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) *Rates and practices.* (1) The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means direct or indirect. A candidate shall, in each case, be charged no more than the rate the station would charge if the candidate were a commercial advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office for which such person is a candidate. All discount privileges otherwise offered by a station to commercial advertisers shall be available upon equal terms to all candidates for public office.

(2) In making time available to candidates for public office no licensee shall make any discrimination between candidates in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Inspection of records.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted. Such records shall be retained for a period of two years.

§ 3.291 *Rebroadcast.* (a) The term "rebroadcast" means reception by radio of the program of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.

NOTE 1: As used in this section, program includes any complete program or part thereof.

NOTE 2: In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

(b) The licensee of an FM broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, FM or noncommercial educational FM broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.

NOTE: The notice and certification of consent shall be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a standard or FM broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

(c) (1) The licensee of an FM broadcast station located within a State or the District of Columbia may, without further authority of the Commission, rebroadcast on a noncommercial basis a noncommercial program of a United States international broadcast station.

(2) The licensee of an FM broadcast station located in any territory or insular possession of the United States may, without further authority of the Commission, rebroadcast any program of a United States international broadcast station.

(3) In the case of any rebroadcast under the provisions of this paragraph, the Commission shall be notified of the call letters of each station whose program is rebroadcast and the licensee shall certify that express authority has been received from the licensee of the station originating the program.

(d) No licensee of an FM broadcast station shall rebroadcast the program of any United States radio station not designated in paragraph (b) or (c) of this section without written authority having first been obtained from the Commission upon application (informal) accompanied by written consent or certification of consent of the licensee of the station originating the program.

NOTE 1: The broadcasting of a program relayed by a remote pickup broadcast station or an ST broadcast station is not considered a rebroadcast.

NOTE 2: By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, § 3.291 (d) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for that express purpose by United States Government radio stations.

§ 3.292 *Lotteries.* (a) An application for construction permit, license, renewal of license, or any other authorization for the operation of a broadcast station, will not be granted where the applicant proposes to follow or continue to follow a policy or practice of broadcasting or permitting "the broadcasting of, any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes." (See 18 U. S. C. 1304.)

(b) The determination whether a particular program comes within the provisions of paragraph (a) of this section depends on the facts of each case. However, the Commission will in any event consider that a program comes within the provisions of paragraph (a) of this section if in connection with such program a prize consisting of money or thing of value is awarded to any person whose selection is dependent in whole or in part upon lot or chance, if as a condition of winning or competing for such prize, such winner or winners are required to furnish any money or thing of value or are required to have in their possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast on the station in question.

§ 3.293 *Subsidiary communications authorization.* An FM broadcast licensee or permittee may apply for a Subsidiary Communications Authorization (SCA) to engage in a limited type of non-broadcast service. These services are restricted to those involving programming consisting of news, music, time, weather, and other similar programming categories. (The functional music services whereby FM stations undertake to supply programs of a predominantly musical nature to commercial establishments is an example of such an SCA service.) FCC Form 318—Application for Subsidiary Communications Authorization shall be submitted; the applicant for the SCA shall there specify the particular nature or purposes of the SCA operation or operations sought, and whether it will be conducted on a simplex or multiplex basis, or both. If on a multiplex basis, it may be carried on without restriction as to time; if on a simplex basis, the SCA operation shall be conducted during those times not devoted to the 36 hours required under § 3.261 for FM broadcast operation. (Subsidiary Communications Authorizations on a simplex basis will be issued to expire July 1, 1956.)

§ 3.294 *Nature of the SCA.* (a) The SCA is of a subsidiary or secondary nature and shall not exist apart from the

FM license or permit. No transfer or assignment of it shall be made separate from the FM broadcast license, and failure to transfer the SCA (through application on FCC Form 318) with the FM license or permit renders the SCA void. The licensee or permittee must seek renewal of the SCA (on FCC Form 318) at the same time it applies for its renewal of FM license or permit; failure to renew the latter automatically terminates the SCA.

(b) The grant or renewal of an FM license or permit shall not be furthered or promoted by the proposed or past operation under an SCA; the licensee must establish that his broadcast operation is in the public interest wholly apart from the SCA activities. (Violation of rules applicable to the SCA operation would, of course, reflect on the licensee's qualifications to hold its broadcast license or permit.)

§ 3.295 *Operation under the SCA.* (a) The SCA holder must restrict its operation to the uses or purposes granted by the Commission in acting upon his application; prior permission to engage in any additional or new activity must be obtained from the Commission.

(b) Supersonic tones or other similar devices may be employed with respect to material transmitted during the SCA operation in order to promote or maintain its commercial marketability, with the station using appropriate actuating devices with the subscribers' receivers.

(c) In all arrangements entered into under the SCA with outside parties, the licensee or permittee must pass on all material to be transmitted over the station's facilities, with the right to reject any material which it deems inappropriate or undesirable; when the SCA operation is conducted on a simplex basis, the licensee must be able, through appropriate contractual arrangement, to substitute a broadcast program at any time it deems it in the public interest to do so.

(d) The requirements of §§ 3.290 and 3.291 are equally applicable when the FM licensee or permittee is engaged in operations pursuant to the SCA.

(e) The requirements of § 3.287 with respect to station identification announcements must be met by identification on the main carrier when a station is engaged in SCA operations. The licensee may prevent their reception on subscribers' receivers through the use of supersonic tones capable of deactivating these specialized receivers.

(f) The requirements of §§ 3.288 and 3.289 are applicable to the SCA operation when the latter is conducted on a simplex basis; provided that the station may employ supersonic tones or other devices to prevent the reception of such announcements over subscribers' receivers. The requirement of § 3.289 shall be deemed to have been met by the SCA operator by the latter's announcement that the program is being transmitted for a fee to commercial subscribers.

(g) The FM licensee or permittee shall maintain logs for the SCA operations. In the program log, the following entries shall be made:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry describing the material transmitted in each hour segment. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(3) An entry showing that sponsorship and mechanical record announcements, when required under paragraph (f) of this section, have been made, and the time of the latter announcements.

(h) The requirements of § 3.281 (b), (1)–(4), inclusive and (c), and §§ 3.282 to 3.286, inclusive, are equally applicable to logs to be maintained during the SCA operation.

(i) The requirements of § 3.265 with respect to operators and the provisions of § 3.274 relating to remote control operation are equally applicable to operation during the SCA period.

(j) The licensee must observe all technical rules and standards applicable to FM broadcast stations when conducting the SCA operation. (For criteria applicable to the multiplex SCA operation, see § 3.318.)

FM TECHNICAL STANDARDS

§ 3.301 *Introduction.* (a) There are presented herein the Commission's engineering standards relating to the allocation and operation of FM broadcast stations. These standards also apply to noncommercial educational FM broadcast stations, except as noted herein. The Commission's rules and regulations contain references to these standards, which have been approved by the Commission and thus are considered as reflecting its opinion in all matters involved.

(b) The standards set forth herein are those deemed necessary for the construction and operation of FM broadcast stations to meet the requirements of technical regulations and for operation in the public interest along technical lines not otherwise enunciated. These standards are based upon the best engineering data available, including evidence at hearings, conferences with radio engineers, and data supplied by manufacturers of radio equipment and by licensees of FM broadcast stations. These standards are complete in themselves and supersede previous engineering standards or policies of the Commission concerning FM broadcast stations. While these standards provide for flexibility and indicate the conditions under which they are applicable, it is not expected that material deviation from the fundamental principles will be recognized unless full information is submitted as to the need and reasons therefor.

(c) These standards will necessarily be revised from time to time as progress is made in the art. The Commission will accumulate and analyze engineering data available as to the progress of the art so that these standards may be kept current with technical developments.

§ 3.310 *Definitions.*—(a) *FM broadcast station.* The term "FM broadcast station" means a station employing frequency modulation in the FM broadcast band and licensed primarily for the transmission of radiotelephone emissions intended to be received by the general public.

(b) *Frequency modulation.* The term "frequency modulation" means a system of modulation where the instantaneous radio frequency varies in proportion to the instantaneous amplitude of the modulating signal (amplitude of modulating signal to be measured after pre-emphasis, if used) and the instantaneous radio frequency is independent of the frequency of the modulating signal.

(c) *FM broadcast band.* The term "FM broadcast band" means the band of frequencies extending from 88 to 108 megacycles, which includes those assigned to noncommercial educational broadcasting.

(d) *Center frequency.* The term "center frequency" means:

(1) The average frequency of the emitted wave when modulated by a sinusoidal signal.

(2) The frequency of the emitted wave without modulation.

(e) *Frequency swing.* The term "frequency swing" means the instantaneous departure of the frequency of the emitted wave from the center frequency resulting from modulation.

(f) *FM broadcast channel.* The term "FM broadcast channel" means a band of frequencies 200 kilocycles wide and is designated by its center frequency. Channels for FM broadcast stations begin at 88.1 megacycles and continue in successive steps of 200 kilocycles to and including 107.9 megacycles.

(g) *Antenna field gain.* The term "antenna field gain" of an FM broadcast antenna means the ratio of the effective free space field intensity produced at one mile in the horizontal plane expressed in millivolts per meter for 1 kilowatt antenna input power to 137.6 mv/m.

(h) *Free space field intensity.* The term "free space field intensity" means the field intensity that would exist at a point in the absence of waves reflected from the earth or other reflecting objects.

(i) *Multiplex transmission.* The term "multiplex transmission" means the simultaneous transmission of two or more signals within a single channel. Multiplex transmission as applied to FM broadcast stations means the transmission of facsimile or other signals in addition to the regular broadcast signals.

(j) *Percentage modulation.* The term "percentage modulation" as applied to frequency modulation means the ratio of the actual frequency swing to the frequency swing defined as 100 percent modulation, expressed in percentage. For FM broadcast stations a frequency swing of ±75 kilocycles is defined as 100 percent modulation.

(k) *Effective radiated power.* The term "effective radiated power" means the product of the antenna power (transmitter output power less transmission line loss) times (1) the antenna power gain, or (2) the antenna field gain squared. Where circular or elliptical polarization is employed the term effective radiated power is applied separately

to the horizontal and vertical components of radiation. For allocation purposes, the effective radiated power authorized is the horizontally polarized component of radiation only.

(l) *Service area.* The term "service area" as applied to FM broadcasting means the service resulting from an assigned effective radiated power and antenna height above average terrain.

(m) *Antenna height above average terrain.* (1) The term "antenna height above average terrain" means the height of the radiation center of the antenna above the terrain 2 to 10 miles from the antenna. (In general a different antenna height will be determined for each direction from the antenna. The average of these various heights is considered as the antenna height above average terrain.)

(2) Where circular or elliptical polarization is employed the antenna height above average terrain shall be based upon the height of the radiation center of the antenna which transmits the horizontal component of radiation.

(n) *Field intensity.* The term "field intensity" as used in these standards shall mean the electric field intensity in the horizontal direction.

(o) *Index of cooperation.* The index of cooperation as applied to facsimile broadcasting is the product of the number of lines per inch, the available line length in inches, and the reciprocal of the line-use ratio (e. g., $105 \times 8.2 \times 8/7 = 984$).

(p) *Line-use ratio.* The term "line-use ratio" as applied to facsimile broadcasting is the ratio of the available line to the total length of scanning line.

(q) *Available line.* The term "available line" means the portion of the total length of scanning line that can be used specifically for picture signals.

(r) *Rectilinear scanning.* The term "rectilinear scanning" means the process of scanning an area in a predetermined sequence of narrow straight parallel strips.

(s) *Optical density.* The term "optical density" means the logarithm (to the base 10) of the ratio of incident to transmitted or reflected light.

§ 3.311 *Engineering standards of allocation.* (a) Sections 3.202 to 3.205 inclusive of the rules and regulations describe the basis for allocation of FM broadcast stations, including the division of the United States into Areas I and II.

(b) FM broadcast stations shall determine the extent of their 1 mv/m and 50 uv/m contours in accordance with the methods prescribed in these Standards.

(c) Although some service is provided by tropospheric waves, the service area is considered to be only that served by the ground wave. The extent of service is determined by the point at which the ground wave is no longer of sufficient intensity to provide satisfactory broadcast service. The field intensity considered necessary for service is as follows:

Area:	*Median field intensity*
City business or factory areas	1 mv/m
Rural areas	50 uv/m

A median field intensity of 3 to 5 mv/m should be placed over the principal city to be served and for class B stations, a median field intensity of 1 mv/m should be placed over the business district of cities of 10,000 or greater within the metropolitan district served. A field intensity of 5 mv/m should be provided over the main studio of a class B station except as otherwise provided in § 3.205. These figures are based upon the usual noise levels encountered in the several areas and upon the absence of interference from other FM stations.

(d) A basis for allocation of satellite stations has not yet been determined. For the present, applications will be considered on their individual merits.

(e) The service area is predicted as follows: Profile graphs must be drawn for at least eight radials from the proposed antenna site. These profiles should be prepared for each radial beginning at the antenna site and extending to 10 miles therefrom. Normally the radials are drawn for each 45° of azimuth; however, where feasible the radials should be drawn for angles along which roads tend to follow. (The latter method may be helpful in obtaining topographical data where otherwise unavailable, and is particularly useful in connection with mobile field intensity measurements of the station and the correlation of such measurements with predicted field intensities.) In each case one or more radials must include the principal city or cities to be served, particularly in cases of rugged terrain, even though the city may be more than 10 miles from the antenna site. The profile graph for each radial should be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. In instances of very rugged terrain where the use of contour intervals of 100 feet would result in several points in a short distance, 200- or 400-foot contour intervals may be used for such distances. On the other hand, where the terrain is uniform or gently sloping the smallest contour interval indicated on the topographic map (see below) should be used, although only a relatively few points may be available. The profile graph should accurately indicate the topography for each radial, and the graphs should be plotted with the distance in miles as the abscissa and the elevation in feet above mean sea level as the ordinate. The profile graphs should indicate the source of the topographical data employed. The graph should also show the elevation of the center of the radiating system. The graph may be plotted either on rectangular coordinate paper or on special paper which shows the curvature of the earth. It is not necessary to take the curvature of the earth into consideration in this procedure, as this factor is taken care of in the chart showing signal intensities (Fig. 1 of § 3.333).

(f) The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should then be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded for 50 percent of the distance) in sectors and averaging these values.

(g) To determine the distance to a particular contour, Figure 1 of § 3.333 concerning the range of FM broadcast stations should be used. This chart has been prepared for a frequency in the center of the band and is to be used for all FM broadcast channels, since little change results over this frequency range. The distance to a contour is determined by the effective radiated power and the antenna height. The height of the antenna used in connection with Figure 1 of § 3.333 should be the height of the center of the proposed antenna radiator above the average elevation obtained by the preceding method. The distances shown by Figure 1 of § 3.333 are based upon an effective radiated power of 1 kilowatt; to use the chart for other powers, the sliding scale associated with the chart should be trimmed and used as the ordinate scale. This sliding scale is placed on the chart with the appropriate graduation for power in line with the lower line of the top edge of the chart. The right edge of the scale is placed in line with the appropriate antenna height graduations and the chart then becomes direct reading for this power and antenna height. Where the antenna height is not one of those for which a scale is provided, the signal strength or distance is determined by interpolation between the curves connecting the equidistant points.

(h) The foregoing process of determining the extent of the required contours shall be followed in determining the boundary of the proposed service area. The areas within the required contours must be determined and submitted with each application for an FM broadcast station. Each application shall include a map showing these contours, and for this purpose sectional aeronautical charts or other maps having a convenient scale may be used. The map shall show the radials along which the profile charts and expected field strengths have been determined. The area within each contour should then be measured (by planimeter or other approximate means) to determine the number of square miles therein. In computing the area within the contours, exclude (1) areas beyond the borders of the United States, and (2) large bodies of water, such as ocean areas, gulfs, sounds, bays, large lakes, etc., but not rivers.

(i) In cases where the terrain in one or more directions from the antenna site departs widely from the average elevation of the 2 to 10 mile sector, the application of this prediction method may indicate contour distances that are different from those which may be expected in practice. In such cases the prediction method should be followed, but a showing may be made if desired concerning the distance to the contour as determined by other means. Such showing should include data concerning the procedure employed and sample calculations. For example, a mountain ridge may indicate the practical limit of service although the prediction method may indicate the contour elsewhere. In cases of such limitation, the map of predicted coverage should show both the regular predicted

area and the area as limited or extended by terrain. Both areas should be measured as previously described; the area obtained by the regular prediction method should be given in the application form, with a supplementary note giving the limited or extended area. In special cases the Commission may require additional information as to the terrain in the proposed service area.

(j) In determining the population served by FM broadcast stations, it is considered that the built-up city areas and business districts in cities having over 10,000 population and located beyond the 1 mv/m contour do not receive adequate service. Minor civil division maps (1950 census) should be used in making population counts, excluding cities not receiving adequate service. Where a contour divides a minor division, uniform distribution of population within the division should be assumed in order to determine the population included within the contour unless a more accurate count is available.

§ 3.312 *Topographic data.* (a) In the preparation of the profile graphs previously described, and in determining the location and height above mean sea level of the antenna site, the elevation or contour intervals shall be taken from United States Geological Survey Topographic Quadrangle Maps, United States Army Corps of Engineers Maps or Tennessee Valley Authority maps, whichever is the latest, for all areas for which such maps are available. If such maps are not published for the area in question, the next best topographic information should be used. Topographic data may sometimes be obtained from state and municipal agencies. The data from the Sectional Aeronautical Charts (including bench marks) or railroad depot elevations and highway elevations from road maps may be used where no better information is available. In cases where limited topographic data can be obtained, use may be made of an altimeter in a car driven along roads extending generally radially from the transmitter site.

(b) The Commission will not ordinarily require the submission of topographical maps for areas beyond 15 miles from the antenna site, but the maps must include the principal city or cities to be served. If it appears necessary, additional data may be requested.

(c) The United States Geological Survey Topography Quadrangle Sheets may be obtained from the United States Geological Survey Department of the Interior, Washington, D. C., for 20 cents each. The Sectional Aeronautical Charts are available from the United States Coast and Geodetic Survey, Department of Commerce, Washington, D. C., for 25 cents each. These maps may also be secured from branch offices and from authorized agents or dealers in most principal cities.

§ 3.313 *Interference standard.* (a) Field intensity measurements are preferable in predicting interference between FM broadcast stations and should be used, when available, in determining the extent of interference. (For methods and procedure, see § 3.314.) In lieu of measurements, the interference should be predicted in accordance with the method described herein.

(b) Objectionable interference is considered to exist when the interfering signal exceeds that given by the following ratios. (The desired signal is median field and the undesired signal is the tropospheric signal intensity exceeded for 1 percent of the time.)

Channel separation:	*Ratio of desired to undesired signals*
Same channel	10:1.
200 kc	2:1.
400 kc	1:10.
600 kc	1:100.
800 kc and above	No restriction.[1]

[1] Intermediate frequency amplifiers of most FM broadcast receivers are designed to operate on 10.7 megacycles. For this reason the assignment of two stations in the same area, one with a frequency 10.6 or 10.8 megacycles removed from that of the other, should be avoided if possible.

(c) Stations normally will not be authorized to operate in the same city or in nearby cities with a frequency separation of less than 800 kc.: *Provided,* That stations may be authorized to operate in nearby cities with a frequency separation of not less than 400 kc. where necessary in order to provide an equitable and efficient distribution of facilities: *And provided further,* That class B stations will not be authorized in the same metropolitan district with a frequency separation of less than 800 kc. In the assignment of FM broadcast facilities the Commission will endeavor to provide the optimum use of the channels in the band, and accordingly may assign a channel different from that requested in an application.

(d) In predicting the extent of interference within the ground wave service area of a station, use should be made of the groundwave chart. (Figure 1 of § 3.333.)

(e) In determining the points at which the interference ratio is equal to the values shown in paragraph (b) of this section, the field intensities for the two interfering signals under consideration should be computed for a considerable number of points along the line between the two stations. Using this data, field intensity versus distance curves should be plotted (e. g., cross-curves on graph paper) in order to determine the points on this path where the interference ratios exist. The points established by this method together with the points along the contours where the same ratios are determined, are considered to be generally sufficient to predict the area of interference. Additional points may be required in the case of irregular terrain or the use of directional antenna systems.

(f) The area of interference, if any, shall be shown in connection with the map of predicted coverage required by the application form, together with the basic data employed in computing such interference. The map shall show the interference within the 50 uv/m contour.

§ 3.314 *Field intensity measurements in allocation.* (a) When field intensity measurements are required by the Commission's rules or when employed in determining the extent of service or interference of existing stations, such measurements should be made in accordance with the procedure outlined herein.

(b) Measurements made to determine the service and interference areas of FM broadcast stations should be made with mobile equipment along roads which are as close and similar as possible to the radials showing topography which were submitted with the application for construction permit. Suitable measuring equipment and a continuous recording device must be employed, the chart of which is either directly driven from the speedometer of the automobile in which the equipment is mounted or so arranged that distances and identifying landmarks may be readily noted. The measuring equipment must be calibrated against recognized standards of field intensity and so constructed that it will maintain an acceptable accuracy of measurement while in motion or when stationary. The equipment should be so operated that the recorder chart can be calibrated directly in field intensity in order to facilitate analysis of the chart. The receiving antenna shall be primarily responsive to the horizontal electric field and should be nondirectional unless otherwise authorized. Authorization to use a half-wave dipole may be requested by filing application with the Commission prior to the making of measurements. The application may be filed by letter describing the proposed antenna, the method of installation and operation, and calibration procedures. Such authorization will remain in effect throughout the series of measurements for which granted.

(c) Mobile measurements should be made with a minimum chart speed of 3 inches per mile and preferably 5 or 6 inches per mile. Locations shall be noted on the recorder chart as frequently as necessary to definitely fix the relation between the measured field intensity and the location. The time constant of the equipment should be such to permit adequate analysis of the charts, and the time constant employed shall be shown. Measurements should be made to a point on each radial well beyond the particular contour under investigation. The transmitter power shall be maintained as close as possible to the authorized power throughout the survey.

(d) After the measurements are completed, the recorder chart shall be divided into not less than 15 sections on each equivalent radial from the station. The field intensity in each section of the chart shall be analyzed to determine the field intensity received 50 percent of the distance (median field) throughout the section, and this median field intensity associated with the corresponding sector of the radial. The field intensity figures must be corrected for a receiving antenna elevation of 30 feet and for any directional effects of the automobile not otherwise compensated. This data should be plotted for each radial, using log-log coordinate paper with distance as the abscissa and field intensity as the ordinate. A smooth curve should be drawn through these points (of median fields for all sectors), and this curve used to determine the distance to the desired contour. The distances obtained for each radial may then be plotted on the map of predicted coverage or on polar coordinate paper (excluding water areas, etc.) to determine the service and interference areas of a station.

(e) In making measurements to establish the field intensity contours of a station, mobile recordings should be made along each of the radials drawn in § 3.311 (e). Measurements should extend from the vicinity of the station out to the 1 mv/m measured contour and somewhat beyond (at the present time it is not considered practical to conduct mobile measurements far beyond this contour due to the fading ratio at weak fields, which complicates analysis of the charts). These measurements would be made for the purpose of determining the variation of the measured contours from those predicted, and it is expected that initially the correlation of the measured 1 mv/m with the predicted 1 mv/m contour will be used as a basis in determining adherence to authorized service areas within the 50 uv/m contour.

(f) In addition to the 1 mv/m contour, the map of measured coverage shall show the 50 uv/m contour as determined by employing Figure 1 of § 3.333 and the distance to the 1 mv/m contour along each radial. The sliding scale shall be placed on the figure at the appropriate antenna height for the radial in question and then moved so the distance to the 1 mv/m contour (as measured) and the 1 mv/m mark are opposite. The distance to the 50 uv/m contour is then given opposite the 50 uv/m mark on the scale.

(g) In certain cases the Commission may desire more information or recordings and in these instances special instructions will be issued. This may include fixed location measurements to determine tropospheric propagation and fading ratios.

(h) Complete data taken in conjunction with field intensity measurements shall be submitted to the Commission in affidavit form including the following:

(1) Map or maps showing the roads or points where measurements were made, the service and/or interference areas determined by the prediction method and by the measurements, and any unusual terrain characteristics existing in these areas. (This map may preferably be of a type showing topography in the area.)

(2) If a directional transmitting antenna is employed, a diagram on polar coordinate paper showing the predicted free space field intensity in millivolts per meter at one mile in all directions. (See § 3.316.)

(3) A full description of the procedures and methods employed including the type of equipment, the method of installation and operation, and calibration procedures.

(4) A representative sample of the recording tape, including calibration.

(5) Antenna system and power employed during the survey.

(6) Name, address, and qualifications of the engineer or engineers making the measurements.

(i) All data shall be submitted to the Commission in triplicate.

§ 3.315 *Transmitter location.* (a) The transmitter location should be as near the center of the proposed service area as possible consistent with the applicant's ability to find a site with sufficient elevation to provide service throughout the area. Location of the antenna at a point of high elevation is necessary to reduce to a minimum the shadow effect on propagation due to hills and buildings which may reduce materially the intensity of the station's signals in a particular direction. The transmitting site should be selected consistent with the purpose of the station, i. e., whether it is intended to serve a small city, a metropolitan area, or a large region. Inasmuch as service may be provided by signals of 1 mv/m or greater field intensities in metropolitan areas, and inasmuch as signals as low as 20 uv/m may provide service in rural areas, considerable latitude in the geographical location of the transmitter is permitted; however, the necessity for a high elevation for the antenna may render this problem difficult. In general, the transmitting antenna of a station should be located at the most central point at the highest elevation available. In providing the best degree of service to an area, it is usually preferable to use a high antenna rather than a lower antenna with increased transmitter power. The location should be so chosen that line-of-sight can be obtained from the antenna over the principal city or cities to be served; in no event should there be a major obstruction in this path.

(b) The transmitting location should be selected so that the 1 mv/m contour encompasses the urban population within the area to be served and the 50 uv/m or the interference free contour coincides generally with the limits of the area to be served. It is recognized that topography, shape of the desired service area, and population distribution may make the choice of a transmitter location difficult. In such cases consideration may be given to the use of a directional antenna system, although it is generally preferable to choose a site where a nondirectional antenna may be employed.

(c) In cases of questionable antenna locations it is desirable to conduct propagation tests to indicate the field intensity expected in the principal city or cities to be served and in other areas, particularly where severe shadow problems may be expected. In considering applications proposing the use of such locations, the Commission may require site tests to be made. Such tests should be made in accordance with the measurement procedure previously described, and full data thereon must be supplied to the Commission. Test transmitters should employ an antenna having a height as close as possible to the proposed antenna height, using a balloon or other support if necessary and feasible. Information concerning the authorization of site tests may be obtained from the Commission upon request.

(d) Present information is not sufficiently complete to establish "blanket areas" of FM broadcast stations, which are defined as those areas adjacent to the transmitters in which the reception of other stations is subject to interference due to the strong signal from the stations. Where it is found necessary to locate the transmitter in a residential area where blanketing problems may appear to be excessive, the application must include a showing concerning the availability of other sites. The authorization of station construction in areas where blanketing problems appear to be excessive will be on the basis that the applicant will assume full responsibility for the adjustment of reasonable complaints arising from excessively strong signals of the applicant's station. As a means of minimizing interference problems it is expected that stations adjacent in location will generally be assigned frequencies that are generally adjacent. Insofar as is feasible, frequency assignments for stations at separated locations will also be separated.

(e) Cognizance must of course be taken regarding the possible hazard of the proposed antenna structure to aviation and the proximity of the proposed site to airports and airways. Procedures and standards with respect to the Commission's consideration of proposed antenna structures which will serve as a guide to persons intending to apply for radio station licenses are contained in Part 17 of this chapter (Rules Concerning the Construction, Marking and Lighting of Antenna Structures).

§ 3.316 *Antenna systems.* (a) It shall be standard to employ horizontal polarization; however, circular or elliptical polarization may be employed if desired. Clockwise or counterclockwise rotation may be used. The supplemental vertically polarized effective radiated power required for circular or elliptical polarization shall in no event exceed the effective radiated power authorized.

(b) The antenna must be constructed so that it is as clear as possible of surrounding buildings or objects that would cause shadow problems.

(c) Applications proposing the use of directional antenna systems must be accompanied by the following:

(1) Complete description of the proposed antenna system.

(2) Orientation of array with respect to true north; time phasing of fields from elements (degrees leading or lagging); space phasing of elements (in feet and in degrees); ratio of fields from elements.

(3) Calculated field intensity pattern (on letter-size polar coordinate paper) giving the free space field intensity in millivolts per meter at one mile in the horizontal plane, together with the formula used, constants employed, sample calculations and tabulation of calculation data.

(4) Name, address, and qualifications of the engineer making the calculations.

(d) Applications proposing the use of FM broadcast antennas in the immediate vicinity (i. e., 200 feet or less) of (1) other FM broadcast antennas, or (2) television broadcast antennas for frequencies adjacent to the FM broadcast band, must include a showing as to the expected effect, if any, of such proximate operation.

(e) In cases where it is proposed to use a tower of a standard broadcast station as a supporting structure for an FM broadcast antenna, an application for construction permit (or modification of construction permit) for such station must be filed for consideration with the FM application. Applications may be required for other classes of stations when their towers are to be used in connection with FM broadcast stations.

(f) When an FM broadcast antenna is mounted on a nondirectional standard broadcast antenna, new resistance measurements must be made of the standard broadcast antenna after installation and testing of the FM broadcast antenna. During the installation and until the new resistance determination is approved, the standard broadcast station licensee should apply for authority (informal application) to operate by the indirect method of power determination. The FM broadcast license application will not be considered until the application form concerning resistance measurements is filed for the standard broadcast station.

(g) When an FM broadcast antenna is mounted on an element of a standard broadcast directional antenna, a full engineering study concerning the effect of the FM broadcast antenna on the directional pattern must be filed with the application concerning the standard broadcast station. Depending upon the individual case, the Commission may require readjustment and certain field intensity measurements of the standard broadcast station following the completion of the FM broadcast antenna system.

(h) When the proposed FM broadcast antenna is to be mounted on a tower in the vicinity of a standard broadcast directional array and it appears that the operation of the directional antenna system may be affected, an engineering study must be filed with the FM broadcast application concerning the effect of the FM broadcast antenna on the directional pattern. Readjustment and field intensity measurements of the standard broadcast station may be required following construction of the FM broadcast antenna.

(i) Information regarding data required in connection with standard broadcast directional antenna systems may be found in § 3.150 of this chapter. (See also Standard Broadcast Technical Standards.)

(j) In the event a common tower is used by two or more licensees for antenna and/or antenna supporting purposes, the licensee who is owner of the tower shall assume full responsibility for the installation and maintenance of any painting or lighting requirements. In the event of shared ownership, one licensee shall assume such responsibility and advise the Commission accordingly.

(k) It is recommended that an emergency FM broadcast antenna be installed, or, alternately, an auxiliary transmission line or lines if feasible in the particular circumstances. Data thereon should be supplied with the application for construction permit; if proposed after station construction, an informal application should be submitted to the Commission.

(l) When necessary for the protection of air navigation, the antenna and supporting structure shall be painted and illuminated in accordance with the specifications supplied by the Commission pursuant to section 303 (q) of the Communications Act of 1934, as amended.

§ 3.317 *Transmitters and associated equipment*—(a) *Electrical performance standards.* The general design of the FM broadcast transmitting system (from input terminals of microphone preamplifier, through audio facilities at the studio, through lines or other circuits between studio and transmitter, through audio facilities at the transmitter, and through the transmitter, but excluding equalizers for the correction of deficiencies in microphone response) shall be in accordance with the following principles and specifications:

(1) Standard power ratings and operating power range of FM broadcast transmitters shall be in accordance with the following table:

Standard power rating:	Operating power range
10 watts [1]	10 watts or less.
250 watts	250 watts or less.
1 kw	250 watts–1 kw.
3 kw	1–3 kw.
5 kw	1–5 kw.
10 kw	3–10 kw.
25 kw	10–25 kw.
50 kw	10–50 kw.
100 kw	50–100 kw.

[1] For noncommercial educational FM stations.

(i) Composite transmitters may be authorized with a power rating different from the above table, provided full data is supplied in the application concerning the basis employed in establishing the rating and the need therefor. The operating range of such transmitters shall be from one-third of the power rating to the power rating.

(ii) The transmitter shall operate satisfactorily in the operating power range with a frequency swing of ±75 kilocycles, which is defined as 100 percent modulation.

(2) The transmitting system shall be capable of transmitting a band of frequencies from 50 to 15,000 cycles. Preemphasis shall be employed in accordance with the impedance-frequency characteristic of a series inductance-resistance network having a time constant of 75 microseconds. (See Fig. 2 of § 3.333.) The deviation of the system response from the standard preemphasis curve shall lie between two limits as shown in Figure 2 of § 3.333. The upper of these limits shall be uniform (no deviation) from 50 to 15,000 cycles. The lower limit shall be uniform from 100 to 7,500 cycles, and 3 db. below the upper limit; from 100 to 50 cycles the lower limit shall fall from the 3 db. limit at a uniform rate of 1 db. per octave (4 db. at 50 cycles); from 7,500 to 15,000 cycles the lower limit shall fall from the 3 db. limit at a uniform rate of 2 db. per octave (5 db. at 15,000 cycles).

(3) At any modulation frequency between 50 and 15,000 cycles and at modulation percentages of 25, 50, and 100 percent, the combined audio frequency harmonics measured in the output of the system shall not exceed the root-mean-square values given in the following table:

Modulating frequency:	Distortion percent
50 to 100 cycles	3.5
100 to 7,500 cycles	2.5
7,500 to 15,000 cycles	3.0

(i) Measurements shall be made employing 75 microsecond deemphasis in the measuring equipment and 75 microsecond prcemphasis in the transmitting equipment, and without compression if a compression amplifier is employed. Harmonics shall be included to 30 kc.

(ii) It is recommended that none of the three main divisions of the system (transmitter, studio to transmitter circuit, and audio facilities) contribute over one-half of these percentages since at some frequencies the total distortion may become the arithmetic sum of the distortions of the divisions.

(4) The transmitting system output noise level (frequency modulation) in the band of 50 to 15,000 cycles shall be at least 60 decibels below 100 percent modulation (frequency swing of ±75 kilocycles). The measurement shall be made using 400 cycle modulation as a reference. The noise-measuring equipment shall be provided with standard 75 microsecond deemphasis; the ballistic characteristics of the instrument shall be similar to those of the standard VU meter.

(5) The transmitting system output noise level (amplitude modulation) in the band of 50 to 15,000 cycles shall be at least 50 decibels below the level representing 100 percent amplitude modulation. The noise-measuring equipment shall be provided with standard 75-microsecond deemphasis; the ballistic characteristics of the instrument shall be similar to those of the standard VU meter.

(6) Automatic means shall be provided in the transmitter to maintain the assigned center frequency within the allowable tolerance (±2000 cycles).

(7) The transmitter shall be equipped with suitable indicating instruments for the determination of operating power and with other instruments as are necessary for proper adjustment, operation, and maintenance of the equipment (see § 3.320).

(8) Adequate provision shall be made for varying the transmitter output power to compensate for excessive variations in line voltage or for other factors affecting the output power.

(9) Adequate provision shall be provided to avoid overheating at the rated maximum output power.

(10) Means should be provided for connection and continuous operation of approved frequency and modulation monitors.

(11) If a limiting or compression amplifier is employed, precaution should be maintained in its connection in the circuit due to the use of preemphasis in the transmitting system.

(b) *Construction.* In general, the transmitter shall be constructed either on racks and panels or in totally enclosed frames protected as required by article 810 of the National Electrical Code and set forth below:

NOTE: The pertinent sections of article 810 of the National Electrical Code read as follows:

"8191. *General.* Transmitters shall comply with the following:

"a. *Enclosing.* The transmitter shall be enclosed in a metal frame or grille, or separated from the operating space by a barrier or other equivalent means, all metallic parts of which are effectually connected to ground.

"b. *Grounding of controls.* All external metallic handles and controls accessible to the operating personnel shall be effectually grounded. No circuit in excess of 150 volts shall have any parts exposed to direct contact. A complete dead-front type of switchboard is preferred.

"c. *Interlocks on doors.* All access doors shall be provided with interlocks which will disconnect all voltages in excess of 350 volts when any access door is opened."

(1) Means shall be provided for making all tuning adjustments, requiring voltages in excess of 350 volts to be applied to the circuit, from the front of the panels with all access doors closed.

(2) Proper bleeder resistors or other automatic means shall be installed across all capacitor banks to lower any voltage which may remain accessible with access door open to less than 350 volts within 2 seconds after the access door is opened.

(3) All plate supply and other high voltage equipment, including transformers, filters, rectifiers and motor generators, shall be protected so as to prevent injury to operating personnel.

(i) Commutator guards shall be provided on all high voltage rotating machinery. Coupling guards should be provided on motor generators.

(ii) Power equipment and control panels of the transmitter shall meet the above requirements (exposed 220 volt AC switching equipment on the front of the power control panels is not recommended but is not prohibited).

(iii) Power equipment located at a broadcast station but not directly associated with the transmitter (not purchased as part of same), such as power distribution panels, are not under the jurisdiction of the Commission; therefore § 3.254 does not apply.

(4) Metering equipment:

(i) All instruments having more than 1,000 volts potential to ground on the movement shall be protected by a cage or cover in addition to the regular case. (Some instruments are designed by the manufacturer to operate safely with voltages in excess of 1,000 volts on the movement. If it can be shown by the manufacturer's rating that the instrument will operate safely at the applied potential, additional protection is not necessary.)

(ii) In case the plate voltmeter is located on the low potential side of the multiplier resistor with the potential of the high potential terminal of the instrument at or less than 1,000 volts above ground, no protective case is required. However, it is good practice to protect voltmeters subject to more than 5,000 volts with suitable over-voltage protective devices across the instrument terminals in case the winding opens.

(iii) Transmission line meters and any other radio frequency instrument which may be necessary for the operator to read shall be so installed as to be easily and accurately read without the operator having to risk contact with circuits carrying high potential radio frequency energy.

(5) It is recommended that component parts comply as much as possible with the component specifications designated by the Army-Navy Electronics Standards Agency.

(c) *Wiring and shielding.* (1) The transmitter panels or units shall be wired in accordance with standard switchboard practice, either with insulated leads properly cabled and supported or with rigid bus bar properly insulated and protected.

(2) Wiring between units of the transmitter, with the exception of circuits carrying radio frequency energy, shall be installed in conduits or approved fiber or metal raceways for protection from mechanical injury.

(3) Circuits carrying radio frequency energy between units shall be coaxial, two wire balanced lines, or properly shielded.

(4) All stages or units shall be adequately shielded and filtered to prevent interaction and radiation.

(5) The frequency and modulation monitors and associated radio frequency lines to the transmitter shall be thoroughly shielded.

(d) *Installation.* (1) The installation shall be made in suitable quarters.

(2) Since an operator must be on duty at the transmitter control point during operation, suitable facilities for his welfare and comfort shall be provided at the control point.

(e) *Spare tubes.* A spare tube of every type employed in the transmitter and frequency and modulation monitors shall be kept on hand at the equipment location. When more than one tube of any type are employed, the following table determines the number of spares of that type required:

Number of each type employed:	Spares required
1 or 2	1
3 to 5	2
6 to 8	3
9 or more	4

An accurate circuit diagram and list of required spare tubes, as furnished by the manufacturer of the equipment, shall be retained at the transmitter location.

(f) *Operation.* In addition to specific requirements of the rules governing FM broadcast stations, the following operating requirements are specified:

(1) The maximum percentage of modulation shall be maintained in accordance with § 3.268. However, precautions shall be taken so as not to substantially alter the dynamic characteristics of musical programs.

(2) Spurious emissions, including radio frequency harmonics, shall be maintained at as low a level as practicable at all times in accordance with good engineering practice.

(3) If a limiting or compression amplifier is employed, care should be maintained in its use due to preemphasis in the transmitting system.

(g) *Studio equipment.* (1) Studio equipment shall be subject to all the above requirements where applicable except as follows:

(i) If properly covered by an underwriter's certificate, it will be considered as satisfying safety requirements.

(ii) Section 8191 of article 810 of the National Electrical Code shall apply for voltages only in excess of 500 volts.

(2) No specific requirements are made with regard to the microphones to be employed. However, microphone performance (including compensating networks, if employed) shall be compatible with the required performance of the transmitting system.

(3) No specific requirements are made relative to the design and acoustical treatement of studios. However, the design of studios, particularly the main studio, shall be compatible with the required performance characteristics of FM broadcast stations.

§ 3.318 *Facsimile: engineering standards.* The following standards apply to facsimile broadcasting under § 3.266:

(a) Rectilinear scanning shall be employed, with scanning spot progressing from left to right and scanned lines progressing from top to bottom of subject copy.

(b) The standard index of cooperation shall be 984.

(c) The number of scanning lines per minute shall be 360.

(d) The line-use ratio shall be ⅞, or 315° of the full scanning cycle.

(e) The ⅛ cycle or 45° not included in the available scanning line shall be divided into 3 equal parts, the first 15° being used for transmission at approximately white level, the second 15° for transmission at approximately black level, and the third 15° for transmission at approximately white level.

(f) An interval of not more than 12 seconds shall be available between two pages of subject copy, for the transmission of a page-separation signal and/or other services.

(g) Amplitude or frequency (frequency-shift) modulation of the subcarrier shall be used.

(h) Subcarrier modulation shall normally vary approximately linearly with the optical density of the subject copy.

(i) Negative modulation shall be used, i. e., for amplitude modulation of subcarrier, maximum subcarrier amplitude and maximum radio frequency swing on black; for frequency modulation of subcarrier, highest instantaneous frequency of subcarrier on black.

(j) Subcarrier noise level shall be maintained at least 30 db. below maximum (black) picture modulation level, at the radio transmitter input.

(k) The facsimile subcarrier transmission shall be conducted in the frequency range between 22 and 28 kilocycles. Should amplitude modulation of the subcarrier be employed the subcarrier frequency shall be 25 kilocycles with sidebands extending not more than 3 kilocycles in either direction from the subcarrier frequency. Should frequency modulation of the subcarrier be employed the total swing of the subcarrier shall be within the range from 22 to 28 kilocycles, with 22 kilocycles corresponding to white and 28 kilocycles corresponding to black on the transmitted copy. In multiplex operation the modulation of the FM carrier by the modulated subcarrier shall not exceed 5 percent. In simplex operation the modulation of the FM carrier by the

modulated subcarrier shall not exceed 30 percent.

(l) During periods of multiplex facsimile transmission, frequency modulation of the FM carrier caused by the aural signals shall, in the frequency range from 20 to 30 kilocycles, be at least 60 db. below 100 percent modulation. Frequency modulation of the FM carrier caused by the facsimile signals shall, in the frequency range from 50 to 15,000 cycles, be at least 60 db. below 100 percent modulation.

§ 3.319 *Subsidiary communications multiplex operations: engineering standards.* The following standards apply to subsidiary communications multiplex operations under §§ 3.293 to 3.295.

(a) Frequency modulation of subcarrier shall be used.

(b) The instantaneous frequency of the subcarriers shall at all times lie within the range 20 to 75 kilocycles.

(c) The arithmetic sum of the modulation of the main carrier by the subcarriers shall not exceed 30 percent.

NOTE: Inasmuch as presently approved FM modulation monitors have been designed to meet requirements for modulation frequencies of from 50 to 15,000 cycles, the use of such monitors for reading the modulation percentages during multiplex operation may not be appropriate since the subcarriers utilized are above 20,000 cycles.

(d) The total modulation of the main carrier, including the subcarriers, shall meet the requirements of § 3.268.

(e) Frequency modulation of the main carrier caused by the subcarrier operation shall, in the frequency range 50 to 15,000 cycles, be at least 60 db. below 100 percent modulation.

§ 3.320 *Indicating instruments—specifications.* The following requirements and specifications shall apply to indicating instruments used by FM broadcast stations:

(a) Instruments indicating the plate current or plate voltage of the last radio stage (linear scale instruments) shall meet the following specifications:

(1) Length of scale shall be not less than 2 3/10 inches.

(2) Accuracy shall be at least 2 percent of the full scale reading.

(3) Scale shall have at least 40 divisions.

(4) Full scale reading shall not be greater than five times the minimum normal indication.

(b) Instruments indicating transmission line current or voltage shall meet the following specifications:

(1) Instruments having linear scales shall meet the requirements of paragraph (a) (1), (2), (3), and (4) of this section.

(2) Instruments having logarithmic or square law scales:

(i) Shall meet the requirements of paragraph (a) (1) and (2) of this section for linear scale instruments.

(ii) Full scale reading shall not be greater than three times the minimum normal indication.

(iii) No scale division above one-third full scale reading shall be greater than one-thirtieth of the full scale reading.

(c) Radio frequency instruments having expanded scales:

(1) Shall meet the requirements of paragraph (a) (1), (2), and (4) of this section for linear scale instruments.

(2) No scale division above one-fifth full scale reading shall be greater than one-fiftieth of the full scale reading.

(3) The meter face shall be marked with the words "Expanded scale" or the abbreviation thereof (E. S.).

(d) No required instrument, the accuracy of which is questionable, shall be employed. Repairs and recalibration of instruments shall be made by the manufacturer, or by an authorized instrument repair service of the manufacturer, or by some other properly qualified and equipped instrument repair service. In any event the repaired instrument must be supplied with a certificate of calibration.

(e) Recording instruments may be employed in addition to the indicating instruments to record the transmission line current or voltage and the direct plate current and/or direct plate voltage of the last radio stage, provided that they do not affect the operation of the circuits or accuracy of the indicating instruments. If the records are to be used in any proceeding before the Commission as representative of operation, the accuracy must be the equivalent of the indicating instruments and the calibration shall be checked at such intervals as to insure the retention of the accuracy.

(f) The function of each instrument used in the equipment shall be clearly and permanently shown on the instrument itself or on the panel immediately adjacent thereto.

§ 3.321 *Auxiliary transmitters.* Auxiliary transmitters may not exceed the power rating or operating power range of the main transmitter, but need not conform to the performance characteristics specified by § 3.317 (a) (2) to (a) (5) inclusive. The subsequent portions of § 3.317 apply to auxiliary transmitters.

§ 3.330 *Frequency and modulation monitors at auxiliary transmitters.* (a) The following shall govern the installation of approved frequency and modulation monitors at auxiliary transmitters of FM broadcast stations in compliance with these rules:

(1) In case the auxiliary transmitter location is at a site different from that of the main transmitter, an approved frequency monitor shall be installed at the auxiliary transmitter except when the frequency of the auxiliary transmitter can be monitored by means of the frequency monitor at the main transmitter. When the auxiliary transmitter is operated without a frequency monitor under this exemption, it shall be monitored by means of the frequency monitor at the main transmitter.

(2) The licensee will be held strictly responsible for any center frequency deviation of the auxiliary transmitter in excess of 2,000 cycles from the assigned frequency, even though exempted by the above from installing an approved frequency monitor.

(3) Installation of an approved modulation monitor at the location of the auxiliary transmitter, when different from that of the main transmitter, is optional with the licensee. However, when it is necessary to operate the auxiliary transmitter beyond two calendar days, a modulation monitor shall be installed and operated at the auxiliary transmitter. The monitor (if taken from the main transmitter) shall be reinstalled at the main transmitter immediately upon resumption of operation of the main transmitter.

(4) In all cases where the auxiliary transmitter and the main transmitter have the same location, the same frequency and modulation monitors may be used for monitoring both transmitters, provided they are so arranged as to be readily switched from one transmitter to the other.

§ 3.331 *Requirements for type approval of frequency monitors.* (a) *General requirements.* In general a frequency monitor for FM broadcast stations requires a stable source of radio frequency energy whose frequency is accurately known and a means of comparing the transmitter center frequency with this stable source. The visual indicator is calibrated to indicate the deviation of the transmitter center frequency from the frequency assigned.

(1) Approval of a frequency monitor for FM broadcast stations will be considered on the basis of data submitted by the manufacturer. Any manufacturer desiring to submit a monitor for approval shall supply the Commission with full details (two sworn copies).

(2) In approving a frequency monitor based on these tests and specifications, the Commission merely recognizes that the type of monitor has the inherent capability of functioning in compliance with § 3.252, if properly constructed, maintained and operated. The Commission accepts no responsibility beyond this and further realizes that monitors may have a limited range over which the visual indicator will determine deviations. Accordingly, it may be necessary that adjunct equipment be used to determine major deviations.

(3) No change whatsoever will be permitted in the monitors sold under approval number issued by the Commission except when the licensee or the manufacturer is specifically authorized to make such changes. When it is desired to make any change, either mechanical or electrical, the details shall be submitted to the Commission for its consideration.

(4) Approval is given subject to withdrawal if the unit proves defective in service and cannot be relied upon under usual conditions of maintenance and operation encountered in the average FM broadcast station. Withdrawal of approval means that no further units may be installed by FM broadcast stations for the purpose of complying with § 3.252; however, this will not affect units already sold unless it is found that there has been an unauthorized change in design or construction or that the material or workmanship is defective.

(b) *General specifications.* The general specifications that frequency monitors shall meet before they will be approved by the Commission are as follows: (In connection with its type approval of FM equipment, the Commission may send a representative to observe tests made of such equipment by the manufacturer.)

(1) The unit shall have an accuracy of at least ±1000 cycles under ordinary conditions (temperature, humidity, power supply variations and other conditions which may affect its accuracy) encountered in FM broadcast stations throughout the United States, for any channel within the FM broadcast band.

(2) The range of the indicating device shall be at least from 2000 cycles below to 2000 cycles above the assigned center frequency.

(3) The scale of the indicating device shall be so calibrated as to be accurately read within at least 100 cycles.

(4) Means shall be provided for adjustment of the monitor indication to agree with an external standard.

(5) The monitor shall be capable of continuous operation and its circuit shall be such as to permit continuous monitoring of the transmitter center frequency.

(6) Operation of the monitor shall have no deleterious effect on the operation of the transmitter or the signal emitted therefrom.

(c) *Tests to be made for approval of FM broadcast frequency monitors.* The manufacturer of a monitor shall submit data on the following at the time of requesting approval:

(1) Constancy of oscillator frequency as measured several times in 1 month.

(2) Contancy of oscillator frequency when subjected to vibration tests which would correspond to the treatment received in shipping, handling and installing the instrument.

(3) Accuracy of readings of the frequency deviation instrument.

(4) Functioning of frequency adjustment device.

(5) Effects on frequency and readings, of the changing of tubes, of voltage variations, and of variations of room temperature through a range not to exceed 10° to 40° C.

(6) Response of indicating instrument to small changes of frequency.

(7) General information on the effect of tilting or tipping or other tests to determine ability of equipment to withstand shipment.

(d) Various other tests may be made or required, such as effects of variation of input from the transmitter depending upon the character of the apparatus.

(e) Tests shall be conducted in such a manner as to approximate actual operating conditions as nearly as possible. The equipment under test shall be operated on any channel in the FM broadcast band.

§ 3.332 *Requirements for type approval of modulation monitors.* (a) The modulation monitors may be a part of the frequency monitor. Approval of a modulation monitor for FM broadcast stations will be considered on the basis of data submitted by the manufacturer. Any manufacturer desiring to submit a monitor for approval shall supply the Commission with full details (two sworn copies).

(b) The specifications that the modulation monitor shall meet before it will be approved by the Commission are as follows: (In connection with its type approval of FM equipment, the Commission may send a representative to observe tests made of such equipment by the manufacturer.)

(1) A means for insuring that the transmitter input to the modulation monitor is proper.

(2) A modulation peak indicating device that can be set at any predetermined value from 50 to 120 percent modulation (±75 kc swing is defined as 100 percent modulation) and for either positive or negative swings (i. e., either above or below transmitter center frequency).

(3) A semi-peak indicator with a meter having the characteristics given below shall be used with a circuit such that peaks of modulation of duration between 40 and 90 milliseconds are indicated to 90 percent of full value and the discharge rate adjusted so that the pointer returns from full reading to 10 percent of zero within 500 to 800 milliseconds. A switch shall be provided so that this meter will read either positive or negative swings.

(i) The characteristics of the indicating meter are: (*a*) *Speed.* The time for one complete oscillation of the pointer shall be 260 to 350 milliseconds. The damping factor shall be between 16 and 200. (*b*) *Scale.* The meter scale shall be similar in appearance to that of a standard VU meter. The scale length between 0 and 100 percent modulation markings should be at least 2.3 inches. In addition to other markings a small mark for 133 percent modulation and designated as such should be included for the purpose of testing transmitters with 100 kc swing.

(4) The accuracy of reading of percentage of modulation shall be within ±5 percent modulation percentage at any percentage of modulation up to 100 percent modulation.

(5) The frequency characteristic curve shall not depart from a straight line more than ±½ db. from 50 to 15,000 cycles. Distortion shall be kept to a minimum.

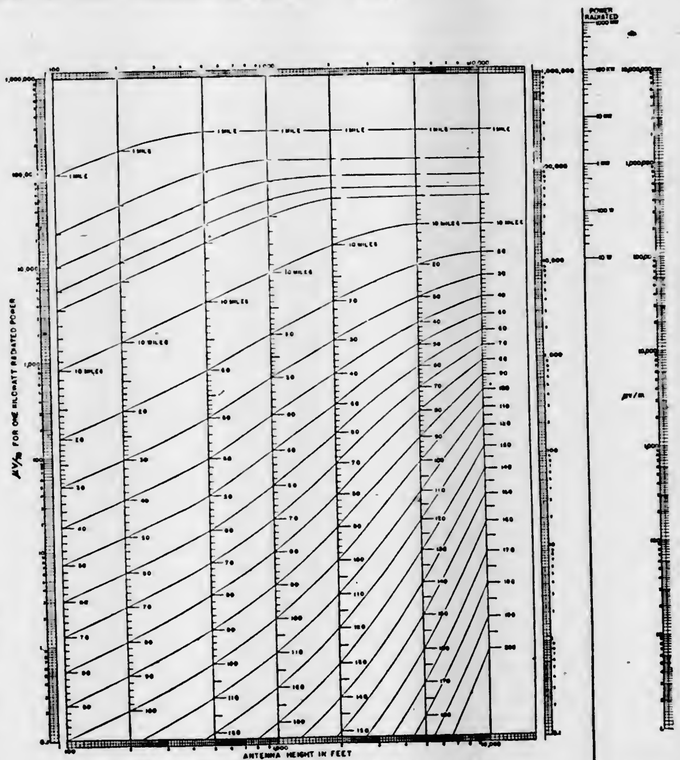
(6) The monitor shall not absorb appreciable power from the transmitter.

(7) Operation of the monitor shall have no deleterious effect on the operation of the transmitter.

(8) General design, construction, and operation shall be in accordance with good engineering practice.

§ 3.333 *Engineering charts.*

NOTE: Figures 1 and 2 as reproduced herein, due to their small scale, are not to be used in connection with material submitted to the F. C. C.



GROUND WAVE SIGNAL RANGE FOR F M BROADCASTING

Sliding scale for use with Figure 1

FIGURE 1.

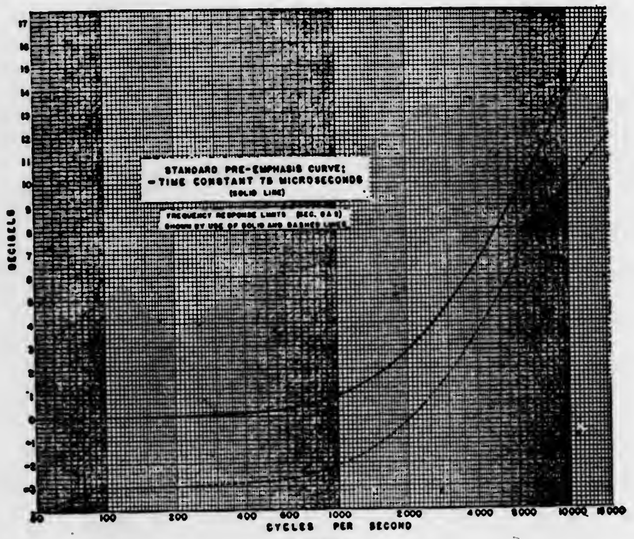


FIGURE 2.

SUBPART C—NONCOMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

CLASSIFICATION OF STATIONS AND ALLOCATION OF FREQUENCIES

§ 3.501 *Channels available for assignment.* The channels available for noncommercial educational FM broadcasting are listed in the table below, together with numerical designations for convenience:

Frequency (Mc):	Channel No.	Frequency (Mc):	Channel No.
88.1	201	90.1	211
88.3	202	90.3	212
88.5	203	90.5	213
88.7	204	90.7	214
88.9	205	90.9	215
89.1	[1] 266	91.1	216
89.3	207	91.3	217
89.5	208	91.5	218
89.7	209	91.7	219
89.9	210	91.9	220

[1] The frequency 89.1 Mc., Channel No. 206 in the New York City metropolitan area is reserved for the use of the United Nations with the equivalent of an antenna height of 500 feet above average terrain and effective radiated power of 20 kw., and the Commission will make no assignments which would cause objectionable interference with such use.

§ 3.502 *State-wide plans.* In considering the assignment of a channel for a noncommercial educational FM broadcast station, the Commission will take into consideration the extent to which each application meets the requirements of any state-wide plan for noncommercial educational FM broadcast stations filed with the Commission, provided that such plans afford fair treatment to public and private educational institutions, urban and rural, at the primary, secondary, higher, and adult educational levels, and appear otherwise fair and equitable.

§ 3.503 *Licensing requirements and service.* The operation of, and the service furnished by noncommercial educational FM broadcast stations shall be governed by the following:

(a) A noncommercial educational FM broadcast station will be licensed only to a nonprofit educational organization and upon showing that the station will be used for the advancement of an educational program.

(1) In determining the eligibility of publicly supported educational organizations, the accreditation of their respective state departments of education shall be taken into consideration.

(2) In determining the eligibility of privately controlled educational organizations, the accreditation of state departments of education and/or recognized regional and national educational accrediting organizations shall be taken into consideration.

(b) Each station may transmit programs directed to specific schools in a system or systems for use in connection with the regular courses as well as routine and administrative material pertaining thereto and may transmit educational, cultural, and entertainment programs to the public.

(c) Each station shall furnish a nonprofit and noncommercial broadcast service. No sponsored or commercial program shall be transmitted nor shall commercial announcements of any character be made. A station shall not transmit the programs of other classes of broadcast stations unless all commercial announcements and commercial references in the continuity are eliminated.

§ 3.504 *Frequency, power and service area.* (a) In the assignment of frequency and power to a noncommercial educational FM broadcast station the Commission will consider with the application: (1) the area served by applicant's existing educational facilities; and (2) the provisions of any statewide plan on file with the Commission which meets the requirements of § 3.502. A station licensed for transmitter power output of 10 watts or less normally will be licensed to operate on the frequency 88.1 megacycles; however, should it appear that operation on this frequency would cause objectionable interference, such station may be licensed to operate on the next higher frequency that would not cause objectionable interference.

(b) The license of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall specify the maximum authorized operating power output of the transmitter. The license of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall specify the authorized effective radiated power of the station and the authorized operating power output of the transmitter.

(c) Each application for a new noncommercial educational FM broadcast station or increase in facilities of an existing station which proposes transmitter power output above 10 watts shall contain a determination of the antenna height above average terrain and the extent of the 1 mv/m and 50 uv/m contours of the proposed station by the methods prescribed in the FM Technical Standards in Subpart B of this part.

§ 3.505 *Standards of good engineering practice.* The definitions and interference standards contained in the FM Technical Standards in Subpart B of this part shall be applicable to noncommercial educational FM broadcast stations. Other portions of such Standards shall be applicable to the extent specifically prescribed by this part.

ADMINISTRATIVE PROCEDURE

§ 3.511 *Application for noncommercial educational FM broadcast stations.* Each applicant for a construction permit for a new noncommercial educational FM broadcast station, change in facilities of any existing noncommercial educational FM broadcast station, or noncommercial educational FM broadcast station license or modification of license shall file with the Commission in Washington, D. C., two copies of applications and a like number of exhibits and other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. If the application is for authority to construct or make changes in a noncommercial educational FM broadcast station, FCC Form 340 should be filed; for a noncommercial educational FM license, FCC Form 341 should be filed.

§ 3.512 *Full disclosures.* Each application shall contain full and complete disclosures with regard to all matters and things required to be disclosed by the application forms.

§ 3.513 *Installation of apparatus.* Applications for construction permits or modification thereof involving the installation of new transmitting apparatus

should be filed at least 60 days prior to the contemplated installation.

§ 3.514 *Period of construction.* Each construction permit will specify a maximum of 8 months from the date of granting thereof as the time within which construction of the station shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case. Each construction permit shall bear the date of the Commission's action authorizing the issuance of the construction permit. Where a conditional grant is ordered, the construction permit shall be dated as of the time when all conditions have been satisfied.

§ 3.515 *Forfeiture of construction permits; extension of time.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) Any application for extension of time (FCC Form 701) within which to construct a station shall be filed at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

(c) If a construction permit has been allowed to expire for any reason, application may be made for a new permit on FCC Form 321 "Application for a Construction Permit to Replace Expired Permit".

§ 3.516 *Equipment tests.* (a) During the process of construction of a noncommercial educational FM broadcast station, the permittee, after notifying the Commission and Engineer in Charge of the radio district in which the station is located, may without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations, and the applicable engineering standards.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of the program test. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations and the applicable engineering standards, the permittee should notify the Engineer in Charge of the radio district in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

§ 3.517 *Program tests.* (a) Upon completion of construction of a noncommercial educational FM broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition, the permittee may request authority to conduct program tests: *Provided,* That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the radio district in which the station is located is notified. (All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application.)

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests, or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance with the rules governing noncommercial educational FM broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The grant of program test authority shall not be construed as approval by the Commission of the application for station license.

§ 3.518 *Normal license period.* (a) All noncommercial educational FM broadcast station licenses will be issued for a normal license period of three years. Licenses will be issued to expire at the hour of 3:00 a. m., e. s. t., in accordance with the following schedule and at three-year intervals thereafter.

(1) For stations located in Delaware and Pennsylvania, August 1, 1957.

(2) For stations located in Maryland, District of Columbia, Virginia, West Virginia, October 1, 1957.

(3) For stations located in North Carolina, South Carolina, December 1, 1957.

(4) For stations located in Florida, Puerto Rico, and Virgin Islands, February 1, 1958.

(5) For stations located in Alabama and Georgia, April 1, 1958.

(6) For stations located in Arkansas, Louisiana, and Mississippi, June 1, 1958.

(7) For stations located in Tennessee, Kentucky, and Indiana, August 1, 1958.

(8) For stations located in Ohio and Michigan, October 1, 1958.

(9) For stations located in Illinois and Wisconsin, December 1, 1958.

(10) For stations located in Iowa and Missouri, February 1, 1956.

(11) For stations located in Minnesota, North Dakota, South Dakota, Montana, and Colorado, April 1, 1956.

(12) For stations located in Kansas, Oklahoma, Nebraska, June 1, 1956.

(13) For stations located in Texas, August 1, 1956.

(14) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico, and Idaho, October 1, 1956.

(15) For stations located in California, December 1, 1956.

(16) For stations located in Washington, Oregon, Alaska, and Hawaii, February 1, 1957.

(17) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, April 1, 1957.

(18) For stations located in New Jersey and New York, June 1, 1957.

NOTE: Renewals of licenses will be granted for the period specified in the rule: *Provided, however,* That if as a result of the transition from the previous schedule to the above schedule the period for which a license is renewed is 6 months or less, the licensee may within the period 60 days to 30 days before the expiration date of such renewed license file, in lieu of renewal application (FCC Form 342), a written application under oath for the next renewal of license which shall consist of (1) a request that its license be renewed; (2) a statement that no substantial changes have been made in its operations or in its plans for future operations since its last renewal application, or if changes have been made or proposed, a statement specifying such changes; and (3) a statement that the applicant waives any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise. Upon review of such statements the Commission may grant a renewal of license for the full period provided for in the rule; or if the Commission requires additional information, it may require the filing of renewal application (FCC Form 342).

§ 3.519 *License, simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license

shall be issued to conform to the combined action of the Commission.

§ 3.520 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of a noncommercial educational FM broadcast station license shall be filed at least 90 days prior to the expiration date of the license sought to be renewed (FCC Form 342).

§ 3.521 [Reserved.]

§ 3.522 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new noncommercial educational FM broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until after the final disposition of such appeal.

§ 3.523 *Assignment or transfer of control.* (a) Application for consent to assignment of a noncommercial educational FM construction permit or license or for consent to voluntary transfer of control of a corporation holding a noncommercial education FM construction permit or license shall be filed with the Commission on FCC Form 314 (Assignment of License), FCC Form 315 (Transfer of Control) or FCC Form 316 (Short Form) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Pro forma* assignment or transfer applications shall be filed on FCC Form 316. Such cases are defined as cases in which:

(1) There is an assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

(2) There is an assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) There is an assignment or transfer by which certain partners or stockholders retire but no new ones are brought in, provided that the interest transferred is not a controlling one;

(4) There is a corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) There is an involuntary transfer to an Executor, Administrator or other court appointed officer caused by death or legal disability except that this form does not cover assignments (or transfers) from the Executor, Administrator or other court appointed officers to the ultimate beneficiary;

(6) There is an assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests.

(7) There is an assignment of less than a controlling interest in a partnership.

EQUIPMENT

§ 3.550 *Acceptability of broadcast transmitters for licensing.* (a) In order to facilitate the filing of, and action on, applications for station authorizations, transmitters will be accepted for licensing by the Commission under one of the following conditions:

(1) A transmitter may be type-accepted upon the request of any manufacturer of transmitters built in quantity by following the type acceptance procedure set forth in Part 2 of this chapter, provided that the data and information submitted indicates that the transmitter meets the requirements of § 3.317. If accepted, such transmitter will be included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment". Applicants specifying transmitters included on such a list need not submit detailed descriptions and diagrams where the correct type number is specified, provided that the equipment proposed is identical with that accepted. Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(2) An application specifying a transmitter not included on the Radio Equipment List, Part B, may be accepted upon the request of a prospective licensee submitting with the application for construction permit a complete description of the transmitter, including the circuit diagram, listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube, a description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization and the means of varying output power to compensate for power supply voltage variations. However, if this data has been filed with the Commission by a manufacturer in connection with a request for type acceptance, it need not be submitted with the application for construction permit but may be referred to as "on file". Measurement data for type acceptance made in accordance with subparagraph (1) of this paragraph shall be submitted with the license application.

(3) A transmitter shown on an instrument of authorization by manufacturer and type number, or as a composite, and which was in use prior to June 30, 1955 may continue to be used by the licensee, his successors or assignees, provided such transmitter continues to comply with the rules and regulations.

(b) Additional rules with respect to withdrawal of type-acceptance, modification of type-accepted equipment and limitations on the findings upon which type acceptance is based are set forth in Part 2 of this chapter.

§ 3.551 *Transmitter power.* (a) The standard power rating of the transmitter of a noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall be in accordance with § 3.317.

(b) The standard power rating of the transmitter of a noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall be not less than the authorized operating power and not more than 10 watts.

§ 3.552 *Frequency monitor.* (a) The licensee of each station licensed for transmitter power output above 10 watts shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a frequency monitor of a type approved by the Commission which shall be independent of the frequency control of the transmitter.

NOTE: Approved frequency monitors are included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment". Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(b) In the event that the frequency monitor becomes defective the station may be operated without the monitor pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided,* That:

(1) Appropriate entries shall be made in the operating log of the station showing the date and time the monitor was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the monitor is found to be defective and immediately after the repaired or replacement instrument has been installed and is functioning properly.

(3) The frequency of the station shall be compared with an external frequency source of known accuracy at sufficiently frequent intervals to insure that the frequency is maintained within the tolerance prescribed in § 3.568. An entry shall be made in the station log as to the method used and the results thereof.

(c) If conditions beyond the control of the licensee prevent the restoration of the monitor to service within the above-allowed period, informal request may be filed in accordance with § 1.332 (d) of this chapter with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

(d) The licensee of each non-commercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall provide for the measurement of the station frequency by a means independent of the frequency control of the transmitter. The station frequency shall be measured (1) when the transmitter is initially installed, (2) at any time the frequency determining elements are changed, and (3) at any time the licensee may have reason to believe the frequency has shifted beyond the tolerance specified by the Commission's rules.

§ 3.553 *Modulation monitor.* (a) The licensee of each station licensed for transmitter power output above 10 watts shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a modulation monitor of a type approved by the Commission.

NOTE: Approved modulation monitors are included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment". Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(b) In the event that the modulation monitor becomes defective the station may be operated without the monitor pending its repair or replacement for a period not in excess of 60 days: *Provided,* That:

(1) Appropriate entries shall be made in the operating log of the station showing the date and time the monitor was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the monitor is found to be defective and immediately after the repaired or replacement monitor has been installed and is functioning properly.

(3) During the period when the station is operated without the modulation monitor the licensee shall provide other suitable means for insuring that the modulation is maintained within the tolerance prescribed in § 3.568.

(c) If conditions beyond the control of the licensee prevent the restoration of the monitor to service within the above allowed period, informal request may be filed in accordance with § 1.332 (d) of this chapter with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

(d) The licensee of each non-commercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall provide a percentage modulation indicator or a calibrated program level meter from which a satisfactory indication of the percentage of modulation of the transmitter can be determined.

§ 3.554 *Transmitter performance.* (a) The transmitter proper and associated transmitting equipment of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall be designed, constructed and operated in accordance with § 3.317.

(b) The transmitter proper and associated transmitting equipment of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less, although not required to meet all requirements of § 3.317 shall be constructed with safety features in accordance with the specifications of article 810 of the current National Electrical Code as approved by the American Standards Association and shall be so operated, tuned, and adjusted that emissions are not radiated outside the authorized band which cause or which are capable of causing interference to the communications of other stations. The audio distortion, audio frequency range, carrier hum, noise level, and other essential phases of the operation which control the external effects, shall at all times be capable of providing satisfactory broadcast service. Studio equipment properly covered by an underwriter's certificate will be considered as satisfying safety requirements.

§ 3.555 *Auxiliary transmitter.* Upon showing that a need exists for the use of an auxiliary transmitter in addition to the regular transmitter of a broadcast station, a license therefor may be issued: *Provided,* That:

(a) An auxiliary transmitter may be installed either at the same location as the main transmitter or at another location.

(b) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(c) The auxiliary transmitter shall be maintained so that it may be placed into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitter.

(2) The transmission of regular programs during maintenance or modification work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed 5 days. (This includes the equipment changes which may be made without authority as set forth elsewhere in the rules and regulations or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.324 of this chapter.)

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) is satisfactory. A record shall be kept of the time and result of each test. Such records shall be retained for a period of two years.

(e) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by the regulations in this part.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitter, but in no event shall it be greater than such power.

§ 3.556 *Alternate main transmitters.* The licensee of a noncommercial educational FM broadcast station may be licensed for alternate main transmitters provided that a technical need for such alternate transmitters is shown (such as licensees maintaining 24-hour schedule and needing alternate operation for maintenance, or where developmental work requires alternate operation) and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the requirements of § 3.554.

§ 3.557 *Changes in equipment and antenna system.* Licenses of noncommercial educational FM broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(2) That would result in the external performance of the transmitter being in disagreement with § 3.554.

(b) Specific authority, upon filing formal application (FCC Form 340) therefor, is required for a change in service area or for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitter.

(2) A replacement of the transmitter as a whole.

(3) Change in the location of the transmitting antenna.

(4) Change in antenna system, including transmission line.

(5) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(6) Change in the power delivered to the antenna.

(7) Change in frequency control and/or modulation system.

(8) Change in the authorized transmitter remote control point(s).

(c) Other changes, except as above provided for in this section, may be made at any time without the authority of the Commission, provided that the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

§ 3.558 *Indicating instruments.* (a) Each noncommercial FM broadcast station licensed for transmitter power above 10 watts shall be equipped with indicating instruments, which conform with the specifications set forth in § 3.320 for measuring the direct plate voltage and current of the last radio stage and the transmission line radio frequency current, voltage, or power.

(b) In the event that any one of these indicating instruments becomes defective when no substitute which conforms with the required specifications is available, the station may be operated without the defective instrument pending its repair or replacement for a period not in excess of 60 days: *Provided,* That:

(1) Appropriate entries shall be made in the operating log of the station showing the date and time the meter was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the instrument is found to be defective and immediately after the repaired or replaced instrument has been installed and functioning properly.

(3) If the defective instrument is a plate voltmeter or plate ammeter in the last radio stage, the operating power shall be maintained by means of the radio frequency transmission line meter.

(c) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, informal request may be filed in accordance with § 1.332 (d) of this chapter with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

TECHNICAL OPERATION

§ 3.561 *Operating schedule.* Noncommercial educational FM broadcast stations are not required to operate on a regular schedule and no minimum number of hours of operation is specified; but the hours of actual operation during a license period shall be taken into consideration in considering the renewal of noncommercial educational FM broadcast licenses wherever it appears that the channels available for such stations are insufficient to meet the demand.

§ 3.562 *Experimental operation.* The period between 1:00 a. m., and 6:00 a. m., local standard time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any noncommercial educational FM broadcast station on its assigned frequency and not in excess of its authorized power, without specific authorization from the Commission.

§ 3.563 *Station inspection.* The licensee of any noncommercial educational FM broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.564 *Station and operator licenses; posting of.* (a) The station license and any other instrument of station authorization shall be posted in a conspicuous place and in such manner that all terms are visible, at the place the licensee considers to be the principal control point of the transmitter. At all other control points listed on the station authorization, a photocopy of the station license and other instruments of station authorization shall be posted.

(b) The original operator license, or FCC Form 759, of each station operator shall be posted at the place where he is on duty as an operator.

§ 3.565 *Operator requirements.* (a) One or more radio operators holding a valid radiotelephone first-class operator license, except as provided in this section, shall be in actual charge of the transmitting apparatus and shall be on duty either at the transmitter location or remote control point.

(b) A station which is authorized with transmitter power output of 10 kilowatts or less may be operated by persons holding commercial radio operator license of any class, except an aircraft radiotelephone operator authorization or a temporary limited radiotelegraph second-class operator license, when the equipment is so designed that the stability of the frequency is maintained by the transmitter itself within the limits of tolerance specified, and none of the operations, except those specified in subparagraphs (1), (2) and (3) of this paragraph, necessary to be performed during the course of normal operation may cause off-frequency operation or result in any unauthorized radiation. Adjustments of transmitting equipment by such operators, except when under the immediate supervision of radiotelephone first-class operator, shall be limited to the following:

(1) Those necessary to commence or terminate transmitter emissions as a routine matter.

(2) Those external adjustments that may be required as a result of variations of primary power supply.

(3) Those external adjustments which may be necessary to insure modulation within the limits required.

Should the transmitting apparatus be observed to be operating in a manner inconsistent with the station's instrument of authorization and none of the above adjustments are effective in bringing into proper operation, a person holding other than a radiotelephone first-class operator license and not acting under the immediate supervision of a radiotelephone first-class operator, shall be required to terminate the station's emissions.

(c) The licensee of a station which is operated by one or more operators holding other than a radiotelephone first-class operator license shall have one or more operators holding a radiotelephone first-class operator license in regular full-time employment at the station, whose primary duties shall be to effect and insure the proper functioning of the transmitting equipment. In the event that the licensee also operates a standard broadcast station in the same community, a regular full-time radiotelephone first-class operator or operators employed in connection with the FM broadcast station may concurrently be employed to satisfy the requirements of § 3.93 (c): *Provided*, That the duties of such operator or operators concerning the standard broadcast transmitting equipment shall in nowise interfere with the proper performance of his duties with respect to the FM broadcast transmitter: Except, that (1) if the transmitter power output is in excess of 10 watts but not greater than 1 kw, an operator holding radiotelephone second-class operator license may be on duty and perform the functions required of the radiotelephone first-class operator, or (2) if the transmitter power output is 10 watts or less, a radiotelephone second-class or radiotelegraph first- or second-class operator may be on duty and perform the functions of the radiotelephone first-class operator but need not be in regular full-time employment at the station.

(d) The licensed operator on duty and in charge of a non-commercial educational FM broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such other stations: *Provided, however*, That such duties shall in nowise interfere with the proper operation of the FM broadcast transmitter.

§ 3.566 *Facsimile broadcasting and multiplex transmission.* (a) Noncommercial educational FM broadcast stations may transmit simplex facsimile in accordance with transmission standards set forth in § 3.318 during periods not devoted to FM aural broadcasting. Such transmissions may not exceed one hour during the period between 7 a. m. and midnight (no limit is placed upon the hours between midnight and 7 a. m.). The Commission shall be notified by the licensee of the noncommercial educational FM broadcast station of its intent to transmit such facsimile.

(b) Noncommercial educational FM broadcast stations may, upon securing authorization from the Commission, transmit multiplex facsimile in accordance with transmission standards set forth in § 3.318: *Provided*, That the transmission of such facsimile does not reduce the quality of the aural program simultaneously transmitted by the licensee below that required by the FM Technical Standards in Subpart B of this part and that no degradation of such aural programs will result from such facsimile transmissions when received on FM receivers not equipped with filters or other additional equipment.

§ 3.567 *Operating power; determination and maintenance of.* (a) The operating power of each station shall be determined by the indirect method. This is the product of the plate voltage (E_p) and the plate current (I_p) of the last radio stage, and an efficiency factor, F; that is:

$$\text{Operating power} = E_p \times I_p \times F$$

The efficiency factor, F, shall be established by the transmitter manufacturer for each type of transmitter for which Commission approval is requested, and shall be specified in the instruction books supplied to the customer with each transmitter. In the case of composite equipment the factor, F, shall be furnished to the Commission along with a statement of the basis used in determining such factor.

(b) The operating power of each station licensed for transmitter power output above 10 watts shall be maintained as near as practicable to the authorized power, and shall not exceed the limits of 5 percent above and 10 percent below the authorized power, except that in an emergency when it becomes impossible to operate with the authorized power, the station may be operated with reduced power for a period not to exceed 10 days provided the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified immediately after the emergency develops and also upon the resumption of normal operating power. With respect to each station licensed for transmitter power output of 10 watts or less, the power at which the station is operated may be less than the licensed power, but shall in no event be more than 5 percent above the licensed power. The transmitter of each station shall be so maintained as to be capable of operation at a maximum licensed power.

§ 3.568 *Modulation.* The percentage of modulation of all stations shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent or more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

§ 3.569 *Frequency tolerance.* (a) The center frequency of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall be maintained within 3,000 cycles of the assigned center frequency.

(b) The center frequency of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall be maintained within 2,000 cycles of the assigned center frequency.

§ 3.570 *Antenna structure, marking and lighting.* Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment;* § 17.39, *Cleaning and repainting;* § 17.40, *Time when lights shall be exhibited;* § 17.41, *Spare lamps;* and § 17.42, *Lighting equipment;* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 3.571 *Discontinuance of operation.* The licensee of each station shall notify the Commission in Washington, D. C., and the Engineer in Charge of the radio district in which the station is located of permanent discontinuance of operation at least two days before operation is discontinued. The licensee shall, in addition, immediately forward the station license and other instruments of authorization to the Washington, D. C., office of the Commission for cancellation.

§ 3.572 *Remote control operation.* A station which is authorized with transmitter power output of 10 kilowatts or less may, upon prior authorization from the Commission, be operated by remote control at the point(s) which shall be specified in the station license. An application for authorization to operate by remote control may be made as a part of an application for construction permit or license or modification thereof by specifying the proposed remote control point(s). Operation by remote control shall be subject to the following conditions:

(a) The equipment at the operating and transmitting positions shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(b) The control circuits from the operating position to the transmitter shall provide positive on and off control and shall be such that open circuits, short circuits, grounds or other line faults will not actuate the transmitter and any fault causing loss of such control will automatically place the transmitter in an inoperative condition.

(c) Control and monitoring equipment shall be installed so as to allow the licensed operator either at the remote control point or at the transmitter to perform all of the functions in a manner required by the Commission's rules and Standards: Except, that in the case of a station licensed for a transmitter output power of 10 watts or less the monitoring equipment shall be installed at the remote control point so as to continuously monitor the actual FM carrier and audibly indicate the nature and quality of the program being broadcast.

OTHER OPERATING REQUIREMENTS

§ 3.581 *Logs.* The licensee or permittee of each noncommercial educational FM broadcast station shall maintain program and operating logs and shall require entries to be made as follows:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof, with the time of the beginning and ending of the complete program. If a mechanical record is used, the entry shall show the exact nature thereof, such as "record," "transcription," etc., and the time it is announced. If the program is of network origin, its source shall be indicated. If the broadcast is under the auspices of an institution or organization other than the licensee, its name shall be noted.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program service begins and ends.

(3) An entry of each interruption to the carrier wave, its cause and duration.

(4) For each station licensed for transmitter power output above 10 watts, an entry of the following each 30 minutes:

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) Radio frequency transmission line meter reading.

(iii) Frequency monitor reading.

(5) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record,* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 3.582 *Logs; retention of.* Logs of noncommercial, educational FM broadcast stations shall be retained by the licensee or permittee for a period of two years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee or permittee has been notified, shall be retained by the licensee or permittee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee or permittee has notice shall be retained by the licensee or permittee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 3.583 *Logs; by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.584 *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.585 *Correction of logs.* No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.586 *Rough logs.* Rough logs may be transcribed into condensed form, but in such case the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.587 *Station identification.* (a) A licensee of a noncommercial educational FM broadcast station shall make at least the following station identification announcements (call letters and location): (1) at the beginning and ending of each time of operation; and (2) within 2 minutes of each hour and each half hour during operation: *Provided,*

(b) Such identification announcement need not be made on the hour or half hour when to make such announcement would interrupt a single continuous program of longer duration than 30 minutes. In such cases the identification announcement shall be made at the beginning of the program, at the first interruption of the continuity, and at the conclusion of the program.

(c) In making the identification announcement, the call letters shall be

given only on the channel of the station identified thereby.

§ 3.588 *Mechanical records.* Each program broadcast, except when designed specifically for in-school listening, which consists in whole or in part of one or more mechanical reproductions shall be announced in the manner and to the extent set out below.

(a) Each such program of longer duration than 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by appropriate announcement at the beginning of the program, at each 30-minute interval and at the conclusion of the program: *Provided, however,* That the identifying announcement at each 30-minute interval is not required in case of a mechanical reproduction consisting of a continuous uninterrupted speech, play, religious service, symphony concert, or operatic production of longer than 30 minutes.

(b) Each such program of a longer duration than 5 minutes and not in excess of 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by an appropriate announcement at the beginning and end of the program.

(c) Each such program of 5 minutes or less, consisting in whole or in part of mechanical reproductions, shall be identified by appropriate announcement immediately preceding the use thereof: *Provided, however,* That each such program of one minute or less need not be announced as such.

(d) In case a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of the sponsorship of the program proper, no announcement of the mechanical reproduction is required.

(e) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. A licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

§ 3.589 [Reserved.]

§ 3.590 *Broadcasts by candidates for public office*—(a) *Definitions.* A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who—

(1) Has qualified for a place on the ballot or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

(b) *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities: *Provided,* That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) *Practices.* No licensee shall make any discrimination in practices, regulations, facilities, or services for or in connection with the service rendered pursuant to this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Records; inspection.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests. Such records shall be retained for a period of two years.

§ 3.591 *Rebroadcast.* (a) The term "rebroadcast" means reception by radio of the program of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station. The broadcasting of a program relayed by a remote pick-up broadcast station or studio transmitter link is not considered a rebroadcast. In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

NOTE: As used in this section, program includes any complete program or part thereof.

(b) The licensee of a noncommercial educational FM broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, FM, noncommercial educational, or international broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.

NOTE 1: The notice and certification of consent shall be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

NOTE 2: See § 3.503 (c).

(c) No licensee of a noncommercial educational FM broadcast station shall rebroadcast the program of any United States radio station not designated in paragraph (b) of this section without written authority having first been obtained from the Commission upon application (informal) accompanied by written consent or certification of consent of the licensee of the station originating the program.

NOTE: By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, § 3.591 (c) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for the express purpose by U. S. Government radio stations.

SUBPART D—[RESERVED]

SUBPART E—TELEVISION BROADCAST STATIONS

GENERAL

§ 3.601 *Scope of subpart.* This subpart contains the rules and regulations (including engineering standards) governing television broadcast stations, including noncommercial educational television broadcast stations, in the United States, its Territories and possessions.

§ 3.602 *Other pertinent rules.* Other pertinent provisions of the Commission's rules and regulations relating to the television broadcast service are included in the following parts of this chapter:

Part 1—Practice and procedure.
Part 2—Frequency allocations and radio treaty matters; general rules and regulations.
Part 4—Experimental and auxiliary broadcast services.
Part 17—Construction, marking, and lighting of antenna towers and/or their supporting structures.

§ 3.603 *Numerical designation of television channels.*

(a)

Channel No.	Frequency band (megacycles)	Channel No.	Frequency band megacycles)
2	54–60	43	644–650
3	60–66	44	650–656
4	66–72	45	656–662
5	76–82	46	662–668
6	82–88	47	668–674
7	174–180	48	674–680
8	180–186	49	680–686
9	186–192	50	686–692
10	192–198	51	692–698
11	198–204	52	698–704
12	204–210	53	704–710
13	210–216	54	710–716
14	470–476	55	716–722
15	476–482	56	722–728
16	482–488	57	728–734
17	488–494	58	734–740
18	494–500	59	740–746
19	500–506	60	746–752
20	506–512	61	752–758
21	512–518	62	758–764
22	518–524	63	764–770
23	524–530	64	770–776
24	530–536	65	776–782
25	536–542	66	782–788
26	542–548	67	788–794
27	548–554	68	794–800
28	554–560	69	800–806
29	560–566	70	806–812
30	566–572	71	812–818
31	572–578	72	818–824
32	578–584	73	824–830
33	584–590	74	830–836
34	590–596	75	836–842
35	596–602	76	842–848
36	602–608	77	848–854
37	608–614	78	854–860
38	614–620	79	860–866
39	620–626	80	866–872
40	626–632	81	872–878
41	632–638	82	878–884
42	638–644	83	884–890

(b) In the Territories of Alaska and Hawaii the frequency bands 76–82 Mc and 82–88 Mc are allocated for non-Broadcast use. These frequency bands (Channels 5 and 6) will not be assigned in the Territories of Alaska or Hawaii for use by television broadcast stations.

CHANNEL UTILIZATION

§ 3.606 *Table of assignments*—(a) *General.* The following table of assignments contains the channels assigned to the listed communities in the United States, its Territories, and possessions. Channels designated with an asterisk are assigned for use by noncommercial educational broadcast stations only. A station on a channel identified by a plus or minus mark is required to operate with its carrier frequencies offset 10 kc above or below, respectively, the normal carrier frequencies.

(b) *Table of assignments.*

	Channel No.
Alabama:	
Andalusia	*2–, 29
Anniston	70+
Auburn	*56
Bessemer	54
Birmingham	6–, *10–, 13–, 42+, 48
Brewton	23+
Clanton	14
Cullman	60+
Decatur	23–
Demopolis	18
Dothan	9+, 19–
Enterprise	40+
Eufaula	44
Florence	41
Fort Payne	19
Gadsden	15+, 21+
Greenville	49–
Guntersville	40–
Huntsville	31+
Jasper	17
Mobile	5+, 10+, *42, 48+
Montgomery	12, 20, *26+, 32
Munford	*7–
Opelika	22–
Selma	8–, 58+
Sheffield	47–
Sylacauga	24–
Talladega	64
Thomasville	27–
Troy	38–
Tuscaloosa	45, 51–
Tuskegee	16–
University	*74+
Arizona:	
Ajo	14–
Bisbee	15
Casa Grande	18–
Clifton	25–
Coolidge	30+
Douglas	3–
Eloy	24
Flagstaff	9, 13
Globe	34+
Holbrook	14
Kingman	6–
Mesa	12–
Miami	28+
Morenci	31
Nogales	17–
Phoenix	3+, 5–, *8+, 10–
Prescott	15
Safford	21
Tucson	4–, *6+, 9–, 13–
Williams	25
Winslow	16–
Yuma	11–, 13+
Arkansas:	
Arkadelphia	34+
Batesville	30–
Benton	40
Blytheville	64+, 74
Camden	50
Conway	62
El Dorado	10–, 26–
Arkansas—Continued	Channel No.
Fayetteville	*13–, 41–
Forrest City	22+
Fort Smith	5–, *16, 22, 39
Harrison	24
Helena	54–
Hope	15–
Hot Springs	9+, 52+
Jonesboro	8, 39+
Little Rock	*2–, 4, 11+, 17–, 23+
Magnolia	28+
Malvern	46
Morrilton	43–
Newport	28
Paragould	58–
Pine Bluff	7–, 36
Russellville	19
Searcy	33
Springdale	35–
Stuttgart	14+
California:	
Alturas	9
Bakersfield	10–, 29
Brawley	25+
Chico	12–
Corona	52
Delano	37+
El Centro	16, 56
Eureka	3–, 13–
Fresno	12+, *18–, 24, 47, 53
Hanford	21
Los Angeles	2, 4, 5, 7, 9, 11, 13, 22, *28, 34
Madera	30+
Merced	34–, 66
Modesto	14+, 58
Monterey. (*See* Salinas.)	
Napa	62
Oakland. (*See* San Francisco.)	
Oxnard	32
Palm Springs	14
Petaluma	68
Pittsburg	16
Port Chicago	70
Porterville	55
Red Bluff	15
Redding	7
Riverside	40, 46
Sacramento	3, *6, 10, 40–, 46+
Salinas-Monterey	8+, 35
San Bernardino	18, *24–, 30
San Buenaventura	38–
San Diego	8, 10, *15+, 21–, 27, 33, 39
San Francisco-Oakland	2+, 4–, 5+ 7–, *9+, 20–, 26–, 32+, 38, 44–
San Jose	11+, 48, *54, 60
San Luis Obispo	6+
Santa Barbara	3–, 20, 26
Santa Cruz	56
Santa Maria	44
Santa Paula	16+
Santa Rosa	50
Stockton	13+, 36, *42, 64
Tulare	27+
Ukiah	18
Visalia	43, 49
Watsonville	22–
Yreka City	11
Yuba City	52–
Colorado:	
Alamosa	19+
Boulder	*12, 22+
Canon City	36
Colorado Springs	11, 13, *17+, 23+
Craig	19
Delta	24–
Denver	2, 4–, *6–, 7, 9–, 20, 26+
Durango	6+, 15
Fort Collins	44+
Fort Morgan	15+
Grand Junction	5–, 21+
Greeley	50
La Junta	24
Lamar	18–
Leadville	14+
Longmont	32
Loveland	38
Montrose	10+, 18
Pueblo	3–, 5, *8, 28–, 34–
Salida	25
Sterling	25–
Colorado—Continued	Channel No.
Trinidad	21–
Walsenburg	30–
Connecticut:	
Bridgeport	43–, 49–, *71
Hartford	3+, 18–, *24
Meriden	65–
New Britain	30+
New Haven	8+, 59+
New London	26+, 81
Norwalk. (*See* Stamford.)	
Norwich	57+, *63–
Stamford-Norwalk	27
Waterbury	53
Delaware:	
Dover	40
Wilmington	12, *59–, 83+
District of Columbia:	
Washington	4–, 5–, 7+, 9–, 14–, 20+, *26–, 50–
Florida:	
Belle Glade	27+
Bradenton	28–
Clearwater	32+, 50
Daytona Beach	2–, 53
De Land	44+
Fort Lauderdale	17–, 39
Fort Myers	11+
Fort Pierce	19
Gainesville	*5–, 20+
Jacksonville	4+, *7, 12–, 30+, 36–
Key West	14+, 20
Lake City	33+
Lakeland	16+, 22+
Lake Wales	14
Leesburg	26–
Marianna	17+
Melbourne	37–
Miami	*2, 4, 7–, 10+, 23–, 33
Ocala	15+
Orlando	6–, 9, 18, *24–, 47
Palatka	17
Panama City	7+, *30, 36+
Pensacola	3–, 15–, *21, 46
Quincy	54+
St. Augustine	25+
St. Petersburg. (*See* Tampa.)	
Sanford	35+
Sarasota	34+
Tallahassee	*11–, 24, 51
Tampa-St. Petersburg	*3, 8–, 13–, 38
West Palm Beach	5, 12, *15, 21+
Georgia:	
Albany	10, 25
Americus	31
Athens	*8, 60–
Atlanta	2, 5–, 11+, *30, 36
Augusta	6+, 12+
Bainbridge	35–
Brunswick	28+, 34–
Cairo	45+
Carrollton	33
Cartersville	63–
Cedartown	53–
Columbus	4, 28, *34
Cordele	43
Dalton	25+
Douglas	32–
Dublin	15
Elberton	24+
Fitzgerald	53+
Fort Valley	18+
Gainesville	52
Griffin	39+
La Grange	50
Macon	*41+, 47+
Marietta	57+
Milledgeville	51+
Moultrie	48–
Newnan	61+
Rome	9, 59
Savannah	3+, *9–, 11
Statesboro	22
Swainsboro	20–
Thomasville	6, 27
Tifton	14–
Toccoa	35
Valdosta	37+
Vidalia	26
Warner Robins	13+
Waycross	16

	Channel No.
Idaho:	
Blackfoot	33
Boise	2, *4+, 7
Burley	15−
Caldwell	9−
Coeur d'Alene	12−
Emmett	26−
Gooding	23
Idaho Falls	3, 8+
Jerome	17
Kellogg	33−
Lewiston	3−
Moscow	*15
Nampa	6, 12+
Payette	14+
Pocatello	6−, 10
Preston	41
Rexburg	27+
Rupert	21
Sandpoint	9+
Twin Falls	11, 13−
Wallace	27−
Weiser	20−
Illinois:	
Alton	48
Aurora	18
Belleville	54+
Bloomington	15−
Cairo	24−
Carbondale	34, *61−
Centralia	32+, 59
Champaign-Urbana	3+, *12−, 21, 27, 33
Chicago	2−, 5, 7, 9+, *11, 20, 26, 32, 38, 44
Danville	24
Decatur	17, 23+
De Kalb	*67
Dixon	47+
Elgin	23+
Freeport	23
Galesburg	40−
Harrisburg	22
Jacksonville	29
Joliet	48+
Kankakee	14
Kewanee	60−
La Salle	35
Lincoln	53+
Macomb	61+
Marion	40
Mattoon	46−
Moline. (*See* Davenport, Iowa.)	
Mt. Vernon	38−
Olney	16−
Pekin	69+
Peoria	8, 19, *37−, 43+
Quincy	10−, 21+
Rockford	13+, 39+, *45+
Rock Island. (*See* Davenport, Iowa.)	
Springfield	2+, 20+, *66+
Streator	65−
Urbana. (*See* Champaign.)	
Vandalia	28−
Waukegan	22+
Indiana:	
Anderson	61
Angola	15+
Bedford	68
Bloomington	4, *30−, 36
Columbus	42−
Connersville	38+
Elkhart	52
Evansville	7, 50−, *56, 62
Fort Wayne	*27+, 33−, 69
Gary	50, *66
Hammond	56−
Hatfield	9+
Huntington	21+
Indianapolis	6, 8−, 13−, *20−, 26+, 67−
Jasper	19+
Kokomo	31
Lafayette	*47, 59
Lebanon	18
Logansport	51
Madison	25−
Marion	29+
Michigan City	62+
Muncie	49, 55+, *71
Princeton	52+
Richmond	32−
Shelbyville	58+
South Bend	34−, *40+, 46
Tell City	31−
Terre Haute	10, *57+, 63−, 73+
Vincennes	44+
Washington	60+
Iowa:	
Algona	37+
Ames	5, 25−
Atlantic	45−
Boone	19−
Burlington	32−, 38+
Carroll	39
Cedar Rapids	2, 9−, 20−, *26+
Centerville	31−
Charles City	18−
Cherokee	14
Clinton	64
Creston	43
Davenport-Rock Island-Moline, Ill.	4+, 6+, *30+, 36+, 42−
Decorah	44+
Des Moines	8−, *11+, 13−, 17+, 23−
Dubuque	56+, 62−
Estherville	24+
Fairfield	54
Fort Dodge	21
Fort Madison	50+
Grinnell	71
Iowa City	*12+, 24−
Keokuk	44−
Knoxville	33−
Marshalltown	49
Mason City	3+, 35−
Muscatine	58
Newton	65+
Oelwein	26
Oskaloosa	52+
Ottumwa	15+, 63
Red Oak	32+
Shenandoah	20+
Sioux City	4−, 9, *30, 36−
Spencer	42+
Storm Lake	34+
Waterloo	7+, 16−, *22−, 46+
Webster City	27
Kansas:	
Abilene	31+
Arkansas City	49
Atchison	60+
Chanute	50−
Coffeyville	33−
Colby	22−
Concordia	47−
Dodge City	6+, 23
El Dorado	55+
Emporia	39−
Fort Scott	27
Garden City	9, 11+
Goodland	10, 31
Great Bend	2, 28
Hays	7−, 20−
Hutchinson	12, 18
Independence	20
Iola	44+
Junction City	29+
Larned	15−
Lawrence	*11, 17−
Leavenworth	54−
Liberal	14
McPherson	26−
Manhattan	*8, 23+
Newton	14+
Olathe	52−
Ottawa	21−
Parsons	46−
Pittsburg	7+, 38−
Pratt	36+
Salina	34
Topeka	13+, 42, *48+
Wellington	24−
Wichita	3−, 10−, 16−, *22+
Winfield	43+
Kentucky:	
Ashland	59−
Bowling Green	13, 17+
Campbellsville	40+
Corbin	16
Danville	35+
Elizabethtown	23
Frankfort	43−
Glasgow	28+
Harlan	73+
Hazard	19−
Hopkinsville	20
Lexington	18+, 27−, 64, 70+
Louisville	3−, 11+, *15, 21−, 41−, 51−
Madisonville	26
Mayfield	63
Maysville	24+
Middlesborough	57, 63+
Murray	33−
Owensboro	14−
Paducah	6+, 43, 72
Pikeville	14−
Princeton	45−
Richmond	60
Somerset	29−
Winchester	37+
Louisiana:	
Abbeville	27+
Alexandria	5, 62+, 74
Bastrop	53+
Baton Rouge	2, 28, *34, 40−
Bogalusa	69, 78
Crowley	21+
De Ridder	14
Eunice	64−
Franklin	46+
Hammond	57
Houma	30+
Jackson	18−
Jennings	48
Lafayette	10, 38−, 67−
Lake Charles	7−, *19, 25, 60+
Minden	30
Monroe	8+, *13, 43+
Morgan City	36+
Natchitoches	17+
New Iberia	15+
New Orleans	4+, 6+, *8, 20−, 26, 32+, 61
Oakdale	54+
Opelousas	58
Ruston	20
Shreveport	3−, 12
Thibodaux	24
Winnfield	22−
Maine:	
Auburn	23+
Augusta	10−, 29+
Bangor	2−, 5+, *16−
Bar Harbor	22−
Bath	65
Belfast	41−
Biddeford	59
Calais	7−, 20−
Dover-Foxcroft	18+
Fort Kent	17+
Houlton	24
Lewiston	8−, 17
Millinocket	14+
Orono	*12−
Portland	6+, 13+, *47−, 53+
Presque Isle	8, 19
Rockland	25−
Rumford	55−
Van Buren	15−
Waterville	35+
Maryland:	
Annapolis	53−
Baltimore	2+, 11−, 13+, 18, *24+, 72−
Cambridge	22+
Cumberland	17+, 30−
Frederick	62+
Hagerstown	52, 68+
Salisbury	16+
Massachusetts:	
Amherst	*82
Barnstable	25+
Boston	*2+, 4−, 5−, 7+, 38, 44+, 56
Brockton	62
Easthampton	61
Fall River	46−, 68
Greenfield	58−
Holyoke. (*See* Springfield.)	
Lawrence	72
Lowell	32+
New Bedford	28−, 34+

	Channel No.
Massachusetts—Continued	
North Adams	19, *80+
Pittsfield	64+
Springfield-Holyoke	22, 55
Worcester	14, 20
Michigan:	
Alma	41+
Alpena	9+, *11, 30−
Ann Arbor	20+, *26−
Bad Axe	46−
Battle Creek	58−, 64−
Bay City	5−, 63−, *73+
Benton Harbor	42
Big Rapids	39
Cadillac	13−, 45
Calumet	13+
Cheboygan	4+, 36+
Coldwater	24−
Detroit	2+, 4, 7−, 50−, *56, 62
East Lansing	60+
East Tawas	25−
Escanaba	3+, *49
Flint	12−, 16−, *22−, 28
Gladstone	40−
Grand Rapids	8+, *17+, 23−
Hancock	10−
Houghton	*25
Iron Mountain	9, 27
Iron River	33−
Ironwood	12−, 31−
Jackson	48
Kalamazoo	3−, 36−, *74
Lansing	6−, 54
Ludington	18+
Manistee	15−
Manistique	14+
Marquette	6−, 17, *35
Midland	19+
Mount Pleasant	47−
Muskegon	29−, 35+
Parma-Onondago	10−
Petoskey	31
Pontiac	44+
Port Huron	34+
Rogers City	24
Saginaw	51−, 57−
Sault Ste. Marie	8, 10+, 28−, *34
Traverse City	7+, 20−, *26+
West Branch	21
Minnesota:	
Albert Lea	57−
Alexandria	36
Austin	6−, 51+
Bemidji	13−, 24−
Brainerd	12
Cloquet	44
Crookston	21−
Detroit Lakes	18+
Duluth-Superior, Wis.	3, 6+, *8−, 32, 38
Ely	16
Fairmont	40+
Faribault	20
Fergus Falls	16−
Grand Rapids	20−
Hastings	29+
Hibbing	10+
International Falls	11
Little Falls	14+
Mankato	15−
Marshall	22+
Minneapolis-St. Paul	*2−, 4, 5−, 9+, 11−, 17, 23+
Montevideo	19
New Ulm	43−
Northfield	26
Owatonna	45
Red Wing	63−
Rochester	10, 55−
St. Cloud	7, 33
St. Paul. (*See* Minneapolis.)	
Stillwater	39−
Thief River Falls	15
Virginia	26+
Wadena	27+
Willmar	31+
Winona	61
Worthington	32
Mississippi:	
Biloxi	13+, *44+, 50−
Brookhaven	37+
Canton	16
Clarksdale	6, 32
Columbia	35+
Columbus	4−, 28−
Corinth	29−
Greenville	21−, 27
Greenwood	24+
Grenada	15
Gulfport	58−
Hattiesburg	9, 17−
Jackson	3+, 12+, *19+, 25−, 47
Kosciusko	52−
Laurel	33−
Laurel-Pachuta	7
Louisville	46−
McComb	31−
Meridian	11−, 30−, *36−
Natchez	29+
Pascagoula	22
Picayune	14−
Starkville	34−
State College	*2+
Tupelo	9−, 38
University	*20+
Vicksburg	41+
West Point	56+
Yazoo City	49
Missouri:	
Cape Girardeau	12, 18+, 69
Carthage	56−
Caruthersville	27−
Chillicothe	14−
Clinton	49−
Columbia	8+, 16+, 22−
Farmington	52
Festus	14+
Fulton	24+
Hannibal	7−, 27+
Jefferson City	13, 33+
Joplin	12+, 30+
Kansas City	4, 5+, 9+, *19+, 25+, 65
Kennett	21
Kirksville	3−, 18
Lebanon	23
Marshall	40+
Maryville	26
Mexico	45
Moberly	35+
Monett	14
Nevada	18−
Poplar Bluff	15+
Rolla	46
St. Joseph	2−, 30−, *36
St. Louis	4−, 5−, *9, 11−, 30, 36−, 42+
Sedalia	6−, 28+
Sikeston	37
Springfield	3+, 10, *26+, 32
West Plains	20−
Montana:	
Anaconda	2+
Billings	2, 8, *11
Bozeman	*9, 22−
Butte	4, 6+, *7−, 15+
Cut Bank	20+
Deer Lodge	25+
Dillon	20
Glasgow	16
Glendive	18−
Great Falls	3+, 5+, *23−
Hamilton	17+
Hardin	4+
Havre	9+, 11+
Helena	10+, 12
Kalispell	8−
Laurel	14+
Lewistown	13
Livingston	16−
Miles City	3−, *6, 10
Missoula	*11−, 13−, 21+
Polson	18
Red Lodge	18+
Shelby	14−
Sidney	14
Whitefish	16+
Wolf Point	20−
Nebraska:	
Alliance	13−, 21
Beatrice	40
Broken Bow	14−
Columbus	49+
Fairbury	35
Falls City	38
Fremont	52
Grand Island	11−, 21+
Hastings	5−, 27−
Hayes Center	6
Kearney	13, 19
Lexington	23−
Lincoln	10+, 12−, *18+, 24
McCook	8−, 17
Nebraska City	50
Norfolk	33+
North Platte	2−, 4+
Omaha	3, 6+, 7, *16, 22, 28−
Scottsbluff	10−, 16+
York	15
Nevada:	
Boulder City	4+
Carlin	14
Carson City	37
Elko	10−
Ely	3−, 6+
Fallon	29−
Goldfield	5−
Hawthorne	31
Henderson	2−
Las Vegas	8−, *10+, 13−
Lovelock	18+
McGill	8+
Reno	4, 8, *21+, 27−
Tonopah	9−
Winnemucca	7+
Yerington	33
New Hampshire:	
Berlin	26
Claremont	37
Concord	75+
Durham	*11
Hanover	*27+
Keene	45−
Laconia	43
Littleton	24−
Manchester	9−, 48+
Nashua	54
Portsmouth	15
Rochester	51
New Jersey:	
Andover	*69
Asbury Park	58
Atlantic City	46, 52+
Bridgeton	64−
Camden	*80
Freehold	*74
Hammonton	*70
Montclair	*77
Newark	13−
New Brunswick	*19−, 47+
Paterson	37+
Trenton	41+
Wildwood	48−
New Mexico:	
Alamogordo	17
Albuquerque	4+, *5+, 7+, 13+
Artesia	21+
Atrisco-Five Points	18+
Belen	24+
Carlsbad	6−, 23
Clayton	27−
Clovis	12+, 35
Deming	14+
Farmington	17−
Gallup	3, *8−, 10
Hobbs	46
Hot Springs	19
Las Cruces	22−
Las Vegas	14−
Lordsburg	23+
Los Alamos	20−
Lovington	27
Portales	22+
Raton	46−, *52
Roswell	*3+, 8, 10−
Santa Fe	2+, *9+, 11−
Silver City	*10+, 12
Socorro	15+
Tucumcari	25+
New York:	
Albany-Schenectady-Troy	6, *17+, 23−, 35, 41
Amsterdam	52−
Auburn	37−

	Channel No.
New York—Continued	
Batavia	33−
Binghamton	12−, 40−, *46+
Buffalo (*also see* Buffalo-Niagara Falls)	17, *23
Buffalo-Niagara Falls	2, 4−, 7+, 59
Carthage	7−
Cortland	56+
Dunkirk	46
Elmira	18+, 24−
Glens Falls	39+
Gloversville	29−
Hornell	50
Ithaca	*14+, 20−
Jamestown	58+
Kingston	66−
Lake Placid	5
Malone	20+, *68
Massena	14−
Middletown	60
New York	2−, 4, 5+, 7, 9+, 11+, *25, 31−
Niagara Falls. (*See* Buffalo-Niagara Falls.)	
Ogdensburg	24+
Olean	54+
Oneonta	62−
Oswego	31
Patchogue	75
Plattsburg	28+
Poughkeepsie	21−, *83
Rochester	5−, 10+, 15−, *21, 27+
Rome. (*See* Utica.)	
Saranac Lake	18
Schenectady (See Albany.)	
Syracuse	3−, 8, *43+
Troy. (*See* Albany.)	
Utica-Rome	13, *25+, 54−
Vail Mills	10−
Watertown	48
North Carolina:	
Ahoskie	53
Albemarle	20
Asheville	13−, *56−, 62+, 78
Burlington	63
Burnsville	18
Chapel Hill	*4+
Charlotte	3, 9+, 36+, *42+
Durham	11+, *40−, 46+, 73−
Elizabeth City	31+
Fayetteville	18−, 54−
Gastonia	48
Goldsboro	34, 72
Greensboro	2−, *51−, 57−
Greenville	9
Henderson	52−
Hendersonville	27
Hickory	30−
High Point	15+
Jacksonville	16
Kannapolis	59+
Kinston	45
Laurinburg	41−
Lumberton	21+
Mount Airy	55
New Bern	13−
Raleigh	5, *22−, 28−
Roanoke Rapids	30+
Rocky Mount	50+
Salisbury	80
Sanford	38
Shelby	39
Southern Pines	49
Statesville	64−
Washington	7
Wilmington	3−, 6, 29−, *35+
Wilson	56
Winston-Salem	12, 26+, *32−
North Dakota:	
Bismarck	5, 12−, 18, *24
Bottineau	16+
Carrington	26−
Devils Lake	8+, 14−
Dickinson	2+, 4, *17
Fargo	6, 11+, *34−, 40
Grafton	17
Grand Forks	*2, 10
Harvey	22+
Jamestown	7−, 42
Lisbon	23
Minot	*6+, 10−, 13+
New Rockford	20+
Rugby	38−
Valley City	4−, 32−
Wahpeton	45+
Williston	8−, 11−, *34+
Ohio:	
Akron	49+, *55−, 61+
Ashtabula	15
Athens	62−
Bellefontaine	63
Bowling Green	*70
Cambridge	26
Canton	29
Chillicothe	56+
Cincinnati	5−, 9, 12, *48−, 54−, 74−
Cleveland	3, 5+, 8, 19, *25+, 65+
Columbus	4−, 6+, 10+, *34, 40−
Coshocton	20
Dayton	2, 7+, *16+, 22+
Defiance	43
Findlay	53
Fremont	59+
Gallipolis	72
Hamilton-Middletown	65
Lancaster	28−
Lima	35−, 73
Lorain	31−
Mansfield	36+
Marion	17−
Massillon	23+
Middletown. (*See* Hamilton.)	
Mount Vernon	58
Newark	60−
Oxford	*14+
Piqua	44−
Portsmouth	30
Sandusky	42+
Springfield	52−, 76
Steubenville. (*See* Wheeling, W. Va.)	
Tiffin	47+
Toledo	11−, 13, *30+, 79
Warren	67+
Youngstown	21−, 27, 73−
Zanesville	18−, 50+
Oklahoma:	
Ada	10+, 50+
Altus	36
Alva	30
Anadarko	58−
Ardmore	12−, 55−
Bartlesville	62−
Blackwell	51−
Chickasha	64
Claremore	15
Clinton	32−
Duncan	39−
Durant	27−
Elk City	15+, 26+
El Reno	56+
Enid	5, 21, *27+
Frederick	44
Guthrie	48
Guymon	20+
Hobart	23+
Holdenville	14−
Hugo	21+
Lawton	7+, *28+, 34−
McAlester	47
Miami	58+
Muskogee	8−, *45+, 56+
Norman	31−, *37−
Oklahoma City	4−, 9−, *13, 19+, 25−
Okmulgee	26
Pauls Valley	61
Ponca City	40−
Pryor Creek	54
Sapulpa	42−
Seminole	59
Shawnee	53−
Stillwater	29−, *69
Tulsa	2+, 6, *11−, 17+, 23
Vinita	28−
Woodward	8+
Oregon:	
Albany	55+
Ashland	14−
Astoria	30−
Baker	37+
Bend	15−
Burns	16
Corvallis	*7−, 49−
Eugene	*9+, 13, 20+, 26
Grants Pass	30
Klamath Falls	2−, 17
La Grande	13+
Lebanon	43+
McMinnville	46−
Medford	5
North Bend	16+
Pendleton	28
Portland	6+, 8−, *10, 12, 21−, 27+
Roseburg	4+, 28+
Salem	3+, *18−, 24+, 66
Springfield	37−
The Dalles	32
Pennsylvania:	
Allentown	39, 67
Altoona	10−, 19+, 25−
Bethlehem	51−
Bradford	70−
Butler	43−
Chambersburg	46−
Du Bois	31+
Easton	57−
Emporium	42−
Erie	12, 35+, *41−, 66+
Harrisburg	27−, 55+, 71+
Hazleton	63
Irwin	4+
Johnstown	6, 56−
Lancaster	8−, 21+
Lebanon	15+
Lewistown	74−
Lock Haven	32−
Meadville	37
New Castle	45−
Oil City	64
Philadelphia	3, 6−, 10, 17−, 23+, 29, *35−
Pittsburgh	2−, 11, *13−, 16, 47−, 53+
Reading	33+, 61−
Scranton	16−, 22−, 44
Shamokin	65
Sharon	39+
State College	*48+
Sunbury	38
Uniontown	14
Washington	63+
Wilkes-Barre	28, 34
Williamsport	36−
York	43, 49
Rhode Island:	
Providence	10+, 12+, 16, *36+
South Carolina:	
Aiken	54
Anderson	40, 58−
Camden	14
Charleston	2+, 5+, *13, 17+
Clemson	*68
Columbia	10−, *19+, 25−, 67+
Conway	23−
Florence	8−, 60
Georgetown	27−
Greenville	4−, 23+, *29
Greenwood	21−
Lake City	55+
Lancaster	31−
Laurens	45−
Marion	43−
Newberry	70
Orangeburg	44−
Rock Hill	61−
Spartanburg	7+, 17−, 74−
Sumter	47
Union	65−
South Dakota:	
Aberdeen	9−, 17+
Belle Fourche	23+
Brookings	*8, 25
Hot Springs	17+
Huron	12+, 15+
Lead	5−, 26
Madison	46
Mitchell	5+, 20−
Mobridge	27−
Pierre	6−, 10+, *22+
Rapid City	3+, 7+, 15−

	Channel No.
South Dakota—Continued	
Sioux Falls	11, 13+, 38+, *44−
Sturgis	20
Vermillion	*2+, 41
Watertown	3−, 35+
Winner	18−
Yankton	17−
Tennessee:	
Athens	14+
Bristol, Tenn.-Bristol, Va.	5+, 46−
Chattanooga	3+, 12−, 43+, 49+, *55−
Clarksville	53
Cleveland	38+
Columbia	39−
Cookeville	24, *69
Crousville	*77
Covington	19−
Dyersburg	46+
Elizabethton	22+
Fayetteville	27+
Gallatin	48+
Harriman	67
Humboldt	25
Jackson	7+, 16+
Johnson City	11−, 34+
Kingsport	28
Knoxville	6, 10+, *20+, 26−
Lawrenceburg	50+
Lebanon	58
Lexington	*11
McMinnville	46
Maryville	51
Memphis	3, 5+, *10+, 13+, 42−, 48−
Morristown	54+
Murfreesboro	18−
Nashville	*2−, 4+, 8+, 30+, 36+
Oak Ridge	32+
Old Hickory	5
Paris	51+
Pulaski	44−
Shelbyville	62−
Sneedville	*2+
Springfield	42
Tullahoma	68−
Union City	55
Texas:	
Abilene	9+, 33−
Alice	34+
Alpine	12−
Amarillo	*2−, 4, 7, 10
Athens	25+
Austin	7+, 18−, 24, *70−
Ballinger	25
Bay City	33
Beaumont-Port Arthur	4−, 6−, 31+, *37
Beeville	38−
Big Spring	4−, 34+
Bonham	43
Borger	33
Brady	15−
Breckenridge	14+
Brenham	52−
Brownfield	15
Brownsville (*also see* Brownsville-Harlingen-Weslaco)	36
Brownsville-Harlingen-Weslaco [1]	4+, 5−
Brownwood	19
Bryan	54−
Childress	40
Cleburne	57
Coleman	21−
College Station	*3+, 48−
Conroe	20+
Corpus Christi	6+, 10−, *16+, 22, 43
Corsicana	47+
Crockett	56
Crystal City	28+
Cuero	25−
Dalhart	16
Dallas	4+, 8, *13+, 23, 29, 73
Del Rio	16−
Denison	52
Denton	*2, 17
Eagle Pass	26
Edinburg	28−
El Campo	27
El Paso	4, *7, 9, 13, 20+, 26+
Falfurrias	52
Floydada	45
Fort Stockton	22
Fort Worth	5+, 11−, 20−, *26−
Gainesville	49−
Galveston	11+, 35−, 41−, *47−
Gonzales	64+
Greenville	69−
Harlingen (*also see* Brownsville-Harlingen-Weslaco)	23
Hebbronville	58
Henderson	42+
Hereford	19−
Hillsboro	63
Houston	2−, *8−, 13−, 23+, 29−, 39−
Huntsville	15
Jacksonville	36−
Jasper	49+
Kermit	14
Kilgore	59−
Kingsville	40
Lamesa	28
Lampasas	40−
Laredo	8, 13, *15+
Levelland	38−
Littlefield	32
Longview	32, 38+
Lubbock	5−, 11, 13−, *20, 26
Lufkin	9, 46−
McAllen	20−
McKinney	65−
Marfa	19+
Marshall	16−
Mercedes	32
Mexia	50−
Midland	2+, 18
Mineral Wells	38
Mission	14
Monahans	9−
Mount Pleasant	35
Nacogdoches	40+
New Braunfels	62−
Odessa	7−, 24−
Orange	43−
Pampa	17−
Paris	33+
Pearsall	31
Pecos	16+
Perryton	22
Plainview	29+
Port Arthur. (*See* Beaumont.)	
Quanah	42
Raymondville	42
Rosenberg	17−
San Angelo	3−, 8+, 17+, *23−
San Antonio	4, 5, *9−, 12+, 35+, 41+
San Benito	48
San Marcos	53+
Seguin	14−
Seymour	24+
Sherman	46+
Snyder	30+
Stephenville	32+
Sulphur Springs	41
Sweetwater	12
Taylor	58+
Temple	6, 16, 22+
Terrell	53
Texarkana	6+, *18, 24−
Tyler	7, 19−, 72
Uvalde	20
Vernon	18+
Victoria	19+
Waco	10+, *28−, 34
Waxahachie	45−
Weatherford	51
Weslaco. (*See* Brownsville-Harlingen-Weslaco.)	
Wichita Falls	3, 6−, *16+, 22−
Utah:	
Brigham	36−
Cedar City	5
Logan	12−, 30, *46
Ogden	9+, *18−, 24
Price	6
Provo	11+, 22, *28
Richfield	13+
St. George	18+
Salt Lake City	2−, 4− 5+, *7−, 20+, 26
Tooele	44
Vernal	3+
Vermont:	
Bennington	74+
Brattleboro	77+
Burlington	3, *16+, 22+
Montpelier	40
Newport	46
Rutland	49+
St. Albans	34−
St. Johnsbury	30
Virginia:	
Blacksburg	*60+
Bristol. (*See* Bristol, Tenn.)	
Charlottesville	*45+, 64+
Covington	44+
Danville	24−
Emporia	25+
Farmville	19
Fredericksburg	47
Front Royal	39−
Harrisonburg	3−, 34−
Lexington	54
Lynchburg	13, 16−
Marion	50
Martinsville	35−
Newport Newa. (*See* Norfolk-Portsmouth-Newport News.)	
Norfolk-Portsmouth (*also see* Norfolk-Portsmouth-Newport News)	27
Norfolk-Portsmouth-Newport News (*also see* Norfolk-Portsmouth)	3+, 10+, 15, *21−, 33
Norton	52+
Petersburg	8, 41
Portsmouth. (*See* Norfolk-Portsmouth and *also see* Norfolk, Portsmouth-Newport News.)	
Pulaski	37−
Richmond	6+, 12−, *23, 29+
Roanoke	7−, 10, 27+, *33−
South Boston	14+
Staunton	36
Waynesboro	42
Williamsburg	17
Winchester	28+
Washington:	
Aberdeen	53
Anacortes	34
Bellingham	12+, 18+, 24−
Bremerton	44, 50
Centralia	17
Ellensburg	49, *65
Ephrata	43
Everett	22−, 28−
Grand Coulee	37
Hoquiam	52
Kelso	39
Kennewick (*also see* Kennewick-Richland-Pasco)	25
Kennewick-Richland-Pasco	*41
Longview	33
Olympia	60
Omak-Okanogan	*35−
Okanogan. (*See* Omak.)	
Pasco (*also see* Kennewick-Richland-Pasco)	19−
Port Angeles	16−
Pullman	*10−, 24
Richland (*also see* Kennewick-Richland-Pasco)	31
Seattle	4, 5+, 7, *9, 20, 26+
Spokane	2−, 4−, 6−, *7+
Tacoma	11+, 13−, *56, 62
Walla Walla	5−, 8, *22
Wenatchee	*45, 55, 67
Yakima	23+, 29+, *47
West Virginia:	
Beckley	4, 21, 66
Bluefield	6−, 41+
Charleston	8+, *43+, 49−
Clarksburg	12+, 22, 69−
Elkins	40+
Fairmont	35
Hinton	31
Huntington	3+, 13+, *53−
Logan	23−

[1] These assignments may be utilized in any community lying within the area of the triangle formed by Brownsville, Harlingen and Weslaco.

	Channel No.
West Virginia—Continued	
Martinsburg	58—
Morgantown	*24
Parkersburg	15—
Welch	25
Weston	*5, 32
Wheeling (*also see* Wheeling-Steubenville, Ohio)	*57+
Wheeling-Steubenville, Ohio	7, 9+, 51+
Williamson	17
Wisconsin:	
Adams	*58+
Appleton	42+
Ashland	15+
Beaver Dam	37
Beloit	57
Chilton	*24+
Eau Claire	13, *19+, 25+
Fond du Lac	54+
Green Bay	2+, 5+, 70+
Janesville	63+
Kenosha	61—
La Crosse	8+, *32+, 38—, 72
Madison	3, *21—, 27—, 33+
Manitowoc	65
Marinette	11+, 32—, *38+
Milwaukee	4—, *10+, 12, 19—, 25, 31+
Oshkosh	48—
Park Falls	*18
Portage	17—
Prairie du Chien	34
Racine	49—, 55
Rhinelander	22
Rice Lake	21+
Richland Center	15, *66—
Sheboygan	59—
Shell Lake	*30—
Sparta	50—
Stevens Point	20+, 26—
Sturgeon Bay	44—
Superior. (*See* Duluth, Minn.)	
Wausau	7—, 16+, *46—
Whitefish Bay	6
Wisconsin Rapids	14—
Wyoming:	
Buffalo	29
Casper	2+, 6+
Cheyenne	3, 5+
Cody	24—
Douglas	14
Evanston	14—
Gillette	31—
Green River	16
Greybull	40
Lander	17—
Laramie	*8+, 18+
Lovell	36+
Lusk	19—
Newcastle	28+
Powell	30+
Rawlins	11—
Riverton	10+
Rock Springs	13
Sheridan	9—, 12+
Thermopolis	15
Torrington	27
Wheatland	24+
Worland	34
U. S. TERRITORIES AND POSSESSIONS	
Alaska:	
Anchorage	2—, *7—, 11, 13—
Fairbanks	2+, 4+, 7+, *9+, 11+, 13+
Juneau	*3, 8, 10
Ketchikan	2, 4, *9
Seward	4—, 9—
Sitka	13
Hawaiian Islands:	
Hilo, Hawaii	2, *4, 7, 9, 11, 13
Honolulu, Oahu	2+, 4—, *7+, 9—, 11+, 13—
Lihue, Kauai	3+, *8—, 10+, 12—
Wailuku, Maui	3, 8, *10, 12
Puerto Rico:	
Arecibo	13+
Caguas	11—
Mayaguez	3+, 5—
Ponce	7+, 9—
San Juan	2+, 4—, *6+
Virgin Islands:	
Charlotte Amalie	10—, 12+
Christiansted	8+

§ 3.607 *Availability of channels.* (a) Subject to the provisions of paragraph (b) of this section, applications may be filed to construct television broadcast stations only on the channels assigned in the Table of Assignments (§ 3.606 (b)) and only in the communities listed therein. Applications which fail to comply with this requirement, whether or not accompanied by a petition to amend the table, will not be accepted for filing.

(b) A channel assigned to a community listed in the Table of Assignments is available upon application in any unlisted community which is located within 15 miles of the listed community. In addition, a channel assigned to a community listed in the Table of Assignments and not designated for use by noncommercial educational stations only, is available upon application in any other community within 15 miles thereof which, although listed in the Table, is assigned only a channel designated for use only by noncommercial educational stations. Where channels are assigned to two or more communities listed in combination in the Table of Assignments the provisions of this paragraph shall apply separately to each community so listed. The distance between communities shall be determined by the distance between the respective coordinates thereof as set forth in the publication of the United States Department of Commerce entitled "Air Line Distance Between Cities in the United States." (This publication may be purchased from the Government Printing Office, Washington, D. C.) If said publication does not contain the coordinates of either or both communities, the coordinates of the main post office in either or both of such communities shall be used. The method to be followed in making the measurements is set forth in § 3.611 (d).

§ 3.608 *International agreements.* Authorizations issued by the Commission for television broadcast facilities will be subject to the provisions of any agreements entered into by the United States with Canada and Mexico concerning television assignments and authorizations. Where, pursuant to such an agreement, timely objection is received from the foreign country involved to an authorization granted by the Commission, the Commission may, on its own motion, set aside such authorization pending consideration of such objection. Upon receipt of such objection, the Commission will notify the person to whom such authorization has been issued.

§ 3.609 *Zones.* (a) For the purpose of allocation and assignment, the United States is divided into three zones as follows:

(1) Zone I consists of that portion of the United States located within the confines of the following lines drawn on the United States Albers Equal Area Projection Map (based on standard parallels 29½° and 45½°; North American datum): Beginning at the most easterly point on the State boundary line between North Carolina and Virginia; thence in a straight line to a point on the Virginia, West Virginia boundary line located at North Latitude 37° 49' and West Longitude 80° 12' 30"; thence westerly along the southern boundary lines of the States of West Virginia, Ohio, Indiana and Illinois to a point at the junction of the Illinois, Kentucky, and Missouri State boundary lines; thence northerly along the western boundary line of the State of Illinois to a point at the junction of the Illinois, Iowa, and Wisconsin State boundary lines; thence easterly along the northern State boundary line of Illinois to the 90th meridian; thence north along this meridian to the 43.5° parallel; thence east along this parallel to the 71st meridian; thence in a straight line to the intersection of the 69th meridian and the 45th parallel; thence east along the 45th parallel to the Atlantic Ocean. When any of the above lines pass through a city, the city shall be considered to be located in Zone I. (See Figure 1 of § 3.699.)

(2) Zone II consists of that portion of the United States which is not located in either Zone I or Zone III, and Puerto Rico, Alaska, Hawaiian Islands and the Virgin Islands.

(3) Zone III consists of that portion of the United States located south of a line, drawn on the United States Albers Equal Area Projection Map (based on standard parallels 29½° and 45½°; North American datum), beginning at a point on the east coast of Georgia and the 31st parallel and ending at the United States-Mexican border, consisting of arcs drawn with a 150 mile radius to the north from the following specified points:

	North latitude	West longitude
(a)	29°40'00"	83°24'00"
(b)	30°07'00"	84°12'00"
(c)	30°31'00"	86°30'00"
(d)	30°48'00"	87°58'30"
(e)	30°05'00"	90°38'30"
(f)	30°04'30"	93°19'00"
(g)	29°46'00"	95°05'00"
(h)	28°43'00"	96°30'30"
(i)	27°52'30"	97°32'00"

When any of the above arcs pass through a city, the city shall be considered to be located in Zone II. (See Figure 2 of § 3.699.)

§ 3.610 *Separations.* (a) The provisions of this section relate to assignment separations and station separations. Petitions to amend the Table of Assignments (§ 3.606 (b)) (other than those also expressly requesting amendment of this section or § 3.609) will be dismissed and all applications for new television broadcast stations or for changes in the transmitter sites of existing stations will not be accepted for filing if they fail to comply with the requirements specified in paragraphs (b), (c) and (d) of this section:

NOTE: Licensees and permittees of television broadcast stations which were operating on April 14, 1952 pursuant to one or more separations below those set forth in § 3.610 may continue to so operate, but in no event may they further reduce the separations below the minimum. As the existing separations of such stations are increased, the new separations will become the required minimum separations until separations are reached which comply with the requirements of § 3.610. Thereafter, the provisions of said section shall be applicable.

(b) Minimum co-channel assignment and station separations:

(1)

Zone	Channels 2–13	Channels 14–83
	Miles	*Miles*
I	170	155
II	190	175
III	220	205

(2) The minimum co-channel mileage separation between a station in one zone and a station in another zone shall be that of the zone requiring the lower separation.

(c) Minimum assignment and station adjacent channel separations applicable to all zones:

(1) Channels 2–13	Channels 14–83
60 miles	55 miles

(2) Due to the frequency spacing which exists between Channels 4 and 5, between Channels 6 and 7, and between Channels 13 and 14, the minimum adjacent channel separations specified above shall not be applicable to these pairs of channels (see § 3.603).

(d) In addition to the requirements of paragraphs (a), (b) and (c) of this section, the minimum assignment and station separations between stations on Channels 14–83, inclusive, as set forth in Table IV of § 3.698 must be met in either rule-making proceedings looking towards the amendment of the Table of Assignments (§ 3.606 (b)) or in licensing proceedings. No channel listed in column (1) of Table IV of § 3.698 will be assigned to any city, and no application for an authorization to operate on such a channel will be granted unless the mileage separations indicated at the top of columns (2)–(7), inclusive, are met with respect to each of the channels listed in those columns and parallel with the channel in column (1).

(e) The zone in which the transmitter of a television station is located or proposed to be located determines the applicable rules with respect to co-channel mileage separations where the transmitter is located in a different zone from that in which the channel to be employed is located.

§ 3.611 *Reference points and distance computations.* (a) In considering petitions to amend the Table of Assignments (§ 3.606 (b)), the following reference points shall be used by the Commission in determining assignment separations between communities:

(1) Where transmitter sites for the pertinent channels have been authorized in communities involved in a petition to amend the Table of Assignments, separations between such communities shall be determined by the distance between the coordinates of the authorized transmitter sites in the respective communities as set forth in the Commission's authorizations therefor.

(2) Where an authorized transmitter site is available for use as a reference point in one community but not in the other for the pertinent channels, separations shall be determined by the distance between the coordinates of the transmitter site as set forth in the Commission's authorization therefor and the coordinates of the other community as set forth in the publication of the United States Department of Commerce entitled "Air Line Distances Between Cities in the United States." If said publication does not contain the coordinates for said other community, the coordinates of the main post office thereof shall be used.

(3) Where no authorized transmitter sites are available for use as reference points in both communities for the pertinent channels, the distance between the two communities listed in the above publication shall be used. If said publication does not contain such distance, the separation between the two communities shall be determined by the distance between the coordinates thereof as set forth in said publication. Where such coordinates are not contained in said publication, the coordinates of the main post offices of said communities shall be used.

(b) Station separations in licensing proceedings shall be determined by the distance between the coordinates of the proposed transmitter site in one community and

(1) The coordinates of an authorized transmitter site for the pertinent channel in the other community; or, where such transmitter site is not available for use as a reference point,

(2) The coordinates of the other community as set forth in the above-described publication of the United States Department of Commerce; or, if not contained therein,

(3) The coordinates of the main post office of such other community.

(4) In addition, where there are pending applications in other communities which, if granted, would have to be considered in determining station separations, the coordinates of the transmitter sites proposed in such applications must be used to determine whether the requirements with respect to minimum separations between the proposed stations in the respective cities have been met.

(c) In measuring assignment and station separations involving cities listed in the Table in combination, where there is no authorized transmitter site in any of the combination cities on the channel involved, separation measurements shall be made from the reference point which will result in the lowest separation.

(d) The distance between reference points is considered to be the length of the hypotenuse of a right triangle, one side of which is the difference in latitude of the reference points and the other side the difference in longitude of the two reference points, and shall be computed as follows: (This method is appropriate for determining distances up to 220 miles, and for such distances will normally be more accurate than using spherical trigonometry without correction for the spheroidal shape of the earth. However, its accuracy deteriorates rapidly at distances beyond 300 miles and this method should not be used to compute greater distances.)

(1) Determine the difference in latitude and the difference in longitude between the two reference points. Convert these two differences into degrees and decimal parts of a degree in accordance with Table I of § 3.698.

(2) Determine the middle latitude of the two reference points to the nearest second of latitude (average the latitudes of the two points).

(3) Multiply the difference in latitude by the number of miles per degree of latitude difference obtained from Table II of § 3.698 for the appropriate middle latitude (interpolate linearly). This determines the North-South distance in statute miles.

NOTE: In determining necessary distance computations for the Territories, the appropriate mileage per degree may be obtained by linear interpolation of the data given on pages 122 and 123 of the tables in publication H. O. No. 9 (Bowditch-American Practical Navigator—1943 Edition) of the U. S. Navy Dept., Hydrographic Office. This publication may be purchased from the Government Printing Office, Washington, D. C.

(4) Multiply the difference in longitude by the number of miles per degree of longitude difference obtained from Table III of § 3.698, for the appropriate middle latitude (interpolate linearly). This determines the East-West distance in statute miles.

(5) Determine the distance between the two reference points by the square root of the sum of the squares of the distances obtained in subparagraphs (3) and (4) of this paragraph, i. e.

$$D=(L_a^2+L_o^2)^{1/2}$$

where:

D = Distance in statute miles
L_a = North-South distance in miles from (3) above
L_o = East-West distance in miles from (4) above

In computing the above, sufficient decimal figures shall be used to determine the distance to the nearest mile.

§ 3.612 *Protection from interference.* Permittees and licensees of television broadcast stations are not protected from any interference which may be caused by the grant of a new station or of authority to modify the facilities of an existing station in accordance with the provisions of this subpart. The nature and extent of the protection from interference accorded to television broadcast stations is limited solely to the protection which results from the minimum assignment and station separation requirements and the rules with respect to maximum powers and antenna heights set forth in this subpart.

NOTE: The nature and extent of the protection from interference accorded to television broadcast stations which were authorized prior to April 14, 1952, and which were operating on said date is limited not only as specified above but is further limited by any smaller separations existing between such stations on said date. Where, as a result of the adoption of the Table of Assignments, or of changes in transmitter sites made by such stations after said date, separations smaller than the required minimum are increased but still remain lower than the required minimum, protection accorded such stations will be limited to the new separations.

§ 3.613 *Main studio location.* (a) The main studio of a television broadcast station shall be located in the principal community to be served. Where the principal community to be served is a city, town, village or other political subdivision, the main studio shall be located within the corporate boundaries of such city, town, village or other political sub-

division. Where the principal community to be served does not have specifically defined political boundaries, applications will be considered on a case-to-case basis in the light of the particular facts involved to determine whether the main studio is located within the principal community to be served.

(b) In cases where an adequate showing is made that there is good cause for locating a main studio outside the principal community to be served and that to do so would not be inconsistent with the operation of the station in the public interest, the Commission will permit the use of a main studio location other than that specified in paragraph (a) of this section. The licensee or permittee of a television broadcast station shall not move his main studio outside the principal community in which it is located without first securing a modification of construction permit or license. Such licensee or permittee shall notify the Commission promptly of any change of the location of the main studio within the community. In any case where the main studio is located outside the principal community to be served, the licensee or permittee of a television broadcast station shall not move his main studio without first securing a modification of construction permit or license.

§ 3.614 *Power and antenna height requirements*—(a) *Minimum requirements.* Applications will not be accepted for filing if they specify less than —10 dbk (100 watts) visual effective radiated power in any horizontal direction. No minimum antenna height above average terrain is specified.

(b) *Maximum power.* Applications will not be accepted for filing if they specify a power in excess of that provided for in this paragraph. Except as provided in subparagraph (1) of this paragraph, the maximum effective radiated powers of television broadcast stations operating on the channels set forth below with antenna heights not in excess of 2,000 feet above average terrain shall be as follows:

Channel Nos.	Maximum visual effective radiated power in db, above one kilowatt (dbk.)
2–6	20 dbk. (100 kw.).
7–13	25 dbk. (316 kw.).
14–83	30 dbk. (1000 kw.).

(1) In Zone I, on Channels 2–13, inclusive, the maximum powers specified above for these channels may be used only with antenna heights not in excess of 1,000 feet above average terrain. Where antenna heights exceeding 1,000 feet above average terrain are used on Channels 2–13, or antenna heights exceeding 2,000 feet above average terrain are used on Channels 14–83, the maximum power shall be based on the chart designated as Figure 3 of § 3.699.

(2) In Zones II and III, the maximum powers which may be used by television broadcast stations operating on the respective channels set forth in the above table with antenna heights exceeding 2,000 feet above average terrain shall be based on the chart designated as Figure 4 of § 3.699.

(3) The effective radiated power in any horizontal or vertical direction may not exceed the maximum values permitted by this section and Figures 3 and 4 of § 3.699.

(4) The maximum effective radiated power in any direction above the horizontal plane shall be as low as the state of the art permits and may not exceed the effective radiated power in the horizontal direction in the same vertical plane.

(c) *Determination of applicable rules.* The zone in which the transmitter of a television station is located or proposed to be located determines the applicable rules with respect to maximum antenna heights and powers for VHF stations when the transmitter is located in Zone I and the channel to be employed is located in Zone II, or the transmitter is located in Zone II and the channel to be employed is located in Zone I.

§ 3.615 *Administrative changes in authorizations.* In the issuance of television broadcast station authorizations, the Commission will specify the transmitter output power and effective radiated power to the nearest 0.1 dbk. Powers specified by kilowatts shall be obtained by converting dbk to kilowatts to 3 significant figures. Antenna heights above average terrain will be specified to the nearest 10 feet. Midway figures will be authorized in the lower alternative.

APPLICATIONS AND AUTHORIZATIONS

§ 3.621 *Noncommercial educational stations.* In addition to the other provisions of this subpart, the following shall be applicable to noncommercial educational television broadcast stations:

(a) Except as provided in paragraph (b) of this section, noncommercial educational broadcast stations will be licensed only to nonprofit educational organizations upon a showing that the proposed stations will be used primarily to serve the educational needs of the community; for the advancement of educational programs; and to furnish a nonprofit and noncommercial television broadcast service.

(1) In determining the eligibility of publicly supported educational organizations, the accreditation of their respective state departments of education shall be taken into consideration.

(2) In determining the eligibility of privately controlled educational organizations, the accreditation of state departments of education or recognized regional and national educational accrediting organizations shall be taken into consideration.

(b) Where a municipality or other political subdivision has no independently constituted educational organization such as, for example, a board of education having autonomy with respect to carrying out the municipality's educational program, such municipality shall be eligible for a noncommercial educational television broadcast station. In such circumstances, a full and detailed showing must be made that a grant of the application will be consistent with the intent and purpose of the Commission's Rules relating to such stations.

(c) Noncommercial educational television broadcast stations may transmit educational, cultural and entertainment programs, and programs designed for use by schools and school systems in connection with regular school courses, as well as routine and administrative material pertaining thereto.

(d) An educational station may not broadcast programs for which a consideration is received, except programs produced by or at the expense of or furnished by others than the licensee for which no other consideration than the furnishing of the program is received by the licensee. The payment of line charges by another station or network shall not be considered as being prohibited by this paragraph.

(e) To the extent applicable to programs broadcast by a noncommercial educational station produced by or at the expense of or furnished by others than the licensee of said station, the provisions of § 3.654 relating to announcements regarding sponsored programs shall be applicable, except that no announcements (visual or aural) promoting the sale of a product or service shall be transmitted in connection with any program: *Provided, however,* That where a sponsor's name or product appears on the visual image during the course of a simultaneous or rebroadcast program either on the backdrop or in similar form, the portions of the program showing such information need not be deleted.

§ 3.622 *Applications for television stations.* Applications for new stations or for modifications of existing authorizations shall be filed on FCC Form 301; for licenses, on FCC Form 302; for renewal of licenses, on FCC Form 303. Separate applications shall be filed by each applicant for the voluntary sharing of television channels. Such applications shall be accompanied by copies of the time-sharing agreements under which the applicants propose to operate.

§ 3.623 *Full disclosures.* Applications shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial, and other qualifications, and as to all matters and things required to be disclosed thereby.

§ 3.624 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new television broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another

application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 3.625 *Installation of apparatus.* Applications for construction permits or modification thereof involving the installation of new transmitting apparatus should be filed at least 60 days prior to the contemplated installation.

§ 3.626 *Period of construction.* Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of 6 months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 3.627 *Forfeiture of construction permits; extension of time.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) An application (FCC Form 701) for extension of time within which to construct a station shall be filed at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases, such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

(c) If a construction permit has been allowed to expire for any reason, application may be made for a new permit on FCC Form 321, "Application for Construction Permit to Replace Expired Permit."

§ 3.628 *Equipment tests.* (a) During the process of construction of a television broadcast station, the permittee, after notifying the Commission and Engineer in Charge of the radio district in which the station is located may, without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of program tests. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations, the permittee should notify the Engineer in Charge of the radio district in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

§ 3.629 *Program tests.* (a) Upon completion of construction of a television broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations, and when an application for station license has been filed showing the station to be in satisfactory operating condition, the permittee may request authority to conduct program tests: *Provided,* That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the radio district in which the station is located is notified. (All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application.)

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked, the program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance with the rules governing television broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

§ 3.630 *Normal license period.* (a) All television broadcast station licenses will be issued for a normal license period of three years. Licenses will be issued to expire at the hour of 3:00 a. m., e. s. t., in accordance with the following schedule and at three-year intervals thereafter.

(1) For stations located in Delaware and Pennsylvania, August 1, 1957.

(2) For stations located in Maryland, District of Columbia, Virginia, West Virginia, October 1, 1957.

(3) For stations located in North Carolina, South Carolina, December 1, 1957.

(4) For stations located in Florida, Puerto Rico, and Virgin Islands, February 1, 1958.

(5) For stations located in Alabama and Georgia, April 1, 1958.

(6) For stations located in Arkansas, Louisiana, and Mississippi, June 1, 1958.

(7) For stations located in Tennessee, Kentucky, and Indiana, August 1, 1958.

(8) For stations located in Ohio and Michigan, October 1, 1958.

(9) For stations located in Illinois and Wisconsin, December 1, 1958.

(10) For stations located in Iowa and Missouri, February 1, 1956.

(11) For stations located in Minnesota, North Dakota, South Dakota, Montana, and Colorado, April 1, 1956.

(12) For stations located in Kansas, Oklahoma, Nebraska, June 1, 1956.

(13) For stations located in Texas, August 1, 1956.

(14) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico, and Idaho, October 1, 1956.

(15) For stations located in California, December 1, 1956.

(16) For stations located in Washington, Oregon, Alaska, and Hawaii, February 1, 1957.

(17) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, April 1, 1957.

(18) For stations located in New Jersey and New York, June 1, 1957.

NOTE: Renewals of licenses will be granted for the period specified in the rule: *Provided, however,* That if as a result of the transition from the previous schedule to the above schedule the period for which a license is renewed is 6 months or less, the licensee may within the period 60 days to 30 days before the expiration date of such renewed license file, in lieu of renewal application (FCC Form 303), a written application under oath for the next renewal of license which shall consist of (1) a request that its license be renewed; (2) a statement that no substantial changes have been made in its operations or in its plans for future operations since its last renewal application; or if changes have been made or proposed, a statement specifying such changes; and (3) a statement that the applicant waives any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise. Upon review of such statements, the Commission may grant a renewal of license for the full period provided for in the rule; or if the Commission requires additional information, it may require the filing of renewal application (FCC Form 303).

§ 3.631 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of a television station license shall be filed at least 90 days prior to the expiration date of the license sought to be renewed (FCC Form 303). No application for

renewal of a television broadcast station will be considered unless there is on file with the Commission the information currently required by §§ 1.341–1.344 of this chapter, reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of a television station license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a certain date, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 3.632 [Reserved.]

§ 3.633 *License, simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license), the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.634 *Assignment or transfer of control*—(a) *Voluntary.* Application for consent to voluntary assignment of a television station construction permit or license or for consent to voluntary transfer of control of a corporation holding a television station construction permit or license shall be filed with the Commission on FCC Form 314 (Assignment of License), FCC Form 315 (Transfer of Control) or FCC Form 316 (Short Form) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Pro forma.* Assignment or transfer application shall be filed on FCC Form 316 where:

(1) There is an assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

(2) There is an assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) There is an assignment or transfer by which certain partners or stockholders retire but no new ones are brought in, provided that the interest transferred is not a controlling one;

(4) There is a corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) There is an involuntary transfer to an Executor, Administrator or other court appointed officer caused by death or legal disability, except that this form does not cover assignments (or transfers) from the Executor, Administrator or other court appointed officers to the ultimate beneficiary;

(6) There is an assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests;

(7) There is an assignment of less than a controlling interest in a partnership.

(c) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(2) Within 30 days after the occurrence of such death or legal disability, application on FCC Form 316 shall be filed for consent to involuntary transfer of control of such corporation to a person or entity qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

§ 3.635 *Use of common antenna site.* No television license or renewal of a television license will be granted to any person who owns, leases, or controls a particular site which is peculiarly suitable for television broadcasting in a particular area and (a) which is not available for use by other television licensees; and (b) no other comparable site is available in the area; and (c) where the exclusive use of such site by the applicant or licensee would unduly limit the number of television stations that can be authorized in a particular area or would unduly restrict competition among television stations.

§ 3.636 *Multiple ownership.* (a) No license for a television broadcast station shall be granted to any party (including all parties under common control) if:

(1) Such party directly or indirectly owns, operates, or controls another television broadcast station which serves substantially the same area; or

(2) Such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other television broadcast station if the grant of such license would result in a concentration of control of television broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of area served, the number of people served, and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven television broadcast stations, no more than five of which may be in the VHF band.

(b) Paragraph (a) of this section is not applicable to non-commercial educational stations.

NOTE 1: The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

NOTE 2: In applying the provisions of paragraph (a) of this section to the stockholders of a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.

§ 3.637 *Alternate main transmitters.* The licensee of a television broadcast station may be licensed for alternate main transmitters provided that a technical need for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the construction, installation, operation and performance requirements of this subpart.

§ 3.638 *Auxiliary transmitter.* Upon showing that a need exists for the use of auxiliary transmitters in addition to the regular transmitters of a television station, a license therefor may be issued: *Provided,* That:

(a) Auxiliary transmitters may be installed either at the same location as the main transmitters or at another location.

(b) A licensed operator shall be in control whenever auxiliary transmitters are placed in operation.

(c) The auxiliary transmitters shall be maintained so that they may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitters.

(2) The transmission of regular programs during maintenance or modification work on the main transmitters necessitating discontinuance of their operation for a period not to exceed 5 days.

NOTE: This includes the equipment changes which may be made without authority as set forth elsewhere in the rules and regulations or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.324 of the Commission's rules.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitters shall be tested at least once each week to determine that they are in proper operating condition and that they are adjusted to the proper frequency, except that in the case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) of this section is satisfactory. A record shall be kept of the time and result of each test. Such records shall be retained for a period of two years.

(e) The auxiliary transmitters shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by the regulations in this subpart.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitters, but in no event shall it be greater than such power.

§ 3.639 *Changes in equipment and antenna system.* Licensees of television broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(2) That would result in the external performance of the transmitter being in disagreement with that prescribed in this subpart.

(b) Specific authority, upon filing formal application therefor (FCC Form 301 or such other form as is provided therefor), is required for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitters.

(2) A replacement of the transmitters as a whole.

(3) Change in the location of the transmitting antenna.

(4) Change in antenna system, including transmission line.

(5) Change in the power delivered to the antenna.

(6) Change in frequency control and/or modulation system.

(c) Other changes, except as above provided for in this section or in the provisions of this subpart, may be made at any time without the authority of the Commission, provided that the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

§ 3.640 *Acceptability of broadcast transmitters for licensing.* (a) In order to facilitate the filing of, and action on, applications for station authorizations, transmitters will be accepted for licensing by the Commission under one of the following conditions:

(1) A transmitter may be type-accepted upon the request of any manufacturer of transmitters built in quantity by following the type acceptance procedure set forth in Part 2 of this chapter, provided that the data and information submitted indicates that the transmitter meets the requirements of § 3.687. If accepted, such transmitter will be included on the Commission's "Radio Equipment List, Part A, Television Broadcast Equipment." Applicants specifying transmitters included on such a list need not submit detailed descriptions and diagrams where the correct type number is specified, provided that the equipment proposed is identical with that accepted. Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(2) An application specifying a transmitter not included on the Radio Equipment List, Part A, may be accepted upon the request of a prospective licensee submitting with the application for construction permit a complete description of the transmitter, including the circuit diagram, listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube, a description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization and the means of varying output power to compensate for power supply voltage variations. However, if this data has been filed with the Commission by a manufacturer in connection with a request for type acceptance, it need not be submitted with the application for construction permit but may be referred to as "on file." Measurement data for type acceptance made in accordance with subparagraph (1) of this paragraph shall be submitted with the license application.

(3) A transmitter shown on an instrument of authorization by manufacturer and type number, or as a composite, and which was in use prior to June 30, 1955, may continue to be used by the licensee, his successors or assignees, provided such transmitter continues to comply with the rules and regulations.

(b) Additional rules with respect to withdrawal of type-acceptance, modification of type-accepted equipment and limitations on the findings upon which type acceptance is based are set forth in Part 2 of this chapter.

GENERAL OPERATING REQUIREMENTS

§ 3.651 *Time of operation.* (a) All television broadcast stations will be licensed for unlimited time operation. Each such station shall maintain a regular program operating schedule as follows: not less than 2 hours daily in any five broadcast days per week and not less than a total of 12 hours per week during the first 18 months of the station's operation; not less than 2 hours daily in any 5 broadcast days per week and not less than a total of 16 hours, 20 hours and 24 hours per week for each successive 6-month period of operation, respectively; and not less than 2 hours in each of the 7 days of the week and not less than a total of 28 hours per week thereafter. "Operation" includes the period during which a station is operated pursuant to special temporary authority or during program tests, as well as during the license period. Time devoted to test patterns, or to aural presentations accompanied by the incidental use of fixed visual images which have no substantial relationship to the subject matter of such aural presentations, shall not be considered in computing periods of program service. If, in the event of an emergency due to causes beyond the control of a licensee, it becomes impossible to continue operation, the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops and immediately after the emergency ceases and operation is resumed.

(b) Noncommercial educational television broadcast stations are not required to operate on a regular schedule and no minimum number of hours of operation is specified; but the hours of actual operation during a license period shall be taken into consideration in considering the renewal of noncommercial educational television broadcast licenses.

(c) (1) The aural transmitter of a television station shall not be operated separately from the visual transmitter except for the following purposes:

(i) For actual tests of station equipment or actual experimentation in accordance with § 3.666; and

(ii) For emergency "fills" in case of visual equipment failure or unscheduled and unavoidable delays in presenting visual programs. In such situations the aural transmitter may be used to advise the audience of difficulties and to transmit for a short period program material of such nature that the audience will be enabled to remain tuned to the station; for example, music or news accompanying a test pattern or other visual presentation.

(2) During periods of transmission of a test pattern on the visual transmitter of a television station, aural transmission shall consist only of a single tone or series of variable tones. During periods when still pictures or slides are employed to produce visual transmissions which are accompanied by aural transmissions, the aural and visual transmissions shall be integral parts of a program or announcement and shall have a substantial relationship to each other: *Provided,* That nothing herein shall preclude the transmission of a test pattern, still pictures or slides for the following purposes and periods:

(i) To accompany aural announcements of the station's program schedule and aural news broadcasts or news commentaries, for a total period not to exceed one hour in any broadcast day.

(ii) To accompany aural transmissions for a period of time not to exceed fifteen minutes immediately prior to the commencement of a programming schedule.

Examples. (1) Duplication of AM or FM programs on the aural transmitter of a television station while the same program is broadcast on the visual transmitter (i. e., a "simulcast") is consistent with this paragraph.

(2) Duplication of AM or FM programs on the aural transmitter of a television station while a test pattern is broadcast on the visual transmitter is not consistent with this paragraph, except for the specific purposes and periods specified in paragraph (c) (2).

(3) A travel lecture in which the words of the lecturer are broadcast simultaneously with still pictures or slides of scenes illustrating the lecture, and a newscast in which the words of the newscaster are broadcast simultaneously with still pictures or slides of the news events, are examples of programs in which the aural and visual transmissions are integral parts of the same program having a substantial relationship to each other, within the meaning of paragraph (c) (2). Mood music unrelated to the visual transmission is not consistent with this paragraph.

(4) The broadcast of a test pattern accompanied by a musical composition for the purpose of demonstration, sale, installation or orientation of television receivers, or re-

ceiving antennas is not consistent with this paragraph.

(5) Music accompanying the transmission of a test pattern upon which is visually imposed a moving text consisting of continuous program material, such as a running newscast or news commentary, is consistent with this paragraph.

(6) Music accompanying the transmission of a test pattern upon which is visually imposed a clock indicating the time of day, or a text that is changed at spaced intervals, is not consistent with this paragraph.

§ 3.652 *Station identification.* (a) A licensee of a television broadcast station shall make station identification announcement (call letters and location) at the beginning and ending of each time of operation and during the operation on the hour. The announcement at the beginning and ending of each time of operation shall be by both aural and visual means. Other announcements may be by either aural or visual means.

(b) Identification announcements during operation need not be made when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or any type of production. In such cases, the identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion thereof.

§ 3.653 *Mechanical reproductions.* (a) Each program which consists in whole or in part of one or more mechanical reproductions, either visual or aural, shall be accompanied by an appropriate announcement to that effect either at the beginning or end of such reproduction or at the beginning or end of the program in which such reproduction is used. No such announcement shall be required where a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of sponsorship of the program proper.

(b) The exact form of identifying announcement is not prescribed but the language shall be clear and in terms commonly used and understood. The licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

§ 3.654 *Sponsored programs, announcement.* (a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any television broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such films, records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, which announcement may be made either at the beginning or conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (b) of this section are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for or furnished, either in whole or in part, or for which material or services referred to in paragraph (b) of this section are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section shall disclose the name of such corporation, committee, association or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at one of the television broadcast stations carrying the program.

(e) In the case of programs advertising commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program.

§ 3.655 *Rebroadcast.* (a) The term "rebroadcast" as used below means reception by radio of the program of a television broadcast station, and the simultaneous or subsequent retransmission of such program by a broadcast station. The broadcasting of a program relayed by an auxiliary broadcast station licensed to the television broadcast station is not considered a rebroadcast. (As used in this section, program includes any complete program or part thereof.)

(b) The licensee of a television broadcast station may, without further authority of the Commission, rebroadcast the program of a United States television broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.

NOTE: The notice and certification of consent shall be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a television broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

(c) No licensee of a television broadcast station shall rebroadcast the program of any United States radio station not designated in paragraph (b) of this section without written authority having first been obtained from the Commission upon application (informal) accompanied by written consent or certification of consent of the licensee of the station originating the program.

NOTE: By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, § 3.655 (c) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for that express purpose by U. S. Government radio stations.

§ 3.656 *Lotteries.* (a) An application for construction permit, license, renewal of license, or any other authorization for the operation of a broadcast station, will not be granted where the applicant proposes to follow or continue to follow a policy or practice of broadcasting or permitting "the broadcasting of, any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes." (See 18 U. S. C. 1304.)

(b) The determination whether a particular program comes within the provisions of paragraph (a) of this section depends on the facts of each case. However, the Commission will in any event consider that a program comes within the provisions of paragraph (a) of this section if in connection with such program a prize consisting of money or thing of value is awarded to any person whose selection is dependent in whole or in part upon lot or chance, if as a condition of winning or competing for such prize, such winner or winners are required to furnish any money or thing of value or are required to have in their possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast on the station in question.

§ 3.657 *Broadcasts by candidates for public office*—(a) *Legally qualified candidate.* A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he

may be voted for by the electorate directly or by means of delegates or electors, and who:

(1) Has qualified for a place on the ballot, or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

(b) *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities: *Provided,* That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) *Rates and practices.* (1) The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means direct or indirect. A candidate shall, in each case, be charged no more than the rate the station would charge if the candidate were a commercial advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office for which such person is a candidate. All discount privileges otherwise offered by a station to commercial advertisers shall be available upon equal terms to all candidates for public office.

(2) In making time available to candidates for public office no licensee shall make any discrimination between candidates in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Inspection of records.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted. Such records shall be retained for a period of two years.

§ 3.658 *Affiliation agreements*—(a) *Exclusive affiliation of station.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization. (The term "network organization" as used herein includes national and regional network organizations. See ch. VII, J, of Report on Chain Broadcasting.)

(b) *Territorial exclusivity.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another broadcast station located in the same community from broadcasting the network's programs not taken by the former station, or which prevents or hinders another broadcast station located in a different community from broadcasting any program of the network organization. This section shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its community upon the programs of the network organization. As employed in this paragraph, the term "community" is defined as the community specified in the instrument of authorization as the location of the station.

(c) *Term of affiliation.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original terms, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than 2 years: *Provided,* That a contract, arrangement, or understanding for a period up to 2 years may be entered into within 6 months prior to the commencement of such period.

(d) *Option time.* No license shall be granted to a television broadcast station which options for network programs any time subject to call on less than 56 days' notice, or more time than a total of 3 hours within each of four segments of the broadcast day, as herein described. The broadcast day is divided into four segments, as follows: 8 a. m. to 1 p. m.; 1 p. m. to 6 p. m.; 6 p. m. to 11 p. m.; 11 p. m. to 8 a. m. (These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.) Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

NOTE 1: As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

NOTE 2: All time options permitted under this section must be specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

(e) *Right to reject programs.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which (1), with respect to programs offered pursuant to an affiliation contract, prevents or hinders the station from rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable; or which (2) with respect to network programs so offered or already contracted for, prevents the station from rejecting or refusing any program which, in its opinion, is contrary to the public interest, or from substituting a program of outstanding local or national importance.

(f) *Network ownership of stations.* No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control of a network organization, for a television broadcast station in any locality where the existing television broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing. (The word "control" as used in this section, is not limited to full control but includes such a measure of control as would substantially affect the availability of the station to other networks.)

(g) *Dual network operation.* No license shall be issued to a television broadcast station affiliated with a network organization which maintains more than one network of television broadcast stations: *Provided,* That this section shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such network.

(h) *Control by networks of station rates.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, fixing or altering its rates for the sale of broadcast time for other than the network's programs.

§ 3.659 *Special rules relating to contracts providing for reservation of time upon sale of a station.* (a) No license, renewal of license, assignment of license, or transfer of control of a corporate licensee shall be granted or authorized to a television broadcast station which has a contract, arrangement or understanding, express or implied, pursuant to which, as consideration or partial consideration for the assignment of license or transfer of control, the assignor of a station license or the transferor of stock, where transfer of a corporate licensee is involved, or the nominee of such assignor or transferor retains any right of reversion of the license or any right to the reassignment of the license in the future, or reserves the right to use the facilities of the station for any period whatsoever.

(b) In the case of assignment of license or transfer of control of a corpo-

rate licensee approved by the Commission before the effective date of this section, February 15, 1949, involving a contract, arrangement or understanding of the type covered by paragraph (a) of this section and the existence and terms of which were fully disclosed to the Commission at the time of execution, the Commission will give consideration to the issuance of a license despite the existence of such contract, arrangement or understanding, if the parties thereto modify such contract within 6 months from the effective date of this section. Such modifications will be considered on the facts of each case but no such modification will be approved unless the modified contract contains at least the following provisions:

(1) A maximum limitation of the time subject to reservation so that no more than 12 hours per week shall be subject to reservation, of which no more than 4 hours shall be on any given day.

(2) A clause providing that the licensee reserves the right to reject or refuse programs which he reasonably believes to be unsatisfactory or unsuitable or for which, in his opinion, a program of outstanding local or national importance should be substituted, but provision may be made for the substitution of other television time for programs so rejected or for the payment at the station card rate for the time made unavailable.

(3) A prohibition against the resale or reassignment of any of the broadcast time reserved by such modified contract.

(4) An express negation of any right with respect to reversion or reassignment of license.

(5) An express provision setting forth a definite expiration date of the contract, arrangement or understanding. Such expiration date shall not extend beyond February 15, 1964, and shall in no event extend beyond the expiration date originally provided for in any such contract, agreement or understanding, in the event that such expiration date is a date prior to February 15, 1964.

(6) An express provision giving to the licensee the right to terminate the contract, arrangement or understanding for substantial cause, including, but not limited to, the assignment of license or the transfer of control of a corporate licensee, consistent disagreement over programs between the parties, or the acquisition of a network affiliation by the licensee, upon the payment of a lump sum or periodic payments, and providing that the amount initially fixed shall thereafter decrease as the amount of time reserved is decreased by performance of the contract. Any such payment should not be so unduly large as to constitute in practice an effective deterrent to the licensee exercising the right. In determining whether the amount is unduly large, the Commission will consider the amount by which consideration in return for the transfer of the station was decreased by reason of the reservation of time or the present value of the television time still reserved and unused as of the date of the exercise of the right of termination.

§ 3.660 *Station license, posting of.* The original of each station license shall be posted in the transmitter room.

§ 3.661 *Operator requirements.* One or more licensed radio-telephone first class operators shall be on duty at the place where the transmitting apparatus of each station is located and in actual charge thereof whenever it is being operated. The original license (or FCC Form 759) of each station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of a television broadcast transmitter may, at the discretion of the licenseee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such stations. However, such duties shall in nowise interfere with the operation of the broadcast transmitter.

§ 3.662 *Antenna structure, marking and lighting.* Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment;* § 17.39, *Cleaning and repainting;* § 17.40, *Time when lights shall be exhibited;* § 17.41, *Spare lamps;* and § 17.42, *Lighting equipment;* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 3.663 *Logs; maintenance of.* The licensee or permittee of each television station shall maintain program and operating logs and shall require entries to be made as follows:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof and the sponsor's name, with the time of the beginning and ending of the complete program. If a mechanical reproduction, either visual or aural, is used, the entry shall show the exact nature thereof and the time it is announced as a mechanical reproduction. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(3) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor; or that the broadcast is under the auspices of a nonprofit educational organization other than the licensee or permittee.

(4) An entry showing, for each program of network origin, the name of the network originating the program.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage of the aural transmitter (total plate current and plate voltage).

(ii) Transmission line meter readings for both transmitters.

(iii) Frequency monitor readings.

(5) Log of experimental operation during experimental period (if regular operation is maintained during this period, the above logs shall be kept).

(i) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to describe the operation fully.

(c) Where an antenna structure(s) is required to be illuminated see § 17.36, *Recording the tower light inspections in the station record,* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 3.664 *Logs; retention of, etc.*—(a) *Logs; retention of.* Logs of television broadcast stations shall be retained by the licensee or permittee for a period of two years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee or permittee has been notified, shall be retained by the licensee or permittee until he is specifically authorized in writing by the Commission to destroy them: *Provided further,* That logs incident to or involved in any claim or complaint of which the licensee or permittee has notice shall be retained by the licensee or permittee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

(b) *Logs, by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

(c) *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

(d) *Correction of logs.* No log or portion thereof shall be erased, obliterated, or wilfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

(e) *Rough logs.* Rough logs may be transcribed into condensed form, but in such case the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.665 *Station inspection.* The licensee of a television broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.666 *Experimental operation.* Television broadcast stations may (upon informal application) conduct technical experimentation directed to the improvement of technical phases of operation and for such purposes may utilize a signal other than the standard television signal subject to the following conditions:

(a) That the licensee complies with the provisions of § 3.651 with regard to the minimum number of hours of transmission with a standard television signal.

(b) That no transmissions are radiated outside of the authorized channel and subject to the condition that no interference is caused to the transmissions of a standard television signal by other television broadcast stations.

(c) No charges either direct or indirect shall be made by the licensee of a television broadcast station for the production or transmission of programs when conducting technical experimentation.

§ 3.667 *Discontinuance of operation.* The licensee of each station shall notify the Commission in Washington, D. C., and the Engineer in Charge of the radio district where such station is located of permanent discontinuance of operation at least two days before operation is discontinued. The licensee shall, in addition, immediately forward the station license and other instruments of authorization to the Washington, D. C., office of the Commission for cancellation.

§ 3.668 *Frequency tolerance.* (a) The carrier frequency of the visual transmitter shall be maintained within ±1000 cycles of the authorized carrier frequency.

(b) The center frequency of the aural transmitter shall be maintained 4.5 megacycles, ±1000 cycles, above the visual carrier frequency.

TV TECHNICAL STANDARDS

§ 3.681 *Definitions.*

Amplitude modulation (AM). A system of modulation in which the envelope of the transmitted wave contains a component similar to the wave form of the signal to be transmitted.

Antenna height above average terrain. The average of the antenna heights above the terrain from two to ten miles from the antenna for the eight directions spaced evenly for each 45 degrees of azimuth starting with True North. (In general, a different antenna height will be determined in each direction from the antenna. The average of these various heights is considered the antenna height above the average terrain. In some cases less than 8 directions may be used. See § 3.684 (d)).

Antenna power gain. The square of the ratio of the root-mean-square free space field intensity produced at one mile in the horizontal plane, in millivolts per meter for one kilowatt antenna input power to 137.6 mv/m. This ratio should be expressed in decibels (db). (If specified for a particular direction, antenna power gain is based on the field strength in that direction only.)

Aspect ratio. The ratio of picture width to picture height as transmitted.

Aural transmitter. The radio equipment for the transmission of the aural signal only.

Aural center frequency. (1) The average frequency of the emitted wave when modulated by a sinusoidal signal; (2) the frequency of the emitted wave without modulation.

Blanking level. The level of the signal during the blanking interval, except the interval during the scanning synchronizing pulse and the chrominance subcarrier synchronizing burst.

Chrominance. The colorimetric difference between any color and a reference color of equal luminance, the reference color having a specific chromaticity.

Chrominance subcarrier. The carrier which is modulated by the chrominance information.

Color transmission. The transmission of color television signals which can be reproduced with different values of hue, saturation, and luminance.

Effective radiated power. The product of the antenna input power and the antenna power gain. This product should be expressed in kilowatts and in decibels above one kilowatt (dbk). (If specified for a particular direction, effective radiated power is based on the antenna power gain in that direction only. The licensed effective radiated power is based on the average antenna power gain for each horizontal plane direction.)

Field. Scanning through the picture area once in the chosen scanning pattern. In the line interlaced scanning pattern of two to one, the scanning of the alternate lines of the picture area once.

Frame. Scanning all of the picture area once. In the line interlaced scanning pattern of two to one, a frame consists of two fields.

Free space field intensity. The field intensity that would exist at a point in the absence of waves reflected from the earth or other reflecting objects.

Frequency modulation (FM). A system of modulation where the instantaneous radio frequency varies in proportion to the instantaneous amplitude of the modulating signal (amplitude of modulating signal to be measured after pre-emphasis, if used) and the instantaneous radio frequency is independent of the frequency of the modulating signal.

Frequency swing. The instantaneous departure of the frequency of the emitted wave from the center frequency resulting from modulation.

Interlaced scanning. A scanning process in which successively scanned lines are spaced an integral number of line widths, and in which the adjacent lines are scanned during successive cycles of the field frequency.

Luminance. Luminous flux emitted, reflected, or transmitted per unit solid angle per unit projected area of the source.

Monochrome transmission. The transmission of television signals which can be reproduced in gradations of a single color only.

Negative transmission. Where a decrease in initial light intensity causes an increase in the transmitted power.

Peak power. The power over a radio frequency cycle corresponding in amplitude to synchronizing peaks.

Percentage modulation. As applied to frequency modulation, the ratio of the actual frequency swing to the frequency swing defined as 100 percent modulation, expressed in percentage. For the aural transmitter of television broadcast stations, a frequency swing of ±25 kilocycles is defined as 100 percent modulation.

Polarization. The direction of the electric field as radiated from the transmitting antenna.

Reference black level. The level corresponding to the specified maximum excursion of the luminance signal in the black direction.

Reference white level of the luminance signal. The level corresponding to the specified maximum excursion of the luminance signal in the white direction.

Scanning. The process of analyzing successively, according to a predetermined method, the light values of picture elements constituting the total picture area.

Scanning line. A single continuous narrow strip of the picture area containing highlights, shadows, and half-tones, determined by the process of scanning.

Standard television signal. A signal which conforms to the television transmission standards.

Synchronization. The maintenance of one operation in step with another.

Television broadcast band. The frequencies in the band extending from 54 to 890 megacycles which are assignable to television broadcast stations. These frequencies are 54 to 72 megacycles (channels 2 through 4), 76 to 88 megacycles (channels 5 and 6), 174 to 216 megacycles (channels 7 through 13), and 470 to 890 megacycles (channels 14 through 83).

Television broadcast station. A station in the television broadcast band transmitting simultaneous visual and aural signals intended to be received by the general public.

Television channel. A band of frequencies 6 megacycles wide in the television broadcast band and designated either by number or by the extreme lower and upper frequencies.

Television transmission standards. The standards which determine the characteristics of a television signal as radiated by a television broadcast station.

Television transmitter. The radio transmitter or transmitters for the transmission of both visual and aural signals.

Vestigial sideband transmission. A system of transmission wherein one of the generated sidebands is partially attenuated at the transmitter and radiated only in part.

Visual carrier frequency. The frequency of the carrier which is modulated by the picture information.

Visual transmitter. The radio equipment for the transmission of the visual signal only.

Visual transmitter power. The peak power output when transmitting a standard television signal.

§ 3.682 *Transmission standards and changes.*—(a) *Transmission standards.* (1) The width of the television broadcast channel shall be six megacycles per second.

(2) The visual carrier frequency shall be nominally 1.25 mc above the lower boundary of the channel.

(3) The aural center frequency shall be 4.5 mc higher than the visual carrier frequency.

(4) The visual transmission amplitude characteristic shall be in accordance with the chart designated as Fig. 5 of § 3.699.

(5) The chrominance subcarrier frequency shall be 3.579545 mc ± 10 cycles per second with a maximum rate of change not to exceed one tenth cycle per second per second.

(6) For monochrome and color transmissions the number of scanning lines per frame shall be 525, interlaced two to one in successive fields. The horizontal scanning frequency shall be $^{2}/_{455}$ times the chrominance subcarrier frequency; this corresponds nominally to 15,750 cycles per second (with an actual value of 15,734.264 ± 0.044 cycles per second). The vertical scanning frequency is $^{2}/_{525}$ times the horizontal scanning frequency; this corresponds nominally to 60 cycles per second (the actual valuc is 59.94 cycles per second). For monochrome transmissions only, the nominal values of line and field frequencies may be used.

(7) The aspect ratio of the transmitted television picture shall be 4 units horizontally to 3 units vertically.

(8) During active scanning intervals, the scene shall be scanned from left to right horizontally and from top to bottom vertically, at uniform velocities.

(9) A carrier shall be modulated within a single television channel for both picture and synchronizing signals. For monochrome transmission, the two signals comprise different modulation ranges in amplitude, in acordance with the charts designated as Figures 5 and 7 of § 3.699. For color transmission, the two signals comprise different modulation ranges in amplitude except where the chrominance penetrates the synchronizing region and the burst penetrates the picture region, in accordance with the charts designated as Figures 5 and 6 of § 3.699.

(10) A decrease in initial light intensity shall cause an increase in radiated power (negative transmission).

(11) The reference black level shall be represented by a definite carrier level, independent of light and shade in the picture.

(12) The blanking level shall be transmitted at 75±2.5 percent of the peak carrier level.

(13) The reference white level of the luminance signal shall be 12.5±2.5 percent of the peak carrier level.

(14) The signals radiated shall have horizontal polarization.

(15) An effective radiated power of the aural transmitter not less than 50 percent nor more than 70 percent of the peak radiated power of the visual transmitter shall be employed.

(16) The peak-to-peak variation of transmitter output within one frame of video signal due to all causes, including hum, noise, and low-frequency response, measured at both scanning synchronizing peak and blanking level, shall not exceed 5 percent of the average scanning synchronizing peak signal amplitude. This provision is subject to change but is considered the best practice under the present state of the art. It will not be enforced pending a further determination thereof.

(17) The reference black level shall be separated from the blanking level by the setup interval, which shall be 7.5±2.5 percent of the video range from blanking level to the reference white level.

(18) For monochrome transmission, the transmitter output shall vary in substantially inverse logarithmic relation to the brightness of the subject. No tolerances are set at this time. This provision is subject to change but is considered the best practice under the present state of the art. It will not be enforced pending a further determination thereof.

(19) The color picture signal shall correspond to a luminance component transmitted as amplitude modulation of the picture carrier and a simultaneous pair of chrominance components transmitted as the amplitude modulation sidebands of a pair of suppressed subcarriers in quadrature.

(20) Equation of complete color signal.

(i) The color picture signal has the following composition:

$$E_M = E_Y' + \{E_Q' \sin(\omega t + 33°) + E_I' \cos(\omega t + 33°)\}$$

Where:

$E_Q' = 0.41(E_B' - E_Y') + 0.48(E_R' - E_Y')$.

$E_I' = -0.27(E_B' - E_Y') + 0.74(E_R' - E_Y')$.

$E_Y' = 0.30E_R' + 0.59E_G' + 0.11E_B'$.

For color-difference frequencies below 500 kc (see (iii) below), the signal can be represented by:

$$E_M = E_Y' + \left\{\frac{1}{1.14}\left[\frac{1}{1.78}(E_B' - E_Y')\sin\omega t + (E_R' - E_Y')\cos\omega t\right]\right\}$$

(ii) The symbols in subdivision (i) of this subparagraph have the following significance:

E_M is the total video voltage, corresponding to the scanning of a particular picture element, applied to the modulator of the picture transmitter.

E_Y' is the gamma-corrected voltage of the monochrome (black-and-white) portion of the color picture signal, corresponding to the given picture element.

NOTE: Forming of the high frequency portion of the monochrome signal in a different manner is permissible and may in fact be desirable in order to improve the sharpness on saturated colors.

E_Q' and E_I' are the amplitudes of two orthogonal components of the chrominance signal corresponding respectively to narrow-band and wide-band axes.

E_R', E_G', and E_B' are the gamma-corrected voltages corresponding to red, green, and blue signals during the scanning of the given picture element.

ω is the angular frequency and is 2π times the frequency of the chrominance subcarrier.

The portion of each expression between brackets in (i) represents the chrominance subcarrier signal which carries the chrominance information.

The phase reference in the E_M equation in (i) is the phase of the burst+180°, as shown in Figure 8 of § 3.699. The burst corresponds to amplitude modulation of a continuous sine wave.

(iii) The equivalent bandwidth assigned prior to modulation to the color difference signals E_Q' and E_I' are as follows:

Q-channel bandwidth:
- At 400 kc less than 2 db down.
- At 500 kc less than 6 db down.
- At 600 kc at least 6 db down.

I-channel bandwidth:
- At 1.3 mc less than 2 db down.
- At 3.6 mc at least 20 db down.

(iv) The gamma corrected voltages E_R', E_G', and E_B' are suitable for a color picture tube having primary colors with the following chromaticities in the CIE system of specification:

	x	y
Red (R)	0.67	0.33
Green (G)	0.21	0.71
Blue (B)	0.14	0.08

and having a transfer gradient (gamma exponent) of 2.2 associated with each primary color. The voltages E_R', E_G', and E_B' may be respectively of the form $E_R^{1/\gamma}$, $E_G^{1/\gamma}$, and $E_B^{1/\gamma}$ although other forms may be used with advances in the state of the art.

NOTE: At the present state of the art it is considered inadvisable to set a tolerance on the value of gamma and correspondingly this portion of the specification will not be enforced.

(v) The radiated chrominance subcarrier shall vanish on the reference white of the scene.

NOTE: The numerical values of the signal specification assume that this condition will be reproduced as CIE Illuminant C (x=0.310, y=0.316).

(vi) E_Y', E_Q', E_I', and the components of these signals shall match each other in time to 0.05 μsecs.

(vii) The angles of the subcarrier measured with respect to the burst phase, when reproducing saturated primaries and their complements at 75 percent of full amplitude, shall be within ±10° and their amplitudes shall be within ±20 percent of the values specified above. The ratios of the measured amplitudes of the subcarrier to the luminance signal for the same saturated primaries and their complements shall fall between the limits of 0.8 and 1.2 of the values specified for their ratios. Closer tolerances may prove to be practicable and desirable with advance in the art.

(b) *Changes in transmission standards.* The Commission will consider the question whether a proposed change or modification of transmission standards adopted for television would be in the public interest, convenience and necessity, upon petition being filed by the person proposing such change or modification, setting forth the following:

(1) The exact character of the change or modification proposed;

(2) The effect of the proposed change or modification upon all other transmission standards that have been adopted by the Commission for television broadcast stations;

(3) The experimentation and field tests that have been made to show that the proposed change or modification accomplishes an improvement and is technically feasible;

(4) The effect of the proposed change or modification in the adopted standards upon operation and obsolescence of receivers;

(5) The change in equipment required in existing television broadcast stations for incorporating the proposed change or modification in the adopted standards; and

(6) The facts and reasons upon which the petitioner bases his conclusion that the proposed change or modification would be in the public interest, convenience, and necessity.

Should a change or modification in the transmission standards be adopted by the Commission, the effective date thereof will be determined in the light of the considerations mentioned in subparagraph (4) of this paragraph.

§ 3.683 *Field intensity contours.* (a) In the authorization of television broadcast stations, two field intensity contours are considered. These are specified as Grade A and Grade B and indicate the approximate extent of coverage over average terrain in the absence of interference from other television stations. Under actual conditions, the true coverage may vary greatly from these estimates because the terrain over any specific path is expected to be different from the average terrain on which the field strength charts were based. The required field intensities, F (50, 50), in decibels above one microvolt per meter (dbu) for the Grade A and Grade B contours are as follows:

NOTE: It should be realized that the F (50, 50) curves when used for Channels 14–83 are not based on measured data at distances beyond about 30 miles. Theory would indicate that the field intensities for Channels 14–83 should decrease more rapidly with distance beyond the horizon than for Channels 2–6, and modification of the curves for Channels 14–83 may be expected as a result of measurements to be made at a later date. For these reasons, the curves should be used with appreciation of their limitations in estimating levels of field intensity. Further, the actual extent of service will usually be less than indicated by these estimates due to interference from other stations. Because of these factors, the predicted field intensity contours give no assurance of service to any specific percentage of receiver locations within the distances indicated. In licensing proceedings these variations will not be considered.

	Grade A (dbu)	Grade B (dbu)
Channels 2–6	68	47
Channels 7–13	71	56
Channels 14–83	74	64

(b) The field intensity contours provided for herein shall be considered for the following purposes only:

(1) In the estimation of coverage resulting from the selection of a particular transmitter site by an applicant for a television station.

(2) In connection with problems of coverage arising out of application of § 3.636.

(3) In connection with problems of coverage arising out of application of § 3.658 (b).

(4) In determining compliance with § 3.685 (a) concerning the minimum field intensity to be provided over the principal community to be served.

§ 3.684 *Prediction of coverage.* (a) All predictions of coverage made pursuant to this paragraph shall be made without regard to interference and shall be made only on the basis of estimated field intensities. The peak power of the visual signal is used in making predictions of coverage.

(b) Predictions of coverage shall be made only for the same purposes as relate to the use of field intensity contours as specified in § 3.683 (b).

(c) In predicting the distance to the field intensity contours, the F (50, 50) field intensity charts (Figures 10 and 11 of § 3.699) shall be used. If the 50 percent field intensity is defined as that value exceeded for 50 percent of the time, these F (50, 50) charts give the estimated 50 percent field intensities exceeded at 50 percent of the locations in decibels above one microvolt per meter. The charts are based on an effective power of one kilowatt radiated from a half-wave dipole in free space, which produces an unattenuated field strength at one mile of about 103 db above one microvolt per meter (137.6 millivolts per meter). To use the charts for other powers, the sliding scale associated with the charts should be trimmed and used as the ordinate scale. This sliding scale is placed on the charts with the appropriate gradation for power in line with the horizontal 40 db line on the charts. The right edge of the scale is placed in line with the appropriate antenna height gradations, and the charts then become direct reading (in uv/m and in db above 1 uv/m) for this power and antenna height. Where the antenna height is not one of those for which a scale is provided, the signal strength or distance is determined by interpolation between the curves connecting the equidistant points. Dividers may be used in lieu of the sliding scale. In predicting the distance to the Grade A and Grade B field intensity contours, the effective radiated power to be used is that in the horizontal plane in the pertinent direction. In predicting other field intensities over areas not in the horizontal plane, the effective radiated power to be used is the power in the direction of such areas; the appropriate vertical plane radiation pattern must, of course, be considered in determining this power.

(d) The antenna height to be used with these charts is the height of the radiation center of the antenna above the average terrain along the radial in question. In determining the average elevation of the terrain, the elevations between 2 and 10 miles from the antenna site are employed. Profile graphs shall be drawn for 8 radials beginning at the antenna site and extending 10 miles therefrom. The radials should be drawn for each 45 degrees of azimuth starting with True North. At least one radial must include the principal community to be served even though such community may be more than 10 miles from the antenna site. However, in the event none of the evenly spaced radials include the principal community to be served and one or more such radials are drawn in addition to the 8 evenly spaced radials, such additional radials shall not be employed in computing the antenna height above average terrain. Where the 2 to 10 mile portion of a radial extends in whole or in part over large bodies of water as specified in paragraph (e) of this section or extends over foreign territory but the Grade B intensity contour encompasses land area within the United States beyond the 10 mile portion of the radial, the entire 2 to 10 mile portion of the radial shall be included in the computation of antenna height above average terrain. However, where the Grade B contour does not so encompass United States land area and (1) the entire 2 to 10 mile portion of the radial extends over large bodies of water or foreign territory, such radial shall be completely omitted from the computation of antenna height above average terrain, and (2) where a part of the 2 to 10 mile portion of a radial extends over large bodies of water or over foreign territory, only that part of the radial extending from the 2 mile sector to the outermost portion of land area within the United States covered by the radial shall be employed in the computation of antenna height above average terrain. The profile graph for each radial should be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. In instances of very rugged terrain where the use of contour intervals of 100 feet would result in several points in a short distance, 200- or 400-foot contour intervals may be used for such distances. On the other hand, where the terrain is uniform or gently sloping the smallest contour interval indicated on the topographic map (see paragraph (g) of this section) should be used, although only relatively few points may be available. The profile graphs should indicate the topography accurately for each radial, and the graphs should be plotted with the distance in miles as the abscissa and the elevation in feet above mean sea level as the ordinate. The profile graphs should indicate the source of the topographical data employed. The graph should also show the elevation of the center of the radiating system. The graph may be plotted either on rectangular coordinate paper or on special paper which shows the curvature of the earth. It is not necessary to take the curvature of the earth into consideration in this procedure, as this factor is taken care

of in the charts showing signal intensities. The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should then be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded for 50 percent of the distance) in sectors and averaging those values.

NOTE 1: This paragraph does not apply to any application designated for hearing in which the engineering portions have been heard or the engineering exhibits exchanged prior to June 1, 1953, the effective date of the amendment of this subsection unless the subsection as amended would materially affect the outcome of the hearing.

NOTE 2: The Commission will, upon a proper showing by an existing station that the application of this rule will result in an unreasonable power reduction in relation to other stations in close proximity, consider requests for adjustment in power on the basis of a common average terrain figure for the stations in question as determined by the Commission.

(e) In instances where it is desired to determine the area in square miles within the Grade A and Grade B field intensity contours, the area may be determined from the coverage map by planimeter or other approximate means; in computing such areas, exclude (1) areas beyond the borders of the United States, and (2) large bodies of water, such as ocean areas, gulfs, sounds, bays, large lakes, etc., but not rivers.

(f) In cases where the terrain in one or more directions from the antenna site departs widely from the average elevation of the 2 to 10 mile sector, the prediction method may indicate contour distances that are different from what may be expected in practice. For example, a mountain ridge may indicate the practical limit of service although the prediction method may indicate otherwise. In such cases the prediction method should be followed, but a supplemental showing may be made concerning the contour distances as determined by other means. Such supplemental showing should describe the procedure employed and should include sample calculations. Maps of predicted coverage should include both the coverage as predicted by the regular method and as predicted by a supplemental method. When measurements of area are required, these should include the area obtained by the regular prediction method and the area obtained by the supplemental method. In directions where the terrain is such that negative antenna heights or heights below 100 feet for the 2 to 10 mile sector are obtained, a supplemental showing of expected coverage must be included together with a description of the method employed in predicting such coverage. In special cases, the Commission may require additional information as to terrain and coverage.

(g) In the preparation of the profile graphs previously described, and in determining the location and height above sea level of the antenna site, the elevation or contour intervals shall be taken from the United States Geological Survey Topographic Quadrangle Maps, United States Army Corps of Engineers maps or Tennessee Valley Authority maps, whichever is the latest, for all areas for which such maps are available. If such maps are not published for the area in question, the next best topographic information should be used. Topographic data may sometimes be obtained from State and municipal agencies. Data from Sectional Aeronautical Charts (including bench marks) or railroad depot elevations and highway elevations from road maps may be used where no better information is available. In cases where limited topographic data is available, use may be made of an altimeter in a car driven along roads extending generally radially from the transmitter site. Ordinarily the Commission will not require the submission of topographical maps for areas beyond 15 miles from the antenna site, but the maps must include the principal community to be served. If it appears necessary, additional data may be requested. United States Geological Survey Topographic Quadrangle Maps may be obtained from the Department of the Interior, Geological Survey, Washington, D. C. Sectional Aeronautical Charts are available from the Department of Commerce, Coast and Geodetic Survey, Washington, D. C.

§ 3.685 *Transmitter location and antenna system.* (a) The transmitter location shall be chosen so that, on the basis of the effective radiated power and antenna height above average terrain employed, the following minimum field intensity in decibels above one microvolt per meter (dbu) will be provided over the entire principal community to be served:

Channels 2-6	Channels 7-13	Channels 14-83
74 dbu	77 dbu	80 dbu

(b) Location of the antenna at a point of high elevation is necessary to reduce to a minimum the shadow effect on propagation due to hills and buildings which may reduce materially the intensity of the station's signals. In general, the transmitting antenna of a station should be located at the most central point at the highest elevation available. To provide the best degree of service to an area, it is usually preferable to use a high antenna rather than a low antenna with increased transmitter power. The location should be so chosen that line-of-sight can be obtained from the antenna over the principal community to be served; in no event should there be a major obstruction in this path. The antenna must be constructed so that it is as clear as possible of surrounding buildings or objects that would cause shadow problems. It is recognized that topography, shape of the desired service area, and population distribution may make the choice of a transmitter location difficult. In such cases, consideration may be given to the use of a directional antenna system, although it is generally preferable to choose a site where a nondirectional antenna may be employed.

(c) In cases of questionable antenna locations it is desirable to conduct propagation tests to indicate the field intensity expected in the principal community to be served and in other areas, particularly where severe shadow problems may be expected. In considering applications proposing the use of such locations, the commission may require site tests to be made. Such tests should be made in accordance with the measurement procedure hereafter described, and full data thereon must be supplied to the Commission. Test transmitters should employ an antenna having a height as close as possible to the proposed antenna height, using a balloon or other support if necessary and feasible. Information concerning the authorization of site tests may be obtained from the Commission upon request.

(d) Present information is not sufficiently complete to establish "blanket areas" of television broadcast stations. A "blanket area" is that area adjacent to a transmitter in which the reception of other stations is subject to interference due to the strong signal from this station. The authorization of station construction in areas where blanketing is found to be excessive will be on the basis that the applicant will assume full responsibility for the adjustment of reasonable complaints arising from excessively strong signals of the applicant's station or take other corrective action.

(e) A directional antenna is considered to be an antenna that is designed or altered for the purpose of obtaining a noncircular radiation pattern. Directional antennas may not be used for the purpose of reducing minimum mileage separation requirements but may be employed for the purpose of improving service or for the purpose of using a particular site; however, directional antennas with a ratio of minimum to maximum radiation in the horizontal plane of more than 10 decibels will not be permitted.

(f) Applications proposing the use of directional antenna systems must be accompanied by the following:

(1) Complete description of the proposed antenna system.

(2) Orientation of array with respect to true north; time phasing of fields from elements (degrees leading or lagging); space phasing of elements (in feet and degrees); and ratio of fields from elements.

(3) Horizontal and vertical plane radiation patterns showing the free space field intensity in millivolts per meter at 1 mile and the effective radiated power, in dbk, for each direction. The method by which the radiation patterns were computed or measured shall be fully described, including formulas used, equipment employed, sample calculations and tabulations of data. Sufficient vertical plane patterns shall be included to indicate clearly the radiation characteristics of the antenna above and below the horizontal plane. The horizontal plane pattern shall be plotted on polar coordinate paper with reference to true north. The vertical plane patterns shall be plotted on rectangular coordinate paper with reference to the horizontal plane.

(4) Name, address, and qualifications of the engineer making the calculations.

(g) Applications proposing the use of television broadcast antennas within 200 feet of other television broadcast antennas operating on a channel within 20 percent in frequency of the proposed channel, or proposing the use of television broadcast antennas on Channels 5 or 6 within 200 feet of FM broadcast antennas, must include a showing as to the expected effect, if any, of such proximate operation.

(h) Where simultaneous use of antennas or antenna structures is proposed, the following provisions shall apply:

(1) In cases where it is proposed to use a tower of a standard broadcast station as a supporting structure for a television broadcast antenna, an appropriate application for changes in the radiating system of the standard broadcast station must be filed by the licensee thereof. A formal application (FCC Form 301) will be required if the proposal involves substantial change in the physical height or radiation characteristics of the standard broadcast antennas; otherwise an informal application will be acceptable. (In case of doubt, an informal application (letter) together with complete engineering data should be submitted.) An application may be required for other classes of stations when the tower is to be used in connection with a television station.

(2) When the proposed television antenna is to be mounted on a tower in the vicinity of a standard broadcast directional array and it appears that the operation of the directional antenna system may be affected, an engineering study must be filed with the television application concerning the effect of the television antenna on the directional pattern. Readjustment and field intensity measurements of the standard broadcast station may be required following construction of the television antenna.

(i) The provisions of Part 17 of this chapter shall govern the construction, marking and lighting requirements of antenna structures used by television broadcast stations. In the event a common tower is used by two or more licensees or permittees for antenna and/or antenna supporting purposes, the licensee or permittee who is owner of the tower shall assume full responsibility for the installation and maintenance of any painting and/or lighting requirements. In the event of shared ownership, one licensee or permittee shall assume such responsibility and advise the Commission accordingly.

§ 3.686 *Measurements for rule making purposes and upon request of the Commission.* (a) Except as provided for in § 3.612, television broadcast stations shall not be protected against any type of interference or propagation effect. Persons desiring to submit testimony, evidence, or data to the Commission for the purpose of showing that the technical standards contained in this subpart do not properly reflect any given types of interference or propagation effects may do so only in appropriate rule making proceedings to amend such technical standards. Persons making field intensity measurements for formal submission to the Commission in rule making proceedings, or making such measurements upon the request of the Commission, should comply with the procedure for making such measurements as outlined below.

(b) Measurements made to determine field intensities of television broadcast stations should be made with mobile equipment along roads which are as close and similar as possible to the radials showing topography which were submitted with the application for construction permit. Cluster and spot measurements may also be submitted, if accompanied by a complete showing of the procedures employed. Suitable measuring equipment and a continuous recording device must be employed, the chart of which is either directly driven from the speedometer of the automobile in which the equipment is mounted or so arranged that distances and identifying landmarks can be readily noted. The measuring equipment must be calibrated against recognized standards of field intensity and so constructed that it will maintain an acceptable accuracy of measurement while in motion or when stationary. The equipment should be so operated that the recorder chart can be calibrated directly in field intensity in order to facilitate analysis of the chart. The receiving antenna must be horizontally polarized and should be nondirectional.

(c) Mobile measurements should be made with a minimum chart speed of 3 inches per mile and preferably 5 or 6 inches per mile. Locations shall be noted on the recorder chart as frequently as necessary to fix definitely the relation between the measured field intensity and the location. The time constant of the equipment should be such as to permit adequate analysis of the charts, and the time constant employed shall be shown. Measurements should be made to a point on each radial well beyond the particular contour under investigation.

(d) While making field intensity measurements either the visual or the aural transmitter may be used. If the visual transmitter is used, it is recommended that a black picture be transmitted or that the transmitter be operated at black level without synchronization peaks. Operation at a power somewhat less than black level is permissible but too great a reduction in power is not recommended due to the difficulty of recording weak signals. In any event, an appropriate factor shall be used to convert the readings obtained to the field strength that would exist on synchronization peaks while operating at the authorized power.

(e) After the measurements are completed, the recorder chart should be divided into not less than 15 sections on each equivalent radial from the station. The field intensity in each section of the chart should be analyzed to determine the field intensity received 50 percent of the distance (median field) throughout the section, and this median field intensity associated with the corresponding sector of the radial. The field intensity figures must be corrected for a receiving antenna elevation of 30 feet and for any directional effects of the automobile and receiving antenna not otherwise compensated. This data should be plotted for each radial, using log-log coordinate paper with distance as the abscissa and field intensity as the ordinate. A smooth curve should be drawn through these points (of median fields for all sectors) and this curve used to determine the distance to the desired contour. The distances obtained for each radial may then be plotted on the map of predicted coverage or on polar coordinate paper (excluding water areas, etc.) to determine the service and interference areas of a station.

(f) In certain cases the Commission may desire more information or recordings and in these instances special instructions will be issued.

(g) Data obtained in conjunction with field intensity measurements shall be submitted to the Commission in affidavit form in triplicate, including the following:

(1) Map or maps showing the roads or points where measurements were made, the service and/or interference areas determined by the prediction method and by the measurements, and any unusual terrain characteristics existing in these areas. The maps, preferably of a type showing topography in the area, should show the Grade A and Grade B field intensity contours.

(2) If a directional transmitting antenna is employed, a diagram on polar coordinate paper showing the predicted free space field intensity in millivolts per meter at 1 mile in all directions.

(3) A full description of the procedures and methods employed, including the type of equipment, the method of installation and operation, and calibration procedures.

(4) Complete data obtained during the survey, including calibration. (Only the original or one photostatic copy of the recording tapes, or representative samples, need be submitted.)

(5) Antenna system and power employed during the survey.

(6) Name, address, and qualifications of the engineer or engineers making the measurements.

§ 3.687 *Transmitters and associated equipment*—(a) *Visual transmitter.* (1) For monochrome transmission only, the overall attenuation characteristics of the transmitter, measured in the antenna transmission line after the vestigial sideband filter (if used), shall not be greater than the following amounts below the ideal demodulated curve. (See Figure 11 of § 3.699.)

2 db at 0.5 mc.
2 db at 1.25 mc.
3 db at 2.0 mc.
6 db at 3.0 mc.
12 db at 3.5 mc.

The curve shall be substantially smooth between these specified points, exclusive of the region from 0.75 to 1.25 mc. Output measurement shall be made with the transmitter operating into a dummy load of pure resistance and the demodulated voltage measured across this load. The ideal demodulated curve is that shown in Figure 11 of § 3.699.

(2) For color transmission, the standard given by subparagraph (1) of this

paragraph applies except as modified by the following: A sine wave of 3.58 mc introduced at those terminals of the transmitter which are normally fed the composite color picture signal shall produce a radiated signal having an amplitude (as measured with a diode on the R. F. transmission line supplying power to the antenna), which is down 6±2 db with respect to a signal produced by a sine wave of 200 kc. In addition, the amplitude of the signal shall not vary by more than ±2 db between the modulating frequencies of 2.1 and 4.18 mc.

(3) The field strength or voltage of the lower sideband, as radiated or dissipated and measured as described in subparagraph (4) of this paragraph, shall not be greater than −20 db for a modulating frequency of 1.25 mc or greater and in addition, for color, shall not be greater than −42 db for a modulating frequency of 3.579545 mc (the color subcarrier frequency). For both monochrome and color, the field strength or voltage of the upper sideband as radiated or dissipated and measured as described in subparagraph (4) of this paragraph shall not be greater than −20 db for a modulating frequency of 4.75 mc or greater.

NOTE: Field strength measurements are desired. It is anticipated that these may not yield data which are consistent enough to prove compliance with the attenuation standards prescribed above. In that case, measurements with a dummy load of pure resistance, together with data on the antenna characteristics, shall be taken in place of over-all field measurements.

(4) The attenuation charactertistics of a visual transmitter shall be measured by application of a modulating signal to the transmitter input terminals in place of the normal composite television video signal. The signal applied shall be a composite signal composed of a synchronizing signal to establish peak output voltage plus a variable frequency sine wave voltage occupying the interval between synchronizing pulses. (The "synchronizing signal" referred to in this section means either a standard synchronizing wave form or any pulse that will properly set the peak.) The axis of the sine wave in the composite signal observed in the output monitor shall be maintained at an amplitude 0.5 of the voltage at synchronizing peaks. The amplitude of the sine wave input shall be held at a constant value. This constant value should be such that at no modulating frequency does the maximum excursion of the sine wave, observed in the composite output signal monitor, exceed the value 0.75 of peak output voltage. The amplitude of the 200 kilocycle sideband shall be measured and designated zero db as a basis for comparison. The modulation signal frequency shall then be varied over the desired range and the field strength or signal voltage of the corresponding sidebands measured. As an alternate method of measuring, in those cases in which the automatic d-c insertion can be replaced by manual control, the above characteristic may be taken by the use of a video sweep generator and without the use of pedestal synchronizing pulses. The d-c level shall be set for midcharacteristic operation.

(5) A sine wave, introduced at those terminals of the transmitter which are normally fed the composite color picture signal, shall produce a radiated signal having an envelope delay, relative to the average envelope delay between 0.05 and 0.20 mc, of zero microseconds up to a frequency of 3.0 mc; and then linearly decreasing to 4.18 mc so as to be equal to −0.17 μsecs at 3.58 mc. The tolerance on the envelope delay shall be ±0.05 μsecs at 3.58 mc. The tolerance shall increase linearly to ±0.1 μsec down to 2.1 mc, and remain at ±0.1 μsec down to 0.2 mc. (Tolerances for the interval of 0.0 to 0.2 mc are not specified at the present time.) The tolerance shall also increase linearly to ±0.1 μsec at 4.18 mc.

(6) The radio frequency signal, as radiated, shall have an envelope as would be produced by a modulating signal in conformity with Figures 6 or 7 of § 3.699, as modified by vestigial sideband operation specified by Figure 5 of § 3.699.

(7) The time interval between the leading edges of successive horizontal pulses shall vary less than one half of one percent of the average interval. However, for color transmissions, § 3.682 (a) (5) and § 3.682 (a) (6) shall be controlling.

(8) The rate of change of the frequency of recurrence of the leading edges of the horizontal synchronizing signals shall be not greater than 0.15 percent per second, the frequency to be determined by an averaging process carried out over a period of not less than 20, nor more than 100 lines, such lines not to include any portion of the blanking interval. However, for color transmissions, § 3.682 (a) (5) and § 3.682 (a) (6) shall be controlling.

(9) For color transmission the transfer characteristic (that is the relationship between the transmitter RF output and video signal input) shall be substantially linear between the reference black and reference white levels.

(b) *Aural transmitter.* (1) The transmitter shall operate satisfactorily with a frequency swing of ±25 kilocycles, which is considered 100 percent modulation. It is recommended, however, that the transmitter be designed to operate satisfactorily with a frequency swing of at least ±40 kilocycles.

(2) The transmitting system (from input terminals of microphone pre-amplifier, through audio facilities at the studio, through telephone lines or other circuits between studio and transmitter, through audio facilities at the transmitter, and through the transmitter, but excluding equalizers for the correction of deficiencies in microphone response) shall be capable of transmitting a band of frequencies from 50 to 15,000 cycles. Pre-emphasis shall be employed in accordance with the impedance-frequency characteristic of a series inductance-resistance network having a time constant of 75 microseconds. (See Figure 12 of § 3.699.) The deviation of the system response from the standard pre-emphasis curve shall lie between two limits as shown by Figure 12 of § 3.699. The upper of these limits shall be uniform (no deviation) from 50 to 15,000 cycles. The lower limit shall be uniform from 100 to 7,500 cycles, and three db below the upper limit; from 100 to 50 cycles the lower limit shall fall from three db limit at a uniform rate of one db per octave (4 db at 50 cycles); from 7,500 to 15,000 cycles the lower limit shall fall from three db limit at a uniform rate of two db per octave (5 db at 15,000 cycles).

(3) At any modulating frequency between 50 and 15,000 cycles and at modulation percentages of 25 percent, 50 percent, and 100 percent, the combined audio frequency harmonics measured in the output of the system shall not exceed the root-mean-square values given in the following table:

Modulation frequency	*Distortion (percent)*
50 to 100 cycles	3.5
100 to 7,500 cycles	2.5
7,500 to 15,000 cycles	3.0

(i) Measurement shall be made employing 75 microsecond de-emphasis in the measuring equipment and 75 microsecond pre-emphasis in the transmitting equipment, and without compression if a compression amplifier is employed. Harmonics shall be included to 30 kc.

NOTE: Measurements of distortion using de-emphasis in the measuring equipment are not practical at the present time for the range 7,500 to 15,000 cycles for 25 and 50 percent modulation. Therefore, measurements should be made at 100 percent modulation and on at least the following modulating frequencies: 50, 100, 400, 1,000, 5,000, 10,000, and 15,000 cycles. At 25 and 50 percent modulation, measurements should be made on at least the following modulating frequencies: 50, 100, 400, 1,000 and 5,000 cycles.

(ii) It is recommended that none of the three main divisions of the system (transmitter, studio to transmitter circuit, and audio facilities) contribute over one-half of these percentages, since at some frequencies the total distortion may become the arithmetic sum of the distortions of the divisions.

(4) The transmitting system output noise level (frequency modulation) in the band of 50 to 15,000 cycles shall be at least 55 db below the audio frequency level representing a frequency swing of ±25 kc.

NOTE: For the purpose of these measurements, the visual transmitter should be inoperative since the exact amount of noise permissible from that source is not known at this time.

(5) The transmitting system output noise level (amplitude modulation) in the band of 50 to 15,000 cycles shall be at least 50 db below the level representing 100 percent amplitude modulation.

NOTE: For the purpose of these measurements, the visual transmitter should be inoperative since the exact amount of noise permissible from that source is not known at this time.

(6) If a limiting or compression amplifier is employed, precaution should be maintained in its connection in the circuit due to the use of pre-emphasis in the transmitting system.

(7) The percentage of modulation of the aural transmissions shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent nor more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

(c) *Requirements applicable to both visual and aural transmitters.* (1) Automatic means shall be provided in the visual transmitter to maintain the carrier frequency within ±one kilocycle of the authorized frequency; automatic means shall be provided in the aural transmitter to maintain the carrier frequency 4.5 megacycles above the actual visual carrier frequency within ±one kilocycle.

(2) The transmitters shall be equipped with suitable indicating instruments for the determination of operating power and with other instruments necessary for proper adjustment, operation, and maintenance of the equipment.

(3) Adequate provision shall be made for varying the output power of the transmitters to compensate for excessive variations in line voltage or for other factors affecting the output power.

(4) Adequate provisions shall be provided in all component parts to avoid overheating at the rated maximum output powers.

(d) *Construction.* In general, the transmitters shall be mounted either on racks and panels or in totally enclosed frames protected as required by article 810 of the National Electrical Code, and as set forth below:

NOTE: The pertinent sections of article 810 of the National Electrical Code read as follows: "8191. General; Transmitters shall comply with the following:

"a. *Enclosing.* The transmitter shall be enclosed in a metal frame or grille, or separated from the operating space by a barrier or other equivalent means, all metallic parts of which are effectually connected to ground.

"b. *Grounding of controls.* All external metallic handles and controls accessible to the operating personnel shall be effectually grounded. No circuit in excess of 150 volts shall have any parts exposed to direct contact. A complete dead-front type of switchboard is preferred.

"c. *Interlocks on doors.* All access doors shall be provided with interlocks which will disconnect all voltages in excess of 350 volts when any access door is opened."

(1) Means shall be provided for making all tuning adjustments, requiring voltages in excess of 350 volts to be applied to the circuit, from the front of the panels with all access doors closed.

(2) Proper bleeder resistors or other automatic means shall be installed across all the capacitor banks to lower any voltage which may remain accessible with access door open to less than 350 volts within two seconds after the access door is opened.

(3) All plate supply and other high voltage equipment, including transformers, filters, rectifiers and motor generators, shall be protected so as to prevent injury to operating personnel.

(i) Commutator guards shall be provided on all high voltage rotating machinery. Coupling guards should be provided on motor generators.

(ii) Power equipment and control panels of the transmitters shall meet the above requirements (exposed 220-volt A. C. switching equipment on the front of the power control panels is not recommended but is not prohibited).

(iii) Power equipment located at a television broadcast station not directly associated with the transmitters (not purchased as part of same), such as power distribution panels, are not subject to the provisions of this subpart.

(4) The following provisions shall be applicable to metering equipment:

(i) All instruments having more than 1,000 volts potential to ground on the movement shall be protected by a cage or cover in addition to the regular case. (Some instruments are designed by the manufacturers to operate safely with voltages in excess of 1,000 volts on the movement. If it can be shown by the manufacturer's rating that the instrument will operate safely at the applied potential, additional protection is not necessary.)

(ii) In case the plate voltmeters are located on the low potential side of the multiplier resistors with the high potential terminal of the instruments at or less than 1,000 volts above ground, no protective case is required. However, it is good practice to protect voltmeters subject to more than 5,000 volts with suitable over-voltage protective devices across the instrument terminals in case the winding opens.

(iii) Transmission line meters and any other radio frequency instrument which may be necessary for the operator to read shall be so installed as to be read easily and accurately without the operator having to risk contact with circuits carrying high potential radio frequency energy.

(e) *Wiring and shielding.* (1) The transmitter panels or units shall be wired in accordance with standard practice, such as insulated leads properly cabled and supported, coaxial cables, or rigid bus bar properly insulated and protected.

(2) Wiring between units of the transmitters, with the exception of circuits carrying radio frequency energy or video energy, shall be installed in conduits or approved fiber or metal raceways to protect it from mechanical injury.

(3) Circuits carrying radio frequency or video energy between units shall be coaxial cables, two wire balanced lines, or property shielded lines.

(4) All stages or units shall be adequately shielded and filtered to prevent interaction and radiation.

(5) The frequency and modulation monitors and associated radio frequency lines to the transmitter shall be thoroughly shielded.

(f) *Auxiliary transmitters.* Auxiliary transmitters may not exceed the power rating of the main transmitters. As a general guide, specifications for auxiliary transmitters should conform as much as possible to those of the main transmitters. No requirements are set forth at this time.

(g) *Installation.* (1) The installation of transmitting equipment shall be made in suitable quarters.

(2) Suitable facilities shall be provided for the welfare and comfort of the operator.

(h) *Spare tubes.* (1) A spare tube of every type employed in the transmitters and the frequency and modulation monitors shall be kept on hand at the equipment location. When more than one tube of any type is employed, the following table determines the number of spares of that type required:

Number of each type employed:	*Spares required*
1 or 2	1
3 to 5	2
6 to 8	3
9 or more	4

(2) An accurate circuit diagram and list of required spare tubes, as furnished by the manufacturer of the equipment, shall be supplied and retained at the transmitter location.

(i) *Operation.* (1) Spurious emissions, including radio frequency harmonics, shall be maintained at as low a level as the state of the art permits. As measured at the output terminals of the transmitter (including harmonic filters, if required) all emissions removed in frequency in excess of 3 Mc above or below the respective channel edge shall be attenuated no less than 60 db. below the visual transmitted power. (The 60 db. value for television transmitters specified in this rule should be considered as a temporary requirement which may be increased at a later date, especially when more higher-powered equipment is utilized. Stations should, therefore, give consideration to the installation of equipment with greater attenuation than 60 db.) In the event of interference caused to any service greater attenuation will be required.

(2) If a limiting or compression amplifier is used in conjunction with the aural transmitter, due operating precautions should be maintained because of pre-emphasis in the transmitting system.

(j) *Studio equipment.* Studio equipment shall be subject to all the above requirements where applicable, except as follows:

(1) If properly covered by an underwriter's certificate, it will be considered as satisfying safety requirements.

(2) Section 8191 of article 810 of the National Electrical Code shall apply for voltages only in excess of 500 volts.

(3) No specific requirements are made relative to the design and acoustical treatment of studios. However, the design of studios, particularly the main studio, shall be compatible with the required performance characteristics of television broadcast stations.

§ 3.688 *Indicating instruments.* (a) Each television broadcast station shall be equipped with indicating instruments for measuring the direct plate voltage and current of the last radio stage of the visual and aural transmitters and the transmission line radio frequency current, voltage, or power of both transmitters; such instruments shall conform to the specifications therefor set forth in this subpart.

(b) The following requirements and specifications shall apply to indicating instruments used by television broadcast stations in compliance with paragraph (a) of this section:

(1) Length of scale shall be not less than 2⅜ inches.

(2) Accuracy shall be at least 2 percent of the full scale reading.

(3) Scale shall have at least 40 divisions.

(4) Full scale reading shall be not greater than five times the minimum normal indication.

(5) No specifications are prescribed at this time regarding the peak indicating device required by § 3.689 (b).

(c) Any required instrument, the accuracy of which is questionable, shall not be employed. Repairs and calibration of instruments shall be made by the manufacturer, or by an authorized instrument repair service of the manufacturer, or by some other properly qualified or equipped instrument repair service. In any case, the repaired instrument must be supplied with a certificate of calibration.

(d) Recording instruments may be employed in addition to the indicating instruments to record the direct plate current and/or voltage to the last radio stage provided that they do not affect the operation of the circuits or accuracy of the indicating instruments. If the records are to be used in any proceeding before the Commission, as representative of operation, the accuracy must be the equivalent of the indicating instruments and the calibration shall be checked at such intervals as to insure the retention of such accuracy.

(e) The function of each instrument used in the equipment shall be clearly and permanently shown on the instrument itself or on the panel immediately adjacent thereto.

(f) In the event that any one of the indicating instruments required by paragraph (a) of this section becomes defective when no substitute which conforms with the required specifications is available, the station may be operated without the defective instrument pending its repair or replacement for a period not in excess of 60 days: *Provided*, That—

(1) Appropriate entries shall be made in the operating log of the station, showing the date and time the meter was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the instrument is found to be defective and immediately after the repaired or replacement instrument has been installed and is functioning properly.

(3) If the defective instrument is a plate voltmeter or plate ammeter in the last radio stage, the operating power shall be maintained by means of the radio frequency transmission line meter.

(4) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, informal request may be filed in accordance with § 1.332 (d) of this chapter with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

§ 3.689 *Operating power*—(a) *Determination*—(1) *Visual transmitter.* The operating power of the visual transmitter shall be determined at the output terminal of the vestigial sideband filter, if such filter is used; otherwise, at the transmitter output terminal. The average power shall be measured while operating into a dummy load of substantially zero reactance and a resistance equal to the transmission line surge impedance, while transmitting a standard black television picture. The peak power shall be the power obtained by this method, multiplied by the factor 1.68. During this measurement the direct plate voltage and current of the last radio stage and the peak output voltage or current shall be read for use below.

(2) *Aural transmitter.* The operating power of the aural transmitter shall be determined by the indirect method. This is the product of the plate voltage (*Ep*) and the plate current (*Ip*) of the last radio stage, and an efficiency factor, *F*; that is:

$$\text{Operating power} = Ep \times Ip \times F$$

(i) The efficiency factor, *F*, shall be established by the transmitter manufacturer for each type of transmitter for which he submits data to the Commission, and shall be shown in the instruction books supplied to the customer with each transmitter. In the case of composite equipment, the factor *F* shall be furnished to the Commission by the applicant along with a statement of the basis used in determining such factor.

(b) *Maintenance*—(1) *Visual transmitter.* The peak power shall be monitered by a peak reading device which reads proportionally to voltage, current, or power in the radio frequency transmission line, the meter to be calibrated during the measurement described in paragraph (a) (1) of this section. The operating power as so monitored shall be maintained as near as practicable to the authorized operating power and shall not exceed the limits of 10 percent above and 20 percent below the authorized power except in emergencies. As a further check, both the plate voltage and plate current of the output stage shall be measured with a standard black television picture with the transmitter operating into the antenna. These values must agree substantially with corresponding readings taken under paragraph (a) (1) of this section.

(2) *Aural transmitter.* The operating power of the aural transmitter shall be maintained as near as practicable to the authorized operating power, and shall not exceed the limits of 10 percent above and 20 percent below the authorized power except in emergencies.

(3) *Reduced power.* In the event it becomes impossible to operate with the authorized power, the station may be operated with reduced power for a period of 10 days or less provided the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified in writing immediately thereafter and also upon the resumption of the normal operating power.

MONITORING EQUIPMENT

§ 3.690 *Frequency monitors.* (a) The licensee of each television broadcast station shall have in operation at the transmitter approved frequency monitors independent of the frequency control of the transmitters.

NOTE: Approved frequency monitors are included on the Commission's "Radio Equipment List, Part A, Television Broadcast Equipment." Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(b) In the event the visual or aural frequency monitor becomes defective, the station may be operated without such equipment pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided*, That:

(1) Appropriate entries shall be made in the operating log of the station to show the date and time the equipment was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the equipment is found to be defective and immediately after the repaired or replacement equipment has been installed and is functioning properly.

(3) During the period when the station is operated without the visual or aural frequency monitor, the respective carrier frequency shall be compared with an external frequency source of known accuracy at sufficiently frequent intervals to insure that the frequency is maintained within the tolerance prescribed in § 3.687 (c) (1). An entry shall be made in the station log as to the method used and the results thereof.

(4) If conditions beyond the control of the licensee or permittee prevent the restoration of the monitor or monitoring equipment to service within the period specified above, an informal request in accordance with § 1.332 (d) of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument or equipment.

§ 3.691 *Modulation monitors.* (a) The licensee of each television broadcast station shall have in operation at the transmitter an approved modulation monitor for the aural transmitter. There shall also be employed sufficient monitoring equipment for the visual signal to determine that the signal complies with the requirements of this subpart.

NOTE: Approved aural modulation monitors are included on the Commission's "Radio Equipment List, Part A, Television Broadcast Equipment." Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(b) In the event the visual monitoring equipment or the aural modulation monitor becomes defective, the station may be operated without such equipment pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided*, That:

(1) Appropriate entries shall be made in the operating log of the station to show the date and time the equipment was removed from and restored to service.

(2) The Engineer in Charge of the radio district in which the station is located shall be notified both immediately after the equipment is found to be defective and immediately after the repaired or replacement equipment has been installed and is functioning properly.

(3) During the period when the station is operated without the aural modulation monitor or the visual monitoring equipment, the licensee shall provide other suitable means for insuring that the aural modulation is maintained within the tolerance prescribed in § 3.687 (b) (7) and that the visual signal is maintained in accordance with the requirements of this subpart.

(4) If conditions beyond the control of the licensee or permittee prevent the restoration of the monitor or monitoring equipment to service within the period specified above, an informal request in accordance with § 1.332 (d) of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument or equipment.

§ 3.692 *General requirements for type approval of frequency and modulation monitors.* (a) Any manufacturer desiring to submit a monitor for type approval shall supply the Commission with full specification details (two sworn copies) as well as the test data specified in §§ 3.693 and 3.694. If this information appears to meet the requirements of the rules, shipping instructions will be issued to the manufacturer. The shipping charges to and from the Laboratory at Laurel, Maryland, shall be paid for by the manufacturer. Approval of a monitor will only be given on the basis of the data obtained from the sample monitor submitted to the Commission for test.

(b) In approving a monitor upon the basis of the tests conducted by the Laboratory, the Commission merely recognizes that the type of monitor has the inherent capability of functioning in compliance with the rules, if properly constructed, maintained, and operated. The Commission realizes that the frequency monitor may have limited range over which the visual indicator will determine deviations. Accordingly, it is necessary that adjunct equipment be used to determine major deviations.

(c) Additional rules with respect to withdrawal of type approval, modification of type approved equipment and limitations on the findings upon which type approval is based are set forth in Part 2, Subpart F, of this chapter.

(d) A monitor which is not included on the Commission's Radio Equipment List, Part A, Television Broadcast Equipment, but is in use at a television station prior to December 12, 1955, may continue to be used by the licensee, his successors or assignees in business until June 1, 1957.

§ 3.693 *Requirements for type approval of frequency monitors.* (a) The specifications that frequency monitors shall meet before they will be approved by the Commission are as follows:

(1) The monitors shall have an accuracy of better than 500 cycles for 30 days under ordinary conditions (ambient, temperature from 10° centigrade to 40° centigrade above zero, humidity from 10 percent to 95 percent relative humidity, power supply variations from 90 percent to 110 percent, and other conditions which may affect its accuracy) encountered in television broadcast stations throughout the United States.

(2) The range of the indicating device for the aural monitor shall be at least 3000 cycles below to 3000 cycles above the assigned center frequency. Alternatively, the aural monitor may use an indicating device with a similar scale to indicate the difference-frequency between the aural and visual carriers. The range of the indicating device for the visual monitor shall be at least 1500 cycles below to 1500 cycles above the assigned carrier frequency.

(3) The scale of the indicating device shall be calibrated in divisions of not more than 100 cycles.

(4) Means shall be provided for adjustment of the monitor indication to agree with an external standard.

(5) The monitors shall be capable of continuous operation and the circuits shall be such as to permit continuous monitoring of the transmitter carrier frequencies, and the difference-frequency between the visual and aural carriers if this method of measurement is used.

(6) Operation of the monitors shall have no adverse effect on the operation of either the aural or visual transmitters or the signals emitted therefrom and shall be independent of the frequency control of the transmitters.

(7) Means shall be provided for insuring power input level.

(8) General design, construction and operation shall be in accordance with good engineering practice.

(b) Tests to be made for approval of television broadcast frequency monitors. The manufacturer of a monitor shall submit data on the following at the time of requesting approval:

(1) Constancy of oscillator frequency, as measured daily for one month, or more.

(2) Constancy of oscillator frequency when subject to vibration tests which would correspond to the treatment received in shipping, handling and installing the instrument.

(3) Accuracy of reading of the frequency deviation instrument.

(4) Functioning of frequency adjustment device.

(5) Effects on frequency readings, of the changing of tubes, of voltage variations, and of variations of room temperature through a range from 10° to 40° C.

(6) Response of indicating instrument to small changes of frequency.

(7) General information on the effect of tilting or tipping or other tests to determine ability of equipment to withstand shipment.

(c) Various other tests may be made or required, such as effects of variation of input from the transmitter depending upon the character of the apparatus.

(d) Tests shall be conducted in such a manner as to approximate actual operating conditions as nearly as possible. The equipment shall be tested on the highest channel for which it is designed.

§ 3.694 *Requirements for type approval of aural modulation monitors.* (a) The required aural modulation monitor may or may not be a part of the frequency monitor.

(b) The specifications that the aural modulation monitor shall meet before it will be approved by the Commission are as follows:

(1) Means shall be provided for indicating that the signal input to the modulation monitor is in the range required for proper operations.

(2) A modulation peak indicating device shall be provided that can be set at any pre-determined value from 50 to 120 percent modulation (±25 kc swing is defined as 100 percent modulation) and for either positive or negative swings (i. e. either above or below transmitter center frequency).

(3) A quasi-peak indicator with a meter having the characteristics given below shall be used with a circuit such that peaks of modulation of duration between 40 and 90 milliseconds are indicated to 90 percent of full value and the discharge rate adjusted so that the pointer returns from full reading to within 10 percent of zero within 500 to 800 milliseconds. A switch shall be provided so that this meter will read either positive or negative swings. Until June 1, 1957, however, monitors having meters which read either positive or negative swings will be eligible for type approval.

(4) When modulation of a magnitude necessary to produce a deflection equivalent to 100 percent modulation is suddenly applied and left on, the indicating instrument shall not deflect beyond 110 percent on the first passage of the 100 percent mark and shall have excursion from the final value of less than 1 percent after one second or more.

(5) The meter scale shall be similar in appearance to that of a standard VU meter. The scale length between 0 and 100 percent modulation markings shall be at least 2.3 inches. In addition to other markings a small marker for 133 percent modulation, designated as such, should be included for the purpose of testing the transmitter with 33.3 kc swing.

(6) The indicated reading in percentage shall be accurate within ±5 (based on 100 percent modulation) at any percentage of modulation up to 100.

(7) The frequency characteristic curve as measured at 50 percent modulation shall not depart from a straight line more than ± ½ db from 50 to 15,000 cycles. Distortion shall be kept to a minimum.

(8) The monitor shall not absorb appreciable power from the transmitter.

(9) Operation of the monitor shall have no adverse effect on the operation of the transmitter.

(10) General design, construction, and operation shall be in accordance with good engineering practice.

(c) Tests to be made for approval of television broadcast aural modulation monitors. The manufacturer of a monitor shall submit data on the following at the time of requesting approval:

(1) Audio frequency response of the monitor from 50 to 15,000 cycles in db from the response at 400 cycles.

(2) Distortion in the response.

(3) Input signal power required.

(4) Permissible tolerance on input signal power to keep the meter reading correct within 5 percent units.

(5) Ballistic characteristics of the monitor indicator.

(d) Various other tests may be made or required depending on the character of the apparatus.

(e) Tests shall be conducted in such a manner as to approximate actual operating conditions as nearly as possible. The equipment shall be tested on the highest channel for which it is designed.

§§ 3.695–3.697 [Reserved.]

§ 3.698 *Tables.*

TABLE I

MINUTES TO DECIMAL PARTS OF A DEGREE

Minutes	Degrees	Minutes	Degrees
1	0.01667	31	0.51667
2	.03333	32	.53333
3	.05	33	.55
4	.06667	34	.56667
5	.08333	35	.58333
6	.10	36	.60
7	.11667	37	.61667
8	.13333	38	.63333
9	.15	39	.65
10	.16667	40	.66667
11	.18333	41	.68333
12	.20	42	.70
13	.21667	43	.71667
14	.23333	44	.73333
15	.25	45	.75
16	.26667	46	.76667
17	.28333	47	.78333
18	.30	48	.80
19	.31667	49	.81667
20	.33333	50	.83333
21	.35	51	.85
22	.36667	52	.86667
23	.38333	53	.88333
24	.40	54	.90
25	.41667	55	.91667
26	.43333	56	.93333
27	.45	57	.95
28	.46667	58	.96667
29	.48333	59	.98333
30	.50	60	1.00

TABLE I—Continued

SECONDS TO DECIMAL PARTS OF A DEGREE

Seconds	Degrees	Seconds	Degrees
1	0.00028	31	0.00861
2	.00056	32	.00889
3	.00083	33	.00917
4	.00111	34	.00994
5	.00139	35	.00972
6	.00167	36	.01
7	.00194	37	.01028
8	.00222	38	.01056
9	.0025	39	.01083
10	.00278	40	.01111
11	.00306	41	.01139
12	.00333	42	.01167
13	.00361	43	.01194
14	.00389	44	.01222
15	.00417	45	.0125
16	.00444	46	.01278
17	.00472	47	.01306
18	.005	48	.01333
19	.00528	49	.01361
20	.00556	50	.01389
21	.00583	51	.01417
22	.00611	52	.01444
23	.00639	53	.01472
24	.00667	54	.015
25	.00694	55	.01528
26	.00722	56	.01556
27	.0075	57	.01583
28	.00778	58	.01611
29	.00806	59	.01639
30	.00833	60	.01667

TABLE II

MILES PER DEGREE OF LATITUDE DIFFERENCE

Middle latitude	Statute miles	Middle latitude	Statute miles
° ′		° ′	
25 0	68.828	38 0	68.968
30	68.833	30	68.974
26 0	68.837	39 0	68.980
30	68.842	30	68.986
27 0	68.847	40 0	68.992
30	68.852	30	68.998
28 0	68.857	41 0	69.004
30	68.862	30	69.011
29 0	68.867	42 0	69.017
30	68.873	30	69.023
30 0	68.878	43 0	69.029
30	68.883	30	69.035
31 0	68.889	44 0	69.041
30	68.894	30	69.047
32 0	68.899	45 0	69.053
30	68.905	30	69.060
33 0	68.911	46 0	69.066
30	68.916	30	69.072
34 0	68.922	47 0	69.078
30	68.928	30	69.084
35 0	68.933	48 0	69.090
30	68.939	30	69.096
36 0	68.945	49 0	69.102
30	68.951	30	69.108
37 0	68.957	50 0	69.115
30	68.962		

TABLE III

Middle latitude degrees	Miles per degree of longitude difference (statute miles)									
	25	26	27	28	29	30	31	32	33	34
Minutes										
0	62.728	62.211	61.675	61.120	60.547	59.955	59.345	58.716	58.070	57.406
1	62.720	62.202	61.666	61.111	60.537	59.945	59.335	58.706	58.059	57.395
2	62.712	62.193	61.657	61.101	60.528	59.935	59.324	58.695	58.048	57.384
3	62.703	62.184	61.648	61.092	60.517	59.925	59.314	58.684	58.037	57.373
4	62.694	62.176	61.639	61.082	60.508	59.915	59.303	58.674	58.026	57.362
5	62.686	62.167	61.630	61.073	60.498	59.905	59.293	58.663	58.015	57.350
6	62.677	62.158	61.621	61.064	60.488	59.895	59.282	58.652	58.004	57.339
7	62.669	62.149	61.611	61.054	60.478	59.885	59.272	58.642	57.994	57.328
8	62.660	62.140	61.602	61.045	60.469	59.875	59.262	58.631	57.983	57.316
9	62.652	62.132	61.593	61.035	60.459	59.865	59.252	58.620	57.972	57.305
10	62.644	62.123	61.584	61.026	60.449	59.855	59.241	58.610	57.961	57.294
11	62.635	62.114	61.575	61.017	60.440	59.845	59.231	58.599	57.950	57.283
12	62.627	62.105	61.566	61.007	60.430	59.835	59.221	58.588	57.939	57.271
13	62.618	62.096	61.557	60.997	60.420	59.825	59.210	58.578	57.928	57.260
14	62.609	62.088	61.547	60.988	60.410	59.814	59.200	58.567	57.917	57.249
15	62.601	62.079	61.538	60.979	60.400	59.804	59.189	58.556	57.906	57.238
16	62.592	62.070	61.529	60.969	60.390	59.794	59.179	58.546	57.895	57.227
17	62.583	62.061	61.520	60.959	60.381	59.784	59.168	58.535	57.884	57.215
18	62.575	62.052	61.510	60.950	60.371	59.774	59.158	58.524	57.873	57.204
19	62.567	62.044	61.501	60.940	60.361	59.764	59.147	58.514	57.862	57.192
20	62.559	62.035	61.492	60.931	60.352	59.754	59.137	58.503	57.851	57.181
21	62.550	62.026	61.483	60.921	60.342	59.744	59.127	58.492	57.840	57.170
22	62.541	62.017	61.474	60.912	60.332	59.734	59.116	58.481	57.829	57.159
23	62.532	62.008	61.465	60.902	60.322	59.723	59.106	58.470	57.818	57.147
24	62.524	61.999	61.455	60.893	60.312	59.713	59.095	58.460	57.807	57.136
25	62.515	61.990	61.446	60.883	60.302	59.703	59.085	58.449	57.796	57.125
26	62.507	61.981	61.437	60.874	60.292	59.693	59.074	58.438	57.785	57.113
27	62.498	61.972	61.428	60.865	60.282	59.683	59.064	58.428	57.774	57.102
28	62.489	61.963	61.419	60.855	60.273	59.672	59.054	58.417	57.763	57.090
29	62.480	61.955	61.409	60.845	60.263	59.662	59.043	58.406	57.752	57.079
30	62.472	61.946	61.400	60.836	60.253	59.652	59.033	58.396	57.741	57.068
31	62.463	61.937	61.391	60.826	60.243	59.642	59.022	58.385	57.729	57.057
32	62.455	61.928	61.381	60.817	60.233	59.632	59.012	58.374	57.718	57.045
33	62.446	61.918	61.372	60.807	60.222	59.622	59.001	58.363	57.707	57.034
34	62.438	61.909	61.363	60.798	60.213	59.611	58.991	58.352	57.696	57.022
35	62.429	61.900	61.354	60.788	60.203	59.601	58.980	58.341	57.685	57.011
36	62.420	61.891	61.344	60.778	60.194	59.591	58.970	58.331	57.674	56.999
37	62.412	61.882	61.335	60.768	60.184	59.581	58.960	58.320	57.663	56.988
38	62.403	61.874	61.325	60.759	60.174	59.571	58.949	58.309	57.652	56.977
39	62.395	61.865	61.316	60.750	60.164	59.561	58.939	58.298	57.641	56.966
40	62.386	61.856	61.307	60.740	60.154	59.550	58.928	58.288	57.629	56.954
41	62.377	61.847	61.298	60.730	60.144	59.540	58.917	58.277	57.618	56.943
42	62.369	61.838	61.289	60.721	60.134	59.530	58.907	58.266	57.607	56.931
43	62.360	61.829	61.279	60.711	60.124	59.520	58.896	58.255	57.596	56.919
44	62.351	61.820	61.270	60.701	60.114	59.510	58.886	58.244	57.585	56.908
45	62.342	61.811	61.261	60.692	60.104	59.500	58.875	58.233	57.574	56.897
46	62.334	61.802	61.252	60.682	60.094	59.489	58.865	58.223	57.563	56.885
47	62.325	61.793	61.242	60.672	60.084	59.479	58.854	58.212	57.552	56.874
48	62.316	61.784	61.233	60.663	60.074	59.468	58.843	58.201	57.541	56.863
49	62.308	61.775	61.223	60.654	60.065	59.458	58.833	58.190	57.529	56.851
50	62.299	61.766	61.214	60.644	60.055	59.448	58.822	58.179	57.518	56.840
51	62.290	61.757	61.205	60.634	60.045	59.438	58.812	58.168	57.507	56.829
52	62.281	61.748	61.195	60.625	60.035	59.427	58.801	58.157	57.496	56.817
53	62.272	61.739	61.186	60.615	60.025	59.417	58.790	58.147	57.485	56.805
54	62.264	61.730	61.176	60.605	60.015	59.406	58.780	58.136	57.473	56.794
55	62.255	61.721	61.167	60.595	60.005	59.396	58.769	58.125	57.462	56.782
56	62.246	61.712	61.158	60.586	59.995	59.386	58.759	58.114	57.451	56.771
57	62.237	61.702	61.148	60.576	59.985	59.376	58.748	58.103	57.440	56.759
58	62.228	61.693	61.139	60.566	59.975	59.365	58.737	58.092	57.429	56.748
59	62.220	61.684	61.129	60.557	59.965	59.355	58.727	58.081	57.418	56.737

Middle latitude degrees	Miles per degree of longitude difference (statute miles)														
	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49
Minutes															
0	56.725	56.026	55.311	54.578	53.828	53.063	52.280	51.482	50.669	49.839	48.995	48.135	47.260	46.371	45.468
1	56.713	56.014	55.299	54.565	53.816	53.050	52.267	51.469	50.655	49.825	48.980	48.120	47.245	46.356	45.453
2	56.702	56.002	55.286	54.553	53.803	53.037	52.254	51.455	50.641	49.811	48.966	48.106	47.231	46.341	45.438
3	56.690	55.991	55.274	54.541	53.791	53.024	52.241	51.442	50.627	49.797	48.952	48.091	47.216	46.326	45.422
4	56.678	55.979	55.262	54.528	53.778	53.011	52.229	51.429	50.614	49.783	48.937	48.077	47.201	46.311	45.407
5	56.667	55.967	55.250	54.516	53.765	52.998	52.215	51.415	50.600	49.769	48.923	48.063	47.187	46.296	45.392
6	56.655	55.955	55.238	54.503	53.753	52.985	52.201	51.402	50.586	49.755	48.909	48.048	47.172	46.281	45.377
7	56.644	55.943	55.226	54.491	53.740	52.972	52.188	51.388	50.573	49.741	48.895	48.034	47.158	46.266	45.362
8	56.632	55.931	55.213	54.479	53.727	52.959	52.175	51.375	50.559	49.727	48.881	48.019	47.143	46.252	45.346
9	56.621	55.920	55.201	54.466	53.715	52.946	52.162	51.361	50.545	49.713	48.867	48.005	47.128	46.237	45.331
10	56.610	55.908	55.189	54.454	53.702	52.933	52.149	51.348	50.531	49.699	48.852	47.990	47.114	46.222	45.317
11	56.598	55.896	55.177	54.441	53.689	52.920	52.135	51.335	50.517	49.685	48.838	47.975	47.099	46.207	45.301
12	56.586	55.884	55.165	54.429	53.677	52.907	52.122	51.321	50.504	49.671	48.824	47.961	47.084	46.192	45.286
13	56.575	55.872	55.153	54.417	53.664	52.894	52.109	51.307	50.490	49.657	48.809	47.946	47.069	46.177	45.270
14	56.563	55.860	55.141	54.404	53.651	52.881	52.096	51.294	50.476	49.643	48.795	47.932	47.054	46.162	45.255
15	56.552	55.849	55.128	54.392	53.639	52.868	52.082	51.280	50.462	49.629	48.781	47.917	47.040	46.147	45.240
16	56.540	55.837	55.116	54.380	53.626	52.855	52.069	51.267	50.449	49.615	48.767	47.903	47.025	46.132	45.225
17	56.529	55.825	55.104	54.367	53.613	52.842	52.056	51.253	50.435	49.601	48.752	47.888	47.010	46.117	45.210
18	56.517	55.813	55.093	54.354	53.601	52.830	52.043	51.240	50.421	49.587	48.738	47.874	46.995	46.102	45.194
19	56.505	55.802	55.080	54.342	53.588	52.817	52.030	51.226	50.408	49.573	48.724	47.859	46.980	46.087	45.179
20	56.493	55.790	55.068	54.330	53.575	52.804	52.016	51.213	50.394	49.559	48.709	47.845	46.966	46.072	45.164
21	56.482	55.778	55.056	54.317	53.562	52.791	52.003	51.199	50.380	49.545	48.695	47.830	46.951	46.057	45.149
22	56.470	55.766	55.043	54.304	53.549	52.778	51.990	51.185	50.366	49.531	48.681	47.816	46.936	46.042	45.134
23	56.459	55.754	54.031	54.292	53.536	52.765	51.977	51.172	50.352	49.517	48.667	47.801	46.921	46.027	45.118
24	56.447	55.742	55.019	54.280	53.524	52.752	51.963	51.159	50.338	49.503	48.653	47.787	46.906	46.012	45.103
25	56.435	55.730	55.007	54.267	53.511	52.739	51.950	51.145	50.325	49.489	48.638	47.772	46.891	45.997	45.088
26	56.424	55.718	54.995	54.255	53.498	52.726	51.936	51.132	50.311	49.475	48.623	47.758	46.877	45.982	45.073
27	56.412	55.706	54.983	54.242	53.486	52.713	51.923	51.118	50.297	49.461	48.609	47.743	46.862	45.967	45.057
28	56.401	55.694	54.970	54.230	53.473	52.700	51.910	51.104	50.283	49.447	48.595	47.729	46.847	45.952	45.042
29	56.389	55.682	54.958	54.217	53.460	52.687	51.897	51.091	50.270	49.433	48.581	47.714	46.832	45.937	45.026
30	56.378	55.671	54.946	54.205	53.448	52.674	51.883	51.077	50.256	49.419	48.567	47.699	46.818	45.922	45.011
31	56.366	55.659	54.934	54.192	53.435	52.661	51.870	51.064	50.242	49.405	48.552	47.685	46.803	45.906	44.996
32	56.354	55.647	54.922	54.180	53.422	52.648	51.857	51.050	50.228	49.391	48.538	47.671	46.788	45.891	44.981
33	56.343	55.635	54.909	54.167	53.409	52.635	51.843	51.036	50.214	49.377	48.524	47.656	46.773	45.876	44.965
34	56.331	55.623	54.897	54.155	53.396	52.622	51.830	51.023	50.200	49.362	48.509	47.641	46.759	45.861	44.950
35	56.319	55.611	54.885	54.142	53.384	52.608	51.817	51.010	50.186	49.348	48.494	47.627	46.744	45.846	44.935
36	56.308	55.599	54.872	54.130	53.371	52.595	51.804	50.996	50.173	49.334	48.480	47.612	46.729	45.831	44.920
37	56.296	55.587	54.861	54.117	53.358	52.582	51.790	50.982	50.159	49.320	48.466	47.597	46.714	45.816	44.904
38	56.284	55.575	54.848	54.104	53.345	52.569	51.777	50.968	50.145	49.306	48.452	47.583	46.699	45.801	44.889

TABLE III—Continued

Middle latitude degrees	Miles per degree of longitude difference (statute miles)														
	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49
Minutes															
39	56.273	55.563	54.836	54.092	53.332	52.556	51.763	50.955	50.131	49.292	48.437	47.568	46.684	45.786	44.874
40	56.261	55.551	54.824	54.080	53.320	52.543	51.750	50.942	50.117	49.277	48.423	47.553	46.669	45.771	44.859
41	56.249	55.539	54.811	54.067	53.307	52.530	51.736	50.928	50.103	49.263	48.409	47.539	46.654	45.756	44.843
42	56.238	55.527	54.799	54.054	53.294	52.517	51.723	50.914	50.089	49.249	48.395	47.524	46.639	45.741	44.827
43	56.226	55.515	54.787	54.042	53.281	52.504	51.710	50.901	50.076	49.235	48.380	47.509	46.624	45.726	44.812
44	56.214	55.503	54.775	54.030	53.268	52.491	51.697	50.887	50.062	49.221	48.365	47.495	46.609	45.710	44.797
45	56.202	55.491	54.762	54.017	53.255	52.478	51.684	50.873	50.048	49.207	48.351	47.480	46.595	45.695	44.782
46	56.191	55.479	54.750	54.005	53.243	52.465	51.670	50.860	50.034	49.193	48.336	47.465	46.580	45.680	44.766
47	56.179	55.467	54.738	53.992	53.230	52.452	51.657	50.846	50.020	49.179	48.322	47.451	46.565	45.665	44.751
48	56.167	55.455	54.726	53.979	53.217	52.438	51.643	50.833	50.006	49.165	48.308	47.436	46.551	45.650	44.736
49	56.156	55.443	54.713	53.967	53.204	52.425	51.630	50.819	49.992	49.151	48.293	47.421	46.536	45.635	44.720
50	56.144	55.431	54.701	53.955	53.191	52.412	51.616	50.805	49.978	49.136	48.279	47.407	46.521	45.620	44.705
51	56.132	55.419	54.688	53.942	53.178	52.399	51.603	50.792	49.965	49.122	48.265	47.392	46.506	45.604	44.689
52	56.120	55.407	54.676	53.929	53.165	52.386	51.590	50.778	49.951	49.108	48.250	47.377	46.491	45.589	44.674
53	56.109	55.395	54.664	53.917	53.152	52.373	51.576	50.764	49.937	49.094	48.236	47.363	46.476	45.574	44.659
54	56.097	55.383	54.652	53.904	53.140	52.359	51.563	50.751	49.923	49.080	48.222	47.348	46.461	45.559	44.643
55	56.085	55.371	54.639	53.891	53.127	52.346	51.549	50.737	49.909	49.066	48.207	47.333	46.446	45.544	44.628
56	56.073	55.359	54.627	53.879	53.114	52.333	51.536	50.723	49.895	49.051	48.192	47.319	46.431	45.529	44.613
57	56.061	55.347	54.614	53.867	53.101	52.320	51.523	50.710	49.881	49.037	48.178	47.304	46.416	45.514	44.597
58	56.050	55.335	54.602	53.854	53.088	52.307	51.509	50.696	49.867	49.023	48.163	47.289	46.401	45.499	44.582
59	56.038	55.323	54.590	53.841	53.075	52.294	51.496	50.682	49.853	49.009	48.149	47.275	46.386	45.484	44.566

TABLE IV

(1) Channel	(2) 20 miles (IF beat)	(3) 20 miles (intermodulation)	(4) 55 miles (adjacent channel)	(5) 60 miles (oscillator)	(6) 60 miles (sound image)	(7) 75 miles (picture image)
14	22	16–19	15	21	28	29
15	23	17–20	14, 16	22	29	30
16	24	14, 18–21	15, 17	23	30	31
17	25	14–15, 19–22	16, 18	24	31	32
18	26	14–16, 20–23	17, 19	25	32	33
19	27	14–17, 21–24	18, 20	26	33	34
20	28	15–18, 22–25	19, 21	27	34	35
21	29	16–19, 23–26	20, 22	28, 14	35	36
22	30, 14	17–20, 24–27	21, 23	29, 15	36	37
23	31, 15	18–21, 25–28	22, 24	30, 16	37	38
24	32, 16	19–22, 26–29	23, 25	31, 17	38	39
25	33, 17	20–23, 27–30	24, 26	32, 18	39	40
26	34, 18	21–24, 28–31	25, 27	33, 19	40	41
27	35, 19	22–25, 29–32	26, 28	34, 20	41	42
28	36, 20	23–26, 30–33	27, 29	35, 21	42, 14	43
29	37, 21	24–27, 31–34	28, 30	36, 22	43, 15	44, 14
30	38, 22	25–28, 32–35	29, 31	37, 23	44, 16	45, 15
31	39, 23	26–29, 33–36	30, 32	38, 24	45, 17	46, 16
32	40, 24	27–30, 34–37	31, 33	39, 25	46, 18	47, 17
33	41, 25	28–31, 35–38	32, 34	40, 26	47, 19	48, 18
34	42, 26	29–32, 36–39	33, 35	41, 27	48, 20	49, 19
35	43, 27	30–33, 37–40	34, 36	42, 28	49, 21	50, 20
36	44, 28	31–34, 38–41	35, 37	43, 29	50, 22	51, 21
37	45, 29	32–35, 39–42	36, 38	44, 30	51, 23	52, 22
38	46, 30	33–36, 40–43	37, 39	45, 31	52, 24	53, 23
39	47, 31	34–37, 41–44	38, 40	46, 32	53, 25	54, 24
40	48, 32	35–38, 42–45	39, 41	47, 33	54, 26	55, 25
41	49, 33	36–39, 43–46	40, 42	48, 34	55, 27	56, 26
42	50, 34	37–40, 44–47	41, 43	49, 35	56, 28	57, 27
43	51, 35	38–41, 45–48	42, 44	50, 36	57, 29	58, 28
44	52, 36	39–42, 46–49	43, 45	51, 37	58, 30	59, 29
45	53, 37	40–43, 47–50	44, 46	52, 38	59, 31	60, 30
46	54, 38	41–44, 48–51	45, 47	53, 39	60, 32	61, 31
47	55, 39	42–45, 49–52	46, 48	54, 40	61, 33	62, 32
48	56, 40	43–46, 50–53	47, 49	55, 41	62, 34	63, 33
49	57, 41	44–47, 51–54	48, 50	56, 42	63, 35	64, 34
50	58, 42	45–48, 52–55	49, 51	57, 43	64, 36	65, 35
51	59, 43	46–49, 53–56	50, 52	58, 44	65, 37	66, 36
52	60, 44	47–50, 54–57	51, 53	59, 45	66, 38	67, 37
53	61, 45	48–51, 55–58	52, 54	60, 46	67, 39	68, 38
54	62, 46	49–52, 56–59	53, 55	61, 47	68, 40	69, 39
55	63, 47	50–53, 57–60	54, 56	62, 48	69, 41	70, 40
56	64, 48	51–54, 58–61	55, 57	63, 49	70, 42	71, 41
57	65, 49	52–55, 59–62	56, 58	64, 50	71, 43	72, 42
58	66, 50	53–56, 60–63	57, 59	65, 51	72, 44	73, 43
59	67, 51	54–57, 61–64	58, 60	66, 52	73, 45	74, 44
60	68, 52	55–58, 62–65	59, 61	67, 53	74, 46	75, 45
61	69, 53	56–59, 63–66	60, 62	68, 54	75, 47	76, 46
62	70, 54	57–60, 64–67	61, 63	69, 55	76, 48	77, 47
63	71, 55	58–61, 65–68	62, 64	70, 56	77, 49	78, 48
64	72, 56	59–62, 66–69	63, 65	71, 57	78, 50	79, 49
65	73, 57	60–63, 67–70	64, 66	72, 58	79, 51	80, 50
66	74, 58	61–64, 68–71	65, 67	73, 59	80, 52	81, 51
67	75, 59	62–65, 69–72	66, 68	74, 50	81, 53	82, 52
68	76, 60	63–66, 70–73	67, 69	75, 61	82, 54	83, 53
69	77, 61	64–67, 71–74	68, 70	76, 62	83, 55	54
70	78, 62	65–68, 72–75	69, 71	77, 63	56	55
71	79, 63	66–69, 73–76	70, 72	78, 64	57	56
72	80, 64	67–70, 74–77	71, 73	79, 65	58	57
73	81, 65	68–71, 75–78	72, 74	80, 66	59	58
74	82, 66	69–72, 76–79	73, 75	81, 67	60	59
75	83, 67	70–73, 77–80	74, 76	82, 68	61	60
76	68	71–74, 78–81	75, 77	83, 69	62	61
77	69	72–75, 79–82	76, 78	70	63	62
78	70	73–76, 80–83	77, 79	71	64	63
79	71	74–77, 81–83	78, 80	72	65	64
80	72	75–78, 82–83	79, 81	73	66	65
81	73	76–79, 83	80, 82	74	67	66
82	74	77–80	81, 83	75	68	67
83	75	78–81	82	76	69	68

NOTE: The parenthetical reference beneath the mileage figures in columns 2 through 7, inclusive, indicate, in abbreviated form, the bases for the required mileage separations. For a discussion of these bases, see the "Sixth Report and Order" of the Commission (FCC 52-294). The hyphenated numbers listed in column (3) are both inclusive.

§ 3.699 *Engineering charts.*

NOTE: The charts as reproduced herein, due to their small scale, are not to be used in connection with material submitted to the F. C. C.



ZONE I.

Figure 1

Feb. 1954

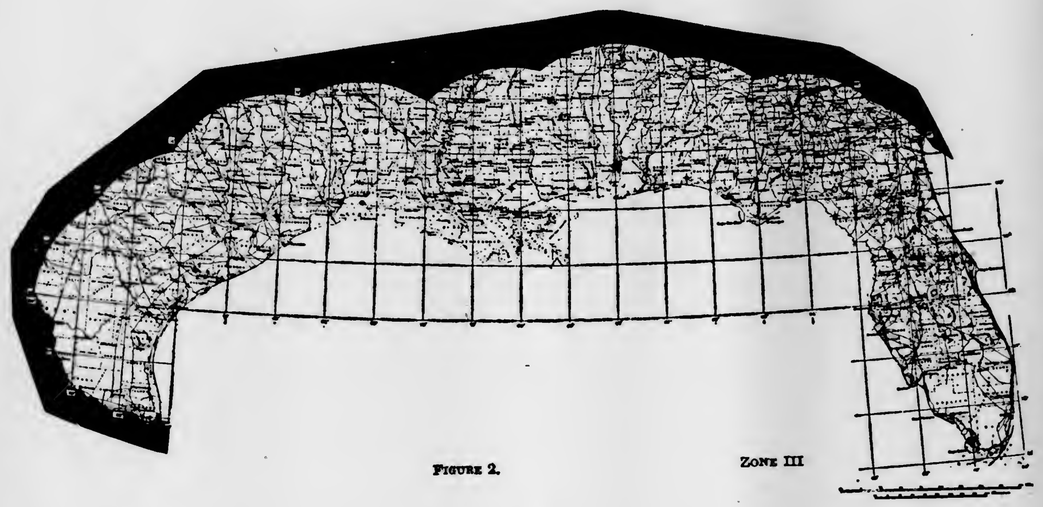


FIGURE 2.

ZONE III

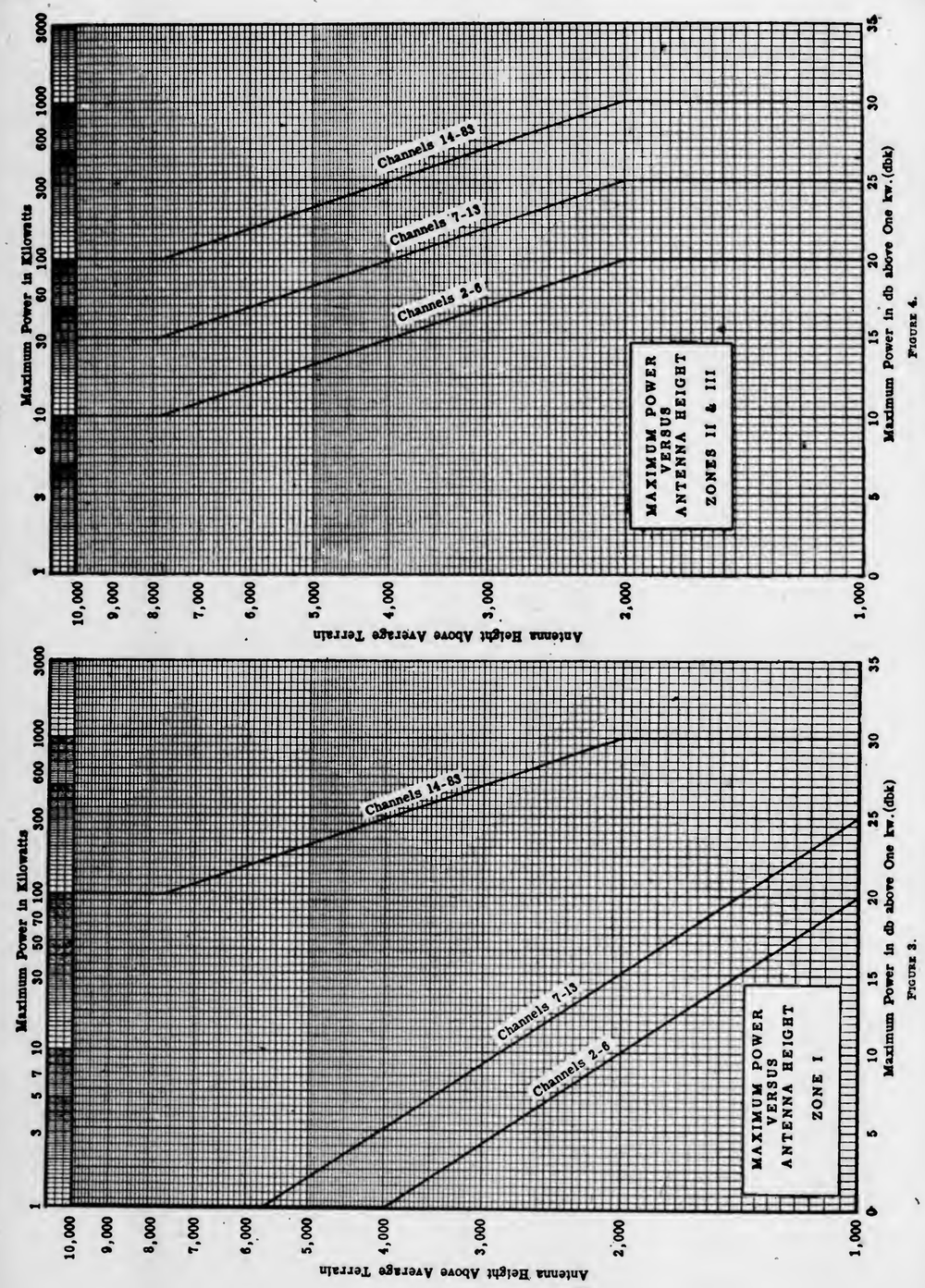


FIGURE 4.

FIGURE 3.

IDEALIZED PICTURE TRANSMISSION
AMPLITUDE CHARACTERISTIC

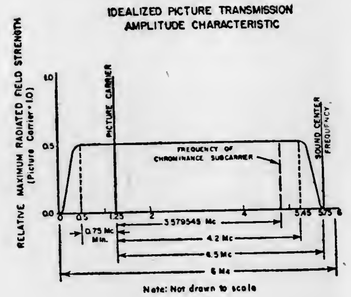


FIGURE 5.

TELEVISION SYNCHRONIZING WAVEFORM
FOR COLOR TRANSMISSION

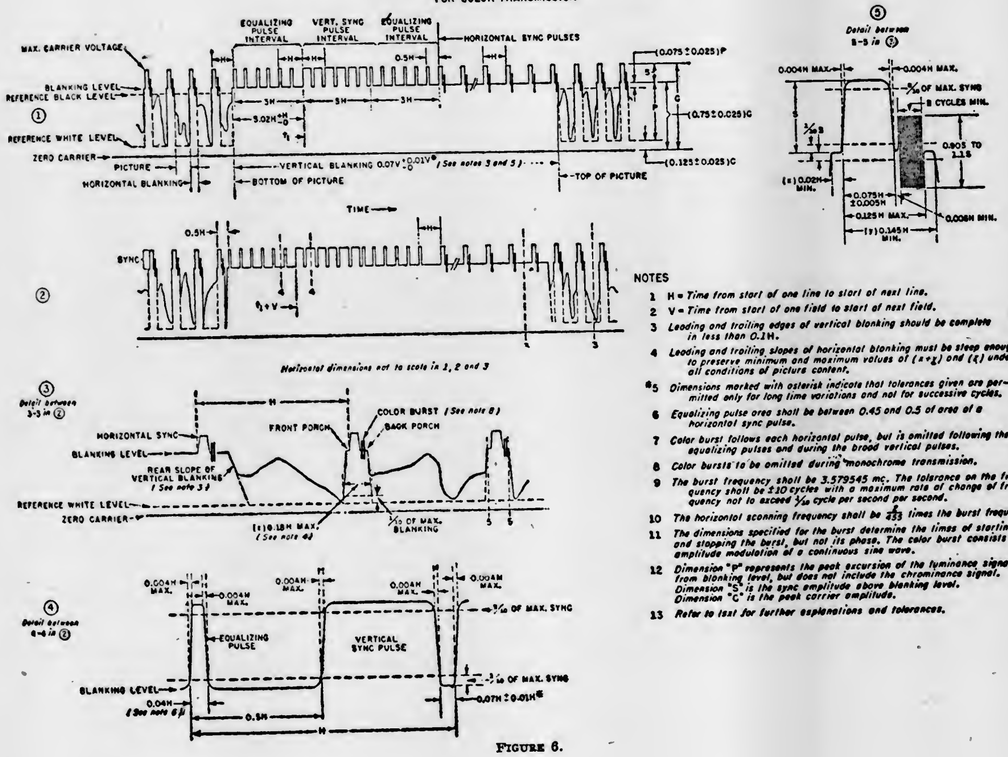
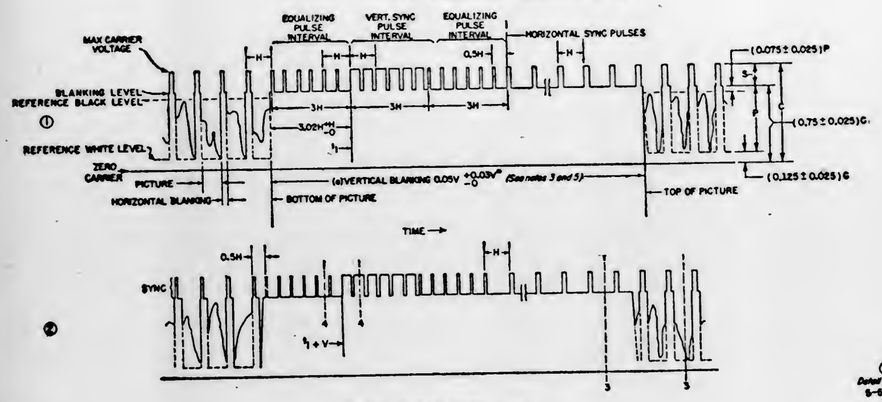


FIGURE 6.

NOTES

1 H = Time from start of one line to start of next line.
2 V = Time from start of one field to start of next field.
3 Leading and trailing edges of vertical blanking should be complete in less than 0.1H.
4 Leading and trailing slopes of horizontal blanking must be steep enough to preserve minimum and maximum values of (a+g) and (g) under all conditions of picture content.
*5 Dimensions marked with asterisk indicate that tolerances given are permitted only for long time variations and not for successive cycles.
6 Equalizing pulse area shall be between 0.45 and 0.5 of area of a horizontal sync pulse.
7 Color burst follows each horizontal pulse, but is omitted following the equalizing pulses and during the broad vertical pulses.
8 Color bursts to be omitted during monochrome transmission.
9 The burst frequency shall be 3.579545 mc. The tolerance on the frequency shall be ±10 cycles with a maximum rate of change of frequency not to exceed 1/10 cycle per second per second.
10 The horizontal scanning frequency shall be 2/455 times the burst frequency.
11 The dimensions specified for the burst determine the times of starting and stopping the burst, but not its phase. The color burst consists of amplitude modulation of a continuous sine wave.
12 Dimension "P" represents the peak excursion of the luminance signal from blanking level, but does not include the chrominance signal. Dimension "S" is the sync amplitude above blanking level. Dimension "C" is the peak carrier amplitude.
13 Refer to text for further explanations and tolerances.

TELEVISION SYNCHRONIZING WAVEFORM
FOR MONOCHROME TRANSMISSION ONLY



NOTES
1 H = Time from start of one line to start of next line.
2 V = Time from start of one field to start of next field.
3 Leading and trailing edges of vertical blanking should be complete in less than 0.1 H.
4 Leading and trailing slopes of horizontal blanking must be steep enough to preserve minimum and maximum values of (1+y) and (2) under all conditions of picture content.
*5 Dimensions marked with asterisk indicate that tolerances given are permitted only for long time variations and not for successive cycles.
6 Equalizing pulse area shall be between 0.45 and 0.5 of area of a horizontal sync pulse.
7 Refer to text for further explanations and tolerances.

FIGURE 7.

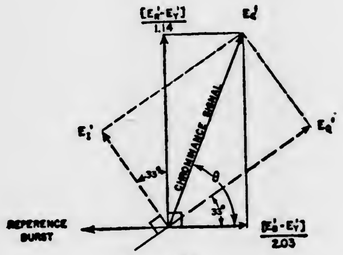
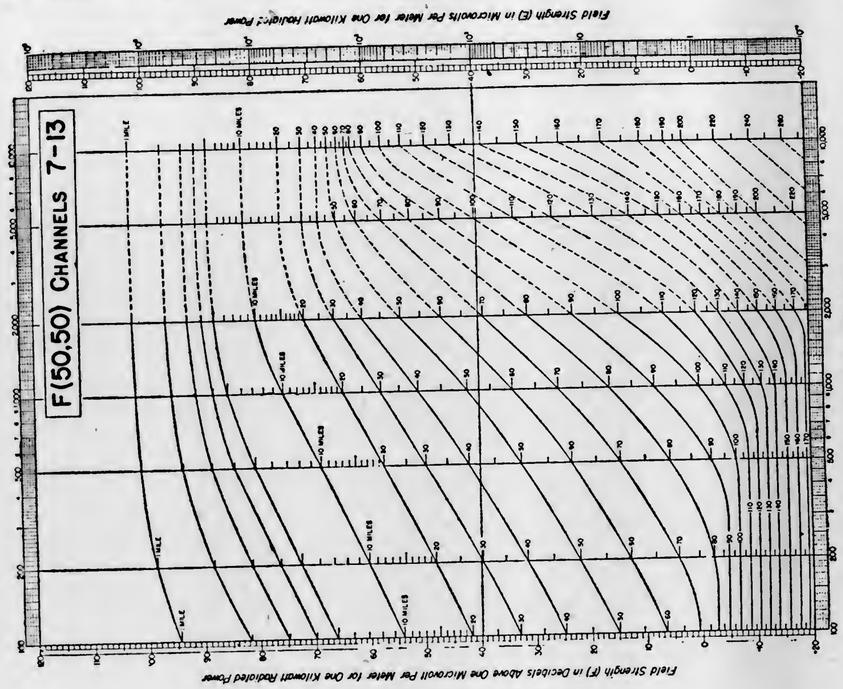
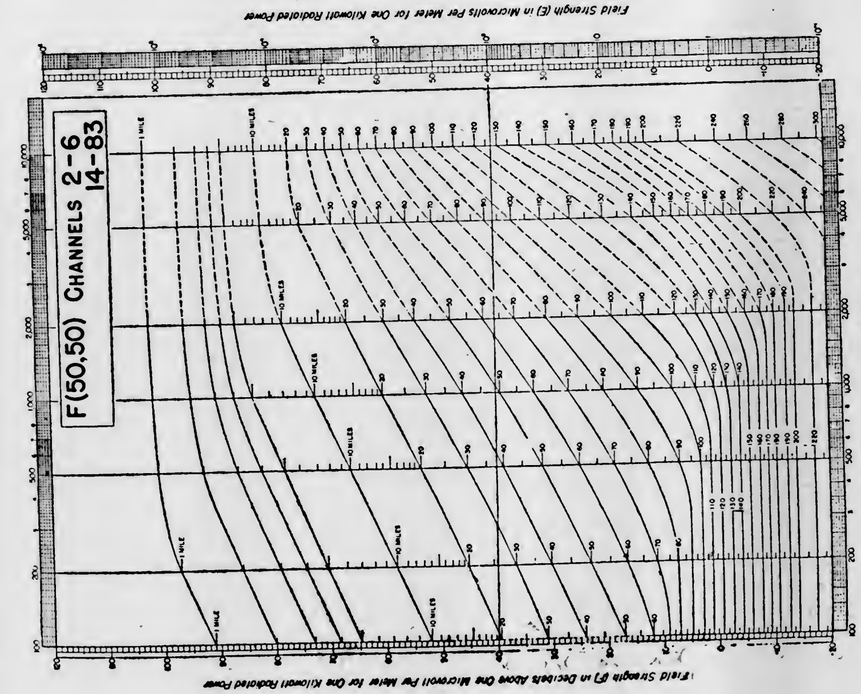


FIGURE 8.



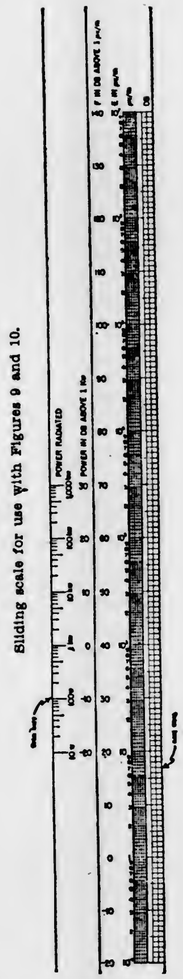
Television Channels 7–13. Estimated field strength exceeded at 50 percent of the potential receiver locations for at least 10 percent of the time at a receiving antenna height of 30 feet.

FIGURE 10.



Television Channels 2–6, 14–83. Estimated field strength exceeded at 50 percent of the potential receiver locations for at least 50 percent of the time at a receiving antenna height of 30 feet.

FIGURE 9.



ASSUMED IDEAL DETECTOR OUTPUT

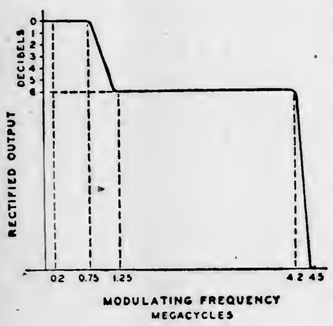


FIGURE 11.

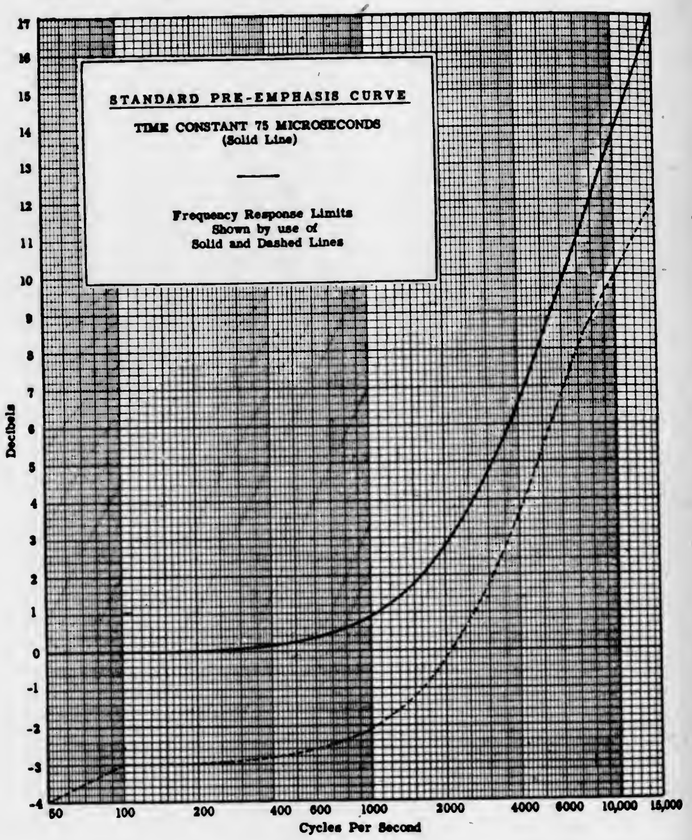


FIGURE 12.

SUBPART F—INTERNATIONAL BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FACILITIES

§ 3.701 *Definitions.* The following definitions apply to terminology employed in this subpart:

(a) *International broadcast station.* A broadcasting station employing frequencies allocated to the broadcasting service between 5950 and 26100 kc, whose transmissions are intended to be received directly by the general public in foreign countries.

(b) *Frequency-hour.* One frequency used for one hour.

(c) *Day.* Any twenty-four hour period beginning 0000 EST and ending 2400 EST.

(d) *Sunspot number.* The predicted 12 month running average of the number of sunspots for any month as indicated in the National Bureau of Standards CRPL Series D publications.

(e) *Vernal equinox season.* That period of any calendar year starting at 0000 EST on 1 February and ending at 2400 EST on 30 April.

(f) *Summer season.* That period of any calendar year starting at 0000 EST on 1 May and ending at 2400 EST on 31 July.

(g) *Autumnal equinox season.* That period of any calendar year starting at 0000 EST on 1 August and ending at 2400 EST on 31 October.

(h) *Winter season.* That period of any calendar year starting at 0000 EST on 1 November and ending at 2400 EST on 31 January.

(i) *Maximum usable frequency (MUF).* The highest frequency which is returned to the surface of the earth for a particular path and time of day on 50 percent of the days of the reference month.

(j) *Optimum working frequency (OWF).* The frequency which is returned to the surface of the earth for a particular path and time of day on 90 percent of the days of the reference month.

(k) *Reference month.* The middle month of any season listed in § 3.704 "Daily Frequency Hour Availability Table."

(l) *Delivered median field intensity or field intensity.* The field intensity incident upon the target area expressed in microvolts per meter, or decibels above one mircovolt per meter, which is exceeded by the hourly median value on 50 percent of the days of the reference month.

(m) *Target area.* Geographic area in which the reception of particular programs is specifically intended and in which adequate broadcast coverage is contemplated.

(n) *Contract operation.* Any non-Government operation of an international broadcast station pursuant to a contract with an agency of the United States Government and subject to Governmental control as to program content, target areas to be covered, and time of broadcast.

(o) *Private operation.* Any non-Government operation of an International Broadcast station which is not contract operation.

§ 3.702 *Assignment and use of frequencies.*

NOTE: Paragraphs (c) through (k) do not apply to stations when engaged in contract operations as defined in § 3.701.

(a) Frequencies will be assigned by the Commission from time to time and in accordance with the provisions of this section, to authorized international broadcast stations for use at specified hours and for transmission to specified target areas. Licensees may request the assignment of specific frequencies for transmission during given hours of operation to specified target areas by filing informal requests in triplicate with the Commission no less than 15 days prior to the start of a new season. Such requests will be honored to the extent that interference and propagation conditions permit and that they are otherwise in accordance with the provisions of this section. Requests for changes in frequency or hour assignments at other times during the year or which are received less than 15 days before the start of a new season will be processed as rapidly as practical. All specific frequency authorizations will be made only on the express understanding that they are subject to immediate cancellation or change without hearing whenever the Commission determines that interference or propagation conditions so require and that each assignment of frequency hours for a given season is unique unto itself and not subject to renewal, with the result that completely new assignments must be secured for the forthcoming season. Where a station is simultaneously engaged in both private and contract broadcasting, as defined in § 3.701, it must receive separate frequency hour authorizations for each of these operations.

(b) Any foreign standard target areas shown in Figure 1 of § 3.792 may be specified by the licensee, in which case field intensity calculations should be based on the transmission path between the corresponding reference points listed in § 3.703. In the event a broadcast is to be directed to more than one target area in the same region, the *primary* target area should be specified and the reasons for selecting that particular target area given, with special reference to the nature and special suitability, if any, of the programming proposed. Field intensity calculations should be based on the transmission path to the standard reference point in § 3.703 for the primary target area. In the event a licensee wishes to specify target areas other than those shown in Figure 1 of § 3.792, adequate justification must be given to show that the use of standard target areas is inappropriate, with special reference given to any specialized programming proposed which appears suitable only for the nonstandard target areas designated. When nonstandard target areas are proposed, special reference points must be specified (by geographical coordinates) and reasonably chosen so as to insure complete and adequate coverage of the target areas.

(c) Frequencies assigned by the Commission will be within the following bands:

	Kilocycles
Band A	5950–6200
Band B	9500–9775
Band C	11700–11975
Band D	15100–15450
Band E	17700–17900
Band F	21450–21750
Band G	25600–26100

(d) No frequency will be assigned which would provide a Delivered Median Field Intensity, either measured or calculated, of less than 150 uv/m—50 percent or 43.5 decibels above one uv/m at the distant foreign target area. (This value of Delivered Median Field Intensity is expected to provide protection against atmospheric and industrial noise for at least 90 percent of each hour during 90 percent of the days of the month.) With each request for frequency assignment, licensees must submit computations which adequately show that this requirement would be met.

NOTE: Standard OWF propagation curves and Delivered Median Field Intensity curves for the various hours and seasons throughout the eleven year sunspot cycle have been computed for transmission paths between standard reference points listed in § 3.703 for the standard target areas shown in Figure 1 of § 3.792. These curves, which were developed and used at the Mexico City High Frequency Broadcasting Conference (1948–1949), are available at the Commission's Washington offices and may be used in calculating the propagation data which licensees are required to provide under these Rules. The methods used in computing these data are described in Chapter 7, paragraph 7.7 of the National Bureau of Standards Circular 462. In lieu of that data, and in all cases where nonstandard target areas are specified as provided in paragraph (b) of this section, licensees must develop their own propagation curves for use in computing values of OWF and Delivered Median Field Intensity for the particular transmission paths involved. In doing so, use may be made of the published propagation data of the National Bureau of Standards known as CRPL Series D, "Basic Radio Propagation Predictions", published monthly in conjunction with National Bureau of Standards Circular 465, "Instructions for the use of Basic Radio Propagation Predictions." These publications are available from the Superintendent of Documents, Washington 25, D. C. A typical example of a computation for a transmission path between standard target areas is from New York (Area 8) to Buenos Aires (Area 15). The Delivered Median Field Intensity for the equinox season, sunspot 5, and for the 6 Mc band for the hours 0200 to 0400 GMT is indicated by the appropriate propagation curve as 24 decibels above one microvolt per meter for 1 kw radiated power. The transmitter power output of 20 decibels (100 kw) is added. The transmitting antenna gain of 12 decibels is added. The resultant total (56 decibels) exceeds the level of 43.5 decibels required to deliver a median field intensity of 150 uv/m at the distant target area.

(e) Frequencies assigned will be as near as possible to the Optimum Working Frequency. In no case will they exceed the Maximum Usable Frequency for more than a total of 15 minutes during any period of transmission. With each request for frequency assignment, licensees must submit computations which adequately show that this requirement would be met. (See note in paragraph (d) of this section regarding methods for computation.)

(f) Not more than one frequency will be authorized for use at any one time for any one program transmission except in instances where a program is intended for reception in more than one target area and the intended target areas cannot be served by a single frequency.

(g) No authorization for use of a particular frequency will be issued which fails to provide a minimum co-channel Delivered Median Field Intensity protection ratio of 40 db to the transmissions of other broadcasting stations at the reference point in the target area being served by such stations which, in the opinion of the Commission, have priority of assignment.

(h) Authorization for use of a particular frequency will not be issued which does not provide a minimum adjacent channel Delivered Median Field Intensity protection ratio of 11 db to the transmissions of other international broadcasting stations at the reference points in the target areas being served by such stations which, in the opinion of the Commission, have priority of assignment.

(i) Any frequency authorized to an international broadcast station shall also be available for assignment to other international broadcast stations.

(j) Not more than one frequency shall be used simultaneously under the same authorization and call letter and equipment installation number designation.

(k) Subject to all other pertinent provisions of this subpart, the total maximum number of frequency-hours which will be authorized to all licensees of private international broadcast stations for private operation combined in any frequency band for any pertinent season during any one day will be those in § 3.704 less the number of frequency-hours in these bands scheduled for use by both (1) government international broadcasting stations, and (2) international broadcast stations licensed by the Commission to use frequencies in these bands for contract operations.

(l) In the event the total number of frequency hours in any band scheduled for both (1) government international broadcasting stations, and (2) international broadcast stations licensed by the

Commission to use frequencies in these bands for contract operations equals or exceeds 75 percent of the frequency hour figures given in § 3.704, the maximum number of frequency-hours which will be authorized to all licensees of international broadcast stations for private operation in any frequency band for any pertinent season during any one day will be 25 percent of the frequency hours shown in § 3.704.

(m) If the requests for international broadcasting frequency-hours for private operation in any band or bands exceed those available under the terms of these Rules, in the absence of any voluntary agreement for reduction of frequency-hours requested, the Commission will designate all requests for frequency-hours in the band or bands in question for hearing. Pending such hearing the Commission will temporarily assign the available frequency-hours equally among the several applicants: *Provided, however,* That with respect to such temporary allocation:

(1) An existing license shall not, to the extent such frequency hours are available, receive less than the number of frequency-hours utilized during the preceding season or requested for the forthcoming season, whichever is lesser.

(2) Where the number of frequency-hours available for private international broadcasting during a forthcoming season are insufficient to permit existing licensees to secure a temporary allocation equal to that previously utilized or requested, whichever is lesser, the allocation shall be pro-rated among such persons in a manner which will give them a share of the available frequency-hours proportionate to that utilized in the preceding season.

(3) In any event, where an applicant's share of the available frequency hours would be more than requested, the surplus shal be divided among the remaining applicants in the manner herein prescribed.

§ 3.703 *Latitude and longitude of areas used for field intensity calculations.*

Area No.	Latitude degrees	Longitude degrees
1	65 N.	150 W.
2	60 N.	125 W.
3	60 N.	100 W.
4	60 N.	80 W.
5	70 N.	40 W.
6	40 N.	120 W.
7	40 N.	100 W.
8	40 N.	80 W.
9	50 N.	60 W.
10	20 N.	100 W.
11	10 N.	80 W.
12	10 S.	70 W.
13	10 S.	50 W.
14	30 S.	60 W.
15	25 S.	50 W.
16	45 S.	70 W.
17	65 N.	20 W.
18	65 N.	15 E.
19	65 N.	40 E.
20	70 N.	60 E.
21	70 N.	80 E.
22	70 N.	100 E.
23	70 N.	120 E.
24	65 N.	140 E.
25	65 N.	160 E.
26	65 N.	180 E.
27	50 N.	0°
28	50 N.	20 E.
29	50 N.	40 E.
30	50 N.	60 E.
31	50 N.	80 E.
32	50 N.	100 E.
33	50 N.	120 E.
34	55 N.	140 E.
35	55 N.	160 E.
36	40 N.	25 W.
37	30 N.	0°
38	30 N.	20 E.
39	30 N.	40 E.
40	30 N.	60 E.
41	20 N.	80 E.
42	40 N.	85 E.
43	35 N.	100 E.
44	30 N.	120 E.
45	35 N.	140 E.
46	10 N.	5 W.
47	10 N.	20 E.
48	10 N.	40 E.
49	15 N.	100 E.
50	10 N.	120 E.
51	0°	140 E.
52	10 S.	20 E.
53	10 S.	40 E.
54	5 S.	105 E.
55	15 S.	140 E.
56	20 S.	165 E.
57	30 S.	25 E.
58	25 S.	120 E.
59	35 S.	150 E.
60	40 S.	170 E.
61	20 N.	160 W.
62	20 S.	170 W.
63	20 S.	150 W.
64	15 N.	145 E.
65	10 N.	170 E.

§ 3.704 *Daily frequency hour availability table.*

Band	Season	Sunspot Numbers								
		0–20	20–35	35–50	50–65	65–80	80–95	95–110	110–125	125–140
Mc.										
6	June	0	0	0	0	0	0	0	0	0
	March-September	29	21	14	7	0	0	0	0	0
	December	45	47	48	49	50				32
9	June	34	30	27	24	21	16	11	5	2
	March-September	52	42	36	31	27	23	19	12	10
	December	54	50	47	44	42	39	36	33	32
11	June	53	50	48	46	45	39	31	23	14
	March-September	47	50	52	54	55	49	40	31	24
	December	31	34	36	38	39	34	30	26	22
15	June	84	88	91	94	96	87	79	69	58
15	March-September	49	54	58	61	64	47	33	21	7
	December	35	35	35	35	35	33	31	29	27
	June	23	32	40	47	53	59	66	75	84
17	March-September	23	22	22	21	20	24	29	34	39
	December	14	18	21	23	25	23	20	17	16
	June	2	9	14	18	22	39	52	68	80
21	March-September	0	9	16	22	27	36	45	56	65
	December	6	11	15	18	21	29	36	47	53
26		(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Totals	June	196	209	220	229	237	240	239	239	238
	March-September	200	198	198	196	193	179	166	154	145
	December	185	195	202	207	212	168	153	152	181

[1] No limit.

ADMINISTRATIVE PROCEDURE

§ 3.711 *Application for international broadcast stations.* (a) If the application is for a construction permit or for modification of an existing authorization, FCC Form 309 shall be filed; if for a license, FCC Form 310 shall be filed; if for a renewal of license, FCC Form 311 shall be filed.

NOTE: Until these forms are revised, information required by these Rules and not required by the forms shall be submitted as a supplement to the application and will be considered a part thereof.

(b) Authorizations issued to international broadcast stations by the Commission will not specify the frequencies or hours of use, but will be authorizations to permit the construction or use of a particular transmitting equipment combination and related antenna systems for international broadcasting.

NOTE: Requests for the use of frequencies and frequency hours for transmissions to specific target areas should be submitted separately as provided in § 3.702.

(c) In the case of applications for authorizations to permit contract operations, as defined in § 3.701 (n), the contracting agency and contract number should be indicated for each operation.

§ 3.712 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial, and other qualifications, and as to all matters and things required to be disclosed by the application forms.

§ 3.713 *Installation of apparatus.* Applications for construction permit or modification thereof, involving the installation of new transmitting apparatus, shall be filed at least 60 days prior to the contemplated installation.

§ 3.714 *Period of construction.* Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of six months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 3.715 *Forfeiture of construction permits; extension of time.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) An application (FCC Form 701) for extension of time within which to construct a station shall be filed at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

(c) If a construction permit has been allowed to expire for any reason, application may be made for a new permit on FCC Form 321, "Application for Construction Permit to Replace Expired Permit."

§ 3.716 *Equipment tests.* (a) During the process of construction of an international broadcast station, the permittee after notifying the Commission and Engineer in Charge of the radio district in which the station is located may, without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefore, and the rules and regulations. No programming shall be conducted during equipment tests.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) Inspection of a station will ordinarily be required during the equipment test period. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefore, and the rules and regulations, the permittee should notify the Engineer in Charge of the radio district in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

§ 3.717 [Reserved.]

§ 3.718 *Normal license period.* All international broadcast station licenses will be issued so as to expire at the hour of 3 a. m. eastern standard time and will be issued for a normal license period of 1 year expiring November 1.

§ 3.719 *License; simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.720 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of an international broadcast station license shall be filed at least 90 days prior to the expiration date of the license sought to be renewed (FCC Form 311). No application for renewal of license of an international broadcast station will be considered unless there is on file with the Commission, the information currently required by §§ 1.341–1.344 of this chapter reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of an international broadcast station license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 3.721 [Reserved.]

§ 3.722 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new international broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 3.723 *Assignment or transfer of control*—(a) *Voluntary.* Application for consent to voluntary assignment of an international station construction permit or license or for consent to voluntary transfer of control of a corporation holding an international station construction permit or license shall be filed with the Commission on FCC Form 314 (Assignment of License), FCC Form 315 (Transfer of Control) or FCC Form 316 (Short Form) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Pro forma.* Assignment or transfer applications shall be filed on FCC Form 316 where:

(1) There is an assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

(2) There is an assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) There is an assignment or transfer by which certain partners or stockholders retire but no new ones are brought in, provided that the interest transferred is not a controlling one;

(4) There is a corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) There is an involuntary transfer to an Executor, Administrator or other court appointed officer caused by death or legal disability except that this form does not cover assignments (or transfers) from the Executor, Administrator or other court appointed officers to the ultimate beneficiary;

(6) There is an assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests;

(7) There is an assignment of less than a controlling interest in a partnership.

(c) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(2) Within thirty days after the occurrence of such death or legal disability, application on FCC Form 316 shall be filed for consent to involuntary assignment of such international station permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

LICENSING POLICIES

§ 3.731 *Licensing requirements; necessary showing.* A license for an international broadcast station will be issued only after a satisfactory showing has been made in regard to the following, among others:

(a) That there is a need for the international broadcast service proposed to be rendered.

(b) That the necessary program sources are available to the applicant to render an effective international service.

(c) That directive antennas and other technical facilities will be employed to deliver maximum signals to the target area or areas for which the service is designed.

(d) That the production of the program service and the technical operation of the proposed station will be conducted by qualified persons.

(e) That the applicant is technically and financially qualified and possesses adequate technical facilities to carry forward the service proposed.

(f) That the public interest, convenience and necessity will be served through the operation of the proposed station.

EQUIPMENT

§ 3.751 *Power requirement.* No international broadcast station will be authorized to install equipment or licensed for operation with a power less than 50 kilowatts.

§ 3.752 *Frequency control.* The transmitter of each international broadcast station shall be equipped with automatic frequency control apparatus so designed and constructed that it is capable of maintaining the operating frequency within the following limits:

(a) Until July 1, 1956, the frequency tolerance will be plus or minus 0.005 percent.

(b) After July 1, 1956, the frequency tolerance will be plus or minus 0.003 percent.

§ 3.753 *Antenna.* The antenna shall be so designed and operated that the signal (field intensity) toward the specific foreign country or countries served shall be at least 3.16 times the average effective signal from the station (power gain of 10).

§ 3.754 *Frequency monitors.* (a) The licensee of each international broadcast station shall operate at the transmitter a frequency monitor independent of the frequency control of the transmitter.

(b) The frequency monitor shall be designed and constructed in accordance with good engineering practice and shall have an accuracy sufficient to determine that the operating frequency is within one-half of the allowed tolerance.

§ 3.755 *Modulation monitors.* The licensee of each international broadcast station shall have in operation at the transmitter a modulation monitor.

§ 3.756 *Required transmitter performance.* (a) The construction, installation, operation, and performance of the international broadcast transmitter system shall be in accordance with good engineering practice.

NOTE: The establishment of specific levels of attenuation for spurious emissions will be the subject of further Rule Making in Docket 10962 pending the completion of additional studies of this matter.

(b) In addition to the requirements of paragraph (a) of this section in the event spurious emissions cause harmful interference, such additional steps as may be necessary to eliminate the interference must be taken immediately by the licensee.

§ 3.757 *Auxiliary transmitters.* Upon showing that a need exists for the use of auxiliary transmitters in addition to the regular transmitters of an international broadcast station, a license therefor may be issued provided that:

(a) Auxiliary transmitters may be installed either at the same location as the main transmitters or at another location.

(b) A licensed operator shall be in control whenever auxiliary transmitters are placed in operation.

(c) The auxiliary transmitters shall be maintained so that they may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitters.

(2) The transmission of regular programs during maintenance or modification work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed 5 days. (This includes the equipment changes which may be made without authority as set forth elsewhere in the Rules and Regulations or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.324 of this chapter.)

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitters shall be tested at least once each week to determine that they are in proper operating condition and that they are adjusted to the proper frequency except that in the case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) of this section is satisfactory. A record shall be kept of the time and result of each test. Such records shall be retained for a period of two years.

(e) The auxiliary transmitters shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by the regulations in this part.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitters, but in no event shall it be greater than such power.

§ 3.758 *Alternate main transmitters.* The licensee of an international broadcast station may be licensed for alternate main transmitters provided that a technical need for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the construction, installation, operation, and performance requirements of good engineering practice.

§ 3.759 *Changes in equipment and antenna system.* Licensees of international broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(b) Specific authority, upon filing formal application (FCC Form 309) therefor, is required for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitters.

(2) A replacement of the transmitters as a whole.

(3) Change in the location of the transmitting antenna

(4) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(5) Change in the power delivered to the antenna.

(6) Change in frequency control and/or modulation system.

(c) Other changes, except as above provided for in this section may be made at any time without the authority of the Commission, provided that the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

TECHNICAL OPERATION

§ 3.761 *Time of operation.* (a) All international broadcast stations will be licensed for unlimited time operation except as may be directed by the Commission from time to time. In an emergency however, when, due to causes beyond the control of the licensee, it becomes impossible to continue operation, the station may cease operation for a period not to exceed 10 days, provided that the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

(b) Persons desiring to enter into a voluntary sharing arrangement of an international channel may file application therefor with the Commission. Copies of the time-sharing agreement should be filed with the application.

§ 3.762 *Station inspection.* The licensee of any international broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.763 *Station license, posting of.* The original of each station license shall be posted in the transmitter room.

§ 3.764 *Operator requirements.* One or more licensed radiotelephone first class operators shall be on duty at the place where the transmitting apparatus of each station is located and in actual charge thereof whenever it is being operated. The original license (or FCC Form 759) of each station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of an international broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such stations. However, such duties shall in nowise interfere with the operation of the broadcast transmitter.

§ 3.765 *Operating power; how determined.* The operating power, and its maintenance, of each international broadcast station shall be in conformity with good engineering practice.

§ 3.766 *Modulation.* The percentage of modulation of the transmissions shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 50 percent nor more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

§ 3.767 *Frequency tolerance.* The operating frequencies of international broadcast station transmitters shall, at all times, be maintained within the frequency tolerances specified in § 3.752.

§ 3.768 *Antenna structure, marking and lighting.* Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment;* § 17.39, *Cleaning and repainting;* § 17.40 *Time when lights shall be exhibited;* § 17.41, *Spare lamps;* and § 17.42, *Lighting equipment;* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 3.769 *Discontinuance of operation.* The licensee of each station, except stations operating in Alaska, shall notify the Engineer in Charge of the radio district in which the station is located of any of the following changes in the status of such station at least two days before such change:

(a) Temporary discontinuance of operation for a period of ten days or more;

(b) The date of resumption of operation after temporary discontinuance of operation for a period of ten days or more;

(c) Permanent discontinuance of operation.

In all cases of permanent discontinuance of operation the licensee shall, in addition to notifying the Engineer in Charge of the radio district in which the station is located of intention to discontinue operation, immediately forward the station license to the Washington, D. C., office of the Commission for cancellation.

OTHER OPERATION

§ 3.781 *Logs.* The licensee or permittee of each international broadcast station shall maintain program and operating logs in the following manner:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music", "drama", "speech", etc., together with the name or title thereof, language, and the sponsor's name, with the time of the beginning and ending of the complete program.

(3) An entry showing, for each program of network origin, the name of the network originating the program.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage of the transmitter (total plate current and plate voltage).

(ii) Frequency monitor reading.

(5) A log must be kept of all experimental operation. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna structure(s) is required to be illuminated, see § 17.38, *Recording of tower light inspections in the station record,* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 3.782 *Logs; retention of.* Logs of international broadcast stations shall be retained by the licensee or permittee for a period of two years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee or permittee has been notified, shall be retained by the licensee or permittee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee or permittee has notice shall be retained by the licensee or permittee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 3.783 *Logs; by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.784 *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.785 *Correction of logs.* No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.786 *Rough logs.* Rough logs may be transcribed into condensed form, but in such case, the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.787 *Station identification.* (a) A licensee of an international broadcast station shall make station identification announcement (call letters and location), at the beginning and ending of each time of operation and during the operation on the hour.

(b) Station identification, program announcements, and oral continuity shall be made with international significance (language particularly) which is designed for the foreign country or countries for which the service is primarily intended.

(c) Identification announcements during operation need not be made when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or any type of production. In such cases the identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion thereof.

§ 3.788 *Service; commercial or sponsored programs.* (a) A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding, and cooperation. Any program solely intended for, and directed to an audience in the continental United States does not meet the requirements for this service.

(b) Such international broadcast service may include commercial or sponsored programs: *Provided,* That:

(1) Commercial program continuities give no more than the name of the sponsor of the program and the name and general character of the commodity, utility or service, or attraction advertised.

(2) In case of advertising a commodity, the commodity is regularly sold or is being promoted for sale on the open market in the foreign country or countries to which the program is directed in accordance with paragraph (c) of this section.

(3) In case of advertising an American utility or service to prospective tourists or visitors to the United States, the advertisement continuity is particularly directed to such persons in the foreign country or countries where they reside and to which the program is directed in accordance with paragraph (c) of this section.

(4) In case of advertising an international attraction (such as a world fair, resort, spa, etc.) to prospective tourists or visitors to the United States, the oral continuity concerning such attraction is consistent with the purpose and intent of this section.

(5) In case of any other type of advertising, such advertising is directed to the foreign country or countries to which the program is directed and is consistent with the purpose and intent of this section.

(c) The geographic areas to be served by international broadcast stations are the foreign standard target areas shown in Figure 1 of § 3.792, or foreign nonstandard target areas as provided in § 3.702 (d), and directive antennas shall be employed to direct the transmission to these specific target areas.

(d) An international broadcast station may transmit the program of a standard

broadcast station or network system: *Provided*, The conditions in paragraph (b) of this section in regard to any commercial continuities are observed and when station identifications are made, only the call letter designation of the international station is given on its assigned frequency: *And provided further*, That in the case of chain broadcasting the program is not carried simultaneously by another international station (except another station owned by the same licensee operated on a frequency in a different group to obtain continuity of signal service), the signals from which are directed to the same area. (See section 3 (p) of the Communications Act of 1934 for the definition of "chain broadcasting.")

§ 3.789 *Sponsored programs; announcement of.* (a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such films, records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however*, That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, which announcement may be made either at the beginning or conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (b) of this section are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for or furnished, either in whole or in part, or for which material or services referred to in paragraph (b) of this section are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section, shall disclose the name of such corporation, committee, association, or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association, or other unincorporated group shall be made available for public inspection at one of the international broadcast stations carrying the program.

(e) In the case of programs advertising commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program.

§ 3.790 *Rebroadcast.* (a) The licensee of an international broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, FM non-commercial educational, or FM broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program. The notice and certification of consent must be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of another broadcast station several times during a license period, notice and certification of consent must be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

NOTE: The broadcasting of a program relayed by a remote pickup broadcast station is not considered a rebroadcast.

(b) No licensee of an international broadcast station shall rebroadcast the programs of any other class of United States radio station without written authority having first been obtained from the Commission.

(c) A licensee of an international broadcast station may authorize the rebroadcast of its programs by any station outside the limits of the North American continent without permission from the Commission: *Provided*, That the station rebroadcasting the programs cannot be received consistently in the United States.

§ 3.791 *Supplemental report with renewal application.* A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

(a) The number of hours operated on each frequency, listing contract operations and private operations separately.

(b) Outline of reports of reception and interference and conclusions with regard to propagation characteristics of assigned frequencies. (If such information is not available to the applicant in the case of contract operations, a statement to this effect will be considered adequate.)

§ 3.792 *Engineering chart.*

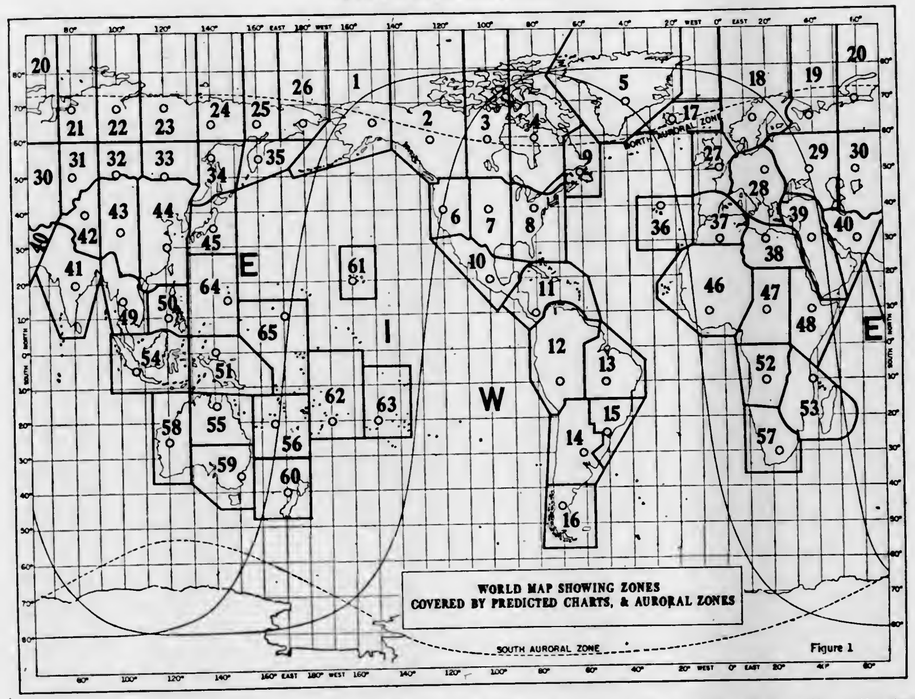


Figure 1

SUBPART G—CONELRAD

SCOPE AND OBJECTIVE

§ 3.901 *Scope of subpart.* This subpart applies to all standard, FM and TV broadcast stations and is for the purpose of providing for operation of certain stations located within the Continental United States during periods of enemy air attack or imminent threat thereof.

§ 3.902 *Object of plan.* The aim of this plan is to minimize the navigational aid that may be obtained from the continued operation of broadcast stations while at the same time providing for transmission of civil defense information to the public. During CONELRAD radio alert periods, when not broadcasting civil defense programs or alert or all-clear notification messages, these stations may, on their own responsibility, broadcast such other programs as they may desire.

DEFINITIONS

§ 3.910 *CONELRAD.* The word CONELRAD is a contraction of the words Control of Electromagnetic Radiation and is the general name given to required procedures under authority of Executive Order 10312 dated December 10, 1951 (3 CFR, 1951 Supp.)

§ 3.911 *Air Defense Control Center (ADCC).* An air operations center from which an air division (defense) commander supervises and coordinates air defense activities within an air defense sector, including dissemination of warnings, identification and security control of air traffic and utilization of available combat forces in support of the national air defense effort.

§ 3.912 *Basic key station.* A station that receives the radio alert by telephone directly from the ADCC. Basic key stations relay radio alerts to other stations by radio and by telephone.

§ 3.913 *Relay key station.* A station that receives the radio alert by telephone or radio broadcast from a basic key station or other relay key station. Relay key stations pass the radio alert on to other stations by radio broadcast or telephone.

§ 3.914 *Skywave key station.* A station designated to disseminate a radio alert by broadcast primarily during the experimental period as an alternate for local key stations which may not be in operation. It will normally be capable of disseminating the alert over a wide area by means of skywave transmission.

§ 3.915 *Radio alert.* The radio alert is the Department of Defense order to operate stations in accordance with CONELRAD requirements for a period of time, as determined by the Air Division Commander or higher military authority.

§ 3.916 *Radio all clear.* The radio all clear is the Department of Defense order to discontinue CONELRAD requirements, as imposed by an outstanding radio alert, with authorization to return to normal operation. It is initiated by the Air Division Commander or higher military authority.

§ 3.917 *Cluster.* A cluster is a group of broadcast stations serving a single area, all operating on the same CONELRAD system frequency. All stations in a cluster will be inter-connected by wire lines and will carry a common program.

§ 3.918 *Sequential control lines.* Sequential control lines are the wire lines inter-connecting the several stations in a cluster. By means of a mechanical, manual or electronic device at a central control point, the stations in a cluster are turned on and off in sequence over the circuits provided by the sequential control lines. In some cases these lines may also carry the cluster program.

§ 3.919 *CONELRAD manual.* The CONELRAD manual is the document containing the detailed description of how broadcast stations will be alerted and operated in the CONELRAD system. The manual will be subject to modification from time to time as experience indicates a need for such changes.

SUPERVISION

§ 3.920 *Zones.* CONELRAD activities under the authority of FCC are under the immediate supervision of three FCC Zone Supervisors whose respective zones are coextensive with the three Air Defense Force Areas. (Each broadcast

station will be furnished the name and address of the Zone Supervisor of its Zone.)

§ 3.921 *Divisions.* Each zone is divided into several divisions corresponding to the USAF Air Divisions. An FCC Coordinating Engineer is assigned to each Air Division and has responsibility under the Zone Supervisor for all CONELRAD activities under the authority of FCC in his division.

RADIO ALERTS

§ 3.930 *Notification of a radio alert.* (a) All notifications of radio alerts and all clears shall be issued by the Air Defense Control Center(s) (ADCC) under the authority of the Air Division Commander or his duly authorized representative, to all basic key stations. All relay key stations will, in turn be notified by the basic key stations or other relay key stations. The remaining stations will then be notified by basic key stations or relay key stations. These notifications will be accomplished either by telephone messages or by radio broadcast.

(b) During the experimental period many of the regular key stations may be off the air. All standard, FM and TV stations will be supplied with the list of skywave key stations at least one of which must be monitored during any period of operation when the regularly used key station is not on the air.

§ 3.931 *Reception of a radio alert.* All standard, FM and TV broadcast stations, including basic key and relay key stations, must install the necessary equipment to receive notifications of radio alerts and radio all clears by means of reception of radio broadcast messages, and must maintain this equipment in a state of readiness for reception, including arrangements for human listening watch or automatic alarm devices or both. Such equipment should have its termination at the transmitter control location.

§ 3.932 *Operation during a radio alert.* (a) Immediately upon receipt of a radio alert, either by radio broadcast or telephone, all standard, FM and TV broadcast stations, including such stations operating under equipment or program test authority, will follow the prescribed procedure and transmit an approved sign-off message as set forth in the CONELRAD Manual For Broadcast Stations, then remove the transmitter from the air.

(b) Those stations which are authorized to participate in the operating system will immediately take necessary steps and begin operations on assigned frequencies in accordance with the terms of their CONELRAD authorizations and current operating instructions. All other broadcast stations will observe radio silence until the radio all clear.

(c) No identification may be broadcast between the time the radio alert is received and the time the radio all clear is announced, unless expressly authorized by the FCC. The transmission of any information which would serve to identify the geographical location of the station is prohibited.

(d) A station operating in the CONELRAD system may transmit in accordance with its CONELRAD authorization during a radio alert beyond its normal hours and nothing in its regular license or other instrument of authorization shall prevent such operation in the CONELRAD system.

(e) Prior to commencing routine operation or originating any emissions under program test, equipment test, experimental or other authorization or for any other purpose, licensees or permittees shall first ascertain whether a state of radio alert exists and if so shall refrain from operation or operate in the CONELRAD system whichever is appropriate.

RADIO ALL CLEAR

§ 3.940 *Notification of a radio all clear.* The radio all clear notification will be transmitted through the same channels as the radio alert. Stations operating in the CONELRAD system will transmit the radio all clear message on the CONELRAD system frequency. Key stations will, as soon as possible thereafter, follow the prescribed procedure and broadcast the radio all clear message on their regular operating frequency. All stations, including FM and TV stations, upon resuming regular operation will follow the prescribed procedure and immediately broadcast the radio all clear message.

SYSTEM OPERATION

§ 3.950 *Procedure.* Each broadcast station permitted to operate during a radio alert must observe operating procedures for the mode of operation to which it is assigned, as set forth in detail in the CONELRAD Manual For Broadcast Stations.

§ 3.951 *Participation.* (a) Any standard broadcast station desiring to participate in a CONELRAD operating system should contact the Zone Supervisor, indicate the station's willingness to make such technical modification of the station equipment as might be necessary to permit operation on a system frequency and with such power limitations as might be necessary. The Commission will then issue a CONELRAD authorization to the station specifying the frequency to be used by the station. Stations which have indicated a willingness to participate in CONELRAD on a voluntary basis prior to the effective date of this rule need not take any further steps.

(b) At such time as technical consideration may warrant the inclusion of FM and TV broadcast stations within the operating CONELRAD system, appropriate announcement will be made by the Commission and application for participation made as above set forth.

(c) Any station participating in CONELRAD system operations may withdraw from the system by giving thirty days' notice to the FCC Zone Supervisor in writing and by submitting its CONELRAD authorization for cancellation.

(d) Broadcast stations are specifically exempt from complying with § 3.57 while operating under their CONELRAD authorization.

TESTS

§ 3.960 *Alerting system.* Tests of the alerting system will be conducted periodically.

§ 3.961 *Sequential control lines.* Sequential control and program lines must be tested at frequent intervals and results reported in the prescribed manner to the FCC Zone Supervisor.

§ 3.962 *Entire system.* Tests of the entire system will be conducted from time to time. During such tests, all stations which are authorized to operate in the CONELRAD system will operate in accordance with terms of the CONELRAD authorization. Other stations will not be required to go off the air during such tests but will be subject to any interference which might result from the CONELRAD operation. Such tests will be scheduled to take place during the experimental period. Industry representatives will be consulted prior to conducting CONELRAD system tests to obtain views relative to the action and to coordinate the activity.

§ 3.963 *Equipment.* The licensee of each station authorized to participate in CONELRAD system operation shall make such tests of his equipment as may be necessary to assure it is ready for instant use.

§ 3.964 *Log entries.* Appropriate entries of all tests shall be made in the station log.

DRILLS

§ 3.970 *Notification of a drill.* At some time it may be necessary to conduct an Air Defense Drill under conditions of simulated attack. Industry representatives will be consulted prior to conducting CONELRAD drills to obtain views relative to the action and to coordinate the activity. Such drills will only be called when the Department of Defense, the Office of Defense Mobilization, and the Federal Communications Commission concurrently agree that the drill is necessary. All stations will be notified well in advance of such a drill.

§ 3.971 *Operation during a drill.* During a drill, all standard, FM and TV broadcast stations will take the same steps as such stations would be required to take in the event of an actual radio alert under this part of the rules and current operating instructions as set forth in the CONELRAD Manual For Broadcast Stations, except for special drill messages.

[F. R. Doc. 55-9821; Filed, Dec. 8, 1955; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

PART 235—TRANSCRIPT SERVICES

In accordance with the public information requirements of the Administrative Procedure Act, Information regarding Transcript Services provided by the National Bureau of Standards (13 F. R. 8371) is hereby amended. Notice and hearing on the fees indicated are unnecessary for the reason that such procedure, because of the nature of these rules, serves no useful purpose (5 U. S. C. 1003a). This document becomes effective upon publication in the FEDERAL REGISTER.

Note: The fee for item 31–2.1 is a composite fee which includes a charge of $0.50 made since April 1, 1954, to include the Department of Commerce completion of certificate and seal.

1. Former §§ 235.1, 235.2, and 235.3 are hereby deleted.

2. Former § 235.4 is redesignated § 235.1 and amended to indicate a change in the procedure to be employed for obtaining motion picture films and to add new titles to the list.

3. Former § 235.99 is redesignated § 235.2 and amended to indicate a change in the fee.

Sec.
235.1 Motion pictures.
235.2 Certification of publications.

AUTHORITY: §§ 235.1 and 235.2 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 1, 49 Stat. 292; 15 U. S. C. 189a.

§ 235.1 *Motion pictures.* The following films are available for loan upon payment of express charges both ways. Copies may also be purchased by writing to the Office of Technical Information, National Bureau of Standards, for authorization-to-purchase forms. Completed forms, upon approval by the National Bureau of Standards, may be used to authorize duplication of the film by a commercial firm who will bill the purchaser direct.

All films are 16 mm sound and color.

Item and description	*Cost*
34–1.1—"Silicate Cement", 657 feet, running time 18 minutes	$60.00
34–1.2—"Dental Amalgam: Failure Caused by Moisture Contamination", 502 feet, running time 13 minutes	47.00
34–1.3—"Denture Resin", 657 feet, running time 18 minutes	60.00
34–1.4—"The Casting of Dental Gold Alloys: Thermal Expansion Technique", 632 feet, running time 16½ minutes	58.00
34–1.5—"A Method of Mixing Silicate Cement", 329 feet, running time 8½ minutes	30.00
34–1.6—"Hazards of Dental Radiography", 505 feet, running time 13 minutes	47.00
34–1.7—"Dental Materials: Specification and Certification", 766 feet, running time 21 minutes	70.00
34–1.8—"Dental Burs in Action", 365 feet, running time 10 minutes	42.00
34–1.9—"Four Experiments in Hydraulics", 607 feet, running time 16½ minutes	56.00
34–1.10—"A True Standard", 438 feet, running time 12 minutes	41.00

Prices listed are approximate current costs, not including shipment charges, and are indicated for informational purposes only. Actual charges billed are subject to agreement between the purchaser and the firm performing the work.

§ 235.2 *Certification of publications.*

Item and description	*Fee*
31–2.1—Certification of any Bureau publication whether printed or processed (not including cost of the publication)	$1.50

For information concerning titles and prices of Bureau publications address inquiries to the Office of Publications, National Bureau of Standards, Washington 25, D. C.

A. V. ASTIN,
Director,
National Bureau of Standards.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55-9924; Filed, Dec. 8, 1955; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 64]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.364 *Navel Orange Regulation 64.*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 1, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., December 11, 1955, and ending at 12:01 a. m., P. s. t., July 29, 1956, no handler shall handle any navel oranges, grown in District 2, which are of a size smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges contained in any type of container may measure smaller than 2.31 inches in diameter.

(2) As used in this section, "handle," "handler," and "District 2," shall have the same meaning as to when used in said amended order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 6, 1955.

[SEAL] S. R. SMITH,
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TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter G—Regulations Under Tax Conventions

[T. D. 6153]

PART 505—NETHERLANDS

SUBPART—NETHERLANDS ANTILLES

Release of excess tax withheld and exemption from, or reduction in rate of, withholding of tax at source in the case of residents of the Netherlands Antilles and of Netherlands Antilles corporations, as affected by the extension to the Netherlands Antilles of the income tax convention of April 29, 1948, between the United States and the Netherlands.

Sec.
505.201 Introductory.
505.202 Dividends.
505.203 Dividends received by addressee not actual owner.
505.204 Interest.
505.205 Patent and copyright royalties.
505.206 Private pensions and life annuities.

Sec.
505.207 Beneficiaries of a domestic estate or trust.
505.208 Release of excess tax withheld at source.
505.209 Information to be furnished in ordinary course.
505.210 Effective date.

AUTHORITY: §§ 505.201 to 505.210 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 505.201 *Introductory*—(a) *Pertinent provisions.* The income tax convention of April 29, 1948, between the United States and the Netherlands, as supplemented by the protocol of June 15, 1955, between such Governments, was extended to the Netherlands Antilles subject to the limitations expressed in the notification of June 24, 1952, given by the Government of the Netherlands in accordance with Article XXVII of the convention. The convention as so extended to the Netherlands Antilles, hereinafter referred to as the convention, provides in part as follows, effective on and after January 1, 1955. For that purpose all references in the convention to the Netherlands or to one or the other Contracting State, as the case may be, shall be construed to refer to the Netherlands Antilles.

ARTICLE I

(1) The taxes which are the subject of the present Convention are:

(a) In the case of the United States: the Federal income taxes.

(b) In the case of the Netherlands:

(i) For the application of the provisions of the Convention other than Article XX, the income tax and the Netherlands taxes credited against it, the corporation tax and the Netherlands taxes credited against it, • • • and the tax on fees of directors and managers of corporations; and

(ii) For the application of Articles XX to XXVIII inclusive (except Articles XXIV and XXVII), the capital accretions tax and the extraordinary capital tax.

(2) The present Convention shall apply also to any other taxes of a substantially similar character imposed by either Contracting State subsequently to the date of signature of the present Convention, or, by the government of any overseas part of the Kingdom (in the case of the Netherlands) or overseas territory (in the case of the United States) to which the present Convention is extended under Article XXVII, subsequently to the date of the notification of extension.

(3) In the event of appreciable changes in the fiscal laws of either of the Contracting States the competent authorities of the Contracting States will consult together.

ARTICLE II

(1) In the present Convention, unless the context otherwise requires:

(a) The term "United States" means the United States of America, and when used in a geographical sense means the States, the Territories of Alaska and of Hawaii, and the District of Columbia.

(b) The term "Netherlands" means only the Kingdom of the Netherlands in Europe.

(c) The term "United States corporation" means a corporation, association or other organiation or juridical entity created in the United States or under the laws of the United States or of any State or territory of the United States.

(d) The term "Netherlands corporation" means a corporation, association or other organization or juridical entity created in the Netherlands or under the laws of the Netherlands.

(e) The terms "corporation of one Contracting State" and "corporation of the other Contracting State" means a United States corporation or a Netherlands corporation, as the context requires.

(f) The term "United States enterprise" means an industrial or commercial enterprise or undertaking carried on in the United States by a citizen or resident of the United States or by a United States corporation.

(g) The term "Netherlands enterprise" means an industrial or commercial enterprise or undertaking carried on in the Netherlands by a citizen or resident of the Netherlands or by a Netherlands corporation.

(h) The terms "enterprise of one of the Contracting States" and "enterprise of the other Contracting State" mean a United States enterprise or a Netherlands enterprise, as the context requires.

(i) The term "permanent establishment", when used with respect to an enterprise of one of the Contracting States, means a branch, factory, or other fixed place of business, but does not include an agency unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or has a stock of merchandise from which he regularly fills orders on behalf of such enterprise. An enterprise of one of the Contracting States shall not be deemed to have a permanent establishment in the other Contracting State merely because it carries on business dealings in such other Contracting State through a bona fide commission agent, broker or custodian acting in the ordinary course of his business as such. The fact that an enterprise of one of the Contracting States maintains in the other Contracting State a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. When a corporation of one Contracting State has a subsidiary corporation which is a corporation of the other Contracting State or which is engaged in trade or business in such other Contracting State, such subsidiary corporation shall not, merely because of that fact, be deemed to be a permanent establishment of its parent corporation.

(j) The term "competent authority" or "competent authorities" means, in the case of the United States, the Commissioner of Internal Revenue or his duly authorized representative; in the case of the Netherlands, the Directeur-Generaal der Belastingen or his duly authorized representative; and, in the case of any part or territory to which provisions of the present Convention are extended under Article XXVII, the competent authority for the administration in such part or territory of the taxes to which such provisions apply.

(2) In the application of the provisions of the present Convention by either of the Contracting States, any term which is not defined in the present Convention shall, unless the context otherwise requires, have the meaning which that term has under the laws of such Contracting State relating to the taxes which are the subject of the present Convention.

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ARTICLE V

Income of whatever nature derived from real property and interest from mortgages secured by real property shall be taxable only in the Contracting State in which the real property is situated.

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ARTICLE VII

(1) The rate of United States tax on dividents derived from a United States corporation by a resident or corporation of the Netherlands not engaged in trade or business in the United States through a permanent establishment shall not exceed 15 percent: *Provided*, That such rate of tax shall not exceed 5 percent if such Netherlands corporation controls, directly or indirectly, at least 95 percent of the entire voting power in the corporation paying the dividend, and not more than 25 percent of the gross income of such paying corporation is derived from interest and dividends, other than interest and dividends from its own subsidiary corporation. Such reduction of the rate to 5 percent shall not apply if the relationship of the two corporations has been arranged or is maintained primarily with the intention of securing such reduced rate.

(2) Dividends derived from sources within the Netherlands by a resident or corporation of the United States not engaged in trade or business in the Netherlands through a permanent establishment shall be exempt from Netherlands tax.

(3) Either of the Contracting States may terminate this Article, by giving written notice of termination to the other Contracting State through diplomatic channels, on or before the thirtieth day of June in any year after the first year for which the present Convention becomes effective. In such event this Article shall cease to be effective on and after the first day of January in the year next following that in which such notice is given.

ARTICLE VIII

(1) Interest (on bonds, securities, notes, debentures, or on any other form of indebtedness), other than interest referred to in Article V of the present Convention, derived from sources within the United States by a resident or corporation of the Netherlands not engaged in trade or business in the United States through a permanent establishment, shall be exempt from United States tax; but such exemption shall not apply to such interest paid by a United States corporation to a Netherlands corporation controlling, directly or indirectly, more than 50 percent of the entire voting power in the paying corporation.

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ARTICLE IX

Royalties for the right to use copyrights, patents, designs, secret processes and formulae, trade marks, and other analogous property, and royalties, including rentals, in respect of motion picture films or for the use of industrial, commercial or scientific equipment, derived from sources within one of the Contracting States by a resident or corporation of the other Contracting State not engaged in trade or business in the former State through a permanent establishment, shall be exempt from tax imposed by the former State.

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ARTICLE XII

Dividends and interest paid by a Netherlands corporation shall be exempt from United States tax except where the recipient is a citizen, resident, or corporation of the United States.

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ARTICLE XV

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(2) Private pensions and life annuities derived from within one of the Contracting States and paid to individuals in the other Contracting State shall be exempt from taxation in the former State.

(3) The term "pensions" as used in this Article means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

(4) The term "life annuities" as used in this Article means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

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ARTICLE XXI

The competent authorities of the Contracting States shall exchange such information (being information which such authorities have in proper order at their disposal) as is necessary for carrying out the provisions of the present convention or for the prevention of fraud or the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of the present Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than those concerned with the assessment and collection of the taxes which are the subject of the present Convention. No information as aforesaid shall be exchanged which would disclose any trade, business, industrial or professional secret or trade process.

ARTICLE XXII

(1) The Contracting States undertake to lend assistance and support to each other in the collection of the taxes which are the subject of the present Convention, together with interest, costs, and additions to the taxes and fines not being of a penal character.

(2) In the case of applications for enforcement of taxes, revenue claims of each of the Contracting States which have been finally determined may be accepted for enforcement by the other Contracting State and collected in that State in accordance with the laws applicable to the enforcement and collection of its own taxes. The State to which application is made shall not be required to enforce executory measures for which there is no provision in the law of the State making the application.

(3) Any application shall be accompanied by documents establishing that under the laws of the State making the application the taxes have been finally determined.

(4) The assistance provided for in this Article shall not be accorded with respect to the citizens, corporations, or other entities of the State to which application is made, except as is necessary to insure that the exemption or reduced rate of tax granted under the convention to such citizens, corporations or other entities shall not be enjoyed by persons not entitled to such benefits.

ARTICLE XXIII

(1) In no case shall the provisions of Article XXI and XXII be construed so as to impose upon either of the Contracting States the obligation.

(a) To carry out administrative measures at variance with the regulations and practice of either Contracting State, or

(b) To supply particulars which are not procurable under its own legislation or that of the State making application.

(2) The State to which application is made for information or assistance shall comply as soon as possible with the request addressed to it. Nevertheless, such State may refuse to comply with the request for reasons of public policy or if compliance would involve violation of a trade, business, industrial or professional secret or trade process. In such case it shall inform, as soon as possible, the State making the application.

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ARTICLE XXV

(1) The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the Contracting States in the determination of the tax imposed by such State.

(2) Should any difficulty or doubt arise as to the interpretation or application of the present Convention, the competent authorities of the Contracting States shall undertake to settle the question by mutual agreement.

(3) The citizens or subjects of one of the Contracting States shall not, while resident in the other Contracting State, be subjected therein to other or more burdensome taxes than are the citizens or subjects of such other Contracting State residing in its territory. The term "citizens" or "subjects" as used in this Article includes all legal persons, partnerships and associations deriving their status from, or created or organized under the laws in force in, the respective Contracting States. In this Article the word "taxes" means taxes of every kind or description whether national, federal, state, provincial or municipal.

ARTICLE XXVI

(1) The authorities of each of the Contracting States, in accordance with the practices of that State, may prescribe regulations necessary to carry out the provisions of the present Convention.

(2) With respect to the provisions of the present Convention relating to exchange of information and mutual assistance in the collection of taxes, the competent authorities may, by common agreement, prescribe rules concerning matters of procedure, forms of application and replies thereto, conversion of currency, disposition of amounts collected, minimum amounts subject to collection, and related matters.

ARTICLE XXVII

(1) Either of the Contracting States may, at the time of exchange of instruments of ratification or thereafter while the present Convention continues in force, by a written notification of extension given to the other Contracting State through diplomatic channels, declare the desire of the government of any overseas part of the Kingdom (in the case of the Netherlands) or overseas territory (in the case of the United States), which imposes taxes substantially similar in character to those which are the subject of the present Convention, that the operation of the present Convention, either in whole or as to such provisions thereof as may be deemed to have special application, shall extend to such part or territory.

(2) In the event that a notification is given by one of the Contracting States in accordance with paragraph (1) of this Article, the present Convention, or such provisions thereof as may be specified in the notification, shall apply to any part or territory named in such notification on and after the first day of January [immediately preceding] the date of a written communication through diplomatic channels addressed to such Contracting State by the other Contracting State, after such action by the latter State as may be necessary in accordance with its own procedures, stating that such notification is accepted in respect of such part or territory. In the absence of such acceptance, none of the provisions of the present Convention shall apply to such part or territory.

(3) At any time after the expiration of one year from the effective date of an extension made by virtue of paragraphs (1) and (2) of this Article, either of the Contracting States may, by a written notice of termination given to the other Contracting State through diplomatic channels, terminate the application of the present Convention to any part or territory to which the Convention, or any of its provisions, has been extended. In that case, the present Convention, or the provisions thereof specified in the notice of termination, shall cease to be applicable to the part or territory named in such notice of termination on and after the first day of January following the expiration of a period of six months after the date of such notice; provided, however, that this shall not affect the continued application of the Convention, or any of the provisions thereof, to the United States, to the Netherlands, or to any part or territory (not named in the notice of termination) to which the Convention, or such provision thereof, applies.

(4) For the application of the present Convention in relation to any part or territory to which it is extended by notification given by the United States or the Netherlands, references to "the United States" or to "the Netherlands" or to one or the other Contracting State, as the case may be, shall be construed to refer to such part or territory.

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(b) *Definitions*—(1) *In general.* Any term defined in the convention or this subpart shall have the meaning so assigned to it; any term not so defined shall, unless the context otherwise requires, have the meaning which such term has under the internal revenue laws of the United States.

(2) *Antilles.* As used in this subpart, the term "Antilles" means the Netherlands Antilles which, when used in a geographical sense, includes only the following islands off the coast of Venezuela: Aruba, Bonaire, Curacao, Saba, St. Eustalius, and St. Martin (Netherlands part). The term does not include Dutch Guiana (Surinam).

§ 505.202 *Dividends*—(a) *Paid by Antilles corporation.* Dividends paid on or after January 1, 1955, by an Antilles corporation are exempt from United States tax under the provisions of Article XII of the convention if the recipient is not a citizen, resident, or corporation of the United States. Dividends so paid are not subject to the withholding of United States tax at source.

(b) *Derived from domestic corporation*—(1) *Rate of 15 percent.* The rate of United States tax upon dividends (other than dividends falling within the scope of paragraph (c) (1) of this section) derived from a domestic corporation on or after January 1, 1955, by a nonresident alien individual who is a resident of the Antilles, or by an Antilles corporation, shall not exceed 15 percent under the provisions of Article VII of the convention if such alien or corporation at no time during the taxable year in which such dividends are derived has engaged in trade or business within the United States through a permanent establishment situated therein.

(2) *Personal services.* If a nonresident alien individual who is a resident of the Antilles performs personal services within the United States during the taxable year, but has at no time during such year a permanent establishment in the United States, he is entitled to the reduced rate of tax prescribed by subparagraph (1) of this paragraph, even though under the provisions of section 871 (c) of the Internal Revenue Code of 1954 he has engaged in trade or business within the United States during such year by reason of his having performed personal services therein.

(c) *Derived from a domestic subsidiary*—(1) *Rate of 5 percent.* Under the proviso of Article VII (1) of the convention, dividends derived from a domestic corporation on or after January 1, 1955, by an Antilles corporation which controls, directly or indirectly, at the

time the dividend is paid 95 percent or more of the entire voting power in the corporation paying the dividend are subject to United States tax at a rate not in excess of 5 percent if (i) not more than 25 percent of the gross income of the paying corporation for the three-year period immediately preceding the taxable year in which the dividend is paid consists of dividends and interest (other than dividends and interest received by such paying corporation from its own subsidiary corporations, if any), (ii) the relationship between the paying corporation and the Antilles corporation has not been arranged or maintained primarily with the intention of securing the reduced rate of 5 percent, and (iii) the Antilles corporation at no time during the taxable year in which such dividends are derived has engaged in trade or business within the United States through a permanent establishment situated therein.

(2) *Information to be filed with Commissioner.* Any domestic corporation which claims or contemplates claiming that dividends paid or to be paid by it are subject to a rate not in excess of 5 percent shall file the following information with the Commissioner of Internal Revenue as soon as practicable: (i) The date and place of its organization; (ii) the number of outstanding shares of stock of the domestic corporation having voting power and the voting power thereof; (iii) the person or persons beneficially owning such stock of the domestic corporation and their relationship to the Antilles corporation; (iv) the amounts by years (for the three-year period immediately preceding the taxable year in which the dividend is paid) of the gross income of the domestic corporation, of the interest and dividends included in such gross income, and of the interest and dividends received by the domestic corporation from its own subsidiary corporations, if any; and (v) the relationship between the domestic corporation and the Antilles corporation deriving the dividend.

(3) *Notification by Commissioner.* As soon as practicable after such information is filed, the Commissioner will determine whether the dividends concerned fall within the scope of the proviso of Article VII (1) of the convention and will notify the domestic corporation of his determination. If the dividends fall within the scope of the proviso, this notification may also authorize the release, pursuant to § 505.208 (a) (2), of excess tax withheld from the dividends concerned.

(d) *Effect of address in the Antilles.* For the purpose of paragraph (e) (1) of this section, every nonresident alien (including a nonresident alien individual, fiduciary, and partnership) whose address is in the Antilles shall be deemed by United States withholding agents to be a nonresident alien individual who is a resident of the Antilles not engaged in trade or business within the United States through a permanent establishment situated therein; and every foreign corporation whose address is in the Antilles shall be deemed by such withholding agents to be an Antilles corporation not engaged in trade or business within the United States through a permanent establishment situated therein.

(e) *Withholding of United States tax from dividends—(1) Rate of 15 percent.* Withholding at source, as required under the internal revenue laws, in the case of dividends (other than dividends falling within the scope of subparagraph (2) of this paragraph) derived from a domestic corporation by nonresident aliens (including a nonresident alien individual, fiduciary, and partnership) and by foreign corporations, having addresses in the Antilles, shall be at the rate of 15 percent in every case except that in which, prior to the date of payment of such dividends, the Commissioner of Internal Revenue has notified the withholding agent that the reduced rate of withholding shall not apply. This provision is based upon the assumption that the payee of the dividend is the actual owner of the capital stock from which the dividend is derived. As to action by a recipient who is not the owner of the dividend, see § 505.203.

(2) *Rate of 5 percent.* If, in accordance with paragraph (c) (3) of this section, the Commissioner of Internal Revenue has notified the domestic corporation that the dividends fall within the scope of the proviso of Article VII (1) of the convention, the reduced withholding rate of 5 percent, to the extent withholding of United States tax is required, shall apply to any dividends subsequently paid by such corporation and derived by the Antilles corporation, unless the stock ownership of the domestic corporation, or the character of its income, materially changes; or unless the Commissioner determines that the relationship between the two corporations concerned is being maintained primarily with the intention of securing the reduced rate of tax. In such instance, if such change in stock ownership or character of income occurs, the domestic corporation shall promptly notify the Commissioner of the then existing facts with respect thereto. The continued application of the rate not in excess of 5 percent is also dependent upon the continued fulfillment of paragraph (c) (1) (iii) of this section.

(3) *Evidence of tax withheld.* The rate at which United States tax has been withheld from any dividend paid at any time after the expiration of the thirtieth day after the date on which this subpart is published in the FEDERAL REGISTER to any person whose address is in the Antilles at the time the dividend is paid shall be shown either in writing or by appropriate stamp on the check, draft, or other evidence of payment, or on an accompanying statement.

§ 505.203 *Dividends received by addressee not actual owner—(a) Additional tax to be withheld—(1) Nominee or representative.* The recipient in the Antilles of any dividend from which United States tax at the reduced rate of 15 percent has been withheld at source pursuant to § 505.202 (e) (1), who is a nominee or representative through whom the dividend is received by a person other than one described in § 505.202 (b) as being entitled to the reduced rate, shall withhold an additional amount of United States tax equivalent to the United States tax which would have been withheld if the convention had not been in effect (30 percent as of the date of approval of this subpart) minus the 15 percent which has been withheld at the source.

(2) *Fiduciary or partnership.* A fiduciary or a partnership with an address in the Antilles which receives, otherwise than as a nominee or representative, a dividend from which United States tax at the reduced rate of 15 percent has been withheld at source pursuant to § 505.202 (e) (1) shall withhold an additional amount of United States tax from the portion of the dividend included in the gross income from sources within the United States of any beneficiary or partner, as the case may be, who is not entitled to the reduced rate of tax in accordance with § 505.202 (b). The amount of the additional tax is to be calculated in the same manner as under subparagraph (1) of this paragraph.

(3) *Released amounts of tax.* If any amount of United States tax is released pursuant to § 505.208 (a) (1) by the withholding agent in the United States with respect to a dividend paid to such a person (nominee, representative, fiduciary, or partnership) with an address in the Antilles, the latter shall withhold from such released amount any additional amount of United States tax, otherwise required to be withheld from the dividend by the provisions of subparagraphs (1) and (2) of this paragraph, in the same manner as if at the time of payment of the dividend United States tax at the rate of only 15 percent had been withheld at source therefrom.

(b) *Returns filed by Antilles withholding agents.* The amounts withheld pursuant to paragraph (a) of this section by any withholding agent in the Antilles shall be deposited, without converting the amounts into United States dollars, with the Administrateur van Financien of the Netherlands Antilles on or before the 15th day after the close of the quarter of the calendar year in which the withholding in the Antilles occurs. The withholding agent making the deposit shall render therewith such appropriate Antilles form as may be prescribed by the Administrateur van Financien. The amounts so deposited should be remitted by the Administrateur van Financien by draft in United States dollars to the District Director of Interal Revenue, Baltimore 2, Maryland, U. S. A., on or before the end of the calendar month in which the deposit is made, and should be accompanied by such Antilles form as may be required to be rendered by the withholding agent in the Antilles in connection with the deposit.

§ 505.204 *Interest—(a) Paid by Antilles corporation.* Interest paid on or after January 1, 1955, by an Antilles corporation is exempt from United States tax under the provisions of Article XII of the convention if the recipient is not a citizen, resident, or corporation of the United States. Interest so paid is not subject to the withholding of United States tax at source.

(b) *Received from domestic payers.* Interest on bonds, securities, notes, debentures, or on any other form of indebtedness, which is paid by a person other than an Antilles corporation and which is derived from sources within the United States on or after January 1, 1955, by a nonresident alien individual who is a resident of the Antilles, or by an Antilles corporation, is exempt from United States tax under the provisions of Article VIII (1) of the convention if the alien or corporation at no time during the taxable year in which the interest is derived has engaged in trade or business within the United States through a permanent establishment situated therein. This paragraph applies to interest on obligations of the United States and instrumentalities thereof. It does not apply to interest from mortgage notes (not including bonds) secured by real property or to the interest falling within the scope of paragraph (c) of this section.

(c) *Paid by domestic subsidiary.* Under the exception contained in Article VIII (1) of the convention, any interest derived from sources within the United States and paid by a domestic corporation to an Antilles corporation is not exempt from United States tax if the Antilles corporation controls, directly or indirectly, at the time the interest is paid more than 50 percent of the entire voting power of all classes of stock of the domestic corporation. The exemption from United States tax granted by Article VIII (1) of the convention does not apply in such instance.

(d) *Exemption from withholding of United States tax—(1) Coupon bond interest—(i) Form to use.* To avoid withholding of United States tax at source in the case of coupon bond interest to which paragraph (b) of this section applies, the nonresident alien who is a resident of the Antilles, or the Antilles corporation, shall for each issue of bonds file Form 1001–NA in duplicate when presenting the interest coupons for payment. This form shall be signed by the owner of the interest, trustee, or agent and shall show the name and address of the obligor, the name and address of the owner of the interest, and the amount of the interest. It shall contain a statement (*a*) that the owner is a resident of the Antilles, or is an Antilles corporation, (*b*) that the owner is not engaged in trade or business within the United States through a permanent establishment situated therein, and, in the case of interest paid by a domestic corporation to an Antilles corporation, (*c*) that the owner does not control, directly or indirectly, more than 50 percent of the entire voting power of all classes of stock of the United States domestic corporation. If there is uncertainty as to the degree of stock ownership, see paragraph (e) of this section.

(ii) *Exemption applicable only to owner.* The exemption from United States tax contemplated by Article VIII (1) of the convention, insofar as it concerns coupon bond interest, is applicable only to the owner of the interest. The person presenting the coupon or on whose behalf it is presented shall, for the purpose of the exemption from tax, be deemed to be the owner of the interest only if he is, at the time the coupon is presented for payment, the owner of the bond from which the coupon has been detached. If the person presenting the coupon or on whose behalf it is presented is not the owner of the bond, Form 1001, and not Form 1001–NA, shall be executed.

(iii) *Disposition of form.* The original and duplicate of Form 1001–NA shall be forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Allen Returns Section, Baltimore 2, Maryland, with the quarterly return on Form 1012. Form 1001–NA need not be listed on Form 1012.

(2) *Interest on noncoupon bonds—(i) Notification by letter.* To avoid withholding of United States tax at source in the case of noncoupon bond interest to which paragraph (b) of this section applies, the nonresident alien who is a resident of the Antilles, or the Antilles corporation, shall notify the withholding agent by letter in duplicate that the interest is exempt from United States tax under the provisions of Article VIII (1) of the convention. The letter of notification shall be signed by the owner of the interest, trustee, or agent and shall show the name and address of the obligor and the name and address of the owner of the interest. It shall contain a statement (*a*) that the owner is neither a citizen nor a resident of the United States but is a resident of the Antilles, or, in the case of a corporation, that the owner is an Antilles corporation, (*b*) that the owner has at no time during the current taxable year engaged in trade or business within the United States through a permanent establishment situated therein, and, in the case of interest paid by a domestic corporation to an Antilles corporation, (*c*) that the owner does not control, directly or indirectly, more than 50 percent of the entire voting power of all classes of stock of the United States domestic corporation. If there is uncertainty as to the degree of stock ownership, see paragraph (e) of this section.

(ii) *Use of letter for release of tax.* If the letter is also to be used as authorization for the release, pursuant to § 505.208 (a) (5) and (6), of excess tax withheld from interest, it shall also contain a statement (*a*) that, at the time when the interest was derived from which the excess tax was withheld, the owner was neither a citizen nor a resident of the United States but was a resident of the Antilles, or, in the case of a corporation, the owner was an Antilles corporation, (*b*) that the owner at no time during the taxable year in which the interest was derived was engaged in trade or business within the United States through a permanent establishment situated therein, and, in the case of interest paid by a domestic corporation to an Antilles corporation, (*c*) that the owner did not control, directly or indirectly, at the time when the interest was paid, more than 50 percent of the entire voting power of all classes of stock of the United States domestic corporation.

(iii) *Manner of filing letter.* The letter of notification, which shall constitute authorization for the payment of the interest without withholding of United States tax at source, shall be filed with the withholding agent for each successive three-calendar-year period during which the interest is paid. For this purpose, the first period shall commence with the beginning of the calendar year in which the interest is first paid on or after January 1, 1955. Each letter filed with any withholding agent shall be filed not later than 20 days preceding the date of the first payment within each successive period, or, if that is not possible because of special circumstances, as soon as possible after such first payment. Once a letter has been filed in respect of any three-calendar-year period, no additional letter need be filed in respect thereto unless the Commissioner of Internal Revenue notifies the withholding agent that an additional letter shall be filed by the taxpayer. If, after filing a letter of notification, the taxpayer ceases to be eligible for the exemption from United States tax granted by Article VIII (1) of the convention, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the interest as recorded on the books of the payer, the exemption from withholding of United States tax shall no longer apply unless the new owner of record is entitled to and does properly file a letter of notification with the withholding agent.

(iv) *Disposition of letter.* Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

(e) *Interest paid by domestic subsidiary where degree of stock ownership is uncertain—(1) Request for ruling in case of anticipated payments.* If an Antilles corporation anticipates the receipt of interest from a domestic corporation and the relationship existing between the Antilles corporation and the domestic corporation is such as to render uncertain whether, by reason of the exception contained in Article VIII (1) of the convention, the exemption will apply, the Antilles corporation shall not file Form 1001–NA or the letter of notification prescribed by paragraph (d) of this section unless it has, prior to such filing, applied for and received from the Commissioner of Internal Revenue, Washington 25, D. C., a determination that it does not control, directly or indirectly, more than 50 percent of the entire voting power in the paying corporation. The application to the Commissioner shall contain a full statement of all the facts pertinent to a determination of the question.

(2) *Notification of taxpayer.* As soon as practicable after the application has been filed, the Commissioner of Internal Revenue will determine whether the Antilles corporation has such control of the domestic corporation as to render the exemption granted by Article VIII (1) of the convention inapplicable to interest paid by the domestic corporation to the Antilles corporation and shall notify the Antilles corporation of his determination. The Antilles corporation shall forthwith file with the domestic corporation a copy of the Commissioner's letter of notification.

(3) *Period during which determination is effective.* A determination of the Commissioner that the Antilles corporation does not have such control of the domestic corporation as to render the exemption granted by Article VIII (1) of the convention inapplicable will apply until such time as the stock ownership of the domestic corporation has changed to the extent that interest to be received from the domestic corporation by the Antilles corporation is no longer exempt from United States tax under that article. If such a change in stock ownership occurs, the Antilles corporation shall promptly notify both the Commissioner of Internal Revenue and the domestic corporation.

(4) *Exemption from withholding of United States tax.* If the Commissioner's determination is that the Antilles corporation does not control, directly or indirectly, more than 50 percent of the entire voting power of all classes of stock of the domestic corporation, the Antilles corporation may thereafter avoid withholding of tax at the source with respect to subsequent payments of interest by complying with the provisions of paragraph (d) of this section, that is, by submitting Form 1001–NA in the case of coupon bond interest, or the letter of notification in the case of interest on noncoupon bonds.

(5) *Prior payments.* If an Antilles corporation has received on or after January 1, 1955, interest from a domestic corporation and the relationship existing between the Antilles corporation and the domestic corporation was at the time the interest was paid such as to render uncertain whether, by reason of the exception contained in Article VIII (1) of the convention, the interest was exempt from United States tax, the Antilles corporation shall apply to the Commissioner of Internal Revenue for a determination as to the degree of control at the time the interest was paid. If the Commissioner's determination is that at such time the degree of control was such as to permit the application of the exemption granted by Article VIII (1) of the convention, his letter of notification may, subject to the provisions of § 505.208 (a) (5), authorize the release of excess tax withheld from the exempt interest.

§ 505.205 *Patent and copyright royalties*—(a) *Exemption from tax.* Royalties for the right to use copyrights, patents, designs, secret processes and formulae, trade marks, and other analogous property, and royalties and rentals in respect of motion picture films or for the use of industrial, commercial, or scientific equipment, which are derived from sources within the United States on or after January 1, 1955, by a nonresident alien individual who is a resident of the Antilles, or by an Antilles corporation, are exempt from United States tax under the provisions of Article IX of the convention if such alien or corporation at no time during the taxable year in which such income is derived has engaged in trade or business within the United States through a permanent establishment situated therein.

(b) *Exemption from withholding of United States tax*—(1) *Notification by letter.* To avoid withholding of United States tax at source in the case of the items of income to which this section applies, the nonresident alien who is a resident of the Antilles, or the Antilles corporation, shall notify the withholding agent by letter in duplicate that the income is exempt from United States tax under the provisions of Article IX of the convention.

(2) *Manner of filing letter.* The provisions of § 505.204 (d) (2) (other than those pertaining to the degree of control of voting power) relating to the execution, filing, effective period, and disposition of the letter of notification prescribed therein, including its use for the release of excess tax withheld, are equally applicable with respect to the income falling within the scope of this section.

§ 505.206 *Private pensions and life annuities*—(a) *Exemption from tax.* Private pensions and life annuities, as defined in paragraph (c) of this section, derived from sources within the United States on or after January 1, 1955, and paid to a nonresident alien individual who is a resident of the Antilles are exempt from United States tax under the provisions of Article XV (2) of the convention.

(b) *Exemption from withholding of United States tax*—(1) *Notification by letter.* To avoid withholding of United States tax at source in the case of the items of income to which this section applies, the nonresident alien individual who is a resident of the Antilles shall notify the withholding agent by letter in duplicate that the income is exempt from United States tax under the provisions of Article XV (2) of the convention. The letter of notification shall be signed by the owner of the income, shall show the name and address of both the payer and the owner of the income, and shall contain a statement that the owner, an individual, is neither a citizen nor a resident of the United States but is a resident of the Antilles.

(2) *Use of letter for release of tax.* If the letter is also to be used as authorization for the release, pursuant to § 505.208 (a) (6), of excess tax withheld from such items of income, it shall also contain a statement that the owner was, at the time when the income was derived from which the excess tax was withheld, neither a citizen nor a resident of the United States but was a resident of the Antilles.

(3) *Manner of filing letter.* The letter of notification shall constitute authorization for the payment of such items of income without withholding of United States tax at source unless the Commissioner of Internal Revenue subsequently notifies the withholding agent that the tax shall be withheld with respect to payments of such items of income made after receipt of such notice. If, after filing a letter of notification, the owner of the income ceases to be eligible for the exemption from United States tax granted by the convention in respect to such income, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the income as recorded on the books of the payer, the exemption from withholding of United States tax shall no longer apply unless the new owner of record is entitled to and does properly file a letter of notification with the withholding agent.

(4) *Disposition of letter.* Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

(c) *Definitions.* As used in this section, the term "pensions" means periodic payments made in consideration for services rendered or by way of compensation for injuries received, and the term "life annuities" means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth. Neither term includes retired pay or pensions paid by the United States or by any State or Territory of the United States.

§ 505.207 *Beneficiaries of a domestic estate or trust*—(a) *Entitled to benefits of convention.* If he otherwise satisfies the requirements of the respective articles concerned, a nonresident alien individual who is a resident of the Antilles and who is a beneficiary of a domestic estate or trust shall be entitled to the exemption from, or reduction in the rate of, United States tax granted by Articles VII, VIII, IX, and XII of the convention with respect to dividends, interest, and patent royalties and other like amounts, to the extent that (1) any amount paid, credited, or required to be distributed by such estate or trust to such beneficiary is deemed to consist of such items, and (2) such items would, without regard to the convention, be includible in his gross income.

(b) *Withholding of United States tax.* In order to be entitled in such instances to the exemption from, or reduction in rate of, withholding of United States tax the beneficiary must otherwise satisfy such requirements and shall, where applicable, execute and submit to the fiduciary of the estate or trust in the United States the appropriate letter of notification prescribed in §§ 505.204 (d) (2) and 505.205 (b).

(c) *Amounts otherwise includible in gross income of beneficiary.* For the determination of amounts which, without regard to the convention, are includible in the gross income of the beneficiary, see subchapter J of chapter 1 of the Internal Revenue Code of 1954, and the regulations thereunder.

§ 505.208 *Release of excess tax withheld at source*—(a) *Amounts to be released*—(1) *Dividends divided from domestic corporation.* If United States tax has been withheld at the statutory rate on or after January 1, 1955, from dividends described in § 505.202 (b) and derived from a domestic corporation by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) or by a foreign corporation, whose address at the time of payment was in the Antilles, the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the difference between the tax so withheld and the tax required to be withheld pursuant to § 505.202 (e) (1).

(2) *Dividends derived from a domestic subsidiary.* If United States tax has been withheld at the statutory rate on or after January 1, 1955, from dividends which fall within the scope of the proviso of Article VII (1) of the convention, the withholding agent shall, if so authorized in accordance with § 505.202 (c) (3), release and pay over to the corporation from which the tax was withheld an amount which is equal to the difference between the tax so withheld and the tax required to be withheld pursuant to § 505.202 (e) (2).

(3) *Dividends and interest paid by Antilles corporation.* If United States tax has been withheld at the statutory rate on or after January 1, 1955, from dividends and interest paid by an Antilles corporation to a recipient other than a citizen, resident, or corporation of the United States, the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the tax so withheld.

(4) *Coupon bond interest*—(i) *Substitute form.* In the case of every taxpayer who furnishes to the withholding agent Form 1001–NA clearly marked "Substitute" and executed in accordance with § 505.204 (d) (1) (i), where United States tax has been withheld at the statutory rate on or after January 1, 1955, from coupon bond interest, the withholding agent shall release (except as provided in subparagraphs (3) and (5) of this paragraph) and pay over to the person from whom the tax was withheld an amount which is equal to the tax so withheld, if the taxpayer also attaches to such form a letter in duplicate, signed by the owner, trustee, or agent and containing the following:

(a) The name and address of the obligor;

(b) The name and address of the owner of the interest from which the excess tax was withheld;

(c) A statement that, at the time when the interest was derived from which the excess tax was withheld, the owner was neither a citizen nor a resident of the United States but was a resident of the Antilles, or, in the case of a corporation, the owner was an Antilles corporation;

(d) A statement that the owner at no time during the taxable year in which the interest was derived was engaged in trade or business within the United States through a permanent establishment situated therein; and

(e) In the case of interest paid by a domestic corporation to an Antilles corporation, a statement that the owner did not control, directly or indirectly, at the time when the interest was paid, more than 50 percent of the entire voting power of all classes of stock of the United States domestic corporation.

One such substitute form shall be filed in duplicate with respect to each issue of bonds and will serve with respect to that issue to replace all Forms 1001 previously filed by the taxpayer in the calendar year in which the excess tax was withheld and with respect to which such excess is released.

(ii) *Disposition of form.* The original and duplicate of substitute Form 1001–NA (and letter) shall be forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland, with the quarterly return on Form 1012. Substitute Form 1001–NA need not be listed on Form 1012.

(5) *Interest paid where degree of stock ownership is determined.* If United States tax has been withheld at the statutory rate on or after January 1, 1955, from interest paid by a domestic corporation to an Antilles corporation, and if the relationship existing between the Antilles corporation and the domestic corporation was, at the time the interest was paid, such as to render uncertain whether, by reason of the exception contained in Article VIII (1) of the convention, the interest was exempt from United States tax, the withholding agent shall release and pay over to the Antilles corporation an amount which is equal to the tax so withheld, provided that the Antilles corporation (i) furnishes to the domestic corporation a copy of the Commissioner's authorization of release prescribed in § 505.204 (e) (5) and (ii) files the letter of notification prescribed in § 505.204 (d) (2) (ii), or the substitute Form 1001–NA prescribed in subparagraph (4) of this paragraph, whichever is applicable.

(6) *Interest on noncoupon bonds, royalties, private pensions, and life annuities.* If a taxpayer furnishes to the withholding agent the authorization of release prescribed in §§ 505.204 (d) (2) (ii), 505.205 (b) (2), or 505.206 (b) (2) and United States tax has been withheld at the statutory rate on or after January 1, 1955, from the interest, copyright royalties or other like amounts, private pensions, or life annuities in respect of which such authorization is prescribed, the withholding agent shall release (except as provided in subparagraph (5) of this paragraph) and pay over to the person from whom the tax was withheld an amount which is equal to the tax so withheld.

(b) *Amounts not to be released.* The provisions of this section do not apply to excess tax withheld at source which has been paid by the withholding agent to the district director of internal revenue.

(c) *Statutory rate.* As used in this section, the term "statutory rate" means the rate prescribed by chapter 3 of the Internal Revenue Code of 1954 and the regulations thereunder, as though the convention had not come into effect.

§ 505.209 *Information to be furnished in ordinary course*—(a) *Documents to the Antilles.* In compliance with the provisions of Article XXI of the convention, the Commissioner of Internal Revenue will transmit to the Administrateur van Financien of the Netherlands Antilles, as soon as practicable after the close of the calendar year 1955 and of each subsequent calendar year during which the convention is in effect, the following information relating to such preceding calendar year:

(1) The duplicate copy of each available Form 1042 Supplement filed pursuant to paragraph (b) of this section; and

(2) The duplicate copy of each available ownership certificate, Form 1001–NA, filed pursuant to § 505.204 (d) (1), and substitute Form 1001–NA, filed pursuant to § 505.208 (a) (4) and (5), in connection with coupon bond interest.

(b) *Information return by withholding agent*—(1) *Form to use.* To facilitate compliance with Article XXI of the convention, every United States withholding agent shall make and file in duplicate with the District Director of Internal Revenue, Baltimore 2, Maryland, an information return on Form 1042 Supplement, with respect to persons having addresses in the Antilles, which shall be filed for the calendar year 1956 and subsequent calendar years. This return shall be filed simultaneously with Form 1042.

(2) *Information to be given.* There shall be reported on such Form 1042 Supplement all items of fixed or determinable annual or periodical income (and amounts described in section 402 (a) (2), section 631 (b) and (c), and section 1235 of the Internal Revenue Code of 1954, which are considered to be gains from the sale or exchange of capital assets) derived from sources within the United States and paid to nonresident aliens (including nonresident alien individuals, fiduciaries, and partnerships) and to nonresident foreign corporations, whose addresses at the time of payment were in the Antilles, including such items of income upon which, in accordance with this subpart, no withholding of United States tax is required; except that any of such items which constitutes interest in respect of which Form 1001–NA or substitute Form 1001–NA has been filed in duplicate with the withholding agent is not required to be reported on such Form 1042 Supplement.

§ 505.210 *Effective date*—(a) *Payments on or after January 1, 1955.* In order to give the convention effective application at the earliest practicable date, the exemptions from, and reductions in the rate of, withholding of United States tax at source granted by this subpart are hereby made effective beginning January 1, 1955, contingent upon compliance with the applicable provisions hereof.

(b) *Taxable years beginning in 1954 and ending in 1955.* If, in the case of a taxable year beginning in 1954 and ending in 1955, a taxpayer is not engaged in trade or business in the United States through a permanent establishment at any time during that part of the taxable year which follows December 31, 1954, then he shall, for purposes of this subpart be deemed not to have been engaged in trade or business within the

United States at any time during the taxable year through a permanent establishment situated therein.

Because it is necessary to bring into effect at the earliest practicable date the rules of this Treasury decision respecting release of excess tax withheld, and exemption from, or reduction in the rate of, withholding of tax, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that Act.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: December 5, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-9905; Filed, Dec. 8, 1955; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

MISCELLANEOUS AMENDMENTS

1. Section 3.1003 is revised to read as follows:

§ 3.1003 *Indian Wars.* (See also §§ 3.1009 and 3.1021.) All campaigns recognized by the Department of the Army, including those cited in the act of March 4, 1917, as amended by the act of March 3, 1944, between January 1, 1817, and December 31, 1898.

(Sec. 1, 44 Stat. 1361, as amended; 38 U. S. C. 381)

2. The centerhead immediately preceding § 3.1006 is amended to read as follows: "Persons Included in the Acts in Addition to Commissioned Officers and Enlisted Men".

3. The centerhead "Persons not Included" immediately preceding § 3.1013 is revoked.

4. The folowing sections are revoked:

§ 3.1013 *Public Law 141, 73d Congress, and Public Law 269, 74th Congress, and Veterans Regulation 1 (f) (38 U. S. C. ch. 12A).* [Revoked.]

§ 3.1014 *Indian Wars.* [Revoked.]

§ 3.1015 *Civil War; service pension.* [Revoked.]

5. Section 3.1018 is revised to read as follows:

§ 3.1018 *Spanish-American War, Boxer Rebellion, or Philippine Insurrection; Public Law 269, 74th Congress, as amended.* Service is exclusive of unauthorized leaves of absence and furloughs enumerated in § 3.59, except that leave under G. O. 130, War Department, is included as pensionable service. Time under arrest, in the absence of acquittal or permission to resign without trial and conviction (time for which the soldier or sailor was determined to have forfeited pay by reason of absence without leave), time spent in desertion or while undergoing sentence of court martial, should be deducted. Time in a hospital, on sick furlough, or as a prisoner by the enemy is included. Records of the Department of the Army or Navy are conclusive with respect to military or naval service as the basis of a pension claim, unless changed by special act of Congress. Under Public Law 108, 82d Congress, and for periods after September 30, 1951, in computing active service there shall be counted continuous active service which commenced prior to and extended into the applicable period specified in § 3.1000 (b) or which commenced within such applicable period. Fragmentary periods of active service within such applicable period may be added together to meet the statutory requirements as to length of service (sec. 1 (b), Public Law 108, 82d Congress.)

(Sec. 1, 44 Stat. 382, as amended, sec. 1, 46 Stat. 492, as amended, sec. 1, 49 Stat. 614, sec. 1, 65 Stat. 174; 38 U. S. C. 364, 365, 368, 370g)

6. Section 3.1021 is revised to read as follows:

§ 3.1021 *Indian Wars.* For service pension pursuant to the act of March 3, 1927, as amended, service of 30 days or more or the duration of a campaign cited in the act of March 4, 1917, even though such campaign was of less than 30 days' duration, is required in any military organization whether such person was regularly mustered into the service of the United States or not but whose service was under the authority or by the approval of the United States or any State or Territory in any Indian war or campaign, or in connection with, or in the zone of any active Indian hostilities in any of the States or Territories of the United States from January 1, 1817, to December 31, 1898, inclusive, the determination as to what constitutes the zone of active Indian hostilities to be made by the Administrator of Veterans Affairs. The expression "active Indian hostilities" means actual hostilities, such as necessitated the employment of the military arm of the State, Territory, or the United States in their suppression, and service in a military organization against Indians, without authority or even against orders of its Government, if subsequently approved either tacitly or openly, if pensionable. Service in an organization against Indian or white outlaws is not pensionable, but service against Indians rendered by troops of any of the States that seceded from the Union is included. Where the Department of the Army is unable to locate a record of alleged service, other evidence may be admitted to prove that the requisite service was rendered, but a purported list of members, not filed with the Adjutant General of a State until a date remote from the period of the hostilities may not be accepted as genuine and a sufficient finding that a claimant rendered the required service.

(Sec. 1, 44 Stat. 1361, as amended; 38 U. S. C. 381)

7. Section 3.1023 is revised to read as follows:

§ 3.1023 *Special act.* A special act of Congress, reciting that a person is considered to have been mustered into the service on a named date and honorably discharged on a subsequently named date, is sufficient regardless of whether the Department of Defense has any record of such service. A special act in specifying actual periods of presumed service, in the absence of a Department of Defense record, is pensionable only at the rate provided therein.

8. In § 3.1025, a new paragraph (o) is added and former paragraph (o) is redesignated paragraph (p), so that the added and redesignated material reads as follows:

§ 3.1025 *Jurisdiction of the Veterans Claims Division, Veterans Benefits Office, D. C.* • • •

(o) Claims involving service department information classified as "Confidential." These cases will be retained in the Veterans Benefits Office, D. C., for a period of at least 1 year, until the appeal period expires or, where indicated, may be retained for longer periods.

(p) Any claim not otherwise under the jurisdiction of Veterans Benefits Office, D. C., referred by competent authority for action.

9. In § 3.1040, paragraph (b) is amended to read as follows:

§ 3.1040 *Types of discharges for service pension (Spanish-American War, Boxer Rebellion, Philippine Insurrection, Civil War and Indian Wars).* • • •

(b) *Discharge for disability.* Service pension is payable on the basis of Civil War service and on the basis of Spanish-American War service, including the Boxer Rebellion and the Philippine Insurrection (acts of May 1, 1926, and June 2, 1930), if service was less than 90 days: *Provided,* the veteran was discharged for disability incurred in the service in line of duty.

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10. In § 3.1041, paragraph (b) is amended to read as follows:

§ 3.1041 *Joint resolutions of July 1, 1902, and June 28, 1906.* • • •

(b) *Subsequent service must have been faithful.* The Joint Resolutions of July 1, 1902, and June 28, 1906, do not apply where the subsequent service was not faithful; e. g., where the veteran deserted in the subsequent service, but was given an honorable discharge therefrom or where the charge of desertion in the subsequent enlistment was removed and an honorable discharge issued subsequent to the Civil War. A record of desertion is prima facie evidence that the entire service of the claimant was not faithful within the meaning of these acts and evidence designed to show that such record was erroneous must be filed in and considered by the department in which the record was made. As a general proposition where a soldier's service was of such character that he is obliged to resort, years subsequent to the close of the war, to an application to the Department of the Army under general remedial statutes in order to complete his record and to secure discharge, that fact necessarily implies that his entire service was not faithful.

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11. In § 3.1042, paragraph (a) is amended to read as follows:

§ 3.1042 *Desertion*—(a) *The act of April 26, 1898, as amended May 11, 1908.* Section 6 of the act of April 26, 1898, as amended by the act of May 11, 1908, provides that where a soldier deserts, all rights to disability pension are forfeited, whether desertion was in time of peace or war. This act is applicable to all laws renacted by Public Law 269, 74th Congress. This provision is expressly limited to soldiers and has no application to sailors, marines, or death pensioners. It is immaterial whether the service was terminated by an honorable discharge upon remission of sentence for the desertion after trial and conviction or that the proceedings were set aside for irregularity but desertion from an enlistment entered into subsequent to the service during which the injury was incurred or subsequent to the war during which the requisite service to convey entitlement to service pension was rendered, is not a bar to pension on the previous service. Conviction and sentence by court martial are not material but forfeiture for periods prior to June 22, 1944, will attach in case of desertion even where the soldier voluntarily surrenders, is restored to duty without a trial, and was thereafter honorably discharged. An act of Congress, removing a charge of desertion, pursuant to which an honorable discharge was issued by the Department of the Army, as of the date of the occurrence previously recorded as desertion, erases all effects of the desertion, and an act of Congress providing that in the administration of the pension laws an individual shall be considered as honorably discharged, but not specifically removing a charge of desertion, will entitle the person to a pension, if otherwise in order, notwithstanding the acts of April 26, 1898, and May 11, 1908, if the legislative history discloses that it was the intent to grant a pension. The act of April 26, 1898, does not apply to pension predicated on service which terminated prior to that date: *Provided,* That on and after the approval of Public Law 346, 78th Congress, June 22, 1944, where the veteran is restored to duty and subsequently honorably discharged, he may be awarded a pension under the reenacted Spanish-American War laws, if otherwise entitled thereto: *Provided further,* That notwithstanding desertion where the veteran is granted an honorable discharge under section 301, Public Law 346, 78th Congress, or under section 207, Public Law 601, 79th Congress, as amended, he may be awarded compensation or pension to which entitlement is otherwise shown, effective as provided in § 3.212 (d).

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12. Section 3.1044 is revised to read as follows:

§ 3.1044 *Misconduct*—(a) *Public Law 269, 74th Congress.* As to pension under the service acts renacted by Public Law 269, 74th Congress, there is no bar as to misconduct or vicious habits.

(b) *Indian Wars.* Vicious habits do not constitute a bar under the act of March 3, 1944.

(c) *Civil War.* Misconduct of vicious habits do not constitute a bar under the act of June 9, 1930.

(Sec. 1, 44 Stat. 1361, as amended, sec. 1, 46 Stat. 529, sec. 1, 49 Stat. 614; 38 U. S. C. 274, 368, 381)

13. Section 3.1055 *Public Law 141, 73d Congress* is revoked.

14. The centerhead "Evaluation Under the Laws in Force on March 19, 1933, Which Were not Repealed, as to Service Prior to April 21, 1898, and as Reenacted by Public Law 141, 73d Congress, and Public Law 269, 74th Congress," immediately preceding § 3.1061 is revoked.

15. The following sections are revoked:

§ 3.1061 *Evaluation of disability.* [Revoked.]

§ 3.1062 *General Law rates.* [Revoked.]

§ 3.1063 *Combination.* [Revoked.]

§ 3.1064 *Aggravation.* [Revoked.]

§ 3.1065 *Effective dates of increases.* [Revoked.]

§ 3.1066 *Decreases.* [Revoked.]

16. The centerhead "Evaluation of Disabilities" immediately preceding § 3.1068 is revoked.

17. The following sections are revoked:

§ 3.1068 *Public Law 269, 74th Congress; definition of disability.* [Revoked.]

§ 3.1069 *Public Law 269, 74th Congress; ratings; effective dates of increases.* [Revoked.]

§ 3.1070 *Public Law 269, 74th Congress; reductions.* [Revoked.]

§ 3.1071 *Act of March 3, 1927, Indian Wars, as amended by Public Law 245, 78th Congress.* [Revoked.]

§ 3.1073 *Act of June 9, 1930, Civil War.* [Revoked.]

18. Section 3.1080 is revised to read as follows:

§ 3.1080 *Pension laws in force on March 19, 1933, and as reenacted by Public Law 269, 74th Congress.* For periods from October 1, 1951, the effective date of payments under Public Law 108, 82d Congress, the rate for regular aid and attendance, helplessness, or blindness will be effective from the date of claim or the date the evidence shows entitlement, whichever is the later.

(Sec. 1, 49 Stat. 614, sec. 3, 65 Stat. 174; 38 U. S. C. 368, 370i)

19. Section 3.1081 *Frequent and periodical aid and attendance* is revoked.

20. The centerhead "Combination of Ratings (See also § 3.155)" immediately preceding § 3.1082 is revoked.

21. Section 3.1082 *Peacetime and wartime disabilities* is revoked.

22. Section 3.1089 is revised to read as follows:

§ 3.1089 *Rates; service prior to April 21, 1898.* In claims of veterans with service prior to April 21, 1898, including veterans of the Indian Wars, the compensation to be awarded will be in accordance with the rates provided in Part I or II, Veterans Regulation No. 1 series, as amended (38 U. S. C. ch. 12A), dependent upon whether the service was wartime or peacetime, and the Schedule for Rating Disabilities, 1933, for periods from March 28, 1934, to July 31, 1948, and/or the Schedule for Rating Disabilities, 1945, for periods on or after August 1, 1948, or in accordance with the rates provided by the act of July 14, 1862, as amended (the General Law), or in accordance with the rates provided by the various service pension acts, as amended, whichever is the greater monetary benefit.

(R. S. 4692, 4693, as amended, 4695, as amended, 4696, secs. 1, 4, 48 Stat. 8, as amended, 9; 38 U. S. C. 151-154, 701, 704)

23. Section 3.1107a *Public Law 541, 75th Congress* is revoked.

24. Section 3.1108 is revised to read as follows:

§ 3.1108 *Rates of pension: Spanish-American War, Philippine Insurrection, and/or Boxer Rebellion.* Service pension is payable at rates as follows:

Service	Minimum rate	Regular aid and attendance, helplessness, or blindness
70 days	$67.73	$88.04
90 days	101.59	135.45

NOTE: The foregoing rates are subject to the provisions of § 3.255. Where a veteran is furnished hospital treatment, institutional or domiciliary care by the Veterans Administration and is furnished nursing or attendant's service, for conditions other than blindness, the award of pension will be the amount authorized under Public Law 108, 82d Congress, as amended, from October 1, 1951, exclusive of any additional amount on account of the need of regular aid and attendance. This reduced rate of pension in such instances will be effective as of the beginning of the maintenance of the disabled veteran by the Veterans Administration. The full rate for regular aid and attendance will be restored, if otherwise in order, upon the termination of the veteran's hospital treatment or domiciliary care or his furlough, trial visit, or temporary leave of absence of 30 days or more. The award will include the full rate for those days when service in kind for the regular aid and attendence was not furnished due to the veteran's absence from the institution.

(Sec. 1, 60 Stat. 908, as amended, sec. 2, 65 Stat. 174, 68 Stat. 916; 38 U. S. C. 370h, 739)

25. Section 3.1110 is revised to read as follows:

§ 3.1110 *Rates of pension: Indian Wars.* Pension is payable at rates as follows:

Minimum rate: $101.59.
Regular aid and attendance, helplessness, or blindness: $135.45.

NOTE: The foregoing rates are subject to the provision that the rate for blindness may be allowed, but that the rate for regular aid and attendance may not be allowed while the veteran is being maintained by the Veterans Administration and to the provisions of § 3.255.

(62 Stat. 4, sec. 1, 44 Stat. 1361, as amended, 50 Stat. 786, as amended, Sec. 1, 60 Stat. 908, as amended, Sec. 1, 68 Stat. 916; 38 U. S. C. 374a, 381, 381–1, 739, 750)

26. Section 3.1113 *Rates payable for disability incurred in service prior to April 21, 1898* is revoked.

27. Section 3.1115 *Act of July 14, 1862, as amended* is revoked.

28. The following sections are revoked:

§ 3.1117 *Effective date.* [Revoked.]

§ 3.1125 *Automatic increase.* [Revoked.]

§ 3.1127 *Attained age.* [Revoked.]

§ 3.1128 *Claim required for transfer from General Law rates to service pension rates.* [Revoked.]

29. In § 3.1135, the headnote and paragraph (a) are amended to read as follows:

§ 3.1135 *Public Law 269, 74th Congress; Indian Wars; Civil War; and peacetime prior to April 21, 1898.* (a) The act of December 21, 1893, requiring due notice of not less than 30 days of the decision to annul, vacate, modify, or set aside an award of pension on the basis of evidence in file when the original determination was made, was reenacted by Public Law 269, 74th Congress, and is for application to pension payable pursuant thereto, as well as pension payable for service prior to April 21, 1898.

• • • • •

30. Section 3.1140 is revised to read as follows:

§ 3.1140 *Restoration and renewal.* Section 4719, Revised Statutes, which is for application to pension payable under the laws reenacted by Public Law 269, 74th Congress, and for service during Indian Wars and peacetime prior to April 21, 1898: *Provided,* That the pensioner's name should be stricken from the rolls because of the pensioner's failure after 3 years to claim his pension. For restoration there must be filed evidence specifically accounting for the failure to claim the pension, and evidence showing the continuity of the disability on account of which pension was allowed, unless the injury or disease was of static nature. The reasons for failure to claim for the intervening period must be satisfactorily shown, and it must also be shown that the right to pension had not legally terminated in some of the ways or for some of the causes specified or by necessary implication included in the pension laws as terminating pension.

(R. S. 4719, sec. 1, 49 Stat. 614; 38 U. S. C. 53, 368)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective December 9, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55–9918; Filed, Dec. 8, 1955; 8:47 a. m.]

PART 17—MEDICAL

ELIGIBILITY FOR HOSPITAL TREATMENT OR DOMICILIARY CARE

1. In § 17.47, paragraphs (c) (2) and (d) (1), (3), and (4) are amended to read as follows:

§ 17.47 *Eligibility for hospital treatment or domiciliary care of persons discharged, released, or retired from active military or naval service.* • • •

(c) *Hospital treatment and domiciliary care.* • • •

(2) Domiciliary care for persons who were discharged or released from active military or naval service under other than dishonorable conditions for disability incurred or aggravated in line of duty, or who are in receipt of compensation for service-connected or service-aggravated disability when suffering from a permanent disability or tuberculous or neuropsychiatric ailment and who are incapacitated from earning a living and who have no adequate means of support. An additional requirement for eligibility for domiciliary care is the ability of the veteran to perform all the following:

(i) Perform without assistance daily ablutions, such as brushing teeth; bathing; combing hair; body eliminations.

(ii) Dress himself, with a minimum of assistance.

(iii) Proceed to and return from the dining hall without aid.

(iv) Feed himself.

(v) Secure medical attention on an ambulatory basis or by use of personally propelled wheelchair.

(vi) Have voluntary control over body eliminations or control by use of an appropriate prosthesis.

(vii) Share, by his personal efforts, in some measure, however slight, in the maintenance and operation of the station.

(viii) Make rational and competent decisions as to his desires to remain or leave the station.

(d) *Hospital treatment or domiciliary care.* (1) Hospital treatment or domiciliary care for persons who served in the active military or naval forces, including those who had active duty as a member of the Women's Army Auxiliary Corps, regardless of length of service, during a period of war as defined in paragraph (a) (1) of this section, who were discharged or released from active duty under other than dishonorable conditions; who swear that they are unable to defray the expense of hospitalization or domiciliary care (including the expense of transportation to and from a Veterans Administration facility); and who are suffering from a disability, disease, or defect which, being susceptible to cure or decided improvement, indicate need for hospital treatment, or which, being essentially chronic in type is producing disablement of such degree and of such probable persistency as will incapacitate from earning a living for a prospective period, and thereby indicates need for domiciliary care. An additional requirement for eligibility for domiciliary care is the ability of the veteran to perform all of the following:

(i) Perform without assistance daily ablutions, such as brushing teeth; bathing; combing hair; body eliminations.

(ii) Dress himself, with a minimum of assistance.

(iii) Proceed to and return from the dining hall without aid.

(iv) Feed himself.

(v) Secure medical attention on an ambulatory basis or by use of personally propelled wheelchair.

(vi) Have voluntary control over body eliminations or control by use of an appropriate prosthesis.

(vii) Share, by his personal efforts, in some measure, however slight, in the maintenance and operation of the station.

(viii) Make rational and competet decisions as to his desires to remain or leave the station.

Except for applicants presenting emergent conditions, consideration in admissions under this subparagraph may be given to the length or character of service.

• • • • •

(3) Hospital treatment or domiciliary care for persons who served in the active military or naval forces, regardless of length of service on or after June 27, 1950, and prior to February 1, 1955, who meet the other eligibility requirements of subparagraph (1) of this paragraph.

(4) Hospital treatment or domiciliary care for persons defined in § 17.46 (a) (3) who meet the other eligibility requirements of subparagraph (1) of this paragraph.

• • • • •

2. In § 17.48, paragraphs (b) and (c) (1) are amended to read as follows:

§ 17.48 *Definitions applicable in determining eligibility for hospital treatment or domiciliary care.* • • •

(b) Under § 17.47 (c) (2):

(1) "No adequate means of support": When an applicant is receiving an income of $125 or more per month from any source, this fact will be considered prima facie evidence that he has adequate means of support, except when he is in fact contributing in whole or part from such income to the support of a wife, child, mother, or father. If the applicant alleges he is contributing to the support of dependents other than these, the alleged circumstances will be submitted to the Manager for decision as to eligibility for admission.

(c) Under § 17.47 (d):

(1) "Any disability, disease, or defect" will comprehend any acute, subacute, or chronic disease (of a general medical, tuberculous or neuropsychiatric type) or any acute, subacute, or chronic surgical condition susceptable of cure or decided improvement by hospital care; or any condition which does not require hospital treatment for an acute or chronic condition but requires domiciliary care. Domiciliary care, as the term implies, is the provision of a home, with such ambulant medical care as is needed. To be entitled to domiciliary care, the applicant must consistently have a disability, disease, or injury which, is essentially chronic in type and is producing disablement of such degree and probable persistency as will incapacitate from earning a living for a prospective period.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 1, 6, 48 Stat. 9, 301, 53 Stat. 652, as amended; 38 U. S. C. 706, 706a)

This regulation is effective December 9, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55–9917; Filed, Dec. 8, 1955; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 678, Correction]

[1900444]

UTAH

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES; REVOKING EXECUTIVE ORDER NO. 9053 OF FEB. 6, 1942; CORRECTION

DECEMBER 5, 1955.

The land description in Public Land Order No. 678 of October 24, 1950, appearing as F. R. Doc. 50–9581 in the issue of October 31, 1950, at page 7299, so far as such description refers to lands in Tps. 5 and 6 S., R. 10 W., and T. 6 S., R. 9 W., is hereby amended to read as follows:

Those portions lying west and southwest of Dugway Proving Ground boundary shown on plat of survey of Tps. 5 and 6 S., Rs. 8, 9, and 10 W., S. L. M., Utah, accepted January 30, 1953, which boundary is more particularly described as beginning at a point on the north boundary of T. 5 S., R. 10 W., from which the standard corner of secs. 31 and 32, T. 4 S., R. 10 W., bears west 5.46 chains, thence

S. 1° 29′ W., 69.63 chains to AP 1;
S. 4° 18′ E., 94.83 chains to AP 2;
S. 5° 21′ E., 87.44 chains to AP 3;
S. 63° 27′ E., 26.60 chains to AP 4;
S. 17° 15′ E., 70.51 chains to AP 5;
S. 55° 37′ E., 132.09 chains to AP 6;
S. 56° 22′ E., 108.71 chains to AP 7;
S. 24° 31′ E., 20.92 chains to AP 8;
S. 28° 06′ E., 70.05 chains to AP 9;
S. 69° 15′ E., 26.73 chains to AP 10;
S. 41° 32′ E., 55.35 chains to AP 11;
N. 89° 19′ E., 30.79 chains to AP 12;
S. 25° 40′ E., 36.19 chains to AP 13;
N. 66° 24′ E., 56.38 chains to AP 14;
S. 63° 17′ E., 76.05 chains to AP 15;
S. 38° 48′ E., 29.84 chains to AP 16;
S. 82° 20′ E., 71.44 chains to AP 17;
S. 35° 07′ E., 32.82 chains to AP 18;
S. 36° 24′ W., 18.77 chains to AP 19;
S. 1° 41′ W., 61.73 chains to AP 20;
N. 65° 19′ E., 25.68 chains to AL 21;
S. 52° 59′ E., 41.19 chains to AP 22;
N. 85° 57′ E., 44.22 chains to AP 23;
S. 58° 52′ E., 69.09 chains to AP 24;
S. 82° 14′ E., 46.21 chains to AP 25;
S. 26° 06′ E., 74.82 chains to AP 26;
S. 88° 42′ E., 14.59 chains to closing corner of secs. 31 and 36, T. 6 S., Rs. 8 and 9 W., 12.07 chains south of corner of secs. 25 and 36, T. 6 S., R. 9 W.

The description of the total acreage withdrawn by said order is amended to read 286,000 acres.

DEPUE FALCK,
Acting Director.

[F. R. Doc. 55–9903; Filed, Dec. 8, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 58]

GRADING, INSPECTION, SAMPLING, GRADE LABELING AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE AND OTHER MANUFACTURED OR PROCESSED DAIRY PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of amendments to the regulations governing the grading, inspection, sampling, grade labeling and supervision of packaging butter, cheese and other manufactured or processed dairy products (7 CFR, Part 58) issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.). The proposed amendments will implement Public Law 272, 84th Congress, 1st session, approved August 9, 1955, amending the aforesaid act, by designating the certificates, memoranda, marks and other identifications and devices for making such marks or identifications, with respect to inspection, class, grade, quality, or condition, that are official for the purpose of said act. The proposal also makes minor corrections to the amendment of Part 58 published in the FEDERAL REGISTER August 5, 1955 (20 F. R. 5622) and with respect to § 58.45, "Fees for Laboratory Analyses" provides specific fees for additional laboratory tests and for a slight reduction in fees for certain tests.

All persons who desire to submit written data, views or arguments in connection with this amendment should file the same in triplicate with the Chief of the Inspection and Grading Branch, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2977, South Building, Washington 25, D. C., not later than 10 days after publication hereof in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. Delete the definition of "Official Identification" in § 58.2 (q).

2. Add new § 58.2a to read as follows:

§ 58.2a *Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.* Subsection 203 (h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks, or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, used under this Part to certify with respect to the inspection, class, grade, quality, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling, pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, and any other mark, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U. S. grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part, including but not limited to, those set forth in §§ 58.49 through 58.51.

(d) "Official identification" means any United States (U. S.) standard designation of class, grade, quality, quantity, or condition specified in this part and Parts 20, 23, 24, 25, 37, 39, 40, 43 and 45 of this chapter, or any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, quantity, or condition of the product, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

3. Correct item 12 of the amendment published August 5, 1955 (20 F. R. 5624) to read as follows: Delete § 58.16 and redesignate § 58.15 as § 58.16. Correct item 26 of the same amendment (20 F. R. 5625) to read as follows: Place the heading "Miscellaneous" prior to § 58.59 instead of prior to § 58.58 and delete § 58.59.

4. Change § 58.16 to read as follows:

§ 58.16 *Disposition of samples of graded product.* Any sample of graded product may be returned to the applicant at his request and at his expense if such request was made at the time of the application for the grading service. In the event the aforesaid request was not made at the time of application for the grading service, the sample of product may be disposed of to any recognized charitable organization or in any other manner which is approved by the Administrator.

5. Change § 58.45 *Fees for laboratory analyses* as follows:

(a) *Dry milk, dry whey.*

Change certain items as follows:

Scorched particles	$0.50
Moisture	1.75
Fat	2.00
Alkalinity of ash	2.00
Iron	5.50
Copper	5.50

(h) *Bacteriological analyses and other specified determinations with respect to individual tests for one factor.*

Add the following:

Iron	$5.50
Copper	5.50
Protein (Kjeldahl)	3.00
Plant survey "line" samples, based on time required to perform such services, per hour	3.00

6. Change the first paragraph of § 58.58 (a) to read as follows:

§ 58.58 *Debarment of service.* (a) The following acts or practices and those set forth in § 58.2a, or the causing thereof, may be deemed sufficient cause for the debarment, by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person from any or all benefits of the act for a specified period after notice and opportunity for hearing has been accorded him; and pending investigation and hearing the Administrator may direct, without hearing, that such person shall be denied the benefits of the act.

7. Section 58.58 (a) (4) *Wilful violation of the regulations.* Change to read as follows:

(4) *Wilful violation of the regulations.* Wilful violation of the regulations in this part or the act, or the instructions or specifications issued by the Administrator.

(60 Stat. 1090; 7 U. S. C. 1624)

Issued at Washington, D. C., this 6th day of December 1955.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-9907; Filed, Dec. 8, 1955; 8:46 a. m.]

[7 CFR Part 945]

TOMATOES GROWN IN FLORIDA

PROPOSED SAFEGUARDS AND EXEMPTION PROCEDURES

Notice is hereby given that the Secretary of Agriculture is considering the approval of the rules and regulations, hereinafter set forth, which were recommended by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945; 20 F. R. 7357) regulating the handling of tomatoes grown in Florida, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

GENERAL

Sec.
945.100 Communications.

DEFINITIONS

945.110 Order.
945.111 Marketing Agreement.
945.112 Terms.
945.113 Registered handler.

SAFEGUARDS

945.120 Application for Certificate of Privilege.
945.121 Issuance.
945.122 Reports.
945.123 Denial and appeal.

EXEMPTION PROCEDURES

945.130 Application.
945.131 Investigations.
945.132 Issuance.
945.133 Disposition of certificates.
945.134 Reports.
945.135 Appeals.

AUTHORITY: §§ 945.100 to 945.135 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

GENERAL

§ 945.100 *Communications.* Unless otherwise provided in the marketing agreement and order, or by specific direction of the committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order shall be addressed to the Florida Tomato Committee at its principal office.

DEFINITIONS

§ 945.110 *Order.* "Order" means Order No. 45 (7 CFR Part 945; 20 F. R. 7357) regulating the handling of tomatoes grown in Florida.

§ 945.111 *Marketing agreement.* "Marketing Agreement" means Marketing Agreement No. 125.

§ 945.112 *Terms.* Terms used in this subpart shall have the same meaning as when used in the marketing agreement and order.

§ 945.113 *Registered handler.* For purposes of this part, a registered handler is a person who has adequate facilities for grading tomatoes for market and who assumes initial responsibility for compliance with inspection, assessment, and other regulatory requirements on the handling of tomatoes grown in the production area. Any person who wishes to become a registered handler shall make application for registration with the committee on forms prescribed by and available at the principal office of the committee. If such applicant has facilities which are determined by the committee as adequate for grading tomatoes, he may be approved as a registered handler. Persons who make deliveries of ungraded tomatoes to such registered handlers are hereby determined to be exempt from otherwise applicable regulations pursuant to this part.

SAFEGUARDS

§ 945.120 *Application for Certificate of Privilege.* (a) Whenever handling is regulated pursuant to § 945.53, each handler desiring to make shipments of tomatoes for any of the following purposes shall, prior thereto, apply to the committee for and obtain a Certificate of Privilege permitting such shipment:

(1) For relief or charity; or

(2) For canning.

(b) Applications for Certificates of Privilege shall be made on forms furnished by the committee. Each application shall contain the name and address of the handler, and such other information as such committee may require, such as, but not limited, to the quantity (by grade, size, quality, and variety) of tomatoes to be shipped, the mode of transportation, consignee, destination, and other appropriate information or documents necessary to safeguard against the entry of such tomatoes into trade channels other than those for which the Certificate of Privilege is granted.

§ 945.121 *Issuance.* The committee, or its duly authorized agents, shall give prompt consideration to each application for a Certificate of Privilege and shall determine whether the application is approved. Approval of an application shall be evidenced by the issuance of a Certificate of Privilege authorizing the applicant named therein to ship tomatoes for a specified purpose for a specified period of time.

§ 945.122 *Reports.* Each handler handling tomatoes under and pursuant to a Certificate of Privilege shall supply the committee with a report thereon within the time specified on the application for such certificate showing the name and address of the shipper, car or truck identification, loading point, destination, consignee, and, when inspection is required, the Federal-State Inspection Certificate number.

§ 945.123 *Denial and appeal.* The committee may rescind a Certificate of Privilege issued to a handler, or deny a Certificate of Privilege to a handler, upon proof satisfactory to such committee, that such handler has shipped tomatoes contrary to the provisions of this part. Such committee action denying a Certificate of Privilege shall apply to and not exceed a reasonable period of time as determined by such committee. Any handler who has been denied a Certificate of Privilege, or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

EXEMPTION PROCEDURES

§ 945.130 *Application.* Any person applying for exemption from regulations issued pursuant to § 945.52 shall file such application with the committee, or its duly authorized agent for such purpose, on forms to be furnished by such committee. Each application shall state the name and address of the applicant, the grade, size, and quality regulations from which exemption is requested; and facts demonstrating that the tomatoes, for which exemption is requested, were adversely affected by acts beyond his control or by acts beyond the applicant's reasonable expectation. Each application for an exemption certificate must be accompanied by a Federal-State Inspection Certificate covering the specified quantity of tomatoes for which exemption is requested: *Provided,* That the committee may authorize the submission of such Federal-State Inspection Certificate subsequent to the filing of the application for exemption and prior to consideration of such application. Applications shall set forth such additional information as the committee may find necessary in making determinations with respect thereto, including, without limitation thereto, the information required on producers' applications by paragraphs (a) and (b) of this section.

(a) The location of the farm on which tomatoes for which exemption is requested were produced, the location where such tomatoes are to be prepared for market, and the loading point from which such tomatoes are to be shipped if exemption is granted;

(b) Acreage and quantity (by grade, size, quality, and variety) of tomatoes harvested prior to the date of application and to be harvested, subsequent to such date, during the remainder of the season or specific portion thereof (as may be determined pursuant to this part); the quantity (by grade, size, quality, and variety) of tomatoes disposed of prior to the date of application and to be disposed of subsequent to such date; the location of the tomatoes to be disposed of, together with the place where such tomatoes will be handled; an estimate of the portion of such tomatoes which can be handled under regulation issued pursuant to § 945.52, during the remainder of the season; and the reasons why all of such tomatoes cannot be handled under such regulations.

§ 945.131 *Investigations.* The committee may authorize investigations of applications by its employees, Federal-State inspectors, and such other persons as may be necessary to procure adequate information to pass upon the merits of such applications.

§ 945.132 *Issuance.* (a) The committee, or its duly authorized agents, shall give prompt consideration to all statements and facts relating to each application for exemption, and, pursuant to applicable provisions of this part, a determination shall be made as to whether or not the application is approved. The determination, if approving the application, shall be evidenced by the issuance of a certificate of exemption pursuant to § 945.71: *Provided,* That more than one certificate may be issued, at the request of an applicant, where the applicant ships or causes to be shipped the total quantity of exempted tomatoes in more than one lot, in which case each certificate so issued shall be limited to the quantity of exempted tomatoes to be contained in the respective lots shipped and the total quantity of exempted tomatoes covered by such certificates shall not exceed the total quantity of such tomatoes which would be authorized if only one certificate were issued to such applicant.

(b) The applicant shall be notified in writing if his request for exemption is denied.

(c) Each exemption certificate issued pursuant to this subpart shall be on a form duly approved by the committee and signed by an authorized representative of such committee. At least one copy of each exemption certificate issued shall be retained in the committee records. Each such certificate shall contain the name and address of the recipient, the location of all tomatoes authorized to be shipped thereunder, the quantity (by grade, size, quality and variety) of tomatoes which will be permitted in the exempted shipments and such other information as may be deemed necessary by the committee to provide such committee, the recipient, or both, with adequate and specific information regarding such exempted tomatoes.

§ 945.133 *Disposition of certificates.* Each lot of tomatoes handled under an exemption certificate shall be accompanied by such certificate, or such appropriate identifying information with respect to such certificate, as the committee may require, to facilitate the administration of regulatory provisions applicable thereto.

§ 945.134 *Reports.* Persons handling tomatoes under exemption certificates shall, at such time as may be specified in such certificates, report thereon to the committee the names and addresses of the receivers of such tomatoes, the quantity shipped (by grade, size, quality, and variety), the inspection certificates issued with respect thereto, the dates of such shipments, and such other information as may be requested by such committee in order to administer the regulatory provisions applicable thereto.

§ 945.135 *Appeals.* If any applicant is dissatisfied with the determination of the committee regarding an application for an exception certificate, or any duly issued exemption certificate an appeal by such applicant may be taken to such committee in accordance with § 945.74.

Dated: December 6, 1955.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 55-9929; Filed, Dec. 8, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Bureau of the Census

INVENTORIES, SALES, AND ACCOUNTS RECEIVABLES OF RETAILERS

NOTICE OF CONSIDERATION FOR SURVEYS

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct a 1955 Annual Retail Trade Survey of year-end inventories; annual sales; and accounts receivable, charge and installment, as of the end of the year, under the provisions of the Act of Congress approved August 31, 1954, 13 U. S. C. 181, 224, and 225. This survey will provide the only continuing source of important information on these phases of retail trade in the various kinds of retail business. On the basis of information and recommendations received by the Bureau of the Census, the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and are not publicly available from non-governmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Reports will not be required from all retail firms in the United States, but only from a selected sample, in order to provide, with measurable reliability, regional annual sales figures, national inventory figures, sales-inventory ratios, and charge and installment accounts receivable as of the end of the year. Reports will be requested from sampled stores on the basis of their sales size and/or location in Census Sample Areas. A group of the largest firms in terms of number of retail stores operated will be requested to report regardless of the store locations.

Copies of the proposed forms and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington 25, D. C.

Any suggestions or recommendations concerning the subject matter of this proposed survey should be submitted in writing to the Director of the Census and will receive consideration.

[SEAL] ROBERT W. BURGESS,
Director,
Bureau of the Census.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55-9925; Filed, Dec. 8, 1955; 8:48 a. m.]

Federal Maritime Board

CLAN LINE STEAMERS LTD. ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8037, between Clan Line Steamers Limited (Clan Line) and Bull Insular Line, Inc., covers the transportation of gunny sacks, hessian cloth and jute under through bills of lading from India and Pakistan to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement No. 8037 was filed to supersede and cancel approved transhipment Agreement No. 7744.

(2) Agreement No. 8056, between American Export Lines, Inc., and Bull Insular Line, Inc., covers the transportation of gunny sacks, hessian cloth and jute under through bills of lading from India and Pakistan to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement No. 8056 was filed to supersede and cancel approved transhipment Agreement No. 7963.

(3) Agreement No. 8058, between Matson Navigation Company and Fred. Olsen & Co. (Fred. Olsen Line), covers the transportation of canned pineapple on through bills of lading from Hawaii to Europe, with transhipment at ports on the Pacific Coast of the United States.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: November 5, 1955.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-9919; Filed, Dec. 8, 1955; 8:47 a. m.]

Office of the Secretary

[Dept. Order 162]

SURETY BONDS

REDELEGATION OF AUTHORITY

SECTION 1. *Purpose.* The purpose of this order is to redelegate the authority of the Secretary of Commerce under the act of August 9, 1955, Public Law 323, 84th Congress (69 Stat. 618; 6 U. S. C. 14), with respect to obtaining surety bonds to cover officers and employees of the Department and to prescribe the reporting requirements incident thereto.

SEC. 2. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by law, the heads of primary organization units and the Director, Office of Budget and Management for the Office of the Secretary, are hereby authorized to obtain appropriate surety bonds to cover officers and employees of the Department who are required by law or administrative ruling to be bonded.

.02 The purchase of bonds pursuant to this authority shall be in accordance with the applicable regulations promulgated by the Secretary of the Treasury and published at 20 F. R. 8288 (31 CFR Chap. II, Subchapter A, Part 226) including such amendments of these regulations as may be issued from time to time, all of which are made a part hereof by reference.

.03 The authority delegated herein may be redelegated to such officers or employees as the heads of primary organization units and the Director, Office of Budget and Management may designate.

SEC. 3. *Reports.* .01 In order to comply with the reporting requirements of the act of August 9, 1955, and the Treasury Regulations, each primary organization unit and the Office of Budget and Management for the Office of the Secretary, shall prepare and submit to the Director, Office of Budget and Management, not later than May 15, 1956, an initial report of operations under the act prior to April 30, 1956.

.02 A similar report shall be submitted to the Office of Budget and Management not later than August 1 of 1957 and each year thereafter covering operations under the act for the preceding fiscal year.

.03 The reports prescribed herein shall contain the information specified in the pertinent regulations of the Department of the Treasury.

SEC. 4. *General provision.* While the provisions of this order do not become effective until January 1, 1956, the head of each primary organization unit and the Director, Office of Budget and Management should take such action, prior to that date, as may be necessary to obtain bonds to be effective on January 1, 1956, or as soon thereafter as practicable.

Effective date: January 1, 1956.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55-9926; Filed, Dec. 8, 1955; 8:48 a. m.]

JOHN V. BURLEY

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. John V. Burley.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: November 30, 1955.
4. Title of position: Director, Iron and Steel Division.
5. Name of private employer: Republic Steel Corporation, Cleveland, Ohio.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Republic Steel Corporation; Bank deposits.

Dated: November 30, 1955.

JOHN V. BURLEY,

[F. R. Doc. 55-9954; Filed, Dec. 8, 1955; 8:49 a. m.]

HARRY F. BOWER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Harry F. Bower.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: June 24, 1955.
4. Title of position: Director, Water and Sewerage Industry and Utilities Division.
5. Name of private employer: James B. Clow & Sons, Chicago, Illinois.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

a. Corporation Officer or Director—None. Stocks—General Public Utilities. Bonds—None. Other financial interests—James B. Clow and Sons and bank deposits.
b. None.
c. None.

Dated: November 30, 1955.

HARRY F. BOWER.

[F. R. Doc. 55-9955; Filed, Dec. 8, 1955; 8:49 a. m.]

ERNEST W. DANIELS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Ernest W. Daniels.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: November 10, 1955.
4. Title of position: Consultant.
5. Name of private employer: Harbor Plywood Corporation, Aberdeen, Washington.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

a. Harbor Plywood Corporation—stock.
c. Northwest Research & Development Co.; Bank deposits.

Dated: November 10, 1955.

Redated: November 23, 1955.

ERNEST W. DANIELS.

[F. R. Doc. 55-9956; Filed, Dec. 8, 1955; 8:49 a. m.]

LEWIS T. GIBBS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Lewis T. Gibbs.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: November 28, 1955.
4. Title of position: Chief, Carbon and Alloy, Semifinished Rail, Structural, Bars, Wire and Forgings Branch.
5. Name of private employer: United States Steel Corporation, 525 William Penn Place, Pittsburgh, Pennsylvania.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

a. Bank deposits; building and loan deposits; The Ohio Steel Foundry Company.
b. None.
c. None.

Dated: November 23, 1955.

GLENN R. HUGHES.

[F. R. Doc. 55-9958; Filed, Dec. 8, 1955; 8:50 a. m.]

GLENN R. HUGHES

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Glenn R. Hughes.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: March 24, 1955.
4. Title of position: Chief, Castings Branch, Iron and Steel Division.
5. Name of private employer: The Ohio Steel Foundry Company, Springfield, Ohio.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

U. S. Steel Corporation; Gulf Oil Corporation; Bank deposits.

Dated: November 28, 1955.

LEWIS T. GIBBS.

[F. R. Doc. 55-9957; Filed, Dec. 8, 1955; 8:50 a. m.]

FREDERICK A. MERLISS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Frederick A. Merliss.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: November 30, 1955.
4. Title of position: Deputy Director, Aluminum and Magnesium Division.
5. Name of private employer: United Smelting & Aluminum Company, Inc., New Haven, Connecticut.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Aluminium Ltd.; Atlas Plywood Corporation; Bridgeport Hardware Manufacturing Company; Consolidated Natural Gas Corporation; The Equity Corporation; Farrel Birmingham Company; Grumman Aircraft Engineering Corporation; International Mineral & Chemical Company; The Kerite Company; National Cylinder Gas Company; Ashland Oil & Refining Company; International Telephone & Telegraph Company; American & Foreign Power; Pennsylvania Railroad; Radio Corporation of America; Solar Aircraft Company; Standard Oil Company of New Jersey; Texas Eastern Transmission Corporation; Union Carbide & Carbon Company; United Illuminating Company; United Smelting & Aluminum Company, Inc.; Veeder Root, Inc., Westinghouse Electric Corporation; Whitney Blake Company; Youngstown Sheet & Tube Company; Bank deposits.

Dated: November 30, 1955.

FREDERICK A. MERLISS.

[F. R. Doc. 55-9959; Filed, Dec. 8, 1955; 8:50 a. m.]

THOMAS J. MOORE, JR.

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Thomas J. Moore, Jr.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: April 26, 1955; November 30, 1955; Consultant.

4. Title of position: Director, Iron and Steel Division.

5. Name of private employer: Sharon Steel Corporation.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; None.

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and None.

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bank deposits; rental property; Sharon Steel Corporation.

Dated: November 28, 1955.

THOS. J. MOORE, JR.

[F. R. Doc. 55-9960; Filed, Dec. 8, 1955; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 454]

ADMINISTRATOR'S ADVISORY COMMITTEE ON SHELTERED WORKSHOPS

APPOINTMENTS

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), I, Newell Brown, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint the following named persons as members of the Administrator's Advisory Committee on Sheltered Workshops:

Mr. John M. Convery, National Association of Manufacturers, New York, New York.

Mr. Willis C. Gorthy, Institute for the Crippled and Disabled, New York, New York.

Mr. Lewis Hines, American Federation of Labor, Washington, D. C.

Mr. Edward Hochhauser, Altro Health and Rehabilitation Services, Inc., New York, New York.

Mr. S. L. Hoffman, S. L. Hoffman Manufacturing Company, New York, New York.

Dr. Henry H. Kessler or (serving as alternate) Miss Florence Stattel, The Kessler Institute for Rehabilitation, West Orange, New Jersey.

Mrs. Elizabeth K. Lammie, Pennsylvania Branch Shut-In Society, Philadelphia, Pennsylvania.

Colonel J. F. McMahon, Volunteers of America, New York, New York.

Rt. Rev. Msgr. John O'Grady, National Conference of Catholic Charities, Washington, D. C.

Mr. Kenneth E. Pohlmann, United Mine Workers of America, Welfare and Retirement Fund, Washington, D. C.

Mr. Harry Read, Congress of Industrial Organizations, Washington, D. C.

Mr. Peter J. Salmon, Industrial Home for the Blind, Brooklyn, New York.

Mr. Percy J. Trevethan, Goodwill Industries of America, Inc., Washington, D. C.

Miss Louise McGuire (nonvoting member), Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C.

The above appointments will expire June 30, 1957.

Signed at Washington, D. C., this 5th day of December 1955.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 55-9920; Filed, Dec. 8, 1955; 8:48 a. m.]

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS BY THE GOVERNMENT OF HONG KONG

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodities:

Bronze imitation antiques.
Hand-painted wallpaper.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 55-9930; Filed, Dec. 8, 1955; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLUMBIA RIVER MASTER UNIT AND APPURTENANT MARKETING AREA, OREGON

HEARING TO CONSIDER CONTINUATION, MODIFICATION OR REVOCATION

DECEMBER 5, 1955.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of August 28, 1937 (50 Stat. 874) a public hearing is scheduled for 10:00 a. m., P. s. t., January 20, 1956, at the Interior Auditorium, Interior Building, 1001 Northeast Lloyd Boulevard, Portland, Oregon, to consider whether or not the marketing area established by Secretarial Order No. 2388 on November 29, 1947, should be continued, modified or revoked.

The hearing will be open to all interested persons.

Any written briefs, statements or documents which are to be presented at the hearing must be submitted to Mr. James F. Doyle, Area Administrator, Bureau of Land Management, P. O. Box 3861, Portland, Oregon, on or before January 13, 1956.

DEPUE FALCK,
Acting Director.

[F. R. Doc. 55-9902; Filed, Dec. 8, 1955; 8:45 a. m.]

Office of the Secretary

[Order 2805]

DEPUTY DIRECTOR, BUREAU OF MINES

DELEGATION OF AUTHORITY

DECEMBER 1, 1955.

SECTION 1. Delegation: The Deputy Director of the Bureau of Mines may exercise all authority delegated to the Director by the Secretary of the Interior.

SEC. 2. Revocation: Order No. 2786 (20 F. R. 797) is revoked.

(Sec. 2, Reorganization Plan No. 3 of 1950; 5 U. S. C., 1952 ed., sec. 133z-15, note)

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 55-9904; Filed, Dec. 8, 1955; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8331]

WESTHOMA OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 5, 1955.

Take notice that Westhoma Oil Company (Applicant), a Delaware corporation whose address is Post Office Box 245, Hooker, Oklahoma, filed on January 6, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production in the Keyes Field, Cimarron County, Oklahoma, to Colorado Interstate Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, January 11, 1956 at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 21, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9910; Filed, Dec. 8, 1955; 8:46 a. m.]

[Docket No. G-8334]

PHILLIPS PETROLEUM CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 5, 1955.

Take notice that Phillips Petroleum Company (Applicant), a Delaware corporation whose address is Bartlesville, Oklahoma, filed, as non-operator[1] on January 10, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of the Hamilton Lease, Keyes Field, Texas County, Oklahoma, to Colorado Interstate Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, January 11, 1956, at 9:50 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 21, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9911; Filed, Dec. 8, 1955; 8:46 a. m.]

[Docket Nos. G-8446, G-8447]

UNITED PRODUCING CO., INC. AND UNITED CARBON CO., INC.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 5, 1955.

Take notice that United Producing Company, Inc.,[1] and United Carbon Company, Inc. (Maryland), hereinafter referred to as Applicant, Maryland corporations whose addresses are United Carbon Building, Charleston, West Virginia, each filed, on February 8, 1955, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of the 160 acre E. Isom, 640 acre Ella Hamilton,[2] 160 acre Minnie Ross and 320 acre B. Chapman[2] leases, Keyes Field, Texas and Cimarron Counties, Oklahoma, to Colorado Interstate Gas Company for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, January 12, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 21, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9912; Filed, Dec. 8, 1955; 8:46 a. m.]

[Docket No. G-8497]

AMERADA PETROLEUM CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 5, 1955.

Take notice that Amerada Petroleum Corporation (Applicant), a Delaware corporation whose address is P. O. Box 2040, Tulsa 2, Oklahoma, filed, on February 21, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of certain leases in the Greenwood Field, Morton County, Kansas, to Colorado Interstate Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, January 12, 1956, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure

[1] The lease operator is United Producing Company, Inc. See Docket No. G-8446.

[1] The operator of the 640 acre Ella Hamilton Lease is United Producing Company, Inc., which owns 75 percent thereof. The non-operator and owner of the remaining 25 percent is Phillips Petroleum Company. See Docket No. G-8334.

[2] United Producing Company, Inc. owns 50 percent of the B. Chapman Lease as shown on exhibit A to the application.

(18 CFR 1.8 or 1.10) on or before December 22, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9913; Filed, Dec. 8, 1955; 8:46 a. m.]

[Docket Nos. G-9204, G-9205, G-9206]

DIANE KING, F. B. KING, JR., AND KETHA KING

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 5, 1955.

Take notice that Diane King, F. B. King, Jr., and Ketha King, individuals whose addresses are Homer, Louisiana, hereinafter referred to as Applicant, each filed, as non-operator[1] on August 8, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications (application) which are on file with the Commission and open for public inspection.

Each Applicant sells natural gas in interstate commerce from production of the 160 acre Jones-Baucum Unit, East Haynesville Field, Claiborne Parish, Louisiana, to Arkansas Louisiana Gas Company for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, January 12, 1956, at 9:50 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 22, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[1] The operator of the Unit is Southwest Natural Production Company. See Docket No. G-7229.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9914; Filed, Dec. 8, 1955; 8:46 a. m.]

[Docket No. G-9322]

EQUITABLE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 5, 1955.

Take notice that Equitable Gas Company, a Pennsylvania corporation having its principal office in Pittsburgh, Pennsylvania (Applicant), filed on September 14, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate natural gas facilities and render service as hereinafter described, subject to the jurisdiction of the Commission all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate approximately 1,430 feet of 6-inch pipeline extending from Applicant's 12-inch main line to a proposed one well storage pool located on the Hayes Farm, Mannington District, Marion County, West Virginia. The estimated cost of the project is $71,655, of which $7,650 will be for the cost of the proposed pipeline, with the remainder being for costs of reconditioning, acquisition of storage rights, and purchase of remaining gas in place. Applicant states it will utilize the capacity of the existing 12-inch line connecting the Logansport Storage Pool, and Logansport Compressor Station to operate the Hayes Pool, hence, both storage pools will be operated in combination, which will provide capacity for an increase in daily winter time supply enabling Applicant to better serve peak day gas requirements estimated for future winter seasons. No new market is contemplated as a result of utilization of the Hayes Storage Pool.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 10, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 30, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9915; Filed, Dec. 8, 1955; 8:47 a. m.]

[Docket No. G-9435]

KANSAS-NEBRASKA NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 5, 1955.

Take notice that Kansas-Nebraska Natural Gas Company (Applicant), a Kansas corporation with its principal place of business at Phillipsburg, Kansas, filed an application on October 5, 1955, as amended on October 31, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the acquisition and operation of an abandoned oil pipeline and the construction and operation of connection facilities to convert the oil line into an integral part of its existing interstate natural gas transmission system, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to acquire, connect to its existing system and to operate approximately 14 miles of 16 inch abandoned crude oil pipeline now in place, replacing a similar quantity of 8 inch pipeline now in use in its existing system between North Platte and Brady, Nebraska. The 16 inch line is located near the 8 inch line and parallel to it. The 16 inch pipeline is being purchased from O. R. Burden Construction Company, and was formerly owned by Service Pipeline Company.

Applicant states that the present authorized capacity of its system is only sufficient to meet its requirements for the anticipated 1955-56 peak day. The substitution of the 14 miles of 16 inch pipe for the present 8 inch line will permit the transmission from Western Nebraska and Northeastern Colorado fields of an additional 2,500 Mcf on peak days, into the central and northeastern Nebraska portion of the system, which additional 2,500 Mcf will assure adequate service to the increasing firm market demand of present customers in Central and Northeastern Nebraska.

Applicant also states that the increase in capacity will allow it to transport an additional 1,500 Mcf per day of oil well gas from the western system into the eastern portion of its system during the summer months, therefore making available gas that is presently being flared. No change in authorized service is proposed.

Applicant proposes to pay $159,268 for the oil line in place, plus an estimated $19,835 for cost of connection with the existing system. There will be a credit of $25,830 due to reclaiming the 8 inch line, leaving a new total cost to Applicant of $153,273 which will be financed from current funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 10, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 23, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9916; Filed, Dec. 8, 1955; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1705 et al.]

FLYING TIGER LINE, INC.

NOTICE OF HEARING ON PETITION TO MODIFY MINIMUM RATE ORDER

In the matter of the petition of Flying Tiger Line, Inc. to modify minimum rates under sections 2, 205 (a), 403, 404, 407 (a), 1002, and 1005 (d) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 13, 1955, at 10:00 a. m., e. s. t., in Room No. 1512 Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C. before Examiner Merritt Ruhlen.

For further details of the issues involved in this proceeding interested persons are referred to the petition of Flying Tiger Line, Inc., dated October 7, 1955, and the Prehearing Conference Report issued November 30, 1955, all on file with the Docket Section, Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board on or before December 13, 1955 a statement setting forth the issues of fact or law desired to be controverted.

Dated at Washington, D. C., December 5, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-9921; Filed, Dec. 8, 1955; 8:48 a. m.]

[Docket No. 1705 et al.]

AMERICAN AIRLINES, INC.

NOTICE OF HEARING ON PETITION TO MODIFY MINIMUM RATE ORDER

In the matter of the petition of American Airlines, Inc. to modify minimum rates under sections 2, 205 (a), 403, 404, 407 (a), 1002, and 1005 (d) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 13, 1955, at 10:00 a. m., e. s. t., in Room No. 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C. before Examiner Merritt Ruhlen.

For further details of the issues involved in this proceeding interested persons are referred to the petition of American Airlines, Inc., dated October 6, 1955, and the Prehearing Conference Report issued November 30, 1955, all on file with the Docket Section, Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board on or before December 13, 1955 a statement setting forth the issues of fact or law desired to be controverted.

Dated at Washington, D. C., December 5, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-9922; Filed, Dec. 8, 1955; 8:48 a. m.]

[Docket No. 7339]

MODERN AIR TRANSPORT, INC., ET AL.

NOTICE OF HEARING

In the matter of the application of Modern Air Transport, Inc., John P. Becker and Aviation Management Corporation for approval of interlocking relationship, under sections 408 and 409 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on December 13, 1955, at 10:00 a. m., e. s. t., in the Foyer of the Commerce Auditorium, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., December 5, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-9923; Filed, Dec. 8, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 6, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31392: *Plaster retarder in Official Territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on plaster retarder, carloads, and in mixed carloads with plaster and related articles and/or gypsum wallboard between points in trunkline, New England and central territories as described in the application, and between such points, on one hand, and points in southern Illinois, also Paducah, Ky., St. Louis, Mo., and other points in Missouri and in proximity to the Mississippi River, on the other.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 17 to Agent Hinsch's I. C. C. 4662.

FSA No. 31393: *Calcium chloride from and to points on The Chicago, Aurora, and Elgin Railway.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on calcium chlorides, in carloads, as described in the application, (a) From and to points in central territory, as described on pages 8 through 13 of Agent Hinsch's tariff I. C. C. 4622, (b) from said points to points in trunkline and New England territories as described on pages 16, 20, 21 and 22 of said tariff, on the one hand, and (c) from, to or via points on the Chicago, Aurora and Elgin Railway in northern Illinois described in application.

Grounds for relief: Carrier competition and circuity.

Tariffs: Supplement 153 to Agent Hinsch's I. C. C. No. 3779 and nine other tariffs.

FSA No. 31394: *Potatoes—Maine and New Brunswick to T. L., N. E., and Central Territories.* Filed by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on potatoes, (white), carloads, from points in Maine and New Brunswick, Canada to points

in central, New England and trunkline territories.

Grounds for relief: Carrier competition and circuity.

FSA No. 31395: *Manufactured iron and steel articles to Baltimore, Md.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on manufactured iron or steel articles, carloads, from specified points in southern territory, over rail-water routes to Baltimore, Md.

Grounds for relief: Competition of all-rail carriers and maintenance of rates differentially related to all-rail rates-circuitous routes.

Tariff: Supplement 17 to Agent Spaninger's I. C. C. 1454.

FSA No. 31396: *Manufactured iron and steel articles—South to Official Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on manufactured iron and steel articles, carloads from specified points in southern territory to specified points in official (including Illinois) territory, Ohio River Crossings and Virginia Cities.

Grounds for relief: Short-line distance formula, grouping, operation through higher-rated territories, and circuity.

Tariffs: Supplement 126 to Agent Spaninger's I. C. C. 1258; Supplement 17 to Agent Spaninger's I. C. C. 1454.

FSA No. 31397: *Fertilizer solutions from, to and between the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer ammoniating solutions, nitrogen fertilizer solutions, and phosphatic fertilizer solutions, carloads between (1) points in southwestern territory (2) between points in southwestern territory, on one hand, and points in Kansas, on the other, and (3) from points in southern territory to points in southwestern territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 102 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 31398: *Auto passenger bodies—Gary, Ind., to Norfolk, Va.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on passenger automobile bodies, carloads from Gary, Ind., to Norfolk, Va.

Grounds for relief: Carrier competition and circuity.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-9908; Filed, Dec. 8, 1955; 8:46 a. m.]

INTERNATIONAL COOPERATION ADMINISTRATION

DIRECTOR AND ASSISTANT DIRECTOR OF OFFICE OF TRANSPORTATION

DELEGATION OF AUTHORITY TO WAIVE PROVISION OF PROCUREMENT AUTHORIZATIONS REGARDING TRANSPORTATION ON U. S. FLAG COMMERCIAL VESSELS

By virtue of the authority vested in me by Executive Order No. 10610 and State Department Delegation of Authority No. 85, as amended ("Establishment of International Cooperation Administration and Delegation of Certain Related Functions") (20 F. R. 4825 and 20 F. R. 7950), I hereby delegate to the Director of the Office of Transportation and to the Assistant Director of the Office of Transportation the authority to waive, and to issue and sign statements indicating waivers of, compliance with the U. S. flag vessel provision incorporated in any authorization for procurement (including Procurement Authorizations, Project Implementation Orders, Procurement Authorization-Purchase Requisitions, and similar documents) issued by the International Cooperation Administration. This delegation of authority shall be effective as of July 1, 1955.

All actions waiving compliance with the U. S. flag vessel provision incorporated in authorizations for procurement (including Procurement Authorizations, Project Implementation Orders, Procurement Authorization-Purchase Requisitions, and similar documents) issued by either the Foreign Operations Administration or the International Cooperation Administration which have been taken by the Director and other officials of the Office of Transportation since August 26, 1954, are specifically approved, confirmed, adopted, and ratified.

Dated: November 23, 1955.

JOHN B. HOLLISTER, *Director.*

[F. R. Doc. 55-9906; Filed, Dec. 8, 1955; 8:46 a. m.]

PART I

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

VOLUME 20 NUMBER 240

Washington, Saturday, December 10, 1955

UNIVERSITY OF MICHIGAN
DEC 12 1955
MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRADES OF DRIED FIGS

In F. R. Doc. 55-9498, beginning on page 8681 of the issue for Saturday, November 26, 1955, the following corrections have been made:

1. In Table IV B of § 52.1027, and in the parenthetical heading of this table, insert a semi-colon after the word "Whole;" and insert a comma after the word "Sliced,".

2. In § 52.1033, change the second grouping of words under the heading of "Defects", to read:

Damaged by: scars or disease, sunburn, mechanical injury,[1] visible sugaring, other similar defects.

Dated: December 7, 1955.

[SEAL] FRANK E. BLOOD, *Acting Deputy Administrator, Marketing Services.*

[F. R. Doc. 55-9967; Filed, Dec. 9, 1955; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 65]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.365 *Navel Orange Regulation 65*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 8, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effec-

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This issue is divided into two parts, Part II of which contains a republication of Parts 600 and 601 of Title 14, Chapter II, of the Code of Federal Regulations.

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplement is now available:

General Index ($1.25)

All of the Cumulative Pocket Supplements and revised books of the Code of Federal Regulations (as of January 1, 1955) are now available with the exception of Titles 1–3

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handled during the period beginning at 12:01 a. m., P. s. t., December 11, 1955, and ending at 12:01 a. m., P. s. t., December 18, 1955, is hereby fixed as follows:

(i) District 1: 554,400 cartons;
(ii) District 2: 10,384 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," and "District 4" have the same meaning as when used in said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit, or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 9, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–10033; Filed, Dec. 9, 1955; 11:33 a. m.]

[Lemon Reg. 619]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.726 *Lemon Regulation 619*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 7, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 11, 1955, and ending at 12:01 a. m., P. s. t., December 18, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 148,800 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 8, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–10009; Filed, Dec. 9, 1955; 8:53 a. m.]

[Avocado Order 9, Amdt. 2]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

CONTAINER REGULATION

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 20 F. R. 4177), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Avocado Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the relaxation of the limitation, as hereinafter provided, on the handling of such avocados will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of avocados grown in South Florida, in that it increases, by one, the number of sizes of containers in which avocados may be handled during the period hereinafter specified.

Order, as amended. The provisions in paragraph (b) of § 969.309 (Avocado Order 9, as amended; 20 F. R. 5627, 6571) are hereby further amended so as to permit, during the period beginning at 12:01 a. m., e. s. t., December 12, 1955, and ending at 12:01 a. m., e. s. t., January 16, 1956, the handling of avocados in any container with inside dimensions 17½ by 11½ by 8⅝ inches. Otherwise, the provisions of said Order No. 9, as amended, shall remain and continue in full force and effect.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 8, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–10010; Filed, Dec. 9, 1955; 8:53 a. m.]

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

MODIFICATION OF MINIMUM GRADE STANDARDS FOR PACKED MUSCAT RAISINS

Pursuant to the Marketing Agreement No. 109, as amended, and Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California, hereinafter referred to as the "order," effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and upon the basis of information supplied by the Raisin Administrative Committee established under the order, and other available information, it is hereby found that to modify the minimum grade standards for packed Muscat raisins other than Layer Muscats as hereinafter provided will tend to effectuate the declared policy of the act.

There have been presented for inspection packed Soda Dipped Seeded (Valencia) Muscat raisins and packed Unseeded Loose Muscat raisins which have not had their capstems removed. These are packed raisins as defined in the order. The existing minimum grade standards provided in § 989.59 (a) (1) (i) of the order for packed Muscat raisins other than Layer Muscats are not entirely satisfactory for use in connection with the aforesaid Valencia and Loose Muscat raisins. It is necessary, of course, that appropriate minimum grade standards be prescribed for any raisins which may be presented for inspection under the order. Therefore, the present standards should be modified, insofar as they relate to packed Muscat raisins other than Layer Muscats, so that they include appropriate requirements for all of such raisins, including the Seeded Valencia Muscat raisins and Unseeded Loose Muscat raisins which have not had their capstems removed.

Accordingly, it is hereby ordered that the requirements contained in § 989.59 (a) (1) (i) of the order that all packed raisins except Layer Muscats and Dante Currants at least meet the minimum grade standards prescribed in "U. S. Grade C" as defined in "effective United States Standards for Grades of Processed Raisins," are modified in accordance with the authorization contained in § 989.59 (b) of the order as follows:

a. The minimum grade standards for all packed Muscat raisins other than Layer Muscats shall be those of "U. S. Grade C" of the grades of Muscat raisins contained in the aforesaid effective standards (now in § 52.1847, 20 F. R. 5760) except that: (1) In the case of Soda Dipped Seeded (Valencia) raisins, all the requirements applicable to Soda Dipped Unseeded (Valencia) raisins shall apply, other than the moisture and seed tolerance requirements which shall be those of Seeded Muscat raisins; and (2) in the case of Unseeded, Uncapstemmed, Loose, Muscat raisins, the limitation with respect to capstems shall not apply when the capstems remain attached to the berries, but in no event shall the total loose capstems exceed 20 per 16 ounces.

b. Otherwise, the minimum grade standards prescribed in § 989.59 (a) (1) as heretofore modified (20 F. R. 7808), continue in effect as presently effective.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and postpone the effective date of this document later than the date of its publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) because the existing minimum grade standards for packed Muscat raisins other than Layer Muscats are restricting the marketing of such raisins; it is necessary that such standards be modified immediately so that normal marketing of such raisins may proceed; handlers require no time for preparation to comply with the changed regulation; and, in the circumstances, good cause exists for making the provisions of this document effective at the indicated time.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 7th day of December 1955, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 55-9969; Filed, Dec. 9, 1955; 8:51 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

ENTIRE EXECUTIVE CIVIL SERVICE
DEPARTMENT OF THE NAVY

Effective upon publication in the FEDERAL REGISTER, paragraphs (g) and (s) of § 6.101 and paragraph (a) (5) of § 6.106 are amended as set out below.

§ 6.101 *Entire executive civil service.* • • •

(g) Any position in which the appointee will receive compensation aggregating not more than $1,100 a year, the duties of which are part-time or intermittent, but such appointments shall not be for job employment. In Washington, D. C., such appointments shall be subject to the prior approval of the Commission.

• • • • •

(s) Temporary, part-time or intermittent positions of student assistant when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed. No person shall be employed under this provision (1) in a position of a routine clerical type; or (2) in excess of 130 working days a year; or (3) at a total compensation exceeding $1,270 during such a period of one year.

§ 6.106 *Department of the Navy*—(a) *General.* • • •

(5) Student trainees in naval shipyards, whose salaries shall not aggregate more than $1,100 a year. Only bona fide students engaged in the study of naval architecture shall be eligible for appointment under this subparagraph. Employment under this subparagraph shall not exceed 90 working days a year.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-9943; Filed, Dec. 9, 1955; 8:48 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (c) (6) is added to § 6.310 as set out below.

§ 6.310 *Department of the Interior.* • • •

(c) *Fish and Wildlife Service.* • • •

(6) Not to exceed June 1, 1956, one Assistant Director for Field Operations.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-9942; Filed, Dec. 9, 1955; 8:47 a. m.]

TITLE 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Document 55-9776 appearing in the issue for Tuesday, December 6, 1955, on page 8949, the chapter heading should read as set forth above.

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter T—Patents in Fee, Competency Certificates, Sales and Reinvestment of Proceeds

PART 241—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, SALE OF CERTAIN INDIAN LANDS, AND REINVESTMENT OF PROCEEDS

MISCELLANEOUS AMENDMENTS

Sections 241.1, 241.2, 241.24, 241.26, and 241.49 are amended to read as follows:

§ 241.1 *Application for patent in fee.* Any Indian 21 years of age or over may apply for a patent in fee for land, the title to which is held in trust for said Indian by the United States. The application shall be made on a form approved by the Commissioner of Indian Affairs and shall be completed and filed with the Superintendent or other officer in charge of the Indian agency or other local facility having administrative jurisdiction over the land.

§ 241.2 *Issuance of patents in fee.* (a) The Secretary of the Interior may, in his discretion, and pursuant to the acts of February 8, 1887, as amended (24 Stat. 388, as amended; 25 U. S. C. 349); June 25, 1910, as amended (36 Stat. 855, as amended; 25 U. S. C. 372); and May 14, 1948 (62 Stat. 236; 25 U. S. C. 483), and pursuant to other authorizing acts, issue patents in fee to Indians applying therefor in accordance with § 241.1. A patent in fee will not be issued pursuant to this paragraph unless it appears that the applicant is competent and capable of managing his or her own affairs. Prior to the issuance of a patent in fee pursuant to this paragraph the land shall be appraised at its fair market value. If an application is denied, the applicant shall be so notified in writing.

(b) The Secretary will, pursuant to the act of March 1, 1907 (34 Stat. 1015, 1034), issue a patent in fee to any adult mixed-blood Indian owning land within the White Earth Reservation in the State of Minnesota upon application being made by such Indian, and without regard to the applicant's competency and ability to manage his or her own affairs.

(c) Whenever the Secretary determines that land, or any interest therein, held in trust for an Indian by the United States, has been acquired through inheritance or devise by (1) a non-Indian or (2) an alien Indian or an Indian who has become an alien subsequent to the time of such acquisition, the Secretary may issue a patent in fee for the land or interest therein to such non-Indian or alien Indian, without regard to such person's competency and ability to manage his or her own affairs, and regardless of whether such person has applied for a patent in fee.

§ 241.24 *Appraisal, advertisement, consideration.* (a) Prior to making or approving a sale, exchange or gift of trust or restricted land, an appraisal shall be made indicating the fair market value of such land.

(b) Except as provided in paragraph (c) of this section, proposed sales of land shall be advertised for at least 30 days prior to the proposed date for opening bids on such land, unless a shorter period is otherwise authorized by the Secretary of the Interior. At the request of the owner, the advertisement may afford to the tribe occupying the reservation where the land is located, to members of such tribe, or to any reasonably defined class of Indians, a right to meet the high bid.

(c) The following types of conveyances need not be advertised and may be negotiated: (1) A sale to another Indian, an Indian tribe, the United States or an agency thereof, or a state or local government or agency thereof; (2) a conveyance to a member of the Indian's immediate family pursuant to the provisions of paragraph (d) of this section; (3) a sale to a non-Indian, when the Secretary determines that it is impractical to advertise; (4) an exchange; (5) temporary easements for rights of way not to exceed fifty years. Except as provided in paragraph (d) of this section, the consideration for a negotiated sale shall be not less than the appraised value of the land. The consideration for an exchange shall be either land, or a combination of land and money or other thing of value, the fair market value of which is not less than the appraised value of the trust or restricted land. Sales between Indians, either of whom is an employee of the United States Government, are governed by the provisions of § 276.5 of this chapter.

(d) An Indian owner of trust or restricted land may, with the approval of the Secretary, convey land to a member of his or her immediate family for a consideration less than that prescribed in paragraph (c) of this section or for no consideration. For purposes of this section, "immediate family" is defined as the Indian's spouse, brothers and sisters, lineal ancestors of Indian blood, and lineal descendants.

§ 241.26 *Number of bids.* No bidder will be permitted to include more than one item in any single bid. If a bidder desires to bid on more than one item, he must bid a separate amount for each item.

§ 241.49 *Procedure for removing restrictions.* An Indian may apply for the removal of restrictions from land acquired by purchase, exchange or gift, and devised and inherited interests therein, held under an instrument of conveyance which recites that the land shall not be sold or alienated without the consent or approval of the Superintendent, the Commissioner of Indian Affairs, or the Secretary of the Interior. An application for the removal of restrictions from such land shall be filed with the superintendent or other officer in charge of the Indian agency or other local facility having administrative jurisdiction over the land. The application shall set forth the experience the applicant has had in the transaction of his business affairs and the reasons why a removal of restrictions is desired. If it appears that the applicant is competent and capable of managing his affairs or that the removal of restrictions is otherwise in the best interests of the applicant, an order removing restrictions against alienation of the land may be issued. Prior to the issuance of such an order the land shall be appraised at its fair market value.

(R. S. 161; 5 U. S. C. 22)

DOUGLAS MCKAY,
Secretary of the Interior.

DECEMBER 5, 1955.

[F. R. Doc. 55-9935; Filed, Dec. 9, 1955; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6154]

PART 1—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

On October 28, 1955, notice of proposed rule making regarding the regulations under Pub. Law 74, 84th Congress, approved June 15, 1955, was published in the FEDERAL REGISTER (20 F. R. 8120). After consideration of such relevant suggestions as were presented by interested persons regarding the proposals, the following regulations are hereby adopted:

Sec.
1.9000-1 Provisions of P. L. 74.
1.9000-2 Effect of repeal in general.
1.9000-3 Requirement of statement showing increase in tax liability.
1.9000-4 Form and content of statement.
1.9000-5 Effect of filing statement.
1.9000-6 Provisions for the waiver of interest.
1.9000-7 Provisions for estimated tax.
1.9000-8 Extension of time for making certain payments.

AUTHORITY: §§ 1.9000-1 to 1.9000-8 issued under sec. 7805, 68A Stat. 917, Pub. Law 74, 84th Cong.; 26 U. S. C. 7805.

§ 1.9000-1 *Statutory provisions.* Public Law 74, 84th Congress, approved June 15, 1955, provides as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. *Repeal of sections 452 and 462*—(a) *Prepaid income.* Section 452 of the Internal Revenue Code of 1954 is hereby repealed.

(b) Reserves for estimated expenses, etc. Section 462 of the Internal Revenue Code of 1954 is hereby repealed.

SEC. 2. *Technical amendments.* The following provisions of the Internal Revenue Code of 1954 are hereby amended as follows:

(1) Subsection (c) of section 381 is amended by striking out paragraph (7) (relating to carryover of prepaid income in certain corporate acquisitions).

(2) The table of sections for subpart B of part II of subchapter E of chapter 1 (relating to taxable year for which items of gross income included) is amended by striking out

"Sec. 452. Prepaid income."

(3) The table of sections for subpart C of such part II (relating to taxable year for which deductions are taken) is amended by striking out—

"Sec. 462. Reserves for estimated expenses, etc."

SEC. 3. *Effective date.* The amendments made by this act shall apply with respect to taxable years beginning after December 31, 1953, and ending after August 16, 1954.

SEC. 4. *Saving provisions*—(a) *Filing of statement.* If—

(1) the amount of any tax required to be paid for any taxable year ending on or before the date of the enactment of this act is increased by reason of the enactment of this act, and

(2) the last date prescribed for payment of such tax (or any installment thereof) is before December 15, 1955,

then the taxpayer shall, on or before December 15, 1955, file a statement which shows the increase in the amount of such tax required to be paid by reason of the enactment of this act.

(b) *Form and effect of statement*—(1) *Form of statement, etc.* The statement required by subsection (a) shall be filed at the place fixed for filing the return. Such statement shall be in such form, and shall include such information necessary or appropriate to show the increase in the amount of the tax required to be paid for the taxable year by reason of the enactment of this act, as the Secretary of the Treasury or his delegate shall by regulations prescribe.

(2) *Treatment as amount shown on return.* The amount shown on a statement filed under subsection (a) as the increase in the amount of the tax required to be paid for the taxable year by reason of the enactment of this act shall, for all purposes of

the internal revenue laws, be treated as tax shown on the return. Notwithstanding the preceding sentence, that portion of the amount of increase in tax for any taxable year which is attributable to a decrease (by reason of the enactment of this act) in the net operating loss for a succeeding taxable year shall not be treated as tax shown on the return.

(3) *Waiver of interest in case of payment on or before December 15, 1955.* If the taxpayer, on or before December 15, 1955, files the statement referred to in subsection (a) and pays in full that portion of the amount shown thereon for which the last date prescribed for payment is before December 15, 1955, then for purposes of computing interest (other than interest on overpayments) such portion shall be treated as having been paid on the last date prescribed for payment. This paragraph shall not apply if the amount shown on the statement as the increase in the amount of the tax required to be paid for the taxable year by reason of the enactment of this act is greater than the actual increase unless the taxpayer establishes, to the satisfaction of the Secretary of the Treasury or his delegate, that his computation of the greater amount was based upon a reasonable interpretation and application of sections 452 and 462 of the Internal Revenue Code of 1954, as those sections existed before the enactment of this act.

(c) *Special rules*—(1) *Interest for period before enactment.* Interest shall not be imposed on the amount of any increase in tax resulting from the enactment of this act for any period before the day after the date of the enactment of this act.

(2) *Estimated tax.* Any addition to the tax under section 294 (d) of the Internal Revenue Code of 1939 shall be computed as if this act had not been enacted. In the case of any installment for which the last date prescribed for payment is before December 15, 1955, any addition to the tax under section 6654 of the Internal Revenue Code of 1954 shall be computed as if this act had not been enacted.

(3) *Treatment of certain payments which taxpayer is required to make.* If—

(A) The taxpayer is required to make a payment (or an additional payment) to another person by reason of the enactment of this act, and

(B) The Internal Revenue Code of 1954 prescribes a period, which expires after the close of the taxable year, within which the taxpayer must make such payment (or additional payment) if the amount thereof is to be taken into account (as a deduction or otherwise) in computing taxable income for such taxable year,

then, subject to such regulations as the Secretary of the Treasury or his delegate may prescribe, if such payment (or additional payment) is made on or before December 15, 1955, it shall be treated as having been made within the period prescribed by such Code.

(4) *Treatment of certain dividends.* Subject to such regulations as the Secretary of the Treasury or his delegate may prescribe, for purposes of section 561 (a) (1) of the Internal Revenue Code of 1954, dividends paid after the 15th day of the third month following the close of the taxable year and on or before December 15, 1955, may be treated as having been paid on the last day of the taxable year, but only to the extent (A) that such dividends are attributable to an increase in taxable income for the taxable year resulting from the enactment of this act, and (B) elected by the taxpayer.

(5) *Determination of date prescribed.* For purposes of this section, the determination of the last date prescribed for payment or for filing a return shall be made without regard to any extension of time therefor and without regard to any provision of this section.

(6) *Regulations.* For requirement that the Secretary of the Treasury or his delegate shall prescribe all rules and regulations as may be necessary by reason of the enactment of this act, see section 7805 (a) of the Internal Revenue Code of 1954.

§ 1.9000–2 *Effect of repeal in general.* (a) Section 452 (relating to prepaid income) and section 462 (relating to reserves for estimated expenses) of the Internal Revenue Code of 1954 were repealed by Public Law 74, 84th Congress, with respect to all years subject to such Code. The effect of the repeal will generally be to increase the tax liability of taxpayers who elected to adopt the methods of accounting provided by sections 452 and 462. References to sections of law in §§ 1.9000–2 to 1.9000–8, inclusive, are references to the Internal Revenue Code of 1954 unless otherwise specified.

(b) Public Law 74 provides that if the amount of any tax is increased by the repeal of sections 452 and 462 and if the last date prescribed for the payment of such tax (or any installment thereof) is before December 15, 1955, and if the amount of such tax is increased by the repeal of sections 452 and 462, then the taxpayer shall on or before such date file a statement as prescribed in § 1.9000–3. The last date prescribed for payment for this purpose shall be determined without regard to any extensions of time and without regard to the provisions of Public Law 74.

§ 1.9000–3 *Requirement of statement showing increase in tax liability*—(a) *Returns filed before June 15, 1955.* Where a return reflecting an election under section 452 or 462 was filed before June 15, 1955, the taxpayer must file on or before December 15, 1955, a statement on Form 2175 showing the increase in tax liability resulting from the repeal of sections 452 and 462. The provisions of this paragraph may be illustrated by the following example:

Example. Corporation X filed its income tax return for the calendar year 1954 on March 15, 1955, and elected under section 6152 to pay the unpaid amount of the tax shown thereon in two equal installments. Such installment payments are due on March 15, 1955, and June 15, 1955, respectively. The corporation elected to compute its tax for such taxable year under the methods of accounting provided by sections 452 and 462. Corporation X's tax liability is increased by reason of the enactment of Public Law 74, and since the last date prescribed for paying its tax expires before December 15, 1955, it is required to submit the prescribed statement on or before December 15, 1955, showing its increase in tax liability.

(b) *Returns filed on or after June 15, 1955.* A taxpayer filing a return on or after June 15, 1955, for a taxable year ending on or before such date, may elect to apply the accounting methods provided in sections 452 and 462. The election may be exercised by either of the following methods:

(1) By computing the tax liability shown on such return as though the provisions of sections 452 and 462 had not been repealed. In such a case, the taxpayer must file on or before December 15, 1955, a statement on Form 2175 showing the increase in tax liability resulting from the repeal of sections 452 and 462.

(2) By computing his tax liability without regard to sections 452 and 462. In this case, Form 2175 must be filed with the return. However, taxable income and the tax liability computed with the application of sections 452 and 462 shall be shown on lines 8 and 14, respectively, of the form in lieu of the amounts otherwise called for on those lines.

If a taxpayer does not make an election to have the provisions of sections 452 and 462 apply, the savings provisions of section 4 of Public Law 74 are not applicable.

(c) *Taxable years ending after June 15, 1955.* A taxpayer having a taxable year ending after June 15, 1955, may not elect to apply the methods of accounting prescribed in sections 452 and 462 in computing taxable income for such taxable year. Such a taxpayer must file his return and pay the tax as if such sections had not been enacted.

(d) *Other situations requiring statements.* (1) A person who made an election under section 452 or 462 but whose tax liability was not increased by reason of the enactment of Public Law 74, is nevertheless required to file a statement on Form 2175 if his gross income is increased or his deductions are decreased as the result of the repeal of sections 452 and 462. A partnership which makes an election under such sections must file such a statement. In addition, a partner, stockholder, distributee, etc. (whether or not such person made an election under section 452 or 462), shall file a statement showing any increase in his tax liability resulting from the effects of the repeal on the gross income or deductions of any person mentioned in the previous sentences of this subparagraph.

(2) A statement shall also be filed for a taxable year, other than a year to which an election under section 452 or 462 is applicable, if the repeal of such sections increases the tax liability of such year. Thus, a statement must be filed for any taxable year to which a net operating loss is carried from a year to which an election under section 452 or 462 is applicable, provided that the repeal of such sections affects the amount of the tax liability for the year to which such loss is carried. A separate statement must also be filed for a year in which there is a net operating loss which is changed by reason of the repeal of sections 452 and 462. Where there is a short taxable year involved, a taxpayer may have two taxable years to which elections under sections 452 and 462 are applicable and, in such a case, a statement, on Form 2175, must be filed for each such year.

§ 1.9000–4 *Form and content of statement*—(a) *Information to be shown.* The statement shall be filed on Form 2175 which may be obtained from district directors of internal revenue. It shall be filed with the district director for the district in which the return was filed. The statement shall be prepared in accordance with the instructions contained thereon and shall show the following information:

(1) The name and address of the taxpayer,

(2) The amounts of each type of income deferred under section 452,

(3) The amount of the addition to each reserve deducted under section 462,

(4) The taxable income and the tax liability of the taxpayer computed with the application of sections 452 and 462,

(5) The taxable income and the tax liability of the taxpayer computed without the application of sections 452 and 462,

(6) The details of the recomputation of taxable income and tax liability, including any changes in other items of income, deductions, and credits resulting from the repeal of sections 452 and 462, and

(7) If self-employment tax is increased, the computations and information required on page 3 of Schedule C, Form 1040.

(b) *Procedure for recomputing tax liability.* In determining the taxable income and the tax liability computed without the application of sections 452 and 462, such items as vacation pay and prepaid subscription income shall be reported under the law and regulations applicable to the taxable year as if such sections had not been enacted. The tax liability for the year shall be recomputed by restoring to taxable income the amount of income deferred under section 452 and the amount of the deduction taken under section 462. Other deductions or credits affected by such changes in taxable income shall be adjusted. For example, if the deduction for contributions allowed for the taxable year was limited under section 170 (b), the amount of such deduction shall be recomputed, giving effect to the increase in adjusted gross income or taxable income, as the case may be, by reason of the adjustments required by the repeal of sections 452 and 462.

§ 1.9000–5 *Effect of filing statement*—(a) *Years other than years affected by a net operating loss carryback.* If the taxpayer files a timely statement in accordance with the provisions of § 1.9000–3, the amount of the increase in tax shown on such statement for a taxable year shall, except as provided in paragraph (b), be considered for all purposes of the Internal Revenue Code, as tax shown on the return for such year. In general, such increase shall be assessed and collected in the same manner as if it had been tax shown on the return as originally filed. The provisions of this paragraph may be illustrated by the following example:

Example. A taxpayer filed his return showing a tax liability computed under the methods of accounting provided by sections 452 and 462 as $1,000 and filed the statement in accordance with § 1.9000–3 showing an increase in tax liability of $200. The tax computed as though sections 452 and 462 had not been enacted is $1,200, and the difference of $200 is the increase in the tax attributable to the repeal of sections 452 and 462. This increase is considered to be tax shown on the return for such taxable year. Additions to the tax for fraud or negligence under section 6653 will be determined by reference to $1,200 (that is, $1,000 plus $200) as the tax shown on the return.

(b) *Years affected by a net operating loss carry-back.* In the case of a year which is affected by a net operating loss carryback from a year to which an election under section 452 or 462 applies, that portion of the amount of increase in tax shown on the statement for the year to which the loss is carried back which is attributable to a decrease in such net operating loss shall not be treated as tax shown on the return.

§ 1.9000–6 *Provisions for the waiver of interest*—(a) *In general.* If the statement is filed in accordance with § 1.9000–3 and if that portion of the increase in tax which is due before December 15, 1955, (without regard to any extension of time for payment and without regard to the provisions of §§ 1.9000–2 to 1.9000–8, inclusive) is paid in full on or before such date, then no interest shall be due with respect to that amount. The provisions of this paragraph may be illustrated by the following example:

Example. Corporation M's return for the calendar year 1954 was filed on March 15, 1955, and the tax liability shown thereon was paid in equal installments on March 15, 1955, and June 15, 1955. M filed a statement on December 15, 1955, showing the increase in its tax liability resulting from the repeal of sections 452 and 462 and paid at that time the increase in tax shown thereon. No interest will be imposed with respect to the amount of such payment.

Interest shall be computed under the applicable provisions of the internal revenue laws on any portion of the increase in tax shown on the statement which is due after December 15, 1955, and which is not paid when due.

(b) *Limitation on application of waiver.* The provisions of paragraph (a) of this section shall not apply to any portion of the increase in tax shown on the statement if such increase reflects an amount in excess of that attributable solely to the repeal of sections 452 and 462, i. e., is attributable in whole or in part to excessive or unwarranted deferrals or accruals under section 452 or 462, as the case may be, in computing the tax liability with the application of such sections. Nothwithstanding the preceding sentence, paragraph (a) of this section shall be applicable if the taxpayer can show that the tax liability as computed with the application of sections 452 and 462 is based upon a reasonable interpretation and application of such sections as they existed prior to repeal. If the taxpayer complied with the provisions of the regulations under sections 452 and 462 in computing the tax liability with the application of such sections, he will be regarded as having reasonably interpreted and applied sections 452 and 462. In this regard, it is not essential that the taxpayer submit with his return the detailed information required by such regulations in support of the deduction claimed under section 462, but such information shall be supplied at the request of the Commissioner.

(c) *Interest for periods prior to June 16, 1955.* No interest shall be imposed with respect to any increase in tax resulting solely from the repeal of sections 452 and 462 for any period prior to June 16, 1955 (the day after the date of the enactment of Public Law 74). The preceding sentence does not apply to that part of any increase in tax which is due to the improper application of sections 452 and 462. The provisions of this paragraph shall not apply to interest imposed under section 3779 of the 1939 Code. (See paragraph (d) of this section.)

(d) *Amounts deferred by corporations expecting carrybacks.* Interest shall be imposed at the rate of 6 percent on so much of the amount of tax deferred under section 3779 of the Internal Revenue Code of 1939 as is not satisfied within the meaning of section 3779 (i) (1), notwithstanding the fact that a greater amount would have been satisfied, had sections 452 and 462 not been repealed. Interest will be imposed at such rate until the amount not so satisfied is paid.

§ 1.9000–7 *Provisions for estimated tax*—(a) *Additions to tax under section 294 (d) of the 1939 Code.* Any addition to the tax under section 294 (d) (relating to estimated tax) of the Internal Revenue Code of 1939 shall be computed as if the tax for the year for which the estimate was made were computed with sections 452 and 462 still applicable to such taxable year. For the purpose of the preceding sentence, it is not necessary for the taxpayer actually to have made an election under section 452 or 462; it is only necessary for the taxpayer to have taken such sections into account in estimating its tax liability for the year. Thus, if in determining the amount of estimated tax, the taxpayer computed his estimated tax liability by applying those sections, that portion of any additions to tax under section 294 (d) resulting from the repeal of sections 452 and 462 shall be disregarded.

(b) *Additions to tax under section 6654.* In the case of an underpayment of estimated tax, any additions to the tax under section 6654, with respect to installments due before December 15, 1955, shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462. Any additions to the tax with respect to installments due on or after December 15, 1955, shall be imposed in accordance with the applicable provisions of the Internal Revenue Code, and as though sections 452 and 462 had not been enacted. Thus, a taxpayer whose declaration of estimated tax was based upon an estimate of his taxable income for the year of the estimate which was determined by taking sections 452 and 462 into account, must file an amended declaration on or before the due date of the next installment of estimated tax due on or after December 15, 1955. Such amended declaration shall reflect an estimate of the tax without the application of such sections. If the taxpayer bases his estimate on the tax for the preceding taxable year under section 6654 (d) (1) (A), an amended declaration must be filed on or before the due date of the next installment due on or after December 15, 1955, if the tax for the preceding taxable year is increased as the result of the repeal of sections 452

and 462 and the application of section 452 or 462 to the preceding taxable year.

(c) *Additions to tax under section 294 (d) (2).* Any addition to the tax under section 294 (d) (2) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(d) *Additions to tax under section 294 (f).* Any addition to the tax under section 294 (f) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(e) *Additions to tax under section 294 (g).* Any addition to the tax under section 294 (g) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(f) *Additions to tax under section 294 (h).* Any addition to the tax under section 294 (h) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(g) *Additions to tax under section 294 (i).* Any addition to the tax under section 294 (i) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(h) *Additions to tax under section 294 (j).* Any addition to the tax under section 294 (j) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(i) *Additions to tax under section 294 (k).* Any addition to the tax under section 294 (k) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(j) *Additions to tax under section 294 (l).* Any addition to the tax under section 294 (l) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(k) *Additions to tax under section 294 (m).* Any addition to the tax under section 294 (m) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(l) *Additions to tax under section 294 (n).* Any addition to the tax under section 294 (n) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(m) *Additions to tax under section 294 (o).* Any addition to the tax under section 294 (o) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(n) *Additions to tax under section 294 (p).* Any addition to the tax under section 294 (p) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(o) *Additions to tax under section 294 (q).* Any addition to the tax under section 294 (q) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(p) *Additions to tax under section 294 (r).* Any addition to the tax under section 294 (r) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(q) *Additions to tax under section 294 (s).* Any addition to the tax under section 294 (s) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(r) *Additions to tax under section 294 (t).* Any addition to the tax under section 294 (t) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(s) *Additions to tax under section 294 (u).* Any addition to the tax under section 294 (u) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(t) *Additions to tax under section 294 (v).* Any addition to the tax under section 294 (v) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(u) *Additions to tax under section 294 (w).* Any addition to the tax under section 294 (w) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(v) *Additions to tax under section 294 (x).* Any addition to the tax under section 294 (x) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(w) *Additions to tax under section 294 (y).* Any addition to the tax under section 294 (y) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(x) *Additions to tax under section 294 (z).* Any addition to the tax under section 294 (z) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(y) *Additions to tax under section 294 (aa).* Any addition to the tax under section 294 (aa) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(z) *Additions to tax under section 294 (bb).* Any addition to the tax under section 294 (bb) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(aa) *Additions to tax under section 294 (cc).* Any addition to the tax under section 294 (cc) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(bb) *Additions to tax under section 294 (dd).* Any addition to the tax under section 294 (dd) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(cc) *Additions to tax under section 294 (ee).* Any addition to the tax under section 294 (ee) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(dd) *Additions to tax under section 294 (ff).* Any addition to the tax under section 294 (ff) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(ee) *Additions to tax under section 294 (gg).* Any addition to the tax under section 294 (gg) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(ff) *Additions to tax under section 294 (hh).* Any addition to the tax under section 294 (hh) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(gg) *Additions to tax under section 294 (ii).* Any addition to the tax under section 294 (ii) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(hh) *Additions to tax under section 294 (jj).* Any addition to the tax under section 294 (jj) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(ii) *Additions to tax under section 294 (kk).* Any addition to the tax under section 294 (kk) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(jj) *Additions to tax under section 294 (ll).* Any addition to the tax under section 294 (ll) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(kk) *Additions to tax under section 294 (mm).* Any addition to the tax under section 294 (mm) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(ll) *Additions to tax under section 294 (nn).* Any addition to the tax under section 294 (nn) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(mm) *Additions to tax under section 294 (oo).* Any addition to the tax under section 294 (oo) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(nn) *Additions to tax under section 294 (pp).* Any addition to the tax under section 294 (pp) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(oo) *Additions to tax under section 294 (qq).* Any addition to the tax under section 294 (qq) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(pp) *Additions to tax under section 294 (rr).* Any addition to the tax under section 294 (rr) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(qq) *Additions to tax under section 294 (ss).* Any addition to the tax under section 294 (ss) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(rr) *Additions to tax under section 294 (tt).* Any addition to the tax under section 294 (tt) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(ss) *Additions to tax under section 294 (uu).* Any addition to the tax under section 294 (uu) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(tt) *Additions to tax under section 294 (vv).* Any addition to the tax under section 294 (vv) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(uu) *Additions to tax under section 294 (ww).* Any addition to the tax under section 294 (ww) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(vv) *Additions to tax under section 294 (xx).* Any addition to the tax under section 294 (xx) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(ww) *Additions to tax under section 294 (yy).* Any addition to the tax under section 294 (yy) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(xx) *Additions to tax under section 294 (zz).* Any addition to the tax under section 294 (zz) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(yy) *Additions to tax under section 294 (aaa).* Any addition to the tax under section 294 (aaa) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(zz) *Additions to tax under section 294 (bbb).* Any addition to the tax under section 294 (bbb) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(aaa) *Additions to tax under section 294 (ccc).* Any addition to the tax under section 294 (ccc) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(bbb) *Additions to tax under section 294 (ddd).* Any addition to the tax under section 294 (ddd) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(ccc) *Additions to tax under section 294 (eee).* Any addition to the tax under section 294 (eee) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(ddd) *Additions to tax under section 294 (fff).* Any addition to the tax under section 294 (fff) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(eee) *Additions to tax under section 294 (ggg).* Any addition to the tax under section 294 (ggg) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(fff) *Additions to tax under section 294 (hhh).* Any addition to the tax under section 294 (hhh) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(ggg) *Additions to tax under section 294 (iii).* Any addition to the tax under section 294 (iii) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(hhh) *Additions to tax under section 294 (jjj).* Any addition to the tax under section 294 (jjj) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(iii) *Additions to tax under section 294 (kkk).* Any addition to the tax under section 294 (kkk) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(jjj) *Additions to tax under section 294 (lll).* Any addition to the tax under section 294 (lll) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(kkk) *Additions to tax under section 294 (mmm).* Any addition to the tax under section 294 (mmm) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(lll) *Additions to tax under section 294 (nnn).* Any addition to the tax under section 294 (nnn) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(mmm) *Additions to tax under section 294 (ooo).* Any addition to the tax under section 294 (ooo) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(nnn) *Additions to tax under section 294 (ppp).* Any addition to the tax under section 294 (ppp) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(ooo) *Additions to tax under section 294 (qqq).* Any addition to the tax under section 294 (qqq) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(ppp) *Additions to tax under section 294 (rrr).* Any addition to the tax under section 294 (rrr) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(qqq) *Additions to tax under section 294 (sss).* Any addition to the tax under section 294 (sss) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(rrr) *Additions to tax under section 294 (ttt).* Any addition to the tax under section 294 (ttt) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(sss) *Additions to tax under section 294 (uuu).* Any addition to the tax under section 294 (uuu) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(ttt) *Additions to tax under section 294 (vvv).* Any addition to the tax under section 294 (vvv) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(uuu) *Additions to tax under section 294 (www).* Any addition to the tax under section 294 (www) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(vvv) *Additions to tax under section 294 (xxx).* Any addition to the tax under section 294 (xxx) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(www) *Additions to tax under section 294 (yyy).* Any addition to the tax under section 294 (yyy) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(xxx) *Additions to tax under section 294 (zzz).* Any addition to the tax under section 294 (zzz) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(yyy) *Additions to tax under section 294 (aaaa).* Any addition to the tax under section 294 (aaaa) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(zzz) *Additions to tax under section 294 (bbbb).* Any addition to the tax under section 294 (bbbb) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(aaaa) *Additions to tax under section 294 (cccc).* Any addition to the tax under section 294 (cccc) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(bbbb) *Additions to tax under section 294 (dddd).* Any addition to the tax under section 294 (dddd) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(cccc) *Additions to tax under section 294 (eeee).* Any addition to the tax under section 294 (eeee) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(dddd) *Additions to tax under section 294 (ffff).* Any addition to the tax under section 294 (ffff) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(eeee) *Additions to tax under section 294 (gggg).* Any addition to the tax under section 294 (gggg) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(ffff) *Additions to tax under section 294 (hhhh).* Any addition to the tax under section 294 (hhhh) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(gggg) *Additions to tax under section 294 (iiii).* Any addition to the tax under section 294 (iiii) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(hhhh) *Additions to tax under section 294 (jjjj).* Any addition to the tax under section 294 (jjjj) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(iiii) *Additions to tax under section 294 (kkkk).* Any addition to the tax under section 294 (kkkk) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(jjjj) *Additions to tax under section 294 (llll).* Any addition to the tax under section 294 (llll) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(kkkk) *Additions to tax under section 294 (mmmm).* Any addition to the tax under section 294 (mmmm) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(llll) *Additions to tax under section 294 (nnnn).* Any addition to the tax under section 294 (nnnn) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(mmmm) *Additions to tax under section 294 (oooo).* Any addition to the tax under section 294 (oooo) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(nnnn) *Additions to tax under section 294 (pppp).* Any addition to the tax under section 294 (pppp) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(oooo) *Additions to tax under section 294 (qqqq).* Any addition to the tax under section 294 (qqqq) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(pppp) *Additions to tax under section 294 (rrrr).* Any addition to the tax under section 294 (rrrr) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(qqqq) *Additions to tax under section 294 (ssss).* Any addition to the tax under section 294 (ssss) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(rrrr) *Additions to tax under section 294 (tttt).* Any addition to the tax under section 294 (tttt) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(ssss) *Additions to tax under section 294 (uuuu).* Any addition to the tax under section 294 (uuuu) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(tttt) *Additions to tax under section 294 (vvvv).* Any addition to the tax under section 294 (vvvv) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(uuuu) *Additions to tax under section 294 (wwww).* Any addition to the tax under section 294 (wwww) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(vvvv) *Additions to tax under section 294 (xxxx).* Any addition to the tax under section 294 (xxxx) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(wwww) *Additions to tax under section 294 (yyyy).* Any addition to the tax under section 294 (yyyy) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(xxxx) *Additions to tax under section 294 (zzzz).* Any addition to the tax under section 294 (zzzz) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(yyyy) *Additions to tax under section 294 (aaaaa).* Any addition to the tax under section 294 (aaaaa) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(zzzz) *Additions to tax under section 294 (bbbbb).* Any addition to the tax under section 294 (bbbbb) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(aaaaa) *Additions to tax under section 294 (ccccc).* Any addition to the tax under section 294 (ccccc) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(bbbbb) *Additions to tax under section 294 (ddddd).* Any addition to the tax under section 294 (ddddd) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(ccccc) *Additions to tax under section 294 (eeeee).* Any addition to the tax under section 294 (eeeee) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(ddddd) *Additions to tax under section 294 (fffff).* Any addition to the tax under section 294 (fffff) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(eeeee) *Additions to tax under section 294 (ggggg).* Any addition to the tax under section 294 (ggggg) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(fffff) *Additions to tax under section 294 (hhhhh).* Any addition to the tax under section 294 (hhhhh) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(ggggg) *Additions to tax under section 294 (iiiii).* Any addition to the tax under section 294 (iiiii) of the Internal Revenue Code of 1939 shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462.

(hhhhh) *Additions to tax under section 294 (jjjjj).* Any addition to the tax under section 294 (jjjjj) of the Internal Revenue Code

and 462. Similarly, if the taxpayer bases his estimate on the tax computed under section 6654 (d) (1) (B), he must file an amended declaration on or before the due date of the next installment due on or after December 15, 1955, taking into account the repeal of sections 452 and 462 with respect to the preceding taxable year. Any increase in estimated tax shown on an amended declaration filed in accordance with this paragraph must be paid in accordance with section 6153 (c).

(c) *Estimated tax of corporations.* Corporations required to file a declaration of estimated tax under section 6016 for taxable years ending on and after December 31, 1955, shall estimate their tax liability for such year as if sections 452 and 462 had not been enacted. Thus, if the corporation bases its estimated tax liability under section 6655 (d) (1) or (2) on its operations for the preceding taxable year, the effect of the repeal of sections 452 and 462 with respect to such year must be taken into account.

§ 1.9000–8 *Extension of time for making certain payments*—(a) *Time for payment specified in Code.* (1) If the treatment of any payment (including its allowance as a deduction or otherwise) is dependent upon the making of a payment within a period of time specified in the Internal Revenue Code the period within which the payment is to be made is extended where the amount to be paid is increased by reason of the repeal of sections 452 and 462: *Provided*, That:

(i) The taxpayer, because of a preexisting obligation, is required to make a payment or an additional payment to another person by reason of such repeal;

(ii) The deductibility of the payment or additional payment is contingent upon its being made within a period prescribed by the Code, which period expires after the close of the taxable year; and

(iii) The payment or additional payment is made on or before December 15, 1955.

If the foregoing conditions are met, the payment or additional payment will be treated as having been made within the time specified in the Internal Revenue Code, and, subject to any other conditions in the Code, it shall be deductible for the year to which it relates. The provisions of this paragraph may be illustrated by the following examples:

Example 1. Section 267 (relating to losses, expenses and interest between related taxpayers) applies to amounts accrued by taxpayer A for salary payable to B. For the calendar year 1954, A is obligated to pay B a salary equal to 5 percent of A's taxable income for the taxable year. The amount accrued as salary payable to B for 1954 is $5,000 with the taxable income reflecting the application of section 462. As a result of the repeal of section 462 the salary payable to B for 1954 is increased to $6,000. The additional $1,000 is paid to B on December 15, 1955. In recomputing A's tax liability for 1954 the additional deduction of $1,000 for salary payable to B will be treated as having been made within two and one-half months after the close of the taxable year and will be deductible in that year.

Example 2. On March 1, 1955, Corporation X, a calendar year taxpayer using the accrual method of accounting, makes a payment described in section 404 (a) (6) (relating to contributions to an employees' trust) of $10,000 which is accrued for 1954 and is determined on the basis of the amount of taxable income for that year. The taxpayer filed its return on March 15, 1955. By reason of the repeal of section 462, X's taxable income is increased so that it is required to make an additional contribution of $2,000 to the employees' trust. The additional payment is made on December 15, 1955. For purposes of recomputing X's tax liability for 1954, this additional payment is deemed to have been made on the last day of 1954.

(2) The time for inclusion in the taxable income of the payee of any additional payment of the type described in subparagraph (1) above, shall be determined without regard to section 4 (c) (3) of Public Law 74 and §§ 1.9000–2 to 1.9000–8, inclusive.

(b) *Dividends paid under section 561.* Under section 4 (c) (4) of Public Law 74, the period during which distributions may be recognized as dividends paid under section 561 for a taxable year to which section 452 or 462 apply may be extended under the conditions set forth below.

(1) *Accumulated earnings tax or personal holding company tax.* In the case of the accumulated earnings tax or the personal holding company tax, if—

(i) The income of a corporation is increased for a taxable year by reason of the repeal of sections 452 and 462 so that it would become liable for the tax (or an increase in the tax) imposed on accumulated earnings or personal holding companies unless additional dividends are distributed;

(ii) The corporation distributes dividends to its stockholders after the 15th day of the 3d month following the close of its taxable year and on or before December 15, 1955, which dividends are attributable to an increase in its accumulated taxable income or undistributed personal holding company income, as the case may be, resulting from the repeal of sections 452 and 462, and

(iii) The corporation elects in its statement, submitted under § 1.9000–3, to have the provisions of section 4 (c) (4) of Public Law 74 apply—

then such dividends shall be treated as having been paid on the last day of the taxable year to which the statement applies.

(2) *Regulated investment companies.* In the case of a regulated investment company taxable under section 852, if—

(i) The taxable income of the regulated investment company is increased by reason of the repeal of sections 452 and 462 (without regard to any deduction for dividends paid as provided for in this subparagraph);

(ii) The company distributes dividends to its stockholders after the 15th day of the 3rd month following the close of its taxable year and on or before December 15, 1955, which dividends are attributable to an increase in its investment company income resulting from the repeal of sections 452 and 462; and

(iii) The company elects in its statement, submitted under § 1.9000–3, to have the provisions of section 4 (c) (4) of Public Law 74 apply—

then such dividends are to be treated as having been paid on the last day of the taxable year to which the statement applies. The dividends paid are to be determined under this subparagraph without regard to the provisions of section 855.

(3) *Related provisions.* An election made under subparagraph (1) or (2) of this paragraph is irrevocable. The time for inclusion in the taxable income of the distributees of any distributions of the type described in subparagraph (1) or (2) of this paragraph shall be determined without regard to section 4 (c) (4) of Public Law 74 and §§ 1.9000–2 to 1.9000–8, inclusive.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: December 8, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55–9981; Filed, Dec. 8, 1955; 12:30 p. m.]

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 107–55]

PART 21—WITNESS FEES

TRAVEL EXPENSES AND SUBSISTENCE OF FEDERAL OFFICERS AND EMPLOYEES APPEARING AS WITNESSES FOR THE GOVERNMENT

By virtue of the authority vested in me by section 1823 (a) of title 28 of the United States Code, as amended by section 3 of the act of July 28, 1955, 69 Stat. 394, section 30 of the act of June 6, 1900, 31 Stat. 332 (48 U. S. C. 25), and section 11–3–9 of the Alaska Compiled Laws Annotated (1949), I hereby amend § 21.1 of Chapter I of Title 28 of the Code of Federal Regulations (including the headnote thereof) as amended, to read as follows:

§ 21.1 *Officers and employees of the United States summoned as witnesses.* Officers and employees of the United States summoned as witnesses for the Government in cases before United States courts (including such courts in the Territories and possessions of the United States) or United States commissioners shall be entitled (a) to necessary expenses incident to travel by common carrier, or, if travel is made by privately owned automobile, to mileage at the rate of ten cents a mile, and (b) to a per diem allowance at the rate of $12 in lieu of subsistence within the continental United States, and at the maximum rates prescribed by the Bureau of the Budget pursuant to the Travel Expense Act of 1949, as amended (5 U. S. C. 836) outside the continental United States. Such per diem allowances shall be paid in accordance with the provisions of the Standardized Government Travel Regulations.

(28 U. S. C. 1823)

This order shall become effective on the date of its publication in the FEDERAL REGISTER.

HERBERT BROWNELL, Jr.,
Attorney General.

DECEMBER 2, 1955.

[F. R. Doc. 55–9937; Filed, Dec. 9, 1955; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter G—Defense Contract Financing

PART 84—PAYMENTS ON INCENTIVE-TYPE AND PRICE REDETERMINATION-TYPE CONTRACTS

Sec.
84.1 Purpose.
84.2 Policy and action.
84.3 Refunds and adjustments.
84.4 Contract administration.

AUTHORITY: §§ 84.1 to 84.4 issued under sec. 202, 61 Stat. 500, as amended, 62 Stat. 21, sec. 638, 66 Stat. 537; 5 U. S. C. 171a, 41 U. S. C. 151–162.

NOTE: This part supersedes and cancels notice published at 20 F. R. 7098, subject: "Payments on Incentive-Type and Price-Revision-Type Contracts".

§ 84.1 *Purpose.* It is the purpose of this part to assure payment of amounts fairly due for items delivered and accepted under incentive-type and price redetermination-type contracts, to reduce the need for refunds by contractors under such contracts, to facilitate timely adjustment of provisional billing prices and prompt completion of final pricing under these types of contracts, and to reaffirm the policy on progress payments.

§ 84.2 *Policy and action.* (a) To accomplish the purpose of this part, all new contracts of the incentive-type and price redetermination-type, all definitive contracts of the incentive- or price redetermination-type replacing or superseding letter contracts, all amendments providing an incentive- or price redetermination-clause in contracts not previously containing such a clause, and all amendments to contracts of the incentive- or price redetermination-type providing for new or additional procurement, entered into on or after December 5, 1955, shall contain one or the other of the provisions set out in subparagraph (1) or (2) of this paragraph.

(1) In incentive-type contracts:

Notwithstanding any provision of this contract authorizing greater payment, the total of all amounts billed and paid or payable under this contract for items delivered to (or services performed for) and accepted by the Government (including amounts applied to liquidate progress payments) until final price revision has been made shall not exceed the sum of the following items as reported by the Contractor from time to time as hereinafter provided: (i) the total contract price of all items delivered to (or services performed for) and accepted by the Government for which final prices have been established, and (ii) the total amount of costs (estimated to the extent necessary) that have been reasonably incurred for and are properly allocable solely to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established, and (iii) the total amount of the established target profit allocable by direct proportion to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established—increased or decreased in accordance with the incentive profit formula of this contract when the amount of costs stated in subdivision (ii) of this subparagraph, differs from the applicable target costs. Within 45 days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed for and accepted by the Government) under this contract, and as of the end of each quarter, the Contractor shall submit a statement setting forth the respective amounts of each of the three numbered items next above, together with the total amount of all billings for items delivered to (or services performed for) and accepted by the Government (including amounts applied to liquidate progress payments) under this contract as of the end of each quarter. If on any quarterly statement these total billings exceed the sum of the three numbered items above, this gross excess shall, after deduction of the total refunds (cash or credit memoranda) theretofore made, be paid immediately by the Contractor to the Government or credited against existing unpaid billings covered by such statement; provided that if any portion of such gross excess has been applied to the liquidation of progress payments, such amount may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payment clause of this contract, instead of making direct refund thereof.

(2) In price revision- or redetermination-type contracts, not of the incentive type:

Notwithstanding any provision of this contract authorizing greater payment, the total of all amounts billed and paid or payable under this contract for items delivered to (or services performed for) and accepted by the Government (including amounts applied to liquidate progress payments), until final price revision has been made to the full extent permitted by this contract, shall not exceed the sum of the following items as reported by the Contractor from time to time as hereinafter provided: (i) the total contract price of all items delivered to (or services performed for) and accepted by the Government for which final prices have been established, and (ii) the total amount of costs (estimated to the extent necessary) that have been reasonably incurred for and are properly allocable solely to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established, and (iii) the total amount of interim profit used in establishing the initial contract price and allocable by direct proportion to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established. Within 45 days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed for and accepted by the Government) under this contract, and as of the end of each quarter, the Contractor shall submit a statement setting forth the respective amounts of each of the three numbered items next above, together with the total amount of all billings for items delivered to (or services performed for) and accepted by the Government (including amounts applied to liquidate progress payments) under this contract as of the end of each quarter. If on any quarterly statement these total billings exceed the sum of the three numbered items above, this gross excess shall, after deduction of the total refunds (cash or credit memoranda) theretofore made, be paid immediately by the Contractor to the Government or credited against existing unpaid billings covered by such statement; provided that if any portion of such gross excess has been applied to the liquidation of progress payments, such amount may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payment clause of this contract, instead of making direct refund thereof.

(b) In connection with amendments providing for new procurement, and amendments providing an incentive- or price redetermination-clause in contracts not previously containing such a clause, paragraph (a) of this section shall be made applicable to the entire contract.

(c) Where the contracting officer has discretion to control payments through withholding provisions under an existing contract of the incentive- or price redetermination-type not containing the above provisions, the contract shall be administered hereafter, to the maximum extent permitted by such withholding provisions, so that on and after January 1, 1956 the total aggregate payments will be limited in the manner provided in paragraph (a) of this section.

(d) In the case of outstanding contracts of the incentive-type or price redetermination-type, where payments cannot be limited within a reasonable time as provided in this section, the contracting officer shall take prompt action to obtain by mutual agreement amendments of such contract incorporating the above provisions of paragraph (a) of this section.

(e) Ordinarily, unless the contracting officer has good cause to doubt or question the accuracy of statements furnished in accordance with paragraph (a), of this section, such statements will be relied upon and prompt payments under the contract will continue to be made pending any post-audit or post-review that may be necessary to protect the interests of the Government.

§ 84.3 *Refunds and adjustments.* (a) (1) It is essential in all cases that the amount of any indebtedness of contractors to the Government be ascertained promptly, and that the amount of each contractors' indebtedness to the Government be collected expeditiously.

(2) Government personnel will take prompt action so that amendments and supplemental agreements, where appropriate, will be prepared expeditiously and executed without delay.

(b) For use in expediting and controlling adjustments and refunds, current inventory and control lists shall be established and maintained with regard to all incentive-type and price redetermination-type contracts. Aggressive and continuing efforts shall be made to eliminate any unnecessary delays.

(c) All incentive-type and price redetermination-type contracts shall be reviewed systematically and periodically to obtain voluntary interim billing price adjustments and prompt refunds as appropriate. The making of voluntary

refunds in anticipation of retroactive price reductions shall be systematically encouraged. No proposed voluntary refund shall be refused or delayed, and all such refunds shall be tendered and accepted without prejudice to final pricing. In connection with voluntary refunds, minimum refunds proposed by contractors in connection with final pricing proposals, and refunds incident to quarterly statements, contractors shall not be required to furnish concurrent itemization of adjustments to be made on past billings, nor to furnish adjusted bills concurrently. Such adjustments as may be essential in connection with refunds will be accomplished by appropriate Government personnel, with such information as may be essential from contractors after refunds are made, and the making, acceptance and deposit of refunds will not be delayed pending the making of any necessary accounting adjustments. When reductions in billing prices are proposed by contractors, they will be made effective immediately without prejudice to further adjustment, and billings voluntarily reduced by contractors shall if otherwise proper be paid at the reduced amounts without awaiting contract amendments.

§ 84.4 *Contract administration.* The contracting officer will exercise every effort to bring about prompt redetermination of prices and setting of firm target prices by vigilant and timely attention to the contract administration aspects of each contract, and nothing contained herein will diminish his responsibilities.

REUBEN B. ROBERTSON, Jr.,
Deputy Secretary of Defense.

DECEMBER 6, 1955.

[F. R. Doc. 55-9931; Filed, Dec. 9, 1955; 8:45 a. m.]

PART 149—PAYMENTS ON INCENTIVE-TYPE AND PRICE-REVISION-TYPE CONTRACTS

SUPERSEDURE OF PART

CROSS REFERENCE: For supersedure of Part 149, see Part 84 of this chapter, *supra*.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

CHANGE OF ORGANIZATION TITLES

Effective December 12, 1955, wherever in VA Regulations and other issues one of the official titles listed below occurs, there is hereby substituted the new official title set opposite thereto:

DEPARTMENT OF INSURANCE

Old	*New*
Deputy Administrator for Insurance	Chief Insurance Director.
Assistant Deputy Administrator for Insurance	Deputy Chief Insurance Director.
Assistant Deputy Administrator (Underwriting)	Director, Underwriting Service.
Assistant Deputy Administrator (Insurance Accounts).	Director, Insurance Accounts Service.
Assistant Deputy Administrator (Insurance Claims)	Director, Insurance Claims Service.

DEPARTMENT OF VETERANS BENEFITS

Deputy Administrator for Veterans Benefits	Chief Benefits Director.
Assistant Deputy Administrator for Veterans Benefits.	Deputy Chief Benefits Director.
Assistant Deputy Administrator (Compensation and Pension).	Director, Compensation and Pension Service.
Assistant Deputy Administrator (Vocational Rehabilitation and Education).	Director, Vocational Rehabilitation and Education Service.
Assistant Deputy Administrator (Loan Guaranty)	Director, Loan Guaranty Service.
Assistant Deputy Administrator for Administration	Director, Administration Service.
Assistant Deputy Administrator (Field)	Director, Field Service.

On and after said date the indicated new official titles shall be used in all official correspondence.

[SEAL] JOHN S. PATTERSON,
Acting Administrator.

[F. R. Doc. 55-10008; Filed, Dec. 9, 1955; 8:53 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499) § 203.325 governing the operation of drawbridges across the Potomac River at Washington, D. C., is hereby amended deleting certain provisions which are no longer necessary and providing for operation of the draws on six (6) hours' advance notice, except during the prescribed closed periods, changing paragraphs (b), (h) and (k) to read as follows:

§ 203.325 *Potomac River at Washington, D. C., drawbridges.* • • •

(b) *Advance notice is required for openings of the draws.* Any vessel which will require an opening of the draws of the respective bridges shall give to the designated representative of the owners of or agencies controlling the bridges at least six (6) hours' advance notice of the time the opening will be required. The notice shall contain the name of the vessel and the expected time of its arrival at the bridges. Upon receipt of such notice the designated representative shall arrange for draw tenders to be in attendance at the bridges at the time specified in the notice and for the attendance of draw tenders for a reasonable time thereafter, if necessitated by a minor delay in arrival of the vessel. In the event the vessel will be unduly delayed further notification shall be given to the designated representative. The actual opening of the bridges for the passage of the vessel will be accomplished only after exchange of the prescribed signals: *Provided*, That no openings shall be made during closed periods as specified in paragraph (h) of this section: *Provided further*, That when an approaching train is actually on the railroad bridge block, or a mail train is in motion toward the bridge in sight or hearing of the draw tender, the draw of the railroad bridge need not be opened until the train has passed and the drawspan is cleared: *And provided further*, That in time of floods or other emergencies the District Engineer, Corps of Engineers, may order that the drawspans on all bridges covered by this section be manned for immediate openings for the duration of the emergency.

• • • • • • •

(h) *Closed periods.* Between 6:45 and 9:15 a. m., and between 3:45 and 6:30 p. m., daily, the bridges shall not be opened for the passage of a vessel: *Provided*, That any vessel passing one of the drawbridges before a closed period begins will be entitled to passage through all remaining bridges in the direction of travel without delay: *Provided further*, That in time of flood or other emergency the closed periods may be suspended or modified by the District Engineer, Corps of Engineers.

• • • • • • •

(k) *Habitual users.* Any vessel desiring to pass any of the bridges as often as once a day for 10 days in any 30-day period will be regarded as an habitual user of the waterway within the meaning of this paragraph. Such vessels should be so constructed that stacks, masts, and flagstaffs may be lowered to permit their passage under the closed bridge. The draws shall not be required to open to permit the passage of vessels habitually using the waterway which have stacks, masts, or flagstaffs exceeding a height of 16.8 feet above the water line, and which, in the opinion of the District Engineer, can through structural modifications, be made capable of clearing the closed bridges.

[Regs., November 25, 1955, 823.01 (Potomac River)-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.446 is hereby amended by changing paragraph (c) to read as follows:

§ 203.446 *New River and New River Sound (Intracoastal Waterway), Fort Lauderdale, Fla.; bridges.* • • •

(c) *Southeast Sixth Avenue (Federal Highway) Bridge across New River.* During the period November 15 to May 15, both dates inclusive, the owner of or agency controlling this bridge will not

be required to open the drawspan between the hours of 7:00 a. m. and 6:00 p. m., except on the hour or half-hour as scheduled when the bridge shall be opened to allow all accumulated vessels to pass: *Provided*, That between the hours of 4:00 p. m. and 4:30 p. m., the drawspan shall be opened at any time for passage of east-bound sight-seeing boats. Openings are scheduled on the hour and half-hour as follows:

7:00 a. m.	1:30 p. m.
8:00 a. m.	2:00 p. m.
9:00 a. m.	2:30 p. m.
9:30 a. m.	3:00 p. m.
10:00 a. m.	3:30 p. m.
10:30 a. m.	4:00 p. m.
11:00 a. m.	4:30 p. m.
11:30 a. m.	5:00 p. m.
12:00 Noon	6:00 p. m.
1:00 p. m.	

[Correction, Regs. October 12, 1955, 823.01-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

3. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.775 governing the operation of drawbridges across Grays Harbor and tributary waters (Chehalis, Wishkah and Hoquian Rivers), Washington, is amended by revising paragraph (o) and revoking paragraph (p); and § 203.810 governing the operation of drawbridges across navigable waters of the United States in the State of Washington, where constant attendance of draw tenders is not required, is hereby amended by adding subparagraphs (5), (6), and (7) to paragraph (f), as follows:

§ 203.775 *Grays Harbor and tributaries, Wash.; bridges.* • • •

(o) State Highway bridge over Chehalis River at Aberdeen: Two short blasts of whistle followed quickly by one long blast.

(p) Northern Pacific Railway bridge over Chehalis River at Junction City. [Revoked.]

§ 203.810 *Navigable waters in the State of Washington; bridges where constant attendance of draw tenders is not required.* • • •

(f) The bridges to which this section applies, and the regulations applicable in each case are as follows:

• • • • • •

(5) Wishkah River; City of Aberdeen bridge at Heron Street and State Department of Highways bridge at Wishkah Street, Aberdeen. Between 9:00 p. m. and 5:00 a. m., at least 8 hours' advance notice required: *Provided*, That the District Engineer, Corps of Engineers, may require the constant attendance of draw tenders during seasonal activity in the logging and fishing industries.

(6) Hoquian River; State Department of Highways bridge at Simpson Street, Hoquian. Between 9:00 p. m. and 5:00 a. m., at least 8 hours' advance notice required.

(7) Chehalis River; State Department of Highways and Union Pacific Railroad Company bridges at South Montesano. Between 9:00 p. m. and 5:00 a. m., at least 8 hours' advance notice required: *Provided*, That during freshlets a draw tender shall be kept in constant attendance upon the order of the District Engineer, Corps of Engineers.

[Regs., November 23, 1955, 823.01-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-9932; Filed, Dec. 9, 1955; 8:45 a. m.]

PART 208—FLOOD CONTROL REGULATIONS

FRIANT DAM AND RESERVOIR (MILLERTON LAKE) SAN JOAQUIN RIVER, CALIFORNIA

Pursuant to the provisions of Section 7 of the act of Congress approved 22 December 1944 (58 Stat. 890, 33 U. S. C. 709), § 208.85 is hereby prescribed to govern the use and operation of Friant Dam and Reservoir on San Joaquin River, California, for flood control purposes:

§ 208.85 *Friant Dam and Reservoir (Millerton Lake).* The Bureau of Reclamation shall operate Friant Dam and Reservoir in the interest of Flood control as follows:

(a) Releases from Friant Dam shall be restricted to quantities which will not cause downstream flows to exceed, insofar as possible, any of the following criteria: (1) 8,000 cubic feet per second between Friant and Skeggs Bridge, which is computed as the sum of the flow at U. S. G. S. gaging station "San Joaquin River below Friant," the flow at U. S. G. S. gaging station "Little Dry Creek near Friant" and the flow into Little Dry Creek from Big Dry Creek Reservoir; (2) 10,000 cubic feet per second at U. S. G. S. gaging station "San Joaquin River near Mendota".

(b) Storage space in Friant Reservoir shall be kept available for flood control purposes in accordance with the Flood Control Storage Reservation Diagram currently in force, except when storage of flood water is necessary in order to limit releases as prescribed in paragraph (a) of this section. Any water temporarily stored in the flood control space indicated by the Flood Control Storage Reservation Diagram currently in force shall be released as rapidly as can be safely accomplished without causing downstream flows to exceed the criteria prescribed in paragraph (a) of this section. The Flood Control Storage Reservation Diagram in force as of the promulgation of this section is that dated November 8, 1955, File No. SJ-8-26-10, and is on file in the office of The Chief of Engineers, Department of the Army, Washington, D. C., and in the office of the Commission of Reclamation, Washington, D. C. Revisions of the Flood Control Storage Reservation Diagram may be developed from time to time as necessary by the Corps of Engineers and the Bureau of Reclamation. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and the Commissioner of Reclamation and from that date until replaced shall be the Flood Control Storage Reservation Diagram currently in force for purposes of this section. Copies of the Flood Control Storage Reservation Diagram currently in force shall be kept on file in and may be obtained from the office of the District Engineer, Corps of Engineers, and the Regional Director, Bureau of Reclamation, in charge of the locality.

(c) In the event that the reservoir level rises above elevation 578 at the dam (top of spillway gates), subsequent operation of the dam shall be such as to cause downstream flows and stages to exceed as little as possible the criteria prescribed in paragraph (a) of this section and in no event to cause the maximum subsequent release from the reservoir to exceed the estimated maximum flow that would have occurred subsequently under the conditions which existed prior to the construction of the dam.

(d) Nothing in the regulations of this section shall be construed to require dangerously rapid changes in magnitudes of releases, or that releases be made at rates or in a manner that would be inconsistent with requirements for protecting the dam and reservoir from major damage.

(e) The Bureau of Reclamation shall procure such current basic hydrologic data, and make such current determinations of required flood control storage reservation from the Flood Control Storage Reservation Diagram currently in force and current calculations of permissible releases from the reservoir as are required to accomplish the flood-control objectives prescribed in this section.

(f) The operation of Friant Dam and Reservoir shall be coordinated with that of Big Dry Creek Reservoir Project on Big Dry Creek, California, so as jointly to restrict downstream flows in San Joaquin River to the quantities prescribed in paragraph (a) of this section as follows:

(1) The operators of the two projects shall exchange data as to present or anticipated releases from Big Dry Creek Project into Little Dry Creek (a downstream tributary of San Joaquin River) and current stages at downstream control gages on San Joaquin River;

(2) due consideration shall be given to any releases from Big Dry Creek Project as part of the flow of Little Dry Creek in the calculation of permissible releases from Friant Reservoir;

(3) in the event that such consideration would adversely affect the ability of Friant Dam to restrict downstream flows in San Joaquin River to prescribed levels, the representative of the Bureau of Reclamation in immediate charge of operation of Friant Dam shall notify the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, of this fact, and said District Engineer shall then, after due consideration of conditions at both projects, issue such instructions as he may deem necessary.

(g) The Bureau of Reclamation shall keep the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, currently advised of reservoir release, reservoir storage, and such other operating data as the

District Engineer may request, and also of those basic operating criteria which effect the schedule of operation. Also, the Bureau of Reclamation shall keep the State Engineer, acting for the Department of Public Works of the State of California, currently advised of reservoir releases.

(h) The flood control regulations of this section are subject to temporary modification by the District Engineer, Corps of Engineers, if found necessary in time of emergency. Requests for and action on such modifications may be made by any available means of communication and the action taken by the District Engineer shall be confirmed in writing under date of the same day to the office of the Regional Director of the Bureau of Reclamation in charge of the operations.

[Regs., November 8, 1955, ENGWE] (Sec. 7, 58 Stat. 890; 33 U. S. C. 709)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-9933; Filed, Dec. 9, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF *p*-CHLOROPHENYL *p*-CHLOROBENZENESULFONATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 403 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Dow Chemical Company, Midland, Michigan, proposing the establishment of a tolerance of 2 parts per million for residues of *p*-chlorophenyl *p*-chlorobenzenesulfonate in or on the following raw agricultural commodities: Apples, peaches, and pears and a tolerance of 3 parts per million in or on the following raw agricultural commodities: Citrus and plums (fresh prunes).

An analytical method proposed in the petition for determining residues of *p*-chlorophenyl *p*-chlorobenzenesulfonate is the method reported in "Determination of *p*-Chlorophenyl *p*-Chlorobenzenesulfonate in Spray Residues on Fresh Fruits," by A. H. Kutschinski and E. N. Luce; Analytical Chemistry, Vol. 24, page 1188, July 1952.

Dated: December 5, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-9934; Filed, Dec. 9, 1955; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 225]

[Economic Regs. Draft Release 79]

TARIFFS OF CERTAIN CERTIFICATED AIRLINES; TRADE AGREEMENTS

NOTICE OF PROPOSED RULE MAKING

DECEMBER 7, 1955.

Notice is hereby given that the Civil Aeronautics Board has under consideration the amendment and renewal of Part 225 of the Economic Regulations authorizing certain classes of carriers to exchange air transportation for services or goods for advertising purposes, and granting a limited exemption from section 403 (b) of the Civil Aeronautics Act.

Part 225 is scheduled to expire on January 1, 1956, and all trade agreements made thereunder will terminate upon that date. The Conference of Local Service Airlines has petitioned the Board for renewal of Part 225 and a one-year extension of its life. The Conference has further petitioned that this regulation be amended in several respects. Resort Airlines, Inc., has also petitioned the Board to amend this regulation so as to include "certificated cruise carriers".

In response to these petitions, the Board has decided to promulgate the notice of proposed rule making set forth below.

The principal features of the proposed regulation are explained in the Explanatory Statement and the proposed new Part 225 is set forth below.

Interested persons may participate in the proposed rule making through submission of written data, views or arguments pertaining thereto, in triplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before December 22, 1955, will be considered by the Board before taking final action on the proposed rule.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 403, 404, 52 Stat. 992, 993, 49 U. S. C. 483, 484)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

Explanatory statement. As presently drafted, Part 225 provides that all trade agreements entered into thereunder shall expire on the terminal date of the regulation. It appears that this provision has impaired the ability of airlines to negotiate such agreements as the expiration date of Part 225 approaches. Accordingly, the proposed renewal regulation, in extending the authority for an additional year, permits trade agreements negotiated during 1956 to remain in force for a specified period not to exceed one year from the effective date of the agreement concerned. Thus, the authority contained in the revised Part 225 will persist until the end of 1957.

The present limitation on the aggregate value of the trade agreements which may be entered into by any one carrier is increased from $25,000 to $50,00 a year.

Part 225 also presently provides that any person supplying advertising to an airline pursuant to a trade agreement shall furnish the airline with a list of the individuals eligible to receive such transportation. Experience has shown that the failure of the regulation to specify a procedure whereby changes in the identity of such eligible personnel can be made has unnecessarily excluded new persons designated by the supplier. Consequently, the proposed regulation permits the supplier to amend its list of eligible personnel upon 10 days written notice to the airline.

The proposed regulation also amends the definition of the term "airline" to include certificated cruise carriers. While the Board does not believe that the privilege of exchanging transportation for advertising should be extended to all classes of air carriers, it appears that this particular class of carrier must assume a disproportionately heavy burden in advertising and promoting its unique type of service. The average ticket sold by Resort represents a much greater expenditure on the part of the passenger than does the average ticket sold by either Hawaiian or local service carriers. Furthermore, Resort must compete in selling its all-expense tours with numerous tour conducting agencies as well as with other airlines offering such tours. Finally, all the operations of this carrier, which does not enjoy subsidy support, are in a developmental or experimental stage. In view of these unusual circumstances, it appears reasonable to extend the scope of Part 225 so as to include the class of certificated carriers—of which Resort is presently the only member.

It should be noted, however, that the proposed regulation expressly provides that carriers certificated to furnish air transportation only in connection with the sale of all-expense tours or cruises will not be permitted to exchange their services for advertising equal in value to the entire price of the tour. Thus, such carriers are required to limit themselves to an exchange of the value of the transportation portion of the total value of the tour or cruise and collect in cash the difference in value.

The proposed regulation also amends the definition of "services or goods for advertising purposes" in order to include the type of advertising services normally performed by an advertising agency. It further amends this definition to include the services of any person acting as an advertising agent or broker.

Finally, the proposed regulation adds a new definition of the term "air transportation" and makes certain other minor changes for the purpose of limiting exchanges of transportation for advertising to the value of the transportation services provided over a carrier's own authorized routes. Moreover, a carrier selling a joint rate ticket can only exchange the portion of such through transportation services performed over its own routes, valued at its individual local tariff rates therefor, and must collect the difference in value between the local and joint rates in cash.

The carriers concerned have all requested the amendments hereby proposed, which liberalize the present provisions of Part 225. Consequently, the Board intends to dispense with the normal 30 day waiting period upon their adoption.

PART 225—TARIFFS OF CERTAIN CERTIFICATED AIRLINES: TRADE AGREEMENTS

§ 225.1 *Definitions.* For the purposes of this part:

(a) "Airline" means:

(1) Any air carrier furnishing local or feeder type transportation (other than by helicopter) within the continental limits of the United States, consisting of the carriage of persons, property, and mail under a certificate of public convenience and necessity issued by the Board.

(2) Any air carrier furnishing air transportation, between points within the Territory of Hawaii, consisting of the carriage of persons, property, and mail under a certificate of public convenience and necessity issued by the Board.

(3) Any air carrier furnishing air transportation pursuant to a certificate of public convenience and necessity issued by the Board which limits the holder to the performance of all-expense tours or cruises.

(b) "Trade agreement" shall mean an agreement whereby air transportation is to be exchanged for services or goods for advertising purposes, and which agreement conforms to the requirements of § 225.5.

(c) "Services or goods for advertising purposes" means newspaper or magazine display advertising, radio and television advertising, bus and streetcar advertising and other forms of media advertising, billboards and other outdoor advertising and advertising promotional displays. It also includes the services normally performed by an advertising agency and the services of such agency or any other person acting as an advertising agent or broker. It shall not include feature or news stories, public relations expense or other forms of advertising that are not clearly identifiable as paid advertisements of the carrier.

(d) "Air transportation" means air transportation provided by an airline over its own authorized routes under applicable individual or joint tariffs on file with the Board.

§ 225.2 *Filing of notice of trade agreement.* Any airline may at any time prior to December 17, 1956, file with the Board a notice of its intention to furnish air transportation in exchange for services or goods for advertising purposes. Every such notice shall be accompanied by an executed counterpart of a written agreement, containing all the terms of the agreement between the parties thereto, duly entered into by such air carrier with the supplier, and by an affidavit by the chief financial officer or other responsible officer of the local service airline having knowledge of the transaction in the form required by § 225.4. Every such notice shall be filed at least 14 days prior to the effective date specified in the trade agreement. Within the meaning of this part, air transportation shall be deemed to be furnished when the passenger is actually carried.

§ 225.3 *Contents of notice of trade agreement.* Every notice filed with the Board pursuant to § 225.2 shall be conspicuously entitled "Notice Concerning Exchange of Air Transportation for Services or Goods", and shall contain the following information:

(a) The names and addresses of the contracting parties;

(b) A description of the services or goods and the amount and value thereof to be received by the airline pursuant to the trade agreement, together with a statement of the basis upon which such value was computed—all of which shall be set forth in such detail as to enable the Board to verify such value;

(c) The total value of the air transportation to be furnished under all trade agreements previously filed with the Board under this part;

(d) Such other information as will enable the Board to determine whether the trade agreement was solicited by the airline or the supplier and has been entered into for the purpose of enabling the airline to obtain advertising which it could not afford if it were required to pay cash but for which it would have been willing to pay cash; and

(e) A description of the arrangements and provisions which have been made by the airline to ensure that air transportation will not be furnished to anyone except the individuals identified or described in the agreement.

§ 225.4 *Affidavit by chief financial or other responsible officer of airline.* Every affidavit filed with the Board pursuant to § 225.2 shall state that the officer whose signature appears thereon is familiar with the circumstances and that in his opinion and to the best of his knowledge and belief: (a) The trade agreement which it accompanies will be financially advantageous to the airline; (b) the services or goods to be received have an actual value to the airline equal to or in excess of the value of the air transportation to be furnished under the contract; and (c) the information contained in the notice is complete and correct.

§ 225.5 *Provisions of agreements.* Each trade agreement entered into by an airline hereunder shall provide:

(a) That it shall become effective on a specified day, preceding January 1, 1957.

(b) That goods or services are to be supplied to the airline and the airline is to be required to furnish air transportation to the supplier during a specified period of time which shall not extend more than one year from the effective date of the trade agreement.

(c) That the airline shall not be obligated to furnish any air transportation under a trade agreement unless such transportation is requested and furnished within the period specified therein. Any such agreement may provide, however, that in the event the agreement is terminated by the Board pursuant to § 225.7, the airline shall pay in cash (except to the extent the order of the Board terminating such agreement may permit all or any part, as specified in the order, of such excess to be paid in air transportation) any excess value of goods or services received thereunder prior to such termination over the value of the air transportation it has furnished under the agreement prior thereto.

(d) That in the event the air carrier at the time of expiration of the period during which goods or services are to be supplied to it, or at the time of termination of the agreement pursuant to § 225.7, has furnished air transportation having a value in excess of the value of the services or goods which it has received prior to such termination or the end of such period, such excess shall become payable, within not more than 90 days after such expiration or termination, to the airline in cash, goods, or services, or any combination thereof, as the parties may agree either in the original agreement or upon such expiration or termination (except to the extent any order of the Board terminating the agreement may require that all or any part, as specified in the order, of such excess shall be payable only in cash or within a different period);

(e) That, except to the extent provided in paragraph (d) of this section and the last sentence of paragraph (c) of this section, the agreement shall immediately be terminated if at any time the Board shall issue an order to that effect pursuant to § 225.7;

(f) That the air transportation to be furnished pursuant to the agreement shall be used only by the supplier, his employees and their immediate families;

(g) That such air transportation shall not be transferable and shall be used only by the individuals identified or described in the agreement;

(h) That the published individual tariff rates, fares, and charges of the airline applicable at the time air transportation is furnished shall be used in determining the value of such transportation;

(i) That such agreement will be terminated by the air carrier immediately upon its discovery that air transportation issued under the agreement has been used by an individual not identified or described in the agreement, any excess in values resulting from transactions under the agreement prior to such terminating to be settled as provided in paragraph (d) of this section and the last sentence of paragraph (c) of this section;

(j) That the total value of air transportation furnished pursuant to the

agreement shall not exceed a fixed amount stated therein;

(k) That the supplier will furnish to the Board such complete and accurate information as it or the airline shall reasonably request concerning the prices for, the value of, and the nature of the services or goods for advertising purposes only supplied or to be supplied to the airline, and the prices which it would customarily charge to others for similar services or goods; and

(l) That in the event the air carrier is operating pursuant to a certificate of public convenience and necessity which limits the holder to the performance of all-expense tours or cruises, it shall exchange air transportation for services or goods for advertising purposes only with respect to the value of the transportation portion of such tours or cruises and shall collect in cash the difference between such value and the total price of the tour or cruise.

§ 225.6 *Limitation on total value of trade agreements.* The total value of trade agreements entered into by any single airline in accordance with the provisions of this part shall not exceed $50,000 in the aggregate each year.

§ 225.7 *Suspension or termination of trade agreements by the Board.* If at any time after the filing of a trade agreement in accordance with § 225.2 the Board shall have doubt that the transaction is in the public interest, the Board may serve upon the airline an order directing it to show cause why such trade agreement should not be terminated. Upon service of such order performance of the agreement shall, unless otherwise provided in the order, immediately be suspended, and shall not thereafter be commenced or resumed unless and until the Board shall, after hearing upon such order, or other final determination of the matter, permit performance of the trade agreement to be commenced or resumed.

§ 225.8 *Exemption from tariff and other requirements.* With respect to air transportation furnished in accordance with the provisions of this part, every airline shall, in connection with the making or performance of trade agreements, be exempt from the provisions of Part 221 of this subchapter and any other regulations hereafter adopted by the Board insofar as any such regulation shall require tariffs to show classifications, rules, regulations, practices, and services, and from the provisions of section 403 (b) of the act only insofar as such provisions would otherwise require that such airline shall not charge or demand or collect or receive a greater or different compensation for the air transportation which it is to furnish pursuant to a trade agreement, or for any service in connection therewith, than the rates, fares and charges specified in its currently effective tariffs.

§ 225.9 *Furnishing of transportation.* (a) Prior to the effective date of any trade agreement entered into under this part, the supplier shall furnish the airline with a list of the individuals who are to use the air transportation to be furnished; provided that changes in the identity of the individuals who are to use the air transportation or other revisions in the list may be made by the supplier after the effective date of the agreement upon ten days written notice to the airline;

(b) The airline shall issue to each of the individuals listed an identification card which clearly identifies the individual and states thereon that he is entitled to use transportation furnished pursuant to the named trade agreement during a stated period;

(c) Tickets covering transportation furnished under a trade agreement shall (1) be issued upon the demand of the supplier only; (2) be clearly marked "Non-Transferable"; and (3) be used only by an individual who has previously been issued an identification card described in paragraph (b) of this section; and

(d) The airline shall make such other arrangements and provisions as are necessary to ensure that air transportation furnished will not be used by anyone except the individuals identified or described in the agreement;

(e) No transportation shall be furnished under a trade agreement except in accordance with a ticket issued therefor.

§ 225.10 *Accounts and records.* (a) Each airline availing itself of the provisions of this part shall maintain a record of each trade agreement entered into, which record shall be filed in such manner as to be accessible and convenient for examination, and shall contain the following information: (1) The date received and the amount of goods or services supplied; (2) the names and addresses of individuals to whom identification cards were issued under the trade agreement; and (3) the date furnished and the amount of the air transportation furnished under the trade agreement. All correspondence or memorandums relating to trade agreements shall be retained and made a part of the carrier's records;

and

(b) In accounting for and reporting financial and traffic data in accordance with Part 241 of this subchapter (the Board's Economic Regulations):

(1) Advertising received in accordance with a trade agreement shall be billed and recorded in the carrier's expense accounts at the going market rate.

(2) Air transportation services provided in accordance with a trade agreement shall be billed and recorded in the carrier's accounts in accordance with its published tariffs. Such amounts shall be carried in the normal revenue account.

(3) Upon termination of a trade agreement, a reduction shall be made in the carrier's expense accounts to the extent, if any, that the value of advertising services received shall exceed the value of transportation services performed in return therefor, unless such balance is settled in cash, goods, or services of equivalent value.

§ 225.11 *Value of air transportation.* For the purposes of this part, the published tariff rates applicable at the time air transportation is furnished pursuant to a trade agreement shall be used in determining the value thereof.

§ 225.12 *Value of advertising goods and services.* For the purpose of this part, advertising goods and services shall be valued at the going market price at the time such goods or services are furnished.

[F. R. Doc. 55-9990; Filed, Dec. 9, 1955; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 35]

RIVERTON PROJECT, WYOMING

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

NOVEMBER 23, 1955.

1. *Water rental.* Irrigation water will be furnished upon a rental basis during the irrigation season of 1956 and thereafter, until further notice, to the irrigable lands described in Public Notice No. 28 for the North Pavillion areas, and Public Notice No. 30 for the North Portal area, Riverton Project, Wyoming.

2. *Charges and terms of payment.* A minimum water rental charge shall be payable for irrigable lands described in Public Notices Nos. 28 and 30, whether water is used or not. Such minimum charge need not be paid in any year for any acreage which the Riverton Project Manager certifies to be temporarily nonirrigable during such year due to seepage, land subsidence, shallow or impermeable soils, or excessive amounts of salts. Payment of the minimum water rental charge will entitle the water user to two acre-feet of water per irrigable acre. The minimum charge shall be payable in advance on January 1 of each year, and no water will be furnished until such charge is paid in full. Charges for water furnished in excess of two acre-feet per irrigable acre shall be payable on January 1 for water furnished during the preceding year.

(a) The minimum water rental charge for lands in the North Pavillion area described in Public Notice No. 28 shall be $2.50 per irrigable acre. Water in addition to two acre-feet per irrigable acre, if available, shall be furnished at the rate of $1.25 per acre-foot.

(b) The minimum water rental charge for lands in the North Portal area described in Public Notice No. 30, shall be $2.50 per irrigable acre. Water in addition to two acre-feet per irrigable acre, if available, shall be furnished at the rate of $1.25 per acre-foot.

3. *Water for other lands.* Irrigation water, when available, will also be furnished at the rates described in Paragraph 2, to other lands in the North Pavillion and North Portal areas upon the filing each year of a temporary water rental application covering such other lands. The approval of a water rental application for these lands shall not be deemed to constitute an action leading to a continuing right to receive water in subsequent years. The application for water on other lands can be made at any time during the irrigation year. At the time of application, the water rental charge is due without application of the discounts or penalties prescribed in Paragraph 5, and on water will be delivered until all charges have been paid in full.

4. *Abnormal precipitation.* In the event the recorded total precipitation at Pavillion from January 1 to September 30 varies from the 37-year average of 7.76 inches (1919-55) by more than one inch, the 2.0 acre-foot per irrigable acre water allowance for the minimum water charge will be adjusted. If the 9-month total precipitation is less than 6.76 inches, the water allowance for the minimum water charge will be increased by 0.2 foot for each inch that precipitation during this period is below the average of 7.76 inches. If the actual precipitation exceeds the average for the 9-month period by more than one inch, the water allowances will be reduced by 0.1 foot for each inch of such excess above the average of 7.76 inches.

5. *Discounts and penalties.* If payment of the minimum charge is made on or before December 31, a discount of 5 percent of such charge will be allowed. If payment of the charge for additional water is made on or before December 31 of the year in which used, a discount of 5 percent of such charge will be allowed. If payment of the minimum charge is not made by April 1 of each year, and if payment for additional water furnished to any lands is not made by April 1, subsequent to the year in which such additional water is delivered, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid, and the same penalty shall be added on the first day of each calendar month thereafter so long as such default shall continue, and no water will be delivered until all charges and penalties have been paid in full.

6. *Place of payment.* Payment of water rental charges shall be made at the Bureau of Reclamation Office in Riverton, Wyoming, or mailed to the Bureau of Reclamation, Riverton, Wyoming.

7. *Public Notices Nos. 28 and 30, supplemented.* This notice supersedes Public Notice No. 34 and supplements Subparagraphs 24 (b) and 24 (c) of Public Notice No. 28, and Subparagraphs 25 (b) and 25 (c) of Public Notice No. 30, Riverton Project.

L. W. BARTSCH,
Acting Regional Director.

[F. R. Doc. 55-9936; Filed, Dec. 9, 1955; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

UNITED KINGDOM/UNITED STATES PACIFIC FREIGHT ASSOCIATION AND NIPPON YUSEN KAISHA

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 3357-A, between the member lines of the United Kingdom/United States Pacific Freight Association and Nippon Yusen Kaisha, provides for the participation of Nippon as an associate member of that association. Nippon agrees to maintain the rates and adhere to the conditions fixed by the association on traffic from the United Kingdom to U. S. Pacific Coast ports, and to make no changes in such rates and conditions without the consent of the member lines of the Association.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: December 7, 1955.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-9968; Filed, Dec. 9, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-3908 etc.]

LIVEZEY GAS CORP. ET AL.

NOTICE OF FINDINGS AND ORDER

DECEMBER 6, 1955.

In the matters of Livezey Gas Corporation, Docket No. G-3908; Oil Participations, Inc., Docket Nos. G-4363 and G-4364; Doham Gas Company, Docket No. G-4883; Brady Gas Company, Docket No. G-6011; Fez Gas Company, Docket No. G-6012; Sweetland Land and Mineral Company, Docket Nos. G-6013, G-6015 and G-6017; Delhi-Taylor Oil Corporation (formerly Delhi Oil Corporation), Docket No. G-6306; Delta Gulf Drilling Company, Docket No. G-6331.

Notice is hereby given that on November 30, 1955, the Federal Power Commission issued its findings and order adopted November 23, 1955, in the above-entitled matters, issuing certificates of public convenience and necessity and dismissing application in part in Docket No. G-6306.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9938; Filed, Dec. 9, 1955; 8:47 a. m.]

[Docket No. G-6483, etc.]

ARKLA OIL CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

DECEMBER 6, 1955.

In the matters of Arkla Oil Company, a Partnership, Docket No. G-6483; E. A. Culbertson & Wallace W. Irwin, Docket Nos. G-6716 and G-6717; W. N. Price, Docket No. G-6744; W. N. Price, L. M. Price and G. Kelley Stout, Docket No. G-6745; Felmont Oil Corporation (formerly Case-Pomeroy Oil Corporation), Docket No. G-6939; Billy Bridewell and R. H. Hedge, Docket No. G-8420; Dorothy V. Richie et al., Docket Nos. G-8770 and G-8775; W. H. Helmerich, III, et al., Docket No. G-8786; Mary Norvel Castro (Trustee), Docket No. G-8798; Dealmax Oil Company, Docket No. G-8800; Sourbourne Oil and Gas Company, Docket No. G-9135.

Notice is hereby given that on November 30, 1955, the Federal Power Commission issued its findings and orders adopted November 23, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9939; Filed, Dec. 9, 1955; 8:47 a. m.]

[Docket No. G-2306, etc.]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

NOTICE OF APPLICATIONS AND ORDER FURTHER CONSOLIDATING PROCEEDINGS AND PROVIDING FOR HEARING

In the matters of American Louisiana Pipe Line Company, Docket No. G-2306; Texas Gas Transmission Corporation, Docket No. G-2311; Michigan Wisconsin Pipe Line Company, Docket No. G-2327; Michigan Consolidated Gas Company, Docket No. G-2328; Lincoln Natural Gas Company, Inc., Docket No. G-9270; Illinois Power Company, Docket No. G-9293; City of Aledo, Illinois, Docket No. G-9620; Ohio Valley Gas Corporation, Docket No. G-9697.

The City of Aledo, Illinois, by its application filed on November 7, 1955, seeks an order pursuant to section 7 (a) of the Natural Gas Act directing Michigan Wisconsin Pipe Line Company to establish physical connection of its facilities with facilities proposed to be constructed by Applicant, and to sell and deliver to Applicant its natural gas requirements for the City of Aledo, Illinois. Applicant will construct the facilities necessary to connect its proposed distribution system with the facilities of Michigan Wisconsin Pipe Line Company at an estimated cost of $7,600, and estimates its fifth year peak day requirements to be 2,380 Mcf. The total estimated cost of the proposed

natural gas system, including the transmission facilities, is $400,000.

Ohio Valley Gas Corporation by its application filed on November 25, 1955, seeks an order pursuant to section 7 (a) of the Natural Gas Act directing American Louisiana Pipe Line Company to establish physical connection of its facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver to Applicant its natural gas requirements for the City of Portland, Indiana, and environs. Applicant will construct the facilities necessary to connect the City of Portland, Indiana, with American Louisiana Pipe Line Company at an estimated cost of $100,000. Applicant estimates its fifth year peak-day requirements at 3,000 Mcf.

The applications are on file and open for public inspection.

Pursuant to notice issued on October 31, 1955, the proceedings in Docket Nos. G–2306, G–2311, G–2327, G–2328, G–9270, and G–9293 were consolidated for hearing and the hearing in such proceedings set to commence on December 7, 1955, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C.

The matters involved and the issues presented by the applications filed by the City of Aledo, Illinois, Docket No. G–9620, and Ohio Valley Gas Corporation, Docket No. G–9697, are related to the matters and issues presented in the proceedings in Docket Nos. G–2306, G–2311, G–2327, G–2328, G–9270, and G–9293 and those related matters should be heard on a consolidated record.

The Commission finds:

(1) Good cause exists for waiving the notice requirements with respect to the applications filed in Docket Nos. G–9620 and G–9697 and to provide for hearing thereon upon less than fifteen days notice.

(2) The public interest requires that the hearing in proceedings upon the applications filed in Docket Nos. G–9620 and G–9697 be held concurrently with the hearing in proceedings in Docket Nos. G–2306, G–2311, G–2327, G–2328, G–9270 and G–9293, heretofore consolidated, and as a part thereof.

The Commission orders:

(A) The proceedings in Docket Nos. G–2306, G–2311, G–2327, G–2328, G–9270, G–9293, G–9620 and G–9697 be and the same hereby are consolidated for hearing.

(B) The hearing in Docket Nos. G–9620 and G–9697 be held concurrently with, and as a part of the hearing in Docket Nos. G–2306, G–2311, G–2327, G–2328, G–9270 and G–9293 now set to commence on December 7, 1955, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Adopted: December 5, 1955.

Issued: December 6, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–9945; Filed, Dec. 9, 1955; 8:48 a. m.]

[Docket No. E–6652]

DUKE POWER CO.

NOTICE OF APPLICATION FOR ORDER AUTHORIZING ISSUANCE OF STOCK

DECEMBER 5, 1955.

Take notice that on November 25, 1955, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Duke Power Company (Applicant), a corporation organized under the laws of the State of New Jersey and doing business in the States of North Carolina and South Carolina, with its principal business office at Charlotte, North Carolina, seeking an order authorizing the issuance of 4,593,480 shares of Common Stock without par value. Applicant proposes to reduce the stated value of issued and outstanding shares of Common Stock, without par value, to $17.50 per share and to issue one additional share of Common Stock, without par value, to have a stated value of $17.50 per share for each share issued and outstanding. The additional Common Stock will be issued pro rata to the holders of the outstanding Common Stock of Applicant; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 16th day of December 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–9946; Filed, Dec. 9, 1955; 8:48 a. m.]

[Docket No. G–8432]

CITY OF VANCEBURG, KENTUCKY

NOTICE OF APPLICATION FOR ORDER TO INITIATE SERVICE

DECEMBER 6, 1955.

Take notice that the City of Vanceburg, Kentucky (Applicant), filed on February 2, 1955, and supplemented on March 23, 1955, an application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Central Kentucky Natural Gas Company (Central), a Columbia Gas System subsidiary, to initiate service to Applicant for distribution of gas in and near the City of Vanceburg.

Applicant has also requested a certificate of public convenience and necessity.

Applicant proposes to build approximately 6.3 miles of 6-inch line from Central's 20-inch line in Lewis County, Kentucky, and a distribution system in the city.

The area to be served has an estimated population of 2,000. Applicant has estimated its annual and peak day gas requirements as follows:

	First year	Third year	Sixth year
Annual requirements	25, 256 234	55, 808 519	71, 720 667
Peak day requirements			

The estimated capital cost of Applicant's proposed transmission facilities is $200,017, which it proposes to finance by issuance of 4 percent, 30-year revenue bonds.

Central filed an answer to the application on March 3, 1955, stating that service to Vanceburg would not impair its ability to serve its existing customers, and requesting the Commission to grant whatever relief it deems in the public interest.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 23, 1955.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–9947; Filed, Dec. 9, 1955; 8:49 a. m.]

[Docket No. G–9067]

COLORADO-WYOMING GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 6, 1955.

Take notice that Colorado-Wyoming Gas Company, Applicant, a Delaware corporation, whose address is Continental Oil Building, Denver 2, Colorado, filed on June 23, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service and to construct facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to install and operate 5 new farm taps along its pipeline system for the sale of gas for resale to Public Service Company of Colorado, and 2 new farm taps for the sale of gas for resale to Greely Gas Company, together with the necessary metering and regulating facilities, all in the State of Colorado.

Applicant also proposes to relocate an existing farm tap now serving a group of customers at Cheyenne, Wyoming.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Comission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 29, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the isues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 26, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–9948; Filed, Dec. 9, 1955; 8:49 a. m.]

[Docket No. G–9457]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 6, 1955.

Take notice that Cities Service Gas Company, a Delaware corporation (Applicant), with a principal office in Oklahoma City, Oklahoma, filed on October 10, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to acquire, construct and operate natural gas facilities and to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes (a) to acquire, own and operate approximately 22.5 miles of 16'' and 10'' gas pipeline beginning at a point in the NE ¼ Section 18, Township 13 South, Range 20 East, Douglas County, Kansas, thence in a northwesterly direction to a point in the SW ¼ Section 8, Township 11 South, Range 17 East, Jefferson County, Kansas, (b) to construct approximately 7.5 miles of 10'' gas pipeline beginning at a point in the SW ¼ Section 8, Township 11 South, Range 17 East, Jefferson County, Kansas, thence westerly to a point in the NE¼ of Section 13, Township 11 South, Range 15 East, Shawnee County, Kansas.

The application recites that facilities sought to be acquired and operated herein and in part constructed as hereinabove described constitute a portion of a former crude oil transmission pipeline to be devoted to gas service for the first time by this project. The total cost of such acquisition and construction is approximately $343,826. Applicant estimates that a new line to Topeka, Kansas, located on approximately the same route as the facilities herein would cost in excess of One Million Dollars; that Applicant can acquire and construct said facilities, at the present time, at approximately one-third of such cost, such project is economically feasible.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 11, 1956 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 30, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–9949; Filed, Dec. 9, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 22–1785]

RHEINISCH - WESTFÄLISCHES ELEKTRIZITÄTSWERK AKTIENGESELLSCHAFT

NOTICE OF APPLICATION FOR EXEMPTION

DECEMBER 6, 1955.

Notice is hereby given that Rheinisch-Westfälisches Elektrizitätswerk Aktiengesellschaft ("RWE"), a corporation organized and existing under the laws of Germany, has filed an application pursuant to section 304 (d) of the Trust Indenture Act of 1939 for an order exempting from the provisions of section 310 (a) (3) and 310 (b) (4) of the act, the 5¼ percent Debt Adjustment Bonds, Series A, due January 1, 1978, 4½ percent Debt Adjustment Bonds, Series B, due January 1, 1978, and 4½ percent Debt Adjustment Bonds, Series C, due January 1, 1978, to be issued by RWE under an Indenture to be dated as of January 1, 1953, between RWE and The First National City Bank of New York and Treuhand-Vereinigung Aktiengesellschaft, as Trustees, in connection with RWE's offer of settlement to be made pursuant to Annex II of the London Agreement on German External Debts of February 27, 1953, between the Govenment of the Federal Republic of Germany, the United States of America and other countries.

Section 304 (d) of the act permits the Commission, on application by the issuer and after opportunity for hearing thereon, to enter an order exempting from any one or more provisions of the act, any security proposed to be issued by a person organized and existing under the laws of a foreign government if and to the extent it finds that compliance with such provision or provisions is not necessary in the public interest and for the protection of investors.

The application states, with respect to the request for exemption from section 310 (a) (3) to permit certain acts to be performed by the Co-Trustee, as follows:

(1) RWE has outstanding four issues of bonds which have been in default for many years. The London Agreement provides, among other things, for the consensual settlement of foreign currency obligations of German corporate debtors by the refunding and extension of such obligations. RWE is, however, liable only for the repayment of bonds which may be validated pursuant to the Validation Law for German Foreign Currency Bonds of August 25, 1952. The terms of the offer negotiated by RWE for its outstanding obligations provide for the issuance by RWE of the above described three series of its Debt Adjustment Bonds, due January 1, 1978, in exchange for its outstanding validated bonds.

(2) The mortgages securing the new bonds will be registered in favor of the German Co-Trustee and certain acts with respect to the release of property, the reduction of the registered amount of liens and the disposition of release moneys are performed only by the Co-Trustee subject, however, to ultimate control by the American institutional trustee. Section 310 (a) (3) of the Trust Indenture Act of 1939 requires that the rights, powers, duties and obligations be conferred upon the American institutional trustee alone or jointly with the Co-Trustee unless under the laws of any jurisdiction in which acts are to be performed the institutional Trustee is incompetent or unqualified to act.

(3) While no contention is made that the American Institutional Trustee is incompetent or unqualified to act it is contended that the vesting of title and related powers in the Co-Trustee is essential to the orderly settlement and payment of the obligations; the rights in the security of both the holders of the new bonds and the old bonds are rights in German property, created under German mortgage law and to a large extent dependent upon the interpretation of the German Implementation Law; and such right in the security should be adjudicated only by German courts. In this connection it is urged that the vesting of these functions in the American institutional trustee may result in litigation in this country by non-depositing bond holders who seek to establish some special rights in the security.

(4) While the procedure proposed necessarily results in certain acts being performable by the Co-Trustee, the protection intended to be accorded to the

bondholders by the Trust Indenture Act of 1939 is in no way impaired. All of the acts which are performable only by the Co-Trustee are in each case, subject to ultimate control by the Trustee if such control is exercised within 30 days after notice is received of the proposed action.

The application states with respect to the request for exemption from section 310 (b) (4), to permit the Co-Trustee to serve notwithstanding an affiliation with underwriters for the issuer, as follows:

(1) Dr. Hermann Richter, chairman of the Aufsichtsrat of the Co-Trustee, is also chairman of the Aufsichtsrat of Rhein-Main Bank Aktiengesellschaft which within the last three years has acted as an underwriter for the issuer.

(2) Although the relationship between the Co-Trustee and Rhein-Main Bank Aktiengesellschaft may fall within the provisions of section 310 (b) (4) of the act, it is neither necessary nor desirable in the public interest or for the protection of investors to hold that the Co-Trustee should be disqualified by reason of such relationship.

(3) The Aufsichtsrat of a German corporation has substantially different functions from that of the Board of Directors of a United States corporation. Under section 95 of the German Stock Corporation Law (Aktiengesetz), the duties and rights of members of the Aufsichtsrat of German corporations are extremely limited and the delegation of management powers to the Aufsichtsrat are specifically prohibited.

(4) Disqualification of the proposed Co-Trustee will make it practically impossible to obtain as Co-Trustee any organization satisfactory to the Company which has adequate experience in dealing with foreign loans, since all the available institutions (with the possible exception of one institution which is unacceptable to the Company for other reasons) which would come under consideration for such appointment have relationships with underwriters of the issuer involving ownership or control which are at least as serious as that relating to the proposed Co-Trustee.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application which is now on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after December 21, 1955, unless prior thereto a hearing is ordered by the Commission. Any interested person may, not later than December 19, 1955, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-9940; Filed, Dec. 9, 1955; 8:47 a. m.]

[File No. 70-3426]

DELAWARE POWER & LIGHT CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF BONDS AND PREFERRED STOCK

DECEMBER 6, 1955.

Delaware Power & Light Company ("the Company"), a registered holding company and a public utility company, has filed a declaration and amendments thereto pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("the act") and Rule U-50 thereunder regarding the following proposed transactions:

The Company proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of its First Mortgage and Collateral Trust Bonds __ percent Series due 1985 ("1985 Series Bonds") and 50,000 shares of its __ percent Preferred Stock, Cumulative, par value $100 per share ("New Preferred Stock").

The 1985 Series Bonds will be issued under and secured by the Mortgage and Deed of Trust of Delaware Power & Light Company to The New York Trust Company, Trustee, dated as of October 1, 1943, and indentures supplemental thereto, including a proposed Eighteenth Supplemental Indenture to be dated as of December 1, 1955. The rights and preferences of the 1985 Series Bonds will be substantially identical with those of the five presently outstanding series of First Mortgage and Collateral Trust Bonds except with respect to the interest rate, redemption prices, and maturity date thereof. The invitation for bids will specify that the amount to be received by the Company shall not be less than one hundred percent nor more than 102.75 percent of the principal amount thereof, and that the interest rate shall be a multiple of one-eighth of one percent.

The rights and preferences of the New Preferred Stock will be substantially identical with those of the presently outstanding 4 percent, 3.70 percent, 4.28 percent and 4.56 percent Preferred Stocks except with respect to the dividend rate and redemption prices thereof. The invitation for bids will specify that the amount to be received by the Company shall not be less than $100 per share, nor more than $102.75 per share (plus accrued dividends), and that the dividend rate shall be a multiple of 4-hundredths of one percent (0.04 percent).

The net proceeds from the sale of said bonds and preferred stock will be applied toward the cost of the construction program of the Company and its two subsidiaries, including the retirement of bank loans incurred prior to the sale.

The Company estimates that the fees, commissions and expenses to be incurred by it in connection herewith will aggregate $80,000 allocated between bonds and preferred stock as follows:

	Bonds	Preferred
Securities and Exchange Commission filing fees	$1,035	$325
Issuance taxes	11,000	5,500
Legal services	5,500	2,500
Accounting services	3,000	1,750
Financial advisor	3,000	2,000
Fees and expenses of trustee	7,000	
Printing	12,000	6,000
Printing and engraving of bonds and preferred stock	8,190	1,100
Listing fees	2,200	1,000
Miscellaneous	4,075	2,625
Total	57,000	23,000

In addition, the legal fees of counsel for the underwriters, to be paid by the successful bidders, are estimated at $6,000 in the case of the bonds and $3,500 in the case of the preferred stock, plus expenses not exceeding $75 in each case.

The Public Service Commission of Delaware has issued an order approving the issuance of said securities.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission, and the Commission finding with respect to the proposed transactions that the applicable provisions of the Act and the Rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and it hereby is, permitted to become effective forthwith, subject to the conditions prescribed in Rules U-50 and U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-9941; Filed, Dec. 9, 1955; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 46]

WOMEN'S AND CHILDREN'S LEATHER HANDBAGS AND POCKETBOOKS

NOTICE OF INVESTIGATION

Investigation instituted. Upon application of the National Authority for the Ladies' Handbag Industry, 347 Fifth Ave., New York 16, N. Y., received November 17, 1955, the United States Tariff Commission, on the 21st day of November, 1955, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930 instituted an investigation to determine whether women's and children's handbags and pocketbooks[1] wholly or in chief value of leather, including reptile leather, provided for in Paragraph 1531, Tariff Act of 1930, are, as a result in whole or in part of the duty or other customs treatment reflecting the concessions granted thereon under the General Agreement on Tariffs and Trade and the related exclusive trade agreement with Cuba, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets, NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the Tariff Commission on the 21st day of November 1955.

Issued: December 7, 1955.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 55-9950; Filed, Dec. 9, 1955; 8:49 a. m.]

[1] The term "women's and children's handbags and pocket books" includes shoulder bags, clutch bags, and similar articles customarily carried on or about the person, but does not include shopping bags, luggage, coin purses, change purses, billfolds, bill cases, bill rolls, bill purses, bank-note cases, currency cases, money cases, card cases, license cases, pass cases, passport cases, letter cases, and similar articles.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 7, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31399: *Pig iron—Alabama Points to Illinois Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on pig iron and related articles, carloads from Alabama City, Attalla, Gadsden, and Birmingham, Ala., also points taking same rates as proposed from Birmingham to specified points in Illinois, also to Dubuque and Keokuk, Iowa, St. Louis, Mo., and Madison, Wis.

Grounds for relief: Circuitous routes.

Tariff: Supplement 38 to Agent Spanginger's I. C. C. 1420.

FSA No. 31400: *Acetic acid—Kingsport, Tenn., to Calvert, Ky.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on acid, acetic, glacial or liquid, tank-car loads from Kingsport, Tenn., to Calvert, Ky.

Grounds for relief: Circuitous routes.

Tariff: Supplement 255 to Agent Spanginger's I. C. C. 1062.

FSA No. 31401: *Oyster shells—Houston, Tex., to Central Territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on oyster shells, carloads from Houston, Tex., to specified points in Indiana, Michigan, Ohio, Pennsylvania and West Virginia.

Grounds for relief: Maintenance of prescribed rates made with relation to rates from Morgan City, La., and circuitous routes.

Tariff: Agent Kratzmeir's tariff I. C. C. No. 4180.

FSA No. 31402: *Sulphuric acid—Shreveport, La., to Albany, Ga.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Shreveport, La., to Albany, Ga.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 110 to Agent Kratzmeir's I. C. C. 4087.

FSA No. 31403: *Fuller's earth—Roddenbery, Ga., to Southern and Official Territories.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on Fuller's earth, carloads from Roddenbery, Ga., to specified points in Alabama, Georgia, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia and West Virginia.

Grounds for relief: Circuitous routes.

Tariff: Supplement 4 to Agent Spanginger's I. C. C. 1491.

FSA No. 31404: *Motor-rail-motor rates in the Southwest—Substituted Service.* Filed by J. D. Hughett, Agent, for the St. Louis-San Francisco Railway Company, St. Louis-San Francisco and Texas Railway Company and Frisco Transportation Company and other interested motor carriers. Rates on freight in loaded highway trailers, also empty trailers, on railroad flat cars between Memphis, Tenn., on one hand, and Tulsa and Oklahoma City, Okla., and Dallas, Tex., on the other.

Grounds for relief: Competition with motor carriers.

Tariff: Supplement 4 to Southwestern Motor Freight Bureau, Inc., I. C. C. No. 66.

FSA No. 31405: *Gravel—Alabama Points to Canton, Ohio.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on gravel, in open-top cars, carloads from Elmore, Jemison, Montgomery, and Prattville Jct., Ala., to Canton, Ohio.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 36 to Agent Spanginger's I. C. C. 1469.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-9944; Filed, Dec. 9, 1955; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

SALVATORE DOVI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Salvatore Dovi, 516 East 13th Street, New York 9, New York, $60 in the Treasury of the United States.

Luigi Dovi, Cordoba, Argentina, $60 in the Treasury of the United States.

Carmela Dovi, Saint Stefano di Camastra, Italy, $60 in the Treasury of the United States.

Rosina Dovi, Cordoba, Argentina, $60 in the Treasury of the United States.

Anna Dovi, Cordoba, Argentina, $60 in the Treasury of the United States. Claim No. 34357.

Executed at Washington, D. C., on December 5, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-9965; Filed, Dec. 9, 1955; 8:50 a. m.]

NICOLAAS SLUYTER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Nicolaas Sluyter, Haarlem, Holland, Claim No. 41831; property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943), relating to United States Letters Patent No. 2,189,870.

Executed at Washington, D. C., on December 5, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-9966; Filed, Dec. 9, 1955; 8:50 a. m.]

[Vesting Order 18521, Amdt.]

NATIONALS OF THE NETHERLANDS

In re: Domestic scheduled securities owned by nationals of The Netherlands; F-49-1688.

Vesting Order 18521, dated September 27, 1951, as amended, is hereby further amended as follows and not otherwise:

By deleting from Exhibit B, attached thereto and by reference made a part thereof, all reference to 50 shares of North American Trust Shares 1956 Distribution Type evidenced by certificate number CC 10838.

All other provisions of said Vesting Order 18521, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 925, 64 Stat. 1079, 50 U. S. C. App. and Supp. 1, 40; E. O. 8389, Apr. 10, 1940, 5 F. R. 1400, as amended by E. O. 8785, June 14, 1941, 6 F. R. 2897, E. O. 8832, July 26, 1941, 6 F. R. 3715, E. O. 8963, Dec. 9, 1941, 6 F. R. 6348, E. O. 8998, Dec. 26, 1941, 6 F. R. 6785; E. O. 9193, July 6, 1942, 7 F R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp.; E. O. 9989, August 20, 1948, 13 F. R. 4891, 3 CFR, 1948 Supp.)

Executed at Washington, D. C., on December 6, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 55-9964; Filed, Dec. 9, 1955; 8:50 a. m.]

FEDERAL REGISTER

PART II

VOLUME 20 NUMBER 240

Washington, Saturday, December 10, 1955

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

UNIVERSITY OF MICHIGAN

DEC 12 1955

MAIN READING ROOM

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 600—DESIGNATION OF CIVIL AIRWAYS

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

REPUBLICATION OF REGULATIONS

The regulations in Parts 600 and 601 of Title 14, Chapter II, are republished in their entirety, containing all amendments to date, as set forth below.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

This issue is divided into two parts, Part II of which contains a republication of Parts 600 and 601 of Title 14, Chapter II, of the Code of Federal Regulations.

PART 600—DESIGNATION OF CIVIL AIRWAYS

Subpart A—Introduction

Sec.
600.1 Basis and purpose.
600.2 Explanation of term.
600.3 Scope.
600.4 Directions of airways.
600.10 Designation of civil airways.

Subpart B—Colored Civil Airways

GREEN CIVIL AIRWAYS

600.11 Green civil airway No. 1 (Patricia Bay, British Columbia to United States-Canadian Border via Millinocket, Maine).
600.12 Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).
600.13 Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).
600.14 Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).
600.15 Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).
600.16 Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.).
600.17 Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).
600.18 Green civil airway No. 8 (Cold Bay, Alaska, to Northway, Alaska).
600.19 Green civil airway No. 9 (Hawaiian Islands).
600.20 Green civil airway No. 10 (United States-Canadian Border to Denver, Colo.).

AMBER CIVIL AIRWAYS

600.101 Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).
600.102 Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow Alaska).
600.103 Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.).
600.104 Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).
600.105 Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).
600.106 Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).
600.107 Amber civil airway No. 7 (Key West Fla., to United States-Canadian Border).
600.108 Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.).
600.109 Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).
600.110 Amber civil airway No. 10 (Hawaiian Islands).
600.111 Amber civil airway No. 11 (Hawaiian Islands).
600.112 Amber civil airway No. 12 (Hawaiian Islands).
600.113 Amber civil airway No. 13 (Washington, D. C., to New York, N. Y.).
600.114 Amber civil airway No. 14 (Washington, D. C., to New York, N. Y.).
600.115 Amber civil airway No. 15 (Washington, D. C., to New York, N. Y.).
600.119 Amber civil airway No. 19 (Washington, D. C., to New York, N. Y.).

RED CIVIL AIRWAYS

600.201 Red civil airway No. 1 (Portland, Oreg., to Denver, Colo.).
600.202 Red civil airway No. 2 (Sheridan, Wyo., to Rapid City, S. Dak.).
600.203 Red civil airway No. 3 (Phillipsburg, Pa., to Hartford, Conn.).
600.204 Red civil airway No. 4 (Las Vegas, N. Mex., to Tucumcari, N. Mex.).
600.205 Red civil airway No. 5 (Sioux Falls, S. Dak., to St. Paul, Minn.).
600.206 Red civil airway No. 6 (Denver, Colo., to Omaha, Nebr.).
600.207 Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.).
600.208 Red civil airway No. 8 (Dayton, Ohio, to Newark, N. J.).
600.209 Red civil airway No. 9 (San Diego, Calif., to Casa Grande, Ariz.).
600.210 Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.).
600.211 Red civil airway No. 11 (Enid, Okla., to Boston, Mass.).
600.212 Red civil airway No. 12 (Joliet, Ill., to Erie, Pa.).
600.213 Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.).
600.214 Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.).
600.215 Red civil airway No. 15 (Reno, Nev., to Phoenix, Ariz.).
600.216 Red civil airway No. 16 (Tallahassee, Fla., to Florence, S. C.).
600.217 Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.).
600.218 Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).
600.219 Red civil airway No. 19 (Traverse City, Mich., to Norfolk, Va.).
600.220 Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.).
600.221 Red civil airway No. 21 (New York, N. Y., to Boston, Mass.).
600.222 Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.).
600.223 Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.).
600.224 Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).
600.225 Red civil airway No. 25 (Tallahassee, Fla., to Miami, Fla.).
600.226 Red civil airway No. 26 (Petersburg, Va., to Corapeake, N. C.).
600.227 Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.).
600.228 Red civil airway No. 28 (Rockford, Ill., to Detroit, Mich.).
600.229 Red civil airway No. 29 (Elmira, N. Y., to Baltimore, Md.).
600.230 Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.).
600.231 Red civil airway No. 31 (Cheyenne, Wyo., to La Crosse, Wis.).
600.232 Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).
600.233 Red civil airway No. 33 (Norfolk, Va., to Boston, Mass.).
600.234 Red civil airway No. 34 (Charleston, W. Va., to Weeksville, N. C.).
600.235 Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.).
600.236 Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).
600.237 Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.).
600.238 Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.).
600.239 Red civil airway No. 39 (Kodiak, Alaska, to Anchorage, Alaska).
600.240 Red civil airway No. 40 (Kodiak, Alaska, to Anchorage, Alaska).
600.241 Red civil airway No. 41 (Yakutat, Alaska, to Gustavus, Alaska).
600.242 Red civil airway No. 42 (Milwaukee, Wis., to Aurora, Ill.).

Sec.	
600.243	Red civil airway No. 43 (Chicago, Ill., to LaFayette, Ind.).
600.244	Red civil airway No. 44 (Bellingham, Wash., to Princeton, B. C., Canada).
600.245	Red civil airway No. 45 (Blackstone, Va., to Willow Grove, Pa.).
600.246	Red civil airway No. 46 (United States-Canadian Border to Jamestown, N. Dak.).
600.247	Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.).
600.248	Red civil airway No. 48 (Helena, Mont., to Livingston, Mont.).
600.249	Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.).
600.250	Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).
600.251	Red civil airway No. 51 (Blackstone, Va., to Norfolk, Va.).
600.252	Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.).
600.253	Red civil airway No. 53 (Portland Oreg., to Spokane, Wash.).
600.254	Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).
600.255	Red civil airway No. 55 (Chicago, Ill., to Columbus, Ohio).
600.256	Red civil airway No. 56 (Red Bluff, Calif., to Whitmore, Calif.).
600.257	Red civil airway No. 57 (Des Moines, Iowa, to Youngstown, Ohio).
600.258	Red civil airway No. 58 (Augusta, Maine, to United States-Canadian Border).
600.259	Red civil airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.).
600.260	Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.).
600.261	Red civil airway No. 61 (Butler, Pa., to Washington, D. C.).
600.262	Red civil airway No. 62 (Pittsburgh, Pa., to Altoona, Pa.).
600.263	Red civil airway No. 63 (Battle Creek, Mich., to the United States-Canadian Border).
600.264	Red civil airway No. 64 (United States-Canadian Border to Annette Island, Alaska).
600.265	Red civil airway No. 65 (Los Angeles, Calif., to Hayfield Lake, Calif.).
600.266	Red civil airway No. 66 (Santa Barbara, Calif., to Los Angeles, Calif.).
600.267	Red civil airway No. 67 (Crestview, Fla., to Atlanta, Ga.).
600.268	Red civil airway No. 68 (Midland, Tex., to Shreveport, La.).
600.269	Red civil airway No. 69 (Midland, Tex., to Big Springs, Tex.).
600.270	Red civil airway No. 70 (Midland, Tex., to Lubbock, Tex.).
600.271	Red civil airway No. 71 (El Paso, Tex., to Lubbock, Tex.).
600.272	Red civil airway No. 72 (Millville, N. J., to Paterson, N. J.).
600.273	Red civil airway No. 73 (Baltimore, Md., to Millville, N. J.).
600.274	Red civil airway No. 74 (Louisville, Ky., to Cincinnati, Ohio).
600.275	Red civil airway No. 75 (United States-Canadian Border, Vancouver, B. C., to the United States-Canadian Border, Abbotsford, B. C.).
600.276	Red civil airway No. 76 (Williams, Calif., to Auburn, Calif.).
600.277	Red civil airway No. 77 (Greensboro, N. C., to Atlantic City, N. J.).
600.278	Red civil airway No. 78 (Medford, Oreg., to Klamath Falls, Oreg.).
600.279	Red civil airway No. 79 (Neah Bay, Wash., to Everett, Wash.).
600.280	Red civil airway No. 80 (Helena, Mont., to Miles City, Mont.).
600.281	Red civil airway No. 81 (Lansing, Mich., to Detroit, Mich.).
600.282	Red civil airway No. 82 (Skwentna, Alaska, to Anchorage, Alaska).
600.283	Red civil airway No. 83 (Gila Bend, Ariz., to Tucson, Ariz.).
600.284	Red civil airway No. 84 (Meridian, Miss., to Columbus, Ga.).
600.285	Red civil airway No. 85 (Akron, Ohio, to Altoona, Pa.).
600.286	Red civil airway No. 86 (Millinocket, Maine, to Houlton, Maine).
600.287	Red civil airway No. 87 (Hawaiian Islands).
600.288	Red civil airway No. 88 (Albuquerque, N. Mex., to Hobbs, N. Mex.).
600.289	Red civil airway No. 89 (Quincy, Ill., to Peoria, Ill.).
600.290	Red civil airway No. 90 (Oxnard, Calif., to Burbank, Calif.).
600.291	Red civil airway No. 91 (Dunkirk, N. Y., to Syracuse, N. Y.).
600.292	Red civil airway No. 920 (Sault Ste. Marie, Mich., to United States-Canadian Border).
600.293	Red civil airway No. 93 (Lincoln, Nebr., to Omaha, Nebr.).
600.294	Red civil airway No. 94 (Providence, R. I., to Hyannis, Mass.).
600.295	Red civil airway No. 95 (Elmira, N. Y., to Utica, N. Y.).
600.296	Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.).
600.297	Red civil airway No. 97 (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).
600.298	Red civil airway No. 98 (Vichy, Mo., to Belleville, Ill.).
600.299	Red civil airway No. 99 (Iliamna, Alaska, to Homer, Alaska).
600.300	Red civil airway No. 100 (South Bend, Ind., to Battle Creek, Mich.).
600.302	Red civil airway No. 102 (Louisville, Ky., to Huntington, W. Va.).
600.303	Red civil airway No. 103 (Kenai, Alaska, to Middleton Island, Alaska).
600.304	Red civil airway No. 104 (Greensboro, N. C., to Raleigh, N. C.).
600.305	Red civil airway No. 105 (Wichita, Kans., to Neosho, Mo.).
600.306	Red civil airway No. 106 (Scottsbluff, Nebr., to North Platte, Nebr.).
600.307	Red civil airway No. 107 (Stanton, Minn., to Red Wing, Minn.).
600.308	Red civil airway No. 108 (Promontory Point, Utah, to Fort Bridger, Wyo.).
600.309	Red civil airway No. 109 (Portland, Oreg., to Spokane, Wash.).

BLUE CIVIL AIRWAYS

600.601	Blue civil airway No. 1 (Miami, Fla., to Tampa, Fla.).
600.602	Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.).
600.603	Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.).
600.604	Blue civil airway No. 4 (Boston, Mass., to United States-Canadian Border).
600.605	Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).
600.606	Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).
600.607	Blue civil airway No. 7 (Hollister, Calif., to Williams, Calif.).
600.608	Blue civil airway No. 8 (Fargo, N. Dak., to United States-Canadian Border).
600.609	Blue civil airway No. 9 (Springfield, Mo., to United States-Canadian Border).
600.610	Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).
600.611	Blue civil airway No. 11 (Findlay, Ohio, to Dunkirk, N. Y.).
600.613	Blue civil airway No. 13 (Houston, Tex., to Des Moines, Iowa).
600.614	Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.).
600.615	Blue civil airway No. 15 (Huntington, W. Va., to Youngstown, Ohio).
600.616	Blue civil airway No. 16 (Waverly, Va. to Tappahannock, Va.).
600.617	Blue civil airway No. 17 (Bangor, Maine, to Presque Isle, Maine).
600.618	Blue civil airway No. 18 (Philadelphia, Pa., to United States-Canadian Border).
600.619	Blue civil airway No. 19 (Key West, Fla., to Orlando, Fla.).
600.620	Blue civil airway No. 20 (Millville, N. J., to Allentown, Pa.).
600.622	Blue civil airway No. 22 (Memphis, Tenn., to Wichita, Kans.)
600.623	Blue civil airway No. 23 (Norfolk, Va., to Chincoteague, Va.).
600.625	Blue civil airway No. 25 (Cordova, Alaska, to Big Delta, Alaska).
600.626	Blue civil airway No. 26 (Anchorage, Alaska, to Nenana, Alaska).
600.627	Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska).
600.628	Blue civil airway No. 28 (Charleston, S. C., to Bulls Gap, Tenn.).
600.629	Blue civil airway No. 29 (Raleigh, N. C., to Lynchburg, Va.).
600.630	Blue civil airway No. 30 (Brownsville, Tex., to Pueblo, Colo.).
600.631	Blue civil airway No. 31 (Burlington, Iowa, to Madison, Wis.).
600.632	Blue civil airway No. 32 (Skwentna, Alaska, to Talkeetna, Alaska).
600.633	Blue civil airway No. 33 (Lansing, Mich., to Saginaw, Mich.).
600.634	Blue civil airway No. 34 (Terre Haute, Ind., to Peoria, Ill.).
600.635	Blue civil airway No. 35 (Oxnard, Calif., to Bakersfield, Calif.).
600.636	Blue civil airway No. 36 (Akron, Colo., to Kimball, Nebr.).
600.637	Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).
600.638	Blue civil airway No. 38 (Five Finger, Alaska, to United States-Canadian Border).
600.639	Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.).
600.640	Blue civil airway No. 40 (Concord, N. H., to Burlington, Vt.).
600.641	Blue civil airway No. 41 (Hartford, Conn., to United States-Canadian Border).
600.642	Blue civil airway No. 42 (Goshen, Ind., to Saginaw, Mich.).
600.643	Blue civil airway No. 43 (Delta Island, Alaska, to Willow, Alaska).
600.644	Blue civil airway No. 44 (Indianapolis, Ind., to United States-Canadian Border).
600.645	Blue civil airway No. 45 (Greenfield, Mass., to Newport, Vt.).
600.646	Blue civil airway No. 46 (Memphis, Tenn., to Paducah, Ky.).
600.647	Blue civil airway No. 47 (Blackstone, Va., to Dunkirk, N. Y.).
600.649	Blue civil airway No. 49 (Atlantic City, N. J., to Philadelphia, Pa.).
600.651	Blue civil airway No. 51 (Wendover, Utah, to Dubois, Idaho).
600.652	Blue civil airway No. 52 (Paso Robles, Calif., to Fresno, Calif.).
600.653	Blue civil airway No. 53 (Providence, R. I., to Hartford, Conn.).
600.654	Blue civil airway No. 54 (Evergreen, Calif., to Hamilton AFB, Calif.).
600.655	Blue civil airway No. 55 (Crestview, Fla., to Montgomery, Ala.).
600.656	Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.).

Sec.	
600.657	Blue civil airway No. 57 (Elko, Nev., to Burley, Idaho).
600.658	Blue civil airway No. 58 (Nantucket, Mass., to Squantum, Mass.).
600.659	Blue civil airway No. 59 (Pensacola, Fla., to Goodway, Ala.).
600.660	Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.).
600.661	Blue civil airway No. 61 (Springfield, Mo., to Kansas City, Mo.).
600.663	Blue civil airway No. 63 (Concord, N. H., to Berlin, N. H.).
600.664	Blue civil airway No. 64 (Wink, Tex., to Hobbs, N. Mex.).
600.665	Blue civil airway No. 65 (Shuyak, Alaska, to Homer, Alaska).
600.666	Blue civil airway No. 66 (Bridgeport, Conn., to Poughkeepsie, N. Y.).
600.667	Blue civil airway No. 67 (Yuma, Ariz., to Las Vegas, Nev.).
600.668	Blue civil airway No. 68 (Midland, Tex., to Hobbs, N. Mex.).
600.670	Blue civil airway No. 70 (Waco, Tex., to Tulsa, Okla.).
600.669	Blue civil airway No. 69 (St. Louis, Mo., to Quincy, Ill.).
600.671	Blue civil airway No. 71 (Toledo, Wash., to Seattle, Wash).
600.672	Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.).
600.674	Blue civil airway No. 74 (Willard, N. Mex., to Otto, N. Mex.).
600.675	Blue civil airway No. 75 (Cleveland, Ohio, to United States-Canadian Border).
600.676	Blue civil airway No. 76 (Sinclair, Wyo., to Casper, Wyo.).
600.677	Blue civil airway No. 77 (Promontory Point, Utah, to Corinne, Utah).
600.678	Blue civil airway No. 78 (Spring Bay, Utah, to Malad City, Idaho).
600.679	Blue civil airway No. 79 (Annette Island, Alaska, to United States-Canadian Border).
600.680	Blue civil airway No. 80 (Unalakleet, Alaska, to, Moses Point Alaska).
600.681	Blue civil airway No. 81 (Charleston, W. Va., to Akron, Ohio).
600.684	Blue civil airway No. 84 (Augusta, Maine, to Millinocket, Maine).
600.685	Blue civil airway No. 85 (Hutchinson, Kans., to Wichita, Kans.)
600.686	Blue civil airway No. 86 (Goshen, Ind., to Fort Wayne, Ind.).
600.687	Blue civil airway No. 87 (Lexington, Ky., to Dayton, Ohio).

OTHER CIVIL AIRWAYS

600.1004	Winslow, Ariz., to Las Vegas, Nev., civil airway.

Subpart C—VOR Civil Airways

DOMESTIC VOR CIVIL AIRWAYS

600.6001	VOR civil airway No. 1 (Charleston, S. C., to New York, N. Y.).
600.6002	VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.).
600.6003	VOR civil airway No. 3 (Key West, Fla., to Bangor, Maine).
600.6004	VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.).
600.6005	VOR civil airway No. 5 (Jacksonville, Fla., to Cleveland, Ohio).
600.6006	VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.).
600.6007	VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.).
600.6008	VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.).
600.6009	VOR civil airway No. 9 (New Orleans, La., to Milwaukee, Wis.).
600.6010	VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.).
600.6011	VOR civil airway No. 11 (Houston, Tex., to Detroit, Mich.).
600.6012	VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.).
600.6013	VOR civil airway No. 13 (Houston, Tex., to Duluth, Minn.).
600.6014	VOR civil airway No. 14 (Roswell, N. Mex., to Boston, Mass.).
600.6015	VOR civil airway No. 15 (Galveston, Tex., to Minot, N. Dak.).
600.6016	VOR civil airway No. 16 (Los Angeles, Calif., to Salem, Conn.).
600.6017	VOR civil airway No. 17 (Laredo, Tex., to Goodland, Kans.).
600.6018	VOR civil airway No. 18 (Dallas, Tex., to Charleston, S. C.).
600.6019	VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.).
600.6020	VOR civil airway No. 20 (Laredo, Tex., to Richmond, Va.).
600.6021	VOR civil airway No. 21 (Long Beach, Calif., to United States-Canadian Border).
600.6022	VOR civil airway No. 22 (New Orleans, La., to Jacksonville, Fla.).
600.6023	VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.).
600.6024	VOR civil airway No. 24 (Aberdeen, S. Dak., to Redwood Falls, Minn.).
600.6025	VOR civil airway No. 25 (Los Angeles, Calif., to Ellensburg, Wash.).
600.6026	VOR civil airway No. 26 (Cherokee, Wyo., to Cleveland, Ohio).
600.6027	VOR civil-airway No. 27 (Los Angeles, Calif., to Seattle, Wash.).
600.6028	VOR civil airway No. 28 (Oakland, Calif., to Reno, Nev.).
600.6029	VOR civil airway No. 29 (Salisbury, Md., to United States-Canadian Border).
600.6030	VOR civil airway No. 30 (Milwaukee, Wis., to Nantucket, Mass.).
600.6031	VOR civil airway No. 31 (Baltimore, Md., to Rochester, N. Y.).
600.6032	VOR civil airway No. 32 (Battle Mountain, Nev., to Fort Bridger, Wyo.).
600.6033	VOR civil airway No. 33 (Baltimore, Md., to Buffalo, N. Y.).
600.6034	VOR civil airway No. 34 (Rochester, N. Y., to Wilton, Conn.).
600.6035	VOR civil airway No. 35 (Tallahassee, Fla., to Syracuse, N. Y.).
600.6036	VOR civil airway No. 36 (Buffalo, N. Y., to New York, N. Y.).
600.6037	VOR civil airway No. 37 (Elkins, W. Va., to Erie, Pa.).
600.6038	VOR civil airway No. 38 (Chicago, Ill., to Elkins, W. Va.).
600.6039	VOR civil airway No. 39 (South Boston, Va., to Kennebunk, Maine).
600.6040	VOR civil airway No. 40 (Cleveland, Ohio, to Pittsburgh, Pa.).
600.6041	VOR civil airway No. 41 (Pittsburgh, Pa., to Youngstown, Ohio).
600.6042	VOR civil airway No. 42 (Detroit, Mich., to Washington, D. C.).
600.6043	VOR civil airway No. 43 (Columbus, Ohio, to Erie, Pa.).
600.6044	VOR civil airway No. 44 (Louisville, Ky., to Baltimore, Md.).
600.6045	VOR civil airway No. 45 (Lexington, Ky., to Lansing, Mich.).
600.6046	VOR civil airway No. 46 (New York, N. Y., to Nantucket, Mass.).
600.6047	VOR civil airway No. 47 (Louisville, Ky., to Detroit, Mich.).
600.6048	VOR civil airway No. 48 (Burlington, Iowa, to Pontiac, Ill.).
600.6049	VOR civil airway No. 49 (Dillon, Mont., to Great Falls, Mont.).
600.6050	VOR civil airway No. 50 (St. Joseph, Mo., to Indianapolis, Ind.).
600.6051	VOR civil airway No. 51 (Miami, Fla., to Chicago, Ill.).
600.6052	VOR civil airway No. 52 (Des Moines, Iowa, to St. Louis, Mo.).
600.6053	VOR civil airway No. 53 (Charleston, S. C. to Milwaukee, Wis.).
600.6054	VOR civil airway No. 54 (Texarkana, Ark., to Charlotte, N. C.).
600.6055	VOR civil airway No. 55 (Dayton, Ohio, to Green Bay, Wis.).
600.6056	VOR civil airway No. 56 (Montgomery, Ala., to Florence, S. C.).
600.6057	VOR civil airway No. 57 (Graham, Tenn., to Chicago, Ill.).
600.6058	VOR civil airway No. 58 (Pittsburgh, Pa., to Hartford, Conn.).
600.6059	VOR civil airway No. 59 (Evansville, Ind., to Moline, Ill.).
600.6060	VOR civil airway No. 60 (Albuquerque, N. Mex., to Tucumcari, N. Mex.).
600.6061	VOR civil airway No. 61 (Fort Worth, Tex., to Lawton, Okla.).
600.6062	VOR civil airway No. 62 (Santa Fe, N. Mex., to Anton Chico, N. Mex.).
600.6063	VOR civil airway No. 63 (McAlester, Okla., to Milwaukee, Wis.).
600.6064	VOR civil airway No. 64 (Long Beach, Calif., to Blythe, Calif.).
600.6065	VOR civil airway No. 65 (Bonner Springs, Kans., to St. Joseph, Mo.).
600.6066	VOR civil airway No. 66 (San Diego, Calif., to Midland, Tex.).
600.6067	VOR civil airway No. 67 (Waterloo, Iowa, to Rochester, Minn.).
600.6068	VOR civil airway No. 68 (Albuquerque, N. Mex., to Brownsville, Tex.).
600.6069	VOR civil airway No. 69 (Little Rock, Ark., to Chicago, Ill.).
600.6070	VOR civil airway No. 70 Corpus Christi, Tex., to Baton Rouge, La.).
600.6071	VOR civil airway No. 71 (Pine Bluff, Ark., to Kansas City, Mo.).
600.6072	VOR civil airway No. 72 (Vichy, Mo., to Albany, N. Y.).
600.6073	VOR civil airway No. 73 (Tulsa, Okla., to Salina, Kans.).
600.6074	VOR civil airway No. 74 (Anthony, Kans., to Little Rock, Ark.).
600.6075	VOR civil airway No. 75 (Richmond, Va., to Cleveland, Ohio).
600.6076	VOR civil airway No. 76 (Lubbock, Tex., to Galveston, Tex.).
600.6077	VOR civil airway No. 77 (San Angelo Tex., to Des Moines, Iowa).
600.6078	VOR civil airway No. 78 (Huron, S. Dak., to Minneapolis, Minn.).
600.6079	VOR civil airway No. 79 (Culberson, Tex., to Lubbock, Tex.).
600.6080	VOR civil airway No. 80 (Sioux Falls, S. Dak., to Redwood Falls, Minn.).
600.6081	VOR civil airway No. 81 (Midland, Tex., to Amarillo, Tex.).
600.6082	VOR civil airway No. 82 (Minneapolis, Minn., to La Crosse, Wis.).
600.6083	VOR civil airway No. 83 (Carlsbad, N. Mex., to Santa Fe, N. Mex.).
600.6084	VOR civil airway No. 84 (Bradford, Ill., to Flint, Mich.).
600.6085	VOR civil airway No. 85 (Rock River, Wyo., to Casper, Wyo.).
600.6086	VOR civil airway No. 86 (Butte, Mont., to Bozeman, Mont.).
600.6087	VOR civil airway No. 87 (Gila Bend, Ariz., to Hassayampa, Ariz.).
600.6088	VOR civil airway No. 88 (Tulsa, Okla., to Mansfield, Ohio).
600.6089	VOR civil airway No. 89 (Cheyenne, Wyo., to Rapid City, S. Dak.).
600.6091	VOR civil airway No. 91 (New York, N. Y., to Plattsburg, N. Y.).
600.6092	VOR civil airway No. 92 (Chicago, Ill., to Washington, D. C.).

Sec.
600.6093 VOR civil airway No. 93 (Washington, D. C., to Presque Isle, Maine).
600.6094 VOR civil airway No. 94 (Salt Flat, Tex., to Hobbs, N. Mex.).
600.6095 VOR civil airway No. 95 (Phoenix, Ariz., to Winslow, Ariz.).
600.6096 VOR civil airway No. 96 (Lafayette, Ind., to Detroit, Mich.).
600.6097 VOR civil airway No. 97 (Miami, Fla., to Minneapolis, Minn.).
600.6098 VOR civil airway No. 98 (Fort Wayne, Ind., to Erie, Pa.).
600.6099 VOR civil airway No. 99 (Lafayette, La., to Baton Rouge, La.).
600.6100 VOR civil airway No. 100 (San Francisco, Calif., to Fresno, Calif.).
600.6101 VOR civil airway No. 101 (Ogden, Utah to Burley, Idaho).
600.6102 VOR civil airway No. 102 (Lubbock, Tex., to Wichita Falls, Tex.).
600.6103 VOR civil airway No. 103 (Elkins, W. Va., to Cleveland, Ohio).
600.6104 VOR civil airway No. 104 (United States-Canadian Border to Plattsburg, N. Y.).
600.6105 VOR civil airway No. 105 (Phoenix, Ariz., to Las Vegas, Nev.).
600.6106 VOR civil airway No. 106 (Charleston, W. Va., to Kennebunk, Maine).
600.6107 VOR civil airway No. 107 (Los Angeles, Calif., to Red Bluff, Calif.).
600.6109 VOR civil airway No. 109 (Paso Robles, Calif., to Fresno, Calif.).
600.6110 VOR civil airway No. 110 (San Francisco, Calif., to Altamont, Calif.).
600.6111 VOR civil airway No. 111 (Salinas, Calif., to Los Banos, Calif.).
600.6112 VOR civil airway No. 112 (Portland, Oreg., to Spokane, Wash.).
600.6113 VOR civil airway No. 113 (Paso Robles, Calif., to Reno, Nev.).
600.6114 VOR civil airway No. 114 (Pueblo, Colo., to New Orleans, La.).
600.6115 VOR civil airway No. 115 (Crestview, Fla., to Charleston, W. Va.).
600.6116 VOR civil airway No. 116 (Kansas City, Mo., to New York, N. Y.).
600.6117 VOR civil airway No. 117 (El Centro, Calif., to Daggett, Calif.).
600.6118 VOR civil airway No. 118 (Rock River, Wyo., to Cheyenne, Wyo.).
600.6119 VOR civil airway No. 119 (Huntington, W. Va., to Bradford, Pa.).
600.6120 VOR civil airway No. 120 (Mullen Pass, Mont., to Miles City, Mont.).
600.6121 VOR civil airway No. 121 (North Bend, Oreg., to Eugene, Oreg.).
600.6122 VOR civil airway No. 122 (Crescent City, Calif., to Klamath Falls, Oreg.).
600.6123 VOR civil airway No. 123 (Newport, Oreg., to Newberg, Oreg.).
600.6124 VOR civil airway No. 124 (Burley, Idaho, to Pocatello, Idaho).
600.6125 VOR civil airway No. 125 (Anthony, Kans., to Hutchinson, Kans.).
600.6126 VOR civil airway No. 126 (Chicago, Ill., to New York, N. Y.).
600.6127 VOR civil airway No. 127 (Livingston, Mont., to Helena, Mont.).
600.6128 VOR civil airway No. 128 (Chicago, Ill., to New Bern, N. C.).
600.6129 VOR civil airway No. 129 (Dixon, Ill., to Eau Claire, Wis.).
600.6130 VOR civil airway No. 130 (Albany, N. Y., to Providence, R. I.).
600.6131 VOR civil airway No. 131 (Ponca City, Okla., to Topeka, Kans.).
600.6132 VOR civil airway No. 132 (Cheyenne, Wyo., to Hutchinson, Kans.).
600.6133 VOR civil airway No. 133 (Parkersburg, W. Va., to Flint, Mich.).
Sec.
600.6134 VOR civil airway No. 134 (Evergreen, Ala., to Atlanta, Ga.).
600.6135 VOR civil airway No. 135 (Yuma, Ariz., to Las Vegas, Nev.).
600.6136 VOR civil airway No. 136 (Pulaski, Va., to Raleigh, N. C.).
600.6137 VOR civil airway No. 137 (San Bernardino, Calif., to Salinas, Calif.).
600.6138 VOR civil airway No. 138 (Rock River, Wyo., to Sidney, Nebr.).
600.6139 VOR civil airway No. 139 (Norwich, Conn., to Boston, Mass.).
600.6140 VOR civil airway No. 140 (Amarillo, Tex., to New York, N. Y.).
600.6141 VOR civil airway No. 141 (Nantucket, Mass., to Plattsburg, N. Y.).
600.6142 VOR civil airway No. 142 (Buffalo, N. Y., to Rochester, N. Y.).
600.6143 VOR civil airway No. 143 (Charlotte, N. C., to Washington, D. C.).
600.6144 VOR civil airway No. 144 (Chicago, Ill., to Washington, D. C.).
600.6145 VOR civil airway No. 145 (Utica, N. Y., to United States-Canadian Border).
600.6146 VOR civil airway No. 146 (Poughkeepsie, N. Y., to Woodstock, Conn.).
600.6147 VOR civil airway No. 147 (Philadelphia, Pa., to Rochester, N. Y.).
600.6148 VOR civil airway No. 148 (Thurman, Colo., to North Platte, Nebr.).
600.6149 VOR civil airway No. 149 (Allentown, Pa., to Utica, N. Y.).
600.6150 VOR civil airway No. 150 (Sacramento, Calif., to Reno, Nev.).
600.6151 VOR civil airway No. 151 (Woonsocket, R. I., to Keene, N. H.).
600.6152 VOR civil airway No. 152 (Tampa, Fla., to Daytona Beach, Fla.).
600.6153 VOR civil airway No. 153 (New York, N. Y., to Wilkes-Barre, Pa.).
600.6154 VOR civil airway No. 154 (Meridian, Miss., to Macon, Ga.).
600.6155 VOR civil airway No. 155 (Gordonsville, Va., to Front Royal, Va.).
600.6156 VOR civil airway No. 156 (Elkins, W. Va., to Gordonsville, Va.).
600.6157 VOR civil airway No. 157 (Wilmington, N. C., to Richmond, Va.).
600.6158 VOR civil airway No. 158 (Iowa Falls, Iowa, to Waterloo, Iowa).
600.6159 VOR civil airway No. 159 (Miami, Fla., to Albany, Ga.).
600.6160 VOR civil airway No. 160 (Denver, Colo., to Sidney, Nebr.).
600.6161 VOR civil airway No. 161 (Tulsa, Okla., to Minneapolis, Minn.).
600.6162 VOR civil airway No. 162 (Harrisburg, Pa., to Allentown, Pa.).
600.6163 VOR civil airway No. 163 (Waco, Tex., to Oklahoma City, Okla.).
600.6164 VOR civil airway No. 164 (Bradford, Pa., to New York, N. Y.).
600.6165 VOR civil airway No. 165 (Long Beach, Calif., to Palmdale, Calif.).
600.6166 VOR civil airway No. 166 (Martinsburg, W. Va., to Philadelphia, Pa.).
600.6167 VOR civil airway No. 167 (New York, N. Y., to Hartford, Conn.).
600.6168 VOR civil airway No. 168.
600.6169 VOR civil airway No. 169 (Sidney, Nebr., to Rapid City, S. Dak.).
600.6170 VOR civil airway No. 170 (Erie, Pa., to Philadelphia, Pa.).
600.6171 VOR civil airway No. 171 (Louisville Ky., to Madison, Wis.).
600.6172 VOR civil airway No. 172 (Iowa City, Iowa, to Chicago, Ill.).
Sec.
600.6173 VOR civil airway No. 173 (Springfield, Ill., to Chicago, Ill.).
600.6174 VOR civil airway No. 174 (St. Louis, Mo., to Washington, D. C.).
600.6175 VOR civil airway No. 175 (Vichy, Mo., to Columbia, Mo.).
600.6176 VOR civil airway No. 176 (Centralia, Ill., to Scotland, Ind.).
600.6177 VOR civil airway No. 177 (Chicago, Ill., to Janesville, Wis.).
600.6178 VOR civil airway No. 178 (Farmington, Mo., to Paducah, Ky.).
600.6179 VOR civil airway No. 179 (Paducah, Ky., to Centralia, Ill.).
600.6180 VOR civil airway No. 180 (Lansing, Mich., to Selfridge, Mich.).
600.6181 VOR civil airway No. 181 (Sioux Falls, S. Dak., to Watertown, S. Dak.).
600.6182 VOR civil airway No. 182 (Portland, Oreg., to Baker, Oreg.).
600.6183 VOR civil airway No. 183 (Santa Barbara, Calif., to Bakersfield, Calif.).
600.6184 VOR civil airway No. 184 (Erie, Pa., to Philipsburg, Pa.).
600.6185 VOR civil airway No. 185 (Augusta, Ga., to Knoxville, Tenn.).
600.6186 VOR civil airway No. 186 (St. Louis, Mo., to Scotland, Ind.).
600.6187 VOR civil airway No. 187 (Chicago, Ill., to Milwaukee, Wis.).
600.6188 VOR civil airway No. 188 (Detroit, Mich., to New York, N. Y.).
600.6189 VOR civil airway No. 189 (Pittsburgh, Pa., to Brookville, Pa.).
600.6190 VOR civil airway No. 190 (Grants, N. Mex., to Evansville, Ind.).
600.6191 VOR civil airway No. 191 (Walnut Ridge, Ark., to Chicago, Ill.).
600.6192 VOR civil airway No. 192 (Grants, N. Mex., to Tucumcari, N. Mex.).
600.6193 VOR civil airway No. 193 (Grand Rapids, Mich., to Traverse City, Mich.).
600.6194 VOR civil airway No. 194 (Royston, Ga., to Norfolk, Va.).
600.6195 VOR civil airway No. 195 (Oakland, Calif., to Red Bluff, Calif.).
600.6196 VOR civil airway No. 196 (Rock River, Wyo., to Chadron, Nebr.).
600.6197 VOR civil airway No. 197 (Toledo, Ohio, to Detroit, Mich.).
600.6198 VOR civil airway No. 198 (San Antonio, Tex., to Galveston, Tex.).
600.6199 VOR civil airway No. 199 (San Francisco, Calif., to Fresno, Calif.).
600.6200 VOR civil airway No. 200 (Ukiah, Calif., to Reno, Nev.).
600.6201 VOR civil airway No. 201 (Los Angeles, Calif., to Pasadena, Calif.).
600.6202 VOR civil airway No. 202 (Tucson, Ariz., to Cochise, Ariz.).
600.6203 VOR civil airway No. 203 (Albany, N. Y., to Massena, N. Y.).
600.6204 VOR civil airway No. 204 (Hoquiam, Wash., to Olympia, Wash.).
600.6205 VOR civil airway No. 205 (Springfield, Mo., to Kansas City, Mo.).
600.6206 VOR civil airway No. 206 (Blue Springs, Mo., to Kirksville, Mo.).
600.6207 VOR civil airway 207 (Denver, Colo., to Egbert, Wyo.).
600.6208 VOR civil airway 208 (Thermal, Calif., to Needles, Calif.).
600.6209 VOR civil airway No. 209 (Los Angeles, Calif., to Paso Robles, Calif.).
600.6211 VOR civil airway No. 211 (Cotulla, Tex., to Junction, Tex.).
600.6213 VOR civil airway No. 213 (Rocky Mount, N. C., to Boykin, Va.).
600.6223 VOR civil airway 223 (Herndon, Va., to Harrisburg, Pa.).

HAWAIIAN VOR CIVIL AIRWAYS

600.6401 Hawaiian VOR civil airway No. 1.
600.6402 Hawaiian VOR civil airway No. 2.
600.6403 Hawaiian VOR civil airway No. 3.
600.6404 Hawaiian VOR civil airway No. 4.
600.6405 Hawaiian VOR civil airway No. 5.
600.6406 Hawaiian VOR civil airway No. 6.
600.6407 Hawaiian VOR civil airway No. 7.
600.6408 Hawaiian VOR civil airway No. 8.
600.6409 Hawaiian VOR civil airway No. 9.
600.6410 Hawaiian VOR civil airway No. 10.

AUTHORITY: §§ 600.1 to 600.6410 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452.

SUBPART A—INTRODUCTION

§ 600.1 *Basis and purpose.* The basis of this part is found in sections 205 and 302 of the Civil Aeronautics Act of 1938, as amended. The purpose of this part is to designate civil airways in order to provide suitable and, insofar as possible, safe routes for aircraft operating in interstate, overseas, or foreign air commerce.

§ 600.2 *Explanation of terms.* As used in this part, "civil airway" shall mean a path through the navigable airspace of the United States suitable for interstate, overseas, or foreign air commerce. Civil airways are classified as follows:

(a) Colored civil airways: (1) Green civil airways, (2) Amber civil airways, (3) Red civil airways, (4) Blue civil airways.

(b) VOR civil airways: (1) Even numbered civil airways, (2) Odd numbered civil airways.

(c) As used in this part the term "mile" means "statute mile" unless otherwise specified in this part.

§ 600.3 *Scope.* (a) Except where otherwise provided in Subpart B and in Subpart C, each civil airway shall include the navigable airspace of the United States above all that area on the surface of the earth lying within 5 miles of the center of the center line prescribed for each such airway, but shall not include any of the airspace of an airspace reservation as provided for in section 4 of the Air Commerce Act of 1926, as amended.

(b) The center line of each civil airway shall be a line extended in the manner prescribed in this subpart through the center of the points or intersections specified for such airway.

(c) Except where otherwise provided in Subpart C, one or more alternate VOR civil airways shall be established between specified points along, and shall be a part of, each VOR civil airway. The center line of an alternate VOR civil airway shall depart from and return to the main VOR civil airway via the intersection of radials having an angle of 15 degrees (unless otherwise specified) separation from the main VOR civil airway.

§ 600.4 *Directions of airways.* Green and red colored civil airways and even numbered VOR civil airways normally are designated in a westerly to easterly direction between their initial and final terminals, even though portions of such airways may deviate from the westerly to easterly direction between any two or more intermediate points. Amber and blue colored civil airways and odd numbered VOR civil airways normally are designated in a southerly to northerly direction between their initial and final terminals, even though portions of such airways may deviate from the southerly to northerly direction between any two or more intermediate points.

§ 600.10 *Designation of civil airways.* The paths through the navigable airspace of the United States described in Subpart B and Subpart C are designated as civil airways.

SUBPART B—COLORED CIVIL AIRWAYS

GREEN CIVIL AIRWAYS

§ 600.11 *Green civil airway No. 1 (Patricia Bay, British Columbia to United States-Canadian Border via Millinocket, Maine).* That airspace over United States territory lying within 2 miles either side of the southwest course of the Vancouver, British Columbia, radio range between the intersection of the north course of the Patricia Bay, British Columbia, radio range and the southwest course of the Vancouver, British Columbia, radio range and the Vancouver, British Columbia, radio range station. That airspace over United States territory lying within 5 miles either side of direct lines from the Megantic, Quebec, Canada, radio range station via the Millinocket, Maine, radio range station to the Fredericton, New Brunswick, radio range station.

§ 600.12 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* From the King County Airport, Seattle, Wash., via the Seattle, Wash., radio range station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Mullan Pass, Mont., radio range station; Missoula, Mont., radio range station; Drummond, Mont., radio range station; Helena, Mont., radio range station; the intersection of the southeast course of the Helena, Mont., radio range and the northwest course of the Bozeman, Mont., radio range; Bozeman, Mont., radio range station; the intersection of the southeast course of the Bozeman, Mont., radio range and the west course of the Livingston, Mont., radio range; Livingston, Mont., radio range station; Billings, Mont., radio range station; Miles City, Mont., radio range station; the intersection of the northeast course of the Miles City, Mont., radio range and the west course of the Dickinson, N. Dak., radio range; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; Jamestown, N. Dak., radio range station; the intersection of the east course of the Jamestown, N. Dak., radio range and the west course of the Fargo, N. Dak., radio range; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis, Minn., radio range station; La Crosse, Wis., radio range station; the intersection of the southeast course of the La Crosse, Wis., radio range and the west course of the Madison, Wis., radio range; Madison, Wis., radio range station; Milwaukee, Wis., radio range station; Muskegon, Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; the intersection of the east course of the Lansing, Mich., radio range and the north course of the Detroit, Mich., radio range; Detroit, Mich., radio range station to the intersection of the east course of the Detroit, Mich., radio range and the United States-Canadian Border. From the intersection of the east course of the Clear Creek, Ontario, Canada, radio range and the United States-Canadian Border via the intersection of the east course of the Clear Creek, Ontario, Canada, radio range and the southwest course of the Buffalo, N. Y., radio range; Buffalo, N. Y., radio range station; the intersection of the east course of the Buffalo, N. Y., radio range and the southwest course of the Rochester, N. Y., radio range; Rochester, N. Y., radio range station; the intersection of the southeast course of the Rochester, N. Y., radio range and the west course of the Syracuse, N. Y., radio range; Syracuse, N. Y., radio range station; Albany, N. Y., radio range station; Westfield, Mass., radio range station; the intersection of the southeast course of the Westfield, Mass., radio range and the southwest course of the Boston, Mass., radio range to the Boston, Mass., radio range station.

§ 600.13 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).* From the intersection of the northwest course of the San Francisco, Calif., radio range and the southwest course of the Travis AFB, Fairfield, Calif., radio range via the San Francisco, Calif., radio range station; Oakland, Calif., radio range station; Sacramento, Calif., radio range station; the intersection of the northeast course of the Sacramento, Calif., radio range and the southwest course of the Reno, Nev., radio range; Reno, Nev., radio range station; Humboldt, Nev., radio range station; Battle Mountain, Nev., radio range station; Elko, Nev., radio range station; the intersection of the northeast course of the Elko, Nev., radio range and the west course of the Lucin, Utah, radio range; Lucin, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyo., radio range station; Rock Springs, Wyo., radio range station; Sinclair, Wyo., radio range station; the intersection of the east course of the Sinclair, Wyo., radio range and the northwest course of the Laramie, Wyo., radio range; the intersection of the northwest course of the Laramie, Wyo., radio range and the northwest course of the Cheyenne, Wyo., radio range; Cheyenne, Wyo., radio range station; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Moline, Ill., radio range station; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Chicago, Ill., radio range; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Goshen, Ind., radio range; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; Cleveland, Ohio, radio range station; Youngstown, Ohio, radio range station; the intersection of the east course of the Youngstown, Ohio, radio range and the west course of the Philipsburg, Pa., radio range; Philips-

burg, Pa., radio range station; Allentown, Pa., radio range station; the intersection of the east course of the Allentown, Pa., radio range and the southwest course of the New York, N. Y. (LaGuardia), radio range to the New York, N. Y. (LaGuardia), radio range station.

§ 600.14 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).* From the Camarillo, Calif., radio range station via the Newhall, Calif., radio range station; Palmdale, Calif., radio range station; Daggett, Calif., radio range station; Needles, Calif., radio range station; Prescott, Ariz., radio range station; Winslow, Ariz., radio range station; Zuni, N. Mex., radio range station to Albuquerque, N. Mex., radio range station excluding the portion which overlaps Albuquerque restricted area (R–313); Otto, N. Mex., radio range station; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; the intersection of the east course of the Amarillo, Tex., radio range and the southwest course of the Gage, Okla., radio range; Gage, Okla., radio range station; Wichita, Kans., radio range station; Kansas City, Mo., radio range station; the intersection of the northeast course of the Kansas City, Mo., radio range and the west course of the Columbia, Mo., radio range; Columbia, Mo., radio range station; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; the intersection of the east course of the Indianapolis, Ind., radio range and the west course of the Columbus, Ohio, radio range; Columbus, Ohio, radio range station; Wheeling, W. Va., nondirectional radio beacon; Pittsburgh, Pa., radio range station; New Alexandria, Pa., nondirectional radio beacon; Altoona, Pa., radio range station; Harrisburg, Pa., radio range station; the intersection of the east course of the Harrisburg, Pa., radio range and the southwest course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station to the Municipal Airport, Philadelphia, Pa.

§ 600.15 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).* From the Los Angeles, Calif., radio range station via the Riverside, Calif., radio range station; the intersection of the east course of the Riverside, Calif., radio range and the west course of the Blythe, Calif., radio range; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; the intersection of the south course of the Phoenix, Ariz., radio range and the northwest course of the Tucson, Ariz., radio range; Tucson, Ariz., radio range station; Cochise, Ariz., radio range station; Columbus, N. Mex., radio range station; El Paso, Tex., radio range station, excluding the portion which lies outside the continental United States; Salt Flat, Tex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; Fort Worth, Tex., radio range station; Sulphur Springs, Tex., nondirectional radio beacon; Texarkana, Ark., radio range station; Pine Bluff, Ark., nondirectional radio beacon; Memphis, Tenn., radio range station; Jackson, Tenn., radio range station; Nashville, Tenn., radio range station; the intersection of the northeast course of the Nashville, Tenn., radio range and the northwest course of the Smithville, Tenn., radio range; Smithville, Tenn., radio range station; the intersection of the southeast course of the Smithville, Tenn., radio range and the west course of the Knoxville, Tenn., radio range; Knoxville, Tenn., radio range station; Tri-City, Tenn., radio range station; Pulaski, Va., radio range station; Roanoke, Va., radio range station; Gordonsville, Va., radio range station; the intersection of the northeast course of the Gordonsville, Va., radio range and the south course of the Washington, D. C., radio range; Andrews, Md., radio range station; Millville, N. J., radio range station; the intersection of the northeast course of the Millville, N. J., radio range and the southwest course of the Mitchel AFB, N. Y., radio range; the Mitchel AFB, N. Y., radio range station; the intersection of the northeast course of the Mitchel AFB, N. Y., radio range and the southwest course of the Boston, Mass., radio range to the intersection of the southwest course of the Boston, Mass., radio range and the southeast course of the Westfield, Mass., radio range

§ 600.16 *Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.).* From the Laredo, Tex., radio range station via the Alice, Tex., radio range station; Corpus Christi, Tex., radio range station; Palacios, Tex., radio range station; the intersection of the southeast course of the Palacios, Tex., radio range and the southwest course of the Galveston, Tex., radio range; Galveston, Tex., radio range station; Lake Charles, La., radio range station; Lafayette, La., nondirectional radio beacon; New Orleans, La., radio range station via the intersection of the northeast course of the New Orleans, La., radio range and a line bearing 224° True from the Bay Minette, Ala., nondirectional radio beacon; Bay Minette, Ala., nondirectional radio beacon; Maxwell, AFB, Ala., radio range station; the intersection of the east course of the Maxwell AFB, Ala., radio range and the southwest course of the Atlanta, Ga., radio range; Atlanta Ga., radio range station; Spartanburg, S. C., radio range station; Greensboro, N. C., radio range station; Blackstone, Va., radio range station; Richmond, Va., radio range station to the Norfolk Municipal Airport, Norfolk, Va.

§ 600.17 *Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).* From the Nome, Alaska, radio range station via the Moses Point, Alaska, radio range station; the intersection of the east course of the Moses Point, Alaska, radio range and the north course of the Unalakleet, Alaska, radio range; Galena, Alaska, radio range station; the intersection of the east course of the Galena, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range to the Fairbanks, Alaska, radio range station.

§ 600.18 *Green civil airway No. 8 (Cold Bay, Alaska, to Northway, Alaska).* From the Cold Bay, Alaska, radio range station via the King Salmon, Alaska, radio range station; the intersection of the northeast course of the King Salmon, Alaska, radio range and the west course of the Homer, Alaska, radio range; the intersection of the west course of the Homer, Alaska, radio range and the southwest course of the Kenai, Alaska, radio range; Kenai, Alaska, radio range station; the intersection of the northeast course of the Kenai, Alaska, radio range and the west course of the Anchorage (Merrill), Alaska, radio range to the Anchorage (Merrill), Alaska, radio range station. From the intersection of the northeast course of the Anchorage, Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range via the Gulkana, Alaska, radio range station; the intersection of the northeast course of the Gulkana, Alaska, radio range and the southwest course of the Northway, Alaska, radio range to the Northway, Alaska, radio range station.

§ 600.19 *Green civil airway No. 9 (Hawaiian Islands).* From the intersection of the south course of the Port Allen, T. H., radio range and the southwest course of the Honolulu, T. H., radio range via the Honolulu, T. H., radio range station to the intersection of the northeast course of the Honolulu, T. H., radio range and the north course of the Hilo, T. H., radio range excluding the portion below 6,000 feet which overlaps the Kaneohe Naval Airspace Reservation.

§ 600.20 *Green civil airway No. 10 (United States-Canadian Border to Denver, Colo.).* That airspace over United States territory from the Vancouver, British Columbia, Canada, radio range station via the Bellingham, Wash., radio range station; Everett, Wash., radio range station; Seattle, Wash., radio range station; Ellensburg, Wash., radio range station; the intersection of the south course of the Ellensburg, Wash., radio range and the northwest course of the Yakima, Wash., radio range; Yakima, Wash., radio range station; Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; the intersection of the southeast course of the Boise, Idaho, radio range and the northwest course of the Burley, Idaho, radio range; Burley, Idaho, radio range station; Malad City, Idaho, radio range station; the intersection of the southeast course of the Malad City, Idaho, radio range and the north course of the Fort Bridger, Wyo., radio range; Rock Springs, Wyo., radio range station; Sinclair, Wyo., radio range station; the intersection of the east course of the Sinclair, Wyo., radio range and the northwest course of the Laramie, Wyo., radio range; Laramie, Wyo., radio range station; the intersection of the southeast course of the Laramie, Wyo., radio range and the north course of the Denver, Colo., radio range to the Denver, Colo., radio range station.

AMBER CIVIL AIRWAYS

§ 600.101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).* That airspace over United States territory from the intersection of

the southeast course of the San Diego, Calif., radio range and the United States-Mexican Border via the San Diego, Calif., radio range station; the intersection of the northwest course of the San Diego, Calif., radio range and the southeast course of the Long Beach, Calif., Radio range; Long Beach, Calif., radio range station; Los Angeles, Calif., radio range station; Newhall, Calif., radio range station; Bakersfield, Calif., radio range station; Fresno, Calif., radio range station; Sacramento, Calif., radio range station; Williams, Calif., radio range station; Red Bluff, Calif., radio range station; Fort Jones, Calif., radio range station; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland, Oreg., radio range station; Toledo, Wash., radio range station excluding the portion which overlaps the Fort Lewis, Wash., restricted area (R–244); Seattle, Wash., radio range station; the intersection of the northwest course of the Seattle, Wash., radio range and the south course of the Patricia Bay, British Columbia, radio range; Patricia Bay, British Columbia, Canada, radio range station to the intersection of the north course of the Patricia Bay, British Columbia, radio range and the southeast course of the Comox, British Columbia, Canada, radio range, excluding the airspace which overlaps Albert Head restricted area (R–407). That airspace over United States territory from the Sandspit, British Columbia, radio range station via the intersection of the northwest course of the Sandspit, British Columbia, radio range and the southwest course of the Annette Island, Alaska, radio range; Sitka (Biorka Island), Alaska, radio range station; Yakutat, Alaska, radio range station; the intersection of the northwest course of the Yakutat, Alaska, radio range and the southeast course of the Hinchinbrook, Alaska, radio range; Hinchinbrook, Alaska, radio range station; the intersection of the northwest course of the Hinchinbrook, Alaska, radio range and the southeast course of the Anchorage, Alaska, radio range; Anchorage, Alaska, radio range station; Skwentna, Alaska, radio range station; Puntilla Lake, Alaska, nondirectional radio beacon; Farewell, Alaska, radio range station; McGrath, Alaska, radio range station; Unalakleet, Alaska, radio range station to the Nome, Alaska, radio range station.

§ 600.102 *Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow, Alaska).* From the intersection of the southwest course of the Long Beach, Calif., radio range and the south course of the Los Angeles, Calif., radio range via the Long Beach, Calif., radio range station; the intersection of the northeast course of the Long Beach, Calif., radio range and the east course of the Los Angeles, Calif., radio range; Daggett, Calif., radio range station; Good Springs, Nev., nondirectional radio beacon; Las Vegas, Nev., radio range station; the interection of the northeast course of the Las Vegas, Nev., radio range and the southwest course of the Enterprise, Utah, radio range; Enterprise, Utah, radio range station; thence via Latitude 38°24'30", Longitude 113°01'40"; Delta, Utah, radio range station; the intersection of the northeast course of the Delta, Utah, radio range and the south course of the Salt Lake City, Utah, radio range; Salt Lake City, Utah, radio range station; Ogden, Utah, radio range station; Malad City, Idaho, radio range station; Pocatello, Idaho, radio range station; Idaho Falls, Idaho, radio range station; DuBois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; Helena, Mont., radio range station; the intersection of the north course of the Helena, Mont., radio range and the southwest course of the Great Falls, Mont., radio range; Great Falls, Mont., radio range station; Cut Bank, Mont., radio range station to the intersection of the northwest course of the Cut Bank, Mont., radio range and the United States-Canadian Border. From the intersection of the northwest course of the Snag, Yukon Territory, radio range and the United States-Canadian Border via the Northway, Alaska, radio range station; Big Delta, Alaska, radio range station; the intersection of the northwest course of the Big Delta, Alaska, radio range and the east course of the Fairbanks, Alaska, radio range; Fairbanks, Alaska, radio range station; Bettles, Alaska, radio range station; Umiat, Alaska, nondirectional radio beacon to the Point Barrow, Alaska, nondirectional radio beacon.

§ 600.103 *Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.).* From the intersection of the west course of the El Paso, Tex., radio range and the south course of the Truth or Consequences, N. Mex., radio range via the Truth or Consequences, N. Mex., radio range station; to the Albuquerque, N. Mex., radio range station. From the intersection of the east course of the Otto, N. Mex., radio range and the southwest course of the Las Vegas, N. Mex., radio range, via the Las Vegas, N. Mex., radio range station; the intersection of the northeast course of the Las Vegas, N. Mex., radio range and the south course of the Trinindad, Colo., radio range; Trinindad, Colo., radio range station; Pueblo, Colo., radio range station; the intersection of the north course of the Pueblo, Colo., radio range and the south course of the Denver, Colo., radio range; Denver, Colo., radio range station; Cheyenne, Wyo., radio range station; the intersection of the north course of the Cheyenne, Wyo., radio range and the east course of the Casper, Wyo., radio range; Casper, Wyo., radio range station; the intersection of the north course of the Casper, Wyo., radio range and the southeast course of the Sheridan, Wyo., radio range; Sheridan, Wyo., radio range station; Billings, Mont., radio range station; the intersection of the northwest course of the Billings, Mont., radio range and the southeast course of the Lewistown, Mont., radio range and the Lewistown, Mont., radio range station; to the Great Falls, Mont., radio range station.

§ 600.104 *Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).* From the Municipal Airport, Brownsville, Tex., via the Brownsville, Tex., radio range station; the intersection of the northwest course of the Brownsville, Tex., radio range and the south course of the Alice, Tex., radio range; Alice, Tex., radio range station; the intersection of the north course of the Alice, Tex., radio range and the south course of the San Antonio, Tex., radio range; San Antonio, Tex., radio range station; the intersection of the north course of the San Antonio, Tex., radio range and the southwest course of the Austin, Tex., radio range; Austin, Tex., radio range station; Waco, Tex., radio range station; the intersection of the northwest course of the Waco, Tex., radio range and the south course of the Fort Worth, Tex., radio range; Fort Worth, Tex., radio range station; Oklahoma City, Okla., radio range station; the intersection of the southeast course of the Oklahoma City, Okla., radio range and the southwest course of the Tulsa, Okla., radio range; Tulsa, Okla., radio range station; the intersection of the northeast course of the Tulsa, Okla., radio range and the south course of the Chanute, Kans., radio range; Chanute, Kans., radio range station to the intersection of the northeast course of the Chanute, Kans., radio range and the southwest course of the Kansas City, Mo., radio range. From the Kansas City, Mo., radio range station via the Omaha, Nebr., radio range station; Sioux City, Iowa, radio range station; Sioux Falls, S. Dak., radio range station; Huron, S. Dak., radio range station; Aberdeen, S. Dak., radio range station; Bismarck, N. Dak., radio range station; the intersection of the north course of the Bismarck, N. Dak., radio range and the southeast course of the Minot, N. Dak., radio range to the Minot, N. Dak., radio range station.

§ 600.105 *Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).* From the Grand Isle, La., nondirectional radio marker beacon via Latitude 29°14'00", Longitude 90°09'00"; New Orleans, La., radio range station; Jackson, Miss., radio range station; Greenwood, Miss., radio range station; Memphis, Tenn., radio range station; Advance, Mo., radio range station; St. Louis, Mo., radio range station; the intersection of the north course of the St. Louis, Mo., radio range and the southwest course of the Springfield, Ill., radio range; Springfield, Ill., radio range station; Joliet, Ill., radio range station; the intersection of the northeast course of the Joliet, Ill., radio range and the south course of the Milwaukee, Wis., radio range to the Milwaukee, Wis., radio range station.

§ 600.106 *Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).* From the Jacksonville, Fla., radio range station via the Alma, Ga., radio range station; Macon, Ga., radio range station; Atlanta, Ga., radio range station; Chattanooga, Tenn., radio range station; Nashville, Tenn., radio range station; the intersection of the northwest course of the Nashville, Tenn., radio range and the southwest course of the Bowling Green, Ky., radio range; Bowling Green, Ky., radio range station; the intersection of the northeast course of the Bowling Green, Ky., radio range and the south course of the Louisville, Ky., radio range; Louisville,

Ky., radio range station; Cincinnati, Ohio, radio range station to the intersection of the northeast course of the Cincinnati, Ohio, radio range and the west course of the Columbus, Ohio, radio range. From the Columbus, Ohio, radio range station to the intersection of the northeast course of the Columbus, Ohio, radio range and the west course of the Cleveland, Ohio, radio range. From the intersection of the east course of the Cleveland, Ohio, radio range and the northeast course of the Akron, Ohio, radio range via the Perry, Ohio, nondirectional radio beacon to the intersection of the southwest course of the Clear Creek, Ontario, Canada, radio range and the United States-Canadian Border.

§ 600.107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border).* From the Key West, Fla., radio range station via the intersection of the northeast course of the Key West, Fla., radio range and the southwest course of the Homestead, Fla., radio range; Homestead, Fla., radio range station; Miami, Fla., radio range station; the intersection of the east course of the Miami, Fla., radio range and the south course of the West Palm Beach, Fla., radio range; West Palm Beach, Fla., radio range station; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Jacksonville, Fla., radio range station; Savannah, Ga., radio range station; Charleston, S. C., radio range station; the intersection of the northeast course of the Charleston, S. C., radio range and the southeast course of the Florence, S. C., radio range; Florence, S. C., radio range station; the intersection of the northeast course of the Florence, S. C., radio range and the south course of the Raleigh, N. C., radio range; Raleigh, N. C., radio range station; Richmond, Va., radio range station; the intersection of the north course of the Richmond, Va., radio range and the southwest course of the Washington, D. C., radio range; Washington, D. C., radio range station; the intersection of the northeast course of the Washington, D. C., radio range and the west course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station; Newark, N. J., radio range station; the intersection of the northeast course of the Newark, N. J., radio range and the northeast course of the New York, N. Y. (LaGuardia), radio range; Hartford, Conn., radio range station; the intersection of a direct line between the Hartford, Conn., radio range and the Bedford, Mass., nondirectional radio beacon (located at lat. 42°28'47", long. 71°23'21") with the west course of the Boston, Mass., radio range; Boston, Mass., radio range station; the intersection of the northeast course of the Boston, Mass., radio range and the southwest course of the Portland, Maine, radio range; Portland, Maine, radio range station; Augusta, Maine, radio range station; Millinocket, Maine, radio range station; Presque Isle, Maine, radio range station thence via a direct line between the Presque Isle, Maine, radio range station and the Mont Joli, Quebec, Canada, radio range station to the U. S.-Canadian Border.

§ 600.108 *Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.).* From the Los Angeles, Calif., radio range station via the intersection of the west course of the Los Angeles, Calif., radio range and the southeast course of the Camarillo, Calif., radio range; Camarillo, Calif., radio range station; Santa Barbara, Calif., radio range station to the intersection of the northwest course of the Santa Barbara, Calif., radio range and the southwest course of the Fresno, Calif., radio range. From the intersection of the northwest course of the San Francisco, Calif., radio range and the southwest course of the Travis AFB, Calif., radio range via the Travis AFB, Calif., radio range station to the intersection of the northeast course of the Travis AFB, Fairfield, Calif., radio range and the northwest course of the Sacramento, Calif., radio range. From the Red Bluff, Calif., radio range station via the Whitmore, Calif., radio range station; the intersection of the northeast course of the Whitmore, Calif., radio range and the south course of the Klamath Falls, Oreg., radio range; Klamath Falls, Oreg., radio range station; the intersection of the north course of the Klamath Falls, Oreg., radio range and the southwest course of the Redmond, Oreg., radio range; Redmond, Oreg., radio range station; The Dalles, Oreg., radio range station; Yakima, Wash., radio range station; the intersection of the northwest course of the Yakima, Wash., radio range and the south course of the Ellensburg, Wash., radio range to the Ellensburg, Wash., radio range station.

§ 600.109 *Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).* From the Charleston, S. C., radio range station via the Myrtle Beach, S. C., nondirectional radio beacon; Wilmington, N. C., nondirectional radio beacon; New Bern, N. C., nondirectional radio beacon; Williamston, N. C., VHF VAR radio range station, excluding the portions between 11,000 feet and 16,000 feet and between 23,000 feet and 45,000 feet above mean sea level, during the hours of darkness, which lie within the Cherry Point, N. C., night Restricted Area (R–125); the intersection of the north course of the Williamston, N. C., VHF VAR radio range and the southwest course of the Norfolk, Va., radio range to the Norfolk, Va., radio range station.

§ 600.110 *Amber civil airway No. 10 (Hawaiian Islands).* From the intersection of the west course of the Hilo, T. H., radio range and the south course of the Honolulu, T. H., radio range to the Honolulu, T. H., radio range station excluding the portion above 10,000 feet.

§ 600.111 *Amber civil airway No. 11 (Hawaiian Islands).* From the intersection of the south course of the Maui, T. H., radio range and the west course of the Hilo, T. H., radio range via the Maui, T. H., radio range station to the intersection of the north course of the Maui, T. H., radio range and the northeast course of the Honolulu, T. H., radio range.

§ 600.112 *Amber civil airway No. 12 (Hawaiian Islands).* From the intersection of the south course of the Hilo, T. H., radio range and point 37 miles south of the Hilo, T. H., radio range station via the Hilo, T. H., radio range station to the intersection of the north course of the Hilo, T. H., radio range and the northeast course of the Honolulu, T. H., radio range.

§ 600.113 *Amber civil airway No. 13 (Washington, D. C. to New York, N. Y.).* From the Riverdale, Md., nondirectional radio beacon via the intersection of a line bearing 63° True from the Riverdale nondirectional radio beacon and the south course of the Baltimore, Md., radio range; Baltimore, Md., radio range station; the intersection of the north course of the Baltimore, Md., radio range and the west course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station to the Newark, N. J., radio range station.

§ 600.114 *Amber civil airway No. 14 (Washington, D. C., to New York, N. Y.).* From the Riverdale, Md., nondirectional radio beacon; the intersection of the south course of the Harrisburg, Pa., radio range and the west course of the Baltimore, Md., radio range; the intersection of the south course of the Harrisburg, Pa., radio range and the northeast course of the Arcola, Va., radio range; Lancaster, Pa., nondirectional radio beacon; Willow Grove, Pa. (Navy), radio range station; the intersection of the northeast course of the Willow Grove, Pa. (Navy), radio range and the east course of the Allentown, Pa., radio range to the Chatham, N. J., nondirectional radio beacon.

§ 600.115 *Amber civil airway No. 15 (Washington, D. C., to New York, N. Y.).* From the Riverdale, Md., nondirectional radio beacon via the intersection of a line bearing 63° True from the Riverdale nondirectional radio beacon and the south course of the Baltimore, Md., radio range; Baltimore, Md., radio range station; the intersection of the north course of the Baltimore, Md., radio range and the west course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station; the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the LaGuardia, N. Y., radio range; the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the Idlewild, N. Y., radio range to the Idlewild, N. Y., radio range station.

§ 600.119 *Amber civil airway No. 19 (Washington, D. C. to New York, N. Y.)* From the Riverdale, Md., nondirectional radio beacon via the intersection of a line bearing 63° True from the Riverdale nondirectional beacon and the south course of the Baltimore, Md., radio range; Baltimore, Md., radio range station; the intersection of the north course of the Baltimore, Md., radio range and the west course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station; the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the LaGuardia, N. Y., radio range; the intersection of the east course of the Allentown, Pa., radio range and the southwest course of the LaGuardia, N. Y., radio range to the LaGuardia, N. Y., radio range station.

RED CIVIL AIRWAYS

§ 600.202 *Red civil airway No. 2 (Sheridan, Wyo., to Rapid City, S. Dak.).* From the intersection of the southeast course of the Sheridan, Wyo., radio range and the north course of the Casper, Wyo., radio range via the intersection of the southeast course of the Sheridan, Wyo., radio range and the west course of the Rapid City, S. Dak., radio range to the Rapid City, S. Dak., radio range station.

§ 600.203 *Red civil airway No. 3 (Philipsburg, Pa., to Hartford, Conn.).* From the Philipsburg, Pa., radio range station to the Harrisburg, Pa., radio range station. From the Philadelphia, Pa., radio range station via the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the New York, N. Y. (LaGuardia) radio range to the intersection of the east course of the Allentown, Pa., radio range and the southwest course of the New York, N. Y. (LaGuardia), radio range. From the New York, N. Y. (LaGuardia), radio range station to the intersection of the northeast course of the New York, N. Y. (LaGuardia) radio range and the northeast course of the Newark, N. J., radio range.

§ 600.204 *Red civil airway No. 4 (Las Vegas, N. Mex., to Tucumcari, N. Mex.).* From the Las Vegas, N. Mex., radio range station to the intersection of the southeast course of the Las Vegas, N. Mex., radio range and the west course of the Tucumcari, N. Mex., radio range.

§ 600.205 *Red civil airway No. 5 (Sioux Falls, S. Dak., to St. Paul, Minn.).* From the Sioux Falls, S. Dak., radio range station, via the Minneapolis, Minn., radio range station to the St. Paul Airport, St. Paul, Minn.

§ 600.206 *Red civil airway No. 6 (Denver, Colo., to Omaha, Nebr.).* From the Denver, Colo., radio range station via the Akron, Colo., radio range station; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Lincoln, Nebr., radio range station to Omaha, Nebr., radio range station.

§ 600.207 *Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.).* From the intersection of the south course of the Greenville, S. C., radio range and the southwest course of the Spartanburg, S. C., radio range, via the Greenville, S. C., radio range station to the intersection of the east course of the Greenville, S. C., radio range and the southwest course of the Spartanburg, S. C., radio range. From the intersection of the northeast course of the Spartanburg, S. C., radio range and the west course of the Charlotte, N. C., radio range, via the Charlotte, N. C., radio range station to the intersection of the north course of the Charlotte, N. C., radio range and the southwest course of the Greensboro, N. C., radio range. From the intersection of the southwest course of the Greensboro, N. C., radio range and the southeast course of the Winston-Salem, N. C., radio range via the Winston-Salem, N. C., radio range station and the Winston-Salem, N. C., Municipal Airport to the Greensboro, N. C., radio range station.

§ 600.208 *Red civil airway No. 8 (Dayton, Ohio, to Newark, N. J.).* From the intersection of the west course of the Wright-Patterson AFB radio range, Fairfield, Ohio, and the northwest course of the Cincinnati, Ohio, radio range via the Wright-Patterson AFB radio range station; the intersection of the east course of the Wright-Patterson AFB radio range and the south course of the Columbus, Ohio, radio range; the Zanesville, Ohio, non-directional radio beacon; the Bergholz, Ohio, non-directional radio beacon; the Butler, Pa., non-directional radio beacon; the Brookville, Pa., non-directional radio beacon; the intersection of the southwest course of the Elmira, N. Y., radio range and the west course of the Williamsport, Pa., radio range; Williamsport, Pa., radio range station; Crystal Lake, Pa., non-directional radio beacon to the Newark, N. J., radio range station.

§ 600.209 *Red civil airway No. 9 (San Diego, Calif., to Casa Grande, Ariz.).* From the San Diego, Calif., radio range station via the intersection of the east course of the San Diego, Calif., radio range and the west course of the El Centro, Calif., radio range; El Centro, Calif., radio range station; Yuma, Ariz., radio range station, excluding the portion which lies outside the continental United States; the intersection of the east course of the Yuma, Ariz., radio range and the west course of the Gila Bend, Ariz., radio range; Gila Bend, Ariz., radio range station to the intersection of the east course of the Gila Bend, Ariz., radio range and the northwest course of the Tucson, Ariz., radio range.

§ 600.210 *Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.).* From the Amarillo, Tex., radio range station via the Wichita Falls, Tex., radio range station; the intersection of the southeast course of the Wichita Falls, Tex., radio range and the north course of the Fort Worth, Tex., radio range; Dallas, Tex., radio range station; Shreveport, La., radio range station; Monroe, La., radio range station; Jackson, Miss., radio range station; Meridian, Miss., radio range station; Birmingham, Ala., radio range station; the intersection of the east course of the Birmingham, Ala., radio range and the west course of the Campbellton, Ga., radio range; Campbellton, Ga., radio range station; Atlanta, Ga., radio range station, excluding the portion below 5,500 feet which overlaps the Camp Gordon, Ga., restricted area, to the Augusta, Ga., radio range station. From the intersection of the northeast course of the Augusta, Ga., radio range and the northwest course of the Charleston, S. C., radio range to the Charleston, S. C., radio range station.

§ 600.211 *Red civil airway No. 11 (Enid, Okla., to Boston, Mass.).* From the intersection of the northwest course of the Enid, Okla. (Vance AFB), radio range and the northeast course of the Gage, Okla., radio range via the Enid, Okla. (Vance AFB), radio range station to the intersection of the southeast course of the Enid, Okla. (Vance AFB), radio range and the north course of the Oklahoma City, Okla., radio range. From the intersection of the northeast course of the Tulsa, Okla., radio range and the south course of the Chanute, Kans., radio range via the Springfield, Mo., radio range station; Vichy, Mo., nondirectional radio beacon to the intersection of a line bearing 52° True from the Vichy nondirectional radio beacon and the west course of the St. Louis, Mo., radio range. From the intersection of the south course of the Indianapolis, Ind., radio range and the west course of the Louisville, Ky., radio range via the Louisville, Ky., radio range station to the intersection of the east course of the Louisville, Ky., radio range and a line bearing 358° True from the Lexington, Ky., nondirectional radio beacon. From the Albany, N. Y., radio range station to the intersection of the northeast course of the Hartford, Conn., radio range and the west course of the Boston, Mass., radio range. From the Boston, Mass., radio range station to the intersection of the east course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy), radio range.

§ 600.212 *Red civil airway No. 12 (Joliet, Ill., to Erie, Pa.).* From the Joliet, Ill., radio range station via the intersection of the east course of the Joliet, Ill., radio range and the west course of the South Bend, Ind., radio range; South Bend, Ind., radio range station to the Detroit, Mich., radio range station. That airspace over United States territory from the Windsor, Ont., Canada, radio range station to the Erie, Pa., radio range station.

§ 600.213 *Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.).* From the Wheeling, W. Va., nondirectional radio beacon via the Clinton, Pa., nondirectional radio beacon; Butler, Pa., nondirectional radio beacon; Westover, Pa., nondirectional radio beacon to the Philipsburg, Pa., radio range station. From the Wilkes-Barre, Pa., radio range station via the Stewart AFB, N. Y., nondirectional radio beacon; Poughkeepsie, N. Y., radio range station; Hartford, Conn., radio range station; Providence, R. I., radio range station via the intersection of the north course of the Providence, R. I., radio range and the southwest course of the Boston, Mass., radio range to the intersection of a direct line between the intersection of the north course of the Providence radio range and the southwest course of the Boston radio range and the Bedford, Mass., nondirectional radio beacon (located at lat. 42°28'47", long. 71°23'21") with the west course of the Boston, Mass., radio range.

§ 600.214 *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.).* From the intersection of the southeast

course of the La Crosse, Wis., radio range and the west course of the Madison, Wis., radio range via the Rockford, Ill., radio range station; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Chicago, Ill., radio range; Chicago, Ill., radio range station; Indianapolis, Ind., radio range station to the intersection of the south course of the Indianapolis, Ind., radio range and the west course of the Louisville, Ky., radio range.

§ 600.215 *Red civil airway No. 15 (Reno, Nev., to Phoenix, Ariz.).* From the intersection of the northeast course of the Reno, Nev., radio range and the northwest course of the Fallon, Nev., radio range via the Fallon, Nev., radio range station; the intersection of the southeast course of the Fallon, Nev., radio range with a point at Lat. 38°39'50", Long. 117°51'00"; the Tonopah, Nev., radio range station; the intersection of the south course of the Tonopah, Nev., radio range with a point at Lat. 37°25'30", Long. 117°09'30"; thence via Lat. 36°17'45", Long. 116°25'30" to the Goodspring, Nev., non-directional radio beacon. From the Las Vegas, Nev., radio range station to the intersection of the southeast course of the Las Vegas, Nev., radio range and the west course of the Prescott, Ariz., radio range. From the Prescott, Ariz., radio range station via the intersection of the southeast course of the Prescott, Ariz., radio range and the northwest course of the Phoenix, Ariz., radio range to the Phoenix, Ariz., radio range station.

§ 600.216 *Red civil airway No. 16 (Tallahassee, Fla., to Florence, S. C.).* From the Tallahassee, Fla., radio range station via the Albany, Ga., radio range station; the intersection of the north course of the Albany, Ga., radio range and the southwest course of the Macon, Ga., radio range to the Macon, Ga., radio range station excluding the portion above 19,000 feet which lies within the Tyndall AFB restricted area (R–336), between sunset and sunrise. From the Augusta, Ga., radio range station via the Columbia, S. C., radio range station; the intersection of the east course of the Columbia, S. C., radio range and the southwest course of the Florence, S. C., radio range to the Florence, S. C., radio range station.

§ 600.217 *Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.).* From the intersection of the southwest course of the Belleville, Ill., Scott AFB radio range with a point on the southwest course of the Scott AFB radio range 48 miles southwest of the Belleville, Ill., Scott AFB radio range station via the Belleville, Ill., Scott AFB radio range station to the intersection of the northeast course of the Scott AFB radio range and the west course of the Effingham, Ill., radio range. From the Chanute AFB, Rantoul, Ill., radio range station to the intersection of the northeast course of the Chanute AFB radio range and the southeast course of the Chicago, Ill., radio range. From the Fort Wayne, Ind., radio range station via the Findlay, Ohio, non-directional radio beacon; the Mansfield, Ohio, non-directional radio beacon to the Pittsburgh, Pa., radio range station. From the McKeesport, Pa., non-directional radio beacon to the Johnstown, Pa., non-directional radio beacon. From the Martinsburg, W. Va., radio range station via the intersection of the northeast course of the Arcola, Va., radio range and the west course of the Baltimore, Md., radio range; Baltimore, Md., radio range station to the intersection of the east course of the Baltimore, Md., radio range and the southwest course of the Millville, N. J., radio range, except that the portion of the civil airway which overlaps the Aberdeen restricted area (R–24) (published in § 608.28 of this chapter) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

§ 600.218 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).* From the intersection of the east course of the Indianapolis, Ind., radio range and the northwest course of the Cincinnati, Ohio, radio range via the Cincinnati, Ohio, radio range station; Huntington, W. Va., nondirectional radio beacon; Charleston, W. Va., radio range station; Elkins, W. Va., radio range station; Front Royal, Va., radio range station to the intersection of the east course of the Front Royal, Va., radio range and the northwest course of the Washington, D. C., radio range.

§600.219 *Red civil airway No. 19 (Traverse City, Mich., to Norfolk, Va.)* From the Traverse City, Mich., radio range station via the Gladwin, Mich., nondirectional radio beacon; Saginaw, Mich., nondirectional radio beacon; Flint, Mich., ILS outer Marker; Detroit, Mich., radio range station; the intersection of the southeast course of the Detroit, Mich, radio range and the west course of the Akron, Ohio, radio range to the Akron, Ohio, radio range station. From the intersection of the southwest course of the Arcola, Va., radio range and the west course of the Quantico, Va. (Navy), radio range to the Quantico, Va. (Navy), radio range station, excluding the portion more than 1 mile north of the west course of the Quantico, Va. (Navy), radio range. From the intersection of the north course of the Richmond, Va., radio range and the northwest course of the Tappahannock, Va., radio range via the Tappahannock, Va., radio range station to the intersection of the southeast course of the Tappahannock, Va., radio range and the north course of the Norfolk, Va. (Navy), radio range, excluding those portions more than 2 miles either side of the northwest course of the Tappahannock, Va., radio range and the portion which overlaps the Patuxent, Md., restricted area (R–43), thence to the Norfolk, Va., Navy radio range station excluding the portion which overlaps Plum Tree Island restricted area (R–49).

§ 600.220 *Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.).* That airspace over United States territory from the Lansing, Mich., radio range station via the Flint, Mich., ILS outer marker; the intersection of the northwest course of the Selfridge, Mich., AFB radio range and the northwest course of the Windsor, Ont., Can., radio range; Windsor, Ont., Can., radio range station; Cleveland, Ohio, radio range station; Akron, Ohio, radio range station; the intersection of the southeast course of the Akron, Ohio, radio range and the northwest course of the Pittsburgh, Pa., radio range; Pittsburgh, Pa., radio range station; the intersection of the southeast course of the Pittsburgh, Pa., radio range and the northwest course of the Washington, D. C., radio range; Washington, D. C., radio range station to the intersection of the southeast course of the Washington, D. C., radio range with Red civil airway No. 77.

§ 600.221 *Red civil airway No. 21 (New York, N. Y., to Boston, Mass.).* From the intersection of the east course of the New York (La Guardia), N. Y., radio range and the southwest course of the Bridgeport, Conn., radio range via the Bridgeport, Conn., radio range station to the intersection of the northeast course of the Bridgeport, Conn., radio range and the southeast course of the Hartford, Conn., radio range. From the intersection of the southeast course of the Hartford, Conn., radio range and the west course of the Quonset Point, R. I. (Navy), radio range via the intersection of the west course of the Quonset Point, R. I. (Navy), radio range and the southwest course of the Providence, R. I., radio range; Providence, R. I., radio range station, excluding that portion more than 2 miles east of the southwest course of the Providence, R. I., radio range; Squantum, Mass. (Navy), radio range station to the intersection of the northeast course of the Squantum, Mass. (Navy), radio range and the east course of the Boston, Mass., radio range.

§ 600.222 *Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.).* From the Mount Clemens, Mich., Selfridge AFB radio range station to the intersection of the southeast course of the Selfridge AFB radio range and the west course of the Clear Creek, Ont., Canada, radio range, excluding the portion which lies outside the continental United States. From the intersection of the west course of the Buffalo, N. Y., radio range and the United States-Canadian Border via the Buffalo, N. Y., radio range station; the intersection of the northeast course of the Buffalo, N. Y., radio range and the northwest course of the Rochester, N. Y., radio range to the Rochester, N. Y., radio range station. From the Syracuse, N. Y., radio range station via the Utica, N. Y., radio range station to the intersection of the southeast course of the Utica, N. Y., radio range and the west course of the Albany, N. Y., radio range.

§ 600.223 *Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.).* That airspace over United States territory from the Lakehead, Ont., Canada, radio range station via the Houghton, Mich., radio range station; Grand Marias, Mich., radio range station; Sault Ste. Marie, Mich., radio range station to the Gore Bay, Ont., Canada, radio range station. That airspace over United States territory from the Toronto, Ont., Canada, radio range station via the Buffalo, N. Y., radio range station; Dansville, N. Y., nondirectional radio beacon; Elmira, N. Y., radio range station; New York (La Guardia), N. Y., radio range station to the intersection of the east course of the New York (La Guardia), N. Y., radio range and the northeast course of the Mitchel AFB, N. Y., radio range.

§ 600.224 *Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).* From the Amarillo, Tex., radio range station via the intersection of the east course of the Amarillo, Tex., radio range and the southwest course of the Oklahoma City, Okla., radio range to the Oklahoma City, Okla., radio range station.

§ 600.226 *Red civil airway No. 26 (Petersburg, Va., to Corapeake, N. C.).* From the intersection of the southwest course of the Richmond, Va., radio range and the northwest course of the Waverly, Va., radio range via the Waverly, Va., radio range station to the intersection of the southeast course of the Waverly, Va., radio range and the southwest course of the Norfolk, Va., radio range.

§ 600.227 *Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.).* From the intersection of the south course of the Atlanta, Ga., NAS radio range and the northeast course of the Campbellton, Ga., radio range via the Atlanta, Ga., NAS radio range station; the intersection of the north course of the Atlanta, Ga., NAS radio range and the south course of the Knoxville, Tenn., radio range; Knoxville, Tenn., radio range station; Corbin, Ky., radio range station; the intersection of the north course of the Corbin, Ky., VHF VAR radio range and a line bearing 150° True from the Lexington, Ky., nondirectional radio beacon; Lexington, Ky., nondirectional radio beacon to the intersection of a line bearing 358° True from the Lexington, Ky., nondirectional radio beacon with the east course of the Louisville, Ky., radio range. From the Findlay, Ohio, nondirectional radio beacon via the Toledo, Ohio, radio range station to the intersection of the north course of the Toledo, Ohio, radio range and the west course of the Detroit, Mich., radio range.

§ 600.228 *Red civil airway No. 28 (Rockford, Ill., to Detroit, Mich.).* From the Rockford, Ill., radio range station via the intersection of the east course of the Rockford, Ill., radio range and the northwest course of the Chicago, Ill., radio range; Chicago, Ill., radio range station; the intersection of the northeast course of the Chicago, Ill., radio range and the southwest course of the Grand Rapids, Mich., radio range to the Grand Rapids, Mich., radio range station. From the Lansing, Mich., radio range station to the Willow Run Airport, Ypsilanti, Mich.

§ 600.229 *Red civil airway No. 29 (Elmira, N. Y., to Baltimore, Md.).* From the intersection of the southwest course of the Elmira, N. Y., radio range and the north course of the Williamsport, Pa., radio range via the Williamsport, Pa., radio range station; Harrisburg, Pa., radio range station to the intersection of the south course of the Harrisburg, Pa., radio range and the west course of the Baltimore, Md., radio range. From the Baltimore, Md., radio range station to the intersection of the south course of the Baltimore, Md., radio range and the southeast course of the Andrews, Md., radio range, excluding that portion which lies more than two miles east of the south course of the Baltimore, Md., radio range between the intersection of the south course of the Baltimore, Md., radio range and the southern boundary of Red civil airway No. 45 and the intersection of the south course of the Baltimore, Md., radio range and the southeast course of the Washington, D. C., radio range, and excluding those portions which overlap restricted areas.

§ 600.230 *Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.).* From the Shreveport, La., radio range station via the intersection of the south course of the Shreveport, La., radio range and the northwest course of the Alexandria, La., radio range; Alexandria, La., radio range station; intersection of the southeast course of the Alexandria, La., radio range and the northwest course of the Baton Rouge, La., radio range; Baton Rouge, La., radio range station to the intersection of the southeast course of the Baton Rouge, La., radio range and the west course of the New Orleans, La., radio range. From the New Orleans, La., radio range station via the Keesler AFB (Biloxi), Miss., radio range station; Bay Minetta, Ala., nondirectional radio beacon; Crestview, Fla., radio range station; the intersection of the east course of the Crestview, Fla., radio range and the northwest course of the Tallahassee, Fla., radio range; the Tallahassee, Fla., radio range station to the Jacksonville, Fla., radio range station excluding the portion above 19,000 feet which lies within the Tyndall AFB restricted area (R–336), between sunset and sunrise.

§ 600.231 *Red civil airway No. 31 (Cheyenne, Wyo., to La Crosse, Wis.).* From the intersection of the east course of the Cheyenne, Wyo., radio range and the southwest course of the Scottsbluff, Nebr., radio range via the Scottsbluff, Nebr., radio range station; the intersection of the northeast course of the Scottsbluff, Nebr., radio range and the south course of the Rapid City, S. Dak., radio range; Rapid City, S. Dak., radio range station; the intersection of the east course of the Rapid City, S. Dak., radio range and the west course of the Pierre, S. Dak., radio range; Pierre, S. Dak., radio range station; the intersection of the east course of the Pierre, S. Dak., radio range and the southwest course of the Huron, S. Dak., radio range to the Huron, S. Dak., radio range station. From the Minneapolis, Minn., radio range station via the Stanton, Minn., nondirectional radio beacon to the La Crosse, Wis., radio range station.

§ 600.232 *Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).* From the Laredo, Tex., radio range station via the intersection of the northeast course of the Laredo, Tex., radio range and the southwest course of the Kelly, Tex., radio range; Kelly, Tex., radio range station to the intersection of the northeast course of the Kelly, Tex., radio range and the west course of the San Antonio, Tex., radio range. From the Austin, Tex., radio range station via the Smithville, Tex., non-directional radio beacon: the Richmond, Tex., radio range station to the intersection of the southeast course of the Richmond, Tex., radio range and the southwest course of the Houston, Tex., radio range.

§ 600.233 *Red civil airway No. 33 (Norfolk, Va., to Boston, Mass.).* From the intersection of the east course of the Langley, Va., AFB radio range and the north course of the Norfolk, Va., radio range via the Langley, Va., AFB radio range station, excluding the portion which overlaps the Plum Tree Island Restricted Area (R–49), to the Richmond, Va., radio range station. From the Gordonsville, Va., radio range station via the Arcola, Va., radio range station to the intersection of the northeast course of the Arcola, Va., radio range and the southeast course of the Harrisburg, Pa., radio range. From the intersection of the east course of the Poughkeepsie, N. Y., radio range and the southwest course of the Chicopee, Westover AFB, Mass., radio range via the Chicopee, Westover AFB, Mass., radio range station to the intersection of the northeast course of the Chicopee, Westover AFB, Mass., radio range and the west course of the Boston, Mass., radio range.

§ 600.234 *Red civil airway No. 34 (Charleston, W. Va., to Weeksville, N. C.).* From the Charleston, W. Va., radio range station via the Pulaski, Va., radio range station to the Greensboro, N. C., radio range station. From the intersection of the northeast course of the Greensboro, N. C., radio range and the northwest course of the Raleigh, N. C., radio range to the Raleigh, N. C., radio range station. From the intersection of the north course of the Williamston, N. C., VHF VAR radio range and the southwest course of the Norfolk, Va., radio range to the Weeksville, N. C. (Navy) radio range station.

§ 600.235 *Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.).* From the Pueblo, Colo., radio range station via the La Junta, Colo., radio range station; Garden City, Kans., radio range station; Hutchinson, Kans., radio range station; the intersection of the east course of the Hutchinson, Kans., radio range and the southwest course of the Forbes AFB, Kans., radio range; Forbes AFB, Kans., radio range station to the intersection of the northeast course of the Forbes, AFB radio range and the northwest course of the Kansas City, Mo., radio range.

§ 600.236 *Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).* From the Stanton, Minn., non-directional beacon via the Rochester, Minn., radio range station to the intersection of the east course of the Rochester, Minn., radio range and the northwest course of the La Crosse, Wis., radio range.

§ 600.237 *Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.).* From the Tyler, Tex., radio range station to the intersection of the north course of the Tyler, Tex., radio range and the west course of the Shreveport, La., radio range. From the intersection of the northeast course of the Texarkana, Ark., radio range and the southwest course of the Little Rock, Ark., radio range via the Little Rock, Ark., radio range station; Stuttgart, Ark., radio range station to the intersection of the east course of the Stuttgart, Ark., radio range and the west course of the Memphis, Tenn., radio range. From the Charleston, W. Va., radio range station via the Roanoke, Va., radio range station; Lynchburg, Va., radio range station; to the Gordonsville, Va., radio range station.

§ 600.238 *Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.).* From the intersection of the southeast course of the Big Spring, Tex., radio range and the southwest course of the San Angelo, Tex., radio range via the San Angelo, Tex., radio range station to the intersection of the southeast course of the San Angelo, Tex., radio range and the southeast course of the Big Spring, Tex., radio range. From the intersection of the northwest course of the Kelly, Tex., radio range and the west course of the San Antonio, Tex., radio range to the San Antonio, Tex., radio range station.

§ 600.239 *Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska).* From the Bethel, Alaska, radio range station via the Aniak, Alaska, radio range station; the McGrath, Alaska, radio range station; the Minchumina, Alaska, radio range station and the Nenana, Alaska, radio range station to the Fairbanks, Alaska, radio range station.

§ 600.240 *Red civil airway No. 40 (Kodiak, Alaska, to Anchorage, Alaska).* From the Kodiak, Alaska, radio range station via the intersection of the north course of the Kodiak, Alaska, radio range and the southwest course of the Homer, Alaska, radio range; Homer, Alaska, radio range station; the intersection of the northeast course of the Homer, Alaska, radio range and the southwest course of the Anchorage, Alaska, radio range to the Anchorage, Alaska, radio range station.

§ 600.241 *Red civil airway No. 41 (Yakutat, Alaska, to Gustavus, Alaska).* From the intersection of the southeast course of the Yakutat, Alaska, radio range and the southwest course of the Gustavus, Alaska, radio range to the Gustavus, Alaska, radio range station.

§ 600.242 *Red civil airway No. 42 (Milwaukee, Wis., to Aurora, Ill.).* From the intersection of the west course of the Milwaukee, Wis., radio range and the northwest course of the Chicago, Ill., radio range to the intersection of the east course of the Rockford, Ill., radio range and the northwest course of the Chicago, Ill., radio range. From the Glenview, Ill. (Navy), radio range station to the intersection of the southwest course of the Glenview, Ill. (Navy), radio range and the west course of the Chicago, Ill., radio range.

§ 600.243 *Red civil airway No. 43 (Chicago, Ill., to LaFayette, Ind.).* From the intersection of the east course of the Rockford, Ill., radio range and the northwest course of the Chicago, Ill., radio range via the intersection of the east course of the Rockford, Ill., radio range and the north course of the Harvey, Ill., radio range; Harvey, Ill., radio range station to the intersection of the south course of the Harvey, Ill., radio range and the southeast course of the Rockford, Ill., radio range.

§ 600.244 *Red civil airway No. 44 (Bellingham, Wash., to Princeton, B. C., Canada).* That airspace over United States territory from the Bellingham, Wash., radio range station to the Princeton, British Columbia, Canada, radio range station.

§ 600.245 *Red civil airway No. 45 (Blackstone, Va., to Willow Grove, Pa.).* From the Blackstone, Va., radio range station via the Manakin, Va., nondirectional radio beacon; the intersection of the south course of the Quantico, Va. (Navy), radio range and the southwest course of the Washington, D. C., radio range; Quantico, Va. (Navy), radio range station to the intersection of the north course of the Quantico, Va. (Navy), radio range and the northwest course of the Washington, D. C., radio range, excluding that portion which lies more than 2 miles west of the north course of the Quantico, Va. (Navy), radio range between the range station and the intersection of the north course of the Quantico, Va. (Navy), radio range and the northwest course of the Washington, D. C., radio range. From the Riverdale, Md., nondirectional radio beacon via the intersection of a line bearing 63° True from the Riverdale nondirectional radio beacon and the south course of the Baltimore, Md., radio range; Baltimore, Md., radio range station to the intersection of the north course of the Baltimore, Md., radio range and the southwest course of the Allentown, Pa., radio range. From the Lancaster, Pa., nondirectional radio beacon to the Willow Grove, Pa. (Navy), radio range station.

§ 600.246 *Red civil airway No. 46 (United States-Canadian Border to Jamestown, N. Dak.).* That airspace over United States territory from the Regina, Saskatchewan, Canada, radio range station via the Minot, N. Dak., radio range station to the Jamestown, N. Dak., radio range station.

§ 600.247 *Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.).* From the Tampa, Fla., radio range station via the Orlando, Fla., radio range station to the Daytona Beach, Fla., radio range station.

§ 600.248 *Red civil airway No. 48 (Helena, Mont., to Livingston, Mont.).* From the intersection of the southeast course of the Helena, Mont., radio range and the northwest course of the Bozeman, Mont., radio range via a point located at Lat. 46°15'00", Long. 111°00'00" to the Livingston, Mont., radio range station.

§ 600.249 *Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.).* From the Elko, Nev., radio range station via the Wendover, Utah, radio range station; the intersection of the east course of the Wendover, Utah, radio range and the west course of the Salt Lake City, Utah, radio range; the Salt Lake City, Utah, radio range station; Fort Bridger, Wyo., radio range station to the intersection of the north course of the Fort Bridger, Wyo., radio range and the southeast course of the Malad City, Idaho, radio range.

§ 600.250 *Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).* From the intersection of the east course of the Galena, Alaska, radio range and the southwest course of the Tanana, Alaska, radio range via the Tanana, Alaska, radio range station to the intersection of the southeast course of the Tanana, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range.

§ 600.251 *Red civil airway No. 51 (Blackstone, Va., to Norfolk, Va.).* From the Blackstone, Va., radio range station via the intersection of the east course of the Blackstone, Va., radio range and the west course of the Langley, Va., AFB radio range to the Langley, Va., AFB radio range station, excluding the portions which overlap the Camp Pickett Restricted Area (R–44) and the Plum Tree Island Restricted Area (R–49).

§ 600.252 *Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.).* From the intersection of the northeast course of the Memphis, Tenn., radio range and the northwest course of the Muscle Shoals, Ala., radio range via the Muscle Shoals, Ala., radio range station to the intersection of the southeast course of the Muscle Shoals, Ala., radio range and the north course of the Birmingham, Ala., radio range.

§ 600.253 *Red civil airway No. 53 (Portland, Oreg., to Spokane, Wash.).* From the Portland, Oreg., radio range station via the intersection of the east course of the Portland, Oreg., radio range and the west course of the The Dalles, Oreg., radio range; The Dalles, Oreg., radio range station; the intersection of the east course of the The Dalles, Oreg., radio range and the west course of the Pendleton, Oreg., radio range; Pendleton, Oreg., radio range station; the intersection of the east course of the Pendleton, Oreg., radio range and the southwest course of the Walla Walla, Wash., radio range; Walla Walla, Wash., radio range station to the Spokane, Wash., radio range station.

§ 600.254 *Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).* From the Burley, Idaho, radio range station via the Promontory Point, Utah, non-directional radio beacon to a point located at Latitude 40°47'00", Longitude 112°23'00".

§ 600.255 *Red civil airway No. 55 (Chicago, Ill., to Columbus, Ohio).* From the intersection of the northeast course of the Chicago, Ill., radio range and a line bearing 293° True from the South Bend, Ind., radio range station via the South Bend, Ind., radio range station; Goshen, Ind., radio range station; Findlay, Ohio, non-directional radio beacon to the Columbus, Ohio, radio range station.

§ 600.256 *Red civil airway No. 56 (Red Bluff, Calif., to Whitmore, Calif.).* From the intersection of the northwest course of the Red Bluff, Calif., radio range and the northwest course of the Whitmore, Calif., radio range to the Whitmore, Calif., radio range station.

§ 600.257 *Red civil airway No. 57 (Des Moines, Iowa, to Youngstown, Ohio.).* From the Des Moines, Iowa, radio range station via the Cedar Rapids, Iowa, nondirectional radio beacon; Moline, Ill., radio range station; Rockford, Ill., radio range station; Milwaukee, Wis., radio range station; Battle Creek, Mich., radio range station to the Toledo, Ohio, radio range station. From the Akron, Ohio, radio range station to the Youngstown, Ohio, radio range station.

§ 600.258 *Red civil airway No. 58 (Augusta, Maine to United States-Canadian Border).* That airspace over United States territory from the Augusta, Maine, radio range station via the Bangor, Maine, radio range station; Pennfield Ridge, New Brunswick, Canada, radio range station to the St. John, New Brunswick, Canada, radio range station.

§ 600.259 *Red civil airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.).* From the Garden City, Kans., radio range station via the intersection of the south course of the Garden City, Kans., radio range and the northwest course of the Gage, Okla., radio range; Gage, Okla., radio range station to the Oklahoma City, Okla., radio range station.

§ 600.260 *Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.).* From the Oakland, Calif., radio range station via the Stockton, Calif., radio range station to the intersection of the east course of the Stockton, Calif., radio range and a point at Lat. 37°55'10", Long. 120°44'25".

§ 600.261 *Red civil airway No. 61 (Butler, Pa., to Washington, D. C.).* From the Butler, Pa., nondirectional radio beacon via the Johnstown, Pa., nondirectional radio beacon to the intersection of the southeast course of the Pittsburgh, Pa., radio range and the south course of the Altoona, Pa., radio range. From the intersection of the northwest course of the Arcola, Va., radio range and the northwest course of the Front Royal, Va., radio range via the Arcola, Va., radio range station to the intersection of the southeast course of the Arcola, Va., radio range and the southwest course of the Washington, D. C., radio range.

§ 600.262 *Red civil airway No. 62 (Pittsburgh, Pa., to Altoona, Pa.).* From the intersection of the southeast course of the Pittsburgh, Pa., radio range and the northeast course of the Morgantown, W. Va., radio range via the Johnstown, Pa., non-directional radio beacon to the Altoona, Pa., radio range station.

§ 600.263 *Red civil airway No. 63 (Battle Creek, Mich., to the United States-Canadian Border).* From the intersection of the southwest course of the Grand Rapids, Mich., radio range and the west course of the Battle Creek, Mich., radio range via the Battle Creek, Mich., radio range station to the Jackson, Mich., nondirectional radio beacon. That airspace over United States territory from the intersection of the north course of the Detroit, Mich., radio range and a line bearing 261° True from the Sarnia, Ont., Canada, nondirectional radio beacon to the Sarnia, Ont., Canada nondirectional radio beacon.

§ 600.264 *Red civil airway No. 64 (United States-Canadian Border to Annette Island, Alaska).* From the intersection of the southwest course of the Annette Island, Alaska, radio range and the United States-Canadian Border to the Annette Island, Alaska, radio range station.

§600.265 *Red civil airway No. 65 (Los Angeles, Calif., to Hayfield Lake, Calif.).* From the Los Angeles, Calif., radio range station via the intersection of the south course of the Los Angeles, Calif., radio range and a line bearing 279° True from the Oceanside, Calif., nondirectional radio beacon; Oceanside, Calif., nondirectional radio beacon; Julian, Calif., nondirectional beacon to the Hayfield Lake, Calif., nondirectional radio beacon.

§ 600.266 *Red civil airway No. 66 (Santa Barbara, Calif., to Los Angeles, Calif.).* From the Santa Barbara, Calif., radio range station to the Newhall, Calif., radio range station.

§ 600.267 *Red civil airway No. 67 (Crestview, Fla., to Atlanta, Ga.).* From Crestview, Fla., radio range station via the Dothan, Ala., radio range station; the intersection of the northwest course of the Dothan, Ala., radio range and the southwest course of the Columbus, Ga., radio range; Columbus, Ga., radio range station; the intersection of the northeast course of the Columbus, Ga., radio range and the south course of the Campbellton, Ga., radio range to the intersection of the south course of the Campbellton, Ga., radio range and the southwest course of the Atlanta, Ga., radio range—excluding the portions above 19,000 feet which lie within Tyndall (restricted area (R–336), between sunset and sunrise, and excluding the portion which overlaps Fort Benning (restricted area (R–129).

§ 600.268 *Red civil airway No. 68 (Midland, Tex., to Shreveport, La.)* From the Midland, Tex., radio range station via the San Angelo, Tex., radio range station; the intersection of the northeast course of the San Angelo, Tex., radio range and the south course of the Abilene, Tex., radio range to the Abilene, Tex., radio range station. From the intersection of the west course of the Fort Worth, Tex., radio range and the northwest course of the Waco, Tex., radio range via the intersection of the northwest course of the Waco, Tex., radio range and the west course of the Dallas, Tex., radio range to the Dallas, Tex., radio range station. From the Duncanville, Tex., nondirectional radio beacon via the Tyler, Tex., radio range station to the Shreveport, La., radio range station.

§ 600.269 *Red civil airway No. 69 (Midland, Tex., to Big Spring, Tex.).* From the Midland, Tex., radio range station to the intersection of the northeast course of the Midland, Tex., radio range and the southwest course of the Big Spring, Tex., radio range.

§ 600.270 *Red civil airway No. 70 (Midland, Tex., to Lubbock, Tex.).* From the Midland, Tex., radio range station via the intersection of the south course of the Lubbock, Tex., radio range and the northwest course of the Big Spring, Tex., radio range to the Lubbock, Tex., radio range station.

§ 600.271 *Red civil airway No. 71 (El Paso, Tex., to Lubbock, Tex.).* From the intersection of the east course of the El Paso, Tex., radio range and the southwest course of the Roswell, N. Mex., radio range via the Roswell, N. Mex., radio range station; the intersection of the northeast course of the Roswell, N. Mex., radio range and the west course of the Lubbock, Tex., radio range to the Lubbock, Tex., radio range station.

§ 600.272 *Red civil airway No. 72 (Millville, N. J., to Paterson, N. J.).* From the intersection of the southwest course of the Millville, N. J., radio range and the south course of the New Castle, Del., radio range via the New Castle, Del., radio range station to the intersection of the north course of the New Castle, Del., radio range and the west course of the Philadelphia, Pa., radio range. From the intersection of the east course of the Harrisburg, Pa., radio range and the southwest course of the Willow Grove, Pa., radio range via the Willow Grove, Pa., radio range station; the intersection of the northeast course of the Willow Grove, Pa., radio range and the east course of the Allentown, Pa., radio range; the Chatham, N. J., non-directional radio beacon to the Paterson, N. J., non-directional radio beacon.

§ 600.273 *Red civil airway No. 73 (Baltimore, Md., to Millville, N. J.).* From the intersection of the west course of the New Castle, Del., radio range and the west course of the Philadelphia, Pa., radio range via the New Castle, Del., radio range station to the intersection of the east course of the New Castle, Del., radio range and the northeast course of the Millville, N. J., radio range.

§ 600.274 *Red civil airway No. 74 (Louisville, Ky., to Cincinnati, Ohio).* From the Louisville, Ky., radio range station via the intersection of the north course of the Louisville, Ky., radio range and a line bearing 241° True from the Cincinnati, Ohio, radio range station to the Cincinnati, Ohio, radio range station.

§ 600.275 *Red civil airway No. 75 (United States-Canadian Border, Vancouver, B. C., to United States-Canadian Border, Abbotsford, B. C.).* From the Vancouver, B. C., radio range station to the intersection of the northwest course of the Bellingham, Wash., radio range and the west course of the Abbotsford,

B. C., radio range; Abbotsford, B. C., radio range station to the intersection of the east course of the Abbotsford, B. C., radio range and the northeast course of the Bellingham, Wash., radio range, excluding those portions lying outside the limits of the continental United States.

§ 600.276 *Red civil airway No. 76 (Williams, Calif., to Auburn, Calif.).* From the Williams, Calif., radio range station to the intersection of the east course of the Williams, Calif., radio range and the northeast course of the Sacramento, Calif., radio range.

§ 600.277 *Red civil airway No. 77 (Greensboro, N. C., to Atlantic City, N. J.).* From the Greensboro, N. C., radio range station via the Lynchburg, Va., radio range station; Richmond, Va., radio range station; Tappahannock, Va., radio range station; Dover, Del., AFB radio range station to the Atlantic City, N. J. (Navy) radio range station, excluding the portion below 6,000 feet which lies over Patuxent (restricted area (R–71), and excluding the portion which lies over Patuxent (restricted area (R–43).

§ 600.278 *Red civil airway No. 78 Medford, Oreg., to Klamath Falls, Oreg.).* From the intersection of the south course of the Medford, Oreg., radio range and the west course of the Klamath Falls, Oreg., radio range to the Klamath Falls, Oreg., radio range station.

§ 600.279 *Red civil airway No. 79 (Neah Bay, Wash., to Everett, Wash.).* That airspace over United States territory from the Neah Bay, Wash., radio range station via the Port Angeles, Wash., CGAS nondirectional radio beacon to the Dungeness, Wash., fan marker excluding the portion below 6,000 feet which overlaps Restricted Area (R–236) and excluding the portion which conflicts with the Albert Head Restricted Area (R–407). From the intersection of the west course of the Everett, Wash., radio range and the northwest course of the Seattle, Wash., radio range to the Everett, Wash., radio range station.

§ 600.280 *Red civil airway No. 80 (Helena, Mont., to Miles City, Mont.).* From the intersection of the west course of the Helena, Mont., radio range and the southwest course of the Great Falls, Mont., radio range via the intersection of the southwest course of the Great Falls, Mont., radio range and the north course of the Helena, Mont., radio range; Great Falls, Mont., radio range station; Lewistown, Mont., radio range station; the intersection of the southeast course of the Lewistown, Mont., radio range and the north course of the Billings, Mont., radio range to the Miles City, Mont., radio range station.

§ 600.281 *Red civil airway No. 81 (Lansing, Mich., to Detroit, Mich.).* From the Lansing, Mich., radio range station to the intersection of the southeast course of the Lansing, Mich., radio range and the west course of the Detroit, Mich., radio range.

§ 600.282 *Red civil airway No. 82 (Skwentna, Alaska, to Anchorage, Alaska).* From the Skwentna, Alaska, radio range station to the intersection of the southeast course of the Skwentna, Alaska, radio range and the northeast course of the Anchorage, Alaska, radio range.

§ 600.283 *Red civil airway No. 83 (Gila Bend, Ariz., to Tucson, Ariz.).* From the intersection of the west course of the Phoenix, Ariz., radio range and the north course of the Gila Bend, Ariz., radio range via the Gila Bend, Ariz., radio range station to the Tucson, Ariz., radio range station.

§ 600.284 *Red civil airway No. 84 (Meridian, Miss., to Columbus, Ga.).* From the Meridian, Miss., radio range station via the Maxwell AFB, Ala., radio range station; the intersection of the east course of the Maxwell AFB, Ala., radio range and the northwest course of the Columbus, Ga., radio range to the Columbus, Ga., radio range station, excluding the portion which overlaps Fort Benning (restricted area (R–129).

§ 600.285 *Red civil airway No. 85 (Akron, Ohio, to Altoona, Pa.).* From the intersection of the southeast course of the Akron, Ohio, radio range and the northwest course of the Pittsburgh, Pa., radio range via the Butler, Pa., nondirectional radio beacon to the Altoona, Pa., radio range station.

§ 600.286 *Red civil airway No. 86 (Millinocket, Maine, to Houlton, Maine).* From the intersection of the northeast course of the Millinocket, Maine, radio range and the northwest course of the Houlton, Maine, radio range to the Houlton, Maine, radio range station, excluding that portion outside the continental limits of the United States.

§ 600.287 *Red civil airway No. 87 (Hawaiian Islands).* From the intersection of northwest course of the Port Allen, T. H., radio range and a point 100 miles northwest of the Port Allen, T. H., radio range station via the Port Allen, T. H., radio range station; the intersection of the southeast course of the Port Allen, T. H., radio range and the southwest course of the Honolulu, T. H., radio range; Honolulu, T. H., radio range station; Maui, T. H., radio range station; the intersection of the southeast course of the Maui, T. H., radio range and the north course of the Hilo, T. H., radio range; Hilo, T. H., radio range station to the intersection of the east course of the Hilo, T. H., radio range and a point 100 miles east of the Hilo, T. H., radio range station.

§ 600.288 *Red civil airway No. 88 (Albuquerque, N. Mex., to Hobbs, N. Mex.).* From the Albuquerque, N. Mex., radio range station via the Roswell, N. Mex., radio range station; the intersection of the southeast course of the Roswell, N. Mex., radio range and the west course of the Hobbs, N. Mex., radio range; Hobbs, N. Mex., radio range station to the intersection of the east course of the Hobbs, N. Mex., radio range and the south course of the Lubbock, Tex., radio range.

§ 600.289 *Red civil airway No. 89 (Quincy, Ill., to Peoria, Ill.).* From the Quincy, Ill., nondirectional radio beacon via the Peoria, Ill., radio range station to the intersection of the east course of the Peoria, Ill., radio range and the southwest course of the Joliet, Ill., radio range.

§ 600.290 *Red civil airway No. 90 (Oznard, Calif., to Burbank, Calif.).* From the Camarillo, Calif., radio range station to the Burbank, Calif., radio range station.

§ 600.291 *Red civil airway No. 91 (Dunkirk, N. Y., to Syracuse, N. Y.).* From the Dunkirk, N. Y., nondirectional radio beacon via the Dansville, N. Y., nondirectional radio beacon to the Syracuse, N. Y., radio range station.

§ 600.292 *Red civil airway No. 92 (Sault Ste. Marie, Mich., to United States-Canadian Border).* That airspace over United States territory from the Sault Ste. Marie, Mich., radio range station to the Sudbury, Ontario, Canada, radio range station.

§ 600.293 *Red civil airway No. 93 (Lincoln, Nebr., to Omaha, Nebr.).* From the Lincoln, Nebr., radio range station to the intersection of the east course of the Lincoln, Nebr., radio range and the southeast course of the Omaha, Nebr., radio range.

§ 600.294 *Red civil airway No. 94 (Providence, R. I., to Hyannis, Mass.).* From the Providence, R. I., radio range station via the Otis AFB, Falmouth, Mass., nondirectional radio beacon located at Lat. 41°36′15″, Long 70°32′31″, to the Hyannis, Mass., nondirectional radio beacon, excluding the portion which lies more than 4 miles north of the centerline between this Otis AFB nondirectional radio beacon and the Hyannis nondirectional radio beacon.

§ 600.295 *Red civil airway No. 95 (Elmira, N. Y., to Utica, N. Y.).* From the Elmira, N. Y., radio range station to the Utica, N. Y., radio range station.

§ 600.296 *Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.).* From the Palacios, Tex., radio range station via the Houston, Tex., radio range station; Beaumont, Tex., radio range station to the Lake Charles, La., radio range station. From the intersection of the east course of the Lake Charles, La., radio range and the southwest course of the Baton Rouge, La., radio range via the Baton Rouge, La., radio range station to the Madisonville, La., fan marker.

§ 600.297 *Red civil airway No. 97 (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).* That airspace over United States territory from the Lakehead, Ontario, Canada, radio range station via the Sault Ste. Marie, Mich., radio range station to the Wiarton, Ontario, Canada, radio range station.

§ 600.298 *Red civil airway No. 98 (Vichy, Mo., to Belleville, Ill.).* From the Vichy, Mo., nondirectional radio beacon to the Belleville, Ill., Scott AFB radio range station.

§ 600.299 *Red civil airway No. 99 (Iliamna, Alaska, to Homer, Alaska).* From the intersection of the northeast course of the King Salmon, Alaska, radio range and the southwest course of the Iliamna, Alaska, radio range via the Iliamna, Alaska, radio range station to the intersection of the southeast course of the Iliamna, Alaska, radio range the west course of the Homer, Alaska, radio range.

§ 600.300 *Red civil airway No. 100 (South Bend, Ind., to Battle Creek, Mich.).* From the South Bend, Ind., radio range station to the Battle Creek, Mich., radio range station.

§ 600.302 *Red civil airway No. 102 (Louisville, Ky., to Huntington, W. Va.).* From the intersection of the south course of the Louisville, Ky., radio range and a line bearing 268° True from the Lexington, Ky., nondirectional radio beacon via the Lexington, Ky., nondirectional radio beacon to the Huntington, W. Va., nondirectional radio beacon.

§ 600.303 *Red civil airway No. 103 (Kenai, Alaska, to Middleton Island, Alaska).* From the Kenai, Alaska, radio range station via the intersection of the southeast course of the Kenai, Alaska, radio range and the southwest course of the Anchorage, Alaska, radio range to the Middleton Island, Alaska, nondirectional radio beacon.

§ 600.304 *Red civil airway No. 104 (Greensboro, N. C., to Raleigh, N. C.).* From the Greensboro, N. C., radio range station to the intersection of the southeast course of the Greensboro, N. C., radio range and the south course of the Raleigh, N. C., radio range.

§ 600.305 *Red civil airway No. 105 (Wichita, Kans., to Neosho, Mo.).* From the intersection of the northeast course of the Wichita, Kans., radio range and the west course of the Chanute, Kans., radio range via the Chanute, Kans., radio range station to the intersection of the east course of the Chanute, Kans., radio range and a 344° True bearing from the Neosho, Mo., omnirange station.

§ 600.306 *Red civil airway No. 106 (Scottsbluff, Nebr., to North Platte, Nebr.).* From the Scottsbluff, Nebr., radio range station to the intersection of the southeast course of the Scottsbluff, Nebr., radio range and the west course of the North Platte, Nebr., radio range.

§ 600.307 *Red civil airway No. 107 (Stanton, Minn., to Red Wing, Minn.).* From the Stanton, Minn., nondirectional radio beacon to the intersection of the southeast course of the Minneapolis, Minn., radio range and the north course of the Rochester, Minn., radio range.

§ 600.308 *Red civil airway No. 108 (Promontory Point, Utah, to Fort Bridger, Wyo.).* From the Promontory Point, Utah, nondirectional radiobeacon via the Corinne, Utah, nondirectional radiobeacon to the Fort Bridger, Utah, radio range station.

§ 600.309 *Red civil airway No. 109 (Portland, Oreg., to Spokane, Wash.).* From the Portland, Oreg., radio range station via the intersection of the east course of the Portland, Oreg., radio range and the west course of the The Dalles, Oreg., radio range; The Dalles, Oreg., radio range station; Yakima, Wash., radio range station; the intersection of the northwest course of the Yakima, Wash., radio range and the south course of the Ellensburg, Wash., radio range; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station to the Spokane, Wash., radio range station.

BLUE CIVIL AIRWAYS

§ 600.601 *Blue civil airway No. 1 (Miami, Fla., to Tampa, Fla.).* From the Miami, Fla., radio range station to the Tampa, Fla., radio range station.

§ 600.602 *Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.).* From the intersection of the north course of the Crestview, Fla., radio range and the southeast course of the Craig, Ala., AFB, radio range via the intersection of the southeast course of the Craig, Ala., AFB, radio range and the south course of the Birmingham, Ala., radio range; Birmingham, Ala., radio range station; the intersection of the north course of the Birmingham, Ala., radio range and the southwest course of the Chattanooga, Tenn., radio range via the Chattanooga, Tenn., radio range station to the intersection of the northeast course of the Chattanooga, Tenn., radio range and the west course of the Knoxville, Tenn., radio range. From the Pittsburgh, Pa., radio range station via the Butler, Pa., nondirectional radio beacon; the intersection of the east course of the Youngstown, Pa., radio range and the south course of the Erie, Pa., radio range to the Erie, Pa., radio range station.

§ 600.603 *Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.).* From the Miami, Fla., radio range station via the intersection of the west course of the Miami, Fla., radio range and a line bearing 128° True from the Fort Myers, Fla., nondirectional radio beacon; Fort Myers, Fla., nondirectional radio beacon; Tampa, Fla., radio range station; the intersection of the north course of the Tampa, Fla., radio range and the southeast course of the Cross City, Fla., radio range; Cross City, Fla., radio range station to the intersection of the northwest course of the Cross City, Fla., radio range and the east course of the Tallahassee, Fla., radio range. From the intersection of the northwest course of the Tallahassee, Fla., radio range and the southeast course of the Dothan, Ala., radio range via the Dothan, Ala., radio range station; the intersection of the northwest course of the Dothan, Ala., radio range and the east course of the Maxwell AFB, Montgomery, Ala., radio range, excluding that portion which lies more than 2 miles west of the northwest course of the Dothan, Ala., radio range between Lat. 31°20′00″, Long. 85°34′00″ and Lat. 31°34′00″, Long. 85°42′00″, and excluding the portion above 19,000 feet which lies within the Tyndall AFB restricted area (R–336), between sunset and sunrise, the Maxwell AFB, Montgomery, Ala., radio range station to the intersection of the north course of the Maxwell AFB, Montgomery, Ala., radio range and the east course of the Birmingham, Ala., radio range. From the Muscle Shoals, Ala., radio range station to the intersection of the northeast course of the Muscle Shoals, Ala., radio range and the southwest course of the Nashville, Tenn., radio range. From the intersection of the south course of the Goshen, Ind., radio range and the southwest course of the Fort Wayne, Ind., radio range via the Goshen, Ind., radio range station; the intersection of the north course of the Goshen, Ind., radio range and the southwest course of the Grand Rapids, Mich., radio range; Grand Rapids, Mich., radio range station; Cadillac, Mich., nondirectional radio beacon; Traverse City, Mich., radio range station; Pellston, Mich., nondirectional radio beacon to the Sault Ste. Marie, Mich., radio range station.

§ 600.604 *Blue civil airway No. 4 (Boston, Mass., to United States-Canadian Border).* From the intersection of the northeast course of the Boston, Mass., radio range and the southeast course of the Concord, N. H., radio range; Concord, N. H., radio range station; Burlington, Vt., radio range station to the Montreal, Que., Canada, radio range station, excluding the airspace which lies outside the continental United States.

§ 600.605 *Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).* From the Municipal Airport, Galveston, Tex., via the Galveston, Tex., radio range station; Houston, Tex., radio range station; the intersection of the northwest course of the Houston, Tex., radio range and the southeast course of the Bryan, Tex., radio range; Bryan, Tex., radio range station; Waco, Tex., radio range station; the intersection of the northeast course of the Waco, Tex., radio range and the south course of the Dallas, Tex., radio range; Dallas Tex., radio range station; Ardmore, Okla., nondirectional radio beacon to the intersection of the south course of the Tinker AFB, Okla., radio range and the southeast course of the Oklahoma City, Okla., radio range. From the Oklahoma City, Okla., radio range station via the intersection of the north course of the Oklahoma City, Okla., radio range and the southeast course of the Wichita, Kans., radio range; Wichita, Kans., radio range station to the intersection of the north course of the Wichita, Kans., radio range and the east course of the Hutchinson, Kans., radio range.

§ 600.606 *Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).* From the Abilene, Tex., radio range station via the Wichita Falls, Tex., radio range station to the intersection of the northeast course of the Wichita Falls, Tex., radio range and the south course of the Oklahoma City, Okla., radio range. From the intersection of the southeast course of the Scott AFB, Belleville, Ill., radio range and a point 25 miles southeast of the Scott AFB, Belleville, Ill., radio range station via the Scott AFB Belleville, Ill., radio range station to the intersection of the northwest course of the Scott AFB, Belleville, Ill., radio range

and the southwest course of the Springfield, Ill., radio range. From the Springfield, Ill., radio range station to the Peoria, Ill., radio range station. From the intersection of the west course of the Goshen, Ind., radio range and the south course of the South Bend, Ind., radio range via the South Bend, Ind., radio range station to the intersection of the north course of the South Bend, Ind., radio range and the northeast course of the Chicago, Ill., radio range. From the intersection of the northeast course of the Chicago, Ill., radio range and the southwest course of the Grand Rapids, Mich., radio range to the Muskegon, Mich., radio range station.

§ 600.607 *Blue civil airway No. 7 (Hollister, Calif., to Williams, Calif.).* From the intersection of the northwest course of the Fresno, Calif., radio range and the south course of the Travis AFB, Calif., radio range via the Travis AFB, Calif., radio range station to the Williams, Calif., radio range station.

§ 600.608 *Blue civil airway No. 8 (Fargo, N. Dak., to United States-Canadian Border).* That airspace over United States territory from the Fargo, N. Dak., radio range station via the Grand Forks, N. Dak., radio range station; Pembina, N. Dak., radio range station to the Winnipeg, Ont., Canada, radio range station.

§ 600.609 *Blue civil airway No. 9 (Springfield, Mo., to United States-Canadian Border).* From the Springfield, Mo., radio range station to the Columbia, Mo., radio range station. From the Rochester, Minn., radio range station to the intersection of the north course of the Rochester, Minn., radio range and the southeast course of the Minneapolis, Minn., radio range. That airspace over United States territory from the Minneapolis, Minn., radio range station via the Duluth, Minn., radio range station to the Lakehead, Ont., Canada, radio range station.

§ 600.610 *Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).* From the Fresno, Calif., radio range station via the intersection of the west course of the Fresno, Calif., radio range and the southeast course of the Oakland, Calif., radio range; Oakland, Calif., radio range station; the intersection of the northwest course of the Oakland, Calif., radio range and the southwest course of the Williams, Calif., radio range to the Williams, Calif., radio range station.

§ 600.611 *Blue civil airway No. 11 (Findlay, Ohio, to Dunkirk, N. Y.).* From the Findlay, Ohio, nondirectional radio beacon via the Cleveland, Ohio, radio range station; Erie, Pa., radio range station to the intersection of the southwest course of the Buffalo, N. Y., radio range and the east course of the Clear Creek, Ont., Canada, radio range.

§ 600.613 *Blue civil airway No. 13 (Houston, Tex., to Des Moines, Iowa).* From the Houston, Tex., radio range station via the Lufkin, Tex., nondirectional radio beacon; Shreveport, La., radio range station; the intersection of the northwest course of the Shreveport, La., radio range and the south course of the Texarkana, Ark., radio range; Texarkana, Ark., radio range station to the Fort Smith, Ark., nondirectional radio beacon excluding the portion which overlaps the Camp Chaffee restricted area (R–215). From the intersection of the northeast course of the Kansas City, Mo., radio range and the south course of the Des Moines, Iowa, radio range to the Des Moines, Iowa, radio range station.

§ 600.614 *Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.).* From the intersection of the west course of the El Centro, Calif., radio range and a bearing 165° True from the Julian, Calif., non-directional radio beacon to the Julian, Calif., non-directional radio beacon. From the Riverside, Calif., radio range station via the intersection of the northwest course of the Riverside, Calif., radio range and the southeast course of the Palmdale, Calif., radio range and the Palmdale, Calif., radio range station to the intersection of the northwest course of the Palmdale, Calif., radio range and the south course of the Bakersfield, Calif., radio range. From the intersection of the northwest course of the Fresno, Calif., radio range and the south course of the Stockton, Calif., radio range via the Stockton, Calif., radio range station to the intersection of the north course of the Stockton, Calif., radio range and the southeast course of the Sacramento, Calif., radio range.

§ 600.615 *Blue civil airway No. 15 (Huntington, W. Va., to Youngstown, Ohio).* From the Huntington, W. Va., nondirectional radio beacon to the Columbus, Ohio, radio range station. From the Akron, Ohio, Akron-Canton County Airport ILS outer marker to the Hubbard, Ohio, nondirectional radio beacon.

§ 600.616 *Blue civil airway No. 16 (Waverly, Va., to Tappahannock, Va.).* From the intersection of the southwest course of the Waverly, Va., radio range and a line bearing 116° True from the Lawrenceville, Va., omnirange station via the Waverly, Va., radio range station to the Tappahannock, Va., radio range station.

§ 600.617 *Blue civil airway No. 17 (Bangor, Maine, to Presque Isle, Maine).* From the intersection of the northeast course of the Bangor, Maine, radio range and the south course of the Houlton, Maine, radio range via the Houlton, Maine, radio range station; the intersection of the north course of the Houlton, Maine, radio range and the southeast course of the Presque Isle, Maine, radio range via the Presque Isle, Maine, radio range station to the Municipal Airport, Caribou, Maine, excluding that portion which lies outside the continental United States.

§ 600.618 *Blue civil airway No. 18 (Philadelphia, Pa., to United States-Canadian Border).* From the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the New York, N. Y. (LaGuardia), radio range via the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the Idlewild, N. Y., radio range; the Idlewild, N. Y., radio range station to the intersection of the northeast course of the Idlewild, N. Y., radio range and the east course of the New York, N. Y. (LaGuardia), radio range. From the intersection of the northwest course of the New York, N. Y. (LaGuardia), radio range and the southwest course of the Poughkeepsie, N. Y., radio range via the Poughkeepsie, N. Y., radio range station, excluding that portion which lies more than two miles west of the southwest course of the Poughkeepsie, N. Y., radio range between a point 25 miles northeast from the intersection of the northwest course of the New York, N. Y. (LaGuardia), radio range and the southwest course of the Poughkeepsie, N. Y., radio range and a point 10 miles south of the Poughkeepsie, N. Y., radio range; the Albany, N. Y., radio range station; Burlington, Vt., radio range station to the intersection of the northeast course of the Burlington, Vt., radio range and the United States-Canadian Border.

§ 600.619 *Blue civil airway No. 19 (Key West, Fla., to Orlando, Fla.).* From the Key West, Fla., radio range station via the Miami, Fla., radio range station; the intersection of the north course of the Miami, Fla., radio range and the west course of the West Palm Beach, Fla., radio range; Melbourne, Fla., radio range station to the Orlando, Fla., radio range station.

§ 600.620 *Blue civil airway No. 20 (Millville, N. J., to Allentown, Pa.).* From the intersection of the southwest course of the Atlantic City, N. J., (Navy) radio range and the southeast course of the Millville, N. J., radio range via the intersection of the southeast course of the Millville, N. J., radio range and the southeast course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station; a point at latitude 40°15′00″, longitude 75°22′45″, to the Allentown, Pa., radio range station.

§ 600.622 *Blue civil airway No. 22 (Memphis, Tenn., to Wichita, Kans.).* From the intersection of the southwest course of the Memphis, Tenn., radio range and the southeast course of the Little Rock, Ark., radio range via the Little Rock, Ark., radio range station; Fort Smith, Ark., non-directional radio beacon; Tulsa, Okla., radio range station to the intersection of the northwest course of the Tulsa, Okla., radio range and the southeast course of the Wichita, Kans., radio range.

§ 600.623 *Blue civil airway No. 23 (Norfolk, Va., to Chincoteague, Va.).* From the Norfolk, Va., Navy radio range station to the Chincoteague, Va., Navy radio range station excluding the portions which overlap Chincoteague Inlet restricted area (R–45) and Ship Shoal Island restricted area (R–47).

§ 600.625 *Blue civil airway No. 25 (Cordova, Alaska, to Big Delta, Alaska).* From the Hinchinbrook, Alaska, radio range station via the intersection of the northeast course of the Hinchinbrook, Alaska, radio range and the south course of the Gulkana, Alaska, radio range; Gulkana, Alaska, radio range station and the intersection of the north course of the Gulkana, Alaska, radio range and the south course of the Big Delta, Alaska, radio range to the Big Delta, Alaska, radio range station.

§ 600.626 *Blue civil airway No. 26 (Anchorage, Alaska, to Nenana, Alaska).* From the Anchorage, Alaska, radio range station via the Talkeetna, Alaska, airport; Summit, Alaska, radio range station; the intersection of the northeast course of the Summit, Alaska, radio range and the southeast course of the Nenana, Alaska, radio range via the Nenana, Alaska, radio range station to the intersection of the northwest course of the Nenana, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range.

§ 600.627 *Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska).* From the Kodiak, Alaska, radio range station via the intersection of the west course of the Kodiak, Alaska, radio range and the southeast course of the King Salmon radio range; King Salmon, Alaska, radio range station; Bethel, Alaska, radio range station; Nome, Alaska, radio range station to the Kotzebue, Alaska, airport.

§ 600.628 *Blue civil airway No. 28 (Charleston, S. C., to Bulls Gap, Tenn.).* From the Charleston, S. C., radio range station via the intersection of the northwest course of the Charleston, S. C., radio range and the southeast course of the Columbia, S. C., radio range; Columbia, S. C., radio range station; the intersection of the west course of the Columbia, S. C., radio range and the southeast course of the Spartanburg, S. C., radio range; Spartanburg, S. C., radio range station to the intersection of the northwest course of the Spartanburg, S. C., radio range and the northeast course of the Knoxville, Tenn., radio range.

§ 600.629 *Blue civil airway No. 29 (Raleigh, N. C., to Lynchburg, Va.).* From the intersection of the northeast course of the Raleigh, N. C., radio range and the southeast course of the Lynchburg, Va., radio range to the Lynchburg, Va., radio range station.

§ 600.630 *Blue civil airway No. 30 (Brownsville, Tex., to Pueblo, Colo.).* From the intersection of the southeast course of the Alice, Tex., radio range and the southwest course of the Corpus Christi, Tex., radio range via the Corpus Christi, Tex., radio range station, excluding that portion which lies more than 3 miles southeast of the southwest course of the Corpus Christi, Tex., radio range; Kelly (San Antonio, Tex.) radio range station; the intersection of the northwest course of the Kelly (San Antonio, Tex.) radio range and the southeast course of the Big Spring, Tex., radio range; Big Spring, Tex., radio range station to the intersection of the northwest course of the Big Spring, Tex., radio range and the south course of the Lubbock, Tex., radio range. From the Lubbock, Tex., radio range station via the intersection of the north course of the Lubbock, Tex., radio range and the south course of the Amarillo, Tex., radio range; Amarillo, Tex., radio range station; Dalhart, Tex., nondirectional radio beacon to the Pueblo, Colo., radio range station.

§ 600.631 *Blue civil airway No. 31 (Burlington, Iowa, to Madison, Wis.).* From the intersection of the west course of the Peoria, Ill., radio range and the south course of the Moline, Ill., radio range to the Moline, Ill., radio range station. From the intersection of the south course of the Madison, Wis., radio range and the northwest course of the Rockford, Ill., radio range to the Madison, Wis., radio range station.

§ 600.632 *Blue civil airway No. 32 (Skwentna, Alaska, to Talkeetna, Alaska).* From the Skwentna, Alaska, radio range station to the Talkeetna, Alaska, nondirectional radio beacon.

§ 600.633 *Blue civil airway No. 33 Lansing, Mich., to Saginaw, Mich.)* From the Lansing, Mich., radio range station to the Saginaw, Mich., nondirectional radio beacon.

§ 600.634 *Blue civil airway No. 34 (Terre Haute, Ind., to Peoria, Ill.).* From the Terre Haute, Ind., radio range station via the intersection of the north course of the Terre Haute, Ind., radio range and the southeast course of the Rantoul (Chanute), Ill., AFB radio range; Rantoul (Chanute), Ill., AFB radio range station to the intersection of the northwest course of the Rantoul (Chanute), Ill., AFB radio range and the southwest course of the Joliet, Ill., radio range.

§ 600.635 *Blue civil airway No. 35 (Oxnard, Calif., to Bakersfield, Calif.).* From the Camarillo, Calif., radio range station to the intersection of the northeast course of the Camarillo, Calif., radio range and the southeast course of the Bakersfield, Calif., radio range.

§ 600.636 *Blue civil airway No. 36 (Akron, Colo., to Kimball, Nebr.).* From the Akron, Colo., radio range station to the intersection of the north course of the Akron, Colo., radio range and the east course of the Cheyenne, Nebr., radio range.

§ 600.637 *Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).* From the intersection of the east course of the Sinclair, Wyo., radio range and the northwest course of the Laramie, Wyo., radio range via the Casper, Wyo., radio range station to the intersection of the southeast course of the Sheridan, Wyo., radio range and the west course of the Rapid City, S. Dak., radio range.

§ 600.638 *Blue civil airway No. 38 (Five Finger, Alaska, to United States-Canadian Border).* That airspace over United States territory from the Five Finger, Alaska, USCG nondirectional radio beacon via the Gustavus, Alaska, radio range; Haines, Alaska, nondirectional radio beacon to the Whitehorse, Yukon Territory, radio range station.

§ 600.639 *Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.).* From the Savannah, Ga., radio range station via the intersection of the northwest course of the Savannah, Ga., radio range and the south course of the Augusta, Ga., radio range; Augusta, Ga., radio range station; the intersection of the north course of the Augusta, Ga., radio range and the south course of the Greenville, S. C., radio range to the Greenville, S. C., radio range station. From the Tri-City, Tenn., radio range station via the Paynesville, W. Va., non-directional radio beacon; the intersection of a line bearing 14° True from the Paynesville, W. Va., nondirectional radio beacon and the south course of the Charleston, W. Va., radio range to the Charleston, W. Va., radio range station. From the intersection of the west course of the Elkins, W. Va., radio range and the southwest course of the Morgantown, W. Va., radio range via the Morgantown, W. Va., radio range station to the New Alexandria, Pa., nondirectional radio beacon. From the intersection of the southwest course of the Elmira, N. Y., radio range and the east course of the Phillipsburg, Pa., radio range to the Elmira, N. Y., radio range station.

§ 600.640 *Blue civil airway No. 40 (Concord, N. H., to Burlington, Vt.).* From the Concord, N. H., radio range station via a point at 43°38′ north latitude and 72°20′ west longitude and a point at 44°12′ north latitude and 72°34′ west longitude to the Burlington, Vt., radio range station.

§ 600.641 *Blue civil airway No. 41 (Hartford, Conn., to United States-Canadian Border).* From the Hartford, Conn., radio range station via the intersection of the northwest course of the Hartford, Conn., radio range and the south course of the Westfield, Mass., radio range; Westfield, Mass., radio range station; the intersection of the north course of the Westfield, Mass., radio range and the southwest course of the Concord, N. H., radio range; Concord, N. H., radio range to the Portland, Maine, radio range station. From the Rockland, Maine, nondirectional radio beacon via the Bangor, Maine, radio range station to the intersection of the northeast course of the Bangor, Maine, radio range and the United States-Canadian Border.

§ 600.642 *Blue civil airway No. 42 (Goshen, Ind., to Saginaw, Mich.).* From the intersection of the east course of the South Bend, Ind., radio range and the south course of the Battle Creek, Mich., radio range via the Battle Creek, Mich., radio range station; the intersection of the north course of the Battle Creek, Mich., radio range and the southeast course of the Grand Rapids, Mich., radio range; Grand Rapids, Mich., radio range station to the Saginaw, Mich., non-directional radio beacon.

§ 600.643 *Blue civil airway No. 43 (Delta Island, Alaska, to Willow, Alaska).* From the intersection of the northeast course of the Kenai, Alaska, radio range and the west course of the Anchorage (Merrill), Alaska, radio range via the intersection of the northwest course of the Anchorage, Alaska, radio range and the northeast course of the Kenai, Alaska, radio range to the intersection of the north course of the An-

chorage (Merrill), Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range.

§ 600.644 *Blue civil airway No. 44 (Indianapolis, Ind., to United States-Canadian Border).* From the Indianapolis, Ind., radio range station via the intersection of the south course of the Goshen, Ind., radio range and the southwest course of the Fort Wayne, Ind., radio range; Fort Wayne, Ind., radio range station to the intersection of the northeast course of the Fort Wayne, Ind., radio range and the east course of the Goshen, Ind., radio range. From the intersection of the north course of the Toledo, Ohio, radio range and the southwest course of the Windsor, Ont., Canada, radio range to the intersection of the southwest course of the Windsor, Ont., Canada, radio range and the United States-Canadian Border.

§ 600.645 *Blue civil airway No. 45 (Greenfield, Mass., to Newport, Vt.).* From the intersection of the north course of the Westfield, Mass., radio range and the southwest course of the Concord, N. H., radio range via the Keene, N. H., nondirectional radio beacon to the Lebanon, N. H., nondirectional radio beacon. From the Montpelier, Vt., radio range station via the intersection of the northeast course of the Montpelier, Vt., radio range and a line bearing 180° True from the Newport, Vt., nondirectional radio beacon to the Newport, Vt., nondirectional radio beacon excluding the portion which lies outside of the continental limits of the United States.

§ 600.646 *Blue civil airway No. 46 (Memphis, Tenn., to Paducah, Ky.).* From the Memphis, Tenn., radio range station via the intersection of the north course of the Memphis, Tenn., radio range and a line bearing 230° True from the Dyersburg, Tenn., nondirectional radio beacon; Dyersburg, Tenn., nondirectional radio beacon to the Paducah, Ky., nondirectional radio beacon.

§ 600.647 *Blue civil airway No. 47 (Blackstone, Va., to Dunkirk, N. Y.).* From the intersection of the northeast course of the Raleigh, N. C., radio range and the south course of the Blackstone, Va., radio range via the Blackstone, Va., radio range station to the Gordonsville, Va., radio range station. From the intersection of the southeast course of the Front Royal, Va., radio range and the southwest course of the Arcola, Va., radio range via the Front Royal, Va., radio range station; the intersection of the northwest course of the Front Royal, Va., radio range and the northwest course of the Washington, D. C., radio range; the intersection of the southeast course of the Pittsburgh, Pa., radio range and the south course of the Altoona, Pa., radio range; Altoona, Pa., radio range station; Philipsburg, Pa., radio range station; Bradford, Pa., nondirectional radio beacon to the Dunkirk, N. Y., nondirectional radio beacon.

§ 600.649 *Blue civil airway No. 49 (Atlantic City, N. J., to Philadelphia, Pa.).* From the intersection of the southeast course of the Philadelphia, Pa., radio range and a point at lat. 38°58'35", long. 74°54'30" via the intersection of the southeast course of the Philadelphia, Pa., radio range and the southeast course of the Millville, N. J., radio range; Millville, N. J., radio range station to the intersection of the northwest course of the Millville, N. J., radio range and the southwest course of the Philadelphia, Pa., radio range.

§ 600.651 *Blue civil airway No. 51 (Wendover, Utah, to Dubois, Idaho).* From the intersection of the east course of the Wendover, Utah, radio range and the south course of the Lucin, Utah, radio range via the Lucin, Utah, radio range station; the intersection of the north course of the Lucin, Utah, radio range and the southwest course of the Burley, Idaho, radio range; Burley, Idaho, radio range station; the intersection of the northeast course of the Burley, Idaho, radio range and the southwest course of the Pocatello, Idaho, radio range; Pocatello, Idaho, radio range station to the Dubois, Idaho, radio range station.

§ 600.652 *Blue civil airway No. 52 (Paso Robles, Calif., to Fresno, Calif.).* From the intersection of the northwest course of the Santa Barbara, Calif., radio range and the southwest course of the Fresno, Calif., radio range to the Fresno, Calif., radio range station.

§600.653 *Blue civil airway No. 53 (Providence, R. I., to Hartford, Conn.).* From the intersection of the southwest course of the Boston, Mass., radio range and the southeast course of the Hartford, Conn., radio range to the Hartford, Conn., radio range station.

§ 600.654 *Blue civil airway No. 54 (Evergreen, Calif., to Hamilton AFB, Calif.).* From the Evergreen, Calif., nondirectional radio beacon to the San Francisco, Calif., radio range station. From the intersection of the northwest course of the Oakland, Calif., radio range and the southwest course of the Travis AFB, Calif., radio range to a point at lat. 38°02'45", long. 122°31'40".

§ 600.655 *Blue civil airway No. 55 (Crestview, Fla., to Montgomery, Ala.).* From the Crestview, Fla., radio range station via the intersection of the north course of the Crestview, Fla., radio range and the southwest course of the Maxwell AFB, Ala., radio range to the Maxwell AFB, Ala., radio range station.

§ 600.656 *Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.).* From the Weeksville, N. C. (Coast Guard), radio range station via the intersection of the northwest course of the Weeksville, N. C. (Coast Guard), radio range and the southwest course of the Norfolk, Va., VHF radio range to the Norfolk, Va., VHF radio range station. From the intersection of the northwest course of the Norfolk, Va., radio range and the south course of the Langley, Va. (AFB), radio range via the Langley, Va. (AFB), radio range station; the intersection of the north course of the Langley, Va. (AFB), radio range and the southeast course of the Andrews, Md., radio range to the Andrews, Md., radio range station, excluding that portion more than 3 miles east of the south and north courses of the Langley, Va. (AFB), radio range and the southeast course of the Andrews, Md., radio range, and excluding that portion more than 3 miles west of the southeast course of the Andrews, Md., radio range and the north course of the Langley, Va. (AFB), radio range between the Andrews, Md., radio range station and a point 18 miles south of the intersection of the north course of the Langley, Va. (AFB), radio range and the southeast course of the Andrews, Md., radio range.

§ 600.657 *Blue civil airway No. 57 (Elko, Nev., to Burley, Idaho).* From the intersection of the northeast course of the Elko, Nev., radio range and the west course of the Lucin, Utah, radio range via the intersection of the northeast course of the Elko, Nev., radio range and the southwest course of the Burley, Idaho, radio range to the intersection of the southwest course of the Burley, Idaho, radio range and the north course of the Lucin, Utah, radio range.

§ 600.658 *Blue civil airway No. 58 (Nantucket, Mass., to Squantum, Mass.).* From the Nantucket, Mass., nondirectional radio beacon via the Hyannis, Mass., nondirectional radio beacon; the intersection of a line bearing 346° True from the Hyannis, Mass., nondirectional beacon and the southeast course of the Squantum, Mass., radio range to the Squantum, Mass., radio range station, excluding the portion in conflict with Cotuit restricted area (R-79).

§ 600.659 *Blue civil airway No. 59 (Pensacola, Fla., to Goodway, Ala.).* From the Pensacola, Fla., radio range station to the intersection of the northwest course of the Pensacola, Fla., radio range and a line bearing 39° True from the Bay Minette, Ala., nondirectional radio beacon.

§ 600.660 *Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.).* From the Moffett NAS, Sunnyvale, Calif., radio range station to the intersection of the northeast course of the Moffett NAS, Calif., radio range and the west course of the Stockton, Calif., radio range.

§ 600.661 *Blue civil airway No. 61 (Springfield, Mo., to Kansas City, Mo.).* From the Springfield, Mo., radio range station via the intersection of the northwest course of the Springfield, Mo., radio range and the southeast course of the Kansas City, Mo., radio range to the Kansas City, Mo., radio range station.

§ 600.663 *Blue civil airway No. 63 (Concord, N. H., to Berlin, N. H.).* From the Concord, N. H., radio range station via the Laconia, N. H., nondirectional radio beacon; North Conway, N. H., nondirectional radio beacon to the Berlin, N. H., nondirectional radio beacon.

§ 600.664 *Blue civil airway No. 64 (Wink, Tex., to Hobbs, N. Mex.).* From the Wink, Tex., radio range station to the Hobbs, N. Mex., radio range station.

§ 600.665 *Blue civil airway No. 65 (Shuyak, Alaska, to Homer, Alaska).* From the intersection of the north course of the Kodiak, Alaska, radio range and the southwest course of the Homer, Alaska, radio range via the intersection of the west course of the Homer, Alaska, radio range and the southwest course of the Kenai, Alaska, radio range to the Homer, Alaska, radio range station.

§ 600.666 *Blue civil airway No. 66 (Bridgeport, Conn., to Poughkeepsie, N. Y.)* From the Bridgeport, Conn., radio range station to the intersection of the northwest course of the Bridgeport, Conn., radio range and the east course of the Poughkeepsie, N. Y., radio range.

§ 600.667 *Blue civil airway No. 67 (Yuma, Ariz., to Las Vegas, Nev.).* From the Yuma, Ariz., radio range station via the Blythe, Calif., radio range station; Needles, Calif., radio range station to the intersection of the north course of the Needles, Calif., radio range and the southeast course of the Las Vegas, Nev., radio range.

§ 600.668 *Blue civil airway No. 68 (Midland, Tex., to Hobbs, N. Mex.).* From Midland, Tex., radio range station to the intersection of the northwest course of the Midland, Tex., radio range and the east course of the Hobbs, N. Mex., radio range.

§ 600.669 *Blue civil airway No. 69 (St. Louis, Mo., to Quincy, Ill.).* From the St. Louis, Mo., radio range station to the Quincy, Ill., nondirectional radio beacon.

§ 600.670 *Blue civil airway No. 70 (Waco, Tex., to Tulsa, Okla.).* From the intersection of the northwest course of the Waco, Tex., radio range and the south course of the Fort Worth, Tex., radio range via the intersection of the northwest course of the Waco, Tex., radio range and the west course of the Dallas, Tex., radio range; Mineral Wells, Tex., non-directional radio beacon; Ardmore, Okla., non-directional radio beacon to the Tulsa, Okla., radio range station.

§ 600.671 *Blue civil airway No. 71 (Toledo, Wash., to Seattle, Wash.).* From the Toledo, Wash., radio range station via the Shelton, Wash., nondirectional radio beacon to the Seattle, Wash., radio range station.

§ 600.672 *Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.).* From the Enid, Okla. (Vance AFB), radio range station to the intersection of the northeast course of the Enid, Okla. (Vance AFB), radio range and the north course of the Oklahoma City, Okla., radio range.

§ 600.674 *Blue civil airway No. 74 (Willard, N. Mex., to Otto, N. Mex.).* From the intersection of the south course of the Otto, N. Mex., radio range with a direct line between the Albuquerque, N. Mex., radio range station and the Roswell, N. Mex., radio range station to the Otto, N. Mex., radio range station.

§ 600.675 *Blue civil airway No. 75 (Cleveland, Ohio, to United States-Canadian Border).* That airspace over United States territory from the Cleveland, Ohio, radio range station to the London, Ontario, Canada, radio range station.

§ 600.676 *Blue civil airway No. 76 (Sinclair, Wyo., to Casper, Wyo.).* From the Sinclair, Wyo., radio range station to the Casper, Wyo., radio range station.

§ 600.678 *Blue civil airway No. 78 (Spring Bay, Utah, to Malad City, Idaho).* From a point located at Lat. 41°34'30", Long. 112°46'00" to the Malad City, Idaho, radio range station.

§ 600.679 *Blue civil airway No. 79 (Annette Island, Alaska, to United States-Canadian Border).* That airspace over United States territory from the intersection of the south course of the Annette Island, Alaska, radio range and the United States-Canadian Border via the Annette Island, Alaska, radio range station; Petersburg, Alaska, radio range station; Haines, Alaska, nondirectional radio beacon to the Pon Lake, Y. T., Canada, nondirectional radio beacon.

§ 600.680 *Blue civil airway No. 80 (Unalakleet, Alaska, to Moses Point, Alaska).* From the intersection of the northwest course of the Unalakleet, Alaska, radio range and the south course of the Moses Point, Alaska, radio range to the Moses Point, Alaska, radio range station.

§ 600.681 *Blue civil airway No. 81 (Charleston, W. Va., to Akron, Ohio).* From the Charleston, W. Va., radio range station via the Zanesville, Ohio, nondirectional radio beacon; Akron, Ohio, radio range station to the intersection of the north course of the Akron, Ohio, radio range and the east course of the Cleveland, Ohio, range.

§ 600.684 *Blue civil airway No. 84 (Augusta, Maine, to Millinocket, Maine).* From the Augusta, Maine, radio range station via the Rockland, Maine, nondirectional radio beacon; Bar Harbor, Maine, nondirectional radio beacon; Bangor, Maine, radio range station to the Millinocket, Maine, radio range station.

§ 600.685 *Blue civil airway No. 85 (Hutchinson, Kans., to Wichita, Kans.).* From the Hutchinson, Kans., radio range station to the intersection of the south course of the Hutchinson, Kans., radio range and the southwest course of the Wichita, Kans., radio range.

§ 600.686 *Blue civil airway No. 86 (Goshen, Ind., to Fort Wayne, Ind.).* From the intersection of the east course of the Goshen, Ind., radio range and the northwest course of the Fort Wayne, Ind., radio range to the Fort Wayne, Ind., radio range station.

§ 600.687 *Blue civil airway No. 87 (Lexington, Ky., to Dayton, Ohio).* From the Lexington, Ky., nondirectional radio beacon via the Cincinnati, Ohio, radio range station; the intersection of the northeast course of the Cincinnati, Ohio, radio range and the south course of the Wright-Patterson AFB, Dayton, Ohio, radio range; Wright-Patterson AFB, Dayton, Ohio, radio range station to the intersection of the north course of the Wright-Patterson AFB radio range and the west course of the Columbus, Ohio, radio range.

OTHER CIVIL AIRWAYS

§ 600.1004 *Winslow, Ariz., to Las Vegas, Nev., civil airway.* From the Winslow Municipal Airport, Winslow, Ariz., via the South Rim Airport, Grand Canyon, Ariz., and the Boulder City Airport, Boulder City, Nev., to the McCarran Field, Las Vegas, Nev.

SUBPART C—VOR CIVIL AIRWAYS

DOMESTIC VOR CIVIL AIRWAYS

§ 600.6001 *VOR civil airway No. 1 (Charleston, S. C., to New York, N. Y.).* From the Charleston, S. C., omnirange station via the Myrtle Beach, S. C., omnirange station; Wilmington, N. C., omnirange station; New Bern, N. C., omnirange station; Williamston, N. C., VAR station; intersection of the Williamston VAR north course and the Norfolk, Va., ILS localizer southwest course; Norfolk, Va., ILS localizer; to the point of intersection of the Norfolk ILS localizer northeast course and the Norfolk, Va., VAR north course, excluding the portion between 11,000 feet and 16,000 feet and between 23,000 feet and 45,000 feet above mean sea level, during the hours of darkness, which lie within the Cherry Point, N. C., night restricted area (R-125), and excluding the portion lying west of Amber civil airway No. 9 between the Wilmington, N. C., omnirange station and the Williamston, N. C., VAR station. From the point of intersection of the Norfolk, Va., VAR northeast course and the Norfolk, Va., Navy radio range east course via the intersection of the Norfolk, VAR northeast course and the Salisbury omnirange 206° True radial; Salisbury, Md., omnirange station; intersection of the Salisbury omnirange 038° True radial and the Atlantic City VAR southwest course; Atlantic City, N. J., VAR station; intersection of the Atlantic City VAR northeast course and the Colts Neck omnirange 204° True radial to the Colts Neck, N. J., omnirange station. Those portions of this airway between the Atlantic City, N. J., VAR station and the Colts Neck, N. J., omnirange station more than 3 miles either side of the center line and those portions in conflict with Patuxent restricted area (R-43) are excluded.

§ 600.6002 *VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* From the Seattle, Wash., omnirange station via the Ellensburg, Wash., omnirange station, including a south alternate via the intersection of the Seattle omnirange 124° True and the Ellensburg omnirange 274° True radials; Ephrata, Wash., omnirange station; Spokane, Wash., omnirange station; Mullan Pass, Mont., omnirange station; Missoula, Mont., omnirange station; Drummond, Mont., omnirange station; Helena Mont., omnirange station; intersection of the Helena omnirange 119° True and the Bozeman omnirange 338° True radials; Bozeman, Mont., omnirange station; intersection of the Bozeman omnirange 157° True and the Livingston omnirange 262° True radials; Livingston, Mont., omnirange station; Billings, Mont., omnirange station; Miles City, Mont., omnirange station; Golva, N. Dak., omnirange station; Dickinson, N. Dak. omnirange station; Bismarck, N. Dak., omnirange station, including a north alternate; Jamestown, N. Dak., omnirange station, including a north alternate; Fargo, N. Dak., omni-

range station, including a north alternate; Alexandria, Minn., omnirange station, including a north alternate; Minneapolis, Minn., omnirange station; La Crosse, Wis., omnirange station, including a north alternate from the Minneapolis, Minn., omnirange to the La Crosse, Wis., omnirange station and also a south alternate from the Alexandria, Minn., omnirange station via the intersection of the Alexandria omnirange 136° True radial and the Minneapolis-St. Paul International Airport ILS 301° True localizer course, the Minneapolis-St. Paul International Airport ILS localizer, the intersection of the Minneapolis-St. Paul International Airport ILS 121° True localizer course and the La Crosse omnirange 311° True radial to the La Crosse, Wis., omnirange station; Lone Rock, Wis., omnirange station, including a north alternate; Milwaukee, Wis., omnirange station, including a north alternate; Muskegon, Mich., omnirange station, including a north alternate; Lansing, Mich., omnirange station, including a south alternate; to the Salem, Mich., omnirange station. From the Buffalo, N. Y., omnirange station via the Rochester, N. Y., omnirange station; Syracuse, N. Y., omnirange station; Albany, N. Y., omnirange station, including a south alternate via the intersection of the Syracuse omnirange 117° True and the Albany omnirange 269° True radials; Gardner, Mass., omirange station; to the Boston, Mass., omnirange station.

§ 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Presque Isle, Maine).* That airspace over the United States territory from the Key West, Fla., omnirange station via the Miami, Fla., omnirange station, excluding the portion which overlaps Airspace Warning Area (W–173); intersection of the Miami omnirange 060° True and the West Palm Beach omnirange 176° True radials; West Palm Beach, Fla., omnirange station; Vero Beach, Fla., omnirange station, including an east alternate from the West Palm Beach omnirange station to the Vero Beach omnirange station and also a west alternate from the Miami omnirange station to the Vero Beach omnirange station via the intersection of the Miami omnirange 338° True and the Vero Beach omnirange 192° True radials, excluding the portions which overlap the Sterling restricted areas (R–169 and R–170); Daytona Beach, Fla., omnirange station; Jacksonville, Fla., omnirange station, including an east alternate; Brunswick, Ga., omnirange station, including a west alternate via the intersection of the Jacksonville omnirange 309° True and the Brunswick omnirange 203° True radials; Savannah, Ga., omnirange station, including an east alternate; Charleston, S. C., omnirange station, including a west alternate; Florence, S. C., omnirange station, including an east alternate; Lumberton, N. C., omnirange station; Raleigh, N. C., omnirange station, including a west alternate from the Florence omnirange station to the Raleigh omnirange station via the intersection of the Florence omnirange 008° True and the Raleigh omnirange 232° True radials; Lawrenceville, Va., omnirange station; intersection of the Lawrenceville omnirange 035° True and the Flat Rock omnirange 171° True radials, excluding the portion which overlaps the Camp Pickett restricted area (R–44); Flat Rock, Va., omnirange station to the point of intersection of the Flat Rock omnirange 023° True and the Gordonsville, Va., omnirange 056° True radials. From the point of intersection of the Herndon, Va., omnirange 045° True and the Martinsburg, W. Va., omnirange 101° True radials via the intersection of the Herndon omnirange 045° True and the West Chester omnirange 253° True radials; West Chester, Pa., omnirange station; intersection of the West Chester omnirange 051° True and the Caldwell omnirange 217° True radials; Caldwell, N. J., omnirange station; Wilton, Conn., omnirange station; Hartford, Conn., omnirange station; intersection of the Hartford omnirange 044° True and the Boston omnirange 257° True radials; Boston, Mass., omnirange station; Kennebunk, Maine, omnirange station; Augusta, Maine, omnirange station; Bangor, Maine, omnirange station; Houlton, Maine, omnirange station; to the Presque Isle, Maine, omnirange station.

§ 600.6004 *VOR civil airway No. 4* From Seattle, Wash., omnirange station via the Yakima, Wash., omnirange station, including a south alternate from the Seattle omnirange station to the Yakima omnirange station via the point of intersection of the Seattle omnirange 163° True and the Olympia, Wash., omnirange 084° True radials; thence via the point of intersection of the Olympia omnirange 084° True and the Seattle omnirange 124° True radials; Pendleton, Oreg., omnirange station; Baker, Oreg., omnirange station; Boise, Idaho, omnirange station; intersection of the Boise omnirange 129° True and the Burley omnirange 292° True radials; Burley, Idaho, omnirange station, including a south alternate from the Boise omnirange station to the Burley omnirange station via the Twin Falls, Idaho, omnirange station; Malad City, Idaho, omnirange station; Rock Springs, Wyo., omnirange station; Cherokee, Wyo., omnirange station, including a north alternate; Laramie, Wyo., omnirange station; Denver, Colo., omnirange station, including a north alternate via the intersection of the Laramie omnirange 131° True and the Denver omnirange 016° True radials; Thurman, Colo., omnirange station, including a south alternate; Goodland, Kans., omnirange station, including a north alternate via the intersection of the Thurman omnirange 085° True and the Goodland omnirange 304° True radials; Hill City, Kans., omnirange station, including a north alternate; Russell, Kans., omnirange station; Salina, Kans., omnirange station, including a north alternate from Hill City omnirange station to Salina omnirange station; Topeka, Kans., omnirange station, including a south alternate; Kansas City, Mo., omnirange station, including a north alternate; Columbia, Mo., omnirange station, including a north alternate from the Kansas City omnirange station to the Columbia omnirange station via the intersection of the Kansas City omnirange 077° True and the Columbia omnirange 292° True radials and also a south alternate from the Topeka omnirange station to the Columbia omnirange station via the Blue Springs, Mo., omnirange station thence via the intersection of the Blue Springs omnirange 094° True and the Columbia omnirange 261° True radials; St. Louis, Mo., omnirange station, including a north and a south alternate; Troy, Ill., omnirange station; Centralia, Ill., omnirange station, including a south alternate from the St. Louis omnirange station to the Centralia omnirange station via the intersection of the St. Louis omnirange 128° True and the Centralia omnirange 279° True radials; Evansville, Ind., omnirange station, including a south alternate; the intersection of the Evansville omnirange 80° True and the Louisville omnirange 269° True radials; Louisville, Ky., omnirange station, including a north alternate from the Evansville omnirange station to the Louisville omnirange station; Lexington, Ky., omnirange station, including a south alternate and also a north alternate via the intersection of the Louisville omnirange 083° True and the Lexington omnirange 294° True radials; Charleston, W. Va., omnirange station; Elkins, W. Va., omnirange station, including a south alternate via the intersection of the Charleston omnirange 081° True and the Elkins omnirange 227° True radials; Front Royal, Va., omnirange station; to the Herndon, Va., omnirange station. The portions of this airway which overlap the Yakima restricted area (R–247) and the Lake City restricted area (R–307) are excluded.

§ 600.6005 *VOR civil airway No. 5 (Jacksonville, Fla., to Cleveland, Ohio).* From the Jacksonville, Fla., omnirange station via the Alma, Ga., omnirange station, including a west alternate; Macon, Ga., omnirange station; intersection of the Macon omnirange 330° True and the Atlanta omnirange 102° True radials; Atlanta, Ga., omnirange station; including a west alternate from the Alma omnirange station to the Atlanta omnirange station via the intersection of the Alma omnirange 305° True and the Atlanta omnirange 151° True radials; intersection of the Atlanta omnirange 352° True and the Chattanooga omnirange 152° True radials; Chattanooga, Tenn., omnirange station; Nashville, Tenn., omnirange station; Bowling Green, Ky., omnirange station; intersection of the Bowling Green omnirange 048° True and the Louisville omnirange 189° True radials; Louisville, Ky., omnirange station, including an east alternate from the Bowling Green omnirange station to the Louisville, omnirange station via the intersection of the Bowling Green omnirange 063° True and the Louisville omnirange 168° True radials; Cincinnati, Ohio, omnirange station, including an east alternate; intersection of the Cincinnati omnirange 045° True and the Columbus omnirange 246° True radials; Columbus, Ohio, omnirange station; Mansfield, Ohio, omnirange station, including an east alternate from the Columbus omnirange station to the Mansfield omnirange station via the intersection of the Columbus omnirange 051° True and the Mansfield omnirange 184° True radials; to the Cleveland, Ohio, omnirange station.

§ 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.).* From the intersection of the Oakland omnirange 217° True and the Salinas omnirange 319° True radials via the Oakland, Calif., omnirange station; Sacramento, Calif., omnirange station; intersection of the Sacramento omnirange 055° True and the Reno omnirange 230° True radials; Reno, Nev., omnirange station, including a north alternate between the Sacramento, Calif., omnirange station and the Reno, Nev., omnirange station via the intersection of the Sacramento omnirange 040° True and the Reno omnirange 268° True radials; Lovelock, Nev., omnirange station; Battle Mountain, Nev., omnirange station; Wells, Nev., omnirange station, including a south alternate from the Battle Mountain omnirange station to the Wells omnirange station via the Elko, Nev., omnirange station; Lucin, Utah, omnirange station; Ogden Utah, omnirange station; Fort Bridger, Wyo., omnirange station, including a north alternate via the intersection of the Ogden omnirange 052° True and the Fort Bridger omnirange 278° True radials; Rock Springs, Wyo., omnirange station, including a north alternate via the intersection of the Fort Bridger omnirange 064° True and the Rock Springs omnirange 284° True radials; Cherokee, Wyo., omnirange station, including a north alternate; Rock River, Wyo., omnirange station, including a north alternate; Cheyenne, Wyo., omnirange station, including a north alternate via the intersection of the Rock River omnirange 109° True and the Cheyenne omnirange 320° True radials; Sidney, Nebr., omnirange station, including a north alternate via the intersection of the Cheyenne omnirange 080° True and the Sidney omnirange 290° True radials; North Platte, Nebr., omnirange station, including a north alternate; Grand Island, Nebr., omnirange station, including a north alternate; Omaha, Nebr., omnirange station, including a north and a south alternate; Des Moines, Iowa, omnirange station, including a south alternate; Iowa City, Iowa, omnirange station including a north alternate and also a south alternate via the intersection of the Des Moines omnirange 112° True and the Iowa City omnirange 252° True radials; Moline, Ill., omnirange station, including a south alternate; Naperville, Ill., omnirange station; South Bend, Ind., omnirange station; intersection of the South Bend omnirange 092° True and the Waterville omnirange 288° True radials; Waterville, Ohio, omnirange station; Cleveland, Ohio, omnirange station; Youngstown, Ohio, omnirange station, including a north alternate; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; Allentown, Pa., omnirange station; to the Colts Neck, N. J., omnirange station.

§ 600.6007 *VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.).* From the Miami, Fla., omnirange station via the Fort Myers, Fla., omnirange station, including a west alternate via the intersection of the Miami omnirange 274° True and the Fort Myers omnirange 133° True radials; Lakeland, Fla., omnirange station, including an east alternate via the intersection of the Fort Myers omnirange 035° True and the Lakeland omnirange 161° True radials; Cross City, Fla., omnirange station, including a west alternate from the Fort Myers omnirange station to the Cross City omnirange station via the Tampa, Fla., omnirange station and the intersection of the Tampa omnirange 012° True and the Cross City omnirange 150° True radials; Tallahassee, Fla., omnirange station, including a west alternate via the intersection of the Cross City omnirange 287° True and the Tallahassee omnirange 150° True radials; Marianna, Fla., omnirange station; intersection of the Marianna omnirange 333° True and the Montgomery omnirange 137° True radials; Montgomery, Ala., omnirange station, including a west alternate from the Marianna omnirange station to the Montgomery omnirange station via the intersection of the Marianna omnirange 303° True and the Montgomery omnirange 192° True radials; Birmingham, Ala., omnirange station, including an east alternate via the intersection of the Montgomery omnirange 358° True and the Birmingham omnirange 138° True radials and also a west alternate; intersection of the Birmingham omnirange 358° True and the Muscle Shoals omnirange 129° True radials; Muscle Shoals, Ala., omnirange station; Graham, Tenn., omnirange station; intersection of the Nashville omnirange 343° True and the Evansville omnirange 145° True radials; Evansville, Ind., omnirange station; Terre Haute, Ind., omnirange station, including a west alternate; Lafayette, Ind., omnirange station, including a west alternate; Chicago Heights, Ill., omnirange station, including an east alternate; intersection of the Chicago Heights omnirange 342° True and the Milwaukee omnirange 179° True radials; Milwaukee, Wis., omnirange station; to the Green Bay Wis., omnirange station. The portions of this airway above 19,000 feet above mean sea level which lie within the Tyndall AFB restricted area (R–336) and the Tyndall AFB warning area (W–337), are excluded between sunset and sunrise.

§ 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.).* From the point of intersection of the Long Beach omnirange 266° True and the Los Angeles, Calif., omnirange 207° True radials via the Long Beach, Calif., omnirange station; Ontario, Calif., omnirange station; Daggett, Calif., omnirange station; Las Vegas, Nev., omnirange station; Mormon Mesa, Nev., omnirange station; Bryce Canyon, Utah, omnirange station; Hanksville, Utah, omnirange station; Grand Junction, Colo., omnirange station; Kremmling, Colo., omnirange station; Denver, Colo., omnirange station, including a north alternate; Akron, Colo., omnirange station, including a north alternate and also a south alternate via the intersection of the Denver omnirange 101° True and the Akron omnirange 242° True radials; Imperial, Nebr., omnirange station, including a south alternate via the intersection of the Akron omnirange 090° True and the Imperial omnirange 237° True radials; Grand Island, Nebr., omnirange station, including a south alternate; Omaha, Nebr., omnirange station, including a north and a south alternate; Des Moines, Iowa, omnirange station, including a south alternate; Iowa City, Iowa, omnirange station, including a south alternate via the intersection of the Des Moines omnirange 112° True and the Iowa City omnirange 252° True radials; Moline, Ill., omnirange station, including a south alternate and also a north alternate from the Des Moines omnirange station to the Moline omnirange station via the intersection of the Des Moines omnirange 071° True and the Moline omnirange 279° True radials; Naperville, Ill., omnirange station; intersection of the Naperville omnirange 090° True and the Chicago Heights omnirange 342° True radials; Chicago Heights, Ill., omnirange station; Goshen, Ind., omnirange station; Findlay, Ohio, omnirange station; Mansfield, Ohio, omnirange station; the intersection of the Mansfield omnirange 100° True and the Pittsburgh omnirange 291° True radials; Pittsburgh, Pa., omnirange station; Martinsburgh, W. Va., omnirange station; intersection of the Martinsburg, omnirange 123° True and the Washington terminal omnirange 319° True radials; to the Washington, D. C., terminal omnirange station.

§ 600.6009 *VOR civil airway No. 9 (New Orleans, La., to Milwaukee, Wis.).* From the New Orleans, La., omnirange station via the McComb, Miss., omnirange station, including a west alternate; Jackson, Miss., omnirange station, including a west alternate; Greenwood, Miss., omnirange station, including a west alternate; Memphis, Tenn., omnirange station, including an east alternate; Maiden, Mo., omnirange station, including a west alternate; Farmington, Mo., omnirange station, including a west alternate; St. Louis, Mo., omnirange station, including a west alternate; Springfield, Ill., omnirange station, including a west alternate; Pontiac, Ill., omnirange station; Joliet, Ill., omnirange station; Naperville, Ill., omnirange station; intersection of the Naperville omnirange 358° True and the Milwaukee omnirange 215° True radials; to the Milwaukee, Wis., omnirange station, including a west alternate from the Naperville omnirange station to the Milwaukee omnirange station via the intersection of the Naperville omnirange 336° True and the Milwaukee omnirange 215° True radials.

§ 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.).* That airspace over United States territory from the Pueblo, Colo., omnirange station via the Lamar, Colo., omnirange station, including a north alternate; Garden City, Kans., omnirange station,

including a north alternate; Dodge City, Kans., omnirange station; Hutchinson, Kans., omnirange station, including a south alternate and also a north alternate via the intersection of the Dodge City omnirange 060° True and the Hutchinson omnirange 296° True radials; Emporia, Kans., omnirange station, including a north alternate; Kansas City, Mo., omnirange station; Kirksville, Mo., omnirange station, including a south alternate via the intersection of the Kansas City omnirange 077° True and the Kirksville omnirange 225° True radials; Burlington, Iowa, omnirange station, including a south alternate; Bradford, Ill., omnirange station, including a north alternate; intersection of the Bradford omnirange 048° True and the Naperville omnirange 254° True radials; Naperville, Ill., omnirange station; South Bend, Ind., omnirange station, including a north alternate from the Naperville omnirange station to the South Bend omnirange station via the intersection of the Naperville omnirange 064° True and the South Bend omnirange 287° True radials; Litchfield, Mich., omnirange station, including a north alternate; Carleton, Mich., omnirange station; Perry, Ohio, nondirectional radio beacon; Youngstown, Ohio, omnirange station; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; Allentown, Pa., omnirange station; to the Colts Neck, N. J., omnirange station.

§ 600.6011 *VOR civil airway No. 11 (Houston, Tex., to Detroit, Mich.).* From the Houston, Tex., omnirange station via the Lufkin, Tex., omnirange station; to the Shreveport, La., omnirange station. From the Pine Bluff, Ark., omnirange station via the Memphis, Tenn., omnirange station, including an east alternate; intersection of the Memphis omnirange 360° True and the Dyersburg omnirange 215° True radials; Dyersburg, Tenn., omnirange station, including a west alternate from the Memphis omnirange station to the Dyersburg omnirange station via the intersection of the Memphis omnirange 345° True and the Dyersburg omnirange 230° True radials; Paducah, Ky., omnirange station; Evansville, Ind., omnirange station; Scotland, Ind., omnirange station, including an east alternate via the intersection of the Evansville omnirange 049° True and the Scotland omnirange 188° True radials; Indianapolis, Ind., omnirange station, including an east alternate via the intersection of the Scotland omnirange 041° True and the Indianapolis omnirange 185° True radials, and a west alternate via the intersection of the Scotland omnirange 011° True and the Indianapolis omnirange 232° True radials; intersection of the Indianapolis omnirange 021° True and the Fort Wayne omnirange 226° True radials; Fort Wayne, Ind., omnirange station; intersection of the Fort Wayne omnirange 037° True and the Salem omnirange 227° True radials; to the Salem, Mich., omnirange station, including a west alternate from the Fort Wayne omnirange station to the Salem omnirange station via the Litchfield, Mich, omnirange station.

§ 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.).* From the Santa Barbara, Calif., omnirange station via the intersection of the Santa Barbara omnirange 091° True and the Fillmore omnirange 284° True radials; Fillmore, Calif., omnirange station; Palmdale, Calif., omnirange station; intersection of the Palmdale omnirange 082° True and the Daggett omnirange 257° True radials; Daggett, Calif., omnirange station; Needles, Calif., omnirange station; Prescott, Ariz., omnirange station; Winslow, Ariz., omnirange station; Zuni, N. Mex., omnirange station, including a north alternate via the intersection of the Winslow omnirange 076° True and the Zuni omnirange 287° True radials; Grants, N. Mex., omnirange station; Albuquerque, N. Mex., omnirange station; Otto, N. Mex., omnirange station, including a south alternate; Anton Chico, N. Mex., omnirange station; Tucumcari, N. Mex., omnirange station, including a north alternate; Amarillo, Tex., omnirange station, including a north alternate; Gage, Oklahoma., omnirange station including a north alternate; Anthony, Kans., omnirange station; Wichita, Kans., omnirange station, including a north alternate from the Gage omnirange station to the Wichita omnirange station via the intersection of the Gage omnirange 044° True and the Wichita omnirange 245° True radials and also a south alternate from the Anthony omnirange station to the Wichita omnirange station via the intersection of the Anthony omnirange 078° True and the Wichita omnirange 194° True radials; Emporia, Kans., omnirange station, including a north alternate via the intersection of the Wichita omnirange 046° True and the Emporia omnirange 259° True radials; Kansas City, Mo., omnirange station; Columbia, Mo., omnirange station, including a north alternate via the intersection of the Kansas City omnirange 077° True and the Columbia omnirange 292° True radials; St. Louis, Mo., omnirange station, including a north and a south alternate; Vandalia, Ill., omnirange station, including a north alternate via the intersection of the St. Louis omnirange 032° True and the Vandalia omnirange 273° True radials; Terre Haute, Ind., omnirange station, including a north alternate via the intersection of the Vandalia omnirange 054° True and the Terre Haute omnirange 283° True radials; Indianapolis, Ind., omnirange station, including a south alternate via the intersection of the Terre Haute omnirange 082° True and the Indianapolis omnirange 232° True radials; Dayton, Ohio, omnirange station, including a north alternate; Columbus, Ohio, omnirange station, including a north alternate via the intersection of the Dayton omnirange 060° and the Columbus omnirange 281° True radials; Wheeling, W. Va., omnirange station, including a north alternate from the Columbus omnirange station to the Wheeling omnirange station via the point of intersection of the Columbus omnirange 067° True and the Mansfield, Ohio, omnirange 120° True radials thence via the direct radial to the Wheeling omnirange station; Pittsburgh, Pa., omnirange station, including a north alternate via the intersection of the Pittsburgh omnirange 067° True and the Johnstown omnirange 290° True radials; Johnstown, Pa., omnirange station; Harrisburg, Pa., omnirange station, including a south alternate; to the West Chester, Pa., omnirange station.

§ 600.6013 *VOR civil airway No. 13 (Houston, Tex., to Duluth, Minn.).* From the Houston, Tex., omnirange station via the Lufkin, Tex., omnirange station, including an east alternate via the intersection of the Houston omnirange 044° True and the Lufkin omnirange 178° True radials; Shreveport, La., omnirange station; to the Texarkana, Ark., omnirange station, including a west alternate via the intersection of the Shreveport omnirange 275° True and the Texarkana omnirange 188° True radials. From the Fort Smith, Ark., omnirange station via the Fayetteville, Ark., omnirange station; Neosho, Mo., omnirange station; Butler, Mo., omnirange station, including a west alternate; Kansas City, Mo., omnirange station; Lamoni, Iowa, omnirange station including an east alternate via the intersection of the Kansas City omnirange 035° True and the Lamoni omnirange 175° True radials; Des Moines, Iowa, omnirange station, including an east and a west alternate; Mason City, Iowa, omnirange station, including an east and a west alternate; Minneapolis, Minn., omnirange station, including a west alternate; Grantsburg, Wis., omnirange station to the Duluth, Minn., omnirange station.

§ 600.6014 *VOR civil airway No. 14 (Roswell, N. Mex., to Boston, Mass.).* That airspace over United States territory from the Roswell, N. Mex., omnirange station via the Lubbock, Tex., omnirange station, including a north alternate; via the intersection of the Roswell omnirange 063° True and the Lubbock omnirange 276° True radials; Childress, Tex., omnirange station; Hobart, Okla., omnirange station; Oklahoma City, Okla., omnirange station; Tulsa, Okla., omnirange station, including a north alternate and also a south alternate via the intersection of the Oklahoma City omnirange 100° True and the Tulsa omnirange 207° True radials; Neosho, Mo., omnirange station, including a north alternate via the intersection of the Tulsa omnirange 050° True and the Neosho omnirange 260° True radials and also a south alternate via the intersection of the Tulsa omnirange 091° True and the Neosho omnirange 227° True radials; Springfield, Mo., omnirange station, including a north alternate via the intersection of the Neosho omnirange 045° True and the Springfield omnirange 261° True radials and also a south alternate; Vichy, Mo., omnirange station, including a north alternate; St. Louis, Mo., omnirange station, including a north alternate and also a south alternate via the intersection of the Vichy omnirange 069° True and the St. Louis omnirange 219° True radials; Vandalia, Ill., omnirange station, including a north alternate via the intersection of the St. Louis omnirange 032° True and the Vandalia omnirange 273° True radials; Terre Haute, Ind., omnirange station, including a north alternate via the intersection of the Vandalia omnirange 054° True and the Terre Haute omnirange 283° True radials; Indianapolis, Ind., omnirange station, including a south alternate via the intersection of the Terre Haute omnirange 082° True and the Indianapolis omnirange 232° True radials; intersection of the Indianapolis omnirange 054° True and the Findlay omnirange 250° True radials; Findlay, Ohio, omnirange station; Cleveland, Ohio, omnirange station; Erie, Pa., omnirange station, including a north alternate; Buffalo, N. Y., omnirange station; Rochester, N. Y., omnirange station; Syracuse, N. Y., omnirange station; Albany, N. Y., omnirange station; Gardner, Mass., omnirange station; to the point of intersection of the Gardner omnirange 132° True and the Boston, Mass., omnirange 223° True radials.

§ 600.6015 *VOR civil airway No. 15 (Galveston, Tex., to Minot, N. Dak.).* From the Galveston, Tex., omnirange station via the Houston, Tex., omnirange station; College Station, Tex., omnirange station; Waco, Tex., omnirange station including an east alternate; Dallas, Tex., omnirange station, including an east alternate via the intersection of the Waco omnirange 036° True and the Dallas omnirange 178° True radials; intersection of the Dallas omnirange 345° True and the Ardmore omnirange 161° True radial; Ardmore, Okla., omnirange station, including a west alternate from the Dallas, Tex., omnirange station to the Ardmore, Okla., omnirange station via the intersection of the Dallas omnirange 324° True and the Ardmore omnirange 176° True radials to the Tulsa, Okla., omnirange station, including an east alternate. From the Kansas City, Mo., omnirange station via the St. Joseph, Mo., omnirange station, including an east alternate via the intersection of the Kansas City omnirange 020° True and the St. Joseph omnirange 132° True radials; Omaha, Nebr., omnirange station, including an east alternate; Sioux City, Iowa, omnirange station, including an east alternate and also a west alternate via the intersection of the Omaha omnirange 320° True and the Sioux City omnirange 175° True radials; Sioux Falls, S. Dak., omnirange station, including an east alternate; Huron, S. Dak., omnirange station; including a west alternates; Aberdeen, S. Dak., omnirange station, including a west alternate; Bismarck, N. Dak., omnirange station including a west alternate, to the Minot, N. Dak., omnirange station.

§ 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.).* That airspace over United States territory from the Los Angeles, Calif., omnirange station via the Ontario, Calif., omnirange station; intersection of the Ontario omnirange 091° True and the Blythe omnirange 288° True radials; Blythe, Calif., omnirange station; Hassayampa, Ariz., omnirange station; Phoenix, Ariz., omnirange station; intersection of the Phoenix omnirange 160° True and the Tucson omnirange 315° True radials; Tucson, Ariz., omnirange station; Cochise, Ariz., omnirange station including a south alternate via the intersection of the Tucson omnirange 121° True and the Cochise omnirange 257° True radials; Columbus, N. Mex., omnirange station; El Paso, Tex., omnirange station including a north alternate; Salt Flat, Tex., omnirange station; Wink, Tex., omnirange station, including a north alternate; Midland, Tex., omnirange station, including a north alternate; Big Spring, Tex., omnirange station; Abilene, Tex., omnirange station, including a south alternate; Mineral Wells, Tex., omnirange station, including a north alternate and also a south alternate via the intersection of the Abilene omnirange 096° True and the Mineral Wells omnirange 247° True radials; Fort Worth, Tex., omnirange station; Dallas, Tex., omnirange station, including a south alternate via the intersection of the Fort Worth omnirange 132° True and the Dallas omnirange 247° True radials; Sulphur Springs, Tex., omnirange station, including a north alternate from the Fort Worth omnirange station to the Sulphur Springs omnirange station via the intersection of the Fort Worth omnirange 069° True and the Sulphur Springs omnirange 268° True radials; Texarkana, Ark., omnirange station, including a north alternate; Pine Bluff, Ark., omnirange station, including a south alternate; Memphis, Tenn., omnirange station, including a south alternate; Jackson, Tenn., omnirange station, including a south alternate; Graham, Tenn., omnirange station, including a south alternate; Nashville, Tenn., omnirange station; Crossville, Tenn., omnirange station, including a south alternate from the Graham omnirange station to the Crossville omnirange station via the Graham omnirange 099° True and the Crossville omnirange 257° True radials; intersection of the Crossville omnirange 104° True and the Knoxville omnirange 249° True radials; Knoxville, Tenn., omnirange station; Tri-City, Tenn., omnirange station; Pulaski, Va., omnirange station, including a north alternate from the Knoxville omnirange station to the Pulaski omnirange station via the intersection of the Knoxville omnirange 054° True and the Pulaski omnirange 260° True radials; Montebello, Va., omnirange station; Gordonsville, Va., omnirange station; Andrews, Md., radio range station via the Gordonsville omnirange 056° True radial; a point at latitude 38°51'00'' north longitude 76°30'00'' west bearing 062° True from the Andrews, Md., radio range station; Dover, Del., omnirange station via the Dover omnirange 244° True radial; Atlantic City, N. J., VAR station via the Dover omnirange 070° True radial; intersection of the Atlantic City VAR northeast course and the Colts Neck omnirange 204° True radial; Colts Neck, N. J., omnirange station; intersection of the Colts Neck omnirange 103° True and the Riverhead omnirange 222° True radials; Riverhead, N. Y., omnirange station; intersection of the Riverhead omnirange 042° True and the Norwich omnirange 224° True radials; Norwich, Conn., omnirange station to the Boston, Mass., omnirange station. Those portions of this airway between the Atlantic City, N. J., VAR station and the Colts Neck, N. J., omnirange station more than 3 miles either side of the center line are excluded.

§ 600.6017 *VOR civil airway No. 17 (Laredo, Tex., to Goodland, Kans.).* That airspace over United States territory from the Laredo, Tex., omnirange station via Cotulla, Tex., omnirange station; San Antonio, Tex., omnirange station; Austin, Tex., omnirange station, including an east alternate via the intersection of the San Antonio omnirange 061° True and the Austin omnirange 158° True radials and a west alternate via the intersection of the San Antonio omnirange 002° True and the Austin omnirange 237° True radials; Waco, Tex., omnirange station, including an east alternate; Fort Worth, Tex., omnirange station, including a west alternate via the intersection of the Waco omnirange 330° True and the Fort Worth omnirange 187° True radials; Oklahoma City, Okla., omnirange station; Gage Okla., omnirange station; Garden City, Kans., omnirange station to the Goodland, Kans., omnirange station, including a west alternate.

§ 600.6018 *VOR civil airway No. 18 (Dallas, Tex., to Charleston, S. C.).* From the Dallas, Tex., omnirange station via the Quitman, Tex., omnirange station; Shreveport, La., omnirange station; Monroe, La., omnirange station; Jackson, Miss., omnirange station, including a south alternate; Meridian, Miss., omnirange station, including a south alternate; Tuscaloosa, Ala., omnirange station, including a north alternate; Birmingham, Ala., omnirange station; Anniston, Ala., omnirange station; intersection of the Anniston omnirange 084° True radial and the Atlanta Airport ILS localizer west course; Atlanta, Ga., Airport ILS localizer; intersection of the Atlanta Airport ILS localizer east course and the Augusta omnirange 278° True radial; Augusta, Ga., omnirange station, including a south alternate from the Anniston omnirange station to the Augusta omnirange station via the intersection of the Anniston omnirange 104° True and the Atlanta omnirange 262° True radials, the Atlanta, Ga., omnirange station and the intersection of the Atlanta omnirange 102° True and the Augusta omnirange 263° True radials; intersection of the Augusta omnirange 090° True and the Charleston omnirange 301° True radials; to the Charleston, S. C., omnirange station. The portions of this airway which conflict with the Fort McClellan Restricted Area (R–130) are excluded.

§ 600.6019 *VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.).* That airspace over United States territory from the El Paso, Tex., omnirange station via the intersection of the El Paso omnirange 271° True and the Truth or Consequences omnirange 162° True radials; Truth or Consequences, N. Mex., omnirange station; the intersection of the Truth or Consequences, N. Mex., omnirange 21° True and the Albuquerque, N. Mex., omnirange 169° True radials; Albuquerque, N. Mex., omnirange station; intersection of the Albuquerque

omnirange 025° True and the Santa Fe omnirange 253° True radials; Santa Fe, N. Mex., omnirange station; Las Vegas, N. Mex., omnirange station; Raton, N. Mex., omnirange station, including an east alternate; to the Pueblo, Colo., omnirange station. From the Denver, Colo., omnirange station via the Cheyenne, Wyo., omnirange station, including an east alternate via the intersection of the Denver omnirange 016° True and the Cheyenne omnirange 131° True radials; Douglas, Wyo., omnirange station, including an east alternate; Casper, Wyo., omnirange station, including an east alternate; Crazy Woman, Wyo., omnirange station, including an east alternate; Sheridan, Wyo., omnirange station, including an east alternate; Billings, Mont., omnirange station; intersection of the Billings omnirange 347° True and the Lewistown omnirange 104° True radials; Lewistown, Mont., omnirange station to the Great Falls, Mont., omnirange station.

§ 600.6020 *VOR civil airway No. 20 (Laredo, Tex., to Richmond, Va.).* That airspace over United States territory from Laredo, Tex., omnirange station via the Corpus Christi, Tex., omnirange station; Palacios, Tex., omnirange station; Houston, Tex., omnirange station; Beaumont, Tex., omnirange station; including a north alternate via the intersection of the Houston omnirange 044° True and the Beaumont omnirange 273° True radials; Lake Charles, La., omnirange station, including a south alternate from the Houston omnirange station to the Lake Charles omnirange station via the intersection of the Houston omnirange 090° True and the Lake Charles omnirange direct radial to the Galveston, Tex., omnirange station; Lafayette, La., omnirange station; New Orleans, La., omnirange station; intersection of the New Orleans omnirange 066° True and the Mobile omnirange 242° True radials; Mobile, Ala., omnirange station; Evergreen, Ala., omnirange station; Montgomery, Ala., omnirange station; La Grange, Ga., omnirange station; Atlanta, Ga., omnirange station; intersection of the Atlanta omnirange 048° True and the Royston omnirange 236° True radials; Royston, Ga., omnirange station; Spartanburg, S. C., omnirange station, including a north alternate from the Atlanta omnirange station to the Spartanburg, S. C., omnirange station via the Norcross, Ga., omnirange station, and the intersection of the Norcross omnirange 054° True and the Spartanburg omnirange 249° True radials; Greensboro, N. C., omnirange station; South Boston, Va., omnirange station; to the Flat Rock, Va., omnirange station.

§ 600.6021 *VOR civil airway No. 21 (Long Beach, Calif., to United States-Canadian Border).* From the point of intersection of the Long Beach omnirange 266° True and the Los Angeles, Calif., omnirange 207° True radials via the Long Beach, Calif., omnirange station; Ontario, Calif., omnirange station; Daggett, Calif., omnirange station; Las Vegas, Nev., omnirange station; Mormon Mesa, Nev., omnirange station, including an east alternate via the intersection of the Las Vegas omnirange 086° True and the Mormon Mesa omnirange 192° True radials; Milford, Utah, omnirange station; Delta, Utah, omnirange station; intersection of the Delta omnirange 023° True and Salt Lake City omnirange 179° True radials; Salt Lake City, Utah, omnirange station; Ogden, Utah, omnirange station; Malad City, Idaho, omnirange station; Pocatello, Idaho, omnirange station; intersection of the Pocatello omnirange 033° True and the Dubois 170° True radials; Dubois, Idaho, omnirange station, including a west alternate between the Pocatello, Idaho, omnirange station and the Dubois, Idaho, omnirange station via the direct radials; Dillon, Mont., omnirange station; Whitehall, Mont., omnirange station; Helena, Mont., omnirange station; intersection of the Helena omnirange 004° True and the Great Falls omnirange 222° True radials; Great Falls, Mont., omnirange station; Cut Bank, Mont., omnirange station to the United States-Canadian Border via the Cut Bank omnirange 347° True radial.

§ 600.6022 *VOR civil airway No. 22 (New Orleans, La., to Jacksonville, Fla.).* From the New Orleans, La., omnirange station via the intersection of the New Orleans omnirange 081° True and the Mobile omnirange 223° True radials; Mobile, Ala., omnirange station; intersection of the Mobile omnirange 070° True and the Crestview omnirange 274° True radials; Crestview, Fla., omnirange station; Marianna, Fla., omnirange station; Tallahassee, Fla., omnirange station including a north alternate via the intersection of the Marianna omnirange 094° True and the Tallahassee omnirange 005° True radial; to the Jacksonville, Fla., omnirange station. Those portions of this airway above 19,000 feet, above mean sea level, which lie within the Tyndall AFB restricted area (R–336), are excluded daily between sunset and sunrise.

§ 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.).* From the San Diego, Calif., omnirange station via the intersection of the San Diego omnirange 336° True and the Long Beach omnirange 137° True radials; Long Beach, Calif., omnirange station; intersection of the Long Beach omnirange 287° True and the Los Angeles omnirange 123° True radials; Los Angeles, Calif., omnirange station; intersection of the Los Angeles omnirange 355° True and the Bakersfield omnirange 149° True radials; Bakersfield, Calif., omnirange station; Fresno, Calif., omnirange station; Modesto, Calif., omnirange station, including an east alternate via the intersection of the Fresno omnirange 328° True and the Modesto omnirange 117° True radials; Sacramento, Calif., omnirange station; intersection Sacramento omnirange 346° True and the Red Bluff omnirange 159° True radials; Red Bluff, Calif., omnirange station; Fort Jones, Calif., omnirange station; Medford, Oreg., omnirange station, including an east alternate via the intersection of the Fort Jones omnirange 042° True and the Medford omnirange 157° True radials; Eugene, Oreg., omnirange station; Portland, Oreg., omnirange station, including a west alternate via the intersection of the Eugene omnirange 341° True and the Newburg omnirange 204° True radials, the Newburg, Oreg., omnirange station, and the intersection of the Newburg omnirange 020° True and the Portland omnirange 247° True radials; intersection of the Portland omnirange 353° True and the Seattle omnirange 197° True radials, excluding the portion which overlaps the Fort Lewis restricted area (R–244); Seattle, Wash., omnirange station, including a west alternate from the Portland omnirange station to the Seattle omnirange station via the intersection of the Portland omnirange 353° True and the Olympia omnirange 165° True radials, the Olympia, Wash., omnirange station and the point of intersection of the Olympia omnirange 337° True and the Seattle omnirange 247° True radials; intersection of the Seattle omnirange 359° True and the Bellingham omnirange 169° True radials; Bellingham, Wash., omnirange station; to the United States-Canadian Border via the Bellingham omnirange 304° True radial.

§ 600.6024 *VOR civil airway No. 24 (Aberdeen, S. Dak., to Redwood Falls, Minn.).* From the Aberdeen, S. Dak., omnirange station via the Watertown, S. Dak., omnirange station, including a north alternate; to the Redwood Falls, Minn., omnirange station, including a north alternate via the intersection of the Watertown omnirange 085° True and the Redwood Falls omnirange 305° True radials.

§ 600.6025 *VOR civil airway No. 25 (Los Angeles, Calif., to Ellensburg, Wash.).* From the Camarillo, Calif., MF radio range station via the Santa Barbara, Calif., omnirange station; Paso Robles, Calif., omnirange station; intersection of the Paso Robles, omnirange 335° True and the San Francisco omnirange 141° True radials; San Francisco, Calif., omnirange station; intersection of the San Francisco omnirange 304° True and the Point Reyes omnirange 162° True radials; Point Reyes, Calif., omnirange station; Ukiah, Calif., omnirange station; Red Bluff, Calif., omnirange station; intersection of the Red Bluff omnirange 018° True and the Klamath Falls omnirange 181° True radials; Klamath Falls, Oreg., omnirange station; Redmond, Oreg., omnirange station; The Dalles, Oreg., omnirange station; Yakima, Wash., omnirange station, including an east alternate via the intersection of The Dalles omnirange 032° True and the Yakima omnirange 183° True radials; intersection of the Yakima omnirange 304° True and the Ellensburg omnirange 191° True radials; to the Ellensburg, Wash., omnirange station, excluding the portions of this airway which overlap the Yakima restricted area (R–247).

§ 600.6026 *VOR civil airway No. 26 (Cherokee, Wyo., to Cleveland, Ohio).* That airspace over United States territory from the Cherokee, Wyo., omnirange station via the Casper, Wyo., omnirange station; Rapid City, S. Dak., omnirange station; Philip, S. Dak., omnirange station, including a north alternate; Pierre, S. Dak., omnirange station, including a south alternate; Huron, S. Dak., omnirange station, including a south alternate; Redwood Falls, Minn., omnirange station, including a south alternate; Minneapolis, Minn., omnirange station, including a south alternate; Eau Claire, Wis., omnirange station, including a south alternate; Wausau, Wis., omnirange station, including a south alternate; Green Bay, Wis., omnirange station, including a south alternate; White Cloud, Mich., omnirange station; Lansing, Mich., omnirange station; Salem, Mich., omnirange station; intersection of the Salem omnirange 123° True and the Cleveland omnirange 330° True radials; to the Cleveland, Ohio, omnirange station.

§ 600.6027 *VOR civil airway No. 27 (Los Angeles, Calif., to Seattle, Wash.).* From the Camarillo, Calif., MF radio range station via the Santa Barbara, Calif., omnirange station; Paso Robles, Calif., omnirange station, including a west alternate via the intersection of the Santa Barbara omnirange 304° True and the Paso Robles omnirange 169° True radials; intersection of the Paso Robles omnirange 335° True and the Salinas omnirange 134° True radials; Salinas, Calif., omnirange station; intersection of the Salinas 319° True and the Point Reyes omnirange 162° True radials; Point Reyes, Calif., omnirange station, including an east alternate from the Salinas omnirange station to the Point Reyes omnirange station via the San Francisco, Calif., omnirange station and the Oakland, Calif., omnirange station; Ukiah, Calif., omnirange station; Fortuna, Calif., omnirange station; Crescent City, Calif., omnirange station; North Bend, Oreg., omnirange station; Newport, Oreg., omnirange station; Hoquiam, Wash., omnirange station to the Seattle, Wash., omnirange station, excluding the portion above 14,500 feet above mean sea level which lies beneath, and which conflicts with, the Olympic restricted area (R–241).

§ 600.6028 *VOR civil airway No. 28 (Oakland, Calif., to Reno, Nev.).* From the Oakland, Calif., omnirange station via the Modesto, Calif., omnirange station; to the Reno, Nev., omnirange station.

§ 600.6029 *VOR civil airway No. 29 (Salisbury, Md., to United States-Canadian Border).* From the Chincoteague, Va., Navy LF radio range station via the Salisbury, Md., omnirange station; Dover, Del., omnirange station; West Chester, Pa., omnirange station; Allentown, Pa., omnirange station; Scranton, Pa., omnirange station; Binghamton, N. Y., omnirange station; Syracuse, N. Y., omnirange station; Watertown, N. Y., omnirange station; the intersection of the Watertown omnirange 33° True and the Massena omnirange 241° True radials; Massena, N. Y., omnirange station to the United States-Canadian Border via the Massena omnirange 38° True radial. The portions of this airway which overlap the Chincoteague restricted area (R–45) are excluded.

§ 600.6030 *VOR civil airway No. 30 (Milwaukee, Wis., to Nantucket, Mass.).* From the Milwaukee, Wis., omnirange station via the intersection of the Milwaukee omnirange 102° True and the Pullman omnirange 291° True radials; Pullman, Mich., omnirange station, including a south alternate; Litchfield, Mich., omnirange station; Waterville, Ohio, omnirange station; intersection of the Waterville omnirange 111° True and the Wellington VAR west course; Wellington, Ohio, VAR station; intersection of the Wellington VAR east course and the Youngstown omnirange 250° True radial; Youngstown, Ohio, omnirange station; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; Allentown, Pa., omnirange station; to the point of intersection of the Allentown omnirange 088° True and the Caldwell, N. J., omnirange 217° True radials. From the Idlewild, N. Y., omnirange station via the point of intersection of the Idlewild omnirange 083° True and the Nantucket omnirange 252° True radials to the Nantucket, Mass., omnirange station.

§ 600.6031 *VOR civil airway No. 31 (Baltimore, Md., to Rochester, N. Y.).* From the Baltimore, Md., omnirange station via the Harrisburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; Williamsport, Pa., omnirange station; Elmira, N. Y., omnirange station; intersection of the Elmira omnirange 354° True and the Rochester omnirange 130° True radials; to the Rochester, N. Y., omnirange station.

§ 600.6032 *VOR civil airway No. 32 (Battle Mountain, Nev., to Fort Bridger, Wyo.).* From the Battle Mountain, Nev., omnirange station via the Elko, Nev., omnirange station; Bonneville, Utah, omnirange station, including a north alternate from the Elko omnirange station to the Bonneville omnirange station via the Wells, Nev., omnirange station; Salt Lake City, Utah, omnirange station; to the Fort Bridger, Wyo., omnirange station.

§ 600.6033 *VOR civil airway No. 33 (Baltimore, Md., to Buffalo, N. Y.).* From the Baltimore, Md., omnirange station via the Harrisburg, Pa., omnirange station; Philipsburg, Pa., omnirange station; Bradford, Pa., omnirange station to the Buffalo, N. Y., omnirange station.

§ 600.6034 *VOR civil airway No. 34 (Rochester, N. Y., to Wilton, Conn.).* From the Rochester, N. Y., omnirange station via the Binghamton, N. Y., omnirange station; intersection of the Binghamton omnirange 110° True and the Wilton omnirange 300° True radials; Wilton, Conn., omnirange station to the point of intersection of the Wilton omnirange 090° True and the Norwich, Conn., omnirange 224° True radials.

§ 600.6035 *VOR civil airway No. 35 (Tallahassee, Fla., to Syracuse, N. Y.).* From the Tallahassee, Fla., omnirange station via the Albany, Ga., omnirange station; Macon, Ga., omnirange station; Royston, Ga., omnirange station; Asheville, N. C., omnirange station; Tri-City, Tenn., omnirange station; intersection of the Tri-City omnirange 012° True and the Charleston omnirange 185° True radials; Charleston, W. Va., omnirange station; Parkersburg, W. Va., omnirange station; intersection of Parkersburg omnirange 060° True and the Pittsburgh omnirange 223° True radials; Pittsburgh, Pa., omnirange station; Philipsburg, Pa., omnirange station; Elmira, N. Y., omnirange station; to the Syracuse, N. Y., omnirange station, including an east alternate via the intersection of the Elmira omnirange 047° True and the Syracuse omnirange 177° True radials. The portion of this airway above 19,000 feet above mean sea level, which lies within the Tyndall AFB Restricted Area (R–336), is excluded daily between sunset and sunrise.

§ 600.6036 *VOR civil airway No. 36 (Buffalo, N. Y., to New York, N. Y.).* From the Buffalo, N. Y., omnirange station via the Elmira, N. Y., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station to the intersection of the Wilkes-Barre-Scranton omnirange 117° True and the Wilton, Conn., omnirange 240° True radials.

§ 600.6037 *VOR civil airway No. 37 (Elkins, W. Va., to Erie, Pa.).* From the Elkins, W. Va., omnirange station via the Morgantown, W. Va., omnirange station; Pittsburgh, Pa., omnirange station; to the Erie, Pa., omnirange station.

§ 600.6038 *VOR civil airway No. 38 (Chicago, Ill., to Elkins, W. Va.).* From the Peotone, Ill., omnirange station via the Fort Wayne, Ind., omnirange station; Findlay, Ohio, omnirange station; Columbus, Ohio, omnirange station, including a south alternate; Parkersburg, W. Va., omnirange station; to the Elkins, W. Va., omnirange station.

§ 600.6039 *VOR civil airway No. 39 (South Boston, Va., to Kennebunk, Maine).* From the South Boston, Va., omnirange station via the Gordonsville, Va., omnirange station; Herndon, Va., omnirange station to the point of intersection of the Herndon omnirange 045° True and the Baltimore omnirange 281° True radials. From the intersection of the Baltimore, Md., omnirange 015° True and the Allentown, Pa., omnirange 228° True radials via the Allentown, Pa., omnirange station; Stroudsburg, Pa., omnirange station; Poughkeepsie, N. Y., omnirange station; Gardner, Mass., omnirange station; Concord, N. H., omnirange station; to the Kennebunk, Maine, omnirange station.

§ 600.6040 *VOR civil airway No. 40 (Cleveland, Ohio, to Pittsburgh, Pa.).* From the point of intersection of the Mansfield, Ohio, omnirange 345° True radial and the Wellington VAR west course via the Wellington, Ohio, VAR station; intersection of the Wellington VAR east course and the Cleveland omnirange 132° True radial; intersection of the Cleveland omnirange 132° True and the Pittsburgh omnirange 291° True radials; to the Pittsburgh, Pa., omnirange station.

§ 600.6041 *VOR civil airway No. 41 (Pittsburgh, Pa., to Youngstown, Ohio).* From the Pittsburgh, Pa., omnirange sta-

tion via the intersection of the Pittsburgh omnirange 326° True and the Youngstown 180° True radials to the Youngstown, Ohio, omnirange station.

§ 600.6042 *VOR civil airway No. 42 (Detroit, Mich., to Washington, D. C.).* That airspace over United States territory from the Salem, Mich., omnirange station via the intersection of the Salem omnirange 098° True and the Cleveland omnirange 330° True radials; Cleveland, Ohio, omnirange station; intersection of the Cleveland omnirange 116° True and the Pittsburgh omnirange 311° True radials; Pittsburgh, Pa., omnirange station; Johnstown, Pa., omnirange station; Martinsburg, W. Va., omnirange station; to the point of intersection of the Martinsburg omnirange 123° True and the Washington, D. C., terminal omnirange 319° True radials; to the Washington, D. C., terminal omnirange station.

§ 600.6043 *VOR civil airway No. 43 (Columbus, Ohio, to Erie, Pa.).* From the Columbus, Ohio, omnirange station via the Youngstown, Ohio, omnirange station; intersection of the Youngstown omnirange 360° True and the Erie omnirange 245° True radials to the Erie, Pa., omnirange station.

§ 600.6044 *VOR civil airway No. 44 (Louisville, Ky., to Baltimore, Md.).* From the Louisville, Ky., omnirange station via the York, Ky., omnirange station; Parkersburg, W. Va., omnirange station; Morgantown, W. Va., omnirange station; Martinsburg, W. Va., omnirange station; Baltimore, Md., omnirange station; to the point of intersection of the Baltimore omnirange 100° True and the Dover, Del., omnirange 244° True radials, except that that portion of this civil airway which overlaps the Aberdeen restricted area (R–54) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

§ 600.6045 *VOR civil airway No. 45 (Lexington, Ky., to Lansing, Mich.).* From the Lexington, Ky., omnirange station via the York, Ky., omnirange station; Columbus, Ohio, omnirange station; Waterville, Ohio, omnirange station; to the Lansing, Mich., omnirange station. The portions of this airway which conflict with the Wilmington Restricted Area (R–109) are excluded.

§ 600.6046 *VOR civil airway No. 46 (New York, N. Y., to Nantucket, Mass.).* From the point of intersection of the Riverhead, N. Y., omnirange 262° True and the Wilton, Conn., omnirange 198° True radials via the Riverhead, N. Y., omnirange station; intersection of the Riverhead omnirange 085° True and the Nantucket omnirange 252° True radials to the Nantucket, Mass., omnirange station, including a south alternate from the Riverhead omnirange station to the Nantucket, Mass., omnirange station via the intersection of the Riverhead omnirange 109° True and the Nantucket omnirange 252° True radials. The portions of this airway and its associated south alternate below 7,950 feet above mean sea level which lie within the confines of the Montauk Point Restricted Area (R–487) and the Montauk Point Warning Area (W–487) (published in § 608.40 of this Chapter) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control.

§ 600.6047 *VOR civil airway No. 47 (Louisville, Ky., to Detroit, Mich.).* From the Louisville, Ky., omnirange station via the intersection of the Louisville omnirange 356° True and the Cincinnati omnirange 241° True radials; Cincinnati, Ohio, omnirange station; Dayton, Ohio, omnirange station, including a west alternate via the intersection of the Cincinnati omnirange 004° True and the Dayton omnirange 227° True radials; Findlay, Ohio omnirange station, including a west alternate; Waterville, Ohio, omnirange station; intersection of the Waterville omnirange 351° True radial and the Detroit Willow Run Airport ILS localizer 227° True course; Detroit, Mich., Willow Run Airport ILS localizer; to the point of intersection of the Detroit Willow Run Airport localizer 047° True course and the Salem, Mich., omnirange 098° True radial.

§ 600.6048 *VOR civil airway No. 48 (Burlington, Iowa, to Pontiac, Ill.).* From the Burlington, Iowa, omnirange station via the Peoria, Ill., omnirange station; to the Pontiac, Ill., omnirange station.

§ 600.6049 *VOR civil airway No. 49 (Dillon, Mont., to Great Falls, Mont.).* From the Dillon, Mont., omnirange station via the Butte, Mont., omnirange station; intersection of the Butte omnirange 002° True and the Helena, Mont., omnirange 272° True radials; intersection of the Helena, Mont., omnirange 272° True and the Great Falls omnirange 222° True radials; to the Great Falls, Mont., omnirange station.

§ 600.6050 *VOR civil airway No. 50 (St. Joseph, Mo., to Indianapolis, Ind.).* From the St. Joseph, Mo., omnirange station via the Kirksville, Mo., omnirange station; Quincy, Ill., omnirange station, including a south alternate via the intersection of the Kirksville omnirange 121° True and the Quincy omnirange 258° True radials; Springfield, Ill., omnirange station; Terre Haute, Ind., omnirange station; to the intersection of the Terre Haute omnirange 082° True radial and the Indianapolis, Ind., Wier Cook Airport ILS localizer 225° True course.

§ 600.6051 *VOR civil airway No. 51 (Miami, Fla., to Chicago, Ill.).* From the Miami, Fla., omnirange station via the intersection of the Miami omnirange 060° True and the West Palm Beach omnirange 176° True radials; West Palm Beach, Fla., omnirange station; Vero Beach, Fla., omnirange station; Daytona Beach, Fla., omnirange station; Jacksonville, Fla., omnirange station; Alma, Ga., omnirange station, including a west alternate; Macon, Ga., omnirange station; intersection of the Macon omnirange 330° True and the Atlanta omnirange 102° True radials; Atlanta, Ga., omnirange station, including a west alternate from the Alma omnirange station to the Atlanta omnirange station via the intersection of the Alma omnirange 305° True and the Atlanta omnirange 151° True radials; intersection of the Atlanta omnirange 352° True and the Chattanooga omnirange 152° True radials; Chattanooga, Tenn., omnirange station via the Crossville, Tenn., omnirange station; Louisville, Ky., omnirange station; intersection of the Louisville omnirange 356° True and the Indianapolis omnirange 137° True radials; Indianapolis, Ind., omnirange station; Lafayette, Ind., omnirange station; Chicago Heights, Ill., omnirange station, including an east alternate; to the point of intersection of the Chicago Heights, Ill., omnirange 342° True and the Naperville, Ill., omnirange 090° True radials.

§ 600.6052 *VOR civil airway No. 52 (Des Moines, Iowa, to St. Louis, Mo.).* From the Des Moines, Iowa, omnirange station via Ottumwa, Iowa, omnirange station, including a south alternate; Quincy, Ill., omnirange station, including a north alternate, to the St. Louis, Mo., omnirange, including a north alternate.

§ 600.6053 *VOR civil airway No. 53 (Charleston, S. C., to Milwaukee, Wis.).* From the Charleston, S. C., omnirange station via the Columbia, S. C., omnirange station; Spartanburg, S. C., omnirange station; Asheville, N. C., omnirange station; Tri-City, Tenn., omnirange station; Lexington, Ky., omnirange station; Louisville, Ky., omnirange station; intersection of the Louisville omnirange 333° True and the Indianapolis omnirange 170° True radials; Indianapolis, Ind., omnirange station, including a west alternate from the Louisville omnirange station to the Indianapolis omnirange station via the Louisville omnirange 310° True and the Indianapolis omnirange 185° True radials; Lafayette, Ind., omnirange station, including a west alternate; intersection of the Lafayette omnirange 321° True and the Peotone omnirange 147° True radials; Peotone, Ill., omnirange station; Chicago, Ill., Midway Airport terminal omnirange station; intersection of the Chicago Midway Airport terminal omnirange 325° True and the Naperville, Ill., omnirange 358° True radials; intersection of the Naperville omnirange 358° True and the Milwaukee omnirange 215° True radials; to the Milwaukee, Wis., omnirange station.

§ 600.6054 *VOR civil airway No. 54 (Texarkana, Ark., to Charlotte, N. C.).* From the Texarkana, Ark., omnirange station via the Little Rock, Ark., omnirange station, including a north alternate via the intersection of the Texarkana omnirange 031° True and the Little Rock omnirange 255° True radials; intersection of the Little Rock omnirange 077° True and the Memphis omnirange 261° True radials; Memphis, Tenn., omnirange station, including a north alternate from the Little Rock omnirange station to the Memphis omnirange station via the intersection of the Little Rock omnirange 062° True and the Memphis omnirange 276° True radials; to the Muscle Shoals, Ala., omnirange station. From the Chattanooga, Tenn., omnirange station via the Spartanburg, S. C., omnirange station; to the Charlotte, N. C., omnirange station.

§ 600.6055 *VOR civil airway No. 55 (Dayton, Ohio, to Green Bay, Wis.).* From the Dayton, Ohio, omnirange station via the Fort Wayne, Ind., omnirange station, including a west alternate; Goshen, Ind., omnirange station; South Bend, Ind., omnirange station; Pullman, Mich., omnirange station; Muskegon, Mich., omnirange station; intersection of the Muskegon omnirange 352° True and the Green Bay omnirange 118° True radials; to the Green Bay, Wis., omnirange station.

§ 600.6056 *VOR civil airway No. 56 (Montgomery, Ala., to Florence, S. C.).* From the Montgomery, Ala., omnirange station via the Columbus, Ga., omnirange station, including a north alternate via the intersection of the Montgomery omnirange 049° True and the Columbus omnirange 270° True radials; intersection of the Columbus omnirange 020° True and the Macon omnirange 272° True radials; Macon, Ga., omnirange station; Augusta, Ga., omnirange station; Columbia, S. C., omnirange station; to the Florence, S. C., omnirange station; including a north alternate via the intersection of the Columbia omnirange 003° True and the Florence omnirange 268° True radials. The portions of this airway which overlap the Savannah River Airspace Reservation (P–378) and the Fort Benning restricted area (R–129) are excluded.

§ 600.6057 *VOR civil airway No. 57 (Graham, Tenn., to Chicago, Ill.).* From the Graham, Tenn., omnirange station via the Bowling Green, Ky., omnirange station; Scotland, Ind., omnirange station; intersection of the Scotland omnirange 356° True and the Lafayette omnirange 186° True radials; Lafayette, Ind., omnirange station; to the Chicago Heights, Ill., omnirange station.

§ 600.6058 *VOR civil airway No. 58 (Pittsburgh, Pa., to Hartford, Conn.).* From the Pittsburgh, Pa., omnirange station via the Philipsburg, Pa., omnirange station; Williamsport, Pa., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; Poughkeepsie, N. Y., omnirange station; Hartford, Conn., omnirange station to the point of intersection of the Hartford omnirange 130° True and the Riverhead, N. Y., omnirange 042° True radials.

§ 600.6059 *VOR civil airway No. 59 (Evansville, Ind., to Moline, Ill.).* From the Evansville, Ind., omnirange station to the Vandalia, Ill., omnirange station, including an east alternate. From the Springfield, Ill., omnirange station via the Peoria, Ill., omnirange station; Bradford, Ill., omnirange station; to the Moline, Ill., omnirange station.

§ 600.6060 *VOR civil airway No. 60 (Albuquerque, N. Mex., to Tucumcari, N. Mex.).* From the Albuquerque, N. Mex., omnirange station via the Otto, N. Mex., omnirange station, including a south alternate; Las Vegas, N. Mex., omnirange station to the Tucumcari, N. Mex., omnirange station.

§ 600.6061 *VOR civil airway No. 61 (Fort Worth, Tex., to Lawton, Okla.).* From the Fort Worth, Tex., omnirange station via the Wichita Falls, Tex., omnirange station, including a west alternate, to the Lawton, Okla., omnirange station.

§ 600.6062 *VOR civil airway No. 62 (Santa Fe, N. Mex., to Anton Chico, N. Mex.).* From the Santa Fe, N. Mex., omnirange station to the Anton Chico, N. Mex., omnirange station.

§ 600.6063 *VOR civil airway No. 63 (McAlester, Okla., to Milwaukee, Wis.).* From the McAlester, Okla., omnirange station via the Fayetteville, Ark., omnirange station; Springfield, Mo., omnirange station; Quincy, Ill., omnirange station; Burlington, Iowa, omnirange station; Moline, Ill., omnirange station; Janesville, Wis., omnirange station, including a west alternate; to the Milwaukee, Wis., omnirange station, including a west alternate via the intersection of the Janesville omnirange 051° True and the Milwaukee omnirange 286° True radials.

§ 600.6064 *VOR civil airway No. 64 (Long Beach, Calif., to Blythe, Calif.).* From the Long Beach, Calif., omnirange station via the Thermal, Calif., omnirange station; to the Blythe, Calif., omnirange station.

§ 600.6065 *VOR civil airway No. 65 (Bonner Springs, Kans., to St. Joseph, Mo.).* From the point of intersection of the Kansas City, Mo., omnirange 231° True and the St. Joseph omnirange 178° True radials to the St. Joseph, Mo., omnirange station.

§ 600.6066 *VOR civil airway No. 66 (San Diego, Calif., to Midland, Tex.).* That airspace over United States territory from the San Diego, Calif., omnirange station via the intersection of the San Diego omnirange 108° True and the Yuma omnirange 267° True radials; Yuma, Ariz., omnirange station; intersection of the Yuma omnirange 87° True and the Gila Bend omnirange 261° True radials; Gila Bend, Ariz., omnirange station; Tucson, Ariz., omnirange station including a north alternate via the intersection of the Gila Bend omnirange 100° True and the Tucson omnirange 315° True radials; Douglas, Ariz., omnirange station; the intersection of the Douglas 63° True and the Columbus, N. Mex., omnirange 277° True radials; Columbus, N. Mex., omnirange station; El Paso, Tex., omnirange station, including a north alternate; Hudspeth, Tex., omnirange station; Culberson, Tex., omnirange station; the intersection of the Culberson omnirange 90° True and the Midland omnirange 234° True radials to the Midland Tex., omnirange station.

§ 600.6067 *VOR civil airway No. 67 (Waterloo, Iowa, to Rochester, Minn.).* From the Waterloo, Iowa, omnirange station via the Mason City, Iowa, omnirange station to the Rochester, Minn., omnirange, including a west alternate.

§ 600.6068 *VOR civil airway No. 68 (Albuquerque, N. Mex., to Brownsville, Tex.).* That airspace over United States territory from the Albuquerque, N. Mex., omnirange station via the intersection of the Albuquerque omnirange 120° True and the Corona omnirange 311° True radials; Corona, N. Mex., omnirange station, including a north alternate from the Albuquerque omnirange station to the Corona omnirange station via the intersection of the Albuquerque omnirange 103° True and the Corona omnirange 328° True radials and also a south alternate from the Albuquerque omnirange station to the Corona omnirange station via the intersection of the Albuquerque omnirange 169° True and the Corona omnirange 272° True radials; Roswell, N. Mex., omnirange station, including a north alternate via the intersection of the Corona omnirange 125° True and the Roswell omnirange 335° True radials; Hobbs, N. Mex., omnirange station; Midland, Tex., omnirange station, including a south alternate; San Angelo, Tex., omnirange station, including a south alternate; Junction, Tex., omnirange station; San Antonio, Tex., omnirange station; intersection of the San Antonio omnirange 167° True and the Corpus Christi omnirange 316° True radials; Corpus Christi, Tex., omnirange station; intersection of the Corpus Christi 238° True and the Brownsville 338° True radials to the Brownsville, Tex., omnirange station.

§ 600.6069 *VOR civil airway No. 69 (Little Rock, Ark., to Chicago, Ill.).* From the Little Rock, Ark., omnirange station via the intersection of the Little Rock omnirange 062° True and the Walnut Ridge omnirange 186° True radials; Walnut Ridge, Ark., omnirange station; Farmington, Mo., omnirange station; intersection of the Farmington omnirange 351° True and the Troy omnirange 215° True radials; Troy, Ill., omnirange station, Springfield, Ill., omnirange station; Pontiac, Ill., omnirange station; Joliet, Ill., omnirange station; to the Chicago, Ill., Midway Airport terminal omnirange station.

§ 600.6070 *VOR civil airway No. 70 (Corpus Christi, Tex., to Baton Rouge, La.).* From the Corpus Christi, Tex., omnirange station via the Palacios, Tex., omnirange station; Galveston, Tex., omnirange station; Lake Charles, La., omnirange station; Lafayette, La., omnirange station; Baton Rouge, La., omnirange station; to the point of intersection of the Baton Rouge omnirange 092° True and the New Orleans, La., omnirange 001° True radials.

§ 600.6071 *VOR civil airway No. 71 (Pine Bluff, Ark., to Kansas City, Mo.).* From the Pine Bluff, Ark., omnirange station via the intersection of the Pine Bluff omnirange 007° True and the Little Rock omnirange 141° True radials to the Little Rock, Ark., omnirange station. From the Flippin, Ark., omnirange station via the Springfield, Mo., omnirange station; Butler, Mo., omnirange station, including a west alternate via the intersection of the Springfield omnirange 301° True and the Butler omnirange 178° True radials; to the Kansas City, Mo., omnirange station.

§ 600.6072 *VOR civil airway No. 72 (Vichy, Mo., to Albany, N. Y.).* From the Vichy, Mo., omnirange station via

the intersection of the Vichy omnirange 069° True and the Troy omnirange 246° True radials; Troy, Ill., omnirange station; Vandalia, Ill., omnirange station; Lafayette, Ind., omnirange station; to the point of intersection of the Lafayette omnirange 080° True and the Fort Wayne, Ind., omnirange 226° True radials. From the Findlay, Ohio, omnirange station via the Cleveland, Ohio, omnirange station; Youngstown, Ohio, omnirange station; Bradford, Pa., omnirange station; Elmira, N. Y., omnirange station; Binghamton, N. Y., omnirange station; to the Albany, N. Y., omnirange station.

§ 600.6073 *VOR civil airway No. 73 (Tulsa, Okla., to Salina, Kans.).* From the Tulsa, Okla., omnirange station via the Wichita, Kans., omnirange station; Hutchinson, Kans., omnirange station; intersection of the Hutchinson omnirange 025° True and the Salina omnirange 184° True radials to the Salina, Kans., omnirange station.

§ 600.6074 *VOR civil airway No. 74 (Anthony, Kans., to Little Rock, Ark.).* From the Anthony, Kans., omnirange station via the Ponca City, Okla., omnirange station; Tulsa, Okla., omnirange station, including a south alternate; Fort Smith, Ark., omnirange station, including a north alternate from the Tulsa omnirange station to the Fort Smith omnirange station via the point of intersection of the Tulsa omnirange 091° True and the Neosho, Mo., omnirange 227° True radials; intersection of the Fort Smith omnirange 098° True and the Little Rock omnirange 302° True radials; to the Little Rock, Ark., omnirange station.

§ 600.6075 *VOR civil airway No. 75 (Richmond, Va., to Cleveland, Ohio).* From the Flat Rock, Va., omnirange station to the Gordonsville, Va., omnirange station. From the point of intersection of the Morgantown, W. Va., omnirange 134° True and the Elkins, W. Va., omnirange 83° True radials via the Morgantown, W. Va., omnirange station; Wheeling, W. Va., omnirange station to the Cleveland, Ohio, omnirange station.

§ 600.6076 *VOR civil airway No. 76 (Lubbock, Tex., to Galveston, Tex.).* From the Lubbock, Tex., omnirange station via the intersection of the Lubbock omnirange 180° True and the Big Spring omnirange 331° True radials; Big Spring, Tex., omnirange station; San Angelo, Tex., omnirange station, including a north alternate; Austin, Tex., omnirange station; Houston, Tex., omnirange station; to the Galveston, Tex., omnirange station, including a south alternate from the Austin omnirange station to the Galveston omnirange station via the intersection of the Austin omnirange 134° True and the Eagle Lake omnirange 291° True radials and the Eagle Lake, Tex., omnirange station.

§ 600.6077 *VOR civil airway No. 77 (San Angelo, Tex., to Des Moines, Iowa.).* From the San Angelo, Tex., omnirange station via the intersection of the San Angelo omnirange 72° True and the Abilene omnirange 181° True radials; Abilene, Tex., omnirange station; Wichita Falls, Tex., omnirange station, including an east alternate; intersection of the Wichita Falls omnirange 028° True and the Oklahoma City omnirange 202° True radials; Oklahoma City, Okla., omnirange station including an east alternate from the Wichita Falls omnirange station to the Oklahoma City omnirange station via the intersection of the Wichita Falls omnirange 043° True and the Oklahoma City omnirange 187° True radials excluding those portions of this airway which overlap the Fort Sill restricted area (R–208); Ponca City, Okla., omnirange station; Wichita, Kans., omnirange station including a west alternate via the intersection of the Ponca City omnirange 326° True and the Wichita omnirange 194° True radials; Topeka, Kans., omnirange station; St. Joseph, Mo., omnirange station; Lamoni, Iowa, omnirange station; to the Des Moines, Iowa, omnirange station.

§ 600.6078 *VOR civil airway No. 78 (Huron, S. Dak., to Minneapolis, Minn.).* From the Huron, S. Dak., omnirange station via the Watertown, S., Dak., omnirange station, including a south alternate; to the Minneapolis, Minn., omnirange station.

§ 600.6079 *VOR civil airway No. 79 (Culberson, Tex., to Lubbock, Tex.).* From the Culberson, Tex., omnirange station via the intersection of the Culberson omnirange 90° True and the Wink omnirange 235° True radials; Wink, Tex., omnirange station; Hobbs, N. Mex., omnirange station; the intersection of the Hobbs omnirange 86° True and the Lubbock omnirange 199° True radials to the Lubbock, Tex., omnirange station.

§ 600.6080 *VOR civil airway No. 80 (Sioux Falls, S. Dak., to Redwood Falls, Minn.).* From the Sioux Falls, S. Dak., omnirange station to the Redwood Falls, Minn., omnirange station, including a south alternate.

§ 600.6081 *VOR civil airway No. 81 (Midland, Tex., to Amarillo, Tex.).* From the Midland, Tex., omnirange station via the Lubbock, Tex., omnirange station to the Amarillo, Tex., omnirange station, including an east alternate.

§ 600.6082 *VOR civil airway No. 82 (Minneapolis, Minn., to La Crosse, Wis.).* From the Minneapolis, Minn., omnirange station via the Rochester, Minn., omnirange station, including a south alternate via the intersection of the Minneapolis omnirange 179° True and the Rochester omnirange 318° True radials; to the La Crosse, Wis., omnirange station, including a south alternate.

§ 600.6083 *VOR civil airway No. 83 (Carlsbad, N. Mex., to Santa Fe, N. Mex.).* From the Carlsbad, N. Mex., omnirange station via the Roswell, N. Mex., omnirange station; Corona, N. Mex., omnirange station, including an east alternate, via the intersection of the Roswell omnirange 335° True and the Corona omnirange 125° True radials; Otto, N. Mex., omnirange station; to the Santa Fe, N. Mex., omnirange station.

§ 600.6084 *VOR civil airway No. 84 (Bradford, Ill., to Flint, Mich.).* From the Bradford, Ill., omnirange station via the Joliet, Ill., omnirange station; to the Chicago, Ill., Midway Airport terminal omnirange station. From the Pullman, Mich., omnirange station via the Lansing, Mich., omnirange station; to the point of intersection of the Lansing omnirange 068° True and the Salem, Mich., omnirange 342° True radials.

§ 600.6085 *VOR civil airway No. 85 (Rock River, Wyo., to Casper, Wyo.).* From the Rock River, Wyo., omnirange station to the Casper, Wyo., omnirange station, including an east alternate.

§ 600.6086 *VOR civil airway No. 86 (Butte, Mont., to Bozeman, Mont.).* From the Butte, Mont., omnirange station via the Whitehall, Mont., omnirange station to the Bozeman, Mont., omnirange station.

§ 600.6087 *VOR civil airway No. 87 (Gila Bend, Ariz., to Hassayampa, Ariz.).* From the Gila Bend, Ariz., omnirange station to the Hassayampa, Ariz., omnirange station.

§ 600.6088 *VOR civil airway No. 88 (Tulsa, Okla., to Mansfield, Ohio).* From the Tulsa, Okla., omnirange station via the intersection of the Tulsa omnirange 050° True and the Springfield omnirange 261° True radials; Springfield, Mo., omnirange station; Vichy, Mo., omnirange station to the point of intersection of the Vichy omnirange 084° True and the St. Louis, Mo., omnirange 170° True radials. From the Centralia, Ill., omnirange station via the intersection of the Centralia omnirange 075° True and the Scotland omnirange 250° True radials; Scotland, Ind., omnirange station; intersection of the Scotland omnirange 077° True and the Dayton omnirange 235° True radials; Dayton, Ohio, omnirange station; to the Mansfield, Ohio, omnirange station including a north alternate.

§ 600.6089 *VOR civil airway No. 89 (Cheyenne, Wyo., to Rapid City, S. Dak.).* From the Cheyenne, Wyo., omnirange station via the Chadron, Nebr., omnirange station, including an east alternate via the intersection of the Cheyenne omnirange 054° True and the Chadron omnirange 197° True radials; to the Rapid City, S. Dak., omnirange station, including an east alternate and excluding the portion which overlaps the Scenic restricted area (R–190).

§ 600.6091 *VOR civil airway No. 91 (New York, N. Y., to Plattsburg, N. Y.).* From the Idlewild, N. Y., omnirange station via the point of intersection of the Idlewild omnirange 042° True and the Wilton omnirange 185° True; Wilton, Conn., omnirange station; Poughkeepsie, N. Y., omnirange station; Albany, N. Y., omnirange station to the Plattsburg, N. Y., omnirange station.

§ 600.6092 *VOR civil airway No. 92 (Chicago, Ill., to Washington, D. C.)* From the Chicago Heights, Ill., omnirange station via the Goshen, Ind., omnirange station; Waterville, Ohio, omnirange station; Mansfield, Ohio, omnirange station; intersection of the Mansfield omnirange 100° True and the Pittsburgh omnirange 291° True radials; Pittsburgh, Pa., omnirange station; intersection of the Pittsburgh omnirange 132° True and the Front Royal omnirange 307° True radials; Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° True and the Washington terminal omnirange 245° True radials; to the Washington, D. C., terminal omnirange station.

§ 600.6093 *VOR civil airway No. 93 (Washington, D. C., to Presque Isle, Maine).* That airspace over the United States territory from the Riverdale, Md., nondirectional radio beacon via the Baltimore, Md., omnirange station; intersection of the Baltimore omnirange 015° True and the Allentown omnirange 228° True radials; Allentown, Pa., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; Albany, N. Y., omnirange station; intersection of the Albany omnirange 099° True and the Concord omnirange 231° True radials; Concord, N. H., omnirange station; intersection of the Concord omnirange 041° True and the Augusta omnirange 239° True radials; Augusta, Maine, omnirange station; Bangor, Maine, omnirange station; Princeton, Maine, omnirange station; Houlton, Maine, omnirange station; to the Presque Isle, Maine, omnirange station. The portions of this airway which overlap the Washington, D. C., prohibited area (P–56) are excluded.

§ 600.6094 *VOR civil airway No. 94 (Salt Flat, Tex., to Hobbs, N. Mex.).* From the Salt Flat, Tex., omnirange station via the Carlsbad, N. Mex., omnirange station to the Hobbs, N. Mex., omnirange station.

§ 600.6095 *VOR civil airway No. 95 (Phoenix, Ariz., to Winslow, Ariz.).* From the Phoenix, Ariz., omnirange station to the Winslow, Ariz., omnirange station.

§ 600.6096 *VOR civil airway No. 96 (Lafayette, Ind., to Detroit, Mich.).* From the Lafayette, Ind., omnirange station via the intersection of the Lafayette omnirange 080° True and the Fort Wayne omnirange 226° True radials; Fort Wayne, Ind., omnirange station; Waterville, Ohio, omnirange station; to the point of intersection of the Waterville omnirange 025° True and the Salem, Mich., omnirange 098° True radials.

§ 600.6097 *VOR civil airway No. 97 (Miami, Fla., to Minneapolis, Minn.).* From the Miami, Fla., omnirange station via the Tampa, Fla., omnirange station; Tallahassee, Fla., omnirange station, including an east alternate from the Tampa omnirange station to the Tallahassee omnirange station via the intersection of the Tampa omnirange 331° True and the Cross City omnirange 182° True radials, the Cross City, Fla., omnirange station and the intersection of the Cross City omnirange 287°. True and the Tallahassee omnirange 150° True radials; Albany, Ga., omnirange station; Atlanta, Ga., omnirange station; Knoxville, Tenn., omnirange station, including an east alternate from the Atlanta omnirange station to the Knoxville omnirange station via the Norcross, Ga., omnirange station and the intersection of the Norcross omnirange 014° True and the Knoxville omnirange 175° True radials; Lexington, Ky., omnirange station; intersection of the Lexington omnirange 347° True and the Cincinnati omnirange 175° True radials; Cincinnati, Ohio, omnirange station; Indianapolis, Ind., omnirange station, including an east and a west alternate; intersection of the Indianapolis omnirange 342° True and the Chicago Heights omnirange 140° True radials; Chicago Heights, Ill., omnirange station; intersection of the Chicago Heights omnirange 342° True and the Janesville omnirange 107° True radials; Janesville, Wis., omnirange station; Lone Rock, Wis., omnirange station, including a west alternate via the intersection of the Janesville omnirange 282° True and the Lone Rock omnirange 161° True radials; La Crosse, Wis., omnirange station; to the Minneapolis, Minn., omnirange station. The portions of this airway above 19,000 feet above mean sea level, which lie within the Tyndall AFB Restricted Area (R–336) and the Tyndall AFB Warning Area (W–337) are excluded daily between sunset and sunrise.

§ 600.6098 *VOR civil airway No. 98 (Fort Wayne, Ind., to Erie, Pa.).* From the Fort Wayne, Ind., omnirange station via the Carleton, Mich., omnirange station; intersection of the Carleton omnirange 076° True and the Erie omnirange 280° True radials; to the Erie, Pa., omnirange station.

§ 600.6101 *VOR civil airway No. 101 (Ogden, Utah, to Burley, Idaho).* From the Ogden, Utah, omnirange station to the Burley, Idaho, omnirange station.

§ 600.6102 *VOR civil airway No. 102 (Lubbock, Tex., to Wichita Falls, Tex.).* From the Lubbock, Tex., omnirange station via the Guthrie, Tex., omnirange station to the Wichita Falls, Tex., omnirange station.

§ 600.6103 *VOR civil airway No. 103 (Elkins, W. Va., to Cleveland, Ohio).* From the Elkins, W. Va., omnirange station via the Wheeling, W. Va., omnirange station; intersection of the Wheeling omnirange 313° True and the Mansfield, Ohio, omnirange 100° True radials; intersection of the Mansfield omnirange 100° True and the Cleveland omnirange 150° True radials; to the Cleveland, Ohio, omnirange station.

§ 600.6104 *VOR civil airway No. 104 (United States-Canadian Border to Plattsburg, N. Y.).* From the United States-Canadian Border via the Massena omnirange 318° True radial to the Massena, N. Y., omnirange station; to the Plattsburg, N. Y., omnirange station.

§ 600.6105 *VOR civil airway No. 105 (Phoenix, Ariz., to Las Vegas, Nev.).* From the Phoenix, Ariz., omnirange station via the Prescott, Ariz., omnirange station to the Las Vegas, Nev., omnirange station.

§ 600.6106 *VOR civil airway No. 106 (Charleston, W. Va., to Kennebunk, Maine).* From the Charleston, W. Va., omnirange station via the Morgantown, W. Va., omnirange station; Johnstown, Pa., omnirange station, including a north alternate via the intersection of the Morgantown omnirange 021° True and the Pittsburgh omnirange 117° True radials; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; Poughkeepsie, N. Y., omnirange station; Gardner, Mass., omnirange station; intersection of the Gardner omnirange 060° True and the Kennebunk, Maine, omnirange 223° True radials; to the Kennebunk, Maine, omnirange station.

§ 600.6107 *VOR civil airway No. 107 (Los Angeles, Calif., to Red Bluff, Calif.).* From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 301° True and the Fillmore omnirange 163° True radials; Fillmore, Calif., omnirange station; Coalinga, Calif., omnirange station; Oakland, Calif., omnirange station; intersection of the Oakland omnirange 330° True and the Ukiah omnirange 147° True radials; Ukiah, Calif., omnirange station; to the Red Bluff, Calif., omnirange station.

§ 600.6109 *VOR civil airway No. 109 (Paso Robles, Calif., to Fresno, Calif.).* From the Paso Robles, Calif., omnirange station via the Coalinga, Calif., omnirange station to the Fresno, Calif., omnirange station.

§ 600.6110 *VOR civil airway No. 110 (San Francisco, Calif., to Altamont, Calif.).* From the point of intersection of the San Francisco omnirange 218° True and the Salinas omnirange 319° True radials via the San Francisco, Calif., omnirange station to the intersection of the San Francisco omnirange 038° True and the Modesto omnirange 273° True radials.

§ 600.6111 *VOR civil airway No. 111 (Salinas, Calif., to Los Banos, Calif.).* From the Salinas, Calif., omnirange station to the point of intersection of the San Francisco omnirange 111° True and the Salinas omnirange 049° True radials.

§ 600.6112 *VOR civil airway No. 112 (Portland, Oreg., to Spokane, Wash.).* From the Portland, Oreg., omnirange station via the The Dalles, Oreg., omnirange station; intersection of the The Dalles omnirange 096° True and the Pendleton omnirange 254° True radials; Pendleton, Oreg., omnirange station; to the Spokane, Wash., omnirange station.

§ 600.6113 *VOR civil airway No. 113 (Paso Robles, Calif., to Reno, Nev.).* From the Paso Robles, Calif., omnirange station via the intersection of the Paso Robles omnirange 352° True and the Modesto omnirange 176° True radials; Modesto, Calif., omnirange station to the Reno, Nev., omnirange station.

§ 600.6114 *VOR civil airway No. 114 (Pueblo, Colo., to New Orleans, La.).* From the Pueblo, Colo., omnirange station via the Dalhart, Tex., omnirange station; Amarillo, Tex., omnirange station; Childress, Tex., omnirange station; Wichita Falls, Tex., omnirange station; Dallas, Tex., omnirange station, including a north alternate via the intersection

of the Wichita Falls omnirange 109° True and the Dallas omnirange 324° True radials; Gregg County, Tex., omnirange station, including a south alternate via the intersection of the Dallas omnirange 135° True and the Gregg County omnirange 278° True radials; via the direct radial to the point of intersection of the Shreveport, La., omnirange 177° True and the Alexandria omnirange 300° True radials; Alexandria, La., omnirange station, including a north alternate from the Gregg County omnirange station to the Alexandria omnirange station via the Shreveport omnirange station and the intersection of the Shreveport omnirange 177° True and the Alexandria omnirange 300° True radials; Baton Rouge, La., omnirange station; to the New Orleans, La., omnirange station.

§ 600.6115 *VOR civil airway No. 115 (Crestview, Fla., to Charleston, W. Va.).* From the Crestview, Fla., omnirange station via the Montgomery, Ala., omnirange station; Birmingham, Ala., omnirange station to the Chattanooga, Tenn., omnirange station. From the Knoxville, Tenn., omnirange station to the Charlestown, W. Va., omnirange station.

§ 600.6116 *VOR civil airway No. 116 (Kansas City, Mo., to New York, N. Y.).* From the Kansas City, Mo., omnirange station via the Quincy, Ill., omnirange station; Peoria, Ill., omnirange station; Joliet, Ill., omnirange station; Naperville, Ill., omnirange station; Pullman, Mich., omnirange station; Salem, Mich., omnirange station; Erie, Pa., omnirange station; Bradford, Pa., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; to the point of intersection of the Wilkes-Barre-Scranton omnirange 117° True and the Wilton, Conn., omnirange 240° True radials.

§ 600.6117 *VOR civil airway No. 117 (El Centro, Calif., to Daggett, Calif.).* From the El Centro, Calif., LF radio range station via the point of intersection of a straight line bearing 359° True from the El Centro LF radio range station and the Thermal omnirange 122° True radial; Thermal, Calif., omnirange station; to the Daggett, Calif., omnirange station. The portion of this airway which overlaps the Salton Sea restricted area (R–303) is excluded.

§ 600.6118 *VOR civil airway No. 118 (Rock River, Wyo., to Cheyenne, Wyo.).* From the Rock River, Wyo., omnirange station via the Laramie, Wyo., omnirange station to the Cheyenne, Wyo., omnirange station.

§ 600.6119 *VOR civil airway No. 119 (Huntington, W. Va., to Bradford, Pa.).* From the Huntington, W. Va., nondirectional radio beacon via the Parkersburg, W. Va., omnirange station; Wheeling, W. Va., omnirange station; Fitzgerald, Pa., omnirange station; to the Bradford, Pa., omnirange station.

§ 600.6120 *VOR civil airway No. 120 (Mullan Pass, Mont., to Miles City, Mont.).* From the Mullan Pass, Mont., omnirange station via the Great Falls, Mont., omnirange station; Lewiston, Mont., omnirange station; to the Miles City, Mont., omnirange station.

§ 600.6121 *VOR civil airway No. 121 (North Bend, Oreg., to Eugene, Oreg.).* From the North Bend, Oreg., omnirange station to the Eugene, Oreg., omnirange station.

§ 600.6122 *VOR civil airway No. 122 (Crescent City, Calif., to Klamath Falls, Oreg.).* From the Crescent City, Calif., omnirange station to the Medford, Oreg., omnirange station. From the point of intersection of the Medford, Oreg., omnirange 176° True and the Klamath Falls, Oreg., omnirange 273° True radials; to the Klamath Falls, Oreg., omnirange station.

§ 600.6123 *VOR civil airway No. 123 (Newport, Oreg., to Newberg, Oreg.).* From the Newport, Oreg., omnirange station via the intersection of the Newport omnirange 023° True and the Newberg omnirange 251° True radials to the Newberg, Oreg., omnirange station.

§ 600.6124 *VOR civil airway No. 124 (Burley, Idaho, to Pocatello, Idaho).* From the Burley, Idaho, omnirange station to the Pocatello, Idaho, omnirange station.

§ 600.6125 *VOR civil airway No. 125 (Anthony, Kans., to Hutchinson, Kans.).* From the Anthony, Kans., omnirange station to the Hutchinson, Kans., omnirange station.

§ 600.6126 *VOR civil airway No. 126 (Chicago, Ill., to New York, N. Y.).* From the point of intersection of the Naperville, Ill., omnirange 090° True and the Chicago Heights omnirange 342° True radials via the Chicago Heights, Ill., omnirange station; Goshen, Ind., omnirange station; Waterville, Ohio, omnirange station; Cleveland, Ohio, omnirange station; Erie, Pa., omnirange station; Bradford, Pa., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; to the point of intersection of the Wilkes-Barre-Scranton, Pa., omnirange 117° True and the Wilton, Conn., omnirange 240° True radials.

§600.6127 *VOR civil airway No. 127 (Livingston, Mont., to Helena, Mont.).* From the Livingston, Mont., omnirange station via the intersection of the Livingston omnirange 321° True and the Helena omnirange 119° True radials to the Helena, Mont., omnirange station.

§ 600.6128 *VOR civil airway No. 128 (Chicago, Ill., to New Bern, N. C.).* From the Chicago, Ill., Midway Airport terminal omnirange station via the Peotone, Ill., omnirange station; intersection of the Peotone omnirange 147° True and the Lafayette omnirange 321° True radials; Lafayette, Ind., omnirange station; intersection of the Lafayette omnirange 118° True and the Cincinnati omnirange 318° True radials; Cincinnati, Ohio, omnirange station; York, Ky., omnirange station, including a south alternate via the intersection of the Cincinnati omnirange 120° True and the York omnirange 272° True radials; Charleston, W. Va., omnirange station; Pulaski, Va., omnirange station; Greensboro, N. C., omnirange station; to the Raleigh, N. C., omnirange station, including a north alternate via the Greensboro omnirange 051° True and the Raleigh omnirange 309° True radials and a south alternate via the intersection of the Greensboro omnirange 122° True and the Raleigh omnirange 249° True radials. From the point of intersection of the Wilmington, N. C., omnirange 005° True and the New Bern omnirange 297° True radials; to the New Bern, N. C., omnirange station, excluding the airspace above 5500 feet above mean sea level daily during the period from sunset to sunrise.

§ 600.6129 *VOR civil airway No. 129 (Dixon, Ill., to Eau Claire, Wis.).* From the Polo, Ill., omnirange station via the Lone Rock, Wis., omnirange station; La Crosse, Wis., omnirange station; to the Eau Claire, Wis., omnirange station.

§ 600.6130 *VOR civil airway No. 130 (Albany, N. Y., to Providence, R. I.).* From the Albany, N. Y., omnirange station via the Hartford, Conn., omnirange station; Norwich, Conn., omnirange station to the point of intersection of the Norwich omnirange 090° True radial and the Providence, R. I., ILS localizer course.

§ 600.6131 *VOR civil airway No. 131 (Ponca City, Okla., to Topeka, Kans.).* From the Ponca City, Okla., omnirange station via the Emporia, Kans., omnirange station; intersection of the Emporia omnirange 050° True and the Topeka omnirange 174° True radials to the Topeka, Kans., omnirange station.

§ 600.6132 *VOR civil airway No. 132 (Cheyenne, Wyo., to Hutchinson, Kans.).* From the Cheyenne, Wyo., omnirange station via the Akron, Colo., omnirange station, Goodland, Kans., omnirange station; to the Hutchinson, Kans., omnirange station.

§ 600.6133 *VOR civil airway No. 133 (Parkersburg, W. Va., to Flint, Mich.).* That airspace over United States territory from the Parkersburg, W. Va., omnirange station via the Mansfield, Ohio, omnirange station; intersection of the Mansfield omnirange 345° True and the Salem omnirange 140° True radials; Salem, Mich., omnirange station; to the point of intersection of the Salem omnirange 342° True and the Lansing, Mich., omnirange 068° True radials.

§ 600.6134 *VOR civil airway No. 134 (Evergreen, Ala., to Atlanta, Ga.).* From the Evergreen, Ala., omnirange station via the Columbus, Ga., omnirange station to the Atlanta, Ga., omnirange station, excluding the portion which overlaps the Fort Benning restricted area (R–129).

§ 600.6135 *VOR civil airway No. 135 (Yuma, Ariz., to Las Vegas, Nev.).* From the Yuma, Ariz., omnirange station via the Blythe, Calif., omnirange station; Needles, Calif., omnirange station to the Las Vegas, Nev., omnirange station.

§ 600.6136 *VOR civil airway No. 136 (Pulaski, Va., to Raleigh, N. C.).* From the Pulaski, Va., omnirange station via the intersection of the Pulaski omnirange 094° True and the South Boston omnirange 298° True radials; South Boston, Va., omnirange station; to the Raleigh, N. C., omnirange station.

§ 600.6137 *VOR civil airway No. 137 (San Bernardino, Calif., to Salinas, Calif.).* From the point of intersection of the Palmdale, Calif., omnirange 124° True and the Ontario, Calif., omnirange 038° True radials via the Palmdale, Calif., omnirange station; intersection of the Palmdale omnirange 292° True and the Bakersfield omnirange 149° True radials; Bakersfield, Calif., omnirange station; Coalinga, Calif., omnirange station; to the Salinas, Calif., omnirange station.

§ 600.6138 *VOR civil airway No. 138 (Rock River, Wyo., to Sidney, Nebr.).* From the Rock River, Wyo., omnirange station to the Sidney, Nebr., omnirange station.

§ 600.6139 *VOR civil airway No. 139 (Norwich, Conn., to Boston, Mass.).* From the Norwich, Conn., omnirange station via the intersection of the Norwich omnirange 090° True radial and the Providence, R. I., ILS localizer course at the Wyoming, R. I., fan marker; Providence, R. I., ILS localizer, intersection of the Providence ILS localizer course and the Boston ILS localizer course; to the Boston, Mass., localizer.

§ 600.6140 *VOR civil airway No. 140 (Amarillo, Tex., to New York, N. Y.).* From the Amarillo, Tex., omnirange station via the Sayre, Okla., omnirange station, including a north alternate; Oklahoma City, Okla., omnirange station, including a north alternate; Tulsa, Okla., omnirange station; Fayetteville, Ark., omnirange station, including a north alternate via the intersection of the Tulsa omnirange 065° True and the Fayetteville omnirange 287° True radials; Flippin, Ark., omnirange station; Walnut Ridge, Ark., omnirange station; Dyersburg, Tenn., omnirange station; Nashville, Tenn., omnirange station, including a south alternate from the Dyersburg omnirange station to the Nashville omnirange station via the intersection of the Dyersburg omnirange 104° True and the Graham omnirange 269° True radials, and the Graham, Tenn., omnirange station; intersection of the Nashville omnirange 059° True radial and the Corbin VAR west aural course; Corbin, Ky., VAR station; Paynesville, W. Va., nondirectional radio beacon; Montebello, Va., omnirange station; point of intersection of the Front Royal, Va., omnirange 140° True and the Washington, D. C., omnirange 249° True radials; to the Herdon, Va., omnirange station. From the Baltimore Md., omnirange station to the point of intersection of the Baltimore omnirange 045° True radial with the Dover, Del., 310° True radial and the southwest course of the Philadelphia, Pa., radio range station, excluding the portion which overlaps the Aberdeen restricted area (R. 54). From the point of intersection of the Philadelphia, Pa., International Airport ILS 256° True localizer course and the West Chester, Pa., omnirange 170° True radial via the Philadelphia International Airport ILS localizer to the Colts Neck, N. J., omnirange station via the Colts Neck omnirange 242° True radial.

§ 600.6141 *VOR civil airway No. 141 (Nantucket, Mass., to Plattsburg, N. Y.).* From the Nantucket, Mass., omnirange station via the intersection of the Nantucket omnirange 339° True and the Boston omnirange 133° True radials; Boston, Mass., omnirange station; Concord, N. H., omnirange station; Lebanon, N. H., nondirectional radio beacon to the Plattsburg, N. Y., omnirange station.

§ 600.6142 *VOR civil airway No. 142 (Buffalo, N. Y., to Rochester, N. Y.).* From the Buffalo, N. Y., omnirange station via the intersection of the Buffalo omnirange 034° True and the Rochester omnirange 289° True radials to the Rochester, N. Y., omnirange station.

§ 600.6143 *VOR civil airway No. 143 (Charlotte, N. C., to Washington, D. C.).* From the Charlotte, N. C., omnirange station via the Greensboro, N. C., omnirange station, including a west alternate via the intersection of the Charlotte omnirange 359° True and the Greensboro omnirange 238° True radials; to the Montebello, Va., omnirange station. From the Front Royal, Va., omnirange station to the point of intersection of the Front Royal omnirange 087° True and the Washington, D. C., terminal omnirange 319° True radials.

§ 600.6144 *VOR civil airway No. 144 (Chicago, Ill., to Washington, D. C.).* From the Chicago, Ill., Midway Airport terminal omnirange station via the Peotone, Ill., omnirange station; Fort Wayne, Ind., omnirange station; Findlay, Ohio, omnirange station; Mansfield, Ohio, omnirange station; Morgantown, W. Va., omnirange station; Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° True and the Washington terminal omnirange 245° True radials; to the Washington, D. C. terminal omnirange station.

§ 600.6145 *VOR civil airway No. 145 (Utica, N. Y., to the United States-Canadian Border).* From the Utica, N. Y., MF radio range station via the intersection of the Utica MF radio range northwest course and the Watertown omnirange 155° True radial; Watertown, N. Y., omnirange station; to the United States-Canadian Border via the Watertown omnirange 360° True radial.

§ 600.6146 *VOR civil airway No. 146 (Poughkeepsie, N. Y. to Woodstock, Conn.).* From the Poughkeepsie, N. Y., omnirange station to the point of intersection of the Poughkeepsie omnirange 079° True and the Norwich, Conn., omnirange 347° True radials.

§ 600.6147 *VOR civil airway No. 147 (Philadelphia, Pa., to Rochester, N. Y.).* From the West Chester, Pa., omnirange station via the Allentown, Pa., omnirange station; intersection of the Allentown omnirange 329° True and the Elmira omnirange 134° True radials; Elmira, N. Y., omnirange station; intersection of the Elmira omnirange 305° True and the Rochester omnirange 183° True radials; to the Rochester, N. Y., omnirange station.

§ 600.6148 *VOR civil airway No. 148 (Thurman, Colo., to North Platte, Nebr.).* From the Thurman, Colo., omnirange station via the Imperial, Nebr., omnirange station to the North Platte, Nebr., omnirange station.

§ 600.6149 *VOR civil airway No. 149 (Allentown, Pa., to Utica, N. Y.).* From the Allentown, Pa., omnirange station via the intersection of the Allentown omnirange 329° True and the Binghamton omnirange 167° True radials; Binghamton, N. Y., omnirange station; to the point of intersection of the Binghamton omnirange 023° True and the southwest course of the Utica, N. Y., radio range.

§ 600.6150 *VOR civil airway No. 150 (Sacramento, Calif., to Reno, Nev.).* From the Sacramento, Calif., omnirange station via the intersection of the Sacramento omnirange 097° True and the Reno omnirange 208° True radials to the Reno, Nev., omnirange station.

§ 600.6151 *VOR civil airway No. 151 (Woonsocket, R. I., to Keene, N. H.).* From the point of intersection of the Norwich, Conn., omnirange 043° True and the Gardner omnirange 152° True radials via the Gardner, Mass., omnirange station; to the Keene, N. H., nondirectional radio beacon.

§ 600.6152 *VOR civil airway No. 152 (Tampa, Fla., to Daytona Beach, Fla.).* From the Tampa, Fla., omnirange station via the Orlando, Fla., omnirange station, including a north alternate via the intersection of the Tampa omnirange 039° True and the Orlando omnirange 258° True radials and also a south alternate via the Lakeland, Fla., omnirange station; to the Daytona Beach, Fla., omnirange station.

§ 600.6153 *VOR civil airway No. 153 (New York, N. Y., to Wilkes-Barre, Pa.).* From the point of intersection of the Caldwell, N. J., omnirange 217° True and the Stroudsburg omnirange 118° True radials via the Stroudsburg, Pa., omnirange station; to the Wilkes-Barre-Scranton, Pa., omnirange station.

§ 600.6154 *VOR civil airway No. 154 (Meridian, Miss., to Macon, Ga.).* From the Meridian, Miss., omnirange station via the intersection of the Meridian omnirange 084° True and the Montgomery omnirange 282° True radials; Montgomery, Ala., omnirange station; Columbus, Ga., omnirange station, including a north alternate via the intersection of the Montgomery omnirange 049° True and the Columbus omnirange 270° True radials; intersection of the Columbus omnirange 020° True and the Macon omnirange 272° True radials; to the Macon, Ga., omnirange station. The portions of this Airway which conflict with the Fort Benning Restricted Area (R–129) are excluded.

§ 600.6155 *VOR civil airway No. 155 (Gordonsville, Va., to Front Royal, Va.).* From the Gordonsville, Va., omnirange station via the direct radial to the point of intersection of the Washington, D. C., terminal omnirange 249° True and the Front Royal omnirange 140° True radials; to the Front Royal, Va., omnirange station.

§ 600.6156 *VOR civil airway No. 156 (Elkins, W. Va., to Gordonsville, Va.).* From the Elkins, W. Va., omnirange station to the Gordonsville, Va., omnirange station.

§ 600.6157 *VOR civil airway No. 157 (Wilmington, N. C., to Richmond, Va.).* From the Wilmington, N. C., omnirange station via the Rocky Mount, N. C., omnirange station; Lawrenceville, Va., omnirange station; to the Richmond, Va., LF radio range station, excluding the portion which overlaps the Camp Pickett restricted area (R–44).

§ 600.6158 *VOR civil airway No. 158 (Iowa Falls, Iowa, to Waterloo, Iowa).* From the point of intersection of the Mason City, Iowa, omnirange 188° True and the Waterloo omnirange 267° True radials to the Waterloo, Iowa, omnirange station.

§ 600.6159 *VOR civil airway No. 159 (Miami, Fla., to Albany, Ga.).* From the Miami, Fla., omnirange station via the intersection of the Miami omnirange 338° True and the West Palm Beach omnirange 219° True radials; West Palm Beach, Fla., omnirange station; Vero Beach, Fla., omnirange station; intersection of the Vero Beach omnirange 339° True and the Orlando omnirange 131° True radials; Orlando, Fla., omnirange station; Cross City, Fla., omnirange station; to the Albany, Ga., omnirange station.

§ 600.6160 *VOR civil airway No. 160 (Denver, Colo., to Sidney, Nebr.).* From the Denver, Colo., omnirange station to the Sidney, Nebr., omnirange station.

§ 600.6161 *VOR civil airway No. 161 (Tulsa, Okla., to Minneapolis, Minn.).* From the Tulsa, Okla., omnirange station via the Butler, Mo., omnirange station; Blue Springs, Mo., omnirange station; intersection of the Blue Springs omnirange 016° True and the Lamoni omnirange 175° True radials; Lamoni, Iowa, omnirange station; Des Moines, Iowa, omnirange station; Waterloo, Iowa, omnirange station; Rochester, Minn., omnirange station; intersection of the Rochester omnirange 350° True and the Minneapolis-St. Paul International Airport ILS localizer 121° True course, to the Minneapolis-St. Paul, Minn., International Airport ILS localizer. The portions of this airway which overlap the Lake City restricted area (R–307) are excluded.

§ 600.6162 *VOR civil airway No. 162 (Harrisburg, Pa., to Allentown, Pa.).* From the Harrisburg, Pa., omnirange station via the point of intersection of the Harrisburg omnirange 073° True and the Selinsgrove, Pa., omnirange 133° True radials; direct to the Allentown, Pa., omnirange station, including a south alternate from the Harrisburg omnirange station to the Allentown omnirange station via the point of intersection of the West Chester, Pa., omnirange 314° True and the Allentown omnirange 228° True radials.

§ 600.6163 *VOR civil airway No. 163 (Waco, Tex., to Oklahoma City, Okla.).* From the Waco, Tex., omnirange station via the Mineral Wells, Tex., omnirange station; Ardmore, Okla., omnirange station; intersection of the Ardmore omnirange 350° True and the Oklahoma City omnirange 137° True radials to the Oklahoma City, Okla., omnirange station, including an east alternate from the Ardmore omnirange station to the Oklahoma City omnirange station via the intersection of the Ardmore omnirange 011° True and the Oklahoma City omnirange 120° True radials.

§ 600.6164 *VOR civil airway No. 164 (Bradford, Pa., to New York, N. Y.).* From the Bradford, Pa., omnirange station via the intersection of the Bradford omnirange 097° True and the Williamsport omnirange 306° True radials; Williamsport, Pa., omnirange station; via the Williamsport omnirange direct radial to the point of intersection of the Allentown, Pa., omnirange 329° True and the Wilkes-Barre-Scranton, Pa., omnirange 224° True radials; via the Stroudsburg omnirange direct radial to the Stroudsburg, Pa., omnirange station, including a south alternate from the Williamsport omnirange station to the Stroudsburg omnirange station via the intersection of the Williamsport omnirange 125° True and the Stroudsburg omnirange 270° True radials; to the point of intersection of the Stroudsburg omnirange 083° True and the Wilkes-Barre-Scranton, Pa., omnirange 117° True radials.

§ 600.6165 *VOR civil airway No. 165 (Long Beach, Calif., to Palmdale, Calif.).* From the Long Beach, Calif., omnirange station via the intersection of the Long Beach omnirange 346° True and the Palmdale omnirange 200° True radials to the Palmdale, Calif., omnirange station.

§ 600.6166 *VOR civil airway No. 166 (Martinsburg, W. Va., to Philadelphia, Pa.).* From the Martinsburg, W. Va., omnirange station to the West Chester, Pa., omnirange station.

§ 600.6167 *VOR civil airway No. 167 (New York, N. Y., to Hartford, Conn.).* From the point of intersection of the Colts Neck, N. J., omnirange 151° True and the Idlewild omnirange 195° True radials via the Idlewild, N. Y., omnirange station to the Hartford, Conn., omnirange station.

§ 600.6168 *VOR civil airway No. 168.* (Unassigned.)

§ 600.6169 *VOR civil airway No. 169 (Sidney, Nebr., to Rapid City, S. Dak.).* From the Sidney, Nebr., omnirange station via the intersection of the Sidney omnirange 335° True and the Chadron omnirange 197° True radials; Chadron, Nebr., omnirange station; to the Rapid City, S. Dak., omnirange station, including an east alternate and excluding the portion which overlaps the Scenic restricted area (R–190).

§ 600.6170 *VOR civil airway No. 170 (Erie, Pa., to Philadelphia, Pa.).* From the Erie, Pa., omnirange station via the Bradford, Pa., omnirange station; Selinsgrove, Pa., omnirange station to the West Chester, Pa., omnirange station.

§ 600.6171 *VOR civil airway No. 171 (Louisville, Ky., to Madison, Wis.).* From the Louisville, Ky., omnirange station via the Scotland, Ind., omnirange station; Terre Haute, Ind., omnirange station; Peotone, Ill., omnirange station; Joliet, Ill., omnirange station; intersection of the Joliet omnirange 316° True and the Janesville omnirange 157° True radials; Janesville, Wis., omnirange station; to the point of intersection of the Janesville omnirange 339° True and the Lone Rock omnirange 104° True radials.

§ 600.6172 *VOR civil airway No. 172 (Iowa City, Iowa, to Chicago, Ill.).* From the Iowa City, Iowa, omnirange station via the Moline, Ill., omnirange station; Polo, Ill., omnirange station, including a north alternate from the Iowa City omnirange station to the Polo omnirange station via the intersection of the Iowa City omnirange 063° True and the Polo omnirange 269° True radials; intersection of the Polo omnirange 085° True and the Chicago Midway Airport terminal omnirange 294° True radials; to the Chicago, Ill., Midway Airport terminal omnirange station.

§ 600.6173 *VOR civil airway No. 173 (Springfield, Ill., to Chicago, Ill.).* From the Springfield, Ill., omnirange station via the Roberts, Ill., omnirange station; intersection of the Roberts omnirange 012° True and the Chicago Midway Airport terminal omnirange 198° True radials; to the Chicago, Ill., Midway Airport terminal omnirange station.

§ 600.6174 *VOR civil airway No. 174 (St. Louis, Mo., to Washington, D. C.).* From the St. Louis, Mo., omnirange station via the Troy, Ill., omnirange station; Scotland, Ind., omnirange station; Louisville, Ky., omnirange station; York, Ky., omnirange station; intersection of the York omnirange 076° True and the Elkins omnirange 270° True radials; Elkins, W. Va., omnirange station; Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° True and the Washington terminal omnirange 245° True radials; to the Washington, D. C., terminal omnirange station.

§ 600.6175 *VOR civil airway No. 175 (Vichy, Mo., to Columbia, Mo.).* From the Vichy, Mo., omnirange station via the intersection of the Vichy omnirange 321° True and the Columbia omnirange 209° True radials; to the Columbia, Mo., omnirange station.

§ 600.6176 *VOR civil airway No. 176 (Centralia, Ill., to Scotland, Ind.).* From the Centralia, Ill., omnirange station via the intersection of the Centralia omnirange 075° True and the Scotland omnirange 250° True radials; to the Scotland, Ind., omnirange station.

§ 600.6177 *VOR civil airway No. 177 (Chicago, Ill., to Janesville, Wis.).* From the Naperville, Ill., omnirange station via the intersection of the Naperville omnirange 338° True and the Janesville omnirange 114° True radials; to the Janesville, Wis., omnirange station.

§ 600.6178 *VOR civil airway No. 178 (Farmington, Mo., to Paducah, Ky.).* From the Farmington, Mo., omnirange station to the Paducah, Ky., omnirange station, including a south alternate.

§ 600.6179 *VOR civil airway No. 179 (Paducah, Ky., to Centralia, Ill.).* From the Paducah, Ky., omnirange station to the Centralia, Ill., omnirange station.

§ 600.6180 *VOR civil airway No. 180 (Lansing, Mich., to Selfridge, Mich.).* From the Lansing, Mich., omnirange station to the Selfridge, Mich., omnirange station.

§ 600.6181 *VOR civil airway No. 181 (Sioux Falls, S. Dak., to Watertown, S. Dak.).* From the Sioux Falls, S. Dak., omnirange station to the Watertown, S. Dak., omnirange station.

§ 600.6182 *VOR civil airway No. 182 (Portland, Oreg., to Baker, Oreg.).* From the Portland, Oreg., omnirange station via the The Dalles, Oreg., omnirange station; to the Baker, Oreg., omnirange station.

§ 600.6183 *VOR civil airway No. 183 (Santa Barbara, Calif., to Bakersfield, Calif.).* From the Santa Barbara, Calif., omnirange station to the Bakersfield, Calif., omnirange station.

§ 600.6184 *VOR civil airway No. 184 (Erie, Pa., to Philipsburg, Pa.).* From the Erie, Pa., omnirange station via the Fitzgerald, Pa., omnirange station; to the Philipsburg, Pa., omnirange station.

§ 600.6185 *VOR civil airway No. 185 (Augusta, Ga., to Knoxville, Tenn.).* From the Augusta, Ga., omnirange station via the Spartanburg, S. C., omnirange station; Asheville, N. C., omnirange station, including a west alternate from the Augusta omnirange station to the Asheville omnirange station via the intersection of the Augusta omnirange 345° True radial and the Greenville ILS localizer south course, the Greenville, S. C., ILS localizer, and the intersection of the Greenville ILS localizer north course and the Asheville omnirange 189° True radial; intersection of the Asheville omnirange 300° True and the Knoxville omnirange 069° True radials; to the Knoxville, Tenn., omnirange station, including an east alternate from the Asheville omnirange station to the Knoxville omnirange station via the intersection of the Asheville omnirange 329° True and the Knoxville omnirange 069° True radials.

§ 600.6186 *VOR civil airway No. 186 (St. Louis, Mo., to Scotland, Ind.).* From the St. Louis, Mo., omnirange station via the Vandalia, Ill., omnirange station; intersection of the Vandalia omnirange 073° True and the Scotland omnirange 293° True radials; to the Scotland, Ind., omnirange station.

§ 600.6187 *VOR civil airway No. 187 (Chicago, Ill., to Milwaukee, Wis.).* From the point of intersection of the Naperville, Ill., omnirange 064° True and the Chicago Heights, Ill., omnirange 009° True radials via the intersection of the Chicago Heights omnirange 009° True and the Milwaukee omnirange 117° True radials; to the Milwaukee, Wis., omnirange station.

§ 600.6188 *VOR civil airway No. 188 (Detroit, Mich., to New York, N. Y.).* From the Carleton, Mich., omnirange station via the Perry, Ohio, nondirectional radio beacon; Fitzgerald, Pa., omnirange station; Williamsport, Pa., omnirange station; via the Williamsport omnirange direct radial to the point of intersection of the Allentown, Pa., omnirange 329° True and the Wilkes-Barre-Scranton, Pa., omnirange 224° True radials; via the Stroudsburg omnirange direct radial to the Stroudsburg, Pa., omnirange station; to the Caldwell, N. J., omnirange station.

§ 600.6189 *VOR civil airway No. 189 (Pittsburgh, Pa., to Brookville, Pa.).* From the Pittsburgh, Pa., omnirange station to the point of intersection of the Pittsburgh omnirange 040° True and the Bradford, Pa., omnirange 210° True radials.

§ 600.6190 *VOR civil airway No. 190 (Grants, N. Mex., to Evansville, Ind.).* From the Grants, N. Mex., omnirange station via the intersection of the Grants omnirange 067° True and the Santa Fe omnirange 253° True radials; Santa Fe, N. Mex., omnirange station; Las Vegas, N. Mex., omnirange station; Dalhart, Tex., omnirange station; Gage, Okla., omnirange station; intersection of the Gage omnirange 059° True and the Ponca City omnirange 280° True radials; Ponca City, Okla., omnirange station; intersection of the Ponca City omnirange 076° True and the Springfield omnirange 261° True radials; Springfield, Mo., omnirange station; Farmington, Mo., omnirange station; to the Evansville, Ind., omnirange station.

§ 600.6191 *VOR civil airway No. 191 (Walnut Ridge, Ark., to Chicago, Ill.).* From the Walnut Ridge, Ark., omnirange station via the Farmington, Mo., omnirange station; intersection of the Farmington omnirange 351° True and the Troy omnirange 215° True radials; Troy, Ill., omnirange station; Roberts, Ill., omnirange station; intersection of the Roberts omnirange 012° True and the Chicago Midway Airport terminal omnirange 198° True radials; to the Chicago, Ill., Midway Airport terminal omnirange station.

§ 600.6192 *VOR civil airway No. 192 (Grants, N. Mex., to Tucumcari, N. Mex.).* From the Grants, N. Mex., omnirange station via the intersection of the Grants omnirange 136° True and the Corona omnirange 272° True radials; Corona, N. Mex., omnirange station; to the Tucumcari, N. Mex., omnirange station.

§ 600.6193 *VOR civil airway No. 193 (Grand Rapids, Mich., to Traverse City, Mich.).* From the Grand Rapids, Mich., ILS outer marker via the White Cloud, Mich., omnirange station; to the Traverse City, Mich., LF radio range station.

§ 600.6194 *VOR civil airway No. 194 (Royston, Ga., to Norfolk, Va.).* From the point of intersecton of the Royston omnirange 270° True and the Norcross, Ga., omnirange 054° True radials via the Royston, Ga., omnirange station; intersection of the Royston omnirange 078° True and the Charlotte omnirange 241° True radials; Charlotte, N. C., omnirange station; Raleigh, N. C., omnirange station; Rocky Mount, N. C., omnirange station; point of intersection of the Williamston, N. C., VAR north course and the Norfolk ILS localizer southwest course; Norfolk, Va., ILS localizer; to the point of intersection of the Norfolk ILS localizer northeast course and the Norfolk, Va., VAR north course.

§ 600.6195 *VOR civil airway No. 195 (Oakland, Calif., to Red Bluff, Calif.).* From the Oakland, Calif., omnirange station via the Sacramento, Calif., omnirange station; Williams, Calif., omnirange station, including a west alternate from the Oakland omnirange station to the Williams omnirange station via the point of intersection of the Sacramento omnirange 218° True and the Williams omnirange 167° True radials; to the Red Bluff, Calif., omnirange station, including a west alternate via the intersection of the Williams omnirange 339° True and the Red Bluff omnirange 189° True radials.

§ 600.6196 *VOR civil airway No. 196 (Rock River, Wyo., to Chadron, Nebr.).* From the Rock River, Wyo., omnirange station to the Chadron, Nebr., omnirange station.

§ 600.6197 *VOR civil airway No. 197 (Toledo, Ohio, to Detroit, Mich.).* From the Waterville, Ohio, omnirange station to the Carleton, Mich., omnirange station.

§ 600.6198 *VOR civil airway No. 198 (San Antonio, Tex., to Galveston, Tex.).* From the San Antonio, Tex., omnirange station via the Eagle Lake, Tex., omnirange station; to the Galveston, Tex., omnirange station, including a north alternate from the San Antonio omnirange station to the Galveston omnirange station via the point of intersection of the Austin, Tex., omnirange 109° True and the College Station, Tex., omnirange 202° True radials, thence via the Houston, Tex., omnirange station.

§ 600.6199 *VOR civil airway No. 199 (San Francisco, Calif., to Fresno, Calif.).* From the San Francisco, Calif., omnirange station via the intersection of the San Francisco omnirange 111° True and the Fresno omnirange 287° True radials; to the Fresno, Calif., omnirange station.

§ 600.6200 *VOR civil airway No. 200 (Ukiah, Calif., to Reno, Nev.).* From the Ukiah, Calif., omnirange station via the Williams, Calif., omnirange station; intersection of the Williams omnirange 061° True and the Reno omnirange 268° True radials; to the Reno, Nev., omnirange station, including a south alternate from the Williams omnirange station to the Reno omnirange station via the point of intersection of the Williams omnirange 104° True and the Sacramento, Calif., omnirange 055° True radials and the intersection of the Sacramento omnirange 055° True and the Reno omnirange 230° True radials.

§ 600.6201 *VOR civil airway No. 201 (Los Angeles, Calif., to Pasadena, Calif.).* From the point of intersection of the Los Angeles omnirange 207° True and the Long Beach, Calif., omnirange 250° True radials via the Los Angeles, Calif., omnirange station; thence via the direct radial of the Los Angeles omnirange to the point of its intersection with the Long Beach omnirange 346° True and the Palmdale, Calif., omnirange 200° True radials.

§ 600.6202 *VOR civil airway No. 202 (Tucson, Ariz., to Cochise, Ariz.).* From the Tucson, Ariz., MF radio range station via the point of intersection of a straight line bearing 157° True from the Tucson MF radio range and the Cochise omnirange 257° True radial; to the Cochise, Ariz., omnirange station.

§ 600.6203 *VOR civil airway No. 203 (Albany, N. Y., to Massena, N. Y.).* From the Albany, N. Y., omnirange station to the Massena, N. Y., omnirange station.

§ 600.6204 *VOR civil airway No. 204 (Hoquiam, Wash., to Olympia, Wash.).* From the Hoquiam, Wash., omnirange station to the Olympia, Wash., omnirange station, excluding the airspace above 14,500 feet above mean sea level.

§ 600.6205 *VOR civil airway No. 205 (Springfield, Mo., to Kansas City, Mo.).* From the Springfied, Mo., omnirange station via the Blue Springs, Mo., omnirange station, including a west alternate via the intersecton of the Sprngfield omnirange 316° True and the Blue Springs omnirange 178° True radials; to the Kansas City, Mo., omnirange station. The portion of this airway which overlaps the Lake City restricted area (R–307) is excluded.

§ 600.6206 *VOR civil airway No. 206 (Blue Springs, Mo., to Kirksville, Mo.).* From the Blue Springs, Mo., omnirange station via the intersection of the Blue Springs omnirange 056° True and the Kirksville omnirange 225° True radials; to the Kirksville, Mo., omnirange station. The portion of this airway which overlaps the Lake City Restricted Area (R–307) is excluded.

§ 600.6207 *VOR civil airway No. 207 (Denver, Colo., to Egbert, Wyo.).* From the Denver, Colo., omnirange station to the point of intersection of the Denver omnirange 016° True and the Cheyenne omnirange 098° True radials.

§ 600.6208 *VOR civil airway No. 208 (Thermal, Calif., to Needles, Calif.).* From the Thermal, Calif., omnirange station to the Needles, Calif., omnirange station.

§ 600.6209 *VOR civil airway No. 209 (Los Angeles, Calif., to Paso Robles, Calif.).* From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles, omnirange 301° True and the Fillmore omnirange 163° True radials; Fillmore, Calif., omnirange station; to the Paso Robles, Calif., omnirange station.

§ 600.6211 *VOR civil airway No. 211 (Cotulla, Tex., to Junction, Tex.).* From the Cotulla, Tex., omnirange station to the Junction, Tex., omnirange station.

§ 600.6213 *VOR civil airway No. 213 (Rocky Mount, N. C., to Boykins, Va.).* From the Rocky Mount, N. C., omnirange station via its direct radial to the point of intersection of the Lawrenceville, Va., omnirange 116° True radial and the southwest course of the Waverly, Va., LF radio range.

§ 600.6223 *VOR civil airway No. 223 (Herndon, Va., to Harrisburg, Pa.).* From the Herndon, Va., omnirange station to the Harrisburg, Pa., omnirange station.

HAWAIIAN VOR CIVIL AIRWAYS

§ 600.6401 *Hawaiian VOR civil airway No. 1.* From the Hilo, Hawaii, T. H., omnirange station to the intersection of the Hilo omnirange 041° True and the Upolu, Hawaii, T. H., omnirange 096° True radials.

§ 600.6402 *Hawaiian VOR civil airway No. 2.* From the Lihue, Kauai, T. H., omnirange station via the intersection of the Lihue omnirange 126° True and the Honolulu omnirange 246° True radials; Honolulu, Oahu, T. H., omnirange station, including a south alternate between the Lihue, Kauai, T. H., omnirange station and the Honolulu, Oahu, T. H., omnirange station via the intersection of the Lihue omnirange 141° True and the Honolulu omnirange 246° True radials; Lanai, T. H., omnirange station, including a south alternate; the intersection of the Lanai omnirange 111° True and the Upolu omnirange 302° True radials; Upolu, Hawaii, T. H., omnirange station, excluding the portion which overlaps Kahoolawe restricted area; the intersection of the Upolu omnirange 096° True and the Hilo omnirange 336° True radials; Hilo, Hawaii, T. H., omnirange station to the intersection of the Hilo 089° True radial and a point 33 statute miles east from the Hilo, Hawaii, T. H., omnirange station.

§ 600.6403 *Hawaiian VOR civil airway No. 3.* From the intersection of the Hilo omnirange 173° True radial and a point 36 statute miles south from the Hilo, Hawaii, T. H., omnirange station via the Hilo, Hawaii, T. H., omnirange station to the intersection of the Hilo omnirange 006° True and the Upolu, Hawaii, T. H., omnirange 096° True radials.

§ 600.6404 *Hawaiian VOR civil airway No. 4.* From the intersection of the Honolulu omnirange 246° True and Lihue, Kauai, T. H., omnirange 186° True radials via the Honolulu, Oahu, T. H., omnirange station to the intersection of the Honolulu omnirange 061° True and the Maui, T. H., omnirange 351° True radials, excluding the portion below 6,000 feet which overlaps the Kaneohe Naval Airspace Reservation. The portion of this airway which overlaps the Waikane Restricted Area (R–496) is excluded.

§ 600.6405 *Hawaiian VOR civil airway No. 5.* From the intersection of the Maui omnirange 191° True and the Lanai, T. H., omnirange 111° True radials via the Maui, T. H., omnirange station, excluding the portion which overlaps the Kahoolawe restricted area, to the intersection of the Maui omnirange 351° True and the Honolulu, Oahu, T. H., omnirange 061° True radials.

§ 600.6406 *Hawaiian VOR civil airway No. 6.* From the Lanai, T. H., omnirange station to the Maui, T. H., omnirange station.

§ 600.6407 *Hawaiian VOR civil airway No. 7.* From the Lanai, T. H., omnirange station to the intersection of the Lanai omnirange 337° True and the Honolulu, Oahu, T. H., omnirange 061° True radials.

§ 600.6408 *Hawaiian VOR civil airway No. 8.* From the intersection of the Maui omnirange 237° True and the Lanai, T. H., omnirange 111° True radials to the Maui, T. H., omnirange station, excluding the portion which overlaps the Kahoolawe restricted area.

§ 600.6409 *Hawaiian VOR civil airway No. 9.* From the intersection of the Honolulu omnirange 179° True and the Lanai, T. H., omnirange 224° True radials to the Honolulu, Oahu, T. H., omnirange station, excluding the portion above 10,000 feet extending from Lat. 20°00'00" North, to the arc of a circle 25 miles south of a point located at Lat. 21°19'40" North, Long. 157°59'35" West.

§ 600.6410 *Hawaiian VOR civil airway No. 10.* From the Upolu, Hawaii, T. H., omnirange station to the intersection of the Upolu omnirange 096° True and the Hilo, Hawaii, T. H., omnirange 041° True radials.

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601.204 Red civil airway No. 4 control areas (Albuquerque, N. Mex., to Tucumcari, N. Mex.).
601.205 Red civil airway No. 5 control areas (Sioux Falls, S. Dak., to St. Paul, Minn.).
601.206 Red civil airway No. 6 control areas (Denver, Colo., to Omaha, Nebr.).
601.207 Red civil airway No. 7 control areas (Atlanta, Ga., to Greensboro, N. C.).
601.207 Red civil airway No. 8 control areas (Dayton, Ohio, to Newark, N. J.).
601.209 Red civil airway No. 9 control areas (San Diego, Calif., to Casa Grande, Ariz.).
601.210 Red civil airway No. 10 control areas (Amarillo, Tex., to Charleston, S. C.).
601.211 Red civil airway No. 11 control areas (Enid, Okla., to Boston, Mass.).
601.212 Red civil airway No. 12 control areas (Joliet, Ill., to Erie, Pa.).
601.213 Red civil airway No. 13 control areas (Butler, Pa., to Boston, Mass.).
601.214 Red civil airway No. 14 control areas (Lone Rock, Wis., to Louisville, Ky.).
601.215 Red civil airway No. 15 control areas (Reno, Nev., to Phoenix, Ariz.).
601.216 Red civil airway No. 16 control areas (Tallahassee, Fla., to Florence, S. C.).
601.217 Red civil airway No. 17 control areas (St. Louis, Mo., to Baltimore, Md.).
601.218 Red civil airway No. 18 control areas (Indianapolis, Ind., to Washington, D. C.).
601.219 Red civil airway No. 19 control areas (Traverse City, Mich., to Norfolk, Va.).
601.220 Red civil airway No. 20 control areas (Lansing, Mich., to Washington, D. C.).

601.221 Red civil airway No. 21 control areas (New York, N. Y., to Boston, Mass.).
601.222 Red civil airway No. 22 control areas (Mount Clemens, Mich., to Albany, N. Y.).
601.223 Red civil airway No. 23 control areas (United States-Canadian Border to New York, N. Y.).
601.224 Red civil airway No. 24 control areas (Amarillo, Tex., to Oklahoma City, Okla.).
601.226 Red civil airway No. 26 control areas (Petersburg, Va., to Corapeake, N. C.).
601.227 Red civil airway No. 27 control areas (Atlanta, Ga., to Detroit, Mich.).
601.228 Red civil airway No. 28 control areas (Rockford, Ill., to Detroit, Mich.).
601.229 Red civil airway No. 29 control areas (Elmira, N. Y., to Baltimore, Md.).
601.230 Red civil airway No. 30 control areas (Shreveport, La., to Jacksonville, Fla.).
601.231 Red civil airway No. 31 control areas (Cheyenne, Wyo., to La Crosse, Wis.).
601.232 Red civil airway No. 32 control areas (Laredo, Tex., to Houston, Tex.).
601.233 Red civil airway No. 33 control areas (Norfolk, Va., to Boston, Mass.).
601.234 Red civil airway No. 34 control areas (Charleston, W. Va., to Weeksville, N. C.).
601.235 Red civil airway No. 35 control areas (Pueblo, Colo., to St. Joseph, Mo.).
601.236 Red civil airway No. 36 control areas (Rochester, Minn., to La Crosse, Wis.).
601.237 Red civil airway No. 37 control areas (Tyler, Tex., to Gordonsville, Va.).
601.238 Red civil airway No. 38 control areas (Big Spring, Tex., to San Antonio, Tex.).
601.239 Red civil airway No. 39 control areas (Bethel, Alaska, to Fairbanks, Alaska).
601.240 Red civil airway No. 40 control areas (Kodiak, Alaska, to Anchorage, Alaska)
601.241 Red civil airway No. 41 control areas (Yakutat, Alaska, to Gustavus, Alaska).
601.242 Red civil airway No. 42 control areas (Milwaukee, Wis., to Aurora, Ill.).
601.243 Red civil airway No. 43 control areas (Chicago, Ill., to LaFayette, Ind.).
601.244 Red civil airway No. 44 control areas (Bellingham, Wash., to United States-Canadian Border).
601.245 Red civil airway No. 45 control areas (Blackstone, Va., to Willow Grove, Pa.).
601.246 Red civil airway No. 46 control areas (United States-Canadian Border to Jamestown, N. Dak.).
601.247 Red civil airway No. 47 control areas (Tampa, Fla., to Daytona Beach, Fla.).
601.248 Red civil airway No. 48 control areas (Missoula, Mont., to Livingston, Mont.).
601.249 Red civil airway No. 49 control areas (Elko, Nev., to Fort Bridger, Wyo.).
601.250 Red civil airway No. 50 control areas (Galena, Alaska, to Fairbanks, Alaska).
601.251 Red civil airway No. 51 control areas (Blackstone, Va., to Norfolk, Va.).
601.252 Red civil airway No. 52 control areas (Memphis, Tenn., to Birmingham, Ala.).
601.253 Red civil airway No. 53 control areas (Portland, Oreg., to Spokane, Wash.).
601.254 Red civil airway No. 54 control areas (Burley, Idaho, to Salt Lake City, Utah).
601.255 Red civil airway No. 55 control areas (Burlington, Iowa, to Columbus, Ohio).
601.256 Red civil airway No. 56 control areas (Red Bluff, Calif., to Whitmore, Calif.).
601.257 Red civil airway No. 57 control area (Des Moines, Iowa, to Youngstown, Ohio).
601.258 Red civil airway No. 58 control areas (Augusta, Maine, to United States-Canadian Border).
601.259 Red civil airway No. 59 control areas (Garden City, Kans., to Oklahoma City, Okla.).
601.260 Red civil airway No. 60 control areas (Oakland, Calif., to Stockton, Calif.).
601.261 Red civil airway No. 61 control areas (Butler, Pa., to Washington, D. C.).
601.262 Red civil airway No. 62 control areas (Pittsburgh, Pa., to Altoona, Pa.).
601.263 Red civil airway No. 63 control areas (Battle Creek, Mich., to the United States-Canadian Border).
601.264 Red civil airway No. 64 control areas (United States-Canadian Border to Annette Island, Alaska).
601.265 Red civil airway No. 65 control areas (Los Angeles, Calif., to Hayfield Lake, Calif.).
601.266 Red civil airway No. 66 control areas (Santa Barbara, Calif., to Los Angeles, Calif.).
601.267 Red civil airway No. 67 control areas (Crestview, Fla., to Atlanta, Ga.).
601.268 Red civil airway No. 68 control areas (Midland, Tex., to Shreveport, La.).
601.269 Red civil airway No. 69 control areas (Midland, Tex., to Big Spring, Tex.).
601.270 Red civil airway No. 70 control areas (Midland, Tex., to Lubbock, Tex.).
601.271 Red civil airway No. 71 control areas (El Paso, Tex., to Lubbock, Tex.).
601.272 Red civil airway No. 72 control areas (Millville, N. J., to Paterson, N. J.).
601.273 Red civil airway No. 73 control areas (Baltimore, Md., to Millville, N. J.).
601.274 Red civil airway No. 74 control areas (Louisville, Ky., to Cincinnati, Ohio).
601.275 Red civil airway No. 75 control areas (United States-Canadian Border, Vancouver, B. C., to United States-Canadian Border, Abbotsford, B. C.).
601.276 Red civil airway No. 76 control areas (Williams, Calif., to Auburn, Calif.).
601.277 Red civil airway No. 77 control areas (Greensboro, N. C., to Atlantic City, N. J.).
601.278 Red civil airway No. 78 control areas (Medford, Oreg., to Klamath Falls, Oreg.).
601.279 Red civil airway No. 79 control areas (Neah Bay, Wash., to Everett, Wash.).
601.280 Red civil airway No. 80 control areas (Helena, Mont., to Miles City, Mont.).

Sec.	
601.281	Red civil airway No. 81 control areas (Lansing, Mich., to Detroit, Mich.).
601.282	Red civil airway No. 82 control areas (Skwentna, Alaska, to Anchorage, Alaska).
601.283	Red civil airway No. 83 control areas (Gila Bend, Ariz., to Tucson, Ariz.).
601.284	Red civil airway No. 84 control areas (Meridian, Miss., to Columbus, Ga.).
601.285	Red civil airway No. 85 control areas (Akron, Ohio, to Altoona, Pa.).
601.286	Red civil airway No. 86 control areas (Millinocket, Maine, to Houlton, Maine).
601.287	Red civil airway No. 87 control areas (Hawaiian Islands).
601.288	Red civil airway No. 88 control areas (Albuquerque, N. Mex., to Hobbs, N. Mex.).
601.289	Red civil airway No. 89 control areas (Quincy, Ill., to Peoria, Ill.).
601.290	Red civil airway No. 90 control areas (Oxnard, Calif., to Burbank, Calif.).
601.291	Red civil airway No. 91 control areas (Dunkirk, N. Y., to Syracuse, N. Y.).
601.292	Red civil airway No. 92 control areas (Sault Ste. Marie, Mich., to United States-Canadian Border).
601.293	Red civil airway No. 93 control areas (Lincoln, Nebr., to Omaha, Nebr.).
601.294	Red civil airway No. 94 control areas (Providence, R. I., to Hyannis, Mass.).
601.295	Red civil airway No. 95 control areas (Elmira, N. Y., to Utica, N. Y.).
601.296	Red civil airway No. 96 control areas (Palacios, Tex., to Baton Rouge, La.).
601.297	Red civil airway No. 97 control areas (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).
601.298	Red civil airway No. 98 control areas (Vichy, Mo., to Belleville, Ill.).
601.299	Red civil airway No. 99 control areas (Illamna, Alaska, to Homer, Alaska.).
601.300	Red civil airway No. 100 control areas (South Bend, Ind., to Battle Creek, Mich.).
601.302	Red civil airway No. 102 control areas (Louisville, Ky., to Huntington, W. Va.).
601.303	Red civil airway No. 103 control areas (Kenai, Alaska, to Middleton Island, Alaska).
601.304	Red civil airway No. 104 control areas (Greensboro, N. C., to Raleigh, N. C.).
601.305	Red civil airway No. 105 control areas (Wichita, Kans., to Neosho, Mo.).
601.306	Red civil airway No. 106 control areas (Scottsbluff, Nebr., to North Platte, Nebr.).
601.307	Red civil airway No. 107 control areas (Stanton, Minn., to Red Wing, Minn.).
601.308	Red civil airway No. 108 control areas (Promontory Point, Utah, to Fort Bridger, Wyo.).
601.309	Red civil airway No. 109 control areas (Portland, Oreg., to Spokane, Wash.).

BLUE CIVIL AIRWAYS

Sec.	
601.601	Blue civil airway No. 1 control areas (Miami, Fla., to Tampa, Fla.).
601.602	Blue civil airway No. 2 control areas (Montgomery, Ala., to Erie, Pa.).
601.603	Blue civil airway No. 3 control areas (Miami, Fla., to Sault Ste. Marie, Mich.).
601.604	Blue civil airway No. 4 control areas (Nantucket, Mass., to United States-Canadian Border).
601.605	Blue civil airway No. 5 control areas (Galveston, Tex., to Wichita, Kans.).
601.606	Blue civil airway No. 6 control areas (Abilene, Tex., to Muskegon, Mich.).
601.607	Blue civil airway No. 7 control areas (Hollister, Calif., to Williams, Calif.).
601.608	Blue civil airway No. 8 control areas (Fargo, N. Dak., to United States-Canadian Border).
601.609	Blue civil airway No. 9 control areas (Springfield, Mo., to United States-Canadian Border).
601.610	Blue civil airway No. 10 control areas (Fresno, Calif., to Williams, Calif.).
601.611	Blue civil airway No. 11 control areas (Findlay, Ohio, to Dunkirk, N. Y.).
601.613	Blue civil airway No. 13 control areas (Houston, Tex., to Des Moines, Iowa).
601.614	Blue civil airway No. 14 control areas (El Centro, Calif., to Sacramento, Calif.).
601.615	Blue civil airway No. 15 control areas (Huntington, W. Va., to Youngstown, Ohio).
601.616	Blue civil airway No. 16 control areas (Waverly, Va., to Tappahannock, Va.).
601.617	Blue civil airway No. 17 control areas (Bangor, Maine, to Presque Isle, Maine).
601.618	Blue civil airway No. 18 control areas (Philadelphia, Pa., to United States-Canadian Border).
601.619	Blue civil airway No. 19 control areas (Key West, Fla., to Orlando, Fla.).
601.620	Blue civil airway No. 20 control areas (Millville, N. J., to Allentown, Pa.).
601.622	Blue civil airway No. 22 control areas (Memphis, Tenn., to Wichita, Kans.).
601.623	Blue civil airway No. 23 control areas (Norfolk, Va., to Chincoteague, Va.).
601.625	Blue civil airway No. 25 control areas (Cordova, Alaska, to Big Delta, Alaska).
601.626	Blue civil airway No. 26 control areas (Anchorage, Alaska, to Nenana, Alaska).
601.627	Blue civil airway No. 27 control area (Kodiak, Alaska, to Kotzebue, Alaska).
601.628	Blue civil airway No. 28 control areas (Charleston, S. C., to Bulls Gap, Tenn.).
601.629	Blue civil airway No. 29 control areas (Raleigh, N. C., to Lynchburg, Va.).
601.630	Blue civil airway No. 30 control areas (Brownsville, Tex., to Pueblo, Colo.).
601.631	Blue civil airway No. 31 control areas (Burlington, Iowa, to Madison, Wis.).
601.632	Blue civil airway No. 32 control areas (Pendleton, Oreg., to Talkeetna, Alaska).
601.633	Blue civil airway No. 33 control areas (Lansing, Mich., to Saginaw, Mich.).
601.634	Blue civil airway No. 34 control areas (Terre Haute, Ind., to Peoria, Ill.).
601.635	Blue civil airway No. 35 control areas (Oxnard, Calif., to Bakersfield, Calif.).
601.636	Blue civil airway No. 36 control areas (Akron, Colo., to Kimball, Nebr.).
601.637	Blue civil airway No. 37 control areas (Casper, Wyo., to Rapid City, S. Dak.).
601.638	Blue civil airway No. 38 control areas (Five Finger, Alaska, to United States-Canadian Border).
601.639	Blue civil airway No. 39 control areas (Savannah, Ga., to Elmira, N. Y.).
601.640	Blue civil airway No. 40 control areas (Concord, N. H., to Burlington, Vt.).
601.641	Blue civil airway No. 41 control areas (Hartford, Conn., to United States-Canadian Border).
601.642	Blue civil airway No. 42 control areas (Goshen, Ind., to Saginaw, Mich.).
601.643	Blue civil airway No. 43 control areas (Delta Island, Alaska, to Willow, Alaska).
601.644	Blue civil airway No. 44 control areas (Indianapolis, Ind., to United States-Canadian Border).
601.645	Blue civil airway No. 45 control areas (Greenfield, Mass., to Newport, Vt.).
601.646	Blue civil airway No. 46 control areas (Memphis, Tenn., to Paducah, Ky.).
601.647	Blue civil airway No. 47 control areas (Blackstone, Va., to Dunkirk, N. Y.).
601.649	Blue civil airway No. 49 control areas (Atlantic City, N. J., to Philadelphia, Pa.).
601.651	Blue civil airway No. 51 control areas (Wendover, Utah, to Dubois, Idaho).
601.652	Blue civil airway No. 52 control areas (Paso Robles, Calif., to Fresno, Calif.).
601.653	Blue civil airway No. 53 control areas (Providence, R. I., to Hartford, Conn.).
601.654	Blue civil airway No. 54 control areas (Evergreen, Calif., to Hamilton AFB, Calif.).
601.655	Blue civil airway No. 55 control areas (Crestview, Fla., to Montgomery, Ala.).
601.656	Blue civil airway No. 56 control areas (Elizabeth City, N. C., to Washington, D. C.).
601.657	Blue civil airway No. 57 control areas (Elko, Nev., to Burley, Idaho).
601.658	Blue civil airway No. 58 control areas (Nantucket, Mass., to Squantum, Mass.).
601.659	Blue civil airway No. 59 control areas (Pensacola, Fla., to Goodway, Ala.).
601.660	Blue civil airway No. 60 control areas (Sunnyvale, Calif., to Stockton, Calif.).
601.661	Blue civil airway No. 61 control areas (Springfield, Mo., to Kansas City, Mo.).
601.663	Blue civil airway No. 63 control areas (Concord, N. H., to Berlin, N. H.).
601.664	Blue civil airway No. 64 control areas (Wink, Tex., to Hobbs, N. Mex.).

Sec.	
601.665	Blue civil airway No. 65 control areas (Shuyak, Alaska, to Homer, Alaska).
601.666	Blue civil airway No. 66 control areas (Bridgeport, Conn., to Poughkeepsie, N. Y.).
601.667	Blue civil airway No. 67 control areas (Yuma, Ariz., to Las Vegas, Nev.).
601.668	Blue civil airway No. 68 control areas (Midland, Tex., to Hobbs, N. Mex.).
601.669	Blue civil airway No. 69 control areas (St. Louis, Mo., to Quincy, Ill.).
601.670	Blue civil airway No. 70 control areas (Waco, Tex., to Tulsa, Okla.).
601.671	Blue civil airway No. 71 control areas (Toledo, Wash., to Seattle, Wash.).
601.672	Blue civil airway No. 72 control areas (Enid, Okla., to Wichita, Kans.).
601.674	Blue civil airway No. 74 control areas (Willard, N. Mex., to Otto, N. Mex.).
601.675	Blue civil airway No. 75 control areas (Cleveland, Ohio, to United States-Canadian Border).
601.676	Blue civil airway No. 76 control areas (Sinclair, Wyo., to Casper, Wyo.).
601.678	Blue civil airway No. 78 control areas (Spring Bay, Utah, to Malad City, Idaho).
601.679	Blue civil airway No. 79 control areas (Annette Island, Alaska, to United States-Canadian Border).
601.680	Blue civil airway No. 80 control areas (Unalakleet, Alaska, to Moses Point, Alaska).
601.681	Blue civil airway No. 81 (Charleston, W. Va., to Akron, Ohio).
601.684	Blue civil airway No. 84 control areas (Augusta, Maine, to Millinocket, Maine).
601.685	Blue civil airway No. 85 control areas (Hutchinson, Kans., to Wichita, Kans.).
601.686	Blue civil airway No. 86 control areas (Goshen, Ind., to Fort Wayne, Ind.).
601.687	Blue civil airway No. 87 control areas (Lexington, Ky., to Dayton, Ohio).

Subpart C—Control Area Extensions

Sec.	
601.1001	Control area extension (Moses Lake, Wash.).
601.1002	Control area extension (Austin, Tex.).
601.1003	Control area extension (Corinne, Utah).
601.1004	Control area extension (Brownsville, Tex.).
601.1005	Control area extension (Jacksonville, Fla.).
601.1006	Control area extension (Lake Charles, La.).
601.1007	Control area extension (Laredo, Tex.).
601.1008	Control area extension (Savannah, Ga.).
601.1009	Control area extension (Augusta, Ga.).
601.1010	Control area extension (Greenwood, S. C.).
601.1011	Control area extension (Daytona Beach, Fla.).
601.1012	Control area extension (Florence, S. C.).
601.1013	Control area extension (Fort Myers, Fla.).
601.1014	Control area extension (Greenville, S. C.).
601.1015	Control area extension (Greenwood, Miss.).
601.1016	Control area extension (Jackson, Tenn.).
601.1017	Control area extension (Reading, Pa.).
601.1018	Control area extension (Meridian, Miss.).
601.1019	Control area extension (Nashville, Tenn.).
601.1020	Control area extension (Macon, Ga.).
601.1021	Control area extension (Belleville, Ill.).
601.1022	Control area extension (West Palm Beach, Fla.).
601.1023	Control area extension (Akron, Colo.).
601.1024	Control area extension (Burlington, Iowa).
601.1025	Control area extension (New Orleans, La.).
601.1026	Control area extension (Grand Island, Nebr.).
601.1027	Control area extension (Kansas City, Mo.).
601.1028	Control area extension (Monroe, La.).
601.1029	Control area extension (Corpus Christi, Tex.).
601.1030	Control area extension (Victorville, Calif.).
601.1031	Control area extension (North Platte, Nebr.).
601.1032	Control area extension (Kotzebue, Alaska).
601.1033	Control area extension (St. Joseph, Mo.).
601.1034	Control area extension (Springfield, Mo.).
601.1035	Control area extension (Little Rock, Ark.).
601.1036	Control area extension (West Palm Beach, Fla.).
601.1037	Control area extension (Pensacola, Fla.).
601.1038	Control area extension (Great Falls, Mont.).
601.1039	Control area extension (Portland, Oreg.).
601.1040	Control area extension (Medford, Oreg.).
601.1041	Control area extension (Boise, Idaho).
601.1042	Control area extension (Columbus, Ohio).
601.1043	Control area extension (Bowling Green, Ky.).
601.1044	Control area extension (Ypsilanti, Mich.).
601.1045	Control area extension (Presque Isle, Maine).
601.1046	Control area extension (Falfurrias, Tex.).
601.1047	Control area extension (Bangor, Maine).
601.1048	Control area extension (Red Bluff, Calif.).
601.1049	Control area extension (Utica, N. Y.).
601.1050	Control area extension (Bakersfield, Calif.).
601.1051	Control area extension (Portland, Maine).
601.1052	Control area extension (Atlanta, Ga.).
601.1053	Control area extension (Houston, Tex.).
601.1054	Control area extension (Sinclair, Wyo.).
601.1055	Control area extension (Elmira, N. Y.).
601.1056	Control area extension (Buffalo, N. Y.).
601.1057	Control area extension (Binghamton, N. Y.).
601.1058	Control area extension (Martinsburg, W. Va.).
601.1059	Control area extension (Lynchburg, Va.).
601.1060	Control area extension (Elkins, W. Va.).
601.1061	Control area extension (Mt. Clemens, Mich.).
601.1062	Control area extension (Raleigh, N. C.).
601.1063	Control area extension (Roanoke, Va.).
601.1064	Control area extension (Chicopee Falls, Mass.).
601.1065	Control area extension (Biloxi, Miss.).
601.1066	Control area extension (New York, N. Y.).
601.1067	Control area extension (Dayton, Ohio).
601.1068	Control area extension (Riverside, Calif.).
601.1069	Control area extension (Santa Barbara, Calif.).
601.1070	Control area extension (Oceanside, Calif.).
601.1071	Control area extension (Burbank, Calif.).
601.1072	Control area extension (Sumter, S. C.).
601.1073	Control area extension (Fresno, Calif.).
601.1074	Control area extension (Los Angeles, Calif.).
601.1075	Control area extension (Ada, Okla.).
601.1076	Control area extension (Phoenix, Ariz.).
601.1077	Control area extension (Elko, Nev.).
601.1078	Control area extension (Reno, Nev.).
601.1079	Control area extension (Rock Springs, Wyo.).
601.1080	Control area extension (Louisville, Ky.).
601.1081	Control area extension (Windsor Locks, Conn.).
601.1082	Control area extension (Montgomery, Ala.).
601.1083	Control area extension (Bartlesville, Okla.).
601.1084	Control area extension (Quincy, Ill.).
601.1085	Control area extension (Edwards Air Force Base, Calif.).
601.1086	Control area extension (Memphis, Tenn.).
601.1087	Control area extension (Akron, Ohio).
601.1088	Control area extension (Alexandria, Minn.).
601.1089	Control area extension (Cincinnati, Ohio).
601.1090	Control area extension (Lawrence, Mass.).
601.1091	Control area extension (Detroit, Mich.).
601.1092	Control area extension (Dickinson, N. Dak.).
601.1093	Control area extension (Fargo, N. Dak.).
601.1094	Control area extension (Flint, Mich.).
601.1095	Control area extension (Fort Wayne, Ind.).
601.1096	Control area extension (Glenview, Ill.).
601.1097	Control area extension (Grand Forks, N. Dak.).
601.1098	Control area extension (Casper, Wyo.).
601.1099	Control area extension (Indianapolis, Ind.).
601.1100	Control area extension (Lone Rock, Wis.).
601.1101	Control area extension (Madison, Wis.).
601.1102	Control area extension (Minneapolis, Minn.).
601.1103	Control area extension (Minot, N. Dak.).
601.1104	Control area extension (Rockford, Ill.).
601.1105	Control area extension (Muskegon, Mich.).

Sec.		Sec.		Sec.	
601.1106	Control are extension (Whidbey Island, Wash.).	601.1151	Control area extension (Wilmington, N. C.).	601.1194	Control area extension (Sacramento, Calif.).
601.1107	Control area extension (Topeka, Kans.).	601.1152	Control area extension (Charleston, S. C.).	601.1195	Control area extension (San Angelo, Tex.).
601.1108	Control area extension (Salina, Kans.).	601.1153	Control area extension (Jacksonville, Fla.).	601.1196	Control area extension (Yuma, Ariz.).
601.1109	Control area extension (Goodland, Kans.).	601.1154	Control area extension (Bismarck, N. Dak.).	601.1197	Control area extension (Dubois, Idaho).
601.1110	Control area extension (Hobbs, N. Mex.).	601.1155	Control area extension (Omaha, Nebr.).	601.1198	Control area extension (Idaho Falls, Idaho).
601.1111	Control area extension (San Diego, Calif.).	601.1156	Control area extension (Albany, Ga.).	601.1199	Control area extension (St. Cloud, Minn.).
601.1112	Control area extension (Fort Dix, N. J.).	601.1157	Control area extension (Chicago, Ill.).	601.1200	Control area extension (Columbia, S. C.).
601.1113	Control area extension (San Francisco, Calif.).	601.1158	Control area extension (Cleveland, Ohio).	601.1201	Control area extension (Saginaw, Mich.).
601.1114	Control area extension (Bettles, Alaska).	601.1159	Control area extension (Moline, Ill.).	601.1202	Control area extension (Tucumcari, N. Mex.).
601.1115	Control area extension (Dodge City, Kans.).	601.1160	Control area extension (South Bend, Ind.).	601.1203	Control area extension (Stuttgart, Ark.).
601.1116	Control area extension (Hutchinson, Kans.).	601.1161	Control area extension (Chicago, Ill.).	601.1204	Control area extension (Zuni, N. Mex.).
601.1117	Control area extension (Grosse Ile, Mich.).	601.1162	Control area extension (Danville, Va.).	601.1205	Control area extension (Albuquerque, N. Mex.).
601.1118	Control area extension (Grand Junction, Colo.).	601.1163	Control area extension (Vero Beach, Fla.).	601.1206	Control area extension (Midland, Tex.).
601.1119	Control area extension (St. Louis, Mo.).	601.1164	Control area extension (Quonset Point, R. I.).	601.1207	Control area extension (Carlsbad, N. Mex.).
601.1120	Control area extension (Cedar Rapids, Iowa).	601.1165	Control area extension (Oakland, Calif.).	601.1208	Control area extension (Salt Flat, Tex.).
601.1121	Control area extension (White Plains, N. Y.).	601.1166	Control area extension (Mobile, Ala.).	601.1209	Control area extension (Columbus, N. Mex.).
601.1122	Control area extension (Tri-City, Tenn.).	601.1167	Control area extension (Ontario, Oreg.).	601.1210	Control area extension (Grandview, Mo.).
601.1123	Control area extension (Birmingham, Ala.).	601.1168	Control area extension (Ponca City, Okla.).	601.1211	Control area extension (Dallas, Tex.).
601.1124	Control area extension (Eugene, Oreg.).	601.1169	Control area extension (Idlewild, N. Y.).	601.1212	Control area extension (White Sulphur Springs, W. Va.).
601.1125	Control area extension (Tallahassee, Fla.).	601.1170	Control area extension (Campbellton, Ga.).	601.1213	Control area extension (Chatsworth, Calif.).
601.1126	Control area extension (Knoxville, Tenn.).	601.1171	Control area extension (El Paso, Tex.).	601.1214	Control area extension (Brownsville, Tex.).
601.1127	Control area extension (Pasco, Wash.).	601.1172	Control area extension (Rantoul, Ill.).	601.1215	Control area extension (Galveston, Tex.).
601.1128	Control area extension (Jackson, Miss.).	601.1173	Control area extension (San Francisco, Calif.).	601.1216	Control area extension (New Orleans, La.).
601.1129	Control area extension (Washington, D. C.).	601.1174	Control area extension (Santa Ana, Calif.).	601.1217	Control area extension (Kodiak, Alaska).
601.1130	Control area extension (Spokane, Wash.).	601.1175	Control area extension (Charleston, S. C.).	601.1218	Control area extension (Homer, Alaska).
601.1131	Control area extension (Sitka, Alaska).	601.1176	Control area extension (Santa Barbara, Calif.) (Santa Barbara-Honolulu rhumb line route).	601.1219	Control area extension (Pensacola, Fla.).
601.1132	Control area extension (West Palm Beach, Fla.).			601.1220	Control area extension (Johnstown, Pa.).
601.1133	Control area extension (Seattle, Wash.).	601.1177	Control area extension (Long Beach, Calif.) (Long Beach-Honolulu route).	601.1221	Control area extension (Dothan, Ala.).
601.1134	Control area extension (Columbus, Ga.).	601.1178	Control area extension (Honolulu, T. H.).	601.1222	Control area extension (Pine Bluff, Ark.).
601.1135	Control area extension (Marianna, Fla.).	601.1179	Control area extension (Hilo, T. H.).	601.1223	Control area extension (Allentown, Pa.).
601.1136	Control area extension (San Juan, P. R.).	601.1180	Control area extension (San Antonio, Tex.).	601.1224	Control area extension (Philipsburg, Pa.).
601.1137	Control area extension (Big Spring, Tex.).	601.1181	Control area extension (Elizabeth City, N. C.).	601.1225	Control area extension (Erie, Pa.).
601.1138	Control area extension (Orlando, Fla.).	601.1182	Control area extension (Enid, Okla.).	601.1226	Control area extension (Tampa, Fla.).
601.1139	Control area extension (Lexington, Ky.).	601.1183	Control area extension (Wake Island).	601.1227	Control area extension (Lovelock, Nev.).
601.1140	Control area extension (Youngstown, Ohio).	601.1184	Control area extension (Douglas, Ariz.).	601.1228	Control area extension (Tampa, Fla.).
601.1141	Control area extension (Boston, Mass.).	601.1185	Control area extension (Cochise, Ariz.).	601.1229	Control area extension (Atterbury, Ind.).
601.1142	Control area extension (Boston, Mass.).	601.1186	Control area extension (Tucson, Ariz.).	601.1230	Control area extension (Miami, Fla.).
601.1143	Control area extension (Nantucket, Mass.).	601.1187	Control area extension (Jackson, Mich.).	601.1231	Control area extension (Newport, Vt.).
601.1144	Control area extension (Nantucket, Mass.).	601.1188	Control area extension (Milwaukee, Wis.).	601.1232	Control area extension (Miami, Fla.).
601.1145	Control area extension (Nantucket, Mass.).	601.1189	Control area extension (Daggett, Calif.).	601.1233	Control area extension (Key West, Fla.).
601.1146	Control area extension (New York, N. Y.).	601.1190	Control area extension (Fairfield, Calif.).	601.1234	Control area extension (Key West, Fla.).
601.1147	Control area extension (New York, N. Y.).	601.1191	Control area extension (Thermal, Calif.).	601.1235	Control area extension (West Palm Beach, Fla.).
601.1148	Control area extension (Millville, N. J.).	601.1192	Control area extension (Merced, Calif.).	601.1236	Control area extension (Seattle, (Clear Lake), Wash.).
601.1149	Control area extension (Norfolk, Va.)	601.1193	Control area extension (Monterey, Calif.).	601.1237	Control area extension (Waco, Tex.).
601.1150	Control area extension (Wilmington, N. C.).			601.1238	Control area extension (Amarillo, Tex.).

Sec.		Sec.		Sec.	
601.1239	Control area extension (Lubbock, Tex.).	601.1284	Control area extension (Oklahoma City, Okla.).	601.1328	Control area extension (Oxnard, Calif.).
601.1240	Control area extension (Tyler, Tex.).	601.1285	Control area extension (Shreveport, La.).	601.1329	Control area extension (Malden, Mo.).
601.1241	Control area extension (Tulsa, Okla.).	601.1286	Control area extension (Fort Worth, Tex.).	601.1330	Control area extension (Sherman, Tex.).
601.1242	Control area extension (Stockton, Calif.).	601.1287	Control area extension (Houghton, Mich.).	601.1331	Control area extension (Tacoma, Wash.).
601.1243	Control area extension (La Crosse, Wis.).	601.1288	Control area extension (Sault Ste. Marie, Mich.).	601.1332	Control area extension (Santa Maria, Calif.).
601.1244	Control area extension (Terre Haute, Ind.).	601.1289	Control area extension (Valparaiso, Fla.).	601.1333	Control area extension (Nome, Alaska).
601.1245	Control area extension (Port Allen, Kauai, T. H.).	601.1290	Control area extension (Joplin, Mo.).	601.1334	Control area extension (Del Rio, Tex.).
601.1246	Control area extension (Evansville, Ind.).	601.1291	Control area extension (Garden City, Kans.).	601.1335	Control area extension (Lafayette, La.).
601.1247	Control area extension (Las Vegas, Nev.).	601.1292	Control area extension (Manakin, Va.).	601.1336	Control area extension (Eau Claire, Wis.).
601.1248	Control area extension (Richmond, Va.).	601.1293	Control area extension (Fort Smith, Ark.).	601.1337	Control area extension (Wausau, Wis.).
601.1249	Control area extension (Aberdeen, S. Dak.).	601.1294	Control area extension (Everett, Wash.).	601.1338	Control area extension (Green Bay, Wis.).
601.1250	Control area extension (Jamestown, N. Dak.).	601.1295	Control area extension (Falmouth, Mass.).	601.1339	Control area extension (Oshkosh, Wis.).
601.1251	Control area extension (Mansfield, Ohio).	601.1296	Control area extension (Nantucket, Mass.).	601.1340	Control area extension (Miles City, Mont.).
601.1252	Control area extension (Janesville, Wis.).	601.1297	Control area extension (Paducah, Ky.).	601.1341	Control area extension (Dover, Del.).
601.1253	Control area extension (Bradford, Ill.).	601.1298	Control area extension (Promontory Point, Utah).	601.1342	Control area extension (Sanford, Fla.).
601.1254	Control area extension (Pontiac, Ill.).	601.1299	Control area extension (Valdosta, Ga.).	601.1343	Control area extension (Juneau, Alaska).
601.1255	Control area extension (Findlay, Ohio).	601.1300	Control area extension (Prescott, Ariz.).	601.1344	Control area extension (Laconia, N. H.).
601.1256	Control area extension (Pittsburgh, Pa.).	601.1301	Control area extension (Winslow, Ariz.).	601.1345	Control area extension (Rockland, Maine).
601.1257	Control area extension (Goshen, Ind.).	601.1302	Control area extension (Lawton, Okla.).	601.1346	Control area extension (Bar Harbor, Maine).
601.1258	Control area extension (Lafayette, Ind.).	601.1303	Control area extension (Albany, N. Y.).	601.1347	Control area extension (Colorado Springs, Colo.).
601.1259	Control area extension (Huron, S. Dak.).	601.1304	Control area extension (Poughkeepsie, N. Y.).	601.1348	Control area extension (Twin Falls, Idaho).
601.1260	Control area extension (Altus, Okla.).	601.1305	Control area extension (Wilton, Conn.).	601.1349	Control area extension (Redmond, Oreg.).
601.1261	Control area extension (Lansing, Mich.).	601.1306	Control area extension (Mountain Home, Idaho).	601.1350	Control area extension (Kodiak, Alaska).
601.1262	Control area extension (Mason City, Iowa).	601.1307	Control area extension (Minchumina, Alaska).	601.1351	Control area extension (Philadelphia, Pa.).
601.1263	Control area extension (Rochester, Minn.).	601.1308	Control area extension (Gustavus, Alaska).	601.1352	Control area extension (Sedalia, Mo.).
601.1264	Control area extension (Dyersburg, Tenn.).	601.1309	Control area extension (Kodiak, Alaska).	601.1353	Control area extension (Charleston, W. Va.).
601.1265	Control area extension (Golva, N. Dak.).	601.1310	Control area extension (Anchorage, Alaska) (Anchorage-Sandspit route).	601.1354	Control area extension (Salem, Oreg.).
601.1266	Control area extension (Litchfield, Mich.).	601.1311	Control area extension (Oscoda, Mich.).	601.1355	Control area extension (Berlin, N. H.).
601.1267	Control area extension (Springfield, Ill.).	601.1312	Control area extension (Zanesville, Ohio).	601.1356	Control area extension (Greenville, Miss.).
601.1268	Control area extension (Sioux Falls, S. Dak.).	601.1313	Control area extension (Sioux City, Iowa).	601.1357	Control area extension (Fallon, Nev.).
601.1269	Control area extension (Watertown, S. Dak.).	601.1314	Control area extension (Kirksville, Mo.).	601.1358	Control area extension (Midway Island).
601.1270	Control area extension (Harrisburg, Pa.).	601.1315	Control area extension (Emporia, Kans.).	601.1359	Control area extension (Childress, Tex.).
601.1271	Control area extension (Front Royal, Va.).	601.1316	Control area extension (La Junta, Colo.).	601.1360	Control area extension (Abilene, Tex.).
601.1272	Control area extension (Baltimore, Md.).	601.1317	Control area extension (Tuscaloosa, Ala.).	601.1361	Control area extension (Cotulla, Tex.).
601.1273	Control area extension (Syracuse, N. Y.).	601.1318	Control area extension (Muscle Shoals, Ala.).	601.1362	Control area extension (Dalhart, Tex.).
601.1274	Control area extension (Niagara Falls, N. Y.).	601.1319	Control area extension (Key West, Fla.).	601.1363	Control area extension (Lufkin, Tex.).
601.1275	Control area extension (Fairbanks, Alaska).	601.1320	Control area extension (Cross City, Fla.).	601.1364	Control area extension (Texarkana, Ark.).
601.1276	Control area extension (Cheyenne, Wyo.).	601.1321	Control area extension (Brunswick, Ga.).	601.1365	Control area extension (Walnut Ridge, Ark.).
601.1277	Control area extension (Denver, Colo.).	601.1322	Control area extension (Alice, Tex.).	601.1366	Control area extension (Gage, Okla.).
601.1278	Control area extension (Des Moines, Iowa).	601.1323	Control area extension (Dallas, Tex.) (Dallas-Houston-Austin area).	601.1367	Control area extension (Wink, Tex.).
601.1279	Control area extension (Rapid City, S. Dak.).			601.1368	Control area extension (Greensboro, N. C.).
601.1280	Control area extension (Sheridan, Wyo.).	601.1324	Control area extension (Brunswick, Maine).	601.1369	Control area extension (Myrtle Beach, S. C.).
601.1281	Control area extension (Pueblo, Colo.).	601.1325	Control area extension (Tampa, Fla.).	601.1370	Control area extension (Wilmington, N. C.).
601.1282	Control area extension (Wichita, Kans.).	601.1326	Control area extension (Fortuna, Calif.).	601.1371	Control area extension (Hyannis, Mass.).
601.1283	Control area extension (Toledo, Wash.).	601.1327	Control area extension (Crescent City, Calif.).	601.1372	Control area extension (Los Angeles, Calif.).

Sec.
601.1373 Control area extension (Chattanooga, Tenn.).
601.1374 Control area extension (Limestone, Maine).
601.1375 Control area extension (Manchester, N. H.).
601.1376 Control area extension (Victoria, Tex.).
601.1377 Control area extension (Boston, Mass.).
601.1378 Control area extension (Wilmington, Del.).
601.1379 Control area extension (Waterloo, Iowa).
601.1380 Control area extension (Johnston Island).
601.1381 Control area extension (Kwajalein Island).
601.1382 Control area extension (Wake Island).
601.1383 Control area extension (Guam Island).
601.1384 Control area extension (Hopkinsville, Ky.).
601.1385 Control area extension (Rome, N. Y.).
601.1386 Control area extension (Orlando, Fla.).
601.1387 Control area extension (Fayetteville, N. C.).
601.1388 Control area extension (Fort Bragg, N. C.).
601.1389 Control area extension (Miami, Fla.).
601.1390 Control area extension (Oahu-Molokai, T. H.).
601.1391 Control area extension (Gettysburg, Pa.).
601.1392 Control area extension (Ogden, Utah).
601.1400 Control area extension (King Salmon, Alaska) (King Salmon-Shemya route).
601.1401 Control area extension (King Salmon, Alaska) (King Salmon-Adak route).

Subpart D—Control Zones

601.1981 Scope of control zones.
601.1982 Designation of control zones.
601.1983 Three mile radius zones.
601.1984 Five mile radius zones.

ADDITIONAL CONTROL ZONES

601.2001 Albany, N. Y., control zone.
601.2002 Augusta, Maine, control zone.
601.2003 Baltimore, Md., control zone.
601.2004 Bangor, Maine, control zone.
601.2005 Boston, Mass., control zone.
601.2006 Buffalo, N. Y., control zone.
601.2007 Burlington, Vt., control zone.
601.2008 Concord, N. H., control zone.
601.2009 Erie, Pa., control zone.
601.2010 Harrisburg, Pa., control zone.
601.2011 Hartford, Conn., control zone.
601.2012 Millinocket, Maine, control zone.
601.2013 Newark, N. J., control zone.
601.2014 Norfolk, Va., control zone.
601.2015 Philadelphia, Pa., control zone.
601.2016 Wheeling, W. Va., control zone.
601.2017 Pittsburgh, Pa., control zone.
601.2018 Portland, Maine, control zone.
601.2019 Providence, R. I., control zone.
601.2020 Richmond, Va., control zone.
601.2021 Rochester, N. Y., control zone.
601.2022 Washington, D. C., control zone.
601.2023 Albuquerque, N. Mex., control zone.
601.2024 Amarillo, Tex., control zone.
601.2025 Big Spring, Tex., control zone.
601.2026 Brownsville, Tex., control zone.
601.2027 Dallas, Tex., control zone.
601.2028 El Paso, Tex., control zone.
601.2029 Fort Worth, Tex., control zone.
601.2030 Galveston, Tex., control zone.
601.2031 Houston, Tex., control zone.
601.2032 Laredo, Tex., control zone.
601.2033 Little Rock, Ark., control zone.
601.2034 Monroe, La., control zone.
601.2035 New Orleans, La., control zone.
601.2036 Ponca City, Okla., control zone.
601.2037 San Angelo, Tex., control zone.
601.2038 Shreveport, La., control zone.
601.2039 Tulsa, Okla., control zone.
601.2040 Smyrna, Tenn., control zone.
601.2041 Akron, Colo., control zone.
601.2042 Burlington, Iowa, control zone.
601.2043 Casper, Wyo., control zone.
601.2044 Cheyenne, Wyo., control zone.
601.2045 Colorado Springs, Colo., control zone.
601.2046 Columbia, Mo., control zone.
601.2047 Denver, Colo., control zone.
601.2048 Des Moines, Iowa, control zone.
601.2049 Fort Bridger, Wyo., control zone.
601.2050 Garden City, Kans., control zone.
601.2051 Grand Island, Nebr., control zone.
601.2052 Quincy, Ill., control zone.
601.2053 Huron, S. Dak., control zone.
601.2054 Hutchinson, Kans., control zone.
601.2055 Joplin, Mo., control zone.
601.2056 Kansas City, Mo., control zone.
601.2057 Kirksville, Mo., control zone.
601.2058 La Junta, Colo., control zone.
601.2059 Laramie, Wyo., control zone.
601.2060 Pellston, Mich., control zone.
601.2061 Lincoln, Nebr., control zone.
601.2062 Mason City, Iowa, control zone.
601.2063 North Platte, Nebr., control zone.
601.2064 Omaha, Nebr., control zone.
601.2065 Pierre, S. Dak., control zone.
601.2066 Pueblo, Colo., control zone.
601.2067 Rapid City, S. Dak., control zone.
601.2068 Rock Springs, Wyo., control zone.
601.2069 St. Joseph, Mo., control zone.
601.2070 St. Louis, Mo., control zone.
601.2071 Scottsbluff, Nebr., control zone.
601.2072 Sheridan, Wyo., control zone.
601.2073 Rawlings, Wyo., control zone.
601.2074 Sioux City, Iowa, control zone.
601.2075 Springfield, Mo., control zone.
601.2076 Topeka, Kans., control zone.
601.2077 Trinidad, Colo., control zone.
601.2078 Edenton, N. C., control zone.
601.2079 Watertown, S. Dak., control zone.
601.2080 Wichita, Kans., control zone.
601.2081 Geneva, N. Y., control zone.
601.2082 Akron, Ohio, control zone.
601.2083 Alexandria, Minn., control zone.
601.2084 Battle Creek, Mich., control zone.
601.2085 Bismarck, N. Dak., control zone.
601.2086 Chicago, Ill., control zone.
601.2087 Cincinnati, Ohio, control zone.
601.2088 Dodge City, Kans., control zone.
601.2089 Cleveland, Ohio, control zone.
601.2090 Columbus, Ohio, control zone.
601.2091 Dayton, Ohio, control zone.
601.2092 Detroit, Mich., control zone.
601.2093 Dickinson, N. Dak., control zone.
601.2094 Duluth, Minn., control zone.
601.2095 Belleville, Ill., control zone.
601.2096 Evansville, Ind., control zone.
601.2097 Fargo, N. Dak., control zone.
601.2098 Flint, Mich., control zone.
601.2099 Fort Wayne, Ind., control zone.
601.2100 Glenview, Ill., control zone.
601.2101 Goshen, Ind., control zone.
601.2102 Grand Forks, N. Dak., control zone.
601.2103 Grand Rapids, Mich., control zone.
601.2104 Huntington, W. Va., control zone.
601.2105 Indianapolis, Ind., control zone.
601.2106 Jamestown, N. Dak., control zone.
601.2107 Joliet, Ill., control zone.
601.2108 Lansing, Mich., control zone.
601.2109 La Fayette, Ind., control zone.
601.2110 Lone Rock, Wis., control zone.
601.2111 Louisville, Ky., control zone.
601.2112 Madison, Wis., control zone.
601.2113 Milwaukee, Wis., control zone.
601.2114 Minneapolis, Minn., control zone.
601.2115 Minot, N. Dak., control zone.
601.2116 Moline, Ill., control zone.
601.2117 Muskegon, Mich., control zone.
601.2118 Langley AFB, Va., control zone.
601.2119 Peoria, Ill., control zone.
601.2120 Rochester, Minn., control zone.
601.2121 Rockford, Ill., control zone.
601.2122 Detroit, Mich., control zone.
601.2123 South Bend, Ind., control zone.
601.2124 Roswell, N. Mex., control zone.
601.2125 Terre Haute, Ind., control zone.
601.2126 Toledo, Ohio, control zone.
601.2127 Youngstown, Ohio, control zone.
601.2128 Wilmington, N. C., control zone.
601.2129 Bowling Green, Ky., control zone.
601.2130 Atlanta, Ga., control zone.
601.2131 Augusta, Ga., control zone.
601.2132 Biloxi, Miss., control zone.
601.2133 Birmingham, Ala., control zone.
601.2134 Charleston, S. C., control zone.
601.2135 Charlotte, N. C., control zone.
601.2136 Chattanooga, Tenn., control zone.
601.2137 Columbia, S. C., control zone.
601.2138 Crestview, Fla., control zone.
601.2139 Cross City, Fla., control zone.
601.2140 Daytona Beach, Fla., control zone.
601.2141 Dothan, Ala., control zone.
601.2142 Florence, S. C., control zone.
601.2143 Fort Myers, Fla., control zone.
601.2144 Greensboro, N. C., control zone.
601.2145 Greenville, S. C., control zone.
601.2146 Greenwood, Miss., control zone.
601.2147 Waterloo, Iowa, control zone.
601.2148 Jackson, Miss., control zone.
601.2149 Jacksonville, Fla., control zone.
601.2150 Key West, Fla., control zone.
601.2151 Knoxville, Tenn., control zone.
601.2152 Macon, Ga., control zone.
601.2153 Melbourne, Fla., control zone.
601.2154 Memphis, Tenn., control zone.
601.2155 Meridian, Miss., control zone.
601.2156 Miami, Fla., control zone.
601.2157 Mobile, Ala., control zone.
601.2158 Grandview, Mo., control zone.
601.2159 Montgomery, Ala., control zone.
601.2160 Muscle Shoals, Ala., control zone.
601.2161 Nashville, Tenn., control zone.
601.2162 Orlando, Fla., control zone.
601.2163 Pensacola, Fla., control zone.
601.2164 Raleigh, N. C., control zone.
601.2165 Savannah, Ga., control zone.
601.2166 Spartanburg, S. C., control zone.
601.2167 Tallahassee, Fla., control zone.
601.2168 Tampa, Fla., control zone.
601.2169 Tri-City, Tenn., control zone.
601.2170 West Palm Beach, Fla., control zone.
601.2171 Winston-Salem, N. C., control zone.
601.2172 Alma, Ga., control zone.
601.2173 Bakersfield, Calif., control zone.
601.2174 Burbank, Calif., control zone.
601.2175 El Centro, Calif., control zone.
601.2176 Fresno, Calif., control zone.
601.2177 Las Vegas, Nev., control zone.
601.2178 Long Beach, Calif., control zone.
601.2179 Los Angeles, Calif., control zone.
601.2180 Oakland, Calif., control zone.
601.2181 Ogden, Utah, control zone.
601.2182 Palmdale, Calif., control zone.
601.2183 Grand Junction, Colo., control zone.
601.2184 Prescott, Ariz., control zone.
601.2185 Sacramento, Calif., control zone.
601.2186 San Diego, Calif., control zone.
601.2187 San Francisco, Calif., control zone.
601.2188 Salt Lake City, Utah, control zone.
601.2189 Olathe, Kans., control zone.
601.2190 Atlantic City, N. J., control zone.
601.2191 Zanesville, Ohio, control zone.
601.2192 Ontario, Calif., control zone.
601.2193 Kahului, Maui, T. H., control zone.
601.2194 Hilo, Hawaii, T. H., control zone.
601.2195 Windsor Locks, Conn., control zone.
601.2196 Wilmington, Del., control zone.
601.2197 Morgantown, W. Va., control zone.
601.2198 Montpelier, Vt., control zone.
601.2199 Syracuse, N. Y., control zone.
601.2200 Allentown, Pa., control zone.
601.2201 Williamsport, Pa., control zone.
601.2202 Philadelphia, Pa., control zone.
601.2203 Martinsburg, W. Va., control zone.
601.2204 Presque Isle, Maine, control zone.
601.2205 Chincoteague, Va., control zone.
601.2206 New York, N. Y., control zone.
601.2207 White Plains, N. Y., control zone.
601.2208 Stockton, Calif., control zone.
601.2209 Tucson, Ariz., control zone.
601.2210 Santa Barbara, Calif., control zone.
601.2211 Beeville, Tex., control zone.
601.2212 Sumter, S. C., control zone.
601.2213 Salina, Kans., control zone.
601.2214 Goodland, Kans., control zone.

Sec.
601.2215 San Juan, P. R., control zone.
601.2216 Seattle, Wash., control zone.
601.2217 Aberdeen, S. Dak., control zone.
601.2218 Sioux Falls, S. Dak., control zone.
601.2219 Cedar Rapids, Iowa, control zone.
601.2220 Lubbock, Tex., control zone.
601.2221 La Crosse, Wis., control zone.
601.2222 Austin, Tex., control zone.
601.2223 Charleston, W. Va., control zone.
601.2224 Anderson, S. C., control zone.
601.2225 Mansfield, Ohio, control zone.
601.2226 Springfield, Ill., control zone.
601.2227 Dover, Del., control zone.
601.2228 Fairbanks, Alaska, control zone.
601.2229 Fairfield, Calif., control zone.
601.2230 Brunswick, Ga., control zone.
601.2231 Vero Beach, Fla., control zone.
601.2232 Norfolk, Va., control zone.
601.2233 Quonset Point, R. I., control zone.
601.2234 Miami, Fla., control zone.
601.2235 Truth or Consequences, N. Mex., control zone.
601.2236 Whidbey Island, Wash., control zone.
601.2237 Dyersburg, Tenn., control zone.
601.2238 New York, N. Y., control zone.
601.2239 Cordova, Alaska, control zone.
601.2240 Milton, Fla., control zone.
601.2241 Macon, Ga., control zone.
601.2242 Lexington, Ky., control zone.
601.2243 Hempstead, N. Y., control zone.
601.2244 Quantico, Va., control zone.
601.2245 Chanute, Kans., control zone.
601.2246 Oklahoma City, Okla., control zone.
601.2247 Abilene, Tex., control zone.
601.2248 San Antonio, Tex., control zone.
601.2249 Corpus Christi, Tex., control zone.
601.2250 Tyler, Tex., control zone.
601.2251 Albany, Ga., control zone.
601.2252 El Toro, Calif., control zone.
601.2253 Sedalia, Mo., control zone.
601.2254 Falmouth, Mass., control zone.
601.2255 Aguadilla, P. R., control zone.
601.2256 Parkersburg, W. Va., control zone.
601.2257 Rantoul, Ill., control zone.
601.2258 Wichita Falls, Tex., control zone.
601.2259 Kodiak, Alaska, control zone.
601.2260 Fort Smith, Ark., control zone.
601.2261 Yakataga, Alaska, control zone.
601.2262 Honolulu, T. H., control zone.
601.2263 Lafayette, La., control zone.
601.2264 Spokane, Wash., control zone.
601.2265 Wright-Patterson AFB, Ohio, control zone.
601.2266 Springfield, Ohio, control zone.
601.2267 Baltimore, Md., control zone.
601.2268 Ottumwa, Iowa, control zone.
601.2269 Fort Dix, N. J., control zone.
601.2270 Enid, Okla., control zone.
601.2271 Saginaw, Mich., control zone.
601.2272 Wake Island control zone.
601.2273 Cincinnati, Ohio, control zone.
601.2274 Craig AFB, Selma, Ala., control zone.
601.2275 Pensacola, Fla., control zone.
601.2276 Westover, Mass., control zone.
601.2277 Carlsbad, N. Mex., control zone.
601.2278 New Bedford, Mass., control zone.
601.2279 Anchorage, Alaska, control zone.
601.2280 Hobbs, N. Mex., control zone.
601.2281 Tacoma, Wash., control zone.
601.2282 Mt. Clemens, Mich., control zone.
601.2283 Atlanta, Ga., control zone.
601.2284 Traverse City, Mich., control zone.
601.2285 Victorville, Calif., control zone.
601.2286 Columbus, Ga., control zone.
601.2287 San Antonio, Tex., control zone.
601.2288 Longview, Tex., control zone.
601.2289 Houghton, Mich., control zone.
601.2290 Grand Marais, Mich., control zone.
601.2291 Sault Ste. Marie, Mich., control zone.
601.2292 Oceana, Va., control zone.
601.2293 Chicago, Ill., control zone.
601.2294 Nantucket, Mass., control zone.
601.2295 Andrews, Md., control zone.
601.2296 Valparaiso, Fla., control zone.
601.2297 Jackson, Mich., control zone.
601.2298 Omaha, Nebr., control zone.
601.2299 Limestone, Maine, control zone.
601.2300 Upolu Point, Hawaii, T. H., control zone.
601.2301 Waco, Tex., control zone.
601.2302 Willow Grove, Pa., control zone.
601.2303 Great Falls, Mont., control zone.
601.2304 Fort Knox, Ky., control zone.
601.2305 Lawton, Okla., control zone.
601.2306 Paducah, Ky., control zone.
601.2307 Brunswick, Maine, control zone.
601.2308 Valdosta, Ga., control zone.
601.2309 Valdosta, Ga., control zone.
601.2310 Oscoda, Mich., control zone.
601.2311 San Antonio, Tex., control zone.
601.2312 Columbus, Ind., control zone.
601.2313 Pittsburgh, Pa., control zone.
601.2314 Bryan, Tex., control zone.
601.2315 San Bernardino, Calif., control zone.
601.2316 Marianna, Fla., control zone.
601.2317 Tuscaloosa, Ala., control zone.
601.2318 Myrtle Beach, S. C., control zone.
601.2319 Malden, Mo., control zone.
601.2320 Midland, Tex., control zone.
601.2321 Oxnard, Calif., control zone.
601.2322 Fort Worth, Tex., control zone.
601.2323 Grand Prairie, Tex., control zone.
601.2324 New Bern, N. C., control zone.
601.2325 Hyannis, Mass., control zone.
601.2326 Martha's Vineyard, Mass., control zone.
601.2327 Baton Rouge, La., control zone.
601.2328 Manchester, N. H., control zone.
601.2329 Gage, Okla., control zone
601.2330 Alexandria, La., control zone.
601.2331 Lake Charles, La., control zone.
601.2332 Beaumont, Tex., control zone.
601.2333 Palacios, Tex., control zone.
601.2334 Alice, Tex., control zone.
601.2335 Eau Claire, Wis., control zone.
601.2336 Green Bay, Wis., control zone.
601.2337 Wausau, Wis., control zone.
601.2338 Phoenix, Ariz., control zone.
601.2339 Douglas, Ariz., control zone.
601.2340 Sanford, Fla., control zone.
601.2341 Utica, N. Y., control zone.
601.2342 Ardmore, Okla., control zone.
601.2343 Pine Bluff, Ark., control zone.
601.2344 Gulfport, Miss., control zone.
601.2345 Calverton, N. Y., control zone.
601.2346 Guam Island control zone.
601.2347 Guam Island control zone.
601.2348 Midway Island control zone.
601.2349 Kwajalien Island control zone.
601.2350 Childress, Tex., control zone.
601.2351 Cotulla, Tex., control zone.
601.2352 Dalhart, Tex., control zone.
601.2353 Lufkin, Tex., control zone.
601.2354 Texarkana, Ark., control zone.
601.2355 Walnut Ridge, Ark., control zone.
601.2356 Hobart, Okla., control zone.
601.2357 Brunswick, Ga., control zone.
601.2358 Clovis, N. Mex., control zone.
601.2359 Victoria, Tex., control zone.
601.2360 South Weymouth, Mass., control zone.
601.2361 Grosse Ile, Mich., control zone.
601.2362 Merced, Calif., control zone.
601.2363 Elizabeth City, N. C., control zone.
601.2364 Hopkinsville, Ky., control zone.
601.2365 Salem, Oreg., control zone.
601.2366 Riverside, Calif., control zone.
601.2367 Fort Bragg, N. C., control zone.
601.2368 Sault Ste. Marie, Mich., control zone.
601.2369 Sacramento, Calif., control zone.

Subpart E—Colored Civil Airway Reporting Points

DESIGNATION OF REPORTING POINTS

601.4001 Designation of reporting points.

GREEN CIVIL AIRWAYS

601.4011 Green civil airway No. 1 (Patricia Bay, British Columbia to United States-Canadian Border via Millinocket, Maine).
601.4012 Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).
601.4013 Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).
601.4014 Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).
601.4015 Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).
601.4016 Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.).
601.4017 Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).
601.4018 Green civil airway No. 8 (Cold Bay, Alaska, to Northway, Alaska).
601.4019 Green civil airway No. 9 (Hawaiian Islands).
601.4020 Green civil airway No. 10 (United States-Canadian Border to Denver, Colo.).

AMBER CIVIL AIRWAYS

601.4101 Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).
601.4102 Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow, Alaska).
601.4103 Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.).
601.4104 Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).
601.4105 Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).
601.4106 Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).
601.4107 Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border).
601.4108 Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.).
601.4109 Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).
601.4110 Amber civil airway No. 10 (Hawaiian Islands).
601.4111 Amber civil airway No. 11 (Hawaiian Islands).
601.4112 Amber civil airway No. 12 (Hawaiian Islands).

RED CIVIL AIRWAYS

601.4202 Red civil airway No. 2 (Sheridan, Wyo., to Rapid City, S. Dak.).
601.4203 Red civil airway No. 3 (Phillipsburg, Pa., to Hartford, Conn.).
601.4204 Red civil airway No. 4 (Las Vegas, N. Mex., to Tucumcari, N. Mex).
601.4205 Red civil airway No. 5 (Sioux Falls, S. Dak., to St. Paul, Minn.).
601.4206 Red civil airway No. 6 (Denver, Colo., to Omaha, Nebr.).
601.4207 Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.).
601.4208 Red civil airway No. 8 (Dayton, Ohio, to Newark, N. J.)
601.4209 Red civil airway No. 9 (San Diego, Calif., to Casa Grande, Ariz.).
601.4210 Red civil airway No. 10, Amarillo, Tex., to Charleston, S. C.).
601.4211 Red civil airway No. 11 (Enid, Okla., to Boston, Mass.).
601.4212 Red civil airway No. 12 (Joliet, Ill., to Erie, Pa.).
601.4213 Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.).
601.4214 Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.).
601.4215 Red civil airway No. 15 (Reno, Nev., to Phoenix, Ariz.).
601.4216 Red civil airway No. 16 (Tallahassee, Fla., to Florence, S. C.).
601.4217 Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.).
601.4218 Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).
601.4219 Red civil airway No. 19 (Traverse City, Mich., to Norfolk, Va.).
601.4220 Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.).

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601.4221 Red civil airway No. 21 (New York, N. Y., to Boston, Mass.).
601.4222 Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.).
601.4223 Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.).
601.4224 Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).
601.4226 Red civil airway No. 26 (Petersburg, Va., to Corapeake, N. C.).
601.4227 Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.).
601.4228 Red civil airway No. 28 (Rockford, Ill., to Detroit, Mich.).
601.4229 Red civil airway No. 29 (Elmira, N. Y., to Baltimore, Md.).
601.4230 Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.).
601.4231 Red civil airway No. 31. (Cheyenne, Wyo., to La Crosse, Wis.).
601.4232 Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).
601.4233 Red civil airway No. 33 (Norfolk, Va., to Boston, Mass.).
601.4234 Red civil airway No. 34 (Charleston, W. Va., to Weeksville, N. C.).
601.4235 Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.).
601.4236 Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).
601.4237 Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.).
601.4238 Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.).
601.4239 Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska).
601.4240 Red civil airway No. 40 (Kodiak, Alaska, to Anchorage, Alaska).
601.4241 Red civil airway No. 41 (Yakutat, Alaska, to Gustavus, Alaska).
601.4242 Red civil airway No. 42 (Milwaukee, Wis., to Aurora, Ill.).
601.4243 Red civil airway No. 43 (Chicago, Ill., to La Fayette, Ind.).
601.4244 Red civil airway No. 44 (Bellingham, Wash., to United States-Canadian Border).
601.4245 Red civil airway No. 45 (Blackstone, Va., to Willow Grove, Pa.).
601.4246 Red civil airway No. 46 (Jamestown, N. Dak., to Rochester, Minn.).
601.4247 Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.).
601.4248 Red civil airway No. 48 (Missoula, Mont., to Livingston, Mont.).
601.4249 Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.).
601.4250 Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).
601.4251 Red civil airway No. 51 (Blackstone, Va., to Norfolk, Va.).
601.4252 Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.).
601.4253 Red civil airway No. 53 (Portland, Oreg., to Spokane, Wash.).
601.4254 Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).
601.4255 Red civil airway No. 55 (Burlington, Iowa, to Columbus, Ohio).
601.4256 Red civil airway No. 56 (Red Bluff, Calif., to Whitmore, Calif.).
601.4257 Red civil airway No. 57 (Des Moines, Iowa, to Youngstown, Ohio).
601.4258 Red civil airway No. 58 (Augusta, Maine, to United States-Canadian Border).
601.4259 Red civil airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.).
601.4260 Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.).
601.4261 Red civil airway No. 61 (Butler, Pa., to Washington, D. C.).
601.4262 Red civil airway No. 62 (Pittsburgh, Pa., to Altoona, Pa.).
601.4263 Red civil airway No. 63 (Battle Creek, Mich., to United States-Canadian Border).
601.4264 Red civil airway No. 64 (United States-Canadian Border to Annette Island, Alaska).
601.4265 Red civil airway No. 65 (Los Angeles, Calif., to Hayfield Lake, Calif.).
601.4266 Red civil airway No. 66 (Santa Barbara, Calif., to Los Angeles, Calif.).
601.4267 Red civil airway No. 67 (Crestview, Fla., to Atlanta, Ga.).
601.4268 Red civil airway No. 68 (Midland, Tex., to Shreveport, La.).
601.4269 Red civil airway No. 69 (Midland, Tex., to Big Spring, Tex.).
601.4270 Red civil airway No. 70 (Midland, Tex., to Lubbock, Tex.).
601.4271 Red civil airway No. 71 (El Paso, Tex., to Lubbock, Tex.).
601.4272 Red civil airway No. 72 (Millville, N. J., to Paterson, N. J.).
601.4273 Red civil airway No. 73 (Baltimore, Md., to Millville, N. J.).
601.4274 Red civil airway No. 74 (Louisville, Ky., to Cincinnati, Ohio).
601.4275 Red civil airway No. 75 (United States-Canadian Border, Vancouver, B. C., to United States-Canadian Border, Abbotsford, B. C.).
601.4276 Red civil airway No. 76 (Williams, Calif., to Auburn, Calif.).
601.4277 Red civil airway No. 77 (Lynchburg, Va., to Millville, N. J.).
601.4278 Red civil airway No. 78 (Medford, Oreg., to Klamath Falls, Oreg.).
601.4279 Red civil airway No. 79 (Neah Bay, Wash., to Everett, Wash.).
601.4280 Red civil airway No. 80 (Lewistown, Mont., to Miles City, Mont.).
601.4281 Red civil airway No. 81 (Cadillac, Mich., to Elkins, W. Va.).
601.4282 Red civil airway No. 82 (Skwentna, Alaska, to Anchorage, Alaska).
601.4283 Red civil airway No. 83 (Gila Bend, Ariz., to Tucson, Ariz.).
601.4284 Red civil airway No. 84 (Meridian, Miss., to Atlanta, Ga.).
601.4285 Red civil airway No. 85 (Akron, Ohio, to Altoona, Pa.).
601.4286 Red civil airway No. 86 (Millinocket, Maine, to Houlton, Maine).
601.4287 Red civil airway No. 87 (Hawaiian Islands).
601.4288 Red civil airway No. 88 (Albuquerque, N. Mex., to Hobbs, N. Mex.).
601.4289 Red civil airway No. 89 (Quincy, Ill., to Peoria, Ill.).
601.4290 Red civil airway No. 90 (Oxnard, Calif., to Burbank, Calif.).
601.4291 Red civil airway No. 91 (Dunkirk, N. Y., to Syracuse, N. Y.).
601.4292 Red civil airway No. 92 (Sault Ste. Marie, Mich., to United States-Canadian Border).
601.4293 Red civil airway No. 93 (Lincoln, Nebr., to Omaha, Nebr.).
601.4294 Red civil airway No. 94 (Providence, R. I., to Hyannis, Mass.).
601.4295 Red civil airway No. 95 (Elmira, N. Y. to Utica, N. Y.).
601.4296 Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.).
601.6297 Red civil airway No. 97 (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).
601.4298 Red civil airway No. 98 (Vichy, Mo., to Belleville, Ill.).
601.4299 Red civil airway No. 99 (Iliamna, Alaska, to Homer, Alaska).
601.4300 Red civil airway No. 100 (South Bend, Ind., to Battle Creek, Mich.)
601.4302 Red civil airway No. 102 (Louisville, Ky., to Huntington, W. Va.).
601.4303 Red civil airway No. 103 (Kenai, Alaska, to Middleton Island, Alaska).
601.4304 Red civil airway No. 104 (Greensboro, N. C., to Raleigh, N. C.).
601.4305 Red civil airway No. 105 (Wichita, Kans., to Neosho, Mo.).
601.4306 Red civil airway No. 106 (Scottsbluff, Nebr., to North Platte, Nebr.).
601.4307 Red civil airway No. 107 (Stanton, Minn., to Red Wing, Minn.).
601.4308 Red civil airway No. 108 (Promontory Point, Utah, to Fort Bridger, Wyo.).
601.4309 Red civil airway No. 109 (Portland, Oreg., to Spokane, Wash.).

BLUE CIVIL AIRWAYS

601.4601 Blue civil airway No. 1 (Miami, Fla., to Tampa, Fla.).
601.4602 Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.).
601.4603 Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.).
601.4604 Blue civil airway No. 4 (Boston, Mass., to United States-Canadian Border).
601.4605 Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).
601.4606 Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).
601.4607 Blue civil airway No. 7 (Hollister, Calif., to Williams, Calif.).
601.4608 Blue civil airway No. 8 (Fargo, N. Dak., to United States-Canadian Border).
601.4609 Blue civil airway No. 9 (Springfield, Mo., to United States-Canadian Border).
601.4610 Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).
601.4611 Blue civil airway No. 11 (Findlay, Ohio, to Dunkirk, N. Y.).
601.4613 Blue civil airway No. 13 (Houston, Tex., to Des Moines, Iowa).
601.4614 Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.).
601.4615 Blue civil airway No. 15 (Huntington, W. Va., to Youngstown, Ohio).
601.4616 Blue civil airway No. 16 (Waverly, Va., to Tappahannock, Va.).
601.4617 Blue civil airway No. 17 (Bangor, Maine, to Presque Isle, Maine).
601.4618 Blue civil airway No. 18 (Philadelphia, Pa., to United States-Canadian Border).
601.4619 Blue civil airway No. 19 (Key West, Fla., to Orlando, Fla.).
601.4620 Blue civil airway No. 20 (Millville, N. J., to Allentown, Pa.).
601.4622 Blue civil airway No. 22 (Memphis, Tenn., to Wichita, Kans.).
601.4623 Blue civil airway No. 23 (Norfolk, Va., to Chincoteague, Va.).
601.4625 Blue civil airway No. 25 (Cordova, Alaska, to Big Delta, Alaska).
601.4626 Blue civil airway No. 26 (Anchorage, Alaska, to Nenana, Alaska).
601.4627 Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska).
601.4628 Blue civil airway No. 28 (Charleston, S. C., to Bull's Gap, Tenn.).
601.4629 Blue civil airway No. 29 (Raleigh, N. C., to Lynchburg, Va.).
601.4630 Blue civil airway No. 30 (Brownsville, Tex., to Pueblo, Colo.).
601.4631 Blue civil airway No. 31 (Burlington, Iowa, to Madison, Wis.).
601.4632 Blue civil airway No. 32 (Pendleton, Oreg., to Talkeetna, Alaska).
601.4633 Blue civil airway No. 33 (Lansing, Mich., to Saginaw, Mich.).
601.4634 Blue civil airway No. 34 (Terre Haute, Ind., to Peoria, Ill.).

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601.4635 Blue civil airway No. 35 (Oxnard, Calif., to Bakersfield, Calif.).
601.4636 Blue civil airway No. 36 (Akron, Colo., to Kimball, Nebr.).
601.4637 Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).
601.4638 Blue civil airway No. 38 (Five Finger, Alaska, to United States-Canadian Border).
601.4639 Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.).
601.4640 Blue civil airway No. 40 (Concord, N. H., to Burlington, Vt.).
601.4641 Blue civil airway No. 41 (Hartford, Conn., to United States-Canadian Border).
601.4642 Blue civil airway No. 42 (Goshen, Ind., to Saginaw, Mich.).
601.4643 Blue civil airway No. 43 (Delta Island, Alaska, to Willow, Alaska).
601.4644 Blue civil airway No. 44 (Indianapolis, Ind., to United States-Canadian Border).
601.4645 Blue civil airway No. 45 (Greenfield, Mass., to Newport, Vt.).
601.4646 Blue civil airway No. 46 (Memphis Tenn., to Paducah, Ky.).
601.4647 Blue civil airway No. 47 (Blackstone, Va., to Dunkirk, N. Y.).
601.4648 Blue civil airway No. 48 (New York, N. Y., to Poughkeepsie, N. Y.).
601.4649 Blue civil airway No. 49 (Atlantic City, N. J., to Philadelphia, Pa.).
601.4651 Blue civil airway No. 51 (Wendover, Utah, to Dubois, Idaho).
601.4652 Blue civil airway No. 52 (Paso Robles, Calif., to Fresno, Calif.).
601.4653 Blue civil airway No. 53 (Providence, R. I., to Hartford, Conn.).
601.4654 Blue civil airway No. 54 (Evergreen, Calif., to Hamilton AFB, Calif.).
601.4655 Blue civil airway No. 55 (Crestview, Fla., to Montgomery, Ala.).
601.4656 Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.).
601.4657 Blue civil airway No. 57 (Elko, Nev., to Burley, Idaho).
601.4658 Blue civil airway No. 58 (Nantucket, Mass., to Squantum, Mass.).
601.4659 Blue civil airway No. 59 (Pensacola, Fla., to Goodway, Ala.).
601.4660 Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.).
601.4661 Blue civil airway No. 61 (Springfield, Mo., to Kansas City, Mo.).
601.4663 Blue civil airway No. 63 (Concord, N. H., to Berlin, N. H.).
601.4664 Blue civil airway No. 64 (Wink, Tex., to Hobbs, N. Mex.).
601.4665 Blue civil airway No. 65 (Shuyak, Alaska, to Homer, Alaska).
601.4666 Blue civil airway No. 66 (Bridgeport, Conn., to Poughkeepsie, N. Y.).
601.4667 Blue civil airway No. 67 (Yuma, Ariz., to Las Vegas, Nev.).
601.4668 Blue civil airway No. 68 (Midland, Tex., to Hobbs, N. Mex.).
601.4669 Blue civil airway No. 69 (St. Louis, Mo., to Quincy, Ill.).
601.4670 Blue civil airway No. 70 (Waco, Tex., to Tulsa, Okla.).
601.4671 Blue civil airway No. 71 (Toledo, Wash., to Seattle, Wash.).
601.4672 Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.).
601.4674 Blue civil airway No. 74 (Willard, N. Mex., to Otto, N. Mex.).
601.4675 Blue civil airway No. 75 (Cleveland, Ohio, to United States-Canadian Border).
601.4676 Blue civil airway No. 76 (Sinclair, Wyo., to Casper, Wyo.).
601.4678 Blue civil airway No. 78 (Spring Bay, Utah, to Malad City, Idaho).
601.4679 Blue civil airway No. 79 (Annette Island, Alaska, to United States-Canadian Border).
601.4680 Blue civil airway No. 80 (Unalakleet, Alaska, to Moses Point, Alaska).
601.4681 Blue civil airway No. 81 (Charleston, W. Va., to Akron, Ohio).
601.4684 Blue civil airway No. 84 (Augusta, Maine, to Millinocket, Maine).
601.4685 Blue civil airway No. 85 (Hutchinson, Kans., to Wichita, Kans.).
601.4686 Blue civil airway No. 86 (Goshen, Ind., to Fort Wayne, Ind.).
601.4687 Blue civil airway No. 87 (Lexington, Ky., to Dayton, Ohio).

OTHER REPORTING POINTS

601.5001 Other reporting points.

Subpart F—VOR Civil Airway Control Areas

601.6001 VOR civil airway No. 1 control areas (Charleston, S. C., to New York, N. Y.).
601.6002 VOR civil airway No. 2 control areas (Seattle, Wash., to Boston, Mass.).
601.6003 VOR civil airway No. 3 control areas (Key West, Fla., to Presque Isle, Maine).
601.6004 VOR civil airway No. 4 control areas (Seattle, Wash., to Washington, D. C.).
601.6005 VOR civil airway No. 5 control areas (Jacksonville, Fla., to Cleveland, Ohio).
601.6006 VOR civil airway No. 6 control areas (Oakland, Calif., to New York, N. Y.).
601.6007 VOR civil airway No. 7 control areas (Miami, Fla., to Green Bay, Wis.).
601.6008 VOR civil airway No. 8 control areas (Long Beach, Calif., to Washington, D. C.).
601.6009 VOR civil airway No. 9 control areas (New Orleans, La., to Milwaukee, Wis.).
601.6010 VOR civil airway No. 10 control areas (Pueblo, Colo., to New York, N. Y.).
601.6011 VOR civil airway No. 11 control areas (Houston, Tex., to Detroit, Mich.).
601.6012 VOR civil airway No. 12 control areas (Santa Barbara, Calif., to Philadelphia, Pa.).
601.6013 VOR civil airway No. 13 control areas (Houston, Tex., to Duluth, Minn.).
601.6014 VOR civil airway No. 14 control areas (Roswell, N. Mex., to Boston, Mass.).
601.6015 VOR civil airway No. 15 control areas (Galveston, Tex., to Minot, N. Dak.).
601.6016 VOR civil airway No. 16 control areas (Los Angeles, Calif., to Boston, Mass.).
601.6017 VOR civil airway No. 17 control areas (Laredo, Tex., to Goodland, Kans.).
601.6018 VOR civil airway No. 18 control areas (Dallas, Tex., to Charleston, S. C.).
601.6019 VOR civil airway No. 19 control areas (El Paso, Tex., to Sheridan, Wyo.).
601.6020 VOR civil airway No. 20 control areas (Laredo, Tex., to Richmond, Va.).
601.6021 VOR civil airway No. 21 control areas (Long Beach, Calif., to United States-Canadian Border).
601.6022 VOR civil airway No. 22 control areas (New Orleans, La., to Jacksonville, Fla.).
601.6023 VOR civil airway No. 23 control areas (San Diego, Calif., to Bellingham, Wash.).
601.6024 VOR civil airway No. 24 control areas (Aberdeen, S. Dak., to Redwood Falls, Minn.).
601.6025 VOR civil airway No. 25 control areas (Los Angeles, Calif., to Ellensburg, Wash.).
601.6026 VOR civil airway No. 26 control areas (Cherokee, Wyo., to Cleveland, Ohio).
601.6027 VOR civil airway No. 27 control areas (Los Angeles, Calif., to Seattle, Wash.).
601.6028 VOR civil airway No. 28 control areas (Oakland, Calif., to Reno, Nev.).
601.6029 VOR civil airway No. 29 control areas (Salisbury, Md., to United States-Canadian Border).
601.6030 VOR civil airway No. 30 control areas (Milwaukee, Wis., to Nantucket, Mass.).
601.6031 VOR civil airway No. 31 control areas (Baltimore, Md., to Rochester, N. Y.).
601.6032 VOR civil airway No. 32 control areas (Battle Mountain, Nev., to Fort Bridger, Wyo.).
601.6033 VOR civil airway No. 33 control areas (Baltimore, Md., to Buffalo, N. Y.).
601.6034 VOR civil airway No. 34 control areas (Rochester, N. Y., to Wilton, Conn.).
601.6035 VOR civil airway No. 35 control areas (Tallahassee, Fla., to Syracuse, N. Y.).
601.6036 VOR civil airway No. 36 control areas (Buffalo, N. Y., to New York, N. Y.).
601.6037 VOR civil airway No. 37 control areas (Elkins, W. Va., to Erie, Pa.).
601.6038 VOR civil airway No. 38 control areas (Chicago, Ill., to Elkins, W. Va.).
601.6039 VOR civil airway No. 39 control areas (South Boston, Va., to Kennebunk, Maine).
601.6040 VOR civil airway No. 40 control areas (Cleveland, Ohio, to Pittsburgh, Pa.).
601.6041 VOR civil airway No. 41 control areas (Pittsburgh, Pa., to Youngstown, Ohio).
601.6042 VOR civil airway No. 42 control areas (Detroit, Mich., to Washington, D. C.).
601.6043 VOR civil airway No. 43 control areas (Columbus, Ohio, to Erie, Pa.).
601.6044 VOR civil airway No. 44 control areas (Louisville, Ky., to Baltimore, Md.).
601.6045 VOR civil airway No. 45 control areas (Lexington, Ky., to Lansing, Mich.).
601.6046 VOR civil airway No. 46 control areas (New York, N. Y., to Nantucket, Mass.).
601.6047 VOR civil airway No. 47 control areas (Louisville, Ky., to Detroit, Mich.).
601.6048 VOR civil airway No. 48 control areas (Burlington, Iowa, to Pontiac, Ill.).
601.6049 VOR civil airway No. 49 control areas (Dillon, Mont., to Great Falls, Mont.).
601.6050 VOR civil airway No. 50 control areas (St. Joseph, Mo., to Minneapolis, Ind.).
601.6051 VOR civil airway No. 51 control areas (Miami, Fla., to Chicago, Ill.).
601.6052 VOR civil airway No. 52 control areas (Des Moines, Iowa, to St. Louis, Mo.).
601.6053 VOR civil airway No. 53 control areas (Charleston, S. C., to Milwaukee, Wis.).
601.6054 VOR civil airway No. 54 to control areas (Texarkana, Ark., to Charlotte, N. C.).

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601.6055	VOR civil airway No. 55 control areas (Dayton, Ohio, to Green Bay, Wis.).
601.6056	VOR civil airway No. 56 control areas (Montgomery, Ala., to Florence, S. C.).
601.6057	VOR civil airway No. 57 control areas (Graham, Tenn., to Chicago, Ill.).
601.6058	VOR civil airway No. 58 control areas (Pittsburgh, Pa., to Hartford, Conn.).
601.6059	VOR civil airway No. 59 control areas (Evansville, Ind., to Moline, Ill.).
601.6060	VOR civil airway No. 60 control areas (Albuquerque, N. Mex., to Tucumcari, N. Mex.).
601.6061	VOR civil airway No. 61 control areas (Fort Worth, Tex., to Lawton, Okla.).
601.6062	VOR civil airway No. 62 control areas (Santa Fe, N. Mex., to Anton Chico, N. Mex.).
601.6063	VOR civil airway No. 63 control areas (McAlester, Okla., to Milwaukee, Wis.).
601.6064	VOR civil airway No. 64 control areas (Long Beach, Calif., to Blythe, Calif.).
601.6065	VOR civil airway No. 65 control areas (Bonner Springs, Kans., to St. Joseph, Mo.).
601.6066	VOR civil airway No. 66 control areas (San Diego, Calif., to Midland, Tex.).
601.6067	VOR civil airway No. 67 control areas (Waterloo, Iowa, to Rochester, Minn.).
601.6068	VOR civil airway No. 68 control areas (Albuquerque, N. Mex., to Brownsville, Tex.).
601.6069	VOR civil airway No. 69 control areas (Little Rock, Ark., to Chicago, Ill.).
601.6070	VOR civil airway No. 70 control areas (Corpus Christi, Tex., to Baton Rouge, La.).
601.6071	VOR civil airway No. 71 control areas (Pine Bluff, Ark., to Kansas City, Mo.).
601.6072	VOR civil airway No. 72 control areas (Vichy, Mo., to Albany, N. Y.).
601.6073	VOR civil airway No. 73 control areas (Tulsa, Okla., to Salina, Kans.).
601.6074	VOR civil airway No. 74 control areas (Anthony, Kans., to Little Rock, Ark.).
601.6075	VOR civil airway No. 75 control areas (Richmond, Va., to Cleveland, Ohio).
601.6076	VOR civil airway No. 76 control areas (Lubbock, Tex., to Galveston, Tex.).
601.6077	VOR civil airway No. 77 control areas (San Angelo, Tex., to Des Moines, Iowa).
601.6078	VOR civil airway No. 78 control areas (Huron, S. Dak., to Minneapolis, Minn.).
601.6079	VOR civil airway No. 79 control areas (Culberson, Tex., to Lubbock, Tex.).
601.6080	VOR civil airway No. 80 control areas (Sioux Falls, S. Dak., to Redwood Falls, Minn.).
601.6081	VOR civil airway No. 81 control areas (Midland, Tex., to Amarillo, Tex.).
601.6082	VOR civil airway No. 82 control areas (Minneapolis, Minn., to La Crosse, Wis.).
601.6083	VOR civil airway No. 83 control areas (Carlsbad, N. Mex., to Santa Fe, N. Mex.).
601.6084	VOR civil airway No. 84 control areas (Bradford, Ill., to Flint, Mich.).
601.6085	VOR civil airway No. 85 control areas (Rock River, Wyo., to Casper, Wyo.).
601.6086	VOR civil airway No. 86 control areas (Butte, Mont., to Bozeman, Mont.).
601.6087	VOR civil airway No. 87 control areas (Gila Bend, Ariz., to Hassayampa, Ariz.).
601.6088	VOR civil airway No. 88 control areas (Tulsa, Okla., to Mansfield, Ohio).
601.6089	VOR civil airway No. 88 control areas (Cheyenne, Wyo., to Rapid City, S. Dak.).
601.6089	VOR civil airway No. 89 control area (Cheyenne, Wyo., to Rapid City, S. Dak.).
601.6091	VOR civil airway No. 91 control areas (New York, N. Y., to Plattsburg, N. Y.).
601.6092	VOR civil airway No. 92 control areas (Chicago, Ill., to Washington, D. C.).
601.6093	VOR civil airway No. 93 control areas (Washington, D. C., to Presque Isle, Maine).
601.6094	VOR civil airway No. 94 control areas (Salt Flat, Tex., to Hobbs, N. Mex.).
601.6095	VOR civil airway No. 95 control areas (Phoenix, Ariz., to Winslow, Ariz.).
601.6096	VOR civil airway No. 96 control areas (LaFayette, Ind., to Detroit, Mich.).
601.6097	VOR civil airway No. 97 control areas (Miami, Fla., to Minneapolis, Minn.).
601.6098	VOR civil airway No. 98 control areas (Fort Wayne, Ind., to Erie, Pa.).
601.6101	Vor civil airway No. 101 control areas (Ogden, Utah, to Burley, Idaho).
601.6102	VOR civil airway No. 102 control areas (Lubbock, Tex., to Wichita Falls, Tex.).
601.6103	VOR civil airway No. 103 control areas (Elkins, W. Va., to Cleveland, Ohio).
601.6104	VOR civil airway No. 104 control areas (United States-Canadian Border to Plattsburg, N. Y.).
601.6105	VOR civil airway No. 105 control areas (Phoenix, Ariz., to Las Vegas, Nev.).
601.6106	VOR civil airway No. 106 control areas, Charleston, W. Va., to Kennebunk, Maine).
601.6107	VOR civil airway No. 107 control areas (Los Angeles, Calif., to Red Bluff, Calif.).
601.6109	VOR civil airway No. 109 control areas (Paso Robles, Calif., to Fresno, Calif.).
601.6110	VOR civil airway No. 110 control areas (San Francisco, Calif., to Altamont, Calif.).
601.6111	VOR civil airway No. 111 control areas (Salinas, Calif., to Los Banos, Calif.).
601.6112	VOR civil airway No. 112 control areas (Portland, Oreg., to Spokane, Wash.).
601.6113	VOR civil airway No. 113 control areas (Paso Robles, Calif., to Reno, Nev.).
601.6114	VOR civil airway No. 114 control areas (Pueblo, Colo., to New Orleans, La.).
601.6115	VOR civil airway No. 115 control areas. (Crestview, Fla., to Charleston, W. Va.).
601.6116	VOR civil airway No. 116 control areas (Kansas City, Mo., to New York, N. Y.).
601.6117	VOR civil airway No. 117 control areas (El Centro, Calif., to Daggett, Calif.).
601.6118	VOR civil airway No. 118 control areas (Rock River, Wyo., to Cheyenne, Wyo.).
601.6119	VOR civil airway No. 119 control areas (Huntington, W. Va., to Bradford, Pa.).
601.6120	VOR civil airway No. 120 control areas (Mullen Pass, Mont., to Miles City, Mont.).
601.6121	VOR civil airway No. 121 control areas (North Bend, Oreg., to Eugene, Oreg.).
601.6122	VOR civil airway No. 122 control areas (Crescent City, Calif., to Klamath Falls, Oreg.).
601.6123	VOR civil airway No. 123 control areas (Newport, Oreg., to Newberg, Oreg.).
601.6124	VOR civil airway No. 124 control areas (Burley, Idaho, to Pocatello, Idaho).
601.6125	VOR civil airway No. 125 control areas (Anthony, Kans., to Hutchinson, Kans.).
601.6126	VOR civil airway No. 126 control areas (Chicago, Ill., to New York, N. Y.).
601.6127	VOR civil airway No. 127 control areas (Livingston, Mont., to Helena, Mont.).
601.6128	VOR civil airway No. 128 control areas (Chicago, Ill., to New Bern, N. C.).
601.6129	VOR civil airway No. 129 control areas Dixon, Ill., to Eau Claire, Wis.).
601.6130	VOR civil airway No. 130 control areas (Albany, N. Y., to Providence, R. I.).
601.6131	VOR civil airway No. 131 control areas (Ponca City, Okla., to Topeka, Kans.).
601.6132	VOR civil airway No. 132 control areas (Cheyenne, Wyo., to Hutchinson, Kans.).
601.6133	VOR civil airway No. 133 control areas (Parkersburg, W. Va., to Flint, Mich.).
601.6134	VOR civil airway No. 134 control areas (Evergreen, Ala., to Atlanta, Ga.).
601.6135	VOR civil airway No. 135 control areas (Yuma, Ariz., to Las Vegas, Nev.).
601.6136	VOR civil airway No. 136 control areas (Pulaski, Va., to Raleigh, N. C.).
601.6137	VOR civil airway No. 137 control areas (San Bernardino, Calif., to Salinas, Calif.).
601.6138	VOR civil airway No. 138 control areas (Rock River, Wyo., to Sidney, Nebr.).
601.6139	VOR civil airway No. 139 control areas (Norwich, Conn., to Boston, Mass.).
601.6140	VOR civil airway No. 140 control areas (Amarillo, Tex., to New York, N. Y.).
601.6141	VOR civil airway No. 141 control areas (Nantucket, Mass., to Plattsburg, N. Y.).
601.6142	VOR civil airway No. 142 control areas (Buffalo, N. Y., to Rochester, N. Y.).
601.6143	VOR civil airway No. 143 control areas (Charlotte, N. C., to Washington, D. C.).
601.6144	VOR civil airway No. 144 control areas (Charlotte, N. C., to Washton, D. C.).
601.6145	VOR civil airway No. 145 control areas (Utica, N. Y. to the United States-Canadian Border).
601.6146	VOR civil airway No. 146 control areas (Poughkeepsie, N. Y., to Woodstock, Conn.).
601.6147	VOR civil airway No. 147 control areas (Philadelphia, Pa., to Rochester, N. Y.).

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601.6148	VOR civil airway No. 148 control areas (Thurman, Colo., to North Platte, Nebr.).
601.6149	VOR civil airway No. 149 control areas (Allentown, Pa., to Utica, N. Y.).
601.6150	VOR civil airway No. 150 control areas (Sacramento, Calif., to Reno, Nev.).
601.6151	VOR civil airway No. 151 control areas (Woonsocket, R. I., to Keene, N. H.).
601.6152	VOR civil airway No. 152 control areas (Tampa, Fla., to Daytona Beach, Fla.).
601.6153	VOR civil airway No. 153 control areas (New York, N. Y., to Wilkes-Barre, Pa.).
601.6154	VOR civil airway No. 154 control areas (Meridian, Miss., to Macon, Ga.).
601.6155	VOR civil airway No. 155 control areas (Gordonsville, Va., to Front Royal, Va.).
601.6156	VOR civil airway No. 156 control areas (Elkins, W. Va., to Gordonsville, Va.).
601.6157	VOR civil airway No. 157 control areas (Wilmington, N. C., to Richmond, Va.).
601.6158	VOR civil airway No. 158 control areas (Iowa Falls, Iowa, to Waterloo, Iowa).
601.6159	VOR civil airway No. 159 control areas (Miami, Fla., to Albany Ga.).
601.6160	VOR civil airway No. 160 control areas (Denver, Colo., to Sidney, Nebr.).
601.6161	VOR civil airway No. 161 control areas (Tulsa, Okla., to Minneapolis, Minn.).
601.6162	VOR civil airway No. 162 control areas (Harrisburg, Pa., to Allentown, Pa.).
601.6163	VOR civil airway No. 163 control areas (Waco, Tex., to Oklahoma City, Okla.).
601.6164	VOR civil airway No. 164 control areas (Bradford, Pa., to New York, N. Y.).
601.6165	VOR civil airway No. 165 control areas (Long Beach, Calif., to Palmdale, Calif.).
601.6166	VOR civil airway No. 166 control areas (Martinsburg, W. Va., to Philadelphia, Pa.).
601.6167	VOR civil airway No. 167 control areas (New York, N. Y., to Hartford, Conn.).
601.6168	VOR civil airway No. 168 control areas.
601.6169	VOR civil airway No. 169 control areas (Sidney, Nebr., to Rapid City, S. Dak.).
601.6170	VOR civil airway No. 170 control areas (Erie, Pa., to Philadelphia, Pa.).
601.6171	VOR civil airway No. 171 control areas (Louisville, Ky., to Madison, Wis.).
601.6172	VOR civil airway No. 172 control areas (Iowa City, Iowa, to Chicago, Ill.).
601.6173	VOR civil airway No. 173 control areas (Springfield, Ill., to Chicago, Ill.).
601.6174	VOR civil airway No. 174 control areas (St. Louis, Mo., to Washington, D. C.).
601.6175	VOR civil airway No. 175 control areas (Vichy, Mo., to Columbia, Mo.).
601.6176	VOR civil airway No. 176 control areas (Centralia, Ill., to Scotland, Ind.).
601.6177	VOR civil airway No. 177 control areas (Chicago, Ill., to Janesville, Wis.).
601.6178	VOR civil airway No. 178 control areas (Farmington, Mo., to Paducah, Ky.).
601.6179	VOR civil airway No. 179 control areas (Paducah, Ky., to Centralia, Ill.)
601.6180	VOR civil airway No. 180 control areas (Lansing, Mich., to Selfridge, Mich.).
601.6181	VOR civil airway No. 181 control areas (Sioux Falls, S. Dak., to Watertown, S. Dak.).
601.6182	VOR civil airway No. 182 control areas (Portland, Oreg., to Baker, Oreg.).
601.6183	VOR civil airway No. 183 control areas (Santa Barbara, Calif., to Bakersfield, Calif.).
601.6184	VOR civil airway No. 184 control areas (Erie, Pa., to Philipsburg, Pa.).
601.6185	VOR civil airway No. 185 control areas (Augusta, Ga., to Knoxville, Tenn.).
601.6186	VOR civil airway No. 186 control areas (St. Louis, Mo. to Scotland, Ind.).
601.6187	VOR civil airway No. 187 control areas (Chicago, Ill., to Milwaukee, Wis.).
601.6188	VOR civil airway No. 188 control areas (Detroit, Mich., to New York, N. Y.).
601.6189	VOR civil airway No. 189 control areas (Pittsburgh, Pa., to Brookville, Pa.).
601.6190	VOR civil airway No. 190 control areas (Grants, N. Mex., to Evansville, Ind.).
601.6191	VOR civil airway No. 191 control areas (Walnut Ridge, Ark., to Chicago, Ill.).
601.6192	VOR civil airway No. 192 control areas (Grant, N. Mex., to Tucumcari, N. Mex.).
601.6193	VOR civil airway No. 193 control areas (Grand Rapids, Mich., to Traverse City, Mich.).
601.6194	VOR civil airway No. 194 control areas (Royston, Ga., to Norfolk, Va.).
601.6195	VOR civil airway No. 195 control areas (Oakland, Calif., to Red Bluff, Calif.).
601.6196	VOR civil airway No. 196 control areas (Rock River, Wyo., to Chadron, Nebr.).
601.6197	VOR civil airway No. 197 control areas (Toledo, Ohio, to Detroit, Mich.).
601.6198	VOR civil airway No. 198 control areas (San Antonio, Tex., to Galveston, Tex.).
601.6199	VOR civil airway No. 199 control areas (San Francisco, Calif., to Fresno, Calif.).
601.6200	VOR civil airway No. 200 control areas (Uklah, Calif., to Reno, Nev.).
601.6201	VOR civil airway No. 201 control areas (Los Angeles, Calif., to Pasadena, Calif.).
601.6202	VOR civil airway No. 202 control areas (Tucson, Ariz., to Cochise, Ariz.).
601.6203	VOR civil airway No. 203 control areas (Albany, N. Y., to Massena, N. Y.).
601.6204	VOR civil airway No. 204 control areas (Hoquiam, Wash., to Olympia, Wash.).
601.6205	VOR civil airway No. 205 control areas (Springfield, Mo., to Kansas City, Mo.).
601.6206	VOR civil airway No. 206 control areas (Blue Springs, Mo., to Kirksville, Mo.).
601.6207	VOR civil airway No. 207 control areas (Denver, Colo., to Egbert, Wyo.).
601.6208	VOR civil airway No. 208 control areas (Thermal, Calif., to Needles, Calif.).
601.6209	VOR civil airway No. 209 control areas (Los Angeles, Calif., to Paso Robles, Calif.).
601.6211	VOR civil airway No. 211 control areas (Cotulla, Tex., to Junction, Tex.).
601.6213	VOR civil airway No. 213 control areas (Rocky Mount, N. C., to Boykins, Va.).
601.6223	VOR civil airway No. 223 control areas (Herndon, Va., to Harrisburg, Pa.).

HAWAIIAN VOR CIVIL AIRWAY CONTROL AREAS

601.6401	Hawaiian VOR civil airway No. 1 control areas.
601.6402	Hawaiian VOR civil airway No. 2 control areas.
601.6403	Hawaiian VOR civil airway No. 3 control areas.
601.6404	Hawaiian VOR civil airway No. 4 control areas.
601.6405	Hawaiian VOR civil airway No. 5 control areas.
601.6406	Hawaiian VOR civil airway No. 6 control areas.
601.6407	Hawaiian VOR civil airway No. 7 control areas.
601.6408	Hawaiian VOR civil airway No. 8 control areas.
601.6409	Hawaiian VOR civil airway No. 9 control areas.
601.6410	Hawaiian VOR civil airway No. 10 control areas.

Subpart G—VOR Civil Airway Reporting Points

601.7001	Domestic VOR reporting points.
601.7002	Hawaiian VOR reporting points.

AUTHORITY: §§ 601.1 to 601.7001 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.

SUBPART A—INTRODUCTION

GENERAL

§ 601.1 *Basis and purpose.* The basis of this part is found in sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and in §§ 60.73 and 60.74 of this title. The purpose of this part is to designate control areas, control zones, and reporting points in order to provide for the safety of aircraft operating in interstate, overseas, and foreign air commerce.

§ 601.2 *Explanation of terms.* As used in this part:

(a) "Control area" shall mean an airspace of defined dimensions extending upward from an altitude of 700 feet above the surface within which air traffic control is exercised.

(b) "Control zone" shall mean an airspace of defined dimensions extending upward from the surface to include one or more airports and within which rules additional to those governing flight in control areas apply for the protection of air traffic.

(c) "Reporting point" shall mean a geographic location in relation to which the position of an aircraft shall be reported.

(d) As used in this part the term "mile" means "statute mile" unless otherwise specified in this part.

CONTROL AREAS

§ 601.9 *Extent of control areas.* Points or intersections prescribed in designating control areas frequently coin-

cide with points or intersections specified in designating the centerline of civil airways. In such cases the control areas shall include all of the airspace within 5 miles either side of a straight line extended through the center of the points or intersections specified in designating the civil airways and all of the airspace within a 5-mile radius of such points or intersections unless otherwise provided in Subpart B, (§§ 601.11 through 601.1000), Subpart C (§§ 601.1001 through 601.1980), and Subpart F (§§ 601.6001 through 601.6999). In addition, such control areas shall include all the airspace between straight lines connecting the center of the points or intersections specified in designating the main and associated alternate VOR civil airways, unless otherwise specified.

§ 601.10 *Designation of control areas.* The portions of the civil airways and control area extensions described in Subpart B, Subpart C, and Subpart F are designated as control areas.

SUBPART B—COLORED CIVIL AIRWAY CONTROL AREAS

GREEN CIVIL AIRWAYS

§ 601.11 *Green civil airway No. 1 control areas (Patricia Bay, British Columbia, to United States-Canadian Border via Millinocket, Maine).* All of Green civil airway No. 1.

§ 601.12 *Green civil airway No. 2 control areas (Seattle, Wash., to Boston, Mass.).* All of Green civil airway No. 2.

§ 601.13 *Green civil airway No. 3 control areas (San Francisco, Calif., to New York, N. Y.).* All of Green civil airway No. 3.

§ 601.14 *Green civil airway No. 4 control areas (Los Angeles, Calif., to Philadelphia, Pa.).* All of Green civil airway No. 4.

§ 601.15 *Green civil airway No. 5 control areas (Los Angeles, Calif., to Boston, Mass.).* All of Green civil airway No. 5.

§ 601.16 *Green civil airway No. 6 control areas (Laredo, Tex., to Norfolk, Va.).* All of Green civil airway No. 6.

§ 601.17 *Green civil airway No. 7 control areas (Nome, Alaska, to Fairbanks, Alaska).* All of Green civil airway No. 7.

§ 601.18 *Green civil airway No. 8 control areas (Cold Bay, Alaska, to Northway, Alaska).* From a line extended at right angles across such airway through a point 50 miles southwest of the King Salmon, Alaska, radio range station to the Northway, Alaska, radio range station.

§ 601.19 *Green civil airway No. 9 control areas (Hawaiian Islands).* All of Green civil airway No. 9.

§ 601.20 *Green civil airway No. 10 control areas (United States-Canadian Border to Denver, Colo.).* All of Green civil airway No. 10.

AMBER CIVIL AIRWAYS

§ 601.101 *Amber civil airway No. 1 control areas (United States-Mexican Border to Nome, Alaska).* All of Amber civil airway No. 1.

§ 601.102 *Amber civil airway No. 2 control areas (Long Beach, Calif., to Point Barrow, Alaska).* All of Amber civil airway No. 2 within the continental limits of the United States. From the intersection of the northwest course of the Snag, Yukon Territory, Canada, radio range and the United States-Canadian Border to a line extended at right angles through a point 25 miles north of the Bettles, Alaska, radio range station.

§ 601.103 *Amber civil airway No. 3 control areas (El Paso, Tex., to Great Falls, Mont.).* All of Amber civil airway No. 3.

§ 601.104 *Amber civil airway No. 4 control areas. (Brownsville, Tex., to Minot, N. Dak.).* All of Amber civil airway No. 4.

§ 601.105 *Amber civil airway No. 5 control areas (Grand Isle, La., to Milwaukee, Wis.).* All of Amber civil airway No. 5.

§ 601.106 *Amber civil airway No. 6 control areas (Jacksonville, Fla., to United States-Canadian Border).* All of Amber civil airway No. 6.

§ 601.107 *Amber civil airway No. 7 control areas (Key West, Fla., to United States-Canadian Border).* All of Amber civil airway No. 7.

§ 601.108 *Amber civil airway No. 8 control areas (Los Angeles, Calif., to Ellensburg, Wash.).* All of Amber civil airway No. 8.

§ 601.109 *Amber civil airway No. 9 control areas (Charleston, S. C., to Norfolk, Va.).* All of Amber civil airway No. 9.

§ 601.110 *Amber civil airway No. 10 control areas (Hawaiian Islands).* All of Amber civil airway No. 10.

§ 601.111 *Amber civil airway No. 11 control areas (Hawaiian Islands).* All of Amber civil airway No. 11.

§ 601.112 *Amber civil airway No. 12 control areas (Hawaiian Islands).* All of Amber civil airway No. 12.

§ 601.113 *Amber civil airway No. 13 control areas (Washington, D. C., to New York, N. Y.).* All of Amber civil airway No. 13.

§ 601.114 *Amber civil airway No. 14 control areas (Washington, D. C., to New York, N. Y.).* All of Amber civil airway No. 14.

§ 601.115 *Amber civil airway No. 15 control areas (Washington, D. C., to New York, N. Y.).* All of Amber civil airway No. 15.

§ 601.119 *Amber civil airway No. 19 control areas (Washington, D. C., to New York, N. Y.).* All of Amber civil airway No. 19.

RED CIVIL AIRWAYS

§ 601.202 *Red civil airway No. 2 control areas (Sheridan, Wyo., to Rapid City, S. Dak.).* All of Red civil airway No. 2.

§ 601.203 *Red civil airway No. 3 control areas (Philipsburg, Pa., to Hartford, Conn.).* All of Red civil airway No. 3.

§ 601.204 *Red civil airway No. 4 control areas (Las Vegas, N. Mex., to Tucumcari, N. Mex.).* All of Red civil airway No. 4.

§ 601.205 *Red civil airway No. 5 control areas (Sioux Falls, S. Dak., to St. Paul, Minn.).* All of Red civil airway No. 5.

§ 601.206 *Red civil airway No. 6 control areas (Denver, Colo., to Omaha, Nebr.)* All of Red civil airway No. 6.

§ 601.207 *Red civil airway No. 7 control areas (Atlanta, Ga., to Greensboro, N. C.).* All of Red civil airway No 7.

§ 601.208 *Red civil airway No. 8 control areas (Dayton, Ohio, to Newark, N. J.).* All of Red Civil airway No. 8.

§ 601.209 *Red civil airway No. 9 control areas (San Diego, Calif., to Casa Grande, Ariz.).* All of Red Civil airway No. 9.

§ 601.210 *Red civil airway No. 10 control areas (Amarillo, Tex., to Charleston, S. C.).* All of Red civil airway No. 10.

§ 601.211 *Red civil airway No. 11 control areas (Enid, Okla., to Boston, Mass.).* All of Red civil airway No. 11.

§ 601.212 *Red civil airway No. 12 control areas (Joliet, Ill., to Erie, Pa.).* All of Red civil airway No. 12.

§ 601.213 *Red civil airway No. 13 control areas (Wheeling, W. Va., to Boston, Mass.).* All of Red civil airway No. 13.

§ 601.214 *Red civil airway No. 14 control areas (Lone Rock, Wis., to Louisville, Ky.).*

§ 601.215 *Red civil airway No. 15 control areas (Reno, Nev., to Phoenix, Ariz.).* From the intersection of the northeast course of the Reno, Nev., radio range and the northwest course of the Fallon, Nev., radio range to a line extended at right angles through a point 25 miles southeast of the Fallon, Nev., radio range station. From the Las Vegas, Nev., radio range station to the Phoenix, Ariz., radio range station.

§ 601.216 *Red civil airway No. 16 control areas (Tallahassee, Fla., to Florence, S. C.).* All of Red civil airway No. 16.

§ 601.217 *Red civil airway No. 17 control areas (St. Louis, Mo., to Baltimore, Md.).* All of Red civil airway No. 17.

§ 601.218 *Red civil airway No. 18 control areas (Indianapolis, Ind., to Washington, D. C.).* All of Red civil airway No. 18.

§ 601.219 *Red civil airway No. 19 control areas (Traverse City, Mich., to Norfolk, Va.)* All of Red civil airway No. 19.

§ 601.220 *Red civil airway No. 20 control areas (Lansing, Mich., to Washington, D. C.).* All of Red civil airway No. 20.

§ 601.221 *Red civil airway No. 21 control areas (New York, N. Y., to Boston, Mass.).* All of Red civil airway No. 21.

§ 601.222 *Red civil airway No. 22 control areas (Mount Clemens, Mich., to Albany, N. Y.).* All of Red civil airway No. 22.

§ 601.223 *Red civil airway No. 23 control areas (United States-Canadian Border to New York, N. Y.).* All of Red civil airway No. 23.

§ 601.224 *Red civil airway No. 24 control areas (Amarillo, Tex., to Oklahoma City, Okla.).* All of Red civil airway No. 24.

§ 601.226 *Red civil airway No. 26 control areas (Petersburg, Va., to Corapeake, N. C.).* All of Red civil airway No. 26.

§ 601.227 *Red civil airway No. 27 control areas (Atlanta, Ga., to Detroit, Mich.).* All of Red civil airway No. 27.

§ 601.228 *Red civil airway No. 28 control areas (Rockford, Ill., to Detroit, Mich.).* All of Red civil airway No. 28.

§ 601.229 *Red civil airway No. 29 control areas (Elmira, N. Y., to Baltimore, Md.).* All of Red civil airway No. 29.

§ 601.230 *Red civil airway No. 30 control areas (Shreveport, La., to Jacksonville, Fla.).* All of Red civil airway No. 30.

§ 601.231 *Red civil airway No. 31 controls areas (Cheyenne, Wyo., to La Crosse, Wis.).* All of Red civil airway No. 31.

§ 601.232 *Red civil airway No. 32 control areas (Laredo, Tex., to Houston, Tex.).* All of Red civil airway No. 32.

§ 601.233 *Red civil airway No. 33 control areas (Norfolk, Va., to Boston, Mass.).* All of Red civil airway No. 33.

§ 601.234 *Red civil airway No. 34 control areas (Charleston, W. Va., to Weeksville, N. C.).* All of Red civil airway No. 34.

§ 601.235 *Red civil airway No. 35 control areas (Pueblo, Colo., to St. Joseph, Mo.).* All of Red civil airway No. 35.

§ 601.236 *Red civil airway No. 36 control area (Rochester, Minn., to La Crosse, Wis.).* All of Red civil airway No. 36.

§ 601.237 *Red civil airway No. 37 control areas (Tyler, Tex., to Gordonsville, Va.).* All of Red civil airway No. 37.

§ 601.238 *Red civil airway No. 38 control areas (Big Spring, Tex., to San Antonio, Tex.).* All of Red civil airway No. 38.

§ 601.239 *Red civil airway No. 39 control areas (Bethel, Alaska, to Fairbanks, Alaska).* All of Red civil airway No. 39.

§ 601.240 *Red civil airway No. 40 control areas (Kodiak, Alaska, to Anchorage, Alaska).* All of Red civil airway No. 40.

§ 601.241 *Red civil airway No. 41 control areas (Yakutat, Alaska, to Gustavus, Alaska).* All of Red civil airway No. 41.

§ 601.242 *Red civil airway No. 42 control areas (Milwaukee, Wis., to Aurora, Ill.).* All of Red civil airway No. 42.

§ 601.243 *Red civil airway No. 43 control areas (Chicago, Ill., to La Fayette, Ind.).* All of Red civil airways No. 43.

§ 601.244 *Red civil airway No. 44 control areas (Bellingham, Wash., to United States-Canadian Border).* All of Red civil airway No. 44.

§ 601.245 *Red civil airway No. 45 control areas (Blackstone, Va., to Willow Grove, Pa.)* All of Red civil airway No. 45.

§ 601.246 *Red civil airway No. 46 control areas (United States-Canadian Border to Jamestown, N. Dak.).* All of Red civil airway No. 46.

§ 601.247 *Red civil airway No. 47 control areas (Tampa, Fla., to Daytona Beach, Fla.).* All of Red civil airway No. 47.

§ 601.248 *Red civil airway No. 48 control area (Helena, Mont., to Livingston, Mont.).* All of Red civil airway No. 48.

§ 601.249 *Red civil airway No. 49 control areas (Elko, Nev., to Fort Bridger, Wyo.).* All of Red civil airway No. 49.

§ 601.250 *Red civil airway No. 50 control areas (Galena, Alaska, to Fairbanks, Alaska).* All of Red civil airway No. 50.

§ 601.251 *Red civil airway No. 51 control areas (Blackstone, Va., to Norfolk, Va.).* All of Red civil airway No. 51.

§ 601.252 *Red civil airway No. 52 control areas (Memphis, Tenn., to Birmingham, Ala.).* All of Red civil airway No. 52.

§ 601.253 *Red civil airway No. 53 control areas (Portland, Oreg., to Spokane, Wash.).* All of Red civil airway No. 53.

§ 601.254 *Red civil airway No. 54 control areas (Burley, Idaho, to Salt Lake City, Utah).* All of Red civil airway No. 54.

§ 601.255 *Red civil airway No. 55 control areas (Chicago, Ill., to Columbus, Ohio).* All of Red civil airway No. 55.

§ 601.256 *Red civil airway No. 56 control areas (Red Bluff, Calif., to Whitmore, Calif.).* All of Red civil airway No. 56.

§ 601.257 *Red civil airway No. 57 control areas (Des Moines, Iowa, to Youngstown, Ohio).* All of Red civil airway No. 57.

§ 601.258 *Red civil airway No. 58 control areas (Augusta, Maine, to United States-Canadian Border).* All of Red civil airway No. 58.

§ 601.259 *Red civil airway No. 59 control areas (Garden City, Kans., to Oklahoma City, Okla.).* All of Red civil airway No. 59.

§ 601.260 *Red civil airway No. 60 control areas (Oakland, Calif., to Stockton, Calif.).* All of Red civil airway No. 60.

§ 601.261 *Red civil airway No. 61 control areas (Butler, Pa., to Washington, D. C.).* All of Red civil airway No. 61.

§ 601.262 *Red civil airway No. 62 control areas (Pittsburgh, Pa., to Altoona, Pa.).* All of Red civil airway No. 62.

§ 601.263 *Red civil airway No. 63 control areas (Battle Creek, Mich., to the United States-Canadian Border).* All of Red civil airway No. 63.

§ 601.264 *Red civil airway No. 64 control areas (United States-Canadian Border to Annette Island, Alaska).* From the United States-Canadian Border to the Annette Island, Alaska, radio range station.

§ 601.265 *Red civil airway No. 65 control areas (Los Angeles, Calif., to Hayfield Lake, Calif.).* All of Red civil airway No. 65.

§ 601.266 *Red civil airway No. 66 control areas (Santa Barbara, Calif., to Los Angeles, Calif.).* All of Red civil airway No. 66.

§ 601.267 *Red civil airway No. 67 control areas (Crestview, Fla., to Atlanta, Ga.).* All of Red civil airway No. 67.

§ 601.268 *Red civil airway No. 68 control areas (Midland, Tex., to Shreveport, La.).* All of Red civil airway No. 68.

§ 601.269 *Red civil airway No. 69 control areas (Midland, Tex., to Big Spring, Tex.).* All of Red civil airway No. 69.

§ 601.270 *Red civil airway No. 70 control areas (Midland, Tex., to Lubbock, Tex.).* All of Red civil airway No. 70.

§ 601.271 *Red civil airway No. 71 control areas (El Paso, Tex., to Lubbock, Tex.).* All of Red civil airway No. 71.

§ 601.272 *Red civil airway No. 72 control areas (Millville, N. J., to Paterson, N. J.).* All of Red civil airway No. 72.

§ 601.273 *Red civil airway No. 73 control areas (Baltimore, Md., to Millville, N. J.).* All of Red civil airway No. 73.

§ 601.274 *Red civil airway No. 74 control areas (Louisville, Ky., to Cincinnati, Ohio).* All of Red civil airway No. 74.

§ 601.275 *Red civil airway No. 75 control areas (United States-Canadian Border, Vancouver, B. C., to United States-Canadian Border, Abbotsford, B. C.).* All of Red civil airway No. 75.

§601.276 *Red civil airway No. 76 control areas (Williams, Calif., to Auburn, Calif.).* All of Red civil airway No. 76.

§ 601.277 *Red civil airway No. 77 control areas (Greensboro, N. C., to Atlantic City, N. J.).* All of Red civil airway No. 77.

§ 601.278 *Red civil airway No. 78 control areas (Medford, Oreg., to Klamath Falls, Oreg.).* All of Red civil airway No. 78.

§ 601.279 *Red civil airway No. 79 control areas (Neah Bay, Wash., to Everett, Wash.).* All of Red civil airway No. 79.

§ 601.280 *Red civil airway No. 80 control areas (Helena, Mont., to Miles City, Mont.).* All of Red civil airway No. 80.

§ 601.281 *Red civil airway No. 81 control areas (Lansing, Mich., to Detroit, Mich.).* All of Red civil airway No. 81.

§ 601.282 *Red civil airway No. 82 control areas (Skwentna, Alaska, to Anchorage, Alaska).* All of Red civil airway No. 82.

§ 601.283 *Red civil airway No. 83 control areas (Gila Bend, Ariz., to Tucson, Ariz.).* All of Red civil airway No. 83.

§ 601.284 *Red civil airway No. 84 control areas (Meridian, Miss., to Columbus, Ga.).* All of Red civil airway No. 84.

§ 601.285 *Red civil airway No. 85 control areas (Akron, Ohio, to Altoona, Pa.).* All of Red civil airway No. 85.

§ 601.286 *Red civil airway No. 86 control areas (Millinocket, Maine, to Houlton, Maine).* All of Red civil airway No. 86.

§ 601.287 *Red civil airway No. 87 control areas (Hawaiian Islands).* All of Red civil airway No. 87.

§ 601.288 *Red civil airway No. 88 control areas (Albuquerque, N. Mex., to Hobbs, N. Mex.).* All of Red civil airway No. 88.

§ 601.289 *Red civil airway No. 89 control areas (Quincy, Ill., to Peoria, Ill.).* All of Red civil airway No. 89.

§ 601.290 *Red civil airway No. 90 control areas (Oxnard, Calif., to Burbank, Calif.).* All of Red civil airway No. 90.

§ 601.291 *Red civil airway No. 91 control areas (Dunkirk, N. Y., to Syracuse, N. Y.).* All of Red civil airway No. 91.

§ 601.292 *Red civil airway No. 92 control areas (Sault Ste. Marie, Mich., to United States-Canadian Border).* All of Red civil airway No. 92.

§ 601.293 *Red civil airway No. 93 control areas (Lincoln, Nebr., to Omaha, Nebr.).* All of Red civil airway No. 93.

§ 601.294 *Red civil airway No. 94 control areas (Providence, R. I., to Hyannis, Mass.).* All of Red civil airway No. 94.

§ 601.295 *Red civil airway No. 95 control areas (Elmira, N. Y., to Utica, N. Y.).* All of Red civil airway No. 95.

§ 601.296 *Red civil airway No. 96 control areas (Palacios, Tex., to Baton Rouge, La.).* All of Red civil airway No. 96.

§ 601.297 *Red civil airway No. 97 control areas (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).* All of Red civil airway No. 97.

§ 601.298 *Red civil airway No. 98 control areas (Vichy, Mo., to Belleville, Ill.).* All of Red civil airway No. 98.

§ 601.299 *Red civil airway No. 99 control areas (Iliamna, Alaska, to Homer, Alaska).* All of Red civil airway No. 99.

§ 601.300 *Red civil airway No. 100 control areas (South Bend, Ind., to Battle Creek, Mich.).* All of Red civil airway No. 100.

§ 601.302 *Red civil airway No. 102 control areas (Louisville, Ky., to Huntington, W. Va.).* All of Red civil airway No. 102.

§ 601.303 *Red civil airway No. 103 control areas (Kenai, Alaska, to Middleton Island, Alaska).* All of Red civil airway No. 103.

§ 601.304 *Red civil airway No. 104 control areas (Greensboro, N. C., to Raleigh, N. C.).* All of Red civil airway No. 104.

§ 601.305 *Red civil airway No. 105 control areas (Wichita, Kans., to Neosho, Mo.).* All of Red civil airway No. 105.

§ 601.306 *Red civil airway No. 106 control areas (Scottsbluff, Nebr., to North Platte, Nebr.).* All of Red civil airway No. 106.

§ 601.307 *Red civil airway No. 107 control areas (Stanton, Minn., to Red Wing, Minn.).* All of Red civil airway No. 107.

§ 601.308 *Red civil airway No. 108 control areas (Promontory Point, Utah to Fort Bridger, Wyo.).* All of Red civil airway No. 108.

§ 601.309 *Red civil airway No. 109 control areas (Portland, Oreg., to Spokane, Wash.).* All of Red civil airway No. 109.

BLUE CIVIL AIRWAYS

§ 601.601 *Blue civil airway No. 1 control areas (Miami, Fla., to Tampa, Fla.).* All of Blue civil airway No. 1.

§ 601.602 *Blue civil airway No. 2 control areas (Montgomery, Ala., to Erie, Pa.).* All of Blue civil airway No. 2.

§ 601.603 *Blue civil airway No. 3 control areas (Miami, Fla., to Sault Ste., Marie, Mich.).* All of Blue civil airway No. 3.

§ 601.604 *Blue civil airway No. 4 control areas (Boston, Mass., to United States-Canadian Border).* All of Blue civil airway No. 4.

§ 601.605 *Blue civil airway No. 5 control areas (Galveston, Tex., to Wichita, Kans.).* All of Blue civil airway No. 5.

§ 601.606 *Blue civil airway No. 6 control areas (Abilene, Tex., to Muskegon, Mich.).* All of Blue civil airway No. 6.

§ 601.607 *Blue civil airway No. 7 control areas (Hollister, Calif., to Williams, Calif.).* All of Blue civil airway No. 7.

§ 601.608 *Blue civil airway No. 8 control areas (Fargo, N. Dak., to United States-Canadian Border).* All of Blue civil airway No. 8.

§ 601.609 *Blue civil airway No. 9 control areas (Springfield, Mo., to United States-Canadian Border).* All of Blue civil airway No. 9.

§ 601.610 *Blue civil airway No. 10 control areas (Fresno, Calif., to Williams, Calif.).* All of Blue civil airway No. 10.

§ 601.611 *Blue civil airway No. 11 control areas (Findlay, Ohio, to Dunkirk, N. Y.).* All of Blue civil airway No. 11.

§ 601.613 *Blue civil airway No. 13 control areas (Houston, Tex., to Des Moines, Iowa).* All of Blue civil airway No. 13.

§ 601.614 *Blue civil airway No. 14 control areas (El Centro, Calif., to Sacramento, Calif.).* All of Blue civil airway No. 14.

§ 601.615 *Blue civil airway No. 15 control areas (Huntington, W. Va., to Youngstown, Ohio).* All of Blue civil airway No. 15.

§ 601.616 *Blue civil airway No. 16 control areas (Waverly, Va., to Tappahannock, Va.).* All of Blue civil airway No. 16.

§ 601.617 *Blue civil airway No. 17 control areas (Bangor, Maine, to Presque Isle, Maine).* All of Blue civil airway No. 17.

§ 601.618 *Blue civil airway No. 18 control areas (Philadelphia, Pa., to United States-Canadian Border).* All of Blue civil airway No. 18.

§ 601.619 *Blue civil airway No. 19 control areas (Key West, Fla., to Orlando, Fla.).* All of Blue civil airway No. 19.

§ 601.620 *Blue civil airway No. 20 control areas (Millville, N. J., to Allentown, Pa.).* All of Blue civil airway No. 20.

§ 601.622 *Blue civil airway No. 22 control areas (Memphis, Tenn., to Wichita, Kans.).* All of Blue civil airway No. 22.

§ 601.623 *Blue civil airway No. 23 control areas (Norfolk, Va., to Chincoteague, Va.).* All of Blue civil airway No. 23.

§ 601.625 *Blue civil airway No. 25 control areas (Cordova, Alaska, to Big Delta, Alaska).* All of Blue civil airway No. 25.

§ 601.626 *Blue civil airway No. 26 control areas (Anchorage, Alaska, to Nenana, Alaska).* All of Blue civil airway No. 26.

§ 601.627 *Blue civil airway No. 27 control areas (Kodiak, Alaska, to Kotzebue, Alaska).* All of Blue civil airway No. 27.

§ 601.628 *Blue civil airway No. 28 control areas (Charleston, S. C., to Bulls Gap, Tenn.).* All of Blue civil airway No. 28.

§ 601.629 *Blue civil airway No. 29 control areas (Raleigh, N. C., to Lynchburg, Va.).* All of Blue civil airway No. 29.

§ 601.630 *Blue civil airway No. 30 control areas (Brownsville, Tex., to Pueblo, Colo.).* All of Blue civil airway No. 30.

§ 601.631 *Blue civil airway No. 31 control areas (Burlington, Iowa, to Madison, Wis.).* All of Blue civil airway No. 31.

§ 601.632 *Blue civil airway No. 32 control areas (Skwentna, Alaska, to Talkeetna, Alaska).* All of Blue civil airway No. 32.

§ 601.633 *Blue civil airway No. 33 control areas (Lansing, Mich., to Saginaw, Mich.).* All of Blue civil airway No. 33.

§ 601.634 *Blue civil airway No. 34 control areas (Terre Haute, Ind., to Peoria, Ill.).* All of Blue civil airway No. 34.

§ 601.635 *Blue civil airway No. 35 control areas (Oxnard, Calif., to Bakersfield, Calif.).* All of Blue civil airway No. 35.

§ 601.636 *Blue civil airway No. 36 control areas (Akron, Colo., to Kimball, Nebr.).* All of Blue civil airway No. 36.

§ 601.637 *Blue civil airway No. 37 control areas (Casper, Wyo., to Rapid City, S. Dak.).* All of Blue civil airway No. 37.

§ 601.638 *Blue civil airway No. 38 control areas (Five Finger, Alaska, to United States-Canadian Border).* All of Blue civil airway No. 38.

§ 601.639 *Blue civil airway No. 39 control areas (Savannah, Ga., to Elmira, N. Y.).* All of Blue civil airway No. 39.

§ 601.640 *Blue civil airway No. 40 control areas (Concord, N. H., to Burlington, Vt.).* All of Blue civil airway No. 40.

§ 601.641 *Blue civil airway No. 41 control areas (Hartford, Conn., to United States-Canadian Border).* All of Blue civil airway No. 41.

§ 601.642 *Blue civil airway No. 42 control areas (Goshen, Ind., to Saginaw, Mich.).* All of Blue civil airway No. 42.

§ 601.643 *Blue civil airway No. 43 control areas (Delta Island, Alaska, to Willow, Alaska).* All of Blue civil airway No. 43.

§ 601.644 *Blue civil airway No. 44 control areas (Indianapolis, Ind., to United States-Canadian Border).* All of Blue civil airway No. 44.

§ 601.645 *Blue civil airway No. 45 control areas (Greenfield, Mass., to Newport, Vt.).* All of Blue civil airway No. 45.

§ 601.646 *Blue civil airway No. 46 control areas (Memphis, Tenn., to Paducah, Ky.).* All of Blue civil airway No. 46.

§ 601.647 *Blue civil airway No. 47 control areas (Blackstone, Va., to Dunkirk, N. Y.).* All of Blue civil airway No. 47.

§ 601.649 *Blue civil airway No. 49 control areas (Atlantic City, N. J., to Philadelphia, Pa.).* All of Blue civil airway No. 49.

§ 601.651 *Blue civil airway No. 51 control areas (Wendover, Utah, to Dubois, Idaho).* All of Blue civil airway No. 51.

§ 601.652 *Blue civil airway No. 52 control areas (Paso Robles, Calif., to Fresno, Calif.).* All of Blue civil airway No. 52.

§ 601.653 *Blue civil airway No. 53 control areas (Providence, R. I., to Hartford, Conn.).* All of Blue civil airway No. 53.

§ 601.654 *Blue civil airway No. 54 control areas (Evergreen, Calif., to Hamilton AFB, Calif.).* All of Blue civil airway No. 54.

§ 601.655 *Blue civil airway No. 55 control areas (Crestview, Fla., to Montgomery, Ala.).* All of Blue civil airway No. 55.

§ 601.656 *Blue civil airway No. 56 control areas (Elizabeth City, N. C., to Washington, D. C.).* All of Blue civil airway No. 56.

§ 601.657 *Blue civil airway No. 57 control areas (Elko, Nev., to Burley, Idaho).* All of Blue civil airway No. 57.

§ 601.658 *Blue civil airway No. 58 control areas (Nantucket, Mass., to Squantum, Mass.).* All of Blue civil airway No. 58.

§ 601.659 *Blue civil airway No. 59 control areas (Pensacola, Fla., to Goodway, Ala.).* All of Blue civil airway No. 59.

§ 601.660 *Blue civil airway No. 60 control areas (Sunnyvale, Calif., to Stockton, Calif.).* All of Blue civil airway No. 60.

§ 601.661 *Blue civil airway No. 61 control areas (Springfield, Mo., to Kansas City, Mo.).* All of Blue civil airway No. 61.

§ 601.663 *Blue civil airway No. 63 control areas (Concord, N. H., to Berlin, N. H.).* All of Blue civil airway No. 63.

§ 601.664 *Blue civil airway No. 64 control areas (Wink, Tex., to Hobbs, N. Mex.).* All of Blue civil airway No. 64.

§ 601.665 *Blue civil airway No. 65 control areas (Shuyak, Alaska, to Homer, Alaska).* All of Blue civil airway No. 65.

§ 601.666 *Blue civil airway No. 66 control areas (Bridgeport, Conn., to Poughkeepsie, N. Y.).* All of Blue civil airway No. 66.

§ 601.667 *Blue civil airway No. 67 control areas (Yuma, Ariz., to Las Vegas, Nev.).* All of Blue civil airway No. 67.

§ 601.668 *Blue civil airway No. 68 control areas (Midland, Tex., to Hobbs, N. Mex.).* All of Blue civil airway No. 68.

§ 601.669 *Blue civil airway No. 69 control areas (St. Louis, Mo., to Quincy, Ill.).* All of Blue civil airway No. 69.

§ 601.670 *Blue civil airway No. 70 control areas (Waco, Tex., to Tulsa, Okla.).* All of Blue civil airway No. 70.

§ 601.671 *Blue civil airway No. 71 control areas (Toledo, Wash., to Seattle, Wash.).* All of Blue civil airway No. 71.

§ 601.672 *Blue civil airway No. 72 control areas (Enid, Okla., to Wichita, Kans.).* All of Blue civil airway No. 72.

§ 601.674 *Blue civil airway No. 74 control areas (Willard, N. Mex., to Otto, N. Mex.).* All of Blue civil airway No. 74.

§ 601.675 *Blue civil airway No. 75 control areas (Cleveland, Ohio, to United States-Canadian Border).* All of Blue civil airway No. 75.

§ 601.676 *Blue civil airway No. 76 control areas (Sinclair, Wyo., to Casper, Wyo.).* All of Blue civil airway No. 76.

§ 601.678 *Blue civil airway No. 78 control areas (Spring Bay, Utah, to Malad City, Idaho).* All of Blue civil airway No. 78.

§ 601.679 *Blue civil airway No. 79 control areas (Annette Island, Alaska to United States-Canadian Border).* All of Blue civil airway No. 79.

§ 601.680 *Blue civil airway No. 80 control areas (Unalakleet, Alaska, to Moses Point, Alaska).* All of Blue civil airway No. 80.

§ 601.681 *Blue civil airway No. 81 control areas (Charleston, W. Va., to Akron, Ohio).* All of Blue civil airway No. 81.

§ 601.684 *Blue civil airway No. 84 control areas (Augusta, Maine, to Millinocket, Maine).* All of Blue civil airway No. 84.

§ 601.685 *Blue civil airway No. 85 control areas (Hutchinson, Kans., to Wichita, Kans.).* All of Blue civil airway No. 85.

§ 601.686. *Blue civil airway No. 86 control areas (Goshen, Ind., to Fort Wayne, Ind.).* All of Blue civil airway No. 86.

§ 601.687 *Blue civil airway No. 87 control areas (Lexington, Ky., to Dayton, Ohio).* All of Blue civil airway No. 87.

SUBPART C—CONTROL AREA EXTENSIONS

§ 601.1001 *Control area extension (Moses Lake, Wash.).* That airspace south of Green civil airway No. 2 within a 30-mile radius of the Larsen Air Force Base, Moses Lake, Wash., excluding the portion which overlaps the Hanford, Wash., Airspace Reservation.

§ 601.1002 *Control area extension (Austin, Tex.).* That airspace within a 40-mile radius of the Austin, Tex., radio range station.

§ 601.1003 *Control area extension (Corinne, Utah).* Within 5 miles either side of a line bearing 289° True extending from the Corinne nondirectional radio beacon to Blue civil airway No. 78.

§ 601.1004 *Control area extension (Brownsville, Tex.).* That airspace over United States territory within a 40-mile radius of the Brownsville, Tex., radio range station, excluding the portion which overlaps restricted areas and excluding the portions lying north of Latitude 26°30'00" and more than 3 miles from the United States shoreline.

§601.1005 *Control area extension (Jacksonville, Fla.).* Within 5 miles either side of the Jacksonville ILS localizer course extending from the localizer to a point 10½ miles southwest of the outer marker excluding that portion which lies south of Latitude 30°16'45", and within 5 miles either side of the 64° True radial of the Jacksonville omnirange extending from the omnirange station to a point 20 miles northeast.

§ 601.1006 *Control area extension (Lake Charles, La.).* All that airspace within a 40-mile radius of the Lake Charles, La., radio range station excluding the portion which overlaps the Houston (Beaumont-Palacios-Houston) Control area extension.

§ 601.1007 *Control area extension (Laredo, Tex.).* That airspace over United States territory within a 35-mile radius of the Laredo, Tex., radio range station.

§ 601.1008 *Control area extension (Savannah, Ga.).* From the Savannah, Ga., radio range station extending 5 miles either side of the southeast course of the Savannah radio range to a point 20 miles southeast of the range station, extending 5 miles either side of the southwest course of the radio range to a point 30 miles southwest of the radio range station, extending 5 miles either side of the northwest course of the radio range to a point 25 miles northwest of the radio range station, and within 5

miles either side of the centerline of the east-west runway of Travis Field, Savannah, Ga., from Amber civil airway No. 7 to a point 20 miles west of Travis Field, excluding the portion overlapping the Camp Stewart restricted area.

§ 601.1009 *Control area extension (Augusta, Ga.).* All that area within 5 miles either side of the centerline of the north-south runway of Bush Field, Augusta, Ga., extending to a point 30 miles south of Bush Field.

§ 601.1010 *Control area extension (Greenwood, S. C.).* That airspace bounded on the south by a straight line from a point at lat. 34°07'00", long. 82°-15'00" to a point at lat. 34°19'00", long. 81°38'00", on the east by Blue civil airway No. 28, on the north by the Greenville, S. C. (Greenville-Charlotte-Greensboro) control area extension, on the west by Blue civil airway No. 39 to point of beginning.

§ 601.1011 *Control area extension (Daytona Beach, Fla.).* Within 5 miles either side of the west course of the Daytona Beach radio range extending from the radio range station to a point 20 miles west, and within 5 miles either side of the 244° True radial of the Daytona Beach omnirange extending from the omnirange station to a point 20 miles southwest.

§ 601.1012 *Control area extension (Florence, S. C.).* From the Florence, S. C., radio range station extending 5 miles either side of the southeast course of the radio range to a point 20 miles southeast of the radio range station, and extending 5 miles either side of the northwest course of the radio range to a point 25 miles northwest of the radio station.

§ 601.1013 *Control area extension (Fort Myers, Fla.).* Within 5 miles either side of the lines bearing 45° True and 220° True from Fort Myers, Fla., nondirectional radio beacon extending from Blue civil airway No. 1 on the northeast to a point 20 miles southwest of the nondirectional radio beacon

§ 601.1014 *Control area extension (Greenville, S. C.) (Greenville-Charlotte-Greensboro area).* All that airspace beginning at lat. 35°49'30", long. 79°30'00", thence southwesterly to lat. 34°49'30", long. 80°10'00", thence clockwise along the arc of a 50-mile radius circle centered on the Charlotte, N. C., radio range (at lat. 35°10'30", long. 80°56'00") to lat. 34°27'15", long. 80°52'30", thence westerly to lat. 34°22'30", long. 82°20'00"; thence clockwise along the arc of a 30-mile radius circle centered on the Greenville, S. C., radio range (at lat. 34°48'45", long. 82°20'30") to lat. 35°13'30", long. 82°30'00", thence northeast to lat. 35°19'00", long. 82°06'30", thence clockwise along the arc of a 30-mile radius circle centered on the Spartanburg, S. C., radio range to the northwest edge of Green civil airway No. 6, thence along the northwest edge of Green civil airway No. 6 to the arc of a 35-mile radius circle centered between the Winston-Salem and Greensboro, N. C., radio ranges at lat. 36°06'00", long. 80°01'30", thence clockwise along the arc of this 35-mile radius circle to the point of beginning.

§ 601.1015 *Control area extension (Greenwood, Miss.).* From the Greenwood, Miss., radio range station extending 5 miles either side of the east course of the radio range to a point 20 miles east of the radio range station, and extending 5 miles either side of the west course of the radio range to a point 25 miles west of the radio range station and extending 5 miles either side of the 66° True and 246° True radials of the Greenwood omnirange to points 20 miles southwest and northeast of the omnirange station.

§ 601.1016 *Control area extension (Jackson, Tenn.).* Within 5 miles either side of the north course of the Jackson, Tenn., radio range extending from the radio range station to a point 20 miles north.

§ 601.1017 *Control area extension (Reading, Pa.).* From the Reading, Pa., ILS localizer extending 5 miles either side of the localizer course to its intersection with the east course of the Harrisburg, Pa., radio range.

§ 601.1018 *Control area extension (Meridian, Miss.).* From the Meridian, Miss., radio range station extending 5 miles either side of the north course of the Meridian, Miss., radio range to a point 20 miles north of the radio range station and extending from the ILS localizer 5 miles either side of the localizer course to a point 30 miles south of the ILS localizer.

§ 601.1019 *Control area extension (Nashville, Tenn.).* That airspace within a 50-mile radius of the Nashville Tenn., radio range station bounded on the northwest by a direct line extending from the Graham, Tenn., omnirange station to the Bowling Green, Ky., omnirange station.

§ 601.1020 *Control area extension (Macon, Ga.).* Within 5 miles either side of the 47° True and 227° True courses of the Macon ILS localizer extending from the localizer to a point 25 miles northeast and to a point 30 miles southwest.

§ 601.1021 *Control area extension (Belleville, Ill.).* All that area within a 40-mile radius of the Scott AFB radio range station, Belleville, Ill.

§ 601.1022 *Control area extension (West Palm Beach, Fla.).* From the West Palm Beach, Fla., radio range station, extending within 5 miles either side of the west course of the West Palm Beach radio range, to a point 20 miles west of the radio range station.

§ 601.1023 *Control area extension (Akron, Colo.).* From the Akron, Colo., radio range station, extending within 5 miles either side of the north course of the Akron radio range, to a point 20 miles north of the radio range station.

§ 601.1024 *Control area extension (Burlington, Iowa).* Within a 15-mile radius of the Burlington, Iowa omnirange station and within 5 miles either side of the 112° True radial of the omnirange extending from the omnirange station to a point 25 miles east.

§ 601.1025 *Control area extension (New Orleans, La.).* All that area within a 25-mile radius of the New Orleans, La., radio range station located in the southeast quadrant and including all the area bounded on the west by the south course of the New Orleans, La., radio range on the south and east by the shoreline and on the north by Green civil airway No. 6; all that air space within a 35-mile radius of the New Orleans, La., radio range station in the southwest and northwest quadrants of the radio range and the airspace in the northeast quadrant of the radio range bounded on the northeast by the northern shoreline of Lake Ponchartrain.

§ 601.1026 *Control area extension (Grand Island, Nebr.).* From the Grand Island, Nebr., radio range station, extending within 5 miles either side of the north course of the Grand Island radio range, to a point 20 miles north of the radio range station and within 5 miles either side of the 180° True and 360° True radials of the Grand Island omnirange extending from the omnirange station to points 25 miles north and south.

§ 601.1027 *Control area extension (Kansas City, Mo.).* All that area within a 42-mile radius of the Kansas City, Mo., Municipal Airport excluding that area outside existing civil airways that lies within the south quadrant of the Kansas City radio range and excluding the portion below 4,000 feet which overlaps the Lake City, Mo., restricted area.

§ 601.1028 *Control area extension (Monroe, La.).* Within 5 miles either side of the northeast and southwest courses of the Monroe radio range extending from the radio range station to a point 25 miles northeast and to a point 20 miles southwest, and within 5 miles either side of the 41° True and 221° True radials of the Monroe omnirange extending from the omnirange station to points 20 miles northeast and southwest.

§ 601.1029 *Control area extension (Corpus Christi, Tex.).* All that airspace lying in the north quadrant of the Corpus Christi, Tex., radio range within a 58-mile radius of the range station bounded on the southwest by Blue civil airway No. 30 and on the southeast by Green civil airway No. 6 including the airspace within 6 miles either side of the northeast course of the Refugio, Tex., radio range extending from the radio range station to a point 32 miles northeast and the airspace within the arc of a circle of 29-mile radius centered on the Normanna, Tex., nondirectional radio beacon bounded on the southwest by Blue civil airway No. 30 and on the east by a line extending from a point at Lat. 28°54'30", Long. 97°33'40" to a point at Lat. 28°38'00", Long. 97°38'30".

§ 601.1030 *Control area extension (Victorville, Calif.).* All that area within the vicinity of George AFB, Victorville, Calif., bounded on the north by Green 4, on the southwest by Blue 14 and on the southeast by Amber 2, and the airspace north of the George AFB bounded by a line beginning at lat. 35°11'00", long. 117°12'00", thence to lat. 34°57'00", long. 117°12'00", thence to lat. 34°54'45", long. 116°53'45", thence along the northern boundary of Green civil airway No. 4 to lat. 34°49'00", long. 117°29'00", thence to lat. 35°11'-00", long. 117°24'00", thence to point of beginning, excluding the portion which overlaps Restricted Area (R–279).

§ 601.1031 *Control area extension (North Platte, Nebr.).* All that airspace within a 25-mile radius of the North Platte radio range bounded on the south by Green civil airway No. 3, and the airspace bounded on the east by a line 5 miles east of and parallel to the south course of the radio range, on the south by VOR civil airway No. 8 and on the northwest by Red civil airway No. 6.

§ 601.1032 *Control area extension (Kotzebue, Alaska).* Within 5 miles either side of a line bearing 50° True extending from the Kotzebue, Alaska, non-directional radio beacon to a point 25 miles northeast.

§ 601.1033 *Control area extension (St. Joseph, Mo.).* That airspace within a 25-mile radius of Rosecrans Field bounded on the northeast by Amber civil airway No. 4, and on the southeast by Red civil airway No. 35.

§ 601.1034 *Control area extension (Springfield, Mo.).* All that area within a 25-mile radius of the Springfield, Mo., radio range station.

§ 601.1035 *Control area extension (Little Rock, Ark.).* From the Little Rock, Ark., radio range station extending 5 miles either side of the northeast course of the radio range to a point 25 miles northeast of the radio range station.

§ 601.1036 *Control area extension (West Palm Beach, Fla.).* Within 5 miles either side of the 151° True radial of the West Palm Beach omnirange extending from the West Palm Beach omnirange station via the intersection of the West Palm Beach 151° True radial and the Miami, Fla., 060° True radial thence via the Miami 060° True radial to the Miami, Fla., omnirange station. The airspace which lies within Miami Warning Area (W–171) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control).

§ 601.1037 *Control area extension (Pensacola, Fla.).* That airspace within 8 miles east of and 5 miles west of the north and south courses of the Pensacola, Fla., radio range extending from the radio range station to points 25 miles north and 12 miles south.

§ 601.1038 *Control area extension (Great Falls, Mont.).* That airspace within a 25-mile radius of the Great Falls omnirange station extending from the southern boundary of VOR civil airway No. 120 clockwise to the southeastern boundary of Amber civil airway No. 2, and the airspace within 5 miles either side of the northeast course of the Great Falls radio range extending from the radio range station to a point 30 miles northeast including the airspace within a 30 mile radius of the Great Falls omnirange station which lies within the north quadrant of the Great Falls low frequency radio range.

§ 601.1039 *Control area extension (Portland, Oreg.).* That airspace within a 30-mile radius of the Portland International Airport.

§ 601.1040 *Control area extension (Medford, Oreg.).* From the Medford, Oreg., radio range station, extending within 5 miles either side of the west course of the Medford radio range, to a point 20 miles west of the radio range station.

§ 601.1041 *Control area extension (Boise, Idaho).* Within 5 miles either side of the southwest course of the Boise radio range extending from the radio range station to a point 20 miles southwest including the airspace in the south quadrant of the Boise radio range bounded on the northeast and southeast by the Mountain Home, Idaho, control area extension and on the southwest by a line drawn 135° True from a point at lat. 43°20'20", long. 116°29'15" extending to the Mountain Home control area extension.

§ 601.1042 *Control area extension (Columbus, Ohio).* That airspace within a 15-mile radius of the Columbus, Ohio, omnirange station; that airspace southwest of Columbus bounded on the north by Green civil airway No. 4, on the east by Blue civil airway No. 15, on the south by Red civil airway No. 8 and on the west by VOR civil airway No. 47; that airspace southeast of Columbus within a 30-mile radius of Lockbourne Air Force Base extending clockwise from the south boundary of Red civil airway No. 8 to the east boundary of Blue civil airway No. 15.

§ 601.1043 *Control area extension (Bowling Green, Ky.).* From the Bowling Green, Ky., radio range station extending 5 miles either side of the southeast course of the radio range to a point 20 miles southeast of the radio range station, and extending 5 miles either side of the west course of the radio range to a point 25 miles west of the radio range station and all that area within a 15 mile radius of the Bowling Green omnirange station.

§ 601.1044 *Control area extension (Ypsilanti, Mich.).* From the Willow Run Airport, Ypsilanti, Mich. ILS localizer extending 5 miles either side of the localizer course to a point 20 miles southwest of the ILS outer marker.

§ 601.1045 *Control area extension (Presque Isle, Maine).* From the Presque Isle, Maine, radio range station extending 5 miles either side of the west course of the radio range to a point 15 miles west of the radio range station, including all that area bounded on the north and east by Blue civil airway No. 17, on the south by Red civil airway No. 86 and on the west by Amber civil airway No. 7.

§ 601.1046 *Control area extension (Falfurrias, Tex.).* Within 5 miles on the northwest side and 15 miles on the southeast side of the southwest course of the Kingsville, Tex., radio range extending from the Falfurrias nondirectional radio beacon to a point 35 miles southwest of the nondirectional radio beacon.

§ 601.1047 *Control area extension (Bangor, Maine).* That airspace within a 25-mile radius of Dow Air Force Base, Bangor, Maine.

§ 601.1048 *Control area extension (Red Bluff, Calif.).* From the Red Bluff, Calif., radio range station extending 5 miles either side of the east course of the radio range to a point 25 miles east of the radio range station, and extending 5 miles either side of the west course of the radio range to a point 25 miles west of the radio range station.

§ 601.1049 *Control area extension (Utica, N. Y.).* From the Utica, N. Y., radio range station, within 5 miles either side of the northwest course of the Utica, N. Y., radio range, extending 20 miles northwest of the Utica, N. Y., radio range station and within 5 miles either side of the northeast course of the Utica radio range extending from the radio range station to a point 15 miles northeast.

§ 601.1050 *Control area extension (Bakersfield, Calif.).* From the Bakersfield, Calif., radio range station extending within 5 miles either side of the southwest course of the Bakersfield, Calif., radio range to a point 25 miles southwest of the radio range station including the airspace in the northwest quadrant of the radio range bounded on the northeast by VOR civil airway No. 137 and on the west by VOR civil airway No. 107.

§ 601.1051 *Control area extension (Portland, Maine).* From the Portland, Maine, radio range station, within 5 miles either side of the northwest course of the Portland, Maine, radio range extending 20 miles northwest of the Portland, Maine, radio range station.

§ 601.1052 *Control area extension (Atlanta, Ga.).* All that airspace within a 50-mile radius of the Atlanta radio range station including the airspace north of Atlanta bounded on the west by VOR civil airway No. 5, on the north by VOR civil airway No. 54 and on the east by VOR civil airway No. 97, and the airspace east of Atlanta bounded on the northwest by VOR civil airway No. 20, on the east by VOR civil airway No. 35 and on the south by VOR civil airway No. 18.

§ 601.1053 *Control area extension (Houston, Tex.) (Beaumont-Palacios-Houston area).* All that airspace beginning at Latitude 30°22'00", Longitude 94°03'00", thence clockwise along an arc with a 25-mile radius centered on the Beaumont, Tex., radio range station to Latitude 29°38'35", Longitude 94°00'00", thence south to Latitude 29°37'30", Longitude 94°00'00", thence southwesterly 3 nautical miles from and parallel to the shoreline to Latitude 28°23'20", Longitude 96°17'30", thence clockwise along an arc with a 25-miles radius centered on the Palacios, Tex., radio range station to Latitude 28°55'00", Longitude

96°38'45", thence northeasterly to Latitude 29°58'30", Longitude 95°58'30", thence clockwise along an arc with a 50-mile radius centered on the Houston, Tex., radio range station to Latitude 30°20'25", Longitude 95°17'00", thence east to point of beginning. The portions of this control area which overlap the Palacios Restricted Area R–494 and Palacios Warning Area W–494 are excluded.

§ 601.1054 *Control area extension (Sinclair, Wyo.)*. From the Sinclair, Wyo., radio range station extending 5 miles either side of the north course of the radio range to a point 25 miles north of the radio range station.

§ 601.1055 *Control area extension (Elmira, N. Y.)*. Within a 15-mile radius of the Elmira, N. Y., omnirange station.

§ 601.1056 *Control area extension (Buffalo, N. Y.)*. Within a 15-mile radius of the Buffalo, N. Y., omnirange station.

§ 601.1057 *Control area extension (Binghamton, N. Y.)*. Within a 15-mile radius of the Binghamton, N. Y., omnirange station.

§ 601.1058 *Control area extension (Martinsburg, W. Va.)*. Within 5 miles either side of the southwest and northeast courses of the Martinsburg radio range extending from the radio range station to a point 20 miles southwest and to a point 33 miles northeast, and that airspace within a 15-mile radius of the Martinsburg, W. Va., omnirange station.

§ 601.1059 *Control area extension (Lynchburg, Va.)*. From the Lynchburg, Va., radio range station extending 5 miles either side of the north course of the radio range to a point 20 miles north of the radio range station.

§ 601.1060 *Control area extension (Elkins, W. Va.)*. From the Elkins, W. Va., radio range station, within 5 miles either side of the south course of the Elkins radio range, extending 10 miles south of the Elkins, W. Va., airport and all that area within a 15 mile radius of the Elkins omnirange station.

§ 601.1061 *Control area extension (Mt. Clemens, Mich.)*. All that airspace bounded on the north by an arc having a radius of 40 miles from Selfridge Air Force Base, Mt. Clemens, Mich., on the east and southeast by the United States-Canadian Boundary, and on the southwest by Red civil airway No. 20 and the Flint, Mich., control area extension.

§ 601.1062 *Control area extension (Raleigh, N. C.)*. That airspace within a 30-mile radius of the Raleigh, N. C., radio range station, within 5 miles either side of the southeast course of the Raleigh radio range extending from the range station to a point 41 miles southeast, and within 5 miles either side of the Raleigh ILS localizer course extending from the localizer to a point 30 miles southwest.

§ 601.1063 *Control area extension (Roanoke, Va.)*. From the Roanoke, Va., radio range station extending 5 miles either side of the south course of the Roanoke, Va., radio range to a point 20 miles south of the radio range station.

§ 601.1064 *Control area extension (Chicopee Falls, Mass.)*. That airspace east of Chicopee Falls bounded on the northwest by Red civil airway No. 33, on the northeast by VOR civil airway No. 151 and the Worcester, Mass., control zone, on the southeast by Amber civil airway No. 7 and on the southwest by Green civil airway No. 2 excluding the airspace below 2500 feet Mean Sea Level; that airspace north of Chicopee Falls bounded on the west by Blue civil airway No. 41, on the north by VOR civil airway No. 2 and on the southeast by VOR civil airway No. 39; that airspace northwest of Chicopee Falls lying within an arc of 38 statute miles centered on Westover, Mass., Air Force Base bounded on north by VOR civil airway No. 2, on the east by Blue civil airway No. 41 and on the southwest by Green civil airway No. 2.

§ 601.1065 *Control area extension (Biloxi, Miss.)*. All that area within a 25-mile radius of the Keesler AFB, Biloxi, Miss., radio range station, excluding Airspace Warning Areas.

§ 601.1066 *Control area extension (New York, N. Y.)*. All that area within a 40-mile radius of the Empire State Building, New York, N. Y., located at Latitude 40°45'00", Longitude 73°59'15".

§ 601.1067 *Control area extension (Dayton, Ohio)*. That airspace within a 15-mile radius of the Dayton, Ohio, omnirange station including the airspace within 5 miles either side of the Dayton ILS localizer course extending from the localizer to a point 20 miles southwest of the ILS outer marker.

§ 601.1068 *Control area extension (Riverside, Calif.)*. That airspace bounded on the east by a line extending between a point at Lat. 33°51'00", Long. 116°50'40" and a point at Lat. 33°45'45", Long. 116°50'00", on the south by VOR civil airway No. 64, on the northwest by VOR civil airway No. 8 and on the north by Green civil airway No. 5, and that airspace bounded by lines beginning at a point at Lat. 33°36'45", Long. 116°48'-40", thence to Lat. 33°30'00", Long. 116°47'55", thence to Lat. 33°30'00", Long. 116°48'40", thence to Lat. 33°12'-00", Long. 116°33'20", thence to Lat. 33°10'25", Long. 116°35'35", thence to Lat. 33°12'00", Long. 116°46'00", thence to Lat. 33°38'45", Long. 117°14'30", thence to point of beginning.

§ 601.1069 *Control area extension (Santa Barbara, Calif.)*. Within 5 miles either side of the west and southeast courses of the Santa Barbara radio range extending from the radio range station to a point 25 miles west and 20 miles southeast.

§ 601.1070 *Control area extension (Oceanside, Calif.)*. Within 5 miles either side of a line bearing 293° True extending from the Oceanside non-directional radio beacon to its point of intersection with a line bearing 221° True from the Los Angeles radio range station; within 5 miles either side of a line bearing 284° True extending from the Oceanside non-directional radio beacon to its point of intersection with a line bearing 181° True from the Los Angeles omnirange station.

§ 601.1071 *Control area extension (Burbank, Calif.)*. That airspace east of the Burbank, Calif., radio range station bounded on the west by Amber civil airway No. 1, on the south by Green civil airway No. 5, on the southeast by Amber civil airway No. 2 and on the northeast by a line 5 miles northeast of and parallel to the southeast course of the Burbank radio range; that airspace southwest of the Burbank, Calif., radio range station bounded on the north by Red civil airway No. 90, on the east by Amber civil airway No. 1, on the south by Amber civil airway No. 8 and on the west by a line 5 miles west of and parallel to a direct line between the Canoga Park, Calif., non-directional radio beacon and the intersection of the west course of the Los Angeles, Calif., radio range and the southeast course of the Camarillo, Calif., radio range.

§ 601.1072 *Control area extension (Sumter, S. C.)*. From the Shaw AFB radio range station, Sumter, S. C., extending 5 miles either side of the southwest course of the Shaw AFB radio range between the southern boundary of Red civil airway No. 16 and the northeast boundary of Blue civil airway No. 28, excluding the portion which overlaps the Shaw AFB restricted area.

§ 601.1073 *Control area extension (Fresno, Calif.)*. Within 5 miles either side of the northeast course of the Fresno, Calif., radio range extending from the radio range station to a point 20 miles northeast, within 5 miles either side of the Fresno ILS localizer front course extending to a point 15 miles southeast of the Fresno Air Terminal, and that airspace within a 35-mile radius of the Fresno Air Terminal extending clockwise from a line bearing 153° True from the Fresno Air Terminal to a line 5 miles northeast of and parallel to the back course of the Fresno ILS localizer.

§ 601.1074 *Control area extension (Los Angeles, Calif.)*. Within 5 miles either side of the west and south courses of the Los Angeles radio range extending from the radio range station to points 40 miles west and south; within 5 miles either side of a line bearing 221° True extending from the Los Angeles radio range station to a point 40 miles southwest; within 5 miles either side of the southeast course of the Camarillo, Calif., radio range extending from Amber civil airway No. 8 to the intersection of the southeast course of the Camarillo radio range with a bearing of 221° True from the Los Angeles radio range station; within 5 miles either side of a line bearing 181° True extending from the Los Angeles omnirange station to a point 40 miles south of the omnirange station.

§ 601.1075 *Control area extension (Ada, Okla.)*. All that area within a 15-mile radius of the Ada, Okla., Municipal Airport.

§ 601.1076 *Control area extension (Phoenix, Ariz.)*. From the Phoenix, Ariz., radio range station extending 5 miles either side of the east course of the Phoenix, Ariz., radio range to a point 25 miles east of the radio range station.

§ 601.1077 *Control area extension (Elko, Nev.)*. From the Elko, Nev., radio range station extending 5 miles either side of the north course of the Elko, Nev., radio range to a point 25 miles from the radio range station, and extending 5 miles on either side of the south course of the Elko, Nev., radio range to a point 25 miles south of the radio range station.

§ 601.1078 *Control area extension (Reno, Nev.)*. From the Reno, Nev., radio range station extending 5 miles either side of the north course of the Reno, Nev., radio range to a point 50 miles north of the radio range station.

§ 601.1079 *Control area extension (Rock Springs, Wyo.)*. From the Rock Springs, Wyo., radio range station extending 5 miles either side of the north course of the Rock Springs, Wyo., radio range to a point 25 miles north of the radio range station, and extending 5 miles either side of the south course of the Rock Springs, Wyo., radio range to a point 25 miles south of the radio range station.

§ 601.1080 *Control area extension (Louisville, Ky.)*. All that area within a 15-mile radius of the Louisville omnirange station excluding danger areas, and all that area within 5 miles either side of the 122° True radial of the Louisville omnirange extending from the omnirange station to a point 25 miles southeast, the area within 5 miles either side of the 154° True radial of the omnirange extending from the omnirange station to a point 25 miles southeast, and the area within 5 miles either side of the Louisville ILS localizer course extending from the localizer to a point 13.2 miles southwest, and all that area northeast of the Louisville radio range station bounded on the southeast by Amber civil airway No. 6 and on the west and northwest by Red civil airway No. 74.

§ 601.1081 *Control area extension (Windsor Locks, Conn.)*. All that area in the vicinity of Bradley Field, Windsor Locks, Conn., bounded on the southwest and west by Blue 41, on the northwest by Red 33, on the northeast by Green 2 and on the east by Amber 7, and all that area southwest of Bradley Field bounded on the northwest by Red 33, on the northeast by Blue 41 and on the south by Red 13.

§ 601.1082 *Control area extension (Montgomery, Ala.)*. That airspace bounded on the north by Lat. 32°52'00", on the east by Long. 86°00'00", on the south by Lat. 31°45'00", and on the west by Long. 87°30'00".

§ 601.1083 *Control area extension (Bartlesville, Okla.)*. All that area within a 20-mile radius of the Phillips Airport, Bartlesville, Okla.

§ 601.1084 *Control area extension (Quincy, Ill.)*. That airspace within a 25-mile radius of the Quincy non-directional radio beacon including the airspace north of Quincy bounded on the east by VOR civil airway No. 63, on the southwest by VOR civil airway No. 52 and on the northwest by VOR civil airway No. 10.

§ 601.1085 *Control area extension (Edwards Air Force Base, Calif.)*. All that airspace bounded on the south by Green civil airway No. 4, on the southwest by Blue civil airway No. 14, on the north by Lat. 34°58'00", on the east by Long. 117°48'00", including the airspace within 5 miles either side of a line bearing 56° True extending from the Edwards Air Force Base and passing through the Edwards omnirange station site at Lat. 35°00'18", Long. 117°41'14" to a point 15 miles northeast of the omnirange station site, excluding the portions which overlap Restricted Area (R–279) and excluding the portion above 20,000 feet MSL which conflicts with Restricted Area (R–484).

§ 601.1086 *Control area extension (Memphis, Tenn.)*. That airspace within a 50-mile radius of the Memphis, Tenn., radio range station lying in the southeast, southwest and northwest quadrants of the radio range; the airspace within a 25-mile radius of the Memphis radio range station lying in the northeast quadrant of the radio range and the airspace within a 10-mile radius of the Memphis Naval Air Station.

§ 601.1087 *Control area extension (Akron, Ohio)*. From the Akron-Canton Airport, Akron, Ohio, ILS localizer extending 5 miles either side of the localizer course to a point 20 miles south of the ILS outer marker, and extending 5 miles either side of a direct line between the Akron, Ohio, radio range station and the Brecksville, Ohio, fan marker.

§ 601.1088 *Control area extension (Alexandria, Minn.)*. From the Alexandria, Minn., radio range station extending 5 miles either side of the north course of the Alexandria, Minn., radio range to a point 20 miles north of the radio range station, including all that area within a 15 mile radius of the Alexandria omnirange station, and all that area within 5 miles either side of the 50° True radial of the omnirange extending from the omnirange station to a point 25 miles northeast.

§ 601.1089 *Control area extension (Cincinnati, Ohio)*. All that airspace within a 15-mile radius of the Cincinnati, Ohio, omnirange station and that airspace northwest of Cincinnati bounded on the north by Red civil airway No. 18, on the east by VOR civil airway No. 47 and on the southwest by the east alternate of VOR civil airway No. 97.

§ 601.1090 *Control area extension (Lawrence, Mass.)*. Within 5 miles either side of a direct line extending from the Lawrence, Mass., nondirectional radiobeacon to the Bedford, Mass., outer marker.

§ 601.1091 *Control area extension (Detroit, Mich.)*. That airspace within a 20-mile radius of the Willow Run Airport, Detroit, Mich.; and the airspace north of Detroit bounded on the south by VOR civil airway No. 116, on the west by VOR civil airway No. 133, on the north by Red civil airway No. 63 and on the east by Red civil airway No. 20.

§ 601.1092 *Control area extension (Dickinson, N. Dak.)*. From the Dickinson, N. Dak., radio range station extending 5 miles either side of the north course of the radio range to a point 20 miles north of the radio range station including all that area within a 15-mile radius of the Dickinson omnirange station, and all that area within 5 miles either side of the 15° True radial of the omnirange extending from the omnirange station to a point 25 miles northeast.

§ 601.1093 *Control area extension (Fargo, N. Dak.)*. From the Fargo, N. Dak., radio range station extending 5 miles either side of the east course of the radio range to a point 20 miles east of the Glyndon fan marker, and extending from the ILS localizer 5 miles either side of the localizer course to a point 20 miles south of the outer marker, and all that area within a 15 mile radius of the Fargo omnirange station.

§ 601.1094 *Control area extension (Flint, Mich.)*. From the Flint, Mich., outer compass locator extending 5 miles either side of the 88° and 268° True courses of the outer compass locator to points 25 miles east and west of the outer compass locator.

§ 601.1095 *Control area extension (Fort Wayne, Ind.)*. All that area within a 15-mile radius of the Fort Wayne omnirange station including that area within 5 miles either side of the 318° True radial of the omnirange extending from the omnirange station to a point 25 miles northwest and that area within 5 miles either side of the Fort Wayne ILS localized course extending from the localizer to a point 20 miles southeast of the outer marker.

§ 601.1096 *Control area extension (Glenview, Ill.)*. From the Glenview, Ill., radio range station extending 5 miles either side of the northwest course of the Glenview, Ill., radio range to a point 20 miles northwest of the radio range station.

§ 601.1097 *Control area extension (Grand Forks, N. Dak.)*. From the Grand Forks, N. Dak., radio range station extending 5 miles either side of the south course of the Grand Forks, N. Dak., radio range to a point 20 miles south of the radio range station.

§ 601.1098 *Control area extension (Casper, Wyo.)*. All that area within a 25-mile radius of the Casper, Wyo., radio range station in the northeast, southwest and northwest quadrants of the radio range, excluding the portion which overlaps restricted areas.

§ 601.1099 *Control area extension (Indianapolis, Ind.)*. From the Weir-Cook Municipal Airport, Indianapolis, Ind., ILS localizer extending 5 miles either side of the ILS localizer course to a point 20 miles southwest of the ILS outer marker and all that area within a 15-mile radius of the Indianapolis omnirange station.

§ 601.1100 *Control area extension (Lone Rock, Wis.)*. That airspace within a 15-mile radius of the Lone Rock omnirange station including the airspace

within 5 miles either side of the 24° True radial of the omnirange extending from the omnirange station to a point 25 miles northeast.

§ 601.1101 *Control area extension (Madison, Wis.).* Within 5 miles either side of a line bearing 183° True from the Madison, Wis., outer marker extending from the outer marker to a point 25 miles south.

§ 601.1102 *Control area extension (Minneapolis, Minn.).* All that area within a 30-mile radius of the Minneapolis-St. Paul International Airport lying within the east, south, and west quadrants of the Minneapolis radio range, including all that area within a 15-mile radius of the Minneapolis omnirange station and the airspace north of Minneapolis bounded on the northwest by VOR civil airway No. 13, on the east by Blue civil airway No. 9 and on the southwest by VOR civil airway No. 26.

§ 601.1103 *Control area extension (Minot, N. Dak.).* All that area within a 15-mile radius of the Minot, N. Dak., omnirange station.

§ 601.1104 *Control area extension (Rockford, Ill.).* From the Rockford, Ill., radio range station extending 5 miles either side of the west course of the Rockford, Ill., radio range to a point 20 miles west of the radio range station.

§ 601.1105 *Control area extension (Muskegon, Mich.).* That airspace within a 15-mile radius of the Muskegon omnirange station and within 5 miles either side of the southeast course of the Muskegon radio range extending from the radio range station to the western boundary of Red civil airway No. 28.

§ 601.1106 *Control area extension (Whidbey Island, Wash.).* All that area beginning at lat. 48°30′00″, long. 123°07′15″, thence northeast to lat. 48°35′50″, long. 122°58′40″, thence east-northeast to lat. 48°42′15″, long. 122°41′00″, thence southerly to lat. 48°01′20″, long. 122°27′10″, thence northwesterly to lat. 48°06′30″, long. 122°52′35″, thence northwesterly to lat. 48°12′00″, long. 122°59′30″, thence to point of beginning, excluding the portions which overlap restricted areas.

§ 601.1107 *Control area extension (Topeka, Kans.).* All that area within a 25-mile radius of the Topeka, Kans., omnirange station.

§ 601.1108 *Control area extension (Salina, Kans.).* That airspace north of Salina, Kansas, within a 30-mile radius of a point at Latitude 38°52′39″, Longitude 97°38′54″, bounded on the south by VOR civil airway No. 4, and the airspace southeast of the Salina omnirange station bounded on the north by VOR civil airway No. 4 and on the west by VOR civil airway No. 73 within a 25-mile radius of the omnirange station.

§ 601.1109 *Control area extension (Goodland, Kans.).* From the Goodland, Kans., omnirange station extending 5 miles either side of the 22° True radial of the omnirange to a point 20 miles north and within 5 miles either side of the 202° True radial of the Goodland omnirange extending from the omnirange station to a point 25 miles southwest.

§ 601.1110 *Control area extension (Hobbs, N. Mex.).* From the Hobbs, N. Mex., radio range station extending 5 miles either side of the north course of the radio range to a point 25 miles north of the radio range station.

§ 601.1111 *Control area extension (San Diego, Calif.).* From the San Diego, Calif., radio range station extending 5 miles either side of the southwest course of the San Diego, Calif., radio range to a point 25 miles southwest of the radio range station.

§ 601.1112 *Control area extension (Fort Dix, N. J.).* All that area bounded on the north by Red civil airway No. 3 on the east by VOR civil airway No. 1, on the southeast by Green civil airway No. 5, on the southwest by Red civil airway No. 73 and on the west by Blue civil airway No. 20, excluding the portion which overlaps the Fort Dix, N. J., restricted area and the Lakehurst, N. J., caution area.

§ 601.1113 *Control area extensions (San Francisco, Calif.).* All that area bounded on the northeast by a line extending through the San Francisco, Calif., and Moffett Field, Calif., radio range stations, on the northwest by a line 5 miles northwest of and parallel to the southwest course of the San Francisco, Calif., radio range, on the west by a line 3 nautical miles off shore, on the southeast by a line 5 miles southeast of and parallel to the southwest course of the Moffett Field radio range, and including all that area northeast of the San Francisco, Calif., radio range station bounded on the northwest by Amber civil airway No. 8, on the northeast by Blue civil airway No. 10 and on the southeast and southwest by Green civil airway No. 3, and including all that area northeast of the San Francisco radio range station bounded on the northwest by Green civil airway No. 3, on the east by Blue civil airway No. 7 and on the south by Red civil airway No. 60, and all that area beginning at a point on the western boundary of Blue civil airway No. 10 at the point of intersection with lat. 38°15′00″, thence along the western boundaries of Blue civil airway No. 10, Blue civil airway No. 54 and Amber civil airway No. 8 to a point at which the western boundary of Amber civil airway No. 8 intersects the coastline, thence along the coastline in a northwesterly direction to Point Reyes, Calif., thence in a northeasterly direction to lat. 38°15′-00″, long. 122°45′00″, thence to the point of beginning.

§ 601.1114 *Control area extension (Bettles, Alaska).* Within 5 miles either side of the southeast course of the Bettles, Alaska, radio range extending from the radio range station to a point 25 miles southeast.

§ 601.1115 *Control area extension (Dodge City, Kans.).* Within 5 miles either side of the 341° and 161° True radials of the Dodge City omnirange extending from the omnirange station to points 25 miles north and south.

§ 601.1116 *Control area extension (Hutchinson, Kans.).* All that area within a 25-mile radius of the Hutchinson, Kans., radio range station.

§ 601.1117 *Control area extension (Grosse Ile, Mich.).* That airspace south of the Grosse Ile Naval Air Station bounded on the northwest by VOR civil airway No. 96, on the north by VOR civil airway No. 10, on the northeast by Red civil airway No. 19 and on the southeast by a line through a point at Lat. 41°51′10″, Long. 83°08′35″ and a point at Lat. 41°45′20″, Long. 83°20′25″.

§ 601.1118 *Control area extension (Grand Junction, Colo.).* Within 5 miles either side of a line bearing 305° True extending from Walker Airport, Grand Junction, Colo., to a point 30 miles northwest of the airport, and within 5 miles either side of the 357° True radial of the Grand Junction omnirange extending from the omnirange station to a point 15 miles north.

§ 601.1119 *Control area extension (St. Louis, Mo.).* All that area within a 25-mile radius of the St. Louis, Mo., radio range station in the northeast and southwest quadrants of the radio range.

§ 601.1120 *Control area extension (Cedar Rapids, Iowa).* Within 5 miles either side of a line bearing 266° True extending from the Cedar Rapids Municipal Airport to a point 25 miles west, and within 5 miles either side of a line bearing 90° True from the airport to a point 25 miles east.

§ 601.1121 *Control area extension (White Plains, N. Y.).* From the Westchester Airport White Plains, N. Y., ILS localizer extending 5 miles either side of the localizer course to its intersection with the south course of the New Hackensack, N. Y., radio range.

§ 601.1122 *Control area extension (Tri-City, Tenn.).* That airspace within a 28-mile radius of the Tri-City radio range station lying in the east quadrant of the radio range; that airspace within a 30-mile radius of the radio range station lying in the west quadrant of the radio range, and the airspace within 5 miles either side of the 289° True radial of the Tri-City omnirange extending from the omnirange station to a point 50 miles northwest.

§ 601.1123 *Control area extension (Birmingham, Ala.).* All that airspace within a 40-mile radius of the Birmingham, Ala., radio range station including the airspace north of the radio range station bounded on the north by lat. 34°30′00″, on the southeast by Blue civil airway No. 2 and on the southwest by Red civil airway No. 52.

§ 601.1124 *Control area extension (Eugene, Oreg.).* Within 5 miles either side of the west course of the Eugene, Oreg., radio range extending from the radio range station to VOR civil airway No. 27.

§ 601.1125 *Control area extension (Tallahassee, Fla.).* Within 5 miles either side of the south course of the Tallahassee radio range extending from the radio range station to a point 25 miles south, within 5 miles either side of the Tallahassee (Dale Mabry) ILS localizer course extending from the localizer to a point 30 miles southeast, within 5 miles either side of the 162° True radial of the Tallahassee omnirange extending from the omnirange station to a point 20 miles southeast, and that airspace northwest of Tallahassee bounded on the east by VOR civil airway No. 97, on the southwest by VOR civil airway No. 7, and on the north by VOR civil airway No. 22–N, excluding the airspace above 19,000 feet mean sea level between sunset and sunrise which lies within Tyndall AFB Restricted Area R–336.

§ 601.1126 *Control area extension (Knoxville, Tenn.).* That airspace within a 40-mile radius of the Knoxville, Tenn., radio range station beginning at a point south of Knoxville on the western edge of Red civil airway No. 27 and extending counterclockwise to a point at lat. 36°15′00″, long. 84°30′00″, thence bounded on the northwest by a straight line from this point to a point at lat. 36°00′00″, long. 84°56′30″, thence bounded on the west by VOR civil airway No. 51, on the southwest by the Chattanooga control area extension, on the south by VOR civil airway No. 54, and on the east by the western boundary of Red civil airway No. 27 to point of beginning, excluding the airspace which lies within Prohibited Area PA–78.

§ 601.1127 *Control area extension (Pasco, Wash.).* That airspace beginning at a point at lat. 46°13′03″, long. 119°03′45″ within 5 miles either side of lines drawn 179° True and 269° True extending from that point to their intersection with the northeast boundary of Green civil airway No. 10; that airspace bounded by lines 5 miles south of and 10 miles north of and parallel to a line drawn 89° True from the point of beginning extending to the northwest boundary of VOR civil airway No. 103 on the south, to long. 118°43′30″ on the north, bounded on the west by long. 119°03′45″, and including the airspace within 5 miles either side of the northwest course of the Walla Walla, Wash., radio range from the radio range station northwestward to long. 118°43′30″.

§ 601.1128 *Control area extension (Jackson, Miss.).* From the Jackson, Miss., ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles northwest of the ILS localizer.

§ 601.1129 *Control area extension (Washington, D. C.).* All that area within a 40-mile radius of the Washington National Airport, excluding that portion northeast of the airport bounded on the west by the eastern boundary of Red civil airways Nos. 29 and 45 and on the south by the northern boundary of Green civil airway No. 5 and excluding the Washington Airspace Reservation and restricted areas.

§ 601.1130 *Control area extension (Spokane, Wash.).* Within 5 miles either side of the north course of the Spokane radio range extending from the radio range station to a point 25 miles north, within 5 miles either side of the 22° and 322° True radials of the Spokane omnirange extending from the omnirange station to points 25 miles northeast and northwest, and that airspace south of Spokane bounded on the north by VOR civil airway No. 2, on the southwest by a line 5 miles southwest of and parallel to a 297° True bearing from the Pine City, Wash., fan marker, and on the southeast by a line 5 miles southeast of and parallel to a 64° True bearing from the Pine City, Wash. fan marker.

§ 601.1131 *Control area extension (Sitka, Alaska).* Within 5 miles either side of the southwest course of the Sitka, Alaska, radio range extending from the radio range station to a point 25 miles southwest.

§ 601.1132 *Control area extension (West Palm Beach, Fla.).* Within 5 miles either side of the 36° True radial of the West Palm Beach omnirange extending from the omnirange station to a point 100 miles northeast, thence northwestward within 5 miles either side of the 127° True radial of the Daytona Beach, Fla., omnirange to its intersection with the centerline of Control area extension No. 1150, excluding the portion below 2,000 ft. which lies outside the continental limits of the United States.

§ 601.1133 *Control area extension (Seattle, Wash.).* That airspace within a 30-mile radius of the Seattle-Tacoma International Airport excluding the portion which overlaps the Fort Lewis Restricted Area R–244; that airspace south-southwest of Seattle bounded on the east by Blue civil airway No. 71, on the south by lat. 46°35′00″, and on the west by long. 123°03′00″.

§ 601.1134 *Control area extension (Columbus, Ga.).* Within 5 miles either side of the 57° True radial of the Columbus omnirange extending from the omnirange station to a point 20 miles northeast, excluding the airspace overlapping restricted areas, and the area within 5 miles either side of a line bearing 235° True through the Muscogee County Airport ILS outer compass locator extending from Red civil airway No. 84 on the northeast to Red civil airway No. 84 on the southwest.

§ 601.1135 *Control area extension (Marianna, Fla.).* Within 5 miles either side of the 130° True radial of the Marianna omnirange extending from the omnirange station to a point 20 miles southeast, excluding the airspace above 19,000 feet overlapping Tyndall AFB restricted area (R–336) between sunset and sunrise.

(San Juan, P. R.). Within a radius of 100 nautical miles of the Isle Grande Airport, San Juan, P. R., excluding the airspace over existing restricted areas and warning areas. (Designated to conform with Recommendation No. 6 of the Rules of the Air and Air Traffic Control Committee of the Second ICAO Caribbean Regional Air Navigation Meeting, as approved by the Council of ICAO.)

§ 601.1137 *Control area extension (Big Spring, Tex.).* That airspace within a 37-mile radius of the Big Spring radio range station.

§ 601.1138 *Control area extension (Orlando, Fla.).* Within 5 miles either side of the northwest course of the Orlando radio range extending from the radio range station to a point 25 miles northwest; that airspace northeast of Orlando bounded on the south by a line 5 miles southeast of and parallel to the northeast course of the Orlando radio range, on the northeast by Amber civil airway No. 7 and on the northwest by Red civil airway No. 47, and all that airspace bounded on the north by Latitude 29°00′00″, on the west by Tampa control area extension No. 1325, on the south by Latitude 27°45′00″, and on the east and northeast by Blue civil airway No. 19 and the northwest course of the Orlando radio range.

§ 601.1139 *Control area extension (Lexington, Ky.).* Within 5 miles either side of a line bearing 222° True extending from the Lexington, Ky., nondirectional radio beacon to a point 20 miles southwest, and within 5 miles either side of the 123° True radial of the Lexington omnirange extending from the omnirange station to a point 25 miles southeast, within 5 miles either side of a line bearing 313° True extending from the Lexington nondirectional radio beacon to its point of intersection with the east course of the Louisville, Ky., radio range.

§ 601.1140 *Control area extension (Youngstown, Ohio).* That airspace southeast of Youngstown bounded on the north by VOR civil airway No. 6, on the east by VOR civil airway No. 37, on the south by Red civil airway No. 85 and on the southwest and west by VOR civil airway No. 41.

§ 601.1141 *Control area extension (Boston, Mass.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the southeast course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy) radio range to a circle 15 miles in radius centered at the midway point of a direct line between the intersection of the southeast course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy) radio range and the Yarmouth, Nova Scotia, radio range station to a circle 5 miles in radius centered on the Yarmouth, Nova Scotia, radio range station, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

§ 601.1142 *Control area extension (Boston, Mass.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the southeast course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy) radio range to a circle 15 miles in radius centered at the intersection of the southeast course of the Boston, Mass., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

§ 601.1143 *Control area extension (Nantucket, Mass.).* That airspace

with tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Nantucket, Mass., nondirectional radio beacon to a circle 15 miles in radius centered at the midway point on a direct line between the Nantucket, Mass., nondirectional radio beacon and the Yarmouth, Nova Scotia, radio range station to a circle 5 miles in radius centered on the Yarmouth, Nova Scotia, radio range station, excluding that portion below 2,000 feet except that airspace which lies within the confines of civil airways, and excluding those portions which overlap Warning Areas (W–21, W–95 and W–104).

§ 601.1144 *Control area extension (Nantucket, Mass.).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Nantucket, Mass., nondirectional radio beacon to a circle 15 miles in radius centered on the intersection of a Great Circle course between the Nantucket nondirectional radio beacon and the Azores Santa Maria nondirectional radio beacon and the western boundary of the ICAO Control Area, excluding the portion below 2,000 feet except that airspace which lies within the confines of civil airways.

§ 601.1145 *Control area extension (Nantucket, Mass.).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Nantucket, Mass., nondirectional radio beacon to a circle 15 miles in radius centered on the intersection of a rhumb line between the Nantucket nondirectional radio beacon and the Kindley AFB Bermuda radio range station and the western boundary of the ICAO Control Area, excluding the portion below 2,000 feet except that airspace which lies within the confines of civil airways.

§ 601.1146 *Control area extension (New York, N. Y.).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the east course of the New York (La Guardia), N. Y., radio range and the northeast course of the Mitchel AFB, N. Y., radio range to a circle 5 miles in radius centered at the intersection of the southeast course of the Quonset, R. I. (Navy) radio range and a line bearing 254° True from the Nantucket, Mass., nondirectional radio beacon to a circle 5 miles in radius centered on the Nantucket nondirectional radio beacon, excluding that portion below 2,000 feet between the intersection of the east course of the New York (La Guardia) radio range and the southwest course of the Providence, R. I., radio range and the Nantucket nondirectional radio beacon. In addition, that portion below 7,950 feet MSL which lies within the confines of the Montauk Point Restricted Area (R–487) and the Montauk Point Warning Area (W–487) (published in § 608.40 of this chapter) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control.

§ 601.1147 *Control area extension (New York, N. Y.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the southeast course of the Newark, N. J., radio range and the southwest course of the Mitchel AFB, N. Y., radio range to a circle 15 miles in radius centered at the intersection of the southeast course of the Newark, N. J., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

§ 601.1148 *Control area extension (Millville, N. J.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Millville, N. J., radio range station and the intersection of the southeast course of the Millville, N. J., radio range and the Atlantic Ocean U. S. Coastline to a circle 15 miles in radius centered on the intersection of the southeast course of the Millville, N. J., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1149 *Control area extension (Norfolk, Va.).* That airspace within a 55-mile radius of a point located at latitude 36°57′44″, longitude 76°24′44″, excluding the airspace which overlaps all danger areas, warning areas and caution areas and excluding the portion below 2,000 feet beyond the shoreline of the United States.

§ 601.1150 *Control area extension (Wilmington, N. C.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Wilmington, N. C., omnirange station to a circle 15 miles in radius centered at the midway point on a direct line between the Wilmington, N. C., omnirange station and the West Palm Beach, Fla., radio range station to a circle 5 miles in radius centered on the West Palm Beach, Fla., radio range station, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1151 *Control area extension (Wilmington, N. C.).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Wilmington, N. C., omnirange station to a circle 5 miles in radius centered at a point at lat. 33°55′00″, long. 77°19′00″ to a circle 15 miles in radius centered at the intersection of a line bearing 133° True from the Wilmington, N. C., omnirange station and the Western boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1152 *Control area extension (Charleston, S. C.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Charleston, S. C., radio range station and a circle 5 miles in radius centered at the intersection of the southeast course of the Charleston, S. C., radio range and the Atlantic Ocean U. S. Coastline to a circle 15 miles in radius centered at the intersection of the southeast course of the Charleston, S. C., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1153 *Control area extension (Jacksonville, Fla.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Jacksonville, Fla., radio range station to a circle 15 miles in radius centered on the intersection of the east course of the Jacksonville, Fla., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet and above 20,500 feet which lies outside the continental limits of the United States.

§ 601.1154 *Control area extension (Bismarck, N. Dak.).* All that area within a 15-mile radius of the Bismarck omnirange station including all that area 5 miles either side of the ILS localizer course extending from the localizer to a point 20 miles southeast of the outer marker, and all that area within 5 miles either side of the 114° True radial of the omnirange station extending from the omnirange station to a point 25 miles southeast.

§ 601.1155 *Control area extension (Omaha, Nebr.).* All that airspace within a 25-mile radius of the Omaha radio range station and the airspace southwest of Omaha bounded on the north by VOR civil airways No. 8–S, 6–S and Red civil airway No. 93, on the east by Amber civil airway No. 4 and the St. Joseph, Mo., control area extension, on the south by a line extending from a point at Lat. 40°00′00″, Long. 95°17′00″, to a point at Lat. 40°30′00″, Long. 96°51′00″, to a point at Lat. 40°30′00″, Long. 97°20′00″, and bounded on the west by Long. 97°20′00″.

§ 601.1156 *Control area extension (Albany, Ga.).* Within 5 miles either side of the west course of the Albany radio range extending from the radio range station to a point 25 miles west and within 5 miles either side of the 335° True radial of the Albany omnirange extending from the omnirange station to a point 20 miles northwest.

§ 601.1157 *Control area extension (Chicago, Ill.).* From the Chicago, Ill., O'Hare International Airport ILS localizer extending 5 miles either side of the localizer course to a point 20 miles northwest of the outer marker.

§ 601.1158 *Control area extension (Cleveland, Ohio).* That airspace lying over United States territory within a 30-mile radius of the Cleveland-Hopkins Airport excluding the portion which overlaps the Akron Caution Area (No. C–419).

§ 601.1159 *Control area extension (Moline, Ill.).* That airspace within a 15-mile radius of the Moline omnirange station, within 5 miles either side of the Moline ILS localizer west course extending from the localizer to a point 35 miles west of the Quad City Airport, and the airspace east of Moline bounded on the north by Green civil airway No. 3, on the south by a line 5 miles south of and parallel to the Moline ILS localizer east course, on the east by Long. 90°02′00″ and on the west by VOR civil airway No. 63.

§ 601.1160 *Control area extension (South Bend, Ind.).* From the South Bend, Ind., ILS localizer extending 5 miles either side of the localizer course to a point 20 miles east of the outer marker and all that area within a 15-mile radius of the South Bend omnirange station.

§ 601.1161 *Control area extension (Chicago, Ill.).* All that area within a 30-mile radius of the Chicago-Midway Airport excluding the portion overlapping restricted areas; all that area within a 15-mile radius of the Chicago Heights omnirange station; all that area east of the Chicago Midway Airport bounded on the northwest by Red civil airway No. 28, on the east by Blue civil airway No. 6 and on the south by Red civil airway No. 12, and all that area southeast of Chicago Midway Airport bounded on the north by Red civil airway No. 12, on the east by Blue civil airway No. 6, on the south by Green civil airway No. 3 and on the west by Red civil airway No. 14.

§ 601.1162 *Control area extension (Danville, Va.).* Within a 5-mile radius of the Danville Municipal Airport extending 5 miles either side of a track bearing 356° True from the airport to a point 10 miles north, and extending 5 miles either side of a track bearing 57° True from the airport to a point 10 miles northeast of the airport.

§ 601.1163 *Control area extension (Vero Beach, Fla.).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Vero Beach omnirange station to a circle 10 miles in radius centered on the intersection of the east course of the Melbourne, Fla., radio range and the center of Control area extension No. 1150, excluding that portion below 5,000 feet except that airspace which lies within existing control area or control area extension.

§ 601.1164 *Control area extension (Quonset Point, R. I.).* All that area bounded by a line beginning at a point on the southern boundary of Red civil airway No. 94 at lat. 41°35′00″;, long. 71°06′30″, thence westward along that airway boundary to the southeastern boundary of Red civil airway No. 21, thence southwesterly along the southeastern boundary of that airway to lat. 41°32′00″, long. 71°33′25″, thence perpendicularly southeastward to a point 3 miles from the southwest course of the Providence, R. I., radio range, thence southwestward paralleling the southwest course of the Providence, R. I., radio range to a point at lat. 41°17′00″, long. 71°44′45″ on an arc of a circle with a 27-mile radius centered on the Quonset Point, R. I., NAS radio range station, thence counterclockwise along this arc to lat. 41°17′15″, long. 71°00′40″, thence northwestward to lat. 41°29′25″, long. 71°12′00″, thence northeastward to lat. 41°35′00″, long. 71°06′30″, point of beginning, excluding the portions which overlap restricted areas and caution areas.

§ 601.1165 *Control area extension (Oakland, Calif.).* All that area in the vicinity of Hayward, Calif., bounded by the eastern boundary of Blue civil airway No. 10, the southern boundary of Red civil airway No. 60 and the northern boundary of Blue civil airway No. 60.

§ 601.1166 *Control area extension (Mobile, Ala.).* Within a 25-mile radius of Brookley AFB, Mobile, Ala., excluding the portion which overlaps Caution Area C–146, and within 5 miles either side of the 292° True radial of the Mobile omnirange extending from the omnirange station to a point 25 miles northwest.

§ 601.1167 *Control area extension (Ontario, Oreg.).* That airspace within an 8½-mile radius of the Ontario Airport including the airspace southeast of Ontario bounded on the northeast by Green civil airway No. 10, on the south by the Boise, Idaho, control area extension, on the southwest by a line 12 miles southwest of and parallel to Green civil airway No. 10.

§ 601.1168 *Control area extension (Ponca City, Okla.).* Within a 15-mile radius of the Ponca City Airport and within 5 miles either side of the 284° True radial of the Ponca City omnirange extending from the omnirange station to a point 25 miles west.

§ 601.1169 *Control area extension (Idlewild, N. Y.).* That airspace within 5 miles either side of a direct line extending from the intersection of the southeast course of the Mitchel AFB, N. Y., radio range and the Riverhead, N. Y., omnirange 223° True radial to the Nantucket, Mass., nondirectional radio beacon excluding the airspace below 2,000 feet. In addition, that portion below 7,950 feet MSL which lies within the confines of the Montauk Point Restricted Area (R–487) and the Montauk Point Warning Area (W–487) (published in § 608.40 of this chapter) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control.

§ 601.1170 *Control area extension (Campbellton, Ga.).* From the Campbellton, Ga., radio range station extending 5 miles either side of the north course of the radio range to its intersection with the northwest course of the Atlanta, Ga., radio range, and extending 5 miles either side of the south course of the Campbellton radio range to its intersection with the southwest course of the Atlanta, Ga., radio range.

§ 601.1171 *Control area extension (El Paso, Tex.).* Within 5 miles either side of the north course of the El Paso radio range extending from the radio range station to a point 10 miles north of the Newman nondirectional radio beacon, excluding the portion which overlaps danger areas, and all that area south of El Paso bounded on the northeast by VOR civil airway No. 66, on the south by a line 5 miles south of and parallel to a direct line between the Clint, Tex., nondirectional radio beacon and the Hudspeth, Tex., omnirange station, and on the west by a line 5 miles west of and parallel to the centerline of the south course of the El Paso, Tex., radio range, excluding the portion which lies outside the continental limits of the United States.

§ 601.1172 *Control area extension (Rantoul, Ill.).* Within a 25-mile radius of the Rantoul (Chanute), Ill., AFB radio range station.

§ 601.1173 *Control area extension (San Francisco, Calif.).* All that airspace bounded by a line beginning at a point on the coastline at 37°51′00″, Long. 122°33′40″, thence easterly along the coastline to Lat. 37°14′00″, Long. 122°24′55″, thence southwestward along a bearing of 240° True from the Pescadero, Calif., nondirectional radio beacon (located at Lat. 37°14′09″, Long. 122°23′57″) to Lat. 36°16′00″, Long. 124°26′00″, thence northwesterly along the eastern boundary of the Oakland Flight Information Region to Lat. 37°42′00″, Long. 125°24′00″, thence easterly to Lat. 37°50′15″, Long. 124°26′00″, thence to Lat. 37°43′00″, Long. 124°00′00″, thence to Lat. 37°47′00″, Long. 123°00′00″, thence to Lat. 37°51′00″, Long. 122°33′40″ the point of beginning.

§ 601.1174 *Control area extension (Santa Ana, Calif.).* All that area bounded on the northeast by Amber civil airway No. 1, on the southwest by the Oceanside, Calif., control area extension and on the west by the Los Angeles, Calif., control area extension.

§ 601.1175 *Control area extension (Charleston, S. C.).* Within 5 miles either side of the 341° True radial of the Charleston, S. C., omnirange extending from the omnirange station to a point 20 miles northwest.

§ 601.1176 *Control area extension (Santa Barbara, Calif.) (Santa Barbara-Honolulu rhumb line route).* From the Santa Barbara, Calif., radio range station extending 5 miles either side of a rhumb line bearing 244° True from the Santa Barbara, Calif., radio range station to its intersection with the Eastern Boundary of the Oakland Flight Information Region.

§ 601.1177 *Control area extension (Long Beach, Calif.) (Long Beach-Honolulu route).* From the Long Beach, Calif., radio range station extending 5 miles either side of the southwest course of the Long Beach, Calif., radio range to its intersection at Lat. 31°56′30″, Long. 120°04′00″ with a rhumb line bearing 251° True from the San Diego, Calif., radio range station thence 5 miles either side of that rhumb line to its intersection with the Eastern Boundary of the Oakland Flight Information Region.

§ 601.1178 *Control area extension (Honolulu, T. H.).* All that area within a radius of 25 miles from the Honolulu radio range station extending clockwise from a point 25 miles northeast of the radio range station on Green civil airway No. 9 to a point 25 miles southwest of the radio range station on Green civil airway No. 9.

§ 601.1179 *Control area extension (Hilo, T. H.).* All that airspace within a radius of 25 miles from the Hilo, T. H., radio range station extending clockwise from a point 25 miles north of the Hilo range station on Amber civil airway No.

12 to a point 25 miles east of the Hilo range station on Red civil airway No. 87.

§ 601.1180 *Control area extension (San Antonio, Tex.)*. All that area within a 60-mile radius of the San Antonio, Tex., radio range station and that airspace northeast of the San Antonio radio range station bounded on the northwest by the Austin, Tex., control area extension, on the northeast by Red civil airway No. 32 and on the south by a straight line between points located at lat. 29°48'25", long. 97°25'30" and lat. 29°52'40", long. 97°10'25".

§ 601.1181 *Control area extension (Elizabeth City, N. C.)*. That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Weeksville, N. C. (Navy) radio range station to a circle 10 miles in radius centered on the intersection of the southeast course of the Weeksville, N. C. (Navy) radio range and the western boundary of the New York Oceanic Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1182 *Control area extension (Enid, Okla.)*. All that area within a 25-mile radius of the Enid, Okla., Vance AFB, radio range station.

§ 601.1183 *Control area extension (Wake Island)*. From the Wake Island non-directional radio beacon extending 5 miles either side of rhumb lines to point 3 nautical miles off the shoreline of the Island of Wake between the following points: Wake-Honolulu; Wake-Tokyo; Wake-Guam; Wake-Midway.

§ 601.1184 *Control area extension (Douglas, Ariz.)*. Within 5 miles either side of the 131° and 311° True radials of the Douglas omnirange extending from the United States-Mexican Border to a point 15 miles northwest of the omnirange station.

§ 601.1185 *Control area extension (Cochise, Ariz.)*. From the Cochise, Ariz., radio range station extending 5 miles either side of the southeast course of the radio range to a point 25 miles southeast of the radio range station.

§ 601.1186 *Control area extension (Tucson, Ariz.)*. Within 5 miles either side of the west course of the Tucson radio range extending from the radio range station to a point 25 miles west and the airspace south of Tucson bounded on the north by Green civil airway No. 5, on the northeast by VOR civil airway No. 66, and on the west and south by VOR civil airway No. 202, excluding the portion which overlaps the Sahuarita restricted area R–310.

§ 601.1187 *Control area extension (Jackson, Mich.)*. Within 5 miles either side of a 313° True bearing extending from the Jackson, Mich., nondirectional radio beacon to a point 25 miles northwest.

§ 601.1188 *Control area extension (Milwaukee, Wis.)*. From the Milwaukee, Wis., radio range station extending 5 miles either side of the north course of the radio range to a point 25 miles north of the radio range station, and all that area west of the Milwaukee, Wis., radio range station bounded on the north by Green civil airway No. 2, on the southeast by Red civil airway No. 57 and on the southwest by Red civil airway No. 42, and all that area within a 15-mile radius of the Milwaukee omnirange station.

§ 601.1189 *Control area extension (Daggett, Calif.)*. From the Daggett, Calif., radio range station extending 5 miles either side of the north course of the radio range to a point 20 miles north of the radio range station.

§ 601.1190 *Control area extension (Fairfield, Calif.)*. All that area northeast of the Fairfield, Calif., Travis AFB radio range station bounded on the west by Blue civil airway No. 7, on the northeast by Amber civil airway No. 1 and on the southeast by Amber civil airway No. 8, and all that area west of the Travis AFB radio range station bounded on the southwest by Blue civil airway No. 54, on the south by Amber civil airway No. 8, on the east by Blue civil airway No. 7, on the north by a line between points at latitude 38°21'30", longitude 121°57'00" and latitude 38°08'30", longitude 122°33'10", and on the west by longitude 122°33'10".

§ 601.1191 *Control area extension (Thermal, Calif.)*. Within 5 miles either side of the 80° True radial of the Thermal omnirange extending from the omnirange station to the Hayfield Lake, Calif., nondirectional radio beacon.

§ 601.1192 *Control area extension (Merced, Calif.)*. That airspace in the vicinity of Castle AFB, Merced, Calif., bounded on the east by Amber civil airway No. 1, on the south by VOR civil airway No. 100, on the west by Blue civil airway No. 14, and on the north by the 15-mile radius circular control area centered at the Modesto, Calif., omnirange station.

§ 601.1193 *Control area extension (Monterey, Calif.)*. The area bounded by a line 5 miles southeast of and parallel to the 229° True radial of the Salinas VOR radio range extending from the western boundary of VOR civil airway No. 27 to a point at latitude 36°27'30" N., longitude 121°52'30" W.; thence to a point 3 nautical miles offshore and 5 statute miles southeast of the southwest course of the Moffett, Calif., NAS radio range; thence in a northeasterly direction parallel to the southwest course of the Moffett NAS radio range to the western boundary of VOR civil airway No. 27; thence southeasterly along the western boundary of VOR civil airway No. 27 to the point of beginning, excluding the area below 3000 feet within the boundaries of the Fort Ord restricted area.

§ 601.1194 *Control area extension (Sacramento, Calif.)*. That airspace within a 50-mile radius of Mather Air Force Base lying in the east quadrant of the Sacramento radio range bounded on the northwest by Green civil airway No. 3 and on the southwest by Amber civil airway No. 1; that airspace north of Sacramento bounded on the north by Red civil airway No. 76, on the southeast by Green civil airway No. 3 and on the southwest by Amber civil airway No. 1, and the airspace bounded on the south by Red civil airway No. 76, on the west by longitude 121°30'00", on the north by latitude 39°09'00" and on the east by longitude 121°20'00".

§ 601.1195 *Control area extension (San Angelo, Tex.)*. That airspace within a 30-mile radius of the San Angelo, Tex., radio range station lying in the southeast and northeast quadrants of the radio range including that airspace lying in the northwest quadrant of the radio range extending from the north course of the radio range westward to VOR civil airway No. 76N.

§ 601.1196 *Control area extension (Yuma, Ariz.)*. From the Yuma, Ariz., radio range station extending 5 miles either side of the south course of the radio range to a point 15 miles south of the radio range station.

§ 601.1197 *Control area extension (Dubois, Idaho)*. From the Dubois, Idaho, radio range station extending 5 miles either side of the east course of the Dubois radio range to its intersection with the northeast course of the Idaho Falls, Idaho, radio range.

§ 601.1198 *Control area extension (Idaho Falls, Idaho)*. From the Idaho Falls, Idaho, radio range station extending 5 miles either side of the northwest course of the radio range to its intersection with Blue civil airway No. 51, and extending 5 miles either side of the northeast course of the radio range to its intersection with the east course of the Dubois, Idaho, radio range.

§ 601.1199 *Control area extension (St. Cloud, Minn.)*. That airspace within 5 miles either side of a line bearing 57° True from the St. Cloud Airport extending from the airport to a point 20 miles northeast.

§ 601.1200 *Control area extension (Columbia, S. C.)*. From the Columbia Airport extending 5 miles either side of the center line of the northeast-southwest runway to a point 30 miles southwest of the airport.

§ 601.1201 *Control area extension (Saginaw, Mich.)*. From the Saginaw, Mich., non-directional radio beacon extending 5 miles either side of a track 347° True to a point 25 miles northwest of the non-directional radio beacon.

§ 601.1202 *Control area extension (Tucumcari, N. Mex.)*. From the Tucumcari, N. Mex., radio range station extending 5 miles either side of the north and south courses of the radio range to points 25 miles north and south of the radio range station.

§ 601.1203 *Control area extension (Stuttgart, Ark.)*. That airspace south of Stuttgart bounded on the north by Red civil airway No. 37, on the southeast by VOR civil airway No. 11 and on the southwest by Blue civil airway No. 22.

§ 601.1204 *Control area extension (Zuni, N. Mex.)* From the Zuni, N. Mex., radio range station extending 5 miles either side of the south course of the radio range to a point 25 miles south of the radio range station.

§ 601.1205 *Control area extension (Albuquerque, N. Mex.)*. That airspace northwest of Albuquerque bounded on the northwest by VOR civil airway No. 190, on the south by VOR civil airway No. 12 and on the east by VOR civil airway No. 19; that airspace north of Albuquerque bounded on the east by a line 5 miles east of and parallel to a 03° True bearing from the Kirtland AFB, on the south by VOR civil airway No. 12, and on the west and north by VOR civil airway No. 19.

§ 601.1206 *Control area extension (Midland, Tex.)*. That airspace within a 25-mile radius of the Midland radio range station; that airspace within 5 miles either side of the Midland ILS localizer southwest course extending from the localizer to lat. 31°30'00", and that airspace between the Midland, Tex., and El Paso, Tex., radio range stations bounded on the north by Green 5 and on the southwest, south and southeast by VOR civil airway No. 66.

§ 601.1207 *Control area extension (Carlsbad, N. Mex.)*. Within 5 miles either side of the 165° True radial of the Carlsbad omnirange extending from the omnirange station to VOR civil airway No. 16N.

§ 601.1208 *Control area extension (Salt Flat, Tex.)*. From the Salt Flat, Tex., radio range station extending 5 miles either side of the north course of the radio range to a point 15 miles north of the radio range station.

§ 601.1209 *Control area extension (Columbus, N. Mex.)*. From the Columbus, N. Mex., radio range station extending 5 miles either side of the north course of the radio range to a point 25 miles north of the radio range station.

§ 601.1210 *Control area extension (Grandview, Mo.)*. That airspace bounded on the northwest by Green civil airway No. 4, on the east by VOR civil airway No. 13, on the south by Lat. 38°30'00", and on the west by the Olathe NAS Caution Area C–198 and the Olathe NAS control zone.

§ 601.1211 *Control area extension (Dallas, Tex.)*. All that area southeast of the Dallas, Tex., radio range station bounded on the west by Blue civil airway No. 5, on the north by Red civil airway No. 10, on the east by a line beginning at Lat. 32°42'15", Long. 96°21'15" and extending via Lat. 32°17'00", Long. 96°25'00", to the Waco, Tex., radio range station.

§ 601.1212 *Control area extension (White Sulphur Springs, W. Va.)*. That airspace within 5 miles either side of lines bearing 227° True and 47° True from the Greenbrier Airport extending from Red civil airway No. 37 on the southwest to a point 10 miles northeast of the airport.

§ 601.1213 *Control area extension (Chatsworth, Calif.)*. All that area bounded on the northwest by Green civil airway No. 4, on the east by Amber civil airway No. 1, and on the south by Red civil airway No. 90.

§ 601.1214 *Control area extension (Brownsville, Tex.)*. All that area either side of a rhumb line between the Brownsville, Tex., radio range station and the Tampa, Fla., radio range station extending 5 miles on either side of such line from the Brownsville, Tex., radio range station to the coastline, excluding the portion lying within the Territory of Mexico, thence diverging at an angle of 15° on the north side and bounded on the south side by the northern boundary of the Mexico Oceanic Control Area to the western boundary of the New Orleans Oceanic Control Area excluding that portion below 2,500 feet between the United States shoreline and the New Orleans Oceanic Control Area.

§ 601.1215 *Control area extension (Galveston, Tex.)*. All that area extending from the Houston, Tex., control area to the New Orleans Oceanic Control Area, bounded on the west by a line from lat. 29°04'40", long. 95°00'00", to lat. 28°02'20", long. 94°20'00", and bounded on the east by a line from lat. 29°16'00", long. 94°43'15" to lat. 28°15'00", long. 92°42'00" excluding that portion below 2,500 feet between the United States shoreline and the New Orleans Oceanic Control Area.

§ 601.1216 *Control area extension (New Orleans, La.)*. All that airspace from the United States shoreline to the New Orleans Oceanic Control Area bounded on the north by a direct line from the Callender, La., nondirectional radio beacon to a point coinciding with the northernmost limit of the New Orleans Oceanic Control Area at Lat. 29°25'00", Long. 87°00'00", on the southeast and south by the New Orleans Oceanic Control Area, on the west by Long. 90°15'00" and on the northwest by the New Orleans domestic control area extension, excluding the portion below 2,500 feet between the United States shoreline and the New Orleans Oceanic Control Area.

§ 601.1217 *Control area extension (Kodiak, Alaska)*. That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Kodiak, Alaska, radio range station to the circumference of a circle 10 miles in radius centered at the point of intersection of a line bearing 107° True from the Kodiak radio range station with the northwestern boundary of the Anchorage Oceanic Control Area.

§ 601.1218 *Control area extension (Homer, Alaska)*. That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Homer, Alaska, radio range station to the circumference of a circle 10 miles in radius centered at the point of intersection of a line bearing 118° True from the Homer radio range station with the northwestern boundary of the Anchorage Oceanic Control Area.

§ 601.1219 *Control area extension (Pensacola, Fla.)*. Within 5 miles either side of the northeast and southwest courses of the Saufley Field NAAS radio range extending from Blue civil airway No. 59 to a point 10 miles southwest of the Saufley Field NAAS radio range station, excluding the portion overlapping the Pensacola restricted areas.

§ 601.1220 *Control area extension (Johnstown, Pa.)*. From the Johnstown, Pa., non-directional radio beacon extending 5 miles either side of a bearing 219° True from the non-directional radio beacon to Red civil airway No. 20.

§ 601.1221 *Control area extension (Dothan, Ala.)*. From the Dothan, Ala., radio range station extending 5 miles either side of the northeast course of the radio range to a point 25 miles northeast of the radio range station, excluding the portion above 19,000 feet which lies within the Tyndall AFB restricted area (R–336), between sunset and sunrise.

§ 601.1222 *Control area extension (Pine Bluff, Ark.)*. Within 5 miles either side of the 20° True and 200° True radials of the Pine Bluff, Ark., omnirange extending from Green civil airway No. 5 on the northeast to a point 25 miles southwest of the omnirange station and within 5 miles either side of the 7° True and 187° True radials of the Pine Bluff omnirange extending from the omnirange station to points 20 miles north and south.

§ 601.1223 *Control area extension (Allentown, Pa.)*. All that area within a 15-mile radius of the Allentown, Pa., omnirange station.

§ 601.1224 *Control area extension (Philipsburg, Pa.)*. All that area within a 15-mile radius of the Philipsburg, Pa., omnirange station.

§ 601.1225 *Control area extension (Erie, Pa.)*. All that area within a 15-mile radius of the Erie, Pa., omnirange station.

§ 601.1226 *Control area extension (Tampa, Fla.)*. From the Tampa, Fla., radio range station to the eastern boundary of the New Orleans Oceanic Control Area along a rhumb line between the Tampa, Fla., radio range station and the Callendar, La., non-directional radio beacon, extending 5 miles either side of the rhumb line at the Tampa radio range station thence diverging to a width of 10 miles either side of the rhumb line at its intersection with the eastern boundary of the New Orleans Oceanic Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1227 *Control area extension (Lovelock, Nev.)*. From the Lovelock, Nev., omnirange station extending 5 miles either side of the 18° True radial of the omnirange to a point 15 miles north, and extending 5 miles either side of the 198° True radial of the omnirange to Green civil airway No. 3.

§ 601.1228 *Control area extension (Tampa, Fla.)*. All that area 5 miles either side of a straight line from the Tampa, Fla., radio range station to the Key West, Fla., radio range station, excluding that portion below 2,000 feet which lies outside the continental limits of the United States, and excluding the portion which overlaps Airspace Warning Areas (W–173) and (W–174).

§ 601.1229 *Control area extension (Atterbury, Ind.).* That airspace bounded on the south by Lat. 39°10'00", on the west by Long. 86°00'00" and on the east and northeast by VOR civil airway No. 51, excluding the portion which overlaps Atterbury restricted area (R-65).

§ 601.1230 *Control area extension (Miami, Fla.).* From the intersection of the southeast course of the Fort Myers, Fla., radio range and the west course of the Miami, Fla., radio range to the eastern boundary of the New Orleans Oceanic Control Area, along a rhumb line between that intersection and the Brownsville, Tex., radio range station, extending 5 miles either side of the rhumb line between that intersection and a point on the coastline at Lat. 25°48'50", Long. 81°30'40", thence extending 5 miles on the south side and diverging on the north side of the rhumb line to a width of 10 miles at its intersection with the eastern boundary of the New Orleans Oceanic Control Area, excluding the portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1231 *Control area extension (Newport, Vt.).* That airspace over United States territory within 5 miles either side of a 32° True bearing extending from the Newport, Vt., nondirectional radio beacon to a point 10 miles northeast.

§ 601.1232 *Control area extension (Miami, Fla.).* An area bounded by a line beginning on the eastern edge of Amber civil airway No. 7 at Lat. 25°53'00", thence easterly to the western boundary of the Miami Oceanic/Nassau Control Area at Lat. 25°55'00", Long. 79°00'00", thence due south along that boundary to Lat. 24°40'00"; thence southwesterly to Lat. 24°00'00" Long. 80°25'00"; thence due north to the eastern edge of Amber No. 7, thence along Amber 7 to Lat. 25°53'00", point of beginning, excluding that portion below 1,000 feet which lies outside the continental limits of the United States.

§ 601.1233 *Control area extension (Key West, Fla.).* From the Key West, Fla., radio range station to the northern boundary of the Havana, Cuba, Control Area, extending 5 miles either side of a rhumb line between the Key West, Fla., radio range station and the Rancho Boyeros, Havana, Cuba, non-directional radio beacon, excluding the portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1234 *Control area extension (Key West, Fla.).* From the intersection of the southwest course of the Homestead, Fla., radio range and the northeast course of the Key West, Fla., radio range to the northern boundary of the Havana, Cuba, Control Area, extending 5 miles either side of a rhumb line between that intersection and the Rancho Boyeros, Havana, Cuba, nondirectional radio beacon, excluding the portion below 2,000 feet between Amber civil airway No. 7 and the Havana, Cuba, Control Area boundary.

§ 601.1235 *Control area extension (West Palm Beach, Fla.).* From the West Palm Beach, Fla., radio range station extending 5 miles either side of the east course of the West Palm Beach, Fla., radio range to its intersection with the western boundary of the Miami Oceanic/Nassau Control Area, excluding the portion below 2,000 feet outside the continental limits of the United States and excluding the portion which overlaps Airspace Warning Areas.

§ 601.1236 *Control area extension (Seattle (Clear Lake), Wash.).* All that airspace bounded by a line beginning on the eastern edge of VOR civil airway No. 23 at Lat. 48°32'00", thence due east to Long. 122°14'00", thence clockwise along the arc of a circle 5 miles in radius centered at Lat. 48°27'30", Long. 122°14'00", to Lat. 48°28'25", Long. 122°07'40", thence southeast to Lat. 48°12'30", Long. 122°03'05", thence southwest to a point on the eastern edge of Green civil airway No. 10 at Lat. 47°59'00", thence northerly along the eastern edge of Green civil airway No. 10 and VOR civil airway No. 23 to point of beginning.

§ 601.1237 *Control area extension (Waco, Tex.).* All that area within a 25-mile radius of the Waco, Tex., radio range station in the east quadrant of the radio range bounded on the northwest by the present control area and on the southwest by Blue civil airway No. 5.

§ 601.1238 *Control area extension (Amarillo, Tex.).* All that airspace within a 50-mile radius of the Amarillo radio range station.

§ 601.1239 *Control area extension (Lubbock, Tex.).* All that airspace within a 25-mile radius of the Lubbock radio range station in the southwest, northwest, and northeast quadrants of the radio range and within a 40-mile radius of the radio range station in the southeast quadrant of the radio range.

§ 601.1240 *Control area extension (Tyler, Tex.).* All that airspace within a 25-mile radius of the Tyler, Tex., radio range station including the area between the Dallas, Tex., radio range station and the Shreveport, La., radio range station bounded on the north by Red 10, on the south by Red 68 and on the west by Blue 5.

§ 601.1241 *Control area extension (Tulsa, Okla.).* That airspace within a 25-mile radius of the Tulsa, Okla., radio range station; that airspace southwest of Tulsa bounded on the northwest by VOR civil airway No. 14, on the southeast by VOR civil airway No. 15 and on the southwest by VOR civil airway No. 163; that airspace south of Tulsa bounded on the west and northwest by VOR civil airway No. 15E, on the east and southeast by lines 5 miles east of and parallel to direct lines extending between the Tulsa, Okla., omnirange station, the McAlester, Okla., omnirange station and the Dallas, Tex., omnirange station and on the south by the Sherman, Tex., Perrin AFB control area extension.

§ 601.1242 *Control area extension (Stockton, Calif.).* All that area within a 15-mile radius of the Modesto, Calif., omnirange station; all that area southwest of the Stockton, Calif., radio range station bounded on the west by Blue civil airway No. 7, on the north by Red civil airway No. 60, on the east by Blue civil airway No. 14 and on the south by the northern boundary of the Vernalis restricted area; all that area northwest of the Stockton, Calif., radio range station bounded on the south by Red civil airway No. 60, on the west by Blue civil airway No. 7, on the northwest by Green civil airway No. 3, on the east by Amber civil airway No. 1 and Blue civil airway No. 14, excluding the portion which overlaps the Antioch restricted area.

§ 601.1243 *Control area extension (La Crosse, Wis.).* Within a 25-mile radius of the La Crosse Airport from Green civil airway No. 2 on the southeast course of the La Crosse radio range extending clockwise to Red civil airway No. 36, and all that area within a 15-mile radius of the La Crosse omnirange station.

§ 601.1244 *Control area extension (Terre Haute, Ind.).* Within 5 miles either side of the 2° True radial of the Terre Haute omnirange station extending from the omnirange station to a point 25 miles north, including all that area within a 15 mile radius of the Terre Haute omnirange station.

§ 601.1245 *Control area extension (Port Allen, Kauai, T. H.).* All that area within a radius of 25 miles from the Port Allen radio range station extending clockwise from the north course of the Port Allen radio range to Red civil airway No. 87.

§ 601.1246 *Control area extension (Evansville, Ind.).* All that area within a 15-mile radius of the Evansville omnirange station excluding the portion which overlaps danger areas, and the area within 5 miles either side of a line bearing 37° True extending from the Evansville outer marker to a point 25 miles northeast of the outer marker.

§ 601.1247 *Control area extension (Las Vegas, Nev.).* That airspace bounded on the northwest by Amber civil airway No. 2, on the northeast by Red civil airway No. 15, on the east by Blue civil airway No. 67, and on the south by a line 5 miles south of and parallel to a track of 86° True from the Good Springs, Nev., non-directional radio beacon, and that airspace within 5 miles either side of a line extending from the intersection of the Morman Mesa, Nev., omnirange 192° True radial and the Las Vegas, Nev., omnirange 86° True radial to the intersection of the southeast course of the Las Vegas, Nev., radio range with the north course of the Needles, Calif., radio range.

§ 601.1248 *Control area extension (Richmond, Va.).* That airspace within a 25-mile radius of the Richmond, Va., radio range station, bounded on the southeast by the Norfolk control area extension.

§ 601.1249 *Control area extension (Aberdeen, S. Dak.).* All that area within a 15 mile radius of the Aberdeen omnirange station.

§ 601.1250 *Control area extension (Jamestown, N. Dak.).* All that area within a 15-mile radius of the Jamestown omnirange station including the area within 5 miles either side of the 191° True radial of the omnirange extending from the omnirange station to a point 25 miles south.

§ 601.1251 *Control area extension (Mansfield, Ohio).* All that area within a 15-mile radius of the Mansfield omnirange station including the area within 5 miles either side of the 130° True radial of the omnirange extending from the omnirange station to a point 25 miles southeast including all that area west of the Mansfield omnirange station bounded on the southeast by VOR civil airway No. 88, on the southwest by Red civil airway No. 55 and on the north by Red civil airway No. 17.

§ 601.1252 *Control area extension (Janesville, Wis.).* All that area within a 15-mile radius of the Janesville omnirange station.

§ 601.1253 *Control area extension (Bradford, Ill.).* All that area within a 15-mile radius of the Bradford omnirange station.

§ 601.1254 *Control area extension (Pontiac, Ill.).* All that area within a 15-mile radius of the Pontiac omnirange station.

§ 601.1255 *Control area extension (Findlay, Ohio).* All that area within a 15-mile radius of the Findlay omnirange station.

§ 601.1256 *Control area extension (Pittsburgh, Pa.).* All that airspace within a 35-mile radius of the Pittsburgh, Pa., radio range station.

§ 601.1257 *Control area extension (Goshen, Ind.).* That airspace within a 15-mile radius of the Goshen omnirange station, and the airspace northeast of the omnirange station bounded on the west by Blue civil airway No. 3, on the north by Red civil airway No. 12, on the northeast by Red civil airway No. 57, and on the south by Green civil airway No. 3.

§ 601.1258 *Control area extension (Lafayette, Ind.).* That airspace within 5 miles either side of a line bearing 247° True extending from Purdue University Airport, West Lafayette, Ind., to Blue civil airway No. 34.

§ 601.1259 *Control area extension (Huron, S. Dak.).* All that area within a 15-mile radius of the Huron omnirange station.

§ 601.1260 *Control area extension (Altus, Okla.).* That airspace within a 35-statute-mile radius of the Altus Air Force Base including the airspace bounded on the northwest by VOR civil airway No. 14, on the east by VOR civil airway No. 77 and on the south by Red civil airway No. 10 excluding the airspace which overlaps Fort Sill restricted area (R-208).

§ 601.1261 *Control area extension (Lansing, Mich.).* All that area within a 15-mile radius of the Lansing omnirange station including the area within 5 miles either side of the 232° True radial of the omnirange extending from the omnirange station to a point 25 miles southwest, and within 5 miles either side of the northwest couse of the Lansing radio range extending from the radio range station to Blue civil airway No. 42.

§ 601.1262 *Control area extension (Mason City, Iowa).* All that area within a 15-mile radius of the Mason City omnirange station.

§ 601.1263 *Control area extension (Rochester, Minn.).* That airspace within a 15-mile radius of the Rochester, Minn., omnirange station.

§ 601.1264 *Control area extension (Dyersburg, Tenn.).* Within 5 miles either side of a line bearing 95° True and 275° True extending from the Dyersburg non-directional radio beacon to points 20 miles east and west and within 5 miles either side of the 78° True and 258° True radials of the Dyersburg omnirange extending from the omnirange station to points 20 miles northeast and southwest.

§ 601.1265 *Control area extension (Golva, N. Dak.).* All that area within a 15-mile radius of the Golva omnirange station.

§ 601.1266 *Control area extension (Litchfield, Mich.).* That airspace within a 15-mile radius of the Litchfield, Mich., omnirange station and the airspace southeast of the omnirange station bounded on the north by VOR civil airway No. 10, on the northeast by VOR civil airway No. 45, on the southeast by VOR civil airway No. 98 and on the southwest by VOR civil airway No. 30.

§ 601.1267 *Control area extension (Springfield, Ill.).* All that area within a 15-mile radius of the Springfield omnirange station.

§ 601.1268 *Control area extension (Sioux Falls, S. Dak.).* All that area within a 15-mile radius of the Sioux Falls omnirange station.

§ 601.1269 *Control area extension (Watertown, S. Dak.).* That airspace within a 15-mile radius of the Watertown omnirange station and within 5 miles either side of the 6° True radial of the omnirange extending from the omnirange station to a point 25 miles north of the omnirange station.

§ 601.1270 *Control area extension (Harrisburg, Pa.).* All that area within a 15-mile radius of the Harrisburg omnirange station.

§ 601.1271 *Control area extension (Front Royal, Va.).* All that area within a 15-mile radius of the Front Royal omnirange station.

§ 601.1272 *Control area extension (Baltimore, Md.).* All that area within a 15-mile radius of the Baltimore omnirange station, excluding the portion which overlaps restricted areas.

§ 601.1273 *Control area extension (Syracuse, N. Y.).* All that area within a 15-mile radius of the Syracuse omnirange station.

§ 601.1274 *Control area extension (Niagara Falls, N. Y.).* All that area within 5 miles either side of a direct line extending from the Niagara Falls ILS outer marker to the Dunkirk, N. Y., nondirectional radio beacon, excluding the portion which lies outside the continental United States.

§ 601.1275 *Control area extension (Fairbanks, Alaska).* From the Fairbanks ILS localizer extending 5 miles either side of the localizer course to a point 25 miles northeast of the localizer and within 5 miles either side of the east course of the Fairbanks radio range extending from the radio range station to a point 25 miles east of the Chena, Alaska, nondirectional radio beacon.

§ 601.1276 *Control area extension (Cheyenne, Wyo.).* All that area within a 25-mile radius of the Cheyenne, Wyo., radio range station in the southeast quadrant of the radio range and all that area within 5 miles either side of the 32° True radial of the Cheyenne, Wyo., omnirange station from the omnirange station extending to a point 25 miles northeast.

§ 601.1277 *Control area extension (Denver, Colo.).* All that area within a 25-mile radius of the Denver, Colo., radio range station in the southeast quadrant of the radio range, excluding the portion which overlaps restricted areas and all that area within 5 miles either side of a track bearing 40° True from the Denver, Colo. (Stapleton), ILS outer compass locator extending to a point 25 miles northeast of the ILS outer compass locator, and within 5 miles either side of a track bearing 174° True from the Aurora nondirectional radio beacon to a point 25 miles south of the Aurora nondirectional radio beacon.

§ 601.1278 *Control area extension (Des Moines, Iowa).* All that area within a 25-mile radius of the Des Moines, Iowa, radio range station in the northwest and northeast quadrants of the radio range.

§ 601.1279 *Control area extension (Rapid City, S. Dak.).* All that area within a 25-mile radius of the Rapid City, S. Dak., radio range station in the northwest, northeast and southeast quadrants of the radio range.

§ 601.1280 *Control area extension (Sheridan, Wyo.).* All that area within a 25-mile radius of the Sheridan, Wyo., radio range station in the north and east quadrants of the radio range.

§ 601.1281 *Control area extension (Pueblo, Colo.).* All that area within a 25-mile radius of the Pueblo, Colo., radio range station in the northeast and southeast quadrants of the radio range.

§ 601.1282 *Control area extension (Wichita, Kans.).* All that area bounded on the north by a line 10 miles north of and parallel to the 259° True and 79° True radials of the Emporia, Kans., omnirange, on the east by a line 10 miles east of and parallel to the 209° True and 29° True radials of the Emporia, Kans., omnirange, on the south by a line 10 miles south of and parallel to the 85° True and 265° True radials of the Anthony, Kans., omnirange and on the west by a line 10 miles west of and parallel to the 195° True and 15° True radials of the Hutchinson, Kans., omnirange.

§ 601.1283 *Control area extension (Toledo, Wash.).* From the Toledo, Wash., radio range station extending 5 miles either side of the west course of the Toledo, Wash., radio range to a point 25 miles west of the radio range station, excluding the portion which overlaps restricted areas.

§ 601.1284 *Control area extension (Oklahoma City, Okla.).* That airspace within a 25-mile radius of the Oklahoma City radio range station; that airspace east of Oklahoma City bounded on the northwest by VOR civil airway No. 14 and on the south and southeast by Amber civil airway No. 4; that airspace northeast of Oklahoma City bounded on the west by VOR civil airway No. 77, on the southeast by VOR civil airway No. 14N and on the northeast by VOR civil airway No. 74S.

§ 601.1285 *Control area extension (Shreveport, La.).* All that airspace within a 40-nautical-mile radius of the Barksdale Air Force Base, Shreveport, La., and the airspace between the Shreveport, La., Texarkana, Ark., and Dallas, Tex., radio range stations bounded on the east by Blue civil airway No. 13, on the northwest by Green civil airway No. 5 and on the south by Red civil airway No. 10.

§ 601.1286 *Control area extension (Fort Worth, Tex.).* All that airspace between Waco, Tex., Fort Worth-Dallas, Tex., and Oklahoma City, Okla., bounded on the southeast and east by Blue civil airway No. 5, on the southwest and west by Amber civil airway No. 4 and on the north by the Oklahoma City, Okla., control area extension; all that airspace between Waco, Tex., Fort Worth, Tex., Wichita Falls, Tex., and Abilene, Tex., bounded on the east by Amber civil airway No. 4, on the northeast by Red civil airway No. 10, on the northwest by Blue civil airway No. 6, on the south by Green civil airway No. 5 to Mineral Wells, Tex., thence on the west and southwest by Blue civil airway No. 70, and all that airspace between Fort Worth, Tex., Wichita Falls, Tex., and Oklahoma City, Okla., bounded on the east by Amber civil airway No. 4, on the west by Blue civil airway No. 6, and on the south by VOR civil airway No. 114N.

§ 601.1287 *Control area extension (Houghton, Mich.).* From the Houghton, Mich., radio range station extending 5 miles either side of the north and south courses of the radio range to points 25 miles north and south of the radio range station.

§ 601.1288 *Control area extension (Sault Ste. Marie, Mich.).* Within 5 miles either side of a bearing 330° True extending from the Kinross Airport through the Kinross outer marker to its intersection with the west course of the Sault Ste. Marie, Mich., radio range, and the airspace southeast of Sault Ste. Marie bounded on the northeast by Red civil airway No. 97 and the United States-Canadian Border, on the south by Lat. 46°09'00", and on the west by Blue civil airway No. 3.

§ 601.1289 *Control area extension (Valparaiso, Fla.).* From the Valparaiso, Fla., Eglin AFB radio range station extending 5 miles on the west side and 2 miles on the east side of the north course of the Eglin AFB radio range to Red civil airway No. 30, and extending 5 miles either side of the south course of the radio range to the Eglin AFB Airspace Warning Area.

§ 601.1290 *Control area extension (Joplin, Mo.).* That airspace within a 25-mile radius of the Joplin Airport.

§ 601.1291 *Control area extension (Garden City, Kans.).* Within 5 miles either side of the 120° True radial of the Garden City omnirange extending from the omnirange station to a point 25 miles southeast and within 5 miles either side of the north course of the Garden City radio range extending from the radio range station to a point 25 miles north.

§ 601.1292 *Control area extension (Manakin, Va.).* All that area within 5 miles either side of the northwest course of the Richmond, Va., radio range extending from the intersection of the northwest course of the Richmond, Va., radio range and the southwest course of the Washington, D. C., radio range to a point 15 miles northwest.

§ 60.1293 *Control area extension (Fort Smith, Ark.).* Within 5 miles either side of the 54° True and 234° True radials of the Fort Smith omnirange extending from the Fort Smith Municipal Airport to a point 25 miles northeast of the omnirange station, excluding the portion which overlaps restricted areas.

§ 601.1294 *Control area extension (Everett, Wash.).* All that airspace bounded on the north by a line 5 miles north of and parallel to the east course of the Everett, Wash., radio range, on the northeast by an arc of a circle 5 miles in radius centered on the intersection of the east course of the Everett, Wash., radio range and the northeast course of the Seattle, Wash., radio range, on the southeast by a line 5 miles southeast of and parallel to the northeast course of the Seattle, Wash., radio range, on the south by Green civil airway No. 2 and on the west by Green civil airway No. 10.

§ 601.1295 *Control area extension (Falmouth, Mass.).* All that area within 5 miles either side of a direct line extending from the Otis Air Force Base, Falmouth, Mass., to the Martha's Vineyard Airport and the area within 5 miles either side of a line bearing 180° True from the Martha's Vineyard Airport extending from the airport to New York control area extension No. 1146, excluding the portion which overlaps restricted areas, and that airspace within a 10-mile radius of Otis Air Force Base and within 5 miles either side of a line bearing 42° True extending from the Otis AFB to the western boundaries of restricted area (R–22) and warning area (W–21) excluding the portion which overlaps restricted area (R–14).

§ 601.1296 *Control area extension (Nantucket, Mass.).* That airspace within 5 miles either side of a direct line extending from the Nantucket nondirectional radio beacon to the Martha's Vineyard, Mass., nondirectional radio beacon.

§ 601.1297 *Control area extension (Paducah, Ky.).* All that area within 5 miles either side of a line bearing 220° True extending from the Paducah, Ky., non-directional radio beacon to a point 20 miles southwest.

§ 601.1298 *Control area extension (Promontory Point, Utah).* That airspace bounded on the north by VOR civil airway No. 6, on the east by VOR civil airway No. 21, on the south by VOR civil airway No. 32 and on the west by a line extending from latitude 40°51'30", longitude 112°56'30", to latitude 41°00'00", longitude 112°56'30" to latitude 41°00'00", longitude 112°45'00" to latitude 41°12'25", longitude 112°45'00",

§ 601.1299 *Control area extension (Valdosta, Ga.).* All that area bounded on the north by Latitude 32°00'00", on the east by Amber civil airway No. 6, on the south by Red civil airway No. 30, and on the west by Red civil airway No. 16.

§ 601.1300 *Control area extension (Prescott, Ariz.).* Within 5 miles either side of the northwest course of the Prescott, Ariz., radio range extending from the radio range station to a point 25 miles northwest.

§ 601.1301 *Control area extension (Winslow, Ariz.).* Within 5 miles either side of the north and south courses of the Winslow radio range extending from the radio range station to points 25 miles north and south, and within 5 miles either side of the 314° and 134° True radials of the Winslow omnirange extending from the omnirange station to points 25 miles northwest and southeast.

§ 601.1302 *Control area extension (Lawton, Okla.).* All that area bounded on the west by long. 98°30'00", on the north by the Fort Sill, Okla., restricted area, on the southeast by VOR civil airway No. 77, and on the south by VOR civil airway No. 61.

§ 601.1303 *Control area extension (Albany, N. Y.).* All that area within a 15-mile radius of the Albany, N. Y., omnirange station.

§ 601.1304 *Control area extension (Poughkeepsie, N. Y.).* All that area within a 15-mile radius of the Poughkeepsie, N. Y., omnirange station.

§ 601.1305 *Control area extension (Wilton, Conn.).* All that area within a 15-mile radius of the Wilton, Conn., omnirange station.

§ 601.1306 *Control area extension (Mountain Home, Idaho).* Within 5 miles either side of a direct line extending from the Mountain Home nondirectional radio beacon to the Boise, Idaho, radio range station, and the airspace within a 25-mile radius of the Mountain Home Air Force Base bounded on the northeast by Red civil airway No. 1, excluding the portion which overlaps restricted areas.

§ 601.1307 *Control area extension (Minchumina, Alaska).* Within 5 miles either side of the southeast course of the Minchumina radio range extending from the radio range station to a point 25 miles southeast.

§ 601.1308 *Control area extension (Gustavus, Alaska).* Within 5 miles either side of the northwest course of the Gustavus, Alaska, radio range extending from the radio range station to a point 15 miles northwest.

§ 601.1309 *Control area extension (Kodiak, Alaska).* Within 5 miles either side of the east course of the Kodiak, Alaska radio range extending from the radio range station to a point 25 miles east.

§ 601.1310 *Control area extension (Anchorage, Alaska) (Anchorage-Sandspit route).* All that airspace within 5 miles either side of direct lines between the Whittier, Alaska, Fan Marker, the Middleton Island, Alaska, nondirectional radio beacon and the Sandspit, British Columbia, radio range station extending from the Whittier Fan Marker to the United States-Canadian Border.

§ 601.1311 *Control area extension (Oscoda, Mich.).* That airspace within a 30-mile radius of Wurtsmigh AFB, Oscoda, Mich., excluding the portions which overlap Restricted Areas R–81, R–91 and R–491.

§ 601.1312 *Control area extension (Zanesville, Ohio).* All that airspace within 5 miles either side of a line bearing 30° True and 210° True from the Zanesville nondirectional beacon extending from Green civil airway No. 4 to a point 20 miles southwest of the Zanesville Municipal Airport.

§ 601.1313 *Control area extension (Sioux City, Iowa).* All that airspace within a 25-mile radius of the Sioux City omnirange station extending from the 234° True radial clockwise to the western boundary of Amber civil airway No. 4 and within 5 miles either side of a line bearing 136° True from the Sioux City outer compass locator extending from the outer compass locator to a point 25 miles southeast.

§ 601.1314 *Control area extension (Kirksville, Mo.).* Within 5 miles either side of the 316° True radial of the Kirksville omnirange extending from the omnirange station to a point 25 miles northwest.

§ 601.1315 *Control area extension (Emporia, Kans.).* Within 5 miles either side of the 134° True and 314° True radials of the Emporia omnirange extending from the omnirange station to points 25 miles southeast and northwest.

§ 601.1316 *Control area extension (La Junta, Colo.).* All that airspace northwest of the La Junta radio range station bounded on the northeast by a line 5 miles northeast of and parallel to the northwest course of the La Junta radio range, on the south by VOR civil airway No. 10 and on the west by Amber civil airway No. 3.

§ 601.1317 *Control area extension (Tuscaloosa, Ala.).* Within 5 miles either side of the 60° True radial of the Tuscaloosa omnirange extending from the omnirange station to a point 20 miles northeast.

§ 601.1318 *Control area extension (Muscle Shoals, Ala.).* Within 5 miles either side of the 118° True and 298° True radials of the Muscle Shoals omnirange extending from the omnirange station to points 20 miles southeast and northwest.

§ 601.1319 *Control area extension (Key West, Fla.).* Within 5 miles either side of the 313° True radial of the Key West omnirange extending from the omnirange station to Warning Area W–174 and within 5 miles either side of the west course of the Key West radio range extending from the radio range station to Warning Area W–174.

§ 601.1320 *Control area extension (Cross City, Fla.).* Within 5 miles either side of the 118° True radial of the Cross City omnirange extending from the omnirange station to a point 20 miles southeast.

§ 601.1321 *Control area extension (Brunswick, Ga.).* Within 5 miles either side of the 293° True radial of the Brunswick omnirange extending from the omnirange station to a point 20 miles northwest.

§ 601.1322 *Control area extension (Alice, Tex.).* All that airspace within a 35-mile radius of the Alice, Tex., radio range station excluding the portion which overlaps restricted areas.

§ 601.1323 *Control area extension (Dallas, Tex.) (Dallas-Houston-Austin area).* All that airspace bounded on the northeast by a line 5 miles east of and parallel to a direct line from the Dallas, Tex., radio range station to the Houston, Tex., radio range station, on the east by Red civil airway No. 96, on the southwest by Red civil airway No. 32, and on the northwest by Amber civil airway No. 4 to the Waco, Tex., radio range station and by Blue civil airway No. 5 to the Dallas, Tex., radio range station.

§ 601.1324 *Control area extension (Brunswick, Maine).* That airspace bounded on the west by Amber civil airway No. 7, on the north by Blue civil airway No. 84, on the east by long. 69°15'00", on the south by Warning Area W–103, on the southwest by a line 5 miles northeast of and parallel to the southeast course of the Portland, Maine, radio range.

§ 601.1325 *Control area extension (Tampa, Fla.).* All that airspace within a radius of 50 statute miles of the Tampa, Fla., radio range station, excluding the portions which overlap restricted areas and airspace warning areas, and including the area bounded on the northeast by a line 5 miles northeast of and parallel to a line extending from the intersection of the north course of the Tampa, Fla., radio range and the southeast course of the Cross City, Fla., radio range to the intersection of the southeast course of the Tampa, Fla., radio range and a line bearing 45° True from the Fort Myers, Fla., nondirectional radio beacon, on the southeast by the Fort Myers, Fla., control area extension, on the west by direct lines extending from the Fort Myers, Fla., nondirectional radio beacon to the Tampa, Fla., omnirange station thence to the point of beginning.

§ 601.1326 *Control area extension (Fortuna, Calif.).* Within 5 miles either side of the 18° True radial of the Fortuna omnirange extending from the omnirange station to a point 30 miles northeast.

§ 601.1327 *Control area extension (Crescent City, Calif.).* Within 5 miles either side of the 330° True and 235° True radials of the Crescent City omnirange extending from the omnirange station to points 20 miles northwest and southwest.

§ 601.1328 *Control area extension (Oxnard, Calif.).* All that airspace bounded on the northeast by Amber civil airway No. 8, on the east by Longitude 119°11'30", on the south by a line 2 miles north of and parallel to the Point Magu Warning Area (W–289), on the west by Longitude 120°00'00" and on the northwest by Control Area Extension No. 1176, excluding the airspace below 4000 feet MSL lying within the Santa Cruz Island Warning Area (W–412).

§ 601.1329 *Control area extension (Malden, Mo.).* Within 5 miles either side of the 120° True and 300° True radials of the Malden, Mo., omnirange extending from the omnirange station to points 25 miles southeast and northwest.

§ 601.1330 *Control area extension (Sherman, Tex.).* That airspace within a 70-mile radius of Perrin AFB, Sherman, Tex., bounded on the south by Green civil airway No. 5 and on the west and northwest by VOR civil airway No. 15 including the airspace within a 15-mile radius of Cox Field, Paris, Tex., and the airspace bounded on the east by a line 5 miles east of and parallel to a straight line extending from the Sulphur Springs, Tex., omnirange station to the McAlester, Okla., omnirange station, and on the northwest by the Tulsa, Okla., control area extension.

§ 601.1331 *Control area extension (Tacoma, Wash.).* That airspace within a 40-nautical-mile radius of McChord Air Force Base and within 5 miles either side of the east course of the Toledo, Wash., radio range extending from the radio range station to a point 20 miles east, excluding the portions which overlap Hood Canal Caution Area (C–243) and the Fort Lewis Restricted Area (R–244), excluding the portion which conflicts with Olympic Peninsula Restricted Area (R–241) and excluding the portion which overlaps VOR civil airway No. 27.

§ 601.1332 *Control area extension (Santa Maria, Calif.).* From the intersection of the Paso Robles, Calif., omnirange 169° True radial and the Santa Barbara, Calif., omnirange 304° True radial extending 5 miles either side of the Santa Barbara omnirange 304° True radial to a point 20 miles northwest and extending 5 miles either side of the Paso Robles omnirange 169° True radial to the northern boundary of control area extension No. 1176.

§ 601.1333 *Control area extension (Nome, Alaska).* Within 5 miles either side of the west and southwest courses of the Nome, Alaska, radio range extending from the radio range station to points 25 miles west and southwest.

§ 601.1334 *Control area extension (Del Rio, Tex.).* That airspace over United States Territory within a 25-mile radius of Laughlin Air Force Base, Del Rio, Tex., excluding the portions which overlap Laughlin AFB Restricted Area (R–427) and Del Rio Restricted Area (R–425).

§ 601.1335 *Control area extension (Lafayette, La.).* Within 5 miles either side of the 352° True radial of the Lafayette omnirange extending from the omnirange station to a point 15 miles north, and within 5 miles either side of a line bearing 7° True from the Lafayette non-directional radio beacon extending from the beacon to a point 15 miles north, and the airspace east of Lafayette bounded on the northwest by Red civil airway No. 96, on the northeast by VOR civil airway No. 114 and on the south by Green civil airway No. 6.

§ 601.1336 *Control area extension (Eau Claire, Wis.).* That airspace within a 15-mile radius of the Eau Claire omnirange station and within 5 miles either side of the 04° True radial of the omnirange extending from the omnirange station to a point 20 miles north.

§ 601.1337 *Control area extension (Wausau, Wis.).* That airspace within a 15-mile radius of the Wausau omnirange station including the airspace southeast of the omnirange station bounded on the northeast by VOR civil airway No. 26S, on the south by lat. 44° 30'00", and on the west by a line 5 miles west of and parallel to the 166° True radial of the Wausau omnirange station.

§ 601.1338 *Control area extension (Green Bay, Wis.).* That airspace within a 15-mile radius of the Green Bay omnirange station and within 5 miles either side of the 322° True radial of the Green Bay omnirange extending from the omnirange station to a point 20 miles northwest.

§ 601.1339 *Control area extension (Oshkosh, Wis.).* All that airspace bounded on the east by VOR civil airway No. 7, on the south by the arc of a circle with a radius of 50 miles from the Green Bay, Wis., omnirange station, and on the west by a line 5 miles west of and parallel to the Green Bay omnirange 207° True radial.

§ 601.1340 *Control area extension (Miles City, Mont.).* Within 5 miles either side of the northwest course of the Miles City, Mont., radio range extending from the radio range station to a point 30 miles northwest.

§ 601.1341 *Control area extension (Dover, Del.).* That airspace southeast of Dover bounded on the north by Red civil airway No. 77, on the east by Blue civil airway No. 49, on the southeast by VOR civil airway No. 1 and on the west by VOR civil airway No. 29 excluding the portion which overlaps restricted area (R–12) and caution area C–53; that airspace southwest of Dover within a 25-mile radius of the Dover omnirange station bounded on the northwest by VOR civil airway No. 16 and on the southeast by Red civil airway No. 77.

§ 601.1342 *Control area extension (Sanford, Fla.).* That airspace bounded on the north by latitude 29°00'00", on the east by longitude 81°15'00", on the south by latitude 28°30'00", on the west by longitude 82°00'00".

§ 601.1343 *Control area extension (Juneau, Alaska).* That airspace within a 5-mile radius of the Juneau Airport, within 5 miles either side of direct lines extending from the Juneau Airport via the Mendenhall nondirectional radio beacon to the Sisters Island nondirectional beacon, from the Sisters Island nondirectional radio beacon to the Point Retreat nondirectional radio beacon, from the Point Retreat nondirectional radio beacon to the Juneau Airport and from the Point Retreat nondirectional radio beacon to the Haines, Alaska nondirectional radio beacon.

§ 601.1344 *Control area extension (Laconia, N. H.).* Within 5 miles either side of a line bearing 244° True from the Laconia, N. H., nondirectional radio beacon extending from the nondirectional radio beacon to Blue civil airway No. 4.

§ 601.1345 *Control area extension (Rockland, Maine).* Within 5 miles either side of a 195° True bearing extending from the Rockland Airport to a point 10 miles south of the Rockland nondirectional radio beacon.

§ 601.1346 *Control area extension (Bar Harbor, Maine).* Within 5 miles either side of a 21° True bearing extending from the Bar Harbor Airport to a point 10 miles northeast of the Bar Harbor nondirectional radio beacon.

§ 601.1347 *Control area extension (Colorado Springs, Colo.).* That airspace lying east of Amber civil airway No. 3 within a 25-mile radius of Peterson Municipal Airport, Colorado Springs, Colo.

§ 601.1348 *Control area extension (Twin Falls, Idaho).* Within 5 miles either side of the 278° True radial of the Twin Falls omnirange extending from the omnirange station to a point 15 miles west.

§ 601.1349 *Control area extension (Redmond, Oreg.).* Within 5 miles either side of the northwest course of the Redmond radio range extending from the radio range station to a point 17 miles northwest.

§ 601.1350 *Control area extension (Kodiak, Alaska).* Within 5 miles either side of the south course of the Kodiak radio range extending from the radio range station to a point 20 miles south.

§ 601.1351 *Control area extension (Philadelphia, Pa.).* That airspace within a 25 mile radius of the Philadelphia International Airport.

§ 601.1352 *Control area extension (Sedalia, Mo.).* That airspace within a 35-mile radius of Whiteman AFB bounded on the north by VOR civil airway No. 4–S, excluding the portion northwest of Sedalia bounded on the north by VOR civil airway No. 4–S, on the east by Long. 93°45'00", on the south by Lat. 38°45'00" and on the west by the Kansas City control area extension, and excluding the portion northeast of Sedalia bounded on the north by VOR civil airway No. 4–S, on the east by Long. 93°00'00", on the south by Lat. 38°45'00" and on the west by Long. 93°15'00".

§ 601.1353 *Control area extension (Charleston, W. Va.).* That airspace within a 30-mile radius of Kanawha County Airport, Charleston, W. Va.

§ 601.1354 *Control area extension (Salem, Oreg.).* Within 5 miles either side of a line bearing 150° True from the Salem-McNary Airport extending from the airport to a point 25 miles southeast.

§ 601.1355 *Control area extension (Berlin, N. H.).* Within 5 miles either side of a line bearing 334° True extending from the Berlin Airport to a point 10 miles northwest.

§ 601.1356 *Control area extension (Greenville, Miss.).* That airspace within a 25-mile radius of the Greenville, Miss., AFB nondirectional radio beacon.

§ 601.1357 *Control area extension (Fallon, Nev.).* Within a 10-mile radius of the Fallon, Nev., radio range station excluding the portion which overlaps Fallon restricted area (R–268), and within 5 miles either side of the north course of the Fallon radio range extending from the radio range station to a point 25 miles north.

§ 601.1358 *Control area extension (Midway Island).* All of the airspace from 700 feet upward within a radius of 25 nautical miles of the Midway Naval Station centered at Lat. 28°12'00" N., Long. 177°22'00" W.

§ 601.1359 *Control area extension (Childress, Tex.).* Within 5 miles either side of the 182° True radial of the Childress omnirange extending from the omnirange station to a point 15 miles south.

§ 601.1360 *Control area extension (Abilene, Tex.).* Within 5 miles either side of the 292° True radial of the Abilene omnirange extending from the omnirange station to a point 10 miles west.

§ 601.1361 *Control area extension (Cotulla, Tex.).* Within 5 miles either side of lines bearing 140° True and 320° True from the Cotulla nondirectional radio beacon extending from VOR civil airway No. 17 to a point 10 miles northwest of the nondirectional radio beacon.

§ 601.1362 *Control area extension (Dalhart, Tex.).* Within 5 miles either side of the 04° True radial of the Dalhart omnirange extending from the omnirange station to a point 10 miles north.

§ 601.1363 *Control area extension (Lufkin, Tex.).* Within 5 miles either side of the 157° True radial of the Lufkin omnirange extending from the omnirange station to a point 10 miles southeast, and within 5 miles either side of a line bearing 304° True extending from the Lufkin nondirectional radio beacon to a point 10 miles northwest.

§ 601.1364 *Control area extension (Texarkana, Ark.).* Within 5 miles either side of the 332° True radial of the Texarkana omnirange extending from the omnirange station to a point 10 miles northwest.

§ 601.1365 *Control area extension (Walnut Ridge, Ark.).* Within 5 miles either side of the 244° True radial of the Walnut Ridge omnirange extending from the omnirange station to a point 10 miles southwest.

§ 601.1366 *Control area extension (Gage, Okla.).* Within 5 miles either side of the 299° True radial of the Gage omnirange extending from the omnirange station to a point 20 miles northwest.

§ 601.1367 *Control area extension (Wink, Tex.).* That airspace south of Wink bounded by lines beginning at Lat. 31°30'00", Long. 102°47'00" thence southwestward to Lat. 31°24'00", Long. 103°01'40" thence northwestward to Lat. 31°30'00", Long. 103°07'00" and bounded on the north by VOR civil airway No. 66; that airspace northwest of Wink bounded on the east by VOR civil airway No. 79, on the south by VOR civil airway No. 16N and on the northwest by the arc of a circle lying within a 20 mile radius of the Wink omnirange station.

§ 601.1368 *Control area extension (Greensboro, N. C.).* That airspace southeast of Greensboro bounded on the south by Lat. 35°19'00", on the northwest by the Greenville-Charlotte-Greensboro control area extension, on the northeast by Red civil airway No. 104 and on the southeast by a line extending from a point at Lat. 35°32'00", Long. 79°05'20" to a point at Lat. 35° 19'00", Long. 79°23'30".

§ 601.1369 *Control area extension (Myrtle Beach, S. C.).* Within 5 miles either side of a line bearing 198° True extending from the Myrtle Beach nondirectional radio beacon to a point 10 miles south.

§ 601.1370 *Control area extension (Wilmington, N. C.).* Within 5 miles either side of a line bearing 337° True extending from the Wilmington nondirectional radio beacon to a point 10 miles northwest and within 5 miles either side of a line bearing 159° True extending from the Wilmington ILS middle marker to a point 15 miles southeast of the middle marker.

§ 601.1371 *Control area extension (Hyannis, Mass.).* Within 2 miles either side of a line bearing 48° True extending from the Barnstable Airport, Hyannis, Mass., to a point 10 miles northeast.

§ 601.1372 *Control area extension (Los Angeles, Calif.).* That airspace bounded by lines extending from a point at the intersection of Amber civil airway No. 8 and longitude 119°03'30", thence south to the intersection of Warning Area W–290 and longitude 119°03'30", thence east and south along the boundary of Warning Area W–290 to latitude 33°24'35", longitude 118°37'00", thence southeast to latitude 33°18'00", longitude 118°28'00", thence east along the north boundary of Warning Area W–291 to latitude 33°10'00", longitude 117° 30'00", thence east along latitude 33°10'00" to the United States coastline, thence northwestward along the coastline to the southern boundary of Amber civil airway No. 8, thence west and northwest to point of beginning.

§ 601.1373 *Control area extension (Chattanooga, Tenn.).* That airspace within a 30-mile radius of the Chattanooga radio range station.

§ 601.1374 *Control area extension (Limestone, Maine).* That airspace over United States territory within a 40-mile radius of Loring Air Force Base, Limestone, Maine, excluding the portion which overlaps Restricted Area (R–80).

§ 601.1375 *Control area extension (Manchester, N. H.).* That airspace within a 10-mile radius of Grenier Air Force Base, Manchester, N. H., excluding the portion which overlaps Restricted Area (R–48).

§ 601.1376 *Control area extension (Victoria, Tex.).* That airspace within a 25-mile radius of Foster Air Force Base, Victoria, Tex., including the airspace south of the Air Force Base bounded on the southwest by the Corpus Christi, Tex., control area extension and on the southeast by VOR civil airway No. 20. The portion of this control area which overlaps the Foster AFB Restricted Area R–492 is excluded.

§ 601.1377 *Control area extension (Boston, Mass.).* That airspace northeast of Boston within a 25-mile radius of the Boston radio range station bounded on the west by Amber civil airway No. 7, on the southeast by Boston control area extension No. 1141 and on the south by Red civil airway No. 11; that airspace southeast of Boston within a 25-mile radius of the Boston radio range station bounded on the north by Boston control area extension No. 1142, on the southwest by VOR civil airway No. 141 and on the northwest by Red civil airway No. 21.

§ 601.1378 *Control area extension (Wilmington, Del.).* That airspace within a 20-mile radius of the New Castle radio range station lying in the southeast and southwest quadrants of the radio range.

§ 601.1379 *Control area extension (Waterloo, Iowa).* That airspace within a 15-mile radius of the Waterloo Municipal Airport.

§ 601.1380 *Control area extension (Johnston Island).* All of the airspace from 700 feet upwards within a radius of 100 nautical miles centered on the Johnston Island nondirectional radio beacon at lat. 16°45'00" N., long. 169°30'00" W.

§ 601.1381 *Control area extension (Kwajalein Island).* All of the airspace from 700 feet upwards within a radius of 100 nautical miles of the Kwajalein nondirectional radio beacon at lat. 8°45'00" N., long. 167°45'00" E., extending clockwise from a true bearing of 270° from the nondirectional radio beacon, and within a radius of 25 nautical miles of the Kwajalein nondirectional radio beacon extending clockwise from a true bearing of 180° from the nondirectional radio beacon to a true bearing of 270° from the nondirectional radio beacon excluding the portions which overlap Airspace Warning Areas W–448, W–445 and W–450.

§ 601.1382 *Control area extension (Wake Island).* All of the airspace from 700 feet upwards within a radius of 100 nautical miles centered on the Wake Island nondirectional radio beacon at lat. 19°18'00" N., long. 166°39'00" E.

§ 601.1383 *Control area extension (Guam Island).* All of the airspace from 700 feet upwards within a radius of 100 nautical miles of the Guam radio range station extending clockwise from the west course of the radio range to the southeast course of the radio range and within a radius of 25 nautical miles of the Guam radio range extending clockwise from the southeast course of the radio range to the west course of the radio range, excluding the portions which overlap restricted areas R–474 and R–478 and warning areas W–473, W–475 and W–479.

§ 601.1384 *Control area extension (Hopkinsville, Ky.).* That airspace in the vicinity of Campbell AFB, Hopkinsville, Ky., bounded on the east by VOR civil airway No. 7, on the south by a line from a point at latitude 36°29'40", longitude 86°50'20" to a point at latitude 36°16'40", longitude 87°26'15", on the west by the arc of a circle 25 miles in radius centered on the Campbell AFB nondirectional radio beacon clockwise to a point at latitude 36°59'20", longitude 87°33'30", thence on the north via a direct line from that point to a point at latitude 37°00'20", longitude 87°04'30", excluding the portion which overlaps Campbell Restricted Area R–63.

§ 601.1385 *Control area extension (Rome, N. Y.).* That airspace within a 40 mile radius of Griffis AFB, Rome, N. Y., bounded on the south by Green civil airway No. 2 and Red civil airway No. 22.

§ 601.1386 *Control area extension (Orlando, Fla.).* That airspace within 5 miles either side of the 71° True radial of the Orlando omnirange extending from Amber civil airway No. 7 to the Wilmington, N. C. Control area extension (601.1150), excluding the airspace below 14,000 feet mean sea level.

§ 601.1387 *Control area extension (Fayetteville, N. C.).* Within 5 miles either side of a 93° True bearing extending from the Fayetteville nondirectional radio beacon to a point 12 miles east.

§ 601.1388 *Control area extension (Fort Bragg, N. C.).* Within a 15 mile radius of Pope AFB bounded on the east by VOR civil airway No. 3 and Amber civil airway No. 7, excluding the portion which overlaps the Fort Bragg Restricted Area (R–115).

§ 601.1389 *Control area extension (Miami, Fla.).* Within 5 miles either side of the 023° True radial of the Miami, Fla., omnirange extending from Amber civil airway No. 7 and VOR civil airway

No. 3 via the intersection of the Miami omnirange 023° True radial and the Vero Beach, Fla., omnirange 143° True radial to the intersection of the Vero Beach omnirange 143° True radial with the Wilmington, N. C., control area extension (601.1150).

§ 601.1390 *Control area extension (Oahu-Molokai, T. H.).* All of the airspace from 700 feet upwards bounded by a line extending from lat. 21°26'00" N., long. 157°37'45" W., to lat. 21°55'00" N. long. 156°42'45" W. to lat. 21°10'00" N., long. 157°26'15" W., to lat 21°14'30" N., long. 157°36'15" to point of beginning including Hawaiian VOR civil airway No. 7.

§ 601.1391 *Control area extension (Gettysburg, Pa.).* That airspace within a 5-mile radius of the Gettysburg Airport and within 5 miles either side of the 180° True radial of the Gettysburg terminal omnirange extending from the terminal omnirange station to VOR civil airway No. 223.

§ 601.1392 *Control area extension (Ogden, Utah).* That airspace northeast of Ogden bounded on the north by Red civil airway No. 108, on the south by Green civil airway No. 3 and on the west by Amber civil airway No. 2.

§ 601.1400 *Control area extension (King Salmon, Alaska) (King Salmon-Shemya route).* That airspace within 5 miles either side of a line bearing 263° True from the King Salmon, Alaska, radio range station extending to a point 50 miles west of the King Salmon radio range station.

§ 601.1401 *Control area extension (King Salmon, Alaska) (King Salmon-Adak route).* That airspace within 5 miles either side of a line bearing 248° True from the King Salmon, Alaska, radio range station extending to a point 50 miles southwest of the King Salmon radio range station.

SUBPART D—CONTROL ZONES

§ 601.1981 *Scope of control zones.* Each control zone shall include the navigable air space above all that area on the surface of the earth lying within the specified radius of the center points prescribed for such zone (except where otherwise described in this part), but shall not include any of the air space of an air-space reservation.

§ 601.1982 *Designation of control zones.* The portions of the navigable airspace of the United States described in Subpart D are designated as control zones.

§ 601.1983 *Three mile radius zones.* Within a 3 mile radius of the following airports:

Altoona, Pa.: Altoona-Blair County Airport.
Baker, Oreg.: Baker Municipal Airport.
Bellingham, Wash.: Bellingham Municipal Airport.
Blackstone, Va.: Blackstone AAF.
Bozeman, Mont.: Gallatin-Bozeman Municipal Airport.
Burley, Idaho: Burley Municipal Airport.
Butte, Mont.: Butte Municipal Airport.
Columbus, N. Mex.: CAA intermediate field excluding the portion which lies outside the continental United States.
Crows Landing, Calif.: Navy ALF.
Cut Bank, Mont.: Cut Bank Municipal Airport.
Daggett, Calif.: Daggett Municipal Airport.
Dillon, Mont.: Dillon intermediate field.
Dubois, Idaho: Dubois intermediate field.
Ellensburg, Wash.: Bowers Field.
El Morro, N. Mex.: CAA intermediate field.
Ephrata, Wash.: Ephrata Municipal Airport.
Eugene, Oreg.: Mahlen-Sweet Airport.
Everett, Wash.: Paine AFB.
Glendale, Calif.: Grand Central Airport.
Helena, Mont.: Helena Municipal Airport.
Klamath Falls, Oreg.: Klamath Falls Municipal Airport.
Lakehurst, N. J.: Naval Air Station.
Lewistown, Mont.: Lewistown Municipal Airport.
Miles City, Mont.: Miles City Municipal Airport.
Missoula, Mont.: Missoula County Airport.
Monterey, Calif.: Monterey Peninsula Airport.
Needles, Calif.: Needles Airport.
Niagara Falls, N. Y.: Municipal Airport.
Paso Robles, Calif.: Paso Robles County Airport.
Pendleton, Oreg.: Pendleton Municipal Airport.
Pocatello, Idaho: Phillips Airport.
Redmond, Oreg.: Redmond-Roberts Field.
Santa Monica, Calif.: Santa Monica Municipal Airport.
Santa Rosa, Calif.: Santa Rosa ALF.
Schenectady, N. Y.: Schenectady Airport.
The Dalles, Oreg.: The Dalles Municipal Airport.
Toledo, Wash.: Toledo-Winlock Airport.
Yakima, Wash.: Yakima Municipal Airport.

§ 601.1984 *Five mile radius zones.* Within a 5 mile radius of the following airports:

Altus, Okla.: Altus Air Force Base.
Aniak, Alaska: Aniak Airport.
Annette Island, Alaska: Annette Island Airport.
Arcata, Calif.: Arcata Airport.
Atlanta, Ga.: Naval Air Station.
Bedford, Mass.: Lawrence G. Hanscom Field.
Bendix, N. J.: Teterboro Air Terminal.
Bethel, Alaska: Bethel Airport.
Bettles, Alaska: Bettles Airport.
Big Delta, Alaska: Big Delta Airport.
Billings, Mont.: Billings Municipal Airport.
Blythe, Calif.: Blythe Airport.
Boise, Idaho: Boise Air Terminal.
Bridgeport, Conn.: Bridgeport Muncipal Airport.
Chandler, Ariz.: Williams AFB.
Crescent City, Calif.: Del Norte County Airport.
Delta, Utah: Delta Airport.
Elkins, W. Va.: Elkins Airport.
Elko, Nev.: Elko Airport.
Elmira, N. Y.: Chemung County Airport.
Fairbanks, Alaska: Eielson Air Force Base.
Fallon, Nev.: Fallon NAAS.
Farewell, Alaska: Farewell Airport.
Galena, Alaska: Galena Airport.
Glens Falls, N. Y.: Warren County Airport.
Greenville, Miss.: Greenville AFB.
Gulkana, Alaska: Gulkana Airport.
Gustavus, Alaska: Gustavus Airport.
Homer, Alaska: Homer Airport.
Houlton, Maine: Houlton Airport.
Idaho Falls, Idaho: Idaho Falls Airport.
Iliamna, Alaska: Iliamna Airport.
Islip, N. Y.: MacArthur Field.
Kenai, Alaska: Kenai Airport.
King Salmon, Alaska: King Salmon Airport.
Kotzebue, Alaska: Wien Memorial Airport.
Las Vegas, N. Mex.: Las Vegas Airport.
Lihue, Kauai, T. H.: Lihue Airport.
Lucin, Utah: CAA intermediate field.
Lynchburg, Va.: Preston Glann Airport.
Massena, N. Y.: Massena Municipal Airport.
McGrath, Alaska: McGrath Airport.
Medford, Oreg.: Medford Municipal Airport.
Memphis, Tenn.: Naval Air Station.
Minchumina, Alaska: Minchumina, Airport.
Mobile, Ala.: Brooklyn Air Force Base.
Moses Lake, Wash.: Larson AFB.
Moses Point, Alaska: Moses Point Airport.
Mountain Home, Idaho: Mountain Home AFB.
Mountain View, Calif.: Moffett NAS.
Nenana, Alaska: Nenana Airport.
Newburgh, N. Y.: Stewart AFB.
New Orleans, La.: New Orleans Airport.
Nome, Alaska: Nome Airport.
Northway, Alaska: Northway Airport.
Otto, N. Mex.: CAA intermediate field.
Philipsburg, Pa.: Philipsburg Airport.
Phoenix, Ariz.: Luke AFB.
Plattsburg, N. Y.: Plattsburg Municipal Airport.
Portland, Oreg.: Portland International Airport.
Pulaski, Va.: Leving Field.
Reading, Pa.: Reading Municipal Airport.
Red Bluff, Calif.: Red Bluff Municipal (Bidwell, Field).
Reno, Nev.: United Air Lines Airport.
Reno, Nev.: Stead AFB.
Roanoke, Va.: Woodrum Field.
Rome, N. Y.: Griffiss AFB.
Salinas, Calif.: Salinas Airport.
Salisbury, Md.: Wicomico County Airport.
Salt Flat, Tex.: CAA intermediate field.
San Marcos, Tex.: San Marcos Air Force Base.
San Rafael, Calif.: Hamilton AFB.
Santa Fe., N. Mex.; Santa Fe Airport.
Seattle, Wash.: Boeing Field.
Seattle, Wash.: Seattle-Takoma International Airport.
Sherman, Tex.: Perrin AFB.
Shreveport, La.: Greater Shreveport Municipal Airport.
Skwentna, Alaska: Skwentna Airport.
Summit, Alaska: Summit Airport.
Tanana, Alaska: Tanana Airport.
Tucumcari, N. Mex.: Tucumcari Airport.
Unalakleet, Alaska: Unalakleet Airport.
Walla Walla, Wash.: Walla Walla City-County Airport.
Watertown, N. Y.: Watertown Municipal Airport.
Wendover, Utah: Wendover AFB.
Westfield, Mass.: Barnes Airport.
Westhampton Beach, Long Island, N. Y.: Suffolk County Air Force Base.
Wilkes-Barre, Pa.: Wilkes-Barre-Scranton Airport.
Wink, Tex.: Wink Airport.
Winslow, Ariz.: Winslow Airport.
Worcester, Mass.: Worcester Airport.
Yakutat, Alaska: Yakutat Airport.
Yuma, Ariz.: Yuma County Airport.

ADDITIONAL CONTROL ZONES

§ 601.2001 *Albany, N. Y., control zone.* Within a 5-mile radius of the Albany Municipal Airport and within 2 miles either side of the north course of Albany radio range extending 10 miles from the radio range station.

§ 601.2002 *Augusta, Maine, control zone.* Within a 5-mile radius of the Augusta State Airport and within 2 miles either side of the southwest course of Augusta radio range extending 10 miles from the radio range station.

§ 601.2003 *Baltimore, Md., control zone.* Within a 5-mile radius of Harbor Field, Baltimore, Md., extending 5 miles either side of the south course of the Baltimore, Md., radio range to a point 10 miles south of the radio range station.

§ 601.2004 *Bangor, Maine, control zone.* Within a 5-mile radius of Dow Air Force Base, Bangor, Maine, within 2 miles either side of the northwest course of the Bangor radio range extending from the radio range station to the East Corinth fan marker, within 2 miles either side of a line bearing 314° True extending from Dow Air Force Base to a point 15 miles northwest of the Air Force Base, and within 2 miles either side of a line bearing 356° True extending from Dow AFB to a point 10 miles north of the Bangor omnirange station.

§ 601.2005 *Boston, Mass., control zone.* Within a 5-mile radius of Logan International Airport; within 2 miles either side of the north course of the Boston radio range extending from the radio range station to a point 10 miles north, and within 2 miles either side of the ILS localizer course extending from the airport to a point 10 miles beyond the outer marker.

§ 601.2006 *Buffalo, N. Y., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the northeast course of the Buffalo, N. Y., radio range to the Walcottsville fan marker, within 2 miles either side of the southwest course of the Buffalo radio range to the Angola fan marker, and within 2 miles either side of the east course of the Buffalo radio range to the East Pembroke fan marker.

§ 601.2007 *Burlington, Vt., control zone.* Within a 5-mile radius of the Burlington Municipal Airport and within 2 miles either side of the northwest course of Burlington radio range extending to the Grand Isle fan marker.

§ 601.2008 *Concord, N. H., control zone.* Within a 5-mile radius of the Concord Municipal Airport and within 2 miles either side of the southeast course of Concord radio range extending 10 miles from the radio range station.

§ 601.2009 *Erie, Pa., control zone.* Within a 5-mile radius of Port Erie Airport and within 2 miles either side of the southwest course of Erie radio range extending to the North Springfield fan marker.

§ 601.2010 *Harrisburg, Pa., control zone.* Within a 5-mile radius of Harrisburg State Airport and within 2 miles either side of the east and west courses of Harrisburg radio range extending 10 miles east and west of the radio range station.

§ 601.2011 *Hartford, Conn., control zone.* Within a 5-mile radius of Brainard Field and within 2 miles either side of the southeast course of Hartford radio range extending 10 miles from the radio range station.

§ 601.2012 *Millinocket, Maine, control zone.* Within a 5-mile radius of Millinocket Municipal Airport and within 2 miles either side of the east course of Millinocket radio range extending 10 miles from the radio range station.

§ 601.2013 *Newark, N. J., control zone.* Within a 5-mile radius of Newark Municipal Airport and within 2 miles either side of the southwest course of the Newark radio range extending from the radio range station to a point 12 miles southwest.

§ 601.2014 *Norfolk, Va., control zone.* Within a 5-mile radius of Norfolk Municipal Airport and within 2 miles either side of the southwest course of Norfolk radio range extending to the Deep Creek fan marker.

§ 601.2015 *Philadelphia, Pa., control zone.* Within a 5-mile radius of the Philadelphia International Airport and within 2 miles either side of the west course of the Philadelphia radio range extending to the Boothwyn fan marker.

§ 601.2016 *Wheeling, W. Va., control zone.* Within a 5-mile radius of Wheeling-Ohio County Airport, within 2 miles either side of the centerline of the northeast-southwest runway extended through the outer compass locator to a point 10 miles southwest of the airport, and within 2 miles either side of a direct line extending from the airport to the Wheeling omnirange station.

§ 601.2017 *Pittsburgh, Pa., control zone.* Within a 5-mile radius of Allegheny County Airport, Pittsburgh, Pa., and within 2 miles either side of a direct line extending from the Allegheny County Airport to the Cecil, Pa., nondirectional radio beacon.

§ 601.2018 *Portland, Maine, control zone.* Within a 5-mile radius of Portland Municipal Airport and within 2 miles either side of the northwest course of Portland radio range extending 10 miles from the radio range station.

§ 601.2019 *Providence, R. I., control zone.* Within a 5-mile radius of the Theodore Francis Green Airport extending 2 miles either side of the southwest course of the Providence radio range to a point 14 miles southwest of the radio range station.

§ 601.2020 *Richmond, Va., control zone.* Within a 5-mile radius of Byrd Field, Richmond, Va., extending 2 miles either side of the southwest course of the Richmond, Va., radio range to the Chester fan marker, and extending 2 miles either side of the ILS localizer course to a point 10 miles southwest of the ILS outer marker and to a point 10 miles northeast of the ILS middle marker.

§ 601.2021 *Rochester, N. Y., control zone.* Within a 5-mile radius of the Rochester Municipal Airport and within 2 miles either side of the east course of Rochester radio range extending 10 miles from the radio range station.

§ 601.2022 *Washington, D. C., control zone.* Within a 5-mile radius of the Washington National Airport (excluding the portion overlapping the Washington Airspace Reservation) and extending to include the segment of a circle 15 miles in radius centered on the Washington National Airport bounded on the west by a line 2 miles west of the southwest course of the Washington radio range and on the east by a line 2 miles east of the ILS localizer course, and further extending 2 miles on the east side and 4 miles on the west side of the northeast course of the Washington radio range to the Riverdale, Md., non-directional radio beacon.

§ 601.2023 *Albuquerque, N. Mex., control zone.* Within a 5-mile radius of Kirtland AFB, within 2 miles either side of the south course of the Albuquerque radio range extending to the Peralta fan marker, within 2 miles either side of a line bearing 352°–172° True through the Alameda nondirectional radio beacon extending from the 5-mile radius control zone boundary to a point 10 miles north of the Alameda nondirectional radio beacon and within 2 miles either side of the 91° and 271° True radials of the Albuquerque omnirange extending from the 5-mile radius control zone boundary to a point 10 miles west of the omnirange station.

§ 601.2024 *Amarillo, Tex., control zone.* Within a 5-mile radius of Amarillo Air Terminal, within 2 miles either side of the west course of the Amarillo radio range extending from the radio range station to a point 5 miles west, and within 2 miles either side of the east course of the radio range extending from the radio range station to its intersection with the northwest course of the Clarendon, Tex., radio range.

§ 601.2025 *Big Spring, Tex., control zone.* Within a 5 mile radius of Webb Air Force Base and within 2 miles either side of the west course of the Big Spring radio range extending from the radio range station to a point 10 miles west.

§ 601.2026 *Brownsville, Tex., control zone.* That airspace over United States territory, within a 5-mile radius of Rio Grande Valley International Airport, Brownsville, Tex., within 2 miles either side of the northwest course of the Brownsville radio range extending from the radio range station to the Los Fresnos fan marker and within 2 miles either side of the 72° True radial of the Brownsville omnirange extending from the omnirange station to a point 10 miles northeast.

§ 601.2027 *Dallas, Tex., control zone.* Within a 5-mile radius of Love Field, Dallas, Tex., within 2 miles either side of the 252° True radial of the Dallas omnirange extending from Love Field to the omnirange station, within 2 miles either side of the Love Field ILS localizer southeast course extending from the localizer to the intersection of the Love Field ILS southeast course and the 202° True radial of the Dallas omnirange, within 2 miles either side of the south course of the Dallas radio range extending from the radio range station to the Duncanville fan marker, and within 2 miles either side of the Love Field ILS northwest course extending from the localizer to the intersection of the Love Field ILS northwest course and the east course of the Fort Worth radio range.

§ 601.2028 *El Paso, Tex., control zone.* Within a 5-mile radius of the El Paso International Airport extending 2 miles either side of the east course of the El Paso, Tex., radio range to the Hueco fan marker and extending 2 miles either side of the north course of the radio range to the Newman non-directional radio beacon, excluding the portion

which lies outside the continental United States.

§ 601.2029 *Fort Worth, Tex., control zone.* All that airspace within a 5-mile radius of Meacham Field and within a 5-mile radius of Carswell AFB, within 2 miles either side of the south course of the Ft. Worth radio range extending to the intersection of the south course of the Ft. Worth radio range with the west course of the Dallas, Tex., radio range, within 2 miles either side of a line bearing 181° True from the Carswell AFB extending to a point 13 miles south of the Air Force Base, and the airspace bounded on the east by a line two miles east of and parallel to a direct line from Meacham Field through the Haslet nondirectional radio beacon, on the north by Lat. 32°59'45" and on the west by a line 2 miles west of and parallel to a direct line from the Carswell AFB through the Newark nondirectional radio beacon.

§ 601.2030 *Galveston, Tex., control zone.* Within a 5-mile radius of Galveston Airport and within 2 miles either side of the northwest course of Galveston radio range extending 3 miles northwest of the radio range station.

§ 601.2031 *Houston, Tex., control zone.* Within a 10-mile radius of Houston Municipal Airport, within a 5-mile radius of Ellington Air Force Base, and within 2 miles either side of a direct line extending from the Houston Municipal Airport to the Monument nondirectional radio beacon.

§ 601.2032 *Laredo, Tex., control zone.* That airspace over United States territory within a 10-mile radius of Laredo AFB and within 2 miles either side of the 147° True radial of the Laredo omnirange extending from the omnirange station to a point 10 miles southeast.

§ 601.2033 *Little Rock, Ark., control zone.* Within a 5-mile radius of Adams Field extending 2 miles either side of the southeast course of the Little Rock radio range to the Keo fan marker.

§ 601.2034 *Monroe, La., control zone.* Within a 5-mile radius of Selman Field, within 2 miles either side of the southwest course of the Monroe radio range extending from the radio range station to a point 4 miles southwest, and within 2 miles either side of the 41° True and 221° True radials of the Monroe omnirange extending from the control zone to a point 10 miles southwest of the omnirange station.

§ 601.2035 *New Orleans, La., control zone.* Within a 5 mile radius of Moisant International Airport, within 2 miles either side of the 221° True radial of the New Orleans omnirange extending from the omnirange station to a point 10 miles southwest, within 2 miles either side of the ILS localizer course extending from the localizer to a point 14½ miles west, within 2 miles either side of the west course of the radio range extending from the radio range station to a point 17¼ miles west, and within 2 miles either side of the east course of the radio range extending from the radio range station to the boundary of the New Orleans Airport 5 mile radius control zone.

§ 601.2036 *Ponca City, Okla., control zone.* Within a 10-mile radius of Ponca City Airport.

§ 601.2037 *San Angelo, Tex., control zone.* Within a 10-mile radius of Mathis Field, within 2 miles either side of the northeast course of the San Angelo radio range extending to a point 10 miles northeast of the radio range station, and within 2 miles either side of the 72° True radial of the San Angelo omnirange extending to a point 10 miles northeast of the omnirange station.

§ 601.2038 *Shreveport, La., control zone.* Within a 5-mile radius of Shreveport Downtown Airport, within 5 miles either side of the northwest course of the Shreveport radio range extending from the radio range station to a point 10 miles northwest, within a 7 mile radius of Barksdale Air Force Base and within 5 miles either side of the southeast course of the Barksdale AFB radio range extending from the Air Force Base to the Elm Grove fan marker.

§ 601.2039 *Tulsa, Okla., control zone.* Within a 5-mile radius of Tulsa Airport, within 2 miles either side of the northeast course of Tulsa radio range extending to the Verdigris River fan marker, within 2 miles either side of the northwest course of Tulsa radio range extending to the Skiatook fan marker, within 2 miles either side of the southwest course of Tulsa radio range extending to the Red Fork fan marker and within 2 miles either side of a line bearing 03° True from the Owasso nondirectional radio beacon extending from the beacon to a point 10 miles north and within 2 miles either side of the 340° True and 160° True radials of the Tulsa omnirange extending from the Tulsa Municipal Airport to a point 10 miles northwest of the omnirange station.

§ 601.2040 *Smyrna, Tenn., control zone.* Within a 5-mile radius of Sewart Air Force Base and within 2 miles either side of a line bearing 139° True extending from the Sewart AFB nondirectional radio beacon to a point 10 miles southeast.

§ 601.2041 *Akron, Colo., control zone.* Within a 3-mile radius of the CAA intermediate field and within 2 miles either side of the north and south courses of Akron radio range extending 10 miles north of the radio range station.

§ 601.2042 *Burlington, Iowa, control zone.* Within a 5-mile radius of Burlington Municipal Airport and within 2 miles either side of the 292° and 112° True radials of the Burlington omnirange extending from the airport control zone to a point 10 miles east of the omnirange station.

§ 601.2043 *Casper, Wyo., control zone.* Within a 5-mile radius of Natrona County Airport extending east 2 miles either side of the west and east courses of the Casper radio range to the Parkerton fan marker and within 2 miles either side of a line bearing 269° True from the Casper ILS localizer extending from the Casper Natrona County Airport to a point 10 miles west of the ILS outer marker.

§ 601.2044 *Cheyenne, Wyo., control zone.* Within a 5-mile radius of the Cheyenne Municipal Airport, within 2 miles either side of the northwest course of the Cheyenne radio range extending from the radio range station to a point 12 miles northwest, within 2 miles either side of the east course of the radio range extending from the radio range station to a point 11½ miles east, within 2 miles either side of the ILS localizer course extending from the localizer to a point 10 miles east of the airport, and within 2 miles either side of the 32° True radial of the Cheyenne omnirange extending from the omnirange station to a point 10 miles northeast.

§ 601.2045 *Colorado Springs, Colo., control zone.* Within a 5-mile radius of Peterson Municipal Airport and within 2 miles either side of a line bearing 180° True from the airport extending to a point 15 miles south of the airport.

§ 601.2046 *Columbia, Mo., control zone.* Within a 5-mile radius of Columbia Municipal Airport and within 2 miles either side of the west course of Columbia radio range extending 10 miles from the radio range station.

§ 601.2047 *Denver, Colo., control zone.* Within a 10-mile radius of Stapleton Air Field, Denver, Colo., within 2 miles either side of the Stapleton ILS localizer course extending from the localizer to a point 11½ miles east of Stapleton Air Field, within 2 miles either side of a 45° True radial of the Denver omnirange extending from the omnirange station to a point 5 miles northeast, and within 2 miles either side of the north course of the Denver radio range extending from the radio range station to a point 13 miles north.

§ 601.2048 *Des Moines, Iowa, control zone.* Within a 5-mile radius of the Des Moines Municipal Airport extending 2 miles either side of the south course of the radio range to a point 10 miles from the radio range station, within 2 miles either side of the ILS localizer course extending to a point 10 miles southeast of the airport and within 2 miles either side of the 176° and 356° True radials of the Des Moines omnirange extending from the omnirange station to a point 10 miles south.

§ 601.2049 *Fort Bridger, Wyo., control zone.* Within a 3-mile radius of the CAA intermediate field and within 2 miles either side of the east course of Fort Bridger radio range extending 10 miles from the radio range station.

§ 601.2050 *Garden City, Kans., control zone.* Within a 5-mile radius of the (old) Garden City Municipal Airport including a 5-mile radius of the (new) Garden City Municipal Airport extending 2 miles either side of the north course of the Garden City radio range to a point 10 miles north of the radio range station and extending 2 miles either side of the 300° True radial of the Garden City omnirange to a point 10 miles northwest of the omnirange station.

§ 601.2051 *Grand Island, Nebr., control zone.* Within a 5-mile radius of the Grand Island Airport and within 2 miles either side of the north course of Grand Island radio range extending 10 miles from the radio range station.

§ 601.2052 *Quincy, Ill., control zone.* Within a 5-mile radius of the Quincy-Baldwin Airport and within 2 miles either side of the 35° True and 215° True radials of the Quincy omnirange extending from the airport to a point 10 miles southwest of the omnirange station.

§ 601.2053 *Huron, S. Dak., control zone.* Within a 5-mile radius of the Huron Municipal Airport extending 2 miles either side of the southwest course of the radio range to its intersection with the east course of the Pierre, S. Dak., radio range, and within 2 miles either side of the Huron ILS localizer northwest course extending from the localizer to a point 12 miles northwest of the outer marker.

§ 601.2054 *Hutchinson, Kans., control zone.* Within a 5-mile radius of the Hutchinson Municipal Airport, within an 8-mile radius of the Hutchinson Naval Air Station, within 2 miles either side of the south course of the Hutchinson radio range extending from the radio range station to a point 23 miles south, and within 2 miles either side of the 222° True radial of the Hutchinson omnirange extending from the Hutchinson Municipal Airport to a point 10 miles southwest of the omnirange station, and within 2 miles either side of the north course of the Hutchinson radio range extending from the radio range station to a point 10 miles north.

§ 601.2055 *Joplin, Mo., control zone.* Within a 5-mile radius of Joplin Airport and within 2 miles either side of a line bearing 318° True extending from the airport to a point 10 miles northwest of the Joplin ILS outer marker.

§ 601.2056 *Kansas City, Mo., control zone.* Within a 5-mile radius of the Kansas City Municipal Airport, within 2 miles either side of the north course of the Kansas City radio range extending from the radio range station to a point 10 miles north, and within 2 miles either side of a line bearing 13° True from the airport extending through the Kansas City ILS outer marker compass locator to a point 5 miles north of the ILS outer marker compass locator.

§ 601.2057 *Kirksville, Mo., control zone.* Within a 3-mile radius of Kirksville Airport and within 2 miles either side of the 316° and 136° True radials of the Kirksville omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2058 *La Junta, Colo., control zone.* Within a 5-mile radius of the La Junta Airport and within 2 miles either side of the northeast course of La Junta radio range extending 10 miles from the radio range station.

§ 601.2059 *Laramie, Wyo., control zone.* Within a 5-mile radius of Brees Field, within 2 miles either side of the northwest course of the Laramie radio range extending from the radio range station to a point 10 miles northwest, and within 2 miles either side of the 332° True radial of the Laramie omnirange extending from the omnirange station to a point 10 miles northwest.

§ 601.2060 *Pellston, Mich., control zone.* Within a 5-mile radius of Emmet County Airport, Pellston, Mich., extending 2 miles either side of a track bearing 132° True from the Pellston non-directional radio beacon to a point 10 miles southeast.

§ 601.2061 *Lincoln, Nebr., control zone.* Within a 5-mile radius of the Lincoln Air Force Base, within 2 miles either side of the north course of the Lincoln radio range extending from the radio range station to a point 10 miles north, and within 2 miles either side of a line bearing 325° True from the Air Force Base extending through the ILS outer marker to a point 5 miles northwest of the ILS outer marker.

§ 601.2062 *Mason City, Iowa, control zone.* Within a 5-mile radius of Mason City Municipal Airport and within 2 miles either side of the 2° and 182° True radials of the Mason City omnirange extending from the airport control zone to a point 10 miles south of the omnirange station.

§ 601.2063 *North Platte, Nebr., control zone.* Within a 5-mile radius of Lee Bird Municipal Field, within 2 miles either side of the south course of the North Platte radio range extending from the radio range station to a point 10 miles south, and within 2 miles either side of the 30° True and 210° True radials of the North Platte omnirange extending from Lee Bird Municipal Field to a point 10 miles southwest of the omnirange station.

§ 601.2064 *Omaha, Nebr., control zone.* Within a 5-mile radius of the Omaha, Nebr., Municipal Airport extending 2 miles either side of the north course of the Omaha radio range to the California, Iowa, Fan Marker, and extending 2 miles either side of the ILS localizer course to a point 10 miles northwest of the Omaha Municipal Airport.

§ 601.2065 *Pierre, S. Dak., control zone.* Within a 5-mile radius of the Pierre Airport and within 2 miles either side of the east course of Pierre radio range extending 10 miles from the radio range station.

§ 601.2066 *Pueblo, Colo., control zone.* Within a 5-mile radius of Pueblo Municipal Airport, within 5 miles either side of a direct line extending from the center of Pueblo Municipal Airport to the Pueblo radio range station to include a 5-mile radius of the Pueblo radio range station, within 2 miles either side of the southeast course of the radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 271° and 91° True radials of the Pueblo omnirange extending from the Pueblo Municipal Airport 5-mile radius zone to a point 10 miles east of the omnirange station.

§ 601.2067 *Rapid City, S. Dak., control zone.* Within a 5-mile radius of the Rapid City AFB and within a 5-mile radius of the Rapid City Municipal Airport extending 2 miles either side of the south course of the Rapid City radio range to a point 10 miles south of the radio range station and extending 2 miles either side of the east course of the radio range to a point 10 miles east of the radio range station.

§ 601.2068 *Rock Springs, Wyo., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the east course of the radio range to the Point of Rocks fan marker, and extending 2 miles either side of the ILS localizer course to the Point of Rocks fan marker.

§ 601.2069 *St. Joseph, Mo., control zone.* Within a 5-mile radius of Rosecrans Field, within 2 miles either side of the St. Joseph ILS localizer course extending from the localizer to a point 10 miles beyond the outer marker, and within 2 miles either side of the 355° and 175° True radials of the St. Joseph omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2070 *St. Louis, Mo., control zone.* Within a 5-mile radius of Lambert-St. Louis Municipal Airport, within 2 miles either side of the east course of the St. Louis radio range extending from the radio range station to a point 10 miles east, within 2 miles either side of the front course of the St. Louis ILS localizer extending from the localizer to a point 5 miles east of the outer compass locator and within 2 miles either side of the back course of the ILS localizer extending from the localizer to a point 10 miles southwest of the Lake nondirectional radio beacon, and within 2 miles either side of the 323° and 143° True radials of the St. Louis omnirange extending from the airport to a point 10 miles northwest of the omnirange station.

§ 601.2071 *Scottsbluff, Nebr., control zone.* Within a 5-mile radius of Scottsbluff Municipal Airport and within 2 miles either side of the southeast and northwest courses of Scottsbluff radio range extending 10 miles southeast of the radio range station.

§ 601.2072 *Sheridan, Wyo., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the southeast course of the radio range to the Ucross fan marker.

§ 601 2073 *Rawlings, Wyo., control zone.* Within a 5-mile radius of the Municipal Airport, Rawlings, Wyo., extending 2 miles either side of the east and west courses of the Sinclair, Wyo., radio range to a point 10 miles east of the radio range station.

§ 601.2074 *Sioux City, Iowa, control zone.* Within a 5-mile radius of the Sioux City Municipal Airport, within 2 miles either side of the south course of the Sioux City radio range extending from the radio range station to the Sloan Fan Marker; within 2 miles either side of the 142° True radial of the Sioux City omnirange extending from the omnirange station to a point 10 miles southeast, and within 2 miles either side of a line bearing 136° True from the Sioux City ILS outer marker compass locator,

extending from the ILS outer marker compass locator to a point 10 miles southeast.

§ 601.2075 *Springfield, Mo., control zone.* Within a 5-mile radius of Springfield Municipal Airport and within 2 miles either side of the southeast and northwest courses of Springfield radio range extending 10 miles northwest of the radio range station and within 2 miles either side of the 19° and 199° True radials of the Springfield omnirange extending from the Springfield Municipal Airport to a point 10 miles northeast of the omnirange station.

§ 601.2076 *Topeka, Kans., control zone.* All that area within an 8-mile radius of the Philip Billard Airport and within 2 miles either side of the Topeka ILS localizer course extending to a point 15 miles northwest of the ILS localizer; within 2 miles either side of the 40° True radial of the Topeka omnirange extending to a point 10 miles northeast of the omnirange station, and that area within a 5-mile radius of Forbes Air Force Base, Topeka, Kans., and within 2 miles either side of the southwest course of the Forbes AFB radio range extending to a point 10 miles southwest of the Forbes AFB radio range station.

§ 601.2077 *Trinidad, Colo., control zone.* Within a 3-mile radius of Trinidad Municipal Airport and within 2 miles either side of the north course of Trinidad radio range extending 10 miles from the radio range station.

§ 601.2078 *Edenton, N. C., control zone.* Within a 5-mile radius of the Edenton Navy Auxiliary Landing Field and within 2 miles either side of a line bearing 184° True from the Edenton NALF to a point 12 miles south, excluding the portions which overlap the Albemarle Sound Restricted Area (R–1) and the Albemarle Sound Caution Area (C–10).

§ 601.2079 *Watertown, S. Dak., control zone.* Within a 5-mile radius of Watertown Airport and within 2 miles either side of the 6° True radial of the Watertown omnirange extending from the airport control zone to a point 10 miles north of the omnirange station.

§ 601.2080 *Wichita, Kans., control zone.* Within a 5-mile radius of the Wichita Municipal Airport, within 2 miles either side of a 200° True bearing from the Wichita ILS outer compass locator extending to a point 10 miles south of the outer compass locater, within a 5-mile radius of McConnell AFB, Wichita, Kans., within 2 miles either side of a 192° True bearing through the Wichita AFB nondirectional radio beacon extending from the AFB control zone to a point 10 miles south of the nondirectional radio beacon, and within 2 miles either side of the 360° True radial of the omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2081 *Geneva, N. Y., control zone.* Within a 5-mile radius of Sampson Air Force Base, Geneva, N. Y., and within 2 miles either side of a line bearing 327° True extending from the Sampson AFB to a point 10 miles northwest of the Sampson AFB nondirectional radio beacon.

§ 601.2082 *Akron, Ohio, control zone.* Within a 5-mile radius of the Akron Municipal Airport extending 2 miles either side of the southwest course of the Akron, Ohio, radio range to a point 10 miles southwest of the radio range station, including a 5-mile radius of the Akron-Canton County Airport extending 2 miles either side of the Akron-Canton ILS localizer course to a point 10 miles south of the outer marker and within 2 miles either side of the west course of the Akron radio range extending from the radio range station to a point 10 miles west.

§ 601.2083 *Alexandria, Minn., control zone.* Within a 5-mile radius of the Alexandria Municipal Airport extending 2 miles either side of the north course of the Alexandria radio range to a point 10 miles north of the radio range station, and within 2 miles either side of the 230° and 50° True radials of the Alexandria omnirange extending from the Alexandria airport control zone to a point 10 miles northeast of the omnirange station.

§ 601.2084 *Battle Creek, Mich., control zone.* Within a 5-mile radius of Kellogg Field and within 2 miles either side of the south course of the Battle Creek, Mich., radio range, extending 10 miles south of the radio range station.

§ 601.2085 *Bismarck, N. Dak., control zone.* Within a 5-mile radius of the Bismarck Municipal Airport extending 2 miles either side of the east course of the Bismarck radio range to a point 10 miles east of the radio range station, extending 2 miles either side of the Bismarck ILS localizer course to a point 10 miles southeast of the outer marker, and extending 2 miles either side of the 114° True radial of the Bismarck omnirange to a point 10 miles southeast of the omnirange station.

§ 601.2086 *Chicago, Ill., control zone.* Within a 6-mile radius of the Chicago-Midway Airport; within 2 miles either side of the southeast and northwest courses of the Chicago radio range extending from the intersection of the southeast course of the radio range with the east course of the Harvey, Ill., radio range to the intersection of the northwest course of the radio range with the northeast course of the Joliet, Ill., radio range excluding the portion which overlaps the O'Hare International Airport control zone; within 2 miles either side of the front and back courses of the Chicago-Midway ILS localizer extending from the intersection of the localizer back course with the east course of the Harvey, Ill., radio range to a point 12 miles northwest of the Chicago-Midway outer marker on the localizer front course, excluding the portion which overlaps the O'Hare International Airport control zone; within 2 miles either side of the 007° True, 124° True and 223° True radials of the Chicago-Midway terminal omnirange station extending from the terminal omnirange station to points 12 miles north, southeast and southwest.

§ 601.2087 *Cincinnati, Ohio, control zone.* Within a 5-mile radius of the Lunken Airport extending 2 miles either side of the southwest and northeast courses of the Cincinnati, Ohio, radio range to the Loveland fan marker.

§ 601.2088 *Dodge City, Kans., control zone.* Within a 5-mile radius of Dodge City Municipal Airport and within 2 miles either side of the 161° and 341° True radials of the Dodge City omnirange extending from the airport control zone to a point 10 miles north of the omnirange station.

§ 601.2089 *Cleveland, Ohio, control zone.* Within a 5-mile radius of the Cleveland Municipal Airport, within 2 miles either side of the west course of the Cleveland radio range extending from the radio range station to the Elyria fan marker and within 2 miles either side of the Cleveland ILS localizer course extending from the localizer to a point 10 miles southwest of the outer marker.

§ 601.2090 *Columbus, Ohio, control zone.* Within a 5-mile radius of the Port Columbus Municipal Airport and within a 5-mile radius of the Lockbourne, Ohio, Air Force Base including the airspace within 2 miles either side of a direct line extending from the Columbus radio range station to the Lockbourne AFB, within 2 miles either side of the west course of the Columbus radio range extending to the Hilliard fan marker, within 2 miles either side of the east course of the Columbus radio range extending to the Newark fan marker, and within 2 miles either side of the 50° and 230° True radials of the Columbus omnirange extending from the Port Columbus airport control zone to a point 10 miles northeast of the omnirange station.

§ 601.2091 *Dayton, Ohio, control zone.* Within a 5-mile radius of the Dayton Municipal Airport extending 2 miles either side of the southwest course of the Dayton ILS localizer from the localizer to a point 10 miles southwest of the outer compass locator, extending 2 miles either side of the northeast course of the ILS localizer from the localizer to a point 10 miles northeast of the Tipp City nondirectional radio beacon, and extending 2 miles either side of the 360° True radial of the Dayton omnirange from the omnirange station to a point 10 miles north of the omnirange station.

§ 601.2092 *Detroit, Mich., control zone.* Within a 5-mile radius of the Detroit City Airport extending 2 miles either side of the northwest course of the Windsor, Ontario, Canada, radio range to the United States-Canadian Border and excluding that portion which lies outside the continental limits of the United States.

§ 601.2093 *Dickinson, N. Dak., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the north course of the Dickinson radio range, extending 10 miles north of the radio range station and extending 2 miles either side of the 15° True radial of Dickinson omnirange to a point 10 miles north of the omnirange station.

§ 601.2094 *Duluth, Minn., control zone.* Within a 5-mile radius of the Williamson-Johnson Airport and within 2 miles either side of the south course of the Duluth, Minn., radio range, extending 10 miles south of the radio range station.

§ 601.2095 *Belleville, Ill., control zone.* Within a 5-mile radius of the Scott Air Force Base extending 2 miles either side of the southwest course of the Scott AFB, Belleville, Ill., radio range to a point 10 miles southwest of the radio range station.

§ 601.2096 *Evansville, Ind., control zone.* Within a 5-mile radius of Dress Memorial Municipal Airport and within 2 miles either side of the centerline of the northeast-southwest runway of the Dress Memorial Municipal Airport extending from the Evansville outer marker to a point 10 miles northeast.

§ 601.2097 *Fargo, N. Dak., control zone.* Within a 5-mile radius of the Fargo-Hector Airport, within 2 miles either side of the east course of the Fargo radio range extending to the Glyndon fan marker, within 2 miles either side of the west course of the radio range extending to a point 10 miles west of the West Fargo fan marker, and within 2 miles either side of the 181° and 01° True radials of the Fargo omnirange extending from the airport control zone to a point 10 miles south of the omnirange station.

§ 601.2098 *Flint, Mich., control zone.* Within a 5-mile radius of Bishop Airport and within 2 miles either side of a line bearing 268° True from the airport extending from the airport to a point 10 miles west of the Flint ILS outer marker.

§ 601.2099 *Fort Wayne, Ind., control zone.* Within a 5-mile radius of Baer Field, Fort Wayne, Ind., extending 2 miles either side of the southwest course of the Fort Wayne radio range to a point 10 miles southwest of the radio range station, extending 2 miles either side of the Fort Wayne ILS localizer course from the localizer to a point 10 miles southeast of the outer marker, and extending 2 miles either side of the 318° and 138° True radials of the Fort Wayne omnirange from the Baer Field control zone to a point 10 miles northwest of the omnirange station.

§ 601.2100 *Glenview, Ill., control zone.* Within a 5-mile radius of the Glenview, Ill., Naval Air Station and within 2 miles either side of the northwest course of the Glenview, Ill., radio range, extending 10 miles northwest of the radio range station.

§ 601.2101 *Goshen, Ind., control zone.* Within a 5-mile radius of the Goshen Airport and within 2 miles either side of the west course of the Goshen, Ind., radio range, extending 10 miles west of the radio range station.

§ 601.2102 *Grand Forks, N. Dak., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the south course of the Grand Forks, N. Dak., radio range, extending 10 miles south of the radio range station.

§ 601.2103 *Grand Rapids, Mich., control zone.* Within a 6-mile radius of the Kent County Airport and within 2 miles either side of the southeast course of the Grand Rapids radio range, extending 12 miles southeast of the radio range station.

§ 601.2104 *Huntington, W. Va., control zone.* Within a 5-mile radius of the Huntington Airport, Chesapeake, Ohio; within a 5-mile radius of the Tri-State Airport, Huntington, W. Va.; within 2 miles either side of a line bearing 253° True extending from the Huntington nondirectional radio beacon to a point 10 miles west, and within 2 miles either side of a line bearing 15° True extending from the nondirectional radio beacon to a point 10 miles north.

§ 601.2105 *Indianapolis, Ind., control zone.* Within a 5-mile radius of the Weir Cook County Airport, extending 2 miles either side of the west course of the Indianapolis radio range to the Clayton fan marker, extending 2 miles either side of the Weir-Cook County Airport localizer course to a point 10 miles southwest of the outer marker and extending 2 miles either side of the 323° and 143° True radials of the Indianapolis omnirange from the Weir-Cook County Airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2106 *Jamestown, N. Dak., control zone.* Within a 5-mile radius of the Jamestown Municipal Airport extending 2 miles either side of the east course of the Jamestown radio range to a point 10 miles east of the radio range station and extending 2 miles either side of the 191° and 11° True radials of the Jamestown omnirange station from the Municipal Airport control zone to a point 10 miles south of the omnirange station.

§ 601.2107 *Joliet, Ill., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the west course of the radio range to a point 10 miles west of the radio range station.

§ 601.2108 *Lansing, Mich., control zone.* Within a 5-mile radius of the Capital City Airport extending 2 miles either side of the east course of the Lansing radio range to a point 10 miles east of the radio range station and extending 2 miles either side of the 232° and 52° True radials of the Lansing omnirange from the Capital City Airport control zone to a point 10 miles southwest of the omnirange station.

§ 601.2109 *Lafayette, Ind., control zone.* Within a 5-mile radius of Purdue University Airport and within 2 miles either side of the 129° True radial of the Lafayette omnirange extending from the omnirange station to a point 10 miles southeast.

§ 601.2110 *Lone Rock, Wis., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the 24° True and 204° True radials of the Lone Rock omnirange extending from the Municipal Airport control zone to a point 10 miles northeast of the omnirange station.

§ 601.2111 *Louisville, Ky., control zone.* Within a 5-mile radius of Standiford Field and within a 5-mile radius of Bowman Field extending 2 miles either side of the east course of the Louisville radio range to the Eastwood fan marker, extending 2 miles either side of the Standiford Field ILS localizer course from the localizer to the limits of the Fort Knox, Ky., restricted area, extending 2 miles either side of the 122° and 302° True radials of the Louisville omnirange from the Standiford Field control zone to a point 10 miles southeast of the omnirange station, and extending 2 miles either side of the 154° and 334° True radials of the Louisville omnirange from the Bowman Field control zone to a point 10 miles southeast of the omnirange station.

§ 601.2112 *Madison, Wis., control zone.* Within a 5-mile radius of Truax Field, within 2 miles either side of the east course of the Madison radio range extending from the radio range station to a point 10 miles east, and within 2 miles of lines bearing 183° True and 03° True from the outer marker extending from the Truax Field control zone to a point 10 miles south of the outer marker.

§ 601.2113 *Milwaukee, Wis., control zone.* Within a 5-mile radius of the General Mitchell Airport extending 2 miles either side of the south course of the Milwaukee radio range to the Franksville fan marker, and extending 2 miles either side of the 187° and 07° True radials of the Milwaukee omnirange from the General Mitchell Airport control zone to a point 10 miles south of the omnirange station.

§ 601.2114 *Minneapolis, Minn., control zone.* Within a 5-mile radius of the Minneapolis-St. Paul International Airport extending 2 miles either side of the southeast course of the Minneapolis radio range to the Hastings Fan Marker.

§ 601.2115 *Minot, N. Dak., control zone.* Within a 5-mile radius of the Port O'Minot Field and within 2 miles either side of the southeast course of the Minot radio range, extending 10 miles southeast of the radio range station.

§ 601.2116 *Moline, Ill., control zone.* Within a 5-mile radius of Quad City Airport and within 2 miles either side of the ILS localizer course extending from the localizer to a point 16 miles west.

§ 601.2117 *Muskegon, Mich., control zone.* Within a 5-mile radius of Muskegon County Airport extending 2 miles either side of the southeast course of the radio range to a point 10 miles southeast of the radio range station, and extending 2 miles either side of the 145° True radial of the Muskegon omnirange to a point 10 miles southeast of the omnirange station.

§ 601.2118 *Langley AFB, Va., control zone.* Within a 5-mile radius of the Langley AFB and within a 5-mile radius of Patrick Henry Airport including the airspace lying 5 miles southwest of and parallel to a line connecting the centers

of Langley AFB and Patrick Henry Airport, excluding the portion which overlaps restricted areas.

§ 601.2119 *Peoria, Ill., control zone.* Within a 5-mile radius of the Greater Peoria Airport and within 2 miles either side of the north course of the Peoria, Ill., radio range, extending 10 miles north of the radio range station.

§ 601.2120 *Rochester, Minn., control zone.* Within a 5-mile radius of the Rochester Airport extending 2 miles either side of the south course of the radio range to a point 10 miles south of the radio range station, and extending 2 miles either side of the 222° and 42° True radials of the Rochester omnirange from the Rochester Airport control zone to a point 10 miles southwest of the omnirange station.

§ 601.2121 *Rockford, Ill., control zone.* Within a 5-mile radius of the Machesney Airport and within a 5 mile radius of the Greater Rockford Airport, extending 2 miles either side of a 182° True bearing from the Rockford radio range station to the Greater Rockford Airport, and extending 2 miles either side of the west and northwest courses of the Rockford radio range from the radio range station to points 10 miles west and northwest of the radio range station.

§ 601.2122 *Detroit, Mich., control zone.* Within a 5-mile radius of the Detroit-Wayne Major Airport and within a 12-mile radius of the Willow Run Airport, within 2 miles either side of the front and back courses of the Willow Run ILS localizer extending from a point 12 miles southwest of the Willow Run outer marker to a point 12 miles northeast of the Ford nondirectional radio beacon, within 2 miles either side of the front and back courses of the Wayne Major ILS localizer extending from a point 12 miles southwest of the Wayne Major outer marker to a point 15½ miles northeast of the Wayne Major ILS localizer, and within 2 miles either side of a 134° True Track extending from the Willow Run Airport to a point 12 miles southeast of the Wayne Major outer marker, excluding the portion which overlaps the Grosse Ile, Mich., control zone, and excluding the pie-shaped area bounded on the north by a line 2 miles south of and parallel to the 282° True radial of the Willow Run TVOR and bounded on the south by a line 2 miles north of and parallel to the 252° True radial of the Willow Run TVOR.

§ 601.2123 *South Bend, Ind., control zone.* Within a 5-mile radius of St. Joseph County Airport extending 2 miles either side of the west course of the South Bend radio range to the New Carlisle fan marker, extending 2 miles either side of the South Bend, Ind., ILS localizer course from the St. Joseph County Airport control zone to a point 10 miles east of the outer marker, and extending 2 miles either side of the 359° True radial of the South Bend omnirange to a point 10 miles north of the omnirange station.

§ 601.2124 *Roswell, N. Mex., control zone.* Within a 15-mile radius of the Roswell, N. Mex., radio range station.

§ 601.2125 *Terre Haute, Ind., control zone.* Within a 5-mile radius of Hulman Field, Terre Haute, Ind., extending 2 miles either side of the northeast and southwest courses of the Terre Haute radio range to a point 10 miles southwest of the radio range station, and extending 2 miles either side of the 02° True radial of the Terre Haute omnirange from the airport to a point 10 miles north of the omnirange station.

§ 601.2126 *Toledo, Ohio, control zone.* Within a 5-mile radius of Toledo Express Airport and within 2 miles either side of the ILS localizer course extending from the localizer to a point 10 miles beyond the outer marker.

§ 601.2127 *Youngstown, Ohio, control zone.* Within a 5-mile radius of the Youngstown Municipal airport, within 2 miles either side of the north course of the Youngstown radio range extending from the radio range station to a point 10 miles north, within 2 miles either side of a line bearing 135° True from the airport through the outer compass locator extending to a point 15 miles southeast of the airport, and within 2 miles either side of the 359° True radial of the Youngstown omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2128 *Wilmington, N. C., control zone.* Within a 5-mile radius of the New Hanover County Airport, within 2 miles either side of a line bearing 337° True extending from the Wilmington nondirectional radio beacon to a point 10 miles northwest and within 2 miles either side of a line bearing 159° True extending from the ILS middle marker to a point 12 miles southeast of the middle marker.

§ 601.2129 *Bowling Green, Ky., control zone.* Within a 5-mile radius of the Bowling Green Municipal Airport extending 2 miles either side of the southeast course of the Bowling Green radio range to a point 10 miles southeast of the radio range station, and extending 2 miles either side of the 203° True radial of the Bowling Green omnirange to a point 10 miles southwest of the omnirange station.

§ 601.2130 *Atlanta, Ga., control zone.* Within a 5-mile radius of the Municipal Airport, within 2 miles either side of the southeast course of the Atlanta, Ga., radio range, extending to the Jonesboro fan marker and within 2 miles either side of the northwest course of the Atlanta radio range, extending 10 miles northwest of the radio range station.

§ 601.2131 *Augusta, Ga., control zone.* Within a 5-mile radius of Bush Field, Augusta, Ga., extending 2 miles either side of a direct line from Bush Field to the Augusta, Ga., radio range station and extending 2 miles either side of the west course of the Augusta radio range to a point 10 miles west of the radio range station.

§ 601.2132 *Biloxi, Miss., control zone.* Within a 5-mile radius of Keesler AFB and within 2 miles either side of the northeast course of Keesler AFB radio range, extending 5 miles northeast of the radio range station.

§ 601.2133 *Birmingham, Ala., control zone.* Within a 5-mile radius of Birmingham Airport and within 2 miles either side of the north course of the Birmingham, Ala., radio range, extending 10 miles north of the Birmingham, Ala., radio range station.

§ 601.2134 *Charleston, S. C., control zone.* Within a 5-mile radius of the Charleston Municipal Airport, within 2 miles either side of the northwest course of the Charleston radio range extending from the radio range station to the Summerville fan marker and within 2 miles either side of the 161° True and 341° True radials of the Charleston omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2135 *Charlotte, N. C., control zone.* Within a 5-mile radius of Douglas Airport, within 2 miles either side of the south course of the Charlotte radio range extending from the radio range station to the Fort Mill fan marker, and within 2 miles either side of the Charlotte ILS localizer course extending from the localizer to a point 10 miles southwest of the outer marker.

§ 601.2136 *Chattanooga, Tenn., control zone.* Within a 5-mile radius of Lovell Field and within 2 miles either side of the northeast course of the Chattanooga, Tenn., radio range, extending 10 miles northeast of the radio range station.

§ 601.2137 *Columbia, S. C., control zone.* Within a 5-mile radius of the Columbia Airport, within 2 miles either side of the east and west courses of the Columbia radio range extending from the airport to a point 5 miles east of the radio range station, and within 2 miles either side of the 325° True and 145° True radials of the Columbia omnirange extending from the airport control zone to a point 10 miles southeast of the omnirange station, and within a 5-mile radius of Owens Field, Columbia, S. C., and 2 miles either side of the southeast course of the Columbia radio range extending from the radio range station to a point 10 miles southeast.

§ 601.2138 *Crestview, Fla., control zone.* Within a 5-mile radius of the Crestview Airport, within 2 miles either side of the east course of the Crestview radio range extending from the radio range station to a point 10 miles east, and within 2 miles either side of the 110° and 290° True radials of the Crestview omnirange extending from the airport control zone to a point 10 miles west of the omnirange station.

§ 601.2139 *Cross City, Fla., control zone.* Within a 5-mile radius of the Cross City Airport, within 2 miles either side of the southeast course of the Cross City radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 118° True radial of the Cross City omnirange extending from the omnirange station to a point 10 miles southeast.

§ 601.2140 *Daytona Beach, Fla., control zone.* Within a 5-mile radius of the Daytona Beach Airport, within 2 miles either side of the west course of the Daytona Beach radio range extending from the radio range station to a point 10 miles west, and within 2 miles either side of the 64° True and 244° True radials of the Daytona Beach omnirange extending from the 5-mile radius control zone to a point 10 miles southwest of the omnirange station.

§ 601.2141 *Dothan, Ala., control zone.* Within a 5-mile radius of Dothan Airport and within 2 miles either side of the southwest course of Dothan, Ala., radio range, extending 10 miles southwest of the radio range station, excluding the portion above 19,000 feet which lies within the Tyndall AFB restricted area (R-136), between sunset and sunrise.

§ 601.2142 *Florence, S. C., control zone.* Within a 5-mile radius of the Florence Municipal Airport, within 2 miles either side of the southeast course of the Florence radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 51° True and 231° True radials of the Florence omnirange extending from the airport control zone to a point 10 miles northeast of the omnirange station.

§ 601.2143 *Fort Myers, Fla., control zone.* Within a 5-mile radius of Page Field, Fort Myers, Fla., within 2 miles either side of a line bearing 220° True extending from the Fort Myers nondirectional radio beacon to a point 10 miles southwest, and within 2 miles either side of the 224° True radial of the Fort Myers omnirange extending from the omnirange station to a point 10 miles southwest.

§ 601.2144 *Greensboro, N. C., control zone.* Within a 5-mile radius of the Greensboro High Point Airport, within 2 miles either side of the northeast course of the Greensboro radio range extending from the radio range station to a point 10 miles northeast, and within 2 miles either side of the 204° True radial of the Greensboro omnirange extending from the omnirange station to a point 10 miles southwest excluding the portion which overlaps the Smith-Reynolds Airport, Winston-Salem, N. C., control zone.

§ 601.2145 *Greenville, S. C., control zone.* Within a 5-mile radius of the Greenville Airport and within 2 miles either side of the south course of Greenville, S. C., radio range, extending 10 miles south of the radio range station.

§ 601.2146 *Greenwood, Miss., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the east course of Greenwood, Miss., radio range extending 10 miles east of the radio range station and within 2 miles either side of the 246° True radial of the Greenwood omnirange extending to a point 10 miles southwest of the omnirange station.

§ 601.2147 *Waterloo, Iowa, control zone.* Within a 5-mile radius of the Waterloo Municipal Airport and within 2 miles either side of the 78° True, 200° True, 238° True, 314° True and 356° True radials of the Waterloo omnirange extending from the omnirange station to points 12 miles east, south, southwest, northwest and north of the omnirange station.

§ 601.2148 *Jackson, Miss., control zone.* Within a 5-mile radius of Hawkins Airport extending 2 miles either side of the north course of the Jackson radio range to the Flora Fan Marker and within 2 miles either side of the 162° True and 342° True radials of the Jackson omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2149 *Jacksonville, Fla., control zone.* Within a 5-mile radius of Imeson Airport, within 2 miles either side of the east course of the Jacksonville radio range extending from the radio range station to the Fort George Island fan marker, and within 2 miles either side of the 64° True radial of the Jacksonville omnirange extending from the omnirange station to a point 10 miles northeast.

§ 601.2150 *Key West, Fla., control zone.* Within a 5-mile radius of Meacham Field and within a 5-mile radius of Boca Chica Naval Air Station, Key West, Fla., within 2 miles either side of the west course of the Key West radio range extending from the radio range station to a point 10 miles west, within 2 miles either side of a 242° True bearing from the Key West radio range station extending from the Meacham Field 5-mile radius zone to a point 10 miles southwest of the radio range station; within 2 miles either side of the 313° True and the 273° True radials of the Key West omnirange extending to points 10 miles northwest and west of the omnirange station.

§ 601.2151 *Knoxville, Tenn., control zone.* Within a 5-mile radius of the McGhee-Tyson Airport extending 2 miles either side of the north course of the radio range to the Inskip fan marker.

§ 601.2152 *Macon, Ga., control zone.* Within a 5-mile radius of Cochran Field extending 2 miles either side of the northwest course of the radio range to a point 10 miles northwest of the range station.

§ 601.2153 *Melbourne, Fla., control zone.* Within a 5-mile radius of the Melbourne-Eau Gallie Airport and within a 5-mile radius of the Patrick AFB extending 2 miles either side of the north course of the Melbourne radio range from the radio range station to a point 10 miles north.

§ 601.2154 *Memphis, Tenn., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the south course of Memphis, Tenn., radio range extending to the Nesbitt fan marker and within 2 miles either side of the 109° True radial of the Memphis omnirange extending from the airport control zone to a point 10 miles east of the omnirange station.

§ 601.2155 *Meridian, Miss., control zone.* Within a 5-mile radius of Key Field and within 2 miles either side of the northwest course of Meridian, Miss., radio range extending 10 miles northwest of the radio range station.

§ 601.2156 *Miami, Fla., control zone.* Within a 5-mile radius of Miami International Airport and within 2 miles either side of the east and west courses of the Miami radio range extending from the five mile radius zone to a point 10 miles west of the radio range station and within 2 miles either side of the back course of the Miami ILS localizer extending from the localizer to a point 10 miles east.

§ 601.2157 *Mobile, Ala., control zone.* Within a 5-mile radius of Bates Field, Mobile, Ala., and within 2 miles either side of the 112° and 292° True radials of the Mobile omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2158 *Granview, Mo., control zone.* Within a 5-mile radius of Grandview Air Force Base excluding the portion lying north of Lat. 38°52'30" and west of Long. 94°35'50", and including the airspace within 2 miles either side of a line bearing 188° True extending from the Air Force Base to a point 10 miles south of the Cleveland, Mo., nondirectional radio beacon:

§ 601.2159 *Montgomery, Ala., control zone.* Within a 5-mile radius of Dannelly Field; within a 5-mile radius of Maxwell Air Force Base; within 2 miles either side of the north and west courses of the Maxwell AFB radio range extending from the radio range station to points 10 miles north and west of the station; within 2 miles either side of a line bearing 276° True from Dannelly Field through the Dannelly ILS outer marker to a point 5 miles west of the outer marker, and within 2 miles either side of the 321° True and 141° True radials of the Montgomery omnirange extending from the Dannelly Field control zone to a point 5 miles southeast of the omnirange station.

§ 601.2160 *Muscle Shoals, Ala., control zone.* Within a 5-mile radius of Muscle Shoals Airport and within 2 miles either side of the southeast course of Muscle Shoals radio range extending 10 miles southeast of the radio range station and within 2 miles either side of the 118° True radial of the Muscle Shoals omnirange extending from the omnirange station to a point 10 miles southeast.

§ 601.2161 *Nashville, Tenn., control zone.* Within a 5-mile radius of Berry Field and within 2 miles either side of the east course of Nashville, Tenn., radio range extending to the Mount Juliet fan marker.

§ 601.2162 *Orlando, Fla., control zone.* Within a 5-mile radius of the Orlando Municipal Airport and within a 5-mile radius of Pinecastle AFB, within 2 miles either side of the northeast course of the Orlando radio range extending from the radio range station to a point 10 miles northeast and within 2 miles either side of a direct line extending from the Pinecastle AFB through the Pinecastle non-

directional radio beacon to a point 10 miles south of the Air Force Base.

§ 601.2163 *Pensacola, Fla., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the south course of Pensacola, Fla., radio range, extending 10 miles south of the radio range station.

§601.2164 *Raleigh, N. C., control zone.* Within a 5-mile radius of Raleigh-Durham Airport and within 2 miles either side of the southeast course of Raleigh, N. C., radio range, extending 10 miles southeast of the radio range station.

§ 601.2165 *Savannah, Ga., control zone.* Within a 5-mile radius of Travis Field including the airspace within a 5-mile radius of Hunter Air Force Base, within 2 miles either side of the centerline of the east-west runway of Hunter AFB extending from the end of the runway to a point 10 miles east, within 2 miles either side of the centerline of the east-west runway of Travis Field extending from the end of the runway to a point 10 miles west, within 2 miles either side of the northwest and southeast courses of the Savannah radio range extending from the Travis Field control zone to a point 10 miles southeast of the radio range station, and within 2 miles either side of the 245° True and 65° True radials of the Savannah omnirange extending from Travis Field to a point 10 miles northeast of the omnirange station.

§ 601.2166 *Spartanburg, S. C., control zone.* Within a 5-mile radius of Memorial Airport and within 2 miles either side of the southwest course of Spartanburg, S. C., radio range, extending 10 miles southwest of the radio range station.

§ 601.2167 *Tallahassee, Fla., control zone.* Within a 5-mile radius of Dale Mabry Field, within 2 miles either side of the northwest course of the Tallahassee radio range extending from the radio range station to a point 10 miles northwest, and within 2 miles either side of the 162° True and 342° True radials of the Tallahassee omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station, excluding the airspace above 19,000 feet overlapping Tyndall AFB restricted area (R–336) between sunset and sunrise.

§ 601.2168 *Tampa, Fla., control zone.* That airspace within a 5-mile radius of the Tampa International Airport, within a 5-mile radius of McDill Air Force Base, within 2 miles either side of a line extending from the Tampa International Airport to the Tampa radio range station and within 2 miles either side of the southeast course of the Tampa radio range extending to a point 10 miles southeast of the radio range station, within a 5-mile radius of the Pinellas County Airport and 2 miles either side of a line extending from Pinellas County Airport to the Tampa radio range station, and within 2 miles either side of the 340° True radial of the Tampa omnirange extending from the Pinellas County Airport control zone to a point 10 miles northwest of the omnirange station and that airspace within 5 miles either side of a direct line extending from the Pinellas County Airport to the Tampa International Airport.

§ 601.2169 *Tri-City, Tenn., control zone.* Within a 5-mile radius of the Tri-City Airport and within 2 miles either side of the northeast course of Tri-City, Tenn., radio range extending 10 miles northeast of the radio range station.

§ 601.2170 *West Palm Beach, Fla., control zone.* Within a 5-mile radius of Palm Beach Air Force Base and within 2 miles either side of the west course of West Palm Beach, Fla., radio range extending 10 miles west of the radio range station.

§ 601.2171 *Winston-Salem, N. C., control zone.* Within a 5-mile radius of Smith-Reynolds Airport and within 2 miles either side of the southeast and northwest courses of Winston-Salem radio range extending 10 miles southeast of the radio range station.

§ 601.2172 *Alma, Ga., control zone.* Within a 5-mile radius of Alma Intermediate Field and within 2 miles either side of the northwest course of the Alma, Ga., radio range extending 10 miles northwest of the radio range station.

§ 601.2173 *Bakersfield, Calif., control zone.* Within a 5-mile radius of the Bakersfield-Kern County Airport and within 2 miles either side of the northwest course of Bakersfield, Calif., radio range extending 11 miles northwest of the radio range station.

§ 601.2174 *Burbank, Calif., control zone.* Within a 5-mile radius of the Lockheed Air Terminal extending to and including a 3-mile radius of the Grand Central Airport, Glendale, Calif., and 2 miles either side of the northwest course of the Burbank radio range to a point 7 miles northwest of the radio range station.

§ 601.2175 *El Centro, Calif., control zone.* Within a 5-mile radius of the Naval Air Station extending to and including a 2-mile radius of the El Centro radio range station and 2 miles either side of the east course of the El Centro radio range to a point 10 miles east of the radio range station.

§ 601.2176 *Fresno, Calif., control zone.* Within a 5-mile radius of Fresno Air Terminal extending to and including a 3-mile radius of Chandler Field, and extending 2 miles either side of the northwest and southeast courses of the Fresno, Calif., radio range to a point 10 miles from the radio range station.

§ 601.2177 *Las Vegas, Nev., control zone.* Within a 5-mile radius of McCarran Field, Las Vegas, Nev., extending 2 miles either side of the southwest course of the Las Vegas, Nev., radio range to and including a 5-mile radius of the Las Vegas, Nev., Air Force Base.

§ 601.2178 *Long Beach, Calif., control zone.* Within a 5-mile radius of the Municipal Airport extending to and including a 5-mile radius of the Los Alamitos Naval Air Station and 2 miles either side of the southeast course of the Long Beach radio range to the Huntington Beach fan marker.

§ 601.2179 *Los Angeles, Calif., control zone.* Within a 5-mile radius of the Los Angeles International Airport extending 2 miles either side of the east course of the Los Angeles, Calif., radio range to a point 6 miles east of the airport and extending 2 miles either side of the northwest course of the Los Angeles, Calif., radio range to the Burbank, Calif., control zone.

§ 601.2180 *Oakland, Calif., control zone.* Within a 5-mile radius of the Oakland Municipal Airport, within 2 miles on the northeast side and 5 miles on the southwest side of the northwest course of the Oakland radio range extending from the radio range station to a point 10 miles northwest, within 8 miles on the northwest side and 3¾ miles on the southeast side of the southwest course of the Oakland radio range extending from the radio range station to a point 6 miles southwest, and within 2 miles either side of the southeast course of the Oakland radio range extending from the radio range station to the Newark fan marker.

§ 601.2181 *Ogden, Utah, control zone.* Within a 5-mile radius of the Ogden Municipal Airport (Hinckley Field) extending to and including a 3-mile radius of Hill AFB and within 2 miles either side of the south course of the Ogden, Utah, radio range to the Layton, Utah, fan marker.

§ 601.2182 *Palmdale, Calif., control zone.* Within a 5-mile radius of Palmdale Airport and within 2 miles either side of the northeast course of the Palmdale radio range extending from the radio range station to Muroc Lake Restricted Area R–279.

§ 601.2183 *Grand Junction, Colo., control zone.* Within a 5-mile radius of Walker Field, Grand Junction, Colo., within 2 miles either side of the ILS localizer course extending from the localizer to a point 10 miles northwest.

§ 601.2184 *Prescott, Ariz., control zone.* Within a 5-mile radius of the Municipal Airport (Ernest Love Field) and within 2 miles either side of the southeast course of Prescott, Ariz., radio range to and including the area within a 2-mile radius of Prescott radio range station.

§ 601.2185 *Sacramento, Calif., control zone.* The airspace within circles of 5-mile radii centered on the Sacramento Municipal Airport and the McClellan Air Force Base and within lines drawn tangent thereto, including the airspace within 2 miles either side of the southwest course of the Sacramento radio range extending from the radio range station to a point 10 miles southwest and within 2 miles either side of a line bearing 358° True extending from McClellan AFB to Red civil airway No. 76.

§ 601.2186 *San Diego, Calif., control zone.* Within a 5-mile radius of the Municipal Airport (Lindbergh Field), extending 2 miles either side of the north course of the San Diego radio range to the La Jolla fan marker and including a 5-mile radius of the Miramar, Calif., Naval Auxiliary Air Station.

§ 601.2187 *San Francisco, Calif., control zone.* Within a 5-mile radius of San Francisco International Airport, within 2 miles either side of the northwest course of the San Francisco radio range extending from the radio range station to a point 10 miles northwest, within 10 miles on the northwest side and 2 miles on the southeast side of the northeast course of the San Francisco radio range extending from the radio range station to a point 6 miles northeast, and within 2 miles either side of the southeast course of the San Francisco radio range extending from the radio range station to a point 5 miles southeast.

§ 601.2188 *Salt Lake City, Utah, control zone.* Within a 5-mile radius of Municipal Airport No. 1, within 2 miles either side of the north course of Salt Lake City, Utah, radio range, extending to Layton fan marker and within 2 miles either side of the west course of the Salt Lake City radio range, extending 10 miles west of the radio range station.

§ 601.2189 *Olathe, Kans., control zone.* Within a 10-mile radius of the Naval Air Station excluding that portion which lies within Green civil airway No. 4 and extending 2 miles either side of the south course of the Olathe, Kans., Navy radio range to a point 10 miles south of the radio range station.

§ 601.2190 *Atlantic City, N. J., control zone.* Within a 7-mile radius of the Naval Air Station extending 2 miles on the southwest side of the southeast course of the Atlantic City, N. J., radio range to and including the airspace bounded on the west by a line bearing 174° True from the Naval Air Station, bounded on the southeast by a line lying 3 nautical miles off-shore, and bounded on the northeast by a line bearing 112° True from the Naval Air Station.

§ 601.2191 *Zanesville, Ohio, control zone.* Within a 5-mile radius of the Zanesville Municipal Airport and within 2 miles either side of a line bearing 210° True from the Municipal Airport extending from the airport to a point 10 miles southwest.

§ 601.2192 *Ontario, Calif., control zone.* Within a 5-mile radius of the Ontario International Airport and within 2 miles either side of a line bearing 89° True extending from the airport to the centerline of the northwest course of the Riverside, Calif., radio range.

§ 601.2193 *Kahului, Maui, T. H., control zone.* Within a 5-mile radius of the Kahului Airport extending 2 miles either side of the north course of the Maui radio range to the Maui radio range station.

§ 601.2194 *Hilo, Hawaii, T. H., control zone.* Within a 5-mile radius of the Hilo General Lyman Airport extending 2 miles either side of the east course of the Hilo radio range to a point 10 miles east of the radio range station.

§ 601.2195 *Windsor Locks, Conn., control zone.* Within a 5-mile radius of Bradley Field extending 2 miles either side of the ILS localizer course to a point 10 miles from the ILS localizer.

§ 601.2196 *Wilmington, Del., control zone.* Within a 5-mile radius of the New Castle County Airport extending 2 miles either side of the south course of the New Castle radio range to a point 10 miles south of the radio range station.

§ 601.2197 *Morgantown, W. Va., control zone.* Within a 5-mile radius of the Morgantown Airport extending 2 miles either side of the southeast and northwest courses of the Morgantown radio range to a point 10 miles northwest of the radio range station.

§ 601.2198 *Montpelier, Vt., control zone.* Within a 5-mile radius of the Barre-Montpelier Airport extending 2 miles either side of the northeast course of the Montpelier radio range to a point 10 miles northeast of the radio range station.

§ 601.2199 *Syracuse, N. Y., control zone.* Within a 3-mile radius of Clarence E. Hancock Airport, within 2 miles either side of the Syracuse ILS localizer course extending from the localizer to the outer marker and within 2 miles either side of a direct line extending westward from the airport to the Syracuse radio range station.

§ 601.2200 *Allentown, Pa., control zone.* Within a 5-mile radius of Allentown-Bethlehem-Easton Airport and within 2 miles either side of the northeast course of the Allentown radio range extending from the radio range station to a point 10 miles northeast; within 2 miles either side of the ILS localizer course extending from the airport to a point 10 miles beyond the outer marker, and within 2 miles either side of the 347° True radial of the Allentown omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2201 *Williamsport, Pa., control zone.* Within a 5-mile radius of the Williamsport Municipal Airport extending 2 miles either side of the west course of the Williamsport radio range to the radio range station.

§ 601.2202 *Philadelphia, Pa., control zone.* Within a 5-mile radius of the North Philadelphia Airport extending 2 miles either side of the northeast course of the Philadelphia radio range to a point 10 miles northeast of the radio range station.

§ 601.2203 *Martinsburg, W. Va., control zone.* Within a 5-mile radius of the Martinsburg Airport extending 2 miles either side of the southwest course of the Martinsburg radio range to a point 10 miles southwest of the radio range station.

§ 601.2204 *Presque Isle, Maine, control zone.* Within a 5-mile radius of the Presque Isle AFB extending 5 miles either side of the south course of the Spragueville radio range to a point 10 miles south of the radio range station.

§ 601.2205 *Chincoteague, Va., control zone.* Within a 5-mile radius of the Naval Air Station extending 2 miles either side of the west course of the Chincoteague radio range to a point 8 miles west of the radio range station excluding that portion which lies within restricted areas.

§ 601.2206 *New York, N. Y., control zone.* Within a 5-mile radius of LaGuardia Field extending 5 miles to either side of the northeast course of the LaGuardia field radio range to the Port Chester fan marker.

§ 601.2207 *White Plains, N. Y., control zone.* Within a 5-mile radius of the Westchester County Airport extending 2 miles either side of the ILS localizer course to the ILS outer marker.

§ 601.2208 *Stockton, Calif., control zone.* Within a 5-mile radius of the Stockton Field Airport extending 2 miles either side of the southeast course of the Stockton radio range to a point 10 miles southeast of the radio range station.

§ 601.2209 *Tucson, Ariz., control zone.* Within a 5-mile radius of the Davis-Monthan AFB extending to and including a 5-mile radius of Tucson Municipal Airport No. 2.

§ 601.2210 *Santa Barbara, Calif., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the west course of the Santa Barbara radio range to a point 10 miles west of the radio range station.

§ 601.2211 *Beeville, Tex., control zone.* Within a 5-mile radius of NAAS Chase Field, Beeville, Tex., and within 2 miles either side of a line bearing 139° True from Chase Field extending to a point 8 miles south of Chase Field and within 2 miles either side of a direct line extending from Chase Field to the Normanna nondirectional radio beacon.

§ 601.2212 *Sumter, S. C., control zone.* Within a 5-mile radius of Shaw AFB, Sumter, S. C., extending 2 miles either side of the southwest course of the Shaw AFB radio range to a point 10 miles southwest of the radio range station.

§ 601.2213 *Salina, Kans., control zone.* Within a 5-mile radius of the Smoky Hill AFB and within a 5-mile radius of the Salina Municipal Airport extending 2 miles either side of the 142° True and 322° True radials of the Salina, Kans., omnirange from the Salina Municipal Airport to a point 10 miles northwest of the omnirange station, and extending 2 miles either side of the 10° True and 190° True radials of the Salina, Kans., omnirange from the Smoky Hill AFB to a point 10 miles north-northeast of the omnirange station including that airspace lying in a clockwise direction between the 322° True and 10° True radials of the Salina omnirange within a 10 mile radius of the Salina omnirange station.

§ 601.2214 *Goodland, Kans., control zone.* Within a 5-mile radius of the Goodland, Kans., Municipal Airport and within 2 miles either side of the 22° True radial of the Goodland omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2215 *San Juan, P. R., control zone.* Within an 8-statute-mile radius of a point at lat. 18°27'00" N., long. 66°03'00" W., within 2 statute miles

either side of the west course of the San Juan radio range extending from the radio range station to a point 10 miles west, and within 2 miles either side of a 277° True bearing extending from the San Juan nondirectional beacon to a point 10 miles west.

§ 601.2216 *Seattle, Wash., control zone.* Within a 5-mile radius of the Naval Air Station extending 1½ miles either side of a track 341° True to a point 7 miles northwest of the airport excluding that portion west of a line connecting Latitude 47°44'00", Longitude 122° 20'10" and Latitude 47°37'00", Longitude 122°19'10".

§ 601.2217 *Aberdeen, S. Dak., control zone.* Within a 5-mile radius of the Aberdeen Municipal Airport, Saunders Field, extending 2 miles either side of the south course of the Aberdeen radio range to a point 10 miles south of the radio range station.

§ 601.2218 *Sioux Falls, S. Dak., control zone.* Within a 5-mile radius of the Sioux Falls Municipal Airport extending 2 miles either side of the northwest course of the Sioux Falls radio range to a point 10 miles northwest of the radio range station.

§ 601.2219 *Cedar Rapids, Iowa, control zone.* Within a 5-mile radius of the Cedar Rapids Municipal Airport and within 2 miles either side of a line bearing 266° True extending from the airport to a point 10 miles west, and within 2 miles either side of a line bearing 90° True extending from the airport to a point 10 miles east.

§ 601.2220 *Lubbock, Tex., control zone.* Within a 5-mile radius of Lubbock Municipal Airport, within a 5-mile radius of Reese AFB, within 2 miles either side of the east course of the Lubbock radio range extending from Lubbock Municipal Airport to the radio range station and within 2 miles either side of the north course of the radio range extending from the radio range station to the Roundup fan marker, within 2 miles either side of the 302° True and 122° True radials of the Lubbock omnirange extending from the Lubbock airport control zone to a point 10 miles northwest of the omnirange station and within 2 miles either side of a 180° True Track from the Lubbock ILS outer marker compass locator extending from the outer marker compass locator to the airport control zone boundary.

§ 601.2221 *La Crosse, Wis., control zone.* Within a 5-mile radius of the La Crosse Municipal Airport extending 2 miles either side of the northwest course of the La Crosse radio range to a point 10 miles northwest of the radio range station and extending 2 miles either side of the 146° True radial of the La Crosse omnirange to a point 10 miles southeast of the omnirange station.

§ 601.2222 *Austin, Tex., control zone.* Within a 10-mile radius of Robert Mueller Airport including a 5-mile radius of Bergstrom AFB and within 2 miles either side of the 04° True radial of the Austin omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2223 *Charleston, W. Va., control zone.* Within a 5-mile radius of the Kanawha County Airport, extending 2 miles either side of the ILS localizer course to a point 10 miles northeast of the outer marker, and within 2 miles either side of the east and west courses of the Charleston, W. Va., radio range extending from the localizer course to a point 10 miles west of the radio range station, and within 2 miles either side of a line bearing 245° True from the Kanawaha County Airport extending to a point 10 miles southwest of the Charleston omnirange station.

§ 601.2224 *Anderson, S. C., control zone.* Within a 5-mile radius of the Anderson Airport extending 2 miles either side of the southwest course of the Spartanburg, S. C., radio range to a point 10 miles southwest of the Anderson Airport.

§ 601.2225 *Mansfield, Ohio, control zone.* Within a 5-mile radius of the Mansfield Municipal Airport extending 2 miles either side of a track 308° True to a point 10 miles northwest of the airport and extending 2 miles either side of the 130° and 310° True radials of the Mansfield omnirange from the Mansfield Municipal Airport control zone to a point 10 miles southeast of the omnirange station.

§ 601.2226 *Springfield, Ill., control zone.* Within a 5-mile radius of Capital Airport, Springfield, Ill., extending 2 miles either side of the southwest course of the Springfield radio range to a point 10 miles southwest of the radio range station, and extending 2 miles either side of the 40° True radial of the Springfield, Ill., omnirange station to a point 10 miles northeast of the omnirange station.

§ 601.2227 *Dover, Del., control zone.* Within a 6 mile radius of the Dover Air Force Base and within 2 miles either side of the southeast course of the Dover AFB radio range extending from the radio range station to a point 10 miles southeast, excluding the portion which overlaps restricted area (R–12).

§ 601.2228 *Fairbanks, Alaska, control zone.* Within a 15-mile radius of Fairbanks International Airport excluding the portion which overlaps restricted areas.

§ 601.2229 *Fairfield, Calif., control zone.* Within a 5-mile radius of the Travis Air Force Base, extending 2 miles either side of the southwest course of the Travis AFB radio range to the intersection of the southwest course of the Travis AFB radio range and the northwest course of the Oakland, Calif., radio range, and extending 3 miles either side of the northeast course of the Travis AFB radio range to a point 20 miles northeast of the radio range station.

§ 601.2230 *Brunswick, Ga., control zone.* Within a 5-mile radius of McKinnon Airport, within 2 miles either side of the north course of the Jacksonville, Fla., radio range extending from McKinnon Airport to a point 10 miles north, and within 2 miles either side of the 293° True radial of the Brunswick, Ga., omnirange extending from the omnirange station to a point 10 miles northeast of the omnirange station.

§ 601.2231 *Vero Beach, Fla., control zone.* Within a 5-mile radius of the Vero Beach Municipal Airport extending 2 miles either side of a track 291° True to a point 10 miles west of the airport.

§ 601.2232 *Norfolk, Va., control zone.* Within a 5-mile radius of the Naval Air Station and within 2½ miles either side of the west course of the Norfolk, Va., Navy radio range extending to a point 2½ miles west of the Eclipse Fan Marker excluding the portion overlapping the Norfolk Municipal Airport control zone.

§ 601.2233 *Quonset Point, R. I., control zone.* Within a 5-mile radius of the Naval Air Station excluding that portion which lies within the Providence, R. I., control zone.

§ 601.2234 *Miami, Fla., control zone.* Within a 5-mile radius of the MCAS, Miami, Fla. centered on Latitude 25°52'45", Longitude 80°15'00", excluding that portion which lies within the Miami International Airport control zone.

§ 601.2235 *Truth or Consequences, N. Mex., control zone.* Within a 5-mile radius of the Truth or Consequences Municipal Airport extending 2 miles either side of the 13° True radial of the Truth or Consequences omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2236 *Whidbey Island, Wash., control zone.* Within a 5-mile radius of the Naval Air Station (Ault Field) extending to and including a 5 mile radius of the Whidbey Island Seaplane Base (Oak Harbor), Wash., excluding that portion lying within restricted areas.

§ 601.2237 *Dyersburg, Tenn., control zone.* Within a 5-mile radius of the Dyersburg Municipal Airport and within 2 miles either side of a line bearing 95° True extending from the Dyersburg nondirectional radio beacon to a point 10 miles east of the Dyersburg Municipal Airport and within 2 miles either side of the 78° true radial of the Dyersburg omnirange extending from the airport control zone to a point 10 miles northeast of the omnirange station.

§ 601.2238 *New York, N. Y., control zone.* Within a 5-mile radius of the New York International Airport including a 5-mile radius of the Floyd Bennett NAS, extending 2 miles either side of the southeast course of the Idlewild, N. Y., radio range to its intersection with the southwest course of the Mitchel AFB radio range, extending 2 miles either side of the southwest course of the Idlewild, N. Y., radio range to its intersection with the northeast course of the Philadelphia, Pa., radio range and extending 2 miles either side of a direct line from the Scotland, N. Y., nondirectional radio beacon to the Floyd Bennett, NAS.

§ 601.2239 *Cordova, Alaska, control zone.* Within a 5-mile radius of the Cordova, Alaska (Mile 13) Airport extending 2 miles either side of the southeast course of the Cordova, Alaska (localizer) radio range to Amber civil airway No. 1 and extending 2 miles either side of the southwest course of the Cordova, Alaska (localizer) radio range to Amber civil airway No. 1.

§ 601.2240 *Milton, Fla., control zone.* Within a 5-mile radius of North Whiting Naval Air Station extending 2 miles either side of the northwest course of the North Whiting (Navy) radio range to a point 10 miles northwest of the radio range station.

§ 601.2241 *Macon, Ga., control zone.* Within a 5-mile radius of Robbins AFB excluding that portion overlapping the Cochran Field control zone.

§ 601.2242 *Lexington, Ky., control zone.* Within a 5-mile radius of the Blue Grass Airport, Lexington, Ky., within 2 miles either side of a line bearinb 222° True from the Lexington nondirectional radio beacon to a point 10 miles southwest of the non-directional beacon and within 2 miles either side of the 303° and 123° True radials of the Lexington omnirange extending from the Blue Grass Airport, control zone to a point 10 miles southeast of the omnirange station.

§ 601.2243 *Hempstead, N. Y., control zone.* Within a 5-mile radius of Mitchel Air Force Base extending 2 miles either side of the southeast course of the Mitchel AFB radio range to the Babylon fan marker.

§ 601.2244 *Quantico, Va., control zone.* Within a 5-mile radius of the Marine Corps Air Station, excluding that portion overlapping restricted areas.

§ 601.2245 *Chanute, Kans., control zone.* Within a 3-mile radius of the Chanute Municipal Airport extending 2 miles either side of the east course of the radio range to a point 10 miles from the radio range station.

§ 601.2246 *Oklahoma City, Okla., control zone.* Within a 5-mile radius of Will Rogers Municipal Airport and within 2 miles either side of the west course of the Oklahoma City radio range extending from the radio range station to the Mustang fan marker; within 2 miles either side of a direct line between the Will Rogers Municipal Airport and Tinker AFB including a 5-mile radius of Tinker AFB and within 2½ miles either side of the south and north courses of the Tinker AFB radio range extending from the Air Force Base to a point 2½ miles north of the Spencer fan marker.

§ 601.2247 *Abilene, Tex., control zone.* Within a 5-mile radius of the New Municipal Airport, within 2 miles either side of the north course of the Abilene radio range extending from the radio range station to a point 10 miles north, within 2 miles either side of a direct line extending from the Abilene radio range station to and including a 3-mile radius of the Abilene Air Force Base, within 2 miles either side of the 292° True radial of the Abilene omnirange station extending from the omnirange station to a point 5 miles west, within 2 miles either side of the 174° True and 354° True radials of the Abilene omnirange extending from the Air Force Base to a point 10 miles north of the omnirange station, and within 2 miles either side of the 112° True radial of the omnirange extending from the omnirange station to the New Municipal Airport 5-mile radius zone.

§ 601.2248 *San Antonio, Tex., control zone.* Within a 5-mile radius of the San Antonio Airport extending 2 miles either side of the north course of the San Antonio radio range to the Cibolo Creek fan marker.

§ 601.2249 *Corpus Christi, Tex., control zone.* Within a 3-mile radius of Cliff Maus Airport, within 2 miles either side of the northwest course of the Corpus Christi radio range extending from the radio range station to the Odem fan marker and within 1 mile either side of a straight line extending from Cliff Maus Airport to Cuddihy Field to include a 2-mile radius of Cuddihy Field and within 2 miles either side of the 178°–358° True radials of the Corpus Christi omnirange extending from the Cliff Maus Airport control zone to a point 10 miles north of the omnirange station.

§ 601.2250 *Tyler, Tex., control zone.* Within a 5-mile radius of Pounds Field extending 2 miles either side of the northwest course of the radio range to a point 5 miles northwest of the radio range station.

§ 601.2251 *Albany, Ga., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the west and east courses of the Albany radio range to a point 10 miles east of the radio range station, including a 5-mile radius of Turner Air Force Base, and extending 2 miles either side of the north and south courses of the Albany radio range to a point 10 miles south of the radio range station and within 2 miles either side of the 155° True and 335° True radials of the Albany omnirange extending from the Municipal Airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2252 *El Toro, Calif., control zone.* Within a 5-mile radius of the El Toro, Calif., Marine Corps Air Station, within a 3-mile radius of Orange County Airport, Santa Ana, Calif., and within 5 miles either side of the south and north courses of the El Toro radio range extending from Amber civil airway No. 1 on the south to Amber civil airway No. 2 and Green civil airway No. 5 on the north.

§ 601.2253 *Sedalia, Mo., control zone.* Within a 5-mile radius of Sedalia Air Force Base and within 2 miles either side of a line bearing 191° True from the Air Force Base extending to a point 20 miles southwest of the AFB.

§ 601.2254 *Falmouth, Mass., control zone.* Within a 5 mile radius of Otis Air Force Base and within 2 miles either side of a line bearing 39° True extending from the Otis AFB to a point 10 miles northeast of the Air Force Base, excluding the portion which overlaps Camp Edwards restricted area (R–14).

§ 601.2255 *Aguadilla, P. R., control zone.* Within a 10-mile radius of the Ramey, AFB, Aguadilla, P. R.

§ 601.2256 *Parkersburg, W. Va., control zone.* Within a 5-mile radius of Wood County Airport and within 2 miles either side of the 29° and 209° True radials of the Parkersburg omnirange extending from the airport to a point 10 miles northeast of the omnirange station.

§ 601.2257 *Rantoul, Ill., control zone.* Within a 5-mile radius of the Chanute AFB, Rantoul, Ill., extending 2 miles either side of the southwest course of the Chanute AFB radio range to a point 10 miles southwest of the radio range station.

§ 601.2258 *Wichita Falls, Tex., control zone.* Within a 5-mile radius of Sheppard AFB, Wichita Falls, Tex., extending 2 miles either side of the southeast course of the Wichita Falls, Tex., radio range to the Jolly fan marker.

§ 601.2259 *Kodiak, Alaska, control zone.* Within a 5-mile radius of the Kodiak Naval Air Base, Kodiak, Alaska, extending 2 miles either side of the southwest course of the Kodiak radio range to the radio range station.

§ 601.2260 *Fort Smith, Ark., control zone.* Within a 5-mile radius of the Fort Smith Municipal Airport extending 2 miles either side of a track 8° True to a point 10 miles north of the airport and within 2 miles either side of the 54° True and 234° True radials of the Fort Smith omnirange extending from the airport to a point 10 miles northeast of the omnirange station, and within 2 miles either side of the 81° True course of the Fort Smith ILS localizer extending from the airport to a point 12 miles east.

§ 601.2261 *Yakataga, Alaska, control zone.* Within a 5-mile radius of the Yakataga Airport extending 2 miles either side of the south course of the Yakataga radio range to Amber civil airway No. 1.

§ 601.2262 *Honolulu, T. H., control zone.* Within a 5-mile radius of the Honolulu International Airport extending 2 miles either side of the southwest course of the Honolulu radio range to a point 10 miles southwest of the radio range station.

§ 601.2263 *Lafayette, La., control zone.* Within a 5-mile radius of Lafayette Airport, within 2 miles either side of the 172° True radial of the Lafayette omnirange extending from the omnirange station to a point 10 miles south, and within 2 miles either side of a line bearing 187° True from the Lafayette non-directional radio beacon extending from the non-directional radio beacon to a point 10 miles south.

§ 601.2264 *Spokane, Wash., control zone.* Within a 5-mile radius of Geiger Field and within a 3-mile radius of Fairchild AFB including the airspace within 2 miles either side of the southwest course of the Geiger Field ILS localizer extending from Geiger Field to a point 10 miles southwest of the ILS outer marker.

§ 601.2265 *Wright-Patterson AFB, Ohio, control zone.* Within a 5-mile radius of Patterson Field including a 5-mile radius of Wright Field, within 2 miles either side of the south course of the Wright-Patterson AFB radio range extending from the radio range station to the Fairfield Fan Marker and within 2 miles either side of a 31° True bearing

extending from the Wright-Patterson AFB radio range to a point 10 miles northeast of Patterson Field.

§ 601.2266 *Springfield, Ohio, control zone.* Within a 5-mile radius of the Springfield Municipal Airport extending 2 miles either side of a 51° True track from the end of the northeast-southwest runway to a point 10 miles northeast of the Springfield Airport.

§ 601.2267 *Baltimore, Md., control zone.* Within a 5-mile radius of the Baltimore, Md., Friendship International Airport, extending 2 miles either side of the ILS localizer course to a point 10 miles west of the outer marker.

§ 601.2268 *Ottumwa, Iowa, control zone.* Within a 5-mile radius of Ottumwa Municipal Airport and within 2 miles either side of the 311° and 131° True radials of the Ottumwa omnirange extending from the airport control zone to a point 10 miles southeast of the omnirange station.

§ 601.2269 *Fort Dix, N. J., control zone.* Within a 7-mile radius of the McGuire Air Force Base extending 5 miles either side of the southwest course of the McGuire AFB radio range to a point 10 miles southwest of the radio range station, excluding that portion which lies over Red civil airway No. 3, the Fort Dix, N. J., restricted area, and the Lakehurst, N. J., caution area.

§ 601.2270 *Enid, Okla., control zone.* Within a 5-mile radius of the Vance Air Force Base extending 2 miles either side of the northeast course of the Vance AFB radio range to a point 10 miles northeast of the radio range station and within 2 miles either side of a line bearing 315° True from the Vance Air Force Base extending from the Air Force Base to a point 10 miles northwest of the Enid omnirange station.

§ 601.2271 *Saginaw, Mich., control zone.* Within a 5-mile radius of the Tri City Airport, Saginaw, Mich., extending 2 miles either side of a track 347° True from the Saginaw non-directional radio beacon to a point 10 miles north of the non-directional radio beacon.

§ 601.2272 *Wake Island control zone.* Within a 5-mile radius of Wake Island Airport (Lat. 19°16'53'', Long. 166°38'-40''), within 2 miles either side of a line bearing 102° True extending from the Wake HHW Type non-directional radio beacon (Lat. 19°18'18'', Long. 166°38'-22''), to a point 10 miles east, and within 2 miles either side of a line bearing 282° True extending from the Wake MHW Type non-directional radio beacon (Lat. 19°17'05'', Long. 166°37'26'') to a point 10 miles west.

§ 601.2273 *Cincinnati, Ohio, control zone.* Within a 5-mile radius of Greater Cincinnati Airport, Covington, Ky., extending 2 miles either side of the front course of the Cincinnati ILS localizer to its intersection with the southwest course of the Cincinnati radio range, extending 2 miles either side of the back course of the Cincinnati ILS localizer to its intersection with the northwest course of the Cincinnati radio range, and extending 2 miles either side of the 223° True radial of the Cincinnati omnirange to a point 10 miles southwest of the omnirange station.

§ 601.2274 *Craig AFB, Selma, Ala., control zone.* Within a 5-mile radius of the Craig Air Force Base extending 2 miles either side of the southeast course of the Craig AFB radio range to a point 10 miles southeast of the radio range station.

§ 601.2275 *Pensacola, Fla., control zone.* Within a 5-mile radius of the NAAS Saufley Field, Pensacola, Fla., excluding that portion which overlaps Blue civil airway No. 59.

§ 601.2276 *Westover, Mass., control zone.* Within a 5-mile radius of Westover AFB extending 2 miles either side of the northeast course of the Westover AFB (Chicopee) radio range to a point 10 miles northeast of the Quabbin fan marker, excluding that portion which overlaps the Barnes Airport, Westfield, Mass., control zone, and excluding the airspace within ½ mile radius of the Springfield, Mass., Municipal Airport.

§ 601.2277 *Carlsbad, N. Mex., control zone.* Within a 5-mile radius of Carlsbad Airport and within 2 miles either side of the 345° and 165° True radials of the Carlsbad omnirange extending from the airport control zone to a point 3 miles southeast of the omnirange station.

§ 601.2278 *New Bedford, Mass., control zone.* Within a 5-mile radius of the New Bedford Municipal Airport extending 2 miles either side of the ILS localizer course to a point 10 miles southwest of the localizer.

§ 601.2279 *Anchorage, Alaska, control zone.* Within a 10-mile radius of Anchorage International Airport (lat. 61°10'00'', long. 149°59'30'').

§ 601.2280 *Hobbs, N. Mex., control zone.* Within a 15-mile radius of Lea County Airport, Hobbs, N. Mex., within 2 miles either side of the north course of the Hobbs radio range extending to a point 10 miles north of the radio range station and within 2 miles either side of the 45° True radial of the Hobbs omnirange extending to a point 10 miles northeast of the omnirange station.

§ 601.2281 *Tacoma, Wash., control zone.* Within a 5-mile radius of McChord AFB, excluding the portion which overlaps the Fort Lewis, Wash., restricted area.

§ 601.2282 *Mt. Clemens, Mich., control zone.* Within a 7-mile radius of Selfridge AFB extending 2 miles either side of the north course of the Selfridge AFB radio range to a point 10 miles north of the radio range station.

§ 601.2283 *Atlanta, Ga., control zone.* Within a 5-mile radius of Dobbins AFB extending 2 miles either side of the west course of the Atlanta NAS radio range from the Dobbins AFB control zone to the Atlanta NAS control zone.

§ 601.2284 *Traverse City, Mich., control zone.* Within a 5-mile radius of Traverse City Airport extending 2 miles either side of the southeast course of the Traverse City radio range to a point 10 miles southeast of the radio range station.

§ 601.2285 *Victorville, Calif., control zone.* Within a 5-mile radius of George AFB, Victorville, Calif., extending 2 miles either side of a track bearing 360° True from the George AFB to a point 15 miles north.

§ 601.2286 *Columbus, Ga., control zone.* Within a 5-mile radius of the Muscogee County Airport, within 2 miles either side of the north course of the Columbus, Ga., radio range extending from the radio range station to include a 5-mile radius of Lawson Air Force Base, within 2 miles either side of the southwest course of the radio range extending from the radio range station to a point 10 miles southwest, and within 2 miles either side of the 57° True radial of the Columbus omnirange extending from the omnirange station to a point 10 miles northeast, excluding the airspace which overlaps restricted areas.

§ 601.2287 *San Antonio, Tex., control zone.* Within a 5-mile radius of Randolph Air Force Base and within 5 miles either side of a line extending from the Air Force Base to the La Vernia nondirectional radio beacon.

§ 601.2288 *Longview, Tex., control zone.* Within a 5-mile radius of Gregg County Airport, within 2 miles either side of a line bearing 188° True from the airport extending from the airport to a point 10 miles south, and within 2 miles either side of the 313° True radial of the Gregg County, Tex., omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2289 *Houghton, Mich., control zone.* Within a 5-mile radius of the Houghton County Airport extending 2 miles either side of the north course of the Houghton radio range to a point 10 miles north of the radio range station.

§ 601.2290 *Grand Marais, Mich., control zone.* Within a 5-mile radius of Grand Marais Airport extending 2 miles either side of the west course of the Grand Marais radio range to a point 10 miles west of the radio range station.

§ 601.2291 *Sault Ste. Marie, Mich., control zone.* Within a 10-mile radius of Kinross Airport, Sault Ste. Marie, Mich., extending 5 miles either side of the ILS localizer course to a point 10 miles northwest of the ILS outer marker compass locator, excluding that portion which lies outside the continental United States.

§ 601.2292 *Oceana, Va., control zone.* Within a 5-mile radius of the Oceana Virginia Naval Auxiliary Air Station excluding the portion overlapping restricted areas.

§ 601.2293 *Chicago, Ill., control zone.* Within a 5-mile radius of the Chicago O'Hare International Airport extending 2 miles either side of the O'Hare ILS localizer course to a point 10 miles northwest of the O'Hare outer marker.

§ 601.2294 *Nantucket, Mass., control zone.* Within a 5-mile radius of Nantucket Memorial Airport and within 2 miles either side of the 45° True radial of the Nantucket omnirange extending from the omnirange station to a point 10 miles northeast.

§ 601.2295 *Andrews, Md., control zone.* Within a 5-mile radius of the Andrews, Md., Air Force Base extending 2½ miles either side of the north course of the Andrews AFB radio range to the Andrews AFB radio range station excluding that portion which overlaps the Washington National Airport control zone.

§ 601.2296 *Valparaiso, Fla., control zone.* Within a 5-mile radius of Elgin AFB, Valparaiso, Fla., extending 2 miles either side of the north course of the Elgin AFB radio range to the southern boundary of Red civil airway No. 30.

§ 601.2297 *Jackson, Mich., control zone.* Within a 5-mile radius of Reynolds Airport, Jackson, Mich., extending 2 miles either side of a line bearing 313° True from the Jackson, Mich., non-directional radio beacon to a point 10 miles northwest.

§ 601.2298 *Omaha, Nebr., control zone.* Within a 5-mile radius of Offutt AFB and within 2 miles either side of a direct line from the center of Offutt AFB to the Weeping Water, Nebr., nondirectional radio beacon extending from the Offutt AFB to a point 10 miles southwest of Offutt AFB.

§ 601.2299 *Limestone, Maine, control zone.* That airspace over United States territory within a 6-mile radius of Loring Air Force Base, Limestone, Maine, within 2 miles either side of a direct line extending between the Loring Air Force Base, and the Loring AFB omnirange station, and within 2 miles either side of a direct line extending between the Loring AFB nondirectional radio beacon and the Presque Isle, Maine, radio range station excluding the portion which overlaps the Presque Isle control zone.

§ 601.2300 *Upolu Point, Hawaii, T. H., control zone.* Within a 5-mile radius of the Upolu Point Airport and within 2 miles either side of the 261° True radial of the Upolu Point omnirange extending from the omnirange station to a point 10 miles west.

§ 601.2301 *Waco, Tex., control zone.* Within a 5-mile radius of the Waco Municipal Airport and within a 5-mile radius of the Connally AFB, Waco, Tex.

§ 601.2302 *Willow Grove, Pa., control zone.* Within a 5-mile radius of a point located at lat. 40°11'40'', long. 75°06'25'' and within 2 miles either side of the northeast and northwest courses of the Willow Grove (Navy) radio range extending from the radio range station to points 10 miles northeast and northwest.

§ 601.2303 *Great Falls, Mont., control zone.* Within a 5-mile radius of Great Falls Municipal Airport, within a 5-mile radius of Great Falls Air Force Base, and within 2 miles either side of direct lines extending from the Great Falls ILS outer marker to the Great Falls Municipal Airport and to the Great Falls Air Force Base.

§ 601.2304 *Binghamton, N. Y., control zone.* Within a 5-mile radius of Broome County Airport, within 2 miles either side of the ILS localizer course extending from the airport to a point 10 miles beyond the outer marker compass locator, and within 2 miles either side of the 66° True and 246° True radials of the Binghamton omnirange extending from the airport to a point 5 miles southwest of the omnirange station.

§ 601.2305 *Lawton, Okla., control zone.* Within a 3-mile radius of Lawton Municipal Airport and within 2 miles either side of the 357° True and 177° True radials of the Lawton omnirange extending from the Lawton Municipal Airport to a point 10 miles south of the omnirange station.

§ 601.2306 *Paducah, Ky., control zone.* Within a 5-mile radius of the Paducah Municipal Airport (Barkley Field) and within 2 miles either side of a line bearing 220° True, from the non-directional radio beacon extending from the Paducah Municipal Airport to a point 10 miles southwest.

§ 601.2307 *Brunswick, Maine, control zone.* Within a 5-mile radius of the Brunswick, Maine, Naval Air Station, excluding the portion which overlaps Amber civil airway No. 7, and within 2 miles either side of a line bearing 173° True from the Brunswick NAS non-directional radio beacon extending to a point 10 miles south of the non-directional radio beacon.

§ 601.2308 *Valdosta, Ga., control zone.* All that area within a 10-mile radius of Moody AFB, Valdosta, Ga.

§ 601.2309 *Valdosta, Ga., control zone.* All that area within a 5-mile radius of the Valdosta Municipal Airport, excluding that portion which overlaps the Moody AFB control zone, and within 2 miles either side of the 4° True and 184° True radials of the Valdosta omnirange extending from the 5-mile radius control zone to a point 10 miles southwest of the omnirange station.

§ 601.2310 *Oscoda, Mich., control zone.* Within a 10-mile radius of the Oscoda AFB extending 5 miles either side of the ILS localizer course to a point 10 miles southwest of the ILS outer marker compass locator, excluding the portion which overlaps restricted areas.

§ 601.2311 *San Antonio, Tex., control zone.* Within a 5-mile radius of Kelly AFB and within 5 miles either side of a direct line from the Kelly AFB through the Leon nondirectional radio beacon extending from the AFB to a point 2½ miles northwest of the Leon non-directional radio beacon.

§ 601.2312 *Columbus, Ind., control zone.* Within a 5-mile radius of Atterbury AFB and within 2 miles either side of a line bearing 44° True from the Atterbury AFB to a point 10 miles northeast excluding the portion which overlaps restricted areas.

§ 601.2313 *Pittsburgh, Pa., control zone.* Within a 5-mile radius of Greater Pittsburgh Airport, within 2 miles either side of the Greater Pittsburgh Airport ILS localizer southeast course extending southeastward from the ILS localizer to the boundary of the Allegheny County Airport control zone, and within 2 miles either side of bearings of 90° True and 270° True from the Greater Pittsburgh Airport extending through the Greater Pittsburgh nondirectional radio beacon to a point 10 miles east of the radio beacon and through the Clinton nondirectional radio beacon to a point 10 miles west of the radio beacon.

§ 601.2314 *Bryan, Tex., control zone.* Within a 5-mile radius of Bryan AFB including a 3-mile radius of Easterwood Airport, College Station, Tex., within 2 miles either side of the northwest course of the Bryan radio range extending from the radio range station to a point 10 miles northwest, and within 2 miles either side of the 107°–287° True radials of the College Station omnirange extending from the Easterwood Airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2315 *San Bernardino, Calif., control zone.* Within a 5-mile radius of Norton Air Force Base and within 2¼ miles either side of a line bearing 248° True extending from the Norton AFB to the centerline of the northwest course of the Riverside, Calif., radio range.

§ 601.2316 *Marianna, Fla., control zone.* Within a 5-mile radius of the Marianna Airport and within 2 miles either side of the 130° True radial of the Marianna omnirange extending from the omnirange station to a point 10 miles southeast.

§ 601.2317 *Tuscaloosa, Ala., control zone.* Within a 5-mile radius of the Van De Graaff Airport and within 2 miles either side of the 60° True radial of the Tuscaloosa omnirange extending from the omnirange station to a point 10 miles northeast.

§ 601.2318 *Myrtle Beach, S. C., control zone.* Within a 5-mile radius of the Myrtle Beach Municipal Airport and within 2 miles either side of the 47° True radial of the Myrtle Beach omnirange extending from the omnirange station to a point 10 miles northeast, and within 2 miles either side of a line bearing 198° True extending from the Myrtle Beach nondirectional radio beacon to a point 10 miles southwest.

§ 601.2319 *Malden, Mo., control zone.* Within a 5-mile radius of the Malden Airport and within 2 miles either side of the 300° and 120° True radials of the Malden omnirange extending from the airport to a point 10 miles southeast of the omnirange station.

§ 601.2320 *Midland, Tex., control zone.* Within a 5-mile radius of Midland Air Terminal, within 2 miles on the southeast side and 4 miles on the northwest side of the southwest course of the Midland ILS localizer extending from the localizer to a point 15 miles southwest, and within 2 miles either side of the 011.5° True radial of the Midland omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2321 *Oxnard, Calif., control zone.* Within a 5-mile radius of Oxnard

AFB and within 2 miles on the north side and 5 miles on the south side of a line bearing 271° True from the center of Oxnard AFB extending from the 5-mile radius control zone to the southwestern boundary of Amber civil airway No. 8.

§ 601.2322 *Fort Worth, Tex., control zone.* Within a 5-mile radius of Amon Carter Field, Fort Worth, Tex., within 2 miles either side of the Amon Carter ILS localizer northwest course extending from the localizer to the Amon Carter ILS outer marker, within 2 miles either side of a 180°–360° True track through the Grand Prairie, Tex., nondirectional radio beacon (located at Lat. 32°44'05", Long. 97°02'45") extending from Amon Carter Field to a point 5 miles south of the Grand Prairie nondirectional radio beacon, within 3 miles either side of a direct line from the center of Amon Carter Field to the center of Love Field, Dallas, Tex., extending from Amon Carter Field to the boundary of the Dallas control zone, and within 3 miles either side of a direct line from the center of Amon Carter Field to the center of Meacham Field, Fort Worth, Tex., extending from Amon Carter Field to the boundary of the Meacham Field control zone.

§ 601.2323 *Grand Prairie, Tex., control zone.* All that airspace surrounding Hensley Field, Grand Prairie, Tex., bounded on the west, north and east by the boundaries of the Amon Carter Field, Fort Worth, Tex., control zone and Dallas, Tex., control zone, and on the south by a line extending from the southeastern corner of the Amon Carter Field control zone to the southwestern corner of the Dallas control zone.

§ 601.2324 *New Bern, N. C., control zone.* Within a 6-mile radius of Simmons-Nott Airport and within 2 miles either side of a line bearing 265° True extending from the New Bern nondirectional radio beacon to a point 10 miles west of the radio beacon, excluding the portion which overlaps Cherry Point Restricted Area R–123; excluding the portion above 11,000 feet MSL during the period from sunset to sunrise lying within the confines of Amber civil airway No. 9 and excluding the portion above 5,500 feet MSL during the period from sunset to sunrise lying west of Amber civil airway No. 9, in order to avoid conflict with Cherry Point night Restricted Area R–125 published in § 608.41 of this chapter.

§ 601.2325 *Hyannis, Mass., control zone.* Within a 3-mile radius of Barnstable Airport, Hyannis, Mass., and within 2 miles either side of a line bearing 48° True extending from the airport to a point 10 miles northeast, excluding the portion which lies beyond the shoreline.

§ 601.2326 *Martha's Vineyard, Mass., control zone.* Within a 3-mile radius of Martha's Vineyard Airport and within 2 miles either side of a line bearing 180° True from the Martha's Vineyard Airport extending from the airport to a point 10 miles south.

§ 601.2327 *Baton Rouge, La., control zone.* Within a 5-mile radius of Harding Field, within a 3-mile radius of East Baton Rouge Parish Airport, within 2 miles either side of the northwest course of the Baton Rouge radio range extending from the radio range station to a point 10 miles northwest, within 2 miles either side of a 314°–134° True track through the Baton Rouge ILS outer marker compass locator extending from the Harding Field control zone to a point 10 miles northwest of the outer marker compass locator, and within 2 miles either side of the 72°–252° True radials of the Baton Rouge omnirange extending from the Harding Field control zone to a point 10 miles southwest of the omnirange station.

§ 601.2328 *Manchester, N. H., control zone.* Within a 5-mile radius of Grenier Air Force Base and within 2 miles either side of lines bearing 337° True and 157° True from the Manchester nondirectional radio beacon extending from the 5-mile radius zone to a point 10 miles southeast of the nondirectional radio beacon.

§ 601.2329 *Gage, Okla., control zone.* Within a 5-mile radius of Gage Airport and within 2 miles either side of the 299°–119° True radials of the Gage omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2330 *Alexandria, La., control zone.* Within a 5-mile radius of Alexandria AFB, within 2 miles either side of the northwest and southeast courses of the Alexandria radio range extending from the AFB control zone to a point 10 miles southeast of the radio range station, and within 2 miles either side of the 156°–336° True radials of the Alexandria omnirange extending from the AFB control zone to a point 10 miles southeast of the omnirange station.

§ 601.2331 *Lake Charles, La., control zone.* Within a 5-mile radius of the Lake Charles Air Force Base; within 2 miles either side of the south course of the Lake Charles radio range extending from the radio range station to a point 10 miles south; within 2 miles either side of the 334° True and 154° True radials of the Lake Charles omnirange extending from the Air Force Base control zone to a point 10 miles southeast of the omnirange station, and within 2 miles either side of a direct line extending from the Air Force Base through the Lake Charles AFB nondirectional radio beacon to a point 10 miles northwest of the nondirectional radio beacon.

§ 601.2332 *Beaumont, Tex., control zone.* Within a 5-mile radius of Jefferson County Airport, Beaumont, Tex., within 2 miles either side of the north course of the Beaumont radio range extending from the radio range station to a point 10 miles north, and within 2 miles either side of the 248°–68° True radials of the Beaumont omnirange extending from the airport control zone to a point 10 miles southwest of the omnirange station.

§ 601.2333 *Palacios, Tex., control zone.* Within a 3-mile radius of Palacios Airport and within 2 miles either side of the 305°–125° True radials of the Palacios omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2334 *Alice, Tex., control zone.* Within a 5-mile radius of Alice Airport and within 2 miles either side of the west course of the Alice radio range extending from the radio range station to a point 10 miles west.

§ 601.2335 *Eau Claire, Wis., control zone.* Within a 5-mile radius of the Eau Claire, Wis., Airport and within 2 miles either side of the 04° True radial of the Eau Claire omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2336 *Green Bay, Wis., control zone.* Within a 5-mile radius of the Austin-Straubel Airport, Green Bay, Wis., and within 2 miles either side of the 322° True radial of the Green Bay omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2337 *Wausau, Wis., control zone.* Within a 5-mile radius of Alexander Airport, Wausau, Wis., and within 2 miles either side of the 166°–346° True radials of the Wausau omnirange extending from the airport control zone to a point 10 miles southeast of the omnirange station.

§ 601.2338 *Phoenix, Ariz., control zone.* Within a 5-mile radius of Sky Harbor Municipal Airport, Phoenix, Ariz., and within 2 miles either side of the east course of the Phoenix radio range extending from the radio range station to a point 10 miles east.

§ 601.2339 *Douglas, Ariz., control zone.* Within a 5-mile radius of the Douglas-Bisbee International Airport and within 2 miles either side of the 311° True radial of the Douglas omnirange extending from the omnirange station to a point 10 miles northwest.

§ 601.2340 *Sanford, Fla., control zone.* Within a 5-mile radius of the Naval Auxiliary Air Station, Sanford, Fla., within 2 miles either side of a 270° True bearing extending from the Sanford Navy nondirectional radio beacon to a point 10 miles west, and within 2 miles either side of a 190° True bearing extending from the Sanford Navy nondirectional radio beacon to the Orlando, Fla., control zone.

§ 601.2341 *Utica, N. Y., control zone.* Within a 5-mile radius of Oneida County Airport, Utica, N. Y., excluding the portion which overlaps the Griffis AFB control zone.

§ 601.2342 *Ardmore, Okla., control zone.* Within a 5-mile radius of Ardmore Air Force Base and within 2 miles either side of the 54° True radial of the Ardmore omnirange extending from the AFB control zone to the omnirange station.

§ 601.2343 *Pine Bluff, Ark., control zone.* Within a 3-mile radius of Grider Field, within 2 miles either side of a line bearing 177° True extending from the Pine Bluff nondirectional radio beacon to a point 5 miles south, and within 2 miles either side of the 186° True and 006° True radials of the Pine Bluff omnirange extending from Grider Field to a point 5 miles north of the omnirange station.

§ 601.2344 *Gulfport, Miss., control zone.* The airspace within a 3-mile radius of the Gulfport Municipal Airport and within 3 miles either side of a direct line extending from the Gulfport Municipal Airport to the Keesler Air Force Base, Biloxi, Miss., excluding the portion which overlaps the Biloxi control zone, shall be designated a control zone during the period beginning at 0001 c. s. t. June 1 to 2400 c. s. t., September 15, 1955, and annually thereafter.

§ 601.2345 *Calverton, N. Y., control zone.* Within a 5-mile radius of Grumman-Peconic River Airport and within 2 miles either side of a line bearing 46° True from the airport to a point 10 miles northeast of the Riverhead omnirange station excluding the airspace which overlaps the Suffolk County AFB control zone, Westhampton Beach, Long Island, N. Y.

§ 601.2346 *Guam Island control zone.* All of the airspace from the surface upward within a radius of 5 nautical miles of Anderson Air Force Base, centered at Lat. 13°35'00" N., Long. 144°55'00" E.

§ 601.2347 *Guam Island control zone.* All of the airspace from the surface upward within a radius of 5 nautical miles of Agana Naval Air Station, centered at Lat. 13°29'00" N., Long. 144°47'00" E.

§ 601.2348 *Midway Island control zone.* All of the airspace from the surface upward within a radius of 5 nautical miles of Midway Naval Station, centered at Lat. 28°12'00" N., Long. 177°22'00" W.

§ 601.2349 *Kwajalein Island control zone.* All of the airspace from the surface upward within a radius of 5 nautical miles of Kwajalein Naval Station, centered at Lat. 8°45'00" N., Long. 167°45'00" E.

§ 601.2350 *Childress, Tex., control zone.* Within a 3-mile radius of Childress Airport and within 2 miles either side of the 02° and 182° True radials of the Childress omnirange extending from the 3-mile radius zone to a point 10 miles south of the omnirange station.

§ 601.2351 *Cotulla, Tex., control zone.* Within a 3-mile radius of Cotulla Airport, within 2 miles either side of a line bearing 320° True extending from the Cotulla nondirectional radio beacon to a point 10 miles northwest, and within 2 miles either side of the 265° True and 85° True radials of the Cotulla omnirange extending from the 3-mile radius zone to a point 10 miles east of the omnirange station.

§ 601.2352 *Dalhart, Tex., control zone.* Within a 3-mile radius of Dalhart Municipal Airport, within 2 miles either side of a line bearing 132° True extending from the Dalhart nondirectional radio beacon to a point 10 miles southeast and within 2 miles either side of the 184° and 04° True radials of the Dalhart omnirange extending from the airport to a point 10 miles north of the omnirange station.

§ 601.2353 *Lufkin, Tex., control zone.* Within a 3-mile radius of Angelina Airport, Lufkin, Tex., within 2 miles either side of a line bearing 157° True extending from the airport to a point 14 miles southeast, and within 2 miles either side of a line bearing 304° True extending from the Lufkin nondirectional radio beacon to a point 10 miles northwest.

§ 601.2354 *Texarkana, Ark., control zone.* Within a 5-mile radius of the Texarkana Municipal Airport, within 2 miles either side of the 332° True radial of the Texarkana omnirange extending from the omnirange station to a point 10 miles northwest and within 2 miles either side of the north course of the Texarkana radio range extending from the radio range station to a point 10 miles north.

§ 601.2355 *Walnut Ridge, Ark., control zone.* Within a 3-mile radius of Walnut Ridge Airport and within 2 miles either side of the 244° True radial of the Walnut Ridge omnirange extending from the omnirange station to a point 10 miles southwest.

§ 601.2356 *Hobart, Okla, control zone.* Within a 3-mile radius of Hobart Airport and within 2 miles either side of a line bearing 183° True extending from the airport to a point 12 miles south.

§ 601.2357 *Brunswick, Ga., control zone.* Within a 5-mile radius of NAAS Glynco, Brunswick, Ga., and within 2 miles either side of the northeast course of the Glynco (Navy) radio range extending from the radio range station to a point 10 miles northeast excluding the portion which overlaps the McKinnon Airport control zone, Brunswick, Ga.

§ 601.2358 *Clovis, N. Mex., control zone.* Within a 5-mile radius of the Clovis Air Force Base and within 2 miles either side of a line bearing 222° True extending from the Air Force Base to a point 7½ miles southwest of the Air Force Base.

§ 601.2359 *Victoria, Tex., control zone.* Within a 5-mile radius of Foster Air Force Base, Victoria, Tex., within 1 mile either side of a direct line extending from Foster AFB to and including a 5-mile radius of Victoria County Airport and within 2 miles either side of a line extending from Foster AFB through the Foster AFB nondirectional radio beacon to a point 2 miles northwest of the nondirectional radio beacon.

§ 601.2360 *South Weymouth, Mass., control zone.* Within a 4-mile radius of the South Weymouth Naval Air Station and within 1½ miles east of and 2½ miles west of and parallel to a line bearing 155° True extending from the Naval Air Station to a point 10 miles southeast of the South Weymouth nondirectional radio beacon.

§ 601.2361 *Grosse Ile, Mich., control zone.* That airspace over United States territory within a 3-mile radius of the Grosse Ile, Mich., Naval Air Station and within 2 miles either side of a line bearing 209° True extending from the Naval Air Station to a point 10 miles southwest of the Grosse Ile nondirectional radio beacon.

§ 601.2362 *Merced, Calif., control zone.* Within a 5-mile radius of Castle Air Force Base, Merced, Calif., including the airspace within that portion of a circle of a 16-mile radius centered on Castle AFB bounded on the northeast by a line 2 miles northeast of and parallel to a line drawn from the AFB through the Castle AFB omnirange station and bounded on the west by a line 2 miles west of and parallel to a line drawn from the AFB through the Bear Creek nondirectional radio beacon.

§ 601.2363 *Elizabeth City, N. C., control zone.* Within a 3-mile radius of CGAS Elizabeth City, N. C., and within 2 miles either side of the southeast course of the Weeksville, N. C., Navy radio range extending to a point 8 miles southeast of the radio range station.

§ 601.2364 *Hopkinsville, Ky., control zone.* Within a 5-mile radius of Campbell AFB, Hopkinsville, Ky., within 2 miles either side of the 224° True and 44° True radials of the Campbell AFB omnirange extending from the five-mile radius zone to a point 10 miles northeast of the omnirange station, and within 2 miles either side of a 224° True bearing extending from the five-mile radius zone through the Campbell AFB nondirectional radio beacon to a point 10 miles southwest of the nondirectional radio beacon, excluding the portions which overlap Campbell Restricted Area R–63.

§ 601.2365 *Salem, Oreg., control zone.* Within a 3-mile radius of McNary Airport and within 2 miles either side of a line bearing 150° True extending from the airport to a point 5 miles southeast.

§ 601.2366 *Riverside, Calif., control zone.* Within a 5-mile radius of March AFB and within 2 miles either side of a line extending from March AFB through the Riverside omnirange station to a point 5 miles southeast of the omnirange station.

§ 601.2367 *Fort Bragg, N. C., control zone.* Within a 5-mile radius of Pope AFB and within 2 miles either side of a line bearing 49° True extending from the Air Force Base to a point 7 miles northeast, excluding the portion which overlaps the Fort Bragg Restricted Area R–115.

§ 601.2368 *Sault Ste. Marie, Mich., control zone.* That airspace over United States territory within a 5-mile radius of the Sault Ste. Marie Municipal Airport and within 2 miles either side of the southeast course of the Sault Ste. Marie radio range extending from the radio range station to a point 12 miles southeast.

§ 601.2369 *Sacramento, Calif., control zone.* Within a 5-mile radius of Mather Air Force Base, Sacramento, Calif., and within 2 miles either side of a line extending from the Mather AFB to the Mather nondirectional radio beacon.

SUBPART E—COLORED CIVIL AIRWAY REPORTING POINTS

DESIGNATION OF REPORTING POINTS

§ 601.4001 *Designation of reporting points.* The locations described in Sub-

part E and Subpart G are designated as reporting points.

GREEN CIVIL AIRWAYS

§ 601.4011 *Green civil airway No. 1 (Patricia Bay, British Columbia, to United States-Canadian Border via Millinocket, Maine).* Millinocket, Maine, radio range station.

§ 601.4012 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* Seattle, Wash., radio range station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Mullan Pass, Mont., radio range station; Missoula, Mont., radio range station; Drummond, Mont., radio range station; Helena, Mont., radio range station; Bozeman, Mont., radio range station; Livingston, Mont., radio range station; Billings, Mont., radio range station; Miles City, Mont., radio range station; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; Jamestown, N. Dak., radio range station; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis, Minn., radio range station; La Crosse, Wis., radio range station; the intersection of the southeast course of the La Crosse, Wis., radio range and the west course of the Madison, Wis., radio range; Milwaukee, Wis., radio range station; Muskegon, Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; Detroit, Mich., radio range station; Buffalo, N. Y., radio range station; the intersection of the east course of the Buffalo, N. Y., radio range and the southwest course of the Rochester, N. Y., radio range; Rochester, N. Y., radio range station; Syracuse, N. Y., radio range station; Albany, N. Y., radio range station; Westfield, Mass., radio range station; the intersection of the northeast course of Hartford, Conn., radio range and the southeast course of the Westfield, Mass., radio range; Boston, Mass., radio range station.

§ 601.4013 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).* San Francisco, Calif., radio range station; Oakland, Calif., radio range station; Bay Point, Calif., fan type radio marker station; Sacramento, Calif., radio range station; Reno, Nev., radio range station; Humboldt, Nev., radio range station; Elko, Nev., radio range station; Lucin, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyo., radio range station; Rock Springs, Wyo., radio range station; Sinclair, Wyo., radio range station; the intersection of the east course of the Sinclair, Wyo., radio range and the northwest course of the Laramie, Wyo., radio range; Cheyenne, Wyo., radio range station; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Moline, Ill., radio range station; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Chicago, Ill., radio range; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; the intersection of the southeast course of the Detroit, Mich., radio range and the west course of the Cleveland, Ohio, radio range; Cleveland, Ohio, radio range station; Youngstown, Ohio, radio range station; Brookville, Pa., non-directional radio marker beacon; Phillipsburg, Pa., radio range station; Selinsgrove, Pa., non-directional radio beacon; Allentown, Pa., radio range station; the intersection of the east course of the Allentown, Pa., radio range and the southwest course of the Newark, N. J., radio range; New York (La Guardia), N. Y., radio range station.

§ 601.4014 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).* The intersection of the southwest course of the Newhall, Calif., radio range and the northwest course of the Burbank, Calif., radio range; the intersection of the north course of the Los Angeles, Calif., radio range and the southwest course of the Palmdale, Calif., radio range or the Newhall, Calif., radio range station; Palmdale, Calif., radio range station; Daggett, Calif., radio range station; Needles, Calif., radio range station; Prescott, Ariz., radio range station; Winslow, Ariz., radio range station; Zuni, N. Mex., radio range station; Albuquerque, N. Mex., radio range station; the intersection of the east course of the Otto, N. Mex., radio range and the southwest course of the Las Vegas, N. Mex., radio range; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; Gage, Okla., radio range station; Wichita, Kans., radio range station; the intersection of the southwest course of the Kansas City, Mo., radio range and the southeast course of the Forbes AFB, Kans., radio range; Kansas City, Mo., radio range station; Columbia, Mo., radio range station; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; the intersection of the west course of the Columbus, Ohio, radio range and a line bearing 327° True from the Tipp City, Ohio, nondirectional radio beacon; Columbus, Ohio, radio range station; the intersection of the east course of the Columbus, Ohio, radio range and the southwest course of the Akron, Ohio, radio range; Wheeling, W. Va., nondirectional radio beacon; Pittsburgh, Pa., radio range station; New Alexandria, Pa., nondirectional radio beacon; Altoona, Pa., radio range station; the intersection of the southwest course of the Allentown, Pa., radio range and the east course of the Harrisburg, Pa., radio range; Philadelphia, Pa., radio range station.

§ 601.4015 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).* Riverside, Calif., radio range station; the intersection of the east course of the Riverside, Calif., radio range and the southeast course of the Daggett, Calif., radio range; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; the intersection of the south course of the Phoenix, Ariz., radio range and the northwest course of the Tucson, Ariz., radio range; Tucson, Ariz., radio range station; Cochise, Ariz., radio range station; Columbus, N. Mex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; Fort Worth, Tex., radio range station; Texarkana, Ark., radio range station; Pine Bluff, Ark., nondirectional radiobeacon; Memphis, Tenn., radio range station; Jackson, Tenn., radio range station; Nashville, Tenn., radio range station; Smithville, Tenn., radio range station; Knoxville, Tenn., radio range station; Tri-City, Tenn., radio range station; Roanoke, Va., radio range station; Gordonsville, Va., radio range station; Quantico, Va. (Navy), radio range station; Andrews, Md., radio range station; the intersection of the south course of the New Castle, Del., radio range and the southwest course of the Millville, N. J., radio range; Millville, N. J., radio range station; the intersection of the northeast course of the Millville, N. J., radio range and the southeast course of the McGuire AFB, N. J., radio range; the intersection of the east course of the New York, N. Y. (La Guardia), radio range and the northeast course of the Mitchel Field AFB radio range; the intersection of the southwest course of the Boston, Mass., radio range and the southeast course of the Hartford, Conn., radio range; the intersection of the west course of the Providence, R. I., radio range and the southwest course of the Boston, Mass., radio range.

§ 601.4016 *Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.).* Laredo, Tex., radio range station; Alice, Tex., radio range station; Corpus Christi, Tex., radio range station; Palacios, Tex., radio range station; the intersection of the northeast course of the Galveston, Tex., radio range and the south course of the Beaumont, Tex., radio range; Lake Charles, La., radio range station; Lafayette, La., nondirectional radio beacon; New Orleans, La., radio range station; Bay Minette, Ala., nondirectional radio beacon; Maxwell AFB, Ala., radio range station; Atlanta, Ga., radio range station; Spartanburg, S. C., radio range station; Greensboro, N. C., radio range station; Blackstone, Va., radio range station; Richmond, Va., radio range station; Norfolk, Va., radio range station.

§ 601.4017 *Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).* Moses Point, Alaska, radio range station; the intersection of the east course of the Moses Point, Alaska, radio range and the north course of the Unalakleet, Alaska, radio range; Galena, Alaska, radio range station; the intersection of the east course of the Galena, Alaska, radio range and the southwest course of the Tanana, Alaska, radio range; the intersection of the southeast course of the Tanana, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range; the intersection of the west course of the Fairbanks, Alaska, radio range and the northwest course of the Nenana, Alaska, radio range; Fairbanks, Alaska, radio range station.

§ 601.4018 *Green civil airway No. 8 (Cold Bay, Alaska, to Northway, Alaska).* King Salmon, Alaska, radio range station; the intersection of the northeast course of the King Salmon, Alaska, radio range and the southwest course of the Iliamna, Alaska, radio range; the intersection of the southeast course of the Iliamna, Alaska, radio range and the west course of the Homer, Alaska, radio range; the intersection of the southwest course of the Kenai, Alaska, radio range and the west course of the Homer, Alaska, radio range; Kenai, Alaska, radio range station; the intersection of the northeast course of the Kenai, Alaska, radio range and the west course of the Anchorage (Merrill), Alaska, radio range; the intersection of the northeast course of the Anchorage, Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range; Gulkana, Alaska, radio range station; Northway, Alaska, radio range station.

§ 601.4019 *Green civil airway No. 9 (Hawaiian Islands).* The intersection of the south course of the Port Allen, T. H., radio range and the southwest course of the Honolulu, T. H., radio range; the intersection of the southeast course of the Port Allen, T. H., radio range and the southwest course of the Honolulu, T. H., radio range; Honolulu, T. H., radio range station; the intersection of the northeast course of the Honolulu, T. H., radio range and the north course of the Maui, T. H., radio range; the intersection of the northeast course of the Honolulu, T. H., radio range and the north course of the Hilo, T. H., radio range.

§ 601.4020 *Green civil airway No. 10 (United States-Canadian Border to Denver, Colo.).* The Bellingham, Wash., radio range station; Everett, Wash., radio range station; Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; Gooding, Idaho nondirectional radio beacon; Burley, Idaho, radio range station; Laramie, Wyo., radio range station.

AMBER CIVIL AIRWAYS

§ 601.4101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).* San Diego, Calif., radio range station; the intersection of the northwest course of the San Diego, Calif., radio range and the southeast course of the Long Beach, Calif., radio range; Long Beach, Calif., radio range station; Los Angeles, Calif., radio range station; Bakersfield, Calif., radio range station; Fresno, Calif., radio range station; Merced, Calif., (Castle) radio range station; the intersection of the east course of the Stockton, Calif., radio range and the southeast course of the Sacramento, Calif., radio range; Williams, Calif., radio range station; Red Bluff, Calif., radio range station; Fort Jones, Calif., radio range station; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland, Oreg., radio range station; Toledo, Wash., radio range station; McChord AFB radio range station, Tacoma, Wash.; the intersection of the northwest course of the Seattle, Wash., radio range and the south course of the Patricia Bay, B. C., radio range; Sitka (Biorka Island), Alaska, radio range station; the intersection of the northwest course of the Sitka (Biorka Island), Alaska, radio range and the southwest course of the Gustavus, Alaska, radio range; Yakutat, Alaska, radio range station; the intersection of the northwest course of the Yakutat, Alaska, radio range and the south course of the Yakataga, Alaska, radio range; the intersection of the east course of the Hinchinbrook, Alaska, radio range and the southeast course of the Cordova, Alaska, radio range; Hinchinbrook, Alaska, radio range station; the intersection of the northwest course of the Hinchinbrook, Alaska, radio range and the southeast course of the Anchorage, Alaska, radio range; the intersection of the northeast course of the Kenai, Alaska, radio range and the northwest course of the Anchorage, Alaska, radio range; Skwentna, Alaska, radio range station; Puntilla Lake, Alaska, nondirectional radio beacon; Farewell, Alaska, radio range station; McGrath, Alaska, radio range station; Unalakleet, Alaska, radio range station; the intersection of the northwest course of the Unalakleet, Alaska, radio range and the south course of the Moses Point, Alaska, radio range; Nome, Alaska, radio range station.

§ 601.4102 *Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow, Alaska).* The intersection of the southwest course of the Long Beach, Calif., radio range and the south course of the Los Angeles, Calif., radio range; Las Vegas, Nev., radio range station; Enterprise, Utah, radio range station; Delta, Utah, radio range station; Salt Lake City, Utah, radio range station; Malad City, Idaho, radio range station; Pocatello, Idaho, radio range station; DuBois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; the intersection of the north course of the Helena, Mont., radio range and the southwest course of the Great Falls, Mont., radio range; Great Falls, Mont., radio range station; Cut Bank, Mont., radio range station; Big Delta, Alaska, radio range station; the intersection of the northwest course of the Big Delta, Alaska, radio range and the east course of the Fairbanks, Alaska, radio range; Bettles, Alaska, radio range station.

§ 601.4103 *Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.).* Truth or Consequences, N. Mex., radio range station; Las Vegas, N. Mex., radio range station; Trinidad, Colo., radio range station; Pueblo, Colo., radio range station; Colorado Springs, Colo., radio range station; Denver, Colo., radio range station; Casper, Wyo., radio range station; Sheridan, Wyo., radio range station; Lewistown, Mont., radio range station.

§ 601.4104 *Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).* Brownsville, Tex., radio range station; the intersection of the south course of the Alice, Tex., radio range and the southwest course of the Corpus Christi, Tex., radio range; the intersection of the south course of the San Antonio, Tex., radio range, the 104° True bearing from the Somerset, Tex., nondirectional radio beacon and the southeast course of the Kelly, Tex., radio range; San Antonio, Tex., radio range station; Cibolo, Tex., fan type radio marker station or the intersection of the north course of the San Antonio, Tex., radio range and the southwest course of the Austin, Tex., radio range; Austin, Tex., radio range station; Waco, Tex., radio range station; the intersection of the south course of the Fort Worth, Tex., radio range and the west course of the Dallas, Tex., radio range; the intersection of the south course of the Oklahoma City, Okla., radio range and a line bearing 259° True from the Ardmore, Okla., nondirectional radio beacon; Oklahoma City, Okla., radio range station; Tulsa, Okla., radio range station; Chanute, Kans., radio range station; Sioux City, Iowa, radio range station; Sioux Falls, S. Dak., radio range station; Huron, S. Dak., radio range station; Aberdeen, S. Dak., radio range station; Minot, N. Dak., radio range station.

§ 601.4105 *Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).* Jackson, Miss., radio range station; Greenwood, Miss., radio range station; Advance, Mo., radio range station; Springfield, Ill., radio range station; the intersection of the east course of the Peoria, Ill., radio range and the southwest course of the Joliet, Ill., radio range; Joliet, Ill., radio range station.

§ 601.4106 *Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).* Jacksonville, Fla., radio range station; Alma, Ga., radio range station; Macon, Ga., radio range station; Chattanooga, Tenn., radio range station; Bowling Green, Ky., radio range station; Louisville, Ky., radio range station.

§ 601.4107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border).* Key West, Fla., radio range station; the intersection of the northeast course of the Key West, Fla., radio range and the southwest course of the Homestead, Fla., radio range; Miami, Fla., radio range station; West Palm Beach, Fla., radio range station; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Brunswick, Ga., radio marker beacon; Savannah, Ga., radio range station; Charleston, S. C., radio range station; Florence, S. C., radio range station; Lumberton, N. C. nondirectional radio beacon; Raleigh, N. C., radio range station; the intersection of the northeast course of the Raleigh, N. C., radio range and the south course of the Blackstone, Va., radio range; the intersection of the southwest course of the Washington, D. C., radio range and the southeast course of the Quantico, Va., radio range; Washington, D. C., radio range station; the intersection of the northeast course of the Washington, D. C., radio range and the west course of the Baltimore, Md., radio range; Newark, N. J., radio range station; Hartford, Conn., radio range station; Portland, Maine, radio range station; Augusta, Maine, radio range station; the intersection of the southwest course of the Millinocket, Maine, radio range and the northwest course of the Bangor, Maine, radio range; Presque Isle, Maine, radio range station.

§ 601.4108 *Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg,*

Wash.). The intersection of the west course of the Los Angeles, Calif., radio range and the southeast course of the Camarillo, Calif., radio range; Camarillo, Calif., radio range station; Santa Barbara, Calif., radio range station; the intersection of the northwest course of the Santa Barbara, Calif., radio range and the southwest course of the Fresno, Calif., radio range; the intersection of the northwest course of the San Francisco, Calif., radio range and the southwest course of the Travis AFB, Calif., radio range; the intersection of the southwest course of the Travis AFB, Calif., radio range and the northwest course of the Oakland, Calif., radio range; Travis AFB, Calif., radio range station; Whitmore, Calif., radio range station; Klamath Falls, Oreg., radio range station; Redmond, Oreg., radio range station; The Dalles, Oreg., radio range station; Yakima, Wash., radio range station.

§ 601.4109 *Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).* Myrtle Beach, N. C., nondirectional radio beacon; Wilmington, N. C., nondirectional radio beacon; New Bern, N. C., nondirectional radio beacon; Williamston, N. C., VHF VAR radio range station; the intersection of the north course of the Williamston, N. C., VHF VAR radio range and the southwest course of the Norfolk, Va., radio range.

§ 601.4110 *Amber civil airway No. 10 (Hawaiian Islands).* Intersection of the south course of the Honolulu, T. H., radio range and the west course of the Hilo, T. H., radio range.

§ 601.4111 *Amber civil airway No. 11 (Hawaiian Islands).* Intersection of the south course of the Maui, T. H., radio range and the west course of the Hilo, T. H., radio range.

§ 601.4112 *Amber civil airway No. 12 (Hawaiian Islands).* Hilo, T. H., radio range station; the intersection of the east course of the Maui, T. H., radio range and the north course of the Hilo, T. H., radio range.

RED CIVIL AIRWAYS

§ 601.4202 *Red civil airway No. 2 (Sheridan, Wyo., to Rapid City, S. Dak.)* Rapid City, S. Dak., radio range station.

§ 601.4203 *Red civil airway No. 3 (Philipsburg, Pa., to Hartford, Conn.).* No reporting point designation.

§ 601.4204 *Red civil airway No. 4 (Las Vegas, N. Mex., to Tucumcari, N. Mex.).* No reporting point designation.

§ 601.4205 *Red civil airway No. 5 (Sioux Falls, S. Dak., to St. Paul, Minn.).* No reporting point designation.

§ 6014206 *Red civil airway No. 6 (Denver, Colo., to Omaha, Nebr.).* Akron, Colo., radio range station; Lincoln, Nebr., radio range station.

§ 601.4207 *Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.)* Greenville, S. C., radio range station; Charlotte, N. C., radio range station; the intersection of the north course of the Charlotte, N. C., radio range and the southwest course of the Greensboro, N. C., radio range.

§ 601.4208 *Red civil airway No. 8 (Dayton, Ohio, to Newark, N. J.).* The intersection of the east course of the Wright-Patterson, Ohio, AFB radio range and the south course of the Columbus, Ohio, radio range; Bergholz, Pa., nondirectional radio beacon; Williamsport, Pa., radio range station; the Crystal Lake, Pa., nondirectional radio beacon; the intersection of the northeast course of the Allentown, Pa., radio range and the northwest course of the Newark, N. J., radio range.

§ 601.4209 *Red civil airway No. 9 (San Diego, Calif., to Casa Grande, Ariz.).* El Centro, Calif., radio range station; Yuma, Ariz., radio range station; Gila Bend, Ariz., radio range station.

§ 601.4210 *Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.).* Wichita Falls., Tex., radio range station; Dallas, Tex., radio range station; the intersection of the north course of the Tyler, Tex., radio range and the west course of the Shreveport, La., radio range; Shreveport, La., radio range station; Monroe, La., radio range station; Meridian, Miss., radio range station; Birmingham, Ala., radio range station; Augusta, Ga., radio range station.

§ 601.4211 *Red civil airway No. 11 (Enid, Okla., to Boston, Mass.).* Springfield, Mo., radio range station; Vichy, Mo., nondirectional radio beacon; the intersection of the northeast course of the Westover AFB, Chicopee, Mass., radio range and the west course of the Boston, Mass., radio range.

§ 601.4212 *Red civil airway No. 12 (Joliet, Ill., to Erie, Pa.).* South Bend, Ind., radio range station; the intersection of the east course of the South Bend, Ind., radio range and the south course of the Battle Creek, Mich., radio range; the intersection of the southeast course of the Lansing, Mich., radio range and the west course of the Detroit, Mich., radio range.

§ 601.4213 *Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.).* Westover, Pa., nondirectional radio beacon; Wilkes-Barre, Pa., radio range station; Poughkeepsie, N. Y., radio range station; Providence, R. I., radio range station.

§ 601.4214 *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.).* Rockford, Ill., radio range station; Chicago, Ill., radio range station; the intersection of the east course of the Harvey, Ill, radio range and the southeast course of the Chicago, Ill., radio range.

§ 301.4215 *Red civil airway No. 15 (Reno, Nev., to Phoenix, Ariz.).* The intersection of the southeast course of the Las Vegas, Nev., radio range and the north course of the Needles, Calif., radio range.

§ 601.4216 *Red civil airway No. 16 (Tallahassee, Fla., to Florence, S. C.).* Albany, Ga., radio range station; Columbia, S. C., radio range station.

§ 601.4217 *Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.).* Scott AFB, Belleville, Ill., radio range station; Fort Wayne, Ind., radio range station; Findlay, Ohio, nondirectional radio beacon; Mansfield, Ohio, nondirectional radio beacon; the intersection of the northeast course of the Arcola, Va., radio range and the west course of the Baltimore, Md., radio range; Baltimore, Md., radio range station.

§ 601.4218 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).* Cincinnati, Ohio, radio range station; Huntington, W. Va., nondirectional radio beacon; Charleston, W. Va., radio range station; Elkins, W. Va., radio range station; Front Royal, Va., radio range station.

§ 601.4219 *Red civil airway No. 19 (Traverse City, Mich., to Norfolk, Va.).* The Saginaw, Mich., nondirectional radio beacon.

§ 601.4220 *Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.).* Akron, Ohio, radio range station; the intersection of the south course of the Youngstown, Ohio, radio range and the northwest course of the Pittsburgh, Pa., radio range; the intersection of the northwest course of the Washington, D. C., radio range and the east course of the Martinsburg, W. Va., radio range.

§ 601.4221 *Red civil airway No. 21 (New York, N. Y., to Boston, Mass.).* The intersection of the southeast course of the Hartford, Conn., radio range and the southwest course of the Quonset Point, R. I., (Navy) radio range; the intersection of the southwest course of the Providence, R. I., radio range and the southwest course of the Quonset Point, R. I., (Navy) radio range.

§ 601.4222 *Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.).* The intersection of the northeast course of the Buffalo, N. Y., radio range and the northwest course of the Rochester, N. Y., radio range; Utica, N. Y., radio range station.

§ 601.4223 *Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.).* The Houghton, Mich., radio range station; Sault Ste. Marie, Mich., radio range station; Elmira, N. Y., radio range station; the intersection of the northeast course of the Allentown, Pa., radio range and the northwest course of the New York (La Guardia), N. Y., radio range; the Paterson, N. J., nondirectional radio beacon.

§ 601.4224 *Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).* No reporting point designation.

§ 601.4226 *Red civil airway No. 26 (Petersburg, Va., to Corapeake, N. C.).* Waverly, Va., radio range station.

§ 601.4227 *Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.).* Corbin, Ky., radio range station.

§ 601.4228 *Red civil airway No. 28 (Rockford, Ill., to Detroit, Mich.).* The intersection of the east course of the Rockford, Ill., radio range and the northwest course of the Chicago, Ill., radio range; the intersection of the northeast course of the Chicago, Ill., radio range and the north course of the South Bend., Ind., radio range.

§ 601.4229 *Red civil airway No. 29 (Elmira, N. Y., to Baltimore, Md.).* No reporting point designation.

§ 601.4230 *Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.).* Alexandria, La., radio range station; Baton Rouge, La., radio range station; Keesler AFB, Biloxi, Miss., radio range station; Crestview, Fla., radio range station; Tallahassee, Fla., radio range station; the intersection of the east course of the Tallahassee, Fla., radio range and a line bearing 182° True from the Valdosta, Ga., nondirectional radio beacon.

§ 601.4231 *Red civil airway No. 31 (Cheyenne, Wyo., to La Crosse, Wis.).* Scottsbluff, Nebr., radio range station; Pierre, S. Dak., radio range station.

§ 601.4232 *Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).* Kelly, Tex., radio range station.

§ 601.4233 *Red civil airway No. 33 (Norfolk, Va., to Boston, Mass.).* Arcola, Va., radio range station; the intersection of the northeast course of the Arcola, Va., radio range and the south course of the Harrisburg, Pa., radio range.

§ 601.4234 *Red civil airway No. 34 (Charleston, W. Va., to Weeksville, N. C.).* Pulaski, Va., radio range station.

§ 601.4235 *Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.).* La Junta, Colo., radio range station; Garden City, Kans., radio range station; Hutchinson, Kans., radio range station; Forbes AFB, Topeka, Kans.

§ 601.4236 *Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).* Rochester, Minn., radio range station.

§ 601.4237 *Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.).* Tyler, Tex., radio range station; Little Rock, Ark., radio range station; Lynchburg, Va., radio range station.

§ 601.4238 *Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.).* San Angelo, Tex., radio range station; the intersection of the northwest course of the Kelly, Tex., radio range and the west course of the San Antonio, Tex., radio range.

§ 601.4239 *Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska).* Bethel, Alaska, radio range station; Aniak, Alaska, radio range station; Minchumina, Alaska, radio range station; Nenana, Alaska, radio range station.

§ 601.4240 *Red civil airway No. 40 (Kodiak, Alaska, to Anchorage, Alaska).* Kodiak, Alaska, radio range station; Shuyak, Alaska, nondirectional radio beacon; Homer, Alaska, radio range station; the intersection of the east course of the Kenai, Alaska, radio range and the southwest course of the Anchorage, Alaska, radio range; Anchorage, Alaska, radio range station.

§ 601.4241 *Red civil airway No. 41 (Yakutat, Alaska, to Gustavus, Alaska).* No reporting point designation.

§ 601.4242 *Red civil airway No. 42 (Milwaukee, Wis., to Aurora, Ill.).* No reporting point designation.

§ 601.4243 *Red civil airway No. 43 (Chicago, Ill., to Lafayette, Ind.).* No reporting point designation.

§ 601.4244 *Red civil airway No. 44 (Bellingham, Wash., to United States-Canadian Border).* No reporting point designation.

§ 601.4245 *Red civil airway No. 45 (Blackstone, Va., to Willow Grove, Pa.).* Manakin, Va., non-directional radio beacon.

§ 601.4246 *Red civil airway No. 46 (United States-Canadian Border to Jamestown, N. Dak.).* No reporting point designation.

§ 601.4247 *Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.).* Orlando, Fla., radio range station.

§ 601.4248 *Red civil airway No. 48 (Helena, Mont., to Livingston, Mont.).* No reporting point designation.

§ 601.4249 *Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.).* Wendover, Utah, radio range station.

§ 601.4250 *Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).* Tanana, Alaska, radio range station.

§ 601.4251 *Red civil airway No. 51 (Blackstone, Va., to Norfolk, Va.)* No reporting point designation.

§ 601.4252 *Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.).* Muscle Shoals, Ala., radio range station.

§ 601.4253 *Red civil airway No. 53 (Portland, Oreg., to Spokane, Wash.).* Walla Walla, Wash., radio range station.

§ 601.4254 *Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).* No reporting point designation.

§ 601.4255 *Red civil airway No. 55 (Chicago, Ill., to Columbus, Ohio).* No reporting point designation.

§ 601.4256 *Red civil airway No. 56 (Red Bluff, Calif., to Whitmore, Calif.).* No reporting point designation.

§ 601.4257 *Red civil airway No. 57 (Des Moines, Iowa, to Youngstown, Ohio).* Battle Creek, Mich., radio range station.

§ 601.4258 *Red civil airway No. 58 (Augusta, Maine, to United States-Canadian Border).* Bangor, Maine radio range station.

§ 601.4259 *Red civil airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.).* No reporting point designation.

§ 601.4260 *Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.).* Stockton, Calif., radio range station.

§601.4261 *Red civil airway No. 61 (Butler, Pa., to Washington, D. C.).* The intersection of the northwest course of the Arcola, Va., radio range and the west course of the Martinsburg, W. Va., radio range.

§ 601.4262 *Red civil airway No. 62 (Pittsburgh, Pa., to Altoona, Pa.).* No reporting point designation.

§ 601.4263 *Red civil airway No. 63 (Battle Creek, Mich., to United States-Canadian Border).* No reporting point designation.

§ 601.4264 *Red civil airway No. 64 (United States-Canadian Border to Annette Island, Alaska).* No reporting point designation.

§ 601.4265 *Red civil airway No. 65 (Los Angeles, Calif., to Hayfield Lake, Calif.).* No reporting point designation.

§ 601.4266 *Red civil airway No. 66 (Santa Barbara, Calif., to Los Angeles, Calif.).* The intersection of the east course of the Santa Barbara, Calif., radio range and the northeast course of the Camarillo, Calif., radio range.

§ 601.4267 *Red civil airway No. 67 (Crestview, Fla., to Atlanta, Ga.).* Dothan, Ala., radio range station.

§ 601.4268 *Red civil airway No. 68 (Midland, Tex., to Shreveport, La.).* Midland, Tex., radio range station.

§ 601.4269 *Red civil airway No. 69 (Midland, Tex., to Big Spring, Tex.).* No reporting point designation.

§ 601.4270 *Red civil airway No. 70 (Midland, Tex., to Lubbock, Tex.).* No reporting point designation.

§ 601.4271 *Red civil airway No. 71 (El Paso, Tex., to Lubbock, Tex.).* Roswell, N. Mex., radio range station; Lubbock, Tex., radio range station.

§ 601.4272 *Red civil airway No. 72 (Millville, N. J., to Paterson, N. J.).* Willow Grove, Pa. (Navy), radio range station.

§ 601.4273 *Red civil airway No. 73 (Baltimore, Md., to Millville, N. J.).* No reporting point designation.

§ 601.4274 *Red civil airway No. 74 (Louisville, Ky., to Cincinnati, Ohio).* No reporting point designation.

§ 601.4275 *Red civil airway No. 75 (United States-Canadian Border, Vancouver, B. C., to United States-Canadian Border, Abbotsford, B. C.).* No reporting point designation.

§ 601.4276 *Red civil airway No. 76 (Williams, Calif., to Auburn, Calif.).* No reporting point designation.

§ 601.4277 *Red civil airway No. 77 (Greensboro, N. C., to Atlantic City, N. J.).* No reporting point designation.

§ 601.4278 *Red civil airway No. 78 (Medford, Oreg., to Klamath Falls, Oreg.).* No reporting point designation.

§ 601.4279 *Red civil airway No. 79 (Neah Bay, Wash., to Everett, Wash.).* No reporting point designation.

§ 601.4280 *Red civil airway No. 80 (Helena, Mont., to Miles City, Mont.).* No reporting point designation.

§ 601.4281 *Red civil airway No. 81 (Lansing, Mich., to Detroit, Mich.).* No reporting point designation.

§ 601.4282 *Red civil airway No. 82 (Skwentna, Alaska, to Anchorage, Alaska).* No reporting point designation.

§ 601.4283 *Red civil airway No. 83 (Gila Bend, Ariz., to Tucson, Ariz.).* No reporting point designation.

§ 601.4284 *Red civil airway No. 84 (Meridian, Miss., to Columbus, Ga.).*

Craig AFB radio range station, Selma, Ala.; Columbus, Ga., radio range station.

§ 601.4285 *Red civil airway No. 85 (Akron, Ohio, to Altoona, Pa.)* Butler, Pa., nondirectional radio beacon.

§ 601.4286 *Red civil airway No. 86 (Millinocket, Maine, to Houlton, Maine).* No reporting point designation.

§ 601.4287 *Red civil airway No. 87 (Hawaiian Islands).* Intersection of the northwest course of the Port Allen, T. H., radio range and a point 100 miles northwest of the Port Allen, T. H., radio range station; Port Allen, T. H., radio range station; Maui, T. H., radio range station; intersection of the east course of the Maui, T. H., radio range and the east course of the Hilo, T. H., radio range.

§ 601.4288 *Red civil airway No. 88 (Albuquerque, N. Mex., to Hobbs, N. Mex.).* Hobbs, N. Mex., radio range station.

§ 601.4289 *Red civil airway No. 89 (Quincy, Ill., to Peoria, Ill.).* Peoria, Ill., radio range station.

§ 601.4290 *Red civil airway No. 90 (Oxnard, Calif., to Burbank, Calif.).* No reporting point designation.

§ 601.4291 *Red civil airway No. 91 (Dunkirk, N. Y., to Syracuse, N. Y.).* No reporting point designation.

§ 601.4292 *Red civil airway No. 92 (Sault Ste. Marie, Mich., to United States-Canadian Border).* No reporting point designation.

§ 601.4293 *Red civil airway No. 93 (Lincoln, Nebr., to Omaha, Nebr.).* No reporting point designation.

§ 601.4294 *Red civil airway No. 94 (Providence, R. I., to Hyannis, Mass.).* The intersection of the east course of the Providence, R. I., radio range and the northeast course of the Quonset Point, R. I., (Navy) radio range.

§ 601.4295 *Red civil airway No. 95 (Elmira, N. Y., to Utica, N. Y.).* The intersection of the south course of the Syracuse, N. Y., radio range and the northeast course of the Elmira, N. Y., radio range.

§ 601.4296 *Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.).* The intersection of the southwest course of the Houston, Tex., radio range and the southeast course of the Richmond, Tex., radio range; Houston, Tex., radio range station; Beaumont, Tex., radio range station.

§ 601.4297 *Red civil airway No. 97 (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).* No reporting point designation.

§ 601.4298 *Red civil airway No. 98 (Vichy, Mo., to Belleville, Ill.).* No reporting point designation.

§ 601.4299 *Red civil airway No. 99 (Iliamna, Alaska, to Homer, Alaska).* The Iliamna, Alaska, radio range station.

§ 601.4300 *Red civil airway No. 100 (South Bend, Ind., to Battle Creek, Mich.).* No reporting point designation.

§ 601.4302 *Red civil airway No. 102 (Louisville, Ky., to Huntington, W. Va.).* Lexington, Ky., nondirectional radio beacon.

§ 601.4303 *Red civil airway No. 103 (Kenai, Alaska, to Middleton Island, Alaska).* No reporting point designation.

§ 601.4304 *Red civil airway No. 104 (Greensboro, N. C., to Raleigh, N. C.).* No reporting point designation.

§ 601.4305 *Red civil airway No. 105 (Wichita, Kans., to Neosho, Mo.).* No reporting point designation.

§ 601.4306 *Red civil airway No. 106 (Scottsbluff, Nebr., to North Platte, Nebr.).* No reporting point designation.

§ 601.4307 *Red civil airway No. 107 (Stanton, Minn., to Red Wing, Minn.).* No reporting point designation.

§ 601.4308 *Red civil airway No. 108 (Promontory Point, Utah to Fort Bridger, Wyo.).* No reporting point designation.

§ 601.4309 *Red civil airway No. 109 (Portland, Oreg., to Spokane, Wash.).* No reporting point designation.

BLUE CIVIL AIRWAYS

§ 601.4601 *Blue civil airway No. 1 (Miami, Fla., to Tampa, Fla.).* The intersection of a line bearing 45° True from the Fort Myers, Fla., nondirectional radio beacon and the southeast course of the Tampa, Fla., radio range.

§ 601.4602 *Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.).* Erie, Pa., radio range station.

§ 601.4603 *Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.).* Fort Myers, Fla., nondirectional radio beacon; Tampa, Fla., radio range station; Cross City, Fla., radio range station; Traverse City, Mich. radio range station; Pellston, Mich., nondirectional radio beacon.

§ 601.4604 *Blue civil airway No. 4 (Boston, Mass., to United States-Canadian Border).* Concord, N. H., radio range station; the intersection of the southeast course of the Burlington, Vt., radio range and the southwest course of the Montpelier, Vt., radio range; Burlington, Vt., radio range station.

§ 601.4605 *Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).* Galveston, Tex., radio range station; the intersection of the northwest course of the Houston, Tex., radio range and the northeast course of the Richmond, Tex., radio range; Bryan, Tex., radio range station.

§ 601.4606 *Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).* No reporting point designation.

§ 601.4607 *Blue civil airway No. 7 (Hollister, Calif., to Williams, Calif.).* No reporting point designation.

§ 601.4608 *Blue civil airway No. 8 (Fargo, N. Dak., to United States-Canadian Border).* Grand Forks, N. Dak., radio range station; Pembina, N. Dak., radio range station.

§ 601.4609 *Blue civil airway No. 9 (Springfield, Mo., to United States-Canadian Border).* Duluth, Minn., radio range station.

§ 601.4610 *Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).* Los Banos, Calif., fan type radio marker station or the intersection of the northwest course of the Fresno, Calif., radio range and the south course of the Stockton, Calif., radio range; Evergreen, Calif., non-directional radio marker beacon.

§ 601.4611 *Blue civil airway No. 11 (Findlay, Ohio, to Dunkirk, N. Y.).* No reporting point designation.

§ 601.4613 *Blue civil airway No. 13 (Houston, Tex., to Des Moines, Iowa).* Lufkin, Tex., non-directional radio beacon; Fort Smith, Ark., non-directional radio beacon.

§ 601.4614 *Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.).* The intersection of the northwest course of the Riverside, Calif., radio range and the southeast course of the Palmdale, Calif., radio range.

§ 601.4615 *Blue civil airway No. 15 (Huntington, W. Va., to Youngstown, Ohio).* No reporting point designation.

§ 601.4616 *Blue civil airway No. 16 (Waverly, Va., to Tappahannock, Va.).* No reporting point designation.

§ 601.4617 *Blue civil airway No. 17 (Bangor, Maine, to Presque Isle, Maine).* Houlton, Maine, radio range station.

§ 601.4618 *Blue civil airway No. 18 (Philadelphia, Pa., to United States-Canadian Border).* No reporting point designation.

§ 601.4619 *Blue civil airway No. 19 (Key West, Fla., to Orlando, Fla.).* The intersection of the north course of the Miami, Fla., radio range and the west course of the West Palm Beach, Fla., radio range.

§ 601.4620 *Blue civil airway No. 20 (Millville, N. J., to Allentown, Pa.).* No reporting point designation.

§ 601.4622 *Blue civil airway No. 22 (Memphis, Tenn., to Wichita, Kans.).* No reporting point designation.

§ 601.4623 *Blue civil airway No. 23 (Norfolk, Va., to Chincoteague, Va.).* No reporting point designation.

§ 601.4625 *Blue civil airway No. 25 (Cordova, Alaska, to Big Delta, Alaska).* The intersection of the northeast course of the Hinchinbrook, Alaska, radio range and the south course of the Gulkana, Alaska, radio range.

§ 601.4626 *Blue civil airway No. 26 (Anchorage, Alaska, to Nenana, Alaska).* The intersection of the north course of the Anchorage, Alaska (Merrill), Localizer radio range and the southeast course of the Skwentna, Alaska, radio range; Talkeetna, Alaska, non-directional radio beacon; Summit, Alaska, radio range station.

§ 601.4627 *Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska).* The intersection of the west course of the Kodiak, Alaska, radio range and the southeast course of the King Salmon, Alaska, radio range; Kotzebue, Alaska, non-directional radio beacon.

§ 601.4628 *Blue civil airway No. 28 (Charleston, S. C., to Bulls Gap, Tenn.).* The intersection of the northwest course of the Spartanburg, S. C., radio range and a line bearing 57° True from the Asheville, N. C. (Hendersonville), non-directional radio beacon.

§ 601.4629 *Blue civil airway No. 29 (Raleigh, N. C., to Lynchburg, Va.).* The intersection of the northeast course of the Greensboro, N. C., radio range and the southeast course of the Lynchburg, Va., radio range.

§ 601.4630 *Blue civil airway No. 30 (Brownsville, Tex., to Pueblo, Colo.).* Junction, Tex., nondirectional radio beacon; Dalhart, Tex., nondirectional radio beacon; the intersection of the southwest course of the La Junta, Colo., radio range and the northeast course of the Trinidad, Colo., radio range.

§ 601.4631 *Blue civil airway No. 31 (Burlington, Iowa, to Madison, Wis.).* No reporting point designation.

§ 601.4632 *Blue civil airway No. 32 (Skwentna, Alaska, to Talkeetna, Alaska).* No reporting point designation.

§ 601.4633 *Blue civil airway No. 33 (Lansing, Mich., to Saginaw, Mich.).* No reporting point designation.

§ 601.4634 *Blue civil airway No. 34 (Terre Haute, Ind., to Peoria, Ill.).* No reporting point designation.

§ 601.4635 *Blue civil airway No. 35 (Oxnard, Calif., to Bakersfield, Calif.).* Lebec, Calif., fan marker.

§ 601.4636 *Blue civil airway No. 36 (Akron, Colo., to Kimball, Nebr.).* No reporting point designation.

§ 601.4637 *Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).* No reporting point designation.

§ 601.4638 *Blue civil airway No. 38 (Five Finger, Alaska, to United States-Canadian Border).* Five Finger, Alaska, nondirectional radio beacon; the intersection of the southeast course of the Gustavus, Alaska, radio range and the northeast course of the Sitka, Alaska, radio range; Gustavus, Alaska, radio range station.

§ 601.4639 *Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.).* The Paynesville, W. Va., nondirectional radio beacon; Morgantown, W. Va., radio range station; the intersection of the southeast course of the Pittsburgh, Pa., radio range and the northeast course of the Morgantown, W. Va., radio range.

§ 601.4640 *Blue civil airway No. 40 (Concord, N. H., to Burlington, Vt.).* Montpelier, Vt., radio range station.

§ 601.4641 *Blue civil airway No. 41 (Hartford, Conn., to United States-Canadian Border).* No reporting point designation.

§ 601.4642 *Blue civil airway No. 42 (Goshen, Ind., to Saginaw, Mich.).* No reporting point designation.

§ 601.4643 *Blue civil airway No. 43 (Delta Island, Alaska, to Willow, Alaska).* No reporting point designation.

§ 601.4644 *Blue civil airway No. 44 (Indianapolis, Ind., to United States-Canadian Border).* Kokomo, Ind., nondirectional radio beacon; the intersection of the northeast course of the Fort Wayne, Ind., radio range and the east course of the Goshen, Ind., radio range.

§ 601.4645 *Blue civil airway No. 45 (Greenfield, Mass., to Newport, Vt.).* No reporting point designation.

§ 601.4646 *Blue civil airway No. 46 (Memphis, Tenn., to Paducah, Ky.).* Dyersburg, Tenn., nondirectional radio beacon; Paducah, Ky., nondirectional radio beacon.

§ 601.4647 *Blue civil airway No. 47 (Blackstone, Va., to Dunkirk, N. Y.).* The intersection of the south course of the Altoona, Pa., radio range and the southeast course of the Pittsburgh, Pa., radio range; Bradford, Pa., nondirectional radio beacon.

§ 601.4648 *Blue civil airway No. 48 (New York, N. Y., to Poughkeepsie, N. Y.).* No reporting point designation.

§ 601.4649 *Blue civil airway No. 49 (Atlantic City, N. J., to Philadelphia, Pa.).* No reporting point designation.

§ 601.4651 *Blue civil airway No. 51 (Wendover, Utah, to Dubois, Idaho).* No reporting point designation.

§ 601.4652 *Blue civil airway No. 52 (Paso Robles, Calif., to Fresno, Calif.).* No reporting point designation.

§ 601.4653 *Blue civil airway No. 53 (Providence, R. I., to Hartford, Conn.).* No reporting point designation.

§ 601.4654 *Blue civil airway No. 54 (Evergreen, Calif., to Hamilton AFB, Calif.).* No reporting point designation.

§ 601.4655 *Blue civil airway No. 55 (Crestview, Fla., to Montgomery, Ala.).* No reporting point designation.

§ 601.4656 *Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.).* Langley, Va., AFB radio range station; the intersection of the southeast course of the Andrews, Md., radio range and the northeast course of the Tappahannock, Va., radio range.

§ 601.4657 *Blue civil airway No. 57 (Elko, Nev., to Burley, Idaho).* No reporting point designation.

§ 601.4658 *Blue civil airway No. 58 (Nantucket, Mass., to Squantum, Mass.).* No reporting point designation.

§ 601.4659 *Blue civil airway No. 59 (Pensacola, Fla., to Goodway, Ala.).* Pensacola, Fla., radio range station.

§ 601.4660 *Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.).* No reporting point designation.

§ 601.4661 *Blue civil airway No. 61 (Springfield, Mo., to Kansas City, Mo.).* No reporting point desgnation.

§ 601.4663 *Blue civil airway No. 63 (Concord, N. H., to Berlin, N. H.).* No reporting point designation.

§ 601.4664 *Blue civil airway No. 64 (Wink, Tex., to Hobbs, N. Mex.).* No reporting point designation.

§ 601.4665 *Blue civil airway No. 65 (Shuyak, Alaska,, to Homer, Alaska).* No reporting point designation.

§ 601.4666 *Blue civil airway No. 66 (Bridgeport, Conn., to Poughkeepsie, N. Y.).* Bridgeport, Conn., radio range station.

§ 601.4667 *Blue civil airway No. 67 (Yuma, Ariz., to Las Vegas, Nev.).* No reporting point designation.

§ 601.4668 *Blue civil airway No. 68 (Midland, Tex., to Hobbs, N. Mex.).* No reporting point designation.

§ 601.4669 *Blue civil airway No. 69 (St. Louis, Mo., to Quincy, Ill.).* Quincy, Ill., nondirectional radio beacon.

§ 601.4670 *Blue civil airway No. 70 (Waco, Tex., to Tulsa, Okla.).* Ardmore, Okla., nondirectional radio beacon.

§ 601.4671 *Blue civil airway No. 71 (Toledo, Wash., to Seattle, Wash.).* Shelton, Wash., radio range station.

§ 601.4672 *Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.).* Vance AFB radio range station.

§ 601.4674 *Blue civil airway No. 74 (Willard, N. Mex., to Otto, N. Mex.).* No reporting point designation.

§ 601.4675 *Blue civil airway No. 75 (Cleveland, Ohio, to United States-Canadian Border).* No reporting point designation.

§ 601.4676 *Blue civil airway No. 76 (Sinclair, Wyo., to Casper, Wyo.).* No reporting point designation.

§ 601.4678 *Blue civil airway No. 78 (Spring Bay, Utah, to Malad City, Idaho).* No reporting point designation.

§ 601.4679 *Blue civil airway No. 79 (Annette Island, Alaska, to United States-Canadian Border).* Annette Island, Alaska, radio range station; Petersburg, Alaska, radio range station; the intersection of the northeast course of the Sitka, Alaska, radio range and the northwest course of the Petersburg, Alaska, radio range; Haines, Alaska, nondirectional radio beacon.

§ 601.4680 *Blue civil airway No. 80 (Unalakleet, Alaska, to Moses Point, Alaska).* No reporting point designation.

§ 601.4681 *Blue civil airway No. 81 (Charleston, W. Va., to Akron, Ohio).* No reporting point designation.

§ 601.4684 *Blue civil airway No. 84 (Augusta, Maine, to Millinocket, Maine).* No reporting point designation.

§ 601.4685 *Blue civil airway No. 85 (Hutchinson, Kans., to Wichita, Kans.).* No reporting point designation.

§ 601.4686 *Blue civil airway No. 86 (Goshen, Ind., to Fort Wayne, Ind.).* No reporting point designation.

§ 601.4687 *Blue civil airway No. 87 (Lexington, Ky., to Dayton, Ohio).* No reporting point designation.

OTHER REPORTING POINTS

§ 601.5001 *Other reporting points.* Whidbey Island, Wash.; Navy Radio Range; Farallon Island, Calif., nondirectional radio beacon.

Anchorage-Sandspit route: The Middleton Island, Alaska, nondirectional radio beacon.

Bass Intersection: The intersection of the southeast course of the Weeksville, N. C. (Navy) radio range and the western boundary of the New York Oceanic Control Area.

Bon Secour Intersection: The intersection of the southeast course of the Mobile, Ala., radio range and the west course of the Pensacola, Fla., radio range.

Carp Intersection: The intersection of a line bearing 133° True from the Wilmington, N. C., omnirange station and the western boundary of the New York Oceanic Control Area.

Cod Intersection: The intersection of a Great Circle course between the Nantucket, Mass., nondirectional radio beacon and the Azores Santa Maria nondirectional radio beacon and the western boundary of the ICAO Control Area at Lat. 41°29'00" N., Long., 68°00'00" W.

Azalea Intersection: Intersection of the southeast course of the Charleston, S. C., radio range and the centerline of the Wilmington, N. C.-West Palm Beach, Fla., Domestic control area.

Snapper Intersection: Intersection of the northeast course of the Melbourne, Fla., radio range and the centerline of the Wilmington, N. C.-West Palm Beach, Fla., Domestic control area.

East Nantucket Intersection: Intersection of a line bearing 77° True from the Nantucket, Mass., nondirectional radio beacon and the southeast course of the Squantum, Mass. (Navy), radio range.

East Norfolk Intersection: Intersection of the east course of the Norfolk, Va. (Navy) radio range and the northeast course of the Weeksville, N. C. (Navy) radio range.

Eel Intersection: Intersection of the southeast course of the Boston, Mass., radio range and the western boundary of the New York Oceanic control area.

Gateway Intersection: Intersection of the east course of the Jacksonville, Fla., radio range and the centerline of the Wilmington, N. C.-West Palm Beach, Fla., Domestic Control area.

Granite Intersection: The intersection of a line bearing 118° True from the Homer, Alaska, radio range station with the northwestern boundary of the Anchorage Oceanic Control Area.

Gulfstream Intersection: The intersection of the southeast course of the Miami, Fla., radio range and the northeast course of the Key West, Fla., radio range.

Marble Intersection: The intersection of a line bearing 107° True from the Kodiak, Alaska, radio range station with the northwestern boundary of the Anchorage Oceanic Control Area.

North Nantucket Intersection: Intersection of the east course of the Boston, Mass., radio range and the centerline of the Nantucket, Mass.-Yarmouth, N. S., domestic control area.

Shad Intersection: Intersection of the southeast course of the Millville, N. J., radio range and the western boundary of the New York Oceanic control area.

Seal Intersection: The intersection of a rhumb line between the Nantucket, Mass., nondirectional radio beacon and the Kindley AFB Bermuda radio range station and the western boundary of the ICAO Control Area at Lat. 39°50'00" N., Long. 69°16'00" W.

South Bangor Intersection: Intersection of the southeast course of the Bangor, Maine, radio range and the centerline of the Nantucket, Mass.-Yarmouth, N. S., Domestic control area.

South Island Intersection: Intersection of the southeast course of the Newark, N. J., radio range and the northeast course of the Atlantic City, N. J. (Navy) radio range.

South Millville Intersection: Intersection of the southeast course of the Millville, N. J., radio range and the southeast course of the Atlantic City, N. J. (Navy) radio range.

South Portland Intersection: Intersection of the southeast course of the Portland, Maine, radio range and the centerline of the East Boston, Mass.-Yarmouth, N. S., Domestic control area.

Smelt Intersection: Intersection of the southeast course of the Charleston, S. C., radio range and the western boundary of the New York Oceanic control area.

Trout Intersection: Intersection of the east course of the Jacksonville, Fla., radio range and the western boundary of the New York Oceanic control area.

Tuna Intersection: Intersection of the southeast course of the Newark, N. J., radio range and the western boundary of the New York Oceanic control area.

Domestic Annette Intersection: The intersection of the southwest course of the Annette, Alaska, radio range and the centerline of the Anchorhage-Sandspit route.

Domestic Sitka Intersection: The intersection of the southwest course of the Sitka, Alaska, radio range and the centerline of the Anchorage-Sandspit route.

Domestic Gustavis Intersection: The intersection of the southwest course of the Gustavus, Alaska, radio range and the centerline of the Anchorhage-Sandspit route.

Domestic Yakutat Intersection: The intersection of the southwest course of the Yakutat, Alaska, radio range and the centerline of the Anchorage-Sandspit route.

Domestic Yakataga Intersection: The intersection of the centerline of the Anchorage-Sandspit route and a line bearing 90° therefrom and lying over the Yakataga, Alaska, radio range station.

SUBPART F—VOR CIVIL AIRWAY CONTROL AREAS

DOMESTIC VOR CIVIL AIRWAY CONTROL AREAS

§ 601.6001 *VOR civil airway No. 1 control areas (Charleston, S. C., to New York, N. Y.).* All of VOR civil airway No. 1.

§ 601.6002 *VOR civil airway No. 2 control areas (Seattle, Wash., to Boston, Mass.).* All of VOR civil airway No. 2 including north and south alternates, excluding the airspace between the south alternate from the Alexandria, Minn., omnirange station to the La Crosse, Wis., omnirange station and the main airway.

§ 601.6003 *VOR civil airway No. 3 control areas (Key West, Fla., to Presque Isle, Maine).* All of VOR civil airway No. 3 including north and south alternates, but excluding all the airspace between the main airway and its west alternate extending from the Miami, Fla., omnirange station to the Vero Beach, Fla., omnirange station, and excluding all the airspace between the main airway and its west alternate extending from the Florence, S. C., omnirange station to the Raleigh, N. C., omnirange station.

§ 601.6004 *VOR civil airway No. 4 control areas (Seattle, Wash., to Washington, D. C.).* All of VOR civil airway No. 4 including north and south alternates, but excluding the airspace between the main airway and its south alternate between the Seattle, Wash., omnirange station and the Yakima, Wash., omnirange station and excluding the airspace between the main and its south alternate between the Topeka, Kans., omnirange station and the Columbia, Mo., omnirange station.

§ 601.6005 *VOR civil airway No. 5 control areas (Jacksonville, Fla., to Cleveland, Ohio).* All of VOR civil airway No. 5 including east and west alternates, but excluding the airspace between the main airway and its west alternate from the Alma, Ga., omnirange station to the Atlanta, Ga., omnirange station, and also excluding the airspace between the main airway and its east alternate from the Bowling Green, Ky., omnirange station to the Louisville, Ky., omnirange station.

§ 601.6006 *VOR civil airway No. 6 control areas (Oakland, Calif., to New York, N. Y.).* All of VOR civil airway No. 6, including north and south alternates.

§ 601.6007 *VOR civil airway No. 7 control areas (Miami, Fla., to Green Bay, Wis.).* All of VOR civil airway No. 7 including east and west alternates, but excluding all that airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States and also excluding the airspace between the main airway and its west alternate between the Marianna, Fla., omnirange station and the Montgomery, Ala., omnirange station.

§ 601.6008 *VOR civil airway No. 8 control areas (Long Beach, Calif., to Washington, D. C.).* All of VOR civil airway No. 8 including north and south alternates.

§ 601.6009 *VOR civil airway No. 9 control areas (New Orleans, La., to Milwaukee, Wis.).* All of VOR civil airway No. 9 including an east alternate and west alternates.

§ 601.6010 *VOR civil airway No. 10 control areas (Pueblo, Colo., to New York, N. Y.).* All of VOR civil airway No. 10 including north and south alternates, excluding the airspace between the north alternate from the Dodge City, Kans., omnirange station to the Hutchinson, Kans., omnirange station and the main airway.

§ 601.6011 *VOR civil airway No. 11 control areas (Houston, Tex., to Detroit, Mich.).* All of VOR civil airway No. 11 including east and west alternates, but excluding the airspace between the main airway and its west alternate extending from the Fort Wayne, Ind., omnirange station to the Salem, Mich., omnirange station.

§ 601.6012 *VOR civil airway No. 12 control areas (Santa Barbara, Calif., to Philadelphia, Pa.).* All of VOR civil airway No. 12 including north and south alternates.

§ 601.6013 *VOR civil airway No. 13 control areas (Houston, Tex., to Duluth, Minn.).* All of VOR civil airway No. 13 including east and west alternates, excluding the airspace between the west alternate from the Mason City, Iowa, omnirange station to the Minneapolis, Minn., omnirange station and the main airway.

§ 601.6014 *VOR civil airway No. 14 control areas (Roswell, N. Mex., to Boston, Mass.).* All of VOR civil airway No. 14 including north and south alternates.

§ 601.6015 *VOR civil airway No. 15 control areas (Galveston, Tex., to Minot, N. Dak.).* All of VOR civil airway No. 15 including east and west alternates.

§ 601.6016 *VOR civil airway No. 16 control areas (Los Angeles, Calif., to Boston, Mass.).* All of VOR civil airway No. 16 including north and south alternates but excluding the airspace between the main airway and its south alternate from the Graham, Tenn., omnirange station to the Crossville, Tenn., omnirange station, and also excluding the airspace between the main airway and its north alternate from the Knoxville, Tenn., omnirange station to the Pulaski, Tenn., omnirange station.

§ 601.6017 *VOR civil airway No. 17 control areas (Laredo, Tex., to Goodland, Kans.).* All of VOR civil airway No. 17 including east and west alternates.

§ 601.6018 *VOR civil airway No. 18 control areas (Dallas, Tex., to Charleston, S. C.).* All of VOR civil airway No. 18 including north and south alternates, but excluding the airspace between the main airway and its south alternate from the Anniston, Ala., omnirange station to the Augusta, Ga., omnirange station.

§ 601.6019 *VOR civil airway No. 19 control areas (El Paso, Tex., to Sheridan, Wyo.).* All of VOR civil airway No. 19 including east alternates.

§ 601.6020 *VOR civil airway No. 20 control areas (Laredo, Tex., to Richmond, Va.).* All of VOR civil airway No. 20 including a north alternate and a south alternate, but excluding the airspace between the main airway and the north alternate airway from the Atlanta, Ga., omnirange station to the Spartanburg, S. C., omnirange station.

601.6021 *VOR civil airway No. 21 control areas (Long Beach, Calif., to United States-Canadian Border).* All of VOR civil airway No. 21, including an east and a west alternate.

§ 601.6022 *VOR civil airway No. 22 control areas (New Orleans, La., to Jacksonville, Fla.).* All of VOR civil airway No. 22, including a north alternate, but excluding the airspace between the main airway and its north alternate.

§ 601.6023 *VOR civil airway No. 23 control areas (San Diego, Calif., to Bellingham, Wash.).* All of VOR civil airway No. 23 including an east and west alternates but excluding the airspace between the main airway and its west alternate between the Portland, Oreg., omnirange station and the Seattle, Wash., omnirange station.

§ 601.6024 *VOR civil airway No. 24 control areas (Aberdeen, S. Dak., to Redwood Falls, Minn.).* All of VOR civil airway No. 24 including north alternates.

§ 601.6025 *VOR civil airway No. 25 control areas (Los Angeles, Calif., to Ellensburg, Wash.).* All of VOR civil airway No. 25.

§ 601.6026 *VOR civil airway No. 26 control areas (Cherokee, Wyo., to Cleveland, Ohio).* All of VOR civil airway No. 26, including north and south alternates.

§ 601.6027 *VOR civil airway No. 27 control areas (Los Angeles, Calif., to Seattle, Wash.).* All of VOR civil airway No. 27, including east and west alternates.

§ 601.6028 *VOR civil airway No. 28 control areas (Oakland, Calif., to Reno, Nev.).* All of VOR civil airway No. 28.

§ 601.6029 *VOR civil airway No. 29 control areas (Salisbury, Md., to United States-Canadian Border).* All of VOR civil airway No. 29.

§ 601.6030 *VOR civil airway No. 30 control areas (Milwaukee, Wis., to Nantucket, Mass.).* All of VOR civil airway No. 30 including a south alternate, but excluding all the airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States.

§ 601.6031 *VOR civil airway No. 31 control areas (Baltimore, Md., to Rochester, N. Y.).* All of VOR civil airway No. 31.

§ 601.6032 *VOR civil airway No. 32 control areas (Battle Mountain, Nev., to Fort Bridger, Wyo.).* All of VOR civil airway No. 32, including a north alternate.

§ 601.6033 *VOR civil airway No. 33 control areas (Baltimore, Md., to Buffalo, N. Y.).* All of VOR civil airway No. 33.

§ 601.6034 *VOR civil airway No. 34 control areas (Rochester, N. Y., to Wilton, Conn.).* All of VOR civil airway No. 34.

§ 601.6035 *VOR civil airway No. 35 control areas (Tallahassee, Fla., to Syracuse, N. Y.).* All of VOR civil airway No. 35, including an east alternate from the Elmira, N. Y., omnirange station to the Syracuse, N. Y., omnirange station but excluding the airspace between the main airway and this east alternate airway.

§ 601.6036 *VOR civil airway No. 36 control areas (Buffalo, N. Y., to New York, N. Y.).* All of VOR civil airway No. 36.

§ 601.6037 *VOR civil airway No. 37 control areas (Elkins, W. Va., to Erie, Pa.).* All of VOR civil airway No. 37.

§ 601.6038 *VOR civil airway No. 38 control areas (Chicago, Ill., to Elkins, W. Va.).* All of VOR civil airway No. 38, including a south alternate.

§ 601.6039 *VOR civil airway No. 39 control areas (South Boston, Va., to Kennebunk, Maine).* All of VOR civil airway No. 39.

§ 601.6040 *VOR civil airway No. 40 control areas (Cleveland, Ohio, to Pittsburgh, Pa.).* All of VOR civil airway No. 40.

§ 601.6041 *VOR civil airway No. 41 control areas (Pittsburgh, Pa., to Youngstown, Ohio).* All of VOR civil airway No. 41.

§ 601.6042 *VOR civil airway No. 42 control areas (Detroit, Mich., to Washington, D. C.).* All of VOR civil airway No. 42.

§ 601.6043 *VOR civil airway No. 43 control areas (Columbus, Ohio, to Erie, Pa.).* All of VOR civil airway No. 43.

§ 601.6044 *VOR civil airway No. 44 control areas (Louisville, Ky., to Baltimore, Md.).* All of VOR civil airway No. 44.

§ 601.6045 *VOR civil airway No. 45 control areas (Lexington, Ky., to Lansing, Mich.).* All of VOR civil airway No. 45.

§ 601.6048 *VOR civil airway No. 46 control areas (New York, N. Y., to Nantucket, Mass.).* All of VOR civil airway No. 46 including a south alternate and the airspace between the main airway and this south alternate, but excluding the airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States. The airspace between the main airway and the south alternate below 7,950 feet above mean sea level which lies within the confines of the Montauk Point Restricted Area (R–487) and the Montauk Point Warning Area (W–487) (published in § 608.40 of this chapter) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control.

§ 601.6047 *VOR civil airway No. 47 control areas (Louisville, Ky., to Detroit, Mich.).* All of VOR civil airway No. 47 including west alternates.

§ 601.6048 *VOR civil airway No. 48 control areas (Burlington, Iowa, to Pontiac, Ill.).* All of VOR civil airway No. 48.

§ 601.6049 *VOR civil airway No. 49 control areas (Dillon, Mont., to Great Falls, Mont.).* All of VOR civil airway No. 49.

§ 601.6050 *VOR civil airway No. 50 control areas (St. Joseph, Mo., to Minneapolis, Ind.).* All of VOR civil airway No. 50, including a south alternate.

§ 601.6051 *VOR civil airway No. 51 control areas (Miami, Fla., to Chicago, Ill.).* All of VOR civil airway No. 51 including east and west alternates, but excluding the airspace between the main airway and its west alternate from the Alma, Ga., omnirange station to the Atlanta, Ga., omnirange station.

§ 601.6052 *VOR civil airway No. 52 control areas (Des Moines, Iowa, to St. Louis, Mo.).* All of VOR civil airway No. 52 including north and south alternates.

§ 601.6053 *VOR civil airway No. 53 control areas (Charleston, S. C., to Milwaukee, Wis.).* All of VOR civil airway No. 53 including west alternates.

§ 601.6054 *VOR civil airway No. 54 control areas (Texarkana, Ark., to Charlotte, N. C.).* All of VOR civil airway No. 54 including north alternates.

§ 601.6055 *VOR civil airway No. 55 control areas (Dayton, Ohio, to Green Bay, Wis.).* All of VOR civil airway No. 55 including a west alternate.

§ 601.6056 *VOR civil airway No. 56 control areas (Montgomery, Ala., to Florence, S. C.).* All of VOR civil airway No. 56 including north alternates, but excluding the airspace between the main airway and its north alternate between the Columbia, S. C., omnirange station and the Florence, S. C., omnirange station.

§ 601.6057 *VOR civil airway No. 57 control areas (Graham, Tenn., to Chicago, Ill.).* All of VOR civil airway No. 57.

§ 601.6058 *VOR civil airway No. 58 control areas (Pittsburgh, Pa., to Hartford, Conn.).* All of VOR civil airway No. 58.

§ 601.6059 *VOR civil airway No. 59 control areas (Evansville, Ind., to Moline, Ill.).* All of VOR civil airway No. 59 including an east alternate.

§ 601.6060 *VOR civil airway No. 60 control areas (Albuquerque, N. Mex., to Tucumcari, N. Mex.).* All of VOR civil airway No. 60 including a south alternate.

§ 601.6061 *VOR civil airway No. 61 control areas (Fort Worth, Tex., to Lawton, Okla.).* All of VOR civil airway No. 61 including a west alternate.

§ 601.6062 *VOR civil airway No. 62 control areas (Santa Fe, N. Mex., to Anton Chico, N. Mex.).* All of VOR civil airway No. 62.

§ 601.6063 *VOR civil airway No. 63 control areas (McAlester, Okla., to Milwaukee, Wis.).* All of VOR civil airway No. 63, including west alternates.

§ 601.6064 *VOR civil airway No. 64 control areas (Long Beach, Calif., to Blythe, Calif.).* All of VOR civil airway No. 64.

§ 601.6065 *VOR civil airway No. 65 control areas (Bonner Springs, Kans., to St. Joseph, Mo.).* All of VOR civil airway No. 65.

§ 601.6066 *VOR civil airway No. 66 control areas (San Diego, Calif., to Midland, Tex.).* All of VOR civil airway No. 66 including north alternates.

§ 601.6067 *VOR civil airway No. 67 control areas (Waterloo, Iowa, to Rochester, Minn.).* All of VOR civil airway No. 67 including a west alternate.

§ 601.6068 *VOR civil airway No. 68 control areas (Albuquerque, N. Mex., to Brownsville, Tex.).* All of VOR civil airway No. 68 including north and south alternates.

§ 601.6069 *VOR civil airway No. 69 control areas (Little Rock, Ark., to Chicago, Ill.).* All of VOR civil airway No. 69.

§ 601.6070 *VOR civil airway No. 70 control areas (Corpus Christi, Tex., to Baton Rouge, La.).* All of VOR civil airway No. 70.

§ 601.6071 *VOR civil airway No. 71 control areas (Pine Bluff, Ark., to Kansas City, Mo.).* All of VOR civil airway No. 71 including a west alternate.

§ 601.6072 *VOR civil airway No. 72 control areas (Vichy, Mo., to Albany, N. Y.).* All of VOR civil airway No. 72.

§ 601.6073 *VOR civil airway No. 73 control areas (Tulsa, Okla., to Salina, Kans.).* All of VOR civil airway No. 73.

§ 601.6074 *VOR civil airway No. 74 control areas (Anthony, Kans., to Little Rock, Ark.).* All of VOR civil airway No. 74 including a north alternate and south alternates.

§ 601.6075 *VOR civil airway No. 75 control areas (Richmond, Va., to Cleveland, Ohio).* All of VOR civil airway No. 75.

§ 601.6076 *VOR civil airway No. 76 control areas (Lubbock, Tex., to Galveston, Tex.).* All of VOR civil airway No. 76 including a north and a south alternate, but excluding the airspace between the main airway and its south alternate.

§ 601.6077 *VOR civil airway No. 77 control areas (San Angelo, Tex., to Des Moines, Iowa).* All of VOR civil airway No. 77 including east alternates and a west alternate.

§ 601.6078 *VOR civil airway No. 78 control areas (Huron, S. Dak., to Minneapolis, Minn.).* All of VOR civil airway No. 78, including a south alternate.

§ 601.6079 *VOR civil airway No. 79 control areas (Culberson, Tex., to Lubbock, Tex.).* All of VOR civil airway No. 79.

§ 601.6080 *VOR civil airway No. 80 control areas (Sioux Falls, S. Dak., to Redwood Falls, Minn.).* All of VOR civil airway No. 80 including a south alternate.

§ 601.6081 *VOR civil airway No. 81 control areas (Midland, Tex., to Amarillo, Tex.).* All of VOR civil airway No. 81 including an east alternate.

§ 601.6082 *VOR civil airway No. 82 control areas (Minneapolis, Minn., to La Crosse, Wis.).* All of VOR civil airway No. 82 including south alternates.

§ 601.6083 *VOR civil airway No. 83 control areas (Carlsbad, N. Mex., to Santa Fe, N. Mex.).* All of VOR civil airway No. 83 including an east alternate.

§ 601.6084 *VOR civil airway No. 84 control areas (Bradford, Ill., to Flint, Mich.).* All of VOR civil airway No. 84.

§ 601.6085 *VOR civil airway No. 85 control areas (Rock River, Wyo., to Casper, Wyo.).* All of VOR civil airway No. 85 including an east alternate.

§ 601.6086 *VOR civil airway No. 86 control areas (Butte, Mont., to Bozeman, Mont.).* All of VOR civil airway No. 86.

§ 601.6087 *VOR civil airway No. 87 control areas (Gila Bend, Ariz., to Hassayampa, Ariz.).* All of VOR civil airway No. 87.

§ 601.6088 *VOR civil airway No. 88 control areas (Tulsa, Okla., to Mansfield, Ohio).* All of VOR civil airway No. 88, including a north alternate.

§ 601.6089 *VOR civil airway No. 89 control areas (Cheyenne, Wyo., to Rapid City, S. Dak.).* All of VOR civil airway No. 89 including east alternates.

§ 601.6091 *VOR civil airway No. 91 control areas (New York, N. Y., to Plattsburg, N. Y.).* All of VOR civil airway No. 91.

§ 601.6092 *VOR civil airway No. 92 control areas (Chicago, Ill., to Washington, D. C.).* All of VOR civil airway No. 92.

§ 601.6093 *VOR civil airway No. 93 control areas (Washington, D. C., to Presque Isle, Maine).* All of VOR civil airway No. 93.

§ 601.6094 *VOR civil airway No. 94 control areas (Salt Flat, Tex., to Hobbs, N. Mex.).* All of VOR civil airway No. 94.

§ 601.6095 *VOR civil airway No. 95 control areas (Phoenix, Ariz., to Winslow, Ariz.).* All of VOR civil airway No. 95.

§ 601.6096 *VOR civil airway No. 96 control areas (Lafayette, Ind., to Detroit, Mich.).* All of VOR civil airway No. 96.

§ 601.6097 *VOR civil airway No. 97 control areas (Miami, Fla., to Minneapolis, Minn.).* All of VOR civil airway No. 97 including east and west alternates, but excluding all the airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States and also excluding the airspace between the main airway and its east alternate between the Tampa, Fla., omnirange station and the Tallahassee, Fla., omnirange station.

§ 601.6098 *VOR civil airway No. 98 control areas (Fort Wayne, Ind., to Erie, Pa.)* All of VOR civil airway No. 98.

§ 601.6101 *VOR civil airway No. 101 control areas (Ogden, Utah, to Burley, Idaho).* All of VOR civil airway No. 101.

§ 601.6102 *VOR civil airway No. 102 control areas (Lubbock, Tex., to Wichita Falls, Tex.).* All of VOR civil airway No. 102.

§ 601.6103 *VOR civil airway No. 103 control areas (Elkins, W. Va., to Cleveland, Ohio).* All of VOR civil airway No. 103.

§ 601.6104 *VOR civil airway No. 104 control areas (United States-Canadian Border to Plattsburg, N. Y.).* All of VOR civil airway No. 104.

§ 601.6105 *VOR civil airway No. 105 control areas (Phoenix, Ariz., to Las Vegas, Nev.).* All of VOR civil airway No. 105.

§ 601.6106 *VOR civil airway No. 106 control areas (Charleston, W. Va., to Kennebunk, Maine).* All of VOR civil airway No. 106, including a north alternate.

§ 601.6107 *VOR civil airway No. 107 control areas (Los Angeles, Calif., to Red Bluff, Calif.).* All of VOR civil airway No. 107.

§ 601.6109 *VOR civil airway No. 109 control areas (Paso Robles, Calif., to Fresno, Calif.).* All of VOR civil airway No. 109.

§ 601.6110 *VOR civil airway No. 110 control areas (San Francisco, Calif., to Altamount, Calif.).* All of VOR civil airway No. 110.

§ 601.6111 *VOR civil airway No. 111 control areas (Salinas, Calif., to Los Banos, Calif.).* All of VOR civil airway No. 111.

§ 601.6112 *VOR civil airway No. 112 control areas (Portland, Oreg., to Spokane, Wash.).* All of VOR civil airway No. 112.

§ 601.6113 *VOR civil airway No. 113 control areas (Paso Robles, Calif., to Reno, Nev.).* All of VOR civil airway No. 113.

§ 601.6114 *VOR civil airway No. 114 control areas (Pueblo, Colo., to New Orleans, La.).* All of VOR civil airway No. 114, including north alternates.

§ 601.6115 *VOR civil airway No. 115 control areas (Crestview, Fla., to Charleston, W. Va.).* All of VOR civil airway No. 115.

§ 601.6116 *VOR civil airway No. 116 control areas (Kansas City, Mo., to New York, N. Y.).* All of VOR civil airway No. 116.

§ 601.6117 *VOR civil airway No. 117 control areas (El Centro, Calif., to Daggett, Calif.).* All of VOR civil airway No. 117.

§ 601.6118 *VOR civil airway No. 118 control areas (Rock River, Wyo., to Cheyenne, Wyo.).* All of VOR civil airway No. 118.

§ 601.6119 *VOR civil airway No. 119 control areas (Huntington, W. Va., to Bradford, Pa.).* All of VOR civil airway No. 119.

§ 601.6120 *VOR civil airway No. 120 control areas (Mullen Pass, Mont., to Miles City, Mont.).* All of VOR civil airway No. 120.

§ 601.6121 *VOR civil airway No. 121 control areas (North Bend, Oreg., to Eugene, Oreg.).* All of VOR civil airway No. 121.

§ 601.6122 *VOR civil airway No. 122 control areas (Crescent City, Calif., to Klamath Falls, Oreg.).* All of VOR civil airway No. 122.

§ 601.6123 *VOR civil airway No. 123 control areas (Newport, Oreg., to Newberg, Oreg.).* All of VOR civil airway No. 123.

§ 601.6124 *VOR civil airway No. 124 control areas (Burley, Idaho, to Pocatello, Idaho).* All of VOR civil airway No. 124.

§ 601.6125 *VOR civil airway No. 125 control areas (Anthony, Kans., to Hutchinson, Kans.).* All of VOR civil airway No. 125.

§ 601.6126 *VOR civil airway No. 126 control areas (Chicago, Ill., to New York, N. Y.).* All of VOR civil airway No. 126.

§ 601.6127 *VOR civil airway No. 127 control areas (Livingston, Mont., to Helena, Mont.).* All of VOR civil airway No. 127.

§ 601.6128 *VOR civil airway No. 128 control areas (Chicago, Ill., to New Bern, N. C.).* All of VOR civil airway No. 128 including a north alternate and south alternates.

§ 601.6129 *VOR civil airway No. 129 control areas (Dixon, Ill., to Eau Claire, Wis.).* All of VOR civil airway No. 129.

§ 601.6130 *VOR civil airway No. 130 control areas (Albany, N. Y., to Providence, R. I.).* All of VOR civil airway No. 130.

§ 601.6131 *VOR civil airway No. 131 control areas (Ponca City, Okla., to Topeka, Kans.).* All of VOR civil airway No. 131.

§ 601.6132 *VOR civil airway No. 132 control areas (Cheyenne, Wyo., to Hutchinson, Kans.).* All of VOR civil airway No. 132.

§ 601.6133 *VOR civil airway No. 133 control areas (Parkersburg, W. Va., to Flint, Mich.).* All of VOR civil airway No. 133.

§ 601.6134 *VOR civil airway No. 134 control areas (Evergreen, Ala., to Atlanta, Ga.).* All of VOR civil airway No. 134.

§ 601.6135 *VOR civil airway No. 135 control areas (Yuma, Ariz., to Las Vegas, Nev.).* All of VOR civil airway No. 135.

§ 601.6136 *VOR civil airway No. 136 control areas (Pulaski, Va., to Raleigh, N. C.).* All of VOR civil airway No. 136.

§ 601.6137 *VOR civil airway No. 137 control areas (San Bernardino, Calif., to Salinas, Calif.).* All of VOR civil airway No. 137.

§ 601.6138 *VOR civil airway No. 138 control areas (Rock River, Wyo., to Sidney, Nebr.).* All of VOR civil airway No. 138.

§ 601.6139 *VOR civil airway No. 139 control areas (Norwich, Conn., to Boston, Mass.).* All of VOR civil airway No. 139.

§ 601.6140 *VOR civil airway No. 140 control areas (Amarillo, Tex., to New York, N. Y.).* All of VOR civil airway No. 140, including north alternates and a south alternate.

§ 601.6141 *VOR civil airway No. 141 control areas (Nantucket, Mass., to Plattsburg, N. Y.).* All of VOR civil airway No. 141.

§ 601.6142 *VOR civil airway No. 142 control areas (Buffalo, N. Y., to Rochester, N. Y.).* All of VOR civil airway No. 142.

§ 601.6143 *VOR civil airway No. 143 control areas (Charlotte, N. C., to Washington, D. C.).* All of VOR civil airway No. 143, including a west alternate, but excluding the airspace between the main airway and the west alternate.

§ 601.6144 *VOR civil airway No. 144 control areas (Chicago, Ill., to Washington, D. C.).* All of VOR civil airway No. 144.

§ 601.6145 *VOR civil airway No. 145 control areas (Utica, N. Y., to the United States-Canadian Border).* All of VOR civil airway No. 145.

§ 601.6146 *VOR civil airway No. 146 control areas (Poughkeepsie, N. Y., to Woodstock, Conn.).* All of VOR civil airway No. 146.

§ 601.6147 *VOR civil airway No. 147 control areas (Philadelphia, Pa., to Rochester, N. Y.).* All of VOR civil airway No. 147.

§ 601.6148 *VOR civil airway No. 148 control areas (Thurman, Colo., to North Platte, Nebr.).* All of VOR civil airway No. 148.

§ 601.6149 *VOR civil airway No. 149 control areas (Allentown, Pa., to Utica, N. Y.).* All of VOR civil airway No. 149.

§ 601.6150 *VOR civil airway No. 150 control areas (Sacramento, Calif., to Reno, Nev.).* All of VOR civil airway No. 150.

§ 601.6151 *VOR civil airway No. 151 control areas (Woonsocket, R. I., to Keene, N. H.).* All of VOR civil airway No. 151.

§ 601.6152 *VOR civil airway No. 152 control areas (Tampa, Fla., to Daytona Beach, Fla.).* All of VOR civil airway No. 152 including a north and a south alternate.

§ 601.6153 *VOR civil airway No. 153 control areas (New York, N. Y., to Wilkes-Barre, Pa.).* All of VOR civil airway No. 153.

§ 601.6154 *VOR civil airway No. 154 control areas (Meridian, Miss., to Macon, Ga.).* All of VOR civil airway No. 154, including a north alternate.

§ 601.6155 *VOR civil airway No. 155 control areas (Gordonsville, Va., to Front Royal, Va.).* All of VOR civil airway No. 155.

§ 601.6156 *VOR civil airway No. 156 control areas (Elkins, W. Va., to Gordonsville, Va.).* All of VOR civil airway No. 156.

§ 601.6157 *VOR civil airway No. 157 control areas (Wilmington, N. C., to Richmond, Va.).* All of VOR civil airway No. 157.

§ 601.6158 *VOR civil airway No. 158 control areas (Iowa Falls, Iowa, to Waterloo, Iowa).* All of VOR civil airway No. 158.

§ 601.6159 *VOR civil airway No. 159 control areas (Miami, Fla., to Albany, Ga.).* All of VOR civil airway No. 159.

§ 601.6160 *VOR civil airway No. 160 control areas (Denver, Colo., to Sidney, Nebr.).* All of VOR civil airway No. 160.

§ 601.6161 *VOR civil airway No. 161 control areas (Tulsa, Okla., to Minneapolis, Minn.).* All of VOR civil airway No. 161.

§ 601.6162 *VOR civil airway No. 162 control areas (Harrisburg, Pa., to Allentown, Pa.).* All of VOR civil airway No. 162, including a south alternate.

§ 601.6163 *VOR civil airway No. 163 control areas (Waco, Tex., to Oklahoma City, Okla.).* All of VOR civil airway No. 163 including an east alternate.

§ 601.6164 *VOR civil airway No. 164 control areas (Bradford, Pa., to New York, N. Y.).* All of VOR civil airway No. 164 including south alternate, but

excluding the airspace between the main airway and the south alternate.

§ 601.6165 *VOR civil airway No. 165 control areas (Long Beach, Calif., to Palmdale, Calif.).* All of VOR civil airway No. 165.

§ 601.6166 *VOR civil airway No. 166 control areas (Martinsburg, W. Va., to Philadelphia, Pa.).* All of VOR civil airway No. 166.

§ 601.6167 *VOR civil airway No. 167 control areas (New York, N. Y., to Hartford, Conn.).* All of VOR civil airway No. 167.

§ 601.6168 *VOR civil airway No. 168 control areas.* (Unassigned.)

§ 601.6169 *VOR civil airway No. 169 control areas (Sidney, Nebr., to Rapid City, S. Dak.).* All of VOR civil airway No. 169 including an east alternate.

§ 601.6170 *VOR civil airway No. 170 control areas (Erie, Pa., to Philadelphia, Pa.).* All of VOR civil airway No. 170.

§ 601.6171 *VOR civil airway No. 171 control areas (Louisville, Ky., to Madison, Wis.).* All of VOR civil airway No. 171.

§ 601.6172 *VOR civil airway No. 172 control areas (Iowa City, Iowa, to Chicago, Ill.).* All of VOR civil airway No. 172 including a north alternate.

§ 601.6173 *VOR civil airway No. 173 control areas (Springfield, Ill., to Chicago, Ill.).* All of VOR civil airway No. 173.

§ 601.6174 *VOR civil airway No. 174 control areas (St. Louis, Mo., to Washington, D. C.).* All of VOR civil airway No. 174.

§ 601.6175 *VOR civil airway No. 175 control areas (Vichy, Mo., to Columbia, Mo.).* All of VOR civil airway No. 175.

§ 601.6176 *VOR civil airway No. 176 control areas (Centralia, Ill., to Scotland, Ind.).* All of VOR civil airway No. 176.

§ 601.6177 *VOR civil airway No. 177 control areas (Chicago, Ill., to Janesville, Wis.).* All of VOR civil airway No. 177.

§ 601.6178 *VOR civil airway No. 178 control areas (Farmington, Mo., to Paducah, Ky.).* All of VOR civil airway No. 178 including a south alternate.

§ 601.6179 *VOR civil airway No. 179 control areas (Paducah, Ky., to Centralia, Ill.)* All of VOR civil airway No. 179.

§ 601.6180 *VOR civil airway No. 180 control areas (Lansing, Mich., to Selfridge, Mich.).* All of VOR civil airway No. 180.

§ 601.6181 *VOR civil airway No. 181 control areas (Sioux Falls, S. Dak., to Watertown, S. Dak.).* All of VOR civil airway No. 181.

§ 601.6182 *VOR civil airway No. 182 control areas (Portland, Oreg., to Baker, Oreg.).* All of VOR civil airway No. 182.

§ 601.6183 *VOR civil airway No. 183 control areas (Santa Barbara, Calif., to Bakersfield, Calif.).* All of VOR civil airway No. 183.

§ 601.6184 *VOR civil airway No. 184 control areas (Erie, Pa., to Philipsburg, Pa.).* All of VOR civil airway No. 184.

§ 601.6185 *VOR civil airway No. 185 control areas (Augusta, Ga., to Knoxville, Tenn.).* All of VOR civil airway No. 185, including an east and a west alternate, but excluding the airspace between the main airway and its west alternate airway from the Augusta, Ga., omnirange station to the Asheville, N. C., omnirange station and also excluding the airspace between the main airway and its east alternate from the Asheville, N. C., omnirange station to the Knoxville, Tenn., omnirange station.

§ 601.6186 *VOR civil airway No. 186 control areas (St. Louis, Mo., to Scotland, Ind.).* All of VOR civil airway No. 186.

§ 601.6187 *VOR civil airway No. 187 control areas (Chicago, Ill., to Milwaukee, Wis.).* All of VOR civil airway No. 187.

§ 601.6188 *VOR civil airway No. 188 control areas (Detroit, Mich., to New York, N. Y.).* All of VOR civil airway No. 188.

§ 601.6189 *VOR civil airway No. 189 control areas (Pittsburgh, Pa., to Brookville, Pa.).* All of VOR civil airway No. 189.

§ 601.6190 *VOR civil airway No. 190 control areas (Grants, N. Mex., to Evansville, Ind.).* All of VOR civil airway No. 190.

§ 601.6191 *VOR civil airway No. 191 control areas (Walnut Ridge, Ark., to Chicago, Ill.)* All of VOR civil airway No. 191.

§ 601.6192 *VOR civil airway No. 192 control areas (Grant, N. Mex., to Tucumcari, N. Mex.).* All of VOR civil airway No. 192.

§ 601.6193 *VOR civil airway No. 193 control areas (Grand Rapids, Mich., to Traverse City, Mich.).* All of VOR civil airway No. 193.

§ 601.6194 *VOR civil airway No. 194 control areas (Royston, Ga., to Norfolk, Va.).* All of VOR civil airway No. 194.

§ 601.6195 *VOR civil airway No. 195 control areas (Oakland, Calif., to Red Bluff, Calif.).* All of VOR civil airway No. 195 including west alternates.

§ 601.6196 *VOR civil airway No. 196 control areas (Rock River, Wyo., to Chadron, Nebr.).* All of VOR civil airway No. 196.

§ 601.6197 *VOR civil airway No. 197 control areas (Toledo, Ohio, to Detroit, Mich.).* All of VOR civil airway No. 197.

§ 601.6198 *VOR civil airway No. 198 control areas (San Antonio, Tex., to Galveston, Tex.).* All of VOR civil airway No. 198 including a north alternate.

§ 601.6199 *VOR civil airway No. 199 control areas (San Francisco, Calif., to Fresno, Calif.).* All of VOR civil airway No. 199.

§ 601.6200 *VOR civil airway No. 200 control areas (Ukiah, Calif., to Reno, Nev.).* All of VOR civil airway No. 200 including a south alternate, but excluding the airspace between the main airway and this south alternate.

§ 601.6201 *VOR civil airway No. 201 control areas (Los Angeles, Calif., to Pasadena, Calif.).* All of VOR civil airway No. 201.

§ 601.6202 *VOR civil airway No. 202 control areas (Tucson, Ariz., to Cochise, Ariz.).* All of VOR civil airway No. 202.

§ 601.6203 *VOR civil airway No. 203 control areas (Albany, N. Y., to Massena, N. Y.).* All of VOR civil airway No. 203.

§ 601.6204 *VOR civil airway No. 204 control areas (Hoquiam, Wash., to Olympia, Wash.).* All of VOR civil airway No. 204.

§ 601.6205 *VOR civil airway No. 205 control areas (Springfield, Mo., to Kansas City, Mo.).* All of VOR civil airway No. 205.

§ 601.6206 *VOR civil airway No. 206 control areas (Blue Springs, Mo., to Kirksville, Mo.).* All of VOR civil airway No. 206.

§ 601.6207 *VOR civil airway No. 207 control areas (Denver, Colo., to Egbert, Wyo.).* All of VOR civil airway No. 207.

§ 601.6208 *VOR civil airway No. 208 control areas (Thermal, Calif., to Needles, Calif.).* All of VOR civil airway No. 208.

§ 601.6209 *VOR civil airway No. 209 control areas (Los Angeles, Calif., to Paso Robles, Calif.).* All of VOR civil airway No. 209.

§ 601.6211 *VOR civil airway No. 211 control areas (Cotulla, Tex., to Junction, Tex.).* All of VOR civil airway No. 211.

§ 601.6213 *VOR civil airway No. 213 control areas (Rocky Mount, N. C., to Boykins, Va.).* All of VOR civil airway No. 213.

§ 601.6223 *VOR civil airway No. 223 control areas (Herndon, Va., to Harrisburg, Pa.).* All of VOR civil airway No. 223.

HAWAIIAN VOR CIVIL AIRWAY CONTROL AREAS

§ 601.6401 *Hawaiian VOR civil airway No. 1 control areas.* All of Hawaiian VOR civil airway No. 1.

§ 601.6402 *Hawaiian VOR civil airway No. 2 control areas.* All of Hawaiian VOR civil airway No. 2, including south alternates.

§ 601.6403 *Hawaiian VOR civil airway No. 3 control areas.* All of Hawaiian VOR civil airway No. 3.

§ 601.6404 *Hawaiian VOR civil airway No. 4 control areas.* All of Hawaiian VOR civil airway No. 4.

§ 601.6405 *Hawaiian VOR civil airway No. 5 control areas.* All of Hawaiian VOR civil airway No. 5.

§ 601.6406 *Hawaiian VOR civil airway No. 6 control areas.* All of Hawaiian VOR civil airway No. 6.

§ 601.6407 *Hawaiian VOR civil airway No. 7 control areas.* All of Hawaiian VOR civil airway No. 7.

§ 601.6408 *Hawaiian VOR civil airway No. 8 control areas.* All of Hawaiian VOR civil airway No. 8.

§ 601.6409 *Hawaiian VOR civil airway No. 9 control areas.* All of Hawaiian VOR civil airway No. 9.

§ 601.6410 *Hawaiian VOR civil airway No. 10 control areas.* All of Hawaiian VOR civil airway No. 10.

SUBPART G—VOR CIVIL AIRWAY REPORTING POINTS

§ 601.7001 *Domestic VOR reporting points.*

Aberdeen, S. Dak., omnirange station.
Abilene, Tex., omnirange station.
Adamsville Intersection: The intersection of the Columbus, Ohio, omnirange 082° True and the Mansfield, Ohio, omnirange 149° True radials.
Akron, Colo., omnirange station.
Albany, Ga., omnirange station.
Albany, N. Y. omnirange station.
Albuquerque, N. Mex., omnirange station.
Alexandria, La., omnirange station.
Alexandria, Minn., omnirange station.
Allentown, Pa., omnirange station.
Alma, Ga., omnirange station.
Altoona Intersection: The intersection of the Johnstown, Pa., omnirange 092° True and the Philipsburg, Pa., omnirange 202° True radials.
Amarillo, Tex., omnirange station.
Andrews Intersection: The intersection of the Baltimore, Md., omnirange 196° True and the Washington, D. C., terminal omnirange 140° True radials.
Animas Intersection: The intersection of the Douglas, Ariz., omnirange 063° True and the Columbus, N. Mex., omnirange 277° True radials.
Anniston, Ala., omnirange station.
Anthony, Kans., omnirange station.
Anton Chico, N. Mex., omnirange station.
Arcola Intersection: The intersection of the Houston, Tex., omnirange 226° True and the Galveston, Tex., omnirange 286 True radials.
Ardmore, Okla., omnirange station.
Ashville, N. C., omnirange station.
Atlanta, Ga., omnirange station.
Augusta, Ga., omnirange station.
Augusta, Maine, omnirange station.
Atwater Intersection: The intersection of the Youngstown, Ohio, omnirange 231° True and the Cleveland, Ohio, omnirange 116° True radials.
Austin, Tex., omnirange station.
Baker, Oreg., omnirange station.
Bakersfield, Calif., omnirange station.
Bangor, Maine, omnirange station.
Baltimore, Md., omnirange station.
Baton Rouge, La., omnirange station.
Battle Mountain, Nev., omnirange station.
Bay Point Intersection: The intersection of the Oakland, Calif., omnirange 039° True and the Modesto, Calif., omnirange 292° True radials.
Beaumont, Tex., omnirange station.
Belle Glade Intersection: The intersection of the Vero Beach, Fla., omnirange 192° True and the Miami, Fla., omnirange 338° True radials.
Bellingham, Wash., omnirange station.
Benito Intersection: The intersection of the Salinas, Calif., omnirange 109° True and the Paso Robles, Calif., omnirange 335° True radials.
Bergholz Intersection: The intersection of the Pittsburgh, Pa., Omnirange 291° True and the Youngstown, Ohio, omnirange 195° True radials (or ADF passing indication over the Bergholz, Ohio, nondirectional radio beacon).
Big Spring, Tex., omnirange station.
Billings, Mont., omnirange station.
Binghamton, N. Y., omnirange station.
Birmingham, Ala., omnirange station.
Bismarck, N. Dak., omnirange station.
Blythe, Calif., omnirange station.
Boise, Idaho, omnirange station.
Boston, Mass., omnirange station.
Bowling Green, Ky., omnirange station.
Bozeman, Mont., omnirange station.
Bradford, Ill., omnirange station.
Bradford, Pa., omnirange station.
Bradley Intersection: The intersection of the Poughkeepsie, N. Y., omnirange 079° True radial and the 225° True course of the Windsor Locks, Conn., Bradley Field ILS localizer.
Branchville Intersection: The intersection of the Stroudsburg, Pa., omnirange 055° True and the Wilkes-Barre, Pa., omnirange 117° True radials.
Brownsville, Tex., omnirange station.
Brunswick, Ga., omnirange station.
Bryce Canyon, Utah, omnirange station.
Burley, Idaho, omnirange station.
Burlington, Iowa, omnirange station.
Buffalo, N. Y., omnirange station.
Butler, Mo., omnirange station.
Butte, Mont., omnirange station.
Campbell Intersection: The intersection of the San Francisco., Calif., omnirange 141° True and the Modesto, Calif., omnirange 242° True radials.
Carleton, Mich., omnirange station.
Carlsbad, N. Mex., omnirange station.
Casper, Wyo., omnirange station.
Catalina Intersection: The intersection of the Los Angeles, Calif., omnirange 185° True radial, the Long Beach, Calif., omnirange 220° True radial and a straight line bearing 099° True to the Oceanside, Calif., nondirectional radio beacon.
Centralia, Ill., omnirange station.
Chadron, Nebr., omnirange station.
Charleston, S. C., omnirange station.
Charleston, W. Va., omnirange station.
Charlotte, N. C., omnirange station.
Chattanooga, Tenn., omnirange station.
Cheyenne, Wyo., omnirange station.
Chicago Heights, Ill., omnirange station.
Childress, Tex., omnirange station.
Cincinnati, Ohio, omnirange station.
Clam Intersection: The intersection of the Cross City, Fla., omnirange 242° True and the Tallahassee, Fla., omnirange 151° True radials.
Cleveland, Ohio, omnirange station.
Coalinga, Calif., omnirange station.
Cochise, Ariz., omnirange station.
Coldwater Intersection: The intersection of the Dayton, Ohio, omnirange 324° True and the Findlay, Ohio, omnirange 250° True radials.
College Station, Tex., omnirange station.
Columbia, Mo., omnirange station.
Columbia, S. C., omnirange station.
Columbus, Ga., omnirange station.
Columbus, N. Mex., omnirange station.
Columbus, Ohio, omnirange station.
Concord, N. H., omnirange station.
Colt Intersection: The intersection of the Memphis, Tenn., omnirange 276° True and the Walnut Ridge, Ark., omnirange 171° True radials.
Corbin, Ky., VAR station.
Corono, N. Mex., omnirange station.
Corpus Christi, Tex., omnirange station.
Cotulla, Tex., omnirange station.
Crescent City, Calif., omnirange station.
Crestview, Fla., omnirange station.
Cross City, Fla., omnirange station.
Crossville, Tenn., omnirange station.
Crystal Lake Intersection: The intersection of the Allentown, Pa., omnirange 329° True and the Wilkes Barre-Scranton, Pa., omnirange 224° True radials.
Culberson, Tex., omnirange station.
Cut Bank, Mont., omnirange station.
Daggett, Calif., omnirange station.
Dayton, Ohio, omnirange station.
Daytona Beach, Fla., omnirange station.
Dalhart, Tex., omnirange station.
Dallas, Tex., omnirange station.
Delta, Utah, omnirange station.
Denver, Colo., omnirange station.
Des Moines, Iowa, omnirange station.
Detroit, Mich., omnirange station.
Dickinson, N. Dak., omnirange station.
Dillon, Mont., omnirange station.
Dodge City, Kans., omnirange station.
Douglas, Ariz., omnirange station.
Douglas, Wyo., omnirange station.
Drummond, Mont., omnirange station.
Duluth, Minn., omnirange station.
Dyersburg, Tenn., omnirange station.
Eau Claire, Wis., omnirange station.
Edgerton Intersection: The intersection of the Fort Wayne, Ind. omnirange 037° True and the Goshen, Ind., omnirange 092° True radials.
El Dorado, Ark., omnirange station.
Elkins, W. Va., omnirange station.
Ellensburg, Wash., omnirange station.
Elmira, N. Y., omnirange station.
El Monte Intersection: The intersection of the Ontario, Calif., omnirange 292° True and the Long Beach, Calif., omnirange 357° True radials.
El Paso, Tex., omnirange station.
Emporia, Kans., omnirange station.
Ephrata, Wash., omnirange station.
Erie, Pa., omnirange station.
Eugene, Oreg., omnirange station.
Evansville, Ind., omnirange station.
Evergreen, Ala., omnirange station.
Fargo, N. Dak., omnirange station.
Farmington, Mo., omnirange station.
Fayetteville, Ark., omnirange station.
Findlay, Ohio, omnirange station.
Flat Rock, Va., omnirange station.
Fort Jones, Calif., omnirange station.
Fort Myers, Fla., omnirange station.
Fort Smith, Ark., omnirange station.
Fort Wayne, Ind., omnirange station.
Fort Worth, Tex., omnirange station.
Flint Intersection: The intersection of the Lansing, Mich., omnirange 068° True and the Salem, Mich., omnirange 342° True radials.
Flintstone Intersection: The intersection of the Front Royal, Va., omnirange 335° True and the Martinsburg, W. Va., omnirange 398° True radials.
Flippin, Ark., omnirange station.
Florence, S. C., omnirange station.
Fresno, Calif., omnirange station.
Front Royal, Va., omnirange station.
Gage, Okla., omnirange station.
Galveston, Tex., omnirange station.
Garden City, Kans., omnirange station.
Gardner, Mass., omnirange station.
Gila Bend, Ariz., omnirange station.
Golden Gate Intersection: The intersection of the Oakland, Calif., omnirange 274° True and the San Francisco, Calif., omnirange 304° True radials.
Goodland, Kans., omnirange station.
Gordonsville, Va., omnirange station.
Gore Intersection: The intersection of the Culbertson, Tex., omnirange 012° True and the Salt Flat, Tex., omnirange 085° True radials.
Goshen, Ind., omnirange station.
Graham, Tenn., omnirange station.
Grand Island, Nebr., omnirange station.
Grand Junction, Colo., omnirange station.
Grants, N. Mex., omnirange station.
Grantsburg, Wis., omnirange station.
Great Falls, Mont., omnirange station.
Green Bay, Wis., omnirange station.
Gregg County, Tex., omnirange station.
Greenwood, Miss., omnirange station.
Greensboro, N. C., omnirange station.
Guthrie, Tex., omnirange station.
Half-Moon Bay Intersection: The intersection of the Oakland, Calif., omnirange 217° True, the Salinas, Calif., omnirange 319° True and the San Francisco, Calif., omnirange 281° True radials.
Harrelsville Intersection: The intersection of the Williamston, N. C., VAR north course and the Rocky Mount, N. C., omnirange 064° True radial.
Harrisburg, Pa., omnirange station.

Hartford, Conn., omnirange station.
Helena, Mont., omnirange station.
Hassayampa, Ariz., omnirange station.
Herndon, Va., omnirange station.
Highway Intersection: The intersection of the Nashville, Tenn., omnirange 059° True and the Crossville, Tenn., omnirange 347° True radials.
Hill City, Kans., omnirange station.
Hobart, Okla., omnirange station.
Hobbs, N. Mex., omnirange station.
Homer Intersection: The intersection of the Norcross, Ga., omnirange 054° True and the Royston, Ga., omnirange 270° True radials.
Honea Intersection: The intersection of the Royston, Ga., omnirange 078° True radial and the Greensville, S. C., ILS localizer south course.
Hope Intersection: The intersection of the Rochester, Minn., omnirange 275° True and the Minneapolis, Minn., omnirange 179° True radials.
Hoquiam, Wash., omnirange station.
Houston, Tex., omnirange station.
Hudspeth, Tex., omnirange station.
Huron, S. Dak., omnirange station.
Hutchinson, Kans., omnirange station.
Imperial, Nebr., omirange station.
Indianapolis, Ind., omnirange station.
Iowa City, Iowa, omnirange station.
Jackson, Miss., omnirange station.
Jackson, Tenn., omnirange station.
Jacksonville, Fla., omnirange station.
Jamestown, N. Dak., omnirange station.
Janesville, Wis., omnirange station.
Joliet, Ill., omnirange station.
Junction, Tex., omnirange station.
Kansas City, Mo., omnirange station.
Kennebunk, Maine, omnirange station.
Key West, Fla., omnirange station.
Kirksville, Mo., omnirange station.
Knoxville, Tenn., omnirange station.
Kokomo Intersection: The intersection of the Indianapolis, Ind., omnirange 021° True and the Lafayette, Ind., omnirange 079° True radials.
Kremmling, Colo., omnirange station.
La Belle Intersection: The intersection of the Miami, Fla., omnirange 316° True and the Fort Myers, Fla., omnirange 035° True radials.
La Crosse, Wis., omnirange station.
Lafayette, Ind., omnirange station.
Lafayette, La., omnirange station.
La Grange, Ga., omnirange station.
Lake Charles, La., omnirange station.
Lakeland, Fla., omnirange station.
Lamar, Colo., omnirange station.
Lamoni, Iowa, omnirange station.
Lancaster Intersection: The intersection of the Harrisburg, Pa., omnirange 108° True and the Allentown, Pa., omnirange 228° True radials.
Lansing, Mich., omnirange station.
Laramie, Wyo., omnirange station.
Laredo, Tex., omnirange station.
Las Vegas, Nev., omnirange station.
Las Vegas, N. Mex., omnirange station.
Lawrenceville, Va., omnirange station.
Lawton, Okla., omnirange station.
Lewisburg Intersection: The intersection of the Bowling Green, Ky., omnirange 283° True and the Nashville, Tenn., omnirange 343° True radials.
Lewistown, Mont., omnirange station.
Lexington, Ky., omnirange station.
Lexington, Nebr., omnirange station.
Lisbon Intersection: The intersection of the Herndon, Va., omnirange 45° True and the Baltimore, Md., omnirange 281° True radials.
Litchfield, Mich., omnirange station.
Little Rock, Ark., omnirange station.
Livingston, Mont., omnirange station.
Lone Rock, Wis., omnirange station.
Long Beach, Calif., omnirange station.
Los Banos Intersection: The intersection of the Modesto, Calif., omnirange 176° True and the Fresno, Calif., omnirange 287° True radials.
Louisville, Ky., omnirange station.
Lovelock, Nev., omnirange station.
Lubbock, Tex., omnirange station.
Lufkin, Tex., omnirange station.
Lumberton, N. C., omnirange station.
Macon, Ga., omnirange station.
Malad City, Idaho, omnirange station.
Malden, Mo., omnirange station.
Mansfield, Ohio, omnirange station.
Marchand Intersection: The intersection of the Youngstown, Ohio, omnirange 231° True and the Cleveland, Ohio, omnirange 132° True radials.
Marianna, Fla., omnirange station.
Martinsburg, W. Va., omnirange station.
Mason City, Iowa, omnirange station.
Massena, N. Y., omnirange station.
Maxwell Intersection: The intersection of the Indianapolis, Ind., omnirange 084° True and the Cincinnati, Ohio, omnirange 318° True radials.
McComb, Miss., omnirange station.
Medford, Oreg., omnirange station.
Medina Intersection: The intersection of the Rochester, N. Y., omnirange 289° True and the Buffalo, N. Y., omnirange 034° True radials.
Medicine Bow, Wyo., omnirange station.
Memphis, Tenn., omnirange station.
Mendota Intersection: The intersection of the Janesville, Wis., omnirange 339° True and the Lone Rock, Wis., omnirange 104° True radials.
Meridian, Miss., omnirange station.
Miami, Fla., omnirange station.
Midland, Tex., omnirange station.
Miles City, Mont., omnirange station.
Milford, Utah, omnirange station.
Millbury Intersection: The intersection of the Hartford, Conn., omnirange 044° True and the Gardner, Mass., omnirange 152° True radials.
Milwaukee, Wis., omnirange station.
Mineral Wells, Tex., omnirange station.
Minneapolis, Minn., omnirange station.
Minot, N. Dak., omnirange station.
Missoula, Mont., omnirange station.
Mobile, Ala., omnirange station.
Modesto, Calif., omnirange station.
Moline, Ill., omnirange station.
Monroe, La., omnirange station.
Montebello, Va., omnirange station.
Montgomery, Ala., omnirange station.
Moncure Intersection: The intersection of the Greensboro, N. C., omnirange 122° True and the Raleigh, N. C., omnirange 249° True radials.
Mooresville Intersection: The intersection of the Charlotte, N. C., omnirange 359° True and the Spartanburg, S. C., omnirange 057° True radials.
Morgantown, W. Va., omnirange station.
Mormon Mesa, Nev., omnirange station.
Mt. Hamilton Intersection: The intersection of the San Francisco, Calif., omnirange 097° True and the Oakland, Calif., omnirange 130° True radials.
Mount Pleasant Intersection: The intersection of the Pittsburgh, Pa., omnirange 117° True and the Morgantown, W. Va., omnirange 021° True radials.
Mullan Pass, Mont., omnirange station.
Murphy Intersection: The intersection of the Chattanooga, Tenn., omnirange 088° True and the Knoxville, Tenn., omnirange 191° True radials.
Muscle Shoals, Ala., omnirange station.
Muskegon, Mich., omnirange station.
Myrtle Beach, S. C., omnirange station.
Naperville, Ill., omnirange station.
Nashville, Tenn., omnirange station.
Needles, Calif., omnirange station.
Neosho, Mo., omnirange station.
New Alexandria Intersection: The intersection of the Pittsburgh, Pa., omnirange 067° True and the Johnstown, Pa., omnirange 290° True radials.
New Braunfels Intersection: The intersection of the San Antonio, Tex., omnirange 074° True and the Austin, Tex., omnirange 209° True radials.
Newburgh Intersection: The intersection of the Poughkeepsie, N. Y., omnirange 236° True and the Wilton, Conn., omnirange 300° True radials.
New Bern, N. C., omnirange station.
Newberg, Oreg., omnirange station.
New Orleans, La., omnirange station.
Newport, Oreg., omnirange station.
Norcross, Ga., omnirange station.
North Bend, Oreg., omnirange station.
North Platte, Nebr., omnirange station.
Oakland, Calif., omnirange station.
Oakwood Intersection: The intersection of the Watertown, S. Dak., omnirange 169° True and the Huron, S. Dak., omnirange 088° True radials.
Ogden, Utah, omnirange station.
Oklahoma City, Okla., omnirange station.
Omaha, Nebr., omnirange station.
Ontario, Calif., omnirange station.
Orlando, Fla., omnirange station.
Otto, N. Mex., omnirange station.
Ottumwa, Iowa, omnirange station.
Paducah, Ky., omnirange station.
Palacios, Tex., omnirange station.
Palestine Intersection: The intersection of the Pittsburgh, Pa., omnirange 326° True and the Wheeling, W. Va., omnirange 003° True radials.
Palm Springs Intersection: The intersection of the Thermal, Calif., omnirange 340° True and the Ontario, Calif., omnirange 91° True radials.
Palmdale, Calif., omnirange station.
Panoche Intersection: The intersection of the Coalinga, Calif., omnirange 311° True and the Modesto, Calif., omnirange 176° True radials.
Parkersburg, W. Va., omnirange station.
Paso Robles, Calif., omnirange station.
Paterson Intersection: The intersection of the Wilkes-Barre-Scranton, Pa., omnirange 117° True and the Wilton, Conn., omnirange 240° True radials.
Paynesville Intersection: The intersection of the Pulaski, Va., omnirange 285° True and the Tri-City, Tenn., omnirange 012° True radials.
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Wilton, Conn., omnirange station.
Wink, Tex., omnirange station.
Winslow, Ariz., omnirange station.
Yakima, Wash., omnirange station.
York, Ky., omnirange station.
Youngstown, Ohio, omnirange station.
Yuma, Ariz., omnirange station.
Zuni, N. Mex., omnirange station.

§ 601.7002 *Hawaiian VOR reporting points.*

Grass Shack Intersection: Intersection of Hilo omnirange 006° True and Upolu 96° True radials.
Hibiscus Intersection: Intersection of Upolu omnirange 96° True and Hilo omnirange 41° True radials.
Hilo, Hawaii, T. H., omnirange station.
Honolulu, Oahu, T. H., omnirange station.
Hula Girl Intersection: Intersection of Lihue omnirange 141° True and Honolulu omnirange 246° True radials.
Kaneohe Intersection: Intersection of Honolulu omnirange 61° True and Lanai omnirange 318° True radials.
Lanai, T. H., omnirange station.
Lihue, Kauai, T. H., omnirange station.
Makai Intersection: Intersection of Honolulu omnirange 246° True and Lihue omnirange 126° True radials.
Maui, T. H., omnirange station.
North Lanai Intersection: Intersection of Honolulu omnirange 61° True and Lanai omnirange 337° True radials.
North Maui Intersection: Intersection of Honolulu omnirange 61° True and Maui omnirange 351° True radials.
Paradise Intersection: Intersection of Hilo omnirange 336° True and Upolu omnirange 96° True radials.
Pineapple Intersection: Intersection of Lanai omnirange 111° True and Maui omnirange 237° True radials.
Rainbow Intersection: Intersection of Maui omnirange 191° True and Lanai omnirange 111° True radials.
Southgate Intersection: Intersection of Honolulu omnirange 179° True and Lanai omnirange 286° True radials.
South Honolulu Intersection: Intersection of Honolulu omnirange 179° True and Lanai omnirange 224° True radials.
South Port Allen Intersection: Intersection of Honolulu omnirange 246° True and Lihue omnirange 186° True radials.
Upolu, Hawaii, T. H., omnirange station.

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10648

RESTORING CERTAIN LANDS COMPRISING PORTIONS OF THE FORT RUGER MILITARY RESERVATION TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS certain lands at Kapahulu, Honolulu, Island of Oahu, Territory of Hawaii, which form a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, were reserved for military purposes of the United States and constitute a part of Tract No. 1 of the Fort Ruger Military Reservation, described by Executive Order No. 6408 of November 7, 1933, as modified by Executive Orders No. 6468 of November 29, 1933, No. 10268 of July 5, 1951, No. 10453 of May 18, 1953, and No. 10496 of October 14, 1953; and

WHEREAS portions of such lands are needed by the Territory of Hawaii for National Guard, Air National Guard, and civil-defense purposes; and

WHEREAS present military requirements are sufficiently provided for by the terms and provisions of this order; and

WHEREAS it is deemed advisable and in the public interest that Parcels 1 to 6 inclusive, hereinafter described, comprising portions of Tract No. 1, referred to in the first paragraph of this order, be restored to the possession, use, and control of the Territory of Hawaii, subject to the limitations hereinafter set forth:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

PART I

The following-described parcels of land, located at Kapahulu, Honolulu, Island of Oahu, Territory of Hawaii, comprising portions of Tract No. 1 of Fort Ruger Military Reservation, are hereby restored to the possession, use, and control of the Territory of Hawaii (hereinafter referred to as the Territory), subject to the limitations hereinafter set forth:

PARCEL 1

Beginning at concrete monument No. 1–J (brass plate set in coral) of Fort Ruger Military Reservation, at the northeast corner of this parcel of land, being also the initial point of Land Court Application 1453 and located on the boundary of B. P. Bishop land (as shown on map by Department Engineer's Office, entitled "Fort Ruger Military Reservation", dated June 25, 1933, File Number 6–1–25 F. 33, Case A"), the coordinates of the said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 1205.18 feet North and 6915.49 feet East, thence running by azimuths measured clockwise from True South:

1. 32° 09′ 10″ 197.98 feet along B. P. Bishop land to concrete monument No. 1–H;
2. 347° 49′ 45″ 70.77 feet along B. P. Bishop land to concrete monument No. 1–G;
3. 8° 09′ 20″ 129.93 feet along B. P. Bishop land to concrete monument No. 1–F;
4. 27° 35′ 30″ 239.96 feet along B. P. Bishop land to concrete monument No. 1–E;
5. 65° 29′ 35″ 64.63 feet along B. P. Bishop land to concrete monument No. 1–D;
6. 53° 03′ 50″ 428.92 feet along B. P. Bishop land to concrete monument No. 1–C;
7. 64° 14′ 50″ 434.68 feet along B. P. Bishop land to concrete monument No. 1–B;
8. 346° 49′ 30″ 141.43 feet along B. P. Bishop land to concrete monument No. 26–Q, from which the true azimuth and distance to a concrete monument known as secondary triangulation Station "KUPIKIPIKIO", established by the Department of Engineer's Office, is 346° 49′ 30″ 171.42 feet and from said "KUPIKIPIKIO" Station, the true azimuths and distances to Government Survey Triangulation Stations are as follows:
   (a) to "LEAHI" 91° 26′ 51″ 5975.54 feet;
   (b) to "KALEPEAMOA" 192° 21′ 06″ 14504.89 feet;
9. 77° 43′ 45″ 402.95 feet along the north side of Kahala Avenue to concrete monument No. 26–P;
10. 78° 51′ 20″ 981.50 feet along the north side of Kahala Avenue to concrete monument No. 26–O;

Thence along the north side of Diamond Head Road for the next fourteen (14) courses, described as follows:

11. 76° 37′ 00″ 378.94 feet to concrete monument No. 26–N;
12. Thence on a curve to the left having a radius of 603.69 feet, the chord azimuth and distance being: 64° 57′ 00″ 244.15 feet to concrete monument No. 26–M;
13. 53° 17′ 00″ 318.61 feet to concrete monument No. 26–L;
14. Thence on a curve to the right having a radius of 686.78 feet, the chord azimuth and distance being: 61° 32′ 27″ 197.29 feet to concrete monument No. 26–K;
15. 69° 47′ 55″ 558.20 feet to concrete monument No. 26–J;

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16. 65° 38′ 33″ 1067.58 feet to concrete monument No. 26–I;
17. Thence on a curve to the right having a radius of 543.69 feet, the chord azimuth and distance being: 76° 15′ 07″ 200.20 feet to concrete monument No. 26–H;
18. 86° 51′ 41″ 285.85 feet to concrete monument No. 26–G;
19. Thence on a curve to the right having a radius of 686.78 feet, the chord azimuth and distance being: 93° 35′ 48″ 161.08 feet to concrete monument No. 26–F;
20. 100° 19′ 55″ 1319.22 feet to a 1½-inch galvanized iron pipe marking concrete monument No. 26–E;
21. Thence on a curve to the left having a radius of 603.69 feet, the chord azimuth and distance being: 91° 31′ 46″ 184.77 feet to concrete monument No. 26–D;
22. 82° 43′ 36″ 206.27 feet to concrete monument No. 26–C;
23. Thence on a curve to the right having a radius of 380.28 feet, the chord azimuth and distance being: 96° 57′ 30″ 186.97 feet to concrete monument No. 26–B;
24. 111° 11′ 24″ 22.75 feet to concrete monument No. 26–A;
25. 124° 30′ 00″ 635.89 feet along reservation boundary to concrete monument No. 26;
26. 213° 18′ 10″ 200.69 feet along reservation boundary to concrete monument No. 25;
27. 212° 00′ 00″ 269.00 feet along reservation boundary to concrete monument No. 24;
28. 307° 00′ 00″ 610.00 feet along Parcel 6;
29. 280° 00′ 00″ 1290.00 feet along Parcel 6;
30. 271°00′ 00″ 1410.00 feet along Parcel 6;
31. 250° 00′ 00″ 680.00 feet along Parcel 6;
32. 241° 00′ 00″ 320.00 feet along Parcel 6;
33. 231° 00′ 00″ 320.00 feet along Parcel 6;
34. 216° 00′ 00″ 1482.80 feet along Parcel 6;
35. 287° 20′ 00″ 212.50 feet along Parcel 6;
36. 305° 25′ 00″ 640.00 feet along Parcel 6;
37. 300° 00′ 00″ 280.00 feet along Parcel 6;
38. 240° 00′ 00″ 540.00 feet along Parcel 6;
39. 226° 00′ 00″ 140.00 feet along Parcel 6;
40. 205° 00′ 00″ 480.00 feet along Parcel 6;
41. 119° 00′ 00″ 580.00 feet along Parcel 6;
42. 208° 00′ 00″ 620.00 feet along Parcel 6;
43. 303° 04′ 00″ 1110.00 feet to the point of beginning; and containing an area of 87.143 acres.

Excepting and reserving to the United States of America Easement A, described in Part II of this order.

PARCEL 2

Beginning at the northerly corner of this parcel of land, the true azimuth and distance from concrete monument No. 10 of Fort Ruger Military Reservation (as shown on map by Department Engineer's Office, entitled "Fort Ruger Military Reservation", dated June 25, 1933, File Number 6–1–25 F. 33, Case "A") being 41° 08′ 50″ 9.50 feet, and the coordinates of the said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 3004.21 feet North and 565.87 feet East, thence running by azimuths measured clockwise from True South:

1. 320° 52′ 00″ 51.38 feet along Diamond Head Reservoir Lot (restored to the Territory by Presidential Executive Order No. 6468, dated November 29, 1933);
2. 320° 52′ 00″ 25.00 feet along former right-of-way for pipeline and roadway purposes (designated as Parcel No. II in Presidential Executive Order No. 10453, dated May 18, 1953, which restored such parcel to the Territory);
3. 320° 52′ 00″ 14.92 feet along Diamond Head Reservoir Lot (restored to the Territory by Presidential Executive Order No. 6468, dated November 29, 1933);
4. 41° 08′ 50″ 130.00 feet along same;
5. 311° 08′ 50″ 430.00 feet along same;
6. 234° 49′ 13″ 318.81 feet along same;
7. 333° 08′ 40″ 80.00 feet along Tract 1–C;
8. 57° 16′ 00″ 1100.42 feet along Parcel 6;
9. 37° 30′ 00″ 900.00 feet along Parcel 6;
10. 30° 00′ 00″ 1590.00 feet along Parcel 6;
11. 40° 14′ 00″ 312.27 feet along Reservoir Site (restored to the Territory by Executive Order No. 1377, dated June 26, 1911);
12. 130° 14′ 00″ 81.46 feet along land designated as Tract No. 1 in Presidential Executive Order No. 10268, dated July 5, 1951 (which restored such tract to the Territory) to concrete monument No. 18;
13. 162° 31′ 20″ 364.95 feet along reservation boundary to concrete monument No. 12–B;
14. 209° 57′ 20″ 705.81 feet along reservation boundary to concrete monument No. 12–A;
15. 207° 13′ 00″ 1072.00 feet along reservation boundary to concrete monument No. 12;
16. 224° 30′ 00″ 931.86 feet along reservation boundary to concrete monument No. 11;
17. 221° 18′ 50″ 841.34 feet along reservation boundary to the point of beginning; and containing an area of 35.553 acres.

PARCEL 3

Beginning at concrete monument No. 8 of Fort Ruger Military Reservation, at the northwest corner of this parcel of land (as shown on map by Department Engineer's Office, entitled "Fort Ruger Military Reservation", dated June 25, 1933, File Number 6–1–25 F. 33, Case "A"), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 3666.64 feet North and 1374.85 feet East, thence running by azimuths measured clockwise from True South:—

1. 264° 38′ 50″ 894.58 feet along reservation boundary;
2. 359° 00′ 00″ 191.09 feet along Parcel 6;
3. 90° 27′ 00″ 361.62 feet along Tract 1–C;
4. Thence along Tract 1–C on a curve to the right having a radius of 2090.00 feet, the chord azimuth and distance being: 94° 43′ 30″ 311.59 feet;
5. 99° 00′ 00″ 195.85 feet along Tract 1–C;
6. 149° 35′ 30″ 56.17 feet along reservation boundary to the point of beginning; and containing an area of 2.716 acres.

Excepting and reserving to the United States of America Easements B, C, and D, described in Part II of this order, and further reserving to the United States of America a right-of-way along the south boundary of Parcel 3 for ingress to and egress from the tracts remaining in Fort Ruger Military Reservation (Part III of this order) until such time as the strip of land along the said south boundary shall be constituted a public street.

PARCEL 4

Beginning at concrete monument No. 3 of Fort Ruger Military Reservation at the north corner of this parcel of land, located on the west corner of the intersection of Puu Panini Avenue (formerly known as Diamond Head Avenue) and 18th Avenue (as shown on map by Department Engineer's Office, entitled "Fort Ruger Military Reservation", dated June 25, 1933, File Number 6–1–25 F. 33, Case "A"), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 2,918.41 feet North and 4,284.06 feet East, thence running by azimuths measured clockwise from True South:—

1. 303° 04′ 00″ 56.26 feet along the southwest side of Puu Panini Avenue (formerly known as Diamond Head Avenue);
2. 28° 30′ 00″ 136.81 feet along Track 1–D;
3. Thence along Tract 1–D on a curve to the left having a radius of 72.86 feet, the chord azimuth and distance being: 352° 36′ 00″ 85.45 feet;
4. Thence along Parcel 6 on a curve to the left having a radius of 974.74 feet, the chord azimuth and distance being: 132° 12′ 30″ 152.67 feet;
5. 127° 43′ 00″ 16.09 feet along Parcel 6;
6. Thence along Parcel 6 on a curve to the left having a radius of 50.00 feet, the chord azimuth and distance being: 258° 06′ 30″ 76.16 feet;
7. 208° 30′ 00″ 122.40 feet along Parcel 6 to the point of beginning; and containing an area of 0.270 acres.

Excepting and reserving to the United States of America Easement E, described in Part II of this order.

PARCEL 5

Beginning at the northwest corner of this parcel of land, the west corner of the intersection of 22nd Avenue and Puu Panini Avenue (formerly known as Diamond Head Avenue), the true azimuth and distance from concrete monument 1–J (brass plate set in coral) of Fort Ruger Military Reservation (as shown on map by Department Engineer's Office, entitled "Fort Ruger Military Reservation", dated June 25, 1933, File Number 6–1–25 F. 33, Case "A") being 123° 04′ 00″ 1729.34 feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 2148.73 feet North and 5466.24 feet East, thence running by azimuths measured clockwise from True South:—

1. 303° 04′ 00″ 50.16 feet along the southwest side of Puu Panini Avenue (formerly known as Diamond Head Avenue);
2. 28° 30′ 00″ 754.26 feet along Parcel 6;
3. Thence along Parcel 6 on a curve to the left having a radius of 50.00 feet, the chord azimuth and distance being: 2° 20′ 00″ 44.10 feet;
4. 156° 10′ 00″ 189.50 feet along Parcel 6;
5. Thence along Parcel 6 on a curve to the left having a radius of 50.00 feet, the chord azimuth and distance being: 272° 20′ 00″ 89.75 feet;
6. 208° 30′ 00″ 642.46 feet along Parcel 6 to the point of beginning; and containing an area of 0.929 acre.

Excepting and reserving to the United States of America Easement F, described in Part II of this order.

PARCEL 6

Beginning at the northeast corner of this parcel of land, the true azimuth and dis-

tance to concrete monument 1–J (brass plate set in coral) of Fort Ruger Military Reservation (as shown on map by Department Engineer's Office, entitled "Fort Ruger Military Reservation", dated June 25, 1933, File No. 6–1–25 F. 33, Case "A") being 303° 04' 1110.00 feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 1810.81 feet North and 5985.27 feet East, thence running by azimuths measured clockwise from True South:—

1. 28° 00' 00" 620.00 feet along Parcel 1;
2. 299° 00' 00" 580.00 feet along Parcel 1;
3. 25° 00' 00" 480.00 feet along Parcel 1;
4. 46° 00' 00" 140.00 feet along Parcel 1;
5. 60° 00' 00" 540.00 feet along Parcel 1;
6. 120° 00' 00" 280.00 feet along Parcel 1;
7. 125° 25' 00" 640.00 feet along Parcel 1;
8. 107° 20' 00" 212.50 feet along Parcel 1;
9. 36° 00' 00" 1482.80 feet along Parcel 1;
10. 51° 00' 00" 320.00 feet along Parcel 1;
11. 61° 00' 00" 320.00 feet along Parcel 1;
12. 70° 00' 00" 680.00 feet along Parcel 1;
13. 91° 00' 00" 1410.00 feet along Parcel 1;
14. 100° 00' 00" 1290.00 feet along Parcel 1;
15. 127° 00' 00" 610.00 feet along Parcel 1 to concrete monument No. 24;
16. 115° 35' 00" 222.00 feet along reservation boundary to concrete monument No. 23;
17. 205° 21' 35" 195.54 feet along Reservoir Site (restored to the Territory by Part II of Presidential Executive Order No. 1377, dated June 26, 1911) to concrete monument No. 22;
18. 116° 32' 40" 280.34 feet along same to concrete monument No. 21;
19. 210° 00' 00" 1590.00 feet along Parcel 2;
20. 217° 30' 00" 900.00 feet along Parcel 2;
21. 237° 16' 00" 1100.42 feet along Parcel 2;
22. 252° 00' 00" 790.00 feet along Tract 1–C;
23. 264° 30' 00" 780.00 feet along Tract 1–C;
24. 148° 00' 00" 480.00 feet along Tract 1–C;
25. 145° 20' 00" 204.04 feet along Tract 1–C;
26. 90° 27' 00" 46.93 feet along Tract 1–C;
27. 179° 00' 00" 191.08 feet along Parcel 3;
28. 264° 38' 50" 649.78 feet along reservation boundary to concrete monument No. 7;
29. 303° 02' 50" 1636.30 feet along Tract 1–A to concrete monument No. 3;
30. 28° 30' 00" 122.40 feet along the northwest side of Parcel 4;
31. Thence along the north side of Parcel 4 on a curve to the right having a radius of 50.00 feet, the chord azimuth and distance being: 78° 06' 30" 76.16 feet;
32. 307° 43' 00" 16.09 feet along the southwest end of Parcel 4;
33. Thence along the southwest end of Parcel 4 on a curve to the right having a radius of 974.74 feet, the chord azimuth and distance being: 312° 12' 30" 152.67 feet;
34. 316° 42' 00" 377.00 feet along Tract 1–D;
35. 221° 30' 00" 293.42 feet along Tract 1–D;
36. 303° 04' 00" 878.65 feet along the southwest side of Puu Panini Avenue (formerly known as Diamond Head Avenue);
37. 28° 30' 00" 642.46 feet along the northwest side of Parcel 5;
38. Thence along the north side of Parcel 5 on a curve to the right having a radius of 50.00 feet, the chord azimuth and distance being: 92° 20' 00" 89.75 feet;
39. 336° 10' 00" 189.50 feet along the southwest end of Parcel 5;
40. Thence along the east side of Parcel 5 on a curve to the right having a radius of 50.00 feet, the chord azimuth and distance being: 182° 20' 00" 44.10 feet;
41. 208° 30' 00" 754.26 feet along the southeast side of Parcel 5;
42. 303° 04' 00" 569.18 feet along the southwest side of Puu Panini Avenue (formerly known as Diamond Head Avenue) to the point of beginning.

Excluding, however, Tract 1–B, described in Part III of this order, leaving an area in Parcel 6 of 470.246 acres (the gross area incompassed within the metes and bounds of courses 1–42 being 473.187 acres and the area of Tract 1–B being 2.941 acres, leaving a net area of 470.246 acres).

Excepting and reserving to the United States of America rights-of-way crossing Parcel 6 at such locations as shall be mutually agreed upon between the Commanding General, United States Army of the Pacific, and the Adjutant General of the Territory or other head of the territorial department having the principal use and control of Parcel 6, for cable lines, for utilities of the United States of America or its licensees serving the tracts remaining in Fort Ruger Military Reservation (Part III of this order), and for ingress to and egress from the said tracts.

Provided, that until and unless otherwise permitted by the Department of the Army, Parcel 6 shall be used for National Guard, Air National Guard, or civil-defense purposes only. If without such permission Parcel 6 shall be used for other purposes, in whole or in part, and such other use shall continue for a period of sixty days after notice to cease and desist therefrom, then Parcel 6, or the portion thereof in such other use, as the case may be, shall revert to the jurisdiction and control of the Department of the Army.

PART II

1. There are reserved and set aside to the United States of America rights-of-way as follows:

EASEMENT A

Being a strip of land five (5.00) feet wide crossing Parcel 1, and extending two and one-half (2.50) feet on each side of the following-described centerline:

Beginning at the south end of this centerline, on the north side of Kahala Avenue, the true azimuth and distance from concrete monument No. 26–Q at the end of Course No. 8 of the description of Tract I being: 77° 43' 45" 9.21 feet and running by azimuths measured clockwise from True South:—

1. 166° 15' 00" 103.01 feet;
2. 169° 44' 00" 148.68 feet;
3. 167° 37' 00" 112.62 feet;
4. 166° 37' 00" 18.36 feet;
5. 163° 29' 00" 28.34 feet to the north end of this centerline at the easterly boundary of Parcel 6; and containing an area of 2055 Square Feet or 0.047 acre.

EASEMENT B

Being a strip of land ten (10.00) feet wide crossing Parcel 3, and extending five (5.00) feet on each side of the following-described centerline:

Beginning at the west end of this centerline, on the south side of Parcel 3, the coordinates of the said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 3565.18 feet North and 1805.19 feet East, thence running by azimuths measured clockwise from True South:—

1. 262° 39' 00" 5.76 feet;
2. 264° 26' 00" 158.53 feet;
3. 270° 58' 00" 159.84 feet;
4. 272° 30' 50" 140.27 feet to the east boundary of Parcel 3; and containing an area of 0.107 acre.

EASEMENT C

Being a strip of land five (5.00) feet wide crossing Parcel 3, and extending two and one-half (2.50) feet on each side of the following-described centerline:

Beginning at the west end of the centerline, on the south side of Parcel 3, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 3566.18 feet North and 1788.70 feet East, thence running by azimuths measured clockwise from True South:—

1. 260° 30' 00" 210.84 feet;
2. 275° 36' 00" 273.27 feet to the east boundary of Parcel 3; and containing an area of 0.056 acre.

EASEMENT D

Being a strip of land ten (10.00) feet wide crossing Parcel 3, and extending five (5.00) feet on each side of the following-described centerline:

Beginning at the west end of this centerline, on the south side of Parcel 3, the coordinates of the said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 3567.16 feet North and 1774.36 feet East, thence running by azimuths measured clockwise from True South:—

1. 189° 55' 00" 37.77 feet;
2. 270° 32' 00" 442.50 feet;
3. 270° 27' 00" 44.80 feet to the east boundary of Parcel 3; and containing an area of 0.121 acre.

EASEMENT E

Section 1—Being a strip of land ten (10.00) feet wide crossing Parcel 4, and extending five (5.00) feet on each side of the following-described centerline:

Beginning at the north end of this centerline, on the northwest side of Parcel 4, the true azimuth and distance from concrete monument No. 3 at the initial point of the above-described Parcel 4 being: 28° 30' 00" 110.74 feet and running by azimuths measured clockwise from True South:—

1. 355° 40' 00" 100.35 feet to the northerly side of Parcel 6; and containing an area of 0.023 acre.

Section 2—Being a strip of land ten (10.00) feet wide crossing Parcel 4, and extending five (5.00) feet on each side of the following-described centerline:

Beginning at the east end of this centerline, on the southwest side of Puu Panini Avenue (formerly known as Diamond Head Avenue), the true azimuth and distance from concrete monument No. 3 at the initial point of the above-described description being: 303° 04' 00" 13.20 feet and running by azimuths measured clockwise from True South:—

1. 39° 45' 00" 67.44 feet to the northwest side of Parcel 4; and containing an area of 0.015 acre.

EASEMENT F

Being a strip of land ten (10.00) feet wide crossing Parcel 5, and extending five (5.00) feet on each side of the following-described centerline:

Beginning at the west end of this centerline, on the northwest side of Parcel 5, the true azimuth and distance from the initial point of the above-described Parcel 5 being: 28° 30' 00" 75.40 feet and running by azimuths measured clockwise from True South:—

1. 332° 42' 00" 3.06 feet;
2. 289° 14' 00" 48.10 feet to the southeast side of Tract V; and containing an area of 0.012 acre.

2. The premises above described as "Easement A" and "Easement C" shall be used only for underground cable lines for the Signal Corps, the premises above described as "Easement B" shall be used only for underground water lines serving Tract 1–C, described in Part III of this order, and the premises above described as "Easement E" and "Easement F" shall be used only for underground sewer lines serving the tracts remaining in Fort Ruger Military Reservation (Part III of this order), including in each case the construction, use, inspection, maintenance, replacement and removal thereof and of necessary facilities therefor.

3. The Territory of Hawaii and the City & County of Honolulu, or either of them, shall have the right to relocate the aforesaid cable lines, water lines, sewer lines and facilities at no cost to the United States of America, provided that such relocation shall be acceptable to the Commanding General, United States Army of the Pacific, and that the United States of America shall be furnished a map showing the new location of the lines and facilities, whereupon Easement A, Easement B, Easement C, Easement E, or Easement F, as the case may be, shall be deemed to be re-established at such new location.

4. In the event the enjoyment of Easement A, B, C, E, or F by the United States requires excavation or other disturbance of the surface, the premises shall, so far as and as soon as possible, be restored by the United States to the condition in which they existed prior to the commencement of such work.

5. The Territory of Hawaii and the City & County of Honolulu, or either of them, shall have the right to improve and use the surface of the premises above described as "Easement A", "Easement B", "Easement C", "Easement E", and "Easement F", as and for public roads, and if heretofore or hereafter so improved and so used the United States of America shall comply with all laws, regulations and ordinances of the Territory of Hawaii and City & County of Honolulu relating to excavation or other disturbance of the surface of a public road unless in conflict with the laws of the United States, and the United States of America shall plan any such excavation or other disturbance so as to cause a minimum amount of interference with traffic on the road.

6. The premises above described as "Easement D" shall be used only for overhead electric-light and power lines serving Tract 1–C, including the construction, use, inspection, maintenance, replacement and removal thereof, and of necessary facilities therefor, by the United States of America or its licensees.

7. The facilities of the United States of America and its licensees, installed or maintained in the enjoyment of Easement D, shall be so placed and regulated that at no cost to the Territory of Hawaii or City & County of Honolulu there shall be an unobstructed strip of land forty feet wide lying along the south boundary of Parcel 3, for use as a public street.

8. The Territory of Hawaii and the City & County of Honolulu, or either of them, shall have the right to relocate the electric-light and power lines and facilities installed or maintained in the enjoyment of Easement D, which relocation shall, save in case of non-compliance with paragraph 7, be at no cost to the United States of America and be acceptable to the Commanding General, United States Army of the Pacific. In the event of such relocation the United States of America shall be furnished a map showing the new location of the electric-light and power lines and facilities, whereupon Easement D shall be deemed to be re-established at such new location.

9. Save as required for the enjoyment of the easements reserved and set aside to the United States of America by this order, the premises above described as "Easement A" shall form a part of Parcel 1, the premises above described as "Easement B", "Easement C", and "Easement D" shall form a part of Parcel 3, the premises above described as "Easement E" shall form a part of Parcel 4, and the premises above described as "Easement F" shall form a part of Parcel 5.

PART III

The true intent and meaning of this order are that, after restoring to the Territory of Hawaii Parcels 1 to 6 inclusive, there shall remain of the land reserved for military purposes, described by Executive Order No. 6408 of November 7, 1933, as modified by Executive Orders No. 6468 of November 29, 1933, No. 10268 of July 5, 1951, No. 10453 of May 18, 1953, and No. 10496 of October 14, 1953, the following constituting the Fort Ruger Military Reservation:

1. Portions of Tract No. 1 (so designated and described by Executive Order No. 6408 of November 7, 1933), located at Kapahulu, Honolulu, Island of Oahu, Territory of Hawaii, and described as follows:

TRACT 1–A

Being the area bounded by Makapuu, Kilauea, and 18th Avenues and the south side of Diamond Head Avenue (abandoned). Being all of the lands conveyed to the United States of America as follows: (a) Blocks 68, 69, 75, 81, 82, 88, 89, 95, 96, and 97, Waialae Tract (recorded in the Bureau of Conveyances at Honolulu in Liber 235, Pages 251–252) conveyed by a deed of Arthur A. Wilder, dated November 29, 1904, recorded in the Bureau of Conveyances at Honolulu in Liber 264, Pages 209–211, by a deed of A. B. Gear and wife and T. F. Lansing and wife, dated November 26, 1904, recorded in the Bureau of Conveyances at Honolulu in Liber 264, Pages 212–214, and by a deed of Gear, Lansing & Co. by Trustees, dated November 26, 1904, recorded in the Bureau of Conveyances at Honolulu in Liber 264, Pages 215–218; (b) Diamond Head Avenue (abandoned) was conveyed by a deed of Trent Trust Company, Limited, dated December 17, 1910, recorded in the Bureau of Conveyances at Honolulu in Liber 352, Pages 7–10.

Beginning at concrete monument No. 5 of Fort Ruger Military Reservation, at the north corner of this parcel of land, located on the south corner of Kilauea and Makapuu Avenues' intersection (as shown on map by Department Engineer's Office, entitled "Fort Ruger Military Reservation", dated June 25, 1933, File Number 6–1–25 F. 33, Case "A"), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 4,942.81 feet North and 3768.39 feet East, thence running by azimuths measured clockwise from True South:—

1. 298° 31' 30" 1418.85 feet along Kilauea Avenue to concrete monument No. 4, located on the west corner of Kilauea and 18th Avenues' intersection;
2. 28° 29' 20" 1532.40 feet along 18th Avenue to concrete monument No. 3, located on the west corner of the intersection of 18th Avenue and Puu Panini Avenue (formerly known as Diamond Head Avenue);
3. 123° 02' 50" 1636.30 feet along Parcel 6 to concrete monument No. 7;
4. 211° 43' 00" 53.30 feet across Alohea Avenue to concrete monument No. 6, located on the corner of Makapuu and Alohea Avenues' intersection;
5. 217° 18' 00" 1636.18 feet along Makapuu Avenue to the point of beginning; and containing an area of 51.628 acres.

TRACT 1–B

Being an area within Parcel 6, portion of the land conveyed to the Minister of Interior by the Trustees of William C. Lunalilo Estate by deed dated June 17, 1884, recorded in the Bureau of Conveyances at Honolulu in Liber 88, Pages 223 and 224 (Land Office Deed 136), and being a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750.

Beginning at the most northerly corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 3312.97 feet North and 3410.17 feet East, thence running by azimuths measured clockwise from True South:—

1. On a curve to the left having a radius of 766.16 feet, the chord azimuth and distance being: 303° 09' 20" 169.62 feet;
2. 296° 48' 00" 21.40 feet;
3. Thence on a curve to the right having a radius of 945.23 feet, the chord azimuth and distance being: 305° 38' 00" 290.30 feet;
4. 314° 28' 00" 156.74 feet;
5. Thence on a curve to the left having a radius of 867.85 feet, the chord azimuth and distance being: 311° 05' 30" 102.18 feet;
6. 307° 43' 00" 181.12 feet;
7. Thence on a curve to the right having a radius of 934.74 feet, the chord azimuth and distance being: 312° 12' 30" 146.41 feet;
8. 316° 42' 00" 91.03 feet;
9. Thence on a curve to the right having a radius of 30.00 feet, the chord azimuth and distance being: 2° 51' 00" 43.27 feet;
10. 49° 00' 00" 35.27 feet;
11. Thence on a curve to the right having a radius of 30.00 feet, the chord azimuth and distance being: 92° 02' 00" 40.95 feet;
12. 135° 04' 00" 78.52 feet;
13. Thence on a curve to the left having a radius of 250.00 feet, the chord azimuth and distance being: 126° 42' 00" 72.75 feet;
14. 118° 20' 00" 157.09 feet;
15. Thence on a curve to the right having a radius of 230.00 feet, the chord azimuth and distance being: 131° 19' 00" 103.35 feet;
16. 144° 18' 00" 100.72 feet;
17. Thence on a curve to the left having a radius of 850.00 feet, the chord azimuth and distance being: 129° 36' 00" 431.39 feet;
18. 114° 54' 00" 120.47 feet;
19. Thence on a curve to the right having a radius of 345.00 feet, the chord azimuth and distance being: 122° 27' 00" 90.66 feet;
20. 220° 00' 00" 118.59 feet to the point of beginning; and containing an area of 2.941 acres.

TRACT 1–C

Being a portion of the land conveyed to the Minister of Interior by the Trustees of William C. Lunalilo Estate by deed dated June 17, 1884, recorded in the Bureau of Conveyances at Honolulu in Liber 88, Pages 223 and 224 (Land Office Deed 136), and being a part of the public lands ceded and trans-

ferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750.

Beginning at the northwesterly corner of this parcel of land, being the end of Course No. 1 of the area that was restored to the possession, use, and control of the Territory of Hawaii as Parcel No. 1 of Executive Order No. 10453, dated May 18, 1953, the true azimuth and distance to concrete monument No. 10 of Fort Ruger Military Reservation (as shown on map by Department Engineer's Office, entitled "Fort Ruger Military Reservation", dated June 25, 1933, File Number 6-1-25 F. 33, Case "A") being 63° 08' 40" 468.40 feet, and the coordinates of the said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 3222.96 feet North and 990.00 feet East, thence running by azimuths measured clockwise from True South:—

1. 243° 08' 40" 557.55 feet along reservation boundary to concrete monument No. 9;
2. 149° 35' 30" 166.23 feet along reservation boundary;
3. 279° 00' 00" 195.85 feet along Parcel 3;
4. Thence along Parcel 3 on a curve to the left having a radius of 2090.00 feet, the chord azimuth and distance being: 274° 43' 30" 311.59 feet;
5. 270° 27' 00" 408.55 feet along Parcel 3 and along Parcel 6;
6. 325° 20' 00" 204.04 feet along Parcel 6;
7. 328° 00' 00" 460.00 feet along Parcel 6;
8. 84° 30' 00" 780.00 feet along Parcel 6;
9. 72° 00' 00" 790.00 feet along Parcel 6;
10. 153° 08' 40" 80.00 feet along Parcel 6;
11. 153° 08' 40" 361.00 feet along Diamond Head Reservoir Lot (restored to the Territory by Executive Order No. 6468, dated November 29, 1933);
12. 223° 58' 40" 9.80 feet along the area restored to the Territory as Parcel No. 1 of Executive Order No. 10453, dated May 18, 1953;
13. Thence along same on a curve to the left having a radius of 119.00 feet, the chord azimuth and distance being: 198° 03' 40" 104.00 feet;
14. 172° 08' 40" 58.70 feet along same to the point of beginning; and containing an area of 22.591 acres.

TRACT 1-D

Being a portion of the land conveyed to the Minister of Interior by the Trustees of William C. Lunalilo Estate by deed dated June 17, 1884, recorded in the Bureau of Conveyances at Honolulu in Liber 88, Pages 223 and 224 (Land Office Deed 136), and being a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750.

Beginning at the north corner of this parcel of land, at the south corner of the intersection of 18th Avenue and Puu Panini Avenue (formerly known as Diamond Head Avenue), the true azimuth and distance from concrete monument No. 3 of Fort Ruger Military Reservation, located on the west corner of the intersecion of Puu Panini Avenue (formerly known as Diamond Head Avenue) and 18th Avenue (as shown on map by Department Engineer's Office, entitled "Fort Ruger Military Reservation" dated June 25, 1933, File Number 6-1-25 F. 33, Case "A"), being 303° 04' 00" 56.26 feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 2887.71 feet North and 4331.21 feet East, thence running by azimuths measured clockwise from True South:—

1. 303° 04' 00" 475.75 feet along the southwest side of Puu Panini Avenue (formerly known as Diamond Head Avenue);
2. 41° 30' 00" 293.42 feet along Parcel 6;
3. 136° 42' 00" 377.00 feet along Parcel 6;
4. Thence along the east side of Parcel 4 on a curve to the right having a radius of 72.86 feet, the chord azimuth and distance being: 172° 36' 00" 85.45 feet;
5. 208° 30' 00" 136.81 feet along the southeast side of Parcel 4 to the point of beginning; and containing an area of 2.461 acres.

2. Tract 5, so designated and described by Executive Order No. 6408 of November 7, 1933, containing an area of 2.735 acres, being land acquired by the United States (pursuant to authority of the act of January 31, 1922, 42 Stat. 360, as amended by the act of March 3, 1925, 43 Stat. 1115) by exchanging for privately-owned lands a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, and reserved for military purposes by executive orders of the President.

3. Easements A, B, C, D, E, and F, as described and set forth in Part II of this order.

4. Rights-of-way crossing Parcels 3 and 6, as set forth in Part I of this order.

5. Control over the use of Parcel 6 and the right to cause it to revert to the jurisdiction and control of the Department of the Army in case the land is used for purposes other than those authorized, as set forth in Part I of this order.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
December 8, 1955.

[F. R. Doc. 55-10062; Filed, Dec. 12, 1955; 11:56 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 3—NONCOMPETITIVE ACQUISITION OF COMPETITIVE STATUS

OVERSEAS POSITIONS

Section 3.101 is amended as set out below.

§ 3.101 *Incumbents of positions brought into the competitive service.* • • •

(b) In order to acquire a competitive status under this section an employee must:

(1) Be recommended by the agency in which employed prior to June 15, 1956, or within six (6) months after the date the position is brought into the competitive service, whichever is later. Where it is necessary for the Commission to determine that this section applies to a group of positions the recommendation must be submitted within six (6) months after the agency is advised of the Commission's determination.

(2) Have rendered six (6) months of satisfactory service in a position (or positions) brought into the competitive service or in the civilian executive branch of the Government immediately prior to the date his position was brought into the competitive service, unless the Commission excepts particular types of cases from this requirement. The types of cases which the Commission excepts from this requirement shall be published in the Federal Personnel Manual.

• • • • •

(d) A former incumbent of a position which has been brought into the competitive service who left such position in order to perform active military service after June 30, 1950, may acquire a competitive status provided: • • •

(3) He is recommended for reinstatement prior to June 15, 1956, or within six (6) months after discharge from the military service under honorable conditions (or after hospitalization continuing after discharge for not more than one year), whichever is later; and

• • • • •

(e) Any person who occupied a continuing position on the date it was brought into the competitive service and who was separated thereafter, may acquire a competitive status provided:

(1) He is recommended for reinstatement within the time limits prescribed in paragraph (b) (1) of this section.

(2) He meets the requirements of paragraph (b) (2), (3) and (4) of this section.

(f) If the Commission disapproves a recommendation for acquisition of status under this section the agency or the person concerned may request the Commission to review its action within six (6) months after the date of the Commission's disapproval.

(g) The time limits prescribed in this section may be extended in the discretion of the Commission upon a showing by the agency that circumstances beyond its control prevented it from recommending the person within such time limits.

(R. S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-10016; Filed, Dec. 12, 1955; 8:53 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 451.1, Administration Letter 318 (450)]

PART 361—ROUTINE

SUBPART A—ACCOUNT SERVICING POLICIES

Subpart A of Part 361, Title 6, Code of Federal Regulations (19 F. R. 2757) is revised to read as follows:

Sec.
361.1 General.
361.2 Definition of types of payments on all loan accounts.
361.3 Distribution of collections when a borrower owes both real estate and operating loans to the Farmers Home Administration.
361.4 Application of payments on Operating loan accounts.
361.5 Application of payments on Farm Ownership, Soil and Water Conservation (except Water Facilities loans coded J), Farm Housing, and Other Real Estate loan accounts.
361.6 Application of payments on Water Facilities loan accounts coded J.
361.7 Changes in the application of direct loan payments.
361.8 Other account servicing information on Farm Ownership, Soil and Water Conservation, Other Real Estate, and Farm Housing accounts.
361.9 Miscellaneous servicing on Operating loan accounts.

AUTHORITY: §§ 361.1 to 361.9 issued under R. S. 161, 5 U. S. C. 22. Statutes giving special authority and statutes interpreted or applied are cited to text in parentheses.

§ 361.1 *General.* Borrowers will be required to pay their debts to the Farmers Home Administration in accordance with their agreements and their ability to pay and will be encouraged to pay ahead of schedule to an extent consistent with sound farming and money management. When borrowers have acted in good faith and have exercised due diligence in an effort to pay their indebtedness but cannot pay on schedule because of circumstances beyond their control, future servicing actions will be consistent with the best interests of the borrower and the Government. County Supervisors will be responsible for servicing all Farmers Home Administration accounts as prescribed by this part and under the general guidance and supervision of State Office personnel.

(a) *Accounts of borrowers who are receiving supervision.* For those borrowers receiving supervision, the foundation for proper and timely debt payment is sound farm and home planning, including plans for debt payments, supplemented by effective follow-up supervision. Account servicing, therefore, must begin with initial planning and must be an integral part of year-end analysis and subsequent planning, as well as follow-up supervision.

(b) *Accounts of borrowers who are not receiving supervision.* For those borrowers not receiving supervision, account servicing will be directed toward collecting the loan and protecting the Government's security during the period of the loan. The borrower must be fully informed with respect to his obligations as to payment of the loan and protection of the Government's financial interests. Generally, account servicing will be limited to collection activities. These activities will include collection letters, office visits, and telephone calls, and, in cases involving real estate security, tax and insurance servicing letters. Farm visits will also be made in selected cases for such purposes as the following:

(1) To ascertain the progress being made in the farming operation and to offer such assistance in farm practices as may be necessary for the protection of the Government's financial interest. Assistance in farm practices will be limited generally to that required to meet emergency situations. However, such assistance may, when warranted, include advice on how to correct clearly unsound farm practices which endanger the borrower's farming operations and which he may be able to improve without follow-up supervision.

(2) To inspect security property to ascertain whether it is being maintained adequately to protect the Government's interests or to inspect loss or damage to security property.

(3) When necessary to effect collection of the loan.

(c) *Accounts of collection-only borrowers.* Collection-only borrowers are expected to make final settlements of their debts to the Farmers Home Administration to the extent of their ability to pay. This objective will be accomplished by collecting in full the amounts owed by these borrowers or, in appropriate cases, by the application of the established debt settlement policies.

(d) *Subsequent servicing.* If a borrower fails to make a payment as agreed upon, the County Supervisor will write or otherwise contact the borrower or request him to make the payment or request him to come to the office to discuss the reasons why the payment was not made and to develop specific plans for making the payment. In the event the borrower refuses to make the payment when he has the income, or it is determined that his farming operations will not permit him to make the payment in a reasonable length of time, as well as make future payments, action will be taken to protect the Government's security interest.

(Sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (1); sec. 510 (g), 63 Stat. 438, 42 U. S. C. 1480 (g); sec. 4 (c), 64 Stat. 100, 40 U. S. C. 442 (c); sec. 6 (3), 50 Stat. 870, 16 U. S. C. 590w (3); sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x-3 (a) (7). Interprets or applies sec. 1 (a), 50 Stat. 522, sec. 5, 60 Stat. 1072, 7 U. S. C. 1001 (a); sec. 3, 62 Stat. 534, 7 U. S. C. 1005b (e); sec. 2, 64 Stat. 98, 40 U. S. C. 440 (f); secs. 501 (a), 503, 63 Stat. 432, 434, 42 U. S. C. 1471, 1473; sec. 2 (3), 50 Stat. 869, 16 U. S. C. 590s (3); sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x-2, 590x-3; sec. 21, 50 Stat. 524, sec. 4, 60 Stat. 1071, sec. 2, 65 Stat. 197, 7 U. S. C. 1007; sec. 1, 63 Stat. 43, 67 Stat. 558, 12 U. S. C. 1148a-1 (a); sec. 1 (a), 64 Stat. 414, 12 U. S. C. 1148a-1 (a); sec. 2, 63 Stat. 44, sec. 1, 67 Stat. 150, sec. 1, 69 Stat. 263, 12 U. S. C. 1148a-2 (a); sec. 1, 67 Stat. 149, sec. 2, 69 Stat. 263, 12 U. S. C. 1148a-2 (b); sec. 1, 67 Stat. 149, 69 Stat. 366, 12 U. S. C. 1148a-2 (c); sec. 2 (a) (2), 60 Stat. 1062, 7 U. S. C. 1001, note; 68 Stat. 999, 69 Stat. 223, sec. 3, 69 Stat. 263, 12 U. S. C. 1148a-1, note; 62 Stat. 1038, 63 Stat. 82)

§ 361.2 *Definition of types of payments on all loan accounts.*—(a) *Regular payments.* Regular payments will be all payments other than extra payments and refunds. Usually regular payments will be derived from regular farm income, that is, farm income not including proceeds from the sale of basic security, but they will include also payments derived from off-farm income, sale or lease of real estate security property which is of a nondepleting nature, inheritances, life insurance, contributions made on Section 503 Farm Housing loans, and so forth.

(b) *Extra payments.* Extra payments will be payments derived from (1) sale of basic chattel security, (2) refinancing of the real estate debt, (3) sale of all or any part of the mortgaged real estate, (4) mineral royalties, (5) leases which depreciate the value of the security, or (6) cash proceeds of real property insurance.

(c) *Refunds.* Refunds will be payments derived from the return of all or a part of a loan advance.

(Sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (1); sec. 510 (g), 63 Stat. 438, 42 U. S. C. 1480 (g); sec. 4 (c), 64 Stat. 100, 40 U. S. C. 442 (c); sec. 6 (3), 50 Stat. 870, 16 U. S. C. 590w (3); sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x-3 (a) (7). Interprets or applies sec. 1 (a), 50 Stat. 522, sec. 5, 60 Stat. 1072, 7 U. S. C. 1001 (a); sec. 3, 62 Stat. 534, 7 U. S. C. 1005b (e); sec. 2, 64 Stat. 98, 40 U. S. C. 440 (f); secs. 501 (a), 503, 63 Stat. 432, 434, 42 U. S. C. 1471, 1473; sec. 2 (3), 50 Stat. 869, 16 U. S. C. 590s (3); sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x-2, 590x-3; sec. 21, 50 Stat. 524, sec. 4, 60 Stat. 1071, sec. 2, 65 Stat. 197, 7 U. S. C. 1007; sec. 1, 63 Stat. 43, 67 Stat. 558, 12 U. S. C. 1148a-1 (a); sec. 1 (a), 64 Stat. 414, 12 U. S. C. 1148a-1 (a); sec. 2, 63 Stat. 44, sec. 1, 67 Stat. 150, sec. 1, 69 Stat. 263, 12 U. S. C. 1148a-2 (a); sec. 1, 67 Stat. 149, sec. 2, 69 Stat. 263, 12 U. S. C. 1148a-2 (b); sec. 1, 67 Stat. 149, 69 Stat. 366, 12 U. S. C. 1148a-2 (c); sec. 2 (a) (2), 60 Stat. 1062, 7 U. S. C. 1001, note; 68 Stat. 999, 69 Stat. 223, sec. 3, 69 Stat. 263, 12 U. S. C. 1148a-1, note; 62 Stat. 1038, 63 Stat. 82)

§ 361.3 *Distribution of collections when a borrower owes both real estate and operating loans to the Farmers Home Administration.*—(a) *Collections from income other than from sale of basic chattel security or sale or rental of real estate security.* In those cases where a borrower owes both real estate loans (Farm Ownership, Soil and Water Conservation, including those secured by chattels, Farm Housing, and Other Real Estate) and Operating loans (Production and Subsistence, Production and Economic Emergency, and so forth) to the Farmers Home Administration, collections received from each crop year's income, other than from the sale of basic chattel security or from the sale or rental of real estate security, will be distributed in an equitable manner so as to maintain the accounts in balance with respect to maturities and to protect the interests of the Government. Collections received during the first five years of the Farm Housing loan from section 503 Farm Housing borrowers who also owe Operating loans will be distributed in accordance with §§ 361.101 to 361.104.

(b) *Income from sale of basic chattel security or sale or rental of real estate*

security. Collections derived from the sale of basic chattel security and those from the sale of real estate security or rental of any real estate security will be applied in accordance with applicable provisions of §§ 361.4 to 361.6.

(c) *Application of collections.* After the decision is reached as to the amount of each collection that is to be distributed to the operating and real estate accounts, application of the collection will be governed by §§ 361.4 to 361.6.

(Sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (1); sec. 510 (g), 63 Stat. 438, 42 U. S. C. 1480 (g); sec. 4 (c), 64 Stat. 100, 40 U. S. C. 442 (c); sec. 6 (3), 50 Stat. 870, 16 U. S. C. 590w (3); sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x–3 (a) (7). Interprets or applies sec. 1 (a), 50 Stat. 522, sec. 5, 60 Stat. 1072, 7 U. S. C. 1001 (a); sec. 3, 62 Stat. 534, 7 U. S. C. 1005b (e); sec. 2, 64 Stat. 98, 40 U. S. C. 440 (f); secs. 501 (a), 503, 63 Stat. 432, 434, 42 U. S. C. 1471, 1473; sec. 2 (3), 50 Stat. 869, 16 U. S. C. 590s (3); sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x–2, 590x–3; sec. 21, 50 Stat. 524, sec. 4, 60 Stat. 1071, sec. 2, 65 Stat. 197, 7 U. S. C. 1007; sec. 1, 63 Stat. 43, 67 Stat. 558, 12 U. S. C. 1148a–1 (a); sec. 1 (a), 64 Stat. 414, 12 U. S. C. 1148a–1 (a); sec. 2, 63 Stat. 44, sec. 1, 67 Stat. 150, sec. 1, 69 Stat. 263, 12 U. S. C. 1148a–2 (a); sec. 1, 67 Stat. 149, sec. 2, 69 Stat. 263, 12 U. S. C. 1148a–2 (b); sec. 1, 67 Stat. 149, 69 Stat. 366, 12 U. S. C. 1148a–2 (c); sec. 2 (a) (2), 60 Stat. 1062, 7 U. S. C. 1001, note; 68 Stat. 999, 69 Stat. 223, sec. 3, 69 Stat. 263, 12 U. S. C. 1148a–1, note; 62 Stat. 1038, 63 Stat. 82)

§ 361.4 *Application of payments on Operating loan accounts.* Payments received on Operating loan accounts will be applied to the proper account or accounts selected in accordance with the provisions of this section, first to the unpaid interest on the selected account or accounts, as shown on the latest Form FHA–646, "Statement of Account," in the County Office, and then to the unpaid principal on such account or accounts, except that for 1934–35 Drought Feed loans, collections will be applied to principal only until all principal has been repaid. Refunds will be applied to principal only. Exceptions may be made to the policy of applying payments to interest first when (1) the unpaid interest on the selected account or accounts, as shown on Form FHA–646, is not due under the provisions of the note or notes and the borrower requests that his payment be applied to principal only, or (2) a large amount of unpaid interest has accumulated and the borrower requests in writing that his payment be applied to principal first, stating that he will make the payment only if his request is granted. If the borrower agrees to make subsequent payments only on condition that they be applied to principal first, the information will be incorporated in a written agreement.

(a) *Selection of accounts.* Except for total loan refunds as provided in subparagraph (1) (i) of this paragraph, payments, regardless of source, will be applied first to any recoverable costs which have been charged to the borrower's account, after which the following rules will govern the selection of accounts and installments to which payments will be applied.

(1) Payments derived from the sale of mortgaged property representing normal farm income or from assignments of income will be applied first to accounts with small balances for the purpose of removing such accounts from the records. Any balance of the remittance will be applied on debts secured by the mortgage in the following order:

(i) To amounts due or falling due on loans made in connection with the current year's operations. However, when installments on loans previously made fall due early in the year and prior to the installment on the loan for the current year's operations or when such loans are delinquent and it is anticipated that sufficient income will be received to meet the installment on the current year's operations when due, collections may be applied first to installments on loans made in previous years.

(ii) To accounts having the oldest delinquencies, or if no delinquencies, to the oldest unpaid account.

(2) Payments derived from the sale of basic security, including real estate security, will be applied to the earliest account secured by the earliest mortgage covering such basic security. The amount to be applied to principal will be applied to the final unpaid installment(s). When the amount of such payment is large and the sale of the basic security, including real estate security, will result in a change in the farming operation which will reduce the annual repayment ability of the borrower, it may be prorated to more than one installment.

(3) Partial loan refunds wil be applied to the final unpaid installment(s) on the note(s) which evidences such advance(s), except: (i) When such refund represents an advance for current farm and home expenses repayable within the year, it may be applied to the first unpaid installment on such note, in which case it will be treated as a regular payment; and (ii) when such refund is large and results from a change in the farming operations which will reduce the annual repayment ability of the borrower, it should be prorated to more than one installment.

(4) Total refunds of loan advances will be applied to the notes which evidence such advances.

(5) In applying payments from sources other than those in subparagraphs (1) to (4) of this paragraph, the borrower has the right of election as to the Operating loan account(s) on which such payments will be applied. In the absence of the borrower's election, such payments generally will be applied in the following order:

(i) To accounts with small balances.

(ii) To accounts with the oldest unsecured note(s).

(iii) To accounts with the oldest delinquencies.

(iv) To accounts with the oldest secured note(s).

(6) When a borrower owes both Farmers Home Administration and State Rural Rehabilitation Corporation loan accounts, payments described in subparagraph (5) of this paragraph, in the absence of the borrower's election and any balances remaining after payments are made under subparagraphs (1) and (2) of this paragraph, will be prorated between Farmers Home Administration and the State Rural Rehabilitation Corporation loan accounts on the basis of the total balances (including principal and interest) owed to each. The portions thus prorated will be applied respectively to the Farmers Home Administration and State Rural Rehabilitation Corporation loan accounts as prescribed in subparagraph (5) of this paragraph.

(7) When the Government has advanced funds to complete State Rural Rehabilitation Corporation commitments, any payment that normally would be applied to any of the borrower's State Rural Rehabilitation Corporation accounts will be applied to the account until it is paid.

(8) Application of payments to notes within loan-type accounts will be made in accordance with the general rules set forth in subparagraphs (1) to (7) of this paragraph. County Supervisors are authorized to apply payments to specific notes within loan-type accounts according to the rules of application prescribed in this paragraph when the need for such application arises.

(Sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (1); sec. 4 (c), 64 Stat. 100, 40 U. S. C. 442 (c); Interprets or applies sec. 21, 50 Stat. 524, sec. 4, 60 Stat. 1071, sec. 2, 65 Stat. 197, 7 U. S. C. 1007; sec. 1, 63 Stat. 43, 67 Stat. 558, 12 U. S. C. 1148a–1 (a); sec. 1 (a), 64 Stat. 414, 12 U. S. C. 1148a–1 (a); sec. 2, 63 Stat. 44, sec. 1, 67 Stat. 150, sec. 1, 69 Stat. 263, 12 U. S. C. 1148a–2 (a); sec. 1, 67 Stat. 149, sec. 2, 69 Stat. 263, 12 U. S. C. 1148a–2 (b); sec. 1, 67 Stat. 149, 69 Stat. 366, 12 U. S. C. 1148a–2 (c); sec. 2 (a) (2), 60 Stat. 1062, 7 U. S. C. 1001, note; 68 Stat. 999, 69 Stat. 223, sec. 3, 69 Stat. 263, 12 U. S. C. 1148a–1, note; 62 Stat. 1038, 63 Stat. 82)

§ 361.5 *Application of payments on Farm Ownership, Soil and Water Conservation (except Water Facilities loan accounts coded J), Farm Housing, and Other Real Estate loan accounts.* If a borrower owes more than one of the above loan accounts, including Water Facilities loan accounts coded J, payment on such accounts should be applied so as to maintain the accounts in balance at the end of the year with respect to installments due on the notes and other charges.

(a) *Regular payments*—(1) *Direct loan accounts.* Regular payments on direct loan accounts will be applied first to interest accrued on the note to the date of the receipt of payment, and second to the principal balance on the note.

(2) *Insured loan accounts.* All regular payments on insured loan accounts will be applied first to any unpaid balance of the insurance account including accrued interest on advances from the insurance fund computed to the date of the receipt of payment, and second to interest accrued on the note as of the date of the U. S. Treasury check issued to the holder. Any remainder will be applied to the principal balance on the note.

(b) *Extra payments*—(1) *Direct loan accounts.* Extra payments on direct loan accounts will be applied first to interest accrued on the note to the date of the receipt of payment, and second to the principal balance on the note. Extra payments will not affect the schedule status of a borrower with a direct loan, except when reamortization is involved as provided in paragraph (h) of § 361.8.

(2) *Insured loan accounts.* Extra payments on insured loan accounts will be applied first to interest accrued on the note as of the date of the U. S. Treasury check issued to the holder, and the remainder will be applied to the principal balance on the note. Extra payments will not affect the schedule status of a borrower with an insured loan or relieve him from paying the amount due the insurance account each year.

(c) *Refunds on direct and insured loan accounts.* All refunds on direct and insured loan accounts will be applied entirely to the principal balance on the note. Refunds will not affect the schedule status of a borrower with a direct or insured loan, except when reamortization is involved as provided in paragraph (h) of § 361.8. A refund will not relieve a borrower with an insured loan from paying the amount due the insurance account each year.

(d) *Finance Office handling*—(1) *Direct loan accounts.* The application of principal and interest on direct loan accounts will be reflected in the record of accounts maintained by the Finance Office, as indicated on the yellow copy of Form FHA–37 returned to the County Supervisor. Amounts paid on direct loan accounts will be credited on the Finance Office records as of the date of Form FHA–37. Collections received from borrowers who have both initial and subsequent direct Farm Ownership loans bearing different rates of interest will be applied by the Finance Office in the following order of priority to:

(i) Unpaid accrued interest on the initial loan.

(ii) Unpaid accrued interest on the subsequent loan(s).

(iii) Unpaid principal behind schedule on the initial loan.

(iv) Unpaid principal behind schedule on the subsequent loan(s).

(v) Unpaid principal balances on the initial and subsequent loans, prorated on the ratio between the annual installments.

(2) *Insured loan accounts.* The Finance Office will distribute the payments between the insurance account and the note account in accordance with paragraph (a) (2) of this section.

(i) *Insurance account.* Amounts distributed to the insurance account will be credited on the Finance office records as of the date of Form FHA–37.

(ii) *Note account.* When distributing a payment to the borrower's note account, the Finance Office will apply it first to interest accrued to the date of the U. S. Treasury check issued to the holder and any remainder to principal. Form FHA–282 will be sent to the U. S. Treasury Regional Disbursing Office for inclusion in the envelope containing the check to be sent to the holder. Such amounts will be credited on the Finance Office records as of the date of the U. S. Treasury check issued to the holder.

(Sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (1); sec. 510 (g), 63 Stat. 438, 42 U. S. C. 1480 (g); sec. 4 (c), 64 Stat. 100, 40 U. S. C. 442 (c);

sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x–3 (a) (7). Interprets or applies sec. 1 (a), 50 Stat. 522, sec. 5, 60 Stat. 1072, 7 U. S. C. 1001 (a); sec. 3, 62 Stat. 534, 7 U. S. C. 1005b (e); sec. 2, 64 Stat. 98, 40 U. S. C. 440 (f); secs. 501 (a), 503, 63 Stat. 432, 434, 42 U. S. C. 1471, 1473; sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x–2, 590x–3)

§ 361.6 *Application of payments on Water Facilities loan accounts coded J*—(a) *Regular payments.* Regular payments on Water Facilities loan accounts coded J will be applied first to any unpaid balance of interest accrued on the account as of the latest Form FHA–646, "Statement of Account," in the County Office and the remainder will be applied to the principal balance on the account.

(b) *Extra payments.* Extra payments on Water Facilities loan accounts coded J will be applied first to any unpaid balance of interest accrued on the account as of the latest Form FHA–646 in the County Office and the remainder will be applied to the final unpaid principal installment(s) on the account.

(c) *Refunds.* Refunds on Water Facilities loan accounts coded J will be applied entirely to the final unpaid installment(s).

(Sec. 6, (3), 50 Stat. 870, 16 U. S. C. 590w (3). Interprets or applies sec. 2 (3), 50 Stat. 869, 16 U. S. C. 590s (3))

§ 361.7 *Changes in the application of direct loan payments*—(a) *Authority to State Directors.* State Directors are hereby authorized to approve requests for changes in the application of payments between Operating loan accounts and other direct loan accounts when payments have been applied in error and such requests conform to applicable policies.

(b) *Authority to County Supervisors.* County Supervisors are hereby authorized to approve requests for changes in the application of payments within and between Operating loan accounts when payments have been applied in error and such requests conform to applicable policies.

(c) *Form FHA–238, "Request for Change in Application."* Requests for changes in application of payments will be made on Form FHA–238 which will be prepared by the County Supervisor and signed by the State Director or the County Supervisor, whichever is authorized.

(d) *Notifying borrowers.* County Supervisors will inform borrowers of any reapplication between Operating loan accounts and other direct loan accounts, and of any other reapplication of a significant amount.

(Sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (1); sec. 510 (g), 63 Stat. 438, 42 U. S. C. 1480 (g); sec. 4 (c), 64 Stat. 100, 40 U. S. C. 442 (c); sec. 6 (3), 50 Stat. 870, 16 U. S. C. 590w (3); sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x–3 (a) (7). Interprets or applies sec. 1 (a), 50 Stat. 522, sec. 5, 60 Stat. 1072, 7 U. S. C. 1001 (a); sec. 501 (a), 63 Stat. 432, 42 U. S. C. 1471; sec. 2 (3), 50 Stat. 869, 16 U. S. C. 590s (3); sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x–2; sec. 21, 50 Stat. 524, sec. 4, 60 Stat. 1071, sec. 2, 65 Stat. 197, 7 U. S. C. 1007; sec. 1, 63 Stat. 43, 67 Stat. 558, 12 U. S. C. 1148a–1 (a); sec. 1 (a), 64 Stat. 414, 12 U. S. C. 1148a–1 (a); sec. 2, 63 Stat. 44, sec. 1, 67 Stat. 150, sec. 1, 69 Stat. 263, 12 U. S. C. 1148a–2 (a); sec. 1, 67 Stat. 149, sec. 2, 69 Stat. 263, 12 U. S. C. 1148a–2 (b); sec. 1, 67 Stat. 149, 69 Stat. 366, 12 U. S. C. 1148a–2 (c); sec. 2 (a) (2), 60 Stat. 1062, 7 U. S. C. 1001, note; 68 Stat. 999, 69 Stat. 223, sec. 3, 69 Stat. 263, 12 U. S. C. 1148a–1, note; 62 Stat. 1038, 63 Stat. 82)

§ 361.8 *Other account servicing information on Farm Ownership, Soil and Water Conservation, Other Real Estate, and Farm Housing accounts*—(a) *Installment on note and other charges*—(1) *Direct loan accounts.* For a borrower with a direct loan, the term "installment on note and other charges," as used in this subpart, will be the sum of the following:

(i) The annual installment for the year as provided in his promissory note(s).

(ii) Any recoverable cost charges paid for the borrower during the year, such as taxes and insurance.

(2) *Insured loan accounts.* For a borrower with an insured loan, the term "installment on note and other charges," as used in this subpart, will be the sum of the following:

(i) The annual installment for the year as provided in his promissory note.

(ii) The annual insurance charge.

(iii) Any recoverable cost charges paid for the borrower during the year, such as taxes and insurance.

(iv) Any accrued interest on advances made out of the insurance fund.

(b) *Insurance account.* The term "insurance account" applies only to a borrower with an insured loan. The insurance account for such a borrower is a combination of the following items:

(1) The annual insurance charge.

(2) Any advances made out of the insurance fund to meet defaulted payments of principal and interest, or to pay recoverable cost charges, such as taxes and insurance.

(3) Any accrued interest on advances made out of the insurance fund.

(c) *Schedule status.* For direct and insured loans, a borrower will be on schedule when the sum of his regular payments through the last preceding due date of the note equals the sum of "installments on his note and other charges" due through the same date. Such a borrower will be ahead of schedule or behind schedule when the sum of such regular payments is larger or smaller, respectively, than the sum of such "installments on his note and other charges."

(d) *Notice to holders of defaulted payment on insured Farm Ownership note.* (1) When an advance is made from the insurance fund to pay the holder all or any part of an installment that a borrower is in default on his insured Farm Ownership note, the Finance Office will include the blank space at the bottom of Form FHA–282 the following statement:

> You are hereby notified that the borrower is in default on his installment which was due ---------- 19----- The above-mentioned Treasury check constitutes payment by the Government for the account of the borrower of the unpaid amount of such installment.

(2) The Director, Finance Office, will notify the holder when such a default is corrected.

(Sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (1); sec. 510 (g), 63 Stat. 438, 42 U. S. C. 1480 (g); sec. 4 (c), 64 Stat. 100, 40 U. S. C. 442 (c); sec. 6 (3), 50 Stat. 870, 16 U. S. C. 590w (3); sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x–3 (a) (7). Interprets or applies sec. 1 (a), 50 Stat. 522, sec. 5, 60 Stat. 1072, 7 U. S. C. 1001 (a); sec. 501 (a), 63 Stat. 432, 42 U. S. C. 1471; sec. 2 (3), 50 Stat. 869, 16 U. S. C. 590s (3); sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x–2; sec. 21, 50 Stat. 524, sec. 4, 60 Stat. 1071, sec. 2, 65 Stat. 197, 7 U. S. C. 1007; sec. 1, 63 Stat. 43, 67 Stat. 558, 12 U. S. C. 1148a–1 (a); sec. 1 (a), 64 Stat. 414, 12 U. S. C. 1148a–1 (a); sec. 2, 63 Stat. 44, sec. 1, 67 Stat. 150, sec. 1, 69 Stat. 263, 12 U. S. C. 1148a–2 (a); sec. 1, 67 Stat. 149, sec. 2, 69 Stat. 263, 12 U. S. C. 1148a–2 (b); sec. 1, 67 Stat. 149, 69 Stat. 366, 12 U. S. C. 1148a–2 (c); sec. 2 (a) (2), 60 Stat. 1062, 7 U. S. C. 1001, note; 68 Stat. 999, 69 Stat. 223, sec. 3, 69 Stat. 263, 12 U. S. C. 1148a–1, note; 62 Stat. 1038, 63 Stat. 82)

(e) *Farm Ownership payments.* Farm Ownership borrowers will generally be encouraged to establish a prepayment reserve by paying their Farm Ownership indebtedness in accordance with the terms of agreements entered into and their ability to pay. The agreements of most borrowers provide a system of variable payments which permits paying more than the scheduled installment on the note in good years and using the excess over-scheduled installments to reduce the amount to be paid in poor years. The prepayment reserve which can be established under this system contributes to the security of the borrower's farm ownership by serving as a cushion against the many hazards with which farmers are confronted. The borrower who pays in accordance with his agreements and his ability to pay, operates his farm efficiently, and acts in good faith with respect to other mortgage covenants will enjoy reasonable security in the ownership of his farm.

(1) *Payment requirements.* (i) Farm Ownership borrowers whose loans were approved prior to November 1, 1946, and are repaying their loans under variable payment agreement Forms FSA–LE–228 or FSA–550, will be required, subject to the terms of the agreement, to pay each year the amount which will be determined by the County Supervisor as being within their ability to pay.

(ii) Any borrower whose agreement calls only for fixed payments may make only such payments, but will be encouraged to make additional payments in accordance with his ability in years of normal or above-normal income.

(iii) All other Farm Ownership borrowers will be required to pay one scheduled installment on the note and other charges each year (including, in the case of any insured loan borrower for whom an advance has been made from the insurance fund, a sufficient amount to cover any interest which will accrue on the advance from the fund) plus any amount the borrower was behind schedule as of the previous installment date, plus any additional amount agreed to by the borrower and the County Supervisor, except that, any such borrower who was ahead of schedule as of the previous installment date and whose income for the year is below normal, will be required to pay an amount sufficient to place him on schedule.

(2) *Determination of normal or above normal, or below normal, income for the year.* (i) A borrower's income will be considered normal or above normal when it is equal to or exceeds an amount sufficient to pay usual family living and reasonable farm operating expenses, make normal capital replacements (kept within reasonable conformance to the Farm and Home Plan), and make a scheduled payment on his Farm Ownership note, including other charges, for the year.

(ii) It will be necessary to make the determination as to whether the borrower's income for the year was normal or above normal, or below normal, only in the cases covered by subparagraph (1) (iii) of this paragraph and only for each borrower in that group who was ahead of schedule as of the last preceding installment due date and has not paid an amount equal to the installment due on his note plus other charges for the year. The County Supervisor will make such determination sufficiently in advance so that the borrower may receive notice of the amount due at least ten days prior to the due date of the next annual installment. Wherever possible, the year-end analysis will provide the basis for this determination. However, if the year-end analysis has not been made at such time, the determination of normal or above-normal, or below-normal, income will be made on the estimate of such income as compared with the items described in subdivision (i) of this subparagraph. The County Supervisor will estimate the income on the basis of the information concerning the borrower's production for the year as compared with the production of other borrowers in the area and as compared with the approved expenditures under the Farm and Home Plan. The County Supervisor may take into consideration factors which would probably affect the borrower's income, such as drought, hail, insects, and so forth, prevalent in the area or county and on the borrowers' farm; the prevailing level of commodity prices as compared with the costs which were probably encountered by the borrower in his particular type of farming system; and any relevant information acquired by the County Supervisor during the year from farm visits and personal interviews.

(3) *Notification of borrowers; use of Form FHA–908, "Notice of Required Farm Ownership Payment."* (i) Each borrower should receive written notice on Form FHA–908 of the amount he is required to pay for the year, unless he has already paid during the year the amount he is required to pay or pays the amount he is required to pay at the time of the year-end analysis, or has paid such amount when a determination is made whether income for the year was normal or above normal, or below normal, prior to the year-end analysis as provided in subparagraph (2) (ii) of this paragraph.

(ii) For borrowers who are in the group specified in subparagraph (1) (iii) of this paragraph and are ahead of schedule, Form FHA–908 should also show whether the borrower's income for the year was normal or above normal, or below normal.

(iii) Form FHA–908 should reach the borrower at least ten days prior to the annual due date of the note, so that the borrower will have reasonable time in which to respond to the notice.

(f) *Farm Housing payments.* (1) A borrower may make payments ahead of schedule at any time. He may later use such ahead-of-schedule payments to forego payments or to supplement the amount available during any year for application on the annual installment payable on his note. All borrowers should be encouraged to establish prepayment reserves.

(2) One scheduled annual installment on his note and other charges will become due each year, except for any part thereof paid ahead of schedule and, in the case of a section 503 borrower, any contribution made by the Government during the first five years.

(g) *Soil and Water Conservation payments.* (1) A borrower may make payments at any time to get ahead of schedule on principal and interest on his note. All borrowers should be encouraged to establish prepayment reserves.

(2) A borrower may not pay ahead of schedule on his insurance account. His annual insurance charge is computed on the basis of the principal obligation remaining unpaid as of the date on which each annual note installment is due, and such charge is due and payable in advance when billed. All payments in excess of the amount owed the insurance account are applied on the note account.

(3) One scheduled annual installment on his note and other charges will become due each year, except for any part thereof paid ahead of schedule.

(h) *Reamortizing direct Farm Ownership and Farm Housing accounts.* (1) Direct Farm Ownership accounts will be reamortized when required by § 333.4 of this chapter in connection with making a subsequent Farm Ownership loan when a borrower whose loan was approved prior to November 1, 1946, and who signed Form FSA–LE–228 has such agreement canceled unless immediate foreclosure proceedings are recommended or the borrower was on or ahead of schedule as of the previous installment due date and is not obtaining a subsequent direct loan, and when a borrower who is not behind schedule and has made extra principal payments and refunds totaling 10 percent or more of his Farm Ownership loan, executes Form FHA–176, "Request for Reamortization of Farm Ownership Loan," and the State Director determines that the borrower is likely to have difficulty in meeting his obligations unless his account is reamortized. The unpaid principal, and future interest thereon at the rate specified in the note(s), will be reamortized so as to retire the debt in equal annual installments from the date of reamortization to the maturity date of the note(s). The unpaid accrued interest as of the date of reamortization will be divided into the same number of equal annual installments as indicated in the previous sentence. The revised annual installment will be the sum of the two annual installments mentioned in the two preceding sentences. However, each payment on such reamortized account will be applied first to unpaid interest and second to principal. The borrower's account will be on schedule as of the last installment due date preceding the date of reamortization. The installment due date will be March 31 for borrowers whose entire Farm Ownership indebtedness is based on notes with December 31 due dates with 90 day grace periods, and borrowers who have an outstanding Farm Ownership note with March 31 due dates. The installment due date for other borrowers will be January 1. When the revised amortization schedule has been calculated, the Finance Office will notify the County Supervisor, who will notify the borrower of the change. It will not be necessary to obtain a new note(s) or to change the face value of the original note(s).

(2) Farm Housing accounts will be reamortized when a borrower who is not behind schedule and has made extra principal payments and refunds totaling 10 percent or more of his Farm Housing loan, requests reamortization on Form FHA–176, and the State Director determines that the borrower is likely to have difficulty in meeting his obligations unless his account is reamortized. Reamortization of Farm Housing accounts will be calculated in accordance with subparagraph (1) of this paragraph. The borrower's account will be on schedule as of the last December 31 preceding the date of reamortization. When the revised amortization schedule has been calculated, the Finance Office will notify the County Supervisor, who will make a notation thereof on the back of the original note, change the amount of the annual installment appearing in the heading of Form FHA–473B, and notify the borrower of the change. It will not be necessary to obtain a new note or to change the face value of the original note.

(Sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (1); sec. 510 (g), 63 Stat. 438, 42 U. S. C. 1480 (g); sec. 4 (c), 64 Stat. 100, 40 U. S. C. 442 (c); sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x–3 (a) (7). Interprets or applies sec. 1 (a), 50 Stat. 522, sec. 5, 60 Stat. 1072, 7 U. S. C. 1001 (a); sec. 3, 62 Stat. 534, 7 U. S. C. 1005b (e); secs. 501 (a), 503, 63 Stat. 432, 434, 42 U. S. C. 1471, 1473; sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x–2, 590x–3)

§ 361.9 *Miscellaneous servicing on Operating loan accounts*—(a) *Borrower moving to new location.* When a borrower is moving to a new location and intends to move security property, he is required to apply for permission to move such property. Form FHA–544, "Application to Move Security Property and Verification of Address," will be used, County Supervisors are authorized to approve applications for moves of security property.

(b) *Final payments on operating loan accounts and surrender of notes.* When final payments on operating loan accounts have been made, the Finance Office will return the paid notes to the county office when either of the conditions set forth below have been met.

(1) When a borrower pays a loan account in full within 30 days of the date of the latest Form FHA–646, such payment must include all of the unpaid principal and all unpaid interest shown on such Form FHA–646, but no additional interest subsequent to the date of the latest Form FHA–646 need be computed or paid unless the total unpaid principal balance on the loan account(s) being paid in full exceeds $2,000.

(2) When a borrower pays a loan account in full more than 30 days after the date of the latest Form FHA–646, or when the total unpaid principal balance on the loan account(s) being paid in full exceeds $2,000, such payment must include all of the unpaid principal and unpaid interest shown on the latest Form FHA–646 plus interest accrued since the date of Form FHA–646 as computed by the official who made the collection.

(c) *Surrender of notes.* When a note (or loan-type account) has been paid in full, the note(s) will be returned to the borrower immediately except:

(1) When the final payment is made in a form other than currency and coin, Treasury check, cashier's check, certified check, Postal or bank money order, or bank draft, the note(s) will not be surrendered until 30 days after the date of final payment, and

(2) When the notes are needed in making marginal releases or satisfactions of security instruments, the notes will be held until the instruments are to be satisfied.

(d) *Surrender of notes to effect collection.* (1) In individual cases, State Directors are authorized to request the Finance Office to furnish County Supervisors with promissory notes, together with a statement of the amount due under such notes, when the surrender of the notes is necessary to effect final collection.

(2) County Supervisors are authorized to surrender notes to borrowers in such cases when final payments of the amounts due are made in the form of currency and coin, Treasury check, cashier's check, certified check, Postal or bank money order, or bank draft.

(e) *Lost notes.* If notes, paid-in-full or otherwise satisfied, cannot be found, State Directors may authorize County Supervisors to execute appropriate affidavits regarding lost notes, in cases in which such affidavits are requested by borrowers.

(f) *Return of notes after satisfaction of judgments.* Notes which have been reduced to judgment are a part of the court records and ordinarily cannot be withdrawn and returned to the borrower even after satisfaction of the judgment. Therefore, no effort will be made to obtain and return such notes except upon the written request of the judgment debtor or his attorney.

(Sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (1); sec. 4 (c), 64 Stat. 100, 40 U. S. C. 442 (c); sec. 6 (3), 50 Stat. 870, 16 U. S. C. 590w (3). Interprets or applies sec. 21, 50 Stat. 524, sec. 4, 60 Stat. 1071, sec. 2, 65 Stat. 197, 7 U. S. C. 1007; sec. 1, 63 Stat. 43, 67 Stat. 558, 12 U. S. C. 1148a–1 (a); sec. 1 (a), 64 Stat. 414, 12 U. S. C. 1148a–1 (a); sec. 2, 63 Stat. 44, sec. 1, 67 Stat. 150, sec. 1, 69 Stat. 263, 12 U. S. C. 1148a–2 (a); sec. 1, 67 Stat. 149, sec. 2, 69 Stat. 263, 12 U. S. C. 1148a–2 (b); sec. 1, 67 Stat. 149, 69 Stat. 366, 12 U. S. C. 1148a–2 (c); sec. 2 (a) (2), 60 Stat. 1062, 7 U. S. C. 1001, note; 68 Stat. 999, 69 Stat. 223, sec. 3, 69 Stat. 263, 12 U. S. C. 1148a–1, note; 62 Stat. 1038, 63 Stat. 82)

Dated: December 7, 1955.

[SEAL] R. B. McLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55–10015; Filed, Dec. 12, 1955; 8:53 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1 (Rev.), Amdt. 1, Rice]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service, published in 20 F. R. 8031, and 8211 and containing the specific requirements for the 1955-Crop Rice Price Support Program are hereby amended to clarify the provisions pertaining to location differentials and to establish a price location differential for rice produced in St. Charles County, Missouri.

Section 421.1344 (c) is amended to read as follows:

§ 421.1344 *Support rates.* • • •

(c) *Location differentials.* For rice produced in the following areas, discounts for location (to adjust for transportation costs of moving the rice to an area where competitive milling facilities are available) shall be applied to the basic support rate determined under paragraph (a) of this section and shall be in addition to any adjustment in accordance with paragraph (b) of this section: *Provided, however,* That such location differentials shall not apply to rice produced in these areas if the rice is transported to a rice producing area where no location differential is applicable and is there placed under loan or delivered to CCC under a purchase agreement:

Area	Discount per 100 pounds
State of Florida	$0.82
States of South Carolina and North Carolina	.77
Counties of Lafayette, Little River and Miller in Arkansas; Bowie in Texas; McCurtain in Oklahoma; and Bossier Parish in Louisiana	.30
Imperial County, California and adjacent counties in Arizona and California	.96
Counties of Holt, Lincoln, Marion, Pike, and St. Charles in Missouri, and Adams in Illinois	.43

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1421, 1441)

Issued this 8th day of December 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55–10014; Filed, Dec. 12, 1955; 8:53 a. m.]

PART 421—GRAINS AND RELATED COMMODITIES

PART 474—FARM-STORAGE FACILITIES

STORAGE PAYMENTS EARNED BY BORROWERS UNDER PRICE SUPPORT OR RESEAL PROGRAMS

The notice published in 20 F. R. 8536 is amended to read as follows:

Notwithstanding the provisions of CCC Grain Price Support Bulletins (1950–1955) 15 F. R. 3147, 16 F. R. 1987, 17 F. R. 3521, 18 F. R. 1960, 19 F. R. 867, and 20 F. R. 3017, the provisions of Farm Storage Facility Loan Program Bulletins 14 F. R. 5587, 15 F. R. 4867; 16 F. R. 6492, and 20 F. R. 5115, and the provisions of the Mobile Drying Equipment Loan Program Bulletin 20 F. R. 5113 (which provide for the application of farm storage payments by CCC to the accelerated reduction of loans made respectively under the Farm Storage Facility Loan Program and the Mobile Drying Equipment Loan Program), any payments for storage of commodities in farm storage structure under a price support or reseal program due from Commodity Credit Corporation to a borrower shall be applied (1) to any delinquent amount(s), and, (2) to the borrower's storage facility loan installment or mobile drying equipment loan installment which is due and payable when the storage payment is due, and (3) to any extended installment(s), each including interest. This notice shall be effective with regard to any storage payments disbursed subsequent to November 18, 1955. The provisions of any CCC Grain Price Support Bulletin, Farm Storage Facility Loan Bulletin, or Mobile Drying Equipment Loan Bulletin which are inconsistent with the provisions of this notice are hereby modified accordingly.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b)

NOTE: This notice effects §§ 421.10, 421.660, 421.1510, 421.410, 421.1010, 474.106 (c), 474.140 (c), 474.506 (c), and 474.431 (c).

Issued this 8th day of December 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55–10013; Filed, Dec. 12, 1955; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 63, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.363 (Navel Orange Regulation 63; 20 F. R. 8871) are hereby amended to read as follows:

(i) District 1: Unlimited movement;

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 8, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–10011; Filed, Dec. 12, 1955; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.15 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.)* is amended between the Nashville, Tenn., radio range station and the Knoxville, Tenn., radio range station to read: "Nashville, Tenn., radio range station; the intersection of the northeast course of the Nashville radio range and a line bearing 297° True from the Smithville, Tenn., nondirectional radio beacon; Smithville, Tenn., nondirectional radio beacon; the intersection of a line bearing 112° True from the Smithville, Tenn., nondirectional radio beacon and the west course of the Knoxville, Tenn., radio range; Knoxville, Tenn., radio range station;".

2. Section 600.225 is added to read:

§ 600.225 *Red civil airway No. 25 (United States-Canadian Border to Bangor, Maine).* That airspace over United States territory from the Quebec, Canada, radio range station via the intersection of the northwest course of the Bangor, Maine, radio range and the west course of the Millinocket, Maine, radio range to the intersection of the northwest course of the Bangor, Maine, radio range and the southwest course of the Millinocket, Maine, radio range.

3. Section 600.603 *Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.)* is amended by deleting the facility which reads: "Cadillac, Mich., nondirectional radio beacon;".

4. Section 600.674 *Blue civil airway No. 74 (Willard, N. Mex., to Otto, N. Mex.)* is revoked.

5. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "Des Moines, Iowa, omnirange station, including a south alternate;" to read: "Des Moines, Iowa, omnirange station;".

6. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended by changing the portion between the Omaha, Nebr., omnirange station and the Naperville, Ill., omnirange station to read: "Omaha, Nebr., omnirange station, including a north and a south alternate; Des Moines, Iowa, omnirange station; Iowa City, Iowa, omnirange station, including a south alternate via the intersection of the Des Moines omnirange 112° True and the Iowa City omnirange 252° True radials; Moline, Ill., omnirange station, including a south alternate; Naperville, Ill., omnirange station;".

7. Section 600.6011 is amended to read:

§ 600.6011 *VOR civil airway No. 11 (Memphis, Tenn., to Detroit, Mich.).* From the Memphis, Tenn., omnirange station via the intersection of the Memphis omnirange 345° True and the Dyersburg omnirange 230° True radials; Dyersburg, Tenn., omnirange station, including an east alternate from the Memphis omnirange station to the Dyersburg omnirange station via the intersection of the Memphis omnirange 360° True and the Dyersburg omnirange 215° True radials; Paducah, Ky., omnirange station; Evansville, Ind., omnirange station; Scotland, Ind., omnirange station, including an east alternate via the intersection of the Evansville omnirange 049° True and the Scotland omnirange 188° True radials; Indianapolis, Ind., omnirange station, including an east alternate via the intersection of the Scotland omnirange 041° True and the Indianapolis omnirange 185° True radials, and a west alternate via the intersection of the Scotland omnirange 011° True and the Indianapolis omnirange 232° True radials; intersection of the Indianapolis omnirange 021° True and the Fort Wayne omnirange 226° True radials; Fort Wayne, Ind., omnirange station; intersection of the Fort Wayne omnirange 037° True and the Salem omnirange 227° True radials; to the Salem, Mich., omnirange station.

8. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing the portion between the St. Louis, Mo., omnirange station and the Terre Haute, Ind., omnirange station to read: "St. Louis, Mo., omnirange station, including a north and a south alternate; Vandalia, Ill., omnirange station; Terre Haute, Ind., omnirange station;".

9. Section 600.6014 *VOR civil airway No. 14 (Roswell, N. Mex., to Boston, Mass.)* is amended by changing the portion which reads: "the Lubbock omnirange 276° True radials;" to read, "the Lubbock omnirange 277° True radials;".

10. Section 600.6025. *VOR civil airway No. 25 (Los Angeles, Calif., to Ellensburg, Wash.)* is amended by changing all before the Red Bluff, Calif., omnirange station to read: "From the Camarillo, Calif., MF radio range station via the Santa Barbara, Calif., omnirange station; Paso Robles, Calif., omnirange station; intersection of the Paso Robles omnirange 335° True and the San Francisco omnirange 141° True radials; San Francisco, Calif., omnirange station; intersection of the San Francisco omnirange 304° True and the Point Reyes omnirange 155° True radials; Point Reyes, Calif., omnirange station; point of intersection of the Point Reyes omnirange 352° True and the Ukiah, Calif., omnirange 147° True radials; Red Bluff, Calif., omnirange station;".

11. Section 600.6027 is amended to read:

§ 600.6027 *VOR civil airway No. 27 (Los Angeles, Calif., to Seattle, Wash.).* From the Camarillo, Calif., MF radio range via the Santa Barbara, Calif., omnirange station; Paso Robles, Calif., omirange station, including a west alternate via the intersection of the Santa Barbara omnirange 304° True and the Paso Robles omnirange 169° True radials; intersection of the Paso Robles omnirange 335° True and the Salinas omnirange 134° True radials; Salinas, Calif., omnirange station; intersection of the Salinas omnirange 319° True and the Point Reyes omnirange 155° True radials; Point Reyes, Calif., omnirange station, including a west alternate from the Salinas omnirange station via the intersection of the Salinas omnirange 300° True and the Point Reyes omnirange 155° True radials; intersection of the Point Reyes omnirange 352° True and the Ukiah omnirange 147° True radials; Ukiah, Calif., omnirange station; Fortuna, Calif., omnirange station; Crescent City, Calif., omnirange station; North Bend, Oreg., omnirange station; Newport, Oreg., omnirange station; Hoquiam, Wash., omnirange station; to the Seattle, Wash., omnirange station, excluding the portion above 14,500 feet above mean sea level which lies beneath, and which conflicts with, the Olympic restricted area (R–241).

12. Section 600.6037 is amended to read:

§ 600.6037 *VOR civil airway No. 37 (Savannah, Ga., to Erie, Pa.).* From the Savannah, Ga., omnirange station via the Columbia, S. C., omnirange station to the Charlotte, N. C., omnirange station. From the Elkins, W. Va., omnirange station via the Morgantown, W. Va., omnirange station; Pittsburgh, Pa., omnirange station; to the Erie, Pa., omnirange station.

13. Section 600.6065 is amended to read:

§ 600.6065 *VOR civil airway No. 65 (Kansas City, Mo., to Lamoni, Iowa).* From the point of intersection of the Kansas City, Mo., omnirange 231° True and the St. Joseph, Mo., omnirange 178° True radials via the St. Joseph, Mo., omnirange station; to the Lamoni, Iowa, omnirange station.

14. Section 600.6154 is amended to read:

§ 600.6154 *VOR civil airway No. 154 (Meridian, Miss., to Savannah, Ga.).* From the Meridian, Miss., omnirange station via the intersection of the Meridian omnirange 084° True and the Montgomery omnirange 282° True radials; Montgomery, Ala., omnirange station; Columbus, Ga., omnirange station, including a north alternate via the intersection of the Montgomery omnirange 049° True and the Columbus omnirange 270° True radials; intersection of the Columbus omnirange 020° True and the Macon omnirange 272° True radials; Macon, Ga., omnirange station; to the Savannah, Ga., omnirange station. The portions of this airway which conflict with the Fort Benning Restricted Area (R–129) are excluded.

15. Section 600.6172 is amended to read:

§ 600.6172 *VOR civil airway No. 172 (Omaha, Nebr., to Chicago, Ill.).* From the Omaha, Nebr., omnirange station via the intersection of the Omaha omnirange 095° True and the Des Moines omnirange 247° True radials; Des Moines, Iowa, omnirange station; intersection of the Des Moines omnirange 071° True and the Polo omnirange 268° True radials; Polo, Ill., omnirange station, including a south alternate from the point of intersection of the Des Moines omnirange 071° True and the Polo omnirange 268° True radials to the Polo omnirange station via the Moline, Ill., omnirange station; intersection of the Polo omnirange 085° True and the Chicago Midway Airport terminal omnirange 294° True radials; to the Chicago, Ill., Midway Airport terminal omnirange station.

16. Section 600.6185 is amended to read:

§ 600.6185 *VOR civil airway No. 185 (Savannah, Ga., to Knoxville, Tenn.).* From the Savannah, Ga., omnirange station via the intersection of the Savannah omnirange 320° True and the Augusta omnirange 157° True radials; Augusta, Ga., omnirange station; Spartanburg, S. C., omnirange station; Asheville, N. C., omnirange station, including a west alternate from the Augusta omnirange station to the Asheville omnirange station via the intersection of the Augusta omnirange 345° True radials and the Greenville ILS localizer south course, the Greenville, S. C., ILS localizer, and the intersection of the Greenville ILS localizer north course and the Asheville omnirange 189° True radial; intersection of the Asheville omnirange 300° True and the Knoxville omnirange 069° True radials; to the Knoxville, Tenn., omnirange station, including an east alternate from the Asheville omnirange station to the Knoxville omnirange station via the intersection of the Asheville omnirange 329° True and the Knoxville omnirange 069° True radials. The portion of this airway below 5500 feet above mean sea level which overlaps the Camp Gordon Restricted Area (R–124) is excluded.

17. Section 600.6193 is amended to read:

§ 600.6193 *VOR civil airway No. 193 (Pullman, Mich., to Traverse City, Mich.).* From the Pullman, Mich., omnirange station via the Grand Rapids, Mich., ILS outer marker; White Cloud, Mich., omnirange station; to the Traverse City, Mich., LF radio range station.

18. Section 600.6195 is amended to read:

§ 600.6195 *VOR civil airway No. 195 (Oakland, Calif., to Red Bluff, Calif.).* From the Oakland, Calif., omnirange station via the Sacramento, Calif., omnirange station; Williams, Calif., omnirange station, including a west alternate from the Oakland omnirange station to the Williams omnirange station via the point of intersection of the Sacramento omnirange 218° True and the Williams omnirange 167° True radials; to the Red Bluff, Calif., omnirange station.

19. Section 600.6199 is amended to read:

§ 600.6199 *VOR civil airway No. 199 (Fresno, Calif., to Ukiah, Calif.).* From the Fresno, Calif., omnirange station via the intersection of the Fresno omnirange 287° True and the San Francisco omnirange 111° True radials; San Francisco, Calif., omnirange station; intersection of the San Francisco omnirange 304° True and the Ukiah omnirange 172° True radials; to the Ukiah, Calif., omnirange station.

20. Section 600.6200 is amended to read:

§ 600.6200 *VOR civil airway No. 200 (Ukiah, Calif., to Reno, Nev.).* From the Ukiah, Calif., omnirange station via the Williams, Calif., omnirange station; intersection of the Williams omnirange 061° True and the Reno omnirange 268° True radials; to the Reno, Nev., omnirange station.

21. Section 600.6210 is added to read:

§ 600.6210 *VOR civil airway No. 210 (Los Angles, Calif., to Daggett, Calif.).* From the Los Angeles, Calif., omnirange station via the intersection of the Los

Angeles omnirange 057° True and the Daggett omnirange 235° True radials; to the Daggett, Calif., omnirange station.

22. Section 600.6212 is added to read:

§ 600.6212 *VOR civil airway No. 212 (Ukiah, Calif., to Reno, Nev.).* From the Ukiah, Calif., omnirange station via the intersection of the Ukiah omnirange 172° True and the Williams omnirange 241° True radials; Williams, Calif., omnirange station; point of intersection of the Williams omnirange 104° True and the Sacramento, Calif., omnirange 055° True radials; point of intersection of the Sacramento omnirange 055° True and the Reno omnirange 230° True radials; to the Reno, Nev., omnirange station.

23. Section 600.6214 is added to read:

§ 600.6214 *VOR civil airway No. 214 (Muskegon, Mich., to Saginaw, Mich.).* From the Muskegon, Mich., omnirange station to the Saginaw, Mich., nondirectional radio beacon.

24. Section 600.6215 is added to read:

§ 600.6215 *VOR civil airway No. 215 (Muskegon, Mich., to White Cloud, Mich.).* From the Muskegon, Mich., omnirange station to the White Cloud, Mich., omnirange station.

25. Section 600.6221 is added to read:

§ 600.6221 *VOR civil airway No. 221 (Fort Wayne, Ind., to Detroit, Mich.).* From the Fort Wayne, Ind., omnirange station via the Litchfield, Mich., omnirange station; to the Salem, Mich., omnirange station.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., January 12, 1956.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9952; Filed, Dec. 12, 1955; 8:45 a. m.]

[Amdt. 1]

PART 601—DESIGNATION OF CONTROL AREAS CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.225 is added to read:

§ 601.225 *Red civil airway No. 25 control areas (United States-Canadian Border to Bangor, Maine).* All of Red civil airway No. 25.

2. Section 601.674 *Blue civil airway No. 74 control areas (Willard, N. Mex., to Otto, N. Mex.)* is revoked.

3. Section 601.1002 is amended to read:

§ 601.1002 *Control area extension (Austin, Tex.).* That airspace within a 40-mile radius of the Austin radio range station, excluding the portion which overlaps restricted area (R-343).

4. Section 601.1036 *Control area extension (West Palm Beach, Fla.)* is amended by changing last portion to read: "The airspace which lies within Patrick AFB warning area (W-497-B) and Miami warning area (W-171) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control."

5. Section 601.1389 *Control area extension (Miami, Fla.)* is amended by adding the following phrase to present control area extension: "The airspace which lies within Patrick AFB warning area (W-497-B) and Miami warning area (W-171) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control."

6. Section 601.1393 is added to read:

§ 601.1393 *Control area extension (Roswell, N. Mex.).* That airspace within 5 miles either side of the 40° True radial of the Roswell omnirange extending from the omnirange station to a point 25 miles northeast.

7. Section 601.1394 is added to read:

§ 601.1394 *Control area extension (Williams, Calif.).* That airspace southwest of Williams, Calif., bounded on the north by VOR civil airway No. 212, on the east by Blue civil airway No. 10 and on the southwest by VOR civil airway No. 107, and the airspace south of Williams, Calif., bounded on the west by Blue civil airway No. 10, on the east by Blue civil airway No. 7 and on the southeast by the Fairfield, Calif., control area extension.

8. Section 601.2124 is amended to read:

§ 601.2124 *Roswell, N. Mex., control zone.* Within a 15-mile radius of the Roswell radio range station and within 2 miles either side of the 220° True and 297° True radials of the Roswell omnirange extending from the omnirange station to points 10 miles southwest and northwest.

9. Section 601.2146 *Greenwood, Miss., control zone* is amended by changing last portion to read: "and within 2 miles either side of the 066° True and 246° True radials of the Greenwood omnirange extending from the airport to a point 10 miles southwest of the omnirange station."

10. Section 601.2229 is amended to read:

§ 601.2229 *Fairfield, Calif., control zone.* Within a 5-mile radius of Travis Air Force Base, within 2 miles either side of the southwest course of the Travis AFB radio range extending from the Air Force Base to a point 20 miles southwest of the AFB, and within 3 miles either side of the southwest and northeast courses of the radio range extending from the Air Force Base to a point 15 miles of northeast of the AFB.

11. Section 601.4015 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing "Smithville, Tenn., radio range station;" to read: "Smithville, Tenn., nondirectional radio beacon;".

12. Section 601.4225 is added to read:

§ 601.4225 *Red civil airway No. 25 (United States-Canadian Border to Bangor, Maine).* No reporting point designation.

13. Section 601.4674 *Blue civil airway No. 74 (Willard, N. Mex., to Otto, N. Mex.)* is revoked.

14. Section 601.6011 is amended to read:

§ 601.6011 *VOR civil airway No. 11 control areas (Memphis, Tenn., to Detroit, Mich.).* All of VOR civil airway No. 11 including east alternates and a west alternate.

15. Section 601.6037 is amended to read:

§ 601.6037 *VOR civil airway No. 37 control areas (Savannah, Ga., to Erie, Pa.).* All of VOR civil airway No. 37.

16. Section 601.6065 is amended to read:

§ 601.6065 *VOR civil airway No. 65 control areas (Kansas City, Mo., to Lamoni, Iowa).* All of VOR civil airway No. 65.

17. Section 601.6154 is amended to read:

§ 601.6154 *VOR civil airway No. 154 control areas (Meridian, Miss., to Savannah, Ga.).* All of VOR civil airway No. 154, including a north alternate.

18. Section 601.6172 is amended to read:

§ 601.6172 *VOR civil airway No. 172 control areas (Omaha, Nebr., to Chicago, Ill.).* All of VOR civil airway No. 172 including a south alternate.

19. Section 601.6185 is amended to read:

§ 601.6185 *VOR civil airway No. 185 control areas (Savannah, Ga., to Knoxville, Tenn.).* All of VOR civil airway No. 185 including an east and a west alternate, but excluding the airspace between the main airway and its west alternate airway from the Augusta, Ga., omnirange station to the Asheville, N. C., omnirange station and also excluding the airspace between the main airway and its east alternate from the Asheville, N. C., omnirange station to the Knoxville, Tenn., omnirange station.

20. Section 601.6193 is amended to read:

§ 601.6193 *VOR civil airway No. 193 control areas (Pullman Mich., to Traverse City, Mich.).* All of VOR civil airway No. 193.

21. Section 601.6195 is amended to read:

§ 601.6195 *VOR civil airway No. 195 control areas (Oakland, Calif., to Red Bluff, Calif.).* All of VOR civil airway No. 195 including a west alternate.

22. Section 601.6199 is amended to read:

§ 601.6199 *VOR civil airway No. 199 control areas (Fresno, Calif., to Ukiah, Calif.).* All of VOR civil airway No. 199.

23. Section 601.6200 is amended to read:

§ 601.6200 *VOR civil airway No. 200 control areas (Ukiah, Calif., to Reno, Nev.).* All of VOR civil airway No. 200.

24. Section 601.6210 is added to read:

§ 601.6210 *VOR civil airway No. 210 control areas (Los Angeles, Calif., to Daggett, Calif.).* All of VOR civil airway No. 210.

25. Section 601.6212 is added to read:

§ 601.6212 *VOR civil airway No. 212 control areas (Ukiah, Calif., to Reno, Nev.).* All of VOR civil airway No. 212.

26. Section 601.6214 is added to read:

§ 601.6214 *VOR civil airway No. 214 control areas (Muskegon, Mich., to Saginaw, Mich.).* All of VOR civil airway No. 214.

27. Section 601.6215 is added to read:

§ 601.6215 *VOR civil airway No. 215 control areas (Muskegon, Mich., to White Cloud, Mich.)* All of VOR civil airway No. 215.

28. Section 601.6221 is added to read:

§ 601.6221 *VOR civil airway No. 221 control areas (Fort Wayne, Ind., to Detroit, Mich.).* All of VOR civil airway No. 221.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. January 12, 1956.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9953; Filed, Dec. 12, 1955; 8:45 a. m.]

[Amdt. 145]

PART 608—RESTRICTED AREAS

ALTERATION

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.21, a Savanna, Illinois, temporary area (R-498), is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
SAVANNA (R-498) (Dubuque).	All that area within a circle whose radius is 1,500 feet and whose center is located at latitude 42°13'15", and longitude 90°21'24".	Surface to 1,900 feet mean sea level.	Unlimited from Dec. 20, 1955, through July 15, 1956.	Commanding Officer, Savanna Ordnance Depot, Savanna, Ill.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on December 20, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9971; Filed, Dec. 12, 1955; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53969]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

PERFUMES

It has been determined that shipments valued not over $1 should not be excluded from the administrative exemption from duty and tax under the provisions of section 321 (a) (2) (C), Tariff Act of 1930, as amended, by reason of their containing perfume made in part of alcohol. Accordingly, § 8.3 (d) (5) of the Customs Regulations is amended to read as follows:

(5) No alcoholic beverage, perfume containing alcohol (except where the aggregate value of all merchandise contained in the shipment does not exceed $1), or tobacco product shall be exempted from the payment of duty and tax under this section.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 7, 52 Stat. 1081, as amended; 19 U. S. C. 1321)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 7, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-9993; Filed, Dec. 12, 1955; 8:50 a. m.]

[T. D. 53970]

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

ELIMINATION OF CORDING AND SEALING OF BAGGAGE SHIPPED IN BOND

The cording and sealing of baggage shipped in bond to a port of entry other than the port of first arrival or shipped in transit through the United States to foreign countries are hereby eliminated and §§ 18.13 and 18.14 of the Customs Regulations are hereby amended to provide therefor as follows:

Section 18.13 (a) is amended by deleting "under cord and seal and" from the first sentence and substituting "with the use of a".

Section 18.13 (b) is amended by deleting "placed on the cords back of the seal" from the second sentence and substituting "securely attached by wire or cord to the baggage".

The second sentence of § 18.14 is amended to read: "Such baggage shall be shipped under the regulations prescribed in the preceding section, except that the card or paster shall be printed on yellow paper and shall read 'Baggage in bond for export.'"

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interpret or apply secs. 498, 552, 553, 742, as amended; 19 U. S. C. 1498, 1552, 1553)

A notice of proposed rule making was published in the FEDERAL REGISTER of September 29, 1955 (20 F. R. 7257). No written data or views having been submitted, the above regulations have been adopted.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 7, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-9994; Filed, Dec. 12, 1955; 8:50 a. m.]

[T. D. 53967]

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

FINES, PENALTIES, AND FORFEITURES

It has become evident that collectors of customs and their staffs are conversant with the standards whereby relief has been afforded or denied by the Bureau of Customs as to certain fines, penalties, and forfeitures incurred under the customs or navigation laws administered by the Bureau and that a delegation of authority to take final action in the field is warranted as to certain of such cases. Therefore, to serve the public more effectively by promoting the prompt disposition of selected fines, penalties, and forfeitures arising under certain of the customs or navigation laws, Part 23 of the Customs Regulations is amended as follows:

1. The first sentence of § 23.24 (a) is amended to read as follows: "Any petition for the remission or mitigation of a fine, penalty, or forfeiture incurred under any law administered by the Bureau of Customs or for the restoration of the proceeds of a sale of property forfeited under the customs laws shall be addressed to the Commissioner of Customs, unless final action thereon may be taken by the collector of customs, in which event it shall be addressed to the collector concerned, and shall be signed by the petitioner and filed with the collector of customs of the district in which the

property was seized or the fine or penalty imposed."

2. Section 23.25 (a) is amended to read as follows:

(a) Fines, penalties, and forfeitures incurred under any law administered by the Bureau of Customs may be mitigated or remitted by the collector of customs concerned in the following cases on such terms and conditions as, under the law and in view of the circumstances, he shall deem appropriate:

(1) Fines and other pecuniary penalties aggregating less than $100 in respect of any one offense.

(2) Penalties of $500 each imposed under the Air Commerce Act of 1926, as amended, for failure to manifest merchandise or for landing merchandise without a permit (see § 6.11 of this chapter), provided the value of the merchandise does not exceed $100.

(3) When imported merchandise or the value thereof has become subject to forfeiture and the duty is $100 or less, or the merchandise is nondutiable and valued at $500 or less.

(4) When merchandise, other than imported merchandise, has become subject to forfeiture, is valued at $500 or less, and no liability outside the purview of any subdivision of this paragraph (a) has been incurred in connection with the same offense.

(5) The collector of customs at the port of New York may remit or mitigate penalties incurred in his district under section 453 or 584, Tariff Act of 1930, provided the aggregate of the penalties incurred under either or both sections by the offender in the case under consideration does not exceed $1,000.

(6) Fines or other pecuniary penalties, aggregating not more than $2,000 in respect of any one offense, as follows:

TARIFF ACT OF 1930

Section		
436	Failure to report arrival or enter	Master; $1,000.
439	Failure to transmit or deliver copy of manifest	Master; $500.
440	Failure to make or transmit or deliver post entry	Master; $500.
445	Violation of residue cargo procedures	Master; $500.

TITLE 46, UNITED STATES CODE

22	Master's oath of citizenship false	Master; $1,000.
23	Failure surrender register when vessel lost, captured, broken up or sold foreign.	Master or owner; $500.
30	Failure to surrender temporary register granted upon change of vessel ownership.	Master and owner; $100.
32	Failure to surrender temporary register granted upon purchase of vessel through an agent.	Master and owner; $100.
37	Failure to surrender temporary register granted in lieu of one lost or destroyed.	Master; $100.
38	Failure to surrender outstanding register when re-registration required.	Owner; $500.
40	Failure to report change of master	Master; $100.
45	Failure to mark official number	Owner; $30 each vessel arrival.
46	Failure to mark name and home port	Owner; $10 each name.
77	Failure to mark net tonnage	Owner; $30 each vessel.
91, 95	Clearance violation	Master; $500–$1,000. Bond; up to $1,000.
92, 95	Clearance violation	Bond; up to $1,000.
101	Failure to report consular fees paid	Master; $50.
152	Improper berths for steerage passengers	Master; $5 each passenger.
153	Improper lighting, air, etc	Master; $250.
155	Lack of hospital, surgeon, medicine	Master; $250.
156	Failure to keep discipline, cleanliness, etc	Master; $250.
159	Failure to pay passenger death fee	Master or consignee; $50 each passenger.
265	Failure to surrender temporary register or enrollment upon arrival home port.	Master; $100.
267	Failure to deliver license for renewal or surrender	Master; $10.
276	Failure to report change of master, licensed vessel	Master; $10.
277	Failure to exhibit marine document to inspecting officer	Master; $100.
289	Foreign vessel transporting passengers in coastwise trade	Owner; $200 each passenger.
315	Foreign vessel violating coastwise manifesting and permit procedures.	Master; $100.
316 (a)	Foreign vessel engaging in coastwise towing	Owner and master $250–$1,000 each: $50/ton vessel towed.
319	Fishing or trading coastwise without license	Owner; $30 each arrival.
323	Alteration of vessel papers	Violator; $500.
493	Failure to mark steam vessel name on pilot house	Owner; $10 each name omitted.

(7) Forfeitures of merchandise under section 883, title 46, United States Code, illegally transported coastwise, when the merchandise subject to forfeiture is valued at not more than $2,000, or without regard to value if the violation occurred as the direct result of an arrival of the transporting vessel in distress.

(8) Penalties and forfeitures, aggregating under $20,000 in any one case and incurred under section 460, Tariff Act of 1930, as amended, for failure to report as required by section 459, Tariff Act of 1930, as amended, in the following cases:

(i) Violations due to ignorance of the reporting requirements or to inadvertence and either no merchandise, or only typical personal or souvenir merchandise which would have been free of duty, if entered, is carried in the vessel or vehicle, or

(ii) Where the violation is the first offense, although not due to ignorance or inadvertence, and no intended commercial use or threat to the revenue is involved, or

(iii) Pedestrians carrying merchandise of nominal value and no intended commercial use is involved.

3. Section 23.25 (d) is amended to read as follows:

(d) If the interested party is not satisfied with the collector's decision, he may file a supplemental petition with the collector to be forwarded to the Bureau for reconsideration of the case. A statement to that effect shall be contained in each notification to an interested party of the collector's action on any petition for relief.

(Sec. 618, 46 Stat. 757, sec. 1, 40 Stat. 223, as amended; 19 U. S. C. 1618, 22 U. S. C. 401, 26 U. S. C. 3726)

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

RALPH KELLY,
Commissioner of Customs.

Approved: December 5, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-9979; Filed, Dec. 12, 1955; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 533—GRATUITY UPON DEATH

MISCELLANEOUS AMENDMENTS

Subparagraph (6) is added to § 533.1 (b); paragraph (a) of § 533.4 is revised; and paragraph (f) is added to § 533.12, as follows:

§ 533.1 *General.* • • •

(b) *Statutory authority.* • • •

(6) Section 5, act April 3, 1939 (53 Stat. 557), as amended by act July 25, 1939 (53 Stat. 1079), and act December 10, 1941 (55 Stat. 796).

• • • • • •

§ 533.4 *Six months' gratuity payable to beneficiaries of other than Regular Army members.* • • •

(a) All officers, warrant officers, and enlisted members of the Army of the United States (other than the officers and enlisted members of the Regular Army) who:

(1) If called or ordered into the active military service by the Federal Government for extended military service in excess of 30 days, suffer death in line of duty from disease while so engaged; or

(2) If called or ordered by the Federal Government to active military service or to perform active duty for training or inactive duty training for any period of time suffer death in line of duty from injury while so engaged.

• • • • • •

§ 533.12 *Special determinations.* • • •

(f) *Death occurred not in line of duty but not result of member's own misconduct.* The provisions of section 5, act April 3, 1939 (53 Stat. 557), as amended, extend to designated beneficiaries of all officers and enlisted members of the Army of the United States on active duty (except officers and enlisted members of the Regular Army), the right to receive the 6 months' death gratuity benefits the same as applicable to beneficiaries of members of the Regular Army, provided by the act of December 17, 1919 (41 Stat. 367), as amended, when death of such members occurs in line of duty. The gratuity thus authorized may be paid without regard to whether death occurred in line of duty if there be met the condition of the act of December 17, 1919, that death shall not have occurred as the result of the member's own misconduct. See 22 Comp. Gen. 37.

[C1, AR 35-1370, November 21, 1955] (R. S. 161; 5 U. S. C. 22. Interpret or apply secs. 1, 2, 41 Stat. 367, as amended, sec. 5, 53 Stat. 397, as amended; 10 U. S. C. 456, 903)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-10006; Filed, Dec. 12, 1955; 8:52 a. m.]

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

ENLISTED MEN

Sections 1101.14, 1101.15, and 1101.16 are revised and § 1101.17 is revoked, as follows:

§ 1101.14 *Qualifications for enlistment or reenlistment*—(a) *Applicability.* Within the regulations of §§ 1101.14 to 1101.16 the term "National Guard" shall be construed as applying to the federally recognized National Guard of any State, Territory, Commonwealth of Puerto Rico, or the District of Columbia, and the standards of enlistment set forth shall be the qualifications required of enlisted personnel of units inspected for Federal recognition.

(b) *Citizenship.* Applicants who are otherwise qualified may be enlisted if they are:

(1) Citizens of the United States.

(2) Aliens who can present written evidence that they have made legal declaration of their intention to become citizens of the United States. Only those declarant citizens who can present the duplicate or triplicate copy of declaration of intention (United States Department of Justice; Immigration and Naturalization Service Form N-315, duly authenticated by a Federal district court, are eligible for enlistment in the National Guard. Title 18, U. S. C., section 1426 (h), prohibits the reproduction of a declaration of intention to become a citizen, or certificate of naturalization. Under no circumstances will these forms be reproduced.

(c) *Age requirements.* The age requirements for enlistment or reenlistment are:

(1) 18 through 35 years, except as provided in this paragraph.

(i) Any applicant may be accepted for enlistment who is 17 years of age but who has not reached his 18th birthday provided he furnishes written consent of his parents or guardian on DD Form 373 (Consent, Declaration of Parent or Legal Guardian), before enlistment is effected. If the applicant has neither parents nor guardian, a statement to that effect will be typed on the enlistment record, in space reserved for remarks, by the enlisting officer. This entry will be read to the applicant and initialed by him.

(ii) DD Form 373:

(a) Will be signed by both parents or guardian and witnessed by a commissioned, warrant, or noncommissioned officer of the National Guard or a Notary Public However, the consent of one parent may be accepted if the other parent has been or is to be absent for an extended period of time. In case of such absence the one parent signing the consent agreement will also add in his or her own handwriting in the space provided for the signature of the other parent: "Not available for signature."

(b) Will not be accepted if either parent objects.

(c) Need not be verified unless required by State military authorities.

(iii) DD Form 373 will be prepared and signed in quadruplicate. A copy will be fastened to the original and each copy of the enlistment record.

(2) The maximum age limit of 35 years applies only to persons without prior service. A person who is otherwise qualified and meets the criteria shown below may be enlisted or re-enlisted in the National Guard: *Provided*, That no term of enlistment will extend beyond his sixtieth birthday: *And provided further*, That he has had total active service in the federally recognized National Guard since June 15, 1933, the Regular Army, Army of the United States, United States Air Force, United States Navy, United States Marine Corps, or any reserve component thereof, equal to or exceeding that shown in the following table:

Age:	*Prior service required*
36 and 38	1 year.
38 under 41	2 years.
41 and over	2 years plus the number of years applicant is over age of 40.

(3) Applicants who have been awarded decorations of the Silver Star, or higher, will be accepted for enlistment or reenlistment without regard to age limitations provided that no term of enlistment will extend beyond his 60th birthday

(4) Applicants who have reached their 36th and have not reached their 45th birthday at time of application for enlistment may be accepted for original enlistment and service in nondivisional AAA units of the National Guard. Such individuals are limited in assignment to such units and for service only within the continental United States. Under "Remarks" section of the enlistment record, qualification record, and service record the following entry will be made:

By policy of the Department of the Army, individual will not be employed in the service of the United States outside the continental United States without his consent.

(5) Applicants who have reached their 45th and have not reached their 55th birthday at time of application for enlistment or reenlistment may be accepted for service in nondivisional AAA units provided they have served at least 1 year in an Armed Force of the United States, or a reserve component thereof. The same limitation of assignment contained in subparagraph (4) of this paragraph, is applicable and the same entry will be made on the enlistment record, qualification record, and service record.

(6) Applicants possessing technical skills needed by the National Guard who have reached their 36th and have not reached their 45th birthday, may, when specifically authorized by the Adjutant General of the State, Territory, Commonwealth of Puerto Rico, or the District of Columbia, be accepted for enlistment and service in State Headquarters and Headquarters Detachments. A person in this category will not be transferred to another unit unless he fulfills the age criteria for enlistment therein and is qualified for general military service.

(d) *United States civilian officials and employees.* (1) The following will be enlisted or reenlisted only upon written request signed by the applicant prior to enlistment in which he specifically states that he desires to waive his exemption from "militia" duty.

(i) Officers, judical and executive, of the Government of United States and of the several States;

(ii) Customhouse clerks;

(iii) Persons employed by the United States in the transmission of the mails;

(iv) Artificers and workmen employed in Government armories, Arsenals, and Navy Yards;

(v) Pilots and mariners actually employed in the sea service of any citizen or merchant within the United States.

(2) A civilian official or employee of the United States or of the District of Columbia, including postal employees, and artificers or workmen employed in Government armories, Arsenals, or Navy Yards, will not be enlisted or reenlisted in the National Guard without the written consent of the local head of the Department or service in which he is employed. Such consent will be obtained prior to enlistment or reenlistment.

(e) *Dependency and hardship.* (1) A person who was previously discharged from one of the Armed Forces of the United States for hardship or dependency may not be accepted for enlistment (or reenlistment) unless it has been determined by investigation, conducted by the enlisting officer, that the reasons for which discharged no longer exist. An affidavit giving reasons for discharge, how they have been overcome, and that he will be available and not request discharge on account of dependency or hardship in the event of an emergency, will be obtained from the applicant.

(2) Any other person with four or more dependents may not be accepted for enlistment (or reenlistment) unless it has been determined by investigation that applicant will be available and will not request discharge on account of dependency or hardship in the event of an emergency and an affidavit to this effect is obtained from the applicant.

(3) Affidavits mentioned in subparagraphs (1) and (2) of this paragraph, will be obtained prior to administering the oath and a copy thereof will be securely attached to each copy of the enlistment record.

(f) *Waiver of benefits.* (1) As used herein the term "benefits" pertains to a pension, retirement pay, disability allowance, disability compensation or retired pay from the Government of the United States by virtue of prior military service.

(2) Applicants for enlistment who are entitled to the above benefits, except those retired for physical disability, age, and enlisted men retired under the provisions of Public Law 190, 79th Congress (59 Stat. 538) are eligible for enlistment and reenlistment in the National Guard provided:

(i) They are otherwise qualified in all respects.

(ii) They waive, for the remainder of the current fiscal year and upon commencement of each fiscal year thereafter, either that portion of their benefits for the days for which they receive Federal pay for services as members of the Federally recognized National Guard, or their National Guard pay and allowances.

(3) The above waiver of dual payment will be prepared in duplicate by the applicant and addressed to the appropriate office having jurisdiction over his claim, e. g., Veterans Administration or Retired Pay Branch, Finance Center, United States Army, Indianapolis, Indiana. (If National Guard training pay is waived, the form will be modified accordingly, prepared in original only, filed in the individual's personnel records jacket, and the remark "Waived National Guard training duty pay" entered on each payroll on which the individual is shown.)

(g) *Residence.* An applicant for enlistment will not be accepted unless he lives within such distance of the home station of the unit in which he desires to enlist that he can properly perform his military duties.

(h) *Physical qualification*—(1) *General.* All applicants for enlistment will appear before an authorized medical examiner for physical examination in accordance with the standards prescribed for the National Guard. Final determination of physical eligibility of all applicants will be subject to review by the Chief, National Guard Bureau.

(2) *Report of physical examination.* The medical examiner will check for any history of previous rejection or discharge for physical reasons, and will note in "Remarks" whether or not the physical disability still exists or has been corrected. If the applicant is acceptable for enlistment from a physical standpoint, such fact will be indicated in item 77 of Standard Form 88 (Report of Medical Examination).

(i) *General examination of applicants*—(1) *General.* An officer of the National Guard will examine each applicant for enlistment, asking the questions contained on the enlistment record to determine whether the applicant fills the requirements for enlistment. If any statement of the applicant indicates a cause for rejection, the officer will inform the applicant that he is not eligible for enlistment, or if appropriate, not acceptable unless waiver is secured, and make notation accordingly on the enlistment record.

(2) *Evidence of character.* The enlisting officer to whom appliction is made for enlistment in the National Guard will require any evidence of good character as may be desirable. If the applicant has prior service an instrument of discharge (DD Form 214 (Report of Separation) or other similar document) will be presented to the enlisting officer for verification after which it will be returned to the applicant.

(j) *Loyalty certificates.* (1) Each applicant for enlistment or reenlistment in the National Guard will accomplish a DD Form 98 (Loyalty Certificate for Personnel of the Armed Forces) and, where applicable, DD Form 398 (Statement of Personnel History), prior to enlistment or reenlistment.

(2) Each applicant is subject to the provisions of paragraph 14, AR 604–10 (pertaining to personnel security clearance), and in addition to accomplishing the DD Form 98, is required to accomplish and initial the following certificate in item 38 of DD Form 4 (Enlistment Record):

I have read or had explained to me paragraph 13, AR 604–10 as sets forth the criteria (reasons) for discharge and types of discharge, and certify that I ( ) have ( ) have never engaged in disloyal or subversive activities as defined therein.

(3) If the applicant for enlistment or reenlistment refuses to sign the DD Form 98, or to initial the loyalty certificate in item 38 of DD Form 4, he will not be accepted. If the applicant is a member of another reserve component, the National Guard Bureau will be notified of his refusal to sign the DD Form 98 so that his reserve component can be informed.

(4) If the applicant for enlistment or reenlistment completes the DD Form 98 with qualifications, or entries are made thereon which provide reasons for belief that his enlistment or reenlistment is not clearly consistent with National Guard security, the following will apply:

(i) The enlistment or reenlistment will be held in abeyance pending specific approval of the Chief, National Guard Bureau.

(ii) DD Form 98 together with DD Form 398 (in triplicate) will be forwarded to the Chief of National Guard Bureau.

(k) *Classes ineligible unless waiver is authorized by the Chief, National Guard Bureau.* The following classes of applicants are ineligible for enlistment or reenlistment unless waiver is authorized by the Chief, National Guard Bureau, pursuant to paragraph (m) of this section.

(1) A person who has been discharged from active Federal service, whose total time lost under 41 Stat. 809, as amended by section 6 (a), 64 Stat. 145, was 60 days or more during his last period of enlistment or period of active duty.

(2) Applicants for initial enlistment who have been tried, convicted, or imprisoned under sentence of a civil court for other than a felony, and those who have a record of an adverse adjudication by a juvenile court. (Applicants with record of minor offenses including minor traffic violation, single cases of drunkenness, vagrancy, truancy, peace disturbance, etc., for which no type of civil restraint exists, may be enlisted without waiver.

(3) Applicants for reenlistment in the National Guard who are discharged and apply for reenlistment without a break in National Guard service, who are on parole, probation or suspended sentence by reason of conviction for a misdemeanor by a civil court or adverse adjudication by a juvenile court.

(4) Applicants with prior service in any of the Armed Forces who fail to meet the prescribed physical standards, and those applicants last separated by reason of physical disability (even though they currently meet the prescribed physical standards). This includes personnel whose report of separation contains the following notation: "SR 600–450–10, for the convenience of the Government—Disability existing prior to active service and not aggravated by military service," or "Medical disqualification EPTS, SR 600–450–10."

(5) Applicants classified IV-F by Selective Service.

(6) Applicants last discharged by reason of any of the following regulations or conditions:

(i) Applicants last discharge from the Army under AR 615–364 (dishonorable and bad conduct), AR 615–366, (misconduct), AR 615–368 (unfitness), or AR 635–209 (inaptitude or unsuitability), and applicants last discharged by similar authority from the other services.

(ii) Applicants whose DD Form 214 (Report of Separation from the Armed Forces of the United States) or similar document includes the following: "EM does not meet prescribed requirements for retention;" "Adjudged a Youthful offender" or AFR 39–14, and ltr AFPMP–4h, 20 March 1950, subject: Discharge of Physically Disqualified Airmen for Convenience of the Government."

(iii) Applicants whose DD Form 214 or similar document includes the following statement under item 38: "Par. 11, SR 615–105–1, applies," or "Par. 9, AR 615–120 applies."

(iv) Former commissioned officers or warrant officer last separated from any of the Armed Forces, whether as a direct result of trial by courts-martial, reclassification, or elimination proceedings or by resignation in lieu thereof, and former officers and warrant officers last separated under SR 605–200 (demotion and elimination).

(l) *Classes ineligible; waivers not authorized.* The following classes of applicants are ineligible for enlistment or reenlistment and no waivers will be authorized:

(1) Persons convicted of felonies, persons who have felonious charges filed and pending against them; and persons on parole, probation or suspended sentence of any civil court for any offense, except as indicated in paragraph (k) (3) of this section.

(2) Persons who are intoxicated, insane, not of good character and temperate habits, or who have a record of emotional instability.

(3) Persons who claim prior honorable service but who are unable to produce written evidence of such service (DD Form 214 or similar document) will not be enlisted until official verification of service is received.

(4) Persons whose last report of separation shows that severance pay was received.

(5) Persons who do not speak, read and write English, except where the language used is predominantly other than English.

(6) Deserters from any of the Armed Forces of the United States.

(7) An alien who has not filed his legal declaration to become a citizen of the United States. (See paragraph (b) (2) of this section.)

(8) Applicants under 17 and those who have passed the 36th anniversary of their birth, except as authorized in paragraph (c) of this section.

(9) Persons who draw a disability pension, disability allowance, or disability compensation from the Government of the United States unless waived pursuant to paragraph (f) of this section.

(10) Persons who draw retirement pay from the Government of the United States where retirement has been made on account of physical disability or age.

(11) A person who is a member of the Regular Army, Navy, Air Force, United States Marine Corps, United States Coast Guard, Coast and Geodetic Survey.

(12) A person who is a member of any reserve component of the Armed Forces other than enlisted members of the Army Reserve unless conditional release from such membership from the appropriate discharge authority is presented.

(13) Persons who are bonafide members of the Navy ROTC or the Advanced Air Force ROTC.

(14) Applicants who admit participation or whose available records show that they have at any time engaged in disloyal or subversive activities, applicants who refuse to sign the Loyalty Certificate for Personnel of the Armed Forces (DD Form 98), and applicants who sign the certificate and claim Federal constitutional privileges under the Fifth Amendment or Article 31, Uniform Code of Military Justice, except when authorized under the provisions of paragraph (j) of this section.

(15) A person who is a conscientious objector. If an individual has been a conscientious objector, he will be required to furnish an affidavit which will express his abandonment of such beliefs and principles so far as they pertain to his willingness to bear arms and to give full and unqualified military service to the United States; and where appropriate, he must have demonstrated that he has changed his views by subsequent military service. An affidavit will be prepared in quadruplicate and copy attached to each copy of the enlistment record.

(16) Cadets, United States Military Academy; Midshipmen, United States Naval Academy, Cadets, United States Coast Guard Academy, Aviation Cadets, United States Air Force, and Cadets, United States Air Force Academy.

(17) Selective Service registrants who have received orders from their local board to report for preinduction physical and mental examination, or to report for induction, unless the order has been cancelled and release is obtained from the local Selective Service Board.

(18) Retired enlisted persons who are members of other reserve components of the Armed Forces.

(19) Applicants separated from their last period of active service in any of the Armed Forces under any of the regulations and/or conditions prescribed in AR 615–120 (Qualifications for enlistment or reenlistment in Regular Army).

(m) *Waivers.* (1) Recommendations for waiver will be submitted by the unit commander, through normal channels, on applicants who fail to meet qualifications for enlistment under paragraph (k) of this section. Recommendation will contain the following data:

(i) One copy of the Enlistment Record completed except for oath and signature; one copy of Standard Form 88 (Report of Medical Examination); and one copy of Standard Form 89 (Report of Medical History).

(ii) Verified statement of all prior service to include dates of service, grades held, position or Military Occupational Specialty, and branch in which duty was performed.

(iii) A statement outlining proposed use of the applicant, TOE position vacancy, and the Military Occupational Specialty applicable.

(iv) Unit designation for which duty assignment is contemplated.

(v) Recommendation of commanding officer of each forwarding headquarters.

(2) Recommendations for waiver of disqualifications in either paragraph (k) (2) or (3) of this section, in addition to the above, must contain the following:

(i) Statement from civil authorities as to the offense committed with results of adjudication; to include nature of restraint with dates.

(ii) Statements from a minimum of three reliable citizens who have known the applicant for at least a year as to his character, habits, reputation, and employment.

In the event that civil authorities decline to furnish information pertaining to juvenile or youthful offender records, the burden of obtaining it is upon the applicant.

§ 1101.15 *Enlistments*—(a) *Grades.* (1) Applicants without prior service will be enlisted in grade of Pvt–E–1.

(2) Persons with prior service, of the type and in the amount prescribed below, may be enlisted in a higher grade, provided TOE vacancy exists, as follows:

(i) Persons who have 4 months or more creditable service for pay purposes and who do not meet the requirements for enlistment in a higher grade, may be enlisted in grade of Pvt–E–2.

(ii) Persons may be enlisted in a grade (NCO, Specialist, or Private 1st Class) equivalent to the grade held in the Army of the United States, United States Air Force, United States Marine Corps, or a reserve component thereof, at the time of last release or discharge.

(iii) Persons who entered the active military service of the United States with the National Guard on or subsequent to 16 September 1940 and who reenlist therein subsequent to release or discharge from such service, may be reenlisted in a grade (NCO, Specialist, or Private 1st Class) equivalent to their former National Guard grade.

(iv) Persons may be reenlisted in the National Guard in a grade (NCO, Specialist, or Private 1st Class) equivalent to the grade held at time of last discharge from the National Guard.

(b) *Periods of enlistment.* (1) Applicants without prior service in the National Guard will be enlisted for a period of 3 years.

(2) Applicants with prior service in the National Guard will be enlisted for a period of either 1 or 3 years.

(c) *Enlistment and administration of oath*—(1) *General.* If an applicant has successfully passed the screening required or received an approved waiver of any disqualification, an officer will read to him the oath of enlistment and explain to him the term of service, the responsibilities he assumes, the service obligation he acquires, if applicable, the possible active duty service and the pay and allowances to which he will be entitled. The officer will then complete the enlistment by administering the above mentioned oath and requiring the enlisted person to sign all copies of the enlistment record. The officer will then sign the certificate of enlistment on all copies of the enlistment record.

(2) *Who may administer the oath.* Any commissioned officer of the National Guard so authorized by the laws of the State may administer the oath. Oaths of enlistment may not be administered by warrant officers. Federal inspectors also may administer oaths under the provisions of National Guard Regulations.

§ 1101.16 *Date of enlistment and recognition.* (a) The date on which the oath is administered is the date of enlistment. Retroactive enlistments are not authorized.

(b) If enlisted person has already qualified by taking the required oath as a member of a National Guard unit not yet Federally recognized, his own recognition becomes effective on the date his unit is recognized.

(c) If a person enlists in a Federally recognized unit of the National Guard, the date on which he takes and subscribes to the oath of enlistment is the date of his recognition.

(d) Regardless of whether or not the unit for which a person is enlisted is Federally recognized, the period of enlistment commences on the date of taking and subscribing to the oath of enlistment, and ends 1 year or 3 years later unless sooner terminated or extended.

§ 1101.17 *Recognition of enlisted personnel.* [Revoked.]

[NGR 25–1, 16 September 1955] (Sec. 118, 39 Stat. 213; 32 U. S. C. 17)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–9970; Filed, Dec. 12, 1955; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1946]

PART 202—RIGHTS-OF-WAY FOR PIPE LINES ON THE OUTER CONTINENTAL SHELF

A new part 202 is added, reading as follows:

Sec.
202.1 Purpose and authority.
202.2 Definitions.
202.3 Application.
202.4 Persons qualified to acquire and hold rights-of-way.
202.5 Consent of or notice to lessee of leased area crossed by right-of-way.
202.6 Terms and conditions.
202.7 Approval of right-of-way.
202.8 Terms of grant.
202.9 Proof of construction.
202.10 Assignment of right-of-way.
202.11 Advance permission to commence construction.
202.12 Penalty for failure to comply with the act, regulations, or any conditions imposed under either.
202.13 Appeals.

AUTHORITY: §§ 202.1 to 202.13 issued under sec. 5, 67 Stat. 464; 43 U. S. C. 1334.

§ 202.1 *Purpose and authority.* Section 5 (c) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 464), authorizes the Secretary of the Interior to grant rights-of-way for pipeline purposes for the transportation of oil and gas. The purpose of the regulations in this part is to set forth the rules governing the granting and administration of such rights-of-way. The inclusion of this part in this title shall not be construed as an interpretation that the laws and regulations pertaining to public lands or to rights-of-way thereon are applicable to the submerged lands of the outer Continental Shelf.[1]

§ 202.2 *Definitions.* (a) "Secretary" means Secretary of the Interior.

(b) "Director" means Director, Bureau of Land Management.

(c) "Manager" means the officer in charge of the local office of the Bureau of Land Management.

(d) "Right-of-way" includes the site on which the pipe line and associated structures are situated which shall not exceed 200 feet in width for pipe lines and be limited to the area reasonably necessary for pumping stations or other accessory structures. It does not include gathering lines and associated structures constructed for the purpose of conveying production for gathering, storage, or treating of the production from a lease or leases.[2]

[1] Compliance with the regulations of this part does not obviate the necessity of compliance with requirements and regulations of the Department of the Army and the Coast Guard with respect to prevention of obstruction to navigation, lights, and warning devices, and other matters relating to safety of life and property, as authorized by section 4 of the act.

[2] The construction of gathering lines may be approved by the Oil and Gas Supervisor in accordance with the provisions of 30 CFR 250.18 and 250.68.

§ 202.3 *Application.*—(a) *Form and requirements.* No special form of application is required. The application should be filed in duplicate and should be in typewritten form or legible handwriting. It must specify that it is made pursuant to the act and these regulations and that applicant agrees that the right-of-way if approved will be subject to the terms and conditions of the regulations in this part. It should also state the primary purpose for which the right-of-way is to be used. The application must be filed in duplicate at the office of the Manager. If the right-of-way has been utilized prior to the time the application is made, the application must state the date such utilization commenced and by whom, and the date applicant obtained control of the improvements. A filing fee of $10 and the rental required herein under § 202.6 (e) must accompany the application.

(b) *Map showing survey.* Each copy of the application must be accompanied by a map, showing the center line of the right-of-way, properly identified so that the right-of-way may be accurately located by a competent engineer. The map should comply with the following requirements:

(1) The scale shall be at least 1:160,000.

(2) Courses and distances of the center line of the right-of-way shall be given either on the margin of the map or on an attached sheet or sheets with the courses referred to the true or grid meridian, either by deflection from a line of known bearing or by independent observation and calculated distances in feet and decimals.

(3) The total distance and width of the right-of-way shall be given, and the diameter of the pipe line specified.

(4) The initial and terminal points of the right-of-way shall be accurately located by latitude and longitude or by grid references.

(5) Each copy of the map shall bear upon its face a statement of the engineer who made the map that the right-of-way is accurately represented upon the map.

§ 202.4 *Persons qualified to acquire and hold rights-of-way.* (a) Applications may be filed by citizens of the United States, associations of such citizens, and by corporations organized under the laws of the United States or of any State or Territory thereof.

(b) An individual and each member of an association applying for a right-of-way must state in the application whether he is a native-born or naturalized citizen of the United States.

(c) (1) A private corporation must file a certified copy of its charter or articles of incorporation.

(2) A corporation other than a private one must file a copy of the law under which it was organized and proof of its organization.

(3) A copy of the resolution or by-laws of the corporation authorizing the filing of the application or a certificate of the Secretary or an assistant Secretary of the Corporation under the corporate seal certifying that the officer executing the application has authority to do so, must be filed. If the application is filed by an attorney-in-fact a certified copy of the resolution of the Board of Directors authorizing his appointment and an executed copy of the power of attorney must be filed.

(4) If the corporation has previously filed any or all of the papers required in subparagraphs (1), (2), and (3), of this paragraph, specific reference to such filing giving date, place, and case number will be accepted as full compliance with such requirements.

§ 202.5 *Consent of or notice to lessee of leased area crossed by right-of-way.* An applicant must show the extent to which the right-of-way applied for invades or crosses mineral leases or rights-of-way other than his own and must submit with his application either the written consent of each lessee or right-of-way holder whose lease or right-of-way is so affected or a statement that he has delivered to each lessee whose lease is so affected personally or by registered or certified mail a copy of the application and map. If the statement is filed no final action will be taken on the right-of-way application until 15 days have elapsed after the last date of service of such papers, in order to afford the parties concerned ample opportunity to file protests against the granting of the right-of-way.

§ 202.6 *Terms and conditions.* An applicant, by accepting a right-of-way grant, agrees and consents to comply with and be bound by the following terms and conditions, excepting those which the Secretary may waive in a particular case:

(a) To comply with all existing regulations and with all existing and future regulations which the Secretary determines to be necessary and proper in order to provide for the prevention of waste and conservation of the natural resources of the outer Continental Shelf, and the protection of correlative rights therein.

(b) To pay the United States, or its lessee, as the case may be, the full value for all damages to the property of the United States or its said lessee, and to indemnify the United States against any and all liability for damages to life, person, or property arising from the occupation and use of the area covered by the right-of-way.

(c) To keep the Director informed at all times of his address, and, if a corporation, of the address of its principal place of business and the name and address of the officer or agent authorized to receive service of notice. That in the construction, operation, and maintenance of the project, he shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin and shall require an identical provision in all subcontracts.

(d) That the allowance of the right-of-way shall be subject to the express condition that the rights granted will not prevent or interfere in any way with the management, administration of, or the granting either prior or subsequent to the right-of-way grant of other rights by the United States in, the submerged lands affected thereby, and that he agrees and consents to the occupancy and use by the United States or its lessees of any part of the right-of-way not actually occupied or necessarily incident to its use for any necessary operations involved in such management, administration or the enjoyment of such other granted rights. Subject to the consent of the applicant, the Manager may approve the use of the right-of-way for other pipe lines for oil or for gas.

(e) To pay for the first calendar year or fraction thereof, and thereafter annually in advance an annual rental of $5 for each mile or fraction thereof traversed by the right-of-way and $50 for each area applied for as the site for a pumping station or other accessory to the right-of-way. Payments required herein may be annual, for a 5-year period or for multiples of such period.

(f) That upon revocation or termination of the right-of-way, unless the requirement is waived in writing by the Manager, he shall, so far as reasonably possible, restore the area of the right-of-way to its original condition.

§ 202.7 *Approval of right-of-way.* If the application and other required information are found to be in compliance with the law and regulations and the consents required by § 202.5 have been obtained or any protests filed as therein provided have been rejected, the right-of-way will be granted. If the right-of-way as applied for would cross any area withdrawn from disposal or restricted from exploration and operation it will be rejected unless the Federal agency in charge of withdrawn or restricted area shall give its consent to the granting of the right-of-way, but in such case the applicant upon request filed within 30 days after receipt of the rejection notice will be allowed an opportunity to file an amended application rerouting the proposed right-of-way so as to eliminate the conflict.

§ 202.8 *Term of grant.* Any right-of-way granted hereunder shall be for so long as the pipe line is maintained and used for the purpose for which the grant was made, unless otherwise expressly stated in the grant. Cessation of use temporarily shall not terminate the grant, but if the purpose of the grant ceases to exist or use of the pipe line is permanently discontinued for any reason the grant shall be subject to forfeiture.

§ 202.9 *Proof of construction.* Failure to construct the pipe line within 5 years from the date of the grant shall be deemed to be an abandonment of the grant which will be forfeited by an appropriate proceeding. Proof of construction shall be submitted to the Manager. Such proof shall consist of a statement by the holder of the right-of-way that the pipe line has been laid and is in operation. If there is any deviation from the right-of-way as shown on the original map, the unused portion of the grant must be relinquished and maps in duplicate of the location of the right-of-way as constructed, prepared in accordance with § 202.3 must be furnished as soon as possible after the deviation is determined to be necessary or advisable. Any deviation made prior to approval of such supplemental plat will be at the risk of the right-of-way holder.

§ 202.10 *Assignment of right-of-way.* Assignment may be made of a right-of-way in whole or as to any lineal segment thereof after construction subject to the approval of the Manager. Any such assignment must be filed in duplicate accompanied by an application for approval in which the assignee must make the showing required by § 202.4 and agree to the terms and conditions prescribed in § 202.6. No assignment shall be effective to transfer any rights until it is approved. A fee of $10 must accompany the application for the approval of an assignment.

§ 202.11 *Advance permission to commence construction.* Upon a satisfactory showing of the need therefor, the Director may grant permission to commence construction of a pipe line in advance of any grant of the right-of-way but such permission is not a commitment that the right-of-way will be approved and all work done thereunder prior to the granting of the right-of-way will be at the applicant's risk. No advance permission will be granted for an area or areas not subject to a right-of-way grant.

§ 202.12 *Penalty for failure to comply with the act, regulations, or any conditions imposed under either.* As provided in the act, failure to comply with the act, regulations or any conditions prescribed by the Secretary as to the application therefor and the survey, location and width thereof and upon the express condition that such oil or gas pipe lines shall transport or purchase without discrimination, oil or natural gas produced from said submerged lands in the vicinity of the pipe line in such proportionate amounts as the Federal Power Commission, in the case of gas, and the Interstate Commerce Commission, in the case of oil, may, after a full hearing with due notice thereof to the interested parties, determine to be reasonable, taking into account, among other things, conservation and the prevention of waste, be grounds for forfeiture of the grant in an appropriate, judicial proceeding instituted by the United States in any United States District Court having jurisdiction under the provisions of section 4 (b) of the act. Upon relinquishment of any right-of-way or forfeiture of the grant, the right-of-way owner will be required to remove his improvements within one year from the effective date of such relinquishment or forfeiture unless otherwise provided by law or in the decree of forfeiture.

§ 202.13 *Appeals.* Any person aggrieved by any action taken by the Manager, under this part has the right of appeal to the Secretary in accordance with the provisions and limitations provided in §§ 221.73 to 221.76 of this chapter. Nothing contained in this part shall be construed to prevent any interested party from seeking judicial review as authorized by law.

DOUGLAS MCKAY,
Secretary of the Interior.

DECEMBER 7, 1955.

[F. R. Doc. 55-9976; Filed, Dec. 12, 1955; 8:47 a. m.]

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 13—ALLOCATION AND UTILIZATION OF SURPLUS PERSONAL PROPERTY FOR EDUCATIONAL PURPOSES AND PUBLIC HEALTH PURPOSES

Part 13 of Title 45 CFR is hereby amended to read as follows:

Sec.
13.1 Definitions.
13.2 Basic policy.
13.3 Geographic scope.
13.4 Allocation of donable property.
13.5 Donations of personal property.
13.6 Terms and conditions of donations, transfers, or retransfers.

AUTHORITY: §§ 13.1 to 13.6 issued under sec. 203, 63 Stat. 385, as amended; 69 Stat. 83; 40 U. S. C. 484.

§ 13.1 *Definitions.* (a) "Act" means the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended (40 U. S. C. 471 et seq.). Terms defined in the Act and not defined in this section, shall have in this part the meaning given to them in the act.

(b) "Accredited" means approval by a recognized accreditation board or association on a Regional, State, or National level such as a State Board of Education or Health, State University, National Association of Universities and Colleges, American Hospital Association, etc. A college may be said to be accredited if its credits are accepted for transfer purposes by other colleges or universities not connected or associated with it.

(c) "Approved" means the recognition or approval by the State Department of Education, State Department of Health, or other appropriate authority in charge of educational or health activities in the State.

(d) "Clinic" means an approved facility organized and operated for the primary purpose of providing out-patient health services and includes the customary related facilities such as laboratories, treatment rooms, etc.

(e) "College" means an approved or accredited institution of higher learning offering organized study courses and credits leading to the baccalaureate or higher degrees.

(f) "Department" means the Department of Health, Education, and Welfare.

(g) "Donable property" means surplus equipment, materials, books, or other supplies under the control of any executive agency (including surplus property in working capital funds established pursuant to section 405 of the National Se-

curity Act of 1947, as amended, or in similar management-type funds) except:

(1) Such property as may be specified from time to time by the Administrator of General Services Administration;

(2) Surplus agricultural commodities, food, and cotton or woolen goods determined from time to time by the Secretary of Agriculture to be commodities requiring special handling in order to assist him in carrying out his responsibilities with respect to price support or stabilization;

(3) Property in the custody of an agency or an organizational unit thereof which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U. S. C. 841);

(4) Property in trust funds.

(h) "Donated property" means equipment, materials, books and other personal property transferred to eligible institutions pursuant to the provisions of section 203 (j) of the act and implementing regulations.

(i) "Donee" means an eligible applicant who is a recipient of donable property.

(j) "Educational institution" means an approved or accredited tax-supported or non-profit school system, school, college or university.

(k) "Eligible applicant" means an approved or accredited tax-supported medical institution, hospital, clinic, health center, school, school system, college, university or non-profit medical institution, hospital, clinic, health center, school, college or university.

(l) "Health Center" means an approved facility utilized by a health unit for the provision of public health services, including related facilities such as laboratories and clinics.

(m) "Hospital" means an approved or accredited institution providing health services primarily for in-patient medical or surgical care of the sick or injured and includes related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an "integral part" of the hospital. The term "hospital" does not include institutions whose primary purpose is the furnishing of domiciliary care.

(n) "Medical institution" means an approved or accredited institution, facility, entity or organization which has for its primary function the provision of medical services, or the promotion of health through the conduct of research, investigations, experiments, training and demonstrations, relating to causes, prevention, and methods of diagnosis and treatment of diseases or injuries; the term includes hospitals, clinics, research and health centers, laboratories, medical, dental, and nursing schools, and similar institutions, but does not include those primarily engaged in domiciliary care.

(o) "Motor vehicles" means any vehicles subject to State licensing for travel on highways.

(p) "Need" means the lack or inadequacy of anything usable and necessary by eligible applicants in the conduct of educational or public health activities.

(q) "Net proceeds" means the revenues realized by authorized disposal of donated personal property less (1) the certified expenses of the donee in initially acquiring the property, and (2) the authorized costs of disposal. The Secretary may under exceptional circumstances authorize additional deductions.

(r) "Non-profit institution" used in connection with a medical institution, hospital, clinic, health center, school, college or university means one which is operated by one or more non-profit corporations or associations, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by the Internal Revenue Service to be tax-exempt under either the provisions of section 101 (6) of the 1939 Internal Revenue Code, or section 501 (c) (3) of the 1954 Internal Revenue Code.

(s) "Personal property" means surplus property of any kind or any interest therein, except: Real property, records of the Federal Government and naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers and submarines; and merchant vessels of 1,500 gross tons or more subject to disposal by the U. S. Maritime Commission.

(t) "School" means an approved or accredited organizational entity devoted primarily to approved academic, vocational, or professional study and instruction, which operates primarily for educational purposes on a full-time basis for the minimum school year required for approval by the State Department of Education and employs a full-time staff of qualified instructors.

(u) "Secretary" means the Secretary of Health, Education, and Welfare.

(v) "School system" means a group of approved or accredited tax-supported schools operated under one administrative organization.

(w) "State Agency or official" means that State Department of Health or Education or such other State agency or official designated by State law or executive order to make the certifications concerning and distribution of donable property to eligible applicants within the State as provided for in section 203 (j) (2) of the act.

(x) "State" means a state of the United States, Alaska, Hawaii, District of Columbia, Puerto Rico, or the Virgin Islands.

(y) "Tax-supported Institution" used in connection with a medical institution, hospital, clinic, health center, school, school system, college or university means one which receives a major portion of its financial support from moneys derived from State or local government revenues.

(z) "University" means an approved or accredited institution for instruction and study in the higher branches of learning and which is empowered to confer degrees in special departments or colleges.

§ 13.2 *Basic policy.* It is the policy of the Department to strengthen and encourage the development and expansion of educational and public health programs by the equitable allocation among the States of donable property and the assuring thereafter of its maximum utilization for these purposes.

§ 13.3 *Geographic scope.* This part is applicable to donable personal property located, needed and usable within the continental United States, Alaska, Hawaii, District of Columbia, Puerto Rico, and the Virgin Islands.

§ 13.4 *Allocation of donable property.* Allocations of donable property will be made on the basis of need and usability of the property. The following factors will be taken into consideration in effecting equitable allocation of property:

(a) Population;

(b) States in greatest need for the type of property to be allocated;

(c) Extraordinary health and educational needs occasioned by emergencies such as fire, floods and other disasters;

(d) Location, condition, and transportability of property;

(e) Ability of the eligible applicant or State Agency to meet transportation requirements for accepting the property;

(f) Availability of funds to the eligible applicant or State Agency to accept, pick up and transport the property and in case of a State Agency to warehouse, distribute, care for and handle the property if necessary;

(g) The quantity of property of a given type which has already been received by or is potentially available to an eligible applicant or a State Agency.

§ 13.5 *Donations of personal property.* (a) Donations of personal property are made by or pursuant to delegations from the Administrator of General Services upon certification by the Department and by the appropriate State Agency or official that the property applied for is usable and necessary for educational or public health purposes, including research, and upon a finding that the applicant is eligible to receive such property under the act and regulations issued pursuant thereto.

(b) Donable property will be made available to eligible applicants through the appropriate State Agency or official. Applications for donable property shall be made only on Form HEW 135, "Application for Surplus Property—Federal Property and Administrative Services Act of 1949, as amended." State agencies shall distribute donable property to eligible applicants in accordance with the criteria and provisions established in this part and shall require the authorized representative of each such applicant to sign a currently applicable Form HEW 135 or a warehouse issue sheet or other State Agency document or form containing the equivalent certifications and the same terms and conditions as are set forth in the Form HEW 135.

(c) Retransfers of donable property by donees or State Agencies to other donees or eligible applicants shall be made upon the same terms and conditions as are set forth in § 13.6.

§ 13.6 *Terms and conditions of donations, transfers or retransfers.* (a) All right, title and interest in donable property, except the right to possession, shall remain in the United States until the eligible applicant has executed the application and certifications provided for in § 13.5 (b) and has taken possession of the property. State agencies shall not acquire any title to donable property except where State licensing laws require that title pass in order that State licensing or registration of the property may be effected.

(b) Property acquired by a donee pursuant to this part shall be on an "as is," "where is" basis without warranty of any kind.

(c) Donable property having a single item acquisition cost of $2,500 or more shall be subject to the following additional terms and conditions:

(1) There shall be a period of restriction which will expire after the property has been used for educational or public health purposes for a period of four years, except that the period of restriction will expire on motor vehicles after a period of two years of use for educational or public health purposes.

(2) Such property shall be placed in use for educational purposes or public health purposes, including research, no later than twelve months after acquisition thereof. In the event such property is not placed in use within twelve months of receipt, the donee shall promptly notify the Department in writing through the appropriate State Agency. Title and right to the possession of such property not so placed in use within the above mentioned period shall at the option of the Department revert to the United States of America, and upon demand the donee shall release such property to such person as the Department or its designee shall direct.

(3) Such property acquired by a donee shall be used only for educational purposes or public health purposes, including research, and for no other purpose.

(4) The donee shall not sell, trade, lease, or otherwise dispose of or encumber this property or remove it for use outside the State without prior approval of the Department. Any sale, trade, lease, or other disposal of said property, when such action is authorized by the Department, shall be for the benefit and account of the United States of America and the net proceeds of such sale, lease, or other disposal or encumbrance shall be received and held in trust for the United States of America and shall be paid promptly to the Department.

(5) Donees shall make reports on the use, condition, and location of such property and on other pertinent matters as the Department and/or the State Agency may from time to time require.

(6) In the event the property is sold, traded, leased, or otherwise disposed of or encumbered during the period of restriction without prior approval, the donee, at the option of the Department, shall be liable for the reasonable value of the property at the time of such sale, trade, lease, or other disposal, as determined by the Department, in lieu of being liable for the net proceeds of the disposal, as set forth in subparagraph (4) of this paragraph.

(7) During the period of restriction, property which is not suitable, usable or further needed by the donee for the purposes for which obtained shall be subject to retransfer as authorized or directed by the Department or State Agency; or, if such property is not retransferred it shall be sold upon authorization by the Department for the benefit and account of the Government. Net proceeds from such sales shall be made payable to and remitted to the Department, except in those instances in which the Department determines that the Government's administrative costs in connection with receipt thereof will exceed such net proceeds. At the option of the Department, the donee may abrogate the restrictions set forth in subparagraphs (1) through (7) of this paragraph by payment of an amount as determined by the Department.

(d) No donable property will be transfered until the Secretary has determined that the State Agency or appropriate official has conformed to minimum standards of operation prescribed by the Secretary for the disposal of surplus property.

(e) Donable property received in State Agency warehouses shall be distributed promptly to eligible applicants within the State, or shall be reallocated to another State Agency by the Department. Property not distributed within a twelve month period shall be reported to the Department for redisposal instructions.

(f) State Agencies shall make such reports on the use, condition, and location of donated property and on other pertinent matters as the Department may from time to time require.

(g) So long as title to donable property remains in the United States, State Agencies shall be responsible, as bailees for mutual benefit, for such property from the time the property is released to such State Agencies, or their agents, or to a transportation agency designated by such State Agencies; and that in the event of any loss of or damage to any or all of such property, they shall file such claim and/or institute and prosecute to conclusion such proceedings as may be necessary to recover, for the account of the United States of America, the fair value of such property lost or damaged.

(h) The Secretary may also prescribe such other terms and conditions as are deemed necessary or desirable.

Dated: December 7, 1955.

[SEAL] M. B. FOLSOM,
Secretary.

[F. R. Doc. 55-9975; Filed, Dec. 12, 1955; 8:47 a. m.]

PART 14—MINIMUM STANDARDS OF OPERATION FOR STATE AGENCIES FOR SURPLUS PROPERTY AND APPROPRIATE STATE OFFICIALS

Sec.
14.1 Definitions.
14.2 Basic policy.
14.3 Geographic scope.
14.4 Organization.
14.5 Plan of operation.
14.6 Books and records.
14.7 Service charges and funds.
14.8 Audits.
14.9 Handling of property.
14.10 Assistance to the department.
14.11 Nonconformance.
14.12 Amendments.

AUTHORITY: §§ 14.1 to 14.12 issued under sec. 203, 63 Stat. 385, as amended, 69 Stat. 83; 40 U. S. C. 484.

§ 14.1 *Definitions.* (a) "Act" means the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended (40 U. S. C. 471 et seq.). Terms defined in the act and not defined in this section shall have in this part the meaning given to them in the act.

(b) "Accredited screener" means a person employed by a State Agency for the purpose of soreening personal property, who has been certified by the Department to visit specified installations, and who has been issued an appropriate identification card.

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "Donable property" means surplus equipment, materials, books or other supplies under the control of any executive agency (including surplus property in working capital funds established pursuant to section 405 of the National Security Act of 1947, as amended, or in similar management-type funds) except:

(1) Such property as may be specified from time to time by the Administrator of General Services Administration;

(2) Surplus agricultural commodities, food, and cotton or woolen goods determined from time to time by the Secretary of Agriculture to be commodities requiring special handling in order to assist him in carrying out his responsibilities with respect to price support or stabilization;

(3) Property in the custody of an agency or an organizational unit thereof which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U. S. C. 841);

(4) Property in trust funds.

(e) "Need" means the lack or inadequacy of anything usable and necessary by eligible applicants in the conduct of educational or public health activities.

(f) "Non-profit institution" used in connection with a medical institution, hospital, clinic, health center, or other health facility, or a school, college, university, or other educational facility, means one which is operated by one or more non-profit corporations or associations, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by the Internal Revenue Service to be tax-exempt under either the provisions of section 101 (6) of the 1939 Internal Revenue Code or section 501 (c) (3) of the 1954 Internal Revenue Code.

(g) "Overage" means the excess occurring upon the receipt of a larger number of a specific item or a larger number of items than either (1) requested on an "Application for Surplus Property" (Form HEW 135), or (2) listed on a shipping document.

(h) "Screening" means the act of reviewing and inspecting property which is surplus or which is expected to become surplus for the purpose of determining whether or not such property is usable and necessary for health or educational purposes.

(i) "Service charge" means the fee or charge made by a State Agency to the donee when distributing surplus property under section 203 (j) of the act.

(j) "Shortage" means the deficiency occurring upon the receipt of a smaller number of a specific item or a smaller number of items than either (1) requested on an "Application for Surplus Property" (Form HEW 135), or (2) listed on a shipping document.

(k) "State Agency" means that State Department of Health or Education or such other State agency or official designated by State law or executive order to make the certifications concerning donable property and distribution of such property to eligible applicants within the State as provided for in section 203 (j) (2) of the act.

(l) "Tax-supported institution" used in connection with a medical institution, hospital, clinic, health center, school, school system, college or university, means one which receives a major portion of its financial support from moneys derived from State or local government revenues.

§ 1.42 *Basic policy.* It is the policy of the Department to strengthen and promote the improvement of operations of State Agencies so as to achieve maximum efficiency, responsibility and equity in the distribution and utilization of surplus property for health and educational purposes.

§ 14.3 *Geographic scope.* This part is applicable to states within the continental United States, and to the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

§ 14.4 *Organization.* (a) Each State Agency shall be administered under the direction and supervision of a chief executive officer who shall be responsible for carrying out all phases of the State's program in accordance with the approved Plan submitted pursuant to § 14.5.

(b) Each State Agency shall maintain a staff adequate to enable it to carry out the program as set forth in its approved Plan of Operation.

§ 14.5 *Plan of operation.* (a) Each State Agency shall, within 90 days after promulgation of this part, submit to the appropriate regional office of the Department two signed copies of its new Plan of Operation which conforms to the provisions of this part. Unless a Plan is approved by the Department within 180 days after the effective date of this part, no further allocations of donable property will be made to such State Agency under section 203 (j) (2) of the act, until a Plan is approved. Notice of the Department's approval or disapproval of the Plan, together with a statement of the respects in which it is deficient, in the event of disapproval, shall be given to the State Agency as promptly as practicable. No subsequent amendments to or modifications of approved Plans shall be placed in effect without prior approval of the Department.

(b) The State Agency Plan of Operation shall be supported by satisfactory evidence establishing its authority to:

(1) Acquire, warehouse, and distribute donable personal property to eligible tax-supported and non-profit institutions under section 203 (j) of the act; and

(2) Execute the certifications and agreements required by section 203 (j) of the act and the Federal Government.

(c) The evidence required by (b) above shall include copies of State Statutes or Executive Orders. Where express statutory authority does not exist or is ambiguous, or where the authority exists by virtue of Executive Order, the State Agency shall furnish the opinion of the States Attorney General as to the existence of such authority.

(d) The State Agency Plan of Operation shall include, in the following order:

(1) The provisions and procedures for attaining fair and equitable distribution of surplus property to eligible health and educational institutions.

(2) Assurance that all warehousing and distributive functions are a direct part of the State Agency's operation and are under the direction and control of its chief executive officer.

(3) A schedule of service charges or an explanation of the method used in determining service charges, if such charges are made.

(4) Procedures for:

(i) Ascertaining the eligibility of an applicant and the authority of its representative to receive property on its behalf.

(ii) Determining the actual need and usability of donable property.

(iii) Screening surplus property at Federal installations by accredited screeners, when this function is contemplated.

(iv) Spot check inspections to determine that property donated is actually put to use in accordance with the donee's certification.

(v) Redistribution of donated property not being used.

(vi) Reporting surplus property that has been in the custody of the State Agency for over twelve months.

(5) Provisions for obtaining certification of eligibility from institutions in connection with each transfer of donable property.

(6) Provisions for obtaining certification by donee institutions of need and usability in connection with each transfer of property.

(e) The Plan of Operation shall be accompanied by samples of the State Agency forms used.

§ 14.6 *Books and records.* (a) The accounting system of the State Agency shall conform to generally accepted accounting principles and practices including an inventory record system which, in the absence of written approval by the State Auditor or other State official responsible for this phase of State fiscal policy, must be approved by the Department.

(b) Financial records and all other books and records of the State Agency shall be subject to inspection by authorized representatives of the Department. Annual financial statements (including a balance sheet and a statement of receipts and disbursements or income and expense) shall be furnished to or made available for inspection by the appropriate regional office of the Department.

(c) Each State Agency shall maintain accurate records of all donable property received and distributed. Records of distribution of all single items having an acquisition cost of $2,500 or more shall be kept separate from those of lesser amount.

(d) All single items or units of measure having a fair value of $35.00 or more, as determined by the State Agency, must be identified by the State serial number on the "Application for Surplus Property," Form HEW–135, under which the items were received, so long as the items are in the custody of the State Agency, and records must be kept to show ultimate delivery of the items to the eligible applicant.

(e) All official records and correspondence of the State Agency shall be kept for a minimum period of five years.

§ 14.7 *Service charges and funds.* (a) Service charges, as a whole, for handling donable surplus property shall be limited to the amount necessary to pay actual expenses of current operations and purchase necessary equipment, plus the accumulation and maintenance of a working capital reserve.

(b) A working capital reserve shall be computed, as of the end of the State Agency's fiscal year, as follows:

(1) Add together the following items of current assets:

(i) Cash on hand and in bank;

(ii) Accounts receivable;

(iii) Costs of acquiring surplus property inventory on hand.

(2) Deduct from the total of current assets:

(i) An appropriate allowance for uncollectible accounts receivable;

(ii) Liabilities, including any obligation represented by funds not accumulated from handling charges and which are to be returned eventually to the source from which they were derived.

(c) The working capital reserve shall not exceed an amount equivalent to the estimated cost of operation during one year in the immediate future. Under exceptional circumstances a larger reserve may be retained with the approval of the Department.

(d) Accounting records shall be maintained in such manner as to identify and separately account for funds accumulated from the assessment of service charges against donee institutions. Integrity of these funds shall be maintained, and they shall be used for promotion and extension of the program and shall not be available for other State purposes.

(e) The service charge assessed by a State Agency for the transfer of any single item of donable surplus property shall be reasonable in relation to the costs incident to the transfer.

(f) A State Agency shall accept payment of a service charge only in the form of a warrant, check, or other official instrument drawn or issued by an authorized representative of the donee institution.

(g) Any funds accumulated by a State Agency from service charges against donee institutions, over and above the working capital reserve as provided for in this part, shall be refunded to donee institutions (1) on a pro-rata basis (based upon total charges collected during the preceding fiscal year) or (2) reduced handling charges during the current and the next ensuing fiscal year.

(h) When surplus property in the custody of a State Agency is sold for the benefit and account of the U. S. Government, the State Agency will be permitted to retain from the proceeds of the sale the costs of advertising and costs of preparation for sales (including transportation costs incurred in recovering property from institutions). Under exceptional circumstances additional proceeds may be retained upon approval by the Department.

§ 14.8 *Audits.* The operations and financial affairs of the State Agency shall be audited by an appropriate State authority or by a recognized auditing firm. Such audits shall conform to State laws, rules and regulations, fiscal policies and practices, and to any applicable State limitations. An audit shall be made at least every two years by a recognized auditing firm, where State law or regulations do not, as a minimum, require biennial audits. Copies of the reports of the audits of the State Agencies shall be forwarded to or made available for review by the appropriate regional office of the Department.

§ 14.9 *Handling of property.* (a) Donable surplus property shall be inventoried immediately upon receipt, and any shortage or overage shall be reported within 30 days to the donor holding agency with a copy to the appropriate regional office of the Department.

(b) State Agencies shall maintain adequate provision for protecting property in their custody including reasonable protection against the hazards of fire, theft, vandalism and weather.

§ 14.10 *Assistance to the department.* (a) Each State Agency shall assist the Department in effecting utilization and compliance by donee institutions with the terms and conditions established for any single item of property having an acquisition cost of $2,500 or more.

(b) Each State Agency shall cooperate with the Department by releasing property from its custody upon request, and will assist the Department in obtaining voluntary release by donee institutions of property needed for defense or emergency use.

§ 14.11 *Nonconformance.* If the Department determines that a State Agency is not operating in accordance with its previously approved Plan of Operation and these Minimum Standards, allocation of property to the State Agency may be suspended until the nonconformance is corrected to the satisfaction of the Department.

§ 14.12 *Amendments.* The Department reserves the right at any time to modify or amend these Minimum Standards. Upon issuance of amendments hereto requiring State Agencies to modify their operations, reasonable opportunity will be afforded the State Agencies to conform their operations to such amended standards.

Dated: December 7, 1955.

[SEAL] M. B. FOLSOM, *Secretary.*

[F. R. Doc. 55–9974; Filed, Dec. 12, 1955; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

INSPECTION AND CERTIFICATION OF PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED PRODUCTS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of existing regulations (7 CFR Part 52) governing the inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products, issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.). The proposed revision will implement Public Law 272, 84th Congress, 1st Session, approved August 9, 1955, amending the aforesaid act, by designating the certificates, memoranda, marks and other identifications and devices for making such marks or identifications, with respect to inspection, class, grade, quality, size, or condition, that are official for the purpose of said act. The proposed revision also sets forth the regulations governing the use of official marks and identifications.

All persons who desire to submit written data, views, or arguments in connection with the proposed revision should file the same in duplicate with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

1. Insert new § 52.3a as follows:

§ 52.3a *Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.* Subsection 203 (h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, including those defined in § 52.3, used under this part to certify with respect to the inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, including those prescribed in § 52.53, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U. S. grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part.

(d) "Official identification" means any United States (U. S.) standard designation of class, grade, quality, size, quantity, or conditon specified in this part or any symbol, stamp, label, or seal indicating that the product has been graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or

[1] Among such other processed food products are the following: Honey; molasses, except for stock feed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; marine food products, except oil.

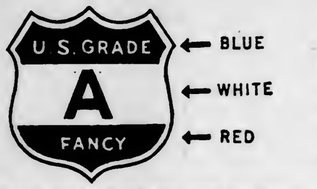
printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

2. Renumber §§ 52.53; 52.55; 52.56; and 52.57 to 52.54; 52.55; 52.56; and 52.57, respectively.

3. Insert new § 52.53 as follows:

§ 52.53 *Approved identification*—(a) *Grade marks.* The approved grade mark or identification may be used on containers, labels or otherwise indicated for any processed product that (1) has been packed under continuous inspection as provided in this part to assure compliance with the requirements for wholesomeness established for the raw product and of sanitation established for the preparation and processing operations, and (2) has been certified by an inspector as meeting the requirements of such grade, quality or classification. The grade marks approved for use shall be similar in form and design to the examples in Figures 1 through 5 of this section.



Shield using red, white, and blue background or other colors appropriate for label.

FIGURE 1.



Shield with plain background.

FIGURE 2.

U. S. GRADE A

FIGURE 3.

U. S. CHOICE

FIGURE 4.

U. S.
GRADE
B

FIGURE 5.

(b) *Inspection marks.* The approved inspection marks may be used on containers, labels or otherwise indicated for any processed product that (1) has been packed under continuous inspection as provided in this part to assure compliance with the requirements for wholesomeness established for the raw product and of sanitation established for the preparation and processing operations, and (2) has been certified by an inspector as meeting the requirements of such quality or grade classification as may be approved by the Administrator. The inspection marks approved for use shall be similar in form and design to the examples in Figures 6, 7 and 8 of this section.



Statement enclosed within a shield.

FIGURE 6.

PACKED UNDER
CONTINUOUS
INSPECTION
OF THE
U. S. DEPT. OF
AGRICULTURE

Statements without the use of the shield.

FIGURE 7.

PACKED BY

UNDER CONTINUOUS
INSPECTION OF THE
U. S. DEPT. OF AGRICULTURE

FIGURE 8.

(c) *Combined grade and inspection marks.* The grade marks set forth in paragraph (a) of this section and the inspection marks set forth in paragraph (b) of this section may be combined into a consolidated grade and inspection mark for use on processed products that have been packed under continuous inspection as provided in this part.

(d) *Products not eligible for approved identification.* Processed products which have not been packed under continuous inspection as provided in this part shall not be identified by grade or inspection marks, but such products may be inspected on a lot inspection basis as provided in this part and identified by an authorized representative of the Department by stamping the shipping cases and inspection certificate(s) covering such lot(s) with an officially drawn sample mark similar in form and design to the example in Figure 9 of this section.



FIGURE 9.

Done at Washington, D. C., this 6th day of December 1955.

FRANK E. BLOOD,
Acting Deputy Administrator for Marketing Services.

[F. R. Doc. 55-9928; Filed, Dec. 12, 1955; 8:45 a. m.]

[7 CFR Part 941]

[Docket No. AO-101-20]

MILK IN CHICAGO, ILL., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, which was issued November 29, 1955 (20 F. R. 8854), is hereby extended (1) to December 12, 1955 with respect to proposed changes in bases assigned for March, April, May and June, 1956 to new producers and to producers who relinquish earned bases, and rules governing holding, transfer, and relinquishment of bases; and (2) to January 9, 1956 with respect to all other matters.

Dated: December 8, 1955.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 55-10012; Filed, Dec. 12, 1955; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42, 43]

VARIATION OF AIRCRAFT MAXIMUM WEIGHT WITH ALTITUDE

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the adoption of amendments to Parts 40, 41, 42, and 43 of the Civil Air Regulations which will provide that no transport category airplane shall take off or land at an airport located at an elevation outside the altitude range for which maximum take-off and landing weights have been determined, and, further, that the weight of the airplane at take-off and landing shall not exceed the authorized maximum take-off and landing weights for the elevation of the airport at which the take-off or landing is made.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by February 10, 1956. Copies of such communications will be available after February 14, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

It has been brought to the attention of the Bureau that certain difficulties have been encountered with the Civil Air Regulations with respect to variation of weight with altitude for transport category airplanes. The presently effective provisions of Parts 40, 41, and 42 of the Civil Air Regulations prohibit take-offs and landings, of large transport category airplanes in passenger service, at airports at elevations outside the altitude range for which maximum take-off and landing weights have been determined, and, further, provide that the weight of the airplane at take-off and landing shall not exceed the authorized maximum take-off and landing weights for the elevation of the airport at which the take-off or landing is made. There are no similar provisions, however, in these same parts, or elsewhere in the regulations, applicable to airplanes in cargo operation, or to transport category airplanes being operated in accordance with Part 43 of the Civil Air Regulations.

There is provision, however, in the airworthiness certification requirements, contained in Part 4b of the Civil Air Regulations, permitting the establishment of maximum weights for all aircraft for each altitude and for each practically separable operating condition, e. g., take-off, en route, landing, with the election as to the altitude at which maximum weights are to be established resting with the applicant for type certification. Therefore, an applicant may request certification of an airplane at sea level only or at any altitude above that he might choose.

Part of the difficulty we have encountered is that, in some instances, an applicant has elected to certificate a transport category airplane at sea level only, or, for operations at relatively low airport elevations, but has later requested approval to operate it at altitudes above that for which his airplane was certificated, without getting the airplane certificated for the higher altitude. In this situation, if the transport category airplane were in passenger service operating under Part 40, 41, or 42, the provisions of the applicable part would limit operations to the altitude for which maximum weights have been established. If, however, in the same situation, the airplane were in cargo service, or operated in accordance with Part 43, the present construction of the regulations in Parts 40, 41, and 42 could be interpreted to permit take-offs and landings at airports at any elevation, since none of these three parts contain provisions limiting operations to altitudes for which maximum weights have been established for aircraft in cargo service, or operated under Part 43, as they do for transport aircraft in passenger service.

The absence of pertinent regulations, therefore, with respect to transport category airplanes in cargo service or for such airplanes operating in accordance with Part 43, has permitted this unintended result. It is believed that such a condition whereby some transport category airplanes may operate at high altitude airports at weights found by the airworthiness parts of the Civil Air Regulations to be appropriate only at lower altitudes is not consistent with safe practice, and it is our intent to limit airplanes in this class expressly to the same limitations as apply to transport category airplanes in passenger service. Accordingly, it is proposed to amend present regulations to prohibit all transport category airplanes, certificated under the provisions of Part 4a or 4b, or recertificated in accordance with Special Civil Air Regulation No. SR-406 or SR-407, from operating at altitudes exceeding the altitude for which maximum certificated weights have been established.

In view of the foregoing, notice is hereby given that it is proposed to amend Parts 40, 41, 42, and 43 of the Civil Air Regulations to include a variation of weight with altitude for transport category airplanes certificated under the provisions of Part 4a or 4b, or recertificated in accordance with Special Civil Air Regulation No. SR-406 or SR-407 substantially as follows:

The provisions of §§ 40.71, 41.28, and 42.71 which are now applicable to transport category airplanes in passenger service shall be made applicable to all transport category airplanes regardless of the type of service in which they are used.

A new provision will be added to Part 43 to read substantially as follows:

(a) No transport category airplane shall be taken off from any airport located at an elevation outside of the altitude range for which maximum take-off weights have been determined, and no transport category airplane shall depart for an airport of intended destination or have any airport specified as an alternate which is located at an elevation outside of the altitude range for which maximum landing weights have been determined.

(b) The weight of the airplane at take-off shall not exceed the authorized maximum take-off weight for the elevation of the airport from which the take-off is made.

(c) The weight at take-off shall be such that, allowing for normal consumption of fuel and oil in flight to the airport of intended destination, the weight on arrival will not exceed the authorized maximum landing weight for the elevation of such airport.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010, as amended, 49 U. S. C. 551, 553, 554)

Dated at Washington, D. C., December 5, 1955.

By the Bureau of Safety Regulations.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 55-9991; Filed, Dec. 12, 1955; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 6, 1955.

The Department of the Army has filed an application, Serial No. Fairbanks 012203, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for training site.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FORT GREELY, TRACT "F"

A parcel of land situated approximately 2.5 miles southeast of Delta Junction in the Fourth Judicial Division, Territory of Alaska, being located between the Richardson and Alaska Highways and more particularly described as:

Beginning at a point 1.08 miles, plus or minus, east of U. S. C. & G. S. Station "Pillsbury", Lat. 63°47'00.309" North, Long. 145°47'24.713" West, said point of beginning being 150' east of the centerline of the Richardson Highway, thence due east approximately 4.15 miles to the west bank of Granite Creek; thence in a generally northeasterly direction approximately 11.83 miles to a point which is situated on the west bank of Granite Creek and further identified as being situated one mile southerly at right angles to the centerline of the Alaska Highway; thence northwesterly, parallel with and one mile southerly at right-angles to the centerline of the Alaska Highway to a point situated approximately 1,394 feet due south of the southeast corner of Section 13, T. 11 S., R. 11 E., S. M. (preliminary plat); thence north approximately 1,394 feet to said southeast corner of Section 13, T. 11 S., R. 11 E., F. M.; thence west 1 mile, north 1 mile, west 2 miles, north 1 mile, west 1 mile, and north 1 mile following the south and west boundaries of Sections 13, 11, 10, and 4, T. 11 S., R. 11 E., F. M.; thence west 1 mile along the south boundary of Section 32, T. 10 S., R. 11 E., F. M. (preliminary plat); thence west 1,172.8 feet approximately along the south boundary of Section 31, T. 10 S., R. 11 E., F. M., to a point on the east boundary of a parcel of land reserved by Public Land Order No. 255, which point is situated approximately 7,062 feet due south of the centerline of the Alaska Highway; thence due south approximately 8,628 feet to the point of intersection of the north line bounding a 160 acre parcel of land reserved by Public Land Order No. 1153 for the use of the Department of the Army; thence east along the north line of said parcel 1,000 feet; thence south along the east line of said parcel 7,000 feet; thence west along the south line of said parcel 1,000 feet to the point of intersection of said boundary with the east boundary of the parcel of land reserved by P. L. O. No. 255; thence south along said east boundary 6,000 feet; thence west along the south boundary of said reserve approximately 2.74 miles (14,479 feet) to the northeast corner of Section 27, T. 11 S., R. 10 E., F. M. (preliminary plat); thence south 2 miles along the east boundary of Sections 27 and 34, T. 11 S., R. 10 E., F. M.; thence south 2 miles, east 1 mile, and south 2 miles along the east boundaries of Sections 14 and 23, of T. 12 S., R. 10 E., F. M. (preliminary plat); thence west approximately .75 mile to a point which is situated 150' easterly at right-angles from the centerline of the Richardson Highway; thence southerly parallel to and 150' easterly from the centerline of the Richardson Highway approximately 4.75 miles to the Point of Beginning and containing approximately 51,750 acres.

ROGER ROBINSON,
Operations Supervisor.

[F. R. Doc. 55-10007; Filed, Dec. 12, 1955; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

DECEMBER 1955 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669), and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

DECEMBER 1955 MONTHLY SALES LIST

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy products	Domestic prices apply "in store" [1] at location of stocks. Export prices apply f. a. s. U. S. port of export or in store at location of stocks at f. a. s. price less export freight rate to agreed port of export. Available through Cincinnati and Portland CSS Commodity Offices for domestic sale, and through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C., for export sale.
Nonfat dry milk solids (in carloads only), spray, 6,600,000 pounds; roller, as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade, in barrels and drums, 17 cents per pound; in bags, 16.15 cents per pound. Roller process, U. S. Extra Grade, in barrels and drums, 15.25 cents per pound; in bags 14.40 cents per pound. Domestic, restricted use (animal and poultry feed): 11½ cents per pound delivered under the terms and conditions of Announcement LD-14 and Supplements. Export, unrestricted use: Spray process, U. S. Extra Grade, in barrels and drums, 11.75 cents per pound; in bags, 10.90 cents per pound. Roller process, U. S. Extra Grade, in barrels and drums, 10 cents per pound; in bags, 9.15 cents per pound. Special export: Competitive bid on 9,600,000 pounds spray and roller process and under the terms and conditions of Announcement LD-5 and amendments. Offers to be considered daily until this quantity is sold or program is terminated.
Salted creamery butter (in carloads only), 110,000,000 pounds.	Domestic, unrestricted use: U. S. Grade A and higher, 61.25 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States 60.5 cents per pound. U. S. Grade B, 2 cents per pound less than Grade A prices. Domestic, restricted use: Competitive bid and under the terms and conditions of Announcement DA-111 and supplements for use as an extender for cocoa butter in the manufacture of chocolate. Export, unrestricted use: U. S. Grade A, 41 cents per pound; U. S. Grade B, 39 cents per pound. Export, restricted use: Competitive bid (1) under the terms and conditions of Announcement DA-111 and supplements for use (a) in recombining with U. S. produced nonfat dry milk solids into liquid milk and evaporated milk, and (b) in making butter oil or ghee; and (2) under the terms and conditions of Announcement LD-19 and supplements for industrial uses. Special export: Competitive bid on 6,500,000 pounds butter and under the terms and conditions of Announcement LD-7. Offers to be considered daily until this quantity is sold or program is terminated.
Cheddar cheese, cheddars, flats, twins and rindless blocks (standard moisture basis in carloads only) 279,000,000 pounds.	Domestic: U. S. Grade A and higher, 36¼ cents per pound for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Ocean and Gulf of Mexico. All other States 35¾ cents per pound. U. S. Grade B, 1 cent per pound less than Grade A prices. Export: U. S. Grade A, 25.5 cents per pound, basis port of export. U. S. Grade B, 24.5 cents per pound, basis port of export. Special export: Competitive bid on 15,000,000 pounds under the terms and conditions of Announcement LD-5 as amended and supplemented. Bids to be received daily through December, or until the 15,000,000 pounds have been sold, whichever is earlier. Cheese prices are subject to usual adjustments for moisture content.
Wool, shorn and pulled grease (including small quantities of scoured) 146,000,000 pounds.	Domestic or export: Limited quantities (not more than 6,250,000 pounds in December) on competitive bid each Tuesday under terms and conditions as announced. Additional quantities at prices basis exwarehouse where stored as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area.
Cotton, Upland and Extra Long Staple.	Domestic or export: Competitive bid and under the terms and conditions of Announcements NO-C-5 as amended (Upland) and NO-C-6 (Extra Long Staple), but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. A catalog showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.[2]
Cotton linters	Domestic or export: Competitive bid and under the terms and conditions of Announcement NO-CL-5 in carlot quantities as follows: (a) First Cut Linters and Mill Run Linters catalogued on U. S. Grades, (b) Second Cut and Mill Run Linters and hull fiber catalogued on cellulose content, and will be sold on basis of 73 percent cellulose, with premiums and discounts of .04 cents per pound, fractions in proportion, for each 1 percent of cellulose above or below 73 percent. A catalogue showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Cottonseed oil, refined	Domestic: Limited quantities on competitive bid but not less than the market price on date of sale f. o. b. tankcars or tankwagons at points of storage locations, under the terms and conditions of Announcement NO-CS-12. Available New Orleans CSS Commodity Office and Oils and Peanut Division, CSS, USDA, Washington 25, D. C. Export: Competitive bid on limited quantities as announced by the New Orleans CSS Commodity Office, under the terms and conditions of Announcement NO-CS-12.[2]
Linseed oil	Domestic: Market price on date of sale but not less than equivalent of the 1955 support price for flaxseed, under the terms and conditions of Announcement CT-OP-9. Available Cincinnati CSS Commodity Office. Export: Competitive bid as announced by the Cincinnati CSS Commodity Office, under the terms and conditions of Announcement CT-OP-9.
Tung oil	Domestic or export: Competitive bid, limited quantity monthly under the terms and conditions of Announcement CT-OP-8 and amendments thereto. Available Cincinnati CSS Commodity Office.

See footnotes at end of table.

DECEMBER 1955 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale			
Grain sorghums, bulk	Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1955 loan rate) for class, grade, quality and location plus 29 cents per hundredweight (100 pounds). Example of minimum price per hundredweight: Kansas City, No. 2 or better, $2.51. Available Dallas, and Kansas City CSS Commodity Offices. Export: Competitive bid as announced by the Dallas CSS Commodity Office.			
Rice, rough 1,500,000 hundredweight.	Domestic or export: Market price on date of sale. Limited quantities available Chicago, Kansas City, and Minneapolis CSS Commodity Offices in store. On all other storable lots market price on date of sale, but not less than the 1955 support price. Domestic: On LCL lots, market price on date of sale, but not less than the 1955 loan rate basis point of production plus 5 cents per hundredweight.) Domestic, restricted use (for feed only): Competitive bid basis by Dallas CSS Commodity Office. Export, unrestricted use: 1955 support rates f. a. s. West Gulf ports (port at option of CCC). Where deliveries are made at points other than ports, deductions will be made for inland freight charges to port. Export, restricted use: Competitive bid basis by Dallas CSS Commodity Office. Available Dallas CSS Commodity Office for domestic or export sale.[2]			
Rice, milled, 1,000,000 hundredweight.	Domestic: For U. S. No. 2 (4 percent brokens), the market price but not less than the legal minimum price (the equivalent loan rate for rough rice by varieties plus 5 percent, adjusted for milling, plus 36 cents per hundredweight). Examples of minimum prices of milled rice per hundredweight, at mills:			
		Head U. S. No. 2 (4 percent brokens)	U. S. No. 5 (35 percent brokens)	Second Heads U. S. No. 3
	Bluebonnet	$11.27	$9.11	$6.50
	Zenith	9.55	7.34	6.00
	Export: A schedule of prices as announced by Dallas CSS Commodity Office.			
	Examples of prices of milled rice per hundredweight, f. a. s. West Gulf ports (port at option of CCC):			
		Head U. S. No. 2 (7 percent brokens)	U. S. No. 5 (35 percent brokens)	Second Heads U. S. No. 3
		1954	1953	
	Bluebonnet	$10.20	$7.80	$4.45
	Zenith	8.70	6.49	4.30
	Pearl	8.70	6.49	4.30
Rice, broken (as available domestic sales for feed only).	1953 crop rice (U. S. No. 5, 35 percent brokens) is available f. o. b. Texas-Mexican border points at same price as at West Gulf ports. Specific prices and quantities may be obtained from Dallas CSS Commodity Office.[2]			
Dry edible beans (bagged)	Domestic or export: Competitive bid as announced by the Dallas CSS Commodity Offices. Prices for domestic sale are for U. S. No. 1, f. o. b. indicated points of production. Amount of paid-in freight to be added as applicable. For other grades of all beans, adjust by market differentials.			
Pinto beans, 1954 crop, 800,000 hundredweight.	Domestic: Market price but not less than $6.06 per 100 pounds, points of production, Denver rate area. For other areas sold by the 1955 support price differentials. Available Minneapolis, Kansas City, Dallas, and Portland CSS Commodity Offices.			
Small red beans, 1954 crop, 200,000 hundredweight.	Export: Competitive bid as announced by the Kansas City CSS Commodity Office. Domestic: Market price but not less than $7.53 per 100 pounds, Washington-Idaho points. Available Portland CSS Commodity Office. Export: Competitive bid as announced by the Portland CSS Commodity Office.			

DECEMBER 1955 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Farmers' stock peanuts (for crushing).	Domestic or export: Competitive bid on limited quantities as may be announced by the Peanut Cooperative Associations. Terms and conditions of sale will be announced at the time of or prior to the initial offering. Available Dallas CSS Commodity Office.
Soybeans, bulk (domestic sales for crushing only).	Domestic or export: Market price on date of sale. Limited quantities available Chicago, Kansas City, and Minneapolis CSS Commodity Offices in store. On all other storable lots market price on date of sale, but not less than the 1955 support price.
Flaxseed, bulk (as available domestic sales for crushing only).	Domestic: On LCL lots, market price on date of sale, but not less than the 1955 loan rate basis point of production plus 5 cents per hundredweight.) Domestic, restricted use (for feed only): Competitive bid basis by Minneapolis CSS Commodity Offices. Export, unrestricted use: 1955 support rates f. a. s. West Gulf ports (port at option of CCC). Where deliveries are made at points other than ports, deductions will be made for inland freight charges to port. Export, restricted use: Competitive bid basis by Minneapolis CSS Commodity Office.
Corn, bulk 50,000,000 bushels	Domestic or export: Commercial corn-producing area: Market price, basis in store,[1] but not less than the legal minimum price (1955 loan rate) basis point of production for class, grade, and quality, plus handling average paid-in freight. Examples of minimum prices per bushel, including average paid-in freight: Chicago, No. 3 yellow, $1.62; Minneapolis, No. 3 yellow, $1.83; Kansas City, No. 3 yellow, $1.91; Portland, No. 3 yellow, $2.04. Noncommercial corn-producing area: Market price, basis in store,[1] but not less than the 133 percent of applicable 1955 loan rate, plus 15 cents per bushel. Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Wheat	Domestic, unrestricted use: Commercial wheat producing area: Market price, but not less than the legal minimum price (1955 loan rate for class, grade, quality, and location, plus 24 cents per bushel). Examples of minimum price per bushel: Chicago, No. 1 HW, $2.62; Minneapolis, No. 1 DNS, $2.65; Kansas City, No. 1 HW, $2.62. Noncommercial wheat producing area: Market price, basis in store,[1] but not less than 133 percent of applicable 1955 county loan rate plus 24 cents per bushel. Domestic, restricted use (for feed only): Small quantities in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, and West Virginia. Market price for feed, basis in store. Available Dallas and Chicago CSS Commodity Offices. Export: Under the terms and conditions of Announcements GR-212, GR-261 and GR-262 and supplements as announced daily. Export may be made either as wheat or flour.[2]
Oats, bulk	Available Dallas, Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices for export or domestic sale. Domestic, unrestricted use: Market price, basis in store,[1] but not less than the legal minimum price (1955 loan rate) basis point of production for class, grade, and quality plus 12 cents per bushel including average paid-in freight. Example of minimum price per bushel including average paid-in freight: Chicago, No. 3 oats or better, $0.86; Minneapolis, No. 3 oats or better, $0.81. Domestic, restricted use (for feed only): Small quantities in states of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. Competitive bid as announced by Chicago and Dallas CSS Commodity Offices.
Barley, bulk	Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Minneapolis, Kansas City, Chicago, Kansas City, Portland, or Dallas CSS Commodity Offices.[2] Available at the above offices for export or domestic sale. Domestic, unrestricted use: Market price, basis in store,[1] but not less than the legal minimum price (1955 applicable loan rate for class, grade, quality, and location plus 16 cents per bushel). Example of minimum price per bushel: Minneapolis, No. 2 barley, $1.30. Domestic, restricted use (for feed only): Small quantities in states of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. Market price for feed, basis in store. Available Chicago and Dallas CSS Commodity Offices.
Rye, bulk	Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Minneapolis, Kansas City, Chicago, Dallas, or Portland CSS Commodity Offices.[2] Available at the above offices for domestic or export sale. Domestic, unrestricted use: Market price, basis in store,[1] but not less than the legal minimum price (1955 applicable loan rate for class, grade, quality and location plus 18 cents per bushel). Example of minimum price per bushel: Minneapolis, No. 2 or better, $1.57. Domestic, restricted use (for feed only): Market price for feed, competitive bid basis by Minneapolis, Kansas City, Dallas, Chicago, and Portland CSS Commodity Offices. Available at above offices for domestic or export sale.

See footnotes at end of table.

DECEMBER 1955 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Hay and pasture seeds (bagged)...	F. o. b. point of production plus any paid-in freight as applicable basis current freight rate at time of sale. Premiums and discounts may be obtained from the commodity offices for qualities above or below basic specification. Offers will not be accepted for less than warehouse receipt lot or minimum weight carlot as prescribed by railroad carrier's regulation at point of storage.
Birdsfoot Trefoil seed, 878 hundredweight.	Domestic: $65 per 100 pounds. Available Portland CSS Commodity Office. Export: Competitive bid as announced by Portland CSS Commodity Office.
Alfalfa seed, Northern, 47,000 hundredweight.	Domestic: $35 per 100 pounds. Available Minneapolis and Portland CSS Commodity Offices.[4] Export: Competitive bid as announced by Portland CSS Commodity Office.
Alfalfa seed (certified), Ladak, 2,500 hundredweight; Buffalo, 22,000 hundredweight; Grimm, 198 hundredweight.	Domestic: $40 per 100 pounds. Ladak available Portland and Kansas City, Buffalo and Grimm available Portland CSS Commodity Offices.[4] Export: Competitive bid as announced. Ladak by Kansas City, Buffalo and Grimm by Portland CSS Commodity Offices.
Tall fescue seed (common), 22,000 hundredweight.	Domestic: $18 per 100 pounds. Available Portland, Dallas, Chicago CSS Commodity Offices.[4] Export: Competitive bid as announced by Chicago CSS Commodity Office.
Tall fescue seed (certified), 88,000 hundredweight.	Domestic: $20 per 100 pounds. Available Portland, Dallas, and Chicago CSS Commodity Offices.[4] Export: Competitive bid as announced by Portland CSS Commodity Office.
Gum rosin (in galvanized metal drums averaging 517 pounds net).	Domestic or export: Offer and acceptance, "as is" in the stated quantities at the designated storage yards, subject to the prices, terms, and conditions of Announcement LD-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Gum turpentine (bulk in tanks)..	Domestic or export: Offer and acceptance, "as is" in the stated quantities in the designated storage tanks, subject to the prices, terms, and conditions of Announcement TH-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.
[2] Sales of grains made under Title I, Public Law 480, may be made on terms and conditions of GR-301 revised and GR-302. Other commodities under the announcement indicated.
[3] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehousemen for storage documents.
[4] Prices for basic specifications will not be reduced through the period ending June 30, 1956.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: December 7, 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice-President,
Commodity Credit Corporation.

[F. R. Doc. 55-9977; Filed, Dec. 12, 1955; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

[Complaint Docket Nos. 16535 and 16,537]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO REPRESENT THE INTERESTS OF THE FEDERAL GOVERNMENT

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Riverton Consolidated Water Company, Increase in Rates, Complaint Docket No. 16,535 and Complaint Docket No. 16,537, before the Pennsylvania Public Utility Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers' officials and employees of such Administration.

4. This delegation of authority shall be effective November 10, 1955.

Dated: December 7, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-10035; Filed, Dec. 9, 1955; 5:06 p. m.]

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

TRADE-AGREEMENT NEGOTIATIONS WITH GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO GENERAL AGREEMENT ON TARIFFS AND TRADE PROPOSED IN NOTICE OF SEPT. 21, 1955, AND PUBLISHED SEPT. 23, 1955

POSSIBLE ADJUSTMENT IN PREFERENTIAL RATES ON CUBAN PRODUCTS: SUPPLEMENTARY NOTICE

Pursuant to section 4 of the Trade Agreements Act, approved June 12, 1934, as amended (48 Stat. 945, ch. 474; 65 Stat. 73, ch. 141) and to paragraph 4 of Executive Order 10082 of October 5, 1949 (3 CFR, 1949 Supp., p. 126), further notice is hereby given by the Interdepartmental Committee on Trade Agreements supplementary to the notice by the Committee dated September 21, 1955, and published September 23, 1955 (20 F. R. 7140), as corrected September 29, 1955, and published October 1, 1955 (20 F. R. 7345), relating to trade-agreement negotiations with foreign governments which are contracting parties to the General Agreement on Tariffs and Trade. In the notice of September 21, 1955, it was stated that no tariff concessions would be considered on any article which did not appear in the list annexed to that notice unless a supplementary list is published and an opportunity is given for further supplementary hearings.

There is annexed hereto a list, supplementary to the list annexed to the notice by the Committee dated September 21, 1955, and published September 23, 1955 (20 F. R. 7140), as corrected, of articles imported into the United States to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in the trade agreement negotiations of which notice has been given as stated above.

The additional articles proposed for consideration in the negotiations are identified in the annexed list by specifying the numbers of the paragraphs in tariff schedules of Title I of the Tariff Act of 1930, as amended, in which they are provided for together with the language used in such tariff paragraphs to provide for such articles, except that where necessary the statutory language has been modified by the omission of words or the addition of new language in order to narrow the scope of the original language. Where no qualifying language is used with regard to the type, grade, or value of any listed articles, all types, grades, and values of the article covered by the language used are included.

In the case of each article in the list with respect to which the corresponding product of Cuba is now entitled to preferential treatment, the negotiations referred to will involve the elimination, reduction, or continuation of the preference, perhaps in some cases with an adjustment or specification of the rate applicable to the product of Cuba.

No article will be considered in the negotiations for possible modification of duties or other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment unless it is included, specifically or by reference, in the list annexed to the notice by the Committee of September 21, 1955, and published September 23, 1955 (20 F. R. 7140), as corrected, or in the list annexed hereto, or unless it is subsequently included in a further supplementary public list. Except where otherwise indicated in the list, only duties imposed under the paragraphs of the Tariff Act of 1930 specified in the list with regard to articles described therein and import taxes, if any, imposed on such articles under the Internal Revenue Code of 1954, as amended, will be considered for a possible decrease, but additional or separate duties or taxes on such articles imposed under any other provisions of law may be bound against increase as an assurance that the concession under the listed paragraph or section will not be nullified. In addition, any action which might be taken with respect to basic duties on products may involve action with respect to compensatory duties imposed on manufactures containing such products.

In the event that an article which as of July 1, 1955, was regarded as classifiable under a description included in the list is excluded therefrom by judicial decision or otherwise prior to the conclusion of the trade-agreement negotiations, the list will nevertheless be considered as including such article.

Pursuant to section 4 of the Trade Agreements Act, as amended, and paragraph 5 of Executive Order 10082 of October 5, 1949, information and views as to any aspect of the proposals, including the list of articles, announced in this supplementary notice may be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee.[1] Persons interested in exports may present their views regarding any tariff or other concessions that might be requested of foreign governments with which negotiations are to be conducted. Any other matters appropriate to be considered in connection with the negotiations proposed above may also be presented.

Public hearings in connection with the "peril point" investigation of the United States Tariff Commission in connection with the articles included in the annexed list, pursuant to section 3 of the Trade Agreements Extension Act of 1951, as amended, are the subject of an announcement of this date issued by that Commission.[2]

By direction of the Interdepartmental Committee on Trade Agreements this 9th day of December 1955.

CARL D. CORSE,
Chairman,
Interdepartmental Committee
on Trade Agreements.

SUPPLEMENTAL LIST OF ARTICLES IMPORTED INTO THE UNITED STATES PROPOSED FOR CONSIDERATION IN TRADE AGREEMENT NEGOTIATIONS

Those items in the list which include articles to which, on the basis of preliminary calculations in general considering the calendar year 1954 as a representative period, the authority under clause (ii) of paragraph (2) (D) of subsection (a) of section 350 of the Tariff Act of 1930, as amended (authority to decrease down to 50 percent ad valorem or the equivalent thereof), is applicable have been identified by an asterisk. The use of the asterisk in such cases shall not prejudice the subsequent final determination that such authority is or is not applicable to any article in the list, whether or not the item in which the article is included is identified by an asterisk, nor shall it prejudice use of the authority under clause (i) of paragraph (2) (D) (authority to decrease down to 15 percent below the rate existing on January 1, 1955) applicable to any article in the list, whether or not the item in which the article is included is identified by an asterisk. The ad valorem rate or equivalent below which the authority under clause (i) of paragraph (2) (D) authorizes a greater decrease than that under clause (ii) falls between 58 percent and 59 percent ad valorem.

Information and views may be presented by interested parties with respect to the applicability of the authority under clause (ii) of paragraph (2) (D) to any article in the list, whether or not such article is contained in an item identified by an asterisk, and with respect to the period which is representative for the purposes of clause (ii) of paragraph (2) (D) or of paragraph (3) (D) of subsection (a) of section 350 (authority for simplification of computation) in the case of any article in the list subject to a specific rate of duty (or to a combination of rates including a specific rate).

[1] See F. R. Doc. 55-9962, *infra*.
[2] See F. R. Doc. 55-9963, *infra*.

Par.	*Tariff Act of 1930, Title I—Dutiable List*
5	All chemical elements, all chemical salts and compounds, and all combinations and mixtures of any of the foregoing, all the foregoing obtained naturally or artificially and not specially provided for: Chlorine.
5	Medicinal preparations, obtained naturally or artificially and not specially provided for (except preparations of animal or vegetable origin).
28 (a)	Photographic chemicals and 5-Ethyl-5-phenyl-hexahydropyrimidine-4:6-dione, when obtained, derived, or manufactured in whole or in part from any of the products provided for in paragraph 27 or 1651, Tariff Act of 1930.
67	Barytes ore, crude or unmanufactured.
75	Spirit varnishes containing less than 5 per centum of methyl alcohol.
76	Cuprous oxide.
214	Earthy or mineral substances wholly or partly manufactured and articles, wares, and materials (crude or advanced in condition), composed wholly or in chief value of earthy or mineral substances, not specially provided for, whether susceptible of decoration or not, if not decorated in any manner: Witherite.
228 (a)	Spectrographs.
302 (n)	Columbium or niobium.
302 (n)	Alloys not specially provided for of one or more of the metals barium, boron, calcium, columbium or niobium, strontium, tantalum, thorium, titanium, vanadium, or zirconium with one or more of the metals aluminum, chromium, cobalt, copper, manganese, nickel, or silicon (except calcium silicon and zirconium silicon).
307	Boiler or other plate iron or steel, except crucible plate steel and saw plate steel, not thinner than 10%1000 of 1 inch, cut or sheared to shape or otherwise, or unsheared, valued at over 3 cents per pound.
353	Articles having as an essential feature an electrical element or device, and parts thereof, finished or unfinished, wholly or in chief value of metal, and not specially provided for: Adding machines and parts thereof.
372	Machines, finished or unfinished, not specially provided for, and parts thereof wholly or in chief value of metal or porcelain, not specially provided for: Adding machines, and parts thereof.
397	Articles or wares not specially provided for, if composed wholly or in chief value of bronze, but not plated with platinum, gold, or silver, or colored with gold lacquer, whether partly or wholly manufactured.
397	Articles or wares not specially provided for, if composed wholly or in chief value of iron or steel, but not plated with platinum, gold, or silver, or colored with gold lacquer, whether partly or wholly manufactured, *except the following*: Blow torches and incandescent lamps, designed to be operated by compressed air and kerosene or gasoline; builders' hardware (other than hinges and hinge blanks); carriages, drays, trucks, and other vehicles, and parts thereof; cases and sharpening devices for safety razors; cooking and heating stoves and parts thereof; fittings for baby carriages; golf club heads; illuminating articles, and parts thereof; luggage hardware; malleable cast-iron pipe fittings; manufactures of wire; parts of carbonated water siphons; parts of typewriters; railway cars and parts thereof; screws having shanks or threads not exceeding 24/100 of one inch in diameter; slide fasteners and parts thereof; styluses; and tricycles and velocipedes and parts thereof.
502	Molasses and sugar sirups, not specially provided for and not containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) equal to more than 6 per centum of the total soluble solids.
746	Mangoes.
751	Jellies, jams, marmalades, and fruit butters (except cashew apple (*anacardium occidentale*), currant and other berry, guava, mamey colorado (*calocarpum mammosum*), mango, papaya, pineapple, sapodilla (*sapota achras*), soursop (*annona muricata*), sweetsop (*annona squamosa*), and quince jellies, jams, marmalades and butters; and except orange marmalade).
762	Soybeans for seed purposes.
806 (a)	Fruit juices, not specially provided for, containing less than one-half of 1 per centum of alcohol: Pineapple juice, packed in air-tight containers.
1109 (a)	Woven fabrics, weighing more than four ounces per square yard, wholly or in chief value of wool: Woven green billiard cloths, in the piece, weighing over 11 but not over 15 ounces per square yard, wholly of wool.
1114 (b)	Hose and half-hose, finished or unfinished, wholly or in chief value of wool, valued at more than $1.75 per dozen pairs.
1402	Paper board, wallboard, and pulpboard, not plate finished, supercalendered or friction calendered, laminated by means of an adhesive substance, coated, surface stained or dyed, lined or vatlined, embossed, printed, decorated or ornamented in any manner, nor cut into shapes for boxes or other articles and not specially provided for: Beer mat board.
1410	Unbound books of all kinds, bound books of all kinds except those bound wholly or in part in leather, all the foregoing not specially provided for, if other than of bona fide foreign authorship (not including diaries, music in books, pamphlets, prayer books, or tourist literature).
1510	Buttons not specially provided for: Buttons wholly or in chief value of compounds of casein known as galalith or by any other name, valued at more than 60 cents per gross; buttons commonly known as Roman pearl; fancy buttons with a fish-scale or similar to fish-scale finish; and buttons wholly or in chief value of horn or composition horn.

Tariff Act of 1930, Title I—Dutiable List—Continued

Par.	
*1514	**Emery, corundum, garnet, and artificial abrasives, in grains, or ground, pulverized, refined, or manufactured; emery wheels, emery files, and manufactures of which emery, corundum, garnet or artificial abrasive is the component material of chief value, not specially provided for; and all papers, cloths, and combinations of paper and cloth, wholly or partly coated with artificial or natural abrasives, or with a combination of natural and artificial abrasives; all the foregoing, if containing more than 1/10 of one per centum of vanadium, or more than 3/10 of one per centum of tungsten, molybdenum, boron, tantalum, columbium or niobium, or uranium, or more than 3/10 of one per centum of chromium.**
1516	**Matches, friction or lucifer, of all descriptions, in boxes containing not more than 100 matches per box.**
*1526 (a)	**Hats, caps, bonnets, and hoods, other than for men's or boys' wear, trimmed or untrimmed, including bodies, hoods, plateaux, forms, or shapes, for hats or bonnets not for men's or boys' wear, composed wholly or in chief value of fur of the rabbit, beaver, or other animals, valued at more than $9 and not more than $30 per dozen.**
*1527 (b)	**Rope, curb, cable, and fancy patterns of chain not exceeding ½ inch in diameter, width, or thickness, valued above 30 cents per yard, of metal other than gold or platinum, whether or not plated with gold or platinum.**
*1527 (c)	**Articles valued above 20 cents per dozen pieces, designed to be worn on apparel or carried on or about or attached to the person, such as and including buckles, cardcases, chains, cigar cases, cigar cutters, cigar holders, cigar lighters, cigarette cases, cigarette holders, coin holders, collar, cuff, and dress buttons, combs, match boxes, mesh bags and purses, millinery, military and hair ornaments, pins, powder cases, stamp cases, vanity cases, watch bracelets, and like articles; all the foregoing and parts thereof, finished or unfinished:** **(2) composed wholly or in chief value of metal other than gold or platinum (whether or not enameled, washed, covered, or plated, including rolled gold plate), or (if not composed in chief value of metal and if not dutiable under clause (1) of subparagraph (c) of paragraph 1527, Tariff Act of 1930) set with and in chief value of precious or semiprecious stones, pearls, cameos, coral, amber, imitation precious or semiprecious stones, or imitation pearls:** **Valued not over $5 per dozen pieces or parts:** **Cigarette cases, compacts, powder cases, vanity cases, and parts thereof.**
*1529 (a)[1]	******
[6]	**Articles not described elsewhere in this subparagraph:** **Wholly or in chief value of vegetable fiber:** **Pillowcases, sheets, and damask napkins and table cloths, not wholly or in chief value of cotton.** ***Other (except articles wholly or in chief value of cotton).*** **Other.**
[7]	***Gloves and mittens, embroidered in any manner, wholly or in chief value of wool.***
	******
[14]	**In part of machine-made lace and not described elsewhere in this subparagraph:** **Wearing apparel.** ***Other, wholly or in chief value of vegetable fiber other than cotton.***
	******
[28]	***Lace window curtains wholly or in chief value of rayon or other synthetic textile.***
1531	**Bags, baskets, belts, satchels, cardcases, pocketbooks, jewel boxes, portfolios, and other boxes and cases, not jewelry, wholly or in chief value of reptile leather, and manufacturers of reptile leather, or of which reptile leather is the component material of chief value, not specially provided for (not including any of the foregoing permanently fitted and furnished with traveling, bottle, drinking, dining or luncheon, sewing, manicure, or similar sets, and except women's and children's handbags and pocketbooks).**
1536	**Manufactures of wax, or of which wax is the component material of chief value, not specially provided for (except ski wax and manufactures wholly or in chief value of beeswax).**
1539 (b)[2]	
1558	**Raw or unmanufactured articles not enumerated or provided for:** **Frogs (not including live frogs) and frog legs.**

[F. R. Doc. 55–9961; Filed, Dec. 12, 1955; 8:45 a. m.]

[1] The listing of articles under paragraph 1529 (a) of the Tariff Act of 1930 is made by setting forth the pertinent subdivisions of paragraph 1529 (a), as set forth in "United States Import Duties (1952)", and italicizing the language of such subdivision which covers the items listed, appropriately modified when necessary.

[2] No articles additional to those included under paragraph 1539 (b) in the list appended to the public notice of September 21, 1955, are listed herein. However, the previous listing under paragraph 1539 (b) contained a typographical error, in that the first word of the descriptive language was written "Laminating" instead of "Laminated". Any persons who feel that this typographical error caused them to misunderstand the scope of the listing under paragraph 1539 (b) and who desire to submit written statements or desire to be heard in the light of the intended scope of the listing, may submit such statements or requests to be heard as though the previous listing under paragraph 1539 (b) was included in this list in correct form.

COMMITTEE FOR RECIPROCITY INFORMATION

TRADE-AGREEMENT NEGOTIATIONS PROPOSED IN NOTICE OF SEPTEMBER 21, 1955 AND PUBLISHED SEPTEMBER 23, 1955

POSSIBLE ADJUSTMENT IN PREFERENTIAL RATES ON CUBAN PRODUCTS; SUPPLEMENTAL NOTICE

Submission of Information to the Committee for Reciprocity Information.

Closing date for application to be heard, January 6, 1956.

Closing date for submission of briefs by those desiring to be heard, January 6, 1956.

Closing date for submission of briefs by those not desiring to be heard, January 6, 1956.

Public hearings open January 17, 1956.

The Interdepartmental Committee on Trade Agreements has issued on this day[1] a notice supplementing the notice dated September 21, 1955 and published September 23, 1955 (20 F. R. 7140) as corrected September 29, 1955 and published October 1, 1955 (20 F. R. 7345) relating to trade-agreement negotiations with foreign governments which are contracting parties to the General Agreement on Tariffs and Trade.

Annexed to the supplementary notice of the Interdepartmental Committee on Trade Agreements is a list of articles imported into the United States to be considered in trade-agreement negotiations of which notice has been given as stated above; this list supplements the list annexed to the notice by that Committee of September 21, 1955, and published September 23, 1955 (20 F. R. 7140), as corrected. The Committee for Reciprocity Information hereby gives notice that all applications for oral presentation of views in regard to any aspect of the proposals announced in the supplementary notice shall be submitted to the Committee for Reciprocity Information not later than 12:00 noon, January 6, 1956. Such applications must indicate the product or products on which the individuals or groups desire to be heard, and an estimate of the time required for such presentation. Persons who desire to be heard in regard to the foregoing proposals shall also submit written statements to the Committee for Reciprocity Information not later than 12:00 noon, January 6, 1956. Written statements of persons who do not desire to be heard shall be submitted not later than 12:00 noon, January 6, 1956. Such communications shall be addressed to "Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C." Fifteen copies of written statements, either typed, printed, or duplicated shall be submitted, of which one copy shall be sworn to.

Written statements submitted to the Committee, except information and business data proffered in confidence, shall be open to inspection by interested persons. Information and business data proffered in confidence shall be submitted on separate pages clearly marked "For official use only of Committee for Reciprocity Information."

[1] See F. R. Doc. 55–9961, *supra*.

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard. The first hearing will be at 2:00 p. m., on January 17, 1956, in the Hearing Room in the Tariff Commission Building, Seventh and E Streets NW., Washington 25, D. C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at hearings before the Committee may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

Persons or groups interested in import products may present to the Committee their views concerning possible tariff concessions by the United States on any product, whether or not included in the list annexed to the supplementary notice. However, as indicated in said notice, no tariff reduction or specific continuance of customs or excise treatment will be considered on any product which is not included in the list annexed to the public notice by the Interdepartmental Committee on Trade Agreements of September 21, 1955, and published September 23, 1955 (20 F. R. 7140), as corrected, the list annexed to the supplementary notice issued by said Committee on this date, or in a further supplementary public list.

The United States Tariff Commission has today announced[2] public hearings on the import items appearing in the list annexed to the supplementary notice to run concurrently with the hearings of the Committee for Reciprocity Information. Oral testimony and written information submitted to the Tariff Commission will be made available to and will be considered by the Interdepartmental Committee on Trade Agreements. Consequently, those whose interests relate only to import products included in said list, and who appear before the Tariff Commission, need not, but may if they wish, appear also before the Committee for Reciprocity Information.

Persons interested in exports may present their views regarding any tariff or other concessions that might be requested of the foreign governments with which negotiations are to be conducted. Any other matters appropriate to be considered in connection with the proposed negotiations may also be presented.

Copies of the list attached to the supplementary notice may be obtained from the Committee for Reciprocity Information at the address designated above and may be inspected at the field offices of the Department of Commerce.

All communications regarding this notice, including requests for appearance at hearings before the Committee for Reciprocity Information, should be addressed to the Secretary, Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C.

By direction of the Committee for Reciprocity Information this 9th day of December 1955.

EDWARD YARDLEY,
Secretary,
Committee for
Reciprocity Information.

[F. R. Doc. 55–9962; Filed, Dec. 12, 1955; 8:45 a. m.]

[2] See F. R. Doc. 55–9963, *infra*.

UNITED STATES TARIFF COMMISSION

INVESTIGATION AND HEARINGS IN CONNECTION WITH PROPOSED TRADE AGREEMENT NEGOTIATIONS WITH GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Public notice of investigation and hearings under section 3 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, as follows: Investigation No. 4—Supplement A. Supplemental list of articles for consideration in proposed trade agreement negotiations with contracting parties of GATT.

1. The final date for filing requests to testify at Tariff Commission public hearings is January 6, 1956.

2. The final date for filing written statements with the Tariff Commission is January 6, 1956.

3. Tariff Commission public hearings will begin on January 17, 1956.

4. Public announcements relating to supplemental listings in connection with proposed trade agreement negotiations previously announced have also been issued by the Interdepartmental Committee on Trade Agreements[1] and the Committee for Reciprocity Information,[2] and appear concurrently with this notice in the FEDERAL REGISTER.

The Interdepartmental Committee on Trade Agreements this day issued a supplemental announcement concerning proposed trade agreement negotiations. On the same day, in accordance with section 3 of the Trade Agreements Extension Act of 1951, as amended, the President furnished to the United States Tariff Commission a supplemental list (hereinafter referred to as the "President's supplemental list") of articles imported into the United States to be considered in proposed negotiations, and requested the Tariff Commission to make a "peril point" investigation and report with respect to each such article, as provided in said section 3 of the Trade Agreements Extension Act of 1951, as amended. A copy of the President's supplemental list is attached to the announcement of the Interdepartmental Committee on Trade Agreements published in the FEDERAL REGISTER concurrently with this notice.

A. *Investigation instituted.* Pursuant to section 3 of the Trade Agreements Extension Act of 1951, as amended, and under the authority of section 332 of the Tariff Act of 1930, the United States Tariff Commission has this day instituted a supplemental investigation with respect to the articles included in the President's supplemental list.

B. *Purpose of investigation.* The purpose of the supplemental investigation is to obtain the facts necessary to enable the Tariff Commission to formulate findings (known as "peril point" findings) for inclusion in a report to the President with respect to each article included in the President's supplemental list as to (1) the limit to which the modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment may be extended in order to carry out the purpose of section 350 of the Tariff Act of 1930, as amended (Trade Agreements Act), without causing or threatening serious injury to the domestic industry producing like or directly competitive articles, and (2) if increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or directly competitive articles, the minimum increases in duties or additional import restrictions required.

C. *Written statements and public hearings.* Parties interested will be given opportunity to present their views with respect to the subject matter of the investigation either by submission of written statements or by oral testimony at public hearings, or both. In order to permit, within the limited time and resources available, all interested parties to present information and views concerning the articles in the President's supplemental list in an orderly manner and with the least possible inconvenience to all concerned, the Commission has established the following procedure for submission of written statements and the conduct of hearings:

1. *Written statements in lieu of appearance at hearings.* Interested parties are urged to present their information and views through the submission of written statements in lieu of appearances at the public hearings. Such statements must be under oath and will be given the same consideration as oral testimony presented at the hearings, and, except for information submitted and accepted in confidence, will be made available for inspection by interested parties. Twenty copies of written statements shall be submitted, only one of which need be sworn to. Such statements should be submitted as early as possible, but not later than January 6, 1956.

2. *Scope of written statements and oral testimony.* Written statements and oral testimony must relate to articles included in the President's supplemental list, and must be confined to matters relevant to the purpose of the investigation as stated in B, above. At the beginning of any written statement that is read at the hearings, or any oral testimony given at the hearings, the article and tariff paragraph number to which

[1] See F. R. Doc. 55–9961, *supra*.
[2] See F. R. Doc. 55–9962, *supra*.

the testimony relates should be specifically identified.

3. *Submission of information in confidence.* Information pertinent to the subject matter of the investigation which interested parties desire to submit in confidence may be submitted with written statements or at the time testimony is given at the hearings, on separate sheets, each clearly marked "Submitted in confidence."

4. *Appearance at public hearings.* The following information and instructions should be carefully studied by all persons interested in appearing at the public hearings in this investigation.

a. Requests to appear at the public hearings must be filed in writing (by letter separate from any written statement or brief) with the Secretary of the Commission on or before January 6, 1956. Such requests must contain the following information:

(1) The tariff paragraph number and a description of the article or articles on which testimony will be presented.

(2) The name and organization of the witness or witnesses who will testify, and the name, address, telephone number, and organization of the person filing the request.

(3) A brief indication of the position to be taken concerning the customs treatment of the articles affected.

(4) A careful estimate of the time desired for presentation of oral testimony by all witnesses for whom the request is filed.

NOTE. *The Commission reserves the right to limit the time assigned to witnesses.* In this connection, experience in similar previous hearings has indicated that in most cases the essential information can be effectively summarized in an oral presentation of 15 to 30 minutes. Because of the limited time available, parties desiring an allowance of time in excess of this amount should set forth any special circumstances in support of such request. Witnesses, may, of course, supplement their oral testimony with written statements of any desired length.

b. The Secretary of the Commission should be promptly notified of any changes in the request for appearance as originally filed.

c. It is suggested that parties who have a common interest in one or more of the articles listed endeavor, wherever possible, to arrange for a consolidated presentation of their views.

5. *Date and conduct of hearings.* a. The public hearings in this investigation will commence at 10:00 o'clock a. m. on Tuesday, the 17th day of January 1956, in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D. C. The hearings will be held each day from 10:00 a. m. to about 1:00 p. m., and are scheduled to be concluded not later than Friday, January 20, 1956.

b. Parties who have properly entered their appearance by January 6, 1956, as indicated under paragraph C, 4, above, will be individually notified of the date on which they are scheduled to appear. Such notifications will be sent as soon as possible after the closing date for requests to appear (January 6, 1956).

c. Questioning of witnesses will be limited to members of the Commission.

6. *Related hearings before the Committee for Reciprocity Information.* Published concurrently with this notice is an announcement by the Committee for Reciprocity Information regarding public hearings to be held by that Committee on the articles included in the President's Supplemental list, and on other matters, to begin on January 17, 1956. Arrangements will be made to permit persons desiring to appear at both Tariff Commission and Committee for Reciprocity Information hearings to do so without conflict in scheduling, and, where possible, to present their testimony at both hearings on the same day. Oral testimony and written statements of interested parties received by the Tariff Commission in connection with this investigation will be made available by the Tariff Commission to the Committee for Reciprocity Information. Accordingly, as stated in the Committee for Reciprocity Information notice, appearance before the Committee for Reciprocity Information for the purpose of submitting the same information, although permissible, will not be necessary.

Likewise, oral or written statements presented to the Committee for Reciprocity Information will be made available to, and carefully considered by, the Tariff Commission, and need not be separately presented to the latter agency.

E. *Communications to be addressed to Secretary.* All communications regarding the Tariff Commission investigation, including requests for appearance at the Tariff Commission hearings, should be addressed to the Secretary, United States Tariff Commission, Washington 25, D. C.

By direction of the United States Tariff Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 55-9963; Filed, Dec. 12, 1955; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53966; Treasury Department Order 165, Rev.—Amdt. 1]

COMMISSIONER OF CUSTOMS

DELEGATION OF AUTHORITY TO TAKE FINAL ACTION IN CERTAIN PENALTY CASES

DECEMBER 5, 1955.

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 (3 CFR, 1950 Supp. Ch. III), it is hereby ordered that subparagraph (h) of paragraph 1 of Treasury Department Order No. 165, Revised, issued on November 2, 1954 (T. D. 53654; 19 F. R. 7241), is amended by substituting a comma for the period at the end thereof and adding: "except that such approval shall not be required with respect to any forfeiture incurred under section 27, Merchant Marine Act, 1920, as amended (46 U. S. C. 883), if it is determined by the Commissioner of Customs or a subordinate in the Bureau of Customs designated by the said Commissioner that the violation occurred as a direct result of an arrival of the transporting vessel in distress."

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-9978; Filed, Dec. 12, 1955; 8:48 a. m.]

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, Supp. 115]

PUBLIC SERVICE MUTUAL INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

DECEMBER 6, 1955.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $284,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of Company, Location of Principal Executive Office and State in which Incorporated: New York; Public Service Mutual Insurance Company, New York.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 55-9980; Filed, Dec. 12, 1955; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 7464, 7465, 7466]

BRITISH OVERSEAS AIRWAYS CORP.

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled applications is assigned to be held on December 15, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., December 8, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-9992; Filed, Dec. 12, 1955; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8730, 8840; FCC 55M-1013]

WWSW, INC. AND PITTSBURGH RADIO SUPPLY HOUSE, INC.

ORDER SCHEDULING HEARING

In re applications of WWSW, Inc., Pittsburgh, Pennsylvania, Docket No. 8730, File No. BPCT-254; Pittsburgh Radio Supply House, Inc., Pittsburgh, Pennsylvania, Docket No. 8840, File No. BPCT-345; for television construction permits.

It is ordered, This 5th day of December 1955, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 18, 1956, in Washington, D. C.

Released: December 8, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9996; Filed, Dec. 12, 1955; 8:51 a. m.]

[Docket Nos. 11484, 11485; FCC 55M-1014]

B. H. MOONEY ET AL.

ORDER AFTER PREHEARING CONFERENCE AND CONTINUANCE

In re application of Jane F. Mooney, B. H. Mooney, Jr., and J. F. Mann, co-executors of the estate of B. H. Mooney, deceased (transferor) and Burgett H. Mooney, Jr. (transferee), Docket No. 11484, File No. BTC-1954; for consent to transfer of control of News Publishing Company, licensee of Station WLAQ Rome, Georgia.

In re application of News Publishing Company, Docket No. 11485, File No. BR-1512; for renewal of license of Station WLAQ, Rome, Georgia.

Appearances. Mr. Marcus Cohn of Washington, D. C., on behalf of all applicants, and Mr. Ray Paul of Washington, D. C., on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. An informal prehearing conference was conducted on November 30, 1955, in which counsel for the applicants and for Bureau participated as indicated in the above statement of appearances. A memorandum of the matters discussed in conference has been provided to each attorney. The agreements that were reached and the matters that were settled in conference are set out herein.

2. Counsel for the parties will confer before the hearing in order to agree upon factual statements and stipulations to be incorporated into the hearing record; the agreements will embrace such facts and information in the Commission's files and records as pertain to the hearing issues, and all other undisputed evidentiary material.

3. Applicants expect at the hearing to offer oral testimony by the individual who has been the most active of the various officers, directors and stockholders in the applicant licensee since the time the application for construction permit was filed; in addition, the applicants will have available for cross-examination the proposed transferee.

4. At the further informal conference between counsel consideration will be given to defining or limiting the scope of the evidence to be offered, including, but not limited to, a statement of position concerning the materiality or probative value of evidence upon the character qualifications of the principals involved in this proceeding.

5. It was agreed that the date for the commencement of the hearing should be changed from Monday, December 19, 1955, to Tuesday, December 20, 1955, so as to accommodate the mutual conveniences of counsel and of the Hearing Examiner.

It is ordered, This 5th day of December 1955, that the hearing to be held in this proceeding shall be governed by the provisions hereinabove stated to the extent of their applicability; and

It is further ordered, That the hearing date is continued from Monday, December 19, 1955, to Tuesday, December 20, 1955.

Released: December 6, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9997; Filed, Dec. 12, 1955; 8:51 a. m.]

[Docket Nos. 11503, 11504; FCC 55M-1010]

HARRY LAURENCE HILL AND ARLINE S. HODGINS

ORDER CONTINUING HEARING

In re applications of Harry Laurence Hill, Fort Lupton, Colorado, Docket No. 11503, File No. BP-9842, Arline S. Hodgins, Brighton, Colorado, Docket No. 11504, File No. BP-9885, for construction permits.

The Hearing Examiner having under consideration an oral request for a continuance of this proceeding;

It appearing that an informal prehearing conference pursuant to section 1.813 of the rules was held on December 5, 1955, at which time counsel for Arline S. Hodgins requested a continuance and other parties to the case concurred in the request; and

It further appearing that good cause exists for granting of the continuance;

It is ordered, This 5th day of December 1955, that the date for exchanging exhibits is continued from December 7 to January 5, 1956, and the date upon which the hearing will commence is continued from December 19 to February 20, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9998; Filed, Dec. 12, 1955; 8:51 a. m.]

[Docket No. 11539, etc.; FCC 55M-1015]

MUSSER BROADCASTING CO. ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Sam Ferguson Musser and Gloria G. Musser d/b as Musser Broadcasting Company, Elizabethtown, Pennsylvania, Docket No. 11539, File No. BP-9698; Will Groff tr/as Colonial Broadcasting Company, Elizabethtown, Pennsylvania, Docket No. 11540, File No. BP-9759; H. Raymond Stadiem, Lester P. Etter and M. Leonard Savage d/b as Radio Columbia, Columbia, Pennsylvania, Docket No. 11541, File No. BP-9940; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 5th day of December 1955, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of section 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., December 13, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9999; Filed, Dec. 12, 1955; 8:51 a. m.]

[Docket Nos. 11551, 11552; FCC 55M-1017]

RADIO KYNO, THE VOICE OF FRESNO AND WRATHER-ALVAREZ BROADCASTING, INC. (KFMB)

ORDER SCHEDULING HEARING

In re applications of Amelia Schuler, Lester Eugene Chenault and Bert Williamson, d/b as Radio KYNO, The Voice of Fresno (KYNO), Fresno, California, Docket No. 11551, File No. BP-9511; Wrather-Alvarez Broadcasting, Inc. (KFMB), San Diego, California, Docket No 11552, File No. BP-9794; for construction permits.

It is ordered, This 5th day of December 1955, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 8, 1956, in Washington, D. C.

Released: December 8, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10000; Filed, Dec. 12, 1955; 8:51 a.m.]

[Docket Nos. 11553, 11554; FCC 55M-1018]

HAZARD BROADCASTING CORP. AND PERRY COUNTY BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Hazard Broadcasting Corporation, Hazard, Kentucky, Docket No. 11533, File No. BP-9726; Claude P. Stephens and Frank L. Jones d/b as Perry County Broadcasting Company, Hazard, Kentucky, Docket No. 11554, File No. BP-9840; for construction permits.

It is ordered, This 5th day of December 1955, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to

commence on February 15, 1956, in Washington, D. C.

Released: December 8, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10001; Filed, Dec. 12, 1955; 8:51 a. m.]

[Docket Nos. 11555, 11556; FCC 55M-1016]

JOHN F. SHEA AND GREENVILLE BROADCASTING CORP. (WGYV)

ORDER SCHEDULING HEARING

In re applications of John F. Shea, Montgomery, Alabama, Docket No. 11555, File No. BP-9947; Greenville Broadcasting Corporation (WGYV), Greenville, Alabama, Docket No. 11556, File No. BP-9953; for construction permits.

It is ordered, this 5th day of December 1955, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 17, 1956, in Washington, D. C.

Released: December 8, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10002; Filed, Dec. 12, 1955; 8:51 a. m.]

[Docket No. 11564, etc.; FCC 55M-1020]

MINERS BROADCASTING SERVICE, INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of Miners Broadcasting Service, Inc., West Chester, Pennsylvania, Docket No. 11564, File No. BP-8925; Rollins Broadcasting of Delaware, Inc., Philadelphia, Pennsylvania, Docket No. 11565, File No. BP-9500; Lawrence M. C. Smith, d/b as Franklin Broadcasting Company, Philadelphia, Pennsylvania, Docket No. 11566, File No. BP-9633; for construction permits.

It is ordered, This 5th day of December 1955, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 16, 1956, in Washington, D. C.

Released: December 8, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10003; Filed, Dec. 12, 1955; 8:51 a. m.]

[Docket No. 11567; FCC 55M-1019]

CHARLES W. STONE

ORDER SCHEDULING HEARING

In re application of Charles W. Stone, Fort Lauderdale, Florida, Docket No. 11567, File No. BP-9626; for construction permit.

It is ordered, This 5th day of December 1955, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 16, 1956, in Washington, D. C.

Released: December 8, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10004; Filed, Dec. 12, 1955; 8:51 a. m.]

[Docket No. 11569; FCC 55-1206]

WILLIAMSPORT RADIO BROADCASTING ASSOCIATES, INC. (WARC)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Williamsport Radio Broadcasting Associates, Inc. (WARC); Milton, Pennsylvania, Docket No. 11569, File No. BP-9856; for construction permit.

1. The Commission has before it for consideration separate protests filed on November 4, 1955, by the Lycoming Broadcasting Company, licensee of Station WLYC, Williamsport, Pennsylvania (1050 kc, 1 kw, Day), and John S. Booth, permittee of Station WMLP, Milton, Pennsylvania (1570 kc, 1 kw Day), pursuant to section 309 (c) of the Communications Act of 1934, as amended, protesting the Commission's action of October 5, 1955 (released October 6, 1955), granting without hearing the above-entitled application of Williamsport Radio Broadcasting Associates, Inc., for a construction permit for a new standard broadcast station, WARC, to operate on 1380 kilocycles with a power of 1 kilowatt, daytime only, at Milton, Pennsylvania; and an opposition to the said protests filed on November 21, 1955, by Williamsport Radio Broadcasting Associates, Inc. The applicant is licensee of Station WWPA, Williamsport, Pennsylvania (1340 kc, 250 w, Unl.). The city of Williamsport, with a population of 45,047, is located approximately 17 miles northwest of Milton, Pennsylvania, which has a population of 8,578.

2. John S. Booth claims that he is a party in interest within the purview of section 309 (c) of the Communications Act of 1934, as amended, because he is permittee of Station WLMP, which has "commenced operation" in Milton, Pennsylvania, where the applicant proposes to operate, and that both stations will be in direct competition for listeners and advertising revenues. The Lycoming Broadcasting Company claims that it is a party in interest under 309 (c) because "further competition would result from a grant of the pending application • • • and it will suffer economic injury in its operation of Station WLYC". In support of their respective protests, Stations WMLP and WLYC contend that field intensity measurements show that the 0.5 mv/m contours of WARC and WWPA overlap in an area which constitutes about 50 percent of the WWPA service area; that the 0.5 mv/m contour of WARC encompasses and extends beyond Williamsport, Pennsylvania; that the 2 mv/m contours of WARC and WWPA overlap in an area of 20.3 square miles with a population of 798 people; that the 0.5 mv/m contours and not the 2 mv/m contours must be controlling for purposes of interpreting section 3.35 (a); that "further" concentration of control of media of mass communication in the Milton-Williamsport area would result from a grant because parties to the applicant own WWPA and have substantial interests in The Grit, the "only Sunday newspaper published in the Williamsport area", and in the Rialto Theatre, Williamsport, which "also disseminates entertainment, and news and information to the public in the Williamsport area"; that there is grave doubt that WARC will provide a local broadcast service to Milton since the stockholders are all residents of Williamsport and that WARC and WWPA will have the same manager and program director, both of whom will presumably live in Williamsport; that WARC will be only a "satellite" of WWPA; that Milton will receive adequate service from WMLP; and that a full evidentiary hearing is necessary to determine the above matters.

3. In its above-described opposition, Station WARC concedes that both WMLP and WLYC are "parties in interest" within the meaning of section 309 (c) of the Communications Act but contends that "their allegations in regard to overlap of contours and concentration of control of mass communication media do not show that if established at a hearing the grant [of WARC] contravened the public interest, convenience and necessity" and that the protestants' erroneous conclusion that WARC will be operated as a satellite station of WWPA is not supported by the facts given, and, accordingly the protests should not be granted.

4. In view of the facts that John S. Booth is the permittee of standard broadcast station WMLP in Milton, Pennsylvania, where the applicant proposes to operate and that both will be in direct competition; that the Lycoming Broadcasting Company is licensee of Station WLYC, Williamsport, Pennsylvania, and will compete with the applicant's proposed station for advertising revenues; and that each protestant has alleged that it will suffer economic injury as a result of the grant complained of, we find that each of the above-named protestants is a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended. T. E Allen and Sons, Inc., 9 Pike and Fischer RR 197; Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 407 (9 Pike and Fischer RR 2008). We find further that the facts, matters and things relied upon by each of the protestants have been specified with sufficient particularity to warrant designating the above-entitled application for hearing.

5. In view of the foregoing: *It is ordered,* That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission in the hearing described below with respect to the protests of John S. Booth and the Lycoming Broadcasting Company; and that the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To determine whether the proposed operation will be consistent with section 3.35 of the Commission's Rules and Regulations.

2. To determine whether, in view of the ownership interests of the officers, directors and stockholders of applicant, a grant of the application would result in an undue concentration of control of media of mass communication in the Williamsport-Milton, Pennsylvania, area.

3. To determine whether the proposed station at Milton, Pennsylvania, will be operated as a truly local broadcast facility designed to serve the needs and expressions of the community in which it is located rather than the larger adjoining community of Williamsport.

4. To determine whether, on the basis of the evidence adduced at the above hearing, the grant of the above-entitled application should be set aside.

The burden of proof as to each of the above issues shall be on each of the protestants.

It is further ordered, That each of the protestants and the Chief, Broadcast Bureau, are hereby made parties to the above-described proceeding and that:

(a) The hearing on the above issues shall commence at 10:00 a. m. on January 23, 1956, before an Examiner of the Commission; and

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The parties intending to participate in the hearing herein shall file their appearances not later than December 27, 1955.

Adopted: December 5, 1955.

Released: December 6, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10005; Filed, Dec. 12, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-4558, G-9031]

NELSON BUNKER HUNT TRUST ESTATE

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 7, 1955.

Take notice that Nelson Bunker Hunt Trust Estate (Applicant), a Texas trust estate and independent producer with its principal place of business in Dallas, Texas, filed on October 25, 1954, as supplemented June 13, 1955, an application in Docket No. G-4558 for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the acts or operations hereinafter described.

In the first transaction, Applicant produces natural gas from acreage located in the East Haynesville Field, Claiborne Paris, Louisiana, and delivers and sells such gas to Arkansas Louisiana Gas Company under the terms of a contract dated July 19, 1950, as amended. The price of such gas as of June 7, 1954, was 10.346 cents per Mcf. with average daily deliveries of approximately 2,000 Mcf. In the second transaction, Applicant produces casinghead gas from acreage located in the Starr County Northeast Field, Starr County, Texas and such gas is delivered and sold to Transcontinental Gas Pipe Line Company (Transcontinental) by Sun Oil Company (Sun) under the terms of a contract between Transcontinental and Sun dated September 24, 1947, as amended. Applicant is not a party to the contract between Transcontinental and Sun. Sun, operator of a processing plant, disposes of Applicant's residue gas under the terms of two contracts. One contract, a processing agreement dated May 23, 1951, as amended, is concerned with casinghead gas produced from the B. P. Gonzales lease. The other involves disposition of casinghead gas produced by the M. Pena Unit, and in which Sun is designated unit operator. Under both agreements Sun must dispose of Applicant's interest in the residue gas in the absence of an election by Applicant to take in kind or separately sell such gas. The total amount of residue gas attributable to Applicant's interests is less than 1,000 Mcf. a day, and the price paid by Transcontinental is approximately 7 cents per Mcf.

On June 13, 1955, Applicant filed Amendment No. 1 to its application stating that its application was limited to a request for authorization to "• • • sell natural gas to Transcontinental Gas Pipe Line Corporation until July 15, 1955, and not afterwards, • • •"

Take notice that Applicant filed, on June 13, 1955, an application in Docket No. G-9031 for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing delivery and sale of natural gas to Tennessee Gas Transmission Company (Tennessee), under the terms of a contract dated April 5, 1955. The source of the gas proposed to be sold to Tennessee is the same as that now purchased by Transcontinental in Docket No. G-4558, as heretofore described.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a formal hearing be held on January 4, 1956, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the applications in Docket Nos. G-4558 and G-9031.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9982; Filed, Dec. 12, 1955; 8:48 a. m.]

[Docket No. G-8530]

MORRIS MIZEL ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 7, 1955.

In the matters of Morris Mizel, Herman Sanditen, Mary Kurtz Sanditen and Isabel R. Sanditen.

Take notice that Morris Mizel, individually and representing Herman Sanditen, Mary Kurtz Sanditen and Isabel R. Sanditen, all individuals whose addresses are Kennedy Building, Tulsa, Oklahoma, hereinafter referred to as Applicant, filed, on February 28, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of 640 acres, Hugoton Field, Finney County, Kansas, to Colorado Interstate Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, January 17, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1955. Failure of any party to appear at and participate in the hear-

ing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9983; Filed, Dec. 12, 1955; 8:48 a. m.]

[Docket No. G-8874]

ANDERSON-PRICHARD OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 7, 1955.

Take notice that Anderson-Prichard Oil Corporation (Applicant), a Delaware corporation whose address is Liberty Bank Building, Oklahoma City, Oklahoma, filed on May 9, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of a dually completed well on the 40 acre Holdsclaw-Ross Unit Lease and the underlying 80 acre Hart Sand Unitized Tract, Golden Trend Field, Garvin County, Oklahoma, to Warren Petroleum Corporation, Cities Service Oil Company, Kerr-McGee Oil Industries, Inc., Oklahoma Natural Gas Company and The Texas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, January 16, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9984; Filed, Dec. 12, 1955; 8:49 a. m.]

[Docket No. G-9477]

JOHN B. HAWLEY, JR.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 7, 1955.

Take notice that John B. Hawley, Jr. (Applicant), an individual whose address is % Northern Pump Company, Columbia Heights P. O., Minneapolis 21, Minnesota, filed on October 13, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of 40 acres of the 160 acres of the Ockuly No. 1 Gas Unit, Hugoton Gas Field, Grant County, Kansas, to Colorado Interstate Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, January 16, 1956, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9985; Filed, Dec. 12, 1955; 8:49 a. m.]

[Docket No. G-9481]

EDWARD C. BOLTON

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 7, 1955.

Take notice that Edward C. Bolton (Applicant), an individual whose address is P. O. Box 2448, Waco, Texas, filed on October 13, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of the 320 acre E. C. Bolton Lease West Panhandle Field, Hutchinson County, Texas, to Frank C. Henderson Trust No. 2 and Elizabeth P. Henderson Trust No. 2 for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, January 16, 1956, at 9:50 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9986; Filed, Dec. 12, 1955; 8:49 a. m.]

[Docket No. G-8691]

CITY OF FRANKLIN, GA.

NOTICE OF CONTINUANCE OF HEARING

DECEMBER 5, 1955.

Upon consideration of the request by Counsel for City of Franklin, filed December 2, 1955, for continuance of the hearing in the above-designated matter, now scheduled for December 15, 1955;

The hearing now scheduled for December 15, 1955, is hereby postponed to February 6, 1956, at 10:00 a. m. in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9987; Filed, Dec. 12, 1955; 8:49 a. m.]

[Docket No. G-9253 etc.]

MONTANA-DAKOTA UTILITIES CO. ET AL.

NOTICE OF CONTINUANCE OF HEARING

DECEMBER 6, 1955.

In the matters of Montana-Dakota Utilities Co., Docket No. G-9253; Signal Oil and Gas Company, Docket No. G-9228; Amerada Petroleum Corporation, Docket No. G-9190.

Upon consideration of the telegraphic request by Counsel for the North Dakota Commission, filed December 5, 1955, for continuance of the hearing in the above-designated matters, now scheduled for December 19, 1955;

The hearing now scheduled for December 19, 1955, is hereby postponed to January 10, 1956, at 10:00 a. m. in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9988; Filed, Dec. 12, 1955; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 76]

VIRGINIA

DECLARATION OF DISASTER AREA

Whereas it has been reported that during the month of August 1955, because of the disastrous effects of floods in the Rappahannock River caused by hurricanes, damage resulted to oyster beds located in certain areas in the State of Virginia; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from oyster growers whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Essex, Lancaster, Middlesex, Richmond.

Small Business Administration Regional Office, 900 North Lombardy Street, Richmond 20, Virginia.

2. A special field office to receive such applications will not be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1956.

Dated: November 18, 1955.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 55-9989; Filed, Dec. 12, 1955; 8:50 a. m.]

UNIVERSITY OF MICHIGAN
DEC 19 1955
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 20 NUMBER 242

Washington, Wednesday, December 14, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3121

UNITED NATIONS HUMAN RIGHTS DAY, 1955

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS December 10, 1955, marks the seventh anniversary of the proclaiming of the Universal Declaration of Human Rights by the General Assembly of the United Nations as a common standard of achievement for all nations and all peoples, and will be observed by the members of the United Nations as Human Rights Day; and

WHEREAS December 15, 1955, marks the one hundred and sixty-fourth anniversary of the adoption of our Bill of Rights as the first ten Amendments to the Constitution of the United States; and

WHEREAS the great fundamental of our national life is our common belief that every human being is divinely endowed with dignity and worth and with inalienable rights, and that to grow and flourish people must be free; and

WHEREAS one of the great purposes of our Government is to maintain freedom and justice among ourselves and to champion them for others so that we may work effectively for enduring peace:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim December 10, 1955, as United Nations Human Rights Day. I do call upon the people of the United States to celebrate this day by the study and reading of the Universal Declaration of Human Rights proclaimed by the United Nations, and the Bill of Rights in the Constitution of the United States, that we may strengthen our determination that every citizen of the United States shall have the opportunity to develop to his fullest capacity in accord with the faith which gave birth to this nation, and may realize more fully our obligation to labor earnestly, patiently, and prayerfully for peace, freedom, and justice throughout the world.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this Eighth day of December in the year of our Lord nineteen hundred and [SEAL] fifty-five, and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55-10073; Filed, Dec. 12, 1955; 4:56 p. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 47—RULES OF PRACTICE UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT

OFFICIAL NOTICE; ISSUANCE OF ORDER

By virtue of the authority vested in the Secretary of Agriculture by the Perishable Agricultural Commodities Act, 1930, as amended (46 Stat. 531; 7 U. S. C. 499a et seq.), the rules of practice issued thereunder (7 CFR Part 47) are hereby amended as follows:

1. In § 47.32 (e) (7) *Official notice* strike from the proviso the parenthetical phrase "(except where official notice is taken, for the first time in the proceeding, in the final order)."

2. In § 47.41 (b) *Issuance of order* strike the language immediately preceding the proviso and insert in lieu thereof the following: "The order shall be issued and filed with the Hearing Clerk who shall serve it forthwith upon the parties as the final order in the proceeding:".

(Sec. 15, 46 Stat. 537, as amended; 7 U. S. C. 499o)

Done at Washington, D. C., this 9th of December 1955, to be effective upon publication in the FEDERAL REGISTER.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 55-10044; Filed, Dec. 13, 1955; 8:50 a. m.]

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FEDERAL REGISTER

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(For use during 1955)

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TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 9—AVIATION SERVICES

In the matter of revision of Part 9 of the Commission's rules and regulations to effect certain editorial changes therein.

The Commisson having under consideration the desirability of making certain editorial changes in Part 9 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 8th day of December 1955, that, effective December 14, 1955, Part 9—Aviation Services, of the Commission's rules and regulations is revised as set forth below:

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

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AUTHORITY: §§ 9.1 to 9.1205 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

SUBPART A—GENERAL INFORMATION

§ 9.1 *Basis and purpose.* (a) The basis for the rules contained in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. The rules in this part are issued pursuant to the authority contained in Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations.

(b) The purpose of the rules in this part is to prescribe the manner and conditions under which portions of the radio spectrum may be made available for radio communication and navigation facilities to aircraft operators, aeronautical enterprises and organizations which require radio transmitting facilities for safety purposes or other necessity.

§ 9.2 *General citizenship restrictions.* A station license may not be granted to or held by:

(a) Any alien or the representative of any alien;

(b) Any foreign government or the representative thereof;

(c) Any corporation organized under the laws of any foreign government;

(d) Any corporation of which any officer or director is an alien;

(e) Any corporation of which more than one-fifth of the capital stock is

owned of record or voted by: Aliens or their representatives; a foreign government or representative thereof; or any corporation organized under the laws of a foreign country;

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representatives thereof; or any corporation organized under the laws of a foreign government, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 9.3 *Definition of terms.* For the purpose of this part the following definitions are applicable:

Aeronautical advisory station. An aeronautical station used for advisory and civil defense communications with private aircraft stations.

Aeronautical enroute station. An aeronautical station carrying on a service with aircraft stations, but which may also carry on a limited communication service with other aeronautical enroute stations.

Aeronautical fixed service. A fixed service intended for the transmission of information relating to air navigation, preparation for and safety of flight.

Aeronautical fixed station. A station in the aeronautical fixed service.

Aeronautical marker beacon station. A radionavigation land station in the aeronautical radionavigation service which provides a signal to designate a small area above the station.

Aeronautical metropolitan station. An aeronautical station used for communication with aircraft, including helicopters, operating between a main air terminal of a metropolitan area and subordinate landing areas.

Aeronautical mobile service. A mobile service between aircraft stations and aeronautical stations, or between aircraft stations.

Aeronautical public communication service. A communication service carried on between aircraft and land radio stations for the purpose of providing a public communication service for persons aboard aircraft.

Aeronautical public service station. A radio station, ground or aircraft, operated in the aeronautical public communication service.

Aeronautical station. A land station in the aeronautical mobile service, carrying on a service with aircraft stations. In certain instances an aeronautical station may be placed on board a ship.

Aeronautical radionavigation service. A radionavigation service intended for the benefit of aircraft.

Aeronautical utility land station. A land station located at airdrome control towers and used for control of ground vehicles and aircraft on the ground at airdromes.

Aeronautical utility mobile station. A mobile station used for communication, at airdromes, with the aeronautical utility land station, ground vehicles, and aircraft on the ground.

Aircarrier aircraft station. An aircraft station aboard an aircraft engaged in, or essential to, transportation of passengers or cargo for hire. For the purpose of these rules with the exception of § 9.1002, an aircraft weighing less than 10,000 lbs. may be considered, at the option of the applicant, as a private aircraft even though actually engaged in air carrier operations. The election by the applicant will determine the application form to be used, the equipment and frequencies to be employed and the regulations applicable to the aircraft radio station.

Aircraft station. A mobile station installed on board any type of aircraft and continuously subject to human control.

Airdrome control station. An aeronautical station providing communication between an airdrome control tower and aircraft.

Altimeter station. A radio navigation mobile station, in the aeronautical radionavigation service, the emissions of which are intended to determine the altitude of the aircraft, aboard which the altimeter station is located, above the earth's surface.

Aviation services. Aviation services are primarily for the safe, expeditious and economical operation of aircraft. They include the aeronautical fixed service, aeronautical mobile service, aeronautical radionavigation service, and secondarily, the handling of public correspondence to and from aircraft.

Civil Air Patrol Land Station. A land station used exclusively for communications of the Civil Air Patrol.

Civil Air Patrol Mobile Station. A mobile station used exclusively for communications of the Civil Air Patrol.

Fixed service. A service of radiocommunication between specified fixed points.

Fixed service. A station in the fixed service.

Flight test aircraft station. An aircraft station aboard an aircraft used for the transmission of essential communications in connection with the tests of aircraft or major components of aircraft.

Flight test station. An aeronautical station used for the transmission of essential communication in connection with the testing of aircraft or major components of aircraft.

Flying school aircraft station. An aircraft station aboard an aircraft used for communications pertaining to instructions to students or pilots while actually operating aircraft.

Flying school station. An aeronautical station used for radiocommunication pertaining to instructions to students or pilots while actually operating aircraft.

Glide path station. A directional radio beacon associated with an instrument landing system which provides guidance in the vertical plane to an aircraft for the purpose of approach in landing.

Ground radio station. Any radio station on the ground equipped or engaged in radio communication or radio transmission of energy.

Landing area. Any locality either land or water, including airports and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

Land station. A station in the mobile service not intended for operation while in motion.

Localizer station. A radionavigation land station in the aeronautical radionavigation service which provides signals for the lateral guidance of aircraft with respect to a runway center line.

Mobile service. A service of radiocommunication between mobile and land stations, or between mobile stations.

Mobile station. A station in a mobile service intended to be used while in motion or during halts at unspecified points.

Omni directional range station. A radionavigation land station in the aeronautical radionavigation service providing direct indication of the bearing (omni bearing) of that station from an aircraft.

Operational fixed station. A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the Public Safety, Industrial, Land Transportation, Marine, or Aviation Service.

Private aircraft station. An aircraft station on board an aircraft not operated as an air carrier.

Radiobeacon station. A radionavigation station the emissions of which are intended to enable a mobile station to determine its bearing or its direction in relation to the radiobeacon station.

Radiolocation. Determination of a position or of a direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves.

Radiolocation service. A service involving the use of radionavigation.

Radionavigation. Radiolocation intended solely for the determination of position or direction or for obstruction warning, in navigation.

Radionavigation station. A station in the radionavigation service.

Radionavigation service. A radiolocation service involving the use of radionavigation.

Radio range station. A radionavigation land station in the aeronautical radionavigation service providing radial equisignal zones.

Surveillance radar station. A radionavigation land station in the aeronautical radionavigation service employing radar to display the presence of aircraft within its range.

Telemetering. Telemetering is the automatic transmission of instrument readings.

SUBPART B—APPLICATIONS AND LICENSES

§ 9.101 *Applications made on prescribed forms.* Applications for authorizations for stations in the aviation services shall be submitted on the prescribed forms which may be obtained from the Washington, D. C. office of the Commission, or from any of its field offices.

§ 9.102 *Place of filing.* Each application for authorization for stations in the aviation services shall be filed with the Federal Communications Commission, Washington 25, D. C.

§ 9.103 *Subscription and verification of applications.* One copy of each application for authorization in the aviation services shall be personally subscribed and verified by the applicant or, if a corporation, by an authorized official of the applicant. Subscription and verification may be made by the attorney for the applicant (a) in case of physical disability of the applicant or (b) his absence from the continental United States.

§ 9.104 *Contents of applications.* Each application shall be specific and complete with regard to frequency, power, equipment, location, and other information required by the application form.

§ 9.105 *Aircraft radio station licenses*—(a) *Application for aircraft radio station license.* (1) Application for new or modified aircraft radio station license shall be submitted on FCC Form 404, Application for Aircraft Radio Station License.

(2) An air carrier, in submitting applications for aircraft radio station licenses, may specify on a single FCC Form 404, the total number of air carrier aircraft radio stations in the fleet. Such an application may include a request for a single instrument of authorization for the operation of all radio stations aboard the aircraft of the fleet. A report shall be filed annually with the Commission specifying the type and registration number of each aircraft in the fleet.

(3) Any scheduled U. S. air carrier, conducting operations pursuant to an interchange or lease agreement authorized by the Civil Aeronautics Board, may include in its application, filed in accordance with subparagraph (2) of this paragraph, a request for permission to temporarily transfer the control of any of its air carrier aircraft radio stations to another U. S. scheduled air carrier, currently licensed by the FCC with whom it has such an interchange or lease agreement, in order to enable such carrier to operate the station while the interchange or lease agreement is in effect. Such request must specify the names of the scheduled air carriers participating in the interchange or lease agreement who will operate such aircraft, including the radio station aboard.

(b) *Application for renewal of aircraft radio station license.* Application for renewal of aircraft radio station license shall be submitted on FCC Form 405–A, Application for Renewal of Radio Station License (Short Form). Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(c) *Temporary station license for private aircraft.* The purchaser of new aircraft with factory-installed radio equipment may operate a private aircraft radio station on the aircraft for a period of 30 days under special temporary authority evidenced by a copy of a certificate (FCC Form No. 453–B) executed by the manufacturer, dealer or distributor of such aircraft, the original of which has been mailed to the Commission with the formal application for station license.

§ 9.106 *Application for aeronautical public service aircraft station.* All applications for Aeronautical Public Service Aircraft Stations, new or modified, shall be submitted on FCC Form 404. Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

§ 9.107 *Transfer and assignment of aircraft.* Upon the sale, assignment or transfer of any aircraft, a new application for license shall be submitted in accordance with § 9.105 (a) (1).

§ 9.108 *Application for ground station authorization.* Ground station authorization may be obtained as follows:

(a) An application for construction permit for each ground station, except applications for Civil Air Patrol Stations, shall be submitted on FCC Form 401. The same form shall be used to obtain authority to modify or replace equipment. All applications for new or modified Civil Air Patrol Stations shall be submitted on FCC Form 480. All applications shall be accompanied by FCC Form 401–A in triplicate, in all cases when:

(1) The antenna structures proposed to be erected will exceed an over-all height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet, no Form 401–A need be filed, or

(2) The antenna structures proposed to be erected will exceed an over-all height of 1 foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401–A need be filed.

(b) An application on FCC Form 401 may be submitted for construction permit for any number of aeronautical utility mobile stations for the same licensee at the same location.

(c) Application for station license: Upon completion of construction or installation of a station in exact accordance with the terms and conditions set forth in the construction permit, an application for license may be filed on FCC Form No. 403.

(d) Upon request of the applicant, and where it appears to the Commission that the circumstances are such that there will be no deviation from the terms of the construction permit, both construction permit and license may be granted simultaneously.

(e) Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(f) Application for transfer or assignment of a ground-station construction permit or license shall be filed on FCC Form No. 702.

§ 9.109 *Application for special temporary authorization.* (a) Special temporary authority may be granted for the operation of a station for a limited time, or in a manner and to an extent or for service other than or beyond that authorized in an existing license upon proper application therefor. No such request will be considered unless full particulars as to the purposes for which the request is made are stated and unless the request is received by the Commission at least 10 days previous to the date of proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting such request.

(b) In cases of emergency found by the Commission involving danger to life or property or due to damage of equipment, temporary authorization may be granted for the construction and operation of a station for the duration of such emergency. Requests for such temporary authorization may be filed by unverified telegram or letter and shall contain the following information:

(1) Name, address and citizenship status of applicant;

(2) Statement of facts upon which the request for emergency authorization is based, including estimated duration of emergency;

(3) Class of station and nature of service;

(4) Location of station including, when appropriate, geographical coordinates;

(5) Equipment to be used, specifying manufacturer, frequencies desired, plate power input to final radio frequency stage, and type of emission.

If any of the foregoing information is presently on file with the Commission, such information may be included by reference. The applicant may be required, whenever such action may be considered necessary by the Commission,

to supplement the information enumerated above by filing as soon as practicable a formal application on the prescribed form.

§ 9.110 *Changes in antenna.* (a) Changes may be made in the antenna or antenna supporting structure of any station in the aviation services, except as provided in paragraph (b) of this section, without specific authorization from the Commission, provided that for stations other than mobile or aircraft (1) the Commission at Washington, D. C., and the Commission's engineer-in-charge of the inspection district in which the station is located are notified in advance of these changes; and (2) a description of these changes is incorporated in the next application for renewal or modification of the station license.

(b) No changes in the antenna or antenna structure for ground stations other than mobile may be made without specific authorization from the Commission if (1) such changes will make the antenna or structure higher than 170 feet above the ground level; (2) the antenna structure proposed will exceed an overall height of one foot above ground for each 200 feet of distance, or fraction thereof, from the nearest boundary of any landing area; (3) the antenna or antenna structure is presently required to be painted or lighted in accordance with Part 17 of this chapter. Requests for the changes outlined in this paragraph should be accompanied by FCC Form 401–A.

§ 9.111 *Amendments and dismissals.* Any application prior to the time it is granted or designated for hearing, may be amended by the applicant or dismissed without prejudice upon request of the applicant.

§ 9.112 *Form of amendments.* Any amendments to an application shall be subscribed, verified, and submitted in the same manner and with the same number of copies as required for the original application.

§ 9.113 *Amendments ordered.* The Commission may at any time order the applicant to amend an application so as to make it more definite and complete.

§ 9.114 *Defective application.* (a) Applications which are defective with respect to completeness of answers to required questions, execution, or other matters of a purely formal character will not be received for filing by the Commission, unless the Commission shall otherwise direct, and will be returned to the applicant with a brief statement as to the omissions.

(b) If the applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompanied either (1) by a petition to amend any rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or an exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

§ 9.115 *Partial grants.* Where any application is granted in part, or with any privileges, terms, or conditions other than those requested, without a hearing thereon, such action of the Commission shall be considered acceptable and final unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date whichever is later, file with the Commission a written request for a hearing with respect to the part, privileges, terms or conditions, not granted. Upon receipt of such request, the Commission may vacate its original action upon the application and designate the application for hearing.

§ 9.116 *License period.* For all stations in the Aviation Services, the license period shall be as follows:

(a) Each station license will be issued for a term of from one to five years from the effective date of grant, the term varying as may be necessary to permit the orderly scheduling of renewal applications.

(b) Each station license normally will be renewed, upon proper application, for a term of four years from the effective date of renewal.

§ 9.117 *Renewal of license.* Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

§ 9.118 *Posting station licenses and transmitter identification cards.* (a) The current authorization for stations at fixed locations in the aviation services shall be conspicuously posted at the place where the transmitter is located. In the event an authorization covers transmitters at several locations, the authorization shall be posted at one transmitter location and a photographic copy thereof shall be posted at all other transmitter locations. The photographic copy shall bear a notation of the location of the original authorization.

(b) The current authorization for aircraft radio stations may be posted or kept at a convenient easily accessible location in the aircraft. Air carriers licensed by means of a single instrument of authorization for the operation of all fleet aircraft may post or keep in a conveniently accessible location in each aircraft a photocopy of the original authorization.

(c) The current authorization for each land mobile station shall be retained as a permanent part of the station record, but need not be posted. An executed Transmitter Identification Card (FCC Form 452–C) shall be affixed to each land mobile transmitter or associated control equipment. When the transmitter is not in view of and readily accessible to the operator, it is preferred that the identification card be affixed to the control equipment at the transmitter operating position. The following information shall be entered on the card by the permittee or licensee:

(1) Name of permittee or licensee.

(2) Station call signal assigned by the Commission.

(3) Exact location or locations of the transmitter records.

(4) Frequency or frequencies on which the transmitter to which attached is adjusted to operate; and

(5) Signature of the permittee or licensee, or a designated official thereof.

§ 9.119 *Posting operator licenses.* The original license of each station operator shall be conspicuously posted at the place he is on duty, or, in the case of mobile units either the license or verification card must be kept in his personal possession: *Provided, however,* That if the operator on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form) he shall not post that permit but shall keep it in his personal possession.

§ 9.120 *Discontinuance of operation.* The Commission and the Commission's engineer-in-charge of the district in which the station is located shall be notified upon the permanent discontinuance of any station in the aviation services except stations in aircraft licensed for other than aeronautical public service for hire.

§ 9.121 *Suspension of operation.* If, for any reason, it is necessary to suspend the operation of any airdrome control or ground aeronautical navigational radio station, notification of such suspension shall be made to the nearest communications center of the Civil Aeronautics Administration. If possible, the notice shall forecast the time of resumption of service. In any event, the same Civil Aeronautics Administration center shall be again notified of resumption of service.

SUBPART C—TESTS

§ 9.141 *Equipment and service tests.* Equipment and service tests may be conducted as prescribed below provided that the necessary precautions are taken to avoid interference.

(a) *Equipment test.* Upon completion of construction of a radio station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations governing the class of station concerned and, prior to filing of application for license, the permittee may test the equipment for a period not to exceed 30 days, provided that the Commission's engineer-in-charge of the district in which the station is located is notified 2 days in advance of the beginning of tests. Upon notice from the Commission, the permittee shall cancel, suspend, or change the date of beginning or the period for such tests as directed.

(b) *Service test.* When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations governing the class of station concerned, and after an application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee may conduct service tests in exact accordance with the terms of the construction permit until final action is taken on the application for license, provided that the Commission's engineer-in-charge of the district in which the station is located is notified 2 days in advance of the beginning of such tests. Upon notice from the Commission, the permittee shall cancel, suspend or change the date of beginning or period of such tests as directed. Service tests must be started before the expiration date of the construction permit.

§ 9.142 *Routine tests.* The licensees of all classes of stations in the aviation services are authorized to make such routine tests as may be required for the proper maintenance of the stations provided that precautions are taken to avoid interference with any station.

SUBPART D—LOGS

§ 9.151 *Information required in station logs.* (a) All stations in the aviation services except aeronautical utility mobile stations and aircraft stations other than those which may be required by law to maintain logs shall keep an adequate log showing:

(1) Hours of operation.

(2) Frequencies used.

(3) Stations with which communication was held.

(4) Signature of operator(s) on duty.

(b) The licensee of any radio station which has an antenna structure requiring illumination shall make the following entries in the station record:

(1) The time the tower lights are turned on and off each day if manually controlled.

(2) The time the daily check of proper operation of the tower lights was made.

(3) In the event of any observed or otherwise known failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed, or otherwise noted.

(iii) Date, time and nature of the adjustments, repairs or replacements were made.

(iv) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination, was resumed.

(4) Upon completion of the periodic inspection required at least once each three months:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

§ 9.152 *Station records in the aeronautical public service.* All stations licensed in the aeronautical public service shall keep a file of all record communications handled and all ground stations so licensed shall keep a record of radiotelephone contacts either in the form of telephone traffic tickets or as a separate list.

§ 9.153 *Required retention period.* The logs in the aviation services may be destroyed after a period of 30 days except:

(a) That logs involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them.

(b) That logs incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 9.154 *Logs, by whom kept.* An entry or entries in the log of each station shall be signed or initialed by a person having actual knowledge of the facts recorded.

§ 9.155 *Log form.* The logs shall be kept in an orderly manner, and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the log or in a communication manual available at the station. Recordings may be used in lieu of written logs provided there is associated with each recording a statement indicating the station and period covered over the signature of a person having knowledge of the facts recorded.

§ 9.156 *Correction of log.* No log or portion thereof shall be erased, obliterated, or willfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry who shall indicate the erroneous portion, initial the correction made, and indicate the date of correction.

SUBPART E—TECHNICAL SPECIFICATIONS

§ 9.171 *Installation and operation of transmitting equipment.* The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons. The radiations of the transmitter shall be suspended immediately when there is a deviation from the terms of the station license.

§ 9.172 *Frequency stability.* The carrier frequency of stations in the aeronautical services shall be maintained with the following percentage of the assigned frequency. (These tolerance requirements are obviously not applicable to certain devices such as altimeters and various radar equipments. Tolerance requirements will be specified on the licenses under which such devices operate.):

(a) All aircraft stations on frequencies above 500 kc	0.01
(b) All ground stations on frequencies above 30,000 kc	0.01
(c) All stations on frequencies of 500 kc or below	0.02
(d) Aeronautical fixed stations on frequencies from 1605 to 4000 kc with power of 200 watts and below	0.01
and with power above 200 watts	0.005
(e) Aeronautical fixed stations on frequencies from 4000 to 30,000 kc with power of 500 watts and below	0.01
and with power above 500 watts	0.003
(f) All other ground stations on frequencies from 1605 to 4000 kc with power of 200 watts and below	0.01
and with power above 200 watts	0.005
(g) All other ground stations on frequencies from 4000 to 30,000 kc with power of 500 watts and below	0.01
and with power above 500 watts	0.005

§ 9.173 *Frequency measurements.* (a) The assigned frequencies of all stations in the aviation services shall be measured (1) when the transmitter is initially installed, (2) at any time the frequency determining elements are changed, and (3) at any time the licensee may have reason to believe the frequency has shifted beyond the tolerance specified by the Commission's rules.

(b) Each frequency measurement shall be recorded in the station's records by a statement signed by the person making the measurement and showing the deviation above or below the assigned frequency in cycles per second or percentage of deviation plus or minus the assigned frequency. A statement showing that an automatic frequency monitor was in service during any period shall be deemed to meet the above requirement for such period.

§ 9.174 *Power.* The power which may be authorized to a station in the aviation services shall be not more than the minimum required for satisfactory technical operation.

§ 9.175 *Types of emission.* Stations in the aviation services may be authorized to use type A1, A2, A3 and special emission as may be appropriate. The authorization to use A3 emission will be construed to include the use of tone signals or signaling devices whose sole function is to establish or maintain voice communications. Special emission includes all types not provided for by existing international regulations, such as all types of FM, pulse transmission, and frequency shift keying.

§ 9.176 *Modulation; bandwidth and channel spacing*—(a) The carrier shall be modulated to a sufficiently high degree to provide effective communication, but in no case shall modulation result in objectionable emission of energy outside the authorized communication band.

(b) Although present channel spacing in the very high frequency bands is 200 kilocycles, it is expected that this spacing will eventually be reduced to 100 kilocycles. Design of VHF equipment for future use should be made with this in mind.

§ 9.177 *Inspection and maintenance of tower marking and associated control equipment.* The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, and/or Part 17 of this chapter, shall operate and maintain the tower marking and associated control equipment in accordance with the following:

(a) The tower lights shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or, alternatively, there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the tower lights and to provide indication of such failure to the licensee.

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure, shall be reported immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) All automatic or mechanical control devices, indicators, and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three months, to insure that such apparatus is functioning properly.

(d) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(e) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(f) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

SUBPART F—MISCELLANEOUS

§ 9.191 *Station identification*—(a) *Telephony.* (1) Air carrier aircraft: In lieu of radio station call letters, the official aircraft registration number, or company flight identification may be used, provided, adequate records are maintained by the air carrier to permit ready identification of individual aircraft.

(2) Private aircraft: In lieu of radio station call letters, only the official aircraft registration number may be used.

(3) When use is made of the aircraft registration number, the full number must be given upon initial call of each continuous series of communications. In other communications in each series, the last three characters may be used, provided, the practice is first inaugurated by the ground station operator.

(4) An aeronautical public service aircraft station may use the identification of the aircraft station with which it is associated or an assigned telephone number, provided that, adequate records are maintained to permit ready identification of the aircraft station.

(5) A ground station in the aviation services may use in lieu of the assigned radio call letters the name of the city, area, or airdrome which it serves, together with such additional identification as may be required.

(b) *Telegraphy.* In radiotelegraphy the complete radio station call letters shall be used at the beginning and termination of each contact. After communication has been established, continuous two-way communication may be conducted without further identification or call-up (if no mistake in identity is liable to occur) until the termination of the contact. Aeronautical enroute stations utilizing automatic keying shall transmit call letters at the end of each sequence of communications and, in any event, at least once each hour during periods of transmission.

§ 9.192 *Availability for inspections.* All classes of stations in the aviation services and the maintenance records of said stations shall be made available for inspection upon request of an authorized representative of the Commission made to the licensee or to his representative.

§ 9.193 *Permissible communications.* All ground stations in the aviation services shall transmit only communications for the safe, expeditious and economical operation of aircraft and the protection of life and property in the air: *Provided, however,* That aeronautical public service stations, and Aeronautical Advisory and Civil Air Patrol land and mobile stations may communicate in accordance with the particular section of these regulations which govern the operation of these classes of stations, and any station in the aviation services in Alaska, regardless of class in which licensed, may transmit messages concerning sickness, death, weather, ice conditions or other matters relating to safety of life and property if:

(a) There is no established means of communication between the points in question;

(b) No charge is made for the communcation service; and

(c) A copy of each message so transmitted is kept on file at the transmitting station in accordance with § 9.153.

§ 9.194 *Answers to notices of violations.* (a) Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive order, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgement made within such 3-day period, by reason of illness or other unavoidable circumstances, acknowledgement and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices.

(b) If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, are taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification as will permit ready reference.

(c) If the notice of violation relates to incompetent maintenance resulting in improper operation of the transmitter, the name and license number of the operator performing the maintenance shall be given.

(d) If the notice of violation relates to some lack of attention to or improper operation of the transmitter by other employees, the reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

§ 9.195 *Movement of portable or mobile stations from one inspection district to another.* When portable or mobile ground stations in the aviation services are moved from one radio inspection district to another, for regular operation therein, the licensee shall notify the Commission's engineers-in-charge of the respective districts. These engineers-in-charge shall be notified prior to the move, if practicable, but, in any event, not later than 48 hours thereafter.

SUBPART G—AIRCRAFT RADIO STATIONS

§ 9.311 *Scope of service.* Communications by an aircraft station in the aeronautical mobile service shall be limited to the necessities of safe aircraft operation. Normally contacts with an airdrome control station shall not be attempted unless the aircraft is within the area served by the station.

§ 9.312 *Frequencies available.* The following frequencies are available to aircraft stations in the aeronautical mobile service:

(a) 375 kilocycles: International direction-finding frequency for use outside the continental United States.

(b) 457 kilocycles: Working frequency exclusively for aircraft on sea flights desiring an intermediate frequency.

(c) 500 kilocycles: International calling and distress frequency for ships and aircraft over the seas. Transmission on this frequency with the exception of urgent and safety messages and signals must cease twice each hour, for 3 minutes beginning at x:15 and x:45 o'clock GCT.

(d) [Reserved.]

(e) 8364 kilocycles: Frequency for use by lifeboats, liferafts and other survival craft for search and rescue communications with stations of the maritime mobile service.

(f) 121.7 and 121.9 megacycles: Airport utility frequencies.

(g) 121.5 megacycles: This frequency is a universal simplex channel for emergency and distress communications. It will provide a means of calling and working between the various services in connection with search and rescue operations, an emergency means for direction finding purposes and a means for establishing air to ground contact with lost aircraft. This frequency will not be assigned to aircraft unless there are also assigned and available for use other frequencies to accommodate the normal communication needs of the aircraft.

(h) These frequencies are available for air traffic control operations:

118.1 A	119.9	123.7	125.5
118.3	120.1	123.9	125.7
118.5	120.3 B	124.1	125.9
118.7	120.5	124.3	126.1 E
118.9	120.7	124.5	126.3 E
119.1	120.9	124.7	126.5
119.3	121.1	124.9	126.7 F
119.5	121.3 C	125.1	
119.7	121.7 D	125.3	

A—Primarily for international operations.
B—Primarily for communications with Air Route Traffic Control Centers.
C—For communication with low activity airdrome control stations.
D—Available on a secondary basis to its primary use as an airport utility frequency.
E—Available on a non-interference basis to government use of 126.18 Mc.
F—For communication with Interstate Airway Communication Stations.

(i) Miscellaneous maritime frequencies: Calling and working frequencies of ship stations may also be assigned to aircraft stations for the purpose of communicating with coastal stations, or ship stations, available for A1, A2, and A3 emission in conformity with Part 8 of this chapter, Stations on Shipboard in the Maritime Services, provided the Commission is satisfied in each case that undue interference will not be caused to the service of ship or coastal stations.

(j) Other frequencies which may be required for overseas and foreign operation may also be made available upon the showing that a need exists therefor.

(k) In addition to the frequencies specifically designated in this part, a licensee, when operating an aircraft station outside the United States as defined in the Communications Act of 1934, as amended, may use such frequencies as may be required to maintain communications by the authority having jurisdiction over the ground stations with which it is desired to maintain communication.

§ 9.313 *Foreign aircraft stations operating within the U. S.* (a) Aircraft of member States of the ICAO may, in or over the United States, carry radio transmitting apparatus only if a license to install and operate such apparatus has been issued by the appropriate authorities of the State in which the aircraft is registered. The use of radio transmitting apparatus in or over the United States shall be in accordance with the rules and regulations of this part.

(b) Radio transmitting apparatus on aircraft of member States of the ICAO referred to in paragraph (a) of this section may be operated only by members of the flight crew who are provided with a radio operator license of the proper class, issued or recognized by the appropriate authorities of the State in which the aircraft is registered.

§ 9.315 *Lighter-than-air craft frequencies.* The following additional frequency may be assigned to lighter-than-air craft and to aeronautical stations serving lighter-than-air craft:

3281 kc.

SUBPART H—AIR CARRIER AIRCRAFT STATIONS

§ 9.321 *Frequencies available.* The following frequencies, in addition to those listed in § 9.312 are available to air carrier aircraft stations:

(a) [Reserved.]

(b) These frequencies are available for communication to airdrome control stations:

Mc.	*Mc.*	*Mc.*
125.7	126.1	126.5
125.9	126.3	

(c) 126.7 megacycles: Air carrier aircraft to airway communication stations.

(d) The aeronautical frequencies listed under §§ 9.432 through 9.440 are also available to air carrier aircraft upon showing that agreements have been made with the licensee of appropriate ground stations.

(e) 3023.5 kilocycles is available to air carrier aircraft only where service on the appropriate very high frequency is not available or where service is suspended due to equipment failure.

SUBPART I—PRIVATE AIRCRAFT STATIONS

§ 9.331 *Frequencies available.* The following frequencies, in addition to those listed in § 9.312 are available to private aircraft stations:

(a) 3023.5 kilocycles: Aircraft calling and working frequency for use by private aircraft.

(b) 122.1 and 122.3 megacycles: Private aircraft to airway communication stations.

(c) 122.5, 122.7, and 122.9 megacycles: Private aircraft to airdrome control stations.

(d) The aeronautical frequencies listed under §§ 9.432 through 9.440 are also available to private aircraft upon showing that a need exists and that agreements have been made with the licensee of appropriate ground stations.

(e) 122.8 megacycles: Private aircraft stations to Aeronautical Advisory stations and between private aircraft stations themselves while in flight, using 6A3 emission only and a power output not to exceed 10 watts. In so far as the availability of this frequency is concerned, an air carrier aircraft weighing less than 10,000 pounds shall not be considered a private aircraft.

SUBPART J—AIRDROME CONTROL STATIONS

§ 9.411 *Frequencies available.* The following frequencies are available to airdrome control stations (In filing an application for airdrome control radio station, the applicant may leave blank section 16 (1) of FCC Form No. 401, since it will be necessary for the Commission to determine the specific frequency after coordination with the other Government agencies concerned):

(a)

118.1 A	119.7	121.3 C	124.9
118.3	119.9	121.7 D	125.1
118.5	120.1	123.7	125.3
118.7	120.3 B	123.9	125.5
118.9	120.5	124.1	125.7
119.1	120.7	124.3	125.9
119.3	120.9	124.5	126.1 E
119.5	121.1	124.7	126.3 E

A—Primarily for international operations.
B—Primarily for assignment to Air Route Traffic Control Centers.
C—For assignment to low activity airdrome control stations only.
D—Available on a secondary basis to its primary use as an airport utility frequency.
E—Available on a non-interference basis to government use of 126.18 Mc.

(b) 278 kilocycles: This frequency is available for assignment in addition to a very high frequency. Its use must be supplemented by a service on one of the very high frequencies: *Provided, however,* That until further notice of the Commission, upon application therefor, the Commission may exempt any station from the very high frequency service requirement when it appears that in the preservation of life and property in the air such service is not required at that station.

(c) 121.7 and 121.9 megacycles: These utility frequencies are available to airdrome control stations for communications with ground vehicles and aircraft on the ground at airdromes. The antenna height shall be restricted to the minimum to achieve the required service.

(d) 121.5 Mc.: This frequency is a universal simplex channel for emergency and distress communications and service on this frequency shall be provided by all airdrome control stations, on or before October 1, 1950: *Provided, however,* That upon application therefor the Commission may exempt any station from this requirement when a showing is made that such service is not required in the preservation of life and property in the air.

§ 9.412 *Scope of service.* (a) Communications of an airdrome control station shall be limited to the necessities of safe and expeditious operation of aircraft using the airdrome facilities or operating within the airdrome control area and in all cases such stations shall be in a position to render, and shall render, all necessary airdrome control service.

(b) The licensee of an airdrome control station shall without discrimination provide service for any and all aircraft. Such licensee shall maintain a continuous listening watch during its hours of operations on the following aircraft calling and working frequencies:

(1) *Very high frequencies.* (i) 122.5 Mc.;

(ii) 121.5 Mc. emergency frequency—upon application therefor the Commission may exempt any station from the emergency frequency watch requirement, when a showing is made that such service is not required in the preservation of life and property in the air;

(iii) Upon further notice a listening watch may be required on the frequencies 122.7 or 122.9 Mc.

(2) *High frequency.* (i) 3023.5 kc.

§ 9.413 *Hours of operation.* The licensee shall render a communication service 24 hours a day: *Provided, however,* That upon application therefor the Commission may exempt any station from the requirements of this provision when it appears that, in the preservation of life and property in the air, the maintenance of a continuous watch by such station is not required.

§ 9.414 *Airdrome facilities.* Only one airdrome control station will be licensed to operate at an airdrome.

§ 9.415 *Interference.* The operation of airdrome control stations in adjacent airdrome areas shall be on a non-interference basis only. In case of radio interference between adjacent airdrome control stations, the Commission will specify for its licensees, the arrangements necessary to eliminate interference.

§ 9.416 *Power.* (a) Airdrome control stations using frequencies below 400 kilocycles will not be licensed to use more than 15 watts power for type-A3 emission.

(b) The power of airdrome control stations operating on the frequencies specified in § 9.411 (a) shall be 50 watts.

SUBPART K—AERONAUTICAL ENROUTE STATIONS

§ 9.431 *Scope of service.* (a) Aeronautical enroute stations shall provide all necessary non-public service, HF and VHF, of the particular class authorized without discrimination to any aircraft station licensee who makes cooperative arrangements for the operation and maintenance of the aeronautical enroute stations which are to furnish such service and for shared liability in the operation of such stations. In case of distress, aeronautical enroute stations shall provide the above service without prior arrangements.

(b) Only one aeronautical enroute station in the Domestic Service will be authorized at any one location and only one aeronautical enroute station in the International Service will be authorized at any one location. For this purpose a "location" means an area which can be adequately served by the particular station.

§ 9.432 *Frequencies available.* (a) 121.5 megacycles. This frequency is a universal simplex channel for emergency and distress communications to provide a means of calling and working between the various services in connection with search and rescue operations, an emergency means for direction finding purposes and establishing air-ground contact.

(b) Frequencies in the bands allocated to the aeronautical mobile (R) service in accordance with the provisions of the Extraordinary Administrative Radio Conference (Geneva 1951).

(c) Frequencies allocated to the aeronautical mobile (R) service in addition to those listed in § § 9.433 through 9.439 may be assigned upon the showing that a need exists, and that such use would not result in harmful interference to other stations operating in accordance with the provisions of the EARC Agreement (Geneva, 1951).

(d) Applications for the use of frequencies allocated to the aeronautical mobile (R) service, not in accordance with §§ 9.433 through 9.439, shall be accompanied by a showing that a need exists and that such use would not result in harmful interference to other stations operating in accordance with the EARC Agreement (Geneva 1951).

(e) Frequencies in the band 126.8–132.0 Mc. Although present channel spacing is 200 kc, additional intermediate frequencies at 100 or 50 kc spacing may be authorized upon a showing that harmful interference will not be caused to aeronautical enroute stations operating on VHF frequencies listed in §§ 9.433 through 9.436 and § 9.440.

§ 9.433 *Continental U. S.* Frequencies available for assignment to serve domestic routes in the continental U. S. are as follows:

(a)

kc	kc	kc	kc
2854	3453.5	5634	6657
2896	3495.5	5656.5	6672
2903	4654.5	6529.5	8854
2910	4668.5	6537	8956
2924	4682.5	6544.5	10012
2938	5469	6559.5	10030
2945	5476.5	6574.5	10066
2959	5484	6589.5	10075
2966	5491.5	6604.5	10093
2994	5506.5	6619.5	11280.5
3001	5529	6627	11347
3015	5544	6634.5	11394.5
3418.5	5589	6642	
3432.5	5596.5	6649.5	

(b) *VHF Chains*—(1) *Transcontinental VHF chain and feeders.*

Mc.	Mc.	Mc.	Mc.
127.5	128.1	131.3	131.9
127.7	128.9	131.5	
127.9	129.3	131.7	

(2) *Northeast VHF chain and feeders.*

Mc.	Mc.	Mc.
128.3	129.9	130.5
128.7	130.3	130.9

(3) *Eastern VHF chain and feeders.*

Mc.	Mc.	Mc.	Mc.
127.1	128.5	129.7	130.7
127.3	129.1	130.1	131.1

(4) *Midcontinent VHF chain and feeders.*

Mc.	Mc.	Mc.
128.3	129.9	130.5
128.7	130.3	130.9

(5) *Pacific VHF chain and feeders.*

Mc.	Mc.	Mc.	Mc.
127.1	128.5	129.7	130.7
127.3	129.1	130.1	131.1

(6) *Common frequencies.*

126.9 Mc. (for use by aeronautical enroute stations serving international operations).

129.5 Mc. (for use on all chains).

§ 9.434 *Territory of Alaska.* (a) The following frequencies are available for assignment to aeronautical enroute stations in the Territory of Alaska. The provisions of § 9.431 (b) do not apply to stations operating on frequencies in accordance with this paragraph.

3411.5 kc 4668.5 kc

(b) The following frequencies are available for assignment to aeronautical enroute stations in Alaska only when serving scheduled certificated air carriers as defined by the Civil Aeronautics Board. In filing an application for the use of these frequencies, the applicant must show that in addition to complying with the provisions of § 9.431 the station will service such scheduled certificated air carriers. A copy of the contractual arrangements made with each of the air carriers to be served must be submitted with the application.

(1) *Alaska Aleutian chain and feeders.* The following frequencies are available for assignment:

2945 kc 6567 kc 11328 kc

(2) *Central Alaska chain and feeders (west of 141° west longitude).* The following frequencies are available for assignment:

2945 kc 5611.5 kc

(3) *Southeastern Alaska chain and feeders (east of 141° west longitude).* The following frequencies are available for assignment (power on the frequency 2910 kc in Alaska is limited to 325 watts; however, powers in excess of 325 watts may be authorized provided that an adequate showing is made that such additional power is required and that harmful interference will not be caused to any service or any station which in the discretion of the Commission may be entitled to protection):

2910 kc 6567 kc

(c) The following frequencies are shared with the Civil Aeronautics Administration and are available for licensing by the Commission subject to the provisions of paragraph (b) of this section at those locations where an applicant justifies the need for service and the Government is not prepared to render this service (the frequencies 1674, 2912, 2946, 3082.5, 5037.5 and 5672.5 kc are available for assignment on an interim basis only until the frequencies listed in this paragraph are activated for Alaskan chain and feeder operations):

2931 kc 5544 kc

(d) The following frequencies are available for assignment to aeronautical enroute stations in Alaska:

Mc.	Mc.	Mc.
127.1	127.5	129.3
127.3	127.9	129.9

§ 9.435 *Territory of Hawaii.* Frequencies available for assignment to serve domestic routes in the Territory of Hawaii are as follows:

(a)

3453.5 kc 5559 kc 6649.5 kc

(b)

Mc	Mc	Mc	Mc	Mc
127.1	128.3	128.5	128.9	131.9

§ 9.436 *West Indies.* Frequencies available for assignment to serve domestic routes in U. S. possessions in the West Indies are as follows:

(a)

2861 kc 4689.5 kc

(b)

127.3 Mc 128.3 Mc

§ 9.437 *International high frequency service.* Frequencies available for assignment by the authority having jurisdiction over the respective aeronautical stations on the several Major World Air Route Areas (MWARAs) as defined in the EARC Agreement (Geneva 1951) are as follows:

(a) *Central East Pacific (CEP).*

kc	kc	kc	kc
3432.5	5604	8930.5	11318.5
3446.5	6612	10048	13304.5
3467.5	6679.5	10084	13334.5
3481.5	6879.5	11299.5	17926.5
5551.5			

(b) *Central West Pacific. (CWP).*

kc	kc	kc	kc	kc
2966	5506.5	8862.5	13354.5	17906.5

(c) *North Pacific (NP).*

kc	kc	kc	kc	kc
2987	5521.5	8939	13274.5	17906.5

(d) *South Pacific (SP).*

kc	kc	kc	kc	kc
2945	5641.5	8845.5	13344.5	17946.5

(e) *North Atlantic (NA).*

kc	kc	kc	kc
2868	5626.5	8888	13284.5
2931	5641.5	8913.5	13324.5
2945	5671.5	8947.5	13354.5
2987	8862.5	13264.5	17966.5
5611.5			

(f) *Europe (EU).*

kc	kc	kc	kc
2889	4654.5	6552	8930.5
2910	4689.5	6582	11299.5
3467.5	5551.5	8871	17906.5
3481.5			

(g) *North-South America—1 (NSAM–1).*

kc	kc	kc	kc
2889	6664.5	13314.5	17916.5
4696.5	8820		

(h) *North-South America—2 (NSAM–2).*

kc	kc	kc	kc
2910	5566.5	8845.5	11337.5
2966	5581.5	8871	13344.5
3404.5	6567	11290	17916.5

(i) *Far East—1 (FE–1).*

kc	kc	kc	kc
2987	8879.5	13324.5	17966.5
5671.5	8930.5		

(j) *Far East—2 (FE–2).*

kc	kc	kc	kc	kc
2868	5611.5	8871	13284.5	17966.5

(k) *South Atlantic (SA).*

kc	kc	kc	kc
2875	6612	8939	13274.5
3432.5	6679.5	10048	17946.5
6597	8879.5		

(l) *Middle East (ME).*

kc	kc	kc	kc
3404.5	5604	8845.5	13334.5
3446.5	6627	10021	17926.5

(m) *North-South Africa—1 (NSA–1).*

kc	kc	kc	kc	kc
3411.5	5521.5	8820	13304.5	17946.5

(n) *North-South Africa—2 (NSA–2).*

kc	kc	kc	kc	kc
2966	5506.5	8956	13334.5	17926.5

§ 9.438 *Caribbean Area.* Frequencies available for assignment to serve international air routes in the Caribbean area.

kc	kc	kc	kc
2875	5566.5	8837	13294.5
2952	5619	8871	13344.5
2966	6537	10021	17936.5
5499			

§ 9.439 *U. S.-Alaska, via Canada.* Frequencies available for assignment to serve the U. S.-Alaska, via Canada, air routes.

kc	kc	kc	kc
2973	5499	8871	11356.5

§ 9.440 *International very high frequency service.* The frequency 126.9 Mc is available for use by aeronautical enroute stations serving international operations.

SUBPART L—AERONAUTICAL FIXED STATIONS

§ 9.441 *Scope of service.* Aeronautical fixed stations are authorized primarily for the handling of communications in connection with and relating solely to the actual aviation needs of the licensees. Aeronautical fixed stations will not be authorized where land line facilities adequate for the service required are available.

§ 9.442 *Emergency service.* The licensee of an aeronautical fixed station shall be required to transmit, without charge or discrimination, all necessary messages in times of public emergency which involve the safety of life or property.

§ 9.443 *Assignment of frequencies.* Effective December 1, 1954, except for aeronautical fixed stations in the Territory of Alaska, only those frequencies which are in accordance with § 2.104 (a) of this chapter may be authorized for use by aeronautical fixed stations. The applicant shall request specific frequencies within such bands when making an application for an aeronautical fixed station. The availability for assignment of such frequencies will be determined in the Commission by study of the probabilities of interference to and from existing services assigned on the same or adjacent frequencies and, if necessary, by appropriate coordination with other agencies. All new assignments of frequencies will be subject to such conditions as may be required to minimize the possibility of harmful interference to existing services.

SUBPART M—OPERATIONAL FIXED STATIONS

§ 9.446 *Service authorized.* Operational fixed stations in the aeronautical fixed service are authorized for link or control circuits or other aeronautical fixed operations.

§ 9.447 *Frequencies available.* Operational fixed stations in the aeronautical fixed service will share the frequency bands allocated to operational fixed stations with other services as follows:

(a) The frequencies listed in this paragraph may be assigned under the conditions set forth in subparagraphs (1) through (6) of this paragraph. (The frequency 75 Mc is designated for aeronautical marker beacons. In Region 2 the guard band is ±0.4 Mc.)

72.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	75.42
72.26	73.06	73.86	75.46
72.30	73.10	73.90	75.50
72.34	73.14	73.94	75.54
72.38	73.18	73.98	75.58
72.42	73.22	74.02	75.62
72.46	73.26	74.06	75.66
72.50	73.30	74.10	75.70
72.54	73.34	74.14	75.74
72.58	73.38	74.18	75.78
72.62	73.42	74.22	75.82
72.66	73.46	74.26	75.86
72.70	73.50	74.30	75.90
72.74	73.54	74.34	75.94
72.78	73.58	74.38	75.98

(1) In any area in the continental United States, a maximum of four of the frequencies listed in this paragraph may be assigned to aeronautical operational fixed stations.

(2) All authorizations are subject to the condition that no harmful interference will be caused to television reception on Channels 4 and 5.

(3) The applicant agrees to eliminate any harmful interference caused by his operation to TV reception on either Channel 4 or 5 that might develop by whatever means are found necessary within 90 days of the time knowledge of said interference is first brought to his attention by the Commission. If said interference is not cleared up within the 90-day period, operation of the fixed station will be discontinued.

(4) Vertical polarization is used.

(5) Whenever it is proposed to locate a 72–76 Mc fixed station less than 80, but more than 10 miles from the site of a TV transmitter operating on either Channel 4 or 5, or from the post office of a community in which such channels are assigned but are not in operation, the fixed station shall be authorized only if there are fewer than 100 family dwelling units, as defined by the U. S. Bureau of Census, located within a circle centered at the location of the proposed fixed station (family dwelling units 70 or more miles distant from the TV antenna site are not to be counted), the radius of which shall be determined by use of the appropriate chart entitled, "Chart for Determining Radius From Fixed Station in 72–76 Mc Band to Interference Contour Along Which 10 Percent of Service From Adjacent Channel Television Station Would Be Destroyed"; two charts are provided, one for Channel 4 and one for Channel 5. The Commission may, however, in a particular case, authorize the location of a fixed station within a circle as determined above containing 100 or more family dwelling units upon a showing that:

(i) The proposed site is the only suitable location.

(ii) It is not feasible, technically or otherwise, to use other available frequencies.

(iii) The applicant has a plan to control any interference that might develop to TV reception from his operations.

(iv) The applicant is financially able and agrees to make such adjustments in

the TV receivers affected as may be necessary to eliminate interference caused by his operations.

(6) All applications seeking authority to operate with a separation of less than 10 miles will be returned without action.

(b) Band 952–960 Mc.
(c) Band 1850–1990 Mc.
(d) Band 2110–2200 Mc.
(e) Band 2500–2700 Mc.
(f) Band 6575–6875 Mc.
(g) Band 12,200–12,700 Mc.

(h) In filing an application for an operational fixed station in the aeronautical fixed service, the applicant may leave blank section 1¢ (1) of FCC Form 401, since it will be necessary for the Commission to determine the specific frequency being assigned.

SUBPART N—AERONAUTICAL UTILITY MOBILE STATIONS

§ 9.451 *Frequencies available.* The frequencies 121.7 and 121.9 megacycles are available for aeronautical utility mobile stations.

§ 9.452 *Scope of service.* Communications by a utility station shall be limited to the necessities of ground traffic control at an airdrome and may be used for essential communications with the control towers, ground vehicles and aircraft on the ground.

§ 9.453 *Power.* Power and antenna height shall be restricted to the minimum to achieve the required service.

§ 9.454 *Supervision by airdrome control operator.* At any airdrome at which an airdrome control tower is in operation, transmission by the utility station shall be subject to the control of the airdrome control station and shall be discontinued immediately when so requested by the control station. The utility station shall guard the utility frequency during periods of operation.

SUBPART O—RADIONAVIGATION STATIONS

§ 9.511 *Frequencies available.* In filing an application for a radio navigation station, the applicant may leave blank sec. 16 (1) of FCC Form 401, since it will be necessary for the Commission to determine the specific frequency after coordination with the other Government agencies concerned.

(a) Localizer station with simultaneous radiotelephone channel. The frequencies:

108.1	109.1	110.1	111.1
108.3	109.3	110.3	111.3
108.5	109.5	110.5	111.5
108.7	109.7	110.7	111.7
108.9	109.9	110.9	111.9

(b) Glide path station: The band 328.6 to 335.4 megacycles.

(c) Aeronautical marker beacon station: 75 megacycles.

(d) Radio Range stations: 112.1 megacycles through 117.9 megacycles and the following frequencies in the 108–112 megacycles band:

108.2	109.2	110.2	111.2
108.4	109.4	110.4	111.4
108.6	109.6	110.6	111.6
108.8	109.8	110.8	111.8
109.0	110.0	111.0	112.0

(e) Radiobeacon stations: 200–400 kilocycles.

§ 9.512 *Scope of service.* Air navigation aid facilities are usually operated by the Civil Aeronautics Administration. However, the frequencies which these facilities employ are available for licensing by the Commission at those locations where an applicant justifies the need for such service and the Government is not prepared to render this service. Air navigation service will be authorized only where the applicant meets all requirements specified by the Federal Communications Commission after consultation with the Civil Aeronautics Administration.

§ 9.513 *Unattended operation of domestic radiobeacon stations.* (a) Authority may be granted to operate, during the course of normal rendition of service, radiobeacon stations which are located within the United States, its territories or possessions without attendance of any person, in those cases where an adequate showing has been made to the Commission with respect to all of the following seven conditions:

(1) The transmitter is crystal controlled and specifically designed for radiobeacon service and capable of transmitting by self-actuating means;

(2) The emissions of the transmitter shall be continuously monitored by a licensed operator; or by means of a direct positive automatic monitor, supplemented by aural monitoring at suitable intervals;

(3) If as a result of aural monitoring, it is determined that a deviation from the terms of the station license has occurred, a properly authorized person will be dispatched immediately to the transmitter site and place the transmitter in an inoperative condition. If automatic monitoring is used, the monitor shall insure that the operation of the station is in accordance with the terms of the station license, or shall place the transmitter in an inoperative condition;

(4) The time, carefully estimated, required to dispatch a properly authorized person to the transmitter site and to place the transmitter in an inoperative condition;

(5) Inspection of the equipment shall be conducted at suitable intervals determined by the performance record of the equipment and maintenance experience, but in any event, an inspection shall be conducted at least every 60 days. A record of the results of an inspection shall be kept in the maintenance records of the station;

(6) The transmitter is so installed and protected that it is not accessible to, and may not be placed in operation by, other than duly authorized persons;

(7) The location of the transmitter is such that it is impracticable to require an operator to be on duty at the transmitter or other point at which the operation of the transmitter could be directly controlled.

(b) Authority for unattended operation shall be expressly stated in the station authorization before such operation may be commenced.

(c) In any case in which authority for unattended operation has been granted the Commission may at any time, for purposes of national defense, without the necessity of any hearing, cancel the authority or modify it in such a manner as to require the provision of adequate means to permit the station to be placed in an inoperative condition promptly whenever notice to that effect is given.

SUBPART P—FLIGHT TEST STATIONS

§ 9.611 *Frequencies available.* (a) The frequencies 3281 kilocycles, 123.1, 123.3 and 123.5 megacycles are available tions (the very high frequencies are shared with flying school stations on a noninterference basis).

(b) The following frequencies are available to flight test stations for telemetering activities.

Mc.	Mc.	Mc.	Mc.
217.425	217.575	219.375	219.525
217.475	217.625	219.425	219.575
217.525	217.675	219.450	
217.550	219.325	219.475	

§ 9.612 *Eligibility of licensee.* A flight test station license may be granted only for use by either;

(a) Manufacturers of aircraft or major aircraft components, or

(b) A parent corporation or its subsidiary if either corporation is a manufacturer of aircraft or major aircraft components.

§ 9.613 *Cooperative use of facilities.* (a) Only one flight test station for operation on the ground will be licensed to serve an airdrome and such station will be required to provide service without discrimination, but on a cooperative maintenance basis, to all manufacturers eligible for a license for flight test station.

(b) Where licensees desire to conduct flight tests in adjacent airdrome control areas, or where radio interference may result from simultaneous operation of stations at nearby airdromes, they shall arrange for a satisfactory time division by mutual agreement. If such an agreement cannot be reached the Commission will determine and specify the time division upon request of either licensee.

§ 9.614 *Scope of service.* The use of these stations will be restricted to the transmission of necessary information or instructions relating directly to tests of aircraft or components thereof.

§ 9.615 *Power.* The power output of flight test stations designated for operation on board aircraft shall be limited to 10 watts and ground stations shall be limited to 50 watts.

SUBPART Q—FLYING SCHOOL STATIONS

§ 9.711 *Frequencies available.* The frequencies 123.1, 123.3 and 123.5 megacycles are available for ground and aircraft flying school stations (shared with flight test stations on a noninterference basis).

§ 9.712 *Eligibility of licensee.* A flying school station license will be granted only to flying schools and soaring societies.

§ 9.713 *Limitations of instructional facilities.* Assignments will be limited to one station to an airdrome location for one or more flying schools.

§ 9.714 *Coordinated use of instructional facilities.* Where more than one flying school operates from an airdrome location, coordinated use of a single instructional frequency shall be arranged, placed in the form of a signed agreement and filed with the Commission. In case of disagreement, the Commission will specify the arrangement to be followed.

§ 9.715 *Scope of service.* Communications for instructional flying under the direction of a flying school station in the vicinity of an airdrome shall be transmitted only on the flying school frequency assigned to that station.

§ 9.716 *Supervision by airdrome control operator.* At any airdrome at which an airdrome control station or control tower is in operation, the airdrome control operator must be given a remote microphone connection to the transmitter operating on the flying school frequency for the transmission of orders or instruction to students in flight.

§ 9.717 *Power.* The power output of flying school stations shall not be more than 50 watts for land stations and not more than 10 watts for aircraft stations.

§ 9.718 *Frequency assignments nonexclusive.* No frequency available to a station engaged in instructional flying will be assigned exclusively to any applicant. All stations in this service are required to coordinate operation so as to avoid interference and make the most effective use of assignments.

§ 9.719 *Private service prohibited.* The use of flying school frequencies for other than instruction purposes and promotion of safety of life and property is prohibited.

SUBPART R—AERONAUTICAL PUBLIC SERVICE STATIONS

§ 9.811 *Frequencies available.* The frequencies available to ship telegraph and ship telephone stations are available to aeronautical public service aircraft stations for the handling of public correspondence in the same manner and to the same extent that they are available to ships of the United States and under restrictions hereinafter provided. These frequencies are assigned on the express condition that no interference is caused to marine operations. The general mobile service, as proposed, may also be available for use aboard aircraft.

§ 9.812 *Stations licensed for aeronautical public service.* Only those stations in the aviation services licensed for aeronautical public service may carry on public communication service. Coastal or ship stations licensed to carry on public communication service may provide such service to or from aeronautical public service aircraft stations. No aeronautical public service station shall carry on interstate or foreign public communication service for hire unless appropriate effective tariffs covering such service are on file with the Commission.

§ 9.813 *Scope of service.* (a) All stations licensed in the aeronautical public service shall intercommunicate without discrimination with any other station similarly licensed, whenever necessary for the handling of traffic.

(b) Aeronautical public service stations shall, without discrimination and on reasonable demand, be made available for the use of all persons.

§ 9.814 *Requirement for aeronautical public service station.* A license or other instrument of authorization may be issued for a station for public correspondence provided that a continuous effective listening watch is maintained on the frequency or frequencies used for the aviation safety service messages while public service messages are being handled; and that the installation and system of operation will permit instantaneous interruption of aeronautical public service communications to transmit or receive safety service messages.

§ 9.815 *Priority of communications.* (a) All communications of stations in the aeronautical mobile service are essential to the safe operation of aircraft and shall have priority over public correspondence.

(b) The radio operator in charge of the aircraft station shall suspend operation of an aeronautical public service aircraft station when such operation will delay or interfere with messages pertaining to safety of life and property or when ordered to do so by the captain of the aircraft.

(c) The operation of an aeronautical public service station shall be suspended when it interferes with the radio communications of the safety service.

SUBPART S—CIVIL AIR PATROL STATIONS

§ 9.911 *Eligibility for station license.* Authorizations for land and mobile stations of the Civil Air Patrol will be issued only to units or headquarters of the Civil Air Patrol. All applications will be supported by a confirming statement from the proper military authority.

§ 9.912 *Frequencies available.* The following frequencies have been made available by the Commission for assignment to land and mobile stations of the Civil Air Patrol.

(a) 2374 kc., A–1, A–2, A–3 emission, 400 watts maximum power.

(b) 4585 kc., A–1, A–2, A–3 emission, 400 watts maximum power.

(c) 4467.5 kc., A–1, A–2, A–3 emission, 400 watts maximum power, limited to stations in the southeast area of the United States, comprised of the District of Columbia and the following States:

Florida, Alabama, Georgia, South Carolina, North Carolina, Tennessee, Virginia, West Virginia, Maryland, Delaware.

(d) 4507.5 kc., A–1, A–2, A–3 emission, 400 watts maximum power available to all areas of the United States except those listed in paragraph (c) of this section.

(e) 148.14 Mc., A–2, A–3 emission, 50 watts maximum power.

§ 9.913 *Scope of service.* Land and mobile stations of the Civil Air Patrol may be used only for training operational and emergency activities of the Civil Air Patrol.

(a) Civil Air Patrol Land Stations may communicate with other land stations and mobile stations of the Civil Air Patrol.

(b) Civil Air Patrol Mobile Stations may communicate with other mobile stations and land stations of the Civil Air Patrol.

§ 9.914 *Operator requirements.* (a) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment: *Provided, however,* That only persons holding a first or second class commercial radiotelegraph operator license shall perform such functions at radiotelegraph stations transmitting by any type of the Morse Code.

(b) A station during the course of normal rendition of service when transmitting radiotelegraphy by any type of the Morse Code shall be operated by a person holding a commercial radiotelegraph operator license or permit of any class issued by the Commission, except that aircraft radio stations while employing radiotelegraphy may not be operated by holders of restricted radiotelegraph operator permits.

(c) Aircraft radio stations: Aircraft radio stations using radiotelephony shall be operated by persons holding any class of commercial radio operator license or permit or an aircraft radiotelephone operator authorization.

(d) Ground radio stations: Each transmitter shall be operated in the manner prescribed in this paragraph:

(1) Except under the circumstances specified in paragraphs (a) and (b) of this section, and subject to the provisions of subparagraphs (4), (5), and (6) of this paragraph, an unlicensed person may operate a land mobile station during the course of normal rendition of service when transmitting on frequencies above 25 Mc after being authorized to do so by the station licensee.

(2) Except under the circumstances specified in paragraphs (a) and (b) of this section, and subject to the provisions of subparagraphs (4), (5), (6) and (7) of this paragraph, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a land mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc: *Provided, however,* That an unlicensed person, after being authorized to do so by the station licensee, may operate such a land mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc while it is associated with and under the operational control of a base station of the same station licensee.

(3) Except under the circumstances specified in paragraphs (a) and (b) of this section, and subject to the provisions of subparagraphs (4), (5), (6) and (7) of this paragraph, land stations shall be operated when transmitting during the course of normal rendition of service by a person holding a commercial radio op-

erator license or permit of any class, which licensed operator may permit other persons to transmit or to communicate over the facilities of the station in accordance with the term of the station license: *Provided*, That the licensed operator shall remain in full control of and shall be fully responsible for the emission of that station and shall suspend the radiation of the transmitter immediately when there is a deviation from the terms of the station license: *And provided further*, That the person manipulating the telegraph key for the transmission by manual or semiautomatic means of telegraphy by any type of the Morse Code by such station shall hold a class of radiotelegraph operator's license which is valid for the operation of that station.

(4) The provisions of this paragraph authorizing certain unlicensed persons to operate certain stations when transmitting during the course of normal rendition of service, shall be applicable only to stations in the domestic service. For the purposes of this section, a station in the domestic service is one which is located within the United States, its territories or possessions and which, when communicating with other stations is in communication exclusively with one or more other United States stations which are also located in the United States, its territories or possessions; a station in the international service is one which is not in the domestic service as just defined.

(5) The provisions of this paragraph authorizing certain unlicensed persons to operate land mobile stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof), or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.

(6) Not withstanding any other provisions of this paragraph, unless the transmitter is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, such transmitter shall be operated by a person holding a first or second class commercial radio operator license (either radiotelephone or radiotelegraph as may be appropriate for the type of emission being used) issued by the Commission.

(7) Any reference in this paragraph to a commercial radio operator license or permit of any class issued by the Commission shall not be construed to include Aircraft Radiotelephone Operator Authorizations.

SUBPART T—AERONAUTICAL ADVISORY STATIONS

§ 9.1001 *Eligibility for station license.* (a) Authorizations for aeronautical advisory stations will be issued only to the owner or operator of a landing area, not served by an airdrome control station.

(b) Only one aeronautical advisory station will be authorized at a landing area.

§ 9.1002 *Frequencies available.* 122.8 megacycles, 6A3 emission: For communications with private aircraft stations. In so far as the availability of this frequency is concerned, an air carrier aircraft weighing less than 10,000 pounds shall not be considered a private aircraft.

§ 9.1003 *Power output.* The power output of Aeronautical Advisory stations shall not exceed 10 watts.

§ 9.1004 *Scope of service.* Aeronautical advisory stations shall not be used for air traffic control. Such stations, for the purpose of communicating with aircraft engaged in civil defense activities, may be moved from place to place and operated at unspecified locations, except at landing areas served by airdrome control stations or other aeronautical advisory stations. Permissible communications of an aeronautical advisory station are as follows:

(a) *Advisory.* Communications shall be limited to the necessities of safe and expeditious operation of aircraft, pertaining to the conditions of runways, types of fuel available, wind conditions, available weather information or other information necessary for aircraft operations.

(b) *Civil defense.* (1) The frequency 122.8 Mc. may be used in addition to its normal purposes for communications with private aircraft engaged in organized civil defense activities in time of enemy attack or immediately thereafter.

(2) These communications also may be handled on a secondary basis to provide communication with private aircraft engaged in organized civil defense activities in preparation for anticipated enemy attack.

NOTE: "Civil defense" is defined, for this purpose, in accordance with section 3 (b) of the Federal Civil Defense Act of 1950, Public Law 920, 81st Congress as follows:

The term "civil defense" means all those activities and measures designed or undertaken (1) to minimize the effects upon the civilian population caused or which would be caused by an attack upon the United States, (2) to deal with the immediate emergency conditions which would be created by any such attack, and (3) to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack. Such term shall include, but shall not be limited to, (a) measures to be taken in preparation for anticipated attack (including the establishment of appropriate organizations, operational plans, and supporting agreements; the recruitment and training of personnel; the conduct of research; the procurement and stockpiling of necessary materials and supplies; the provision of suitable warning systems; the construction or preparation of shelters, shelter areas, and control centers; and when appropriate, the non-military evacuation of civil population), (b) measures to be taken during attack (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities; the evacuation of personnel to shelter areas; the control of traffic and panic; and the control and use of lighting and civil communications); and (c) measures to be taken following attack (including activities for fire fighting; rescue, emergency medical, health and sanitation services; monitoring for specific hazards of special weapons; unexploded bomb reconnaissance; essential debris clearance; emergency welfare measures; and immediately essential emergency repair or restoration of damaged vital facilities).

§ 9.1005 *Operator requirements.* (a) An Aeronautical Advisory station shall be operated, when transmittting during the normal rendition of service, by a person holding a commercial radio operator license or permit of any class except an aircraft radiotelephone operator authorization.

(b) Aircraft radio stations using radiotelephony, when transmitting during the normal rendition of service, shall be operated by persons holding any class of commercial radio operator license or permit or an aircraft radiotelephone operator authorization.

(c) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment.

SUBPART U—AERONAUTICAL METROPOLITAN STATIONS

§ 9.1101 *Eligibility for station license.* Authorizations for Aeronautical Metropolitan Stations will be issued only to the licensee of the Aeronautical Enroute Station operating in the metropolitan area.

§ 9.1102 *Frequencies available.* The frequencies available for aeronautical enroute stations are available for assignment to aeronautical metropolitan stations.

§ 9.1103 *Points of communication.* Aeronautical Metropolitan Stations are authorized to communicate primarily with aircraft and are authorized secondarily to inter-communicate with other Aeronautical Metropolitan Stations within the same metropolitan area.

§ 9.1104 *Scope of service.* Aeronautical Metropolitan Stations shall transmit only communications for the safe, expeditious and economical operation of aircraft operating between a main air terminal of a metropolitan area and subordinate landing areas. Aeronautical Metropolitan Stations shall provide non-public service of the particular class authorized, without discrimination, to any aircraft station licensee who makes cooperative arrangements for the operation and maintenance of the Aeronautical Metropolitan Stations which are to furnish such service and for shared liability in the operation of the stations.

§ 9.1105 *Application for Aeronautical Metropolitan Station.* An application on FCC Form 401 may be submitted for construction permit for any number of Aeronautical Metropolitan Stations for the same licensee in a metropolitan area. The application shall specify the location of the station at the main air terminal and the location of each station at subordinate landing areas.

SUBPART V—CONELRAD

§ 9.1201 *Scope and objective.* (a) Sections 9.1201 to 9.1205 applies to all stations in the aviation services and is for the purpose of providing for the alerting and operation of radio stations in the aviation services during periods of air attack or imminent threat thereof.

(b) The aim of this plan is to minimize the navagational aid that may be obtained by an enemy from the signals of aviation radio stations, while simultaneously providing for continued radio service to the extent necessary for the safety or control of friendly aircraft.

§ 9.1202 *General.* All radio stations in the aviation services are required to provide for receiving the Radio Alert and to operate in accordance with §§ 9.1201 to 9.1205.

§ 9.1203 *Definitions.* (a) The term "CONELRAD" is a contraction of the words, "Control of Electromagnetic Radiation," and is the general term applied to the controlled operation of radio facilities under the authority of Executive Order 10312, dated December 10, 1951.

(b) Radio Alert is the term applied to the military warning that an air attack is probable or imminent, which automatically orders the immediate implementation of the controlled operations of all radio stations. The Radio Alert is distinct from the military or civil defense Warnings, Yellow, Red or White, but may be coincidental with such warnings.

§ 9.1204 *Alerting.* (a) All stations in the aviation services licensed by the Federal Communications Commission will be responsible for making provisions to receive the Radio Alert when such an alert is ordered by appropriate military authorities. The term "licensed by" includes all forms of authorizations under which a radio station is operated, including station licenses, STA's etc. The Radio Alert may be received by one or more of the following methods:

(1) Ground stations directly connected to and in continuous communication with a CAA Air Route Traffic Control Center (ARTCC) may receive the Alert over the ARTCC circuit.

(2) Ground stations not connected to a CAA circuit, must:

(i) Provide a connection to an accessible CAA communications circuit, or

(ii) Provide a broadcast receiver to obtain the Radio Alert from any broadcast station (standard, FM or TV) that can be heard, or

(iii) Provide a separate receiver to monitor another station in the Aviation Service which is in direct communication with a CAA Air Route Traffic Control Center, or

(iv) Provide any other suitable method which is approved by the CAA Regional Administrator and specifically authorized by the FCC.

(b) Ground stations in the aviation radio services when advised of a CONELRAD Radio Alert, are responsible for relaying the Alert to aircraft stations.

§ 9.1205 *Operation.* (a) During a period of Radio Alert all ground stations in the aviation services will maintain radio silence, unless required by appropriate CAA Air Traffic Control Center to remain on the air for the purpose of air traffic control. Such operations will be in accordance with the CAA CONELRAD Plans dated May 1, 1953, and instructions issued by the appropriate ARTCC, under the provisions of the U. S. Department of Defense "Security Control of Air Traffic during a Military Emergency" Plan, (SCAT Plan). Licensees of ground stations in the aviation services should contact the CAA Air Route Traffic Control Center, within whose flight advisory area the station is located, for the details of operation applicable to a specific station. When not required by CAA for the purposes of security control of air traffic, all ground stations in the aviation services will promptly leave the air and maintain radio silence for the duration of a Radio Alert, except as specifically authorized in the local Air Division (Defense) SCATER Plan or by an appropriate ARTCC.

(b) During a period of Radio Alert all aircraft radio stations in the aviation radio services will maintain radio silence, except for transmssions involving the national safety, or the safety of life and property in the air. Such operations will be in accordance with the CAA CONELRAD Plan dated May 1, 1953, and the instructions of the appropriate ARTCC within whose flight advisory area the aircraft may be located.

(c) None of the provisions in §§ 9.1201 to 9.1205 shall be interpreted to preclude the operation of certain stations in the aviation radio services in connection with the activities of local, Federal, or State Civil Defense organizations, provided such operations are not in conflict with operations necessary for CAA Air Route Traffic Control, and such operations are specifically authorized by the Federal Communications Commission.

[F. R. Doc. 55-9995; Filed, Dec. 13, 1955; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 401.2]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

TERRITORIAL SUBDIVISIONS IN PUERTO RICO

Section 311.28 of Title 6, Code of Federal Regulations (19 F. R. 1364), is amended with respect to areas designated as subdivisions in Puerto Rico by (1) revoking the designations of the subdivisions named Angeles and Utuado, and (2) designating the following identified subdivision, consisting of the entire Municipality of Utuado:

PUERTO RICO

Name of subdivision and municipalities comprising subdivision:	
Utuado:	Utuado.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interpets or applies sec. 54, 60 Stat. 1071, sec. 1 (b), 61 Stat. 493; 7 U. S. C. 1028)

Dated: December 9, 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55-10045; Filed, Dec. 13, 1955; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 146]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.18, the Miami, Florida, areas (R-169 and R-170), amended on June 29, 1955 in 20 F. R. 4586, is further amended by changing the "Time of Designation" column to read: "Daylight Only."

In § 608.11, the Fort McClellan, Alabama, area No. 2 (R-131 formerly D-131), published on June 30, 1950 in 15 F. R. 4187, is amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at latitude 33°45'32", longitude 86°01'12"; East to latitude 33°45'40", longitude 85°54'00"; Southeast to latitude 33°41'55", longitude 85°52'45"; Southwest to latitude 33°40'15", longitude 85°54'00"; Northwest to latitude 33°41'00", longitude 85°55'45"; West to latitude 33°41'00", longitude 85°57'18"; North to latitude 33°41'18", longitude 85°57'18"; West to latitude 33°41'18", longitude 86°01'12"; North to point of beginning.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective December 30, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-10017; Filed, Dec. 13, 1955; 8:45 a. m.]

TITLE 29—LABOR

Chapter XII—Federal Mediation and Conciliation Service

PART 1403—FUNCTIONS AND DUTIES

The regulations of the Federal Mediation and Conciliation Service are amended by adding Part 1403 as set forth below.

Sections 202 (c) and 203, Title II, of the Labor-Management Relations Act, 1947, as amended (P. L. 101, 80th Congress, 61 Stat. 153, as amended), authorize mediation and conciliation services in labor-management disputes, and suitable procedures for cooperation between the Federal Mediation and Conciliation Service (hereinafter called the Federal Service) and State and local mediation agencies.

Sec.
1403.1 Definitions.
1403.2 Policies of the Federal Mediation and Conciliation Service.
1403.3 Obtaining data on labor-management disputes.
1403.4 Assignment of mediators.
1403.5 Relations with State and local mediation agencies.

AUTHORITY: §§ 1403.1 to 1403.5 issued under sec. 202, 61 Stat. 153, as amended; 29 U. S. C. 172. Interpret or apply sec. 203, 61 Stat. 153; 29 U. S. C. 173.

§ 1403.1 *Definitions.* As used in this part, unless the context clearly indicates otherwise.

(a) The term "commerce" means trade, traffic, commerce, transportation or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

(b) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor-management dispute burdening or obstructing commerce or the free flow of commerce.

(c) The term "labor union" or "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(d) The term "State or other conciliation services" means the official and accredited mediation or conciliation establishments of State and local governments, which are wholly or partially supported by public funds.

(e) The term "proffer its services," as applied to the functions and duties of the Federal Mediation and Conciliation Service, means to make mediation services and facilities available either on its own motion or upon the request of one or more of the parties to a dispute.

§ 1403.2 *Policies of the Federal Mediation and Conciliation Service.* It is the policy of the Federal Mediation and Conciliation Service:

(a) To facilitate and promote the settlement of labor-management disputes through collective bargaining by encouraging labor and management to resolve differences through their own resources.

(b) To encourage the States to provide facilities for fostering better labor-management relations and for resolving disputes.

(c) To proffer its services in labor-management disputes in any industry affecting commerce, except as to any matter which is subject to the provisions of the Railway Labor Act, as amended, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial interruption to commerce.

(d) To refrain from proffering its services: (1) In labor-management disputes affecting intrastate commerce exclusively, (2) in labor-management disputes having a minor effect on interstate commerce, if State or other conciliation services are available to the parties, or (3) in a labor-management dispute when a substantial question of representation has been raised, or to continue to make its facilities available when a substantial question of representation is raised during the negotiations.

(e) To proffer its services in any labor-management dispute directly involving Government procurement contracts necessary to the national defense, or in disputes which imperil or threaten to imperil the national health or safety.

(f) To proffer its services to the parties in grievance disputes arising over the application or interpretation of an existing collective-bargaining agreement only as a last resort and in exceptional cases.

§ 1403.3 *Obtaining data on labor-management disputes.* When the existence of a labor-management dispute comes to the attention of the Federal Service upon a request for mediation service from one or more parties to the dispute, through notification under the provisions of section 8 (d) (3), Title I of the Labor-Management Relations Act, 1947, or otherwise, the Federal Service will examine the information to determine if the Service should proffer its services under its policies. If sufficient data on which to base a determination is not at hand, the Federal Service will inquire into the circumstances surrounding the case. Such inquiry will be conducted for fact-finding purposes only and is not to be interpreted as the Federal Service proffering its services.

§ 1403.4 *Assignment of mediators.* The Federal Service will assign one or more mediators to each labor-management dispute in which it has been determined that its services should be proffered.

§ 1403.5 *Relations with State and local mediation agencies.* (a) If under State or local law a State or local mediation agency must offer its facilities in a labor-management dispute in which the Federal Service is proffering its services, the interests of such agencies will be recognized and their cooperation will be encouraged in order that all efforts may be made to prevent or to effectively minimize industrial strife.

(b) If, in a labor-management dispute there is reasonable doubt that the dispute threatens to cause a substantial interruption to commerce or that there is more than a minor effect upon interstate commerce, and State or other conciliation services are available to the parties, the regional director of the Federal Service will endeavor to work out suitable arrangements with the State or other conciliation or mediation agency for mediation of the dispute. Decisions in such cases will take into consideration the desires of the parties, the effectiveness and availability of the respective facilities, and the public welfare, health, and safety.

(c) If requested by a State or local mediation agency or the chief executive of a State or local government, the Federal Service may make its services available in a labor-management dispute which would have only a minor effect upon interstate commerce when, in the judgment of the Federal Service, the effect of the dispute upon commerce or the public welfare, health, or safety justifies making available its mediation facilities.

Signed at Washington, D. C., this 8th day of December 1955

JOSEPH F. FINNEGAN,
Director.

[F. R. Doc. 55-10023; Filed, Dec. 13, 1955; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

REPORTS BY INSTITUTIONS

In § 21.2303, subparagraphs (1) and (4) of paragraph (c) are amended to read as follows:

§ 21.2303 *Reports by institutions.* • • •

(c) *Administrative allowance for preparation of reports and certifications.* (1) The Administrator shall pay to each educational institution which is required to submit reports and certifications to the Veterans Administration under Public Law 550, 82d Congress, an allowance at the rate of $1.50 per month for each eligible veteran enrolled in and attending such institution to assist the educational institution in defraying the expense of preparing and submitting such reports and certifications: *Provided,* That the allowance to be paid to the educational institution for reports and certifications covering attendance on and after September 1, 1953, shall be $1 per month for each eligible veteran enrolled in and attending the institution.

• • • • •

(4) Payment of the administrative allowance will be made to the institution by the regional office only upon presentation by the institution of properly prepared vouchers with the certificates of training, except that the Manager may authorize payment of the allowance when the voucher is received subsequent to receipt of the training certificates where the failure to submit the voucher and certificates simultaneously was due to (i) a clerical error, or (ii) a previous understanding between the Manager and the institution that isolated certificates need not be accompanied by voucher.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12A. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended, sec. 261, 66 Stat. 663; 38 U. S. C. 693g, 697–697d, 697f, g, 971, ch. 12A)

This regulation is effective December 14, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-10036; Filed, Dec. 13, 1955; 8:49 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter VII—Community Facilities Administration, Office of the Administrator, Housing and Home Finance Agency

PART 701—PROCEDURE

PART 702—ADVANCE PLANNING

MISCELLANEOUS AMENDMENTS

1. Section 701.1 is hereby amended to read as follows:

§ 701.1 *General statement.* The general course and method by which functions administered under the Community Facilities Commissioner on behalf of the Housing and Home Finance Administrator are channeled and determined are as follows: The prescribed forms for application for assistance are obtained from and filed with the Regional Office of the Housing and Home Finance Agency serving the area in which the applicant is located. The Regional Administrator of the Agency forwards the completed application and his recommendation to the Community Facilities Commissioner, Washington, D. C. Upon approval of an application by the Community Facilities Commissioner or the Housing and Home Finance Administrator as appropriate, an agreement between the Government and the applicant is executed. Further information concerning operations may be obtained from the appropriate Regional Office of the Housing and Home Finance Agency or from the Community Facilities Commissioner, Office of the Administrator, Housing and Home Finance Agency, 1626 K Street NW., Washington 25, D. C.

(Sec. 502, 62 Stat. 1283, as amended; 12 U. S. C. 1701c)

2. Section 702.1 (a) is hereby amended by adding at the end thereof the following sentence: "The authority to make new loans or advances expired on June 30, 1947, under the provisions of section 603 of the War Mobilization and Reconversion Act of 1944, 58 Stat. 792."

(Sec. 502, 62 Stat. 1283, as amended; 12 U. S. C. 1701c)

Issued as of this 14th day of December 1955.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 55-10042; Filed, Dec. 13, 1955; 8:50 a. m.]

No. 242——3

TITLE 45—PUBLIC WELFARE

Chapter II—Bureau of Public Assistance, Social Security Administration, Department of Health, Education, and Welfare

PART 201—ASSISTANCE TO STATES

Part 201 is hereby amended to read as follows:

Subpart A—Approval of State Plans for Public Assistance and Certification of Grants

Sec.
201.1 General.
201.2 Approval of State plans and amendments.
201.3 Grants.
201.4 Withholding certification.

Subpart B—Review and Audits

201.5 Continuing review of State and local administration.
201.6 Public assistance and fiscal audits.

AUTHORITY: §§ 201.1 to 201.6 issued under Titles I, IV, X, 49 Stat. 620, 627, 645, as amended, Title XIV, 64 Stat. 555; 42 U. S. C. 301–306, 601–606, 1201–1206, 1351–1355.

SUBPART A—APPROVAL OF STATE PLANS FOR PUBLIC ASSISTANCE AND CERTIFICATION OF GRANTS

§ 201.1 *General.* The State plan is a comprehensive statement prepared by the State public assistance agency describing all pertinent aspects of its operations necessary for the Social Security Administration to reach a determination as to conformity with the specific requirements stipulated in the Social Security Act. The State plan sets forth the basic State laws enabling and limiting the administration of public assistance; a description of the agency's organization and functions; its rules and regulations governing personnel administration; policies and interpretations with regard to eligibility conditions and methods of determining the amount of assistance; fiscal operations; and reporting and research activities. Detailed instructions and suggestions for the content and submittal of the documents comprising the State public assistance plan are contained in the instructions in "Submittal of State Public Assistance Plans" in the Handbook of Public Assistance Administration.

§ 201.2 *Approval of State plans and amendments.* The set of documents setting forth the State's plan may be submitted as one plan covering the four types of assistance where the programs have a common basis of administration, or a separate plan covering any one of the four assistance programs. After approval of the original plan by the Commissioner of Social Security, all relevant changes such as new statutes, rules, regulations, interpretations, and court decisions are required to be submitted currently so that the Commissioner may determine the status of State plans for purposes of certification of grants from time to time.

(a) *Submittal.* The State public assistance plan and revisions of the plan are submitted to the Bureau of Public Assistance through the regional office. The States are encouraged to obtain consultation of the regional staff when the plan is in process of preparation or revision.

(b) *Review.* The regional public assistance representatives are responsible for review of State plans, and they also initiate discussion with the State agency on clarification of significant aspects of the plan which come to their attention in the course of this review. State plan material on which the regional staff has questions concerning the application of Federal policy is referred with recommendations as required to the Washington office for decision. Comments and suggestions, including those of consultants in specified areas of public assistance administration, may be prepared by the central office for use by the regional representatives in negotiations with the State agency.

(c) *Approval.* The Bureau of Public Assistance has been delegated authority of initial approval of State plans as provided in Titles I, IV, X, and XIV of the Social Security Act and for approval of amendments of State plans; the Commissioner has final authority for approval of new plans. The Bureau advises the State public assitance agency of the approval of State plans or revisions, or the need for clarifying information.

§ 201.3 *Grants.* To States with approved plans, grants are made each quarter for assistance and administration. The determination as to the amount of a grant to be made to a State public assistance agency is based upon three documents submitted by the State containing information required under the Social Security Act and such other pertinent facts as may be found necessary.

(a) *Form and manner of submittal*—(1) *Time and place.* The estimates for public assistance grants for each quarterly period are forwarded to the regional office 45 days prior to the period of the estimate, together with a certificate of State funds available and a statement in support of the estimates. The statement of quarterly expenditures and any necessary supporting schedules are forwarded to the Department of Health, Education, and Welfare, Bureau of Public Assistance, Attention: Fiscal Branch, Washington 25, D. C., not later than 30 days after the end of the quarter.

(2) *Description of forms.* (i) "Report of Estimated Expenditures and Funds to be Available" (Forms PA–101, PA–102, PA–103, or PA–145 for old-age assistance, aid to dependent children, aid to the blind, and aid to the permanently and totally disabled, respectively) represents the State agency's estimate of the number of recipients to receive aid during each of the three months of the quarter. The forms also contain the estimated average assistance payment per recipient, and the estimated expenditures for assistance and administration, from which are computed the total funds to be advanced during the quarter. Estimated expenditures that exceed the Federal statutory maxima for payments to individuals are not to be included in computing the Federal grant and are deducted from the total estimate. In addition, the report of the estimated expenditures indicates the amount of

State and local funds appropriated and available for public assistance during the pertinent quarter.

(ii) In addition, the State agency must certify as to the amount of State funds (exclusive of any balance of assistance received from the Federal government) actually on hand and available for expenditure; this certification must be signed by the executive officer of the State agency submitting the estimate material, or a person officially designated by him, or by a fiscal officer of the State if required by State law or regulation. (Form PA-151, "Certificate of Availability of State Funds for Assistance and Administration during Quarter," is available for submitting the information but is not required to be used.) If the amount of State funds, or State and local funds if localities participate in the program, shown as available for expenditures, is not sufficient to cover the State's proportionate share of the amount estimated to be expended, the certification should contain a statement showing the source from which the amount of the deficiency is expected to be derived and the time when this amount is expected to be made available.

(iii) The third document submitted by the States is the quarterly statement of expenditures for each of the categories. This is an accounting statement of the disposition of the Federal funds granted for past periods, and reflects the adjustments necessary because the State's estimate for any prior quarter was greater or less than the amount which the State expended. The statement of expenditure also shows the share of the Federal government in any recovery of assistance from recipients and also expenditures not properly subject to Federal financial participation which are acknowledged by the State agency or have been revealed in the course of the fiscal audit.

(b) *Review.* The State's estimates are analyzed by the regional office staff and are forwarded with recommendations as required to the central office. The central office of the Bureau reviews the State's estimate, other relevant information, and any adjustments to be made for prior periods, and computes the grant.

(c) *Estimate of amount due and certification.* Upon consideration and approval of the grant request, the Commissioner of Social Security estimates the amount to be paid to the States and certifies it to the Secretary of the Treasury for the ensuing quarter. Payment to the State is made by the Secretary of the Treasury for each month of the quarter.

§ 201.4 *Withholding certification*—(a) *When withheld.* Certifications of grants to States are withheld, after reasonable notice and opportunity for hearing, in the following circumstances:

(1) When the State has changed the plan so as to impose any requirement prohibited in the Social Security Act, or when in the administration of the plan any such prohibited requirement is imposed, wth the knowledge of the State agency, in a substantial number of cases; or

(2) If in the administration of the plan there is a failure to comply substantially with any provision required by the act to be included in the plan.

(b) *Informal discussions.* Such hearings are generally not called, however, until after reasonable effort has been made by regional and central office representatives to resolve the questions involved by conference and discussion with State officials. Formal notification of the date and place of hearing does not foreclose further negotiations with State officials.

(c) *Hearings.* Hearings are held in accordance with the provisions of sections 4, 404, 1004, and 1404 of the Social Security Act. The requirements of sections 5 to 8 of the Administrative Procedure Act are observed in conducting the hearings.

(d) *Notice of non-certification.* If after such hearing it is found that funds should be withheld, the State agency is notified that further payment will not be made to the State until it is shown that such prohibited requirement is no longer imposed and that there is no longer any such failure to comply. Until then, further certification to the Secretary of the Treasury is not made with respect to such State plan. (Sections 4, 404, 1004, and 1404 of the Social Security Act.)

SUBPART B—REVIEW AND AUDITS

§ 201.5 *Continuing review of State and local administration.* (a) In order to provide a basis for determining that State welfare departments are adhering to Federal requirements and to the substantive legal and administrative provisions of their approved plans, the Bureau of Public Assistance conducts a review of State and local public assistance administration.

(b) The administrative review includes analysis of procedures and policies of State and local agencies and review of records of individual recipients. A statistically valid State-wide sample of case records of recipients is selected and reviewed at periodic intervals to determine whether eligibility has been properly established. Selected case records are also reviewed for evaluating adherence to the other Federal requirements set forth in the public assistance titles of the Social Security Act. If the review reveals cases in which there appears to have been an improper claim for Federal funds, the State agency is given an opportunity to provide information to substantiate the payment, or to make an adjustment on its expenditure report. If serious problems are revealed in respect to compliance with Federal requirements, action to adjust Federal funds in all cases affected is required of the State agency; the State agency is also required to correct its practice so that there will be no recurrence of the problem in the future.

§ 201.6 *Public assistance fiscal audits.* (a) Annually, or at other times as necessary, the State public assistance agency's claims for Federal funds and supporting records are audited by the Division of Grant-in-Aid Audits of the Office of Field Administration of the Department of Health, Education, and Welfare to determine that the agency has properly reported its accountability for grants of Federal funds for public assistance; the amounts granted for assistance payments were actually disbursed to individuals (or on behalf of individuals where medical care was concerned) who had been determined by the agency to be entitled to public assistance under the appropriate category; administrative expenditures claimed for Federal financial participation are proper under the Federal act and State plan, including State laws and regulations; amounts expended and used as the basis for claiming Federal funds under Titles I, IV, X, and XIV were not derived from other Federal sources or were not used as a basis for other Federal matching; and the share of the Federal government in any recovery was accurately and promptly adjusted.

(b) If the audit results in no exceptions, the State public assistance agency is advised by letter of this result. The general course for the disposition of exceptions resulting from audits involves the submittal of details of these exceptions to the State public assistance agency which then has an opportunity to concur in the exceptions or to assemble and submit additional facts for purposes of clearance. Provision is made for the State agency to appeal audit exceptions in which it has not concurred and which have not been deleted on the basis of clearance material. After consideration of a State agency appeal, the Commissioner advises the State agency of any expenditures in which the Federal government may not participate and requests it to include the amount as adjustments in a subsequent statement of expenditures. Expenditures in which it is found the Federal government may not participate and which are not properly adjusted through the State's claim will be deducted from subsequent grants made to the State agency.

Dated: November 28, 1955.

[SEAL] CHARLES I. SCHOTTLAND,
Commissioner of Social Security.

Approved: December 8, 1955.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 55-10038; Filed, Dec. 13, 1955; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 123—FEIGHT COMMODITY STATISTICS

MISCELLANEOUS AMENDMENTS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 23d day of November A. D. 1955.

The matter of freight commodity statistics being under consideration:

It is ordered, That the order of this Commission issued under date of September 24, 1946, as amended (49 CFR

123.1–123.5, be, and it is hereby modified, effective January 1, 1956, by the cancellation of the requirements relating to reporting the classes of freight commodity statistics by Class II railroads as indicated below:

1. Cancel the text of § 123.1 *Freight commodity statistics,* and substitute the following for it:

§ 123.1 *Freight commodity statistics.* Beginning with January 1, 1947, and continuing thereafter unless otherwise ordered, carriers by railroad, other than switching and terminal companies, subject to Part I of the Interstate Commerce Act, that are or may be assigned to the classes designated as Class I and Class II, and every receiver, trustee, executor, administrator, or assignee of any such railroad, shall compile freight traffic statistics, and each of the carriers so indicated shall report such statistics annually, and each of the Class I carriers also quarterly, in duplicate, to the Commission, according to the commodity groups and classes named in Appendix I to §§ 123.1 to 123.5. Full information shall be furnished in accordance with the following outline of terms and requirements, as supplemented by formal instructions included in the appropriate report forms when supplied.

2. Cancel § 123.2 *Items to be reported,* and substitute the following for it:

§ 123.2 *Items to be reported.* (a) The following items are to be reported quarterly and annually by Class I carriers, except that the number of carloads in Class 970, "All L. C. L. Freight," shall be omitted:

(1) Average number of miles of road operated in freight service.

(2) For each commodity class:

Revenue freight originating on respondent's road:
Terminating on line:
Number of carloads.
Number of tons (2,000 pounds).
Delivered to connecting rail carriers:
Number of carloads.
Number of tons (2,000 pounds).
Revenue freight received from connecting rail carriers:
Terminating on line:
Number of carloads.
Number of tons (2,000 pounds).
Delivered to connecting rail carriers:
Number of carloads.
Number of tons (2,000 pounds).
Total revenue freight carried:
Number of carloads.
Number of tons (2,000 pounds).
Gross freight revenue.

(b) The following items are to be reported annually by the Class II carriers for the seven commodity groups:

Number of tons (2,000 pounds) of revenue freight originating on respondent's road.
Number of tons (2,000 pounds) of revenue freight received from connecting carriers.
Total revenue freight carried:
Number of tons (2,000 pounds each).
Gross freight revenue.

It is further ordered, That a copy of this order shall be served upon each class I and class II railroad other than switching and terminal companies subject to the provision of section 20 of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator, or assignee of any such railroad, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20)

Objections may be filed. Any interested party may on or before 30 days after the date of this order, file with the Commission a written statement of reasons why the said modification should not become effective as provided above. Unless otherwise ordered, after consideration of such objections, the said modifications shall become effective as herein ordered.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-10026; Filed, Dec. 13, 1955; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

REVOCATION OF CERTAIN REGULATIONS

Basis and purpose. Public hunting of deer on the Hart Mountain National Antelope Refuge, Oregon, and the Charles Sheldon Antelope Range, Nevada, and the public hunting of waterfowl on the Bowdoin National Wildlife Refuge, Montana, and the Mattamuskeet National Wildlife Refuge, North Carolina, having been authorized by administrative actions pursuant to § 18.11, Title 50, CFR, the following existing regulations no longer are required and are hereby revoked upon publication of this document in the FEDERAL REGISTER:

PART 31—PACIFIC REGION

SUBPART—BOWDOIN NATIONAL WILDLIFE REFUGE, MONTANA; HUNTING

§ 31.11 *Hunting waterfowl and coots permitted.* (5 F. R. 3950)
§ 31.12 *Hunting licenses and permits.* (5 F. R. 3950)
§ 31.13 *Disorderly conduct; intoxication.* (5 F. R. 3950)
§ 31.14 *Hunting dogs.* (5 F. R. 3950)
§ 31.15 *Entry upon refuge; firearms.* (5 F. R. 3950)
§ 31.16 *Fires and camping.* (5 F. R. 3950)

SUBPART—CHARLES SHELDON ANTELOPE RANGE, NEVADA; HUNTING

§ 31.41 *Hunting permitted.* (9 F. R. 11856)
§ 31.42 *Excepted area.* (9 F. R. 11856)
§ 31.43 *Entry.* (9 F. R. 11856)
§ 31.44 *State hunting laws.* (9 F. R. 11856)
§ 31.45 *Exception.* (9 F. R. 11856)
§ 31.46 *Deer hunting permitted.* (17 F. R. 7984)

SUBPART—HART MOUNTAIN NATIONAL ANTELOPE REFUGE, OREGON; HUNTING

§ 33.131 *Hunting of deer permitted.* (9 F. R. 8189)
§ 33.132 *Area open to hunting.* (9 F. R. 8189)
§ 33.133 *Compliance with State laws and regulations.* (9 F. R. 8189)
§ 33.134 *Disorderly conduct; intoxication.* (9 F. R. 8189)
§ 33.135 *Entry upon refuge.* (9 F. R. 8189)
§ 33.136 *Limitation on hunting methods.* (17 F. R. 7905)

PART 34—SOUTHEASTERN REGION

SUBPART—MATTAMUSKEET NATIONAL WILDLIFE REFUGE, NORTH CAROLINA; HUNTING

§ 34.87 *Hunting of certain migratory game birds.* (4 F. R. 4571)
§ 34.88 *Shooting areas.* (16 F. R. 11738)
§ 34.89 *Entry upon refuge; firearms.* (4 F. R. 4571)
§ 34.90 *Shooting from blinds only.* (4 F. R. 4571)
§ 34.91 *Guides.* (4 F. R. 4571)
§ 34.92 *Limitation on hunting methods.* (4 F. R. 4571)
§ 34.93 *State cooperation in management of shooting areas.* (4 F. R. 4571)

(Sec. 10, 45 Stat. 1224, as amended; 16 U. S. C. 715i)

Dated: December 8, 1955.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 55-10018; Filed, Dec. 13, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 969]

AVOCADOS GROWN IN SOUTH FLORIDA

ADMINISTRATIVE COMMITTEE RULES AND REGULATIONS

Notice is hereby given that the Department is considering the approval of a proposed amendment, hereinafter set forth, to the rules and regulations that are currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 20 F. R. 4177), regulating the handling of avocados grown in south Florida, effective under the Agricultural Marketing Agreement of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047). The amendment of the said rules and regulations was proposed by the Avocado Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The proposed amendment is as follows:

1. Immediately following paragraph (d) of § 969.110 *Exemption certificates* insert the following new section:

§ 969.115 *Nomination procedure.* (a) Any grower who desires to be represented in a nomination meeting by a duly authorized agent and to have his vote cast by such agent in the nomination and election of nominees for grower members and alternate members to fill positions on the Avocado Administartive Committee, as provided in § 969.22 (b) (2), shall submit to the Committee, not later than January 20, a written statement containing the following:

(1) Name of grower;

(2) Mailing address;

(3) Location of each avocado grove (either legal or from established landmarks);

(4) Number of avocado trees owned;

(5) Number of 55-pound units of avocados marketed to date during the current season;

(6) Name of the handler of the fruit marketed;

(7) Authorization, including the name and address, of the person who is to represent said grower at the nomination meeting.

(b) Any grower who has not filed the statement as prescribed in paragraph (a) of this section must be present at the nomination meeting to be eligible to have his vote counted in connection with the nomination and election of nominees.

(c) Any grower who, pursuant to the provisions of paragraph (a) of this section, has authorized an agent to cast such grower's vote, may rescind such authorization by appearing at the nomination meeting and exercising his right to vote in person.

All persons who desire to submit written data, views, or arguments for consideration in connection with said proposed amendment should do so by forwarding same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after publication of this notice in the FEDERAL REGISTER.

Dated: December 9, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-10043; Filed, Dec. 13, 1955; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF 1,1 - DICHLORO-2,2 - BIS(*p*-ETHYLPHENYL) ETHANE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Rohm and Haas Company, Washington Square, Philadelphia 5, Pennsylvania, proposing the establishment of the following tolerances for residues of 1,1-dichloro-2,2-bis(*p*-ethylphenyl) ethane (also known as diethyl diphenyl dichloroethane) in or on the following raw agricultural commodities:

1. 25 parts per million in or on broccoli, brussels sprouts, cabbage, endive, kale, kohlrabi, lettuce, mustard greens, parsley, and spinach.

2. 15 parts per million in or on cherries (sweet and sour).

3. 0.2 part per million in milk; or, alternatively, that residues in milk from use of diethyl diphenyl dichloroethane on dairy animals be exempt from the requirement of a tolerance.

The analytical methods proposed in the petition for determining residues of diethyl diphenyl dichloroethane are as follows:

1. A spectrophotometric method is applicable for determination of diethyl diphenyl dichloroethane residues on cherries, lettuce, and milk. This method employs extraction with hexane and oxidation of the extractive to carboxylic or carbonyl compounds, which provide a basis for separation as well as suitable intermediates for intense color reactions or for conversion to compounds absorbing in the ultraviolet.

2. The second method is a modification of that described by Fairing and Warrington for methoxychlor and has been found applicable to all crops. It involves extraction with hexane and dehydrochlorination of the extracted diethyl diphenyl dichloroethane to the ethylene derivative. This is dissolved in hexane, treated with an adsorbent mixture to remove interfering materials, and then treated with concentrated sulfuric acid to develop a red color.

REFERENCES

Fairing, J. D., and Warrington, H. P., Jr.: Advances in Chemistry Series, Volume 1, pages 260–265 (1950).

Gunther, F. A., and Blinn, R. C.: Analysis of Insecticides and Acaricides, Interscience Publishers, Inc., pages 481–484 (1955).

Official Methods of Analysis of the Association of Official Agricultural Chemists, Eighth Edition (1955), Sec. 24.28.

Doble, J., and Thornburg, W.: Methoxychlor: A Summary of Analytical Methods; E. I. du Pont de Nemours and Company, Wilmington, Delaware. 51-page booklet (1951).

Dated: December 9, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-10048; Filed, Dec. 12, 1955; 4:22 p. m.]

FEDERAL TRADE COMMISSION

[16 CFR Ch. I]

[File No. 21-464]

PROPOSED TRADE PRACTICE RULES FOR NURSERY INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the Nursery Industry, to present to the Commission such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose copies of the proposed rules may be obtained upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than January 19, 1956.

Opportunity to be heard orally will be afforded at the following times and places to any such persons, partnerships, corporations, associations, or other parties, who desire to appear and be heard:

Hearing beginning at 10 a. m., e. s. t., January 9, 1956, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C.; and

Hearing commencing at 10 a. m., c. s. t., January 19, 1956, in the Illinois Room of the LaSalle Hotel, 10 N. LaSalle Street at Madison, Chicago, Illinois.

After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which these rules are proposed is comprised of persons, firms, corporations, and organizations engaged in the sale, offering for sale, or distribution of trees, shrubs, vines, ornamentals, herbaceous annuals, biennials and perennials, bulbs, corms, rhizomes, and tubers, whether collected from the wild state or grown in a commercial nursery. Not included are florists' or greenhouse plants for inside culture or use, annual vegetable plants, and gladiolus bulbs or corms (gladiolus bulbs and corms being covered by trade practice rules promulgated January 17, 1952).

These proceedings were instituted pursuant to industry application and have for their purpose the establishment of a comprehensive set of trade practice rules directed to the maintenance of fair competitive conditions within the industry, as well as to protection of the purchasing public. Regional industry trade practice conferences were held in Chicago on August 11, 1954, in San Francisco on September 14, 1954, and in New York City on September 28, 1954, and these announced hearings constitute a further step in the proceedings.

Issued: December 9, 1955.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-9973; Filed, Dec. 13, 1955; 8:45 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

ARRIGO PAGNACCO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Arrigo Pagnacco, Via Canova 12, Milan, Italy, Claim No. 41164, Vesting Order No. 201; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Patent No. 2,182,349; subject, however, to a royalty-free non-exclusive license agreement dated September 7, 1943 (License No. 202) by and between the Alien Property Custodian, predecessor to the Attorney General, and the Toledo Scale Company, Toledo, Ohio.

Executed at Washington, D. C., on December 7, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 55-10037; Filed, Dec. 13, 1955; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 6, 1955.

The U. S. Forest Service, Department of Agriculture, has filed an application, serial No. Colorado 012205, for the withdrawal from location and entry, under the General Mining Laws, subject to existing valid claims, of the lands described below.

The applicant desires the land for use in connection with the Elk River Recreational Area for camp grounds, summer homes, organization camp, roadside strip and stream bank strip.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROUTT NATIONAL FOREST

Elk River Recreation Area:
T. 9 N., R. 84 W.,
Sec. 1: Lots 5, 6, 7, 8, S½N½;
Sec. 2: Lot 5, SE¼NE¼, N½SE¼, N½SW¼;
Sec. 3: SE¼;
Sec. 7: Lot 12;
Sec. 8: Lots 7, 8, 11, 12, 13;
Tract 43;
Sec. 9: Lots 6, 7, 8, 9, NE¼SW¼;
Tract 44;
Sec. 10: Lots 1, 2, E½NW¼, NW¼NW¼NE¼;
Sec. 18: Lots 17 and 18.

Total area, 1,465.27 acres.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 55-10020; Filed, Dec. 13, 1955; 8:46 a. m.]

OUTER CONTINENTAL SHELF

SUBMISSION OF NOMINATIONS OF AREAS FOR PROSPECTIVE OIL, AND GAS AND SULPHUR LEASING

DECEMBER 8, 1955.

Pursuant to authority prescribed in 43 CFR 201.20, notice is hereby given that nomination of areas for prospective oil and gas and sulphur leasing in the Outer Continental Shelf off the States of Louisiana and Texas may be submitted to the Manager, Bureau of Land Management, 608 Masonic Temple Building, 333 St. Charles Avenue, New Orleans 12, Louisiana, not later than February 10, 1956. Copies of any such nominations must be sent to the Oil and Gas Supervisor, Geological Survey, Department of the Interior, 1503 Masonic Temple Building, 333 St. Charles Avenue, New Orleans 12, Louisiana. Envelopes should be marked "Nominations for leasing in the Outer Continental Shelf."

Nominated areas must be identified by block numbers and names of areas as shown on the official leasing maps prepared by the Bureau of Land Management, including the West addition West Cameron Area and the East addition High Island Area. Properly described subdivisions of blocks may be nominated. Reduced copies of the official leasing maps assemble in separate sets, one for Louisiana and one for Texas, may be procured from the Manager of the New Orleans office mentioned above or the Director, Bureau of Land Management, Washington 25, D. C., at a cost of $1 per set.

Any areas selected to be offered for competitive bidding will be published in the FEDERAL REGISTER and other publications. The published notice of lease offer will state the conditions and terms for leasing (43 CFR 201.20) and the place, date and hour at which the bids will be opened.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55-10019; Filed, Dec. 13, 1955; 8:46 a. m.]

Office of the Secretary

DESIGNATING THE EDISON HOME NATIONAL HISTORIC SITE, WEST ORANGE, NEW JERSEY

Whereas the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas the Edison Home (Glenmont), located in Llewellyn Park in the Town of West Orange, County of Essex, and State of New Jersey, is recognized by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, as possessing national significance as the home of Thomas A. Edison, noted inventor and scientist, during the years which climaxed his career; and

Whereas a cooperative agreement has been made between Thomas A. Edison, Incorporated, and the United States of America, providing for the designation, preservation, and use of the Edison Home as a national historic site:

Now, therefore, I, Douglas McKay, Secretary of the Interior, under and by virtue of the authority conferred upon the Secretary of the Interior by section 2 of the act of Congress approved August 21, 1935 (49 Stat. 666), do hereby designate the following described lands, together with related structures thereon and all appurtenances connected therewith, to be a national historic site, having the name "Edison Home National Historic Site":

All those two certain tracts or parcels of land and premises, hereinafter particularly described, situate, lying and being in the Town of West Orange, in the County of Essex and State of New Jersey:

First Parcel. Beginning on the South side of a birch tree, and in the line of Llewellyn Park, and on the South side of lands now or formerly owned by Egbert Starr; thence along said Starr's said line, and line of lands formerly owned by Llewellyn S. Haskell, South sixty-one degrees East, Eight hundred and fifty-one feet, to the middle of Glen Avenue; thence along the middle of said Glen Avenue, South, Thirty-two degrees twenty minutes West, One hundred and sixteen feet; thence along the same, South, Thirty-four degrees West, Two hundred and fifty feet; thence along the same, South, Forty degrees West, Two hundred and thirty-six feet; thence along the same, South, Forty-six degrees, forty minutes West, One hundred feet; thence along the same, South, Fifty-seven degrees twenty minutes West, Seventy-two feet and six inches, to the line of Park Way; thence, along the line of said Park Way, North, Ten degrees fifty minutes West, One hundred and fifty-one feet; thence, along the same, North, Twenty-nine degrees West, Two hundred and fifty-three feet and five inches; thence along the same, North, Forty-five degrees fifteen minutes West, One hundred and thirty-two feet; thence North, Forty-eight degrees and thirty minutes West, One hundred and twenty-five feet and four inches; thence, North, Thirty-nine degrees five minutes West, One hundred and twenty-four feet and one inch; thence, along the same, North, Seventeen degrees thirty minutes West, One hundred and thirty-six feet; thence, along the same, North, Twenty degrees and forty minutes East, Eighty-nine feet and nine inches; thence, North, Fifty-four degrees and forty minutes East, One hundred and fifty-nine feet and eight inches, and thence North, Thirty-two degrees East, Seventy-two feet, to the place of beginning. Containing Ten acres and forty-seven hundredths of an acre of land, more or less.

Second Parcel. Also, that other certain tract, or parcel of land and premises, hereinafter particularly described, situate, lying and being on "Eagle Ridge", on the First Mountain, in the Town of West Orange, beginning in the middle of Glen Avenue, at the Northwesterly corner of land formerly of Charles Harrison; thence along the middle of said Avenue, North Thirty degrees thirty-five minutes East, Seventy-three feet three inches; thence, still along the same North, Twenty-nine degrees ten minutes East, Ninety-nine feet and thirty-three hundredths of a foot; thence still along the same North, Twenty-seven degrees East, seventy-six feet and seventy-three hundredths of a foot, to the middle of a road, fifty feet wide; thence, along the middle of said road, North, Sixty-one degrees nine minutes West, Five hundred and thirty feet and ten inches, more or less, to land, now or formerly owned by Egbert Starr; thence along said Starr's line, South, Twenty-seven degrees fifty-seven minutes West, Two hundred and fifty-five feet and seventeen hundredths of a foot, to land formerly of Charles Harrison; thence along that line South, Sixty-one degrees forty-seven minutes East, Five hundred and twenty-five feet and sixty-six hundredths of a foot, more or less, to the place of beginning. Containing three acres and seven hundredths of an acre of land, more or less.

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the act of August 21, 1935, supra.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington, this 6th day of December 1955.

[SEAL] DOUGLAS McKAY,
Secretary of the Interior.

[F. R. Doc. 55-10021; Filed, Dec. 13, 1955; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

PAUL BUTLER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by Section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Paul Butler.
2. Employing agency: Department of Commerce, Office of the Secretary, Office of the Under Secretary for Transportation.
3. Date of appointment: August 1, 1954.
4. Title of position: Consultant.
5. Name of private employer: Butler Company, Chicago, Ill.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

a. Butler Company; J. W. Butler Paper Company; Butler Development Company; Butler Paper Corporations; Butler Paper Company, Denver; Butler Paper Company, Detroit; Butler Paper Company, Fort Wayne; Butler Paper Company, Inc., New Orleans; Butler Paper Company, Minneapolis; Butler Paper Company, St. Louis; Butler Memorial Building Corporation; Butler Paper Overseas Corporation; Butler Venezuelan Paper Company, S. A.; Butler Company, S. A.; Customers Finance Corporation; Ramon Garcia e Hijos, S. A.; Birgralt Realty Company; Hinsdale Burial Association; Mid-States Paper Company, Inc.; Mississippi Valley Paper Company; Oakbrook Polo Club; Pacific Coast Paper Company; The Paper Mills Company; Sun Ranch; Sierra Paper Company; Southwestern Paper Company of Dallas; Southwestern Paper Company of Fort Worth; Southwestern Paper Company of Houston; Standard Paper Company; York Golf Club; World Polo League, Inc.; Butler Paper Company, Phoenix; Butler Paper New York Corporation; Butler Paper Company, Kansas City; Champion Paper Export Corporation; U. S. Polo Association; Arlington Park Jockey Club; Champion Paper Company, S. A.

b. Customers Finance Control; Duke Oil Company.

c. Leasehold interests in certain oil wells in the States of: Texas, Oklahoma, Illinois, Colorado, Utah, Louisiana, California.

Dated: December 3, 1955.

PAUL BUTLER.

[F. R. Doc. 55-10040; Filed, Dec. 13, 1955; 8:50 a. m.]

ROBERT L. TURNER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Robert L. Turner.
2. Employing agency: Department of Commerce, Office of the Secretary, Office of the Under Secretary for Transportation.
3. Date of appointment: June 19, 1952.
4. Title of position: Consultant (Air Transportation).
5. Name of private employer: Northeast Airlines, Inc.

[SEAL] CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

a. Officer: Northeast Airlines, Inc.; Air Traffic Conference of America; National Defense Transportation Administration. Stock: Eastern Air Lines.

b. None.

c. None.

Dated: November 30, 1955.

ROBERT L. TURNER.

[F. R. Doc. 55-10041; Filed, Dec. 13, 1955; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTH CAROLINA

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), certain counties in the State of South Carolina have heretofore been found to have suffered from a production disaster causing a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources (January 18, 1954, 19 F. R. 1444; March 10, 1954, 19 F. R. 1524; and August 31, 1954, 19 F. R. 5633). The period for making initial Production Emergency loans in said counties was on August 31, 1954, extended until December 31, 1955 (19 F. R. 5633). The period for making initial Production Emergency loans in the counties listed below is hereby extended until December 31, 1956. Thereafter in said counties, such loans will not be made except to borrowers who previously received such assistance.

SOUTH CAROLINA

Bamberg.	Georgetown.
Beaufort.	Jasper.
Berkeley.	Kershaw.
Calhoun.	Lexington.
Charleston.	Marion.
Chesterfield.	Marlboro.
Clarendon.	Orangeburg.
Colleton.	Richland.
Dillon.	Williamsburg.
Dorchester.	

Done at Washington, D. C., this 9th day of December 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10034; Filed, Dec. 13, 1955; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Parts 522 and 527 of the regulations issued thereunder (29 CFR Parts 522 and 527), certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Parts 522 and 527. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

Carbondale Manufacturing Co., Inc., 33 South Main Street, Carbondale, Pa., effective 12-5-55 to 12-4-56; 10 learners for normal labor turnover purposes (dresses).

Day's Tailor-d Clothing, Inc., 29th and Pacific Avenue, Tacoma, Wash., effective 11-28-55 to 11-27-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's trousers, men's and boys' jackets).

Finart Creations, Inc., Central City, Ky., effective 12-2-55 to 12-1-56; 10 learners for normal labor turnover purposes (house coats, cotton dresses, dusters).

The Hercules Trouser Co., Jackson, Ohio, effective 12-1-55 to 2-20-56; 30 learners for plant expansion purposes (men's and boys' single pants).

Hickerson & Co., Brainerd, Minn., effective 12-10-55 to 12-9-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' woolen work and sport clothing).

Holland Manufacturers, 1218 East Marvin Street, Waxahachie, Tex., effective 12-5-55 to 12-4-56; 2 learners for normal labor turnover purposes (Learners may not be engaged at subminimum wage rates in the production of ladies' suits) (ladies' dresses and suits).

Mammoth Cave Garment Co., Cave City, Ky., effective 12-11-55 to 12-10-56; 10 learners for normal labor turnover purposes (dungarees).

Mayflower Manufacturing Co., Inc., 460-506 North Maine Avenue, Scranton, Pa., effective 12-12-55 to 12-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (trousers).

Oberman Manufacturing Co., Harrison, Ark., effective 12-5-55 to 12-4-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' trousers).

Puritan Foundations, Portage, Pa., effective 12-2-55 to 12-1-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Regina Manufacturing Co., 44 Carey Avenue, Wilkes-Barre, Pa., effective 12-1-55 to 11-30-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Salant & Salant, Inc., Henderson, Tenn., effective 12-13-55 to 12-12-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work shirts).

Samsons Manufacturing Corp., 525 East Fifth Street, Washington, N. C., effective 12-10-55 to 12-9-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

The Shirtmaster Co., Inc., Abbeville, S. C., effective 12-7-55 to 12-6-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sport shirts).

Shreveport Garment Manufacturers, 1023 Polk Street, Mansfield, La., effective 12-6-55 to 12-5-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work shirts).

Stone Manufacturing Co., New Buncombe Road, Greenville, S. C., effective 12-1-55 to 11-30-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's and ladies' slips, and nylon slips, children's playwear).

Thomson Co., Millen, Ga., effective 12-12-55 to 12-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sport and dress trousers).

Thomson Co., Thomson, Ga., effective 12-8-55 to 12-7-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sport and dress trousers).

Trevorton Manufacturing Corp., Shamokin Street, Trevorton, Pa., effective 12-2-55 to 12-1-56; 10 learners for normal labor turnover purposes (pajamas and ladies' underpants).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Hawaiian Mission Academy, 1438 Pensacola Street, Honolulu 9, T. H., effective 11-28-55 to 8-31-56; 5 learners to be employed in the occupations hereinafter listed; print shop; compositor, pressman, bindery worker and related skilled and semiskilled occupations, each 500 hours at 65 cents an hour and 500 hours at 70 cents an hour; 1 learner to be employed in the occupation hereinafter listed; clerical; typist, bookkeeper and related skilled and semiskilled occupations 300 hours and 65 cents an hour and 300 hours at 70 cents an hour.

Wisconsin Academy, Columbus, Wis., effective 11-28-55 to 8-31-56; 17 learners to be employed in the occupations hereinafter listed; furniture shop (outdoor redwood) assembler (furniture) woodworking machine operator, furniture finisher helper, and related skilled and semiskilled occupations, each 375 hours at 65 cents an hour and 375 hours at 70 cents an hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Parts 522 and 527.

Signed at Washington, D. C., this 5th day of December 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-10022; Filed, Dec. 13, 1955; 8:46 a. m.]

CIVIL SERVICE COMMISSION

CERTAIN METEOROLOGIST POSITIONS IN CONTINENTAL UNITED STATES, INCLUDING ALASKA, AND FOREIGN COUNTRIES

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for meteorologist positions at grade GS–5 in the Meteorology Series, GS–1340–0. The new rate has been set at the sixth step of the grade ($4,345). This increase will be effective on the first day of the first pay period which begins after December 3, 1955, and applies to these positions throughout the continental United States, including Alaska, and in foreign countries.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–10039; Filed, Dec. 13, 1955; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7339]

MODERN AIR TRANSPORT, INC., ET AL.

NOTICE OF POSTPONEMENT OF HEARING

Modern Air Transport, Inc., John P. Becker and Aviation Management Corporation, interlocking relationship.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is postponed from December 13 to December 20, 1955, at 10 a. m., e. s. t., in Room 1512 Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., December 9, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–10047; Filed, Dec. 13, 1955; 8:51 a. m.]

PROPOSED AIR STAR ROUTE

In accordance with Public Law 277 of the 81st Congress (approved August 30, 1949), notice is hereby given that the Civil Aeronautics Board has received a request from the Postmaster General (Docket No. 7545) for certification that the proposed air star route, hereinafter described, does not conflict with the development of air transportation as contemplated under the Civil Aeronautics Act of 1938, as amended.

The route proposed is as follows: To and from McCall and Cabin Creek Landing Field in Idaho.

Under the provisions of the said Public Law 277, the Postmaster General is required to obtain the certification of the Board prior to advertising for bids for the carriage of mail by aircraft on any star route. Any contract which may ultimately be awarded by the Postmaster General under such law will not confer authority to carry persons or property (other than mail) by air.

Prior to reaching its decision as to whether the requested certification should be issued, the Board desires to afford interested persons an opportunity to comment thereon through the submission of written data, views or arguments, in triplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications bearing the above docket number received on or before January 9, 1956, will be considered by the Board before taking final action on the request of the Postmaster General.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

DECEMBER 9, 1955.

[F. R. Doc. 55–10046; Filed, Dec. 13, 1955; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–9622]

CITY OF CORYDON, KY.

NOTICE OF APPLICATION TO ESTABLISH PHYSICAL CONNECTION FOR DISTRIBUTION AND SALE OF NATURAL GAS

DECEMBER 8, 1955.

Take notice that the City of Corydon, Kentucky (Applicant), filed an application on November 7, 1955, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its transportation facilities with the facilities to be constructed for and on behalf of Applicant and to sell and deliver natural gas to Applicant for distribution and sale to the Citizens of Corydon, Kentucky, and its environs.

Applicant states that it is a municipality and is a municipal corporation of the State of Kentucky, and has the legal right to construct, operate and maintain a natural gas system for its own purposes and for the use and benefits of its inhabitants, and is legally authorized to engage in the local distribution of natural gas to the public.

Applicant states that its proposed service area has a population of about 1,000 and is about 5½ miles westerly from the Texas Gas spur line running to Spencer Chemical Company and that its estimated daily demands for the first year will be approximately 110 Mcf, for the third year approximately 300 Mcf and for the fifth year approximately 400 Mcf.

Applicant alleges that the requirement that Texas Gas make available said natural gas to Applicant will not place an undue burden upon Texas Gas nor require Texas Gas to enlarge its facilities for such purposes, nor impair its ability to render adequate service to its customers.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of December 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–10024; Filed, Dec. 13, 1955; 8:47 a. m.]

[Docket No. G–9648]

IRON RANGES NATURAL GAS CO.

NOTICE OF APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 8, 1955.

Take notice that Iron Ranges Natural Gas Company (Iron Ranges), a Minnesota corporation having its principal place of business at 137 East Eighth Street, St. Paul 1, Minnesota, filed on November 14, 1955, in Docket No. G–9648, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities.

Iron Ranges proposes to construct and operate approximately 68.4 miles of transmission pipeline with a system capacity of 55,000 Mcf of gas per day together with approximately 47 miles of supply laterals to various towns and cities on the Mesabi Iron Range in Minnesota. The transmission system will extend easterly and westerly from a point of connection, located about midway between the villages of Aurora and Eveleth, Minnesota, with a proposed pipe line to be constructed by Midwestern Gas Transmission Company for which application has been filed in Docket No. G–9451.

Iron Ranges proposes to furnish natural gas at wholesale to the municipally-owned systems in Virginia and Hibbing; the system of Northwest Gas and Power Company at Chisholm and Eveleth; to two main line direct industrial customers, Minnesota Power and Light Company and Erie Mining Company, and to 14 distribution systems to be constructed and operated by Iron Ranges in the cities and villages of: Aurora, Biwabik, Bovey, Buhl, Calumet, Coleraine, Cooley, Gilbert, Grant Rapids, Hoyt Lakes, Keewatin, Marble, Mountain Iron and Nashwauk. The estimated cost of the proposed facilities is $2,800,000. The proposed financing includes the issuance of bond debentures and common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of December 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–10025; Filed, Dec. 13, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 90]

MOTOR CARRIER APPLICATIONS

DECEMBER 9, 1955.

Protests, consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when the circumstances require immediate action, an application for approval under Section 210a (b) of the Act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under Section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 200 Sub 187, filed December 5, 1955, RISS & COMPANY, INC., Riss Building, 15 West 10th St., Kansas City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Detroit, Mich., and the Assembly Plant Site of the Ford Motor Company at intersection of Michigan Highway 218 and West Lake Drive near Wixom, Mich., over Michigan Highway 16 from Detroit to junction Michigan Highway 218, thence over Michigan Highway 218 to site of Ford Motor Company Assembly Plant, and return over the same route, serving no intermediate points. Applicant is authorized to conduct regular route operations in Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Virginia, West Virginia, and the District of Columbia, and irregular route operations in Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, West Virginia, and the District of Columbia.

No. MC 2815 Sub 15, filed November 29, 1955, PENNTRUCK COMPANY, INC., 323 West Polk Street, Chicago 7, Ill. Applicant's attorney: Robert H. Griswold, Commerce Building, P. O. Box 432, Harrisburg, Pa. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk*, and *those requiring special equipment*, between Jeffersonville, Ind., and Charlestown, Ind., from Jeffersonville over Indiana Highway 62 to Charlestown, and return over the same route, serving intermediate and off-route points which are stations of The Pennsylvania Railroad Company. Applicant is authorized to conduct common carrier operations in Illinois, Indiana, Kentucky and Michigan, irregular route contract carrier operations in Illinois, Indiana, Kentucky, Ohio, Michigan and Missouri, and is affiliated with a carrier who is authorized to conduct irregular route contract carrier operations in Connecticut, New Jersey and New York.

No. MC 4409 Sub 10, filed December 5, 1955, R. & H. CORPORATION, 1004 Stanton Avenue, New Kensington, Pa. Applicant's attorney: Harold S. Shertz, 811–819 Lewis Tower Bldg., 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fiberboard boxes and containers*, from Clarion, Pa., to Huntington, Charleston and Fairmont, W. Va., and Bridgeton, N. J.; and *bottle moulds*, between Clarion, Pa., on the one hand, and, on the other, Charleston, W. Va., and Bridgeton, N. J. Applicant is authorized to conduct operations in Alabama, Connecticut, Florida, Georgia, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and the District of Columbia.

No. MC 13712 Sub 8, filed November 28, 1955, LESLIE C. ROE AND IRENE G. ROE, doing business as ROE MOVERS, 15 Zimmer Avenue, Poughkeepsie, N. Y. Applicant's attorney: William F. Leahey, 4 Liberty Street, Poughkeepsie, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Business machines*, uncrated, *machine models*, including *supplies, parts, tools*, and *equipment* in connection therewith, and *household goods* as defined by the Commission, between Poughkeepsie, N. Y., and points in New York within fifty (50) miles of Poughkeepsie, on the one hand, and, on the other, points in Connecticut, Georgia, Maryland, New Hampshire, New York, Rhode Island, Vermont, West Virginia, Delaware, Florida, Maine, Massachusetts, New Jersey, Pennsylvania, South Carolina, Virginia, North Carolina, and the District of Columbia.

NOTE: Applicant has authority to transport *household goods* as defined by the Commission, between Poughkeepsie, N. Y., and points in New York within 30 miles of Poughkeepsie, on the one hand, and, on the other, points as more fully described in Certificate No. MC 13712, dated July 11, 1955. Applicant states that the purpose of this application is to change the operations to read as described above.

No. MC 17226, Sub 9, filed December 2, 1955, FRUIT BELT MOTOR SERVICE, INC., 3909 W. Harrison St., Chicago 24, Ill. Applicant's attorney: Eugene L. Cohn, One North LaSalle St., Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Machinery, parts, materials* and *supplies*, used in the manufacture, shipping or operation of household laundry machines, stoves and ranges, (a) between Hamilton, Ohio, on the one hand, and, on the other, St. Joseph and Benton Harbor, Mich., and La Porte, Ind.; (b) from Chicago, Ill., to Hamilton, Ohio; and (2) *Skids, pallets, racks* and *packing containers* used in the transportation of the above-specified commodities, from the above-specified destination points to the respective origin points. Applicant is authorized to conduct operations in Illinois, Michigan, Indiana, and Ohio.

No. MC 20793 Sub 19, filed November 28, 1955, WAGNER TRUCKING CO., INC., Jobstown, N. J. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick*, from Gloucester County, N. J., to points in Connecticut; and *empty containers or other such incidental facilities* used in transporting the commodities specified, on return movements. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont and Virginia, and the District of Columbia.

No. MC 41002 Sub 12, filed December 2, 1955, THE VICTOR TRANSIT CORPORATION, P. O. Box 115, Winton Place Station, Cincinnati 32, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Glass containers* and *caps, covers* and *tops* therefor, and *corrugated paperboard containers*, knocked down, from Vienna, W. Va., to points in Illinois, Indiana, Kentucky, Tennessee and Alabama. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, West Virginia and Wisconsin.

No. MC 47142 Sub 58, filed December 5, 1955, C. I. WHITTEN TRANSFER COMPANY, a corporation, 200—19th St., Huntington, W. Va. Applicants' attor-

ney: Chas. I. Dodrill, West Virginia Building, Huntington, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A, B, and C explosives, blasting supplies*, and *used empty containers* for explosives, blasting supplies and powder, between a point on Caton Farm Road at the terminal of Roy Cartage Company near Seneca, Ill. and points in Will County, Ill. within five miles of said point on Caton Farm Road, on the one hand, and, on the other, points presently authorized to be served over irregular routes in and through the states of Illinois, Indiana, Kentucky, Maryland, New Jersey, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia in the transportatin of explosives, blasting supplies, and used empty containers for explosives, blasting supplies, and powder, with service at said point on Caton Farm Road and points in Will County, Ill., within five miles thereof being restricted to interchange of traffic with other carriers. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Maryland, New Jersey, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia.

No. MC 59531 Sub 69, filed November 29, 1955, AUTO CONVOY CO., a corporation, 3020 S. Haskell Avenue, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth, Tex. For authority to operate as a *common carrier* over irregular routes, transporting: *New automobiles, new trucks* and *new chassis*, in secondary movements, by driveaway and truckaway service, (1) from Quapaw, Okla., and Texarkana, Tex., Ark., to points in New Mexico, (2) between points in New Mexico, and (3) between points in Texas and New Mexico. *Damaged shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Louisiana, Oklahoma and Texas.

No. MC 60610 Sub 3, filed November 29, 1955, ARVILLE STONECIPHER and WILSON BRANDENBURG, doing business as STEPRO TRANSFER LINE, 102 South Mulberry St., Corydon, Ind. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. For authority to operate as a *common carrier*, transporting: *General Commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) over a regular route between Palmyra, Ind., and Corydon, Ind., over Indiana Highway 135, serving the intermediate point of Central Barren, Ind., unrestricted, and serving the termini for joinder or connecting purposes only in connection with regular route operations between (a) Corydon, Ind., and Louisville, Ky., and (b) Fredericksburg, Ind., and Louisville, Ky., and (2) over irregular routes between points in Floyd County, Ind. south of a line commencing at New Albany, Ind., thence extending over U. S. Highway 460 to junction Indiana Highway 64, and thence over Indiana Highway 64 to the Floyd-Harrison Counties, Ind. line, and those in Harrison County, Ind. south of Indiana Highway 64 (excluding Crandall, New Salisbury, and Corydon Junction, Ind., points located on the specified portions of U. S. Highway 460 and Indiana Highway 64, and those located on that portion of U. S. Highway 460 extending between the junction of U. S. Highway 460 and Indiana Highway 64, and the Harrison-Crawford Counties, Ind. line), on the one hand, and, on the other, Louisville, Ky., with service to and from those points located within 10 miles of Corydon, Ind. being restricted to the transportation of *livestock*. Applicant is authorized to conduct operations in Indiana, and Kentucky.

No. MC 61265 Sub 47, filed November 21, 1955, SOUTHEASTERN TRUCK LINES, INC., Hill Blanton Avenue, Nashville, Tenn. Applicant's attorney: Walter Harwood, 515 Nashville Trust Building, Nashville 3, Tenn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, sand, gravel, coal, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment or refrigeration (1) between Hopkinsville, Ky., and Bowling Green, Ky., from Hopkinsville over U. S. Highway 68 to Bowling Green, and return over the same route, serving no intermediate points, as an alternate or connecting route, in connection with carrier's regular route operations between (a) Cincinnati, Ohio, and Atlanta, Ga., via Nashville, Tenn., (b) Nashville, Tenn., and Hopkinsville, Ky., which is a portion of regular route operations between Nashville, Tenn., and Evansville, Ind., and (c) Hopkinsville, Tenn., and Nashville, Tenn., and (2) between Paris, Tenn., and Bowling Green, Ky., from Paris over U. S. Highway 79 to junction U. S. Highway 68 at or near Russellville, Ky., thence over U. S. Highway 68 to Bowling Green, and return over the same route, serving no intermediate points, as an alternate or connecting route, in connection with carrier's regular route operations between (a) Cincinnati, Ohio, and Atlanta, Ga., via Nashville, Tenn., (b) Nashville, Tenn., and Huntingdon, Tenn., which is a portion of regular route operations between Nashville, Tenn., and Atwood, Tenn., (c) between Paris, Tenn., and Huntingdon, Tenn., which is a portion of regular route operations between St. Louis, Mo., and Decaturville, Tenn., subject to restriction between McKenzie and Huntingdon, Tenn., (d) Brownsville, Tenn., and Union City, Tenn., via Paris, Tenn., and (e) the applied-for route (1) hereinabove. Applicant is authorized to conduct operations in Georgia, Illinois, Indiana, Kentucky, Missouri, Ohio, and Tennessee.

No. MC 65941 Sub 16, filed November 28, 1955, TOWER LINES, INC., P. O. Box 907, North 3rd and Warwood Avenue, Wheeling, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from points in that part of Georgia on and north of a line beginning at Augusta and extending along U. S. Highway 1 to Louisville, thence along Georgia Highway 24 to junction Georgia Highway 22, and thence along Georgia Highway 22 through Macon to Columbus, and those in that part of North Carolina and South Carolina on, north and west of U. S. Highway 1 to Wheeling, W. Va., and points in West Virginia within 30 miles of Wheeling, Clarksburg, and Mannington, W. Va., and Martins Ferry, Ohio. Applicant is authorized to conduct operations in Georgia, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia and West Virginia.

No. MC 66562 Sub 1257, filed November 10, 1955, (Amended), published November 23, 1955, page 8652, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's attorney: William H. Marx, same address as applicant. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, between Buffalo, N. Y., and Punxsutawney, Pa., from Buffalo over New York Highway 240 to junction New York Highway 39, thence over New York Highway 39 to Springville, N. Y., thence over U. S. Highway 219 to DuBois, Pa., thence over U. S. Highway 119 to Punxsutawney, and return over the same route, serving the intermediate points of Orchard Park, Jewettville, Colden, Springville, and Ellicottville, N. Y., and Bradford, Ridgway, Brockway, DuBois, and Sykesville, Pa., and the off-route points of Salamanca, N. Y., and Mount Jewett and Falls Creek, Pa. RESTRICTION: (a) The authority applied for is subject to the condition that service to be performed shall be limited to service which is auxiliary to, or supplemental of, air or railway express service; (b) Shipments transported by carrier shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movement by carrier, an immediately prior or immediately subsequent movement by air or rail; and (c) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operation to service which is auxiliary to, or supplemental of, air or railway express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 Sub 1258, filed November 10, 1955, (Amended) published November 23, 1955, page 8653, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's attorney: William H. Marx, same address as applicant. For authority to operate as a *common carrier*, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, serving Evans City, Pa., as an intermediate point, and Mars, Pa., as an off-route point in connection with applicant's regular route operations between Pittsburgh, Pa., and Butler, Pa. RESTRICTION: (a) The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, air or railway express service; (b) Shipments transported by carrier shall be limited to those moving on a through bill of lading or express receipt covering in addition to the motor carrier movement by carrier, an immediately prior or immediately subsequent movement by air or rail; and (c) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operation to service which is auxiliary to, or supplemental of, air or railway express service. Applicant is authorized to conduct operations throughout the United States.

NO. MC 68078 Sub 15, filed November 7, 1955, published in the November 23, 1955 issue, on Page 8653, amended November 28, 1955, CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, P. O. Box 1968, Chattanooga, Tenn. Applicant's attorney: E. Blaine Buchanan, 1024 James Building, Chattanooga 2, Tenn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Cleveland, Tenn., and Knoxville, Tenn., from Cleveland over U. S. Highway 64 to junction U. S. Highway 411, thence over U. S. Highway 411 to Maryville, Tenn., thence over Tennessee Highway 73 to Knoxville, and return over the same route, restricted against freight originating at Knoxville, Tenn., and destined to Maryville, Tenn., or intermediate points between Knoxville and Maryville and against freight originating at Maryville, Tenn., and intermediate points between Maryville and Knoxville, Tenn., to Knoxville, (2) between Athens, Tenn., and Etowah, Tenn., from Athens over Tennessee Highway 30 to Etowah, and return over the same route, (3) between Athens, Tenn., and Englewood, Tenn., from Athens over Tennessee Highway 39 to Englewood, and return over the same route, (4) between Sweetwater, Tenn., and Tellico Plains, Tenn., from Sweetwater over Tennessee Highway 68 to Tellico Plains, and return over the same route, (5) between junction U. S. Highways 129 and 411 about six miles southward of Maryville, Tenn., and the Tennessee-North Carolina State line, from junction U. S. Highways 129 and 411 over U. S. Highway 129 to the Tennessee-North Carolina State line, and return over the same route, (6) between McGhee, Tenn., and junction Tennessee Highway 72 and U. S. Highway 129, from McGhee over Tennessee Highway 72 to junction U. S. Highway 129, and return over the same route, and (7) between junction U. S. Highways 64 and 411 at or near Ocoee, Tenn., and Tennga, Ga., from junction U. S. Highways 64 and 411 at or near Ocoee, Tenn., southward over U. S. Highway 411 to Tennga, Ga., and return over the same route. Serving all intermediate points on the above-specified routes, except Benton, Tenn., on Route (1). Applicant is authorized to conduct operations in Alabama, Georgia, and Tennessee.

NOTE: Applicant states it proposes to tack the foregoing described routes to its present authority.

No. MC 87689 Sub 4, filed December 2, 1955, INTER-CITY TRUCK LINES, LIMITED, 123 Duchess Street, Toronto, Ontario, Canada. Applicant's representative: Floyd B. Piper, Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Buffalo, N. Y., on the one hand, and, on the other, the port of entry on the International Boundary line between the United States and Canada at or near Buffalo. Applicant is authorized to conduct operations in Michigan and New York, over regular and irregular routes.

NOTE: Applicant is authorized to conduct the above-described operation, restricted to the transportation of shipments originating at or destined to points in Canada. Applicant states that the purpose of this application is to remove the restriction.

No. MC 105940 Sub 2 filed December 1, 1955, SAFEWAY TRUCKING CORPORATION, 84 Randolph Place, West Orange, N. J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Candy* and *confectioneries*, from Hackettstown, N. J., to points in the New York Commercial Zone, as defined by the Commission, and *materials, equipment* and *supplies* used in the manufacture, packaging, sale and distribution of candies and confectioneries on return. Applicant holds authority to conduct operations in New Jersey and New York.

No. MC 107496 Sub 66, filed November 18, 1955, RUAN TRANSPORT CORPORATION, a corporation, 408 S. E. 30th St., Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Sugar Creek, Mo., excluding any points in the commercial zone thereof which may be located in Kansas, to points in Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

No. MC 109914 Sub 9, filed August 10, 1955, DUNDEE TRUCK LINE, INC., 660 Sterling Street, Toledo, Ohio. Applicant's attorney: Arthur R. Cline, 420 Security Building, Toledo 4, Ohio. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, uncrated household or office furnishings, commodities in bulk, and those requiring special equipment, (1) between Angola, Ind., and Hillsdale, Mich., from Angola over U. S. Highway 27 to junction U. S. Highway 112, thence over U. S. Highway 112 to Jonesville, Mich., and thence over U. S. Highway 99 to Hillsdale, and return over the same route, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Toledo, Ohio, and Angola, Ind., (b) Angola, Ind., and junction U. S. Highway 127 and Michigan Highway 120, (c) Hillsdale, Mich., and Toledo, Ohio, (d) junction U. S. Highway 20 and Ohio Highway 15 and Hillsdale, Mich., and (e) carrier's alternate route operations between Hillsdale, Mich., and Saline, Mich., (2) between junction Michigan Highways 49 and 120 and Hillsdale, Mich., from junction Michigan Highways 49 and 120 over Michigan Highway 49 to junction U. S. Highway 112, thence over U. S. Highway 112 to Jonesville, Mich., and thence over Michigan Highway 99 to Hillsdale, and return over the same route, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Angola, Ind., and junction U. S. Highway 127 and Michigan Highway 120, (b) junction U. S. Highway 20 and Ohio Highway 49 and junction Michigan Highways 49 and 120, (c) Hillsdale, Mich., and Toledo, Ohio, (d) junction U. S. Highway 20 and Ohio Highway 15 and Hillsdale, Mich., and (e) carrier's alternate route operations between Hillsdale, Mich., and Saline, Mich., (3) between Toledo, Ohio, and Delphos, Ohio, from Toledo over combined U. S. Highways 25 and 68 to junction Ohio Highway 12, thence over Ohio Highway 12 to junction U. S. Highway 30N, thence over U. S. Highway 30N to Delphos, and return over the same route, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Dundee, Mich., and Toledo, Ohio, (b) Hillsdale, Mich., and Toledo, Ohio, (c) Toledo, Ohio, and Angola, Ohio, (d) Toledo Ohio, and Waldron, Ohio, (e) Van Wert, Ohio, and Toledo, Ohio, (f) Van Wert, Ohio, and Oakwood, Ohio, (g) Detroit, Mich., and Toledo, Ohio, and (h) Wauseon, Ohio, and Toledo, Ohio, and (4) between Toledo, Ohio, and Ottoville, Ohio, from Toledo over combined U. S. Highways 25 and 68 to junction U. S. Highway 224, thence over U. S. Highway 224 to Ottoville, and return over the same route, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Dundee, Mich., and Toledo, Ohio, (b) Hillsdale, Mich., and Toledo, Ohio, (c) Toledo, Ohio, and Angola, Ind., (d) Toledo, Ohio, and Waldron, Mich., (e) Van Wert, Ohio, and Toledo, Ohio, (f) Van Wert, Ohio, and Oakwood, Ohio, (g) Detroit, Mich., and Toledo, Ohio, and (h) Wauseon, Ohio, and Toledo, Ohio. Applicant is authorized to conduct operations in Indiana, Michigan and Ohio.

No. MC 110505 Sub 24, filed November 7, 1955, RINGLE TRUCK LINES, INC., 601 S. Grant Ave., Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transport-

ing: *Agricultural implements, agricultural machinery,* and *parts* thereof, (1) from Shelbyville, Ill., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, North Carolina, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) from Streator, Ill., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, North Carolina, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, West Virginia, Arkansas, Indiana, Kentucky, Michigan, Mississippi, Ohio, Tennessee, and the District of Columbia; and *articles of iron and steel manufacture,* such as bars, sheets, beams, etc., from points in Mahoning, Lorain, Cuyahoga, and Trumbull Counties, Ohio, to points in Iowa, and to points in Illinois, except those in Illinois within the Chicago, Ill., Commercial Zone as defined by the Commission, and those in Illinois within the St. Louis, Mo., Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, and Ohio.

NO. MC 112266 Sub 1, filed November 28, 1955, CRAYCRAFT TRUCKING, INC., P. O. Box 222, Upper Sandusky, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier,* over irregular routes, transporting: *Clay products,* from Morral and Caledonia (each in Marion County), Ohio and points within five miles of each, to points in Indiana, Michigan and Ohio; and *empty containers or other such incidental facilities* used in transporting the commodities specified, on return movements. Applicant is authorized to conduct operations in Ohio and Michigan.

No. MC 113514 Sub 14, filed November 29, 1955, CHEMICAL TRANSPORTS, INC., 305 Simons Building, 1528 Main St., Dallas, Tex. Applicant's attorney: W. D White, 17th Floor Mercantile Bank Building, Dallas 1, Tex. For authority to operate as a *common carrier,* over irregular routes, transporting: (1) *Nitrogen Compounds,* in bulk, in tank vehicles, from North Seadrift, Tex., to points in Alabama, Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Utah, and (2) *contaminated shipments of nitrogen compounds,* from points in the above-specified destination territory to North Seadrift, Tex. Applicant is authorized to conduct operations in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Texas.

No. MC 113779 Sub 28, filed November 29, 1955, YORK INTERSTATE TRUCKING, INC., 8222 Market Street Road, P. O. Box 9686, Houston, Tex. For authority to operate as a *common carrier,* over irregular routes, transporting: (1) *Anhydrous ammonia,* and *nitrogen solutions,* in bulk, in tank vehicles, between Luling, La. and El Dorado, Ark., on the one hand, and, on the other, points in Alabama, Florida, Mississippi, and Texas, and (2) *nitric acid,* in bulk, in tank vehicles, from Luling, La. and El Dorado, Ark., to Mobile, Ala., Pensacola, and Gonzales, Fla., and points in Mississippi, and Texas. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas.

No. MC 113963 Sub 2, filed November 30, 1955, ARROW EXPRESS CORPORATION, P. O. Box 1067, Chattanooga, Tenn. Applicant's attorney: Harold G. Hernly, 1624 Eye Street N. W., Washington 6, D. C. For authority to operate as a *common carrier,* over irregular routes, transporting: *Class A, B, and C explosives,* serving an area located on U. S. Highway 58 approximately 3 miles west of Hiltons, Va., as a point of interchange in connection with applicant's operations acquired by order No. MC–FC 55157. Applicant is conducting operations in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

No. MC 115311 Sub 3, filed November 30, 1955, J & M TRANSPORTATION CO., INC., P. O. Box 894, Americus, Georgia. Applicant's attorney: Paul M. Daniel, Grant Bldg., Atlanta, Ga. For authority to operate as a *common carrier,* over irregular routes, transporting: *Agricultural containers,* such as baskets, hampers and boxes, from Americus, Ga., to points in Alabama, Florida, North Carolina, South Carolina, Mississippi, and Tennessee.

No. MC 115311 Sub 4, filed November 30, 1955, J & M TRANSPORTATION CO., INC., P. O. Box 894, Americus, Ga. Applicant's attorney: Paul M. Daniell, Grant Bldg., Atlanta, Ga. For authority to operate as a *common carrier,* over irregular routes, transporting: *Vegetable oil,* in bulk, in tank vehicles, from Moultrie, Ga., to Cleveland, Ohio.

No. MC 115396 Sub 2, filed November 30, 1955, DAVIES TRUCKING CO., INC., 6117 East Slauson Ave., Montebelle, Calif. For authority to operate as a *common carrier,* over irregular routes, transporting: *Lumber,* from Coos Bay, Coquille, Dillard, Eugene, Grants Pass, Lebanon, Medford, Reedsport, Roseburg, Springfield, Willimina, and Gave Lumber Co., 13 miles west of Grants Pass, Oreg., to points in Los Angeles, Orange, and San Bernardino, Calif.

No. MC 115523 Sub 3, filed November 14, 1955, as amended, CLARK TANK LINES COMPANY, 1450 Beck St., P. O. Box 1895, Salt Lake City, Utah. For authority to operate as a *common carrier,* over irregular routes, transporting: *Liquefied petroleum gases,* in bulk, in tank vehicles, from Salt Lake City, Utah and Woods Cross, Utah, Worland, Wyo., and Rangely, Colo. and points within twenty-five (25) miles of each, and Durango, Colo. and points in Colorado within twenty-five (25) miles of Durango, to points in Utah; those in Moffat, Routt, Rio Blanco, Garfield, Eagle, Mesa, Pitkin, Delta, Lake, Montrose, Gunnison, Chaffee, San Miguel, Ouray, Dolores, San Juan, Hinsdale, Montezuma, and La Plata Counties, Colo.; Yellowstone National Park, Wyo. and those in Uinta, Sweetwater, Carbon, Lincoln, Sublette, Teton, Park, Big Horn, Hot Springs, Washakie, and Fremont Counties, Wyo.; those in Madison, Beaverhead, Silver Bow, Deer Lodge, Granite, Ravalli, Missoula, and Mineral Counties, Mont.; those in Malheur, Harney, Baker, Wallowa, Union, and Umatilla Counties, Oreg.; those in Adams, Valley, Lemhi, Washington, Custer, Clark, Fremont, Teton, Madison, Jefferson, Butte, Blaine, Camas, Elmore, Boise, Gem, Payette, Ada, Canyon, Gooding, Lincoln, Owyhee, Twin Falls, Jerome, Minidoka, Cassia, Oneida, Power, Bingham, Franklin, Bear Lake, Caribou, Bonneville, and Bannock Counties, Idaho; (2) from Woods Cross, Utah, Worland, Wyo., and Rangely, Colo. and points within twenty-five (25) miles of each, and Durango, Colo. and points in Colorado within twenty-five (25) miles of Durango, to points in White Pine, Eureka, Lander, and Elko Counties, Nevada.

No. MC 115557 Sub 1, filed November 30, 1955, CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, Pa. Applicant's attorney: H. Ray Pope, Jr., Clarion, Pa. For authority to operate as a *common carrier,* over irregular routes, transporting: *Salt* in bulk, in dump or tank vehicles, from Retsof, Livingston County, N. Y., and Watkins Glen, Schuyler County, N. Y., to points in Clarion, Jefferson, Butler, Armstrong, Beaver, Allegheny, Westmoreland, Cambria, Indiana, Clearfield, Blair, Somerset, Bedford, Washington, and Fayette Counties, Pa.

No. MC 115595 Sub 1, filed November 28, 1955, A. G. OGDEN, doing business as OGDEN TRUCKING COMPANY, P. O. Box 236, Federal Highway Naranja, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier,* over irregular routes, transporting: *Insecticides* and *fungicides,* in containers, from Bound Brook, N. J., Baltimore, Md., and Philadelphia, Pa., to points in Dade, St. Lucie, Palm Beach, Collier and Hendry Counties, Fla. Applicant is not authorized to transport the commodities specified.

No. MC 115656, filed November 1, 1955, EDWARD L. SCHLAUCH, 224 North West Street, Shenandoah, Pa. Applicant's attorney: J. W. P. Burke, Burke Building, Shenandoah, Pa. For authority to operate as a *common carrier,* over irregular routes, transporting: *Household goods,* as defined by the Commission, *household furnishings,* and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between Shenandoah and Ringtown, West Mahanoy Township, Schuylkill County, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, and Connecticut.

No. MC 115679, filed November 14, 1955, BILL SMITH, doing business as SMITH TRUCK LINE, Science Hill, Ky. Applicant's attorney: Fritz Krueger, Alverson, Building, Somerset, Ky. For authority to operate as a *common carrier,* over irregular routes, transporting: *Roofing, lumber* (rough and finished), and *wood products* consisting of framing for box spring mattresses, from points in Whitley, McCreary and Pulaski Counties, Ky., to Cincinnati, Ohio, and points in Hamilton and Warren Counties, Ohio, and *feed, seed, fertilizer,* and *heavy building supplies* such as cement, roofing and rock-wool insulation, on return movement.

No. MC 115700, filed December 1, 1955, WILLIAM H. GILBERT and ROBERT GILBERT, Sharon Road, Amenia, N. Y. Applicant's attorney: William F. Leahey, 4 Liberty Street, Poughkeepsie, N. Y. For authority to operate as a *common carrier,* over irregular routes, transporting: *Scrap metals,* not exceeding four feet in length, from Newburgh, N. Y. and the village of Ellenville, Ulster County, N. Y., and points in Dutchess County, N. Y., to Jersey City and Newark, N. J.

No. MC 115705, filed December 2, 1955, EDWARD WENDER, Rural Route 1, Iron Mountain, Mich. Applicant's attorney: E. A. Solie, 715 First National Bank Bldg., Madison 3, Wis. For authority to operate as a *common carrier,* over irregular routes, transporting: *Fertilizer,* from Madison, Wis., to points in the Upper Peninsula of Michigan.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12636, filed November 29, 1955, DOROTHY K. BRINTNALL, doing business as TRAVEL, TRIPS AND TOURS, U. S. Highway 176, Tryon, N. C. Applicant's attorney: Boyce A. Whitmire, Hendersonville, N. C. For a license as a broker in arranging for the transportation of *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, in interstate or foreign commerce, by motor vehicle, from Tryon, N. C., and Brevard, N. C., to all points in the United States, and return.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 3700 Sub 34, filed November 28, 1955, MANHATTAN TRANSIT COMPANY, a corporation, U. S. Highway 46, East Paterson, N. J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N. Y. For authority to operate as a common carrier, over irregular routes, transporting: *Passengers* and *their baggage* in the same vehicle with passengers, in special operations, in round-trip sightseeing or pleasure tours, (1) beginning and ending at Paterson, N. J., and extending to Shartlesville, Pa.; (2) beginning and ending at Paterson, N. J., and extending to Danbury and Candlewood Lake, Conn.; (3) beginning and ending at Paterson, N. J.; and extending to Bushkill Falls, Pa.; (4) beginning and ending at Paterson, N. J., and extending to Hershey, Pa. Applicant holds authority to conduct operations in New Jersey, New York, Connecticut, District of Columbia, Pennsylvania and Maryland.

No. MC 3705 Sub 16, filed November 28, 1955, WESTWOOD TRANSPORTATION LINES, INC., 149 Liberty Street, Little Ferry, N. J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N. Y. For authority to operate as a *common carrier,* over irregular routes, transporting: *Passengers and their baggage,* in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, (1) beginning and ending at Hackensack, N. J., and extending to Shartlesville, Pa.; and (2) beginning and ending at Hackensack, N. J., and extending to Danbury and Candlewood Lake, Conn. Applicant is authorized to conduct operations, over regular routes, in New Jersey and New York.

NO. MC 65662 Sub 3, filed November 25, 1955, WARWICK-GREENWOOD LAKE & NEW YORK STAGES, INC., doing business as WARWICK STAGE LINE, Warwick, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier,* over irregular routes, transporting: *Passengers and their baggage,* in the same vehicle with passengers, in special round-trip seasonal operations during the authorized racing seasons of each year, of the race tracks indicated below, beginning and ending at Warwick and Greenwood Lake, N. Y., Midvale, Haskell, Paterson, Haledon, Prospect Park, Fair Lawn, East Paterson, Paramus, Lodi, Clifton, Hackensack, Union City, and Secaucus, N. J., and Points within three (3) miles of each of the above points, and extending to the Yonkers Raceway, Yonkers, N. Y., Roosevelt Raceway, Westbury, L. I., N. Y., Acqueduct Race Track, and Jamaica Race Track, New York, N. Y., Belmont Park Race Track, Elmont, L. I., N. Y., Monmouth Park Jockey Club Race Track, Oceanport, N. J., Garden State Race Track, Delaware Township, N. J., Freehold Trotting Track, Freehold, N. J., Atlantic City Race Track, Hamilton Township, N. J., Delaware Park Race Track, Wilmington, Del., Pimlico Race Track, Baltimore, Md., Laurel Park Race Track, Laurel, Md., Lincoln Downs Race Track, Lincoln, R. I., Saratoga Race Track, Saratoga Springs, N. Y., Good Time Trotting Track, Goshen, N. Y., Hialeah Park Race Track, Tropical Park Race Track, and Gulfstream Race Track, Miami, Fla., and Sunshine Park Race Track, Tampa, Fla. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 106207 Sub 5, filed December 1, 1955, NEW YORK, KEANSBURG, LONG BRANCH BUS LINE, INC., 1–A Carr Ave., Keansburg, N. J. Applicant's attorney: Wilmer A. Hill, Transportation Bldg., Washington, D. C. For authority to operate as a *common carrier,* over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Newark, N. J., and New York, N. Y., from the junction of New Jersey Turnpike and Newark Bay-Hudson County extension of the New Jersey Turnpike in Newark, N. J., thence over Newark Bay-Hudson County extension of the New Jersey Turnpike to its junction with U. S. Highway 1 in Jersey City, N. J., thence over U. S. Highway 1 to the Holland Tunnel, thence the Holland Tunnel to New York, N. Y., and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in New York and New Jersey.

APPLICATIONS FILED UNDER SECTION 3 (2) AND 210a (b)

No. MC–F 6149. Authority sought for control by RYDER SYSTEM, INC., 1642 N. W. 21st Terrace, Miami, Fla., of the operating rights and property of LOO-MAC FREIGHT LINES, INC., 633 East St., Memphis, Tenn., and for acquisition by J. A. RYDER, J. C. PARKER, A. E. GREENS, JR., and R. N. REEDY, also of Miami, of control of said operating rights and property through the transaction. Applicant's attorney: Clarence D. Todd, 944 Washington Bldg., Washington 5, D. C. Operating rights sought to be controlled: *General commodities,* with certain exception including household goods, as a *common carrier,* over regular routes including routes between Huntsville, Ala., and Atlanta, Ga., between Corinth, Miss., and Athens, Ala., between Athens, Ala., and Huntsville, Ala., and from Corinth, Miss., to Iuka, Miss., serving certain intermediate points; three alternate routes for operating convenience: *general commodities,* with certain exceptions not including household goods, between Corinth, Miss., and Tishomingo, Miss., and between Corinth, Miss., and Blue Mountain, Miss., serving all intermediate points and the off-route point of Rienzi, Miss. RYDER SYSTEM, INC., is not a motor carrier, but owns all of the capital stock of GREAT SOUTHERN TRUCKING COMPANY, which is authorized to operate in Alabama, Georgia, South Carolina, North Carolina, Florida and Tennessee. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6150. Authority sought for direct control and merger by VIRGINIA STAGE LINES, INCORPORATED, 401 E. Water St., Charlottesville, Va., of the operating rights and property of CONSOLIDATED BUS LINES, INCORPORATED, 2004 Princeton Ave., Bluefield, W. Va., for indirect control of BLUE RIBBON LINES CORPORATION, 1108–1130 Winchester Ave., Ashland, Ky., and for acquisition by SAMUEL A. JESSUP and CLAUDE A. JESSUP, both of Charlottesville, of control of such operating rights and property through the transaction. Applicant's attorney: William C. Battle, P. O. Box 1110, Charlottesville, Va. Operating rights sought to be controlled and merged: (Consolidated Bus Lines, Incorporated), *Passengers and their baggage,* as a *common carrier,* over regular routes, including routes between Roanoke, Va., and Holden, W. Va., between Welch, W. Va., and Filbert and Twin Branch, W. Va., between Welch and Bluefield, W. Va., and Grundy, Va., between Bluefield, W. Va., and War, W. Va., between Bishop, W. Va., and Tazewell, Va., between Huntington, W. Va., and Welch and Logan, W. Va., between Pikeville, Ky., and Williamson, W. Va., and between Charleston, W. Va., and Gilbert Junction, W. Va., serving certain intermediate and off-route points; *passengers and their baggage,* in charter operations, over irregular routes, from certain points in West Virginia to points in Pennsylvania and

Ohio: (Blue Ribbon Lines Corporation), *passengers and their baggage*, as a *common carrier*, over regular routes, between Catlettsburg, Ky., and Hanging Rock, Ohio, between Portsmouth, Ohio, and South Shore and Kings Addition, Ky., between Ashland, Ky., and Cincinnati and South Point, Ohio, between Russell, Ky., and Flatwoods, Ky., between Fullerton, Ky., and Carter, Ky., and between Portsmouth, Ohio, and New Boston, Ohio, serving certain intermediate points. VIRGINIA STAGE LINES, INCORPORATED, is authorized to operate in Virginia, North Carolina, and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6151. Authority sought for control by DENVER-CHICAGO TRUCKING COMPANY, INC., 2501 Blake St., Denver, Colo., of the operating rights and property of R. B. "DICK" WILSON, INC., E. 59th & Highway 6, P. O. Box 838, Denver 1, Colo., and for acquisition by GEORGE J. KOLOWICH, DETROIT AND CLEVELAND NAVIGATION COMPANY, GRISWOLD BUILDING, INC., and WHITTIER CORPORATION, all of Detroit, Mich., and GEORGE J. KOLOWICH, JR., Denver, Colo., of control of the operating rights and property through the transaction. Applicant's attorneys: Axelrod, Goodman & Steiner, 39 S. LaSalle St., Chicago 3, Ill. Operating rights sought to be controlled: *Petroleum products*, as a *common carrier*, over regular routes including routes from Casper and Sinclair, Wyo., and the Texas Company refinery near Casper to certain points in Colorado, from Eldorado, Kans., to Fort Collins and Greeley, Colo., and from Casper, Wyo., to Denver and Grand Lake, Colo., serving certain intermediate and off-route points, *petroleum products, crude oil, and anhydrous ammonia*, over irregular routes, from, to and between certain points in Wyoming, Colorado, Nebraska, South Dakota, Kansas, Utah, Idaho, and Texas; *petroleum products*, over regular and irregular routes, from Sinclair, Wyo., and the Texas Company refinery near Casper, Wyo., to certain points on the carrier's regular routes. DENVER-CHICAGO TRUCKING COMPANY, INC., is authorized to operate in Colorado, Washington, Wyoming, Utah, Idaho, Oregon, Illinois, Missouri, Kansas, Arizona, California, New Mexico, New York, Massachusetts, Indiana, Connecticut, New Jersey, Pennsylvania, Ohio, and Nebraska. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6153. Authority sought for purchase by COOPER'S EXPRESS, INC., 320 Lowell St., Lawrence, Mass., of the operating rights of FARGO TRANSPORTATION, INC., THOMAS F. DONOVAN, TRUSTEE, 53 State St. Boston, Mass., and for acquisition by MARGARET M. COOPER, also of Lawrence, of control of such operating rights through the purchase. Applicants' attorney: John R. Mahoney, 43 Exchange Place, New York 5, N. Y. Operating rights sought to be transferred: *Wool, wool products, wool leavings, soap, oils, mohair, silk, yarn, burlap, cotton, rayon*, and *burlap bags*, as a *common carrier*, over irregular routes, from, to and between certain points in Massachusetts and Rhode Island. Vendee is authorized to operate in Massachusetts, New York, New Hampshire, Rhode Island, Maine, Connecticut, Delaware, Maryland, Ohio, Michigan, New Jersey, and the District of Columbia. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6154. Authority sought for control by BRASWELL MOTOR FREIGHT LINES, INC., P. O. Box 1961, El Paso, Texas, of the operating rights and property of D. C. HALL COMPANY, P. O. Box 1349, Fort Worth, Texas, and for acquisition by J. V. BRASWELL, also of El Paso, of control of such operating rights and property through the transaction. Applicants' attorneys: Reagan Sayers, Century Life Bldg., Fort Worth 2, Texas, and T. S. Christopher and M. Ward Bailey, both of 807 Continental Life Bldg., Fort Worth 2, Texas. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, including routes between Fort Worth, Tex., and New Orleans, La., between Memphis, Tenn., and Monroe, La., between Shreveport, La., and Oklahoma City, Okla., between Jackson, Miss., and Memphis, Tenn., between Jackson, Miss., and New Orleans, La., between Shreveport, La., and Jackson, Miss., between Dallas, Tex., and Shreveport, La., between Leland, Miss., and Memphis, Tenn., between Jackson, Miss., and Monroe, La., between Oklahoma City, Okla., and Fort Worth and Dallas, Tex., and between Oklahoma City, Okla., and the Midwest Air Depot, located approximately four miles from Oklahoma City, serving certain intermediate points; *such commodities as require refrigeration and packinghouse food products which do not require refrigeration*, from Alexandria, La., to Camp Livingston, serving no intermediate points; *packing-house products, poultry, butter, eggs*, and *cheese*, between Shreveport, La., and Camp Polk, La., and between Camp Polk, La., and Alexandria, La., serving no intermediate points; *Class A and B explosives*, including routes between Fort Worth, Tex., and New Orleans, La., between Jackson, Miss., and Memphis, Tenn., between Baton Rouge, La., and McComb, Miss., and between Shreveport, La., and Oklahoma City, Okla., serving certain intermediate points; *general commodities*, with certain exceptions including household goods, over alternate regular routes for operating convenience only, between Jackson, Miss., and New Orleans, La., and between Oklahoma City, Okla., and Tulsa, Okla.; *general commodities*, with certain exceptions including household goods, over irregular routes, between Fort Worth, Tex., on the one hand, and, on the other, the Consolidated Bomber Assembly Plant and Anchorage and Dock Space, near Fort Worth. BRASWELL MOTOR FREIGHT LINES, INC., is authorized to operate in Texas, California, Arizona, and New Mexico. Application has not been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–10027; Filed, Dec. 13, 1955; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1771]

REYNOLDS METALS CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

DECEMBER 8, 1955.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Reynolds Metals Company, Common Stock, $1 Par Value.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before December 23, 1955, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–10028; Filed, Dec. 13, 1955; 8:47 a. m.]

[File No. 31–632]

CHESAPEAKE INDUSTRIES, INC.

NOTICE OF FILING FOR EXEMPTION

DECEMBER 8, 1955.

Notice is hereby given that Chesapeake Industries, Inc. ("Chesapeake"), a holding company, has filed with this Commission an application pursuant to section 3 (a) (1) of the Public Utility Holding Company Act of 1935 ("act") requesting an exemption for itself and for every subsidiary company thereof, as such, from the provisions of said act. Chesapeake, an Ohio corporation, has a number of subsidiary companies only one of which, The Portsmouth Gas Company ("Portsmouth"), is a public-utility company organized in Ohio. It is stated that Portsmouth is engaged solely in the distribution of natural gas at retail to approximately 11,600 consumers in the City of Portsmouth and adjacent territory and that the company is not now and never has been engaged in the purchase, transportation or sale of manufactured or natural gas outside the State of Ohio or the delivery of manufactured or natural gas at state lines. It is further stated that Portsmouth is subject to the jurisdiction of the Ohio Public Utilities Commission. Other than common stock, all of which is owned by Chesapeake, the only outstanding securities of Portsmouth are $372,000 principal amount of first mortgage 4 percent bonds. All of such bonds are held by John Hancock Life Insurance Company and, according to the application, will be purchased by Chesapeake in the event the requested exemption is granted.

It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than December 21, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application, as filed or as amended, may be granted or the Commission may take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–10029; Filed, Dec. 13, 1955; 8:48 a. m.]

[File No. 70–3433]

ROBERT R. YOUNG AND ARTHUR S. KLEEMAN

NOTICE OF FILING REGARDING INDIRECT ACQUISITION OF SECURITIES OF PUBLIC-UTILITY COMPANY

DECEMBER 8, 1955.

Notice is hereby given that an application has been filed with this Commission pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 ("act") by Robert R. Young on behalf of himself and related persons and Arthur S. Kleeman on behalf of himself and related persons requesting approval of the indirect acquisition of securities of The Portsmouth Gas Company ("Portsmouth"), a public-utility company organized and doing business in Ohio.

Chesapeake Industries Inc. ("Chesapeake"), an Ohio corporation, presently has pending before the Commission an application requesting an exemption from the provisions of the act for itself and every subsidiary company thereof. (See Commission File No. 31–632.) Chesapeake has purchased all of the issued and outstanding common stock (40,000 shares) of Portsmouth under a purchase agreement dated November 1, 1955, and, in the event said exemption request is granted, intends to purchase from the John Hancock Life Insurance Company all of the other outstanding securities of Portsmouth consisting of $372,000 principal amount of first mortgage 4 percent bonds. Under the purchase agreement Chesapeake agrees to pay $2,500,000 for the common stock; such amount to be paid in installments of $700,000 on December 23, 1955, and $600,000 on November 1, 1956, 1957 and 1958 with interest at 4½ percent per annum from November 1, 1955. Chesapeake has outstanding 3,125,672 shares of voting stock consisting of 3,058,264 shares of common stock and 67,408 shares of preferred stock.

It is stated that applicants and related persons own the following shares of voting stock of Chesapeake:

Name	Common stock	Preferred stock
Robert R. Young	405,439	9,602
Anita O'K. Young (wife)	194,354	5,000
Kenneth N. Young (brother)	8,280	75
Arthur S. Kleeman	5	1
Elizabeth M. Kleeman (daughter)	44	-------
Francis A. Kleeman (daughter)	44	-------
Richard P. Kleeman (son)	22	-------
Pentson Corporation (Applicant Kleeman and wife are officers and sole stockholders)	213,178	3,970

It is further stated that none of the above-named persons is an affiliate of any public-utility holding company or public-utility company other than Chesapeake and Portsmouth, respectively. It is requested that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than December 21, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application, which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application, as filed or as it may be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–10030; Filed, Dec. 13, 1955; 8:48 a. m.]

[File No. 70–3429]

WHEELING ELECTRIC CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF NOTES TO BANKS

DECEMBER 8, 1955.

Notice is hereby given that Wheeling Electric Company ("Wheeling"), a public utility subsidiary of American Gas and Electric Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"). Declarant has designated sections 6 (a) and 7 of the act, and Rules U-42 (b) (2) and U-50 (a) (2) promulgated thereunder, as applicable to the proposed transactions.

All interested persons are referred to the declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Wheeling proposes, pursuant to a bank loan agreement dated as of December 1, 1955, to borrow from the following banks, from time to time prior to December 31, 1956, not in excess of the amounts set forth below:

Mellon National Bank and Trust Co., Pittsburgh, Pa.	$3,000,000
Bankers Trust Co., New York, N. Y.	1,000,000
The First National City Bank of New York	1,000,000
Guaranty Trust Co. of New York	1,000,000
Manufacturers Trust Co., New York, N. Y.	1,000,000
Total	7,000,000

Each borrowing will be evidenced by a promissory note maturing December 1, 1965, with the interest rate being the prime commercial loan rate of the particular bank in effect from time to time plus ¼ of 1 percent: *Provided, however*, That such interest rate shall at no time exceed 3¾ percent or be less than 2¾ percent per annum. In addition, Wheeling will pay substitute interest at the rate of ¼ of 1 percent per annum on the daily average unused amount of the commitment of each bank for the period from December 1, 1955, through December 31, 1956.

The proposed bank loan notes may be prepaid at any time without penalty unless the prepayment is made from the proceeds of, or in anticipation of, bank borrowings at a rate of interest equal to or lower than the applicable interest rate on the notes to be prepaid. In such event, with certain exceptions, a prepayment premium shall be payable computed at the rate of ¼ of 1 percent per annum of the amount prepaid, from the date of prepayment to and including December 1, 1965.

Wheeling has outstanding $3,500,000 principal amount of 2⅝ percent notes payable to banks maturing December 31, 1955. The company has other outstanding notes payable to banks totaling $1,500,000 principal amount, issued pursuant to previously authorized bank loan agreements, and states that it may make additional borrowings under such agreements prior to December 31, 1955, in an

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aggregate amount of $500,000. The declaration states that the proceeds from the initial borrowings under the authorization presently requested will be used to prepay all notes then outstanding, and that the remainder of the proceeds from the proposed bank borrowings will be used to pay in part for the construction of additional facilities, the cost of which is estimated at $2,900,000 for the last half of 1955 and for the year 1956.

The bank loan agreement will provide, among other things, that Wheeling will not create or permit any mortgage on its property or incur any indebtedness for borrowed money if the total principal amount of all indebtedness shall exceed the lesser of (a) 62½ percent of the company's capitalization, or (b) $12,000,000. The agreement will also provide that the company after specified notice may terminate or from time to time reduce the commitments of the banks.

The Public Utilities Commission of Ohio (in which State a portion of Wheeling's operations is conducted) has authorized the issuance and delivery of the proposed notes payable to banks in an aggregate maximum amount of $7,000,000. The declaration states that Wheeling believes that no other State commission, and no Federal commission other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 23, 1955, at 5:30 p. m., e. s. t., request in writing that a hearing be held in respect of said declaration, stating the nature of his interest, the reason for such request, and the issues of fact or law raised by the declaration which he proposes to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should bear the caption of this notice and should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration as filed or as it may hereafter be amended, may be permitted to become effective pursuant to Rule U-23 of the rules and regulations promulgated under the act, or the transactions therein proposed may be exempted as provided by Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10031; Filed, Dec. 13, 1955; 8:48 a. m.]

[File No. 70-3423]

NORTH SHORE GAS CO. AND NEW ENGLAND ELECTRIC SYSTEM

SUPPLEMENTAL ORDER WITH RESPECT TO ISSUANCE AND SALE OF BONDS

DECEMBER 8, 1955.

By order issued herein on November 23, 1955, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 thereunder, the Commission authorized the issuance and sale by North Shore Gas Company ("North Shore"), a subsidiary of New England Electric System, a registered holding company, of $2,500,000 principal amount of Series B bonds, to be dated as of December 1, 1955, and to mature December 1, 1975. Said bonds were to be sold pursuant to competitive bidding, were to bear an interest rate not in excess of 4 percent, and were to be sold at a price not less than 100 percent nor more than 102¾ percent of the principal amount (excluding accrued interest).

North Shore has filed an amendment to its application stating that it offered said bonds at competitive bidding and that, although two bidding groups qualified, only one bid was received when the time for the submission of bids expired on December 7, 1955, as follows:

Bidder	Interest rate	Price [1]	Cost of money	Offering price to public
	Percent	*Percent*	*Percent*	*Percent*
Halsey Stuart & Co..	4	100.02	3.9985	101.875

[1] Excluding accrued interest from December 1, 1955.

North Shore further states that it has accepted the aforesaid bid and requests the Commission to grant its application as further amended to reflect the results of the bidding.

The Commission having examined the application as further amended and finding that the applicable standards of the act and the rules thereunder are satisfied and that no terms and conditions need be imposed other than those contained in Rule U-24:

It is ordered, That the application as further amended be, and it hereby is, granted forthwith, subject to the terms and conditions of Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10032; Filed, Dec. 13, 1955; 8:48 a. m.]

UNIVERSITY OF MICHIGAN
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FEDERAL REGISTER

VOLUME 20 NUMBER 243

Washington, Thursday, December 15, 1955

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6162]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ATLANTIC SPONGE AND CHAMOIS CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller: *Tanner;* [1] § 13.30 *Composition of goods;* § 13.130 *Manufacture or preparation;* § 13.135 *Nature:* Product or service. Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition:* § 13.1255 *Manufacture or preparation;* § 13.1260 *Nature.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1530 *Producer status of dealer;* [*Misrepresenting oneself and goods*]—Goods: § 13.1590 *Composition;* § 13.1680 *Manufacture or preparation;* § 13.1685 *Nature.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Atlantic Sponge and Chamois Corporation et al., New York, N. Y., Docket 6162, November 29, 1955]

In the Matter of Atlantic Sponge and Chamois Corporation, a Corporation, and Benjamin E. Bloch and Ida Bloch, Individually

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission which charged respondent sellers of leather products with labeling and branding as "Chamois", "Supreme Oil Tanned Chamois", and "Atlantic Oil Tanned Chamois" certain products which, while having the same general appearance, did not possess the softness, pliability, quick moisture absorption and moisture release and other desirable qualities possessed by genuine chamois; with making similar false statements on letterheads, postal cards, and other advertising media; and with falsely representing that they operated their own tannery.

Following respondents' answer and hearings, the hearing examiner made his initial decision, including findings, conclusions, and order to cease and desist, from which respondents appealed. The Commission, in a written opinion, denied the appeal and disposed of the matter by "Final Order" dated November 29, 1955, as follows:

This matter having been heard by the Commission upon the appeal of respondents, Atlantic Sponge and Chamois Corporation and Benjamin E. Bloch, from the hearing examiner's initial decision, and briefs and oral argument of counsel in support thereof and in opposition thereto; and

The Commission having rendered its decision denying the appeal and adopting the findings, conclusions, and order contained in the initial decision:

It is ordered, That respondents, Atlantic Sponge and Chamois Corporation and Benjamin E. Bloch, shall, within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

The order in the initial decision, thus adopted, is as follows:

It is ordered, That respondent Atlantic Sponge and Chamois Corporation, a corporation, and its officers, and respondent Benjamin E. Bloch, individually, and said respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of leather products, do forthwith cease and desist from branding or labeling such products as "Chamois," or in any other manner representing that such products are "Chamois" or are made from "Chamois" unless such products are made (1) from the skin of the Alpine Antelope, commonly known and referred to as Chamois, or (2) from the fleshers or undersplits of sheepskin which have been tanned in oil after splitting.

It is further ordered, That the allegations of the complaint alleging that respondents have violated the Federal Trade Commission Act by representing that they own or operate a tannery be, and the same hereby are, dismissed without prejudice.

It is further ordered, That the complaint be, and the same hereby is, dis-

[1] New.

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FEDERAL REGISTER

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missed as to respondent Ida Bloch, individually.

Issued: November 29, 1955.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-10061; Filed, Dec. 14, 1955; 8:48 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 4]

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

SUBPART—SELECTION AND FUNCTIONS OF AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEES

LEAVE PROGRAM FOR ASC COUNTY COMMITTEE EMPLOYEES

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act, as amended, § 7.34 (a) and (b) of the regulations in this subpart published in the FEDERAL REGISTER of June 19, 1954 (19 F. R. 3637) are hereby amended, effective January 1, 1956, as follows:

1. Section 7.34 (a), *Annual leave,* is amended by deleting the words "one and one quarter days" in the first sentence and substituting therefor the words "one and one half days"; and by deleting the words "12 days" in the second sentence and substituting therefor the words "15 days".

2. Section 7.34 (b), *Sick leave,* is amended by changing the colon following the words "preceding year" in the fourth sentence to a period and deleting the subsequent wording in this section.

(Sec. 5, 49 Stat. 164, as amended; 16 U. S. A. 590d. Interprets or applies 49 Stat. 1149, as amended; 16 U. S. C. 590h)

Done at Washington, D. C., this 12th day of December 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F. R. Doc. 55-10050; Filed, Dec. 14, 1955; 8:45 a. m.]

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

MICRONAIRE STANDARDS AND REGULATIONS

On September 28, 1955, a notice of rule making was published in the FEDERAL REGISTER (20 F. R. 7217) regarding the proposed promulgation of new standards for fiber fineness and maturity (Micronaire determination) of American upland cotton and proposed amendments of the regulations relating to cotton classification (7 CFR Part 27, Subpart A. as amended), for the purposes of the cotton futures legislation contained in the Internal Revenue Code of 1954, pursuant to sections 4854 and 4863 of said Code (68A Stat. 580 and 582, 26 U. S. C. 1952, ed., Supp. II, 4854 and 4863).

After consideration of all relevant matters presented pursuant to the notice, it is hereby ordered as follows:

A. Pursuant to said section 4863, said regulations are amended as follows:

1. Section 27.2 is amended by inserting new paragraphs (j), (k), (l), and (m) to read:

(j) *Classification.* The determination of the grade and staple length of cotton by a cotton examiner.

(k) *Micronaire determination.* The measure of the fiber fineness and maturity of cotton, in combination, as determined by an authorized employee of the Department of Agriculture using the Micronaire instrument.

(l) *Service.* The Agricultural Marketing Service of the Department of Agriculture.

(m) *Cotton Division.* The Cotton Division of the Service.

2. The first sentence in § 27.3 is amended to read "The inspection, sampling, classification, and Micronaire determination of cotton pursuant to section 4863 of the act shall be performed as prescribed in this subpart."

3. Section 27.9 is amended to read:

§ 27.9 *Boards of cotton examiners; Appeal Board; Micronaire examiners.* Boards of cotton examiners shall be maintained at points designated for the purpose by the Administrator. The members of such boards and the chairman of each such board shall be designated by the Administrator. The Appeal Board of Review Examiners established at Memphis, Tennessee, and committees of such board authorized to serve at other points shall review the classification of any cotton in accordance with §§ 27.61 to 27.72. A Board of Supervising Cotton Examiners shall perform duties as assigned. Authorized employees of the Cotton Division shall make Micronaire determinations when such service is requested in accordance with this subpart.

4. Section 27.13 is amended to read:

§ 27.13 *Form of classification and incidental Micronaire determination requests.* Each classification request shall include (a) the lot number of the cotton involved; (b) the warehouse bale number for each sample; (c) the number of bales to be classified; (d) the location of the cotton; (e) the name of the owner of the cotton for whose account the classification is requested; and (f) such other information as may be required by the Administrator or the chairman of a board of cotton examiners. The classification request may also include a request for a Micronaire determination. The form in which such information shall be furnished may be prescribed by the Administrator or the chairman of the board of cotton examiners. The classification request shall be signed by the owner, or in his behalf by his agent. Such agent may, if authorized for the purpose, be the inspector in charge of the exchange inspection agency by or under the direction of which the cotton is inspected and sampled.

5. Section 27.14 is amended to read:

§ 27.14 *Filing of classification and Micronaire determination requests.* Requests for classification shall be filed with the chairman of the board of cotton examiners through the exchange inspection agency at the point where the cotton is sampled and shall be transmitted to the chairman by the exchange inspection agency in accordance with procedures approved by the Administrator or his representative. If there is no board of cotton examiners at the point where the cotton is sampled, requests shall be filed through a supervisor of cotton inspection or the exchange inspection agency at such point, or at some other place designated in particular cases by the Administrator. Requests for classification shall be filed within 30 days after sampling and before classification of the samples. The applicant may file a request for Micronaire determination as part of the request for classification or may file a request for such determination, in a form prescribed by the Service within 7 business days following the date of the first certification of the cotton involved, provided this service has not been previously performed on such cotton, and the request is made prior to delivery of the cotton on a section 4863 contract. Moreover, requests for Micronaire determinations for cotton classified, as tenderable, prior to January 15, 1956, may be filed with said chairman not later than January 31, 1956, in such form as the Service shall prescribe. Requests for Micronaire determinations may also be filed as provided in §§ 27.62 and 27.63.

6. Section 27.15 is amended to read:

§ 27.15 *Withdrawal or rejection of classification or Micronaire determination requests.* Any request for classification or for Micronaire determination may be withdrawn by the applicant at any time before the classification or Micronaire determination of the cotton covered thereby, subject to the payment of such fees, if any, as may be prescribed under §§ 27.80 to 27.92. Any request for classification or for Micronaire determination may be rejected for noncompliance with the act or this subpart.

7. The undesignated center head immediately preceding § 27.31 is amended to read "Classification and Micronaire Determinations."

8. Section 27.31 is amended to read:

§ 27.31 *Classification of cotton and Micronaire determinations; by whom made.* For the purposes of section 4863 of the act the classification of any cotton shall be determined only by cotton examiners designated as such by the Administrator. Official Micronaire determinations, when requested, shall be made only by authorized employees of the Cotton Division.

9. Section 27.36 is amended to read:

§ 27.36 *Classification and Micronaire determinations based on official standards.* All cotton shall be classified for grade and staple length on the basis of the official cotton standards of the United States for grade and staple length in effect at the time of such classification. Micronaire determinations for cotton, upon request under § 27.14, § 27.62, or § 27.63 shall be made according to the official cotton standards of the United States for fiber fineness and maturity in effect at the time of such determinations.

10. Section 27.39 is amended to read:

§ 27.39 *Issuance of certificates.* As soon as practicable after the classification of cotton has been completed by a board of cotton examiners the board shall issue a cotton class certificate showing the results of such classification. Each certificate shall bear the date of its issuance and the name of the chairman or acting chairman of the board that classified the cotton. The certificate shall show the identification of the cotton according to the information in the possession of the board, the classification of the cotton according to its grade and length of staple and such other facts as the Administrator may require. As soon as practicable after the Micronaire determination of cotton has been completed by an authorized employee of the Cotton Division, upon request under this subpart, the results of such determination will be certified by the board of cotton examiners or by the Appeal Board of Review Examiners on the classification certificate for the cotton, with the date of the Micronaire determination, the name of the certifying officer, and such other facts as the Administrator may require. The certificate of classification and Micronaire determination may be placed directly upon the warehouse receipt covering the cotton involved. The board of cotton examiners or the Appeal Board of Review Examiners may authorize an officer of the Service located at another point to certify the results of any classification or Micronaire determination upon the basis of information furnished by such board.

notwithstanding any other provisions of this section.

11. Section 27.40 is amended to read:

§ 27.40 *New certificates; conditions of issuance.* For the business convenience of a holder of a cotton class certificate issued under this subpart a new certificate may be issued at the request of the holder, to take the place of the former certificate without the reclassification of the cotton and without a new Micronaire determination for the cotton. In any case where a new certificate is issued in accordance with this section, the former certificate shall be surrendered for cancellation, and such new certificate shall bear a new number, the date of its issuance, and the date of original certification, and shall otherwise comply with this subpart.

12. Section 27.41 is amended to read:

§ 27.41 *Lost certificate; duplicate.* Upon the written request of the last holder of a valid cotton class certificate and a showing to the satisfaction of the chairman of the board of cotton examiners which issued such certificate, that it has been lost or destroyed, and, if lost, that diligent effort has been made to find it without success, a new certificate shall be issued without the reclassification of the cotton and without a new Micronaire determination for the cotton. Such new certificate shall bear the same number and date of issuance as the lost or destroyed certificate, and shall include a statement to the effect that it is a duplicate issued in lieu of the lost or destroyed original, as the case may be.

13. The undesignated center head immediately preceding § 27.61 is amended to read "Classification Reviews and Micronaire Determinations."

14. Section 27.61 is amended to read:

§ 27.61 *One review of classification.* One review only of the classification of the cotton covered by any cotton class certificate may be obtained as provided in §§ 27.62 to 27.72, such review to be performed by the Appeal Board of Review Examiners. Micronaire determinations are not subject to review.

15. Section 27.62 is amended to read:

§ 27.62 *Conditions for review of classification and for incidental Micronaire determination for original applicant.* The person for whom the classification of cotton covered by any certificate shall have been performed under this subpart may have a review of such classification by filing a written application therefor before the delivery of such cotton on a section 4863 contract and not later than the expiration of the seventh business day following the date of the first certification of the cotton involved. Such written application may include a request for Micronaire determination of the cotton if this service has not been previously performed.

16. Section 27.63 is amended to read:

§ 27.63 *Conditions for review of classification and for Micronaire determination for receiver.* Any receiver of cotton upon a section 4863 contract who has not re-delivered such cotton on a section 4863 contract may have a review of the classification of any cotton of which the classification has not been previously reviewed, by filing a written application within 7 business days following the date of the delivery of cotton class certificates to him in accordance with this subpart. When more than 5,000 bales of cotton shall have been delivered to the same receiver on the same date of delivery, he may, upon proper showing of the facts, be allowed 5 additional business days for filing his application for the review of the classification of any such cotton, provided written request for such extension is filed within 7 business days following the date of such delivery. In the event of the reissue of certificates to replace any certificates delivered to him, the receiver may have a review of the classification of the cotton covered by such reissued certificates, provided such review is requested within the time herein prescribed, calculated from the date of delivery of such reissued certificates. Any such receiver may also have a Micronaire determination, with or without review of classification, under these same conditions on cotton on which this service has not been previously performed under this subpart.

17. Section 27.64 is amended to read:

§ 27.64 *Application for review of classification and for Micronaire determination; filing.* (a) Every application for review of classification or for Micronaire determination under § 27.62 or § 27.63 shall be filed with the board of cotton examiners or in the absence of a board, with the supervisor of inspection at the point where the cotton was or may be delivered in settlement of a contract under the act and this subpart. The application shall in each case be in the hands of such board or supervisor within the time specified in § 27.62 or § 27.63 for applying for review: *Provided,* That any board of cotton examiners may designate any officer of the Service located at another point to receive applications, and in such cases the applications shall be in the hands of the officer so designated within the time so specified. A copy of each such application shall be mailed by the person receiving it under this section to the other party in interest. Any person making such application shall, upon call of the person with whom such application was filed under this section, surrender the cotton class certificate or certificates covering the cotton involved.

(b) Such applications shall be made on a form furnished or approved by the Service and shall contain (1) the name and address of the party, if any, from whom the cotton was received on a section 4863 contract; (2) the lot numbers of the cotton; and (3) the warehouse bale numbers.

18. Section 27.65 is amended to read:

§ 27.65 *Completion of review of classification.* In any case where an application for review of classification or an application for Micronaire determination has been filed with respect to cotton previously designated as tenderable, such review or determination may be completed notwithstanding the subsequent tender of such cotton on a section 4863 contract.

19. Section 27.67 is amended to read:

§ 27.67 *Use of new samples in reviews and Micronaire determinations.* Unless the use of new samples shall be necessary in the judgment of the chairman of the board of cotton examiners, a review classification pursuant to §§ 27.61 to 27.72, or a Micronaire determination pursuant to § 27.14, § 27.62, or § 27.63, shall be made by reference to the samples, if any, of the cotton involved in the possession of the board; but if the use of new samples is deemed necessary by the chairman of said board, or if there are no samples of the cotton in the possession of the board, or if the samples of the cotton have been in the possession of the board for more than one year, the person requesting the review classification or Micronaire determination shall cause new samples to be drawn for the purpose and submitted to the board in accordance with this subpart.

20. Section 27.76 is amended to read:

§ 27.76 *Transfer certificate; form.* Thereupon there shall be issued to the person requesting the same a transfer certificate in a form prescribed for the purpose by the Administrator, properly identifying the cotton according to such tags or seals, and the other means of identification in the possession of the Service, and showing the respective locations from which and to which the cotton is to be transferred, the classification of the cotton as previously determined, whether or not such classification has been reviewed, and the Micronaire reading (if any) of the cotton as previously determined.

21. Section 27.77 is amended to read:

§ 27.77 *New certificate without reclassification or new Micronaire determination.* When the cotton has been delivered for storage at the place of its destination and the transfer certificate has been surrendered to an authorized representative of the Service, each bale covered by such transfer certificate shall be examined and if it is found that the identity of the bales represented by the transfer certificate has been properly preserved, a cotton class certificate shall be issued for each bale so identified, valid for use at such destination without the reclassification of the cotton or a new Micronaire determination with respect to the cotton.

22. Section 27.79 is amended to read:

§ 27.79 *Supervision of transfers; transfer certificates; conditions.* Supervision of transfers in accordance with this subpart shall not be granted, nor shall any transfer certificate be issued, with respect to any bale which appears to be in such condition that its grade or staple length or fiber fineness and maturity is different from that shown by the cotton class certificate, until such bale has been reclassified and, if a Micronaire determination is shown on such certificate, until a new Micronaire determination has been made for the bale in accordance with this subpart.

23. Section 27.80 is amended to read:

§ 27.80 *Fees.* For the classification and certification of cotton pursuant to this subpart, except as otherwise hereinafter provided, whether such cotton be tenderable or not, the person requesting the classification shall pay a fee of 25 cents per bale. For Micronaire determination and certification, the person requesting the determination shall pay a fee of 10 cents per bale if (a) the request for Micronaire determination is filed at the same time as the request for the first classification of the cotton and covers all bales in the lot of cotton; or (b) the request for Micronaire determination is filed at the same time as a request for review of classification and covers all bales for which a review of classification is requested, exclusive of any bales on which a Micronaire determination has been made previously. Under all other conditions the fee for Micronaire determination and certification shall be 25 cents per bale.

24. Section 27.84 is amended to read:

§ 27.84 *Fees; supervision of transfer of cotton.* For the supervision of the transfer of cotton in accordance with §§ 27.73 to 27.79, including such new certificates incidental thereto as may be necessary for the delivery of such cotton upon a section 4863 contract without its reclassification or a new Micronaire determination, the applicant shall pay a fee of 30 cents per bale.

25. Section 27.85 is amended to read:

§ 27.85 *Fees; withdrawn requests or applications.* When the request for classification, of any cotton or the request for Micronaire determination for any cotton shall be withdrawn after the service requested has been started pursuant to such request or application, the person making such request or application shall pay the fee prescribed by § 27.80 or § 27.82 as to any service completed prior to such withdrawal.

26. Section 27.87 is amended to read:

§ 27.87 *Fees; classification and Micronaire determination information.* Whenever the person who requests the classification of, or Micronaire determination for, any cotton, or the person on whose behalf such request is made, also requests the transmission by telegraph or telephone of information concerning such classification or Micronaire determination, the person making the request for such classification or determination shall pay, in addition to the applicable costs prescribed in this subpart, the cost of tolls incurred in such transmission.

27. Section 27.89 is amended to read:

§ 27.89 *Expenses; inspection; sampling.* The expense of inspection and sampling, the preparation of the samples, and the delivery of such samples to the classification room of the board of cotton examiners, or to the place specifically designated for the purpose by the Administrator or by the chairman of such board, shall be borne by the party requesting the classification of the cotton involved. When a review of classification or a Micronaire determination is requested and samples of the cotton involved are not in possession of a board of cotton examiners, the expense of inspection, sampling, preparation of samples, and delivery of the samples to the board of cotton examiners shall be borne by the party requesting the service.

B. Pursuant to section 4854 of the Internal Revenue Code of 1954, as cited above, new standards are promulgated to appear as follows, in 7 CFR, Part 27, Subpart B:

OFFICIAL COTTON STANDARDS OF THE UNITED STATES FOR FIBER FINENESS AND MATURITY

§ 27.210 *Standards for fiber fineness and maturity of American upland cotton.* The official cotton standards of the United States for fiber fineness and maturity of American upland cotton, for the purposes of the cotton futures legislation in the Internal Revenue Code of 1954, shall be the measure of such qualities, in combination, provided by the use of the Micronaire instrument, model 60400 (or other model used by the Department of Agriculture giving the same results) in accordance with the procedure specified in § 27.212 (subject to any changes in such procedure made by amendments of § 27.212 which do not perceptibly affect the results obtained).

§ 27.211 *Terms of designation.* The fiber fineness and maturity of any American upland cotton shall be designated by the scale reading shown on the Micronaire instrument for the specimen of the cotton, as determined under § 27.212, e. g., 4.1, 4.2, 4.3, or 4.4.

§ 27.212 *Procedure for use of Micronaire instrument.* In determining in terms of Micronaire scale units, the fiber fineness and maturity, in combination, of American upland cotton, the following procedure shall apply:

(a) Facilities and equipment shall include:

(1) Laboratory controlled atmospheric conditions of 65 percent relative humidity ±2 and a temperature of 70° F. ±2.

(2) Micronaire instrument used by the Department of Agriculture, complete with accessories, including:

(i) Calibrating pressure manometer or similar device used by the Department of Agriculture.

(ii) Two calibrating orifices (one fine and one coarse).

(iii) Special scale for indicating the float position in the instrument flow tube. (Curvilinear scale for American upland cotton adopted September 1950 by the Department of Agriculture, or its equivalent.)

(iv) A continuous supply of compressed air with a minimum line pressure of 65 pounds per square inch.

(3) Scales suitable for accurately weighing 50.0 grain specimens.

(b) Calibration of the Micronaire instrument shall be performed as described in this paragraph. The instrument, which shall be set up in accordance with the manufacturer's instructions and connected to a continuous supply of compressed air with a minimum line pressure of 65 pounds per square inch, shall be checked each day before being operated, as follows:

(1) The air shall be allowed to flow through the instrument for a period of 5 minutes before calibration.

(2) The regulating valve or valves shall be adjusted to obtain proper pressures in accordance with the manufacturer's instructions.

(3) The calibration screws on the instrument shall be adjusted until the fine and coarse calibration orifices produce readings on the instrument which coinside with the lower and upper calibration lines, respectively, on the scale and at the same time maintain the proper pressure.

(c) An untreated specimen from the sample of cotton shall be tested. The specimen shall be taken from the center of both sides of each sample to be tested. The specimen shall weigh 50.0 grains, except that if the Micronaire testing is conducted under conditions other than those specified in paragraph (a) (1) of this section, the specimen shall be the equivalent in weight to a specimen weighing 50.0 grains under the conditions specified in said paragraph.

(d) Testing of the cotton specimen shall be performed as follows:

(1) The weighed specimen shall be tested in a properly calibrated instrument. (See paragraph (b) of this section on calibration.)

(2) The specimen shall be inserted into the specimen holder of the instrument so that the mass of fibers is well distributed across the area of the specimen holder.

(3) The plunger shall be pushed down on the specimen until the flange of the plunger rests against the shoulder of the specimen holder and remains in contact.

(4) The air shall then be allowed to flow through the specimen in accordance with the method of operation of the instrument.

(5) The scale reading shall be determined at the uppermost edge of the float in the flow tube when the float becomes stable.

§ 27.213 *Applicability of standards for fiber fineness and maturity of American upland cotton.* The standards provided for in § 27.210 for the fiber fineness and maturity of American upland cotton shall be official cotton standards of the United States for purposes of the cotton futures legislation in the Internal Revenue Code of 1954, but not for the purposes of the United States Cotton Standards Act, as amended (7 U. S. C. 51, 52–65).

The foregoing amendments and official cotton standards for fiber fineness and maturity shall become effective January 15, 1956.

(Secs. 4854, 4863, 68A Stat. 580, 582; 26 U. S. C. 4854, 4863)

The foregoing reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 12th day of December 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55–10049; Filed, Dec. 14, 1955; 8:45 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

Subchapter B—Civil Service Regulations

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 21—APPOINTMENT TO POSITIONS EXCEPTED FROM THE COMPETITIVE SERVICE

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

PART 27—EXCLUSIONS FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

PART 29—RETIREMENT

Effective upon publication in the FEDERAL REGISTER Parts 6, 21, 24, 25, 27, and 29 are revised and amended to read as follows:

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Sec.

6.1 Method of filling excepted positions and status of incumbents.

SCHEDULE A

6.100 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.
6.101 Entire executive civil service.
6.102 Department of State.
6.103 Treasury Department.
6.104 Department of Defense.
6.105 Department of the Army.
6.106 Department of the Navy.
6.107 Department of the Air Force.
6.108 Department of Justice.
6.109 Post Office Department.
6.110 Department of the Interior.
6.111 Department of Agriculture.
6.112 Department of Commerce.
6.113 Department of Labor.
6.114 Department of Health, Education, and Welfare.
6.116 National Security Council.
6.118 General Accounting Office.
6.119 Board of Governors, Federal Reserve System.
6.121 Office of Defense Mobilization.
6.122 Veterans' Administration.
6.123 Federal Civil Defense Administration.
6.124 United States Information Agency.
6.125 Federal Power Commission.
6.126 Securities and Exchange Commission.
6.128 Small Business Administration.
6.129 Federal Deposit Insurance Corporation.
6.131 National Capital Housing Authority.
6.132 United States Soldiers' Home.
6.133 General Services Administration.
6.134 Federal Communications Commission.
6.135 United States Tariff Commission.
6.136 Railroad Retirement Board.
6.138 National Labor Relations Board.
6.139 Government Printing Office.
6.140 Export-Import Bank of Washington.
6.141 Farm Credit Administration.
6.142 Housing and Home Finance Agency.
6.144 Selective Service System.
6.145 Civil Service Commission.
6.147 National Advisory Committee for Aeronautics.
6.148 Panama Railroad Company, New York.
6.149 Foreign Operations Administration.
6.150 Foreign Claims Settlement Commission of the United States.
6.155 President's Committee on Government Employment Policy.

SCHEDULE B

6.200 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.
6.202 Department of State.
6.203 Treasury Department.
6.206 Department of the Navy.
6.207 Department of the Air Force.
6.208 Department of Justice.
6.210 Department of the Interior.
6.224 United States Information Agency.
6.225 Federal Power Commission.
6.241 Farm Credit Administration.
6.242 Housing and Home Finance Agency.
6.244 Selective Service System.
6.245 Civil Service Commission.
6.256 District of Columbia Government.

SCHEDULE C

6.300 Positions of a confidential or policy-determining character.
6.302 Department of State.
6.303 Treasury Department.
6.304 Department of Defense.
6.305 Department of the Army.
6.306 Department of the Navy.
6.307 Department of the Air Force.
6.308 Department of Justice.
6.309 Post Office Department.
6.310 Department of the Interior.
6.311 Department of Agriculture.
6.312 Department of Commerce.
6.313 Department of Labor.
6.314 Department of Health, Education, and Welfare.
6.315 Executive Office of the President.
6.317 Interstate Commerce Commission.
6.318 General Accounting Office.
6.320 The Tax Court of the United States.
6.321 Office of Defense Mobilization.
6.322 Veterans' Administration.
6.323 Federal Civil Defense Administration.
6.324 United States Information Agency.
6.325 Federal Power Commission.
6.326 Securities and Exchange Commission.
6.327 National Mediation Board.
6.328 Small Business Administration.
6.330 Federal Trade Commission.
6.333 General Services Administration.
6.334 Federal Communications Commission.
6.335 United States Tariff Commission.
6.336 Railroad Retirement Board.
6.337 Civil Aeronautics Board.
6.338 National Labor Relations Board.
6.340 Export-Import Bank of Washington.
6.341 Farm Credit Administration.
6.342 Housing and Home Finance Agency.
6.343 Indian Claims Commission.
6.346 Federal Mediation and Conciliation Service.
6.349 Foreign Operations Administration.
6.350 Foreign Claims Settlement Commission of the United States.
6.351 Air Coordinating Committee.
6.352 Government Patents Board.
6.353 Subversive Activities Control Board.
6.354 Saint Lawrence Seaway Development Corporation.

AUTHORITY: §§ 6.1 to 6.354 issued under R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633.

§ 6.1 *Method of filling excepted positions and status of incumbents.* (a) The Commission shall decide whether the duties of any particular position are such that it may be filled as an excepted position under Schedule A, B, or C.

(b) To the extent permitted by law and the regulations in this chapter, appointments, position changes, and removals in the excepted service shall be made in accordance with any regulations or practices that the head of the agency concerned finds necessary.

(c) Persons appointed to excepted positions shall not acquire a competitive status by reason of such appointments.

NOTE: See also Part 21 of this chapter, issued pursuant to the Veterans' Preference Act of 1944, as amended, which is applicable to appointments to excepted positions; Part 22 of this chapter which is applicable in cases of discharges, suspensions for more than thirty days, furloughs without pay for thirty days or less, or reduction in rank or compensation of employees entitled to veteran preference; Part 9 of this chapter which is applicable to removals from positions listed in Schedule B of persons who have competitive status; § 2.502 (j) of this chapter under which the Commission may authorize promotions in excepted positions in order to avoid undue hardship or inequity in individual cases of meritorious nature without regard to the restrictions of section 1310 of the Supplemental Appropriation Act, 1952 (Public Law No. 253, 82nd Congress), as amended; Part 10 of this chapter which is applicable to employment with reemployment rights; and Part 20 of this chapter which is applicable to reduction in force.

SCHEDULE A

§ 6.100 *Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.* The positions enumerated in §§ 6.101 to 6.199 are positions other than those of a confidential or policy-determining character for which it is not practicable to examine and which are excepted from the competitive service and constitute Schedule A.

§ 6.101 *Entire executive civil service.* (a) Positions of Chaplain and Chaplain's Assistant.

(b) Cooks, except at fixed locations, such as, hospitals, quarantine stations, and penal institutions.

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk-trainee positions. Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed nine months pending admission to the bar. No person shall be given more than one appointment under this paragraph.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any position in which the appointee will receive compensation aggregating not more than $1,100 a year, the duties of which are part-time or intermittent, but such appointments shall not be for job employment. In Washington, D. C., such appointments shall be subject to the prior approval of the Commission.

(h) Any position in a foreign country, or beyond the continental limits of the United States, when in the opinion of the Commission, appointment through competitive examination is impracticable, except as provided in paragraph (i) of this section, and except: Positions in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; in the Immigration and Naturalization Service, all positions in Canada and Mexico, and continuing positions at GS–7 and above in Cuba; positions in the Bureau of Customs, Treasury Department, in foreign countries; General Accounting Office positions in foreign countries; positions in the International Field Offices of the Civil Aeronautics Administration, Department of Commerce; technical positions in foreign countries in the Internal Revenue Service, Treasury Department; positions in the Departments of Defense, Army, Navy, and Air Force.

NOTE: The provision for positions in the Departments of Defense, Army, Navy, and Air Force, is effective April 1, 1956.

(i) Positions on the Isthmus of Panama, except: Accountant, architect, architectural designer, bookkeeper, calculating machine operator, chemist, clerk (paying more than $175 in United States currency per month), dietitian, draftsman, employee counselor, medical technician, personnel aide, personnel assistant, pharmacist, physician, playground director, statistician, stenographer, storekeeper, surgeon, trained nurse, typist, harbor personnel of the Quartermaster Corps, Department of the Army, air traffic controller and air traffic communicator, Civil Aeronautics Administration, and Veterans' Administration Representative for the Panama Canal Zone with duty stations at Balboa, Canal Zone.

(j) Subject to prior approval by the Commission, positions in Federal mental institutions when filled by persons who have been patients of such institutions and been discharged, and are certified by the medical head thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(k) Temporary, part-time, or intermittent employments of mechanics, skilled laborers, and tradesmen on construction or repair work in places where there is no local board of examiners of the Civil Service Commission for the employing establishment, when, in the opinion of the Commission, appointment through competitive examination is impracticable. Appointments under this provision shall not extend beyond one year, and the employment thereunder shall not exceed 180 working days within any one period of twelve months. Seasonal employments of a recurring nature are not authorized under this paragraph.

(l) Any position directly concerned with the protection of the life and safety of the President and the members of his family.

(m) Positions without compensation provided such appointments meet the requirements of applicable laws relating to compensation.

(n) Professional, scientific, and technical experts for temporary, part-time or intermittent employment for consultation purposes.

(o) Unskilled laborers at any city, locality or establishment where the Labor Regulations were not in effect on July 1, 1941. The Commission, with the concurrence of the department or agency concerned, may include within the competitive civil service unskilled laborer positions at any such city, locality, or establishment.

(p) Any local physicians, surgeon, or dentist employed under contract or on a part-time or fee basis, when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(q) Positions of a scientific, professional or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employments under this provision shall not exceed 130 working days a year.

(r) Positions of a scientific, professional, or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Employments under this provision may be continued only so long as the foregoing conditions are met, and the total period of such employment shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(s) Temporary, part-time, or intermittent positions of student assistant when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed. No person shall be employed under this provision (1) in a position of a routine clerical type; or (2) in excess of 130 working days a year; or (3) at a total compensation exceeding $1,270 during such period of one year.

§ 6.102 *Department of State*—(a) *Office of the Secretary.* (1) Two Physical Science Administration Officers (Science Adviser and Deputy Science Adviser), GS–1301–16, and three Physical Science Administration Officers (Assistant Science Advisers), GS–1301–15.

(2) Six positions of Member of the Executive Secretariat.

(3) Chief, Policy Reports Staff, Executive Secretariat.

(4) Four Assistants to the Director of the Executive Secretariat.

(5) Executive Officer, Executive Secretariat.

(6) Chief, Correspondence Review Staff, Executive Secretariat.

(b) *Office of the Special Assistant, Intelligence.* (1) Not to exceed 50 professional and technical positions.

(2) Two professional positions in the Division of Intelligence Acquisition and Distribution.

(c) *International Boundary and Water Commission, United States and Mexico.* (1) Gage readers employed part-time or intermittently at isolated localities when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(d) *International Boundary Commission, United States, Alaska and Canada.* (1) Temporary and intermittent field employees such as instrumentmen, foremen, recorders, packers, cooks, and axemen, for not to exceed 130 working days or six months within any one calendar year.

(e) *Operations Coordinating Board.* (1) Thirteen regular or permanent members of the staff of the Board, grades GS–14 and GS–15.

(2) One technical position, GS–9, concerned with the maintenance of telecommunication inventories and facilities available to the United States in carrying out the responsibilities assigned to the Board.

(f) *Bureau of Inspection, Security, and Consular Affairs.* (1) Positions of investigator, evaluator, and other security officers, whose incumbents are directly engaged in the performance of security functions or in the supervision of such activities.

(2) Until December 31, 1956, all positions whose incumbents are exclusively and directly engaged in the administration of the Refugee Relief Act of 1953.

(g) *Bureau of Inter-American Affairs.* (1) Executive Director.

(h) *Office of Assistant Secretary for Public Affairs.* (1) Chief, Public Studies Division.

(2) Chief, Public Services Division.

(3) Chief, Historical Division.

(4) One Information Specialist, Public Services Division.

(i) *Bureau of International Organization Affairs.* (1) One Special Assistant to the Assistant Secretary.

§ 6.103 *Treasury Department*—(a) *Bureau of Narcotics.* (1) Fifty positions of Narcotic Agent for undercover work.

(b) *Bureau of Customs.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) The positions of Collector of Customs at Puerto Rico and the Virgin Islands.

(3) Part-time, intermittent or temporary Deputy Collectors and Deputy Collectors in Charge in Alaska at a salary rate not in excess of GS–8, for not to exceed 130 working days a year.

(c) *Coast Guard.* (1) Lamplighters.

(d) *Comptroller of the Currency.* (1) Until December 31, 1955, positions of Chief National Bank Examiner, Assistant Chief National Bank Examiner, District Chief National Bank Examiner, National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assessments against national banks and other financial institutions.

(e) *Reconstruction Finance Corporation.* (1) Until September 30, 1956, Chief, Public Agency Division.

(2) Until September 30, 1956, five Supervisory Loan Examiners (D. C.) and eight Supervisory Field Representatives (Field).

(f) *Office of Production and Defense Lending.* (1) Until September 30, 1956, one Chief, Loan Administration Division; one Chief, Liquidation Division, and one Assistant Controller (Treasurer), Reconstruction Finance Corporation.

(g) *United States Savings Bonds Division.* (1) Positions of State Director and Deputy State Director, and Regional Director and Assistant Regional Director.

§ 6.104 *Department of Defense*—(a) *Office of the Secretary.* (1) Five Special Advisors in the immediate office of the Secretary or Deputy Secretary with responsibility for studies and recommendations in broad program areas. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(2) Positions assigned exclusively to Communications Intelligence Activities.

(3) Positions assigned to or in support of special classified training activities.

(b) *Office of the Assistant Secretary (Supply and Logistics).* (1) Until June 30, 1956, ten Industrial Specialists with responsibility for advisory services or studies concerned with procurement, production, distribution, transportation, storage, communications or cataloging. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(c) *Office of the Assistant Secretary (Properties and Installations).* (1) Until June 30, 1956, five Engineering or Industrial Specialists with responsibility for advisory services or studies concerned with construction, real estate acquisition and disposal, maintenance or real property management. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(d) *Office of the Assistant Secretary (Comptroller).* (1) Until June 30, 1956, five Fiscal Management Specialists with responsibility for advisory services or studies concerned with fiscal, cost or property accounting. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(e) *Office of the Assistant Secretary (Manpower and Personnel).* (1) Until June 30, 1956, three Manpower and Personnel Specialists with responsibility for advisory services or studies concerned with manpower supply and utilization, labor relations or personnel management. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(f) *Office of the Assistant Secretary (International Security Affairs).* (1) Until June 30, 1956, five Foreign Affairs Specialists with responsibility for advisory services or studies concerned with international relations. These positions have advisory rather than operating duties, except as operating or administrative responsibilities may be exercised in connection with pilot studies.

(g) *Office of the Assistant Secretary (Applications Engineering).* (1) Until June 30, 1956, five Engineering Specialists with responsibility for advisory services or studies concerned with evaluation of production programs for weapons and equipment including the design, development, production and field service phases. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(h) *Office of the Assistant Secretary (Research and Development).* (1) Until June 30, 1956, twenty Research and Scientific Specialists with responsibility for advisory services or studies concerned with evaluation and allocation of research and development plans in relation to over-all objectives of the defense effort. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(i) *Weapons Systems Evaluation Group.* (1) Until June 30, 1956, twenty Scientific Warfare Advisors with responsibility for advisory services or studies concerned with analysis and evaluation of present and future weapons systems under probable future combat conditions.

(j) *Office of Legislative Programs.* (1) Until December 31, 1955, one Director of Legislative Programs, GS–301–17.

(2) Until December 31, 1955, two Supervisory Legislative Analysts, GS–301–15.

(3) Until December 31, 1955, two Legislative Analysts, GS–301–13; two Legislative Analysts, GS–301–12; two Legislative Analysts, GS–301–11; and two Legislative Analysts, GS–301–9.

§ 6.105 *Department of the Army*—(a) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter, when in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) During the emergency declared by the President to exist on May 27, 1941, all positions in the Department of the Army on the Isthmus of Panama.

(3) Unskilled laborers and munitions handlers engaged in handling Ordnance matériel, including ammunition, where temporary or intermittent employment is necessary.

(4) Student occupational therapist positions in Army hospitals. Appointments to these positions will not extend beyond the training period applicable to each individual case, which is a minimum of three months training and a maximum of twelve months training, depending upon the individual's previous clinical training.

(5) Alien scientists employed under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense.

(6) Positions assigned exclusively to Army Communications Intelligence Activities.

(b) *Transportation Corps.* (1) Longshoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

(c) *Engineer Department.* (1) Land appraisers employed on a temporary basis for a period not to exceed one year on special projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Department are required for successful results.

(d) *U. S. Military Academy, West Point, New York.* (1) Civilian professors, instructors, registrar, teachers (except teachers at the Children's School), hostesses, chapel organist and the choirmaster, librarian when filled by an officer of the Regular Army retired from active service, and military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(e) *Special Services Division.* (1) Until December 31, 1956, positions paid from the appropriation "Welfare of Enlisted Men," which entail responsibility for the direction or supervision of voluntary educational or recreation programs and which, as an integral part of the job, require close working associations with the military personnel for whom such programs are conducted. Positions of librarian, library assistant, recreation leader, and recreation supervisor are included herein.

(f) *National War College, Washington, D. C.* (1) Civilian directors of studies for employment of not to exceed one year: *Provided,* That such employment may, with the prior approval of the Commission, be extended for not to exceed one additional year.

(g) *Joint Brazil-United States Defense Commission.* (1) One position of clerk-stenographer-translator or civilian aide requiring a knowledge of English, Portuguese, and Spanish.

(h) *Army Language School, Presidio of Monterey, California.* (1) Language instructors when the type of instruction requires a period of actual foreign residence to qualify them for the instruction.

(2) Typists of foreign language material whose duties require them to make corrections in grammar and spelling of the material typed.

(i) *Army War College, Carlisle Barracks, Pennsylvania.* (1) One position of Educational Specialist for Employment of not to exceed one year: *Provided,* That such employment may, with the prior approval of the Commission, be extended for not to exceed one additional year.

(j) *Army Signal Corps.* (1) All positions on ocean-going cable barges operated by the Army Signal Corps.

§ 6.106 *Department of the Navy*—(a) *General.* (1) Intelligence and Counter Intelligence positions assigned exclusively to Naval Intelligence Activities.

(2) Alien Scientists employed under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense.

(3) Student trainees in naval shipyards, whose salaries shall not aggregate more than $1,100 a year. Only bona fide students engaged in the study of naval architecture shall be eligible for appointment under this subparagraph. Employment under this subparagraph shall not exceed 90 working days a year.

(b) *United States Naval Academy*—(1) Professors, instructors, and teachers in the United States Naval Academy, the United States Naval Post-graduate School, and the Naval War College.

(c) *United States Naval Home.* (1) Positions of orderly when filled by the appointment of beneficiaries of the Home.

(d) *Military Sea Transportation Service.* (1) All positions on vessels operated by the Military Sea Transportation Service.

(e) *Naval Research Laboratory, Washington, D. C.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed 10 positions at any one time. Employment under this provision shall not exceed one year in any individual case; provided, that such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

§ 6.107 *Department of the Air Force*—(a) *Office of the Secretary.* (1) Five Special Assistants in the Office of the Secretary of the Air Force. These positions have advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with pilot studies.

(b) *Office of the Inspector General.* (1) Until December 31, 1955, in order to provide civilian personnel complementary to military personnel, five Special Agent positions in the Office of the Assistant for Security, Plans and Policy, Deputy Inspector General, the Inspector General; and a total of 100 Special Agent positions in the Directorate of Special Investigations, the United States Air Force Special Investigations School (OSI) and the District Office of the Office of Special Investigations, United States Air Force, in grades GS–11 or above.

(c) *General.* (1) During the emergency declared by the President to exist on May 27, 1941, all positions in the Department of the Air Force on the Isthmus of Panama.

(2) Alien Scientists employed under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense.

(3) Until December 31, 1956, positions of librarian, recreation leader and recreation supervisor which entail responsibility for the direction or supervision of voluntary educational and recreational programs and which, as an integral part of the job, require close working associations with military personnel for whom such programs are conducted.

(4) One Cadet Hostess at the Air Force Academy in Colorado.

(d) *Lookout Mountain Laboratory, Los Angeles, California.* (1) All positions.

§ 6.108 *Department of Justice*—(a) *General.* (1) Field deputy United States marshals employed on an hourly basis for intermittent service.

(2) Positions of temporary deputy marshals in lieu of bailiff in the United States courts when employed on an intermittent basis.

(3) United States Marshal in the Virgin Islands.

(b) *Immigration and Naturalization Service.* (1) Sixteen positions of District Directors.

(2) Information Officer.

(3) Four positions of Regional Commissioner.

§ 6.109 *Post Office Department*—(a) *General.* (1) Clerks in fourth class post offices.

(2) Substitute rural carriers.

(3) Special delivery messengers in second, third, and fourth class post offices.

(4) Unskilled laborers employed as janitors and cleaners in small postal units in leased quarters at a compensation less than $2,870 per annum.

(5) Fourth class postmasters in the Hawaiian Islands.

(6) One Administrative Assistant to each Regional Office Manager (15 positions).

(7) One Administrative Assistant to the Assistant to the Regional Operations Manager (Dallas Office).

(8) One Administrative Assistant to the Assistant to the Regional Operations Manager (Cincinnati Office).

(9) Clerks employed on a part-time basis in third-class post offices in Alaska.

(b) *Office of the Postmaster General.* (1) Two information specialists.

§ 6.110 *Department of the Interior*—(a) *General.* (1) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings or other structures and prevent damage or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of the Commission.

(4) Temporary, intermittent or seasonal field assistants at GS–7 and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties, for not to exceed 130 working days a year, whenever in the opinion of the Commission appointment through competitive examination is impracticable.

(5) Temporary emergency forest and range fire and blister rust control employees in the field service of the Department of the Interior employed for fire prevention or suppression or blister rust control for not to exceed 130 working days a year.

(6) Persons employed in field positions the work of which is financed jointly by the Interior Department and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of Interior directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(8) Subject to prior approval of the Commission, temporary, intermittent, or seasonal positions at GS–7 and below in nonprofessional mining activities in Alaska, such as drillers, miners, caterpillar operators and samplers, not to exceed 180 working days a year, when the activity is carried on in a remote or isolated area, there is no Board of U. S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(9) Subject to prior approval of the Commission, temporary part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area, there is no Board of U. S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(b) *Bureau of Indian Affairs.* (1) All positions in the Neopit Lumber Mills on the Menominee Indian Reservation in Wisconsin, until December 31, 1958.

(2) Housekeeper positions at a gross salary not in excess of the entrance rate of grade GS–4 or its equivalent when, because of isolation or lack of quarters, appointment through competitive examination is, in the opinion of the Commission, impracticable.

(3) Subject to prior approval of the Commission, assistants in Alaska native schools (not including teachers and instructors) at a salary rate not in excess of that of GS–4 or its equivalent where the schools are in isolated or remote areas or lack suitable quarters.

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) *Bonneville Power Administration.* (1) Four Area Managers.

(e) *Office of Territories.* (1) Until December 31, 1955, all positions in the Alaska Railroad.

(f) *National Park Service.* (1) Temporary, intermittent or seasonal park rangers at salaries equivalent to GS–4 or below, in positions such at Naturalist, Historian, and Archeologist, for not to exceed 180 working days a year.

§ 6.111 *Department of Agriculture*—(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service.

(2) Any local veterinarian employed on a fee basis or a part-time basis.

(3) Not to exceed 25 professional, scientific, or technical positions in grade GS–7 or higher to be filled on an exchange basis by qualified employees on the rolls of State Governments, colleges, or universities, for a limited period not to exceed one year.

(4) Local Agents, except veterinarians, employed temporarily outside of Washington, in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(5) Temporary, intermittent, part-time or seasonal employment in the field service of the Department of Agriculture at grades or personal service rates not higher than GS–5, or equivalent, as follows:

(i) Field Assistants for subprofessional services.

(ii) Clerical, crafts, protective, and custodial positions at places other than civil service regional headquarters, whenever in the opinion of the Commission appointment through competitive examinations is impracticable.

(iii) Caretakers at temporarily closed camps or improved areas.

(iv) Owner-operators of equipment who are residents in the area of employment.

(v) Field enumerators and supervisors.

(vi) Forest workers at headquarters other than in forest supervisor and regional offices unless employed primarily for fire prevention or suppression activities.

(vii) Allotment checkers of the Commodity Stabilization Service.

(viii) Collectors of the Farmers Home Administration.

Total employment under this subparagraph shall not exceed 180 working days in any period of twelve consecutive months.

(b) *Office of the Secretary.* (1) Special Livestock Loans Committeemen employed for not more than 180 working days a year, to approve and direct the servicing of emergency livestock loans.

(2) Not to exceed four positions at salaries equivalent to GS–13 or higher, for temporary appointment of not to exceed one year, to render advice or to assist in the administration of critical or emergency programs.

(c) *Rural Electrification Administration.* (1) Until June 30, 1960, not to exceed 12 positions, at grades GS–11 or higher, for employment of persons with extensive experience in the commercial or engineering phases of the telephone industry to provide specialized techniques and training in telephony. Appointments under this authority will be made only to positions of a staff, training, or advisory nature as distinguished from regular operating positions. Employment under this provision shall not exceed one year in any individual case; provided that such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(d) *Forest Service.* (1) Temporary, intermittent, or seasonal positions when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest.

(2) Until August 1, 1956, Laborers, Boat Operators, Mechanics, Equipment Operators, and Carpenters in Alaska.

(e) *Commodity Stabilization Service.* (1) Six Area Directors at a salary equivalent to GS–15.

(2) Farmer fieldmen and farmer fieldwomen to interpret and explain and supervise farm programs.

(f) *Farmers Home Administration.* (1) State committeemen to consider, recommend, and advise with respect to the Farmers' Home Administration program.

(2) County committeemen to consider, recommend, and advise with respect to the Farmers' Home Administration program.

(3) Employees appointed for not to exceed one year to engage exclusively in the making and servicing of the following three types of emergency loans (pursuant to section 2 (a), (b), and (c) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress): (i) Production disaster loans required as a result of floods, freezes, storms, or other natural calamities, (ii) economic disaster loans, and, (iii) special livestock loans: *Provided*, That an appointment may, with the prior approval of the Commission, be extended for additional periods of not to exceed one year each.

(4) State Directors and not to exceed three positions of State Director-at-Large.

(g) *Agricultural Stabilization and Conservation Committees.* (1) State Administrative Officer.

(2) Members of State Committees.

(h) *Agricultural Marketing Service.* (1) Milk Market Administrators.

(2) All positions on the staffs of Milk Market Administrators.

§ 6.112 *Department of Commerce*—(a) *General.* (1) Caretakers and light attendants employed on emergency fields and other air navigation facilities, who are paid on a fee basis.

(2) Agents to take and transmit meteorological observations in connection with airways whose duties require only part of their time, and whose compensation does not exceed $190 a month; for such employment in isolated locations in Alaska the compensation may not exceed $210 a month.

(3) Employment of individuals, firms or corporations for not to exceed one year for special statistical studies and statistical compilations, other than Personal Census Records Service, the compensation for which is derived from funds deposited with the United States under the act of May 27, 1935 (49 Stat. 292): *Provided*, That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(b) *Office of the Secretary.* (1) The positions of Security Control Officer, Deputy Security Control Officer, and Chief, Personnel Security Division.

(2) One Civil Aviation Specialist.

(c) *Coast and Geodetic Survey.* (1) All civilian positions on vessels operated by the Coast and Geodetic Survey.

(2) Temporary positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey. Appointment to such positions shall not exceed 8 months in any one calendar year.

(d) *Bureau of the Census.* (1) Supervisors, assistant supervisors and supervisor's clerks and enumerators in the field service for temporary, part-time or intermittent employment for not to exceed one year: *Provided*, That such appointment of supervisor's clerks and enumerators may be extended for additional periods of not to exceed one year each. This subparagraph shall not be authority for employment in full time positions for longer than one year.

(e) *National Bureau of Standards.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Bureau. Total employment under this provision may not exceed 10 positions at any one time. Employment under this provision shall not exceed one year in any individual case; provided, that such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(f) *Bureau of Public Roads.* (1) Temporary, intermittent, or seasonal employment in the field service of the Bureau of Public Roads at grades not higher than GS–5 for subprofessional engineering aide work on highway surveys and construction projects, for not to exceed 180 working days a year, whenever in the opinion of the Commission appointment through competitive examination is impracticable.

(g) *Business and Defense Services Administration.* (1) Not to exceed 30 positions, at grades GS–13 and higher, to be filled by appointment of persons, qualified as industrial specialists, who possess specialized knowledge and experience in the field of industrial production, industrial operations and related problems, applicable to one or more of the current segments of industry served by the Business and Defense Services Administration. Appointments under this authority may be made for a period not to exceed two years, and may, with prior approval of the Commission, be extended for an additional period of two years.

(h) *Maritime Administration.* (1) Public Information Officer.

(2) One Private Secretary to the Public Information Officer.

(3) Chief, Program Planning Office.

(4) One Private Secretary to the Chief, Program Planning Office.

(5) The positions of Chief Investigator and Security Officer and Deputy Chief Investigator and Security Officer.

(6) The position of Commandant, U. S. Maritime Service and Superintendent, U. S. Merchant Marine Academy.

(7) One Maritime Training Liaison Officer.

(8) Dean of the U. S. Merchant Marine Academy.

(9) All positions on Government owned vessels or those bareboat chartered to the Government and operated by or for the Maritime Administration.

(10) Chief, Office of Ship Construction and Repair.

(11) One Special Assistant to the Administrator (Tanker Adviser).

(12) Two Special Assistants to the Deputy Administrator.

(i) *Federal Maritime Board.* (1) Secretary to the Federal Maritime Board.

(j) *Office of the Assistant Secretary for International Affairs.* (1) Ten positions at GS–13 and above in specialized fields relating to international trade or commerce in the Bureau of Foreign Commerce or in other units under the jurisdiction of the Assistant Secretary for International Affairs. Incumbents shall be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed two years for any individual appointee.

§ 6.113 *Department of Labor*—(a) *Office of the Secretary.* (1) Chairman and two members, Employees' Compensation Appeals Board.

(b) *Bureau of Employment Security.* (1) One Minority Groups Consultant.

(c) *Government Contract Committee.* (1) All positions on the staff of the Government Contract Committee established by Executive Order 10479 of August 13, 1953.

§ 6.114 *Department of Health, Education, and Welfare.* (a) *St. Elizabeths Hospital.* (1) Two Medical Officers (Surgical Resident).

(2) Student medical Interns for temporary or part-time employment.

(b) *Public Health Service.* (1) Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subparagragh shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in leprosy investigation stations.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health, Education, and Welfare and a cooperating state, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Internes and externes (medical and dental) and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions provided that the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field; and provided further that appropriate exclusions of the positions under the authority of Public Law 330, 80th Congress, have been approved by the Civil Service Commission.

(7) Student Dietitians and Resident Physicians at Freedman's Hospital.

(8) Positions directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one fourth or more Indian blood.

(c) *Office of Education.* (1) Fifteen professional positions in the field of education required in connection with the 1955 White House Conference on Education. Employment under this authority shall not extend beyond June 30, 1956.

(2) Five administrative positions requiring knowledge of, and experience with, the interest and participation in education matters of citizen and other lay groups and organizations, as required in connection with the 1955 White House Conference on Education. Employment under this authority shall not extend beyond June 30, 1956.

(3) Positions concerned with problems in education financed and participated in by the Office of Education, Department of Health, Education, and Welfare, and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

§ 6.116 *National Security Council.* (a) All positions on the staff of the Council.

§ 6.118 *General Accounting Office.* (a) Two assistants to the Comptroller General.

§ 6.119 *Board of Governors, Federal Reserve System.* (a) All positions.

§ 6.121 *Office of Defense Mobilization.* (a) Not to exceed 18 non-operating specialist positions at the GS–13 level and above, the incumbents of which are responsible for advisory, staff planning, and coordination duties in the areas of military, industrial, or civilian mobilization.

§ 6.122 *Veterans' Administration*—(a) *General.* (1) Positions in Veterans' Administration facilities when filled by the appointment of members of such facilities receiving domiciliary care if, in the opinion of the Veterans' Administration the duties can be satisfactorily performed by such members.

(2) Positions at Veterans' Administration hospitals when filled by paraplegic patients during treatment or convalescence.

(b) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

(c) *Department of Veterans' Benefits.* (1) Executive Director for Supervision.

(2) Five Area Management Supervisors.

§ 6.123 *Federal Civil Defense Administration.* (a) Seven Regional Administrators.

(b) Seven Deputy Regional Administrators.

(c) Seven Assistant Regional Administrators for Women's Activities.

(d) Two Labor Specialists GS–13, Industry Office, Technical Advisory Service.

(e) Not to exceed 5 positions requiring Q clearance to be used exclusively for work on top secret projects in cooperation with other agencies and to be filled by persons who have a specialized subject matter background required for the performance of the duties of the position.

(f) Not to exceed 5 positions to be filled by specialists who have had the valuable civil defense experience in other countries required for the performance of the duties of the position.

§ 6.124 *United States Information Agency.* (a) Chief, Office of Security.

(b) Two Liaison Officers (Congressional) in the Office of the General Counsel.

(c) One Chief of Religious Information.

§ 6.125 *Federal Power Commission.* (a) Three special assistants to the Commission.

§ 6.126 *Securities and Exchange Commission.* (a) Director, Division of Corporation Finance; Director, Division of Corporate Regulations; Director, Division of Trading and Exchanges.

(b) Ten positions of Regional Administrator.

§ 6.128 *Small Business Administration.* (a) Not to exceed December 31, 1955, 14 Regional Directors and 14 Associate Regional Directors.

(b) Not to exceed December 31, 1955, Director, Office of Compliance and Security.

(c) Not to exceed December 31, 1955, one Confidential Assistant to the Special Assistant to the Administrator; and two Special Assistants to the Director, Office of Information.

(d) Not to exceed December 31, 1955, Chiefs of the following Divisions: Managerial Assistance, Loan, Financial Service, Procurement Assistance, Production Assistance, and Products Assistance.

(e) Not to exceed December 31, 1955, one Assistant Chief, Managerial Assistance Division.

(f) Not to exceed December 31, 1955, Chairman and three Members, Loan Review Committee.

(g) Not to exceed December 31, 1955, five Investigators, Office of Compliance and Security.

(h) Not to exceed December 31, 1955, a maximum of forty Branch Office Managers.

(i) Not to exceed December 31, 1955, the position of the top-ranking Financial Specialist in each Regional Office.

(j) Not to exceed December 31, 1955, one Deputy Director, Office of Information.

(k) Not to exceed December 31, 1955, the position of the top-ranking Production Specialist or Industrial Specialist in each Regional Office.

§ 6.129 *Federal Deposit Insurance Corporation.* (a) All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

§ 6.131 *National Capital Housing Authority.* (a) Executive Director.

§ 6.132 *United States Soldiers' Home.* (a) All positions.

§ 6.133 *General Services Administration*—(a) *General.* (1) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

(b) *Office of the Administrator.* (1) One private secretary or confidential assistant to the Administrator.

(2) Two expert assistants to the Administrator.

(3) Deputy Administrator.

(4) One private secretary or confidential assistant to the Deputy Administrator.

(c) *Public Buildings Service.* (1) Commissioner.

(2) One private secretary or confidential assistant to the Commissioner.

(d) *Federal Supply Service.* (1) Director.

(2) One private secretary or confidential assistant to the Director.

(e) *Archivist of the United States.* (1) The Archivist.

(2) One private secretary or confidential assistant to the Archivist.

§ 6.134 *Federal Communications Commission.* (a) A secretary to the Commission.

(b) One Assistant Chief Engineer.

(c) One Assistant Chief Accountant.

(d) The Chief of each of the following Bureaus: Broadcast, Common Carrier, Safety and Special Radio Services, and Field Engineering and Monitoring.

§ 6.135 *United States Tariff Commission.* (a) The Secretary of the Commission.

§ 6.136 *Railroad Retirement Board.* (a) Two members of the Actuarial Advisory Committee to be selected by the Board, one from recommendations made by representatives of the employees, and one from recommendations made by the carriers.

(b) Special claims agents (compensated on a piece-rate basis) to accept registration of unemployed railroad workers residing in areas in which no employer facilities are located, or in which no employer will make facilities available for the registration of such employees.

§ 6.138 *National Labor Relations Board.* (a) Election Clerks and Election Examiners for temporary, part-time, or intermittent employment in connection with elections under the Labor Management Relations Act.

§ 6.139 *Government Printing Office.* (a) One private secretary or confidential assistant to the Public Printer.

§ 6.140 *Export-Import Bank of Washington.* (a) The Secretary. (b) Chiefs of the following divisions: Economics, Engineering, Examining, and Private Capital Participation.

§ 6.141 *Farm Credit Administration.* (a) Until December 31, 1956, positions in the Federal Intermediate Credit Banks, the Production Credit Corporations, the Federal Land Banks, the Banks for Cooperatives, and positions filled by joint officers and employees for these institutions.

(b) National Farm Loan Association receivers and conservators.

(c) Not to exceed seven positions in the Credit Services of the Farm Credit Administration in grades GS–13 or above, requiring technical or administrative experience in the field of agricultural credit: *Provided,* That this authority may be used only when making appointments of persons who have acquired such experience in the Farm Credit Administration or in one or more of the institutions supervised by the Farm Credit Administration.

§ 6.142 *Housing and Home Finance Agency*—(a) *Office of the Administrator.* (1) Until December 31, 1955, Executive Secretary and Deputy Executive Secretary of the National Committee and the Executive Secretary and Deputy Executive Secretary of each regional subcommittee established under Title VI of the Housing Act of 1954.

(2) Director, Compliance Division.

(3) Until December 31, 1955, six Regional Administrators.

(b) *Home Loan Bank Board.* (1) One Secretary, Home Loan Bank Board.

(2) One Chief Examiner.

(3) All temporary field positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions.

(c) *Federal Housing Administration.* (1) Until December 31, 1955, 80 Field Directors, (State, District and Territorial).

(2) Until December 31, 1955, six Regional Directors.

(3) Director, Multi-Family Housing Division.

(4) Director, Title I Division.

(5) Director, Home Mortgage Division.

(d) *Public Housing Administration.* (1) Until June 30, 1956, the position of special Representative at San Diego, California.

§ 6.144 *Selective Service System.* (a) State Directors.

(b) Deputy or Assistant State Directors and State Medical Officers in State Headquarters.

(c) Until July 1, 1957, Executive Secretary, National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists.

(d) Executive Secretary, National Selective Service Appeal Board.

§ 6.145 *Civil Service Commission.* (a) Positions of Members of the International Organizations Employees Loyalty Board.

§ 6.147 *National Advisory Committee for Aeronautics.* (a) Two alien scientists having special qualifications in the field of aeronautical research where such employment is deemed by the Chairman of the National Advisory Committee for Aeronautics to be necessary in the public interest.

§ 6.148 *Panama Railroad Company, New York.* (a) All positions on vessels operated by the Panama Railroad Company.

(b) Checkers employed on w. a. e. basis.

(c) One Receiving Clerk, one Delivery Clerk, and one Baggage Master-Storekeeper employed on dock (N. Y.).

§ 6.149 *Foreign Operations Administration.* (a) Not to exceed 25 positions of a policy determining character at salaries in excess of $10,000 but not in excess of $15,000 per annum.

(b) Two private secretaries or confidential assistants to the Director, one to the Deputy Director, and one to each policy determining official receiving a salary of $15,000 per annum.

(c) Not to exceed 30 positions at GS–12 or above when filled by persons who have served overseas with the agency or its predecessor for not less than one year.

(d) The positions of Director for Personnel Security and Integrity, Deputy Director for Personnel Security and Integrity, and Director of the Inspections Division.

(e) One Special and Confidential Assistant to the Director, Office of Labor Affairs.

(f) Deputy Director, Office of Public Reports.

(g) Two Information Specialists, Office of Public Reports.

(h) Staff Assistant, Office of the Military Adviser.

(i) One Private Secretary to the Chairman, International Development Advisory Board.

§ 6.150 *Foreign Claims Settlement Commission of the United States.* (a) Advisor to the Commissioners on Legislative Policy.

§ 6.155 *President's Committee on Government Employment Policy.* (a) Executive Director.

SCHEDULE B

§ 6.200 *Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.* The positions enumerated in §§ 6.201 to 6.299 are positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination and which are excepted from the competitive service and constitute Schedule B. Appointments to these positions shall be subject to such noncompetitive examination as may be prescribed by the Commission.

§ 6.202 *Department of State.* (a) Persons formerly employed abroad in the Foreign Service of the United States (this means civilian employment in the executive branch) for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.

(b) Positions assigned exclusively to Department of State Cryptographic Security Activities.

(c) Director and Deputy Director, Foreign Buildings Operation.

§ 6.203 *Treasury Department.* (a) Positions of Chief National Bank Examiner, Assistant Chief National Bank Examiner, District Chief National Bank Examiner, National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assessments against national banks and other financial institutions.

(b) Cryptographer, United States Coast Guard.

§ 6.206 *Department of the Navy.* (a) Positions assigned exclusively to Navy Communications Intelligence Activities.

§ 6.207 *Department of the Air Force.* (a) Positions assigned exclusively to Air Force Communications Intelligence Activities.

(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

§ 6.208 *Department of Justice.* (a) Assistants to cottage officers, National Training School for Boys, when filled by the appointment of bona fide students at colleges or universities at salaries not in excess of $720 per annum, subject to the approval of the Commission.

(b) Field Deputy U. S. Marshals, GS–5, 6, 7, and 8.

§ 6.210 *Department of the Interior.* (a) Any competitive position at an Indian school when filled by the spouse of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems appointment through competitive examination impracticable.

§ 6.224 *United States Information Agency.* (a) Persons formerly employed abroad in the Foreign Service of the United States for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.

§ 6.225 *Federal Power Commission.* (a) A Chief Engineer.

§ 6.241 *Farm Credit Administration.* (a) Positions of Custodian of Collateral and positions of representatives in the field service of the Central Bank for Cooperatives, the posts of duty of which are in the localities of the borrowing associations with which they are concerned, and the selection of the incumbents of which is either participated in by the borrowing association or is subject to acceptance by the associations.

§ 6.242 *Housing and Home Finance Agency*—(a) *Federal Housing Administration.* (1) Ten Minority-Group Housing Advisors.

§ 6.244 *Selective Service System.* (a) Positions in the Selective Service System when filled by persons who, as commissioned officer personnel in the armed forces have previously been trained for or have been on active military duty in the Selective Service program, and cannot, for some reason beyond their control, be brought to active military duty in the current Selective Service program.

§ 6.245 *Civil Service Commission.* (a) Assistant to the Chairman.

§ 6.256 *District of Columbia Government.* (a) Chairman, Secretary and Members of the Board of Police and Fire Surgeons, District of Columbia.

SCHEDULE C

§ 6.300 *Positions of a confidential or policy-determining character.* The positions enumerated in §§ 6.301 to 6.399 are positions of a confidential or policy-determining character which are excepted from the competitive service, to which appointments may be made without examination by the Commission and which constitute Schedule C.

§ 6.302 *Department of State*—(a) *Office of the Secretary.* (1) Five Special Assistants.

(2) Special Assistant for Atomic Energy.

(3) Foreign Affairs Officer (Atomic Energy).

(4) One Special Assistant for International Cooperation Affairs to the Under Secretary.

(5) Two Confidential Assistants and five Private Secretaries to the Secretary.

(6) Chauffeur to the Secretary.

(7) Three Special Assistants to the Under Secretary.

(8) Special Assistant (Fisheries) to the Under Secretary.

(9) Two Confidential Assistants and one Private Secretary to the Under Secretary.

(10) Two Special Assistants and one Confidential Assistant to the Deputy Under Secretary.

(11) One Private Secretary to the Special Assistant for International Cooperation Affairs to the Under Secretary.

(12) One Staff Assistant.

(13) Secretary of the International Joint Commission—United States and Canada.

(14) One Administrative Assistant to the Staff Assistant.

(15) The Controller.

(16) One Private Secretary to the Chairman, International Joint Commission—United States and Canada.

(17) The Chief of Protocol, Office of the Under Secretary.

(b) *Bureau of Inspection, Security and Consular Affairs.* (1) Deputy Administrator.

(2) One Staff Assistant to the Deputy Administrator.

(3) Administrator.

(4) One Confidential Staff Assistant to the Administrator.

(5) Director, Office of Security.

(6) Assistant Administrator, Refugee Relief.

(c) *Office of the Assistant Secretary for Congressional Relations.* (1) One Congressional Liaison Officer (House).

(2) Deputy Assistant Secretary.

(3) Congressional Liaison Officer (Senate).

(4) One confidential assistant to the Assistant Secretary.

(5) One Private Secretary to the Deputy Assistant Secretary.

(6) One Executive Assistant.

(7) Three Legislative Management Officers.

(8) One Administrative Assistant.

(d) *Office of the Assistant Secretary for Public Affairs.* (1) Assistant to the Assistant Secretary for Public Affairs.

(2) Deputy Assistant Secretary.

(3) One private secretary to the Assistant Secretary.

(4) Director, UNESCO Relations Staff.

(5) One special assistant to the Assistant Secretary.

(6) One Private Secretary to the Deputy Assistant Secretary.

(7) One Chief, News Division.

(8) One Review Officer.

(9) Director, Official Position Program.

(10) One Secretarial Assistant to the Assistant Secretary.

(e) *Office of the Assistant Secretary for Economic Affairs.* (1) One Deputy Assistant Secretary for Economic Affairs.

(2) One private secretary to the Assistant Secretary.

(3) One Private Secretary to the Deputy Assistant Secretary.

(4) Two Special Assistants to the Assistant Secretary.

(f) *Office of the Special Assistant—Intelligence.* (1) One Private Secretary.

(2) Special Assistant.

(3) Deputy Special Assistant.

(4) Private Secretary to the Deputy Special Assistant.

(g) *Office of the Counsellor.* (1) One private secretary to the Counsellor.

(2) One Special Assistant to the Counsellor.

(h) *Bureau of Near Eastern, South Asian, and African Affairs.* (1) Deputy Assistant Secretary.

(2) One private secretary to the Assistant Secretary.

(3) One private secretary to the Deputy Assistant Secretary.

(4) One Politico-Economic Adviser.

(5) One Politico-Military Adviser.

(i) *Bureau of International Organization Affairs.* (1) Two Deputy Assistant Secretaries.

(2) One private secretary to the Assistant Secretary.

(3) One private secretary to the Deputy Assistant Secretary.

(4) One Special Assistant to the Assistant Secretary.

(5) One Special Assistant to the Assistant Secretary (Public Affairs).

(j) *Bureau of European Affairs.* (1) Deputy Assistant Secretary.

(2) One private secretary to the Assistant Secretary.

(3) One private secretary to the Deputy Assistant Secretary.

(4) Deputy Assistant Secretary (German and NATO Affairs).

(5) Private Secretary to the Deputy Assistant Secretary (German and NATO Affairs).

(6) One Director, Planning Staff.

(k) *Bureau of Far Eastern Affairs.* (1) Deputy Assistant Secretary.

(2) One private secretary to the Assistant Secretary.

(3) One private secretary to the Deputy Assistant Secretary.

(4) One Deputy Assistant Secretary for Far Eastern Economic Affairs.

(5) One Regional Planning Advisor.

(l) *Bureau of Inter-American Affairs.* (1) Deputy Assistant Secretary.

(2) One private secretary to the Assistant Secretary.

(3) One Private Secretary to the Deputy Assistant Secretary.

(4) Special Assistant to the Assistant Secretary.

(5) One Special Assistant to the Assistant Secretary (Public Affairs).

(m) *Office of the Legal Adviser.* (1) Deputy Legal Adviser.

(2) One private secretary to the Legal Adviser.

(3) One private secretary to the Deputy Legal Adviser.

(n) *Executive Secretariat.* (1) Director.

(2) Deputy Director.

(o) *Policy Planning Staff.* (1) Director.

(2) Deputy Director.

(3) Special Assistant to the Director.

(4) Executive Secretary.

(5) Special Assistant (National Security Council).

(6) Ten Members.

(7) One private secretary to the Director.

(8) One private secretary to the Deputy Director.

(9) One Alternate Department Representative on the National Security Council Planning Board.

(p) *Office of the Controller.* (1) One Private Secretary to the Controller.

(2) The Assistant Controller for Personnel.

(3) One Private Secretary to the Assistant Controller for Personnel.

(4) One Confidential Assistant to the Controller.

(q) *Office of the Deputy Under Secretary for Administration.* (1) One Confidential Assistant to the Deputy Under Secretary.

(2) Chief, Special Candidates Staff.

(3) Two Assistants to the Chief, Special Candidates Staff.

(4) One Private Secretary to the Chief, Special Candidates Staff.

§ 6.303 *Treasury Department*—(a) *Office of the Secretary.* (1) Six Assistants to the Secretary.

(2) Two confidential assistants to the Secretary.

(3) One confidential assistant to the Under Secretary and each Assistant Secretary.

(4) One assistant to the Under Secretary.

(5) One assistant to the Secretary and Supervisor, Analysis Staff.

(6) One assistant to the Secretary (Legislative).

(7) One Head, Tax Analysis Staff.

(8) One Confidential Assistant to the General Counsel.

(b) *Office of the Treasurer of the United States.* (1) One confidential administrative assistant to the Treasurer of the United States.

(2) One confidential assistant to the Treasurer of the United States.

(c) *Bureau of Customs.* (1) Commissioner of Customs.

(2) One confidential assistant to the Commissioner.

(d) *United States Savings Bonds Division.* (1) National Director.

(e) *Office of Production and Defense Lending.* (1) Until September 30, 1956, one Staff Assistant to the Assistant Secretary of the Treasury, Reconstruction Finance Corporation.

(2) Until September 30, 1956, one Special Assistant to the Assistant Secretary of the Treasury, Reconstruction Finance Corporation.

(3) Until September 30, 1956, two Administrative Assistants, Office of the Assistant Secretary of the Treasury, Reconstruction Finance Corporation.

(4) Until September 30, 1956, the General Counsel, the Director of the Office of Loan Administration and Liquidation, and the Controller (Treasurer), Reconstruction Finance Corporation.

§ 6.304 *Department of Defense*—(a) *Office of the Secretary.* (1) Two confidential or special assistants and two confidential assistants (private secretaries) to the Secretary of Defense.

(2) Two confidential assistants (private secretaries) to the Deputy Secretary of Defense and one confidential assistant (private secretary) to each of the following: The Assistant Secretary of Defense, Manpower and Personnel; the Assistant Secretary of Defense, International Security Affairs; the Chairman of the Joint Chiefs of Staff; the Chairman of the Research and Development Board; the Defense Liaison Officer to the White House; the Assistant Secretary of Defense, Legislative Affairs; the Assistant Secretary of Defense, Applications Engineering; the Assistant Secretary of Defense, Properties and Installations; the Assistant Secretary of Defense, Health and Medical; the Assistant Secretary of Defense, Supply and Logistics; the General Counsel; the U. S. Military Representative, NATO Standing Group; and the Assistant to the Secretary of Defense, Atomic Energy.

(3) One confidential assistant to the Assistant Secretary of Defense, Supply and Logistics.

(4) One confidential secretary to the Defense Advisor to the United States Permanent Representative to the North Atlantic Council.

(5) One Administrative Secretary to the Secretary.

(6) One Special and Confidential Assistant to the Assistant Secretary of Defense, Legislative and Public Affairs.

(7) Three Chauffeurs for the Secretary of Defense.

(8) Two Special Assistants to the Deputy Secretary.

(9) Two Deputy Assistant Secretaries to the Assistant Secretary of Defense for Legislative and Public Affairs.

(10) One Private Secretary to each of the following: The Deputy Assistant Secretary for Legislative Affairs and the Deputy Assistant Secretary for Public Affairs.

(11) One Confidential Assistant to each of the following: The Assistant Secretary of Defense for Properties and Installation and the Assistant Secretary of Defense for International Security Affairs.

(12) One Executive Assistant to the Assistant Secretary of Defense for Legislative and Public Affairs.

(b) *Office of Special Operations.* (1) The Director.

(2) Two Private Secretaries to the Director.

(c) *Court of Military Appeals.* (1) One Private Secretary and two Technical Assistants to each Judge of the Court.

§ 6.305 *Department of the Army*—(a) *Office of the Secretary.* (1) One private secretary or confidential assistant to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Army.

(2) One deputy or special assistant to the Under Secretary and to each Assistant Secretary of the Army.

(3) One Department Counselor.

(4) One Special Assistant to the Secretary.

(5) One Special Assistant to the Deputy Under Secretary.

(6) One Publications Writer.

(7) One Special Assistant to the Under Secretary of the Army.

(8) One Special Assistant to the Deputy Assistant Secretary of the Army (Manpower and Reserve Forces).

(9) One Special Assistant to the Assistant Secretary of the Army (Logistics) for Procurement.

(b) *General.* (1) One Administrative Assistant to the Personal Physician to the President.

(2) One administrative assistant and one private secretary to the Military Aide to the President.

§ 6.306 *Department of the Navy*—(a) *Office of the Secretary.* (1) Three civilian aides or executive assistants to the Secretary and two civilian aides or executive assistants to the Under Secretary and to each Assistant Secretary of the Navy.

(2) One private or confidential secretary to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Navy.

(3) One chauffeur for the Secretary of the Navy.

(4) One Confidential Secretary to the Civilian Aide to the Secretary of the Navy.

§ 6.307 *Department of the Air Force*—(a) *Office of the Secretary.* (1) Three special assistants to the Secretary, and one special assistant to the Under Secretary, and to each Assistant Secretary of the Air Force.

(2) Two Private Secretaries to the Secretary, and one Private Secretary to the Under Secretary, to each Assistant Secretary of the Air Force, and one to each Special Assistant whose appointment is authorized under subparagraph (1) of this paragraph.

(3) The General Counsel.

§ 6.308 *Department of Justice*—(a) *Office of the Attorney General.* (1) The Executive Assistant to the Attorney General.

(2) The Pardon Attorney.

(3) Two private secretaries to the Attorney General.

(4) One chauffeur for the Attorney General.

(5) Two Special Assistants for Public Relations.

(6) One confidential assistant to the Attorney General.

(7) Two Secretaries for the Attorney General.

(8) Two Receptionists for the Attorney General.

(b) *Office of the Deputy Attorney General.* (1) The First Assistant to the Deputy Attorney General.

(2) One confidential assistant (private secretary) to the Deputy Attorney General.

(c) *Office of the Solicitor General.* (1) The First Assistant to the Solicitor General.

(2) One position of Trial Attorney (General)—Second Assistant.

(3) One confidential assistant (private secretary) to the Solicitor General.

(d) *Anti-Trust Division.* (1) The First Assistant to the Assistant Attorney General.

(2) Second Assistant to the Assistant Attorney General.

(3) Chief, General Litigation Section.

(4) Chief, Trial Section.

(5) Chief, Special Litigation Section.

(6) Chief, Transportation and Litigation Section.

(7) Chief, Judgments and Judgment Enforcement Section.

(8) Chief, Legislation and Clearance Section.

(9) Chief, Appellate Section.

(10) Chief, Field Office (7 positions).

(11) One confidential assistant (private secretary) to the Assistant Attorney General.

(12) Chief, Economic Section.

(e) *Civil Division.* (1) The First Assistant to the Assistant Attorney General.

(2) Second Assistant to Assistant Attorney General.

(3) Third Assistant to Assistant Attorney General.

(4) Chief, Admiralty and Shipping Section.

(5) Chief, Court of Claims Section.

(6) Chief, Fraud Section.

(7) Chief, General Litigation Section.

(8) Chief, Government Claims Section.

(9) Chief, Japanese Claims Section.

(10) Chief, Patent Section.

(11) Chief, Supreme Court Section.

(12) Chief, Torts Section.

(13) Chief, Veterans Affairs Section.

(14) Chief, Admiralty and Shipping Section, New York.

(15) One confidential assistant (private secretary) to the Assistant Attorney General.

(f) *Criminal Division.* (1) The First Assistant to the Assistant Attorney General.

(2) Second Assistant to Assistant Attorney General.

(3) Chief, Administrative Regulations Section.

(4) Chief, Civil Rights Section.

(5) Chief, General Crimes Section.

(6) Chief, Trial Section.

(7) Chief, Appeals and Research Section.

(8) One confidential assistant (private secretary) to the Assistant Attorney General.

(9) Chief, Organized Crime and Racketeering Section.

(g) *Tax Division.* (1) The First Assistant to the Assistant Attorney General.

(2) Chief, Trial Section.

(3) Chief, Appellate Section.

(4) Chief, Criminal Section.

(5) Chief, Compromise Section.

(6) One confidential assistant (private secretary) to the Assistant Attorney General.

(h) *Lands Division.* (1) The First Assistant to the Assistant Attorney General.

(2) Chief, Lands Acquisition Section.

(3) Chief, Trial Section.

(4) Chief, Appellate Section.

(5) Chief, Legislation and General Section.

(6) One confidential assistant (private secretary) to the Assistant Attorney General.

(i) *Office of Alien Property.* (1) One Deputy Director.

(2) Chief, Legal and Legislative Section.

(3) Chief Examiner (title claims).

(4) Chief, Claims Branch.

(5) Chief, Litigation Branch.

(6) Manager, Field Office (5 positions).

(7) One confidential assistant (private secretary) to the Assistant Attorney General.

(8) Chief, Management and Liquidation Branch.

(9) Chief, Inter-custodial and Property Branch.

(j) *Immigration and Naturalization Service.* (1) General Counsel.

(2) One confidential assistant (private secretary) to the Commissioner.

(3) One Deputy Commissioner.

(4) Assistant Commissioner, Examinations Division.

(5) Assistant Commissioner, Investigations Division.

(6) Assistant Commissioner, Enforcement Division.

(7) Assistant Commissioner, Field Inspection and Security Division.

(k) *Board of Immigration Appeals.* (1) Executive Assistant.

(2) The Chairman.

(3) Four Members of the Board.

(l) *Office of Legal Counsel.* (1) One confidential assistant (private secretary) to the Assistant Attorney General.

(2) The First Assistant to the Assistant Attorney General.

(m) *Bureau of Prisons.* (1) The Director.

(2) Three Assistant Directors.

(n) *Federal Prison Industries, Inc.* (1) The Commissioner of Industries.

(2) Associate Commissioner.

(o) *Office of United States Attorney.* (1) Secretary and confidential assistant to United States Attorney (ten positions).

(p) *Internal Security Division.* (1) The First Assistant to the Assistant Attorney General.

(2) One Executive Assistant to the Assistant Attorney General.

(3) One Confidential Assistant to the Assistant Attorney General.

(4) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

§ 6.309 *Post Office Department*—(a) *Office of the Postmaster General.* (1) One special and confidential assistant to the Assistant Postmaster General (Bureau of Transportation).

(2) One Executive Assistant to the Postmaster General.

(3) Four Special Assistants to the Postmaster General.

(4) One Receptionist.

(5) One Special Assistant to the Deputy Postmaster General.

(6) One Assistant to the Executive Assistant to the Postmaster General.

(7) Two Confidential Assistants to the Postmaster General.

(8) One Private Secretary to the Executive Assistant to the Postmaster General.

(b) *Bureau of Facilities.* (1) Four members of the Bureau's Committee of Management, namely, the Director, Division of Real Estate, the Director, Division of Supplies, the Director, Division of Vehicles, and the Administrative Aide.

(2) One confidential assistant to the Assistant Postmaster General.

(3) One private secretary to the Assistant Postmaster General.

(4) One Deputy Assistant Postmaster General.

(5) One Private Secretary to the Deputy Assistant Postmaster General.

(c) *Bureau of Transportation.* (1) Information specialist.

(2) One Special Assistant to the Assistant Postmaster General.

(3) One Technical Assistant to the Assistant Postmaster General.

(4) One Confidential Assistant (Field Operations).

(5) One Deputy Assistant Postmaster General.

(6) One Confidential Assistant to the Assistant Postmaster General.

(7) One Private Secretary to the Assistant Postmaster General.

(d) *Bureau of Personnel.* (1) Confidential assistant to the Assistant Postmaster General.

(2) One Private Secretary to the Assistant Postmaster General.

(e) *Office of the Solicitor.* (1) The Solicitor.

(2) One Private Secretary to the Solicitor.

(f) *Bureau of Post Office Operations.* (1) One Confidential Assistant to the Assistant Postmaster General.

(2) Two Special Assistants to the Assistant Postmaster General.

(3) One Staff Assistant to the Assistant Postmaster General.

(4) One Private Secretary to the Assistant Postmaster General.

(g) *Bureau of Finance.* (1) One Confidential Assistant to the Assistant Postmaster General and Controller.

(2) One Special Representative to the Assistant Postmaster General and Controller.

(3) One Private Secretary to the Assistant Postmaster General and Controller.

§ 6.310 *Department of the Interior*—(a) *Office of the Secretary.* (1) Assistant to the Secretary.

(2) One confidential assistant and one private secretary to the Secretary.

(3) Four special assistants to the Secretary.

(4) Six Confidential Assistants (Field Representatives).

(5) Chauffeur for the Secretary.

(6) Special assistant to the Under Secretary.

(7) Confidential assistant (administrative assistant) to the Under Secretary.

(8) One special assistant and one confidential assistant (administrative assistant) to each of the Assistant Secretaries for Mineral Resources, Public Land Management, and Water and Power Development.

(9) Director, Technical Review Staff.

(10) Assistant Director, Technical Review Staff.

(11) Advisor on International Affairs, Technical Review Staff.

(12) Planning Reports Review Coordinator, Technical Review Staff.

(13) One Confidential Assistant (Administrative Assistant) to the Director, Technical Review Staff.

(14) One Private Secretary to the Under Secretary.

(b) *Office of the Solicitor.* (1) One confidential assistant to the Solicitor.

(2) Two Special Assistants to the Solicitor.

(3) One Deputy Solicitor.

(4) Five Associate Solicitors.

(5) One Legislative Counsel.

(c) *Fish and Wildlife Service.* (1) The Director.

(2) One private secretary to the Director.

(3) Two Assistant Directors.

(4) One Associate Director.

(5) Not to exceed June 1, 1956, one Assistant Director for Field Operations.

(d) *Bureau of Mines.* (1) One private secretary to the Director.

(2) One Assistant Director (Programming).

(3) One Assistant Director (Health and Safety.

(4) One Deputy Director.

(5) One Assistant Director (Helium Activities).

(e) *Geological Survey.* (1) One Private Secretary to the Director.

(f) *Bureau of Reclamation.* (1) One private secretary to the Commissioner.

(2) Three Assistant Commissioners.

(g) *Southeastern Power Administration.* (1) Administrator.

(2) One private secretary to the Administrator.

(h) *National Park Service.* (1) Director.

(2) One private secretary to the Director.

(3) Two Assistant Directors.

(4) One Associate Director.

(i) *Bonneville Power Administration.* (1) Administrator.

(2) One private secretary to the Administrator.

(3) Executive Secretary.

(4) Two Assistants to the Administrator.

(j) *Bureau of Indian Affairs.* (1) Chief, Program Coordination Staff.

(2) Three Assistants to the Commissioner.

(3) One Private Secretary to the Commissioner.

(k) *Southwestern Power Administration.* (1) Administrator.

(2) Assistant Administrator.

(3) One private secretary to the Administrator.

(l) *Office of Territories.* (1) One Director.

(2) One Private Secretary to the Director.

(3) Assistant Director (Alaskan Affairs) and Assistant Director (Insular Affairs).

(4) One Governor, American Samoa.

(5) One Secretary of American Samoa.

(6) One Chief Justice of American Samoa.

(7) One Deputy High Commissioner, Trust Territories of the Pacific Islands.

(8) One Private Secretary to the Governor of Virgin Islands.

(9) One Administrative Assistant to the Governor of Virgin Islands.

(10) Deputy Director.

(11) One Private Secretary to the Governor of Alaska.

(12) One Private Secretary to the Governor of Hawaii.

(13) Commissioner, Alaska Road Commission.

(14) One Special Assistant to the Governor of Alaska.

(15) One Special Assistant to the Governor of Alaska for Economic Affairs.

(16) One Clerical Assistant to the Governor of Alaska.

(17) Two Household Assistants to the Governor of Alaska.

§ 6.311 *Department of Agriculture*—(a) *Office of the Secretary.* (1) One administrative assistant to the Secretary.

(2) One assistant to the Secretary (States Relations).

(3) One assistant to the Secretary (Congressional Relations).

(4) One executive assistant to the Secretary.

(5) Six confidential assistants to the Secretary.

(6) One private secretary to the Secretary.

(7) Two chauffeurs for the Secretary.

(8) One Private Secretary and Administrative Assistant to the Executive Assistant to the Secretary.

(9) One Confidential Assistant to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.

(10) One Private Secretary to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.

(11) One Staff Assistant-Program Appraisal.

(b) *Rural Electrification Administration.* (1) One private secretary and one Assistant to the Administrator.

(2) One Deputy Administrator.

(3) One Assistant Administrator.

(4) One Confidential Assistant to the Administrator.

(c) *Office of the Under Secretary.* (1) One confidential assistant to the Under Secretary.

(2) One private secretary to the Under Secretary.

(d) *Office of the General Counsel.* (1) The General Counsel.

(2) One Deputy General Counsel.

(3) Three Assistant General Counsels.

(4) One Private Secretary to the General Counsel.

(e) *Foreign Agricultural Service.* (1) Two Assistant Administrators.

(2) One Assistant to the Administrator.

(3) The Administrator.

(4) The Deputy Administrator.

(5) One Private Secretary to the Administrator.

(f) *Farmers Home Administration.* (1) One Deputy Administrator.

(2) Two Assistant Administrators.

(3) Two Assistants to the Administrator.

(4) One Confidential Assistant to the Administrator.

(5) One Private Secretary to the Administrator.

(g) *Agricultural Conservation Program.* (1) Chief, Agricultural Conservation Program.

(2) One Assistant Chief.

(3) One Private Secretary to the Chief.

(h) *Federal Crop Insurance Corporation.* (1) The Manager.

(2) One Assistant Manager.

(3) Members of the Board of Directors.

(4) One Private Secretary to the Manager.

(i) *Commodity Stabilization Service.* (1) Administrator.

(2) One Associate Administrator.

(3) Three Deputy Administrators.

(4) Two Assistant Deputy Administrators.

(5) Four Confidential Assistants to the Administrator.

(6) One private secretary to the Administrator.

(7) Director, Livestock and Dairy Division.

(8) Director, Grain Divison.

(9) Director, Transportation and Warehousing Division.

(10) Director, Cotton Division.

(11) Director, Oils and Peanut Division.

(12) Director, Sugar Division.

(13) Director, Tobacco Division.

(14) Director, Price Division.

(15) Director, Foods and Materials Requirements Division.

§ 6.312 *Department of Commerce*—(a) *Office of the Secretary.* (1) Deputy Under Secretary for Transportation.

(2) Six Confidential Assistants to the Secretary.

(3) Two Private Secretaries to the Secretary.

(4) One Confidential Assistant and two Private Secretaries to the Under Secretary.

(5) One Confidential Assistant and one Private Secretary to the Under Secretary for Transportation.

(6) One Confidential Assistant and one Private Secretary to the Assistant Secretary for Domestic Affairs.

(7) One Confidential Assistant and one Private Secretary to the Assistant Secretary for International Affairs.

(8) One Confidential Assistant and one Private Secretary to the General Counsel.

(9) One Private Secretary to the Deputy Under Secretary for Transportation.

(10) Administrator, Defense Air Transport Administration.

(11) One Private Secretary to the Administrator, Defense Air Transport Administration.

(12) Deputy General Counsel.

(13) One Private Secretary to the Deputy General Counsel.

(14) One Special Assistant to the Secretary.

(15) One Chauffeur for the Secretary.

(16) One Deputy Assistant Secretary of Commerce for International Affairs.

(17) One Deputy Assistant Secretary of Commerce for Domestic Affairs.

(13) One private secretary to the Deputy Assistant Secretary for Domestic Affairs.

(19) One private secretary to the Deputy Assistant Secretary for International Affairs.

(20) One Executive Director, Foreign-Trade Zones Operations.

(21) One Associate General Counsel (Defense Production Activities).

(22) One Private Secretary to the Associate General Counsel (Defense Production Activities).

(23) One Confidential Assistant to the Administrator, Defense Air Transportation Administration.

(24) One Confidential Assistant to the Assistant Secretary for Administration.

(25) Director, Advisory Committee on Export Policy Staff, Office of the Assistant Secretary of Commerce for International Affairs.

(26) Director, Office of International Trade Fairs.

(27) Associate Director, Office of International Trade Fairs.

(28) Director, Office of Strategic Information.

(b) *Inland Waterways Corporation.* (1) Chairman of the Advisory Board.

(c) *Civil Aeronautics Administration.* (1) One confidential assistant to the Administrator.

(2) Deputy Administrator.

(3) General Counsel.

(4) One private secretary to the Administrator, the Deputy Administrator, and the General Counsel.

(d) *Business and Defense Services Administration.* (1) Director, Office of Field Service.

(2) One Special Assistant to the Director, Office of Field Service.

(3) One Private Secretary to the Director, Field Service.

(4) Administrator.

(5) Two Confidential Assistants to the Administrator.

(6) One Private Secretary to the Administrator.

(7) Deputy Administrator.

(8) One Private Secretary to the Deputy Administrator.

(9) One Confidential Assistant to the Deputy Administrator.

(10) Three Assistant Administrators.

(11) One Private Secretary to each of the three Assistant Administrators.

(12) One Assistant Deputy Administrator.

(13) One Private Secretary to the Assistant Deputy Administrator.

(14) Chairman, Industry Evaluation Board.

(15) Director of Industrial Defense.

(e) *Bureau of Census.* (1) One private secretary to the Director.

(f) *Weather Bureau.* (1) One private secretary to the Chief.

(g) *National Bureau of Standards.* (1) One private secretary to the Director.

(h) *Bureau of Public Roads.* (1) Commissioner of Public Roads.

(2) Solicitor.

(3) One confidential assistant to the Commissioner.

(4) One private secretary to the Commissioner.

(5) One private secretary to the Solicitor.

(i) *Patent Office.* (1) Private secretary to the Commissioner, and to each of the Assistant Commissioners.

(j) *Coast and Geodetic Survey.* (1) One private secretary to the Director.

(k) *Federal Maritime Board.* (1) Two Confidential Assistants to the Chairman.

(2) One Confidential Assistant to each Member of the Board (other than the Chairman).

(l) *Maritime Administration.* (1) General Counsel.

(2) One Director, Office of National Shipping Authority and Government Aid.

(3) One Private Secretary to the Administrator.

(4) One Private Secretary to the General Counsel.

(5) One Private Secretary to the Director, Office of National Shipping Authority and Government Aid.

(m) *Bureau of Foreign Commerce.* (1) The Director.

§ 6.313 *Department of Labor*—(a) *Office of the Secretary.* (1) Four special assistants, two confidential assistants, and one confidential assistant (private secretary) to the Secretary of Labor.

(2) One chauffeur for the Secretary of Labor.

(3) One special assistant and one private secretary to the Under Secretary of Labor.

(4) One private secretary to each Assistant Secretary of Labor who is appointed by the President.

(5) One Deputy Assistant Secretary for Manpower.

(6) One Special Assistant to the Assistant Secretary for International Labor Affairs.

(7) Private Secretary to the Secretary.

(b) *Office of the Solicitor.* (1) One Associate Solicitor.

(2) One private secretary to the Solicitor.

(c) *Office of Information.* (1) Director.

(2) One Private Secretary to the Director.

(d) *Bureau of Employment Security.* (1) Director.

(2) Deputy Director.

(3) One private secretary to the Director.

(e) *Bureau of Labor Statistics.* (1) One private secretary to the Commissioner.

(2) Deputy Commissioner.

(f) *Bureau of Apprenticeship.* (1) Director.

(2) Two Deputy Directors.

(3) One private secretary to the Director.

(g) *Women's Bureau.* (1) Assistant Director.

(2) One private secretary to the Director.

(3) One Special Assistant to the Director.

(h) *Bureau of Labor Standards.* (1) Director.

(2) One Associate Director.

(3) One private secretary to the Director.

(i) *Wage and Hour and Public Contracts Divisions.* (1) Deputy Administrator.

(2) One Confidential Assistant to the Administrator.

(j) *Office of International Labor Affairs.* (1) Executive Director.

(k) *Veterans Employment Service.* (1) Chief.

(l) *Bureau of Veterans Reemployment Rights.* (1) Director.

(m) *Bureau of Employees' Compensation.* (1) Director.

§ 6.314 *Department of Health, Education, and Welfare*—(a) *Office of the Secretary.* (1) Director of Security.

(2) Three Confidential Assistants to the Secretary.

(3) One confidential assistant to the Under Secretary.

(4) Publications Writer.

(5) One Deputy Director of Security.

(6) Three Assistants to the Secretary.

(7) One Executive Secretary.

(8) Two confidential secretaries to the Under Secretary.

(9) One Special Representative of the Secretary.

(10) One Assistant to the Secretary.

(b) *Office of Vocational Rehabilitation.* (1) Director, Vocational Rehabilitation.

(c) *Social Security Administration.* (1) Director, Bureau of Old Age and Survivors Insurance.

(2) Director, Bureau of Public Assistance.

(3) Director, Bureau of Federal Credit Unions.
(4) One Deputy Commissioner of Social Security.
(5) One Technical Adviser to the Commissioner of Social Security.
(d) *Office of Education.* (1) One Deputy Commissioner of Education.
(2) One Confidential Assistant to the Commissioner of Education.
(3) One Special Assistant to the Commissioner of Education.
(e) *Office of the Assistant Secretary for Federal-State Relations.* (1) One Confidential Assistant to the Assistant Secretary.
(2) One Special Assistant on Federal-State Problems.
(3) Director, Office of Field Services.
(f) *Office of the General Counsel.* (1) General Counsel.
(2) One Associate General Counsel.

§ 6.315 *Executive Office of the President*—(a) *Bureau of the Budget.* (1) Assistant to the Director.
(2) Two Assistant Directors.
(3) Two Private Secretaries to the Director.
(4) One Private Secretary to the Deputy Director.
(5) One Private Secretary to each of the two Assistant Directors.
(6) One Private Secretary to the Assistant to the Director.
(b) *Council of Economic Advisers.* (1) One secretary to the Chairman and one to each Member.

§ 6.317 *Interstate Commerce Commission.* (a) One private secretary to each Commissioner.
(b) Managing Director.

§ 6.318 *General Accounting Office.* (a) One Administrative Assistant (Confidential Assistant) to the Comptroller General.
(b) One Private Secretary to the Comptroller General.

§ 6.320 *The Tax Court of the United States.* (a) One Private Secretary and two Technical Assistants for the Chief Judge and each Judge.

§ 6.321 *Office of Defense Mobilization.* (a) Seven Assistant Directors.

§ 6.322 *Veterans' Administration*—(a) *Office of the Administrator.* (1) Two Special Assistants to the Administrator.
(2) One confidential assistant (private secretary) to the Administrator.
(3) One Confidential Administrative Assistant to the Administrator.
(4) Six Confidential Assistants to the Special Assistant to the Administrator.
(5) The Deputy Administrator.
(6) The General Counsel.
(b) *Department of Medicine and Surgery.* (1) One confidential assistant (private secretary) to the Chief Medical Director.
(c) *Department of Insurance.* (1) The Deputy Administrator.
(d) *Department of Veterans Benefits.* (1) The Deputy Administrator.

§ 6.323 *Federal Civil Defense Administration.* (a) One Executive Assistant Administrator.
(b) One Assistant to the Administrator.
(c) One Assistant Administrator, Field Relations; one Assistant Administrator, Civil Defense Planning Staff; one Assistant Administrator, Civil Defense Education Services; one Assistant Administrator, Civil Defense Operations Control Service; and one Assistant Administrator, Civil Defense Technical Advisory Service.
(d) Two Administrative Assistants to the Administrator.
(e) One Administrative Assistant to the Deputy Administrator.
(f) One Administrative Assistant to the Executive Assistant Administrator.
(g) One Secretary to Assistant Administrator, Field Relations.
(h) One General Counsel.
(i) One Assistant Administrator, General Administration.
(j) One Courier, Office of the Administrator.
(k) One Assistant Administrator, Inspection.
(l) One Deputy Assistant Administrator, Civil Defense Planning Staff.

§ 6.324 *United States Information Agency*—(a) One Secretarial Assistant to the Deputy Director.
(b) One Special Assistant to the Director.
(c) One Secretarial Assistant to the Director.
(d) One Secretary to the Director.
(e) One Staff Assistant to the Special Assistant to the Director.
(f) One Chief, Office of Research and Intelligence.
(g) One Special Assistant to the Deputy Director.

§ 6.325 *Federal Power Commission.* (a) One private secretary and one confidential assistant to each Commissioner.
(b) One assistant to the Chairman.
(c) General Counsel.
(d) Executive Director.
(e) One Private Secretary to the Executive Director.
(f) One Technical Assistant to each Commissioner.

§ 6.326 *Securities and Exchange Commission.* (a) One General Counsel.
(b) One Chief Accountant.
(c) One executive assistant to the Chairman.
(d) One Associate General Counsel.
(e) One Confidential Assistant to each Member of the Commission (5 positions).
(f) The Executive Director.

§ 6.327 *National Mediation Board.* (a) One private secretary to each member of the National Railroad Adjustment Board.

§ 6.328 *Small Business Administration.* (a) Three Deputy Administrators.
(b) One Special Assistant to each Deputy Administrator.
(c) Two Special and Confidential Assistants to the Administrator.
(d) One General Counsel.
(e) Director, Office of Financial Assistance.
(f) Director, Office of Procurement and Technical Assistance.
(g) Director, Office of Economic Adviser.
(h) Director, Office of Information.
(i) One Special Assistant to the Administrator.
(j) One Private Secretary to the Administrator.
(k) One Confidential Assistant (Private Secretary) to each Deputy Administrator.
(l) Deputy Director, Office of Economic Adviser.
(m) Deputy Director, Office of Financial Assistance.
(n) Deputy Director, Office of Procurement and Technical Assistance.
(o) Executive Secretary to the Loan Review Committee and Special Assistant to the Director, Office of Financial Assistance.
(p) One Program Coordinator (Department of Defense).

§ 6.330 *Federal Trade Commission.* (a) One private secretary or confidential assistant to the Chairman.
(b) General Counsel.
(c) Director, Bureau of Litigation.
(d) Director, Bureau of Investigation.
(e) Director, Bureau of Consultation.
(f) Director, Bureau of Economics.
(g) One Secretary of the Federal Trade Commission.
(h) Executive Director.

§ 6.333 *General Services Administration*—(a) *Office of the Administrator.* (1) Three Members of the Board of Review.

§ 6.334 *Federal Communications Commission.* (a) One General Counsel.
(b) One Chief Engineer.
(c) One Chief Accountant.
(d) Two assistant general counsels.

§ 6.335 *United States Tariff Commission*—(a) One Private Secretary to each Commissioner.

§ 6.336 *Railroad Retirement Board*—(a) One administrative (confidential) assistant to the Chairman.

§ 6.337 *Civil Aeronautics Board.* (a) Executive Director of the Board.
(b) One confidential assistant to each Member of the Board.
(c) One special assistant to the Chairman of the Board.
(d) General Counsel of the Board.
(e) Director, Bureau of Air Operations.
(f) Director, Bureau of Safety Regulations.
(g) Director, Bureau of Safety Investigations.
(h) Chief, Office of Enforcement.
(i) One Congressional Liaison Officer.
(j) One Private Secretary to the Congressional Liaison Officer.

§ 6.338 *National Labor Relations Board*—(a) One Private Secretary to the Chairman of the Board.
(b) One Solicitor.
(c) One Chief Legal Assistant to each Board Member.
(d) One Confidential Assistant to each Board Member.
(e) One Associate General Counsel, Division of Operations.
(f) One Associate General Counsel, Division of Law.
(g) Two Special Assistants to the General Counsel.

(h) One Confidential Assistant to the General Counsel.

§ 6.340 *Export-Import Bank of Washington.* (a) One Vice-President.
(b) One Vice-President and Treasurer.
(c) One Confidential Assistant to the President.
(d) One Private Secretary to the President.
(e) One Private Secretary to the First Vice President.
(f) The General Counsel.
(g) One Private Secretary to each of the three members of the Board of Directors.

§ 6.341 *Farm Credit Administration.* (a) Three Directors of Credit Services.
(b) One General Counsel.
(c) One Special Assistant to the Governor.
(d) One First Deputy Governor.
(e) Four Deputy Directors of Credit Services.
(f) Deputy Governor in Charge of the Finance and Accounts and Administrative Divisions.

§ 6.342 *Housing and Home Finance Agency*—(a) *Office of the Administrator.* (1) One liaison officer.
(2) One Deputy Administrator.
(3) One Assistant Administrator for Plans and Programs.
(4) General Counsel.
(5) Assistant to the Administrator (International Housing Adviser).
(6) Assistant to the Administrator (Racial Relations).
(7) Community Facilities Commissioner.
(8) Deputy Urban Renewal Commissioner.
(9) Director, Division of Field Coordination.
(10) President, Federal National Mortgage Association.
(11) One Confidential Assistant to the Administrator.
(12) One Assistant Commissioner, Community Facilities and Special Operations.
(13) Assistant Administrator for Congressional Liaison and Public Affairs.
(14) One Special Assistant to the Administrator.
(15) One Assistant Director for Operations, Division of Slum Clearance and Urban Redevelopment.
(b) *Federal Housing Administration.* (1) One Deputy Commissioner.
(2) One General Counsel.
(3) One Assistant Commissioner for Operations.
(4) One Assistant Commissioner, Technical Standards.
(5) One Assistant to the Commissioner.
(6) One Minority Group Housing Adviser.
(7) One Special Assistant to the Commissioner.
(8) One Assistant Commissioner for Programs.
(9) Director of Examination and Audit.
(10) Director, Program Division.
(11) One Confidential Assistant to the Assistant Commissioner for Programs.
(c) *Public Housing Administration.* (1) One Special Assistant to the Commissioner (Liaison).
(2) One Special Assistant to the Commissioner (Racial Relations).
(3) General Counsel.
(4) Assistant Commissioner for Programs.
(5) Assistant Commissioner for Operations.
(6) One Deputy Commissioner.
(7) One Assistant Commissioner.
(8) One Confidential Assistant to the Commissioner.
(d) *Home Loan Bank Board.* (1) One Assistant to the Board.
(2) One Director, Federal Home Loan Bank Operations.
(3) One General Counsel.
(4) One Chief Supervisor.
(5) One Secretary to the Chairman of the Board.
(6) Two Secretaries to Board Members.
(7) One General Manager, Federal Savings and Loan Insurance Corporation.
(8) One Deputy General Manager, Federal Savings and Loan Insurance Corporation.

§ 6.343 *Indian Claims Commission.* (a) One private secretary to each Commissioner.

§ 6.346 *Federal Mediation and Conciliation Service.* (a) One General Counsel.
(b) Two Private Secretaries to the Director.
(c) One Private Secretary to each of the following: the Associate Director, the Assistant Director, the General Counsel, and the Confidential Assistant to the Director.
(d) One Confidential Assistant to the Director.
(e) One Private Secretary to the National Office Representative.

§ 6.349 *Foreign Operations Administration*—(a) *Office of the Director.* (1) Two Assistants to the Director.
(2) One Confidential Assistant (Private Secretary) to the Director.
(3) One Private Secretary to the Director.
(4) One Confidential Assistant to the Deputy Director of Foreign Operations.
(5) Two Chauffeur-Guards for the Director.
(b) *Office of the Deputy Director for Management.* (1) Deputy Director for Management.
(2) Director for Research, Statistics and Reports.
(3) One Confidential Assistant to the Director for Research, Statistics and Reports.
(4) Deputy General Counsel.
(5) Director for Public Reports.
(6) Two Special Assistants for Congressional Liaison.
(7) One Confidential Assistant (Legal) to the General Counsel.
(8) One Assistant to the Deputy Director for Management.
(c) *Office of the Deputy Director for Operations.* (1) Deputy Director for Operations.
(d) *Office of the Deputy Director for Program and Planning.* (1) Deputy Director for Program and Planning.
(e) *Office of the Assistant Director for Refugees and Migration.* (1) Assistant Director for Refugees and Migration; (2) Deputy Assistant Director for Refugees and Migration.
(f) *Office of the Deputy Director for Congressional Cooperation.* (1) Assistant to the Deputy Director for Congressional Cooperation.
(g) *Office of the Deputy Director for Mutual Defense Assistance Controls.* (1) Assistant Deputy Director for Mutual Defense Assistance Controls.
(h) *Office of the Deputy Director for Technical Services.* (1) Deputy Director for Technical Services; (2) Assistant Deputy Director for Technical Services.
(i) *Executive Secretariat.* (1) Executive Secretary; (2) Executive Secretary to the Public Advisory Board; (3) Executive Secretary to the International Development Advisory Board.

§ 6.350 *Foreign Claims Settlement Commission of the United States.* (a) Special Assistant to the Commissioners.
(b) One Confidential Assistant to the Chairman.
(c) One Private Secretary to the Chairman and to each of the other two Commissioners.

§ 6.351 *Air Coordinating Committee.* (a) Executive Secretary.

§ 6.352 *Government Patents Board.* (a) One Confidential Assistant to the Chairman.

§ 6.353 *Subversive Activities Control Board.* (a) One Executive Secretary and Chief Clerk.
(b) One Private Secretary to each Member of the Board.
(c) One Confidential Administrative Assistant to each Member of the Board.

§ 6.354 *Saint Lawrence Seaway Development Corporation.* (a) One Private Secretary to the Administrator.
(b) One Special Assistant to the Administrator.

PART 21—APPOINTMENT TO POSITIONS EXCEPTED FROM THE COMPETITIVE SERVICE

Sec.
21.1 Extent of regulations.
21.2 Persons entitled to military preference.
21.3 Receipt of applications; uniform treatment.
21.4 Qualifications of applicants.
21.5 Examination of applicants.
21.6 Maintenance of employment lists.
21.7 Selection and appointment.
21.8 Reappointment.
21.9 Promotion; qualifications.
21.10 Removal, suspension, furlough, or demotion of preference employees.
21.11 General provisions.

AUTHORITY: §§ 21.1 to 21.11 issued under sec. 11, 58 Stat. 390; 5 U. S. C., 860. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 21.1 *Extent of regulations*—(a) *Positions covered.* The regulations in this part shall apply to all positions (1) in the executive branch of the Federal Gov-

ernment that are excepted from the competitive service; (2) in any temporary or emergency establishment, agency, bureau, administration, project, and department created by acts of Congress or Presidential Executive order which are excepted from the provisions of the Civil Service Act of January 16, 1883; and (3) in the civil service of the District of Columbia. Positions excepted from the competitive service include all positions excepted from the provisions of the Civil Service Act of January 16, 1883, by statute or Executive order, including positions listed in Part 6 of this chapter, positions which may be filled by persons under personal service contract, and positions in Government owned or controlled corporations. The civil service of the District of Columbia includes all positions in the Government of the District of Columbia, and positions under the Board of Education and the Board of Library Trustees of the District of Columbia.

(b) *Applicability.* The provisions of the regulations in this part respecting the examination, rating, and selection for appointment of applicants are required to be followed whenever a qualified person entitled to preference under § 21.2 applies for consideration for appointment. Such provisions may be followed, in the discretion of the agency, in making appointments when no preference applicant applies.

(Secs. 2, 9, 58 Stat. 387, 389; 5 U. S. C. 851, 858)

§ 21.2 *Persons entitled to military preference.* In actions taken under the regulations in this part, five-point military preference or ten-point military preference as specified in section 3 of the Veterans' Preference Act of 1944 shall be granted to those persons specified in section 2 of that act. Separation under honorable conditions, as used therein, shall mean any separation from active duty in any branch of the armed forces under honorable conditions. A transfer to inactive status, a transfer to retired status, the acceptance of a resignation, or the issuance of a discharge will be considered as covered by the above definition if such separation was under honorable conditions.

§ 21.3 *Receipt of applications; uniform treatment.* Each agency shall establish definite rules regarding the acceptance of applications for employment in positions covered by the regulations in this part. Such rules shall be made of record in the agency and shall be uniformly applied to all persons who meet the conditions of such rules. Information regarding the rules shall be furnished upon request.

(Secs. 2, 9, 58 Stat. 387, 389; 5 U. S. C. 851, 858)

§ 21.4 *Qualifications of applicants*—(a) *Standards.* (1) Prior to making appointments to positions under the regulations in this part the agency shall establish standards for eligibility such as those relating to experience and training, citizenship, age, physical condition, etc., which standards shall relate to the duties to be performed. The establishment of standards relating to groups of positions or to a specific position may be delegated to the appropriate administrative level or subdivision of the agency and may be amended or modified from time to time in accordance with the needs of the locality in which the position is located, but the agency shall determine that all standards established are in conformity with the regulations in this part.

(2) Any such standard shall be made a matter of record in the appropriate office of the agency and information concerning the standards for any position shall be furnished upon request. The qualifications standards effective for each position shall be applied uniformly to all applicants for such position except for such waivers as are provided under the regulations in this part for persons entitled to preference.

(3) No minimum educational requirement will be included in qualification standards except those for such scientific, technical, or professional positions the duties of which the agency decides cannot be performed by a person who does not have such education. The agency shall make a part of its records its reasons for such decision. A statement of the reasons shall be furnished upon request.

(4) The qualification standards established for each position shall include:

(i) A provision for the waiver by the agency of any requirements as to age, height, and weight for any applicant entitled to preference under the regulations in this part whenever such requirements are not essential to the performance of the duties of the position; and

(ii) A provision for the waiver by the agency of any physical requirements for any applicant entitled to preference under the regulations in this part whenever the agency finds, after giving due consideration to the recommendation of any accredited physician, that such applicant is physically able to discharge the duties of the position.

(b) *Disqualifications.* In the standards established by the agency or the appropriate office of the agency, it may be provided that certain factors will disqualify applicants for employment. These may include, among others, the following: (1) Dismissal from the service for delinquency or misconduct; (2) criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct; (3) intentional false statements as to any material fact, or deception or fraud in connection with an application; (4) habitual use of intoxicating beverages to excess; (5) reasonable doubt as to the loyalty of the person involved to the Government of the United States; (6) any legal disqualification for appointment; and (7) lack of United States citizenship.

§ 21.5 *Examination of applicants*—(a) *Rating.* (1) The agency may provide for an evaluation of the qualifications of all applicants for a position, who are available under §§ 21.3 and 21.4 at any time prior to appointment being made to such position. Numerical ratings shall be assigned on a scale of 100 and all applicants rated 70 or more shall be eligible for appointment: *Provided, That no numerical ratings need be assigned whenever all qualified applicants will be offered immediate appointment: Provided further,* That whenever there is an excessive number of applicants, only a sufficient number of the highest qualified applicants to meet the anticipated needs of the agency within a reasonable length of time need be given numerical ratings; in such cases the agency shall adopt procedures which will insure consideration of all preference applicants in the order in which they would have been considered if all applicants had been assigned numerical ratings. To the earned numerical ratings of applicants who make a passing grade and who are entitled to five-point preference, five points shall be added and to the earned numerical ratings of applicants who make a passing grade and who are entitled to ten-point preference, ten points shall be added. A notice of the rating assigned shall be furnished upon request.

(2) No consideration shall be given the application of any non-preference applicant, nor shall such application be rated, for the positions of elevator operator, messenger, guard, custodian, and until December 31, 1954, apprentices as long as qualified applicants entitled to preference are available for such positions.

(3) Whenever experience is a factor in determining eligibility, an applicant entitled to five-point or ten-point preference under the regulations in this part shall be credited with time spent in the military or naval service of the United States when the position for which he is applying is similar to that he held immediately prior to his entrance into the military or naval service; credit shall also be given such applicant for all valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether any compensation was received therefor.

(b) *Reemployment list.* The reemployment list will consist of the names of former employees of the agency who are to be considered for future employment, and shall, in any case, include the following:

(1) The names of former employees of the agency entitled to preference under the regulations in this part who have been furloughed or separated without delinquency or misconduct and who apply for reemployment.

(2) The names of any former employees of the agency entitled to preference under the regulations in this part who are found by the Commission, in accordance with § 21.10, to have been unjustifiably dismissed from the agency.

(c) *Regular employment list.* Eligible applicants assigned numerical ratings who are not entered on the agency reemployment list shall be entered on the regular employment list.

(d) *Order of consideration.* (1) The names of all applicants who are assigned eligible numerical ratings for a given position shall, except as provided below for professional and scientific positions in grades GS–9 and above, be considered either in Order A or in Order B, below:

(i) Order A:

(a) The names of qualified applicants who have a compensable service-connected disability of 10 percent or more and who are entitled to ten-point preference under the regulations in this part whose names appear on the agency reemployment list, in the order of their numerical ratings.

(b) The names of all other qualified applicants who have a compensable service-connected disability of 10 percent or more and who are entitled to ten-point preference under the regulations in this part in the order of their numerical ratings.

(c) The names of all other qualified applicants on the agency's reemployment lists in the order of their numerical ratings.

(d) The names of all other qualified applicants in the order of their numerical ratings.

(ii) Order B:

(a) The names of qualified applicants who have a compensable service-connected disability of 10 percent or more and who are entitled to ten-point preference under the regulations in this part whose names appear on the agency reemployment list, in the order of their numerical ratings.

(b) The names of all other qualified applicants on the agency's reemployment list, in the order of their numerical ratings.

(c) The names of all other qualified applicants who have a compensable service-connected disability of 10% or more and who are entitled to ten-point preference under the regulations in this part in the order of their numerical ratings.

(d) The names of all other qualified applicants, in the order of their numerical ratings.

(2) The names of all applicants assigned, numerical eligible ratings for professional and scientific positions at grades GS–9 and above, shall be considered in the following order:

(i) The names of applicants on the agency's reemployment list, in the order of their numerical ratings.

(ii) The names of all other applicants, in the order of their numerical ratings.

§ 21.7 *Selection and appointment*—(a) *Selection.* In making appointments from employment lists the agency shall make selection for appointment to each vacancy from not more than the highest three names available for appointment in the order provided in § 21.6 (d): *Provided,* That the agency need not accord eligibles on the agency reemployment list the preferential consideration provided in that section for such eligibles if such list contains the names of less than three applicants entitled to preference under the regulations in this part: *Provided further,* That the agency need not consider any applicant who has previously been considered three times, nor any preference applicant who has been disqualified under the provisions of paragraph (b) of this section. The second and any additional vacancies shall be filled in like manner.

(b) *Passing over a preference applicant.* (1) Whenever an agency in making a selection of a non-preference applicant in accordance with paragraph (a) of this section passes over the name of a preference applicant who, under § 21.6 (d), is entitled to prior consideration, it shall record its reasons for so doing. A copy of such reasons shall, upon request, be sent to the preference applicant or his designated representative.

(2) When, in making appointments to a position, an agency has on three occasions passed over the name of a preference applicant and recorded its reasons for so doing, consideration of his name for such position may thereafter be discontinued.

(Sec. 8, 58 Stat. 389; 5 U. S. C. 857)

§ 21.8 *Reappointment*—(a) *Persons granted preference.* A former civilian employee of the executive branch of the Federal government or the District of Columbia government who is entitled to preference under the regulations in this part may be reappointed to a position covered by the regulations in this part without regard to the names of qualified applicants on the agency reemployment list or regular employment list.

(Sec. 13, 58 Stat. 390; 5 U. S. C. 862)

§ 21.9 *Promotion; qualifications.* In determining qualifications for promotion with respect to employees entitled to five- or ten-point preference under the regulations in this part, any requirements as to age, height, and weight shall be waived provided any such requirement is not essential to the performance of the duties of the position. After due consideration has been given to the recommendation of any accredited physician, the physical requirements shall be waived in the case of any such employee provided he is found physically able to discharge efficiently the duties of the position for which promotion is proposed.

(Sec. 5, 58 Stat. 388; 5 U. S. C. 854)

§ 21.10 *Removal, suspension, furlough, or demotion of preference employees.* This section shall apply to permanent and indefinite employees entitled to five- or ten-point preference under the regulations in this part but shall not apply to (a) employees during their first year of current continuous Federal or District of Columbia service, or (b) employees appointed for periods specifically limited to one year or less.

Any employee subject to this section who is proposed for involuntary discharge, suspension for more than thirty days, furlough without pay, or reduction in rank or compensation, shall have at least thirty days advance written notice (except where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed), stating any and all reasons, specifically and in detail, for any such proposed action. Such employee shall be allowed a reasonable time for answering the same personally and in writing, and for furnishing affidavits in support of such answer, and shall have the right to appeal to the Civil Service Commission from an adverse decision of the administrative officer so acting. Such appeal shall be made in writing within a reasonable length of time after the date of receipt of notice of such adverse decision: *Provided,* That such employee shall have the right to make a personal appearance, or an appearance through a designated representative, in accordance with rules and regulations of the Commission. After investigation and consideration of the evidence submitted, the Commission shall submit its findings and recommendations to the proper administrative officer and shall send copies of the same to the appellant or his designated representative, and if the findings and recommendations are favorable to the employee, it shall be mandatory for such administrative officer to take such corrective action as the Commission finally recommends: *Provided further,* That the Commission may declare any such employee who may have been dismissed or furloughed without pay to be eligible for entry of his name on the agency reemployment list established under § 21.6 (b).

(Sec. 14, 58 Stat. 390, 61 Stat. 723; 5 U. S. C. 863)

§ 21.11 *General provisions*—(a) *Exceptions.* (1) No provisions of the regulations in this part shall apply to any position or appointment which by the Congress is required to be confirmed by, or made with, the advice and consent of the Senate.

(2) The provisions of the regulations in this part relating to examination and appointment shall not apply to (i) positions filled under the Civil Service rules or the War Service regulations in the same manner as competitive positions are filled; or (ii) reemployment in the agency of former employees in accordance with reemployment rights acquired by reason of service in the armed forces or the merchant marine, or by reason of transfer under Executive Order Nos. 8973, 9067, or 9243–3 CFR Cum. Supp.), or Directive X of the War Manpower Commissoin (7 F. R. 7298, 11050; 9 F. R. 3534).

(b) *Procedural modifications.* In view of the circumstances and conditions surrounding employment in the following classes of positions the agency concerned will not be required to apply to such positions the appointment procedures of the regulations in this part: *Provided*, That the principles of veteran preference shall be followed as far as administratively feasible and the reasons for his nonselection shall be furnished upon request to any qualified and available preference applicant:

(1) Positions filled by persons appointed without compensation or at a compensation of $1.00 per annum;

(2) Positions outside the continental limits of the United States and outside the Territories of Hawaii and Puerto Rico when filled by persons resident in the locality, and positions in the Territories of Hawaii and Puerto Rico when compensated in accordance with local prevailing native wage rates;

(3) Positions which the exigencies of the war program demand be filled immediately before lists of qualified applicants can be established or utilized: *Provided*, That appointments to such positions shall be temporary appointments not to exceed one year and may be renewed for one additional year at the discretion of the agency;

(4) Intermittent positions;

(5) Positions paid on a fee basis; and

(6) Such positions as are included in Schedule A (Part 6 of this chapter) and similar types of positions, whenever the Commission agrees with the agency that such position should be included hereunder.

(c) *Special plans.* Any department or agency having positions subject to the regulations in this part may submit to the Commission a system for making appointments which will result in granting to veterans the preference provided for in the Veterans' Preference Act of 1944 but which does not conform to all of the procedural requirements set forth in the regulations in this part: *Provided*, That such a system may not be put into effect until it has received the prior approval of the Commission.

(Sec. 20, 58 Stat. 391; 5 U. S. C. 869)

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Sec.
24.1 Medical Officer, GS–602–0 (all grades).
24.2 Dentist; all grades.
24.3 Veterinarian, GS–701, 702, 703, 704, GS–7 and higher.
24.5 Student Nurse, St. Elizabeth's Hospital.
24.6 Graduate Nurse, GS–610 all grades; and Public Health Nurse GS–615–6–15 and Nursing Consultant, GS–615–7–15.
24.10 Dietitian, GS–630–0 (all grades).
24.12 Teacher; all grades.
24.13 School Superintendent, GS–1710–12, Instructor, School Activities (Principal, GS–9; High School Teacher, GS–5–7; Elementary Teacher, GS–5), GS–1710–5–9, Army and Navy Civilian Schools.
24.14 Teacher and Substitute (Temporary) Teacher, GS–1710–5–7–8 in Indian schools.
24.15 Range Management Assistant, GS–454–5.
24.19 Forester, GS–460–5–15, and Forester (Range management), GS–460–5–15.
24.23 Clinical Psychologist, GS–180–7–9.
24.27 Pharmacist, GS–660–0 (all grades).
24.28 Chemist, GS–1320–5–15.
24.29 Physicist, GS–1310–0 (all grades).
24.33 Engineering positions involving highly technical research, design or development, or similar functions.
24.34 Instructor, academic subjects, apprentice schools, Navy Department.
24.35 Geophysicist, GS–1313–7–13.
24.36 Junior Professional Assistant.
24.39 Mathematician, GS–1520 all grades, where the duties involve highly complicated or fundamental scientific research or similar difficult scientific duties.
24.40 Instructor (Meteorology), GS–1710–7–12.
24.41 Human Biologist, GS–14.
24.42 U. S. Coast Guard Academy.
24.43 Archeologist, GS–193–5–11.
24.44 Psychologist (Personal Counselor), GS–180–11, Veterans' Administration.
24.45 Metallurgist, GS–1321–7–15 (positions involving highly complicated or fundamental scientific research or similar difficult scientific duties).
24.55 Range Ecologist, GS–454–7–12 (positions involving highly technical or fundamental scientific research, design, or development, or similar complex scientific duties).
24.56 Research Forester, GS–461–5–15 (all options except Fire Research and Forest Influences).
24.57 Social Worker (Child Welfare), GS–185–7–9–11.
24.60 Archivist, GS–1420–7–13 (positions involving specialized archival work of highly technical character).
24.61 Microbiologist, GS–403–7–13 (positions involving highly technical research, design, or development, or similar functions).
24.62 Nutritionist, GS–493–9–13 (positions involving highly technical research, design, or development, or similar functions).
24.63 Physiologist (Human), GS–413–7–15 (positions involving highly technical research, design, or development, or similar difficult scientific functions).
24.64 Aeronautical Research Scientist, GS–861–7–15.
24.68 Training Instructor (Superintendent of Education), GS–1710–9, U. S. Disciplinary Barracks, Camp Gordon, Augusta, Georgia, Department of the Army.
24.69 Agronomist, GS–407–5–15.
24.70 Fishery Research Biologist, GS–482–5–15.
24.71 Wildlife Research Biologist, GS–486–5–15.
24.72 Botanist, GS–430–7–14 (positions involving highly technical research, design, or development, or similar complex scientific functions).
24.74 Dairy Husbandman, GS–487–7–14 (positions involving highly technical research, design, or development, or similar complex scientific functions).
24.75 Dairy Manufacturing Technologist, GS–491–7–14 (positions involving highly technical research, design, or development, or similar complex scientific functions).
24.76 Entomologist, GS–414–5–15.
24.77 Geneticist, GS–440–5–15.
24.78 Horticulturist, GS–437–5–15.
24.79 Meat Technologist, GS–495–7–14 (positions involving highly technical research, design, or development, or similar complex scientific functions).
24.80 Microanalyst (Plant and Animal Fibres), GS–494–7–14 (positions involving highly technical research, design, or development, or similar complex scientific functions).
24.81 Mycologist, GS–431–7–14 (positions involving highly technical research, design, or development, or similar complex scientific functions).
24.82 Parasitologist, GS–412–5–15.
24.83 Plant Pathologist, GS–434–5–15.
24.84 Plant Physiologist, GS–435–7–14 (positions involving highly technical research, design, or development, or similar complex scientific functions).
24.85 Animal Husbandman, GS–487–5–15.
24.86 Animal Physiologist, GS–413–5–15.
24.87 Soil Scientist, GS–470–5–15.
24.88 Bacteriologist, GS–420–5–15 (all grades and options).
24.89 Plant Quarantine Inspector, GS–436–5–15, and Plant Pest Control Inspector, GS–436–5–15.
24.91 Fishery Management Biologist, GS–481–5–15.
24.92 Wildlife Management Biologist, GS–485–5–15.
24.94 Pharmacologist, GS–405–0 (all grades).
24.95 Educational Specialist, GS–1720–0 (all grades).
24.96 Electronic Scientist, GS–1312–5–15 (positions involving highly technical research, design, or development, or similar complex scientific functions).
24.97 Geologist, GS–1350–0 (all grades).
24.99 Veterinarian (Trainee), GS–4—GS–6.
24.100 Technologist, GS–1390–0 (all grades), (positions involving highly technical research, design, or development, or similar complex scientific functions).
24.101 Trainee Research Psychologist (Physiological), GS–180–7.
24.102 Trainee Research Physiologist (Mammalian), GS–413–7.
24.103 Aeronautical Research Pilot, GS–861–7–15.
24.104 Statistician, GS–1530–5.
24.105 Public Health Educator, GS–1720–0 (all grades).
24.106 Fishery Products Technologist, GS–492–7–13 (positions involving highly technical research, design, or development, or similar complex scientific functions).
24.107 Public Welfare Research Analyst (Child Welfare), GS–102–9–12.
24.108 Social Worker; Public Welfare Adviser (Child Welfare), GS–102–9–13.
24.109 Social Worker (Psychiatric and Medical), GS–185–7–13 and GS–102–11–13.
24.110 Social Worker, Public Welfare Adviser (Public Assistance), GS–102–9–13.
24.112 Medical Student Aid, GS–7.
24.113 Soil Conservationist, GS–457–5.
24.114 Counseling Psychologist (Vocational Rehabilitation and Education), GS–180–11–12.
24.115 Principal (Day School), GS–1710–9–11, Principal (Boarding School), GS–1710–9–12, Reservation Principal, GS–1710–9–13, School Superintendent, GS–1710–12–13, in Indian Schools.

Sec.
24.116 Department Head (Academic, Agriculture, Guidance, Home Economics, Vocational Subjects, and General), GS–1710–9, in Indian Schools.
24.117 Director of Schools, GS–1710–12–13–14, in Indian Schools.
24.118 Principal-teacher, GS–1710–8–9, in Indian Schools.
24.119 Director and Chief Scientists (unallocated) $15,000 per annum, Plum Island Animal Disease Research Institute, Agricultural Research Service, Department of Agriculture.
24.120 Cotton Technologist, GS–1390–5–15.
24.121 Student Trainee, GS–1–4, in the following codes: GS–402, 408, 455, 458, 462, 483, 802, 1311, 1341, 1371, 1521, or other code covering positions of student trainee for any professional field as follows: Any biological science (Group GS–400), any branch of engineering (Group GS–800), any physical science (Group GS–1300) architecture, landscape architecture mathematics; and GS 2/4 in economics and statistics.
24.122 Occupational Therapist, GS–631–0 (all grades).
24.123 Mathematician, GS–1520–5–15.
24.124 Forest Products Technologist, GS–1390–5–15.
24.125 Home Economist, GS–493–5–15.
24.126 Food Products Technologist, GS–1390–5–15.
24.127 Geophysicist (Earth Physics, Geomagnetics, Seismology), GS–1313–5–15.

AUTHORITY: §§ 24.1 to 24.127 issued under sec. 11, 58 Stat. 390; 5 U. S. C. 860. Interpret or apply sec. 5, 58 Stat. 388; 5 U. S. C. 854.

§ 24.1 *Medical Officer, GS–602–0 (all grades)*—(a) *Educational requirement.* Applicants must be graduates of a medical school of recognized standing with the degree of doctor of medicine. For positions in aviation medicine, applicants must also be graduates of the basic course of the United States Army School of Aviation Medicine or of the course in aviation medicine prescribed by the United States Navy.

(b) *Duties.* With responsibilities proportionate to the grade, appointees perform professional duties as doctors of medicine in hospitals, in dispensaries or in the field. As examples of the work performed: Conduct physical examinations, give anesthetics, perform minor surgical operations, assist in major operations, supervise care of patients, diagnose and treat diseases, give first aid instructions, supervise a ward or other hospital or dispensary clinic.

(c) *Knowledge and training requisite for performance of duties.* A thorough understanding of the human body, its anatomy, its physiology, and its reactions to drugs; a thorough understanding of the symptoms of disease, the causes of disease and the treatment; a thorough understanding of the principles and procedures in the practice of all branches of medicine are necessary.

(d) *Method of obtaining basic knowledge and training.* Persons desiring to become physicians or doctors of medicine must obtain their education in a medical school of approved standing. The practice of aviation medicine differs from the practice of medicine in any other field because of the emphasis on physical examinations, diseases and their treatments as affected by the piloting of aircraft, and the effect of altitude on the individual. The only places where instruction in aviation medicine may be obtained are in the United States Army and the United States Navy.

§ 24.2 *Dentist; all grades*—(a) *Duties.* Appointees perform dental operations either under supervision or independently according to assignment. As examples of the work performed: In a large hospital or in a dental clinic make an examination of the oral cavity and independently or in consultation with dental specialists in the higher grades in the more unusual cases, make diagnoses of gums or pathological conditions and give treatment or perform dental operations as required; take, develop, and interpret X-ray films, make dental examinations, aid in medical diagnoses, and instruct, advise and assign dental interns, dental assistants, mechanics or others; make dental reports, requisition equipment, medicine and supplies, and act especially on the dental disabilities for compensation purposes or make dental ratings and authorize treatment.

(b) *Knowledge and training requisite for performance of duties.* Applicants must have an understanding of the anatomy and physiology of the mouth and the relation of mouth conditions to the rest of the body; the types of diseases affecting the mouth, gums and teeth; and the cure of such diseases. They must understand thoroughly safe and approved methods for treating teeth and gums and for removing damaged or diseased teeth. They must know all the proper methods for filling of teeth, making of crowns, inlays, and all other related repairs on teeth. They must be able to repair mouth fractures and dental damages resulting from accident or wounds incurred in war.

(c) *Method of obtaining basic knowledge and training.* The knowledge required for the performance of the duties described in paragraph (b) of this section can be obtained only by attending and completing a full four-year course in a dental school of recognized standing.

§ 24.3 *Veterinarian, GS–701, 702, 703, 704, GS–7 and higher*—(a) *Educational requirements.* Applicants must have successfully completed one of the following:

(1) A full course of study in an accredited school of veterinary medicine; or

(2) A full course of study in a nonaccredited school of veterinary medicine in the United States, plus 5 years postgraduate professional veterinary experience, which when completed will give the applicant, in connection with his education, a technical knowledge comparable to that which would have been acquired through successful completion of a full course of study in an accredited school of veterinary medicine.

(b) *Duties.* Persons appointed to these positions will perform such duties as: Antemortem and postmortem inspecting of food animals; inspecting livestock at public stockyards or at points of entry into the United States; inspecting licensed establishments producing veterinary biologics; administering tests for diseases; controlling and eradicating diseases; inspecting sanitation of dairy and other food products; making milk sanitation surveys and advising State and local health departments of proper methods of milk sanitation; and performing related activities. A majority of the positions to be filled involve livestock inspection, virus-serum inspection, and meat inspection.

(c) *Knowledge and training requisite for performance of duties.* The field of veterinary medicine and surgery is as complicated as that of human medicine and surgery and requires as intensive an education including intensive clinical experience. Veterinarians must have a full and complete knowledge of the anatomy, physiology, biochemistry, and functioning of the animal body. They must know all the various types of approved medicines and the effects on the animal body. They must be capable of recognizing animal disease and of correcting such disease.

§ 24.5 *Student Nurse, St. Elizabeths Hospital*—(a) *Duties.* The student attends classes which include theoretical study in the following subjects: Anatomy, physiology, microbiology, chemistry, psychology, sociology, social problems in nursing, introduction to medical sciences, pharmacology and therapeutics nutrition, foods, cookery, diet therapy, medical and surgical nursing, obstetrical nursing, nursing of children, psychiatric nursing. Classes are attended at which demonstration in the nursing care of patients for various types of diseases and conditions are given by nurse instructors. The students practice and return the demonstration to the instructors before being permitted to carry out any procedures on patients. Students then carry out the less complicated procedure on a specially assigned patient under close supervision of ward instructors. As students gain more skill in carrying out nursing procedures and techniques they are then given more advanced nursing procedures in which they assume more responsibility in the nursing care of patients.

(b) *Knowledge and training requisite for performance of duties.* The student nurse is considered as a student in the same manner as a student who is learning to be a teacher, dentist, physician, or preparing for any other profession. The course requires three years and consists of a probationary term of six months, a freshman term of six months, a junior term of twelve months, and a senior term of twelve months. Completion of four years of high school, or its equivalent, with the subjects stated in paragraph (c) of this section is the minimum education necessary for a student entering a basic course in nursing. The requirements of applicants for enrollment in the school of nursing at St. Elizabeths Hospital are necessary to meet the standards set by the District of Columbia Board of Nurse Examiners. Boards of Nurse Examiners are established by law and govern the standards for admission to

accredited schools of nursing. If a school of nursing does not meet the standards, it loses accreditation. Nurses graduating from such schools are not eligible for registration as Graduate Professional Nurses, and would not be eligible to practice as such in the District of Columbia or in the States. In order to maintain its accredited standing, the exact requirements specified by the Board of Nurse Examiners for schools of nursing in the District of Columbia are necessary for entrance as Student Nurse.

(c) *Method of obtaining basic knowledge and training.* To meet the standards set by the District of Columbia Board of Nurse Examiners, the Commission has determined that applicants must have been graduated from an accredited high school giving a four-year course. They must have completed at least 16 units of study, including: 4 units of English; 2 units of high-school mathematics; 2 units of science; preferably including general science, and a second science such as some form of chemistry or physics (home economics units do not constitute acceptable science units); and 2 units of social studies (1 unit must be United States history, except that one-half unit of civics may be substituted for one-half unit of United States history). (1 unit of study means one 36- to 40-week school year of study, five 40- to 60-minute class periods a week.)

§ 24.6 *Graduate Nurse, GS–610, all grades; and Public Health Nurse, GS–615–6–15, and Nursing Consultant, GS–615–7–15*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full three-year course in residence in an approved school of nursing, which course must have included organized instruction and broad clinical practice in medical, surgical, pediatric, and obstetric nursing; or

(2) A full two-year course in residence in an approved school of nursing; plus additional appropriate nursing experience or pertinent education which, when combined with the two-year course in nursing, will have included instruction and broad clinical practice in medical, surgical, pediatric, and obstetric nursing, will total three years of education and experience, and will give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a three-year course in an approved school of nursing. These requirements apply to all graduate nurse positions in the following and related services: (i) Hospitals (sometimes referred to as staff nurse, general duty nurse, or ward nurse), (ii) clinics or dispensaries, (iii) sanatoria, (iv) infirmaries, (v) rapid treatment centers, (vi) emergency or health rooms in government agencies, (vii) public health service.

(3) Included in or in addition to the training requirements stated in subparagraphs (1) and (2) of this paragraph, applicants for the positions of Public Health Nurse and Nursing Consultant, GS–615, must show the successful completion of a program of study of at least 30 semester hours in public health nursing approved by the National Organization for Public Health Nursing.

(b) *Duties.* (1) Graduate Nurses, GS–610, work under medical direction and under nursing supervision in rendering expert nursing care, both physical and mental, and in applying the social aspects of nursing as indicated to all types of patients. This includes administering prescribed therapeutic treatment and medications; assisting physicians in examining patients, in treatments, in research, and in other medical procedures; instructing patients and their families; instructing and supervising non-professional groups in their assigned duties; maintaining adequate supplies; caring for equipment; and creating a pleasant and restful environment favorable to patients' recovery.

(2) Public Health Nurses and Nursing Consultants, GS–615, working under only general supervision and with responsibilities varying with the grade of the position, perform or supervise the performance of the following activities: Arrange for nursing care in homes and industrial plants and the teaching of others to give such care; provide interpretive and liaison service to appropriate representatives, groups, and institutions such as hospitals, rapid treatment centers, local clinics, and social agencies engaged in any phase of a public health program; prepare or participate in the preparation of pamphlets and other documents furnishing pertinent nursing information to the public; formulate plans to carry out needed research in specialized fields of nursing; confer with nursing schools, universities, and other educational institutions on revisions and modifications of curriculum insofar as they are related to a nursing specialty; and perform related promotional, consultative, educational, and service functions in the field of nursing.

(c) *Knowledge and training requisites for performance of duties.* The duties described in paragraph (b) of this section can be performed only by persons who are familiar with the principles and techniques underlying the modern treatment and care of patients with all types of physical and mental conditions. Ability to recognize symptoms and reactions to therapeutic treatments and medications and a knowledge of biological, physical, medical, and social sciences as well as a knowledge of nursing and allied arts is necessary. In addition, Public Health Nurses and Nursing Consultants, GS–615, must be thoroughly trained in the methods and principles of public health nursing and be familiar with the facilities available and methods of using each to promote and effect a public health program. These technical knowledges and skills can be acquired only by completion of a full course of basic training in residence in an approved school of nursing offering instruction and broad clinical practice under adequate educational direction. The specialized training in public health nursing can be obtained only in an institution having adequate classroom, laboratory, and library facilities, competent instructors, and a program of study in public health nursing, progress in which is evaluated by the application of appropriate standards of attainment.

§ 24.10 *Dietitian, GS–630–0 (all grades)*—(a) *Educational requirement.* Applicants must have successfully completed at least 36 semester hours of study in an accredited college or university. This study must have included 12 semester hours in chemistry (to include general, organic, and biochemistry); 6 semester hours in biology (to include human physiology and bacteriology); 6 semester hours in foods (to include food preparation and meal planning); 6 semester hours in nutrition and diet in disease; 6 semester hours in institution management (to include quantity cookery and organization and management). Successful completion of a standard 4-year course leading to a bachelor's degree in an accredited college or university with major study in dietetics or institutional management will be accepted as meeting the educational requirement for these positions.

(b) *Duties.* The position of dietitian includes the following and related duties: Planning and supervising the preparation and serving of therapeutic diets; charting components and measurements for conformance with type of diet prescribed by the doctors; instructing patients in the composition and preparation of discharge diets as required; making annual budget estimates of food and allotments; and determining the kind and amount of food to be procured. The degree of responsibility will vary with the grade of the position.

(c) *Knowledge and training requisite for performance of duties.* The duties of dietitian cannot be performed successfully without a knowledge of the physiology and digestive processes of the human body, the nutritional requirements of individuals of varying ages and occupations, the special diet requirements of persons suffering from a variety of diseases, bacteriological principles as applied to food spoilage and sanitation, and the organization and administration of a hospital dietary department. This knowledge can be gained only through a directed course of study in an accredited college or university with well-equipped chemistry, physiology, bacteriology, foods, and nutrition laboratories and thoroughly trained instructors, where progress is competently evaluated.

§ 24.12 *Teacher; all grades*—(a) *High School and special subjects*—(1) *Duties.* The duties of high school and special subject teachers consist of imparting basic knowledge of one or more subject matter fields of social, economic, vocational or cultural value to the student; training the student in effective, impartial thinking in the medium of a special subject; making use of the best methods of accomplishing these results; directing appropriate extra-curricular interests.

(2) *Knowledge and training requisite for performance of duties.* Knowledge of various subject-matter fields; understanding of mental and physical characteristics of various age groups; knowledge of and skill in applying effective methods and techniques of instruction; and ability to evaluate the adequacy of methods employed. In addition, experience in teaching is required for higher grade position; the length, nature and extent of responsibility varies with the grade of the position.

(3) *Method of obtaining basic knowledge and training.* The method by which this essential basic knowledge and training may be acquired is in regularly organized teacher training departments of colleges or universities of recognized standing, including, or supplemented by relevant courses in educational psychology, theory and methods courses in the field of subject-matter specialization, and practice teaching. During his training the student works under competent instructors; has access to well stocked libraries and to well equipped laboratories; and receives actual practice in teaching. The literature in most vocational and cultural subjects and in the field of education is so voluminous that an individual cannot master it by random study; guidance in reading is essential for mastery and proper evaluation of the materials in the field.

(b) *Elementary teachers*—(1) *Duties.* The duties of elementary teachers consist of organizing and conducting classroom teaching; teaching elementary school subjects in such a way as to lay a broad foundation for later learning; training in habits of thinking; and evaluating results.

(2) *Knowledge and training requisite for performance of duties.* Knowledge of (i) mental and physical characteristics of various age groups, (ii) accepted methods of classroom management, (iii) various subject-matter fields, and (iv) effective methods and techniques of instruction to meet a wide variety of needs of individual pupils as well as of groups; ability to apply such methods and techniques and to evaluate results.

(3) *Method of obtaining basic knowledge and training.* The method by which this fundamental knowledge of methods of classroom instruction can be obtained is in regularly organized teacher training departments of colleges or universities of recognized standing. In such institutions prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses and a system of supervised practice teaching. During his training the student works under competent instructors; has access to well stocked libraries and well equipped laboratories; and learns a variety of methods and techniques which have been demonstrated as effective. The literature in the field of education is so voluminous that an individual cannot master it by random study; guidance in reading is essential for mastery and proper evaluation of the materials in the field.

(c) *Training Specialist, Department of the Army, GS–1711–6*—(1) *Duties.* The duties of the position of training specialist are the duties of a teacher position, and consist of teaching non-English speaking persons, illiterates, and slow learners in the Army who do not meet the standards of literacy established by the Army; preparing daily lessons, classroom exercises, and maintaining necessary class records; helping maladjusted trainee by means of frequent conferences and by special tutoring and securing the aid of the personnel consultant in cases of pronounced maladjustment; and assisting the trainee in Army indoctrination.

(2) *Knowledge and training requisite for performance of duties*—(i) *Education.* Applicants must have completed at least a 3-year course in a college, university or teacher-training institution of recognized standing with major study in education including at least one course in methods of teaching reading, provided that an additional year of the experience described below may be substituted for the required course in methods of teaching reading.

(ii) *Experience.* At least 2 years' experience in any one or in any combination of the following:

(*a*) Teaching non-English speaking persons;
(*b*) Teaching illiterates;
(*c*) Teaching remedial reading classes;
(*d*) Teaching backward children;
(*e*) Teaching grades 1, 2, or 3 in elementary schools.

(3) *Method of obtaining basic knowledge and training.* The method by which this essential basic knowledge and training may be acquired is in regularly organized teacher training departments of colleges or universities of recognized standing.

§ 24.13 *School Superintendent, GS–1710–12, Instructor, School Activities (Principal, GS–9; High School Teacher, GS–5–7; Elementary Teacher, GS–5), GS–1710–5–9, Army and Navy Civilian Schools*—(a) *Educational requirement.* The educational requirements for these positions are the current educational requirements of the States in which the positions are located.

(b) *Duties.* The duties of these positions are to serve as school superintendent or principal or as elementary or high school teacher in Army or Navy schools for children or personnel of the armed forces.

(c) *Knowledge and training requisite for performance of duties.* The enrollment in schools maintained by the Army and the Navy Departments is extremely transient because of the frequent shifting of Army and Navy personnel from one assignment to another. In order that students may transfer from these schools without loss of educational credits, the Army and Navy schools must have approval or certification from the State Board of Education in which the school is located. (There is reciprocity between the States in the acceptance of students from an approved or certified school.) Qualifications of superintendents, principals, and teachers in these schools must, therefore, be the current requirements of the State in which the school is located.

§ 24.14 *Teacher and Substitute (Temporary) Teacher, GS–1710–5–7–8, in Indian Schools*—(a) *Educaitonal requirement*—(1) *Elementary.* Completion of a full four-year course, leading to a degree from an accredited college or university, including or supplemented by 24 semester hours in education, 12 of which must be in elementary education.

NOTE: For temporary appointment of substitute elementary teacher, this educational requirement may be modified to require only two full years of study in the education department of an accredited college or university.

(2) *Agriculture.* Completion of a full four-year course in an accredited college or university, leading to a degree in agriculture or agricultural education, including or supplemented by 18 semester hours in education and 24 semester hours in agriculture, 4 of which must be in farm mechanics or farm shop.

NOTE: For temporary appointment of substitute teacher, agriculture, this educational requirement may be modified to require only two full years of study in the agriculture department of an accredited college or university.

(3) *Adviser (boarding school).* Completion of a full four-year course, leading to a degree from an accredited college or university, including or supplemented by 24 semester hours of credit in education and/or guidance in which is included 6 semester hours in a combination of two or more of the following: Child psychology; educational psychology; educational, vocational or child guidance; clinical psychology; mental hygiene; health education; or educational tests and measurements.

(4) *Vocational subjects.* Completion of a full four-year course, leading to a degree from an accredited college or university, including or supplemented by 18 semester hours in education and 24 semester hours in skilled trades.

NOTE: For temporary appointment of substitute teacher of vocational subjects, this educational requirement may be modified to require only two full years of study in an accredited college or university in the department of the subject matter area in which the teaching duties are to be performed.

(5) *Science.* Completion of a full four-year course leading to a degree from an accredited college or university, including or supplemented by 18 semester hours in education and either 24 semester hours in physical and/or biological science or 18 semester hours in physical and/or biological science and 6 semester hours in mathematics.

(6) *Mathematics.* Completion of a full four-year course, leading to a degree from an accredited college or university, including or supplemented by 18 semester hours in education and either 24 semester hours in mathematics or 18 semester hours in mathematics and 6 semester hours in physical science.

(7) *Business and commercial subjects.* Completion of a full four-year course, leading to a degree from an accredited college or university, including or supplemented by 18 semester hours in education and 24 semester hours in business and commercial subjects, 12 of which must be in accounting or in shorthand, typewriting, and office practice.

(8) *English, home economics, music, physical education, and social studies.* Completion of a full four-year course, leading to a degree from an accredited college or university, including or supplemented by 18 semester hours in edu-

cation and 24 semester hours in the subject matter taught.

NOTE: For temporary appointment of substitute teacher, home economics, this educational requirement may be modified to require only two full years of study in an accredited college or university in the department of the subject matter area in which the teaching duties are to be performed.

(9) *General.* Completion of a full four-year course leading to a degree from an accredited college or university, including or supplemented by 18 semester hours in education and 16 semester hours in each of two subject matter fields pertinent to the duties of the position.

(10) *Secondary.* Completion of a full four-year course leading to a degree from an accredited college or university, including or supplemented by 18 semester hours in education and 16 semester hours in each of two subject matter fields pertinent to the duties of the position.

(b) *Duties.* Teachers in Indian schools teach Indian children and exercise educational leadership in Indian communities. Their teaching program is adapted to the needs of the local environment and is practical in its objectives.

(c) *Knowledge and training requisite for performance of duties.* The duties to be performed require a knowledge of teaching principles and techniques, an understanding of the developmental stages, both physical and mental, of young people, the ability to recognize special instructional problems that arise in teaching situations, thorough knowledge of the subject matter area being taught, and an understanding of the interrelationship between the formal school situation and non-school activities as educative factors. This knowledge, understanding, and ability can be gained only through the training shown in paragraph (a) of this section. By such training the student is guided in his reading and evaluation of the literature in the subject matter field to be taught and in the field of education. The student has access to libraries and laboratories; is given opportunity to observe methods of devising and materials for implementing an educational program; and, in a supervised setting, can experiment for himself under professional guidance.

§ 24.15 *Range Management Assistant, GS–454–5*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree, with major work in range management, agriculture, animal husbandry, botany or forestry, which has included the following courses:

(i) One course in each of the following: (*a*) Plant ecology; (*b*) plant physiology; (*c*) soils; (*d*) systematic botany or plant taxonomy.

(ii) Three courses in each of the following groups: (*a*) Animal husbandry (one course in animal nutrition and feeding and two courses in any combination of courses in breeds and breeding, livestock management, livestock production, market classes of livestock); (*b*) agronomy, general botany, forest management, wildlife management, or zoology.

(iii) Four courses in range management (any combination of general range management, range utilization and maintenance, range plants, range history and laws, range or ranch economics, range survey); or

(2) Courses as outlined in subparagraph (1) of this paragraph in an accredited college or university plus additional appropriate education or experience which, when combined with the courses as outlined in subparagraph (1) of this paragraph, will total four years of education and experience and give the applicant a technical knowledge comparable to a 4-year college course.

(b) *Duties:* Range management assistants will assist in making range surveys and conservation plans for farms, ranches, and other grazing areas, including determining the suitability of land for grazing use and classifying and mapping range sites and determining their condition; assemble information on current range management practices; assist farmers and ranchers in the development of detailed conservation plans which will provide for the adoption of such suitable conservation and management practices as fencing, water development, seeding, noxious plant control, rotation or deferred grazing, proper intensity and season of use as necessary to improve the range; they will be required to walk over plowed land, climb hills and fences, and ford streams while carrying equipment weighing from 30 to 40 pounds; explain conservation plans to farmers and ranchers and work with and assist them in establishing and maintaining range conservation and management practices; keep records and make reports of work accomplished; and perform other related duties.

(c) *Knowledge and training requisite for performance of duties.*

NOTE: The provisions of § 24.36 (d) and (e) are applicable to this section.

§ 24.19 *Forester, GS–460–5–15, and Forester (Range Management), GS–460–5–15*—(a) *Educational requirement.* (1) Applicants for Forester, GS–460–5–15, positions must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in forestry, forest engineering, range management, wildlife management or a closely related subject-matter field. This course of study must have included at least 20 semester hours of course-work in forestry with course-work which dealt specifically with the following subjects: silviculture, forest management, forest protection, forest economics, forest utilization and either (1) range management, (2) wildlife management, (3) forest engineering or (4) forest influences.

(ii) A total of at least 30 semester hours of course-work in science or engineering in an accredited college or university with major study in forestry, forest engineering, range management, wildlife management or a closely related subject-matter field, including at least 20 semester hours in forestry with course-work which dealt specifically with the following subjects: silviculture, forest management, forest protection, forest economics, forest utilization and either (1) range management, (2) wildlife management, (3) forest engineering or (4) forest influences, plus enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the 30 semester hours of course-work in science or engineering, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(2) Applicants for Forester (Range Management), GS–460–5–15, positions must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in forestry, forest engineering, range management, wildlife management or a closely related subject-matter field. This course of study must have included at least 20 semester hours of course-work in forestry, supplemented by at least 9 semester hours of course-work in range management, or in subjects directly related to range management, and 6 semester hours in a combination of plant ecology (excluding silviculture or silvics) and taxonomic botany.

(ii) A total of at least 40 semester hours of course-work in science or engineering in an accredited college or university with major study in forestry, forest engineering, range management, wildlife management or a closely related subject-matter field, including at least 20 semester hours in forestry with course-work which dealt specifically with the following subjects: silviculture, forest management, forest protection, forest economics, forest utilization and either (1) range management, (2) wildlife management, (3) forest engineering or (4) forest influences, plus enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the 30 semester hours of course-work in science or engineering, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(b) *Duties.* (1) Foresters advise on, administer, supervise or perform professional and scientific work in connection with the management, protection and utilization of forest resources and forest lands for the continuous production of goods and services derived from the forest resources or from the forest lands. This involves such things as timber and forage resources, protection of the forest and land from fire, flood and erosion, the maintenance of environmental conditions necessary for wildlife, development and preservation of natural landscape effects and providing for public recreation. For the most part, the duties of these positions involve the management of balanced resources or of forested lands.

(2) Foresters (Range Management) advise on, administer, supervise or perform professional and scientific work in connection with the management, protection and utilization of forest resources and forest lands for the continuous production of forage for livestock and big game where this work must be coordinated with the management of other forest resources such as timber, water, recreation and wildlife. The duties of these positions require a combination of knowledges and abilities in both the science of forestry and the science of range management.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed without a sound basic knowledge of the fundamental biological and plant sciences and of the basic physical and mathematical sciences and specific training in forestry or forestry and range management. These duties require an exacting and detailed knowledge and training. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research, both in the fields of forestry and range management and in related fields of science, and to manage forest resources wisely. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance and evaluates progress competently.

§ 24.23 *Clinical Psychologist, GS–180–7–9*—(a) *Educational requirement.* (1) At least 10 courses in psychology in an accredited college or university, including:

Two courses in abnormal psychology, clinical psychology, mental hygiene, or personality adjustment.

Two courses in clinical techniques such as individual testing, interviewing, or the case study method;

Two courses in differential psychology or tests and measurements (educational, vocational, psychological, personality, attitude), or statistics;

One course in human biology, neurology, or physiological psychology; and

Three courses in general, experimental, child, adolescent, social, animal, or systematic psychology or additional courses listed in the foregoing paragraphs.

(2) Completion of all requirements for the Ph. D. degree in psychology will be accepted as meeting this educational requirement.

(b) *Duties.* At these grades, clinical psychologists administer and score certain individual psychological tests comparable in difficulty to the Wechsler-Bellevue, the Rorshach and the Thematic Apperception Tests. They evaluate and interpret diagnostically tests comparable in difficulty to the Wechsler-Bellevue and they may be instructed in the evaluation of the more difficult tests. They may also be trained in treatment procedures but they never take responsibility for treatment. They may also participate in research on mental health problems to the extent of the collection of specific data and the use of simple statistical techniques and methods.

(c) *Knowledge and training requisite for performance of duties.* A knowledge of the basic principles of clinical psychology; the fundamentals of test administration and scoring and the analysis and clinical evaluation of test data; an understanding of the relationships between clinical psychology and the related social and life sciences; a knowledge of and ability to use statistical methods and techniques; and ability to participate in research projects to the extent of the collection of psychological and psychometric data. The only way that these knowledges and skills can be acquired is through a balanced program of study in an accredited college or university in the courses listed above.

§ 24.27 *Pharmacist, GS–660–0 (all grades)*—(a) *Educational requirements.* Applicants must have successfully completed one of the following: (1) A four-year course in pharmacy at an approved school; or (2) a resident course in pharmacy of two years or more at a college, university, or other institution above high school level and have had, in addition, sufficient progressive technical experience in the practice of pharmacy to total four years of combined education and experience.

(b) *Duties.* Pharmacists perform professional work in pharmacy involving the compounding of prescriptions, the dispensing of drugs, the manufacture of pharmaceutical and stock preparations, the checking of dated drugs for potency, the issuance of alcoholics and narcotics on proper order, the maintenance of pertinent records and stock and supplies, and the performance of related duties. In the higher grades, pharmacists may supervise other pharmacists in the performance of these duties or they may act as consultants and exercise over-all administration of pharmacy activities to determine that established policies and procedures are being followed and to develop procedures under established over-all policy.

(c) *Knowledge and training requisite for performance of duties.* The duties of a pharmacist cannot be successfully performed without a sound knowledge of the fundamental principles of pharmacy, and of chemistry, pharmacology, toxicology, bacteriology, therapeutics, and mathematics as related to pharmacy. The only method of obtaining this knowledge and training is by attending a school of pharmacy where systematic instruction and guidance, and adequate laboratory and library facilities are available, and where suitable standards are maintained and competent evaluations of the student's progress are made.

NOTE: This section is not applicable to positions in the Department of Medicine and Surgery, Veterans' Administration, the education requirement for which is established by Public Law 293, 79th Congress (sec. 5, 59 Stat. 676; 38 U. S. C. 15d).

§ 24.28 *Chemist, GS–1320–5–15*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in chemistry. This study must have included courses in chemistry consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 30 semester hours; or

(2) Courses in chemistry, in a college or university of recognized standing, consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 30 semester hours, plus additional appropriate experience or education which, when combined with the 30 semester hours in chemistry, will total four years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

(3) In either subparagraph (1) or (2) of this paragraph, the courses must have included analytical chemistry, both quantitative and qualitative, and in addition, any two of the following: (i) Advanced inorganic chemistry; (ii) biochemistry; (iii) organic chemistry; (iv) physical chemistry. All of these courses must have been acceptable for credit toward the completion of a standard 4-year professional curriculum leading to a bachelor's degree in chemistry at a college or university of recognized standing.

(4) For those positions involving highly complicated or fundamental scientific research or similar difficult scientific duties, certification may be restricted to those eligibles who show the successful completion of a full college education in chemistry in a college or university of recognized standing.

(b) *Duties.* The duties of the chemist are: To perform, conduct, plan, or direct scientific investigative, developmental, or fundamental research work in one or more of the specialized fields of chemistry; to collect, examine, and interpret scientific data; to coordinate assignments and programs; to prepare budget estimates for specified research programs; and to perform related duties as assigned.

(1) Those positions in chemistry requiring, as a positive requirement, formal education to the extent only of 30 semester hours of college study in chemistry supplemented by appropriate experience or education are characterized as follows:

(i) The solution of specific problems of limited scope which does not involve the application of all the principles of the scientific fields related to chemistry—in general, problems where a broad viewpoint or training is not necessarily required; conducting important chemical analyses of material; directing the standardization and testing of well-known types of equipment or instruments; developing modifications of standard procedures, tests, techniques, etc.; making literature surveys of the

field; and preparing, editing, and reviewing technical reports on the results of the work performed in the field of professional chemistry.

(2) Those positions requiring the successful completion of four years of college or university training in chemisry are characterized as follows:

(i) Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles, and terminology of chemistry and related sciences and having for its objective the discovery of new facts, the development of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

(ii) The application in new ways of known complex scientific laws and facts to the development of new processes, techniques, devices, or products.

(iii) The coordination of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the scientific principles, procedures, and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* (1) The minimum amount of formalized training required for the successful performance of the duties described in subparagraph (b) (1) of this section consists of the completion of 30 semester hours of study in chemistry in a college or university of recognized standing. This study represents essentially the fundamental body of knowledge of the science of chemistry. It includes courses in the principal fields of chemistry (analytical, inorganic, organic, and physical) which are required to furnish the basic knowledge for any type of professional work in chemistry. In addition, it is supplemented by laboratory training in the application of the scientific principles involving the use of apparatus and equipment, and skills essential to work in chemistry. A familiarity with scientific literature, especially the methods by which such literature is compiled, classified, indexed, and made available, is also a necessary part of such education. And finally, the training will include experience in preparing technical reports in which it is necessary to organize material logically, to make clear distinctions between theory and facts, to make precise and unambiguous statements, and to draw conclusions that are useful and fully warranted by experimental results.

(2) The minimum amount of training required for the successful performance of the duties described in subparagraph (b) (2) of this section is the completion of a 4-year college course leading to a bachelor's degree in a college or university of recognized standing, including or supplemented by 30 semester hours of study in chemistry. Such a college course consists of laboratory work (including the use of complex apparatus), lectures, recitations, seminars, and selected reading in chemistry and other fields given under competent instruction and guidance. Such a curriculum is planned and integrated so as to provide a sound and comprehensive training, not only in chemistry but in related subjects such as physics, mathematics, biology, engineering, etc. Training in the fundamentals of other fields affords the necessary breadth of knowledge, as well as an understanding of the interrelationships of different fields. New advances in science flow from the combination of new knowledge, sometimes from widely separated fields. The justification for requiring a full 4-year college course for certain positions is that it is the only known method by which a broad understanding of the fundamentals of various related fields may be acquired. Full recognition is also given to the importance of training in verbal facility and the development of facility in logical thinking and expression. The scientist must be able to present the results of his work clearly and concisely both orally and in written form.

(d) *Method of obtaining basic knowledge and training.* Paragraph (c) of this section contains statements of the minimum knowledge and training required to carry on successfully professional work in two broad areas in the field of chemistry. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance are available, where courses are arranged in a systematic progressive schedule, and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

(e) *Justification of educational requirement.* The world of today is conscious that it is living in an atomic age, and the people of the United States are aware of the urgent need for fundamental research and developmental work in all scientific fields in order to safeguard and improve the nation's security, health, and general welfare. The Congress has given recognition to the vital necessity for such scientific research and developmental work and has authorized, through appropriations, the spending of large sums of money for varied and important programs. These programs are carried on by the various departments and agencies of the Federal Government, and have resulted in very notable achievements in scientific research during World War II.

The advances in the various sciences, during World War II, have been outstanding and of major importance. Particularly is this true of the field of chemistry in all of its branches, and further advances will depend on the number of highly qualified and properly trained chemists who are competent to explore the particular field in which a research problem is centered. Concurrent with these advances in the fields of science is the flow of new scientific knowledge, so that persons engaged in highly complicated scientific research in a specialized field of chemistry must of necessity possess the fundamental scientific knowledge characteristic of their own field and, in addition, that of certain allied fields, in order that they may successfully attack these complex problems with which they are faced.

Private industry doing research in chemistry has long recognized the necessity for broadly trained men for professional chemists' positions who are well-grounded in the fundamentals of the sciences involved. They are required to have education represented by at least the attainment of a bachelor's degree in the science, and in many instances, a doctor of philosophy degree with specialization in a particular field is demanded.

§ 24.29 *Physicists, GS–1310–0 (all grades)*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course, in an accredited college or university, leading to a bachelor's degree. This study must have included courses in physics consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; or

(2) Courses in physics, in an accredited college or university (or courses in physics which would be acceptable to such a college or university), consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; plus additional appropriate experience or education which, when combined with the 24 semester hours in physics, will total four years of education and experience and give the applicant a technical and professional knowledge of physics comparable to that which would have been acquired through the successful completion of a 4-year college course.

(3) In either subparagraph (1) or (2) of this paragraph, the courses must have included a fundamental course in general physics and, in addition, courses in any two of the following: (i) Electricity and magnetism; (ii) heat; (iii) light; (iv) mechanics; (v) modern physics; and (vi) sound. All of these courses must have been acceptable for credit toward the completion of a standard 4-year professional curriculum leading to a bachelor's degree at an accredited college or university, and must have been taught in the Department of Physics or be acceptable to that department as courses in physics toward meeting the institution's requirements for a major in physics.

(b) *Duties.* Physicists plan, direct, conduct or assist in conducting scientific or developmental work or fundamental research work in one or more of the specialized fields of physics. The duties include the collection, examination, and interpretation of scientific data; the presentation of the results of such experimentation in clear, concise terms; and the construction or direction of the construction and manipulation of scientific and laboratory apparatus. In many cases they also include mathematical analyses for the outlining of physical experimentation plans and for the preparation of the results of experimentation in such form that valid conclusions may be drawn.

(c) *Knowledge and training requisite for performance of duties.* The duties of physicist cannot be successfully performed without a sound and comprehensive training in physics, a broad understanding of various related subjects (such as chemistry, mathematics, biology, engineering, etc.), and a knowledge of the interrelationships of these different fields. Appointees must be able to present the results of their research clearly and concisely in either oral or written form. The only method by which this knowledge and training can be acquired is through a directed course of study in an accredited college or university with scientific libraries, well-equipped laboratories, and thoroughly trained instructors, where progress is completely evaluated.

NOTE: For those positions involving highly complicated or fundamental scientific research or similar difficult duties, certification may be restricted to those eligibles who show the successful completion of a full college education in physics in an accredited college or university.

§ 24.33 *Engineering positions involving highly technical research, design or development, or similar functions—(a) Educational requirement.* Applicants must have successfully completed a full college course in engineering.

(b) *Duties.* Professional engineering positions which require the successful completion of four years of college or university training are those positions "involving highly technical research, design and development or similar functions," the duties of which include the performance of such functions as the following:

(1) A critical investigation requiring a high level of intelligence and a sound knowledge of fundamental scientific concepts, principles, and terminology and having for its aim the discovery of new facts or principles, the interpretation of new knowledge or the more complete interpretation of facts already known, or the revision of accepted conclusions, theories, and laws in the light of newly discovered facts; or

(2) The application of known complex scientific laws, facts and discoveries, in new and untried ways to develop new or improved processes, techniques, methods of production, devices, or products; or

(3) In general those scientific activities of an extremely complex nature in which new methods are devised, or new and advanced contributions to knowledge are developed.

(c) *Knowledge and training requisite for performance of duties.* It is widely recognized that improvement in, and the safeguarding of, the health, security, and welfare of the Nation and the modernization and safe and adequate design of large and complicated engineering structures is dependent upon the quality and extensiveness of the scientific and engineering research and development activities of the Nation. These problems are recognized as of such vital importance to the activities and existence of the Nation that the Federal Government, through its various departments and agencies, is required by Congress to engage in scientific research and development.

In their infancy scientific and engineering research were of necessity concerned with the discovery of the simpler and more elementary facts, laws and processes of nature. However, so much has now been learned about the facts, laws, materials and processes of nature, and so complex are the concepts and tools of modern science and engineering that personnel engaged today in carrying out highly technical scientific and engineering research, design, or development and similar functions must possess special qualifications if their work is to be productive and in step with the times.

The more successful establishments throughout the country now require of applicants for research and similar scientifically exacting positions at least a bachelor's degree and frequently a doctorate in scientific subjects. Because of the complexity of scientific knowledge, concepts and specialized tools required for satisfactory achievement in modern engineering research, design and development, and because of the difficulty of acquiring proficiency in the scientific fields, agencies of the Federal Government must have for certain positions in scientific work, personnel who have a sound fundamental knowledge in the sciences and the ability to apply this theoretical knowledge to the interpretation of data gathered in the fields of research or to the production or development of new processes, devices or techniques.

(d) *Method of obtaining basic knowledge and training.* Positions in the engineering field as defined in paragraph (b) of this section require the completion of a full four-year course in engineering in a college or university of recognized standing to insure technical knowledge and training of the level and extent required for the proper performance of these duties. In the professional schools of such institutions a student receives competent instruction and guidance in the technical and theoretical subjects that he will have to apply in his profession. He attends seminars and lectures, has access to scientific libraries and works in well equipped laboratories provided by the professional schools. In these schools prevailing practices have undergone analysis and those found to be most effective have been organized into relevant courses of instruction. Through training received in the professional schools the student receives competent instruction in specialized fields and is expertly guided in his selection of readings from available literature which is so voluminous that no individual could master it by random study. The required studies represent information from a variety of fields and the student cannot cover the material except through supervised courses of study designed to provide a comprehensive understanding of the subject.

§ 24.34 *Instructor, academic subjects, apprentice schools, Navy Department.*

NOTE: The provisions of § 24.12 are applicable to this section.

§ 24.35 *Geophysicist, GS–1313–7–13—(a) Educational requirements.* For those positions involving highly complicated or fundamental scientific research or similar difficult scientific duties, certification may be restricted to those eligibles who show the successful completion of a full college education in a pertinent field in a college or university of recognized standing.

(b) *Duties.* The duties of the geophysicist are: (1) Planning, directing, and making geophysical observations in the field or at fixed stations, interpreting the results, preparing charts, tabulations, and securing other scientific information required in observations for interpretations, designing or assisting in constructing specialized operatives and equipment for use in connection with geophysical investigations; (2) conducting or assisting in geophysical prospecting, explorations, or other geophysical observations; (3) making reports, and preparing articles for publication.

(4) These positions involving the duties described in subparagraphs (1)–(3) of this paragraph and requiring the successful completion of four years of pertinent college or university training are characterized as follows:

(i) Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles and terminology of geophysics and the related sciences and having for its objective the discovery of new facts, the development of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

(ii) The application, in new ways, of known complex scientific laws and facts to the development of new techniques or devices.

(iii) The coordination and planning of a broad research program requiring the combined efforts of several specialists in different scientific fields, in which the leader of the program must have a thorough understanding of the scientific principles, procedures and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* The minimum amount of training required for the successful performance of the duties described in paragraph (b) of this section is the completion of a 4-year college course leading to a bachelor's degree in a college or university of recognized standing including a minimum of 30 semester hours credit in either geology, mathematics, physics, geophysics, engineering, or closely allied subjects, or any combination thereof. Such college courses include laboratory work (including the use of complex apparatus), lectures, recitations, seminars, and selected reading in various fields all given under competent instruction and guidance. Such curricula are planned and integrated so as to provide a sound and broad training in related scientific fields. Training in the fundamentals of various related scientific fields affords the necessary breadth of knowledge as well as an understanding of the inter-relationships of different fields. New advances in science flow from the combination of new knowledge, sometimes from widely separated fields. The justification for requiring a full 4-year college course for certain positions is that it is the only

known method by which a broad understanding of the fundamentals of various related fields may be acquired. Full recognition is also given to the importance of training in verbal facility and the development of facility in logical thinking and expression. The research scientist must be able to present the results of his work clearly and concisely both orally and in written form.

(d) *Method of obtaining basic knowledge and training.* Paragraphs (a)–(c) of this section contain statements of the minimum knowledge and training required to carry on successfully professional complex research work in the field of geophysics. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance is available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

(e) *Justification.* All people throughout the world today are conscious that they are living in a rapidly moving world and the people of the United States are particularly aware of the urgent need for fundamental research and developmental work in all scientific fields in order to safeguard and improve the Nation's security, health, and general welfare. The Congress has given recognition to the vital necessity for such scientific research and developmental work and has authorized, through appropriations, the spending of large sums of money for varied and important programs. These programs are carried on by the various departments and agencies of the Federal Government, and have resulted in very notable achievements in scientific research during World War II.

The advances in the various physical sciences, during World War II, have been outstanding and of major importance. This is especially true in the field of geophysics and many of the advances in the allied sciences have been useful in the field of geophysics. Further advances will depend on the number of highly qualified and properly trained geophysicists who are competent to explore the particular phase of the work on which a research problem is centered. Concurrent with these advances in the fields of science is the flow of new scientific knowledge from all fields, so that persons engaged in highly complicated scientific research in geophysics must of necessity possess the fundamental scientific knowledge characteristic of their own field and in addition that of certain allied fields in order that they may successfully attack those complex problems with which they are faced.

§ 24.36 *Junior Professional Assistant*—(a) *Educational requirements*—(1) *Metallurgist.* Metallurgists will conduct or assist in conducting scientific investigative, developmental or fundamental research work in metallurgy; collect, examine and interpret metallurgical data; design, construct, install or operate metallurgical equipment. These duties require a working knowledge of the basic laws, concepts, techniques, and terminology of recovery or process metallurgy which includes extractive processes such as grinding of ores, sedimentation, roasting, smelting flotation, leaching, crystallization, precipitation, and electrolysis of metallic salts and physical or adaptive metallurgy which includes adaptive processes such as casting, rolling, hammer forging, drawing, spinning, die-casting, welding, and heat treating. This work requires a knowledge of thermodynamics, stoichiometry, electrochemistry, mineralogy of ores, phase relationships in alloys, the effect of heat and forming processes on crystalline structure, X-ray analysis, microscopic metallography, and methods of testing ores, metals, and metal alloys. Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in metallurgy or metallurgical engineering. This study must have included courses in metallurgical subjects consisting of lectures, recitations and appropriate practical laboratory work totaling at least 20 semester hours; or

(ii) Courses in metallurgical subjects, in a college or university of recognized standing, consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 20 semester hours; plus additional appropriate experience or education, which when combined with the 20 semester hours in metallurgical subjects, will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course.

(iii) The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

(*a*) Subprofessional and higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the scientific principles of a physical or natural science or of engineering.

(*b*) Experience in patent examining, or in abstracting, editing, or translating reports or scientific literature dealing with matters closely related to the field of metallurgy.

(*c*) Research experience in such fields as physics, chemistry or engineering which included the analysis of data and the preparation of reports.

(*d*) Metallurgical work of professional grade such as that described in the duties of the positions to be filled from the examination, or related work of a subprofessional grade.

(iv) In either subdivision (i) or (ii) of this subparagraph the courses must have included at least 3 of the following:

(*a*) Physical metallurgy; (*b*) metallurgy of iron and steel; (*c*) metallurgy of non-ferrous metals; (*d*) metallography; (*e*) mineral dressing; (*f*) electrometallurgy; (*g*) process metallurgy.

(2) *Geographer.* Geographers will perform or assist in performing professional work in the field of geography; perform related cartographic work including the compilation and the analyzing of geographic data; assist in studies and researches relating to industrial and commercial geography, soils, soil erosion and land utilization mapping, climatology, vegetation distribution, and allied fields; prepare reports on the geography (physical, economic, social, and political) of specified areas; and assist in the establishment and use of map collections. Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree. This study must have included or been supplemented by courses in geography consisting of lectures and recitations totaling at least 24 semester hours. Study in closely allied fields such as geology, archaeology, cartography, etc., may be included in the 24 semester hours of geography provided the applicant shows at least 15 hours in purely geographic subjects; or

(ii) Courses in geography, in a college or university of recognized standing, consisting of lectures and recitations totaling at least 24 semester hours; plus additional appropriate experience or education which when combined with the 24 semester hours in geography will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. Study in closely allied fields such as geology, archaeology, cartography, etc., may be included in the 24 semester hours of geography, provided the applicant shows at least 15 hours in purely geographic subjects. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

(*a*) Library or field research dealing with the collection and analysis of geographic of closely allied data.

(*b*) Assisting in editing, abstracting, or translating documents, scientific literature and preparing reports relating to geography, or closely allied fields such as geology, or meteorology, etc.

(*c*) Experience gained in such positions as geographic aid, scientific aid in geology, air intelligence specialist, or cartographer.

(*d*) Subprofessional or higher grade experience in the field of oceanography, nautical science, air navigation, and other related fields.

(3) *Textile technologist.* Textile technologists will conduct, or assist in conducting, scientific investigative, developmental, production, or fundamental research work in textile technology. These duties include work in such branches of textile technology as yarn and fabric manufacturing, processing, and utilization; textile chemistry; fiber technology; determination of the physical characteristics of textiles and textile fibers. All of these duties involve the collection, examination, and interpretation of scientific and operating data and require a knowledge of the scientific laws and concepts underlying textile processing, manufacturing, designing, and utilization. Applicants must

have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in textile technology. This study must have included courses in textile technology consisting of lectures, recitations and appropriate practical laboratory work totaling at least 20 semester hours; or

(ii) Courses in textile technology, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory work totaling at least 20 semester hours; plus additional appropriate experiences or education which, when combined with the 20 semester hours in textile technology, will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

(*a*) Subprofessional and higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the scientific principles of a physical or natural science or of technology or engineering.

(*b*) Experience in patent examining, or in abstracting, editing, or translating reports or scientific literature dealing with textiles and related matters.

(*c*) Research experience in such fields as physics, chemistry, engineering, or biology, which included the analysis of data and the preparation of scientific reports.

(*d*) Technological work of professional grade, such as the duties of the position shown above, or professional and subprofessional work in related duties.

(4) *Archivist.* Archivists will analyze, evaluate, and appraise Government records for the purpose of determining which ones are of historical value. They may be responsible for classifying the documents and for preparing index cards containing a brief summary of the contents of the material. Their duties may also include reference and research work to locate information requested by specialists in various fields who are engaged in identifying, classifying and preserving documentary materials. Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, including or supplemented by 12 semester hours in U. S. history and 18 semester hours in any one or in any combination of the following: (*a*) history; (*b*) political science; (*c*) sociology; (*d*) economics; (*e*) public administration; or

(ii) Courses in a college or university of recognized standing as described in subdivision (i) of this subparagraph; plus additional appropriate education or experience which, when combined with the 12 semester hours in U. S. history and 18 semester hours in the other above-mentioned subjects, will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. The following are types of experience which will be accepted in combination with education to meet this requirement:

(*a*) Experience as an archivist in a Federal, State, church, business, or other archives.

(*b*) Experience as a records analyst engaged in the management and retirement of non-current records in a Government agency.

(*c*) Responsible experience in the Historical Records Survey.

(5) *Economist.* Economists will conduct elementary professional economic research, including the evaluation and briefing of expository data, the appraisal and compilation of statistical data, and the preparation of tentative economic reports on some phase of a major economic problem. Applicants must have successfully completed one of the following:

(i) A full 4-year course leading to a bachelor's degree, in a college or university of recognized standing, with 24 semester hours in economics and 3 semester hours in statistics.

(ii) Courses consisting of 24 semester hours in economics and 3 semester hours in statistics, in a college or university of recognized standing; plus additional appropriate experience or education which when combined with these courses, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

(*a*) Progressively responsible clerical experience in the appraisal of economic data (not of a statistical nature), and the preparation of economic outlines, briefs and reports.

(*b*) Progressively responsible clerical experience in the appraisal of economic data, both expository and statistical; the compilation of appropriate statistical data; and the preparation of economic outlines, briefs and reports.

(6) *Agricultural economist.* Agricultural economists will assist in research or other scientific or professional works in the field of agricultural economics, applying basic economic laws and principles in connection with the collection of agricultural data and will assist in the preparation of reports on farm policies and on the production and distribution of agricultural commodites. These duties require a working knowledge of the basic principles, concepts and terminology of agricultural economics and a knowledge of the application of statistics to economic research. Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in agricultural economics, or study leading to a degree in the closely allied fields of general economics, business administration, political science or sociology, including at least 12 semester hours in agricultural economics and 3 semester hours in statistics; or

(ii) Courses in agricultural economics in a college or university of recognized standing, consisting of lectures and recitations totaling 21 semester hours in agricultural economics and 3 semester hours in statistics; plus additional appropriate experience or education which, when combined with the 21 semester hours in agrictultural economics and 3 semester hours in statistics, will total 4 years of education and experience and will give the applicant the substantial equivalent of a 4-year college course. Study in the closely allied fields of general economics, political science, business administration (including marketing and transportation), economic geography, or sociology may be included in the 21 semester hours of agricultural economics, *Provided,* That the applicant shows at least 12 semester hours in purely agricultural economic subjects and 3 semester hours in statistics. The following types of experience will be accepted in combination with education to complete the 4-year requirement: Progressively responsible experience in the collection and preliminary analysis of statistical and narrative economic data in such agricultural fields as production, storage, transportation, marketing, distribution, consumption, prices and income.

(7) *Botanist.* Botanists will assist the planning and execution of field and laboratory work in botanical research or other scientific or professional work in the field of botany, including the making of observations, and the collection, examination and statistical analysis of data. They will assist in identification and description of plants and seeds, and the investigation of their distribution, habits of growth and economic value. These duties require a working knowledge of the basic principles, concepts and terminology of botany. Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing, leading to a bachelor's degree with a major in botany.

(ii) Courses in botany in a college of university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours; plus additional appropriate experience which when combined with the 20 semester hours in botany will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

(*a*) Subprofessional or professional laboratory work which provides a means of obtaining a working knowledge of the theory and application of the scientific principles of a botanical science.

(*b*) Experience in abstracting, editing, or translating reports or scientific literature in botany or closely related fields. Research experience in botany or related fields.

(*c*) Work in botany of a professional grade, such as described in the typical duties of the positions to be filled from this examination.

(*d*) Teaching botany.

(8) *Dairy husbandman.* Dairy husbandmen will assist in research or other

professional or scientific work in the breeding, nutrition and management of dairy cattle. These duties require a working knowledge of the basic principles, concepts and terminology of dairy husbandry, dairy animal nutrition and animal production. Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in dairy husbandry, or in animal husbandry including at least one course in dairy husbandry.

(ii) Courses in dairy husbandry and animal husbandry in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours plus additional appropriate experience or education which when combined with the 20 hours in dairy and animal husbandry will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

(*a*) Responsible experience in the breeding, nutrition and management of a large pure bred or commercial dairy herd.

(*b*) Responsible experience in the breeding, nutrition and management of a college or experiment station dairy herd.

(9) *Dairy manufacturing specialist.* Dairy manufacturing specialists will assist in performing research or other professional or scientific work in the development and introduction of improved methods in the manufacture or processing of milk and milk products. These duties require a working knowledge of the principles, concepts and terminology of dairy practice, milk testing, the manufacture of dairy products, and dairy economics. Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in dairy manufacturing, or;

(ii) Courses in dairy manufacturing in a college or university or recognized standing consisting of lectures, recitations and laboratory work totaling not less than 20 semester hours plus additional appropriate experience or education which when combined with the 20 semester hours in dairy manufacturing will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement: Responsible experience in the following:

(*a*) Laboratory analysis and research of milk and milk products.

(*b*) State or municipal inspection of creameries.

(c) Butter maker, cheese maker, ice cream maker or processor of whole milk in a large commercial milk plant.

(10) *Farm management supervisor.* Farm management supervisors advise on or perform technical or other professional work in the field of farm management involving the extension of credit and the supervision of operators of family-type farms. The duties of this position require a practical working knowledge of the basic principles, concepts, and terminology of farm management, agricultural credit, and crop and livestock management. Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in farm management; in other fields within agricultural economics; in agronomy, animal husbandry, agricultural engineering, horticulture, agricultural education; or in general agriculture; or

(ii) Courses in farm management or one of the other related agricultural sciences acceptable toward a degree in agriculture in a college or university of recognized standing, and consisting of lectures, recitations, and laboratory work, totaling at least 40 semester hours and including at least one course in farm management and the balance of the semester hours in at least three of the following groups:

(*a*) Agricultural economics.
(*b*) Soils.
(*c*) Crops.
(*d*) Animal, dairy, or poultry husbandry.
(*e*) Feeds and feeding or animal nutrition.
(*f*) Agricultural engineering.

plus additional appropriate experience or education which, when combined with the 40 semester hours of course work outlined above, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

(11) *Plant physiologist.* Plant physiologists will assist in the performance of research or other scientific or professional work in plant physiology, including studies of the effect of toxic substances, soil and nutritional conditions upon plant growth and maturity and of conditions affecting the storage life of fruits and vegetables. The duties of this position require a working knowledge of the principles, concepts and terminology of botany, plant science and plant physiology. Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing leading to a bachelor's degree with a major in botany or plant science with a minimum of 10 semester hours of plant physiology.

(ii) Courses in plant science totaling at least 20 semester hours including at least 10 semester hours of plant physiology in a college or university of recognized standing consisting of lectures, recitations and laboratory work; plus additional appropriate education or experience which when combined with the 20 semester hours in plant science will total 4 years of education or experience and give the applicant the substantial equivalent of a 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

(*a*) Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a natural science.

(*b*) Experience in abstracting, editing or translating reports or scientific literature in plant physiology or closely related fields.

(*c*) Research experience in plant physiology or related fields.

(*d*) Work in plant physiology of a professional grade, such as described in the duties of the positions to be filled from this examination.

(b) *Restriction of certification for highly technical positions.* For positions involving highly technical research, design or development, or similar functions, certification may be restricted to eligibles who show the successful completion of a full college course in the appropriate option.

(c) *Duties.* The options selected for the current Junior Professional Assistant examination are of highly specialized nature, having to do with original research, design or development or other functions of comparable scope or difficuty. Appointees perform professional work in the appropriate specialized field or option in connection with (1) the study, collection, investigation, classification, analysis, preservation and interpretation of data, documents, exhibits or publications in one or more of the social or physical sciences, or (2) a wide variety of projects requiring the use or development of technical equipment, laboratory apparatus, chemical compounds and solutions, other scientific instruments, or research methods and devices.

(d) *Knowledge and training requisite for performance of duties.* The Junior Professional Assistant positions are at the entrance level to a career in the scientific and professional service. Appointees must have an understanding of the fundamental important basic principles, methods and skills required in the appropriate scientific or professional field, and they must be equipped with considerable specialized knowledge if they are to deal in an effective manner with the varied and diversified problems to be encountered. This may only be obtained through instruction and training where an adequate comprehensive and preferably an exceptional background and foundation in the appropriate scientific or professional field is furnished. A thorough knowledge of the literature of the scientific or professional field is essential together with the ability to understand and make use of that which has been written. Incumbents must, to a marked degree, be fitted to advance into more responsible, more technical and more exacting positions.

(e) *Method of obtaining basic knowledge and training.* The professional and scientific knowledge and training, of the level and extent required for the proper performance of these duties, can be obtained only by attending and completing major study in the appropriate option at a college or university of recognized standing, where a full staff of competent instructors and adequate library, laboratory and other research facilities are

available and where suitable standards regarding completeness of program and attainment of proficiency may be enforced.

§ 24.39 *Mathematician, GS–1520, all grades where the duties involve highly complicated or fundamental scientific research or similar difficult scientific duties*—(a) *Educational requirement.* The successful completion of a full four-year course in an accredited college or university leading to a bachelor's degree. This study must have included courses in mathematics totaling at least 24 semester hours which were acceptable for credit toward meeting the requirements of a major in mathematics and which included at least five of the following: differential calculus, integral calculus, theory of equations, vector analysis, statistics, higher algebra (beyond elementary college algebra), differential equations, advanced differential calculus, advanced integral calculus, any other advanced course in mathematics for which one of the above is prerequisite.

(b) *Duties.* The duties of these positions are: performing, conducting, planning, or directing mathematical work involving calculations and computations incident to investigative, developmental and research work in the scientific fields such as engineering, physics, astronomy, etc.; collecting, examining and interpreting scientific data; coordinating assignments and programs; planning mathematical procedures for scientific field trips; preparing reports and manuals, and editing or preparing articles for publication. Those positions requiring the sucessful completion of four years of college or university training are characterized as follows:

(1) Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles and terminology of mathematics and related sciences and having for its objective the development of new or improved methods of analysis, the development or extension of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

(2) The application in new ways of known complex mathematical laws and facts to the development of new techniques or devices.

(3) The coordination of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the mathematical principles, procedures and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* The urgent need for fundamental research and developmental work in all scientific fields in order to safeguard and improve the nation's security, and general welfare is apparent. The Congress of the United States has recognized the vital necessity for such scientific research and developmental work and has authorized through appropriations the spending of large sums of money for varied and important research programs. These programs are carried on by the various departments and agencies of the Federal government and have resulted in very notable achievements in scientific research during World War II.

The advances in the various sciences during World War II have been outstanding and of major importance. Especially in the fields of physical science and of engineering have these advances been dependent upon and interrelated to mathematics in all its branches. Mathematics is an indispensable tool in expressing basic laws and concepts in these fields, in interpreting experimental data, in extending old or establishing new concepts of matter and energy, and in establishing basic hypotheses for experimental work in new fields. Further advances in the physical sciences and in engineering will depend on the number of highly qualified and properly trained mathematicians who are competent to explore from a mathematical standpoint the particular field in which a research problem is centered. Concurrent with these advances in the fields of science is the flow of new scientific knowledge, so that persons engaged in highly complicated mathematical computations in a specialized field must of necessity possess the fundamental knowledge characteristic of mathematics and in addition that of pertinent allied fields in order that they may successfully attack complex problems.

Private industry requiring mathematicians for research positions has long recognized the necessity for broadly trained men for professional mathematics positions who are well grounded in the fundamentals of the sciences involved. They are required to have education represented by at least the attainment of a bachelor's degree in mathematics and, in many cases, a higher degree with specialization in a particular field is demanded.

(d) *Method of obtaining the basic knowledge and training.* Paragraphs (a)–(c) of this section contain statements of the minimum knowledge and training required to carry on sucessfully professional research work in the field of mathematics. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance are available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.40 *Instructor (Meteorology), GS–1710–7–12*—(a) *Educational requirement.* All applicants must have successfully completed a resident course of study in Weather Forecasting Theory at a military school or college, or a curriculum of study which included or has been supplemented by at least 20 semester hours of study consisting of laboratory work in synoptic meteorology and forecasting, and fundamental courses in synoptic and dynamic meteorology at a college or university of recognized standing.

(b) *Duties.* With varying degrees of responsibility commensurate with the grades indicated, to instruct military personnel in one or more of the following subjects: Surface Charts and Weather Forecasting, Auxiliary Charts and Diagrams, Air Mass Analysis, Synoptic Meteorology, Dynamic Meteorology, Limited Data Analysis, World Geography and Climatology, Extended and Long Range Forecasting, Weather Station Operation, Staff Weather Subjects, Oceanography, Applied Micro-Meteorology, Tropical Meteorology, Anomalous Radar Propagation. In-Flight Weather Observation, and other related subjects, in accordance with a definite instructional program, or prescribed course of study; to prepare or assist in preparing material for instruction; and to perform related duties as assigned.

(c) *Knowledge and training requisite for performance of duties.* The advances in the field of meteorology have been largely the result of the application of the laws and concepts of the physical sciences to the solution of the problems of meteorology. A knowledge of the pertinent physical sciences is indispensable in interpreting observational data, in designing and improving the instruments used in making scientific observations, and in extending old or developing new concepts and theories used in forecasting weather. Further advances in meteorology must depend on the number of highly qualified and properly trained meteorologists who are competent to explore the field and make further applications of the new developments in the physical sciences to the science of meteorology. Instructors, therefore, must be fully qualified to teach such technical subjects to those who will be engaged in gathering and interpreting meteorological data. In order to perform successfully these Instruction duties the applicant must have a knowledge and training in weather forecasting at the full professional level. This knowledge and training can be obtained in either of the followings ways: (1) Through four years of experience in meteorology at either a professional or subprofessional level supplemented by the successful completion of a resident course in Weather Forecasting Theory, or (2) Through the successful completion of a four year college course with a major in the physical sciences such as physics, meteorology, mathematics, chemistry, or engineering, including or supplemented by the successful completion of a course of training in Weather Forecasting Theory. It is not believed that a knowledge of weather forecasting at the full professional level can be acquired without at least some formal training at the professional level. In order to complete a course in Weather Forecasting Theory a knowledge of physics and mathematics is necessary. The necessary background to weather forecasting cannot be obtained without at least some formal educational training in these subjects.

(d) *Method of obtaining basic knowledge and training.* Paragraphs (a)–(c) of this section contain statements of the minimum knowledge and training required to carry on successfully profes-

sional work in the field of meteorology. The only method by which such professional knowledge and training may be acquired is by attending a college or military school or university where competent instruction and guidance are available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.41 *Human Biologist, GS–14*—(a) *Educational requirement.* Applicants must show the successful completion of a full college course in a college or university of recognized standing with courses totaling at least 20 semester hours credit in either (1) physiology or, (2) a combination of biophysics, biochemistry and physiology which includes at least 10 semester hours credit in physiology.

(b) *Duties.* The human biologist plans, directs and coordinates research programs in environmental biology to determine the kind and degree of man's physiological responses to all variations of environmental stresses to which he may be subjected upon a world wide scale as these responses are related to his protection against or adaptation to such stresses. Directs the activities of scientists, working principally in research in biophysics, biochemistry, physiology and anthropology to determine man's physiological responses to varying kinds and degrees of environment and how these are modified by such factors as occupation, racial background, anthropological type, age, preconditioning to extreme environmental changes, mental attitudes, etc., to determine the capacities and limitations of the human body in coping with adverse environments, the causes and effects of the environment upon man and possible compensations. Coordinates research programs under his direction with those being conducted elsewhere within the organization to determine the clothing, clothing assemblies, and other specialized types of equipment which will provide maximum protection against and resistance to destructive environmental forces and to analyze and evaluate the elements of environment and develop formula for their correlation with the physical and human biological problems being studied.

(c) *Knowledge and training requisite for performance of duties.* The duties of this position call for research in environmental effects on a much greater scale than has been done previously. The incumbent of the position must have a broad, extensive background in physiology or in a combination of physiology, biology, biochemistry and biophysics. The training must have been such as to demonstrate ability to develop and direct research programs of sound, practical scope.

(d) *Method of obtaining basic knowledge and training.* Paragraphs (a)–(c) of this section contain statements of the minimum knowledge and training required to carry on successfully the duties of the position. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance is available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.42 *U. S. Coast Guard Academy*—(a) *Instructor of Electrical Engineering, GS–1710–11*—(1) *Educational requirement.* Applicants must have successfully completed a 4-year course of study leading to a bachelor's degree in engineering or physics in a college or university of recognized standing.

(2) *Duties.* The appointee to this position will instruct cadets at the U. S. Coast Guard Academy in electrical engineering including alternating and direct current machines and circuits and engineering electronics. Under the supervision of the head of the engineering department he will prepare daily assignments, using as guides the assigned textbook, reference texts, Coast Guard instructions and manufacturers' and other technical publications. He will give classroom and laboratory instruction and prepare and grade examinations. He will be required to keep himself informed of the latest developments in his technical field and in education methods so that cadets may receive a knowledge of fundamental concepts and techiques in electrical engineering and develop analytical ability which will enable them to perform the duties of commissioned officers of the Coast Guard.

(3) *Justification of educational requirement.*

NOTE: Justification for Instructor of Electrical Engineering GS–11 is the same as the justification for Teacher, All Grades (see § 24.12).

(b) *Instructor of Mathematics, GS–1710–11*—(1)—*Educational requirement.* Applicants must have successfully completed a 4-year course of study leading to a bachelor's degree with study in mathematics or civil engineering in a college or university of recognized standing.

(2) *Duties.* The appointee to this position will instruct cadets at the U. S. Coast Guard Academy in mathematics and surveying and related subjects including plane and spherical trigonometry, analytical geometry, plane and hydrographic surveying, differential and integral calculus and analytical mechanics. Under the supervision of the heads of the departments of mathematics and civil engineering he will prepare daily assignments using as guides the assigned textbook, reference texts, Coast Guard instructions and manufacturers' and other technical publications. He will give classroom instruction and prepare and grade examinations. He will be required to keep himself informed of the latest developments in his technical field and in educational methods so that cadets may receive a knowledge of fundamental concepts and techniques and develop analytical ability which will enable them to perform the duties of commissioned officers in the Coast Guard.

(3) *Justification of educational requirement.*

NOTE: Justification for Instructor of Mathematics, GS–11 is the same as the justification for Teachers, All Grades (see § 24.12).

§ 24.43 *Archeologist, GS–193–5–11*—(a) *Educational requirement.* (1) Applicants must have completed a four-year course of study in a college or university of recognized standing, including or supplemented by 20 semester hours in anthropology including courses that are acceptable toward a major in anthropology. At least one course in American archeology is required and the training must also have included or been supplemented by at least three months of archeological excavations experience under the direction of a recognized professional archeologist, or

(2) Applicants must have completed 20 semester hours in anthropology including courses that are acceptable toward a major in anthropology. At least one course in American archeology is required. In addition, they must have had three years of education or appropriate experience which when combined with the specialized study described above will give them the equivalent of a four-year college course. This education or experience must have included or been supplemented by at least three months of archeological excavations experience under the direction of a recognized professional archeologist.

(b) *Duties.* Archeological positions in the Federal service are highly specialized. They involve technical aspects of archeological excavations, collection of museum specimens, and dissemination of information in the archeological field. They also involve the coordination of archeological research with various educational programs. Specific duties performed by archeologists include: Archeological excavations, repair and stabilization of ruins, classification and cataloging museum specimens, preparation of reports on archeological subjects, performance of research in archeological problems, and coordination of the activities of the Federal agency with the efforts of Federal, state, and local organizations interested in preservation of important archeological and historical areas.

(c) *Knowledge and training requisite for the performance of duties.* In order to preserve, care for, and interpret the archeological resources of the nation, the archeologist must have a thorough knowledge of archeology and related fields and an understanding of field and laboratory research. The archeologist, in order to perform professional duties satisfactorily, must have a knowledge of all technical aspects of the work. He must be able to secure and present to Federal agencies and to the American public authentic and usable information concerning archeological resources.

(d) *Method of obtaining basic knowledge and training.* The only method known by which persons may obtain the basic knowledge required to perform adequately the duties of a professional archeologist is through training secured in a college or university of recognized standing. The necessary knowledge cannot be gained simply through experience, but requires formal training in method, and formal and comprehensive

review under supervision of the principal reports in the field of American Archeology. It also requires specialized and supervised examination of collections of artifacts only available in institutions of learning where courses in the subject are regularly given. Unless an archeologist is properly trained he may do irreparable damage to the resources under consideration.

§ 24.44 *Psychologist (Personal Counselor), GS–180–11, Veterans' Administration*—(a) *Educational requirement.* Applicants must have successfully completed the following courses in a college or university of recognized standing:

(1) Two courses in abnormal psychology, clinical psychology, mental hygiene, psychopathology, personality or psychology of adjustment.

(2) One course in clinical techniques including individual testing, interviewing, or the case-study method.

(3) One course in differential psychology or tests and measurements (educational, vocational, psychological, personality, attitude) or statistics (psychological or educational).

(4) A total of six additional courses composed of any combination of the courses mentioned above and courses in human biology, neurology, physiological psychology and general, experimental, child, adolescent, social, animal, systematic or industrial psychology. Completion of all requirements for the Ph. D. degree in psychology except for a thesis will be accepted as meeting this minimum educational requirement.

(b) *Duties.* Psychologists (Personal Counselor) counsel veterans who during the utilization of Veterans' Administration services for the selection of a vocational objective or in the course of vocational training have personal problems which interfere in their successful vocational rehabilitation. Psychologists (Personal Counselor) confer with Vocational Advisers and Vocational Rehabilitation Training Officers in furthering the vocation rehabilitation of veterans with maladjustments; assist veterans with personal and social maladjustments, using the appropriate therapeutic techniques, with the aim of eliminating their difficulties wherever possible; detect those veterans with serious mental or emotional disturbances and refer them to Veterans Administration Mental Hygiene Clinics or authorized private mental hygiene clinics.

(c) *Knowledge and training requisite for performance of duties.* In order to adequately counsel maladjusted veterans, the Psychologist (Personal Counselor) must have had a specialized technical background of education and experience in the field of psychology. This background should have provided a thorough knowledge of the principles underlying behavior and of psychological and counseling techniques. The Psychologist (Personal Counselor) must possess such technical knowledge in order that he may counsel veterans in the effort to eliminate the problems which have been blocking their vocational adjustment, thereby assisting in their total rehabilitation. Since Psychologists (Personal Counselor) function without professional direction from psychiatrists, they must have sound preparation which will enable them to make decisions as to which maladjusted veterans, had they not been forced into difficult military or combat situations, would have adjusted to civilian situations with a minimum of difficulty and which ones, because of the serious nature of their social and personal problems, should be referred to mental hygiene clinics for more intensive and extensive treatment.

(d) *Method of obtaining basic knowledge and training.* The only method known by which persons may obtain the basic knowledges and skills required to perform the duties of this position is through the training given at recognized colleges and universities. Through such training, under instructors having extensive specialized training, the student is able to acquire a knowledge of psychological principles and techniques. Under close professional supervision, he learns the psychological techniques appropriate for dealing with the various types of maladjusted individuals either through close observation of, or actual practice with, clinical cases or through study of a wealth of clinical case material. Such scientific knowledge and skill cannot be acquired and integrated through individual study because the necessary supervision and facilities are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subjects.

§ 24.45 *Metallurgist, GS–1321–7–15 (positions involving highly complicated or fundamental scientific research or similar difficult scientific duties)*—(a) *Educational requirement.* Certification for these positions will be restricted to those eligibles who show the successful completion of a four-year course in a college or university of recognized standing, leading to a bachelor's degree in metallurgy or metallurgical engineering. This study must have included courses in metallurgical subjects consisting of lectures, recitations, and practical laboratory work totaling at least 20 semester hours.

(b) *Duties.* The duties of these positions are as follows:

(1) Critical investigative work requiring a sound knowledge of the fundamental principles, theories, practices, and terminology of metallurgy and related sciences and having for its objective the development or extension of new theories or principles, or a new interpretation of known facts leading to a revision of accepted theories and practices.

(2) The application of the known laws and facts of the physical sciences and principles of metallurgy to the development of new processes or products.

(3) The coordination of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the metallurgical principles, practices, and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* The advances in metallurgy have been dependent upon and related to the advances made in the various physical sciences. A knowledge of the principles and theories of metallurgy and of the related physical sciences, particularly physics and chemistry, is indispensable in formulating new concepts in metallurgy, in interpreting experimental data, in establishing new processes, and in developing new products. Further advances in metallurgy will be dependent upon the number of highly qualified and properly trained metallurgists who are competent to explore the field and are able to bring new scientific knowledge or established scientific concepts to bear on the problems met in research. Consequently those engaged in highly complicated fundamental research or similar difficult scientific duties in metallurgy must of necessity possess a fundamental knowledge of metallurgy, chemistry, physics, mathematics, and in addition that of pertinent allied fields in order that they may successfully attack complex problems. Private industry using metallurgists for research positions has long recognized the necessity for broadly trained men for professional metallurgist positions who are well grounded in the fundamentals of the related sciences. They are required to have education represented by at least the attainment of a Bachelor's degree in metallurgy, and in many cases, a higher degree with specialization in a particular field is demanded.

(d) *Method of obtaining basic knowledge and training.* The above are statements of the minimum knowledge and training required to carry on successfully professional research work in the field of metallurgy. The only method by which such knowledge and training may be required is by attending a college or university where competent instruction and guidance are available, where courses are arranged in a systematic progressive schedule, and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.55 *Range Ecologist, GS–454–7–12 (positions involving highly technical or fundamental scientific research, design, or development, or similar complex scientific duties)*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course in a college or university of recognized standing, with major study in plant ecology, botany, range management, agronomy, or animal husbandry, plus responsible and successful experience in research or technical work.

(b) *Duties.* Persons appointed as range ecologists will perform such duties as planning and conducting research and investigations, primarily to ascertain ways and means of maintaining, improving, or reestablishing vegetation on range lands by improved range management methods; determining plants best suited to reseeding; developing reseeding and planting methods best

adapted to range conditions in the area, and proper grazing management of reseeded stands. In all grades and options, the duties are essentially and preponderantly research in nature.

(c) *Knowledge and training requisite for performance of duties.* In order to perform the research duties involved, appointees must have had sound training in the basic sciences pertaining to their field. This can be acquired only through the successful completion of appropriate college courses in which the student receives competent instruction and guidance in the technical and theoretical subjects that he will have to apply in his professional field.

§ 24.56 *Research Forester, GS–461–5–15 (all options except Fire Research and Forest Influences)*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in forestry, forest engineering, range management, wildlife management or a closely related subject-matter field. This course of study must have included at least 20 semester hours of course-work in forestry with course-work which dealt specifically with the following subjects: silviculture, forest management, forest protection, forest economics, forest utilization and either (1) range management, (2) wildlife management, (3) forest engineering or (4) forest influences.

(b) *Duties.* Research Foresters advise on, administer, supervise or perform professional and scientific research work in connection with the development of improved methods and practices followed in managing, protecting and utilizing the resources of the forests and the forest lands. This work involves the discovery and interpretation of the principles and facts upon which rest the full productive use of the forests and the forest lands.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed without a sound basic knowledge of the fundamental biological and plant sciences and of the basic physical and mathematical sciences and specific training in forestry. These duties require a most exacting and detailed knowledge and training. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research, both in the field of forestry and in related fields of science, and to do research in forestry. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance and evaluates progress competently.

§ 24.57 *Social worker (child welfare), GS–185–7–9–11*—(a) *Educational requirement.* Applicants must have completed, in a college, university, or school of social work of recognized standing, two courses in social case work, theory and principles, 500 hours of supervised field work in social case work and six additional courses in any of the following: Child welfare, juvenile delinquency, probation and parole, psychiatric social work, medical social work, social legislation, labor problems, social group work, community organization, public welfare administration, or social research.

(b) *Duties.* Social workers (child welfare) assist children who are brought to the attention of child welfare agencies because of behavior problems, delinquency, neglect, or dependency. They make social studies of the child, his family, and community, working them out. Child welfare workers work with the child, his family, and community forces in facilitating the adjustment of the child in his own home. When circumstances within the child, the home, or the community make it necessary for the child to leave his home, the child welfare worker interprets this to the child and his family in order to gain acceptance of a plan of foster care or group care, as the needs of the child indicate. After placement, work with the child and his family is continued and is directed toward a modification which will enable the child to return to his home and community.

(c) *Knowledge and training requisite for performance of duties.* Social workers (child welfare) must have skill in applying the principles and methods of social case work. They must be able to establish constructive relationships with children and adults under difficult circumstances and exercise judgment and skill in assisting them to use their capacities to the fullest extent. They must have an understanding of the meaning of behavior and a knowledge of personality problems. A good understanding of family relationships is required as is knowledge of the social, legal, and economic aspects of child placement.

(d) *Method of obtaining basic knowledge and training.* The only method known by which persons may obtain the basic knowledge required to perform adequately the duties of a social worker (child welfare) is through training in social work. In such training, the student receives competent instruction in the technical subject which must be applied—social case work theory and principles, patterns and implications of behavior, and community forces as they affect individuals. In the field work experience where the student works in a social agency with a limited number of selected cases, theory and practice are integrated. The scientific knowledge and skill cannot be acquired by individual study because the necessary facilities and supervision are not available. Requisite studies represent information from such a variety of fields that an individual cannot cover the material except through the careful correlation of directed classroom study and reading with the supervised field work.

§ 24.60 *Archivist GS–1420–7–13 (positions involving specialized archival work of highly technical character)*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course in a college or university of recognized standing, including or supplemented by 12 semester hours in United States History and 18 semester hours in any one or any combination of history, political science, sociology, economics, and public administration.

(b) *Duties.* Persons appointed to these positions will be responsible for reference services involving old documents; appraising the historical or research value of documents; consultative services to scholars; scholarly historical research of a different nature.

(c) *Knowledge and training requisite for performance of duties.* For the proficient performance of these specialized duties, the incumbent must have a good knowledge of the social sciences, particularly United States History.

(d) *Method of obtaining basic knowledge and training.* The knowledge and training required for the performance of the duties specified in paragraph (b) of this section can be obtained only by attending and completing courses in a recognized college or university.

§ 24.61 *Microbiologist, GS–403–7–13 (positions involving highly technical research, design, or development, or similar functions)*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course in a college or university of recognized standing, leading to a degree with major study in microbiology, bacteriology, biology, or biochemistry. This study must have included courses consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 20 semester hours in either microbiology or bacteriology or any combination of these; or any combination of microbiology, bacteriology, biology, and biochemistry totaling 20 semester hours which includes at least 10 semester hours in microbiology or bacteriology or in both.

(b) *Duties.* Appointees investigate the bacteriology of foods, including the categories of bacteria, molds, and fungi. Devise technical methods for preventing the spoilage of foods by microorganisms and conduct research to determine the fundamental microbiologic processes responsible for spoilage. Develop details of processing and storing foods which will prevent their bacteriologic contamination. Devise rapid methods of checking the rate of growth of such organisms in foods used by the Army, and incorporate these methods into bacteriologic techniques used in the field and overseas. Carry out microbiologic examination of typical samples of Army food that has been stored under diverse environmental conditions, and may appraise quality as well as nutritional value based on the findings. Keep informed on all phases of research in microbiology conducted under contract with academic institutions, and may advise concerning the initiation and continuation of microbiological research projects. Aid in applying to the planning of rations all technical information obtained from many organizations engaged in microbiologic and bacteriologic research.

(c) *Knowledge and training requisite for performance of duties.* The science of microbiology as the term is used in these requirements indicates the study and habits of bacteria, yeasts, and molds, and the effect of these organisms on food. Such study involves investigation of the physical and chemical changes that accompany the growth and development of the various species of bacteria, yeasts, and molds and therefore requires a basic knowledge of the related sciences of biology, chemistry, and physics. The laboratory techniques of these latter sciences, as well as those used in microbiological investigation, are necessary in order to solve the problems which arise. Ability to carry out basic research projects and thorough knowledge of recent advancements in the field of microbiology are required.

(d) *Method of obtaining basic knowledge and training.* The specialized and technical knowledge required for the successful performance of the duties listed in paragraph (b) of this section can be obtained only through attendance at a college or university of recognized standing which has the necessary competent instruction staff in these subjects and has the necessary laboratory facilities and library which are necessary for the acquisition of training in these subjects. It is recognized that, in specialized subjects such as microbiology, no other source of obtaining such basic information is available.

§ 24.62 *Nutritionist, GS–493–9–13 (positions involving highly technical research, desgin, or development, or similar functions)*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course, in a college or university of recognized standing, leading to a degree, with major study in nutrition, biochemistry, or physiology. This study must have included courses in nutrition, biochemistry, or physiology consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 20 semester hours.

(b) *Duties.* Investigates the nutritional values of foods in relation to adequate rations for the armed services and for civilian feeding programs. In this connection may carry out, or supervise, work relating to the quantities of various nutrients found in foods, their summation and correspondence with the quantities required for the maintenance of health and efficiency. May be concerned with the food supply indigenous to foreign countries, and with devising feeding programs based on those and other supplies. Conducts field tests of rations in order to determine their adequacy in various stages of development. Is closely informed on all phases of nutritional research conducted under contract with academic institutions, and may advise concerning the initiation and continuation of nutritional research projects. Aids in applying to the planning of rations all technical information obtained from many organizations engaged in nutritional, biochemical, and physiological research. May assist in instruction of students in appropriate subject.

(c) *Knowledge and training requisite for performance of duties.* These positions are characterized by investigation in the fields of nutrition, which subject is dependent upon the biochemical and physiological aspect of foods and their effects upon human beings and animals. Therefore, incumbents must possess a knowledge of either biochemistry, physiology, or nutrition. Further, incumbents must have aptitude for and training in the methods of original research, coupled with scientific curiosity, ability to carry on and discover new relationships between food and their components and animal organisms. In order to properly conduct such research it is necessary that applicants have a comprehensive basic science background in chemistry, mathematics, etc. They must also have specialized training or experience in either nutrition, biochemistry, or physiology.

(d) *Method of obtaining basic knowledge and training.* The field of nutrition is a highly specialized field which is dependent upon basic knowledge of biochemistry and physiology. In this highly specialized science it is impossible to acquire the necessary advance chemistry or physiology necessary for performance of these duties outside of an educational institution which gives special training in these sciences. The intricate and specialized nature of various knowledges required for these positions, the necessity for other basic sciences in conjunction with these sciences are such that it is universally recognized that they cannot be obtained outside the medium of formal education. Private industry, as well as educational institutions, usually requires much more than is hereby being requested. Very often such institutions require a doctor of philosophy degree. In view of this, it can be seen that the necessary specialized skills cannot be obtained except through an educational institution giving the specialized courses specified in the educational requirement.

§ 24.63 *Physiologist (Human), GS–413–7–15 (positions involving highly technical research, design, or development, or similar difficult scientific functions)*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course in an accredited college or university leading to a bachelor's degree, with major study in physiology. This study must have included courses totaling at least 20 semester hours in physiology or in any combination of 20 semester hours of biology, biochemistry, and physiology, which has included at least 6 semester hours in physiology.

(b) *Duties.* Performs research in human physiology, and in animal physiology as related to humans, through laboratory and clinical investigations. In the higher grades, acts as consultant and furnishes expert advice to the agency in which employed and to other Federal agencies.

(c) *Knowledge and training requisite for the performance of duties.* In order that the appointee may successfully perform the professional duties of physiologist, it is necessary that he have a basic knowledge of the physical and biological sciences and have scientific training in physiology. The specific knowledges of physiology, biochemistry, and biology must be augmented with more generalized scientific information in chemistry, mathematics, and physics. As appointees will be required to perform research in physiology, they must have aptitude and training in the methods of original research, together with the ability to discover and interpret new relationships in physiology. They must have the ability to present clear and accurate reports of their scientific work.

(d) *Method of obtaining basic knowledge and training.* These positions are research in character and the duties require that incumbents be thoroughly trained in the field of physiology and the related sciences. The only place in which the required knowledges and training may be obtained is in accredited colleges in which adequate courses of instruction have been developed, which have well equipped laboratories and thoroughly trained instructors, and in which the training is so organized and progress so evaluated as to insure adequate training in the field of physiology.

§ 24.64 *Aeronautical Research Scientist, GS–861–7–15*—(a) *Educational requirement.* Applicants must have successfully completed a standard professional curriculum leading to a bachelor's degree in a college or university of recognized standing, with major study in an appropriate field of engineering, physical science, mathematics, or other field of science closely related to the duties of positions included in this examination.

(b) *Duties.* These positions cover a wide variety of professional aeronautical research work. Appointees may be required to make theoretical and experimental studies of the airflow in and about aircraft components at subsonic, transonic, and supersonic airspeeds; research in stress distribution and stability of shell-type structures; research work in instrumentation in a wide field covering a multitude of measurement problems arising in aeronautical research; suitability of special fuels for various types of heat engines; flight research, utilizing pilotless aircraft, such as guided missiles, to determine aerodynamic properties of aircraft and aircraft components in the supersonic and transonic speed range.

(c) *Knowledge and training requisite for performance of duties.* The minimum amount of training required for the successful performance of the duties described in paragraph (b) of this section is the completion of a standard professional curriculum leading to a bachelor's degree, with major study in an appropriate field. Such a curriculum is planned and integrated so as to provide sound and comprehensive training not only in the particular field, but in other related fields. Full recognition is also given to the training in verbal facility and the development of facility in logical thinking and expression. The research scientist must be able to present the results of his work clearly and concisely in both oral and written form.

(d) *Method of obtaining basic knowledge and training.* The only method by which the knowledge and training requisite to perform the duties set forth in paragraph (b) of this section can be acquired is by attending a college or university where competent instruction and

guidance are available, where courses are arranged in a systematic, progressive schedule, where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.68 *Training Instructor (Superintendent of Education), GS–1710–9, U. S. Disciplinary Barracks, Camp Gordon, Augusta, Georgia, Department of the Army*—(a) *Educational requirement.* Completion of a full four-year course in a college or university of recognized standing, which must have included or have been supplemented by major study in education.

(b) *Duties.* The Training Instructor (Superintendent of Education) is responsible for carrying out the academic program for teaching general prisoners confined within the institution and performs the following duties: coordinates and directs the work of 2 civilian instructors, 22 prisoner instructors, and 4 prisoner clerks who are engaged in teaching general prisoners in Literacy School (including elementary reading, writing, arithmetic, and spelling) and Commercial School (including typing, shorthand, secretarial practice, bookkeeping, etc.); coordinates and approves all courses of study outlined by supervisors and approves all daily lesson plans, seeing that visual aids and supplementary material are being used; determines whether lesson plans are being carried out, whether the courses of study are being followed, and whether the instructor is accomplishing and fulfilling the aims of the Academic Training School; conducts instructor training program, using training manuals; instructs prisoner teachers in proper educational methods, such as classroom procedure, fundamentals of teaching, lesson plans, etc.; supervises the Visual Aids Section where general prisoners diagram and design visual educational charts for the Academic Training Branch, as well as other activities on the post; prepares charts, maps, and illustrations from current magazines and other publications to be used as training aids; directs the weekly publication of the "DB News" which is published by and for the inmates.

(c) *Knowledge and training requisite for performance of duties.*

(d) *Method of obtaining basic knowledge and training.*

NOTE: The provisions of § 24.12 (a) (2) and (3) are applicable to paragraphs (c) and (d) of this section.

§ 24.69 *Agronomist, GS–407–5–15*—(a) *Educational requirement.* (1) Applicants must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in agronomy or a closely related subject-matter field. This course of study must have included at least 10 semester hours of course-work in crop production or plant breeding.

(ii) A total of at least 30 semester hours of course-work in plant science and agronomy in an accredited college or university with major study in agronomy or a closely related subject-matter field, including at least 10 semester hours of course-work in crop production or plant breeding, plus enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 30 semester hours in plant science and agronomy, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(2) Applicants for positions which involve highly technical research, design or development, or similar complex scientific functions, must have successfully completed the full 4-year course of study described in subparagraph (1) (i) of this paragraph.

(b) *Duties.* Agronomists advise on, administer, supervise or perform research or other professional and scientific work in the application of fundamental principles of plant, soil and related sciences to the problems of field crop improvement (including breeding, propagation and culture); conservation crop and turf establishment and management; propagation and seed production; grounds maintenance; and plant adaptation and varietal testing. This includes work with such crops and plant materials as cereals and grains; grasses, legumes and forbs used for forage, hay, green manure or soil conservation purposes; tobacco; cotton and other fibers; rubber plants and shrubs; sugar plants; and medicinal, drug and other special crops.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed successfully without a sound basic knowledge of the agricultural sciences and scientific training in agronomy and closely related agricultural sciences. The duties of research positions require even more exacting and detailed knowledge and training. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research, both in the field of agronomy and in related fields of agricultural research, or to do research in agronomy. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

§ 24.70 *Fishery Research Biologist, GS–482–5–15*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in fishery science, biology or zoology. This course of study must have included at least 30 semester hours in biology, of which 9 must have been in zoology and 6 in such aquatic courses as limnology, fishery biology, fish culture or aquatic biology.

(b) *Duties.* Fishery Research Biologists advise on, coordinate, administer, supervise or perfrom research for the purpose of determining and establishing the biological facts and principles necessary for the conservation, management and control of fishes and other aquatic animals, including crustaceans and mollusks. This research is concerned with such things as the quantitative determination of the interrelations of the abundance of fishes, variations in ecological elements and fishing success; the determination of the rearing and planting methods best adapted for maximum success in hatchery operations; and the devising of methods used to regulate fishing to secure a sustained optimum yield. Some research is primarily concerned with the study of the probable effects of the operation of river-development projects on fisheries.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed successfully without a sound basic knowledge of the fundamental biological sciences and specialized scientific training in fishery science and aquatic biology. These duties require an exacting and detailed knowledge and training. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research, both in the field of fishery science and in closely related fields of science, or to do fishery research. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

§ 24.71 *Wildlife Research Biologist, GS–486–5–15*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree in zoology, wildlife management or a closely related subject-matter field of biology. This course of study must have included at least 15 semester hours of course-work in zoology, of which 6 must have been in such wildlife courses as mammalogy, ornithology, animal ecology or wildlife management, supplemented by at least 10 semester hours in botany.

(b) *Duties.* Wildlife Research Biologists advise, coordinate, administer, supervise or perform research for the purpose of determining and establishing the biological facts and principles necessary for the management, conservation and control of birds, mammals and other vertebrate wildlife, excluding fishes. This research deals with such things as the ecology of the various forms in their natural environment; life history studies; wild-animal nutrition studies; bird and mammal disease investigations; the development and testing of methods used to control populations of harmful species; and studies specifically directed toward the preparation of management plans for game species, or for the management of the wildlife of an area. Some research is primarily concerned with the formulation and operation of a wildlife research program in cooperation with States, other Federal agencies and interested private organizations. Other research involves the study and analysis of plans for the construction and operation of water-development projects to determine the probable effects of these projects on wildlife resources.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed successfully without a sound basic knowledge of the fundamental biological sciences and specialized scientific training in wildlife biology. These duties require an exacting and detailed knowledge and training. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research, both in the field of wildlife biology and in closely related fields of science, or to do research in wildlife biology. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

§ 24.72 *Botanist, GS–430–7–14 (positions involving highly technical research, design, or development, or similar complex scientific functions)*—(a) *Educational requirement.* Applicants must have successfully completed a full four-year course in an accredited college or university leading to a bachelor's degree with major study in botany or plant science.

(b) *Duties.* Research botanists plan and conduct research and investigations on the taxonomic position and nomenclatorial status of economic plants and their wild relatives; prepare revisions and monographs of plant groups; identify and describe plants and seeds; investigate plant distribution, habits of growth, and economic value; make histological and histochemical studies of agricultural materials; and perform related duties.

(c) *Knowledge and training requisite for performance of duties.*

NOTE: The provisions of § 24.69 (c) are applicable to this section.

§ 24.74 *Dairy Husbandman, GS–487–7–14 (positions involving highly technical research, design, or development, or similar complex scientific functions)*—(a) *Educational requirement.* Applicants must have successfully completed a full four-year course in an accredited college or university leading to a bachelor's degree with major study in dairy husbandry or animal husbandry.

(b) *Duties.* Research dairy husbandmen administer, supervise, perform, or advise on research studies and investigations in the breeding, nutrition, management, housing, growth, body form, physiology, and anatomy of dairy cattle; and perform related duties.

(c) *Knowledge and training requisite for performance of duties.*

NOTE: The provisions of § 24.69 (c) are applicable to this section.

§ 24.75 *Dairy Manufacturing Technologists, GS–491–7–14 (positions involving highly technical research, design, or development, or similar complex scientific functions)*—(a) *Educational requirement.* Applicants must have successfully completed a full four-year course in an accredited college or university leading to a bachelor's degree with major study in dairy manufacturing, dairy engineering, dairy chemistry, or dairy bacteriology.

(b) *Duties.* Research dairy manufacturing technologists administer, supervise, perform, or advise on research studies of dairy manufacturing processes involved in the processing of milk and its by-products to produce butter, cheese, concentrated milks, ice cream, market milk, process butter, and other related food and non-food products; and perform related duties.

(c) *Knowledge and training requisite for performance of duties.*

NOTE: The provisions of § 24.69 (c) are applicable to this section.

§ 24.76 *Entomologist, GS–414–5–15*—(a) *Educational requirement.* (1) Applicants must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in entomology or invertibrate zoology. This course of study must have included at least 12 semester hours of course-work in entomology.

(ii) A total of at least 30 semester hours of course-work in the fundamental biological and physical sciences, in an accredited college or university with major study in entomology or invertebrate zoology, including at least 12 semester hours of course-work in entomology, plus enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 30 semester hours in fundamental biological and physical sciences, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(2) Applicants for positions which involve highly technical research, design or development, or similar complex scientific functions, must have successfully completed the full 4-year course of study described in subparagraph (1) (i) of this paragraph.

(b) *Duties.* Entomologists advise on, administer, supervise or perform professional research on the biology, classification, distribution, and economic importance of insects, or on measures used to destroy or cultivate them. This research deals with such things as the development of control measures used against insects affecting crops, stored products, man or animals, and the utilization of beneficial insects. It may include studies in insect biology, ecology, morphology, and taxonomy; the conducting of research to determine the abundance and distribution of insects; and the development of cultural controls, mechanical controls, or biological controls, as well as work on plant resistance to insect attack and insect transmission of plant diseases. Entomologists also develop cooperative research projects with interested Federal, State, and private agencies, and prepare reports and publications on the results of research activities carried on by them and their subordinates.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed successfully without a sound basic knowledge of the fundamental biological and physical sciences and scientific training in entomology. The duties of some of these positions are of a research nature and require exacting and detailed knowledge and training. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research and do research in entomology. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance and evaluates progress competently.

§ 24.77 *Geneticist, GS–440–5–15*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in genetics or one of the fundamental biological sciences. This course of study must have included at least 6 semester hours of course-work in genetics and cytogenetics.

(b) *Duties.* Geneticists advise on, administer, supervise or perform professional research in connection with the study of the principles and mechanisms of transmission of characters by inheritance, including in some instances the application of these principles in planning breeding programs. The work deals with the testing and application of genetic principles with respect to plants, animals or poultry to determine the mode of inheritance of genetic characters and to develop more effective breeding methods and selection procedures for the improvement of plants, animals or poultry and the products derived from them. It also involves the examination of the interaction of genetic characters with one another and with the environment (including genetic), and an appraisal of the basic physiological and anatomical principles involved; the evaluation of the possibilities of utilizing induced polyploidy and irradiation in crop improvement; the investigation of the cytogenetics and cytotaxonomy of plants; the statistical analyses of experimental data; and the prepara-

tion of manuscripts dealing with such research investigation.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed successfully without a sound basic knowledge of the biological sciences and scientific training in one of the fundamental biological sciences and genetics. They require a most exacting and detailed knowledge and training. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research, both in the field of genetics and in the basic biological and physical sciences, or to do research in genetics. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

§ 24.78 *Horticulturist, GS–437–5–15*—(a) *Educational requirement.* (1) Applicants must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in horticulture or a closely related subject-matter field of plant science. This course of study must have included at least 10 semester hours of course-work in horticulture.

(ii) A total of at least 20 semester hours of course-work in plant science in an accredited college or university with major study in horticulture or a closely related subject-matter field of plant science including at least 10 semester hours of course-work in horticulture, plus enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 20 semester hours in plant science, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(2) Applicants for positions which involve highly technical research, design or development, or similar complex scientific functions, must have successfully completed the full 4-year course of study described in subparagraph (1) (i) of this subparagraph.

(b) *Duties.* Horticulturists advise on, administer, supervise or perform research or other professional and scientific work which is concerned with the breeding, testing (behavior), propagation or culture of fruits, vegetables, flowers or ornamental trees and shrubs, and on allied problems related to their production, storage and handling. Some of the positions are of a research nature and require an understanding of the growth habits and full life cycle of specific horticultural plants, or of the various processes of germination, reproduction and propagation, cultural requirements, harvesting techniques and methods of storage and handling. Other positions involve the application of a professional knowledge of horticulture to orchard or land management, farm management, greenhouse and nursery management, the maintenance of parks and grounds, or the operation of arboretums and botanic gardens.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed successfully without a sound basic knowledge of the agricultural sciences and scientific training in horticulture and closely related agricultural sciences. The duties of research positions require even more exacting and detailed knowledge and training. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research, both in the field of horticulture and in related fields of agricultural research, or to do research in horticulture. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

§ 24.79 *Meat Technologist, GS–495–7–14 (positions involving highly technical research, design, or development, or similar complex scientific functions)*—(a) *Educational requirement.* Applicants must have successfully completed a full four-year course in an accredited college or university leading to a bachelor's degree with major study in food technology or in bacteriology combined with courses in food technology.

(b) *Duties.* Research meat technologists conduct research on the effects which methods of curing and storing meats have on the quality and nutritive value of the products; and perform related duties.

(c) *Knowledge and training requisite for performance of duties.*

NOTE: The provisions of § 24.69 (c) are applicable to this section.

§ 24.80 *Microanalyst (Plant and animal Fibres), GS–494–7–14 (positions involving highly technical research, design, or development, or similar complex scientific functions).*—(a) *Educational requirement.* Applicants must have successfully completed a full four-year course in an accredited college or university leading to a bachelor's degree with major study in textile technology, physics, chemistry, biological science, or a closely related subject.

(b) *Duties.* Research microanalysts (plan and animal fibers) make routine microscopical tests of fibers, yarns, cords, and fabrics composed of cotton and competitive fibers to determine physical properties; study such changes as may be wrought in those properties by chemical and physical treatments in connection with experimental projects relating to cotton fiber research, and make related investigations; or perform research in the several fields of animal fiber technology and related investigations designed to develop techniques for measuring standards; and perform related duties.

(c) *Knowledge and training requisite for performance of duties.*

NOTE: The provisions of § 24.69 (c) are applicable to this section.

§ 24.81 *Mycologist, GS–431–7–14 (positions involving highly technical research, design, or development, or similar complex scientific functions)*—(a) *Educational requirement.* Applicants must have successfully completed a full four-year course in an accredited college or university leading to a bachelor's degree with major study in mycology, or botany combined with courses in mycology.

(b) *Duties.* Research mycologists plan and conduct research with and investigations of the fungi; prepare monographic studies of genera, families, etc.; work out life histories; make critical studies in the morphology, physiology, classification, biochemistry, genetics, and nomenclature of fungi; prepare technical reports on all phases of mycological activities; and perform related duties.

(c) *Knowledge and training requisite for performance of duties.*

NOTE: The provisions of § 24.69 (c) are applicable to this section.

§ 24.82 *Parasitologist, GS–412–5–15*—(a) *Educational requirement.* (1) Applicants must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in animal parasitology or zoology. This course of study must have included course-work in invertebrate zoology suplemented by at least 3 semester hours of course-work in general parasitology, helminthology, protozoology, or medical or veterinary entomology.

(ii) A total of at least 20 semester hours of course-work in zoology and parasitology, including course-work in invertebrate zoology supplemented by at least 3 semester hours of course-work in general parasitology, helminthology, protozoology, or medical or veterinary entomology, plus enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 20 semester hours in zoology and parasitology, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(2) Applicants for positions which involve highly technical research, design or development, or similar complex scientific functions, must have successfully completed the full 4-year course of study described in subparagraph (1) (i) of this paragraph.

(b) *Duties.* Parasitologists advise on, administer, supervise, or perform research or other professional and scientific work in connection with the study, investigation and control of the parasites of man, domestic and wild animals and fish. The work deals with the occurrence, structure, identification, life histories, pathology, epidemiology, immunology, physiology, host relationships and the biological, physical and chemical control of the various protozoan, helminth and arthropod parasites.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed successfully without a sound basic knowledge of the biological sciences and specific training in parasitology and closely related fields of biology. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research, both in the field of parasitology and in related fields of biological or medical research, or to do research work in parasitology. The knowledge and training required can only be acquired through the the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance and evaluates progress competently.

§ 24.83 *Plant Pathologist, GS–434–5–15*—(a) *Educational requirement.* (1) Applicants must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in plant pathology or a closely related subject-matter field of plant science. This course of study must have included at least 10 semester hours of course-work in plant pathology.

(ii) A total of at least 20 semester hours of course-work in plant science in an accredited college or university with major study in plant pathology or a closely related subject-matter field of plant science, including at least 10 semester hours of course-work in plant pathology, plus enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 20 semester hours in plant science, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(2) Applicants for positions which involve highly technical research, design or development, or similar complex scientific functions, must have successfully completed the full 4-year course of study described in subparagraph (1) (i) of this paragraph.

(b) *Duties.* Plant Pathologists advise on, administer, supervise or perform research or other professional and scientific work in connection with the investigation and study of the cause, nature, prevalence and severity of plant diseases caused by parasitic and non-parasitic micro-organisms and viruses. They develop, and investigate the use of techniques designed to produce artificial epiphytotics of the various diseases under study; experiment on the use, or the establishment of, methods designed for the control of such diseases; investigate the life cycles of the disease producing organisms, and determine host parasite relationships; and find out how these diseases affect the culture, harvest, transportation and storage of plants or plant products. Most of these positions are of a research nature, where the emphasis is largely on a specialized field of plant pathology, such as a particular group of pathogens, particular kinds of crops, etc. Some positions involve work with various groups, through colleges, extension programs, etc.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed successfully without a sound basic knowledge of plant pathology and the plant sciences and scientific training in plant physiology and the closely related plant sciences. The duties of these positions are of an investigative and research nature, or involve the application of highly technical research, and require exacting and detailed knowledge and training. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research, or to do research in plant pathology. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

§ 24.84 *Plant Physiologist, GS–435–7–14 (positions involving highly technical research, design, or development, or similar complex scientific functions)*—(a) *Educational requirement.* Applicants must have successfully completed a full four-year course in an accredited college or university leading to a bachelor's degree with major study in plant physiology, or in plant science including courses in plant physiology.

(b) *Duties.* Research plant physiologists plan and conduct experiments for determining (1) the effects of environmental factors, light, temperature, moisture, and nutrition upon the rate, kind, and amount of plant growth; (2) physical properties and chemicals composition of plants or plant parts in relation to variety and conditions of growth; and (3) maturity, quality and storage life of flowers, fruits, roots, seeds, or plant products; study effects and nature of substances that regulate growth and development of plants; make analyses of experimental data and prepare manuscripts dealing with such research investigations; and perform related duties.

(c) *Knowledge and training requisite for performance of duties.*

NOTE: The provisions of § 24.69 (c) are applicable to this section.

§ 24.85 *Animal Husbandman, GS–487–5–15*—(a) *Educational requirement.* (1) Applicants must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in animal husbandry, poultry husbandry or a closely related subject-matter field. This course of study must have included at least 15 semester hours of course-work in animal or poultry husbandry.

(ii) A total of at least 30 semester hours of course-work in the agricultural sciences with major study in animal husbandry, poultry husbandry or a closely related subject-matter field, including at least 15 semester hours of course-work in animal or poultry husbandry, plus enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 30 semester hours in agricultural science, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(2) Applicants for positions which involve highly technical research, design or development, or similar complex scientific functions, must have successfully completed the full 4-year course of study described in subparagraph (1) (i) of this paragraph.

(b) *Duties.* Animal Husbandmen advise on, administer, supervise or perform research or other professional and scientific work in connection with the breeding, nutrition and management of all classes of livestock (except dairy cattle) and poultry. This may involve such things as the breeding, nutrition, biochemistry, management, housing, growth, body form, physiology and anatomy of the animals or birds, or any other phase of animal or poultry husbandry which would tend to establish sound breeding programs, find better and more economical methods of managing herds or flocks, or better animal and poultry husbandry in general. Some of these positions are of a research nature, where the results of the work must be presented in writing. Other positions require the application of a professional knowledge of animal or poultry husbandry to the management of herds or flocks, or to general farm management.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed successfully without a sound basic knowledge of the agricultural sciences and scientific training in animal or poultry husbandry. The duties of research positions require even more exacting and detailed knowledge and training. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research, both in the fields of

animal and poultry husbandry and in closely related fields of agricultural research, or to do research in animal or poultry husbandry. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance and evaluates progress competently.

§ 24.86 *Animal Physiologist, GS–413–5–15.* — (a) *Educational requirement.* Applicants must have successfully completed a full 4-year course of study leading to a bachelor's or higher degree with major study in animal or poultry physiology or a closely related subject-matter field. This course of study must have included at least 10 semester hours of course-work in animal or poultry physiology.

(b) *Duties.* Animal Physiologists advise on, administer, supervise or perform research or other professional and scientific work in the field of animal physiology, including studies of the physiological and pathological effects of poisonous plants on different kinds of animals. This may involve such things as the study of the physiological aspects of reproduction and development in all classes of farm livestock, poultry and such experimental small laboratory animals as may be included in the studies; the development, planning and conducting of research studies on the physiological aspects of such factors as the effect of environment, light, temperature, climate, and management; and the application of various techniques used in bioassays, hypophysectomys and other established procedures used in physiological work.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed successfully without a sound basic knowledge of the fundamental biological and animal sciences and scientific training in animal physiology. The duties of these positions require exacting and detailed knowledge and training. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research in animal or poultry physiology, or closely related fields, or to do research in animal or poultry physiology. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

§ 24.87 *Soil Scientist, GS–470–5–15.* (a) *Educational requirement.* (1) Applicants must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in soil science or a closely related subject-matter field. This course of study must have included at least 12 semester hours of course-work in soil science.

(ii) A total of at least 30 semester hours of course-work in plant science, soil science and closely related subject-matter fields of agriculture with major study in soil science or a closely related subject-matter field, including at least 12 semester hours in soil science, plus enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 30 semester hours in plant science, soil science or a closely related subject-matter field of agriculture, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(2) Applicants for positions which involve highly technical research, design or development, or similar complex scientific functions, must have successfully completed the full 4-year course of study described in subparagraph (1) (i) of this paragraph.

(b) *Duties.* Soil Scientists advise on, administer, supervise, perform research or other professional and scientific work in connection with the study and investigation of soils from the standpoint of their distribution, their interrelated physical, chemical and biological properties and processes, their relationships to climatic, physiographic and vegetative influences and their adaptation to use and management in agriculture. This includes the investigation of soils in the field to determine their character, genesis, morphology and classification for plant production and management; the determination of methods of soil management which will maintain and improve the production of crops by means of fertilization, green manuring, liming, tillage, irrigation and drainage; and the conducting of soil-plant research in the chemical, physical and biological properties of the soil by laboratory, greenhouse and field plot studies, etc. Soil Scientists may work primarily in the field, where they determine how best to classify, map and evaluate various types of soil by laboratory analyses or conduct field plot experiments to discover new and improved management practices; or they make laboratory and greenhouse studies where they use the more technical and analytical research procedures.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed successfully without a sound basic knowledge of the agricultural sciences and scientific training in soil science. The duties of research positions require even more exacting and detailed knowledge and training. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research, both in the field of soil science and in closely related fields of agricultural research, or to do research in soils. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

§ 24.88 *Bacteriologist, GS–420–5–15 (all grades and options).* — (a) *Educational requirement.* (1) Applicants must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in bacteriology, biology or chemistry. This course of study must have included at least 20 semester hours of course-work in bacteriology or microbiology.

(ii) A total of at least 30 semester hours of course-work in bacteriology, biology and chemistry, including at least 20 semester hours of course-work in bacteriology and microbiology, plus enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 20 semester hours in bacteriology or microbiology, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(2) Applicants for positions which involve highly technical research, design or development, or similar complex scientific functions, must have successfully completed the full 4-year course of study described in subparagraph (1) (i) of this paragraph.

(b) *Duties.* Bacteriologists advise on, administer, supervise or perform research and other professional and scientific work in which they make investigations on bacteria, rickettsiae, viruses and other such microorganisms affecting humans, animals and agricultural products. This work deals with such things as the microorganisms origin, form, structure, life processes, diseases, the manner and conditions of infection, and the artificial induction of epizootics in insects; or animals, their importance in the causation of human, animal or fish diseases; the hematological, serological and toxic relationships, involved methods of their sterilization, disinfection and control; their use in the treatment of diseases; their role as problems or agents in sanitation, decomposition, fermentation and industrial processes, including the production of vitamins, antibiotics, amino acids, organic acids, etc.; or their activities and effect on soil productivity or nutrition.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed successfully without a sound basic knowledge of biology and scientific training in bacteriology and the closely related sciences. The duties of these positions are of a technical and research nature, or involve the application of highly technical research and require exacting and detailed knowledge and training. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research, or to do research in bacteriology. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

§ 24.89 *Plant Quarantine Inspector, GS–436–5–15, and Plant Pest Control Inspector, GS–436–5–15.* — (a) *Educational requirement.* (1) Applicants must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in one of the biological sciences. This course of study must have included at least 20 semester hours of course-work in any one, or in any combination, of the following subjects: entomology, botany, plant pathology, nematology, horticulture, mycology, invertebrate zoology, or closely related scientific subjects.

(ii) A total of at least 30 semester hours of course-work in biology and related natural and physical sciences in an accredited college or university with major study in one of the biological sciences, including at least 20 semester hours of course-work in any one, or in any combination, of the following subjects: entomology, botany, plant pathology, nematology, horticulture, mycology, invertebrate zoology, or closely related scientific subjects, plus enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 30 semester hours in biology and related natural and physical sciences, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(2) Applicants for positions which involve highly technical research, design or development, or similar complex scientific functions, must have successfully completed the full 4-year course of study described in subparagraph (1) (i) of this paragraph.

(b) *Duties.* Plant Quarantine Inspectors and Plant Pest Control Inspectors advise, supervise or perform professional and scientific work in the inspection of plants and plant products for the purpose of enforcing plant quarantines and protecting the agricultural regions of the United States against the introduction of harmful plant insects and plant diseases and to see that plants and plant materials produced in the United States for export meet the sanitary requirements established by foreign countries. Plant Quarantine Inspectors enforce the various plant quarantines at the ports of entry or departure and inspect plants and plant products which are being imported or exported. Plant Pest Control Inspectors are concerned primarily with domestic plant quarantine regulations, make surveys to ascertain the distribution and abundance of plant pests to see what regulations should be established, and see that existing regulations are enforced.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed successfully without a sound basic knowledge of the biological sciences and scientific training in plant science, entomology and the control of plant pests. The duties of research positions require even more exacting and detailed knowledge and training. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research in plant pest control and related fields, or to do research in plant pest control. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

§ 24.91 *Fishery Management Biologist, GS–481–5–15.* — (a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in fishery science, biology or zoology. This course of study must have included at least 30 semester hours in biology, of which 9 must have been in zoology and 6 in such aquatic courses as limnology, fishery biology, fish culture or aquatic biology.

(2) A total of at least 30 semester hours of course-work in biology in an accredited college or university with major study in fishery science, biology or zoology, including at least 9 semester hours in zoology and 6 in such aquatic courses as limnology, fishery biology, fish culture or aquatic biology, plus enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 30 semester hours in biology, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subparagraph (1) of this paragraph.

(b) *Duties.* Fishery Management Biologists advise on, administer, supervise or perform professional and scientific work in connection with the management and conservation of fisheries or on fishery projects. This work deals with such things as the life history, habits, classification and economic relations of aquatic organisms and fish, particularly those which are of importance to industry. It may be concerned with the management of various fisheries or fishery projects or with the administration and management of Federal programs or other phases of fishery management.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed successfully without a sound basic knowledge of the fundamental biological sciences and specialized scientific training in fishery science and aquatic biology. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research, both in the field of fishery science and in closely related fields of science. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

§ 24.92 *Wildlife Management Biologist, GS–485–5–15.* — (a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in zoology, wildlife management or a closely related subject-matter field of biology. This course of study must have included at least 15 semester hours of course-work in zoology, of which 6 must have been in such wildlife courses as mammalogy, ornithology, animal ecology or wildlife management, supplemented by at least 10 semester hours in botany.

(2) A total of at least 30 semester hours of course-work in biology in an accredited college or university with major study in zoology, wildlife management or a closely related subject-matter field of biology, including at least 15 semester hours in zoology, of which 6 must have been in such wildlife courses as mammalogy, ornithology, animal ecology or wildlife management, supplemented by at least 10 semester hours in botany, plus enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 30 semester hours in biology, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subparagraph (1) of this paragraph.

(b) *Duties.* Wildlife Management Biologists advise on, administer, supervise, or perform professional and scientific work in connection with the management and conservation of wildlife. This work deals with such things as the distribution, habits, life history and classification of birds, mammals and other forms of animal life and their rela-

tion to agriculture and other interests throughout the nation. It may be concerned with the management of refuges, the administration of various Federal wildlife programs, or with other phases of wildlife management which require a thorough understanding of wildlife and wildlife management.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed successfully without a sound basic knowledge of the fundamental biological sciences and specialized scientific training in wildlife biology. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research, both in the field of wildlife biology and in closely related fields of science. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

§ 24.94 *Pharmacologist, GS–405–0 (all grades)*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course leading to a bachelor's degree in an accredited college or university. This study must have included courses consisting of lectures, recitations, and practical laboratory work in organic chemistry, biochemistry, pharmacology, toxicology, or physiology and prerequisites to these subjects which total at least 30 semester hours; or

(2) Courses acceptable for credit toward a bachelor's degree in an accredited college or university consisting of lectures, recitations, and practical laboratory work in organic chemistry, biochemistry, pharmacology, toxicology, or physiology and prerequisites to these subjects which will total at least 30 semester hours; plus additional education or experience in the fields of organic chemistry, biochemistry, physiology, pharmacology, or toxicology, which when combined with the above 30 semester hours, will total 4 years of education and experience and give the applicant a technical and professional knowledge comparable to that which would have been acquired through completion of the 4-year college course.

(b) *Duties.* Pharmacologist plan, direct, or conduct investigational and research work in pharmacology, including studies in acute and chronic toxicity, therapeutic action, site and mode of action, storage, excretion, metabolism, and the biochemical, physiological, and anatomical effects of drugs or chemical agents either (1) in basic pharmacology or (2) in connection with substances suspected of being adulterants or toxicants in foods, drugs, and cosmetics or suspected of causing hazards in industrial use.

(c) *Knowledge and training requisite for the performance of duties.* The duties of a pharmacologist cannot be performed successfully without a sound knowledge of the basic principles and theories of chemistry and biology and specific scientific training in at least one of the following specialized areas: namely, organic chemistry, biochemistry, pharmacology, toxicology, or physiology. Appointees must have aptitude and training in the methods of original research, the ability to discover and interpret new relationships in pharmacology and related fields, and an intimate knowledge of the latest equipment and laboratory techniques used in the field of pharmacology. This knowledge and training can be gained only through a directed course of study in an accredited college or university with well-equipped laboratories and thoroughly trained instructors, where progress is competently evaluated.

§ 24.95 *Educational Specialist, GS–1720–0 (all grades)*—(a) *Educational requirement.* Applicants must have completed a full four-year course in an accredited college or university, which must have included or been supplemented by major study in education or in the particular field in which the duties as a specialist are to be performed.

(b) *Duties.* Educational specialists advise officials of school systems and community groups concerning technical phases of educational programs; conduct research and provide assistance in planning curriculum content and methods of teaching; and advise local officials in the application of approved educational methods for their individual school and community. These duties vary in nature and responsibility with the field and grade of the position.

(c) *Knowledge and training requisite for performance of duties.* The duties to be performed require knowledge or training in research, teaching, or administration of educational programs and a thorough knowledge of one or more specialized fields of vocational, general, or cultural subjects; comprehensive grasp of the written materials related to the specialized field; ability to impart this knowledge both formally and informally; and an understanding of the relationship of special fields of knowledge to the needs of the school and community as a whole. This knowledge can be gained only through directed training in an accredited college or university. By such training the student, under competent instructors, is guided in his reading and evaluation of the literature, which is so voluminous that an individual cannot master it on his own initiative or by random study. The student has access to libraries and laboratories; is given opportunity to observe materials and methods of devising and implementing educational programs; and, in a controlled and supervised setting, can experiment for himself under professional guidance.

§ 24.96 *Electronic Scientist, GS–1312–5–15 (positions involving highly technical research, design, or development, or similar complex scientific functions)*—(a) *Educational requirement.* Applicants must have successfully completed a full curriculum leading to a bachelor's degree in an appropriate field in an accredited college or university, with major study in mathematics, engineering or a recognized branch of the physical sciences.

(b) *Duties.* The duties of these positions involve the formulation, application, interpretation, or evaluation of mathematical techniques and scientific concepts. The nature of the duties is comparable to electronics work or study usually conducted at the graduate level in an accredited college or university.

(c) *Knowledge and training requisite for performance of duties.* Successful performance of the duties of these positions requires a breadth of background and depth of insight into the fundamental nature and properties of matter and energy as applied to electronics and related physical sciences. This knowledge and training can be obtained only through a directed course of study in an accredited college or university with well-equipped laboratories and thoroughly trained instructors, where progress is competently evaluated.

§ 24.97 *Geologist, GS–1350–0 (all grades)*—(a) *Educational requirement.* Applicants must have successfully completed either (1) or (2) of the following:

(1) A full 4-year curriculum in an accredited college or university leading to a bachelor's degree, including courses in geology and allied subjects consisting of lectures, recitations, and appropriate practical laboratory and field work totaling at least 30 semester hours.

(2) Courses in geology and allied subjects in an accredited college or university consisting of lectures, recitations, and appropriate practical laboratory and field work totaling at least 30 semester hours; plus additional appropriate experience or education which, when combined with the 30 semester hours, will total 4 years of education and experience and give the applicant a technical and professional knowledge comparable to that which would be acquired through the successful completion of a 4-year college course.

(3) In either subparagraph (1) or (2) of this paragraph, the required 30 semester hours of study must have been in subjects as indicated by either subdivisions (i) or (ii) of this subparagraph:

(i) 30 semester hours in geology courses distributed in at least 5 of the following subjects: (*a*) Physiography, (*b*) structural geology, (*c*) mineralogy, (*d*) petrology, (*e*) paleontology, (*f*) stratigraphy, (*g*) sedimentation, (*h*) field geology, (*i*) geophysics, (*j*) geochemistry, (*k*) regional geology, (*l*) economic geology (metals, nonmetals, or fuels) or (*m*) ground water geology.

(ii) 30 semester hours of which 24 or more are distributed in at least 4 of the geology subjects (*a*) to (*j*) listed in subdivision (i) of this subparagraph and the remainder are in one or more advanced courses in the related sciences of mathematics, physics, chemistry, zoology, or botany.

NOTE: For those positions involving highly complicated or fundamental scientific research or similar difficult scientific duties certification may be restricted to those eligibles who show the successful completion of a full college curriculum as prescribed in subparagraph (1) of this paragraph.

(b) *Duties.* Geologists perform professional geological work in one or more of the specialized fields of geology, including such duties as: making and recording geological observations; identifying and studying specimens of rocks, fossils, and ores; carrying on geologic mapping for the purpose of showing location and character of rock formations, mineral and ore deposits, or underground water; studying mineral deposits to determine extent and value; and preparing professional scientific and economic reports for publication. The duties performed and the responsibilities assumed vary with and are commensurate with the grade of the position. In the higher grades in addition to performing difficult and responsible individual work, many geologists occupy administrative and supervisory positions, planning the work of a group of geologists or reviewing and directing the activities of lower grade geologists or assistants.

(c) *Knowledge and training requisite for the performance of duties.* For the successful performance of the duties described in paragraph (b) of this section the geologist needs a basic general knowledge of the principles of stratigraphy, sedimentation, structural geology, paleontology, ore deposition, and mineralogy, and a specialized knowledge of the various types of sedimentary, igneous, and metamorphic rocks, the rank and grade of coals, the characteristics of rocks as reservoirs of oil and underground water, the processes of erosion and sedimentation, and the application of mathematics and the physical and biological sciences to geological problems. The only method of obtaining this broad knowledge and training in the fundamentals of the various sciences involved, of the level and extent required, is by attending an accredited college or university where competent instruction and guidance are available. Where courses are arranged in a systematic schedule, where adequate laboratory and library facilities are provided and suitable standards for completeness of the program and thoroughness of the methods of instruction are maintained and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.99 *Veterinarian (trainee), GS–4–GS–5*—(a) *Educational requirement.* Applicants must have successfully completed at an accredited college or university three years for GS–4, four years for GS–5, of academic study toward a bachelor's or higher degree with specialization leading to a major in veterinary medicine. For either grade, one year only of the required education may consist of pre-veterinarian courses.

(b) *Duties.* The duties of the Veterinarian (trainee) consist of a combination of on the job training in a Federal agency and scholastic training in an accredited college or university. Appointees perform subprofessional work, participating in scientific research or other scientific or technical work in the fields of veterinary medicine or in inspecting animals received at stockyards to determine if they have symptoms of infectious, contagious, or communicable diseases.

(c) *Knowledge and training requisite for performance of duties.* Veterinarians (trainee) are employed at subprofessional levels for the purpose of training them for advancement to the professional service in the employing agency upon completion of the training program. Since the duties of the position involve, in addition to the actual scientific research or technical work while in training, the pursuance of academic studies of the last year or two years of a college course in order to perform successfully the duties at the professional level, applicants must have the specified education in order to enroll in the third or final year of a standard college curriculum in veterinary medicine in an accredited college or university.

§ 24.100 *Technologist, GS–1390–0 (all grades), (positions involving highly technical research, design, or development, or similar complex scientific functions)*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course, in an accredited college or university, leading to a bachelor's degree in technology or in a pertinent field of engineering or physical science.

(b) *Duties.* The duties of these positions are to plan, direct, conduct, or assist in conducting critical investigative and research work of an applied scientific or technological nature involving design, development, or similar complex scientific functions for the improvement and utilization of industrial processes or techniques; or to coordinate a broad research program requiring the combined efforts of several specialists in different scientific fields. In all positions, appointees are required to present the results of their work in a clear concise manner, both orally and in writing.

(c) *Knowledge and training requisite for performance of duties.* For the successful performance of the duties described in paragraph (b) of this section the technologist needs a basic general knowledge of the principles and concepts of those physical sciences or that field of engineering pertinent to the branch of technology in which he works and, in addition, a knowledge of mathematics, those arts and sciences peculiar to the branch of technology in which he works, and ability for logical thinking and expression. The only method of obtaining this broad knowledge and training, of the level and extent required, is by attending a college or university where competent instruction and guidance are available, where courses are arranged in a systematic schedule, where adequate laboratory and library facilities are provided and suitable standards for completeness of the program and thoroughness of the methods of instruction are maintained, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.101 *Trainee Research Psychologist (Physiological), GS–180–7*—(a) *Educational requirement.* Applicants must have successfully completed 1 year of graduate study acceptable by an accredited college or university as applying toward the requirements for the Doctor of Philosophy degree in the field of physiological psychology.

(b) *Duties.* The duties of this position are a combination of on-the-job training in a Federal agency and resident graduate scholastic training in physiological psychology at an accredited college or university to culminate in a Doctor of Philosophy degree. Appointees will perform psychological research directed toward measurement of human capacities relevant to the design of aviation instruments, controls, and complex equipment systems by preparation of experimental materials, collection and analysis of data, and preparation of reports. Psychological research areas include visual perception, dark adaptation, reaction time to complex stimuli, kinesthetic discrimination, motor coordination, transfer of training, fatigue, and activity analysis.

(c) *Knowledge and training requisite for performance of duties.* Trainee research psychologists (physiological) are appointed at the GS–7 level for the purpose of training them for advancement to the higher grade positions involving highly technical research and development in the field of physiological psychology in the employing agency upon the completion of their on-the-job and academic training period. Appointees must have a basic knowledge of the principles and techniques of physiological psychology to provide a basis for a fundamental understanding of research problems in this area. They must have the capacity to recognize the departure points for original research, to evaluate findings, and to integrate results of related experiments. The only method known by which this knowledge and training can be acquired is through advanced graduate scholastic training at an accredited college or university. Through such a specialized course of study under close professional supervision the advanced graduate student obtains a comprehensive understanding of the appropriate research and development techniques and obtains a vast store of knowledge of both the fundamental and advanced concepts applicable in the field. This graduate study is accomplished under competent professional instruction and guidance, where adequate laboratory facilities and libraries are available, and objective evaluations are made of the student's progress in the acquisition of professional information and scientific methods.

§ 24.102 *Trainee Research Physiologist (Mammalian), GS–413–7*—(a) *Educational requirement.* Applicants must have successfully completed one year of graduate study acceptable by an accredited college or university as applying to the requirements for the Doctor of Philosophy degree in the field of mammalian physiology.

(b) *Duties.* The duties of these positions are a combination of on-the-job training in a Federal agency and resident graduate scholastic training in mammalian physiology at an accredited college or university to culminate in a Doctor of Philosophy degree. Appoint-

ees will perform research in mammalian physiology and in biophysics to determine the effect of flight and emergency environments on the human organism and recommend means for maintaining and improving the efficiency, health, and safety of flying personnel and to establish criteria for the development of personal protective equipment to be used during flight such as oxygen masks, pressure suits, goggles, sun-glasses, flying clothing, anti-gravity suits, etc. Areas of research included in these investigations are respiratory phenomenon at high altitudes; explosive decompression; thermal, nutritional, sonic, accelerative, and decelerative forces; toxicological and metabolic studies associated with flying operations.

(c) *Knowledge and training requisite for performance of duties.* Trainee research physiologists (mammalian) are appointed at the GS–7 level for the purpose of training them for advancement to higher grade positions involving highly technical research and development in the field of mammalian physiology in the employing agency upon the completion of their on-the-job and academic training periods. Appointees must have a basic knowledge of the principles and techniques of mammalian physiology to provide a basis for a fundamental understanding of research problems in this area. They must have the capacity to recognize the departure points for original research, to evaluate findings, and to integrate results of related experiments. The only method known by which this knowledge and training may be obtained is through advanced graduate scholastic training at an accredited college or university. Through such a specialized course of study under close professional supervision, the advanced graduate student obtains a comprehensive understanding of the appropriate research and development techniques and obtains a vast store of knowledge of both the fundamental and advanced concepts applicable in the field. This graduate study is accomplished under competent professional instruction and guidance, where adequate laboratory facilities and libraries are available, and objective evaluations are made of the student's progress in the acquisition of professional information and scientific methods.

§ 24.103 *Aeronautical Research Pilot, GS–861–7–15*—(a) *Educational requirement.* Applicants must have successfully completed a 4-year course in an accredited college or university, leading to a bachelor's degree, with major study in an appropriate field of engineering, mathematics, or physical science.

(b) *Duties.* With responsibility proportionate to the grade, aeronautical research pilots perform a range of duties typified by the following: Make training flights in connection with the training and development of research pilots; fly a variety of aircraft of experimental and production types; operate airplanes in order to perform maneuvers and collect data in connection with research investigations of aircraft propulsion systems, engineering equipment and accessories, etc., for the purpose of adding to the general knowledge of aeronautics and providing criteria and other information useful in the design, development, and operation of aircraft; engage in diving and flying at high speeds involving noise, vibrations, and extreme and rapid changes in altitude; observe reaction and behavior of the airplane under varying and trying conditions, recording and reporting data to project engineers; collaborate with research project engineers to develop new testing techniques and equipment, entering into the active production of research projects and preparation of research reports; review test methods used on research projects; and assign research pilots of lower grades to flight tests.

(c) *Knowledge and training requisite for performance of duties.* The flying duties of research pilots can be performed with full efficiency only by pilots who have a professional understanding of the physical principles involved in the experiments. Such understanding enables them to perform the necessary maneuvers with a comprehension of the desired objective, to make and record the necessary sensory observations with perception of their significance, and to note and accurately record unexpected or incidental phenomena of value to a research project. Professional training in an appropriate field of engineering, physical science, or mathematics is necessary in order that the research pilot may have a pre-flight understanding of the research project, the problems under investigation, and the experimental techniques and instrumentation to be utilized, and so that he may be able to make post-flight recordings of data and to make analyses of such data, whether recorded by himself or other research pilots. The only method by which such knowledge and training can be acquired is through a directed course of study in an accredited college or university with adequate laboratory facilities and libraries and thoroughly trained instructors and where progress is competently evaluated.

§ 24.104 *Statistician, GS–1530–5*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree, with either (i) 15 semester hours in statistics (or in a combination of mathematics and statistics of which at least 6 semester hours must be in statistics) and 9 additional semester hours of college work in one of the following: Biological sciences, demography, economics, education, engineering, health and medicine, physical science, or other social sciences; or (ii) 9 semester hours in statistics (or in a combination of mathematics and statistics of which at least 6 semester hours must be in statistics) and 9 additional semester hours of college work in agriculture or agricultural economics; or

(2) Courses as given under subparagraph (1) of this paragraph, plus additional appropriate experience or education which, when combined with these courses, will total 4 years of education and experience and give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a full 4-year course.

NOTE: For positions involving highly technical research, development, or similar complex scientific functions, certification may be restricted to eligibles who show the successful completion of a full college course as prescribed in paragraph (a) (1) of this section.

(b) *Duties.* Statisticians conduct elementary professional statistical research including the use, under guidance, of technical statistical methods; the initial appraisal of statistical measures; and the preparation and interpretation of tables, charts, and graphs.

(c) *Knowledge and training requisite for performance of duties.* This position is at the entrance level to a career in the scientific and professional service. Appointees must have a knowledge of fundamental statistical theory and methods, including probability, calculation of mean values, basic distribution laws, tests of significance, correlation and regression, elements of sampling, and, as required, preparation of index numbers, determination of trends, seasonal variation and cyclical components of time series, and construction of charts, tables, and worksheets; as required, knowledge of calculus and other appropriate mathematics; as required, some knowledge of subject matter. This knowledge can be gained only through direct training in a college or university. The student receives in such training competent instruction in the technical and theoretical subjects, which cannot be obtained through individual study.

§ 24.105 *Public Health Educator, GS–1720–0 (all grades)*—(a) *Educational requirement.* Applicants must have completed a year of graduate study in public health education in an accredited school of public health.

(b) *Duties.* Public health educators stimulate the interest of individuals and groups in scientific discoveries affecting health and in the application of health principles to daily living; assist school officials in establishing and improving health education curricula; organize community groups to study health problems and methods of disease prevention; assist in coordinating mass health programs and in evaluating and improving health education programs; and perform related duties.

(c) *Knowledge and training requisite for performance of duties.* The duties cannot be successfully performed without a knowledge of the public health sciences and an understanding of their practical application to public health programs. This can be acquired only through a directed course of study in public health education, in an accredited school of public health, which covers such subjects as epidemiology, parasitology, human bacteriology, communicable and noncommunicable disease control procedures, mental health, vital statistics and their meaning for community health planning, public health organization and administration, community organization, and principles of adult education as applied to public health. In this training students also learn the functions and methods of other public health personnel such as health officers, nurses, and sanitary engineers with whom they will be working in the performance of their duties as health educators.

§ 24.106 *Fishery Products Technologist, GS–492–7–13 (positions involving highly technical research, design, or development, or similar complex scientific functions)*—(a) *Educational requirement.* Applicants must have successfully completed a full 4-year course in an accredited college or university leading to a bachelor's degree with major study in bacteriology, chemistry, chemical engineering, or food or fisheries technology.

(b) *Duties.* Fishery Products Technologists advise on, administer, supervise, or perform research or other professional and scientific work in current and new methods and procedures used in the processing, storing, preserving, packaging, and distribution of fishery products; and in the development, manufacture, and use of fishery by-products.

(c) *Knowledge and training requisite for performance of duties.* The duties of this position cannot be successfully performed without basic training in fishery technological research and a sound knowledge of the basic principles of chemistry, bacteriology, physics, engineering, mathematics, and economics. Appointees must have the ability to apply this theoretical knowledge to the interpretation of data gathered in this field. This knowledge and training can be gained only through a directed course of study in an accredited college or university with scientific libraries, well-equipped laboratories, and thoroughly trained instructors, where guidance is expertly given and progress is competently evaluated.

§ 24.107 *Public Welfare Research Analyst (Child Welfare), GS–102–9–12*—(a) *Educational requirement.* Applicants must have completed 1 year of study in an accredited school of social work including courses in case work and supervised field work. This study must have included or been supplemented by 9 semester hours in statistics or 6 semester hours in statistics and 3 semester hours in methods of social research.

(b) *Duties.* Public Welfare Research Analysts (Child Welfare) work with public and voluntary social welfare agencies, juvenile and family courts, research foundations, and schools of social work in planning and conducting studies of social and economic conditions affecting the well-being of children, including case work and other social services provided by a variety of public and private agencies and institutions. Public Welfare Research Analysts (Child Welfare) plan and direct the collection, analysis, and presentation of statistical reports and studies, make difficult and complex analyses of areas of special need and gaps in programs and case work services and make appraisals of the adequacy and technical content of existing services.

(c) *Knowledge and training requisite for performance of duties.* The duties require an understanding of the field of social work, family relationships, and child welfare and knowledge of statistical techniques and principles and methods of social research. The required knowledge can be obtained only through the completion of the training shown in paragraph (a) of this section which enables the individual to apply sound technical standards in the evaluation and selection of material for study and to apply the necessary statistical and research principles in the treatment of the material.

§ 24.108 *Social Worker; Public Welfare Adviser (Child Welfare) GS–102–9–13*—(a) *Educational requirement.* Applicants must have completed 2 years (1 year for legislation specialists) of study in an accredited school of social work, including courses in case work, child welfare, and supervised field work in case work.

(b) *Duties.* With duties varying in responsibility in accordance with the grade, Social Workers—Public Welfare Advisers (Child Welfare), work with public and private, national, and international groups in developing, strengthening, and extending social services to children and youth. They advise on broad phases of planning for the social well-being of children and youth (such as legislation and other protective measures including adoption safeguards and licensing of child care institutions and agencies) and on administration and standards of social services directed toward facilitating the adjustment of children in their own homes, preventing development of conditions that require removal of children from their homes, and, for the child that cannot be cared for in his own home, providing for adequate and appropriate foster care. They also advise on the technical phases of providing and improving case work services for special groups of children (such as the dependent, neglected, and delinquent), on community programs to develop and strengthen services and facilities for children, and on staff development and training to improve the quality of case work services.

(c) *Knowledge and training requisite for performance of duties.* The duties require a knowledge of the field of social case work and child welfare. Knowledge and understanding of case work methods and techniques, patterns of human behavior, community organization, social, economic and health problems as they affect children, standards of child care, and factors entering into dependency, neglect and delinquency of children are required. This knowledge can be acquired only through study in an accredited school of social work in which the student concurrently receives competent classroom instruction in the technical principles and practices of social work and supervised practice in the application of these principles and practices, reading is directed, and the student's progress is carefully evaluated.

§ 24.109 *Social Worker (Psychiatric and Medical), GS–185–7–13 and GS–102–11–13* — (a) *Educational requirement.* Applicants must have completed 2 years of study in an accredited school of social work, including courses in case work, psychiatric information, medical information, and supervised field work in case work.

(b) *Duties.* With duties varying in responsibility in accordance with the grade, Social Workers (Psychiatric and Medical) are responsible for rendering psychiatric and medical social services or for directing operating medical and psychiatric social work programs in hospitals and clinics, including those of a demonstration nature in which new techniques for treatment and preventive services are tested; or are responsible for the development of program standards in the field of medical or psychiatric social work and for working with State agencies in the development and improvement of psychiatric and medical social services.

(c) *Knowledge and training requisite for performance of duties.* The duties require a knowledge of the field of social case work and psychiatric or medical social work. Knowledge and understanding of the emotional aspects of illness and social components in medical care, facilities and organizations established to provide services of a medical or psychiatric nature, community organization and skill in the application of case work methods and techniques are required. This knowledge can be acquired only through study in an accredited school of social work in which the student concurrently receives competent classroom instruction in the technical principles and practices of social work and supervised practices in the application of these principles and practices, reading is directed, and the student's progress is carefully evaluated.

§ 24.110 *Social Worker, Public Welfare Adviser (Public Assistance), GS–102–9–13*—(a) *Educational requirement.* Applicants must have completed 1 year of study in an accredited school of social work, including courses in case work and supervised field work in case work.

(b) *Duties.* Social workers, Public Welfare Advisers (Public Assistance), render advisory services for operating social welfare programs in the development and carrying out on a nation-wide basis of a broad public welfare program for financial assistance and case work services to the needy aged, needy blind, and dependent children. They exercise leadership in assisting State welfare departments to use effectively Federal and State resources and to develop programs not only to meet economic need but also to develop and strengthen case work services. They advise State welfare departments on legislation, organization, social policies, and methods of social investigations and social treatment that will facilitate efficient and equitable administration by the States and extend to individual recipients opportunity to utilize fully benefits and services. They report back to the Federal agency on the impact of the program in communities and in typical individual case situations for the purpose of guiding the development or modification of policy.

(c) *Knowledge and training requisite for performance of duties.* The duties require a knowledge of the field of social

case work and public welfare administration. An understanding of the norms of individual behavior and family life, typical deviations from these norms, the effects of financial dependency upon the individual and society, economic risks against which safeguards should be provided, knowledge of the principles of the social investigation and social treatment are required. This knowledge can be acquired only through the completion of the training shown in paragraph (a) of this section in which there is competent instruction and integration of principles and techniques through carefully supervised practice in a controlled setting and the application of sound standards in evaluation of progress.

§ 24.112 *Medical Student Aid, GS–7*—(a) *Educational requirements.* Applicants must have successfully completed their third year in an approved medical school.

(b) *Duties.* Appointees to this position make routine physical examinations of individuals and make their diagnoses and recommendations for treatment to the medical officer; make appointments for return visits of patients as necessary; examine patients with inoculation reactions; maintain records of individual cases seen, and work with medical technicians and laboratory assistants in administering inoculations and doing special laboratory tests.

(c) *Knowledge and training requisite for performance of duties.* Successful performance of these duties requires an understanding of the human body, its physiology and its reactions to drugs; and an understanding of the symptoms of disease and the causes of disease. The duties are similar to those performed by medical students in dispensaries and clinics as part of their medical education. The necessary knowledges and training can only be acquired through a directed course of study in an approved medical school of at least 3 years duration.

§ 24.113 *Soil Conservationist, GS–457–5*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree with a major in soil conservation or one of the related agricultural sciences; or

(2) Courses in soil conservation or one of the related agricultural sciences acceptable toward a degree in an accredited college or university totaling at least 40 semester hours, plus additional appropriate experience or education which, when combined with the 40 semester hours, will total 4 years of education or experience and give the applicant a technical knowledge comparable to that which would have been acquired by the successful completion of a 4-year college course. The 40 semester hours must include at least one course in soils or soil conservation and at least one course in each of three of the following five groups: woodland management, plant ecology, or economic biology; farm crops or pasture management; feeds and feeding or animal nutrition; farm or range management or agricultural economics; farm drainage or hydraulics, hydrology or plane surveying. Applicants for positions in range country must show at least one course in range management.

(b) *Duties.* Soil Conservationists advise on or perform technical or other professional and scientific work in the field of soil conservation, involving farm planning and soil or water conservation practices. They will be required to walk over plowed land, climb hills and fences and ford streams while carrying equipment weighing from 30 to 40 pounds and will perform other duties as required. The duties of this position require a practical working knowledge of the basic principles, concepts, and terminology of water conservation, sound land use, and the control and prevention of soil erosion.

(c) *Knowledge and training requisite for performance of duties.*

NOTE: The provisions of § 24.36 (d) and (e) are applicable to this section.

§ 24.114 *Counseling Psychologist (Vocational Rehabilitation and Education) GS–180–11–12*—(a) *Educational requirements.* Applicants must meet the requirements stated in subparagraph (1) or (2) of this paragraph, as follows:

(1) Completion in an accredited college or university of two years graduate study (60 semester hours or 2 years of graduate credit as defined by the institution attended) including subdivisions (i), (ii), and (iii) of this subparagraph:

(i) Thirty-six semester hours distributed as follows:

(*a*) Personality organization and dynamics (9 semester hours) including courses such as abnormal psychology, mental hygiene, clinical psychology, and theories of personality: *Provided,* That at least one course was in theories of personality.

(*b*) Counseling theory and techniques (9 semester hours) including courses such as interviewing, case study method, theory and methods of counseling, principles of counseling, or practicum in counseling.

(*c*) Psychological tests and measurements (12 semester hours) including 6 semester hours in statistics and/or research method or theory of measurement and 6 semester hours in tests and measurements, of which at least 3 semester hours shall be in individual testing other than projective techniques.

(*d*) Occupations and their socio-economic setting (6 semester hours) including such courses as occupational information, job analysis, industrial sociology, sociology of occupations, labor problems, provided at least one course was in occupational information.

In meeting the requirements of this subdivision, up to 9 semester hours of advanced undergraduate courses, not more than six of which may be in any one area, may be offered in lieu of graduate courses: *Provided,* That an equivalent additional number of graduate credits is offered in other areas of this subdivision and/or subdivision (ii) of this subparagraph.

(ii) Twelve semester hours in any combination of additional courses in the areas mentioned above and/or courses in psychology, such as general, educational, experimental, child, adolescent, social, comparative, industrial, personnel, physiological, systematic, applied or learning theory.

(iii) The remaining courses may be in any combination of additional courses in the areas mentioned in subdivisions (i) and (ii) of this subparagraph and/or courses related to psychology, counseling or vocational rehabilitation, such as courses in rehabilitation of the handicapped, disabilities and their vocational implications, field work in rehabilitation principles, practices and problems of vocational rehabilitation, research in rehabilitation, personnel management or administration, personnel research, community organization and resources, education, economics, sociology, social work, and cultural anthropology.

(2) Satisfactory completion of all the requirements for the doctoral degree from an accredited college or university, based upon a graduate course of study with major emphasis in the field of psychology or counseling and guidance.

(b) *Duties.* Counseling psychologists (Vocational Rehabilitation and Education) apply psychological principles and appropriate counseling techniques in assisting eligible veterans in selecting and attaining suitable educational or occupational goals. They determine whether disabled veterans are in need of vocational rehabilitation to prepare them for suitable employment. They apply professionally recognized therapeutic counseling techniques in assisting the veteran with personal problems or conflicts which interfere with his vocational choice or with his progress in training. They detect those veterans with serious mental or emotional disturbances and refer them to Veterans Administration Mental Hygiene Clinics or other mental hygiene or medical services. They conduct research concerning the objectives, methods, and results of counseling.

(c) *Knowledge and training requisite for performance of duties.* (1) In order to adequately counsel veterans in selecting and attaining suitable educational and/or occupational goals the counseling psychologist (VR&E) must have had a specialized background of education and experience in the field of psychology, with particular emphasis upon counseling, and in other fields related to vocational and educational guidance. This background should have provided a thorough knowledge of the principles underlying behavior and of psychological and counseling techniques. The counseling psychologist (VR&E) must have the ability to apply professionally recognized therapeutic counseling techniques in assisting the veteran with personal problems or conflicts which interfere with his vocational choice or with his progress in training. Since counseling psychologists (VR&E) function without professional direction from psychiatrists, they must have sound preparation in order to be able to detect those veterans with serious mental or emotional disturbances and refer them to mental or hygiene clinics for more intensive and extensive treatment.

(2) The counseling psychologist (VR&E) must have a comprehensive knowledge of occupations and their varied demands and opportunities, an understanding of scientific method and of theory of measurement and be thoroughly familiar with a wide array of psychological tests used in assessment of interests, personality traits, mental abilities, achievements and special aptitudes. He must be able to interpret test results to the veterans. The counseling psychologist (VR&E) should have had sufficient training and experience to enable him to conduct research concerning the objectives, methods and results of counseling in order to improve the professional quality of counseling.

(3) In dealing with seriously disabled veterans the counseling psychologist (VR&E) must have a comprehensive background of information concerning the nature of, and common inter-relationships among various types of disabilities. This knowledge must be sufficiently thorough to enable him to determine whether disabled veterans are in need of vocational rehabilitation to prepare them for suitable employment, to understand and use medical terminology, and to interpret and apply medical information and advice concerning physical capacities and limitations in relation to specific occupations. He must be able to recognize the psychological effects of severe physical disabilities upon the veteran and apply counseling techniques which will fully develop the veteran's residual capacities through his choice of a vocational and/or educational goal.

(4) The only way that these knowledges can be acquired is through a balanced program of study in an accredited college or university in the courses listed in paragraph (a) of this section.

§ 24.115 *Principal (Day School), GS–1710–9–11, Principal (Boarding School), GS–1710–9–12, Reservation Principal, GS–1710–9–13, School Superintendent, GS–1710–12–13, in Indian Schools*—(a) *Educational requirement.* Completion of a full four-year course, leading to a degree from an accredited college or university, including or supplemented by 18 semester hours in education.

(b) *Duties.* Principals and Superintendents are responsible for planning an educational program to meet the special need of the students, which includes development of curricula and standards of instructions, evaluation of teacher performance, integration of school and community programs, supervision of the staff, and administration of the school plant.

(c) *Knowledge and training requisite for performance of duties.* The duties to be performed require a knowledge of principles, philosophy, and techniques of education; the ability to recognize special instructional problems that arise in teaching situations; and the ability to develop curricula and analyze effectiveness of the teaching program. This knowledge, understanding and ability can be gained only through a directed course of study as shown in paragraph (a) of this section, in an accredited college with well equipped libraries and thoroughly trained instructors, where guidance is expertly given and the student's progress is carefully evaluated.

§ 24.116 *Department Head (Academic, Agriculture, Guidance, Home Economics, Vocational Subjects, and General), GS–1710–9, in Indian Schools*—(a) *Educational requirement.* Completion of a full four-year course leading to a degree from an accredited college or university with a major in a subject matter area in which the duties are to be performed, including or supplemented by 18 semester hours of education.

(b) *Duties.* Department Heads are responsible for organizing a subject matter department and supervising its activities so that the knowledge and skills of the field of specialization will be efficiently taught. Department Heads establish overall course objectives and collaborate with the staff on preparation of instructional material and teaching techniques. They keep pertinent records for the departments.

NOTE: The Department Head (Academic) is responsible for organizing instruction either in the elementary grades or in one of the subject matter fields taught at the secondary level, other than agriculture, home economics, guidance, and vocational subjects.

The Department Head (General) is responsible for the organization of two subject matter fields in any combination of elementary grades, agriculture, home economics, guidance, vocational subjects or any of the other subjects taught at the secondary level.

(c) *Knowledge and training requisite for performance of duties.* The duties to be performed require a knowledge of principles, philosophy, and techniques of education; the ability to recognize special instructional problems that arise in teaching situations; thorough knowledge of one or more subject matter fields being taught, ability to integrate the department program with remainder of school program. This knowledge, understanding, and ability can be gained only through a directed course of study as shown in paragraph (a) of this section, in an accredited college with well-equipped libraries and thoroughly trained instructors, where guidance is expertly given and the student's progress is carefully evaluated.

§ 24.117 *Director of Schools, GS–1710–12–13–14, in Indian Schools*—(a) *Educational requirement.* Completion of a full four-year course leading to a degree from an accredited college or university, including or supplemented by major study in education.

(b) *Duties.* The Director of Schools is responsible for planning and developing an educational program to meet the special needs of the students; giving technical assistance to the staff in the development of curricula, course materials and teaching aids; for reviewing teaching methods and techniques; and also for recruitment, supervision, training and management of educational personnel.

(c) *Knowledge and training requisite for performance of duties.* The duties to be performed require a knowledge of the professional principles and philosophy of education, its theories, practices and techniques; comprehensive knowledge of educational and child psychology and the demonstrated ability to utilize this knowledge to facilitate learning; outstanding ability to evaluate the educational and vocational needs of the area and to plan a program to meet these needs. This knowledge and training can be obtained only through a directed course of study in an accredited college with well equipped libraries and thoroughly trained instructors, where guidance is expertly given and student progress is competently evaluated.

§ 24.118 *Principal-Teacher, GS–1710–8–9, in Indian Schools*—(a) *Educational requirement.* Completion of a full four-year course, leading to a degree from an accredited college or university, including or supplemented by 24 semester hours in education, 12 of which must be in elementary education.

(b) *Duties.* Principal-Teachers are responsible for the administration and development of the school and community programs; for the guidance and supervision of the teachers and custodial employees assigned to the school; for teaching in the elementary grades; for all school property, records, reports and correspondence; and for issuing supplies and equipment.

(c) *Knowledge and training requisite for performance of duties.* The duties to be performed require a knowledge of teaching principles and techniques and philosophy of education; the ability to recognize special instructional problems that arise in teaching situations; and the ability to integrate the school program with community activities as educative factors. This knowledge, understanding, and ability can be gained only through a directed course of study as shown in paragraph (a) of this section, in an accredited college with well-equipped libraries and thoroughly trained instructors, where guidance is expertly given and the student's progress is carefully evaluated.

§ 24.119 *Director and Chief Scientists (unallocated) $15,000 per annum, Plum Island Animal Disease Research Institute, Agricultural Research Service, Department of Agriculture*—(a) *Educational requirements*—(1) *Director.* Applicants must have successfully completed the full course of study in veterinary medicine in an accredited veterinary college.

(2) *Chief Scientist (Biochemistry and Biophysics).* Applicants must have successfully completed a full four year course in an accredited college leading to a bachelor of science degree in chemistry, which included courses in biochemistry.

(3) *Chief Scientist (Cytology).* Applicants must have successfully completed a full four year course in an accredited college, leading to a bachelor's

degree in biological science, which included courses in cytology.

(4) *Chief Scientist (Immunology) and Chief Scientist (Virology and Bacteriology).* Applicants must have completed the full course of study in veterinary medicine in an accredited veterinary college, or be graduates of a medical school of recognized standing with the degree of doctor of medicine.

(b) *Duties.* The Director of the Plum Island Animal Disease Research Institute has the responsibility for providing scientific and administrative direction and leadership to the Institute's broad program of extensive research and investigation, designed to discover and develop scientifically sound and practicable methods for the prevention, control, and eradication of foot-and-mouth and other exotic diseases of animals. The chief scientists share with the director the responsibility for planning and developing broad programs of fundamental research and have specific responsibility for the coordination of the research program in the specific areas of Biochemistry and Biophysics, Cytology, Immunology, Virology and Bacteriology, and related scientific fields.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions are such that they cannot be successfully performed without a basic background of sound knowledge of, and specific scientific training in, the particular fields indicated in paragraph (a) of this section. This background of knowledge and training can be acquired only through a directed course of study in an accredited college or university with scientific, and well-equipped laboratories, and thoroughly trained instructors, where guidance is expertly given and progress is competently evaluated.

§ 24.120 *Cotton Technologist, GS-1390-5-15*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree in cotton technology or related subjects such as physics, chemistry, or mechanical or electrical engineering. This study must have included courses in cotton technology consisting of lectures, recitations and appropriate laboratory work totaling at least 20 hours; or

(2) Courses in cotton technology or related subjects such as physics, chemistry, or mechanical or electrical engineering (in an accredited college or university, consisting of lectures, recitations and laboratory work totaling not less than 20 semester hours) plus additional appropriate experience or education which when combined with the 20 semester hours in cotton technology or related subjects will total four years of education and experience and give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a 4-year college course.

(b) *Duties.* Persons appointed to these positions perform the following specific kinds of work:

(1) Cottonseed Technologists at this grade serve in a trainee capacity and assist higher grade Cotton Technologists perform work in connection with the testing and analyzing of cottonseed to ascertain the effect of variety, growth conditions, moisture, trash content, method of conditioning, sorting and handling and other related factors upon the quality and quantity of products obtained from cottonseed. They help interpret the results of these tests and analyses; help study the physical and chemical characteristics of cottonseed to determine those which can be measured at the gin in order to develop practical methods and techniques to grade cottonseed by individual lots as sold by producers; help observe and study present methods of grading cottonseed so these methods may be improved; and render preliminary recommendations and reports for publications on the results of their studies or experiments.

(2) Fiber Technologists at this grade assist higher grade technologists perform the more advanced laboratory studies in connection with testing or measuring the various properties of cotton fibers; assist in research studies and investigations designed to improve equipment and techniques and to develop new laboratory methods for the more precise and expeditious measurement of the various properties of cotton fibers and cotton products; study and observe the interrelationships of various fiber properties and the relationship of such properties to processing performance and product quality; and assist in analyzing and interpreting fiber test results and in the preparation of related reports and publications.

(3) Textile Technologists assist in making scientific investigations and experimental studies to determine the effect of various cotton fiber properties and other elements of quality in raw cotton or processing performance and on the quality of yarns and fabrics; and in helping conduct technical studies of the effect of different processing conditions and machine adjustments on the processing performance of cottons of various types and characteristics, and on product quality. They cooperate with State Agricultural Colleges and Experiment Stations on programs to improve cotton marketing and processing; serve cotton breeders, producers, merchants and manufacturers in testing the manufacturing performance of cottons; attend conferences with representatives of public and private research agencies, cotton manufacturers and other interested parties; and assist in analyzing and interpreting spinning test results and prepare related reports and publications.

(c) *Knowledge and training requisite for performance of duties.* The field of cotton technology is quite complicated and requires an intensive educational background. Cotton Technologists must have a full and complete knowledge of the physical and chemical properties of cotton and cottonseed, the specific properties of cotton fibers and types of cotton fibers, and must also know the methods, techniques and practices involved in the production and marketing of cotton and cottonseed and the manufacture of cotton and cottonseed products. They must be able to design experiments and tests, properly interpret the results of these tests and disseminate the results of such tests or experiments to technical workers in the field and the general public.

§ 24.121 *Student Trainee, GS-1-4, in the following codes: GS-402, 408, 455, 458, 462, 483, 802, 1311, 1341, 1371, 1521, or other code covering positions of student trainee for any professional field as follows: Any biological science (Group GS-400), any branch of engineering (Group GS-800), any physical science (Group GS-1300), architecture, landscape architecture, mathematics; and GS 2/4 in economics and statistics*—(a) *Educational requirements.* (1) For Student Trainee, GS-1: Applicants must have been graduated from an accredited high school upon the successful completion of all the high school courses required for admisssion to an accredited college or university in a curriculum leading to the bachelors' degree in one of the specialized fields shown in the headnote of this section, and they must have the intention of enrolling in such institution and curriculum within 4 months of the date of entrance on duty in the Student Trainee positions.

(2) Applicants for grades GS-2, 3, and 4 must have successfully completed the number of academic years of study specified below, a full academic year of study being defined as a period or combination of periods of study at college (in either cooperative or noncooperative curricula) equal in length to two semesters or three quarters:

For Student Trainee, GS-2: One full academic year of study.
For Student Trainee, GS-3: Two full academic years of study.
For Student Trainee, GS-4: Three full academic years of study.

(3) The college study specified must have been at an accredited college or university in a full 4-year or longer professional curriculum leading to a bachelors' degree with specialization in one of the fields listed in the headnote of this section. The specialized field applied for, which is the field in which the applicant will receive training on the job if appointed, must correspond to the course which the applicant is pursuing in college and to the specialization in which he expects to complete the requirements of major study. The required specialization must be such that at time of graduation the specific course requirements which are specified for eligibility in the U. S. Civil Service Commission examination for the corresponding GS-5 professional positions can be met.

(4) College study at an accredited junior college will be accepted if the credits are acceptable in full by a 4-year accredited college toward completion of its own curriculum in the field concerned.

(b) *Duties.* The duties of a student trainee consist of a combination of (1) on-the-job training in a Federal agency, and (2) scholastic training in a college or university. While on the job in a Federal agency, appointees participate in

research or other scientific or engineering work such as development, design, surveys, investigations, computations, laboratory or full experimentation or studies, construction, testing, standardization; or appointees participate in technical or research work in compiling, analyzing, summarizing and interpreting of statistical and economic data.

(c) *Knowledge and training requisite for performance of duties.* Student Trainees are employed for the purpose of training them for advancement to professional positions in the employing agency upon completion of the training program. Since the duties of the position involve, in addition to actual scientific, engineering, or technical work while in training, the pursuance of academic studies of the first, second, third, or fourth year of a specified under graduate college curriculum in order to perform successfully duties at the professional level, applicants must have the specified education in order to enroll in the required year of a standard college curriculum in an accredited college or university.

§ 24.122 *Occupational Therapist, GS-631-0 (all grades)*—(a) *Educational requirement.* Applicants must be graduates of a school of occupational therapy approved at the time of graduation by the Council on Medical Education and Hospitals of the American Medical Association. Applicants who graduated prior to 1938 must be graduates of a school of occupational therapy approved at the time of their graduation by the American Occupational Therapy Association.

(b) *Duties.* With duties varying in responsibility in accordance with grade, occupational therapists under general supervision of a medical officer follow accepted theories and practices for definitive therapeutic purposes to give treatment to patients for disease or injury, whether physical or mental, by the scientific use of remedial activities such as machine and hand crafts properly selected and adapted to provide restoration of muscle function and joint motion, improved work tolerance, relief from mental and emotional strain, and motivation back to normal life as a useful member of society.

(c) *Knowledge and training requisite for the performance of duties.* Occupational therapists must have a knowledge of the sciences such as anatomy, physiology, neurology, psychiatry, psychology, sociology, and child growth and development; a knowledge of clinical subjects covering general medical and surgical conditions, orthopedics, psychiatric, pediatric, tuberculosis and cardiac diseases; theory courses interpreting the principles and practices of occupational therapy in pediatrics, psychiatry, tuberculosis, orthopedics, and general medicine and surgery. He must be able to perform disability evaluations including joint measurement, locomotion, and functional testing. He must be able to recognize the connotation of the diagnosis so that limitations of the physical condition of the patient can be related to the treatment program. He must have a scientific knowledge of the use of occupational therapy equipment and be able to plan for and/or construct specific equipment adaptations to meet the specific patient needs. He must be able to anticipate and to recognize changes in the patient's physical or emotional condition and be able to make immediate adjustments in the treatment program. He must also have the ability to perform tests for the evaluation of developmental level, handedness, attention span, and activity tolerance. The necessary knowledges and training can only be acquired through a directed course of study in an approved occupational therapy school.

§ 24.123 *Mathematician, GS-1520-5-15*—(a) *Educational requirements.* Applicants must have completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree. This study must have included courses in mathematics totaling at least 24 semester hours.

(2) Courses in mathematics in an accredited college or university totaling at least 24 semester hours; plus additional appropriate experience or education which when combined with the 24 semester hours in mathematics will total 4 years of education and experience and will give the applicant a technical and general professional knowledge comparable to that which would have been acquired through the successful completion of the 4-year college course described in subparagraph (1) of this paragraph.

In either subparagraph (1) or (2) of this paragraph, the courses in mathematics must have been acceptable for credit toward meeting the requirements of a major in mathematics in a 4-year professional curriculum leading to a bachelor's degree. These courses must have included at least five of the following: Differential calculus, integral calculus, theory of equations, vector analysis, statistics, higher algebra (beyond elementary college algebra), differential equations, advanced differential calculus, advanced integral calculus, any other advanced course in mathematics for which one of the above is prerequisite.

(b) *Duties.* Mathematicians will plan, direct, perform, or assist in performing research in basic mathematical theory or related theoretical analytic or evaluation studies, or mathematical analyses and computations incident to investigative, developmental and research work in the scientific fields, such as engineering, physics, astronomy, etc. Their duties will include mathematical research and critical investigative work, mathematical analyses of observational data, computation of scientific tables, adaptation of mathematical projects to solution by high speed automatic electronic computing machinery, and writing of scientific reports, all involving a thorough knowledge of basic mathematics and in some cases involving a familiarity with the physical sciences or with engineering practices.

(c) *Knowledge and training requisite for performance of duties.* (1) The minimum amount of formalized training required for the successful performance of the duties described in paragraph (b) of this section consists of 24 semester hours of study in mathematics which, being distributed among several principal branches of the field, represents essentially a basic fundamental body of mathematical knowledge. In order that mathematicians may engage successfully in basic research in mathematics, or in other diverse phases of mathematics represented by the professional mathematician positions of the Federal Government, it is necessary that they be thoroughly and broadly trained.

(2) Advances in the various scientific fields have been dependent upon and interrelated to mathematics in all its branches, since mathematics is an indispensable tool in expressing basic laws and concepts, in interpreting experimental data, in extending old or establishing new concepts and in establishing basic hypotheses for new experimental work in scientific fields. Further advances in these fields will be vitally dependent on the number of highly qualified, and broadly trained mathematicians who are competent to explore from a mathematical standpoint the particular field in which a research problem is centered. The only method by which mathematicians can be thoroughly and broadly trained to the level and extent required is through a planned and directed course of study in an accredited college or university where there are adequate scientific libraries, where competent instruction and guidance are available, where courses are arranged in a systematic, progressive schedule, and where progress in the acquisition of professional and scientific knowledge is competently evaluated.

§ 24.124 *Forest Products Technologist, GS-1390-5-15* — (a) *Educational requirement.* (1) Applicants must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in forestry, botany, wood utilization, wood technology, chemistry, physics or closely related subject-matter fields. This course of study must have included a combined total of at least 20 semester hours course-work in engineering, mathematics and physics, and 12 semester hours of course-work in any combination of the following subjects: wood technology, lumber manufacture, seasoning, logging, forest pathology, wood preservation and treating, wood utilization, wood properties (including mechanical and physical properties), wood structure, and plywood and laminating.

(ii) A total of at least 40 semester hours of course-work in professional, scientific or technical subjects in an accredited college or university with major study in forestry, botany, wood utilization, wood technology, chemistry, physics or closely related subject-matter fields. This course-work must have included a combined total of at least 20 semester hours of course-work in engineering, mathematics and physics and 12 semester hours of course-work in any combination of the following subjects: wood technology, lumber manufacture, seasoning, logging, forest pathology, wood

preservation and treating, wood utilization, wood properties (including mechanical and physical properties), wood structure and plywood and laminating, and have been supplemented by enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 40 semester hours in professional, scientific or technical subjects, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagrah.

(2) Applicants for positions which involve highly technical research, design or development, or similar complex scientific functions, must have successfully completed the full 4-year course of study described in subparagraph (1) (i) of this paragraph.

(b) *Duties.* Forest Products Technologists advise on, administer, supervise or perform research or other professional and scientific work in connection with the development, improvement and utilization of wood and wood products. This work deals with such things as the protection of wood and wood products against weathering, decay, insects and fire by treatments or coatings; the development and use of wood veneers, plywood and laminated wood and adhesives used to bond these materials; wood identification; wood structure in relation to growth and properties; and log and lumber grades and grading. It is also concerned with the harvesting and conversion of timber and lumber; the use of wood and wood products for containers and packing materials; the seasoning of wood; the physical properties of wood and wood products; the production and testing on a pilot plant scale of utility items made of wood; and giving consultation and advice on the application of research results to the manufacture and remanufacture of wood and wood products.

(c) *Knowledge and training requisite for performance of duties.* The field of wood and forest products technology is quite complicated and requires an intensive educational background. Forest Products Technologists cannot perform their duties without a full and complete knowledge of the physical and chemical properties of wood, the specific properties of different kinds of wood and wood products, and the methods, techniques and practices involved in the production and manufacture of wood and wood products. The duties of most of these positions are of a research nature and require exacting and detailed knowledge and training. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research in this and related fields, or to do research in wood and forest products technology. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

§ 24.125 *Home Economist, GS–493–5–15*—(a) *Educational requirement.* (1) Applicants must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in home economics or a closely related subject-matter field. This course of study must have included at least 20 semester hours of course-work in home economics which was either in, or directly related to, one of the following fields of home economics: food quality and use, human nutrition, household management and family economics, housing and household equipment, or textiles and clothing.

(ii) A total of at least 30 semester hours of course-work in home economics or a closely related subject-matter field in an accredited college or university, including at least 20 semester hours either in, or directly related to, one of the following fields of home economics: food quality and use, human nutrition, household management and family economics, housing and household equipment or textiles and clothing, plus enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 30 semester hours in home economics and closely related subjects, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(2) Applicants for positions which involve highly technical research, design or development, or similar complex scientific functions, must have successfully completed the full 4-year course of study described in subparagraph (1) (i) of this paragraph.

(b) *Duties.* Home Economists advise on, administer, supervise or perform research or other professional and scientific work in the field of home economics. This work is concerned with such things as (1) food quality and use, (2) human nutrition, (3) household management and family ecnomics, (4) housing and household equipment, and (5) textiles and clothing. Some positions are largely of a research nature. Others deal with the dissemination of professional and scientific information in connection with extension work or other Federal programs of a similar nature.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed successfully without a sound basic knowledge of home economics and scientific training in one of the specialized fields of home economics. The duties of research positions require even more exacting and detailed knowledge and training. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research, both in the field of home economics and in related fields of science, or to do research in the field of home economics. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

§ 24.126 *Food Products Technologist, GS–1390–5–15*—(a) *Educational requirement.* (1) Applicants must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in food technology, biology, chemistry, physics or a closely related subject-matter field. This course of study must have included at least 20 semester hours of course-work in food technology and closely related subjects.

(ii) A total of at least 30 semester hours of course-work in an accredited college or university with major study in food technology, biology, chemistry, physics or a closely related subject-matter field, including at least 20 semester hours in food technology and closely related subjects, plus enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 30 semester hours in food technology, biology, chemistry, physics or closely related subjects, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(2) Applicants for positions which involve highly technical research, design or development, or similar complex scientific functions, must have successfully completed the full 4-year course of study described in subparagraph (1) (i) of this paragraph.

(b) *Duties.* Food Products Technologists advise on, administer, supervise or perform research in connection with the study and analysis of problems relating to the quality and evaluation of food products and their production, utilization and processing. This research deals with such technological problems as (1) the evaluation of raw food products to determine standards of quality; (2) the development of methods for testing and measuring quality changes in food products resulting from biological, chemical or physical changes during handling, storing and processing; (3) the development of techniques to control such quality changes in food products; and (4) the development of improved methods of preserving and processing food products.

(c) *Knowledge and training requisite for performance of duties.* The field of food products technology is quite complicated and requires an intensive and specialized educational background to perform the duties of these positions. Food Products Technologists must have a full and complete knowledge of the physical, chemical and biological properties of various types of food products and a specialized technical knowledge of food technology and must also know the methods, techniques and practices involved in the production and preservation of food and food products. Appointees must have the ability to apply their professional, scientific and technological knowledge to their work in order to solve specific problems, interpret and apply the results of research both in the field of food technology and closely related fields, or to do research in the field of food technology. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

§ 24.127 *Geophysicist (Earth Physics, Geomagnetics, Seismology), GS–1313–5–15*—(a) *Educational requirement.* Applicants must have completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree including courses in mathematics and physics (inclusive of geophysics) totaling 24 semester hours, and courses in the physical sciences (engineering, geology, astronomy, electronics, etc.) totaling 6 semester hours; or

(2) Courses in mathematics and physics in an accredited college or university totaling 24 semester hours; plus additional appropriate experience or education in scientific fields which when combined with the 24 semester hours in mathematics and physics will total 4 years of education and experience and give the applicant a technical and professional knowledge, comparable to that which would have been acquired through the successful completion of the 4-year college course described in subparagraph (1) of this paragraph.

In either subparagraph (1) or (2) of this paragraph, the courses must have included a minimum of 10 semester hours in any combination of courses in trigonometry, differential calculus, integral calculus, theory of equations, vector analysis, higher algebra (beyond elementary college algebra), differential equations, advanced calculus; and a minimum of 8 semester hours in physics. All of the courses specified in subparagraph (1) or (2) of this paragraph must have been accepted for credit toward the completion of a standard 4-year professional curriculum leading to a bachelor's degree at an accredited college or university.

(b) *Duties.* Geophysicists apply mathematics and physics to the solution of geophysical problems or the geophysical interpretation of scientific phenomena. The duties deal with: (1) The electric, magnetic and gravitational field of the earth, (2) deformation of the earth, (3) the motion and constitution of the earth, (4) cosmic physics in its relation to the earth and its atmosphere, (5) response of the earth to artificially applied fields of force. The duties include making observations in the field or at fixed stations, interpreting the results, preparing charts and tabulations, and securing other information required for interpretations; designing or assisting in constructing specialized apparatus and equipment for use in connection with geophysical measurements, and the testing and calibrating of such apparatus and equipment; making reports and preparing articles for publication.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions can not be performed without a sound basic knowledge of fundamental mathematics and physics and broad training in related scientific fields. These duties require exacting knowledge and training. Appointees must have the ability to apply scientific knowledges to the work in order to solve specific problems, interpret and apply the results of research in geophysics and related sciences, and to perform research in geophysics. The knowledge and training required can only be acquired through a planned and directed course of study in an accredited college or university where there are adequate scientific libraries and well-equipped laboratories, where competent instruction and guidance are available, where courses are arranged in a systematic, progressive schedule, and where progress in the acquisition of professional and scientific knowledge is competently evaluated.

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

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SUBPART A—STEP-INCREASES

AUTHORITY: §§ 25.1 to 25.54 issued under sec. 1101, 63 Stat. 971; 5 U. S. C. 1072. Interpret or apply secs. 701–704, 63 Stat. 967–969; 5 U. S. C. 1121–1124.

PERIODIC AND ADDITIONAL STEP-INCREASES

§ 25.1 *Scope.* This subpart applies to each civilian officer or employee in or under the departments as defined in section 201 (a) of the Classification Act of 1949, subject to the exemptions speci-

fied in sections 202, 204, and 705 of the act, who meets all of the conditions of eligibility for periodic step-increases.

§ 25.11 *Definitions.* For the purpose of this subpart, definitions are given for words, terms, and phrases as follows:

(a) "Periodic step-increase" is a one-step increase within the grade based on length of service and performance rating requirements.

(b) "Permanent position" is any position compensated on a per annum basis within the scope of scheduled rates of compensation fixed by the Classification Act of 1949, except a position designated as temporary by law or with a definite time limitation.

(c) "Maximum schedule rate" is the maximum rate of any grade under the CPC or General Schedules established under Title VI of the act, exclusive of rates established under regulations governing longevity step-increases.

(d) "Waiting period" is the minimum time requirement of creditable service without an equivalent increase in compensation in order to be eligible for consideration for a periodic step-increase. The waiting period for either full-time or regular part-time employees is 52 calendar weeks for grades with step-increases of less than $200, and 78 calendar weeks for grades with step increases of $200 or more. (A calendar week is a total of any 7 calendar days before, beginning with, or after a specified day.) The waiting period shall not be interrupted where the employee's services are terminated on the last day of his regularly scheduled administrative workweek and his next appointment is made effective on the first day of the next regularly scheduled administrative workweek for his new position. "Creditable service, in the computation of waiting periods, includes:

(1) Continuous paid civilian employment in any branch (executive, legislative, or judicial) of the Federal Government, or in the municipal government of the District of Columbia, including advance annual or sick leave, and service under a temporary appointment or compensated at a per diem or hourly rate, but not including service paid at overtime rates.

(2) Leave without pay, furlough, or suspension not in excess of two work weeks.

(3) Paid civilian employment prior to a non-pay period, including separation, providing such non-pay period was not in excess of fifty-two calendar weeks. Where such prior service is credited, there must be sufficient current creditable service to complete the waiting period.

(4) Service with the armed forces or service in essential non-Government civilian employment, in the public interest, during a period of war or national emergency, when otherwise creditable service was interrupted.

(5) Service in any other Federal department as defined in section 201 (a) of the act where the employee exercises reemployment rights in accordance with the provisions of Part 10 of this chapter.

(6) Not to exceed 120 calendar days between discharge or termination and reemployment under mandatory provisions of any statute, regulations, or Executive order.

(e) "Equivalent increase in compensation" is the total of any increase or increases in basic compensation which is equal to or greater than the smallest step-increase in any grade in which the employee has served during a period under consideration. Step-increases resulting from the application of sections 703 and 802 (b) of the act are equivalent increases in compensation. The following, among others, are not "equivalent increases in compensation":

(1) Any increase in rates of basic compensation provided by Title VI;

(2) An increase made for the specific purpose of correcting an error in a previous demotion or reduction in pay;

(3) Payment of a foreign or a territorial post differential or cost-of-living allowance.

(4) An increase resulting from the establishment of any minimum rate pursuant to section 803 of the Classification Act of 1949, as amended.

(f) "Current performance rating" is the current official performance rating under a performance rating plan which has been approved by the Civil Service Commission.

§ 25.12 *Conditions of eligibility for periodic step-increases.* Each officer and employee in a permanent position receiving less than the maximum scheduled rate for his grade shall receive periodic step-increases successively to the next higher rate within the grade following the completion of the waiting period for his grade, subject to the following conditions:

(a) That his current performance rating is "Satisfactory" or better.

(b) That the benefit of successive step-increases shall be preserved for any officer or employee whose continuous service is interrupted in the public interest by service with the armed forces or by service in essential non-Government civilian employment during a period of war or national emergency. The requirement of a performance rating shall be waived upon the return to Federal civilian duty of any such officer or employee otherwise entitled to the benefit of step-increases.

§ 25.13 *Effective date.* (a) Periodic step-increases shall be made effective at the beginning of the next pay period following the completion of the required waiting period and compliance with the other required conditions of eligibility.

(b) Any step increase becoming due as the result of retroactive corrective action in accordance with the mandatory provisions of any statute or Commission regulation shall be made effective as of the date the officer or employee would have met all the conditions if proper action had been taken originally.

(c) Where a step-increase is delayed beyond its proper effective date, solely through administrative error, delay, or oversight, the step-increase shall be made effective as of the date it was properly due.

LONGEVITY STEP-INCREASES

§ 25.51 *Scope.* Sections 25.51 to 25.54 apply to all officers and employees in or under the departments as defined in section 201 (a) of the Classification Act of 1949, subject to the exemptions specified in sections 202, 204, and 705 of that act, in positions in the CPC Schedule, or not above grade 15 of the General Schedule, who meet all of the conditions of eligibility for longevity step increases.

§ 25.52 *Definitions.* (a) For the purpose of this subpart, the definitions of "permanent position" and "current performance rating" are the same as in § 25.11. Other definitions are provided as follows:

(b) Longevity step increase is a step increase above the maximum scheduled rate of the grade equal to a full step of the grade or an increase in an amount required to complete a full step where the employee's existing rate of basic compensation is not a standard maximum or longevity rate for the grade in which the employee's position is placed.

(c) "Aggregate period" is a total of ten years in the present position, or in the present grade and equivalent or higher grades, of civilian service, including intervening military service which has interrupted civilian service, and excluding all periods of separation from the service and any unpaid absence in excess of 26 workweeks in any calendar year. For the purpose of this definition, an equivalent or higher grade under the Classification Act of 1949 shall be determined by the following table:

CPC-1			SP-1
CPC-2	equivalent to GS-1	equivalent to	SP-2
CPC-3			CAF-1
CPC-4	equivalent to GS-2	equivalent to	CAF-2, SP-3
CPC-5	equivalent to GS-3	equivalent to	CAF-3, SP-4
CPC-6	equivalent to GS-4	equivalent to	CAF-4, SP-5
CPC-7	equivalent to GS-5	equivalent to	CAF-5, SP-6, P-1
CPC-8	equivalent to GS-6	equivalent to	CAF-6, SP-7
CPC-9	equivalent to GS-7	equivalent to	CAF-7, SP-8, P-2
CPC-10	equivalent to GS-8	equivalent to	CAF-8
	GS-9	equivalent to	CAF-9, P-3
	GS-10	equivalent to	CAF-10

Civilian service paid under authority other than the Classification Act of 1923, as amended, or the Classification Act of 1949, shall be deemed to be equivalent to the highest grade in the foregoing table in which the basic rate for such service would have been included at the time of such service.

(d) "Longevity period" is three years, of the aggregate period of continuous service in a Classification Act position: (1) At the maximum scheduled rate of the employee's grade; or (2) at a longevity rate of the employee's grade; or (3) at a rate in excess of such maximum scheduled rate in accordance with a provision of law; or (4) at any of the rates specified in subparagraphs (1), (2), or (3) of this paragraph, in a grade higher than his current grade. Intervening military service interrupting continuous service at one of the above rates is creditable for longevity step increases. A change of grade or rate of basic compensation prescribed by any law of general application does not begin a new longevity period. Any period of creditable service in excess of one or two complete longevity periods (except as otherwise provided in § 25.54 (c)), shall be credited toward the completion of the employee's next longevity step period. A new longevity period begins when a longevity step increase is effected, or after a break in service in excess of four workweeks. The longevity period shall be extended for a sufficient amount of paid service to make up unpaid absences in excess of a total of six workweeks during such period.

§ 25.53 *Conditions of eligibility.* Each officer or employee in a permanent position who has completed the required aggregate period shall be granted a longevity step increase for each longevity period completed in his grade, provided his current performance rating is "Satisfactory" or better. The requirement of a performance rating shall be waived for any period of intervening military service. No officer or employee shall be given more than one longevity step increase for any longevity period, or more than three successive longevity step increases.

§ 25.54 *Miscellaneous provisions.* (a) Any officer or employee receiving a rate of basic compensation in excess of the maximum scheduled rate for his grade in accordance with any provision of law, shall be granted longevity step increases only when they would have been granted under this subpart and section 703 (c) of the Classification Act of 1949, if his salary had been at the maximum scheduled rate of the grade at the time such saving clause first applied to his rate of basic compensation.

(b) Any officer or employee who is otherwise eligible for longevity step-increases shall receive full credit for service at the maximum authorized salary rate specified in the Bacharach Act of May 29, 1928, as amended and supplemented, and the Reed-Jenkins Act of May 29, 1928, as amended, to the same extent as if such service had been at the maximum rate of a grade of the Classification Act of 1923, as amended.

(c) Service immediately prior to the effective date of this subpart shall be counted toward one, two, or three longevity step increases as provided above. In the case of officers and employees in grades 11 to 15, inclusive, of the General Schedule who are receiving compensation at or above the maximum scheduled rates for their respective grades on the date immediately preceding the effective date of section 103 (a) of Public Law 763, approved September 1, 1954, not to exceed three (3) years of service performed immediately preceding such effective date shall be counted toward longevity step increases.

(d) The provisions of § 25.13 for periodic step-increases shall be followed in connection with longevity step-increases. (Public Law 580, 81st Congress, approved June 28, 1950)

SUBPART B—GENERAL COMPENSATION RULES

AUTHORITY: §§ 25.101 to 25.105 issued under sec. 1101, 63 Stat. 971; 5 U. S. C. 1072. Interpret or apply secs. 801–803, 63 Stat. 969; 5 U. S. C. 1131–1132, note.

§ 25.101 *Scope.* This subpart applies to each officer or employee in or under the departments as defined in section 201 (a) of the Classification Act of 1949, subject to the exemptions specified in sections 202 and 204.

§ 25.102 *Definitions.* As used in this subpart, and in making salary adjustments upon change in type of appointment, employment status, or position of the employee, words and terms are defined as follows:

(a) "New appointment" is the first appointment as a Federal civilian officer or employee in any department as defined in section 201 (a) of the Classification Act of 1949, or in a mixed ownership corporation, regardless of the tenure of appointment.

(b) "Reemployment" is any employment, including reinstatement, or any other type of appointment, subsequent to a separation from the Federal service.

(c) "Transfer" means a change of position by an employee from one agency to another, without a break in service of a full workday.

(d) "Reassignment" is a change, without promotion or demotion, from one position to another position, while serving continuously in the same agency.

(e) "Promotion" is the advancement of an employee while continuously employed to a higher Classification Act grade, or from a lower rate paid under authority other than the Classification Act to a higher rate within a Classification Act grade.

(f) "Repromotion" is the advancement of an employee while continuously employed to a higher Classification Act grade formerly held by the employee or to a higher intermediate grade, or from a lower rate paid under authority other than the Classification Act to a higher rate within a Classification Act grade, based on the highest previous rate paid to the employee.

(g) "Demotion" is the reduction of an employee while continuously employed to a lower Classification Act grade or from a higher rate paid under authority other than the Classification Act to a lower rate within a Classification Act grade.

(h) "Higher grade" is any GS or CPC grade, other than an equivalent grade (see tabulation of equivalent grades in § 25.52 (c) of this chapter), the maximum scheduled rate of which is higher than the maximum scheduled rate of the last previous GS or CPC grade held by the employee.

(i) "Existing rate" of basic compensation is the rate received immediately prior to the effective date of the transfer, promotion, repromotion, demotion, or step-increase.

(j) "Highest previous rate" is the highest basic salary rate previously paid to a Federal civilian employee occupying a position in a department as defined in section 201 (a) of the Classification Act of 1949, as amended, or in a mixed ownership corporation, irrespective of whether or not such position is subject to the pay schedules of the Classification Act. The highest previous rate must be based on a regular tour of duty at such rate (1) under an appointment not limited to 90 days or less, or (2) for a continuous period of 90 days under one or more appointments without a break in service. If such highest previous rate was earned in a Classification Act position, it shall be increased by any subsequent amendments to the Classification Act pay schedules. If such highest previous rate was earned in a position not subject to the Classification Act, it shall be increased only by those amendments to the Classification Act which were enacted during a period when the employee was not on the rolls of a department or a mixed ownership corporation as described above.

(k) Area is a geographical subdivision which can be described in terms of boundaries, such as the metropolitan limits of a city, the area within 20 miles of the city limits, a county, several counties, a state, etc.

(l) Location is a specific place of employment within an area, such as a particular shipyard or airbase.

§ 25.103 *General provisions.* (a) All new appointments shall be made at the minimum rate of the grade to which the employee is appointed except where the minimum rate for a class is increased by Commission action. In this case new appointments shall be made to the minimum rate for that specific class.

(b) (1) Subject to the mandatory requirements of paragraph (d) of this section and § 25.104, an employee who is reemployed, transferred, reassigned, promoted, repromoted, or demoted may be paid at any scheduled rate for his grade which does not exceed the employee's highest previous rate. If the employee's highest previous rate falls between two scheduled rates of the new grade, he may be given the higher rate. If the employee's existing rate of basic compensation is less than the minimum scheduled rate of the new grade, his compensation shall be increased to the minimum rate. An employee whose type of appointment is changed in the same position may continue to be paid at his existing rate or may be paid at any higher scheduled rate for his grade which does not exceed his highest previous rate; and if his highest previous rate falls between two scheduled rates of the grade, he may be given the higher rate.

(2) When the grade of a position is reduced on post audit by the Commission, no rate paid as a result of the agency's classification of the position shall be used as the incumbent's highest previous rate if such agency classification was made, without fundamental change in the nature of the position or in position-classification standards of the Commission for such positions, after the Commission (under the Classification Act of 1923, as amended, or the Classification Act of 1949, as amended) had placed the position in a lower grade

or had officially informed the agency that the position belonged in a lower grade (see 30 Comp. Gen. 319). The agency may fix the incumbent's rate of pay at any rate of the grade to which his position is reduced not higher than the rate he would have been receiving if the agency had classified the position in that grade, and may credit him with the service that he would then have had creditable toward his next step increase.

(c) An employee who had earned a rate above the maximum scheduled rate of his grade as the result of one or more longevity step increases in the same or higher grade, may, at the discretion of the department, be given any scheduled rate of his grade, or a comparable step above the maximum rate for his grade, when he is reemployed or transferred in the same or a lower grade or reassigned, repromoted or demoted.

(d) Where an employee occupies a position not subject to the Classification Act, and the employee together with his position is initially brought under the Classification Act of 1949, as amended, pursuant to a Reorganization Act or other legislation, an Executive order of the President, or a decision of the Civil Service Commission under section 203 of the Classification Act of 1949, as amended, the employee's rate of basic compensation shall be determined as follows:

(1) If the employee is receiving a rate of basic compensation less than the minimum scheduled rate of the grade in which his position is placed, his compensation shall be increased to the minimum rate.

(2) If the employee is receiving a rate of basic compensation equal to a scheduled rate of the grade in which his position is placed, his compensation shall be fixed at such scheduled rate.

(3) If the employee is receiving a rate of basic compensation at a rate between two scheduled rates of the grade in which his position is placed, his compensation shall be fixed at the higher of the two rates.

(4) If the employee is receiving a rate of basic compensation in excess of the maximum scheduled rate of the grade in which his position is placed, he shall continue to receive basic compensation without change in rate until he leaves such position or until he is entitled to receive basic compensation at a higher rate by reason of the operation of the Classification Act of 1949, as amended.

(5) After his salary rate has been initially established, an employee may subsequently receive increases in compensation by reason of the operation of Title V, Title VII, or section 802 (b) of Title VIII of the Classification Act of 1949, as amended. An employee whose salary was initially established under the foregoing provisions of this subsection and whose position is later changed to a lower grade without material change of duties and responsibilities, shall be paid at the rate he received immediately prior to the date his position became subject to the act (as increased by section 1 (b) 2 (b) of Public Law 201, 82d Congress, or any similar statutory provision) or at any higher rate authorized by other provisions of this section.

(6) An employee may continue to receive a rate fixed above the maximum scheduled rate of his grade under subparagraph (4) or (5) of this paragraph or under any applicable provision of law so long as he continues to occupy the same position, but the rate of basic compensation of a subsequent appointee to such position shall be fixed in accordance with the other applicable provisions in this subpart.

§ 25.104 *Special provisions.* (a) An employee promoted, repromoted or transferred to a higher grade between Classification Act positions or grades shall receive basic compensation at the lowest rate of such higher grade which exceeds his existing rate of basic compensation by not less than one-step increase of the grade from which he is transferred or promoted, unless a higher rate is authorized under the provisions of § 25.103 (b) or (c). However, if a special minimum rate has been established under § 25.105 for the class of positions, the employee will not receive less than the special minimum pay rate. If there is no rate in such higher grade which is at least a one-step increase above his existing rate of basic compensation, he shall receive the maximum scheduled rate of such higher grade, or his existing rate, whichever is the higher.

(b) When a classification decision is made effective retroactively under § 36.1 (c) (2) of this chapter, corrective personnel action affecting the employee concerned shall be termed a cancellation or correction, as the case may be, of the original action of demotion and the employee concerned shall be entitled to retroactive pay in accordance with the terms of the corrective action.

§ 25.105 *Special adjustments in minimum pay rate of the class.* (a) The Commission may establish the minimum rate of basic compensation for a specific class of positions under the Classification Act of 1949, as amended, in a particular area or location at a step rate of the grade which is higher than the normal minimum if the following two conditions are met:

(1) A sufficient number of qualified eligibles in the given occupational class cannot be secured in the particular area or location at the normal minimum rate, and

(2) There is a possibility that a sufficient number of qualified eligibles can be secured by increasing the minimum rate for such class in the particular area or location to one of the higher step rates within the grade.

(b) The minimum rate shall be increased only to the extent believed necessary to produce sufficient additional appointees.

(c) The agency that initiates a request for an increased minimum rate shall be responsible for submitting complete supporting data including, on the specific request of the Commission, a survey of the prevailing entrance rates paid by non-Federal employers in the area. Information and data obtained from private firms in the course of a salary survey shall be available only to the agencies concerned in evaluating the data.

(d) All Federal activities in the defined area or location shall be notified of the new rate and the effective date when a minimum entrance rate is changed.

(e) As of the effective date of the application of any decision raising a minimum rate under this authority, each Federal activity in the defined area or location shall adjust the basic compensation of its current employees in the specific occupational class or classes to the new minimum rate. Such an adjustment shall not be regarded as an "equivalent increase" in compensation within the meaning of title VII of the Classification Act of 1949 as amended. Pay of employees who are already receiving basic compensation at a rate equivalent to or above the new minimum shall not be affected.

(f) Both the Commission and the agencies shall be responsible for initiating action to discontinue or revise a specially authorized minimum rate whenever the increased rate is no longer needed to meet recruitment needs.

(g) Special minimum rates established under this section may be revised from time to time by the Commission.

(h) When a special increased minimum rate is discontinued or reduced, the pay of employees on the rolls in positions affected by the decision shall not be reduced because of the decision.

(i) A statutory revision of the pay schedules of the Classification Act of 1949 as amended shall automatically change the minimum rate authorized under this section to the nearest step rate of the new schedule which does not result in a decrease of such authorized minimum rate.

SUBPART C—OVERTIME, NIGHT, AND HOLIDAY PAY REGULATIONS

AUTHORITY: §§ 25.201 to 25.274 issued under sec. 605, 59 Stat. 304, 68 Stat. 1111; 5 U. S. C. 945. Interpret or apply secs. 101–604, 59 Stat. 295–304, secs. 208–211, 68 Stat. 1111, 1112; 5 U. S. C. 901–944.

§ 25.201 *Employees to whom this subpart applies.* (a) This subpart applies to all civilian officers and employees in or under the executive branch of the United States Government, including Government-owned or controlled corporations, except those specified in § 25.202.

(b) The sections in this subpart incorporating special provisions for certain types of work (§§ 25.251 to 25.274, inclusive), apply also to those officers and employees of the judicial branch, legislative branch, and the District of Columbia municipal government who are subject to titles II, III, and IV of the Federal Employees Pay Act of 1945, as amended.

§ 25.202 *Employees to whom this subpart does not apply.* (a) This subpart does not apply to:

(1) Elected officials;

(2) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations; i. e., heads of governmental establishments in the executive branch which are not component parts of any other such establishment;

(3) Officers and employees in the field service of the Post Office Department;

(4) Employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose, except that § 25.223 (d) shall be applicable to such employees whose rate of basic compensation is fixed on an annual or monthly basis;

(5) Employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed;

(6) Officers and employees of the Inland Waterways Corporation;

(7) Officers and employees of the Tennessee Valley Authority;

(8) Officers and employees of the Central Intelligence Agency;

(9) Individuals to whom the provisions of section 1 (a) of the act entitled "An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes," approved March 24, 1943 (57 Stat. 45, 50 U. S. C. App. 1291) are applicable;

(10) Officers and members of the United States Park Police and the White House Police;

(11) Officers and members of crews of vessels, whose compensation shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices in the maritime industry;

(12) Civilian keepers of lighthouses and civilians employed on lightships and other vessels of the Coast Guard;

(13) Physicians, dentists, nurses, and other employees in the Department of Medicine and Surgery in the Veterans' Administration, whose compensation is fixed under Public Law 293, Seventy-ninth Congress, approved January 3, 1946, as amended; and

(14) Student nurses, medical or dental interns and residents-in-training, student dietitians, student physical therapists, and student occupational therapists, assigned or attached to a hospital, clinic, or medical or dental laboratory operated by any department, agency, or instrumentality of the Federal Government and any other student-employees, assigned or attached to any such hospital, clinic or laboratory primarily for training purposes, who may be designated by the head of such department, agency, or instrumentality with the approval of the Civil Service Commission.

(15) Employees of the Weather Bureau, Department of Commerce, engaged in the conduct of meteorological investigations in the Arctic region.

NOTE: The list above does not contain positions which are excluded on a year-to-year basis by appropriation acts.

(b) In addition to the exclusions listed in paragraph (a), of this section, the extra pay provisions of this subpart shall not apply to overtime, night, and holiday services for which additional compensation is provided by the following statutes: Act of February 13, 1911, as amended (19 U. S. C. 261, 267) involving inspectors, storekeepers, weighers, and other customs officers and employees; act of July 24, 1919 (41 Stat. 241; 7 U. S. C. 394), involving employees engaged in enforcement of Meat Inspection Act; act of June 17, 1930, as amended (19 U. S. C. 1450, 1451, 1452) involving customs officers and employees; act of March 2, 1931 (46 Stat. 1467; 8 U. S. C. 109a and 109b), involving inspectors and employees, Immigration and Naturalization Service; act of May 27, 1936, as amended (52 Stat. 345; 46 U. S. C. 382b) involving local inspectors of steam vessels and assistants, U. S. shipping commissioners, deputies and assistants, and customs officers and employees; act of March 23, 1941 (55 Stat. 46; 47 U. S. C. 154 (f) (2)) involving certain inspectors of the Federal Communications Commission; act of June 3, 1944 (58 Stat. 269; 19 U. S. C. 1451), involving customs officers and employees; act of August 4, 1949 (63 Stat. 495; 7 U. S. C. 394a), involving employees of the Bureau of Animal Industry who work at establishments which prepare virus, serum, toxin and analogous products for use in the treatment of domestic animals; act of August 28, 1950 (64 Stat. 561; 5 U. S. C. 576) involving employees of the Department of Agriculture performing inspection or quarantine services relating to imports into and exports from the United States.

§ 25.203 *Definitions.* For the purposes of this subpart, definitions are given for words, terms, and phrases as follows:

(a) (1) "Administrative workweek" means a period of seven consecutive calendar days.

(2) "Regularly scheduled administrative workweek" for full-time officers and employees means the period within an administrative workweek, established pursuant to § 25.211, when such officers and employees are required to be on duty regularly. For part-time employees, it means the officially prescribed days and hours within an administrative workweek during which such employees are required to be on duty regularly.

(b) "Basic workweek" for full-time officers and employees means the 40-hour workweek established pursuant to § 25.211.

(c) "Department" means any department, independent establishment or agency in the executive branch of the Federal government, including Government-owned or controlled corporations.

(d) "Head of department" means the head of a department or any official who has been delegated the authority to act for the head of the department in the matter concerned.

(e) "Irregular or occasional overtime duty" means hours of employment not scheduled in the regularly scheduled administrative workweek.

(f) "Night pay differential" means the ten percent increase over the officer's or employee's rate of basic compensation, authorized by section 301 of the Federal Employees Pay Act of 1945, as amended.

(g) "Rate of basic compensation" means the rate of compensation fixed by law or administrative action for the position held by an officer or employee before any deductions and exclusive of additional compensation of any kind. It is exclusive of such additional compensation as overtime pay, extra pay for night or holiday work, additional compensation under section 401 of the Federal Employees Pay Act of 1945, as amended, or allowances or post differentials payable to officers or employees stationed outside the States. It is inclusive of the value of quarters, subsistence, and other maintenance allowances under section 3 of the act of March 5, 1928 (45 Stat. 193; 5 U. S. C. 75a).

§ 25.204 *General pay computation method.* (a) Hereafter for all pay computation purposes per annum rates of basic compensation established by or pursuant to law shall be regarded as payment for employment during 52 basic workweeks of 40 hours.

(b) Whenever, for the purposes of computing overtime, holiday, or night pay or additional pay on an annual basis under this subpart, it is necessary to convert a monthly or annual basic rate to a biweekly, weekly, daily, or hourly basic rate, the following rules shall govern:

(1) A monthly rate shall be multiplied by twelve to derive an annual rate;

(2) An annual rate shall be divided by 52 or 26, as the case may be, to derive a weekly or biweekly rate;

(3) A weekly or biweekly rate shall be divided by 40 or 80, as the case may be, to derive an hourly rate; and

(4) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

(5) All rates shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

§ 25.205 *Maximum limitation.* (a) No overtime, night, or holiday compensation or additional compensation on an annual basis provided in this subpart shall be paid to any officer or employee whose rate of basic compensation equals or exceeds the maximum scheduled rate of basic compensation provided for grade GS–15 in the Classification Act of 1949, as amended.

(b) In the case of any officer or employee whose rate of basic compensation is less than the maximum scheduled rate of basic compensation provided for grade GS–15 in the Classification Act of 1949, as amended, such premium compensation may be paid only to the extent that such payment would not cause his aggregate rate of compensation to exceed such maximum scheduled rate with respect to any pay period.

ESTABLISHMENT OF BASIC WORKWEEK AND WORK SCHEDULES

§ 25.211 *Establishment of basic workweek and regularly scheduled administrative workweek.* (a) Heads of departments shall, with respect to each group of full-time officers and employees to whom this subpart applies, establish by regulation:

(1) A basic workweek of 40 hours in length which shall not extend over more than six of any seven consecutive days. Except as provided in paragraphs (b) and (c) of this section, such regulation shall specify the calendar days constituting the basic workweek and the number of hours of employment for each of such calendar days included within the basic workweek.

(2) A regularly scheduled administrative workweek which shall consist of the 40-hour basic workweek established in accordance with subparagraph (1) of this paragraph, plus such period of overtime work as will be regularly required of each group of employees. Except as provided in paragraphs (b) and (c) of this section, the periods of time included in such regularly scheduled administrative workweek which do not constitute a part of the basic workweek shall be identified by calendar days and by number of hours per day for purposes of leave and overtime pay administration.

(b) Whenever it is impracticable to prescribe a regular schedule of definite hours of duty for each workday of a regularly scheduled administrative workweek, the first 40 hours of duty performed within a period of not more than 6 days of the administrative workweek may be established as the basic workweek and all additional hours of officially ordered or approved duty within the administrative workweek shall be treated as overtime.

(c) In the case of officers or employees who are paid additional compensation under section 401 (1) of the Federal Employees Pay Act of 1945, as amended, the length of the regularly scheduled administrative workweek shall be the total number of regularly scheduled hours of duty per week. In the case of other officers and employees whose tours of duty include periods during which they remain at or within the confines of their stations in a standby status rather than performing actual work, the length of the regularly scheduled administrative workweek shall be the total number of regularly scheduled hours of duty per week, including all time in such a standby status except that allowed for sleep and meals by regulation of the department.

§ 25.212 *Establishment of work schedules.* Except where he determines that the department would be seriously handicapped in carrying out its functions or that costs would be substantially increased, the head of each department shall provide that (a) assignments to tours of duty shall be scheduled in advance over periods of not less than one week, (b) the basic 40-hour workweek shall be scheduled on five days, which shall be Monday through Friday, wherever possible, and the two days outside the basic workweek shall be consecutive, (c) the working hours in each day in the basic workweek shall be the same, (d) the basic nonovertime workday shall not exceed eight hours, (e) the occurrence of holidays shall not affect the designation of the basic workweek, and (f) breaks in working hours of more than one hour shall not be scheduled in any basic workday.

OVERTIME PAY

§ 25.221 *Authorization of overtime compensation.* (a) All hours of work officially ordered or approved in excess of 40 hours in any administrative workweek performed by officers and employees to whom this subpart applies shall be considered to be overtime work and, except as otherwise provided in this subpart, shall be compensated as provided in § 25.223.

(b) No overtime in excess of any that may be included in the regularly scheduled administrative workweek shall be ordered or approved except in writing by an officer or employee to whom such authority has been specifically delegated.

§ 25.222 *Computation of overtime employment.* The computation of the amount of overtime employment of an officer or employee shall be subject to the following conditions:

(a) *Leave with pay.* Absence from duty on authorized leave with pay under the annual and sick leave act of October 30, 1951, as amended, during the time when an employee would otherwise have been required to be on duty during the basic workweek (including authorized absence on legal holidays, nonworkdays established by Executive or administrative order, and days of compensatory time off provided for in § 25.224) shall be considered to be employment and shall not have the effect of reducing the amount of overtime compensation to which the employee may be entitled during an administrative workweek. Leave of absence with pay under the act cited shall not be charged for any absence which does not occur during the 40 hours prescribed as the basic workweek.

(b) *Leave without pay.* For any period of leave without pay within an employee's basic 40-hour workweek, an equal period of service performed outside the basic workweek, but during the same administrative workweek, must be substituted and paid for at the rate applicable to his basic workweek, before any remaining periods of service can be paid for at the overtime rate.

(c) *Absence during overtime periods.* Except as expressly authorized by law, as in the case of jury duty under the act of June 29, 1940 (54 Stat. 689), and except to the extent authorized while the employee is in official travel status, no overtime period shall be counted in computing overtime compensation unless the officer or employee performs actual duty during such period or is taking compensatory time off as provided for in § 25.224.

(d) *Night or holiday duty.* Hours of night or holiday duty shall be included in determining for overtime pay purposes the total number of hours of employment within the same administrative workweek.

(e) *Time in travel status.* Time in a travel status away from the official dutystation of any officer or employee shall be considered as hours of employment only (1) when within the days and hours of his regularly scheduled administrative workweek, including regularly scheduled overtime hours, or (2) when the travel involves the performance of actual work while traveling or is carried out under such arduous and unusual conditions that the travel is inseparable from work.

(f) *Call-back overtime.* Any unscheduled overtime work performed by an officer or employee on a day when no work was scheduled for him, or for which he is required to return to his place of employment, shall be considered to be at least two hours in duration for purposes of compensation provided by this subpart, either in money or in time off duty.

§ 25.223 *Computation of overtime compensation.* (a) For each officer or employee whose basic compensation is at a rate which does not exceed the minimum scheduled rate of grade GS-9 of the Classification Act of 1949, as amended, the overtime hourly rate shall be one and one-half times his hourly rate of basic compensation.

(b) For each officer or employee whose basic compensaton is at a rate which exceeds the minimum scheduled rate of grade GS-9 of the Classification Act of 1949, as amended, the overtime hourly rate shall be one and one-half times the hourly rate of basic compensation at the minimum scheduled rate of grade GS-9.

(c) Overtime work performed on Sundays and holidays shall be compensated at the same rates as overtime work performed on other days.

(d) Employees whose rate of basic compensation is fixed on an annual or monthly basis and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose shall be entitled to overtime pay in accordance with the provisions of section 23 of the act of March 28, 1934 (48 Stat. 522; 5 U. S. C. 673c). The rate of compensation for each hour of overtime employment of any such employee shall be computed as follows:

(1) If the rate of basic compensation of the employee is fixed on an annual basis, divide such rate of basic compensation by two thousand and eighty (2080) and multiply the quotient by one and one-half; and

(2) If the rate of basic compensation of the employee is fixed on a monthly basis, multiply such rate of basic compensation by 12 to derive an annual rate of basic compensation, divide such annual rate of basic compensation by two thousand eighty (2080) and multiply the quotient by one and one-half.

(3) All rates shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

§ 25.224 *Compensatory time off for irregular or occasional overtime duty.* (a) The head of a department may, at the request of any officer or employee, grant such officer or employee compensatory time off from his scheduled tour of duty in lieu of payment under § 25.223 for an equal amount of time spent in irregular or occasional overtime work.

(b) The head of a department may, at his own discretion, provide that any officer or employee whose rate of basic compensation is in excess of the maximum scheduled rate of grade GS-9 of the Classification Act of 1949, as amended, shall be compensated for irregular or occasional overtime work with an equivalent number of hours of compensatory time off duty, in lieu of payment under § 25.223.

(c) The head of a department may fix a time limit within which compensatory time off may be requested or taken, and

may provide that when an officer or employee is entitled to compensatory time off under paragraph (a) or (b) of this section but fails to take it within the prescribed limit, he shall lose his rights both to compensatory time off and to overtime pay unless the failure is due to an exigency of the service beyond his control.

NIGHT PAY

§ 25.231 *Authorization of night pay differential.* (a) Any regularly scheduled work between six o'clock p. m. and six o'clock a. m. shall be considered night work, and, except as otherwise provided in this subpart, any officer or employee to whom this subpart applies shall be paid a night pay differential amounting to 10 percent of his rate of basic compensation as premium compensation for all hours of night work, computed in accordance with § 25.232.

(b) The head of a department may designate any time after six o'clock p. m. or before six o'clock a. m. as the beginning or end, respectively, of night work for the purposes of this section at any post outside the several States and the District of Columbia where the customary hours of business in the locality extend into the period between six o'clock p. m. and six o'clock a. m. Times so designated as the beginning or end of night work shall correspond reasonably with the end or beginning, respectively, of the customary hours of business in the locality.

§ 25.232 *Computation of night pay differential—(a) Absence on holidays or in travel status.* Payment of a night pay differential is authorized during periods when the officer of employee is excused from night work on a holiday or other nonworkday and for all night hours of the employee's regularly scheduled tour of duty while he is in an official travel status, whether performing actual duty or not.

(b) *Absence on leave.* Payment of a night pay differential is not authorized during periods when an officer or employee is on leave, except that any officer or employee may be paid a night differential for periods of paid leave during any pay period in which his total paid leave, inclusive of both night and day hours, is less than eight hours.

(c) *Relation to overtime and holiday pay.* Payment of a night pay differential shall be in addition to any overtime or holiday compensation paid in accordance with this subpart. The amount of the night pay differential which an officer or employee earns for working during a night overtime period is not affected by whether he is paid in cash or granted compensatory time off for such overtime services. The night pay differential shall not be included in the rate of basic compensation in computing any overtime or holiday compensation to which an officer or employee may be entitled.

(d) *Temporary assignment to different tour of duty.* The payment of the night pay differential is authorized for night work performed when an employee is assigned temporarily to a regularly scheduled tour of duty other than his own regular tour of duty.

HOLIDAY PAY

§ 25.241 *Identification of holidays.* The following days shall be holidays:

(a) Subject to the provisions of paragraph (b) of this section, the 1st day of January; the 22d day of February; the 30th day of May; the 4th day of July; the first Monday in September; the 11th day of November; the fourth Thursday in November; the 25th day of December; and any day designated as a holiday by Federal statute or Executive order.

(b) Executive Order 10358 of June 9, 1952 (3 CFR, 1952 Supp.), defines "workday" for holiday purposes to mean those hours which comprise in sequence the employee's regular daily tour of duty within any 24-hour period, whether falling entirely within one calendar day or not, and provides that:

(1) Whenever a holiday falls on a Sunday, Federal offices and establishments shall be closed to public business on the following Monday.

(2) Any employee whose basic workweek does not include Sunday and who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever a holiday falls on Sunday.

(3) Any employee whose basic workweek includes Sunday and who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever a holiday falls on a day that has been designated by the agency as his "regular" weekly nonworkday in lieu of Sunday.

(4) Any employee who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever the first Monday of September or the fourth Thursday of November, or any other holiday which always occurs on a specific day of the calendar week (other than Sunday), falls on a day outside the employee's regular basic workweek.

(5) Any employee whose workday covers portions of two calendar days and who would, except for this section, ordinarily be excused from work scheduled for the hours of any calendar day on which a holiday falls, shall instead be excused from work on his entire workday which commences on any such calendar day, or on a day treated as a holiday under this section.

In the case of employees whose regularly scheduled basic workweek includes both Sunday and Monday, either day, as determined by the head of the department, but not both days, shall be treated as a holiday when a holiday falls on Sunday. In the case of employees whose regularly scheduled basic workweek includes Sunday but not Monday, only Sunday shall be treated as a holiday when a holiday falls on Sunday.

§ 25.242 *Authorization of holiday pay.* (a) Any officer or employee who is excused from duty because of a holiday falling within his basic 40-hour workweek shall be entitled to only his rate of basic compensation for that day.

(b) Except as otherwise provided in this subpart, any officer or employee who is assigned to duty on a holiday which is not overtime work as defined in § 25.221 (a) shall be compensated at his rate of basic compensation plus premium compensation for not more than eight hours of such work at a rate equal to his rate of basic compensation.

(c) Any officer or employee assigned to overtime work, as defined in § 25.221 (a), on a holiday shall be compensated at the same rate as for overtime work performed on other days.

(d) Any officer or employee who is assigned to duty on a holiday shall be compensated for at least two hours of such work.

§ 25.243 *Relationship to overtime and night pay.* (a) The premium pay for holidays authorized by § 25.242 shall not be included in the rate of basic compensation in computing any overtime compensation or night pay differential to which the officer or employee may be entitled.

(b) Such premium pay shall not serve to reduce the amount of overtime compensation to which the officer or employee may be entitled during the administrative workweek in which the holiday occurs, and notwithstanding such premium pay, the number of hours of duty on a holiday shall be included in determining for overtime pay purposes the total number of hours of employment performed in the same administrative workweek.

(c) The number of regularly scheduled hours of duty on a holiday falling within the employee's 40-hour basic workweek on which the employee is excused from duty shall be included as a part of the 40-hour basic workweek for overtime pay computation purposes.

(d) Premium pay authorized by section 25.242 shall be in addition to any night pay differential payable under this subpart, but the night pay differential shall not be included in the rate of basic compensation in computing premium pay for holiday duty.

SPECIAL PROVISIONS FOR CERTAIN TYPES OF WORK—POSITIONS REQUIRING EMPLOYEES TO REMAIN AT THEIR STATIONS DURING LONG DUTY TOURS, A SUBSTANTIAL PART OF WHICH IS STANDBY

§ 25.251 *Authorization of additional annual compensation.* (a) Premium pay on an annual basis may be paid to any officer or employee in a position requiring him to regularly remain at, or within the confines of, his station during longer than ordinary periods of duty, a substantial part of which consists of remaining in a standby status rather than performing work. Such additional compensation on an annual basis takes the place of any other premium compensation prescribed in this subpart. It may not exceed 25 percent of such part of the rate of basic compensation as does not exceed the minimum rate for grade GS-9 in the Classification Act of 1949, as amended.

(b) This permissive authority extends to any department, any judicial or legislative agency to which this section ap-

plies (see § 25.201 (b)), and to the municipal government of the District of Columbia. Payment of such additional compensation on an annual basis is subject to the approval of the Civil Service Commission. The Commission has approved payment of such additional compensation at rates and under conditions specified by this subpart. Departments and other agencies are responsible for individual actions within the provisions of this subpart.

§ 25.252 *General restrictions.* (a) No employee shall be paid additional compensation under § 25.251 if such compensation, over a period of time appropriate to reflect the full cycle of his duties and the full range of conditions in his position, would either:

(1) Be less than the premium pay which would otherwise be payable under other sections of this subpart for the hours of actual work customarily required in his position, excluding standby time during which no work is performed, or

(2) Exceed the premium pay which would otherwise be payable under other sections of this subpart for the total hours of duty required in his position, including standby time during which no work is performed.

§ 25.253 *Bases for determining positions for which additional compensation under § 25.251 is authorized.* (a) The requirement of a position that the employee "regularly remain at or within the confines of his station" must meet all the following conditions:

(1) The requirement must be definite and the employee must be officially ordered to remain at his station. The employee's remaining at his station must not be merely voluntary, desirable, or a result of geographic isolation, or solely because the employee lives on the grounds.

(2) The hours during which the requirement is operative must be included in the employee's regularly scheduled hours of duty and his duty tours must be established on a regularly recurring basis over a substantial period of time, generally at least a few months. The requirement must not be occasional, irregular, or for a brief period.

(3) The requirement must be associated with the regularly assigned duties of the employee's job, either as a continuation of his regular work which includes standby time, or as a requirement to stand by at his post to perform his regularly assigned duties if the necessity arises.

(b) "At or within the confines of his station" means one of the following:

(1) At an employee's regular duty station.

(2) In quarters provided by the Government, which are not the employee's ordinary living quarters, and which are specifically provided for use of personnel required to stand by in readiness to perform actual work when the need arises or when called.

(3) In an employee's living quarters, when designated by the department as his duty station and when his whereabouts is narrowly limited and his activities are substantially restricted. This condition exists only during periods when an employee is required to remain at his quarters and is required to hold himself in a state of readiness to answer calls for his services. This limitation on an employee's whereabouts and activities is distinguished from the limitation placed on an employee who is subject to call outside his regular hours of duty but may leave his quarters, provided he arranges for someone else to respond to calls or leaves a telephone number by which he can be reached should his services be required.

(c) "Longer than ordinary periods of duty" are more than 40 hours a week.

(d) "A substantial part of which consists of remaining in a standby status rather than performing work" refers to the entire tour of duty. This condition is met when either:

(1) A substantial part of the whole period of duty, at least 25 percent, is spent in a standby status which occurs throughout the entire tour, or

(2) If certain hours of the tour of duty are regularly devoted to actual work and others are spent in a standby status, that part of the period of duty devoted to standing by is at least 25 percent of the entire period of duty, or

(3) An employee has a regular 40-hour basic workweek requiring full-time performance of actual work and is required, in addition, to perform standby duty on certain nights, or to perform standby duty on certain days not included in his basic workweek.

(e) An employee is "in a standby status" only at times when he is not required to perform actual work and is free to eat, sleep, read, listen to the radio, or engage in other similar pursuits. An employee is performing actual work, rather than being in a standby status, when his full attention is devoted to his work, even though the nature of his work does not require constant activity (for example, a guard on duty at his post and a technician continuously observing instruments are engaged in the actual work of their positions). Actual work includes both work performed during regular work periods and work performed when called out during periods ordinarily spent in a standby status.

§ 25.254 *Rates of additional compensation payable under § 25.251.* (a) The Civil Service Commission has approved the payment of additional compensation under § 25.251 to officers and employees in such positions meeting the requirements of section 401 (1) of the Federal Employees Pay Act of 1945, as amended, and § 25.253 of these regulations as may be designated by the head of any department, of any judicial or legislative agency to which this section applies (see § 25.201 (b)), or of the municipal government of the District of Columbia, provided that the additional compensation under § 25.251 is paid at the following percentages of such part of the rate of basic compensation as does not exceed the minimum scheduled rate of basic compensation provided for grade GS–9 in the Classification Act of 1949, as amended:

(1) Positions with tours of duty of the 24 hours on duty, 24 hours off duty type and with a schedule of: 60 hours a week—5 percent, unless 25 or more hours of actual work is customarily required, in which event—10 percent; 72 hours a week—15 percent, unless 30 or more hours of actual work is customarily required, in which event—20 percent; 84 hours or more a week—25 percent.

(2) Positions with tours of duty requiring the employee to remain on duty during all daylight hours each day, or for 12 hours each day, or for 24 hours each day, with the employee living at his station during the period of his assignment to such tours, and with a schedule of: 5 days a week—5 percent, unless 25 or more hours of actual work is customarily required, in which event—10 percent; 6 days a week—15 percent, unless 30 or more hours of actual work is customarily required, in which event—20 percent; 7 days a week—25 percent.

(3) Positions in which the employee has a regular 40-hour basic workweek requiring full-time performance of actual work, and is required, in addition, to remain on standby duty: 14 to 18 hours a week on regular workdays, or extending into a nonworkday in continuation of a period of duty within the basic workweek—15 percent; 28 or more hours a week on regular workdays, or extending into a nonworkday in continuation of a period of duty within the basic workweek—25 percent; 7 to 9 hours on one or more of his regular weekly nonworkdays—15 percent; 14 or more hours on one or more of his regular weekly nonworkdays—25 percent.

NOTE: The number of days or hours of duty a week for purposes of this section may be the number each week or the average number a week over a reasonable cycle. For example, an employee is considered to be on duty 84 hours a week if (a) this is his actual tour each week, or (b) he is assigned to a regular two-week cycle of 72 hours one week and 96 hours the next week.

(b) If any such department or other agency wishes to pay additional compensation under § 25.251 to an employee in a position meeting the requirements of section 401 (1) of the Federal Employees Pay Act of 1945, as amended, and these regulations, and no approved rate in paragraph (a) of this section is applicable, or if unusual conditions are present which seem to make the applicable rate unsuitable, the department or other agency should propose a rate of additional compensation for the Commission's approval. The proposal should include full information bearing on the scheduled hours of duty; the number of hours of actual work required and how it is distributed over the time on duty; the number of hours in a standby status required and the extent to which the employee's whereabouts and activities are restricted during standby periods; the extent to which the assignment is made more onerous by night or holiday duty or by hours of duty beyond 40 a week; and any other pertinent conditions.

SPECIAL PROVISIONS FOR CERTAIN TYPES OF WORK—POSITIONS IN WHICH THE HOURS OF DUTY CANNOT BE CONTROLLED ADMINISTRATIVELY, AND WHICH REQUIRE SUBSTANTIAL AMOUNTS OF IRREGULAR, UNSCHEDULED, OVERTIME, NIGHT, AND HOLIDAY DUTY

§ 25.261 *Authorization of additional annual compensation.* (a) Premium pay on an annual basis may be paid to any officer or employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled overtime duty and duty at night and on holidays with the officer or employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty. Such additional compensation on an annual basis takes the place of any other premium compensation prescribed in this subpart except premium compensation for regularly scheduled overtime duty. It may not exceed 15 percent of such part of the rate of basic compensation as does not exceed the minimum rate for grade GS–9 in the Classification Act of 1949, as amended.

(b) This permissive authority extends to any department, any judicial or legislative agency to which this section applies (see § 25.201 (b)), and to the municipal government of the District of Columbia. Payment of such additional compensation on an annual basis is subject to the approval of the Civil Service Commission. The Commission has approved payment of such additional compensation at the rate and under conditions specified in this subpart. Departments and other agencies are responsible for individual actions within the provisions of this subpart.

§ 25.262 *General restriction.* No employee shall be paid additional annual compensation under § 25.261 if such compensation would, over a period of time appropriate to reflect the full cycle of his duties and the full range of conditions in his position, exceed the premium pay which would otherwise be payable under other sections of this subpart for the hours of duty required in his position, exclusive of regularly scheduled overtime duty.

§ 25.263 *Bases for determining positions for which additional compensation under § 25.261 is authorized.* (a) By the nature of the work of such positions, "the hours of duty cannot be controlled administratively."

(1) One typical job situation in which the hours of duty cannot be controlled administratively: (i) The hours of duty of an investigator of criminal activities are governed by what criminals do and when they do it. He is often required to perform such duties as shadowing suspects, working incognito among those under suspicion, searching for evidence, meeting informers, making arrests, and interviewing persons having knowledge of criminal or alleged criminal activities. His hours on duty and place of work depend on the behavior of the criminals or suspected criminals and cannot be controlled administratively.

(ii) In such a situation, hours of duty cannot be controlled by such administrative devices as hiring additional personnel; rescheduling the hours of duty (which can be done when, for example, a type of work occurs primarily at certain times of the day); or granting compensatory time off duty to offset overtime hours required.

(b) In order to satisfactorily discharge the duties of such positions, employees are required to perform substantial amounts of "irregular, unscheduled, overtime duty, and duty at night and on holidays."

(1) A substantial amount of irregular, unscheduled, overtime duty means an average of at least six hours of such overtime duty a week.

(2) The irregular, unscheduled, overtime duty is a continual requirement, generally averaging more than once a week.

(3) There must be a definite basis for anticipating that the irregular, unscheduled, overtime duty will continue over an appropriate period of time with a duration and frequency sufficient to meet the requirements under subparagraphs (1) and (2) of this paragraph and that night and holiday duty will be performed from time to time.

(c) The employee generally is "responsible for recognizing, without supervision, circumstances which require him to remain on duty."

(1) The responsibility for an employee remaining on duty when required by circumstances must be a definite, official, and special requirement of his position.

(2) The employee must remain on duty not merely because it is desirable, but because of compelling reasons inherently related to continuance of his duties, and of such a nature that failure to carry on would constitute negligence.

(3) "Recognition of circumstances" does not include such clear-cut instances as, for example, when an employee must continue working because a relief fails to report as scheduled.

(4) (i) "Circumstances which require an employee to remain on duty" means requiring the employee to continue on duty in continuation of a full daily tour, or that, after the end of the regular workday, the employee resumes duty in accordance with prearranged plans or an awaited event. Performance of only callback overtime assignments, referred to in § 25.222 (f) of this subpart, does not meet the requirement.

(ii) The requirement is that the employee remain on duty in continuation of a full, regularly scheduled, daily tour of duty. The employee has no choice as to when or where he may perform the work. This differs from a situation in which an employee has the option of taking work home or doing it at the office; or doing it in continuation of his regular hours of duty or later in the evening. It also differs from a situation in which an employee has such latitude in his working hours, as when in a travel status, that he may decide to begin work later in the morning and continue working later at night to better accomplish a given objective.

§ 25.264 *Rates of additional compensation payable under § 25.261.* (a) The Civil Service Commission has approved the payment of additional compensation under § 25.261 to officers and employees in such positions meeting the requirements of section 401 (2) of the Federal Employees Pay Act of 1945, as amended, and § 25.263 as may be designated by the head of any department, of any judicial or legislative agency to which this section applies (see § 25.201 (b)), or of the municipal government of the District of Columbia, provided that the additional compensation under § 25.261 is paid at the rate of 15 percent of such part of the rate of basic compensation as does not exceed the minimum scheduled rate for grade GS–9 in the Classification Act of 1949, as amended.

(b) If any such department or other agency wishes to pay additional compensation under § 25.261 to an employee in a position meeting the requirements of section 401 (2) of the Federal Employees Pay Act of 1945, as amended, and the regulations in this part, and if unusual conditions are present which seem to make the approved rate in paragraph (a) of this section unsuitable, the department or other agency should propose a lesser rate of additional compensation for the Commission's approval. The proposal should include full information bearing on the frequency and duration of irregular, unscheduled, overtime duty and the night and holiday duty required; the nature of the work which prevents hours of duty from being controlled administratively; the necessity for the employee's being generally responsible for recognizing, without supervision, circumstances which require him to remain on duty; and any other pertinent conditions.

SPECIAL PROVISIONS FOR CERTAIN TYPES OF WORK—RESPONSIBILITIES OF DEPARTMENTS AND GENERAL RULES GOVERNING PAYMENTS

§ 25.271 *Responsibilities of the departments.* (a) The head of each department, judicial or legislative agency to which this section applies (see § 25.201 (b)), and the municipal government of the District of Columbia is responsible for:

(1) Fixing tours of duty; ordering employees, as he deems necessary, to remain at their stations in a standby status; and placing responsibility on employees, as he deems necessary, for remaining on duty when required by circumstances.

(2) Determining, in accordance with the provisions of section 401 (1) and section 401 (2) of the Federal Employees Pay Act of 1945, as amended, and these regulations, which employees shall receive additional compensation under § 25.251 or § 25.261. These determinations shall not be retroactive.

(3) Determining the number of hours of actual work to be customarily required in positions involving longer than ordinary periods of duty, a substantial part of which consists of standby duty. This determination shall be based on consideration of the time required by regular, repetitive operations, available records of the time required in the past by other activities, and any other information bearing on the number of hours of actual work which may reasonably be expected to be required in the future.

(4) Determining the number of hours of irregular, unscheduled, overtime duty to be customarily required in positions which require substantial amounts of irregular, unscheduled, overtime duty, and duty at night and on holidays with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty. This determination shall be based on consideration of available records of the hours of irregular, unscheduled, overtime duty required in the past and any other information bearing on the number of hours of such duty which may reasonably be expected to be required in the future.

(5) Determining the rate of additional compensation approved by the Civil Service Commission that is applicable to each employee compensated under § 25.251 or § 25.261; or if no approved rate is applicable, proposing a rate of additional compensation to the Civil Service Commission for approval.

(6) Reviewing determinations under subparagraphs (2), (3), (4), and (5) of this paragraph at appropriate intervals, and discontinuing payments or revising rates of additional compensation in each instance where such action is necessary to meet the requirements of section 401(1) or section 401(2) of the Federal Employees Pay Act of 1945, as amended, and the regulations in this part.

§ 25.272 *Payment provisions.* (a) Except as otherwise provided in this section, an employee's additional compensation under § 25.251 or § 25.261 shall begin on the date that he enters on duty in the position concerned for purposes of basic compensation, and shall cease on the date that he ceases to be paid basic compensation in the position.

(b) An employee in a position in which conditions warranting additional compensation under § 25.251 or § 25.261 exist only during a certain period of the year, such as during a given season, shall be paid such additional compensation only during the period he is subject to such conditions.

(c) An employee in a position in which he is receiving additional compensation under § 25.251 or § 25.261, temporarily assigned to duties in which conditions do not warrant such additional compensation, shall continue to receive such additional compensation, at the discretion of the head of the department, for not more than 14 consecutive calendar days, and for a total of not more than 30 working days in any calendar year.

(d) During periods when an employee is not entitled to receive additional compensation under § 25.251 or § 25.261, he shall be paid for overtime, night and holiday duty in accordance with other sections of this subpart.

(e) Payments of additional compensation under § 25.251 or § 25.261 shall continue during periods of leave with pay taken during periods in which additional compensation under such sections is payable in accordance with paragraphs (a), (b), and (c) of this section.

§ 25.273 *Relationship to other payments.* (a) Employees receiving additional compensation under § 25.251 shall not receive premium compensation for overtime, night, and holiday duty under any other sections of this subpart.

(b) Employees receiving additional compensation under § 25.261 shall not receive premium compensation for irregular, unscheduled overtime duty or duty at night or on holidays under any other sections of this subpart, but shall be paid under other sections of this subpart for regularly scheduled overtime duty.

(c) Overtime, night, or holiday services compensated under any statute other than the Federal Employees Pay Act of 1945, as amended, shall not be considered as a basis for payment of additional compensation under § 25.251 or § 25.261.

(d) Additional compensation under § 25.251 or § 25.261 is not base pay, and is not included in the base used in computing retirement deductions, foreign and territorial allowances and differentials, or any other benefits or deductions that are computed on base pay alone.

§ 25.274 *Construction and computation of existing aggregate rates.* (a) An employee's existing aggregate rate shall be constructed on the basis of the estimate of earnings which the employee would have received over an appropriate period, generally a year, if his tour of duty immediately prior to the date section 401 of the Federal Employees' Pay Act of 1945, as amended, becomes applicable to him, remained the same.

(b) In constructing such rate, night, holiday, overtime, and basic compensation shall be included. Pay for irregular or occasional overtime work will be considered only if it has been significant in amount in the past and the conditions which required it are expected to continue.

NOTE: Example of a formula which may be used in determining an existing aggregate rate: 72-hour tour of duty—24 hours on, 24 hours off, including standby time:

Basic annual salary	-------
Overtime pay (X-hours a pay period, 24 pay periods at overtime rate for pay period)	-------
Nightwork pay (X-hours a pay period, 24 pay periods at 10 percent of employee's straight-time rate)	-------
Holiday premium pay (6 days at employee's straight-time rate)	-------
Existing aggregate rate, on a per annum basis	(Total of above)
Existing aggregate rate per hours of duty—total aggregate rate divided by 3744 (72 hour tour times 52 weeks), hourly rate.	

For this tour, which includes standby time and during which an allowance of eight hours a day is made for sleep and meals, the employees' pay is computed on the basis of two-thirds of the duty hours, or 48 hours a week. In the above calculation of overtime and night differential pay, the employees are considered to be on leave 20 days in the year, irrespective of individual differences as to leave earned or used. Irregular, occasional overtime duty has been determined to be negligible. Holiday pay is allowed for six holidays. All employees receive the benefit of Labor Day and Thanksgiving. These employees are required to work on all holidays which fall in their tours of duty, and, because of some overlapping of shifts and the celebration on Monday of holidays falling on Sunday, it is estimated that these employees would work four of the remaining six holidays.

(c) An employee's rate of compensation based on the additional annual compensation provisions shall be recomputed upon receiving subsequent increases in basic compensation in order to determine whether or not he will continue to receive a "saved rate" or be paid under the additional annual compensation provisions.

(d) Subsequent increases in basic compensation may not be used to redetermine an employee's "saved rate". However, the increases shall be used for other pay purposes, such as computation of retirement deductions and annuities, payment of overseas allowances and post-differentials, and determination of highest previous rate under the General Compensation Regulations.

(e) When an agency elects to pay an employee additional annual compensation in accordance with § 25.251 or § 25.261 such employee shall continue to be paid basic compensation, night, holiday, and overtime pay under the provisions of section 401 of the Federal Employees' Pay Act of 1945, as amended, unless the aggregate amount of the annual compensation to be paid under § 25.251 or § 25.261 is equal to or greater than the aggregate amount of his compensation as computed under section 401. When such annual compensation computed under § 25.251 or § 25.261 becomes equal to or greater than the aggregate compensation computed under section 401, the employee's rate of compensation shall be computed and paid under the additional annual compensation provisions.

(f) The use of the "saved rate" constructed under paragraph (a) of this section shall continue so long as the employee remains in a position to which the provisions of § 25.251 or § 25.261 are applicable, his tour of duty does not decrease in length, and he continues to perform equivalent night, holiday and irregular overtime work.

(g) In the event an employee entitled to a saved rate under paragraph (a) of this section moves from one position to another position within the same agency, both of which come within the scope of section 401 of the Federal Employees' Pay Act of 1945, as amended, he shall be entitled to a "saved rate" in the new position such as he would have received had he occupied that position when the agency elected to bring it within the scope of § 25.251 or § 25.261.

(h) An employee whose existing aggregate rate was determined prior to the effective date of Public Law 94, 84th Congress, approved June 28, 1955 (the Federal Employees Salary Increase Act of 1955, effective at the beginning of the first pay period after February 28, 1955), is entitled to have his "saved rate" increased by an amount which represents the difference between the former top longevity rate and the current top longevity rate for his grade.

NOTE: For example, an employee in grade GS-5 whose saved rate is $4,100 is entitled to have $350 added to his saved rate. The amount of $350 represents the difference between the former top longevity rate, $4,535 and the current top longevity rate for his grade, $4,885.

SUBPART D—[RESERVED]

SUBPART E—CONVERSION OF EMPLOYEES TOGETHER WITH THEIR POSITIONS FROM CLASSIFICATION ACT SCHEDULE TO PREVAILING WAGE SYSTEM, OR FROM PREVAILING WAGE SYSTEM TO CLASSIFICATION ACT SCHEDULE

AUTHORITY: §§ 25.501 to 25.505 issued under sec. 113, 68 Stat. 1108; 5 U. S. C. 1123. Interpret or apply sec. 114, 68 Stat. 1108; 5 U. S. C. 1132. Other statutory authority interpreted or applied is cited to text in parentheses.

§ 25.501 *Purpose.* The purpose of the regulations in this subpart is to implement Title I, Public Law 763, 83d Congress, by prescribing the conditions for adjusting the rates of compensation when an employee and his position are converted from a Classification Act schedule to a prevailing wage system or, from a prevailing wage system to a Classification Act schedule.

§ 25.502 *Definitions.* As used in this subpart the term:

(a) "Conversion" means the change of an employee together with his position from a Classification Act schedule to a prevailing wage system, or from a prevailing wage system to a Classification Act schedule.

(b) "Classification Act" means the Classification Act of 1949, as amended.

(c) "Rate" means rate of basic compensation.

(d) "Aggregate rate" means the sum of an employee's basic rate of compensation and any applicable foreign or territorial post differential or territorial cost-of-living allowance, or differential payable for night work under the Federal Employees' Pay Act of 1945, as amended.

(e) "Overseas position" means a position in the Territories or possessions of the United States or in foreign areas.

§ 25.503 *Conversion from Classification Act to prevailing wage system.* (a) An employee converted from a Classification Act schedule to a prevailing wage system shall be entitled upon conversion to compensation at a rate under the prevailing wage system which is not less than his rate prior to such conversion. However, if no such rate exists in his prevailing wage position, he shall then be paid at a rate equal to his rate prior to such conversion.

(b) If serving in an overseas position where he was paid an overseas allowance or differential at the time of conversion, such employee shall, in addition to the rate he receives under paragraph (a) of this section, have saved to him the difference between his rate after conversion and his former aggregate rate.

(c) If converted while serving on a night shift, he may, in addition to the night rate he receives under paragraph (a) of this section, have saved to him the difference between his night rate after conversion and his former aggregate rate if his agency determines such action to be in the public interest.

(d) When applying paragraph (b) or (c) of this section, an employee shall in no case receive compensation in excess of his aggregate rate prior to conversion.

§ 25.504 *Conversion from prevailing wage system to Classification Act schedule.* (a) An employee converted from a prevailing wage system to a Classification Act schedule shall be entitled upon conversion to compensation at a scheduled rate in his grade which is not less than his rate prior to such conversion. If no such rate exists in his new grade, he shall then be paid a rate equal to his former rate.

(b) If serving in an overseas position at the time of conversion, such employee shall be paid at the lowest scheduled rate of his Classification Act grade which results in an aggregate rate not less than his rate prior to conversion. If, however, the maximum scheduled rate of the grade results in an aggregate rate less than his rate prior to conversion, he shall then be paid a rate equal to his former rate.

(c) If serving a night shift at the time of conversion, such employee shall be paid at the lowest scheduled rate of his Classification Act grade which results in an aggregate rate not less than his rate prior to conversion. However, if the maximum scheduled rate of the grade results in an aggregate rate less than his rate prior to conversion, he shall be paid a rate equal to his former prevailing night rate.

§ 25.505 *Continuation of saved compensation.* (a) An employee whose position has been converted shall continue to receive compensation in accordance with this subpart so long as he occupies the same position, until he becomes entitled under the normal operations of the pay system to which he has been changed to compensation equal to that which results from the application of the regulations in this subpart.

(b) If the employee moves between Classification Act positions after the initial conversion, he may continue to receive compensation under this subpart, at the discretion of the employing agency, if he would have been entitled to the same or greater total compensation had he occupied the new position at the time of the initial conversion.

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

Sec.
27.1 Exclusion from provisions of Federal Employees Pay Act and Classification Act.
27.2 Maximum stipends prescribed.
27.3 Stipends under existing agreements with trainees.
27.4 Stipends of trainees assigned to Federal hospitals as affiliates.
27.5 Exclusion of other trainee positions and establishment of maximum stipends.
27.6 Extent of regulations.
27.7 Inquiries.

AUTHORITY: §§ 27.1 to 27.7 issued under 61 Stat. 727; 5 U. S. C. 1051–1058.

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* In accordance with the provisions of section 1 and section 2 of Public Law 330, 80th Congress, approved August 4, 1947, the following positions, in addition to those specifically excluded by section 1 and section 2 of such law, are excluded from the provisions of the Federal Employees Pay Act of 1945 (Public Law 106, 79th Congress), as amended, and the Classification Act of 1949 (Public Law 429, 81st Congress, approved October 28, 1949), as amended:

Residents in hospital administration, second year approved postgraduate training.

Chaplain intern, Department of Health, Education, and Welfare, first year of approved clinical training following completion of three or more years of approved postgraduate theological training.

Chaplain resident, Department of Health, Education, and Welfare, second year of approved clinical training following completion of four or more years of approved postgraduate theological training.

Chaplain student intern, Department of Health, Education, and Welfare, approved training during second year of approved postgraduate theological training.

Interns in clinical psychology, Department of Health, Education, and Welfare, second year approved postgraduate training (predoctoral), third year approved postgraduate training (pre-doctoral), and fourth year approved postgraduate training (pre-doctoral).

Clinical psychology residents, Department of Health, Education, and Welfare, fifth year approved postgraduate training (post-doctoral) and sixth year approved postgraduate training (post-doctoral).

Student laboratory technicians, U. S. Public Health Service and Department of the Army, one year approved training after a minimum of two years college level training.

Student X-ray technicians, U. S. Public Health Service, one year to eighteen months approved training.

Pharmaceutical interns, U. S. Public Health Service, one year approved postgraduate training.

Recreation interns, U. S. Public Health Service, one year approved postgraduate training.

Medical record students, U. S. Public Health Service, one year approved training after two years college level training.

Medical record interns, U. S. Public Health Service, one year approved training after a minimum of three years college level training.

Psychiatric nurse interns (postgraduate student nurses), at St. Elizabeths Hospital and U. S. Public Health Service, one year approved postgraduate training.

Practical nurse affiliate at St. Elizabeths Hospital, three months approved postgraduate training.

Student hospital administration intern, U. S. Public Health Service, approved training prior to first year of postgraduate training in hospital administration.

Hospital administration resident, Freedmen's Hospital, third year approved postgraduate training.

Student practical nurse, U. S. Public Health Service, approved training during clinical affiliation.

Student clinical psychologist, Bureau of Mental Hygiene, Health Department, Government of the District of Columbia, third year approved postgraduate training:

Clinical psychology interns, U. S. Public Health Service, fifth year approved postgraduate training (post-doctoral).

Hospital administration intern, U. S. Public Health Service, first year approved postgraduate training.

Dietetic Resident, second year approved postgraduate training.

Recreation intern, Department of Health, Education, and Welfare, one year approved postgraduate training.

Social Worker Intern (Student Social Worker), U. S. Public Health Service.

Student Pharmacist, U. S. Public Health Service.

Auxiliary medical therapy student positions, Department of Health, Education, and Welfare, as follows: Vocational Guidance Counselor (Student), Recreation Leader (Student), Occupational Therapist (Student), Vocational Rehabilitation Adviser (Student), Teacher (Student) (Educational Administration and Supervision), Teacher (Student) (Business Training), Teacher (Student) (Music), Teacher (Student) (Art), and Chaplain (Student).

Medical student interns, approved training during third and fourth years of medical school.

Student practical nurses, Department of Health, Education, and Welfare, one year approved training.

§ 27.2 *Maximum stipends prescribed.* In accordance with the provisions of section 3 of Public Law 330, 80th Congress, approved August 4, 1947, the following maximum stipends (including overtime pay, maintenance allowances, and other payments in money or kind), except as otherwise provided in § 27.3 are hereby prescribed:

Medical or dental interns and residents:	
Approved internship, per year	$2,800
First year approved residency	3,400
Second year approved residency	3,800
Third year approved residency	4,200
Fourth year approved residency	4,700
Dietetic interns (student dietitians):	
One year approved postgraduate training	2,000
Physical therapy interns (student physical therapists): approved clinical training in affiliation with an approved school of physical therapy, per month	166
Occupational therapy interns (student occupational therapists)—Approved clinical training in affiliation with an approved school of occupational therapy, per month	166
Hospital administration residents—Second year approved postgraduate training	2,200
Chaplain intern, Department of Health, Education, and Welfare—First year of approved clinical training following completion of three or more years of approved postgraduate theological training	2,600
Chaplain resident, Department of Health, Education, and Welfare—Second year of approved clinical training following completion of four or more years of approved postgraduate theological training	2,800
Chaplain student intern, Department of Health, Education, and Welfare—Approved training during second year of approved postgraduate theological training, per month	183
Clinical psychology interns, Department of Health, Education, and Welfare:	
Second year approved postgraduate training (pre-doctoral)	2,200
Third year approved postgraduate training (pre-doctoral)	2,400
Fourth year approved postgraduate training (pre-doctoral)	2,600
Clinical psychology residents, Department of Health, Education, and Welfare:	
Fifth year approved postgraduate training (post-doctoral)	$2,800
Sixth year approved postgraduate training (post-doctoral)	3,400
Student laboratory technicians—U. S. Public Health Service and Department of the Army—1 year approved training, after a minimum of 2 years college level training	1,600
Student X-ray technicians—U. S. Public Health Service:	
First 9 months approved training, per month	100
Subsequent 3 to 9 months approved training, per month	110
Pharmaceutical interns—U. S. Public Health Service: 1 year approved postgraduate training	2,000
Recreation interns—U. S. Public Health Service: 1 year approved postgraduate training	1,470
Medical record students—U. S. Public Health Service: 1 year approved training, after 2 years college level training—no stipend other than any maintenance provided.	
Medical record interns—U. S. Public Health Service: 1 year approved training, after a minimum of 3 years college level training	1,800
Psychiatric nurse interns (postgraduate student nurses)—U. S. Public Health Service and St. Elizabeths Hospital; one year approved postgraduate training	2,000
Practical nurse affiliate—St. Elizabeths Hospital: Three months approved postgraduate training—no stipend other than any maintenance provided.	
Student hospital administration intern—U. S. Public Health Service: Approved training prior to first year of post-graduate training in hospital administration—no stipend other than any maintenance provided.	
Hospital administration resident—Freedmen's Hospital: Third year approved postgraduate training	2,400
Student practical nurse—U. S. Public Health Service: Approved training during clinical affiliation—no stipend other than any maintenance provided.	
Student clinical psychologist—Bureau of Mental Hygiene, Health Department, Government of the District of Columbia: Third year approved postgraduate training	2,000
Hospital administration intern.—U. S. Public Health Service:	
First year approved postgraduate training	2,000
Student practical nurse—U. S. Public Health Service Hospital, New Orleans, Louisiana: Approved training during clinical affiliation, per month	42
Dietetic resident: Second year approved postgraduate training	2,200
Recreation intern, Department of Health, Education, and Welfare: One year approved postgraduate training	2,000
Social Worker Interns (Student Social Workers), U. S. Public Health Service. Part-time approved postgraduate training during program for the Master of Science degree, per month	87.50
Student Pharmacists, U. S. Public Health Service. Part-time approved training after a minimum of three years college level training, per month	22.50
Auxiliary medical therapy student positions, Department of Health, Education, and Welfare, as follows: Vocational Guidance Counselor (Student), Recreation Leader (Student), Occupational Therapist (Student), Vocational Rehabilitation Adviser (Student), Teacher (Student) (Educational Administration and Supervision), Teacher (Student) (Business Training), Teacher (Student) (Music), Teacher (Student) (Art), and Chaplain (Student):	
Part-time approved training after a minimum of one year college-level training, per semester	$200
Medical student interns—Approved training during third year of medical school:	
Full-time, per month	200
Half-time, per month	200
Approved training during fourth year of medical school:	
Full-time, per month	216
Half-time, per month	108
Medical residents, Glenn Dale Hospital, Government of the District of Columbia:	
First year approved residency	4,100
Fourth year approved residency	5,400
Student practical nurses, Department of Health, Education, and Welfare.	
One year approved training, per month	100
Student nurses: Total for three years' training (diploma course)	4,500

§ 27.3 *Stipends under existing agreements with trainees.* Stipends (total amounts paid, including maintenance allowances and other payments in kind) under existing agreements with trainees in accordance with maximum stipends approved by the Commission under the provisions of Executive Order 9750, and which are in excess of maximums in the above schedules, are hereby approved as maximums for the duration of training under such agreements: *Provided,* That statements of the terms of such agreements, with schedules of stipends and allowances, are filed with the Commission before September 1, 1947.

§ 27.4 *Stipends of trainees assigned to Federal hospitals as affiliates.* Trainees at non-Federal hospitals assigned to Federal hospitals as affiliates for part of their training shall receive no stipend from the Federal hospital other than any maintenance provided.

§ 27.5 *Exclusion of other trainee positions and establishment of maximum stipends.* Requests for approval by the Commission of exclusions from the provisions of the Federal Employees Pay Act of 1945, as amended, and the Classification Act of 1949, as amended, of other positions filled by persons employed on a student-employee basis assigned or attached to a hospital, clinic, or medical or dental laboratory, as provided in section 1 and section 2 of Public Law 330, 80th Congress, and for approval of maximum stipends not provided in § 27.2 or § 27.3, should be submitted promptly to the Commission with full supporting information.

§ 27.6 *Extent of regulations.* Maximum stipends provided in § 27.2 and § 27.3 apply to any "hospital, clinic, or medical or dental laboratory, operated by any department, agency, or instrumentality of the Federal Government or by the District of Columbia," unless rates of compensation are otherwise provided by law.

§ 27.7 *Inquiries.* Inquiries concerning this part may be directed, in Washington, D. C., to the Special Studies Section, Personnel Classification Division, telephone extension 625, and, in the field, to the appropriate regional or branch regional office.

PART 29—RETIREMENT

Sec.	
29.1	Administration.
29.2	Evidence.
29.3	Applications.
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29.5	Disability retirement; medical examination.
29.6	Effective date of retirement.
29.7	Computation of interest.
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29.10	Designation of agent.
29.11	Disclosure of information.
29.12	Joint and survivorship annuities.
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29.14	Purchase of additional annuity.
29.15	Appeals.
29.16	Exemption from automatic separation.
29.101	Basic records.

AUTHORITY: §§ 29.1 to 29.101 issued under sec. 17, 46 Stat. 478; 5 U. S. C. 709. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 29.1 *Administration.* (a) The Commission shall have charge of the adjudication of all claims arising under the retirement laws, and of all matters directly or indirectly concerned with such adjudication.

(b) In the adjudication of claims arising under the retirement laws, the Commission shall consider and take appropriate action on counterclaims filed by the Government as setoffs against amounts in the retirement fund involved.

(Sec. 18, 46 Stat. 479; 5 U. S. C. 729)

§ 29.2 *Evidence.* (a) Civil Service Commission Form 2806 (Individual Retirement Record) shall be the basic record for action on all claims for annuity or refund, and those pertaining to deceased employees or annuitants.

(b) When loss or destruction or incompleteness of records in the Government offices concerned is shown, a request shall be made through the Commission to the General Accounting Office for such data as may be deemed necessary for a proper determination of the rights of the claimant. When the required information cannot be developed by any official record, inferior or secondary evidence then becomes admissible and should be requested.

§ 29.3 *Applications.* (a) All applications under the Retirement Act shall be filed with the Commission and shall be made on such forms as may be prescribed by the Commission.

(Sec. 13, 46 Stat. 476; 5 U. S. C. 716)

§ 29.4 *Time for filing applications.* (a) An application for annuity on account of age or optional retirement may be filed shortly before or at any time after the employee reaches the requisite retirement age. If the department contemplates reemployment of the employee immediately following retirement, the application must be executed at least 60 days in advance of the separation date and submitted immediately to the Commission with a photo copy of Form 2806 or a complete resume of the employee's service history, salary, and retirement deductions.

(b) An application for immediate or deferred annuity on account of voluntary or involuntary separation from the service should not be filed before the employee's separation nor more than 30 days prior to the commencing date of annuity.

(c) An application for retirement on account of disability must be executed by the employee prior to the applicant's separation from the service or within 6 months thereafter. This time limitation may be waived by the Commission in the cases of employees who are found to have been mentally incompetent at date of separation or within 6 months thereafter, the application in each such case to be filed with the Commission within one year from the date of restoration of any such person to competency or the appointment of a fiduciary, whichever is the earlier. This time limitation may also be waived by the Commission in the cases of employees who at date of separation or within 6 months thereafter are receiving hospital treatment, the application in each such case to be filed with the Commission within 6 months after termination of such hospitalization. An employee whose disabling condition is essentially chronic, deteriorative, or progressive in nature and can reasonably be assumed to have existed at date of separation, may file application within one year after date of separation; should an employee have been separated under such conditions prior to August 8, 1949, he may file application within 6 months after that date. Request or order by the department or other governmental agency for retirement of an employee for disability must be filed prior to the employee's separation from service. If application for retirement is submitted on an inappropriate form, or on an appropriate form inadequately or incompletely executed, such application may be accepted as an informal claim.

(d) An application by or on behalf of a survivor of a deceased employee or annuitant may be filed at any time after the death of the employee or annuitant.

(Sec. 6, 62 Stat. 51; 5 U. S. C. 710)

§ 29.5 *Disability retirement; medical examination.* (a) When an applicant for retirement on account of total disability has established a prima facie case and no legal grounds for rejection exist, such applicant shall be ordered to appear for a medical examination before a medical officer of the United States or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commission. When the application is accompanied by a report of examination already made by a medical officer of the United States, it may not be necessary to require another examination.

(b) When a medical examination made in compliance with the direction of the Commission shows that the annuitant has recovered and has been restored to an earning capacity which would permit him to be appointed to an appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payments of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position. In no case shall the continued payment of the annuity exceed one year from the date of the medical examination showing recovery. If the annuitant shall be reemployed in the Government service within the one year, the annuity shall be discontinued at the close of the day preceding the date of such reemployment.

(c) The Commission, where it appears in any particular case that the nature of the disability is such as to warrant the conclusion that it will continue for a certain period, may, in the exercise of its authority, waive the requirement for regular annual examinations for the period during which there is reasonable expectation of continuation of the disability, but in any case a medical or other examination may be ordered at any time to determine the facts relative to the nature and degree of disability of any employee thus retired.

(d) If the evidence shows that the disability is permanent in character, further examination shall not be ordered, unless warranted, and the annuitant shall be notified accordingly.

(Sec. 6, 62 Stat. 51; 5 U. S. C. 710)

§ 29.6 *Effective date of retirement.* (a) When an employee reaches retirement age on any day within a month, his annuity shall commence on the first day of the succeeding month. The employee will not be subject to automatic separation until the end of the month in which such age is attained, and credit for service shall be given for the period between the date of reaching retirement age and the beginning date of annuity. The head of the employing agency must notify each such employee regarding the fact of separation at least 60 days in advance thereof, but, should the agency head fail, through error, to give timely notification, the employee may not be separated without his consent until the end of the month in which such 60-day notice expires.

(b) When an employee retires on account of disability, the annuity shall commence on the first day of the month succeeding the termination of pay status, or on the first day of any subsequent month, as the case may warrant. In such cases, credit for service may be given for the period between the termination of pay status and the beginning date of annuity if the employee is carried on the rolls of the department during such time.

(c) In cases of optional retirement, or retirement because of involuntary separation after 25 years of service, the annuity shall commence on the first day of the month following separation, or it may start the first day of the month following termination of pay status provided such pay ceased after April 1, 1948,

and the employee met the age and service requirements at the end of the month in which pay ceased.

(d) In cases of discontinued service retirement, the annuity shall commence on the first day of the month following attainment of age 62, or the first day of the month following separation, whichever is later.

(e) The annuity payable under section 12 of the act of May 29, 1930, as amended, to a surviving widow or child shall commence on the first day of the month following the month in which the employee or annuitant dies or the first day of the month following the month in which eligibility for such annuity attaches, whichever is later.

(Secs. 7, 12, 13, 62 Stat. 52, 54, 58; 5 U. S. C. 718, 724, 733)

§ 29.7 *Computation of interest.* (a) The computation of interest shall be on the basis of 30 days to the month. Interest will be computed for the actual time involved in each case, but whenever applicable the rule of average will obtain.

(b) In all cases, interest shall be allowed on current deductions, deposits, and redeposits at the rate of 4 percent to December 31, 1947, and 3 percent thereafter, compounded annually, through all periods of service. When an officer or employee subject to the Retirement Act is transferred to a position wherein he does not retain his retirement status, and is entitled to refund of deductions with interest, the interest will terminate with the last day of service in the former position; and when an employee becomes absolutely separated from the service before completing five years' civilian service, interest on deductions will terminate with the last day in service. A fractional part of a month in the total service in any calendar year shall be disregarded, and no interest shall be allowed unless the service covered by the refund aggregates more than one year. After an employee has completed five years or more of civilian service, interest for refund purposes will terminate with the last day in service.

(c) Service-credit deposits and redeposits made by potential annuitants separated from service after serving at least five years will draw interest at the rate of 3 percent, compounded annually, during the separation period until beginning date of annuity.

(d) Interest at the rate of 3 percent, compounded annually, shall be allowed on voluntary deposits during periods of employment, and, after the employee has completed at least five years' civilian service, during periods of separation until beginning date of annuity; for refund purposes, interest will terminate with the last day in service.

(Secs. 10, 12, as amended, 62 Stat. 53, 54; 5 U. S. C. 719, 719–1, 724)

§ 29.8 *Military service.* (a) Periods of honorable service in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States shall, after the employee has completed 5 years' civilian service, be credited under the retirement law. The only exception occurs in case the employee is receiving retired pay awarded for reasons other than (1) service-connected disability incurred in combat with an enemy of the United States, (2) service-connected disability incurred by explosion of an instrument of war, or (3) under Title III of the Act of June 29, 1948, Public Law 810, 80th Congress.

(b) An applicant for annuity who is in receipt of retired pay as above indicated may elect to surrender such retired pay and to have his military service added to his period of civil service for the purpose of obtaining a greater benefit in the form of annuity. Should it appear upon the adjudication of a claim for annuity that the claimant will benefit by the inclusion of military service, and the relinquishment of benefit based thereon, he shall be so advised and permitted to exercise the right of election.

(Sec. 5, 62 Stat. 50; 5 U. S. C. 707)

§ 29.9 *Designation of beneficiary.* (a) The designation of beneficiary shall be in writing, signed and witnessed, and received in the Civil Service Commission prior to the death of the designator.

(b) No change or cancellation of beneficiary in a last will or testament, or in any other document not witnessed and filed as required by this section shall have any force or effect.

(c) A witness to a designation of beneficiary is ineligible to receive payment as a beneficiary.

(d) Any person, firm, corporation, or legal entity may be named as beneficiary.

(e) A change of beneficiary may be made at any time and without the knowledge or consent of the previous beneficiary, and this right cannot be waived or restricted.

(f) All designations received in the Civil Service Commission before September 1, 1950, shall be null and void, except where an application for benefits based on the designator's death is received in the Commission prior to January 1, 1951.

(g) This section shall apply to designations, changes or revocations of beneficiary by employees or former employees subject to the act of May 29, 1930, as amended.

(Sec. 11, 41 Stat. 619, as amended; 5 U. S. C. 724)

§ 29.10 *Designation of agent.* In the case of a claim for amount due a deceased employee or annuitant where no beneficiary has been named and no executor or administrator has been appointed, but claim is made by next of kin, and if there be more than one entitled thereto, it shall be permissible for the others to designate the one who makes the claim to act as agent to receive their distributive shares.

§ 29.11 *Disclosure of information.* (a) (1) Files, records, reports, and other papers and documents pertaining to any claim filed with the Civil Service Commission, whether pending or adjudicated, will be deemed confidential and privileged, and no disclosure thereof will be made except as provided herein.

(2) Disclosure of information from the files, records, reports, and other papers and documents shall be made to a claimant or to his duly authorized representative in matters concerning himself alone when such disclosure would not be injurious to the physical or mental health of the claimant or be regarded as a breach of confidence.

Determination as to when disclosure of information would be injurious to the physical or mental welfare of a claimant will be made by the Medical Division.

(3) By "a duly authorized representative of a claimant" is meant any person who has satisfied the Commission of his authority to act.

(4) The name or address of a beneficiary designated by an employee or annuitant will, during the life of the employee, or annuitant, be furnished only to the designator when request therefor is made in writing over the signature of the designator.

(5) Such information as may properly be disclosed to a claimant personally shall, in the event of his death, be disclosed upon proper request to the duly appointed representative of his estate, or to such person as may be designated by such representative, or to a duly designated beneficiary. Where no representative of the claimant's estate has been appointed, the claimant's next of kin shall be recognized as the representative of his estate.

(6) Where copies of documents or other records are desired by or in behalf of parties to a suit, whether in a court of the United States or in any other court, such copies shall be furnished to the court only, and on an order of the court or subpoena duces tecum, addressed to the President, U. S. Civil Service Commission, requesting the same.

(7) Where a process of a United States court or other court requires the production of documents or records contained in the retirement files of a claimant, such documents will be produced in the court out of which the process has issued. Where original records are produced, they must remain at all times in the custody of a representative of the Civil Service Commission, and if offered or received in evidence, permission should be obtained to substitute a copy so that the original record may remain intact in the file.

(8) The address of a claimant as shown by the Civil Service Commission records may be furnished to duly constituted police or court officials upon proper request or the submission of a certified copy either of the indictment returned against the claimant or of the warrant for his arrest.

(9) Disclosure of the amount of annuity or refund to any claimant may be made to any National, State, county, municipal, or other publicly recognized charitable or social-security administrative agency.

(10) Subject to the limitation regarding name or address of a beneficiary, all records or documents officially required by any department or other agency of the United States Government shall be furnished in response to a proper request, and Senators and Representatives of the United States in their capacity as Members of Congress of the United States shall be furnished for their official use with such records, documents, or other information as may be requested for such use.

(11) Copies of papers, records, etc., the furnishing of which would be prejudicial to the interest of the Government; copies of reports of examining surgeons; or copies of records of departments and other confidential matters will not be furnished.

(b) Certificates of discharge, adoption papers, marriage certificates, decrees of divorce, letters testamentary or of administration, birth or baptismal records, family records, personal letters, diaries, and other personal papers or articles which may have been filed in a claim shall, when no longer needed in the settlement of such claim, be returned to the persons entitled thereto upon written request therefor; and whenever papers so returned constitute part of the material and essential evidence in a claim, photo or other copies of the same, or such parts thereof as may appear to possess evidential value, shall be retained in the case.

§ 29.12 *Joint and survivorship annuities.* (a) The option to receive joint and survivorship annuity may be exercised only by (1) a married employee retiring under any provision (except section 7) of the act of May 29, 1930, as amended, who may designate his or her wife or husband, or (2) an unmarried employee in good health retiring under any provision (except section 6 or 7) of the said act, who may designate a person having an insurable interest in him.

(b) Only a natural person may be designated as survivor annuitant under the joint and survivorship option. No more than one person may be named as survivor annuitant. The designation of a contingent survivor annuitant will not be accepted, and any such designation shall be null and void.

(c) Communication of the choice of option shall be made over the signature of the applicant on Standard Form 2801 for use in filing claim for annuity. Receipt of a communication as set forth in this paragraph shall constitute prima facie evidence of the existence of all the elements of an election. Whenever such prima facie evidence becomes conclusive by final adjudication of the claim by the Commission, an election shall have been made.

(d) In the event of death of the designated survivor annuitant or for other good cause shown prior to final adjudication of the claim by the Commission, a new survivor annuitant may be substituted or the employee may change his election of the type of annuity selected.

(e) In any case in which an election has been conclusively established pursuant to the regulations under this section, the election, including the designation of survivor annuitant, cannot be revoked or changed.

(f) The death of a designated survivor annuitant subsequent to the final adjudication of the claim, shall not operate to cancel the election, and payments to the former employee shall continue as though the death had not occurred.

(g) Where a married employee chooses the joint and survivorship plan, the annuity to the surviving widow or widower shall commence on the first day of the month in which the retired employee's death occurs or on the first day of the month following the widow's or widower's attainment of age 50, whichever is later. In case of an unmarried employee who takes the joint and survivorship option, the annuity to his survivor shall commence on the first day of the month in which the retired employee's death occurs.

(Sec. 4, 62 Stat. 49; 5 U. S. C. 698)

§ 29.13 *Making of voluntary deposits.* (a) The option to make voluntary contributions to the civil-service retirement and disability fund for the purchase of additional annuity shall be limited to those employees serving within the purview of the Retirement Act and shall be made on the form prescribed by the Commission.

(b) No voluntary contributions shall be made by an employee who has not deposited or redeposited amounts covering all civilian service rendered by him since August 1, 1920.

(c) Each voluntary contribution shall be made in the amount of $25 or multiple thereof, not to exceed 10 percent of aggregate annual basic salary, pay, or compensation received since August 1, 1920, by money order, draft, or check made payable to the Treasurer of the United States and forwarded to the U. S. Civil Service Commission, Washington 25, D. C.

(d) Voluntary contributions may be withdrawn only in case of transfer to a position wherein the member does not retain his status under the Retirement Act, absolute separation from the service prior to becoming eligible for retirement on annuity, or death.

(e) The Retirement Division of the Civil Service Commission shall maintain the record and account of voluntary contributions of each employee exercising the option to make such contributions.

(Sec. 10, 62 Stat. 54; 5 U. S. C., 719–1)

§ 29.14 *Purchase of additional annuity.* (a) Voluntary contributions may be used to purchase only one of the following types of annuity:

(1) Life annuity; or

(2) Reduced annuity payable during the life of the employee and after his death one-half of such reduced annuity to be payable to a survivor annuitant designated at time of retirement during the life of such survivor.

(b) Any natural person may be designated as beneficiary under paragraph (a) (2) of this section.

(c) If the employee elects a life annuity at retirement, each $100 credited to his voluntary contribution account, including interest, will purchase additional annuity at the rate of $7 per annum, plus 20 cents for each full year, if any, he is over age 55 at date of retirement.

(d) If he elects to purchase a joint and survivorship annuity, each $100 credited to his voluntary contribution account, including interest, will purchase additional annuity at the rate of $7 per annum, plus 20 cents for each full year, if any, he is over age 55 at date of retirement, multiplied by the following percentages: 90% of such amount if the survivor annuitant is the same age or older than the annuitant, or is less than five years younger than the annuitant; 85% if the survivor annuitant is five but less than ten years younger; 80% if the survivor annuitant is ten but less than fifteen years younger; 75% if the survivor annuitant is fifteen but less than twenty years younger; 70% if the survivor annuitant is twenty but less than twenty-five years younger; and 60% if the survivor annuitant is twenty-five or more years younger.

(Sec. 10, 62 Stat. 54; 5 U. S. C. 719–1)

§ 29.15 *Appeals.* (a) An appeal may be taken to the Civil Service Commission, from the final action or order of the Retirement Division affecting the rights or interest of any person or of the United States under the civil-service retirement law, except as provided in this section.

(b) Appeals must be filed by a claimant or a duly accredited representative, but no appeal shall lie to the Commission's Board of Appeals and Review until action has been completed by the Retirement Division. An appeal taken in behalf of a claimant by or through a representative who is not recognized by the Commission, or whose recognition has been canceled, shall not be entertained.

(c) (1) Except as hereinafter ordered, the time for filing an appeal shall be not later than six months from the date of mailing notice of the final action or order of which complaint is made.

(2) In applications for disability retirement made by a department or establishment of the Government the time for filing an appeal shall be not later than 30 days from date of receipt of notice of final action or order.

(3) In cases of disability annuitants who are found upon medical examination to have recovered, the time allowed for filing an appeal shall be no later than 90 days from the date of final notice of proposed discontinuance of annuity.

(4) In simultaneously contested claims, where one is allowed and one rejected, the time allowed for the filing of an appeal shall be not later than 60 days from the date of receipt of the notice of the Commission's action by the claimant to whom the action is adverse. Upon the filing of an appeal all parties, other than the appellant, whose interests may be adversely affected by the decision shall be notified by registered letter of the filing of the appeal and of the substance thereof and allowed 30 days from the date of the receipt of such notice within which to file brief or argument in answer thereto before the papers are forwarded to the Board of Appeals and Review. The return of a registered letter unclaimed, containing notice, addressed to the last known post-office address, shall constitute sufficient evidence of notice.

(d) Each appeal shall show the name and post-office address of appellant, his retirement claim number, the date and substance of the action from which the appeal is taken, and full reasons for the appeal.

(e) In proceedings before the Commission in which it shall be decided that a party has no right to appeal or that said appeal may not be entertained un-

der the provisions of this section, such party may apply to the Commissioners for an order directing the Retirement Division to forward the record to the Board of Appeals and Review. Such application shall be in writing and shall fully and specifically set forth the grounds upon which the request is based. If upon consideration the application is granted, jurisdiction shall vest in the Board of Appeals and Review to dispose properly of the case.

(f) The mandate of the decision by the Board of Appeals and Review shall be carried into effect within 60 days from the date of the receipt of notice of the decision by the Retirement Division (except as hereinafter provided), unless the decision shall sooner be recalled. A proper explanation of the decision rendered shall be mailed to the appellant and/or his duly authorized representative by the Board of Appeals and Review.

(g) In any case involving conflicting claims of two or more parties wherein the time allowed for appeal is limited to 60 days, there shall be a stay of execution of the decision of the Board of Appeals and Review until the expiration of the period of 30 days within which a motion for reconsideration may be filed.

(h) No appeal will be considered by the Civil Service Commission to review the decisions of the Secretary of the Interior prior to July 21, 1930, or of the Administrator of Veterans' Affairs prior to September 1, 1934, on civil-service retirement cases except where upon the basis of newly discovered material evidence, the case has been reconsidered by the Retirement Division. In the latter event, the provisions of this section shall apply.

§ 29.16 *Exemption from automatic separation.* (a) When a department or agency wishes to secure an exemption from automatic separation for one of its employees, other than a Presidential appointee, the head of such department or agency shall submit recommendation to that effect to the Civil Service Commission.

(b) Such recommendation shall contain, (1) a statement that the employee is willing to remain in service, (2) a recital of facts tending to establish that his retention would be in the public interest, (3) the period for which the exemption is desired, which period may not exceed one year, and (4) the reasons why the simpler method of retiring the employee and immediately reemploying him because of special qualifications is not being used.

(c) Such recommendation shall be accompanied by a medical certificate showing the employee's physical fitness to perform his work.

(d) No exemption will be approved by the Civil Service Commission after the automatic separation date applicable to the employee. For this reason, the recommendation should be forwarded to the Commission at least thirty days in advance of such separation date.

(Sec. 4, 41 Stat. 616, as amended; 5 U. S. C. 709; E. O. 10530, 19 F. R. 2709, 3 CFR, 1954 Supp.)

§ 29.101 *Basic records.* Every Federal department, agency, corporation, or branch, whether executive, legislative, or judicial, and the District of Columbia government, having officers or employees subject to any of the retirement laws administered by the Civil Service Commission, shall initiate and maintain retirement accounts as prescribed in the "Retirement Accounting Manual" issued by the Civil Service Commission.

(Sec. 12, 62 Stat. 54, as amended; 5 U. S. C. 724)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-10090; Filed, Dec. 14, 1955; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

WARRANT OFFICERS

Sections 1101.7, 1101.8, 1101.9 and 1101.11 are amended to read as follows:

§ 1101.7 *General*—(a) *Purpose.* The regulations of §§ 1101.7 to 1101.11 prescribe the policies and procedures relative to, and qualifications required for Federal recognition of warrant officers.

(b) *Authority.* The National Defense Act, as amended, the Armed Forces Reserve Act of 1952 (PL 476, 82d Cong.), and the Warrant Officer Act of 1954 (PL 379, 83d Cong.).

(c) *Policy.* (1) The appointment of warrant officers, in the National Guard is a function of the appropriate military authorities of the State.

(2) A warrant officer will not become a member of the National Guard of the United States until he has been Federally recognized and has been duly appointed as a Reserve warrant officer of the Army.

(3) Appointments in the Reserve of the Army are for an indefinite period.

§ 1101.8 *Procurement.* (a) Warrant officers may be procured to fill position vacancies in authorized tables of organization with the warrant officer MOS code and title shown therein from the following sources:

(1) Former officers and warrant officers of the Armed Forces and members of the Reserve components holding appointments as officers or warrant officers.

(2) Former enlisted men who have served honorably on active duty in any of the Armed Forces of the United States for a period of at least 6 months and during such service attained one of the upper three enlisted grades.

(3) Applicants who meet the requirements of National Guard regulations.

(b) Applicants described in paragraph (a) (1) of this section, may, if previous service was as a commissioned officer or as a chief warrant officer and if otherwise qualified, be appointed to the grade of chief warrant officer, W-2, in the National Guard. Applicants who presently hold the grade of warrant officer in the Army Reserve may be appointed in the National Guard in the same grade. An applicant whose prior service was as warrant officer, junior grade, or warrant officer, W-1, on active duty, or who holds an appointment equivalent to that of Reserve warrant officer of the Army as a member of another Reserve component, or whose prior service was as an enlisted man of the upper three grades (paragraph (a) (2) of this section), may be appointed warrant officer, W-1, if otherwise qualified.

§ 1101.9 *Eligibility* — (a) *Ineligible persons.* The following persons are ineligible for Federal recognition:

(1) Those who are presently conscientious objectors. If an individual has been a conscientious objector, he will be required to furnish an affidavit which will express his abandonment of such beliefs and principles so far as they pertain to his reluctance to bear arms and to give full and unqualified military service to the United States, or he must have demonstrated that he has changed his views through subsequent actual performance of military service.

(2) Those who have a record of conviction by any type of military or civil court for other than minor traffic violation. The Department of the Army may grant waiver for conviction of minor violations which are non-recurrent and which are not deemed prejudicial to performance of duty as a warrant officer. Waivers of convictions involving moral turpitude or conviction of a felony are not authorized.

(3) Those who have been or are being separated from any of the Armed Forces of the United States:

(i) Under other than honorable conditions.

(ii) For unsatisfactory service.

(iii) By reason of resignation in lieu of court-martial, reclassification, or any form of corrective or disciplinary action.

(iv) As a result of court-martial or reclassification.

(4) Those who are or have been members of any foreign or domestic organization, association, movement, group, or combination of persons advocating a subversive policy or seeking to alter the form of Government of the United States by unconstitutional means.

(5) Those who are in the military service of a foreign government, or those employed by a foreign government unless approval is obtained from the Department of the Army. See section 247, Armed Forces Reserve Act of 1952.

(b) *Release from other Reserve components.* If an applicant is a member of the Army Reserve, Air Force Reserve, U. S. Naval Reserve, U. S. Marine Corps Reserve, or the U. S. Coast Guard Reserve, a conditional release must be obtained from the appropriate Reserve headquarters.

(c) *General requirements.* An applicant for appointment and Federal recognition in the grade of warrant officer in the National Guard must meet the following requirements:

(1) Must be recommended for appointment by his unit commander.

(2) Must be a citizen of the United States. If not native, must present evidence of acquired citizenship.

(3) Must meet the physical requirements prescribed in AR 40-105 (Army Regulations prescribing standards for physical examinations).

(4) If formerly a member of the Armed Forces, must have a document attesting to honorable discharge or certificate of separation under honorable conditions therefrom, covering all periods of prior service.

(5) Must have attained his 21st birthday and must not have attained his 46th birthday, on the date on which Federal recognition is initially extended by the Chief, National Guard Bureau, with the following exceptions: officers and warrant officers of the Army Reserve who apply for Federal recognition in the National Guard may be not less than 18 years of age, provided that State laws so permit; in case of appointment to a position in a State Headquarters and Headquarters Detachment, the maximum age is extended to an applicant's 59th birthday. Warrant officers appointed under the latter exception may not be reassigned to position vacancies in other units.

(6) Must have demonstrated positive qualities of leadership, either in the military service or in a civilian capacity.

(7) Must be of high moral character.

(8) Must possess sufficient general and specialized education and technical knowledge to warrant a reasonable expectation that he can perform the contemplated duties.

(9) Must reside within such distance from the unit of assignment as will permit satisfactory performance of emergency and training duty.

(10) A favorable National Agency Check will be required prior to a warrant officer's appearance before a Federal recognition board.

§ 1101.11 *Federal Recognition*—(a) *Federal recognition examining boards.* Under the provisions of section 75, National Defense Act, as amended, all warrant officers will be examined by a board of officers for determination of general fitness to occupy the position to which appointment has been made or is contemplated.

(b) *Temporary Federal recognition.* (1) Section 704, Armed Forces Reserve Act of 1952, authorizes the Secretary of the Army to prescribe the regulations under which officers, including warrant officers, of the National Guard may be extended temporary Federal recognition of their appointments in the National Guard. Temporary Federal recognition is a status provided for a warrant officer of the National Guard pending final determination by the Chief, National Guard Bureau, of his eligibility for permanent Federal recognition. This status is provided in the case of initial appointments only in the National Guard and is not applicable in the case of promotions or demotions within the authorized warrant officer grades.

(2) The status of temporary Federal recognition is granted by the Secretary of the Army through the duly appointed Federal recognition examining boards when such boards make a finding that a warrant officer of the National Guard:

(i) Has been appointed by a State order in the National Guard of the State to a warrant officer position vacancy in a Federally recognized unit, and

(ii) Has successfully passed the examination prescribed by section 75, National Defense Act, as amended, and

(iii) Has signed an oath that during such temporary Federal recognition he will perform all Federal duties and obligations required of him the same as though appointed as a Reserve warrant officer of the Army.

(c) In the event that permanent Federal recognition is denied a warrant officer, he will be entitled to receive Federal pay and allowances for which he may have qualified by the performance of prescribed duties only for the period during which held temporary Federal recognition and in no case beyond the date on which temporary Federal recognition was withdrawn.

(d) Temporary Federal recognition may be withdrawn at any time, and if not sooner withdrawn or replaced by permanent Federal recognition, it shall automatically terminate 6 months after the effective date thereof. When it is determined by the Chief, National Guard Bureau, that a warrant officer is ineligible for permanent Federal recognition and/or appointment as a Reserve warrant officer of the Army, he will withdraw the temporary Federal recognition conferred upon the person concerned and will notify the appropriate State of his action.

[NGR 22, 4 October 1955] (Sec. 118, 39 Stat. 213, sec. 704, 66 Stat. 502; 32 U. S. C. 17, 50 U. S. C. 1114)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-10051 Filed, Dec. 14, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES

NAVAJO INDIAN IRRIGATION PROJECT, ARIZONA AND NEW MEXICO

Notice is hereby given of the intention to modify § 130.41 *Charges* of Title 25, Code of Federal Regulations, Chapter I, Subchapter L, dealing with operation and maintenance assessments against the irrigable lands of the Navajo Indian Irrigation Project, Arizona and New Mexico, by increasing the basic water charges from $1.00 per acre to $2.00 per acre pre annum. The revised section shall read as follows:

§ 130.41 *Charges.* Pursuant to the provisions of the Acts of August 1, 1914 (38 Stat. 583; 25 U. S. C. 385) and March 7, 1928 (45 Stat. 210), the annual basic charges for operation and maintenance assessed against the irrigable lands of the Navajo Indian Irrigation Project, Arizona and New Mexico, to which water can be delivered through the constructed works of the project, are hereby fixed at $2.00 per acre per annum for the year 1956 and thereafter until further notice, for the following units:

Navajo project	Agency	Per acre per annum
Fruitland Unit	Navajo	$2.00
Ganado Unit	do	2.00
Hogback Unit	do	2.00
Many Farms Unit	do	2.00
Red Lake Unit	do	2.00

For domestic water delivered through the project canal system and lateral system to pemittees on the reservation lands, $7.50 for each cistern.

For Tribal lands operated by the Shiprock High School, $2.00 per acre.

For Tribal lands operated as a Nursery by the Branch of Land Operations, Soil and Moisture Conservation Activity, $2.00 per acre.

Interested persons are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or argument in writing to William Wade Head, area Director, Gallup Area Office, Gallup, New Mexico, within thirty (30) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

[Order No. 2508, Amendment No. 1 (16 F. R. 473-474); Order No. 551, Amendment No. 1 (16 F. R. 5456-5457)]

GLENN L. EMMONS,
Commissioner.

DECEMBER 9, 1955.

[F. R. Doc. 55-10052; Filed, Dec. 14, 1955; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Ch. I]

[Draft Release No. 55-30]

VOLUNTARY PILOT REPORT OF NEAR MID-AIR ("NEAR-MISS") COLLISION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under considera-

tion the issuance of a Special Civil Air Regulation to encourage pilots and other persons to make voluntary reports of near mid-air collision ("near-miss") information, as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by January 16, 1956. Copies of such communications will be available after January 18, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The Civil Aeronautics Board has under consideration the establishment of a program whereby pilots of any aircraft, or other interested persons, could voluntarily report incidents during flight where near mid-air collisions ("near-misses") between aircraft occur, in order to obtain information for use in the evaluation and development of air traffic control procedures, separation criteria, and pertinent Civil Air Regulations. The need for such a program is accentuated by the great number of near mid-air collisions informally reported at meetings held in recent years by aviation organizations and by military aviation safety representatives. Increasing sentiment has developed to establish a program to encourage all military and civil pilots to voluntarily report their near mid-air collision experiences wherever they may occur, so that dangerous trends could be discovered and corrective action prepared to meet them.

The seriousness of the near mid-air collision problem is illustrated by the fact that the Air Transport Association and the National Business Aircraft Association, among others, have independently established a program for the anonymous reporting of these incidents to them. It is the Board's understanding, however, that none of these programs has resulted in the full participation of all pilots due, no doubt, to the fear of possible government enforcement or other disciplinary action. It is believed that only through the positive and official assurance which the Civil Aeronautics Board can give under its statutory mandate "* * * to promote safety of flight in air commerce by prescribing * * * reasonable rules and regulations * * *" and by "* * * ascertaining what will best tend to reduce or eliminate the possibility of, or recurrence of, accidents * * *" can a successful program of this type be undertaken. Such a program would contribute valuable basic information required for reviewing air traffic control procedures, separation criteria, and the need for air traffic control and high density areas. Further, it would supply additional information to evaluate present Civil Air Regulations pertaining to air traffic rules.

To accomplish these desired ends, it is essential that all pilots involved in near mid-air collisions report the facts. However, it is appreciated that pilots are reluctant to make voluntary reports of the facts, conditions, and circumstances of these occurrences because of their apprehension that any report they submit might be used against them in an enforcement, remedial, or disciplinary action in the event that violation of the Civil Air Regulations is disclosed by such report.

To induce the pilots to make voluntary reports of near collisions (either anonymously or not, in their discretion) the Board proposes to assure them that the identity of the pilot making the report to the Board, if known, will be held in strict confidence by the Board and that the report will not be used to initiate, aid, or abet any enforcement, remedial, or disciplinary proceedings under the Civil Air Regulations. It should be understood, however, that the fact that a pilot, or other interested person, submits a voluntary report of a near-miss incident to the Board does not preclude enforcement, remedial, and/or other disciplinary proceedings that are initiated on the basis of information obtained from other sources.

In view of the foregoing, notice is hereby given that it is proposed to issue a Special Civil Air Regulation as follows:

Contrary provisions of the Civil Air Regulations notwithstanding, information from a report voluntarily submitted to the Civil Aeronautics Board by any pilot of any aircraft, or by any other person, giving the facts, conditions, and circumstances surrounding any near mid-air collision of aircraft, wherever it might occur, shall not be used to initiate, aid or abet any enforcement, remedial, or disciplinary proceedings under the Civil Air Regulations promulgated by the Board pursuant to the Civil Aeronautics Act of 1938, as amended. The identity of the pilot or person making such report, if known, and any information which might be used to establish such identity, shall be held in strict confidence by the Civil Aeronautics Board, and the information derived therefrom shall be used by the Board in the development of corrective safety measures, notwithstanding that a violation of the Civil Air Regulations is disclosed by such report: *Provided*, That where information of such violation of a Civil Air Regulation is obtained by other means, the fact that the violation was voluntarily reported will not preclude enforcement, remedial, or other disciplinary proceedings that are initiated on the basis of such other information.

This Special Civil Air Regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 701, 702, 52 Stat. 1012, 1013, as amended, 49 U. S. C. 581, 582; sec. 601 (b), 52 Stat. 1007, 49 U. S. C. 551; sec. 1104, 52 Stat. 1026, 49 U. S. C. 674)

Dated at Washington, D. C., December 12, 1955.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-10074; Filed, Dec. 14, 1955; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF LINDANE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by the Benzene Hexachloride Committee, National Agricultural Chemicals Association, Box 333, Falls Church, Virginia, proposing the establishment of a tolerance of 10 parts per million for residues of lindane (gamma isomer of benzene hexachloride) in or on mushrooms.

The analytical method proposed in the petition for determining residues of lindane is as follows: A sample of mushrooms is extracted with *n*-hexane and the solvent evaporated from an aliquot of the extract. The labile chlorine of lindane in this aliquot is removed by refluxing 1½ hours with alcoholic sodium hydroxide and is determined by a microelectrometric titration with silver nitrate. The quantity of labile chlorine found is calculated, by means of the appropriate factor, as lindane.

Dated: December 9, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-10064; Filed, Dec. 14, 1955; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11514]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS, WESTON, W. VA.

NOTICE OF FURTHER EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations (Weston, West Virginia).

1. The Commission adopted a Notice of Proposed Rule Making on October 5, 1955 (FCC 55-992), instituting a rule making proceeding in the above entitled matter. The Notice specified that comments should be filed by November 7, 1955, with replies due 10 days thereafter. On October 31, 1955, the Commission adopted a Notice extending the time for filing comments to December 3, 1955, with replies due 10 days thereafter.

2. On December 2, 1955, WJPB-TV, Inc., and West Virginia's Research Center, Inc., filed a Joint Request for a Further Extension of Time to File Comments or to Amend the Present Petition. The request for further extension of time is made for the purpose of giving WJPB-TV, Inc., time to prepare and file an amended petition, and West Virginia's Research Center, Inc., time to prepare and file a petition requesting a joint educational-commercial allocation for Channel 5 at Weston, West Virginia. A further extension of 15 days is requested.

3. The Commission believes that an extension of time for filing comments in this proceeding is warranted and that such an extension would be in the public interest.

4. In view of the foregoing: *It is ordered*, That the time for filing comments in the above-entitled proceeding is extended to December 28, 1955, and that the time for filing replies to such comments is extended to 10 days thereafter.

Adopted: December 7, 1955.

Released: December 8, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10065; Filed, Dec. 14, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order No. 465]

CALIFORNIA

SMALL TRACT CLASSIFICATION

NOVEMBER 30, 1955.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify, under the Small Tract Act of June 1, 1938, as amended (43 U. S. C. 682a), the tracts of public land in San Bernardino County described below, for lease and sale for homesite purposes only:

SAN BERNARDINO BASE AND MERIDIAN

T. 3 N., R. 4 E.,
Section 2, E½W½SW¼NE¼, E½SW¼NW¼SE¼, E½NE¼NE¼SW¼;
Section 11, W½SE¼SE¼SW¼, E½SW¼SE¼SW¼;
Section 12, E½NW¼NE¼SE¼, W½SW¼NE¼SE¼, E½NE¼SW¼SE¼, E½W½NW¼SE¼, E½SE¼NE¼SW¼, W½SW¼NE¼SW¼, W½SW¼NW¼SW¼, E½NW¼SW¼SW¼;
Section 13, NE¼NE¼.
T. 3 N., R. 5 E.,
Section 4, SW¼;
Section 8, All;
Section 9, NW¼, S½;
Section 12, E½, SW¼SW¼, NW¼NW¼, N½SW¼NW¼;
Section 13, E½, SW¼, W½NW¼.

The above described lands will be leased and sold in tracts of approximately 5 acres with the tracts oriented with the long axis north and south.

T. 3 N., R. 5 E.,
Section 7, E½E½, SW¼SE¼, S½SW¼;
Section 10, SW¼;
Section 14, S½;
Section 15, S½, NW¼;
Section 17, E½E½, NW¼NE¼, N½NW¼;
Section 18, N½;
Section 20, NE¼NE¼;
Section 21, E½, N½NW¼;
Section 22, All;
Section 23, All;
Section 24, N½N½NE¼, SE¼, SE¼SW¼, NE¼NW¼, W½W½;
Section 26, W½;
Section 27, All;
Section 28, N½, E½SE¼, W½SW¼;
Section 33, N½SW¼NE¼SE¼, N½NW¼SW¼SW¼;
Section 34, S½N½NE¼NE¼, S½NW¼NW¼NE¼, N½SE¼SW¼NW¼.

The above described lands will be leased and sold in tracts of approximately 5 acres with the tracts oriented with the long axis east and west.

2. Classification of the above-described lands by this order segregates them from all appropriations, including location under the mining laws, except as to application under the mineral leasing laws.

3. The above described lands are situated approximately 12 miles due north of Yucca Valley, California, in San Bernardino County. The Victorville Road passes through the southwest quarter of the township for approximately 4 miles. A net work of good secondary roads makes the entire township accessible by the Victorville County road.

The land in general is a low, rolling valley, lying between the Bighorn and Bullio Mountains, with an elevation ranging from 2,500 to 4,000 feet above sea level. The annual precipitation is approximately 5.5 inches, falling mostly in the winter months.

The vegetative cover consists largely of creosote brush, bur-sage, annual weeds and flowers, with a scattering of galleta grass.

Available information indicates that a sufficient supply of ground water is available for domestic purposes.

4. The tracts will be subject to all existing rights-of-way and to rights-of-way 33 feet in width along the boundary of each tract for access roads and public utilities. Such rights-of-way may be utilized by the Federal Government or the State, County, or municipality in which the tract is located, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to issuance of patent. If not so located, they may be subject to location after patent is issued.

5. Leases will be issued to qualified applicants for a term of three (3) years and will contain an option to purchase in accordance with 43 CFR 257.13. The appraised value of the tracts is $150. The minimum rental is $10 per tract per annum, or a total of $30. Therefore, before leases can be issued for applications having statutory preference, an additional payment for advance rental in the amount of $15 is due and payable to the Manager, Land Office, Los Angeles, California. Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands, or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards:

The dwelling house must be suitable for year-round use, on a permanent foundation and with a minimum of 400 square feet of floor space. It must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed. Conventional concrete, concrete slab, or masonry foundations are acceptable. Concrete piers are not acceptable as foundations.

7. Applicants must file in duplicate with the Manager, Land Office, 5th floor Bartlett Building, 215 West Seventh Street, Los Angeles, 14, California, application form 4-776, filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

The application must be accompanied by a filing fee of $10 plus the advance rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. The lands are now open to filing of drawing-entry cards (Form 4-775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4-775) are available upon request from the Manager, Land Office, 5th floor Bartlett Building, 215 West Seventh Street, Los Angeles 14, California.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and with the above-named official prior to 10:00 a. m. April 10, 1956. A drawing will be held

on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (4–776), with instructions as to their execution and return and as to payment of fees and rentals.

9. All valid applications filed prior to 9:30 a. m. November 30, 1955, will be granted the preference right provided for by 43 CFR 257.5 (a) if the preference right applicants conform to the provisions of this order

R. G. SPORLEDER,
Officer in Charge,
Southern Field Group, Los Angeles.

[F. R. Doc. 55–10053; Filed Dec. 14, 1955; 8:46 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 5, 1955.

Coos Bay Forest District, Bureau of Land Management, United States Department of the Interior, has filed an application, Serial No. Oregon 04382, for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws and leasing under mineral leasing laws.

The applicant desires the land for hard rock material for surfacing timber access roads in the area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1001 Lloyd Boulevard, P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, COOS COUNTY, OREGON

T. 27 S., R. 12 W.,
Sec. 3: Lots 1, 2, 3 and 4, S½N½, S½.

642.60 acres.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 55–10054; Filed, Dec. 14, 1955; 8:46 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 5, 1955.

Eugene Forest District, Bureau of Land Management, United States Department of the Interior has filed an application, Serial No. Oregon 04041, for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws and leasing under mineral leasing laws.

The applicant desires the land for a source of rock for surfacing and ballast in the construction and maintenance of timber access roads, Siuslaw River and Esmond Creek Roads.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1001 Lloyd Boulevard, P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON, LANE COUNTY

T. 18 S., R. 8 W.,
Sec. 27: All.

640.00 acres.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 55–10055; Filed, Dec. 14, 1955; 8:46 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 9, 1955.

The U. S. Forest Service, Department of Agriculture, has filed an application, serial No. Colorado 012204, for the withdrawal from location and entry, under the General Mining Laws, subject to existing valid claims, of the lands described below.

The applicant desires the land for use as camp grounds, summer homes, and administrative site in connection with the Big Creek Lakes recreational area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROUTT NATIONAL FOREST

Big Creek Lakes Recreation Area:
T. 11 N., R. 82 W.,
Sec. 2: NW¼SW¼;
Sec. 3: S½NE¼, SE¼, S½SW¼;
Sec. 9: E½NE¼, S½SW¼, SE¼;
Sec. 10: NW¼;
Sec. 16: All;
Sec. 20: SW¼, E½;
Sec. 21: W½, NE¼.

Total area, 2,440 acres.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 55–10057; Filed, Dec. 14, 1955; 8:47 a. m.]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

DECEMBER 9, 1955.

Pursuant to Determination DA-422 Oregon, of the Federal Power Commission and in accordance with Order No. 541, Section 2.5, of the Director, Bureau of Land Management; approved April 21, 1954 (19 F. R. 2473), it is ordered as follows:

1. The lands hereinafter described, so far as they are withdrawn and reserved for power purposes in Power Site Reserve No. 662 of December 12, 1917, are hereby restored to disposition under the public land laws, subject to the provisions of Section 24, of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

WILLAMETTE MERIDIAN, OREGON

T. 32 S., R. 14 W.,
Sec. 11: NE¼SE¼;
Sec. 12: NW¼SW¼.

Total 80.00 acres.

2. The public lands are located along the Sixes River in northwestern Curry County, Oregon. They are rough, rocky and too mountainous for cultivation with a heavy growth of small conifers and underbrush. They are suited for growing of timber.

3. No application will be allowed under the homestead, desert land, small tract, or other nonmineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Any disposition of the lands described herein shall be subject to the stipulation that if and when the land is required in whole or part for power development purposes, any structures or improvements placed thereon which may be found to obstruct or interfere with such development, shall without cost, expense or delay to the United States, its licensees or permittees, be removed or related insofar as may be necessary to eliminate interference with power development.

5. The lands described shall be subject to application by the State of Oregon for a period of 90 days from the date of this order for right of way for public highways or as a source of material for construction of such highways, in accordance with and subject to provisions

of Section 24, of the Federal Power Act, as amended, and the special stipulation provision in the preceding paragraph.

6. Subject to any existing valid rights and the requirements of applicable laws, the lands described in Paragraph 1, are hereby opened to filing of applications, selections, and location in accordance with the following:

a. Applications and selections under the nonmineral public land laws and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land and Small Tract Laws by qualified veterans of World War II or the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on January 14, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. of April 14, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on April 14, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m. on January 14, 1956.

7. Persons claiming veteran's preference rights under Paragraph a (2) above must enclose with their application proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

8. Inquiries concerning the above lands shall be addressed to Manager, Land Office, Bureau of Land Management, P. O. Box 3861, (1001 NE. Lloyd Boulevard) Portland 8, Oregon.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 55–10056; Filed, Dec. 14, 1955; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 202]

CHEUNG KAM KEE TRADING CO. ET AL.

ORDER REVOKING EXPORT LICENCES AND DENYING EXPORT PRIVILEGES

In the matter of: Cheung Kam Kee Trading Co., and Cheung Yuk Leung, 10 Wing Kut Street, Hong Kong; A. M. M. Van de Looveren, N. V., (formerly known as West Europe Associated Merchants, N. V.), and Anthonius M. M. Van de Looveren, Willemsparkweg 80, Amsterdam C, Netherlands; Erik Jansen Handelsonderneming, and T. Boelaarts, Prins Hendrikkade 125, Amsterdam C, Netherlands; and Garber Export Corporation, and Allen A. Garber, 37 Wall Street, New York, New York: Respondents.

The Director, Investigation Staff, Bureau of Foreign Commerce, having charged

(a) The respondents, Cheung Kam Kee Trading Co. and Cheung Yuk Leung, (hereinafter referred to as Cheung), of Hong Kong, A. M. M. van de Looveren, N. V. and Anthonius M. M. van de Looveren, (hereinafter referred to as van de Looveren), and Erik Jansen Handelsonderneming and T. Boelaarts, (hereinafter referred to as Jansen), all of Amsterdam, the Netherlands, with having made false statements and representations for the purpose of inducing the exportation of goods from the United States and with having diverted or transshipped to unauthorized destinations goods exported from the United States; and

(b) The respondents, Garber Export Corporation and Allen A. Garber of New York City, New York, (hereinafter referred to as Garber), with having failed to disclose to the Office of International Trade, (now the Bureau of Foreign Commerce), material facts of transactions for which Garber filed applications for export licenses; and

The charging letter having been duly served on all the respondents, the Cheung and Jansen respondents failing to answer the same and not demanding an oral hearing; and

The van de Looveren and Garber respondents having answered and denied the charges, only Garber demanding an oral hearing;

This proceeding was duly referred to the Compliance Commissioner, who, in accordance with the practice, has held a hearing in New York City on July 21, 22, 1955, at which hearing the Garber respondents were present and represented by counsel. He has submitted his written report, including findings of fact and findings that violations have occurred.

Now, after reviewing and considering the entire record of this case, the Compliance Commissioner's Report and Recommendation, and the brief and supplemental data submitted on behalf of the Garber respondents, I hereby make the following:

Findings of fact. 1. At all times hereinafter mentioned, Cheung Kam Kee Trading Co. and Cheung Yuk Leung, its Manager, (hereinafter referred to as Cheung), were engaged in the import and export business in Hong Kong; A. M. M. van de Looveren, N. V., (formerly known as West Europe Associated Merchants, N. V.), Anthonius M. M. van de Looveren, its Manager, (hereinafter referred to as WEAM or van de Looveren, interchangeably), Erik Jansen Handelsonderneming, and T. Boelaarts, its Manager, (hereinafter referred to as Jansen), were engaged in the import and export business in Amsterdam, the Netherlands; and Garber Export Corporation and Allen A. Garber, its President, were engaged in the export business in New York City.

2. That in the acts hereinafter found to have been performed by any of the corporate or firm respondents, the individuals associated with them by joint designation in Finding 1 participated equally and were principal actors, and such responsibility as is hereinafter found was and is a joint responsibility of such persons and firms.

3. That on about January 13, 1949, Cheung and Garber commenced a relalationship whereby Garber made numerous sales of American chemicals, drugs and pharmaceuticals to Cheung, made numerous exports to him in Hong Kong, kept him informed as to trade trends, market conditions, availability of American commodities for export and American export control regulations, Cheung from time to time made known to Garber commodity supply and price conditions in Hong Kong, and his needs and requirements for chemicals, drugs and pharmaceuticals in his business, and from all this Garber acquired a general knowledge of Cheung's business and became acquainted with his urgent needs for commodities of the nature mentioned.

4. At all times hereinafter mentioned, with respect to any of the acts found to have been performed by any of the respondents, the respondents and each of them well knew that no commodity could be exported directly from the United States to Hong Kong nor indirectly by transshipment from any other country to Hong Kong, without prior express approval by the Office of International Trade (now the Bureau of Foreign Commerce), whether such exportation was subject to the validated export license procedure or might be accomplished without validated license for certain countries, under the procedure known as General License. Further, the respondents and each of them well knew that statements furnished to American exporters setting forth intended end-use, country of destination and purchaser of commodities sought for exportation or intended to be exported from the United States were furnished for use by such American exporters in support of applications for export licenses or in support

of the privilege of such exporters to make exportations under the General License procedure. Further, the respondents Garber well knew that upon and in connection with applications for validated export licenses they were required to disclose to the Office of International Trade all terms of the order involved in the transaction for which the license was requested, all other facts of the transaction as well as all parties to the transaction, and that they were further required to report promptly to that Office any material or substantive changes in any of the facts of the transaction, whether such changes occurred prior to or after the issuance of the license.

5. That after having been informed by Garber that, although a validated license was required for exportations of certain phamaceuticals to Hong Kong, such exportations could be made under the General License procedure to Taiwan, Formosa, Cheung ordered and purchased from Garber, for ultimate landing in Hong Kong, (a) thirteen cartons of Riboflavin, ten cartons of Amesec Pulvules, and two cartons of Multicebrin Gelseals, (b) eight cartons of Promin Ampules, six cartons of Benadryl Kapseals, and eleven cartons of Combex Parenteral, (c) eight cartons of Vitamin B1, all of an agregate value of approximately $18,000. Each of said orders was ostensibly for a consignee in Taiwan, Formosa, and Cheung specifically directed that the shipments be made via an airline passing through or stopping in Hong Kong. Garber made each of the shipments, as requested and, upon each of the export declarations filed by him in support of the exportations, he designated the Taiwan consignee as the ultimate consignee and provided that the goods must not be discharged at Hong Kong.

6. That after each of the three shipments arrived at Hong Kong, Cheung, by bribing employees of the airline, arranged for and caused the contents to be removed from the original packages during the time that the same were lying in Hong Kong and substituted other commodities for the commodities so removed, thereafter allowing the packages to be carried forward to Taiwan, Formosa, such packages no longer containing the commodities originally exported from the United States.

7. That after the completion of said three shipments, Garber informed Cheung that Customs authorities prohibited additional shipments to Formosa if such shipments required a change of airplane at Hong Kong and that only direct shipments to Formosa were permitted without validated export licenses.

8. Following receipt of this information, Cheung entered into an arrangement with van de Looveren under and pursuant to which van de Looveren became the ostensible purchaser and ultimate consignee in the Netherlands of commodities to be exported from the United States by Garber upon orders from and payments by Cheung. This arrangement was later expanded or extended so that Jansen instead of van de Looveren became such ostensible purchaser and ultimate consignee in the Netherlands.

9. Under and pursuant to this arrangement, Cheung, on or about the 13th day of November, 1951, purchased from Garber 1000 bottles of Multicebrin Gelseals and 2000 bottles of Amesec Pulvules, valued at $7,560., for which amount Garber debited Cheung's account with him, Cheung having a credit balance by reason of certain sales which Garber had theretofore made on Cheung's behalf. Garber then shipped the said commodities to van de Looveren and supported such shipment by an export declaration certifying that van de Looveren was the purchaser or ultimate consignee in Amsterdam, Holland. When the commodities arrived in the Netherlands, Cheung and van de Looveren caused them to be transshipped to Hong Kong without authorization from or permission of the Office of International Trade.

10. On December 3, 1951, Garber offered Cheung 10,000 vials of glucocalcium for $9000., f. o. b. New York, which Cheung accepted, instructing him to ship to van de Looveren and debit his account for the purchase price. Garber did so on December 21, 1951, and supported the exportation with an export declaration in which he certified that the commodity was being shipped under General License to van de Looveren as purchaser or ultimate consignee in Amsterdam, Holland. When this shipment arrived at Rotterdam, Cheung and van de Looveren caused it to be transshipped to Hong Kong, without authorization from or permission of the Office of International Trade.

11. During the time that this glucocalcium transaction was being accomplished and for the purpose of facilitating transshipment of commodities to Hong Kong, van de Looveren instructed Garber that all future shipments were to be consigned to Rotterdam and not through to Amsterdam.

12. On or about May 25, 1952, Cheung ordered another five thousand bottles of glucocalcium, of a value of $4,500, and directed shipment to van de Looveren. Garber informed him that an export license was not required but that he wanted a formal order from the consignee and a certificate that the goods would not be transshipped. Although van de Looveren questioned the necessity for an ultimate consignee statement in cases where no export license was required, he furnished Garber with such a statement, to the effect that Jansen was the purchaser and ultimate consignee in the Netherlands where the goods would be resold and that there would be no transshipment. Jansen signed this statement and also the order which it accompanied. Garber thereupon shipped the glucocalcium to Jansen, at Rotterdam, under an export declaration in which he certified that the shipment was being made under General License, to Jansen, at Amsterdam, for ultimate consumption in the Netherlands. When the glucocalcium arrived at Rotterdam, Cheung and van de Looveren caused it to be transshipped to Hong Kong, after Jansen had endorsed the bill of lading, and without authorization from or permission of the Office of International Trade.

13. On April 2, 1952, after an exchange of preliminary cablegrams, Cheung orderd 10,000 bottles of penicillin, requested Garber to apply for an export license and directed that they be shipped to van de Looveren in Amsterdam. This order was given after Garber had informed him that a validated export license would be necessary before the shipment could be effectuated. Garber thereafter informed van de Looveren in detail as to the statements and representations which were required in an "ultimate consignee statement."

14. On receiving this information, van de Looveren informed Garber that Jansen would act as purchaser and at the same time he furnished Garber with an order and ultimate consignee statement from Jansen for 20,000 bottles of penicillin, among other things. Garber applied to the Office of International Trade for a license to export 20,000 bottles of penicillin, valued at $8,600, to Jansen, as ultimate consignee, and naming Amsterdam, the Netherlands, as the place and country of ultimate destination. He used Jansen's ultimate consignee statement to support the application—Jansen having certified that he was the purchaser and consignee and that the penicillin was to be used in no country other than the Netherlands. He did not disclose to the Office of International Trade that Cheung had ordered the penicillin originally or that van de Looveren had been a participant in the transaction. After having been paid for the penicillin by Cheung, Garber shipped it to Jansen at Amsterdam, pursuant to the authority of the export license issued upon his said application. He did not disclose to the Office of International Trade that, after having received the license and before shipping the penicillin, Cheung had approved the increased order and had paid for the goods. The bill of lading under which the goods were shipped contained a notice that the commodity so shipped was licensed for the Netherlands as the ultimate destination and that diversion contrary to United States law was prohibited. When the shipment arrived at Amsterdam, Cheung and van de Looveren caused its transshipment to Hong Kong without authorization from or permission of the Office of International Trade.

15. With respect to another order of 30,000 boxes of penicillin tablets and 30,000 vials of penicillin in oil, which Cheung had given to Garber with instructions to ship to Jansen, Garber applied to the Office of International Trade for two licenses to export the said commodities, supporting said applications with ultimate consignee statements from Jansen. In connection with such applications, Garber again failed to disclose to the Office of International Trade that the penicillin had been ordered by Cheung and that Cheung was to pay for it as he had been previously informed by van de Looveren. The licenses were duly granted but, after Garber learned that methods of payment for goods exported from the United States might be checked by the Office of International Trade, he returned the licenses to the Office of International Trade, unused.

And, from the foregoing, the following are my

Conclusions. A. The respondents, Cheung Kam Kee Trading Co. and Cheung Yuk Leung, both of Hong Kong, A. M. M. van de Looveren, N. V. (formerly known as West Europe Associated Merchants, N. V.), Anthonius M. M. van de Looveren, Erik Jansen Handelsonderneming, and T. Boelaarts, all of Amsterdam, Netherlands, made and caused to be made false representations and statements as to country of destination and intended end use of commodities sought to be and actually exported from the United States, and concealed and caused to be concealed from the Office of International Trade material facts concerning the country of ultimate destination for the purpose of effecting or causing to be effected exportations from the United States, all in violation of § 381.1 (b) of the export control regulations then in effect;

B. The respondents Cheung Kam Kee Trading Co., Cheung Yuk Leung, A. M. M. van de Looveren, N. V. and Anthonius M. M. van de Looveren diverted, reexported or transshipped and caused the diversion, reexportation and transshipment of commodities exported from the United States to unauthorized destinations, and disposed of and caused the disposition of commodities to a person and place of end-use contrary to the terms of export licenses under which such commodities were exported from the United States, all in violation of §§ 371.4, 381.1 (b), 381.3, 381.4 (b) and 381.4 (d) of the export control regulations then in effect;

C. The respondents Garber Export Corporation and Allen A. Garber, New York, New York, concealed and caused to be concealed from the Office of International Trade material facts in applications submitted for export licenses to export commodities from the United States, in violation of § 381.1 (b) of the export control regulations then in effect.

In making his recommendations, the Compliance Commissioner said,

> In this case, Cheung was the leader and chieftan of all that was done and, except for the Taiwan, Formosa shipments, he was assisted and joined in all the violations by van de Looveren. Their conduct was skillfully and carefully planned and they had almost complete success in all their schemes for diversion. • • •
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> It is possible that the Jansen respondents were no more than tools for Cheung and van de Looveren. Nevertheless, they did make definite representations and statements which they knew were false and which they knew were to be used to support exportations from the United States. These statements aided and enabled Cheung and van de Looveren to accomplish their unlawful purposes. Because of the less active role of these respondents, I am giving them the benefit of my doubt that they were in the major conspiracy. • • •
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> Garber • • • is charged in this case with nothing more than a failure to disclose Cheung's interest in the transactions with respect to which three license applications were submitted. Licenses were granted on all the applications but only one was used, 20,000 boxes of penicillin valued at $8,600 having been shipped. These were subsequently diverted to Hong Kong. (The fact that the goods were transshipped was not considered in arriving at the conclusion that there was a concealment.) He voluntarily returned the other two licenses, unused, • • • His entire conduct throughout his relations with Cheung is at strange variance with the fine testimonials submitted by him. If the picture were not as strong as it is against Garber, these testimonals would have persuaded me to make an even more lenient recommendation with respect to him than I shall make. The recommendation I am making is, in my opinion, in the light of all the circumstances, relatively lenient. On the one side we have the composite picture and the fact that the penicillin in Charge II, Count (d), was transshipped to Hong Kong and on the other the testimonals, Garber's sole means of livelihood from the export business, the after-effects and repercussions which the order to be entered herein will cause, its financial impact • • • his apparent cooperation with and complete disclosure to the investigators, and his previous good record and army service.

Now, after careful consideration of the entire record, the answers, the brief, the supplemental data and the report of the Compliance Commissioner, and being of the opinion that the recommendation of the Compliance Commissioner is fair and just, and that this order is necessary to achieve effective enforcement of the law, *It is hereby ordered:*

I. The respondents and each of them be and they hereby are denied all privileges of participating directly or indirectly in any manner or capacity in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by any of the respondents, directly or indirectly in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States;

II. Such denial of export privileges shall apply not only to each of the respondents, but also to any person, firm, corporation, or business organization with which any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith;

III. All outstanding validated export licenses held by or issued in the name of Cheung Kam Kee Trading Co. or Cheung Yuk Leung or A. M. M. van de Looveren, N. V. or West Europe Associated Merchants, N. V. or Anthonius M. M. van de Looveren or Erik Jansen Handelsonderneming or T. Boelaarts or Garber Export Corporation or Allen A. Garber or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation;

IV. Such denial of export privileges shall be and become effective forthwith but (a) as to the respondents Cheung Kam Kee Trading Co., Cheung Yuk Leung, A. M. M. van de Looveren, N. V., and Anthonius M. M. van de Looveren shall continue and remain in effect so long as exports of goods and commodities from the United States are subject to export control; and (b) as to Erik Jansen Handelsonderneming and T. Boelaarts,, shall continue and remain in effect for a period of one year from the date hereof; and (c) as to Garber Export Corporation and Allen A. Garber, shall continue and remain in effect for a total period of six months as provided and subject to the conditions set forth in Part VI hereof;

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when any respondent is prohibited under the terms hereof from engaging in any activity within the scope of Part I hereof, shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with such respondent, or (c) do any of the foregoing acts with respect to any commodity or exportation in which such respondent may have any interest of any kind or nature, direct or indirect;

VI. Upon the expiration of two months from the date of this order, without further action or order, all export privileges shall be restored to the respondents Garber Export Corporation and Allen A. Garber, upon the condition, nevertheless, that such respondents permit freely and without restriction the inspection by agents of the Bureau of Foreign Commerce of all their records relating to the business of exporting in any capacity, answer all reasonable inquiries by such agents concerning export matters, and comply fully with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereumder; and, if it be found by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, after ex parte application, that such respondents or either of them, at any time prior to the expiration of six months from the date hereof, have knowingly failed to comply with this

condition in any respect, such official may, summarily and without notice to the respondents, enter an order against them providing that the denial of their export privileges shall forthwith again become effective and shall continue for up to a full four months following the date of such finding, without prejudice to such other or additional action as may be deemed proper by reason of such new violation.

Dated: December 12, 1955.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 55-10071; Filed, Dec. 14, 1955; 8:50 a. m.]

Foreign-Trade Zones Board

[Order 41]

GRANT TO ESTABLISH, MAINTAIN AND OPERATE FOREIGN-TRADE ZONE NO. 4 AT LOS ANGELES, CALIFORNIA

REVOCATION

Pursuant to authority contained in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U. S. C. 81–a–81–u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, on June 27, 1949, the Foreign-Trade Zones Board, by Order No. 18 (14 F. R. 3686, July 2, 1949), issued a grant to the Board of Harbor Commissioners, City of Los Angeles, a municipal corporation, to establish, maintain and operate Foreign-Trade Zone No. 4 in Los Angeles, California, and more particularly described on a map, accompanying the application, marked Exhibit No. 10; and

Whereas, Foreign-Trade Zone No. 4 was duly opened on September 1, 1949, and has remained in continuous operation since that date; and

Whereas, the Board of Harbor Commissioners, City of Los Angeles, under date of September 14, 1955, petitioned the Foreign-Trade Zones Board to revoke said grant and authorize the closing of the zone on the grounds that sufficient business has not been developed to justify continued operation.

Now, therefore, the Foreign-Trade Zones Board, after full consideration and a finding that the revocation of the grant and the closing of the zone is in the public interest, hereby revokes said grant and rescinds Order No. 18 under which this grant was promulgated.

The Grantee shall arrange with the Collector of Customs at Los Angeles for the disposal, according to law, of all merchandise remaining in Foreign-Trade Zone No. 4. The Grantee shall also take appropriate action for closing accounts for Customs service.

This order will become effective sixty (60) days after publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 8th day of December 1955.

FOREIGN-TRADE ZONES BOARD,
[SEAL] SINCLAIR WEEKS,
Secretary of Commerce; Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

JOSEPH M. MARRONE,
Executive Director,
Foreign-Trade Zones Operations.

[F. R. Doc. 55-10072; Filed, Dec. 14, 1955; 8:50 a. m.]

Office of the Secretary

POSITION SCHEDULE SURETY BOND

INVITATION TO BID

Notice is hereby given to all companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, that the Office of the Secretary, Department of Commerce, will accept sealed bids beginning December 16, 1955, on a position schedule bond covering approximately 43 officers and employees. Copies of the invitation to bid and the schedule of positions to be bonded may be obtained by phoning or writing to the General Services Division, Procurement Branch, Room 1315 Commerce Building, Washington 25, D. C. Phone ST 3-9200, extension 519. Bids are to be opened at 2 p. m., e. s. t., on December 27, 1955.

WILLIAM M. MARTIN,
Director,
Office of Administrative Operations.

[F. R. Doc. 55-10080; Filed, Dec. 14, 1955; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 453]

PUERTO RICO

APPOINTMENTS TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES FOR CERTAIN INDUSTRIES; NOTICE OF HEARING

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U. S. C., and Sup. 201 et seq.), and Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 19–A for the Corsets, Brassieres, and Allied Garments Industry in Puerto Rico, Industry Committee No. 19–B for the Textile and Textile Products Industry in Puerto Rico, Industry Committee No. 19–C for the Shoe Manufacturing and Related Products Industry in Puerto Rico, and Industry Committee No. 19–D for the Metal Hair Accessories Industry in Puerto Rico.

Industry Committee No. 19–A is composed of the following representatives:

For the public: Leo C. Brown, Chairman, St. Louis, Missouri; A. Cecil Snyder, San Juan, Puerto Rico; Herbert L. Sherman, Pittsburgh, Pennsylvania.

For the employers: Isadore A. Itkowitz, New York, New York; James R. Beverley, San Juan, Puerto Rico; Bernard Rashkin, Bayamon, Puerto Rico.

For the employees: Hipolito Marcano, San Juan, Puerto Rico; John Chupka, East Douglas, Massachusetts; David Dubinsky, New York, New York.

For the purpose of this order the Corsets, Brassieres, and Allied Garments Industry in Puerto Rico is defined as follows:

The manufacture of corsets, brassieres, brassiere pads, girdles, foundation garments, sanitary belts, surgical or abdominal supports, and all similar body-supporting garments.

Industry Committee No. 19–B is composed of the following representatives:

For the public: Leo C. Brown, Chairman, St. Louis, Missouri; A. Cecil Snyder, San Juan, Puerto Rico; Herbert L. Sherman, Pittsburgh, Pennsylvania.

For the employers: Isadore A. Itkowitz, New York, New York; James R. Beverley, San Juan, Puerto Rico; Robert Rodgers, Ponce, Puerto Rico.

For the employees: Hipolito Marcano, San Juan, Puerto Rico; John Chupka, East Douglas, Massachusetts; David Dubinsky, New York, New York.

For the purpose of this order the Textile and Textile Products Industry in Puerto Rico is defined as follows:

The preparation of textile fibers, including the ginning and compressing of cotton; the manufacture of batting, wadding, and filling; the manufacture of yarn, cordage, twine, felt, woven and knitted fabrics, and lace-machine products, from cotton, jute, sisal, coir, maguey, silk, rayon, nylon, wool, or other vegetable, animal, or synthetic fibers, or from mixtures of these fibers; and the manufacture of blankets, textile bags, oil cloth and artificial leather, woven carpets and rugs, mattresses, quilts and pillows: *Provided, however,* That the definition shall not include the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber.

Industry Committee No. 19–C is composed of the following representatives:

For the public: Leo C. Brown, Chairman, St. Louis, Missouri; A. Cecil Snyder, San Juan, Puerto Rico; Herbert L. Sherman, Pittsburgh, Pennsylvania.

For the employers: Isadore A. Itkowitz, New York, New York; James R. Beverley, San Juan, Puerto Rico; Luis Benitez Carle, Manati, Puerto Rico.

For the employees: Hipolito Marcano, San Juan, Puerto Rico; John Chupka, East Douglas, Massachusetts; John Mara, Boston, Massachusetts.

For the purpose of this order the Shoe Manufacturing and Related Products Industry in Puerto Rico is defined as follows:

(a) The manufacture or partial manufacture of footwear from any material and by any process except knitting (including crocheting), vulcanizing of the entire article, or vulcanizing (as distinct from cementing) of the sole to the upper. The term "footwear" as used herein includes but without limitation: Athletic shoes, boots, boot tops, burial shoes, custom-made boots and shoes, moccasins, puttees (except spiral puttees), sandals, shoes completely rebuilt in a shoe factory, and slippers.

(b) The manufacture from leather or from any shoe upper material of all cut stock and findings for footwear, including bows, ornaments and trimmings: *Provided, however,* that the production of bows, ornaments and trimmings by a manufacturer not otherwise covered by this definition shall not be included.

(c) The manufacture of the following types of cut stock and findings for footwear from any material (except from rubber or composition of rubber, molded to shape): Outsoles, midsoles, insoles, taps, lifts, rands, toplifts, bases, shanks, boxtoes, counters, stays, stripping, sock linings, and heel pads.

(d) The manufacture of heels from any material except molded rubber, but not including the manufacture of wood-heel blocks.

(e) The manufacture of cut upper parts for footwear, including linings, vamps and quarters.

(f) The manufacture of pasted shoe stock.

(g) The manufacture of boot and shoe patterns.

Industry Committee No. 19–D is composed of the following representatives:

For the public: Leo C. Brown, Chairman, St. Louis, Missouri; A. Cecil Snyder, San Juan, Puerto Rico; Herbert L. Sherman, Pittsburgh, Pennsylvania.

For the employers: Isadore A. Itkowitz, New York, New York; James R. Beverley, San Juan, Puerto Rico; Luis Benitez Carle, Manati, Puerto Rico.

For the employees: Hipolito Marcano, San Juan, Puerto Rico; John Chupka, East Douglas, Massachusetts; John Mara, Boston, Massachusetts.

For the purpose of this order the Metal Hair Accessories Industry in Puerto Rico is defined as follows:

The metal hair accessories industry is defined to include the manufacture of metal bobby pins, metal hair clips, metal hair curlers, and metal hair wavers; but not including costume jewelry hair ornaments.

I hereby refer to each of the above mentioned industry committees the question of the minimum wage rates to be fixed under section 6 (c) of the act for its industry. Each such industry committee shall investigate conditions in its industry, and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

Industry Committee No. 19–A shall commence its hearing on January 9, 1956, at 2 p. m. in Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico. Consecutively, at the same place, after the hearing of Industry Committee No. 19–A, Industry Committees Nos. 19–B, 19–C, and 19–D shall hold their hearings in that order.

Each committee will convene at the same place before its hearing to make its investigation and appropriate decisions concerning its hearing. Industry Committee No. 19–A will convene at 10 a. m. and Industry Committees Nos. 19–B, No. 19–C, and No. 19–D will convene at an hour to be designated by the committee chairman.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act (75 cents an hour prior to March 1, 1956, and $1.00 an hour on and after March 1, 1956), each industry committee shall recommend to the Administrator the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico. Where the industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry than may be determined for other employees in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set out herein which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classification within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of a like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters to be referred to a committee. Copies of these reports may be obtained at the National and Puerto Rican Offices of the Department of Labor as soon as they are completed and prior to the hearing. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted by evidence received at the hearing.

The procedure of these industry committees will be governed by Title 29 of the Code of Federal Regulations, Part 511, as revised, and published in the November 4, 1955 issue of the FEDERAL REGISTER (20 F. R. 8285), which requires, among other things, notice of intent and other data to be filed at specified times before the hearing by those who would particpate either as witnesses or parties.

Signed at Washington, D. C., this 9th day of December 1955.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 55-10063; Filed, Dec. 14, 1955; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11284, 11285; FCC 55M-1025]

PACIFIC TELEPHONE AND TELEGRAPH CO. AND RADIOMARINE CORPORATION OF AMERICA

ORDER CONTINUING HEARING

In the matter of The Pacific Telephone and Telegraph Company, Docket No. 11284; Application for construction permit to add transmitter to existing station KOU (File No. 13412–F1–P–G) at San Pedro, California. Radiomarine Corporation of America, Docket No. 11285; Application for construction permit for new public class II–B coast station at San Diego, California (File No. 17229–F1–P–D).

The Hearing Examiner having under consideration a motion filed December 5, 1955, by Radiomarine Corporation of America, requesting that a pre-hearing conference in the above-styled matter be scheduled for December 19, 1955, in place of the hearing presently scheduled for that date, and a new hearing date subsequently be fixed by the Hearing Examiner;

It appearing that a pre-hearing conference has not yet been scheduled and the hearing would be more expeditiously conducted if a pre-hearing conference were held;

It further appearing that counsel for The Pacific Telephone and Telegraph Company, and for the Common Carrier Bureau and Safety and Special Radio Services Bureau have informally agreed to a waiver of the so-called "four-day" rule and have no objection to a grant of the motion;

It is ordered, This 7th day of December 1955, that the motion requesting that a pre-hearing conference in the above-styled matter be scheduled in place of the hearing presently scheduled for December 19th and a new hearing date subsequently fixed, be and it is hereby granted; and the hearing be and it is hereby continued to a date to be fixed at the pre-hearing conference;

It is further ordered, That all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of section 1.813 of the rules, in Washington, D. C., at 10:00 a. m., December 19, 1955, for the purpose of considering the following matters:

(1) The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

(2) Admissions of fact and of documents which will avoid unnecessary proof;

(3) The possibility of stipulating with respect to facts;

(4) Need, if any, for depositions;

(5) The order of offer of proof with relationship to docket number; and

(6) Such other matters as will be conducive to an orderly and expeditious conduct of the hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10066; Filed, Dec. 14, 1955; 8:49 a. m.]

[Docket No. 11455, etc.; FCC 55M-1027]

ROBERT E. BOLLINGER ET AL.

ORDER FOR THE CONDUCT OF HEARING

DECEMBER 8, 1955.

In re applications of Robert E. Bollinger, Portland, Oregon, Docket No. 11455, File No. BP-9320; Mercury Broadcasting Co., Inc. (KLIQ) Portland, Oregon, Docket No. 11456, File No. BP-9400, and Docket No. 11457, File No. BR-2266; Albert L. Capstaff & H. Quenton Cox a partnership, d/b as Capstaff Broadcasting Co., Oreg. Ltd., Portland, Oregon, Docket No. 11458, File No. BP-9585; for construction permits and renewal of license.

Appearances. Charles V. Wayland and Ben C. Fisher, Washington, D. C., on behalf of Robert E. Bollinger; Howard J. Schellenberg, Jr., Washington, D. C., on behalf of Albert L. Capstaff and H. Quenton Cox, a partnership, d/b as Capstaff Broadcasting Co., Oreg. Ltd.; and Ray Paul, of behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. A pre-hearing conference in the above-entitled proceeding was commenced September 22, 1955, adjourned on that date and reconvened on December 6, 1955. The pre-hearing conferences of September 22 and December 6 were held pursuant to written notice served upon all parties to the proceeding in accordance with the Commission's rules. At both hearing conferences, Robert E. Bollinger, Albert L. Capstaff and H. Quenton Cox, a partnership, d/b as Capstaff Broadcasting Co., Oreg. Ltd. and the Chief of the Broadcast Bureau were represented by counsel who entered appearances. No person representing Mercury Broadcasting Company, Inc. appeared pursuant to authority of the officers of that corporation at either the September 22 or the December 6, 1955, hearing conferences.

2. At the December 6, 1955, hearing conference, Thomas P. Kelly appeared and stated that at one time he had been president and controlling stockholder of Mercury Broadcasting Company, Inc.; that he had been improperly ousted from control; and was appearing in this proceeding on his own behalf and to assert his right as the one who should be recognized as being the proper owner of Mercury Broadcasting Company, Inc. It is not the purpose of a pre-hearing conference to resolve questions of ownership of stock and of physical properties in a sovereign state. These are matters which are reserved to the courts of the states wherein the properties are located.

3. It was disclosed that many, if not all, of the exhibits to be offered in evidence by the parties who had appeared and participated at the hearing conferences on September 22 and December 6 had been prepared and were ready for distribution. Counsel requested the Hearing Examiner to specify a date for the exchange of such exhibits and for the start of the evidentiary hearing. All parties present expressed agreement to the proposed procedure. In accordance with such agreement as well as other agreements reached on the record at the December 6, 1954, hearing conference, the following order will govern the subsequent conduct of this hearing.

4. All exhibits to be offered in evidence by any party to this proceeding in support of the affirmative case and in response to any and all issues shall be exchanged with opposing counsel on or before Thursday December 29, 1955.

5. The evidentiary hearing in this proceeding will begin on Monday, January 16, 1956. At this evidentiary hearing, all parties will offer in evidence all of the exhibits which they propose to offer in support of their affirmative cases.

6. It is the intent of the Hearing Examiner to receive in evidence at the hearing which will start on Monday, January 16, 1956, all exhibits offered by the applicants to which no objections are made as well as all exhibits which, after objections, are held to be legally admissible. The exhibits to which this paragraph refers are those which are to be offered in evidence on the affirmative cases of the applicants—those exhibits which are to be exchanged with other parties on or before December 29, 1955.

7. The exhibits exchanged on December 29, 1955, may be offered in evidence without the necessity of having an officer or member of the applicant present for such purpose. After the exhibits have been received, counsel for each applicant will identify the person or persons he wishes to call to present oral testimony to explain and discuss his exhibits. Counsel will also identify the witness or witnesses of the competing applicant he wishes to be made available for cross-examination.

It is so ordered, This the 8th day of December 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10067; Filed, Dec. 14, 1955; 8:49 a. m.]

[Docket No. 11560, etc.; FCC 55M-1021]

OLE MISSISSIPPI BROADCASTING CO. (WSUH) ET AL.

ORDER SCHEDULING HEARING

In re applications of E. O. Roden, W. I. Dove and G. A. Pribbenew, d/b as Ole Mississippi Broadcasting Company (WSUH) Oxford, Mississippi, Docket No. 11560, File No. BP-9847; East Arkansas Broadcasters, Inc., Wynne, Arkansas, Docket No. 11561, File No. BP-9872; Warren L. Moxley, Blytheville, Arkansas, Docket No. 11562, File No. BP-9922; Sam C. Phillips, Clarence A. Camp and James C. Connolly, d/b as Tri-State Broadcasting Service (WHER) Memphis, Tennessee, Docket No. 11563, File No. BMP-6837; for construction permits and modification of construction permit.

It is ordered, This 5th day of December 1955, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 16, 1956, in Washington, D. C.

Released: December 8, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10068; Filed, Dec. 14, 1955; 8:49 a. m.]

[Docket No. 11570; FCC 55-1207]

OREGON RADIO, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Oregon Radio, Inc., Salem, Oregon (KSLM-TV) Docket No. 11570, File No. BMPCT-1835; for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 7th day of December 1955;

The Commission having under consideration (1) the above-entitled application requesting modification of construction permit (Channel 3, Salem, Oregon) to move transmitter site from a location 5.5 miles from Salem and 44 miles from Portland, Oregon, to a location 35.5 miles from Salem and 22.4 miles from Portland, to increase the height above average terrain from 970 feet to 1,470 feet, to increase visual effective radiated power from 5.5 kw to 100 kw, and to change transmitter and antenna; (2) oppositions to the above application filed by Empire Coil Company, Inc., permittee of television station KPTV, Channel 27, and Mount Hood Radio & Television Broadcasting Corporation, permittee of television station KOIN-TV, Channel 6, both located in Portland, Oregon; (3) the Commission's letter of November 24, 1954, sent to the above-named applicant pursuant to section 309 (b) of the Communications Act of 1934, as amended; and (4) the response to such letter, filed by the applicant on December 29, 1954; and

It appearing that in its letter to the applicant of November 24, 1954, the Commission notified the applicant of all objections to its application; that the Commission was unable to determine that a grant of said application would be in the public interest; and that the applicant was being afforded an opportunity to reply to the Commission's letter; and

It further appearing that upon due consideration of the above-entitled application, the Commission's letter of November 24, 1954, and the applicant's reply thereto of December 29, 1954, the Commission finds that it is unable to determine at this time that a grant of the above-entitled application would be in the public interest; that a hearing thereon is required; and that the applicant is legally, technically, financially and otherwise qualified to construct, own and operate the proposed station except with respect to the matters raised in the issues set forth below; and

It further appearing that Empire Coil Company, Inc., and Mount Hood Radio and Television Broadcasting Corporation have made their interests in the above-entitled application known to the Commission; and that Mount Hood has requested that the application be designated for hearing and that it be named a party therein;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing to commence at 10:00 a. m. on the 23d day of January 1956, in Washington, D. C., upon the following issues:

(1) To determine, in light of the proposed move of transmitter site 35.5 miles from Salem and 22.4 miles from Portland, Oregon, whether the proposed operation is designed to serve the particular needs of Salem, Oregon, and its surrounding areas.

(2) To determine whether, on the basis of the evidence adduced with respect to the above issue, a grant of the above entitled application would serve the public interest, convenience and necessity.

It is further ordered, That Empire Coil Company, Inc., and Mount Hood Radio & Television Broadcasting Corporation are made parties herein.

Released: December 12, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10069; Filed, Dec. 14, 1955; 8:49 a. m.]

[Docket No. 11571, FCC 55-1215]

JOHNSONVILLE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Dr. Alexander Leech and William E. Leech d/b as Johnsonville Broadcasting Company, New Johnsonville, Tennessee, Docket No. 11571, File No. BP-9810; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of December 1955;

The Commission having under consideration the above-entitled application of Dr. Alexander Leech and William E. Leech d/b as Johnsonville Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1450 kilocycles with a power of 250 watts, unlimited time, at New Johnsonville, Tennessee;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed station, but that the proposed operation may involve interference with Stations WPAD, Paducah, Kentucky, (1450 kc, 250 w, U); and WDHM, McKenzie, Tennessee (1440 kc, 500 w, Day); and that it has not been determined whether the proposed operation will provide satisfactory service to the city of New Johnsonville due to the lack of information regarding the business and industrial areas or city boundaries of that city; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated August 24, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that in a letter dated November 10, 1955, the applicant stated that New Johnsonville is the site of the new Tennessee Valley Authority steam generating plant and that the city has been incorporated so that the improvements necessary in the way of residential and commercial construction will be subject to municipal planning and zoning laws and that New Johnsonville is located ten miles east of Camden, Tennessee, and ten miles west of Waverly, Tennessee, and that the proposed site was selected midway between these two cities so as to provide a local service for both Camden and Waverly (population 2,029 and 1,892, respectively); and

It further appearing that the proposed operation would provide a signal of only 1.5 mv/m, approximately, to either Camden or Waverly; and

It further appearing that in a letter dated October 15, 1955, Station WPAD requested that the subject application be designated for hearing and stated that it would appear and participate; and

It further appearing that the Commission, after consideration of these letters, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would involve objectionable interference with Stations WPAD, Paducah, Kentucky; and WHDM, McKenzie, Tennessee, or any other existing stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the proposed installation and operation would be in compliance with the Commission's Rules and Standards of Good Engineering Practice with particular reference to providing adequate coverage of the city sought to be served.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, if a grant of the subject application would serve the public interest, convenience and necessity.

It is further ordered, That Paducah Broadcasting Company, Inc., licensee of Station WPAD, and Tri-County Broadcasting Company, licensee of Station WHDM, are made parties to the proceeding.

Released: December 12, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10070; Filed, Dec. 14, 1955; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2399 etc.]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION, ORDER OF CONSOLIDATION AND FIXING DATE OF HEARING

Take notice that Northern Natural Gas Company (Northern), a Delaware corporation having its principal place of business at 2223 Dodge Street, Omaha, Nebraska, filed on September 12, 1955, an application entitled "Supplement to Application" in Docket Nos. G-2399, G-2458, G-2465, G-4259, G-4260, and G-4261. This "Supplement to Application" is by Rule 1.11 (a) of the Commission's rules of practice and procedure, an amendment to the aforesaid applications. The applications as now amended request a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipeline facilities.

Northern now proposes in the aforesaid Dockets, by this amendment, to construct additions to its present facilities of approximately 654 miles of main and branch pipe lines and additions of 12,640 horsepower to six compressor stations. These additions will enable Northern to increase its system sales capacity by 93,789 Mcf of gas per day of which 36,804 will be delivered to communities presently served; 22,581 Mcf to the Duluth-Superior area including initial service to the following cities and towns in Minnesota: Duluth, Stillwater, Baypoint, Oak Park, White Bear Lake, Birchwood, Dellwood, Mahtomedi, Willernie, Coon Rapids, Anoka, Champlin, Elk River, North Branch, Harris, Rush City, Pine City, Hinckley, Sandstone, Moose Lake, Cloquet, and Proctor, and the following cities and towns in Wisconsin: Superior, Hudson, and North Hudson; 15,028 Mcf to the following cities and towns in South Dakota: Aberdeen, Hartford, Montrose, Salem, Spencer, Alexandria, Mitchell, Madison, Romona, Arlington, Volga, Brookings, Lake Preston, De Smet, Huron, Willow Lake, Vienna, Watertown, Raymond, and Turton; 12,000 Mcf to Allied Chemical and Dye Corporation's La Platte, Nebraska, plant; and 7,376 Mcf for initial service to Kellogg,

Story City, Grundy Center, Hudson, Independence, Manchester, Dyersville and Rockford, all in Iowa, and Winona, Minnesota. Northern's proposed tariff for Zone B (the proposed Duluth-Superior line) provides a base rate of a monthly demand charge of $3.30 per month per Mcf of contract demand and a commodity charge of 22.1 cents per Mcf of firm gas delivered, and also a rate of 22.1 cents per Mcf of gas delivered is provided for interruptible service. The rate to be charged for service off the proposed Aberdeen line will be in accordance with Northern's present Rate Schedules CD–3 and R–3. The estimated cost of the facilities is $27,084,500 to be financed out of cash on hand, the issuance of bonds, preferred and common stock.

On September 12, 1955, Northern filed in Docket No. G–2460 an amendment to its application filed on May 2, 1955, for an amended order in said docket, on which a hearing was convened on July 13, 1955, and recessed on Northern's own motion. The amended application of September 12, 1955, came on for hearing on November 28, 1955, and on November 29, 1955, at the conclusion of Northern's presentation of evidence, the Presiding Examiner, on motion, recessed the hearing and referred said proceeding to the Commission for possible consolidation with Northern's pending amending application in Docket Nos. G–2399, G–2458, G–2465, G–4259, G–4260 and G–4261.

The Commission finds:

(1) The amended application filed on September 12, 1955, in Docket No. G–2460 is dependent upon the aforesaid amending application filed in Docket Nos. G–2399, G–2458, G–2465, G–4259, G–4260 and G–4261, and should be consolidated for hearing therewith.

(2) Interested persons in the aforesaid proposed service should be given further opportunity to be heard.

The Commission orders: (A) The proceeding in Docket No. G–2460 be and the same hereby is consolidated for hearing with the proceeding in Docket Nos. G–2399, G–2458, G–2465, G–4259, G–4260 and G–4261.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on January 23, 1956, at 10:00 a.m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above-entitled dockets.

(C) Further protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 3, 1956.

Adopted: December 7, 1955.

Issued: December 9, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–10058; Filed, Dec. 14, 1955; 8:47 a. m.]

[Docket No. G–8729]

P. R. RUTHERFORD

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 8, 1955.

Take notice that P. R. Rutherford (Applicant), an individual whose address is 1041 Esperson Building, Houston 2, Texas, filed on April 6, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas which is produced from the Greta Field, Refugio County, Texas at 7.217976 cents per Mcf to Transcontinental Gas Pipe Line Corporation for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 11, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G. Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–10059; Filed, Dec. 14, 1955; 8:47 a. m.]

[Docket No. G–1705, etc.]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF ORDER

DECEMBER 9, 1955.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G–1705, G–1937, G–2433, G–2475, G–8665; Missouri Public Service Company, Docket No. G–2057; City of Montgomery, Missouri, Docket No. G–2932; Town Gas Company of Illinois, Docket No. G–3158; Missouri Central Natural Gas Company, Docket No. G–4611; Village of Westville, Illinois, Docket No. G–4666; Village of Pleasant Hill, Illinois, Docket No. G–4940; City of Waverly, Illinois, Docket No. G–5139; Village of Rossville, Illinois, Docket No. G–5979; Central Illinois Electric & Gas Company, Docket No. G–8428; City of Winchester, Illinois, Docket No. G–8431; Village of Franklin, Illinois, Docket No. G–8471; City of Hickman, Kentucky, Docket No. G–8526; Trunkline Gas Company, Docket No. G–8664; City of McLeansboro, Illinois, Docket No. G–8676; City of Vienna, Illinois, Docket No. G–8677; City of Clinton, Kentucky, Docket No. G–8771; City of LaCenter, Kentucky, Docket No. G–8888; City of Bardwell, Kentucky, Docket No. G–8939; City of Wickliffe, Kentucky, Docket No. G–8962; Lake County Utility District, Docket No. G–8963.

Notice is hereby given that on November 29, 1955, the Federal Power Commission issued its order adopted November 23, 1955, issuing temporary certificate of public convenience and necessity, permitting temporary tariff changes, and accepting service agreements in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–10060; Filed, Dec. 14, 1955; 8:47 a. m.]

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FEDERAL REGISTER

VOLUME 20 NUMBER 244

Washington, Friday, December 16, 1955

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 700—CLAY AND CLAY PRODUCTS INDUSTRY IN PUERTO RICO

WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

On October 21, 1955, pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.) (hereinafter called the Act), the Secretary of Labor by Administrative Order No. 449 (20 F. R. 7951) directed Special Industry Committee No. 18–A (hereinafter called the Committee) to recommend the minimum rate or rates of wages to be paid under section 6 of the Act to employees in Puerto Rico engaged in commerce or in the production of goods for commerce in the Clay and Clay Products Industry in Puerto Rico.

Subsequent to an investigation and hearing, conducted pursuant to notice published in the October 21, 1955, issue of the FEDERAL REGISTER (20 F. R. 7951), the Committee filed with the Secretary a report containing its findings of fact and recommendations with respect to the matters referred to it. In this report the Committee divided the Clay and Clay Products Industry in Puerto Rico into three separate classifications, for each of which it made separate recommendations. Accordingly, as authorized and required by section 8 of the Act and General Order No. 45–A of the Secretary—(1) these recommendations are hereby published in the following amendments to the Code of Federal Regulations; and (2) effective December 31, 1955, Part 700 of Title 29, is amended to read as follows:

Sec.
700.1 Definition of the industry.
700.2 Wage rates.
700.3 Application and notice.

AUTHORITY: §§ 700.1 to 700.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 700.1 *Definition of the industry.* The clay and clay products industry in Puerto Rico, to which this part shall apply, is defined as follows: The quarrying or other extraction of common clay, shale, kaolin, ball clay, fire clay and other types of clay; and the manufacture of structural clay products, china, pottery, tile, and other ceramic products and refractories.

§ 700.2 *Wage rates.* (a) Wages at a rate of not less than 46 cents an hour shall be paid in the vitreous and semi-vitreous china food utensils classification of the clay and clay products industry in Puerto Rico, and this classification shall be defined as the manufacture of semi-vitreous and vitreous china table and kitchen articles for use in households and hotels, restaurants and other commercial institutions for preparing, serving or storing food or drink, except that the classification does not include products included in the hand-made art pottery classification.

(b) Wages at a rate of not less than 30 cents an hour shall be paid in the hand-made art pottery classification of the clay and clay products industry in Puerto Rico, and this classification shall be defined as the manufacture of hand-made art pottery.

(c) Wages at a rate of not less than 75 cents an hour shall be paid in the structural clay and miscellaneous clay products classification of the clay and clay products industry in Puerto Rico, and this classification shall be defined as the manufacture of structural clay products, sanitary ware, and all other products included in the clay and clay products industry, as defined in § 700.1, except those included in the vitreous and semi-vitreous china food utensils classification and the hand-made art pottery classification, as those classifications are defined in this section.

§ 700.3 *Application and notice.* (a) Wages of not less than the hourly wage rates specified in § 700.2 shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the clay and clay products industry in Puerto Rico.

(Continued on next page)

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FEDERAL REGISTER

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(b) Every employer employing any such employees shall post in a conspicuous place in each department of his establishment where any such employees are working such notices of this order as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 13th day of December 1955.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 55–10092; Filed, Dec. 15, 1955; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 173]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance (feet)	Minimum altitude (ft.)	Procedure turn (—), side of final approach course, maximum distance (nautical miles) inbound; altitudes; limiting distances	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
PROCEDURE CANCELED DECEMBER 7, 1955, DUE TO MARGINAL STATUS OF AIRPORT AND LACK OF COMMUNICATIONS AND WEATHER.										
EL MORRO, N. MEX. CAA Intermediate, 7114'. BMRIZ-ZUN. Procedure No. 1 (issued on Form AOA-1251). Effective date: July 1, 1953.	Ephrata VOR	181—10.0	8,000	W side of S course: 156° outbound. 336° inbound. 3,000' within 10 miles. Not authorized beyond 10 miles.	2 engines or less: *T-dn	300–1	300–1	Within 3.9 miles, turn right, climb to 4,000' on E course Ephrata LFR within 25 miles.
					C-d	800–2	800–2	
					C-n	1,000–2	1,000–2	
					S-dn			
					Runway 34 A-d	500–1½ 1,000–3	500–1½ 1,000–3	Alternate missed approach when directed by ATC: Within 3.9 miles turn right, return to LFR range station, hold E, 4,000' on W course, 10 miles. Aft immediate W course turn W to avoid Larson Air Force Base.
					A-n	1,200–3	1,200–3	
					More than 2 engines: *T-dn		200–1½	*600–2 required for takeoff Runway 29. CAUTION: 2,351' radio tower 3 miles W of airport.
					C-d		800–2	
					C-n		1,000–2	
					S-dn			
					Runway 34 A-d		800–1½ 1,000–3	
					A-n		1,200–3	
					All aircraft: T-d		800–2	Within 2 miles, make right climbing turn to SE course, climb to 8,500' within 10 miles of LFR.
					T-n		800–2	
					C-d		1,500–3	*Maintain at least 8,500' until 3 miles past Winston FM.
					C-n		1,500–3	
					A-d		1,500–2	NOTE: Shuttle to 8,500' on SE course within 25 miles of station.
					A-n		1,500–3	
EPHRATA, WASH. Ephrata, 1,268'. EMRIZ-DVT-EPH. Procedure No. 1. Amendment No. 4. Effective date: January 7, 1956. Supersedes Amendment 3, dated January 29, 1955. Major changes: Add alternate missed approach.	Ephrata VOR	251—2.0	5,800	N side of SE course: 100° outbound. 280° inbound. 7,500' within 10 miles. 8,500' within 15 miles.	All aircraft: T-d	800–2	800–2	Within 2 miles, make right climbing turn to SE course, climb to 8,500' within 10 miles of LFR.
					T-n	800–2	800–2	
					C-d	1,500–3	1,500–3	*Maintain at least 8,500' until 3 miles past Winston FM.
					C-n	1,500–3	1,500–3	
					A-d	1,500–2	1,500–2	NOTE: Shuttle to 8,500' on SE course within 25 miles of station.
					A-n	1,500–3	1,500–3	
HELENA, MONT. Helena Municipal, 3,881'. SBMRAZ-DTV-HLN. Procedure No. 1. Amendment No. 4. Effective date: January 7, 1956. Supersedes Amendment 3, dated April 1, 1954. Major changes: New format; add HLN-VOR; delete dual takeoff and landing minimums.	McDonald Pass FM	073—18.0	8,500					
	HLN-VOR	073—0.8	7,800					
	Winston FM (final)*	280—13.0	6,500					

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
LAS VEGAS, NEV. McCarran, 2,171'. SBMRAZ-DTV-LAS. Procedure No. 1. Amendment No. 6. Effective date: December 7, 1955. Supersedes Amendment 5, dated February 12, 1955. Major changes: Add transition altitudes from Kids Intersection and Intersection SW course LAS LFR and LAS radial 270°; change shuttle and missed approach.	Goodsprings HW	023—33.0	7,500	E side of SW course: 203° outbound. 023° inbound. 5,000' within 10 miles.	8,700	195—10.0	All aircraft T-dn	800-2	800-2	Within 0 mile, climb to 6,500' on NE course within 20 miles of LFR. SHUTTLE: To 6,500' on NE and/or SW course within 20 miles of LFR. Turns on E side of course.
	Las Vegas VOR	012—10.0	5,100				C-dn	1,500-2	1,500-2	
	Kids Intersection	292—12.0	5,100				A-dn	1,500-2	1,500-2	
	Intersection SW course LAS LFR and LAS VOR radial 270°.	023—10.0	5,100							
LAS VEGAS, NEV. McCarran, 2,171'. SBMRAZ-DTV-LAS. Procedure No. 2. Combination LFR/VOR. Amendment No. 3. Effective date: December 7, 1955. Supersedes Amendment 2, dated February 12, 1955. Major changes: Add transition altitude from Kids Intersection, and Intersection SW course LAS LFR and LAS VOR radial 270°; change missed approach.	Goodsprings HW	023—33.0	7,500	E side of NE course: 028° outbound. 208° inbound. 5,100' within 10 miles.	4,600 LFR 3,200 VOR	See note (*)	2 engines or less T-dn	800-2	800-2	Within 0 mile, after passing Las Vegas VOR turn left (E), climb to 6,000' on outbound track of 070° within 15 miles of VOR. *After passing LAS LFR turn right to 225° then intercept and fly on a course of 180° to the LAS VOR.
	Intersection SW course LAS LFR and LAS VOR radial 270°.	023—11.0	5,100				C-dn	1000-1	1000-1	
							A-dn	1000-2	1000-2	
	Las Vegas VOR	012—10.0	5,100				More than 2 engines T-dn		800-2	
	Kids Intersection	292—13.0	5,100				C-dn		1000-1½	
							A-dn		1000-2	
LITTLE ROCK, ARK. Adams, 257'. SBRAZ-LIT. Procedure No. 1. Amendment 12. Effective date: January 7, 1956. Supersedes Amendment 11, dated May 14, 1955. Major changes: Raise missed approach altitude.	Little Rock VOR	314—0.6	1,300	E side of SE course: 133° outbound. 313° inbound. 1,500' within 10 miles.	1,000	315-3.8	2 engines or less T-dn	300-1	300-1	Within 3.8 miles, turn left, climb to 3,200' on NW course within 25 miles. AIR CARRIER NOTE: Not less than 300-1 authorized for takeoff on runways 18, 33, 36.
	Keo FM (final)	313—11.0	1,000				C-dn	500-1	600-1	
							S-dn 32	500-1	500-1	
							More than 2 engines T-dn		200-½	
							C-dn		600-1½	
							S-dn 32		500-1	
							All aircraft A-dn	800-2	800-2	
JACKSONVILLE, FLA. Craig, 41'. SBRAZ-DTV-JAX. Procedure No. 1. Amendment: Original. Effective date: January 7, 1956.	Fort Geo Island FM or radar advisory over Fort Geo Island (final).	269—10	600	N side of E course: 089° outbound. 269° inbound. 1,100' within 10 miles.	600	140—7.2	2 engines or less T-dn	300-1	300-1	Within 0 mile, climb to 1,300' on W course within 25 miles. NOTE: If unable to maintain visual reference after passing facility, climb to 1,400' on SE course within 25 miles and contact JAX approach control immediately. Not authorized for air carriers. No weather or communications service at airport.
	JAX VOR	225—2.5	1,200				C-dn	600-2	600-2	
							A-dn	NA	NA	
	Radar terminal area transition altitude 1,500' within 25 miles. Radar control must provide 3-mile separation from Restricted Area R-161.						More than 2 engines T-dn		300-1	
							C-dn		600-2	
							A-dn		NA	
MINNEAPOLIS, MINN. Minneapolis-St. Paul International (Wold-Chamberlain Field), 840'. SBRAZ-DTV-MSP. Procedure No. 1. Amendment No. 9. Effective date, Jan. 7, 1956. Supersedes No. 8, dated November 19, 1955. Major changes: Changes missed approach procedure altitude from 2,500' to 2,600'.	Hastings FM (final)	299—9.0	1,700	N side of SE course: 119° outbound. 299° inbound. 2,200' within 10 miles.	1,700	290—3.5	2 engines or less T-dn	300-1	300-1	Within 3.5 miles, climb to 2,600' on NW course MSP-LFR to Hamel FM or when directed by ATC, make left climbing turn to 2,200' proceeding out SW course MSP-LFR to Jordan FM or make left climbing turn to 2,200' and return to MSP-LFR.
	Hamel FM	119—24.0	2,500				C-dn	500-1	500-1	
	Minneapolis VOR	146—22.0	2,500				S-dn 29L	400-1	400-1	
							A-dn	800-2	800-2	
							More than 2 engines T-dn		200-½	
							C-dn		500-1½	
							S-dn 29L		400-1	
							A-dn		800-2	

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
NASHVILLE, TENN. Berry Field, 606'. SBRAZ-DTV-BNA. Procedure No. 1. Amendment No. 8. Effective date: January 7, 1956. Supersedes Amendment 7, dated May 14, 1955. Major changes: Raises missed approach altitude.	Lebanon Intersection	246—17.0	2,000	N side of NE course: 066° outbound. 246° inbound. 1,700' within 10 miles.	1,200	249—2.5	2 engines or less T-dn	300-1	300-1	Within 2.5 miles climb to 3,000' on SW course (246°) within 25 miles. AIR CARRIER NOTE: Takeoff with less than 200-½ not authorized runway 15.
	Mt. Juliet FM (final)	246—10.0	1,200				C-dn	400-1	500-1	
	Walter Hill FM	309—20.0	1,900				S-dn 23	400-1	400-1	
	Nashville VOR	339—4.5	1,700				A-dn	800-2	800-2	
							More than 2 engines T-dn		200-½	
							C-dn		500-1½	
							S-dn 23		400-1	
							A-dn		800-2	
SACRAMENTO, CALIF. Sacramento Municipal, 21'. SBMRAZ-DTV-SAC. Procedure No. 1. Amendment No. 6. Effective date: December 7, 1955. Supersedes Amendment 5, dated December 31, 1953. Major changes: Provide for alternate missed approach procedure; new format; McClellan "H" relocated.	Roseville Intersection—Intersection NE course SAC LFR and 261° bearing to McClellan "H".	208—23.0	1,500	E side of SW course: 199° outbound. 019° inbound. 1,200' within 10 miles. Not authorized beyond 10 miles—Clarksburg FM.	700	027—1.7	2 engines or less T-dn	300-1	300-1	Within 1.7 miles, climb to 2,500' on NE course within 20 miles. Alternate missed approach procedure when directed by ATC: Within 1.7 miles, turn left and climb to 2,000' on NW course within 20 miles.
	Galt Intersection	208—18.0	1,200				C-dn	500-1	600-1	
	Rio Intersection	019—26.0	1,200				A-dn	800-2	800-2	
	Clarksburg FM (final)	019—10.0	700				More than 2 engines T-dn		200-½	
							C-dn		600-1½	
							A-dn		800-2	
TAMPA, FLA. International, 26'. SBRAZ-TPA. Procedure No. 1. Amendment No. 11. Effective date: January 7, 1956. Supersedes Amendment 10, dated Apr. 23, 1955. Major changes: Corrects transition distance. Revises air carrier note.	Tampa VOR	094—12.0	1,500	S side of SE course: 135° outbound. 315° inbound. 1,500 within 10 miles.	700	339—5.7	2 engines or less *T-dn	300-1	300-1	Within 5.7 miles climb to 1,500' on N course within 25 miles or, when directed by ATC, turn right, climb to 1,500' on NE course within 25 miles. CAUTION: 210' radio tower 1 mile WSW of airport. *200-½ absolute minimum for takeoff runway 27. Procedure turn nonstandard due 1,134' radio tower E side SE course.
	Ruskin FM or radar advisory over Ruskin (final).	315—10.0	700				C-dn	500-1	500-1	
	Radar terminal area transition altitude 1,500' within 25 nautical miles. 2,100' required within 3 nautical miles of 1,134' tower 12 nautical miles E MacDill Air Force Base.						A-dn	800-2	800-2	
							More than 2 engines *T-dn		200-½	
							C-dn		500-1½	
							S-dn 32		500-1	
							A-dn		800-2	
WACO, TEX. Municipal, 515'. SBRAZ-ACT. Procedure No. 1. Amendment No. 8. Effective date: January 7, 1956. Supersedes Amendment 7, dated April 16, 1954. Major changes: Restrict procedure turn distance. Delete deviation note. Delete transition. Change airport name from Waco Airport.	Waco VOR	159—7	2,000	E side of S course: 189° outbound. 009° inbound. 2,000' within 10 miles. Beyond 10 miles not authorized.	1,400	010—2.6	2 engines or less T-dn	300-1	300-1	Within 2.6 miles, climb to 1,900' on N course within 25 miles. *680 feet per minute descent required at 120 miles per hour.
							C-dn	400-1	500-1	
							*S-dn 36	400-1	400-1	
							A-dn	800-2	800-2	
							More than 2 engines T-dn		200-½	
							C-dn		500-1½	
							*S-dn 36		400-1	
							A-dn		800-2	

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ALBUQUERQUE, N. MEX. Kirtland Air Force Base/Municipal, 5,352'. Alameda MHW/AMH. Procedure No. 1. Amendment No. 2. Effective date: Jan. 7, 1956. Supersedes Amendment 1, dated January 22, 1955. Major changes: Final approach intersection established. Revised format for minimums. Distances in nautical miles.	Albuquerque LFR	340—12.7	8,000	W side of course: 334° outbound. 154° inbound. 8,000′ within 10 miles.	7,000	154—8.5	T-dn C-dn A-dn	300-1 800-2 800-2	200-½ 800-2 800-2	Within 8.6 miles, climb to 7,000′ on S course ABQ LFR within 25 miles. Alternate missed approach: When directed by ATC turn right, climb to 10,000′ on W course ABQ LFR within 25 miles. CAUTION: Terrain exceeding 8,000′ in E sectors ABQ LFR. All turns to be made W.
	Albuquerque VOR	026—11.7	8,000							
	Intersection 054° magnetic radial Grants VOR and 154° magnetic bearing to Alameda MHW (final).	154—10.7	7,000							

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
BISMARCK, N. DAK. Municipal, 1,653'. BVOR-BIS. Procedure No. 1. Amendment No. 2. Effective date: January 7, 1956. Supersedes Amendment 1, dated August 15, 1953. Major changes: (1) All directions MEA deleted; (2) column 4, altitude revised to 3,300′; (3) column 5, restricted to 10 miles and altitude raised to 3,300′ due to 2,258′ tower atop hill; (4) minimum format revised; (5) column 11, revised; (6) column 7, course revised to 272° in accordance with C&G.	Bismarck LFR	110—2.0	3,300	N side of course: 091° outbound. 271° inbound. 3,300′ within 10 miles.	2,500	272—4.4	2 engines or less T-dn C-d C-n A-dn	300-1 400-1 400-1½ 800-2	300-1 500-1 500-1½ 800-2	Within 4.4 miles, climb to 4,000′ on 262-R from BIS-VOR within 25 miles. CAUTION: Radio towers: 1,756′ ¼ mile S of airport; 2,082′ 3 miles N; 1,848′ 3.5 miles NW. *300-1 required on runways 2, 20, 8, 26, 35, and 17.
							More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	*200-½ 500-1½ 800-2	

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
EPHRATA, WASH. Ephrata, 1,256'. BVOR-EPH. Procedure No. 1. Amendment No. 2. Effective date: January 7, 1956. Supersedes amendment 1, dated January 29, 1955. Major changes: Add alternate missed approach.	Ephrata LFR	001—10.0	3,300	N side of course: 020° outbound. 200° inbound. 3,300′ within 10 miles. Not authorized beyond 10 miles.	2,400	200—5.7	2 engines or less *T-dn C-d C-n S-dn Runway 20 A-d A-n	300-1 800-2 1,000-2 500-1½ 1,000-3 1,200-3	300-1 800-2 1,000-2 500-1½ 1,000-3 1,200-3	Within 5.7 miles, turn left, climb to 4,000′ on 059° radial within 25 miles of VOR. Alternate missed approach: When directed by ATC within 5.7 miles turn left, return to VOR station, hold at 3,300′ on 020° radial within 10 miles. *600-2 required for takeoff on runway 29. CAUTION: 2,351′ radio tower 3 miles W of airport.
							More than 2 engines. *T-dn C-d C-n S-dn Runway 20 A-d A-n	---------- ---------- ---------- ---------- ---------- ---------- ----------	200-½ 800-2 1,000-2 500-1½ 1,000-3 1,200-3	
JACKSONVILLE, FLA. Craig, 41'. BVOR-JAX. Procedure No. 1. Amendment—Original. Effective date: January 7, 1956.	JAX LFR	045—2.5	1,200	N side of course: 068° outbound. 248° inbound. 1,100′ within 10 miles.	600	158—8.0	2 engines or less T-dn C-dn A-dn	300-1 600-2 NA	300-1 600-2 NA	Within 0 mile, climb to 1,300′ on radial 248° within 15 miles# or if directed by ATC, climb to 1,300′ on radial 272° within 25 miles. NOTE: If unable to maintain visual reference after passing facility, climb to 1,300′ on radial 160° and contact JAX approach control immediately. #Restricted area R-161 15 miles SW of JAX VOR. Not authorized for air carriers. No weather or communications service at airport.
	Radar terminal area transition altitude 1,500′ within 25 miles. Radar control must provide 3-mile separation from restricted area R-161.						More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	300-1 600-2 NA	
KEY WEST, FLA. Meacham, 4'. BVOR—EYW. Procedure No. 1. Amendment No. 4. Effective date: January 7, 1956. Supersedes Amendment 3, dated April 4, 1954. Major changes: Adds non-air carrier minima. Corrects items 6, 7, and 11.	Key West LFR	008—2.0	1,300	W side of course: 315° outbound. 135° inbound. 1,300′ within 10 miles. Beyond 10 miles not authorized.	800	135—2.2	2 engines or less T-d C-d A-d	300-1 500-1 800-2	300-1 500-1 800-2	Within 2.2 miles, climb to 1,100′ on radial 135° within 25 miles. Night operations not authorized.
							More than 2 engines T-d C-d A-d	---------- ---------- ----------	200-½ 500-2 800-2	
LAS VEGAS, NEV. McCarran, 2,171'. BVOR-LAS. Procedure No. 1. Amendment No. 5. Effective date: December 7, 1955. Supersedes Amendment 4, dated March 12, 1955. Major changes: Add transition altitude after Erie Intersection and Kids Intersection. Delete transition from Intersection SW course LAS LFR and LAS VOR radial 210°; change missed approach.	Goodsprings HW	028—23.0	7,500	E side of course: 012° outbound. 192° inbound. 5,100′ within 15 miles.# Beyond 15 miles not authorized.	*3,200	At airport	2 engines or less T-dn *C-dn *A-dn	800-2 1,000-1 1,000-2	800-2 1,000-1 1,000-2	Within 0 mile, turn left, climb to 6,000′ on outbound track of 070° within 15 miles of VOR. NOTE: *Descent below 4,600′ to 3,200′ mean sea level and 1,000′ ceiling minimums authorized only if position over LFR or Z marker positively determined inbound on final approach. #Or within 5 miles of LAS LFR or Z marker. CAUTION: 4,100′ terrain at 11 miles on LAS radial 036°.
	Las Vegas LFR	192—10.0	5,100				More than 2 engines T-dn *C-dn *A-dn	---------- ---------- ----------	800-2 1,000-1½ 1,000-2	
	Las Vegas LFR (final)	192—10.0	*3,200							
	Kids Intersection	250—15.0	5,100							
	Erie Intersection	321—16.0	6,100							

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
LITTLE ROCK, ARK. Adams, 257'. BVOR-LIT. Procedure No. 1. Amendment No. 3. Effective date: January 7, 1956. Supersedes Amendment 2, dated May 14, 1955. Major changes: Raise missed approach altitude.	Little Rock LFR	134—0.6	1,300	E side of course: 134° outbound. 314° inbound. 1,500' within 10 miles.	1,000	314—4.4	2 engines or less T-dn C-dn S-dn 32	300–1 500–1 500–1	300–1 600–1 500–1	Within 4.4 miles, turn left, climb to 3,200' on radial 295° within 25 miles. AIR CARRIER NOTE: Not less than 300–1 authorized for takeoff on runways 18, 23, 36.
	Keo FM (final)	314—10.0	1,000				More than 2 engines T-dn C-dn S-dn 32	---------- ---------- ----------	200–½ 600–1½ 500–1	
							All aircraft A-dn	800–2	800–2	
PUEBLO, COLO. Pueblo Memorial, 4,725'. BVOR-DTV-PUB. Procedure No. 1. Original. Effective date: January 7, 1956.	PUB LFR	057—14.0	6,600	N side of course: 082° outbound. 262° inbound. 6,200' within 10 miles.	5,400	262—4.4	2 engines or less T-dn S-dn Runway 26 C-d C-n A-dn	300–1 400–1 600–1 600–1 800–2	300–1 400–1 600–1 600–2 800–2	Within 4.4 miles, make left climbing turn to 100° magnetic heading, intercept 133° radial PUB VOR climbing to 6,000' outbound on 133° radial within 25 miles. Alternate missed approach when directed by ATC: Make left climbing turn, return to PUB VOR, continue climb to 6,500' on 350° radial within 25 miles. °300–1 required for runways No. 26 and 35.
	COS LOM	138—35.0	7,000				More than 2 engines T-dn S-dn Runway 26 C-d C-n A-dn	---------- ---------- ---------- ---------- ----------	°200–½ 400–1 600–1½ 600–2 800–2	
SACRAMENTO, CALIF. Municipal, 21'. BVOR-SAC. Procedure No. 1. Amendment No. 3. Effective date: January 7, 1956. Supersedes Amendment 2, dated May 13, 1954. Major changes: Establish alternate missed approach procedure; new format.	Clarksburg FM (final)	021—7.0	1,000	S side of course: 197° outbound. 017° inbound. 1,200' within 7 miles. Not authorized beyond Clarksburg FM.	1,000	017—5.1	2 engines or less T-dn C-dn °S-dn Runway 2 A-dn	300–1 500–1 400–1 800–2	300–1 600–1 500–1 800–2	Within 5.1 miles, climb to 2,500' on 023° radial within 20 miles of SAC VOR. Alternate missed approach (when directed by ATC): Within 5.1 miles, turn left and climb to 2,000' on 310° radial within 20 miles of SAC VOR. CAUTION: 223' mean sea level tower between SAC VOR and LFR. °Descent below 500' mean sea level not authorized until past SAC LFR on final.
	Sacramento ILS LMM	197—4.5	1,200				More than 2 engines T-dn C-dn S-dn Runway 2 A-dn	---------- ---------- ---------- ---------- ----------	200–½ 600–1½ 500–1 800–2	
SIDNEY, NEBR. Sidney Airport, 4,300'. BVOR-VDT-SNY. Procedure No. 1. Amendment No. 1. Effective date: Jan. 7, 1956. Supersedes original, dated Apr. 25, 1954. Major changes: (1) Deletes transition route from Sidney Radiobeacon; (2) column 5 distance revised (criteria); (3) adds caution note; (4) night alternate added.	----------	----------	----------	S side of course: 246° outbound. 066° inbound. 6,000' within 10 miles.	5,300	066—5.7	2 engines or less T-d T-n C-d C-n A-dn	300–1 300–2 500–1 500–2 800–2	None established	Within 5.7 miles, climb to 5,500' on course of 066° within 25 miles of VOR. CAUTION: Tower 5,060' 2.3 miles S of airport. Aircraft on W, E, and SE take-offs climb to 5,600' mean sea level prior to turning toward tower.
							More than 2 engines None established.			

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
TUCSON, ARIZ. Municipal, 2,630'. BVOR-TUS and Mission FM. Procedure No. 1. Amendment No. 1. Effective date: Jan. 7, 1956. Supersedes Original Procedure No. 1, dated May 17, 1955. Major changes: Standardize with LFR procedure; minor changes to bearings and distances.	Gilpin FM to TUS VOR	122—16.0	6,000	N side of course: 254° outbound. 074° inbound. 6,000' W of and within 10 miles of Mission FM. Not authorized beyond 10 miles.	Mission FM 4,200	Mission FM 074—4.1	All aircraft T-dn °C-dn °A-dn	300–1 700–2 800–2	300–1 700–2 800–2	Within 4.1 miles (mission FM), turn left climb on a heading of 330° to intercept TUS radial of 302° outbound; continue climb to 7,000' outbound on radial 302° within 25 miles of VOR. Alternate missed approach when directed by ATC: Turn right, climb on a heading of 200° to 4,700' then home on Tucson LFR; continue climb to 6,000'. °If Mission FM not received 4,200' must be maintained, and minimums are 1,600–2. SHUTTLE: To 5,000' on 254° outbound, 074° inbound; W of and within 10 miles of Mission FM; all turns N of track. Procedure turn N for more favorable terrain.
	Vail FM to TUS VOR via V–16.	262—12.0	7,000							
	Vail FM to TUS VOR via V–66.	288—11.0	7,000							
WACO, TEX. Municipal, 515'. BVOR-DME-ACT. Procedure No. 1. Amendment No. 2. Effective date: January 7, 1956. Supersedes amendment 1, dated April 16, 1954. Major changes: Add DME transitions. Change airport name from Waco Airport.	Waco LFR	339—7	1,900	W side of course: 319° outbound. 139° inbound. 1,900' within 10 miles.	1,400	139—3.5	2 engines or less T-dn C-dn S-dn 14 A-dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	Within 3.5 miles, climb to 2,000' on radial 139° within 25 miles. °DME fix.
	10 nautical miles on radial 319° (final).°	139—10 nautical miles	1,400				More than 2 engines T-dn C-dn S-dn 14 A-dn	---------- ---------- ---------- ----------	200–½ 500–1½ 400–1 800–2	
	DME orbit from radial 027, W to radial 319° at 10 nautical miles.	----------	1,900							

4. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; Procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
LAKELAND, FLA. Drane, 142'. VOR-LAL.° Procedure No. TVOR–5. Amendment No 1. Effective date: January 7, 1956. Supersedes Amendment. Original, dated June 1, 1954. Major changes: Revise non-air carrier minima.	----------	----------	----------	S side of course. 228° outbound. 048° inbound. 1,300' within 10 miles. Beyond 10 miles not authorized.	600	043—1.0	2 engines or less T-dn C-dn A-dn	300–1 500–1 1,000–2 BCOB	300–1 500–1 1,000–2 BCOB	Within 0 mile climb to 1,500' on radial 090° within 15 miles. Weather, communications and airport lighting service at this airport not available to the general public. Non-air carrier flights contact Tampa ARTC for approach clearance or on missed approach. °Facility is category 3. May be authorized only for air carriers having approval of their arrangement for weather, communications, and airport lighting service at this airport.
							More than 2 engines T-dn C-dn S-dn 5 A-dn	---------- ---------- ---------- ----------	200–½ 500–1½ 500–1 1,000–2 BCOB	

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
BOSTON, MASS. Logan Airport, 19'. ILS I-BOS. LOM-BO. Combination ILS-ADF. Procedure No. 1. Amendment No. 4. Effective date: January 7, 1956. Supersedes Amendment 3, dated April 29, 1954. Major change: Relocation of LMM and MM.	Boston LFR	LOM	217—9	1,800	S side of SW course: 215° outbound. 035° inbound. 1,800' within 10 miles.	ILS 1,800 / ADF 1,300 over LOM	1,775—5.7	270—0.2	2 engines or less: T-dn	300–1	300–1	5.7 miles, after passing LOM (ADF) climb to 1,300' on northeast course ILS or course 035° from LOM within 15 miles or (when directed by ATC) make a climbing right turn to 1,500' on E course Boston LFR. **400–¾ required with glide slope inoperative. *600–1 required when circling W of the airport. CAUTION: ILS point of touchdown approximates 3,500' in from approach end of runway pavement to allow clearance of ship channel. Circling and straight-in ADF minimums do not provide standard clearance over 370' stack SW of airport.
	East Boston Intersection	LOM	267—19	1,500					C-dn ILS	*600–1	600–1	
	Franklin Intersection	ILS SW course or course 035° to LOM.	085—14	1,800					ADF	600–1	600–1	
	Bedford MHW	LOM	154—18	1,700					S-dn ILS 4R	**200–½	**200–¾	
	Radar terminal area transitions		Within 25 nautical miles	1,800					ADF 4R,L	600–1	600–1	
	All fixes may be determined and supplemented by surveillance radar.								More than 2 engines: T-dn	----------	200–½	
									C-dn	----------	600–1½	
									S-dn ILS 4R	----------	**200–½	
									ADF 4R, L	----------	600–1	
									All aircraft: A-dn ILS	600–2	600–2	
									ADF	800–2	800–2	
BOSTON, MASS. Logan, Airport, 19'. (Premised on use of back course ILS and surveillance radar. ADF approach not authorized for Procedure No. 2.) Procedure No. 2. Amendment No. 3. Effective date: January 7, 1956. Supersedes Amendment 2, dated April 29, 1954. Major changes: Procedure published under Part 609. Revere Int. deleted.	Peabody Intersection (final).	1LS N course.	215–0.0	1,300–800	Procedure turn not authorized	No glide slope or marker. Descend to airport minimums after passing 5 mile fix as determined by surveillance radar.			2 engines or less: T-dn	200–1	300–1	Climb to 1,800' on SW course Boston ILS within 10 miles of the airport. #Maintain 500' until after passing the Boston LFR. CAUTION: Circling minimums do not provide standard clearance over 370' stack SW of airport. *600–1 required when circling W of airport.
	Radar terminal area transitions		Within 25 nautical miles	1,800					C-dn	*500–1	600–1	
	All fixes may be determined and supplemented by surveillance radar.								S-dn 22L	#400–1	#400–1	
									A-dn	800–2	800–2	
									More than 2 engines: T-dn	----------	200–½	
									C-dn	----------	600–1½	
									S-dn 22L	----------	#400–1	
									A-dn	----------	800–2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State, airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
NASHVILLE, TENN. Berry Field, 606'. ILS-BNA. LOM-BN. Combination ILS and ADF. Procedure No. 1. Amendment No. 8. Effective date: January 7, 1956. Supersedes Amendment 7, dated May 14, 1955. Major changes: Raises transition altitude from Fairview FM.	Nashville LFR	LOM	213—8.0	1,900	E side of S course: 195° outbound. 015° inbound. 2,500' within 10 miles.	ILS 2,500 / ADF 2,000 over LOM	2,000—5.6	840—0.8	2 engines or less: T-dn	300–1	300–1	Climb to 2,000' on N course ILS or 5.6 miles after passing LOM (ADF) climb to 2,000' on course of 015 within 25 miles. 400–¾ required when Glide Slope not utilized. AIR CARRIER NOTE: Takeoff with less than 200–½ not authorized runway 15.
	Nashville VOR	OM	247—7.0	2,000					C-dn	400–1	500–1	
	Walter Hill FM	LOM	284—20.0	2,000					S-dn 2 L ILS	200–½	200–½	
	Fairview FM	LOM	078—23.0	3,000					ADF	400–1	400–1	
	Knob Intersection	LOM	195—11.0	1,900					More than 2 engines: T-dn	----------	200–½	
									C-dn	----------	600–1½	
									S-dn 2 L ILS	----------	200–½	
									ADF	----------	400–1	
									All aircraft: A-dn ILS	----------	600–2	
									ADF	----------	800–2	
NEWARK, N. J. Newark Airport, 18'. ILS-EWR. LOM-EW. Combination ILS-ADF. Procedure No. 1. Amendment No. 8. Effective date: December 25, 1955. Supersedes Amendment 7, dated December 24, 1955. Major changes: Radar transition altitudes revised. Inoperative glide slope restriction added.	New Brunswick Intersection.	Woodbridge Intersection#	074—14	1,500	E side of SW course: 217° outbound. 037° inbound. 1,500' within 10 miles.	ILS 1,500 / ADF 1,000 over LOM	1,525—5.6	250—0.7	2 engines or less: T-dn	300–1	300–1	Climb to 1,000' on NE course ILS or on 037° course from LOM, then make left climbing turn to Paterson Radiobeacon at 2,000' or when directed by ATC, (1) make climbing left turn to 2,000' direct to Chatham Radiobeacon, or (2) make a right climbing turn to 1,500' return to LOM. #Straight-in approach authorized from Woodbridge Intersection (Intersection 352° radial OLT VOR and SW course ILS or 037° bearing to LOM). *Runway 4 only: 200–½ or runway visual range of 2,600': *Provided*, That approaches conducted on the basis of reported runway visual range shall be governed by the following: (1) All components of the approach lights and high intensity runway lights shall be in normal operation, and (2) descent below the authorized landing minimum altitude of 218' mean sea level shall not be made unless (a) visual contact with the approach lights has been established or (b) the aircraft is clear of clouds. 600–1 required with glide slope inoperative.
	Colts Neck VOR	Woodbridge Intersection#	352—17	1,500					C-dn	600–1	600–1	
	Flatbush Radiobeacon	LOM	276—11	1,500					S-dn 4 ILS	*200–½	*200–½	
	Newark LFR	LOM	207—5	1,500					ADF	600–1	600–1	
	Chatham Radiobeacon	LOM	140—14	2,000					A-dn ILS	600–2	600–2	
	Radar transition altitudes south quadrant Newark LFR.	----------	Within 15 nautical miles.	1,500					ADF	800–2	800–2	
	Northeast sector (58°–90°).	----------	Within 20 nautical miles.	2,500					More than 2 engines: T-dn	----------	200–½	
	All other sectors	----------	Within 20 nautical miles.	2,000					C-dn	----------	600–1½	
									S-dn 4 ILS	----------	*200–½	
									ADF	----------	600–1	
									A-dn ILS	----------	600–2	
									ADF	----------	800–2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
NEWPORT NEWS, VA. Patrick Henry, 41'. ILS-PHF. LOM-PH. Combination ILS-ADF. Procedure No. 1. Amendment No. 3. Effective date: January 7, 1956. Supersedes Amendment 2, dated September 1, 1955. Major change: Transition altitude from Yorktown MHW revised.	Langley LFR	LOM	281—7	1,100	W side of SW course:* 244° outbound. 064° inbound. 1,100' within 5 miles.	ILS 1,100 ADF 800	965—3.1	No middle marker or LMM	2 engines or less T-dn C-dn	300-1 400-1	300-1 500-1	Within 3.1 miles, after passing LOM (ADF) make a left climbing turn and proceed to Yorktown MHW at 1,500'. *Procedure turn W to avoid aircraft holding on Eclipse FM. AIR CARRIER NOTE: 400-1 required when operating under the provisions of inoperative ILS components. Radar transition altitudes (using Norfolk radar): 1,500' in the NW quadrant of the Langley LFR within 10 nautical miles; 1,500' in all other quadrants within 15 nautical miles. Radar fixes may be substituted for all fixes shown.
	Norfolk LFR	LOM	321—24	1,500								
	Bacons Castle Intersection.	LOM	103—6	1,100					S-dn 6 ILS	400-¾	400-¾	
	Yorktown MHW	LOM	205—14	1,300					ADF	400-1	400-1	
									A-dn	800-2	800-2	
									More than 2 engines T-dn C-dn	---------- ----------	200-½ 500-1½	
									S-dn 6 ILS	----------	400-¾	
									ADF	----------	400-1	
									A-dn	----------	800-2	
PITTSBURGH, PA. Allegheny County 1,252'. ILS-AGC. MHW-MKP. Combination ILS-ADF. Procedure No. 1. Amendment No. 6. Effective date: January 7, 1956. Supersedes Amendment 5, dated January 22, 1955. Major changes: Realigned ILS to new E/W runway. Transitions added.	Pittsburgh LFR	McKeesport MHW.	092—10	2,600	S side of course: 095° outbound. 275° inbound. 2,600' within 10 miles. Procedure turn conducted S to avoid Greater Pittsburgh traffic.	ILS 2,600 ADF 2,600 over McKeesport MHW	2,510—4.7	1,460—0.7	2 engines or less T-dn C-dn	300-1 500-1	300-1 500-1	Within 6.3 miles, after passing McKeesport MHW climb to 2,500' proceeding to Cecil MHW. AIR CARRIER NOTES: Section 29 (a) not applicable. ILS—Intercept glide slope at 3,000' over McKeesport MHW or 2,600' between McKeesport MHW and the ILS OM. *All installed components of the ILS must be operating, otherwise alternate minimums of 800-2 apply.
	Mt. Pleasant LF Intersection.	McKeesport MHW.	322—17	2,600					S-dn 27 ILS	300-¾	300-¾	
	Scottdale Intersection	McKeesport MHW.	334—21	2,600					ADF	400-1	500-1	
	New Alexandria MHW	McKeesport MHW.	259—21	2,600					A-dn *ILS	600-2	600-2	
	Latrobe Intersection	McKeesport MHW.	289—17	2,600					ADF	800-2	800-2	
	Butler MHW	McKeesport MHW.	166—25	2,900					More than 2 engines T-dn C-dn	---------- ----------	200-½ 500-1½	
	River MHW	McKeesport MHW.	126—18	2,900					S-dn 27 ILS	----------	300-¾	
	Pittsburgh VOR	McKeesport MHW.	073—14	2,600					ADF	----------	500-1	
	Cecil MHW	McKeesport MHW.	088—20	2,600					A-dn ILS	----------	*600-2	
	McKeesport MHW	ILS OM	275—1.5	2,600 (final)					ADF	----------	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
SACRAMENTO, CALIF. Municipal, 21'. ILS-SAC-LOM-SA. Combination ILS/ADF. Procedure No. 1. Amendment No. 4. Effective date: January 7, 1956. Supersedes Amendment 3, dated May 17, 1954. Major changes: New format; revise previous air carrier notes; establish alternate missed approach procedure; delete reference to ADF altitude over LOM.	SAC LFR	LOM	188—3.0	1,200	S side of course: 196° outbound. 016° inbound. 1,200' within 8 miles. Not authorized beyond Clarksburg FM.	1,200	1,169—4.6	213—0.6	2 engines or less T-dn C-dn	300-1 500-1	300-1 600-1	Within 4.6 miles, after passing LOM (ADF) climb to 2,500' on NE course of SAC LFR or on radial 023° from SAC VOR within 20 miles. Alternate missed approach: When directed by ATC: Within 4.6 miles after passing LOM (ADF) turn left and climb to 2,000' on NW course of SAC LFR or on radial 310° from SAC VOR, within 20 miles. NOTE: No approach lights. CAUTION: 223' mean sea level transmission lines on localizer course between LOM and LMM. SPECIAL NOTE. *If glide path is inoperative, 400-1 required and descent below 500' mean sea level (both ADF and ILS) not authorized until past SAC LFR inbound on final.
	SAC VOR	LOM	019—0.6	1,200					S-dn Runway 2 *ILS	300-¾	300-¾	
	Travis LFR	LOM	045—19.0	1,200					*ADF	400-1	500-1	
	Clarksburg FM	LOM	023—8.0	1,200					A-dn ILS	600-2	600-2	
	Galt Intersection	LOM	299—16.0	1,200					ADF	800-2	800-2	
									More than 2 engines T-dn C-dn	---------- ----------	200-½ 600-1½	
									S-dn Runway 2 *ILS	----------	300-¾	
									ADF	----------	500-1	
									A-dn ILS	----------	600-2	
									ADF	----------	800-2	
SACRAMENTO, CALIF. Sacramento, 21'. ILS-SAC. Procedure No. 2 (back course). Amendment No. 1. Effective date: December 7, 1955. Supersedes original, dated January 8, 1955. Major changes: Redefine the North Sacramento Intersection due to relocation of Mather "H"; revise missed approach procedure; redefine Roseville Intersection.	McClellan "H"	North Sacramento Intersection.*	168—11.0	1,500	No procedure turn. Transition authorized are for straight-in approaches from the N or NE only. Final approach course inbound from North SAC Intersection* 196°.	No glide path.	No outer marker. North Sacramento Intersection* 1,500—6.0	No middle marker.	2 engines or less T-dn C-dn A-dn	300-1 700-1 800-2	300-1 700-1 800-2	Within 6 miles of the North Sacmento Intersection,* climb to 1,200' and hold at the LOM in a 1-minute pattern. *Intersection Sacramento ILS back course and 351° bearing to MCO "H" or 074° bearing to Mather "H."
	Roseville Intersection. Intersection NE course Sacramento LFR or Sacramento VOR radial 023° and bearing 261° to McClellan "H."	North Sacramento Intersection.*	208—14.0	1,500					More than 2 engines T-dn C-dn A-dn	---------- ----------	200-½ 700-1½ 800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Minimum altitude at glide slope intercept-ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums			Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
		Outer marker	Middle marker	Condition	Type aircraft 75 m.p.h. or less	Type aircraft More than 75 m.p.h.		
1	7	8	9	10	11	12	13	
SEATTLE, WASH. Seattle-Tacoma International, 416'. ILS-SEA, LOM-SE. Combination ILS-ADF. Procedure No. 1. Amendment No. 12. Effective date: January 7, 1956. Supersedes Amendment No. 11, dated January 29, 1954. Major changes: Add Boeing Field harbor island FM check point. Add TCM transition reduce missed approach distance on 338° radial to 10 miles; raise 2 engine take-off minimums to 800-1.	ILS 1,700 ADF over LOM 1,600	1,600—6.6	600—6.6	2 engines or less T-dn 300-1 C-dn 500-1 8-dn Runway 34 ILS 300-1 ADF 400-1 A-dn ILS 600-2 ADF 800-2 More than 2 engines T-dn 200-½ C-dn 800-1½ 8-dn Runway 34 ILS 300-1 ADF 400-1 A-dn ILS 600-2 ADF 800-2	300-1 500-1 300-1¼ 400-1 600-2 800-2 200-½ 800-1½ 300-1¼ 400-1 600-2 800-2	300-1 500-1 300-1¼ 400-1 600-2 800-2 200-½ 800-1½ 300-1¼ 400-1 600-2 800-2	Within 4.6 miles, after passing LOM (ADF) climb to 2,000' on NW course. SEA-LFR within 25 miles. Alternate missed approach when directed by ATC: climb to 2,000' on 338° radial SEA-VOR within 10 miles. CAUTION: Terrain and trees 523' MSL located immediately N and NE of airport. NOTE: All fixes within 30 nautical miles of airport. ADA may be determined by surveillance radar.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
TALLAHASSEE, FLA. Dale Mabry, 70'. ILS-TTLH. Procedure No. 2. Amendment: Original. Effective date: January 7, 1956.	No glide slope	1,800—4.6	800—2.3	2 engines or less T-dn 300-1 C-dn 500-1 8-dn 12 400-1 A-dn 800-2 More than 2 engines T-dn 200-½ C-dn 400-1½ 8-dn 12 800-2 A-dn	300-1 500-1 400-1 800-2 200-½ 400-1½ 800-2	300-1 500-1 400-1 800-2 200-½ 400-1½ 800-2	Within 2.8 miles of Capitol Fix* climb to 1,400' on SE course of TLH-VOR radial 187°, or when directed by ATC, turn right, climb to 1,300' on radial 103° or S course of LFR within 15 miles. CAUTION: Unlighted terrain 300' mean sea level 1 mile NE of airport. *Capitol Fix is the intersection of the NW course ILS and TLH-VOR radial 187° or N course TLH-LFR. #Quincy Intersection is NW course ILS and TLH-VOR radial 272°. AIR CARRIER NOTE: Takeoff with less than 200-½ not authorized.	Within 2.8 miles of Capitol Fix* climb to 1,400' on SE course of ILS within 25 miles, or when directed by ATC, turn right, climb to 1,300' on radial 103° or S course of LFR within 15 miles. CAUTION: Unlighted terrain 300' mean sea level 1 mile NE of airport. *Capitol Fix is the intersection of the NW course ILS and TLH-VOR radial 187° or N course TLH-LFR. #Quincy Intersection is NW course ILS and TLH-VOR radial 272°. AIR CARRIER NOTE: Takeoff with less than 200-½ not authorized.

From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances
2	3	4	5	6
SEA-LFR	LOM	175—9.0	2,000	E side of S course: 138° outbound. 338° inbound. 2,000' within 9 miles.
SEA-VOR	LOM	158—5.0	2,000	
Vashon Intersection	LOM	098—9.0	2,000	
Hobart FM	LOM	237—17.0	4,000	Not authorized beyond 9 miles.
TCM-LFR	LOM	358—25.0	2,000	
Harbor Island FM	LOM	150—14.0	2,000	
TCM-LFR to Intersection S course ILS or 338° bearing to LOM and 020° bearing from TCM-LFR.	LOM	020—12.0	2,000	
Intersection S course ILS or 338° bearing to LOM and 020° bearing from TCM-LFR (final).	LOM	338—15.0	ILS 1,700 ADF 1,600	
Tallahassee VOR	Capitol Fix*	187—4.0	1,300	W side NW course: 302° outbound. 122° inbound. 1,800' within 10 miles of Capitol Fix.*
Tallahassee LFR	Capitol Fix*	007—2.0	1,200	
Intersection TLH-VOR radial 286° and NW course ILS.	Quincy Intersection.#	122—9.0	1,500	
ILS-LOM	Capitol Fix*	302—8.0	1,500	
Quincy Intersection	Capitol Fix* (final).	122—9.0	800	800 at Capitol Fix,* 2.8 miles from approach end of runway 12.

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9901; Filed, Dec. 15, 1955; 8:45 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 38—MOTOR VEHICLE OPERATOR REGULATIONS

Effective March 15, 1956, a new Part 38 is added, as set out below.

Subpart A—General Provisions

Sec.
38.101 Purpose.
38.102 Definitions.
38.103 Coverage.
38.104 Reports required.

Subpart B—United States Government Motor Vehicle Operators' Identification Card

38.201 Identification Card.
38.202 To whom issued.
38.203 Contents of Identification Card.
38.204 Identification Card in possession.
38.205 Renewal of Identification Cards.

Subpart C—Qualifications, Requirements and Procedures

38.301 Competitive Operator positions.
38.302 Appointment in absence of registers, and noncompetitive actions.
38.303 Details.
38.304 Excepted Operator positions.
38.305 Incidental Operators.
38.306 Commission standards and procedures required.

Subpart D—Adverse Actions

38.401 Adverse actions.

Subpart E—Agency Responsibility for Periodic Testing of Physical Fitness and Issuance of Necessary Directives

38.501 Periodic physical testing.
38.502 Agency orders and directives.

AUTHORITY: §§ 38.101 through 38.602 issued under R. S. 1753, sec. 2, 22 Stat. 403, as amended, sec. 211, 64 Stat. 583, sec. 2, 68 Stat. 1126; 5 U. S. C. 631, 633, 40 U. S. C. 491.

SUBPART A—GENERAL PROVISIONS

§ 38.101 *Purpose.* The purpose of the regulations in this part is to govern executive agencies in authorizing civilian personnel to operate Government-owned motor vehicles for official purposes within the continental United States, its Territories, and possessions.

§ 38.102 *Definitions.* As used in this part, the term (a) "Act" means subsection (j) of section 211 of the Federal Property and Administrative Service Act of 1949, as amended.

(b) "Employee" means any civilian employee or civilian officer in the Executive Branch of the Federal Government both within the competitive and excepted services.

(c) "Operator" means any employee of the Federal Government, whose status regularly requires the operation of motor vehicles. This includes chauffeurs, mounted messengers, truck-drivers, garagemen-drivers, and guard-drivers.

(d) "Incidental Operator" means any employee in other than an operator position who is required to operate a motor vehicle in order properly to carry out his assigned duties.

(e) "Agency" means any department, independent establishment or other unit of the Executive Branch of the Federal Government, including a wholly owned Government corporation, in the continental United States and its Territories and possessions.

(f) "State License" means a driver's license of the State, District of Columbia, Territory, or possession, in which the employee is domiciled or principally employed for operation of the type of Government vehicle he is to use.

(g) "Identification Card" means the United States Government Motor Vehicle Operator's Identification Card, Standard Form 46, which specifies the types of Government-owned vehicles the holder is authorized to operate.

(h) "Practical Road Test" means the Commission's Test No. 347.

(i) "Federal medical officer, designated Federal medical examiner and duly licensed physician" shall have the meanings as defined in Chapter M–1, Federal Personnel Manual.

§ 38.103 *Coverage.* The regulations in this part shall govern all agencies in authorizing their employees to operate Government-owned vehicles for official purposes.

§ 38.104 *Reports required.* Agencies shall submit to the Commission, upon request, (a) a statement of the steps taken to institute this program, (b) a copy of agency orders and directives issued in compliance with these regulations of these regulations may be continued tions, and (c) such other reports as the Commission may require for adequate administration and evaluation of this program.

SUBPART B—UNITED STATES GOVERNMENT MOTOR VEHICLE OPERATORS' IDENTIFICATION CARD

§ 38.201 *Identification Card.* An employee who operates a Government-owned motor vehicle shall have an Identification Card issued in accordance with these regulations: *Provided,* That an agency's credentials issued to motor vehicle drivers prior to the effective date until the date of expiration thereof, but in no event beyond three years after the effective date of the regulations in this part.

§ 38.202 *To whom issued.* Identification Cards shall be issued to employees who qualify for and are assigned to Operator positions; employees who qualify as Incidental Operators; and other employees in accordance with the requirements for Incidental Operators in § 38.305: *Provided,* That Identification Cards may be issued without regard to the requirements in § 38.301:

(a) To employees in Operator positions under temporary employment or detail not exceeding one month.

(b) For one month or less to appointees to Operator positions in order to permit completion of special testing approved by the Commission in a particular selection program.

(c) For one month or less to other employees who may be taking training to satisfy requirements as Operators or Incidental Operators or under such circumstances as in the judgment of the agency may be necessary in the interests of the Government.

(d) To temporary emergency appointees.

Identification Cards issued under the authority of this proviso must clearly indicate the time restriction imposed and will be issued only to employees who are in possession of a valid State license.

§ 38.203 *Contents of Identification Card.* (a) Identification Cards must specifically include the following:

(1) Each type of motor vehicle authorized to be operated by the Identification Card holder.

(2) Any restrictions imposed upon the holder.

(3) Date of expiration.

(b) Agencies may utilize the "Other Records" space on the Identification Card for relevant data such as awards for safe driving and records of arrests.

§ 38.204 *Identification Card in possession.* (a) An Identification Card must be in the Operator's possession at all times while driving a Government-owned motor vehicle.

(b) The Commission may grant exceptions to the requirement for possession of an Identification Card while driving.

(c) The Identification Card must be surrendered when the operator leaves the issuing agency or moves to a position in which no driving is necessary.

§ 38.205 *Renewal of Identification Cards.* Identification Cards shall be valid for not more than three years, and shall be renewable for additional periods of not more than three years.

SUBPART C—QUALIFICATIONS, REQUIREMENTS AND PROCEDURES

§ 38.301 *Competitive Operator positions.* Competitive Motor-Vehicle Operator positions may be filled by any of the methods normally authorized for filling competitive positions. The experience and training requirements for such positions shall include an experience requirement, a safe driving record, a Practical Road Test, and a valid State license. As modifications of the general requirements for each type of appointment the special requirements in § 38.302 apply to Operator positions.

§ 38.302 *Appointment in absence of registers, and noncompetitive actions.* The Commission may, upon agency request, waive the Practical Road Test requirement where qualified examiners or test facilities are not available in the area in: (a) Authorizing agencies to fill positions by appointment in absence of registers, (b) reinstatement and noncompetitive job appointments, and (c) filling positions by position change and transfer.

§ 38.303 *Details.* An employee may be detailed to a Competitive Operator position for 30 days or less provided that he possesses a valid State license. For details exceeding 30 days, the employee must meet the Commission's requirements applicable to Position Change and Transfer.

§ 38.304 *Excepted Operator positions.* In filling Excepted Operator positions

agencies shall use the standards in §§ 38.301 and 38.302 which apply to the filling of Competitive Operator positions by appointment procedures of like nature.

§ 38.305 *Incidental Operators.* To qualify as an Incidental Operator in either the excepted or competitive service, an employee must meet the physical standards established by the Commission; he must qualify on a road test; and he must be in possession of a valid State license. Agency heads or their designated representatives may waive the road test, when, in their opinion, it is impractical to apply it, if the employee's competence as an operator has been established by his past driving record.

§ 38.306 *Commission standards and procedures required.* Agencies must adopt and utilize the Commission's minimum standards and testing procedures unless the Commission authorizes, upon agency request, the use of alternate standards and procedures which will meet the objectives of this program.

SUBPART D—ADVERSE ACTIONS

§ 38.401 *Adverse actions.* Adverse actions against Operators and Incidental Operators shall be in accordance with applicable laws and regulations. Agency orders and directives shall include the following grounds among those constituting sufficient cause for adverse actions against Operators and Incidental Operators:

(a) The employee is convicted of operating under the influence of narcotics.

(b) The employee is convicted of leaving the scene of an accident without making himself known.

(c) A Federal medical officer finds the employee fails to meet the required physical standards.

(d) The employee's State license is revoked.

(e) The employee's State license is suspended. However, the agency may continue the employee in his position for not to exceed forty-five (45) days from the date of suspension of the State license, for operation on other than public highways.

SUBPART E—AGENCY RESPONSIBILITY FOR PERIODIC TESTING OF PHYSICAL FITNESS AND ISSUANCE OF NECESSARY DIRECTIVES

§ 38.501 *Periodic physical testing.* At least once every three years each agency shall provide for testing the physical fitness of all employees who operate motor vehicles in accordance with standards and procedures established by the Commission.

§ 38.502 *Agency orders and directives.* Agencies are responsible for issuing such orders and directives as will comply with this part.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–10093; Filed, Dec. 15, 1955; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; COLORADO, KANSAS, NEW MEXICO, OKLAHOMA, TEXAS, AND WYOMING

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

COLORADO

County:	Average value
Adams	$40,000
Arapahoe	40,000
Baca	30,000
Bent	35,000
Boulder	40,000
Cheyenne	30,000
Crowley	30,000
Douglas	35,000
Elbert	30,000
El Paso	30,000
Huerfano	30,000
Jefferson	40,000
Kiowa	30,000
Kit Carson	30,000
Larimer	40,000
Las Animas	30,000
Lincoln	30,000
Morgan	40,000
Otero	35,000
Prowers	35,000
Pueblo	35,000
Summit	40,000
Teller	30,000
Washington	35,000
Weld	40,000
Yuma	35,000

KANSAS

Allen	$35,000
Anderson	35,000
Atchison	40,000
Barber	40,000
Barton	40,000
Bourbon	30,000
Brown	40,000
Butler	40,000
Chase	40,000
Chautauqua	40,000
Cherokee	35,000
Cheyenne	40,000
Clark	40,000
Clay	40,000
Cloud	40,000
Coffey	35,000
Comanche	40,000
Cowley	40,000
Crawford	35,000
Decatur	40,000
Dickinson	40,000
Doniphan	40,000
Douglas	40,000
Edwards	40,000
Elk	40,000
Ellis	40,000
Ellsworth	40,000
Finney	40,000
Ford	40,000
Franklin	40,000

KANSAS—Continued

Geary	$40,000
Gove	40,000
Graham	40,000
Grant	40,000
Gray	40,000
Greeley	40,000
Greenwood	40,000
Hamilton	40,000
Harper	40,000
Harvey	40,000
Haskell	40,000
Hodgeman	40,000
Jackson	40,000
Jefferson	40,000
Jewell	40,000
Johnson	40,000
Kearny	40,000
Kingman	40,000
Kiowa	40,000
Labette	35,000
Lane	40,000
Leavenworth	40,000
Lincoln	40,000
Linn	30,000
Logan	40,000
Lyon	40,000
McPherson	40,000
Marion	40,000
Marshall	40,000
Meade	40,000
Miami	40,000
Mitchell	40,000
Montgomery	35,000
Morris	40,000
Morton	40,000
Nemaha	40,000
Neosho	35,000
Ness	40,000
Norton	40,000
Osage	40,000
Osborne	40,000
Ottawa	40,000
Pawnee	40,000
Phillips	40,000
Pottawatomie	40,000
Pratt	40,000
Rawlins	40,000
Reno	40,000
Republic	40,000
Rice	40,000
Riley	40,000
Rooks	40,000
Rush	40,000
Russell	40,000
Saline	40,000
Scott	40,000
Sedgwick	40,000
Seward	40,000
Shawnee	40,000
Sheridan	40,000
Sherman	40,000
Smith	40,000
Stafford	40,000
Stanton	40,000
Stevens	40,000
Sumner	40,000
Thomas	40,000
Trego	40,000
Wabaunsee	40,000
Wallace	40,000
Washington	40,000
Wichita	40,000
Wilson	35,000
Woodson	35,000
Wyandotte	40,000

NEW MEXICO

Bernalillo	$40,000
Catron	40,000
Chaves	40,000
Colfax	40,000
Curry	40,000
De Baca	40,000
Dona Ana	35,000
Grant	40,000
Guadalupe	40,000
Harding	40,000
Hidalgo	40,000

NEW MEXICO—Continued

County:	Average value
Lincoln	$40,000
Luna	40,000
McKinley	40,000
Mora	40,000
Otero	35,000
Quay	40,000
Rio Arriba	40,000
Roosevelt	25,000
Sandoval	40,000
San Miguel	40,000
Santa Fe	40,000
Sierra	40,000
Socorro	40,000
Taos	30,000
Torrance	40,000
Union	40,000
Valencia	40,000

OKLAHOMA

Beaver	$40,000
Beckham	40,000
Cimarron	40,000
Custer	40,000
Dewey	40,000
Ellis	40,000
Greer	40,000
Harmon	40,000
Harper	40,000
Major	40,000
Roger Mills	40,000
Texas	40,000
Woods	40,000
Woodward	40,000

TEXAS

Armstrong	$40,000
Bailey	40,000
Briscoe	40,000
Carson	40,000
Castro	40,000
Childress	32,000
Cochran	40,000
Collingsworth	32,000
Cottle	30,000
Crosby	40,000
Dallam	40,000
Deaf Smith	40,000
Dickens	40,000
Donley	40,000
Fannin	25,000
Fisher	35,000
Floyd	40,000
Garza	35,000
Gray	40,000
Hale	40,000
Hall	40,000
Hansford	40,000
Hardeman	25,000
Hartley	40,000
Hemphill	40,000
Hockley	30,000
Howard	28,000
Hutchinson	40,000
Johnson	30,000
Kent	40,000
King	30,000
Lamb	40,000
Lipscomb	40,000
Lubbock	40,000
Lynn	40,000
Martin	36,000
Mitchell	40,000
Moore	40,000
Motley	40,000
Nolan	40,000
Ochiltree	40,000
Oldham	40,000
Parmer	40,000
Potter	40,000
Randall	40,000
Roberts	40,000
Scurry	40,000
Sherman	40,000
Stonewall	30,000
Swisher	40,000
Terry	36,000
Wheeler	37,500
Yoakum	36,000

WYOMING

County:	Average value
Albany	$33,000
Big Horn	25,000
Campbell	30,000
Carbon	33,000
Converse	30,000
Crook	30,000
Fremont	25,000
Goshen	30,000
Hot Springs	25,000
Johnson	30,000
Laramie	30,000
Lincoln	30,000
Natrona	33,000
Niobrara	30,000
Park	30,000
Platte	30,000
Sheridan	30,000
Sublette	34,000
Sweetwater	30,000
Teton	30,000
Uinta	34,000
Washakie	30,000
Weston	30,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: December 12, 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55–10095; Filed, Dec. 15, 1955; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 105]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA, AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.366 *Grapefruit Regulation 105*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California, and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 18, 1955. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 9, 1955, and will so continue until December 18, 1955; the recommendation and supporting information for continued regulation subsequent to December 17, 1955, were promptly submitted to the Department after an open meeting of the Administrative Committee on December 8; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., December 18, 1955, and ending at 12:01 a. m., P. s. t., January 22, 1956, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit are at least fairly well colored, and otherwise grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (a) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{11}{16}$ inches in diameter, or (b) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{9}{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{11}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{2}{16}$ inches in

diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than 3$^{9}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{13}/_{16}$ inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "fairly well colored" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 13, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–10094; Filed, Dec. 15, 1955; 8:48 a. m.]

PART 1002—MILK IN GREATER WHEELING, W. VA., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Correction

In Federal Register Document 55–9117, published on page 8453 in the issue for Friday, November 11, 1955, the date "July 31, 1955", appearing at the end of the final paragraph, should read "July 31, 1956".

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6379]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

STANLEY MARTIN ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.90 *History of product or offering;* § 13.135 *Nature:* Product or service; § 13.155 *Prices:* Forced or sacrifice sales; Savings and discounts subsidized; § 13.235 *Source or origin:* History; Maker or seller, etc.; Place: *Foreign, in general.* Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1225 *History;* § 13.1260 *Nature;* § 13.1325 *Source or origin:* History; Maker or seller, etc.: *Fur Products Labeling Act;* Place: *Fur Products Labeling Act.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition;* § 13.1623 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1650 *History of product;* § 13.1685 *Nature;* § 13.1745 *Source or origin:* Maker or seller, etc.; Place: *Foreign, in general; Misrepresenting oneself and goods*—Prices: § 13.1813 *Forced or sacrifice sales.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1854 *History of product:* Fur Products Labeling Act; § 13.1870 *Nature:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Maker or seller, etc.; Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Stanley Martin et al., trading as Martin-Balut Fur Factory, Wilkes-Barre, Pa., D. 6379, December 1, 1955]

In the Matter of Stanley Martin, and Stephen Balut, Individuals and as Copartners, Trading as Martin-Balut Fur Factory

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission—which charged respondent fur dealers with failing to comply with the labeling requirements of the Fur Products Labeling Act; and with disseminating false advertising in newspapers, etc., which failed to disclose the names of the animals producing the fur and other information required by the act, misrepresented selling prices and savings possible to purchasers, and represented fur products falsely as being from the stock of a liquidating business—and an agreement between the parties providing for the entry of a consent order in accordance with the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist which, by the Commission's order of December 1, 1955, became the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That respondents Stanley Martin, and Stephen Balut, individuals and as copartners, trading as Martin-Balut Fur Factory, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured;

2. Failing to affix labels to fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur when such is a fact;

c. That the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur when such is a fact;

e. The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

f. The name of the country of origin of any imported furs used in the fur product.

3. Setting forth, on labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in paragraph A (2) (a) above.

4. Setting forth on labels attached to fur products:

a. Non-required information mingled with required information;

b. Required information in handwriting.

B. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

a. The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur when such is a fact;

2. Represents directly or by implication:

a. That the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business;

b. That a sale price enables purchasers of fur products to effectuate any savings in excess of the difference between the said price and the price at which comparable products were sold during the time specified or, if no time is specified, in excess of the difference between said price and the current price at which comparable products are sold;

c. The value of fur products when such claims or representations are not true in fact;

d. That any such products are from the stock of a business in a state of liquidation contrary to fact.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 1, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55–10099; Filed, Dec. 15, 1955; 8:49 a. m.]

[Docket 6404]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MAYFLOWER TELEVISION CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Qualifications and abilities; § 13.155 *Prices;* § 13.225 *Servicing.* Subpart—*Misrepresenting oneself and goods*—Services: § 13.1837 *Cost;* § 13.1838 *Terms and conditions.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.2080 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Mayflower Television Company, Inc., et al., Washington, D. C., Docket 6404, December 1, 1955]

In the Matter of Mayflower Television Company, Inc., a Corporation, and Raymond H. Bente, Lowell Ewing, and Lillian Turner, Individually and as Officers of Said Corporation

This proceeding was heard by Everett F. Haycraft, hearing examiner, upon the complaint of the Commision—which charged a corporation and its officers with representing falsely, by advertisements on television and in newspapers and otherwise, that their service charge for servicing and repairing a television set was $1.00 or $1.50; that only parts needed would be replaced and that when parts were replaced, no service charge would be made; that their service men were experts in servicing and repairing; and that nine times out of ten a television set could be repaired in the home—and an agreement between the parties providing for the entry of a consent order.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of December 1, 1955, became the "Decision of the Commission".

The cease and desist order is as follows:

It is ordered, That respondent Mayflower Television Company, Inc., a corporation, and its officers, and Raymond H. Bente, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of replacement parts for television sets and other merchandise, or repair services in connection therewith, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That the charge for servicing or repairing is $1.00 or $1.50 or any amount which is not in accordance with the facts.

2. That only parts which are needed will be replaced unless such is the fact.

3. That in case parts are replaced no service charge will be made.

4. That their servicemen are experts in servicing and repairing.

5. That repairs can or will be made in the home in any specific number of cases which is contrary to the fact.

It is further ordered, That the complaint be, and the same hereby is, dismissed without prejudice as to respondents Lowell Ewing and Lillian Turner as individuals.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That respondent Mayflower Television Company, Inc., a corporation, and Raymond H. Bente, individually and as an officer of said corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 1, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55–10098; Filed, Dec. 15, 1955; 8:49 a. m.]

[Docket 6422]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JAY GEE FABRICS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Wool Products Labeling Act.[1] Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act;[2] § 13.1325 *Source or origin:* Maker or seller, etc.: *Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1900 *Source or origin:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Jay Gee Fabrics, Inc., et al., New York, N. Y., Docket 6422, December 1, 1955]

In the Matter of Jay Gee Fabrics, Inc., a Corporation; and Jack Grodowitz, Individually and as an Officer of Said Corporation

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission—which charged a corporation and its officer with falsely labeling bolts of fabric which contained substantial amounts of miscellaneous fur fibers other than guanaco as "70% Guanaco Fur, 30% Virgin Wool" and as "50% Cashmere, 50% Guanaco", and with failing to label such wool products as required by the Wool Products Labeling Act—and an agreement between the parties providing for the entry of a consent order.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist which, by the Commission's order of December 1, 1955, became the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That the respondent, Jay Gee Fabrics, Inc., a corporation, and its officers, and respondent Jack Grodowitz, individually and as an officer of said corporation, and respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of pieces or bolts of wool fabric or other "wool products," as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provision concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of Section 3 of the Wool Products Labeling Act of 1939, *And provided further,* That nothing contained in this order shall be construed as limiting any applicable provisions of said

[1] New.
[2] Amended to read as set forth.

Act or the Rules and Regulations promulgated thereunder.

It is further ordered, That respondent Jay Gee Fabrics, Inc., a corporation, and its officers, and respondent Jack Grodowitz, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of pieces or bolts of wool fabric or any other wool products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Misrepresenting the constituent fibers of which their wool products are composed, or the percentages or amounts thereof, in sales invoices or in any other manner.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That Respondents Jay Gee Fabrics, Inc., a corporation, and Jack Grodowitz, individually and as an officer of said corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 1, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55–10097; Filed, Dec. 15, 1955; 8:48 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—International Cooperation Administration

PART 202—OCEAN SHIPMENTS OF SUPPLIES BY VOLUNTARY NONPROFIT RELIEF AGENCIES

DECEMBER 1, 1955.

The regulations contained in Part 202, Chapter II, Title 22 of the Code of Federal Regulations are hereby amended to read as follows, effective December 1, 1955.

Sec.
202.1 Definition of terms.
202.2 Scope of the regulations in this part.
202.3 Agencies within scope of the regulations in this part.
202.4 Manner of payment of ocean freight charges.
202.5 Refund by agencies.
202.6 Saving clause.

AUTHORITY: §§ 202.1 to 202.6 issued under sec. 521, 68 Stat. 855; 22 U. S. C. 1781. Interpret or apply secs. 409, 525, 68 Stat. 845, 856; 22 U. S. C. 1928, 1785. E. O. 10575, 19 F. R. 7249, 3 CFR, 1954 Supp. E. O. 10610, 20 F. R. 3179.

§ 202.1 *Definition of terms.* For the purposes of this part:

(a) "The Director" shall mean the Director of the International Cooperation Administration.

(b) "The Committee" shall mean the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration.

(c) "Supplies" shall include relief and rehabilitation supplies shipped in support of programs registered with the Committee as well as administrative supplies and equipment shipped in support of such programs. In no case shall such supplies include items for the personal use of representatives of the registered agency.

§ 202.2 *Scope of the regulations in this part.* This part provides the rules under which the Director, in order to further the efficient use of United States voluntary contributions for relief in the nations or areas listed below, may pay ocean freight charges from United States ports to initial foreign ports of entry of such nations or areas on supplies, as well as administrative supplies and equipment, donated to, or purchased by, United States voluntary nonprofit relief agencies registered with the Committee, for distribution or use in Afghanistan, Austria, Bolivia, Ecuador, Egypt, France, the Federal Republic of Germany, Greece, Hong Kong, Honduras, India, Iran, Italy, Jordan, Korea, Pakistan, Peru, Taiwan, Trieste, Yugoslavia, Vietnam, and when the Director determines it necessary and expedient, in any country eligible for economic or technical assistance under the Mutual Security Act of 1954, as amended.

§ 202.3 *Agencies within scope of the regulations in this part.* Any United States voluntary nonprofit relief agency may make application for reimbursement of ocean freight charges on shipments of supplies donated to or purchased by it for distribution within the foreign countries and areas listed in § 202.2, provided:

(a) An agreement for duty-free entry and defrayment of inland transportation costs of relief supplies within the scope of the regulations in this part has been concluded between the United States and the recipient country.

(b) The general program and projects by countries of operation of the agency, and the supplies in support thereof, have been approved by the recipient country in accordance with the agreement referred to in paragraph (a) of this section.

(c) The agency is registered with the Committee, and therefore has met all the requirements of registration as set forth in the regulations "Registration of Agencies for Voluntary Foreign Aid" (Part 203 of this chapter.)

§ 202.4 *Manner of payment of ocean freight charges.* By means of an equitable apportionment of the funds available for this purpose the Director will reimburse agencies qualified under §§ 202.2 and 202.3 to the extent of ocean freight charges paid by them for shipments made in conformity with the regulations in this part: *Provided*, That application for such reimbursement is submitted to the Director of the International Cooperation Administration, Attention: Advisory Committee on Voluntary Foreign Aid, International Cooperation Administration, Washington 25, D. C., within forty-five days of date of shipment, together with receipted invoices for such charges, supported by ocean bills of lading, showing that such charges are limited to the actual cost of transportation of the supplies from end of ship's tackle at the United States port of loading to end of ship's tackle at port of discharge, correctly assessed at the time of loading by the carrier for freight on a weight, measurement, or unit basis, and free of any other charges.

§ 202.5 *Refund by agencies.* Any agency reimbursed under this part will refund promptly to the Director upon demand the entire amount, or any lesser amount specified, of ocean freight charges reimbursed, and to the recipient country upon demand the entire amount, or any lesser amount specified, of inland transportation costs reimbursed, (a) whenever the Director determines that the reimbursements were improper as being in violation of any of the provisions of the Mutual Security Act of 1954 (Pub. Law 665, 83d Congress), any acts amendatory thereof or supplemental thereto, any relevant appropriation acts, or any rules, regulations or procedures of the International Cooperation Administration, and (b) unless such agency files, within sixty days after reimbursement has been made, a certificate stating that all supplies for which such reimbursement was made were admitted by the country of ultimate destination free of all customs duties, other duties, tolls and taxes.

§ 202.6 *Saving clause.* The Director may waive, withdraw, or amend at any time or from time to time any or all of the provisions of the regulations in this part.

JOHN B. HOLLISTER,
Director,
International Cooperation Administration.

[F. R. Doc. 55–10085; Filed, Dec. 15, 1955; 8:47 a. m.]

PART 203—REGISTRATION OF AGENCIES FOR VOLUNTARY FOREIGN AID

DECEMBER 1, 1955.

The following regulations shall supersede, as of their effective date, all existing regulations contained in Part 203, Chapter II, Title 22 of the Code of Federal Regulations.

Sec.
203.1 A register of voluntary foreign aid agencies and of their activities.
203.2 Application for registration.
203.3 Requirements for registration.
203.4 Validation of registration.
203.5 Amendments to registration.
203.6 Validation of programs and projects.
203.7 Representation of registrants.
203.8 Acceptance and termination of registration.
203.9 Saving clause.

AUTHORITY: §§ 203.1 to 203.9 issued under sec. 521, 68 Stat. 855; 22 U. S. C. 1781. Interpret or apply sec. 525, 68 Stat. 856; 22 U. S. C. 1785. E. O. 10610, 20 F. R. 3179.

§ 203.1 *A register of voluntary foreign aid agencies and their activities.* To foster the public interest in the field of voluntary foreign aid and the activities of nongovernmental organizations which serve the public interest therein, the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration (referred to in this part as the Committee) is hereby authorized and directed to establish and to maintain, pursuant to the rules set forth in this part, a register of such nongovernmental organizations qualified for and voluntarily accepting registration; such register (a) to serve as a repository of information, including currently recording therein the organization, purposes, programs, finances and other pertinent activities of the registrants for public guidance; (b) to enable the Committee to facilitate the programs and projects of the registrants through the exercise of its good offices and the provisions of facilities authorized by the laws, regulations and procedures related to voluntary foreign aid as administered by the Committee, other United States agencies, or by international governmental agencies supported by the United States; and (c) to provide information and advice, and perform such other functions, as may be necessary in furtherance of the purposes of this section.

§ 203.2 *Application for registration.* Any person or nongovernmental organization or agency carrying on any nonprofit activities in the United States for the purpose of furthering or engaging in voluntary aid in areas outside the United States, including, but not limited to, projects and services of relief, rehabilitation, reconstruction and welfare in the fields of health, education, agriculture and industry, emigration and resettlement, may voluntarily make application for registration to the Chairman, Advisory Committee on Voluntary Foreign Aid, International Cooperation Administration, Washington 25, D. C. Any person, organization, or agency whose application for registration is accepted under this part shall be referred to in this part as a registrant.

§ 203.3 *Requirements for registration.* To establish that the primary purpose to be served is the provision of voluntary foreign aid, an applicant for registration shall submit evidence by its charter, articles of incorporation, constitution, bylaws, and other relevant documents, and a statement upon forms to be provided by the Committee or otherwise as may be required that:

(a) It maintains its principal place of business in the United States;

(b) It is controlled by an active and responsible body composed principally of United States citizens, who serve without compensation, who have accepted the responsibility to carry out the activities of the agency to be reported to the Committee, and who will exercise satisfactory controls to assure that its services and resources are administered competently in the public interest;

(c) It has been authorized by the Internal Revenue Service to inform donors that their contributions may be deducted for Federal income tax purposes;

(d) It is not engaged, or will not be engaged, in any activities or enterprises inconsistent with the fulfillment of the purposes and objectives as set forth in the application, or which may be recorded in the registration, or in any programs or projects thereunder;

(e) The funds and resources of the registrant, will be obtained, expended and distributed in ways which conform to accepted ethical standards without unreasonable cost for promotion, publicity, fund raising and administration at home and abroad;

(f) The Committee will be informed of any plans, including projected publicity, for popular drives for funds or other forms of support to permit the Committee to offer suggestions and where appropriate to lend its good offices. Such popular drives will be timed, insofar as practicable, to avoid conflict with national appeals for public support during the limited periods of the countrywide campaigns of the American National Red Cross, the Community Chests, Savings Bond drives of the United States Treasury, or similar campaigns of accepted general national interest;

(g) It will refer to the Committee for appropriate consideration any proposed programs, procedures or agreements affecting other Federal agencies or international governmental agencies but which also affect the action responsibilities of the Committee before formal steps are concluded with such agencies, and in order that the Committee may lend its good offices and that coordination may be assured pursuant to the President's Directive of May 14, 1946;

(h) Such current and periodic reports and information will be provided as the Committee may require from time to time pertaining to the registrant's organization, programs, projects, and finances, including audits by a certified public accountant, or other pertinent activities. All records pertaining to responsibilities as a registrant and related to activities as such shall be made available for official inspection. Information on registration, organization, periodic reports on programs and finances shall be available for public inspection.

§ 203.4 *Validation of registration.* Certificates of registration will be issued by the Committee to applicants which fulfill the requirements set forth in § 203.3 and upon the finding of the Committee that the general purposes to be served are of a character and fulfill a need that justify appeals for voluntary support, warrant the cooperation of the United States Government, and otherwise are deemed to serve the public interest. Such certificates may be withheld, in the discretion of the Committee, until an initial program has been recorded under the terms set forth in § 203.6. Certificates will be published in the FEDERAL REGISTER.

§ 203.5 *Amendments to registration.* A registrant's certificate of registration shall be amended whenever a material change is made in the registrant's organization, its purposes or governing personnel. The application for amendment shall be supported by a resolution of the controlling body or other evidence certified by an authorized official. Amended certificates will be published in the FEDERAL REGISTER.

§ 203.6 *Validation of programs and projects.* (a) Registrants, to carry out and fulfill the purposes and objectives of their organization and to obtain appropriate official United States support and facilities, will submit applications upon forms provided by the Committee or otherwise as may be required, for the recording of specific country programs or specific projects of relief, rehabilitation, reconstruction and welfare as these are developed in the fields of health, education, agriculture, industry, emigration and resettlement. Notices of acceptance will be issued by the Committee as supplements to certificates of registration: *Provided*, That:

(1) The specific program or specific project is within the scope of any agreement that has been concluded between the United States Government and the government of the country of interest in furtherance of the operations of registrants acceptable to such governments;

(2) In the absence of such an agreement as set forth in subparagraph (1) of this paragraph satisfactory assurances are:

(i) Obtained from the government of the country in question that appropriate facilities are or will be afforded for the necessary and economical operations of the program or project including (*a*) acceptance of the specific program or specific project; (*b*) the supplies approved in support of the program or project are free of customs duties, other duties, tolls, and taxes; (*c*) treatment of supplies as a supplementary resource and not as a substitute for public rations; (*d*) the identification of the supplies, to the extent practicable, as to their United States origin and their free provision by the donor agency; and (*e*) insofar as practicable the reception, unloading, warehousing and transport of the supplies free of cost to points of distribution.

(ii) Provided by the registrant that (*a*) shipments will be made only to consignees reported to the Committee and full responsibility is assumed by such consignees for the noncommercial distribution of the supplies free of cost to the persons ultimately receiving them; and (*b*) distribution is under the supervision of United States citizens specifically charged with the responsibility for the program or project, or by nationals, upon notification to the Committee in justification of their selection on account of the character and economy of the operation, and the degree of cooperation and acceptance of responsibility of the indigenous agency.

(b) Programs and projects which involve the contractual support of United States or international governmental agencies and acceptance of measures of responsibility by the Committee will be recorded following an understanding between the Committee and the contracting official agency to assure correlation in the attainment of common objectives, and pursuant to the President's Directive of May 14, 1946.

§ 203.7 *Representation of registrants.* The Committee, in appropriate

cases, may exercise its good offices or recommend to and appear before United States agencies or international agencies supported by the United States Government, to facilitate the recorded programs of any registrants or committees of such registrants, and to further the provision of facilities authorized by laws, regulations, and procedures in support of voluntary foreign aid.

§ 203.8 *Acceptance and termination of registration.* (a) Registrations shall remain in force until relinquished voluntarily by the registrant upon written notice to the Committee or formal notice from the Committee is published in the FEDERAL REGISTER stating that they are:

(1) Amended in accordance with § 203.5; or

(2) Suspended or terminated.

(b) Acceptance of a notice of relinquishment of registration shall be subject to submittal of final reports to the Committee, including the plans for disposition of the registrant's residual assets acquired in support of its registered programs.

§ 203.9 *Saving clause.* The Director of the International Cooperation Administration may waive, withdraw, or amend from time to time any or all of the provisions of the regulations in this part.

Effective date. The regulations in this part shall become effective as of December 1, 1955, and shall supersede as of their effective date Part 203, Chapter II, Title 22 of the Code of Federal Regulations.

Certificates of registration and amendments thereto heretofore issued by the Advisory Committee on Voluntary Foreign Aid, and which are valid as of the effective date of the regulations in this part, shall continue in force and effect.

JOHN B. HOLLISTER,
Director,
International Cooperation Administration.

[F. R. Doc. 55-10066; Filed, Dec. 15, 1955; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

[Revision 3, Amdt. 6]

REG. 7—MICA REGULATION: PURCHASE PROGRAMS FOR DOMESTIC MICA

PRICES AND PAYMENT

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), as amended, this regulation, as revised and amended, is hereby further amended as follows:

In section 5 (e) (3), delete the date "December 14, 1955", and in lieu thereof substitute the date "February 14, 1956".

(Secs. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interprets or applies sec. 303, 64 Stat. 801, as amended, sec. 3, 67 Stat. 417; 50 U. S. C. App. 2093, 2182)

All other provisions of this regulation shall remain in full force and effect.

This amendment is effective immediately.

Dated: December 14, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-10137; Filed, Dec. 15, 1955; 10:22 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 95—TRANSPORTATION OF MAIL BEYOND THE BORDERS OF THE UNITED STATES

COMPENSATION FOR TRANSPORTATION OF SURFACE MAILS

In § 95.2 *Compensation for transportation of surface mails* make the following changes in paragraph (c):

1. Amend the paragraph caption to read as follows: "(c) *Other exceptions.*"

2. Designate the present text as subparagraph (1) *Free transit provisions.*

3. Add new subparagraph (2) to read as follows:

(2) *Mails dispatched from more than one port in the United States.* When mails are dispatched from more than one port in the United States this section shall not prevent a carrier from accepting the lowest rate applicable from the United States to port of destination.

(R. S. 161, 396, 398, as amended, 4009, as amended; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 372, 39 U. S. C. 654)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55-10077; Filed, Dec. 15, 1955; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—Division of Liquidation, Department of Commerce [1]

[Supp. Order 189, Amdt. 9]

PART 1305—ADMINISTRATION

PRESERVATION OF RECORDS

DECEMBER 12, 1955.

Pursuant to the Emergency Price Control Act of 1942, as amended, Executive Orders Nos. 9809, 9841, and 9842, and Department of Commerce Order 75, as amended, it is hereby ordered that section 1 of Supplementary Order 189 issued by the Administrator, Office of Price Administration, on October 23, 1946 (11 F. R. 12568), as amended on November 12, 1946 (11 F. R. 13442), November 6, 1947 (12 F. R. 7327), February 20, 1948 (13 F. R. 1262), June 30, 1949 (14 F. R. 3707), December 27, 1951 (17 F. R. 18), December 11, 1952 (18 F. R. 33), December 17, 1953 (18 F. R. 8698), and December 14, 1954 (19 F. R. 8603), be, and it is hereby, further amended by changing the date January 1, 1956, wherever it occurs in subsection (a) of the said section 1, to January 1, 1957.

(56 Stat. 23, as amended; 50 U. S. C. App. 901 et seq.; E. O. 9802, Dec. 12, 1946, 3 CFR, 1946 Supp.; E. O. 9841, April 23, 1947, 3 CFR, 1947 Supp.; E. O. 9842, April 23, 1947, 3 CFR, 1947 Supp.)

This amendment shall become effective January 1, 1956.

TRUE D. MORSE,
Acting Secretary of Agriculture.

LAURENCE B. ROBBINS,
Assistant Secretary of the Treasury for and on behalf of Reconstruction Finance Corporation.

[SEAL] M. W. KNARR,
Secretary,
Reconstruction Finance Corporation.

SINCLAIR WEEKS,
Secretary of Commerce.

Approved:

HERBERT BROWNELL, JR.,
Attorney General,
Department of Justice.

[F. R. Doc. 55-10109; Filed, Dec. 15, 1955; 8:50 a. m.]

[1] So designated in Supplements to 1938 edition of the Code of Federal Regulations.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter Q—Reclamation and Irrigation

[Circular 1947]

PART 230—RECLAMATION OF ARID LANDS BY THE UNITED STATES

ASSIGNMENTS

Sections 230.35–230.37 are revoked in their entirety and §§ 230.29–230.34 are revised to read as follows:

Sec.
230.29 Statutory authority; when assignments may be made.
230.30 Assignments involving farm units.
230.31 Limitations on and conditions of assignments.
230.32 Showing required.
230.33 When showing is required.
230.34 Requirements for patent.

AUTHORITY: §§ 230.29 to 230.34 issued under sec. 10, 32 Stat. 390, as amended; 43 U. S. C. 373.

§ 230.29 *Statutory authority; when assignments may be made.* The act of June 23, 1910 (36 Stat. 592; 43 U. S. C. 441), authorizes persons who have made or may make homestead entries subject to the reclamation law to assign their entries in whole or in part at any time after filing in the appropriate land office satisfactory proof of the residence, improvements, and cultivation required by the ordinary provisions of the homestead law.

§ 230.30 *Assignments involving farm units.* (a) In cases where the entry involves all or parts of two or more farm units, the entryman may file an election as to which farm unit he will retain and he may assign and transfer to a qualified assignee any farm unit or units or parts of such units which he does not elect to retain. If an election by the entryman to conform to a farm unit be filed and no assignment made of the remainder of the entry, the entry will be conformed to the farm unit selected for retention and canceled as to the remainder.

(b) Where it is desired to assign a part of an established farm unit, an application for the amendment and subdivision of such unit must be filed with the official in charge of the project, together with the showing required by § 230.32. If a survey shall be found necessary to determine the boundaries of the subdivision of any such farm unit, or the division of the irrigable area, a deposit equal to the estimated cost of such survey must be made with the agent cashier, Bureau of Reclamation, on the project by or on behalf of the parties concerned. Any excess over the actual cost will be returned to the depositor or depositors after completion of the survey, and they will also be required to make good any deficiency in their deposit.

§ 230.31 *Limitations on and conditions of assignments.* (a) The law expressly makes assignments "subject to the limitations, charges, terms, and conditions of the Reclamation Act," which, among other things, limits the right of entry to one farm unit, and forbids the holding of more than one farm unit prior to payment of all construction or building and betterment charges.

(b) Assignments must be an absolute sale, divesting the assignor of all interest in the premises assigned. Assignments may be effected by quitclaim or warranty deed or by any other form of conveyance in general use in the State in which the land is located, but a quitclaim or warranty deed is preferred.

(c) Assignees must be more than 21 years of age and must not own, hold, or claim any other farm unit or entry under the reclamation law or one or more parcels of private land up to the limit of single ownership fixed for the project receiving water from the project system upon which all installments of construction or building or betterment charges have not been paid in full. If the assignee is a married woman, she must purchase the assignment with her own separate money, in which her husband has no interest or claim (39 L. D. 504 and 43 L. D. 364). If the assignment involves a partial farm unit which an entryman does not elect to retain in accordance with § 230.30 (a), the assignee must also have an entry or an assignment covering the remainder of such unit.

§ 230.32 *Showing required.* Whenever assignments are presented to the land office in accordance with § 230.33, they must be accompanied by the following:

(a) A showing that the assignment and the assignee meet the requirements of § 230.31.

(b) The original instrument of assignment, or where the instrument is recorded, a copy thereof certified by the officer who has custody of the record, or where the original instrument of assignment is presented to an officer having an official impression seal, a copy of the instrument certified by such officer if accompanied by satisfactory evidence of compliance with the documentary stamp tax provisions of the internal revenue law.

(c) A certificate by the official in charge of the project that water-right application therefor is not receivable or that the assignee has filed in the project office for acceptance a water-right application in due form for the land embraced in the assignment.

(d) Where not all the predecessors in interest to an assignee have had their assignments approved by the land office, such assignee, in addition to the showings required by paragraphs (a), (b), and (c) of this section, must submit satisfactory evidence of title to the land consisting of either the recorded deed or deeds in the chain of title from the original entryman, an abstract of title, or a certificate of title issued by a qualified title company which is acceptable to the Department of the Interior.

§ 230.33 *When showing is required.* The showing required by § 230.32 is required whenever an assignment is presented to the appropriate land office for filing. All assignments should be presented for filing. They must be presented, however, when:

(a) The assignments involve, under § 230.30 (a), all or part of farm units which an entryman does not elect to retain, or under § 230.30 (b), parts of established farm units.

(b) The assignee desires to make proof of full compliance with the reclamation law with the view of receiving patent for the land.

§ 230.34 *Requirements for patent.* Upon the approval of an assignment, the assignee will become entitled to a patent upon payment of the water-right charges and submittal of satisfactory proof of reclamation as would have been required of the original entryman, and after proof of compliance with the law.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

DECEMBER 12, 1955.

[F. R. Doc. 55-10075; Filed, Dec. 15, 1955; 8:45 a. m.]

Appendix—Public Land Orders

[Public Land Order 1253]

[Fairbanks 012594]

[Misc. 1966031]

[Misc. 2119370]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER 225 OF APRIL 21, 1944; WITHDRAWING PORTIONS OF RELEASED LANDS FOR VARIOUS PUBLIC PURPOSES

Correction

In Federal Register Document 55-9306, published at page 8573 in the November 19, 1955, issue, the first line of the land description in paragraph 4 should read "T. 7 S., R. 5 E.,".

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS IN KNITTED WEAR, GLOVE AND INDEPENDENT TELEPHONE INDUSTRIES

NOTICE OF PROPOSED AMENDMENTS

Pursuant to section 14 of the Fair Labor Standards Act of 1938 (section 14, 52 Stat. 1068, as amended; 29 U. S. C. 214), the Administrator has heretofore issued supplemental industry learner regulations (20 F. R. 2304) providing for the employment of learners in the knitted wear industry (§§ 522.30 through 522.35), glove industry (§§ 522.60 through 522.65), and the independent telephone industry (§§ 522.70 through 522.74), at wages lower than the minimum wage applicable under section 6 of the act.

Such regulations have been reexamined in the light of the Fair Labor Standards Amendments of 1955 (Public Law 381, 84th Congress, 1st Session), recent changes in wage levels, and administrative experience in their operation. Persons affected by them have been consulted. All relevant information available indicates that it is necessary to amend certain sections of the learner regulations applicable to these industries. Primarily, the amendments proposed herein would accomplish the following: (1) Increase the subminimum rates which may be authorized in special certificates isued by the Administrator for learners in the knitted wear, glove, and independent telephone industries; (2) extend presently authorized learner occupations in the knitted glove branch of the glove industry to include hand and machine stitching; (3) change the provision which presently authorizes subminimum rates for telephone exchanges of less than 2,000 stations, and for exchanges of 2,000 or more stations when unusual circumstances are shown to exist, to authorize such rates for exchanges with less than 3,000 stations, and, in exceptional cases, for exchanges with 3,000 or more stations when unusual circumstances are shown to exist; and (4) remove the limitation as to the number of operators that may be hired as learners in cases of abnormal labor turnover during one six-month period within the effective period of the certificate (normally a period not longer than one year) by exchanges employing up to 8 operators, and by exchanges em-

ploying 9 to 18 operators. However, the limitation as to the number of learners that may be employed at any one time is retained.

It is proposed that these amendments shall be made effective March 1, 1956, the effective date of the Fair Labor Standards Amendments of 1955. However, applications under the amended regulations for learner certificates to become effective March 1, 1956, would be entertained by the Administrator prior to such date.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), that under the authority provided in section 14 of the Fair Labor Standards Act of 1938, as amended (section 14, 52 Stat. 1068; 29 U. S. C. 214), the Administrator of the Wage and Hour Division, United States Department of Labor, proposes to amend Part 522, as follows:

1. Paragraph (a) of § 522.35 is amended to read as follows:

(a) The subminimum rate which may be authorized in special certificates issued in the knitted wear industry shall be not less than 85 cents per hour.

2. Section 522.63 is amended to read as follows:

§ 522.63 *Learner occupations.* Special certificates may be issued authorizing the employment of learners at subminimum wage rates in the glove industry in occupations of hand and machine stitching in the leather glove branch of the industry; in the occupation of machine stitching in the woven or knit fabric and work glove branches of the industry; and in the occupations of finger knitting and finger closing, and hand and machine stitching in the knitted glove branch of the industry.

3. Paragraph (a) of § 522.65 is amended to read as follows:

(a) The subminimum rates which may be authorized in special certificates issued in the glove industry shall be not less than 80 cents an hour for the first 320 hours and not less than 90 cents an hour for the remaining 160 hours in the leather glove, woven or knit fabric glove and knitted glove branches of the industry, and not less than 77½ cents an hour for the first 320 hours and not less than 85 cents an hour for the remaining 160 hours in the work glove branch of this industry.

4. Paragraph (b) of § 522.71 is amended to read as follows:

(b) Special certificates authorizing the employment at subminimum wage rates of learners in the occupation of a switchboard operator in the independent telephone industry may be issued to exchanges of less than 3,000 stations to the extent necessary to prevent curtailment of opportunities for employment, and, in exceptional cases, to exchanges of 3000 or more stations when the Administrator or his authorized representative finds unusual circumstances to exist which would curtail opportunities for employment.

5. Paragraph (b) of § 522.72 is amended to read as follows:

(b) Special certificates issued to meet abnormal labor turnover may provide:

(1) In the case of exchanges employing up to 8 operators, two learners may be employed at one time during one period not to exceed six months within the effective period of the certificate.

(2) In the case of exchanges employing 9 to 18 operators, four learners may be employed at one time during one period not to exceed six months within the effective period of the certificate.

6. Section 522.74 is amended to read as follows:

§ 522.74 *Subminimum rates.* (a) For exchanges of less than 3000 stations the subminimum hourly rates to be provided in a special certificate for learners shall be not less than 80 cents an hour for the first 240 hours, and not less than 90 cents an hour for the remaining 240 hours of the learning period.

(b) In exceptional cases where a certificate is issued to an exchange of 3000 stations or more the subminimum hourly rates for learners shall be not less than 85 cents for the first 240 hours, and not less than 95 cents for the remaining 240 hours of the learning period.

(c) The earnings of learners employed on a piece rate basis shall be based on those piece rates if in excess of the authorized subminimum rates, in accordance with § 522.6 (j).

Prior to final adoption of the proposed amendments, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., on or before December 31, 1955.

Signed at Washington, D. C., this 13th day of December 1955.

NEWELL BROWN,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 55-10083; Filed, Dec. 15, 1955; 8:47 a. m.]

FEDERAL HOME LOAN BANK BOARD

[24 CFR Part 123]

[No. 9090]

FEDERAL HOME LOAN BANK SYSTEM; MEMBERS OF BANKS

RECORDING OF COMMITMENTS AND MONTHLY REPORTS BY MEMBER INSTITUTIONS OTHER THAN INSURANCE COMPANIES

DECEMBER 9, 1955.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108), it is hereby proposed that, pursuant to section 5A, 47 Stat. 725, as added by section 1, 64 Stat. 256 (12 U. S. C. 1425a), and sections 8, 10 (a), 17, 47 Stat. 731, 736, as amended (12 U. S. C. 1428, 1430 (a), 1437), Part 123 of the regulations for the Federal Home Loan Bank System (24 CFR Part 123) be amended by amendments the substance of which is as follows:

a. The regulations for the Federal Home Loan Bank System are hereby amended by adding to Part 123, immediately after § 123.12, a new heading "Recording of Commitments" and a new section to be numbered § 123.13 and to read as follows:

§ 123.13 *Recording of commitments.* Each institution, other than an insurance company, which is a member of a Federal home loan bank shall establish and maintain as a part of its official records a register in which it shall promptly record each commitment to make, purchase, or repurchase loans, whether such commitment is firm or conditional and whether made in writing or otherwise; as to each commitment, such record shall show the date on which it was made, the amount thereof, the name of the person or concern to whom it was made, the name of the person or persons by whom it was made, the form in which it was made (written or oral), the nature thereof (firm or conditional), and the date at which it expires. For the purposes of this section a conditional commitment shall be deemed to be a commitment that may be canceled at any time by such institution at its discretion, without consent, agreement, or other act by the person or concern to whom such commitment was made, and a firm commitment shall be deemed to be a commitment that is not conditional as herein defined.

(b) The regulations for the Federal Home Loan Bank System are hereby amended by designating the present text of § 123.15 as paragraph (a) and adding a new paragraph (b) to read as follows:

(b) The officers of each institution, other than an insurance company, which is a member of a Federal home loan bank shall make a monthly report to the board of directors of such institution on forms prescribed by the Board; and shall forward one copy of each such report to the Federal home loan bank of which such institution is a member and two copies to the Federal Home Loan Bank Board, Washington, D. C.

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendments should be adopted as proposed; (2) whether said proposed amendments should be modified and adopted as modified; (3) whether said proposed amendments should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D. C., not later than January 16, 1956, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 55-10101; Filed, Dec. 15, 1955; 8:49 a. m.]

[24 CFR Parts 144, 145]

[No. 9103]

FEDERAL SAVINGS AND LOAN SYSTEM; OPERATIONS AND BYLAWS

BONUS ON ACCOUNTS

DECEMBER 9, 1955.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), it is hereby proposed that, pursuant to section 5 (a), 48 Stat. 132, as amended (12 U. S. C. 1464 (a)), Part 145 of the rules and regulations for the Federal Savings and Loan System (24 CFR Part 145) be amended by amendments the substance of which is as follows: The rules and regulations for the Federal Savings and Loan System are hereby amended as follows:

a. By adding to Part 145 a new section to be numbered § 145.3–1 and to read as follows:

§ 145.3–1 *Bonus on accounts—(a) Thrift incentive and investment incentive.* The board of directors of a Federal association which has a charter and bylaws not inconsistent with the provisions of this section may, by resolution, obligate the association to pay a bonus in the form of the thrift incentive hereinafter set forth in this section or in the form of the investment incentive hereinafter set forth in this section, or both.

(b) *Thrift incentive.* An account eligible for the thrift incentive shall be an account with respect to which the holder has first made to the association a statement in writing of intent to qualify for the thrift incentive and upon which there have been made only regular, periodic payments, on a weekly, biweekly, semimonthly, or monthly basis, beginning on or not later than ninety days after the making of such statement, the amount of which shall be the amount of the first payment (which shall not be less than $5.00), continuously thereafter and for a period of at least three years (or for a period of less than three years expiring on the date of the redemption of the account, if the account is sooner redeemed in whole by the association), without any delay of more than ninety days in the making of any payment and without any prepayment of more than six months, and without the withdrawal of any part of the amount of the payments made on such account. The thrift incentive shall be at the rate of one-fourth of one percent per annum or at such lower rate per annum as shall have been most recently specified therefor by action of the association's board of directors in force at the time when such statement is made. The thrift incentive shall be calculated on the same basis and in the same manner as if it were a dividend at said rate on the account at the respective dividend dates of the association. The first thrift incentive on the account shall be credited to the account (or paid, if directed by the owner) as if it were, in total, a dividend with respect to the dividend period in which there falls the date of the completion of the first three years of eligibility of the account, or the date of the redemption of the account, if the account is sooner redeemed in whole by the association, and any thrift incentive thereafter earned on the account shall be credited to the account (or paid, if directed by the owner) as if it were a periodic dividend on the account.

(c) *Investment incentive.* An account eligible for the investment incentive shall be an account with respect to which the holder has first made to the association a statement in writing of intent to qualify for the investment incentive and which has, beginning on or not later than ninety days after the making of such statement, a lowest balance of at least $1,000 (disregarding any partial redemption or partial redemptions of said account made after the making of such statement) continuously thereafter and for a period of at least three years, or which has had, beginning on or not later than ninety days after the making of such statement, such a lowest balance for a continuous period of less than three years ending on the date of redemption of the account, if the account is sooner redeemed in whole by the association. The investment incentive shall be at the rate of one-fourth of one percent per annum or at such lower rate per annum as shall have been most recently specified therefor by action of the association's board of directors in force at the time when such statement is made. The investment incentive shall be calculated on the same basis and in the same manner as if it were a dividend at said rate on the account at the respective dividend dates of the association, and as if the lowest balance in said account during the period of three years next preceding had been the constant balance therein during said period. The first investment incentive on the account shall be credited to the account (or paid, if directed by the owner) as if it were, in total, a dividend with respect to the dividend period in which there falls the date of the completion of the first three years of the eligibility of the account, or the date of the redemption of the account, if the account is sooner redeemed in whole by the association, and any investment incentive thereafter earned on the account shall be credited to the account (or paid, if directed by the owner) as if it were a periodic dividend on the account.

(d) *Conversion to thrift incentive.* Any account which, at the effective date of a thrift incentive resolution as referred to in paragraph (a) of this section, is in good standing under any bonus plan other than those set forth in this section and which, on the date of the making of the request hereinafter mentioned in this subsection, would be in good standing under paragraph (b) of this section if this section and said resolution had been in force at the date of the making of the first payment on said account and if the statement referred to in paragraph (b) of this section had been in force on that date, may make a request in writing to the association to convert said account to the thrift incentive, and thereafter said account shall be treated as if this section and said resolution had been so in force and as if such statement had been so made, provided, that in such case the reference in the last sentence of paragraph (b) of this section to the date of the completion of the first three years of eligibility of the account shall be construed as a reference to the date of the making of such request, if on the date of the making of such request the date of completion of the first three years of eligibility of the account shall be a date previous to the date of the making of such request.

(e) *Provisions of this section exclusive.* No account shall receive a thrift incentive or an investment incentive under the provisions of this section for or with respect to any period as to which it receives a bonus under any other provision of the regulations in this part or under any provision of the charter of the association.

(f) *Double payments prohibited; conversion from thrift incentive to investment incentive.* No account shall receive an investment incentive under this section for or with respect to any period as to which it receives a thrift incentive under this section. An account may be converted from the thrift incentive to the investment incentive by the making of request in writing to the association for such conversion, and in such case, subject to the provisions of the first sentence of this paragraph, any time during which such account met the requirements for the thrift incentive may be counted toward satisfaction of the requirements for the investment incentive.

b. By adding to § 144.6 a new paragraph (f) reading as follows:

(f) *Bonus in the form of thrift incentive and investment incentive.* If so provided by resolution of its board of directors, the association may be obligated to pay a bonus in the form of the thrift incentive set forth in the rules and regulations made by the Federal Home Loan Bank Board, or in the form of the investment incentive set forth in the rules and regulations made by the Federal Home Loan Bank Board, or both.

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendments should be adopted as proposed; (2) whether said proposed amendments should be modified and adopted as modified; (3) whether said proposed amendments should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D. C., not later than January 16, 1956, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 55-10103; Filed, Dec. 15, 1955; 8:50 a. m.]

[24 CFR Part 145]

[No. 9089]

FEDERAL SAVINGS AND LOAN SYSTEM; OPERATIONS

RECORDING OF COMMITMENTS

DECEMBER 9, 1955.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), it is hereby proposed that, pursuant to section 5 (a), 48 Stat. 132, as amended (12 U. S. C. 1464 (a)), Part 145 of the rules and regulations for the Federal Savings and Loan System (24 CFR Part 145) be amended by an amendment the substance of which is as follows:

The rules and regulations for the Federal Savings and Loan System are hereby amended by adding to Part 145 thereof a new section to be numbered § 145.8–3 and to read as follows:

§ 145.8–3 *Recording of commitments.* Each Federal association shall establish and maintain as a part of its official records a register in which it shall promptly record each commitment to make, purchase, or repurchase loans, whether such commitment is firm or conditional and whether made in writing or otherwise; as to each commitment, such record shall show the date on which it is made, the amount thereof, the name of the person or concern to whom it was made, the name of the person or persons by whom it was made, the form in which it was made (written or oral), the nature therof (firm or conditional), and the date at which it expires. For the purposes of this section a conditional commitment shall be deemed to be a commitment that may be canceled at any time by such institution at its discretion, without consent, agreement, or other act by the person or concern to whom such commitment was made, and a firm commitment shall be deemed to be a commitment that is not conditional as herein defined.

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendments should be adopted as proposed; (2) whether said proposed amendments should be modified and adopted as modified; (3) whether said proposed amendments should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D. C., not later than January 16, 1956, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 55–10100; Filed, Dec. 15, 1955; 8:49 a. m.]

[24 CFR Part 146]

[No. 9106]

FEDERAL SAVINGS AND LOAN SYSTEM

DISSOLUTION, CONVERSION, MERGER, OR REORGANIZATION OF FEDERAL SAVINGS AND LOAN ASSOCIATIONS

DECEMBER 9, 1955.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), it is hereby proposed that, pursuant to section 5, 48 Stat. 132, as amended (12 U. S. C. 1464), Part 146 of the rules and regulations for the Federal Savings and Loan System (24 CFR Part 146) be amended by an amendment the substance of which is as follows:

Part 146 of the rules and regulations for the Federal Savings and Loan System is hereby amended by amending the heading of said part to read "Merger, Dissolution, Reorganization, and Conversion" and by adding to said part a new section to be numbered § 146.5 and to read as follows:

§ 146.5 *Conversion.* Any Federal association may convert to a State mutual association as provided by statute or to a State capital stock association as provided by statute and the regulations in this part. No Federal association shall convert to a State association having permanent non-withdrawable capital stock or any other form of security having voting control of the association or which is entitled to any earnings in excess of those payable to holders of withdrawable accounts unless provision is made for:

(a) A sum to be paid for such permanent nonwithdrawable capital stock or other security having voting control and any preference as to earnings equivalent to at least 5 percent of the total withdrawable accounts;

(b) Withdrawable accounts in the converted institution which shall be an insured institution, equivalent to the full amount which the mutual savings account holders of the Federal association could obtain in the liquidation of the association as determined by the Board after investigation and appraisal at the expense of the association. No merger or reorganization of a Federal association shall be approved unless provision is made for the savings account holders of such association equivalent to the requirement for conversion as herein provided.

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendments should be adopted as proposed; (2) whether said proposed amendments should be modified and adopted as modified; (3) whether said proposed amendments should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D. C., not later than January 16, 1956, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 55–10106; Filed, Dec. 15, 1955; 8:50 a. m.]

[24 CFR Part 163]

[No. 9091]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION; OPERATIONS

COMMITMENTS BY INSURED INSTITUTIONS

DECEMBER 9, 1955.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for Insurance of Accounts (24 CFR 167.1), it is hereby proposed that, pursuant to sections 402, 403, 48 Stat. 1256, 1257, as amended (12 U. S. C. 1725, 1726), Part 163 of the rules and regulations for Insurance of Accounts (24 CFR Part 163) be amended by an amendment the substance of which is as follows:

The rules and regulations for Insurance of Accounts are hereby amended by adding to Part 163 thereof a new section to be numbered § 163.9–1 and to read as follows:

§ 163.9–1 *Recording of commitments.* Each insured institution shall establish and maintain as a part of its official records a register in which it shall promptly record each commitment to make purchase, or repurchase loans, whether such commitment is firm or conditional and whether made in writing or otherwise; as to each commitment, such record shall show the date on which it is made, the amount thereof, the name of the person or concern to whom it was made, the name of the person or persons by whom it was made, the form in which it was made (written or oral), the nature thereof (firm or conditional), and the date at which it expires. For the purposes of this section a conditional commitment shall be deemed to be a commitment that may be canceled at any time by such institution at its discretion, without consent, agreement, or other act by the person or concern to whom such commitment was made, and a firm commitment shall be deemed to be a commitment that is not conditional as herein defined.

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendments should be adopted as proposed; (2) whether said proposed amendments should be modified and adopted as modified; (3) whether said proposed amendments should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D. C., not later than January 16, 1956, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 55–10102; Filed, Dec. 15, 1955; 8:49 a. m.]

[24 CFR Part 163]

[No. 9104]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

FEDERAL INSURANCE RESERVE ACCOUNT

DECEMBER 9, 1955.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for Insurance of Accounts (24 CFR 167.1), it is hereby proposed that the rules and regulations for Insurance of Accounts (24 CFR Subt. B, Ch. I, Subch. D) be amended in the following particulars:

a. Amend the last sentence of § 163.11 (24 CFR 163.11) to read as follows: "The general reserves of Federal savings and loan associations operating under Charter K, Charter K (rev.) or Charter N are deemed to meet the requirements of this section."

b. Amend § 163.12 (24 CFR 163.12) to read as follows:

§ 163.12 *Definition of "income base."* The term "income base" as used in § 163.13 shall mean, with respect to any insured institution, all income of such insured institution during its fiscal year that remains after deduction of all expenses and taxes charged or paid, and of all losses charged against income, during the fiscal year, but prior to any distribution of earnings or payment of interest on savings accounts, deposits or stock.

c. Amend § 163.13 (24 CFR 163.13) to read as follows:

§ 163.13 *Regular credits—(a) Federal insurance reserve account.* (1) Each insured institution shall credit to its Federal insurance reserve account, during each of its fiscal years, an amount equal to at least 15 percent of its income base: *Provided*, That, if an insured institution does not have in its Federal insurance reserve account an amount equal to at least:

(i) 2 percent of all insured accounts at the end of each of its fifth through its ninth years after the date of insurance of accounts, or

(ii) 3 percent of all insured accounts at the end of each of its tenth through its fourteenth years after the date of insurance of accounts, or

(iii) 4 percent of all insured accounts at the end of each of its fifteenth through its nineteenth years after the date of insurance of accounts,

it shall credit to its Federal insurance reserve account an amount equal to at least 25 percent of its income base for each such fiscal year: *And provided further*, That no allocation to the Federal insurance reserve account is required whenever such account is equal to at least 5 percent of all insured accounts.

(2) In any event, each insured institution shall build its Federal insurance reserve account to not less than 5 percent of all insured accounts by the end of the twentieth year after the effective date of insurance: *Provided*, That, if at the end of any year the Federal insurance reserve account of any insured institution is less than the required percentage but not less than three-fifths of the required percentage of all insured accounts, such institution may earmark undivided profits in an amount which, when combined with the amount in its Federal insurance reserve account, will be equal to the required percentage of all insured accounts.

(3) Undivided profits so earmarked shall be subject to all the limitations that apply to the Federal insurance reserve account: *Provided*, That the amount of such undivided profits may be reduced at any time to the extent that the amount in the Federal insurance reserve account plus earmarked undivided profits exceeds the minimum required percentage of all insured accounts.

(4) If the ratio of the Federal insurance reserve account and the earmarked undivided profits to all insured accounts declines to less than 5 percent after 20 years, the insured institution shall credit to the Federal insurance reserve account an amount equal to at least 25 percent of its income base until the ratio of 5 percent is restored: *Provided, however*, That if the Federal insurance reserve account is equal to at least three-fifths of the required percentage of all insured accounts, undivided profits may be earmarked in an amount sufficient to make the ratio of the Federal insurance reserve account and earmarked undivided profits equal to at least 5 percent of all insured accounts, in lieu of increasing from 15 to 25 the percent of the income base required to be transferred to the Federal insurance reserve account.

(b) *Over-all reserve position.* Whenever the Federal insurance reserve account plus earmarked undivided profits, if any, is equal to not less than 5 percent of all insured accounts, each insured institution shall increase during each fiscal year by an amount equal to at least 15 percent of its income base any one or more of the following types of accounts, at its option—Federal insurance reserve account, loss reserves, undivided profits or surplus—until the total of such accounts, plus nonwithdrawable accounts, if any, is equal to at least 10 percent of all insured accounts; and thereafter if such accounts shall at any time fall below such 10 percent it shall resume such 15 percent credits until such accounts are again equal to at least 10 percent of all insured accounts.

(c) *Permissible adjustments.* In computing the required credits for any fiscal year, each insured institution may give effect to the following adjustments:

(1) During the first fiscal year in which an institution is insured, such insured institution may adjust the required credits to the Federal insurance reserve account to cover only the number of months that it is actually insured in that particular fiscal year.

(2) The credits may be reduced by such amount as the aggregate credits during the the preceding 10 fiscal years that the institution has been insured exceed the aggregate requirements for the same years.

(3) If the total of its cash, United States Government securities and Federal Home Loan Bank bonds or debentures is equivalent to 10 percent or more of total assets, it may reduce the annual 15 or 25 percent of income credits prescribed hereinabove by one percentage point plus one additional percentage point for each 5 percent in excess of the said 10 percent; furthermore, if the total of its loans which are insured or guaranteed under the provisions of the National Housing Act, as now or hereafter amended, or the Servicemen's Readjustment Act of 1944, as now or hereafter amended, is equivalent to 30 percent or more of total assets, it may reduce the annual income credits by one percentage point plus one additional percentage point for each 5 percent in excess of the said 30 percent: *Provided, however*, That the maximum reduction for the two types of adjustment under this subparagraph may not aggregate more than 5 percentage points.

(d) *Dates of compliance.* Compliance with the provisions of this section shall begin January 1, 1956, and the date of compliance with each time requirement in this section shall be not later than the close of the semiannual period within which the respective insurance anniversary of the insured institution falls.

d. Amend § 163.14 (24 CFR 163.14) to read as follows:

§ 163.14 *Charging of losses and payment of dividends.* No insured institution that has charged losses to its Federal insurance reserve account during any year shall declare any dividends or pay any interest on savings for such year unless such declaration or payment has been first approved in writing by the Corporation: *Provided*, That the Corporation hereby approves the declaration of dividends and the payment of interest on savings for any year when losses are charged or are chargeable to such reserve by any insured institution that is in compliance with the provisions of § 163.13.

(Secs. 402, 403, 48 Stat. 1256, 1257; 12 U. S. C. 1725, 1726)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendments should be adopted as proposed; (2) whether said proposed amendments should be modified and adopted as modified; (3) whether said proposed amendments should be rejected. All such written data, views, or

arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D. C., not later than January 16, 1956, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 55-10104; Filed, Dec. 15, 1955; 8:50 a. m.]

[24 CFR Part 163]

[No. 9107]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION; MERGER, CONSOLIDATION, OR PURCHASE OF ASSETS

INCREASE OF ACCOUNTS OF AN INSURABLE TYPE AS PART OF MERGER OR CONSOLIDATION OR THROUGH PURCHASE OF BULK ASSETS

DECEMBER 9, 1955.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for Insurance of Accounts (24 CFR 167.1), it is hereby proposed that, pursuant to sections 402, 403, 48 Stat. 1256, 1257, as amended (12 U. S. C. 1725, 1726), § 163.22 of the rules and regulations for Insurance of Accounts (24 CFR 163.22) be amended by an amendment the substance of which is as follows:

Section 163.22 is hereby amended by striking the language "twenty-five percent of such accounts" and inserting in lieu thereof the language "ten percent of such accounts or $100,000, whichever is the lesser".

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendments should be adopted as proposed; (2) whether said proposed amendments should be modified and adopted as modified; (3) whether said proposed amendments should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D. C., not later than the close of business on January 16, 1956, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 55-10107; Filed, Dec. 15, 1955; 8:50 a. m.]

[24 CFR Part 163]

[No. 9108]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION; OPERATIONS

ISSUANCE OF SECURITIES BY INSURED INSTITUTIONS

DECEMBER 9, 1955.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for Insurance of Accounts (24 CFR 167.1), it is hereby proposed that, pursuant to sections 402, 403, 48 Stat. 1256, 1257, as amended (12 U. S. C. 1725, 1726), Part 163 of the rules and regulations for Insurance of Accounts (24 CFR Part 163) be amended by an amendment the substance of which is as follows:

The rules and regulations for Insurance of Accounts are hereby amended by adding to Part 163 thereof a new section to be numbered § 163.31 and to read as follows:

§ 163.31 *Issuance of new securities.* No new securities shall be issued by an insured institution except in a form approved by the Corporation. In the event any State mutual association proposes to issue any permanent non-withdrawable capital stock or any other form of security having voting control of the association or which is entitled to any earnings in excess of those payable to holders of withdrawable accounts, provision shall be made for:

(a) Payment for such securities to be issued of a sum equivalent to at least 5 percent of total withdrawable accounts, and

(b) Cash or credit to withdrawable accounts equivalent to the full amount which the mutual owners could obtain in the event of the sale of the assets of the association or its liquidation as determined by the Corporation after investigation and appraisal at the expense of the association.

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendments should be adopted as proposed; (2) whether said proposed amendments should be modified and adopted as modified; (3) whether said proposed amendments should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D. C., not later than January 16, 1956, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 55-10108; Filed, Dec. 15, 1955; 8:50 a. m.]

[24 CFR Part 165]

[No. 9105]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION; TERMINATION OF INSURANCE

PAYMENT OF RETIREMENT OR PENSION BENEFITS AND EMPLOYMENT CONTRACTS

DECEMBER 9, 1955.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for Insurance of Accounts (24 CFR 167.1), it is hereby proposed that, pursuant to sections 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U. S. C. 1725, 1726, 1730), Part 165 of the rules and regulations for Insurance of Accounts (24 CFR 165) be amended by an amendment adding two new sections, the substance of which is as follows:

§ 165.3-1 *Contracts for payment of retirement or pension benefits.* It shall be deemed an unsafe and unsound practice within the purview of section 407 of the National Housing Act, as amended, for any insured institution to enter into any contract or to provide any plan or arrangement for payment of retirement or pension benefits unless.

(a) The cost to the insured institution of such contract, plan or arrangement is actuarially determined and is funded through payments to a responsible and properly qualified trustee other than the institution or any officer, director, or employee thereof, or through premium payments on an annuity contract with a duly organized insurance company upon appropriate policies or contracts;

(b) The cost to the institution of such contract, plan or arrangement that accrues during each fiscal period shall be paid or provided for not later than the close of such fiscal period and charged to expense as are other operating costs: *Provided,* That any initial payment representing cost to the institution for periods of service prior to the adoption of the contract, plan or arrangement may be deferred and amortized by charge to expense during subsequent fiscal periods if the unamortized balance is fully offset by a corresponding specific reserve;

(c) Pension or retirement benefits to be paid to any beneficiary under such contract, plan or arrangement are based solely upon and measured by his services as a salaried officer or employee of such institution;

(d) Such contract, plan or arrangement does not attempt to foreclose, or to limit the free and full exercise of, the power, right, or authority of such insured institution's board of directors, or its successors, under the charter or bylaws or the laws under which the institution operates, to terminate the services of any officer or employee;

(e) Such contract, plan or arrangement reserves to such institution's board of directors, or its successors, the right to terminate the contract, plan or arrangement at any time and in such event terminates all obligation and liability of the insured institution thereunder;

(f) Such contract, plan or arrangement provides for its automatic termination upon declaration of default as defined in section 401 (d) of the National Housing Act, as amended, and in such event terminates all obligation and liability of the insured institution thereunder. Notwithstanding the provisions of this paragraph or paragraphs (d) and (e) of this section, such contract, plan or arrangement may provide that in the event of termination under such clauses the beneficiaries shall receive the benefits to which they may be entitled out of amounts funded at the date of such termination.

§ 165.3-2 *Contracts for payment of employment compensation.* It shall be deemed an unsafe and unsound practice within the purview of section 407 of the National Housing Act, as amended, for any insured institution to enter into any contract or agreement under which payment of any part of the compensation of an officer or employee of such institution is to be deferred unless

(a) The amount of such deferred compensation is funded through payments to a responsible and properly qualified trustee other than the insured institution or any officer, director, or employee thereof;

(b) The amount of such deferred compensation that has accrued during each fiscal period shall be paid or provided for not later than the close of such fiscal period and charged to expense as are other operating costs so that none of the costs of such deferred compensation shall be carried as a deferred charge or expense; and

(c) Such contract does not attempt to foreclose, or to limit the free and full exercise of, the power, right, or authority of such insured institution's board of directors, or its successors, under the charter or bylaws or the laws under which the institution operates, to terminate the services of any officer or employee.

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendments should be adopted as proposed; (2) whether said proposed amendments should be modified and adopted as modified; (3) whether said proposed amendments should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D. C., not later than January 16, 1956, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 55-10105; Filed, Dec. 15, 1955; 8:50 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Ch. I]

[File No. 21-422]

TRADE PRACTICE RULES FOR REFRIGERATION AND AIR-CONDITIONING CONTRACTING INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, affected by or having an interest in the proposed trade practice rules for the refrigeration and air-conditioning contracting industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than January 20, 1956.

Opportunity to be heard orally in the matter will be afforded at the following times and places to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard:

Hearing commencing at 10 a. m., e. s. t., January 6, 1956, in the Sheraton-Cadillac Hotel, Washington Boulevard at Michigan Avenue, Detroit, Michigan; and

The second session of such hearing beginning at 10 a. m., e. s. t., January 20, 1956, in Room 332 of the Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C.

After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through this proceeding consists of persons, firms, corporations, and organizations engaged in both the sale and installation of:

(1) Mechanical refrigeration units or systems for commercial or industrial use; or

(2) Mechanical air-conditioning units or systems for commercial, industrial or home use.

NOTE: As above used, the word "installation" makes reference to the performance of services requiring engineering knowledge and skill, and the term "mechanical air-conditioning units or systems" makes reference to units or systems which are capable of lowering, or of both lowering and raising, the temperature of the air within an enclosure and simultaneously effecting a substantial degree of control of the humidity and circulation of the air in such enclosure. Window air-conditioning units and refrigerators which are of a type not requiring the kind of installation above described are not to be considered as products of this industry.

Proceedings looking to the promulgation of trade practice rules for this industry were instituted pursuant to an industry application. The rules are directed to the maintenance of fair competitive conditions in the industry and full protection of the purchasing public. A general trade practice conference was held in Chicago, Illinois, on May 20, 1955, at which rules were proposed for Commission consideration. The announced hearings constitute a further step in the proceedings.

Issued: December 13, 1955.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-10091; Filed, Dec. 15, 1955; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 72]

YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA

PUBLIC NOTICE OF ANNUAL OPERATION AND MAINTENANCE CHARGES AND ANNUAL WATER RENTAL CHARGES

DECEMBER 1, 1955.

1. *Annual operation and maintenance charges for lands under public notice, Reservation Division.* The minimum annual operation and maintenance charge for the calendar year 1956 and thereafter until further notice against all lands of the Reservation Division under public notice shall be $7.50 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 7 acre-feet of water per acre on certain sandy areas shown on the list attached, and to 5 acre-feet of water per irrigable acre on all other lands of the division under public notice. Additional water, if available, will be furnished at the rate of $2.00 per acre-foot payable in advance. Credit equivalent to the amount paid for additional water unused prior to the end of calendar year 1956 will be applied against the minimum charges for water during calendar year 1957. No credit will be given for water purchased during calendar year 1956 at the minimum charge but undelivered at the end of calendar year 1956.

Where in the opinion of the Chief, Operations Division, Yuma Projects Office, it may be done without interference with other project requirements, upon written

request filed in advance by a water user who is not delinquent in the payment of any operation and maintenance charges, water will be furnished free of charge for reclaiming lands by the usual methods: *Provided, however,* That lands for which free water was served during the preceding calendar year will not again be served free water in the absence of evidence satisfactory to the Chief, Operations Division, that although the water so served free of charge during such preceding year was applied to the land in sufficient quantities over a period of not less than 3 months, the results accomplished during such preceding year were not satisfactory.

All minimum annual operation and maintenance charges shall be due and payable on January 1, 1956, and on January 1 of each year thereafter.

2. *Annual water rental charges for other lands, Reservation Division.* Irrigation water will be furnished during the calendar year 1956 and thereafter until further notice for lands in the Reservation Division not under public notice which can be irrigated from the present distribution system without further construction expense by the Bureau, upon a rental basis under approved applications for temporary water service, at the following rates: the minimum annual charge shall be $7.50 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per acre. Additional water, if available, will be furnished at the rate of $2.00 per acre-foot. All charges shall be payable in advance of the delivery of water. Credit will be given for additional water paid for but not used.

3. *Annual water rental charges for lands in the Valley Division not under public notice.* Irrigation water will be furnished during the calendar year 1956 and thereafter until further notice for lands in the Valley Division not under public notice which can be irrigated from the present distribution system without further construction expense by the United States, upon a rental basis under approved applications for temporary water service, at the following rates:

(a) The minimum annual charge shall be $13.00 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per irrigable acre. Additional water, if available, will be furnished at the rate of $1.50 per acre-foot.

(b) The charge per calendar year for each city or town lot having a maximum width not exceeding sixty (60) feet shall be $13.00. Where lots exceed sixty (60) feet in width, each sixty (60) feet of additional width or fractional part thereof shall be considered as one additional lot.

All charges shall be payable in advance of the delivery of water. Credit will be given for additional water paid for under subdivision (a) hereof but not used.

4. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

5. *Place of payment.* All payments should be made to the Agent-Cashier, Bureau of Reclamation, Yuma Air Base, or mailed to the Agent-Cashier, Bureau of Reclamation, Bin 151, Yuma, Arizona.

V. E. LARSON,
Acting Regional Director.

SANDY AREAS IN THE RESERVATION DIVISION UNDER PUBLIC NOTICE

TOWNSHIP 15 SOUTH, RANGE 23 E., S. B. M., CALIFORNIA

Section	Farm unit	Description	Acres sandy
32	D	SE¼NE¼	28.00
	E	SW¼NE¼	5.00
	G	NW¼SE¼	17.60
	H	NE¼SE¼	19.00
	J	SE¼SE¼	19.00
33	E	SW¼NW¼	30.00
	F	W½SE¼NW¼	19.75
		E½SE¼NW¼	19.75
	H	SE¼NE¼	9.40
	J	NE¼SE¼	39.00
	K	NW¼SW¼	40.00
	L	NE¼SE¼	38.00
	M	NW¼SW¼	29.00
	N	SW¼SW¼	39.00
	O	SE¼SW¼	39.00
	P	SW¼SE¼	38.00
	Q	That part of the SE¼SE¼ north of the Reservation Main Canal	31.11
		That part of the SW¼SW¼, Section 34, north of the Reservation Main Canal	3.92
	V	NE¼NW¼	19.80
	W	SW¼NE¼	29.00
34	C	NE¼NW¼	32.96
	M	NW¼SW¼	10.00
	N	That part of SW¼SW¼ south of Reservation Main Canal	33.53
		That part of SE¼SE¼, Section 33, south of Reservation Main Canal	5.39
	T	Lot 1, Section 34; and Lot 6A, Section 35	23.50

TOWNSHIP 16 SOUTH, RANGE 23 E., S. B. M., CALIFORNIA

3	B	NE¼NW¼	10.00
	C	NW¼NW¼	44.00
	D	Part of S½NW¼	20.00
	J	W½NW¼SW¼	15.00
	K	N½SW¼SW¼	10.00
4	A	NE¼NE¼	44.00
	B	NW¼NE¼	34.50
	C	NE¼NW¼	21.00
	D	NW¼NW¼	20.00
	E	SW¼NW¼	29.00
	F	SE¼NW¼	30.00
	G	SW¼NE¼	20.00
	H	SE¼NE¼	31.50
	J	Part of N½SE¼	35.00
	K	Part of N½SE¼	13.00
	M	Part of S½SE¼	10.00
		That part of SW¼ described in application for permanent water right bearing Serial 204	104.40
5	B	NW¼NE¼	10.00
	C	NE¼NW¼	18.00
	D	N½NW¼NW¼	22.00
	E	SW¼NW¼	38.00
	F	SE¼NW¼	40.00
	G	SW¼NE¼	18.00
	H	SE¼NE¼	37.00
	J	NE¼SE¼	3.00
	K	NW¼SE¼	13.00
	L	NE¼SW¼	20.00
	M	NW¼SW¼	28.00
	O	SE¼SW¼	27.00
	P	That part of the SW¼SE¼ lying east of drain	6.00
		That part of the SW¼SE¼ lying west of drain	13.60
	Q	SE¼SE¼	10.00
6	A	NE¼NE¼	10.00
	E	SW¼NE¼	12.00
	F	SE¼NE¼	40.00
	G	NE¼SE¼	29.00
	H	NW¼SE¼	30.00
	J	NE¼SW¼	30.00
	K	NW¼SW¼	25.00
	L	SW¼SW¼	26.20
	M	SE¼SW¼	40.00
	N	SW¼SE¼	28.00
7	A	NE¼NE¼ south of drain	12.60
	B	NW¼NE¼	34.00
	C	NE¼NW¼	14.00
	D	NW¼NW¼	30.30
	H	SE¼NE¼	24.00
8	D	NW¼NW¼ south of drain	16.00

SANDY AREAS IN THE RESERVATION DIVISION UNDER PUBLIC NOTICE—Continued

TOWNSHIP 16 SOUTH, RANGE 23 E., S. B. M., CALIFORNIA

Section	Farm unit	Description	Acres sandy
9	A	Part of N½NW¼	31.00
	B	Part of N½NW¼	29.00
	C	SW¼NW¼	30.00
	D	N½SE¼NW¼	10.00
	E	S½SE¼NW¼	6.00
	F	Part of N½SW¼	12.00
	G	W½NW¼SE¼	3.00
	H	E½NW¼SE¼	16.00
	J	W½NE¼SE¼	14.00
	P	SE¼NE¼	22.00
	Q	SW¼NE¼	16.00

[F. R. Doc. 55–10076; Filed, Dec. 15, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SPECIAL LIVESTOCK LOAN COMMITTEES

NOTICE OF APPOINTMENT

Pursuant to the authority vested in the Secretary of Agriculture by section 2 (c) of the act of April 6, 1949 (63 Stat. 43), as amended by Public Law 115, 83d Congress, and pending the establishment of permanent Special Livestock Loan Committees pursuant to said section 2 (c), it is hereby ordered:

1. Paragraph 1 of the order of the Acting Secretary dated March 31, 1954 (19 F. R. 1940), is amended effective January 1, 1956, by deletion of reference to "Directors of Agricultural Extension," and substitution therefor of "Chairmen of the Farmers Home Administration State Advisory Committees."

2. Designations of persons to act in the stead of those holding the positions named in paragraph 1 of said order dated March 31, 1954, are terminated effective at the close of business on December 31, 1955.

Done at Washington, D. C., this 13th day of December 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55–10096; Filed, Dec. 15, 1955; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

ELECTROEXPORT AND ALBERT OBERMAYER

ORDER TEMPORARILY DENYING EXPORT PRIVILEGES

In the matter of Export Elektrotechnischer Erzeugnisse trading as Electroexport and Albert Obermayer, Rotenturmstrasse 25, Vienna 1, Austria, respondents.

The respondents, Export Elektrotechnischer Erzeugnisse, trading as Electroexport, and Albert Obermayer, hereinafter referred to as Electroexport, are the subject of an investigation concerning an alleged transshipment of paraffin wax to Gdynia, Poland, which wax was exported from the United States under general license to Austria upon Electroexport's representation that it was to be used in Vienna, and the Director, Investigation Staff, Bureau of Foreign Commerce, has applied for an order temporarily denying to them all export privileges pending completion of the investigation and determination of any charges which may be brought against them. The application was made pursuant to § 382.11 (b) of the Export Control Regulations (15 CFR, Chapter III, Subchapter C), and, in accordance with the practice thereunder was referred to the Compliance Commissioner of the Bureau of Foreign Commerce who, after considering evidence in support of the application, has recommended that the application be granted to the extent hereinafter provided.

Now, upon receipt of the Compliance Commissioner's recommendation, after reviewing and considering the evidence submitted in support of the application and being of the opinion that there is reasonable ground to believe that the respondents have unlawfully transshipped to Gdynia, Poland, 350 cartons of paraffin wax exported from the United States under general license permitting such shipment to Austria, and that they have the intention to purchase large additional quantities of such wax which may be similarly transshipped in violation of the regulations under which it may be exported, and having concluded (a) that it is advisable that all United States exporters be informed by publication of this order of the provisions hereafter set forth and (b) that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act, it is hereby ordered: (1) All outstanding validated export licenses held by or issued in the names of the respondents, or either of them, or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation;

(2) The respondents, and each of them, their successors or assigns, directors, officers, partners, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form or capacity in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondents and such other persons' and firms' participation (a) as a party or as a representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

(3) This denial of export privileges shall apply not only to the named respondents, but also to any person, firm, corporation, or business organization with which they, or either of them, may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith;

(4) This order shall be published in the FEDERAL REGISTER, shall be effective forthwith and shall remain in effect for a period of thirty days from the date hereof unless extended as in § 382.11 (b) provided and unless amended or modified hereafter in accordance with part (7) hereof;

(5) No person, firm, corporation, or other business organization within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall, without prior disclosure of the fact to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (2) and (3) hereinabove have any interest or participation of any kind or nature, direct or indirect;

(6) A certified copy of this order shall be served upon the named respondents by registered mail;

(7) In accordance with the provisions of § 382.11 (c) of the export control regulations, the respondents, or either of them, may move at any time prior to the entry of a final order of suspension to vacate or modify this temporary suspension order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D. C. at the earliest possible date.

Dated: December 13, 1955.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 55–10081; Filed, Dec. 15, 1955; 8:46 a. m.]

[Case No. 203]

UNION EUROPEENNE DE PRODUITS CHIMIQUES AND JEAN RICHARDS

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of export control violations charged against Union Europeenne de Produits Chimiques and Jean Richard, its director, 27, rue des Petites-Ecuries, Paris, France, Respondents.

Union Europeenne de Produits Chimiques and Jean Richard, its director, of Paris, France, having been charged by the Director, Investigation Staff, Bureau of Foreign Comerce of the Department of Commerce with having violated the Export Control Act of 1949, as amended, in that, as alleged, (1) they made and submitted false statements and representations for the purpose of causing to be effected exportations from the United States, and (2) they diverted or caused to be diverted and transshipped to an unauthorized destination a commodity exported from the United States under export control documents limiting its shipment to France; the respondent, Richard, having been served with the charging letter and having failed to answer the same or demand an oral hearing; and the respondent, Union, having been served with the charging letter, having admitted that it had made false representations and certifications and had diverted one shipment from France to Belgium; in accordance with the practice, this case was referred to the Compliance Commissioner.

The Compliance Commissioner heard the charges, read Union's answer and received the evidence in support of the charges. He has made his report and recommendation, which, upon the facts as hereinafter found, appears to be fair and just and is therefore adopted.

Now, after considering the entire record consisting of the charges, the answer of the respondent Union, the evidence submitted in support of the charges and the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, Union Europeenne de Produits Chimiques and Jean Richard, its director, were engaged in the export and import business in Paris, France.

2. That heretofore, on or about the 15th day of July 1954, the said respondents did execute, for the purpose of having the same submitted to the Bureau of Foreign Commerce in support of an application for an export license to export 150 tons of borax to France, a single transaction statement in which they certified that the said borax was for ultimate use in France in the manufacture of soap and cleaning compounds and, in the said statement, they did further agree to send a supplemental statement disclosing any change of facts with respect to the transaction.

3. The export license was granted and, pursuant thereto, 100 tons of borax were exported from the United States to the respondents. In connection with such exportation, the respondents received from the American exporter a bill of lading warning them that the said borax had been licensed for exportation to France as the ultimate destination and that diversion contrary to United States law was prohibited.

4. After the said borax arrived at Antwerp, Belgium, an intermediate port, the said borax, upon instructions of J. M. A. Klaasen & Co. of Rotterdam, to whom the respondents had sold the said borax, was transshipped to Rotterdam, the Netherlands, and from there to Rostock, East Germany. The Klaasen Co. had been permanently denied all export privileges (18 F. R. 7179, Nov. 11, 1953).

5. In support of another application for a validated license to export 500 metric tons of borax, described by the applicant as sodium borate, the respondents again executed another single transaction statement in which they certified that the said "sodium borate" was not to be distributed or used in any country other than France, that it was to be used for the manufacture of soap and cleaning compounds and in the ceramics industry, and they further certified in the said statement that they would report any change of facts or intentions with respect to the transaction.

6. Respondents thereafter offered 150 tons of said "sodium borate" (borax) to the same vendee in Rotterdam, the Netherlands, to whom they had previously sold the 100 tons of borax to which reference is made in Findings 3 and 4.

7. With respect to both statements furnished by respondents for both transactions, the representations and certifications made as to intended use in France were continuing representations and respondents at no time notified their American vendor or the Bureau of Foreign Commerce of the change in facts or circumstances or that it had become their intention to sell and dispose of the commodities involved in the said transactions in a country other than France.

From which I have concluded that respondents did knowingly divert the 100 tons of borax in violation of § 381.6 of the export control regulations and that they made false representations, statements, and certifications and concealed material facts from the Bureau of Foreign Commerce for the purpose of effecting or causing to be effected exportations from the United States in violation of § 381.5 (b) (3) and (c) (3), (4) and (5) of the export control regulations.

In his report the Compliance Commissioner said:

> In this case I do not find any affirmative proof that these respondents deliberately intended that the borax involved was to be transshipped to an Iron Curtain destination. Although they did refuse to give a representative of the U. S. Embassy a complete disclosure of all the facts, the respondent Union has been frank in its answer in that it has admitted the false representations and the diversion. Although knowledge on their part of intended Iron Curtain diversion has not been proven in this case, the fact is that an ultimate consequence of their false representations and the subsequent diversion to Belgium and Rotterdam was the diversion of 100 tons of borax to East Germany.
>
> It may be that Union is under altered management (see its answer) and, in its answer, it says "• • • had we suspected for a minute that the final destinations of the borax might have been behind the Iron Curtain, then of course, we would never have sold it to Belgium." I believe that the sanction in this case should be tempered to take into consideration this statement and to give the respondents an opportunity to demonstrate by their conduct that they are willing to abide and will abide by this country's export control regulations governing the ultimate disposition of commodities exported from this country. In this connection, cosideration should also be given to the fact that respondents have been temporarily denied validated export license privileges since August 17, 1955, and to the further fact that Union has recognized, is aware of, and has admitted its wrongdoing.

Had respondents notified the Department of Commerce of their intention to resell the first lot of borax to the Klaasen firm, the diversion to East Germany could have been prevented. Now, having concluded that the action recommended by the Compliance Commissioner is fair, just and necessary to achieve effective enforcement of the law, it is hereby ordered: I. All outstanding validated export licenses in which Union Europeenne de Produits Chimiques and Jean Richard appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Henceforth, and for a period of one year from the date hereof, each of the said respondents be, and he or it hereby is suspended from and denied all privileges of participating, directly or indirectly in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by any of the respondents, directly or indirectly in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to each of the respondents, but also to any person, firm, corporation, or business organization with which any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. Upon condition that the respondents comply in all respects with this order, and with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder, those respondents so complying, commencing six months following the date hereof, may engage in and enjoy all export privileges permitted by United States laws and regulations.

V. The privileges conditionally restored to any of the respondents under Part IV hereof may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that such respondent has, at any time following the date hereof and prior to the expiration of one year from the date hereof, knowingly failed to comply with any of the conditions or provisions upon which or whereby, by Part IV hereof, he or it has been permitted to engage in any phase of the export business otherwise denied to him under Part II hereof, without prejudice to any other action which may be taken by reason of any such new or additional violation. In the event that it be so determined that a respondent has breached the condition of Part IV hereof, the suspension and denial of such respondent's export privileges shall be deemed to commence on the day of such determination and shall continue for up to six months from the date of such determination.

VI. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when any respondent is prohibited under the terms hereof from engaging in any activity within the scope of Part II hereof, shall, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with such respondent, or (c) do any of the foregoing acts with respect to any commodity or exportation in which such respondent may have an interest of any kind or nature, direct or indirect.

Dated: December 13, 1955.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 55-10082; Filed, Dec. 15, 1955; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1850]

BELLOWS FALLS HYDRO-ELECTRIC CORP. ET AL.

ORDER RELEASING JURISDICTION OVER CERTAIN ACCOUNTING MATTERS

DECEMBER 12, 1955.

In the matter of Bellows Falls Hydro-Electric Corporation, Connecticut River Power Company, New England Power Company, New England Electric System.

New England Electric System ("NEES"), a registered holding company, and its subsidiary company, Bellows Falls Hydro-Electric Corporation ("Bellows"), have filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") Amendment No. 7 to the joint application-declaration of the above-entitled companies. By orders, dated July 13, 1948, and July 21, 1948, the Commission granted and permitted to become effective said joint application-declaration which relates, among other things, to the sale by Bellows of its utility assets to New England Power Company, another subsidiary of NEES.

In said order of July 13, 1948, the Commission authorized NEES and Bellows to allocate consolidated Federal income taxes for the taxable year 1948, in the first instance, so that NEES would receive the full tax credit for the loss claimed to be sustained in connection with said sale and reserved jurisdiction with respect to "(a) the disposition of the proposed reserve account of 'NEES to be entitled 'Reserve Re Tax Allocation', (b) the disposition of the tax credit for the loss claimed to be sustained in connection with the sale by Bellows of its utility assets and to be included in the 1948 consolidated Federal income tax return of NEES and the participating companies, and (c) the disposition of the investment account of NEES in Bellows or any amount recorded therein".

Amendment No. 7 to said joint application-declaration states that final determination of the tax credit for the loss sustained in connection with said sale by Bellows has now been agreed upon with the United States Internal Revenue Service. NEES requests that this Commission (a) release jurisdiction with respect to the above-mentioned matters, (b) grant authority to allocate consolidated Federal income taxes for the taxable year 1948 in a manner other than permitted by Rule U-45 (b) (6), and (c) approve the accounting entries with respect to the disposition of NEES' investment in Bellows as set forth in Amendment No. 7. Bellows proposes that when said accounting entries have been effected, it will take the necessary steps to effect its dissolution.

NEES and Bellows request that the order of this Commission become effective upon issuance.

Notice of the filing of said Amendment No. 7 to said joint application-declaration having been duly given in the manner prescribed by Rule U-23 and no hearing having been ordered by or requested of the Commission, and the Commission finding that the applicable provisions of the Act and the rules thereunder are satisfied and that said joint application-declaration, as further amended by said Amendment No. 7, should be granted and permitted to become effective forthwith and that the jurisdiction heretofore reserved with respect to such matters should be released:

It is ordered, Pursuant to the applicable provisions of the Act and the Rules and Regulations thereunder, that said joint application-declaration, as further amended by Amendment No. 7, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved with respect to the aforesaid accounting matters be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-10087; Filed, Dec. 15, 1955; 8:47 a. m.]

[File No. 30-236]

WESTERN KENTUCKY GAS CO.

ORDER DECLARING THAT APPLICANT HAS CEASED TO BE A HOLDING COMPANY

DECEMBER 12, 1955.

On March 7, 1955, this Commission, by order, permitted a declaration to become effective under the Public Utility Holding Company Act of 1935 ("act") regarding a proposed merger into Western Kentucky Gas Company ("Western Kentucky"), a registered holding company and a public utility company, of Shelbyville Gas Company ("Shelbyville"), a public utility subsidiary of Western Kentucky (Holding Company Act Release No. 12813). Thereafter Western Kentucky filed a Certificate of Notification pursuant to Rule U-24 notifying this Commission that the liquidation and dissolution of Shelbyville had been consummated.

Western Kentucky has now filed an application, pursuant to section 5 (d) of the act, seeking an order declaring that Western Kentucky is no longer a holding company.

Notice of the filing of said application having been duly given by this Commission, the Commission not having received a request for a hearing and not having ordered a hearing thereon, and it appearing to the Commission that the only remaining subsidiary of Western Kentucky, Kengas, Inc., is not a gas utility company within the meaning of the act since it distributes only liquefied petroleum gas in containers to its customers, and that, accordingly, Western Kentucky no longer, either directly or indirectly, owns, controls, or holds with power to vote any stock of any public utility or holding company and that it is appropriate to enter an order pursuant to section 5 (d) of the act declaring that Western Kentucky has ceased to be a holding company, the Commission observing no circumstance requiring the imposition of terms and conditions for the protection of investors in connection with the termination of the effectiveness of Western Kentucky's registration as a holding company.

It is ordered and declared, That Western Kentucky has ceased to be a holding company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-10088; Filed, Dec. 15, 1955; 8:47 a. m.]

[File No. 70-3431]

NEW ORLEANS PUBLIC SERVICE INC.

NOTICE OF FILING REGARDING ISSUE AND SALE OF PREFERRED STOCK AT COMPETITIVE BIDDING

DECEMBER 12, 1955.

Notice is hereby given that New Orleans Public Service Inc. ("New Orleans"), a public utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), and has designated section 6 (a), the third sentence of section 6 (b), and section 7 of said act, and Rule U-50 promulgated thereunder, as applicable to the proposed transactions, which are summarized as follows:

New Orleans, a Louisiana corporation, proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 60,000 shares of -- percent Preferred Stock (Cumulative, $100 Par Value). The dividend rate for such preferred stock (which shall be a multiple of 1/25th of 1 percent, and the price, exclusive of accumulated dividends, per share to be paid to New Orleans, which price shall be not less than $100 and not more than $102.75, will be fixed by the competitive bidding. New Orleans also proposes to amend its Consolidation Agreement to authorize such Preferred Stock and to establish the characteristics thereof.

The application-declaration states that the net proceeds to be received by New Orleans from the sale of the Preferred Stock will be applied toward the cost of constructing additions and betterments to its properties. It is further stated that New Orleans' construction program for the last two months of 1955 and the year 1956 is estimated to result in expenditures of approximately $21,014,000.

The application-declaration further states that the issue and sale of such preferred stock has been expressly authorized by the Council of the City of New Orleans, a State commission, as defined in the act, of the State in which New Orleans is organized and doing business.

Notice is further given that any interested person may, not later than December 29, 1955 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-10089; Filed, Dec. 15, 1955; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 77]

OREGON

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about November 11 through November 14, 1955, because of the disastrous effects of unseasonable freeze damage resulted to plant and shrub growers located in certain areas in the State of Oregon; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from plant and shrub growers whose property situated in the following Counties (including any areas adjacent to the Counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Clatsop, Polk, Columbia, Tillamook, Washington, Multnomah, Yamhill, Clackamas, Lincoln, Marion, Benton, Linn, Lane, Douglas, Coos, Curry, Josephine, Jackson.

Small Business Administration Regional Office, Burke Building, 905 Second Avenue, Seattle, Washington.

Small Business Administration Branch Office, Old U. S. Courthouse, 520 S. W. Morrison Street, Portland 4, Oregon.

2. A special field office to receive such applications will not be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to June 30, 1956.

Dated: December 8, 1955.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 55-10078; Filed, Dec. 15, 1955; 8:46 a. m.]

[Declaration of Disaster Area 78]

WASHINGTON

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about November 11 through November 14, 1955, because of the disastrous effects of unseasonable freeze damage resulted to plant and shrub growers located in certain areas in the State of Washington; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of Section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from plant and shrub growers whose property situated in the following Counties (including any areas adjacent to the Counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Whatcom, Skagit, Snohomish, King, Pierce, Lewis, Thurston, Skamania, Cowlitz, Clark, Wahkiakum, Pacific, Grays Harbor, Mason, Jefferson, Clallam, Kitsap, Island, San Juan, Klickitat.

Small Business Administration Regional Office, Burke Building, 905 Second Avenue, Seattle, Washington.

Small Business Administration Branch Office, Old U. S. Courthouse, 520 S. W. Morrison Street, Portland 4, Oregon.

2. A special field office to receive such applications will not be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1956.

Dated: December 8, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-10079; Filed, Dec. 15, 1955; 8:46 a. m.]

UNIVERSITY
OF MICHIGAN
DEC 22 1955
MAIN
READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 20 NUMBER 245

Washington, Saturday, December 17, 1955

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; HAWAII

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

HAWAII	*Average value*
County:	
Hawaii	$22,000
Honolulu	22,000
Kauai	22,000
Maui	22,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: December 13, 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55-10113; Filed, Dec. 16, 1955; 8:45 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; VERMONT

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

VERMONT	*Average value*
County:	
Addison	$18,000
Bennington	20,000
Caledonia	15,000
Chittenden	20,000
Essex	15,000
Franklin	16,000
Grand Isle	15,000
Lamoille	15,000
Orange	15,000
Orleans	16,000
Rutland	18,000
Washington	18,000
Windham	20,000
Windsor	20,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

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PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; ALASKA, ARIZONA, FLORIDA, NORTH DAKOTA, VIRGINIA, AND WASHINGTON

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore establishd for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

ALASKA	*Average value*
County:	
Anchorage	$35,000
Fairbanks	35,000
Homer	35,000
Palmer	35,000

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FEDERAL REGISTER

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ARIZONA	Average value
Apache	$40,000
Cochise	35,000
Coconino	40,000
Gila	40,000
Graham	35,000
Greenlee	35,000
Maricopa	35,000
Mohave	35,000
Navajo	40,000
Pima	35,000
Pinal	35,000
Santa Cruz	40,000
Yavapai	40,000

FLORIDA	Average value
Alachua	$17,500
Baker	15,000
Bradford	15,000
Brevard	15,000
Broward	17,500
Charlotte	17,500
Citrus	15,000
Collier	17,500
Columbia	15,000
Dade	17,500
De Soto	15,000
Dixie	15,000
Escambia	17,500
Flagler	15,000
Gilchrist	15,000
Glades	17,500
Hamilton	15,000
Hardee	15,000
Hendry	17,500
Hernando	15,000
Highlands	15,000
Indian River	17,500
Jefferson	15,000
Lafayette	15,000
Lake	15,000
Lee	17,500
Leon	15,000
Levy	15,000
Madison	15,000
Marion	17,500
Martin	17,500
Nassau	15,000
Okeechobee	17,500
Orange	15,000
Osceola	15,000
Palm Beach	17,500
Pasco	15,000
Pinellas	15,000
Polk	17,500

FLORIDA—Continued	Average value
Putnam	$15,000
St. Lucie	17,500
Santa Rosa	17,500
Seminole	15,000
Sumter	15,000
Suwannee	15,000
Taylor	12,000
Union	15,000
Volusia	15,000
Wakulla	12,000

NORTH DAKOTA	Average value
Adams	$25,000
Barnes	25,000
Benson	28,000
Billings	25,000
Bottineau	27,000
Bowman	25,000
Burke	25,000
Burleigh	25,000
Cass	30,000
Cavalier	30,000
Dickey	25,000
Divide	25,000
Dunn	25,000
Eddy	25,000
Emmons	25,000
Foster	25,000
Golden Valley	25,000
Grand Forks	30,000
Grant	25,000
Griggs	25,000
Hettinger	25,000
Kidder	25,000
La Moure	25,000
Logan	25,000
McHenry	25,500
McIntosh	25,000
McKenzie	25,000
McLean	25,000
Mercer	25,000
Morton	25,000
Mountrail	25,000
Nelson	28,000
Oliver	25,000
Pembina	30,000
Pierce	25,000
Ramsey	30,000
Ransom	25,000
Renville	25,000
Richland	30,000
Rolette	30,000
Sargent	25,000
Sheridan	25,000
Sioux	25,000
Slope	25,000
Stark	25,000
Steele	25,000
Stutsman	25,000
Towner	30,000
Traill	30,000
Walsh	30,000
Ward	25,000
Wells	25,000
Williams	25,000

VIRGINIA	Average value
Accomac	$18,000
Charles City	18,000
Highland	20,000

VIRGINIA	Average value
Northampton	$20,000
Warwick	18,000
York	18,000

WASHINGTON	Average value
Adams	$35,000
Asotin	35,000
Benton	35,000
Chelan	35,000
Clallam	30,000
Clark	30,000
Columbia	35,000
Cowlitz	30,000
Douglas	35,000
Ferry	35,000
Franklin	35,000
Garfield	35,000
Grant	35,000

WASHINGTON—Continued	Average value
Grays Harbor	$30,000
Island	30,000
Jefferson	30,000
King	30,000
Kitsap	30,000
Kittitas	35,000
Klickitat	35,000
Lewis	30,000
Lincoln	35,000
Mason	30,000
Okanogan	35,000
Pacific	30,000
Pend Oreille	35,000
Pierce	30,000
San Juan	30,000
Skagit	30,000
Skamania	30,000
Snohomish	30,000
Spokane	35,000
Stevens	35,000
Thurston	30,000
Wahkiakum	30,000
Walla Walla	35,000
Whatcom	30,000
Whitman	35,000
Yakima	35,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

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[SEAL] R. B. MCLEAISH,
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Farmers Home Administration.

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TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART — REGULATIONS PERTAINING TO WHEAT MARKETING QUOTAS FOR THE 1956 CROP OF WHEAT

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AUTHORITY: §§ 728.650 to 728.699 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 331–339, 362–368, 372–376, 52 Stat. 38, as amended; 55 Stat. 203, as amended; 7 U. S. C. 1301, 1331–1340, 1362–1368, 1372–1376.

GENERAL

§ 728.650 *Basis and purpose.* The regulations contained in §§ 728.650 to 728.699, inclusive, are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and certificates; the identification of marketings of wheat as subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpay-

ments; the postponement or avoidance of penalty on excess wheat by storage, by delivery to the Secretary of Agriculture, or, in a subsequent year, by underplanting the allotment or producing a less than normal crop; the records and reports required to be made by wheat producers and handlers; and special provisions and exemptions applicable to farms on which 15 acres or less of wheat are planted, to farms on which the normal production of the wheat acreage is less than 200 bushels, to wheat produced by publicly-owned experiment stations, and to wheat grown on Federal and State Wildlife Refuge Farms. Prior to preparing §§ 728.650 to 728.699 inclusive, public notice (20 F. R. 5974) of the Secretary's intention to formulate and issue the regulations was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

§ 728.651 *Definitions.* As used in this subpart and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) "Department" means the United States Department of Agriculture.

(b) "Act" means the Agricultural Adjustment Act of 1938 and any amendments or supplements thereto.

(c) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department acting in his stead pursuant to delegated authority.

(d) "Director" means the Director of the Grain Division, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Committee" means according to context, one of the several committees defined as follows:

(1) "State committee" means the persons designated by the Secretary as the State Agricultural Stabilization and Conservation Committee of the Commodity Stabilization Service.

(2) "County committee" means the persons elected within a county as the county committee, pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(3) "Community committee" means the persons elected within a community as a community committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(4) "Review committee" means the committee appointed by the Secretary of Agriculture to review farm marketing quotas as provided in section 363 of the act.

(f) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(g) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(h) "Landlord" or "owner" means a person who owns land.

(i) "Tenant" means a person other than a sharecropper who rents land from another person, whether or not he rents such land or part thereof to another person.

(j) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Producer" or "farmer" means a person who as owner, landlord, tenant, or sharecropper is entitled to all or a share of the 1956 wheat crop or of the proceeds thereof.

(m) "Buyer" means a person who buys wheat.

(n) "Transferee" means a person who acquires wheat from a producer or any other person by barter, exchange or gift.

(o) "Intermediate buyer" means any buyer or transferee who purchases or acquires any wheat prior to the time the wheat so purchased or acquired has been marketed either (1) to a warehouseman, elevator operator, feeder, or processor, or (2) to any other grain dealer who conducts his business in a manner substantially the same as a warehouseman or elevator operator.

(p) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee determines is operated by the same person as a part of the same unit in producing range livestock, or with respect to the rotation of crops and with workstock, farm machinery, and labor, substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area in which the major portion of the farm is located.

(q) "Farm acreage allotment" means the wheat acreage allotment established for the farm under §§ 728.610 through 728.624 as published in the FEDERAL REGISTER under date of March 18, 1955 (20 F. R. 1632), and amendments thereto, including any limitations with respect to any class of wheat established for the farm for 1956.

(r) "Wheat cover crop" means the acreage of wheat which does not reach maturity because it is while still green, turned under, cut off or pastured off, to the extent that wheat will not mature as grain, not later than 30 days prior to the date wheat harvest normally begins in the county or areas within the county (such date to be established by the Secretary upon recommendation of the county and State committees).

The dates in each county or areas of a county by which the acreage of wheat on the farm must be utilized in the prescribed manner as wheat cover crop are as follows:

ARKANSAS

May 20, 1956: All counties.

CALIFORNIA

May 1, 1956: Imperial.

May 15, 1956: Fresno, Kern (except for Tehachapi and Temblor Districts), Kings, Madera, Merced, Tulare.

June 1, 1956: Kern (Tehachapi and Temblor Districts), Los Angeles, Mariposa, Nevada, Orange, Placer, Riverside, San Bernardino, San Diego, San Joaquin, Stanislaus, Ventura.

June 15, 1956: Alameda, Amador, Calaveras, El Dorado, Contra Costa, Lake, Marin, Monterey, Napa, San Benito, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Sonoma, Butte, Colusa, Glenn, Sacramento, Solano, Sutter, Tehama, Yola, Yuba, Santa Barbara, Shasta (for Cottonwood and Anderson Districts), Tuolumne.

July 1, 1956: Alpine, Inyo, Mono.

July 15, 1956: Siskiyou (for Shasta Valley), Mendocino.

August 1, 1956: Lassen, Modoc, Plumas, Siskiyou (except for Shasta Valley), Trinity, Shasta (except for Cottonwood and Anderson Districts), Sierra.

COLORADO

June 5, 1956: Baca, Bent, Cheyenne, Crowley, Kiowa, Kit Carson, Lincoln, Otero, Prowers, Elbert (all land E. Range 63W).

June 10, 1956: Adams, Arapahoe, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, Yuma.

June 15, 1956: Boulder, Douglas, El Paso, Huerfano, Jefferson, Larimer, Las Animas, Pueblo, Elbert (all land W. Range 62W).

June 20, 1956: Custer, Delta, Dolores, Fremont, La Plata, Mesa, Montezuma, Montrose, Ouray, San Miguel.

July 15, 1956: Alamosa, Archuleta, Chaffee, Conejos, Costilla, Eagle, Garfield, Grand, Gunnison, Jackson, Moffat, Park, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, Teller.

DELAWARE

May 31, 1956: All counties.

GEORGIA

April 25, 1956: Area I—Quitman, Randolph, Terrell, Lee, Crisp, Wilcox, Dodge, Wheeler, Montgomery, Toombs, Candler, Bulloch, Screven and all counties south thereof.

May 10, 1956: Area II—Haralson, Paulding, Cobb, Fulton, Gwinnett, Barrow, Jackson, Madison, Franklin and all counties south to Area I.

May 25, 1956: Area III—Polk, Bartow, Cherokee, Forsyth, Hall, Banks, Stephens, and all countries north thereof.

IDAHO

NONIRRIGATED

July 1, 1956: Ada, Canyon, Gem, Owyhee, Payette, Cassia, Lincoln, Minidoka, Twin Falls, Washington.

July 15, 1956: Gooding, Jerome, Bannock, Bingham, Caribou, Franklin, Oneida, Power, Bonneville, Jefferson, Blaine.

August 1, 1956: Adams, Boise, Elmore, Camas, Bear Lake, Butte, Custer, Clark, Fremont, Lemhi, Madison, Teton.

August 15, 1956: Valley.

IRRIGATED

July 1, 1956: Ada, Canyon, Elmore, Gem, Owyhee, Payette, Washington, Twin Falls.

July 15, 1956: Cassia, Gooding, Jerome, Lincoln, Minidoka, Bannock, Franklin, Oneida, Power.

August 1, 1956: Adams, Boise, Blaine, Camas, Bingham, Caribou, Bonneville, Clark, Jefferson.

August 15, 1956: Valley, Bear Lake, Butte, Custer, Fremont, Lemhi, Madison, Teton.

ELEVATION UNDER 3,500 FEET

July 15, 1956: Boundary, Kootenai, Nez Perce.

August 1, 1956: Benewah, Bonner, Clearwater, Idaho, Latah, Lewis.

ELEVATION OVER 3,500 FEET

August 1, 1956: Boundary, Nez Perce.

August 15, 1956: Benewah, Bonner, Clearwater, Idaho, Kootenai, Latah, Lewis.

ILLINOIS

May 25, 1956: Alexander, Bond, Calhoun, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Green, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, Williamson.

June 10, 1956: Adams, Boone, Brown, Bureau, Carroll, Cass, Champaign, Cook, DeKalb, DeWitt, DuPage, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iriquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermillion, Warren, Whiteside, Will, Winnebago, Woodford.

INDIANA

June 15, 1956: Allen, De Kalb, Elkhart, Fulton, Jasper, Kosciusko, La Grange, Lake, La Porte, Marshall, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Whitley.

June 1, 1956: All other counties.

IOWA

WINTER WHEAT

June 1, 1956: All counties.

SPRING WHEAT

June 10, 1956: All counties.

KANSAS

May 25, 1956: Allen, Barber, Bourbon, Butler, Chautauqua, Cherokee, Comanche, Cowley, Crawford, Elk, Greenwood, Harper, Harvey, Kingman, Labette, Montgomery, Neosho, Pratt, Reno, Sedgwick, Sumner, Wilson, Woodson.

June 1, 1956: Anderson, Atchison, Barton, Brown, Chase, Clark, Cloud, Clay, Coffey, Dickinson, Doniphan, Douglas, Edwards, Ellsworth, Ford, Franklin, Geary, Grant, Gray, Haskell, Hodgeman, Jackson, Jefferson, Johnson, Kiowa, Leavenworth, Lincoln, Linn, Lyon, McPherson, Marion, Marshall, Meade, Miami, Morris, Morton, Nemaha, Osage, Ottawa, Pawnee, Pottawatomie, Republic, Rice, Riley, Rush, Saline, Seward, Shawnee, Stafford, Stanton, Stevens, Wabaunsee, Washington, Wyandotte.

June 5, 1956: Decatur, Ellis, Finney, Gove, Graham, Greeley, Hamilton, Jewell, Kearny, Lane, Logan, Mitchell, Ness, Norton, Osborne, Phillips, Rooks, Russell, Scott, Sheridan, Smith, Trego, Wallace, Wichita.

June 10, 1956: Cheyenne, Rawlins, Sherman, Thomas.

KENTUCKY

June 1, 1956: All counties.

MARYLAND

June 1, 1956: Anne Arundel, Calvert, Charles, Caroline, Cecil, Dorchester, Kent, Prince Georges, St. Marys, Somerset, Queen Annes, Talbot, Wicomico, Worcester.

June 10, 1956: Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, Washington.

June 20, 1956: Allegany and Garrett.

MICHIGAN

June 10, 1956: All counties south of and including: Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, Huron.

June 15, 1956: All other counties in the lower Peninsula.

June 25, 1956: Upper Peninsula counties.

MINNESOTA

June 30, 1956: All counties.

MISSOURI

June 1, 1956: All counties south of the Missouri River.

June 10, 1956: All counties north of the Missouri River.

MONTANA

WINTER WHEAT

July 11, 1956: All counties.

SPRING WHEAT

July 21, 1956: All counties.

NEBRASKA

June 1, 1956: Adams, Burt, Butler, Cass, Clay, Colfax, Cuming, Dodge, Douglas, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Jefferson, Johnson, Kearney, Lancaster, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Thayer, Thurston, Washington, Webster, York.

June 15, 1956: Antelope, Arthur, Blaine, Boone, Boyd, Brown, Buffalo, Cedar, Chase, Cherry, Custer, Dakota, Dawson, Dixon, Dundy, Garfield, Grant, Greeley, Hayes, Hitchcock, Holt, Hooker, Howard, Keith, Keya Paha, Knox, Lincoln, Logan, Loup, McPherson, Madison, Merrick, Nance, Perkins, Pierce, Platte, Polk, Rock, Sherman, Stanton, Thomas, Valley, Wayne, Wheeler.

June 20, 1956: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux.

NEW JERSEY

June 1, 1956: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, Salem.

June 8, 1956: Mercer, Middlesex, Monmouth, Somerset, Union.

June 15, 1956: Bergen, Essex, Hunterdon, Morris, Passaic, Sussex, Warren.

NEW MEXICO

May 15, 1956: Chaves, Eddy, Hidalgo, Otero, Dona Ana, Grant, Luna, Lea, Sierra.

June 1, 1956: Bernalillo, Curry, De Baca, Guadalupe, Lincoln, Quay, Roosevelt, Santa Fe, Socorro, Torrance, Valencia (Area east of Rio Puerco).

June 15, 1956: Colfax, Catron, Sandoval, Harding, Mora, McKinley, Rio Arriba, San Juan, San Miguel, Taos, Union, Valencia (Area west of Rio Puerco).

NEW YORK

June 5, 1956: Nassau, Suffolk.

June 15, 1956: All other counties.

NORTH CAROLINA

May 31, 1956: All counties.

NORTH DAKOTA

July 1, 1956: Adams, Barnes, Billings, Bowman, Burleigh, Cass, Dickey, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, La Moure, Logan, McIntosh, Mercer, Morton, Oliver, Ransom, Richland, Sargent, Sioux, Slope, Stark, Stutsman.

July 10, 1956: Benson, Bottineau, Burke, Cavalier, Divide, Eddy, Foster, Grand Forks, Griggs, McHenry, McKenzie, McLean, Mountrail, Nelson, Pembina, Pierce, Ramsey, Renville, Rolette, Sheridan, Steele, Towner, Traill, Walsh, Ward, Wells, Williams.

OHIO

June 11, 1956: All counties.

OKLAHOMA

May 1, 1956: Beckham, Caddo, Comanche, Cotton, Grady, Greer, Harmon, Jackson, Jefferson, Kiowa, Stephens, Tillman, Washita.

May 25, 1956: Beaver, Cimarron, Ellis, Harper, Texas, Woods and Woodward.

May 15, 1956: All other counties.

OREGON

WINTER WHEAT

June 15, 1956: Benton, Clackamas, Columbia, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Washington, Yamhill.

July 1, 1956: Douglas, Gilliam under 2,000 feet elevation, Morrow under 2,000 feet elevation, Sherman under 2,000 feet elevation, Umatilla under 2,000 feet elevation, Wasco, Malheur under 3,000 feet elevation.

July 15, 1956: Baker, Grant under 2,000 feet elevation, Harney, Malheur over 3,000 feet elevation, Union.

July 20, 1956: Jefferson (non-irrigated), Wallowa.

July 25, 1956: Gilliam over 2,000 feet elevation, Morrow over 2,000 feet elevation, Sherman over 2,000 feet elevation.

August 1, 1956: Crook, Deschutes, Jefferson (irrigated), Klamath (non-irrigated), Lake, Umatilla over 2,000 feet elevation, Wheeler.

August 15, 1956: Grant over 2,000 feet elevation, Klamath (irrigated).

SPRING WHEAT

August 1, 1956: Baker, Wasco.

August 10, 1956: Union.

August 20, 1956: Wallowa.

PENNSYLVANIA

June 1, 1956: Adams, Bedford, Berks, Bucks, Chester, Cumberland, Dauphin, Delaware, Franklin, Greene, Huntingdon, Juniata, Lancaster, Lebanon, Lehigh, Mifflin, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, Washington, York.

June 13, 1956: Allegheny, Armstrong, Beaver, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Fayette, Forest, Fulton, Indiana, Jefferson, Lackawanna, Lawrence, Luzerne, Lycoming, McKean, Mercer, Monroe, Montour, Northumberland, Pike, Potter, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Wayne, Westmoreland, Wyoming.

SOUTH CAROLINA

May 14, 1956: All counties.

SOUTH DAKOTA

June 15, 1956: Aurora, Bennett, Bon Homme, Brule, Charles Mix, Clay, Custer, Davison, Douglas, Fall River, Gregory, Hanson, Hutchinson, Jackson, Jones, Lincoln, Lyman, McCook, Mellette, Minnehaha, Pennington, Shannon, Todd, Tripp, Turner, Union, Washabaugh, Yankton.

July 2, 1956: Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Codington, Corson, Day, Deuel, Dewey, Edmunds, Faulk, Grant, Haakon, Hamlin, Hand, Harding, Hughes, Hyde, Jerauld, Kingsbury, Lake, Lawrence, McPherson, Marshall, Meade, Miner, Moody, Perkins, Potter, Roberts, Sanborn, Spink, Stanley, Sully, Walworth, Ziebach.

TENNESSEE

May 31, 1956: All counties.

TEXAS

April 1, 1956: Brazoria, Calhoun, Chambers, Fort Bend, Galveston, Harris, Jackson, Jefferson, Liberty, Matagorda, Victoria, Wharton.

May 1, 1956: Austin, Bee, Callahan, Coke, Coleman, Collins, Colorado, Comanche, Concho, Cooke, Dallas, Denton, De Witt, Eastland, Erath, Grayson, Fayette, Fisher, Irion, Jones, Karnes, Lavaca, Lee, Live Oak, Menard, Nolan, Palo Pinto, Presidio, Runnels, Shackelford, Stephens, Taylor, Tom Green, Sterling, Waller, Washington, Wilson.

May 10, 1956: Fannin, Lamar, Delta, Hunt, Rockwall, Kaufman, Parker, Tarrant, Hood, Johnson, Somervell, Ellis, Hill, Navarro, Bowie, Camp, Cass, Franklin, Gregg, Harrison, Henderson, Hopkins, Marion, Morris, Panola, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt, Wood, Bastrop, Bell Bosque, Brazos, Burleson, Burnet, Caldwell, Coryell, Falls, Gonzales, Guadalupe, Hamilton, Hays, Lampasas, Limestone, Milam, McLennan, Robertson, Travis, Williamson, Anderson, Angelina, Cherokee, Freestone, Grimes, Houston, Jasper, Leon, Madison, Montgomery, Nacogdoches, Newton, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker.

May 15, 1956: Archer, Armstrong, Atascosa, Bailey, Bandera, Baylor, Bexar, Blanco, Borden, Briscoe, Brown, Carson, Castro, Childress, Clay, Cochran, Collingsworth, Comal, Cottle, Crosby, Culberson, Dawson, Deaf Smith, Dickens, Donely, Edwards, Floyd, Foard, Gaines, Garza, Gillespie, Glasscock, Gray, Hale, Hall, Hardeman, Haskell, Hemphill, Hockley, Howard, Jack, Kendall, Kent, Kerr, Kimble, King, Knox, Lamb, Llano, Lubbock, Lynn, McCulloch, Mason, Martin, Maverick, Medina, Midland, Mills, Mitchell, Montague, Motley, Oldham, Parmer, Pecos, Potter, Randall, Reeves, Roberts, San Saba, Schleicher, Scurry, Stonewall, Swisher, Terry, Throckmorton, Uvalde, Wheeler, Wichita, Wilbarger, Wise, Yoakum, Yound, Zavala.

May 20, 1956: Dallam, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, and Sherman.

UTAH

June 25, 1956: Box Elder, Cache, Davis, Grand, Juab, Kane, Millard, Salt Lake, San Juan, Sevier, Tooele, Utah, Washington, Weber.

July 5, 1956: Beaver, Carbon, Duchesne, Emery, Iron, Piute, Sanpete, Uintah.

July 20, 1956: Daggett, Garfield, Morgan, Rich, Summit, Wasatch, Wayne.

VIRGINIA

June 1, 1956: Accomack, Albermarle, Amelia, Amherst, Appomattox, Bedford, Brunswick, Buckingham, Campbell, Caroline, Charles City, Charlotte, Chesterfield, Culpeper, Cumberland, Dinwiddie, Essex, Fairfax, Fauquier, Fluvanna, Franklin, Gloucester, Goochland, Greene, Greensville, Halifax, Hampton, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Princess Anne, Rappahannock, Richmond, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warwick, Westmoreland, York.

June 15, 1956: Alleghany, Augusta, Bath, Bland, Botetourt, Buchanan, Carroll, Clarke, Craig, Dickenson, Floyd, Frederick, Giles, Grayson, Highland, Lee, Montgomery, Page, Patrick, Pulaski, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, Wythe.

WASHINGTON

COUNTY, AREA AND TYPE OF WHEAT, AND DATES

Adams: Winter Wheat, June 30, 1956; Spring Wheat, July 20, 1956.

Asotin: All wheat: 1 and 4, July 30, 1956; 2, July 1, 1956; 3, July 20, 1956; 5, July 15, 1956.

Benton: Winter Wheat, June 25, 1956; Spring Wheat (irrigated), July 15, 1956.

Chelan: Area A—Winter Wheat, August 25, 1956; Spring Wheat, September 1, 1956. Area B—Winter Wheat, July 25, 1956; Spring Wheat, August 10, 1956.

Clallam: All wheat, July 15, 1956.

Clark: All wheat, July 20, 1956.

Columbia: McKay and Harmony communities—Winter Wheat, June 25, 1956; Spring Wheat, July 10, 1956. Huntsville, Columbia, Dayton, Whitstone and Turner communities—Winter Wheat, July 5, 1956; Spring Wheat, July 20, 1956. Dittemore and Star communities—Winter Wheat, July 10, 1956; Spring Wheat, July 30, 1956.

Cowlitz: All wheat, July 20, 1956.

Douglas: Winter Wheat, July 15, 1956; Spring Wheat, August 10, 1956.

Ferry: Winter Wheat, August 15, 1956; Spring Wheat, August 30, 1956.

Franklin: All wheat, June 25, 1956.

Garfield: Central Ferry area, June 15, 1956. Dodge, Ping, Gould City area, June 25, 1956. Mayview, Pataha Flat, Zumwalt, Dutch Flat and Lower Alpowa areas, July 10, 1956. Upper Alpowa, Peola, Columbia Center and Scoggin area, July 25, 1956.

Grant: All areas except sub-irrigated section of Wilson Creek community, June 30, 1956. Wilson Creek sub-irrigated section, August 10, 1956.

Grays Harbor: All wheat, July 15, 1956.

Island: All wheat, July 15, 1956.

Jefferson: All wheat, July 15, 1956.

King: All wheat, July 15, 1956.

Kitsap: All wheat, July 15, 1956.

Kittitas: All wheat, August 10, 1956.

Klickitat: East of Rock Creek and the Goodnoe Hills Area—Winter Wheat, June 30, 1956; Spring Wheat, July 10, 1956. West of Rock Creek and West of Goodnoe Hills Area—Winter Wheat, July 10, 1956; Spring Wheat, July 30, 1956.

Lewis: All wheat, July 20, 1956.

Lincoln: North of Highway No. 2 and Davenport-Harrington-Tokio Road East, July 25, 1956. South of Highway No. 2, July 15, 1956.

Mason: All wheat, July 1, 1956.

Okanogan: A, B, H, M, communities—Winter Wheat, July 10, 1956; Spring Wheat, July 30, 1956. C, D, E, F, G, I, J, K, L, N, O, communities—Winter Wheat, August 1, 1956; Spring Wheat, August 20, 1956.

Pacific: All wheat, July 15, 1956.

Pend Oreille: All wheat, August 15, 1956.

Pierce: All wheat, August 1, 1956.

San Juan: All wheat, August 15, 1956.

Skagit: All wheat, July 15, 1956.

Skamania: All wheat, July 15, 1956.

Spokane: Area due west on north boundary of township 24 to where it intercedes the east boundary of range 42 and then due south to county line, August 5, 1956. All the remainder of the county, July 20, 1956.

Stevens: Winter Wheat, July 15, 1956; Spring Wheat, August 15, 1956.

Thurston: All wheat, July 15, 1956.

Wahkiakum: All wheat, July 31, 1956.

Walla Walla: Dryland areas below elevation of Airport, July 1, 1956. All other dryland areas and irrigated section, August 1, 1956.

Whatcom: All wheat, July 15, 1956.

Whitman: Eastern Whitman, July 25, 1956; Western Whitman, July 10, 1956.

Yakima: Lower Valley and Glade, June 30, 1956; Central Area, August 10, 1956; Upper Valley, August 31, 1956.

WEST VIRGINIA

June 5, 1956: All counties.

WISCONSIN

June 20, 1956: Adams, Columbia, Crawford, Dane, Dodge, Dunn, Eau Claire, Fond du Lac, Grant, Green, Greenlake, Iowa, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Marquette, Milwaukee, Monroe, Ozaukee, Pepin, Portage, Racine, Richland, Rock, Sauk, Trempealeau, Vernon, Walworth, Washington, Waukesha, Waushara, Winnebago.

July 5, 1956: Barron, Brown, Buffalo, Burnett, Calumet, Chippewa, Clark, Door, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Oconto, Oneida, Outagamie, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Shawano, Sheboygan, Taylor, Vilas, Washburn, Waupaca, Wood.

July 15, 1956: Ashland, Bayfield, Douglas, Florence, Forest, Iron.

WYOMING

WINTER WHEAT

June 20, 1956: Goshen, Laramie, Platte.

June 25, 1956: Converse.

July 1, 1956: Carbon, Fremont, Hot Springs, Johnson, Natrona, Niobrara, Sheridan, Washakie.

July 15, 1956: Albany, Big Horn, Campbell, Crook, Park, Weston.

August 1, 1956: Lincoln, Sublette, Sweetwater, Teton, Unita.

SPRING WHEAT

July 10, 1956: Converse.

July 15, 1956: Johnson, Niobrara, Sheridan.

August 1, 1956: Crook, Weston.

(s) "Wheat mixture" means a mixture of wheat and other small grains (excluding vetch, Austrian winter peas, rough peas, and flax) containing, when seeded, less than 50 percent by weight of wheat and which when harvested produced less than 50 percent of wheat by weight. An acreage will not be considered as having been devoted to a wheat mixture if the crops other than wheat fail to reach maturity and the wheat is permitted to reach maturity.

(t) "Wheat mixture exemption counties" means counties in which the seeding of wheat mixtures is a normal farming practice determined to be as follows: All counties in the States of Arkansas, Georgia, Kentucky, Minnesota, North Carolina, South Carolina, Tennessee, Virginia and Wisconsin; in the State of Idaho the counties of Ada, Bannock, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Elmore, Fremont, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls and Washington; in the State of Oregon the counties of Benton, Clakamas, Douglas, Lane, Linn, Malheur, Marion, Polk, Washington and Yamhill; and in the State of West Virginia, Monroe county.

(u) "Wheat acreage" means any acreage of seeded or self-seeded (volunteer) wheat excluding any acreage (1) of a wheat mixture in wheat-mixture counties, (2) of wheat cover crop, (3) in case of a delayed notice of 1956 acreage of wheat, of unharvested wheat plowed or disced under within 15 days after such notice has been mailed to the operator of the farm, and (4) of unharvested wheat in excess of the allotment which is completely destroyed by some cause beyond the control of the operator prior to 30 days before the date wheat harvest normally begins in the county (as determined under paragraph (r) of this section), or within 15 days after notice of the acreage of wheat is mailed to the operator of the farm, unless the operator or his representative indicates to the county ASC office or to an authorized representative thereof that such destroyed acreage should be classified as

wheat acreage. Notice of 1956 Acreage of Wheat (Form CSS–597), if practicable, should be mailed to the operator of the farm on which the first inspection shows there is an excess acreage of wheat at least 15 days prior to the date established under paragraph (r) of this section for utilizing wheat acreage as wheat cover crop; however, if for any reason the notice is not so mailed it shall be mailed as soon thereafter as possible and upon mailing shall be fully effective and construed as a delayed notice under this paragraph. The acreage of wheat as determined by the first inspection and as stated on Form CSS–597 shall be considered as "wheat acreage" if the farm operator or his representative fails to notify the ASC county office by the date specified on Form CSS–597 of his intention to adjust the wheat acreage to the farm allotment and pay the cost of remeasurement, except where a farm is to be revisited because of an acreage of volunteer wheat as provided in § 728.655 (e) (2). The date specified on the Form CSS–597 for notifying the county office of an intention to adjust shall coincide with the latest date on which the adjustment may be made.

(v) "Excess wheat acreage" means the acreage of wheat determined for the farm which is in excess of the farm acreage allotment, except that there shall be no excess wheat acreage for any farm on which (1) the wheat acreage does not exceed 15 acres, (2) the normal yield times the wheat acreage is less than 200 bushels, (3) the wheat is grown for experimental purposes only by a publicly-owned experiment station, or (4) the wheat is produced on a Federal or State wildlife refuge farm solely for wildlife feed and for seed for the production of wildlife feed on such wildlife refuge farm.

(w) "Normal yield" means the number of bushels of wheat established as the normal yield per acre for the farm under § 728.653.

(x) "Actual yield" means the number of bushels of wheat determined by dividing the number of bushels of wheat produced on the farm in 1956 by the 1956 wheat acreage on the farm.

(y) "Normal production" of any number of acres means the normal yield of wheat for the farm times such number of acres.

(z) "Actual production" of any number of acres means the actual yield of wheat per acre for the farm times such number of acres.

(aa) "Farm marketing quota" means the wheat marketing quota established under the Act for the farm for the 1956 crop.

(bb) "Farm marketing excess" means the amount of wheat determined for any farm under § 728.659 or § 728.662, whichever is applicable.

(cc) "Marketing year" means the period beginning July 1, 1956, and ending June 30, 1957, both dates inclusive.

(dd) "Market" means to dispose of wheat, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift, or by feeding (in any form) to poultry or livestock which, or the products of which, are sold, bartered, or exchanged, or are to be so disposed of.

(1) The term "sale" means any transfer of title to wheat by a producer by any means other than barter, exchange, or gift. The penalty on excess wheat is due regardless of what use is made of the excess wheat.

(2) The terms "barter" and "exchange" mean transfer of title to wheat by a producer in return for wheat or any other commodity, service, or property, in cases where the value of the wheat or such other commodity, service or property is not considered in terms of money, or the transfer of title to wheat by a producer in payment of a fixed rental or other charge for land, or the payment of an amount of wheat in lieu of a cash charge for harvesting or milling wheat (commonly called "toll wheat").

(3) The term "gift" means any transfer of title to wheat accompanied by delivery of the wheat by a producer which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(4) "Marketed," "marketing," and for "market" shall have meaning corresponding to the term "market" in the connection in which they are used.

(ee) "Penalty" means the penalty provided in paragraph (2) of Public Law No. 74, 77th Congress, as amended by section 3 of Public Law No. 117, 83d Congress.

(ff) "Treasurer of the county committee" means the county office manager or the person designated by him to act as treasurer of the ASC county committee.

§ 728.652 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instruction with respect to internal management as are necessary for carrying out the regulations in this part. Such forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 728.653 *Normal yields*—(a) *Farms for which normal yields will be determined.* The county committee will determine a normal yield for each farm for which a farm marketing excess is determined for the 1956 crop, for each farm for which a request is made to the county committee by the operator prior to seeding, and for each farm as required for the purposes of the provisions of § 728.683 (h) and (i). Farm normal yields shall be determined and documented in a manner approved by the State committee and such determinations shall be subject to review and revision by or on behalf of the State committee.

(b) *Yields based on reliable records.* Where reliable records of the actual average yield per acre for all of the ten calendar years immediately preceding the calendar year in which the yield is determined are presented by the farmer or are available to the county committee, the normal yield per acre of wheat for the farm shall be determined to be the average of such yields, adjusted for abnormal weather conditions and trends in yields.

(c) *Appraised yields.* If for any year of such 10-year period records of the actual average yield are not available, or there was no actual yield, the normal yield per acre of wheat for the farm shall be appraised by the county committee, taking into consideration abnormal weather conditions during such 10-year period, the normal yield for the county, and the yields in years for which data were available. Where the normal yield for the county is not considered representative of the normal yield for the farm, the county committee in appraising the normal yield for the farm shall take into consideration in lieu thereof the yields obtained on farms in the same locality which are similar with respect to types of soil, topography, and farming practices associated with the production of wheat.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 728.654 *Identification of farms.* Each farm as operated for the 1956 crop of wheat shall be identified by a farm serial number, assigned by the county committee, which shall not be changed, and all records pertaining to marketing quotas for the 1956 crop of wheat shall be identified by the farm serial number.

§ 728.655 *Measurement of farms.* The county committee shall provide for the measurement of all farms in the county having a 1956 wheat acreage allotment and any other farms in the county on which the committee has reason to believe there is wheat which could be available for harvest in 1956, regardless of its intended use, for the purposes of ascertaining with respect to each of such farms the acreage of wheat and whether such acreage is in excess of the farm wheat acreage allotment for 1956. A farm will be considered as being located in the county in which is located the county ASC office from which the 1956 wheat farm acreage allotment notice was sent to the operator and shall be retained in such status until the next crop year. Measurement shall be made under the general supervision of the county committee in accordance with the following provisions:

(a) *Reporter.* The measurement on the farm shall be made by an employee of the county committee who has been designated as a reporter and determined to be qualified to carry out the duties of a reporter by the county office manager. A reporter may be assisted in measurement of a farm by another reporter, community, county or State committeeman, State committee representative, any employee of the county ASC office when authorized by the county office manager, or by any employee of the Department when authorized by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service. The reporter may request the operator or producer, or his representative, to designate all fields on the farm being utilized for growing wheat and otherwise to assist in measuring the farm. If requested,

the operator or producer, or his representative, shall so designate all fields being utilized for growing wheat and may otherwise assist in measuring the farm. The reporter may utilize any such assistance from the operator or producer, or his representative.

(b) *Assignment.* The county office manager shall have responsibility for assigning in writing the farms in the county to be measured by a reporter. Upon request of any interested producer the reporter shall obtain certification from the county office manager that the reporter is the county office representative appointed to determine the wheat acreage on the farm in which the producer is interested.

(c) *Farm visit.* A reporter shall visit each farm assigned to him for measurement and enter thereon if such entry will facilitate measurement. Upon request he will exhibit to the farm operator, producer, or owner, his assignment to measure the farm.

(d) *Methods of measurement.* Measurement may be made by identification of fields or parts of fields by use of a map, aerial photograph, or by means of a steel or metallic tape or chain, or rod and chain, or by use of a measuring wheel when authorized by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service, or by a combination of one or more of the foregoing methods. Measurement shall also be deemed to include an estimate when made in compliance with the provisions of paragraph (e) (1) of this section. The measurement will be entered by the reporter on the Form CSS–578 and filed in the county ASC office. Computations of acreages shall be made by an employee in the county ASC office from the data so obtained and the use of a planimeter or rotometer in connection therewith is authorized.

(e) *Measurement of wheat acreage.* (1) Upon his first visit to the farm for purposes of measurement the reporter assigned thereto shall (i) estimate the acreage planted to wheat including volunteer wheat and wheat mixtures in wheat-mixture counties where the total acreage of wheat is obviously less than 10 acres and all producers of wheat on the farm or their authorized representatives indicate that they will not apply for price support on 1956 wheat produced on the farm; and (ii) in all other cases measure all acreages on which wheat is growing except fields or parts of fields which are identified by the operator or producer as being fields of volunteer wheat. The acreages of volunteer wheat may be measured, and if not measured shall be estimated.

(2) Farms required to be measured under the provisions of subparagraph (1) (ii) of this paragraph which from such measurement are found to have acreage on which wheat is growing in excess of the 1956 farm wheat acreage allotment shall be revisited by a reporter for the purposes of a second measurement after the period for adjusting excess acreage prior to harvest has expired, except that a revisit shall not be made to any such farm if the farm operator or his representative fails to notify the ASC county office by the date specified on Notice of 1956 Acreage of Wheat (Form CSS–597) of his intention to adjust the excess acreage on the farm, unless such excess acreage is due solely to an acreage of volunteer wheat in which case the farm shall be revisited by a reporter without such notice from the operator or his representative. The cost of any remeasurement under this paragraph shall be borne by the producer, except that no charge for remeasurement shall be made for the second visit to those farms where the first inspection shows an excess acreage due solely to an acreage of volunteer wheat. The cost to the producer shall not exceed the cost of the remeasurement as estimated by the county committee and the producer shall be notified of the cost of the remeasurement. On this visit all acreage devoted to wheat which has not been adjusted prior to harvest so as not to qualify as wheat acreage in accordance with the regulations in this subpart or which does not qualify as a wheat mixture in wheat-mixture exemption counties shall be measured. In making such measurements, measurement data acquired on the first visit may be utilized.

(f) *Prior measurements.* Measurements made prior to the effective date of the regulations in this subpart, and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1956 wheat acreage and the wheat acreage in excess of the 1956 farm wheat acreage allotment.

§ 728.656 *Reports and records of farm measurements.* A record shall be kept in the ASC county office of the measurements made on all farms. There shall be filed with the ASC State office a written report setting forth for each farm for which a farm marketing excess is determined (a) the farm serial number, (b) the name of the operator, (c) the total acreage in cultivation, (d) the farm acreage allotment, and (e) the wheat acreage.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 728.657 *Marketing quotas in effect.* Marketing quotas for the 1956 crop of wheat shall be applicable in the 1956 commercial wheat-producing area which comprises all States in the continental United States except the States of Arizona, Alabama, Connecticut, Florida, Louisiana, Massachusetts, Mississippi, Maine, New Hampshire, Nevada, Rhode Island and Vermont. Wheat marketing quotas shall be applicable to all wheat of the 1956 crop in the commercial wheat-producing area notwithstanding that it may be available for marketing prior to the beginning of the marketing year or subsequent to the end of the marketing year. Notwithstanding the inapplicability of wheat marketing quotas outside the 1956 commercial wheat-producing area, the regulations in this subpart shall be applicable to buyers and transferees outside such area.

§ 728.658 *Farm Marketing quota.* The farm marketing quota for any farm for the 1956 crop of wheat shall be that number of bushels of wheat produced less the amount of the farm marketing excess for the farm.

§ 728.659 *Farm marketing excess.* The farm marketing excess for the 1956 crop of wheat for any farm shall be the normal production of the wheat acreage on the farm in excess of the farm acreage allotment therefor. The farm marketing excess for any crop shall not be larger than the amount by which the actual production of such crop of wheat on the farm exceeds the normal production of the farm wheat acreage allotment if the producer establishes such actual production to the satisfaction of the Secretary.

§ 728.660 *Notice of farm marketing excess.* Written notice of the farm marketing excess for a farm shall be mailed to the operator of each farm for which a farm marketing excess is determined. Notice so given shall constitute notice to each producer having an interest in the 1956 wheat crop produced or to be produced on the farm. A copy of such notice shall also be mailed on the same date to each other wheat producer on the farm. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota, farm marketing excess, or any determination made in connection therewith may be had in accordance with section 363 of the act. A record of each notice containing the date of mailing the notice to the operator of the farm shall be kept among the permanent records in the ASC county office and upon request a copy thereof shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the wheat produced in 1956 on the farm for which the notice is given. Each notice shall contain the information necessary in each case to inform the producer as to the basis for the determination set forth in the notice and the effect thereof and shall be on Form MQ–93—Wheat (1956).

§ 728.661 *Farms for which proper notice of 1956 farm marketing quota and farm marketing excess of wheat was not issued.* Where, for any reason, proper notice of the farm marketing quota and farm marketing excess and of the producer's right to obtain a downward adjustment in the farm marketing excess for his farm on account of actual production, and of his right to store or deliver to the Secretary the farm marketing excess of wheat established for the farm was not issued to the producer in sufficient time to allow him 30 days prior to the time in which he was required to make application for a downward adjustment, or to store or deliver to the Secretary the farm marketing excess, as prescribed by §§ 728.660, 728.662, 728.683 and 728.684, the producer shall be so notified by the county committee on Form MQ–93—Wheat (1956) and the producer may, within 30 days from the date such notice is mailed to him apply to the county committee for a downward adjustment in the amount of the farm marketing excess and may, within 30 days from the date such notice is mailed store or deliver to the Secretary the farm marketing excess as provided in §§ 728.662, 728.683 and 728.684. In the event application for downward adjustment in the farm marketing excess is made by the producer, a revised notice on Form MQ–93—Wheat (1956) with a copy of the determination of the county committee as provided in § 728.662 (b) shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers.

§ 728.662 *Farm marketing excess adjustment*—(a) *Adjustment in the amount of the farm marketing excess.* Any producer having an interest in the wheat produced in 1956 on any farm for which there is a farm marketing excess may (1) within 60 days after the harvesting of wheat is normally substantially completed in the county in which the farm is situated apply to the county office for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of wheat produced in 1956 on the farm, or (2) apply to the county office at any time prior to the institution of court proceedings to collect the penalty for a determination that there was no farm marketing excess for the farm because the actual production on the farm was not in excess of the normal production of the acreage allotment. The date on which the harvesting of wheat is normally substantially completed in the county shall be determined by the State committee with the approval of the Secretary, taking into consideration recommendations which the county committee may make and, unless application for an adjustment in the farm marketing excess is made prior to the expiration of 60 calendar days next succeeding that date, or unless prior to the institution of court proceedings to collect the penalty with respect to the farm it is determined that there was no farm marketing excess for the farm, the farm marketing excess for any farm in the county as determined on the basis of the normal production of the excess wheat acreage for the farm shall be final as to the producers on the farm. The producer must furnish satisfactory proof to the county committee of his actual production. The county office shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made. The established dates on which wheat harvest is normally, substantially completed are as follows:

ARKANSAS

June 25, 1956: All counties.

CALIFORNIA

July 1, 1956: Imperial.

August 15, 1956: Butte, Colusa, Fresno, Glenn, Kern, Kings, Los Angeles, Madera, Merced, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Joaquin, Santa Barbara, Solano, Stanislaus, Sutter, Tehama, Tulare, Ventura, Yola, Yuba.

September 1, 1956: Alameda, Contra Costa, Lake, Marin, Monterey, Napa, San Benito, San Mateo, Santa Clara, Santa Cruz, Sonoma.

September 15, 1956: Alpine, Amador, Calaveras, Del Norte, El Dorado, Humboldt, Inyo, Mariposa, Mendocino, Mono, Nevada, Placer, Tuolumne.

October 1, 1956: Lassen, Modoc, Plumas, San Luis Obispo, Shasta, Sierra, Siskiyou, Trinity.

COLORADO

August 15, 1956: Larimer, Boulder, Jefferson, El Paso, Pueblo, Huerfano, Las Animas, and all counties east thereof.

November 1, 1956: Archuleta, Chaffee, Delta, Dolores, Eagle, Garfield, Grand, Jackson, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Routt, San Miguel, Teller, Alamosa, Conejos, Costilla, Rio Grande, Saguache.

DELAWARE

August 1, 1956: All counties.

GEORGIA

July 1, 1956: Area I—Quitman, Randolph, Terrell, Lee, Crisp, Wilcox, Dodge, Wheeler, Montgomery, Toombs, Candler, Bulloch, Screven, and all counties south thereof.

July 15, 1956: Area II—Haralson, Paulding, Cobb, Fulton, Gwinnett, Barrow, Jackson, Madison, Franklin, and all counties south to Area I.

August 1, 1956: Area III—Polk, Bartow, Cherokee, Forsyth, Hall, Banks, Stephens, and all counties north thereof.

IDAHO

September 1, 1956: Ada, Canyon, Gem, Owyhee, Payette.

September 15, 1956: Washington, Cassia, Gooding, Jerome, Minidoka, Twin Falls.

October 1, 1956: Benewah, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Adams, Boise, Elmore, Blaine, Camas, Lincoln, Bannock, Bingham, Caribou, Franklin, Oneida, Power, Bonneville, Clark, Fremont, Jefferson, Lemhi.

October 15, 1956: Bonner, Valley, Bear Lake, Butte, Custer, Madison, Teton.

ILLINOIS

July 31, 1956: All counties.

INDIANA

July 16, 1956: All counties.

IOWA

August 1, 1956: All counties.

KANSAS

July 30, 1956: All counties.

KENTUCKY

August 1, 1956: All counties.

MARYLAND

August 1, 1956: All counties except Garrett and Allegany.

September 1, 1956: Allegany and Garrett.

MICHIGAN

August 15, 1956: All counties south of and including Mason, Lake, Osceola, Clare, Gladwin and Arenac.

August 31, 1956: All other counties including the upper Peninsula.

MINNESOTA

September 2, 1956: All counties.

MISSOURI

July 30, 1956: All counties.

MONTANA

September 16, 1956: All counties.

NEBRASKA

July 20, 1956: Burt, Butler, Cass, Clay, Colfax, Cuming, Dodge, Douglas, Fillmore, Gage, Jefferson, Johnson, Lancaster, Nemaha, Nuckolls, Otoe, Pawnee, Richardson, Saline, Sarpy, Saunders, Seward, Thayer, Thurston, Washington, Webster, York.

August 1, 1956: All other counties.

NEW JERSEY

July 24, 1956: All counties.

NEW MEXICO

July 15, 1956: Chaves, Curry, Eddy, Hidalgo, Otero, Dona Ana, Grant, Luna, Lea, Sierra, Quay, Roosevelt.

August 1, 1956: Bernalillo, De Baca, Guadalupe, Lincoln, Santa Fe, Socorro, Torrance, Valencia (Area east of Rio Puerco).

August 15, 1956: Colfax, Catron, Sandoval, Harding, Mora, McKinley, Rio Arriba, San Juan, San Miguel, Taos, Union, Valencia (Area west of Rio Puerco).

NEW YORK

August 15, 1956: All counties.

NORTH CAROLINA

July 15, 1956: All counties.

NORTH DAKOTA

October 1, 1956: All counties.

OHIO

July 18, 1956: All counties.

OKLAHOMA

July 1, 1956: For all counties except Beaver, Texas and Cimarron.

July 15, 1956: Beaver, Texas and Cimarron.

OREGON

September 1, 1956: Grant, Malheur, Umatilla.

September 15, 1956: Benton, Clackamas, Columbia, Douglas, Gilliam, Jackson, Josephine, Klamath, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Union, Washington, Yamhill.

September 30, 1956: Wheeler.

October 1, 1956: Crook, Jefferson, Lake, Wasco.

October 15, 1956: Baker.

October 20, 1956: Harney.

November 1, 1956: Wallowa.

November 15, 1956: Deschutes.

PENNSYLVANIA

August 21, 1956: All counties.

SOUTH CAROLINA

July 1, 1956: All counties.

SOUTH DAKOTA

September 1, 1956: Aurora, Bennett, Bon Homme, Brule, Charles Mix, Clay, Custer, Davison, Douglas, Fall River, Gregory, Hanson, Hutchinson, Jackson, Jones, Lincoln, Lyman, McCook, Mellette, Minnehaha, Pennington, Shannon, Todd, Tripp, Turner, Union, Washabaugh, Yankton.

September 15, 1956: Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Codington, Corson, Day, Deuel, Dewey, Edmunds, Faulk, Grant, Haakon, Hamlin, Hand, Harding, Hughes, Hyde, Jerauld, Kingsbury, Lake, Lawrence, McPherson, Marshall, Meade, Miner, Moody, Perkins, Potter, Roberts, Sanborn, Spink, Stanley, Sully, Walworth, Ziebach.

TENNESSEE

July 31, 1956: All counties.

TEXAS

July 15, 1956: All counties.

UTAH

September 15, 1956: All counties.

VIRGINIA

September 1, 1956: Buchanan, Dickenson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, Bland, Botetourt, Carroll, Craig,

Floyd, Giles, Grayson, Montgomery, Patrick, Pulaski, Roanoke, Wythe, Alleghany, Augusta, Bath, Clarke, Frederick, Highland, Page, Rockingham, Shenandoah, Warren, Rockbridge.

July 20, 1956: All other counties.

WASHINGTON

August 15, 1956: Franklin.

August 31, 1956: Garfield, King.

September 1, 1956: Adams, Clark, Columbia, Cowlitz, East Ferry, Klickitat, Lincoln, Thurston, Walla Walla.

September 10, 1956: Grant, Douglas.

September 15, 1956: Asotin, Benton, Chelan, West Ferry, Spokane, Whitman.

September 20, 1956: Jefferson, Lewis, Mason.

September 30, 1956: Grays Harbor, Pierce, Skagit, Snohomish.

October 1, 1956: Okanogan, Pend Oreille, Yakima, Stevens.

October 15, 1956: Clallam, Island, Kittitas, San Juan, Whatcom.

WEST VIRGINIA

August 15, 1956: All counties.

WISCONSIN

September 1, 1956: All counties.

WYOMING

August 15, 1956: Albany, Converse, Goshen, Laramie, Niobrara, Platte.

September 1, 1956: Campbell, Crook, Sheridan, Weston, Johnson.

September 15, 1956: Big Horn, Fremont, Hot Springs, Natrona, Park, Washakie.

October 1, 1956: Carbon, Lincoln, Teton, Uinta, Sublette, Sweetwater.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. The actual production of any farm shall be determined in view of the relevant facts, including past production on the farm; the actual yields during the same year of other farms in the community; the actual and normal yields of other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, processing, and sales of the commodity produced on the farm; farming practices followed on the farm; and weather and other factors affecting the production of wheat on the farm and in the locality in which the farm is situated. In the consideration of any application for an adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which is available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the questions of fact, and (3) the determinaion of the county committee as to the farm marketing quota and farm marketing excess. A revised notice on Form MQ–93—Wheat (1956) with a copy of the determination made as aforesaid shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers. All county committee determinations made in connection with applications for adjustment in the farm marketing excess shall be subject to review and revision by or on behalf of the State committee.

§ 728.663 *Publication of the farm acreage allotments, marketing quotas, and marketing excesses.* A record of the farm acreage allotments, farm marketing quotas, and farm marketing excesses established for farms in the county shall be made and kept freely available for public inspection in the ASC county office.

§ 728.664 *Marketing quotas not transferable.* A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm.

§ 728.665 *Successors in interest.* Any person who succeeds to the interest of a producer in a farm or in a wheat crop produced on a farm for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of wheat.

§ 728.666 *Review of quotas*—(a) *Right to review by a review committee.* Any producer who is dissatisfied with the farm acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination for his farm in connection with marketing quotas may, within 15 calendar days after the notice thereof was mailed to him apply in writing for a review by a review committee of such acreage allotment, normal yield, farm marketing quota, farm marketing excess or other determination in connection therewith: *Provided*, That if a review hearing has been held and determination made by a review committee with respect to the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination in connection therewith, no application by a producer for further review by a review committee with respect to such determination may be filed. Unless application for review is made within such period, the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination, as the case may be, shall be final as to the producers on the farm. Application for review and the review committee proceedings shall be in accordance with the review regulations (Form MQ–51) as issued by the Secretary (Part 711 of this chapter).

(b) *Court review.* If a producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS AND MARKETING CERTIFICATES

§ 728.667 *Issuance of marketing cards*—(a) *Producers eligible to receive marketing cards.* The operator and all other producers on a farm shall be eligible to receive a marketing card (MQ–76—Wheat (1956) if (1) no farm marketing excess is determined for the farm, (2) an amount equal to the penalty on the farm marketing excess has been received from the producer or any buyer as provided in § 728.678 or § 728.679, (3) the farm marketing excess is stored, as provided in § 728.683, or (4) the amount of the farm marketing excess has been delivered to the Secretary, as provided in § 728.684. Upon request a marketing card will be issued to any wheat producer for a farm outside the commercial wheat-producing area. Each marketing card shall be serially numbered and shall show the names of the State and county and code number thereof and the serial number of the farm, the signature of the county office manager or his designee, the name and address of the producer to whom issued, and the counter-signature of the producer to whom the card is issued, or his duly authorized agent, or a statement by the county office manager or his designee giving an explanation of the reason for which the counter-signature cannot be made. The producers on a farm shall be ineligible to receive marketing cards if any producer on the farm owes any penalty for 1954 or 1955 excess wheat, or if determination of the 1956 wheat acreage is prevented by any producer on the farm.

(b) *Multiple farm producers eligible to receive marketing cards.* Any producer who is a wheat producer on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. However, only one wheat marketing card need be issued to a producer who has an interest in the wheat crop on more than one farm in the county, provided (1) the farm serial numbers of all such farms are entered on the marketing card, (2) the producer is eligible to receive a marketing card on each farm in the county in which he has an interest in the wheat crop, and (3) the producer's liability has not been reduced to a proportionate share of any such farm. The other producers on a farm for which the multiple farm producer would otherwise be eligible to receive a marketing card shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer. Where a producer is engaged in the production of wheat in more than one county (in the same State or in two or more States), the regulations outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms, wherever situated, if the county committees of the respective counties or if the State committee determines that the procedure would be necessary to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of wheat, together with any other information deemed necessary to enforce the act.

(c) *Use of marketing cards.* The serial number of the farm or farms for which a marketing card is issued shall be entered on the marketing card. A marketing card shall not be used to identify wheat produced on any farm, the serial number of which is not entered on the card. A marketing card shall not be used to market any wheat which was not produced on a farm the serial number of which appears on the marketing card.

§ 728.668 *Issuance of marketing certificates.* The county office manager or his designee shall, upon request, issue a marketing certificate, Form MQ–94—Wheat, to any producer (a) who is eligible to receive a marketing card and who desires to market wheat by telegraph, telephone, mail, or by any means or method other than directly to and in the presence of the buyer or transferee, (b) whose liability has been reduced to a proportionate share of the entire penalty and discharged in accordance with the provisions of § 728.678 (c), or (c) who is ineligible to receive a marketing card solely because of penalties owed for 1954 or 1955 excess wheat. Upon request, a marketing certificate will be issued to any wheat producer outside the commercial wheat-producing area. Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the names of the State and county and the code number thereof and the serial number for the farm, (3) the serial number of the marketing card assigned to the producer for the farm, (4) the signature of the county office manager or his designee, (5) the name of the buyer or transferee, (6) the number of bushels of wheat involved in the transaction, and (7) the signature of the producer. The original of the marketing certificate shall be issued to the producer for delivery to the buyer or transferee and the duplicate copy shall be retained in the ASC county office. A marketing certificate shall not be used to identify wheat produced on any farm the serial number of which is not entered on the certificate.

§ 728.669 *Lost, destroyed, or stolen marketing cards or marketing certificates*—(a) *Report of loss, destruction, or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the ASC county office of the following: (1) The name of the operator of the farm for which such marketing card or marketing certificate was issued; (2) the name of the producer to whom the marketing card or marketing certificate was issued, if someone other than the operator; (3) the serial number of the marketing card or marketing certificate; and (4) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings of county committee.* The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If the county committee finds, on the basis of its investigation, that such marketing card or marketing certificate was in fact lost, destroyed, or stolen, it shall cause to be cancelled such marketing card or marketing certificate and instruct the county office manager to give notice to the producer to whom the marketing card or marketing certificate was issued that it is void and of no effect. The notice to that effect shall be in writing, addressed to the producer at his last-known address, and deposited in the United States mails. If the county committee also finds that there has been no collusion in connection therewith on the part of the producer to or for whom the marketing card or marketing certificate was issued, it shall cause to be issued to or for him a marketing card or marketing certificate to replace the lost, destroyed, or stolen marketing card or marketing certificate. Each marketing card or marketing certificate issued under this section shall bear across its face in bold letters the word "Duplicate". In case a marketing card or marketing certificate is cancelled, as provided in this section, the county office manager or his designee shall immediately notify the buyers, elevator operators, or warehousemen who serve the county, or in the immediate vicinity, that the marketing card or marketing certificate is cancelled and of the issuance of any duplicate. Any person coming into possession of a cancelled marketing card or marketing certificate shall immediately return it to the ASC county office from which it was issued.

§ 728.670 *Cancellation of marketing cards and marketing certificates issued in error.* Any marketing card or marketing certificate erroneously issued shall, immediately upon discovery of the error, be cancelled by the county office manager. The producer to whom such marketing card or marketing certificate was issued shall be notified in the manner prescribed in § 728.669 (b) that the marketing card or marketing certificate is void and of no effect and that it shall be returned to the ASC county office. Upon the return of such marketing card or marketing certificate, the county office manager shall cause to be endorsed thereon the notation "cancelled". In the event that such marketing card or marketing certificate is not returned immediately, the county office manager shall immediately notify the elevator operators, warehousemen, and buyers who serve the county, or in the immediate vicinity, that the marketing card or marketing certificate is cancelled. A copy of each notice provided for in this section, containing a notation thereon of the date of mailing shall be kept among the records of the ASC county office.

IDENTIFICATION OF WHEAT

§ 728.671 *Time and manner of identification.* Each producer of wheat and each intermediate buyer shall, at the time he markets any wheat, identify the wheat to the buyer or transferee, in the manner hereinafter provided, as being subject to or not subject to the penalty and the lien for the penalty.

§ 728.672 *Identification by marketing card.* A marketing card (MQ–76—Wheat (1956)) shall, when presented to the buyer by the producer to whom it was issued, be evidence to the buyer that the wheat for which the marketing card was issued may be purchased without the payment of any penalty by him and that such wheat is not subject to the lien for the penalty.

§ 728.673 *Identification by marketing certificate.* A marketing certificate (MQ–94—Wheat), properly executed by the county office manager or his designee and the producer to whom it is issued, shall, when delivered to the buyer by the producer, be evidence that the amount of wheat shown thereon may be purchased without the payment of any penalty by him and that such wheat is not subject to the lien for penalty.

§ 728.674 *Identification by intermediate buyer's record and report.* The original and copy of an intermediate buyer's record and report (MQ–95—Wheat (1956)), properly executed by the first intermediate buyer and the producer of the wheat and any subsequent buyer in the manner outlined in §§ 728.687 (d) and 728.688 shall be evidence to any buyer that the wheat covered thereby is not subject to the lien for penalty and may be purchased by him without payment of any penalty in the event either (a) the MQ–95—Wheat (1956) shows the serial number of the marketing card or marketing certificate by which the wheat was identified and the signatures of the producer and intermediate buyer, or (b) the original MQ–95—Wheat (1956) bears the endorsement "Penalty Satisfied" and the signature and title of a treasurer of a county committee and the date thereof.

§ 728.675 *Wheat identified as subject to the penalty and lien for the penalty.* All wheat marketed by a producer or by an intermediate buyer which is not identified in the manner prescribed in § 728.672, § 728.673, or § 728.674 shall be taken by the buyer thereof as wheat subject to penalty and the lien for the penalty and the buyer of such wheat shall pay the penalty thereon at the rate prescribed in § 728.676.

PENALTY

§ 728.676 *Rate of penalty.* The rate of penalty shall be 45 percent of the parity price of wheat as of May 1, 1956.

§ 728.677 *Lien for penalty.* The entire amount of wheat produced in 1956 on any farm for which a farm marketing excess is determined shall be subject to a lien in favor of the United States for the amount of the penalty until the producers on the farm, in accordance with § 728.683, § 728.684, § 728.678, or § 728.679, store the farm marketing excess or deliver it to the Secretary, or until the amount of the penalty is paid.

§ 728.678 *Payment of penalties by producers*—(a) *Producers liable for payment of penalties.* Each producer having an interest in the wheat produced in 1956 on any farm for which a farm marketing excess is determined shall be liable to pay the amount of the penalty on the farm marketing excess as provided in this section. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of wheat produced on the farm.

(b) *Time when penalties become due.* The farm marketing excess for any farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any wheat produced on the farm is harvested. The amount of the penalty on the farm marketing excess for any farm shall be remitted not later than 60 calendar days after the date on which the harvesting of wheat is normally substantially completed in the county in which the farm is situated, as determined by the State committee in accordance with § 728.662 (b), or not later than 30 calendar days after notice of the farm marketing excess of wheat is mailed to the producer as provided in § 728.661: *Provided, however,* That the penalty on that amount of the farm marketing excess delivered to the Secretary pursuant to § 728.684 or 728.661 shall not be remitted: *And provided further,* That the penalty on that amount of the farm marketing excess which is stored pursuant to § 728.683 or § 728.661 shall not be remitted until the time, and to the extent, of any depletion in the amount of wheat so stored not authorized as provided in § 728.683 (g).

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made prior to the expiration of the time allowed for the remittance of the penalty on the farm marketing excess, determine his proportionate share of the penalty on the farm marketing excess, if pursuant to the application, the producer establishes the facts that he is unable to arrange with the other producers on the farm for the payment of the penalty on the entire farm marketing excess or for the disposition of the farm marketing excess in accordance with § 728.683 or § 728.684, that his share of the wheat crop produced on the farm is marketed or disposed of by him separately and that he exercises no control over the marketing or disposition of the shares of the other producers in the wheat crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the wheat produced in 1956 on the farm bears to the total amount of wheat produced in 1956 on the farm. When the producer pays his proportionate share of the penalty, or, in accordance with § 728.683 or § 728.684, stores or delivers to the Secretary the number of bushels required to postpone or avoid the payment of the penalty on his proportionate share, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive marketing certificates issued in accordance with § 728.668 to be used by him only in the marketing of his proportionate share of the wheat crop produced in 1956 on the farm.

§ 728.679 *Payment of penalties by buyer*—(a) *Buyers liable for payment of penalties.* Each person within the United States who buys from the producer any wheat subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Wheat shall be taken as subject to the lien for the penalty unless the producer presents to the buyer a marketing card (MQ–76—Wheat (1956)) or a marketing certificate (MQ–94—Wheat) as prescribed in §§ 728.672 and 728.673.

(b) *Payment of penalties on account of the lien for the penalty.* Each person within the United States who buys wheat which is subject to the lien for the penalty shall pay the amount of the penalty on each bushel thereof in satisfaction of the lien thereon. Wheat purchased from any intermediate buyer shall be taken as subject to the lien for the penalty unless, at the time of sale, the intermediate buyer delivers to the purchaser the original and a copy of an intermediate buyer's record and report, MQ–95—Wheat (1956), properly executed by the producer of the wheat and the first intermediate buyer, which show (1) the serial number of marketing card or marketing certificate by which the wheat covered thereby was identified when marketed, or (2) on the reverse side the statement "Penalty satisfied" and the signature and title of a treasurer of the county committee and the date thereof.

(c) *Time when penalties become due.* The penalty to be paid by any buyer pursuant to paragraph (a) or (b) of this section shall be due at the time the wheat is purchased and shall be remitted not later than 15 calendar days thereafter.

(d) *Manner of deducting penalties and issuance of receipts.* The buyer may deduct from the price paid for any wheat an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraph (a) or (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the wheat was purchased a receipt for the amount so deducted which shall be, in the case of wheat purchased from the producer by an intermediate buyer, on MQ–95—Wheat) 1956, and, in all other cases, on MQ–81—Wheat (1956).

§ 728.680 *Remittance of penalties to the treasurer of the county committee.* The treasurer of any county committee, for and on behalf of the Secretary, shall receive the penalty. The penalty shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of the Treasurer of the United States. All checks, drafts, and money orders tendered in payment of the penalty shall be received by the treasurer of the county committee subject to collection and payment at par. If the penalty is remitted by an intermediate buyer, the treasurer of the county committee shall show that the penalty is paid by entering on the reverse side of the original and first copy of the intermediate buyer's record and report, MQ–95—Wheat (1956), the statement "Penalty satisfied" and his signature and title and the date thereof.

§ 728.681 *Deposit of funds.* All funds received by the treasurer of the county committee in connection with penalties for wheat shall be scheduled and transmitted by him on the day received or not later than the next succeeding business day, to the State committee, which shall cause such funds to be deposited to the credit of a special deposit account with the Treasurer of the United States in the name of the Chief Disbursing Officer of the Treasury Department (herein referred to as "special deposit account") to be held in escrow. In the event the funds so received are in the form of cash, the treasurer of the county committee shall deposit such funds in the ASC county committee bank account and issue a check in the amount thereof, payable to the order of the Treasurer of the United States. The treasurer of the county committee shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the name of the person who marketed the wheat in connection with which the funds were remitted.

§ 728.682 *Refunds of money in excess of the penalty*—(a) *Determination of refunds.* The county committee and the treasurer of the county committee upon their own motion or upon the request of any interested person shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the security required for stored excess wheat or the penalty due. Any excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess amount shall first be applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount determined by apportioning the excess amount among the producers on the farm in the proportion that each contributed toward the payment, avoidance,

or security of the penalty on the farm marketing excess, or (2) the amount which is in excess of the security required for stored excess wheat and the penalty due on that portion of the farm marketing excess for which the producer is separately liable. No refund shall be made to any buyer or transferee of any amount which he collected from the producer or another, deducted from the price or consideration paid for the wheat, or for which he was liable.

(b) *Certification of refunds.* The county office manager or the treasurer of the county committee shall notify the State committee of the amount which the county committee and its treasurer determine may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the Chief Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been remitted to the treasurer of the county committee and transmitted by him to the State committee.

§ 728.683 *Stored farm marketing excess*—(a) *Amount of wheat to be stored.* The number of bushels of wheat in connection with any farm which may be stored in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be that portion of the farm marketing excess which has not been delivered to the Secretary. The amount of the farm marketing excess for the purpose of storage shall be the amount of the farm marketing excess as determined, at the time of storage, under § 728.659 or § 728.662, whichever is applicable.

(b) *Storage of excess wheat.* Stored excess wheat shall be kept in a place adapted to the storage of wheat. The wheat so stored shall be subject to the condition that it may be inspected at any time by officers or employees of the United States Department of Agriculture or members, officers, or employees of the State or county committee.

(c) *Deposit of warehouse receipts in escrow.* The storage of wheat in an elevator or warehouse in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective when a warehouse receipt covering the amount of wheat so stored is deposited with the treasurer of the county committee to be held in escrow. The warehouse receipt shall be a negotiable receipt or a non-negotiable receipt as to which the warehouseman or elevator operator is notified in writing by the owner of such receipt and the treasurer of the county committee that it is being so deposited in escrow and that delivery of the wheat covered thereby is to be made under the terms of its deposit in escrow while such receipt remains so deposited. Any warehouse receipt so deposited shall be accepted only upon the condition that the producers by or for whom the wheat is stored shall be and shall remain liable for all charges incident to the storage of the wheat and that the county committee and the United States in no way be responsible for or pay any such charges. Whenever the penalty with respect to wheat covered by warehouse receipt is paid or satisfied from any cause, the warehouse receipt shall be returned to the person who deposited it.

(d) *Bond of identity.* The storage of excess wheat in order to postpone the payment of the penalty or with a view to avoiding such penalty shall also be effective when a good and sufficient bond of indemnity on a form prescribed for this purpose is executed and filed with the treasurer of the county committee in an amount not less than the amount of the penalty on that portion of the farm marketing excess so stored. Each bond given pursuant to this paragraph shall be executed as principal by the producer storing the wheat and either (1) as sureties by two persons who are not producers on the farm each owning real property with an unencumbered value of double the principal sum of the bond, or (2) as surety by a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds in favor of the United States. Each bond of indemnity shall be subject to the conditions that the penalty on the amount of wheat stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized under paragraph (g) of this section and that if at any time any producer on the farm prevents the inspection of any wheat so stored the penalty on the entire amount stored shall be paid forthwith. Whenever the penalties secured by the bond of indemnity are paid or reduced from any cause, the treasurer of the county committee shall furnish the principal and the sureties with a written statement to that effect. A bond shall not otherwise be cancelled or released. The bond of indemnity provided for in this paragraph may be waived by the county committee with the approval of the State committee, if the excess wheat was produced by a State or State institution or other agency of a State or Federal agency: *Provided,* That as a condition of the waiver of the bond of indemnity the head of the State institution or other State agency or Federal agency shall agree in writing to comply with all other provisions of the regulations in §§ 728.650 to 728.699 with respect to the stored farm marketing excess.

(e) *Deposit of funds in escrow.* The storage of wheat in order to postpone the payment of the penalty or with a view to avoiding such penalty shall also be effective when an amount of money not less than the penalty on that portion of the farm marketing excess so stored is deposited with the Treasurer of the United States to be held in escrow to secure the payment of such penalty. The treasurer of the county committee shall issue a receipt to the person who tenders such funds which shall be received subject to collection and payment at par. Funds in escrow shall be subject to the condition that the penalty on the amount of wheat stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized under paragraph (g) of this section and that if at any time any producer on the farm prevents inspection of any wheat so stored, the penalty on the entire amount stored shall be paid forthwith.

(f) *Time of storage.* Storage of wheat in connection with any farm in order to postpone the payment of the penalty or with a view to avoiding such penalty shall not be effective unless the provisions of paragraph (a) and (b) and (c), (d) or (e) of this section are complied with prior to the expiration of the period allowed, in accordance with § 728.678 (b), or § 728.661, for the remittance of the penalty with respect to the farm marketing excess for the farm.

(g) *Depletion of stored excess wheat.* The penalty on the amount of excess wheat stored shall be paid by the producers on the farm at the time and to the extent of any depletion in the amount of wheat stored except as provided in paragraphs (h) and (i) of this section and except to the extent of the following: (1) The amount by which the stored excess wheat exceeds the farm marketing excess for the farm as determined in accordance with § 728.659 or § 728.662, (2) the amount by which the stored excess wheat exceeds the amount of the farm marketing excess as determined by a review committee or as a result of a court review of the review committee determination, and (3) the amount of any wheat destroyed by fire, weather conditions, theft, or any other cause beyond the control of the producer, provided the producer shows beyond a reasonable doubt that the depletion resulted from such cause and not from his negligence nor from any affirmative act done or caused to be done by him.

(h) *Underplanting the farm acreage allotment for a subsequent crop.* Whenever the wheat acreage on any farm for the 1957 or subsequent crop of wheat is less than the farm acreage allotment therefor, the producers on the farm who stored excess wheat in accordance with the foregoing provisions of this section shall, upon application made by them to the county committee, be entitled to remove from storage without penalty any wheat so stored by them, whether produced in a prior year on the farm or another farm, to the extent of the normal production of the number of acres by which the acreage planted to wheat is less than the farm acreage allotment. The amount of wheat which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess wheat from any other crop is authorized to be removed from storage in connection with the farm. The amount of wheat authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess wheat to the extent of their need therefor in accordance with their shares in the acreage which was or could have been planted to wheat or in accordance with their agreement as to the apportionment to be made. A

producer shall not be entitled to remove wheat from storage under this paragraph in connection with any farm unless, at the time the determination is made under this paragraph, the wheat is stored and owned by the producer and, at the end of the wheat seeding season for the crop for the area in which the farm is situated, the producer is entitled to share in the wheat crop which was or could have been planted on the farm. The acreage planted to wheat for the purpose of this paragraph shall be the wheat acreage on the farm.

(i) *Producing a subsequent crop which is less than the normal production of the farm acreage allotment.* Whenever the actual production of wheat in 1957 or any subsequent year on any farm is less than the normal production of the farm acreage allotment therefor, the producers on the farm who stored excess wheat in accordance with the foregoing provisions of this section shall, upon application made by them to the ASC county office, be entitled to remove from storage without penalty, any wheat so stored by them, whether produced in the prior year on the farm or another farm, to the extent of the amount by which the normal production of the farm acreage allotment, less the normal production of the underplanted acreage for the farm which was or could have been determined under paragraph (h) of this section exceeds the amount of wheat produced on the farm in that year. The amount of wheat which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess wheat from any other crop is authorized to be removed from storage in connection with the farm. The amount of wheat which is authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess wheat to the extent of their need therefor in accordance with their proportionate shares in the wheat crop planted on the farm or in accordance with their agreement as to the apportionment to be made. The determination of the amount of wheat produced on the farm shall be made in accordance with the marketing quota regulations applicable to the crop. A producer shall not be entitled to remove wheat from storage under this paragraph for any farm unless, at the time the determination is made under this paragraph, the wheat is stored and owned by the producer and, at the time of harvest, the producer is entitled to a share in the wheat crop on the farm.

§ 728.684 *Delivery of the farm marketing excess to the Secretary*—(a) *Amount of wheat to be delivered.* The amount of wheat delivered to the Secretary in order to avoid the payment of the penalty in connection with any farm shall not exceed the amount of the farm marketing excess as determined, at the time of delivery, in accordance with § 728.659 or § 728.662, whichever is applicable.

(b) *Conditions and methods of delivery.* For and on behalf of the Secretary, the treasurer of the county committee for the county in which the farm for which the marketing excess is determined is situated shall accept the delivery of any wheat tendered to avoid the payment of the penalty. The delivery of the wheat for this purpose shall be effective only when the producers having an interest in the wheat to be so delivered convey to the Secretary all right, title, and interest in and to the wheat by executing a form provided for this purpose, and (1) deliver the wheat to a wheat elevator or warehouse and tender to the treasurer of the county committee, the elevator or warehouse receipts for the amount of the wheat, or (2) if the producer shows to the satisfaction of the county committee that it is impracticable to deliver the wheat to an elevator or warehouse and receive an elevator or warehouse receipt therefor, deliver the wheat at a point within the county or nearby and within such time or times as may be designated by the county office manager. None of the wheat so delivered shall be returned to the producer. Insofar as practicable, the wheat so delivered shall be delivered to the Commodity Credit Corporation of the United States Department of Agriculture, and any wheat which it is impracticable to deliver to such Corporation shall be distributed to such one or more of the following classes of agencies or organizations as the State committee selects, which delivery the Secretary hereby determines will divert it from the normal channels of trade and commerce: Any Federal relief organization, the American Red Cross, State or county or municipal relief organization, Federal or State wildlife refuge project, or any voluntary relief organization registered with the Advisory Committee on Voluntary Foreign Aid of the Foreign Operations Administration.

(c) *Time of delivery.* Excess wheat may be delivered to the Secretary at any time within 60 calendar days after the date on which the harvesting of wheat is normally substantially completed in the county as determined by the State committee in accordance with § 728.662 (a), or pursuant to § 728.661. Excess wheat may be delivered to the Secretary after such period only if the excess wheat was stored in accordance with the provisions of § 728.683 (a) through (f) and the wheat has not gone out of condition through any fault of the producer.

§ 728.685 *Refund of penalty erroneously, illegally, or wrongfully collected.* Whenever, pursuant to a claim filed with the Secretary within two calendar years after payment to him of the penalty collected from any person, pursuant to the act, the Secretary finds that the penalty was erroneously, illegally, or wrongfully collected, and the claimant bore the burden of such penalty, he shall certify to the Secretary of the Treasury of the United States for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury of the United States, such amount as the claimant is entitled to receive as a refund of all or a portion of the penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary.

§ 728.686 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county office manager to report in writing to the State Administrative officer, the employee of the State committee who carries out its policies and the day-to-day operations of the ASC State office, each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 728.678 through 728.680. It shall be the duty of the State administrative officer to report each such case in writing to the Office of the General Counsel of the United States Department of Agriculture, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties, as provided in section 376 of the act.

RECORDS AND REPORTS

§ 728.687 *Records to be kept and reports to be made by warehousemen, elevator operators, feeders, or processors, and buyers other than intermediate buyers*—(a) *Necessity for records and reports.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer, who buys, acquires, or receives wheat from the producer or intermediate buyer thereof shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of the act.

(b) *Nature and availability of records.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer, shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to the wheat purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information:

(1) The name and address of the producer of the wheat, (2) the date of the transaction, (3) the amount of the wheat, (4) the serial number of the marketing card (MQ–76—Wheat (1956)), or marketing certificate (MQ–94—Wheat), or intermediate buyer's record and report (MQ–95—Wheat (1956)) by which the wheat was identified, or the report and penalty receipt (MQ–81—Wheat (1956)), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the wheat purchased, acquired, or received by him. The record so made shall be kept available for examination by the county office manager or any authorized representative of the State Administrative Officer or of the Director, Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, for two calendar years beyond the calendar year in which the marketing year ends. The records shall be examined only for the purpose of ascertaining the correctness of any report made or record kept pursuant to the regulations in this subpart, or of obtaining the information required to be furnished in any report pursuant to the regulations in this subpart but not so furnished. The county office manager shall furnish, without cost, blank copies of MQ–97—Wheat which may be used for the purpose of keeping the record required under this section.

(c) *Records and reports in connection with wheat subject to penalty.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer who purchases any wheat from the producer or intermediate buyer thereof which is not identified at the time the wheat is purchased in the manner provided in §§ 728.672, 728.673, and 728.674 shall, with respect to each such transaction, execute the report and penalty receipt on MQ–81—Wheat (1956) and report to the treasurer of the county committee the following information: (1) The name and address of the producer or intermediate buyer from whom the wheat was purchased or acquired, (2) the date of the transaction, (3) the amount of the wheat, and (4) the amount of the penalty incurred in connection with the transaction, and whether an amount equivalent to the penalty was deducted from the price or consideration paid for the wheat. Each record and report on MQ–81—Wheat (1956) shall be executed in triplicate. The person who executes MQ–81—Wheat (1956) shall retain one copy, give the original to the producer or intermediate buyer, as the case may be, which shall be the receipt to him for the amount of the penalty in connection with wheat, and mail or deliver the remaining copy to the treasurer of the county committee. It shall be presumed that wheat was not identified by MQ–76—Wheat (1956) as provided in § 728.672, or MQ–94—Wheat as provided in § 728.673 or MQ–95—Wheat (1956) as provided in § 728.674, if the serial number of the marketing card or marketing certificate or intermediate buyer's record and report does not appear on the records required to be kept pursuant to paragraph (b) of this section.

(d) *Records and reports in connection with wheat identified by intermediate buyer's records and reports.* Whenever wheat is identified by the intermediate buyer's record and report (MQ–95—Wheat (1956)), executed in accordance with § 728.688, the warehouseman, elevator operator, feeder, or processor, or the buyer other than an intermediate buyer, who purchases or acquires the wheat covered thereby shall retain the first copy as a record of the transaction and forward the original to the treasurer of the county committee as a report on the transaction in every case where he purchases or acquires all or the remainder of the wheat covered by the record and report. In all other cases, where the warehouseman, elevator operator, feeder or processor, or the buyer other than an intermediate buyer, purchases or acquires only a portion of the wheat covered by the intermediate buyer's record and report, he shall make a record and report of the transaction by endorsing on the reverse side of both the original and first copy his name and signature, the amount of wheat purchased or acquired, and the date of the transaction and return the forms so endorsed to the intermediate buyer to be delivered to the person who finally purchases or acquires the remainder of the wheat.

(e) *Records in connection with wheat identified by marketing certificates.* Whenever wheat is identified by a marketing certificate (MQ–94—Wheat), the warehouseman, elevator operator, feeder, or processor, or the buyer other than an intermediate buyer, who purchases the wheat so identified shall retain the marketing certificate as a record of the transaction.

(f) *Time and place of submitting reports.* Each report required by this section shall be submitted not later than 15 calendar days next succeeding the day on which the wheat was marketed to a warehouseman, elevator operator, feeder, or processor, or a buyer other than an intermediate buyer, to the treasurer of the county committee for the county in which the wheat was produced.

§ 728.688 *Records to be kept and reports to be made by intermediate buyers*—(a) *Necessity for records and reports.* Each intermediate buyer shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out, with respect to wheat, the provisions of the act.

(b) *Form of record and report in connection with wheat purchased or acquired from producers.* Each intermediate buyer who purchases or acquires any wheat from the producer thereof shall, with respect to each such transaction, keep a record and make a report on the intermediate buyer's record and report (MQ–95—Wheat (1956)) of the following information: (1) The name and address of the producer from whom the wheat was purchased or acquired, (2) the names of the county and State in which the wheat was produced, (3) the date of the transaction, (4) the number of bushels of wheat, and (5) the serial number of the marketing card or marketing certificate by which the producer identified the wheat at the time it was marketed, or if the wheat is not so identified, the amount of the penalty, and whether an amount equivalent to the penalty was collected or deducted from the price or consideration paid for the wheat. The record and report shall be executed in quadruplicate and, after the entries described above are made, the intermediate buyer and producer shall certify to the correctness of the entries by signing the MQ–95—Wheat (1956). One copy of MQ–95—Wheat (1956) so executed shall be retained by the producer as a record of the transaction and as a receipt for the amount equivalent to the penalty, if any, which was deducted from the price or consideration paid for the wheat. One copy of MQ–95—Wheat (1956) so executed shall be retained by the intermediate buyer as his record in connection with the transaction. Whenever wheat is identified by a marketing certificate (MQ–94—Wheat), the intermediate buyer shall attach the original of the marketing certificate to the first copy of MQ–95—Wheat (1956) to be delivered to the warehouseman, elevator operator, feeder, or processor, or buyer other than an intermediate buyer, who finally acquires the wheat covered by MQ–95—Wheat (1956) and marketing certificate MQ–94—Wheat. Whenever the intermediate buyer markets or deliveres a portion of the wheat covered by a single MQ–95—Wheat (1956) to another and retains a portion of the wheat, the intermediate buyer shall obtain from the person to whom the portion of the wheat is marketed or delivered an endorsement on the reverse side of both the original and first copy of MQ–95—Wheat (1956) showing the name and signature of the person, the number of bushels of wheat marketed or delivered to him, and the date of the transaction.

(c) *Manner of making reports.* The intermediate buyer shall deliver the original and copy of the intermediate buyer's record and report (MQ–95—Wheat (1956)) to the warehouseman, elevator operator, feeder, or processor, or the buyer other than an intermediate buyer, to whom all of the remainder of the wheat covered thereby is marketed. When wheat is marketed or delivered by one intermediate buyer to another intermediate buyer, the original and first copy of MQ–95—Wheat (1956) shall be transmitted by one intermediate buyer to another and the last intermediate buyer shall deliver them to the warehouseman, elevator operator, feeder, or processor, or buyer other than an intermediate buyer. If all or the remainder of the wheat is not marketed or delivered to a warehouseman, elevator operator, feeder, or processor, or buyer other than an intermediate buyer, the last intermediate buyer shall within 15 days mail or deliver the original and first copy of the intermediate buyer's record and report to the treasurer of the county committee.

(d) *Reports to the treasurer of the county committee.* Each intermediate buyer shall, within 15 days after all Forms MQ–95—Wheat (1956) contained in a book have been executed or on December 31, 1956, whichever is the earlier, mail or deliver to the treasurer of the county committee from whom the book was obtained the executed copies and unexecuted sets of Form MQ–95—Wheat (1956) which were retained by him.

§ 728.689 *Buyer's special reports.* In the event that the county committee or State committee has reason to believe that any buyer has failed or refused to comply with the these regulations, the buyer shall within 15 days after a written request therefor made by the county committee or State committee and deposited in the United States mails, registered and addressed to him at his last-known address, make a report verified as true and correct by affidavit, on MQ–97—Wheat to such committee with respect to all wheat purchased or acquired by him during the period of time as specified in the request. The report

shall include the following information for each lot of wheat purchased or acquired from the persons specified or during the period specified: (a) The name and address of the producer of the wheat, (b) the date of the transaction, (c) the amount of wheat, (d) the serial number of the marketing card (MQ–76—Wheat (1956)), marketing certificate (MQ–94—Wheat), or intermediate buyer's record and report (MQ–95—Wheat (1956)), or the report and penalty receipt (MQ–81—Wheat (1956)), and (e) the amount of the lien for the penalty or the amount of penalty incurred in connection with the wheat purchased or acquired.

§ 728.690 *Penalty for failure or refusal to keep records and make reports.* Any person required to keep the records or make the reports specified in § 728.687, § 728.688 or § 728.689 and who fails to keep any such record or make any such report or who makes any false report or keeps any false record shall, as provided in section 373 (a) of the act, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $500 for each such offense.

§ 728.691 *Records to be kept and reports to be made by producers.* Each producer with respect to the 1956 wheat crop shall keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of the act. Upon written request of the county committee any producer shall, within 15 days from the date the request was mailed to him file with the treasurer of the county committee for the county in which the farm is situated a farm operator's report on MQ–98—Wheat (1956) showing for the farm the following information: (a) The total number of bushels of wheat produced thereon in 1956, (b) the name and address of each buyer or transferee of any wheat, (c) the amount of the wheat sold to each buyer, (d) the amount equivalent to the penalty which was deducted from the price or consideration for the wheat, (e) the amount of wheat of the 1956 crop disposed of other than by sale and the manner of disposition, (f) the amount of wheat of the 1956 crop on hand, and (g) wheat acreage for 1956.

§ 728.692 *Data to be kept confidential.* Except as otherwise provided herein, all data reported to or acquired by the Secretary pursuant to and in the manner provided in the regulations in this subpart shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees, other local committees, and State committees, county agents, and officers and employees of such committees or county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any wheat, farm, or transaction covered by the particular data, such as records, reports, forms, or other information, and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under Title III of the act.

§ 728.693 *Enforcement.* It shall be the duty of the county office manager to report in writing to the State administrative officer forthwith each case of failure or refusal to make any report or keep any record as required by §§ 728.689 through 728.691, and to so report each case of making any false report or record. It shall be the duty of the State administrative officer to report each such case in writing, in quintuplicate, to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the Deputy Administrator for Production Adjustment, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXEMPTIONS

§ 728.694 *Farms on which the wheat acreage is not in excess of 15 acres*—(a) *Conditions of exemption.* A farm marketing quota for wheat for the 1956 crop shall not be applicable to any farm on which the wheat acreage for the 1956 crop is not in excess of 15 acres.

(b) *Issuing marketing cards.* The county office manager or his designee shall, for each farm to which the provisions of this section are applicable, issue marketing cards and marketing certificates to the producers on the farm in the manner and subject to the conditions specified in §§ 728.667 to 728.670, inclusive.

§ 728.695 *Farms on which the normal production of the wheat acreage is less than 200 bushels*—(a) *Conditions of exemption.* A farm marketing quota for wheat of the 1956 crop shall not be applicable to any farm on which the normal production of the 1956 wheat acreage is less than 200 bushels.

(b) *Issuing marketing cards.* The county office manager or his designee shall, for each farm to which the provisions of this section are applicable issue marketing cards and marketing certificates to the producers on the farm in a manner and subject to the conditions specified in § 728.667 to 728.670.

§ 728.696 *Experimental wheat farms*—(a) *Conditions of exemption.* The penalty shall not apply to the marketing of any wheat of the 1956 crop grown for experimental purposes only on land owned or leased by any publicly-owned agricultural experiment station, and is produced at public expense by employees of the experiment station, or to wheat produced for experimental purposes only by farmers pursuant to an agreement with a publicly-owned experiment station whereby the experiment station bears the costs and risks incident to the production of the wheat and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm. The production of foundation, registered or certified seed wheat will not be considered produced for experimental purposes only.

(b) *Issuing marketing cards.* The county office manager shall, upon the written application of a responsible executive officer of any publicly-owned agricultural experiment station to which the exemption referred to in paragraph (a) of this section is applicable, issue a marketing card for the experiment station in the manner and subject to the conditions specified in §§ 728.667 to 728.670 inclusive.

§ 728.697 *Wildlife refuge farms.* The penalty shall not apply to the wheat produced on any farm operated by any Federal or State wildlife refuge farm where all the wheat on the farm is produced solely for wildlife feed or seed for the production of wildlife feed on such wildlife refuge farm. No marketing card or marketing certificate shall be issued to any producer on any such farm except under the provisions of §§ 728.667 and 728.668, 728.694, and 728.695 but the exemption from penalty shall be granted by the county office manager upon the written application of the operator or responsible executive officer on any such farm stating that all the wheat produced on the farm will be used solely for wildlife feed and for seed for the production of wildlife feed on such wildlife refuge farm.

§ 728.698 *Erroneous notice of wheat acreage allotment.* In any case where through error in a county or State office the producer was officially notified in writing of a wheat acreage allotment for the 1956 crop larger than the finally approved acreage allotment and the State and county committees find that the producer, acting solely on the information contained in the erroneous notice, planted an acreage to wheat in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. The farm marketing quota and the farm marketing excess for the farm under the foregoing circumstances will be based on the acreage allotment contained in the erroneous notice, and if the acreage planted to wheat on the farm is adjusted to the allotment contained in the erroneous notice within the time limits for utilization of excess acreage as provided for in § 728.651 (r) or (u) (3) the farm will not be considered to be overplanted. Before a producer can be said to have relied upon the erroneous notice, the circumstances must have been such that the producer had no cause to believe that the acreage allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of wheat customarily planted; and all other pertinent facts should be taken into consideration. If the county committee determines that the producer was justified in relying on the erroneous notice of wheat acreage allotment for the farm, such determination shall be subject to review and approval by the State committee before the erroneous allotment is used by the county committee to determine the farm marketing quota and farm marketing excess for the farm.

§ 728.699 *Redelegation of authority.* Any authority delegated to the State committee by §§ 728.650 to 728.699 may be redelegated by the State committee.

Issued this 13th day of December 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–10112; Filed, Dec. 16, 1955; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 66]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.366 *Navel Orange Regulation 66*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 15, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 18, 1955, and ending at 12:01 a. m., P. s. t., December 25, 1955, is hereby fixed as follows:

(i) District 1: 369,600 cartons;

(ii) District 2: 37,140 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," and "District 4" have the same meaning as when used in said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit, or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 16, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–10202; Filed, Dec. 16, 1955; 11:30 a. m.]

[Grapefruit Reg. 233]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.759 *Grapefruit Regulation 233*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 19, 1955. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 19, 1955; the recommendation and supporting information for continued regulation subsequent to December 18, 1955, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 13; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the periods beginning at 12:01 a. m., e. s. t., December 19, 1955, and ending at 12:01 a. m., e. s. t., December 23, 1955, and beginning at 12:01 a. m., e. s. t., December 28, 1955, and ending at 12:01 a. m., e. s. t., January 9, 1956, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Russet;

(ii) Any seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Russet;

(iii) Any seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 2;

(iv) Any seedless grapefruit, grown in Regulation Area II, which are mature and which grade U. S. No. 2 or U. S. No. 2 Bright unless such seedless grapefruit (*a*) are in the same container with seedless grapefruit which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all seedless grapefruit in such container;

(v) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will

pack 70 grapefruit, packed in accordance and with the requirements of a standard pack, in a standard nailed box;

(vi) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) During the period beginning at 12:01 a. m., e. s. t., December 23, 1955, and ending at 12:01 a. m., e. s. t., December 28, 1955, no handler shall ship any grapefruit, grown in the State of Florida.

(3) As used herein, "handler," "ship," "Growers Administrative Committee," "Regulation Area I," and "Regulation Area II," shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Bright," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (7 CFR 51.750–51.790); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 14, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-10131; Filed, Dec. 16, 1955; 8:48 a. m.]

[Orange Reg. 287]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.760 *Orange Regulation 287*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 19, 1955. Shipments of all oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 19, 1955; the recommendation and supporting information for continued regulation subsequent to December 18, 1955, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 13; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the periods beginning at 12:01 a. m., e. s. t., December 19, 1955, and ending at 12:01 a. m., e. s. t., December 23, 1955, and beginning at 12:01 a. m., e. s. t., December 28, 1955, and ending at 12:01 a. m., e. s. t., January 9, 1956, no handler shall ship:

(i) Any oranges, including Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel nailed box.

(2) During the period beginning at 12:01 a. m., e. s. t., December 23, 1955, and ending at 12:01 a. m., e. s. t., December 28, 1955, no handler shall ship any oranges, including Temple oranges, grown in the State of Florida.

(3) As used herein, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard 1⅗ bushel nailed box" shall have the same meaning as when used in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1184 of this title, 20 F. R. 7205).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 14, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-10133; Filed, Dec. 16, 1955; 8:49 a. m.]

[Tangerine Reg. 164]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.761 *Tangerine Regulation 164*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 19, 1955. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 19, 1955; the recommendation and supporting information for continued regulation subsequent to December 18, 1955, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 13; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) During the periods beginning at 12:01 a. m., e. s. t., December 19, 1955, and ending at 12:01 a. m., e. s. t., December 23, 1955, and beginning at 12:01 a. m., e. s. t., December 28, 1955, and ending at 12:01 a. m., e. s. t., January 9, 1956, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Russet; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) During the period beginning at 12:01 a. m., e. s. t., December 23, 1955, and ending at 12:01 a. m., e. s. t., December 28, 1955, no handler shall ship any tangerines grown in the State of Florida.

(3) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (7 CFR 51.1810–51.1836).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 14, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-10132; Filed, Dec. 16, 1955; 8:48 a. m.]

[Lemon Reg. 620]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.727 *Lemon Regulation 620*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 14, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 18, 1955, and ending at 12:01 a. m., P. s. t., December 25, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 148,800 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 15, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-10187; Filed, Dec. 16, 1955; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 16—BULK MAILINGS

PART 110—RATES AND SHIPPING REQUIREMENTS

MISCELLANEOUS AMENDMENTS

1. In § 16.2 *Third class mailings* amend paragraph (b) (1) to read as follows:

(1) *Direct package.* When there are 10 or more pieces for any one post office (or station or branch if its name forms part of the address), face all addresses one way. Do not label direct packages.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 3, 65 Stat. 673; 5 U. S. C. 22, 369, 39 U. S. C. 290 a–1)

2. In § 110.1 *Rates and shipping requirements* amend the country item "Ireland (Eire)" by changing the weight limit from 15 pounds to 22 pounds.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55-10125; Filed, Dec. 16, 1955; 8:48 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-148, Order 181]

PART 125—PRESERVATION OF RECORDS OF PUBLIC UTILITIES AND LICENSEES

SCHEDULE OF RECORDS AND PERIODS OF RETENTION

In this proceeding the Commission has under consideration the amendment of its General Rules and Regulations, Part 125—Preservation of Records of Public Utilities, § 125.2—Schedule of Records and Periods of Retention, as heretofore amended by Order No. 156, issued October 25, 1950 and effective January 1, 1951 (18 CFR § 125.2). The purpose of the revision is to reduce in certain instances the time for which records are required to be retained and to permit in other instances such retention in the form of microfilms after the elapse of a specified period where such retention is acquired.

General public notice of this proposed rule-making was given by publication in the FEDERAL REGISTER on August 23, 1955 (20 F. R. 6140–6141). Such notice was also served on public utilities and licensees known or presumed to be subject to

the Federal Power Act, all state commissions and interested Federal Agencies. In giving notice of the proposed amendments, the Commission invited all interested persons to submit data, views and comments in writing. Eight responses have been received to the rule-making notice, of which three make an unqualified recommendation for adoption of all the proposed changes, and all of which have been carefully considered.

No request has been made for a hearing on the proposed amendments in the responses received to the rule-making notice or otherwise.

The Commission finds:

(1) It is necessary and appropriate for the purposes of administration of the Federal Power Act that § 125.2, Schedule of Records and Periods of Retention, as heretofore amended, be amended as hereinafter provided.

(2) The proposed amendments represent matters of practice and procedure which do not require a hearing under Section 4 of the Administrative Procedure Act.

(3) Good cause exists that these amendments become effective as hereinafter provided.

The Commission, acting pursuant to authority granted by the Federal Power Act, as amended (49 Stat. 838; 16 U. S. C. 791a–825r) and particularly Sections 301 (a), 301 (b), 302 (b), 303, 304 (b) and 309 (49 Stat. 854, 855, 858; 16 U. S. C. 825 (a), 825 (b), 825a (b), 825b, 825c, 825h), and subject to the provisions of Section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), orders:

(A) Section 125.2, Schedule of Records and Periods of Retention, as heretofore amended, is hereby further amended as shown below.

(B) The amendments prescribed by this order shall become effective January 1, 1956.

(Sec. 309, 49 Stat. 858; 16 U. S. C. 825h)

Adopted: December 7, 1955.

Issued: December 13, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

Revisions in parts of the Schedule of Records and Periods of Retention prescribed in § 125.2, general rules and regulations (parts omitted here remain unchanged):

Description of records	Retention period as previously prescribed: Period to be retained	Retention period as previously prescribed: Microfilm indicator	Revised retention periods: Period to be retained	Revised retention periods: Microfilm indicator
CORPORATE AND GENERAL				
1. Capital stock records:				
(a) Capital stock ledgers	Permanently	M	10 years after account is closed.	M
(d) Stubs or similar records of capital stock certificates.	do	M	do	M
(e) Stock transfer registers	do	M	do	M
(g) Canceled capital stock certificates or certificates of destruction thereof.	do	M	do	M
10. General and subsidiary ledgers:				
(a) (1) General ledgers	do		Permanently	
(a) (2) Ledgers subsidiary or auxiliary to general ledgers except ledgers provided for elsewhere.	do		do	M 20
(b) (1) Indexes to general ledgers	do		do	
(b) (2) Indexes to subsidiary ledgers except ledgers provided for elsewhere.	do		do	M 20
11. Journals: General and subsidiary journals, including departmental and divisional journals.	do		do	M 20
12. Journal vouchers and journal entries:				
(a) General, Departmental, divisional, and petty journal vouchers.	do		do	M 20
(c) Papers forming part of or necessary to explain journal vouchers except as covered by item 12 (b), above.	do		do	M 20
13. Cash books:				
(a) Treasurers' and auditors' general cash books.	do		do	M 10
(b) Cash books subsidiary or auxiliary to general cash books except those showing solely collections from customers.	do		do	M 10
14. Voucher registers: (a) Voucher distribution registers.	do		do	M 20
15. Vouchers:				
(a) Paid and canceled vouchers (1 copy), analysis sheets showing detailed distribution of charges on individual vouchers and other supporting papers.				
Those relating to plant:				
Land	do		do	
Production plant, transmission lines and transmission substations:				
Invoices over $5,000	do		do	
Invoices $5,000 and less	do		(1)	
Distribution and general plant other than land.	do		(1)	
Those relating to accounts other than plant.	10 years		10 years	
(b) Original bills and invoices for materials, services, etc., paid by vouchers and which should be attached thereto.				
Those relating to plant:				
Land	Permanently		Permanently	
Production plant, transmission lines and transmission substations:				
Invoices over $5,000	do		do	
Invoices $5,000 and less	do		(1)	
Distribution and general plant other than land.	do		(1)	
Those relating to accounts other than plant.	10 years		10 years	
20. Accountants' and auditors' reports: (a) Reports of examinations and audits by accountants and auditors not in the regular employ of the utility. (Including reports of public accounting firms and regulatory commission accountants.)	Permanently		Permanently	M 10

[1] 10 years, if (a) accounting adjustments resulting from reclassification and original cost studies have been approved by the regulatory commissions having jurisdiction; and (b) continuing plant inventory records are maintained, or (c) chronological distributions appear in work order records or cost ledger; except that those relating to the construction of licensed projects, or additions or betterment thereto, for which the Commission has not determined the actual legitimate original cost, shall be retained until such cost has been determined.

Description of records	Retention period as previously prescribed: Period to be retained	Retention period as previously prescribed: Microfilm indicator	Revised retention periods: Period to be retained	Revised retention periods: Microfilm indicator
PLANT AND DEPRECIATION RESERVE				
22. Plant and construction ledgers:				
(a) Ledgers of electric plant accounts, including land and other detailed ledgers, showing the cost of electric plant by classes.	Permanently		Permanently	
(b) Construction work in progress ledgers	do		do	M 20
23. Construction work orders and supplemental records:				
(a) Work order sheets to which are posted in summary form or in detail the entries for labor, materials, and other charges for electric plant additions and the entries closing the work orders to electric plant in service at completion.	do		do	M 20
(b) Authorizations for expenditures for additions to electric plant, including memoranda showing the detailed estimates of cost and the bases therefor. (Including original and revised or subsequent authorizations.)	Relating to production plant, transmission lines, and transmission substations—6 years after plant has been retired. Other plant—10 years.		Relating to production plant, transmission lines, and transmission substations—6 years after plant has been retired. Other plant—10 years.	M 20
(c) Requisitions and registers of authorizations for electric plant expenditures.	do		do	M 20
(d) Completion or performance reports showing comparison between authorized estimates and actual expenditures for electric plant additions.	do		do	M 20
(e) Analysis or costs reports showing quantities of materials used, unit costs, number of man-hours, etc., in connection with completed construction projects.	Permanently		Permanently	M 20
24. Retirement work orders and supplemental records: (a) Work order sheets to which are posted the entries for removal costs, materials recovered, and credits to electric plant accounts for cost of plant retired.	do		do	M 20
25. Summary sheets, distribution sheets, reports, statements, and papers directly supporting debits and credits to electric plant accounts not covered by construction or retirement work orders and their supporting records.	do		do	M 10
26. Appraisals and valuations made of the utility's property and all records, reports, and data pertaining thereto.	do		do	M 20
31. Records pertaining to reclassifications of electric plant accounts to conform to prescribed systems of accounts, including supporting papers showing the bases for such reclassifications.	do		do	M 20
32. Records of reserve for depreciation of electric plant:				
(a) Detailed records or analysis sheets segregating the depreciation reserve according to functional classifications of plant.	do		do	M 10
(b) Records supporting computation of depreciation expense of electric plant, including such data as life and salvage studies.	do		do	M 20
REVENUE ACCOUNTING AND COLLECTING				
43. Customers' ledgers and other records used in lieu thereof:				
(a) Customers' ledgers	6 years	M	3 years	M
(b) Records used in lieu of customers' ledgers, such as bill summaries, registers, bill stubs, etc.	do	M	do	M
(c) Copies of large power bills: If details are not transcribed to ledgers.	do	M	do	M
(e) Indexes to customers' accounts	do	M	do	M
(h) Special ledger records of customers exempt from taxes on electricity.	do		do	
PAYROLL AND PERSONNEL RECORDS				
48. Payroll records: (a) Payroll sheets or registers of payments of salaries and wages to individual officers and employees. (See item (k) below for pension or annuity payrolls and item 23 (a) for construction payrolls.)	10 years		10 years	M 3
51. Employees' welfare and pension records: (b) Detailed records showing computations of accruals for pension liabilities.	Permanently		Permanently	M 5

[F. R. Doc. 55–10120; Filed, Dec. 16, 1955; 8:47 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 103—SURVEYS AND STATE PLANS FOR SCHOOL CONSTRUCTION

PART 104—CONSTRUCTION OF SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

PART 105—FINANCIAL ASSISTANCE FOR CURRENT EXPENDITURES FOR LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR THE FREE PUBLIC EDUCATION OF CERTAIN CHILDREN RESIDING ON FEDERAL PROPERTY

PART 106—HEARINGS IN CONNECTION WITH SCHOOL CONSTRUCTION AND FINANCIAL ASSISTANCE IN FEDERALLY IMPACTED AREAS

PART 107—FEDERAL ASSISTANCE IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

PART 108—FEDERAL ASSISTANCE BEGINNING JULY 1, 1954, IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

MISCELLANEOUS AMENDMENTS

1. In view of the pending republication of the volume containing Title 45 of the Code of Federal Regulations in revised form so as to present the complete text of the regulations therein duly promulgated on or before December 31, 1955, and effective as to facts arising on and after January 1, 1956, Part 103, 45 CFR (16 F. R. 2706); Part 104, 45 CFR (16 F. R. 679, 2840, 4619, 5022, 10558, 17 F. R. 3210, 9106); Part 107, 45 CFR (18 F. R. 6708, 19 F. R. 2212, 3491); Part 108, 45 CFR (19 F. R. 6647) inclusive, of the above parts are hereby deleted without affecting in any way rights accrued or obligations incurred under any of these parts.

2. Subpart A of Part 105, 45 CFR (18 F. R. 6704, October 22, 1953) issued pursuant to Public Law 874, 81st Cong. (64 Stat. 1100), as amended by the 83d Cong. by Public Law 11 (67 Stat. 13), Public Law 170 (67 Stat. 250), and Public Law 248 (67 Stat. 530), is hereby amended by recognition, in § 105.1 and paragraph (a), of further amendatory enactments by the 83d Congress and the first session of the 84th Congress. The amended section and paragraph reads as follows:

§ 105.1 *Definitions.* All terms used in this part which are defined in Public Law 874, 81st Cong. (64 Stat. 1100), as amended by the 83d Cong. by Public Law 11 (67 Stat. 13), Public Law 170 (67 Stat. 250), Public Law 248 (67 Stat. 530), and Public Law 732 (68 Stat. 1006), and by the 84th Cong. by Public Law 204 (69 Stat. 433), Public Law 221 (69 Stat. 471),

and Public Law 382 (69 Stat. 713), and not defined in this section shall have the meaning given to them in Public Law 874, as amended. As used in this part, and for the purposes of this part and determinations under Public Law 874, as amended, the following terms shall have the meaning indicated in paragraphs (a) to (k) of this section:

(a) *Act.* "The act" means Public Law 874, 81st Congress (64 Stat. 1100), as amended by the 83d Cong. by Public Law 11 (67 Stat. 13), Public Law 170 (67 Stat. 250), Public Law 248 (67 Stat. 530), and Public Law 732 (68 Stat. 1006), and by the 84th Cong. by Public Law 204 (69 Stat. 433), Public Law 221 (69 Stat. 471), and Public Law 382 (69 Stat. 713).

* * * * *

3. The title of Part 106, 45 CFR (18 F. R. 6707, October 22, 1953), the definitions, and the provision granting opportunity for a hearing, issued pursuant to Public Law 815, 81st Congress (64 Stat. 967) as amended, and Public Law 874, 81st Congress (64 Stat. 1100) as amended, are hereby amended to conform with recent amendments.

The amended title reads as set forth above and the sections read as follows:

§ 106.1 *Definitions.* Terms defined in Public Law 815, 81st Cong. (64 Stat. 967), as amended, and Public Law 874, 81st Cong. (64 Stat. 1100), as amended, and not defined in this section shall have the meaning given such terms in such public laws. As used in this part, the following terms shall have the meaning indicated in paragraphs (a) to (g) of this section:

(a) *Commissioner.* The "Commissioner" means the Commissioner of Education, Department of Health, Education, and Welfare.

(b) *Public Law 815.* "Public Law 815" means Public Law 815, 81st Cong. (64 Stat. 967), as added by Public Law 246, 83d Cong. (67 Stat. 522), and as amended by Public Law 731 (68 Stat. 1005), and Public Law 382, 84th Cong. (69 Stat. 713).

(c) *Public Law 874.* "Public Law 874" means Public Law 874, 81st Cong. (64 Stat. 1100), as amended by Public Law 11, 83d Cong. (67 Stat. 13), Public Law 170 (67 Stat. 250), Public Law 248 (67 Stat. 530), Public Law 732 (68 Stat. 1006), Public Law 204, 84th Cong. (69 Stat. 433), Public Law 221 (69 Stat. 482 and 485), and Public Law 382 (69 Stat. 713).

(d) *Title III.* "Title III" means title III of Public Law 815 and such provisions of title II as are applicable to title III.

(e) *Title IV.* "Title IV" means title IV of Public Law 815, and such provisions of title II as are applicable to title IV.

(f) *Applicant.* "Applicant" means a local educational agency which has filed an application under titles III or IV and regulations issued thereunder; or a local educational agency which has filed an application under Public Law 874 and Part 105 of this chapter as the context may indicate.

(g) *Application.* "Application" means a complete application under title III or title IV, as defined in regulations issued thereunder; or an application under Public Law 874 as defined in the applicable provisions of Part 105 of this chapter.

§ 106.2 *Opportunity for hearing.*

* * *

(c) In the event the Commissioner has reason to believe that clause (1), (2), or (3), of section 311 of title III is applicable to an applicant; or that any condition established by title IV or any condition required by the Commissioner in connection therewith has not been complied with by an applicant; he shall so notify the applicant. Such notice, a copy of which shall likewise be sent to the State educational agency, shall either (1) advise the applicant of the specific provision under which the Commissioner's action is taken and the basis for his belief and fix a date not less than 20 days, nor more than 60 days, after the date of such notice within which the applicant may request that the matter be scheduled for hearing in due course; or (2) advise the applicant that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be subject to change for cause. The failure of an applicant without the consent of the Commissioner to request a hearing under clause (1) or to appear at a hearing for which a date has been set, shall be deemed to be a waiver of the right to a hearing under this subsection and consent to the Commissioner making a decision on the basis of such information as is available to him.

(Sec. 208, 64 Stat. 975; 20 U. S. C. 278)

Dated: December 6, 1955.

[SEAL] S. M. BROWNELL,
United States Commissioner of Education.

Approved: December 13, 1955.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 55-10116; Filed, Dec. 16, 1955; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53975]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

INVOICES

A study of the necessity for customs purposes of requiring certified extracts of invoices in connection with the entry for consumption of portions of zone lots of merchandise for which merchandise the original invoice has already been filed at the same port in connection with a prior entry for consumption of a portion thereof has shown that eliminating the requirement of certified extracts in such cases will be beneficial to all parties.

To incorporate this change, the Customs Regulations are amended as follows:

Section 8.11 (a) is amended by adding a new sentence to read: "However, an extract from the invoice filed with the first entry for consumption from a foreign-trade zone of a portion of the merchandise shown on the invoice will not be required for any subsequent entry for consumption from that zone at the same port of a portion of the merchandise covered by such invoice, if a pro forma invoice is filed and identifies the entry first made and the invoice then filed."

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 7, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-10126; Filed, Dec. 16, 1955; 8:48 a. m.]

[T. D. 53976]

PART 16—LIQUIDATION OF DUTIES

PART 17—PROTESTS AND REAPPRAISEMENTS

NOTICE OF LIQUIDATION

It has been decided to issue a new form, customs Form 4335, for use in giving notice of the liquidation of free consumption entries liquidated "As Entered." It has also been decided that notice of the liquidation of free informal and free mail entries need not be given.

To give importers more timely notice of the liquidation of informal, mail, and baggage entries, the forms used for giving receipts for duties and any internal-revenue taxes collected on such entries are being amended to include such notice. No informal, mail, or baggage entry will be listed on a bulletin notice of liquidation unless it is reliquidated.

Accordingly, the Customs Regulations are hereby amended as follows:

1. Section 16.2 is amended as follows:

a. Paragraph (d) is amended by deleting the first three sentences and substituting therefor: "After liquidation by the collector, formal entries, except free consumption entries liquidated 'As Entered', shall be scheduled promptly on a bulletin notice of liquidation, customs Form 4333. Free consumption entries liquidated 'As Entered' shall be scheduled promptly on a bulletin notice of liquidation, customs Form 4335. When free consumption entries in an unbroken series of numbers are liquidated free on the same day, the first and last entry numbers may be shown on the bulletin notice, e. g., '567/863,' instead of listing every number in the unbroken series."

and by substituting "16.12." for "16.12 (a)." in the fourth sentence.

b. Paragraph (e) is amended by deleting "the notice thereof" and substituting therefor "notice thereof on customs Form 4333".

c. Paragraph (f) is amended by inserting "on customs Form 4333" after the word "Notices" where it first appears.

d. Paragraph (g) is amended by deleting the comma after the figure "4333" and substituting therefor "or 4335,".

(Secs. 505, 624, 46 Stat. 732, 759; 19 U. S. C. 1505, 1624)

2. Section 16.12 is amended as follows:

a. Paragraph (a) is amended by deleting ", informal, mail, or baggage" in the first sentence.

b. Paragraph (b) is redesignated (c) and a new paragraph (b) is inserted as follows:

(b) The effective date of liquidation of informal, mail, and baggage entries shall be the date of payment by the importer of duties and any internal-revenue taxes thereon, or if the articles are released under such an entry free of duty and tax, the date of release of the articles by customs or the postmaster, as the case may be. Notice of liquidation of informal, mail, and baggage entries is furnished by a suitable printed statement appearing on the receipts issued for duties and any internal-revenue taxes collected on such entries and no other notice of the liquidation shall be given, but notice of reliquidation of any such entries shall be given on customs Form 4333 posted or lodged in the place and manner specified in § 16.2 (d).

c. Redesignated paragraph (c) is amended to read as follows:

(c) The release of merchandise under a free informal, free mail, or free baggage entry shall constitute notice of the liquidation of the entry free of duty and tax. No further notice of the liquidation of free baggage entries, whether originals or certified duplicates, on customs Form 5123, 6059, 6059–A, 6059–B, or 6063, free informal entries on customs Form 5119 or 5119–A, and free mail entries on customs Form 3419 or 3420, shall be given.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interpret or apply sec. 505, 46 Stat. 732; 19 U. S. C. 1505)

3. Section 17.1 (c) is amended to read as follows:

(c) The date of liquidation for the purpose of computing the time for filing a protest under section 514, Tariff Act of 1930, shall be the date of posting or lodging a notice of the liquidation in accordance with § 16.2 (d) or § 16.12 (a) of this chapter, except that, in the case of baggage, informal, and mail entries, the date of liquidation shall be the date of payment of duties and internal-revenue taxes thereon or the date of release, as set forth in § 16.12 (b) of this chapter.

(Sec 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 514, 46 Stat. 734; 19 U. S. C. 1514)

These amendments shall be effective as soon as customs Form 4335 and the forms used to give receipts for duties and any internal-revenue taxes collected on informal, mail, and baggage entries have been printed, or revised to conform to the changed procedure, and are available for use.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 13, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-10127; Filed, Dec. 16, 1955; 8:48 a. m.]

[T. D. 53978]

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

FORFEITURE; NOTICE OF SEIZURE AND SALE

In order to increase from $100 to $250 the limitation on the value of property for which notice of seizure and intention to forfeit may be given by posting such notice, § 23.16 (a) of the Customs Regulations is hereby amended by substituting "$250" for "$100" in each of the last two sentences.

(Secs. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 607, 46 Stat. 754, as amended; 19 U. S. C. 1607)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 13, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-10128; Filed, Dec. 16, 1955; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 904, 934, 996, 999]

MILK IN GREATER BOSTON, MERRIMACK VALLEY, SPRINGFIELD, AND WORCESTER, MASSACHUSETTS, MARKETING AREAS

NOTICE OF OPPORTUNITY TO SUBMIT DATA, VIEWS, AND ARGUMENTS IN CONNECTION WITH PROPOSED AMENDMENT TO RULES AND REGULATIONS

Notice is hereby given that pursuant to the authority contained in Orders Nos. 4, 34, 96, and 99, as amended, regulating the handling of milk in the Greater Boston, Merrimack Valley, Springfield, and Worcester, Massachusetts, marketing areas, respectively (7 CFR Parts 904, 934, 996, and 999), the market administrator is considering the issuance, as hereinafter proposed, of an amendment to the rules and regulations (7 CFR 904.101 et seq., 934.101 et seq., 996.101 et seq., 999.101 et seq.) issued to effectuate the terms and provisions of the said orders.

All persons who desire to submit data, views, or arguments in connection with the proposed amendment to the rules and regulations should submit them in writing to the market administrator at Room 403, 230 Congress Street, Boston 10, Massachusetts, by mail or otherwise, in time to be received not later than 5:15 p. m., December 22, 1955.

The proposed amendment is as follows:

Amend the table of standard weights in §§ 904.141, 934.141, 996.141, and 999.141, to provide the following standard weights for half and half, to be used in the absence of specific weights:

Product	Butterfat test	Weight (pounds)	
		Per quart container	Per 40-quart container
Half and half	Any test	2.14	84.5

Issued at Boston, Massachusetts, this 8th day of December 1955.

[SEAL] RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 55-10134; Filed, Dec. 16, 1955; 8:49 a. m.]

[7 CFR Part 953]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1955–56 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Lemon Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $134,995.00 will be necessarily incurred during the fiscal year ending October 31, 1956, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler who first handles lemons shall pay in accordance with the aforesaid amended marketing agreement and order during the aforesaid fiscal year, the rate of assessment at seven eighths (⅞) cents per carton of lemons, or an equivalent quantity of lemons, handled by him as the first handler thereof during said fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order; and "carton" shall mean the standard one-half orange, grapefruit, or lemon box set forth as standard container number

58 in section 828.83, as amended, of the Agricultural Code of California.

Dated: December 13, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-10110; Filed, Dec. 16, 1955; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES

CERTAIN INDIAN IRRIGATION PROJECTS

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F. R. 10297), and delegation by the Commissioner to the Area Director by Order No. 551, Amendment No. 1, dated June 5, 1951, notice is hereby given of the intention to modify § 130.105 *Charges*, of Title 25 CFR, Chapter 1, Subchapter L, Part 130, dealing with operation and maintenance assessments against irrigable lands of Miscellaneous Indian Irrigation Projects, by increasing the partial payment of water charges from $0.80 per acre to $3.40 per acre at the Duck Valley Irrigation Project, Nevada, and from $0.50 per acre to $5.15 per acre at the Pyramid Lake Project, Nevada. The revised section will read as follows:

§ 130.105 *Charges.* Pursuant to the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), a part of the reimbursable cost of operating and maintaining the irrigation projects named in this section is apportioned on a per-acre basis against the irrigable lands of the respective projects for the calendar year 1956 and for each succeeding calendar year until further order, in the amounts designated below for each project, and there is assessed against each acre of irrigable land to which water can be delivered through the constructed works of the respective projects, the amounts designated for each project, to be applied in the reimbursement of such apportionments:

Project and agency	Per acre (per annum)
Duck Valley, Western Shoshone	$3.40
Miscellanous Units, Navajo	.50
Pyramid Lake Unit, Carson	5.15
San Carlos Reservation Unit, San Carlos	.50
San Xavier Unit, Sells	1.00
Tongue River Unit, Tongue River	.25
Warm Springs Unit, Warm Springs	2.00

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to F. M. Haverland, Area Director, Phoenix Area Office, P. O. Box 7007, Phoenix, Arizona, within thirty (30) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

F. M. HAVERLAND,
Area Director.

[F. R. Doc. 55-10117; Filed, Dec. 16, 1955; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 9, 1955.

The Bureau of Land Management has filed an application, Serial No. Anchorage 026736, for the withdrawal of the lands described below, from all forms of appropriation including the mining laws, but not including the mineral-leasing laws, the Materials Act, the Grazing Act, the Timber Act, the Small Tract Act, the Alaska Public Sale Act, or the Recreation and Public Purposes Act. The applicant desires the land for Forestry Management Purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SEWARD MERIDIAN

T. 22 N., R. 2 W., unsurveyed:
Secs. 5, 6, 7, 8.
T. 22 N., R. 3 W., unsurveyed:
Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 21, 22, 23, 28.
T. 23 N., R. 3 W., unsurveyed:
Secs. 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33.
T. 23 N. R. 4 W., surveyed:
Secs. 1, 2, 11, 12, 13, 14; SE¼ Sec. 19; Secs. 20, 21, 22, 23, 24.
T. 24 N., R. 3 W., unsurveyed:
Secs. 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33.
T. 24 N. R. 4 W., surveyed:
Secs. 3, 10; N½N½ Sec. 17; Lot 1, N½NE¼ (less S½S½N½SE¼NW¼NE¼), NE¼ NW¼ Sec. 18; Secs. 15, 22, 23, 26, 35.
T. 24 N., R. 5 W., surveyed:
Secs. 12, 13, 14; lots 1, 2, 3, 4, 5, S½NE¼, SE¼SE¼, N½SE¼ Sec. 15; lots 1, 2, NE¼NE¼ Sec. 22; lots 1, 2, NE¼, N½ NW¼ Sec. 23; N½ Sec. 24.
T. 25 N., R. 3 W., unsurveyed:
Secs. 6, 7, 18, 19, 28, 29, 30, 31, 32, 33.
T. 25 N., R. 4 W., surveyed:
Secs. 5, 6, 7, 8, 17; lots 3, 7, N½, E½SW¼ Sec. 18; E½, E½W½ Sec. 19; Secs. 20, 21, 28, 29; NE¼, E½NW¼ Sec. 30; Secs. 31, 32 and 33.
T. 26 N., R. 3 W., unsurveyed:
S½ Sec. 6; Secs. 7, 18, 19, 30, 31.
T. 26 N., R. 4 W., surveyed:
Sec. 20; lots 5, 6, E½ Sec. 29; lot 5, SE¼ SW¼, SE¼ Sec. 30; Secs. 31, 32.
Unsurveyed: S½ Sec. 1; SE¼ Sec. 2; Secs. 10, 11, 12, 13, 14, 15; S½ Sec. 16, S½ Sec. 17; Secs. 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36.

Aggregating approximately 104,559 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 55-10118; Filed, Dec. 16, 1955; 8:47 a. m.]

Bureau of Reclamation

OWYHEE PROJECT, IDAHO

ORDER OF REVOCATION

DECEMBER 8, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of March 26, 1930, in so far as said order affects the following-described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 9 N., R. 3 E.,
Sec. 21, Lots 1, 2, 3, 4, 5 and 6, S½NE¼ and NW¼SE¼;
Sec. 22, All;
Sec. 27, Lots 1, 2 and 3, and SE¼NW¼.
T. 9 N., R. 4 E.,
Sec. 29, SW¼.

The above area contains approximately 1,002 acres of vacant public land.

H. F. MCPHAIL,
Acting Commissioner.

[1372850]

DECEMBER 13, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The following-described lands, which comprise a part of the Boise National Forest, shall be opened, subject to any valid existing rights and the requirements of applicable law, to such applications, selections, and locations as are permitted on national forest lands effective at 10:00 a. m. on January 18, 1956:

BOISE MERIDIAN

T. 9 N., R. 3 E.,
Sec. 21, Lots 1 to 6, incl., S½NE¼, NW¼ SE¼;
Sec. 22, Lots 1 and 2.

The areas described aggregate 293.49 acres.

The following-described lands have been patented:

BOISE MERIDIAN

T. 9 N., R. 3 E.,
Sec. 22, Lots 11, 12, NE¼NE¼;
Sec. 27, Lots 1 and 3.

The areas described aggregate 175.28 acres.

Most of the remaining lands are in power site withdrawals. They are located near Banks and Garden Valley, Boise County, Idaho. The lands are mainly of rough and mountainous topography. In addition to their range, forest, and water values, many of the lands have significant aesthetic, recreational, and small tract values. Most of the lands have some timber cover and they are located on or relatively near to either the North Fork or the South Fork of the Payette River. Some of the subdivisions are traversed by State Highway No. 17. Because of their rough and mountainous topography they have no significant value for agricultural development and use.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on January 18, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on April 18, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on April 18, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on April 18, 1956.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55-10124; Filed, Dec. 16, 1955; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

MCLAUGHLIN COMMISSION CO.

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the McLaughlin Commission Company, McLaughlin, South Dakota, is a stockyard as defined in Section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 13th day of December 1955.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 55-10111; Filed, Dec. 16, 1955; 8:45 a. m.]

Commodity Stabilization Service and Commodity Credit Corporation

LENDING AGENCY AGREEMENT FOR COMMODITY LOANS ON GRAIN, SEED AND OTHER COMMODITIES SIMILARLY HANDLED

COMPENSATION

The offer made by the Commodity Credit Corporation, published in 20 F. R. 6477, covering rates of compensation to lending agencies who are party signatories to and operating under the CCC Form 322 (4-22-54) Lending Agency Agreement (for commodity loans on grain, seed and other commodities similarly handled) is hereby amended to offer the payment of compensation for loans made pursuant to CCC commodity loan programs for 1955 crops and for loans made pursuant to CCC reseal loan programs for 1954 crops as follows:

1. If the Agency invests its funds in notes evidencing loans made by Agency under said Agreement or made by another lending agency under a Lending Agency Agreement with CCC, the Agency shall receive compensation for interest on the funds invested and for the servicing of such loans as follows:

(a) On loan repayments received by the Agency on or after December 1, 1955, compensation shall be at the per annum rates of 2¾ percent from the respective dates of disbursement through November 30, 1955 and 3 percent thereafter on the principal amount repaid: *Provided*, That with respect to each repayment either partial or in full on each such loan, the Agency shall be entitled to a minimum return of $5.00 or the full amount of the interest collected on the repayment at the rate of 3½ percent per annum, whichever is smaller.

(b) On notes purchased by CCC which are tendered on or after December 1, 1955, at the option of the Agency, compensation shall be computed on the outstanding principal balance at the per annum rates of 2¾ percent from the respective dates of disbursement of the loans through November 30, 1955 and 3 percent thereafter to date of purchase by CCC.

(c) On notes purchased by CCC which are tendered on or after December 1, 1955, upon demand by CCC, (1) on maturity of the notes except where CCC otherwise directs or (2) upon receipt of knowledge of any defect or irregularity in the note or loan agreement or ineligibility of the commodity as security for loans, or knowledge of damage, destruction, or other impairment of the commodity, compensation shall be computed on the outstanding principal balance at the per annum rates of 2¾ percent from the respective dates of disbursement of the loans through November 30, 1955 and 3 percent thereafter to date of purchase by CCC: *Provided*, That on each note purchased the Agency shall be entitled to a minimum return of $5.00 or the full amount of accrued interest computed at 3½ percent per annum, whichever is smaller.

This offer may be amended or terminated upon the giving of notice thereof published in the FEDERAL REGISTER but

any reduction in interest will not be made retroactive and in no event will the interest be reduced below that specified in said Agreement as originally executed.

Issued this 1st day of December 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-10135; Filed, Dec. 16, 1955; 8:50 a. m.]

LENDING AGENCY AGREEMENT FOR FINANCING 1955 COTTON LOAN PROGRAM

COMPENSATION

A. The offer made by Commodity Credit Corporation, published in 20 F. R. 6478, covering rates of compensation under the CCC Cotton Form D (6-15-54) Lending Agency Agreement—Cotton, is hereby amended to offer the payment of compensation for loans made pursuant to the 1955 Cotton Loan Program as follows:

1. The compensation to be included in the purchase price of notes tendered on or after December 1, 1955, and accepted by CCC for purchase pursuant to said Agreement shall consist of:

(a) A fee for services performed, computed at the rate of eight cents for each bale of cotton covered by the notes, and

(b) Interest on the principal amount of the notes at the per annum rates of 2¼ percent from the respective dates of disbursement of the loans through November 30, 1955, and 2½ percent thereafter to the date of purchase by CCC: *Provided*, That a fee computed at the rate of three cents for each bale of cotton covered by the notes shall be allowed in lieu of interest if Agency obtains payment by drawing a draft on CCC.

2. The compensation to be included in the face amount of Certificates of Interest issued for notes accepted for pooling pursuant to this Agreement shall be a fee for services performed, computed at the rate of eight cents for each bale of cotton covered by the notes.

3. Certificates of Interest issued for notes tendered and accepted for pooling pursuant to said Agreement shall bear interest from the respective dates of the Certificates at the per annum rates of 2¼ percent through November 30, 1955 and 2½ percent thereafter.

B. CCC hereby offers to pay to holders of Certificates of Interest issued or to be issued under Agreement to Make Loan Advances to Cotton Cooperative Marketing Associations, notwithstanding the provisions of said Agreement, interest on such Certificates from the respective dates of the Certificates at the per annum rates of 2¼ percent through November 30, 1955, and 2½ percent thereafter.

C. This offer may be amended or terminated upon the giving of notice thereof published in the FEDERAL REGISTER but any reduction in interest will not be made retroactive and in no event will the interest be reduced below that specified in said Agreements as originally executed.

Issued this 1st day of December 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-10136; Filed, Dec. 16, 1955; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7420]

ARTHUR VINING DAVIS

NOTICE OF HEARING ON PETITION FOR DISCLAIMER OF JURISDICTION

In the matter of the petition of Arthur Vining Davis for disclaimer of jurisdiction of the applicability of section 408 of the Civil Aeronautics Act of 1938, as amended, or, in the alternative, application for approval thereunder.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on December 22, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., December 14, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-10129; Filed, Dec. 16, 1955; 8:48 a. m.]

[Docket No. 1705 et al.; Order No. E-9845]

SLICK AIRWAYS, INC.

ORDER ASSIGNING FOR HEARING PETITION TO AMEND THE MINIMUM RATE ORDER

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 14th day of December 1955.

The Board on June 2, 1948, entered an order[1] in this proceeding prescribing lawful minimum rates for the transportation of property by air (except for property carried in the air express service), and providing that the record be held open for any party in interest to petition for modification of the minimum rates prescribed by such order.

Slick Airways, Inc. (Slick), by petition filed October 20, 1955, has requested that Order No. E-1639, as amended, be amended so as to include air freight forwarders within its scope so that the same minimum rates which are applicable to direct air carriers will be applicable to air freight forwarders.

American Airlines, Inc. (American), and United Air Lines, Inc. (United), have filed papers in support of Slick's petition.

The Air Freight Forwarder Association has filed a Petition to Intervene and Answer to Petition of Slick, asserting in its answer that the application of the same minimum rates to air freight forwarders as to direct air carriers would upset the proper competitive relationship between direct and indirect air carriers. The Association, however, alleges that minimum rates for air freight forwarders are necessary, and that separate minimum rates should be prescribed for the forwarders.

American Shippers, Inc. (American Shippers), in Petition to Intervene, asserts that Slick is seeking to reverse the Board's recent order in the Air Freight Forwarder Investigation[2] and requests that if the Board determines to act on Slick's petition, that the hearing be placed in its normal position on the Board's docket.

Shulman, Inc., in Motion to Dismiss, filed November 25, 1955, contends that Slick's petition is a collateral attack on the finding of the Board on an issue in which a final decision and order was entered in the Air Freight Forwarder Investigation. Counsel for Shulman, Inc., requests to be heard in oral argument upon the motion, and in event the motion is denied, requests reasonable time to answer Slick's petition on its merits.[3]

The Board, upon consideration of the foregoing petitions and answers and of the record and orders previously entered in this proceeding, finds that the present fares of the air freight forwarders may be unjust and unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and that the petition of Slick states facts that warrant an investigation herein.

With respect to the Motion of Shulman, Inc., to Dismiss the Petition of Slick Airways, Inc., the Board has not had before it, nor did it in the Air Freight Forwarder Investigation consider the specific question of whether minimum rates should be prescribed for air freight forwarders. The Air Freight Forwarder Investigation was instituted primarily to determine the operating authority of air freight forwarders, including authority to enter into joint rate or compensation agreements with direct air carriers, and it does not appear that it would have been appropriate in that proceeding to have included therein the issue as to minimum rates for forwarders. We therefore find no merit to the contention of Shulman that Slick by intervening in the Air Freight Forwarder Investigation and not requesting minimum rates for air freight forwarders is thereby precluded from now requesting such action by the Board.

The Board finds that its action herein is necessary and appropriate in order

[1] Order No. E-1639, 9 CAB 340.

[2] Docket 5947, Order No. E-9532 dated August 30, 1955.

[3] While this motion was not filed within the seven days prescribed by Rule 6 of the Board's rules of practice, or within the ten days provided in Order No. E-1639 dated June 2, 1948, 9 CAB 340, 362, for any party to file answer to a petition to modify the minimum rates prescribed by the Board, we find that such petition on its merits must be dismissed.

to carry out the provisions and objectives of the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 403, 404 and 1002 thereof.

It is ordered, That: 1. An investigation be and is hereby instituted to determine whether the minimum freight rates and charges previously prescribed herein, or separate minimum rates and charges, should be prescribed for air freight forwarders.

2. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

3. The petition of Air Freight Forwarders Association for leave to intervene be and is hereby granted.

4. The Motion of Shulman, Inc., to Dismiss the Petition of Slick Airways, Inc. and the request for oral argument on such motion be and the same is hereby denied.

5. All domestic air freight forwarders currently holding letters of registration, not heretofore parties to this proceeding, be and are hereby made parties hereto and are hereby granted ten days from the date of service of this order to file answers.

6. A copy of this order be served upon each person holding a letter of registration as an air freight forwarder, upon all parties to this proceeding and upon all parties to the Air Freight Forwarder Investigation, Docket 5947, et al.

7. This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-10130; Filed, Dec. 16, 1955; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9536]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 13, 1955.

Take notice that Northern Natural Gas Company (Northern), a Delaware corporation with its principal place of business at 2223 Dodge Street, Omaha, Nebraska, filed on October 24, 1955, an application in Docket No. G-9536 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, to construct and operate metering and regulating facilities near Rosemont, Minnesota, on its main transmission line, for the purpose of selling natural gas directly to St. Paul Ammonia Products, Inc. Northern proposes to sell interruptible gas to the ammonia plant in quantities approximating 2,930,000 Mcf annually and 11,500 Mcf on a maximum day at an average charge of 26 cents per Mcf. Northern's proposed facilities are estimated to cost $7,000. The gas supply for this service is to come from gas reserves presently available to Northern.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of January 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-10121; Filed, Dec. 16, 1955; 8:47 a. m.]

[Project No. 2136]

MIDDLE FORK OF FEATHER RIVER DEVELOPMENT AND PACIFIC GAS AND ELECTRIC CO.

NOTICE OF LAND WITHDRAWAL; CALIFORNIA

DECEMBER 15, 1955.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands herein described, insofar as title thereto remains in the United States are included in Power Project No. 2136 (Middle Fork of Feather River Development) for which completed application for preliminary permit was filed May 29, 1953, by The Pacific Gas and Electric Company of San Francisco, California. Under said section 24 these lands are, from said date of filing reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

T. 21 N., R. 5 E.,
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 10, Lots 1, NE¼NE¼, S½NE¼.
T. 22 N., R. 5 E.,
Sec. 24, All;
Sec. 25, W½NE¼, N½SW¼, SW¼SW¼,
Sec. 35, N½NE¼, SW¼NE¼, S½NE¼ SE¼;
Sec. 36, NE¼NE¼, SE¼.
T. 22 N., R. 6 E.,
Sec. 19, Lots 1, 2, 3, 4, E½W½;
Sec. 25, NW¼ and unsurveyed E½, SW¼;
Sec. 26, W½SE¼, SW¼;
Sec. 28, S½NE¼, N½NW¼, SW¼NW¼, S½;
Sec. 29, All;
Sec. 30, NE¼, NE¼NW¼, SE¼SW¼, S½ SE¼;
Sec. 31, Lots 3, 4, E½SW¼, E½;
Sec. 33, N½;
Sec. 34, All;
Sec. 36, All.
T. 22 N., R. 7 E.,
Sec. 1, Lots 8, 9, 10, 11, W½SE¼, SW¼;
Sec. 10, S½;
Sec. 11, All;
Sec. 12, Lots 1 to 8 inc., W½E½, W½;
Sec. 13, Lots 1, 2, 3, 4, W½NE¼, NW¼;
Sec. 14, NE¼, E½W½, NW¼NW¼, E½ SW¼NW¼, E½NW¼SW¼, SW¼NW¼ SW¼, SW¼SW¼;
Sec. 15, N½N½, SW¼NE¼, W½SE¼NE¼, S½S½, NW¼SE¼, NW¼NE¼SE¼, S½ NE¼SE¼, those parts of S½NW¼, N½ SW¼ outside of Indian Allotment No. 304;
Sec. 16, W½SE¼, SE¼SE¼, that part of NE¼SE¼ outside of Indian Allotment No. 304;
Sec. 20, S½;
Sec. 21, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 22, Lots 1, 2, 3, 4, S½N½, SW¼;
Sec. 28, W½;
Sec. 29, All;
Sec. 30, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 31, Lots 1, 2, E½NW¼, NE¼;
Sec. 32, N½.
T. 22 N., R. 8 E.,
Sec. 1, Lots 1, 2, 3, 4, S½N½;
Sec. 2, Lots 1, 2, 3, 4, S½N½, SW¼;
Sec. 3, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, Unsurveyed S½;
Sec. 6, Unsurveyed S½;
Sec. 7, Unsurveyed;
Sec. 8, SE¼, and unsurveyed N½, SW¼;
Sec. 9, N½, SW¼;
Sec. 10, N½;
Sec. 18, Lots 1, 2, E½NW¼, NE¼.
T. 23 N., R., 8 E.,
Sec. 25, S½;
Sec. 34, S½;
Sec. 35, Lots 1, 2, 3, NE¼SE¼, N½, SW¼;
Sec. 36, NE¼NW¼, SE¼.
T. 23 N., R. 9 E.,
Sec. 13, S½, NE¼, E½NW¼. Those parts of W½NW¼ outside of Mineral Survey No. 4744;
Sec. 14, S½;
Sec. 15 S½;
Sec. 20, N½S½, S½SW¼, SW¼SE¼, W½ W½, SE¼SE¼,
Sec. 21, All
Sec. 22, All
Sec. 23, All
Sec. 24, N½
Sec. 27, N½
Sec. 28, NE¼, E½NW¼, N½NW¼NW¼, NE¼SW¼, NW¼NW¼, S½SW¼, NW¼ NW¼, SE¼NW¼NW¼, SW¼NW¼, S½;
Sec. 29, W½W½NE¼NE¼, NW¼NE¼, S½ NE¼, NW¼ and unsurveyed S½;
Sec. 30, unsurveyed S½;
Sec. 31, Lots 1 and 2, E½SW¼, S½SE¼, unsurveyed N½, N½SE¼;
Sec. 32, S½SW¼, SE¼, unsurveyed N½, N½SW¼.
T. 23 N., R. 10 E.,
Sec. 10, W½NE¼, NW¼, N½SW¼, NW¼ SE¼, N½NE¼SE¼;
Sec. 11, NE¼, E½NW¼, N½N½SW¼, SE¼ NE¼SW¼, NE¼SE¼SW¼, S½SE¼ SW¼, SE¼;
Sec. 12, All
Sec. 15, E½, S½SW¼;
Sec. 16, S½NE¼, NW¼, S½;
Sec. 17, All
Sec. 18, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 19, Lots 1, 2, E½NW¼, NE¼;
Sec. 20, N½;
Sec. 21, N½, SE¼;
Sec. 22, NW¼ and unsurveyed NE¼, S½.
T. 23 N., R. 11 E.,
Sec. 7, Lots 5, 6, 7, 8, SE¼;
Sec. 8, S½;
Sec. 9, SE¼SE¼;
Sec. 17, N½;
Sec. 18, Lots 1, 2, 3, 4, NE¼.
T. 21 N., R. 12 E.,
Sec. 8, SW¼, N½SE¼;
Sec. 9, N½SW¼, SE¼SW¼;
Sec. 17, W½NW¼;
Sec. 18, N½SE¼, SW¼SE¼;
Sec. 19, Lots 7, 8, 10, 11, W½NE¼, E½SE¼;
Sec. 20, S½NE¼, S½.
T. 22 N., R. 12 E.,
Sec. 25, NE¼NE¼.
T. 22 N., R. 13 E.,
Sec. 19, NE¼NE¼, S½NE¼, E½SW¼, W½ SE¼;
Sec. 29, SE¼SW¼;
Sec. 30, NW¼NE¼, those parts of NE¼ SE¼ outside of patented mineral surveys;
Sec. 32, E½NW¼.
T. 23 N., R. 13 E.,
Sec. 1, Lots 3, 4, S½NW¼, SW¼;
Sec. 2, Lot 2, S½NE¼, S½;
Sec. 3, SW¼NW¼, SE¼SW¼, NE¼SE¼.
T. 24 N., R. 13 E.,
Sec. 17, SE¼SW¼, SW¼SE¼;
Sec. 19, Lots 1, 2, NE¼NW¼, N½NE¼, E½ SE¼;
Sec. 20, S½NE¼, NW¼NW¼, NE¼SW¼, SW¼SW¼;
Sec. 21, NW¼NE¼, SW¼NW¼;
Sec. 22, W½, E½SE¼;
Sec. 26, NW¼, NW¼SW¼, SE¼;

Sec. 27, E½NE¼, NE¼NW¼, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 28, S½NE¼, NW¼NW¼, N½SE¼, SW¼SE¼;
Sec. 29, NE¼, NE¼NW¼, S½NW¼, NE¼SW¼, SW¼SW¼, SW¼SE¼;
Sec. 30, NW¼NE¼;
Sec. 35, NE¼NE¼, SE¼SE¼.

The area reserved pursuant to the filing of this application is approximately 39,235.73 acres, wholly within the Plumas National Forest. Of this area approximately 32,584.93 acres have been heretofore reserved in connection with either earlier applications for projects Nos. 200, 249, 261, 864, 2124 and 2134 or Power Site Classifications Nos. 163, 179, and 425.

Copies of the project map (2136–1) have been transmitted to the Bureau of Land Management, Forest Service and Geological Survey.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–10122; Filed, Dec. 16, 1955; 8:47 a. m.]

[Docket No. G–4417, etc.]

FRANK W. MICHAUX ET AL.

NOTICE OF FINDINGS AND ORDER

DECEMBER 13, 1955.

In the matters of Frank W. Michaux, Morris Cannan and Creslenn Oil Company, Docket No. G–4417; Sam Sklar, Docket No. G–4422; Sam Sklar, Trustee, S. H. Killingsworth, and N. E. Loomis, Docket No. G–4599; Sam Sklar, Douglas Whitaker, and Durbin Bond, Docket No. G–4644; Sam Sklar, Trustee, Docket No. G–4645; Amerada Petroleum Corporation, Docket Nos. G–4780, G–4781, G–4782, G–4783, G–4784, G–4785; The North Central Texas Oil Company, Inc., Docket No. G–5148; Continental Oil Company, Docket Nos. G–6348, G–6354 and G–6356; Pioneer Petroleum Company, Docket No. G–8297; Anderson-Prichard Oil Corporation, Docket Nos. G–8298 and G–8328; National Oil and Gas Company, Docket No. G–8301; Murphy Farm Gas Company, Docket No. G–8302; Southray Oil Company, Docket No. G–8318; Goal Drilling Company, Docket No. G–8322; Texola Drilling Co., Inc., Docket No. G–8325; Fred Scandola, Docket Nos. G–8335 and G–8336; Basin Natural Gas Corporation, Docket No. G–8337; M. Ascher, Individually and as Trustee, Docket No. G–8344; M. Ascher, Individually and as Trustee, Docket No. G–8369; Gertrude Skelly, George F. Bauerdorf, Leach Bros., Inc., and F. A. Clark, Trustee Liberty Oil & Gas Company, et al., Docket No. G–8372; M. P. O'Meara et al., Docket No. G–8374; Fred Kyle, Docket No. G–8388.

Notice is hereby given that on November 30, 1955, the Federal Power Commission issued its findings and order adopted November 23, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–10123; Filed, Dec. 16, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 14, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31412: *Commodities between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on diapers or bed liners, less carloads, fertilizer and materials, carloads, and rice bran, carloads, between points in Texas over interstate routes.

Grounds for relief: Competition of Texas intrastate rates, short-line distance formula, and circuity.

Tariff: Supplement 9 to Agent Brown's I. C. C. 865.

FSA No. 31414: *Iron and steel articles—Texas to the South.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron and steel articles, including pipe, carloads, from Bellaire, Dallas, Medio, Pierce Jct., Stella, Streets Spur and West Jct., Tex., to specified points in southern territory, including lower Mississippi River crossings, Virginia cities and Florida peninsula points.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 23 to Agent Kratzmeir's I. C. C. 4170.

FSA No. 31415: *Grain and grain products—Arkansas and Missouri points to Louisiana.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain and grain products, carloads, from specified points in Arkansas and Missouri to specified points in western Louisiana.

Grounds for relief: Circuitous routes through higher-rated destination groups.

Tariff: Supplement 55 to Agent Kratzmeir's I. C. C. 3940.

FSA No. 31416: *Canned goods—New Orleans, La., to Pensacola, Fla.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on canned goods and related articles, carloads, from New Orleans, La., to Pensacola, Fla.

Grounds for relief: Circuitous route.

Tariff: Supplement 70 to Agent C. A. Spaninger's I. C. C. 1354.

FSA No. 31417: *Glycols—Orange, Tex., to Chicago, Ill., Outer Zone District Points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on ethylene and diethylene glycol, tank-car loads, from Orange, Tex., to points in the outer zone of the Chicago, Ill., switching district.

Grounds for relief: Competition of barge lines, destination group rate relations, and circuitous routes.

Tariff: Supplement 85 to Agent Kratzmeir's I. C. C. 4064.

FSA No. 31419: *Newsprint from Calhoun, Tenn., Cosa Pines and Childersburg, Ala.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on Newsprint paper, carloads, from Calhoun, Tenn., Coosa Pines and Childersburg, Ala., to specified points in southern and official territories.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 23 to Agent C. A. Spaninger's I. C. C. 1466.

FSA No. 31420: *Pulpboard or fibreboard—Port Wentworth, Ga., to New Orleans, La.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on pulpboard or fiberboard, noibn, carloads, from Port Wentworth, Ga., to New Orleans, La.

Grounds for relief: Circuitous routes.

Tariff: Supplement 23 to Agent C. A. Spaninger's I. C. C. 1466.

FSA No. 31421: *Plumbers' goods—Chattanooga, Tenn., to Pacific Coast.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on plumbers' goods and related articles, carloads, from Chattanooga, Tenn., to Pacific coast terminals and intermediate points described.

Grounds for relief: Circuitous routes.

Tariff: Supplement 85 to Agent W. J. Prueter's I. C. C. 1564.

FSA No. 31422: *Coal—Chesapeake and Ohio Railway mines to Chattanooga, Tenn.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on coal, bituminous, also cannel coal and coal briquettes, carloads, from mines on The Chesapeake and Ohio Railway Company in groups 1, 2, 3, 4, and 5 of its tariff I. C. C. 12837, to Chattanooga, Tenn.

Grounds for relief: Circuitous routes.

AGGREGATE-OF-INTERMEDIATES

FSA No. 31413: *Commodities between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on various commodities, carloads and less carloads, as described in the application, between points in Texas over interstate routes.

Grounds for relief: Maintenance of rates proposed between points in Texas not applicable as factors in constructing combination rates lower than through one-factor rates from or to beyond Texas.

Tariff: Supplement 9 to Agent Brown's I. C. C. 865.

FSA No. 31418: *Glycols—Orange, Tex., to Chicago, Ill., Outer Zone District Points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on ethylene and diethylene glycol, tank-car loads, from Orange, Tex., to points in outer zone of Chicago, Ill., switching district.

Grounds for relief: Maintenance of proposed water competition rates restricted as not applicable to effect reductions in present through one-factor rates from or to more distant points.

Tariff: Supplement 85 to Agent Kratzmeir's I. C. C. 4064.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55–10119; Filed, Dec. 16, 1955; 8:47 a. m.]

PART I

FEDERAL REGISTER

VOLUME 20 NUMBER 246

Washington, Tuesday, December 20, 1955

UNIVERSITY OF MICHIGAN
DEC 22 1955
MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENTS OF DEFENSE AND NAVY

Effective April 1, 1956, paragraph (k) (1), (2), (3) is added to § 6.104 and paragraph (a) (4) is added to § 6.106 as set out below.

§ 6.104 *Department of Defense.* • • •

(k) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* (1) Until December 31, 1960, professional positions in Military Dependent School Systems overseas.

(2) Until December 31, 1960, positions in Attaché Systems overseas.

(3) Until December 31, 1960, positions of clerk-translator, translator, and interpreter overseas.

§ 6.106 *Department of the Navy—*

(a) *General.* • • •

(4) Until December 31, 1960, positions in the Saipan District.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–10151; Filed, Dec. 19, 1955; 8:46 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL HOME LOAN BANK BOARD

Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 6.142 and paragraph (d) of § 6.342 are revoked, and §§ 6.157 and 6.357 are added as set out below.

§ 6.157 *Federal Home Loan Bank Board.* (a) One Secretary, Federal Home Loan Bank Board.

(b) One Director, Division of Examinations.

(c) All temporary field positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions.

§ 6.357 *Federal Home Loan Bank Board.* (a) One Assistant to the Board.

(b) One Director, Federal Home Loan Bank Operations.

(c) One General Counsel.

(d) One Director, Division of Supervision.

(e) One Secretary to the Chairman of the Board.

(f) Two Secretaries to Board Members.

(g) One General Manager, Federal Savings and Loan Insurance Corporation.

(h) One Deputy General Manager, Federal Savings and Loan Insurance Corporation.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–10149; Filed, Dec. 19, 1955; 8:46 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (c) is added to § 6.203 as set out below.

§ 6.203 *Treasury Department.* • • •

(c) Not to exceed two positions of Accountant (Tax Specialist) at grades

(Continued on p. 9503)

This issue is divided into two parts, Part II of which contains a republication of Title 21, Chapter I, of the Code of Federal Regulations.

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplement is now available:

General Index ($1.25)

All of the Cumulative Pocket Supplements and revised books of the Code of Federal Regulations (as of January 1, 1955) are now available with the exception of Titles 1–3

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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GS–13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employments under this paragraph shall not exceed a period of 18 months in any individual case.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–10150; Filed, Dec. 19, 1955; 8:46 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE; GOVERNMENT PRINTING OFFICE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.139 is revoked and paragraph (e) (4) of § 6.302 is amended as set out below.

§ 6.302 *Department of State.* • • •
(e) *Office of the Assistant Secretary for Economic Affairs.* • • •
(4) One Special Assistant to the Assistant Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–10152; Filed, Dec. 19, 1955; 8:47 a. m.]

PART 37—GROUP LIFE INSURANCE

CESSATION AND CONVERSION OF INSURANCE COVERAGE

Section 37.5 (f) is amended as set out below.

§ 37.5 *Cessation and conversion of insurance coverage.* • • •
(f) The insurance of an insured employee who enters on active duty in or with the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States shall cease, subject to a 31-day extension of life insurance coverage, on the day preceding his entrance on such active duty. For this purpose, the employee is considered as performing active duty only if he enters or is called to active military service for a specified term or an indefinite period which is expected to exceed 15 days and is subject to control by military authority for full-time active military service.

(Sec. 11, 68 Stat. 742; 5 U. S. C. 2100)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–10153; Filed, Dec. 19, 1955; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1955–56 FISCAL YEAR

On November 23, 1955, notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 8640) regarding the expenses and rate of assessment for the 1955–56 fiscal year under Marketing Agreement No. 117, as amended, and Order No. 14, as amended (19 F. R. 2941) regulating the handling of Navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of The Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Navel Orange Administrative Committee (established pursuant to the marketing agreement and order), it is hereby found and determined that:

§ 914.203 *Expenses and rate of assessment for the 1955–56 fiscal year.* (a) The expenses necessary to be incurred by the Navel Orange Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, for its maintenance and functioning during the period November 1, 1955, through October 31, 1956, will amount to $156,832.83; and the rate of assessment to be paid by each handler who first handles oranges shall be seven and one-half mills ($0.0075) per carton of oranges handled by such handler as the first handler thereof during the 1955–56 fiscal year. Such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) in accordance with the provisions of said marketing agreement and order, the rate of assessment is applicable to all fresh oranges handled during the aforesaid fiscal year; (2) shipments of Navel oranges are now being made; (3) the provisions hereof do not impose any obligations on a handler until such handler handles Navel oranges; and (4) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable the Navel Orange Administrative Committee to perform its duties and functions in accordance with said marketing agreement and order.

As used in this section, "handle," "handler," "oranges," and "fiscal year" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and "carton" shall mean the standard one-half orange, grapefruit, or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 15, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55–10188; Filed, Dec. 19, 1955; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6319]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ADMIRAL CORP.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.230 *Size or weight.* Subpart—*Misrepresenting oneself and goods—goods:* § 13.1575 *Comparative data or merits;* § 13.1743 *Size or weight.*[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Admiral Corporation, Chicago, Ill., Docket 6319, December 3, 1955]

This proceeding was heard by Earl J. Kolb, hearing examiner, upon the complaint of the Commission—which charged a corporate manufacturer of television sets with representing falsely by radio and television broadcasts, advertisements in magazines, newspapers, etc., and advertising material furnished to its distributors, that the screen area of its television sets which were equipped with its Giant 21" picture tube was 20 percent larger than that of its competitors' television sets likewise equipped—and an agreement between the parties providing for the entry of a consent order.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of December 2, 1955, became, on December 3, 1955, the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That respondent, Admiral Corporation, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of television sets in commerce, do forthwith cease and desist from: Misrepresenting directly or by implication the screen area of its television sets as compared with the screen area of its competitors' television sets.

By said "Decision of the Commission", report of compliance was required as follows:

[1] New.

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: December 2, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-10140; Filed, Dec. 19, 1955; 8:45 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Reg. 1, Further Amended]

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

ENFORCEMENT OF IMMIGRATION AND NATIONALITY ACT

On October 5, 1955, there was published in the FEDERAL REGISTER (20 F. R. 7398) a notice of proposed rule making incorporating the requirements of section 290 (c) of the Immigration and Nationality Act into a proposed amendment to Social Security Administration Regulation No. 1, as amended (20 CFR 401.1 et seq.). Interested persons were thereby given opportunity to present their data, views and arguments relative to such proposed amendment within 30 days from the date of such publication.

Expressions of views and objections to the proposed amendment have been received pursuant to this notice, and due consideration has been given them. The proposed amendment, however, is based upon the provision of section 290 (c) of the Immigration and Nationality Act which requires the Secretary of Health, Education, and Welfare to disclose certain information, and merely serves the purpose of incorporating the statutory requirement into the regulation so that the regulation will fully set forth all circumstances under which information contained in old-age and survivors insurance records is released. Consequently, it is decided that the regulation shall be amended substantially in accordance with the notice of proposed rule making.

Section 401.3 of Regulation No. 1, as amended (20 CFR 401.3), is, accordingly, further amended by adding thereto a new paragraph (p) reading:

§ 401.3 *Information which may be disclosed and to whom.* Disclosure of any such file, record, report or other paper, or information, is hereby authorized in the following cases and for the following purposes:

• • • • •

(p) Pursuant to the provisions of section 290 (c) of the Immigration and Nationality Act, to any officer or employee of the Department of Justice of the United States lawfully charged with the administration of title II of such act available information required to be furnished by such section, for the purpose of such administration only, upon written request of the Attorney General of the United States or of an official of the Department of Justice duly authorized by him to make such request.

(Secs. 205, 1102, 49 Stat. 624, 647 as amended; 42 U. S. C. 405, 1302. Interprets or applies sec. 1106, 53 Stat. 1398, as amended; 42 U. S. C. 1306)

[SEAL] CHARLES I. SCHOTTLAND, *Commissioner of Social Security.*

Approved: December 14, 1955.

M. B. FOLSOM, *Secretary of Health, Education, and Welfare.*

[F. R. Doc. 55-10155; Filed, Dec. 19, 1955; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

REPUBLICATION OF REGULATIONS

CROSS REFERENCE: For republication of the regulations of the Food and Drug Administration, see Part II of this issue.

Chapter II—Bureau of Narcotics, Department of the Treasury

REDESIGNATION OF PARTS

EDITORIAL NOTE: Parts 201, 202, 203, 204, and 205 of this chapter are redesignated Parts 301, 302, 303, 304, and 305, respectively.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 14—LEGAL SERVICES, GENERAL COUNSEL

MISCELLANEOUS AMENDMENTS

1. Section 14.627 is revised to read as follows:

§ 14.627 *Accredited representatives.* Recognized organizations shall file with the Veterans Administration on the prescribed form furnished by the Veterans Administration (VA Form 2–21, Recommendation for Accreditation of Representative of an Organization), the name of any person whom they desire recognized as accredited representative thereof. In recommending a person for recognition as a representative, the organization, through its appropriate officer, shall certify to the following: (1) That the designee is a citizen of the United States, of good character and reputation, that he is qualified by ability and experience to present claims, that he is a member of such organization in good standing, or a full-time, paid employee thereof; and that the major portion of his time will be devoted to the preparation or presentation of claims for that organization or other organizations to which he may be accredited or that he is a national officer of the organization requesting accreditation; (2) whether accredited to any other recognized organizations, and, if so, the name or names thereof; (3) that he is not now employed in any civil or military department or agency of the United States and was or was not so employed within 2 years next preceding the date of recommendation for accreditation; (4) if a veteran, the nature of his discharge or separation from the active service. Recommendations for accreditation of representatives of national service organizations will be accepted only if approved by the national certifying officer of such organization; those of State organizations only if approved by the director or higher officer of the organization.

(a) The recommendation for accreditation (VA Form 2–21) executed by a national organization or by a recognized State organization will be filed with the Office of the General Counsel. A recommendation received in Central Office may be sent to the appropriate regional office, if necessary, to secure sufficient facts to justify a determination whether the designee is qualified. The report of the Chief Attorney, including the recommendation, if any, of the Manager, together with VA Form 2–21 will be transmitted to the General Counsel, who will approve or disapprove the recommendation. If the designee is approved, FL 2–3, Notice to Designee of Recognition, will be issued by the General Counsel.

(b) Letters of recognition (FL 2–3) or card issued by the General Counsel (VA Form 2–3192, Service Organization Representative Identification Card) will constitute authorization for the recognition of accredited representatives designated therein, in all offices (including hospitals and domiciliaries) of the Veterans Administration. Record will be maintained in the office of the General Counsel of all recognitions issued.

(c) Recognition of an accredited representative will be canceled at the request of the organization. A manager may suspend recognition in any case for cause, sending a report to Central Office, attention of the General Counsel, for final determination.

(d) An information bulletin will be issued monthly by the office of the General Counsel listing all new accreditations and cancellations. This will constitute notice to all concerned on this subject.

2. In § 14.629 paragraphs (a), (b), and (d) are amended to read as follows:

§ 14.629 *Recognition of attorneys and agents.* (a) Claim agents will be granted recognition and certified by the office of the General Counsel upon satisfactory evidence of qualification, including good reputation and knowledge of applicable law and procedure. Upon presentation to the General Counsel of a properly executed application on the form prescribed by the Administrator, VA Form 3187, Application for recognition as Agent, any competent person of good moral character and of good repute who is a citizen of the United States, or who has declared his intention to become such a citizen, and who is not engaged in the practice of law may be recognized as an agent to represent claimants before the Veterans Administration, if his recognition is not precluded by any statutory or regulatory provision and he has never been convicted, whether on trial or plea, of a serious penal offense, or of any violation of any penal provisions respecting fees. Applicants for recognition as agents may be required to prove their fitness to render substantial service by undergoing a written examination testing their knowledge of the laws administered by the Veterans Administration and regulations promulgated thereunder.

(b) Recognition of attorneys may be granted by a chief Attorney or by the General Counsel. Any member in good standing of the bar of a State, territory, or possession of the United States, or of the bar of the District of Columbia, wherein he resides or maintains a law office, who is a citizen of the United States or who has declared his intention to become such a citizen, may apply for recognition as attorney on VA Form 2–3186, Application for Recognition as Attorney. Such attorney will be presumed to have such knowledge of the law and regulations as to qualify him to render substantial service. If his recognition is not precluded by any statutory or regulatory provision, and he has never been convicted, whether on trial or plea, of a serious penal offense, or of any violation of any penal provisions respecting fees, his application will be approved and he will be notified by letter. Any duly recognized attorney will be accorded recognition in any case by Central Office or by any other office of the Veterans Administration, including hospitals and domiciliaries, to which he presents a duly certified or attested copy of his notification of recognition as attorney or VA Form 2–3192a, Identification Card, together with the original or exemplified copy of power of attorney. (See § 14.639 as to recognition in individual cases.) VA Form 2–3192a, Identification Card, will be issued only by the General Counsel.

• • • • •

(d) Any cause considered sufficient to reject the application of an attorney or agent or to cancel recognition previously granted will be reported by the Chief Attorney to the General Counsel for final determination. Recognition shall be canceled automatically if an attorney or agent is convicted of charging illegal fees contrary to the provisions of the Federal Statutes (38 U. S. C. 101–103, 551, or similar provision). There shall also be applied the provisions of section 6 (a), Public Law 404, 79th Congress (Administrative Procedure Act), (5 U. S. C. 1005).

3. Sections 14.631 and 14.633 are revoked:

§ 14.631 *Knowledge of laws.* [Revoked.]

§ 14.633 *Agents; requirements for recognition.* [Revoked.]

4. Section 14.634 is revised to read as follows:

§ 14.634 *Recognition of attorneys by field stations.* When the Chief Attorney approves an application for recognition as an attorney, he will notify the attorney by letter and inform him that VA Form 2–3192a, Identification Card, will be issued by the General Counsel. The approved application will be retained in the files of the approving office. A 3 x 5 card will be prepared showing the attorney's name, address, and date of recognition. A copy of this card will be forwarded to the office of the General Counsel for record and issuance of VA Form 2–3192a, Identification Card, and to any other office in which the attorney requests that his recognition be recorded. When an attorney has been recognized by the General Counsel, no copy of the 3 x 5 card will be sent to any office unless the attorney specifically requests that his recognition be recorded in a certain office.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 200–203, 49 Stat. 2031, as amended, 2032; 38 U. S. C. 101–104)

This regulation is effective December 20, 1955.

[SEAL] J. C. PALMER, *Assistant Deputy Administrator.*

[F. R. Doc. 55-10161; Filed, Dec. 19, 1955; 8:49 a. m.]

PART 17—MEDICAL

MISCELLANEOUS AMENDMENTS

1. Section 17.30 is revised to read as follows:

§ 17.30 *Refusal of treatment by unnecessarily breaking appointments.* A patient under outpatient medical treatment who breaks an appointment without a reasonable excuse for such action, will be informed that a repetition of the offense will be deemed to be a refusal of Government treatment. If such patient breaks a second appointment, without at least 24 hours' notice, or a reasonable excuse, it will be deemed that he has refused Government treatment. Thereafter no further treatment will be furnished until he has made a specific formal application therefor and has satisfactorily evinced a willingness to accept Government treatment and to cooperate with the Government agency providing the treatment, by keeping his appointments, or by giving at least 24 hours' notice where an appointment must necessarily be broken. Where an appointment is broken without notice and satisfactory reasons are shown for the breaking of the appointment, and it is also satisfactorily shown that circumstances attending the breaking of the appointment were such that notice could not be given, the patient will not be deemed to have refused treatment. Nothing in this section will be construed to prevent a patient from receiving the benefit of treatment for an emergency condition that may arise during the time when he has been determined to be "Not entitled to treatment" as a result of refusal.

2. In § 17.60, that portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

§ 17.60 *Outpatient treatment.* (a) Outpatient treatment, medical or dental, including necessary medicines, prosthetic appliances, and other supplies, may be rendered to the following applicants under the conditions stated, except that applicants for dental treatment as defined in subparagraphs (1), (3), (4), and (9), of this paragraph, must also meet the applicable provisions of § 17.123:

• • • • • •

3. In § 17.120, paragraph (a) is amended to read as follows:

§ 17.120 *Authorization of dental examinations.* • • •

(a) Those having a dental disability adjudicated as incurred or aggravated in military or naval service in war or peacetime, or those requiring examination to determine whether the dental disability is service-connected. The word "peacetime" as used in this paragraph does not include service on or after June 27, 1950, and prior to February 1, 1955.

• • • • • •

4. Sections 17.123, 17.124, and 17.129 are revised to read as follows:

§ 17.123 *Authorization of outpatient dental treatment.* Outpatient dental treatment may be authorized by the chief, dental service, or his professional designee, for beneficiaries defined in § 17.60 (a) (1) to (5), inclusive, (8), (9), and (b), to the extent prescribed and in accordance with the applicable classification and provisions set forth in this section:

(a) *Class I.* Those having a service-connected compensable dental disability or condition, may be authorized any dental treatment indicated as reasonably necessary to maintain oral health and masticatory function. There is no time limitation for making application for treatment and no restriction as to the number of repeat episodes of treatment.

(b) *Class II.* Those having a service-connected noncompensable dental condition or disability shown to have been in existence at time of discharge or release from active service may be authorized any treatment indicated as reasonably necessary for the one-time correction of the service-connected noncompensable dental disability or condition, but only if application for treatment is made within 1 year after discharge or release, or by December 31, 1954. When the services rendered on a one-time basis, as provided in this class, are found unacceptable within the limitations of good professional standards, such additional services may be afforded as are required to complete professionally acceptable treatment. The foregoing limitations in this class II as to existence of disability at time of separation from service, time of filing claim, and one-time completion of treatment are not applicable to Classes II (a) and (b).

(c) *Class II (a).* Those having a service-connected noncompensable dental condition or disability adjudicated as resulting from combat wounds or service trauma may be authorized any treatment indicated as reasonably necessary for the correction of such service-connected noncompensable condition or disability.

(d) *Class II (b).* Those having a service-connected noncompensable dental condition or disability and former prisoner of war status may be authorized any treatment indicated as reasonably necessary for the correction of such service-connected dental condition or disability.

(e) *Class III.* Those having a dental condition not service connected but professionally determined to be aggravating disability from an associated service-connected condition or disability may be authorized dental treatment for only those dental conditions which, in sound professional judgment, are having a direct and material detrimental effect upon the associated basic condition or disability.

(f) *No Class IV.*

(g) *Class V.* Those pursuing a course of vocational training authorized under Public Law 16, 78th Congress, as amended and extended, may be authorized dental treatment indicated as reasonably necessary to prevent the interruption of an authorized course of vocational training.

(h) *Class VI.* Those who served in the active military or naval forces during the Spanish-American War, Philippine Insurrection, or Boxer Rebellion, may be authorized any dental treatment indicated as reasonably necessary to maintain oral health and masticatory function. There is no time limit for making application for treatment and no restriction as to the number of repeat episodes of treatment.

§ 17.124 *Emergency dental treatment.* Emergency dental treatment may be furnished persons hospitalized or receiving domiciliary care pursuant to the provisions of §§ 17.35, 17.45 to 17.47, inclusive; Veterans Administration employees; and persons defined in § 17.60, when eligibility therefor has been established or there is prima facie evidence of eligibility. Emergency dental treatment may be furnished for humanitarian reasons in Veterans Administration clinics for persons not otherwise eligible. However, in providing emergency dental treatment for humanitarian reasons, a rigid interpretation of emergency dental treatment as defined in this section will be followed and charges at prescribed rates will be made for the services rendered. Emergency dental treatment will be restricted to the alleviation of pain or extreme discomfort, or the adequate remediation of a dental condition which is determined to be immediately endangering the life or health of the individual. The rendering of such emergency treatment will not, in itself, entitle the applicant to further dental treatment that may be indicated unless and until eligibility for such continuous treatment is duly determined. Emergency dental treatment rendered on a fee basis may only be authorized if eligibility therefor has been established under the provisions of § 17.123; if Veterans Administration clinical facilities were not feasibly available; and if the treatment rendered on an emergency basis is promptly reported.

§ 17.129 *Dental services for hospital patients and domiciled members.* Persons hospitalized or domiciled pursuant to the provisions of §§ 17.46 and 17.47, will be furnished such dental services as are professionally determined necessary to the patients' or members' overall hospital or domiciliary care.

5. Section 17.135 *Replacement of dental prosthesis* is revoked.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 1, 6, 48 Stat. 9, 301, 53 Stat. 652, as amended; 38 U. S. C. 706, 706a)

This regulation is effective December 20, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-10160; Filed, Dec. 19, 1955; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1261]

[Misc. 29637]

UTAH

WITHDRAWING PUBLIC LANDS FOR USE OF GEOLOGICAL SURVEY AS SEDIMENT TESTING LABORATORY SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Utah are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use of the Geological Survey as a site for a sediment testing laboratory:

SALT LAKE MERIDIAN

T. 34 S., R. 13 E.,
Sec. 35, S½S½NE¼NE¼;
Sec. 36, lot 1.

The areas described aggregate 44.90 acres.

The use of the lands by the Geological Survey shall be subject to existing withdrawals for power purposes, and to the condition that should the lands be required for power purposes, any structures placed thereon which interfere therewith will be removed by the Geological Survey.

This order shall take precedence over but otherwise affect the Departmental order of May 7, 1935, establishing Utah Grazing District No. 5.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

DECEMBER 14, 1955.

[F. R. Doc. 55-10139; Filed, Dec. 19, 1955; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 41—SERVICE IN POST OFFICES

POST OFFICE BOXES

In § 41.3 *Post office boxes* make the following changes:

1. Amend paragraph (c) to read as follows:

(c) *Rental rates*—(1) *Post office.* Box rent rates are based on the gross receipts of the office for the calendar year.

(2) *Rates.* No change in existing rates will be made by postmasters without authority from the Bureau of Finance, Division of Postal Funds.

(3) *Schedule.*

Gross receipts of post office	Rate per quarter						
	Call boxes—Size No.		Lock boxes and drawers—Size No.				
	1	2	1	2	3	4	5
	Cubic inch capacity		Cubic inch capacity				
	To 225	225 to 500	To 225	225 to—	500 to—	900 to—	3,000 and over
To $1,500	$0.15	$0.20	$0.35	$0.50	$0.65	$0.90	$1.10
$1,500 to	.20	.30	.50	.65	.90	1.10	1.50
$8,000 to	.35	.50	.75	1.00	1.35	2.00	2.75
$40,000 to	.65	.90	1.10	1.50	2.25	3.00	4.50
$100,000 to	.90	1.10	1.50	2.25	3.00	4.50	6.00
$300,000 to	1.10	1.50	2.25	3.00	4.50	6.00	7.50
$1,000,000 to	1.50	2.25	3.00	4.50	6.00	7.50	9.00
$5,000,000 to	2.25	3.00	4.50	6.00	7.50	9.00	10.50
$15,000,000 and over	3.00	4.50	6.00	7.50	9.00	10.50	12.00

2. Amend paragraph (f) to read as follows:

(f) *Keys*—(1) *Regular.* A patron renting a key-lock box must be supplied with one or two keys, according to his needs. Renters of lock boxes are not permitted to use any keys except those issued through the post office.

(2) *Additional.* Keys in excess of two may be secured by a patron upon completion of Form 1094 (application for additional keys to post office box) and payment of a 50 cents fee for each key.

(3) *Duplicate.* Duplicates of lost keys may be secured by payment of a 50 cents fee for each key.

(4) *Fees not refundable.* Fees for duplicate and additional keys are not refundable.

(5) *Worn and broken.* Worn or broken keys shall be replaced without charge if the damaged key is surrendered.

(6) *Return.* All keys must be returned when the box is surrendered. If the patron has lost a regular key, he must pay a fee of 50 cents for each missing key.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55-10142; Filed, Dec. 19, 1955; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—Foreign Claims Settlement Commission of the United States

Subchapter C—Receipt, Administration and Payment of Claims Under the International Claims Settlement Act of 1949, as Amended

PART 531—FILING OF CLAIMS AND PROCEDURES THEREFOR

PRESETTLEMENT CONFERENCE

Section 531.7 is added to read as follows:

§ 531.7 *Presettlement conference.* The Commission on its own initiative or upon the application of a claimant for good cause shown, may direct that a presettlement conference be held with respect to any issue involved in a claim.

This addition shall become effective as of the date of filing with the FEDERAL REGISTER.

(Sec. 3, 64 Stat. 13, as amended; 22 U. S. C. 1622)

WHITNEY GILLILLAND,
Chairman, Foreign Claims Settlement Commission of the United States.

[F. R. Doc. 55-10141; Filed, Dec. 19, 1955; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 18-9]

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL SERVICE

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 18 of the Commission's rules and regulations governing the Industrial, Scientific, and Medical Service.

The Commission's order in the above-entitled matter, adopted September 12, 1955 (FCC 55-929), published in the FEDERAL REGISTER September 16, 1955, at page 6927, is corrected in the following respect: In § 18.14 (b) (1) change 35 percent to 70 percent.

Released: December 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

[F. R. Doc. 55-10162; Filed, Dec. 19, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

[Docket No. AO-243-A1]

MILK IN CENTRAL ARKANSAS MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Central Arkansas marketing area.

Interested parties may file written exceptions to the decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment to the tentative marketing agreement and to the order was formulated was conducted at Little Rock, Arkansas, on November 22, 1955, pursuant to notice thereof which was issued on November 15, 1955 (20 F. R. 8547).

The material issues of the hearing relate to:

(1) The pricing of Class I milk; and

(2) The need for emergency action with respect to Issue No. 1.

Findings and conclusions. The order should be amended to correlate Class I price changes in the Central Arkansas marketing area with those resulting under Order No. 52 regulating the handling of milk in the Memphis, Tennessee, marketing area.

The pricing provisions of the Central Arkansas Order No. 8 became effective December 1, 1955. Class I prices under the Central Arkansas and Memphis orders are established by adding identical differentials to basic prices for manufacturing milk. The monthly price resulting from the price formula under the Memphis order, however, is subject to an adjustment based on the relationship of Class I sales to receipts of producer milk under that order. During the months of July through November, 1955, an average of 19 cents was added to the Class I price by the operation of this supply-demand adjustment. No adjustment resulted in prices for the months of May and June or for December of this year. Thus, the Class I prices under the two orders are the same for the month of December.

Starting in April of 1955 and continuing until the pricing provisions of the Central Arkansas order became effective (December 1, 1955), the Central Arkansas Milk Producers Association had an arrangement with the principal handlers of the Central Arkansas marketing area to furnish their total milk requirements at the class prices prevailing under the Memphis order. Thus, in effect the order continues the pricing arrangement negotiated by producers and handlers prior to the effective date of the order.

Under the association's full supply agreement with the handlers, it was necessary for the association to import milk from outside sources starting in July. During the months of shortest supply namely September and October, 1.6 and 2.1 million pounds of milk, respectively, were furnished from outside sources.

The Central Arkansas Milk Producer's proposal would provide for an automatic adjustment of the Class I price of the Central Arkansas order based upon the supply-demand adjustment provided in the Class I pricing provisions of the Memphis order.

On the basis of the present deficit condition of the market and increasing costs of production, producers contended at the hearing that the Class I price under the Central Arkansas order should be increased 20 to 30 cents per hundredweight. They further argued that this should be accomplished either through an increase in the Class I price differentials or through a supply-demand provision identical to that contained in the Memphis order but by the application of the receipts and utilization of milk in the Central Arkansas marketing area.

Neither this record nor the promulgation hearing record contains data which fully reflect the receipts and sales of fluid milk in the Central Arkansas area. It is not possible to develop a "normal" or "standard" relationship of sales to receipts. The evidence does not indicate that the adoption of the Memphis supply-demand relationship in the Central Arkansas order is justified. Furthermore, it is not possible to appraise the production responses which can be ex-

pected under an order with the present pricing arrangement.

It was previously concluded in the Secretary's decision of October 7, 1955, (20 F. R. 7669) with respect to the proposed order for the Central Arkansas marketing area, that because the previous price and supply history of the market could not be fully relied upon, it was not possible to arrive at an appropriate Class I price for this area on the basis of local experience alone. It was further concluded, that because of the large degree of sales competition, the location of the Central Arkansas market in relation to the Memphis market and the relationship of both markets to other supply and sales areas, the stated Class I differentials in the Memphis and the Central Arkansas orders should be the same. The record evidence of the price and supply experience in this market since the promulgation hearing was held shows an even closer relationship between these two markets. Class I prices, as previously indicated heretofore, have been the same during the past several months. It is concluded, therefore, that for the immediate future Class I prices in the two markets should be the same.

This should be accomplished by providing that through March of 1957 the Class I price for the Central Arkansas marketing area shall be the same as the Class I price resulting under the Memphis Order No. 18 including any adjustments resulting from the supply-demand adjustment of that order. Sufficient experience and marketing data will be available by March of 1957 to provide a basis for a more complete appraisal of the pricing arrangement for the Central Arkansas marketing area.

In view of the fact that Class I prices are identical under both the Memphis and Central Arkansas orders for the month of December 1955 and no substantial differences in prices between the two markets, which would be avoided through the attached decision, are indicated in the near future, there appears to be no need for emergency action as requested on the record of hearing.

General findings. (a) The proposed marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. A brief filed on behalf of the producer organization contained proposed findings, conclusions, and arguments with respect to the provisions of the proposed amendment. Every point covered in the brief was carefully considered along with the evidence in the record in making the findings and reaching conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the brief are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following order, amending the order, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as hereby proposed to be amended.

Delete § 908.51 (a) and substitute therefor the following:

(a) *Class I milk price.* From the effective date hereof through March 1957, the Class I milk price shall be the price for Class I milk established pursuant to Federal Order No. 18, regulating the handling of milk in the Memphis, Tennessee marketing area.

Filed at Washington, D. C., this 15th day of December 1955.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 55-10189; Filed, Dec. 19, 1955; 8:53 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF SODIUM-O-PHENYLPHENATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by The Dow Chemical Company, Midland, Michigan, proposing the establishment of a tolerance of 10 parts per million for residues of sodium-o-phenylphenate, determined as orthophenylphenol, in or on citrus fruits.

The analytical method proposed in the petition for determining residues of orthophenylphenol is as follows: An acidified sample of orange peel or pulp is steam distilled. Orthophenylphenol is extracted from the distillate with petroleum ether. The petroleum ether solution obtained is washed with sodium hydroxide, and the orthophenylphenol in the alkaline extract is determined colorimetrically by the 4-aminoantipyrine method.

References:

a. Tompkins, R. G., and Isherwood, F. A.; Analyst, Volume 70, pages 330–333 (1945).

b. Gottlieb, S., and Marsh, P. B.; Industrial and Engineering Chemistry, Anal. Edition, Volume 18, pages 16–19 (1946).

Dated: December 13, 1955.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 55-10154; Filed, Dec. 19, 1955; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 55-51]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026), and in compliance with the authority cited with each item of equipment, the following approvals of equipment are terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with present Coast Guard requirements; or (5) the approval has expired. Except for those approvals which have expired, all other terminations of approvals made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval of any item of equipment as listed in this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

DAVITS, LIFEBOATS

Termination of Approval No. 160.032/120/0, mechanical davit, Quadrant Type G30D, approved for maximum working load of 6,000 pounds per set (3,000 pounds per arm) using not less than 4-part falls, identified by general arrangement dwg. No. 2372 dated September 15, 1942, and revised November 10, 1942, submitted by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER November 11, 1950. Termination of approval effective November 11, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Cum. Supp.; 46 CFR 160.032)

LIFEBOATS

Termination of Approval No. 160.035/267/0, 12.0' x 4.42' x 1.92' steel, square stern, oar-propelled lifeboat, 6-person capacity, identified by construction and arrangement dwg. No. 3334 dated May 26, 1950, and revised September 14, 1950, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER November 11, 1950. Termination of approval effective November 11, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.035)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

Termination of Approval No. 160.048/14/0, special approval for 14" x 44" x 2" rectangular kapok buoyant cushion, 55 oz. kapok, dwg. Nos. A-38, and C-48, dated July 6, 1955, manufactured by The American Pad & Textile Co., Greenfield, Ohio. (Approved FEDERAL REGISTER August 13, 1955.)

Termination of Approval No. 160.048/15/0, special approval for 14" x 48" x 2" rectangular kapok buoyant cushion, 60 oz. kapok, dwg. Nos. A-39, and C-48, dated July 6, 1955, manufactured by The American Pad & Textile Co., Greenfield, Ohio. (Approved FEDERAL REGISTER August 13, 1955.)

Termination of Approval No. 160.048/16/0, special approval for 14" x 54" x 2" rectangular kapok buoyant cushion, 67 oz. kapok, dwg. Nos. A-40, and C-48, dated July 6, 1955, manufactured by The American Pad & Textile Co., Greenfield, Ohio. (Approved FEDERAL REGISTER August 13, 1955.)

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 8, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.048)

BOILER, HEATING

Termination of Approval No. 162.003/61/2, size 3824-8C vertical fire tube hot water heating boiler, welded steel plate construction, oil fired, 30 pounds per square inch maximum pressure, dwg. No. H-110-5, Rev. 3, dated January 3, 1951, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y. (Approved FEDERAL REGISTER March 21, 1951.)

Termination of Approval No. 162.003/85/0, size 380-10E vertical fire tube steam or hot water heating boiler, welded steel plate construction, oil fired, 30 pounds per square inch maximum pressure, dwg. No. H-110-2, Rev. 4, dated January 3, 1951, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y. (Approved FEDERAL REGISTER March 21, 1951.)

Termination of Approval No. 162.003/86/0, size 4536-12E vertical fire tube steam or hot water heating boiler, welded steel plate construction, oil fired, 30 pounds per square inch maximum pressure, dwg. No. H-110-2, Rev. 4, dated January 3, 1951, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y. (Approved FEDERAL REGISTER March 21, 1951.)

Termination of Approval No. 162.003/87/0, size 6642-14E vertical fire tube steam or hot water heating boiler, welded steel plate construction, oil fired, 30 pounds per square inch maximum pressure, dwg. No. H-110-2, Rev. 4, dated January 3, 1951, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y. (Approved FEDERAL REGISTER March 21, 1951.)

Termination of approval of hot water heating boilers, copper tube construction, 30 pounds per square inch maximum pressure, manual control, dwg. No. 6-1000-A dated August 17, 1950, manufactured by The Heat Exchanger Co., 415 Denny Way, Seattle 9, Wash., for the following model numbers:

Approval No.	Model	Water output B. t. u./hour
162.003/110/0	B-1	120,000
162.003/111/0	B-2	180,000
162.003/112/0	B-7	240,000
162.003/113/0	B-10	300,000
162.003/114/0	SH	90,000

(Approved FEDERAL REGISTER November 11, 1950. Termination of approval effective November 11, 1955.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, as amended, secs. 1, and 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. 198; 46 CFR Part 52)

VALVES, RELIEF, HOT WATER HEATING BOILERS

Termination of Approval No. 162.013/6/0, Type No. 499 relief valve for hot water heating boilers, maximum set pressure 30 p. s. i., relieving capacity, 500,000 B. t. u. per hour, dwg. No. RA-13 dated July 13, 1950, inlet size ¾", manufactured by Bell & Gossett Company, 8200 North Austin Avenue, Morton Grove, Ill. (Approved FEDERAL REGISTER February 17, 1951.)

Termination of Approval No. 162.013/7/0, Type No. 1000 relief valve for hot water heating boilers, maximum set pressure 30 p. s. i., relieving capacity 1,000,000 B. t. u. per hour, dwg. No. RSA-1000 dated March 30, 1950, inlet size 1½", manufactured by Bell & Gossett Company, 8200 North Austin Avenue, Morton Grove, Ill. (Approved FEDERAL REGISTER February 12, 1951.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 392, 404, 411, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.013)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Termination of Approval No. 162.020/31/0, Magic Chef gas deep fat fryer, Model No. 314-72, approved by the American Gas Association, Inc., under Certificate No. 13-9-1.011 for liquefied petroleum gas service, manufactured by American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo. (Approved FEDERAL REGISTER November 11, 1950. Termination of approval effective November 11, 1955.)

Termination of Approval No. 162.020/32/0, Magic Chef gas deep fat fryer, Model No. 316-72, approved by the American Gas Association, Inc., under Certificate No. 13-9-1.011 for liquefied petroleum gas service, manufactured by American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo. (Approved FEDERAL REGISTER November 11, 1950. Termination of approval effective November 11, 1955.)

Termination of Approval No. 162.020/33/0, Magic Chef gas deep fat fryer, Model No. 310-72, approved by the American Gas Association, Inc., under Certificate Nos. 13-9-1.011 and 13-9.1 for liquefied petroleum gas service, manufactured by American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo. (Approved FEDERAL REGISTER November 11, 1950. Termination of approval effective November 11, 1955.)

Termination of Approval No. 162.020/34/0, Magic Chef gas deep fat fryer, Model No. 312-72, approved by the American Gas Association, Inc., under Certificate Nos. 13-9-1.011 and 13-9.1 for liquefied petroleum gas service, manufactured by American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo. (Approved FEDERAL REGISTER November 11, 1950. Termination of approval effective November 11, 1955.)

(R. S. 4405, 4417a, 4426, 4491, secs. 1, 2, 49 Stat. 1544, and sec. 2, 54 Stat. 1028, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333, 50 U. S. C. 198; 46 CFR 55.16-10)

Dated: December 13, 1955.

[SEAL] A. C. RICHMOND, *Vice Admiral, U. S. Coast Guard, Commandant.*

[F. R. Doc. 55-10158; Filed, Dec. 19, 1955; 8:48 a. m.]

[CGFR 55–50]

Approval of Equipment and Change in Manufacturer's Address

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167–14, dated November 26, 1954 (19 F. R. 8026), and in compliance with the authority cited with each item of equipment: *It is ordered*, That:

(a) All the approvals listed in this document which extend approvals previously published in the Federal Register are prescribed and shall be in effect for a period of five years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and,

(b) All the other approvals listed in this document (which are not covered by paragraph (a) above) are prescribed and shall be in effect for a period of five years from the date of publication of this document in the Federal Register, unless sooner canceled or suspended by proper authority; and,

(c) The change in the name of the manufacturer of approved equipment shall be made as indicated below.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 2, 3, 5, AND 6

Approval No. 160.002/52/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.002/53/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, and sec. 3, 54 Stat. 346, as amended, and 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 50, U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.002)

LIFE PRESERVERS, CORK (JACKET TYPE) MODELS 32 AND 36

Approval No. 160.003/13/0, Model 32, adult cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

Approval No. 160.003/14/0, Model 36, child cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended; sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, and sec. 3, 54 Stat. 346, as amended, and sec. 3, (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.003)

CLEANING PROCESSES FOR LIFE PRESERVERS

(Where buoyancy fillers are not removed from envelope covers during cleaning process.)

Approval No. 160.006/24/0, Rex cleaning process for kapok life preservers without vinyl covered pad inserts, as outlined in letter of October 1, 1955, from Rex Cleaners and Dyers, 1518–24 East 12th Street, Oakland, Calif.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, and sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.006)

BUOYANT APPARATUS

Approval No. 160.010/21/0, 4.0′ x 6.0′ x 0.75′ buoyant apparatus, pine decking with copper tanks, 20-person capacity, general arrangement dwg. No. G–485, dated June 1955, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, secs. 6 and 17, 54 Stat. 164, 166, as amended, sec. 3, 54 Stat. 346, as amended, and sec, 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 526e, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.010)

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/1/1, MSA one-man combination fresh air hose mask, with all-vision facepiece assembly or with all-vision cleartone speaking diaphragm facepiece assembly which may be used in conjunction with the MSA Maskfone, Bureau of Mines Approval No. BM–1905A, MSA assembly dwg. No. A–1129–1 dated April 5, 1940, Rev. No. 4 dated August 29, 1950, manufactured by Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh 8, Pa. (Extension of the approval published in Federal Register November 11, 1950, effective November 11, 1955.)

Approval No. 160.011/2/1, MSA two-man combination fresh air hose mask, with all-vision facepiece assembly or with all-vision cleartone speaking diaphragm facepiece assembly which may be used in conjunction with the MSA Maskfone, Bureau of Mines Approval No. BM–1905A, MSA assembly dwg. No. A–1129–1 dated April 5, 1940, Rev. No. 4 dated August 29, 1950, manufactured by Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh 8, Pa. (Extension of the approval published in Federal Register November 11, 1950, effective November 11, 1955.)

Approval No. 160.011/12/1, MSA ammonia mask, with all-vision facepiece assembly or with all-vision cleartone speaking diaphragm facepiece assembly which may be used in conjunction with the MSA Maskfone, Bureau of Mines Approval No. BM–1406, MSA assembly dwg. No. A–1128–1 dated November 20, 1939, Rev. No. 10 dated August 29, 1950, manufactured by Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh 8, Pa. (Extension of the approval published in Federal Register November 11, 1950, effective November 11, 1955.)

Approval No. 160.011/15/1, MSA Model "S" all-service gas mask, with all-vision facepiece assembly or with all-vision cleartone speaking diaphragm facepiece assembly which may be used in conjunction with the MSA Maskfone, Bureau of Mines Approval No. BM–1434, MSA assembly dwg. No. A–1128–1 dated November 20, 1939, Rev. 10 dated August 29, 1950, manufactured by Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh 8, Pa. (Extension of the approval published in Federal Register November 11, 1950, effective November 11, 1955.)

Approval No. 160.011/18/1, MSA standard all-service gas mask, with all-vision facepiece assembly or with all-vision cleartone speaking diaphragm facepiece assembly which may be used in conjunction with the MSA Maskfone, Bureau of Mines Approval No. BM–1405, MSA assembly dwg. No. A–1128–1 dated November 20, 1939, Rev. No. 10 dated August 29, 1950, manufactured by Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh 8, Pa. (Extension of the approval published in Federal Register November 11, 1950, effective November 11, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 489, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.011)

LIFE FLOATS

Approval No. 160.027/36/0, 7.67′ x 4.17′ (12″ dia. body section) rectangular hollow aluminum life float, 15-person capacity, general arrangement dwg. No. 80031, dated July 6, 1955, revised August 25, 1955, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.027)

SIGNAL PISTOLS FOR PARACHUTE RED FLARE DISTRESS SIGNALS

Approval No. 160.028/6/1, signal pistol, dwg. No. SP–150 dated March 5, 1950, manufactured by Signal Pyrotechnic Co., 4041 Whiteside Steet, Los Angeles 63, Calif. (Extension of the approval published in Federal Register November 11, 1950, effective November 11, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367,

1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.028)

DAVITS, LIFEBOAT

Approval No. 160.032/68/1, mechanical davit, straight boom sheath screw, Type B–61 (formerly Type C), approved for maximum working load of 12,200 pounds per set (6,100 pounds per arm), using not less than two part falls, identified by arrangement dwg. No. 2549 dated March 13, 1943, and revised September 1, 1955, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.032/68/0 terminated in Federal Register October 1, 1952.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Cum. Supp.; 46 CFR 160.032)

LIFEBOATS

Approval No. 160.035/335/0, 28.0′ x 9.79′ x 4.13′ steel, motor-propelled lifeboat without radio cabin (Class B), 63-person capacity, identified by construction and arrangement dwg. No. 28–2B dated May 31, 1955, and revised July 14, 1955, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.035)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD MODELS AK, CKM, CKS, AF, CFM, AND CFS

Note: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/43/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Billy Boy Products, Inc., Quincy, Mich.

Approval No. 160.047/44/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Billy Boy Products, Inc., Quincy, Mich.

Approval No. 160.047/45/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Billy Boy Products, Inc., Quincy, Mich.

Approval No. 160.047/46/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The Holiday Line, Inc., 54 Greene Street, New York 13, N. Y.

Approval No. 160.047/47/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The Holiday Line, Inc., 54 Greene Street, New York 13, N. Y.

Approval No. 160.047/51/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for The Firestone Tire & Rubber Co., Akron 17, Ohio.

Approval No. 160.047/52/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.047/53/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.047/54/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.047/55/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Atlas Products, 2459 University Avenue, St. Paul 14, Minn.

Approval No. 160.047/56/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

Approval No. 160.047/57/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

Approval No. 160.047/58/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

Approval No. 160.047/59/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.047/60/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.047/61/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y., for Montgomery Ward & Co., Inc, 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.047/62/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, Fla.

Approval No. 160.047/63/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, Fla.

Approval No. 160.047/64/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, Fla.

Approval No. 160.047/65/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Atlas Products, 2459 University Avenue, St. Paul 14, Minn.

Approval No. 160.047/66/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Atlas Products, 2459 University Avenue, St. Paul 14, Minn.

Approval No. 160.047/67/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Gamble-Skogmo, Inc., 15 North Eighth Street, Minneapolis 3, Minn.

Approval No. 160.047/68/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Gamble-Skogmo, Inc., 15 North Eighth Street, Minneapolis 3, Minn.

Approval No. 160.047/69/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Gamble-Skogmo, Inc., 15 North Eighth Street, Minneapolis 3, Minn.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.047)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

Note: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/26/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill.

Approval No. 160.048/28/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by The Holiday Line, Inc., 54 Greene Street, New York 13, N. Y.

Approval No. 160.048/32/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Elvin Salow Co., 31–33 South Street, Boston 11, Mass.

Approval No. 160.048/33/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok to be as per Table 160.048–4 (c) (1) (i), manufactured by

Noble Products Company, Box 327, Caldwell, Ohio.

Approval No. 160.048/34/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by The American Pad & Textile Co., Greenfield, Ohio, for The Firestone Tire & Rubber Co., Akron 17, Ohio.

Approval No. 160.048/35/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification, Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, Fla.

Approval No. 160.048/36/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok to be as per Table 160.048–4 (c) (1) (i), manufactured by The Safeguard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.048/37/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Montgomery Ward & Co., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.048/38/0, special approval for 14" x 19" x 2" rectangular ribbed-type kapok buoyant cushion, 24 oz. kapok, American Pad & Textile Co., dwg. Nos. A–409, dated Sept. 28, 1955, and B–245, dated Feb. 15, 1955, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Montgomery Ward & Co., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.048/39/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.048/40/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Fortier Upholstering Co., Manistee, Mich.

Approval No. 160.048/41/0, special approval for 13" x 18" x 2" rectangular ribbed-type kapok buoyant cushion, 21 oz. kapok, dwg. No. 1, dated September 28, 1955, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

Approval No. 160.048/45/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by A. L. Robertson, Inc., 113 South Gay Street, Baltimore 2, Md.

Approval No. 160.048/47/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Gamble-Skogmo, Inc., 15 North Eighth Street, Minneapolis 3, Minn.

Approval No. 160.048/48/0, special approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushion, 21 oz. kapok, American Pad & Textile Co. dwg. Nos. A–766, dated October 24, 1955, and B–245, dated February 15, 1955, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Gamble-Skogmo, Inc., 15 North Eighth Street, Minneapolis 3, Minn.

Approval No. 160.048/49/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S. C., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.048)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/4/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U. S. C. G. Specification Subpart 160.049, sizes to be as per Table 160.049–4 (c) (1), manufactured by Iowa Fibre Products, Inc., 316 Court Avenue, Des Moines 9, Iowa.

Approval No. 160.049/8/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U. S C. G. Specification Subpart 160.049, sizes to be as per Table 160.049–4 (c) (1), manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.049/9/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U. S C. G. Specification Subpart 160.049, sizes to be as per Table 160.049–4 (c) (1), manufactured by Iowa Fibre Products Inc., 316 Court Avenue, Des Moines 9, Iowa, for Hawkeye Sporting Goods Co, P. O. Box 613, Des Moines, Iowa.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.049)

VALVES, SAFETY (POWER BOILERS)

Approval No. 162.001/137/1, Style HNA–MS–55 carbon steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 1,500 p. s. i. primary service pressure rating, 650° F. maximum temperature, dwg. No. HV–25–MS issued June 3, 1950, and dwg. No. D–28167 issued March 11, 1947, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., Wrentham, Mass. (Reinstates and supersedes Approval No. 162.001/137/0 terminated in the FEDERAL REGISTER September 29, 1955.)

Approval No. 162.001/138/1, Style HNA–MS–56 carbon steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 1500 p. s. i. primary service pressure rating, 750° F. maximum temperature, dwg. No. HV–25–MS issued June 3, 1950, and dwg. No. D–28167 issued March 11, 1947, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Steam Gage & Valve Co., Wrentham, Mass. (Reinstates and supersedes Approval No. 162.001/138/0 terminated in the FEDERAL REGISTER September 29, 1955.)

Approval No. 162.001/139/1, Style HNA–MS–57 alloy steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 1500 p. s. i. primary service pressure rating, 900° F. maximum temperature, dwg. No. HV–26–MS, issued June 5, 1950 and dwg. No. D–28167 issued March 11, 1947, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., Wrentham, Mass. (Reinstates and supersedes Approval No. 162.001/139/0 terminated in the FEDERAL REGISTER September 29, 1955.)

Approval No. 162.001/140/1, Style HNA–MS–58 alloy steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 1,500 p. s. i. primary service pressure rating, 1,000° F. maximum temperature, dwg. No. HV–26–MS, issued June 5, 1950, and dwg. No. D–28167 issued March 11, 1947, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., Wrentham, Mass. (Reinstates and supersedes Approval No. 162.001/140/0 terminated in the FEDERAL REGISTER September 29, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 392, 404, 411, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.001)

BOILERS, HEATING

Approval No. 162.003/65/2, size #1920–8C, steel plate heating boiler, steam or hot water, assembly & detail dwg. No. H–187 Rev. C. dated January 3, 1955, max. design pressure 30 p. s. i. approval limited to bare boiler, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y. (Supersedes Approval No. 162.003/65/1 published in FEDERAL REGISTER March 21, 1951.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. 198; 46 CFR Part 52)

FIRE EXTINGUISHERS, PORTABLE, HAND, VAPORIZING LIQUID TYPE

Approval No. 162.004/82/1, Kidde Model 2VG (Symbol GEN), 1-qt. carbon tetrachloride vaporizing liquid pump type hand portable fire extinguisher, assembly dwg. No. BT–185–XK, Rev. C dated December 8, 1952, name plate dwg. No. T–185–A15 dated May 6, 1955 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured for Walter Kidde & Co., Inc., Belleville 9, N. J., by The National Fireguard Corp., 1685 Shermer Road, Northbrook, Ill. (Supersedes Approval No. 162.004/82/0 published in FEDERAL REGISTER May 12, 1954.)

Approval No. 162.004/83/1, Kidde Model 3VG (Symbol GEN), 1½-qt. carbon tetrachloride vaporizing liquid pump type hand portable fire extinguisher, assembly dwg. No. BT–195–XK, Rev. D dated December 8, 1952, name plate dwg. No. T–195–A15 dated May 6, 1955 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured for Walter Kidde & Co., Inc., Belleville 9, N. J., by The National Fireguard Corp., 1685 Shermer Road, Northbrook, Ill. (Supersedes Approval No. 162.004/83/0 published in FEDERAL REGISTER May 12, 1954.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, as amended, 49 Stat. 1544, and 54 Stat. 165, 166, 346, 1028, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. 198; 46 CFR 25.30, 34.25–1, 76.50, 95.50)

VALVES, RELIEF, HOT WATER HEATING BOILERS

Approval No. 162.013/4/1, Type No. 175 relief valve for hot water heating boilers, relieving capacity of 175,000 B. t. u. per hour at maximum set pressure of 30 p. s. i. dwg. No. RA3–11 dated September 2, 1955, approved for ¾" inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill. (Supersedes Approval No. 162.013/4/0 published in FEDERAL REGISTER February 17, 1951.)

Approval No. 162.013/5/1, Type No. 250 relief valve for hot water heating boilers, relieving capacity 250,000 B. t. u. per hour at maximum set pressure of 30 p. s. i., dwg. No. RA3–12 dated September 2, 1955, approved for ¾" inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill. (Supersedes Approval No. 162.013/5/0 published in FEDERAL REGISTER February 17, 1951.)

Approval No. 162.013/17/1, Type No. 175–15 relief valve for hot water heating boilers, relieving capacity 150,000 B. t. u. per hour at a maximum set pressure of 15 p. s. i., dwg. No. RA3–11, dated September 2, 1955, approved for ¾" inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill. (Supersedes Approval No. 162.013/17/0 published in FEDERAL REGISTER March 18, 1953.)

Approval No. 162.013/18/1, Type No. 1050 relief valve for hot water heating boilers, relieving capacity, 1,050,000 B. t. u. per hour at maximum set pressure of 30 p. s. i., dwg. No. RA–20, Rev. 1, dated September 21, 1955, approved for 1¼" inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill. (Supersedes Approval No. 162.013/18/0 published in FEDERAL REGISTER March 18, 1953.)

Approval No. 162.013/21/0, Type No. 250–15 relief valve for hot water heating boilers, relieving capacity 200,000 B. t. u. per hour at a maximum set pressure of 15 p. s. i., dwg. No. RA3–12, dated September 2, 1955, approved for ¾" inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill.

Approval No. 162.013/22/0, Type No. 350–15 relief valve for hot water heating boilers, relieving capacity 220,000 B. t. u. per hour at a maximum set pressure of 15 p. s. i., dwg. No. RA2–19, dated September 2, 1955, approved for ¾" inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill.

Approval No. 162.013/23/0, Type No. 350 relief valve for hot water heating boilers, relieving capacity 350,000 B. t. u. per hour at a maximum set pressure of 30 p. s. i., dwg. No. RA2–19, dated September 2, 1955, approved for ¾" inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill.

Approval No. 162.013/24/0, Type No. 480–15 relief valve for hot water heating boilers, relieving capacity 300,000 B. t. u. per hour at a maximum set pressure of 15 p. s. i., dwg. No. RA–23, dated September 26, 1955, approved for ¾" inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill.

Approval No. 162.013/25/0, Type No. 480 relief valve for hot water heating boilers, relieving capacity 480,000 B. t. u. per hour at a maximum set pressure of 30 p. s. i., dwg. No. RA–23, dated September 26, 1955, approved for ¾" inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill.

Approval No. 162.013/26/0, Type No. 750–15 relief valve for hot water heating boilers, relieving capacity 500,000 B. t. u. per hour at a maximum set pressure of 15 p. s. i., dwg. No. RA–24, dated September 23, 1955, approved for 1" inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill.

Approval No. 162.013/27/0, Type No. 750 relief valve for hot water heating boilers, relieving capacity 750,000 B. t. u. per hour at a maximum set pressure of 30 p. s. i., dwg. No. RA–24, dated September 23, 1955, approved for 1" inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill.

Approval No. 162.013/28/0, Type No. 1050–15 relief valve for hot water heating boilers, relieving capacity 650,000 B. t. u. per hour at a maximum set pressure of 15 p. s. i., dwg. No. RA–20, Rev. 1, dated September 21, 1955, approved for 1¼" inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue., Morton Grove, Ill.

Approval No. 162.013/29/0, Type No. N74 relief valve for hot water heating boilers, relieving capacity of 690,000 B. t. u. per hour at a maximum set pressure of 30 p. s. i., dwg. No. N74–N174 P. D., dated October 7, 1952, approved for ¾" inlet size, manufactured by Watts Regulator Co., Lawrence, Mass.

Approval No. 162.013/30/0, Type No. N174 relief valve for hot water heating boilers, dwg. No. N74–N174 P. D., dated October 7, 1952, approved for the following sizes and relieving capacities:

Inlet size (inches):	*Relieving capacity (B. t. u. per hr. at 30 p. s. i.)*
¾	470,000
1	870,000
1¼	1,345,000
1½	2,020,000
2	3,815,000

manufactured by Watts Regulator Company, Lawrence, Mass.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 392, 404, 411, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.013)

CHANGE IN ADDRESS OF MANUFACTURER

The address of The American Pad & Textile Co., Greenfield, Ohio, has been changed to The American Pad & Textile Co., Greenfield, Ohio; New Orleans, La., and Fairfield, Calif., for Approval Nos. 160.048/3/0, 160.048/4/0, 160.048/5/0, and 160.048/6/0 previously published in the FEDERAL REGISTER.

Dated: December 13, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 55–10159; Filed, Dec. 19, 1955; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7518]

AIR AMBULANCE SERVICE; SASKATCHEWAN

NOTICE OF HEARING ON APPLICATION FOR RENEWAL OF FOREIGN AIR CARRIER PERMIT

In the matter of the application of Air Ambulance Service, Department of Public Health, Government of Saskatchewan, for renewal of the foreign air carrier permit issued pursuant to section 402 of the Civil Aeronautics Act, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on December 27, 1955, at 11:00 a. m., e. s. t., in Room E–206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., December 15, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–10185; Filed, Dec. 19, 1955; 8:52 a. m.]

[Docket No. 7517]

QUEEN CHARLOTTE AIRLINES LTD.

NOTICE OF HEARING ON APPLICATION FOR EXTENSION OF FOREIGN AIR CARRIER PERMIT

In the matter of the application of Queen Charlotte Airlines Ltd. for an extension of foreign air carrier permit dated November 20, 1952 issued pursuant to section 402 of the Civil Aeronautics Act to perform operations of a regular nature between the terminal point Ketchikan, Alaska and the terminal Prince Rupert, British Columbia.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on December 27, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., December 15, 1955.

FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-10186; Filed, Dec. 19, 1955; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11029; FCC 55M-1031]

VOICE OF LAKE TAHOE

ORDER SCHEDULING HEARING

In re application of Charles E. Halstead, tr/as Voice of Lake Tahoe, Zephyr Cove, Nevada, Docket No. 11029, File No. BP-9108; for construction permit.

The Hearing Examiner having under consideration a Motion to Fix Date for Hearing filed November 29, 1955, on behalf of the Chief, Broadcast Bureau, Federal Communications Commission; and

It appearing that the hearing in this proceeding was continued by Hearing Examiner's order of September 21, 1954, until such time as may be established by a subsequent order pending Commission action on (1) another application that might be designated for hearing in consolidation with the above application, and (2) a Petition to the Full Commission for Reconsideration and Grant of the instant application; and

It further appearing that the Commission's records indicate that the application referred to in (1) above was dismissed at the applicant's request on August 9, 1955, and that the petition for reconsideration and grant was denied by Commission's order released November 17, 1955; and

It further appearing that no objection to the instant motion has been filed and that a grant thereof will conduce to the orderly dispatch of the Commission's business; now therefore

It is ordered, This 13th day of December 1955, that the Motion to Fix Date for Hearing be and it is hereby granted, and that the hearing in this proceeding shall be commenced at 10:00 a. m. on Thursday, January 26, 1956, at the offices of the Commission in Washington, D. C.; and

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the applicant named at P. O. Box 19, Zephyr Cove, Nevada.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10163; Filed, Dec. 19, 1955; 8:49 a. m.]

[Docket No. 11571; FCC 55M-1034]

JOHNSONVILLE BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Dr. Alexander Leech and William E. Leech, d/b as Johnsonville Broadcasting Company, New Johnsonville, Tennessee, Docket No. 11571, File No. BP-9810; for construction permit.

It is ordered, This 13th day of December 1955, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 20, 1956, in Washington, D. C.

Released: December 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10164; Filed, Dec. 19, 1955; 8:49 a. m.]

[Docket Nos. 11493, 11494; FCC 55M-1030]

RADIO BROADCASTING SERVICE AND DANA W. ADAMS

FIRST STATEMENT CONCERNING PRE-HEARING CONFERENCES AND ORDER CONTINUING HEARING

In re applications of Louis Alford, Phillip D. Brady and Albert Mack Smith, d/b as Radio Broadcasting Service, Tyler, Texas, Docket No. 11493, File No. BP-9761; Dana W. Adams, Tyler, Texas, Docket No. 11494, File No. BP-9841; for construction permits.

The first pre-hearing conference was held herein on December 12, 1955. Both applicants and the Commission's Broadcast Bureau were represented by counsel. Neither of the respondents, Alto, Inc. (KAND), and Southwestair (KSWA), filed appearances pursuant to section 1.387 of the Commission's rules or appeared at the pre-hearing conference, as directed by the Hearing Examiner's order of November 15, 1955. On motion of counsel for Radio Broadcasting Service, the Hearing Examiner held each of the respondents to be in default. It was agreed, however, that the Hearing Examiner might reconsider this ruling provided a petition for reconsideration was filed by either respondent within 10 days after the date of this conference.

Agreements were reached among the parties and stated on the record, as reflected in the transcript which is incorporated herein by reference. Such agreements are found to be acceptable and approved by the Hearing Examiner. They include the following:

1. The direct cases, in written form, shall be prepared as follows:

(a) The testimony of each witness shall be prepared in narrative form and shall be submitted under the affidavit of the particular witness.

(b) All narrative statements (except engineering exhibits) shall be prepared in double-spaced form; each page and each line shall be numbered, and carbon copies shall not be acceptable.

(c) Parties shall be designated by abbreviated names, as follows: Radio, Adams, KAND, KSWA and Commission Counsel.

(d) Each party shall mark each of its exhibits with its name and a number. Narrative statements shall be numbered in series, beginning with one. An exhibit connected with a narrative statement shall be given the same number as the narrative statement, plus an identifying letter in series, such as "Radio No. 1-A." (Engineering exhibits may vary from this style.)

2. Where the direct case in written form contains testimony of witnesses whose direct testimony appropriately could have been taken by deposition, parties will not object to taking cross-examination of such witnesses through deposition procedures rather than requiring those witnesses to be brought to Washington.

3. With reference to program proposals in direct cases: unless a stipulation to the contrary is reached, applicants will submit, as a minimum, (a) complete program schedule of programs, including the classification of each program by type and source; (b) non-network program descriptions; (c) analyses of proposed typical week by type and source, together with information on spot announcements as required by FCC Form 301.

4. The direct written cases shall be exchanged on or before January 6, 1956.

5. On or before January 13, 1956, counsel for each party shall serve upon all other counsel, and file with the Commission in triplicate, a written statement containing (a) a list of all objections it desires to make to the receipt in evidence of any exhibits or specific portions thereof contained in the direct cases already exchanged, together with a brief statement of the reason for each objection; and (b) additional information it desires from other party or parties.

6. On or before January 18, 1956, counsel for all parties shall meet in informal conference, without the Hearing Examiner, for the purpose of discussing such objections and requests for information and reaching agreements thereon insofar as possible. All agreements reached shall be reduced to writing, signed by the parties, and filed with the Commission in triplicate on or before January 20, 1956, together with a list of the objections on which agreement was not reached and information refused to be furnished.

7. On or before January 20, 1956, each party shall serve upon all other parties, and file with the Commission in triplicate, a notice stating which witnesses it desires to be produced for cross-examination (a) in Washington, or (b) through deposition procedures.

8. All parties shall attempt to reach a stipulation with reference to engineering facts.

9. On January 25, 1956, at 10:00 a. m., a further pre-hearing conference shall be held for the purposes stated in section 1.841 (c).

10. Hearing is continued from January 12, 1956, to 10:00 a. m., January 31, 1956.

It is ordered, This 12th day of December 1955, that the foregoing agreements and requirements shall govern the course of the proceeding to the extent indicated, unless modified by the Hearing Examiner for cause or by the Commission upon review of the Hearing Examiner's ruling; and the hearing herein, now scheduled for January 12, 1956, is continued until January 31, 1956, at 10:00 a. m.; and the second pre-hearing conference is scheduled for January 25, 1956, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10165; Filed, Dec. 19, 1955; 8:49 a. m.]

[Docket No. 11573]

JESSE ZORN

ORDER TO SHOW CAUSE WHY RADIOTELEPHONE STATION LICENSE SHOULD NOT BE REVOKED

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of station WE-8900 licensed to Jesse Zorn, Aransas Pass, Texas, and located aboard the vessel "Golden West";

It appearing that notices of the violations of the Commission's rules in the operation of said station were given the licensee as follows:

(a) Notice dated April 4, 1955, specifying, among other things, violation of section 8.108 of the Commission's rules on April 1, 1955, by transmitting harmonic emissions so as to cause undue interference;

(b) Notice dated May 9, 1955, sent by Registered Mail, Return Receipt Requested, which was received by the licensee on May 10, 1955, calling attention to the above-noted violation and failure to reply thereto in violation of section 8.601 (a) of the Commission's rules. This notice also requested a reply within 10 days of receipt;

It further appearing that as of this date the licensee has not answered either of the above-mentioned official violation notices;

It is ordered, This 14th day of December 1955 pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Jesse Zorn, Aransas Pass, Texas, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held before this Commission, at Washington, D. C., on the 21st day of February, 1956;

It is further ordered, That the Secretary send a copy of this Order to the licensee by Registered Mail—Return Receipt Requested.

Released: December 15, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10166; Filed, Dec. 19, 1955; 8:49 a. m.]

[Docket No. 11574]

WARNER AND TAMBLE RADIO SERVICE, INC.

ORDER TO SHOW CAUSE WHY LICENSE FOR RADIOTELEPHONE STATION SHOULD NOT BE REVOKED

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of station WA-7204, licensed to Warner and Tamble Radio Service, Inc., P. O. Box 166, Memphis 1, Tennessee and located aboard the vessel "Lin Smith";

It appearing that notices of the violations of the Commission's rules in the operation of said station were given the licensee as follows:

(a) Notice dated June 6, 1955, specifying among other things, that on March 25, 1955, said licensee had violated section 8.364 of the Commission's rules by failure to announce the assigned call letters at the beginning and conclusion of its communications;

(b) Notice dated July 22, 1955, sent by Registered Mail, Return Receipt Requested, which was received by the licensee on July 26, 1955, calling attention to the above-noted violation and also the further violation of section 8.601 (a) of Commission's rules for failure to respond thereto. This notice also requested a reply within 10 days of receipt;

It further appearing that as of this date the licensee has not answered either of the above-mentioned official violation notices;

It is ordered, This 14th day of December 1955 pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Warner and Tamble Radio Service, Inc., P. O. Box 166, Memphis 1, Tennessee, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held before this Commission at Washington, D. C., on the 13th day of February 1956;

It is further ordered, That the Secretary send a copy of this Order to the licensee by Registered Mail—Return Receipt Requested.

Released: December 15, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10167; Filed, Dec. 19, 1955; 8:49 a. m.]

[Docket No. 11575]

MISSISSIPPI VALLEY BARGE LINE CO.

ORDER TO SHOW CAUSE WHY LICENSE FOR RADIOTELEPHONE STATION SHOULD NOT BE REVOKED

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of station WA-7349 licensed to the Mississippi Valley Barge Line Company, 1017 Olive Street, St. Louis, Missouri, and located aboard the vessel "Louisiana";

It appearing that notices of the violations of the Commission's rules in the operation of said station were given the licensee as follows:

(a) Notice dated May 18, 1955, specifying, among other things, that said licensee on April 24, 1955, failed to announce call letters at the beginning and upon conclusion of communications in violation of section 8.364 of the Commission's rules.

(b) Notice dated July 25, 1955, by Registered Mail, Return Receipt Requested, warning the licensee concerning the above violation and failure to respond thereto in violation of section 8.601 (a) of the Commission's rules. This notice was received by the licensee on July 27, 1955, and requested a response within 10 days of receipt;

It further appearing that as of this date the licensee has not answered either of the above-mentioned official violation notices;

It is ordered, This 14th day of December 1955 pursuant to section 312 (c) of the Communications Act of 1934, as amended, that the said Mississippi Valley Barge Line Company show cause why the aforesaid license should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held before this Commission at Washington, D. C., on the 15th day of February 1956;

It is further ordered, That the Secretary send a copy of this Order by Registered Mail, Return Receipt Requested,

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in an order to show cause, a licensee shall within thirty (30) days from the date of the receipt of a show cause order submit a written statement informing the Commission whether said licensee will appear at the designated hearing and present evidence upon the matters specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to a show cause order within the above-mentioned thirty (30) day period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that the licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

to the said Mississippi Valley Barge Line Company, 1017 Olive Street, St. Louis, Missouri.

Released: December 15, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10168; Filed, Dec. 19, 1955; 8:49 a. m.]

[Docket No. 11576]

DUNCAN CAMERON

ORDER TO SHOW CAUSE WHY LICENSE FOR RADIOTELEPHONE STATION SHOULD NOT BE REVOKED

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of station WE-5783 licensed to Duncan Cameron and located aboard the vessel "Kimberly";

It appearing that notices of the violations of the Commission's rules in the operation of said station were given to the licensee as follows:

(a) Notice dated June 8, 1955, specifying, among other things, that on April 21 and 22, 1955, said licensee violated section 8.364 of the Commission's rules by failing to announce the assigned call letters at the beginning and at the end of the communication;

(b) Notice dated July 22, 1955, sent by Registered Mail, Return Receipt Requested, received by the licensee on July 29, 1955, calling attention to the above noted violations and also the further violation of section 8.601 (a) of the Commission's rules for failure to reply thereto. This notice also requested a response within 10 days of receipt;

It further appearing that as of this date the licensee has not answered either of the above-mentioned official violation notices;

It is ordered, This 14th day of December 1955 pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Duncan Cameron, P. O. Box 1906, Fort Myers, Florida, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 21st day of February, 1956;

It is further ordered, That the Secretary send a copy of this Order to the licensee by Registered Mail—Return Receipt Requested.

Released: December 15, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10169; Filed, Dec. 19, 1955; 8:49 a. m.]

[Cuba Change List 6]

CUBAN RADIO STATIONS

NOTIFICATION OF NEW STATIONS, CHANGES, MODIFICATION AND DELETIONS OF EXISTING STATIONS

NOVEMBER 18, 1955.

Notification of new Cuban radio stations, and of changes, modification and deletions of existing stations, in accordance with part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C. 1950.

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Probable date of change or commencement of operation
		690 kilocycles				
CMQ	Habana, Habana	50	DA-1	U	I-D	
		710 kilocycles				
CMAB	Pinar del Rio	5	ND	U	II	
		780 kilocycles				
CMCH	Habana, Habana	10	DA-1	U	III-E	
		910 kilocycles				
New	Matanzas	0.25	ND	U	IV	Synchronized with CMCF.
		970 kilocycles				
CMHZ	Santa Clara, Las Villas	1	ND	U	III	Provisional operation.
		1150 kilocycles				
CMCM	Habana, Habana (vide: 1460 kc) (delete).	0.25	ND	U	III	Mar. 26, 1955.
		1200 kilocycles				
CMDD	Bayamo, Oriente	0.25	ND	U	II	Dec. 10, 1954.
		1260 kilocycles				
CMDE	Bayamo, Oriente	0.25	ND	U	IV	
		1290 kilocycles				
CMDC	Holguin, Oriente (vide: 1360 kc)	1	ND	U	III	
		1360 kilocycles				
CMBG	Habana, Habana (change in call letters).	0.25	ND	U	IV	
CMDC	Holguin, Oriente (PO: 1290 kc 1 kw).	1D/5N	ND	U	III	
		1460 kilocycles				
CMZ	Habana (vide: 1560 kc) (delete)	0.5	ND	U	III	
		1490 kilocycles				
CMOX	Habana (change in call letters)	0.25	ND	U	IV	
		1560 kilocycles				
CMZ	Habana (PO: 0.5 kw 1460 kc)	5	ND	U	III	
		1580 kilocycles				
CMJS	Ciego de Avila, Camagney (correction of error in call letters).	0.25	ND	U	II	

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10171; Filed, Dec. 19, 1955; 8:50 a. m.]

[Docket No. 11579]

SCHOONER CORP.

ORDER TO SHOW CAUSE WHY LICENSE FOR RADIOTELEPHONE STATION SHOULD NOT BE REVOKED

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of station WC-4763, licensed to Schooner Corporation, 20 Fish Pier, Boston 10, Massachusetts, and located aboard the vessel "Ocean Clipper";

It appearing that notices of the violations of the Commission's rules were given the licensee as follows:

(a) Notice dated July 27, 1955, specifying among other things, that said licensee on July 12, 1955, had violated the following Commission's rules:

(1) Section 8.364 (a) by failing to identify the aforesaid station by the assigned call sign;

(2) Section 8.131 by operating with a frequency deviation greater than the tolerance allowed.

(b) Notice dated September 28, 1955, sent by Registered Mail, Return Receipt Requested, which was received by the licensee on September 29, 1955, calling attention to the above noted violations and the further violation of section 8.601 (a) for failure to reply thereto. The licensee was also requested to respond within ten days of receipt;

It further appearing that as of this date the licensee has not answered either of the above-mentioned official violation notices;

It is ordered, This 14th day of December 1955, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Schooner Corporation, 20 Fish Pier, Boston 10, Massachusetts, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 17th day of February, 1956;

It is further ordered, That the Secretary send a copy of this Order to the licensee by Registered Mail—Return Receipt Requested.

Released: December 15, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10170; Filed, Dec. 19, 1955; 8:50 a. m.]

[Cuba Change List 7]

CUBAN RADIO STATIONS

NOTIFICATION OF NEW STATIONS, CHANGES, MODIFICATION AND DELETIONS OF EXISTING STATIONS

NOVEMBER 25, 1955.

Notification of new Cuban radio stations, and of changes, modification and deletions of existing stations, in accordance with part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Probable date of change or commencement of operation
		680 kilocycles				
CMHN	Cienfuegos, Las Villas	1D/5N	ND	U	II	
		1,280 kilocycles				
CMHA	Santa Clara, Las Villas	1	ND	U	III	Correction re power.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10172; Filed, Dec. 19, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-8854—8864 etc.]

C. R. RIDGWAY ET AL.

NOTICE OF SEVERANCE

DECEMBER 14, 1955.

In the matters of C. R. Ridgway and W. B. Ridgway, Docket Nos. G-8854—G-8864, incl.; Granite Oil Trust No. 2 of Oklahoma, Docket No. G-8915; A. J. Hodges Industries, Inc., Docket No. G-8975; States Oil Company, et al., Docket No. G-8992; Robert B. Prentice, et al., Docket No. G-9018; W. Earl Rowe, et al., Docket No. G-9026; Sunray Mid-Continent Oil Company, Docket No. G-9043; Flanders Gas & Oil Company, Docket No. G-9052; J. C. Vaughan, Jr., Docket No. G-9160; A. E. Coutant, Docket No. G-9167.

By notice issued November 30, 1955, the above-captioned proceedings were consolidated and set down for hearing in Washington, D. C., on December 20, 1955.

Each of the above applications for certificate of public convenience and necessity involves the sale of natural gas in interstate commerce to United Gas Pipe Line Company for resale. In addition, however, the proceeding in Docket No. G-9052 involves an application for a certificate authorizing the acquisition of natural-gas properties.

It appears appropriate, therefore, to sever Docket No. G-9052 from the above-captioned proceedings, and to that end:

The proceeding in Docket No. G-9052 be and it is hereby severed from the proceedings consolidated with Docket No. G-8854.

Also take notice that the public hearing concerning the matters involved in and the issues presented by the application for a certificate of public convenience and necessity in Docket No. G-9052 will be held at a date and time to be fixed by further notice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-10181; Filed, Dec. 19, 1955; 8:52 a. m.]

[Docket No. G-1463]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER REGARDING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 14, 1955.

Notice is hereby given that on November 29, 1955, the Federal Power Commission issued its order adopted November 23, 1955, in the above-entitled matter, modifying order issued November 21, 1950 (15 F. R. 8095), issuing a certificate of public convenience and necessity authorizing the construction and operation of facilities for the sale and delivery of natural gas to Mississippi Valley Gas Company, in lieu of the North Central Gas District and the Carthage Gas District.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-10182; Filed, Dec. 19, 1955; 8:52 a. m.]

[Docket No. G-9218]

NATURAL GAS CO. OF WESTERN CAROLINA

NOTICE OF DECLARATION OF EXEMPTION

DECEMBER 14, 1955.

Notice is hereby given that on November 29, 1955, the Federal Power Commission issued its declaration of exemption from the provisions of the Natural Gas Act adopted November 23, 1955, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-10183; Filed, Dec. 19, 1955; 8:52 a. m.]

[Docket No. G-6098]

SOUTHERN PRODUCTION CO., INC.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 14, 1955.

Take notice that Southern Production Company, Inc. (Applicant), a Delaware corporation whose address is Fort Worth, Texas, filed on November 26, 1954, an application for a certificate of public convenience and necessity to continue making sales in interstate commerce of natural gas for resale, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Panhandle and Sprayberry Trend

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in an order to show cause, a licensee shall within thirty (30) days from the date of the receipt of a show cause order submit a written statement informing the Commission whether said licensee will appear at the designated hearing and present evidence upon the matters specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to a show cause order within the above-mentioned thirty (30) day period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that the licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in an order to show cause, a licensee shall within thirty (30) days from the date of the receipt of a show cause order submit a written statement informing the Commission whether said licensee will appear at the designated hearing and present evidence upon the matters specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to a show cause order within the above-mentioned thirty (30) day period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that the licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

Gas Fields located in Gray, Upton, Reagan, Midland and Glasscock Counties, Texas, which it sells in interstate commerce to the following buyers for resale: Phillips Petroleum Company who resells to Northern Natural Gas Company, Consolidated Gas Utilities Company and Permian Basin Pipe Line Company; also sales are made to Texas Gas Production Corporation for resale to El Paso Natural Gas Company. The natural gas so purchased by Northern Natural Gas Company, Consolidated Gas Utilities Company, Permian Basin Pipe Line Company and El Paso Natural Gas Company is transported in interstate commerce and resold for ultimate public consumption by each of them.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 13, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 6, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-10175; Filed, Dec. 19, 1955; 8:50 a. m.]

[Project No. 731]

P. E. HARRIS AND CO. AND ORGANIZED VILLAGE OF KAKE, ALASKA

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MINOR)

DECEMBER 14, 1955.

Notice is hereby given that on November 30, 1955, the Federal Power Commission issued its order adopted November 23, 1955, approving transfer of license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-10184; Filed, Dec. 19, 1955; 8:52 a. m.]

[Docket No. G-6749 etc.]

DOUGLAS WHITAKER ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 14, 1955.

In the matters of Douglas Whitaker, Docket No. G-6749; Sid Richardson Gasoline Co., Docket No. G-6751; Ojai O & G Corporation, Docket No. G-6752; Sun Oil Company, Docket Nos. G-6833 to G-6839 incl., and G-6889; Houston Oil Company of Texas, Docket No. G-6849; Beaver Lodge Oil Corporation, Docket No. G-6886; J. R. Howe and G. D. Beauchamp, Docket No. G-6938; Pecos Company, Docket No. G-6943.

There were filed on November 30, 1954, with the Federal Power Commission applications as hereinafter specified.

Docket No.; Address; Location of Field; Buyer

G-6749; Shreveport, Louisiana; Sibley Field, Webster Parish, Louisiana; Arkansas-Louisiana Gas Company.

G-6751; Fort Worth, Texas; Keystone Field, Winkler County, Texas; El Paso Natural Gas Company.

G-6752; Fort Worth, Texas; Keystone Field, Winkler County, Texas; El Paso Natural Gas Company.

G-6833; Philadelphia, Pennsylvania (Address of Applicant Sun Oil Company, who has filed applications in Docket Nos. G-6833 to G-6839 incl. and G-6889; North Starks Field, Beauregard and Calcasieu Parishes, Louisiana; Transcontinental Gas Pipe Line Corporation.

G-6834; East Gibson Field, Terrebonne Parish, Louisiana; United Gas Pipe Line Company.

G-6835; Gist Field, Jasper and Newton Counties, Texas; Standard Oil Company of Texas.

G-6836 and G-6838; Eagan Field, Acadia Parish, Louisiana; Transcontinental Gas Pipe Line Corporation.

G-6837; Midland, Grand Chenier, and Hog Bayou Fields, Acadia Parish, Louisiana; Tennessee Gas Transmission Company.

G-6839; Hankamer, Gilbert Ranch, North Winnie and Stowell Fields, Chambers, Jefferson, and Liberty Counties, Texas; Texas Eastern Transmission Corporation.

G-6889; Eugene Island Field, Louisiana; United Gas Pipe Line Company.

G-6849; Houston, Texas; Koontz Field, Victoria County, Texas; United Gas Pipe Line Company.

G-6886; Dallas, Texas; San Juan Basin Area, San Juan and Rio Arriba Counties, New Mexico; El Paso Natural Gas Company.

G-6938; San Antonio, Texas; Kelsey Field, Starr County, Texas; Sun Oil Company.

G-6943; Lubbock, Texas; Benedum, Tex Harvey, and Santa Rosa Fields, Upton, Midland and Pecos County, Texas; El Paso Natural Gas Company.

Each has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render services as hereinbefore described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas for transportation in interstate commerce for resale, as indicated above.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 20, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 5, 1956. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-10176; Filed, Dec. 19, 1955; 8:51 a. m.]

[Docket No. E-6649]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF PREFERRED STOCK

DECEMBER 14, 1955.

Notice is hereby given that on November 30, 1955, the Federal Power Commission issued its order adopted November 29, 1955, authorizing issuance of preferred stock in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-10177; Filed, Dec. 19, 1955; 8:51 a. m.]

[Docket Nos. G-4454, G-9250]

HOPE NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

DECEMBER 14, 1955.

Notice is hereby given that on November 29, 1955, the Federal Power Commission issued its findings and order adopted November 23, 1955, in the above-entitled matters, issuing certificate of public convenience and necessity and authorizing abandonment of service to Carnegie Natural Gas Company.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-10178; Filed, Dec. 19, 1955; 8:51 a. m.]

[Docket No. G-9116 etc.]

UNITED GAS PIPE LINE CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

DECEMBER 14, 1955.

In the matters of United Gas Pipe Line Company, Docket No. G-9116; Transcontinental Gas Pipe Line Corporation, Docket No. G-9117; Summers Oil and Gas Company, Docket No. G-9139; Price Gas Company, Docket No. G-9245.

Notice is hereby given that on November 29, 1955, the Federal Power Commission issued its findings and orders adopted November 23, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-10179; Filed, Dec. 19, 1955; 8:51 a. m.]

[Docket No. G-8588]

THOMAS A. KENDALL ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 14, 1955.

In the matters of Thomas A. Kendall, E. Allen Phipps, George Ogle, Marton L. Fearey and wife, Mary S. Fearey, Charles Cooley, Maxwell M. Belding, Thatcher W. Worthen, W. N. Swery, Robert Fulton Sears, Olaf Mineral Development Corp., Joseph W. Worthen, Sidney A. Stewart, William H. Winn, Earl Smith, Joe Bart Moore.

Take notice that Thomas A. Kendall, an individual whose address is 214 Travis Building, San Antonio 5, Texas, as operator of the hereinafter described lease and agent for the remaining parties as captioned above, filed, on March 15, 1955, for and on behalf of himself and aforesaid parties (Applicants) an application for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants propose to sell natural gas in interstate commerce from production of 170 acres of a lease, Biancona Field, East Central Bee County, Texas, to United Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice, that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, January 23, 1956, at 9:30 a. m., e. s. t, in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 2, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-10180; Filed, Dec. 19, 1955; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-1436]

TRANS-CONTINENTAL URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 13, 1955.

I. Trans-Continental Uranium Corporation, a Nevada corporation, 358 South Third East Street, Salt Lake City, Utah, having filed with the Commission on October 1, 1954, a notification on Form 1-A, and subsequently filed amendments thereto, relating to a proposed public offering of 3,000,000 shares of common stock, par value 10 cents, at 10 cents per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and:

II. A. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file on Form 2-A reports of sales as required by Rule 224 of Regulation A;

B. The Commission having been advised that Justin Steppler, Inc., a principal underwriter of the securities offered, and Beverly I. Steppler, a director of the issuer, have been permanently enjoined by the New York State Supreme Court, County of New York, from engaging in the business of acting as a broker or dealer in securities in the State of New York.

III. *It is ordered,* Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933 that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Trans-Continental Uranium Corporation, 358 South Third East Street, Salt Lake City, Utah, Justin Steppler, Inc., 15 Exchange Place, Jersey City 2, New Jersey and Registrar and Transfer Co., 15 Exchange Place, Jersey City 2, New Jersey, personally or by registered mail or confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10143; Filed, Dec. 19, 1955; 8:45 a. m.]

[24D-1328]

ZENITH URANIUM & MINING CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 13, 1955.

I. Zenith Uranium & Mining Corp., 351 South State Street, Salt Lake City, Utah, having filed with the Commission on July 12, 1954, a Notification on Form 1-A and an offering circular, and having subsequently filed amendments thereto on July 30 and August 2, 1954, relating to a proposed public offering of 300,000 shares of 1 cent par common stock at $1 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and,

II. A. The Commission having reasonable cause to believe that the terms and conditons of Regulation A have not been complied with in that the issuer has failed to file reports of sales on Form 2-A as required by Rule 224; and,

B. The Commission having been advised that a consent order was entered on October 31, 1955, in the United States District Court for the District of Massachusetts, permanently enjoining Daniel M. Sheehan, Jr., doing business as Sheehan & Company, a director and promoter of the company, who is also the principal underwriter of the securities proposed to be offered hereunder, from further violations of sections 10 (b), 15 (c) (1) and 17 (a) of the Securities Exchange Act of 1934 and the Rules and Regulations promulgated thereunder, in connection with the purchase and sale of any security.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under

Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Zenith Uranium & Mining Corp. and Daniel M. Sheehan, Jr., doing business as Sheehan & Company, 79 Milk Street, Boston, Massachusetts, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10144; Filed, Dec. 19, 1955; 8:45 a. m.]

[File No. 27-61]

VIGORELLI OF CANADA LTD.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 13, 1955.

Vigorelli of Canada Ltd. having filed with the Commission on August 9, 1954, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation D thereunder, a Notification on Form 1-D relating to a proposed offering of 96,770 shares of Common Shares ($1 Par Value) and 96,770 shares of 8 percent Cumulative Redeemable Preferred Shares ($2 Par Value) for an aggregate public offering price of $299,987;

The Commission having been advised that the terms and conditions of said Regulation D have not been complied with in that Vigorelli of Canada Ltd. has failed to file a report on Form 2-D for the six months period following the commencement of the offering as required by Rule 510 of Regulation D and has ignored requests by the Commission's staff for the filing of such report:

It is ordered, Pursuant to Rule 509 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of Vigorelli of Canada Ltd. under section 3 (b) and Regulation D be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Vigorelli of Canada Ltd., Crisona Brothers, B. Fennekohl & Co. and Toronto General Trusts Corporation personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10145; Filed, Dec. 19, 1945; 8:45 a. m.]

[File No. 812-976]

AMERICAN RESEARCH AND DEVELOPMENT CORP. AND PAUL VALVE CORP.

NOTICE OF FILING REQUESTING ORDER EXEMPTING PROPOSED TRANSACTION BETWEEN AFFILIATES

DECEMBER 14, 1955.

Notice is hereby given that American Research and Development Corporation ("Research"), a registered closed-end nondiversified investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") seeking an order exempting the proposed transaction, described below, from the prohibition contained in section 17 (a) (2) of the act.

Paul Valve Corporation ("Paul"), a New Jersey corporation organized in 1947, is engaged in the sale of valves for use in pulp mills, chemical process plants, product pipelines and other industrial applications.

Pursuant to a plan of reorganization consummated in April 1955, Paul exchanged new 10 cent par value common stock for all of its previously outstanding securities. Research received 22,621 shares of new common stock of Paul (22.6 percent of the new stock outstanding) in exchange for $62,000 principal amount of debentures and 26,040 shares of old common stock of Paul which it then held. This transaction was exempted by order of the Commission dated April 14, 1955 (Investment Company Act Release No. 2133).

It is stated that notwithstanding the reorganization Paul's business and credit has not improved; operations for the first four months of the fiscal year beginning May 1, 1955, resulted in a loss of $1,545. It is also stated that there is no working capital and no interest among stockholders sufficient to produce the needed working capital. Book value of the common stock of Paul as of September 30, 1955, amounted to $15,395 of which approximately $3,400 is applicable to Research's 22.6 percent stock interest. Paul's operations have been unprofitable in four of the last five years.

Research now proposes to sell its 22,661 shares of common stock of Paul to Alexander D. Harvey, President, director, and holder, together with his wife, of 9,000 shares of the common stock of Paul (equivalent to 9 percent of the stock outstanding), for an aggregate consideration of $6,460 or approximately $0.285 per share.

Research's cost of the stock is $64,604 measured by reference to the cost of $62,000 for the debentures and $2,604 paid for the old common stock surrendered in exchange for 22,661 shares of new common stock of Paul pursuant to the reorganization referred to above. Thus the $6,460 to be received by Research is approximately 10 percent of Research's original cost, but is substantially in excess of the book value of Research's interest of $3,480 in Paul as at September 30, 1955.

Generally speaking, section 17 (a) (2) of the act prohibits an affiliated person of an affiliated person of a registered investment company from purchasing any securities from such registered investment company, with one exception not applicable here, unless the Commission upon application pursuant to section 17 (b) of the act, grants an exemption from section 17 (a) (2) of the act after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

By virtue of his position as an officer, director, and as a holder of more than 5 percent of the stock of Paul, Harvey is an affiliated person of Paul under the act; Paul is also an affiliated person of Research because of the latter's 22.6 percent stock interest in Paul; therefore, since Harvey is an affiliated person of an affiliated person (Paul) of a registered investment company (Research), the proposed transaction is prohibited by section 17 (a) (2) of the act unless exempted by the Commission pursuant to section 17 (b) of the act.

Research asserts that the proposed transaction was negotiated at arm's length and that except as stated above, Research is not affiliated directly or indirectly with Harvey.

Notice is further given that any interested person may, not later than December 27, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10146; Filed, Dec. 19, 1955; 8:46 a. m.]

[File No. 70-3428]

GENERAL PUBLIC UTILITIES CORP. AND ASSOCIATED ELECTRIC CO.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING DISSOLUTION OF INTERMEDIATE HOLDING COMPANY, ACQUISITION OF ITS ASSETS BY TOP HOLDING COMPANY, AND CAPITAL CONTRIBUTION TO SUBSIDIARY OPERATING COMPANY

DECEMBER 14, 1955.

Notice is hereby given that General Public Utilities Corporation ("GPU") and Associated Electric Company ("Aelec"), both registered holding companies have filed with the Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 9 (a), 10, 11, 12 (b), and 12 (c) of the act, and Rules U-42 and U-44 (c) promulgated thereunder, as applicable to the proposed transactions, which are summarized as follows:

GPU, a New York corporation, owns all of the outstanding securities (consisting of 400,000 shares of common stock) of Aelec, a Delaware corporation. It is proposed, if the Commission shall grant and permit to become effective the application-declaration in File No. 70-3050, relating to the proposed merger of Northern Pennsylvania Power Company into Pennsylvania Electric Company and modification of the Commission's order of December 28, 1951, in File No. 59-32 so as to permit retention in the GPU holding-company system of Northern Pennsylvania Power Company, that Aelec will be dissolved under the provisions of Delaware law and all its assets, subject to its liabilities, transferred to GPU. Aelec's principal assets consist of all the outstanding common stock of Pennsylvania Electric Company, all of the outstanding preferred and common stocks and $4,000,000 principal amount of debentures of Manila Electric Company ("Meralco") and all of the outstanding securities (consisting of 2,000 shares of common stock) of Escudero Electric Service Company ("Escudero"). The two companies last mentioned are public utility companies operating in the Philippines and have been granted exemption from certain provisions of the act pursuant to section 3 (b) thereof. It is proposed that, after the dissolution of Aelec and the aforementioned transfer of Aelec's assets to GPU, GPU will make a capital contribution to Meralco of all of the outstanding common stock of Escudero.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over any of the proposed transactions, but that the transfer from Aelec to GPU of all of the outstanding common stock of Meralco and Escudero, and the subsequent transfer by GPU to Meralco as a capital contribution of all of the outstanding common stock of Escudero, require the approval of the Public Service Commission of the Philippines.

Applicants-declarants stipulate and agree that the granting and permitting to become effective of the application-declaration and the carrying out of the transactions herein proposed shall not be deemed, in any manner, to modify or otherwise affect the Commission's orders, dated August 13, 1942, and December 28, 1951 in File No. 59-32, requiring the divestiture by GPU of its interest in Escudero and Meralco.

Applicants-declarants request that the Commission's order granting and permitting to become effective the application-declaration contain the recitals with respect to the transfer by Aelec to GPU of its assets requisite to meet the requirements of Sections 1081-1083, inclusive, of the Internal Revenue Code of 1954.

Notice is further given that any interested person may, not later than January 5, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by such filing which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application-declaration, as filed or as hereafter amended, may be granted and permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commisssion.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10147; Filed, Dec. 19, 1955; 8:46 a. m.]

[File No. 70-3410]

GENERAL PUBLIC UTILITIES CORP. ET AL.

ORDER REGARDING AGREEMENT PROVIDING FOR ALLOCATION OF CONSOLIDATED FEDERAL INCOME TAX LIABILITIES

DECEMBER 14, 1955.

General Public Utilities Corporation, a registered holding company, and its subsidiary companies, Jersey Central Power & Light Company, Metropolitan Edison Company, New Jersey Power & Light Company, Northern Pennsylvania Power Company, The Waverly Electric Light and Power Company, Pennsylvania Electric Company, Blair Fuel Company, Nineveh Water Company, Brockway Light, Heat and Power Company, Employees Welfare Association, Inc., and Associated Electric Company, having filed a declaration with the Commission pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 (a) promulgated thereunder regarding a certain proposed transaction, which is summarized as follows:

Declarants propose to enter into an agreement governing the allocation among said companies of the consolidated Federal income tax liability of such group of companies. It is stated that the proposed agreement does not comply with the exemption provisions of Rule U-45 (b) (6) in that it provides that (i) commencing with the tax return for 1954 and thereafter, a company which elects to claim a deduction for accelerated amortization of emergency facilities, as distinct from normal depreciation deductions, shall have allocated to it the entire tax benefits, and bear the entire tax burdens, attributable to such deduction, and (ii) commencing with the year 1955 and thereafter, a company which elects to claim a foreign tax credit shall have allocated to it the entire tax benefits attributable to such credit.

The declaration states that no State or Federal regulatory body, other than this Commission, has jurisdiction with respect to the proposed transaction.

Notice of the filing of said declaration having been given in the manner prescribed by Rule U-23, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules thereunder are satisfied and that the declaration should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions set forth in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10148; Filed, Dec. 19, 1955; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HYALOS S. A.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hyalos S. A., a/k/a Hyalos A. G., Bahnhof Strasse 23, Zug, Switzerland; Claim No. 62087,

Vesting Order No. 17976; $2,988.00 in the Treasury of the United States.

Executed at Washington, D. C., on December 12, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-10173; Filed, Dec. 19, 1955; 8:50 a. m.]

ANGELA VERCELLI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Angela Vercelli, $148.01 in the Treasury of the United States. Anita Vercelli Gavazza, $148.01 in the Treasury of the United States. Cecilia Vercelli, $148.01 in the Treasury of the United States. Felice Vercelli, $148.01 in the Treasury of the United States. Marcorengo, Turin, Italy. Louis Vercelli, $74 in the Treasury of the United States. Ceaser Vercelli, $74 in the Treasury of the United States. Chicago, Illinois. Claims No. 34674 and 42349. John Vercelli, Executor of the Estate of Michele Vercelli, deceased. $185.01 in the Treasury of the United States. Pitcairn, Pennsylvania, Claim No. 42769, Carlo Vercelli, $185.01 in the Treasury of the United States. Turtle Creek Boro, Pennsylvania, Claim No. 42770, Vesting Order No. 1662.

Executed at Washington, D. C., on December 12, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-10174; Filed, Dec. 19, 1955; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 15, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31423: *Paint and materials to Missouri River crossings.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on paint, paint material and related articles, carloads from Chicago, Kankakee, and Rockford, Ill., Milwaukee, Racine, and Waxdale, Wis., Minneapolis, Minnesota Transfer, and St. Paul, Minn., and St. Louis, Mo., to specified points in Iowa, Kansas, Nebraska, and South Dakota on or near the Missouri River.

Grounds for relief: Circuitous routes.

Tariff: Supplement 49 to Agent Prueter's I. C. C. A-4038.

FSA No. 31424: *Iron and steel articles to Eastern Canadian Ports.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on iron and steel articles, carloads, also billets and articles taking same rates, carloads from specified points in central territory and in trunk-line arbitrary east of Pittsburgh, Pa., to specified eastern Canadian ports in the Provinces of New Brunswick, Nova Scotia, and Quebec.

Grounds for relief: Maintenance of port rate relations with north Atlantic seaboard ports in the United States, and circuitous routes.

Tariff: Supplement 78 to Agent Hinsch's I. C. C. 4350 and seven other tariffs.

FSA No. 31425: *Scrap paper—Florida points to the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper, scrap or waste, other than sensitized and excelsior paper, straight or mixed carloads from Jacksonville, South Jacksonville, and Tampa, Fla., to Dallas, Tex., Shreveport, La., and Pryor (including Oklahoma Ordnance Works), Okla.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 143 to Agent Kratzmeir's I. C. C. 4090 and two other tariffs.

FSA No. 31426: *Lumber—West Virginia to North Carolina.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on lumber, carloads from specified points in West Virginia to Greensboro, Mt. Airy, and Sanford, N. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 98 to Agent Spaninger's I. C. C. 1297.

FSA No. 31427: *Fertilizer compounds—Arkansas and Louisiana to the South.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer compounds and related articles, carloads from Kay, Ark., and Bernice, La., to specified points in Alabama, Florida, Georgia, Kentucky, Louisiana (east of the Mississippi River), North Carolina, South Carolina, Tennessee, and West Virginia, also to Cincinnati, Ohio and Helena, Ark.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 104 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 31428: *Billets—Chicago, Ill., and Steelton, Ky., to Louisiana and Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron and steel billets, other than copper clad, carloads from Chicago, Ill., and district points, and Steelton, Ky., to Doyline and Shreveport, La., and Longview, Tex.

Grounds for relief: Barge-rail competition and circuity.

Tariff: Supplement 24 to Agent Kratzmeir's I. C. C. 4170.

FSA No. 31429: *Salt—Louisiana to Alabama and Mississippi.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on mine run salt, in bulk, carloads, from Anse La Butte, Avery Island, Carla, Jefferson Island, Weeks, and Winfield, La., to Listerhill, Evans City, Emco, Sheffield, and Tuscumbia, Ala., and other specified points in Alabama and Mississippi.

Grounds for relief: Barge competition and circuity.

Tariff: Supplement 59 to Agent Kratzmeir's I. C. C. 3903.

FSA No. 31430: *Grain—Fitzgerald, Ga., to Wilmington, N. C.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on grain, namely, barley, corn, oats, rye, soybeans, and wheat, in bulk, straight carloads from Fitzgerald, Ga., to Wilmington, N. C., for export, and for trans-shipment via water to coastal points north of Hampton Roads, Va.

Grounds for relief: Circuitous route.

Tariff: Supplement 113 to Agent C. A. Spaninger's I. C. C. 1325.

FSA No. 31431: *Substituted motor service—M-K-T System Lines.* Filed by Middlewest Motor Freight Bureau, Agent, for interested rail and motor carriers. Rates on various commodities in highway trailers on railroad flat cars, also empty trailers on such cars between St. Louis, Mo., on one hand, and Oklahoma City, Okla., on the other; also between Kansas City, Kans., on one hand, and Oklahoma City and Tulsa, Okla., on the other; also between St. Louis, Mo., or Kansas City, Kans., on one hand, and Dallas and Ft. Worth, Tex., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 32 to Middlewest Motor Freight Bureau MF-I. C. C. 223.

FSA No. 31432: *Motor-rail rates—Missouri-Kansas-Texas R. R. et al.* Filed by Middlewest Motor Freight Bureau, Agent, for interested rail and motor carriers. Rates on various commodities in trailers, transported on railroad flat cars between points in Kansas, Missouri, Oklahoma, and Texas.

Grounds for relief: Motor carrier competition.

Tariff: Supplement 32 to Middlewest Motor Freight Bureau tariff MF-I. C. C. No. 223.

FSA No. 31433: *Motor-rail rates—Chicago Great Western Ry. Co. et al.* Filed by Middlewest Motor Freight Bureau, Agent, for interested rail and motor carriers. Rates on various commodities in trailers, transported on railroad flat cars between Chicago, Ill., on the one hand, and Council Bluffs, or Des Moines, Iowa, on the other.

Grounds for relief: Motor carrier competition.

Tariff: Supplement No. 32 to Middlewest Motor Freight Bureau tariff MF-I. C. C. No. 223.

FSA No. 31434: *Motor-rail rates—Missouri-Kansas-Texas R. R. et al.* Filed by Middlewest Motor Freight Bureau, for interested rail and motor carriers. Rates on various commodities in trailers, transported on railroad flat cars between St. Louis, Mo., on the one hand, and Muskogee, Okla., on the other.

Grounds for relief: Motor carrier competition.

Tariff: Supplement 32 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 31435: *Automobile bodies from Michigan to the East.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on automobile bodies, freight or passenger, carloads from Ionia and Pontiac, Mich, to Metuchen, N. J., Framingham, Mass., and Wilmington, Del.

Grounds for relief: Carrier competition and circuity.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-10156; Filed, Dec. 19, 1955; 8:48 a. m.]

PART II

FEDERAL REGISTER

VOLUME 20 NUMBER 246

Washington, Tuesday, December 20, 1955

UNIVERSITY OF MICHIGAN
DEC 27 1955
MAIN READING ROOM

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

REPUBLICATION OF REGULATIONS

Chapter I of Title 21 is republished, reading as set forth below. In this republication minor editorial changes have been made and Parts 135, 145, 155, 170, 175, 185, and 196 have been redesignated as Parts 9, 165, 85, 281, 285, 290, and 4, respectively.

Dated: December 15, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

This issue is divided into two parts, Part II of which contains a republication of Title 21, Chapter I, of the Code of Federal Regulations.

Subchapter A—General

Part
1 Regulations for the enforcement of the Federal Food, Drug, and Cosmetic Act.
3 Statements of general policy or interpretation.
4 Official records and information.
9 Color certification.

Subchapter B—Food and Food Products

10 General regulations relating to definitions and standards for food.
14 Cacao products; definitions and standards of identity.
15 Cereal flours and related products; definitions and standards of identity.
16 Alimentary pastes; definitions and standards of identity.
17 Bakery products; definitions and standards of identity.
18 Milk and cream; definitions and standards of identity.
19 Cheeses; processed cheeses; cheese foods; cheese spreads; and related foods; definitions and standards of identity.
25 Dressings for foods.
27 Canned fruits; definitions and standards of identity; quality; and fill of container.
29 Fruit butters, fruit jellies, fruit preserves, and related products; definitions and standards of identity.
36 Shellfish; definitions and standards of identity; fill of container.
42 Eggs and egg products; definitions and standards of identity.
45 Oleomargarine, margarine; definitions and standard of identity.
51 Canned vegetables; definitions and standards of identity; quality; and fill of container.
53 Tomato products; definitions and standards of identity; quality; and and fill of container.
85 Seafood inspection.
120 Tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities.
125 Label statements concerning dietary properties of food purporting to be or represented for special dietary uses.

Subchapter C—Drugs

130 Drugs exempted from prescription-dispensing requirements of section 503 (b) (1) (C) of the Federal Food, Drug, and Cosmetic Act.
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141b Streptomycin (or dihydrostreptomycin) and streptomycin- (or dihydrostreptomycin-) containing drugs; tests and methods of assay.
141c Chlortetracycline (or tetracycline) and chlortetracycline- (or tetracycline-) containing drugs; tests and methods of assay.
141d Chloramphenicol and chloramphenicol-containing drugs; tests and methods of assay.
141e Bacitracin and bacitracin-containing drugs; tests and methods of assay.
146 General regulations for the certification of antibiotic and antibiotic-containing drugs.
146a Certification of penicillin and penicillin-containing drugs.
146b Certification of streptomycin (or dihydrostreptomycin) and streptomycin- (or dihydrostreptomycin-) containing drugs.
146c Certification of chlortetracycline (or tetracycline) and chlortetracycline- (or tetracycline-) containing drugs.
146d Certification of chloramphenicol and chloramphenicol-containing drugs.
146e Certification of bacitracin and bacitracin-containing drugs.
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PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

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GENERAL

§ 1.1 *General regulation.* (a) The provisions of regulations promulgated under the act with respect to the doing of any act shall be applicable also to the causing of such act to be done.

(b) The definitions and interpretations of terms contained in section 201 of the act shall be applicable also to such terms when used in regulations promulgated under the act.

(Sec. 701 (a), 52 Stat.1055; 21 U.S.C. 371 (a))

DEFINITIONS

AUTHORITY: §§ 1.2 and 1.3 issued under sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a). Statutory provisions interpreted or applied are cited to text in parentheses.

§ 1.2 *Labeling; definition.* Labeling includes all written, printed, or graphic matter accompanying an article at any time while such article is in interstate commerce or held for sale after shipment or delivery in interstate commerce.

(Sec. 201 (m), 52 Stat. 1041; 21 U. S. C. 321 (m))

§ 1.3 *Difference of opinion among experts.* The existence of a difference of opinion, among experts qualified by scientific training and experience, as to the truth of a representation made or suggested in the labeling is a fact (among other facts) the failure to reveal which may render the labeling misleading, if there is a material weight of opinion contrary to such representation.

(Sec. 201 (n), 52 Stat. 1041; 21 U. S. C. 321 (n))

PROHIBITED ACTS AND PENALTIES

AUTHORITY: §§ 1.4 to 1.6 issued under sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a). Statutory provisions interpreted or applied are cited to text in parentheses.

§ 1.4 *Guaranty.* In case of the giving of a guaranty or undertaking referred to in section 303 (c) (2) or (3) of the act, each person signing such guaranty or undertaking shall be considered to have given it.

(Sec. 301 (h), 52 Stat. 1042; 21 U. S. C. 331 (h))

§ 1.5 *Guaranty; definition, and suggested forms.* (a) A guaranty or undertaking referred to in section 303 (c) (2) of the act may be:

(1) Limited to a specific shipment or other delivery of an article, in which case it may be a part of or attached to the invoice or bill of sale covering such shipment or delivery, or

(2) General and continuing, in which case, in its application to any shipment or other delivery of an article, it shall be considered to have been given at the date such article was shipped or delivered by the person who gives the guaranty or undertaking.

(b) The following are suggested forms of guaranty or undertaking under section 303 (c) (2) of the act:

(1) Limited form for use on invoice or bill of sale.

(Name of person giving the guaranty or undertaking) hereby guarantees that no article listed herein is adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act, or is an article which may not, under the provisions of section 404 or 505 of the act, be introduced into interstate commerce.

(Signature and post-office address of person giving the guaranty or undertaking)

(2) General and continuing form.

The article comprising each shipment or other delivery hereafter made by (name of person giving the guaranty or undertaking) to, or on the order of (name and post-office address of person to whom the guaranty or undertaking is given) is hereby guaranteed, as of the date of such shipment or delivery, to be, on such date, not adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act, and not an article which may not, under the provisions of section 404 or 505 of the act, be introduced into interstate commerce.

(Signature and post-office address of person giving the guaranty of undertaking)

(c) The application of a guaranty or undertaking referred to in section 303 (c) (2) of the act to any shipment or other delivery of an article shall expire when such article, after shipment or delivery by the person who gave such guaranty or undertaking, becomes adulterated or misbranded within the meaning of the act, or becomes an article which may not, under the provisions of section 404 or 505 of the act, be introduced into interstate commerce.

(d) A guaranty or undertaking referred to in section 303 (c) (3) of the act shall state that the shipment or other delivery of coal-tar color covered thereby was manufactured by a signer thereof. It may be a part of or attached to the invoice or bill of sale covering such color. If such shipment or delivery is from a foreign manufacturer, such guaranty or undertaking shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

(e) The following are suggested forms of guaranty or undertaking under section 303 (c) (3) of the act:

(1) For domestic manufacturers.

(Name of manufacturer) hereby guarantees that all coal-tar colors listed herein were manufactured by him, and are from batches certified in accordance with the applicable regulations promulgated under the Federal Food, Drug, and Cosmetic Act.

(Signature and post-office address of manufacturer)

(2) For foreign manufacturers.

(Name of manufacturer and agent) hereby severally guarantee that all coal-tar colors listed herein were manufactured by (name of manufacturer), and are from batches certified in accordance with the applicable regulations promulgated under the Federal Food, Drug, and Cosmetic Act.

(Signature and post-office address of manufacturer)

(Signature and post-office address of agent)

(f) For the purpose of a guaranty or undertaking under section 303 (c) (3) of the act the manufacturer of a shipment or other delivery of a coal-tar color is the person who packaged such color.

(g) A guaranty or undertaking, if signed by two or more persons, shall state that such persons severally guarantee the article to which it applies.

(h) No representation or suggestion that an article is guaranteed under the act shall be made in labeling.

(Sec. 303 (c), 52 Stat. 1043; 21 U. S. C. 333 (c))

§ 1.6 *Presentation of views under section 305 of the act.* (a) Presentation of views under section 305 of the act shall be private and informal. The views presented shall be confined to matters relevant to the contemplated proceeding. Such views may be presented by letter or in person by the person to whom the notice was given, or by his representative. In case such person holds a guaranty or undertaking referred to in section 303 (c) (2) or (3) of the act applicable to the article on which such notice was based, such guaranty or undertaking, or a verified copy thereof, shall be made a part of such presentation of views.

(b) Upon request, seasonably made, by the person to whom a notice appointing a time and place for the presentation of views under section 305 of the act has been given, or by his representative, such time or place, or both such time and place, may be changed if the request states reasonable grounds therefor. Such request shall be addressed to the office of the Food and Drug Administration which issued the notice.

(Sec. 305, 52 Stat. 1045; 21 U. S. C. 335)

FOOD

AUTHORITY: §§ 1.7 to 1.14 issued under sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a). Statutory provisions interpreted or applied are cited to text in parentheses.

§ 1.7 *Food; labeling; misbranding.* (a) Among representations in the labeling of a food which render such food misbranded is a false or misleading representation with respect to another food or a drug, device, or cosmetic.

(b) The labeling of a food which contains two or more ingredients may be misleading by reason (among other reasons) of the designation of such food in such labeling by a name which includes or suggests the name of one or more but not all such ingredients, even though the names of all such ingredients are stated elsewhere in the labeling.

(Sec. 403 (a), 52 Stat. 1047; 21 U. S. C. 343 (a))

§ 1.8 *Food; labeling; required statements; when exempt.* (a) Where a food is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with such food, such as "Manufactured for and Packed by ——," "Distributed by ——," or other similar phrase which expresses the facts.

(b) The statement of the place of business shall include the street address, if any, of such place, unless such street address is shown in a current city directory or telephone directory.

(c) If a person manufactures, packs, or distributes a food at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such food was manufactured or packed or is to be distributed, if such statement is not misleading in any particular.

(d) The requirement that the label shall contain the name and place of business of the manufacturer, packer, or distributor shall not be considered to relieve any food from the requirement that its label shall not be misleading in any particular.

(e) (1) The statement of the quantity of the contents shall reveal the quantity of food in the package, exclusive of wrappers and other material packed with such food.

(2) The statement shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight or measure, which are generally used by consumers to express quantity of such food and which give accurate information as to the quantity thereof. But if no general consumer usage in expressing accurate information as to the quantity of such food exists, the statement shall be in terms of liquid measure if the food is liquid, or in terms of weight if the food is solid, semisolid, viscous, or a mixture of solid and liquid; except that such statement may be in terms of dry measure if the food is a fresh fruit, fresh vegetable, or other dry commodity.

(f) (1) A statement of weight shall be in terms of the avoirdupois pound and ounce. A statement of liquid measure shall be in terms of the United States gallon of 231 cubic inches and quart, pint, and fluid ounce subdivisions thereof, and, except in case of frozen food which is so consumed, shall express the volume at 68° Fahrenheit (20° Centigrade). A statement of dry measure shall be in terms of the United States bushel of 2150.42 cubic inches and peck, dry quart, and dry pint subdivisions thereof; or in terms of the United States standard barrel and its subdivisions of third, half, and three-quarters barrel. However, in the case of an export shipment, the statement may be in terms of a system of weight or measure in common use in the country to which such shipment is exported.

(2) A statement of weight or measure in the terms specified in subparagraph (1) of this paragraph may be supplemented by a statement in terms of the metric system of weight or measure.

(3) Unless an unqualified statement of numerical count gives accurate information as to the quantity of food in the package, it shall be supplemented by such statement of weight, measure, or size of the individual units of the foods as will give such information.

(g) Statements shall contain only such fractions as are generally used in expressing the quantity of the food. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places.

(h) (1) If the quantity of food in the package equals or exceeds the smallest unit of weight or measure which is specified in paragraph (f) of this section, and which is applicable to such food under the provisions of paragraph (e) (2) of this section, the statement shall express the number of the largest of such units contained in the package (for example, the statement on the label of a package which contains one quart of food shall be "1 quart", and not "2 pints" or "32 fluid ounces"), unless the statement is made in accordance with the provisions of subparagraph (2) of this paragraph. Where such number is a whole number and a fraction, there may be substituted for the fraction its equivalent in smaller units, if any smaller is specified in such paragraph (f) (for examples, 1¾ quarts may be expressed as "1 quart 1½ pints" or "1 quart 1 pint 8 fluid ounces"; 1¼ pounds may be expressed as "1 pound 4 ounces"). The stated number of any unit which is smaller than the largest unit (specified in such paragraph (f)) contained in the package shall not equal or exceed the number of such smaller units in the next larger unit so specified (for examples, instead of "1 quart 16 fluid ounces" the statement shall be "1½ quarts" or "1 quart 1 pint"; instead of "24 ounces" the statement shall be "1½ pounds" or "1 pound 8 ounces").

(2) In the case of a food with respect to which there exists an established custom of stating the quantity of the contents as a fraction of a unit, which unit is larger than the quantity contained in the package, or as units smaller than the largest unit contained therein, the statement may be made in accordance with such custom if it is informative to consumers.

(i) The statement shall express the minimum quantity, or the average quantity, of the contents of the packages. If the statement is not so qualified as to show definitely that the quantity expressed is the minimum quantity, the statement shall be considered to express the average quantity.

(j) Where the statement expresses the minimum quantity, no variation below the stated minimum shall be permitted except variations below the stated weight or measure caused by ordinary and customary exposure, after the food is introduced into interstate commerce, to conditions which normally occur in good distribution practice and which unavoidably result in decreased weight or measure. Variations above the stated minimum shall not be unreasonably large.

(k) Where the statement does not express the minimum quantity:

(1) Variations from the stated weight or measure shall be permitted when caused by ordinary and customary exposure, after the food is introduced into interstate commerce, to conditions which normally occur in good distribution practice and which unavoidably result in change of weight or measure;

(2) Variations from the stated weight, measure, or numerical count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting individual packages which occur in good packing practice.

But under subparagraph (2) of this paragraph variations shall not be permitted to such extent that the average of the quantities in the packages comprising a shipment or other delivery of the food is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment or delivery compensate for such shortage.

(l) The extent of variations from the stated quantity of the contents permissible under paragraphs (j) and (k) of this section in the case of each shipment or other delivery shall be determined by the facts in such case.

(m) A food shall be exempt from compliance with the requirements of clause (2) of section 403 (e) of the act if:

(1) The quantity of the contents, as expressed in terms applicable to such food under the provisions of paragraph (e) (2) of this section, is less than one-half ounce avoirdupois, or less than one-half fluid ounce, or (in case the units of the food can be easily counted without opening the package) less than six units; or

(2) The statement of the quantity of the contents of the package, together with all other words, statements, and information required by or under authority of the act to appear on the label, cannot, because of insufficient label space, be so placed on the label as to comply with the requirements of section 403 (f) of the act and regulations promulgated thereunder.

(n) A food shall be exempt while held for sale from the requirements of clause (2) of section 403 (e) of the act (requiring a statement on the label of the quantity of contents) if said food, having been received in bulk containers at a retail establishment, is accurately weighed, measured, or counted either within the view of the purchaser or in compliance with the purchaser's order.

(Sec. 403 (e), 52 Stat. 1047; 21 U. S. C. 343 (e))

§ 1.9 *Food; labeling; prominence of required statements.* (a) A word, statement, or other information required by or under authority of the act to appear on the label may lack that prominence and conspicuousness required by section 403 (f) of the act by reason (among other reasons) of:

(1) The failure of such word, statement, or information to appear on the part or panel of the label which is presented or displayed under customary conditions of purchase;

(2) The failure of such word, statement, or information to appear on two or more parts or panels of the label, each of which has sufficient space therefor, and each of which is so designed as to render it likely to be, under customary conditions of purchase, the part or panel displayed;

(3) The failure of the label to extend over the area of the container or package available for such extension, so as to provide sufficient label space for the prominent placing of such word, statement, or information;

(4) Insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space for any word, statement, design, or device which is not required by or under authority of the act to appear on the label;

(5) Insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space to give materially greater conspicuousness to any other word, statement, or information, or to any design or device; or

(6) Smallness or style of type in which such word, statement, or information appears, insufficient background contrast, obscuring designs or vignettes, or crowding with other written, printed, or graphic matter.

(b) No exemption depending on insufficiency of label space, as prescribed in regulations promulgated under section 403 (e) or (i) of the act, shall apply if such insufficiency is caused by:

(1) The use of label space for any word statement, design, or device which is not required by or under authority of the act to appear on the label;

(2) The use of label space to give greater conspicuousness to any word, statement, or other information than is required by section 403 (f) of the act; or

(3) The use of label space for any representation in a foreign language.

(c) (1) All words, statements, and other information required by or under authority of the act to appear on the label or labeling shall appear thereon in the English language.

(2) If the label contains any representation in a foreign language, all words, statements, and other information required by or under authority of the act to appear on the label shall appear thereon in the foreign language.

(3) If the labeling contains any representation in a foreign language, all words, statements, and other information required by or under authority of the act to appear on the label or labeling shall appear on the labeling in the foreign language.

(Sec. 403 (f), 52 Stat. 1047; 21 U. S. C. 343 (f))

§ 1.10 *Food; labeling; designation of ingredients.* (a) The name of an ingredient (except a spice, flavoring, or coloring which is an ingredient of a food other than one sold as a spice, flavoring, or coloring), required by section 403 (i) (2) of the act to be borne on the label of a food, shall be a specific name and not a collective name. But if an ingredient (which itself contains two or more ingredients) conforms to a definition and standard of identity prescribed by regulations under section 401 of the act, such ingredient may be designated on the label of such food by the name specified in the definition and standard, supplemented, in case such regulations require the naming of optional ingredients present in such ingredient, by a statement showing the optional ingredients which are present in such ingredient.

(b) No ingredient shall be designated on the label as a spice, flavoring, or coloring unless it is a spice, flavoring, or coloring, as the case may be, within the meaning of such term as commonly understood by consumers. The term "coloring" shall not include any bleaching substance.

(c) An ingredient which is both a spice and a coloring, or both a flavoring and a coloring, shall be designated as spice and coloring, or flavoring and coloring, as the case may be, unless such ingredient is designated by its specific name.

(d) A label may be misleading by reason (among other reasons) of:

(1) The order in which the names of ingredients appear thereon, or the relative prominence otherwise given such names; or

(2) Its failure to reveal the proportion of, or other fact with respect to, an ingredient, when such proportion or other fact is material in the light of the representation that such ingredient was used in fabricating the food.

(e) (1) A food shall be exempt from the requirements of clause (2) of section 403 (i) of the act if all words, statements, and other information required by or under authority of the act to appear on the label of such food, cannot, because of insufficient label space, be so placed on the label as to comply with the requirements of section 403 (f) of the act and regulations promulgated thereunder. But such exemption shall be on the condition that, if the omission from the label of the statement of the quantity of the contents affords sufficient space to state legibly thereon all the information required by such clause (2), such statement of the quantity of the contents shall be omitted as authorized by § 1.8 (m) (2), and the information required by such clause (2) shall be so stated as prominently as practicable even though the statement is not of such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase.

(2) In the case of an assortment of different items of food, when variations in the items which make up different packages packed from such assortment normally occur in good packing practice, and when such variations result in variations in the ingredients in different packages, such food shall be exempt from compliance with the requirements of clause (2) of section 403 (i) of the act with respect to any ingredient which is not common to all packages. But such exemption shall be on the condition that the label shall bear, in conjunction with the names of such ingredients as are common to all packages, a statement in terms which are as informative as practicable and which are not misleading, indicating that other ingredients may be present.

(f) A food shall be exempt while held for sale from the requirements of clause (2) of section 403 (i) of the act (requiring a declaration on the label of the common or usual name of each ingredient when the food is fabricated from two or more ingredients) if said food, having been received in bulk containers at a retail establishment, is displayed to the purchaser with either (1) the labeling of the bulk container plainly in view or (2) a counter card, sign, or other appropriate device bearing prominently and conspicuously the information required to be stated on the label pursuant to clause (2) of section 403 (i).

(Sec. 403 (i), 52 Stat. 1048; 21 U. S. C. 343 (i))

§ 1.11 *Special dietary uses.* (a) The term "special dietary uses", as applied to food for man, means particular (as distinguished from general) uses of food, as follows:

(1) Uses for supplying particular dietary needs which exist by reason of a physical, physiological, pathological or other condition, including but not limited to the conditions of disease, convalescence, pregnancy, lactation, allergic hypersensitivity to food, underweight, and overweight;

(2) Uses for supplying particular dietary needs which exist by reason of age, including but not limited to the ages of infancy and childhood;

(3) Uses for supplementing or fortifying the ordinary or usual diet with any vitamin, mineral, or other dietary property. Any such particular use of a food is a special dietary use, regardless of whether such food also purports to be or is represented for general use.

(b) No provision of any regulation under section 403 (j) of the act shall be construed as exempting any food from any other provision of the act or regulations thereunder, including sections 403 (a) and (g) and, when applicable, the provisions of Chapter V of the act.

§ 1.12 *Food; labeling; artificial flavoring or coloring, chemical preservatives.* (a) (1) The term "artificial flavoring" means a flavoring containing any sapid or aromatic constituent, which constituent was manufactured by a process of synthesis or other similar artifice.

(2) The term "artificial coloring" means a coloring containing any dye or pigment, which dye or pigment was manufactured by a process of synthesis or other similar artifice, or a coloring which was manufactured by extracting a natural dye or natural pigment from a plant or other material in which such dye or pigment was naturally produced.

(3) The term "chemical preservative" means any chemical which, when added to food, tends to prevent or retard deterioration thereof; but does not include common salt, sugars, vinegars, spices or oils extracted from spices, or substances added to food by direct exposure thereof to wood smoke.

(b) A food which is subject to the requirements of section 403 (k) of the act shall bear labeling, even though such food is not in package form.

(c) A statement of artificial flavoring, artificial coloring, or chemical preservative shall be placed on the food, or on its container or wrapper, or on any two or all of these, as may be necessary to render such statement likely to be read by the ordinary individual under customary conditions of purchase and use of such food.

(d) A food shall be exempt from compliance with the requirements of section 403 (k) of the act if it is not in package form and the units thereof are so small that a statement of artificial flavoring, artificial coloring, or chemical preservative, as the case may be, cannot be placed on such units with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

(e) A food shall be exempt while held for sale from the requirements of section 403 (k) of the act (requiring label statement of any artificial flavoring, artificial coloring, or chemical preservatives) if said food, having been received in bulk containers at a retail establishment, is displayed to the purchaser with either (1) the labeling of the bulk container plainly in view or (2) a counter card, sign, or other appropriate device bearing prominently and conspicuously the information required to be stated on the label pursuant to section 403 (k).

(Sec. 403 (k), 52 Stat. 1048; 21 U. S. C. 343 (k))

§ 1.13 *Food; exemptions from labeling requirements.* (a) (1) An open container is a container of rigid or semi-rigid construction, which is not closed by lid, wrapper, or otherwise.

(2) An open container of a fresh fruit or fresh vegetable, the quantity of contents of which is not more than one dry quart, shall be exempt from the labeling requirements of paragraphs (e), (g) (2) (with respect to the name of the food specified in the definition and standard), and (i) (1) of section 403 of the act; but such exemption shall be on the condition that if two or more such containers are enclosed in a crate or other shipping package, such crate or package shall bear labeling showing the number of such containers enclosed therein and the quantity of the contents of each.

(b) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of a food which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantity at an establishment other than that where originally processed or packed, shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment, from compliance with the labeling requirements of section 403 (c), (e), (g), (h), (i), (j) and (k) of the act if:

(1) The person who introduced such shipment or delivery into interstate commerce is the operator of the establishment where such food is to be processed, labeled, or repacked; or

(2) In case such person is not such operator, such shipment or delivery is made to such establishment under a written agreement, signed by and containing the post-office addresses of such person and such operator, and containing such specifications for the processing, labeling, or repacking, as the case may be, of such food in such establishment as will insure, if such specifications are followed, that such food will not be adulterated or misbranded within the meaning of the act upon completion of such processing labeling, or repacking. Such person and such operator, shall each keep a copy of such agreement until all of such shipment or delivery has been removed from such establishment, and shall make such copies available for inspection at any reasonable hour to any officer or employee of the Department who requests them.

(c) An exemption of a shipment or other delivery of a food under paragraph (b) (1) of this section shall, at the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment become void ab initio if the food comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed.

(d) An exemption of a shipment or other delivery of a food under paragraph (b) (2) of this section shall become void ab initio with respect to the person who introduced such shipment or delivery into interstate commerce upon refusal by such person to make available for inspection a copy of the agreement, as required by such paragraph.

(e) An exemption of a shipment or other delivery of a food under paragraph (b) (2) of this section shall expire:

(1) At the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment if the food comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed; or

(2) Upon refusal by the operator of the establishment where such food is to be processed, labeled, or repacked, to make available for inspection a copy of the agreement, as required by such paragraph.

(f) The word "processed" shall include the holding of cheese in a suitable warehouse at a temperature of not less than 35° F. for the purpose of aging or curing to bring the cheese into compliance with requirements of an applicable definition and standard of identity. The exemptions provided for in paragraph (b) of this section shall apply to cheese which is, in accordance with the practice of the trade, shipped to a warehouse for aging or curing, on condition that the cheese is identified in the manner set forth in one of the applicable following subparagraphs, and in such case paragraphs (c), (d), and (e) of this section shall also apply:

(1) In the case of varieties of cheeses for which definitions and standards of identity require a period of aging, whether or not they are made from pasteurized milk, each such cheese shall bear on the cheese a legible mark showing the date at which the preliminary

manufacturing process has been completed and at which date curing commences, and to each cheese, on its wrapper or immediate container, shall be affixed a removable tag bearing the statement "Uncured _____ cheese for completion of curing and proper labeling," the blank being filled in with the applicable name of the variety of cheese. In the case of swiss cheese, the date at which the preliminary manufacturing process had been completed and at which date curing commences is the date on which the shaped curd is removed from immersion in saturated salt solution as provided in the definition and standard of identity for swiss cheese, and such cheese shall bear a removable tag reading, "To be cured and labeled as 'swiss cheese', but if eyes do not form to be labeled as 'swiss cheese for manufacturing.'"

(2) In the case of varieties of cheeses which when made from unpasteurized milk are required to be aged for not less than 60 days, each such cheese shall bear a legible mark on the cheese showing the date at which the preliminary manufacturing process has been completed and at which date curing commences, and to each such cheese or its wrapper or immediate container shall be affixed a removable tag reading, "_____ cheese made from unpasteurized milk. For completion of curing and proper labeling," the blank being filled in with the applicable name of the variety of cheese.

(3) In the case of cheddar cheese, washed curd cheese, colby cheese, granular cheese, and brick cheese made from unpasteurized milk, each such cheese shall bear a legible mark on the cheese showing the date at which the preliminary manufacturing process has been completed and at which date curing commences, and to each such cheese or its wrapper or immediate container shall be affixed a removable tag reading "_____ cheese made from unpasteurized milk. For completion of curing and proper labeling, or for labeling as _____ cheese for manufacturing," the blank being filled in with the applicable name of the variety of cheese.

(Sec. 405, 52 Stat. 1049; 21 U. S. C. 345)

§ 1.14 *Conformity to definitions and standards of identity.* In the following conditions, among others, a food does not conform to the definition and standard of identity therefor:

(a) If it contains an ingredient for which no provision is made in such definition and standard;

(b) If it fails to contain any one or more ingredients required by such definition and standard;

(c) If the quantity of any ingredient or component fails to conform to the limitation, if any, prescribed therefor by such definition and standard.

DRUGS AND DEVICES

AUTHORITY: §§ 1.100 to 1.115 issued under sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a). Statutory provisions interpreted or applied are cited to text in parentheses.

§ 1.100 *Drugs; name.* (a) The name by which a drug is designated shall be clearly distinguishing and differentiating from any name recognized in an official compendium unless such drug complies in identity with the identity prescribed in an official compendium under such recognized name.

(b) The term "drug defined in an official compendium" means a drug having the identity prescribed for a drug in an official compendium.

(c) A statement that a drug defined in an official compendium differs in strength, quality, or purity from the standard of strength, quality, or purity set forth for such drug in an official compendium shall show all the respects in which such drug so differs, and the extent of each such difference.

(Sec. 501 (b), 52 Stat. 1049; 21 U. S. C. 351 (b))

§ 1.101 *Drugs and devices; labeling, misbranding.* (a) Among representations in the labeling of a drug or device which render such drug or device misbranded is a false or misleading representation with respect to another drug or device or a food or cosmetic.

(b) The labeling of a drug which contains two or more ingredients may be misleading by reason (among other reasons) of the designation of such drug in such labeling by a name which includes or suggests the name of one or more but not all such ingredients, even though the names of all such ingredients are stated elsewhere in the labeling.

(Sec. 502 (a), 52 Stat. 1050; 21 U. S. C. 352 (a))

§ 1.102 *Drugs and devices; labeling requirements.* (a) If a drug or device is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with such drug or device, such as "Manufactured for and Packed by _____," "Distributed by _____," or other similar phrase which expresses the facts.

(b) The statement of the place of business shall include the street address, if any, of such place, unless such street address is shown in a current city directory or telephone directory.

(c) Where a person manufactures, packs, or distributes a drug or device at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such drug or device was manufactured or packed or is to be distributed, if such statement is not misleading in any particular.

(d) The requirement that the label shall contain the name and place of business of the manufacturer, packer, or distributor shall not be considered to relieve any drug or device from the requirement that its label shall not be misleading in any particular.

(e) (1) The statement of the quantity of the contents of a package of a drug shall reveal the quantity of such drug in the package, exclusive of wrappers and other material packed with such drug.

(2) The statement shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight or measure, which are generally used by consumers and users of such drug to express quantity thereof and which give accurate information as to such quantity. But if no general usage in expressing accurate information as to the quantity of such drug exists among consumers and users thereof, the statement of the quantity of a drug which is not in tablet, capsule, ampule, or other unit form shall be in terms of weight if the drug is solid, semi-solid, or viscous, or in terms of measure if the drug is liquid; the statement of the quantity of a drug which is in such unit form shall be in terms of the numerical count of such units, supplemented, when necessary to give accurate information as to the quantity of such drug in the package, by such statement (in such terms, manner, and form as are not misleading) of the weight or measure of such units, or of the quantity of each active ingredient in each such unit, as will give such information.

(3) The statement of the quantity of a device shall be expressed in terms of numerical count.

(f) A statement of weight shall be in terms of the avoirdupois pound, ounce, and grain, or of the kilogram, gram, and milligram. A statement of liquid measure shall be in terms of the United States gallon of 231 cubic inches and quart, pint, fluid ounce, and fluid dram subdivisions thereof, or of the liter, milliliter, or cubic centimeter, and shall express the volume at 68° Fahrenheit (20° Centigrade).

(g) Statements of the quantity of a drug shall contain only such fractions as are generally used in expressing the quantity of such drug. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than three places, except in the case of a statement of the quantity of an active ingredient in a unit of a drug.

(h) (1) Unless made in accordance with the provisions of subparagraph (2) of this paragraph, a statement of the quantity of a drug, in the terms of weight or measure applicable to such drug under the provisions of paragraph (e) (2) of this section, shall express the number of the largest unit specified in paragraph (f) of this section which is contained in the package (for example, the statement on the label of a package which contains one pint of a drug shall be "1 pint," and not "16 fluid ounces"). Where such number is a whole number and a fraction, there may be substituted for the fraction its equivalent in smaller units, if any smaller is specified in such paragraph (f) (for example, 1¼ pounds may be expressed as "1 pound 4 ounces"). The stated number of any unit which is smaller than the largest unit (specified in such paragraph (f)) contained in the package shall not equal or exceed the number of such smaller units in the next larger unit so specified (for example, instead of "1 quart 16 fluid ounces" the statement shall be "1½ quarts" or "1 quart 1 pint").

(2) In the case of a drug with respect to which there exists an established custom of stating the quantity of the contents as a fraction of a unit, which unit is larger than the quantity contained in the package, or as units smaller than the largest unit contained therein, the statement may be made in accordance with such custom if it is informative to consumers.

(i) The statement of the quantity of a drug or device shall express the minimum quantity, or the average quantity, of the contents of the packages. If the statement is not so qualified as to show definitely that the quantity expressed is the minimum quantity, the statement, except in the case of ampules, shall be considered to express the average quantity. The statement of the quantity of a drug in ampules shall be considered to express the minimum quantity.

(j) Where the statement expresses the minimum quantity, no variation below the stated minimum shall be permitted except variations below the stated weight or measure of a drug caused by ordinary and customary exposure, after such drug is introduced into interstate commerce, to conditions which normally occur in good distribution practice and which unavoidably result in decreased weight or measure. Variations above the stated minimum shall not be unreasonably large. In the case of a liquid drug in ampules the variation above the stated measure shall comply with the excess volume prescribed by The National Formulary for filling of ampules.

(k) Where the statement does not express the minimum quantity:

(1) Variations from the stated weight or measure of a drug shall be permitted when caused by ordinary and customary exposure, after such drug is introduced into interstate commerce, to conditions which normally occur in good distribution practice and which unavoidably result in change of weight or measure;

(2) Variations from the stated weight, measure, or numerical count of a drug or device shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages which occur in good packing practice.

But under subparagraph (2) of this paragraph variations shall not be permitted to such extent that the average of the quantities in the packages comprising a shipment or other delivery of the drug or device is below the quantity stated and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment or delivery compensate for such shortage.

(l) The extent of variations from the stated quantity of the contents permissible under paragraphs (j) and (k) of this section in the case of each shipment or other delivery shall be determined by the facts in such case.

(m) A drug or device shall be exempt from compliance with the requirements of clause (2) of section 502 (b) of the act if:

(1) The statement of the quantity of the contents, as expressed in terms applicable to such drug or device under the provisions of paragraph (e) (2) of this section, together with all other words, statements, and information required by or under authority of the act to appear on the label of such drug or device, cannot, because of insufficient label space, be so placed on the label as to comply with the requirements of section 502 (c) of the act and regulations promulgated thereunder, or

(2) The quantity of the contents of the package, as expressed in terms of numerical count in compliance with paragraph (e) (2) or (3) of this section, is less than six units, and such units can be easily counted without opening the package, or

(3) It is an ointment, is labeled "Sample" or "Physician's Sample," or with a substantially similar statement, and the contents of the package do not weigh more than 8 grams.

(Sec. 502 (b), 52 Stat. 1050; 21 U. S. C. 352 (b))

§ 1.103 *Drugs and devices; forms of making required statements.* (a) A word, statement, or other information required by or under authority of the act to appear on the label may lack that prominence and conspicuousness required by section 502 (c) of the act by reason (among other reasons) of:

(1) The failure of such word, statement, or information to appear on the part or panel of the label which is presented or displayed under customary conditions of purchase;

(2) The failure of such word, statement, or information to appear on two or more parts or panels of the label, each of which has sufficient space therefor, and each of which is so designed as to render it likely to be, under customary conditions of purchase, the part or panel displayed;

(3) The failure of the label to extend over the area of the container or package available for such extension, so as to provide sufficient label space for the prominent placing of such word, statement, or information;

(4) Insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space for any word, statement, design, or device which is not required by or under authority of the act to appear on the label;

(5) Insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space to give materially greater conspicuousness to any other word, statement, or information, or to any design or device; or

(6) Smallness or style of type in which such word, statement, or information appears, insufficient background contrast, obscuring designs or vignettes, or crowding with other written, printed, or graphic matter.

(b) No exemption depending on insufficiency of label space, as prescribed in regulations promulgated under section 502 (b) or (e) of the act, shall apply if such insufficiency is caused by:

(1) The use of label space for any word, statement, design, or device which is not required by or under authority of the act to appear on the label;

(2) The use of label space to give greater conspicuousness to any word, statement, or other information than is required by section 502 (c) of the act; or

(3) The use of label space for any representation in a foreign language.

(c) (1) All words, statements, and other information required by or under authority of the act to appear on the label or labeling shall appear thereon in the English language.

(2) If the label contains any representation in a foreign language, all words, statements, and other information required by or under authority of the act to appear on the label shall appear thereon in the foreign language.

(3) If the labeling contains any representation in a foreign language, all words, statements, and other information required by or under authority of the act to appear on the label or labeling shall appear on the labeling in the foreign language.

(Sec. 502 (c), 52 Stat. 1050; 21 U. S. C. 352 (c))

§ 1.104 *Habit-forming drugs; label requirements.* (a) (1) The name of a substance or derivative required to be borne on the label of a drug by section 502 (d) of the act shall be the common or usual name of such substance or derivative, unless it is designated solely by a name recognized in an official compendium and such designation complies with the provisions of section 502 (c).

(2) A statement on the label of a drug of the name of a constituent, which constituent is a chemical derivative of a substance named in section 502 (d) of the act, shall show the substance from which such constituent is derived and that such constituent is a derivative thereof.

(b) If the drug is in tablet, capsule, ampule, or other unit form, the statement of the quantity or proportion of such substance or derivative contained therein shall express the weight or measure of such substance or derivative in each such unit. If the drug is not in such unit form the statement shall express the weight or measure of such substance or derivative in a specified unit of weight or measure of the drug. Such statement shall be in terms which are informative to the ordinary consumer and user of the drug.

(c) The names and quantities or proportions of all such substances and derivatives, and the statement "Warning—May be habit forming," shall immediately follow (without intervening written, printed, or graphic matter) the name by which such drug is titled in the part or panel of the label thereof which is presented or displayed under customary conditions of purchase.

(d) A drug shall not be considered to be misbranded by reason of failure of its label to bear the statement "Warning—May be habit forming":

(1) If such drug is not suitable for internal use, and is distributed and sold exclusively for such external use as involves no possibility of habit formation; or

(2) If the only substance or derivative subject to section 502 (d) of the act contained in such drug is chlorobutanol, which is present solely as a preservative and in a quantity not more than 0.5 percent by weight, and such drug is for parenteral use only; or

(3) If the only substance or derivative subject to section 502 (d) of the act contained in such drug is chlorobutanol which is present as an analgesic or as an analgesic and a preservative in a quantity not more than 3.0 percent, and such drug contains one or more other active ingredients and is for parenteral use only.

§ 1.105 *Drugs; statement of ingredients and proportion.* (a) (1) The name of an ingredient, substance, derivative, or preparation required by section 502 (e) (2) of the act to be borne on the label of a drug shall be the name thereof which is listed in such section 502 (e) (2) of the act, or, if not so listed, shall be a specific name and not a collective name. But if an ingredient is an article the name of which is recognized in an official compendium and such article complies with the specifications set forth therefor in such compendium, such ingredient may be designated on the label of such drug by the common or usual name under which such specifications are so set forth.

(2) Where an ingredient contains a substance the quantity or proportion of which is required by section 502 (e) (2) of the act to appear on the label, and such ingredient is not a derivative or preparation of such substance as defined in paragraph (b) (1) of this section, the label shall bear, in conjunction with the name of the ingredient, a statement of the quantity or proportion of such substance in such drug.

(3) An abbreviation or chemical formula shall not be considered to be a common or usual name. The name "acetophenetidin" shall be considered to be the same as the name "acetphenetidin," "aminopyrine" the same as "amidopyrine." The name "alcohol" without qualification, means ethyl alcohol.

(b) (1) A derivative or preparation of a substance named in section 502 (e) (2) of the act is an article which is derived or prepared from such substance by any method, including actual or theoretical chemical action.

(2) A statement on the label of a drug of the name of an ingredient thereof, which ingredient is a derivative or preparation of a substance named in section 502 (e) (2) of the act, shall show the substance from which such ingredient is derived or prepared and that such ingredient is a derivative or preparation thereof.

(c) (1) If the drug is in tablet, capsule, ampul, or other unit form, the statement of the quantity or proportion of a substance, derivative, or preparation contained therein shall express the weight or measure of such substance, derivative, or preparation in each such unit. If the drug is not in such unit form the statement shall express the weight or measure of such substance, derivative, or preparation in a specified unit of weight or measure of the drug, or the percentage of such substance, derivative, or preparation in such drug. Such statement shall be in terms which are informative to the ordinary consumer and user of the drug.

(2) A statement of the percentage of alcohol shall express the percentage of absolute alcohol at 60° Fahrenheit (15.56° Centigrade). A statement of the percentage of a substance, derivative, or preparation other than alcohol shall express the percentage by weight; except that, if both the substance, derivative, or preparation and the drug containing it are liquid, the statement may express the percentage by volume at 68° Fahrenheit (20° Centigrade), but in such case the statement shall be so qualified as to show definitely that the percentage is expressed by volume.

(d) In case a statement of the quantity or proportion of a derivative or preparation in a drug is not as informative, to consumers or users of such drug, of the activity or consequences of use thereof as a statement of the quantity or proportion of the substance from which such derivative or preparation is derived or prepared, the quantity or proportion of such substance shall also be stated on the label of such drug.

(e) A label of a drug may be misleading by reason (among other reasons) of:

(1) The order in which the names of ingredients, substances, derivatives, or preparations appear thereon, or the relative prominence otherwise given such names; or

(2) Its failure to reveal the proportion of, or other fact with respect to, an ingredient, substance, derivative, or preparation, when such proportion or other fact is material in the light of the representation that such ingredient, substance, derivative, or preparation is a constituent of such drug.

(f) (1) A drug shall be exempt from the requirements of clause (2) of section 502 (e) of the act if all words, statements, and other information required by or under authority of the act to appear on the label of such drug, cannot, because of insufficient label space, be so placed on the label as to comply with the requirements of section 502 (c) of the act and regulations promulgated thereunder. But such exemption shall be on the condition that, if the omission from the label of the statement of the quantity of the contents affords sufficient space to state legibly thereon all the information required by such clause (2), such statement of the quantity of the contents shall be omitted as authorized by § 1.102 (m) (1), and the information required by such clause (2) shall be so stated as prominently as practicable even though the statement is not of such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase.

(2) A drug shall be exempt from the requirements of clause (2) of section 502 (e) of the act with respect to the alkaloids atropine, hyoscine or hyoscyamine contained in such drug, if such alkaloid is contained therein as a constituent of belladonna, hyoscyamus, scopola, stramonium, or other plant material, or any preparation thereof, which was used as an ingredient of such drug, and no practical and accurate method of analysis exists for the quantitative determination of each such alkaloid in such ingredient. But such exemption shall be on the condition that the label of such drug shall state the quantity or proportion of total alkaloids contained therein as constituents of such ingredient.

(Sec. 502 (e), 52 Stat. 1050; 21 U. S. C. 352 (e))

§ 1.106 *Drugs and devices; directions for use.*—(a) *Adequate directions for use.* "Adequate directions for use" means directions under which the layman can use a drug or device safely and for the purposes for which it is intended. Directions for use may be inadequate because (among other reasons) of omission, in whole or in part, or incorrect specification of:

(1) Statements of all conditions, purposes, or uses for which such drug or device is intended, including conditions, purposes, or uses for which it is prescribed, recommended, or suggested in its oral, written, printed, or graphic advertising, and conditions, purposes, or uses for which the drug or device is commonly used; except that such statements shall not refer to conditions, uses, or purposes for which the drug or device can be safely used only under the supervision of a practitioner licensed by law and for which it is advertised solely to such practitioner.

(2) Quantity of dose (including usual quantities for each of the uses for which it is intended and usual quantities for persons of different ages and different physical conditions).

(3) Frequency of administration or application.

(4) Duration of administration or application.

(5) Time of administration or application (in relation to time of meals, time of onset of symptoms, or other time factors).

(6) Route or method of administration or application.

(7) Preparation for use (shaking, dilution, adjustment of temperature, or other manipulation or process).

(b) *Exemption for prescription drugs.* A drug subject to the requirements of section 503 (b) (1) of the act shall be exempt from section 502 (f) (1) if all the following conditions are met:

(1) The drug is:

(i) In the possession of a person (or his agents or employees) regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale distribution of prescription drugs; or

(ii) In the possession of a retail, hospital, or clinic pharmacy, or a public health agency, regularly and lawfully engaged in dispensing prescription drugs;

and is to be dispensed in accordance with section 503 (b).

(2) The label of the drug bears:

(i) The statement "Caution: Federal law prohibits dispensing without prescription"; and

(ii) The recommended or usual dosage; and

(iii) The route of administration, if it is not for oral use; and

(iv) If it is fabricated from two or more ingredients and is not designated conspicuously by a name recognized in an official compendium, the quantity or proportion of each active ingredient, and if it is not for oral use the names of all other ingredients.

Provided, however, That the information referred to in subdivisions (ii), (iii), and (iv) of this subparagraph may be contained in the labeling on or within the package from which it is to be dispensed, and, in the case of ampuls too small or otherwise unable to accommodate a label but which are packaged in a container from which they are withdrawn for dispensing or use, the information referred to in subdivision (i) of this subparagraph may be placed on the outside container only.

(3) The labeling of the drug (which may include brochures readily available to licensed practitioners) bears information as to the use of the drug by practitioners licensed by law to administer it: *Provided, however,* That such information may be omitted from the labeling if it is contained in scientific literature widely disseminated among practitioners licensed by law to administer the drug.

(c) *Exemption for veterinary drugs.* A drug intended solely for veterinary use which, because of toxicity or other potentiality for harmful effect, or the method of its use, is not safe for animal use except under the supervision of a licensed veterinarian, and hence for which "adequate directions for use" cannot be prepared, shall be exempt from section 502 (f) (1) of the act if all the following conditions are met:

(1) The drug is in the possession of a person (or his agents or employees) regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale or retail distribution of veterinary drugs and is to be sold only to or on the prescription or other order of a licensed veterinarian for use in the course of his professional practice.

(2) The label of a drug bears:

(i) The statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian"; and

(ii) The recommended or usual dosage; and

(iii) The route of administration, if it is not for oral use; and

(iv) The quantity or proportion of each active ingredient if it is fabricated from two or more ingredients and is not designated conspicuously by a name recognized in an official compendium.

Provided, however, That the information referred to in subdivisions (ii), (iii), and (iv) of this subparagraph may be contained in the labeling on or within the package from which it is to be dispensed.

(3) The labeling of the drug (which may include brochures readily available to licensed veterinarians) bears information as to use of the drug by licensed veterinarians: *Provided, however,* That such information may be omitted from the labeling if it is contained in scientific literature widely disseminated among veterinarians licensed by law to administer such drug.

(d) *Exemption for prescription devices.* A device which, because of any potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe except under the supervision of a practitioner licensed by law to direct the use of such device, and hence for which "adequate directions for use" cannot be prepared, shall be exempt from section 502 (f) (1) of the act if all the following conditions are met:

(1) The device is in the possession of a person (or his agents or employees) regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale or retail distribution of such device and is to be sold only to or on the prescription or other order of such practitioner for use in the course of his professional practice.

(2) The label of the device (other than surgical instruments) bears:

(i) The statement "Caution: Federal law restricts this device to sale by or on the order of a _____," the blank to be filled with the word "physician," "dentist," "veterinarian," or with the descriptive designation of any other practitioner licensed by the law of the State in which he practices to use or order the use of the device; and

(ii) The method of its application or use.

(3) The labeling of the device (which may include brochures readily available to licensed practitioners) bears information as to the use of the device by practitioners licensed by law to use it or direct its use: *Provided, however,* That such information may be omitted from the labeling if it is contained in scientific literature widely disseminated among practitioners licensed by law to use or order the use of such device.

(e) *Exemptions for drugs and devices shipped directly to licensed practitioners, hospitals, clinics, or public-health agencies for professional use.* Except as provided in paragraph (g) of this section, a drug or device shipped directly to or in the possession of a practitioner licensed by law to administer the drug or to use or direct the use of the device, or shipped directly to or in the possession of a hospital, clinic, or public-health agency, for use in the course of the professional practice of such a licensed practitioner, shall be exempt from section 502 (f) (1) of the act if it meets the conditions of paragraphs (b) (2) and (3), (c) (2) and (3), or (d) (2) and (3) of this section.

(f) *Retail exemption for veterinary drugs and prescription devices.* A drug or device subject to paragraph (c) or (d) of this section shall be exempt at the time of delivery to the ultimate purchaser or user from section 502 (f) (1) of the act if it is delivered by a licensed practitioner in the course of his professional practice or upon a prescription or other order lawfully issued in the course of his professional practice, with labeling bearing the name and address of such licensed practitioner and the directions for use and cautionary statements, if any, contained in such order.

(g) *Exemption for new drugs.* A new drug shall be exempt from section 502 (f) (1) of the act:

(1) To the extent to which such exemption is claimed in an effective application with respect to such drug under section 505 of the act; or

(2) If no application under section 505 of the act is effective with respect to such drug but it complies with section 505 (i) and regulations thereunder. No exemption shall apply to any other drug which would be a new drug if its labeling bore representations for its intended uses.

(h) *Exemption for drugs or devices when directions are commonly known.* A drug or device shall be exempt from section 502 (f) (1) of the act insofar as adequate directions for common uses thereof are known to the ordinary individual.

(i) *Exemptions for inactive ingredients.* A harmless drug that is ordinarily used as an inactive ingredient, such as a coloring, emulsifier, excipient, flavoring, lubricant, preservative, or solvent, in the preparation of other drugs shall be exempt from section 502 (f) (1) of the act. This exemption shall not apply to any substance intended for a use which results in the preparation of a new drug, unless an effective new-drug application provides for such use.

(j) *Exemption for diagnostic reagents.* A drug intended solely for use in the professional diagnosis of disease and which is generally recognized by qualified experts as useful for that purpose shall be exempt from section 502 (f) (1) of the act if its label bears the statement "Diagnostic reagent—For professional use only."

(k) *Exemption for prescription chemicals and other prescription components.* A drug prepared, packaged, and primarily sold as a prescription chemical or other component for use by registered pharmacists in compounding prescriptions or for dispensing in dosage unit form upon prescriptions shall be exempt from section 502 (f) (1) of the act if all the following conditions are met:

(1) The drug is an official liquid acid or official liquid alkali, or is not a liquid solution, emulsion, suspension, tablet, capsule, or other dosage unit form; and

(2) The label of the drug bears:

(i) The statement "For prescription compounding"; and

(ii) If in substantially all dosage forms in which it may be dispensed it is subject to section 503 (b) (1) of the act, the statement "Caution: Federal law prohibits its dispensing without prescription"; or

(iii) If it is not subject to section 503 (b) (1) of the act and is by custom among retail pharmacists sold in or from the interstate package for use by consumers, "adequate directions for use" in the conditions for which it is so sold.

Provided, however, That the information referred to in subdivision (iii) of this subparagraph may be contained in the labeling on or within the package from which it is to be dispensed.

(3) This exemption shall not apply to any substance intended for use in compounding which results in a new drug, unless an effective new-drug application covers such use of the drug in compounding prescriptions.

(l) *Exemption for processing, repacking, or manufacture.* A drug in a bulk package (except tablets, capsules, or other dosage unit forms) or a device intended for processing, repacking, or use in the manufacture of another drug or device shall be exempt from section 502 (f) (1) of the act if its label bears the statement "Caution: For manufactur-

ing, processing, or repacking"; and, if in substantially all dosage forms in which it may be dispensed it is subject to section 503 (b) (1), the statement "Caution: Federal law prohibits dispensing without prescription." This exemption and the exemption under paragraph (k) of this section may be claimed for the same article. But the exemption shall not apply to a substance intended for a use in manufacture, processing, or repacking which causes the finished article to be a new drug, unless:

(1) An effective new-drug application held by the person preparing the dosage form or drug for dispensing covers the production and delivery to him of such substance; or

(2) If no application is effective with respect to such new drug, the label statement "Caution: For manufacturing, processing, or repacking" is immediately supplemented by the words "in the preparation of a new drug limited by Federal law to investigational use," and the delivery is made for use only in the manufacture of such new drug limited to investigational use as provided in § 1.114.

(m) *Exemption for drugs and devices for use in teaching, research, and analysis.* A drug or device subject to paragraph (b), (c), or (d) of this section shall be exempt from section 502 (f) (1) of the act if shipped or sold to, or in the possession of, persons regularly and lawfully engaged in instruction in pharmacy, chemistry, or medicine not involving clinical use, or engaged in research not involving clinical use, or in chemical analysis, or physical testing, and is to be used only for such instruction, research, analysis, or testing.

(n) *Expiration of exemptions.* (1) If a shipment or delivery, or any part thereof, of a drug or device which is exempt under the regulations in this section is made to a person in whose possession the article is not exempt, or is made for any purpose other than those specified, such exemption shall expire, with respect to such shipment or delivery or part thereof, at the beginning of that shipment or delivery. The causing of an exemption to expire shall be considered an act which results in such drug or device being misbranded unless it is disposed of under circumstances in which it ceases to be a drug or device.

(2) The exemptions conferred by paragraphs (i), (j), (k), (l), and (m) of this section shall continue until the drugs or devices are used for the purposes for which they are exempted, or until they are relabeled to comply with section 502 (f) (1) of the act. If, however, the drug is converted, compounded, or manufactured into a dosage form limited to prescription dispensing, no exemption shall thereafter apply to the article unless the dosage form is labeled as required by section 503 (b) and paragraph (b), (c), or (d) of this section.

(o) *Intended uses.* The words "intended uses" or words of similar import in paragraphs (a), (g), (i), (j), (k), and (l) of this section refer to the objective intent of the persons legally responsible for the labeling of drugs and devices. The intent is determined by such persons' expressions or may be shown by the circumstances surrounding the distribution of the article. This objective intent may, for example, be shown by labeling claims, advertising matter, or oral or written statements by such persons or their representatives. It may be shown by the circumstances that the article is, with the knowledge of such persons or their representatives, offered and used for a purpose for which it is neither labeled nor advertised. The intended uses of an article may change after it has been introduced into interstate commerce by its manufacturer. If, for example, a packer, distributor, or seller intends an article for different uses than those intended by the person from whom he received the drug, such packer, distributor, or seller is required to supply adequate labeling in accordance with the new intended uses. But if a manufacturer knows, or has knowledge of facts that would give him notice, that a drug or device introduced into interstate commerce by him is to be used for conditions, purposes, or uses other than the ones for which he offers it, he is required to provide adequate labeling for such a drug which accords with such other uses to which the article is to be put.

§ 1.107 *Drugs and devices; exemptions.* (a) Except as provided by paragraphs (b) and (c) of this section, a shipment or other delivery of a drug or device which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantity at an establishment other than that where originally processed or packed, shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment, from compliance with the labeling and packaging requirements of sections 501 (b) and 502 (b), (d), (e), (f), and (g) of the act if:

(1) The person who introduced such shipment or delivery into interstate commerce is the operator of the establishment where such drug or device is to be processed, labeled, or repacked; or

(2) In case such person is not such operator, such shipment or delivery is made to such establishment under a written agreement, signed by and containing the post-office addresses of such person and such operator, and containing such specifications for the processing, labeling, or repacking, as the case may be, of such drug or device in such establishment as will insure, if such specifications are followed, that such drug or device will not be adulterated or misbranded within the meaning of the act upon completion of such processing, labeling, or repacking. Such person and such operator shall each keep a copy of such agreement until all such shipment or delivery has been removed from such establishment, and shall make such copies available for inspection at any reasonable hour to any officer or employee of the Agency who requests them.

(b) An exemption of a shipment or other delivery of a drug or device under paragraph (a) (1) of this section shall, at the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment, become void ab initio if the drug or device comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed.

(c) An exemption of a shipment or other delivery of a drug or device under paragraph (a) (2) of this section shall become void ab initio with respect to the person who introduced such shipment or delivery into interstate commerce upon refusal by such person to make available for inspection a copy of the agreement, as required by such subparagraph.

(d) An exemption of a shipment or other delivery of a drug or device under paragraph (a) (2) of this section shall expire:

(1) At the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment if the drug or device comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed; or

(2) Upon refusal by the operator of the establishment where such drug or device is to be processed, labeled, or repacked, to make available for inspection a copy of the agreement, as required by such clause.

(e) Except as provided in paragraphs (g) and (h) of this section, a shipment or other delivery of a drug which is subject to section 507 of the act and which is, in accordance with the practice of the trade, to be processed or repacked in a substantial quantity at an establishment other than that where originally processed or packed shall be exempt from compliance with the labeling requirements of section 502 (f) of the act during the time such drug is also exempt from the requirements of section 502 (l) of the act under the provisions of § 146.20 or 146.21 of this chapter.

(f) Except as provided by paragraphs (g) and (h) of this section, a shipment or other delivery of a drug which is subject to section 507 of the act and which is, in accordance with the practice of the trade, to be labeled in substantial quantity at an establishment other than that where originally processed or packed shall be exempt from compliance with the labeling requirements of section 502 (b), (e) and (f) of the act during the time such drug is also exempt from the requirements of section 502 (l) of the act under § 146.18 of this chapter, if the words, statements, and other information required by section 502 (b) and (e) of the act appear on each shipping container of such drug.

(g) In case the person who introduced such shipment or other delivery into interstate commerce is the operator of the establishment where such drug is to be processed, labeled, or repacked, an exemption of such shipment or delivery under paragraph (e) or (f) of this section shall become void ab initio at the beginning of the act of removing such shipment or delivery or any part thereof from such establishment if the drug comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed.

(h) In case the person who introduced such shipment or delivery into interstate commerce is not the operator of the establishment where such drug is to be processed, labeled, or repacked, an exemption of a shipment or other delivery of such drug under paragraph (e) or (f) of this section shall expire at the beginning of the act of removing such shipment or delivery or any part thereof from such establishment if the drug comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed.

(Sec. 503 (a), 52 Stat. 1051; 21 U. S. C. 353 (a))

§ 1.108 *Exemption from prescription requirements*—(a) *Exemption for certain habit-forming drugs.* The prescription-dispensing requirements of section 503 (b) (1) (A) of the act are not necessary for the protection of the public health with respect to the following drugs subject to section 502 (d):

(1) Exempt narcotic preparations described in 26 CFR 151.2 and sold as required by 26 CFR 151.180 through 151.185a.

(2) Drugs containing chlorobutanol, intended for external use only.

(3) Epinephrine solution, 1 percent, preserved with chlorobutanol and intended for use solely as a spray.

(4) Drugs containing one or more of the derivatives of barbituric acid and in addition a sufficient quantity or proportion of another drug or drugs to prevent the ingestion of a sufficient amount of barbiturate derivative to cause a hypnotic or somnifacient effect.

(b) *Duration of prescription requirement.* Any drug limited to prescription use under section 503 (b) (1) (C) of the act remains so limited until it is exempted as provided in paragraph (c) of this section.

(c) *Prescription exemption procedure for drugs limited by a new-drug application.* The exemption of a drug from the prescription-dispensing requirements of section 503 (b) (1) (C) of the act may be initiated by the Commissioner or by any interested person. Any interested person may file a petition seeking such exemption, stating reasonable grounds therefor, which petition may be in the form of a supplement to an effective new-drug application. Upon receipt of such a petition, or on his own initiative at any time, the Commissioner will publish a notice of proposed rule making and invite written comments. After consideration of all available data, including any comments submitted, the Commissioner may issue a regulation granting or refusing the exemption, effective on a date specified therein. Whenever the Commissioner concludes, either at the time of publication of the notice of proposed rule making or after considering the written comments submitted, that granting or refusing the exemption requires a more thorough development of the facts than is possible in a written presentation, he may call a public hearing for that purpose. The notice of such hearing shall specify the questions to be considered. As soon as practicable after completion of the hearing, the final regulation granting or refusing the exemption shall be issued, effective on a date specified therein. If the Commissioner for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in a regulation) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, he may issue the final regulation forthwith.

(d) *New-drug status of drugs exempted from the prescription requirement.* A drug exempted from the prescription requirement under the provisions of paragraph (c) of this section continues to be a "new drug" within the meaning of section 201 (p) of the act until it has been used to a material extent or for a material time and has become generally recognized as safe when used in accordance with the directions for use contained in its labeling.

(e) *Prescription legend not allowed on exempted drugs.* The use of the prescription caution statement quoted in section 503 (b) (4) of the act, in the labeling of a drug exempted under the provisions of this section, constitutes misbranding. Any other statement or suggestion in the labeling of a drug exempted under this section, that such drug is limited to prescription use, may constitute misbranding.

(Sec. 503, 52 Stat. 1051, as amended; 21 U. S. C. 353)

NOTE: Paragraph (f) (1) and (2) of § 1.108 has been transferred to Part 130, as § 130.1 (a).

§ 1.109 *New drugs; definition.* Newness of a drug may arise by reason (among other reasons) of:

(a) The newness for drug use of any substance which composes such drug, in whole or in part, whether it be an active substance or a menstruum, excipient, carrier, coating, or other component;

(b) The newness for drug use of a combination of two or more substances, none of which is a new drug;

(c) The newness for drug use of the proportion of a substance in a combination, even though such combination containing such substance in other proportion is not a new drug;

(d) The newness of use of such drug in diagnosing, curing, mitigating, treating, or preventing a disease, or to affect a structure or function of the body even though such drug is not a new drug when used in another disease or to affect another structure or function of the body; or

(e) The newness of a dosage, or method or duration of administration or application, or other condition of use prescribed, recommended, or suggested in the labeling of such drug, even though such drug when used in other dosage, or other method or duration of administration or application, or different condition, is not a new drug.

(Sec. 201 (p), 52 Stat. 1041; 21 U. S. C. 321 (p))

§ 1.109a *New drugs; exemption from section 505 of the act.* A new drug shall not be deemed to be subject to section 505 of the act if it is a drug which is licensed under the Public Health Service Act of July 1, 1944 (58 Stat. 682; 42 U. S. C. 201 et seq.), or under the animal virus-serum-toxin law of March 4, 1913 (37 Stat. 832; 21 U. S. C. 151 et seq.)

§ 1.110 *New drugs; applications.* (a) Each application submitted for filing with the Secretary shall be in duplicate. If any part of the application is in a foreign language, an accurate and complete English translation shall be appended to such part.

(b) An application shall not be accepted for filing if only one copy is submitted or if it is incomplete on its face in that:

(1) It does not contain all the matter required by clauses (1), (2), (3), (4), and (6) of section 505 (b) of the act;

(2) It does not state the conditions under which the drug is to be used; or

(3) The specimens of labeling proposed for use upon or within the retail package do not expressly or by reference to a brochure or other printed matter prescribe, recommend, or suggest the use of such drug under such conditions.

The Food and Drug Administration shall notify the applicant of such nonacceptance and the reason therefor and, in case of incompleteness as to matter required by any clause of section 505 (b), shall specify such clause. Otherwise the date on which an application is received by the Department shall be considered to be the date on which such application is filed, and the Food and Drug Administration shall notify the applicant of such date. If the applicant withdraws his application, such application shall be considered as not having been filed.

(c) The applicant may file an amendment to an application which has been filed and is pending before the Secretary, but in such case the unamended application shall be considered as having been withdrawn and the amended application shall be considered as having been filed on the date on which the amendment is received by the Department. The Food and Drug Administration shall notify the applicant of such date.

(d) After an application has become effective with respect to a drug the applicant may file a supplemental application with respect thereto setting forth any proposed change in the conditions under which such drug is to be used, in the labeling thereof, in any circumstance relating to its production, or in any other information contained in the effective application. Such supplemental application may omit statements made in the effective application concerning which no change is proposed.

§ 1.111 *Notification of applicant.* If the Secretary determines, before the date prescribed by section 505 (c) of the act for an application to become effective, that he has no cause to issue an order under section 505 (d) of the act refusing to permit such application to become effective, the Food and Drug Administration shall so notify the applicant in writing and such application shall become effective on the date of the notification.

(Sec. 505 (c), 52 Stat. 1052; 21 U. S. C. 355 (c))

§ 1.112 *Insufficient information in application.* The information contained in an application may be insuffi-

cient for the Secretary to determine whether a drug is safe for use if it fails to include (among other things) a statement showing whether the drug is to be exempt under any provision of § 1.106, as amended, promulgated pursuant to section 502 (f) of the act, from the requirement that its labeling bear adequate directions for use. If the drug is to be so exempt, the information may also be insufficient if:

(a) The specimen label of the drug fails to incorporate by reference a specifically identified brochure or other printed matter containing information adequate for the use of such drug by physicians, dentists, or veterinarians, as the case may be;

(b) Such label fails to state that the drug is to be used as shown in such brochure or printed matter and that such brochure or printed matter will be sent to physicians, dentists, or veterinarians, as the case may be, on request;

(c) The application fails to contain copies of such brochure or printed matter; or

(d) The application fails to show that such brochure or printed matter is readily available to physicians, dentists, or veterinarians, as the case may be, or if not that it is to be made so when the application becomes effective.

§ 1.113 *Untrue statements in application.* Among the reasons why an application may contain an untrue statement of a material fact are changes in:

(a) Conditions of use prescribed, recommended, or suggested by the applicant for the drug from the conditions of such use stated in the application;

(b) Articles used as components of the drug from those listed in the application;

(c) Composition of the drug from that stated in the application;

(d) Methods used in, or the facilities or controls used for, the manufacture, processing, or packing of the drug from such methods, facilities, and controls described in the application; and

(e) Labeling from the specimens contained in the application.

§ 1.114 *New drugs; exemptions from section 505 (a).* (a) Except as provided by paragraph (b) of this section a shipment or other delivery of a new drug shall be exempt from the operation of section 505 (a) of the act if all the following conditions are complied with:

(1) The label of such drugs bears the statement "Caution: New drug—Limited by Federal law to investigational use."

(2) Such shipment or delivery is made only to, and solely for investigational use by or under the direction of, an expert qualified by scientific training and experience to investigate the safety of such drug.

(3) The person who introduced such shipment or delivery into interstate commerce obtains, prior to the introduction, a statement signed by such expert showing that he has adequate facilities for the investigation to be conducted by him, and that such drug will be used solely by him or under his direction for the investigation, unless and until an application becomes effective with respect to such drug under section 505 of the act. This subparagraph shall not apply when such shipment or delivery is made to an agency of the Government of the United States (including the National Research Council), or of any State or municipality, whose official functions involve investigations of new drugs by such experts.

(4) Such person keeps the statement referred to in subparagraph (3) of this paragraph, and complete records showing the date, quantity, and batch or code mark (if any), of each such shipment and delivery.

(5) Such person makes all records and statements referred to in subparagraphs (3) and (4) of this paragraph available for inspection upon the request of any officer or employee of the Department at any reasonable hour until 3 years after the introduction of such shipment or delivery into interstate commerce.

(b) A shipment or other delivery of a new drug which is being imported or offered for import into the United States shall be exempt from the operation of section 505 (a) of the act if all of the following conditions are complied with:

(1) The label of such drug bears the statement "Caution: New drug—Limited by United States law to investigational use."

(2) The importer of all such shipments or deliveries is an agent of the foreign exporter, residing in the United States, or the operator of an establishment in the United States which has facilities for regularly investigating the safety of such drugs, which facilities are manned by experts qualified by scientific training and experience to conduct such investigation.

(3) Such operator uses such drug solely for such investigation in such establishment, or such operator or agent otherwise disposes of such drug only to, and solely for investigational use by or under the direction of, such an expert other than one in such establishment.

(4) Such importer, prior to disposing of any of such drug to such an expert, obtains a statement signed by such expert showing that he has adequate facilities for the investigation to be conducted by him, and that such drug will be used solely by him or under his direction for the investigation, unless and until an application becomes effective with respect to such drug under section 505 of the act. This subparagraph shall not apply to any shipment or delivery or part thereof disposed of by such importer to an agency of the Government of the United States (including the National Research Council) or of any State or municipality whose official functions involve investigations of new drugs by such experts.

(5) Such importer keeps the statement referred to in subparagraph (4) of this paragraph and complete records showing the date, quantity, and batch or code marks (if any), of each such shipment and delivery and the disposition thereof.

(6) Such importer makes all statements and records referred to in subparagraphs (4) and (5) of this paragraph available for inspection upon the request of any officer or employee of the Department at any reasonable hour until 3 years after disposition by such importer of the lot of such drug to which such statement and records relate.

(c) An exemption under paragraph (a) or (b) of this section shall become void ab initio if any record or statement required by such paragraph to be kept and made available for inspection is not kept or made available as so required.

(d) An exemption under paragraph (a) or (b) of this section shall expire with respect to any exempted shipment or delivery or part thereof which has been supplied to an expert who has signed the statement referred to in paragraph (a) (3) or (b) (4) of this section and which is used otherwise than in accordance with such signed statement.

(e) An exemption under paragraph (b) of this section shall become void ab initio if the exempted shipment or delivery or any part thereof is disposed of otherwise than as provided by subparagraph (3) of such paragraph.

(f) No exemption under paragraph (b) of this section shall apply to any shipment or delivery to such importer if such importer, within 3 years prior to the offering of such shipment or delivery for import, has caused an exemption to become void as provided by paragraph (c) or (e) of this section.

(Sec. 505 (i), 52 Stat. 1052; 21 U. S. C. 355 (i))

§ 1.115 *Definition of term "insulin."* For the purposes of sections 502 (k) and 506 of the act, the term "insulin" as used therein means the active principle of pancreas which affects the metabolism of carbohydrate in the animal body and which is of value in the treatment of diabetes mellitus.

COSMETICS

AUTHORITY: §§ 1.200 to 1.204 issued under sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a). Statutory provisions interpreted or applied are cited to text in parentheses.

§ 1.200 *Cosmetic; coal-tar hair dye defined.* The term "coal-tar hair dye" includes all articles containing any coal-tar color or intermediate which color or intermediate alters the color of the hair when such articles are applied to the hair under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual.

(Sec. 601 (a), 52 Stat. 1054; 21 U. S. C. 361 (a))

§ 1.201 *Cosmetic; labeling; misbranding.* (a) Among representations in labeling of a cosmetic which render such cosmetic misbranded is a false or misleading representation with respect to another cosmetic or a food, drug, or device.

(b) The labeling of a cosmetic which contains two or more ingredients may be misleading by reason (among other reasons) of the designation of such cosmetic in such labeling by a name which includes or suggests the name of one or more but not all such ingredients, even though the names of all such ingredients are stated elsewhere in the labeling.

(Sec. 602 (a), 52 Stat. 1054; 21 U. S. C. 362 (a))

§ 1.202 *Cosmetic; labeling; required statements; exemptions.* (a) If a cosmetic is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with such cosmetic such as "Manufactured for and Packed by ———," "Distributed by ———," or other similar phrase which expresses the facts.

(b) The statement of the place of business shall include the street address, if any, of such place, unless such street address is shown in a current city directory or telephone directory.

(c) Where a person manufactures, packs, or distributes a cosmetic at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such cosmetic was manufactured or packed or is to be distributed, if such statement is not misleading in any particular.

(d) The requirement that the label shall contain the name and place of business of the manufacturer, packer or distributor shall not be considered to relieve any cosmetic from the requirement that its label shall not be misleading in any particular.

(e) (1) The statement of the quantity of the contents shall reveal the quantity of cosmetic in the package, exclusive of wrappers and other material packed with such cosmetic.

(2) The statement shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight or measure, which are generally used by consumers to express quantity of such cosmetic and which give accurate information as to the quantity thereof. But if no general consumer usage in expressing accurate information as to the quantity of such cosmetic exists, the statement shall be in terms of liquid measure if the cosmetic is liquid, or in terms of weight if the cosmetic is solid, semisolid, or viscous, or in such terms of numerical count, or numerical count and weight or measure, as will give accurate information as to the quantity of the cosmetic in the package.

(f) (1) A statement of weight shall be in terms of the avoirdupois pound and ounce. A statement of liquid measure shall be in terms of the United States gallon of 231 cubic inches and quart, pint, and fluid ounce subdivisions thereof, and shall express the volume at 68° Fahrenheit (20° Centigrade). However, in the case of an export shipment, the statement may be in terms of a system of weight or measure in common use in the country to which such shipment is exported.

(2) A statement of weight or measure in the terms specified in subparagraph (1) of this paragraph may be supplemented by a statement in terms of the metric system of weight or measure.

(3) Unless an unqualified statement of numerical count gives accurate information as to the quantity of cosmetic in the package, it shall be supplemented by such statement of weight, measure, or size of the individual units of the cosmetic as will give such information.

(g) Statements shall contain only such fractions as are generally used in expressing the quantity of the cosmetic. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places.

(h) (1) If the quantity of cosmetic in the package equals or exceeds the smallest unit of weight or measure which is specified in paragraph (f) of this section, and which is applicable to such cosmetic under the provisions of paragraph (e) (2) of this section, the statement shall express the number of the largest of such units contained in the package (for example, the statement on the label of a package which contains one pint of cosmetic shall be "1 pint" and not "16 fluid ounces"), unless the statement is made in accordance with the provisions of subparagraph (2) of this paragraph. Where such number is a whole number and a fraction, there may be substituted for the fraction its equivalent in smaller units, if any smaller is specified in such paragraph (f) (for examples, 1¾ quarts may be expressed as "1 quart 1½ pints" or "1 quart 1 pint 8 fluid ounces"; 1¼ pounds may be expressed as "1 pound 4 ounces"). The stated number of any unit which is smaller than the largest unit (specified in such paragraph (f)) contained in the package shall not equal or exceed the number of such smaller units in the next larger unit so specified (for examples, instead of "1 quart 16 fluid ounces" the statement shall be "1½ quarts" or "1 quart 1 pint"; instead of "24 ounces" the statement shall be "1½ pounds" or "1 pound 8 ounces").

(2). In the case of a cosmetic with respect to which there exists an established custom of stating the quantity of the contents as a fraction of a unit, which unit is larger than the quantity contained in the package, or as units smaller than the largest unit contained therein, the statement may be made in accordance with such custom if it is informative to consumers.

(i) The statement shall express the minimum quantity, or the average quantity, of the contents of the packages. If the statement is not so qualified as to show definitely that the quantity expressed is the minimum quantity, the statement shall be considered to express the average quantity.

(j) Where the statement expresses the minimum quantity, no variation below the stated minimum shall be permitted except variations below the stated weight or measure caused by ordinary and customary exposure, after the cosmetic is introduced into interstate commerce, to conditions which normally occur in good distribution practice and which unavoidably result in decreased weight or measure. Variations above the stated minimum shall not be unreasonably large.

(k) Where the statement does not express the minimum quantity:

(1) Variations from the stated weight or measure shall be permitted when caused by ordinary and customary exposure, after the cosmetic is introduced into interstate commerce, to conditions which normally occur in good distribution practice and which unavoidably result in change of weight or measure.

(2) Variations from the stated weight, measure, or numerical count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting individual packages which occur in good packing practice. But under this subparagraph variations shall not be permitted to such extent that the average of the quantities in the packages comprising a shipment or other delivery of the cosmetic is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment or delivery compensate for such shortage.

(l) The extent of variations from the stated quantity of the contents permissible under paragraphs (j) and (k) of this section in the case of each shipment or other delivery shall be determined by the facts in such case.

(m) A cosmetic shall be exempt from compliance with the requirements of clause (2) of section 602 (b) of the act if the quantity of the contents of the package, as expressed in terms applicable to such cosmetic under the provisions of paragraph (e) (2) of this section, is less than one-fourth ounce avoirdupois, or less than one-eighth fluid ounce, or (in case the units of the cosmetic can be easily counted without opening the package) less than six units.

(Sec. 602 (b), 52 Stat. 1054; 21 U. S. C. 362 (b))

§ 1.203 *Cosmetic; labeling requirements, form of stating.* (a) A word, statement, or other information required by or under authority of the act to appear on the label may lack that prominence and conspicuousness required by section 602 (c) of the act by reason (among other reasons) of:

(1) The failure of such word, statement, or information to appear on the part or panel of the label which is presented or displayed under customary conditions of purchase;

(2) The failure of such word, statement, or information to appear on two or more parts or panels of the label, each of which has sufficient space therefor, and each of which is so designed as to render it likely to be, under customary conditions of purchase, the part or panel displayed;

(3) The failure of the label to extend over the area of the container or package available for such extension, so as to provide sufficient label space for the prominent placing of such word, statement, or information;

(4) Insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space for any word, statement, design, or device which is not required by or under authority of the act to appear on the label;

(5) Insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space to give materially greater conspicuousness to any other word, statement, or information, or to any design or device;

(6) Smallness or style of type in which such word, statement, or information appears, insufficient background

contrast, obscuring designs or vignettes, or crowding with other written, printed, or graphic matter.

(b) (1) All words, statements, and other information required by or under authority of the act to appear on the label or labeling shall appear thereon in the English language.

(2) If the label contains any representation in a foreign language, all words, statements, and other information required by or under authority of the act to appear on the label shall appear thereon in the foreign language.

(3) If the labeling contains any representation in a foreign language, all words, statements, and other information required by or under authority of the act to appear on the label or labeling shall appear on the labeling in the foreign language.

(Sec. 602 (c), 52 Stat. 1054; 21 U. S. C. 362 (c))

§ 1.204 *Cosmetic; labeling requirements; exemptions.* (a) Except as provided by paragraphs (b) and (c) of this section, a shipment or other delivery of a cosmetic which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantity at an establishment other than that where originally processed or packed, shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment, from compliance with the labeling requirements of sections 601 (a) and 602 (b) of the act if:

(1) The person who introduced such shipment or delivery into interstate commerce is the operator of the establishment where such cosmetic is to be processed, labeled, or repacked; or

(2) In case such person is not such operator, such shipment or delivery is made to such establishment under a written agreement, signed by and containing the post-office addresses of such person and such operator, and containing such specifications for the processing, labeling or repacking, as the case may be, of such cosmetic in such establishment as will insure, if such specifications are followed, that such cosmetic will not be adulterated or misbranded within the meaning of the act upon completion of such processing, labeling, or repacking. Such person and such operator shall each keep a copy of such agreement until all such shipment or delivery has been removed from such establishments, and shall make such copies available for inspection at any reasonable hour to any officer or employee of the Department who requests them.

(b) An exemption of a shipment or other delivery of a cosmetic under paragraph (a) (1) of this section shall, at the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment, become void ab initio if the cosmetic comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed.

(c) An exemption of a shipment or other delivery of a cosmetic under paragraph (a) (2) of this section shall become void ab initio with respect to the person who introduced such shipment or delivery into interstate commerce upon refusal by such person to make available for inspection a copy of the agreement, as required by such clause.

(d) An exemption of a shipment or other delivery of a cosmetic under paragraph (a) (2) of this section shall expire:

(1) At the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment if the cosmetic comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed; or

(2) Upon refusal by the operator of the establishment where such cosmetic is to be processed, labeled, or repacked, to make available for inspection a copy of the agreement, as required by such clause.

(Sec. 603, 52 Stat. 1054; 21 U. S. C. 363)

IMPORTS AND EXPORTS

AUTHORITY: §§ 1.315 to 1.322 issued under sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply secs. 801, 52 Stat. 1058; 21 U. S. C. 381.

§ 1.315 *Definitions.* For the purposes of the regulations prescribed under section 801 (a), (b), and (c) of the Federal Food, Drug, and Cosmetic Act:

(a) The term "owner" or "consignee" means the person who has the rights of a consignee under the provisions of sections 483, 484, and 485 of the Tariff Act of 1930, as amended (19 U. S. C. 1483, 1484, 1485).

(b) The term "chief of district" means the chief of the district of the Food and Drug Administration having jurisdiction over the port of entry through which an article is imported or offered for import, or such officer of the district as he may designate to act in his behalf in administering and enforcing the provisions of section 801 (a), (b), and (c).

§ 1.316 *Notice of sampling.* When a sample of an article offered for import has been requested by the chief of district, the collector of customs having jurisdiction over the article shall give to the owner or consignee prompt notice of delivery of, or intention to deliver, such sample. Upon receipt of the notice, the owner or consignee shall hold such article and not distribute it until further notice from the chief of district or the collector of customs of the results of examination of the sample.

§ 1.317 *Payment for samples.* The Food and Drug Administration will pay for all import samples which are found to be in compliance with the requirements of the Federal Food, Drug, and Cosmetic Act. Billing for reimbursement should be made by the owner or consignee to the Food and Drug Administration district headquarters in whose territory the shipment was offered for import. Payment for samples will not be made if the article is found to be in violation of the act, even though subsequently brought into compliance under the terms of an authorization to bring the article into compliance or rendered not a food, drug, device, or cosmetic as set forth in § 1.319.

§ 1.318 *Hearing.* (a) If it appears that the article may be subject to refusal of admission, the chief of district shall give the owner or consignee a written notice to that effect, stating the reasons therefor. The notice shall specify a place and a period of time during which the owner or consignee shall have an opportunity to introduce testimony. Upon timely request, giving reasonable grounds therefor, such time and place may be changed. Such testimony shall be confined to matters relevant to the admissibility of the article, and may be introduced orally or in writing.

(b) If such owner or consignee submits or indicates his intention to submit an application for authorization to relabel or perform other action to bring the article into compliance with the act or to render it other than a food, drug, device, or cosmetic, such testimony shall include evidence in support of such application. If such application is not submitted at or prior to the hearing, the chief of district shall specify a time limit, reasonable in the light of the circumstances, for filing such application.

§ 1.319 *Application for authorization.* Application for authorization to relabel or perform other action to bring the article into compliance with the act or to render it other than a food, drug, device or cosmetic may be filed only by the owner or consignee, and shall:

(a) Contain detailed proposals for bringing the article into compliance with the act or rendering it other than a food, drug, device, or cosmetic.

(b) Specify the time and place where such operations will be carried out and the approximate time for their completion.

§ 1.320 *Granting of authorization.* (a) When authorization contemplated by § 1.319 is granted, the chief of district shall notify the applicant in writing, specifying:

(1) The procedure to be followed;

(2) The disposition of the rejected articles or portions thereof;

(3) That the operations are to be carried out under the supervision of an officer of the Food and Drug Administration or the Bureau of Customs, as the case may be;

(4) A time limit, reasonable in the light of the circumstances, for completion of the operations; and

(5) Such other conditions as are necessary to maintain adequate supervision and control over the article.

(b) Upon receipt of a written request for extension of time to complete such operations, containing reasonable grounds therefor, the chief of district may grant such additional time as he deems necessary.

(c) An authorization may be amended upon a showing of reasonable grounds therefor and the filing of an amended application for authorization with the chief of district.

(d) If ownership of an article covered by an authorization changes before the operations specified in the authorization have been completed, the original owner will be held responsible, unless the new owner has executed a bond and obtained a new authorization. Any authorization granted under this section shall supersede and nullify any previously granted authorization with respect to the article.

§ 1.321 *Bonds.* (a) The bonds required under section 801 (b) of the act may be executed by the owner or consignee on the appropriate form of a customs single-entry or term bond, containing a condition for the redelivery of the merchandise or any part thereof upon demand of the collector of customs and containing a provision for the performance of conditions as may legally be imposed for the relabeling or other action necessary to bring the article into compliance with the act or rendering it other than a food, drug, device, or cosmetic, in such manner as is prescribed for such bond in the customs regulations in force on the date of request for authorization. The bond shall be filed with the collector of customs.

(b) The collector of customs may cancel the liability for liquidated damages incurred under the above-mentioned provisions of such a bond, if he receives an application for relief therefrom, upon the payment of a lesser amount or upon such other terms and conditions as shall be deemed appropriate under the law and in view of the circumstances, but the collector shall not act under this regulation in any case unless the chief of district is in full agreement with the action.

§ 1.322 *Costs chargeable in connection with relabeling and reconditioning inadmissible imports.* The cost of supervising the relabeling or other action in connection with an import of food, drugs, devices, or cosmetics which fails to comply with the Federal Food, Drug, and Cosmetic Act shall be paid by the owner or consignee who files an application requesting such action and executes a bond, pursuant to section 801 (b) of the act, as amended. The cost of such supervision shall include, but not be restricted to, the following:

(a) Travel expenses of the supervising officer.

(b) Per diem in lieu of subsistence of the supervising officer when away from his home station, as provided by law.

(c) Services of the supervising officer, to be calculated at a flat rate of $4.00 per hour (which shall include administrative expense), except that such services performed by a customs officer and subject to the provisions of section 5 of the act of February 13, 1911, as amended (19 U. S. C. 267), shall be calculated as provided in that act.

(d) Services of analyst, to be calculated at a flat rate of $5.00 per hour (which shall include the use of the chemical laboratories and equipment of the Food and Drug Administration).

(e) The minimum charge for services of supervising officers and of analysts shall be not less than the charge for 1 hour, and time after the first hour shall be computed in multiples of 1 hour, disregarding fractional parts less than ½ hour.

ADMINISTRATIVE

§ 1.700 *Examinations and investigations; samples.* (a) (1) When any officer or employee of the Department collects a sample of a food, drug, or cosmetic for analysis under the act, the sample shall be designated as an official sample if records or other evidence is obtained by him or any other officer or employee of the Department indicating that the shipment or other lot of the article from which such sample was collected was introduced or delivered for introduction into interstate commerce, or was in or was received in interstate commerce, or was manufactured within a Territory. Only samples so designated by an officer or employee of the Department shall be considered to be official samples.

(2) For the purpose of determining whether or not a sample is collected for analysis, the term "analysis" includes examinations and tests.

(3) The owner of a food, drug, or cosmetic of which an official sample is collected is the person who owns the shipment or other lot of the article from which the sample is collected.

(b) When an officer or employee of the Department collects an official sample of a food, drug, or cosmetic for analysis under the act, he shall collect at least twice the quantity estimated by him to be sufficient for analysis, unless:

(1) The amount of the article available and reasonably accessible for sampling is less than twice the quantity so estimated;

(2) The cost of twice the quantity so estimated exceeds $10;

(3) The article is perishable;

(4) The sample is collected from a shipment or other lot which is being imported or offered for import into the United States;

(5) The sample is collected from a person named on the label of the article, or his agent, and such person is also the owner of the article;

(6) The sample is collected from the owner of the article, or his agent, and such article bears no label or, if it bears a label, no person is named thereon; or

(7) The analysis consists principally of rapid analytical procedures, organoleptic examination, or other field inspection examinations or tests, made at the place where the sample is collected or in a mobile or temporary laboratory. In addition to the quantity of sample prescribed above the officer or employee shall, if practicable, collect as part of the sample such further amount of the article as he estimates to be sufficient for use as exhibits in the trial of any case that may arise under the act based on the sample.

(c) After the Food and Drug Administration has completed such analysis of an official sample of a food, drug, or cosmetic as it determines, in the course of analysis and interpretation of analytical results, to be adequate to establish the respects, if any, in which the article is adulterated or misbranded within the meaning of the act, or otherwise subject to the prohibitions of the act, and has reserved an amount of the article it estimates to be adequate for use as exhibits in the trial of any case that may arise under the act based on the sample, a part of the sample, if any remains available, shall be provided for analysis, upon written request, by any person named on the label of the article, or the owner thereof, or the attorney or agent of such person or owner, except when:

(1) After collection, the sample or remaining part thereof has become decomposed or otherwise unfit for analysis, or

(2) The request is not made within a reasonable time before the trial of any case under the act, based on the sample, to which such person or owner is a party. The person, owner, attorney, or agent who requests the part of sample shall specify the amount desired. A request from an owner shall be accompanied by a showing of ownership, and a request from an attorney or agent by a showing of authority from such person or owner to receive the part of sample. When two or more requests for parts of the same sample are received the requests shall be complied with in the order in which they were received so long as any part of the sample remains available therefor.

(d) When an official sample of a food, drug, or cosmetic is the basis of a notice given under section 305 of the act, or of a case under the act, and the person to whom the notice was given, or any person who is a party to the case, has no right under paragraph (c) of this section to a part of the sample, such person or his attorney or agent may obtain a part of the sample upon request accompanied by a written waiver of right under such paragraph (c) from each person named on the label of the article and owner thereof, who has not exercised his right under such paragraph (c). The operation of this paragraph shall be subject to the exceptions, terms, and conditions prescribed in paragraph (c) of this section.

(e) The Food and Drug Administration is authorized to destroy:

(1) Any official sample when it determines that no analysis of such sample will be made;

(2) Any official sample or part thereof when it determines that no notice under section 305 of the act, and no case under the act, is or will be based on such sample;

(3) Any official sample or part thereof when the sample was the basis of a notice under section 305 of the act, and when, after opportunity for presentation of views following such notice, it determines that no other such notice, and no case under the act, is or will be based on such sample;

(4) Any official sample or part thereof when the sample was the basis of a case under the act which has gone to final judgment, and when it determines that no other such case is or will be based on such sample;

(5) Any official sample or part thereof if the article is perishable;

(6) Any official sample or part thereof when, after collection, such sample or part has become decomposed or otherwise unfit for analysis;

(7) That part of any official sample which is in excess of three times the quantity it estimates to be sufficient for analysis.

(Secs. 701 (a), (b), 52 Stat. 1055, 1057; 21 U. S. C. 371 (a), 372 (b))

RULES OF PRACTICE FOR HEARINGS

AUTHORITY: §§ 1.701 to 1.715 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371.

DEFINITIONS

§ 1.701 *Definitions.* As used in §§ 1.701–1.715:

(a) The term "act" means the Federal Food, Drug, and Cosmetic Act, approved June 25, 1938 (52 Stat. 1040, as amended; 21 U. S. C. 301–392).

(b) The term "Department" means the Department of Health, Education, and Welfare of the United States.

(c) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(d) The term "FEDERAL REGISTER" means the publication provided for by the Federal Register Act of July 26, 1935 and acts supplementary thereto and amendatory thereof (49 Stat. 500, 50 Stat. 304, sec. 202, 53 Stat. 1435, 56 Stat. 1045, 61 Stat. 451; 44 U. S. C. Chapter 8B).

(e) The term "person" includes an individual, partnership, corporation, and association.

(f) The term "hearing clerk" means the hearing clerk of the Department.

HEARINGS AND NOTICE THEREOF

§ 1.702 *Hearings under section 701 (e) of the act, except hearings with reference to regulations under section 404 (a) of the act.* The Secretary, on his own initiative or upon an application of any interested industry or substantial portion thereof stating reasonable grounds therefor, shall hold a public hearing upon a proposal to issue, amend, or repeal any regulation contemplated by any of the following sections of the act: 401, 403 (j), 406 (a) and (b), 501 (b), 502 (d), (h), 504, and 604.

§ 1.703 *Notice of hearing.* The Secretary shall give notice of the hearing by filing the same with the Archivist of the United States for publication in the FEDERAL REGISTER. The notice shall set forth the proposal in general terms and shall specify the time, which shall not be less than 30 days after the date of the notice, and the place for the public hearing.

§ 1.704 *Designation and powers of presiding officer.* (a) Each such hearing shall be conducted by a presiding officer, who shall be the Secretary or such officer or employee of the Secretary as the Department may designate for the purpose. Any such designation may be made or revoked by the Secretary at any time. Such hearing shall be conducted in an informal but orderly manner in accordance with the rules in §§ 1.701–1.715, and, where such rules are inapplicable or incomplete, in accordance with the directions of the presiding officer. The presiding officer shall have power to administer oaths, examine witnesses, and receive evidence, and to rule upon the admissibility of evidence and other matters that arise in the course of the hearing, but, except where the presiding officer is the Secretary, shall have no power to decide any motion which involves final determination of the merits of the proceeding.

(b) The hearing shall be held at the time and place set forth in the notice of the hearing, but may at such time and place be continued from day to day and adjourned to a later day or to a different place, within the city designated in the notice, without notice other than the announcement thereof by the presiding officer at the hearing.

PROCEDURE AT HEARING

§ 1.705 *Appearances.* At the hearing, any interested person shall be given an opportunity to appear, either in person or through his authorized representative, and to be heard with respect to matters relevant and material to the proposal. Any interested person who desires to be heard in person at any hearing under the rules in §§ 1.701–1.715 shall file with the presiding officer a written appearance setting forth his name, address and occupation. If such person desires to be heard through a representative, such person or such representative shall file with the presiding officer a written appearance setting forth the authority for such representative and the names, addresses, and occupations of such person and such representative. Any such person or such representative shall give such other information respecting his appearance as the presiding officer may request. All present at the hearing shall conform to all reasonable standards of orderly and ethical conduct.

§ 1.706 *Order of procedure.* (a) The presiding officer shall have noted on the record his designation as presiding officer and the notice of the hearing as filed with the Archivist of the United States. This shall be done by filing as an exhibit for the record a copy of the FEDERAL REGISTER containing such designation and such notice. If the designation has not been published in the FEDERAL REGISTER, the presiding officer shall file as an exhibit the order of the Secretary designating him to preside.

(b) To promote orderliness and clarity of the record, evidence shall be received with respect to the subject matter of the hearing in the following order, except as the presiding officer otherwise may permit:

(1) Evidence with respect to the proposal in general, including such matters as its historical background, the reason for the proposal, and its probable effect. No evidence shall be introduced at this stage of the hearing as to any specific provision of the proposal.

(2) Evidence with respect to specific terms of the proposal, which shall be read and considered section by section in a sequence to be determined by the presiding officer. Suggestions to add to, delete, or alter any portions of a given section of the proposal shall be made as consideration of such section is reached and, insofar as practicable, shall be submitting in writing.

(3) At each stage of the hearing, whether general or specific, evidence shall be received first in support of the proposal, followed by the evidence opposing the proposal.

§ 1.707 *Submission and receipt of evidence.* (a) Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) When necessary in order to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify to the same matter or the repetitious examination and cross-examination of witnesses, or the amount of corroborative or cumulative evidence.

(c) The presiding officer shall admit only relevant and material evidence.

(d) Opinion evidence shall be admitted when the presiding officer is satisfied that the witness is properly qualified.

(e) Affidavits, if relevant and material, shall be received and marked as exhibits, provided they are filed with the presiding officer on or before the date of the opening of the hearing. Every interested person shall be permitted to examine all affidavits which have been so filed and to file counter-affidavits with the presiding officer, within a period of time, to be fixed by the presiding officer, not more than 5 days following the close of the hearing. In any event, the Secretary will consider the lack of opportunity for cross-examination in determining the weight to be attached to statements made in the form of affidavits.

(f) If any person objects to the admission or rejection of any evidence, or other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds of such objection, and the transcript shall not include argument or debate thereon except as ordered by the presiding officer. Any such objection shall be made before the presiding officer in order subsequently to be relied upon in the proceeding. A ruling of the presiding officer on any such objection shall be a part of the transcript, together with such offer of proof as has been made.

(g) Samples may be displayed at the hearing and may be described for purposes of the record but shall not be admitted in evidence as exhibits.

§ 1.708 *Transcript of the testimony.* Testimony given at a hearing shall be reported verbatim. All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall be marked for identification and, upon a showing satisfactory to the presiding officer of their authenticity, relevancy, and materiality, shall be received and marked as exhibits in evidence. Such exhibits (including affidavits) shall, if practicable, be submitted in quintuplicate and in documentary form. In case the required number of copies are not made available, the presiding officer shall exercise his discretion as to whether said exhibit shall when practicable be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. Where the testimony of a witness refers to a statute, or to a report or document, the presiding officer shall, after inquiry relating to the identification of such statute, report, or document, determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit or whether it shall be incorporated into the evidence by reference. Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial and irrelevant matter, such immaterial and irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

§ 1.709 *Oral and written arguments.* (a) Unless the presiding officer shall issue an announcement at the hearing authorizing oral argument before him, it shall not be permitted.

(b) The presiding officer shall announce at the hearing a reasonable period within which interested persons may file written arguments based solely upon the evidence received at the hearing, citing the page or pages of the transcript of the testimony where such evidence occurs.

§ 1.710 *Filing the record of the hearing.* As soon as practicable after the close of the hearing, the complete record of the hearing shall be filed in the office of the hearing clerk. The record of the hearing shall include the transcript of the testimony, including any exhibits and together with any written arguments that may have been filed with the presiding officer.

§ 1.711 *Copies of the record of the hearing.* The Department will make provisions for a stenographic record of the testimony and for such copies of the transcript thereof as it requires for its own purposes. Any person desiring a copy of the record of the hearing or of any part thereof shall be entitled to the same upon application to the hearing clerk and upon payment of the costs thereof. Suggested corrections to transcripts of the testimony shall be considered only if offered within a period (to be fixed by the presiding officer) of not more than 3 days following the completion of the testimony, for which purpose the record shall be kept open for such additional period. The presiding officer shall have authority to act upon such suggested corrections.

ISSUANCE OF ORDER

§ 1.712 *Proposed order.* The Secretary, within a reasonable time after the filing of the record of the hearing, will issue his proposed order, which shall be served upon the interested persons whose appearances were entered at the hearing by publication in the FEDERAL REGISTER or by mailing a copy of the proposed order to each of such persons by registered mail: *Provided, however,* That if, after examination of the record of the hearing, the Secretary finds that no controversy with respect to the subject of the hearing exists between the persons who appeared thereat, and that such action will promote the purposes of the act, the Secretary will issue a final order in lieu of issuing a proposed order in accordance with this section.

§ 1.713 *Exceptions.* Within a reasonable time, which shall be specified in the proposed order but shall not exceed 20 days from the time of the issuance of such order, any interested person whose appearance was filed at the hearing may file exceptions to the proposed order. The exceptions shall point out with particularity the alleged errors in said proposed order, and shall contain a specific reference to the page of the transcript of the testimony or to the exhibit on which each exception is based. Such exceptions may be accompanied by a memorandum brief in support thereof.

§ 1.714 *Final order.* The Secretary thereafter will issue his final order. A duplicate original thereof shall thereupon be filed with the Archivist of the United States and published in the FEDERAL REGISTER. A duplicate original thereof shall also be filed with the hearing clerk for public inspection.

PUBLIC NOTICE OF REGULATIONS

§ 1.715 *Public notice of regulations.* Public notice of the issuance of the foregoing rules of practice for hearings in §§ 1.701–1.714 shall be given by publishing the same in the FEDERAL REGISTER.

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Sec.
3.2 Notice to packers and shippers of shelled peanuts.
3.3 Notice to manufacturers, packers, and distributors of glandular preparations.
3.4 Notice to manufacturers, packers, and distributors of drugs for internal use which contain mineral oil.
3.5 Notice to manufacturers, packers, and distributors of gauze bandages.
3.6 Notice to importers of Peruvian canned fish.
3.7 Notice to manufacturers, packers, and distributors of veterinary preparations and animal feeds.
3.8 Notice to manufacturers, packers, and distributors of penicillin-containing drugs for veterinary use.
3.9 Notice to manufacturers, packers, and distributors of salt substitutes.
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3.40 Pesticide chemicals; date on which statute becomes fully effective.
3.41 Pesticide chemicals; extended dates on which statute shall become fully effective.
3.42 Pesticide chemicals; additional extended dates on which statute shall become fully effective; denial of requests for extensions.
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3.44 Pesticide chemicals; further extended dates on which statute shall become fully effective.
3.45 Sterilization of drugs by irradiation.

AUTHORITY: §§ 3.2 to 3.45 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 3.2 *Notice to packers and shippers of shelled peanuts.* Investigations by the Food and Drug Administration have shown that a number of interstate shipments of shelled peanuts in bags holding from approximately 100 to 125 pounds each have failed to bear labeling as required by the terms of the Federal Food, Drug, and Cosmetic Act.

Shelled peanuts in sacks, whether or not shipped in carload lots, should bear the following information required by the law on food in package form:

(a) The name of the product.

(b) An accurate statement of net weight.

(c) The name and place of business of the packer or distributor.

This information should be conspicuously set forth. It may be printed or stenciled on each bag or, if desired, placed on tags which are securely attached to each bag.

The net weight marked on the bags must be the correct net weight of the peanuts at the time they are delivered to the carrier for interstate shipment. The tare weight of the bag should not be included in the weight declaration.

§ 3.3 *Notice to manufacturers, packers, and distributors of glandular preparations.* Under date of December 4, 1941, in a notice to manufacturers of glandular preparations, the Food and Drug Administration expressed the opinion that preparations of inert glandular materials intended for medicinal use should, in view of the requirement of section 201 (n) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1041; 21 U. S. C. 321 (n)), be labeled with a statement of the material fact that there is no scientific evidence that the articles contain any therapeutic or physiologically active constituents. Numerous preparations of such inert glandular materials were subsequently marketed with disclaimers of the type suggested. The term "inert glandular materials" means preparations incapable of exerting an action or effect of some significant or measurable benefit in one way or another, i. e., in the diagnosis, cure, mitigation, treatment, or prevention of disease, or in affecting the structure or any function of the body.

Manufacturers have heretofore taken advantage of regulation (b) under section 502 (f) of the act (§ 1.106 (b) of this chapter), permitting omission of directions for use where the so-called "prescription only" legend was placed upon the labels. This regulation was amended, effective October 10, 1945. Among the conditions now authorizing the omission of directions for use, § 1.106 (b) (3) of this chapter, is the following: "Information adequate for the use of such drug • • • by physicians, dentists, or veterinarians, as the case may be, is readily available." Obviously, information adequate for the use of a glandular preparation which is inert is not available to physicians, dentists, or veterinarians.

The Department of Health, Education, and Welfare is of the opinion that inert glandular materials may not be exempted from the requirements of section 502 (f) (1) of the act that they bear adequate directions for use; and, accordingly, that their labeling must include, among other things, representations as to the conditions for which such articles are intended to be used or as to the structure or function of the human body that they are intended to affect. Since any such representations offering these articles for use as drugs would be false or misleading, such articles will be considered to be misbranded if they are distributed for use as drugs.

The amended regulations provide also that in the case of drugs intended for parenteral administration there shall be no exemption from the requirement that their labelings bear adequate directions for use. Such inert glandular materials for parenteral use are therefore subject to the same comment as applies to those intended for oral administration.

§ 3.4 *Notice to manufacturers, packers, and distributors of drugs for internal use which contain mineral oil.* In the past few years research studies have altered medical opinion as to the usefulness and harmfulness of mineral oil in the human body. These studies have indicated that when mineral oil is used orally near mealtime it interferes with absorption from the digestive tract of provitamin A and the fat-soluble vitamins A, D, and K, and consequently interferes with the utilization of calcium and phosphorus, with the result that the user is left liable to deficiency diseases. When so used in pregnancy it predisposes to hemorrhagic disease of the newborn.

There is accumulated evidence that the indiscriminate administration of mineral oil to infants may be followed by aspiration of the mineral oil and subsequent "lipoid pneumonia."

In view of these facts, the Department of Health, Education, and Welfare will regard as misbranded under the provisions of the Federal Food, Drug, and Cosmetic Act a drug for oral administration consisting in whole or in part of mineral oil, the labeling of which encourages its use in pregnancy or indicates or implies that such drug is for administration to infants.

It is also this Department's view that the act requires the labelings of such drugs to bear a warning against consumption other than at bedtime and against administration to infants. The following form of warning is suggested: "Caution: To be taken only at bedtime. Do not use at any other time or administer to infants, except upon the advice of a physician."

This statement of interpretation does not in any way exempt mineral oil or preparations containing mineral oil from complying in all other respects with the requirements of the Federal Food, Drug, and Cosmetic Act.

§ 3.5 *Notice to manufacturers, packers, and distributors of gauze bandages.* The twelfth revision of the United States Pharmacopeia established a packaging specification standard for adhesive absorbent gauze (adhesive absorbent compress) which read: "Adhesive absorbent gauze must be packaged individually in such manner that the sterility is maintained until the individual package is opened for use, and the individual packages must be grouped in a second protective container." This specification, with slight modifications in the wording, appears in the thirteenth revision of the United States Pharmacopeia, which is now official.

At the time the standard was first promulgated representations were made to the Food and Drug Administration that, due to the existence of war priorities, it was impossible for manufacturers to obtain the machinery needed to wrap the bandages individually. In view of the priority situation existing at that time, the Administration informed manufacturers generally that until conditions changed no legal actions would be inaugurated under the provisions of the Federal Food, Drug, and Cosmetic Act based solely on the failure to wrap adhesive gauze bandages individually.

Recent investigations have revealed that most manufacturers have obtained the machinery needed for the individual wrapping of such bandages or have been promised early delivery of such machinery. It will be the purpose of the Department of Health, Education, and Welfare to recommend legal actions in instances where United States Pharmacopeia packaging requirements are not complied with after July 1, 1948.

§ 3.6 *Notice to importers of Peruvian canned fish.* In collaboration with the United States Department of State and officials of the Government of Peru, the Food and Drug Administration of the Department of Health, Education, and Welfare has made a study in Peru of the canning of bonito and tuna packed for exportation to the United States. The fish known in Peru as bonito constitutes a major portion of the pack. Representative specimens of Peruvian bonito have been identified as the species Sarda chilensis. This confirms previous information that the species of fish constituting the commercial bonito fishery in Peru is the same species of bonito that has been packed in this country in small quantities and sold as bonito, for many years. Minor quantities of another bonito, Sarda velox, are apparently caught in Peruvian waters but do not enter the commercial pack to any significant degree. The bonitos, Sarda chilensis and Sarda velox, are not classified as tuna and under the provisions of the Federal Food, Drug, and Cosmetic Act have never been legally labeled as tuna, but must be labeled as "bonito" or "bonito fish."

Two species of tuna, "skipjack" (Katsuwonus pelamis) and "yellowfin" (Thunnus macropterus), are commercially canned in Peru but constitute a relatively small proportion of the Peruvian pack of canned fish exported to the United States.

Information developed during the investigation in Peru shows that the bonito (Sarda chilensis) can be readily distinguished from the tunas. Consequently no difficulty should be encountered by packers in keeping separate the fish in the two classifications and in properly labeling the canned product before shipment.

The provisions of the Federal Food, Drug, and Cosmetic Act require that importations of canned bonito and canned tuna, when offered for entry into the United States, must bear labels designating the product as "bonito" or as "tuna", as the case may be. Shipments that are unlabeled or mislabeled when offered for entry must be detained and are subject to refusal of admission, with consequent exportation or destruction.

§ 3.7 *Notice to manufacturers, packers, and distributors of veterinary preparations and animal feeds.* A number of products have been developed to promote fattening, increase milk or egg production, or effect other physiological changes in farm animals. Many of these compounds contain as active ingredients substances the toxicity of which is known to be of a high order. For example, thiouracil, a very potent drug, has been proposed for use to promote fattening. When such substances are added to food they render the food adulterated under section 402 (a) of the Federal Food, Drug, and Cosmetic Act.

The Department of Health, Education, and Welfare regards sections 402 (a) (2) and 406 of the act as clear enunciations of congressional intent to deny the channels of interstate commerce to food containing added poisonous or deleterious ingredients which are unnecessary in its production or which can be avoided by good manufacturing practice.

Since these compounds are intended to affect the structure or function of the body of animals and have not been previously used for such purposes, they are regarded as new drugs, requiring the submission of adequate evidence of their safety, as required by section 505 of the act, before being marketed in interstate commerce.

In considering a new-drug application for a product intended to effect physiological changes in farm animals, the Department of Health, Education and Welfare will regard the absence of satisfactory evidence showing that the meat or other food obtained from animals fed the drug is entirely free of any poisonous or deleterious ingredient resulting therefrom at the time of marketing as ground for refusal to make the application effective.

§ 3.8 *Notice to manufacturers, packers, and distributors of penicillin-containing drugs for veterinary use.* Since the release on October 5, 1945, of the notice to manufacturers and distributors of veterinary penicillin and a circular entitled "Indications, Directions and Precautions Suggested for Inclusion in the Labeling of Sodium and Calcium Penicillin for Veterinary Use" and the supplemental material released on April 25, 1946, much additional information has accumulated relative to the use of penicillin in animals. However, the knowledge concerning the efficacy and limitations of penicillin for treating various disease conditions of animals is far from being complete. Therefore this statement, which is intended to supersede previously released information on the labeling of penicillin-containing drugs for veterinary use, is in the nature of a tentative guide to be used in conjunction with the penicillin regulations for labeling penicillin for veterinary use. As the knowledge of the efficacy and limitations of penicillin for treating animals is expanded there will be further releases relating to the labeling of such drugs. It is believed, however, that at the present time claims made in the labeling of penicillin intended for veterinary use should not exceed those suggested in this section.

Penicillin, under laboratory conditions, has pronounced potency against a wide range of organisms, including the following of interest to veterinarians: most strains of streptococci, staphylococci, clostridia, corynebacteria, Bacillus anthracis, Actinomyces bovis, Erysipelothrix rhusiopathiae, and leptospira. Penicillin is ineffective in infections caused by gram-negative bacilli, viruses, and occasional resistant strains of organisms which are usually regarded as susceptible to penicillin.

(a) *Indications.* There is conclusive scientific evidence establishing the therapeutic efficacy of penicillin for bovine mastitis caused by Streptococcus agalactiae. Good results have been reported in the use of penicillin for mastitis caused by strains of Streptococcus dysgalactiae. Results of treatment are no more than fair in mastitis caused by Streptococcus uberis and staphylococci; poor in cases caused by corynebacteria. Mastitis caused by colon bacilli does not respond to penicillin therapy. Reliable reports provide a supportive basis for recommending the use of penicillin for the following disease conditions: leptospirosis of dogs, osteomyelitis, peritonitis, strangles of horses, equine pneumonia, tetanus in the very early stage (with antitoxin), calf pneumonia, calf diphtheria, pyelonephritis in cattle, blackleg, malignant edema, anthrax in the very early stage, metritis, bovine actinomycosis, swine erysipelas in turkeys, and superficial infections of the skin caused by penicillin-sensitive organisms. It should be remembered that proper use of effective therapy depends on an accurate diagnosis of the disease condition to be treated.

(b) *Methods of administration*—(1) *By injection.* Deep intramuscular injection is the route of choice when using the parenteral forms of penicillin for systemic therapy. Subcutaneous injections are apt to be painful and are therefore usually avoided. When penicillin in oil or penicillin in oil and wax is injected care should be taken that the needle is not in a blood vessel before discharging the contents of the syringe.

(2) *By mouth.* Since penicillin is inactivated by gastric secretion, it cannot be given by mouth unless precautions are taken to neutralize the process in the stomach. This may be accomplished through the use of buffered penicillin tablets given at least ½ hour before and not less than 2 hours after eating. The therapeutic efficacy of these tablets will vary in different individuals and according to the amount of active penicillin absorbed. As a general rule, the amount of penicillin required for effective therapy when given by mouth is five times the amount required by injection. With the possible exception of small-animal practitioners, veterinarians will probably find it impracticable to use penicillin in this form. Buffered penicillin tablets may be of value in some cases in which it is not possible to administer the drug by injection at the required intervals and in others after the disease has been brought under control by penicillin injections, and it is desirable to continue the use of the drug. The tablets may be given alone or as a supplement to parenteral therapy. In all serious conditions, however, parenteral administration is the recommended route.

(3) *By topical application.* Topical application includes direct injection of penicillin suspended in suitable vehicles into udders through the teat canal, into abscesses, joint capsules, body cavities, the spinal canal, and direct application to the skin and eyes. The underlying purpose of this method is to insure effective therapeutic concentrations of the drug in local areas of infection. In many instances it may be used as an adjunct to parenteral injections. However, after parenteral injection penicillin does not penetrate readily to the eyes, into spinal fluid, or, unless in extremely high unitage, into the milk. Therefore the topical method appears to be the only practicable one of treating local infections involving the eyes, spinal canal, or udder.

(c) *Dosage*—(1) *Systemic infections.* For therapy of systemic infections caused by most strains of penicillin-sensitive organisms a minimum of 2,000 units per pound of body weight should be administered, preferably by intramuscular injection. Further information concerning this recommendation may be obtained by request from the Food and Drug Administration. The required dosage of water-soluble salts of penicillin dissolved in proper aqueous solvents should be repeated every 3 to 4 hours to establish and maintain effective therapeutic concentrations of the drug in the body fluids and tissues. The necessary amount of penicillin in oil and wax should be given every 12 hours. The indicated quantity of procaine penicillin in oil or of certain of the newer certifiable repository penicillin products may be given as infrequently as once every 24 hours or longer. However, severe infections or infections caused by less sensitive organisms may require up to double the minimum dosage or more frequent injections or both. Since the objective of penicillin therapy is to bring the infection under control as quickly as possible, the minimum dosage or frequency of injection or both should be increased materially in all conditions known to be caused by sensitive organisms if no definite indication of clinical improvement is noticed 12 to 14 hours after the initial injection.

(2) *Bovine Streptococcus agalactiae mastitis.* Effective treatment of udders infected with penicillin-sensitive organisms depends on maintaining therapeutically effective concentrations of penicillin in the area of infection. Available experimental data indicate that the following methods for introducing adequate amounts of the drug into infected quarters can be depended upon to overcome the infection in a majority (75 percent or more) of Streptococcus agalactiae mastitis cases:

(i) Aqueous solutions (sodium, calcium, or crystalline penicillin dissolved in sterile distilled water):

(*a*) Inject 25,000 to 30,000 units under aseptic conditions through the teat canal into each infected quarter. Repeat after each milking or once every 12 hours until five to seven injections have been made. One repeat injection may be sufficient in the chronic form without induration.

(*b*) In cows producing up to 40 pounds of milk per day a total of 100,000 units per infected quarter administered as five injections of 20,000 units each at intervals of 12 hours or as four injections of 25,000 units each at intervals of 24 hours. In cows producing more than 40 pounds of milk per day or in acute cases a total of 200,000 units per infected quarter administered as four injections of 50,000 units each at intervals of 24 hours. It may be desirable to skip one milking after the last injection in the series to prolong a therapeutic concentration of penicillin in the treated quarters. Volume of vehicle should be adequate to favor immediate distribution throughout the cistern area. Usually 50 cc. is adequate.

(*c*) Large udders: First day, 200,000 units per infected quarter; second and

third days, 100,000 units per infected quarter each day. Small to moderate-sized udders: First day, 100,000 units per infected quarter; second and third days, 50,000 units per infected quarter each day. All quarters infected with Streptococcus agalactiae at the time of drying off should be infused with 100,000 to 200,000 units sometime during the dry period, preferably during the interval between 2 weeks after the last milking and 3 weeks before parturition.

(ii) Emulsified solutions (soluble salts of penicillin dissolved in oil and water emulsified with lanolin derivatives): Inject 100,000 units under aseptic conditions through the teat canal into each infected quarter. Repeat treatment if subsequent bacteriological examination shows infection to be still present.

(iii) Bougies (25,000 or more units of sodium, calcium, potassium, or procaine penicillin in a milk-soluble base shaped in slender, elongated form to permit easy insertion into the milk cistern of the udder through the teat canal). Aseptically insert one bougie into each infected quarter after each milking for as long as the infection persists.

(iv) Oil and wax suspensions (calcium or crystalline penicillin in refined peanut or sesame oil and white wax) and ointments (calcium or crystalline penicillin in an ointment base suitable for udder instillation). In view of the scarcity of information concerning this use of such products, basic directions for use may be different in individual cases. Adequacy of directions as a whole depends primarily on the penicillin potency of each product and the nature of supportive data.

(3) *General.* Whenever practicable, accurate diagnosis should be established by identification of the causative organism. No case of mastitis should be considered cured unless bacteriological examination of the milk taken from treated quarters approximately 3 weeks after the last application of penicillin shows the absence of causative organisms. Augmenting penicillin therapy with proper surgical treatment yields best results when treating abscesses, empyema, suppurative arthritis, and infections of body cavities and joints caused by penicillin-sensitive organisms. Collections of pus should be removed prior to each local application of 25,000 to 50,000 units of penicillin in sterile aqueous solution two to three times every 24 hours. Sterile dressings, saturated with an aqueous solution containing at least 1,000 units of penicillin per milliliter, applied one or more times per day as the condition indicates, may be effective for treating superficial infections of the skin caused by penicillin-sensitive organisms. If indicated, supplement local therapy with systemic medication.

(d) *Precautions.* If reactions occur which cannot be adequately controlled and are more serious than the condition being treated, use of the drug should be discontinued.

§ 3.9 *Notice to manufacturers, packers, and distributors of salt substitutes.* The recent reported poisonings from salt substitutes containing lithium chloride have focused attention upon this entire field. Salt substitutes have been regarded in the past as special dietary foods. They are also drugs, since they are employed in the mitigation and treatment of disease. There is considerable doubt as to the safety of unrestricted use of any salt substitute in the presence of cardio-vascular-renal disease and a low sodium diet. Consequently, the Department of Health, Education, and Welfare believes that each salt substitute is a new drug within the meaning of section 201 (p) of the Federal Food, Drug, and Cosmetic Act. The interstate distribution of each salt substitute should be discontinued until a new-drug application has been filed and has become effective with respect to the substitute.

§ 3.10 *Notice to manufacturers and users in food products of monosodium glutamate.* In the light of information now before the Food and Drug Administration on the manner of use of monosodium glutamate in foods, this Agency is not disposed to maintain the position previously expressed by it on April 11, 1940, in a trade correspondence letter designated as TC 23[illegible] that monosodium glutamate be designated as an artificial flavoring on labels of foods to which it is added. Where it is used as an ingredient in a food for which a standard of identity has not been promulgated under the Federal Food, Drug, and Cosmetic Act, its presence should be declared on the label by its common or usual name, monosodium glutamate, in compliance with section 403 (i) (2) of the act. Since none of the standards of identity for food so far promulgated under section 401 provide for the inclusion of monosodium glutamate as an optional ingredient, this substance may not be used in such standardized foods unless and until the appropriate standards are amended after hearing. If in any case the addition of monosodium glutamate has the effect of concealing damage or inferiority, or of making the article appear to be of better or greater value than it is, the article would be classed as adulterated regardless of labeling.

§ 3.11 *Notice to manufacturers, packers, and distributors of estrogenic hormone preparations.* Some drug preparations fabricated wholly or in part from alpha-estradiol and labeled as to potency in terms of international units or in terms of international units of estrone activity have been marketed. The international unit of the estrus-producing hormone was established by the International Conference on the Standardization of Sex Hormones at London, England, on August 1, 1932. This unit was defined as "the specific estrus-producing activity contained in 0.1 gamma (=0.0001 mg.) of the standard" hydroxyketonic hormone found in urine (estrone). The International Conference declared that it did not recommend the determination of the activity of non-hydroxyketonic forms of estrogenic hormones in units of estrone because of the varying ratios between the activity of such non-hydroxyketonic estrogenic hormones and estrone, when measured by different methods on test animals. There is no international unit for measuring the activity of alpha-estradiol and no accepted relationship between its activity and that of estrone, either in test animals or in humans. The declaration of potency of alpha-estradiol in terms of international units or in terms of international units of estrone activity is therefore considered misleading, within the meaning of 21 U. S. C. 352 (a). The declaration of the alpha-estradiol content of an estrogenic hormone preparation in terms of weight is considered appropriate.

§ 3.12 *Temporary permits for interstate shipment of experimental packs of food varying from the requirements of definitions and standards of identity.* (a) The Department of Health, Education, and Welfare recognizes that appropriate investigations of potential advances in food technology sometimes require tests in interstate markets of the advantages to and acceptance by consumers of variations in foods from applicable definitions and standards of identity prescribed under section 401 of the Federal Food, Drug, and Cosmetic Act.

(b) It is the purpose of the Department to permit such tests where they are necessary to the completion or conclusiveness of an otherwise adequate investigation and where the interests of consumers are adequately safeguarded. The Department will therefore refrain from recommending regulatory proceedings under the act on the charge that a food does not conform to an applicable standard, if the person who introduces or causes the introduction of the food into interstate commerce holds an effective permit from the Secretary providing specifically for those variations in respect to which the food fails to conform to the applicable definition and standard of identity.

(c) Any person desiring a permit may file with the Secretary a written application in triplicate containing as part thereof the following:

(1) Name and address of the applicant.

(2) A statement of whether or not the applicant is regularly engaged in producing the food involved.

(3) A reference to the applicable definition and standard of identity (citing applicable section of regulations).

(4) A full description of the proposed variation from the standard.

(5) The basis upon which the food so varying is believed to be wholesome and nondeleterious.

(6) The amount of any new ingredient to be added; the amount of any ingredient, required by the standard, to be eliminated; any change of concentration not contemplated by the standard; or any change in name that would more appropriately describe the new product under test. If such new ingredient is not a commonly known food ingredient, a description of its properties and basis for concluding that it is not a deleterious substance.

(7) The purpose of effecting the variation.

(8) A statement of how the variation is of potential advantage to consumers.

(9) The labeling proposed to be used for the food so varying.

(10) The period during which the applicant desires to introduce such food into interstate commerce, with a statement of the reasons supporting the need for such period.

(11) The probable amount of such food that will be distributed.

(12) The area of distribution.

(13) The address at which such food will be manufactured.

(14) A statement of whether or not such food has been or is to be distributed in the State in which it was manufactured.

(15) If it has not been or is not to be so distributed, a statement showing why.

(16) If it has been or is to be so distributed, a statement of why it is deemed necessary to distribute such food in other States.

(d) The Secretary may require the applicant to furnish samples of the food varying from the standard and to furnish such additional information as may be deemed necessary for action on the application.

(e) If the Secretary concludes that the variation may be advantageous to consumers and will not result in failure of the food to conform to any provision of the act except section 403 (g), a permit shall be issued to the applicant for interstate shipment of such food. The terms and conditions of the permit shall be those set forth in the application with such modifications, restrictions, or qualifications as the Secretary may deem necessary and state in the permit.

(f) The terms and conditions of the permit may be modified at the discretion of the Secretary or upon application of the permittee during the effective period of the permit.

(g) The Secretary may revoke a permit for cause, which shall include but not be limited to the following:

(1) That the permittee has introduced a food into interstate commerce contrary to the terms and conditions of the permit.

(2) That the application for a permit contains an untrue statement of a material fact.

(3) That the need therefor no longer exists.

(h) During the period within which any permit is effective, it shall be deemed to be included within the terms of any guaranty or undertaking otherwise effective pursuant to the provisions of section 303 (c) of the act.

(i) If an application is made for an extension of the permit, it shall be accompanied by a description of experiments conducted under the permit, tentative conclusions reached, and reasons why further experimental shipments are considered necessary.

(Secs. 401, 403, 52 Stat. 1046, 1047; 21 U. S. C. 341, 343)

§ 3.13 *Supplying pharmacists with indications and dosage of drugs.* (a) This Department is aware of statements that the regulations covering prescription drugs prevent the manufacturer from sending the pharmacist data he needs on indications and dosage in exercising his important professional function of checking against possible mistakes in the prescription.

(b) These regulations emphasize the importance of the profession of pharmacy; they are not intended to deprive the pharmacist of information necessary to the discharge of his professional duty of insuring the integrity of the drugs he dispenses on prescription.

(c) To discourage attempts at self-medication with drugs which the layman cannot safely and effectively use without the physician's guidance and which therefore should be dispensed only on doctor's orders, the regulations provide that the labeling of such drugs shall not bear indications or directions, except that the prescription package should bear the directions specified in the prescription. The law defines labeling as written, printed, or graphic matter accompanying the drug.

(d) The courts have given a broad interpretation to the definition of labeling, holding it to cover all pamphlets and the like used to inform consumers what the drug is for and how it is to be used. The Department of Health, Education, and Welfare regards the supplying of printed matter to the pharmacist for his professional information, and not as a means of over-the-counter sales promotion, such as by display to prospective purchasers, as a legitimate means of making information necessary for professional use readily available. This Department has no intention of recommending action based on the supplying or use of such material for that professional purpose.

§ 3.14 *Notice to manufacturers and distributors of foods and drugs containing artificial sweeteners.* Chronic-toxicity studies conducted by the Department of Health, Education, and Welfare show that the artificial sweeteners dulcin (also known as sucrol, or 4-ethoxyphenylurea, or paraphenetolcarbamide) and P–4000 (also known as 1-n-propoxy-2-amino-4-nitrobenzene) cause injury to rats when fed at relatively low levels for approximately 2 years. Consequently, the Secretary of Health, Education, and Welfare regards these chemicals as poisonous substances which have no place in any food.

Pending further evaluation of available data, it is not possible to state the conditions under which dulcin or P–4000 would render a drug in which it is used dangerous to health. Since other artificial sweeteners are available which have a much greater margin of safety in chronic-toxicity studies, the use of dulcin and P–4000 as sweeteners of drugs is to be discouraged.

§ 3.15 *Notice to manufacturers and labelers of antibiotic and antibiotic-containing drugs.* Recent investigations by the Department of Health, Education, and Welfare have revealed that a number of persons engaged in manufacturing and selling antibiotic and antibiotic-containing drugs are introducing into interstate commerce shipments of these drugs that are unlabeled, or not fully labeled, and are not exempt from labeling under the provisions of § 146.18 of this chapter. This practice has been based upon the belief that interstate shipments of antibiotic and antibiotic-containing drugs to persons engaged in the export trade are not subject to certification.

When these drugs are introduced into interstate commerce they must be certified, exempted from labeling under § 146.18, of this chapter, or exempted from misbranding by meeting all the conditions specified in section 801 (d) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 381 (d)). Section 801 (d) of the act is not satisfied merely by shipment of drugs to exporters. If exemption under this section is to be claimed, the drugs, at the time of introduction into interstate commerce, must be marked for export, must accord to the specifications of the foreign purchaser, and must not be in conflict with the laws of the country to which they are intended for export. The initial shipper has a responsibility to meet all the conditions of section 801 (d) if exemption is to be claimed. It is not enough that he is shipping to a person engaged in the export trade who will obtain a foreign purchaser, who will mark the goods for export, and who will obtain assurance that the drug is not in conflict with the laws of the country to which it is intended for export.

Section 146.18 of this chapter provides exemption from labeling. If the original shipper has an effective exemption permit under the regulations in Part 146, the exporting firm named in the exemption permit may be allowed to receive and to hold the unlabeled drugs under the exemption until the conditions of section 801 (d) of the act are satisfied.

§ 3.16 *Notice to manufacturers, packers, and distributors of drug products.* Conferences have recently been held between members of the Department of Health, Education, and Welfare and representatives of the Agricultural Research Service, Department of Agriculture, concerning requests made to that agency for the release of ox bile from condemned livers of slaughtered animals for use in the manufacture of certain drugs.

The Secretary of Health, Education, and Welfare has given careful consideration to this problem and has reached the conclusion that no hazard to public health will be involved in the release of such ox bile, after the addition to it of sufficient sodium hydroxide to give the mixture a sodium hydroxide content of not less than 5 percent, the mixture then being allowed to stand at least 24 hours. This Department will not regard as in violation of the provisions of the Federal Food, Drug, and Cosmetic Act such alkalized and aged ox bile, if labeled "Ox Bile and Sodium Hydroxide (or Ox Bile and Sodium Hydroxide Solution). Sodium hydroxide not less than 5 percent by weight. For manufacturing use only," together with a statement of the quantity of contents in the container (for example, "50 gallons") and the name and address of the manufacturer, packer, or shipper.

Bile from the condemned livers of sheep and goats also may be released, under the same conditions as outlined in the preceding paragraph, except that the words "Sheep Bile" or "Goat Bile,"

as the case may be, shall be substituted for the words "Ox Bile" upon the label. In the case of mixtures of bile from any two or all three of the sources mentioned, the label shall indicate the sources of such bile.

§ 3.17 *Labeling of oleomargarine.* The Federal Food, Drug, and Cosmetic Act was amended by the recently enacted legislation (64 Stat. 20) on colored oleomargarine. A new section numbered 407 was added. Among other things, the new section requires that there appear on the label of the package the word "oleomargarine" or "margarine" in type or lettering at least as large as any other type or lettering on such label, and a full and accurate statement of all the ingredients contained in such oleomargine or margarine. It provides that these requirements "shall be in addition to and not in lieu of any of the other requirements of this Act."

(a) Under section 403 (g) of the Federal Food, Drug, and Cosmetic Act any article that is represented as or purports to be oleomargarine must conform to the definition and standard of identity for oleomargarine promulgated under section 401 of the act (Part 45 of this chapter), and its label must bear the name "oleomargarine," which is the name specified in the standard. It is this Department's view that the name "oleomargarine" should appear on the label, until the standard is amended.

(b) While under the provisions of the identity standard for oleomargarine only certain of the optional ingredients authorized by the standard are required to be declared on the label, section 407 requires, in the case of colored oleomargarine, "a full and accurate statement of all the ingredients contained in such oleomargarine or margarine." The following optional ingredients authorized by the identity standard for oleomargarine and the names by which we believe such ingredients, when present, should be declared in order to constitute "a full and accurate statement" are set forth below:

(1) The rendered fat, or oil, or stearin derived therefrom (any or all of which may be hydrogenated), of cattle, sheep, swine, or goats, or any combination of two or more of such articles—to be declared by the name of the specific animal fat, oil, or stearin, for example, "beef fat."

(2) Any vegetable food fat or oil, or oil or stearin derived therefrom (any or all of which may be hydrogenated), or any combination of two or more of such articles—to be declared as, for example, "cottonseed oil" or "soybean oil," or if such oils are present in the same batch or lot, as "cottonseed oil, soybean oil, peanut oil, and corn oil," listing the predominating oils of the mixture ahead of those which are present in much smaller quantities. If the oil or oils present are hydrogenated, the declaration should be, for example, "hydrogenated cottonseed oil" or "hardened cottonseed oil."

(3) The optional ingredients cream, milk, skim milk, or dried skim milk (nonfat dry milk solids or defatted milk solids) and water, butter, and salt should be declared by those terms.

(4) Artificial color and artificial flavor should be declared as such by the terms prescribed in the identity standard for oleomargarine. They need not be additionally declared by the names of the specific colors or flavors.

(5) The presence of sodium benzoate or benzoic acid should be declared as prescribed by the identity standard for oleomargarine.

(6) The optional ingredient vitamin A added in an essential carrier may be declared merely as "vitamin A added" or "with added vitamin A."

(7) The optional ingredient vitamin D may be declared as "vitamin D added" or "with added vitamin D."

(8) The optional emulsifying ingredients lecithin, mono- or diglycerides and sodium sulfo-acetate derivatives of mono- or diglycerides should be declared by those terms.

(9) The statement of all the ingredients contained in colored oleomargarine is subject to the requirements pertaining to conspicuousness in section 403 (f) of the act.

(c) In considering the requirement that the word "oleomargarine" be in type or lettering at least as large as any other type or lettering on the label, it must be borne in mind that other factors than mere height of lettering are involved. The type or lettering of the word "oleomargarine" should be compared with other type or lettering from the standpoint of:

(1) The area occupied by each letter as measured by a closely fitting rectangle drawn around it. The area of such rectangle with respect to any of the letters in the word "oleomargarine" should equal or exceed the area of such rectangle applied to the same or a corresponding letter elsewhere on the label. A single letter may be the largest type on the label, in which case each letter in the word "oleomargarine" must be at least as large as that letter.

(2) The boldness of letters, or breadth of the lines forming the letters which constitute factors in determining largeness. The letters in the word "oleomargarine" should equal or exceed in boldness and prominence that of the same or corresponding letters elsewhere on the label.

(d) Colored oleomargarine containing the optional ingredients vitamin A and/or vitamin D continues to be subject to the labeling requirements of section 403 (j) of the act pertaining to foods for special dietary use.

(e) The word "oleomargarine" (and thus the other information called for by the statute) should appear on each panel of the package label which might reasonably be selected by the grocer for display purposes at the point of sale.

(f) The colored-oleomargarine amendment states that "for the purposes of this section [section 15 of the Federal Trade Commission Act, as amended] and section 407 of the Federal Food, Drug, and Cosmetic Act, as amended, the term 'oleomargarine' or 'margarine' includes (1) all substances, mixtures, and compounds known as oleomargarine or margarine; (2) all substances, mixtures, and compounds which have a consistence similar to that of butter and which contain any edible oils or fats other than milk fat if made in imitation or semblance of butter." Notwithstanding the difference between this definition and the definition and standard of identity for oleomargarine promulgated under section 401 of the act, it was the clear intent of Congress that any article which is represented as or purports to be oleomargarine and which fails to comply with the definition and standard of identity for oleomargarine is misbranded under section 403 (g), even though it may meet the new statutory definition. This ban on an article which fails to comply with the definition and standard of identity for oleomargarine heretofore has not applied to colored or uncolored oleomargarine sold within the same State in which manufactured. By the terms of the new section 407 colored oleomargarine or colored margarine which is sold in the same State or Territory in which it is produced is subject in the same manner and to the same extent to the provisions of this act as if it had been introduced into interstate commerce.

(g) Section 407 (b) (4) requires that each part of the contents of the package be "contained in a wrapper which bears the word 'oleomargarine' or 'margarine' in type or lettering not smaller than 20-point type." We interpret this to mean that the height of the actual letters is not less than 20 points, or 20/72 of 1 inch.

(h) Since wrapped quarter-pound sticks of oleomargarine may constitute units of retail sale, they should be individually labeled with all the mandatory label information required by sections 403 and 407 of the Food, Drug, and Cosmetic Act, just as in the case of 1-pound cartons.

§ 3.19 *Notice to manufacturers, packers, and distributors of pasteurized process cheese, pasteurized blended cheese, pasteurized process cheese food, pasteurized process cheese spread, and related foods.* (a) Definitions and standards of identity have recently been promulgated under the authority of the Federal Food, Drug, and Cosmetic Act for a number of foods made in part from cheese, including pasteurized process cheese; pasteurized process cheese with fruits, vegetables, or meats; pasteurized blended cheese; pasteurized process cheese food; pasteurized process cheese spread, and related foods. These standards prescribe the name for each such food. The act requires that this name appear on the label. Many of these names consist of several words. In the past it has been the practice of some manufacturers to subordinate the words "pasteurized," "blended," "process," "food," and "spread" to give undue prominence to the word "cheese" and to words naming the variety of cheese involved.

(b) When placing the names of these foods on labels so as to comply with the requirements of section 403 (a), (f), and (g) of the act, all the words forming the name specified by a definition and standard of identity should be given equal prominence. This can readily be accomplished by printing the specified name of the food in letters of the same size, color, and style of type, and with the same background.

(c) Where the names of optional ingredients are required to appear on the label, the designations of all such ingredients should be given equal prominence. The names of the optional ingredients should appear prominently and conspicuously but should not be displayed with greater prominence than the name of the food. The word "contains" may precede the names of the optional ingredients, and when so used will not be considered as intervening printed matter between name of food and name of optional ingredients required to be placed on the label.

(d) Where a manufacturer elects to include a label statement of fat and moisture content, the declaration should be on the basis of the food as marketed. A fat declaration on a moisture-free basis is likely to be misleading, and should not be used in labeling.

§ 3.20 *Status of salt substitutes under the Federal Food, Drug, and Cosmetic Act.* Under date of March 8, 1949, the Department of Health, Education, and Welfare announced (§ 3.9) that it would regard each salt substitute as a new drug within the meaning of section 201 (p) of the Federal Food, Drug, and Cosmetic Act, and that interstate distribution of each salt substitute should be discontinued until a new-drug application had been filed and become effective. Substantial information concerning the safety of many of the ingredients used in salt substitutes has been developed and published since the announcement was made. It is now possible to evaluate the safety of many individual salt substitutes and to determine whether they are new drugs requiring effective applications prior to distribution in interstate commerce.

The Department of Health, Education, and Welfare therefore no longer regards all salt substitutes as new drugs. Upon request, the Department will express its opinion as to whether a new-drug application is necessary for any particular product if complete information concerning its composition and proposed labeling is submitted.

§ 3.21 *Notice to manufacturers of pasteurized process cheese food and pasteurized process cheese spread.* Regulations establishing definitions and standards of identity for pasteurized process cheese food and pasteurized process cheese spread appear in §§ 19.765 and 19.775 of this chapter, respectively. These regulations became effective on February 24, 1951.

An application has been received from a substantial portion of the interested industry proposing to amend these regulations to permit skim milk cheese for manufacturing as an optional ingredient in these foods. Alternative ways of amending the regulations are suggested: (1) To permit skim milk cheese for manufacturing as an optional cheese ingredient under paragraph (c) of each of the sections; or (2) To permit skim milk cheese for manufacturing as an optional dairy ingredient under paragraph (d) of each of the sections.

A hearing to take evidence on these proposals will be called as soon as practicable. Pending such a hearing and the issuance of an order resulting therefrom, the Department of Health, Education, and Welfare will not recommend action against pasteurized process cheese foods or pasteurized process cheese spreads solely because they include skim milk cheese for manufacturing as part of the optional cheese or dairy ingredients. Such foods must comply with other requirements of the existing regulations as well as the general provisions of the law.

§ 3.22 *Suprarenal glands from hog carcasses prior to final inspection.* The Agricultural Research Service of the U. S. Department of Agriculture has informed the Food and Drug Administration of the Department of Health, Education, and Welfare that, under appropriate conditions, it will permit the removal of suprarenal glands from hogs that have not been finally inspected by Federal inspectors. The glands to be so obtained are intended for use in manufacturing extracts containing one or more of the therapeutically useful constitutents of suprarenal glands.

Under the conditions specified in this section, the Secretary of Health, Education, and Welfare has determined that the public health will be adequately protected from any danger from the use of drugs, made in whole or in part from suprarenal glands of hogs that may be condemned by Federal inspectors of the Department of Agriculture after removal of such glands from the carcasses, arising from any abnormality of such carcasses if such glands are subjected to the following prescribed treatment, which will destroy or eliminate any microorganisms or toxins that might be present in the glands:

The glands are subjected to quick freezing promptly upon removal from the carcasses and maintained in a frozen state until they are ground and immersed in 95 percent to 100 percent acetone. The ground tissues remain in the acetone for a period of not less than 6 days, the mixture is filtered, and the residue is burned.

§ 3.23 *Notice to manufacturers and users of monosodium glutamate and other hydrolyzed vegetable protein products.* Following a review of various statements submitted by manufacturers and distributors of monosodium glutamate and various hydrolyzed plant protein products, the following conclusions have been reached:

(a) The facts submitted establish that there are three classes of products to be considered:

(1) Purified monosodium glutamate.

(2) Hydrolyzed proteins (amino acid salts) from which none of the monosodium glutamate has been removed.

(3) Hydrolyzed proteins (amino acid salts), a by-product in the manufacture of purified monosodium glutamate but from which a substantial proportion of the monosodium glutamate has been removed.

(b) The statement of policy appearing in § 3.10 is reaffirmed. Monosodium glutamate is the common or usual name of the substance covered in said statement of policy. It need not be declared as an artificial flavoring, but when used as an ingredient of food products should be declared by its common or usual name. It may not be used in a food for which a standard of identity has been promulgated unless the standard or any amendment thereto recognizes it as an optional ingredient. It may not be used under any circumstances in such a way as to conceal damage or inferiority or make the article appear better or of greater value than it is.

(c) (1) The substance described in paragraph (a) (2) of this section has long been designated as "hydrolyzed vegetable protein."

(2) The substance covered by paragraph (a) (3) of this section should have a distinctive name, since one of its original constituents has been partially removed. Manufacturers have suggested that this substance be described as "hydrolyzed vegetable protein with reduced monosodium glutamate content." This designation appears acceptable.

(d) While the substances referred to in paragraph (a) (2) and (3) of this section contain a number of amino acid salts as well as sodium chloride, monosodium glutamate is the ingredient which has been quite generally emphasized, and is best known to consumers under that name. No objection is offered under the Federal Food, Drug, and Cosmetic Act to the addition of a quantitative declaration on the labels of containers of such hydrolyzed vegetable protein or hydrolyzed vegetable protein with reduced monosodium glutamate content showing the percentage amounts of monosodium glutamate, the total of other amino acid salts, salt, and water, if in liquid form, all to be declared in the order of their decreasing percentages. If monosodium glutamate represents a smaller proportion of the substance than the other amino acid salts and salt (sodium chloride), it should be declared last in the list of ingredients.

(e) When the substances described in paragraphs (a) (2) and (3) of this section are used as ingredients in a fabricated food, either may be declared as "salt and hydrolyzed vegetable protein" (or "salt and hydrolyzed plant protein") on the label of the fabricated food product; *Provided*, That where salt is declared as a separate ingredient of the fabricated food, in compliance with section 403 (i) (2) of the act, the word "salt" need not be repeated in connection with the "hydrolyzed vegetable protein" (or "hydrolyzed plant protein") declaration.

§ 3.24 *Notice to packers of comminuted tomato products.* It has long been known that tomato rot may be caused by one or more of the following: Fungus diseases, bacterial diseases, virus diseases, and certain nonparasitic diseases. Only the fungus rots are characterized by the presence of mold filaments. Mold counts on comminuted tomato products are not increased by incorporating within the product tomato rot caused by bacteria, virus, or nonparasitic factors. Although high mold counts on these products reveal that

large amounts of rotten material are present, low mold counts do not necessarily demonstrate absence of the type of rot caused by the tomato diseases that are not characterized by mold filaments.

Inspections of canneries engaged in the packing of comminuted tomato products show that most packers effectively trim, sort out, and discard rotten tomatoes from the raw stock. Some packers, however, do not properly eliminate rotten tomato material, and a few packers deliberately use rotten tomatoes in these foods, provided the mold count remains low. Some packers, on occasion, have mixed tomato products having a high mold count with tomato products containing little or no mold, so as to produce a blend with a low mold count.

Packers of comminuted tomato products who rely upon the mold count as the sole or primary control procedure, to the neglect of adequate sorting and trimming, may produce products with low mold counts which contain substantial amounts of rot.

It is the purpose of this announcement to advise all canners of tomato products that:

(a) Although high mold count is conclusive evidence of inclusion of substantial amounts of rot, mold count is not the only way of establishing that comminuted tomato products contain decomposed tomato material.

(b) Where factory observations or other evidence reveals that comminuted tomato products contain rot not caused by mold, such rot, as well as that caused by mold, will be taken into account in applying the provisions of the Federal Food, Drug, and Cosmetic Act against adulteration.

(c) The blending of tomato products adulterated with tomato rot, of whatever kind, with tomato products made from sound tomatoes, or with other sound food, renders the blend adulterated.

§ 3.25 *Notice to manufacturers and labelers of antibiotic drugs for veterinary use.* Unless a proper interval of time is allowed following the use of antibiotic drugs for the treatment of mastitis in milk-producing animals, the antibiotic drugs may get into the general milk supply. Because of the specific action of antibiotic drugs on cheese starters, milk containing such drugs is of no value to cheese manufacturers.

The direct or inadvertent addition of antibiotic drugs to milk to be sold for human consumption or for the manufacture of dairy products may constitute an adulteration within the meaning of section 402 of the Federal Food, Drug, and Cosmetic Act (sec. 402, 52 Stat. 1046; 21 U. S. C. 342).

The labeling of antibiotic drugs intended for intramammary use in the treatment of mastitis in milk-producing animals should bear a prominent statement designed to prevent milk from treated portions of the udder from entering the general milk supply. The following statement is recommended for this purpose: *"Important:* Milk from treated segments of udders should be discarded or used for purposes other than human consumption for at least 72 hours after the last treatment."

§ 3.26 *Labeling exemptions for foods repackaged in retail food establishments.* The Secretary of Health, Education, and Welfare will refrain from recommending criminal, injunction, or seizure proceedings on charges that a food repackaged in a retail establishment was misbranded, while held for sale, because it did not comply with the following provisions of the Federal Food, Drug, and Cosmetic Act, if the conditions herein specified are met:

(a) Section 403 (e) (1) (requiring a statement on the label of the name and place of business of the manufacturer, packer, or distributor);

(b) Section 403 (g) (2) (requiring the label of a food which purports to be or is represented as one for which a definition and standard of identity has been prescribed to bear the name of the food specified in the definition and standard and, insofar as may be required by the regulation establishing the standard, the common names of the optional ingredients present in the food), if the food was displayed to the purchaser with its interstate labeling clearly in view, or with a counter card, sign, or other appropriate device bearing prominently and conspicuously the information required by these provisions; or

(c) Section 403 (i) (1) (requiring the label to bear the common or usual name of the food), if the food was displayed to the purchaser with its interstate labeling clearly in view, or with a counter card, sign, or other appropriate device bearing prominently and conspicuously the common or usual name of the food, or if the common or usual name of the food is clearly revealed by its appearance.

§ 3.27 *Status of fluoridated water and foods prepared with fluoridated water under the Federal Food, Drug, and Cosmetic Act.* (a) The program for fluoridation of public water supplies recommended by the Department of Health, Education, and Welfare, through the Public Health Service, contemplates the controlled addition of fluorine at a level optimum for the prevention of dental caries.

(b) Public water supplies do not ordinarily come under the provisions of the Federal Food, Drug, and Cosmetic Act. Nevertheless, a substantial number of inquiries have been received concerning the status of such water under the provisions of the act and the status, in interstate commerce, of commercially prepared foods in which fluoridated water has been used.

(c) The Department of Health, Education, and Welfare will regard water supplies containing fluorine, within the limitations recommended by the Public Health Service, as not actionable under the Federal Food, Drug, and Cosmetic Act. Similarly, commercially prepared foods within the jurisdiction of the act, in which a fluoridated water supply has been used in the processing operation, will not be regarded as actionable under the Federal law because of the flourine content of the water so used, unless the process involves a significant concentration of fluorine from the water. In the latter instance the facts with respect to the particular case will be controlling.

§ 3.28 *Notice to manufacturers and repackers of ophthalmic solutions.* (a) Investigations by pharmaceutical manufacturers, physicians, and the Food and Drug Administration have revealed that liquid preparations for ophthalmic use contaminated with viable microorganisms have been responsible for serious eye injuries and, in some cases, complete loss of vision. The Food and Drug Administration has conducted a survey of medical opinion and has found that it is the consensus of informed persons that such preparations should be sterile. It is evident that liquid preparations offered or intended for ophthalmic use purport to be of such purity and quality as to be suitable for safe use in the eye. The Department of Health, Education, and Welfare concludes that such preparations fall below their professed standard of purity or quality and may be unsafe for use if they are not sterile. Accordingly, liquid preparations offered or intended for ophthalmic use which are not sterile may be regarded as adulterated within the meaning of section 501 (c) of the Federal Food, Drug, and Cosmetic Act and, further, may be misbranded within the meaning of section 502 (j) of the act.

(b) Liquid ophthalmic preparations packed in multiple-dose containers should (1) contain one or more suitable and harmless substances that will prevent the growth of micro-organisms, or should (2) be so packaged as to volume and type of container and so labeled as to duration of use and necessary warnings as will afford adequate protection and minimize the hazard of injury resulting from contamination during use.

§ 3.29 *Direct or indirect addition of antibiotic drugs to foods for human consumption.* (a) The Food and Drug Administration has received inquiries concerning the use of antibiotic drugs as food preservatives. Careful consideration has been given to this question and the conclusion has been reached that such use constitutes a public-health hazard. Consumption of food so treated may cause sensitization of the consumer to such antibiotics and may result in the emergence of strains of pathogenic micro-organisms resistant to these drugs.

(b) The presence of antibiotic drugs in foods intended for human consumption, or the direct or indirect addition of such drugs to such foods, may be deemed an adulteration within the meaning of section 402 of the Federal Food, Drug, and Cosmetic Act (sec. 402, 52 Stat. 1046; 21 U. S. C. 342).

(c) This statement of policy will not bar the establishment of safe tolerances for antibiotic drugs in or on raw agricultural commodities under the provisions of section 408 of the act, where suitable evidence of usefulness of the antibiotic drugs and of safety of the residue is available.

§ 3.30 *Shipment of antibiotic drugs packaged in bulk containers.* (a) The Food and Drug Administration has received inquiries from certain interested manufacturers concerning their shipment of certified antibiotics, packaged in bulk containers, to hospitals and pharmacies for repacking or for use in the manufacture of another drug on the order or prescription of a physician. The regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 357) do not prohibit the shipment of certified bulk containers of antibiotics to such persons. However, under the provisions of § 146.4 (b) (2) (i) of this chapter, certification should be requested of each repacked batch and of each batch of another drug manufactured from such bulk drug, unless the repackaged drug or other drug has been made exempt from the certification requirements by regulation. The fact that the drug is to be repacked or manufactured on the order or prescription of a physician does not exempt it from the certification requirements of the act. Under the provisions of § 146.4 (b) (2) (ii) of this chapter, it is only when the drug used to compound a prescription is in a container packaged for dispensing that certification of the drug so compounded is not required.

(b) In the light of these provisions, unless the manufacturer and shipper of bulk containers of antibiotics has, with the consignee, an effective permit issued under § 146.21 of this chapter, if the drug is to be repacked, or under § 146.22 of this chapter if it is to be used in the manufacture of another drug, the shipper has the responsibility of seeing that certification is requested of each repacked batch and of each batch of another drug manufactured from such drug.

§ 3.31 *Label declaration of salt in frozen vegetables.* (a) In a number of diseases or disease conditions it is important to restrict the intake of sodium. Sodium occurs in all natural foods, but added salt makes the most important contribution to the total sodium intake in the diet. Most fresh vegetables are of low sodium content and consumers generally regard frozen vegetables as being free of added salt and suitable for use in low-sodium diets. While salt may not be added directly as a seasoning ingredient during the processing of frozen vegetables, the use of salt brine in quality separation of such vegetables as peas and lima beans preparatory to freezing may contribute substantial amounts of salt to the finished article. The failure of the labels of frozen vegetables to declare the presence of salt has been the basis of complaints to the Food and Drug Administration.

(b) Section 403 (i) (2) of the Federal Food, Drug, and Cosmetic Act requires the label of a fabricated food to bear the common or usual name of each ingredient present. The Department of Health, Education, and Welfare regards any frozen vegetable containing salt, added directly or indirectly, as misbranded in violation of section 403 (i) (2) of the Federal Food, Drug, and Cosmetic Act unless its label names salt as an ingredient.

§ 3.32 *Label declarations of vitamin B_{12} and folic acid in foods for special dietary uses.* (a) Section 125.3 (a) (2) of this chapter, issued under the authority of section 403 (j) of the Federal Food, Drug, and Cosmetic Act (sec. 403 (j), 52 Stat. 1048; 21 U. S. C. 343 (j)) requires that if a food purports to be or is represented for special dietary use by man by reason, in whole or in part, of a vitamin for which the need in human nutrition has not been established, the label of such food shall bear the statement "The need for _____ in human nutrition has not been established," the blank to be filled in with the name of such vitamin.

(b) Heretofore this Department has considered vitamin B_{12} and folic acid as among those vitamins for which the need in human nutrition has not been established. However, recent scientific evidence shows that these vitamins are needed in human nutrition. The Department therefore considers the requirement of § 125.3 (a) (2) quoted in paragraph (a) of this section as no longer applicable to food offered for special dietary use by reason of these vitamins.

(Sec. 403, 52 Stat. 1048; 21 U. S. C. 343)

§ 3.33 *Status of foods containing added coumarin.* Manufacturers of coumarin have reported pharmacological investigations showing that it has toxic properties. They have informed the Food and Drug Administration that it will no longer be sold for food use. The Federal Food, Drug, and Cosmetic Act defines food as adulterated if it contains any added poisonous or deleterious substance not required in the production or avoidable in good manufacturing practice. Food containing coumarin added as such or as a constituent of tonka beans or tonka extract will be regarded as adulterated under this provision of the law.

(Secs. 402, 406, 52 Stat. 1046, 1049; 21 U. S. C. 342, 346)

§ 3.34 *Labeling of imported crabmeat.* (a) For many years canned crabmeat has been imported into the United States from Japan. Such imports have consisted primarily of a product designated as "King crabmeat." There have been limited importations of articles designated as "Korean crabmeat" and "Snow crabmeat." Two closely allied species of crab have been packed in Japan for export to the United States, under the designation "King crabmeat." These species are Paralithodes camtschatica (taraba-gani) and Paralithodes platypus (abura-gani). A third species of crab, Paralithodes brevipes, has been labeled either as "King crabmeat" or "Hanasaki crabmeat" when intended for export to the United States. The Department of Health, Education, and Welfare considers the term "King crabmeat" as an acceptable common name for the product prepared from any one of the three species Paralithodes camtschatica, Paralithodes platypus, and Paralithodes brevipes. The Department also considers the name "Hanasaki crabmeat" as an alternative common name for the product prepared from Paralithodes brevipes.

(b) Prior to World War II, there was a limited pack of crabmeat from the species Erimacrus isenbeckii at canneries located on the coast of Korea, but only a small quantity of this product was imported into the United States. To distinguish the product from the various species of Paralithodes and to connote its geographic origin, the article was designated by the name "Korean crab." For the past several years there has been a limited amount of the species Erimacrus isenbeckii packed in Japan or on Japanese factory ships operating in the Bering Sea. This species of crab is generally known in Japan as "Kegani." This product, packed in Japan, when offered for entry into the United States has been designated by a variety of names, including "Korean crabmeat," "Snow crabmeat," "Eliza crabmeat," "Kegani crabmeat," and "Zuwai crabmeat," with resulting confusion to importers and consumers. The term "Korean crab" is no longer applicable to the product as an indication of its geographic origin. The long absence of the product from the domestic market, until its recent reintroduction under a variety of names, has largely eliminated consumer recognition of the identity of the product under the name "Korean crabmeat." The Department therefore considers the designation "Korean variety crabmeat" or, alternatively, "Kegani crabmeat" as suitable common names for the product packed from the species Erimacrus isenbeckii.

(c) There has also been a limited pack of Chionectes opilio (zuwai-gani) offered for entry into the United States. This product has for many years been designated by the name "Snow crabmeat." The Department regards the designation "Snow crabmeat" as the common or usual name for the product when distributed in the United States.

(d) Section 403 (i) (1) of the Federal Food, Drug, and Cosmetic Act requires that the label of a food for which there is no definition and standard of identity shall bear the common or usual name of the food, if any there be. No definition and standard of identity has been established for crabmeat under the act. The Department of Health, Education, and Welfare regards the label designations for canned crabmeat prepared from the various species of crab as stated in paragraphs (a), (b), and (c) of this section as satisfactory compliance with section 403 (i) (1) of the act.

(Sec. 403, 52 Stat. 1048; 21 U. S. C. 343)

§ 3.35 *Labeling of drug preparations containing significant proportions of wintergreen oil.* (a) Because methyl salicylate (wintergreen oil) manifests no toxicity in the minute amounts in which it is used as a flavoring, it is mistakenly regarded by the public as harmless even when taken in substantially larger amounts. Actually, it is quite toxic when taken in quantities of a teaspoonful or more. Wintergreen oil and preparations containing it have caused a number of deaths through accidental misuse by both adults and children. Children are particularly attracted by the odor and are likely to swallow these products when left within reach.

(b) To safeguard against fatalities from this cause, the Department of Health, Education, and Welfare will regard as misbranded under the provisions

of the Federal Food, Drug, and Cosmetic Act any drug containing more than 5 percent methyl salicylate (wintergreen oil), the labeling of which fails to warn that use otherwise than as directed therein may be dangerous and that the article should be kept out of reach of children to prevent accidental poisoning.

(c) This statement of interpretation in no way exempts methyl salicylate (wintergreen oil) or its preparations from complying in all other respects with the requirements of the Federal Food, Drug, and Cosmetic Act.

(Sec. 502, 52 Stat. 1051; 21 U. S. C. 352)

§ 3.36 *Procedure for establishing food standards under the Federal Food, Drug, and Cosmetic Act.* The procedure prescribed in the Federal Food, Drug, and Cosmetic Act for the issuance, amendment, or repeal of standards for foods has recently been modified by Congress. The new amendment permits any interested person showing reasonable grounds therefor to petition the Secretary of Health, Education, and Welfare to initiate action.

(a) If the petitioner shows that he is an interested person and furnishes reasonable grounds for his proposal, it is the duty of the Secretary to publish the proposal and afford opportunity for other interested persons to comment on it. After a study of all the facts available and of the comments received, the Secretary will act upon the proposal and publish an order, to which objection may be taken by persons who would be adversely affected. Thus the issues in controversy are singled out for a public hearing.

(b) Practical administration of the law requires that there be a substantial showing of merit before any proposal is published. In passing on proposals submitted by petitioners for initiating actions, it will be the policy of the Department of Health, Education, and Welfare to consider that reasonable grounds have been furnished when:

(1) The proposal includes or is accompanied by a statement of the facts that the petitioner asserts he is in a position to substantiate by evidence in the event the proceedings lead to a public hearing.

(2) The facts declared furnish substantial support of the proposal and warrant a conclusion that the proposal is reasonable.

(3) The proposal, if adopted, would promote honesty and fair dealing in the interest of consumers.

(c) Opportunity will be given to amend petitions regarded as inadequate.

(Sec. 401, 52 Stat. 1046, as amended, 68 Stat. 54; 21 U. S. C. 341)

§ 3.37 *Confidentiality of information contained in new-drug applications.* (a) The Federal Food, Drug, and Cosmetic Act provides, in section 505 (b), that any person may file with the Secretary of Health, Education, and Welfare an application with respect to any new drug, which shall include, among other things, a full list of the articles used as components and a full statement of the composition of such drug. These requirements apply to all components or ingredients of a new drug, whether or not they are therapeutically active. Fulfillment of these requirements may be met by submitting a full statement of the chemical or common or usual name and of the quantity of each component or ingredient of the drug. Such requirements may also be met through the inclusion in the new-drug application of a properly authorized reference to a previous application or other Food and Drug Administration file containing the relevent information.

(b) The Food and Drug Administration treats information in new-drug applications as confidential. Section 301 (j) of the Federal Food, Drug, and Cosmetic Act makes it an offense to divulge to unauthorized persons any information acquired from a new-drug application concerning any method or process that is a trade secret. Basic manufacturers sometimes submit data to the Food and Drug Administration in the form of so-called master files for the purpose of establishing the safety of ingredients that may be used in new drugs and authorize specified applicants to refer to the data in support of their own new-drug applications. Such manufacturers may regard some of the data in such files as trade secrets and request the Food and Drug Administration to treat such information as confidential. The Food and Drug Administration will preserve the confidentiality of such data to the extent that it may properly do so. Because the applicant is legally responsible for the composition of the new drug and all its ingredients and may require information in the master file for judicial or administrative proceedings concerning the drug, the Food and Drug Administration will not withhold such information from the applicant when his need for it arises and he submits a written request for it.

(Secs. 301, 505, 52 Stat. 1042, 1052; 21 U. S. C. 331, 355)

§ 3.38 *Declaration of quantity of contents on labels for canned oysters.* (a) For many years packers of canned oysters in the Gulf area of the United States have labeled their output with a declaration of the drained weight of oysters in the containers. Packers in other areas have marketed canned oysters with a declaration of the total weight of the contents of the container. Investigation reveals that under present-day practice consumers generally do not discard the liquid packing medium, but use it as a part of the food. Section 403 (e) (2) of the Federal Food, Drug, and Cosmetic Act and the regulations thereunder require food in package form to bear an accurate label statement of the quantity of food in the container.

(b) It is concluded that compliance with the label declaration of quantity of contents requirement will be met by an accurate declaration of the total weight of the contents of the can. The requirements of § 36.6 of this chapter, establishing a standard of fill of container for canned oysters and specifying the statement of substandard fill for those canned oysters failing to meet that standard remain unaffected by this interpretation.

(Sec. 403, 52 Stat. 1047; 21 U. S. C. 343)

§ 3.39 *Use of vegetable fat in products which are imitations of ice cream.* There is currently being marketed in interstate commerce a frozen product made in semblance of ice cream, but containing vegetable fats in complete or partial substitution for milk fat. In some cases the product is marketed under a fanciful designation. Such a product is now regarded as an imitation of ice cream, and thus amenable to the provision of the Federal Food, Drug, and Cosmetic Act requiring the label to bear the name "Imitation Ice Cream," with all these words in type of uniform size and prominence, regardless of whether a fanciful designation is used.

(Secs. 402, 403; 52 Stat. 1047; 21 U. S. C. 342, 343)

§ 3.40 *Pesticide chemicals; date on which statute becomes fully effective.* (a) The pesticide chemicals amendment to the Federal Food, Drug, and Cosmetic Act (68 Stat. 511) is scheduled to become fully effective on July 22, 1955. However, the Secretary of Health, Education, and Welfare may extend this date on a product-by-product basis for a time not to exceed 12 months on a finding that conditions exist that necessitate the extension of such additional period. After the amendment becomes fully effective, a raw agricultural commodity in interstate commerce may bear residues of a poisonous pesticide chemical only if:

(1) Under the provisions of the Federal Food, Drug, and Cosmetic Act a tolerance has been established for residues of the pesticide chemical, or it has been exempted from the requirement of a tolerance; and

(2) If a tolerance has been established, the residues are within the tolerance level.

Numerous tolerances for residues of pesticide chemicals—and some exemptions from the requirement of a tolerance—have been established. However, tolerances or exemptions have not been established for some pesticide chemicals that are employed in agriculture, and it is not possible at this time to determine whether tolerances will be established for them before the end of the current growing season. Some of these pesticides have been recommended by certain State officials for use on crops throughout the 1955 growing season. Agriculturists, pesticide manufacturers and distributors, and food-law enforcement officials need to know the status of these pesticides under the amendment prior to July 22, 1955, so that they will know whether the pesticides should be employed throughout the 1955 growing season.

(b) The Department of Health, Education, and Welfare is prepared to consider requests for an extension of the effective date of the law for specific pesticides. The following criteria, among others, will be used in evaluating and acting upon such requests:

(1) There should not be an extension of the effective date of the amendment for uses of pesticide chemicals for which tolerances have already been established.

(2) The effective date of the amendment should be extended for a pesticide chemical only upon a finding, based on a study of the available facts about the chemical and its toxicity, that the interests of public health will not be jeopardized by the extension.

(3) There should be evidence about the amounts of residues which remain in or on food from use of a pesticide chemical and about its chronic toxicity before an extension is granted.

(4) Extension should not be granted for a pesticide chemical which causes alarming symptoms in test animals (cancer or blood disorders, for example) in any dosage, unless experimental data show a level of feeding to test animals that is safe.

(5) Where a tolerance has been set for residues of a pesticide chemical on one or more raw agricultural commodities under the Federal Food, Drug, and Cosmetic Act, and the other criteria of this statement of policy are met, the effective date may be extended for other uses of the pesticide chemical.

(6) Extension should be granted only for uses of a pesticide chemical registered with the Department of Agriculture under the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 (61 Stat. 163; 7 U. S. C. 135) prior to the 1955 growing season (prior to May 1, 1955).

(7) Extension should be granted only to the end of the 1955 growing season, because longer extensions would result in confusion during the 1956 growing season. The principal growing season in the United States ends by October 31.

(8) Notice of the decisions of the Department on requests for extensions will be published in the FEDERAL REGISTER.

(c) Each request for an extension should be addressed to the Commissioner of Food and Drugs and should give:

(1) The name and chemical composition of the pesticide chemical for which extension is requested.

(2) A list of uses for which extension is requested and evidence that these uses were registered under the Federal Insecticide, Fungicide, and Rodenticide Act prior to May 1, 1955.

(3) Information about the amounts of residues that are expected to remain on raw agricultural commodities from these uses.

(4) Available information which indicates that these residues will not jeopardize the public health.

(5) A statement of the reason(s) a tolerance or exemption from the requirement of a tolerance has not been requested.

(d) In order that decisions on requests for extensions may be published before July 22, 1955, requests and supporting data should be received by June 27, 1955.

(e) Use during the 1955 growing season of a pesticide chemical for which extension is granted may yield a raw agricultural commodity which bears residues of the chemical. In such case, the raw agricultural commodity will not be considered adulterated within the meaning of the act even though it is marketed after the growing season, provided the commodity bearing such residues would have been legal in interstate commerce during the 1955 growing season.

(f) The Department believes that extensions beyond October 31, 1955, would lead to confusion in 1956. It recommends that States prepare spray schedules for the 1956 growing season which direct (1) pesticide uses that leave no residues at time of harvest or (2) the use only of pesticides for which tolerances have been established or exemptions granted under the Federal Food, Drug, and Cosmetic Act.

§ 3.41 *Pesticide chemicals; extended dates on which statute shall become fully effective.* (a) The amendment in clause (2) of section 402 (a) of the Federal Food, Drug, and Cosmetic Act shall become effective on the dates specified for the following pesticide chemicals:

(1) The effective date for Aramite (2-(*p-tert*-butylphenoxy) isopropyl-2-chloroethyl sulfite) shall be September 30, 1955, unless a tolerance is established for Aramite before that date, in which case the effective date shall be the date on which the regulation establishing such tolerance is published in the FEDERAL REGISTER.

(2) Effective date October 31, 1955:

Acrylonitrile: As a fumigant.
Aldrin:
- Apples, pears, and quinces.
- Avocados and papayas.
- Berries of the bramble type.
- Blueberries.
- Cherries.
- Citrus fruits (including grapefruit, lemons, oranges, and tangerines).
- Cranberries.
- Currants.
- Dates.
- Figs.
- Gooseberries.
- Grapes.
- Guavas.
- Peaches, nectarines, apricots, and mangoes.
- Pineapples.
- Plums and prunes.
- Strawberries.
- Artichokes.
- Asparagus.
- Beans (including black-eyed peas and soybeans).
- Beets (garden variety), turnips and rutabagas (including tops).
- Beets, sugar (including tops).
- Broccoli, Brussels sprouts, kohlrabi.
- Cabbage and cauliflower.
- Carrots, horseradish, parsnips, and radishes (including tops).
- Celery.
- Collards, kale, mustard greens, spinach, and Swiss chard.
- Corn, grain (including sweet, field, and popcorn).
- Corn fodder or forage.
- Cucumbers and summer squash.
- Eggplant, peppers, and pimentos.
- Endive (escarole), lettuce, and salsify.
- Melons (including cantaloupes, muskmelons, watermelons), pumpkins, winter squash.
- Okra.
- Onions (including leeks, shallots, and garlic).
- Parsley and watercress.
- Peanuts.
- Peas and cowpeas (including forage).
- Tomatoes.
- Grains (including oats, rye, barley, wheat, and rice).
- Buckwheat.
- Grain forage.
- Nuts (including pecans, almonds, hazelnuts, walnuts, hickory nuts).
- Legumes for forage (including clovers, alfalfa, soybean hay, peanut hay, and lespedeza).
- Grass crops (pasture and range grass, timothy, grass hay).
- Mint, spearmint, and peppermint.
- Sorghums.
- Sorghum forage.

Benzene hexachloride:
- Wheat.
- Oats.
- Garlic.
- Blueberries.
- Meat.
- Forage crops (alfalfa and clover).

Butoxy polypropylene glycol: In animal fly sprays.
Calcium cyanamide:
- Lettuce.
- Celery.
- Beans.
- Tomatoes.
- Potatoes.
- Cabbage and other crucifers.
- Asparagus.
- Hops.
- Small grains.
- Peas.
- Timothy hay.
- Stone fruits.

Calcium cyanide: As grain fumigant.
Carbon bisulfide: As grain fumigant.
Carbon tetrachloride: As grain fumigant.
Captan:
- Citrus fruits (grapefruit, lemons, limes, oranges, tangerines).
- Pineapples.
- Beans (green beans, lima beans, black-eyed peas).
- Peas.
- Potatoes.
- Apples, pears, quinces.
- Grapes.
- Strawberries.
- Cucumbers, summer squash.
- Eggplant, peppers.
- Melons (cantaloupes, watermelons).
- Pumpkins, winter squash.
- Tomatoes.
- Peaches, nectarines, apricots, mangoes.
- Plums, prunes.
- Celery.
- Collards, spinach.
- Lettuce.
- Cherries (sweet and sour).

Chlordane:
- Meat.
- Forage crops (including grass).
- Sweetpotatoes.
- Grains.
- Cottonseed.
- Sugarcane.

Chlorobenzilate (ethyl-4,4'-dichlorobenzilate):
- Apples.
- Pears.

Chloropicrin: As grain fumigant.
Copper carbonate, basic: Pears.
DDT:
- Forage crops (including alfalfa, clovers, peanuts, and other legumes).
- Corn and similar forage.
- Meat.
- Grain.
- Oranges.

Dieldrin:
- Avocados and papayas.
- Berries of the bramble type.
- Blueberries.
- Citrus fruits (including grapefruit, lemons, oranges, and tangerines).
- Cranberries.
- Currants.
- Dates.
- Figs.
- Gooseberries.
- Grapes.
- Guavas.
- Mangoes.
- Pineapples.
- Plums and prunes.
- Strawberries.
- Artichokes.
- Asparagus.

Beans (including black-eyed peas and soybeans).
Beets (garden variety), turnips, and rutabagas (including tops).
Beets, sugar (including tops).
Broccoli, brussels sprouts, kohlrabi.
Cabbage and cauliflower.
Carrots, horseradish, parsnips, and radishes (including tops).
Celery.
Collards, kale, mustard greens, spinach, and Swiss chard.
Corn, grain (including sweet, field, and popcorn).
Corn fodder or forage.
Cucumbers and summer squash.
Eggplant, peppers, and pimientos.
Endive (escarole), lettuce, salsify.
Melons (including cantaloupes, muskmelons, watermelons), pumpkins, and winter squash.
Okra.
Parsley and watercress.
Peanuts.
Peas and cowpeas (including forage).
Potatoes and sweetpotatoes.
Tomatoes.
Grains (including oats, rye, barley, wheat, rice).
Buckwheat.
Grain forage.
Nuts (including pecans, almonds, hazelnuts, walnuts, hickory nuts).
Legumes for forage (including clovers, alfalfa, soybean hay, peanut hay, lespedeza).
Grass crops (pasture and range grass, timothy, grass hay).
Mint, spearmint, and peppermint.
Sorghum.
Sorghum forage.

Endrin:
Cabbage.
Sugar beets.

EPN (*O*-ethyl-*O*-paranitrophenyl benzene thiophosphonate):
Grapes.
Nuts (including pecans, walnuts, and almonds).
Tomatoes.
Olives.
Onions.
Cottonseed.
Sugar beets.

Ethylene dibromide: As grain and soil fumigant.
Ethylene dichloride: As grain fumigant.
Ferbam: Almonds.

Heptachlor:
Alfalfa, clover, and sweet clover.
Beets, including sugar beets.
Cabbage, brussels sprouts, kohlrabi, and cauliflower.
Corn.
Cotton.
Pasture and range grass.
Onions.
Peanuts.
Peas.
Sugarcane.
Sweetpotatoes.
Turnips.

Hydrocyanic acid: As a fumigant for grains, dried peas and beans, and nut meats.

Karathane (2,6-dinitro-6-caprylphenyl crotonate):
Apples.
Pears.
Almonds.
Cantaloup.
Cucumbers.
Squash.

Karmex DW (3-(3,4-dichlorophenyl)-1,1-dimethyl urea): Cottonseed.

Karmex W (3-(parachlorophenyl)-1,1-dimethyl urea):
Pineapple.
Asparagus.
Onions.
Sugarcane.

Lindane:
Cranberries.
Cantaloups.
Watermelons.
Grain (from treating storage bins).
Meat.
Walnuts.
Forage crops (alfalfa, clover).
Sweetpotatoes and yams.

Malathion:
Alfalfa.
Apples.
Apricots.
Avocados.
Barley.
Beans.
Beets.
Blueberries.
Broccoli.
Brussels sprouts.
Cabbage.
Cauliflower.
Celery.
Cherries.
Citrus.
Clover.
Cranberries.
Cucumbers.
Currants.
Dandellons.
Dates.
Dewberries.
Eggplant.
Gooseberries.
Grapes.
Guavas.
Kale.
Kohlrabi.
Lettuce.
Mangoes.
Melons.
Mustard.
Oats.
Onions.
Passion fruit.
Pasture grass.
Peaches.
Pears.
Pecans.
Peas.
Peppers.
Pineapples.
Plums.
Potatoes.
Prunes.
Raspberries.
Rutabagas.
Spinach.
Squash.
Strawberries.
Sweet corn.
Tomatoes.
Turnips.
Walnuts.
Wheat.

Maleic hydrazide:
Potatoes.
Onions.

Maneb:
Almonds.
Beans.
Carrots.
Celery.
Cranberries.
Cucumbers.
Figs.
Grapes.
Onions.
Peaches.
Potatoes.
Spinach.
Tomatoes.

Methoxychlor:
Carrots.
Currants.
Gooseberries.
Pasture grasses.
Forage legumes (alfalfa, clovers, peanuts, cowpeas, soybeans).
Peanuts.
Mint.
Meat.
Grains.

Methyl bromide: As a fumigant.

Ovotran (parachlorophenyl parachlorobenzene sulfonate):
Apples.
Citrus.
Melons.
Peaches.
Pears.
Plums.
Prunes.

Parathion:
Forage crops (alfalfa, clover, peas, pangola grass, timothy, vetch).
Field crops (barley, corn, oats, wheat).
Hops.
Olives.

Phygon (2,3-dichloro-1,4-napthoquinone):
Celery.
Tomatoes.

Piperonyl butoxide: Grains (from storage treatment).

Potassium cyanate: As weed-killer spray, resulting in residues on asparagus, onions, peas, tomatoes, cottonseed, soybeans, field beans.

Sodium orthophenylphenate tetrahydrate:
Apples.
Pears.

Sulfoxide (*n*-octylsulfoxide of isosafrole): In fly sprays.

Sulphenone (parachlorophenyl phenyl sulfone):
Apples.
Pears.
Peaches.

Systox:
Apples.
Pears.
Oranges.
Lemons.
Grapefruit.
Grapes.
Strawberries.
Broccoli.
Brussels sprouts.
Cabbage.
Cauliflower.
Muskmelons.
Potatoes.
Almonds.
English walnuts.
Alfalfa.
Clover.
Hops.

TDE: Meat.

Toxaphene:
Cranberries.
Plums and prunes.
Beets.
Turnips.
Rutabagas.
Sugar beets.
Horseradish.
Parsnips.
Collards.
Kale.
Mustard greens.
Spinach.
Swiss chard.
Peppers.
Pimentos.
Cowpeas.
Grains (including oats, rye, barley, wheat, rice, sorghum grain).
Buckwheat.
Nuts (including pecans, walnuts, hazelnuts, hickory nuts).
Legumes for forage (including clovers, alfalfa, soybean hay, peanut hay, lespedeza, cowpea hay).
Grass crops (pasture and range grass, timothy, grass hay).
Grain forage (including corn and sorghum).
Sugarcane.
Meat.

Trichloroethane: As grain fumigant.

Zineb:
Pecans.
Hops.
Mushrooms.

Ziram:
Almonds.
Pecans.
Strawberries.

(b) The extensions prescribed in paragraph (a) of this section apply only to the extent that tolerances or exemptions under section 408 of the Federal Food, Drug, and Cosmetic Act shall not have been established prior to the effective dates as extended.

§ 3.42 *Pesticide chemicals; additional extended dates on which statute shall become fully effective; denial of requests for extensions.* (a) Conditions exist which necessitate the following extensions. The amendment in clause (2) of section 402 (a) of the Federal Food, Drug, and Cosmetic Act shall become effective on the dates specified for the following pesticide chemicals:

(1) Effective date October 31, 1955:
Alkyl dimethyl benzyl ammonium chloride: On apples.
Allethrin: On livestock.
Chloro IPC: Preemergence use on spinach.
Dimite: On fruits and vegetables.
Ethylene dichloride: On citrus and strawberries.
Ethylene oxide: On spices.
Piperonyl butoxide: On apples, citrus, livestock, pears, tomatoes.
Pyrethrins: On apples, citrus, grains (stored), livestock, pears, tomatoes.
Sodium dimethyldithiocarbamate: On cantaloups.
Trichloroethane: On citrus, strawberries.
(2) Effective date January 22, 1956:
Diphenyl: On citrus.

(b) Extension is not granted for the following indicated uses of the listed pesticide chemicals. Conditions do not exist that necessitate extension for these uses.

Hexamethylenetetramine: On citrus.
Methoxychlor: In milk.
Rotenone: Unspecified uses.
Sodium *O*-phenylphenate: On citrus.

(c) The extensions prescribed in paragraph (a) of this section apply only to the extent that tolerances or exemptions under section 408 of the Federal Food, Drug, and Cosmetic Act shall not have been established prior to the effective dates as extended.

(Secs. 402, 408, 68 Stat. 511, 517; 21 U. S. C. 342, 346a)

§ 3.43 *Labeling of drug preparations containing salicylates.* (a) Because salicylate preparations enjoy widespread use as analgesics and such articles are ordinarily not toxic in the amounts required for producing an analgesic action, they are frequently regarded by the public as harmless. Actually, salicylates are capable of causing injury and even death when consumed in excessive quantities. Salicylate preparations have caused a number of deaths through accidental misuse by both adults and children, which might have been avoided had the users been aware of their potential hazards.

(b) On the basis of a study and conclusions by the Medical Advisory Panel on the Accidental Ingestion and Misuse of Salicylate Preparations by Children, under date of February 14, 1955, and in the interest of protecting the public health, the following recommendations are made concerning the labeling that should be employed for salicylate preparations to meet the requirements of section 502 (f) (1) and (2) of the Federal Food, Drug, and Cosmetic Act.

(1) The labels of all packages of salicylate preparations that are labeled with directions for use should bear, clearly visible and in bold-face type, some such statement as one of the following:

(i) "Warning—Keep out of the reach of children"; or

(ii) "Warning—Keep this and all medications out of the reach of children."

(2) In lieu of specific dosage recommendations for children under three years of age, the labeling of salicylate preparations for oral use should bear a statement such as: "For children under 3 years of age, consult your physician."

(c) The labeling recommendations in paragraph (b) of this section are applicable to preparations containing aspirin, salicylamide, salicylic acid and its salts, and other salicylic acid derivatives used as analgesics, except as provided in paragraph (d) of this section.

(d) To the extent shown in this paragraph, the labeling recommendations of paragraph (b) of this section do not apply to the following preparations.

(1) Paragraph (b) (1) of this section does not apply to wintergreen oil subject to § 3.35.

(2) Paragraph (b) (1) of this section does not apply to effervescent salicylate preparations since such preparations do not lend themselves to accidental use or overdosage.

(3) Paragraph (b) (1) and (2) of this section does not apply to preparations of para-aminosalicylic acid and its salts, which are not labeled with directions for use as analgesics.

(e) This statement in no way exempts salicylate preparations from complying in all other respects with the requirements of the Federal Food, Drug, and Cosmetic Act.

(f) Copies of the recommendations adopted by the Medical Advisory Panel on the Accidental Ingestion and Misuse of Salicylate Preparations by Children, which convened on February 14, 1955, may be obtained from the Department of Health, Education, and Welfare, Food and Drug Administration, upon request.

(g) Six months will be allowed for modification of existing labeling to comply with this statement.

(Sec. 502, 52 Stat. 1050, as amended; 21 U. S. C. 352)

§ 3.44 *Pesticide chemicals; further extended dates on which statute shall become fully effective.* The amendments in clause (2) of section 402 (a) of the Federal Food, Drug, and Cosmetic Act shall become fully effective on the dates specified for the pesticide chemicals named in this section. The extensions prescribed in this section apply only to the extent that tolerances or exemptions from tolerances under section 408 of the act shall not have been established prior to the effective dates as extended. This section supersedes any extended effective dates for the same pesticide chemicals for use on the same raw agricultural commodities previously published in §§ 3.41 and 3.42. All further changes in extended effective dates on the same or other pesticide chemicals will be published as amendments to this section.

(a) (1) Effective date January 22, 1956:
Aldrin: For use on berries of the bramble type, blueberries, dates, pineapples, strawberries, beans (including black-eyed peas and soybeans), beets (sugar, including tops), broccoli, cabbage, carrots, corn, cucumbers, onions, peanuts, peas and cowpeas (including forage), tomatoes, grains (including oats, rye, barley, wheat, rice), buckwheat, grain forage, legumes for forage (including clovers, alfalfa, peanut hay), grass crops (pasture and range grass), mint (including spearmint and peppermint).
Allethrin: On livestock.
Calcium cyanide: As a grain fumigant.
Chlordane: On forage crops (including grass), sweetpotatoes, grains, cottonseed, sugarcane.
Dieldrin: On berries of the bramble type, blueberries, citrus fruits, grapes, plums and prunes, strawberries, beans (including black-eyed peas and soybeans), cabbage, corn, cucumbers, lettuce, melons (including cantaloups and muskmelons), peanuts, peas and cowpeas, potatoes and sweetpotatoes, grains (including oats, rye, barley, wheat, rice), buckwheat, grain forage, legumes for forage (including clovers, alfalfa, peanut hay), grass crops (pasture and range grass, timothy, grass hay), sorghum, sorghum forage.
Endrin: On cabbage, sugar beets.
EPN (*O*-ethyl-*O*-paranitrophenyl benzene thiophosphonate): On grapes, nuts (including pecans, walnuts, and almonds), tomatoes, olives, onions, cottonseed, sugar beets.
Ethylene dibromide: As a soil fumigant.
Ferbam: On almonds.
Hydrocyanic acid: As a fumigant for grains, dried peas and beans, and nut meats.
Lindane: On forage crops (alfalfa, clover), meat, grain (from treating storage bins).
Methoxychlor: On carrots, currants, gooseberries, pasture grasses, forage legumes (alfalfa, clovers, peanuts, cowpeas, soybeans), peanuts, mint, meat, grains.
Methyl bromide: As a fumigant.
Parathion: On forage crops (alfalfa, clover, peas, pangola grass, timothy, vetch), field crops (barley, corn, oats, wheat), hops, olives.
Phygon (2,3-dichloro-1,4-naphthoquinone): On celery, tomatoes.
Piperonyl butoxide: On apples, citrus, livestock, pears, tomatoes, grains.
Pyrethrins: On apples, citrus, grains (stored), livestock, pears, tomatoes.
Toxaphene: On cranberries, plums and prunes, beets, turnips, rutabagas, sugar beets, horseradish, parsnips, collards, kale, mustard greens, spinach, Swiss chard, peppers, pimentos, cow peas, grains (including oats, rye, barley, wheat, rice, sorghum grain), buckwheat, nuts (including pecans, walnuts, hazelnuts, hickory nuts), legumes for forage (including clovers, alfalfa, soybean hay, peanut hay, lespedeza, cow pea hay), grass crops (pasture and range grass, timothy, grass hay), grain forage (including corn and sorghum), sugarcane, meat.
Zineb: On pecans, hops, mushrooms.
Ziram: On almonds, pecans, strawberries.

(2) Effective date March 1, 1956:
Acrylonitrile: As a fumigant.
Benzene hexachloride: In meat.
Butoxypolypropylene glycol: In animal fly sprays.
Captan: Post-harvest use on potatoes.
Carbon bisulfide: As a grain fumigant.
Carbon tetrachloride: As a grain fumigant.
Chlordane: In meat.
Chloropicrin: As a grain fumigant.

Copper carbonate, basic: On pears.
DDT: In meat.
Ethylene dibromide: As a fumigant.
Ethylene dichloride: As a grain fumigant, on citrus and strawberries.
Ethylene oxide: On spices.
Malathion: On citrus.
Ovotran (*p*-chlorophenyl parachlorobenzene sulfonate): On citrus.
Sodium-orthophenylphenate tetrahydrate: On apples and pears.
Sodium-o-phenylphenate: On citrus.
TDE: In meat.
Trichloroethane: As a grain fumigant, on citrus and strawberries.

(Secs. 402, 408, 68 Stat. 511, 517; 21 U. S. C. 342, 346a)

§ 3.45 *Sterilization of drugs by irradiation.* There is a current interest in the utilization of newly developed sources of radiation for the sterilization of drugs. Prior to the marketing of a drug sterilized by such means, it is necessary in the interest of protecting the public health to establish by adequate investigations that the irradiation treatment does not cause the drug to become unsafe or otherwise unsuitable for use. Accordingly, all drug products, including injections, ophthalmic solutions, surgical sutures, and surgical dressings sterilized by means of irradiation are regarded as new drugs within the meaning of section 201 (p) of the Federal Food, Drug, and Cosmetic Act. An effective new-drug application pursuant to section 505 of the act is therefore a prerequisite to interstate shipment of such articles, except as provided by section 505 (i).

(Secs. 201, 505, 52 Stat. 1042, 1052; 21 U. S. C. 321, 355)

PART 4—OFFICIAL RECORDS AND INFORMATION

§ 4.1 *Disclosure of official records and information.* (a) No officer or employee of the Food and Drug Administration or of any other office or establishment in the Department of Health, Education, and Welfare—except as otherwise specifically authorized in accordance with paragraph (c) of this section or except in the discharge of his official duties under the laws administered by the Food and Drug Administration—shall produce or disclose to any person, or before any tribunal, directly or indirectly, whether in response to a subpoena or otherwise, any record (including any file, letter, application, report, work sheet, or other paper or document) pertaining to the functions of the Food and Drug Administration, or any information acquired from any such record or otherwise acquired in the discharge of his official duties.

(b) Whenever a subpoena or a subpoena duces tecum, in appropriate form, has been lawfully served upon an officer or employee of the Food and Drug Administration commanding the production of any such record or the giving of any such information, such officer or employee will, unless otherwise specifically authorized in accordance with paragraph (c), appear in response thereto and respectfully decline to produce the record or information specified therein, on the ground that disclosure of such record or information is prohibited by this section.

(c) A person who desires the disclosure of any such record or information may make written request therefor, verified by oath, directed to the Commissioner of Food and Drugs, setting forth his interest in the matter sought to be disclosed and specifically designating the use to which such records or information will be put in the event of compliance with such request; *Provided*, That a written request therefor made by a health, food or drug officer, prosecuting attorney or member of the judiciary of any State, Territory or political subdivision thereof, acting in his official capacity, need not be verified by oath. If it is determined by the Commissioner, or any other officer or employee of the Food and Drug Administration whom he may designate to act on his behalf for the purpose, that disclosure of any such record or information for the use so specifically designated will not be incompatible with the public interest and will not result in revealing confidential matters the request will be granted, and if testimony relating thereto is requested one or more employees of the Food and Drug Administration will be designated and directed to appear, in response to a subpoena or a subpoena duces tecum, and testify with respect thereto.

(Sec. 10, 29 Stat. 607, as amended, sec. 3, 44 Stat. 1102, sec. 9 (c) (1), 44 Stat. 1409, sec. 4, 49 Stat. 885, sec. 701 (a), 52 Stat. 1055; 15 U. S. C. 409 (c) (1), 21 U. S. C. 50, 64, 143, 371 (a))

PART 9—COLOR CERTIFICATION

Sec.

9.1 Definitions.
9.2 General specification for straight colors.
9.3 List of straight colors and specifications for their certification for use in food, drugs, and cosmetics.
9.4 List of straight colors and specifications for their certification for use in drugs cosmetics.
9.5 List of straight colors and specifications for their certification for use in externally applied drugs and cosmetics.
9.6 Mixtures which may be certified.
9.7 Sampling, storage, and packaging.
9.8 Requests for certification.
9.9 Certification.
9.10 Limitations of certificates.
9.11 Labeling.
9.12 Records of distribution.
9.13 Authority to refuse certification service.
9.14 Procedure for admitting colors to listing.
9.15 Fees.

AUTHORITY: §§ 9.1 to 9.15 issued under sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a). Interpret or apply secs. 406 (b), 504, 604, 702, 706, 52 Stat. 1049, 1052, 1055, 1056, 1058; 21 U. S. C. 346 (b), 354, 364, 372, 376.

§ 9.1 *Definitions.* For the purposes of this part:

(a) The term "coal-tar color" means articles which (1) are composed of or contain any substance derived from coal tar, or any substance so related in its chemical structure to a constituent of coal tar as to be capable of derivation from such constituent; and (2) when added or applied to a food, drug, cosmetic, or the human body or any part thereof, are capable (alone or through reaction with other substance) of imparting color thereto.

(b) The term "straight color" means a coal-tar color listed in §§ 9.3, 9.4, or 9.5, and includes such impurities and substrata as are contained in such color.

(c) The term "mixture" means a coal-tar color made by mixing two or more straight colors, or one or more straight colors and one or more diluents.

(d) The term "diluent" means any component of a coal-tar color, except a straight color.

(e) The term "pure dye" means the coal-tar dye contained in a coal-tar color, exclusive of any intermediate or other impurity, or of any diluent or substratum contained therein.

(f) The term "substratum" means the substance on which the pure dye in a lake is extended.

(g) The term "alumina" means a suspension in water of precipated aluminum hydroxide.

(h) The term "blanc fixe" means a suspension in water of precipitated barium sulfate.

(i) The term "gloss white" means a suspension in water of co-preciptated aluminum hydroxide and barium sulfate.

(j) The term "mixed oxides" means the sum of the quantities of aluminum, iron, calcium, and magnesium (in whatever combination they may exist in a coal-tar color) calculated as aluminum trioxide, ferric oxide, calcium oxide, and magnesium oxide.

(k) The term "batch" means a quantity of coal-tar color which is set apart and held as a unit for the purpose of obtaining certification of such quantity.

(l) The term "batch number" means the number assigned to a batch by the person who requests certification thereof.

(m) The term "lot number" means an identifying number or symbol assigned to a batch by the Food and Drug Administration.

(n) The term "externally applied drugs and cosmetics" means drugs and cosmetics which are applied only to external parts of the body and not to the lips or any body surface covered by mucous membrane.

(o) The authorization contained in this part for the certification of coal-tar colors shall not be considered to authorize the certification of any coal-tar color for use in any article which is applied to the area of the eye. A coal-tar color used in any such article which is so applied shall be considered to be from a batch that has not been certified in accordance with this part, even though such color is from a batch that has been certified for other use.

(p) The term "area of the eye" means the area enclosed within the circumference of the supra-orbital ridge and the infra-orbital ridge, including the eyebrow, the skin below the eyebrow, the eyelids and the eyelashes, the conjunctival sac of the eye, the eyeball, and the soft areolar tissue that lies within the perimeter of the infra-orbital ridge.

(q) The definitions and interpretations of terms contained in section 201 of the act shall be applicable also to such terms when used in this part.

§ 9.2 *General specifications for straight colors.* No batch of a straight color listed in § 9.3, § 9.4, or § 9.5 shall be certified under this part unless:

(a) It is free from all impurities (other than those named in paragraph (b) of this section or in the specifications set forth in such section for such color) to the extent that such impurities can be avoided by good manufacturing practice.

(b) It conforms to the following specifications:

(1) In the case of a straight color listed in § 9.3:

Lead (as Pb), not more than 0.001 percent.
Arsenic (as As_2O_3), not more than 0.00014 percent.
Heavy metals (except Pb and As) (by precipitation as sulfides), not more than trace.

(2) In the case of a straight color listed in § 9.4 or §9.5:

Lead (as Pb), not more than 0.002 percent.
Arsenic (as As_2O_3), not more than 0.0002 percent.
Heavy metals (except Pb and As) (by precipitation as sulfides), not more than 0.003 percent.

(3) In the case of a straight color which contains a barium salt listed in § 9.4 or § 9.5—soluble barium (in dilute HCl) (as $BaCl_2$), not more than 0.05 percent.

§ 9.3 *List of straight colors and specifications for their certification for use in food, drugs, and cosmetics.* (a) A batch of a straight color listed in this section may be certified, in accordance with the provisions of the regulations in this part, for use in food (subject to the restrictions prescribed by paragraph (c) of this section), drugs, and cosmetics, if such batch conforms to the requirements of § 9.2 and to the specifications in this section set forth for such color.

FD&C GREEN No. 1

SPECIFICATIONS

Monosodium salt of 4-[4-(N-ethyl-p-sulfobenzylamino)-diphenylmethylene] - [1 - (N-ethyl-N-p-sulfoniumbenzyl) - $\Delta^{2,5}$ - cyclohexadienimine].
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 0.5 percent.
Ether extracts, not more than 0.4 percent.
Chlorides and sulfates of sodium, not more than 6.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

FD&C GREEN No. 2

SPECIFICATIONS

Disodium salt of 4-{[4-(N-ethyl-p-sulfobenzylamino)-phenyl] - (4-sulfonium-phenyl)-methylene}-[1-(N-ethyl-N-p-sulfobenzyl)-$\Delta^{2,5}$-cyclohexadienimine].
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 0.5 percent.
Ether extracts, not more than 0.4 percent.
Chlorides and sulfates of sodium, not more than 6.0 percent.
Mixed oxides, not more than 1.0 percent.
Subsidiary dyes (as FD&C Green No. 1), not more than 5.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

FD&C GREEN No. 3

SPECIFICATIONS

Disodium salt of 4-{[4-(N-ethyl-p-sulfobenzylamino)-phenyl]-(4-hydroxy-2-sulfoniumphenyl)-methylene}-[1-(N-ethyl-N-p-sulfobenzyl)-$\Delta^{2,5}$-cyclohexadienimine].
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 0.5 percent.
Ether extracts, not more than 0.4 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Subsidiary dyes, not more than 5.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

FD&C YELLOW No. 1

SPECIFICATIONS

Disodium salt of 2,4-dinitro-1-naphthol-7-sulfonic acid.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 0.2 percent.
Ether extracts, not more than 0.1 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Martius Yellow, not more than 0.03 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

FD&C YELLOW No. 2

SPECIFICATIONS

Dipotassium salt of 2,4-dinitro-1-naphthol-7-sulfonic acid.
Volatile matter (at 135° C.), not more than 10.0 percent.
Ether extracts, not more than 0.1 percent.
Chlorides and sulfates of potassium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Martius Yellow, not more than 0.03 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

FD&C YELLOW No. 3

SPECIFICATIONS

1-Phenylazo-2-naphthylamine.
Volatile matter (at 80° C.), not more than 0.2 percent.
Sulfated ash, not more than 0.3 percent.
Water soluble matter, not more than 0.3 percent.
Matter, insoluble in carbon tetrachloride, not more than 0.5 percent.
Intermediates, not more than 0.05 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 99.0 percent.
Melting point, not less than 99° C.

FD&C YELLOW No. 4

SPECIFICATIONS

1-o-Tolylazo-2-naphthylamine.
Volatile matter (at 80° C.), not more than 0.2 percent.
Sulfated ash, not more than 0.3 percent.
Water soluble matter, not more than 0.3 percent.
Matter, insoluble in carbon tetrachloride, not more than 0.5 percent.
Intermediates, not more than 0.05 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 99.0 percent.
Melting point, not less than 120° C.

FD&C YELLOW No. 5

SPECIFICATIONS

Trisodium salt of 3-carboxy-5-hydroxy-1-p-sulfophenyl-4-p-sulfophenylazo-pyrazole.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 0.5 percent.
Ether extracts, not more than 0.3 percent.
Phenylhydrazine-p-sulfonic acid, not more than 0.1 percent.
Chlorides and sulfates of sodium, not more than 6.0 percent.
Mixed oxides, not more than 1.0 percent.
Subsidiary dyes, not more than 3.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

FD&C YELLOW No. 6

SPECIFICATIONS

Disodium salt of 1-p-sulfophenylazo-2-naphthol-6-sulfonic acid.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 0.5 percent.
Ether extracts, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Subsidiary dyes, not more than 5.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

FD&C RED No. 1

SPECIFICATIONS

Disodium salt of 1-pseudocumylazo-2-naphthol-3,6-disulfonic acid.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 0.3 percent.
Ether extracts, not more than 0.2 percent.
Pseudo-cumidine, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 6.0 percent.
Mixed oxides, not more than 1.0 percent.
Lower sulfonated dyes, not more than 5.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.
Boiling range of crude pseudo-cumidine, or of pseudo-cumidine obtained by reduction of the dye, 220–245° C.

FD&C RED No. 2

SPECIFICATIONS

Trisodium salt of 1-(4-sulfo-1-naphthylazo)-2-naphthol-3,6-disulfonic acid.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 0.5 percent.
Ether extracts, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Subsidiary dyes, not more than 4.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

FD&C RED No. 3

SPECIFICATIONS

Disodium salt of 9-o-carboxyphenyl-6-hydroxy-2, 4, 5, 7-tetraiodo-3-isoxanthone.
Volatile matter (at 135° C.), not more than 12.0 percent.
Water, insoluble matter, not more than 0.2 percent.
Ether extracts, not more than 0.1 percent.
Chlorides and sulfates of sodium, not more than 2.0 percent.
Sodium carbonate, not more than 0.5 percent.
Sodium iodide, not more than 0.4 percent.
Mixed oxides, not more than 1.0 percent.
Permitted range of organically combined iodine in pure dye, free from water of crystallization, 56.8 to 58.5 percent.
Pure dye (as determined gravimetrically), not less than 85.0 percent.

FD&C Red No. 4

SPECIFICATIONS

Disodium salt of 2-(5-sulfo-2,4-xylylazo)-1-naphthol-4-sulfonic acid.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water, insoluble matter, not more than 0.3 percent.
Ether extracts, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Subsidiary dyes, not more than 5.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

FD&C Blue No. 1

SPECIFICATIONS

Disodium salt of 4-{[4-(N-ethyl-p-sulfobenzylamino)-phenyl] - (2-sulfoniumphenyl)-methylene}-[1-(N-ethyl-N-p-sulfobenzyl)-$\Delta^{2,5}$-cyclohexadienimine].
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 0.3 percent.
Ether extracts, not more than 0.4 percent.
Chlorides and sulfates of sodium, not more than 4.0 percent.
Sodium acetate, not more than 3.0 percent.
Mixed oxides, not more than 1.0 percent.
Subsidiary dyes, not more than 5.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

FD&C Blue No. 2

SPECIFICATIONS

Disodium salt of 5, 5'-indigotindisulfonic acid.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluable matter, not more than 0.5 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 7.0 percent.
Mixed oxides, not more than 1.0 percent.
Lower sulfonated dyes, not more than 5.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

FD&C Violet No. 1

SPECIFICATIONS

Monosodium salt of 4-{[4-(N-ethyl-p-sulfobenzylamino)-phenyl]-[4-(N-ethyl-p-sulfoniumbenzylamino)-phenyl]-methylene}-(N,N-dimethyl-$\Delta^{2,5}$-cyclohexadienimine).
Volatile matter (at 135° C.), not more than 8.0 percent.
Water-insoluble matter, not more than 0.3 percent.
Ether extracts, not more than 0.4 percent.
p-Dimethylaminobenzoic acid, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 4.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.
The sum of the volatile matter, chlorides and sulfates of sodium, pure dye, and leuco base of the dye, not less than 95.0 percent.

LAKES

Any lake made by extending on a substratum of alumina, a salt prepared from one of the water soluble straight colors hereinbefore listed in this paragraph by combining such color with the basic radicle aluminum or calcium.

SPECIFICATIONS

Ether extracts, not more than 0.3 percent.
Soluble chlorides and sulfates (as sodium salts), not more than 2.0 percent.
Inorganic matter, insoluble in HCl, not more than 0.5 percent.
Intermediates, not more than 0.1 percent.

(b) Each lake made as prescribed under the caption "Lakes" in paragraph (a) of this section shall be considered to be a straight color and to be listed therein under the name which is formed as follows:
(1) The listed name of the color from which the lake is prepared;
(2) The name of the basic radicle combined in such color; and
(3) The word "Lake".
(For example, the name of a lake prepared by extending the aluminum salt prepared from FD&C Orange No. 1 upon the substratum would be FD&C Orange No. 1—Aluminum Lake.)
(c) No lake listed in paragraph (a) of this section shall be certified for any use in food except external application to shell eggs.

§ 9.4 *List of straight colors and specifications for their certification for use in drugs and cosmetics.* (a) A batch of a straight color listed in this section may be certified, in accordance with the provisions of this part, for use only in drugs and cosmetics, if such batch conforms to the requirements of § 9.2 and to the specifications set forth in this section for such color.

D&C Green No. 4

SPECIFICATIONS

Calcium salt of 4-{[4-(N-ethyl-p-sulfobenzylamino)-phenyl]-(4-sulfonium-phenyl)-methylene}-[1-(N-ethyl-N-p-sulfobenzyl)-$\Delta^{2,5}$-cyclohexadienimine].
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates (as calcium salts), not more than 5.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Subsidiary dyes (as FD&C Green No. 1), not more than 5.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

D&C Green No. 5

SPECIFICATIONS

Disodium salt of 1,4-bis(o-sulfo-p-toluino)-anthraquinone.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
1,4-Dihydroxy-anthraquinone, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 15.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 75.0 percent.

D&C Green No. 6

SPECIFICATIONS

1,4-Bis-(p-toluino)-anthraquinone.
Volatile matter (at 135° C.), not more than 2.0 percent.
Sulfated ash, not more than 1.0 percent.
Water soluble matter, not more than 0.3 percent.
Matter, insoluble in carbon tetrachloride, not more than 1.5 percent.
Intermediates, not more than 0.5 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 96.0 percent.
Melting point, not less than 210° C.

D&C Green No. 7

SPECIFICATIONS

Monosodium salt of 4-{[4-(N-ethyl-p-sulfobenzylamino)-phenyl]-(o-chlorophenyl)-methylene}-1-(N-ethyl-N-p-sulfonium-benzyl-$\Delta^{2,5}$-cyclohexadienimine).
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 8.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride, not less than 80.0 percent.

D&C Green No. 8

SPECIFICATIONS

Trisodium salt of 10-hydroxy-3,5,8-pyrene-trisulfonic acid.
Volatile matter (at 135° C.), not more than 15.0 percent.
Water insoluble matter, not more than 0.1 percent.
Chloroform extract, not more than 0.5 percent.
Pyrene, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 20.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as calculated from organically combined sulfur), not less than 65.0 percent.

D&C Yellow No. 7

SPECIFICATIONS

3,6-Fluorandiol.
Volatile matter (at 135° C.), not more than 2.0 percent.
Insoluble matter (alkaline solution), not more than 1.0 percent.
Ether extracts (from alkaline solution), not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 2.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 96.0 percent.

D&C Yellow No. 8

SPECIFICATIONS

Disodium salt 9-o-carboxyphenyl-6-hydroxy-3-isoxanthone.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 8.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

D&C Yellow No. 9

SPECIFICATIONS

Dipotassium salt of 9-o-carboxyphenyl-6-hydroxy-3-isoxanthone.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of potassium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

D&C Yellow No. 10

SPECIFICATIONS

Disodium salt of disulfonic acid of 2-(2-quinolyl)-1,3-indandione.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Quinaldine, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 6.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as calculated from organically combined nitrogen), not less than 82.0 percent.

D&C Yellow No. 11

SPECIFICATIONS

2-(2-Quinolyl)-1,3-indandione.
Volatile matter (at 135° C.), not more than 1.0 percent.
Sulfated ash, not more than 1.0 percent.
Matter insoluble in alcohol, not more than 0.5 percent.
Quinaldine, not more than 0.2 percent.
Pure dye (as calculated from organically combined nitrogen), not less than 96.0 percent.
Melting point, not less than 235° C.

D&C Red No. 5

SPECIFICATIONS

Disodium salt of 1-xylylazo-2-naphthol-3,6-disulfonic acid.
Volatile matter (at 135° C.), not more than 12.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Xylidine, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 6.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

D&C Red No. 6

SPECIFICATIONS

Monosodium salt of 4-(o-sulfo-p-tolylazo)-3-hydroxy-2-naphthoic acid.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts (Isopropyl ether), not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 2.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

D&C Red No. 7

SPECIFICATIONS

Calcium salt of 4-(o-sulfo-p-tolylazo)-3-hydroxy-2-naphthoic acid.
Volatile matter (at 135° C.), not more than 8.0 percent.
Ether extracts (Isopropyl ether), not more than 0.5 percent.
Chlorides and sulfates (as calcium salts), not more than 6.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

D&C Red No. 8

SPECIFICATIONS

Monosodium salt of 1-(4-chloro-o-sulfo-5-tolylazo)-2-naphthol.
Volatile matter (at 135° C.), not more than 10.0 percent.
Ether extracts (Isopropyl ether), not more than 0.5 percent.
Lake Red C Amine, not more than 0.2 percent.
beta-Naphthol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

D&C Red No. 9

SPECIFICATIONS

Barium salt of 1-(4-chloro-o-sulfo-5-tolylazo)-2-naphthol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Ether extracts (Isopropyl ether), not more than 0.5 percent.
Lake Red C Amine, not more than 0.2 percent.
beta-Naphthol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 6.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 87.0 percent.

D&C Red No. 10

SPECIFICATIONS

Monosodium salt of 2-(2-hydroxy-1-naphthylazo)-1-naphthalenesulfonic acid.
Volatile matter (135° C.), not more than 5.0 percent.
Ether extracts (Isopropyl ether), not more than 0.5 percent.
Tobias acid, not more than 0.2 percent.
beta-Naphthol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

D&C Red No. 11

SPECIFICATIONS

Calcium salt of 2-(2-hydroxy-1-naphthylazo)-1-naphthalenesulfonic acid.
Volatile matter (at 135° C.), not more than 5.0 percent.
Ether extracts (Isopropyl ether), not more than 0.5 percent.
Tobias acid, not more than 0.2 percent.
beta-Naphthol, not more than 0.2 percent.
Chlorides and sulfates (as calcium salts), not more than 5.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

D&C Red No. 12

SPECIFICATIONS

Barium salt of 2-(2-hydroxy-1-naphthylazo)-1-naphthalenesulfonic acid.
Volatile matter (at 135° C.), not more than 5.0 percent.
Ether extracts (Isopropyl ether), not more than 0.5 percent.
Tobias acid, not more than 0.2 percent.
beta-Naphthol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

D&C Red No. 13

SPECIFICATIONS

Strontium salt of 2-(2-hydroxy-1-naphthylazo)-1-naphthalenesulfonic acid.
Volatile matter (at 135° C.), not more than 5.0 percent.
Ether extracts (Isopropyl ether), not more than 0.5 percent.
Tobias acid, not more than 0.2 percent.
beta-Naphthol, not more than 0.2 percent.
Chlorides and sulfates (as sodium salts), not more than 5.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

D&C Red No. 14

SPECIFICATIONS

Monosodium salt of 1-o-carboxy-phenylazo-2-napthol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Ether extracts (Isopropyl ether), not more than 0.5 percent.
beta-Napthol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

D&C Red No. 15

SPECIFICATIONS

Barium salt of 1-o-carboxyphenylazo-2-naphthol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Ether extracts (Isopropyl ether), not more than 0.5 percent.
beta-Naphthol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

D&C Red No. 16

SPECIFICATIONS

Calcium salt of 1-o-carboxphyenylazo-2-naphthol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Ether extracts (Isopropyl ether), not more than 0.5 percent.
beta-Naphthol, not more than 0.2 percent.
Chlorides and sulfates (as calcium salts), not more than 5.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

D&C Red No. 17

SPECIFICATIONS

1-p-Phenylazophenylazo-2-naphthol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Insoluble matter (in toluene), not more than 3.0 percent.
Aniline, not more than 0.2 percent.
Amino-azo-benzene, not more than 0.2 percent.
beta-Naphthol, not more than 0.2 percent.
Sodium chloride, not more than 3.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

D&C Red No. 18

SPECIFICATIONS

1-Xylylazoxylylazo-2-naphthol.
Volatile matter (at 100° C.), not more than 2.0 percent.
Sulfated ash, not more than 2.0 percent.
Water soluble matter, not more than 0.5 percent.

Matter, insoluble in carbon tetrachloride, not more than 1.0 percent.
Chlorides and sulfates of sodium, not more than 1.0 percent.
Amino-azo-xylene, not more than 0.2 percent.
Xylidine, not more than 0.2 percent.
beta-Naphthol, not more than 0.2 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 95.0 percent.

D&C RED No. 19

SPECIFICATIONS

3-Ethochloride of 9-o-carboxyphenyl-6-diethylamino-3-ethylimino-3-isoxanthene.
Volatile matter (at 135° C.), not more than 5.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts (from acid solution), not more than 0.5 percent.
Diethyl-m-aminophenol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 2.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 92.0 percent.

D&C RED No. 20

SPECIFICATIONS

3-Ethoacetate of 9-o-carboxyphenyl-6-diethylamino-3-ethylimino-3-isoxanthene.
Volatile matter (at 135° C.), not more than 5.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts (from acid solution), not more than 0.5 percent.
Diethyl-m-aminophenol, not more than 0.2 percent.
Sodium acetate, not more than 2.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 92.0 percent.

D&C RED No. 21

SPECIFICATIONS

2,4,5,7-Tetrabromo-3,6-fluorandiol.
Volatile matter (at 135° C.), not more than 6.0 percent.
Insoluble matter (alkaline solution), not more than 1.0 percent.
Ether extracts (from alkaline solution), not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 2.0 percent.
Mixed oxides, not more than 1.0 percent.
Free bromine, not more than 0.02 percent.
Permitted range of organically combined bromine in pure dye, 47.5–51.5 percent.
Pure dye (as determined gravimetrically), not less than 93.0 percent.

D&C RED No. 22

SPECIFICATIONS

Disodium salt of 2,4,5,7-tetrabromo-9-o-carboxyphenyl-6-hydroxy-3-isoxanthone.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Free bromine, not more than 0.02 percent.
Permitted range of organically combined bromine in pure dye, 44.5–48.5 percent.
Pure dye (as determined gravimetrically), not less than 85.0 percent.

D&C RED No. 23

SPECIFICATIONS

Dipotassium salt of 2,4,5,7-tetrabromo-9-o-carboxyphenyl-6-hydroxy-3-isoxanthone.
Volatile matter (at 135° C.), not more than 15.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of potassium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Free bromine, not more than 0.02 percent.
Permitted range of organically combined bromine in pure dye (free from water or alcohol of crystallization), 42.0–46.0 percent.
Pure dye (as determined gravimetrically), not less than 80.0 percent.

D&C RED No. 24

SPECIFICATIONS

2,4,5,7-Tetrachloro-3,6-fluorandiol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Insoluble matter (alkaline solution), not more than 1.0 percent.
Ether extracts (from alkaline solution), nor more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 3.0 percent.
Mixed oxides, not more than 1.0 percent.
Free chlorine, not more than 0.02 percent.
Permitted range of organically combined chlorine in pure dye, 28.0–32.0 percent.
Pure dye (as determined gravimetrically), not less than 90.0 percent.

D&C RED No. 25

SPECIFICATIONS

Disodium salt of 9-o-carboxylphenyl-2,4,5,7-tetrachloro-6-hydroxy-3-isoxanthone.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Free chlorine, not more than 0.02 percent.
Permitted range of organically combined chlorine in pure dye, 26.0–29.5 percent.
Pure dye (as determined gravimetrically), not less than 85.0 percent.

D&C RED No. 26

SPECIFICATIONS

Dipotassium salt of 9-o-carboxylphenyl-2,4,5,7-tetrachloro-6-hydroxy-3-isoxanthone.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of potassium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Free chlorine, not more than 0.02 percent.
Permitted range of organically combined chlorine in pure dye, 24.5–27.5 percent.
Pure dye (as determined gravimetrically), not less than 85.0 percent.

D&C RED No. 27

SPECIFICATIONS

2,4,5,7-tetrabromo-12,13,14,15 - tetrachloro-3,6-fluorandiol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Insoluble matter (alkaline solution), not more than 1.0 percent.
Ether extracts (from alkaline solution), not more than 0.5 percent.
Sodium chloride, not more than 3.0 percent.
Mixed oxides, not more than 1.0 percent.
Free halogens, not more than 0.02 percent.
Permitted range of organically combined bromine in pure dye, 38.5–42.5 percent.
Permitted range of organically combined chlorine in pure dye, 16.0–19.0 percent.
Pure dye (as determined gravimetrically), not less than 90.0 percent.

D&C RED No. 28

SPECIFICATIONS

Disodium salt of 2,4,5,7-tetrabromo-9-(3,4,5,6-tetrachloro-o-carboxyphenyl)-6-hydroxy-3-isoxanthone.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Free halogens, not more than 0.02 percent.
Permitted range of organically combined bromine in pure dye 36.5–40.5 percent.
Permitted range of organically combined chlorine in pure dye, 16.0–18.0 percent.
Pure dye (as determined gravimetrically), not less than 85.0 percent.

D&C RED No. 29

SPECIFICATIONS

1,4,5,8,15-Pentabromo-2.7 - dicarboxy - 3,6-fluorandiol.
Volatile matter (at 135° C.), not more than 2.0 percent.
Sulfated ash, not more than 1.0 percent.
Insoluble matter (alkaline solution), not more than 0.3 percent.
Soluble matter (in 1 percent aqueous hydrochloric acid), not more than 2.0 percent.
Free bromine, not more than 0.02 percent.
Permitted range of organically combined bromine in pure dye, 47.0–51.0 percent.
Pure dye (as determined gravimetrically), not less than 95.0 percent.

D&C RED No. 30

SPECIFICATIONS

5,5'-Dichloro-3,3'-dimethyl-thioindigo.
Volatile matter (at 135° C.), not more than 5.0 percent.
Matter, insoluble in xylene, not more than 1.0 percent.
Sodium chloride, not more than 3.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

D&C RED No. 31

SPECIFICATIONS

Calcium salt of 3-hydroxy-4-phenylazo-2-naphthoic acid.
Volatile matter (at 135° C.), not more than 5.0 percent.
Ether extracts (Isopropyl ether), not more than 0.5 percent.
Aniline, not more than 0.2 percent.
Chlorides and sulfates (as calcium salts), not more than 5.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

D&C RED No. 33

SPECIFICATIONS

Disodium salt of 8-amino-2-phenylazo-1-naphthol-3,6-disulfonic acid.
Volatile matter (at 135° C.), not more than 6.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Aniline, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 10.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

D&C RED No. 34

SPECIFICATIONS

Calcium salt of 4-(1-sulfo-2-naphthylazo)-3-hydroxy-2-naphthoic acid.
Volatile matter (at 135° C.), not more than 5.0 percent.
Ether extracts, not more than 0.5 percent.
Tobias acid, not more than 0.2 percent.
Chlorides and sulfates (as calcium salts), not more than 10.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

D&C RED No. 35

SPECIFICATIONS

1-(o-Nitro-p-tolylazo)-2-napthol.
Volatile matter (at 135° C.), not more than 2.0 percent.
Sulfated ash, not more than 1.5 percent.
Matter insoluble in toluene, not more than 1.5 percent.
2-Nitro-p-toluidine, not more than 0.2 percent.
beta-Napthol, not more than 0.2 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 95.0 percent.
Melting point, not less than 272° C.

D&C RED No. 36

SPECIFICATIONS

1 - (o-Chloro-p-nitrophenylazo)-2-naphthol.
Volati' matter (at 135° C.), not more than 5.0 percent.
Sulfated ash, not more than 1.0 percent.
Matter insoluble in toluene, not more than 1.0 percent.
o-Chloro-p-nitroaniline, not more than 0.2 percent.
beta-Naphthol, not more than 0.2 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

D&C RED No. 37

SPECIFICATIONS

3-Ethostearate of 9-o-carboxyphenyl-6-diethylamino-3-ethylimino-3-isoxanthene.
Volatile matter (at 80° C.), not more than 2.0 percent.
Sulfated ash, not more than 3.0 percent.
Matter insoluble in benzene, not more than 0.5 percent.
Diethyl-m-aminophenol, not more than 0.2 percent.
Stearic acid (not part of the dye), not more than 50.0 percent.
Pure dye (as determined by titration with titanium trichloride) not less than 50.0 percent.

D&C RED No. 38

SPECIFICATIONS

3-Hydroxy-N-(m-nitrophenyl)-4-(o-nitro-p-tolylazo)-2-napthamide.
Volatile matter (at 135° C.) not more than 5.0 percent.
Sulfated ash, not more than 1.5 percent.
Matter, insoluble in nitrobenzene, not more than 0.5 percent.
2-Nitro-p-toluidine, not more than 0.2 percent.
3-Hydroxy-N-(m-nitrophenyl)-2-naphthamide, not more than 0.2 percent.
Pure dye (as calculated from organically combined nitrogen), not less than 90.0 percent.

D&C RED No. 39

SPECIFICATIONS

o-[p-(β,β'-dihydroxy-diethylamino)-phenylazo]-benzoic acid.
Volatile matter (at 100° C.), not more than 2.0 percent.
Matter insoluble in acetone, not more than 1.5 percent.
Ether extract (petroleum ether), not more than 0.5 percent.
N,N(β,β'-dihydroxy-diethyl)-aniline, not more than 0.2 percent.
Sulfated ash, not more than 1.5 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 95.0 percent.

D&C ORANGE No. 3

SPECIFICATIONS

Disodium salt of 1-phenylazo-2-napthol-6,8-disulfonic acid.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Aniline, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 8.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

D&C ORANGE No. 4

SPECIFICATIONS

Monosodium salt of 1-p-sulfophenylazo-2-naphthol.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
beta-Naphthol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

D&C ORANGE No. 5

SPECIFICATIONS

4,5-Dibromo-3,6-fluorandiol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Insoluble matter (alkaline solution), not more than 1.0 percent.
Ether extracts (from alkaline solution), not more than 0.5 percent.
Sodium chloride, not more than 3.0 percent.
Mixed oxides, not more than 1.0 percent.
Free bromine, not more than 0.02 percent.
Permitted range of organically combined bromine in pure dye, 31.0–35.0 percent.
Pure dye (as determined gravimetrically), not less than 90.0 percent.

D&C ORANGE No. 6

SPECIFICATIONS

Disodium salt of 4,5-dibromo-9-o-carboxyphenyl-6-hydroxy-3-isoxanthone.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Free bromine, not more than 0.02 percent.
Permitted range of organically combined bromine in pure dye, 28.0–32.0 percent.
Pure dye (as determined gravimetrically), not less than 85.0 percent.

D&C ORANGE No. 7

SPECIFICATIONS

Dipotassium salt of 4,5-dibromo-9-o-carboxyphenyl-6-hydroxy-3-isoxanthone.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of potassium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Free bromine, not more than 0.02 percent.
Permitted range of organically combined bromine in pure dye, 26.0–30.0 percent.
Pure dye (as determined gravimetrically), not less than 85.0 percent.

D&C ORANGE No. 8

SPECIFICATIONS

4,5-Dichloro-3,6-fluorandiol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Insoluble matter (alkaline solution), not more than 1.0 percent.
Ether extracts (from alkaline solution), not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 3.0 percent.
Mixed oxides, not more than 1.0 percent.
Free chlorine, not more than 0.02 percent.
Permitted range of organically combined chlorine in pure dye, 16.0–19.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

D&C ORANGE No. 9

SPECIFICATIONS

Disodium salt of 9-o-carboxyphenyl-4,5-dichloro-6-hydroxy-3-isoxanthone.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Free chlorine, not more than 0.02 percent.
Permitted range of organically combined chlorine in pure dye, 14.5–17.5 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

D&C ORANGE No. 10

SPECIFICATIONS

4,5-Diiodo-3,6-fluorandiol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Insoluble matter (alkaline solution), not more than 1.0 percent.
Ether extracts (from alkaline solution), not more than 0.5 percent.
Sodium chloride, not more than 3.0 percent.
Mixed oxides, not more than 1.0 percent.
Free iodine, not more than 0.05 percent.
Permitted range of organically combined iodine in pure dye, 41.5–45.5 percent.
Pure dye (as determined gravimetrically), not less than 85.0 percent.

D&C ORANGE No. 11

SPECIFICATIONS

Disodium salt of 9-o-carboxyphenyl-6-hydroxy-4,5-diiodo-3-isoxanthone.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 3.0 percent.
Mixed oxides, not more than 1.0 percent.
Free iodine, not more than 0.05 percent.
Permitted range of organically combined iodine in pure dye, 38.5–42.5 percent.
Pure dye (as determined gravimetrically), not less than 85.0 percent.

D&C ORANGE No. 12

SPECIFICATIONS

Dipotassium salt of 9-o-carboxyphenyl-6-hydroxy-4,5-diiodo-3-isoxanthone.

Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of potassium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Free iodine, not more than 0.05 percent.
Permitted range of organically combined iodine in pure dye, 36.5–40.5 percent.
Pure dye (as determined gravimetrically), not less than 85.0 percent.

D&C Orange No. 13

SPECIFICATIONS

Diammonium salt of 9-o-carboxyphenyl-6-hydroxy-4,5-diiodo-3-isoxanthone.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of ammonium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Free iodine, not more than 0.05 percent.
Permitted range of organically combined iodine in pure dye, 39.0–43.0 percent.
Pure dye (as determined gravimetrically), not less than 85.0 percent.

D&C Orange No. 14

SPECIFICATIONS

4,5,15-Tribromo-2,7-dicarboxy - 3,6-fluorandiol.
Volatile matter (at 135° C.), not more than 2.0 percent.
Sulfated ash, not more than 1.0 percent.
Insoluble matter (alkaline solution), not more than 0.3 percent.
Soluble matter (in 1 percent aqueous hydrochloric acid), not more than 2.0 percent.
Free bromine, not more than 0.02 percent.
Permitted range of organically combined bromine in pure dye 36.0–40.0 percent.
Pure dye (as determined gravimetrically), not less than 95.0 percent.

D&C Orange No. 15

SPECIFICATIONS

1,2-Anthraquinonediol.
Volatile matter (at 135° C.), not more than 2.0 percent.
Water soluble matter, not more than 1.5 percent.
Ether insoluble matter, not more than 1.0 percent.
Sodium chloride, not more than 1.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined gravimetrically), not less than 95.0 percent.
Melting point, not less than 285° C.

D&C Orange No. 16

SPECIFICATIONS

4,5-Dibromo-2,7-diiodo-3,6-fluorandiol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Insoluble matter (alkaline solution), not more than 1.0 percent.
Ether extracts (alkaline solution), not more than 0.5 percent.
Sodium chloride, not more than 3.0 percent.
Mixed oxides, not more than 1.0 percent.
Free halogens, not more than 0.05 percent.
Permitted range of organically combined bromine in pure dye, 20.0–23.0 percent.
Permitted range of organically combined iodine in pure dye, 32.0–36.0 percent.
Pure dye (as determined gravimetrically), not less than 90.0 percent.

D&C Orange No. 17

SPECIFICATIONS

1-(2,4-Dinitrophenylazo)-2-naphthol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Sulfated ash, not more than 1.0 percent.
Matter insoluble in toluene, not more than 1.5 percent.
2,4-Dinitroaniline, not more than 0.2 percent.
beta-Naphthol, not more than 0.2 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

D&C Brown No. 1

SPECIFICATIONS

Monosodium salt of 4-p-sulfophenylazo-2-(2,4-xylylazo)-1,3-resorcinol.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
m-Xylidine, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 6.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

D&C Blue No. 4

SPECIFICATIONS

Diammonium salt of 4-{[4-(N-ethyl-p-sulfobenzylamino) - phenyl] - (2 - sulfoniumphenyl)-methylene}-[1-(N-ethyl-N-p-sulfobenzyl)-$\Delta^{2,5}$-cyclohexadienimine].
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of ammonium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

D&C Blue No. 5

SPECIFICATIONS

Monosodium salt of 1-methylamino-4-(o-sulfo-p-toluino)-anthraquinone.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 8.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as calculated from organically combined nitrogen or sulphur), not less than 80.0 percent.

D&C Blue No. 6

SPECIFICATIONS

Indigotin.
Volatile matter (at 135° C.), not more than 5.0 percent.
Sulfated ash, not more than 2.0 percent.
Matter, insoluble in dichlorhydrin, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Pure dye (as determined by titration with titanium trichloride) not less than 95.0 percent.

D&C Blue No. 7

SPECIFICATIONS

Monosodium salt of 4-{[4-(N-ethyl-benzylamino)-phenyl]-(5 - hydroxy-4-sulfo-2-sulfoniumphenyl) - methylene}-(N - ethyl - N-benzyl-$\Delta^{2,5}$-cyclohexadienimine).
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
m-Nitro-benzaldehyde, not more than 0.2 percent.
Benzylethylaniline, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 8.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

D&C Blue No. 8

SPECIFICATIONS

Calcium salt of 4-{[4-(N-ethylbenzylamino) - phenyl]-(5-hydroxy-4-sulfo - 2 - sulfoniumphenyl) - methylene} - (N-ethyl-N-benzyl-$\Delta^{2,5}$-cyclohexadienimine).
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
m-Nitro-benzaldehyde, not more than 0.2 percent.
Benzylethylaniline, not more than 0.2 percent.
Chlorides and sulfates (as calcium salts), not more than 8.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

D&C Blue No. 9

SPECIFICATIONS

3,3'-Dichloroindanthrene.
Volatile matter (at 135° C.), not more than 1.0 percent.
Sulfated ash, not more than 1.0 percent.
2-Amino anthraquinone, not more than 0.2 percent.
Matter extractable by alcoholic HCL, not more than 1.0 percent.
Permitted range of organically combined chlorine in pure dye, 13.0–14.8 percent.
Pure dye (as calculated from organically combined nitrogen), not less than 97.0 percent.

D&C Black No. 1

SPECIFICATIONS

Disodium salt of 8-amino-7-p-nitrophenylazo-2-phenylazo-1-naphthol-3,6- disulfonic acid.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Aniline, not more than 0.2 percent.
p-Nitroaniline, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 10.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

D&C Violet No. 2

SPECIFICATIONS

1-Hydroxy-4-p-toluino-anthraquinone.
Volatile matter (at 135° C.) not more than 2.0 percent.
Sulfated ash, not more than 1.0 percent.
Matter insoluble in carbon tetrachloride, not more than 1.5 percent.
p-Toluidine, not more than 0.2 percent.
Pure dye (as calculated from organically combined nitrogen), not less than 96.0 percent.
Melting point, not less than 185° C.

Lakes

Any lake, other than those listed in § 135.3, made by extending on a substratum of alumina, blanc fixe, gloss white, clay, titanium dioxide, zinc oxide, talc, rosin, aluminum benzoate, or any combination of two or more of these, (1) one of the straight colors (except lakes) listed in § 135.3 or hereinbefore listed in this paragraph, which color is a salt in which is combined the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium; or (2) a salt prepared from one of the straight colors (except lakes) listed in § 135.3, or hereinbefore listed in this paragraph, by combining such color with the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium.

SPECIFICATIONS

Ether extracts, not more than 0.5 percent.
Soluble chlorides and sulfates (as sodium salts), not more than 3.0 percent.
Intermediates, not more than 0.2 percent.

(b) Each lake made as prescribed under the caption "Lakes" in paragraph (a) of this section shall be considered to be a straight color and to be listed therein under the name which is formed as follows:

(1) The listed name of the color from which the lake is prepared, except that if such name contains the symbol "FD&C" such symbol shall be changed to "D&C";

(2) The name of the basic radicle combined in such color; and

(3) The word "Lake."

(For example, the name of a lake prepared by extending the color D&C Red No. 9 upon a substratum is "D&C Red No. 9—Barium Lake", and a lake prepared by extending the aluminum salt prepared from FD&C Green No. 1 upon a substratum other than alumina is "D&C Green No. 1—Aluminum Lake".)

§ 9.5 *List of straight colors and specifications for their certification for use in externally applied drugs and cosmetics.* (a) A batch of a straight color listed in this section may be certified, in accordance with the provisions of this part, for use in externally applied drugs and cosmetics, if such batch conforms to the requirements of § 9.2 and to the specifications set forth in this section for such color.

Ext D&C Yellow No. 1

SPECIFICATIONS

Monosodium salt of 4-m-sulfophenylazo-diphenylamine.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Chloroform soluble matter, not more than 0.5 percent.
Diphenylamine, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 7.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

Ext D&C Yellow No. 2

SPECIFICATIONS

Calcium salt of 4-m-sulfophenylazo-diphenylamine.
Volatile matter (at 135° C.), not more than 10.0 percent.
Chloroform soluble matter, not more than 0.5 percent.
Diphenylamine, not more than 0.2 percent.
Chlorides and sulfates (as calcium salts), not more than 5.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

Ext D&C Yellow No. 3

SPECIFICATIONS

Monsodium salt of 5-hydroxy-3-methyl-4-phenylazo-1-p-sulfophenyl-pyrazole.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Aniline, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 6.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

Ext D&C Yellow No. 4

SPECIFICATIONS

Monosodium salt of 1-(4-chloro-o-sulfophenyl)-5-hydroxy-3-methyl-4 - [p - (p-tolylsulfonoxy)-phenylazo]-pyrazole.
Volatile matter (at 135° C.), not more than 5.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
p-Aminophenol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 10.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

Ext D&C Yellow No. 5

SPECIFICATIONS

alpha - (o - Nitro - p - tolylazo) - acetoacetanilide.
Volatile matter (at 135° C.), not more than 2.0 percent.
Sulfated ash, not more than 1.0 percent.
Matter insoluble in toluene, not more than 1.0 percent.
2-Nitro-p-toluidine, not more than 0.2 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 96.0 percent.
Melting point, not less than 250° C.

Ext D&C Yellow No. 6

SPECIFICATIONS

Disodium salt of 5-(para-sulfo-phenylazo)-salicylic acid.
Volatile matter (at 135° C.), not more than 3.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Sulfanilic acid, not more than 0.2 percent.
Salicylic acid, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 15.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

Ext D&C Red No. 1

SPECIFICATIONS

Disodium salt of 8-acetamido-2-p-acetamidophenyazo-1-naphthol - 3,6 - disulfonic acid.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
p-Amino acetanilid, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 6.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

Ext D&C Red No. 2

SPECIFICATIONS

Trisodium salt of 1-o-carboxyphenylazo-2-naphthol-3,6 disulfonic acid.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

Ext D&C Red No. 3

SPECIFICATIONS

Disodium salt of 9-o-carboxyphenyl-6-(4-sulfo - o-toluino)-3-o-tolylimino - 3 - isoxanthene.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
o-Toluidine, not more than 0.2 percent.
Mixed oxides, not more than 1.0 percent.
Chlorides and sulfates of sodium, not more than 10.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

Ext D&C Red No. 4

SPECIFICATIONS

12,15-Dichloro-2,4,5,7-tetraiodo-3,6-fluorandiol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Insoluble matter (alkaline solution), not more than 1.0 percent.
Ether extracts (from alkaline solution), not more than 0.5 percent.
Sodium chloride, not more than 3.0 percent.
Mixed oxides, not more than 1.0 percent.
Free halogens, not more than 0.02 percent.
Permitted range of organically combined iodine in pure dye, 54.0–58.0 percent.
Permitted range of organically combined chlorine in pure dye, 7.0–8.5 percent.
Pure dye (as determined gravimetrically), not less than 90.0 percent.

Ext D&C Red No. 5

SPECIFICATIONS

Disodium salt of 9-(3,6 dichloro-o-carboxyphenyl) - 6-hydroxy - 2,4,5,7-tetraiodo-3-isoxanthone.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 7.0 percent.
Mixed oxides, not more than 1.0 percent.
Free halogens, not more than 0.02 percent.
Permitted range of organically combined iodine in pure dye, 51.5–55.5 percent.
Permitted range of organically combined chlorine in pure dye, 6.8–8.3 percent.
Pure dye (as determined gravimetrically), not less than 85.0 percent.

Ext D&C Red No. 6

SPECIFICATIONS

Dipotassium salt of 9-(3,6-dichloro-o-carboxyphenyl)-6 - hydroxy-2,4,5,7-tetraiodo-3-isoxanthone.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of potassium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Free halogens, not more than 0.02 percent.
Permitted range of organically combined iodine in pure dye, 50.0–54.0 percent.
Permitted range of organically combined chlorine in pure dye, 6.5–8.0 percent.
Pure dye (as determined gravimetrically), not less than 85.0 percent.

EXT D&C RED No. 7

SPECIFICATIONS

Monosodium salt of 3,4-dihydroxy-2-anthroquinonesulfonic acid.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Chlorides and sulfates of sodium, not more than 6.0 percent.
Mixed oxides, not more than 1.0 percent.
Free acid as H_2SO_4, not more than 0.01 percent.
Pure dye (by spectrophotometric determination), not less than 82.0 percent.

EXT D&C RED No. 8

SPECIFICATIONS

Monosodium salt of 4-(2-hydroxy-1-naphthylazo)-1-naphthalenesulfonic acid.
Volatile matter (at 135° C.), not more than 5.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
beta-Naphthol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

EXT D&C RED No. 9

SPECIFICATIONS

Calcium salt of 2-(1-napthylazo)-1-naphthol-5-sulfonic acid.
Volatile matter (at 135° C.), not more than 5.0 percent.
Ether extracts, not more than 0.5 percent.
alpha-Naphthylamine, not more than 0.2 percent.
Chlorides and sulfates (as calcium salts), not more than 5.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

EXT D&C RED No. 10

SPECIFICATIONS

Disodium salt of 2-(4-sulfo-1-naphthylazo)-1-naphthol-4-sulfonic acid.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

EXT D&C RED No. 11

SPECIFICATIONS

Disodium salt of 8-acetamido-2-phenylazo-1-naphthol-3,6-disulfonic acid.
Volatile matter (at 135° C.), not more than 5.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Aniline, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 10.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

EXT D&C RED No. 12

SPECIFICATIONS

Barium salt of 1-(3-sulfo-2-tolylazo)-2-naphthol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Ether extracts, not more than 0.5 percent.
beta-Naphthol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

EXT D&C RED No. 13

SPECIFICATIONS

Disodium salt of 1-p-phenylazo-phenylazo-2-naphthol-6,8-disulfonic acid.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Aniline, not more than 0.2 percent.
p-Aminoazobenzene, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 8.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

EXT D&C RED No. 14

SPECIFICATIONS

1-Xylylazo-2-naphthol.
Volatile matter (at 100° C.), not more than 0.5 percent.
Sulfated ash, not more than 0.3 percent.
Water-soluble matter, not more than 0.3 percent.
Matter insoluble in carbon tetrachloride, not more than 0.5 percent.
Xylidene, not more than 0.1 percent.
β-Naphthol, not more than 0.05 percent.
m-Xylidine in xylidine obtained by reduction of the dye, not more than 30.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 97.0 percent.
Boiling range of xylidine, obtained by reduction of the dye, 95 percent between 212°–232° C.

EXT D&C BLUE No. 1

SPECIFICATIONS

3-Methochloride of 9-dimethylamino-3-methylimino-3-isophenothiazine.
Volatile matter (at 110° C.), not more than 16.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Dimethyl aniline, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 2.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

EXT D&C BLUE No. 2

SPECIFICATIONS

Zinc chloride double salt of 3-methochloride of 9-dimethylamino-3-methylimino-3-isophenothiazine.
Volatile matter (at 110° C.), not more than 15.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Dimethyl aniline, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 2.0 percent.
Zinc chloride (not a part of the dye), not more than 1.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

EXT D&C BLUE No. 3

SPECIFICATIONS

Monosodium salt of 4-{[4-(N-ethyl-benzylamino) - phenyl] - [p - sulfo-o-sulfoniumphenyl]-methylene}-(N-ethyl-N-benzyl-$\Delta^{2,5}$-cyclohexadienimine).
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Benzylethylaniline, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 8.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

EXT D&C BLUE No. 4

SPECIFICATIONS

Disodium salt of 4,8-diamino-1,5-dihydroxy-2,6-anthraquinone disulfonic acid.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 10.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as calculated from organically combined sulfur or nitrogen), not less than 80.0 percent.

EXT D&C BLUE No. 5

SPECIFICATIONS

1,4-Bis(amylamino)-anthraquinone.
Volatile matter (at 100° C.), not more than 2.0 percent.
Insoluble matter in carbon tetrachloride, not more than 1.0 percent.
Sulfated ash, not more than 0.5 percent.
Amylamine, not more than 0.2 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 96.0 percent.

EXT D&C BLACK No. 1

SPECIFICATIONS

Disodium salt of 8-anilino-5-[4-(5-sulfo-1-naphthylazo)-1-naphthylazo] -1-naphthalenesulfonic acid.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
alpha-Naphthylamine, not more than 0.2 percent.
5-(4-Amino-1-naphthylazo)-1-naphthalene sulfonic acid, not more than 2.0 percent.
Chlorides and sulfates of sodium, not more than 10.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

EXT D&C GREEN No. 1

SPECIFICATIONS

Ferric salt of 6-sodiumsulfo-1-isonitroso-1,2-naphthoquinone.
Volatile matter (at 135° C.), not more than 10.0 percent.
Ether extracts, not more than 0.5 percent.
Water insoluble matter, not more than 1.0 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

EXT D&C VIOLET No. 1

SPECIFICATIONS

Disodium salt of 1.5-bis(o-sulfo-p-toluino)-anthraquinone.

Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
p-Toluidine, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 8.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

EXT D&C VIOLET No. 2

SPECIFICATIONS

Monosodium salt of 1-hydroxy-4-(o-sulfo-p-toluino)-anthraquinone.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
p-Toluidine, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 8.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

EXT D&C ORANGE No. 1

SPECIFICATIONS

alpha-(o-Nitro-p-anisylazo)-o-aceto-acetotoluide.
Volatile matter (at 135° C.), not more than 2.0 percent.
Sulfated ash, not more than 1.0 percent.
Matter insoluble in toluene, not more than 1.0 percent.
2-Nitro-p-anisidine, not more than 0.2 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 96.0 percent.
Melting point, not less than 210° C.

EXT D&C ORANGE No. 2

SPECIFICATIONS

4,5-Dinitro-3,6-fluorandiol.
Volatile matter (at 100° C.), not more than 5.0 percent.
Ether extracts (alkaline solution), not more than 0.5 percent.
Sulfated ash, not more than 1.0 percent.
Insoluble matter (alkaline solution), not more than 1.0 percent.
Range of organically combined nitrogen in pure dye, 6.45 to 6.80 percent.
Pure dye (as determined gravimetrically), not less than 92.0 percent.

EXT D&C ORANGE No. 3

SPECIFICATIONS

Monosodium salt of 4-*p*-sulfophenylazo-1-naphthol.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water-insoluble matter, not more than 0.3 percent.
Ether extracts, not more than 0.2 percent.
α-Naphthol, not more than 0.1 percent.
Chlorides and sulfates of sodium, not more than 4.0 percent.
Mixed oxides, not more than 1.0 percent.
Orange II, not more than 5.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

EXT D&C ORANGE No. 4

SPECIFICATIONS

1-o-Tolylazo-2-naphthol.
Volatile matter (at 100° C.), not more than 0.5 percent.
Sulfated ash, not more than 0.3 percent.
Water-soluble matter, not more than 0.3 percent.
Matter insoluble in carbon tetrachloride, not more than 0.5 percent.
o-Toluidine, not more than 0.05 percent.
β-Naphthol, not more than 0.05 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 98.0 percent.
Melting point, not less than 128.0° C.

LAKES

Any lake made by extending on a substratum of alumina, blanc fixe, gloss white, clay, titanium dioxide, zinc oxide, talc, rosin, aluminum benzoate, or on any combination of two or more of these (1) one of the straight colors hereinbefore listed in this paragraph, which color is a salt in which is combined the basic radicle sodium, potassium, barium, or calcium; or (2) a salt prepared from one of the straight colors hereinbefore listed in this paragraph by combining such color with the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium.

SPECIFICATIONS

Ether extracts, not more than 0.5 percent.
Soluble chlorides and sulfates (as sodium salts), not more than 3.0 percent.
Intermediates, not more than 0.2 percent.

(b) Each lake made as prescribed under the caption "Lakes" in paragraph (a) of this section shall be considered to be a straight color and to be listed therein under the name which is formed as follows:

(1) The listed name of the color from which the lake is prepared;

(2 The name of the basic radicle combined in such color; and

(3) The word "Lake."

(For example, the name of a lake prepared by extending the color Ext D&C Yellow No. 2 upon a substratum is "Ext D&C Yellow No. 2—Calcium Lake," and a lake prepared by extending the barium salt prepared from Ext D&C Red No. 2 upon the substratum is "Ext D&C Red No. 2—Barium Lake.")

§ 9.6 *Mixtures which may be certified.* (a) A batch of a mixture which contains no straight color listed in § 9.4 or § 9.5 may be certified in accordance with the provisions of the regulations in this part, for use in food (subject to the restrictions prescribed in paragraph (d) of this section), drugs, and cosmetics, if:

(1) Each coal-tar color used as an ingredient in mixing such batch is from a previously certified batch and such color has not changed in composition in any manner whatever since such previous certification, except by mixing into such batch of mixture;

(2) Each diluent in such batch of mixture is harmless and suitable for use therein; and

(3) No diluent (except resins, natural gum, pectin and, in the case of mixtures which are aqueous solutions or aqueous pastes, sodium benzoate in a quantity of not more than 1/10 of 1 percent) in such mixture is a non-nutritive substance, unless such mixture is for external application to shell eggs, or for use in coloring a food specified in the requests for certification of such batch submitted in accordance with § 9.8 (c), and such diluent, in the usual process of manufacturing such food, is removed and does not become a component of such food.

(b) A batch of a mixture which contains no straight color listed in § 9.5, or which contains a diluent not permitted by paragraph (a) (3) of this section, may be certified in accordance with the provisions of this part, for use only in drugs and cosmetics, if:

(1) Each coal-tar color used as an ingredient in mixing such batch is from a previously certified batch and such color has not changed in composition in any manner whatever since such previous certification, except by mixing into such batch of mixture.

(2) Each diluent in such batch of mixture is harmless and suitable for use therein.

(c) A batch of a mixture which contains a straight color listed in § 9.5 may be certified in accordance with the provisions of this part, for use only in externally applied drugs and cosmetics, if:

(1) Each coal-tar color used as an ingredient in mixing such batch is from a previously certified batch and such color has not changed in composition in any manner whatever since such previous certification, except by mixing into such batch of mixture; and

(2) Each diluent in such batch of mixture is harmless and suitable for use therein.

(d) No mixture which contains a lake listed in § 9.3 shall be certified for any use in food except external application to shell eggs.

§ 9.7 *Sampling, storage, and packaging.* (a) A sample of a coal-tar color which is to accompany a request for certification submitted in accordance with § 9.8 shall be taken from the batch covered by such request only after such batch has been so thoroughly mixed as to be of uniform composition throughout. Immediately after such sample is taken it shall be closed in a package of such kind as to prevent change in the composition of such sample. Such package shall be labeled to show conspicuously the name and post office address of the person submitting such request, the name of such color, and the batch number and quantity of such batch.

(b) Immediately after such sample is taken such batch shall be stored in containers of such kind as to prevent change in the composition of such color, or closed in packages for shipment or delivery, and so held until such batch is certified or certification thereof is refused. If such batch is certified and at the time of certification such batch or any part thereof is so stored such storage shall be maintained until such batch or part is:

(1) Closed in such packages.

(2) Used by the person who obtained such certification as an ingredient in a batch of a mixture on which such person submits a request for certification in accordance with § 9.8, or

(3) Used by such person in coloring a food, drug, or cosmetic, in accordance with the use for which such batch was certified.

(c) The package in which a coal-tar color is closed for shipment or delivery shall be of such kind as to prevent change in the composition of such color, and shall be so closed or sealed that such package cannot be opened without destroying such package or seal.

(d) For the purposes of this part an unavoidable change in the moisture content of a coal-tar color caused by ordinary and customary exposure that occurs in good storage packing, and distribution practice, shall not be considered to be a change in the composition of such color.

§ 9.8 *Requests for certification.* (a) A request for certification of a batch of a coal-tar color shall be addressed to the Food and Drug Administration, Department of Health, Education and Welfare, Washington 25, D. C. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

(b) Except in the case of a request submitted under paragraph (d) of this section, a person who requests the certification of a batch of a straight color shall submit as part of his request statements showing:

(1) Whether or not he manufactured such batch, and if he did not, the name and post office address of the manufacturer thereof;

(2) The name of such color, as listed in § 9.3, § 9.4, or § 9.5, and the batch number and quantity of such batch;

(3) In the case of a lake, the process whereby such lake is made, including the name or names of the substrata present and the quantity thereof used for such batch.

Such request shall be accompanied by a ¼-pound sample taken from such batch and accurately representative thereof, and by payment of the fee prescribed by § 9.15 (a) (1). Such person shall submit such additional information and samples as the Food and Drug Administration may require for the purpose of determining whether or not such batch complies with the requirements laid down by § 9.9 (a) for the issuance of a certificate.

(c) Except in the case of a request submitted under paragraph (d) of this section, a person who requests certification of a batch of a mixture shall submit as part of his request statements:

(1) To the effect that he mixed such batch;

(2) Showing the name of such mixture, and the batch number and quantity of such batch;

(3) Showing the lot number of each coal-tar color used as an ingredient in mixing such batch, the quantity of such color so used, and that such color has not changed in composition in any manner whatever since certification, except by mixing into such batch;

(4) Showing the name, quality, and quantity of each diluent used as an ingredient in mixing such batch;

(5) In case such mixture contains a diluent permitted by § 9.6 (a) (3) only because such mixture is for use in coloring shell eggs or such diluent does not become a component of a food colored by such mixture, specifying the name of the food for which such mixture is used;

(6) Describing fully the process of mixing, with special reference to the precautions taken to render such batch uniform in composition.

Such request shall be accompanied by a ⅛-pound sample (or if the mixture contains 2 percent or less of pure dye, a ¼-pound sample) taken from such mixed batch and accurately representative thereof, and by payment of the fee prescribed by § 9.15 (a) (2). Such person shall submit such additional information and samples as the Food and Drug Administration may require for the purpose of determining whether or not such mixed batch complies with the requirements laid down by § 9.9 (a) for the issuance of a certificate.

(d) A person who requests the certification of a batch made by repacking a coal-tar color from a batch previously certified under this part, shall submit as part of his request statements:

(1) To the effect that he made the batch on which he requests certification by repacking such color, and that such color has not changed in composition in any manner whatever since such previous certification; and

(2) Showing the lot number of such previously certified batch, the name of such repacked color, and the batch number and quantity of such repacked batch. Such request shall be accompanied by a ⅛-pound sample taken from such repacked batch and accurately representative thereof, and by payment of the fee prescribed by § 9.15 (a) (2). Such person shall submit such additional information and samples as the Food and Drug Administration may require for the purpose of determining whether or not such repacked batch complies with the requirements of § 9.9 (a) for the issuance of a certificate.

§ 9.9 *Certification.* (a) If the Food and Drug Administration determines, after such investigation as it considers to be necessary, that:

(1) A request submitted in accordance with § 9.8 appears to contain no untrue statement of a material fact;

(2) In the case of a straight color, such color conforms to the specifications set forth therefor in §§ 9.2, 9.3, 9.4, and 9.5;

(3) In the case of a mixture containing a diluent, such diluent is harmless and suitable for use therein; and

(4) The batch covered by such request otherwise appears to comply with this part, the Food and Drug Administration shall issue to the person who submitted such request a certificate showing the lot number assigned to such batch and that such batch, subject to the terms, conditions, and restrictions prescribed by § 9.10, is a certified batch for use in food, drugs, and cosmetics, or for use only in drugs and cosmetics, or for use only in externally applied drugs and cosmetics, as the case may be.

(b) If the Food and Drug Administration determines, after such investigation as it considers to be necessary, that a request submitted in accordance with § 9.8, or the batch of coal-tar color covered by such request, does not comply with the requirements laid down by paragraph (a) of this section for the issuance of a certificate, the Food and Drug Administration shall refuse to certify such batch and shall give notice thereof to the person who submitted such request, stating its reasons for refusal.

§ 9.10 *Limitations of certificates.* (a) If a certificate is obtained through fraud or misrepresentation of a material fact, such certificate shall not be effective, and coal-tar color from the batch on which such certificate was issued shall be considered to be from a batch that has not been certified in accordance with this part.

(b) If, between the time a sample of coal-tar color accompanying a request for certification is taken and the time a certificate covering the batch of such color is received by the person to whom it is issued, any such color becomes changed in composition in any manner whatever, such certificates shall not be effective with respect to such changed color, and such changed color shall be considered to be from a batch that has not been certified in accordance with this part.

(c) If, at any time after a certificate is received by the person to whom it is issued, any color from the batch covered by such certificate becomes changed in composition in any manner whatever, such certificate shall expire with respect to such changed color. After such expiration such color shall be considered to be from a batch that has not been certified in accordance with this part; except that such color shall not be so considered for the purpose of certifying a batch of a mixture in which such color was used as an ingredient, if such change resulted solely from such use.

(d) A certificate shall expire with respect to any coal-tar color covered thereby if the package in which such color was closed for shipment or delivery is opened, unless opened solely for repacking by the person to whom such certificate was issued. After such expiration such color shall be considered to be from a batch that has not been certified in accordance with this part; except that such color shall not be so considered:

(1) When such color is used, subject to the restrictions prescribed by paragraphs (f), (g), and (h) of this section, in coloring a food, drug, or cosmetic;

(2) For the purpose of certifying a batch made by repacking such color; or

(3) For the purpose of certifying a batch of a mixture in which such color is used as an ingredient.

(e) A certificate shall not be effective with respect to a package of coal-tar color, and such color shall be considered to be from a batch that has not been certified in accordance with this part, if such package is shipped or delivered under a label which does not bear all words, statements, and other information required by § 9.11 to appear thereon.

(f) If a mixture from a batch containing a diluent permitted by § 9.6 (a) (3) only because such diluent does not become a component of a food colored by such mixture is used in coloring another food, such mixture so used shall be considered to be from a batch that has not been certified in accordance with this part.

(g) If coal-tar color from a batch which was certified for use in drugs and cosmetics only is used in coloring a food; such color so used shall be considered to be from a batch that has not been certified in accordance with this part.

(h) If a coal-tar color from a batch which was certified for use only in externally applied drugs and cosmetics is used in food or in other drugs or other cosmetics, such color so used shall be considered to be from a batch that has not been certified in accordance with this part.

(i) If a coal-tar color from a batch containing any lake listed in § 9.3 is used in coloring any food except shell eggs, such color so used shall be considered to be from a batch that has not been certified in accordance with the regulations in this part.

§ 9.11 *Labeling.* (a) The label on each package of coal-tar color from a batch that has been certified in accordance with this part shall bear, in addition to other words, statements, and information required by or under authority of the act to appear on such label:

(1) The name of such color;

(2) The lot number of such batch unless, in the case of any mixture for household use which contains not more than 15 percent of pure dye and which, if it is liquid, is in packages containing not more than 2 fluid ounces, or, if it is solid, semisolid, or viscous, is in packages containing not more than 2 avoirdupois ounces, such lot number appears on the labeling or on each invoice accompanying shipments or deliveries of such mixture, or unless in the case of such mixture there appears on the label, a code number which the manufacturer has identified with the lot number by giving to the Food and Drug Administration written notice that such code number will be used in lieu of the lot number;

(3) The percentage of pure dye in such color as provided in paragraph (b) of this section; and,

(4) In case such batch was certified for use only in drugs and cosmetics, the statement "Not for use in coloring food"; or in case such batch was certified for use only in externally applied drugs and cosmetics, the statement "Not for use in coloring food, or in coloring any drug or cosmetic used internally or on the lips or any mucous membrane"; or in case such batch is a mixture containing a diluent permitted by § 9.6 (a) (3) only because such diluent does not become a component of a food colored by such mixture, the statement "Not for use in coloring any food except _____" (the blank to be filled in by the name of such food); or in case such batch contains any lake listed in § 9.3 or any diluent permitted by § 9.6 (a) (3) only because such batch is for use in coloring shell eggs, the statement "Not for use in coloring any food except shell eggs."

(b) The statement of the percentage of pure dye in a coal-tar color shall express:

(1) The percentage of pure dye shown in the certificate covering such color; or

(2) The minimum percentage by weight of pure dye in such color.

Where the statement expresses the minimum percentage, no variation below the stated minimum shall be permitted, and variations above shall not be unreasonably large.

(c) The name by which a straight color is designated on its label shall be the name by which such color is listed in § 9.3, § 9.4, or § 9.5.

(d) No batch of a mixture shall be certified under this part if:

(1) The name of such mixture is false or misleading in any particular; or

(2) The name of such mixture is the same as or simulates the name of a previously certified batch of a mixture containing a different substance, or a different percentage of a pure dye; but this provision shall not apply if:

(i) The person who requests certification of such batch is the owner of such name and has given 3 months' written notice to the Food and Drug Administration specifying the change to be made in the composition of such mixture; or

(ii) Such change results from removal of a color from the listings in §§ 135.3, 135.4, and 135.5.

§ 9.12 *Records of distribution.* (a) The person to whom a certificate is issued shall keep complete records showing the disposal of all the coal-tar color from the batch covered by such certificate. Upon the request of any officer or employee of the Food and Drug Administration, or of any other officer or employee of the United States acting on behalf of the Secretary of Health, Education, and Welfare, such person, at all reasonable hours until at least 1 year after disposal of all such color, shall make such records available to any such officer or employee, and shall accord to such officer or employee full opportunity to make inventory of stocks of such color on hand and otherwise to check the correctness of such records.

(b) The records required to be kept by paragraph (a) of this section shall show:

(1) Each quantity used by such person from such batch and the date and kind of such use;

(2) The date and quantity of each shipment or delivery from such batch, and the name and post office address of the person to whom such shipment or delivery was made.

§ 9.13 *Authority to refuse certification service.* When it appears to the Secretary of Health, Education, and Welfare that a person has:

(a) Obtained a certificate through fraud or misrepresentation of a material fact;

(b) Falsified the records required to be kept by § 9.12; or

(c) Failed to keep such records, or to make them available, or to accord full opportunity to make inventory of stocks on hand or otherwise to check the correctness of such records, as required by such section,

the Secretary may immediately suspend service to such person under this part, and may continue such suspension unless and until such person shows adequate cause why such suspension should be terminated.

§ 9.14 *Procedure for admitting colors to listing.* (a) An application for the admission of a coal-tar color to listing in § 9.3, § 9.4, or § 9.5 shall be accompanied by:

(1) Full reports of investigations which are adequate to show whether or not such color is harmless and suitable for use in food, drugs, and cosmetics, or in drugs and cosmetics, or in externally applied drugs and cosmetics, as the case may be;

(2) A full statement of the percentages and compositions of the pure dye and all intermediates and other impurities contained in such color;

(3) A full statement showing the identity, purity, and quantity or proportion of each intermediate and other article used as a component of such color, and all steps in the process used for the manufacture of such color;

(4) A full description of practical and accurate methods of analysis for the quantitative determination of the pure dye and of all intermediates and other impurities contained in such color;

(5) A full description of practical and accurate methods for the identification of such dye in food, drugs, and cosmetics colored therewith, or in drugs and cosmetics colored therewith;

(6) A 5-pound sample of such color (unless the Food and Drug Administration authorizes or requires submission of other quantity suitable to the need for investigation) taken from a batch produced under practical manufacturing conditions, and accurately representative of such batch; and

(7) The advance deposit prescribed by § 9.15 (b) (2).

(b) If the Secretary determines, after such investigation as he considers to be necessary, that:

(1) Such color is harmless and suitable for use in foods, drugs, and cosmetics, or in drugs and cosmetics, or in externally applied drugs and cosmetics;

(2) Practical and accurate methods of analysis exists for the quantitative determination of the pure dye and all intermediates and other impurities contained in such color; and

(3) Practical and accurate methods exist for the identification of such dye in food, drugs, and cosmetics colored therewith, or in drugs and cosmetics colored therewith, the Secretary, for the purpose of listing such color in § 9.3, § 9.4, or § 9.5, shall proceed with a proposed amendment to this part as prescribed by section 701 (e) of the act.

(c) If the Secretary, after such investigation as he considers to be necessary, determines that such color does not comply with the requirements laid down by paragraph (b) of this section with respect to procedure for the purpose of listing such color in § 9.3, § 9.4, or § 9.5, the Secretary shall give notice thereof to the applicant, stating the respects in which such color does not so comply.

§ 9.15 *Fees.* (a) (1) The fee for the services provided by the regulations in this part, in the case of each request for certification submitted in accordance with § 9.8 (b), shall be 10 cents per pound of the batch covered by such request; but no such fee shall be less than $75.00.

(2) The fees for the services provided under the regulations in this part in the case of each request for certification submitted in accordance with § 9.8 (c) or (d) shall be:

Weight of batch:	Fee
100 pounds or less	$6.00.
Over 100 pounds but not over 500 pounds.	$6.00, plus 4 cents for each pound in excess of 100 pounds.
Over 500 pounds	$22.00, plus ¼ cent for each pound in excess of 500 pounds.

(b) (1) The fee for the service provided by this part, in the case of each application for the admission of a coal-tar color in listing in § 9.3, § 9.4, or § 9.5, shall be the cost incurred by the Department in making the investigations contemplated by § 9.14 (b) and (c).

(2) Such application shall be accompanied by an advance deposit of $500 to cover such fee, and thereafter advance deposits of the same amount (unless the Food and Drug Administration authorizes deposit in other amount) shall be made whenever necessary to prevent arrears in the payment of such fee. Any excess advance deposit so made shall be returned to the applicant after the close of such investigation;

(c) All deposits and fees required by this section shall be paid by money order, bank draft, or certified check, drawn to the order of the Treasurer of the United States, collectible at par at Washington, D. C. All such deposits and fees shall be forwarded to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington 25, D. C., whereupon after making appropriate records thereof they will be transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasury Department, for deposit to the special account "Certification and Inspection Services, Food and Drug Administration."

(d) Whenever in the judgment of the Commissioner the ratio between fees collected (which are based upon experience and the best estimate of costs and the best estimate of earnings) and the costs of providing the service during an elapsed period of time, in the light of all circumstances and contingencies, warrants a refund from the fund collected during such period, he shall make ratable refunds to those persons to whom the services were rendered and charged, except that no refund shall be made where the computed ratable amount for the elapsed period is less than $5.00.

Subchapter B—Food and Food Products

PART 10—GENERAL REGULATIONS RELATING TO DEFINITIONS AND STANDARDS FOR FOOD

Sec.

10.1 General regulation.
10.2 General methods for water capacity and fill of containers.
10.3 General statements of substandard quality and substandard fill of container.

AUTHORITY: §§ 10.1 to 10.3, issued under sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a).

§ 10.1 *General regulation.* (a) The definitions and interpretations of terms contained in section 201 of the act shall be applicable also to such terms when used in regulations promulgated under the act.

(b) If a regulation prescribing a definition and standard of identity for a food has been promulgated under section 401 of the act and the name therein specified for the food is used in any other regulation under section 401 or any other provision of the act, such name means the food which conforms to such definition and standard, except as otherwise specifically provided in such other regulation.

(c) No provision of any regulation prescribing a definition and standard of identity or standard of quality or fill of container under section 401 of the act shall be construed as in any way affecting the concurrent applicability of the general provisions of the act and the regulations thereunder relating to adulteration and misbranding. For example, all regulations under section 401 contemplate that the food and all articles used as components or ingredients thereof shall not be poisonous or deleterious and shall be clean, sound, and fit for food. A provision in such regulations for the use of coloring or flavoring does not authorize such use under circumstances or in a manner whereby damage or inferiority is concealed or whereby the food is made to appear better or of greater value than it is.

§ 10.2 *General methods for water capacity and fill of containers.* For the purposes of regulations promulgated under section 401 of the act:

(a) The term "general method for water capacity of containers" means the following method:

(1) In the case of a container with lid attached by double seam, cut out the lid without removing or altering the height of the double seam.

(2) Wash, dry, and weigh the empty container.

(3) Fill the container with distilled water at 68° Fahrenheit to 3/16 inch vertical distance below the top level of the container, and weigh the container thus filled.

(4) Subtract the weight found in subparagraph (2) from the weight found in subparagraph (3) of this paragraph. The difference shall be considered to be the weight of water required to fill the container.

In the case of a container with lid attached otherwise than by double seam, remove the lid and proceed as directed in subparagraphs (2)–(4) of this paragraph (except that under subparagraph (3) fill the container to the level of the top thereof.

(b) The term "general method for fill of containers" means the following method:

(1) In the case of a container with lid attached by double seam, cut out the lid without removing or altering the height of the double seam.

(2) Measure the vertical distance from the top level of the container to the top level of the food.

(3) Remove the food from the container; wash, dry, and weigh the container.

(4) Fill the container with water to 3/16 inch vertical distance below the top level of the container. Record the temperature of the water, weigh the container thus filled, and determine the weight of the water by substracting the weight of the container found in subparagraph (3) of this paragraph.

(5) Maintaining the water at the temperature recorded in subparagraph (4) of this paragraph, draw off water from the container as filled in subparagraph (4) to the level of the food found in subparagraph (2), weigh the container with remaining water, and determine the weight of the remaining water by subtracting the weight of the container found in subparagraph (3) of this paragraph.

(6) Divide the weight of water found in subparagraph (5) by the weight of water found in subparagraph (4), and multiply by 100. The result shall be considered to be the percent of the total capacity of the container occupied by the food.

In the case of a container with lid attached otherwise than by double seam, remove the lid and proceed as directed in subparagraphs (2)–(6) of this paragraph, except that under subparagraph (4), fill the container to the level of the top thereof.

§ 10.3 *General statements of substandard quality and substandard fill of container.* For the purposes of regulations promulgated under section 401 of the act:

(a) The term "general statement of substandard quality" means the statement "Below Standard in Quality Good Food—Not High Grade" printed in two lines of Cheltenham bold condensed caps. The words "Below Standard in Quality" constitute the first line, and the second immediately follows. If the quantity of the contents of the container is less than 1 pound, the type of the first line is 12-point, and of the second, 8-point. If such quantity is 1 pound or more, the type of the first line is 14-point, and of the second, 10-point. Such statement is enclosed within lines, not less than 6 points in width, forming a rectangle. Such statement, with enclosing lines, is on a strongly contrasting, uniform background, and is so placed as to be easily seen when the name of the food or any pictorial representation thereof is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

(b) The term "general statement of substandard fill" means the statement "Below Standard in Fill" printed in Cheltenham bold condensed caps. If the quantity of the contents of the container is less than 1 pound, the statement is in 12-point type; if such quantity is 1 pound or more, the statement is in 14-point type. Such statement is enclosed within lines, not less than 6 points in width, forming a rectangle; but if the statement specified in paragraph (a) of this section is also used, both statements (one following the other) may be enclosed within the same rectangle. Such statement or statements, with enclosing lines, are on a strongly contrasting, uniform background, and are so placed as to be easily seen when the name of the food or any pictorial representation thereof is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

PART 14—CACAO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.

14.1 Cacao nibs, cocoa nibs, cracked cocoa; identity; label statement of optional ingredients.
14.2 Chocolate liquor, chocolate, baking chocolate, bitter chocolate, cooking chocolate, chocolate coating, bitter chocolate coating; identity; label statement of optional ingredients.
14.3 Breakfast cocoa, high fat cocoa; identity; label statement of optional ingredients.
14.4 Cocoa, medium fat cocoa; identity; label statement of optional ingredients.
14.5 Low-fat cocoa; identity; label statement of optional ingredients.
14.6 Sweet chocolate, sweet chocolate coating; identity; label statement of optional ingredients.
14.7 Milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating; identity; label statement of optional ingredients.
14.8 Skim milk chocolate, sweet skim milk chocolate, skim milk chocolate coating, sweet skim milk chocolate coating; identity; label statement of optional ingredients.
14.9 Buttermilk chocolate, buttermilk chocolate coating; identity; label statement of optional ingredients.
14.10 Mixed dairy product chocolates, mixed dairy product chocolate coatings; identity; label statement of optional ingredients.
14.11 Sweet chocolate and vegetable fat (other than cacao fat) coating; identity; label statement of optional ingredients.
14.12 Sweet cocoa and vegetable fat (other than cacao fat) coating; identity; label statement of optional ingredients.

AUTHORITY: §§ 14.1 to 14.12 issued under sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a). Interpret or apply sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341.

§ 14.1 *Cacao nibs, cocoa nibs, cracked cocoa; identity; label statement of optional ingredients.* (a) Cacao nibs, cocoa nibs, cracked cocoa is the food prepared by heating and cracking dried or cured and cleaned cacao beans and removing shell therefrom. Cacao nibs or the cacao beans from which they are prepared may be processed by heating with one or more of the following optional alkali ingredients, added as such or in aqueous solution: Bicarbonate, carbonate, or hydroxide of sodium, ammonium, or potassium; or carbonate or oxide of magnesium; but for each 100 parts by weight of cacao nibs used, as such or before shelling from the cacao beans, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than the neutralizing value of 3 parts by weight of anhydrous potassium carbonate. The cacao shell content of cacao nibs is not more than 1.75 percent by weight (calculated to an alkali-free basis if they or the cacao beans from which they were prepared have been processed with alkali), as determined by the method prescribed under "Shell in Cacao Nibs—Tentative" beginning on page 208 [Ed. note, 8th edition, 1955, p. 192, secs. 12.9–12.13] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 5th Ed., 1940.

(b) When cacao nibs or the cacao beans from which they are prepared are processed, in whole or in part, with any optional alkali ingredient specified in paragraph (a) of this section, the label shall bear the statement "Processed with Alkali"; but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used. Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, such statement shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

§ 14.2 *Chocolate liquor, chocolate, baking chocolate, bitter chocolate, cooking chocolate, chocolate coating, bitter chocolate coating; identity; label statement of optional ingredients.* (a) Chocolate liquor, chocolate, baking chocolate, bitter chocolate, cooking chocolate, chocolate coating, bitter chocolate coating is the solid or semiplastic food prepared by finely grinding cacao nibs. To such ground cacao nibs, cacao fat or a cocoa or both may be added in quantities needed to adjust the cacao fat content of the finished chocolate liquor. (For the purposes of this section the term "cocoa" means breakfast cocoa, cocoa, low-fat cocoa, or any mixture of two or more of these.) Chocolate liquor may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combinatoin of ingredients specified in subparagraphs (1), (2), or (3) of this paragraph which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

(1) Ground spice.

(2) Ground vanilla beans; any natural food flavoring oil, oleoresin, or extract.

(3) Vanillin, ethyl vanillin, or other artificial food flavoring.

(4) Butter, milk fat, dried malted cereal extract, ground coffee, ground nut meats.

(5) Salt.

Any optional ingredient used with the cacao beans or cacao nibs from which such chocolate liquor is prepared, or used with any cocoa added in preparing such chocolate liquor, shall be considered to be an optional ingredient used with such chocolate liquor. The optional alkali ingredients specified for use with cacao nibs in § 14.1 (a) may be used as optional ingredients with chocolate liquor; but for each 100 parts by weight of cacao nibs used in preparing the chocolate liquor, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than 3 parts by weight of anhydrous potassium carbonate. The finished chocolate liquor contains not less than 50 percent and not more than 58 percent by weight of cacao fat. Unless the chocolate liquor is seasoned with butter, milk fat, or ground nut meats, the percentage of cacao fat is determined by the method prescribed under "Fat Method I—Official" beginning on page 202 [Ed. note, 8th edition, 1955, p. 198, sec. 12.22] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 5th Ed., 1940.

(b) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements prescribed in this section, showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

(1) When the food is seasoned with an optional ingredient specified in subparagraph (a) (1) of this section the label shall bear the statement "Spiced," "Spice Added," "With Added Spice," "Spiced With ____," or "With Added ____," the blank being filled in with the specific common name of the spice used.

(2) When the food is flavored with an optional ingredient specified in paragraph (a) (2) of this section, the label shall bear the statement "Flavored," "Flavoring Added," "With Added Flavoring," "Flavored With _____," "_____ Added," or "With Added ____," the blank being filled in with the specific common name of the flavoring used.

(3) When the food is flavored with an optional ingredient specified in paragraph (a) (3) of this section, the label shall bear the statement "Artificially Flavored," "Artificial Flavoring Added," "With Artificial Flavoring," "Artificially Flavored With ____," or "With ____, an Artificial Flavoring," the blank being filled in with the specific common name of the artificial flavoring used.

(4) When the food is seasoned with an optional ingredient specified in paragraph (a) (4) of this section, the label shall bear the statement "Seasoned With ____," the blank being filled in with the specific common name of the substance used as seasoning.

(5) When any optional alkali ingredient specified in § 14.1 (a) is used, the label shall bear the statement "Processed With Alkali;" but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed in subparagraphs (1) to (4), inclusive, of this paragraph may be combined, as for example, "With Added Cinnamon, Vanilla, and Ethyl Vanillin, an Artificial Flavoring."

§ 14.3 *Breakfast cocoa, high fat cocoa; identity; label statement of optional ingredients.* (a) Breakfast cocoa, high fat cocoa is the food prepared by pulverizing the residual material remaining after part of the cacao fat has been removed from ground cacao nibs. It may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imi-

tates the flavor of chocolate, milk, or butter:

(1) Ground spice.

(2) Ground vanilla beans; any natural food flavoring oil, oleoresin, or extract.

(3) Vanillin, ethyl vanillin, or other artificial food flavoring.

(4) Salt.

Any optional ingredient used with the cacao beans, cacao nibs, or ground cacao nibs from which such breakfast cocoa is prepared shall be considered to be an optional ingredient used with such breakfast cocoa. The optional alkali ingredients specified for use with cacao nibs in § 14.1 (a) may be used as optional ingredients with breakfast cocoa; but for each 100 parts by weight of cacao nibs used in preparing the breakfast cocoa, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than 3 parts by weight of anhydrous potassium carbonate. The finished breakfast cocoa contains not less than 22 percent of cacao fat, as determined by the method prescribed under "Fat Method I—Official" beginning on page 202 [Ed. note, 8th edition, 1955, p. 198, sec. 12.22] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 5th Ed., 1940.

(b) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements prescribed in this section, showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter:

(1) When the food is seasoned with an optional ingredient specified in paragraph (a) (1) of this section, the label shall bear the statement "Spiced," "Spice Added," "With Added Spice," "Spiced With ____," or "With Added ____," the blank being filled in with the specific common name of the spice used.

(2) When the food is flavored with an optional ingredient specified in subparagraph (a) (2) of this section, the label shall bear the statement "Flavored," "Flavoring Added," "With Added Flavoring," "Flavored With _____," "_____ Added," or "With Added ____," the blank being filled in with the specific common name of the flavoring used.

(3) When the food is flavored with an optional ingredient specified in paragraph (a) (3) of this section, the label shall bear the statement "Artificially Flavored," "Artificial Flavoring Added," "With Artificial Flavoring," "Artificially Flavored With ____," or "With ____, an Artificial Flavoring," the blank being filled in with the specific common name of the artificial flavoring used.

(4) When any optional alkali ingredient specified in § 14.1 (a) is used, the label shall bear the statement "Processed With Alkali" but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed by subparagraphs (1) to (4), inclusive, of this paragraph may be combined, as for example, "With Added Cinnamon, Vanilla, and Ethyl Vanillin, an Artificial Flavoring."

§ 14.4 *Cocoa, medium fat cocoa; identity; label statement of optional ingredients.* Cocoa, medium fat cocoa conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for breakfast cocoa by § 14.3, except that it contains less than 22 percent but not less than 10 percent of cacao fat, as determined by the method referred to in § 14.3 (a).

§ 14.5 *Low-fat cocoa; identity; label statement of optional ingredients.* Low-fat cocoa conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for breakfast cocoa by § 14.3, except that it contains less than 10 percent of cacao fat as determined by the method referred to in § 14.3 (a).

§ 14.6 *Sweet chocolate, sweet chocolate coating; identity; label statement of optional ingredients.* (a) Sweet chocolate, sweet chocolate coating is the solid or semiplastic food the ingredients of which are intimately mixed and ground, prepared from chocolate liquor (with or without the addition of cacao fat) sweetened with one of the optional saccharine ingredients specified in paragraph (b) of this section. It may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

(1) Ground spice, ground vanilla beans, any natural food flavoring oil or oleoresin or extract, ground coffee, ground nut meats, honey, molasses, brown sugar, mable sugar, dried malted cereal extract, salt.

(2) Vanillin, ethyl vanillin, or other artificial food flavoring.

One or a mixture of both of the following optional emulsifying ingredients may be added in a total quantity not more than 0.5 percent of the weight of the finished food (such ingredient or mixture may be added in combination with a vegetable food fat carrier, such combination containing not less than 60 percent by weight of the emulsifying ingredient or mixture):

(3) Lecithin, with or without related natural phosphatides.

(4) Monoglycerides and diglycerides of fat-forming fatty acids in combination with monosodium phosphate derivatives thereof.

One or any mixture of two or more of the following optional dairy ingredients may be used in such quantity that the finished sweet chocolate contains less than 12 percent by weight of milk constituent solids:

(5) Butter, milk fat, cream, milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, nonfat dry milk solids, concentrated buttermilk, dried buttermilk, malted milk.

If chocolate liquor with any optional ingredient specified in § 14.2 (a) is used, such ingredient shall be considered to be an optional ingredient used with the sweet chocolate. The finished sweet chocolate contains not less than 15 percent by weight of chocolate liquor, calculated by subtracting from the weight of chocolate liquor used the weight of cacao fat therein and the weights therein of alkali and seasoning ingredients, if any, multiplying the remainder by 2.2, dividing the result by the weight of the finished sweet chocolate, and multiplying the quotient by 100. Bittersweet chocolate is sweet chocolate which contains not less than 35 percent by weight of chocolate liquor, calculated in the same manner.

(b) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar, or partly refined cane sugar, or both.

(2) Any mixture of dextrose and sugar or partly refined cane sugar or both in which the weight of the solids of the dextrose used is not more than one-third of the total weight of the solids of all the saccharine ingredients used.

(3) Any mixture of dried corn sirup or dried glucose sirup and sugar or partly refined cane sugar or both in which the weight of the solids of the dried corn sirup or dried glucose sirup used is not more than one-fourth of the total weight of the solids of all the saccharine ingredients used.

(4) Any mixture of dextrose and dried corn sirup or dried glucose sirup and sugar or partly refined cane sugar or both in which three times the weight of the solids of the dextrose used plus four times the weight of the solids of the dried corn sirup or of the solids of the dried glucose sirup used is not more than the total weight of the solids of all the saccharine ingredients used.

(c) For the purpose of this section:

(1) The term "dextrose" means the anhydrous refined monosaccharide obtained from hydrolyzed starch.

(2) The term "dried corn sirup" means the product obtained by drying incompletely hydrolyzed cornstarch; its solids contain not less than 58 percent by weight of reducing sugars.

(3) The term "dried glucose sirup" means the product obtained by drying "glucose sirup." "Glucose sirup" is a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose.

(d) "Semisweet chocolate," "bittersweet chocolate," "semisweet chocolate coating," and "bittersweet chocolate coating" are alternate names for sweet chocolate which contains not less than the minimum quantity of chocolate liquor prescribed for bittersweet chocolate by paragraph (a) of this section.

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements prescribed in this section, showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter:

(1) When the food is flavored with an optional ingredient specified in paragraph (a) (2) of this section, the label shall bear the statement "Artificially Flavored," "Artificial Flavoring Added," "With Artificial Flavoring," "Artificially Flavored With _____," or "With ____, an Artificial Flavoring," the blank being filled in with the specific common name of the artificial flavoring used.

(2) When an optional ingredient specified in paragraph (a) (3) or (4) of this section is used, the label shall bear the statement "Emulsifier Added" or "With Added Emulsifier."

(3) When any optional alkali ingredient specified in § 14.1 (a) is used the label shall bear the statement "Processed with Alkali," but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed by subparagraphs (1) and (2) of this paragraph may be combined, as for example, "With Added Emulsifier and Ethyl Vanillin, an Artificial Flavoring."

§ 14.7 *Milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating; identity, label statement of optional ingredients.* (a) Milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating is the solid or semiplastic food the ingredients of which are intimately mixed and ground, prepared from chocolate liquor (with or without the addition of cacao fat) and one or more of the optional dairy ingredients specified in paragraph (b) of this section, sweetened with one of the optional saccharine ingredients specified in § 14.6 (b) and (c). It may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

(1) Ground spice, ground vanilla beans, any natural food flavoring oil or oleoresin or extract, ground coffee, ground nut meats, honey, molasses, brown sugar, maple sugar, dried malted cereal extract, salt.

(2) Vanillin, ethyl vanillin or other artificial food flavoring.

One or a mixture of both of the following optional emulsifying ingredients may be added in a total quantity not more than 0.5 percent of the weight of the finished food (such ingredient or mixture may be added in combination with a vegetable food fat carrier, such combination containing not less than 60 percent by weight of the emulsifying ingredient or mixture):

(3) Lecithin, with or without related natural phosphatides.

(4) Monoglycerides and diglycerides of fat-forming fatty acids in combination with monosodium phosphate derivatives thereof.

If chocolate liquor with any optional ingredient specified in § 14.2 (a) is used, such ingredient shall be considered to be an optional ingredient used with the milk chocolate. The finished milk chocolate contains not less than 3.66 percent by weight of milk fat, not less than 12 percent by weight of milk solids, and not less than 10 percent by weight of chocolate liquor as calculated by subtracting from the weight of chocolate liquor used the weight of cacao fat therein and the weights therein of alkali and seasoning ingredients, if any, multiplying the remainder by 2.2, dividing the result by the weight of the finished milk chocolate, and multiplying the quotient by 100.

(b) The optional dairy ingredients referred to in paragraph (a) of this section are milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, butter, milk fat, cream, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, and nonfat dry milk solids; but in any such ingredient or combination of two or more of such ingredients used, the weight of nonfat milk solids is not more than 2.43 times and not less than 1.20 times the weight of milk fat therein.

(c) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements prescribed in this section, showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter:

(1) When the food is flavored with an optional ingredient specified in paragraph (a) (2) of this section, the label shall bear the statement "Artificially Flavored", "Artificial Flavoring Added", "With Artificial Flavoring", "Artificially Flavored With _____", or "With _____, an Artificial Flavoring", the blank being filled in with the specific common name of the artificial flavoring used.

(2) When an optional ingredient specified in paragraph (a) (3) or (4) of this section is used, the label shall bear the statement "Emulsifier Added" or "With Added Emulsifier."

(3) When any optional alkali ingredient specified in § 14.1 (a) is used the label shall bear the statement "Processed With Alkali", but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed by subparagraphs (1) and (2) of this paragraph may be combined, as for example, "With Added Emulsifier and Ethyl Vanillin, an Artificial Flavoring."

§ 14.8 *Skim milk chocolate, sweet skim milk chocolate, skim milk chocolate coating, sweet skim milk chocolate coating; identity; label statement of optional ingredients.* (a) Skim milk chocolate, sweet skim milk chocolate, skim milk chocolate coating, sweet skim milk chocolate coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for milk chocolate by § 14.7, except that:

(1) The dairy ingredients used are limited to skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, nonfat dry milk solids, and any combination of two or more of these.

(2) The finished skim milk chocolate contains less than 3.66 percent by weight of milk fat and, instead of milk solids, it contains not less than 12 percent by weight of skim milk solids.

§ 14.9 *Buttermilk chocolate, buttermilk chocolate coating; identity; label statement of optional ingredients.* (a) Buttermilk chocolate, buttermilk chocolate coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for milk chocolate by § 14.7, except that:

(1) The dairy ingredients used are limited to sweet cream buttermilk, concentrated sweet cream buttermilk, dried sweet cream buttermilk, or any combination of two or all of these.

(2) The finished buttermilk chocolate contains less than 3.66 percent by weight of milk fat and, instead of milk solids, it contains not less than 12 percent by weight of sweet cream buttermilk solids.

§ 14.10 *Mixed dairy product chocolates, mixed dairy product chocolate coatings; identity; label statement of optional ingredients.* (a) The articles for which definitions and standards of identity are prescribed by this section are the foods each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for milk chocolate by § 14.7, except that:

(1) The dairy ingredient used in each such article is a mixture of two or more of the following four components:

(i) Any dairy ingredient or combination of such ingredients specified in § 14.7 (b) which is within the limits of the ratios specified therein for nonfat milk solids to milk fat.

(ii) One or more of the five skim milk ingredients specified in § 14.8.

(iii) One or more of the three sweet cream buttermilk ingredients specified in § 14.9.

(iv) Malted milk.

(2) Each of the finished articles may contain less than 3.66 percent by weight of milk fat and, instead of milk solids, it contains not less than 12 percent by weight of milk constituent solids of the components used. The quantity of each component used in any such mixture is such that no component contributes less than one-third of the weight of milk constituent solids contributed by that component used in largest proportion. When any such mixture is of components (i) and (ii) of subparagraph (1), the quantity of nonfat milk solids in such mixture is more than 2.43 times the quantity of milk fat therein. For the purposes of paragraph (b) of this section, the designation of each of the components listed above is respectively "Milk," "Skim Milk," "Buttermilk," and "Malted Milk."

(b) The name of each such article is "chocolate" or "chocolate coating" preceded by the designations prescribed by paragraph (a) of this section for each component of the dairy ingredients used, such designations appearing in the order of predominance, if any, of the weight of milk constituent solids in each such

component. (For example, "Milk and Skim Milk Chocolate.")

§ 14.11 *Sweet chocolate and vegetable fat (other than cacao fat) coating; identity; label statement of optional ingredients.* (a) Sweet chocolate and vegetable fat (other than cacao fat) coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for sweet chocolate by § 14.6, except that:

(1) In its preparation is added one or any combination of two or more vegetable food oils or vegetable food fats, other than cacao fat, which oil, fat, or combination may be hydrogenated and which has a melting point lower than that of cacao fat.

(2) The requirement of § 14.6 (a) that the milk constituent solids be less than 12 percent by weight does not apply.

(b) The provisions of this section shall not be construed as applicable to any article by reason of the addition thereto of a vegetable food fat other than cacao fat as a carrier of emulsifying ingredients, as authorized and within the limit prescribed by § 14.6 (a).

§ 14.12 *Sweet cocoa and vegetable fat (other than cacao fat) coating; identity; label statement of optional ingredients.* (a) Sweet cocoa and vegetable fat (other than cacao fat) coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for sweet chocolate by § 14.6, except that:

(1) In its preparation cocoa is used, instead of chocolate liquor, in such quantity that the finished food contains not less than 6.8 percent by weight of the nonfat cacao portion of such cocoa, calculated by subtracting from the weight of cocoa used the weight of cacao fat therein and the weight therein of alkali and seasoning ingredients, if any, dividing the remainder by the weight of the finished food, and multiplying the quotient by 100. (For the purposes of this section the term "cocoa" means breakfast cocoa, cocoa, low-fat cocoa, or any mixture of two or more of these.)

(2) In its preparation is added one or any combination of two or more vegetable food oils, vegetable food fats, or vegetable food stearins, other than cacao fat, which oil, fat, stearin, or combination has a melting point higher than that of cacao fat. Any such oil or fat may be hydrogenated.

(3) The requirement of § 14.6 (a) that the milk constituent solids be less than 12 percent by weight does not apply.

PART 15—CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Subpart A—Wheat Flour and Related Products

Sec.

15.1 Flour, white flour, wheat flour, plain flour; identity; label statement of optional ingredients.
15.10 Enriched flour; identity; label statement of optional ingredients.
15.20 Bromated flour; identity; label statement of optional ingredients.
15.30 Enriched bromated flour; identity; label statement of optional ingredients.
15.40 Durum flour; identity.
15.50 Self-rising flour, self-rising white flour, self-rising wheat flour; identity; label statement of optional ingredients.
15.60 Enriched self-rising flour; identity; label statement of optional ingredients.
15.70 Phosphated flour, phosphated white flour, phosphated wheat flour; identity; label statement of optional ingredients.
15.80 Whole wheat flour, graham flour, entire wheat flour; identity; label statement of optional ingredients.
15.90 Bromated whole wheat flour; identity; label statement of optional ingredients.
15.100 Whole durum wheat flour; identity; label statement of optional ingredients.
15.110 Crushed wheat, coarse ground wheat; identity.
15.120 Cracked wheat; identity.
15.130 Farina; identity.
15.140 Enriched farina; identity; label statement of optional ingredients.
15.150 Semolina; identity.

Subpart B—Corn Flour and Related Products

15.500 White corn meal; identity.
15.501 Yellow corn meal; identity.
15.502 Bolted white corn meal; identity.
15.503 Bolted yellow corn meal; identity.
15.504 Degerminated white corn meal, degermed white corn meal; identity.
15.505 Degerminated yellow corn meal, degermed yellow corn meal; identity.
15.506 Self-rising white corn meal; identity.
15.507 Self-rising yellow corn meal; identity.
15.508 White corn flour; identity.
15.509 Yellow corn flour; identity.
15.510 Grits, corn grits, hominy grits; identity.
15.511 Yellow grits, yellow corn grits, yellow hominy grits; identity.
15.512 Quick grits, quick cooking grits; identity.
15.513 Enriched corn meals; identity.
15.514 Enriched corn grits; identity.

AUTHORITY: §§ 15.1 to 15.514 issued under sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a). Interpret or apply sec. 401, 52 Stat. 1046, 68 Stat 54; 21 U. S. C. 341.

SUBPART A—WHEAT FLOUR AND RELATED PRODUCTS

§ 15.1 *Flour, white flour, wheat flour, plain flour; identity; label statement of optional ingredients.* (a) Flour, white flour, wheat flour, plain flour, is the food prepared by grinding and bolting cleaned wheat other than durum wheat and red durum wheat; to compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour, or any combination of two or more of these, may be used; but the quantity of malted barley flour so used is not more than 0.25 percent. One of the cloths through which the flour is bolted has openings not larger than those of woven wire cloth designated "149 micron (No. 100)" in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the United States Department of Commerce, National Bureau of Standards. The flour is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis is not more than the sum of 1/20 of the percent of protein therein, calculated to a moisture-free basis, and 0.35. Its moisture content is not more than 15 percent. Unless such addition conceals damage or inferiority of the flour or makes it appear better or of greater value than it is, one or any combination of two or more of the following optional bleaching ingredients may be added in a quantity not more than sufficient for bleaching or, in case such ingredient has an artificial aging effect, in a quantity not more than sufficient for bleaching and such artificial aging effect:

(1) Oxides of nitrogen.
(2) Chlorine.
(3) Nitrosyl chloride.
(4) Chlorine dioxide.

(5) One part by weight of benzoyl peroxide mixed with not more than six parts by weight of one or any mixture of two or more of the following: potassium alum, calcium sulfate, magnesium carbonate, sodium aluminum sulfate, dicalcium phosphate, tricalcium phosphate, starch, calcium carbonate.

(b) When any optional bleaching ingredient is used, the label shall bear the word "Bleached." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) For the purposes of this section:

(1) Ash is determined by the method prescribed in the book "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 5th Edition, 1940, page 212, under "Method I—Official." [Ed. note: 8th Ed., 1955, p. 207, sec. 13.6.] Ash is calculated to a moisture-free basis by subtracting the percent of moisture in the flour from 100, dividing the remainder into the percent of ash, and multiplying the quotient by 100.

(2) Protein is 5.7 times the nitrogen as determined by the method prescribed in such book on page 26, under "Kjeldahl-Gunning-Arnold Method—Official." [Ed. note: 8th Ed., 1955, p. 12 "Improved Kjeldahl method for nitrate-free samples," sec. 2.23]. Protein is calculated to a moisture-free basis by subtracting the percent of moisture in the flour from 100, dividing the remainder into the percent of protein, and multiplying the quotient by 100.

(3) Moisture is determined by the method prescribed in such book on page 211, under "Vacuum Oven Method—Official." [Ed. note: 8th Ed., 1955, p. 206, secs. 13.2, 13.3.]

§ 15.10 *Enriched flour; identity; label statement of optional ingredients.* Enriched flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for flour by § 15.1, except that:

(a) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacinamide, not less than 13.0 milligrams and not more than 16.5 milligrams of iron (Fe);

(b) Vitamin D may be added in such quantity that each pound of the finished enriched flour contains not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D;

(c) Calcium may be added in such quantity that each pound of the finished enriched flour contains not less than 500 milligrams and not more than 625 milligrams of calcium (Ca), except that enriched flour may be acidified with monocalcium phosphate irrespective of the minimum limit for calcium (Ca) prescribed in this paragraph;

(d) It may contain not more than 5 percent by weight of wheat germ or partly defatted wheat germ; and

(e) In determining whether the ash content complies with the requirements of this section allowance is made for ash resulting from any added iron or salts of iron or calcium.

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in paragraphs (a) and (b) of this section may be added in a harmless carrier which does not impair the enriched flour; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the flour.

§ 15.20 *Bromated flour; identity; label statement of optional ingredients.* Bromated flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for flour by § 15.1, except that potassium bromate is added in a quantity not exceeding 50 parts to each million parts of the finished bromated flour, and is added only to flours whose baking qualities are improved by such addition.

§ 15.30 *Enriched bromated flour; identity; label statement of optional ingredients.* Enriched bromated flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for enriched flour by § 15.10, except that potassium bromate is added in a quantity not exceeding 50 parts to each million parts of the finished enriched bromated flour, and is added only to enriched flours whose baking qualities are improved by such addition.

§ 15.40 *Durum flour; identity.* (a) Durum flour is the food prepared by grinding and bolting cleaned durum wheat. One of the cloths through which such flour is bolted has openings not larger than those of woven-wire cloth designated "149 micron (No. 100)" in table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. It is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than 1.5 percent. Its moisture content is not more than 15 percent.

(b) For the purposes of this section, ash and moisture are determined by the methods therefor referred to in § 15.1 (c).

§ 15.50 *Self-rising flour, self-rising white flour, self-rising wheat flour; identity; label statement of optional ingredients.* (a) Self-rising flour, self-rising white flour, self-rising wheat flour, is an intimate mixture of flour, sodium bicarbonate, and the acid-reacting substance monocalcium phosphate or sodium acid pyrophosphate or both. It is seasoned with salt. When it is tested by the method prescribed in paragraph (c) of this section not less than 0.5 percent of carbon dioxide is evolved. The acid-reacting substance is added in sufficient quantity to neutralize the sodium bicarbonate. The combined weight of such acid-reacting substance and sodium bicarbonate is not more than 4.5 parts to each 100 parts of flour used. Subject to the conditions and restrictions prescribed by § 15.1 (a), the bleaching ingredients specified in such section may be added as optional ingredients. If the flour used in making the self-rising flour is bleached, the optional bleaching ingredient used therein (see § 15.1 (a)) is also an optional ingredient of the self-rising flour.

(b) (1) When any optional bleaching ingredient is used, the label shall bear the word "Bleached."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) The method referred to in paragraph (a) of this section is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 5th edition, 1940, beginning on page 186 [Ed. note, 8th edition, 1955, p. 127, secs. 17.2, 17.3], under "Gasometric Method with Chittick's Apparatus—Official," except that the following procedure is substituted for the procedure specified therein under "6—Determination":

Weigh 17 grams of the official sample into flask A, add 15–20 glass beads (4–6 mm. diameter), and connect this flask with the apparatus (fig. 22). Open stopcock C and by means of the leveling bulb E bring the displacement solution to the 25 cc. graduation above the zero mark. (This 25 cc. is a partial allowance for the volume of acid to be used in the decomposition.) Allow the apparatus to stand 1–2 minutes to insure that the temperature and pressure within the apparatus are the same as those of the room. Close the stopcock, lower the leveling bulb somewhat to reduce the pressure within the apparatus, and slowly run into the decomposition flask from burette F 45 cc. of sulfuric acid (1+5). To prevent the liberated carbon dioxide from escaping through the acid burette into the air, keep the displacement solution in the leveling bulb at all times during the decomposition at a lower level than that in the gas-measuring tube. Rotate and then vigorously agitate the decomposition flask for three minutes to mix the contents intimately. Allow to stand for 10 minutes to bring to equilibrium. Equalize the pressure in the measuring tube by means of the leveling bulb and read the volume of gas from the zero point on the tube. Deduct 20 cc. from this reading (this 20 cc. together with previous allowance of 25 cc. compensates for the 45 cc. acid used in the decomposition). Observe the temperature of the air surrounding the apparatus and also the barometric pressure and multiply the number of cc. of gas evolved by the factor given in Table 24—Chapter XLIII [Ed. note, 8th edition, 1955, sec. 42.29] for the temperature and pressure observed. Divide the corrected reading by 100 to obtain the apparent percent by weight of carbon dioxide in the official sample.

Correct the apparent percent of carbon dioxide to compensate for varying atmospheric conditions by immediately assaying a synthetic sample by the same method in the same apparatus.

Prepare the synthetic sample with 16.2 grams of flour, 0.30 gram of monocalcium phosphate, 0.30 gram of salt, and a sufficient quantity of sodium bicarbonate U. S. P. (dried over sulfuric acid) to yield the amount of carbon dioxide recovered in assay of official sample. Determine this quantity by multiplying weight of carbon dioxide recovered in assay of official sample by 1.91.

Divide the weight of carbon dioxide recovered from synthetic sample by weight of carbon dioxide contained in sodium bicarbonate used.

Divide the quotient into the apparent percent of carbon dioxide in official sample to obtain percent of carbon dioxide evolved from the official sample.

§ 15.60 *Enriched self-rising flour; identity; label statement of optional ingredients.* Enriched self-rising flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for self-rising flour by § 15.50, except that:

(a) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacinamide, not less than 13.0 milligrams and not more than 16.5 milligrams of iron (Fe), not less than 500 milligrams and not more than 1,500 milligrams of calcium (Ca);

(b) Vitamin D may be added in such quantity that each pound of the finished enriched self-rising flour contains not

less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D;

(c) It may contain not more than 5 percent by weight of wheat germ or partly defatted wheat germ;

(d) When calcium is added as dicalcium phosphate, such dicalcium phosphate is also considered to be an acid-reacting substance; and

(e) When calcium is added as carbonate, the method set forth in § 15.50 (c) does not apply as a test for carbon dioxide evolved; but in such case the quantity of carbon dioxide evolved under ordinary conditions of use of the enriched self-rising flour is not less than 0.5 percent of the weight thereof.

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in paragraphs (a) and (b) of this section may be added in a harmless carrier which does not impair the enriched self-rising flour; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the flour.

§ 15.70 *Phosphated flour, phosphated white flour, phosphated wheat flour; identity; label statement of optional ingredients.* Phosphated flour, phosphated white flour, phosphated wheat flour, conforms to the definition and standard of identity, and is subject to the requirements for label declaration of optional ingredients, prescribed for flour by § 15.1, except that:

(a) Monocalcium phosphate is added in a quantity not less than 0.25 percent and not more than 0.75 percent of the weight of the finished phosphated flour; and

(b) In determining whether the ash content complies with the requirements of this section allowance is made for the added monocalcium phosphate.

§ 15.80 *Whole wheat flour, graham flour, entire wheat flour; identity; label statement of optional ingredients.* (a) Whole wheat flour, graham flour, entire wheat flour, is the food prepared by so grinding cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in paragraph (c) (2) of this section, not less than 90 percent passes through a No. 8 sieve and not less than 50 percent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. To compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour, or any combination of two or more of these, may be used; but the quantity of malted wheat flour so used is not more than 0.5 percent, and the quantity of malted barley flour so used is not more than 0.25 percent. The moisture content of whole wheat flour is not more than 15 percent. Unless such addition conceals damage or inferiority of the whole wheat flour or makes it appear better or of greater value than it is, the optional bleaching ingredient chlorine dioxide, chlorine, or a mixture of nitrosyl chloride and chlorine, may be added in a quantity not more than sufficient for bleaching and artificial aging effects.

(b) When any optional bleaching ingredient is used, the label shall bear the word "Bleached." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) For the purposes of this section:

(1) Moisture is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 5th Edition, 1940, page 211, under "Vacuum Oven Method—Official." [Ed. note: 8th Ed., 1955, p. 206, secs. 13.2, 13.3.]

(2) The method referred to in paragraph (a) of this section is as follows: Use No. 8 and No. 20 sieves, having standard 8-inch full height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Fit a No. 8 sieve into a No. 20 sieve. Attach bottom pan to the No. 20 sieve. Pour 100 gm. of the sample into the No. 8 sieve. Attach cover and hold the assembly in a slightly inclined position with one hand. Shake the sieves by striking the sides against the other hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about one-sixth of a revolution each time in the same direction, after each 25 strokes. Continue shaking for 2 minutes. Weigh the material which fails to pass through the No. 8 sieve and the material which passes through the No. 20 sieve.

§ 15.90 *Bromated whole wheat flour; identity; label statement of optional ingredients.* Bromated whole wheat flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for whole wheat flour by § 15.80, except that potassium bromate is added in a quantity not exceeding 75 parts to each million parts of finished bromated whole wheat flour.

§ 15.100 *Whole durum wheat flour; identity; label statement of optional ingredients.* Whole durum wheat flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for whole wheat flour by § 15.80, except that cleaned durum wheat, instead of cleaned wheat other than durum wheat and red durum wheat, is used in its preparation.

§ 15.110 *Crushed wheat, coarse ground wheat; identity.* Crushed wheat, coarse ground wheat, is the food prepared by so crushing cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in § 15.80 (c) (2), 40 percent or more passes through a No. 8 sieve and less than 50 percent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. Crushed wheat contains not more than 15 percent of moisture as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 5th edition, 1940, page 353 [Ed. note, 8th edition, 1955, p. 367, secs. 22.2, 22.3], under "Preparation of Sample—Official" and "Moisture I. Drying with Heat—Official."

§ 15.120 *Cracked wheat; identity.* Cracked wheat is the food prepared by so cracking or cutting into angular fragments cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in § 15.80 (c) (2), not less than 90 percent passes through a No. 8 sieve and not more than 20 percent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. Cracked wheat contains not more than 15 percent of moisture as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 353 [Ed. note, 8th edition, 1955, p. 367, secs. 22.2, 22.3], under "Preparation of Sample—Official" and "Moisture I. Drying with Heat—Official."

§ 15.130 *Farina; identity.* (a) Farina is the food prepared by grinding and bolting cleaned wheat, other than durum wheat and red durum wheat, to such fineness that, when tested by the method prescribed in paragraph (b) (2) of this section, it passes through a No. 20 sieve, but not more than 3 percent passes through a No. 100 sieve. It is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than 0.6 percent. Its moisture content is not more than 15 percent.

(b) For the purposes of this section:

(1) Ash and moisture are determined by the methods therefor referred to in § 15.1 (c).

(2) The method referred to in paragraph (a) of this section is as follows: Use No. 20 and No. 100 sieves, having standard 8-inch full-height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the United States Department of Commerce, National Bureau of Standards. Fit a No. 20 sieve into a No. 100 sieve. Attach bottom pan to the No. 100 sieve. Pour 100 grams of the sample into the No. 20 sieve. Attach cover and hold the assembly in a slightly inclined position with one hand. Shake the sieves by striking the sides against the other hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about one-sixth of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for 2 minutes. Weigh the material which fails to pass through the No. 20 sieve and the material which passes through the No. 100 sieve.

§ 15.140 *Enriched farina; identity; label statement of optional ingredients.* (a) Enriched farina conforms to the definition and standard of identity prescribed for farina by § 15.130, except that:

(1) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacinamide, and not less than 13.0 milligrams of iron (Fe).

(2) Vitamin D may be added in such quantity that each pound of the finished enriched farina contains not less than 250 U. S. P. units of the optional ingredient vitamin D.

(3) Calcium may be added in such quantity that each pound of the finished enriched farina contains not less than 500 milligrams of the optional ingredient calcium (Ca).

(4) It may contain not more than 8 percent by weight of the optional ingredient wheat germ or partly defatted wheat germ.

(5) It may contain not less than 0.5 percent and not more than 1 percent by weight of the optional ingredient disodium phosphate.

(6) In determining whether the ash content complies with the requirements of this section allowance is made for ash resulting from any added iron or salts of iron or calcium, or from any added disodium phosphate, or from any added wheat germ or partly defatted wheat germ.

Iron and calcium may be added only in forms which are harmless and assimilable. Dried irradiated yeast may be used as a source of vitamin D. The substances referred to in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched farina; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the farina.

(b) When the optional ingredient disodium phosphate is used, the label shall bear the statement "Disodium phosphate added for quick cooking." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, such statement shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of trade-mark or brand, other written, printed, or graphic matter which is also a part of such trademark or brand, may so intervene if such statement is in such juxtaposition with such trademark or brand as to be conspicuously related to such name.

§ 15.150 *Semolina; identity.* (a) Semolina is the food prepared by grinding and bolting cleaned durum wheat to such fineness that, when tested by the method prescribed in § 15.130 (b) (2), it passes through a No. 20 sieve, but not more than 3 percent passes through a No. 100 sieve. It is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than 0.92 percent. Its moisture content is not more than 15 percent.

(b) For the purpose of this section, ash and moisture are determined by the methods therefor referred to in § 15.1 (c).

SUBPART B—CORN FLOUR AND RELATED PRODUCTS

§ 15.500 *White corn meal; identity.* (a) White corn meal is the food prepared by so grinding cleaned white corn that when tested by the method prescribed in paragraph (b) (2) of this section not less than 95 percent passes through a No. 12 sieve, not less than 45 percent through a No. 25 sieve, but not more than 35 percent through a No. 72 grits gauze. Its moisture content is not more than 15 percent. In its preparation coarse particles of the ground corn may be separated and discarded, or reground and recombined with all or part of the material from which they were separated, but in any such case the crude fiber content of the finished corn meal is not less than 1.2 percent and not more than that of the cleaned corn from which it was ground, and its fat content does not differ more than 0.3 percent from that of such corn. The contents of crude fiber and fat in all the foregoing provisions relating thereto are on a moisture-free basis.

(b) (1) For the purposes of this section moisture is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 6th edition, page 259, sections 20.70 and 20.71 [Ed note, 8th edition; 1955, p. 220, secs. 13.54, 13.55], fat is determined by the method prescribed on pages 259 and 260, sections 20.70 and 20.73 [Ed. note, 8th edition, 1955, p. 220, secs. 13.54 and 13.59]; and crude fiber determined by the method prescribed on pages 259 and 260, sections 20.70 and 20.74 [Ed. note, 8th edition, 1955, p. 220, secs. 13.54 and 13.57].

(2) The method referred to in paragraph (a) of this section is as follows:

Use No. 12 and No. 25 sieves, having standard 8-inch diameter, full-height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the Bureau of Standards, United States Department of Commerce. A sieve with frame of the same dimensions as the Nos. 12 and 25 and fitted with 72 XXX grits gauze is used as the third sieve. It is referred to hereafter as the No. 72 sieve. The 72 XXX grits gauze has openings equivalent in size with those of No. 70 woven-wire cloth, complying with specifications for such cloth contained in such "Standard Specifications for Sieves" Attach bottom pan to No. 72 sieve. Fit the No. 25 sieve into the No. 72 sieve and the No. 12 sieve into the No. 25 sieve. Pour 100 grams of sample into the No. 12 sieve, attach cover and hold the assembly in a slightly inclined position and shake the assembly of sieves by striking the sides against one hand with an upward stroke, at the rate of about 150 times per minute. Turn the assembly of sieves about one-sixth of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for 2 minutes. Weigh separately the material remaining on each sieve and in the pan, and calculate each weight as percent of sample. Sometimes when meals are tested, fine particles clog the sieve openings. If any sieve is clogged by fine material smaller than its openings, empty the contents onto a piece of paper. Remove the entrapped material on the bottom of the sieve by a hair brush and add to the sieve below. In like manner, clean the adhering material from inside the sieve and add to the material on the paper. Return mixture on the paper to the sieve, reassemble the sieves, and shake in the same manner as before for 1 minute. Repeat cleaning procedure if necessary until a 5-gram or less loss in weight occurs in any sieve during a 1-minute shaking. The percent of sample passing through No. 12 sieve shall be determined by subtracting from 100 percent, the percent of material remaining on the No. 12 sieve. The percent passing through a No. 25 sieve shall be determined by adding the percents remaining on the No. 72 sieve and the percent in pan. The percent in the pan shall be considered as the percent passing through a No. 72 XXX grits gauze.

§ 15.501 *Yellow corn meal; identity.* Yellow corn meal conforms to the definition and standard of identity prescribed by § 15.500 for white corn meal except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.502 *Bolted white corn meal; identity.* (a) Bolted white corn meal is the food prepared by so grinding and sifting cleaned white corn that:

(1) Its crude fiber content is less than 1.2 percent but its fat content is not less than 2.25 percent; and

(2) When tested by the method prescribed in § 15.500 (b) (2), except that a No. 20 standard sieve is used instead of the No. 12 sieve, not less than 95 percent passes through a No. 20 sieve, not less than 45 percent through a No. 25 sieve, but not more than 25 percent through No. 72 XXX grits gauze. Its moisture content is not more than 15 percent. In its preparation particles of ground corn which contain germ may be separated, reground, and recombined with all or part of the material from which it was separated, but in any such case the fat content of the finished bolted white corn meal does not exceed by more than 0.3 percent the fat content of the cleaned corn from which it was ground. The contents of crude fiber and fat in all the foregoing provisions relating thereto are on a moisture-free basis.

(b) For the purposes of this section, moisture, fat and crude fiber are determined by the methods therefor referred to in § 15.500 (b) (1).

§ 15.503 *Bolted yellow corn meal; identity.* Bolted yellow corn meal conforms to the definition and standard of identity perscribed by § 15.502 for bolted white corn meal except that cleaned

yellow corn is used instead of cleaned white corn.

§ 15.504 *Degerminated white corn meal, degermed white corn meal; identity.* (a) Degerminated white corn meal, degermed white corn meal, is the food prepared by grinding cleaned white corn and removing bran and germ so that:

(1) On a moisture-free basis, its crude fiber content is less than 1.2 percent and its fat content is less than 2.25 percent; and

(2) When tested by the method prescribed in § 15.500 (b) (2), except that a No. 20 standard sieve is used instead of a No. 12 sieve, not less than 95 percent passes through a No. 20 sieve, not less than 45 percent through a No. 25 sieve, but not more than 25 percent through No. 72 XXX grits gauze. Its moisture content is not more than 15 percent.

(b) For the purposes of this section, moisture, fat and crude fiber are determined by methods therefor referred to in § 15.500 (b) (1).

§ 15.505 *Degerminated yellow corn meal, degermed yellow corn meal; identity.* Degerminated yellow corn meal, degermed yellow corn meal, conforms to the definition and standard of identity prescribed by § 15.504 for degerminated white corn meal except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.506 *Self-rising white corn meal; identity.* (a) Self-rising white corn meal is an intimate mixture of white corn meal, sodium bicarbonate, and the acid-reacting substance monocalcium phosphate. It is seasoned with salt. When it is tested by the method prescribed in paragraph (b) of this section, not less than 0.5 percent of carbon dioxide is evolved. The acid-reacting substance is added in sufficient quantity to neutralize the sodium bicarbonate. The combined weight of such acid-reacting substance and sodium bicarbonate is not more than 4.5 parts to each 100 parts of white corn meal used.

(b) The method referred to in paragraph (a) of this section is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 6th Edition, beginning on page 208 [Ed. note, 8th edition, 1955, p. 127, secs. 7.2, 7.3] under "Gasometric Method (2) with Chittick's Apparatus—Official," except that the following procedure is substituted for the procedure specified therein under "17.6—Determination":

Weigh 17 grams of the official sample into flask *A*, add 15–20 glass beads (4–6 mm. diameter), and connect this flask with the apparatus (fig. 25). Open stopcock *C* and by means of the leveling bulb *E* bring the displacement solution to the 25 cc. graduation above the zero mark. (This 25 cc. is a partial allowance for the volume of acid to be used in the decomposition.) Allow the apparatus to stand 1–2 minutes to insure that the temperature and pressure within the apparatus are the same as those of the room. Close the stopcock, lower the leveling bulb somewhat to reduce the pressure within the apparatus, and slowly run into the decomposition flash from burette *F* 45 cc. of sulfuric acid (1+5). To prevent the liberated carbon dioxide from escaping through the acid burette into the air, keep the displacement solution in the leveling bulb at all times during the decomposition at a lower level than that in the gas-measuring tube. Rotate and then vigorously agitate the decomposition flask for 3 minutes to mix the contents intimately. Allow to stand for 10 minutes to bring to equilibrium. Equalize the pressure in the measuring tube by means of the leveling bulb and read the volume of gas from the zero point on the tube. Deduct 20 cc. from this reading (this 20 cc. together with previous allowance of 25 cc. compensates for the 45 cc. acid used in the decomposition). Observe the temperature of the air surrounding the apparatus and also the barometric pressure and multiply the number of cc. of gas evolved by the factor given in Table 44.30 [Ed. note, 8th edition, 1955, sec. 42.29]—Reference Tables for the temperature and pressure observed. Divide the corrected reading by 100 to obtain the apparent percent by weight of carbon dioxide in the official sample.

Correct the apparent percent of carbon dioxide to compensate for varying atmospheric conditions by immediately assaying a synthetic sample by the same method in the same apparatus.

Prepare the synthetic sample with 16.2 grams of corn meal, 0.30 gram of monocalcium phosphate, 0.30 gram of salt, and a sufficient quantity of sodium bicarbonate U. S. P. (dried over sulfuric acid) to yield the amount of carbon dioxide recovered in assay of official sample. Determine this quantity by multiplying weight of carbon dioxide recovered in assay of official sample by 1.91.

Divide the weight of carbon dioxide recovered from synthetic sample by weight of carbon dioxide contained in sodium bicarbonate used.

Divide the quotient into the apparent percent of carbon dioxide in official sample to obtain percent of carbon dioxide evolved from the official sample.

§ 15.507 *Self-rising yellow corn meal; identity.* Self-rising yellow corn meal conforms to the definition and standard of identity prescribed by § 15.506 for self-rising white corn meal except that yellow corn meal is used instead of white corn meal.

§ 15.508 *White corn flour; identity.* (a) White corn flour is the food prepared by so grinding and bolting cleaned white corn that when tested by the method prescribed in paragraph (b) (2) of this section, not less than 98 percent passes through a No. 50 sieve and not less than 50 percent passes through No. 70 woven-wire cloth. Its moisture content is not more than 15 percent. In its preparation part of the ground corn may be removed, but in any such case, the content (on a moisture-free basis) of neither the crude fiber nor fat in the finished white corn flour exceeds the content (on a moisture-free basis) of such substance in the cleaned corn from which it was ground.

(b) (1) For the purpose of this section, moisture, fat, and crude fiber are determined by methods therefor referred to in § 15.500 (b) (1).

(2) The method referred to in paragraph (a) of this section is as follows: Weigh 5 grams of sample into a tared truncated metal cone (top diameter 5 centimeters, bottom diameter 2 centimeters, height 4 centimeters), fitted at bottom with 70-mesh wire cloth complying with the specifications for No. 70 wire cloth in "Standard Specifications for Sieves," published March 1, 1940 in L. C. 584 of the Bureau of Standards, United States Department of Commerce. Attach cone to a suction flask. Wash with 150 ml. of petroleum either applied in a small stream without suction, while gently stirring the sample with a small glass rod. Apply suction for 2 minutes after washing is completed, then shake the cone for 2 minutes with a vigorous horizontal motion, striking the side against the hand, and then weigh. The decrease in weight of sample, calculated as percent by weight of sample shall be considered the percent passing through No. 70 wire cloth. Transfer the residue from cone to a No. 50 sieve having a standard 8-inch diameter full-height frame, complying with the specifications for wire cloth and sieve frame in said "Standard Specifications for Sieves." Shake for 2 minutes with a vigorous horizontal motion, striking the side against the hand; remove and weigh the residue; calculate the weight of residue as percent by weight of sample, and subtract from 100 percent to obtain the percent of sample passing through the No. 50 sieve.

§ 15.509 *Yellow corn flour; identity.* Yellow corn flour conforms to the definition and standard of identity prescribed by § 15.508 for white corn flour except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.510 *Grits, corn grits, hominy grits; identity.* (a) Grits, corn grits, hominy grits, is the food prepared by so grinding and sifting cleaned white corn, with removal of corn bran and germ, that:

(1) On a moisture-free basis its crude fiber content is not more than 1.2 percent and its fat content is not more than 2.25 percent; and

(2) When tested by the method prescribed in paragraph (b) (2) of this section not less than 95 percent passes through a No. 10 sieve but not more than 20 percent through a No. 25 sieve.

(b) (1) For the purposes of this section moisture, fat, and crude fiber are determined by methods therefor referred to in § 15.500 (b) (1).

(2) The method referred to in paragraph (a) of this section is as follows: Use No. 10 and No. 25 sieves, having standard 8-inch diameter full-height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the Bureau of Standards, United States Department of Commerce. Attach bottom pan to No. 25 sieve. Fit the No. 10 sieve into the No. 25 sieve. Pour 100 grams of sample into the No. 10 sieve, attach cover and hold assembly in a slightly inclined position, shake the sieves by striking the sides against one hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about one-sixth of a revolution each time in the same direction after each 25 strokes. Continue shaking for 2 minutes. Weigh separately the material remaining on the No. 10 sieve and in the pan, and calculate each weight as percent of sample. The percent of sample passing through a No. 10 sieve shall be determined by subtracting from 100 percent the percent remaining on the No. 10 sieve. The percent of material in the pan shall be considered as the percent passing through a No. 25 sieve.

§ 15.511 *Yellow grits, yellow corn grits, yellow hominy grits; identity.* Yellow grits, yellow corn grits, yellow hominy grits, conforms to the definition and standard of identity prescribed by § 15.510 for grits except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.512 *Quick grits, quick cooking grits; identity.* (a) Quick grits, quick cooking grits are the foods, each of which conforms to the definition and standard of identity prescribed for a kind of grits by §§ 15.510 or 15.511, except that in process of preparation the grits are lightly steamed and slightly compressed so as to fracture the particles.

(b) The name of each kind of grits is "Quick" or "Quick cooking" followed by the name of the kind of grits used which is prescribed in the definition and standard of identity therefor.

§ 15.513 *Enriched corn meals; identity.* (a) Enriched corn meals are the foods, each of which conforms to the definition and standard of identity prescribed for a kind of corn meal by §§ 15.500 to 15.507, inclusive, except that:

(1) It contains in each pound not less than 2.0 mg. and not more than 3.0 mg. of thiamine, not less than 1.2 mg. and not more than 1.8 mg. of riboflavin, not less than 16 mg. and not more than 24 mg. of niacin or niacinamide, and not less than 13 mg. and not more than 26 mg. of iron (Fe);

(2) It may contain in each pound not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D; and

(3) It may contain in each pound not less than 500 mg. and not more than 750 mg. of calcium (Ca). Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in this subparagraph and in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched corn meal; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the kind of corn meal used. Dried yeast in quantities not exceeding 1.5 percent by weight of the finished food may be used.

(b) The name of each kind of enriched corn meal is the word "Enriched" followed by the name of the kind of corn meal used which is prescribed in the definition and standard of identity therefor.

§ 15.514 *Enriched corn grits; identity.* (a) Enriched corn grits are the foods, each of which conforms to the definition and standard of identity prescribed for grits, yellow grits, or quick cooking grits by §§ 15.510 to 15.512, inclusive, except that:

(1) It contains in each pound not less than 2.0 mg. and not more than 3.0 mg. of thiamine, not less than 1.2 mg. and not more than 1.8 mg. of riboflavin, not less than 16 mg. and not more than 24 mg. of niacin or niacinamide, not less than 13 mg. and not more than 26 mg. of iron (Fe);

(2) It may contain in each pound not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D; and

(3) It may contain in each pound not less than 500 mg. and not more than 750 mg. of calcium (Ca). Iron and calcium may be added only in forms which are harmless and assimilable. The vitamins referred to in subparagraph (1) of this paragraph may be combined with harmless substances to render them insoluble in water if the water-insoluble products are assimilable. The substances referred to in this subparagraph and in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the kind of corn grits used. Dried yeast in quantities not exceeding 1.5 percent by weight of the finished food may be used. When the finished food is tested by the method prescribed in paragraph (c) of this section it complies with the requirements set forth therein.

(b) The name of each kind of enriched corn grits is the word "Enriched" followed by the name of the kind of corn grits used which is prescribed in the definition and standard of identity therefor.

(c) The method referred to in paragraph (a) of this section is as follows:

Transfer 100 grams of enriched grits to a 2-liter Erlenmeyer flask containing 1 liter of water at 25° C. Stopper the flask and rotate it for exactly ½ minute so that the grits are kept in motion. Allow the grits to settle for ½ minute, then pour off 850 cc. of the water along with any floating or suspended matter. Determine thiamine, riboflavin, niacin, and iron in the wet grits and water remaining in the flask. Calculate as mg. per pound of the grits before rinsing. The amounts found by this procedure are not less than 85 percent of the minimum amounts of thiamine, riboflavin, niacin, and iron prescribed by the standard for enriched grits.

PART 16—ALIMENTARY PASTES; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.
16.1 Macaroni products; identity; label statement of optional ingredients.
16.2 Milk macaroni products; identity; label statement of optional ingredients.
16.3 Whole wheat macaroni products; identity; label statement of optional ingredients.
16.4 Wheat and soy macaroni products; identity; label statement of optional ingredients.
16.5 Vegetable macaroni products; identity; label statement of optional ingredients.
16.6 Noodle products; identity; label statement of optional ingredients.
16.7 Wheat and soy noodle products; identity; label statement of optional ingredients.
16.8 Vegetable noodle products; identity; label statement of optional ingredients.
16.9 Enriched macaroni products; identity; label statement of optional ingredients.
16.10 Enriched noodle products; identity; label statement of optional ingredients.

AUTHORITY: §§ 16.1 to 16.10 issued under sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a). Interpret or apply sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341.

§ 16.1 *Macaroni products; identity; label statement of optional ingredients.* (a) Macaroni products are the class of food each of which is prepared by drying formed units of dough made from semolina, durum flour, farina, flour, or any combination of two or more of these, with water and with or without one or more of the optional ingredients specified in subparagraphs (1) to (5), inclusive, of this paragraph:

(1) Egg white, frozen egg white, dried egg white, or any two or all of these, in such quantity that the solids thereof is not less than 0.5 percent and not more than 2.0 percent of the weight of the finished food.

(2) Disodium phosphate, in a quantity not less than 0.5 percent and not more than 1.0 percent of the weight of the finished food.

(3) Onions, celery, garlic, bay leaf, or any two or more of these, in a quantity which seasons the food.

(4) Salt, in a quantity which seasons the food.

(5) Gum gluten, in such quantity that the protein content of the finished food is not more than 13 percent by weight.

The finished macaroni product contains not less than 87 percent of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940, page 235 [Ed. note, 8th edition, 1955, p. 230, sec. 13.109], under "Vacuum Oven Method—Official."

(b) Macaroni is the macaroni product the units of which are tube-shaped and more than 0.11 inch but not more than 0.27 inch in diameter.

(c) Spaghetti is the macaroni product the units of which are tube-shaped or cord-shaped (not tubular) and more than 0.06 inch but not more than 0.11 inch in diameter.

(d) Vermicelli is the macaroni product the units of which are cord-shaped (not tubular) and not more than 0.06 inch in diameter.

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Macaroni

Product"; or alternately, the name is "Macaroni," "Spaghetti," or "Vermicelli," as the case may be, when the units of the food are of the shapes and sizes specified in paragraph (b), (c), or (d), respectively, of this section.

(f) (1) When disodium phosphate is used the label shall bear the statement "Disodium phosphate added for quick cooking."

(2) When any ingredient specified in paragraph (a) (3) of this section is used the label shall bear the statement "Seasoned with_____," the blank being filled in with the common name of the ingredient; or in the case of bay leaves the statement "Spiced," "Spice added," or "Spiced with bay leaves."

(3) Wherever the name of the food appears on such label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed in this section, showing the optional ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name without intervening written, printed, or other graphic matter.

§ 16.2 *Milk macaroni products; identity; label statement of optional ingredients.* (a) Milk macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Milk is used as the sole moistening ingredient in preparing the dough; or in lieu of milk one or more of the milk ingredients specified in paragraph (f) of this section is used, with or without water, in such quantity that the weight of milk solids therein is not less than 3.8 percent of the weight of the finished milk macaroni product; and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used. When the optional ingredient gum gluten (§ 16.1 (a) (5)) is added, the quantity is such that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour, or any combination of these used, does not exceed 13 percent of the weight of the finished food.

(b) Milk macaroni is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Milk spaghetti is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Milk vermicelli is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Milk Macaroni Product"; or alternatively, the name is "Milk Macaroni," "Milk Spaghetti," or "Milk Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph (b), (c), or (d), respectively, of this section.

(f) The milk ingredients referred to in paragraph (a) (1) of this section are concentrated milk, evaporated milk, dried milk, and a mixture of butter with skim milk, concentrated skim milk, evaporated skim milk, defatted milk solids (dried skim milk), or any two or more of these, in such proportion that the weight of nonfat milk solids in such mixture is not more than 2.275 times the weight of milk fat therein.

§ 16.3 *Whole wheat macaroni products; identity; label statement of optional ingredients.* (a) Whole wheat macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Whole wheat flour or whole durum wheat flour or both are used as the sole wheat ingredient; and

(2) None of the optional ingredients permitted by § 16.1 (a) (1), (2), and (5) is used.

(b) Whole wheat macaroni is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Whole wheat spaghetti is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Whole wheat vermicelli is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Whole Wheat Macaroni Product"; or alternatively, the name is "Whole Wheat Macaroni," "Whole Wheat Spaghetti," or "Whole Wheat Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph (b), (c), or (d), respectively, of this section.

§ 16.4 *Wheat and soy macaroni products; identity; label statement of optional ingredients.* (a) Wheat and soy macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Soy flour is added in a quantity not less than 12.5 percent of the combined weight of the wheat and soy ingredients used (the soy flour used is made from heat-processed, dehulled soybeans, with or without the removal of fat therefrom); and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used. When the optional ingredient gum gluten (§ 16.1 (a) (5)) is added, the quantity is such that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour or any combination of these used, does not exceed 13 percent of the weight of the finished food.

(b) Wheat and soy macaroni is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Wheat and soy spaghetti is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Wheat and soy vermicelli is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Wheat and Soy Macaroni Product," "Wheat and Soybean Macaroni Product," "_____ and Soy Macaroni Product," or "_____ and Soybean Macaroni Product," the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.1 (a); or alternatively, the name is "Wheat and Soy Macaroni," "Wheat and Soybean Macaroni," "_____ and Soy Macaroni," or "_____ and Soybean Macaroni" when the units of the food comply with the requirements of paragraph (b) of this section; or "Wheat and Soy Spaghetti," "Wheat and Soybean Spaghetti," "_____ and Soy Spaghetti," or "_____ and Soybean Spaghetti" when such units comply with the requirements of paragraph (c) of this section; or "Wheat and Soy Vermicelli," "Wheat and Soybean Vermicelli," "_____ and Soy Vermicelli," or "_____ and Soybean Vermicelli" when such units comply with the requirements of paragraph (d) of this section, the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.1 (a).

§ 16.5 *Vegetable macaroni products; identity; label statement of optional ingredients.* (a) Vegetable macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Tomato (of any red variety), artichoke, beet, carrot, parsley, or spinach is added in such quantity that the solids thereof is not less than 3 percent by weight of the finished vegetable macaroni product (the vegetable used may be fresh, canned, dried, or in the form of puree or paste); and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used. When the optional ingredient gum gluten (§16.1 (a) (5)) is added, the quantity is such that the protein derived therefrom, together with the protein derived from the semolina, durum flour, farina, flour or any combination of these used, does not exceed 13 percent of the weight of the finished food.

(b) Vegetable macaroni is the vegetable macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Vegetable spaghetti is the vegetable macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Vegetable vermicelli is the vegetable macaroni product, the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "_____ Macaroni Product," the blank being filled in with the name whereby the vegetable used is designated in paragraph (a) of this section; or alternatively, the name is "_____ Macaroni," "_____ Spaghetti," or "_____ Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph (b), (c), or (d), respectively, the blank in each instance being filled in with the name whereby the vegetable used is designated in paragraph (a) of this section.

§ 16.6 *Noodle products; identity; label statement of optional ingredients.* (a) Noodle products are the class of food each of which is prepared by drying formed units of dough made from semolina, durum flour, farina, flour, or any combination of two or more of these, with liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks, or any combination of two or more of these, with or without water and with or without one or more of the optional ingredients specified in subparagraphs (1) to (3), inclusive:

(1) Onions, celery, garlic, bay leaf, or any two or more of these, in a quantity which seasons the food.

(2) Salt, in a quantity which seasons the food.

(3) Gum gluten, in such quantity that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour or any combination of these used, does not exceed 13 percent of the weight of the finished food.

The finished noodle product contains not less than 87 percent of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940, page 235 [Ed. note, 8th edition, 1955, p. 230, sec. 13.109], under "Vacuum Oven Method—Official." The total solids of noodle products contains not less than 5.5 percent by weight of the solids of egg, or egg yolk.

(b) Noodles, egg noodles, is the noodle product the units of which are ribbon-shaped.

(c) Egg macaroni is the noodle product the units of which are tube-shaped and more than 0.11 inch but not more than 0.27 inch in diameter.

(d) Egg spaghetti is the noodle product the units of which are tube-shaped or cord-shaped (not tubular) and more than 0.06 inch but not more than 0.11 inch in diameter.

(e) Egg vermicelli is the noodle product the units of which are cord-shaped (not tubular) and not more than 0.06 inch in diameter.

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Noodle Product" or "Egg Noodle Product"; or alternatively, the name is "Noodles" or "Egg Noodles," "Egg Macaroni," "Egg Spaghetti," or "Egg Vermicelli," as the case may be, when the units of the food are of the shapes and sizes specified in paragraph (b), (c), (d), or (e), respectively, of this section.

(g) When any ingredient specified in paragraph (a) (1) of this section is used, the label of the noodle product shall bear the statement "Seasoned with _____," the blank being filled in with the common name of the ingredient; or in the case of bay leaves the statement "Spiced," "Spice added," or "Spiced with bay leaves."

(h) Wherever the name of the food appears on such label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed in this section, showing the ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name without intervening written, printed, or other graphic matter.

§ 16.7 *Wheat and soy noodle products; identity; label statement of optional ingredients.* (a) Wheat and soy noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g), except that soy flour is added in a quantity not less than 12.5 percent of the combined weight of the wheat and soy ingredients used (the soy flour used is made from heat-processed, dehulled soybeans, with or without the removal of fat therefrom).

(b) Wheat and soy noodles, wheat and soy egg noodles, is the wheat and soy noodle product the units of which are ribbon-shaped.

(c) Wheat and soy egg macaroni is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni by § 16.6 (c).

(d) Wheat and soy egg spaghetti is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti by § 16.6 (d).

(e) Wheat and soy egg vermicelli is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli by § 16.6 (e).

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Wheat and Soy Noodle Product," "Wheat and Soy Egg Noodle Product," "Wheat and Soybean Noodle Product," "Wheat and Soybean Egg Noodle Product," "_____ and Soy Noodle Product," "_____ and Soy Egg Noodle Product," "_____ and Soybean Noodle Product," or "_____ and Soybean Egg Noodle Product," the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.6 (a); or alternatively, the name is "Wheat and Soy Noodles," "Wheat and Soy Egg Noodles," "Wheat and Soybean Noodles," "Wheat and Soybean Egg Noodles," "_____ and Soy Noodles," "_____ and Soy Egg Noodles," "_____ and Soybean Noodles," or "_____ and Soybean Egg Noodles" when the units of the food comply with the requirements of paragraph (b) of this section; or "Wheat and Soy Egg Macaroni," "Wheat and Soybean Egg Macaroni," "_____ and Soy Egg Macaroni," or "_____ and Soybean Egg Macaroni" when such units comply with the requirements of paragraph (c) of this section; or "Wheat and Soy Egg Spaghetti," "Wheat and Soybean Egg Spaghetti," "_____ and Soy Egg Spaghetti," or "_____ and Soybean Egg Spaghetti" when such units comply with the requirements of paragraph (d) of this section; or "Wheat and Soy Egg Vermicelli," "Wheat and Soybean Egg Vermicelli," "_____ and Soy Egg Vermicelli," or "_____ and Soybean Egg Vermicelli," when such units comply with the requirements of paragraph (e) of this section, the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.6 (a).

§ 16.8 *Vegetable noodle products; identity; label statement of optional ingredients.* (a) Vegetable noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g), except that tomato (of any red variety), artichoke, beet, carrot, parsley, or spinach is added in such quantity that the solids thereof is not less than 3 percent by weight of the finished vegetable noodle product (the vegetable used may be fresh, canned, dried, or in the form of puree or paste).

(b) Vegetable noodles, vegetable egg noodles, is the vegetable noodle product the units of which are ribbon-shaped.

(c) Vegetable egg macaroni is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni by § 16.6 (c).

(d) Vegetable egg spaghetti is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti by § 16.6 (d).

(e) Vegetable egg vermicelli is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli by § 16.6 (e).

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "_____ Noodle Product" or "_____ Egg Noodle Product," the blank being filled in with the name whereby the vegetable used is designated in paragraph (a) of this section; or alternatively, the name is "_____ Noodles" or "_____ Egg Noodles," "_____ Egg Macaroni," "_____ Egg Spaghetti," or "_____ Egg Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph (b), (c), (d), or (e), respec-

tively, the blank in each instance being filled in with the name whereby the vegetable is designated in paragraph (a) of this section.

§ 16.9 *Enriched macaroni products; identity; label statement of optional ingredients.* (a) Enriched macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f), except that:

(1) Each such food contains in each pound not less than 4 mg. and not more than 5 mg. of thiamine, not less than 1.7 mg. and not more than 2.2 mg. of riboflavin, not less than 27 mg. and not more than 34 mg. of niacin or niacinamide, and not less than 13 mg. and not more than 16.5 mg. of iron (Fe);

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 250 U. S. P. units and not more than 1000 U. S. P. units of vitamin D;

(3) Each such food may also contain as an optional ingredient added calcium in such quantity that each pound of the finished food contains not less than 500 mg. and not more than 625 mg. of calcium (Ca);

(4) Each such food may also contain as an optional ingredient partly defatted wheat germ but the amount thereof does not exceed 5 percent of the weight of the finished food;

(5) Each such food may be supplied, wholly or in part, with the prescribed quantity of any substance referred to in subparagraphs (1), (2), and (3) of this paragraph through the use of dried yeast, partly defatted wheat germ, enriched farina or enriched flour, or through the direct additions of any of the substances prescribed in subparagraphs (1), and (2), and (3).

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched macaroni product, such carrier being used only in the quantity reasonably necessary to effect an intimate and uniform distribution of such substances in the finished enriched macaroni product.

(b) Enriched macaroni is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Enriched spaghetti is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Enriched vermicelli is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Enriched Macaroni Product"; or alternatively, the name is "Enriched Macaroni," "Enriched Spaghetti," or "Enriched Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraphs (b), (c), or (d) respectively of this section.

§ 16.10 *Enriched noodle products; identity; label statement of optional ingredients.* (a) Enriched noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g), except that:

(1) Each such food contains in each pound not less than 4 mg. and not more than 5 mg. of thiamine, not less than 1.7 mg. and not more than 2.2 mg. of riboflavin, not less than 27 mg. and not more than 34 mg. of niacin or niacinamide, and not less than 13 mg. and not more than 16.5 mg. of iron (Fe);

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 250 U. S. P. units and not more than 1000 U. S. P. units of vitamin D;

(3) Each such food may also contain as an optional ingredient added calcium in such quantity that each pound of the finished food contains not less than 500 mg. and not more than 625 mg. of calcium (Ca);

(4) Each such food may also contain as an optional ingredient partly defatted wheat germ, but the amount thereof does not exceed 5 percent of the weight of the finished food;

(5) Each such food may be supplied, wholly or in part, with the prescribed quantity of any substance referred to in subparagraphs (1), (2), and (3), of this paragraph through the use of dried yeast, partly defatted wheat germ, enriched farina or enriched flour, or through the direct additions of any of the substances prescribed in subparagraphs (1), (2), and (3).

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched noodle product, such carrier being used only in the quantity reasonably necessary to effect an intimate and uniform distribution of such substances in the finished enriched noodle product.

(b) Enriched noodles, enriched egg noodles are the enriched noodle products the units of which conform to the specifications of shape and size prescribed for noodles in § 16.6 (b).

(c) Enriched egg macaroni is the enriched noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni in § 16.6 (c).

(d) Enriched egg spaghetti is the enriched noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti in § 16.6 (d).

(e) Enriched egg vermicelli is the enriched noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli in § 16.6 (e).

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Enriched Noodle Product" or "Enriched Egg Noodle Product"; or alternatively, the name is "Enriched Noodles," or "Enriched Egg Noodles," "Enriched Egg Macaroni," "Enriched Egg Spaghetti," or "Enriched Egg Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraphs (b), (c), (d), or (e) respectively of this section.

PART 17—BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.

17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.
17.2 Enriched bread and enriched rolls or enriched buns; identity; label statement of optional ingredients.
17.3 Milk bread and milk rolls or milk buns; identity; label statement of optional ingredients.
17.4 Raisin bread and raisin rolls or raisin buns; identity; label statement of optional ingredients.
17.5 Whole wheat bread, graham bread, entire wheat bread, and whole wheat rolls, graham rolls, entire wheat rolls, or whole wheat buns, graham buns, entire wheat buns; identity; label statement of optional ingredients.

AUTHORITY: §§ 17.1 to 17.5 issued under 52 Stat. 1043, 1055, 68 Stat. 54; 21 U. S. C. 341, 371.

§ 17.1 *Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.* (a) Each of the foods bread, white bread, rolls, white rolls, buns, white buns is prepared by baking a kneaded yeast-leavened dough, made by moistening flour with water or with one or more of the optional liquid ingredients specified in this section or with any mixture of water and one or more of such ingredients. The term "flour," unqualified, as used in this section, includes flour, bromated flour, and phosphated flour. The potassium bromate in any bromated flour used and the monocalcium phosphate in any phosphated flour used shall be deemed to be optional ingredients in the bread or rolls. Each of such foods is seasoned with salt, and in its preparation one or more of the optional ingredients prescribed by subparagraphs (1) to (14), inclusive, of this paragraph may be used:

(1) Shortening, in which or in conjunction with which may be used lecithin, mono- and diglycerides of fat-forming fatty acids (except lauric acid), or diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids (except lauric acid), or a combination of two or more of these. The total weight of mono- and diglycerides, including diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, used does not exceed 20 percent by weight of the combination of such a preparation and the shortening, and the total amount of monoglyceride in such mixture does not exceed 8 percent by weight of the combination; but if purified or concentrated monoglyceride is used the amount of such a preparation does not exceed 10 percent by weight of the combination of such preparation and the shortening. For the purposes of this section the lecithin may include related phosphatides derived from the corn or soya-bean oil from which the lecithin was obtained.

(2) Milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed partly skimmed milk, sweetened condensed skim milk, nonfat dry milk solids, or any combination of two or more of these; except that any such ingredient or combination, together with any butter and cream used, is so limited in quantity or composition as not to meet the requirements for milk or dairy ingredients prescribed for milk bread by § 17.3.

(3) Buttermilk, concentrated buttermilk, dried buttermilk, sweet cream buttermilk, concentrated sweet cream buttermilk, dried sweet cream buttermilk, cheese whey, concentrated cheese whey, dried cheese whey, milk proteins, or any combination of two or more of these.

(4) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen egg yolks, dried yolks, egg white, frozen egg white, dried egg white, or any combination of two or more of these.

(5) Sugar, invert sugar (in congealed or sirup form), light-colored brown sugar, refiner's sirup, dextrose, honey, corn sirup, glucose sirup, dried corn sirup, dried glucose sirup, nondiastatic malt sirup, nondiastatic dried malt sirup, molasses (except blackstrap molasses), or any combination of two or more of these.

(6) Malt sirup, dried malt sirup, malted barley flour, malted wheat flour, each of which is diastatically active; harmless preparations of enzymes obtained from Aspergillus oryzae, or any combination of two or more of these.

(7) Inactive dried yeast of the genus Saccharomyces cerevisiae; but the total quantity thereof is not more than 2 parts for each 100 parts by weight of flour used.

(8) Harmless lactic-acid producing bacteria.

(9) Corn flour (including finely ground corn meal), potato flour, rice flour, wheat starch, cornstarch, milo starch, potato starch, sweet potato starch (any of which may be wholly or in part dextrinized), dextrinized wheat flour, soy flour, or any combination of two or more of these; but the total quantity thereof is not more than 3 parts for each 100 parts by weight of flour used.

(10) Ground dehulled soybeans, which may be heat-treated and from which oil may be removed, but which retain enzymatic activity; but the quantity thereof is not more than 0.5 part for each 100 parts by weight of flour used.

(11) Calcium sulfate, calcium lactate, calcium carbonate, dicalcium phosphate, ammonium phosphates, ammonium sulfate, ammonium chloride, or any combination of two or more of these; but the total quantity of such ingredients is not more than 0.25 part for each 100 parts by weight of flour used.

(12) Potassium bromate, potassium iodate, calcium peroxide, or any combination of two or more of these; but the total quantity thereof (including the potassium bromate in any bromated flour used) is not more than 0.0075 part for each 100 parts by weight of flour used.

(13) (i) Monocalcium phosphate, but the total quantity thereof, including the quantity in any phosphated flour used and any quantity added, is not more than 0.75 part by weight for each 100 parts by weight of flour used.

(ii) A vinegar, in a quantity equivalent in acid strength to not more than 1 pint of 100-grain distilled vinegar for each 100 pounds of flour used; or

(iii) Calcium propionate, sodium propionate, or any mixture of these, but the total quantity thereof is not more than 0.32 part for each 100 parts by weight of flour used; or

(iv) Sodium diacetate, but the quantity thereof is not more than 0.4 part for each 100 parts by weight of flour used; or

(v) Lactic acid, in such quantity that the pH of the finished bread is not less than 4.5.

(14) Spice, with which may be included spice oil and spice extract.

Each of such foods contains not less than 62 percent of total solids, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, 1950, page 209, section 13.70, under "Total Solids in an Entire Loaf of Bread," [Ed. note, 8th Ed., 1955, p. 222, sec. 13.72], except that if the baked unit weighs 1 pound or more one entire unit is used for the determination, and if the baked unit weighs less than 1 pound, such number of entire units as weigh 1 pound or more is used for the determination.

(b) Bread, white bread is baked in units each of which weighs one-half pound or more after cooling. Rolls, white rolls, and buns, white buns are baked in units each of which weighs less than one-half pound after cooling.

(c) (1) When any optional ingredient permitted by paragraph (a) (13) of this section is used, except a vinegar and except monocalcium phosphate, in a quantity less than 0.25 part for each 100 parts by weight of flour, the label shall bear the statement "_____ added to retard spoilage," the blank being filled in with the name by which the ingredient used is designated in such paragraph.

(2) When an optional ingredient permitted by paragraph (a) (14) of this section is used, the label shall bear the statement "spiced" or "spice added" or "with added spice"; but in lieu of the word "spice" in such statements, the common or usual name of the spice may be used.

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this paragraph shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 17.2 *Enriched bread and enriched rolls or enriched buns; identity; label statement of optional ingredients.* (a) Each of the foods enriched bread, enriched rolls, enriched buns conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread by § 17.1 (a) and (c), except that:

(1) Each such food contains in each pound not less than 1.1 milligrams and not more than 1.8 milligrams of thiamine, not less than 0.7 milligram and not more than 1.6 milligrams of riboflavin, not less than 10.0 milligrams and not more than 15.0 milligrams of niacin or niacinamide, and not less than 8.0 milligrams and not more than 12.5 milligrams of iron (Fe).

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 150 United States Pharmacopeia units and not more than 750 United States Pharmacopeia units of vitamin D.

(3) Each such food may also contain as an optional ingredient added harmless calcium salts in such quantity that each pound of the finished food contains not less than 300 milligrams and not more than 800 milligrams of calcium (Ca).

(4) Each such food may also contain as an optional ingredient wheat germ or partly defatted wheat germ; but the total quantity thereof, including any wheat germ or partly defatted wheat germ in any enriched flour used, is not more than 5 percent of the flour ingredient.

(5) Enriched flour may be used, in whole or in part, instead of flour.

(6) The limitation prescribed by § 17.1 (a) (2) on the quantity and composition of milk and dairy ingredients does not apply.

As used in this section, the term "flour," unqualified, includes bromated flour and phosphated flour; the term "enriched flour" includes enriched bromated flour. The prescribed quantity of any substance referred to in subparagraphs (1), (2), and (3) of this paragraph may be supplied, or partly supplied, through the use of enriched flour; through the direct addition of such substance under the conditions permitted by § 15.10 of this chapter for supplying such substance in the preparation of enriched flour; through the use of any ingredient containing such substance, which ingredient is required or permitted by § 17.1 (a) within the limits, if any, prescribed by such section, as modified by subparagraph (6) of this paragraph; through the use of wheat germ; or through any two or more of such methods.

(b) Enriched bread is baked in units each of which weighs one-half pound or more after cooling. Enriched rolls or enriched buns are baked in units each of which weighs less than one-half pound after cooling.

§ 17.3 *Milk bread and milk rolls or milk buns; identity; label statement of optional ingredients.* (a) Each of the foods milk bread, milk rolls, milk buns conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional

ingredients, prescribed for bread and rolls by buns by § 17.1 (a) and (c), except that:

(1) Milk is used as the sole moistening ingredient in preparing the dough; or in lieu of milk one or more of the dairy ingredients prescribed in paragraph (c) of this section is used, with or without water, in a quantity containing not less than 8.2 parts by weight of milk solids for each 100 parts by weight of flour used (including any bromated flour or phosphated flour used).

(2) No ingredient permitted by § 17.1 (a) (3) is used.

(b) Milk bread is baked in units each of which weighs one-half pound or more after cooling. Milk rolls or milk buns are baked in units each of which weighs less than one-half pound after cooling.

(c) The dairy ingredients referred to in paragraph (a) (1) of this section are concentrated milk, evaporated milk, sweetened condensed milk, dried milk, and a mixture of butter or cream or both with skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, sweetened condensed partly skimmed milk, nonfat dry milk solids, or any two or more of these, in such proportion that the weight of nonfat milk solids in such mixture is not more than 2.3 times and not less than 1.2 times the weight of the milk fat therein.

§ 17.4 *Raisin bread and raisin rolls or raisin buns; identity; label statement of optional ingredients.* (a) Each of the foods raisin bread, raisin rolls, raisin buns conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread and rolls or buns by § 17.1 (a) and (c), except that:

(1) Not less than 50 parts by weight of seeded or seedless raisins are used for each 100 parts by weight of flour used (including any bromated flour or phosphated flour used).

(2) Water extract of raisins may be used, but not to replace raisins.

(3) The baked units may bear icing or frosting.

(4) The limitation prescribed by § 17.1 (a) (2) on the quantity and composition of dairy ingredients does not apply.

(5) In determining its total solids, instead of following the direction "Grind sample just to pass 20-mesh sieve" (Official Methods of Analysis of the Association of Official Agricultural Chemists, Seventh Edition, 1950, page 209, section 13.70 [Ed. Note, 8th Ed., 1955, p. 222, sec. 13.72], under "Total Solids in an Entire Loaf of Bread") comminute the sample by passing it twice through a food chopper.

(b) Raisin bread is baked in units each of which weighs one-half pound or more after cooling. Raisin rolls or raisin buns are baked in units each of which weighs less than one-half pound after cooling.

§ 17.5 *Whole wheat bread, graham bread, entire wheat bread, and whole wheat rolls, graham rolls, entire wheat rolls, or whole wheat buns, graham buns, entire wheat buns; identity; label statement of optional ingredients.* (a) Each of the foods whole wheat bread, graham bread, entire wheat bread, whole wheat rolls, graham rolls, entire wheat rolls, whole wheat buns, graham buns, entire wheat buns conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread, rolls, and buns by § 17.1 (a) and (c), except that:

(1) The dough is made with whole wheat flour, and no flour is used therein.

(2) The limitation prescribed by § 17.1 (a) (2) on the quantity and composition of dairy ingredients does not apply.

(3) The total weight of calcium propionate, sodium propionate, or mixtures of these used is not more than 0.38 part for each 100 parts by weight of the whole wheat flour used.

As used in this section, the term "flour," unqualified, includes flour, enriched flour, bromated flour, enriched bromated flour, and phosphated flour; the term "whole wheat flour" includes whole wheat flour and bromated whole wheat flour. The potassium bromate in any bromated whole wheat flour used shall be deemed to be an optional ingredient in the whole wheat bread or whole wheat rolls.

(b) Whole wheat bread, graham bread, or entire wheat bread is baked in units each of which weighs one-half pound or more after cooling. Whole wheat rolls, graham rolls, entire wheat rolls, or whole wheat buns, graham buns, entire wheat buns are baked in units each of which weighs less than one-half pound after cooling.

PART 18—MILK AND CREAM; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.

18.500 Cream class of food; identity.
18.501 Light cream, coffee cream, table cream; identity.
18.510 Whipping cream class of food; identity.
18.511 Light whipping cream; identity.
18.515 Heavy cream, heavy whipping cream; identity.
18.520 Evaporated milk; identity; label statement of optional ingredients.
18.525 Concentrated milk, plain condensed milk; identity; label statement of optional ingredients.
18.530 Sweetened condensed milk; identity.
18.535 Condensed milks which contain corn sirup; identity.
18.540 Dried skim milk, powdered skim milk, skim milk powder; identity.

AUTHORITY: §§ 18.500 to 18.540 issued under sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a). Interpret or apply sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341.

§ 18.500 *Cream class of food; identity.* Cream is the class of food which is the sweet, fatty liquid or semi-liquid separated from milk, with or without the addition thereto and intimate admixture therewith of sweet milk or sweet skim milk. It may be pasteurized and if it contains less than 30 percent of milk fat as determined by the method referred to in this section, it may be homogenized. It contains not less than 18 percent of milk fat, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agriculture Chemists," Fourth Edition, 1935, page 277 [Ed. note, 8th edition, 1955, p. 261, sec. 15.61] under "Fat, Roese-Gottlieb Method—Official." The word "milk" as used in this section means cow's milk.

§ 18.501 *Light cream, coffee cream, table cream; identity.* Light cream, coffee cream, table cream, conforms to the definition and standard of identity prescribed for the cream class of food by § 18.500, except that it contains less than 30 percent of milk fat, as determined by the method referred to in such section.

§ 18.510 *Whipping cream class of food; identity.* Whipping cream is the class of food which conforms to the definition and standard of identity prescribed for the cream class of food by § 18.500, except that it contains not less than 30 percent of milk fat, as determined by the method referred to in such section.

§ 18.511 *Light whipping cream; identity.* Light whipping cream conforms to the definition and standard of identity prescribed for the whipping cream class of food by § 18.510, except that it contains less than 36 percent of milk fat, as determined by the method referred to in § 18.500.

§ 18.515 *Heavy cream, heavy whipping cream; identity.* Heavy cream, heavy whipping cream, conforms to the definition and standard of identity prescribed for the whipping cream class of food by § 18.510, except that it contains not less than 36 percent of milk fat, as determined by the method referred to in § 18.500.

§ 18.520 *Evaporated milk; identity; label statement of optional ingredients.* (a) Evaporated milk is the liquid food made by evaporating sweet milk to such point that it contains not less than 7.9 percent of milk fat and not less than 25.9 percent of total milk solids. It may contain one or both of the following optional ingredients:

(1) Disodium phosphate or sodium citrate or both, or calcium chloride, added in a total quantity of not more than 0.1 percent by weight of the finished evaporated milk.

(2) Vitamin D in such quantity as to increase the total vitamin D content to not less than 25 U. S. P. units per fluid ounce of the finished evaporated milk. It may be homogenized. It is sealed in a container and so processed by heat as to prevent spoilage.

(b) When the optional ingredient specified in paragraph (a) (2) of this section is present, the label shall bear the statement "with increased vitamin D content" or "vitamin D content increased." Such statement shall immediately and conspicuously precede or follow the name "Evaporated Milk," without intervening written, printed, or graphic matter, wherever such name appears on the label so conspicuously as to be easily seen under customary conditions of purchase.

(c) For the purpose of this section:

(1) The word "milk" means cow's milk.

(2) Such milk may be adjusted, before or after evaporation, by the addition or abstraction of cream or sweet skim milk, or by the addition of concentrated sweet skim milk.

(3) The quantity of milk fat is determined by the method prescribed under "Fat—Official" on page 249 [Ed. note, 8th edition, 1955, p. 263, sec. 15.74] and the quantity of total milk solids is determined by the method prescribed under "Total Solids—Official" on page 248 [Ed. note, 8th edition, 1955, p. 263, sec. 15.72] of "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, 1950.

(4) Vitamin D content may be increased by the application of radiant energy or by the addition of a concentrate of vitamin D (with any accompanying vitamin A when such vitamin D in such concentrate is obtained from natural sources) dissolved in a food oil; but if such oil is not milk fat the quantity thereof added is not more than 0.01 percent of the weight of the finished evaporated milk.

(5) The quantity of vitamin D is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, 1950, page 738 et seq., [Ed. note, 8th edition, 1955, p. 839 et seq., secs. 38.64, 38.75], under the heading "Vitamin D in Milk—Official."

§ 18.525 *Concentrated milk, plain condensed milk; identity; label statement of optional ingredients.* Concentrated milk, plain condensed milk, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for evaporated milk by § 18.520, except that:

(a) It is not processed by heat;

(b) Its container may be unsealed; and

(c) Optional ingredient § 18.520 (a) (1) is not used.

§ 18.530 *Sweetened condensed milk; identity.* (a) Sweetened condensed milk is the liquid or semi-liquid food made by evaporating a mixture of sweet milk and refined sugar (sucrose) or any combination of refined sugar (sucrose) and refined corn sugar (dextrose) to such point that the finished sweetened condensed milk contains not less than 28.0 percent of total milk solids and not less than 8.5 percent of milk fat. The quantity of refined sugar (sucrose) or combination of such sugar and refined corn sugar (dextrose) used is sufficient to prevent spoilage.

(b) For the purpose of this section:

(1) The word "milk" means cow's milk.

(2) Such milk may be adjusted, before or after evaporation, by the addition or abstraction of cream or sweet skim milk, or the addition of concentrated sweet skim milk.

(3) Milk fat is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, page 281 [Ed. note, 8th edition, 1955, p. 264, sec. 15.86], under "Fat—Official."

§ 18.535 *Condensed milks which contain corn sirup; identity.* (a) Condensed milks which contain corn sirup are the foods each of which conforms to the definition and standard of identity prescribed for sweetened condensed milk by § 18.530 except that corn sirup or a mixture of corn sirup and sugar is used instead of sugar or a mixture of sugar and dextrose. For the purpose of this section the term "corn sirup" means a clarified and concentrated aqueous solution of the porducts obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of such corn sirup contain not less than 40 percent by weight of reducing sugars, calculated as anhydrous dextrose.

(b) The name of each such food is:

(1) "Corn sirup condensed milk," "condensed milk with corn sirup," or "condensed milk prepared with corn sirup," if corn sirup alone is used; or

(2) "____% Corn sirup solids ____% sugar condensed milk," "Condensed milk with ____% corn sirup solids ____% sugar," or "Condensed milk prepared with ____% corn sirup solids ____% sugar," if a mixture of corn sirup and sugar is used, the blanks being filled in with the whole numbers nearest the actual percentages of corn sirup solids and sugar in such food; alternately "____% sugar" may precede "____% corn sirup solids" in such names.

§ 18.540 *Dried skim milk, powdered skim milk, skim milk powder; identity.* Dried skim milk, powdered skim milk, skim milk powder, is the food made by drying sweet skim milk. It contains not more than 5 percent of moisture, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, page 282 [Ed. note, 8th edition, 1955, p. 265, sec. 15.93], under the caption "Moisture—Tentative." The term "skim milk" as used in this section, means cow's milk from which the milk fat has been separated.

NOTE: 58 Stat. 108, 21 U. S. C. 321c, provides a statutory definition for this food under the names: "Non-fat dry milk solids" and "defatted milk solids."

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.

19.500 Cheddar cheese, cheese; identity.
19.502 Cheddar cheese for manufacturing; identity.
19.505 Washed curd cheese, soaked curd cheese; identity.
19.507 Washed curd cheese for manufacturing; identity.
19.510 Colby cheese; identity.
19.512 Colby cheese for manufacturing; identity.
19.515 Cream cheese; identity; label statement of optional ingredients.
19.520 Neufchatel cheese; identity; label statement of optional ingredients.
19.525 Cottage cheese; identity.
19.530 Creamed cottage cheese; identity.
19.535 Granular cheese, stirred curd cheese; identity.
19.537 Granular cheese for manufacturing; identity.
19.540 Swiss cheese, emmentaler cheese; identity.
19.542 Swiss cheese for manufacturing; identity.
19.543 Gruyere cheese; identity.
19.545 Brick cheese; identity.
19.547 Brick cheese for manufacturing; identity.
19.550 Muenster cheese, munster cheese; identity.
19.555 Edam cheese; identity.
19.560 Gouda cheese; identity.
19.565 Blue cheese; identity.
19.567 Gorgonzola cheese; identity.
19.570 Roquefort cheese, sheep's milk blue-mold cheese, blue-mold cheese from sheep's milk; identity.
19.575 Limburger cheese; identity.
19.580 Monterey cheese; Monterey jack cheese; identity.
19.585 High-moisture jack cheese; identity.
19.590 Provolone cheese, pasta filata cheese; identity.
19.591 Caciocavallo siciliano cheese; identity.
19.595 Parmesan cheese, reggiano cheese; identity.
19.610 Romano cheese; identity.
19.615 Asiago fresh cheese, asiago soft cheese; identity.
19.620 Asiago medium cheese; identity.
19.625 Asiago old cheese; identity.
19.635 Cook cheese, koch kaese; identity.
19.637 Sap sago cheese; identity.
19.639 Gammelost cheese; identity.
19.650 Hard cheeses; identity.
19.655 Semisoft cheeses; identity; label statement of optional ingredients.
19.660 Semisoft part-skim cheeses; identity; label statement of optional ingredients.
19.665 Soft ripened cheeses; identity; label statement of optional ingredients.
19.670 Spiced cheeses; identity; label statement of optional ingredients.
19.675 Part-skim spiced cheeses; identity; label statement of optional ingredients.
19.680 Hard grating cheeses; identity; label statement of optional ingredients.
19.685 Skim-milk cheese for manufacturing; identity.
19.750 Pasteurized process cheese; identity; label statement of optional ingredients.
19.751 Pasteurized blended cheese; identity; label statement of optional ingredients.
19.755 Pasteurized process cheese with fruits, vegetables, or meats; identity; label statement of optional ingredients.
19.760 Pasteurized process pimento cheese; identity.
19.763 Pasteurized blended cheese with fruits, vegetables, or meats; identity; label statement of optional ingredients.
19.765 Pasteurized process cheese food; identity; label statement of optional ingredients.
19.770 Pasteurized process cheese food with fruits, vegetables, or meats; identity; label statement of optional ingredients.
19.775 Pasteurized process cheese spread; identity; label statement of optional ingredients.
19.776 Pasteurized cheese spread; identity; label statement of optional ingredients.
19.780 Pasteurized process cheese spread with fruits, vegetables, or meats; identity; label statement of optional ingredients.
19.781 Pasteurized cheese spread with fruits, vegetables, or meats; identity; label statement of optional ingredients.
19.782 Cream cheese with other foods; identity; label statement of optional ingredients.
19.783 Pasteurized neufchatel cheese spread with other foods; identity; label statement of optional ingredients.

Sec.

19.785 Cold-pack cheese, club cheese, comminuted cheese; identity; label statement of optional ingredients.

19.787 Cold-pack cheese food; identity; label statement of optional ingredients.

19.788 Cold-pack cheese food with fruits, vegetables, or meats; identity; label statement of optional ingredients.

AUTHORITY: §§ 19.500 to 19.788 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341.

§ 19.500 *Cheddar cheese, cheese; identity.* (a) Cheddar cheese, cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 39 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of this section. If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. The whey is drained off, and the curd is matted into a cohesive mass. The mass is cut into slabs, which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, which may be rinsed by sprinkling or pouring water over them, with free and continuous drainage; but the duration of such rinsing is so limited that only the whey on the surface of such pieces is removed. The curd is salted, stirred, further drained, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of cheddar cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) Determine moisture by the method prescribed on page 262 (15.124) [Ed. note, 8th edition, 1955, p. 278, sec. 15.129], under "Moisture—Official," and milk fat by the method prescribed on page 263 (15.131) [Ed. note, 8th edition, 1955, p. 279, sec. 15.136], under "Fat—Official," of "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, 1950. Subtract the percent of moisture found from 100; divide the remainder into the percent milk fat found. The quotient, multiplied by 100, shall be considered to be the percent of milk fat contained in the solids.

(d) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Cheddar cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in paragraph (e) of this section.

(e) The method referred to in paragraph (d) (2) of this section is as follows:

I. *Reagents*—1. *Buffers*—a. *Barium borate-hydroxide buffer.* Dissolve 25.0 gm. of c. p. barium hydroxide ($Ba(OH)_2 \cdot 8H_2O$, fresh, not deteriorated) in distilled water and dilute to 500 ml. Dissolve, in another flask or cylinder, 11.0 gm. of c. p., boric acid (H_3BO_3) and dilute to 500 ml. Warm each to 50° C. (122° F.), mix the two together, stir, cool to approximately 20° C. (68° F.), filter, and stopper the filtrate tightly (pH approximately 10.6). The buffer prepared thus is designated as the 25–11 buffer, the figures indicating the grams per liter of each of the respective reagents.

b. *Color-development buffer.* Dissolve 6.0 gm. of sodium metaborate ($NaBO_2$) and 20 gm. of sodium chloride in water and dilute to a liter with water (pH 9.8).

c. *Color-dilution buffer.* Dilute 100 ml. of color-development buffer 1–b to a liter with water.

d. *Standard borax buffer, 0.01-molar, for checking pH meter, pH 9.18 at 25° C.*[1] Dissolve 0.9544 gm. of pure borax (Bureau of Standards Sample 187) in distilled water (distilled recently or freshly boiled and cooled) and dilute to 250 ml. Keep stoppered tightly.

2. *Buffer substrates.* Specify phenol-free crystalline disodium phenyl phosphate.

a. *For evaluating pasteurization.* Dissolve 0.10 gm. of the phenyl phosphate in 100 ml. of the appropriate (table 1) barium borate-hydroxide buffer 1–a.

b. *For quantitative results with raw-milk cheese.* Dissolve 0.20 gm. of the phenyl phosphate in 100 ml. of the appropriate (table 1) barium borate-hydroxide buffer 1–a.

3. *Protein precipitants*—a. *Zinc-copper precipitant for unripened cheese.* Dissolve 6.0 gm. of zinc sulfate ($ZnSO_4 \cdot 7H_2O$) and 0.1 gm. of copper sulfate ($CuSO_4 \cdot 5H_2O$) in water and dilute to 100 ml. with water. The precipitant prepared thus is designated as the 6.0–0.1 precipitant.

b. *Zinc precipitant for ripened cheese.* Dissolve 6.0 gm. of zinc sulfate in water and dilute to 100 ml. with water. This precipitant is designated as the 6.0 precipitant.

4. *BQC (2,6-dibromoquinone-chloroimine solution) (Gibbs' reagent):* Dissolve 40 mg. of BQC powder in 10 ml. of absolute methyl alcohol and transfer to a dark-colored dropper bottle. This reagent remains stable for at least a month if kept in the ice tray of a refrigerator. Do not use it after it begins to turn brown.

5. *Other reagents*—a. *Copper sulfate, 0.4% percent, for standards.* Dissolve 0.05 gm. of copper sulfate in water and dilute to 100 ml.

b. *Butyl alcohol.* Specify *n*-butyl alcohol, boiling point 116°–118° C. To adjust the pH, mix 50 ml. of the color-development buffer 1–b with a liter of the butyl alcohol.

6. *Phenol standards*—a. *Stock solution.* Weigh accurately 1.0 gm. of pure phenol, transfer to a liter volumetric flask, dilute to a liter with water, and mix. One ml. contains 1 mg. (0.001 gm.) of phenol. Use this stock solution to prepare standard solutions. It is stable for several months in the refrigerator.

b. *Preparation of standards.* Dilute 10.0 ml. of the stock solution 6–a to a liter with water, and mix. One ml. contains 10 micrograms (0.00001 gm., 10 gammas, or 10 units) of phenol. Use this standard solution to prepare more dilute standard solutions; e. g., dilute 5, 10, 30, and 50 ml. to 100 ml. with water to prepare standard solutions containing 0.5, 1.0, 3.0, and 5.0 gammas or units of phenol per milliliter, respectively. Keep standard solutions in the refrigerator.

In a similar manner, prepare from the stock solution such more concentrated standard solutions as may be needed, containing, for example, 20, 30, and 40 units per milliliter.

Measure appropriate quantities of the phenol standard solution into a series of tubes (preferably graduated at 5.0 and 10.0 ml.) to provide a suitable range of standards as needed, containing 0 (control blank), 0.5, 1.0, 3.0, 5.0, 10.0, etc., to 30 or 40 units. To increase the brightness of the blue color and improve the stability of the standards, add 1.0 ml. of 0.05 percent copper sulfate solution 5–a to each.

Add 5.0 ml. of color dilution buffer 1–c and add water to bring the volume to 10.0 ml. Add 4 drops (0.08 ml.) of BQC 4, mix, and allow to develop for 30 minutes at room temperature. If the butyl alcohol extraction method is to be used in the test, extract the standards as described under III Conducting the Test.

Read the color intensities with a photometer, subtract the value of the blank from the value of each phenol standard, and prepare a standard curve (straight line). When the standards are to be used for visual comparisons they should be stored in a refrigerator.

II. *Sampling*—1. *Hard cheese.* Take a sample from the interior with a clean Roquefort trier, place in a small tube, stopper the tube, and keep it in a refrigerator.

2. *Soft and semisoft ripened cheese.* Harden the cheese by chilling it in the freezing chamber of a refrigerator. Taking special precaution to avoid contaminating the sample with phosphatase that may be present on the surface, use either of the following methods for sampling:

a. Cut a portion from the end of the loaf or from the side of the cheese, extending in at least 2 inches if possible or to a point somewhat beyond the center in the case of a small cheese. Cut a slit ¼ to ½ inch deep at least halfway around the portion and midway between the top and bottom. Break the portion into two parts, pulling it apart so that it breaks on a line with the slit, being careful not to contaminate the freshly exposed, broken surface. Remove the sample from the freshly exposed surface at or near the center of the cheese.

b. Remove the surface of the area to be sampled—e. g., the end and the adjacent sides—with a clean knife or spatula, to a depth of ¼ inch. Clean the instrument and hands with hot water and phenol-free soap and wipe them dry. Remove the freshly exposed surface to a similar or greater depth and repeat the cleaning. Then take the sample from the center of the freshly exposed area, preferably at or near the center of the cheese in the case of a small cheese.

3. *Process cheese, spreads, etc.* Take the sample from beneath the surface with a clean knife or spatula.

Avoid the use of samples contaminated with mold.

4. *Preservation.* If a preservative is necessary, put 1 to 3 ml. of chloroform in the container, cover with a plug of cotton, insert sample and stopper container tightly. Label preserved samples, "*Poison*—Preservative added."

III. *Conducting the test.* 1. Weigh, on a clean balance pan or watch glass, a 0.50-gm. sample (preferably two samples in duplicate) and place in a culture tube 16 or 18 x 150 mm. Similarly, weigh another sample and place in a tube as a control or blank. If the cheese is sticky, weigh the sample on a piece of wax paper about 1 x 1 inch and insert the paper with the sample into the tube. Macerate the blank and the test with a glass rod about 8 x 180 mm.

2. Add to the blank 1.0 ml. of the appropriate (Table 1) barium buffer 1–a (without substrate added), macerate with the rod, leave the rod in the tube, heat for about a minute to at least 85° C. (185° F.) in a beaker of boiling water with the beaker covered so that the entire tube becomes heated to approximately 85° C., cool to room temperature, and macerate again with the rod.

3. Add to the test 1.0 ml. of the appropriate (Table 1) barium buffer substrate 2–a or 2–b, and macerate.

From this point, treat the blank and the test in a similar manner.

Add 9.0 ml. of the appropriate barium buffer substrate 2–a or 2–b (total, 10.0 ml. added), and mix. The rod may be left in the tube during incubation; or, if removing it at this point, cut a piece of filter paper approximately 1 x 1 inch, wrap and hold it tightly around the rod, rotate the rod while withdrawing it from within the tube so as to wipe the rod clean, insert the paper with the adhering fat into the tube, and stopper the tube.

4. Incubate in a water bath at 37°–38° C. (99°–100° F.) for 1 hour, mixing or shaking the contents occasionally.

5. Place in a beaker of boiling water for nearly a minute, heating to 85° C. (185° F.), and cool to room temperature.

6. Pipet in 1.0 ml. of the zinc precipitant 3–b for ripened cheese or the zinc-copper precipitant 3–a for unripened cheese, and mix thoroughly (pH of mixture, 9.0–9.1).

7. Filter (5-cm. funnel, 9-cm. Whatman No. 42 or No. 2 paper recommended), and collect 5.0 ml. of filtrate in a tube, preferably graduated at 5.0 and 10.0 ml.

8. Add 5.0 ml. of color-development buffer 1–b (pH of mixture, 9.3–9.4).

9. Add four drops[1] of BQC 4, mix, and allow the color to develop for 30 minutes at room temperature.

10. Determine the amount of blue color by either of two methods:

a. *With a photometer.* Read the color intensity of the blank and that of the test, subtract the reading of the blank from that of the test, and convert the result into phenol equivalents by reference to the standard curve described under "Phenol standards." The butyl alcohol extraction method is ordinarily unnecessary when using a photometer.

b. *With visual standards.* For quantitative results in borderline instances, e. g., tests yielding 0.5 to 5 units of color, extract with butyl alcohol 5–b. Add 5.0 ml. of the alcohol and invert the tube slowly several times. Centrifuge if necessary to increase the clearness of the alcohol layer. Compare the blue color with the colors of standards in the alcohol.

With samples yielding more than 5 units, compare the colors in aqueous tests with those of aqueous standards.

11. *Dilution method for quantitative results.* In tests that are observed during color development to be strongly positive, e. g., 20 units or more, in which four drops of BQC may be much less than sufficient to combine with all of the phenol, pipet an appropriate proportion of the contents into another tube, make up to 10.0 ml. with color-dilution buffer 1–c, and add two drops more of BQC in the case of unripened cheese or four drops in the case of ripened cheese. With each test, dilute and treat the blank in the corresponding manner. Dilute each strongly positive test thus until the final color is within the range of the standards or photometer. Allow 30 minutes for color development after the last addition of BQC, and make the reading at the end of the 30-minute period. Multiply, for example, by 2 for a 5+5 dilution, 10 for a 1+9 dilution, and 50 for a 1+9 followed by a 2+6 dilution.

Alternatively, to reduce the amount of yellow off color, add two instead of four drops of BQC after each dilution, and allow the color to develop. Then test the completeness of color development by adding a third drop; repeat the dilution procedure until the addition of an extra drop does not cause any further increase in the amount of blue color.

12. *Calculation and evaluation of results.* When using 0.5 gm. of sample and adding a total of 11.0 ml. of liquid, multiply the value of the reading by 1.1 to convert it to units of color or phenol equivalents per 0.25 gm. of cheese. The result may, if desired, be converted to phenol equivalents per 1 gm. by multiplying by 4.4

IV. *Photometric determination.* To read the color in aqueous solution, use a filter with maximum light transmission in the region of 610 $m\mu$ wave length.

To read the color in butyl alcohol, extract the color as described above. If necessary, centrifuge the sample for 5 minutes to break the emulsion and to remove the moisture suspended in the alcohol layer. A Babcock centrifuge can be adapted for this purpose by making special tube holders as follows: Slice a section ¼ inch thick from a rubber stopper of suitable diameter to fit in the bottom of the centrifuge cup. Glue together two cork stoppers of appropriate diameter, bore through the center a hole of proper size to hold the tube snugly, and insert the double-cork section into the cup. After centrifuging, remove nearly all of the butyl alcohol by means of a pipet with a rubber bulb on the top end. Filter the alcohol into the photometer cell and read with a filter with maximum light transmission in the region of 650 $m\mu$ wave length.

If more than approximately 4 ml. of butyl alcohol is required for the photometer used, conduct the test in a larger tube and extract the color, in both the test and the standards, with the necessary quantity of butyl alcohol rather than with 5 ml. specified above.

V. *Precautions.* The length of time that the crystalline disodium phenyl phosphate and the BQC powder will remain stable can be increased greatly by keeping them in the freezing chamber of a refrigerator, and by keeping them dry.

The glassware, stoppers, and sampling tools should be scrupulously clean, and it is desirable to soak them in hot, running water after cleaning.

The solid barium hydroxide and the barium buffer must be kept stoppered tightly to prevent absorption of carbon dioxide. Phenolic contamination from plastic closures on reagent bottles has been encountered, and therefore the use of plastic closures should be avoided. Rubber stoppers should not be used in flasks in which butyl alcohol is stored. Glass or cork stoppers should be used.

VI. *Modifications for different cheeses.* Different kinds of cheese and cheeses of different ages have different buffering capacities, and therefore some of them require modification of concentrations of the reagents. The modifications of the barium buffer needed to produce optimal pH conditions during incubation (9.85–10.20), and of the precipitant to yield uniformly clear filtrates and to minimize interference during color development under optimal pH conditions (9.3–9.4), are specified in Table I.

With some samples, especially those of unknown history, slight deviations from the optimal pH range may occur, but such deviations do not very materially affect the results. For example, pH values as low as 9.6 or as high as 10.35 during incubation have been found to result in an average decrease of not more than 20 percent below the maximum in the quantity of phenol liberated. The use of the 25–11 buffer substrate with samples for which the 27–11 buffer substrate is specified yields pH values not lower than 9.8.

In testing cheese of unknown history or age, information as to the percentage of solids, especially the nonfat solids, is useful as an indication of the correct buffer to use; cheese with a relatively high percentage of nonfat solids generally requires the use of a relatively concentrated buffer to adjust the pH of the mixture correctly.

For precise quantitative results on unknown samples, adjust the pH to 10.0–10.05 for the incubation.

Cottage cheese curd is heated in the presence of considerable acid during manufacture, and therefore its phosphatase values are comparatively low. Alternatively, to increase the sensitivity of the test on cottage cheese, apply the following modifications: Use a 1.0-gm. sample, 27–11 buffer substrate, 2-hour incubation, and 6.0–0.1 precipitant.

Table I—PHOSPHATASE TEST MODIFICATIONS FOR DIFFERENT KINDS OF CHEESE AND CHEESE OF DIFFERENT AGES

Kind of cheese	Age or extent of curing; other details	Buffer for optimal pH (9.85–10.20)	Precipitant
Cheddar, granular, stirred curd, hard cheese	1 week	[1] 25–11	[3] 6.0–0.0
	1 week–1½ months	25–11	[2] 6.0
	1½–4 months	26–11	6.1
	4 months	27–11	6.0
Washed curd, soaked curd, colby	1 week	25–11	6.0–0.0
	1 week–2 months	25–11	6.0
	2 months	26–11	6.1
Swiss, gruyere	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1–3 months	26–11	6.0
	3 months	27–11	6.0
Brick, muenster	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1–2 months	25–11	6.0
	2 months	26–11	6.0

[1] Grams $Ba(OH)_2 \cdot 8H_2O$ and H_3BO_3 per liter, respectively.
[2] Grams $ZnSO_4 \cdot 7H_2O$ and $CuSO_4 \cdot 5H_2O$ per 100 ml., respectively.
[3] Grams $ZnSO_4 \cdot 7H_2O$ per 100 ml.

[1] All pH values reported herein were determined at 25° C. or corrected to that temperature.

[1] For merely detecting underpasteurization, in testing unripened cheese, two drops is sufficient, provided the visual standards are prepared likewise with two drops.

Table I—Phosphatase Test Modifications for Different Kinds of Cheese and Cheese of Different Ages—Continued

Kind of cheese	Age or extent of curing; other details	Buffer of optimal pH (9.85-10.20)	Precipitant
Edam, gouda	1 week	25–11	6.0–0.1
	1 week–2 months	25–11	6.0–0.1
	2–4 months	26–11	6.0
	4 months	27–11	6.0
Blue mold, blue	1 week	25–11	6.0–0.1
	1 week–1 month	26–11	6.0
	1–4½ months	27–11	6.0
	4½ months	28–11	6.0
Camembert, limburger	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1–2 months	26–11	6.0
	2 months	27–11	6.0
Monterey	1 week	25–11	6.0–0.1
	1 week–2 months	25–11	6.0
	2 months	26–11	6.0
High-moisture jack	1 week	25–11	6.0–0.1
	1 week–2½ months	25–11	6.0
	2½ months	26–11	6.0
Provolone, pasta filata	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1–3 months	26–11	6.0
	3 months	27–11	6.0
Parmesan, reggiano, monte, modena, romano, asiago old.	1 week	25–11	6.0–0.1
	1 week–2 months	26–11	6.0
	2–6 months	27–11	6.0
	6 months–1 year	28–11	6.0
	1 year	29–11	6.0
Asiago fresh	Same as cheddar		
Asiago medium	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1–3 months	26–11	6.0
	3 months	27–11	6.0
Gorgonzola	Same as blue		
Cottage, cook cheese, koch kaese	Dry	25–11	6.0–0.1
	Moist	[1] 25–11 (8+2)	4.5–0.1
Cream cheese		25–11 (7+3)	6.0–0.1
Semisoft cheese	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1 month	26–11	6.0
Soft ripened cheese	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1 month	26–11	6.0
Nokkelost, kuminost, sage cheese	1 week	25–11	6.0–0.1
	1 week–1½ months	25–11	6.0
	1½–4 months	26–11	6.0
	4 months	27–11	6.0
Pasteurized process, pasteurized process pimento, pasteurized process with fruits, meats, etc.	Soft, mild	25–11	6.0
	Medium, firm	26–11	6.0
	Firm, sharp (including swiss, gruyere)	27–11	6.0
Pasteurized process cheese foods; pasteurized process cheese foods with fruits, meats, etc.	Same as pasteurized process		
Pasteurized process cheese spreads; pasteurized process cheese spreads with fruits, meats, etc.	Soft, high moisture, including cream spreads.	25–11	6.0
	Less soft, including blue	26–11	6.0
Cold-pack, club; cold-pack cheese foods; cold-pack cheese foods with fruits, meats, etc.	Mild to medium flavored, soft	26–11	6.0
	Sharp, firm	27–11	6.0

[1] 8 parts of 25–11 buffer plus 2 parts of water.

§ 19.502 *Cheddar cheese for manufacturing; identity.* Cheddar cheese for manufacturing conforms to the definition and standard of identity prescribed for cheddar cheese by § 19.500, except that the milk is not pasteurized, and curing is not required.

§ 19.505 *Washed curd cheese, soaked curd cheese; identity.* (a) Washed curd cheese, soaked curd cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 42 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. The whey is drained off, and the curd is matted into a cohesive mass. The mass is cut into slabs, which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, cooled in water, and soaked therein until the whey is partly extracted and water is absorbed. The curd is drained, salted, stirred, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of washed curd cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water, in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes or for a time and at a temperature equivalent thereto in phosphatase destruction. Washed curd cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500 (e).

§ 19.507 *Washed curd cheese for manufacturing; identity.* Washed curd cheese for manufacturing conforms to the definition and standard of identity prescribed for washed curd cheese by § 19.505, except that the milk is not pasteurized, and curing is not required.

§ 19.510 *Colby cheese; identity.* (a) Colby cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 40 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. A part of the whey is drained off, and the curd is cooled by adding water, the stirring being continued so as to prevent the pieces of curd from matting. The curd is drained, salted, stirred, further drained, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of colby cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water, in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Colby cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500 (e).

§ 19.512 *Colby cheese for manufacturing; identity.* Colby cheese for manufacturing conforms to the definition and standard of identity prescribed for colby cheese by § 19.510, except that the milk is not pasteurized, and curing is not required.

§ 19.515 *Cream cheese; identity; label statement of optional ingredients.* (a) Cream cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cream cheese contains not less than 33 percent of milk fat and not more than 55 percent of moisture, as determined, respectively by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (These methods appear in the Eighth Edition, 1955, at pages 279 and 278.)

(b) (1) Cream or a mixture of cream with one or more of the dairy ingredients specified in subparagraph (3) of this paragraph is pasteurized and may be homogenized. To such cream or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added, and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or both, until it becomes fluid, and it may then be homogenized or otherwise mixed.

(2) In the preparation of cream cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished cream cheese.

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk solids. If concentrated milk, concentrated skim milk, or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

(4) For the purposes of this section, the term "milk" means sweet milk of cows, "skim milk" means milk from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is present in cream cheese, the label shall bear the statement "_____ Added" or "With Added _____," the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Cream Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.520 *Neufchatel cheese; identity; label statement of optional ingredients.* (a) Neufchatel cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished neufchatel cheese contains not less than 20 percent but less than 33 percent of milk fat and not more than 65 percent of moisture, as determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (These methods appear in the Eighth Edition, 1955, at pages 279 and 278.)

(b) (1) Milk or a mixture of cream with one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or a mixture of concentrated milk with milk or with water not in excess of that removed when the milk was concentrated is pasteurized and may be homogenized. To such milk or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or both, until it becomes fluid, and it may then be homogenized or otherwise mixed.

(2) In the preparation of neufchatel cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished neufchatel cheese.

(3) The dairy ingredients referred to in subparagrph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk solids. If concentrated milk, concentrated skim milk, or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

(4) For the purposes of this section the term "milk" means sweet milk of cows; "skim milk" means milk from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is present in neufchatel cheese, the label shall bear the statement "_____ Added" or "With Added _____," the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Neufchatel Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.525 *Cottage cheese; identity.* (a) Cottage cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cottage cheese contains not more than 80 percent of moisture, as determined by the method prescribed under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (This method appears in the Eighth Edition, 1955, at page 278.)

(b) (1) One or more of the dairy ingredients specified in subparagraph (2) of this paragraph is pasteurized; calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the mix; harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd may be washed with water and further drained; it may be pressed, chilled, worked, seasoned with salt.

(2) The dairy ingredients referred to in subparagraph (1) of this paragraph are sweet skim milk, concentrated skim milk, and nonfat dry milk solids. If concentrated skim milk or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when the skim milk was concentrated or dried.

(3) For the purposes of this section the term "skim milk" means the milk of cows from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

§ 19.530 *Creamed cottage cheese; identity.* (a) Creamed cottage cheese is the soft uncured cheese prepared by mixing cottage cheese with pasteurized cream or a pasteurized mixture of cream with milk or skim milk or both. Such cream or mixture is used in such quantity that the milk fat added thereby is not less than 4 percent by weight of the finished creamed cottage cheese. The finished creamed cottage cheese contains not more than 80 percent of moisture as determined by the method prescribed

under "Moisture—Official" on page 301 [Ed. note, 8th edition, 1955, p. 278] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940.

(b) For the purposes of this section "milk" means sweet milk of cows and "skim milk" means milk from which the milk fat has been separated.

§ 19.535 *Granular cheese, stirred curd cheese; identity.* (a) Granular cheese, stirred curd cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 39 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. A part of the whey is drained off. The curd is then alternately stirred and drained to prevent matting and to remove whey from curd. The curd is then salted, stirred, drained, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of granular cheese, may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes or for a time and at a temperature equivalent thereto in phosphatase destruction. Granular cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500 (e).

§ 19.537 *Granular cheese for manufacturing; identity.* Granular cheese for manufacturing conforms to the definition and standard of identity prescribed for granular cheese by § 19.535, except that the milk is not pasteurized, and curing is not required.

§ 19.540 *Swiss cheese, emmentaler cheese; identity.* (a) Swiss cheese, emmentaler cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It has holes, or eyes, developed throughout the cheese. It contains not more than 41 percent of moisture, and its solids contain not less than 43 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It is not less than 60 days old.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto; harmless propionic-acid-producing bacteria may also be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into particles similar in size to wheat kernels. For about 30 minutes the particles are alternately stirred and allowed to settle. The temperature is raised to about 126° F. Stirring is continued until the curd becomes firm. The curd is transferred to hoops or forms and pressed until the desired shape and firmness are obtained. The cheese is then salted by immersing it in a saturated salt solution for about 3 days. It is then held at a temperature of about 50° F. to 60° F. for a period of 5 to 10 days, after which it is held at a temperature of about 75° F. until it is approximately 30 days old, or until the so-called eyes form. Salt, or a solution of salt in water, is added to the surface of the cheese at some time during the curing process. The cheese is then stored at a lower temperature for further curing. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of swiss cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto cream or skim milk.

§ 19.542 *Swiss cheese for manufacturing; identity.* Swiss cheese for manufacturing conforms to the definition and standard of identity prescribed for swiss cheese by § 19.540, except that the holes, or eyes, have not developed throughout the entire cheese.

§ 19.543 *Gruyere cheese; identity.* (a) Gruyere cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 39 percent of moisture and its solids contain not less than 45 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It contains small holes, or eyes. It has a mild flavor, due in part to the growth of surface-curing agents. It is not less than 90 days old.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto; harmless propionic-acid-producing bacteria may also be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into particles similar in size to wheat kernels. For about 30 minutes the particles are alternately stirred and allowed to settle. The temperature is raised to about 126° F. Stirring is continued until the curd becomes firm. The curd is transferred to hoops or forms, and pressed until the desired shape and firmness are obtained. The cheese is surface-salted while held at a temperature of 48° F. to 54° F. for a few days. It is soaked for 1 day in a saturated salt solution. It is then held for 3 weeks in a salting cellar and wiped every 2 days with brine cloth to insure growth of biological curing agents on the rind. It is then removed to a heating room and held at progressively higher temperatures, finally reaching 65° F., with a relative humidity of 85 to 90 percent, for several weeks, during which time small holes, or so-called eyes, form. The cheese is then stored at a lower temperature for further curing. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of gruyere cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto cream or skim milk.

§ 19.545 *Brick cheese; identity.* (a) Brick cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 44 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured

at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, is brought to a temperature of about 88° F. and subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into cubes with sides approximately ⅜-inch long, and stirred and heated so that the temperature rises slowly to about 98° F. The stirring is continued until the curd is sufficiently firm. Part of the whey is then removed, and the mixture diluted with water or salt brine to control the acidity. The curd is transferred to forms, and drained. During drainage it is pressed and turned. After drainage the curd is salted, and the biological curing agents characteristic of brick cheese are applied to the surface. The cheese is then cured to develop the characteristics of brick cheese. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of brick cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Brick cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 5 micrograms when tested by the method prescribed in § 19.500 (e).

§ 19.547 *Brick cheese for manufacturing; identity.* Brick cheese for manufacturing conforms to the definition and standard of identity prescribed for brick cheese by § 19.545, except that the milk is not pasteurized, and curing is not required.

§ 19.550 *Muenster cheese, munster cheese; identity.* (a) Muenster cheese, munster cheese, is the food prepared from pasteurized milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 46 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c).

(b) Milk, which is pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. After coagulation the mass is cut into small cube-shaped pieces with sides approximately ⅜-inch long. The mass is stirred and heated to about 90° F., and so handled by further stirring, heating, dilution with water or salt brine, and salting as to promote and regulate the separation of curd and whey. When the desired curd is obtained, it is transferred to forms permitting drainage of whey. During drainage the curd is pressed and turned. After drainage the curd is removed from the forms and is salted and cured. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of edam cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Edam cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500 (e).

§ 19.555 *Edam cheese; identity.* (a) Edam cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 45 percent of moisture, and its solids contain not less than 40 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days. Edam cheese is made in ball or loaf shapes, and the surface is covered with a red-colored paraffin or other tightly adhering coating, colored red.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. After coagulation the mass is cut into small cube-shaped pieces with sides approximately ⅜-inch long. The mass is stirred and heated to about 90° F., and so handled by further stirring, heating, dilution with water or salt brine, and salting as to promote and regulate the separation of curd and whey. When the desired curd is obtained, it is transferred to forms permitting drainage of whey. During drainage the curd is pressed and turned. After drainage the curd is removed from the forms and is salted and cured. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of edam cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Edam cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500 (e).

§ 19.560 *Gouda cheese; identity.* Gouda cheese conforms to the definition and standard of identity prescribed for edam cheese by § 19.555, except that the fat content of its solids is not less than 46 percent. It is made in the shape of a compressed sphere, in which the compressed sides are parallel and flat. The surface may or may not be covered with red-colored paraffin or similar tightly adhering coating.

§ 19.565 *Blue cheese; identity.* (a) Blue cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by the presence of bluish-green mold throughout the cheese. It contains not more than 46 percent moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It is not less than 60 days old.

(b) Milk, which may be pasteurized or clarified or both, which may be warmed, and which may be homogenized, is subjected to the action of harmless lactic-acid producing bacteria, present in such milk or added thereto. Harmless artificial green or blue coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed in forms permitting further drainage. While being placed in forms, spores of the mold Penicillium roquefortii are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the forms and salted with dry salt or brine. Perforations are then made in the shaped curd, and it is held at a temperature of approximately 50° F., at 90 to 95 percent relative humidity, until the characteristic mold growth has developed. During storage the surface of the cheese may be scraped to remove surface growth of undesirable microorganisms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of blue cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk.

(2) Such milk may be bleached by the use of benzoyl peroxide or a mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate; but the weight of the benzoyl peroxide is not more than 0.002 percent of the weight of the milk being bleached, and the weight of the potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six times the weight of the benzoyl peroxide used. If milk is bleached in this manner, vitamin A is added to the curd in such quantity as to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

(3) Such milk may be adjusted by separating part of the fat therefrom or by adding one or more of the following: Cream, cream which has been treated in the manner provided in subparagraph (2) of this paragraph, concentrated skim milk, nonfat dry milk solids, water sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

§ 19.567 *Gorgonzola cheese; identity.* (a) Gorgonzola cheese is the food prepared from cow's milk or goat's milk or mixtures of these, and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by the presence of bluish-green mold throughout the cheese. It is made in loaves weighing between 14 and 17 pounds. It contains not more than 42 percent moisture, and its solids contain not less than 50 percent milk fat, as determined by the methods prescribed in § 19.500 (c). It is not less than 90 days old.

(b) Milk, which may be pasteurized or clarified or both, which may be warmed, and which may be homogenized, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial green or blue coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed into forms permitting further drainage. While being placed in forms, spores of the mold Penicillium glaucum are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the forms and salted with dry salt or brine. Perforations are then made in the shaped curd and it is held at a temperature of approximately 50° F., at 90 to 95 percent relative humidity, until the characteristic mold growth has developed. During storage the surface of the cheese is scraped, if necessary, to remove surface growth of undesirable microorganisms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of gorgonzola cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or mixtures of these.

(2) Such milk may be bleached by the use of benzoyl peroxide or mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate, but the weight of the benzoyl peroxide is not more than 0.002 percent of the weight of the milk being bleached, and the weight of the potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six times the weight of the benzoyl peroxide used. If milk is bleached in this manner, vitamin A is added to the curd in such quantity as to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

(3) Such milk may be adjusted by separating part of the fat therefrom or by adding one or more of the following: (In the case of cow's milk) cream, cream which has been treated in the manner provided in subparagraph (2) of this paragraph, concentrated skim milk, nonfat dry milk solids; (in the case of goat's milk) the corresponding products obtained from goat's milk; water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

§ 19.570 *Roquefort cheese, sheep's milk blue-mold cheese, blue-mold cheese from sheep's milk; identity.* (a) Roquefort cheese, sheep's milk blue-mold cheese, blue-mold cheese from sheep's milk, is the food prepared from sheep's milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by the presence of bluish-green mold throughout the cheese. It contains not more than 45 percent moisture, and its solids contain not less than 50 percent milk fat, as determined by the methods prescribed in § 19.500 (c). It is not less than 60 days old.

(b) Milk, which may be pasteurized, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet is added to set the milk to a semisolid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed in forms permitting further drainage of whey. Spores of the mold Penicillium roquefortii are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the forms and salted with dry salt or brine. Perforations are then made in the shaped curd, and it is held at a temperature of approximately 50° F., with relative humidity of 90 to 95 percent, until the characteristic mold growth has developed. During storage the surface of the cheese is scraped, if necessary, to remove surface growth of undesirable microorganisms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of roquefort cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means sheep's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto sheep's milk cream or skimmed sheep's milk.

§ 19.575 *Limburger cheese; identity.* (a) Limburger cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 50 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, limburger cheese is held at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, is brought to a temperature of about 92° F. and subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into cubes with sides approximately ½-inch long. After a few minutes the mass is stirred and heated, gradually raising the temperature to 96° F. to 98° F. The curd is then allowed to settle, most of the whey is drained off, and the remaining curd and whey dipped into molds. During drainage the curd may be pressed. It is turned at regular intervals. After drainage the curd is cut into pieces of desired size and dry-salted at intervals for 24 to 48 hours. The cheese is then cured with frequent applications of a weak brine solution to the surface, until the proper growth of surface-curing organisms is obtained. It is then wrapped and held in storage for development of as much additional flavor as is desired. When made from pasteurized milk, the milk is brought to a temperature of 89° F. to 90° F. after pasteurization. A culture of harmless lactic-acid-producing bacteria is added. Calcium chloride may be added, as to raw milk. The procedure then is the same as with raw milk, except that heating is to 94° F. After most of the whey is drained off, salt brine at a temperature of 66° F. to 70° F. is added, so that the pH of the curd is about 4.8. The mixed curd, whey, and brine is dipped into molds and the same procedure followed as when raw milk is used. Whether pasteurized or unpasteurized milk is used, a harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of limburger cheese, may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction.

§ 19.580 *Monterey cheese, Monterey jack cheese; identity.* (a) Monterey cheese, Monterey jack cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 44 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c).

(b) Milk, which is pasteurized, and which may be clarified, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. Part of the whey is drained off, and water or salt brine may be added. The curd is drained and placed in a muslin or sheeting cloth, formed into a ball, and pressed; or the curd is placed in a cheese hoop and pressed. Later, the cloth bandage is removed, and the cheese may be covered with paraffin or dipped in vegetable oil, and may have rice flour sprinkled on the surface. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of monterey cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Monterey cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500 (e).

§ 19.585 *High-moisture jack cheese; identity.* High-moisture jack cheese conforms to the definition and standard of identity prescribed for monterey cheese by § 19.580, except that its moisture content is not less than 44 percent, but less than 50 percent.

§ 19.590 *Provolone cheese, pasta filata cheese; identity.* (a) Provolone cheese, pasta filata cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It has a stringy texture, and may be made in several shapes. It contains not more than 45 percent of moisture, and its solids contain not less than 45 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is held at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut, stirred, and heated so as to promote and regulate the separation of whey from the curd. The whey is drained off, and the curd is matted and cut, immersed in hot water, and kneaded and stretched until it is smooth and free from lumps. Then it is cut and molded. During the molding the curd is kept sufficiently warm to cause proper sealing of the surface. The molded curd is then firmed by immersion in cold water, salted in brine, and dried. Some shapes may be encased in ropes or twine before drying. Provolone cheese may be smoked. It is given some additional curing and covered with paraffin or similar wax. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of provolone cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Provolone cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500 (e).

(d) The name "Provolone cheese" ("Pasta filata cheese") may include the common name of the shape of the cheese, such as "Salami provolone." If provolone cheese is not smoked, the name includes the words "Not smoked."

§ 19.591 *Caciocavallo siciliano cheese; identity.* (a) Caciocavallo siciliano cheese is the food prepared from cow's milk or sheep's milk or goat's milk or mixtures of two or all of these and other ingredients specified in this section, by the procedure set forth in

paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It has a stringy texture, and is made in oblong shapes. It contains not more than 40 percent of moisture, and its solids contain not less than 42 percent milk fat, as determined by the methods prescribed in § 19.500 (c). It is cured for not less than 90 days at a temperature of not less than 35° F.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut, stirred, and heated so as to promote and regulate the separation of whey from the curd. The whey is drained off, and the curd is removed to another vat containing hot whey, in which it is soaked for several hours. This whey is withdrawn, the curd is allowed to mat, and is cut into blocks. These are washed in hot whey until the desired elasticity is obtained. The curd is removed from the vat, drained, pressed into oblong forms, dried, and salted in brine, and cured. It may be paraffined. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of caciocavallo siciliano cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(d) When caciocavallo siciliano cheese is made solely from cow's milk, the name of such cheese is "Caciocavallo siciliano cheese." When made from sheep's milk or goat's milk or mixtures of these, or one or both of these with cow's milk, the name is followed by the words "made from ------," the blank being filled in with the name or names of the milks used, in order of predominance by weight.

§ 19.595 *Parmesan cheese, reggiano cheese; identity.* (a) Parmesan cheese, reggiano cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by a granular texture and a hard and brittle rind. It grates readily. It contains not more than 32 percent of moisture, and its solids contain not less than 32 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It is cured for not less than 14 months.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. The mass is cut into pieces no larger than wheat kernels, heated, and stirred until the temperature reaches between 115° F. and 125° F. The curd is allowed to settle and is then removed from the kettle or vat, drained for a short time, placed in hoops, and pressed. The pressed curd is removed and salted in brine, or dry-salted. The cheese is cured in a cool, ventilated room. The rind of the cheese may be coated or colored. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of parmesan cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

§ 19.610 *Romano cheese; identity.* (a) Romano cheese is the food prepared from cow's milk or sheep's milk or goat's milk or mixtures of two or all of these and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It grates readily, and has a granular texture and a hard and brittle rind. It contains not more than 34 percent of moisture, and its solids contain not less than 38 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It is cured for not less than 5 months.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Rennet, rennet paste or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into particles no larger than corn kernels, stirred, and heated to a temperature of about 120° F. The curd is allowed to settle to the bottom of the kettle or vat, and is then removed and drained for a short time, packed in forms or hoops, and pressed. The pressed curd is salted by immersing in brine for about 24 hours and is then removed from the brine and the surface allowed to dry. It is then alternately rubbed with salt and washed at intervals. It may be perforated with needles. It is finally dry-cured. During curing it is turned and scraped. The surface may be rubbed with vegetable oil. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of romano cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(d) When romano cheese is made solely from cow's milk the name of such cheese is "Romano cheese made from cow's milk" and may be preceded by the word "Vaccino" (or "Vacchino"); when made solely from sheep's milk, the name is "Romano cheese made from sheep's milk," and may be preceded by the word "Pecorina"; when made solely from goat's milk, the name is "Romano cheese made from goat's milk," and may be preceded by the word "Caprino"; and when a mixture of two or all of the milks specified in this section is used, the name of the cheese is "Romano cheese made from ------," the blank being filled in with the names of the milks used, in order of predominance by weight.

§ 19.615 *Asiago fresh cheese, asiago soft cheese; identity.* (a) Asiago fresh cheese, asiago soft cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 45 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It is cured for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut, stirred, and heated to promote and regulate separation of the whey from the curd. The whey is drained off. When the curd is sufficiently firm, it is removed from the kettle or vat, further drained for a short time, packed into hoops, and pressed. The pressed curd is salted in brine and cured in a well-ventilated room. During curing the surface of the cheese is occasionally rubbed with a vegetable oil. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of asiago fresh cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

§ 19.620 *Asiago medium cheese; identity.* Asiago medium cheese conforms to the definition and standard of identity prescribed by § 19.615 for asiago fresh cheese, except that it contains not more than 35 percent moisture, its solids contain not less than 45 percent of milk fat, and it is cured for not less than 6 months.

§ 19.625 *Asiago old cheese; identity.* Asiago old cheese conforms to the definition and standard of identity prescribed by § 19.615 for asiago fresh cheese, except that it contains not more than 32 percent moisture, its solids contain not less than 42 percent of milk fat, and it is cured for not less than 1 year.

§ 19.635 *Cook cheese, koch kaese; identity.* (a) Cook cheese, koch kaese, is the food prepared from skim milk and other ingredients specified in this section by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 80 percent moisture as determined by the method therefor prescribed in § 19.500 (c). When tested for phosphatase by the method prescribed in § 19.500 (e), 0.25 gm. of cook cheese shows a phenol equivalent of not more than 3 micrograms.

(b) Skim milk, or the optional dairy ingredients specified in paragraph (c) of this section, which may be pasteurized, and which may be warmed, are subjected to the action of harmless lactic-acid-producing bacteria, present in such dairy ingredients or added thereto. A culture of a harmless white mold may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of milk) may be added to aid in setting the mix to a semisolid mass. The mass is cut, stirred, and heated, with continued stirring, so as to separate the curd and whey. The whey is drained from the curd, and the curd is cured for 2 or 3 days. It is then heated to a temperature of not less than 180° F. until the hot curd will drop from a ladle with a consistency like that of honey. The hot cheese is filled into packages and cooled. Pasteurized cream, salt, or caraway seed, or any mixture of two or more of these may be added.

(c) The optional dairy ingredients referred to in paragraph (b) of this section are: Skim milk or concentrated skim milk or nonfat dry milk solids or a mixture of any two or more of these, with water in a quantity not in excess of that sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(d) For the purposes of this section, "skim milk" means cow's milk from which the milk fat has been separated.

§ 19.637 *Sap sago cheese; identity.* (a) Sap sago cheese is the food prepared from the skim milk of cows and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. It has a pale-green color, and is made in the shape of a truncated cone. It contains not more than 38 percent of moisture, as determined by the method prescribed in § 19.500 (c).

(b) Skim milk is allowed to become sour, and is heated to boiling temperature, with stirring. Cold buttermilk may be added. Sufficient sour whey is added to precipitate the casein. The curd is removed, spread out in boxes, and pressed, and while under pressure is allowed to drain and ferment. It is ripened for not less than 5 weeks. The ripened curd is dried and ground, salt and dried clover of the species Melilotus coerulea are added. The mixture is shaped into truncated cones. It is then cured for not less than 5 months.

§ 19.639 *Gammelost cheese; identity.* (a) Gammelost cheese is the food prepared from the skim milk of cows and the other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. It contains not more than 52 percent of moisture, as determined by the method prescribed in § 19.500 (c).

(b) Skim milk, which may be pasteurized, is subjected to the action of harmless lactic-acid-producing bacteria, present in such skim milk or added thereto. The development of acidity is continued until the skim milk coagulates to a semisolid mass. The mass is stirred and heated until a temperature of about 145° F. is reached, and is held at that temperature for not less than ½ hour. The whey is drained off and the curd removed and placed in forms and pressed. The shaped curd is placed in whey and heated for 3 or 4 hours. It is then removed from the whey and may again be pressed. It is then stored under conditions suitable for curing.

§ 19.650 *Hard cheeses; identity.* (a) The cheeses for which definitions and standards of identity are prescribed by this section are hard cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and the other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. They contain not more than 39 percent of moisture, and their solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, with or without other harmless flavor-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet, rennet paste or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into small particles, stirred, and heated. The curd is separated from the whey, drained, and shaped into forms, and may be pressed. The curd is salted at some stage of the manufacturing process. The shaped curd may be cured. The rind may be coated with paraffin or rubbed with vegetable oil. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of hard cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used. Harmless flavor-producing microorganisms may be added, and curing may be conducted under suitable conditions for the development of biological curing agents.

(c) For the purposes of this section: (1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom, or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in

a quantity sufficient to reconstitute any concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. A hard cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms, when tested by the method prescribed in § 19.500 (e).

(d) The name of each hard cheese for which a definition and standard of identity is prescribed by this section is "Hard cheese," preceded or followed by:

(1) The specific common or usual name of such hard cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from ----------," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.655 *Semisoft cheeses; identity; label statement of optional ingredients.* (a) The cheeses for which definitions and standards of identity are prescribed by this section are semisoft cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. They contain more than 39 percent, but not more than 50 percent, of moisture, and their solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria or other harmless flavor-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. After coagulation the mass is so treated as to promote and regulate the separation of whey and curd. Such treatment may include one or more of the following: cutting, stirring, heating, dilution with water or brine. The whey, or part of it, is drained off, and the curd is collected and shaped. It may be placed in forms, and may be pressed. Harmless flavor-producing microorganisms may be added. It may be cured in a manner to promote the growth of biological curing agents. Salt may be added during the procedure. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of semisoft cheese may be added, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom, or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. A semisoft cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 5 micrograms when tested by the method prescribed in § 19.500 (e).

(d) The name of each semisoft cheese for which a definition and standard of identity is prescribed by this section is "Semisoft cheese," preceded or followed by:

(1) The specific common or usual name of such semisoft cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from ----------," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.660 *Semisoft part-skim cheeses; identity; label statement of optional ingredients.* (a) The cheeses for which definitions and standards of identity are prescribed by this section are semisoft part-skim cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from partly skimmed milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. They contain not more than 50 percent of moisture, and their solids contain not less than 45 percent, but less than 50 percent, of milk fat, as determined by the methods set forth in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F., for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria or other harmless flavor-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. After coagulation the mass is so treated as to promote and regulate the separation of whey and curd. Such treatment may include one or more of the following: Cutting, stirring, heating, dilution with water or brine. The whey, or part of it, is drained off, and the curd is collected and shaped. It may be placed in forms, and may be pressed. Harmless flavor-producing microorganisms may be added. It may be cured in a manner to promote the growth of biological curing agents. Salt may be added during the procedure. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of semisoft part-skim cheese may be added in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. A semisoft part-skim cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 5 micrograms when tested by the method prescribed in § 19.500 (e).

(d) The name of each semisoft part-skim cheese for which a definition and standard of identity is prescribed by this section is "Semisoft part-skim cheese," preceded or followed by:

(1) The specific common or usual name of such semisoft cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from ----------," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.665 *Soft ripened cheeses; identity; label statement of optional ingredients.* (a) The cheeses for which definitions and standards of identity are prescribed by this section are soft ripened cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and the other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. Their solids contain not less than 50 percent of milk fat, as determined by the method prescribed therefor in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria or other harmless flavor-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. After coagulation the mass is so treated as to promote and regulate the separation of whey and curd. Such treatment may include one or more of the following: Cutting, stirring, heating, dilution with water or brine. The whey, or part of it, is drained off, and the curd is collected and shaped. It may be placed in forms, and may be pressed. Harmless flavor-producing microorganisms may be added. It is cured under conditions suitable for development of biological curing agents on the surface of the cheese, and the curing is conducted so that the cheese cures from the surface toward the center. Salt may be added during the procedure. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of soft ripened cheeses may be added, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water, in a quantity sufficient to reconstitute any such concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction.

(d) The name of each soft ripened cheese for which a definition and standard of identity is prescribed by this section is "Soft ripened cheese," preceded or followed by:

(1) The specific common or usual name of such soft ripened cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from ----------," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.670 *Spiced cheeses; identity; label statement of optional ingredients.* (a) The cheeses for which definitions and standards of identity are prescribed by this section are spiced cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and the other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. Their solids contain not less than 50 percent of milk fat as determined by the method therefor prescribed in § 19.500 (c). They contain one or a mixture of two or more spices, except any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety, in an amount not less than 0.015 ounce per pound of cheese, and may contain spice oils. If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet, rennet paste, or extract of rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is divided into smaller portions, and so handled by stirring, heating, and diluting with water or salt brine as to promote and regulate the separation of whey and curd. The whey is drained off. The curd is removed, and may be further drained. The curd is then shaped into forms, and may be pressed. At some time during the procedure, spices are added so as to be evenly distributed through the finished cheese. Spice oils may be added. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of spiced cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used. Harmless flavor-producing microorganisms may be added, and curing may be conducted under suitable conditions for the development of biological curing agents.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Spiced cheeses shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms, when tested by the method prescribed in § 19.500 (e).

(d) The name of each spiced cheese for which a definition and standard of identity is prescribed by this section is "Spiced cheese," preceded or followed by:

(1) The specific common or usual name of such spiced cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from ----------," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.675 *Part-skim spiced cheeses; identity; label statement of optional ingredients.* Part-skim spiced cheeses conform to the definition and standard of identity, and are subject to the requirements for label statement of optional ingredients, prescribed for spiced cheeses by § 19.670, except that their solids contain less than 50 percent, but not less than 20 percent, of milk fat.

§ 19.680 *Hard grating cheeses; identity; label statement of optional ingredients.* (a) The cheeses for which definitions and standards of identity are prescribed by this section are hard grating cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and the other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. They contain not more than 34 percent of moisture, and their solids contain not less than 32 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). Hard grating cheeses are cured for not less than 6 months.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria

or other harmless flavor-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. The mass is cut into small particles, stirred, and heated. The curd is separated from the whey, drained, shaped into forms, pressed, salted, and cured. The rind may be colored or rubbed with vegetable oil or both. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of hard grating cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk solids; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(d) The name of each hard grating cheese for which a definition and standard of identity is prescribed by this section is "Hard grating cheese," preceded or followed by:

(1) The specific common or usual name of such hard grating cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from ----------," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.685 *Skim-milk cheese for manufacturing; identity.* (a) Skim-milk cheese for manufacturing is the food prepared from skim milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 50 percent of moisture, as determined by the method therefor prescribed in § 19.500 (c). It is coated with blue-colored paraffin or other tightly adhering coating, colored blue.

(b) Skim milk or the optional dairy ingredients specified in paragraph (c) of this section, which may be pasteurized, and which may be warmed, are subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. The whey is drained off, and the curd is matted into a cohesive mass. Proteins from the whey may be incorporated. The mass is cut into slabs which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, which may be rinsed by pouring or sprinkling water over them, with free and continuous drainage; but the duration of such rinsing is so limited that only the whey on the surface of such pieces is removed. The curd is salted, stirred, further drained, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of skim-milk cheese for manufacturing may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) The optional dairy ingredients referred to in paragraph (b) of this section are: Skim milk or concentrated skim milk or nonfat dry milk solids or a mixture of any two or more of these, with water in a quantity not in excess of that sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

(d) For the purposes of this section, "skim milk" means cow's milk from which the milk fat has been separated.

§ 19.750 *Pasteurized process cheese; identity; label statement of optional ingredients.* (a) (1) Pasteurized process cheese is the food prepared by comminuting and mixing, with the aid of heat, one or more cheeses of the same or two or more varieties, except cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, hard grating cheese, semisoft part-skim cheese, part-skim spiced cheese, and skim-milk cheese for manufacturing, with an emulsifying agent prescribed by paragraph (c) of this section, into a homogeneous plastic mass. One or more of the optional ingredients designated in paragraph (d) (1), (2), (3), (4), (5), and (6) of this section may be used.

(2) During its preparation, pasteurized process cheese is heated for not less than 30 seconds at a temperature of not less than 150° F. When tested for phosphatase by the method prescribed in § 19.500 (e), the phenol equivalent of 0.25 gm. of pasteurized process cheese is not more than 3 micrograms.

(3) (i) The moisture content of a pasteurized process cheese made from a single variety of cheese is not more than 1 percent greater than the maximum moisture content prescribed by the definition and standard of identity, if any there be, for the variety of cheese used; but in no case is more than 43 percent, except that the moisture content of pasteurized process washed curd cheese or pasteurized process colby cheese is not more than 40 percent; the moisture content of pasteurized process swiss cheese or pasteurized process gruyere cheese is not more than 44 percent; and the moisture content of pasteurized process limburger cheese is not more than 51 percent.

(ii) The fat content of the solids of a pasteurized process cheese made from a single variety of cheese is not less than the minimum prescribed by the definition and standard of identity, if any there be, for the variety of cheese used, but in no case is less than 47 percent; except that the fat content of the solids of pasteurized process swiss cheese is not less than 43 percent, and the fat content of the solids of pasteurized process gruyere cheese is not less than 45 percent.

(4) (i) The moisture content of a pasteurized process cheese made from two or more varieties of cheese is not more than 1 percent greater than the arithmetical average of the maximum moisture contents prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese used; but in no case is the moisture content more than 43 percent, except that the moisture content of a pasteurized process cheese made from two or more of the varieties cheddar cheese, washed curd cheese, colby cheese, and granular cheese is not more than 40 percent, and the moisture content of a mixture of swiss cheese and gruyere cheese is not more than 44 percent.

(ii) The fat content of the solids of a pasteurized process cheese made from two or more varieties of cheese is not less than the arithmetical average of the minimum fat contents prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese used, but in no case is less than 47 percent, except that the fat content of the solids of a pasteurized process gruyere cheese made from a mixture of swiss cheese and gruyere cheese is not less than 45 percent.

(5) Moisture and fat are determined by the methods prescribed in § 19.500 (c).

(6) The weight of each variety of cheese in a pasteurized process cheese made from two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, roquefort cheese, or gorgonzola cheese is not less than 10 percent of the total weight of both, and the weight of limburger cheese is not less than 5 percent of the total weight of both. The weight of each variety of cheese in a pasteurized process cheese made from three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, roquefort cheese, or gorgonzola cheese is not less than 5 percent of the total weight of all, and the weight of limburger cheese is not less than 3 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (e) (2) (ii) of this section. Such mixtures are considered as one variety of cheese for the purposes of this subparagraph.

(7) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, brick cheese for manufacturing, and swiss cheese for manufacturing are considered as cheddar cheese, washed curd cheese, colby cheese, granular cheese, brick cheese, and swiss cheese, respectively.

(b) Pasteurized process cheese may be smoked, or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The emulsifying agent referred to in paragraph (a) of this section is one or any mixture of two or more of the following: Monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium citrate, potassium citrate, calcium citrate, sodium tartrate, and sodium potassium tartrate, in such quantity that the weight of the solids of such emulsifying agents is not more than 3 percent of the weight of the pasteurized process cheese.

(d) The optional ingredients referred to in paragraph (a) of this section are:

(1) An acidifying agent consisting of one or any mixture of two or more of the following: A vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of the pasteurized process cheese is not below 5.3.

(2) Cream, in such quantity that the weight of the fat derived therefrom is less than 5 percent of the weight of the pasteurized process cheese.

(3) Water.

(4) Salt.

(5) Harmless artificial coloring.

(6) Spices or flavorings, other than any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety.

(e) The name of a pasteurized process cheese for which a definition and standard of identity is prescribed by this section is as follows:

(1) In case it is made from a single variety of cheese, its name is "Pasteurized process ---------- cheese," the blank being filled in with the name of the variety of cheese used.

(2) In case it is made from two or more varieties of cheese, its name is "Pasteurized process ---------- and ---------- cheese," or "Pasteurized process -------- blended with -------- cheese," or "Pasteurized process blend of ---------- and ---------- cheese," the blanks being filled in with the names of the varieties of cheeses used, in order of predominance by weight; except that:

(i) In case it is made from gruyere cheese and swiss cheese, and the weight of gruyere cheese is not less than 25 percent of the weight of both, it may be designated "Pasteurized process gruyere cheese"; and

(ii) In case it is made of cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of two or more of these, it may be designated "Pasteurized process American cheese"; or when cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of two or more of these is combined with other varieties of cheese in the cheese ingredient any of such cheeses or such mixture may be designated as "American cheese."

(f) (1) If the pasteurized process cheese is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the pasteurized process cheese or name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the term "with added ----------," the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the term "spiced" or "spice added" or "with added spice," or in lieu of the word "spice" the common or usual name of the spice.

(4) If it contains added flavoring, the label shall bear the term "flavoring added," "with added flavoring," or "flavored with ----------," the blank being filled in with the common or usual name of the flavoring; if the flavoring is artificial, the word "artificial" shall precede the word "flavoring," or the word "artificially" shall precede the term "flavored with ----------."

(5) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.751 *Pasteurized blended cheese; identity; label statement of optional ingredients.* (a) Pasteurized blended cheese conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese by § 19.750, except that:

(1) In mixtures of two or more cheeses, cream cheese or neufchatel cheese may be used.

(2) None of the ingredients prescribed or permitted for pasteurized process cheese by § 19.750 (c) and (d) (1) is used.

(3) In case of mixtures of two or more cheeses containing cream cheese or neufchatel cheese, the moisture content is not more than the arithmetical average of the maximum moisture contents prescribed by the definitions and standards of identity for the varieties of cheeses blended, for which such limits have been prescribed.

(4) The word "process" is replaced by the word "blended" in the name prescribed by § 19.750 (e).

§ 19.755 *Pasteurized process cheese with fruits, vegetables, or meats; identity; label statement of optional ingredients.* (a) Unless a definition and standard of identity specifically applicable is established by another section of this part, a pasteurized process cheese with fruits, vegetables, or meats or mixture of these is a food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese by § 19.750, except that:

(1) Its moisture content may be 1 percent more, and the milk fat content of its solids may be 1 percent less, than the limits prescribed by § 19.750 for moisture and fat in the corresponding pasteurized process cheese.

(2) It contains one or any mixture of two or more of the following: Any properly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized process cheese with fruits, vegetables, or meats is the name prescribed by § 19.750 for the applicable pasteurized process cheese, followed by the term "with ----------," the blank being filled in with the common or usual name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

§ 19.760 *Pasteurized process pimento cheese; identity.* (a) Pasteurized process pimento cheese is the food which conforms to the definition and standard of identity for pasteurized process cheese with fruits, vegetables, or meats, except that:

(1) Its moisture content is not more than 41 percent, and the fat content of its solids is not less than 49 percent.

(2) The cheese ingredient is cheddar cheese, washed curd cheese, colby cheese, granular cheese or any mixture of two or more of these in any proportion.

(3) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, and granular cheese for manufacturing shall be considered as cheddar cheese, washed curd cheese, colby cheese, and granular cheese, respectively.

(4) The only fruit, vegetable, or meat ingredient is pimentos in such quantity that the weight of the solids thereof is not less than 0.2 percent of the weight of the finished pasteurized process pimento cheese.

(5) The optional ingredients designated in § 19.750 (b) and (d) (6) are not used.

§ 19.763 *Pasteurized blended cheese with fruits, vegetables, or meats; identity; label statement of optional ingredients.* (a) Pasteurized blended cheese with fruits, vegetables, or meats or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredi-

ents, prescribed for pasteurized blended cheese by § 19.751, except that:

(1) Its moisture content may be 1 percent more, and the milk fat content of its solids may be 1 percent less, than the limits prescribed by § 19.751 for moisture and milk fat in the corresponding pasteurized blended cheese.

(2) It contains one or any mixture of two or more of the following: Any properly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized blended cheese with fruits, vegetables, or meats is the name prescribed by § 19.751 for the applicable pasteurized blended cheese, followed by the term "with ----------," the blank being filled in with the common or usual name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

§ 19.765 *Pasteurized process cheese food; identity; label statement of optional ingredients.* (a) (1) A pasteurized process cheese food is the food prepared by comminuting and mixing, with the aid of heat, one or more of the optional cheese ingredients prescribed in paragraph (c) of this section, with one or more of the optional dairy ingredients prescribed in paragraph (d) of this section, into a homogeneous plastic mass. One or more of the optional ingredients specified in paragraph (e) of this section may be used.

(2) During its preparation, a pasteurized process cheese food is heated for not less than 30 seconds, at a temperature of not less than 150° F. When tested for phosphatase by the method prescribed in §19.500 (e), the phenol equivalent of 0.25 gm. of pasteurized process cheese food is not more than 3 micrograms.

(3) The moisture content of a pasteurized process cheese food is not more than 44 percent, and the fat content is not less than 23 percent.

(4) Moisture and fat are determined by the methods prescribed in § 19.500 (c), except that in determining moisture the loss in weight which occurs in drying for 5 hours, under the conditions prescribed in such method, is taken as the weight of moisture.

(5) The weight of the cheese ingredient prescribed by subparagraph (1) of this paragraph constitutes not less than 51 percent of the weight of the finished pasteurized process cheese food.

(6) The weight of each variety of cheese in a pasteurized process cheese food made with two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 10 percent of the total weight of both. The weight of each variety of cheese in a pasteurized process cheese food made with three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 5 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (f) (6) of this section. Such mixtures are considered as one variety of cheese for the purposes of this subparagraph.

(7) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, brick cheese for manufacturing, and swiss cheese for manufacturing are considered as cheddar cheese, washed curd cheese, colby cheese, granular cheese, brick cheese, and swiss cheese, respectively.

(b) Pasteurized process cheese food may be smoked, or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The optional cheese ingredients referred to in paragraph (a) of this section are one or more cheeses of the same or two or more varieties, except cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, and skim-milk cheese for manufacturing, and except that hard grating cheese, semisoft part skim cheese, and part-skim spiced cheese are not used, alone or in combination with each other, as the cheese ingredient.

(d) The optional dairy ingredients referred to in paragraph (a) of this section are cream, milk, skim milk, cheese whey, or any mixture of two or more of these, or any of the foregoing from which part of the water has been removed, and albumin from cheese whey and skim-milk cheese for manufacturing.

(e) The other optional ingredients referred to in paragraph (a) of this section are:

(1) An emulsifying agent consisting of one or any mixture of two or more of the following: Monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium citrate, potassium citrate, calcium citrate, sodium tartrate, and sodium potassium tartrate, in such quantity that the weight of the solids of such emulsifying agent is not more than 3 percent of the weight of the pasteurized process cheese food.

(2) An acidifying agent consisting of one or any mixture of two or more of the following: A vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of the pasteurized process cheese food is not below 5.0.

(3) Water.

(4) Salt.

(5) Harmless artificial coloring.

(6) Spices or flavorings other than any which singly or in combination with other ingredients simulate the flavor of cheese of any age or variety.

(f) The label of a pasteurized process cheese food shall bear the common or usual names of the optional ingredients used, as specified in paragraphs (c), (d), and (e) (1), (2), (3), and (4) of this section, and:

(1) If the pasteurized process cheese food is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the pasteurized process cheese food or the name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added ----------," the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced" or "spice added" or "with added spice," or in lieu of the word "spice" the common or usual name of the spice used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added," "with added flavoring," or "flavored with ----------," the blank being filled in with the common or usual name of the flavoring used; if the flavoring is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the statement "flavored with ----------."

(5) If it contains added artificial coloring, the label shall bear the statement "artificially colored" or "contains artificial color."

(6) If the cheese ingredient contains cheddar cheese, washed curd cheese, colby cheese, granular cheese or any mixture of two or more of these, such cheese or such mixture may be designated as "American cheese."

(g) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.770 *Pasteurized process cheese food with fruits, vegetables, or meats; identity; label statement of optional ingredients.* (a) Pasteurized process cheese food with fruits, vegetables, or meats, or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese food by § 19.765, except that:

(1) Its milk fat content is not less than 22 percent.

(2) It contains one or any mixture of two or more of the following: Any properly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized process cheese food with fruits, vegetables, or meats is "Pasteurized process cheese food with ----------," the blank being filled in with the common or usual name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

(c) If the only vegetable ingredient is pimento, and no meat or fruit ingredient is used, the weight of the solids of such pimentos is not less than 0.2 percent of the weight of the finished food. The name of this food is "Pimento pasteurized process cheese food" or "Pasteurized process pimento cheese food."

§ 19.775 *Pasteurized process cheese spread; identity; label statement of optional ingredients.* (a) (1) Pasteurized process cheese spread is the food prepared by comminuting and mixing, with the aid of heat, one or more of the optional cheese ingredients prescribed in paragraph (c) of this section, with or without one or more of the optional dairy ingredients prescribed in paragraph (d) of this section, with one or more of the emulsifying agents prescribed in paragraph (e) of this section, and with or without one or more of the optional ingredients prescribed by paragraph (f) of this section, into a homogeneous plastic mass, which is spreadable at 70° F.

(2) During its preparation, a pasteurized process cheese spread is heated for not less than 30 seconds at a temperature of not less than 150° F. When tested for phosphatase by the method prescribed in § 19.500 (e) the phenol equivalent of 0.25 gm. of pasteurized process cheese spread is not more than 3 micrograms.

(3) The moisture content of a pasteurized process cheese spread is more than 44 percent but not more than 60 percent, and the milk fat content is not less than 20 percent.

(4) Moisture and fat are determined by the methods prescribed in § 19.500 (c), except that in determining moisture the loss in weight which occurs in drying for 5 hours under the conditions prescribed in such method, is taken as the weight of the moisture.

(5) The weight of the cheese ingredient referred to in subparagraph (1) of this paragraph constitutes not less than 51 percent of the weight of the pasteurized process cheese spread.

(6) The weight of each variety of cheese in a pasteurized process cheese spread made with two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 10 percent of the total weight of both. The weight of each variety of cheese in a pasteurized process cheese spread made with three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 5 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (g) (6) of this section. Such mixtures are considered as one variety of cheese for the purposes of this subparagraph.

(7) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, brick cheese for manufacturing, and swiss cheese for manufacturing are considered as cheddar cheese, washed curd cheese, colby cheese, granular cheese, brick cheese, and swiss cheese, respectively.

(b) Pasteurized process cheese spread may be smoked, or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The optional cheese ingredients referred to in paragraph (a) of this section are one or more cheeses of the same or two or more varieties, except that skim-milk cheese for manufacturing may not be used, and except that cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, hard grating cheese, semisoft part-skim cheese, and part-skim spiced cheese are not used, alone or in combination with each other, as the cheese ingredient.

(d) The optional dairy ingredients referred to in paragraph (a) of this section are cream, milk, skim milk, cheese whey, or any mixture of two or more of these, or any of the foregoing from which part of the water has been removed, and albumin from cheese whey, and skim-milk cheese for manufacturing.

(e) The emulsifying agents prescribed in paragraph (a) of this section are one or any mixture of two or more of the following: Monosodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium citrate, potassium citrate, calcium citrate, sodium tartrate, and sodium potassium tartrate, in such quantity that the weight of the solids of such emulsifying agent is not more than 3 percent of the weight of the pasteurized process cheese spread.

(f) The other optional ingredients referred to in paragraph (a) of this section are:

(1) One or any mixture of two or more of the following: Carob bean gum, gum karaya, gum tragacanth, guar gum, gelatin, carboxy-methylcellulose, carrageen, oatgum, algin (sodium alginate), and algin derivative (propylene glycol ester of alginic acid). The total weight of such substances is not more than 0.8 percent of the weight of the finished food.

(2) An acidifying agent consisting of one or any mixture of two or more of the following: A vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of the pasteurized process cheese spread is not below 4.0.

(3) A sweetening agent consisting of one or any mixture of two or more of the following: Sugar, dextrose, corn sugar, corn sirup, corn sirup solids, glucose sirup, glucose sirup solids, maltose, malt sirup, and hydrolyzed lactose, in a quantity necessary for seasoning.

(4) Water.

(5) Salt.

(6) Harmless artificial coloring.

(7) Spices or flavorings other than any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety.

(g) The label of a pasteurized process cheese spread shall bear the common or usual names of the optional ingredients used, as specified in paragraphs (c), (d), (e), and (f) (1), (2), (3), (4), and (5) of this section, except that carob bean gum, gum karaya, gum tragacanth, guar gum, and oat gum may be designated as "vegetable gum," and:

(1) If the pasteurized process cheese spread is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the pasteurized process cheese spread or name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added ----------," the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced" or "spice added" or "with added spice" or in lieu of the word "spice" the common or usual name of the spice used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added," "with added flavoring," or "flavored with ----------," the blank being filled in with the common or usual name of the flavoring used; and if the flavoring is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the statement "flavored with ----------."

(5) If it contains added artificial coloring, the label shall bear the statement "artificially colored" or "contains artificial color."

(6) If the cheese ingredient contains cheddar cheese, washed curd cheese, colby cheese, granular cheese or any mixture of two or more of these, such cheese or such mixture may be designated as "American cheese."

(7) If an optional acidifying agent is used so that the pH of the finished food is less than 5.0, there shall appear after its name the words "a chemical preservative." In case vinegar is the only acidifying agent added it shall be considered to be acetic acid when the pH of the finished food is less than 5.0. In case vinegar and other acidifying agents are used and the pH of the finished food is less than 5.0, the name of the acidifying agents other than vinegar shall be followed by the statement "a chemical preservative."

(h) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.776 *Pasteurized cheese spread; identity; label statement of optional ingredients.* Pasteurized cheese spread is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement

of optional ingredients, prescribed for pasteurized process cheese spread by § 19.775, except that no emulsifying agent as prescribed by § 19.775 (e) is used.

§ 19.780 *Pasteurized process cheese spread with fruits, vegetables, or meats; identity; label statement of optional ingredients.* (a) Pasteurized process cheese spread with fruits, vegetables, or meats or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese spread by § 19.775, except that:

(1) It contains one or any mixture of two or more of the following: Any properly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(2) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized process cheese spread with fruits, vegetables, or meats is "Pasteurized process cheese spread with _____," the blank being filled in with the name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

§ 19.781 *Pasteurized cheese spread with fruits, vegetables, or meats; identity; label statement of optional ingredients.* (a) Pasteurized cheese spread with fruits, vegetables, or meats or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized cheese spread by § 19.776, except that:

(1) It contains one or any mixture of two or more of the following: Any properly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(2) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized cheese spread with fruits, vegetables, or meats is "Pasteurized cheese spread with _____," the blank being filled in with the name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

§ 19.782 *Cream cheese with other foods; identity; label statement of optional ingredients.* (a) Cream cheese with other foods is the class of foods each of which is prepared by mixing, with or without the aid of heat, cream cheese with one or a mixture of two or more properly prepared foods (except other cheeses), such as fresh, cooked, canned, or dried fruits or vegetables; cooked or canned meats; relishes, pickles, or other foods suitable for blending with cream cheese. The amount of the added food or foods must be sufficient to so differentiate the mixture that it does not simulate cream cheese. The mixture may also contain:

(1) One or any mixture of two or more of the following optional ingredients: Gum karaya, gum tragacanth, carob bean gum, gelatin, guar gum, carboxymethylcellulose, carrageen, oat gum, algin (sodium alginate), algin derivative (propylene glycol ester of alginic acid). The total quantity of any such substances, including that contained in the cream cheese, is not more than 0.8 percent by weight of the finished food.

(2) Artificial coloring, unless such addition conceals damage or inferiority or makes the finished food appear better or of greater value than it is.

(b) No water other than that contained in the added food ingredients is used, but the moisture content of the mixture in no case is more than 60 percent. The milk fat is not less than 33 percent of the percent by weight of the cream cheese used, but in no case is it less than 27 percent of the finished food. Moisture and fat are determined by the methods prescribed in § 19.500 (c), except that when the added food contains fat the method prescribed for the determination of fat is not applicable.

(c) The name of the food is "Cream cheese with _____" or "Cream cheese and _____," the blank being filled with the common names of the foods added, in order of predominance by weight.

(d) The label shall bear the name of the optional water-retaining ingredients used, except that carob bean gum, gum karaya, gum tragacanth, guar gum, and oat gum, or mixture of these may be named as "vegetable gum" or "vegetable gums," as the case may be.

(e) If artificial coloring is used, the label shall bear the statement "artificially colored," except that if the food added to the cream cheese is the only portion artificially colored, the label shall bear the statement "_____ artificially colored," the blank being filled in with the name or names of the food so colored.

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.783 *Pasteurized neufchatel cheese spread with other foods; identity; label statement of optional ingredients.* (a) (1) Pasteurized neufchatel cheese spread with other foods is the class of foods each of which is prepared by mixing, with the aid of heat, neufchatel cheese with one or a mixture of two or more properly prepared foods (except other cheeses), such as fresh, cooked, canned, or dried fruits or vegetables; cooked or canned meats; relishes, pickles, or other foods suitable for blending with neufchatel cheese. It may contain one or any mixture of two or more of the optional ingredients named in paragraph (b) of this section. The amount of the added food or foods must be sufficient to so differentiate the blend that it does not simulate neufchatel cheese. It is spreadable at 70° F.

(2) During its preparation the mixture is heated for not less than 30 seconds at a temperature of not less than 150° F. When tested for phosphatase by the method prescribed in § 19.500 (e), the phenol equivalent of 0.25 gram of such food is not more than 3 micrograms.

(3) (i) No water other than that contained in the ingredients used is added to this food, but the moisture content in no case is more than 65 percent.

(ii) The milk fat is not less than 20 percent by weight of the finished food.

(b) The optional ingredients referred to in paragraph (a) of this section are:

(1) One or any mixture of two or more of the following: Gum karaya, gum tragacanth, carob bean gum, gelatin, algin (sodium alginate), algin derivative (propylene glycol ester of alginic acid), guar gum, carboxymethylcellulose, carrageen, oat gum. The total quantity of any such substances, including that contained in the neufchatel cheese, is not more than 0.8 percent by weight of the finished food.

(2) Artificial coloring, unless such addition conceals damage or inferiority or makes the finished food appear better or of greater value than it is.

(3) An acidifying agent consisting of one or a mixture of two or more of the following: A vinegar, acetic acid, lactic acid, citric acid, phosphoric acid.

(4) A sweetening agent consisting of one or a mixture of two or more of the following: Sugar, dextrose, corn sirup, corn sirup solids, glucose sirup, glucose sirup solids, maltose, malt sirup, hydrolyzed lactose.

(5) Cream, milk, skim milk, cheese whey or any mixture of two or more of these, or any of the foregoing from which part of the water has been removed, and albumin from cheese whey.

(c) The name of the food is "Pasteurized neufchatel cheese spread with _____" or "Pasteurized neufchatel cheese spread and _____," the blank being filled with the common names of the foods added, in order of predominance by weight.

(d) The label shall bear the names of any of the optional ingredients used designated in paragraph (b) (1), (3), (4), and (5) of this section, except that carob bean gum, gum karaya, gum tragacanth, guar gum, and oat gum or mixtures of these may be named as "vegetable gum" or "vegetable gums," as the case may be.

(e) (1) If artificial coloring is used, the label shall bear the statement "artificially colored," except that if the food added to the neufchatel cheese is the only portion artificially colored, the label shall bear the statement "_____ artificially colored," the blank being filled in with the name or names of the foods so colored.

(2) If an optional acidifying agent is used so that the pH of the finished food is less than 4.2, there shall appear after its name the words "a chemical preservative." In case vinegar is the only acidifying agent added, it shall be considered to be acetic acid when the pH of the finished food is less than 4.2. In case vinegar and other acidifying agents are used and the pH of the finished food is less than 4.2, only the name or names of the acidifying agents other than vinegar shall be followed by the statement "a chemical preservative."

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.785 *Cold-pack cheese, club cheese, comminuted cheese; identity; label statement of optional ingredients.* (a) (1) Cold-pack cheese, club cheese, comminuted cheese, is the food prepared by comminuting, without the aid of heat, one or more cheeses of the same or two or more varieties, except cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, hard grating cheese, semisoft part-skim cheese, part-skim spiced cheese, and skim-milk cheese for manufacturing, into a homogeneous plastic mass. One or more of the optional ingredients designated in paragraph (c) of this section may be used.

(2) All cheeses used in a cold-pack cheese are made from pasteurized milk or are held for not less than 60 days at a temperature of not less than 35° F. before being comminuted.

(3) (i) The moisture content of a cold-pack cheese made from a single variety of cheese is not more than the maximum moisture content prescribed by the definition and standard of identity, if any there be, for the variety of cheese used. If there is no applicable definition and standard of identity, or if such standard contains no provision as to maximum moisture content, no water is used in the preparation of the cold-pack cheese.

(ii) The fat content of the solids of a cold-pack cheese made from a single variety of cheese is not less than the minimum prescribed by the definition and standard of identity, if any there be, for the variety of cheese used, but in no case is less than 47 percent, except that the fat content of the solids of cold-pack swiss cheese is not less than 43 percent, and the fat content of the solids of cold-pack gruyere cheese is not less than 45 percent.

(4) (i) The moisture content of a cold-pack cheese made from two or more varieties of cheese is not more than the arithmetical average of the maximum moisture contents prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese used, but in no case is the moisture content more than 42 percent, except that the moisture content of a cold-pack cheese made from two or more of the varieties cheddar cheese, washed curd cheese, colby cheese, and granular cheese is not more than 39 percent.

(ii) The fat content of the solids of a cold-pack cheese made from two or more varieties of cheese is not less than the arithmetical average of the minimum percent of fat prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese used, but in no case is less than 47 percent, except that the fat content of the solids of a cold-pack cheese made from swiss cheese and gruyere cheese is not less than 45 percent.

(5) Moisture and fat are determined by the methods prescribed in § 19.500 (c).

(6) The weight of each variety of cheese in a cold-pack cheese made from two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, roquefort cheese, or gorgonzola cheese is not less than 10 percent of the total weight of both, and the weight of limburger cheese is not less than 5 percent of the total weight of both. The weight of each variety of cheese in a cold-pack cheese made from three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, roquefort cheese, or gorgonzola cheese is not less than 5 percent of the total weight of all, and the weight of limburger cheese is not less than 3 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (d) (2) of this section. Such mixtures are considered as one variety of cheese for the purpose of this subparagraph.

(b) Cold-pack cheese may be smoked, or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The optional ingredients referred to in paragraph (a) of this section are:

(1) An acidifying agent consisting of one or any mixture of two or more of the following: A vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of the finished cold-pack cheese is not below 4.5. For the purposes of this section vinegar is considered to be acetic acid.

(2) Water.

(3) Salt.

(4) Harmless artificial coloring.

(5) Spices or flavorings, other than any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety.

(d) (1) The name of a cold-pack cheese for which a definition and standard of identity is prescribed by this section is "Cold-pack _____ cheese" or "_____ club cheese" or "Comminuted _____ cheese," the blanks being filled in with the name or names of the varieties of cheese used, in order of predominance by weight.

(2) If the cold-pack cheese is made of cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of two or more of these, it may be designated "Cold-pack American cheese"; or when cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of two or more of these is combined with other varieties of cheese in the cheese ingredient any of such cheeses or such mixture may be designated as "American cheese."

(e) (1) If cold-pack cheese is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the cold-pack cheese or the name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added _____," the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced" or "spice added" or "with added spice," or in lieu of the word "spice" the common or usual name of the spice or spices used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added" or "with added flavoring" or "flavored with _____," the blank being filled in with the common or usual name of the flavoring used; if the flavoring is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the statement "flavored with _____."

(5) If it contains an added acidifying agent as prescribed in paragraph (c) (1) of this section, the label shall bear the statement "_____ added as a chemical preservative," the blank being filled in with the name or names of the acidifying agents used.

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.787 *Cold-pack cheese food; identity; label statement of optional ingredients.* (a) (1) Cold-pack cheese food is the food prepared by comminuting and mixing, without the aid of heat, one or more of the optional cheese ingredients prescribed in paragraph (c) of this section with one or more of the optional dairy ingredients prescribed in paragraph (d) of this section, into a homogeneous plastic mass. One or more of the optional ingredients specified in paragraph (e) of this section may be used.

(2) All cheeses used in a cold-pack cheese food are made from pasteurized milk, or are held for not less than 60 days at a temperature of not less than 35° F. before being comminuted.

(3) The moisture content of a cold-pack cheese food is not more than 44 percent, and the fat content is not less than 23 percent.

(4) Moisture and fat are determined by the methods prescribed in § 19.500 (c), except that in determining moisture the loss in weight which occurs in drying for 5 hours, under the conditions prescribed in such method, is taken as the weight of moisture.

(5) The weight of the cheese ingredient prescribed by subparagraph (1) of this paragraph constitutes not less than 51 percent of the weight of the finished cold-pack cheese food.

(6) The weight of each variety of cheese in the cold-pack cheese food made with two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 10 percent of the total weight of both. The weight of each variety of cheese in the cold-pack cheese food made with three or more varieties of cheese is not less than 15 percent of the total

weight of all, except that the weight of blue cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 5 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (f) (6) of this section. Such mixtures are considered as one variety of cheese for the purposes of this subparagraph.

(b) Cold-pack cheese food may be smoked, or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The optional cheese ingredients referred to in paragraph (a) of this section are: One or more cheeses of the same or two or more varieties, except that cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, and skim-milk cheese for manufacturing are not used, and except that semisoft part-skim cheese, part-skim spiced cheese, and hard grating cheese may not be used, alone or in combination with each other, as the cheese ingredient.

(d) The optional dairy ingredients referred to in paragraph (a) of this section are: cream, milk, skim milk, cheese whey, or any mixture of two or more of these or any of the foregoing from which part of the water has been removed, skim-milk cheese for manufacturing and albumin from cheese whey. All optional dairy ingredients used in cold-pack cheese food are pasteurized or made from products which have been pasteurized.

(e) The other optional ingredients referred to in paragraph (a) of this section are:

(1) An acidifying agent consisting of one or any mixture of two or more of the following: A vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of the finished cold-pack cheese food is not below 4.5.

(2) Water.

(3) Salt.

(4) Harmless artificial coloring.

(5) Spices or flavorings, other than any which singly or in combination with other ingredients simulate the flavor of cheese of any age or variety.

(6) A sweetening agent consisting of one or any mixture of two or more of the following: Sugar, dextrose, corn sugar, corn sirup, corn sirup solids, glucose sirup, glucose sirup solids, maltose, malt sirup, and hydrolyzed lactose, in a quantity necessary for seasoning.

(f) The label of a cold-pack cheese food shall bear the common or usual names of the optional ingredients used, as specified in paragraphs (c), (d), and (e) (1), (2), (3), and (6) of this section, and:

(1) If it is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the cold-pack cheese food or the name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added _____," the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced," or "spice added," or "with added spice" or in lieu of the word "spice" the common or usual name of the spice used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added," "with added flavoring," or "flavored with _____," the blank being filled in with the common or usual name of the flavoring used. If the flavoring is artificial, the word "artificial" shall precede the word "flavoring," or the word "artificially" shall precede the word "flavored," or the word "artificially" shall precede the statement "flavored with _____."

(5) If it contains added artificial coloring the label shall bear the statement "artificially colored" or "contains artificial color."

(6) If the cheese ingredient contains cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of two or more of these, such cheese or such mixture may be designated as "American cheese."

(7) If an optional acidifying agent is used so that the pH of the finished food is less than 5.0, there shall appear after its name the words "a chemical preservative." In case vinegar is the only acidifying agent added it shall be considered to be acetic acid when the pH of the finished food is less than 5.0. In case vinegar and other acidifying agents are used and the pH of the finished food is less than 5.0, the name of the acidifying agents other than vinegar shal' be followed by the statement "a chemical preservative."

(g) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.788 *Cold-pack cheese food with fruits, vegetables, or meats; identity; label statement of optional ingredients.* (a) Cold-pack cheese food with fruits, vegetables, or meats or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for cold-pack cheese food by § 19.787, except that:

(1) Its milk fat content is not less than 22 percent.

(2) It contains one or any mixture of two or more of the following: Any properly prepared fresh, cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a cold-pack cheese food with fruits, vegetables or meats is "Cold-pack cheese food with _____," the blank being filled in with the common or usual name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

PART 25—DRESSINGS FOR FOODS

Sec.

25.1 Mayonnaise, mayonnaise dressing; identity; label statement of optional ingredients.

25.2 French dressing; identity; label statement of optional ingredients.

25.3 Salad dressing; identity; label statement of optional ingredients.

AUTHORITY: §§ 25.1 to 25.3 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341.

§ 25.1 *Mayonnaise, mayonnaise dressing; identity; label statement of optional ingredients.* (a) Mayonnaise, mayonnaise dressing, is the emulsified semisolid food prepared from edible vegetable oil, one or both of the acidifying ingredients specified in paragraph (b) of this section, and one or more of the egg-yolk-containing ingredients specified in paragraph (c) of this section. It may be seasoned or flavored with one or more of the following ingredients:

(1) Salt.

(2) Sugar, dextrose, corn sirup, invert sugar sirup, nondiastatic maltose sirup, glucose sirup, honey. The foregoing sweetening ingredients may be used in sirup or dried form.

(3) Mustard, paprika, other spice, or any spice oil or spice extract, except that no turmeric or saffron is used and no spice oil or spice extract is used which imparts to the mayonnaise a color simulating the color imparted by egg yolk.

(4) Monosodium glutamate.

(5) Any suitable, harmless food seasoning or flavoring (other than imitations), provided it does not impart to the mayonnaise a color simulating the color imparted by egg yolk.

Mayonnaise may be mixed and packed in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen. Mayonnaise contains not less than 65 percent by weight of vegetable oil.

(b) The acidifying ingredients referred to in paragraph (a) of this section are:

(1) Any vinegar or any vinegar diluted with water to an acidity, calculated as acetic acid, of not less than 2½ percent by weight, or any such vinegar or diluted vinegar mixed with the additional optional acidifying ingredient citric acid, but in any such mixture the weight of citric acid is not greater than 25 percent of the weight of the acids of the vinegar or diluted vinegar calculated as acetic acid. For the purpose of this paragraph, any blend of two or more vinegars is considered to be a vinegar.

(2) Lemon juice or lime juice or both or any such juice in frozen, canned, concentrated, or dried form, or any one or more of these diluted with water to an acidity, calculated as citric acid, of not less than 2½ percent by weight.

(c) The egg-yolk-containing ingredients referred to in paragraph (a) of this section are: Liquid egg yolks, frozen egg yolks, liquid whole eggs, frozen whole eggs, or any one or more of the foregoing with liquid egg white or frozen egg white.

(d) (1) When the additional optional acidifying ingredient as provided in paragraph (b) (1) of this section is used, the label shall bear the statement "Citric acid added" or "With added citric acid."

(2) Wherever the name "Mayonnaise" or "Mayonnaise Dressing" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in this paragraph, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 25.2 *French dressing; identity; label statement of optional ingredients.* (a) French dressing is the separable liquid food or the emulsified viscous fluid food prepared from edible vegetable oil and one or both of the acidifying ingredients specified in paragraph (b) of this section. It may be seasoned or flavored with one or more of the following ingredients:

(1) Salt.

(2) Sugar, dextrose, corn sirup, invert sugar sirup, nondiastatic maltose sirup, glucose sirup, honey. The foregoing sweetening ingredients may be used in sirup or dried form.

(3) Mustard, paprika, other spice, or spice oil or spice extract.

(4) Monosodium glutamate.

(5) Any suitable, harmless food seasoning or flavoring (other than imitations).

(6) Tomato paste, tomato puree, catsup, sherry wine.

French dressing may be emulsified. Subject to the conditions hereinafter prescribed, one or both of the optional emulsifying ingredients specified in paragraph (c) (1) and (2) of this section may be added. French dressing may be mixed and packed in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen. French dressing contains not less than 35 percent by weight of vegetable oil.

(b) The acidifying ingredients referred to in paragraph (a) of this section are:

(1) Any vinegar or any vinegar diluted with water, or any such vinegar or diluted vinegar mixed with the additional optional acidifying ingredient citric acid, but in any such mixture the weight of citric acid is not greater than 25 percent of the weight of the acids of the vinegar or diluted vinegar calculated as acetic acid. For the purpose of this paragraph, any blend of two or more vinegars is considered to be a vinegar.

(2) Lemon juice or lime juice or both or any such juice in frozen, canned, concentrated, or dried form, or any one or more of these diluted with water.

(c) The optional emulsifying ingredients referred to in paragraph (a) of this section are:

(1) Gum acacia (also called gum arabic), carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, extract of Irish moss, pectin, propylene glycol ester of alginic acid, sodium carboxymethylcellulose, or any mixture of two or more of these.

(2) Liquid egg yolks, frozen egg yolks, liquid whole eggs, frozen whole eggs, or any one or more of these with liquid egg white or frozen egg white. For the purpose of this paragraph, the quantity of egg-yolk-containing ingredient is calculated as the weight of the egg-yolk solids contained therein.

The quantity of any such emulsifying ingredient or mixture used amounts to not more than 0.75 percent by weight of the finished french dressing.

(d) (1) When the additional optional acidifying ingredient as provided in paragraph (b) (1) of this section is used, the label shall bear the statement "Citric acid added" or "With added citric acid." When an optional emulsifying ingredient as provided in paragraph (c) (1) of this section is used, the label shall bear the statement "_____ added" or "With added _____," the blank being filled in with the common name or names of the emulsifying ingredient or mixture of emulsifying ingredients used, as specified in paragraph (c) (1) of this section; or, alternatively, with the words "algin derivative," if propylene glycol ester of alginic acid is used; or with the words "vegetable gum" if any one of the vegetable gums, gum acacia, carob bean gum, guar gum, gum karaya, or gum tragacanth, is used; or with the words "vegetable gums" if two or more such vegetable gums are used. Label statements specified in this paragraph for declaring the presence of optional ingredients may be combined, as for example, "With added citric acid and sodium carboxymethylcellulose."

(2) Wherever the name "French Dressing" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in subparagraph (1) of this paragraph, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 25.3 *Salad dressing; identity; label statement of optional ingredients.* (a) Salad dressing is the emulsified semisolid food prepared from edible vegetable oil, one or both of the acidifying ingredients specified in paragraph (b) of this section, one or more of the egg-yolk-containing ingredients specified in paragraph (c) of this section, and a cooked or partly cooked starchy paste prepared with a food starch, tapioca flour, wheat flour, rye flour, or any two or more of these. In the preparation of such starchy paste water may be added. Salad dressing may be seasoned or flavored with one or more of the following ingredients:

(1) Salt.

(2) Sugar, dextrose, corn sirup, invert sugar sirup, nondiastatic maltose sirup, glucose sirup, honey. The foregoing sweetening ingredients may be used in sirup or dried form.

(3) Mustard, paprika, other spice, or any spice oil or spice extract, except that no turmeric or saffron is used and no spice oil or spice extract is used which imparts to the salad dressing a color simulating the color imparted by egg yolk.

(4) Monosodium glutamate.

(5) Any suitable, harmless food seasoning or flavoring (other than imitations), provided it does not impart to the salad dressing a color simulating the color imparted by egg yolk.

Subject to the conditions hereinafter prescribed, one or more of the optional emulsifying ingredients specified in paragraph (d) of this section may be added. Salad dressing may be mixed and packed in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen. Salad dressing contains not less than 30 percent by weight of vegetable oil and not less egg-yolk-containing ingredient than is equivalent in egg-yolk solids content to 4 percent by weight of liquid egg yolks.

(b) The acidifying ingredients referred to in paragraph (a) of this section are:

(1) Any vinegar or any vinegar diluted with water, or any such vinegar or diluted vinegar mixed with the additional optional acidifying ingredient citric acid, but in any such mixture the weight of citric acid is not greater than 25 percent of the weight of the acids of the vinegar or diluted vinegar calculated as acetic acid. For the purpose of this paragraph, any blend of two or more vinegars is considered to be a vinegar.

(2) Lemon juice or lime juice or both or any such juice in frozen, canned, concentrated, or dried form, or any one or more of these diluted with water.

(c) The egg-yolk-containing ingredients referred to in paragraph (a) of this section are: Liquid egg yolks, frozen egg yolks, liquid whole eggs, frozen whole eggs, or any one or more of the foregoing with liquid egg white or frozen egg white.

(d) The optional emulsifying ingredients referred to in paragraph (a) of this section are: Gum acacia (also called gum arabic), carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, extract of Irish moss, pectin, propylene glycol ester of alginic acid, sodium carboxymethylcellulose, or any mixture of two or more of these. The quantity used of any such emulsifying ingredient or mixture amounts to not more than 0.75 percent by weight of the finished salad dressing.

(e) (1) When the additional optional acidifying ingredient as provided in paragraph (b) (1) of this section is used, the label shall bear the statement "Citric acid added" or "With added citric acid." When an optional emulsifying ingredient as provided in paragraph (d) of this section is used, the label shall bear the statement "_____ added" or "With added _____," the blank being filled in with the common name or names of the emulsifying ingredient or mixture of emulsifying ingredients used, as specified in paragraph (d) of this section; or, alternatively, with the words "algin derivative," if propylene glycol ester of alginic acid is used; or with the words "vegetable gum" if any one of the vegetable gums, gum acacia, carob bean gum, guar gum, gum karaya, or gum tragacanth, is used; or with the words "vegeta-

ble gums," if two or more such vegetable gums are used. Label statements specified in this paragraph for declaring the presence of optional ingredients may be combined, as for example, "with added citric acid and sodium carboxymethylcellulose."

(2) Wherever the name "Salad Dressing" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in this paragraph showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

PART 27—CANNED FRUITS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Sec.

27.0 Canned peaches; identity; label statement of optional ingredients.
27.1 Canned peaches; quality; label statement of substandard quality.
27.2 Canned peaches; fill of container; label statement of substandard fill.
27.3 Canned peaches with rum; identity; label statement of optional ingredients.
27.10 Canned apricots; identity; label statement of optional ingredients.
27.11 Canned apricots; quality; label statement of substandard quality.
27.12 Canned apricots; fill of container; label statement of substandard fill.
27.13 Canned apricots with rum; identity; label statement of optional ingredients.
27.20 Canned pears; identity; label statement of optional ingredients.
27.21 Canned pears; quality; label statement of substandard quality.
27.22 Canned pears; fill of container; label statement of substandard fill.
27.23 Canned pears with rum; identity; label statement of optional ingredients.
27.30 Canned cherries; identity; label statement of optional ingredients.
27.31 Canned cherries; quality; label statement of substandard quality.
27.32 Canned cherries; fill of containers; label statement of substandard fill.
27.33 Canned cherries with rum; identity; label statement of optional ingredients.
27.40 Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; identity; label statement of optional ingredients.
27.41 Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; quality; label statement of substandard quality.
27.42 Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; fill of container; label statement of substandard fill.

AUTHORITY: §§ 27.0 to 27.42 issued under sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a). Interpret or apply sec. 401, 52 Stat. 1046, 68 Stat. 54, 55; 21 U. S. C. 341.

§ 27.0 *Canned peaches; identity; label statement of optional ingredients.* (a) Canned peaches is the food prepared from one of the optional peach ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) Flavoring, other than artificial flavoring;

(3) A vinegar;

(4) Peach pits, except in the cases of peeled whole peaches and unpeeled whole peaches, in a quantity not more than 1 peach pit to each 8 ounces of finished canned peaches; and

(5) Peach kernels, except in the cases of peeled whole peaches and unpeeled whole peaches, and except when optional ingredient (4) is used.

Such food is sealed in a container and is so processed by heat as to prevent spoilage.

(b) The optional peach ingredients referred to in paragraph (a) of this section are prepared from mature peaches of the yellow clingstone, yellow freestone, white clingstone, or white freestone varietal group, and are in the following forms of units: peeled whole, unpeeled whole, peeled halves, unpeeled halves, peeled quarters, peeled slices, peeled dice, peeled mixed pieces of irregular sizes and shapes. Each such form of units prepared from each such varietal group is an optional peach ingredient. Each such ingredient, except in the case of peeled whole peaches and unpeeled whole peaches, is pitted. For the purpose of paragraph (e) of this section, the names of such optional peach ingredients are the words "Yellow Cling" or "Yellow Clingstone," "White Cling" or "White Clingstone," "Yellow Free" or "Yellow Freestone" or "White Free" or "White Freestone," as the case may be, preceded or followed by the word or words "Whole," "Unpeeled Whole," "Halves" or "Halved," "Unpeeled Halves," or "Unpeeled Halved," "Quarters" or "Quartered," "Slices" or "Sliced," "Dice" or "Diced," or "Mixed Pieces of Irregular Sizes and Shapes," as the case may be.

(c) (1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.
(ii) Peach juice.
(iii) Slightly sweetened water.
(iv) Light sirup.
(v) Heavy sirup.
(vi) Extra heavy sirup.
(vii) Slightly sweetened peach juice.
(viii) Light peach juice sirup.
(ix) Heavy peach juice sirup.
(x) Extra heavy peach juice sirup.

As used in this subparagraph the term "water" means, in addition to water, any mixture of water and peach juice; and the term "peach juice" means the fresh or canned expressed juice of mature peaches, of any varietal group specified in paragraph (b) of this section, to which no water is added, directly or indirectly.

(2) Each of packing media (1) (iii) to (x), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (1) (iii) to (vi), inclusive, are prepared, and peach juice is the liquid ingredient from which packing media (1) (vii) to (x), inclusive, are prepared. The saccharine ingredient from which packing media (1) (iii) to (x), inclusive, are prepared is one of the following: Sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar used; except that packing media (1) (vii) to (x), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup or with any glucose sirup other than dried glucose sirup. A packing medium prepared with peach juice and any invert sugar sirup or corn sirup other than dried corn sirup or glucose sirup other than dried glucose sirup is considered to be prepared with water as the liquid ingredient.

(3) The respective densities of packing media (1) (iii) to (x), inclusive, as measured on the Brix hydrometer 15 days or more after the peaches are canned, are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(1) (iii) and (vii)	Less than 14°.
(1) (iv) and (viii)	14° or more but less than 19°.
(1) (v) and (ix)	19° or more but less than 24°.
(1) (vi) and (x)	24° or more but not more than 35°.

(d) For the purposes of this section:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless, except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(4) The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

(e) The label shall bear the name of the optional peach ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in." When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice," or in lieu of the word "Spice," the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring," or, in lieu of the word "Flavoring," the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with _____ Vinegar," the blank being filled in with the word showing the kind of vinegar used;

(4) "Seasoned with Peach Pits";

(5) "Seasoned with Peach Kernels."

When two or more of the optional ingredients specified in paragraph (a) (1) (2), (3), and (4) or (5) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil, and Peach Kernels."

(f) Wherever the name "peaches" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the peaches may so intervene.

§ 27.1 *Canned peaches; quality; label statement of substandard quality.* (a) The standard of quality for canned peaches is as follows:

(1) All units tested in accordance with the method prescribed in paragraph (b) of this section are pierced by a weight of not more than 300 grams;

(2) In the cases of halves and quarters, the weight of each unit is not less than $\frac{35}{100}$ ounce and $\frac{30}{100}$ ounce, respectively;

(3) In the cases of whole peaches, halves, and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein;

(4) Except in the case of unpeeled peaches, there is present in the finished canned peaches not more than 1 square inch of peel per each 1 pound of net contents;

(5) Not more than 20 percent of the units in the container are blemished with scab, hail injury, discoloration, or other abnormalities;

(6) In the cases of whole peaches, halves, quarters, and slices, all units are untrimmed, or are so trimmed as to preserve normal shape; and

(7) Except in the case of mixed pieces of irregular sizes and shapes, not more than 5 percent of the units in a container of 20 or more units, and not more than one unit in a container of less than 20 units, is crushed or broken. (A unit which has lost its normal shape because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken.)

(b) Canned peaches shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a) (1) of this section: So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel. The top of the receptacle is circular in shape, of 1⅛ inches inside diameter, with vertical sides; or rectangular in shape, ¾ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of ¾ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least ½ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod $\frac{5}{32}$ inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(c) If the quality of canned peaches falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality_____," the blank to be filled in with the words specified after the corresponding number of each clause of paragraph (a) of this section which such canned peaches fail to meet, as follows: (1) "Not Tender"; (2) "Small Halves," or "Small Quarters," as the case may be; (3) "Mixed Sizes"; (4) "Not Well Peeled"; (5) "Blemished"; (6) "Unevenly Trimmed"; (7) "Partly Crushed or Broken." Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Peaches" and any words and statements required or authorized to appear with such name by § 27.0 (b).

§ 27.2 *Canned peaches; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned peaches is the maximum quantity of the optional peach ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(b) If canned peaches fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

§ 27.3 *Canned peaches with rum; identity; label statement of optional ingredients.* Canned peaches with rum conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for canned peaches by § 27.0, except that it contains added rum in such amount that its alcohol content is more than 3 percent but less than 5 percent by weight.

§ 27.10 *Canned apricots; identity; label statement of optional ingredients.* (a) Canned apricots is the food prepared from one of the optional apricot ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) Flavoring, other than artificial flavoring;

(3) A vinegar;

(4) Apricot pits, except in the cases of unpeeled whole apricots and peeled whole apricots, in a quantity not more than 1 apricot pit to each 8 ounces of finished canned apricots;

(5) Apricot kernels, except in the cases of unpeeled whole apricots and peeled whole apricots, and except when optional ingredient (4) is used.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional apricot ingredients referred to in paragraph (a) of this section are prepared from mature apricots and are in the following forms of units: unpeeled whole, peeled whole, unpeeled halves, peeled halves, unpeeled quarters, peeled quarters, unpeeled slices, peeled slices, unpeeled mixed pieces of irregular sizes and shapes, peeled mixed pieces of irregular sizes and shapes. Each such form of units is an optional apricot ingredient. Each such ingredient, except in the cases of unpeeled whole apricots and peeled whole apricots, is pitted. For the purposes of paragraph (e) of this section, the names of such optional apricot ingredients are "Whole," "Halves," or "Halved," "Quarters" or "Quartered," "Slices" or "Sliced," "Mixed Pieces of Irregular Sizes and Shapes," as the case may be, preceded or followed by "Unpeeled" or "Peeled," as the case may be.

(c) (1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.
(ii) Apricot juice.
(iii) Slightly sweetened water.
(iv) Light sirup.
(v) Heavy sirup.
(vi) Extra heavy sirup.

(vii) Slightly sweetened apricot juice.
(viii) Light apricot juice sirup.
(ix) Heavy apricot juice sirup.
(x) Extra heavy apricot juice sirup.

As used in this subparagraph the term "water" means, in addition to water, any mixture of water and apricot juice; and the term "apricot juice" means the fresh or canned expressed juice of mature apricots to which no water is added, directly or indirectly.

(2) Each of packing media (1) (iii) to (x), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (1) (iii) to (vi), inclusive, are prepared, and apricot juice is the liquid ingredient from which packing media (1) (vii) to (x), inclusive, are prepared. The saccharine ingredient from which packing media (1) (iii) to (x), inclusive, are prepared is one of the following: Sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar used; except that packing media (1) (vii) to (x), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup or with any glucose sirup other than dried glucose sirup. A packing medium prepared with apricot juice and any invert sugar sirup or corn sirup other than dried corn sirup or glucose sirup other than dried glucose sirup is considered to be prepared with water as the liquid ingredient.

(3) The respective densities of packing media (1) (iii) to (x), inclusive, as measured on the Brix hydrometer 15 days or more after the apricots are canned, are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(1) (iii) and (vii)	Less than 16°.
(1) (iv) and (viii)	16° or more but less than 21°.
(1) (v) and (ix)	21° or more but less than 25°.
(1) (vi) and (x)	25° or more but not more than 40°.

(d) For the purposes of this section:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(4) The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

(e) The label shall bear the name of the optional apricot ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in." When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) is used, the labels shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice," or, in lieu of the word "Spice," the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring," or, in lieu of the word "Flavoring," the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with _____ Vinegar," the blank being filled in with the word showing the kind of vinegar used;

(4) "Seasoned with Apricot Pits";

(5) "Seasoned with Apricot Kernels."

When two or more of the optional ingredients specified in paragraph (a) (1), (2), (3), and (4) or (5) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil, and Apricot Kernels."

(f) Wherever the name "apricots" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the apricots may so intervene.

§ 27.11 *Canned apricots; quality; label statement of substandard quality.* (a) The standard of quality for canned apricots is as follows:

(1) All units tested in accordance with the method prescribed in paragraph (b) of this section are pierced by a weight of not more than 300 grams;

(2) In the cases of halves and quarters, the weight of each unit is not less than ⅔ ounce and ⅓ ounce, respectively;

(3) In the cases of whole apricots, halves, and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein;

(4) Not more than 20 percent of the units in the container are blemished with scab, hail injury, discoloration, or other abnormalities;

(5) In the cases of whole apricots, halves, and quarters, all units are untrimmed, or are so trimmed as to preserve normal shape; and

(6) Except in the case of mixed pieces of irregular sizes and shapes, not more than 5 percent of the units in a container of 20 or more units, and not more than 1 unit in a container of less than 20 units, is crushed or broken. (A unit which has lost its normal shape because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken.)

(b) Canned apricots shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a) (1) of this section: So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel. The top of the receptacle is circular in shape, of 1⅛ inches inside diameter, with vertical sides; or rectangular in shape, ¾ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of ¾ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least ½ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod 3/16 inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(c) If the quality of canned apricots falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality_____," the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this section which such canned apricots fail to meet, as follows: (1) "Not Tender"; (2) "Small Halves," or "Small Quarters," as the case may be: (3) "Mixed Sizes"; (4) "Blemished"; (5) "Unevenly Trimmed"; (6) "Partly Crushed or Broken." Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Apricots" and any words and statements required or authorized to appear with such name by § 27.10 (b).

§ 27.12 *Canned apricots; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned apricots is the maximum quantity of the optional apricot ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(b) If canned apricots fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

§ 27.13 *Canned apricots with rum; identity; label statement of optional ingredients.* Canned apricots with rum conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients, prescribed for canned apricots by § 27.10, except that it contains added rum in such amount that its alcohol content is more than 3 percent but less than 5 percent by weight.

§ 27.20 *Canned pears; identity; label statement of optional ingredients.* (a) Canned pears is the food prepared from one of the optional pear ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) Flavoring, other than artificial flavoring; and

(3) A vinegar.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional pear ingredients referred to in paragraph (a) of this section are prepared from mature pears and are in the following forms of units: peeled whole, unpeeled whole, peeled halves, unpeeled halves, peeled quarters, peeled slices, peeled dice, peeled mixed pieces of irregular sizes and shapes. Each such form of units is an optional pear ingredient. Each such ingredient, except in the cases of peeled whole pears and unpeeled whole pears, is cored. For the purposes of paragraph (e) of this section, the respective names of such optional pear ingredients are "Whole," "Halves" or "Halved," "Quarters" or "Quartered," "Slices" or "Sliced," "Dice" or "Diced," "Mixed Pieces of Irregular Sizes and Shapes," preceded or followed in case the units are whole or halves and are unpeeled, by the word "Unpeeled."

(c) (1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.
(ii) Pear juice.
(iii) Slightly sweetened water.
(iv) Light sirup.
(v) Heavy sirup.
(vi) Extra heavy sirup.
(vii) Slightly sweetened pear juice.
(viii) Light pear juice sirup.
(ix) Heavy pear juice sirup.
(x) Extra heavy pear juice sirup.

As used in this subparagraph the term "water" means, in addition to water, any mixture of water and pear juice; and the term "pear juice" means the fresh or canned expressed juice of mature pears to which no water is added, directly or indirectly.

(2) Each of packing media (1) (iii) to (x), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (1) (iii) to (vi), inclusive, are prepared, and pear juice is the liquid ingredient from which packing media (1) (vii) to (x), inclusive, are prepared. The saccharine ingredient from which packing media (1) (iii) to (x), inclusive, are prepared is one of the following: Sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar used; except that packing media (1) (vii) to (x), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup or with any glucose sirup other than dried glucose sirup. A packing medium prepared with pear juice and any invert sugar sirup or corn sirup other than dried corn sirup or glucose sirup other than dried glucose sirup is considered to be prepared with water as the liquid ingredient.

(3) The respective densities of packing media (1) (iii) to (x), inclusive, as measured on the Brix hydrometer 15 days or more after the pears are canned, are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(1) (iii) and (vii)	Less than 14°.
(1) (iv) and (viii)	14° or more but less than 18°.
(1) (v) and (ix)	18° or more but less than 22°.
(1) (vi) and (x)	22° or more but not more than 35°.

(d) For the purposes of this section:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(4) The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

(e) The label shall bear the name of the optional pear ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in." When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice," or, in lieu of the word "Spice," the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring," or, in lieu of the word "Flavoring," the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with _____ Vinegar," the blank being filled in with the word showing the kind of vinegar used.

When two or all of the optional ingredients specified in paragraph (a) (1), (2), and (3) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon Oil."

(f) Wherever the name "pears" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the pears may so intervene.

§ 27.21 *Canned pears; quality; label statement of substandard quality.* (a) The standard of quality for canned pears is as follows:

(1) All units tested in accordance with the method prescribed in paragraph (b) of this section are pierced by a weight of not more than 300 grams;

(2) In the cases of halves and quarters, the weight of each unit is not less than ⅜ ounce and 3/10 ounce, respectively;

(3) In the cases of whole pears, halves, and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein;

(4) Except in the case of unpeeled pears, there is present in the finished canned pears not more than 1 square inch of peel per each 1 pound of net contents;

(5) Not more than 20 percent of the units in the container are blemished with scab, hail injury, discoloration, or other abnormalities;

(6) In the cases of whole pears, halves, and quarters, all units are untrimmed, or are so trimmed as to preserve normal shape; and

(7) Except in the case of mixed pieces of irregular sizes and shapes, not more than 10 percent of the units in a container of 10 or more units, and not more than 1 unit in a container of less than 10 units, is crushed or broken. (A unit which has lost its normal shape because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken.)

(b) Canned pears shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a) (1) of this section: So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled remove the peel. The top of the receptacle is circular in shape of 1⅛ inches inside diameter, with vertical sides; or rectangular in shape, ¾ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of ¾ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least ½ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod 9/32 inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(c) If the quality of canned pears falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality ____," the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this section which such canned pears fail to meet, as follows: (1) "Not Tender"; (2) "Small Halves" or "Small Quarters," as the case may be; (3) "Mixed Sizes"; (4) "Not Well Peeled"; (5) "Blemished"; (6) "Unevenly Trimmed"; (7) "Partly Crushed or Broken." Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Pears" and any words and statements required or authorized to appear with such names by § 27.20 (b).

§ 27.22 *Canned pears; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned pears is the maximum quantity of the optional pear ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(b) If canned pears fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

§ 27.23 *Canned pears with rum; identity; label statement of optional ingredients.* Canned pears with rum conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for canned pears by § 27.20, except that it contains added rum in such amount that its alcohol content is more than 3 percent but less than 5 percent by weight.

§ 27.30 *Canned cherries; identity; label statement of optional ingredients.* (a) Canned cherries is the food prepared from one of the optional cherry ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) Flavoring, other than artificial flavoring;

(3) A vinegar.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional cherry ingredients referred to in paragraph (a) of this section are prepared from mature cherries of the red sour, light sweet, or dark sweet varietal group. Pitted cherries of each such group and unpitted cherries of each such group are an optional cherry ingredient. For the purposes of paragraph (e) of this section, the names of such optional cherry ingredients are the words "Red Sour" or "Red Tart," "Light Sweet" or "Dark Sweet," as the case may be, preceded or followed by the word "Pitted" in case such ingredients are pitted.

(c) (1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.
(ii) Cherry juice.
(iii) Slightly sweetened water.
(iv) Light sirup.
(v) Heavy sirup.
(vi) Extra heavy sirup.
(vii) Slightly sweetened cherry juice.
(viii) Light cherry juice sirup.
(ix) Heavy cherry juice sirup.
(x) Extra heavy cherry juice sirup.

As used in this subparagraph the term "water" means, in addition to water, any mixture of water and cherry juice; and the term "cherry juice" means the fresh or canned expressed juice of mature cherries, of any varietal group specified in paragraph (b) of this section, to which no water is added directly, or indirectly.

(2) Each of packing media (1) (iii) to (x), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (1) (iii) to (vi), inclusive, are prepared, and cherry juice is the liquid ingredient from which packing media (1) (vii) to (x), inclusive, are prepared. The saccharine ingredient from which packing media (1) (iii) to (x), inclusive, are prepared is one of the following: Sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar used; except that packing media (1) (vii) to (x), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup or with any glucose sirup other than dried glucose sirup. A packing medium prepared with cherry juice and any invert sugar sirup or corn sirup other than dried corn sirup or glucose sirup other than dried glucose sirup is considered to be prepared with water as the liquid ingredient.

(3) The respective densities of packing media (1) (iii) to (x), inclusive, as measured on the Brix hydrometer 15 days or more after the cherries are canned, are within the range prescribed for each in the following list:

Number of packing medium: In case of sweet cherries:	*Brix measurement*
(1) (iii) and (vii)	Less than 16°.
(1) (iv) and (viii)	16° or more but less than 20°.
(1) (v) and (ix)	20° or more but less than 25°.
(1) (vi) and (x)	25° or more but not more than 35°.
In case of red sour cherries:	
(1) (iii) and (vii)	Less than 18°.
(1) (iv) and (viii)	18° or more but less than 22°.
(1) (v) and (ix)	22° or more but less than 28°.
(1) (vi) and (x)	28° or more but not more than 45°.

(d) For the purposes of this section:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(4) The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

(e) The label shall bear the name of the optional cherry ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in." When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice," or, in lieu of the word "Spice," the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring," or, in lieu of the word "Flavoring," the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with _____ Vinegar," the blank being filled in with the word showing the kind of vinegar used.

When two or all of the optional in ingredients specified in paragraph (a) (1), (2), and (3) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon Oil."

(f) Wherever the name "cherries" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words specified in this section showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter except that the specific varietal name of the cherries may so intervene.

§ 27.31 *Canned cherries; quality; label statement of substandard quality.* (a) The standard of quality for canned cherries is as follows:

(1) In the case of pitted cherries, not more than 1 pit is present in each 20 ounces of canned cherries, as determined by the method prescribed in paragraph (b) (1) of this section;

(2) In the case of unpitted cherries, the weight of each cherry in the container is not less than 1/10 ounce;

(3) In the case of unpitted cherries, the weight of the largest cherry in the container is not more than twice the weight of the smallest cherry therein;

(4) In the case of unpitted cherries, the total weight of pits is not more than 12 percent of the weight of drained cherries, as determined by the method prescribed in paragraph (b) (2) of this section; and

(5) Not more than 15 percent by count of the cherries in the container are blemished with scab, hail injury, discoloration, scar tissue, or other abnormality. A unit showing skin discloration having an aggregate area not exceeding that of a circle 3/16 inch in diameter and not extending into the fruit tissue shall not be considered as blemished.

(b) (1) Pitted canned cherries shall be tested by the following method to determine whether or not they comply with the requirements of paragraph (a) (1) of this section: Take at random such number of containers as to have a total quantity of contents of at least 24 pounds. Open the containers and weigh the contents. Count the pits and pieces of pit shell in such total quantity. Count a piece of pit shell equal to or smaller than one-half pit shell as one-half pit, and a piece of pit shell larger than one-half pit shell as one pit; but when two or more pieces of pit shell are within or attached to a single cherry, count such pieces as one-half pit if their combined size is equivalent to that of one-half pit shell or less, and as one pit if their combined size is equivalent to that of more than one-half pit shell. From the total number of pits so counted and the combined weight of the contents of all the containers, calculate the number of pits present in each 20 ounces of canned cherries.

(2) Unpitted canned cherries shall be tested by the following method to determine whether or not they comply with the requirements of paragraph (a) (4) of this section: Tilt the opened container so as to distribute the contents over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, or 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is No. 8 woven-wire cloth which complies with the specifications for such cloth set forth on page 3 of "Standard Specifications for Sieves," published October 25, 1938, by United States Department of Commerce, National Bureau of Standards. Without shifting the cherries, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weight the sieve and drained cherries. The weight so found, less the weight of the sieve, shall be considered to be the welght of drained cherries. Pit the cherries and wash the pits free from adhering flesh. Drain and weigh the pits by the method prescribed above. Divide the weight of pits so found by the weight of drained cherries, and multiply by 100.

(c) If the quality of canned cherries falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality _____," the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this section which such canned cherries fail to meet, as follows: (1) "Partially Pitted"; (2) "Small"; (3) "Mixed Sizes"; (4) "Thin Fleshed"; (5) "Blemished." Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Cherries" and any words and statements required or authorized to appcar with such name by § 27.30 (b).

§ 27.32 *Canned cherries; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned cherries is the maximum quantity of the optional cherry ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing such ingredient.

(b) If canned cherries fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

§ 27.33 *Canned cherries with rum; identity; label statement of optional ingredients.* Canned cherries with rum conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for canned cherries by § 27.30, except that it contains added rum in such amount that its alcohol content is more than 3 percent but less than 5 percent by weight.

§ 27.40 *Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; identity; label statement of optional ingredients.* (a) Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail, is the food prepared from the mixture of fruit ingredients prescribed in paragraph (b) of this section, in the forms and proportions therein prescribed, and one of the optional packing

media specified in paragraph (c) of this section. It is sealed in a container and is so processed by heat as to prevent spoilage.

(b) The fruit ingredients referred to in paragraph (a) of this section, the forms of each, and the percent by weight of each in the mixture of drained fruit from the finished canned fruit cocktail are as follows:

(1) Peaches of any yellow variety, which are pitted, peeled, and diced, not less than 30 percent and not more than 50 percent;

(2) Pears of any variety, which are peeled, cored, and diced, not less than 25 percent and not more than 45 percent;

(3) Whole grapes of any seedless variety, not less than 6 percent and not more than 20 percent;

(4) Pineapples of any variety, which are peeled, cored, and cut into sectors or into dice, not less than 6 percent and not more than 16 percent; and

(5) One of the following optional cherry ingredients, each of which is stemmed, pitted, and cut into approximate halves, not less than 2 percent and not more than 6 percent;

(i) Cherries of any light, sweet variety;

(ii) Cherries artificially colored red; or

(iii) Cherries artificially colored red and artificially flavored.

Each such fruit ingredient is prepared from mature fruit which is fresh or canned. Notwithstanding the preceding provisions of this paragraph, each 4½ ounces avoirdupois of the finished canned fruit cocktail and each fraction thereof greater than 2 ounces avoirdupois contain not less than 2 sectors or 3 dice of pineapple and not less than 1 approximate half of the optional cherry ingredient.

(c) (1) The optional packing media referred to in paragraph (a) of this section are as follows:

(i) Water.
(ii) Fruit juice.
(iii) Light sirup.
(iv) Heavy sirup.
(v) Extra heavy sirup.
(vi) Light fruit juice sirup.
(vii) Heavy fruit juice sirup.
(viii) Extra heavy fruit juice sirup.

(2) Each of packing media (i) (iii), (iv), and (v) is prepared with water as its liquid ingredient, and each of packing media (i) (vi), (vii), and (viii) is prepared with fruit juice as its liquid ingredient. Except as provided in paragraph (d) (6) of this section, each of packing media (i) (iii) to (viii), inclusive, is prepared with any one of the following saccharine ingredients: Sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup or glucose sirup in which the weight of the solids of the dextrose used multiplied by two, added to the weight of the solids of the corn sirup or the glucose sirup used multiplied by three, is not more than the weight of the solids of the sugar used. The respective densities of packing media (i) (iii) to (viii), inclusive, as measured on the Brix hydrometer 15 days or more after the fruit cocktail is canned are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(i) (iii) and (vi)	14° or more but less than 18°.
(i) (iv) and (vii)	18° or more but less than 22°.
(i) (v) and (viii)	22° or more but not more than 35°.

(d) For the purposes of this section:

(1) The term "water" means, in addition to water, both the liquid drained from any fruit ingredient previously canned in water as its sole packing medium and any mixture of water and fruit juice, including the liquid drained from any fruit ingredient previously canned in such mixture.

(2) The term "fruit juice" means the fresh or canned, expressed juice or juices of one or more of the mature fruits named in paragraph (b) of this section including the liquid drained from any fruit ingredient previously canned in such juice or juices as its sole packing medium, to which no water has been added, directly or indirectly. Fruit juice may be strained or filtered.

(3) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous sirup of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash and which is colorless, odorless and flavorless except for sweetness.

(4) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolyzed starch.

(5) (i) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of corn starch and includes dried corn sirup; the solids of corn sirup and dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(ii) The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

(6) When the optional packing medium is prepared with fruit juice and invert sugar sirup or corn sirup other than dried corn sirup or glucose sirup other than dried glucose sirup, it shall be considered to be light sirup, heavy sirup, or an extra heavy sirup, as the case may be, and not a light fruit juice sirup, heavy fruit juice sirup, or an extra heavy fruit juice sirup.

(7) The term "light sirup," "heavy sirup," or "extra heavy sirup" includes a sirup which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredient previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of a light sirup, heavy sirup, or extra heavy sirup.

(8) Except as provided in subparagraph (6) of this paragraph, the term "light fruit juice sirup," "heavy fruit juice sirup," or "extra heavy fruit juice sirup" includes a sirup which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredients previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of light fruit juice sirup, heavy fruit juice sirup, or extra heavy fruit juice sirup.

(e) (1) The optional ingredients specified in paragraphs (b) (5) (ii) and (iii) and (c) (1) to (8) of this section, inclusive, are hereby designated as optional ingredients which, when used, shall be named on the label by the name whereby each is so specified.

(2) Such names shall immediately and conspicuously, without intervening written, printed, or graphic matter, precede or follow the name "fruit cocktail," "cocktail fruits," or "fruits for cocktail" wherever it appears on the label so conspicuously as to be easily seen under customary conditions of purchase.

§ 27.41 *Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; quality; label statement of substandard quality.* (a) The standard of quality for canned fruit cocktail is as follows:

(1) Not more than 20 percent by weight of the units in the container of peach or pear, or of pineapple if the units thereof are diced, are more than ¾ inch in greatest edge dimension, or pass through the meshes of a sieve designated as 5/16 inch in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the National Bureau of Standards, United States Department of Commerce. If the units of pineapple are in the form of sectors, not more than 20 percent of such sectors in the container fail to conform to the following dimensions: The length of the outside arc is not more than ¾ inch but is more than ⅜ inch; the thickness is not more than ½ inch but is more than 5/16 inch; the length (measured along the radius from the inside arc to the outside arc) is not more than 1¼ inches but is more than ¾ inch.

(2) Not more than 10 percent of the grapes in a container containing 10 grapes or more, and not more than 1 grape in a container containing less than 10 grapes, is cracked to the extent of being severed into two parts or is crushed to the extent that their normal shape is destroyed.

(3) Not more than 10 percent of the grapes in a container containing 10 grapes or more, and not more than 1 grape in a container containing less than 10 grapes, has the cap stem attached.

(4) There is present in the finished canned fruit cocktail not more than 1 square inch of pear peel per each 1 pound of drained weight of units of pear plus the weight of a proportion of the packing medium which is the same proportion as the drained weight of the units of pear bears to the drained weight of the entire contents of the can. Such drained weights shall be determined by the method prescribed in § 27.42.

(5) There is present in the finished canned fruit cocktail not more than 1 square inch of peach peel per each 1 pound of drained weight of units of peach plus the weight of a proportion of the packing medium which is the same proportion as the drained weight of units of peach bears to the drained weight of the entire contents of the can. Such drained weights shall be determined by the method prescribed in § 27.42.

(6) Not more than 15 percent of the units of cherry ingredient, and not more than 20 percent of the units of peach, pear, or grape, in the container is blemished with scab, hail injury, scar tissue, or other abnormality.

(7) If the cherry ingredient is artificially colored, the color of not more than 15 percent of the units thereof in a container containing more than six units, and of not more than one unit in a container containing six units or less, is other than evenly distributed in the unit or other than uniform with the color of the other units of the cherry ingredient.

(b) If the quality of canned fruit cocktail falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified.

§ 27.42 *Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned fruit cocktail is a fill such that the total weight of drained fruit is not less than 65 percent of the water capacity of the container, as determined by the general method for water capacity of containers prescribed in § 10.1 (a) of this chapter. Such total weight of drained fruit is determined by the following method: Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the United States Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and drained fruit. The weight so found, less the weight of the sieve, shall be considered to be the total weight of drained fruit.

(b) If canned fruit cocktail falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein prescribed.

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.
29.1 Fruit butter; identity; label statement of optional ingredients.
29.2 Fruit jelly; identity; label statement of optional ingredients.
29.3 Preserves, jams; identity; label statement of optional ingredients.

AUTHORITY: §§ 29.1 to 29.3 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341.

§ 29.1 *Fruit butter; identity; label statement of optional ingredients.* (a) The fruit butters for which definitions and standards of identity are prescribed by this section are the smooth, semisolid foods each of which is made from a mixture composed of not less than five parts by weight (as determined by the method prescribed in paragraph (b) (1) of this section) of one or any combination of two, three, four, or five of the optional fruit ingredients specified in paragraph (c) of this section to each two parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section, except that the use of such saccharine ingredient is not required when optional ingredient (5) is used. Such mixture may be seasoned with one or more of the following optional ingredients:

(1) Spice.
(2) Flavoring (other than artificial flavoring).
(3) Salt.
(4) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these.

Such mixture may also contain the optional ingredient:

(5) Fruit juice or diluted fruit juice or concentrated fruit juice, in a quantity not less than one-half the weight of the optional fruit ingredient.

Such mixture is concentrated by heat to such point that the soluble-solids content of the finished fruit butter is not less than 43 percent, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 322 [Ed. note, 8th edition, 1955, p. 344, sec. 20.15], under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—First Action," except that no correction is made for water-insoluble solids.

(b) (1) Any requirement of this section with respect to the weight of any optional fruit ingredient, whether concentrated, unconcentrated, or diluted, means the weight determined by the following method:

Determine the percent of soluble solids in the optional fruit ingredient by the method prescribed for determining soluble solids in paragraph (a) of this section; multiply the percent so found by the weight of such ingredient; divide the result by 100; subtract from the quotient the weight of any added sugar or any other added solids; and multiply the remainder by the factor for such ingredient prescribed in paragraph (c) of this section. The result is the weight of the optional fruit ingredient.

(2) For the purposes of this section, the weight of fruit juice or diluted fruit juice or concentrated fruit juice (optional ingredient (a) (5)) from a fruit specified in paragraph (c) of this section is the weight of such juice, as determined by the method prescribed in paragraph (b) (1) of this section, except that the percent of soluble solids is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 495, [Ed. note, 8th edition, 1955, p. 534, sec. 29.11], under "Solids by Means of Refractometer—Official"; the weight of diluted or concentrated juice from any other fruit is the original weight of the juice before it was diluted or concentrated.

(c) Each of the optional fruit ingredients referred to in paragraph (a) of this section is prepared by cooking one of the following fresh, frozen, canned, and/or dried (evaporated) mature fruits, with or without added water, and screening out skins, seeds, pits, and cores:

Name of fruit:	*Factor referred to in paragraph (b) (1) of this section*
Apple	7.5
Apricot	7.0
Grape	7.0
Peach	8.5
Pear	6.5
Plum (other than prune)	7.0
Prune	7.0
Quince	7.5

In any combination of two, three, four, or five fruit ingredients, the weight of each is not less than one-fifth of the weight of the combination.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.
(2) Invert sugar sirup.
(3) Brown sugar.
(4) Invert brown sugar sirup.
(5) Honey.
(6) Any combination of two or more of optional saccharine ingredients (1), (2), (3), and (4).
(7) Any combination of dextrose and optional saccharine ingredient (1), (2), (3), (4), or (6).
(8) Any combination composed of corn sirup, dried corn sirup, glucose sirup, dried glucose sirup, or any two or more of the foregoing, with optional saccharine ingredient (1), (2), (3), (4), (6), or (7), in which the weight of the solids of corn sirup, dried corn sirup, glucose sirup, dried glucose sirup, or the sum of the weights of the solids of corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup, in case two or more of these are used, does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.
(9) Any combination of honey and optional saccharine ingredient (1), (2), (3), (4), (6), or (7), in which the weight of the solids of each component except

honey is not less than one-tenth of the weight of the solids of such combination, and the weight of honey solids is not less than two-fifths of the weight of the solids of such combination.

(e) For the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "invert brown sugar sirup" means a sirup made by inverting or partly inverting brown sugar.

(5) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch. The solids of corn sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose.

(6) The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

(7) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each fruit butter for which a definition and standard of identity is prescribed by this section is as follows:

(1) In case the fruit butter is made from a single fruit ingredient, the name is "Butter," preceded by the name whereby such fruit is designated in paragraph (c) of this section.

(2) In case the fruit butter is made from a combination of two, three, four, or five fruit ingredients, the name is "Butter," preceded by the words "Mixed Fruit" or by the names whereby such fruits are designated in paragraph (c) of this section, in the order of predominance, if any, of the weight of such fruit ingredients in the combination.

(g) (1) When optional ingredient (a) (1) of this section is used, the label shall bear the word "spiced" or the statement "spice added" or "with added spice"; but in lieu of the word "spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (2) of this section is used, the label shall bear the statement "flavoring added" or "with added flavoring." The word "flavoring" in such statements may be preceded by the common name of the kind of flavoring used.

(3) When optional ingredient (a) (5) of this section is used, the label shall bear the words "prepared with _____ juice," the blank to be filled in with the name of the fruit from which the juice is obtained; but if apple juice is used, the word "cider" may be used in lieu of "apple juice."

(4) When optional saccharine ingredient (d) (5) of this section is used, the label shall bear the statement "prepared with honey."

(5) When optional saccharine ingredient (d) (9) is used, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this section, in the order of predominance, if any, of the weights of such components in the combination. Such name shall be preceded by the words "prepared with."

(6) When the optional fruit ingredient is prepared in whole or in part from dried fruit, the label shall bear the words "prepared from" or "prepared in part from," as the case may be, followed by the word "evaporated" or "dried," followed by the name whereby such fruit is designated in paragraph (c) of this section. When two or more such optional fruit ingredients are used, such names, each preceded by the word "evaporated" or "dried," shall appear in the order of predominance, if any, of the weight of such ingredients in the combination.

(7) When a combination of two, three, four, or five optional fruit ingredients is used, and the fruit butter is designated on its label by the name "Mixed Fruit Butter," the label shall bear the names whereby the fruits from which such ingredients are prepared are designated in paragraph (c) of this section, in the order of predominance, if any, of the weights of such ingredients in the combination.

(8) The label statements required by subparagraphs (1) and (2) of this paragraph may be combined, as for example, "cinnamon oil and cloves added." The label statements required by two or more of subparagraphs (3), (4), (5), (6), and (7) of this paragraph may be combined, as for example, "prepared with cider, apples, dried prunes, and honey."

(h) Wherever the name specified in paragraph (f) of this section appears on the label of the fruit butter so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such fruit butter may so intervene.

§ 29.2 *Fruit jelly; identity; label statement of optional ingredients.* (a) The jellies for which definitions and standards of identity are prescribed by this section are the jelled foods each of which is made from a mixture composed of not less than 45 parts by weight (as determined by the method prescribed in paragraph (b) of this section) of one or any combination of two, three, four, or five of the fruit juice ingredients specified in paragraph (c) of this section to each 55 parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section. Such mixture may also contain one or more of the following optional ingredients:

(1) Spice.

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit juice ingredient.

(3) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the fruit juice ingredient.

(4) Sodium citrate, sodium potassium tartrate, or any combination of these, in a quantity the proportion of which is not more than 3 ounces avoirdupois to each 100 pounds of the saccharine ingredient used.

(5) Sodium benzoate or benzoic acid, or any combination of these, in a quantity reasonably necessary as a preservative.

(6) Mint flavoring and harmless artificial green coloring, in case the fruit juice ingredient or combination of fruit juice ingredients is extracted from apple, crabapple, pineapple, or two or all of such fruits.

Such mixture is concentrated by heat to such point that the soluble-solids content of the finished jelly is not less than 65 percent, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 495, [Ed. note, 8th edition, 1955, p. 534, sec. 29.11], under "Solids by Means of Refractometer—Official."

(b) Any requirement of this section with respect to the weight of any fruit juice ingredient, whether concentrated, unconcentrated, or diluted, means the weight determined by the following method: Determine the percent of soluble solids in such fruit juice ingredient by the method for soluble solids referred to in paragraph (a) of this section; multiply the percent so found by the weight of such fruit juice ingredient; divide the result by 100; subtract from the quotient the weight of any added sugar or other added solids; and multiply the remainder by the factor for such fruit juice ingredient prescribed in paragraph (c) of this section. The result is the weight of the fruit juice ingredient.

(c) Each of the fruit juice ingredients referred to in paragraph (a) of this section is the filtered or strained liquid extracted with or without the application of heat and with or without the addition of water, from one of the following mature, properly prepared fruits which are fresh, frozen and/or canned

Factor referred to in paragraph (b) of this section

Name of fruit:	
Apple	7.5
Apricot	7.0
Blackberry (other than dewberry)	10.0
Black raspberry	9.0
Cherry	7.0
Crabapple	6.5
Cranberry	9.5
Damson, damson plum	7.0
Dewberry (other than boysenberry, loganberry, and youngberry)	10.0
Fig	5.5
Gooseberry	12.0
Grape	7.0
Grapefruit	11.0
Greengage, greengage plum	7.0
Guava	13.0

Factor referred to in paragraph (b) of this section—Continued

Name of fruit—Continued	
Loganberry	9.5
Orange	8.0
Peach	8.5
Pineapple	7.0
Plum (other than damson, greengage, and prune)	7.0
Pomegranate	5.5
Quince	7.5
Raspberry, red raspberry	9.5
Red currant, currant (other than black currant)	9.5
Strawberry	12.5
Youngberry	10.0

In any combination of two, three, four, or five of such fruit juice ingredients the weight of each is not less than one-fifth of the weight of the combination. Each such fruit juice ingredient in any such combination is an optional ingredient.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Any combination composed of optional saccharine ingredients (1) and (2).

(4) Any combination composed of dextrose and optional saccharine ingredient (1), (2), or (3).

(5) Any combination composed of corn sirup, dried corn sirup, glucose sirup, dried glucose sirup, or any two or more of the foregoing, with optional saccharine ingredient (1), (2), (3), or (4), in which the weight of the solids of corn sirup, dried corn sirup, glucose sirup, dried glucose sirup, or the sum of the weights of the solids of corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup, in case two or more of these are used, does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.

(6) Honey.

(7) Any combination composed of honey and optional saccharine ingredient (1), (2), or (3), in which the weight of the solids of each component except honey is not less than one-tenth of the weight of the solids of such combination and the weight of honey solids is not less than two-fifths of the weight of the solids of such combination.

(e) For the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch. The solids of corn sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose.

(5) The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

(6) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each jelly for which a definition and standard of identity is prescribed by this section is as follows:

(1) In case the jelly is made with a single fruit juice ingredient, the name is "Jelly," preceded or followed by the name or synonym whereby the fruit from which such fruit juice ingredient was extracted is designated in paragraph (c) of this section.

(2) In case the jelly is made with a combination of two, three, four, or five fruit juice ingredients, the name is "Jelly," preceded or followed by the words "Mixed Fruit" or by the names or synonyms whereby the fruits from which the fruit juice ingredients were extracted are designated in paragraph (c) of this section, in the order of predominance, if any, of the weights of such fruit juice ingredients in the combination.

(g) (1) When optional ingredient (a) (1) is used, the label shall bear the word "spiced" or the statement "spice added" or "with added spice"; but in lieu of the word "spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (5) is used, the label shall bear the words "sodium benzoate" or "benzoic acid" or "sodium benzoate and benzoic acid," as the case may be, followed by the words "added as preservative."

(3) When optional ingredient (a) (6) is used, the label shall bear the statement "flavoring and artificial coloring added" or "with added flavoring and artificial coloring." The word "flavoring" in such statement may be preceded by the word "mint."

(4) When optional saccharine ingredient (d) (7) is used, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this section, in the order of predominance, if any, of the weight of such components in the combination. Such names shall be preceded by the words "prepared with."

(5) When optional saccharine ingredient (d) (6) is used, the label shall bear the statement "prepared with honey."

(6) When a combination of two, three, four, or five fruit juice ingredients is used, and the jelly is designated on its label by the word "Jelly," preceded or followed by the words "Mixed Fruit," the label shall bear the names or synonyms whereby such fruits are designated in paragraph (c) of this section, in the order of predominance, if any, of the weights of such fruit juice ingredients in the combination.

(h) Wherever the name specified in paragraph (f) of this section appears on the label of the jelly so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such jelly may so intervene.

§ 29.3 *Preserves, jams; identity; label statement of optional ingredients.* (a) The preserves or jams for which definitions and standards of identity are prescribed by this section are the viscous or semisolid foods each of which is made from a mixture composed of not less than 45 parts by weight (see paragraph (c) of this section) of one of the fruit ingredients specified in paragraph (b) of this section to each 55 parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section. Such mixture may also contain one or more of the following optional ingredients:

(1) Spice.

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combinaton of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit ingredient.

(3) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the fruit ingredient.

(4) Sodium citrate, sodium potassium tartrate, or any combination of these, in a quantity the proportion of which is not more than 3 ounces avoirdupois to each 100 pounds of the saccharine ingredient used.

(5) Sodium benzoate or benzoic acid or any combination of these, in a quantity reasonably necessary as a preservative.

Such mixture, with or without added water, is concentrated by heat to such point that the soluble-solids content of the finished preserve is not less than 68 percent if the fruit ingredient is specified in Group I of paragraph (b) of this section, and not less than 65 percent if the fruit ingredient is specified in Group II of paragraph (b) of this section. The soluble-solids content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 322 [Ed. note, 8th edition, 1955, p. 344, sec. 20.15], under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—First Action," except that no correction is made for water-insoluble solids.

(b) The fruit ingredients referred to in paragraph (a) of this section are the following mature, properly prepared fruits which are fresh, frozen and/or canned:

GROUP I

Blackberry (other than dewberry).
Black raspberry.
Blueberry.
Boysenberry.
Cherry.
Crabapple.
Dewberry (other than boysenberry, loganberry, and youngberry).
Elderberry.
Grape.
Grapefruit.

GROUP I—Continued

Huckleberry.
Loganberry.
Orange.
Pineapple.
Raspberry, red raspberry.
Rhubarb.
Strawberry.
Tangerine.
Tomato.
Yellow tomato.
Youngberry.

Any combination of two, three, four, or five of such fruits in which the weight of each is not less than one-fifth of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

GROUP II

Apricot.
Cranberry.
Damson, damson plum.
Fig.
Gooseberry.
Greengage, greengage plum.
Guava.
Nectarine.
Peach.
Pear.
Plum (other than greengage plum and damson plum).
Quince.
Red currant, currant (other than black currant).

Any combination of two, three, four, or five of such fruits, or one or more of such fruits with one or more of the individual fruits specified in Group I, in which the weight of each is not less than one-fifth of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

Any combination of apple and one, two, three, or four of the individual fruits specified in this group or Group I in which the weight of each is not less than one-fifth, and the weight of apple is not more than one-half, of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

In any combination of two, three, four, or five fruits, each such fruit is an optional ingredient. For the purposes of this section, the word "fruit" includes the vegetables specified in this paragraph.

(c) Any requirement of this section with respect to the weight of any fruit, combination of fruits, or fruit ingredient means:

(1) The weight of fruit exclusive of the weight of any sugar, water, or other substance added for any processing or packing or canning, or otherwise added to such fruit;

(2) In the case of fruit prepared by the removal, in whole or in part, of pits, seeds, skins, cores, or other parts, the weight of such fruit, exclusive of the weight of all such substances removed therefrom; and

(3) In the cases of apricots, cherries, grapes, nectarines, peaches, and all varieties of plums, whether or not pits and seeds are removed therefrom, the weight of such fruit, exclusive of the weight of such pits and seeds.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Any combination composed of optional saccharine ingredients (1) and (2).

(4) Any combination composed of dextrose and optional saccharine ingredient (1), (2), or (3).

(5) Any combination composed of corn sirup, dried corn sirup, glucose sirup, dried glucose sirup, or any two or more of the foregoing, with optional saccharine ingredient (1), (2), (3), or (4), in which the weight of the solids of corn sirup, dried corn sirup, glucose sirup, dried glucose sirup, or the sum of the weights of the solids of corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup, in case two or more of these are used, does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.

(6) Honey.

(7) Any combination composed of honey and optional saccharine ingredient (1), (2), or (3), in which the weight of the solids of each component except honey is not less than one-tenth of the weight of the solids of such combination and the weight of honey solids is not less than two-fifths of the weight of the solids of such combination.

(e) For the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by incomplete hydrolysis of cornstarch. The solids of corn sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose.

(5) The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

(6) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each preserve or jam for which a definition and standard of identity is prescribed by this section is as follows:

(1) If the fruit ingredient is a single fruit, the name is "Preserve" or "Jam," preceded or followed by the name or synonym whereby such fruit is designated in paragraph (b) of this section.

(2) If the fruit ingredient is a combination of two, three, four, or five fruits, the name is "Preserve" or "Jam," preceded or followed by the words "Mixed Fruit" or by the names or synonyms whereby such fruits are designated in paragraph (b) of this section, in the order of predominance, if any, of the weights of such fruits in the combination.

(g) (1) When optional ingredient (a) (1) is used, the label shall bear the word "spiced" or the statement "spice added" or "with added spice"; but in lieu of the word "spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (5) is used, the label shall bear the words "sodium benzoate" or "benzoic acid," or "sodium benzoate and benzoic acid," as the case may be, followed by the words "added as preservative."

(3) When optional saccharine ingredient (d) (7) is used, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this section, in the order of predominance, if any, of the weights of such components in the combination. Such names shall be preceded by the words "prepared with."

(4) When optional saccharine ingredient (d) (6) is used, the label shall bear the statement "prepared with honey."

(5) When the fruit ingredient is a combination of two, three, four, or five fruits and the preserve is designated on its label by the name "Preserve" or "Jam," preceded or followed by the words "Mixed Fruit," the label shall bear the names or synonyms whereby such fruits are designated in paragraph (b) of this section, in the order of predominance, if any, of the weights of such fruits in the combination.

(h) Wherever the name specified in paragraph (f) of this section appears on the label of the preserve so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such preserve may so intervene.

PART 36—SHELLFISH; DEFINITIONS AND STANDARDS OF IDENTITY; FILL OF CONTAINER

CANNED SHRIMP

Sec.
36.3 Canned wet pack shrimp and canned dry pack shrimp in nontransparent containers; fill of container; label statement of substandard fill.

CANNED OYSTERS

36.5 Canned oysters; identity; label statement of optional ingredients.
36.6 Canned oysters; fill of container; label statement of substandard fill.

RAW OYSTERS

36.10 Oysters, raw oysters, shucked oysters; identity.
36.11 Extra large oysters, oysters counts (or plants), extra large raw oysters, raw oysters counts (or plants), extra large shucked oysters, shucked oysters counts (or plants); identity.
36.12 Large oysters, oysters extra selects, large raw oysters, raw oysters extra selects, large shucked oysters, shucked oysters extra selects; identity.
36.13 Medium oysters, oysters selects, medium raw oysters, raw oysters selects, medium shucked oysters, shucked oysters selects; identity.
36.14 Small oysters, oysters standards, small raw oysters, raw oysters standards, small shucked oysters, shucked oysters standards; identity.
36.15 Very small oysters, very small raw oysters, very small shucked oysters; identity.
36.16 Olympia oysters, raw Olympia oysters, shucked Olympia oysters; identity.

PACIFIC OYSTERS

36.17 Large Pacific oysters, large raw Pacific oysters, large shucked Pacific oysters; identity.
36.18 Medium Pacific oysters, medium raw Pacific oysters, medium shucked Pacific oysters; identity.
36.19 Small Pacific oysters, small raw Pacific oysters, small shucked Pacific oysters; identity.
36.20 Extra small Pacific oysters, extra small raw Pacific oysters, extra small shucked Pacific oysters; identity.

AUTHORITY: §§ 36.3 to 36.20 issued under sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a). Interpret or apply sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341.

CANNED SHRIMP

§ 36.3 *Canned wet pack shrimp and canned dry pack shrimp in nontransparent containers; fill of container; label statement of substandard fill.* (a) The standard of fill of nontransparent containers for canned wet pack shrimp is a fill such that the cut-out weight of shrimp taken from each can is not less than 64 percent of the water capacity of the container, and, for canned dry pack shrimp (except that packed in the nontransparent cylindrical container which is $2^{11}/_{16}$ inches in diameter and 4 inches in height), is a fill such that the cut-out weight of shrimp taken from each can is not less than 60 percent of the water capacity of the container. The standard of fill for canned dry pack shrimp packed in the nontransparent cylindrical container which is $2^{11}/_{16}$ inches in diameter and 4 inches in height is a cut-out weight of not less than $6\frac{1}{2}$ avoirdupois ounces of shrimp for each container. Water capacity of containers is determined by the general method provided in § 10.1 (a) of this chapter. Cut-out weight is determined by the following method:

Keep the unopened canned shrimp container at a temperature of not less than 68° nor more than 95° Fahrenheit for at least 12 hours immediately preceding the determination. After opening, tilt the container so as to distribute the shrimp evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the United States Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained shrimp. The weight so found, less the weight of the sieve, shall be considered to be the cut-out weight of the shrimp.

(b) If canned wet pack shrimp or canned dry pack shrimp, in nontransparent containers, falls below the applicable standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill provided in § 10.2 (b) of this chapter, in the manner and form therein specified.

CANNED OYSTERS

§ 36.5 *Canned oysters; identity; label statement of optional ingredients.* (a) Canned oysters is the food prepared from one or any mixture of two or all of the forms of oysters specified in paragraph (b) of this section, and a packing medium of water, or the watery liquid draining from oysters before or during processing, or a mixture of such liquid and water. The food may be seasoned with salt. It is sealed in containers and so processed by heat as to prevent spoilage.

(b) The forms of oysters referred to in paragraph (a) of this section are prepared from oysters which have been removed from their shells and washed and which may be steamed while in the shell or steamed or blanched or both after removal therefrom, and are as follows:

(1) Whole oysters with such broken pieces of oysters as normally occur in removing oysters from their shells, washing, and packing.

(2) Pieces of oysters obtained by segregating pieces of oysters broken in shucking, washing, or packing whole oysters.

(3) Cut oysters obtained by cutting whole oysters.

(c) (1) When the form of oysters specified in paragraph (b) (1) of this section is used, the name of the food is "Oysters" or "Cove Oysters," if of the species Ostrea virginica; "Oysters" or "Pacific Oysters," if of the species Ostrea gigas; "Oysters" or "Olympia Oysters," if of the species Ostrea lurida.

(2) When the form of oysters specified in paragraph (b) (2) of this section is used, the name of the food is "Pieces of ------," the blank being filled in with the name "Oysters" or "Cove Oysters," if of the species Ostrea virginica; "Oysters" or "Pacific Oysters," if of the species Ostrea gigas; "Oysters" or "Olympia Oysters," if of the species Ostrea lurida.

(3) When the form of oysters specified in paragraph (b) (3) of this section is used, the name of the food is "Cut ----," the blank being filled in with the name "Oysters" or "Cove Oysters," if of the species Ostrea virginica; "Oysters" or "Pacific Oysters," if of the species Ostrea gigas; "Oysters" or "Olympia Oysters," if of the species Ostrea lurida.

(4) In case a mixture of two or all such forms of oysters is used, the name is a combination of the names specified in this paragraph of the forms of oysters used, arranged in order of their predominance by weight.

§ 36.6 *Canned oysters; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned oysters is a fill such that the drained weight of oysters taken from each container is not less than 59 percent of the water capacity of the container.

(b) Water capacity of containers is determined by the general method provided in § 10.1 (a) of this chapter.

(c) Drained weight is determined by the following method:

Keep the unopened canned oyster container at a temperature of not less than 68° or more than 95° Fahrenheit for at least 12 hours immediately preceding the determination. After opening, tilt the container so as to distribute its contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)," in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the United States Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained oysters. The weight so found, less the weight of the sieve, shall be considered to be the drained weight of the oysters.

(d) If canned oysters fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter in the manner and form therein specified, followed by the statement, "A can of this size should contain ------ oz. of oysters. This can contains only ------ oz.," the blanks being filled in with the applicable figures.

RAW OYSTERS

§ 36.10 *Oysters, raw oysters, shucked oysters; identity.* (a) Oysters, raw oysters, shucked oysters, are the class of foods each of which is obtained by shucking shell oysters and preparing them in accordance with the procedure prescribed in paragraph (b) of this section. The name of each such food is the name specified in the applicable definition and standard of identity prescribed in §§36.11 to 36.22, inclusive.

(b) If water, or salt water containing less than 0.75 percent salt, is used in any vessel into which the oysters are shucked, the combined volume of oysters and liquid when such oysters are emptied from such vessel is not less than four times the volume of such water or salt water. Any liquid accumulated with the oysters is removed. The oysters are washed, by blowing or otherwise, in water or salt water, or both. The total time that the oysters are in contact with water or salt water after leaving the shucker, including the time of washing, rinsing, and any other contact with water or salt water is not more than 30 minutes. In computing the time of contact with water or salt water, the length of time that oysters are in contact with water or salt water

that is agitated by blowing or otherwise, shall be calculated at twice its actual length. Any period of time that oysters are in contact with salt water containing not less than 0.75 percent salt before contact with oysters, shall not be included in computing the time that the oysters are in contact with water or salt water. Before packing into the containers for shipment or other delivery for consumption the oysters are thoroughly drained and are packed without any added substance.

(c) For the purposes of this section:

(1) "Shell oysters" means live oysters of any of the species, Ostrea virginica, Ostrea gigas, Ostrea lurida, in the shell, which, after removal from their beds, have not been floated or otherwise held under conditions which result in the addition of water.

(2) "Thoroughly drained" means one of the following:

(i) The oysters are drained on a strainer or skimmer which has an area of not less than 300 square inches per gallon of oysters, drained, and has perforations of at least ¼ of an inch in diameter and not more than 1¼ inches apart, or perforations of equivalent areas and distribution. The oysters are distributed evenly over the draining surface of the skimmer and drained for not less than 5 minutes; or

(ii) The oysters are drained by any method other than that prescribed by subdivision (i) of this subparagraph whereby liquid from the oysters is removed so that when the oysters are tested within 15 minutes after packing by draining a representative gallon of oysters on a skimmer of the dimensions and in the manner described in subdivision (i) of this subparagraph for 2 minutes, not more than 5 percent of liquid by weight is removed by such draining.

§ 36.11 *Extra large oysters, oysters counts (or plants), extra large raw oysters, raw oysters counts (or plants), extra large shucked oysters, shucked oysters counts (or plants); identity.* Extra large oysters, oysters counts (or plants), extra large raw oysters, raw oysters counts (or plants), extra large shucked oysters, shucked oysters counts (or plants), are of the species Ostrea virginica and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that 1 gallon contains not more than 160 oysters and a quart of the smallest oysters selected therefrom contains not more than 44 oysters.

§ 36.12 *Large oysters, oysters extra selects, large raw oysters, raw oysters extra selects, large shucked oysters, shucked oysters extra selects; identity.* Large oysters, oysters extra selects, large raw oysters, raw oysters extra selects, large shucked oysters, shucked oysters extra selects, are of the species Ostrea virginica and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that 1 gallon contains more than 160 oysters but not more than 210 oysters; a quart of the smallest oysters selected therefrom contains not more than 58 oysters, and a quart of the largest oysters selected therefrom contains more than 36 oysters.

§ 36.13 *Medium oysters, oysters selects, medium raw oysters, raw oysters selects, medium shucked oysters, shucked oysters selects; identity.* Medium oysters, oysters selects, medium raw oysters, raw oysters selects, medium shucked oysters, shucked oysters selects, are of the species Ostrea virginica and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that 1 gallon contains more than 210 oysters, but not more than 300 oysters; a quart of the smallest oysters selected therefrom contains not more than 83 oysters, and a quart of the largest oysters selected therefrom contains more than 46 oysters.

§ 36.14 *Small oysters, oysters standards, small raw oysters, raw oysters standards, small shucked oysters, shucked oysters standards; identity.* Small oysters, oysters standards, small raw oysters, raw oysters standards, small shucked oysters, shucked oysters standards, are of the species Ostrea virginica and conform to the definition and standards of identity prescribed for oysters by § 36.10 and are of such size that 1 gallon contains more than 300 oysters but not more than 500 oysters; a quart of the smallest oysters selected therefrom contains not more than 138 oysters and a quart of the largest oysters selected therefrom contains more than 68 oysters.

§ 36.15 *Very small oysters, very small raw oysters, very small shucked oysters; identity.* Very small oysters, very small raw oysters, very small shucked oysters, are of the species Ostrea virginica and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that 1 gallon contains more than 500 oysters, and a quart of the largest oysters selected therefrom contains more than 112 oysters.

§ 36.16 *Olympia oysters, raw Olympia oysters, shucked Olympia oysters; identity.* Olympia oysters, raw Olympia oysters, shucked Olympia oysters, are of the species Ostrea lurida and conform to the definition and standard of identity prescribed for oysters in § 36.10.

PACIFIC OYSTERS

§ 36.17 *Large Pacific oysters, large raw Pacific oysters, large shucked Pacific oysters; identity.* Large Pacific oysters, large raw Pacific oysters, large shucked Pacific oysters, are of the species Ostrea gigas and conform to the definitions and standards of identity prescribed for oysters by § 36.10 and are of such size that 1 gallon contains not more than 64 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.18 *Medium Pacific oysters, medium raw Pacific oysters, medium shucked Pacific oysters; identity.* Medium Pacific oysters, medium raw Pacific oysters, medium shucked Pacific oysters, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that 1 gallon contains more than 64 oysters and not more than 96 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.19 *Small Pacific oysters, small raw Pacific oysters, small shucked Pacific oysters; identity.* Small Pacific oysters, small raw Pacific oysters, small shucked Pacific oysters, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that 1 gallon contains more than 96 oysters and not more than 144 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.20 *Extra small Pacific oysters, extra small raw Pacific oysters, extra small shucked Pacific oysters; identity.* Extra small Pacific oysters, extra small raw Pacific oysters, extra small shucked Pacific oysters, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that 1 gallon contains more than 144 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

PART 42—EGGS AND EGG PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.

42.1 Eggs.
42.10 Liquid eggs, mixed eggs, liquid whole eggs, mixed whole eggs; identity.
42.20 Frozen eggs, frozen whole eggs, frozen mixed eggs; identity.
42.30 Dried eggs, dried whole eggs; identity.
42.40 Egg yolks, liquid egg yolks, yolks, liquid yolks; identity.
42.50 Frozen yolks, frozen egg yolks; identity.
42.60 Dried egg yolks, dried yolks; identity.

AUTHORITY: §§ 42.1 to 42.60 issued under sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a). Interpret or apply sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341.

§ 42.1 *Eggs.* No regulation shall be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as eggs.

§ 42.10 *Liquid eggs, mixed eggs, liquid whole eggs, mixed whole eggs; identity.* Liquid eggs, mixed eggs, liquid whole eggs, mixed whole eggs, are eggs of the domestic hen, broken from the shells, and with yolks and whites in their natural proportions as so broken. They may be mixed, or mixed and strained.

§ 42.20 *Frozen eggs, frozen whole eggs, frozen mixed eggs; identity.* Frozen eggs, frozen whole eggs, frozen mixed eggs, are the food prepared by freezing liquid eggs.

§ 42.30 *Dried eggs, dried whole eggs; identity.* Dried eggs, dried whole eggs, are the food prepared by drying liquid eggs. They may be powdered. They contain not less than 92 percent total egg solids, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298 [Ed. note, 8th edition, 1955, p. 291–292, secs. 16.2, 16.3], under "Total Solids."

§ 42.40 *Egg yolks, liquid egg yolks, yolks, liquid yolks; identity.* Egg yolks, liquid egg yolks, yolks, liquid yolks, are yolks of eggs of the domestic hen so separated from the whites thereof as to contain not less than 43 percent total egg solids, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298 [Ed. note, 8th edition, 1955, p. 291–292, secs. 16.2, 16.3], under "Total Solids." They may be mixed, or mixed and strained.

§ 42.50 *Frozen yolks, frozen egg yolks; identity.* Frozen yolks, frozen egg yolks, are the food prepared by freezing egg yolks.

§ 42.60 *Dried egg yolks, dried yolks; identity.* Dried egg yolks, dried yolks, are the food prepared by drying egg yolks. They contain not less than 95 percent total egg solids, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298 [Ed. note, 8th edition, 1955, p. 291–292, secs. 16.2, 16.3], under "Total Solids."

PART 45—OLEOMARGARINE, MARGARINE; DEFINITION AND STANDARD OF IDENTITY

§ 45.1 *Oleomargarine, margarine; identity; label statement of optional ingredients.* (a) Oleomargarine, margarine is the plastic food prepared with one or more of the optional fat ingredients named in subparagraph (1) (i), (ii), (iii), and (iv) of this paragraph, as follows:

(1) (i) The rendered fat or oil, or stearin derived therefrom (any or all of which may be hydrogenated), of cattle, sheep, swine, or goats, or any combination of two or more of such articles.

(ii) Any vegetable food fat or oil, or oil or stearin derived therefrom (any or all of which may be hydrogenated), or any combination of two or more of such articles.

(iii) Any combination of ingredients named in subdivisions (i) and (ii) of this subparagraph, in such proportion that the weight of the ingredients named in subdivision (i) either equals the weight of the ingredients named in subdivision (ii), or exceeds such weight by a ratio of not greater than 9 to 1.

(iv) Any combination of ingredients named in subdivisions (i) and (ii) of this subparagraph, in such proportion that the weight of the ingredients named in subdivision (ii) exceeds the weight of the ingredients named in subdivision (i) by a ratio not greater than 9 to 1.

(2) One of the articles designated in subdivision (i), (ii), (iii), (iv), (v), or (vi) of this subparagraph is intimately mixed with the fat ingredient or ingredients. The ingredients named in subdivisions (i), (ii), (iii), (iv), and (v) are pasteurized and then subjected to the action of harmless bacterial starters. The term "milk" as used in this subparagraph means cow's milk.

(i) Cream.
(ii) Milk.
(iii) Skim milk.
(iv) Any combination of nonfat dry milk solids and water, in which the weight of the nonfat dry milk solids is not less than 10 percent of the weight of the water.
(v) Any mixture of two or more of the articles named in subdivisions (i), (ii), (iii), and (iv).

(vi) In case only of the fat ingredient designated in subparagraph (1) (ii) of this paragraph, any combination of finely ground soybeans and water, in which the weight of the finely ground soybeans is not less than 10 percent of the weight of the water. The finely ground soybeans are subjected to a heat treatment before or after mixing with the water. The soybeans may or may not be dehulled.

Congealing is effected, either with or without contact with water, and the congealed mixture may be worked.

(3) In the preparation of oleomargarine one or more of the following optional ingredients may also be used:

(i) Artificial coloring. For the purposes of this subdivision provitamin A shall be deemed to be artificial coloring.

(ii) Sodium benzoate or benzoic acid or a combination of these, in a quantity not to exceed 0.1 percent of the weight of the finished product.

(iii) Vitamin A (with or without any accompanying vitamin D and with or without vitamin D concentrate), in such quantity that the finished oleomargarine contains not less than 15,000 United States Pharmacopeia units of vitamin A per pound, as determined by the method prescribed in the Pharmacopeia of the United States for total biological vitamin A activity. The vitamin A potency prescribed may be furnished by fish liver oil; by concentrates of vitamin A or its fatty acid esters from animal sources; by synthetic vitamin A or its fatty acid esters; by mixtures of synthetic vitamin A or its fatty acid esters with harmless substances formed during the synthesis of the vitamin A, if the vitamin A or its fatty acid ester constitutes not less than 50 percent of the mixture; by provitamin A; or by any combination of two or more of these. For the purposes of this subdivision the term "fatty acid" may include acetic acid.

(iv) The artificial flavoring diacetyl added as such or as starter distillate or produced during the preparation of the product as a result of the addition of citric acid or harmless citrates.

(v) (*a*) Lecithin, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine; or

(*b*) Monoglycerides or diglycerides of fat-forming fatty acids, or a combination of these, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine; or

(*c*) Such monoglycerides and diglycerides in combination with the sodium sulfo-acetate derivatives thereof, in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine; or

(*d*) A combination of (*a*) and (*b*) of this subdivision, in which the amount of neither exceeds that above stated; or

(*e*) A combination of (*a*) and (*c*) of this subdivision, in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine.

The weight of the diglycerides in each of ingredients (*b*), (*c*), (*d*), and (*e*) of this subdivision is calculated at one-half actual weight.

(vi) Butter.
(vii) Salt.
(viii) Citric acid incorporated in the fat or oil ingredient used.
(ix) Isopropyl citrates incorporated in the fat or oil ingredient used, in an amount not to exceed 0.02 percent by weight of the finished oleomargarine.
(x) Stearyl citrate incorporated in the fat or oil ingredient used, in an amount not to exceed 0.15 percent by weight of the finished oleomargarine.

The finished oleomargarine contains not less than 80 percent fat, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 7th Edition, page 259 under "Indirect Method," section 15.111. [Ed. note, 8th edition, 1955, p. 271, sec. 15.109.]

(b) (1) When any ingredient named under one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall, except as provided in this paragraph, bear the statement set forth below after the number of such subparagraph:

Subparagraph (1) (i)—"Prepared from Animal Fat" or "Made from Animal Fat."
Subparagraph (1) (ii)—"Vegetable" or "Prepared from Vegetable Fat" or "Made from Vegetable Fat."
Subparagraph (2) (vi)—In lieu of label statement prescribed for ingredients designated in subparagraph (1) (ii), "Prepared from Vegetable Fat, Water and Finely Ground Soybeans" or "Made from Vegetable Fat, Water and Finely Ground Soybeans."
Subparagraph (1) (iii)—"Prepared from Animal and Vegetable Fats" or "Made from Animal and Vegetable Fats."
Subparagraph (1) (iv)—"Prepared from Vegetable and Animal Fats" or "Made from Vegetable and Animal Fats."
Subparagraph (3) (i)—"Artificially Colored" or "Artificial Coloring Added" or "With Added Artificial Coloring."
Subparagraph (3) (ii)—"Sodium Benzoate (or, as the case may be, "Benzoic Acid" or "Sodium Benzoate and Benzoic Acid") Added as a Preservative" or "With Added Sodium Benzoate (or, as the case may be, "Benzoic Acid" or "Sodium Benzoate and Benzoic Acid") as a Preservative."
Subparagraph (3) (iii)—"Vitamin A Added" or "With Added Vitamin A."
Subparagraph (3) (iv)—"Artificially Flavored" or "Artificial Flavoring Added" or "With Added Artificial Flavoring."
Subparagraph (3) (viii)—"Citric Acid Added to Protect Flavor" or "Citric Acid Added as a Preservative."
Subparagraph (3) (ix)—"Isopropyl Citrate Added to Protect Flavor" or "Isopropyl Citrate Added as a Preservative."
Subparagraph (3) (x)—"Stearyl Citrate Added to Protect Flavor" or "Stearyl Citrate Added as a Preservative."

Where oil is used, the word "oil" may be substituted for "fat" in the label statement. In lieu of the word "animal" or "vegetable" in any such statement, the common or usual name of the fat ingredient may be used. If two or more of the optional ingredients named in paragraph (a) (3) (i), (ii), (iii), (iv), (viii), (ix), and (x) of this section are used, the

words "added" or "with added" need appear only once, either at the beginning or end of the list of such ingredients declared. The declaration of vitamin A may include the number of United States Pharmacopeia units present in the finished oleomargarine.

(2) Wherever the name "oleomargarine" or "margarine" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed in this section, showing the ingredients used, shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name, without intervening written, printed, or other graphic matter.

(Sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a). Interprets or applies sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341)

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

CANNED PEAS

Sec.
51.1 Identity; label statement of optional ingredients.
51.2 Quality; label statement of substandard quality.
51.3 Fill of container; label statement of substandard fill.

CANNED BEANS

51.10 Canned green beans; identity; label statement of optional ingredients.
51.11 Canned green beans; quality; label statement of substandard quality.
51.15 Canned wax beans; identity; label statement of optional ingredients.
51.16 Canned wax beans; quality; label statement of substandard quality.

CANNED CORN

51.20 Canned corn, canned sweet corn, canned sugar corn; identity; label statement of optional ingredients.
51.21 Canned corn, canned sweet corn, canned sugar corn; quality; label statement of substandard quality.
51.22 Canned corn, canned sweet corn, canned sugar corn where the corn ingredient is in one of the forms known as fritter corn, ground corn, or cream-style corn; fill of container; label statement of substandard fill.
51.30 Canned field corn; identity; label statement of optional ingredients.
51.32 Canned field corn where the corn ingredient is in one of the forms known as fritter field corn, ground field corn, or cream-style field corn; fill of containers; label statement of substandard fill.

CANNED MUSHROOMS

51.503 Canned mushrooms; fill of container; label statement of substandard fill.

CANNED VEGETABLES OTHER THAN THOSE SPECIFICALLY REGULATED

51.990 Canned vegetables other than those specifically regulated; identity; label statement of optional ingredients.

AUTHORITY: §§ 51.1 to 51.990 issued under sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a). Interpret or apply sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 241.

CANNED PEAS

§ 51.1 *Identity; label statement of optional ingredients.* (a) Canned peas is the food prepared from one of the following optional pea ingredients:

(1) Shelled, succulent peas (Pisum sativum) of Alaska or other smooth skin varieties.

(2) Shelled, succulent peas (Pisum sativum) of sweet, wrinkled varieties.

(3) Shelled, dried peas (Pisum sativum) of Alaska or other smooth skin varieties.

(4) Shelled, dried peas (Pisum sativum) of sweet, wrinkled varieties.

(b) To one such optional pea ingredient water is added.

(c) The following optional ingredients may be used:

(1) Salt;
(2) Monosodium glutamate;
(3) Sugar;
(4) Dextrose;
(5) Spice;
(6) Flavoring;
(7) Artificial coloring;

and in case optional pea ingredient (1) or (3) is used,

(8) Sodium carbonate, sodium bicarbonate, sodium hydroxide, calcium hydroxide, magnesium hydroxide, magnesium oxide, or magnesium carbonate or any mixture or combination of them in such quantity that the pH of the finished canned peas is not more than 8, as determined by the glass electrode method for the hydrogen ion concentration.

(d) The food may be seasoned with one or more of the following optional seasonings:

(1) Green peppers.
(2) Mint leaves.
(3) Onions.
(4) Garlic.
(5) Horseradish.

(e) The food is sealed in a container and so processed by heat as to prevent spoilage.

(f) (1) The label shall name the optional pea ingredient present by the use of the word or words "Early" or "June" or "Early June," "Sweet" or "Sweet Wrinkled" or "Sugar," "Dried Early" or "Dried June" or "Dried Early June," "Dried Sweet" or "Dried Sweet Wrinkled" or "Dried Sugar."

(2) If spice is present, the label shall bear the word or words "Spiced" or "With Added Spice" or "Spice Added."

(3) If flavoring is present, the label shall bear the words "With Added Flavoring" or "Flavoring Added."

(4) If artificial coloring is present, the label shall state that fact in such manner and form as is provided in § 51.2 (c).

(5) If an optional seasoning ingredient is used, the label shall bear the words "Seasoned with Green Peppers," "Seasoned with Mint Leaves," "Seasoned with Onions," "Seasoned with Garlic," or "Seasoned with Horseradish," as the case may be.

(6) If one or more of the optional ingredients named in paragraph (c) (8) of this section is used, the label shall bear the statement "Traces of ------ Added," the blank to be filled in with the names of the ingredients used; but in lieu of such statement the label may bear the statement "Traces of Alkalis Added."

(7) If monosodium glutamate is used, the label shall bear the statement "Monosodium Glutamate Added" or "With Added Monosodium Glutamate."

(8) Wherever the name "Peas" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the peas may so intervene.

§ 51.2 *Quality; label statement of substandard quality.* (a) The standard of quality for canned peas is as follows:

(1) Not more than 4 percent by count of the peas in the container are spotted or otherwise discolored;

(2) Standard canned peas are normally colored, not artificially colored;

(3) The combined weight of pea pods and other harmless extraneous vegetable material is not more than one-half of 1 percent of the drained weight of peas in the container;

(4) The weight of pieces of peas is not more than 10 percent of the drained weight of peas in the container;

(5) The skins of not more than 25 percent by count of the peas in the container are ruptured to a width of 1/16 inch or more;

(6) Not less than 90 percent by count of the peas in the container are crushed by a weight of not more than 907.2 grams (2 pounds); and

(7) The alcohol-insoluble solids of Alaska or other smooth skin varieties of peas in the container, is not more than 23.5 percent, and of sweet, wrinkled varieties, not more than 21 percent.

(b) Canned peas shall be tested by the following methods to determine whether or not they meet the requirements of paragraph (a) of this section:

(1) After determining the fill of the container as prescribed in § 51.3 (a), distribute the contents of the container over the meshes of a circular sieve made with No. 8 woven-wire cloth which complies with the specifications for such cloth set forth on page 3 of "Standard Specifications for Sieves," published October 25, 1938, by United States Department of Commerce, National Bureau of Standards. The diameter of the sieve used is 8 inches if the quantity of the contents of the container is less than 3 pounds, or 12 inches if such quantity is 3 pounds or more. Without shifting the peas, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, remove the peas from the sieve and weigh them. Such weight shall be considered to be the drained weight of the peas.

(2) From the drained peas obtained in subparagraph (1) of this paragraph, promptly segregate and weigh the pea pods and other harmless extraneous vegetable material, and the pieces of peas.

(3) From the drained peas obtained in subparagraph (1) of this paragraph, take at random a subdivision of 100 to 150 peas, and count them. Immediately cover these peas with a portion of the liquid obtained in subparagraph (1) of this paragraph, and add the remaining liquid to the drained peas from which the subdivision was taken. Count those peas in the subdivision which are spotted or otherwise discolored, and also those peas the skins of which are ruptured to a width of 1/16 inch or more.

(4) Immediately after each pea is examined by the method prescribed in subparagraph (3) of this paragraph, test it by removing its skin, placing one of its cotyledons, with flat surface down, on the approximate center of the level, smooth surface of a rigid plate, lowering a horizontal disc to the highest point of the cotyledon, and measuring the height of the cotyledon. The disc is of rigid material and is affixed to a rod held vertically by a support through which the rod can freely move upward or downward. The lower face of the disc is a smooth, plane surface horizontal to the vertical axis of the rod. A device to which weight may be added is affixed to the upper end of the rod. Before lowering the disc to the cotyledon, adjust the combined weight of disc, rod, and device to 100 grams. After measuring the height of the cotyledon, and shifting the plate, if necessary, so that the cotyledon is under the approximate center of the disc, add weight to the device at a uniform, continuous rate of 12 grams per second until the cotyledon is pressed to one-fourth its previously measured height, or until the combined weight of disc, rod, and device is 907.2 grams (2 pounds). A pea so tested shall be considered to be crushed when its cotyledon is pressed to one-fourth its original height.

(5) Drain the liquid from the peas which remained after taking the subdivision as prescribed in subparagraph (3) of this paragraph. Transfer the peas to a pan, and rinse them with a volume of water equal to twice the capacity of the container from which such peas were drained in subparagraph (1) of this paragraph. Immediately drain the peas again by the method prescribed in subparagraph (1) of this paragraph. After the 2 minutes' draining, wipe the moisture from the bottom of the sieve. Comminute the peas thus drained, stir them to a uniform mixture, and weigh 20 grams of such mixture into a 600 cc. beaker. Add 300 cc of 80 percent alcohol (by volume), stir, cover beaker, and bring to a boil. Simmer slowly for 30 minutes. Fit a Buchner funnel with a previously prepared filter paper of such size that its edges extend 1/2 inch or more up the vertical sides of the funnel. The previous preparation of the filter paper consists of drying it in a flat-bottomed dish for 2 hours at 100° Centigrade, covering the dish with a tight-fitting cover, cooling it in a desiccator, and promptly weighing. After the filter paper is fitted to the funnel, apply suction and transfer the contents of the beaker to the funnel. Do not allow any of the material to run over the edge of the paper. Wash the material on the filter with 80 percent alcohol (by volume) until the washings are clear and colorless. Transfer the filter paper with the material retained thereon to the dish used in preparing the filter paper. Dry the material in a ventilated oven, without covering the dish, for 2 hours at 100° Centigrade. Place the cover on the dish, cool it in a desiccator, and promptly weigh. From this weight, subtract the weight of the dish, cover, and paper, as previously found. The weight in grams thus obtained, multiplied by 5, shall be considered to be the percent of alcohol-insoluble solids.

(c) If the quality of canned peas falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.3 (a) of this chapter, in the manner and form therein specified; but in lieu of such general statement of substandard quality when the quality of canned peas falls below the standard in only one respect, the label may bear the alternative statement "Below Standard in Quality ------ ------," the blank to be filled in with the words specified after the corresponding subparagraph number of paragraph (a) of this section which such canned peas fail to meet, as follows: (1) "Excessive Discolored Peas"; (2) "Artificially Colored"; (3) "Excessive Foreign Material"; (4) "Excessive Broken Peas"; (5) "Excessive Cracked Peas"; (6) "Not Tender"; (7) "Excessively Mealy." Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Peas" and any words and statements required or authorized to appear with such name by § 51.1 (c).

§ 51.3 *Fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned peas is a fill such that, when the peas and liquid are removed from the container and returned thereto, the leveled peas (irrespective of the quantity of the liquid), 15 seconds after they are so returned completely fill the container. A container with lid attached by double seam shall be considered to be completely filled when it is filled to the level 3/16 inch vertical distance below the top of the double seam; and a glass container shall be considered to be completely filled when it is filled to the level 1/2 inch vertical distance below the top of the container.

(b) If canned peas fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

CANNED BEANS

§ 51.10 *Canned green beans; identity; label statement of optional ingredients.* (a) Canned green beans is the food prepared from stemmed, succulent pods of the green-bean plant, and water. It may be seasoned with salt, monosodium glutamate, sugar, or dextrose, or any two or all of these. The pods are prepared in one or more of the following forms:

(1) Whole pods, including pods which after removal of either or both ends are less than 2¾ inches in length, or transversely cut pods not less than 2¾ inches in length. There may be present such broken pieces of pods as normally occur in the commercial packing of such product.

(2) Pods sliced lengthwise.

(3) Pods cut transversely into pieces less than 2¾ inches in length but not less than ¾ inch in length, with or without shorter end pieces resulting therefrom.

(4) Pieces of pods of which not less than 75 percent by count are less than ¾ inch in length and not more than 1 percent by count are more than 1¼ inches in length.

Any such form is an optional ingredient. Mixtures of two or more optional ingredients may be used. The food is sealed in a container and so processed by heat as to prevent spoilage.

(b) (1) When optional ingredient specified in paragraph (a) (1) of this section is used the label shall bear the word "Whole." If the pods are packed parallel to the sides of the container the word "Whole" shall be preceded or followed by the words "Vertical Pack," except that when the pods are cut at both ends and are of substantially equal lengths, the words "Asparagus Style" may be used in lieu of the words "Vertical Pack."

(2) When optional ingredient specified in paragraph (a) (2) of this section is used the label shall bear the words "Sliced Lengthwise" or "French Style."

(3) When optional ingredient specified in paragraph (a) (3) of this section is used the label shall bear the word "Cut" or "Cuts."

(4) When optional ingredient specified in paragraph (a) (4) of this section is used the label shall bear the words "Short Cut" or "Short Cuts" or "------ Inch Cut" or "------ Inch Cuts," the blank to be filled in with the fraction of an inch which denotes the approximate length of the pieces.

(5) When a mixture of two or more of the optional ingredients specified in paragraphs (a) (1) to (a) (4), inclusive, of this section, is used the label shall bear the statement "Mixture of ------," the blank to be filled in with the combination of the names "Whole," "Sliced Lengthwise," "Cut," or "Cuts," and "Short Cut" or "Short Cuts," designating the optional ingredients present, and arranged in the order of predominance, if any, by weight of such ingredients.

(6) If monosodium glutamate is used, the label shall bear the statement "Monosodium Glutamate Added" or "With Added Monosodium Glutamate."

(c) Wherever the name "Green Beans" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words and statements prescribed by paragraph (b) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that there may intervene (1) the designation of the length of cut, (2) the varietal name, which may include the word "Stringless," where the beans are in fact stringless, and (3) the description of the green beans as "Stringless," which may also be used between the words "Green" and "Beans," where the beans are in fact stringless.

§ 51.11 *Canned green beans; quality; label statement of substandard quality.*

(a) The standard of quality of canned green beans is as follows:

When tested by the method prescribed in paragraph (b) of this section:

(1) In the case of cut beans (§ 51.10 (a) (3)) and mixtures of two or more of the optional ingredients specified in § 51.10 (a) (1) to (a) (4), inclusive, not more than 60 units per 12 ounces drained weight are less than ½ inch long; *Provided*, That where the number of units per 12 ounces drained weight exceed 240, not more than 25 percent by count of the total units are less than ½ inch long.

(2) The trimmed pods contain not more than 25 percent by weight of seed and pieces of seed.

(3) In case there are present pods or pieces of pods $\frac{27}{64}$ inch or more in diameter, there are not more than 12 strings per 12 ounces of drained weight which will support ½ pound for 5 seconds or longer.

(4) The deseeded pods contain not more than 0.15 percent by weight of fibrous material.

(5) There are not more than 8 percent by count of blemished units. A unit is considered blemished when the aggregate blemished area exceeds the area of a circle ⅛ inch in diameter.

(6) There are not more than 6 unstemmed units per 12 ounces of drained weight.

(7) The combined weight of loose seed and pieces of seed is not more than 5 percent of the drained weight. This provision does not apply in case the green-bean ingredient is pods sliced lengthwise (§ 51.10 (a) (2)).

(8) The combined weight of leaves, detached stems, and other extraneous vegetable matter is not more than 0.6 ounce per 60 ounces drained weight.

(b) Canned green beans shall be tested by the following method to determine whether they meet the requirements of paragraph (a) of this section.

(1) Distribute the contents of the container over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the United States Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained material. Record, in ounces, the weight so found, less the weight of the sieve, as the drained weight.

(2) Pour the drained material from the sieve into a flat tray and spread it in a layer of fairly uniform thickness. Count the total number of units. For the purpose of this count, loose seed, pieces of seed, loose stems, and extraneous material are not to be included. Divide the number of units by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of units per 12 ounces drained weight.

(3) Examine the drained material in the tray, counting and recording the number of blemished units, number of unstemmed units, and, in case the material consists of the optional ingredient specified in paragraph (a) (3) of this section or a mixture of two or more of the optional ingredients specified in § 51.10 (a) (1) to (4), inclusive, count and record the number of units which are less than ½ inch long. If the number of units per 12 ounces is 240 or less, divide the number of units which are less than ½ inch long by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of such units per 12 ounces drained weight. If the number of units per 12 ounces exceeds 240, divide the number of units less than ½ inch long by the total number of units and multiply by 100 to determine the percentage by count of the total units which are less than ½ inch long.

Divide the number of blemished units by the total number of units in the container and multiply by 100 to obtain the percentage by count of blemished units in the container.

Divide the number of unstemmed units by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of unstemmed units per 12 ounces of drained weight.

(4) Except in the case of pods sliced lengthwise, remove the loose seed and pieces of seed, weigh and record weight and return to tray. Divide the weight of loose seed and pieces of seed by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 100 to obtain the percentage by weight of loose seed and pieces of seed in the drained material.

(5) Remove from the tray the extraneous vegetable material, weigh, record weight, and return to tray.

(6) Remove from the tray one or more representative samples of 3½ to 4 ounces, covering each sample as taken to prevent evaporation. If the tray includes pods or pieces of pods $\frac{27}{64}$ inch or more in diameter, weigh and record weight in ounces of each representative sample.

(7) From each representative sample selected in subparagraph (6) of this paragraph discard any loose seed and extraneous vegetable material and detach and discard any attached stems. Except with optional ingredient specified in § 51.10 (a) (2) (pods sliced lengthwise), trim off, as far as the end of the space formerly occupied by the seed, any portion of pods from which seed have become separated. Remove and discard any portions of seed from the trimmings and reserve the trimmings for subparagraph (9) of this paragraph. Weigh and record the weight of the trimmed pods. Deseed the trimmed pods and reserve the deseeded pods for subparagraph (9) of this paragraph. If the original container contained pods $\frac{27}{64}$ inch or more in diameter, remove strings from the pods during the deseeding operation. Reserve these strings for testing as prescribed in subparagraph (8) of this paragraph. Collect the seed on a sieve of mesh fine enough to retain them, and so distribute them that any liquid drains away. Weigh the seed, divide by the weight of the trimmed pods, and multiply by 100 to obtain the percentage by weight of seed in the trimmed pods.

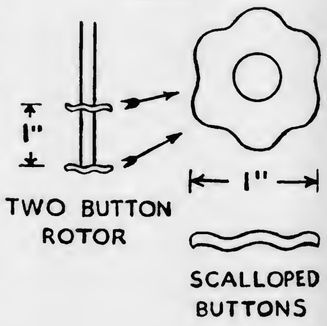
In the case of pods sliced lengthwise, remove seed and pieces of seed and reserve the deseeded pods for use as prescribed in subparagraph (9) of this paragraph.

(8) If strings have been removed for testing, as prescribed in subparagraph (7) of this paragraph, test them as follows:

Fasten clamp, weighted to ½ pound, to one end of the string, grasp the other end with the fingers (a cloth may be used to aid in holding the string), and lift gently. Count the string as tough if it supports the ½-pound weight for at least 5 seconds. If the string breaks before 5 seconds, test such parts into which it breaks as are ½ inch or more in length and if any such part of the string supports the ½-pound weight for at least 5 seconds count the string as tough. Divide the number of tough strings by the weight of the sample recorded in subparagraph (6) of this paragraph and multiply by 12 to obtain the number of tough strings per 12 ounces drained weight.

(9) Combine the deseeded pods with the trimmings reserved in subparagraph (7) of this paragraph, and, if strings were tested as prescribed in subparagraph (8) of this paragraph, add such strings, broken or unbroken. Weigh and record weight of combined material. Transfer to the metal cup of a malted-milk stirrer and mash with a pestle. Wash material adhering to the pestle back into cup with 200 cc. of boiling water. Bring mixture nearly to a boil, add 25 cc. of 50 percent (by weight) sodium hydroxide solution and bring to a boil. (If foaming is excessive, 1 cc. of capryl alcohol may be added.) Boil for 5 minutes, then stir for 5 minutes with a malted-milk stirrer capable of a no-load speed of at least 7200 r. p. m. Use a rotor with two scalloped buttons shaped as shown in the diagram in Exhibit 1.

EXHIBIT 1



Transfer the material from the cup to a previously weighed 30-mesh monel metal screen having a diameter of about 3½ to 4 inches and side walls about 1 inch high, and wash fiber on the screen with a stream of water using a pressure not exceeding a head (vertical distance between upper level of water and outlet of glass tube) of 60 inches, delivered through a glass tube 3 inches long and ⅛ inch inside diameter inserted into a rubber tube of ¼ inch inside diameter. Wash the pulpy portion of the material through the screen and continue washing until the remaining fibrous material, moistened with phenolphthalein solution, does not show any red color after standing 5 minutes. Again wash to remove phenolphthalein. Dry the screen containing the fibrous material for 2 hours at 100° C., cool, weigh, and deduct weight of screen. Divide the weight of fibrous material by the weight of combined deseeded pods, trimmings, and strings and multiply by 100 to obtain the percentage of fibrous material.

(10) If the drained weight recorded in subparagraph (1) of this paragraph was less than 60 ounces, open and examine separately for extraneous material, as directed in subparagraph (5) of this paragraph, additional containers until a total of not less than 60 ounces of drained material is obtained. To determine the combined weight of extraneous vegetable material per 60 ounces of drained weight, total the weights of extraneous vegetable material found in all containers opened, divide this sum by the sum of the drained weights in these containers and multiply by 60.

(c) If the quality of the canned green beans falls below the standard of quality prescribed by paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.3 (a) of this chapter, in the manner and form therein specified, but in lieu of the words prescribed for the second line inside the rectangle the following words may be used, when the quality of canned green beans falls below the standard in one only of the following respects:

(1) "Excessive Number Very Short Pieces," if the canned green beans fail to meet the requirements of paragraph (a) (1) of this section.

(2) "Excessive Number Blemished Units," if they fail to meet the requirements of paragraph (a) (5) of this section.

(3) "Excessive Number Unstemmed Units," if they fail to meet the requirements of paragraph (a) (6) of this section.

(4) "Excessive Foreign Material," if they fail to meet the requirement of paragraph (a) (8) of this section.

§ 51.15 *Canned wax beans; identity; label statement of optional ingredients.* (a) Canned wax beans conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients prescribed for canned green beans by § 51.10 (a) and (b), except that it is prepared from stemmed, succulent pods of the wax-bean plant.

(b) Wherever the name "Wax Beans" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words and statements prescribed by paragraph (a) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that there may intervene (1) the designation of the length of cut, (2) the varietal name, which may include the word "Stringless" where the beans are in fact stringless, and (3) the description of the wax beans as "Stringless," which may also be used between the words "Wax" and "Beans," where the beans are in fact stringless.

§ 51.16 *Canned wax beans; quality; label statement of substandard quality.* (a) The standard of quality for canned wax beans is that prescribed for canned green beans by § 51.11 (a) and (b).

(b) If the quality of canned wax beans falls below the standard of quality prescribed by paragraph (a) of this section the label shall bear the statement of substandard quality in the manner and form specified in § 51.11 (c) for canned green beans.

CANNED CORN

§ 51.20 *Canned corn, canned sweet corn, canned sugar corn; identity; label statement of optional ingredients.* (a) Canned corn, canned sweet corn, canned sugar corn is the food consisting of one of the corn ingredients specified in paragraph (b) of this section, with water necessary for proper preparation and processing. It may be seasoned or garnished with one or more of the following optional ingredients:

(1) Salt.

(2) Monosodium glutamate.

(3) Sugar (sucrose).

(4) Pieces of sweet red peppers or sweet green peppers or hot red peppers or hot green peppers or a mixture of any two or more of these.

It is sealed in a container and so processed by heat as to prevent spoilage.

(b) The corn ingredients referred to in paragraph (a) of this section consist of succulent sweet corn of the white or yellow color groups, or mixtures of these, and are as follows:

(1) Cut kernels from which the hulls have not been separated.

(2) Pieces of the inner portion of the corn kernel substantially free from hull.

(3) Ground kernels from which the hulls have not been separated.

(4) A mixture of the form described in subparagraph (1) of this paragraph with one or both of the forms described in subparagraphs (2) and (3) of this paragraph. When necessary to insure smoothness, starch may be added, in a quantity not more than sufficient for that purpose.

(5) Cut and cooked kernels from which most of the moisture has been evaporated.

In preparing each of the foregoing corn ingredients, the tip caps are removed.

(c) (1) The name of the food is: "Corn" or "Sweet Corn" or "Sugar Corn" with the name of the color group used, "White," "Yellow," or "Golden," or with the names of the color groups used, "White and Yellow" or "White and Golden," when the white color group predominates, and "Yellow and White" or "Golden and White," when the yellow color group predominates, and with:

(i) The words "Whole Kernel" or "Whole Grain," when the corn ingredient specified in paragraph (b) (1) of this section is used. When the weight of the liquid in the container, as determined by the method prescribed in § 51.21 (b) (1), is not more than 20 percent of the net weight, and the container is closed under conditions creating a high vacuum in the container, the words "Vacuum Pack" or "Vacuum Packed" also are part of the name.

(ii) The word "Fritter," when the corn ingredient specified in paragraph (b) (2) of this section is used.

(iii) The word "Ground," when the corn ingredient specified in paragraph (b) (3) of this section is used.

(iv) The words "Cream Style," when the corn ingredient specified in paragraph (b) (4) of this section is used.

(v) The word "Evaporated," when the corn ingredient specified in paragraph (b) (5) of this section is used.

(2) The parts of the name as specified in subparagraph (1) of this paragraph may be arranged in any order of precedence. The varietal name of the corn used may intervene between parts of the name of the food. For the purpose of arrangement of the name, the words "Sweet" and "Corn" may be treated as separate parts of the name. When the varietal name immediately precedes or follows the name or intervenes between parts of the name of the food and it accurately designates the color of the corn ingredient, no other designation of the color group need be made.

(d) (1) When the optional seasoning or garnishing ingredient specified in paragraph (a) (4) of this section is used, the label shall bear the words "With ---------- peppers," the blanks being filled in with the words "red" or "green" or both, to show the color of peppers used, and "sweet" or "hot" or both, to show the kind of peppers used, as for example "With green sweet peppers" or "With hot red peppers."

(2) If monosodium glutamate is used, the label shall bear the statement "Monosodium Glutamate Added" or "With Added Monosodium Glutamate."

(3) When the optional starch ingredient specified in paragraph (b) (4) of this section is used, the label shall bear the statement "Starch added to insure smoothness."

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by paragraph (d) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the corn used may so intervene.

§ 51.21 *Canned corn, canned sweet corn, canned sugar corn; quality; label statement of substandard quality.* (a) The standard of quality for canned corn is as follows:

(1) When tested by the method prescribed in paragraph (b) of this section, canned corn in which the corn ingredient is whole-kernel corn (§ 51.20 (b) (1)) or evaporated corn (§ 51.20 (b) (5)):

(i) Contains not more than one brown or black discolored kernel or piece of kernel for each 2 ounces of drained weight;

(ii) Contains not more than 1 cubic centimeter of pieces of cob for each 14 ounces of drained weight;

(iii) Contains not more than 1 square inch of husk for each 14 ounces of drained weight; and

(iv) Contains not more than 7 inches of silk for each 1 ounce of drained weight.

(2) When tested by the method prescribed in paragraph (c) of this section, canned corn in which the corn ingredient is fritter corn (§ 51.20 (b) (2)), ground corn (§ 51.20 (b) (3)), or cream-style corn (§ 51.20 (b) (4)):

(i) Contains not more than one brown or black discolored kernel or piece of kernel for each 2 ounces of net weight;

(ii) Contains not more than 1 cubic centimeter of pieces of cob for each 20 ounces of net weight;

(iii) Contains not more than 1 square inch of husk for each 20 ounces of net weight;

(iv) Contains not more than 6 inches of silk for each 1 ounce of net weight; and

(v) Has a consistency such that the average diameter of the approximately circular area over which the prescribed sample spreads does not exceed 12 inches, except that, in the case of cream-style corn the washed drained material of which contains more than 20 percent of alcohol-insoluble solids, the average diameter of the approximately circular area over which the prescribed sample spreads does not exceed 10 inches.

(3) (i) The weight of the alcohol-insoluble solids of whole-kernel corn (§ 51.20 (b) (1)) does not exceed 27 percent of the drained weight, when tested by the method prescribed in paragraph (b) of this section.

(ii) The weight of the alcohol-insoluble solids of the washed drained material of cream-style corn (§ 51.20 (b) (4)) does not exceed 27 percent of the weight of such material, when tested by the method prescribed in paragraph (c) of this section.

(b) The method referred to in paragraph (a) of this section for testing whole-kernel corn (§ 51.20 (b) (1)) and evaporated corn (§ 51.20 (b) (5)) is as follows:

(1) Determine the gross weight of the container. Open and distribute the contents of the container over the meshes of an 8-mesh circular sieve which has previously been weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained material. Record, in ounces, the weight so found, less the weight of the sieve, as the drained weight. Dry and weigh the empty container and subtract this weight from the gross weight to obtain the net weight. Calculate the percent of drained liquid in the net weight.

(2) Pour the drained material from the sieve into a flat tray and spread it in a layer of fairly uniform thickness. Count, but do not remove, the brown or black discolored kernels or pieces of kernel and calculate the number per 2 ounces of drained material. Remove pieces of silk more than ½-inch long, husk, cob, and any pieces of material other than corn. Measure the aggregate length of such pieces of silk and calculate the length of silk per 1 ounce of drained weight. Spread the husk flat, measure its aggregate area, and calculate the area of husk per 14 ounces of drained weight. Place all pieces of cob under a measured amount of water in a cylinder which is so graduated that the volume can be measured to 0.1 cubic centimeter. Take the increase in volume as the aggregate volume of the cob and calculate the volume of cob per 14 ounces of drained weight.

(3) If the corn is whole kernel (§ 51.20 (b) (1)), comminute a representative 100-gram sample of the drained corn from which the silk, husk, cob, and other material which is not corn (i. e., peppers) have been removed. An equal amount of water is used to facilitate this operation. Weigh to nearest 0.01 gram a portion of the comminuted material equivalent to approximately 10 grams of the drained corn into a 600-cubic centimeter beaker. Add 200 cubic centimeters of 80-percent alcohol (by volume), stir, cover beaker, and bring to a boil. Simmer slowly for 30 minutes. Fit a Buchner funnel with a previously prepared filter paper of such size that its edges extend ½ inch or more up the vertical sides of the funnel. The previous preparation of the filter paper consists of drying it in a flat-bottomed dish for 2 hours at 100° C., covering the dish with a tight-fitting cover, cooling it in a desiccator, and promptly weighing to the nearest 0.001 gram. After the filter paper is fitted to the funnel, apply suction and transfer the contents of the beaker to the funnel. Do not allow any of the material to run over the edge of the paper. Wash the material on the filter with 80-percent alcohol (by volume) until the washings are clear and colorless. Transfer the filter paper with the material retained thereon to the dish used in preparing the filter paper. Dry the material in a ventilated oven, without covering the dish, for 2 hours at 100° C. Place the cover on the dish, cool it in a desiccator, and promptly weigh to the nearest 0.001 gram. From this weight subtract the weight of the dish, cover, and paper as previously found. Calculate the remainder to percentage.

(c) The method referred to in paragraph (a) of this section for testing fritter corn (§ 51.20 (b) (2)), ground corn (§ 51.20 (b) (3)), and cream-style corn (§ 51.20 (b) (4)) is as follows:

(1) Allow the container to stand at least 24 hours at a temperature of 68° F. to 85° F. Determine the gross weight, open, transfer the contents into a pan, and mix thoroughly in such a manner as not to incorporate air bubbles. (If the net contents of a single container is less than 18 ounces, determine the gross weight, open, and mix the contents of the least number of containers necessary to obtain 18 ounces.) Fill level full a hollow, truncated cone so placed on a polished horizontal plate as to prevent leakage. The cone has an inside bottom diameter of 3 inches, inside top diameter of 2 inches, and height of $4\frac{7}{16}$ inches. As soon as the cone is filled, lift it vertically. Determine the average of the longest and shortest diameters of the approximately circular area on the plate covered by the sample 30 seconds after lifting the cone. Dry and weigh each empty container and subtract the weight so found from the gross weight to obtain the net weight.

(2) Transfer the material from the plate, cone, and pan onto an 8-mesh sieve as prescribed in paragraph (b) (1) of this section. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. Set the sieve in a pan. Add enough water to bring the level within $\frac{3}{8}$ inch to $\frac{1}{4}$ inch of the top of the sieve. Gently wash the material on the sieve by combined up-and-down and circular motion for 30 seconds. Repeat washing with a second portion of water. Remove sieve from pan, incline to facilitate drainage, and drain for 2 minutes.

(3) From the material remaining on the 8-mesh sieve, count, but do not remove, the brown or black discolored kernels or pieces of kernel and calculate the number per 2 ounces of net weight. Remove pieces of silk more than ½-inch long, husk, cob, and other material which is not corn (i. e., peppers). Measure aggregate length of such pieces of silk and calculate the length per ounce of net weight. Spread the husk flat and measure its aggregate area and calculate the area per 20 ounces of net weight. Place all pieces of cob under a measured amount of water in a cylinder which is so graduated that the volume may be measured to 0.1 cubic centimeter. Take the increase in volume as the aggregate volume of the cob and calculate the volume of cob per 20 ounces of net weight. If the corn is cream-style corn (§ 51.20 (b) (4)), take a representative 100-gram sample of the material remaining on the 8-mesh sieve (if such material weighs less than 100 grams take all of it) and determine the alcohol-insoluble solids as prescribed in paragraph (b) (3) of this section for whole-kernel corn.

(d) If the quality of canned corn falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified; however, if the quality of the canned corn falls below standard with respect to only one of the factors of quality specified by subdivisions (i) to (iv) of paragraph (a) (1) of this section, or by subdivisions (i) to (v) of paragraph (a) (2) of this section, there may be substituted for the second line of such general statement of substandard quality, "Good Food—Not High Grade," a new line as specified after the corresponding subdivision designation of paragraph (a) of this section which the canned corn fails to meet:

(1) (i) or (2) (i) "Excessive discolored kernels."
(1) (ii) or (2) (ii) "Excessive cob."
(1) (iii) or (2) (iii) "Excessive husk."
(1) (iv) or (2) (iv) "Excessive silk."
(2) (v) "Excessively liquid."

§ 51.22 *Canned corn, canned sweet corn, canned sugar corn where the corn ingredient is in one of the forms known as fritter corn, ground corn, or cream-style corn; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned corn where the corn ingredient is in one of the forms known as fritter corn (§ 51.20 (b) (2)), ground corn (§ 51.20 (b) (3)), or cream-style corn (§ 51.20 (b) (4)) is a fill of not less than 90 percent of the total capacity of the container, as determined by the general method for fill of containers prescribed in § 10.1 (b) of this chapter.

(b) If canned fritter corn, canned ground corn, or canned cream-style corn falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

§ 51.30 *Canned field corn; identity; label statement of optional ingredients.* (a) Canned field corn conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for canned corn by § 51.20, except that the corn ingredient consists of succulent field corn or a mixture of succulent field corn and succulent sweet corn.

(b) The name of the food conforms to the name specified in § 51.20 (c), except that the words "Corn," "Sweet Corn," and "Sugar Corn" are replaced by the words "Field Corn," and the term "Golden Field Corn" is not used.

§ 51.32 *Canned field corn where the corn ingredient is in one of the forms known as fritter field corn, ground field corn, or cream-style field corn; fill of container; label statement of substandard fill.* Each of the foods canned fritter field corn, canned ground field corn, and canned cream-style field corn conforms to the standard of fill of container and label statement of substandard fill prescribed for canned fritter corn, canned ground corn, and canned cream-style corn by § 51.22 (a) and (b).

CANNED MUSHROOMS

§ 51.503 *Canned mushrooms; fill of container; label statement of substandard fill.* The standard of fill of container for canned mushrooms is a fill such that:

(a) The weight of drained mushrooms in a container the dimensions of which are specified in the following table is not less than the weight of drained mushrooms prescribed in such table for such container:

Trade designation	Over-all dimensions sealed can		Weight of drained mushrooms
	Diameter	Height	
	Inches	*Inches*	*Ounces (avoirdupois)*
202 x 204	2⅛	2¼	2
211 x 212	2 1/16	2¾	4
300 x 400	3	4	8
307 x 510	3 7/16	5⅝	16
603 x 700	6 3/16	7	68

(b) The drained weight of mushrooms in containers of a size not specified in paragraph (a) of this section is not less than 56 percent of the water capacity of the container, if such water capacity is less than 11.0 ounces avoirdupois; not less than 59 percent of the water capacity of the container, if such water capacity is 11.0 ounces or more but less than 25 ounces avoirdupois; and not less than 62 percent of the water capacity of the container, if such water capacity is 25 ounces avoirdupois or more.

(c) Water capacity of containers is determined by the general method provided in § 10.2 of this chapter.

(d) Drained weight is determined by the following method: Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes after drainage begins, weigh the sieve and drained mushrooms. The weight so found, less the weight of the sieve, shall be considered to be the weight of drained mushrooms.

(e) If canned mushrooms fall below the applicable standard of fill of container prescribed in paragraph (a) or (b) of this section, the label shall bear the general statement of substandard fill specified in § 10.3 (b) of this chapter, in the manner and form therein specified.

CANNED VEGETABLES OTHER THAN THOSE SPECIFICALLY REGULATED

§ 51.990 *Canned vegetables other than those specifically regulated; identity; label statement of optional ingredients.* (a) The canned vegetables for which definitions and standards of identity are prescribed by this section are those named in column I of the table set forth in paragraph (b) of this section. The vegetable ingredient in each such canned vegetable is obtained by proper preparation from the succulent vegetable prescribed in column II of such table. If two or more forms of such ingredient are designated in column III of such table, the vegetable in each such form is an optional ingredient.

(b) The table referred to in paragraph (a) of this section is as follows:

I Name or synonym of canned vegetable	II Source	III Optional forms of vegetable ingredient
Artichokes	Flower buds of the artichoke plant	Whole; half or halves or halved; whole hearts; halved hearts; quartered hearts.
Asparagus	Edible portions of sprouts of the asparagus plant, as follows: Three and three-quarter inches or more of upper end. Three and three-quarter inches or more of peeled upper end. Not less than two and three-quarter inches but less than three and three-quarter inches of upper end. Less than two and three-quarter inches of upper end. Sprouts cut in pieces Sprouts from which the tip has been removed, cut in pieces.	Stalks or spears. Peeled stalks or peeled spears. Tips. Points. Cut stalks or cut spears. Bottom cuts or cuts—tips removed.
Bean sprouts	Sprouts of the Mung bean.	
Shelled beans	Seed shelled from green or wax bean pods, with or without snaps (pieces of immature unshelled pods).	
Lima beans or butter beans	Seed shelled from the pods of the lima bean plant.	
Beets	Root of the beet plant	Whole; slices or sliced; quarters or quartered; dice or diced; cut; shoestring or French style or julienne.
Beet greens	Leaves, or leaves and immature root, of the beet plant.	
Broccoli	Heads of the broccoli plant.	
Brussels sprouts	Sprouts of the brussels sprouts plant.	
Cabbage	Cut pieces of the heads of the cabbage plant.	Do.
Carrots	Root of the carrot plant	
Cauliflower	Cut pieces of the head of the cauliflower plant.	Cut; hearts.
Celery	Stalks of the celery plant	
Collards	Leaves of the collard plant.	
Dandelion greens	Leaves of the dandelion plant.	
Kale	Leaves of the kale plant.	
Mushrooms	Cap and stem of the mushroom	Buttons; whole; slices or sliced; pieces and stems.
Mustard greens	Leaves of the mustard plant	
Okra	Pods of the okra plant	Whole; cut.
Onions	Bulb of the onion plant	Do.

I Name or synonym of canned vegetable	II Source	III Optional forms of vegetable ingredient
Parsnips	Root of the parsnip plant	Whole; quarters or quartered; slices or sliced; cut; shoestring or French style or julienne.
Black-eye peas or black-eyed peas.	Seed shelled from pods of the black-eye pea plant, with or without snaps (pieces of immature unshelled pods).	
Field peas	Seed shelled from pods of the field pea plant (other than the black-eye pea plant), with or without snaps (pieces of immature unshelled pods).	
Green sweet peppers	Green pods of the sweet pepper plant	Whole; halves or halved; pieces.
Red sweet peppers	Red-ripe pods of the sweet pepper plant	Do.
Pimientos or pimentos	Red-ripe pods of the pimiento, or pimento, pepper plant.	Do.
Potatoes	Tuber of the potato plant	Whole; slices or sliced; dice or diced; pieces; shoestring or French style or julienne.
Sweetpotatoes	Tuber of the sweetpotato plant	Whole; pieces; mashed.
Rutabagas	Root of the rutabaga plant	Whole; quarters or quartered; slices or sliced; dice or diced; cut.
Salsify	Root of the salsify plant.	
Spinach	Leaves of the spinach plant.	
Swiss chard	Leaves of the Swiss chard plant.	
Truffles	Fruit of the truffle.	
Turnip greens	Leaves of the turnip plant.	
Turnips	Root of the turnip plant	Do.

(c) To the vegetable ingredient water is added; except that pimientos may be canned with or without added water, and sweet potatoes in mashed form are canned without added water, and asparagus may be canned with added water, asparagus juice, or a mixture of both. For the purposes of this section, asparagus juice is the clear, unfermented liquid expressed from the washed and heated sprouts or parts of sprouts of the asparagus plant; mixtures of asparagus juice and water are considered to be water when such mixtures are used as a packing medium for canned asparagus. In the case of artichokes, citric acid or a vinegar is added in such quantity as to reduce the pH of the finished canned vegetable to 4.5 or below. The following optional ingredients, in the case of the vegetables specified, may be added:

(1) Citric acid or a vinegar, in the cases of all vegetables (except artichokes, in which such ingredient is prescribed, and except canned mushrooms, in which no such ingredient is permitted), in a quantity not more than sufficient to permit effective processing by heat without discoloration or other impairment of the article.

(2) An edible vegetable oil, in the cases of artichokes and pimientos.

(3) In the case of potatoes, purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any mixture of two or more such calcium salts, in a quantity reasonably necessary to firm the potatoes, but in no case in a quantity such that the calcium contained in any such calcium salt or mixture is more than 0.051 percent of the weight of the finished food.

(4) Snaps, in the cases of shelled beans, black-eyed peas, and field peas.

(5) Salt may be added to any of the canned vegetables in this section, in a quantity sufficient to season the food.

(6) In the cases of all vegetables (except canned mushrooms) one or more of the following optional seasoning ingredients may be added in a quantity sufficient to season the food:

(i) A vinegar.

(ii) Spice.

(iii) Refined sugar (sucrose).

(iv) Refined corn sugar (dextrose).

(7) In the case of canned mushrooms, ascorbic acid (vitamin C) may be added in a quantity not to exceed 37.5 milligrams for each ounce of drained weight of mushrooms.

(8) In the cases of all vegetables, monosodium glutamate may be added in a quantity sufficient to season the food. The food is sealed in a container, and so processed by heat as to prevent spoilage.

(d) The name of each canned vegetable for which a definition and standard of identity is prescribed by this section is the name of any synonym thereof whereby such vegetable is designated in column I of the table in paragraph (b) of this section.

(e) If two or more forms of the vegetable are specified in column III of the table in paragraph (b) of this section, the label shall bear the specified word or words, or in case synonyms are so specified, one of such synonyms, showing the form of the vegetable ingredient present.

(f) (1) If the optional ingredient specified in paragraph (c) (2) of this section is present, the label shall bear the statement "---------- Oil Added" or "With Added ---------- Oil," the blank being filled in with the common or usual name of the oil.

(2) If the optional ingredient specified in paragraph (c) (3) of this section is present, the label shall bear the statement "Trace of ---------- Added" or "With Added Trace of ----------," the blank being filled in with the words "Calcium Salt" or "Calcium Salts," as the case may be, or with the name or names of the particular calcium salt or salts added.

(3) If the optional ingredient specified in paragraph (c) (4) of this section is present, the label shall bear the statement "With Snaps."

(4) If optional seasoning ingredient of paragraph (c) (6) (i) of this section is present, the label shall bear the statement "Seasoned with Vinegar" or "Seasoned with ---------- Vinegar," the blank being filled in with the common or usual name of the vinegar.

(5) If optional seasoning ingredient of paragraph (c) (6) (ii) of this section is present, the label shall bear the statement "Spice Added" or "With Added Spice."

(6) If a vinegar, spice, and vegetable oil, or any two of these are present, the label may bear, in lieu of the statements prescribed in this section, showing the presence of such ingredients, a combination of such statements, as for example, "With Added Cider Vinegar, Spice, and Olive Oil."

(7) If asparagus juice is used as a packing medium in canned asparagus, the label shall bear the statement "Packed in Asparagus Juice."

(8) If monosodium glutamate is used, the label shall bear the statement "Monosodium Glutamate Added" or "With Added Monosodium Glutamate."

(g) Wherever the name of the vegetable appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in paragraphs (e) and (f) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the vegetable may so intervene.

PART 53—TOMATO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Sec.

53.1 Tomato juice; identity.
53.5 Yellow tomato juice; identity.
53.10 Catsup, ketchup, catchup; identity; label statement of optional ingredients.
53.20 Tomato puree, tomato pulp; identity; label statement of optional ingredients.
53.30 Tomato paste; identity; label statement of optional ingredients.
53.40 Canned tomatoes; identity; label statement of optional ingredients.
53.41 Canned tomatoes; quality; label statement of substandard quality.
53.42 Canned tomatoes; fill of container; label statement of substandard fill.

AUTHORITY: §§ 53.1 to 53.42 issued under sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a). Interpret or apply sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341.

§ 53.1 *Tomato juice; identity.* Tomato juice is the unconcentrated liquid extracted from mature tomatoes of red or reddish varieties, with or without scalding followed by draining. In the extraction of such liquid, heat may be applied by any method which does not add water thereto. Such liquid is strained free from skins, seeds, and other coarse or hard substances, but carries finely divided insoluble solids from the flesh of the tomato. Such liquid may be homogenized, and may be seasoned with salt. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

§ 53.5 *Yellow tomato juice; identity.* Yellow tomato juice is the unconcentrated liquid extracted from mature tomatoes of yellow varieties. It conforms, in all other respects, to the definition and standard of identity for tomato juice prescribed in § 53.1.

§ 53.10 *Catsup, ketchup, catchup; identity; label statement of optional ingredients.* (a) Catsup, ketchup, catchup, is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes.

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated and seasoned with salt, a vinegar or vinegars, spices or flavorings or both, and onions or garlic or both and is sweetened with sugar or a mixture of sugar and dextrose or a mixture of sugar (or sugar and dextrose) with corn sirup or dried corn sirup or both or with glucose sirup or dried glucose sirup or both, in such quantity that the weight of the solids of the corn sirup or dried corn sirup or both, or glucose sirup or dried glucose sirup or both, is not more than one-third of the weight of the solids of such mixture. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

(b) (1) For the purposes of this section, the term "corn sirup" means refined corn sirup (including dried corn sirup) the solids of which contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose.

(2) The term "glucose sirup" means a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. "Dried glucose sirup" means the product obtained by drying "glucose sirup."

(c) When optional ingredient specified in paragraph (a) (2) of this section, is present, in whole or in part, the label shall bear the statement "Made From ------" (or "Made in Part From ------," as the case may be) "Residual Tomato Material from Canning." When optional ingredient specified in paragraph (a) (3) of this section is present, in whole or in part, the label shall bear the statement "Made From ------" (or "Made in Part From ------," as the case may be) "Residual Tomato Material from Partial Extraction of Juice." If both such ingredients are present, such statements may be combined in the statement "Made From ------" (or "Made in Part From ------," as the case may be) "Residual Tomato Material from Canning and from Partial Extraction of Juice." Wherever the name "Catsup," "Ketchup" or "Catchup" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements specified in this paragraph showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 53.20 *Tomato puree, tomato pulp; identity; label statement of optional ingredients.* (a) Tomato puree, tomato pulp, is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes.

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated, and may be seasoned with salt. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 8.37 percent, but less than 25.00 percent, of salt-free tomato solids, as determined by the following method: Determine total solids by the method prescribed on page 499 [Ed. note, 8th edition, 1955, p. 570, sec. 30.2], under "Total Solids—Tentative," and sodium chloride by the method prescribed on page 500 [Ed. note, 8th edition, 1955, p. 571, sec. 30.8. Title changed to "Sodium Chloride Method I—Official."], under "Sodium Chloride—Official," of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935. Subtract the percent of sodium chloride found from the percent of total solids found; the difference shall be considered to be the percent of salt-free tomato solids.

(b) When optional ingredient specified in paragraph (a) (2) of this section is present, in whole or in part, the label shall bear the statement "Made From ------" (or "Made in Part From ------," as the case may be) "Residual Tomato Material From Canning." When optional ingredient specified in paragraph (a) (3) of this section is present, in whole or in part, the label shall bear the statement "Made From ------" (or "Made in Part From ------," as the case may be) "Residual Tomato Material From Partial Extraction of Juice." If both such ingredients are present, such statements may be combined in the statement "Made From ------" (or "Made in Part From ------," as the case may be) "Residual Tomato Material from Canning and from Partial Extraction of Juice." Wherever the name "Tomato Puree" or "Tomato Pulp" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements specified in this section, showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 53.30 *Tomato paste; identity; label statement of optional ingredients.* (a) Tomato paste is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes.

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated, and may be seasoned with one or more of the optional ingredients:

(4) Salt.

(5) Spice.

(6) Flavoring.

It may contain, in such quantity as neutralizes a part of the tomato acids, the optional ingredient:

(7) Baking soda.

When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 25.00 percent of salt-free tomato solids, as determined by the following method: Determine total solids by the method prescribed on page 499 [Ed. note, 8th edition, 1955, p. 570, sec. 30.2], under "Total Solids—Tentative," and sodium chloride by the method prescribed on page 500 [Ed. note, 8th edition, 1955, p. 571, sec. 30.8], under "Sodium Chloride—Official," of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935. Subtract the percent of sodium chloride found from the percent of total solids found; the difference shall be considered to be the percent of salt-free tomato solids.

(b) When optional ingredient specified in paragraph (a) (2) of this section is present, in whole or in part, the label shall bear the statement "Made From ------" (or "Made in Part From ------," as the case may be) "Residual Tomato Material From Canning." When optional ingredient specified in paragraph (a) (3) of this section is present, in whole or in part, the label shall bear the statement "Made From ------," (or "Made in Part From ------," as the case may be) "Residual Tomato Material From Partial Extraction of Juice." If both such ingredients are present, such statements may be combined in the statement "Made From ------," (or "Made in Part From ------," as the case may be) "Residual Tomato Material From Canning and From Partial Extraction of Juice." When optional ingredient specified in paragraph (a) (5) or (6) of this section is present the label shall bear the statement or statements, "Spice Added" or "With Added Spice," "Flavoring Added" or "With Added Flavoring," as the case may be. When optional ingredient specified in paragraph (a) (7) of this section is present, the label shall bear the statement "Baking Soda Added." If two or all of the optional ingredients specified in paragraph (a) (5), (6), and (7), of this section are present, such statements may be combined, as for example, "Spice,

Flavoring, and Baking Soda Added." In lieu of the word "Spice" or "Flavoring" in such statement or statements, the common or usual name of such spice or flavoring may be used.

(c) Wherever the name "Tomato Paste" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements specified in this section, showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 53.40 *Canned tomatoes; identity; label statement of optional ingredients.* (a) Canned tomatoes are mature tomatoes of red or reddish varieties which are peeled and cored and to which may be added one or more of the following optional ingredients:

(1) The liquid draining from such tomatoes during or after peeling and coring.

(2) The liquid strained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid strained from mature tomatoes of such varieties.

(4) Purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any two or more of these calcium salts, in a quantity reasonably necessary to firm the tomatoes, but in no case such that the amount of the calcium contained in such salts is more than 0.026 percent of the weight of the finished canned tomatoes.

It may be seasoned with one or more of the optional ingredients:

(5) Salt.
(6) Spices.
(7) Flavoring.

It is sealed in a container and so processed by heat as to prevent spoilage.

(b) When optional ingredient specified in paragraph (a) (2) of this section is present, the label shall bear the statement "With Added Strained Residual Tomato Material From Preparation for Canning." When one or more of the optional ingredients specified in paragraph (a) (4) of this section is present the label shall bear the statement "Trace of _____ Added" or "With Added Trace of _____," the blank being filled in with the words "Calcium Salt" or "Calcium Salts" as the case may be or with the name or names of the particular calcium salt or salts added. When optional ingredient specified in paragraph (a) (6) or (7) of this section is present, the label shall bear the statement or statements "Spice Added" or "With Added Spice," "Flavoring Added" or "With Added Flavoring," as the case may be. If two or more of optional ingredients specified in paragraph (a) (2), (6), and (7) of this section are present, such statements may be combined, as for example, "With Added Strained Residual Tomato Material from Preparation for Canning, Spice, and Flavoring." In lieu of the word "Spice" or "Flavoring" in such statement or statements, the common or usual name of such spice or flavoring may be used. Wherever the name "Tomatoes" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 53.41 *Canned tomatoes; quality; label statement of substandard quality.* (a) The standard of quality for canned tomatoes is as follows:

(1) The drained weight, as determined by the method prescribed in paragraph (b) (1) of this section, is not less than 50 percent of the weight of water required to fill the container, as determined by the general method for water capacity of containers prescribed in § 10.2 (a) of this chapter;

(2) The strength and redness of color as determined by the method prescribed in paragraph (b) (2) of this section, is not less than that of the blended color of any combination of the color discs described in such method, in which one-third the area of disc 1, and not more than one-third the area of disc 2, is exposed;

(3) Peel, per pound of canned tomatoes in the container, covers an area of not more than 1 square inch; and

(4) Blemishes, per pound of canned tomatoes in the container, cover an area of not more than one-fourth square inch.

(b) Canned tomatoes shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a) (1) and (2) of this section:

(1) Remove lid from container, but in the case of a container with lid attached by double seam, do not remove or alter the height of the double seam. Tilt the opened container so as to distribute the contents over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve used is 8 inches if the quantity of the contents of the container is less than 3 pounds, or 12 inches if such quantity is 3 pounds or more. The meshes of such sieve are made by so weaving wire of 0.054-inch diameter as to form square openings 0.446 inch by 0.446 inch. Without shifting the tomatoes, so incline the sieve as to facilitate drainage of the liquid. Two minutes from the time drainage begins, weigh the sieve and drained tomatoes. The weight so found, less the weight of the sieve, shall be considered to be the drained weight.

(2) Remove from the sieve the drained tomatoes obtained in subparagraph (1) of this paragraph. Cut out and segregate successively those portions of least redness until 50 percent of the drained weight, as determined under subparagraph (1) of this paragraph, has been so segregated. Comminute the segregated portions to a uniform mixture without removing or breaking the seeds. Fill the mixture into a black container to a depth of at least 1 inch. Free the mixture from air bubbles, and skim off or press below the surface all visible seeds. Compare the color of the mixture, in full diffused daylight or its equivalent, with the blended color of combinations of the following concentric Munsell color discs of equal diameter, or the color equivalents of such discs:

(i) Red—Munsell 5 R 2.6/13 (glossy finish).

(ii) Yellow—Munsell 2.5 YR 5/12 (glossy finish).

(iii) Black—Munsell N 1/ (glossy finish).

(iv) Grey—Munsell N 4 (mat finish).

(c) If the quality of canned tomatoes falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality ------"; the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this section which such canned tomatoes fail to meet, as follows: (1) "Excessively Broken Up"; (2) "Poor Color"; (3) "Excessive Peel"; (4) "Excessive Blemishes." If such canned tomatoes fail to meet both (3) and (4), the words "Excessive Peel and Blemishes" may be used instead of the words specified after the corresponding numbers of such clauses. Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Tomatoes" and any statements required or authorized to appear with such name by § 53.40 (b).

§ 53.42 *Canned tomatoes, fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned tomatoes is a fill of not less than 90 percent of the total capacity of the container, as determined by the general method for fill of containers prescribed in § 10.2 (b) of this chapter.

(b) If canned tomatoes fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.3 (b) of this chapter, in the manner and form therein specified.

PART 85—SEAFOOD INSPECTION

Subpart A—Inspection of Processed Shrimp

Sec.
85.1 Application for inspection service.
85.2 Granting or refusing inspection service; cancellation of application.
85.3 Inspection periods.
85.4 Assignment of inspectors.
85.5 Uninspected shrimp excluded from inspected establishments.
85.6 General requirements for plant and equipment.
85.7 General operating conditions.
85.8 Code marking.
85.9 Processing.
85.10 Examination after processing.
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85.12 Certificates of inspection; warehousing and export permits.
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Subpart B—Inspection of Canned Oysters

85.16 Application for inspection service.
85.17 Granting or refusing inspection service; cancellation of application.

Sec.
85.18 Inspection periods.
85.19 Assignment of inspectors.
85.20 Uninspected oysters excluded from inspected establishments.
85.21 General requirements for plant and equipment.
85.22 General operating conditions.
85.23 Code marking.
85.24 Processing.
85.25 Examination after canning.
85.26 Labeling.
85.27 Certificates of inspection; warehousing and export permits.
85.28 Inspection fees.
85.29 Suspension and withdrawal of inspection service.

AUTHORITY: §§ 85.1 to 85.29 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371.

SUBPART A—INSPECTION OF PROCESSED SHRIMP

§ 85.1 *Application for inspection service.* (a) Applications for inspection service on the processing of shrimp under the provisions of section 702a of the Federal Food, Drug, and Cosmetic Act shall be on forms supplied by the Food and Drug Administration, referred to in this subpart as the Administration. The processing of shrimp comprises all the operations, including labeling and storage, necessary to prepare for the market shrimp in any of the following forms: Iced or frozen raw headless, raw peeled or cooked peeled (any of which may be deveined); iced or frozen deveined shrimp, partially or completely peeled (which may be battered and breaded before freezing), and canned shrimp. No application for a regular inspection period filed with the Administration after May 1, preceding such period in any year, shall be considered unless the applicant shows substantial cause for failure to file such application on or before May 1 of such year. A separate application shall be made for each inspection period in each establishment for which the service is applied. Each application for a regular inspection period shall be accompanied by an advance payment of $500.00 as prescribed by § 85.13 (a) (1). Such payment shall be made in the manner prescribed by §85.13 (e).

(b) For the purposes of §§ 85.1 through 85.14, an establishment is defined as a factory where shrimp may be processed and warehouses and cold storage plants under the control and direction of the packer where such shrimp is stored.

§ 85.2 *Granting or refusing inspection service; cancellation of application.* (a) The Secretary of Health, Education, and Welfare may grant the inspection service applied for upon determining that the establishment covered by such application complies with the requirements of § 85.6.

(b) The Secretary may refuse to grant inspection service at any establishment for cause. In case of refusal, the applicant shall be notified of the reason therefor and shall have returned all advance payments and deposits made, less any expenses incurred for preliminary inspection of the establishment or for other purposes incident to such application.

(c) The applicant, by written notice to the Secretary, may withdraw his application for inspection service before July 1 preceding the inspection period covered by the application. In case of such withdrawal, the Secretary shall return to such applicant all advance payments and deposits made, less any salary and other expense incurred incident to such application.

§ 85.3 *Inspection periods.* (a) The regular inspection period in each establishment in which inspection service under §§ 85.1 through 85.14 is granted consists of 9 consecutive months. The date of the beginning of such regular inspection period shall be regarded as the date, on or after July 1 but not later than October 1, specified for the beginning of the service in the application therefor, or such other date as may be specified by amendment to such application and approved; but if the Secretary is not prepared to begin the service on the specified date, then the period shall start on the date on which service is begun.

(b) Extension inspection periods shall begin at the close of the preceding inspection period. Extension inspection periods may be granted for periods of 1 month and/or fractional parts of 1 month, but in no case less than 1 day. Extension inspection periods for 1 month may be granted in such establishment if application therefor, accompanied by a payment of $600.00 as prescribed by § 85.13 (a) (3), is made at least 2 weeks in advance of the close of such preceding inspection period. Applications for extension inspection periods for fractional parts of a month may be accepted when accompanied by the payment prescribed by § 85.13 (a) (3) for such extensions. No regular or extension inspection period shall extend beyond June 30 of any year.

(c) Upon request of the packer, and with the approval of the Administration, such service during any inspection period may be transferred from one establishment to another to be operated by the same packer; but such transfer shall not serve to lengthen any inspection period or to take the place of an extension inspection period. In case of such transfer the packer shall furnish all necessary transportation of inspectors.

(d) The inspection service shall be continuous throughout the inspection period.

§ 85.4 *Assignment of inspectors.* (a) An initial assignment of at least one inspector shall be made to each establishment in which inspection service under §§ 85.1 through 85.14 is granted. Thereafter, the Administration shall adjust the number of inspectors assigned to each establishment and tour of duty of each inspector to the requirements for continuous and efficient inspection.

(b) Any inspector of the Administration shall have free access at all times to all parts of the establishment, to plants supplying materials to the inspected establishment, and to all fishing and freight boats and other conveyances catching shrimp for, or transporting shrimp to, such establishment.

§ 85.5 *Uninspected shrimp excluded from inspected establishments.* (a) No establishment to which inspection service has been granted shall at any time thereafter process shrimp which has not been so inspected or handle or store in such establishment any processed shrimp which has not been so inspected; but this paragraph shall not apply to an establishment after termination of inspection service therein or withdrawal therefrom as authorized by § 85.14.

(b) All shrimp and other ingredients entering into the finished product may be subject to inspection prior to delivery to the establishment or at any time thereafter, and all shrimp processed in such establishment shall be subject to certification under § 85.12.

§ 85.6 *General requirements for plant and equipment.* (a) All exterior openings of the establishment shall be adequately screened, and roofs and exterior walls shall be tight. When necessary, fly traps, fans, blowers, or other approved insect-control devices shall be installed.

(b) Except for raw headless shrimp, which may or may not be deveined, picking and packing rooms shall be separate, provided that this requirement may be waived by the Administration where separation of picking and packing rooms is not necessary for adequate sanitation. Blanching tanks shall not be located in picking room. Fixtures and equipment shall be so constructed and arranged as to permit thorough cleaning. Such rooms shall be adequately lighted and ventilated, and the floors shall be tight and arranged for thorough cleaning and proper drainage. Open drains from picking room shall not enter packing or blanching room. If picking and packing rooms are in separate buildings, such buildings shall be not more than 100 yards apart unless adequate provisions are made to enable efficient inspection.

(c) All surfaces of tanks, belts, tables, flumes, utensils, and other equipment with which either picked or unpicked shrimp come in contact after delivery to the establishment shall be of metal or of other smooth nonporous and easily cleanable materials, provided such materials are not lead or other toxic substances. Metal seams shall be smoothly soldered or smoothly welded.

(d) Adequate supplies of suitable detergents and sanitizing agents approved by the Administration; clean, unpolluted runing water; and, if necessary, steam shall be provided for washing, cleaning, and otherwise maintaining the establishment in a sanitary condition.

(e) Adequate toilet facilities of sanitary type which comply fully with applicable State laws and local ordinances shall be provided.

(f) An adequate number of sanitary washbasins, with liquid or powdered soap, shall be provided in both the picking and packing rooms. Paper towels shall be provided in the packing room. Provision shall be made for sanitizing the hands of employees by the use of suitable sanitizing agents.

(g) Signs requiring employees handling shrimp to wash and sanitize their hands after each absence from post of duty shall be conspicuously posted in the picking and packing rooms and else-

where about the premises as conditions require.

(h) One or more suitable washing devices and one or more suitable inspection belts shall be installed for the washing and subsequent inspection of the shrimp before processing.

(i) Suitable containers, flumes, chutes, or conveyors shall be provided for removing offal from picking room.

(j) Picking or heading tables shall be equipped with flumes supplied with clean, unpolluted water or with mechanical conveyors for removing the picked or headed shrimp.

(k) Equipment shall be provided for code-marking cans and other immediate containers and master cartons used in packaging other than canned shrimp.

(l) An automatic container-counting device shall be installed in each cannery line.

(m) Each sterilizing retort shall be fitted with at least the following equipment:

(1) An automatic control for regulating temperatures.

(2) An indicating mercury thermometer of a range from 170° F. to 270° F. with scale divisions not greater than 2° F. For steam cook such thermometers shall be installed either within a fitting attached to the shell of the retort or within the door or shell of the retort. For water cook such thermometers shall be installed in the door or shell of the retort below the water level. If the thermometer is installed within a fitting such fitting shall communicate with the chamber of the retort through an opening at least 1 inch in diameter. Such fitting shall be equipped with a bleeder at least ⅛-inch in diameter. If the thermometer is installed within the door or shell of the retort, the bulb shall project at least two-thirds of its length into the principal chamber.

(3) A recording thermometer of a range from 170° F. to 270° F. with scale divisions not greater than 2° F. The bulb of such thermometer shall be installed as prescribed for the indicating mercury thermometer. The case which houses the charts and recording mechanism shall be provided with an approved lock, all keys to which shall be in the sole custody of the inspector.

(4) A pressure gauge of a range from 0 to 30 pounds, with scale divisions not greater than 1 pound and diameter of not less than 5 inches. Such gauge shall be connected to the chamber of the retort by a short gooseneck tube. The gauge shall be not more than 4 inches higher than the gooseneck.

(5) For steam cook, a blow-off vent of at least ¾-inch inside diameter in the top of the retort.

(6) For steam cook, a ⅛-inch bleeder in top of retort.

(n) Each cold storage compartment shall be fitted with at least the following equipment:

(1) An automatic control for regulating temperature.

(2) An indicating thermometer so installed as to indicate accurately the temperature within the storage compartment.

(3) A recording thermometer so installed as to indicate accurately the temperature within the compartment at all times. The case which houses the charts and recording mechanism shall be provided with an approved lock, all keys to which shall be in the sole custody of the inspector.

(o) Provision shall be made for waterglazing where such glazing is necessary to maintain the quality of frozen shrimp. Glazing shall be done with clean, unpolluted water.

(p) Provision shall be made for immediate icing or cold storage of all packaged shrimp which is destined for sale as unfrozen shrimp.

(q) Suitable space and facilities shall be provided for the inspector to prepare records and examine samples, and for the safekeeping of records and equipment.

§ 85.7 *General operating conditions.* (a) Plants supplying raw headless or frozen raw headless shrimp to an inspected establishment, decks and holds of all boats catching shrimp for or transporting shrimp to an inspected establishment, and the bodies of other conveyances so transporting shrimp shall be kept in a sanitary condition.

(b) Inspected establishments, plants supplying inspected establishments, freight boats, and other conveyances serving such establishments shall accept only fresh, clean, sound shrimp. The shrimp shall be iced or refrigerated immediately after they are caught, and shall be kept adequately iced or refrigerated until delivery to the establishment.

(c) After delivery of each load of shrimp to the establishment, decks and holds of each boat and the body of each other conveyance or container making such delivery shall be washed down with clean, unpolluted water, and all debris shall be cleaned therefrom before such boat or other conveyance or container leaves the establishment premises.

(d) Before being headed, picked, or deveined, the shrimp shall be adequately washed with clean, unpolluted water and then passed over the inspection belt and culled to remove all shrimp that are filthy, decomposed, putrid, or otherwise unfit for food, and all extraneous material.

(e) Offal from picking tables shall not be piled on the floor, but shall be placed in suitable containers for frequent removal, or shall be removed by flumes, conveyors, or chutes. Offal, debris, or refuse from any source whatever shall not be allowed to accumulate in or about the establishment.

(f) Shrimp shall be picked into flumes that immediately remove the picked meats from the picking tables; except that shrimp may be picked into seamless containers of not more than 3 pints capacity if the picked meats are not held in such containers for more than 20 minutes before being flumed or conveyed from the picking tables. If shrimp are picked into such containers, the containers shall be cleaned and sanitized as often as may be necessary to maintain them in a sanitiary condition, but in no case less frequently than every 2 hours. Whenever a picker is absent from his or her post of duty, the container used by such picker shall be cleaned and sanitized before picking is resumed. For the purposes of this paragraph, the term "picked" shall include the operation whereby a portion of the shell is removed, leaving the tail in place, and the back of the shrimp is sliced open to remove the alimentary canal or vein.

(g) Picked shrimp being transported from one building to another shall be properly covered and protected against contamination.

(h) From the time of delivery to the establishment up to the time of final processing, shrimp shall be handled expeditiously and under such conditions as to prevent contamination or spoilage. Shrimp other than that to be canned shall be precooled immediately after the final cleaning or blanching operation to a temperature not exceeding 50° F. if it is to be packaged immediately, or to a temperature not exceeding 40° F. if it is not to be packaged immediately. If such shrimp are to be frozen, they shall be placed in the freezing compartment within 1 hour after final preparation.

(i) If batter is employed, it shall be used within 1 hour after it is prepared. The temperature of the batter shall not exceed 50° F.

(j) The packer shall destroy for food purposes under the immediate supervision of the inspector all shrimp in his possession condemned by the inspector as filthy, decomposed, putrid, or otherwise unfit for food. Shrimp condemned on boat or unloading platform shall not be taken into the icebox or picking room.

(k) Raw materials other than shrimp that enter into the finished product shall not be used if condemned by the inspector as unfit for food. Such condemned raw materials shall be segregated from usable materials and be held for disposal as directed by the inspector, or they may be destroyed forthwith by the packer if he so desires.

(l) All portions of the establishment shall be adequately lighted to enable the inspector to perform his duties properly.

(m) All floors and other parts of the establishment, including unloading platforms, and all fixtures, equipment, and utensils shall be cleaned as often as may be necessary to maintain them in a sanitary condition. Containers for mixing or holding batter shall be adequately cleaned and sanitized before they are used for a new batch of batter. Equipment for applying batter shall be adequately cleaned and sanitized at least once each hour while in operation.

(n) The packer shall require all employees handling shrimp to wash and sanitize their hands after each absence from post of duty, and to observe other proper habits of cleanliness.

(o) The packer shall not knowingly employ in or about the establishment any person afflicted with an infectious or contagious disease, or with any open sores on exposed portions of the body.

§ 85.8 *Code marking.* (a) Permanently legible code marks shall be placed on all immediate containers at the time of packaging. Such marks shall show at least:

(1) The date of packing;

(2) The establishment where packed; and

(3) The size of the shrimp when such shrimp are graded for size and are not in containers through which they are clearly visible.

Corresponding code marks shall also be placed on the master cartons containing individual packages of shrimp other than canned.

(b) Keys to all code marks shall be given to the inspector.

(c) Each lot shall be stored separately pending final inspection, with a space of not less than 6 inches between stacks of each lot. For the purposes of the regulations in this part, all cans or other containers bearing the same code marks shall be regarded as comprising a lot.

§ 85.9 *Processing.* (a) The closure of the can or other immediate container and the time and temperature of sterilizing the canned shrimp shall be adequate to prevent bacterial spoilage.

(b) The following times and temperatures shall be the minimums employed for the containers indicated:

DRY PACK

Kind of container and liner	Size	Initial temperature	Time at 240° F.	Time at 250° F.
			Minutes	*Minutes*
Tin:				
1-piece liner	211 x 400 and smaller.	70° F.	80	60
	do	70° F.	70	50
No liner	307 x 208	70° F.	70	50
	307 x 400	70° F.	75	55

WET PACK

Kind of container and size	Initial temperature	Time at 240° F.	Time at 250° F.
		Minutes	*Minutes*
Tin:			
211 x 400 (and smaller)	90° F.	25	13
307 x 208	90° F.	25	13
307 x 400	90° F.	25	13
502 x 510	90° F.	27	16
Glass: 2 to 9 fluid ounces, inclusive		22	14

For wet-pack shrimp in cans 307 x 400 and smaller, a cook of 12 minutes at 250° F., and for wet-pack shrimp in cans 502 x 510, a cook of 15 minutes at 250° F., may be approved if adequate provisions are made to insure an initial temperature of not less than 120° F. in each individual can. For the purposes of this section, initial temperature is defined as the average temperature of the contents of the container at the moment steam is admitted to the sterilizing retort.

(c) For steam cook, blow-off vent shall be open during the coming-up period until the mercury thermometer registers at least 215° F. Bleeders shall emit steam during the entire cooking period.

(d) The method of freezing is not specified by the regulations in this part. Whatever method is used must be such as will produce a hard-frozen product in a sufficiently short time to prevent decomposition. Bulk packages containing 5 pounds or more of shrimp per package shall be hard frozen within 24 hours; smaller packages should be hard frozen within 12 hours. After freezing, the shrimp shall be stored in such a manner that its temperature does not exceed 0° F., and shall be handled in such manner as will maintain the hard-frozen condition.

(e) The storage temperatures for shrimp that are not frozen or canned are as follows:

(1) Cooked and peeled shrimp shall be stored at a room temperature not exceeding 35° F.

(2) Raw headless shrimp shall be stored at a room temperature not exceeding 35° F., except that it may be stored at a higher room temperature if sufficiently iced at all times to prevent spoilage.

(f) The inspector shall identify each record on the thermometer chart with the code mark of the lot to which such record relates and the date of such record. The Administration shall keep such charts for at least 5 years, and upon request shall make them available to the packer.

(g) The packer shall keep for at least 1 year all shipping records covering shipments from each lot, and upon request shall furnish such records to any inspector of the Administration.

§ 85.10 *Examination after processing.* (a) Adequate samples shall be drawn by the inspector from each lot of processed shrimp and shall be examined to determine whether or not such processed shrimp conforms to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder.

(b) The packer shall destroy for food purposes, under the immediate supervision of the inspector, all processed shrimp condemned by the inspector as not complying with § 85.9 (a), or as filthy, decomposed, putrid, or otherwise unfit for food.

§ 85.11 *Labeling.* (a) Labels on shrimp packed and certified under §§ 85.1 through 85.14 may bear a mark attesting to such packing and certification. Depending upon the type of processing, such marks, if used, shall read as follows:

(1) For canned shrimp: "Production supervised by U. S. Food and Drug Administration."

(2) For frozen shrimp: "Packing and freezing supervised by U. S. Food and Drug Administration. Perishable product—Not warranted against mishandling after freezing."

(3) For fresh, iced, or refrigerated shrimp: "Packing supervised by U. S. Food and Drug Administration. Perishable product—Not warranted against mishandling after packing."

Such marks if used shall be plainly and conspicuously displayed in type of uniform size and style on a strongly contrasting uniform background. The marks referred to in subparagraphs (2) and (3) of this paragraph shall not be used on the master carton unless such marks will be defaced by the opening of the cartons.

(b) Labels on inspected processed shrimp, other than canned shrimp, not bearing the marks referred to in paragraph (a) (2) and (3) of this section, and all master cartons for inspected shrimp other than canned shrimp, shall bear the statement "Perishable—Keep frozen" or "Perishable—Keep refrigerated," whichever is applicable to the product.

(c) Two proofs, or one proof and one photostat thereof, or eight specimens of all labeling intended for use on inspected shrimp, or on or within the cases therefor, shall be submitted to the Administration for approval. If proofs or photostat and proof are submitted, eight specimens of the labeling shall be sent to the Administration after printing. The Administration is authorized to approve labeling for use on or with processed shrimp inspected under §§ 85.1 through 85.14; approval shall be subject to the condition that such labeling shall be so used as to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder. The Administration is also authorized to revoke any such approval for cause. The Administration shall not approve labeling for processed shrimp intended for export under the provisions of § 85.12 (e).

(d) No commercial brand or brand name appearing on labeling approved as authorized under paragraph (c) of this section and bearing the marks described in paragraph (a) of this section, and no labeling simulating any such approved labeling, shall be used, after such approval, on processed shrimp other than that which has been handled, prepared, packed, and stored in compliance with all provisions of §§ 85.1 through 85.14; but this section shall not apply to any packer's labeling not bearing such mark after termination of inspection or withdrawal thereof as authorized by § 85.14 or to any distributor's labeling not bearing such mark after written notice by the owner thereof to the Administration that the use of such labeling on inspected processed shrimp has been discontinued and will not be resumed.

(e) Shrimp labeling authorized by paragraph (a) of this section or approved under paragraph (c) of this section shall be used only as authorized by §§ 85.1 through 85.14. Unauthorized use of such labeling renders the user liable to the penalties prescribed by the Federal Food, Drug, and Cosmetic Act, as amended.

§ 85.12 *Certificates of inspection; warehousing and export permits.* (a) After finding that the processed shrimp comprising any parcel has been handled, prepared, and packed in compliance with all provisions of §§ 85.1 through 85.14, bears labeling approved as authorized under § 85.11 (c), and complies with all the provisions of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue a certificate showing that such processed shrimp so complies. The certificate shall specify the code marks to which it applies, the quantity of the parcel so marked, the place where such parcel is stored, the size of the shrimp, the size and kind of containers, the type of pack, the commercial brand name on the labels, the quality grade of the shrimp if it is fancy, the condition of the

shrimp if it is broken or if it is substandard in fill and the destination of the lot if known. Such certificate shall become void if such labeling is removed, altered, obliterated, or replaced, or if mishandling, improper storage, or other circumstances so change the product that it no longer complies with the requirements for the issuance of a certificate; but such processed shrimp may be relabeled under the supervision of an inspector and recertified if the inspector finds that, after being relabeled, it complies with the requirements laid down by this paragraph for the issuance of a certificate.

(b) Unless covered by certificate, processed shrimp shall be moved from an inspected establishment only for storage authorized under paragraph (c) of this section, or for export authorized under paragraph (e) of this section, or for destruction as provided by § 85.10 (b).

(c) Applications to move unlabeled processed shrimp for storage in a warehouse or cold storage plant elsewhere than in the establishment where such shrimp was processed shall be on forms supplied by the Administration. The application shall give the name and location of the warehouse or cold storage plant in which such processed shrimp is to be stored, and shall be accompanied by an agreement signed by the operator of such warehouse or cold storage plant that inspectors shall have free access at all times to all processed shrimp so stored and that conditions which will preserve the identity of each parcel of such processed shrimp shall be continuously maintained pending issuance of a certificate thereon or removal as authorized by paragraph (d) of this section. If such application is approved and it appears to the inspector that the processed shrimp comprising any parcel has been packed in compliance with §§ 85.1 through 85.14 and conforms, except for the absence of labeling, to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue to the applicant, on his request, a warehousing permit covering such processed shrimp. Such permit shall specify the code marks to which it applies, the quantity of the parcel so marked, the places from and to which such parcel is to be moved, the size of the shrimp, the size and kind of containers, the type of pack, whether or not it is fancy grade, the condition of the shrimp if it is broken or if it is substandard in fill, and, if such be the case, that it is intended for export under paragraph (e) of this section. When any provision of the agreement is violated, the Administration may revoke any permit issued pursuant to such agreement, and may also revoke its approval of the application for warehousing or cold storage which accompanied such agreement.

(d) Unless covered by certificate, processed shrimp stored under the authority of paragraph (c) of this section shall be moved from the warehouse or cold storage plant where stored only for re-storage under such authority, or for return upon written permission of the inspector to the establishment where processed, or for export authorized under paragraph (e) of this section, or for destruction as provided by § 85.10 (b).

(e) An application to export processed shrimp under the provisions of section 801 (d) of the act shall be accompanied by the original or a verified copy of the specifications of the foreign purchaser; if required by the Administration, evidence showing that such processed shrimp is not in conflict with the laws of the country to which it is intended for export; and, if shipment of labeled processed shrimp is specified or directed, eight specimens of the labeling therefor. If processed shrimp prepared or packed according to such specifications is not in conflict with the laws of such country, the Administration shall direct the inspector to issue to the applicant an export permit covering such processed shrimp comprising any parcel ordered by such purchaser under such specifications, when the inspector finds that such processed shrimp was packed in compliance with the requirements of §§ 85.1 through 85.14 regarding sanitary conditions and processing; is not filthy, decomposed, putrid, or otherwise unfit for food; accords to such specifications; and is labeled on the outside of the shipping package to show that it is intended for export. Such permit shall specify the code marks to which it applies and the quantity of the parcel so marked, and shall show that such processed shrimp was packed under sanitary conditions, is wholesome, and accords to such specifications. The applicant shall furnish to the inspector documentary evidence showing the exportation of all such processed shrimp.

§ 85.13 *Inspection fees.* (a) (1) Except as otherwise provided by the regulations in this part, an initial payment of $500.00 shall accompany each application; thereafter, eight additional advance payments of $500.00 shall be made on or before the first day of each month beginning July 1 and continuing through February 1 for the regular inspection period; except that the Administration may require the full amount of advance payments prescribed by this paragraph to accompany the application of an applicant who has defaulted in any payment due for any prior packing season.

(2) Whenever it is determined, without hearing, by the Administration that an establishment having the inspection service has been damaged by wind, fire, flood, or other calamity, to such an extent that packing operations cannot be resumed before the end of the fiscal year then current, no advance payments falling due after such calamity shall be required from the packer for that fiscal year; but whenever it is determined, without hearing, by the Administration that an establishment having the inspection service has been so damaged by any such calamity that operations must be suspended temporarily, but can be resumed before the end of the fiscal year then current, advance payments falling due after such calamity and before the month of resumption of operations shall be postponed until operations are resumed, and thereupon shall be paid in equal monthly installments during the period between the time of resumption of operations and June 1 of the fiscal year then current: *Provided*, That in the event of a determination described in this subparagraph the total payments and deposits made by the packer involved shall be charged with the cost of the service made available for the establishment without regard to the method provided hereinafter for computing charges against payments and deposits for shrimp received, and the balance of the total payments and deposits for shrimp received remaining after such charges shall be refunded by the Administration to the packer after the completion of the fiscal year.

(3) Each application for an extension inspection period of 1 month shall be accompanied by a payment of $600.00, and at subsequent monthly intervals thereafter additional payments of $600.00 shall be made; but if the final payment is to cover a period of less than 30 days, then such payment shall be at the rate of $20.00 for each day of such period.

(b) (1) In addition to the payments prescribed in paragraph (a) of this section, advance deposits based upon the quantity of shrimp received by the subscribing establishment shall be made to underwrite adequately the cost of the inspection service. Such deposits shall be paid in advance in amounts of not less than $300.00, unless the Administration on an estimate of receipt of shrimp authorizes other amounts, and shall be computed at the rate of 20 cents per 100 pounds of whole raw shrimp, or 35 cents per 100 pounds of raw headless shrimp, received by the plant. For the purposes of this section, the quantity of shrimp received by an establishment shall be determined by weighing on a suitable scale immediately after such shrimp leaves the initial inspection belt: *Provided, however*, That other arrangements for determining accurately the weight of shrimp received may be employed if approved in advance by the Administration. A record of such weights shall be maintained and made available to the inspector upon his request. Any advance deposits in excess of those required for actual shrimp received for the fiscal year (July 1 through June 30) shall be refunded to the packer by the Administration after the completion of the fiscal year.

(2) Deposits for shrimp received as computed under paragraph (b) (1) of this section, together with production deposits prescribed for oysters canned under § 85.28 (b) (1), shall be charged with the balance of the total cost of the inspection service that has not been provided for by the combined total payments under paragraph (a) of this section and § 85.28 (a), in the case of canned oysters. The balance of the deposits remaining for shrimp received after such charges have been made shall be refunded by the Administration to the packers after the completion of the fiscal year, in the ratio which each packer's deposits for shrimp received and production deposits for oysters canned bears to the combined total of such deposits for shrimp received and oysters canned by all packers for the fiscal year.

(3) When inspection service is withdrawn from an establishment as authorized under § 85.14 (a), the Administration shall not return to the packer any advance payments and/or deposits required to the date of withdrawal of the service. Such payments and/or deposits shall be charged with the cost of the service made available for the establishment, without regard to the method described in this section, and the balance which would have accrued to such packer shall remain to the credit of the Food and Drug Administration in the special account "Salaries and Expenses, Certification and Inspection Services."

(c) A separate fee shall be paid to cover all expenses, incurred in accordance with the regulations of the United States Government, for salary, travel, subsistence, and other purposes incident to inspection described under § 85.4 (b) of suppliers of any materials to establishments under the inspection service or for the purpose of issuing a certificate or warehousing or export permit on processed shrimp stored or held at any place other than an establishment to which a seafood inspector is then assigned.

(d) When the processing plant and the warehouse or cold storage plant of an establishment are located at different points of such distance apart that transportation between them is required for the inspector to perform his duties in the establishment, the packer shall furnish such transportation or shall pay a separate fee to cover all expenses therefor.

(e) All payments required by the regulations in this part shall be by bank draft or certified check, collectible at par, drawn to the order of the Treasurer, United States, and payable at Washington, D. C. All such drafts and checks, except those for the payment required by § 85.1 (a), shall be delivered to the inspector and promptly scheduled to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D. C., whereupon after appropriate records thereof have been made, they shall be transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasury Department, for deposit to the special account "Certification and Inspection Services, Food and Drug Administration."

(f) All refunds to the packers shall be by check drawn on the Treasury of the United States pursuant to refund vouchers duly certified and approved by the designated administrative officers.

§ 85.14 *Suspension and withdrawal of inspection service.* (a) The Administration may suspend and the Secretary may withdraw inspection service in any establishment:

(1) Upon failure of the packer to comply with any applicable provision of §§ 85.1 through 85.14; or

(2) Upon the dissemination by the packer or any person in privity with him of any representation that is false or misleading in any particular regarding the application to any seafood of the inspection service provided by the regulations in this part.

(b) When inspection service is suspended in an establishment, as authorized by paragraph (a) of this section, the Administration shall not lengthen the inspection period in such establishment to compensate for any of the time of suspension.

SUBPART B—INSPECTION OF CANNED OYSTERS

§ 85.16 *Application for inspection service.* (a) Applications for inspection service on canned oysters under the provisions of section 702a of the Federal Food, Drug, and Cosmetic Act shall be on forms supplied by the Food and Drug Administration, referred to in this subpart as the administration. No application for a regular inspection period filed with the Administration after September 1 preceding such period in any year shall be considered unless the applicant shows substantial cause for failure to file such application on or before September 1 of such year. The opening date of the canning season in each State shall be the date set by the State agency responsible for controlling the opening date of the canning season in that State. A separate application shall be made for each inspection period in each establishment for which the service is applied. Each application for a regular inspection period shall be accompanied by a payment of $600.00 as prescribed by § 85.28 (a) (1). Such deposit shall be paid in the manner prescribed by § 85.28 (e).

(b) For the purpose of §§ 85.16 through 85.29, an establishment is defined as a factory where oysters may be processed and warehouses under the control and direction of the packer where such canned oysters are stored.

§ 85.17 *Granting or refusing inspection service; cancellation of application.* (a) The Secretary of Health, Education, and Welfare may grant the inspection service applied for upon determining that the establishment covered by such application complies with the requirements of § 85.21.

(b) The Secretary may refuse to grant the inspection service at any establishment for cause. In case of refusal the applicant shall be notified of the reason therefor and shall have returned to him all advance payments and production deposits made, less any expenses incurred for preliminary inspection of the establishment, or for other purposes incident to such application.

(c) The applicant, by written notice to the Secretary, may withdraw his application for inspection service before an inspector is assigned to the establishment. In case of such withdrawal, the Secretary shall return to such applicant all advance payments and production deposits made, less any salary and other expense incurred incident to such application.

§ 85.18 *Inspection periods.* (a) The regular inspection period in each establishment in which inspection service under §§ 85.16 through 85.29 is granted consists of 4 consecutive months. The date of the beginning of such regular inspection period shall be regarded as the date, on or after October 1 but not later than March 1, specified for the beginning of the service in the application therefor, or such other date as may be specified by amendment to such application and approved; but if the Secretary is not prepared to begin the service on the specified date then the period shall start on the date on which service is begun.

(b) Extension inspection periods shall begin at the close of the preceding inspection period. Extension inspection periods may be granted for periods of 1 month and/or fractional parts of 1 month, but in no case less than 1 day. Extension inspection periods for 1 month may be granted in such establishment if application therefor, accompanied by a payment of $600.00, as prescribed by § 85.28 (a) (3), is made at least 2 weeks in advance of the close of such preceding inspection period. Applications for extension inspection periods for fractional parts of a month may be accepted when accompanied by the payment prescribed by § 85.28 (a) (3) for such extensions. No regular or extension inspection period shall extend beyond June 30 of any year.

(c) Upon request of the packer, and with the approval of the Administration, such service during any inspection period may be transferred from one establishment to another to be operated by the same packer; but such transfer shall not serve to lengthen any inspection period or to take the place of an extension inspection period. In case of such transfer the packer shall furnish all necessary transportation of inspectors.

(d) The inspection service shall be continuous throughout the inspection period.

§ 85.19 *Assignment of inspectors.* (a) An initial assignment of at least one inspector shall be made to each establishment in which inspection service under §§ 85.16 through 85.29 is granted. Thereafter, the Administration shall adjust the number of inspectors assigned to each establishment and tour of duty of each inspector to the requirements for continuous and efficient inspection.

(b) Any inspector of the Administration shall have free access at all times to all parts of the establishment and to all fishing and freight boats and other conveyances dredging oysters for or transporting oysters to such establishments.

§ 85.20 *Uninspected oysters excluded from inspected establishments.* (a) No establishment to which inspection service on canned oysters has been granted shall at any time thereafter can oysters that have not been so inspected, or handle or store in such establishment any canned oysters that have not been so inspected; but this paragraph shall not apply to an establishment after termination of inspection service therein, or withdrawal therefrom as authorized by § 85.29.

(b) All oysters delivered to or held in an inspected establishment may be subject to inspection, but certificates of inspection shall be issued under § 85.27 only on canned oysters.

§ 85.21 *General requirements for plant and equipment.* (a) All exterior openings of the cannery, including those of the shucking sheds, shall be ade-

quately screened, and roofs and exterior walls shall be tight. When necessary, fly traps, fans, blowers, or other approved insect-control devices shall be installed.

(b) Shucking sheds and packing rooms shall be separate, and fixtures and equipment shall be so constructed and arranged as to permit thorough cleaning. Such sheds and rooms shall be adequately lighted and ventilated, and the floors shall be tight and arranged for thorough cleaning and proper drainage. Open drains from shucking shed shall not enter packing room. If shucking shed and packing room are in separate buildings, such buildings shall be not more than 100 yards apart, unless adequate provisions are made to enable efficient inspection.

(c) All surfaces of washers, tanks, belts, tables, flumes, utensils, and other equipment with which unshucked or shucked oysters come in contact after delivery to the establishment shall be of metal or of other smooth nonporous and easily cleanable material, provided such materials are not lead or other toxic substances. Metal seams shall be smoothly soldered or smoothly welded. Shucking tables shall be so constructed as to preclude contamination of working surfaces or products thereon from foot traffic or wheelbarrows or other containers used in delivering steamed oysters to such tables.

(d) Adequate supplies of suitable detergents and sanitizing agents approved by the Administration; clean, unpolluted running water; and steam shall be provided for washing, cleaning, and otherwise maintaining the establishment in a sanitary condition.

(e) Adequate toilet facilities of sanitary type which comply fully with applicable State laws and local ordinances shall be provided.

(f) An adequate number of sanitary washbasins, with liquid or powdered soap, shall be provided in both the shucking shed and the packing room. Paper towels shall be provided in the packing room.

(g) Signs requiring employees handling oysters to wash their hands after each absence from post of duty shall be conspicuously posted in the shucking shed and packing room and elsewhere about the premises as conditions require.

(h) One or more suitable washing devices and one or more suitable inspection belts shall be installed for the washing and subsequent inspection of the oysters before delivery for steaming or other means of opening.

(i) If steam boxes are used for opening the oysters, they shall be provided with adequate steam inlets, exhausts, drains, a safety valve, and a pressure gauge.

(j) Suitable means shall be provided for removing shells and debris from shucking shed.

(k) One or more suitable devices shall be provided for removing shell and grit from shucked oysters, for washing such oysters, and for their subsequent drainage.

(l) One or more suitable inspection belts shall be installed for the inspection of shucked oysters.

(m) Equipment shall be provided for code-marking cans.

(n) An automatic container-counting device shall be installed in each cannery line.

(o) Each sterilizing retort shall be fitted with at least the following equipment:

(1) An automatic control for regulating temperatures.

(2) An indicating mercury thermometer of a range from 170° F. to 270° F., with scale divisions not greater than 2° F., installed either within a fitting attached to the shell of the retort or within the door or shell of the retort. If the thermometer is installed within a fitting, such fitting shall communicate with the chamber of the retort through an opening at least 1 inch in diameter. Such fitting shall be equipped with a bleeder at least ⅛-inch in diameter. If the thermometer is installed within the door or shell of the retort, the bulb shall project at least two-thirds of its length into the principal chamber.

(3) A recording thermometer of a range from 170° F. to 270° F., with scale divisions not greater than 2° F. The bulb of such thermometer shall be installed as prescribed for the indicating mercury thermometer. The case which houses the charts and recording mechanism shall be provided with an approved lock, all keys to which shall be in the sole custody of the inspector.

(4) A pressure gauge of a range from 0 to 30 pounds, with scale divisions not greater than 1 pound and diameter of not less than 5 inches. Such gauge shall be connected to the chamber of the retort by a short gooseneck tube. The gauge shall be not more than 4 inches higher than the gooseneck.

(5) A blow-off vent of at least ¾-inch inside diameter in the top of the retort.

(6) A ⅛-inch bleeder in top of the retort.

(p) Suitable space and facilities shall be provided for the inspector to prepare records and examine samples and for the safekeeping of records and equipment.

§ 85.22 *General operating conditions.* (a) The decks and holds of all boats tonging or dredging oysters for or transporting oysters to an inspected establishment, and the bodies of other conveyances so transporting oysters shall be kept in a sanitary condition. Such boats shall be equipped with adequate means for protecting the oysters against contamination with bilge water.

(b) Inspected establishments, freight boats, and other conveyances serving such establishments shall accept only live, clean, sound oysters taken from unpolluted areas. When necessary, ice or other suitable refrigeration shall be provided to prevent spoilage.

(c) After delivery of each load of oysters to the establishment, decks and holds of each boat and the body of each other conveyance or container making such delivery shall be washed down with clean, unpolluted water, and all debris shall be cleaned therefrom before such boat or other conveyance or container leaves the establishment premises.

(d) Before being steamed or opened by other means, the oysters shall be washed with clean, unpolluted water and then passed over the inspection belt and culled to remove dirty, muddy, dead, or decomposed oysters and extraneous material. Muddy oysters may be returned to the washer for rewashing.

(e) As often as is necessary to maintain sanitary conditions, unloading platforms and equipment shall be washed with clean, unpolluted water, and all debris shall be cleaned therefrom.

(f) Shells shall be removed from the shucking shed continuously.

(g) Offal, debris, or refuse from any source whatever shall not be allowed to accumulate in the cannery or, except for shells, about the premises. Shells shall not be allowed to accumulate about the premises in such a manner as to create a nuisance.

(h) The delivery of steamed oysters to shuckers by means of manually rolling, trundling, or wheelbarrowing such oysters on or above shucking tables will not be permitted.

(i) Shucking knives and shucking cups shall be thoroughly washed with soap and water and chlorinated before use each day. Chlorine solution shall be maintained at a strength of 200 parts per million.

(j) No shucked oysters shall be returned to shucker after delivery to the weigher. Shucking cups shall be cleaned and sanitized after each delivery to the weigher.

(k) Shucked oysters being transported from one building to another shall be properly covered and protected against contamination.

(l) The shucked oysters shall be washed, separated from the shell and grit by suitable devices, and then immediately drained. The time of washing shall not exceed the minimum time necessary for cleansing.

(m) From the time of delivery to the cannery up to the time of final processing, oysters shall be handled expeditiously and under such conditions as to prevent contamination or spoilage.

(n) The packer shall destroy for food purposes under the immediate supervision of the inspector all oysters in his possession condemned by the inspector as filthy, decomposed, putrid, or unfit for food. Oysters condemned on the boat or on the unloading platform shall not be taken into the cannery, but shall be either destroyed or returned to a bedding ground.

(o) All portions of the establishment shall be adequately lighted to enable the inspector to perform his duties properly.

(p) All floors and other parts of the establishment including unloading platforms, and all fixtures, equipment, and utensils shall be cleaned as often as may be necessary to maintain them in a sanitary condition.

(q) The packer shall require all employees handling oysters to wash their hands after each absence from post of duty and to observe other proper habits of cleanliness.

(r) The packer shall not knowingly employ in or about the establishment any person afflicted with an infectious or contagious disease or with any open sores on exposed portions of the body.

§ 85.23 *Code marking.* (a) Code marks shall be affixed to all cans and other immediate containers before they are placed in the processing retorts. Such marks shall show at least:

(1) The date of packing;

(2) The establishment where packed;

(3) The conveyance; and

(4) The size of the oysters when such oysters are graded for size.

(b) Keys to all code marks shall be given to the inspector.

(c) Each lot shall be stored separately pending final inspection, with a space of not less than 6 inches between stacks of each lot. For the purposes of the regulations in this part all cans or other containers bearing the same code marks shall be regarded as comprising a lot.

§ 85.24 *Processing.* (a) The closure of the can or other immediate container and the time and temperature of sterilizing the canned oysters shall be adequate to prevent bacterial spoilage.

(b) The following times and temperatures shall be the minimum employed for the containers indicated:

CANNED OYSTERS

Size	Initial temperature (°F.)	Time at 240° F.	Time at 250° F.
		Minutes	*Minutes*
211 x 212	70	24	14
211 x 300	130	23	13
211 x 306			
211 x 400	70	28	14
307 x 400	130	27	13
307 x 409			

For the purposes of this section, initial temperature is defined as the average temperature of the contents of the container at the moment steam is admitted to the sterilizing retort.

(c) The blow-off vent shall be open during the coming-up period until the mercury thermometer registers at least 215° F. Bleeders shall emit steam during the entire cooking period.

(d) The inspector shall identify each record on the thermometer chart with the code mark of the lot to which such record relates and the date of such record. The Administration shall keep such charts for at least 5 years, and upon request shall make them available to the packer.

(e) The packer shall keep for at least 1 year all shipping records covering shipments from each lot, and upon request shall furnish such records to any inspector of the Administration.

§ 85.25 *Examination after canning.* (a) Adequate samples shall be drawn by the inspector from each lot of canned oysters and shall be examined to determine whether or not such canned oysters conform to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder.

(b) The packer shall destroy for food purposes, under the immediate supervision of the inspector, all canned oysters condemned by the inspector as not complying with § 85.24, or as filthy, decomposed, putrid, or otherwise unfit for food.

§ 85.26 *Labeling.* (a) Labels on canned oysters packed and certified under §§ 85.16 through 85.29 may bear the mark "Production Supervised by the U. S. Food and Drug Administration." Such mark, if used, shall be plainly and conspicuously displayed, in type of uniform size and style, on a strongly contrasting, uniform background.

(b) Two proofs, or one proof and one photostat thereof, or eight specimens of all labeling intended for use on inspected canned oysters or on or within the cases therefor shall be submitted to the Administration for approval. If proofs or photostat and proof are submitted, eight specimens of the labeling shall be sent to the Administration after printing. The Administration is hereby authorized to approve labeling for use on canned oysters inspected under §§ 85.16 through 85.29. Approval shall be subject to the condition that such labeling shall be so used as to comply with the provisions of the Federal Food, Drug and Cosmetic Act, amendments thereto, and regulations thereunder. The Administration is also authorized to revoke any such approval for cause. The Administration shall not approve labeling for canned oysters intended for export under the provisions of § 85.27 (e).

(c) No commercial brand or brand name appearing on labeling approved as authorized under paragraph (b) of this section and bearing the mark described in paragraph (a) of this section, and no labeling simulating any such approved labeling, shall be used after such approval on canned oysters other than those that have been handled, prepared, and packed in compliance with all provisions of §§ 85.16 through 85.29; but this section shall not apply to any packer's labeling not bearing such mark after termination of inspection or withdrawal thereof as authorized by § 85.29 or to any distributor's labeling not bearing such mark after written notice by the owner thereof to the Administration that the use of such labeling on inspected canned oysters has been discontinued and will not be resumed.

(d) Canned-oyster labeling authorized by paragraph (a) of this section or approved under paragraph (b) of this section shall be used only as authorized by §§ 85.16 through 85.29. Unauthorized use of such labeling renders the user liable to the penalties prescribed by the Food, Drug, and Cosmetic Act, as amended.

§ 85.27 *Certificates of inspection; warehousing and export permits.* (a) After finding that the canned oysters comprising any parcel have been handled, prepared, and packed in compliance with all provisions of §§ 85.16 through 85.29; bear labeling approved as authorized under § 85.26 (b); and comply with all the provisions of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue a certificate showing that such canned oysters so comply. The certificate shall specify the code marks to which it applies, the quantity of the parcel so marked, the place where such parcel is stored, the size and kind of containers, the commercial brand name on the labels, the condition of the oysters if they are broken or if they are substandard in fill, and the destination of the lot, if known. Such certificate shall become void if such labeling is removed, altered, obliterated, or replaced; but such canned oysters may be relabeled under supervision of an inspector and recertified if the inspector finds that, after being relabeled, they comply with the requirements laid down by this paragraph for the issuance of a certificate.

(b) Unless covered by certificate, canned oysters shall be moved from an inspected establishment only for storage authorized under paragraph (c) of this section, or for export authorized under paragraph (e) of this section, or for destruction as provided by § 85.25 (b).

(c) Applications to move unlabeled canned oysters for storage in a warehouse elsewhere than in the establishment where such oysters were packed shall be on forms supplied by the Administration. The application shall give the name and location of the warehouse in which such canned oysters are to be stored, and shall be accompanied by an agreement signed by the operator of such warehouse that inspectors shall have free access at all times to all canned oysters so stored, and that conditions which will preserve the identity of each parcel of such canned oysters shall be continuously maintained pending issuance of a certificate thereon or removal as authorized by paragraph (d) of this section. If such application is approved and it appears to the inspector that the canned oysters comprising any parcel have been packed in compliance with §§ 85.16 through 85.29 and conform, except for the absence of labeling, to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue to the applicant, on his request, a warehousing permit covering such canned oysters. Such permit shall specify the code marks to which it applies, the quantity of the parcel so marked, the place from and to which such parcel is to be moved, the size of the oysters, the size and kind of containers, and the condition of the oysters if they are broken or if they are substandard in fill and, if such be the case, that they are intended for export under paragraph (e) of this section. When any provision of the agreement is violated, the Administration may revoke any permit issued pursuant to such agreement, and may also revoke its approval of the application for warehousing which accompanied such agreement.

(d) Unless covered by certificate, canned oysters stored under the authority of paragraph (c) of this section shall be moved from the warehouse where stored only for re-storage under such authority, or for return upon written permission of the inspector to the establishment where packed, or for export authorized under paragraph (e) of this section, or for destruction as provided by § 85.25 (b).

(e) An application to export canned oysters under the provisions of section 801 (d) of the act shall be accompanied by the original or a verified copy of the specifications of the foreign purchaser; if required by the Administration, evi-

dence showing that such canned oysters are not in conflict with the laws of the country to which they are intended for export; and, if shipment of labeled canned oysters is specified or directed, eight specimens of the labeling therefor. If canned oysters prepared or packed according to such specifications are not in conflict with the laws of such country, the Administration shall direct the inspector to issue to the applicant an export permit covering such canned oysters comprising any parcel ordered by such purchaser under such specifications, when the inspector finds that such canned oysters were packed in compliance with the requirements of §§ 85.16 through 85.29 regarding sanitary conditions and processing; are not filthy, decomposed, putrid, or otherwise unfit for food; accord to such specifications, and are labeled on the outside of the shipping package to show that they are intended for export. Such permit shall specify the code marks to which it applies and the quantity of the parcel so marked, and shall show that such canned oysters were packed under sanitary conditions, are wholesome, and accord to such specifications. The applicant shall furnish to the inspector documentary evidence showing the exportation of all such canned oysters.

§ 85.28 *Inspection fees.* (a) (1) Except as otherwise provided by the regulations in this part, an initial payment of $600.00 shall accompany each application; thereafter, three additional advance payments of $600.00 each shall be made, as follows: One payment on or before the date of the beginning of the regular inspection period specified in the application for inspection; the remaining two payments on or before the first day of each succeeding month, except that the Administration may require the full amount of all advance payments prescribed by this paragraph to accompany the application of an applicant who has defaulted in any payment due for any prior packing season: *Provided*, That a packer who is concurrently receiving inspection service and making payments under the regulations for the inspection of processed shrimp shall not make any additional payments under this subparagraph.

(2) Whenever it is determined, without hearing, by the Administration that an establishment having the inspection service has been damaged by wind, fire, flood, or other calamity to such an extent that packing operations cannot be resumed before the end of the fiscal year then current, no advance payments falling due after such calamity shall be required from the packer for that fiscal year; but whenever it is determined, without hearing, by the Administration that an establishment having the inspection service has been so damaged by any such calamity that operations must be suspended temporarily, but can be resumed before the end of the fiscal year then current, advance payments falling due after such calamity and before the month of resumption of operations shall be postponed until operations are resumed, and thereupon shall be paid in equal monthly installments during the period between the time of resumption of operations and June 1 of the fiscal year then current: *Provided*, That in the event of a determination described in this subparagraph the total payments and production deposits made by the packer involved shall be charged with the cost of the service made available for the establishment, without regard to the method provided hereinafter for computing charges against payments and production deposits, and the balance of the total payments and deposits remaining after such charges shall be refunded by the Administration to the packer after the completion of the fiscal year.

(3) Each application for an extension inspection period of 1 month shall be accompanied by a payment of $600.00, and at subsequent monthly intervals thereafter additional payments of $600.00 shall be made; but if the final payment is to cover a period of less than 30 days, then such payment shall be at the rate of $20.00 for each day of such period.

(b) (1) In addition to the payments prescribed in paragraph (a) of this section, advance deposits based upon the quantity of oysters canned by the subscribing establishment shall be made to underwrite adequately the cost of the inspection service. Such deposits shall be paid in advance in amounts of not less than $300.00, unless the Administration on an estimate of production authorizes other amounts, and shall be computed at the rate of 15 cents for each case of 48 cans, size 211 x 300. Any advance production deposits in excess of those required for actual oysters canned for the fiscal year (July 1 through June 30) shall be refunded to the packers by the Administration after the completion of the fiscal year.

(2) Production deposits as computed under subparagraph (1) of this paragraph, together with deposits for shrimp received as prescribed under § 85.13 (b) (1), in the case of processed shrimp, shall be charged with the balance of the total cost of the inspection service which has not been provided for by the combined total payments under paragraph (a) of this section and paragraph (a) of § 85.13, in the case of processed shrimp. The balance of the production deposits remaining after such charges have been made shall be refunded by the Administration to the packers after the completion of the fiscal year in the ratio which each packer's production deposits for oysters canned and deposits for shrimp received bears to the combined total of such deposits for oysters canned and shrimp received by all packers for the fiscal year.

(3) When inspection service is withdrawn from an establishment as authorized under § 85.29 (a), the Administration shall not return to the packer any advance payments and/or deposits required to the date of withdrawal of the service. Such payments and/or deposits shall be charged with the cost of the service made available for the establishment, without regard to the method described in this section, and the balance that would have accrued to such packer shall remain to the credit of the Food and Drug Administration in the special account "Salaries and Expenses, Certification and Inspection Services."

(c) A separate fee shall be paid to cover all expenses incurred in accordance with the regulations of the United States Government, for salary, travel, subsistence, and for other purposes incident to inspection for the purpose of issuing a certificate or warehousing or export permit on canned oysters stored or held at any place other than an establishment to which a seafood inspector is then assigned.

(d) When the cannery and the cannery warehouse of an establishment are located at different points of such distance apart that transportation between them is required for the inspector to perform his duties in the establishment, the packer shall furnish such transportation or shall pay a separate fee to cover all expenses therefor.

(e) All payments required by the regulations in this part shall be by bank draft or certified check, collectible at par, drawn to the order of the Treasurer, United States, and payable at Washington, D. C. All such drafts and checks, except those for the payment required by § 85.16 (a), shall be delivered to the inspector and promptly scheduled to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D. C., whereupon after appropriate records thereof have been made they shall be transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasury Department, for deposit to the special account "Certification and Inspection Services, Food and Drug Administration."

(f) All refunds to packers shall be by check drawn on the Treasury of the United States pursuant to refund vouchers duly certified and approved by the designated administrative officers.

§ 85.29 *Suspension and withdrawal of inspection service.* (a) The Administration may suspend and the Secretary may withdraw inspection service in any establishment upon failure of the packer to comply with any applicable provision of §§ 85.16 through 85.29 or upon the dissemination by the packer or any person in privity with him of any representation that is false or misleading in any particular regarding the application to any seafood of the inspection service provided by the regulations in this part.

(b) When inspection service is suspended in an establishment, as authorized by paragraph (a) of this section, the Administration shall not lengthen the inspection period in such establishment to compensate for any of the time of suspension.

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

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AUTHORITY: §§ 120.1 to 120.119 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 511; 21 U. S. C. 346a.

DEFINITIONS, INTERPRETATIONS, AND EXEMPTIONS

§ 120.1 *Definitions and interpretations.* (a) Secretary, without qualification, means the Secretary of Health, Education, and Welfare.

(b) Department, without qualification, means the Department of Health, Education, and Welfare.

(c) Commissioner means the Commissioner of Food and Drugs.

(d) Pesticide Branch means the unit established within the Food and Drug Administration charged with administration of the Pesticide Residue amendment to the Federal Food, Drug, and Cosmetic Act (section 408).

(e) Raw agricultural commodities include, among other things, fresh fruits, whether or not they have been washed and colored or otherwise treated in their unpeeled natural form; vegetables in their raw or natural state, whether or not they have been stripped of their outer leaves, waxed, prepared into fresh green salads, etc.; grains, nuts, eggs, raw milk, meats, and similar agricultural produce. It does not include foods that have been processed, fabricated, or manufactured by cooking, freezing, dehydrating, or milling.

(f) Where raw agricultural commodities bearing residues that have been exempted from the requirement of a tolerance, or which are within a tolerance permitted under section 408 are used, the processed foods will not be considered unsafe within the meaning of section 406 if:

(1) The poisonous or deleterious pesticide residues have been removed to the extent possible in good manufacturing practice; and

(2) The concentration of the pesticide in the preserved or processed food when ready to eat is not greater than the tolerance permitted on the raw agricultural commodity.

§ 120.2 *Pesticide chemicals considered unsafe.* (a) In general, pesticide chemicals are not generally recognized as safe for use, for the purpose of section 408 (a), except sulfur, lime, and lime-sulfur.

(b) Upon written request, the Pesticide Branch will advise interested persons whether a pesticide chemical should be considered as poisonous or deleterious, or one not generally recognized by qualified experts as safe.

(c) The training and experience necessary to qualify experts to evaluate the safety of pesticide chemicals for the purposes of section 408 (a) are essentially the same as training and experience necessary to qualify experts to serve on advisory committees prescribed by section 408 (g). (See § 120.11.)

§ 120.3 *Tolerances for related pesticide chemicals.* (a) Pesticide chemicals that cause related pharmacological effects will be regarded, in the absence of evidence to the contrary, as having an additive deleterious action. (For example, pesticide chemicals within each of the following groups have related pharmacological effects: Many chlorinated hydrocarbons, arsenic-containing chemicals, metallic dithiocarbamates, many organic phosphates.)

(b) Tolerances established for such related pesticide chemicals may limit the amount of a common component (such as As_2O_3) that may be present, or may limit the amount of biological activity (such as cholinesterase inhibition) that may be present, or may limit the total amount of related pesticide chemicals (such as chlorinated hydrocarbons) that may be present.

§ 120.4 *Certification of usefulness and residue estimate.* The time period for the Department's consideration of a petition will not begin to run until the Secretary of Agriculture certifies that the pesticide chemical involved is useful and gives an opinion whether the tolerance proposed by the petitioner reasonably reflects the amount of residue likely to result when the pesticide chemical is used in the manner proposed. The tolerance thereafter established ordinarily will not exceed that figure which the Secretary of Agriculture states, in his opinion, reasonably reflects the amounts of residue likely to result.

§ 120.5 *Zero tolerances.* A zero tolerance means that no amount of the pesticide chemical may remain on the raw agricultural commodity when it is offered for shipment. A zero tolerance for a pesticide chemical in or on a raw agricultural commodity may be established because, among other reasons:

(a) A safe level of the pesticide chemical in the diet of two different species of warm-blooded animals has not been reliably determined.

(b) The chemical is carcinogenic to or has other alarming physiological effects upon one or more of the species of the test animals used, when fed in the diet of such animals.

(c) The pesticide chemical is toxic, but is normally used at times when, or in such manner that, fruit, vegetables, or other raw agricultural commodities will not bear or contain it.

(d) All residue of the pesticide chemical is normally removed through good agricultural practice such as washing or brushing or through weathering or other changes in the chemical itself, prior to introduction of the raw agricultural commodity into interstate commerce.

§ 120.6 *Exemptions from the requirement of a tolerance.* (a) An exemption from a tolerance shall be granted when it appears that the total quantity of the pesticide chemical in or on all raw agricultural commodities for which it is useful under conditions of use currently prevailing or proposed will involve no hazard to the public health.

(b) When applied to growing crops, in accordance with good agricultural practice, the following pesticide chemicals are exempt from the requirement of a tolerance:

(1) The following copper compounds: Bordeaux mixture, copper acetate, basic copper carbonate (malachite), copper-lime mixtures, copper oxychloride, copper silicate, copper sulfate basic, copper-zinc chromate, cuprous oxide.

(2) *N*-Octylbicyclo-(2,2,1)-5-heptene-2,3-dicarboximide).

(3) Petroleum oils.

(4) Piperonyl butoxide.

(5) Piperonyl cyclonene.

(6) *N*-Propyl isome.

(7) Pyrethrum and pyrethrins.

(8) Rotenone or derris or cube roots.

(9) Ryania.

(10) Sabadilla.

These pesticides are not exempted from the requirement of a tolerance when applied to a crop at the time of or after harvest.

PROCEDURE FOR FILING PETITIONS

§ 120.7 *Petitions proposing tolerances or exemptions for pesticide residues in or on raw agricultural commodities.* (a) Petitions to be filed with the Department under the provisions of section 408 (d) shall be submitted in duplicate to the Pesticide Branch. If any part of the material submitted is in a foreign language, it shall be accompanied by an accurate and complete English translation. The petition shall be accompanied by an advance deposit for fees described in § 120.33. The petition shall state petitioner's mail address to which notice of objection under section 408 (d) (5) may be sent.

(b) Petitions shall include the following data and be submitted in the following form:

_____
(Date)

Pesticide Branch,
Food and Drug Administration,
Department of Health, Education, and Welfare,
Washington 25, D. C.

Dear Sirs:

The undersigned, _____, submits this petition pursuant to section 408 (d) (1) of the Federal Food, Drug, and Cosmetic Act with respect to the pesticide chemical _____.

Attached hereto, in duplicate and constituting a part of this petition, are the following:

A. The name, chemical identity, and composition of the pesticide chemical. (If the pesticide chemical is an ingredient of an economic poison, the complete quantitative formula of the resulting economic poison should be submitted. The submission of this information does not restrict the application of any tolerance or exemption granted to the specific formula(s) submitted.)

B. The amount, frequency, and time of application of the pesticide chemical.

C. Full reports of investigations made with respect to the safety of the pesticide chemical. (These reports should include, where necessary, detailed data derived from appropriate animal or other biological experiments in which the methods used and the results obtained are clearly set forth.)

D. The results of tests on the amount of residue remaining, including a description of the analytical method used. (Sufficient information should be submitted about the analytical method to permit competent investigators to apply it successfully.)

E. Practicable methods for removing residue that exceeds any proposed tolerance.

F. Proposed tolerances for the pesticide chemical if tolerances are proposed.

G. Reasonable grounds in support of the petition.

Enclosed is (money order, bank draft, or certified check) for $_____, payable to the Food and Drug Administration to cover clerical operations, initial administrative review, and the cost incurred in considering the petition after it has been filed.

Very truly yours,

_____
(Petitioner)

Per _____
_____
(Indicate authority)

Mail address _____

This petition must be signed by the petitioner or by his attorney or agent, or (if a corporation) by an authorized official.

The data specified under the several lettered headings should be on separate sheets or sets of sheets, suitably identified. If such data have already been submitted with an earlier application, the present petition may incorporate it by reference to the earlier one.

The petitioner will be notified of the date on which his petition is filed.

ALL PETITIONS SHOULD BE SUBMITTED IN DUPLICATE. A SINGLE COPY WILL NOT BE ACCEPTED FOR FILING

(c) Except as noted in paragraph (d) of this section, a petition shall not be accepted for filing if any of the data prescribed by section 408 (d) are lacking or are not set forth so as to be readily understood. Data in a petition entitled to protection as a trade secret will be held confidential and not revealed unless it is necessary to do so in administrative or judicial proceedings under section 408.

(d) The Pesticide Branch shall notify the petitioner within 15 days after its receipt of acceptance or nonacceptance of a petition, and if not accepted the reasons therefor. Copy of the notice shall be sent to the Plant Pest Control Branch, Agricultural Research Service, Department of Agriculture. If accepted, the date of notification becomes the date of filing for the purposes of section 408 (d) (1). If petitioner desires, he may supplement a deficient petition after notification as to deficiencies. Each supplement shall be accompanied by a deposit of fees as specified in § 120.33 (e). If the supplementary material or explanation of petition is deemed acceptable, petitioner shall be notified, and date of such notification becomes the date of filing. If the petitioner does not wish to supplement or explain the petition and requests in writing that it be filed as submitted, the petition shall be filed and the petitioner so notified. The date of such notification becomes the date of filing. The Commissioner shall publish in the FEDERAL REGISTER within 30 days a notice of filing, name of petitioner, and a brief outline of the petition, including description of analytical method or reference to a publication in which it appears, if such publication is generally available.

(e) The Pesticide Branch may request a sample of the pesticide chemical at any time while a petition is under consideration. The Pesticide Branch shall specify in its request for a sample of the pesticide chemical, a quantity which it deems adequate to permit tests of analytical methods used to determine residues of the pesticide chemical and of methods proposed by the petitioner for removing any residues of the chemical that exceed the tolerance proposed. The date used for computing the 90-day limit for the purposes of section 408 (d) (2) shall be moved forward 1 day for each day in excess of 15 from the mailing date of the request taken by the petitioner to submit the sample. If the sample is not submitted within 180 days after mailing date of the request, the petition will be considered withdrawn without prejudice.

(f) The date of receipt from the Secretary of Agriculture of certification as to usefulness shall be the date used for computing the 90-day limit for the purposes of section 408 (d) (2).

(g) Unless the petition is referred to an advisory committee, the Commissioner shall publish in the FEDERAL REGISTER within 90 days after receipt of the certification of usefulness, a regulation establishing a tolerance for residues of the pesticide chemical or exempting such residues from the necessity of a tolerance, as provided in section 408 (d) (2) of the act.

§ 120.8 *Withdrawal of petitions without prejudice.* In some cases the Pesticide Branch or an advisory committee to which the petition has been referred will notify the petitioner that the petition, while technically complete, is inadequate to justify the establishment of a tolerance or the tolerance requested by petitioner. This may be due to the fact that the data are not sufficiently clear or complete. In such cases, the petitioner may withdraw the petition pending its clarification or the obtaining of additional data. This withdrawal may be without prejudice to a future filing. Upon refiling, the time limitation will begin to run anew from the date of refiling or the date of receipt of certification from the Secretary of Agriculture, whichever is later. A deposit for fees as specified in § 120.33 (f) shall accompany the resubmission of the petition.

§ 120.9 *Substantive amendments to petitions.* After a petition has been filed or referred to an advisory committee, the petitioner may submit additional information or data in support thereof, but in such cases the petition will be given a new filing date or a new initial date of consideration by the advisory committee, and the time limitation will begin to run anew. The additional data shall be accompanied by a deposit of fees as specified in § 120.33 (g).

ADVISORY COMMITTEES

§ 120.10 *Referral of petition to advisory committee.* (a) If within the prescribed period a person filing a petition requests that the petition be referred to an advisory committee, he shall make such request in writing to the Commissioner and forward with such request an advance deposit for fees prescribed by § 120.33 (i) (3).

(b) If further advance deposits are not made upon request of the Commissioner, as provided for in § 120.33 (i) (3), the request for referral of the petition to an advisory committee shall be considered withdrawn, and a tolerance shall be established within 90 days of the date on which the Commissioner requested the further advance deposit.

(c) In case the Commissioner on his own initiative deems it necessary to refer a petition to an advisory committee, he shall, in writing, so inform the person filing the petition.

§ 120.11 *Appointment of advisory committee.* (a) Whenever the referral of a petition or proposal to an advisory committee is requested or the Commissioner otherwise deems such referral necessary, the Commissioner will request the National Academy of Sciences to select qualified experts, including at least one representative from land-grant colleges, willing to serve on the advisory committee. All such experts shall have had sufficient training and experience in biology, medicine, physiology, toxicology, pharmacology, veterinary medicine, or other appropriate science to evaluate the safety of pesticide chemicals. The Commissioner will request the National Academy of Sciences, when it furnishes the names of such experts, to supply a biographical sketch showing the background of their experience and their connection, if any, with academic and commercial institutions.

(b) Each advisory committee shall consist of not less than three experts, at least one of whom is a representative from a land-grant college. The Commissioner may specify a larger number to serve. He shall appoint one member of the committee as chairman, and the chairman shall be the spokesman of the committee for receiving and forwarding reports, and other functions of the committee.

(c) The Commissioner shall appoint the experts so selected and fix their compensation at not to exceed $50.00 per day for each day or part thereof spent in committee meetings and in traveling to and from committee meetings held outside the city of their residence, plus necessary traveling and subsistence expenses while the experts are serving away from their places of residence. Subsistence expenses shall not exceed $25.00 per day.

§ 120.12 *Procedure for advisory committee.* (a) The Commissioner shall submit to the chairman of the committee the petition for tolerances, together with certification by the Secretary of Agriculture and such other relevant, reliable information as may be available. When the Commissioner submits a proposal to an advisory committee, he shall inform the petitioner and furnish him with copies of material other than the petition and certification that is furnished the committee. The chairman of the committee shall acknowledge receipt of the information and readiness of the committee to act. The date of receipt of such information shall be considered the beginning of the period allowed for consideration by the committee. Copy of this acknowledgment shall be forwarded to the petitioner by the chairman of the committee.

(b) A secretariat to advisory committees will be established by the Commissioner. The secretariat shall furnish members of the committee with copies of the proposal or petition, certification from the Secretary of Agriculture, and any data received by the chairman. If the chairman of the committee believes that a meeting of the committee is necessary before making a recommendation, he shall so advise the Commissioner. Such meetings shall be held in Washington, D. C., or such other place as the Commissioner may designate. The Commissioner shall furnish a suitable meeting place for the committee. If a meeting is held, the secretariat shall keep the minutes and provide clerical assistance.

(c) As soon as practicable, but not later than 60 days after receipt of proposal or petition (unless the time has been extended as provided in paragraph (d) of this section), the chairman shall certify to the Commissioner the report of the committee, including any minority report, and shall return the petition for tolerances and the certification by the Secretary of Agriculture. The report will include copies of all relevant material considered by the committee, except that in the case of scientific literature readily available in scientific libraries proper reference may be made to it instead of furnishing actual copies. The report of the advisory committee shall be available for inspection by any interested person after a tolerance or exemption resulting from the petition is published.

(d) If at any time within 60 days, the chairman believes that the advisory committee needs more time, he shall so inform the Commissioner in writing, in which case he shall make the certification contemplated by section 408 (d) (3) of the act within the additional 30 days.

(e) The date of receipt of the committee report will be the date for computing time for the Commissioner to act for the purposes of both sections 408 (d) (3) and (e).

(f) The chairman of the committee, after consultation with the committee members, will inform the National Academy of Sciences of the committee's opinion as to the member who may best represent the committee at a hearing, if one occurs.

(g) More than one petition or proposal may be handled by a committee concurrently.

(h) Persons authorized under section 408 (h) to discuss proposals or petitions with the committee shall notify the chairman and if practicable make appointments through him. The report of the committee shall show the names of persons other than committee members discussing proposals or petitions with the committee. Except for discussions with authorized persons the committee shall not disclose data originating with a petitioner prior to publication of a regulation.

PROCEDURE FOR FILING OBJECTIONS AND HOLDING A PUBLIC HEARING

§ 120.13 *Objections to regulations and requests for hearings.* (a) Objections under section 408 (d) (5) shall be submitted in quintuplicate to the hearing clerk of the Department and shall be accompanied by a filing fee as specified in § 120.33 (h). Each objection to a provision of the regulation shall be separately numbered.

(b) A statement of objections shall not be accepted for filing if:

(1) It fails to establish that the objector is adversely affected by the regulation; or

(2) It does not specify with particularity the provisions of the regulation to which objection is taken; or

(3) It does not state reasonable grounds for each objection raised. Grounds which it is reasonable to conclude are capable of being established by reliable evidence at the hearing and which if proved would call for changing the provisions specified in the objections will be deemed reasonable grounds.

(c) If the statement of objections may not be filed, the Commissioner shall inform the objector of the reasons.

(d) If objections to a regulation issued pursuant to a petition are filed by a person other than the petitioner, the Food and Drug Administration shall send a copy of the objections by registered mail, return receipt requested, to the petitioner at the address given in the petition. Petitioner shall have 2 weeks from the date of receipt of the objections to make written reply.

§ 120.14 *Public hearing; notice.* If the objections and statements filed by any person, when they are considered with the record in the proceeding (including any reply to the objections that the petitioner may have filed) show that the person filing the objections is adversely affected and that the grounds stated in support of the objections are reasonable, the Commissioner shall cause to be published in the FEDERAL REGISTER a notice reciting the objections and announcing a public hearing to receive evidence on them. The notice shall designate the place where the hearing will be held, specify the time within which appearances must be filed, and specify the time (not earlier than 30 days after the date of the notice) when the hearing will start. The hearing shall convene at the place and time announced in the notice but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without other notice than announcement thereof by the presiding officer at the hearing.

§ 120.15 *Presiding officer.* The hearing shall be conducted by a presiding officer, who shall be a hearing examiner appointed as provided in the Administrative Procedure Act and designated by the Commissioner for conducting the hearing. Any such designation may be made or revoked by the Commissioner at any time. Hearings shall be conducted in an informal but orderly manner in ac-

cordance with these regulations and the requirements of the Administrative Procedure Act. The presiding officer shall have the power to administer oaths and affirmations; to request the member of an advisory committee designated as provided by section 408 (d) (5) to testify with respect to the report and recommendations of the committee; to rule upon offers of proof and admissibility of evidence; to receive relevant evidence; to examine witnesses; to regulate the course of the hearing; to hold conferences for the simplification of the issues, and to dispose of procedural requests; but he shall not have power to decide any motion that involves final determination of the merits of the proceeding.

§ 120.16 *Parties; burden of proof; appearances.* At the hearing, the person whose objections raised the issues to be determined shall be, within the meaning of section 7 (c) of the Administrative Procedure Act, the proponent of the order sought, and accordingly shall have the burden of proof. Any interested person shall be given an opportunity to appear at the hearing, either in person or by his authorized representative, and to be heard with respect to matters relevant to the issues raised by the objections. Any interested person who desires to be heard at the hearing in person or through a representative shall, within the time specified in the notice of hearing, file with the presiding officer a written notice of appearance setting forth his name, address, and employment. If such person desires to be heard through a representative, such person or such representative shall file with the presiding officer a written appearance setting forth the name, address, and employment of such person. Any person or representative shall state with particularity in the appearance his interest in the proceedings and shall set forth the specific provisions of the regulations concerning which objections have been made on which such person desires to be heard. The appearance shall also set forth with particularity the position to be taken concerning the objections on which he wishes to be heard. No person shall be heard if he failed to file his appearance within the time prescribed in the absence of a clear showing of good cause why the appearance was not filed. All present at the hearing shall conform to all reasonable standards of orderly and ethical conduct.

§ 120.17 *Prehearing and other conferences.* (a) The presiding officer, on his own motion, or on the motion of any party or his representative, may direct all parties or their representatives to appear at a specified time and place for a conference to consider:

(1) The simplification of the issues.

(2) The possibility of obtaining stipulations, admissions of facts and documents.

(3) The limitation of the number of expert witnesses.

(4) The scheduling of witnesses to be called.

(5) The advance submission of all documentary evidence.

(6) Such other matters as may aid in the disposition of the proceeding.

The presiding officer shall make an order which recites the action taken at the conference, the agreements made by the parties or their representatives, and the schedule of witnesses, and which limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(b) The presiding officer may also direct all parties and their representatives to appear at conferences at any time during the hearing with a view to simplification, clarification, or shortening of the hearing.

§ 120.18 *Submission of documentary evidence in advance.* (a) All documentary evidence to be offered at the hearing shall be submitted to the presiding officer and to the parties sufficiently in advance of the offer of such documentary evidence for introduction into the record to permit study and preparation of cross-examination and rebuttal evidence.

(b) The presiding officer, after consultation with the parties at a conference called in accordance with § 120.17, shall make an order specifying the time at which documentary evidence shall be submitted. He shall also specify in his order the time within which objection to the authenticity of such documents must be made to comply with paragraph (d) of this section.

(c) Documentary evidence not submitted in advance in accordance with the requirements of paragraphs (a) and (b) of this section shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner.

(d) The authenticity of all documents submitted in advance shall be deemed admitted unless written objection thereto is filed with the presiding officer upon notice to the other parties within the time specified by the presiding officer in accordance with paragraph (b) of this section, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

§ 120.19 *Excerpts from documentary evidence.* When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the presiding officer and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document should be made available for examination and for use by opposing counsel for purposes of cross-examination.

§ 120.20 *Submission and receipt of evidence.* (a) Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) When necessary to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify, the repetitious examination and cross-examination of witnesses, or the amount of corroborative or cumulative evidence.

(c) The presiding officer shall admit only evidence which is relevant, material, and not unduly repetitious.

(d) Opinion evidence shall be admitted when the presiding officer is satisfied that the witness is properly qualified.

(e) The presiding officer shall file as exhibits the FEDERAL REGISTER promulgating the regulation to which objections were taken and any report, recommendations, underlying data, and reasons that were certified to the Secretary by an advisory committee pursuant to section 408 (d) (3). The report, recommendations, underlying data, and reasons shall be subject to section 7 (c) of the Administrative Procedure Act. All documents constituting the record accumulated up to the start of the hearing shall be open for inspection by interested persons during office hours in the office of the hearing clerk of the Department.

(f) The member of an advisory committee, if any, designated to testify, or any member requested to testify by the petitioner, the Department, or the presiding officer, or who upon his own initiative requests to be heard, shall appear and testify with respect to the report, recommendations, underlying data, and reasons of the committee. The designated member shall receive per diem and travel and subsistence expenses when incurred, as though he were attending a meeting of the advisory committee.

(g) If any person objects to the admission or rejection of any evidence or to other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, and the transcript shall not include extended argument or debate thereon except as ordered by the presiding officer. A ruling of the presiding officer on any such objection shall be a part of the transcript, together with such offer of proof as has been made.

§ 120.21 *Transcript of the testimony.* Testimony given at a hearing shall be reported verbatim. All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall be marked for identification and, upon a showing satisfactory to the presiding officer of their authenticity, relevancy, and materiality, shall be received in evidence subject to the Administrative Procedure Act (sec. 7 (c), 60 Stat. 238; 5 U. S. C. 1006 (c)). Exhibits shall, if practicable, be submitted in quintuplicate. In case the required number of copies are not made available, the presiding officer shall exercise his discretion as to whether said exhibit shall be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. Where the testimony of a witness refers to a statute or to a report or document, the presiding officer shall, after inquiry relating to the identification of such statute, report, or document, determine whether the same shall be produced at the hearing and physically be made a part of the evidence by reference.

Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial and irrelevant matter, such immaterial and irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

§ 120.22 *Oral and written arguments.* (a) Unless the presiding officer issues an announcement at the hearing authorizing oral argument before him, it shall not be permitted.

(b) The presiding officer shall announce at the hearing a reasonable period within which interested persons may file written arguments based solely upon the evidence received at the hearing, citing the pages of the transcript of the testimony or properly identified exhibits where such evidence occurs.

§ 120.23 *Indexing of record.* (a) Whenever it appears to the presiding officer that the record of hearing will be of such length that an index to the record will permit a more orderly presentation of the evidence and reduce delay, the presiding officer shall require counsel for the parties to prepare a daily topical index which will be available to the presiding officer and all parties. Preparation of such an index shall be apportioned among all counsel present in such manner as appears just and proper in the circumstances.

(b) The index should include each topic of testimony upon which evidence is taken, the name of each witness testifying upon the topic, the page of the record at which each portion of his testimony appeared, and the number of each exhibit relating to the topic. The index should also contain the name of each witness, followed by the topics upon which he testified and the page of the record at which such testimony appears.

§ 120.24 *Certification of record.* At the close of the hearing, the presiding officer shall afford interested persons a short time (not longer than 1 week, except in unusual cases) in which to point out errors that may have been made in transcribing the testimony. The presiding officer shall promptly thereafter order such corrections made as in his judgment are required to make the transcript conform to the testimony, and he shall certify the transcript of testimony and the exhibits to the Comsioner.

§ 120.25 *Filing the record of the hearing.* As soon as practicable after the close of the hearing, the complete record of the hearing shall be filed in the office of the Hearing Clerk. The record shall include the transcript of the testimony, and exhibits, and any written arguments that may have been filed.

§ 120.26 *Copies of the record of the hearing.* The Department will make provisions for a stenographic record of the testimony and for such copies of the transcript thereof as it requires for its own purposes. Any person desiring a copy of the record of the hearing or of any part thereof shall be entitled to the same upon payment of the costs thereof.

§ 120.27 *Proposed order.* As soon as practicable after the time for filing written arguments has ended the Commissioner shall prepare and cause to be published in the FEDERAL REGISTER a proposed order which shall incorporate findings of fact, recommend decisions on the objections which were the subject of the hearing and tentative regulations. The proposed order shall specify a reasonable time, ordinarily not to exceed 30 days, within which any interested person may file exceptions. The exceptions shall point out with particularity the alleged errors in said proposed order and shall contain a specific reference to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied by a memorandum brief.

§ 120.28 *Final order.* As soon as practicable after the time for filing exceptions has passed, the record and the exceptions shall be presented to the Secretary and he shall cause to be published in the FEDEARL REGISTER his final order promulgating the regulation.

ADOPTION OF TOLERANCE ON INITIATIVE OF SECRETARY OR ON REQUEST OF INTERESTED PERSONS; JUDICIAL REVIEW; TEMPORARY TOLERANCES; AMENDMENT AND REFEAL OF TOLERANCES; FEES

§ 120.29 *Adoption of tolerance on initiative of Secretary or on request of an interested person.* (a) Upon the request of an interested person (other than a person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. 135)) furnishing reasonable grounds therefor, and upon advance deposit to cover fees as prescribed in § 120.33, the Commissioner may propose the issuance of a regulation establishing a tolerance for a pesticide chemical or exempting it from the necessity of a tolerance. Reasonable grounds shall include an explanation showing wherein the person has a substantial interest in such a tolerance or exemption from tolerance; information, if available, as to why registrant of the pesticide chemical under the Federal Insecticide, Fungicide, and Rodenticide Act has not petitioned for a tolerance or exemption from a tolerance; and adequate data on subjects outlined in clauses (A), (B), (C), (D), (E), and (F) of section 408 (d) (1) of the Federal Food, Drug, and Cosmetic Act. If the Commissioner concludes upon studying the request that it does not warrant a proposal for the issuance of a regulation, he shall so inform the person making the request and state the reasons for his decision.

(b) The notice of the proposal shall show whether it is made on the initiative of the Commissioner or at the request of an interested person, naming such person.

(c) If within 30 days after publication of the proposal a person who has registered, or who has submitted an application for registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the pesticide chemical named in the proposal, requests in writing that the proposal be referred to an advisory committee and makes advance deposit as provided by § 120.33 (i) (3), the Commissioner shall appoint a committee as provided in § 120.11 and refer the proposal and relevant data to such committee. The Department and the committee shall proceed as prescribed in section 408 and this part.

(d) If further advance deposits are not made upon request of the Commissioner, as provided in § 120.33 (i) (3), the request for referral of the petition to an advisory committee shall be considered withdrawn, and a tolerance shall be established within 90 days from the date on which the Commissioner requested the further advance deposit.

§ 120.30 *Judicial review.* (a) The Secretary of Health, Education, and Welfare hereby designates the Assistant General Counsel for Food and Drugs of the Department of Health, Education, and Welfare as the officer upon whom copy of petition for judicial review shall be served. Such officer shall be responsible for filing in the court a transcript of proceedings and the record on which the order of the Secretary of Health, Education, and Welfare is based. The transcript and record shall be certified by the Secretary.

(b) Before forwarding the transcript and record to the court the Department shall advise the petitioner of costs of preparing it and as soon as payment to cover fees is made shall forward the transcript of proceeding and record to the court.

§ 120.31 *Temporary tolerances.* (a) A temporary tolerance (or exemption from a tolerance) established under authority of section 408 (j) of the act shall be deemed to be a tolerance (or exemption from the requirement of a tolerance) for the purposes of section 408 (a) (1), or (2) of the act.

(b) (1) A request for a temporary tolerance or a temporary exemption from a tolerance by a person who has obtained an experimental permit for a pesticide chemical under the Federal Insecticide, Fungicide, and Rodenticide Act shall be accompanied by a copy of such experimental permit, such data as are available on subjects outlined in clauses (A), (B), (C), (D), (E), (F) and (G) of section 408 (d) (1), and an advance deposit to cover fees as provided in § 120.33 (d).

(2) Before an experimental permit has been obtained, the Pesticide Branch upon request of the Department of Agriculture or a person who proposes to apply for an experimental permit will consider available data and discuss its adequacy for the purpose of justifying a tolerance or exemption from a tolerance.

(c) A notice of the issuance of a temporary tolerance outlining any restrictions as to use of the chemical imposed under the experimental permit under the Federal Insecticide, Fungicide, and Rodenticide Act may be published in the FEDERAL REGISTER if the Commissioner deems such publication desirable.

(d) A temporary tolerance or exemption from a tolerance may be issued for a period designed to allow the orderly marketing of the raw agricultural commodities produced while testing a pesticide chemical under an experimental permit issued under authority of the Federal Insecticide, Fungicide, and Ro-

denticide Act when the Commissioner concludes that the public health can be adequately protected during such marketing. A temporary tolerance or exemption from a tolerance may be revoked if the experimental permit is revoked, or may be revoked at any time if it develops that the application for a temporary tolerance contains a misstatement of a material fact or that new scientific data or experience with the pesticide chemical indicates that it may be hazardous to the public health.

§ 120.32 *Procedure for amending and repealing tolerances or exemptions from tolerances.* (a) The Commissioner on his own initiative or on request from an interested person furnishing reasonable grounds therefor, may propose the issuance of a regulation amending or repealing a tolerance for a pesticide chemical on raw agricultural commodities or granting or repealing an exemption from tolerance for such chemical. Requests for such amendment or repeal shall be made in writing and accompanied by an advance deposit to cover fees as provided in § 120.33 (d).

(b) Reasonable grounds shall include an explanation showing wherein the person has a substantial interest in such tolerance or exemption from tolerance and an assertion of facts (supported by data if available) showing that new uses for the pesticide chemical have been developed or old uses abandoned, that new data are available as to toxicity of the chemical, or that experience with the application of the tolerance or exemption from tolerance may justify its amendment or repeal. Evidence that a person has registered or has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act will be regarded as evidence that he has a substantial interest in a tolerance or exemption from the requirement of a tolerance for a pesticide chemical that consists in whole or in part of the economic poison. New data should be furnished in the form specified in § 120.7 (b) for submitting petitions.

(c) The notice announcing the proposal to amend or repeal a regulation shall show whether the proposal was made on the initiative of the Commissioner or at the request of an interested person, naming such person. From this point the proceedings shall be the same as prescribed by section 408 (e), beginning with the second sentence of that paragraph, and the regulations applicable to section 408 (d), (e), (f), and (g).

§ 120.33 *Fees.* (a) Except as noted in paragraphs (b) and (c) of this section, each petition or request for the establishment of a tolerance shall be accompanied by a deposit of $1,000, plus $100 for each raw agricultural commodity more than nine on which the establishment of a tolerance is requested.

(b) Except as noted in paragraph (c) of this section, a petition requesting two or more numerical tolerance levels shall be accompanied by a deposit of $1,500, plus $100 for each raw agricultural commodity more than 14 on which the establishment of a tolerance is requested.

(c) Each petition or request for the establishment of a tolerance at a lower numerical level or levels than a tolerance already established for the same pesticide chemical, or for the establishment of a tolerance on additional raw agricultural commodities at the same numerical level as a tolerance already established for the same pesticide chemical, shall be accompanied by a deposit of $100, plus $100 for each raw agricultural commodity on which a tolerance is requested.

(d) Each petition or request for an exemption or a temporary exemption from the requirement of a tolerance, a temporary tolerance, or the amendment or repeal of a tolerance or exemption shall be accompanied by a deposit of $1,000, unless it meets the requirements of subparagraph (1) or (2) of this paragraph.

(1) Such deposit is not required when, in connection with the change sought under this paragraph, a petition or request is filed for the establishment of new tolerances to take the place of those sought to be amended or repealed and a deposit is made as required by paragraph (a) or (b) of this section.

(2) A request for a temporary tolerance for a pesticide chemical which has a tolerance for other uses at the same numerical level shall be accompanied by a deposit of $100 for clerical handling and initial administrative review, plus $100 for each raw agricultural commodity on which the temporary tolerance is sought.

(e) If a petition or a request proposing the issuance of a regulation is not accepted for filing or processing because it is technically incomplete, the deposit, less a $100 fee for clerical handling and initial administrative review, shall be returned unless the petitioner indicates that he wishes to submit a supplement, in which case the deposit will be held by the Commissioner, and the supplement shall be accompanied by a nonreturnable fee of $100.

(f) When a petition is withdrawn after filing and resubmitted within 6 months, it shall be accompanied by a deposit of $300, or by a deposit equal to the one originally submitted, whichever is smaller. If resubmitted after 6 months, it shall be accompanied by the deposit that would be required if it were being submitted for the first time.

(g) After a petition has been filed, any additional information or data submitted in support of it (i. e., any substantive amendment) shall be accompanied by a deposit of $300 or by a deposit equal to the one originally submitted, whichever is smaller.

(h) Objections under section 408 (d) (5) of the act shall be accompanied by a filing fee of $250.00.

(i) (1) In the event of a referral of a petition or proposal under this section to an advisory committee, the costs shall be borne by the person who requests the referral of the data to the advisory committee.

(2) Cost of the advisory committee, including expenses of the secretariat, will not exceed $75.00 per member per day plus cost of duplicating documents referred to the committee, plus necessary traveling and subsistence expenses of the members while they are serving away from their places of residence.

(3) An advance deposit shall be made in the amount of $2,500 to cover the costs. Further advance deposits of $2,500 each shall be made upon request of the Commissioner when necessary to prevent arrears in the payment of such costs. Any deposits in excess of actual expenses will be refunded to the depositor.

(j) The person who files a petition for judicial review of an order under section 408 (d) (5) or (e) of the act shall pay the costs of preparing a transcript of the proceedings and the record on which the order is based.

(k) All deposits and fees required by the regulations in this part shall be paid by money order, bank draft, or certified check drawn to the order of the Food and Drug Administration, collectible at par at Washington, D. C. All deposits and fees shall be forwarded to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington 25, D. C., whereupon after making appropriate record thereof they will be transmitted to the Treasurer of the United States, for deposit to the special account "Certification and Inspection Services, Food and Drug Administration."

(l) The Commissioner may waive or refund such fees in whole or in part when in his judgment such action will promote the public interest.

(m) Any person who believes that payment of these fees will work a hardship on him may petition the Commissioner to waive or refund the fees.

TOLERANCES FOR RESIDUES

§ 120.101 *Specific tolerances for pesticide residues in or on fresh fruits and vegetables.* (a) (1) This section designates the poisonous or deleterious substances that, for the purposes of section 406 of the Federal Food, Drug, and Cosmetic Act, are found to be required in the production of the fresh fruits or vegetables named in paragraph (e) of this section. The tolerances established for such substances apply only to residues resulting from their application prior to harvest. A tolerance in terms of parts by weight for the poisonous or deleterious substance, or poisonous or deleterious residue resulting from its addition, to 1 million parts by weight of the fruit or vegetable is set forth after the name of each of the required substances.

(2) For the purposes of this section, the following substances are not considered as poisonous or deleterious substances: Sulfur, lime, lime-sulfur.

(b) The poisonous and deleterious substances for which tolerances are established by this section are named by their common names wherever practicable, otherwise by their chemical names or by names assigned to them by the United States Department of Agriculture. For the purposes of this section, the substances for which common, group, or Department of Agriculture names are used are as follows:

Name	*Refers to*—
Aldrin	A product consisting of 95 percent of the compound 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-dimethanonaphthalene and 5 percent chlorinated hydrocarbons.
Chlordane	1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-4,7-methanoindene.
DDT	A product consisting of a complex mixture of 1,1,1-trichloro-2,2-bis (parachlorophenyl) ethane and 1,1,1,-trichloro-2-(orthochlorophenyl)-2-(parachlorophenyl) ethane.
Dieldrin	1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4,5,8-dimethanonaphthalene.
EPN	O-ethyl O-paranitrophenyl benezene thiophosphonate.
Ferbam	Ferric dimethyl dithiocarbamate.
Fluorine compounds	Cryolite, synthetic cryolite (sodium aluminum fluoride).
Heptachlor	1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene.
Lindane	The gamma isomer of benzene hexachloride.
Methoxychlor	2,2-bis(paramethoxyphenyl)-1,1,1-trichloroethane.
Nicotine compounds	Nicotine sulfate and other salts of nicotine; nicotine as the alkaloid.
Parathion	O,O-diethyl-O-paranitrophenyl thiophosphate.
TDE	1,1-dichloro-2,2-bis(parachlorophenyl) ethane.
TEPP	Tetraethyl pyrophosphate.
Toxaphene	Chlorinated camphene.
Zineb	Zinc ethylene bisdithiocarbamate.
Ziram	Zinc dimethyl dithiocarbamate.

(c) (1) Where a tolerance is established by this section for parathion, the methyl homologue of parathion may replace all or part of the parathion permitted by such tolerance.

(2) For the purposes of this section, where a tolerance of 5 parts per million for benzene hexachloride is set, it shall be deemed applicable to commercial benzene hexachloride, which is a mixture of several isomers. If the gamma isomer, known as lindane, is used exclusively of other isomers, the tolerance shall be 10 parts per million.

(3) For the purposes of this section, where a tolerance is established for more than one pesticide containing arsenic, found on a fruit or vegetable, the total amount of such pesticides shall not yield amount of 3.5 parts per million of As_2O_3 more than 3.5 parts per million of As_2O_3 on the fruit or vegetable to which added.

(4) For the purposes of this section, in those cases where the same numerical tolerance is established for more than one metallic dithiocarbamate (ferbam, ziram, or zineb) on a raw agricultural commodity, the total amount of metallic dithiocarbamate residues on such commodity, when calculated as zinc ethylenebisdithiocarbamate, shall not exceed the tolerance established for metallic dithiocarbamate.

(5) For the purposes of this section:

(i) The following compounds are members of the class of chlorinated hydrocarbons:

Aldrin.
Benzene hexachloride.
Chlordane.
Chlorinated camphene (toxaphene).
Chlorobenzilate (ethyl 4,4'-dichlorobenzilate.
DDD (TDE or Rhothane).
DDT.
2,4-Dichlorophenoxy acetic acid.
Dieldrin.
Heptachlor.
Lindane.
Methoxychlor.
SBS (sodium 2,4-dichlorophenoxyethyl sulfate).
Sulphenone (*p*-chlorophenyl phenyl sulfone).

(ii) The following compounds are members of the class of organic phosphates:

EPN
Malathion.
Methyl homologue of parathion (Metacide).
Parathion.
Systox (O,O-diethyl-2-ethylmercaptoethyl) thlosphate, a mixture of the thiono and thiol isomers).

(iii) The following compounds are members of the class of dinitro compounds: Dinitro-O-cyclohexylphenol; dinitro-O-cyclohexylamine salt of dinitro-O-cyclohexylphenol.

(iv) Except as noted in subdivisions (v) and (vi) of this subparagraph, where residues from two or more chemicals in the same class are present on a fruit or vegetable the tolerance for the total of such residues shall be the same as that for the chemicals having the lowest numerical tolerance in this class.

(v) Where residues from two or more chemicals in the same class are present in a fruit or vegetable and there are available methods that permit quantitative determination of each residue, the quantity of combined residues that are within the tolerance may be determined as follows:

(*a*) Determine the quantity of each residue present.

(*b*) Divide the quantity of each residue by the tolerance that would apply if it occurred alone, and multiply by 100 to determine the percentage of the permitted amount of residue present.

(*c*) Add the percentages so obtained for all residues present.

(*d*) The sum of the percentages shall not exceed 100 percent.

(vi) Where residues from two or more chemicals in the same class are present on a fruit or vegetable and there are available methods that permit quantitative determination of one or more, but not all, of the residues, the amounts of such residues as may be determinable shall be deducted from the total amount of residues present and the remainder shall have the same tolerance as that for the chemical having the lowest numerical tolerance in that class. The quantity of combined residues that are within the tolerance may be determined as follows:

(*a*) Determine the quantity of each determinable residue present.

(*b*) Deduct the amounts of such residues from the total amount of residue present and consider the remainder to have the same tolerance as that for the chemical having the lowest numerical tolerance in that class.

(*c*) Divide the quantity of each determinable residue by the tolerance that would apply if it occurred alone and the quantity of the remaining residue by the tolerance for the chemical having the lowest numerical tolerance in that class and multiply by 100 to determine the percentage of the permitted amount of residue present.

(*d*) Add the percentages so obtained for all residues present.

(*e*) The sum of the percentages shall not exceed 100 percent.

(vii) Residues of the following poisonous or deleterious substances should not remain on fruits or vegetables as prepared for market:

Calcium cyanide.
Dinitro-O-sec. butylphenol.
Dinitro-O-cresol.
Hexaethyl tetraphosphate.
Tetraethyl pyrophosphate.
Hydrocyanic acid.
Mercury-containing compounds.
Selenium and selenium compounds.

(e) Each subparagraph of this paragraph lists, under the names of the fresh fruits and vegetables specified, the substances found to be required in their production and the tolerances for the residues of these substances remaining in or on such fresh fruits or vegetables. The abbreviation "p. p. m." means parts per million.

FRUITS

Pesticide	*Tolerance*
(1) *Apples, pears, and quinces.*	
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
2,4-Dichlorophenoxy acetic acid	5 p. p. m.
Dicyclohexylamine salt of dinitro-O-cyclohexylphenol.	1 p. p. m.
Dieldrin	0.1 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
2-Heptadecyl glyoxalidine	5 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Naphthalene acetic acid	1 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.

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FRUITS—continued

(1) *Apples, pears, and quinces*—Continued

Pesticide	Tolerance
Phenothiazine	7 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(2) *Apricots.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-*O*-cyclohexylphenol.	1 p. p. m.
Dieldrin	0.1 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(3) *Avocados.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.

(4) *Blackberries.* For tolerances established for pesticide residues on blackberries, see subparagraph (27) of this paragraph.

(5) *Blueberries (huckleberries).*

Pesticide	Tolerance
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Ziram	7 p. p. m.

(6) *Cherries.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-*O*-cyclohexylphenol.	1 p. p. m.
Dieldrin	0.1 p. p. m.
EPN	3 p. p. m.

FRUITS—continued

(6) *Cherries*—Continued

Pesticide	Tolerance
Ferbam	7 p. p. m.
2-Heptadecyl glyoxalidine	5 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(7) *Citrus fruits (grapefruit, lemons, limes, oranges, tangerines).*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
2,4,Dichlorophenoxy acetic acid	5 p. p. m.
Dicyclohexylamine salt of dinitro-*O*-cyclohexylphenol.	1 p. p. m.
Dinitro-*O*-cyclohexylphenol	1 p. p. m.
EPN	3 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	1 p. p. m. of combined lead.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Tartar emetic	3.5 p. p. m. of combined antimony trioxide.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.

(8) *Cranberries.*

Pesticide	Tolerance
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(9) *Currants.*

Pesticide	Tolerance
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Zineb	7 p. p. m.

(10) *Dates.*

Pesticide	Tolerance
Ferbam	7 p. p. m.
Parathion	1 p. p. m.

(11) *Figs.*

Pesticide	Tolerance
Parathion	1 p. p. m.

FRUITS—continued

(12) *Gooseberries.*

Pesticide	Tolerance
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(13) *Grapefruit.* For tolerances established for pesticide residues on grapefruit, see subparagraph (7) of this paragraph.

(14) *Grapes.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-*O*-cyclohexylphenol.	1 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Sodium arsenate	3.5 p. p. m. of combined As_2O_3.
Tartar emetic	3.5 p. p. m. of combined antimony trioxide.
TDE	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(15) *Guavas.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Parathion	1 p. p. m.
Zineb	7 p. p. m.

(16) *Lemons.* For tolerances established for pesticide residues on lemons, see subparagraph (7) of this paragraph.

(17) *Loganberries.* For tolerances established for pesticide residues on loganberries, see subparagraph (27) of this paragraph.

(18) *Mangoes.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Parathion	1 p. p. m.

(19) *Nectarines.* For tolerances established for pesticide residues on nectarines, see subparagraph (22) of this paragraph.

(20) *Oranges.* For tolerances established for pesticide residues on oranges, see subparagraph (7) of this paragraph.

(21) *Papayas.*

Pesticide	Tolerance
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.

FRUITS—continued

(22) *Peaches and nectarines.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-*O*-cyclohexylphenol.	1 p. p. m.
Dieldrin	0.1 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(23) *Pears.* For tolerances established for pesticide residues on pears, see subparagraph (1) of this paragraph.

(24) *Pinapples.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
EPN	3 p. p. m.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.

(25) *Plums (fresh prunes).*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-*O*-cyclohexylphenol.	1 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Zineb	7 p. p. m.

(26) *Quinces.* For tolerances established for pesticide residues on quinces, see subparagraph (1) of this paragraph.

(27) *Raspberries, blackberries, loganberries, and related berries.*

Pesticide	Tolerance
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-*O*-cyclohexylphenol.	1 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.

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FRUITS—continued

(27) *Raspberries, blackberries, loganberries, and related berries*—Continued

Pesticide	Tolerance
2-Heptadecyl glyoxalidine	5 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(28) *Rhubarb.*

Pesticide	Tolerance
DDT	7 p. p. m.

(29) *Strawberries.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-*O*-cyclohexylphenol.	1 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.

(30) *Tangerines.* For tolerances established for pesticide residues on tangerines, see subparagraph (7) of this paragraph.

VEGETABLES

(31) *Artichokes.*

Pesticide	Tolerance
DDT	7 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.

(32) *Asparagus.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.

(33) *Beans, green beans, snap beans, lima beans, and black-eyed peas.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-*O*-cyclohexylphenol.	1 p. p. m.

VEGETABLES—continued

(33) *Beans, green beans, snap beans, lima beans, and black-eyed peas*—Continued

Pesticide	Tolerance
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Magnesium arsenate	3.5 p. p. m. of combined As_2O_3.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(34) *Beets (with or without tops) or beet greens alone.*

Pesticide	Tolerance
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(35) *Black-eyed peas.* For tolerances established for pesticide residues on black-eyed peas, see subparagraph (33) of this paragraph.

(36) *Broccoli.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(37) *Brussels sprouts.* For tolerances established for pesticide residues on brussels sprouts, see subparagraph (38) of this paragraph.

(38) *Cabbage, brussels sprouts, kohlrabi, cauliflower.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
Copper arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

VEGETABLES—continued

(39) *Carrots (with or without tops) or carrot tops.*

Pesticide	Tolerance
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
Copper arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(40) *Cauliflower.* For tolerances established for pesticide residues on cauliflower, see subparagraph (38) of this paragraph.

(41) *Celery.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-*O*-cyclohexylphenol.	1 p. p. m.
Ferbam	7 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(42) *Collards.* For tolerances established for pesticide residues on collards, see subparagraph (47) of this paragraph.

(43) *Corn.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.

(44) *Cucumbers.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.

VEGETABLES—continued

(44) *Cucumbers*—Continued

Pesticide	Tolerance
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(45) *Eggplants.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(46) *Endive and escarole.*

Pesticide	Tolerance
DDT	7 p. p. m.
Parathion	1 p. p. m.
Zineb	7 p. p. m.

(47) *Kale and collards.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(48) *Kohlrabi.* For tolerances established for pesticide residues on kohlrabi, see subparagraph (38) of this paragraph.

(49) *Lettuce.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

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VEGETABLES—continued

(50) *Lima beans.* For tolerances established for pesticide residues on lima beans, see subparagraph (33) of this paragraph.

(51) *Melons, including cantaloupes, muskmelons, watermelons, and other melons.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(52) *Mushrooms.*

Pesticide	Tolerance
DDT	7 p. p. m.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.

(53) *Mustard greens.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Zineb	7 p. p. m.

(54) *Okra.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Toxaphene	7 p. p. m.

(55) *Onions.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
Dieldrin	0.1 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Tartar emetic	3.5 p. p. m. of combined antimony trioxide.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(56) *Parsley.*

Pesticide	Tolerance
Nicotine-containing compounds	2 p. p. m. of nicotine.
Zineb	7 p. p. m.

VEGETABLES—continued

(57) *Parsnips (with or without tops) or parsnip greens alone.*

Pesticide	Tolerance
DDT	7 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.

(58) *Peanuts.*

Pesticide	Tolerance
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Parathion	1 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(59) *Peas.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(60) *Peppers.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(61) *Potatoes.* Tolerances are not needed for those pesticides applied only to the foliage of potatoes and that are not translocated to the tubers.

Pesticide	Tolerance
Aldrin	0.1 p. p. m.
Chlordane	0.3 p. p. m.
Heptachlor	0.1 p. p. m.

(62) *Pumpkins.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.

VEGETABLES—continued

(62) *Pumpkins*—Continued

Pesticide	Tolerance
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(63) *Radishes (with or without tops) or radish tops.*

Pesticide	Tolerance
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(64) *Rutabagas (with or without tops) or rutabaga tops.* For tolerances established for pesticide residues on rutabagas, see subparagraph (71) of this paragraph.

(65) *Salsify.*

Pesticide	Tolerance
Zineb	7 p. p. m.

(66) *Spinach.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(67) *Squash, summer squash.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(68) *Sweetpotatoes.* Tolerances are not needed for those pesticides applied only to foliage of sweetpotatoes and which are not translocated to the tubers.

Pesticide	Tolerance
Aldrin	0.1 p. p. m.

VEGETABLES—continued

(69) *Swiss chard.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Zineb	7 p. p. m.

(70) *Tomatoes.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
Copper arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined flourine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(71) *Turnips or rutabagas (with or without tops) or turnip greens or rutabaga tops.*

Pesticide	Tolerance
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined flourine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(f) In accordance with section 408 (k) of the Federal Food, Drug, and Cosmetic Act, these tolerances shall be deemed also tolerances under section 408.

§ 120.102 *Tolerances for residues of SES (sodium 2,4-dichlorophenoxyethyl sulfate).* The following tolerances are established for residues of SES (sodium 2,4-dichlorophenoxyethyl sulfate) in or on the raw agricultural commodities indicated:

(a) 6 parts per million in or on potatoes, peanuts, peanut hulls, peanut hay.

(b) 2 parts per million in or on asparagus, strawberries.

§ 120.103 *Tolerance for residues of captan.* A tolerance of 20 parts per million is established for residues of captan (*N*-trichloromethyl mercapto-4-cyclohexene-1,2-dicarboximide) in or on the raw agricultural commodities apples, apricots, cantaloups, cherries, cucumbers, eggplant, grapefruit, grapes, lemons, limes, mangoes, nectarines, oranges, peaches, pears, peppers, pineapple, plums, prunes, pumpkin, quinces, summer squash, strawberries, tangerines, tomatoes, watermelon, winter squash.

§ 120.104 *Extended tolerance for residues of heptachlor (1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene).* The tolerance of 0.1 part per million for residues of heptachlor (§ 120.101 (e) (61); 20 F. R. 1507) is extended to include the following raw agricultural commodities: Alfalfa, clover,

sweet clover; beets (including sugar beets;) cabbage, brussels sprouts, kohlrabi, cauliflower; corn; cotton; pasture and range grass; onions; peanuts; sugarcane; sweetpotatoes; turnips with tops and rutabagas (yellow turnips) without tops.

§ 120.105 *Tolerance for residues of Systox (O,O-diethyl-(2-ethylmercaptoethyl) thiophosphate, a mixture of the thiono and thiol isomers).* A tolerance of 0.75 part per million for residues of Systox (O,O-diethyl-(2-ethylmercaptoethyl) thiophosphate — a mixture of the thiono and thiol isomers) and derived anticholinesterase products as determined by in vitro cholinesterase inhibition of pooled human plasma, using technical Systox as a standard (this standard effects 50-percent inhibition of pooled human plasma cholinesterase at a concentration of 0.3±0.025 part per million in water as a medium) is established in or on the following raw agricultural commodities: Apples, broccoli, brussels sprouts, cabbage, cauliflower, muskmelons, oranges, pears, potatoes, strawberries, and walnuts.

§ 120.106 *Tolerance for residues of 3-(3,4-dichlorophenyl) 1,1-dimethylurea.* A tolerance of 1.0 part per million for residues of 3-(3,4-dichlorophenyl) 1,1-dimethylurea is established in or on the following raw agricultural commodities: Cottonseed, pineapple, and sugarcane.

§ 120.107 *Tolerances for residues of Aramite.* (a) A tolerance of 1 part per million is established for residues of Aramite (2-(*p-tert*-butylphenoxy)-isopropyl-2-chloroethyl sulfite) on the raw agricultural commodities apples, blueberries, cantaloups, celery, cucumbers, grapefruit, grapes, green beans, lemons, muskmelons, oranges, peaches, pears, plums, raspberries, strawberries, sweet corn (kernels) but not forage thereof, tomatoes, watermelons.

(b) A tolerance of zero is established for residues of Aramite in or on the raw agricultural commodities alfalfa and soybeans (whole plant).

§ 120.108 *Tolerance for residues of 3-(p-chlorophenyl)-1,1-dimethylurea.* A tolerance of 1 part per million for residues of 3-(*p*-chlorophenyl)-1,1-dimethylurea is established in or on the following raw agricultural commodities: Asparagus, cottonseed, onions (dry bulbs only), pineapple, spinach, sugarcane.

§ 120.109 *Tolerances for residues of Chlorobenzilate (ethyl 4,4'-dichlorobenzilate).* A tolerance of 5 parts per million is established for residues of Chlorobenzilate (ethyl 4,4'-dichlorobenzilate) in or on each of the following raw agricultural commodities: Apples, cantaloups, lemons, oranges, and pears.

§ 120.110 *Tolerances for residues of maneb (manganese ethylenebisdithiocarbamate).* Tolerances for residues of maneb (manganese ethylenebisdithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, are established as follows:

(a) 7 parts per million in or on apples, beans, carrots (with or without tops) or carrot tops, celery, cranberries, cucumbers, eggplant, figs, grapes, melons, onions, peaches, peppers, spinach, summer squash, tomatoes, and winter squash.

(b) 0.1 part per million in or on almonds and potatoes.

§ 120.111 *Tolerances for residues of malathion.* A tolerance of 8 parts per million is established for residues of malathion (*O,O*-dimethyl dithiophosphate of diethyl mercaptosuccinate) in or on the following raw agricultural commodities: Alfalfa, apples, apricots, avocados, beans, beets (including tops), blueberries, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, clover, cranberries, cucumbers, dates, eggplants, grapes, kale, lettuce, mangoes, melons, mustard greens, onions (including green onions), passion fruit, peaches, peas, pears, peppers, pineapples, plums, potatoes, prunes, rutabagas, spinach, squash (both summer and winter squash), strawberries, tomatoes, turnips (including tops).

§ 120.112 *Tolerances for residues of Sulphenone (p-chlorophenyl phenyl sulfone).* A tolerance of 8 parts per million for residues of Sulphenone (*p*-chlorophenyl phenyl sulfone) is established in or on each of the following raw agricultural commodities: Apples, peaches, pears.

§ 120.113 *Exemption from the requirement of a tolerance for residues of allethrin.* (a) Allethrin (allyl homolog of cinerin I) is exempted from the requirement of a tolerance for residues when used before harvest in the production of beans, broccoli, brussels sprouts, cabbage, cauliflower, collards, horseradish, kale, kohlrabi, lettuce, mushrooms, mustard greens, radish, rutabagas, turnips.

(b) Allethrin is not exempted from the requirement of a tolerance when used at time of or after harvest.

§ 120.114 *Tolerance for residues of ferbam.* A tolerance of 0.1 part per million is established for residues of ferbam (ferric dimethyldithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, in or on almonds.

§ 120.115 *Tolerance for residues of zineb.* A tolerance of 7 parts per million is established for residues of zineb (zinc ethylenebisdithiocarbamate) in or on mushrooms.

§ 120.116 *Tolerances for residues of ziram.* (a) A tolerance of 7 parts per million is established for residues of ziram (zinc dimethyldithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, in or on strawberries.

(b) A tolerance of 0.1 part per million is established for residues of ziram (zinc dimethyldithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, in or on almonds and pecans.

§ 120.117 *Tolerance for residues of chloretetracycline.* A tolerance of 7 parts per million is established for residues of chloretetracycline in or on uncooked poultry. This tolerance level shall not be exceeded in any part of the poultry.

§ 120.118 *Tolerances for residues of Phygon (dichlone or 2,3-dichloro-1,4-naphthoquinone).* A tolerance of 3 parts per million is established for residues of Phygon (dichlone or 2,3-dichloro-1,4-naphthoquinone) in or on each of the following raw agricultural commodities: Celery, tomatoes.

§ 120.119 *Tolerances for residues of EPN (O-ethyl-O-p-nitrophenyl benzene thiophosphonate.* Tolerances for residues of EPN (O-ethyl-O-*p*-nitrophenyl benzene thiophosphonate) are established as follows:

(1) 3 parts per million in or on grapes, olives, sugar beets (but not sugar beet tops), tomatoes.

(2) 0.5 part per million in or on almonds, cottonseed, pecans, walnuts.

PART 125—LABEL STATEMENTS CONCERNING DIETARY PROPERTIES OF FOOD PURPORTING TO BE OR REPRESENTED FOR SPECIAL DIETARY USES

Sec.

125.1 Definitions and interpretations of terms.
125.2 General label statements.
125.3 Label statements relating to vitamins.
125.4 Label statements relating to minerals.
125.5 Label statements relating to infant food.
125.6 Label statements relating to certain food used in control of body weight or in dietary management with respect to disease.
125.7 Label statements relating to nonnutritive constituents.
125.8 Label statements relating to hypoallergenic food.
125.9 Label statements relating to certain foods used as a means of regulating the intake of sodium in dietary management.

AUTHORITY: §§ 125.1 to 125.9 issued under sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a). Interpret or apply sec. 403 (j), 52 Stat. 1047; 21 U. S. C. 343 (j).

§ 125.1 *Definitions and interpretations of terms.* (a) The definitions and interpretations of terms contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable also to such terms when used in the regulations in this part.

(b) Any requirement of the regulations in this part with respect to the quantity of vitamin A means the biologically measured activity of vitamin A and its precursors; but if any such precursor is sold as such or is added to a food the label shall designate such precursor by its common or usual name and not as vitamin A.

(c) Specification in the regulations in this part of a quantity of any vitamin, mineral, or other dietary property as a minimum daily requirement shall not be construed as a determination that such quantity is sufficient for the treatment of any disease resulting from a deficiency in such vitamin, mineral, or other property.

(d) For the purposes of the regulations in this part, the terms "infant," "child," and "adult" mean persons not more than 12 months old, more than 12 months but less than 12 years old, and 12 years or more old, respectively.

§ 125.2 *General label statements.* (a) If a food (including food to which any one or more of §§ 125.3 to 125.8, inclusive, is applicable) purports to be or is represented for any special dietary use by man, its label shall bear a statement of the dietary properties upon which such use is based in whole or in part. Such statement shall show the presence or absence of any substance, any alteration of the quantity or character of any constituent, and any other dietary property of such food upon which such use is so based.

(b) If a food (including food to which any one or more of §§ 125.3 to 125.8, inclusive, is applicable) purports to be or is represented for special dietary use by reason of its use for treating any disease resulting from a dietary deficiency in man, its label shall bear, in addition to the information required under paragraph (a) of this section, adequate directions for such use.

§ 125.3 *Label statements relating to vitamins.* (a) (1) If a food purports to be or is represented for special dietary use by man by reason of its vitamin property in respect of:

Vitamin A or its precursors,
Vitamin B_1 (thiamine),
Vitamin C (ascorbic acid),
Vitamin D, or
Riboflavin (vitamin B_2, vitamin G),

the label (except as provided in this paragraph, with respect to cow's milk and evaporated milk, and unless the exemption under subparagraph (3) of this paragraph applies) shall bear a statement of the proportion of the minimum daily requirement for such vitamin supplied by such food when consumed in a specified quantity during a period of one day. If such purported or represented special dietary use is for persons within two or more age groups for which minimum daily requirements are set forth in paragraph (b), such statement shall include such proportion for each such group; but if such use is for persons irrespective of age groups, such statement may be limited to the proportion of the minimum daily requirement set forth in paragraph (b) of this section for an adult. The quantity specified as above required shall be the quantity customarily or usually consumed during a period of one day, or a quantity reasonably suitable for and practicable of consumption within such period. When such proportion is a whole number and a fraction it may be expressed as the whole number and the fraction may be disregarded. The foregoing requirements of this paragraph shall not apply to cow's milk and evaporated milk which purport to be or are represented for special dietary use by reason of their content of vitamin D; but in the case of cow's milk in which the vitamin D content has been increased by any means, and in the case of evaporated milk with increased vitamin D content as prescribed in the definition and standard of identity for evaporated milk (§ 18.520 of this chapter), the label shall bear a statement of the number of U. S. P. units in a specified quantity of such milk or evaporated milk. In the case of cow's milk in which the vitamin D content is increased to less than 135 U. S. P. units to each quart, the label shall also bear a statement that additional vitamin D should be supplied from other sources.

(2) If a food purports to be or is represented for special dietary use by man by reason of its vitamin property in respect of any vitamin not listed in subparagraph (1) of this paragraph, the label shall bear a statement of the quantity of such vitamin in a specified quantity of such food. The quantity of food specified as required by this section, shall be the quantity customarily or usually consumed during a period of one day, or a quantity reasonably suitable for and practicable of consumption within such period. If the need in human nutrition for such vitamin has not been established, the label shall also bear the statement "The need for -------- in human nutrition has not been established," the blank to be filled in with the name of such vitamin.

(3) If a food purports to be or is represented for special dietary use by man by reason of its vitamin property, and any such use is for treating any disease resulting from a dietary deficiency of any vitamin, the label shall bear a statement of the quantity of such vitamin in a specified quantity of such food. If the represented special dietary use of such food is solely for treating any such disease, such food shall be exempt from the labeling requirements of subparagraphs (1) and (2) of this paragraph when otherwise applicable.

(4) Compliance with the provisions of subparagraphs (2) and (3) of this paragraph shall not be construed as relieving any food which purports to be or is represented for special dietary use by reason of its vitamin property from the application of section 403 (a) and 201 (n) of the act, as in the case where the need for such vitamin in human nutrition is not substantially supported by the opinion of experts qualified by scientific training and experience to determine such needs.

(b) For the purposes of the regulations in this section the following are minimum daily requirements:

(1) For vitamin A, 1,500 U. S. P. units for an infant, 3,000 U. S. P. units for a child, 4,000 U. S. P. units for an adult.

(2) For vitamin B_1 (thiamine), 0.25 milligram (83 U. S. P. units) for an infant, 0.5 milligram (167 U. S. P. units) for a child less than six years old, 0.75 milligram (250 U. S. P. units) for a child six or more years old, 1 milligram (333 U. S. P. units) for an adult.

(3) For vitamin C (ascorbic acid), 10 milligrams (200 U. S. P. units) for an infant, 20 milligrams (400 U. S. P. units) for a child, 30 milligrams (600 U. S. P. units) for an adult.

(4) For vitamin D, 400 U. S. P. units for an infant, child, or adult.

(5) For riboflavin (vitamin B_2, vitamin G), 0.5 milligram for an infant, 2.0 milligrams for an adult.

§ 125.4 *Label statements relating to minerals.* (a) (1) If a food purports to be or is represented for special dietary use by man by reason of its mineral property in respect of:

Calcium,
Phosphorus,
Iron, or
Iodine,

the label (except as provided in this section with respect to iodized salt, and unless the exemption under subparagraph (3) of this paragraph applies) shall bear a statement of the proportion of the minimum daily requirement for such element when consumed in a specified quantity during a period of one day. If such purported or represented special dietary use is for persons within two or more age groups or other groups having special dietary requirements, for which minimum daily requirements are set forth in paragraph (b) of this section, such statement shall include such proportion for each such group; but if such use is for persons irrespective of such groups, such statement may be limited to the proportion of the minimum daily requirement set forth in paragraph (b) of this section for an adult other than a pregnant or lactating woman. The quantity specified as above required shall be the quantity customarily or usually consumed during a period of one day, or a quantity reasonably suitable for and practicable of consumption within such period. When such proportion is a whole number and a fraction it may be expressed as the whole number and the fraction may be disregarded. The foregoing requirements of this paragraph shall not apply to iodized salt which purports to be or is represented for special dietary use by reason of its iodine content, if the label bears a statement of the quantity or proportion of iodine, or salt thereof, in the iodized salt and the quantity of iodine present therein is not more than 0.02 percent by weight.

(2) If a food purports to be or is represented for special dietary use by man by reason of its mineral property in respect of any element not listed in subparagraph (1) of this paragraph, the label shall bear a statement of the quantity of such element in a specified quantity of such food. Except in the case of foods subject to § 125.9, the quantity of food specified as required in this section shall be the quantity customarily or usually consumed during a period of one day, or a quantity reasonably suitable for and practicable of consumption within such period. If the need in human nutrition for such element has not been established, the label shall also bear the statement "The need for ---------- in human nutrition has not been established," the blank to be filled in with the name of such element.

(3) If a food purports to be or is represented for special dietary use by man by reason of its mineral property, and any such use is for treating any disease resulting from a dietary deficiency of any element, the label shall bear a statement of the quantity of such element in a specified quantity of such food. If the represented special dietary use of such food is solely for treating any such disease, such food shall be exempt from the labeling requirements of subparagraphs (1) and (2) of this paragraph when otherwise applicable.

(4) Compliance with the provisions of subparagraphs (2) and (3) of this paragraph shall not be construed as relieving any food which purports to be or is represented for special dietary use by

reason of its mineral property from the application of sections 403 (a) and 201 (n) of the act, as in the case where the need for such element in human nutrition is not substantially supported by the opinion of experts qualified by scientific training and experience to determine such needs.

(b) For the purposes of the regulations in this section, the following are minimum daily requirements:

(1) For calcium (Ca), 750 milligrams for a child or an adult, except a pregnant or lactating woman in which case the minimum daily requirement is 1.5 grams.

(2) For phosphorus (P), 750 milligrams for a child or an adult, except a pregnant or lactating woman in which case the minimum daily requirement is 1.5 grams.

(3) For iron (Fe), 7.5 milligrams for a child less than six years old, 10 milligrams for a child six or more years old or for an adult, except a pregnant or lactating woman in which case the minimum daily requirement is 15 milligrams.

(4) For iodine (I), 0.1 milligram for a child or an adult.

§ 125.5 *Label statements relating to infant food.* If a food which purports to be or is represented for special dietary use is a food for infants, the label shall bear, in case such food is fabricated from two or more ingredients, the common or usual name of each such ingredient including spice, flavoring, and coloring; if such food, or any ingredient thereof in case it is fabricated from two or more ingredients, consists in whole or in part of plant or animal matter and the name of such food or ingredient does not clearly reveal the specific plant or animal which is its source, such name shall be so qualified as to reveal clearly the specific plant or animal which is such source. If such use of the food is by reason of its simulation of human milk or its suitability as a complete or partial substitute for human milk, the label shall also bear:

(a) A statement of the percent by weight of moisture, protein, fat, available carbohydrate, crude fiber, calcium (Ca), phosphorus (P), and iron (Fe) contained in such food;

(b) A statement of the number of available calories and of U. S. P. units of vitamin A, vitamin B, (thiamine), vitamin C (ascorbic acid), and vitamin D supplied by a specified quantity of such food; and

(c) If less than 30 U. S. P. units of vitamin C (ascorbic acid), less than 50 U. S. P. units of vitamin D, or less than 0.75 milligram of iron (Fe), is supplied by the quantity of such food which, as customarily or usually prepared for consumption, supplies 100 available calories, a statement that additional quantities of such vitamin or iron, as the case may be, should be supplied from other sources.

The provisions of paragraphs (a) and (b) of this section shall not apply to cow's milk and evaporated milk. The provisions of paragraph (c) of this section with respect to vitamin D shall not apply to cow's milk or evaporated milk in which the vitamin D is increased by any means to not less than 135 U. S. P. units to each quart in the case of cow's milk and not less than 7.5 U. S. P. units to each avoirdupois ounce in the case of evaporated milk.

§ 125.6 *Label statements relating to certain food used in control of body weight or in dietary management with respect to disease.* If a food purports to be or is represented for special dietary use by man by reason of its use as a means of regulating the intake of protein, fat, carbohydrate, or calories, for the purpose of controlling body weight, or for the purpose of dietary management with respect to disease, the label shall bear a statement of:

(a) The percent by weight of protein, fat, and available carbohydrates in such food; and

(b) The number of available calories supplied by a specified quantity of such food.

§ 125.7 *Label statements relating to nonnutritive constituents.* If a food purports to be or is represented for special dietary use by man by reason of the presence of any constituent which is not utilized in normal metabolism, the label shall bear a statement of the percent by weight of such constituent, and, in juxtaposition with the name of such constituent, the word "nonnutritive". If such constituent is fibrous plant matter, it shall be considered to be crude fiber and its percent expressed as such. But if such constituent is saccharin or a saccharin salt, the label shall bear, in lieu of such statement and word, the statement "Contains ____ saccharin (or saccharin salt, as the case may be), a nonnutritive, artificial sweetener which should be used only by persons who must restrict their intake of ordinary sweets," the blank to be filled in with the percent by weight of saccharin or saccharin salt in such food. The provisions of this section shall not be construed as authorizing the use of saccharin or its salts in any food other than one for use by persons who must restrict their intake of carbohydrates, or as relieving any food from compliance with any requirement of sections 402 (b) or (d), 403 (g), or other provisions of the act.

§ 125.8 *Label statements relating to hypoallergenic food.* If a food purports to be or is represented for special dietary use by man by reason of the decrease or absence of any allergenic property, the label shall bear:

(a) The common or usual name and the quantity or proportion of each ingredient including spices, flavoring, and coloring, in case the food is fabricated from two or more ingredients;

(b) A qualification of the name of the food, or of the name of each ingredient thereof in case the food is fabricated from two or more ingredients, to reveal clearly the specific plant or animal which is the source of such food or of such ingredient, if such food or such ingredient consists in whole or in part of plant or animal matter and such name does not clearly reveal the specific plant or animal which is such source; and

(c) A statement indicating the nature and effect of any treatment or processing of the food or any ingredient thereof, if the changed allergenic property results from such treatment or processing.

§ 125.9 *Label statements relating to certain foods used as a means of regulating the intake of sodium in dietary management.* If a food purports to be or is represented for special dietary use by man by reason of its use as a means of regulating the intake of sodium or salt (sodium chloride), the label shall bear a statement of the number of milligrams of sodium in 100 grams of the food and a statement of the number of milligrams of sodium in an average serving of the food. The average serving shall be expressed in terms of a convenient unit or units of such food or a convenient unit of measure that can be readily understood and utilized by purchasers of such food. For example, an average serving might be expressed in terms of a number of slices, cookies, wafers, etc., or in terms of cupfuls, tablespoonfuls, teaspoonfuls, etc.

Subchapter C—Drugs

PART 130—DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

CROSS REFERENCE: See § 1.108 of this chapter for general regulations covering exemptions from prescription requirements.

§ 130.1 *Exemption for certain drugs limited by new-drug applications to prescription sale.* (a) The prescription-dispensing requirements of section 503 (b) (1) (C) of the Federal Food, Drug, and Cosmetic Act are not necessary for the protection of the public health with respect to the following drugs subject to new-drug applications:

(1) *N*-acetyl-*p*-aminophenol (*p*-hydroxy-acetanilid) preparations meeting all the following conditions:

(i) The *N*-acetyl-*p*-aminophenol is prepared with or without other drugs in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The *N*-acetyl-*p*-aminophenol and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 0.325 gram (5 grains) of *N*-acetyl-*p*-aminophenol per dosage unit.

(v) The preparation is labeled with adequate directions for use in minor conditions as a simple analgesic.

(vi) The dosages of *N*-acetyl-*p*-aminophenol recommended or suggested in the labeling do not exceed: For adults, 0.325 gram (5 grains) per dose or 1.0 gram (15 grains) per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, a clear warning statement against administration of the drug to children under 6 years of age and against use of the drug for a prolonged period, except as such uses may be directed by a physician.

(2) Sodium gentisate (sodium-2, 5-dihydroxybenzoate) preparations meeting all the following conditions:

(i) The sodium gentisate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The sodium gentisate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 0.5 gram (7.7 grains) of anhydrous sodium gentisate per dosage unit.

(v) The preparation is labeled with adequate directions for use in minor conditions as a simple analgesic.

(vi) The dosages of sodium gentisate recommended or suggested in the labeling do not exceed: For adults, 0.5 gram (7.7 grains) per dose or 2.0 grams (31 grains) per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, a clear warning statement against administration of the drug to children under 6 years of age and against use of the drug for a prolonged period, except as such uses may be directed by a physician.

(3) Isoamylhydrocupreine and zolamine hydrochloride (N, N-dimethyl-N'-2-thiazolyl-N'-*p*-methoxybenzyl-ethylenediamine hydrochloride) preparations meeting all the following conditions:

(i) The isoamylhydrocupreine and zolamine hydrochloride are prepared in dosage form suitable for self-medication as rectal suppositories or as an ointment and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The isoamylhydrocupreine, zolamine hydrochloride, and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 0.25 percent of isoamylhydrocupreine and 1.0 percent of zolamine hydrochloride.

(v) If the preparation is in suppository form, it contains not more than 5.0 milligrams of isoamylhydrocupreine and not more than 20.0 milligrams of zolamine hydrochloride per suppository.

(vi) The preparation is labeled with adequate directions for use in the temporary relief of local pain and itching associated with hemorrhoids.

(vii) The directions provide for the use of not more than two suppositories or two applications of ointment in a 24-hour period.

(viii) The labeling bears, in juxtaposition with the dosage recommendations, a clear warning statement against use of the preparation in case of rectal bleeding, as this may indicate serious disease.

(4) Phenyltoloxamine dihydrogen citrate (*N,N* dimethyl-(α-phenyl-*O*-tolloxy) ethylamine dihydrogen citrate) preparations meeting all the following conditions:

(i) The phenyltoloxamine dihydrogen citrate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The phenyltoloxamine dihydrogen citrate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 88 milligrams of phenyltoloxamine dihydrogen citrate (equivalent to 50 milligrams of phenyltoloxamine) per dosage unit.

(v) The preparation is labeled with adequate directions for use in the temporary relief of the symptoms of hay fever and/or the symptoms of other minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 88 milligrams of phenyltoloxamine dihydrogen citrate (equivalent to 50 milligrams of phenyltoloxamine) per dose or 264 milligrams of phenyltoloxamine dihydrogen citrate (equivalent to 150 milligrams of phenyltoloxamine) per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations: clear warning statements against administration of the drug to children under 6 years of age, except as directed by a physician, and against driving a car or operating machinery while using the drug, since it may cause drowsiness.

(b) If the article is offered for temporary relief of the symptoms of colds, a statement that continued administration for such use should not exceed 3 days, except as directed by a physician.

(5) Oxytetracycline and polymyxin B sulfate preparations meeting all the following requirements:

(i) The oxytetracycline and polymyxin B sulfate are prepared in ointment or other dosage form suitable for self-medication by external application to the skin and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The oxytetracycline, polymyxin B sulfate, and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains per gram an amount of oxytetracycline hydrochloride equivalent to not more than 30 milligrams of oxytetracycline and an amount of polymyxin B sulfate equivalent to not more than 10,000 units of polymyxin B.

(v) The preparation is labeled with adequate directions for use by external application to prevent infection in minor burns, minor wounds, and abrasions.

(vi) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(a) Use of the preparation in the eye.

(b) Use if irritation or infection develops, except as directed by a physician.

(6) Meclizine hydrochloride (1-*p*-chlorobenzhydryl - 4 - *m* - methylbenzylpiperazine dihydrochloride) preparations meeting all the following conditions:

(i) The meclizine hydrochloride is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The meclizine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 25 milligrams of meclizine hydrochloride per dosage unit.

(v) The preparation is labeled with adequate directions for use in the prevention of motion sickness.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 50 milligrams of meclizine hydrochloride per 24-hour period; for children 6 to 12 years of age, 25 milligrams of meclizine hydrochloride per 24-hour period.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, clear warning statements against:

(a) Exceeding the recommended dosage.

(b) Administration of the drug to children under 6 years of age, except as directed by a physician.

(c) Driving a car or operating machinery while using the drug, since it may cause drowsiness.

(d) Keeping the drug within reach of children, if it is in candy form.

(7) Diamthazole dihydrochloride (2-dimethylamino - 6 - (β - diethylamino ethoxy)-benzothiazole dihydrochloride) preparations meeting all the following conditions:

(i) The diamthazole dihydrochloride is prepared with or without other drugs in a dosage form suitable for external application in self-medication as a dusting powder.

(ii) The diamthazole dihydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 percent by weight of diamthazole dihydrochloride.

(v) The preparation is labeled with adequate directions for use only for adults and children 12 years of age and older in the prevention of athlete's foot.

(vi) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Application to infants or young children.

(*b*) Use on open cracks or weeping stages of athlete's foot.

(*c*) Contact with mucous membranes.

(*d*) Use in the event of irritation.

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Sec.

141a.1 Sodium penicillin, calcium penicillin, potassium penicillin; potency.
141a.2 Sodium penicillin, calcium penicillin, potassium penicillin; sterility.
141a.3 Sodium penicillin, calcium penicillin, potassium penicillin; pyrogens.
141a.4 Sodium penicillin, calcium penicillin, potassium penicillin; toxicity.
141a.5 Sodium penicillin, calcium penicillin, potassium penicillin.
141a.6 Sodium penicillin, calcium penicillin, potassium penicillin; penicillin X.
141a.7 Penicillin in oil and wax.
141a.8 Penicillin ointment.
141a.9 Penicillin tablets.
141a.11 Penicillin with aluminum hydroxide gel.
141a.12 Penicillin troches.
141a.13 Penicillin dental cones.
141a.14 Penicillin with vasoconstrictor.
141a.15 Penicillin for surface application.
141a.16 Tablets aluminum penicillin.
141a.17 Penicillin sulfonamide powder.
141a.18 Penicillin vaginal suppositories.
141a.19 Buffered crystalline penicillin.
141a.20 Capsules buffered penicillin with pectin hydrolysate.
141a.22 Penicillin bougies.
141a.23 Crystalline penicillin and epinephrine in oil.
141a.24 Aluminum penicillin.
141a.25 Aluminum penicillin in oil.
141a.26 Procaine penicillin.
141a.27 Procaine penicillin in oil.
141a.28 Crystalline penicillin for inhalation therapy.
141a.29 Procaine penicillin for aqueous injection.
141a.30 Ephedrine penicillin.
141a.31 Ephedrine penicillin tablets.
141a.32 Procaine penicillin and buffered crystalline penicillin for aqueous injection.
141a.33 Buffered penicillin powder.
141a.34 Procaine penicillin and crystalline penicillin in oil.
141a.35 Penicillin - streptomycin ointment, penicillin - dihydrostreptomycin ointment.
141a.36 Penicillin-streptomycin bougies, penicillin - dihydrostreptomycin bougies.
141a.37 Penicillin-bacitracin ointment.
141a.38 Procaine penicillin and streptomycin in oil, procaine penicillin and dihydrostreptomycin in oil.
141a.39 Penicillin and streptomycin, penicillin and dihydrostreptomycin.
141a.40 Penicillin tooth powder.
141a.41 Penicillin-bacitracin troches.
141a.42 Crystalline penicillin and bacitracin.
141a.43 *l*-Ephenamine penicillin G.
141a.44 *l*-Ephenamine penicillin G in oil.
141a.45 *l*-Ephenamine penicillin G for aqueous injection.
141a.46 Procaine penicillin in streptomycin sulfate solution, procaine penicillin in dihydrostreptomycin sulfate solution.
141a.47 Benzathine penicillin G.
141a.48 Benzathine penicillin G oral suspension, benzathine penicillin G for oral suspension.
141a.49 Penicillin - streptomycin-bacitracin ointment, penicillin - dihydrostreptomycin-bacitracin ointment.
141a.50 Penicillin-streptomycin dental cones, penicillin-dihydrostreptomycin dental cones.
141a.51 Diethylaminoethyl ester penicillin G hydriodide.
141a.52 Diethylaminoethyl ester penicillin G hydriodide for aqueous injection.
141a.53 Penicillin-streptomycin implantation pellets, penicillin-dihydrostreptomycin implantation pellets.
141a.54 Benzathine penicillin G for aqueous injection.
141a.55 Benzathine penicillin G and buffered crystalline penicillin for aqueous injection.
141a.56 Chloroprocaine penicillin O.
141a.57 Chloroprocaine penicillin O for aqueous injection.
141a.58 Penicillin-streptomycin vaginal suppositories, penicillin-dihydrostreptomycin vaginal suppositories.
141a.59 Penicillin-streptomycin - bacitracin dental paste, penicillin-dihydrostreptomycin - bacitracin dental paste.
141a.60 Penicillin and dihydrostreptomycin-streptomycin sulfates, procaine penicillin in dihydrostreptomycin - streptomycin sulfates solution.
141a.61 Benzathine procaine-buffered crystalline penicillins for aqueous injection.
141a.62 Benzathine penicillin G and procaine penicillin for aqueous injection.
141a.63 Penicillin - bacitracin - neomycin ointment; penicillin - bacitracin-neomycin in oil.
141a.64 Penicillin-streptomycin tablets, penicillin - dihydrostreptomycin tablets.
141a.65 Procaine penicillin-streptomycin-neomycin in oil; procaine penicillin - dihydrostreptomycin - neomycin in oil; procaine penicillin-streptomycin-neomycin ointment; procaine penicillin-dihydrostreptomycin-neomycin ointment.
141a.66 Capsules procaine penicillin in oil.
141a.67 Procaine penicillin and benzathine penicillin G in streptomycin sulfate solution; procaine penicillin and benzathine penicillin G in dihydrostreptomycin sulfate solution.
141a.68 Benzathine penicillin G and streptomycin, benzathine penicillin G and dihydrostreptomycin.
141a.69 Crystalline penicillin G oral suspension, crystalline penicillin G sodium oral suspension, potassium penicillin G oral suspension.
141a.70 Tablets benzathine penicillin G and crystalline penicillin.
141a.71 Penicillin - streptomycin powder, penicillin - dihydrostreptomycin powder.
141a.72 Dibenzylamine penicillin G (dibenzylamine penicillin G salt).
141a.73 Dibenzylamine penicillin and potassium penicillin powder, buffered.
141a.74 Dibenzylamine penicillin and streptomycin in oil, dibenzylamine penicillin and dihydrostreptomycin in oil.
141a.75 Hydrabamine penicillin G.
141a.76 Hydrabamine penicillin G oral suspension.
141a.77 Capsules crystalline penicillin G.
141a.78 Benzathine penicillin G in oil.
141a.79 Benzathine penicillin G and procaine penicillin G in oil.
141a.80 Benzathine penicillin G-procaine penicillin G-streptomycin in oil; benzathine penicillin G-procaine penicillin G-dihydrostreptomycin in oil.
141a.81 Penicillin V (phenoxymethyl penicillin).
141a.84 Tablets benzathine penicillin G and penicillin V.
141a.85 Capsules penicillin V.
141a.86 Procaine penicillin-streptomycin-polymyxin in oil; procaine penicillin-dihydrostreptomycin - polymyxin in oil.

AUTHORITY: §§ 141a.1 to 141a.86 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357.

§ 141a.1 *Sodium penicillin, calcium penicillin, potassium penicillin; potency*—(a) *Cylinders (cups).* Use stainless steel cylinders with an outside diameter of 8 mm. (±0.1 mm.), an inside diameter of 6 mm. (±0.1 mm.), and a length of 10 mm. (±0.1 mm.).

(b) *Culture media.* Use ingredients that conform to the standards prescribed by the U. S. P. or N. F.

(1) Make nutrient agar for the seed layer and for carrying the test organism as follows:

Peptone	6.0 gm.
Pancreatic digest of casein	4.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Glucose	1.0 gm.
Agar	15.0 gm.
Distilled water, q. s	1,000.0 ml.

pH 6.5 to 6.6 after sterilization.

(2) Make nutrient agar for the base layer as follows:

Peptone	6.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Agar	15.0 gm.
Distilled water, q. s	1,000.0 ml.

pH 6.5 to 6.6 after sterilization.

(3) Make nutrient broth, for preparing an inoculum of the test organism, as follows:

Peptone	5.0 gm.
Yeast extract	1.5 gm.
Beef extract	1.5 gm.
Sodium chloride	3.5 gm.
Glucose	1.0 gm.
Dipotassium phosphate	3.68 gm.
Potassium dihydrogen phosphate	1.32 gm.
Distilled water, q. s	1,000.0 ml.

pH 7.0 after sterilization.

In lieu of preparing the media from the individual ingredients specified in paragraph (b) (1), (2), and (3) of this section, they may be made from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such media. Minor modification of the individual ingredients specified in paragraph (b) (1), (2), and (3) of this section are permissible if the resulting media possess growth-promoting properties at least equal to the media described.

(c) *Working standard.* Keep the working standard (obtained from the Food and Drug Administration) at room temperature in tightly stoppered vials, which in turn are kept in larger stoppered tubes containing a suitable desiccant. Weigh out carefully in an atmosphere of 50 percent relative humidity or less between 4 and 5 milligrams of the working standard and dilute with sterile 1 percent phosphate buffer (pH 6.0) to make a stock solution of any convenient concentration. Keep this solution at a temperature of about 10° C., and use for 2 days only. From this stock solution make appropriate working dilutions.

(d) *Preparation of sample.* Dissolve aseptically, in sterile distilled water, the sample to be tested to make an appropriate stock solution.

(e) *Preparation of plates.* Add 21 ml. of agar to each Petri dish (20 x 100 millimeters). Distribute the agar evenly in the plates and allow it to harden. Use the plates the same day they are prepared. The test organism is M. pyogenes var. aureus (P. C. I. 209–P or American Type Culture Collection 6538P). Maintain the test organism on agar slants and transfer to a fresh agar slant about once a week. Prepare an inoculum for the plates by transferring the culture from the agar slant into broth and incubate at 32° C.–35° C. From 16 to 24 hours thereafter add 2.0 milliliters of this broth culture to each 100 milliliters of agar which has been melted and cooled to 48° C. Mix the culture and agar thoroughly and add 4 milliliters to each of the plates containing the 21 milliliters of the uninoculated agar. Tilt the plates back and forth to spread the inoculated agar evenly over the surface. Porcelain covers glazed on the outside are used. Place four cylinders on the agar surface so that they are at approximately 90° intervals on a 2.8 cm. radius. In so placing the cylinders drop them from a height of ½ inch, using a mechanical guide or device. A suspension of the test organism may be used in place of the broth culture described above in preparing the inoculum for the seeding of plates. Prepare such suspension as follows: Wash the organisms from an agar slant which has been incubated for 24 hours at 32° C.–35° C. and stored for 24 hours at room temperature with 2.0 milliliters of sterile physiological saline onto a large agar surface such as that provided by a Roux bottle containing 300 milliliters of agar. Spread the suspension of organisms over the entire agar surface with the aid of sterile glass beads. Incubate 24 hours at 32° C.–35° C. and store for 24 hours at room temperature. Wash the resulting growth from the agar surface with about 50 milliliters of sterile physiological saline. Standardize this suspension by determining the dilution which will permit 20 percent light transmission through a filter at 6500 Angstrom units in a photoelectric colorimeter. (In the preparation of the suspensions of the test organism on agar slants and Roux bottles, the 24-hour storage periods at room temperature may be omitted if the suspensions will permit 20-percent light transmission through a filter at 6,500 angstrom units in a photoelectric colorimeter). Add 1.5 to 2.0 milliliters of this resulting dilution to each 100 milliliters of agar which has been melted and cooled to 48° C. to prepare the inoculum for the plates. The suspension may be used for one week.

(f) *Assay.* Use four plates for each sample. Fill one cylinder on each plate with a 1.0 unit per milliliter dilution, and one with a 0.25 unit per milliliter dilution, of the working standard. Add the estimated dilutions of 1.0 unit per milliliter and 0.25 unit per milliliter of the sample under test to the remaining two cylinders on each plate. Carefully place the plates in racks and incubate 16 to 18 hours at 32° C.–35° C. After incubation measure the diameter of each circle of inhibition to the nearest 0.5 millimeter using a colony counter with a millimeter scale etched into the supporting glass over the light source. Other measuring devices of equal accuracy may be used.

(g) *Estimation of potency and error.* (1) Use the accompanying chart (Chart 1) and nomograph (Chart 2) for estimating the potency and its error. To use the chart for estimating potency two values, namely, V and W, are required. For each plate calculate two values

$$v = (u_L + u_H) - (s_L + s_H)$$

and

$$w = (u_H + s_H) - (u_L + s_L)$$

where s_H and s_L are the diameters of the zones of inhibition in millimeters of the 1.0 unit and 0.25 unit dilutions of the standard, respectively, and u_H and u_L refer similarly to the corresponding dilutions of the sample under test. The value V is the sum of the v values for all plates and W is the sum of the w values for all plates. To estimate the potency locate the point on the chart corresponding to the values of V and W, and the potency can be read from the radial lines on the chart.

(2) The error of the assay is estimated by using the nomograph which requires five values, namely, the potency, V, W, Rv, and Rw. Rv (the range of the v's) is the highest value of v minus the lowest value of v obtained from the individual plates. Similarly, Rw is the difference between the highest and lowest w values. After obtaining these five values, connect with a straightedge the points corresponding to v and w on the respective scales on the right side of the nomograph. Mark with a pin or sharp-pointed pencil the intersection of the straightedge and the diagonal line of the nomograph. Move the straightedge so that it connects the value of Rw on its scale and the diagonal line at the point of the pin. The value for Q is thus determined by the scale value where the straightedge crosses the line labeled "Q". T is obtained by adding the squares of Q and Rv. On the left side of the chart connect the values of T and W with the straightedge and read the value of the ratio (error of assay-potency) where the straightedge intersects the scale of values for the ratio. This value multiplied by the potency-equals the percentage error of the assay. The error of the assay calculated here estimates only how closely one assayist can check himself on any given set of dilutions of unknown and standard. It does not include any errors of weighing or errors due to variations in materials or subdivisions of a lot of penicillin.

The chart for determining potency should not be used for determinations of potency lower than 50 percent or higher than 150 percent of the standard. If the potency lies outside these limits, the assay should be repeated using a higher or lower dilution. The radial lines on the chart beyond these limits permit a rough estimation of potency from as low as 5 percent to as high as 1,000 percent when low values of W are found. If the value of V or W falls outside the limits of the chart, divide both V and W by the same proper number to bring them into the range of the chart and read the potency from the radial lines as before. If 11.4 Rw is greater than W, the slope of the assay does not differ significantly from zero and the assay is invalid. (The figure 11.4 was obtained by use of Student's "t" test for determining the significance of a slope.)

In certain laboratories it has been noted that with the 4 to 1 ratio, involving concentrations of 0.25 unit for the low dose, the zone of inhibition given by this dose may either be too small for accurate reading or have edges which are poorly defined. In order to permit the use of a higher concentration of penicillin for the low dose the third of the attached charts (Chart 3) may be used in assays in which the ratio of doses is 2 to 1, i. e., the high dose (sH) is twice the low dose (sL). As in the preceding chart (Chart 1), if the potency lies outside the limits of 50 percent to 150 percent the assay should be repeated, using a lower or higher dilution. The potencies beyond these limits are to be used for rough estimation purposes only. These extensions can also be used for four (or more) plate assays if both V and W are divided by the same proper number to bring them into the range of the chart. The error of the assay using the ratio of doses 2 to 1 is estimated by using the nomograph (Chart 2) in the same manner as described for the 4 to 1 ratio of doses. However, the resultant error of the assay derived in this manner must be divided by 2 to give the correct error of the assay for the 2 to 1 ratio of doses.

(h) *Assay by alternative methods.* The potency of the sample may also be determined by the iodometric method as described in § 141a.5 (d), or by the standard-curve technique, using a single dose of standard and unknown. In the case of the standard-curve technique, dilute the sample to be tested to 1.0 unit per milliliter (estimated) in 1-percent phosphate buffer pH 6.0. Place six cylinders on the inoculated agar surface so that they are at approximately 60° intervals on a 2.8 cm. radius. Use three plates for each sample. Fill 3 cylinders on each plate with the 1.0 unit/ml. standard and 3 cylinders with the 1.0 unit/ml. (estimated) sample, alternating standard and sample. Incubate the plates for 16 to 18 hours at 32° C.–35° C. and measure the diameter of each circle of inhibition. At the same time prepare a standard curve using concentrations of the standard of 0.6, 0.7, 0.8, 0.9, 1.0, 1.1, 1.2, 1.3, 1.4, and 1.5 units/ml. in sterile 1 percent phos-

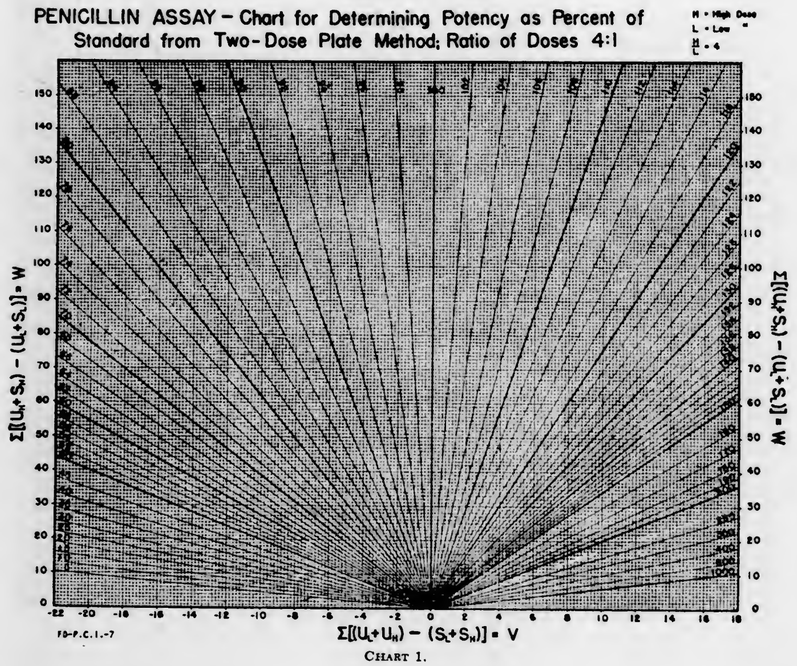


CHART 1.

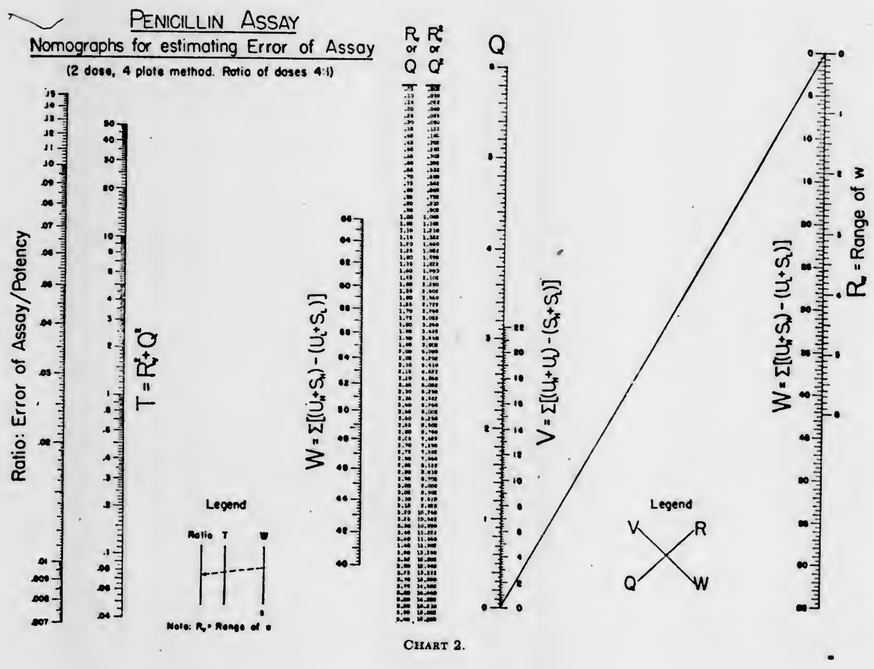


CHART 2.

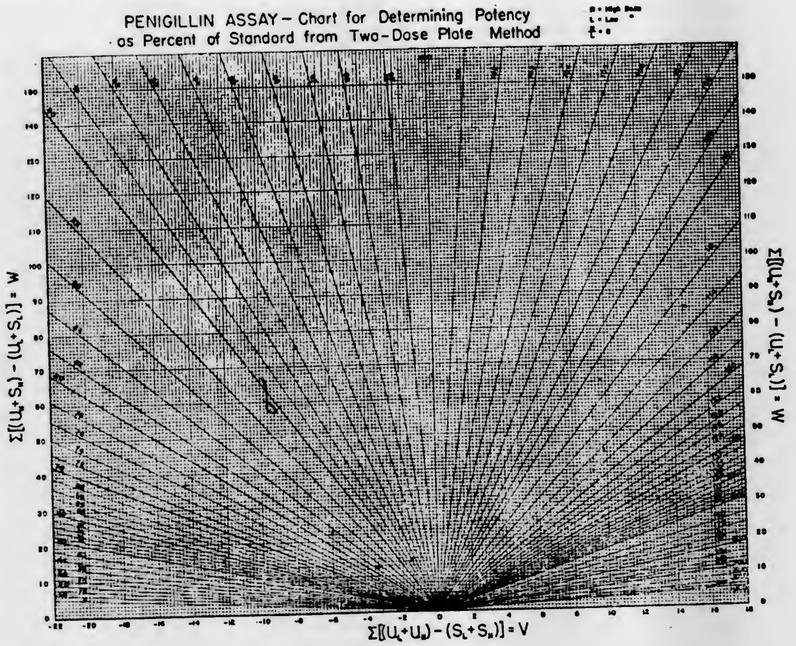


CHART 3.

phate buffer, pH 6.0. Use three plates for the determination of each point on the curve, a total of 27 plates. On each of three plates fill 3 cylinders with the 1.0 unit/ml. standard and the other 3 cylinders with the concentration under test. Thus there will be 81 one-unit determinations and 9 determinations for each of the other points on the curve. After the plates have incubated read the diameters of the circles of inhibition. Average the readings of 1.0 unit/ml. concentration and the readings of the point tested for each set of 3 plates and average also all 81 readings of the 1.0 unit/ml. concentration. The average of the 81 readings of the 1.0 unit/ml. concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 1.0 unit/ml. reading for that set of three plates were the same as the correction point. Thus, if in correcting the 0.8 unit concentration, the average of the 81 readings of the 1.0 unit concentration is 20.0 mm., and the average of the 1.0 unit concentration of this set of 3 plates is 19.8 mm., the correction is 0.2 mm. If the average reading of the 0.8 unit concentration of these same 3 plates is 19.0 mm. the corrected value is then 19.2 mm. Plot these corrected values including the average of the 1.0 unit/ml. concentration on 2-cycle semi-log paper using the concentration in units per ml. as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points. The 10 points selected to determine the curve are arbitrary and should be so chosen that the limits of the curve will fill the needs of the laboratory. However, the potency of the sample under test should fall in the interval of from 60 percent to 150 percent of the correction point of the standard curve.

To estimate the potency of the sample average the zone readings of the standard and the zone readings of the sample on the three plates used. If the sample gives a larger average zone size than the average of the standard, add the difference between them to the 1.0 unit zone on the standard curve. If the average sample value is lower than the standard value, subtract the difference between them from the 1.0 unit value on the curve. From the curve read the potencies corresponding to these corrected values of zone sizes.

(i) *Potency.* The potency of sodium penicillin, calcium penicillin, and potassium penicillin is satisfactory when assayed by the methods described in this section if the immediate containers are represented to contain:

(1) 200,000 units or less and contain 85 percent or more of the number of units so represented;

(2) More than 200,000 units and contain 90 percent or more of the units so represented.

§ 141a.2 *Sodium penicillin, calcium penicillin, potassium penicillin; sterility*—(a) *Culture medium.* In the test for bacteria, use U. S. P. fluid thioglycolate medium I or a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such medium and has growth-promoting, buffering, and oxygen-tension-controlling properties equal to or better than those of such medium. In the preparation of the medium from either the individual ingredients or any dehydrated mixture avoid contamination with calcium. In the test for molds and yeasts use U. S. P. Sabouraud Liquid Medium (Modified).

(b) *Conduct of test for bacteria.* Add not more than 10 milliliters of sterile distilled water, or sterile physiological salt solution, to each immediate container in the sample to be tested. From each of not less than seven immediate containers transfer aseptically the equivalent of approximately 300 milligrams, or the entire contents if the container is packaged to contain less than 300 milligrams, to individual tubes (38 x 200 millimeter size) each containing 75–100 milliliters of thioglycolate medium and sufficient penicillinase to completely inactivate the penicillin used in the test. (Prior to use, the tubes containing the medium with added penicillinase are incubated at 32° C.—35° C. for not less than 24 hours and examined for sterility.) After adding the penicillin to the tubes let them stand at room temperature for 2 hours, with frequent shaking. To one of such tubes add 1.0 milliliter of a 1:1,000 dilution of an 18–24 hour broth culture of M. pyogenes var. aureus (P. C. I.–209P and American Type Culture Collection 6538P). Incubate all tubes at 32° C.—35° C. for 5 days. The batch meets the requirements of the test for bacteria if on the first or second test the control tube and no other tube shows

growth, or if the number of tubes (excluding the control tubes) that show growth in three or more consecutive tests is not more than 10 percent (to compensate for contamination that may have been induced during the test) of the total number of samples tested.

(c) *Conduct of test for molds and yeasts.* Add not more than 10 milliliters of sterile distilled water or sterile physiological salt solution to each immediate container in the sample to be tested. From each of not less than four immediate containers transfer aseptically the equivalent of approximately 300 milligrams, or the entire contents if the container is packaged to contain less than 300 milligrams, to individual tubes each containing 75–100 milliliters of U. S. P. Sabouraud Liquid Medium. Incubate all tubes at approximately 25° C. for 5 days. The batch meets the requirements of the test for molds and yeasts if on the first or second test no tube shows growth. or if the number of tubes that show growth in three or more consecutive tests is not more than 10 percent (to compensate for contamination that may have been induced during the test) of the total number of samples tested.

§ 141a.3 *Sodium penicillin, calcium penicillin, potassium penicillin; pyrogens*—(a) *Test animal.* Use healthy rabbits, weighing 1,500 grams or more, which have been maintained for at least 1 week on a uniform, unrestricted diet and have not lost weight during this period. For subsequent tests, animals utilized for previous tests may be used after a rest period of not less than 2 days. Use a clinical rectal thermometer after it has been tested in a rabbit to determine the time required to reach maximum temperature. (Other recording devices of equal sensitivity are acceptable.) Insert the thermometer or other recording device beyond the internal sphincter and allow it to remain a sufficient time to reach maximum temperature as determined above. Make four rectal temperature readings on each of the animals to be used in the test at 2-hour intervals, 1 to 3 days before such use (this may be omitted for any animal that has been used in such tests during a preceding period of 2 weeks). House the test animals in individual cages and protect them from disturbances likely to cause excitement. Exercise particular care to avoid exciting the animals on the day of taking the control temperatures and on the test day. Maintain the animals in an environment of uniform temperature (±5° F.) at all times.

(b) *Conduct of test.* Heat all syringes and needles to be used in a muffle furnace at 250° C. for not less than 30 minutes to render them pyrogen-free and sterile. Perform the test in a room held at the same temperature as that in which the animals are housed. During the test restrain the animals in individual stocks. On the day of the test do not feed the animals used, until after completion of the test. Take a control temperature reading not more than 15 minutes after the animal is removed from the cage. Use three animals for each test, but do not use those with control temperatures of 38.8° C. or under and 39.9° C. or over. Dilute the sample with pyrogen-free, sterile, distilled water to a concentration of 2,000 units per milliliter and warm to approximately 37° C. Inject 2,000 units (estimated) per kilogram of rabbit intravenously through an ear vein within 15 minutes subsequent to the control temperature reading. Read temperatures 1 hour after injection and each hour thereafter until three readings have been made. The sample is non-pyrogenic if when so tested no animal shows a rise in any of the temperature readings, after injection, of 0.6° C. or more above the control temperature of such animal. If one or more of the animals shows such a rise in temperature, or if the sum of the temperature rises of the three animals exceeds 1.4° C., repeat the test on five additional animals. The sample is nonpyrogenic if not more than one of these five animals shows a rise in temperature of 0.6° C. or more above the control temperature of such animal.

§ 141a.4 *Sodium penicillin, calcium penicillin, potassium penicillin; toxicity.* Inject intravenously each of five mice, within the weight range of 18 to 25 grams, with 0.5 milliliter of a solution of the sample prepared by diluting with sterile distilled water to approximately 4,000 units per milliliter. The injection should be made over a period of not more than 5 seconds. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals die within 48 hours, repeat the test with five unused mice weighing 20 grams (±0.5 gram) each; if all animals survive the repeat test, the sample is nontoxic.

§ 141a.5 *Sodium penicillin, calcium penicillin, potassium penicillin*—(a) *Moisture.* In an atmosphere of about 10 percent relative humidity, transfer about 100 milligrams of the finely powdered sample to a tared weighing bottle or weighing tube equipped with a capillary-tube stopper, the capillary having an inside diameter of 0.20 millimeter–0.25 millimeter. Weigh the bottle or tube and place it in a vacuum oven without removing the stopper and dry at a temperature of 60° C. and a pressure of 5 millimeters of mercury or less for 3 hours. At the end of the drying period, fill the vacuum oven with air dried by passing it through a drying agent such as sulfuric acid or silica gel. Place weighing bottle or tube in a desiccator over a desiccating agent such as phosphorous pentoxide or silica gel, allow to cool to room temperature, and reweigh.

(b) *pH.* Dilute the sample to be tested with carbon-dioxide-free distilled water so that the resulting solution contains 5,000 to 10,000 units per milliliter. Determine the pH of this solution at 25° C. using a pH meter equipped with a glass and a calomel electrode.

(c) *Microscopical test for crystallinity of sodium penicillin and potassium penicillin.* Mount in mineral oil and examine by means of a polarizing microscope. Crystalline penicillin shows resolvable particles which reveal the phenomena of birefringence (interference colors) and extinction positions on revolving the microscope stage. Crystalline penicillin also reveals diagnostic refractive indices when examined by the immersion method.

(d) *Heat stability*—(1) *Crystalline penicillin, crystalline penicillin G.* Store a weighed sample (approximately 30 milligrams) of crystalline penicillin in an unstoppered 50-milliliter Erlenmeyer flask for 4 days in an electric oven at 100° C.±1°. At the end of this period it does not show a loss of more than 10 percent of its original potency when determined as follows: Dilute a weighed sample (approximately 30 milligrams) with a 1-percent phosphate buffer at pH 6.0 to a concentration of approximately 1.2 milligrams per milliliter (2,000 units per milliliter). Add 2.0-milliliter aliquots to each of two 125-milliliter glass-stoppered Erlenmeyer or iodine flasks. To one add 2.0 milliliters of 1 *N* NaOH and allow to stand at room temperature for 15 minutes. At the end of this time add 2.0 milliliters of 1.2 *N* HCl and add 10 milliliters of 0.01 *N* I_2 (prepared from 0.1 *N* I_2 U. S. P.). (Equal volumes of 1 *N* NaOH and 1.2 *N* HCl when mixed give pH 1.0.) After 15 minutes titrate the excess iodine, using 0.01 *N* $Na_2S_2O_3$ (prepared from 0.1 *N* $Na_2S_2O_3$) standardized accurately against potassium iodate. Toward the end of the titration add one drop of starch solution or about 5.0 milliliters of CCl_4. Continue the titration by the addition of 0.01 to 0.02-milliliter portions of 0.01 *N* $Na_2S_2O_3$, shaking vigorously after each addition. The end point is reached when the blue color of the starch-iodine complex is discharged or when the CCl_4 layer becomes colorless. To the second flask add 10 milliliters of 0.01 *N* I_2 and titrate immediately with 0.01 *N* $Na_2S_2O_3$ for the blank determination. Divide the difference in titers by a factor, F, which is the number of milliliters of 0.01 *N* I_2 absorbed by 1.0 milligram of sodium penicillin G working standard, to obtain the milligrams of penicillin sodium salt. Determine the factor F by actual standardization against the sodium penicillin G working standard, using the above method.

$$\text{Units of penicillin G per milligram} = \frac{\text{Difference in titers} \times 1.667 \times \text{N of } Na_2S_2O_3}{\text{Milligrams in 2.0 milliliters} \times F \times 0.01}$$

$$\text{Percent loss of potency} = \frac{(\text{Original assay—assay after 4 days at } 100° \text{ C.}) \times 100}{\text{Original assay}}$$

(2) *Crystalline penicillin O.* Proceed as directed in subparagraph (1) of this paragraph, except make the calculations as follows: Divide the difference in titers by a factor, *F*, which is the number of milliliters of 0.01 *N* I_2 absorbed by 1.0 milligram of the penicillin O working standard, to obtain the milligrams of potassium penicillin O. Determine the factor *F* by actual standardization against the penicillin O working standard.

$$\text{Units of penicillin O per milligram} = \frac{\text{Difference in titers} \times 1.612 \times \text{N of } Na_2S_2O_3}{\text{Milligrams in 2 milliliters} \times F \times 0.01}$$

Penicillin O does not show a loss of more than 10 percent of its original potency.

(e) *Crystalline penicillin G*—(1) *Reagents.* The reagents described in subdivisions (i), (ii), and (iii) of this subparagraph are freshly prepared every three days and are of such quality that when used in this procedure with a known penicillin G not less than 97 percent of penicillin G is recovered.

(i) *Amyl acetate (iso-amyl acetate) solution.* Saturate the amyl acetate (boiling range 138.5°–141.5° C.) with the *N*-ethyl piperidine salt of penicillin G by adding 2 milligrams of the salt for each 1.0 milliliter of the solvent. Cool this solution to 0°–8° C. and filter it through a sintered-glass filter immediately before use.

(ii) *Acetone solution.* Saturate reagent grade acetone with the *N*-ethyl piperidine salt of penicillin G using 3 mg. of salt for each 1 milliliter of acetone. Cool this solution to 0°–8° C. and filter it through a sintered-glass filter immediately before use.

(iii) *N-ethyl piperidine solution.* *N*-ethyl piperidine (boiling range 129.5°–131.0° C.) should be stored in brown bottles in a refrigerator. Dilute 1.0 milliliter of this reagent with 4.0 milliliters of amyl acetate. Saturate this solution with the *N*-ethyl piperidine salt of penicillin G, using about 3 milligrams of the salt for each 1.0 milliliter of solution. Cool this solution to 0°–8° C. and filter it through a sintered-glass filter immediately before use.

(iv) *Phosphoric acid solution.* Prepare by dissolving 1.0 milliliter of reagent grade phosphoric acid (85 percent) in 4.0 milliliters of water. Cool to 0° to 8° C. and shake before using.

(v) *Silica gel.* Use dry silica gel (mesh size 6–16, Tyler standard). Place about 0.5 gram of the silica gel in a micro filter funnel (approximately 10-millimeter diameter) having a fritted-glass disc of medium porosity.

(2) *Procedure.* Accurately weigh from 60 to 70 milligrams of the sample to be tested in a glass test tube or glass vial of approximately 10 milliliters capacity. Add 2.0 milliliters of water to dissolve the penicillin and cool the solution to 0° to 5° C. Add 2 milliliters of the amyl acetate solution and 0.5 milliliter of the phosphoric acid solution, stopper and shake vigorously for approximately 15 seconds. Centrifuge to obtain a clear separation of the two layers (approximately 20 seconds). After centrifuging, remove as much of the amyl acetate layer as possible (usually about 1.7 milliliters–1.8 milliliters) with a 2-milliliter hypodermic syringe equipped with a suitable needle, and add it to the filter funnel containing the silica gel. Allow the amyl acetate to remain in contact with the silica gel for exactly 20 seconds, then apply suction and collect the filtrate in a small test tube placed in a suction flask surrounded by cracked ice. Pipette a 1.0-milliliter aliquot of the amyl acetate filtrate into a tared flat bottom glass tube (approximately 15 x 50 millimeters) containing 1.0 milliliter of the acetone solution and 0.5 milliliter of the *N*-ethyl piperidine solution. The time elapsing between acidification and the addition of the filtrate to the above reagents should not be more than 3 minutes. Place the glass tube containing this mixture in a large weighing bottle, stopper the bottle and allow to stand for not less than 2 hours in a refrigerator at 0° to 8° C. Remove the liquid from the precipitate by means of a tared micro filter stick and wash with a total of 1 milliliter of the acetone solution adding the latter by means of a hypodermic syringe equipped with a fine needle. Place the filter stick inside the glass tube. dry under vacuum at room temperature for not less than 1 hour, and weigh. (Save all *N*-ethyl piperidine penicillin G residues for saturating reagents.)

$$\text{Percent of sodium penicillin G} = \frac{\text{mg. } N\text{-ethyl piperidine penicillin precipitate} \times 159.3}{\text{Weight of sample mg.}}$$

$$\text{Percent of potassium penicillin G} = \frac{\text{mg. } N\text{-ethyl piperidine penicillin precipitate} \times 166.5}{\text{Weight of sample mg.}}$$

(f) *Penicillin K content.* Determine the content of penicillin K by the following method:

Dilute a weighed sample or the contents of a vial with 0.3 *M* phosphate (Na_2HPO_4 and KH_2PO_4) buffer pH 6.0 to give a solution containing approximately 1,000 units/ml. In the case of calcium penicillin where a precipitate of calcium phosphate occurs, remove the precipitate by filtration and use the clear filtrate. Place a 15.0-milliliter aliquot of this solution in a 125-milliliter separatory funnel, add 30.0 milliliters of chloroform U. S. P. and shake for 1 minute. (Carry out all operations at room temperature.) Allow the mixture to stand with occasional swirling to settle the droplets of chloroform until the top layer is clear (usually about 10 minutes). Draw off all but about 2 milliliters of the lower chloroform layer through a small pledget of cotton into a glass-stoppered flask. Take a 4.0-milliliter aliquot of the original solution, a 4.0-milliliter aliquot of the buffer solution remaining in the separatory funnel and a 10.0-milliliter aliquot of the chloroform solution and determine the mg./ml. of penicillin in each by the iodometric assay procedure described in paragraph (d) of this section using 4.0 milliliters of the 1 *N* NaOH and 4.0 milliliters of the 1.2 *N* HCl for each of the above aliquots. Make blank determinations on the same size aliquots. Calculate the percent penicillin in the buffer layer and in the chloroform layer as compared to the original solution. The sum of these percentages should be 100%±2%. The percent penicillin K=(96.92+% in chloroform−% in buffer)×1.67. (The factors in the above formula are based on distribution coefficients of penicillin K and G between chloroform and aqueous phosphate buffer at pH 6.0.)

(g) *Penicillin G content of crystalline penicillin O.* Accurately weigh approximately 300 milligrams of the sample to be tested in a 250-milliliter Erlenmeyer flask, dissolve in 1.0 milliliter of 2.5 percent KOH solution, add with swirling 50.0 milliliters of 4.5 percent $KMnO_4$ solution and heat on the steam bath for 2 hours, covering the flask with a watch glass. Cool to room temperature and add 25.0 milliliters of 10 percent oxalic acid solution. When the reaction has ceased, add 15.0 milliliters of 18 *N* H_2SO_4 stepwise with agitation and cooling. Add 30.0 grams of NaCl and agitate until a clear, colorless solution is obtained. Transfer to a separatory funnel and extract with three portions of chloroform, 30 milliliters, 20 milliliters, and 10 milliliters in that order. Filter the extracts through a pledget of cotton previously moistened with chloroform and collect in a second separatory funnel. Add 50.0 milliliters of 0.1 *N* NH_4OH to the combined extracts, shake 5 minutes and allow the phases to separate for 10 minutes. Discard all but a few milliliters of the chloroform layer. Draw off the last few milliliters of chloroform and about 15.0 milliliters of the NH_4OH layer into a glass-stoppered test tube and centrifuge 2 minutes to obtain a clear aqueous layer. Prepare a blank by shaking 50.0 milliliters of 0.1 *N* NH_4OH with 60.0 milliliters of chloroform as described above. Determine the optical density of the blank compared with 0.1 *N* NH_4OH at 220 and 224 mμ. Determine the optical density of the sample at 220 and 224 mμ compared with the blank. Calculate the quantity of benzoic acid in the solution from the equation:

$$x = \frac{RE224 - E220}{RB - A}.$$

x = concentration of milligrams per milliliter of benzoic acid in sample.
A = optical density per milligram of benzoic acid U. S. P. per milliliter 0.1 *N* NH_4OH at 220 mμ.
B = optical density per milligram of benzoic acid U. S. P. per milliliter of 0.1 *N* NH_4OH at 224 mμ.
R = $\frac{\text{optical density of blank at 220 m}\mu}{\text{optical density of blank at 224 m}\mu}$.
$E220$ = optical density of sample at 220 mμ.
$E224$ = optical density of sample at 224 mμ.

Calculate the quantity of penicillin G in the sample from the equation:

$$\frac{3.05 \times (50)\,(100)}{\text{Weight of sample in milligrams}} = \text{percent penicillin G.}$$

(h) *Penicillin O content.* Determine by means of a suitable infrared spectrophotometer, using the following procedure: Grind the sample to a uniform powder using a mortar and pestle. Weigh by difference, 100–150 milligrams of liq-

uid petrolatum into an agate mortar. Divide the actual weight of the liquid petrolatum by three, and add exactly this amount of the powdered penicillin O to the liquid petrolatum in the mortar. Mix with a small spatula and then mull thoroughly with the pestle until a uniform consistency is obtained. Use two circular rock-salt plates, each 2 inches in diameter as the absorption cell. Place a small drop of the mull in the center of one of the rock-salt plates. Place a brass spacer, 0.0036 inch thick, on the plate. (This spacer is cut in the shape of a circular gasket with a 1-inch center hole and a slit to permit the escape of air when the two plates are pressed together.) Put on the top salt plate gently and slowly squeeze together to spread the mull uniformly. Clamp the two plates firmly together in a metal cell holder. (The cell holder consists of two metal plates, one containing a rectangular center slit ¼ inch wide x ⅝ inch long, the other with a center hole 1 inch in diameter. The two plates are clamped together by means of threaded studs and nuts.) Examine the assembled cell by holding it up to the light. It should appear smooth, free of any air bubbles, and not in contact with the spacer. Adjust the amplification of the spectrophotometer to full-scale deflection for one microvolt, set the slit opening to about 0.300 and run the spectrum from 9.4 to 10.7 microns, using an automatic slit-control mechanism and taking a zero reading (shutter closed) at the beginning and at the end of the run. Draw a base line between two points, one on each side of the analytical band (10.1 microns) and calculate the base-line optical density, using the following formula:

$$D_B = \log 10 \frac{I_B}{I_p}$$

where
D_B = base-line optical density.
I_p = distance from the zero line to the maximum absorption of the band.
I_B = distance from the zero line to the base line, measured at the same wave length as I_p.

Using known mixtures of penicillin G working standard and penicillin O working standard, prepare a standard curve by plotting the base-line optical densities obtained against the percent penicillin O. Obtain the percent penicillin O in the sample under test from this standard curve.

§ 141a.6 *Sodium penicillin, calcium penicillin, potassium penicillin; penicillin X.* Dissolve the contents of a 100,000 unit ampul in about 20 milliliters of ice cold distilled water. Transfer quantitatively to a 100-milliliter volumetric flask, rinsing the ampul with small portions of ice cold water and make to 100 milliliters. Pipette a 50.0-milliliter aliquot into a 125-milliliter separatory funnel, then add 50.0 milliliters of cold chloroform and shake the mixture. Add an amount of approximately 1 *N* H_2SO_4 to bring the pH of the aqueous layer to 2.0. (The amount of 1 *N* H_2SO_4 to be added is calculated by titrating a separate 5.0-milliliter aliquot of the 100-milliliter dilution to pH 2.0 using a suitable pH meter.) Shake the mixture vigorously for one minute. Allow the layers to separate and filter the chloroform through a small pledget of cotton, moistened with chloroform, into a second 125-milliliter separatory funnel. Shake the acid aqueous solution with a second 50.0 milliliters of cold chloroform and, when the layers have separated, withdraw the chloroform through the same filter into the second separatory funnel. Immediately neutralize the acid aqueous solution, containing the penicillin X, with 0.1 *N* NaOH to pH 6.5 to 7.0 using the pH meter and make to 100 milliliters with water. Make appropriate dilutions in 1 percent phosphate buffer at pH 6.0 and assay as directed in § 141a.1 (f) or (h). Shake the combined chloroform extracts, containing any penicillin G, etc., with small successive portions of cold $NaHCO_3$ solution (0.1 percent), until the combined $NaHCO_3$ extracts give a pH of 7.0, and make to 100 milliliters with water. Make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0. Assay these last dilutions as directed in § 141a.1 (f) or (h). The potency of the penicillin X fraction plus potency of the penicillin G, etc., fraction should approximate that of the potency of the original solution. All of the above extractions should be carried out in a cold room.

§ 141a.7 *Penicillin in oil and wax*—(a) *Potency.* Proceed as directed in § 141a.1 except paragraph (i) thereof and, in lieu of the directions in § 141a.1 (d) prepare sample as follows:

Liquefy the sample by warming, thoroughly mix, and withdraw 1.0 milliliter using a sterile syringe equipped with an 18-gauge needle. Transfer to a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the separatory funnel vigorously to bring about complete mixing of the material with the ether. Shake with a 25-milliliter portion of 1 percent phosphate buffer at pH 6.0. Remove the buffer layer and repeat the extraction with three 25-milliliter quantities of buffer. Combine the extracts and make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0. The sample may also be prepared by transferring aseptically 1.0 milliliter of the penicillin in oil and wax to a blending jar containing 100 milliliters of 1 percent phosphate buffer at pH 6.0. Using a high-speed blender, blend this mixture for 1 minute and then make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0. If the label represents the potency of the penicillin in oil and wax as 200,000 units per milliliter or less, it is satisfactory if it is 85 percent or more of the potency so represented; if represented as more than 200,000 units per milliliter, it is satisfactory if it is 90 percent or more of the potency so represented.

(b) *Sterility.* Transfer aseptically directly to the tubes of the medium the entire contents of single-dose containers or the equivalent of approximately 300 milligrams (activity) from each multiple dose container, and proceed as directed in § 141a.2.

(c) *Moisture*—(1) *Reagents*—(i) *Karl Fischer reagent.* Preserve the reagent in glass-stoppered bottles and use from an all glass automatic burette, protecting the solution from the moisture in the air.

(ii) *Water-methanol solution.* Use methanol containing approximately 1 mg. of water per milliliter. Store the solution in a glass bottle attached to an automatic burette and protect from moisture in the air at all times.

(2) *Standardization of Karl Fischer reagent.* Add a known volume of the Karl Fischer reagent to a suitable titrating vessel which has been previously dried at 105° C. and cooled in a desiccator. Introduce a mechanical stirrer and two platinum electrodes which are connected to a suitable electrometric apparatus for measurement of the endpoint. Start the stirrer and titrate with the water-methanol solution until the endpoint is reached. Calculate the milliliters of Karl Fischer reagent equivalent to each milliliter of water-methanol.

Add an accurately weighed quantity of water (approximately 50 milligrams) to a dry titrating vessel, add an excess of the Karl Fischer reagent and back titrate with the water-methanol solution as above. Calculate the milligrams of water equivalent to each milliliter of the Karl Fischer reagent. Standardize the Karl Fischer reagent in this manner daily.

$$e = \frac{w}{v_1 - v_2 f}$$

where
e = milligrams of water equivalent to 1 ml. Karl Fischer reagent.
w = weight of water in milligrams.
v_1 = volume of Karl Fischer reagent used.
v_2 = volume of methanol used.
f = volume ratio of Karl Fischer reagent to water-methanol solution.

(3) *Procedure.* Transfer 1.0 milliliter of the penicillin in oil and wax to a dry titrating vessel, add 10 milliliters of dry chloroform and an excess of the Karl Fischer reagent and back titrate with the water-methanol solution until the endpoint is reached. Transfer 10 milliliters of the dry chloroform used to a dry titrating vessel, add an excess of Karl Fischer reagent, and titrate with the water-methanol as above. Calculate the milliliters of Karl Fischer reagent equivalent to 10 milliliters of chloroform.

$$\text{Percent moisture} = \frac{(v_1 - v_2 f - b) \times e \times 100}{s \times 1000}$$

where
b = milliliters Karl Fischer reagent equivalent to 10 ml. of chloroform
s = volume of the sample in milliliters.

(d) *Measurement of penicillin particle size.* Vigorously shake the container to obtain an even suspension of the penicillin particles and immediately withdraw therefrom approximately 0.5 milliliter of the drug into a clean, dry, tuberculin syringe using a dry 18-gauge needle. Discard approximately the first 5 drops of the mixture extruded from the needle and then extrude approximately 1 minim of the remaining mixture into a test tube containing 3 to 4 milliliters of light mineral oil. Thoroughly mix the contents of the tube and by means of a bacteriological loop (2 millimeters inside diameter, 22 gauge wire), immediately place one loopful of the suspension on each ruled chamber of a bright line hemocytometer. (It is not necessary to use a

cover slip.) Confirm by means of the low power objective of the microscope the even distribution of particles over the ruled areas of both chambers and repeat with another loopful of the suspension if even dispersion is not obtained.

Use a magnification of 430 or 440 diameters and a calibrated ocular micrometer to measure the penicillin particles. For the purpose of measurement and calculation, the predominant type of crystals observed shall be considered to represent the type of crystals present and the thickness and density of all particles shall be considered constant. Center a large penicillin particle in the microscopic field; measure the particle and all other particles in the field and repeat this operation on other fields until at least 200 particles are measured. Particles of less than 5 microns in length are disregarded. The grouping of the particles by length, the midpoint, the ratio of the midpoints, and the square of the ratio of the midpoints for each group are tabulated below:

Group	Length in microns	Midpoint	Ratio of midpoints	(Ratio)²
1	5–14	9.5	1.00	1.00
2	15–29	22.0	2.31	5.34
3	30–49	39.5	4.16	17.31
4	50–69	59.5	6.26	39.19
5	70–99	84.5	8.89	79.03
6	100–149	124.5	13.10	171.61
7	150–199	174.5	18.36	337.09
8	200–249	224.5	23.63	558.38
9	250–300	275.0	28.95	838.10

Calculate the percent particles in each group from the total number measured. Determine the percent relative weight for each group as follows:

Plate type particles. Relative weight = (ratio)³ × % of total particles in group.

$$\% \text{ relative weight} = \frac{\text{relative weight} \times 100}{\text{total relative weight}}$$

Rod-shaped particles. In the case of rod-shaped particles measure the width as well as the length.

Relative weight = ratio × average width × % of total particles in group

$$\% \text{ relative weight} = \frac{\text{relative weight} \times 100}{\text{total relative weight}}$$

When examined by the method described in this section not less than 50 percent of the total relative weight of the penicillin in the drug consists of penicillin having a particle size of not less than 50 microns in length.

§ 141a.8 *Penicillin ointment*—(a) *Potency.* Proceed as directed in § 141a.1, except paragraph (i) of that section, and in lieu of the directions in § 141a.1 (d), prepare the sample by one of the following techniques:

(1) *Extraction.* Place a representative portion of the sample (usually approximate 1 gram, accurately weighed) or the entire contents of a single-dose container in a separatory funnel containing 50 milliliters of peroxide-free ether. If the sample consists of substantially more than 1 gram, use 100 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 25 milliliters of 1-percent phosphate buffer, pH 6.0, and shake. If the sample consists of substantially more than 1 gram, use 50 milliliters of buffer. Allow the layers to separate. Remove the buffer layer and repeat the extraction with new portions of buffer at least three times and any additional times necessary to ensure complete extraction of the antibiotic. Combine the extractives and make the proper estimated dilutions with buffer.

(2) *Blending.* Place an accurately weighed representative portion of the sample (usually approximately 1 gram), or the entire contents of a single-dose container, in a blending jar containing 1.0 milliliter of a 10-percent aqueous solution of polysorbate 80 and sufficient 1-percent phosphate buffer, pH 6.0, to give a final volume of 200 milliliters. If the sample consists of substantially more than 1 gram, use sufficient buffer to give a final volume of 500 milliliters. Using a high-speed blender, blend the mixture for 2 minutes and then make the proper estimated dilutions with buffer. Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.7 (c), using a weighed sample of approximately 1 gram dissolved in 10 milliliters of a mixture of equal parts of dry chloroform and carbon tetrachloride, but in lieu of calculating the milliliters of Karl Fischer reagent equivalent to 10 milliliters of chloroform, determine the milliliters of reagent equivalent to 10 milliliters of the mixture of chloroform and carbon tetrachloride.

§ 141a.9 *Penicillin tablets*—(a) *Potency*—(1) *Tablets that do not contain benzathine penicillin G or penicillin V.* Proceed as directed in § 141a.1, except paragraph (i) thereof and, in lieu of the directions in § 141a.1 (d), prepare sample as follows: Place 12 tablets in a mortar and add approximately 20 milliliters of 1 percent phosphate buffer at pH 6.0. Disintegrate the tablets by grinding with a pestle. Transfer with the aid of small portions of the buffer solution to a 500 milliliter volumetric flask and make to 500 milliliters by adding sufficient phosphate buffer. Make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0. The sample may also be prepared as follows: Place 12 tablets in a blending jar and add thereto approximately 100 milliliters of a 500 milliliter quantity of 1 percent phosphate buffer at pH 6.0. After blending for 1 minute with a high-speed blender add the remainder of the 500 milliliters of buffer. Blend again for 1 minute and make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0.

(2) *Tablets that contain benzathine penicillin G.* Proceed as directed in § 141a.1, except paragraph (i) of that section, and in lieu of the directions in § 141a.1 (d), prepare the sample as follows: Grind 6 tablets, using a mortar and pestle, and add sufficient formamide or dimethyl formamide (previously adjusted, if necessary, to pH 6 to 7 with a few drops of concentrated H_2SO_4 per liter) to give a concentration of not more than 15,000 units per milliliter. Allow to stand for ½ hour, with frequent agitation, then make the proper estimated dilutions in 1-percent phosphate buffer at pH 6.0.

The average potency of penicillin tablets is satisfactory if they contain not less than 85 percent of the number of units per tablet that they are represented to contain.

(3) *Tablets that contain penicillin V.* Using the penicillin V working standard as the standard of comparison, proceed as directed in subparagraph (1) of this paragraph.

(b) *Moisture.* Use 4 tablets and proceed as directed in § 141a.5 (a), except that if they contain benzathine penicillin G or penicillin V proceed as directed in § 141a.26 (e).

§ 141a.11 *Penicillin with aluminum hydroxide gel*—(a) *Sodium penicillin, calcium penicillin, potassium penicillin.* Proceed as directed in §§ 141a.1, 141a.2, 141a.4, and 141a.5 (a) and (b); if crystalline penicillin, § 141a.5 (c), (d) and (f); and if crystalline penicillin G, § 141a.5 (e).

(b) *Aluminum hydroxide gel.* Thoroughly shake the aluminum hydroxide gel and transfer aseptically 1.0 and 0.1-milliliter portions in triplicate to sterile Petri dishes. Pour into each Petri dish 20 milliliters of nutrient agar, described in § 141a.1 (b) (1), which has been melted and cooled to 48° C. Thoroughly mix the aluminum hydroxide and melted agar. Allow the agar to solidify, invert the Petri dishes, and incubate for 48 hours at 32° C.–35° C. Count the number of colonies appearing on the plates and calculate therefrom the number of viable bacteria per milliliter of the aluminum hydroxide gel.

§ 141a.12 *Penicillin troches*—(a) *Potency.* Proceed as directed in § 141a.1, except paragraph (i) thereof and, in lieu of the directions in § 141a.1 (d), prepare sample as follows:

(1) If the troche does not contain a masticatory substance, proceed as directed in § 141a.9 (a).

(2) If the troche contains paraffin as a masticatory substance, place five troches in a separatory funnel containing 75 ml. of *N*-hexane; shake until the troches are dissolved. Shake with a 25-milliliter portion of 1 percent phosphate buffer at pH 6.0. Remove the buffer layer and repeat the extraction with three 25-milliliter quantities of buffer. Combine the extracts and make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0.

(3) If the troche contains gum as a masticatory substance, cut each of five troches into fine pieces and place in a glass blending jar containing 100 milliliters of a 50 percent acetone-water solution. Using a high-speed blender, blend for 3 to 5 minutes. Add an additional 100 milliliters of a 50 percent acetone-water solution to the blender and blend for an additional 3 to 5 minutes, and then make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0.

The average potency of the troche is satisfactory if it contains not less than 85% of the number of units it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a), or if it contains a masticatory substance proceed as directed in § 141a.7 (c), using 1.0 to 2.0 grams dissolved in 10 milliliters of dry chloroform.

§ 141a.13 *Penicillin dental cones*—(a) *Potency.* Proceed as directed in § 141a.1, except paragraph (i) thereof and, in lieu of the directions in § 141a.1 (d), prepare sample using 5 cones as directed in § 141a.9 (a). The average potency of the cone is satisfactory if it contains not less than 85 percent of the number of units per cone it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a).

§ 141a.14 *Penicillin with vasoconstrictor*—(a) *Penicillin used in the packaged combination*—(1) *Potency.* Unless it is penicillin tablets, proceed as directed in § 141a.1. If it is penicillin tablets, proceed as directed in § 141a.9 (a).

(2) *Toxicity, moisture, pH, crystallinity, heat stability, penicillin G content.* Proceed as directed in §§ 141a.4 and 141a.5.

(b) *Dry mixture of penicillin with vasoconstrictor; potency, moisture.* Proceed as directed in §§ 141a.1 and 141a.5 (a).

§ 141a.15 *Penicillin for surface application*—(a) *Potency.* Proceed as directed in § 141a.9 (a) using the contents of 12 immediate containers.

(b) *Moisture.* Proceed as directed in § 141a.5 (a).

§ 141a.16 *Tablets aluminum penicillin*—(a) *Potency.* Proceed as directed in § 141a.9 (a), using citrate buffer at pH 6.3 for making working dilutions of the working standards and for the sample under test in lieu of phosphate buffer. The citrate buffer is of the following composition:

	Grams
Citric acid	52.9
Sodium hydroxide (pellets)	28.25
Sodium citrate	388.0

Make up to 4000 ml. with distilled water.

(b) *Moisture.* Proceed as directed in § 141a.5 (a).

§ 141a.17 *Penicillin sulfonamide powder*—(a) *Potency.* Proceed as directed in § 141a.9 (a), except prepare the samples as follows: Accurately weigh 0.5 gram from each of the immediate containers and dissolve in 100 milliliters of distilled water. From this solution make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0.

(b) *Moisture.* Proceed as directed in § 141a.5 (a).

(c) *Sterility.* Transfer aseptically directly to the tubes of the medium approximately 0.5 gram from each container tested, and proceed as directed in § 141a.2.

§ 141a.18 *Penicillin vaginal suppositories*—(a) *Potency.* Proceed as directed in § 141a.1 except paragraph (i) thereof and in lieu of the directions in § 141a.1 (d) prepare sample as follows:

Place 5 suppositories in a separatory funnel containing 150 milliliters of peroxide-free ether. Shake the separatory funnel vigorously to bring about complete mixing of the material with the ether. Shake with a 25-milliliter portion of 1 percent phosphate buffer at pH 6.0. Remove the buffer layer and repeat the extraction with three 25-milliliter quantities of buffer. Combine all extracts and make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0. The sample may also be prepared as follows: Place 5 suppositories in a glass blending jar containing 200 milliliters of 1 percent phosphate buffer at pH 6.0. Using a high-speed blender blend for 3 minutes and make the proper estimated dilution in 1 percent phosphate buffer at pH 6.0. The average potency of the suppository is satisfactory if it contains not less than 85 percent of the number of units it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.7 (c) using a weighed suppository dissolved in 10 milliliters of dry chloroform and 2 milliliters of methanol from the titrating burette. (Correct for the amount of moisture in the solvents used.)

§ 141a.19 *Buffered crystalline penicillin.* Proceed as directed in §§ 141a.1, 141a.2, 141a.3, 141a.4, 141a.5 and 141a.6.

§ 141a.20 *Capsules buffered penicillin with pectin hydrolysate*—(a) *Potency.* Proceed as directed in § 141a.1 except paragraph (i) thereof and in lieu of the directions in § 141a.1 (d) prepare samples as follows:

Place the contents of 12 capsules and the empty capsules into a 500-milliliter volumetric flask. Add approximately 200 milliliters of 1 percent phosphate buffer at pH 6.0, shake until the powder has dissolved and the capsules have gelatinized and make to 500 milliliters with the phosphate buffer. Make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0. The average potency of capsules buffered penicillin with pectin hydrolysate is satisfactory if it contains not less than 85 percent of the number of units per capsule it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) utilizing the contents of 4 capsules.

§ 141a.22 *Penicillin bougies*—(a) *Potency.* Proceed as directed in § 141a.9 (a).

(b) *Moisture.* Proceed as directed in § 141a.7 (c), using 1.0 to 2.0 grams of bougies dissolved in 10 milliliters of dry chloroform if it contains the excipient polyethylene glycol. If it does not contain the excepient polyethylene glycol, proceed as directed in § 141a.5 (a).

§ 141a.23 *Crystalline penicillin and epinephrine in oil*—(a) *Potency.* Proceed as directed in § 141a.7 (a) except the provisions for warming the sample. When examined by the method described in this section the potency of crystalline penicillin and epinephrine in oil is satisfactory if it is 90 percent or more of the potency represented.

(b) *Sterility.* Proceed as directed in § 141a.7 (b).

(c) *Moisture.* Proceed as directed in § 141a.7 (c).

(d) *Epinephrine content*—(1) *Standard curve.* Prepare a stock standard containing 20 milligrams of U. S. P. epinephrine reference standard in 100 milliliters of phosphate buffer at pH 4.0. This buffer is prepared by adjusting 1 percent phosphate buffer pH 6.0 with 1:100 phosphoric acid (ortho 85 percent) to pH 4.0. The stock standard is stored in the refrigerator and may be used as long as it remains colorless. Transfer 1.0, 2.0, 3.0, 4.0, and 5.0 milliliters of the standard to each of five 100-milliliter volumetric flasks using transfer pipettes. Add 4.0, 3.0, 2.0, and 1.0 milliliters of the phosphate buffer pH 4.0 to the first four flasks respectively to give each a total volume of 5 milliliters. Add 1.0 milliliter of 0.1 *N* iodine to each flask, shake for one minute, add 2.0 milliliters of 0.1 *N* sodium thiosulfate and mix the solution. Make each flask to a volume of 100 milliliters with distilled water. Read the percent light transmission of the colored solutions using a 2.0 centimeter cell and a 490 mμ filter in a suitable photoelectric colorimeter. The instrument is balanced so that the 0.2 mg./100 ml. concentration reads 90 percent light transmission. Prepare a standard curve on semilog paper, plotting the percent light transmission on the logarithmic ordinate scale and the concentration on the abscissa.

(2) *Procedure.* Transfer 1.0 milliliter of the sample with the aid of a hypodermic syringe and needle to a screw-cap test tube (about 30 milliliters capacity), add 5.0 milliliters of U. S. P. chloroform and 10.0 milliliters of 1 percent phosphate buffer pH 6.0 from a transfer pipette. Shake thoroughly for one minute, centrifuge to separate the layers and carefully withdraw a 5.0-milliliter aliquot of the buffer layer using a transfer pipette. Transfer the aliquot to a 50-milliliter volumetric flask, add the calculated amount of 1:100 phosphoric acid to bring the pH to 4.0 (amount to be added previously determined by titration of the 1 percent phosphate buffer pH 6.0 with 1:100 phosphoric acid using a pH meter). Add 1.0 milliliter of 0.1 *N* iodine, shake for one minute, add 2.0 milliliters of 0.1 *N* sodium thiosulfate and mix the solution. Make to a volume of 50 milliliters with distilled water. Set the colorimeter at 90 percent light transmission for the 0.2 milligram/100 milliliters standard as directed above and obtain the percent light transmission of the sample. The concentration obtained directly from the standard curve corresponding to the percent light transmission of the sample × 1.05 equals the concentration of the epinephrine per milliliter of the sample. Crystalline penicillin and epinephrine in oil is satisfactory if it contains not less than 0.24 or more than 0.36 milligram epinephrine per milliliter.

§ 141a.24 *Aluminum penicillin*—(a) *Potency.* Proceed as directed in § 141a.1 (a), using citrate buffer as prepared in § 141a.16 (a) in lieu of phosphate buffer.

(b) *Sterility.* Proceed as directed in § 141a.2.

(c) *Pyrogens.* Proceed as directed in § 141a.3, but in lieu of the directions for preparation of sample in paragraph (b) thereof, prepare sample as follows:

Suspend approximately 60 milligrams in 20 milliliters of pyrogen-free sterile physiological salt solution, adding the salt solution in approximately 1-milliliter aliquots and mixing thoroughly after each addition, utilizing a pyrogen-free glass stirring rod. Centrifuge, warm to 37° C., withdraw the clear supernatant solution, and inject 1 milliliter per kilogram of rabbit.

(d) *Toxicity.* Proceed as directed in § 141a.4, utilizing the solution prepared in paragraph (c) of this section.

(e) *Moisture.* Proceed as directed in § 141a.5 (a).

(f) *pH.* Proceed as directed in § 141a.5 (b), using a saturated solution.

(g) *Penicillin K content.* Proceed as directed in § 141a.5 (f).

§ 141a.25 *Aluminum penicillin in oil*—(a) *Potency, sterility.* Proceed as directed in § 141a.7.

(b) *Moisture.* Proceed as directed in § 141a.23 (c).

§ 141a.26 *Procaine penicillin*—(a) *Potency.* Proceed as directed in § 141a.1, or by the iodometric method as described in § 141a.5 (d) (1), except prepare the sample as follows: Dissolve a weighed sample (approximately 50 milligrams) in 2.0 milliliters of redistilled methanol. Further dilute this solution with sufficient 1 percent phosphate buffer pH 6.0 to give a concentration of 2.0 milligrams per milliliter.

(b) *Sterility.* Proceed as directed in § 141a.2.

(c) *Pyrogens.* Proceed as directed in § 141a.3, except use physiological salt solution as the diluent.

(d) *Toxicity.* Proceed as directed in § 141a.4, except use physiological salt solution as the diluent, and inject 0.5 milliliter of a solution containing 2,000 units per milliliter.

(e) *Moisture.* Proceed as directed in § 141a.7 (c), but in lieu of the directions for preparing the sample in subparagraph (3) thereof prepare the sample and calculate as follows: Accurately weigh about 300 milligrams of the sample into a dry titrating vessel, add an excess of the Karl Fischer reagent and back titrate with water-methanol solution until the endpoint is reached.

$$\text{Percent moisture} = \frac{(v_1 - v_2 f) \times e \times 100}{W_s}$$

where W_s = weight of sample in milligrams.

(f) *pH.* Proceed as directed in § 141a.5 (b) using a saturated aqueous solution prepared by adding 300 milligrams per milliliter.

(g) *Microscopical test for crystallinity.* Proceed as directed in § 141a.5 (c).

(h) *Penicillin G content.* Proceed as directed in § 141a.5 (e) using the following formula for calculating the percent of procaine penicillin G:

$$\text{Percent of procaine penicillin G} = \frac{N\text{-ethyl piperidine penicillin precipitate} \times 263.1}{\text{Weight of sample in milligrams}}$$

and in lieu of the first four sentences in § 141a.5 (e) (2) proceed as follows:

Accurately weigh approximately 100 milligrams of the sample to be tested in a glass test tube or glass vial of approximately 10-milliliter capacity. Add 2 milliliters of water and cool to 0° C. to 5° C. Add 2 milliliters of the amyl acetate solution and 0.5 milliliter of the phosphoric acid solution, stopper and shake vigorously for aproximately 15 seconds. Add a second 0.5-milliliter portion of the phosphoric acid solution and shake vigorously again. Centrifuge to obtain a clear separation of the two layers (approximately 20 seconds). If any procaine penicillin remains undissolved, add a third portion of 0.5 milliliter of the phosphoric acid solution and repeat the shaking and centrifugation.

(i) *Penicillin K content.* Weigh from 30–35 milligrams of the sample to be tested in a glass test tube or glass vial of approximately 10-milliliter capacity. Add 2.0 milliliters of chloroform U. S. P. and cool the mixture to 0° C.–5° C. in an ice bath. Add 1.0 milliliter of cold 1–4 phosphoric acid solution, stopper and shake vigorously for 15 seconds. Centrifuge to obtain a clear separation of the layers (approximately 20 seconds). After centrifuging, remove 1.0 milliliter of the chloroform layer with a pipette or syringe equipped with a suitable needle. Immediately place the 1.0 milliliter of chloroform in a 125-milliliter separatory funnel containing 29.0 milliliters of chloroform and 15.0 milliliters of 0.3 *M* phosphate (Na_2HPO_4 and KH_2PO_4) buffer pH 6.0 at room temperature and shake for 1 minute. Allow the mixture to stand with occasional swirling to settle the droplets of chloroform until the top layer is clear (usually about 10 minutes). Draw off all but about 2 milliliters of the lower chloroform layer through a small pledget of cotton into a glass-stoppered flask. Take a 4.0-milliliter aliquot of the buffer solution remaining in the separatory funnel and a 10.0-milliliter aliquot of the chloroform solution and determine the milligrams per milliliter of penicillin in each by the iodometric assay procedure described in § 141a.5 (d) (1) using 4.0 milliliters of the 1 *N* NaOH and 4.0 milliliters of the 1.2 *N* HCl for the two above aliquots. Make blank determinations on the same size aliquots. Calculate the percent penicillin in the buffer layer on the basis that the sum of the penicillin found in the buffer layer and in the chloroform layer is 100 percent. The percent penicillin K = (98.46 − percent found in buffer) × 3.34.

§ 141a.27 *Procaine penicillin in oil*—(a) *Potency.* Proceed as directed in § 141a.1, except paragraph (i) thereof and, in lieu of the directions in § 141a.1 (d), prepare sample as follows: Introduce 1 milliliter of the well-shaken sample by means of a 2-milliliter hypodermic syringe, into a 50-milliliter volumetric flask. Add 3 to 4 cubic centimeters of chloroform, shake the flask well, and make to 50 milliliters with absolute alcohol. Mix thoroughly, withdraw a 1-milliliter aliquot and make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0. The sample may also be prepared as follows: Introduce 1 milliliter of the well-shaken sample by means of a 2.0-milliliter hypodermic syringe into a blending jar containing 98 milliliters of 1 percent phosphate buffer at pH 6.0 and 1.0 milliliter of polysorbate 80. Using a high-speed blender, blend the mixture for 1 minute and make the proper estimated dilution in 1 percent phosphate buffer at pH 6.0. If the label represents the potency of the procaine penicillin in oil as 100,000 units per milliliter, it is satisfactory if it is 85 percent or more of the potency so represented; if represented as 300,000 units per milliliter, it is satisfactory if it is 90 percent or more of the potency so represented.

(b) *Sterility.* Proceed as directed in § 141a.7 (b).

(c) *Moisture.* Proceed as directed in § 141a.7 (c).

§ 141a.28 *Crystalline penicillin for inhalation therapy*—(a) *Potency.* Proceed as directed in § 141a.1, or by the iodometric method as described in § 141a.5 (d) (1).

(b) *Moisture.* Proceed as directed in § 141a.5 (a), except if it is procaine penicillin proceed as directed in § 141a.26 (e).

§ 141a.29 *Procaine penicillin for aqueous injection*—(a) *Potency.* Proceed as directed in § 141a.1, using a 50 percent acetone-water solution to dissolve the sample, or by the iodometric method as described in § 141a.5 (d) (1), except dissolve the sample in about 5.0 milliliters of redistilled methanol prior to diluting with 1 percent phosphate buffer pH 6.0.

(b) *Sterility.* Use the entire contents of single-dose containers or the equivalent of approximately 300 milligrams (activity) from each multiple-dose container, and proceed as directed in § 141a.2, except if it is the aqueous suspension of the drug and does not contain a preservative, incubate all tubes for 14 days.

(c) *Moisture.* Proceed as directed in § 141a.26 (e).

(d) *Pyrogens.* Proceed as directed in § 141a.3, except use physiological salt solution as the diluent.

(e) *Toxicity.* Proceed as directed in § 141a.4, except use physiological salt solution as the diluent, and inject 0.25 milliliter of a solution containing 4,000 units per milliliter.

(f) *pH*—(1) *Dry mixture of the drug.* Proceed as directed in § 141a.5 (b), using the solution or suspension resulting when the amount of diluent recommended in the labeling is added.

(2) *Aqueous suspension of the drug.* Proceed as directed in § 141a.5 (b), using the undiluted aqueous suspension.

§ 141a.30 *Ephedrine penicillin*—(a) *Potency.* Proceed as directed in § 141a.1, or by the iodometric method as described in § 141a.5 (d) (1), except dilute the sample with sufficient 1 percent phosphate buffer pH 6.0 to give a concentration of 2.0 milligrams per milliliter.

(b) *Sterility.* Proceed as directed in § 141a.2.

(c) *Pyrogens.* Proceed as directed in § 141a.3.

(d) *Toxicity.* Proceed as directed in § 141a.4.

(e) *Moisture.* Proceed as directed in § 141a.5 (a).

(f) *pH.* Proceed as directed in § 141a.5 (b).

(g) *Microscopical test for crystallinity.* Proceed as directed in § 141a.5 (c).

(h) *Penicillin G content.* Proceed as directed in § 141a.5 (e) using an accurately weighed sample of approximately 80 mg. and the following formula for calculating the percent of ephedrine penicillin G:

$$\text{Percent of ephedrine penicillin G} = \frac{\text{Milligrams } N\text{-ethyl piperidine penicillin precipitate} \times 223.2}{\text{Weight of sample in milligrams}}$$

(i) *Penicillin K content.* Proceed as directed in § 141a.5 (f).

§ 141a.31 *Ephedrine penicillin tablets*—(a) *Potency.* Proceed as directed in § 141a.9 (a) or by the iodometric method as described in § 141a.5 (d) (1), using 6 tablets dissolved in sufficient 1 percent phosphate buffer pH 6.0 to give a concentration of 2,000 units per milliliter.

(b) *Moisture.* Proceed as directed in § 141a.5 (a).

§ 141a.32 *Procaine penicillin and buffered crystalline penicillin for aqueous injection*—(a) *Total potency (except in single-dose container), sterility, moisture, pyrogens, toxicity, pH.* Proceed as directed in § 141a.29.

(b) *Buffered crystalline penicillin content*—(1) *Preparation of the solution for assay.* Add the indicated amount of distilled water to the contents of a vial of the sample, and shake well. Withdraw one dose of the suspension with a hypodermic syringe and place in a 10-milliliter volumetric flask. Add 20-percent sodium sulfate solution almost to the mark, centrifuge sufficiently to see the meniscus, make to volume with 20-percent sodium sulfate solution, shake well, and centrifuge to obtain a clear or reasonably clear solution. Dilute a 5.0-milliliter aliquot of this clear solution with 1-percent phosphate buffer, pH 6.0, to give a solution for assay of approximately 2,000 units per milliliter.

(2) *Iodometric assay for total penicillin in the solution for assay.* Determine the quantity of penicillin in the solution for assay by the iodometric assay procedure described in § 141a.5 (d) (1).

(3) *Colorimetric determination of procaine penicillin in the solution for assay.* Transfer an aliquot of the solution for assay to a 50-milliliter volumetric flask. Determine the quantity of procaine penicillin in this solution by the following method:

(i) *Reagents*—(a) *Sodium nitrite solution.* Dissolve 0.1 gram of sodium nitrite in 100 milliliters of distilled water. Prepare fresh solution every week and store under refrigeration.

(b) *Ammonium sulfamate solution.* Dissolve 0.5 gram of ammonium sulfamate in 100 milliliters of distilled water and store under refrigeration.

(c) *N-(1-naphthyl)-ethylenediamine solution.* Dissolve 0.1 gram of *N*-(1-naphthyl)-ethylenediamine dihydrochloride in 100 milliliters of distilled water. Prepare fresh solutions every week and store under refrigeration.

(d) *Standard procaine solution.* Prepare a standard solution containing 27.55 milligrams of procaine hydrochloride U. S. P. in a liter of distilled water (each milliliter of the standard solution is equivalent to 60 units of procaine penicillin).

(ii) *Standards.* Transfer, respectively, 1.0, 2.0, 3.0, 4.0, and 5.0 milliliters of the standard solution and 5.0 milliliters of distilled water to each of six 50-milliliter volumetric flasks. Add 4.0, 3.0, 2.0, and 1.0 milliliters of water to the first four flasks, respectively, to give each a volume of 5.0 milliliters.

(iii) *Procedure.* To each flask of the standards and the solution for assay add 5.0 milliliters of 4 *N* HCl, 1.0 milliliter of the sodium nitrite solution, 1.0 milliliter of the ammonium sulfamate, and 1.0 milliliter of the *N*-(1-naphthyl)-ethylenediamine solution. Mix and wait two minutes after each addition. Make each flask to volume of 50 milliliters with distilled water. Determine the absorbency of the colored solutions at 550 mμ in a suitable photo electric colorimeter. The instrument is balanced so that the zero concentration reads zero absorbancy. Plot the standard curve on coordinate graph paper. Obtain the procaine penicillin content of the solution for assay directly from the point on the standard curve corresponding to its absorbancy.

(4) The content of buffered crystalline penicillin in one dose of the product is calculated as follows:

$$A = (B - C)F,$$

where

A = buffered crystalline penicillin content of the product.
B = total number of units of penicillin per milliliter as determined in subparagraph (2) of this paragraph.
C = number of units of procaine penicillin per milliliter as determined in subparagraph (3) of this paragraph.
F = appropriate dilution factor depending on the dilution made in the preparation of the solution for assay.

The content of buffered crystalline penicillin in the batch is satisfactory when determined by the method described in this paragraph if it is not less than 85 percent of that which it is represented to contain.

(c) *Procaine penicillin.* The procaine penicillin content of the batch is the difference between the total potency determined by the method described in paragraph (a) or (d) of this section and the content of the buffered crystalline penicillin determined by the method described in paragraph (b) of this section. The procaine penicillin content of the batch is satisfactory when determined by the method described in this paragraph if it is not less than 85 percent of that which it is represented to contain.

(d) *Total potency of a one-dose container.* Wash out the material remaining in the 10-milliliter volumetric flask referred to in paragraph (b) (1) of this section with 1-percent phosphate buffer, pH 6.0. Dilute to give a concentration of approximately 2,000 units per milliliter, and assay by the iodometric method described in § 141a.5 (d) (1). Obtain the total potency by adding the number of units found in this solution (units per milliliter × volume) to the number of units found (units per milliliter × volume) in the solution assayed in accordance with paragraph (b) (2) of this section.

§ 141a.33 *Buffered penicillin powder.* Proceed as directed in §§ 141a.1 and 141a.5 (a).

§ 141a.34 *Procaine penicillin and crystalline penicillin in oil*—(a) *Total potency.* Proceed as directed in § 147a.27 (a) or by the iodometric assay procedure described in § 141a.5 (d) (1), using in the latter procedure a 0.5-milliliter aliquot of the solution prepared as follows: Introduce 1 milliliter of the well-shaken sample, by means of a hypodermic syringe, into a 50-milliliter volumetric flask. Make to 50 milliliters with chloroform-absolute alcohol (1+1) solvent and shake well.

(b) *Crystalline penicillin.* Proceed as directed in § 141a.32 (b), except prepare the sample as follows: Introduce 1 milliliter of the well-shaken sample, by means of a hypodermic syringe, into a 30-milliliter centrifuge tube equipped with a screw cap. Add 10.0 milliliters of chloroform and 10.0 milliliters of a 20 percent sodium sulfate solution, shake well for about 1 minute and centrifuge to obtain a clear upper layer.

(c) *Procaine penicillin.* The difference between the total penicillin as determined by paragraph (a) of this section and the crystalline penicillin as determined by paragraph (b) of this section represents the amount of procaine penicillin present.

(d) The procaine penicillin and the crystalline penicillin content of the batch are satisfactory when assayed by the methods described in this section if each is not less than 85 percent of that which it is represented to contain.

(e) *Sterility.* Proceed as directed in § 141a.7 (b), except in the case of multiple-dose containers use approximately 400 milligrams (activity) from each container, in lieu of 300 milligrams.

(f) *Moisture.* Proceed as directed in § 141a.7 (c).

§ 141a.35 *Penicillin-streptomycin ointment, penicillin - dihydrostreptomycin ointment*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.8 (a). Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units per gram of ointment that it is represented to contain.

(2) *Streptomycin content.* Proceed as directed in § 141b.101 of this chapter, except paragraph (k) of that section, and in lieu of the directions in § 141b.101 (e) and (j) (3), test a representative portion of the sample (usually approximately 1 gram, accurately weighed) or the entire contents of a single-dose container prepared by one of the following methods:

(i) *To assay by the cup-plate method.* Use either extraction or blending.

(*a*) *Extraction.* Place the sample in a separatory funnel containing approximately 50 milliliters of peroxide-free ether. If the sample consists of substantially more than 1 gram, use 100 milliliters of ether. Shake the sample and ether until homogeneous. Add 20 milliliters of 0.1 *M* potassium phosphate buffer, pH 8.0, and shake. If the sample consists of substantially more than 1 gram, use 50 milliliters of buffer. Allow the layers to separate. Remove the buffer layer and repeat the extraction with new portions of buffer at least three times and any additional times necessary to ensure complete extraction of the antibiotic. Combine the extractives and make up to an appropriate measured volume with buffer. To a suitable aliquot add sufficient penicillinase and let stand for 30 minutes at 37° C. to inactivate the penicillin. After inactivation, make the proper estimated dilution with buffer at pH 8.0.

(*b*) *Blending.* Place the sample in a blending jar containing 1.0 milliliter of 10-percent aqueous solution of polysorbate 80 and sufficient 0.1 *M* potassium phosphate buffer, pH 8.0, to give a final volume of 500 milliliters. Using a high-speed blender, blend the mixture for 3 minutes. To a suitable aliquot, add sufficient penicillinase and let stand for 30 minutes at 37° C. to inactivate the penicillin. After inactivation, make the proper estimated dilutions with buffer at pH 8.0.

(ii) *To assay by the turbidimetric method.* Place the sample in a separatory funnel containing approximately 50 milliliters of peroxide-free ether. If the sample consists of substantially more than 1 gram, use 100 milliliters of ether. Shake the sample and ether until homogeneous. Add 20 milliliters of distilled water, and shake. If the sample consists of substantially more than 1 gram, use 50 milliliters of water. Allow the layers to separate. Remove the aqueous layer and repeat the extraction with new portions of water at least three times and any additional times necessary to ensure complete extraction of the antibiotic. Combine the extractives, and make to an appropriate measured volume with water. Remove the aliquot and, if the ratio of the content of penicillin to the content of streptomycin is equal to or greater than one unit for each microgram, add sufficient penicillinase and let stand for 30 minutes at 37° C. to inactivate the penicillin. Make the proper estimated dilutions with distilled water. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (2) of this paragraph, using the dihydrostreptomycin working standard as a standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b).

§ 141a.36 *Penicillin-streptomycin bougies, penicillin-dihydrostreptomycin bougies*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.9 (a), except the last sentence of that paragraph. Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Streptomycin content.* Using 12 bougies, proceed as directed in § 141b.101 of this chapter, except paragraph (k) of that section, and if the cup-plate method is used, use potassium phosphate buffer (pH 7.8–8.0) for dissolving the sample in lieu of sterile distilled water as directed in § 141b.101 (e) of this chapter and add sufficient penicillinase to the solution under test to completely inactivate the penicillin present. If the turbidimetric method is used, inactivatiion with penicillinase is not necessary unless the ratio of the content of penicillin to the content of streptomycin is equal to or greater than 1.0 unit for each microgram. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (2) of this paragraph, using the dihydrostreptomycin working standard as a standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.22 (b).

§ 141a.37 *Penicillin bacitracin ointment*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in §141a.8 (a), except the last sentence of that paragraph. Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units it is represented to contain.

(2) *Bacitracin content.* Proceed as directed in § 141c.402 (a) of this chapter, except that sufficient penicillinase is added to the sample under test to completely inactivate the penicillin present. Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b).

§ 141a.38 *Procaine penicillin and streptomycin in oil, procaine penicillin and dihydrostreptomycin in oil*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.27 (a) except the last sentence thereof. Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units per milliliter that it is represented to contain.

(2) *Streptomycin content.* Using 1 milliliter as the test sample proceed as directed in § 141a.35 (a) (2). Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(3) *Dihydrostreptomycin content.* Using 1 milliliter as the test sample proceed as directed in § 141a.35 (a) (3). Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(b) *Moisture.* Using 1 milliliter as the test sample proceed as directed in § 141a.7 (c).

§ 141a.39 *Penicillin and streptomycin, penicillin and dihydrostreptomycin*—(a) *Potency*—(1) *Sodium or potassium penicillin content.* Proceed as directed in § 141a.32 (b), except prepare the sample as follows: Add the indicated amount of distilled water to the contents of a vial of the sample and shake well. Withdraw one dose of the suspension or solution with a hypodermic syringe and place in a 10-milliliter volumetric flask. Also, with the further exception that in the iodometric assay, one drop of 1.2 *N* HCl is added to the blank immediately before the addition of the 0.01 *N* I_2. The sodium or potassium penicillin content is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(2) *Total penicillin content.* Proceed as directed in § 141a.29 (a) or § 141a.32 (d), except that in the iodometric assay one drop of 1.2 *N* HCl is added to the blank immediately before the addition of the 0.01 *N* I_2.

(3) *Procaine penicillin content.* Proceed as directed in § 141a.32 (c). The procaine penicillin content is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(4) *Streptomycin content.* Proceed as directed in § 141b.101 (j) and (k) of this chapter.

(5) *Dihydrostreptomycin content.* Proceed as directed in § 141b.108 (a) of this chapter.

(b) *Sterility.* Use the entire contents of single-dose containers or the equivalent of approximately 0.5 gram (combined activity) for each multiple-dose container, and proceed as directed in § 141a.2, except that no control tube is used in the test for bacteria.

(c) *Toxicity.* Proceed as directed in § 141a.4, using as a test dose 0.5 milliliter of a solution of the sample containing 1.0 milligram of streptomycin or dihydrostreptomycin per milliliter.

(d) *Pyrogens.* Proceed as directed in § 141a.3, using as a test dose 2 milliliters per kilogram of a solution containing 5 milligrams of streptomycin or dihydrostreptomycin per milliliter.

(e) *Moisture.* Proceed as directed in § 141a.26 (e).

(f) *pH.* Proceed as directed in § 141a.5 (b), using the solution or suspension resulting when the amount of diluent recommended in the labeling is added.

§ 141a.40 *Penicillin tooth powder*—(a) *Potency.* Proceed as directed in § 141a.1.

(b) *Moisture.* Proceed as directed in § 141a.7 (c), but in lieu of the directions for preparing the sample in subparagraph (3) thereof prepare the sample and calculate as follows: Accurately weigh about 1 gm. of the sample into a dry titrating vessel. Add an excess of the Karl Fischer reagent and back titrate immediately with water-methanol solution until the end point is reached. (The entire operation from the addition of the Karl Fischer reagent until the end point is reached should not exceed 1 minute.)

$$\text{Percent moisture} = \frac{(V_1 - V_2 f) \times e \times 100}{W_s},$$

where W_s = weight of sample in milligrams.

§ 141a.41 *Penicillin - bacitracin troches*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.12

(a). Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units per troche that it is represented to contain.

(2) *Bacitracin content.* Proceed as directed in § 141e.403 (a) of this chapter, except that sufficient penicillinase is added to the solution under test to completely inactivate the penicillin present. Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units per troche that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a).

§ 141a.42 *Crystalline penicillin and bacitracin* — (a) *Potency*—(1) *Content of penicillin.* Proceed as directed in § 141a.1. Its content of penicillin is satisfactory if it contains not less than 90 percent of the number of units it is represented to contain.

(2) *Content of bacitracin.* Proceed as directed in § 141e.401 (a) of this chapter, except that sufficient penicillinase is added to the sample under test to completely inactivate the penicillin present. Its content of bacitracin is satisfactory if it contains not less than 85 percent and not more than 115 percent of the number of units it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141a.39 (b).

(c) *Toxicity.* Proceed as directed in § 141a.4 except use physiological salt solution as the diluent.

(d) *Pyrogens.* Proceed as directed in § 141a.3 using as a test dose 1.0 milliliter per kilogram of a solution containing 300 units of bacitracin per milliliter. Use physiological salt solution as the diluent.

(e) *Moisture.* Proceed as directed in § 141a.5 (a).

(f) *pH.* Proceed as directed in § 141a.5 (b), using a solution prepared as directed in the labeling for the drug.

§ 141a.43 *l-Ephenamine penicillin G*— (a) *Potency.* Proceed as directed in § 141a.1, except in lieu of paragraph (d) dissolve the sample in sufficient methanol before diluting with sterile distilled water to make an appropriate stock solution.

(b) *Sterility.* Proceed as directed in § 141a.2.

(c) *Pyrogens.* Proceed as directed in § 141a.3, except use physiological salt solution as the diluent and inject 2 milliliters per kilogram of a solution containing 800 units per milliliter.

(d) *Toxicity.* Proceed as directed in § 141a.4, except use physiological salt solution as the diluent and inject, in a 10-second interval, 1.0 milliliter of a solution containing 800 units per milliliter.

(e) *Moisture.* Proceed as directed in § 141a.5 (a).

(f) *pH.* Proceed as directed in § 141a.5 (b), using a saturated aqueous solution prepared by adding 300 milligrams per milliliter.

(g) *Microscopical test for crystallinity.* Proceed as directed in § 141a.5 (c).

(h) *Heat stability.* Proceed as directed in § 141a.5 (d) (1), except prepare the sample as follows: Dissolve the sample in 5 milliliters of redistilled methanol. Further dilute this solution with sufficient 1-percent phosphate buffer pH 6.0 to give a concentration of 2.0 milligrams per milliliter.

(i) *Penicillin G content.* Proceed as directed in § 141a.26 (h) using the following formula for calculating the percent of *l*-ephenamine penicillin G:

$$\text{Percent of } l\text{-ephenamine penicillin G} = \frac{N\text{-ethyl piperidine penicillin precipitate} \times 251}{\text{Weight of sample in milligrams}}$$

(j) *Specific rotation.* Accurately weigh approximately 125 milligrams of the sample in a 25-milliliter glass-stoppered volumetric flask and dissolve in about 15 milliliters of water-acetone (1+1) at 20° C. Dilute to 25 milliliters with water-acetone (1+1) at 20° C. and mix thoroughly. Transfer the solution to a 200-millimeter tube, determine the angular rotation in a suitable polarimeter, using sodium light or a 5,893 Angstrom filter, and calculate the specific rotation. The determination must be completed within ½ hour from the time the solution is prepared.

§ 141a.44 *l-Ephenamine penicillin G in oil*—(a) *Potency.* Proceed as directed in § 141a.27 (a), except the last sentence thereof. If it is represented to contain less than 300,000 units per milliliter, its potency is satisfactory if it contains not less than 85 percent of the number of units so represented. If it is represented to contain 300,000 units per milliliter, its potency is satisfactory if it contains not less than 90 percent of the number of units so represented.

(b) *Sterility.* Proceed as directed in § 141a.7 (b).

(c) *Moisture.* Proceed as directed in § 141a.7 (c).

§ 141a.45 *l-Ephenamine penicillin G for aqueous injection*—(a) *Potency.* Proceed as directed in § 141a.43 (a). Its potency is satisfactory if it contains not less than 90 percent of the number of units it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141a.2, except that prior to sterilization add 0.5 milliliter of polysorbate 80 to each tube of thioglycolate and Sabouraud medium. After sterilization, add sufficient penicillinase to each tube of Sabouraud medium to completely inactivate the penicillin used in the test. During the period of incubation, shake the tubes once daily until solubilization is achieved.

(c) *Moisture.* Proceed as directed in §141a.5 (a).

(d) *Pyrogens.* Proceed as directed in § 141a.3, except use physiological salt solution as the diluent and inject 2 milliliters per kilogram of a solution containing 800 units per milliliter.

(e) *Toxicity.* Proceed as directed in § 141a.4, except use physiological salt solution as the diluent and inject, in a 10-second interval, 1.0 milliliter of a solution containing 800 units per milliliter.

(f) *pH*—(1) *Dry mixture of the drug.* Proceed as directed in § 141a.5 (b), using a saturated aqueous solution prepared by adding 300 milligrams per milliliter.

(2) *Aqueous suspension of the drug.* Proceed as directed in § 141a.5 (b), using the undiluted aqueous suspension.

§ 141a.46 *Procaine penicillin in streptomycin sulfate solution, procaine penicillin in dihydrostreptomycin sulfate solution*—(a) *Potency*—(1) *Procaine penicillin content.* Proceed as directed in § 141a.1, except paragraph (i) thereof. If the iodometric assay is used, 1 drop of the 1.2 *N* HCl is added to the blank immediately before the addition of the 0.01 *N* I_2. Its content of procaine penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Streptomycin sulfate content.* Proceed as directed in § 141b.101 (j) and (k) of this chapter.

(3) *Dihydrostreptomycin sulfate content.* Proceed as directed in § 141b.108 (a) of this chapter.

(b) *Sterility.* Proceed as directed in § 141a.39 (b).

(c) *Toxicity.* Proceed as directed in § 141a.4, using as a test dose 0.5 milliliter of a solution of the sample containing 1.0 milligram of streptomycin or dihydrostreptomycin per milliliter.

(d) *Pyrogens.* Proceed as directed in § 141a.39 (d).

(e) *pH.* Proceed as directed in § 141a.5 (b), using the undiluted aqueous suspension.

§ 141a.47 *Benzathine penicillin G*— (a) *Potency.* Proceed as directed in § 141a.1, except if the bioassay method is used dissolve the sample to be tested in sufficient dimethyl formamide or formamide prior to diluting with phosphate buffer solution. If the iodometric method is used proceed as directed in § 141a.5 (d), except in preparing the blank solution weigh 30–60 milligrams of the sample and make a suspension of 2 milligrams per milliliter in 1-percent phosphate buffer at pH 6.0. Shake well, pipette 2.0 milliliters into a 125-milliliter glass-stoppered Erlenmeyer flask, add 10 milliliters 0.01 *N* iodine and immediately titrate with 0.01 *N* $Na_2S_2O_3$. In preparing the solution for inactivation dissolve a weighed sample (30–60 milligrams) in sufficient 1 *N* NaOH to give 2.0 milligrams per milliliter. Pipette a 2.0-milliliter aliquot into a 125-milliliter glass-stoppered Erlenmeyer flask, and after 15 minutes add 2.0 milliliters 1.2 *N* HCl and 10 milliliters 0.01 *N* iodine. Allow to stand for 15 minutes and titrate the excess iodine with 0.01 *N* $Na_2S_2O_3$. In calculating the results regard the difference in titers multiplied by 661.8, divided by 4, as the units per milligram.

(b) *Sterility.* Proceed as directed in § 141a.2, except prior to sterilization add 0.5 milliliter of polysorbate 80 to each tube of thioglycolate and Sabouraud's medium, and after sterilization add sufficient penicillinase to each tube of Sabouraud's medium to completely inactivate the penicillin used in the test.

During the period of incubation, shake the tubes at least once daily.

(c) *Toxicity.* Proceed as directed in § 141a.4, except use physiological salt solution as the diluent and inject 0.25 milliliter of a suspension containing 4,000 units per milliliter.

(d) *Pyrogens.* Proceed as directed in § 141a.3, except use physiological salt solution as the diluent and inject 0.5 milliliter per kilogram of rabbit of a suspension containing 4,000 units per milliliter.

(e) *Moisture.* Proceed as directed in § 141a.26 (e).

(f) *pH.* Proceed as directed in § 141a.5 (b), using a saturated aqueous solution prepared by adding 5 milligrams per milliliter.

(g) *Microscopical test for crystallinity.* Proceed as directed in § 141a.5 (c).

(h) *Penicillin G content.* Dissolve 50 milligrams of the sample, accurately weighed, in absolute methyl alcohol and make to a volume of 100 milliliters with absolute methyl alcohol. With a suitable spectrophotometer determine the optical density of the solution in a 1-centimeter cell at 263 mμ compared with absolute methyl alcohol as a blank. Multiply the optical-density figure obtain by the appropriate factor to obtain the optical-density value of a 1-percent solution. The $E^{1\%}_{1\text{ cm.}}$ value of the sample multiplied by 100, divided by 7.0, represents the percent penicillin G in the sample.

§ 141a.48 *Benzathine penicillin G oral suspension, benzathine penicillin G for oral suspension*—(a) *Potency.* Proceed as directed in § 141a.47 (a).

(b) *pH.* Proceed as directed in § 141a.5 (b), using the undiluted aqueous suspension or the suspension prepared as directed in the labeling of the drug.

(c) *Moisture (if it is a dry mixture of the drug).* Proceed as directed in § 141a.26 (e).

§ 141a.49 *Penicillin-streptomycin-bacitracin ointment, penicillin-dihydro-streptomycin-bacitracin ointment*— (a) *Potency*—(1) *Content of penicillin, streptomycin, and dihydrostreptomycin.* Proceed as directed in § 141a.35 (a).

(2) *Bacitracin content.* Proceed as directed in § 141e.402 (a) of this chapter, except that:

(i) Sufficient penicillinase is added to the sample under test to completely inactivate the penicillin present.

(ii) If streptomycin is present add sufficient 0.5 percent semicarbazide solution (pH 6.5–7.0) to inactivate (1 hour at room temperature) the streptomycin.

(iii) If dihydrostreptomycin is present, use as the test organism the Food and Drug Administration dihydrostreptomycin-resistant strain of M. flavus (P. C. I. 16 R. D.), which is grown and maintained in media containing 500 micrograms of dihydrostreptomycin per milliliter of media, or calculate from the quantity of dihydrostreptomycin found, using the method prescribed by subparagraph (1) of this paragraph, the quantity of dihydrostreptomycin that would be present when the sample is diluted to contain 1 unit of bacitracin (labeled potency) per milliliter. Prepare the bacitracin standard curve by adding the calculated quantity of dihydrostreptomycin to each concentration of bacitracin used for the curve. Use this standard curve to calculate the bacitracin content of the sample.

(b) *Moisture.* Proceed as directed in § 141a.8 (b).

§ 141a.50 *Penicillin - streptomycin dental cones, penicillin-dihydrostreptomycin dental cones*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.9 (a). Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Steptomycin content.* Proceed as directed in § 141a.36 (a) (2). Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in § 141a.36 (a) (3). Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a).

§ 141a.51 *Diethylaminoethyl ester penicillin G hydriodide*—(a) *Potency.* Proceed as directed in § 141a.1, except prepare the sample as follows: Dissolve in 0.1 *M* potassium phosphate buffer (pH 7.8–8.0) to make a stock solution of 100 units per milliliter (estimated). Allow to stand at room temperature for not less than 1.5 hours and not more than 2 hours and then dilute an aliquot with 1-percent phosphate buffer (pH 6.0) to 1.0 unit (estimated), or proceed by the iodometric method described in § 141a.5 (d) (1), except prepare the sample as follows: Dissolve a weighed sample (approximately 50 milligrams) in 2.0 milliliters of redistilled methanol. Further dilute this solution with 1-percent phosphate buffer (pH 6.0) to give a concentration of 2,000 units per milliliter.

(b) *Sterility.* Proceed as directed in § 141a.2, except in the test for bacteria add for each 100 milliliters of media used 0.5 milliliter of polysorbate 80 and a sufficient quantity of 2 *N* NaOH to produce a solution having a pH of approximately 7.9 after sterilization.

(c) *Pyrogens.* Proceed as directed in § 141a.3, except use physiological salt solution as the diluent.

(d) *Toxicity.* Proceed as directed in § 141a.4, except use physiological salt solution as the diluent, and inject 0.5 milliliter of a solution containing 2,000 units per milliliter.

(e) *Moisture.* Proceed as directed in § 141a.5 (a).

(f) *pH.* Proceed as directed in § 141a.5 (b), using a saturated aqueous solution prepared by adding 300 milligrams per milliliter.

(g) *Microscopical test for crystallinity.* Proceed as directed in § 141a.5 (c).

(h) *Penicillin G content.* Accurately weigh approximately 50 milligrams of the sample and dissolve in 25-milliliter potassium phosphate buffer, pH 7.9 (one part of 0.1 *M* KH_2PO_4, and 11.66 parts of 0.1 *M* K_2HPO_4). Allow to stand at room temperature for not less than 1.5 hours and not more than 2 hours. Transfer a 5.0-milliliter aliquot to a 25-milliliter glass-stoppered test tube. Place the tube in an ice bath and add 10.0 milliliters of chloroform (previously washed with water). After cooling, adjust the pH of the aqueous phase to 2.0 by adding 0.5 milliliter of 1–4 H_3PO_4. Shake the tube thoroughly for 2 minutes, centrifuge, and withdraw the lower chloroform layer with the aid of a 10-milliliter hypodermic syringe and a 3-inch needle. Superficially dry the chloroform by filtering through a pledget of cotton, using a U-shaped funnel to reduce evaporation during filtration. Determine the optical density of the filtered chloroform solution in a 1-centimeter cell at 265 mμ and 280 mμ, using a suitable spectrophotometer. Treat the working standard of sodium penicillin G in the same manner, using an accurately weighted sample of approximately 30 milligrams.

$$\text{Percent penicillin G} = \frac{(O.\,D.\ x \text{ at } 265\text{m}\mu - O.\,D.\ x \text{ at } 280\text{m}\mu)\ (\text{wt. } s)\ (100)}{(O.\,D.\ s \text{ at } 265\text{m}\mu - O.\,D.\ s \text{ at } 280\text{m}\mu)\ (\text{wt. } x)\ (0.635)}$$

where *O. D.* = optical density,
x = diethylaminoethyl ester penicillin G hydriodide,
s = sodium penicillin G working standard.

§ 141a.52 *Diethylaminoethyl ester penicillin G hydriodide for aqueous injection*—(a) *Potency.* If the bioassay method is used, proceed as directed under § 141a.51 (a). If the iodometric method is used, proceed as directed under § 141a.5 (d) (1). Its potency is satisfactory if it contains not less than 90 percent of the number of units it is represented to contain.

(b) *Sterility.* Use the entire contents of single-dose containers or the equivalent of approximately 300 milligrams (activity) from each multiple-dose container, and proceed as directed in § 141a.51.

(c) *Moisture.* Proceed as directed in § 141a.5 (a).

(d) *Pyrogens.* Proceed as directed in § 141a.3, except use physiological salt solution as the diluent.

(e) *Toxicity.* Proceed as directed in § 141a.4, except use physiological salt solution as the diluent, and inject 0.5 milliliter of a solution containing 2,000 units per milliliter.

(f) *pH.* Proceed as directed in § 141a.5 (b), using a saturated aqueous solution prepared by adding 300 milligrams per milliliter.

§ 141a.53 *Penicillin-streptomycin implantation pellets, penicillin-dihydrostreptomycin implantation pellets*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.9 (a). Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Streptomycin content.* Proceed as directed in § 141a.36 (a) (2). Its content of streptomycin is satisfactory if it con-

tains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in § 141a.36 (a) (3). Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a).

§ 141a.54 *Benzathine penicillin G for aqueous injection*—(a) *Potency.* Proceed as directed in § 141a.47 (a). Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141a.47 (b).

(c) *Moisture (dry mixture of the drug).* Proceed as directed in § 141a.26 (e).

(d) *Pyrogens.* Proceed as directed in § 141a.47 (d).

(e) *Toxicity.* Proceed as directed in § 141a.47 (c).

(f) *pH*—(1) *Dry mixture of the drug.* Proceed as directed in § 141a.47 (f).

(2) *Aqueous suspension of the drug.* Proceed as directed in § 141a.47 (f), using the undiluted aqueous suspension.

§ 141a.55 *Benzathine penicillin G and buffered crystalline penicillin for aqueous injection*—(a) *Total potency (except in single-dose containers).* Proceed as directed in § 141a.1, except if the bioassay method is used prepare the sample by diluting 1.0 milliliter of the drug suspension with sufficient dimethyl formamide or formamide to dissolve the benzathine penicillin G. Make to 100 milliliters with buffer. Shake well and dilute to 1.0 unit per milliliter. If the iodometric method is used, proceed as directed in § 141a.47, except in preparing the blank solution dilute 1.0 milliliter of the drug suspension to 250 milliliters with 1-percent phosphate buffer at pH 6.0. In preparing the solution for inactivation dissolve 1.0 milliliter of the drug suspension in approximately 20 milliliters of 0.5 *N* NaOH. Allow to stand for 15 minutes. Dilute to 250 milliliters with distilled water. Pipette a 2.0-milliliter aliquot into a 125-milliliter glass-stoppered Erlenmeyer flask and add 2.0 milliliters 1.2 *N* HCl and 10 milliliters 0.01 *N* iodine.

(b) *Buffered crystalline penicillin content.* Place 1.0 milliliter of the drug suspension in a 10-milliliter volumetric flask and add 20 percent sodium sulfate to make 10 milliliters. Shake well and centrifuge to obtain a clear, or reasonably clear, solution. Dilute a 5.0-milliliter aliquot to 50 milliliters with buffer and proceed as directed in § 141a.1 to determine the number of units per milliliter of this solution, and from this value calculate the number of units per milliliter of the drug. The content of buffered crystalline penicillin is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(c) *Benzathine penicillin G content.* The benzathine penicillin G content of the batch is the difference between the total potency as described in paragraph (a) or (d) of this section and the content of buffered crystalline penicillin determined by the method prescribed in paragraph (b) of this section. The content of benzathine penicillin G is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(d) *Total potency of a single-dose container.* Add sufficient distilled water to the material remaining in the 10-milliliter volumetric flask referred to in paragraph (b) of this section to bring the volume back to 10 milliliters and determine the number of units per milliliter of this suspension. If the iodometric method is used, 2.0-milliliter aliquots are placed in 50-milliliter volumetric flasks (one blank and one to be inactivated). Obtain the total potency by adding the number of units found in the 10-milliliter volumetric flask to one-half the content of buffered crystalline penicillin found in paragraph (b) of this section.

(e) *Sterility.* Proceed as directed in § 141a.47 (b).

(f) *Moisture.* Proceed as directed in § 141a.26 (e).

(g) *Pyrogens.* Proceed as directed in § 141a.47 (d).

(h) *Toxicity.* Proceed as directed in § 141a.47 (c).

(i) *pH.* Proceed as directed in § 141a.47 (f).

§ 141a.56 *Chloroprocaine penicillin O*—(a) *Potency, sterility, pyrogens, toxicity, moisture, pH, and crystallinity.* Proceed as directed in § 141a.26.

(b) *Chloroprocaine penicillin O content.* Accurately weigh approximately 168 milligrams of the sample in a 25-milliliter glass-stoppered test tube and add 5.0 milliliters of chloroform (previously washed with water) and 15 milliliters of distilled water. Place the tube in an ice bath for 5 minutes and then add 1.5 milliliters of 1–4 H_3PO_4. Shake the tube vigorously for 2 minutes, centrifuge for 1 minute to separate the layers, and withdraw the lower chloroform layer with the aid of a 10-milliliter hypodermic syringe equipped with a 3-inch needle. Superficially dry the chloroform by filtering through a pledget of cotton, using a U-shaped funnel to reduce evaporation during filtration. Collect the filtrate in a 5-milliliter glass-stoppered bottle and use within an hour. Place this chloroform solution in the absorption cell (consisting of two rock-salt plates with a 1.0-millimeter polyethylene spacer between them, clamped firmly in the cell holder). Adjust the amplification of the infrared spectrometer to full-scale deflection for 1 microvolt, set the slit opening at 0.300 millimeter and record the spectrum from 10.7 to 9.4 microns, taking a zero reading (shutter closed) at the beginning and at the end of the run. Draw a base line from the transmission peak at 10.3 microns parallel to the zero line. Calculate the base line optical density from the following formula:

$$D_B = \log_{10} \frac{I_B}{I_P}$$

where

D_B = base line density.

I_B = distance from the zero line to the base line measured at the transmission peak at 10.3 microns.

I_P = distance from the zero line to the maximum absorption of the band at 10.1 microns.

The extinction coefficient of the sample in the particular cell being used is calculated as follows:

$$E = \frac{D_e \times 5}{\text{Weight of sample in grams}}$$

where E = extinction coefficient.

Using an accurately weighed sample of about 100 milligrams of the potassium penicillin O working standard in the above procedure, determine its extinction coefficient in the particular cell being used.

Obtain the percent chloroprocaine penicillin O in the sample under test by the following calculation:

$$\frac{E \text{ sample}}{E \text{ standard}} \times 68 = \text{percent chloroprocaine penicillin O.}$$

(c) *Chloroprocaine penicillin G content.* Proceed as directed in § 141a.5 (g), except prepare the sample as follows: Accurately weigh approximately 500 milligrams of the sample in a 25-milliliter glass-stoppered test tube. Add 6 milliliters of distilled water and 6.0 milliliters of amyl acetate. Place the tube in an ice bath for 5 minutes and then add 4 milliliters of 1–4 H_3PO_4, shake vigorously for 2 minutes, centrifuge for 1 minute to separate the layers, and withdraw 5.0 milliliters of the amyl acetate layer. Place the amyl acetate in a 250-milliliter Erlenmeyer flask and evaporate to dryness by directing a stream of air into the flask. Dissolve the residue in 2.0 milliliters of 2.5 percent KOH.

Calculate the percent of penicillin G in the sample from the equation:

$$\frac{(5.10)(x)(50)(100)}{(\text{Wt. sample milligrams})(0.833)} = \text{percent penicillin G}$$

§ 141a.57 *Chloroprocaine penicillin O for aqueous injection.* For the determination of potency, sterility, moisture, pyrogens, toxicity, and pH, proceed as directed in § 141a.29.

§ 141a.58 *Penicillin-streptomycin vaginal suppositories, penicillin-dihydrostreptomycin vaginal suppositories*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.18 (a). Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Streptomycin content.* Using 5 suppositories, proceed as directed in § 141a.35 (a) (2), except that 150 milliliters of peroxide-free ether is used in the extraction. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (2) of this paragraph, using the dihydrostreptomycin working standard as a standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.18 (b).

§ 141a.59 *Penicillin - streptomycin-bacitracin dental paste, penicillin-dihydrostreptomycin - bacitracin dental paste*—(a) *Potency.* Proceed as directed in § 141a.49 (a).

(b) *Moisture.* Proceed as directed in § 141a.8 (b).

(c) *Sterility.* Proceed as directed in §141a.7 (b).

§ 141a.60 *Penicillin and dihydrostreptomycin-streptomycin sulfates, procaine penicillin in dihydrostreptomycin-streptomycin sulfates solution*—(a) *Potency*—(1) *Penicillin content.* If it contains:

(i) *Crystalline penicillin and dihydrostreptomycin-streptomycin sulfates.* Proceed as directed in § 141a.1, except that if the iodometric assay is used 1 drop of 1.2 *N* HCl is added to the blank immediately before the addition of the 0.01 *N* I_2; or

(ii) *Procaine penicillin and dihydrostreptomycin-streptomycin sulfates.* Proceed as directed in § 141a.29 (a), except that in the iodometric assay 1 drop of 1.2 *N* HCl is added to the blank immediately before the addition of the 0.01 *N* I_2; or

(iii) *Benzathine penicillin G and dihydrostreptomycin - streptomycin sulfates.* Proceed as directed in § 141a.47 (a), except that in the iodometric assay 1 drop of 1.2 *N* HCl is added to the blank immediately before the addition of the 0.01 *N* I_2; or

(iv) *Crystalline penicillin-procaine penicillin and dihydrostreptomycin-streptomycin sulfates.* Proceed as directed in § 141a.32 (a), (b), and (c), except that in the iodometric assay 1 drop of 1.2 *N* HCl is added to each blank immediately before the addition of the 0.01 *N* I_2; or

(v) *Crystalline penicillin-benzathine penicillin G and dihydrostreptomycin-streptomycin sulfates.* Proceed as directed in § 141a.55 (a), (b), (c), and (d), except that in the iodometric assay 1 drop of 1.2 *N* HCl is added to each blank immediately before the addition of the 0.01 *N* I_2; or

(vi) *Crystalline penicillin-procaine penicillin-benzathine penicillin G and dihydrostreptomycin-streptomycin sulfates.* Proceed as directed in § 141a.61 (a) (1), (2), (3), and (4), except that in the iodometric assay 1 drop of 1.2 *N* HCl is added to each blank immediately before the addition of the 0.01 *N* I_2; or

(vii) *Procaine penicillin-benzathine penicillin G and dihydrostreptomycin-streptomycin sulfates.* Proceed as directed in § 141a.67 (a) (1) and (2).

The total potency and the number of units of each salt of penicillin are satisfactory if the immediate containers contain not less than 85 percent of the number of units that they are represented to contain.

(2) *Combined potency of dihydrostreptomycin and streptomycin; content of streptomycin.* Proceed as directed in § 141b.118 (a) and (b) of this chapter. Its combined potency of streptomycin and dihydrostreptomycin is satisfactory if it is not less than 90 percent of the number of milligrams that it is represented to contain. Its content of streptomycin is satisfactory if it contains not less than 45 percent and not more than 55 percent of the combined potency of streptomycin and dihydrostreptomycin.

(b) *Sterility.* Proceed as directed in § 141a.39 (b), except if it contains benzathine penicillin G proceed as directed in § 141a.47 (b).

(c) *Toxicity.* Proceed as directed in § 141a.39 (c), except if it contains benzathine penicillin G, proceed as directed in § 141a.47 (c), using a test suspension containing a total penicillin activity of 4,000 units per milliliter.

(d) *Pyrogens.* Proceed as directed in § 141a.39 (d), except if it contains benzathine penicillin G, proceed as directed in § 141a.47 (c), using a test suspension containing a total penicillin activity of 4,000 units per milliliter.

(e) *Moisture.* Proceed as directed in § 141a.5 (a), except if it contains procaine penicillin or benzathine penicillin G proceed as directed in § 141a.26 (c).

(f) *pH.* Proceed as directed in § 141a.29 (f).

§ 141a.61 *Benzathine-procaine-buffered crystalline penicillins for aqueous injection*—(a) *Potency*—(1) *Total potency.* Proceed as directed in § 141a.1, except if the bioassay method is used prepare the sample by diluting one dose of the drug suspension with sufficient dimethyl formamide or formamide to dissolve the benzathine penicillin G. Make to 100 milliliters with 1-percent phosphate buffer, pH 6.0. Shake well, and dilute to 1.0 unit per milliliter with buffer. If the iodometric method of assay is used, add the indicated amount of distilled water to the contents of a vial of the sample, shake well, and proceed as follows (except for single-dose containers):

(i) Using a standardized hypodermic syringe, withdraw one dose and dilute with 1-percent phosphate buffer, pH 6.0, to give a concentration of approximately 2,000 units per milliliter. Use 2.0 milliliters of this suspension as the blank in the iodometric assay procedure described in § 141a.5 (d) (1).

(ii) Using a standardized hypodermic syringe, withdraw another dose, place in a flask, and add 20 milliliters of 0.5 *N* NaOH for each 300,000 units of benzathine penicillin, mix well, being sure that all penicillin is in solution, and allow to stand for 15 minutes. Add 1 milliliter of 1.2 *N* HCl for each 2 milliliters of 0.5 *N* NaOH, mix, and dilute with distilled water to the same volume as was used in subdivision (i) of this subparagraph. Place 2.0 milliliters in a 125-milliliter glass-stoppered Erlenmeyer flask, add 10 milliliters of 0.01 *N* iodine, allow to stand for 15 minutes, and titrate with 0.01 *N* sodium thiosulfate as directed in the iodometric assay procedure in § 141a.5 (d) (1). The total potency of the batch is satisfactory if it contains not less than 85 percent of that which it is represented to contain.

(2) *Procaine penicillin content (except for single-dose containers).* Make suitable dilutions of the solution prepared in subparagraph (1) (ii) of this paragraph to obtain approximately 60 units of procaine penicillin per milliliter. Determine the procaine penicillin content by the colorimetric procedure described in § 141a.32 (b) (3). The content of procaine penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(3) *Buffered crystalline penicillin content*—(i) *Preparation of the solution for assay.* (*a*) Add the indicated amount of distilled water to the contents of a vial of the sample, and shake well. Withdraw one dose of the suspension with a hypodermic syringe and place in a 10-milliliter volumetric flask. Add 20-percent sodium sulfate solution almost to the mark, centrifuge sufficiently to see the meniscus, make to volume with 20-percent sodium sulfate solution, shake well, and centrifuge to obtain a clear or reasonably clear solution; or

(*b*) If the original product contains more than 600,000 units, place it in a 50-milliliter volumetric flask, add 20-percent sodium sulfate to the mark, shake well, place a 10-milliliter portion in a centrifuge tube, and centrifuge to obtain a reasonably clear solution.

(c) Dilute a 5.0-milliliter aliquot of the clear solution obtained in (*a*) or (*b*) of this subdivision with 1-percent phosphate buffer, pH 6.0, to give a solution for assay of approximately 2,000 units per milliliter.

(ii) *Iodometric assay for total penicillin in the solution for assay.* Determine the total quantity of penicillin in the solution for assay by the iodometric assay procedure described in § 141a.5 (d) (1).

(iii) *Colorimetric determination of procaine penicillin in the solution for assay.* Proceed as directed in § 141a.32 (b) (3). The content of procaine penicillin in the batch is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(iv) The buffered crystalline penicillin in one dose of the product is calculated as follows:

$$A = (B - C)F,$$

where

A = the buffered crystalline penicillin content of the product.

B = the number of units of penicillin per milliliter as determined in subparagraph (3) (ii) of this paragraph.

C = the number of units of procaine penicillin per milliliter as determined in subparagraph (3) (iii) of this paragraph.

F = the appropriate dilution factor depending on the dilutions made in the preparation of the solution for assay.

The content of buffered crystalline penicillin is satisfactory if the batch contains 85 percent of the number of units per milliliter that it is represented to contain.

(4) *Benzathine penicillin content.* The sum of the procaine penicillin content determined under subparagraph (2) or (6) of this paragraph and the buffered crystalline penicillin content determined under subparagraph (3) of this paragraph, subtracted from the total potency determined in subparagraph (1) or (5) of this paragraph, represents the benzathine penicillin G content. The benzathine penicillin G content is satisfactory if it is not less than 85 percent of the number of units that it is represented to contain.

(5) *Total potency of a single-dose container.* Wash out the material remaining in the volumetric flask referred

to in subparagraph (3) (i) (*a*) of this paragraph, or combine the contents remaining in the 50-milliliter volumetric flask and in the centrifuge tube referred to in subparagraph (3) (i) (*b*) of this paragraph. Dissolve the material by adding 10 milliliters of 1 *N* NaOH for each 300,000 units of benzathine penicillin and allow to stand 15 minutes. Add 1 milliliter of 1.2 *N* HCl for each milliliter of 1 *N* NaOH and then dilute with distilled water to give a concentration of approximately 2,000 units per milliliter. Place 2.0 milliliters in a 125-milliliter glass-stoppered Erlenmeyer flask, add 10 milliliters of 0.01 *N* iodine, allow to stand for 15 minutes, and then titrate with 0.01 *N* sodium thiosulfate as directed in § 141a.5 (d) (1). For the blank determination prepare a separate sample as directed in subparagraph (3) (i) (*a*) or (*b*) of this paragraph and in the first sentence of this subparagraph, then dilute with 1 percent phosphate buffer, pH 6.0, to give a concentration of approximately 2,000 units per milliliter. The total potency of the one-dose container is equal to the sum of the number of units found in this assay (units per milliliter×volume) and the number of units found (units per milliliter ×volume) in the solution for assay in subparagraph (3) (ii) of this paragraph.

(6) *Procaine penicillin content of a single-dose container.* Make suitable dilutions of the NaOH-inactivated solution prepared in subparagraph (5) of this paragraph to obtain approximately 60 units of procaine penicillin per milliliter. Determine the procaine penicillin content (units per milliliter× volume) of this solution by the colorimetric procedure described under § 141a.32 (b) (3). To this value add the procaine penicillin content (units per milliliter×volume) of the solution for assay, as found in subparagraph (3) (iii) of this paragraph, to obtain the procaine penicillin content of the one-dose container. The content of procaine penicillin in the batch is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141a.47 (b).

(c) *Pyrogens.* Proceed as directed in § 141a.47 (d).

(d) *Toxicity.* Proceed as directed in § 141a.47 (c).

(e) *Moisture.* Proceed as directed in § 141a.26 (e).

(f) *pH.* Proceed as directed in § 141a.47 (f).

§ 141a.62 *Benzathine penicillin G and procaine penicillin for aqueous injection*—(a) *Total potency, benzathine penicillin G content, procaine penicillin content.* Proceed as directed in § 141a.61 (a) (1), (2), and (4).

(b) *Sterility, toxicity, pyrogens.* Proceed as directed in § 141a.47 (b), (c), and (d).

(c) *pH.* Proceed as directed in § 141a.5 (b), using the undiluted aqueous suspension or the suspension prepared as directed in the labeling for the drug.

(d) *Moisture (dry mixture of the drug).* Proceed as directed in § 141a.26 (e).

§ 141a.63 *Penicillin - bacitracin - neomycin ointment; penicillin-bacitracin-neomycin in oil*—(a) *Potency*—(1) *Penicillin content; bacitracin content.* Proceed as directed in § 141a.37 (a).

(2) *Neomycin content.* Proceed as directed in § 141c.411 (a) (2) of this chapter, except that sufficient penicillinase is added to the sample under test to completely inactivate the penicillin present. Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b).

§ 141a.64 *Penicillin - streptomycin tablets, penicillin-dihydrostreptomycin tablets*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.9 (a). Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Streptomycin content.* Proceed as directed in § 141a.36 (a) (2). Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in § 141a.36 (a) (3). Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a).

§ 141a.65 *Procaine penicillin-streptomycin-neomycin in oil; procaine penicillin-dihydrostreptomycin-neomycin in oil; procaine penicillin-streptomycin-neomycin ointment; procaine penicillin-dihydrostreptomycin-neomycin ointment*—(a) *Potency*—(1) *Penicillin content, streptomycin content, dihydrostreptomycin content.* Proceed as directed in § 141a.38 (a) (1), (2), and (3), except use only the cup-plate method of assay for streptomycin and dihydrostreptomycin.

(2) *Neomycin content.* (i) If it contains streptomycin, proceed as directed in § 141c.410 (b) (1) of this chapter, except prepare the sample as directed in § 141a.49 (a) (2) (i) and (ii).

(ii) If it contains dihydrostreptomycin, proceed as directed in § 141c.410 (b) (1) of this chapter, except prepare the sample as follows: Place 1.0 milliliter of the sample in a separatory funnel containing approximately 50 milliliters of peroxide-free ether and extract with four successive 20-milliliter portions of distilled water. Make the combined aqueous extractions to 100 milliliters with distilled water. Transfer a 10-milliliter aliquot of the aqueous extract to a 25-milliliter volumetric flask and add 1.0 milliliter of 5-percent $Ba(OH)_2$-$8H_2O$. Using a test-tube clamp, suspend the open flask in a steam bath so that the mouth of the flask is slightly above the level of the steam bath. Heat with steam for 3 hours; remove, cool, add one drop of 1.0-percent phenolphthalein and neutralize dropwise with 1.0 *N* H_2SO_4. Make to volume with distilled water and pour a reasonable aliquot into an appropriate centrifuging tube. Centrifuge for 5 minutes at approximately 4,000 r. p. m. and decant. Pipette an appropriate volume for assay and accurately add sufficient 1.0 *M* potassium phosphate buffer pH 8.0 to provide, after addition of distilled water, a solution having a molarity of 0.1 percent with respect to the potassium phosphate buffer and containing 10 micrograms of neomycin per milliliter.

(iii) If it contains dihydrostreptomycin, the neomycin content may also be determined as follows: Place 1.0 milliliter of the sample in a separatory funnel containing 50 milliliters of peroxide-free ether and extract with four successive 20-milliliter portions of 0.1 *M* potassium phosphate buffer at pH 7.8 to 8.0. Make the combined aqueous extractions to 100 milliliters with the 0.1 *M* potassium phosphate buffer. Pipette an appropriate volume for assay and accurately add sufficient 0.1 *M* potassium phosphate buffer to provide a solution containing 10 micrograms of neomycin per milliliter. Proceed as directed in § 141c.410 (b) (1) of this chapter, except add sufficient penicillinase to completely inactivate the penicillin present, and use as the test organism the Food and Drug Administration dihydrostreptomycin-resistant strain of M. pyogenes var. aureus (P. C. I. 1209 R. D.), which is grown and maintained in media containing 1,000 micrograms of dihydrostreptomycin per milliliter of agar.

(b) *Moisture.* Using 1 milliliter as the test sample, proceed as directed in § 141a.7 (c).

§ 141a.66 *Capsules procaine penicillin in oil*—(a) *Potency.* Proceed as directed in § 141a.1, except paragraph (i) of that section, and in lieu of the directions in § 141a.1 (d) prepare the sample as follows: Place 12 capsules in a blending jar containing 40 milliliters of absolute alcohol and 200 milliliters of distilled water. After blending for 1 minute with a high-speed blender, add 260 milliliters of distilled water. Blend again for 1 minute and make the proper estimated dilutions in 1-percent phosphate buffer at pH 6.0. Its potency is satisfactory if it contains not less than 85 percent of the number of units per capsule that it is represented to contain.

(b) *Moisture.* Using an accurately weighed sample of approximately 1 gram of the capsule contents, proceed as directed in § 141a.7 (c).

§ 141a.67 *Procaine penicillin and benzathine penicillin G in streptomycin sulfate solution; procaine penicillin and benzathine penicillin G in dihydrostreptomycin sulfate solution (procaine penicillin and benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution)*—(a) *Potency*—(1) *Total potency and procaine penicillin content.* Proceed as directed in § 141a.61 (a) (1) and (2), except that in the iodometric assay one drop of 1.2 *N* HCl is added to the blank immediately, before the addition of the 0.01 *N* iodine.

(2) *Benzathine penicillin G content.* The difference between the total penicillin potency and the procaine penicillin content determined under subparagraph (1) of this paragraph represents the benzathine penicillin G content. The benzathine penicillin G content is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(3) *Streptomycin content.* Proceed as directed in § 141b.101 (j) and (k) of this chapter.

(4) *Dihydrostreptomycin content.* Proceed as directed in § 141b.108 (a) of this chapter.

(b) *Sterility.* Proceed as directed in § 141a.47 (b), except that no control tube is used in the test for bacteria.

(c) *Toxicity.* Proceed as directed in § 141a.39 (c).

(d) *Pyrogens.* Proceed as directed in § 141a.39 (d).

(e) *pH.* Proceed as directed in § 141a.5 (b), using the undiluted aqueous suspension.

§ 141a.68 *Benzathine penicillin G and streptomycin, benzathine penicillin G and dihydrostreptomycin*—(a) *Potency*—(1) *Content of benzathine penicillin G.* Proceed as directed in § 141a.47 (a). Its content of benzathine penicillin G is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

(2) *Streptomycin content.* Proceed as directed in § 141b.101 (j) of this chapter. Its content of streptomycin is satisfactory if it contains not less than 90 percent of the number of grams that it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in § 141b.108 (a) of this chapter. Its content of dihydrostreptomycin is satisfactory if it contains not less than 90 percent of the number of grams that it is represented to contain.

(b) *Sterility.* Use the entire contents of single-dose containers or the equivalent of approximately 0.5 gram (combined activity) for each multiple-dose container, and proceed as directed in § 141a.47 (b), except that no control tube is used in the test for bacteria.

(c) *Moisture.* Proceed as directed in § 141a.26 (e).

(d) *Toxicity, pyrogens, pH.* Proceed as directed in § 141a.39 (c), (d), and (f).

§ 141a.69 *Crystalline penicillin G oral suspension, crystalline penicillin G sodium oral suspension, potassium penicillin G oral suspension*—(a) *Potency.* Proceed as directed in § 141a.1, except § 141a.1 (i), and in lieu of the directions in § 141a.1 (d), prepare the sample as follows: By means of a hypodermic syringe, introduce 5 milliliters of the well-shaken test sample into a high-speed blender containing 244 milliliters of 1-percent phosphate buffer at pH 6.0 and 1.0 milliliter of a 10-percent aqueous solution of polysorbate 80. Blend the mixture for 3 to 5 minutes. Make the proper estimated dilutions in 1-percent phosphate buffer at pH 6.0. Its potency is satisfactory if it contains not less than 85 percent of the number of units per milliliter that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.7 (c).

§141a.70 *Tablets benzathine penicillin G and crystalline penicillin*—(a) *Potency*—(1) *Total potency.* Proceed as directed in § 141a.9 (a) (2). Its total potency is satisfactory if it contains not less than 85 percent of the number of units per tablet that it is represented to contain.

(2) *Crystalline penicillin content.* Place 5 tablets in a blending jar and add thereto sufficient distilled water to give a concentration of 5,000 units of crystalline penicillin per milliliter. Blend for 2 minutes with a high-speed blender, filter, remove a 10-milliliter aliquot of the filtrate and dilute to 25 milliliters with 1.0 percent phosphate buffer at pH 6.0. Remove a 2-milliliter aliquot of this solution and assay by the iodometric assay procedure described in § 141a.5 (d) (1). Its content of crystalline penicillin is satisfactory if it contains not less than 85 percent of the number of units per tablet that it is represented to contain.

(3) *Benzathine penicillin G content.* The benzathine penicillin G content of the batch is the difference between the total potency as determined by the method described in subparagraph (1) of this paragraph and the content of crystalline penicillin as determined by the method prescribed in subparagraph (2) of this paragraph. Its content of benzathine penicillin G is satisfactory if it contains not less than 85 percent of the number of units per tablet that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.26 (e).

§ 141a.71 *Penicillin - streptomycin powder, penicillin-dihydrostreptomycin powder*—(a) *Potency*—(1) *Penicillin content.* Use an accurately weighed sample of approximately 1 gram and proceed as directed in § 141a.1, except paragraph (i) of that section. The penicillin content of the powder is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Streptomycin content.* Use an accurately weighed sample of approximately 1 gram and proceed as directed in § 141a.36 (a) (2). The streptomycin content of the powder is satisfactory if it contains not less than 85 percent of the number of milligrams of activity that it is represented to contain.

(3) *Dihydrostreptomycin content.* Use an accurately weighed sample of approximately 1 gram and proceed as directed in § 141a.36 (a) (3). The dihydrostreptomycin content of the powder is satisfactory if it contains not less than 85 percent of the number of milligrams of activity that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a).

§ 141a.72 *Dibenzylamine penicillin G (dibenzylamine penicillin G salt)*—(a) *Potency.* Proceed as directed in § 141a.26 (a).

(b) *Sterility.* Proceed as directed in § 141a.2.

(c) *Pyrogens.* Proceed as directed in § 141a.3, except use physiological salt solution as the diluent.

(d) *Toxicity.* Proceed as directed in § 141a.4, except use physiological salt solution as the diluent, and inject 0.25 milliliter of a solution containing 4,000 units per milliliter.

(e) *Moisture.* Proceed as directed in § 141a.26 (e).

(f) *pH.* Proceed as directed in § 141a.5 (b), using a saturated aqueous solution prepared by adding 300 milligrams per milliliter.

(g) *Microscopical test for crystallinity.* Proceed as directed in § 141a.5 (c).

(h) *Penicillin G content.* Proceed as directed in § 141a.26 (h), using the following formula for calculating the percent of dibenzylamine penicillin G:

$$\text{Percent of dibenzylamine penicillin G} = \frac{N\text{-ethyl piperidine penicillin precipitate} \times 245.5}{\text{Weight of sample in milligrams}}$$

§ 141a.73 *Dibenzylamine penicillin and potassium penicillin powder, buffered*—(a) *Total potency.* Proceed as directed in § 141a.1, using 5 milliliters of the preparation, reconstituted as directed in the labeling.

(b) *Potassium penicillin content.* Centrifuge approximately 10 milliliters of the reconstituted preparation to obtain a clear solution and proceed as directed in § 141a.1, using 5 milliliters of the clear solution. The potency of the clear solution is regarded as the potassium penicillin content. The content of potassium penicillin is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(c) *Dibenzylamine penicillin content.* The difference between the total potency as determined by paragraph (a) of this section and the potassium penicillin as determined by paragraph (b) of this section represents the amount of dibenzylamine penicillin present. The content of dibenzylamine penicillin is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(d) *Moisture.* Proceed as directed in § 141a.26 (e).

§ 141a.74 *Dibenzylamine penicillin and streptomycin in oil, dibenzylamine penicillin and dihydrostreptomycin in oil*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.27 (a), except the last sentence thereof. Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units per milliliter that it is represented to contain.

(2) *Streptomycin content.* Using 1.0 milliliter as the test sample, proceed as directed in § 141a.35 (a) (2). Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(3) *Dihydrostreptomycin content.* Using 1.0 milliliter as the test sample, proceed as directed in § 141a.35 (a) (3). Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(g) *Extinction coefficient.* Accurately weigh approximately 100 milligrams of the sample, dissolve in absolute methanol, and make to 100 milliliters. Determine the extinction coefficient of the sample at the absorption peak at 276 millimicrons, using a suitable ultraviolet spectrophotometer and 1-centimeter quartz cells. Set the instrument to 100-percent transmission with absolute methanol. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 240-300 millimicrons. If a nonrecording spectrophotometer is used, determine the absorbancy of the solution at the 276-millimicron absorption peak, using a slit width of 0.4 millimeter or less. (The exact position of the peak should be determined for the particular instrument used.) Calculate the $E^{1\%}_{1\,cm.}$ value of the sample at the absorption peak at 276 millimicrons.

§ 141a.76 *Hydrabamine penicillin G oral suspension*—(a) *Potency.* Proceed as directed in § 141a.1, except if the bioassay method is used prepare the sample as follows: Place 1.0 milliliter of the sample to be tested in a 100-milliliter volumetric flask and dilute to volume with methanol. By means of a volumetric pipette add a 1.0-milliliter aliquot of this solution to a sufficient volume of 1-percent phosphate buffer pH 6.0 to give a solution having a concentration of 1 unit per milliliter (constantly swirling the flask during the addition). If the iodometric method is used, dilute 1.0 milliliter of the sample with sufficient 1-percent phosphate buffer pH 6.0 to produce a suspension containing 2,000 units per milliliter (estimated). Mix and pipette 2.0 milliliters into a 125-milliliter glass-stoppered Erlenmeyer flask. Add 10 milliliters of 0.01 *N* I_2 and titrate immediately with 0.01 *N* $Na_2S_2O_3$ for the blank determination. Dilute a second 1.0-milliliter portion of the sample with 1 *N* NaOH to produce a suspension containing 2,000 units per milliliter (estimated) and add approximately half that amount of chloroform U. S. P. Shake immediately and again after 5 minutes. Fifteen minutes after the initial shaking, pipette 2.0 milliliters of the upper NaOH layer into a 125-milliliter glass-stoppered Erlenmeyer flask and add 2.0 milliliters of 1.2 *N* HCl and 10 milliliters of 0.01 *N* I_2. After 15 minutes titrate the excess iodine with 0.01 *N* $Na_2S_2O_3$.

Units of penicillin per milliliter of suspension

$$= \frac{\text{Difference in titers} \times \text{potency of F. D. A. working standard in units per milligram} \times \text{volume of 2,000 units per milliliter suspension}}{F \times 2}$$

where F=the number of milliliters of 0.01 *N* I_2 absorbed by 1.0 milligram of the Food and Drug Administration sodium penicillin G working standard.

(b) *pH.* Proceed as directed in § 141a.5 (b), using the undiluted aqueous suspension.

§ 141a.77 *Capsules crystalline penicillin G (capsules crystalline penicillin G potassium, capsules crystalline penicillin G sodium)*—(a) *Potency.* Use the contents of 12 capsules and proceed as directed in § 141a.1, except § 141a.1 (d), and except if it contains a vegetable oil, prepare the sample as follows: Place 12 capsules in a blending jar containing 1.0 milliliter of a 10-percent aqueous solution of polysorbate 80 and sufficient 1-percent phosphate buffer, pH 6.0, to give a volume of 250 milliliters. Using a high-speed blender, blend for 3 to 5 minutes, then add 250 milliliters of buffer and blend for an additional minute. Make further dilutions to 1 unit per milliliter (estimated) with 1-percent phosphate buffer, pH 6.0. The average potency of capsules crystalline penicillin G is satisfactory if it is not less than 85 percent of the number of units per capsule they are represented to contain.

(b) *Moisture.* Use the contents of 4 capsules and proceed as directed in § 141a.5 (a), except if it contains a vegetable oil proceed as directed in § 141a.7 (c).

§ 141a.78 *Benzathine penicillin G in oil*—(a) *Potency.* Proceed as directed in § 141a.1, except paragraph (1) of that section, and in lieu of the directions in § 141a.1 (d) prepare the sample as follows: Place a representative quantity (usually 1.0 milliliter) of a multiple-dose container, or the entire contents of a single-dose container, in a blending jar containing sufficient dimethyl formamide (previously adjusted to a pH of 6.5±0.5 with concentrated H_2SO_4) to give a final volume of 100 milliliters. Using a high-speed blender, blend the mixture for 2 minutes and then make the proper estimated dilutions in a 1.0-percent phosphate buffer at pH 6.0. The potency is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141a.47 (b).

(c) *Moisture.* Proceed as directed in § 141a.7 (c).

§ 141a.79 *Benzathine penicillin G and procaine penicillin G in oil*—(a) *Potency*—(1) *Total penicillin content.* Proceed as directed in § 141a.78 (a). The total potency is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Procaine penicillin content.* Using an appropriate dilution of the solution prepared in subparagraph (1) of this paragraph, proceed as directed in § 141a.32 (b) (3). The procaine penicillin content is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(3) *Benzathine penicillin G content.* The benzathine penicillin G content is the difference between the total penicillin content as determined in subparagraph (1) of this paragraph and the procaine penicillin content as determined in subparagraph (2) of this paragraph. The benzathine penicillin G content is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(4) *Streptomycin content.* Using a representative quantity (usually 1.0 milliliter) of a multiple-dose container, or the entire contents of a single-dose container, proceed as directed in § 141a.35 (a) (2). The streptomycin content is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(5) *Dihydrostreptomycin content.* Using a representative quantity (usually 1.0 milliliter) of a multiple-dose container, or the entire contents of a single-dose container, proceed as directed in § 141a.35 (a) (3). The dihydrostreptomycin content is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141a.47 (b).

(c) *Moisture.* Proceed as directed in § 141a.7 (c).

§ 141a.80 *Benzathine penicillin G-procaine penicillin G-streptomycin in oil; benzathine penicillin G-procaine penicillin G-dihydrostreptomycin in oil*—(a) *Potency*—(1) *Total penicillin content.* Proceed as directed in § 141a.79 (a) (1). The total penicillin content is satisfactory if it contains not less than 85 percent of the number of units per milliliter that it is represented to contain.

(2) *Procaine penicillin content.* Proceed as directed in § 141a.79 (a) (2). The procaine penicillin content is satisfactory if it contains not less than 85 percent of the number of units per milliliter that it is represented to contain.

(3) *Benzathine penicillin G content.* Proceed as directed in § 141a.79 (a) (3). The benzathine penicillin G content is satisfactory if it contains not less than 85 percent of the number of units per milliliter that it is represented to contain.

(4) *Streptomycin content.* Using a representative quantity (usually 1.0 milliliter) of a multiple-dose container, or the entire contents of a single-dose container, proceed as directed in § 141a.35 (a) (2). The streptomycin content is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(5) *Dihydrostreptomycin content.* Using a representative quantity (usually 1.0 milliliter) of a multiple-dose container, or the entire contents of a single-dose container, proceed as directed in § 141a.35 (a) (3). The dihydrostreptomycin content is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141a.47 (b).

(c) *Moisture.* Proceed as directed in § 141a.7 (c).

§ 141a.81 *Penicillin V (phenoxymethyl penicillin)*—(a) *Potency.* Proceed as directed in § 141a.1, except use the penicillin V working standard as the standard of comparison. If the iodometric assay method is used, proceed as directed in § 141a.5 (d) (1), except determine the factor F as the number of milliliters of 0.01 *N* I_2 absorbed by 1.0 milligram of penicillin V working standard.

$$\text{Units of penicillin V per milligram} = \frac{\text{Difference in titers} \times \text{potency of FDA penicillin V working standard in units per milligram}}{\text{Milligrams in 2.0 milliliters tested} \times F}$$

(b) *Toxicity.* Proceed as directed in § 141a.4, except use physiological salt solution as the diluent, and inject 0.5 milliliter of a solution containing 2,000 units per milliliter.

(c) *Moisture.* Proceed as directed in § 141a.26 (c).

(d) *pH.* Proceed as directed in § 141a.5 (b), using a saturated aqueous solution prepared by adding 5 milligrams per milliliter.

(e) *Microscopical test for crystallinity.* Proceed as directed in § 141a.5 (c).

(f) *Penicillin V content.* Accurately weigh approximately 50 milligrams of the sample, dissolve in absolute methanol, and make to 100 milliliters with absolute methanol. Determine the absorbance of the sample at the absorption peak at 276 mμ, using a suitable ultraviolet spectrophotometer and quartz cells. Set the instrument to 100-percent transmission with absolue methanol. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 240–290 mμ. If a nonrecording spectrophotometer is used, determine the absorbance (or a solution containing 20 milligrams per 100 milliliters) at the 276 mμ absorption peak, using a slit width of 0.5 millimeter or less. (The exact position of the peak should be determined for the particular instrument used.)

$$\text{Percent penicillin V} = \frac{\text{Absorbance} \times 100{,}000}{\text{Milligrams of sample per 100 milliliters} \times 34'}$$

where 34 is the $E\,\frac{1\%}{1\,cm.}$ (specific absorbance) of the pure penicillin V.

(b) *Moisture.* Using 1.0 milliliter as the test sample, proceed as directed in § 141a.7 (c).

§ 141a.75 *Hydrabamine penicillin G*—(a) *Potency.* Proceed as directed in § 141a.1, except if the bioassay method is used prepare the sample as follows: Dissolve an accurately weighed sample in methanol and dilute with methanol to 1,000 units per milliliter (estimated). By means of a volumetric pipette, add a 1.0-milliliter aliquot to a 1,000-milliliter volumetric flask containing approximately 900 milliliters of 1-percent phosphate buffer, pH 6.0, constantly swirling the flask during the addition. Make to a volume of 1,000 milliliters with 1-percent phosphate buffer, pH 6.0. If the iodometric method is used, accurately weigh 30–50 milligrams of the sample to be tested in a 50-milliliter Erlenmeyer flask and dissolve in sufficient chloroform U. S. P. to give a concentration of 2.0 milligrams per milliliter. Pipette 2.0 milliliters of this solution into a 125-milliliter glass-stoppered Erlenmeyer flask, add 10 milliliters of 0.01 *N* I_2 and immediately with 0.01 *N* $Na_2S_2O_3$ for the blank determination. Toward the end of the titration add 1 drop of starch solution or about 5.0 milliliters of CCl. Continue the titration by the addition of 0.01–0.02-milliliter portions of 0.01 *N* $Na_2S_2O_3$, shaking vigorously after each addition. The end point is reached when the blue color of the starch-iodine complex is discharged or when the CCl, layer becomes colorless. Prepare the solution of inactivated penicillin as follows: To 10 milliliters of the original chloroform solution add 10 milliliters of 1 *N* NaOH and shake well immediately and 5 minutes later. Fifteen minutes after the initial shaking, pipette 2.0 milliliters of the upper NaOH layer into a 125-milliliter glass-stoppered Erlenmeyer flask, add 2.0 milliliters of 1.2 *N* HCl and 10 milliliters of 0.01 *N* I_2. Stopper the flask. After 15 minutes, titrate the excess iodine with 0.01 *N* $Na_2S_2O_3$.

Units of hydrabamine penicillin G per milligram

$$= \frac{\text{Difference in titers} \times \text{potency of F. D. A. working standard in units per milligram}}{4 \times F}$$

where F=the number of milliliters of 0.01 *N* I_2 absorbed for each 1.0 milligram of the Food and Drug Administration sodium penicillin G working standard.

(b) *Toxicity.* Proceed as directed in § 141a.4, except use physiological salt solution as the diluent and inject 0.25 milliliter of a suspension containing 4,000 units per milliliter.

(c) *Moisture.* Proceed as directed in § 141a.26 (e).

(d) *pH.* Proceed as directed in § 141a.5 (b), using a saturated aqueous solution prepared by adding approximately 60 milligrams per milliliter.

(e) *Microscopical test for crystallinity.* Proceed as directed in § 141a.5 (c).

(f) *Penicillin G content.* Accurately weigh a glass weighing bottle of approximately 10-milliliter capacity together with its top, a stirring rod, and a medium-porosity immersion filter stick. Transfer to the weighing bottle approximately 225 milligrams of the sample to be tested and reweigh. Add 1.5 milliliters of pyridine and stir until solution is complete. Add 0.25 milliliter of *N*-ethylpiperidine and stir until precipitation begins. When precipitation is complete, dilute with 2.5 milliliters of petroleum ether, stir well, and allow to stand for 15 minutes. Attach the filter stick to a vacuum line equipped with a suitable trap and withdraw the liquid from the precipitate. Add 2.5 milliliters of petroleum ether to the precipitate and withdraw the liquid from the precipitate. Repeat the procedure with two more 2.5-milliliter portions of petroleum ether. Leave the stirring rod and the filter stick in the bottle, dry for 30 minutes in a vacuum desiccator, stopper, and weigh.

Percent of hydrabamine penicillin G

$$= \frac{\text{Milligrams of } N\text{-ethyl piperidine penicillin precipitate} \times 141.4}{\text{Weight of sample in milligrams}}$$

§ 141a.84 *Tablets benzathine penicillin G and penicillin V*—(a) *Potency*—(1) *Total penicillin content.* Accurately weigh 6 tablets and grind them to a fine powder. Assay this powder by the iodometric method described in § 141a.5 (d) (1), except in preparing the blank solution accurately weigh a portion of the powder equivalent to approximately 200,000 units of penicillin and make a suspension in 1-percent phosphate buffer, pH 6.0, with a volume of 100 milliliters. Shake well, pipette 2.0 milliliters into a 125-milliliter glass-stoppered Erlenmeyer flask, add 10.0 milliliters of 0.01 *N* iodine and immediately titrate with 0.01 *N* $NA_2S_2O_3$. In preparing the solution for inactivation, accurately weigh a portion of the powder equivalent to 200,000 units of penicillin and place in a 100-milliliter volumetric flask. Add 20 milliliters of 0.5 *N* NaOH and mix well. Allow to stand for 15 minutes, then add 10 milliliters of 1.2 *N* HCl, and make to volume with distilled water. Pipette a 2.0-milliliter aliquot into a 125-milliliter glass-stoppered Erlenmeyer flask and add 10.0 milliliters of 0.01 *N* iodine. Allow to stand for 15 minutes and then titrate the excess iodine with 0.01 *N* $Na_2S_2O_3$. Penicillin G is used as the standard of comparison. The total penicillin content is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(2) *Penicillin V content.* Place in a 125-milliliter separatory funnel an accurately weighed quantity of finely ground tablet powder equivalent to approximately 20 milligrams (33,900 units) of penicillin V. Add 50.0 milliliters of spectrophotometric grade chloroform and 1 milliliter of 1:4 H_3PO_4. Shake well for 2 minutes. Allow the layers to separate, filter the lower chloroform layer through a cotton pledget, and collect the clear chloroform solution. Determine the absorbance of the chloroform solution at the absorption peak at 276 mμ, using a suitable ultraviolet spectrophotometer and 1-centimeter quartz cells. Set the instrument to 100-percent transmission with chloroform. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 250–290 mμ. If a nonrecording spectrophotometer is used, the original sample used should be equivalent to approximately 10 milligrams of penicillin V. Determine the absorbance of the solution at the 276 mμ absorption peak. (The exact position of the peak should be determined for the particular instrument used.) Calculate the amount of penicillin V per tablet as follows:

$$\text{Penicillin V units per tablet} = \frac{{}^{A}276\ m\mu \times \text{average weight of each tablet} \times 1{,}695{,}000}{\text{Weight of powder taken} \times 2 \times E_{1\%}^{1\ cm.}},$$

where ${}^{A}276\ m\mu$ = observed absorbance of chloroform solution,

$E_{1\%}^{1\ cm.}$ = specific absorbance ($E_{1\ cm.}^{1\%}$) of penicillin V standard in chloroform similarly treated.

The penicillin V content is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(3) *Penicillin G content.* The penicillin G content of the batch is the difference between the total penicillins determined by the method described in subparagraph (1) of this paragraph and the penicillin V content determined by the method described in subparagraph (2) of this paragraph. The penicillin G content is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.26 (e).

§ 141a.85 *Capsules penicillin V*—(a) *Potency.* Dissolve the contents of 12 capsules in 1-percent phosphate buffer, pH 6.0, and proceed as directed in § 141a.1, except use the penicillin V working standard as the standard of comparison. The average potency of capsules penicillin V is satisfactory if it is not less than 85 percent of the number of units per capsule they are represented to contain.

(b) *Moisture.* Use the contents of 4 capsules and proceed as directed in § 141a.26 (e).

§ 141a.86 *Procaine penicillin-streptomycin-polymyxin in oil; procaine penicillin-dihydrostreptomycin-polymyxin in oil*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.8 (a). Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units per milliliter that it is represented to contain.

(2) *Streptomycin content.* Proceed as directed in § 141b.129 (a) (1) of this chapter, except inactivate the penicillin in the combined extractives with sufficient penicillinase at 37° C. for 30 minutes. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (2) of this paragraph, using the dihydrostreptomycin working standard as a standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(4) *Polymyxin content.* Proceed as directed in § 141b.112 (b) (1) of this chapter, with the following exceptions:

(i) In lieu of the directions for the preparation of the sample described in § 141b.112 (b) (1) (vii) of this chapter, prepare the sample as follows: Place a convenient sized representative quantity of the sample in a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 25 milliliters of 10-percent potassium phosphate buffer, pH 6.0, containing 2 grams of K_2HPO_4 and 8 grams of KH_2PO_4 in each 100 milliliters, and shake. Remove the buffer layer and repeat the extraction with 25-milliliter portions of buffer at least three times and any additional times that may be necessary to insure complete extraction of the antibiotic. Combine the extractives and inactivate the penicillin with sufficient penicillinase at 37° C. for 30 minutes. Make the proper estimated dilutions in 10-percent potassium phosphate buffer, pH 6.0, to give a concentration of 10 units per milliliter (estimated).

(ii) The standard curve is prepared in the following concentrations: 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 units per milliliter in 10-percent potassium phosphate buffer, pH 6.0. The 10 units per milliliter concentration is used as the reference point. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units per milliliter that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b).

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Sec.

141b.101 Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride; potency.
141b.102 Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride; sterility.
141b.103 Streptomycin sulfate, streptomycin hydrochloride, streptomycin drochloride calcium chloride; phosphate, streptomycin trihydrotoxicity.
141b.104 Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride; pyrogens.
141b.105 Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride; histamine.
141b.106 Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride.
141b.107 Streptomycin ointment, dihyrostreptomycin ointment; potency.
141b.108 Dihydrostreptomycin sulfate, crystalline dihydrostreptomycin sulfate, dihydrostreptomycin hydrochloride.
141b.109 Streptomycin tablets, dihydrostreptomycin tablets.
141b.110 Streptomycin for topical use.
141b.111 Streptomycin sulfate solution, dihydrostreptomycin sulfate solution, crystalline dihydrostreptomycin sulfate solution.
141b.112 Streptomycin - polymyxin - bacitracin tablets.
141b.113 Streptomycin syrup, streptomycin and kaolin in gel, dihydrostreptomycin syrup, dihydrostreptomycin and kaolin in gel; potency.
141b.114 Streptomycin - bacitracin - polymyxin gauze pads.
141b.115 Streptomycin otic with antifungal agent, dihydrostreptomycin otic with antifungal agent.
141b.116 Streptomycin - kaolin - pectin-aluminum hydroxide gel powder veterinary, dihydrostreptomycin - kaolin - pectin - aluminum hydroxide gel powder veterinary.
141b.117 Streptomycin for inhalation therapy, dihydrostreptomycin for inhalation therapy.
141b.118 Dihydrostreptomycin - streptomycin sulfates.
141b.119 Streptomycin sulfate oral veterinary.
141b.120 Streptomycin sulfate powder oral veterinary; streptomycin sulfate granules oral veterinary.
141b.121 Streptomycylidene isonicotinyl hydrazine sulfate.
141b.122 Dihydrostreptomycin - streptomycin sulfates solution.
141b.123 Streptomycin - penicillin - sulfonamide with kaolin and pectin, dihydrostreptomycin - penicillin-sulfonamide with kaolin and pectin.
141b.124 Streptomycin hydrochloride solution oral veterinary; streptomycin sulfate solution oral veterinary.
141b.125 Dihydrostreptomycin - streptomycin sulfates with isonicotinic acid hydrazide.
141b.126 Streptomycin-erythromycin ointment.
141b.127 Streptomycin - chlortetracycline-chloramphenicol-bacitracin dental cement; dihydrostreptomycin - chlortetracycline - chloramphenicol - bacitracin dental cement.
141b.128 Streptomycin-sodium sulfathiazole solution veterinary; dihydrostreptomycin-sodium sulfathiazole solution veterinary.
141b.129 Streptomycin-polymyxin-neomycin ointment; dihydrostreptomycin-polymyxin-neomycin ointment.

AUTHORITY: §§ 141b.101 to 141b.129 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357.

§ 141b.101 *Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride; potency*—(a) *Cylinders (cups).* Use cylinders described under § 141a.1 (a) of this chapter.

(b) *Culture media.* Using ingredients that conform to the standards prescribed by the U. S. P. or N. F., make nutrient agar for the seed and base layers:

Beef extract	1.5 gm.
Yeast extract	3.0 gm.
Peptone	6.0 gm.
Agar	15.0 gm.
Distilled water q. s.	1,000.0 ml.

pH 7.8 to 8.0 after sterilization.

(c) *Working standard.* Keep the working standard (obtained from the Food and Drug Administration) at room temperature in tightly stoppered vials, which in turn are kept in larger stoppered vials containing anhydrous magnesium perchlorate. Dry an appropriate amount of the working standard as described in § 141a.5 (a) of this chapter (the moisture-free working standard has a potency of 780 micrograms per milligram). Dissolve the weight of dry working standard obtained in 0.05 *M* potassium phosphate buffer (pH 6.0). Keep this stock solution at a temperature of about 15° C.; do not use it later than 30 days after it is made.

(d) *Standard curve.* Prepare daily in 0.10 *M* potassium phosphate buffer (pH 7.8 to 8.0) from the stock solution described in paragraph (c) of this section, concentrations of 0.6, 0.7, 0.8, 0.9, 1.0, 1.1, 1.2, 1.3, 1.4, and 1.5 micrograms per milliliter solutions. A total of 27 plates is used in the preparation of the standard curve, three plates for each solution except the 1.0 mcg./ml. solution. The latter concentration is used as the reference point and is included on each plate. On each of three plates fill 3 cylinders with the 1.0 mcg./ml. standard and the other 3 cylinders with the concentration under test. Thus there will be 81 one milligram determinations and 9 determinations for each of the other points on the curve. After the plates have incubated read the diameters of the circles of inhibition. Average the readings of the 1.0 mcg./ml. concentration and the readings of the point tested for each set of 3 plates and average also all 81 readings of the 1.0 mcg./ml. concentration. The average of the 81 readings of the 1.0 mcg./ml. concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 1.0 mcg./ml. reading for that set of three plates were the same as the correction point. Thus, if in correcting the 0.8 unit concentration, the average of the 81 readings of the 1.0 mcg./ml. concentration is 16.5 mm. and the average of the 1.0 mcg./ml. concentration of this set of 3 plates is 16.3 mm. the correction is 0.2 mm. If the average readings of the 0.8 mcg./ml. concentration of these same 3 plates is 15.9 millimeters the corrected value is then 16.1 millimeters. Plot these corrected values including the average of the 1.0 mcg./ml. concentration on 2 cycle semilog paper using the concentration in mcg./ml. as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points. The ten points selected to determine the curve are arbitrary and should be so chosen that the limits of the curve will fill the needs of the laboratory. However, the potency of the sample under test should fall in the interval of from 60 percent to 150 percent of the correction point of the standard curve.

(e) *Preparation of sample.* Dissolve volumetrically in sterile, distilled water, the sample to be tested to make a convenient stock solution. Further dilute this solution volumetrically to contain 100 micrograms of streptomycin base (estimated) per milliliter. Transfer 1.0 milliliter of this 100 micrograms (estimated) per milliliter solution to a 100-milliliter flask and make up to volume with 0.10 *M* potassium phosphate buffer (pH 7.8 to 8.0). Use this last dilution in the assay for potency.

(f) *Preparation of suspensions*—(1) *Preparation of spore suspensions.* The test organism is Bacillus subtilis (American Type Culture Collection 6633). Maintain the test organism on nutrient agar prepared as described in § 141a.1 (b) (1) of this chapter. Prepare a spore suspension by one of the following methods:

(i) Grow the organism for 1 week at 37° C. in a number of Roux bottles each containing 300 milliliters of nutrient agar prepared as described in § 141a.1 (b) (1) of this chapter. Suspend the spores in sterile distilled water and heat for 30 minutes at 65° C. Wash the spore suspension three times with sterile distilled water, heat again for 30 minutes at 65° C. and resuspend in sterile distilled water; or

(ii) Grow the organism for 5 days at 37° C. in a Roux bottle containing 300 milliliters of agar medium described in § 141a.1 (b) (1) of this chapter, but modified by the addition of 300 milligrams of $MnSO_4 \cdot H_2O$ per liter. Suspend the growth in 50 milliliters of sterile isotonic saline solution, centrifuge, and decant the supernatant liquid. Reconstitute the sediment and heat-shock the suspension by heating for 30 minutes at 70° C. Maintain the spore suspension at approximately 15° C. Determine by appropriate tests the quantity of spore suspension to be added to each 100 milliliters of agar for the secondary layer that will give sharp, clear zones of inhibition.

(2) *Preparation of vegetative suspension.* If a suspension of the test organism is to be used in lieu of the spore suspensions described in subparagraph (1) of this paragraph, prepare such suspension as follows: Using 2.0 milliliters of sterile distilled water, wash the organism from an agar slant (which has been incubated for 24 hours at 37° C.) onto the agar surface of a Roux bottle containing 300 milliliters of nutrient agar prepared as described in § 141a.1 (b) (1) of this chapter. Incubate for 24 hours at 37° C. Suspend the resultant growth in 50 milliliters of sterile distilled water and homogenize the suspension. Determine by appropriate tests the quantity of the vegetative suspension to be added to each 100 milliliters of agar for the secondary layer that will give sharp, clear zones of inhibition.

(g) *Preparation of plates.* Add 21 milliliters of agar described in paragraph (b) of this section to each Petri dish (20×100 millimeters). Melt the agar to be used for the secondary layer, cool to 55° to 60° C. and add the spore suspension prepared in paragraph (f) of this section. Mix thoroughly and add 4 milliliters to each of the plates containing the 21 milliliters of the uninoculated agar. Tilt the plates back and forth to spread the inoculated agar evenly over the surface.

(h) *Plate assay.* Place six cylinders on the inoculated agar surface so that they are at approximately 60° intervals on 2.8-centimeter radius. Use three plates for each sample. Fill three cylinders on each plate with the 1.0 mcg./ml. standard and three cylinders with the 1.0 mcg./ml. (estimated) sample, alternating standard and sample. Incubate the plates for 16 to 18 hours at 37° C. and measure the diameter of each circle of inhibition.

(i) *Estimation of potency.* Average the zone readings of the standard and average the zone readings of the sample on the three plates used. If the sample gives a larger average zone size than the average of the standard, add the difference between them to the 1.0 microgram zone size of the standard curve. If the average sample value is lower than the standard value, subtract the difference between them from the 1.0 microgram value on the curve. From the curve read the potencies corresponding to these corrected values of zone sizes.

(j) *Turbidimetric assay.* In lieu of the plate assay method described in paragraph (h) of this section the sample may be assayed for potency by the following turbidimetric method:

(1) *Test culture and media.* Employ the agar described in paragraph (b) of this section (adjusted to a final pH 7.0) for maintaining the test organism, which is Klebsiella pneumoniae (P. C. R. 602) noncapsulated. Transfer stock cultures every 2 weeks for test purposes. Transfer the organism to fresh agar slants and incubate overnight at 37° C. Suspend the growth from two or three of these slants in sterile distilled water and add approximately 5 milliliters of culture suspension to each of two Roux bottles containing the agar described in paragraph (b) of this section. Incubate the bottles overnight at 37° C., harvest the growth, and suspend in sufficient sterile distilled water to give a light transmission reading of 65 percent, using a filter at 6,500 Angstrom units in a photoelectric colorimeter. Keep the resulting suspension of organisms in the refrigerator and use for a period not to exceed 2 weeks. Prepare a daily inoculum by adding 6.0 milliliters of this suspension to each 100 milliliters of the nutrient broth prepared as directed in § 141a.1 (b) (3) of this chapter, cooled to a temperature of approximately 15° C.

(2) *Working standard solutions.* Add the amounts tabulated below of a 1,000 micrograms per milliliter solution prepared from the stock solution described in paragraph (c) of this section to 100-milliliter volumetric flasks containing sterile distilled water and bring to volume to give the working stock solutions tabulated below. These 9 flasks are well stoppered and maintained at approximately 15° C. for 1 month. Prepare the final dilutions daily by adding 4.2 milliliters of each of these 9 working stock solutions to 9.6 milliliters of sterile distilled water. Add 1.0 milliliter of each final dilution to each of six tubes having an outside dimension of 16 millimeters × 125 millimeters (total 54 tubes). Add 9.0 milliliters of inoculated broth described in subparagraph (1) of this paragraph to each tube and place immediately in a 37° C. water bath for 3 to 4 hours. The final concentration of strep-

tomycin per milliliter of broth is also included in the table below.

Amount of standard solution (1,000 micrograms/ml.)	Working concentration/ml. (also percent concentration)	Final concentration (micrograms/ml.) after addition of distilled water and broth
Ml.	*Micrograms*	*Micrograms*
6.0	60	1.8
7.0	70	2.1
8.0	80	2.4
9.0	90	2.7
10.0	100	3.0
11.0	110	3.3
12.0	120	3.6
13.0	130	3.9
14.0	140	4.2

(3) *Preparation of sample.* Dilute the sample under test with sterile distilled water to contain 100 micrograms per milliliter (estimated). To 4.2 milliliters of the sample add 9.6 milliliters sterile distilled water. Add 1.0 milliliter of this dilution to each of six 16 millimeter by 125 millimeter tubes (outside dimension). Add 9.0 milliliters of the inoculated broth described in subparagraph (1) of this paragraph to each tube and place immediately in a 37° C. water bath for 3 to 4 hours. A control tube containing 1.0 milliliter of distilled water and 9.0 milliliters of the inoculated broth is similarly incubated. After incubation, add 0.5 milliliter of formalin diluted 1:3 to each tube and read the light transmission in a photo-electric colorimeter, using a broad band filter having a wave length of 5,300 angstrom units.

(4) *Estimation of potency.* Average the light transmission readings for each concentration of the standard. Plot these values on cross section paper, employing average light transmission readings as the ordinate, and streptomycin concentration per milliliter of broth as the abscissa. Prepare the standard curve by connecting successive points with a straightedge. Since the final concentration of streptomycin per milliliter of broth is equivalent to the concentration per milliliter of the working stock solution (see table in subparagraph (2) of this paragraph) the latter concentrations for each concentration level of the standard may be expressed as percent and substituted on the abscissa of the standard curve. If this is done the percent potency of the sample under test may be read directly from the standard curve.

(k) *Potency.* The potency of streptomycin is satisfactory, when assayed by the methods described in this section, if the immediate containers contain 90 percent of the number of grams they are represented to contain.

§ 141b.102 *Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride; sterility.* Use the entire contents of single-dose containers or the equivalent of approximately 0.5 gram (activity) from each multiple-dose container, and proceed as directed in § 141a.2 of this chapter, except that neither penicillinase nor the control tube is used in the test for bacteria.

§ 141b.103 *Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride; toxicity.* Proceed as directed in § 141a.4 of this chapter, using as a test dose 0.5 milliliter of a solution containing 2 mg./ml.

§ 141b.104 *Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride; pyrogens.* Proceed as directed in § 141a.3 of this chapter, using as a test dose 1.0 milliliter per kilogram of a solution containing 10 mg./ml.

§ 141b.105 *Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride; histamine.* Use a healthy adult cat as the test animal. Determine weight and place under general anesthesia by employing sufficient (150 mg./kg.) sodium phenobarbital administered intraperitoneally. Surgically expose the right carotid separating it completely from all surrounding structures, including the vagus nerve, by blunt dissection and cannulate. Surgically expose the femoral vein. Start the recording kymograph and inspect the tracings for amplitude of excursion and relative stability of pressure. Determine the sensitivity of the animal by injecting into the femoral vein standard solutions of histamine made to contain the equivalent of 1.0 microgram of histamine base per milliliter. Make injections at not less than 5-minute intervals using doses of 0.05, 0.1, and 0.15 microgram of histamine base per kilogram. Repeat these injections, disregarding the first series of readings, until the drop given by equivalent doses of histamine is relatively uniform. The fall in blood pressure given by 0.1 mcg./kg. of histamine base (not less than 20 millimeters of mercury) is subsequently employed as the standard in testing samples. The histamine standard is supplied on request. Inject 3 mg./kg. of the sample of streptomycin per milliliter maintaining the five-minute injection schedule. If a significant drop is encountered the dose is repeated after the animal has been retested with the standard histamine. The animal may be used as long as it remains reasonably stable and responsive to histamine. The product is satisfactory if the fall in blood pressure obtained with 3 milligrams of streptomycin per kilogram of body weight is no greater than the fall obtained with 0.1 microgram of histamine base per kilogram of body weight. (Dogs may be substituted for cats in this test provided the ratio of the doses of streptomycin and histamine employed is the same.)

§ 141b.106 *Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride*—(a) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(b) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using a solution with a concentration of 0.2 gm./ml.

§ 141b.107 *Streptomycin ointment, dihydrostreptomycin ointment; potency*—(a) *Streptomycin content.* Proceed as directed in § 141b.101 except paragraphs (j) and (k) thereof, and in lieu of the directions in § 141b.101 (e), prepare the sample as follows:

Accurately weigh the tube and contents and squeeze approximately 1.0 gram into a blending jar containing 50 milliliters of 0.10 *M* potassium phosphate buffer (pH 7.8 to 8.0). Reweigh the tube to obtain weight of ointment used in the test. Using a high-speed blender, blend the mixture for 3 minutes. Dilute an aliquot of the mixture to contain 100 micrograms of streptomycin base (estimated) per milliliter. Transfer 1.0 milliliter of this solution to a 100-milliliter flask and make up to volume with 0.10 *M* potassium phosphate buffer (pH 7.8 to 8.0). Use this last dilution in the assay for potency. The potency of streptomycin ointment is satisfactory if it contains not less than 85 percent of the number of micrograms of streptomycin base per gram it is represented to contain.

(b) *Dihydrostreptomycin content.* Proceed as directed in paragraph (a) of this section, using the dihydrostreptomycin working standard as a standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of micrograms of dihydrostreptomycin base per gram it is represented to contain.

§ 141b.108 *Dihydrostreptomycin sulfate, crystalline dihydrostreptomycin sulfate, dihydrostreptomycin hydrochloride*—(a) *Potency.* Using the dihydrostreptomycin working standard as a standard of comparison, proceed as directed in § 141b.101 (j) and (k).

(b) *Content of streptomycin sulfate or streptomycin hydrochloride*—(1) *Reagents.* (i) 10 percent ferric chloride stock solution. Dissolve 5 grams of $FeCl_3 6H_2O$ in 50 milliliters 0.1 *N* HCl.

(ii) 0.25 percent ferric chloride solution—Dilute 2.5 milliliters of 10 percent ferric chloride in 0.1 *N* HCl to 100 milliliters with 0.01 *N* HCl. Prepare the solution fresh daily.

(2) *Standard curve.* Prepare a stock aqueous solution of the Food and Drug Administration working standard containing 1.0 milligram of streptomycin base per milliliter. Store this standard solution in the refrigerator and use for no longer than 2 weeks. Transfer 1.0, 2.0, 3.0, 4.0, and 5.0 milliliters of this standard solution and 10 milliliters of distilled water to each of six 25-milliliter volumetric flasks. Add 9.0, 8.0, 7.0, and 6.0 milliliters of distilled water to the first four tubes, respectively, to give each a total volume of 10 milliliters. To each add 2.0 milliliters of 1 *N* NaOH and then heat the flasks in a boiling water bath for 10 minutes. Cool the flasks in ice water for 3 minutes and acidify the solutions with 2.0 milliliters of 1.2 *N* HCl. To each flask add 5.0 milliliters of 0.25 percent ferric chloride reagent, make to volume with distilled water, and mix thoroughly. Transfer the colored solutions to 2.0-centimeter absorption cells and measure the percent light transmission at 550 mμ in a suitable photoelectric colorimeter. Set the colorimeter at 100 percent light transmission for the zero concentration and then obtain the percent light transmission of the sample. Prepare a standard curve on semilog paper, plotting the percent light transmission on the logarithmic ordinate scale and the concentration of streptomycin base on the abscissa.

(3) *Procedure.* Dilute the contents of a 1-gram vial to 50 milliliters with distilled water (dilute vials containing larger quantities to make solutions having the same concentration). Transfer a 10-milliliter aliquot of this solution to a 25-milliliter volumetric flask, add 2.0 milliliters of 1 *N* NaOH and heat in a boiling water bath for 10 minutes. Cool in ice water for 3 minutes and acidify the solution with 2.0 milliliters of 1.2 *N* HCl. Add 5.0 milliliters of 0.25 percent ferric chloride reagent. Make to volume with distilled water. Transfer the colored solution to a 2.0-centimeter absorption cell and measure the percent light transmission at 550 mμ in a suitable photoelectric colorimeter. Set the colorimeter at 100 percent light transmission for the zero concentration and then obtain the percent light transmission of the sample. The concentration of streptomycin obtained directly from the standard curve corresponding to the percent light transmission of the sample, times 500, divided by the total milligrams per vial obtained by biological assay, equals the percent of streptomycin.

(c) *Sterility.* Proceed as directed in § 141b.102.

(d) *Toxicity, pyrogens, histamine, moisture, pH, crystallinity.* Proceed as directed in §§ 141b.103, 141b.104, 141b.105, 141b.106, and 141a.5 (c) of this chapter.

§ 141b.109 *Streptomycin tablets, dihydrostreptomycin tablets*—(a) *Potency*—(1) *Streptomycin content.* Using 12 tablets, proceed as directed in § 141b.101, except paragraphs (j) and (k) of that section, and use 0.10 *M* potassium phosphate buffer (pH 7.8–8.0) for dissolving the sample in lieu of sterile distilled water as directed in § 141b.101 (e). The average potency of streptomycin tablets is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(2) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (1) of this paragraph, using the dihydrostreptomycin working standard as a standard of comparison. The average potency of dihydrostreptomycin tablets is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141b.110 *Streptomycin for topical use*—(a) *Potency.* Proceed as directed in § 141b.101, except paragraph (k) thereof. The potency of streptomycin for topical use is satisfactory if the immediate containers are represented to contain:

(1) Less than 500 milligrams and contain 85% or more of the number of milligrams so represented;

(2) More than 500 milligrams and contain 90% or more of the number of milligrams so represented.

(b) *Sterility, toxicity, pyrogens, histamine, moisture, pH.* Proceed as directed in §§ 141b.102 to 141b.106.

§ 141b.111 *Streptomycin sulfate solution, dihydrostreptomycin sulfate solution, crystalline dihydrostreptomycin sulfate solution.* (a) If it is streptomycin sulfate solution, proceed as directed in §§ 141b.101, 141b.102, 141b.104, 141b.105, and 141b.106 (b), and for the toxicity test proceed as directed in § 141a.4 of this chapter, using as a test dose 0.5 milliliter of a solution containing 1.5 milligrams per milliliter.

(b) If it is dihydrostreptomycin sulfate solution or crystalline dihydrostreptomycin sulfate solution, proceed as directed in § 141b.108, except in lieu of the directions in § 141b.108 (b) determine the streptomycin content as follows:

(1) *Preparation of standard.* Prepare a standard aqueous solution of the Food and Drug Administration streptomycin working standard containing 0.25 milligram of streptomycin base per milliliter. Transfer 1.0, 1.5, and 2.0 milliliter aliquots to test tubes (approximately 16 millimeters×150 millimeters). Add 1.0, 0.5, and 0 milliliter of distilled water to give a 2.0-milliliter volume.

(2) *Preparation of sample.* Dilute 1.0 milliliter of the dihydrostreptomycin sulfate solution to be tested (containing 250 to 500 milligrams of dihydrostreptomycin) to 25.0 milliliters in a volumetric flask. Transfer 2.0 milliliters to a test tube.

(3) *Blank.* Use 2.0 milliliters of distilled water.

(4) *Procedure.* To each tube containing 2.0 milliliters, add, in turn, 8.0 milliliters of 0.1 *N* NaOH (freshly prepared from 1 *N* NaOH), mix thoroughly, and immediately determine the optical density at 325 mμ in a suitable spectrophotometer. Set the spectrophotometer at 100-percent light transmission for the blank similarly treated. Return the solution to the test tube, heat in a boiling water bath for 10 minutes, cool in an ice bath for 3 minutes, and allow to come to room temperature. Determine the optical density at 325 mμ. The difference in reading before and after heating is the optical density of the aliquot. Prepare a standard curve. The concentration of streptomycin in the sample solution obtained directly from the standard curve times 1,250, divided by the number of milligrams of dihydrostreptomycin in the original dihydrostreptomycin solution, equals the percent of streptomycin.

§ 141b.112 *Streptomycin-polymyxin-bacitracin tablets*—(a) *Tablets*—(1) *Potency*—(i) *Streptomycin content.* Using 12 tablets, proceed as directed in § 141b.109 (a) (1). Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(ii) *Polymyxin content.* Using 12 additional tablets, proceed as directed in paragraph (b) of this section. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(iii) *Bacitracin content.* Using an aliquot of the solution prepared under subdivision (ii) of this subparagraph, proceed as directed in § 141e.403 (a) of this chapter, except the last sentence of that paragraph and except that sufficient semi-carbazide 0.5 percent solution (pH 6.5–7.0) is added to inactivate (1 hour at room temperature) the streptomycin contained in the solution. Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(b) *Polymyxin used in making the tablets*—(1) *Potency*—(i) *Cylinders (cups).* Use cylinders described under § 141a.1 (a) of this chapter.

(ii) *Culture medium.* Using ingredients that conform to the standards prescribed, if any, by the U. S. P. or N. F., make nutrient agar for the seed and base layers:

(*a*) *Base layer.*

Pancreatic digest of casein	17.0 gm.
Papaic digest of soybean	3.0 gm.
Sodium chloride	5.0 gm.
Dipotassium phosphate	2.5 gm.
Dextrose	2.5 gm.
Agar	20.0 gm.
Distilled water, q. s.	1,000.0 ml.
Final pH	7.3.

(*b*) *Seed layer.* For seed layer make the following changes in the medium described in (*a*) of this subdivision.

Agar	12.0 gm.
Tween 80 (add Tween 80 after boiling)	10.0 gm.
Final pH	7.3.

In lieu of preparing the medium from the individual ingredients as specified, it may be prepared from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such medium. Minor modifications of the specified individual ingredients are permissible if the resulting medium possesses growth-promoting properties at least equal to the medium described.

(iii) *Working standard.* Weigh out a sufficient quantity of the working standard (obtained from the Food and Drug Administration) and make a 10,000 units per milliliter stock solution by diluting with 1-percent phosphate buffer, pH 6.0. This solution may be used for 2 weeks if kept in the refrigerator.

(iv) *Standard curve.* Prepare daily a standard curve as directed in § 141b.101 (d) with the following exceptions: Using a solution of the polymyxin working standard in 1-percent phosphate buffer, pH 6.0, prepare volumetrically the following concentrations: 60, 70, 80, 90, 100, 110, 120, 130, 140, and 150 units per milliliter in 1-percent phosphate buffer, pH 6.0. The 100 units per milliliter is used as the reference point.

(v) *Preparation of test organism.* The test organism is Brucella bronchiseptica (American Type Culture Collection 4617) which is maintained on agar described under subdivision (ii) (*a*) of this subparagraph. Inoculate a Roux bottle containing this agar, subdivision (ii) (*a*), from a stock slant and incubate 24 hours at 32° C.–35° C. Wash the growth into sterile distilled water and standardize the resulting organism sus-

pension to 50-percent light transmission using a filter having a wave length of 6,500 A. Run test plates, and use in the assay the amount of inoculum per 100 milliliters of seed agar which gives (ca) 15.0-millimeter zones of inhibition against the test organism with the 100 units per milliliter solution of polymyxin. Make a new suspension every two weeks.

(vi) *Preparation of plates.* Using the agar described in subdivision (ii) of this subparagraph, prepare the plates as described in § 141b.101 (g), except allow the agar for the secondary layer to cool to 48° C.–50° C. before adding the inoculum. It is not necessary to refrigerate the plates.

(vii) *Assay.* Dissolve volumetrically into sterile 1-percent phosphate buffer, pH 6.0, the sample to be tested to a final concentration of 100 units (estimated) per milliliter, and proceed as directed in § 141b.101 (h) and (i).

(2) *Toxicity.* Proceed as directed in § 141a.4 of this chapter, using 0.5 milliliter of a solution prepared by diluting the sample to approximately 1,200 units per milliliter with physiological salt solution.

§ 141b.113 *Streptomycin syrup, streptomycin and kaolin in gel, dihydrostreptomycin syrup, dihydrostreptomycin and kaolin in gel; potency.* Proceed as directed in § 141b.101, except paragraph (k) thereof, and except if it is dihydrostreptomycin use the dihydrostreptomycin working standard as a standard of comparison. Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams of streptomycin or dihydrostreptomycin per milliliter that it is represented to contain.

§ 141b.114 *Streptomycin-bacitracin-polymyxin gauze pads*—(a) *Potency.* Proceed as directed in § 141b.112 (a) (1), except soak the sample for not less than 1 hour with frequent agitation.

(b) *Sterility.* Using individual pads proceed as directed in § 141b.102. This method will demonstrate only those organisms which are not susceptible to these concentrations of streptomycin, bacitracin, and polymyxin.

(c) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141b.115 *Streptomycin otic with antifungal agent, dihydrostreptomycin otic with antifungal agent*—(a) *Potency.* Proceed as directed in § 141b.101, except paragraph (k) thereof, and if it is dihydrostreptomycin otic with antifungal agent use the dihydrostreptomycin working standard as a standard of comparison. Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams of streptomycin or dihydrostreptomycin per milliliter that it is represented to contain.

(b) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using the undiluted solution or suspension.

§ 141b.116 *Streptomycin-kaolin-pectin-aluminum hydroxide gel powder veterinary, dihydrostreptomycin-kaolin-pectin-aluminum hydroxide gel powder veterinary*—(a) *Potency*—(1) *Streptomycin content.* Using 3.0 grams of the sample, proceed as directed in § 141b.101, except paragraph (k) of that section. Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams of streptomycin it is represented to contain.

(2) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (1) of this paragraph, using the dihydrostreptomycin working standard as a standard of comparison. Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams of dihydrostreptomycin it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141b.117 *Streptomycin for inhalation therapy, dihydrostreptomycin for inhalation therapy*—(a) *Potency*—(1) *Streptomycin content.* Proceed as directed in § 141b.101, except if it is packaged with inert gases proceed as follows: Use not less than 6 immediate containers. Place one-half the number of such containers in a suitable sharp freezing unit having a temperature not higher than −30° C. After freezing, cut open the containers and transfer the contents of each to a suitable beaker and allow gas to evaporate. After gas has evaporated, wash and dry the residue remaining in the container into the beaker with sterile distilled water, after which wash the entire contents of the beaker into a 500-milliliter volumetric flask and make to mark with sterile distilled water. Use an appropriate aliquot of each of these solutions and proceed as directed in § 141b.101 to determine the average total quantity of streptomycin in each container. Expel the drug from each of the remaining containers as directed in its labeling. After all gas (with drug) has been expelled, cut open the containers and place each in a large beaker containing 500 milliliters of sterile distilled water. Let stand for not less than 15 minutes, with frequent agitation. Remove an aliquot and proceed as directed in § 141b.101 to determine the quantity of streptomycin that remains in each container. The quantity of streptomycin expelled is determined by subtracting the average amount of the residue found from the average total amount contained in the containers. Its potency is satisfactory if it contains not less than 90 percent, or 85 percent if it is packaged with inert gases, of the number of milligrams of streptomycin that it is represented to contain.

(2) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (1) of this paragraph, except use the dihydrostreptomycin working standard as a standard of comparison. Its potency is satisfactory if it contains not less than 90 percent, or 85 percent if it is packaged with inert gases, of the number of milligrams of dihydrostreptomycin that it is represented to contain.

(b) *Unless it is packaged with inert gases, toxicity, histamine, moisture, pH, streptomycin content (if it is dihydrostreptomycin), crystallinity (if it is crystalline dihydrostreptomycin).* Proceed as directed in §§ 141b.103, 141b.105, 141b.106, 141b.108 (b), and 141a.5 (c) of this chapter.

(c) *If it is packaged with inert gases, moisture.* Proceed as directed in § 141a.7 (c) of this chapter, but in lieu of the directions for preparing the sample in § 141a.7 (c) (3) of this chapter prepare the sample and calculate as follows: Freeze the container as described in paragraph (a) of this section. After freezing, open the container and remove a representative 10-milliliter aliquot. Place this sample in a dry titrating vessel, immediately add an excess of Karl Fischer reagent, and back-titrate with water-methanol solution until the end-point is reached.

$$\text{Percent moisture} = \frac{(v_1 - V_2 f)\, Xe}{100}$$

§ 141b.118 *Dihydrostreptomycin-streptomycin sulfates*—(a) *Potency.* Proceed as directed in § 141b.108 (a). Its total potency is satisfactory if it contains not less than 90 percent of the combined number of milligrams of dihydrostreptomycin and streptomycin that it is represented to contain.

(b) *Content of streptomycin sulfate.* Proceed as directed in § 141b.108 (b), making appropriate dilutions so that the aliquot used for the colorimetric measurement contains 5.0 milligrams of streptomycin (estimated) and modify the calculations in accordance with the dilutions made. Its content of streptomycin is satisfactory if it contains not less than 45 percent and not more than 55 percent of the total potency as determined under paragraph (a) of this section.

(c) *Sterility, toxicity, pyrogens, histamine, moisture, pH.* Using the total potency of the sample for preparing dilutions and weighings, proceed as directed in §§ 141b.102, 141b.103, 141b.104, 141b.105, and 141b.106.

§ 141b.119 *Streptomycin sulfate oral veterinary*—(a) *Potency.* Proceed as directed in § 141b.101.

(b) *Toxicity.* Proceed as directed in § 141b.103.

(c) *Moisture.* Using a 1-gram sample, proceed as directed in § 141a.5 (a) of this chapter.

(d) *pH.* Proceed as directed in § 141b.106 (b).

§ 141b.120 *Streptomycin sulfate powder oral veterinary; streptomycin sulfate granules oral veterinary*—(a) *Potency.* Proceed as directed in § 141b.101. Its content of streptomycin is satisfactory if it contains not less than 90 percent of the number of milligrams of streptomycin per gram it is represented to contain.

(b) *Moisture.* Using a 1-gram sample, proceed as directed in § 141a.5 (a) of this chapter.

§ 141b.121 *Streptomycylidene isonicotinyl hydrazine sulfate*—(a) *Potency*—(1) *Streptomycin content.* Dilute the sample with hydrochloric acid solution pH 1.5 to 1,000 micrograms per milliliter (estimated streptomycin activity). Heat at 50° C. for 30 minutes, cool rapidly and proceed as directed in § 141b.101. The streptomycin potency of streptomycylidene isonicotinyl hydrazine sulfate is satisfactory if the immediate containers contain 90 percent of the streptomycin activity they are represented to contain.

(2) *Isonicotinic acid hydrazide content*—(i) *Reagents.* (a) 0.1 *N* $KBrO_3$-KBr solution: Dissolve 3 grams of $KBrO_3$ and 15 grams of KBr in sufficient water to make 1,000 milliliters.

(b) Concentrated hydrochloric acid.

(c) 20-percent potassium iodide solution.

(d) 0.05 *N* $Na_2S_2O_3$ (accurately standardized against KIO_3).

(ii) *Preparation of sample.* Place an accurately weighed sample of approximately 250 milligrams or an aliquot of a solution containing 250 milligrams of streptomycylidene isonicotinyl hydrazine sulfate into a 250-milliliter iodine flask. Add sufficient water to give a volume of 25 milliliters.

(iii) *Blank.* Add 25 milliliters of distilled water in a 250-milliliter iodine flask.

(iv) *Procedure.* To each iodine flask containing the sample and blank, add 25 milliliters of 0.1 *N* $KBrO_3$-KBr solution and 5 milliliters of concentrated HCl. Stopper the flasks, and place distilled water in the wells around the stopper. Allow the flasks to stand for 15 minutes at room temperature, and then add 5 milliliters of 20-percent potassium iodide solution to each flask. Titrate the liberated iodine with 0.05 *N* $Na_2S_2O_3$, using starch as an indicator.

(v) *Calculations.*

$$\text{Percent isonicotinic acid hydrazide} = \frac{(B-S)\times N\times 3429}{W}$$

where:

B = milliliters of $Na_2S_2O_3$ required for the blank.
S = milliliters of $Na_2S_2O_3$ required for the sample.
N = normality of the $Na_2S_2O_3$
W = milligrams of sample.

(b) *Extinction coefficient.* Accurately weigh approximately 100 milligrams of the sample, dissolve in distilled water, and make to 100 milliliters. Dilute a 5-milliliter aliquot of this solution to 100 milliliters, allow to stand at room temperature for 15 minutes, and, using a suitable spectrophotometer, determine the optical density of the solution in a 1-centimeter cell at 260 millimicrons compared with distilled water as a blank.

$$E\,\frac{1\text{ percent}}{1\text{ centimeter}} = \frac{(\text{optical density})\ (20{,}000)}{\text{weight of sample in milligrams}}$$

(c) *Toxicity.* Proceed as directed under § 141a.4 of this chapter, using as a test dose 0.5 milliliter of a solution containing 1,000 micrograms of streptomycin activity per milliliter.

(d) *Sterility.* Proceed as directed under § 141a.2 of this chapter, using the equivalent of approximately 0.5 gram streptomycin activity, except that neither penicillinase nor the control tube is used in the test for bacteria.

(e) *Pyrogens, histamine, moisture, pH, and crystallinity.* Proceed as directed under §§ 141b.104, 141b.105, 141b.106, and 141a.5 (c) of this chapter.

§ 141b.122 *Dihydrostreptomycin-streptomycin sulfates solution*—(a) *Combined potency of dihydrostreptomycin and streptomycin; content of streptomycin.* Proceed as directed in § 141b.118 (a) and (b).

(b) *Sterility, toxicity, pyrogens, histamine.* Proceed as directed in §§ 141b.102, 141b.103, 141b.104, and 141b.105.

(c) *pH.* Using the undiluted solution, proceed as directed in § 141a.5 (b) of this chapter.

§ 141b.123 *Streptomycin - penicillin-sulfonamide with kaolin and pectin, dihydrostreptomycin-penicillin-sulfonamide with kaolin and pectin*—(a) *Potency*—(1) *Streptomycin content.* Proceed as directed in § 141b.101. Its potency is satisfactory if it contains not less than 90 percent of the number of milligrams of streptomycin it is represented to contain.

(2) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (1) of this paragraph, using the dihydrostreptomycin working standard as a standard of comparison. Its potency is satisfactory if it contains not less than 90 percent of the number of milligrams of dihydrostreptomycin it is represented to contain.

(3) *Penicillin content.* Proceed as directed in § 141a.1 of this chapter. Its potency is satisfactory if it contains not less than 90 percent of the number of units of penicillin it is represented to contain.

(b) *Moisture content.* Proceed as directed in § 141a.5 (a) of this chapter.

(c) *pH.* Prepare the suspension as directed in the labeling of the drug and proceed as directed in § 141a.5 (b) of this chapter.

§ 141b.124 *Streptomycin-hydrochloride solution oral veterinary; streptomycin sulfate solution oral veterinary*—(a) *Potency.* Proceed as directed in § 141b.101. Its potency is satisfactory if it contains not less than 90 percent of the number of milligrams of streptomycin per milliliter that it is represented to contain.

(b) *Toxicity.* Proceed as directed in § 141b.103.

(c) *pH.* Proceed as directed in § 141b.106 (b).

§ 141b.125 *Dihydrostreptomycin-streptomycin sulfates with isonicotinic acid hydrazide*—(a) *Total potency*—(1) *Preparation of sample*—(i) *Reagents*—(*a*) *Benzaldehyde.* Boiling point 75–76° C./16 millimeters;

(*b*) *Acetone.* Reagent grade.

(ii) *Apparatus.* An extraction funnel is prepared by fusing a ground-glass stopper to the top of a medium porosity sintered-glass filter funnel (30-millimeter diameter).

(iii) *Procedure.* The entire sample is quantitatively transferred to the funnel as follows: Pour the dry sample into the funnel. Wash any material remaining in the bottle with three 5.0-milliliter portions of benzaldehyde, placing the washings into the funnel. Stopper the funnel and shake occasionally for 3 minutes. Filter off the benzaldehyde by vacuum. Repeat the shaking with two more 15-milliliter portions of benzaldehyde, discarding all benzaldehyde filtrates. Wash the residue in the funnel with about 10 milliliters of acetone, discarding the acetone filtrate. Dissolve the streptomycin and dihydrostreptomycin in the funnel with about 25 milliliters of water and transfer the solution to a 500-milliliter volumetric flask. Wash the funnel with water and transfer the washings to the volumetric flask. Finally, wash the funnel with water by filtering the water by vacuum and add the filtrate to the volumetric flask. Dilute the sample to 500 milliliters with distilled water, then proceed as directed in § 141b.101 (j), using the dihydrostreptomycin working standard as the standard of comparison. The total potency is satisfactory if it contains not less than 90 percent of the combined number of milligrams of dihydrostreptomycin and streptomycin that it is represented to contain.

(b) *Content of streptomycin sulfate.* Using an aliquot of the solution prepared as directed in paragraph (a) of this section, proceed as directed in § 141b.108 (b), making appropriate dilutions so that the aliquot ultimately used for the colorimetric measurement contains 5.0 milligrams of streptomycin (estimated), and modify the calculations in accordance with the dilutions made. Its content of streptomycin is satisfactory if it contains not less than 45 percent and not more than 55 percent of the total potency as determined under paragraph (a) of this section.

(c) *Isonicotinic acid hydrazide content.* Proceed as directed under § 141b.121 (a) (2).

(d) *Sterility, pyrogens, histamine, moisture, pH.* Using the total potency of the sample for preparing dilutions and weighings, proceed as directed in §§ 141b.102, 141b.104, 141b.105, and 141b.106.

(e) *Toxicity.* Proceed as directed under § 141a.4 of this chapter, using as a test dose 0.5 milliliter of a solution containing 1,000 micrograms of total activity per milliliter.

§ 141b.126 *Streptomycin-erythromycin ointment*—(a) *Ointment*—(1) *Potency*—(i) *Streptomycin content.* Proceed as directed in § 141b.101 (a) through (i), except prepare the sample as follows: Place a representative quantity of the ointment (usually an entire container) in a blending jar containing approximately 225 milliliters of chloroform. Using a high-speed blender, blend the mixture for 3 minutes. Transfer the blended material to a large Buchner funnel (at least 10 centimeters in diameter) fitted with a highly retentive filter paper and attached to a vacuum line. Apply vacuum long enough to insure removal of chloroform from the filter cake. Place the filter cake and the paper in a blending jar containing 250 milliliters of 0.1 *M* phosphate buffer, pH 8.0, and blend for 10 minutes. Filter the blended material through a fast, porous, filter paper. Dilute the filtrate to obtain a solution for assay containing 1.0 microgram per milliliter. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(ii) *Erythromycin content*—(*a*) *cylinders (cups)*. Use cylinders described under § 141a.1 (a) of this chapter.

(*b*) *Culture media*. Prepare the culture media for the base and seed layers and for carrying the test organism as directed in § 141a.1 (b) (1) of this chapter, except for the base and seed layers adjust the media to pH 8.0 after sterilization. Make the nutrient broth for preparing an inoculum of the test organism as directed in § 141a.1 (b) (3) of this chapter.

(*c*) *Working standard*. Keep the working standard at refrigeration in tightly stoppered vials, which in turn are kept in larger stoppered vials containing a suitable desiccant. Dry 30 to 50 milligrams of the standard as described in § 141a.5 (a) of this chapter. Dissolve the weight of dry working standard in sufficient methyl alcohol to give a concentration of 10,000 micrograms per milliliter. Further dilute with 0.1 *M* potassium phosphate buffer, pH 7.8 to 8.0, to give a stock solution of 1,000 micrograms per milliliter. This stock solution may be kept under refrigeration for 1 week.

(*d*) *Standard curve*. Using the working-standard stock solution, prepare a standard curve as directed in § 141b.101 (d).

(*e*) *Preparation of spore suspension*. The test organism is Sarcina lutea (P. C. I. 1001). Maintain the test organism on slants of nutrient agar described in (*b*) of this subdivision and transfer to a fresh agar slant once a week. Prepare a suspension of the test organism as follows: Streak an agar slant heavily with the test organism. Wash the growth off in about 3 milliliters of nutrient broth described in (*b*) of this subdivision. Use the suspension so obtained to inoculate the surface of a Roux bottle containing 300 milliliters of the nutrient agar. Spread the suspension over the entire surface with the aid of sterile glass beads. Incubate for 24 hours at 26° C. Wash the growth from the agar surface with 20 milliliters of nutrient broth described in (*b*) of this subdivision. If an aliquot of this bulk suspension, when diluted with nutrient broth 1:10, gives a 10-percent light transmission in a suitable photoelectric colorimeter equipped with a filter having a wave length of 6,500 Angstrom units, it is satisfactory for use. It may be necessary to adjust the bulk suspension by dilution, so that an aliquot of the adjusted suspension diluted 1:10 gives 10-percent light transmission. (The adjusted bulk suspension only, and not the 1:10 dilution of it, is used in preparing the seed layer.) The bulk suspension may be used in the test for 2 weeks. Add 0.3 milliliter of the adjusted bulk suspension to 100 milliliters of agar described in (*b*) of this subdivision, which has been melted and cooled to 48° C.

(*f*) *Preparation of plates*. Add 21 milliliters of the agar prepared in (*b*) of this subdivision to each Petri dish (20 mm. x 100 mm.). Distribute the agar evenly in the plates and allow it to harden. Use the plates the same day they are prepared. Add 4.0 milliliters of the inoculum prepared under (*e*) of this subdivision to each plate, tilting the plates back and forth to spread the inoculated agar evenly over the surface.

(*g*) *Assay*. Place a representative quantity of the ointment (usually an entire container) in a blending jar containing approximately 225 milliliters of polyethylene glycol. Using a high-speed blender, blend the mixture for 10 minutes and filter through a Buchner filter. Dilute the filtrate to 1.0 microgram per milliliter (estimated) in 0.1 *N* potassium phosphate buffer, pH 8.0, and proceed as directed in § 141b.101 (h) and (i), except that the incubation temperature is 32° C. to 35° C.

Its content of erythromycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(iii) *Moisture*. Proceed as directed in § 141a.7 (c) of this chapter.

(*b*) *Erythromycin used in making the ointment*—(1) *Moisture*. Proceed as directed in § 141a.26 (e) of this chapter. Use the value obtained to calculate the weighed samples used in this paragraph.

(2) *Potency*. Proceed as directed in paragraph (a) (1) (ii) of this section, except in the preparation of the solution of the sample dissolve 40 milligrams (as the anhydrous compound) in a small amount of methyl alcohol and then further dilute in 0.10 *M* potassium phosphate buffer, pH 8.0, to make a solution containing 1.0 microgram per milliliter (estimated).

(3) *Toxicity*. Proceed as directed in § 141d.305 (b) of this chapter, except administer orally to each mouse 1.0 milliliter of a suspension of the drug containing 30 milligrams per milliliter.

(4) *pH*. Using a saturated aqueous solution (100 milligrams per milliliter), proceed as directed in § 141a.5 (b) of this chapter.

(5) *Color-identity test*. Dissolve about 3 milligrams of the sample in 2 milliliters of acetone and add an equal volume of concentrated hydrochloric acid. A rapid color development takes place beginning with orange, changing to red, and finally resulting in a deep purple. Shake with 2 milliliters of chloroform. A portion of the purple color extracts into the chloroform layer.

§ 141b.127 *Streptomycin-chlortetracycline-chloramphenicol-bacitracin dental cement; dihydrostreptomycin-chlortetracycline-chloramphenicol-bacitracin dental cement*—(a) *Potency*—(1) *Streptomycin or dihydrostreptomycin content*—(i) *Reagents*. (*a*) Sodium nitroprusside solution, 10 percent (w/v).

(*b*) Potassium ferricyanide solution, 10 percent (w/v).

(*c*) Sodium hydroxide solution, 10 percent (w/v).

(*d*) Oxidized nitroprusside solution.

Mix equal volumes of the 10-percent sodium nitroprusside, 10-percent potassium ferricyanide, and 10-percent sodium hydroxide solutions in the order named. A deep-red color is formed which changes to a yellow green after standing at room temperature for approximately 15 minutes. Dilute 1.0 milliliter of this yellow-green solution with water to 100 milliliters and shake. This is the oxidized nitroprusside solution to be used in the test. It should be prepared fresh daily. Each of the 10-percent solutions described is stable for at least 2 months when stored in amber bottles.

(*e*) 0.3 percent piperidine in acetone.

(*f*) Aectone.

(ii) *Preparation of standard*. Prepare aqueous solutions of the working standards of streptomycin or dihydrostreptomycin containing 0.2 milligram per milliliter. Transfer 1.0, 2.0, 3.0, 4.0, 5.0, 6.0, and 7.0 milliliter portions to small flasks. Add sufficient water to give each a 10-milliliter volume.

(iii) *Preparation of sample*. Place an accurately weighed portion of approximately 700 milligrams of the dental cement in a sintered-glass filter funnel and wash with three successive 5-milliliter portions of 0.3-percent piperidine in acetone. Remove any residual piperidine with two 5-milliliter portions of acetone and suck dry with vacuum. To the residue on the filter add 10 milliliters of distilled water and 10 milliliters of the oxidized nitroprusside solution. Shake, and after 6 minutes filter and read the color as directed below.

(iv) *Blank*. Use 10 milliliters of distilled water.

(v) *Procedure*. To each flask containing 10 milliliters of the standard and blank add 10 milliliters of the oxidized nitroprusside solution and allow the color to develop at room temperature for 6 minutes. Determine the optical density of each of the standard solutions and the sample at 490 millimicrons, using a suitable spectrophotometer. The blank is used to set the instrument to zero optical density. The orange-red color produced is stable for 30 minutes. Prepare a standard curve on coordinate graph paper, plotting the optical density on the ordinate scale and the concentration of streptomycin or dihydrostreptomycin base on the abscissa. For the sample, the optical density found is used to obtain the concentration of streptomycin or dihydrostreptomycin directly from the standard curve. To obtain the potency of the sample, multiply the concentration found by the appropriate factors in accordance with the dilutions made. Its content of streptomycin or dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Chlortetracycline content*—(i) *Reagents*. Mix 8 volumes of 20-percent (w/v) K_2HPO_4 with 1 volume of 20-percent (w/v) KH_2PO_4.

(ii) *Apparatus*. (*a*) A Coleman electronic photofluorometer (Model 12) or a similar instrument, equipped with filter b–1 for incident light and filter b–2 for emitted fluorescence.

(*b*) Matched 18 x 150-millimeter Pyrex test tubes.

(iii) *Preparation of standards*. (*a*) Prepare the fluorometric standard by dissolving 20 milligrams of U. S. P. quinine sulfate in 1 liter of 0.1 *N* H_2SO_4. Dilute 5 milliliters of this stock standard to 200 milliliters with 0.1 *N* H_2SO_4. Store these standards in the dark.

(*b*) Prepare solutions of the chlortetracycline hydrochloride working standard to contain 5, 10, and 20 micrograms per 10 milliliters.

(iv) *Procedure*. Using the diluted quinine standard, set the fluorometric reading at 35.0. Make a homogenous slurry of 500 milligrams of the dental cement in 500 milliliters of water. Place a 10-milliliter portion of the slurry in one of the matched test tubes and add 2.0 milliliters of the buffer reagent. Centrifuge for 3 minutes at 3,000 r. p. m. and immediately read the blank fluorescence of this solution. Stir the solution and heat on a steam bath for 5 minutes. Cool, and wipe the inside surface of the test tube with a swab of glass wool. Centrifuge for 5 minutes at 3,000 r. p. m. and read the fluorescence within 1 hour. Subtract the initial blank fluorescence reading. Calculate the chlortetracycline content by reference to a standard curve prepared by treating the chlortetracycline standard solutions in a similar fashion. It is not necessary to centrifuge the standard solutions. Its content of chlortetracycline is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Chloramphenicol content*—(i) *Reagents*. (*a*) Ethyl acetate.

(*b*) Sodium hydrosulfite.

(*c*) 0.1 *N* NaOH.

(*d*) 5-percent $NaNO_2$.

(*e*) Concentrated HCl.

(*f*) 5-percent ammonium sulfamate.

(*g*) 0.5-percent N(1-naphthyl) ethylenediamine dihydrochloride.

(ii) *Standard*. Prepare the standard by dissolving 20 milligrams of chloramphenicol working standard in 500 milliliters of water.

(iii) *Procedure*. Place 500 milligrams of the dental cement in a 50-milliliter volumetric flask and add 25 milliliters of ethyl acetate. Heat to boiling on a steam bath. Cool and dilute to mark with ethyl acetate. Centrifuge, and place 15 milliliters of the clear solution in a 100-milliliter volumetric flask. Evaporate to dryness on a steam bath with the aid of a stream of compressed air. Dissolve the residue in a 3-milliliter portion of 0.1 *N* NaOH, add 25 milligrams of sodium hydrosulfite, and let stand at room temperature for 15 minutes. Add 0.5 milliliter of 5-percent $NaNO_2$ and 5 to 10 drops of concentrated HCl. After 2 minutes, add 1 milliliter of ammonium sulfamate. Wait 2 minutes and add 0.5 milliliter of N(1-naphthyl) ethylenediamine dihydrochloride. Make to 100 milliliters and after 2 hours read the absorbance at 558 millimicrons in a 2-centimeter cell against a reagent blank, using a suitable spectrophotometer. To 4.0, 5.0, and 6.0 milliliter portions of the standard chloramphenicol solution add 3 milliliters of 0.1 *N* NaOH and proceed as above, beginning with the addition of 25 milligrams of sodium hydrosulfite. From the readings obtained plot a standard curve and calculate the quantity of chloramphenicol in the sample from the standard curve. Its content of chloramphenicol is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(4) *Bacitracin content*. Weigh 2 grams of the dental cement and transfer to a sintered-glass funnel of medium porosity. Wash the cement six times with 5-milliliter portions of 0.3 percent piperidine in acetone solution, using an Erlenmeyer suction flask and vacuum. Wash the residue with four 10-milliliter portions of distilled water. Withdraw under vacuum, pool washings, and add sufficient water to give a bacitracin concentration of 2 units per milliliter. To a 10-milliliter portion of this solution add 2 milliliters of a buffer solution consisting of 8 parts of a 20-percent dibasic potassium phosphate solution and 1 part of a 20-percent monobasic potassium phosphate solution. Heat this solution with steam for 3½ minutes and cool immediately. Adjust to pH 6.0 with approximately 1.5 milliliters of 1 *N* HCl and add enough sterile distilled water to give a final bacitracin concentration of 1 unit per milliliter. Assay by the method prescribed in § 141a.49 of this chapter, using the dihydrostreptomycin-resistant strain of M. flavus (P. C. I. 16 R. D.). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *Moisture*. Proceed as directed in § 141a.5 (a) of this chapter.

§ 141b.128 *Streptomycin-sodium sulfathiazole solution veterinary; dihydrostreptomycin-sodium sulfathiazole solution veterinary*—(a) *Potency*. Proceed as directed in § 141b.101 (j), except if it contains dihydrostreptomycin use the dihydrostreptomycin working standard as a standard of comparison. Its content of streptomycin or dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Sterility, pyrogens, histamine, streptomycin content if it is dihydrostreptomycin*. Proceed as directed in §§ 141b.102, 141b.104, 141b.105, and 141b.111 (b).

(c) *Toxicity*. Proceed as directed in § 141a.4 of this chapter, using as a test dose 0.5 milliliter of a solution containing 1.5 milligrams of streptomycin or dihydrostreptomycin per milliliter.

(d) *pH*. Proceed as directed in § 141a.5 (b) of this chapter, using the undiluted drug.

§ 141b.129 *Streptomycin-polymyxin-necomycin ointment; dihydrostreptomycin-polymyxin-neomycin ointment* (a) *Potency*—(1) *Streptomycin content*. Proceed as directed in § 141b.101 (a) through (i), inclusive, except prepare the sample in one of the following ways:

(i) *Extraction*. Place a convenient sized representative quantity of the sample in a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homegenous. Add a 20-milliliter portion of 0.1 *M* potassium phosphate buffer, pH 8.0, and shake well. Remove the buffer layer and repeat the extraction with 20-milliliter portions of buffer at least three times and any additional times that may be necessary to insure complete extraction of the antibiotic. Combine the extractives and make the appropriate estimated dilutions in 0.1 *M* potassium phosphate buffer, pH 8.0.

(ii) *Blending*. Place a convenient sized representative quantity of the sample in a blending jar containing 1.0 milliliter of a 10-percent aqueous solution of polysorbate 80 and sufficient 0.1 *M* potassium phosphate buffer, pH 8.0, to give a volume of 200 milliliters. Using a high-speed blender, blend for 2 minutes and then make the appropriate estimated dilutions with buffer. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(2) *Dihydrostreptomycin content*. Proceed as directed in subparagraph (1) of this paragraph, using the dihydrostreptomycin working standard as a standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(3) *Polymyxin content*. Proceed as directed in § 141b.112 (b) (1) with the following exceptions:

(i) In lieu of the directions for the preparation of the sample described in subdivision (vii) of § 141b.112 (b) (1), prepare the sample as follows: Place a convenient sized representative quantity of the sample in a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 25 milliliters of 10-percent potassium phosphate buffer, pH 6.0, containing 2 grams of K_2HPO_4 and 8 grams of KH_2PO_4 in each 100 milliliters, and shake. Remove the buffer layer and repeat the extraction with 25-milliliter portions of buffer at least three times and any additional times that may be necessary to insure complete extraction of the antibiotic. Combine the extractives and make the proper estimated dilutions in 10-percent potassium phosphate buffer pH 6.0, to give a concentration of 10 units per milliliter (estimated).

(ii) The standard curve is prepared in the following concentrations: 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 units per milliliter in 10-percent potassium phosphate buffer, pH 6.0. The 10 units per milliliter concentration is used as the reference point. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

(4) *Neomycin content*. Proceed as directed in § 141e.410 (b) (1) of this chapter, with the following exceptions:

(i) In lieu of the directions for the preparation of the sample described in § 141e.410 (b) (1) (vii) of this chapter, prepare the sample as directed in subparagraph (1) (i) of this paragraph or by a blending technique as follows: Place a convenient sized representative quantity of the sample in a blending jar containing 1.0 milliliter of a 0.3-percent aqueous solution of dioctyl sodium sulfosuccinate and sufficient 0.1 *M* potassium phosphate buffer, pH 8.0, to give a volume of 200 milliliters. Using a high-speed blender, blend for 5 minutes and then make the appropriate estimated dilutions with buffer.

(ii) Use as the test organism the Food and Drug Administration dihydrostreptomycin- (and streptomycin-) resistant strain of M. pyogenes var. aureus (P. C. I. 1209 R. D.) which is grown and maintained on media containing 1,000 micrograms of dihydrostreptomycin per milliliter of agar. Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b) of this chapter.

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Sec.

141c.201 Chlortetracycline hydrochloride.
141c.202 Chlortetracycline ointment (chlortetracycline hydrochloride ointment), chlortetracycline calcium ointment, chlortetracycline calcium cream; tetracycline hydrochloride ointment (tetracycline hydrochloride in oil suspension).
141c.203 Chlortetracycline troches, tetracycline hydrochloride troches.
141c.204 Chlortetracycline capsules (chlortetracycline hydrochloride capsules); tetracycline hydrochloride capsules; tetracycline capsules.
141c.205 Chlortetracycline powder (chlortetracycline hydrochloride powder); tetracycline hydrochloride powder; tetracycline powder.
141c.206 Chlortetracycline ophthalmic; tetracycline hydrochloride ophthalmic.
141c.207 Chlortetracycline tablets; tetracycline tablets.
141c.208 Chlortetracycline otic, tetracycline hydrochloride otic.
141c.209 Chlortetracycline dental cones.
141c.210 Chlortetracycline dental paste.
141c.211 Chlortetracycline surgical powder (chlortetracycline hydrochloride surgical powder); tetracycline hydrochloride surgical powder.
141c.212 Chlortetracycline suppositories (chlortetracycline hydrochloride suppositories); tetracycline hydrochloride suppositories.
141c.213 Chlortetracycline gauze packing.
141c.214 Chlortetracycline dressing.
141c.215 Chlortetracycline with vasoconstrictor.
141c.217 Chlortetracycline calcium oral drops, chlortetracycline calcium syrup; tetracycline syrup.
141c.218 Tetracycline hydrochloride.
141c.219 Crude chlortetracycline oral veterinary.
141c.220 Tetracycline.
141c.221 Tetracycline hydrochloride for intramuscular use.
141c.222 Tetracycline hydrochloride oral suspension; tetracycline calcium oral suspension.
141c.223 Chlortetracycline-neomycin-streptomycin - penicillin ointment; chlortetracycline-neomycin - dihydrostreptomycin - penicillin ointment; tetracycline hydrochloride - neomycin - streptomycin-penicillin ointment; tetracycline hydrochloride-neomycin-dihydrostreptomycin - penicillin ointment.
141c.224 Tetracycline hydrochloride-nystatin capsules.
141c.225 Tetracycline hydrochloride-nystatin tablets.
141c.226 Tetracycline and vascoconstrictor suspension.
141c.227 Chlortetracycline spray dressing (chlortetracycline hydrochloride spray dressing).

AUTHORITY: §§ 141c.201 to 141c.227 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357.

§ 141c.201 *Chlortetracycline hydrochloride*—(a) *Potency*—(1) *Cylinders (cups).* Use cylinders described under § 141a.1 (a) of this chapter.

(2) *Culture media.* Use a medium described under § 141a.1 (b) (1) and (2) of this chapter for the seed layer and the base layer. Use a nutrient broth described under § 141a.1 (b) (3) of this chapter for preparing a suspension of the test organism.

(3) *Working standard.* Weigh out carefully an appropriate amount of the chlortetracycline working standard and dilute to 1,000 micrograms per milliliter in water. The standard solution, when refrigerated, may be used for 7 days. The standard solution may be preserved for at least 2 months by freezing in small aliquots. Each aliquot should be sufficient for one day's use only.

(4) *Preparation of sample.* Dissolve the sample to be tested in sterile distilled water to make an appropriate stock solution. Make the final dilution in 1 percent phosphate buffer pH 6.0 to contain 20 micrograms per milliliter.

(5) *Preparation of suspension.* The test organism is Sarcina lutea (P. C. I. 1001 and American Type Culture Collection 9341). Maintain the test organism on slants of nutrient agar prepared as in subparagraph (2) of this paragraph, and transfer to a fresh agar slant once a week. Prepare a suspension of the test organism as follows: Streak an agar slant heavily with a test organism. Wash the growth off with 3 milliliters of nutrient broth. Use the suspension so obtained to inoculate the surface of a Roux bottle containing 300 milliliters of the nutrient agar. Spread the suspension over the entire surface with the aid of sterile glass beads. Incubate for 24 hours at 26° C. Wash growth from the agar surface with 25 milliliters of nutrient broth prepared as in subparagraph (2) of this paragraph. If an aliquot of this bulk suspension, when diluted with nutrient broth 1:10, gives 10 percent light transmission in a suitable photoelectric colorimeter equipped with a filter having a wave length of 6500 Angstrom units, the bulk suspension is satisfactory for use. It may be necessary to adjust the bulk suspension by dilution so that an aliquot of the adjusted suspension diluted 1:10 gives 10 percent of light transmission. (The adjusted bulk suspension only and not the 1:10 dilution of it is used in preparing the seed layer.) The bulk suspension may be used for at least one week. Add 0.5 to 1.0 milliliter of the adjusted bulk suspension to 100 milliliters of agar which has been melted and cooled to 48° C.

(6) *Preparation of plates.* Add 21 milliliters of the agar prepared as in subparagraph (2) of this paragraph to each Petri dish (20 x 100 millimeter). Distribute the agar evenly in the plates and allow it to harden. Use the plates the same day they are prepared. Add 4.0 milliliters of the inoculum as prepared in subparagraph (5) of this paragraph to each plate, tilting the plates back and forth to spread the inoculated agar evenly over the surface.

(7) *Assay.* Place six cylinders on the inoculated agar surface so that they are at approximately 60° intervals on a 2.8-centimeter radius. Use three plates for each sample. Fill three cylinders on each plate with the 20 micrograms per milliliter standard and three cylinders with the 20 micrograms per milliliter (estimated) sample, alternating standard and sample. At the same time prepare a standard curve using concentrations of the standard of 8.0, 10.0, 12.0, 16.0, 20.0, 24.0, 28.0, 32.0, and 36.0 micrograms per milliliter in 1 percent phosphate buffer pH 6.0. A total of 24 plates is used in the preparation of this standard curve, three plates for each solution, except the 20 micrograms per milliliter solution. The latter concentration is used as the reference point and is included on each plate. On each of three plates fill three cylinders with the 20 micrograms per milliliter standard and the other three cylinders with the concentration of the standard under test. Thus, there will be 72 twenty-microgram determinations and nine determinations for each of the other points on the curve. Incubate the plates for 16 to 18 hours at 32° C.–35° C. and measure the diameter of each circle of inhibition. Average the readings of the 20 micrograms per milliliter concentration and the readings of the point tested for each set of three plates and average also all 72 readings of the 20 micrograms per milliliter concentration. The average of the 72 readings and the 20 micrograms per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 20 micrograms per milliliter reading for that set of three plates were the same as the correction point. Thus, if in correcting the 16 micrograms per milliliter concentration the average of the 72 readings of the 20 micrograms per milliliter concentration is 18.0 millimeters, and the average of the 20 micrograms per milliliter concentration of this set of three plates is 17.8 millimeters, the correction is +0.2 millimeter. If the average reading of the 16 micrograms per milliliter concentration of those same three plates is 17.0 millimeters, the corrected value is then 17.2 millimeters.

Plot these corrected values, including the average of the 20 micrograms per milliliter concentration on two-cycle semilog paper, using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points.

To estimate the potency of the sample, average the zone readings of the standard and the zone readings of the sample on the three plates used. If the sample gives a larger zone size than the average of the standard, add the difference between them to the 20 micrograms per milliliter unit zone on the standard curve. If the average value is lower than the standard value, subtract the difference between them from the micrograms per milliliter unit value on the curve. From the curves read the potencies corresponding to these corrected values of zone sizes.

(8) *Turbidimetric assay.* In lieu of the plate assay method described above, the sample may be assayed for potency by the following turbidimetric method:

(i) *Test culture and media.* Employ the agar described in § 141a.1 (b) of this chapter for maintaining the test organism which is M. pyogenes var. aureus (P. C. 209–P and American Type Culture Collection 6538–P). Transfer the organism to fresh agar slants and incubate at 32° C.–35° C. overnight. For use in the assay, suspend daily the growth from a fresh slant in a small amount of nutrient broth prepared as in § 141a.1 (b) (3) of this chapter and transfer to a flask containing sufficient nutrient broth warmed to 37° C. (about 150 milliliters) to give a light transmission reading of 85 percent using a filter at 6,500 Angstrom units in a photoelectric colorimeter. Prepare the daily inoculum by adding 40 milliliters of this suspension to each liter of nutrient broth needed for the test.

(ii) *Working standard and solutions.* Prepare a standard stock solution as described in subparagraph (3) of this paragraph, or dissolve a weighed portion of working standard in *M*/10 monopotassium phosphate buffer pH 4.5 to contain 10 micrograms per milliliter. Small aliquots, each sufficient for a day's test, if kept frozen, may be used for at least two months.

To prepare solutions for the standard curve, make further dilutions of the stock solution to contain 0.1 microgram per milliliter in phosphate buffer solution. To a triplicate series of 16 millimeter x 125 millimeter tubes (outside dimension), add 0.1, 0.2, 0.3, 0.4, 0.5, 0.6, 0.7, 0.8, 0.9, and 1.0 milliliter, respectively, of the 0.1 microgram per milliliter solution. Adjust volumes of all tubes to 1.0 milliliter with the buffer solution.

To prepare solutions for use in adjusting the photoelectric colorimeter, dilute the stock solution of the working standard to 1.0 microgram per milliliter and add 1.0 milliliter of this solution to each of 10 tubes. To another series of 10 tubes add 1.0 milliliter of the *M*/10 monopotassium phosphate buffer, pH 4.5.

To each of all the above tubes add 9.0 milliliters of inoculated broth described in subdivision (i) of this subparagraph and place immediately in a water bath at 37° C. for 3 to 4 hours. Then add 0.5 milliliter of formalin diluted 1:3 to each tube.

(iii) *Preparation of sample.* Dilute sample under test with *M*/10 monopotassium phosphate buffer pH 4.5 to contain 0.06 microgram per milliliter (estimated). (The stock solution may be prepared in distilled water.) Add 1.0 milliliter of this dilution to each of three 16 millimeter x 125 millimeter tubes (outside dimension). Add 9.0 milliliters of inoculated broth described in subdivision (i) of this subparagraph to each tube and place immediately in a 37° C. water bath for 3 to 4 hours. After incubation add 0.5 milliliter of formalin diluted 1:3 to each tube and read the percent light transmission in a photoelectric colorimeter, using a broad band filter having a light transmission of 5,800 Angstrom units.

(iv) *Estimation of potency.* Average the light transmission readings for each concentration of the standard. Plot these values on cross-section paper using average light transmission readings as the ordinate and chlortetracycline concentrations in micrograms per tube as the abscissa. Prepare the standard curve by connecting successive points with a straightedge. Since the final concentration of chlortetracycline per milliliter of broth is equivalent to the concentration per milliliter of the standard solution used, the latter concentrations for each concentration level of the standard may be expressed as percent and substituted on the abscissa of the standard curve. Thus the 0.06 microgram concentration is 100 percent, the 0.05 microgram concentration 83.3 percent, etc. If this is done the percent potency of the sample under test may be read directly from the standard curve.

(9) *Colorimetric assay.* In lieu of the assay methods described above, the sample may be assayed by the following colorimetric method: Prepare an aqueous solution of 0.5 milligram per milliliter of the sample to be assayed. Transfer two 2.0-milliliter aliquots to each of two 50-milliliter volumetric flasks. Add 5.0 milliliters of 2 *N* HCl to one flask and 5.0 milliliters of distilled water to the other flask as a control blank. Heat both flasks in a boiling water bath for 5 minutes, then cool the flasks under tap water, add 5.0 milliliters of 2 *N* HCl to the control blank and immediately make up to mark with distilled water. Transfer the solutions to 1.0-centimeter colorimetric cells, set the photoelectric colorimeter at 100 percent light transmission for the blank, using a 440-mμ filter. Then replace this with the cell containing the unknown and read the percent transmission. Determine the concentration of the unknown solution by reference to a standard curve prepared by treating appropriate aliquots of a standard solution of pure chlortetracycline hydrochloride as described above.

(10) *Chlortetracycline content.* The potency of chlortetracycline is satisfactory, when assayed by the methods described in this section, if the immediate containers contain 85 percent of the number of grams they are represented to contain.

(b) *Sterility.* Using 40 milligrams from each container tested, proceed as directed in § 141a.2 of this chapter, except that neither penicillinase nor the control tube is used in the test for bacteria.

(c) *Toxicity.* Proceed as directed in § 141a.4 of this chapter, using a test dose 0.5 milliliter of an aqueous solution containing 2 milligrams per milliliter, except if it is intend for use solely in the manufacture of a veterinary drug for nonparenteral use, use a test dose of 0.4 milliliter of such solution.

(d) *Pyrogens.* Proceed as directed in § 141a.3 of this chapter, using a test dose 1.0 ml. per kilogram of an aqueous solution containing 5 milligrams per milliliter.

(e) *Histamine.* Proceed as directed in § 141b.105 of this chapter, using as a test dose 0.6 milliliter of a solution containing 5 milligrams per milliliter prepared with the diluent recommended by the manufacturer in his labeling for the drug.

(f) *Moisture.* Proceed as directed in §141a.5 (a) or § 141a.26 (e) of this chapter.

(g) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(h) *Microscopical test for crystallinity.* Proceed as directed in § 141a.5 (c) of this chapter.

§ 141c.202 *Chlortetracycline ointment (chlortetracycline hydrochloride ointment), chlortetracycline calcium ointment, chlortetracycline calcium cream; tetracycline hydrochloride ointment (tetracycline hydrochloride in oil suspension)*—(a) *Potency.* If it is tetracycline hydrochloride ointment proceed as directed in § 141c.218 (a), and if it is chlortetracycline ointment proceed as directed in § 141c.201 (a), except § 141c.201 (a) (10), and in lieu of the directions in § 141c.201 (a) (4) and (8) (iii) prepare the sample as follows: Accurately weigh the container and contents and place 0.5 to 1.0 gram into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Reweigh the container to obtain weight of ointment used in test. Shake ointment and ether until homogeneous. Shake with a 25-milliliter portion of the buffer solution. Remove the buffer layer and repeat the extraction with three 25-milliliter quantities of buffer. Combine the extracts and make the proper estimated dilutions in the buffer solution. The sample may also be prepared by placing an accurately weighed sample consisting of 0.5–1.0 gram into a glass blending jar containing 200 milliliters of the buffer solution. Using a high-speed blender, blend the mixture for approximately 3 minutes and make proper estimated dilutions in the buffer solution. The potency of the ointment is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b) of this chapter.

§ 141c.203 *Chlortetracycline troches; tetracycline hydrochloride troches*—(a) *Potency.* If it is tetracycline hydrochloride proceed as directed in § 141c.218 (a), and if it is chlortetracycline hydrochloride troches proceed as directed in § 141c.201 (a), except § 141c.201 (a) (10), and in lieu of the directions in § 141c.201 (a) (4) and (8) (iii) prepare the sample as follows: Place 12 troches in a glass blending jar containing 500 milliliters of sterile distilled water. Using a high-speed blender, blend for 3 to 5 minutes and then make the proper estimated dilutions in the buffer solution. The average potency of the troches is satisfactory if they contain not less than 85 percent of the number of milligrams they are represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141c.204 *Chlortetracycline capsules (chlortetracycline hydrochloride capsules); tetracycline hydrochloride capsules; tetracycline capsules*—(a) *Potency.* Using 3 capsules of 250 milligrams or 5 capsules of 50 milligrams or 100 milligrams and 500 milliliters of water in the blender, proceed as directed in § 141c.203 (a) if it is chlortetracycline. If it is tetracycline hydrochloride or tetracycline, use 500 milliliters of 0.01 *N* HCl (if it contains vitamins use 500 milliliters of 0.1 *N* HCl), and proceed as directed in § 141c.218 (a). If it contains vegetable oils, use 1 milliliter of a 10-percent aqueous solution of polysorbate 80 and sufficient solvent to give 500 milliliters. The average potency of the drug is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) or § 141a.26 (e) of this chapter.

§ 141c.205 *Chlortetracycline powder (chlortetracycline hydrochloride powder); tetracycline hydrochloride powder; tetracycline powder*—(a) *Potency.* Using a 3.0-gram sample or the entire contents of the immediate container for each determination, proceed as directed in § 141c.203 (a) if it is chlortetracycline powder. If it is tetracycline powder, blend a 3.0-gram sample as directed in § 141c.203 (a), or reconstitute in the immediate container as directed in the labeling of the drug. Transfer an appropriate aliquot of 1.0 milliliter to 5.0 milliliters to a 100-milliliter volumetric flask and make to mark with 0.01 *N* HCl. Withdraw an aliquot from the volumetric flask and dilute to 0.24 microgram per milliliter, using *M*/10 phosphate buffer at pH 4.5, and proceed as directed in § 141c.218 (a). The average potency of the powder is satisfactory if it contains not less than 85 percent of the number of milligrams of chloreteracycline or tetracycline hydrochloride or tetracycline per gram or per immediate container that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141c.206 *Chlortetracycline ophthalmic; tetracycline hydrochloride ophthalmic*—(a) *Potency.* If it is tetracycline hydrochloride ophthalmic, proceed as directed in § 141c.218 (a); if it is chlortetracycline ophthalmic, proceed as directed in § 141c.201 (a). Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(c) *Sterility.* Proceed as directed in § 141a.2 of this chapter except that:

(1) Do not use penicillinase or the control tube in the test for bacteria.

(2) In lieu of the last sentence of § 141a.2 (b) of this chapter, the batch meets the requirements of the test for bacteria if no tube shows growth.

(3) In lieu of the last sentence of § 141a.2 (c) of this chapter, the batch meets the requirements of the test for molds and yeasts if no tube shows growth.

(d) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using a solution prepared as directed in the labeling of the drug.

§ 41c.207 *Chlortetracycline tablets; tetracycline tablets*—(a) *Potency.* Proceed as directed in § 141c.204 (a). The average potency of the drug is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) or § 141a.26 (e) of this chapter.

§ 141c.208 *Chlortetracycline otic, tetracycline hydrochloride otic*—(a) *Potency.* If it is chlortetracycline proceed as directed in § 141c.201 (a), and if it is tetracycline hydrochloride proceed as directed in § 141c.218 (a).

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141c.209 *Chlortetracycline dental cones*—(a) *Potency.* Proceed as directed in § 141c.203 (a), using 500 milliliters of distilled water to prepare the sample. The average potency of the cone is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141c.210 *Chlortetracycline dental paste*—(a) *Potency.* Proceed as directed in § 141c.203 (a), using an accurately weighed sample of approximately 2.0 grams and blend in 200 cubic centimeters of sterile distilled water. The potency of chlortetracycline dental paste is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b) of this chapter.

§ 141c.211 *Chlortetracycline surgical powder (chlortetracycline hydrochloride surgical powder); tetracycline hydrochloride surgical powder*—(a) *Potency.* If it is chlortetracycline proceed as directed in § 141c.201 (a), and if it is tetracycline hydrochloride proceed as directed in § 141c.218 (a).

(b) *Sterility.* Proceed as directed in § 141b.108 (c) of this chapter.

(c) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141c.212 *Chlortetracycline suppositories (chlortetracycline hydrochloride suppositories); tetracycline hydrochloride suppositories*—(a) *Potency.* If they are tetracycline hydrochloride suppositories, proceed as directed in § 141c.218 (a); and if they are chlortetracycline suppositories, proceed as directed in § 141c.201 (a), except subparagraph (10) of that paragraph, and in lieu of the directions in subparagraphs (4) and (8) (iii) of § 141c.201 (a) prepare the sample as follows: Place three suppositories into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the suppositories and ether until homogeneous. Shake with a 50-milliliter portion of the buffer solution. Remove the buffer layer and repeat the extraction with three 50-milliliter quantities of buffer. Combine the extracts and centrifuge an aliquot at 2,000 r. p. m. for 5 minutes. Remove an aliquot of the supernatant and make the proper estimated dilutions in the buffer solution. The average potency of the suppository is satisfactory if it contains not less than 85 percent of the number of milligrams of chlortetracycline or tetracycline hydrochloride that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b) of this chapter.

§ 141c.213 *Chlortetracycline gauze packing*—(a) *Potency.* Using three packings, obtain the average weight and average linear length per packing. Assay three packings by dissolving each in 500 milliliters of 0.1 *N* HCl and allow to soak with frequent agitation for not less than 2 hours. Use aliquots of these solutions and proceed as directed in § 141c.201 (a). Calculate the average potency per gram and per linear foot. The average potency of the gauze packing is satisfactory if it contains not less than 85 percent of the number of milligrams per gram and per linear foot it is represented to contain.

(b) *Sterility.* Using individual gauze packings, proceed as directed in § 141a.2 of this chapter, except that neither penicillinase nor the control tube is used in the test for bacteria.

(c) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141c.214 *Chlortetracycline dressing*—(a) *Potency.* Using individual dressings and appropriate volumes of peroxide-free ether and buffer solution, proceed as directed in § 141c.202 (a).

(b) *Sterility.* Using approximately one-fourth of each individual dressing tested, proceed as directed in § 141a.2 of this chapter, except that neither penicillinase nor the control tube is used in the test for bacteria.

(c) *Moisture.* Proceed as directed in § 141a.8 (b) of this chapter.

§ 141c.215 *Chlortetracycline with vasoconstrictor*—(a) *Potency.* Proceed as directed in § 141c.201 (a).

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141c.217 *Chlortetracycline calcium oral drops; chlortetracycline calcium syrup; tetracycline syrup*—(a) *Potency.* If it is chlortetracycline calcium oral drops or chlortetracycline calcium syrup, proceed as directed in § 141c.201 (a), and if it is tetracycline syrup use 1.0-milliliter aliquots of the sample and proceed as directed in § 141c.205 (a). Its potency is satisfactory if each milliliter of the drug contains not less than 85 percent of the number of milligrams of chlortetracycline or tetracycline that it is represented to contain.

(b) *pH.* Using the undiluted sample, proceed as directed in § 141a.5 (b) of this chapter.

(c) *Toxicity.* Administer orally, by means of a cannula or other suitable device, to each of 5 mice, within the weight range of 18 to 25 grams, a sufficient volume of the preparation to contain 25 milligrams if it is chlortetracycline or 12.5 milligrams, if it is tetracycline. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals die within 48 hours, repeat the test with 5 unused mice weighing 20 grams (±0.5 gram) each; if all animals survive the repeat test the sample is nontoxic.

§ 141c.218 *Tetracycline hydrochloride*—(a) *Potency.* Use the tetracycline hydrochloride working standard as a standard of comparison and proceed as directed in § 141c.201 (a) (8), except:

(1) Prepare the standard stock solution by dissolving an appropriate amount of the working standard in sufficient 0.01 *N* HCl to give a concentration of 1,000 micrograms per milliliter. This stock solution may be kept in the refrigerator for 1 week. Do not freeze.

(2) Further dilute the stock solution to contain 0.4 microgram per milliliter in *M*/10 monopotassium phosphate buffer pH 4.5 in lieu of 0.1 microgram per milliliter.

(3) Prepare 10 tubes each of the minimum (0.04 microgram per milliliter) and maximum (0.4 microgram per milliliter) concentrations diluted for the standard curve, and use these solutions to adjust the photoelectric colorimeter.

(4) Use the 0.24 microgram per milliliter concentration of the standard curve as the reference point.

(5) Dissolve the sample to be tested in sufficient 0.01 *N* HCl to give an appropriate stock solution. Further dilute in *M*/10 monopotassium phosphate buffer pH 4.5 to give an estimated concentration of 0.24 microgram per milliliter in lieu of 0.06 microgram per milliliter.

$$E^{1\%}_{1\text{ cm.}} \text{ of the sample} = \frac{\text{Absorbancy at 380 m}\mu \times 25{,}000}{\text{Weight of sample in milligrams}}$$

§ 141c.219 *Crude chlortetracycline oral veterinary*—(a) *Potency.* Accurately weigh approximately 3.0 grams of the sample and place in a blender jar containing 200 milliliters of an acid-acetone solution prepared with 1 part 4 *N* HCl, 6 parts distilled water, and 13 parts acetone. Blend for 3 minutes. Using an aliquot of the liquid, make the proper estimated dilutions in *M*/10 monopotassium phosphate buffer pH 4.5, shake well, and proceed as directed in § 141c.201 (a) (8). Its content of chlortetracycline is satisfactory if it contains not less than 85 percent of the number of grams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141c.220 *Tetracycline*—(a) *Moisture.* Proceed as directed in § 141a.26 (e) of this chapter. Use the value obtained to calculate the weighed samples used in paragraphs (b), (c), and (f) of this section to the anhydrous compound.

(b) *Potency.* Using 40 milligrams (as the anhydrous compound) of sample, proceed as directed in § 141c.218 (a).

(c) *Toxicity.* Proceed as directed in § 141b.103 of this chapter, using as a test dose 0.5 milliliter of an aqueous solution containing 2.0 milligrams per milliliter prepared by dissolving 40 milligrams (as the anhydrous compound) in 2.0 milliliters of 0.1 *N* HCl and diluting with the required amount of water.

(d) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using an aqueous suspension prepared by adding 10 milligrams per milliliter.

(e) *Crystallinity.* Proceed as directed in § 141a.5 (c) of this chapter.

(f) *Extinction coefficient.* Proceed as directed in § 141c.218 (e), except dissolve 40 milligrams (as the anhydrous compound) in 2.0 milliliters 0.1 *N* HCl and dilute to 250 milliliters with distilled water.

§ 141c.221 *Tetracycline hydrochloride for intramuscular use*—(a) *Potency.* Reconstitute the sample as directed on the label or labeling. Using a suitable syringe, withdraw a one-dose aliquot and place in a 100-milliliter volumetric flask. Make to mark with 0.01 *N* HCl, and proceed as directed in § 141c 218 (a). Its potency is satisfactory if the immediate container contains not less than 90 percent of the number of milligrams of tetracycline hydrochloride that it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141c.201 (b).

(c) *Pyrogens.* Proceed as directed in § 141c.218 (c).

(d) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(e) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using an aqueous solution containing 10 milligrams of tetracycline hydrochloride per milliliter.

§ 141c.222 *Tetracycline hydrochloride oral suspension; tetracycline hydrochloride oral solution; tetracycline calcium oral suspension*—(a) *Potency.* Transfer 1 milliliter of the well-shaken suspension to a suitable high-speed blender containing 500 milliliters of 0.01 *N* HCl (if it contains vitamins, use 0.1 *N* HCl). Blend for 5 minutes and proceed as directed in § 141c.218 (a). Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams, or the equivalent number of milligrams, of tetracycline hydrochloride per milliliter that it is represented to contain.

(b) *Moisture.* If it is tetracycline hydrochloride oral suspension or tetracycline hydrochloride oral solution, proceed as directed in § 141a.7 (c) of this chapter.

(c) *pH.* If it is tetracycline hydrochloride oral solution or tetracycline calcium oral suspension, use the undiluted drug and proceed as directed in § 141a.5 (b) of this chapter.

§ 141c.223 *Chlortetracycline-neomycin-streptomycin-penicillin ointment; chlortetracycline - neomycin - dihydrostreptomycin-penicillin ointment; tetracycline hydrochloride-neomycin-streptomycin-penicillin ointment; tetracycline hydrochloride-neomycin-dihydrostreptomycin-penicillin ointment*—(a) *Potency*—(1) *Penicillin content.* Place an accurately weighed sample of approximately 1 gram in an extraction funnel prepared by fusing a ground-glass joint to the top of a medium-porosity sintered-glass filter funnel (30-millimeter diameter). Wash with five 10-milliliter portions of warm iso-octane and draw off the ointment base under vacuum. Discard the iso-octane washings. Wash the residue with three 10-milliliter portions of chloroform and draw off under vacuum, combine the extracts, and make to mark in a 250-milliliter volumetric flask with absolute alcohol. Make the proper estimated dilutions in 1-percent phosphate buffer, : t pH 6.0, and proceed as directed in § 141a.1 of this chapter. Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units per gram of ointment that it is represented to contain.

(2) *Chlortetracycline content.* Wash the residue in the funnel four times with 10-milliliter portions of 0.3 percent piperidine in acetone solution. Withdraw each washing under vacuum. Combine the four washings in a 100-milliliter volumetric flask and make to mark with acetone. Remove an aliquot of this solution and proceed as directed in § 141c.201 (a) (8). Its content of chlortetracycline is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain.

(3) *Tetracycline hydrochloride content.* Prepare the sample as directed in subparagraph (2) of this paragraph and proceed as directed in § 141c.218. Its content of tetracycline hydrochloride is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain.

(4) *Neomycin content.* The residue remaining in the funnel after the extraction described in subparagraph (2) of this paragraph contains the neomycin and streptomycin or dihydrostreptomycin. Wash this residue five times, using 10-milliliter aliquots of distilled water, drawing each washing off under vacuum. Combine the washings in a 100-milliliter

volumetric flask and make to mark with distilled water. Using an aliquot of this aqueous solution, proceed as directed in § 141a.65 (a) (2) (ii) or (iii) of this chapter. The content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain.

(5) *Streptomycin content.* Using an aliquot of the aqueous solution prepared in subparagraph (4) of this paragraph, proceed as directed in § 141b.101 (a) through (i) of this chapter. The content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain.

(6) *Dihydrostreptomycin content.* Using an aliquot of the aqueous solution prepared in subparagraph (4) of this paragraph, and the dihydrostreptomycin working standard as a standard of comparison, proceed as directed in § 141b.101 (a) through (i) of this chapter. The content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b) of this chapter.

§ 141c.224 *Tetracycline hydrochloride-nystatin capsules*—(a) *Capsules*—(1) *Potency*—(i) *Tetracycline hydrochloride content.* Proceed as directed in § 141c.204 (a) for tetracycline hydrochloride capsules. Its content of tetracycline hydrochloride is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(ii) *Nystatin content.* Prepare the sample for assay by placing 5 capsules in a blending jar with 150 milliliters of formamide. Blend for 2 minutes in a high-speed blender and then dilute an aliquot with sufficient formamide to give a concentration of 400 units per milliliter (estimated). Further dilute this solution with 1-percent phosphate buffer, pH 6.0, to give a concentration of 20 units per milliliter (estimated). Assay as directed in paragraph (b) of this section. Its content of nystatin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(iii) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(b) *Nystatin used in making the capsules*—(1) *Potency*—(i) *Cylinders (cups).* Use cylinders described in § 141a.1 (a) of this chapter.

(ii) *Culture media.* Use ingredients that conform to the standards, if any, prescribed by the U. S. P. or N. F.

(*a*) Make nutrient agar for carrying the organism and for preparing the inoculated agar plates as follows:

Peptone	6 grams.
Yeast extract	3 grams.
Beef extract	1.5 grams.
Sodium chloride	10 grams.
Dextrose	10 grams.
Agar	15 grams.
Distilled water to make	1,000 milliliters.

pH 6.0 to 6.2 after sterilization.

(*b*) Make nutrient broth for preparing an inoculum of the test organism:

Peptone	10 grams.
Dextrose	20 grams.
Distilled water to make	1,000 milliliters.

pH 5.6 to 5.7 after sterilization.

In lieu of preparing the media from the individual ingredients as specified, they may be prepared from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such media. Minor modifications of the specified individual ingredients are permissible if the resulting media possess growth-promoting properties at least equal to the media described.

(iii) *Working standard.* Dissolve a suitable weighed quantity of the working standard (obtained from the Food and Drug Administration) in sufficient formamide to give a stock solution containing 1,000 units per milliliter. This stock solution may be used for 3 days when stored at 5° C. or less.

(iv) *Preparation of sample.* Dissolve the sample to be tested in sufficient formamide to give a nystatin concentration of 400 units per milliliter (estimated). Further dilute with 1-percent phosphate buffer, pH 6.0, to 20 units per milliliter (estimated).

(v) *Preparation of test organism.* The test organism is Saccharomyces cervisiae (American Type Culture Collection 9763) which is maintained on slants of agar described under subdivision (ii) (*a*) of this subparagraph and transferred once a week. After transfer, the culture is incubated at 37° C. for 24 hours and then kept refrigerated. Prepare the organism suspension by either of the following methods:

(*a*) Inoculate 100 milliliters of the broth medium described under subdivision (ii) (*b*) of this subparagraph with a loopful of growth from the agar slant. Incubate the broth for 16 to 18 hours at 37° C. This broth culture may be used for several weeks if kept refrigerated.

(*b*) Wash the organism from the agar slant with 3 milliliters of sterile physiological saline solution onto a large agar surface such as that provided by a Roux bottle containing 300 milliliters of the agar described in subdivision (ii) (*a*) of this subparagraph. Spread the suspension of organisms over the entire agar surface with the aid of sterile glass beads. Incubate for 24 hours at 37° C. and then wash the resulting growth from the agar surface with about 15 milliliters of sterile physiological saline solution. This suspension may be used for several weeks if kept refrigerated. Run test plates to determine the quantity of this broth culture (usually about 2.5 milliliters) or saline suspension (usually about 0.1 milliliter) that should be added to each 100 milliliters of agar to give clear, sharp inhibitory zones of appropriate size.

(vi) *Preparation of plates.* Melt a sufficient amount of the agar described in subdivision (ii) (*a*) of this subparagraph, cool to 48° C., add the proper amount of the test organism as described above, and mix thoroughly. Add 6 milliliters of this inoculated agar to each Petri dish (100 millimeters x 22 millimeters, with flat bottom). Distribute the agar evenly in the plates, cover with porcelain covers glazed on the outside, and allow to harden. After the agar has hardened, place 6 cylinders on the agar surface so that they are at approximately 60° intervals on a 2.8-centimeter radius.

(vii) *Standard curve.* Dilute aliquots of the 1,000 units per milliliter standard stock solution with formamide to give concentrations of 100, 200, 300, 400, 600, and 800 units per milliliter. Dilute these formamide solutions and the stock solution with 1-percent phosphate buffer, pH 6.0, to make concentrations of 5, 10, 15, 20, 30, 40, and 50 units per milliliter, respectively. A total of 18 plates is used in the preparation of the standard curve, three plates for each solution, except the 20 units per milliliter solution. The latter concentration is used as the reference point and is included on each plate. On each of the three plates fill three cylinders with the 20 units per milliliter standard and the other three cylinders with the concentration of the standard concentration under test. Thus, there will be 54 twenty-unit determinations and nine determinations for each of the other concentrations on the curve. Incubate the plates for 16 to 18 hours at 37° C. and measure the diameter of each zone of inhibition. Average the readings of the 20 units per milliliter concentration and the readings of the concentration tested for each set of three plates, and average also all 54 readings of the 20 units per milliliter concentration. The average of the 54 readings of the 20 units per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 20 units per milliliter reading for that set of three plates were the same as the correction point. Thus, if in correcting the 16 units per milliliter concentration the average of the 54 readings of the 20 units per milliliter concentration is 16.0 millimeters and the average of the 20 units per milliliter concentration of this set of three plates is 15.8 millimeters, the correction is +0.2 millimeter. If the average reading of the 15 units per milliliter concentration of those same three plates is 15.0 millimeters, the corrected value is then 15.2 millimeters. Plot these corrected values, including the average of the 20 units per milliliter concentration on two-cycle semilog paper, using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points.

(viii) *Assay.* Use 3 plates for each sample. Fill three cylinders on each plate with the 20 units per milliliter standard and three cylinders with the 20 units per milliliter (estimated) sample, alternating standard and sample. Incubate the plates for 16 to 18 hours at 37° C. and then measure the diameter of each zone of inhibition. To estimate the potency of the sample, average the zone readings of the standard and the zone readings of the sample on the three plates used. If the sample gives a larger zone size than the average of the standard, add the difference between them to the 20 units per milliliter zone on the standard curve. If the average value is lower than the standard value, subtract the difference between them from the 20 units per milliliter value on the curve. From the curves read the potencies corresponding to these corrected values of zone sizes.

(2) *Toxicity.* Inject intraperitoneally each of 5 mice, within the weight range of 18 grams to 25 grams, with 0.5 milliliter of a suspension of the drug containing 1,200 units per milliliter in a 0.5 percent acacia solution. If no animal dies within 48 hours, the sample is nontoxic. If one or more of the animals die within 48 hours, repeat the test with 5 unused mice weighing 20 grams (±0.5 gram) each; if all animals survive the repeat test, the sample is nontoxic.

(3) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(4) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using a 3-percent aqueous suspension of the drug.

(5) *Optical rotation.* Accurately weigh approximately 1.0 gram of the sample in a 25-milliliter glass-stoppered volumetric flask, dissolve the sample and dilute to volume with dimethyl formamide at 20° C. Transfer the solution to a 200-millimeter tube, determine the angular rotation in a suitable polarimeter, using sodium light or a 5,893 angstrom unit filter, and calculate the specific rotation.

§ 141c.225 *Tetracycline hydrochloride-nystatin tablets*—(a) *Tablets*—(1) *Potency*—(i) *Tetracycline hydrochloride content.* Proceed as directed in § 141c.224 (a) (1) (i). Its content of tetracycline hydrochloride is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(ii) *Nystatin content.* Proceed as directed in § 141c.224 (a) (1) (ii). Its content of nystatin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(iii) *Moisture.* Proceed as directed in § 141a.5 (a) or § 141a.26 (e) of this chapter.

(b) *Nystatin used in making the tablets.* Proceed as directed in § 141c.224 (b).

§ 141c.226 *Tetracycline and vasoconstrictor suspension*—(a) *Potency.* Proceed as directed in § 141c.218 (a). Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *pH.* Using the undiluted sample, proceed as directed in § 141a.5 (b) of this chapter.

§ 141c.227 *Chlortetracycline spray dressing (chlortetracycline hydrochloride spray dressing)*—(a) *Potency.* Spray the entire contents of the well shaken sample into a large tared beaker. Place in a vacuum desiccator, evacuate, and allow to stand at room temperature for 16 to 18 hours. After the gas has volatilized, accurately weigh the beaker and contents and determine the weight of the ointment ejected when used as directed in its labeling. Remove a representative quantity (usually 1 gram) of the ointment from the beaker, accurately determine its weight, and place in a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Proceed as directed in § 141c.202 (a). The content of the immediate container is satisfactory if it contains not less than 85 percent of the number of grams of ointment that it is represented to contain. The potency of the ointment is satisfactory if it contains not less than 85 percent of the number of milligrams of chlortetracycline hydrochloride per gram that it is represented to contain.

(b) *Sterility.* Using an amount of spray (usually 5 to 8 seconds) equivalent to approximately 40 milligrams of chlortetracycline from each container tested, proceed as directed in § 141a.2 of this chapter, except that neither penicillinase nor the control tube is used in the test for bacteria.

(c) *Moisture.* Proceed as directed in § 141a.8 (b) of this chapter.

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Sec.

141d.301 Chloramphenicol.
141d.302 Chloramphenicol capsules; potency.
141d.303 Chloramphenicol ointment; potency.
141d.304 Chloramphenicol ophthalmic.
141d.305 Chloramphenicol palmitate.
141d.30[illegible] Chloramphenicol palmitate oral suspension.
141d.307 Chloramphenicol solution; chloramphenicol for aqueous injection.
141d.308 Chloramphenicol otic; chloramphenicol topical.
141d.309 Chloramphenicol-streptomycin capsules; chloramphenicol-dihydrostreptomycin capsules.
141d.310 Chloramphenicol tablets.
141d.311 Chloramphenicol palmitate-streptomycin oral suspension; chloramphenicol palmitate-dihydrostreptomycin oral suspension.

AUTHORITY: §§ 141d.301 to 141d.311 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357.

§ 141d.301 *Chloramphenicol*—(a) *Potency*—(1) *Cylinders (cups).* Use cylinders described under § 141a.1 (a) of this chapter.

(2) *Culture media.* Use the medium described under § 141a.1 (b) (1) of this chapter for both the seed layer and the base layer. Use the nutrient broth described under § 141a.1 (b) (3) of this chapter for preparing a suspension of the test organism.

(3) *Working standard.* Prepare the working standard by weighing out carefully appropriate amounts of the chloramphenicol working standard and dilute in 1 percent phosphate buffer pH 6.0 to give a solution containing 50 micrograms per milliliter. Keep this stock solution at a temperature of 15° C or less and use for only 1 month. The standard may first be dissolved in a small amount of ethyl alcohol to facilitate solution.

(4) *Preparation of sample.* Prepare the sample to be tested by dissolving in a small amount of ethyl alcohol and then further dilute in 1 percent phosphate buffer pH 6.0 to make an appropriate stock solution.

(5) *Preparation of suspension.* The test organism is Sarcina lutea (P. C. I. 1001). Maintain the test organism on slants of nutrient agar prepared as in subparagraph (2) of this paragraph and transfer to a fresh agar slant once a week. Prepare a suspension of the test organism as follows: Streak an agar slant heavily with the test organism. Wash the growth off in about 3 milliliters of nutrient broth. Use the suspension so obtained to inoculate the surface of a Roux bottle containing 300 milliliters of the nutrient agar. Spread the suspension over the entire surface with the aid of sterile glass beads. Incubate for 24 hours at 26° C. Wash the growth from the agar surface with 20 milliliters of nutrient broth prepared as in subparagraph (2) of this paragraph. If an aliquot of this bulk suspension, when diluted with nutrient broth 1:10, gives a 10 percent light transmission in a suitable photoelectric colorimeter equipped with a filter having a wave length of 6500 Angstrom units, it is satisfactory for use. It may be necessary to adjust the bulk suspension by dilution so that an aliquot of the adjusted suspension diluted 1:10 gives 10 percent light transmission. (The adjusted bulk suspension only, and not the 1:10 dilution of it, is used in preparing the seed layer.) The bulk suspension may be used in the test for 1 month. Add 1 to 1.5 milliliters of the adjusted bulk suspension to 100 milliliters of agar which has been melted and cooled to 48° C.

(6) *Preparation of plates.* Add 21 milliliters of the agar prepared as in subparagraph (2) of this paragraph to each Petri dish (20 x 100 millimeters). Distribute the agar evenly in the plates and allow it to harden. Use the plates the same day they are prepared. Add 4 milliliters of the inoculum prepared as in subparagraph (5) of this paragraph for each plate, tilting the plates back and forth to spread the inoculated agar evenly over the surface.

(7) *Assay.* Place six cylinders on the inoculated agar surface so that they are at approximately 60° intervals on a 2.8-centimeter radius. Use three plates for each sample. Fill three cylinders on each plate with the 50 micrograms per milliliter standard and three cylinders with the 50 micrograms per milliliter (estimated) sample, alternating standard and sample. At the same time prepare a standard curve, using concentrations of the standard of 30.0, 35.0, 40.0, 45.0, 50.0, 55.0, 60.0, 65.0, and 70.0 micrograms per milliliter. A total of 24 plates is used in the preparation of the standard curve, three plates for each solution except the 50 micrograms per milliliter solution. The latter concentration is used as the reference point and is included on each plate. On each of three plates fill three cylinders with the 50 micrograms per milliliter standard and the other three cylinders with the concentration of the standard under test.

Thus, there will be seventy-two 50-microgram determinations and nine determinations for each of the other points on the curve. Incubate the plates for 16 to 18 hours at 32° C.−35° C. and measure the diameter of each circle of inhibition. Average the readings of the 50 micrograms per milliliter concentration and the readings of the point tested for each set of three plates, and average also all 72 readings of the 50 micrograms per milliliter concentration. The average of the 72 readings of the 50 micrograms per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 50 micrograms per milliliter readings for that set of three plates were the same as the correction point. Thus, if in correcting the 40 micrograms per milliliter concentration the average of the 72 readings of the 50 micrograms per milliliter is 18.0 millimeters, and the average of the 50 micrograms per milliliter concentration of this set of three plates is 17.8 millimeters, the correction is 0.2 millimeter. If the average reading of the 40 micrograms per milliliter concentration of these same three plates is 17.0 millimeters, the corrected concentration of these same three plates is 17.0 millimeters, the corrected value is then 17.2 millimeters.

Plot these corrected values, including the average of the 50 micrograms per milliliter concentrations on two-cycle semilog paper, using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points.

To estimate the potency of the sample, average the zone readings of the standard and the zone readings of the sample on the three plates used. If the sample gives a larger zone size than the average of the standard, add the difference between them to the 50 micrograms per milliliter unit zone on the standard curve. If the average value is lower than the standard value, subtract the difference between them from the 50 micrograms per milliliter unit value on the curve. From the curves read the potencies corresponding to these corrected values of zone sizes.

(8) *Spectrophotometric method.* In lieu of the plate-assay method described above, the following method may be used:

Dissolve 20 milligrams of the sample, accurately weighed, in 100 milliliters of distilled water, warming to hasten solution. Cool to room temperature, dilute to exactly 1,000 milliliters with distilled water, and mix. With a suitable spectrophotometer determine the optical density of the solution in a 1-centimeter cell at 278 mμ compared with distilled water as a blank. Multiply the optical density figure obtained by the appropriate factor to obtain the optical density value of a 1 percent solution.

The $E^{1\%}_{1\,cm.}$ value of the sample multiplied by 100, divided by 298 represents the percent potency.

(9) *Chloramphenicol content.* The potency of chloramphenicol is satisfactory, when assayed by the methods described in this section, if the immediate containers contain 85 percent of the number of grams they are represented to contain.

(b) *Sterility.* Proceed as directed in § 141c.201 (b) of this chapter.

(c) *Toxicity.* Proceed as directed in § 141a.4 of this chapter, using as a test dose 0.5 milliliter of a solution containing 2 milligrams per milliliter. Use physiological salt solution as the diluent.

(d) *Pyrogens.* Proceed as directed in § 141a.3 of this chapter, using as a test dose 1.0 milliliter per kilogram of a solution containing 5 milligrams per milliliter. Use physiological salt solution as the diluent.

(e) *Histamine.* Proceed as directed in § 141b.105 of this chapter, using as a test dose 0.6 milliliter of a solution containing 5 milligrams per milliliter prepared by application of heat.

(f) *pH.* Proceed as directed in § 141a.5 (b) of this chapter using a saturated aqueous solution.

(g) *Specific rotation.* Accurately weigh approximately 1.25 grams of the sample in a 25-milliliter glass-stoppered volumetric flask and dissolve in about 15 milliliters with absolute alcohol, warming if necessary. Dilute the solution to 25 milliliters with absolute alcohol and mix thoroughly. Transfer the solution to a 200-millimeter tube, determine the angular rotation in a suitable polarimeter, using sodium light or a 5893 Angstrom filter, and calculate the specific rotation.

(h) *Melting point.* Proceed as directed by the U. S. P.

(i) *Extinction coefficient.* Proceed as directed in paragraph (a) (8) of this section.

§ 141d.302 *Chloramphenicol capsules; potency*—(a) *Bioassay method.* Proceed as directed in § 141d.301 (a), except subparagraphs (8) and (9) of that paragraph, and in lieu of the directions in subparagraph (4) prepare the sample as follows: Place the contents of not less than 10 capsules and the empty capsules in 100 milliliters of ethyl alcohol, and using a high-speed blender, blend for approximately 2 minutes. To the blender, add 400 milliliters of 1.0-percent phosphate buffer, pH 6.0, and blend for approximately 2 minutes. Withdraw a 1.0-milliliter aliquot and make the proper estimated dilutions in 1.0-percent phosphate buffer, pH 6.0.

(b) *Spectrophotometric assay method.* Place the contents of 10 capsules in a 250-milliliter volumetric flask. Add 50 milliliters of redistilled methanol to the flask and shake for at least 1 minute. Make to volume with distilled water and mix thoroughly. Withdraw an aliquot and dilute with sufficient distilled water to give a concentration of 20 micrograms per milliliter. With a suitable spectrophotometer, determine the optical density of this solution in a 1-centimeter cell at 278 mμ compared with distilled water as a blank.

$$\text{Potency per capsule} = \frac{\text{optical density}}{0.596} \times \text{labeled potency per capsule}$$

(c) *Chloramphenicol content.* When assayed by either of these methods, its potency is satisfactory if it contains not less than 85 percent of the number of milligrams of chloramphenicol per capsule that it is represented to contain.

§ 141d.303 *Chloramphenicol ointment; potency.* Proceed as directed in § 141d.301 (a), except § 141d.301 (a) (8) and (9), and in lieu of the directions in § 141d.301 (a) (4) prepare the sample by one of the following methods:

(a) Place an accurately weighed representative sample (usually 1.0 gram of the ointment) in a blending jar containing 1 milliliter of a 10-percent aqueous solution of polysorbate 80 and sufficient 1-percent phosphate buffer at pH 6.0 to make 100 milliliters. Using a high-speed blender, blend the mixture for 2 minutes and make the proper estimated dilutions in 1-percent phosphate buffer at pH 6.0.

(b) Place a representative sample (0.5 gram) in a separatory funnel containing 10 milliliters of peroxide-free ether. Shake the separatory funnel vigorously to bring about complete mixing of the ointment and ether. Shake with a 15-milliliter portion of 1-percent phosphate buffer at pH 6.0. Remove the buffer layer and repeat the extraction with two additional 15-milliliter portions of buffer. Combine the extractives and dilute to 50 milliliters with 1-percent phosphate buffer. Make the proper estimated dilutions in 1-percent phosphate buffer at pH 6.0.

The potency of chloramphenicol ointment is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

§ 141d.304 *Chloramphenicol ophthalmic*—(a) *Potency.* Proceed as directed in § 141d.301 (a), except subparagraph (9) thereof. The potency of chloramphenicol ophthalmic is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(b) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using a solution prepared as directed in the labeling of the drug.

(c) *Sterility.* Proceed as directed in § 141a.2 of this chapter, except that:

(1) Use 0.5 milliliter of the suspension of the sample prepared according to label directions, and do not use penicillinase or the control tube in the test for bacteria.

(2) In lieu of the last sentence of § 141a.2 (b) of this chapter, the batch meets the requirements of the test for bacteria if no tube shows growth.

(3) In lieu of the last sentence of § 141a.2 (c) of this chapter, the batch meets the requirements of the test for molds and yeasts if no tube shows growth.

§ 141d.305 *Chloramphenicol palmitate*—(a) *Potency.* Dissolve 50 milligrams of the sample in absolute ethanol and make to 100 milliliters in a volumetric flask with absolute ethanol. Transfer a 5-milliliter aliquot to another 100-milliliter volumetric flask and make to volume with absolute ethanol. With a suitable spectrophotometer determine the optical density of the solution in a 1-centimeter cell at 271 mμ compared with absolute ethanol as a blank. Multiply the optical-density figure obtained by the appropriate factor to obtain the optical density value of 1-percent solution. The $E^{1\%}_{1\,cm.}$ value of the sample multiplied by 575, divided by 178, represents the micrograms per milligram of chloramphenicol.

(b) *Toxicity.* Administer orally, by means of a cannula or other suitable device, to each of 5 mice, within the weight range of 18 to 25 grams, 1.0 milliliter of a suspension of the drug containing 60 milligrams per milliliter in 10-percent acacia solution. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals die within 48 hours, repeat the test with 5 unused mice weighing 20 grams (±0.5 gram) each; if all animals survive the repeat test the sample is nontoxic.

(c) *Melting point.* Proceed as directed by the U. S. P.

(d) *Extinction coefficient.* Proceed as directed in paragraph (a) of this section.

§ 141d.306 *Chloramphenicol palmitate oral suspension*—(a) *Potency.* Using a hypodermic syringe, transfer 1.0 milliliter of the suspension to a separatory funnel containing 10 milliliters of water and 25 milliliters of chloroform. Shake for 1 minute, allow the layers to separate, and filter the lower chloroform layer through a pledget of cotton. Transfer a 1.0-milliliter portion of the clear chloroform filtrate to a 100-milliliter volumetric flask, make to volume with absolute ethanol, and mix. With a suitable spectrophotometer, determine the absorbance of this solution at 271 millimicrons, using as a blank 1.0 milliliter of chloroform U. S. P. diluted to 100 milliliters with absolute ethanol. The number of milligrams of chloramphenicol contained in each milliliter of chloramphenicol palmitate oral suspension is obtained by the following calculation:

$$C = \frac{A \times 25{,}000 \times 0.575}{178}$$

where:

C = the number of milligrams of chloramphenicol in 1.0 milliliter of the chloramphenicol palmitate suspension;

A = the absorbance of the solution at 271 millimicrons;

25,000 = dilution factor;

0.575 = the factor for converting chloramphenicol palmitate to chloramphenicol;

extinction coefficient of chloramphenicol palmitate at 271 millimicrons.

The potency of chloramphenicol palmitate oral suspension is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(b) *pH.* Using the undiluted suspension, proceed as directed in § 141a.5 (b) of this chapter.

§ 141d.307 *Chloramphenicol solution; chloramphenicol for aqueous injection*—(a) *Potency*—(1) *Chloramphenicol solution.* Proceed as directed in § 141d.301 (a), except subparagraphs (8) and (9) of that paragraph, and in lieu of the directions in subparagraph (4) of that paragraph dilute the sample in sufficient 1.0-percent phosphate buffer pH 6.0 to make an appropriate stock solution.

(2) *Chloramphenicol for aqueous injection.* Proceed as directed in § 141d.301 (a), except subparagraph (9) of that paragraph, and in lieu of the directions in subparagraph (4) of that paragraph prepare the sample as follows: Add the amount of water indicated in the labeling of the drug to the vial, and shake well. Remove 1.0 milliliter of the suspension, transfer to a 50-milliliter volumetric flask, and make to volume with absolute alcohol. Quickly remove 1.0 milliliter and make to the proper estimated dilution in 1.0-percent phosphate buffer pH 6.0. In case the spectrophotometric method is used, proceed as follows: Add to the vial the amount of water indicated in the labeling of the drug and shake vigorously until a uniform suspension is obtained. Transfer an aliquot of this suspension, equivalent to 1.0 gram of chloramphenicol, to a 1,000-milliliter glass-stoppered volumetric flask, add about 500 milliliters of distilled water, and heat on a steam bath until solution of the chloramphenicol is complete (but no longer than 10 minutes). Cool to room temperature and dilute to exactly 1,000 milliliters with distilled water. Mix thoroughly, and transfer exactly 5 milliliters of this solution to a 250-milliliter glass-stoppered volumetric flask. Dilute to exactly 250 milliliters with distilled water and mix thoroughly. Measure the absorbency of this solution on a suitable spectrophotometer at 278 mμ against a blank of distilled water. The

$$\frac{\text{optical density at 278 m}\mu}{298} \times 500 = \text{grams}$$

of chloramphenicol in the sample tested. (From this value calculate the quantity of chloramphenicol in the immediate container.)

Its potency is satisfactory when assayed by the methods described in this paragraph if it contains not less than 85 percent of the number of grams of chloramphenicol it is represented to contain.

(b) *Sterility.* If it is the solution, proceed as directed in § 141b.102 of this chapter. If it is the dry mixture of the drug, dissolve the entire contents of each vial to be tested in a sterile 40-percent solution (v/v) of N,N,dimethylacetamide, using 10 milliliters of the diluent for each 1.0 gram, and proceed as directed in § 141a.2 of this chapter, except that neither penicillinase nor the control tube is used in the test for bacteria.

(c) *Toxicity.* Proceed as directed in § 141d.301 (c).

(d) *Pyrogens.* Proceed as directed in § 141d.301 (d).

(e) *Histamine.* Proceed as directed in § 141d.301 (e).

(f) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using the undiluted drug in the case of the solution, and if it is the dry mixture of the drug use a suspension prepared as directed in its labeling.

§ 141d.308 *Chloramphenicol otic; chloramphenicol topical*—(a) *Potency.* Using 1.0 milliliter, proceed as directed in § 141d.303 (a). Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.7 (c) of this chapter.

(c) *pH.* Dilute the drug with an equal volume of distilled water and proceed as directed in § 141a.5 (b) of this chapter.

§ 141d.309 *Chloramphenicol-streptomycin capsules; chloramphenicol-dihydrostreptomycin capsules*—(a) *Potency*—(1) *Content of chloramphenicol.* Proceed as directed in § 141d.302 (a) or (b). Its content of chloramphenicol is satisfactory if it contains not less than 85 percent of the number of milligrams per capsule that it is represented to contain.

(2) *Content of streptomycin.* Using 10 capsules, proceed as directed in § 141b.101 of this chapter, except paragraphs (j) and (k) of that section. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per capsule that it is represented to contain.

(3) *Content of dihydrostreptomycin.* Proceed as directed in subparagraph (2) of this paragraph, using the dihydrostreptomycin working standard as a standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per capsule that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141d.310 *Chloramphenicol tablets*—(a) *Bioassay method.* Proceed as directed in § 141d.302 (a).

(b) *Spectrophotometric assay method.* Weigh accurately a counted number of not less than 10 tablets and determine the average weight per tablet. Reduce 10 tablets to a fine powder in a mortar and transfer an amount of powder containing 500 milligrams (estimated) of chloramphenicol to a 1,000-milliliter glass-stoppered volumetric flask. Add 50 milliliters of redistilled methanol to the flask and shake for at least 1 minute. Make to volume with distilled water and mix thoroughly. Transfer exactly 10 milliliters of this solution into a 250-milliliter glass-stoppered volumetric flask. Make to mark and mix thoroughly. Determine the absorbancy of this solution on a suitable spectrophotometer in a 1-centimeter quart cell at 278 millimicrons against a blank of distilled water.

$$\text{Milligrams of chloramphenicol per tablet} = \frac{\text{Absorbancy} \times 500 \times \text{average weight in milligrams}}{0.596 \times \text{weight of powder tested in milligrams}}$$

(c) *Chloramphenicol content.* When assayed by either of these methods, its potency is satisfactory if it contains not less than 85 percent of the number of milligrams of chloramphenicol per tablet that it is represented to contain.

§ 141d.311 *Chloramphenicol palmitate-streptomycin oral suspension; chloramphenicol palmitate-dihydrostreptomycin oral suspension*—(a) *Potency*—(1) *Chloramphenicol content.* Proceed as directed in § 141d.306 (a). Its content of chloramphenicol is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Steptomycin or dihydrostreptomycin content.* Proceed as directed in § 141b.101 of this chapter except § 141b.101 (b), and if it contains dihydrostreptomycin use the dihydrostreptomycin working standard as the standard of comparison. Its content of streptomycin or dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *pH.* Using the undiluted suspension, proceed as directed in § 141a.5 (b) of this chapter.

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Sec.

141e.401 Bacitracin.
141e.402 Bacitracin ointment; zinc bacitracin ointment.
141e.403 Bacitracin tablets; zinc bacitracin tablets.
141e.404 Bacitracin troches; zinc bacitracin troches.
141e.405 Bacitracin with vasoconstrictor.
141e.406 Bacitracin-tyrothricin troches; zinc bacitracin-tyrothricin troches.
141e.407 Bacitracin-tyrothricin ointment.
141e.408 Bacitracin ophthalmic.
141e.409 Bacitracin-polymyxin ointment.
141e.410 Bacitracin-neomycin tablets; zinc bacitracin-neomycin tablets.
141e.411 Bacitracin-neomycin ointment.
141e.412 Bacitracin-polymyxin tablets.
141e.413 Bacitracin-neomycin troches; zinc bacitracin-neomycin troches.
141e.414 Bacitracin-neomycin with vasoconstrictor.
141e.415 Bacitracin-polymyxin troches; zinc bacitracin-polymyxin troches.
141e.416 Bacitracin methylene disalicylate.
141e.417 Powder bacitracin methylene disalicylate and streptomycin sulfate oral veterinary.
141e.418 Zinc bacitracin (bacitracin zinc salt).
141e.419 Bacitracin - neomycin - polymyxin troches; zinc bacitracin-neomycin-polymyxin troches.
141e.420 Bacitracin - tyrothricin - neomycin troches; zinc bacitracin-tyrothricin-neomycin troches; potency and moisture.
141e.421 Bacitracin - neomycin - polymyxin tablets.
141e.422 Bacitracin - polymyxin - neomycin ointment.
141e.423 Soluble bacitracin methylene disalicylate.
141e.424 Bacitracin - neomycin - polymyxin with vasoconstrictor.
141e.425 Bacitracin powder.
141e.426 Tablets bacitracin methylene disalicylate and streptomycin sulfate oral veterinary.

AUTHORITY: §§ 141e.401 to 141e.426 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357.

§ 141e.401 *Bacitracin*—(a) *Potency*—(1) *Plate assay.* Using the standard curve technique, proceed as directed in § 141a.1 (h) of this chapter, with the following exceptions:

(i) Use the bacitracin working standard and dissolve in 1-percent phosphate buffer to make an appropriate stock solution. The stock solution when refrigerated may be used for 2 weeks. The stock solution may also be preserved for at least 2 months by freezing in small aliquots. Each aliquot should be sufficient for 1 day's use only. Make all dilutions of the stock solution for the assay with 1-percent phosphate buffer.

(ii) Dissolve the sample to be tested in 1-percent phosphate buffer and make dilutions with the same solvent to one unit per milliliter (estimated).

(iii) The test organism is Micrococcus flavus, which is maintained at refrigerator temperature on slants of nutrient agar prepared as directed in § 141a.1 (b) (1) of this chapter. Inoculate a Roux bottle containing this agar from a stock slant of the organism and incubate 18 hours at 32° C.–35° C. Wash off the growth in 25 milliliters of sterile physiological saline solution. If an aliquot of this bulk suspension, when diluted 1:50 in physiological saline solution, gives 75 percent light transmission in a suitable photoelectric colorimeter equipped with a filter having a wave length of 6,500 Angstrom units, the bulk suspension is satisfactory for use. It may be necessary to adjust the bulk suspension by dilution so that an aliquot of the adjusted suspension diluted 1:50 gives 75 percent light transmission. (The adjusted bulk suspension only, and not the 1:50 dilution of it, is used in preparing the seed layer.) Add 0.3 to 0.5 milliliter of the adjusted bulk suspension to 100 milliliters of agar which has been melted and cooled to 48° C.

(2) *Turbidimetric assay.* In lieu of the plate-assay method described above, the sample may be assayed for potency by the following turbidimetric method:

(i) *Test culture and media.* Employ the agar described in § 141a.1 (b) (2) of this chapter (adjusted to a final pH 7.0) for maintaining the test organism, which is Staphylococcus aureus (PCI 1203). Transfer stock cultures every 2 weeks for test purposes. On the day of test transfer the growth from a stock slant to approximately 100 milliliters of nutrient broth (§ 141a.1 (b) (3) of this chapter). Incubate the inoculated broth until the culture has grown sufficiently to give a light transmission reading of 80–90 percent, using a filter having a light transmission peak at 6500 Angstrom units. This culture may be held overnight at refrigerator temperature if desired. Prepare the "daily" inoculum by adding approximately 6.0 milliliters of the standardized broth culture to each 100 milliliters of broth previously cooled to a temperature of approximately 15° C.

(ii) *Working-standard solutions.* Dilute the working standard to 10 units per milliliter of bacitracin in 1 percent phosphate buffer. Further dilute this to make solutions containing 0.100, 0.141, 0.200, 0.282, 0.398, and 0.562 units per milliliter. These solutions are used for preparing the standard curve and may be held at 15° C. for 1 week. Add 1.0 milliliter of each of these working standard solutions to each of six 16 millimeter by 125 millimeter tubes (outside dimension).

(iii) *Preparation of sample.* Dilute the sample under test to 0.25 unit per milliliter (estimated). Add 1.0 milliliter of the diluted sample to each of six 16 millimeter by 125 millimeter tubes (outside dimension). Add 9.0 milliliters of the "daily" inoculum described above to each tube of the standard and unknown series and place immediately in a 32° C.—35° C. water bath for 4 hours. After incubation, add four drops of formalin to each tube, and estimate the turbidity of each in a photoelectric colorimeter, using a broad-band filter having a wave length of 5300 Angstrom units.

(iv) *Estimation of potency.* Average the six colorimeter readings at each standard level. Plot the average turbidity figures of the standard on semilog graph paper, employing units per tube as the abscissa (log scale) and light transmission as the ordinate. Connect the points with a straightedge. Average the sample readings and read in units per tube from the curve. Units per tube divided by 0.25×100 will give percent potency of the sample.

(3) *Bacitracin content.* The potency of bacitracin is satisfactory when assayed by the methods described in this section if the immediate containers contain not less than 85 percent and, if it is intended for systemic medication, not more than 115 percent of the number of units they are represented to contain.

(b) *Sterility.* Proceed as directed in § 141b.102 of this chapter.

(c) *Pyrogens.* Proceed as directed in § 141a.3 of this chapter, using as a test dose 1.0 milliliter per kilogram of a solution containing 300 units per milliliter. Use physiological salt solution as the diluent.

(d) *Toxicity.* Inject intravenously each of five mice within the weight range of 18–25 grams with 0.5 milliliter of a solution of the sample prepared by diluting with sterile physiological salt solution to 200 units per milliliter. The injection should be made over a period of not more than 5 seconds. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals die within 48 hours, repeat the test with five unused mice weighing 20 grams (±0.5 gram) each. If all animals survive the repeat test the sample is nontoxic.

(e) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(f) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using a solution containing 10,000 units per milliliter.

§ 141e.402 *Bacitracin ointment; zinc bacitracin ointment*—(a) *Potency.* Proceed as directed in § 141e.401 (a), except § 141e.401 (a) (3), and in lieu of the directions in § 141e.401 (a) (1) (iii), prepare the sample as directed in § 141a.8 (a) of this chapter. Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b) of this chapter.

§ 141e.403 *Bacitracin tablets; zinc bacitracin tablets*—(a) *Potency.* Proceed as directed in § 141e.401 (a), except § 141e.401 (a) (3), and in lieu of the directions in § 141e.401 (a) (1) (iii) place 5 tablets in a blending jar and add thereto 125 milliliters of 1-percent phosphate buffer pH 6.0. After blending for 1 minute with a high-speed blender, add an additional 125 milliliters of buffer to the blender. Blend again for 1 minute and make the proper estimated dilutions in 1-percent phosphate buffer pH 6.0. The content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units per tablet that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141e.404 *Bacitracin troches; zinc bacitracin troches*—(a) *Potency.* Proceed as directed in § 141e.403 (a). The average potency of the troche is satisfactory if it is not less than 85 percent of the number of units per troche that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141e.405 *Bacitracin with vasoconstrictor*—(a) *Potency.* Proceed as directed in § 141e.401 (a), except subparagraph (3) thereof. The potency of bacitracin with vasoconstrictor is satisfactory if it contains not less than 85 percent of the number of units per container it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141e.406 *Bacitracin - tyrothricin troches; zinc bacitracin-tyrothricin troches*—(a) *Potency.* Proceed as directed in § 141e.403 (a). Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units per troche that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141e.407 *Bacitracin-tyrothricin ointment.* Proceed as directed in § 141e.402. Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units per gram it is represented to contain.

§ 141e.408 *Bacitracin ophthalmic*—(a) *Potency.* Proceed as directed in § 141e.401 (a).

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(c) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using a solution prepared as directed in the labeling for the drug.

(d) *Sterility.* Proceed as directed in § 141a.2 of this chapter, except that:

(1) Do not use penicillinase or the control tube in the test for bacteria.

(2) In lieu of the last sentence of § 141a.2 (b) of this chapter, the batch meets the requirements of the test for bacteria if no tube shows growth.

(3) In lieu of the last sentence of § 141a.2 (c) of this chapter, the batch meets the requirements of the test for molds and yeasts if no tube shows growth.

§ 141e.409 *Bacitracin-polymyxin ointment*—(a) *Potency*—(1) *Bacitracin content.* Proceed as directed in § 141e.402 (a). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

(2) *Polymyxin content.* Proceed as directed in § 141b.112 (b) (1) of this chapter, except in lieu of the directions in subdivision (vii) for the preparation of the sample, prepare the sample as follows: Accurately weigh approximately 5 grams and transfer to a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake with four 25-milliliter portions of 1.0-percent phosphate buffer (pH 6.0) and combine the extracts. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b) of this chapter.

§ 141e.410 *Bacitracin-neomycin tablets; zinc bacitracin-neomycin tablets*—(a) *Tablets*—(1) *Potency*—(i) *Bacitracin or zinc bacitracin content.* Proceed as directed in § 141e.403 (a). Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units per tablet that it is represented to contain.

(ii) *Neomycin content.* Place 5 tablets in a blending jar and add thereto 200 milliliters of a 500-milliliter quantity of 0.10-percent phosphate buffer pH 8.0. After blending for 1 minute with a high-speed blender, add the remainder of the buffer. Blend again for 1 minute and make the proper estimated dilutions in the buffer and proceed as directed in paragraph (b) (1) of this section. Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams of activity that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(b) *Neomycin used in making the tablets*—(1) *Potency*—(i) *Cylinders (cups).* Use cylinders described under § 141a.1 (a) of this chapter.

(ii) *Culture medium.* Use the medium described in § 141a.1 (b) (1) of this chapter for both the base and seed layers, except its pH after sterilization is 7.8 to 8.0.

(iii) *Working standard.* Dry the working standard (obtained from the Food and Drug Administration) for 3 hours at 60° C. and a pressure of 5 millimeters or less and weigh out a sufficient quantity to make a convenient stock solution by diluting with a 0.1 *M* potassium phosphate buffer, pH 7.8 to 8.0 The stock solution, when stored at a temperature of approximately 15° C., or less, may be used for a period not exceeding 1 month.

(iv) *Standard curve.* Prepare daily from the stock solution a standard curve as directed in § 141b.101 (d) of this chapter, using solutions of the neomycin working standard in 0.1 *M* potassium phosphate buffer, pH 7.8 to 8.0, in concentrations of 4.0, 6.0, 8.0, 10.0, 12.0, 15.0, and 20.0 micrograms per milliliter. The 10.0 micrograms per milliliter concentration is used as the reference point.

(v) *Preparation of test organism.* The test organism is M. pyogenes var. aureus (P. C. I. 209–P or American Type Culture Collection 6538P) which is maintained on agar described in § 141a.1 (b) (1) of this chapter. From a stock slant inoculate a Roux bottle containing this same agar and incubate for 24 hours at 32° C. to 35° C. Wash the resulting growth from the agar surface with about 100 milliliters of sterile distilled water. Standardize this suspension by determining the dilution which will permit 80 percent light transmission through a filter at 6500 Angstrom units in a photoelectric colorimeter. The suspension may be used for 2 weeks, if it is stored at a temperature of 15° C. or less.

(vi) *Preparation of plates.* Using the agar described in subdivision (ii) of this subparagraph and approximately a 0.5 percent inoculum of the suspension described in subdivision (v) of this subparagraph, prepare the plates as directed in § 141a.1 (e) of this chapter.

(vii) *Assay.* Dissolve volumetrically in 0.1 *M* potassium phosphate buffer, pH 7.8 to 8.0, the sample to be tested to make a convenient stock solution. Further dilute volumetrically this solution with 0.1 *M* potassium phosphate buffer, pH 7.8 to 8.0, to a final concentration of 10.0 micrograms (estimated) per milliliter and proceed as directed in § 141b.101 (h) and (i) of this chapter.

(2) *Toxicity.* Proceed as directed in § 141a.4 of this chapter, using 0.5 milliliter of a solution prepared by diluting the sample to approximately 200 micrograms per milliliter with physiological salt solution.

(3) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(4) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using a solution containing 33 milligrams per milliliter.

§ 141e.411 *Bacitracin-neomycin ointment; zinc bacitracin-neomycin ointment*—(a) *Potency*—(1) *Bacitracin or zinc bacitracin content.* Proceed as directed in § 141e.402 (a). Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

(2) *Neomycin content.* Prepare the sample as directed in § 141a.8 (a) of this chapter, except in lieu of potassium phosphate buffer use 0.10 *M* phosphate buffer (pH 7.8–8.0) and proceed as directed in § 141e.410 (b) (1). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b) of this chapter.

§ 141e.412 *Bacitracin-polymyxin tablets*—(a) *Potency*—(1) *Bacitracin content.* Proceed as directed in § 141e.403 (a). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units it is represented to contain.

(2) *Polymyxin content.* Using an aliquot of the solution prepared in accordance with subparagraph (1) of this paragraph, proceed as directed in § 141b.112 (a) (1) (ii) of this chapter. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the

number of units it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141e.413 *Bacitracin-neomycin troches; zinc bacitracin-neomycin troches*—(a) *Potency*—(1) *Content of bacitracin and zinc bacitracin.* Proceed as directed in § 141e.404 (a). Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units per troche that it is represented to contain.

(2) *Neomycin content.* Proceed as directed in § 141e.410 (a) (1) (ii). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141e.414 *Bacitracin-neomycin with vasoconstrictor*—(a) *Potency*—(1) *Bacitracin content.* Proceed as directed in § 141e.405 (a). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Neomycin content.* Proceed as directed in § 141e.410 (b) (1). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141e.415 *Bacitracin-polymyxin troches; zinc bacitracin-polymyxin troches*—(a) *Potency*—(1) *Polymyxin content.* Dissolve 5 troches in a small amount of 1-percent phosphate buffer pH 6.0, then add sufficient buffer to give a concentration of 100 units per milliliter and proceed as directed in § 141b.112 (b) (1) of this chapter. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Content of bacitracin and zinc bacitracin.* Using an aliquot of the solution prepared in subparagraph (1) of this paragraph, proceed as directed in § 141e.401 (a) (1). Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141e.416 *Bacitracin methylene disalicylate*—(a) *Potency.* Proceed as directed in § 141e.401 (a) (1), except in lieu of the directions for preparing the sample in § 141e.401 (a) (1) (ii) prepare the sample as follows: Place an accurately weighed sample of approximately 1 gram in a blending jar, add 99 milliliters of an aqueous solution of 2-percent sodium bicarbonate and 1 milliliter of a 10-percent aqueous solution of polysorbate 80 and blend for 3 minutes in a high-speed blender. Allow the foam to subside, remove an aliquot of the solution, and dilute to 1 unit per milliliter with 1-percent phosphate buffer.

(b) *Toxicity.* Proceed as directed in § 141d.305 (b) of this chapter, using as the test dose 1 milliliter of a suspension containing 1,000 units of bacitracin activity per mouse.

(c) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(d) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using a saturated aqueous solution containing approximately 50 milligrams per milliliter.

§ 141e.417 *Powder bacitracin methylene disalicylate and streptomycin sulfate oral veterinary*—(a) *Potency*—(1) *Bacitracin content.* Proceed as directed in § 141e.401 (a), except in lieu of the directions for preparing the sample in § 141e.401 (a) (1) (ii), prepare the sample as follows: Place an accurately weighed sample of approximately 5 grams in a blending jar, add 40 milliliters of 2.0-percent sodium bicarbonate and swirl until the sample is thoroughly wetted. Allow to stand for 15 minutes with occasional swirling. After standing for 15 minutes, add 30 milliliters of 1-percent potassium phosphate buffer at pH 6.0 and allow to stand for 1 hour, with occasional swirling. Add 30 milliliters of acetone and blend for 2 minutes; allow to stand for 2 minutes and reblend for 2 minutes. Allow to settle for 15 minutes, and filter through filter paper on a Buchner funnel. Remove an aliquot of the filtrate and add sufficient semicarbazide 1.0-percent solution, at pH 6.5–7.0, to inactivate (1 hour at room temperature) the streptomycin contained in the solution. After inactivation, remove an aliquot of this solution and dilute to 1 unit per milliliter with 1.0-percent phosphate buffer. Its potency is satisfactory if it contains not less than 85 percent of the units of bacitracin activity that it is represented to contain.

(2) *Streptomycin content.* Proceed as directed in § 141b.101 of this chapter. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams of streptomycin activity per gram that it is represented to contain.

(b) *Moisture.* Using a 1.0-gram sample, proceed as directed in § 141a.5 (a) of this chapter.

§ 141e.418 *Zinc bacitracin (bacitracin zinc salt)*—(a) *Potency.* Proceed as directed in § 141e.401 (a) (1), except prepare the sample as follows: Suspend an accurately weighed sample of approximately 100 milligrams in 5 milliliters of distilled water. Add 0.5 milliliter of 3 *N* HCl, stir until the sample is dissolved, and transfer to a 100-milliliter volumetric flash and make to volume with distilled water. Dilute an aliquot of this solution to 1.0 unit per milliliter (estimated) with 1-percent phosphate buffer.

(b) *Toxicity.* Administer orally, by means of a cannula or other suitable device, to each of 5 mice within the weight range of 18-25 grams, 0.5 milliliter of a water suspension of the drug containing 4,000 units per milliliter. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals die within 48 hours, repeat the test with 5 unused mice weighing 20 grams (±0.5 gram each); if all animals survive the repeat test, the sample is nontoxic.

(c) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(d) *pH.* Prepare a saturated solution, using approximately 100 milligrams of the sample per milliliter, and proceed as directed in § 141a.5 (b) of this chapter.

(e) *Zinc content*—(1) *Reagents*—(i) *8-hydroxyquinoline.* Dissolve 5.0 grams of 8-hydroxyquinoline in 12 milliliters of acetic acid. Dilute to 100 milliliters with distilled water and filter if not clear. Do not use this solution if it is 2 weeks old.

(ii) *Ammonium acetate solution (approximately 2 N).* Dissolve 150–160 grams of ammonium acetate in 1 liter of distilled water and filter if not clear.

(iii) *10-percent acetic acid.* Add 1 part of acetic acid to 9 parts of water.

(2) *Procedure.* Accurately weigh approximately 500 milligrams of the sample in a 400-milliliter beaker. Dissolve the sample in 5 milliliters of 10-percent acetic acid and dilute to about 100 milliliters with distilled water. Heat the solution to 70° C.–90° C. and then add 10 milliliters of the 8-hydroxyquinoline reagent. Slowly add the ammonium acetate solution until a pH of 4.9–5.1 is reached (usually about 20 milliliters is required). Heat just below the boiling point for 2–5 minutes and then allow to cool for 30–60 minutes. Filter through a tared Gooch crucible, wash the precipitate thoroughly with distilled water, and dry to constant weight at 130° C.–140° C. Calculate the percentage of zinc content as follows:

$$\text{Percent zinc} = \frac{\text{weight of precipitate} \times 18.49}{\text{weight of sample in milligrams}}$$

§ 141e.419 *Bacitracin-neomycin-polymyxin troches; zinc bacitracin-neomycin-polymyxin troches*—(a) *Potency*—(1) *Neomycin content.* Proceed as directed in § 141e.410 (a) (1) (ii). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams of activity that it is represented to contain.

(2) *Polymyxin content.* Proceed as directed in § 141e.415 (a) (1), except calculate from the quantity of neomycin found (using the method prescribed in subparagraph (1) of this paragraph) the quantity of neomycin that would be present when the sample is diluted to contain 100 units of polymyxin (labeled potency) per milliliter. Prepare the polymyxin standard curve by adding this calculated quantity of neomycin to each concentration of polymyxin used for the curve. Use this standard curve to calculate the polymyxin content of the sample. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(3) *Content of bacitracin or zinc bacitracin.* Using an aliquot of the solution prepared in subparagraph (2) of this paragraph, proceed as directed in § 141e.401 (a) (1). Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141e.420 *Bacitracin-tyrothricin-neomycin troches; zinc bacitracin-tyrothricin-neomycin troches; potency and moisture.* Proceed as directed in § 141e.413 (a) and (b).

§ 141e.421 *Bacitracin-neomycin-polymyxin tablets*—(a) *Potency*—(1) *Bacitracin content.* Proceed as directed in § 141e.403 (a). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units per tablet that it is represented to contain.

(2) *Neomycin content.* Proceed as directed in § 141e.410 (a) (1) (ii). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams of activity per tablet that it is represented to contain.

(3) *Polymyxin content.* Proceed as directed in § 141b.112 (a) (1) (ii) of this chapter, except calculate from the quantity of neomycin found (using the method prescribed in subparagraph (2) of this paragraph) the quantity of neomycin that would be present when the sample is diluted to contain 100 units of polymyxin (labeled potency) per milliliter. Prepare the polymyxin standard curve by adding this calculated quantity of neomycin to each concentration of polymyxin used for the curve. Use this standard curve to calculate the polymyxin content of the sample. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141e.422 *Bacitracin-polymyxin-neomycin ointment*—(a) *Potency*—(1) *Bacitracin content.* Proceed as directed in § 141e.409 (a) (1). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

(2) *Polymyxin content.* Proceed as directed in § 141e.409 (a) (2), except calculate from the quantity of neomycin found (using the method prescribed in subparagraph (3) of this paragraph) the quantity of neomycin that would be present when the sample is diluted to contain 100 units of polymyxin (labeled potency) per milliliter. Prepare the polymyxin standard curve by adding this calculated quantity of neomycin to each concentration of polymyxin used for the curve. Use this standard curve to calculate the polymyxin content of the sample. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(3) *Neomycin content.* Proceed as directed in § 141e.411 (a) (2). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b) of this chapter.

§ 141e.423 *Soluble bacitracin methylene disalicylate*—(a) *Potency.* Proceed as directed in § 141e.401 (a) (1), except in lieu of the directions for preparing the sample in § 141e.401 (a) (1) (ii) prepare the sample as follows: Place an accurately weighed sample of approximately 1 to 5 grams in a 100-milliliter volumetric flask, dissolve in water, and dilute to 100 milliliters with water. Dilute a suitable aliquot with 1-percent phosphate buffer to a concentration of 1 unit per milliliter. Its potency is satisfactory if it contains not less than 85 percent of the bacitracin activity per pound that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(c) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using a solution containing 200 units per milliliter.

§ 141e.424 *Bacitracin-neomycin-polymyxin with vasoconstrictor*—(a) *Potency.* Prepare the drug as directed in its labeling and proceed as follows:

(1) *Bacitracin content.* Proceed as directed in § 141e.401 (a). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units per milliliter that it is represented to contain.

(2) *Neomycin content.* Proceed as directed in § 141e.410 (b) (1). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(3) *Polymyxin B content.* Proceed as directed in § 141b.112 (b) (1) of this chapter, except that:

(i) Calculate from the quantity of neomycin found (using the method prescribed in subparagraph (2) of this paragraph) (the quantity of neomycin that would be present when the sample is diluted to contain 100 units of polymyxin B (labeled potency) per milliliter. Prepare the polymyxin standard curve by adding this calculated quantity of neomycin to each concentration of polymyxin used for the curve. Use this standard curve to calculate the polymyxin content of the sample.

(ii) If the sample contains sodium ethylmercurithiosalicylate, incorporate 0.03 percent thioglycolic acid in the seed layer just before preparing the plates.

(iii) Its content of polymyxin B is satisfactory if it contains not less than 85 percent of the number of units per milliliter that it is represented to contain.

(b) *Moisture (dry components of the drug).* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141e.425 *Bacitracin powder*—(a) *Potency.* Proceed as directed in § 141e.401 (a) (1), except in lieu of the directions for preparing the sample in § 141e.401 (a) (1) (ii), prepare the sample as follows: Place an accurately weighed sample of approximately 1 to 5 grams in a 100-milliliter volumetric flask, dissolve in water, and dilute to 100 milliliters with water. Dilute a suitable aliquot with 1-percent phosphate buffer to a concentration of 1 unit per milliliter (estimated). Its potency is satisfactory if it contains not less than 85 percent of the number of units of bacitracin per pound that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 141e.426 *Tablets bacitracin methylene disalicylate and streptomycin sulfate oral veterinary*—(a) *Potency*—(1) *Bacitracin content.* Use 6 finely powdered tablets and proceed as directed in § 141e.417 (a) (1). Its bacitracin activity is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(2) *Streptomycin content.* Proceed as directed in § 141b.109 (a) (1) of this chapter. Its streptomycin activity is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Sec.

146.1 Definitions and interpretations.
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146.18 Exemptions for labeling.
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146.20 Exemptions for processing.
146.21 Exemptions for repacking.
146.22 Exemptions for manufacturing use.
146.23 Exemptions for investigational use.
146.24 Penicillin for diagnostic use; streptomycin for diagnostic use; dihydrostreptomycin for diagnostic use; chlortetracycline for diagnostic use; tetracycline for diagnostic use; chloramphenicol for diagnostic use; bacitracin for diagnostic use.
146.25 Penicillin for use in animal feed; streptomycin for use in animal feed; dihydrostreptomycin for use in animal feed; chlortetracycline for use in animal feed; chloramphenicol for use in animal feed; bacitracin for use in animal feed; bacitracin methylene disalicylate for use in animal feed.
146.26 Animal feed containing penicillin; animal feed containing streptomycin; animal feed containing dihydrostreptomycin; animal feed containing chlortetracycline; animal feed containing tetracycline; animal feed containing chloramphenicol; animal feed containing bacitracin; animal feed containing bacitracin methylene disalicylate.
146.27 Antibiotics for fish diseases.
146.28 Antibiotics for bull semen.
146.29 Biological drugs that contain antibiotics.

AUTHORITY: §§ 146.1 to 146.29 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357.

§ 146.1 *Definitions and interpretations.* For the purpose of the regulations in this part:

(a) Each of the several antibiotic substances (e. g. penicillin F, penicillin G, penicillin X) produced by the growth of Penicillium notatum or Penicillium chrysogenum, and each of the same substances produced by any other means, is a kind of penicillin.

(b) Each of the several antibiotic substances produced by the growth of Strep-

tomyces griseus, and each of the same substances produced by any other means, is a kind of streptomycin.

(b–1) Each of the antibiotic substances produced by hydrogenation of streptomycin and each of the same substances produced by any other means is a kind of dihydrostreptomycin.

(c) Each of the several antibiotic substances produced by the growth of Streptomyces aureofaciens, and each of the same substances produced by any other means, is a kind of chlortetracycline.

(c–1) Each of the several antibiotic substances produced by the hydrogenation of chlortetracycline and each of the same substances produced by any other means is a kind of tetracycline.

(d) Each of the several antibiotic substances produced by the growth of Streptlus subtilis var. Tracy, and each of the same substances produced by any other means, is a kind of chloramphenicol.

(e) Each of the several antibiotic substances produced by the growth of Bacillus subtilis var. Tracy, and each of the same substances produced by any other means, is a kind of bacitracin.

(f) The term "penicillin G master standard" means a specific lot of crystalline sodium penicillin G (sodium penicillin II), which is designated by the Commissioner as the standard of comparison in determining the potency of the penicillin G working standards. The term "penicillin O master standard" means a specific lot of crystalline potassium penicillin O standardized by the penicillin G master standard and which is designated by the Commissioner as the standard of comparison in determining the penicillin O content of the penicillin O working standard. The term "penicillin V master standard" means a specific lot of crystalline penicillin V which is designated by the Commissioner as the standard of comparison in determining the potency of the penicillin V working standard.

(g) The term "streptomycin master standard" means a specific lot of crystalline trihydrochloride calcium chloride salt of streptomycin which is designated by the Commissioner as the standard of comparison in determining the potency of the streptomycin working standard.

(h) The term "dihydrostreptomycin master standard" means a specific lot of crystalline dihydrostreptomycin sulfate which is designated by the Commissioner as the standard of comparison in determining the potency of the dihydrostreptomycin working standard.

(i) The term "chlortetracycline master standard" means a specific lot of crystalline chlortetracycline hydrochloride which is designated by the Commissioner as the standard of comparison in determining the potency of the chlortetracycline working standard.

(i–1) The term "tetracycline master standard" means a specific lot of crystalline tetracycline hydrochloride which is designated by the Commissioner as the standard of comparison in determining the potency of the tetracycline working standard.

(j) The term "chloramphenicol master standard" means a specific lot of crystalline chloramphenicol which is designated by the Commissioner as the standard of comparison in determining the potency of the chloramphenicol working standard.

(k) The term "bacitracin master standard" means a specific lot of bacitracin which is designated by the Commissioner as the standard of comparison in determining the potency of the bacitracin working standard.

(l) The term "unit" applied to penicillin means a penicillin activity contained in 0.6 microgram of the penicillin G master standard, except the term "unit" applied to penicillin V means a penicillin activity contained in 0.59 microgram of the penicillin V master standard; the term "penicillin potency" means the number of such units in a specified quantity of a substance. The term "unit" applied to bacitracin means a bacitracin activity contained in 23.8 micrograms of the bacitracin master standard after it is dried for 3 hours at 60° C. and a pressure of 5 millimeters or less; the term "bacitracin potency" means the number of such units in a specified quantity of a substance.

(m) The term "microgram" applied to streptomycin means the streptomycin activity (potency) contained in 1.38 micrograms of the streptomycin master standard after it is dried for 4 hours at 56° C. and a pressure of 50 microns or less. The term "microgram" applied to dihydrostreptomycin means the dihydrostreptomycin activity (potency) contained in 1.25 micrograms of the dihydrostreptomycin master standard after it is dried for 4 hours at 100° C. and a pressure of 50 microns or less. The term "microgram" applied to chlortetracycline means the chlortetracycline activity (potency) contained in 1.0 microgram of the chlortetracycline master standard. The term "microgram" applied to tetracycline means the tetracycline activity (potency) contained in 1.0 microgram of the tetracycline master standard. The term "microgram" applied to chloramphenicol means the chloramphenicol activity (potency) contained in 1.0 microgram of the chloramphenicol master standard.

(n) The term "penicillin G working standard" means a specific lot of a homogeneous preparation of one or more salts of penicillin G; the term "penicillin O working standard" means a specific lot of a homogeneous preparation of potassium penicillin O; the term "penicillin V working standard" means a specific lot of a homogeneous preparation of penicillin V; the term "streptomycin working standard" means a specific lot of a homogeneous preparation of one or more streptomycin salts; the term "dihydrostreptomycin working standard" means a specific lot of a homogeneous preparation of one or more dihydrostreptomycin salts; the term "chlortetracycline working standard" means a specific lot of a homogeneous preparation of one or more chlortetracycline salts; the term "tetracycline working standard" means a specific lot of a homogeneous preparation of one or more tetracycline salts; the term "chloramphenicol working standard" means a specific lot of a homogeneous preparation of one or more chloramphenicols; the term "bactracin working standard" means a specific lot of a homogeneous preparation of one or more bacitracins. The potency or purity of each preparation has been determined by comparison with its master standard, and each has been designated by the Commissioner as working standards for use in determining the potency or purity of drugs subject to the regulations in this part.

(o) The term "batch" means a specific homogeneous quantity of a drug.

(p) The term "batch mark" means an identifying mark or other identifying device assigned to a batch by the manufacturer or packer thereof.

(q) The term "Commissioner" means the Commissioner of Food and Drugs and any other officer of the Food and Drug Administration whom he may designate to act in his behalf for the purposes of the regulations in this part.

(r) The term "U. S. P." means the official Pharmacopeia of the United States, including supplements thereto. The term "N. F." means the official National Formulary, including supplements thereto.

(s) The term "manufacture" does not include the use of a drug as an ingredient in compounding any prescription issued by a practitioner licensed by law to administer such drug.

(t) All statements, samples, and other information and materials submitted in connection with a request for certification shall be considered to be a part of such request.

(u) The definitions and interpretations of terms contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in the regulations in this part.

(v) Except as specifically provided by §§ 146.8 to 146.23, inclusive, no provision of any section in this part shall be construed as exempting any drug from any applicable provision of the act or other regulation thereunder.

(w) The regulations in Parts 141a, 141b, 141c, 141d, and 141e of this chapter prescribing tests and methods of assays shall not be construed as preventing the Commissioner from using any other test or method of assay in his investigations to determine whether or not:

(1) A request for certification contains any untrue statement of a material fact; or

(2) A certification has been obtained through fraud, or through misrepresentation or concealment of a material fact.

(x) Wherever the potency of an antibiotic drug included in the regulations in this chapter is expressed in terms of weight, such potency shall be equivalent to that contained in the same weight of the master standard of the drug.

§ 146.2 *Requests for working standards and certification; information and samples required.* (a) A request for certification of a batch shall be addressed to the Commissioner and shall be in a form specified by him. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

(b) The initial request for certification of a batch of any drug submitted by any person shall be preceded or accompanied by a full statement of the facilities and controls used to maintain the identity, strength, quality, and purity of each batch, including a description of (1) the methods and processes used in the manufacture of the drug; (2) the tests and assays of the drug made during the manufacture of the batch and after it is packaged; and (3) the laboratory facilities used in such controls. Such initial request shall also be preceded or accompanied by the key of the batch marks used by such person and by specimens of all labeling (including specimens of all brochures and other printed matter except readily available medical publications, referred to in such labeling) to be used for such drug. When any change is made in any such facility or control, or in any such key or labeling, such person shall promptly submit to the Commissioner a full statement of such change or, in the case of changed labeling, specimens showing all such changes.

(c) Each sample submitted pursuant to the regulations in this part shall be addressed to the Commissioner. Its package shall be clearly identified as to its contents and shall bear the name and post-office address of the person submitting it.

(d) In addition to the information and samples specifically required to be submitted to the Commissioner by the regulations in this part, the person who requests certification of a batch shall submit such further information and samples as the Commissioner may require for the purpose of investigations to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate.

(e) Upon the request of any person, stating reasonable grounds therefor, the Commissioner shall furnish such person with a portion of the working standards.

§ 146.3 *Certification.* (a) If it appears to the Commissioner, after such investigation as he considers necessary, that:

(1) The information (including results of tests and assays) and samples required by or pursuant to the regulations in this part have been submitted, and the request for certification contains no untrue statement of a material fact; and

(2) The batch complies with the regulations in this part and conforms to the applicable standards of identity, strength, quality, and purity prescribed by the regulations in this part;

the Commissioner shall certify that such batch is safe and efficacious for use, subject to such conditions on the effectiveness of certificates as are prescribed by § 146.4, and shall issue to the person who requested it a certificate to that effect.

(b) If the Commissioner determines, after such investigation as he considers to be necessary, that the information submitted pursuant to the regulations in this part, or the batch covered by such request, does not comply with the requirements set forth in paragraph (a) of this section for the issuance of a certificate, the Commissioner shall refuse to certify such batch and shall give notice thereof to the person who requested certification, stating his reasons for refusal.

(c) Compliance of a drug with the standards of identity, strength, quality, and purity prescribed by regulations in this part shall be determined by the tests and methods of assay prescribed for such drug by regulations in Parts 141a to 141e of this chapter.

§ 146.4 *Conditions on the effectiveness of certificates.* (a) A certificate shall not become effective:

(1) If it is obtained through fraud or through misrepresentation or concealment of a material fact;

(2) With respect to any package unless it complies with the packaging requirements, if any, prescribed by the regulations in this part which were in effect on the date of the certificate;

(3) With respect to any package unless its label and labeling bear all words, statements, and other information required by the regulations in this part; or

(4) With respect to any package of penicillin, streptomycin, dihydrostreptomycin, chlortetracycline, chloramphenicol, or bacitracin, when it is included in a packaged combination with another drug, unless such other drug complies with the requirements of the regulations in this part.

(b) A certificate shall cease to be effective:

(1) With respect to any immediate container after the expiration date, if any, prescribed by the regulations in this part;

(2) With respect to any immediate container when it or its seal (if the regulations in this part require it to be sealed) is broken, or when its label or labeling is altered, mutilated, destroyed, obliterated, or removed in whole or in part, or ceases to conform to any labeling requirement prescribed by the regulations in this part, except that:

(i) If the drug in such container is repacked or used as an ingredient in the manufacture of another drug, and certification of the batch thus made is requested, such certificate shall continue to be effective for a reasonable time to permit certification or destruction of such batch;

(ii) If the drug is in a container packaged for dispensing and is used in compounding a prescription issued by a practitioner licensed by law to administer such drug, such certificate shall continue to be effective for a reasonable time to permit the delivery of the drug compounded on such prescription; or

(iii) If its label or labeling is removed in whole or in part for the purpose of relabeling and supplemental certification of the relabeled drug is requested, as provided by § 146.18.

(3) With respect to any immediate container of penicillin when it is included in the packaged combination penicillin with aluminum hydroxide gel or penicillin with a vasoconstrictor, or to any immediate container of bacitracin when it is included in the packaged combination bacitracin with a vasoconstrictor, except that when certification of the batch so included is requested, such certificate shall continue to be effective for a reasonable time to permit certification of such batch which is part of such combination;

(4) With respect to any package when the drug therein fails to meet the standards of identity, strength, quality, and purity which were in effect on the date of the certificate; except that those minor changes which occur before the expiration date and which are normal and unavoidable in good storage and distribution practice shall be disregarded;

(5) With respect to any package of penicillin, streptomycin, dihydrostreptomycin, chlortetracycline, chloramphenicol, or bacitracin, included in a packaged combination with another drug, when such other drug fails to meet the requirements of the regulations in this part; or

(6) With respect to any immediate container, if such regulations require its labeling to bear a caution against dispensing otherwise than on prescription, at the beginning of the act of dispensing or offering to dispense it otherwise than:

(i) By a practitioner licensed by law to administer such drug; or

(ii) On his prescription issued in his professional practice.

§ 146.5 *Records of distribution.* (a) The person who requested certification shall keep complete records showing each shipment and other delivery (including exports) of each certified batch or part thereof by such person or by any person subject to his control. Such records shall show the date and quantity of each such shipment or delivery and the name and post-office address of the person to whom such shipment or delivery was made, and shall be kept for not less than three years after such date.

(b) Upon the request of any officer or employee of the Food and Drug Administration, or of any other officer or employee of the United States acting on behalf of the Secretary, the person to whom a certificate is issued shall at all reasonable hours make such records available to any such officer or employee and shall accord to him full opportunity to make inventory of stocks of such batch on hand and otherwise to check the correctness of such records.

§ 146.6 *Authority to refuse certification service.* When the Secretary finds, after giving notice and opportunity for hearing, that a person has:

(a) Obtained or attempted to obtain a certificate through fraud, or through misrepresentation or concealment of a material fact;

(b) Falsified the records required to be kept by § 146.5; or

(c) Failed to keep such records or to make them available, or to accord full opportunity to make an inventory of stocks on hand or otherwise to check the correctness of such records, as required by § 146.5, and such failure may materially impair the certification service;

the Secretary will immediately suspend service to such person under the regulations in this part and will continue such suspension unless and until such person shows adequate cause why such service should be resumed.

§ 146.7 *New antibiotic and antibiotic-containing products.* Any request that the Secretary provide for the certification of batches of a drug for which no provision for certification is made in the existing regulations in this part shall be in a form specified by the Commissioner and shall be accompanied by:

(a) A statement of the conditions for which the person who makes such request intends such drug to be used, and adequate directions for use in each such condition;

(b) Full reports of investigations which have been made to show whether or not such drug is safe and efficacious for use in such conditions;

(c) A full list of the articles used as components of such drug;

(d) A full statement of the composition of such drug;

(e) A full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug;

(f) A full description of, or references to publications containing practical and accurate tests and methods of assay to determine the identity, strength, quality, and purity of such drug;

(g) Such samples of such drug and of the articles used as components thereof as the Commissioner may require; and

(h) Specimens of all labeling (including all brochures and other printed matter, except readily available medical publications, referred to in such labeling) proposed to be used for such drug.

§ 146.8 *Fees.* (a) Fees for the services rendered under the regulations in this part shall be such as are necessary to provide, equip, and maintain an adequate certification service.

(b) The fee for such services with respect to each batch of a drug, certification of which is provided by the regulations in this part, is the fee prescribed in the section relating specifically to such drug, except that, in case of a supplemental request submitted pursuant to the provisions of § 146.18, the fee shall be $2.00.

(c) When the Commissioner considers it necessary to make investigations of a new penicillin, streptomycin, dihydrostreptomycin, chlortetracycline, chloramphenicol, or bacitracin product, on which a request has been submited in accordance with § 146.7, the fee for such service shall be the cost thereof. In such case the request shall be followed by an advance deposit in such amount as the Commissioner specifies, and thereafter such additional advance deposits shall be made as the Commissioner estimates may be necessary to prevent arrears in the payment of such fee.

(d) A person requiring continuing certification services may maintain an advance deposit of the estimated cost of such services for a two-month period. Such deposit shall be debited with fees for services rendered, but shall not be debited for any fee the amount of which is not definitely specified in the regulations in this part unless the depositor has previously requested the performance of the services to be covered by such fee. A monthly statement for each such advance deposit shall be rendered.

(e) The unearned portion of any advance deposit shall be refunded to the depositor upon his application.

(f) Whenever in the judgment of the Commissioner the ratio between fees collected (which are based upon experience and the best estimate of costs and the best estimate of earnings) and the costs of providing the service during an elapsed period of time, in the light of all circumstances and contingencies, warrants a refund from the fund collected during such period, he shall make ratable refunds to those persons to whom the services were rendered and charged, except for those services described under § 146.18.

(g) All deposits and fees required by the regulations in this part shall be paid by money order, bank draft, or certified check drawn to the order of the Treasurer of the United States, collectible at par at Washington, D. C. All such deposits and fees shall be forwarded to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington 25, D. C., whereupon after making appropriate records thereof they will be transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasury Department, for deposit to the special account "Certification and Inspection Services, Food and Drug Administration."

§ 146.9 *Antibiotics for agricultural use.* An article that contains one or more of the antibiotic substances described in this part and intended solely for application to plants for the control of plant diseases caused by microorganisms and conspicuously so labeled is not subject to the requirements of sections 502 (l) and 507 of the Federal Food, Drug, and Cosmetic Act, if it contains one or more suitable denaturants that make it unfit for drug use; but in no case shall it be exempt from the requirements of sections 502 (l) and 507 of the act if it is represented or intended to be administered to man or other animals for the cure, mitigation, treatment, or prevention of disease or as an animal feed supplement.

§ 146.10 *Antibiotics for export.* Drugs containing penicillin, streptomycin, dihydrostreptomycin, chlortetracycline, tetracycline, chloramphenicol, or bacitracin intended for export will be certified notwithstanding failure to meet the labeling requirements of the applicable monographs if the labeling used for such drugs complies with the following conditions:

(a) It has been approved before use by the government authorities of the country to which the drugs are intended for export; and

(b) Such labeling represents that such drugs are for use only in those conditions for which they are certified for domestic distribution.

§ 146.18 *Exemptions for labeling.* (a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of a drug which is to be labeled at an establishment located elsewhere than at the place of manufacture shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment, from the requirements of section 502 (l) of the act if the labeling of each shipping container bears the batch mark of the drug, the number of units per package, the expiration date, and if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for labeling in such establishment.

(b) (1) An application for such a permit shall be in a form specified by the Commissioner, and shall give the name and location of the establishment in which such labeling is to be done.

(2) In case the applicant is the operator of such establishment, the application shall include a written agreement signed by him that he will request certification of each batch from which any shipment or delivery is made to such establishment unless it is exempt under section 801 (d) of the act or § 146.23; that he will not remove any of such drug from such establishment unless it complies with section 502 (l) of the act or is so exempt, or if certification is refused, unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured; that he will keep complete records showing the date, quantity, and batch mark of each such shipment and delivery and the disposition thereof; that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such disposition; and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records.

(3) In case the applicant is not the operator of such establishment such application shall include or be accompanied by:

(i) A written agreement signed by the applicant that he will request certification of each batch from which any shipment or delivery is made to such establishment unless it is exempt under section 801 (d) of the act or § 146.23; that he will keep complete records showing the date, quantity, and batch mark of each such shipment and delivery; and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such shipment or delivery; and

(ii) A written agreement signed by the operator of such establishment that he will submit a request, supplemental to that of the applicant, for the certification of each batch or portion thereof comprised in any such shipment or delivery received by him unless it is exempt under section 801 (d) of the act or § 146.23; that he will specify in his request the number of packages of each size in such shipment or delivery, the date of delivery, the batch mark thereof, and the batch mark he will use therefor; that the batch marks to be used (if different from those of the applicant) will be only those of which the key is specified in this agreement that the expiration date used for the batch will be only that assigned to the manufacturer by certification; that the labeling to be used for such packages will be only that of which specimens are attached to this agreement (including specimens of all brochures and other printed matter, except readily available medical publications, referred to in such labeling); that when any change is made in such key or labeling he will promptly submit to the Commissioner a full statement of such change or, in the case of changed labeling, specimens showing all such changes; that he will not remove any of such drug from such establishment unless it complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or § 146.23 or, if certification is refused, unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured; that he will keep complete records of the disposition of each such shipment and delivery; that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such disposition; and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records.

(4) When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after labeling, from such establishment unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or § 146.23 or, if certification is refused, unless such shipment or delivery is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after labeling, from such establishment unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or § 146.23 or, if certification is refused, unless such shipment or delivery, within a reasonable time, is destroyed or returned to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

§ 146.19 *Exemptions for storage.* (a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of a drug which is to be stored at a warehouse located elsewhere than at the place of manufacture shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such warehouse, from the requirements of section 502 (l) of the act if the labeling of each shipping container bears the batch mark of the drug, and if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for storage in such warehouse.

(b) An application for such a permit shall be in a form specified by the Commissioner, and shall give the name and location of the warehouse in which such drug is to be stored. Such application shall be accompanied by:

(1) A written agreement signed by the applicant that he will request certification of each batch thereof unless it is exempt under section 801 (d) of the act or §§ 146.18, 146.21, or 146.22, that he will not remove any of such drug from such warehouse unless it complies with section 502 (l) of the act or is so exempt or, if certification is refused unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured; that he will keep complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug to such warehouse, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such shipment or delivery; and

(2) A written statement signed by the operator of such warehouse showing that he has adequate facilities for such storage; such statement shall contain an agreement that he will hold each shipment or other delivery of such drug intact, under such conditions as will not cause failure of the drug to comply with the requirements for certification, that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof, that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records.

If the applicant keeps complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug from such warehouse and the name and post-office address of the person to whom such shipment or delivery was made, the agreement to keep records of such disposals, to make such records available, and to afford opportunity for checking their correctness may be included in the applicant's agreement and omitted from that of the operator. When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such warehouse, shall become void at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such warehouse unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or §§ 146.18, 146.21, or 146.22, or, if certification is refused, unless such shipment or delivery is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such warehouse, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such warehouse unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or §§ 146.18, 146.21, or 146.22, or, if certification is refused, unless such shipment or delivery, within a reasonable time, is destroyed, or returned to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

§ 146.20 *Exemptions for processing.* (a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of penicillin, streptomycin, dihydrostreptomycin, chlortetracycline, chloramphenicol, or bacitracin in concentrated aqueous solution which is to be processed at an establishment located elsewhere than at the place of manufacture shall be exempt during the time of introduction into and movement in interstate commerce and the time of holding in such establishment from the requirements of section 502 (l) of the act, if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for processing in such establishment, and each package of such solution bears the batch mark of the drug.

(b) An application for such a permit shall be in a form specified by the Commissioner and shall give the name and location of the establishment in which such processing is to be done. Such application shall be accompanied by:

(1) A written agreement signed by the applicant that he will keep complete records showing the date, quantity, potency, and batch mark of each shipment and other delivery of any such solution to such establishment, and that he will make such records available to any offi-

cer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such shipment or delivery;

(3) A written agreement signed by the operator of such establishment showing that he has adequate facilities for such processing; such statement shall contain an agreement that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof, that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records; and

(3) A written agreement signed by the person who will own the drug after the processing is completed that he will request certification of each batch thereof unless it is exempt under section 801 (d) of the act or §§ 146.18, 146.19, 146.21, 146.22, or 146.23, and that he will not remove any of such drug from such establishment unless it complies with section 502 (l) of the act or is so exempt.

When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after processing, from such establishment unless the batch made from such shipment or delivery complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or §§ 146.18, 146.19, 146.21, 146.22, or 146.23 or, if certification is refused, unless such shipment or delivery is reprocessed and certified or destroyed within a reasonable time.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after processing, from such establishment unless the batch made from such shipment or delivery complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or §§ 146.18, 146.19, 146.21, 146.22, or 146.23, or, if certification has been refused, unless such shipment or delivery is reprocessed and certified or destroyed within a reasonable time.

§ 146.21 *Exemptions for repacking.* (a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of a drug which is to be repacked at an establishment located elsewhere than at the place of manufacture shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment from the requirements of section 502 (l) of the act if the labeling of each container bears the batch mark of the drug and the number of units per package, and if the person who introduces such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for repacking in such establishment.

(b) An application for such a permit shall be in a form specified by the Commissioner, and shall give the name and location of the establishment in which such repacking is to be done. Such application shall be accompanied by:

(1) A written agreement signed by the applicant that he will keep complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug to such establishment, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of each shipment or delivery;

(2) A written statement signed by the operator of such establishment showing that he has adequate facilities for such repacking; such statement shall contain an agreement that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof, that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records; and

(3) A written agreement signed by the person who will own the drug after the repacking is completed that he will request certification of each batch thereof unless it is exempt under section 801 (d) of the act or §§ 146.18, 146.19, or 146.23, and that he will not remove any of such drug from such establishment unless it complies with section 502 (l) of the act or is so exempt or is returned to him for labeling or, if certification is refused, unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after repacking, from such establishment unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or §§ 146.18, 146.19, or 146.23 or is returned to such person for labeling or, if certification is refused, unless such shipment or delivery is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after repacking, from such establishment unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or §§ 146.18, 146.19, or 146.23 or is returned to such person for labeling or, if certification is refused, unless such shipment or delivery, within a reasonable time, is destroyed or returned to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

§ 146.22 *Exemptions for manufacturing use.* (a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of penicillin, streptomycin, dihydrostreptomycin, chlortetracycline, chloramphenicol, or bacitracin which is packed in containers of not less than 10,000,000 units of penicillin or 10 grams of streptomycin, dihydrostreptomycin, chlortetracycline, chloramphenicol, or bacitracin each shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in the establishment where it is so used, from the requirements of section 502 (l) of the act, if it conforms to the standards prescribed therefor by the section of the regulations in this part which is specifically applicable to such other drug, if the label of each container bears the batch mark of the drug, the number of units or grams per package, and the date on which the latest assay of the drug was completed, and if the person who introduced each shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for manufacturing use in such establishment.

(b) An application for such a permit shall be in a form specified by the Commissioner, shall give the name and location of the establishment in which such drug is to be used and shall be accompanied by:

(1) A written agreement signed by the applicant that he will keep complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug to such establishment, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three

years after the date of such shipments or delivery;

(2) A written statement signed by the operator of such establishment showing that he has adequate facilities for the manufacture of such other drug; such statement shall contain an agreement that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof and showing the quantity and batch mark of each batch of such other drug manufactured by him and the disposition thereof; that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records; and

(3) A written agreement signed by the person who will own the drug after its manufacture is completed that he will request certification of each batch thereof unless it is exempt under section 801 (d) of the act or §§ 146.18, 146.19, 146.21, or 146.23, and that he will not remove any of such drug from such establishment unless it complies with section 502 (l) of the act or is so exempt or is returned to him for labeling.

When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such establishment, prior to its use in the manufacture of another drug, unless it is exempt under section 801 (d) of the act.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such establishment, prior to its use in the manufacture of another drug, unless it is exempt under section 801 (d) of the act.

§ 146.23 *Exemptions for investigational use.* (a) A shipment or other delivery of a drug shall be exempt from section 502 (l) of the act if all of the following requirements are complied with:

(1) The label of such drug bears the batch mark and the statement "Caution: Limited by Federal law to investigational use only."

(2) Such shipment or delivery is made only to, and solely for investigational use by or under the direction of, an expert qualified by scientific training and experience to investigate the safety or efficacy of such drug.

(3) The person who introduced such shipment or delivery into interstate commerce keeps complete records showing the date, quantity, and batch mark of each such shipment and delivery.

(4) Such person, prior to making such shipment or delivery, obtains a statement signed by such expert showing that he has adequate facilities for the investigation to be conducted by him, and that such drug will be used solely by him or under his direction for the investigation. Such person shall keep such statement. This subparagraph shall not apply when such shipment or delivery is made to an agency of the Government of the United States (including the National Research Council) or to any State or municipality whose official functions involve investigations of such drugs by such experts.

(5) Such person makes all documents referred to in subparagraphs (3) and (4) of this paragraph available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such shipment or delivery.

(b) A shipment or other delivery of a drug which is being imported or offered for import into the United States shall be exempt from section 502 (l) of the act if all the following requirements are complied with:

(1) The label of such drug bears the batch mark and the statement "Caution: Limited by Federal law to investigational use only."

(2) The importer of such shipments or deliveries is an agent of the foreign exporter, residing in the United States, or the operator of an establishment in the United States which has facilities for regularly investigating the safety or efficacy of such drugs, which facilities are manned by experts qualified by scientific training and experience to conduct such investigation.

(3) Such operator uses such drug solely for such investigation in such establishment, or such operator or agent otherwise disposes of such drug only to, and solely for, investigational use by or under the direction of such an expert other than one in such an establishment.

(4) Such importer, prior to disposing of any of such drug to such an expert, obtains a statement signed by such expert showing that he has adequate facilities for the investigation to be conducted by him, and that such drug will be used solely by him or under his direction for the investigation. Such importer shall keep such statement. This subparagraph shall not apply to any shipment or delivery or part thereof disposed of by such importer to an agency of the Government of the United States (including the National Research Council) or to any State or municipality whose official functions involve investigations of such drugs by such experts.

(5) Such importer who introduced such shipment or delivery into interstate commerce keeps complete records showing the date, quantity, and batch mark of each such shipment and delivery.

(6) Such importer makes all documents referred to in subparagraphs (4) and (5) of this paragraph available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such shipment or delivery by such importer.

(c) An exemption under paragraph (a) or (b) of this section shall become void ab initio if any record or statement required by such paragraph to be kept and made available for inspection is not kept or made available as so required.

(d) An exemption under paragraph (a) or (b) of this section shall expire with respect to any exempted shipment or delivery or part thereof which has been supplied to an expert who has signed the statement referred to in paragraph (a) (4) or (b) (4) of this section and which is used otherwise than in accordance with such signed statement.

(e) An exemption under paragraph (b) of this section shall become void ab initio if the exempted shipment or delivery or any part thereof is disposed of otherwise than as provided by subparagraph (3) of such paragraph.

(f) No exemption under paragraph (b) of this section shall apply to any shipment or delivery to such importer if such importer, within 3 years prior to the offering of such shipment or delivery for import, has caused an exemption to become void as provided by paragraph (c) or (e) of this section.

§ 146.24 *Penicillin for diagnostic use; streptomycin for diagnostic use; dihydrostreptomycin for diagnostic use; chlortetracycline for diagnostic use; tetracycline for diagnostic use; chloramphenicol for diagnostic use; bacitracin for diagnostic use.* (a) Penicillin, streptomycin, dihydrostreptomycin, chlortetracycline, tetracycline, chloramphenicol, or bacitracin, packaged for dispensing and intended for use solely in laboratory procedures in connection with the diagnosis or treatment of disease and conspicuously so labeled, shall be exempt from the requirements of sections 502 (l) and 507 of the act if each package bears on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The statement "Not for therapeutic use. For use in laboratory diagnosis only."

(ii) The potency of each such tablet, disc, vial, or other such form.

(iii) The batch mark.

(iv) The statement "Expiration date ----------," the blank being filled in with the date which is not more than 24 months after the month during which the batch was last assayed and released by the manufacturer: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the circular or other labeling within or attached to the package, directions adequate for the use of such drug.

§ 146.25 *Penicillin for use in animal feed; streptomycin for use in animal feed; dihydrostreptomycin for use in animal feed; chlortetracycline for use in*

animal feed; chloramphenicol for use in animal feed; bacitracin for use in animal feed; bacitracin methylene disalicylate for use in animal feed. Penicillin, streptomycin, dihydrostreptomycin, chlortetracycline, chloramphenicol, bacitracin or bacitracin methylene disalicylate, or any combination of two or more of these, with or without those ingredients specified in § 146.26, intended for use solely as an ingredient in the manufacture of animal feed and conspicuously so labeled shall be exempt from the requirements of sections 502 (l) and 507 of the act if it complies with the following conditions:

(a) It contains one or more suitable denaturants that make it unfit for human use; and

(b) Its labeling is such that animal feed mixed according to the directions contained therein complies with the requirements of § 146.26.

§ 146.26 *Animal feed containing penicillin; animal feed containing streptomycin; animal feed containing dihydrostreptomycin; animal feed containing chlortetracycline; animal feed containing tetracycline; animal feed containing chloramphenicol; animal feed containing bacitracin; animal feed containing bacitracin methylene disalicylate.* Animal feed containing penicillin, streptomycin, dihydrostreptomycin, chlortetracycline, tetracycline, chloramphenicol, bacitracin, or bacitracin methylene disalicylate, or any combination of two or more of these, with or without added suitable vitamin substances, shall be exempt from the requirements of sections 502 (1) and 507 of the act under the conditions set forth in any one of the following paragraphs of this section:

(a) It is intended for use solely as an animal feeding supplement, it is conspicuously so labeled, and it is manufactured with or without one, but only one, of the following ingredients in a quantity, by weight of feed, as hereinafter indicated:

(1) Arsanilic acid: Not less than 0.005 percent and not more than 0.01 percent.

(2) Sodium arsanilate: Not less than 0.005 percent and not more than 0.01 percent.

(3) 3-Nitro-4-hydroxyphenol arsonic acid: Not less than 0.0025 percent and not more than 0.0075 percent.

(b) It is intended for use in the conditions set forth in any one of the following subparagraps of this paragraph:

(1) It is intended for use solely in the prevention of coccidiosis outbreaks in poultry flocks, its labeling bears adequate directions and warnings for such use, and it contains one, but only one, of the following ingredients in a quantity, by weight of feed, as hereinafter indicated:

(i) Sulfaquinoxaline: Not less than 0.0125 percent (or if it is intended solely for the prevention of the intestinal coccidia *E. acervalina* in poultry laying flocks, not less than 0.005 percent) and not more than 0.025 percent.

(ii) Nitrophenide: Not less than 0.0125 percent and not more than 0.025 percent.

(iii) Nitrofurazone: 0.0056 percent.

(iv) N'-acetyl-N'-(4-nitrophenyl) sulfanilamide 0.03 percent and 3-nitro-4-hydroxyphenylarsonic acid 0.009 percent.

(2) It is intended for use solely in the control of coccidiosis outbreaks in poultry flocks, its labeling bears adequate directions and warnings for such use, and it contains one, but only one, of the following ingredients in a quantity, by weight of feed, as hereinafter indicated:

(i) Sulfaquinoxaline: Not less than 0.033 percent and not more than 0.10 percent.

(ii) Nitrophenide: 0.05 percent.

(iii) Nitrofurazone: 0.0112 percent.

(3) It is intended for use solely in the prevention of outbreaks of histomoniasis ("blackhead") in turkey flocks, its labeling bears adequate directions and warnings for such use, and it contains one, but only one, of the following ingredients in a quantity, by weight of feed, as hereinafter indicated:

(i) 2-Amino-5-nitrothiazole: 0.05 percent.

(ii) 4-Nitrophenylarsonic acid: 0.025 percent.

(iii) Furazolidone: 0.011 percent.

(4) It is intended for use solely in the control of outbreaks of histomoniasis ("blackhead") in turkey flocks, its labeling bears adequate directions and warnings for such use, and it contains 2-amino-5-nitrothiazole in a quantity, by weight of feed, of 0.10 percent.

(5) It is intended for use solely as an anthelmintic for poultry or swine, its labeling bears adequate directions and warnings for such use, and it contains one, but only one, of the following ingredients in a quantity, by weight of feed, as hereinafter indicated:

(i) di-*N*-Butyl tin dilaurate 0.07 percent, nicotine 0.03 percent, and phenothiazine 0.29 percent.

(ii) Nicotine 0.067 percent, phenothiazine 0.60 percent, and 2,2'dihydroxy-5,5'dichlorodiphenylmethane 0.28 percent.

(iii) Phenothiazine, not less than 0.3 percent and not more than 1.0 percent, and nicotine, not less than 0.03 percent and not more than 0.07 percent.

(iv) Phenothiazine, not less than 0.3 percent and not more than 1.0 percent.

(v) Nicotine, not less than 0.03 percent and not more than 0.07 percent.

(vi) Sodium fluoride 0.3 percent and sodium sulfate 2.0 percent.

(vii) Cadmium anthranilate, 0.044 percent.

(viii) Cadmium oxide, 0.015 percent.

(ix) Sodium fluoride, not less than 0.5 percent and not more than 1.0 percent.

(6) It is intended for use solely in the prevention of chronic respiratory disease (air-sac infection) and hexamitiasis in poultry, infectious swine enteritis, and/or calf scours; its labeling bears adequate directions and warnings for such use; and it contains not less than 50 grams of chlortetracycline per ton of feed. When intended for such uses it may also contain oxytetracycline in a quantity not less than 50 grams per ton of feed and, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section.

(7) It is intended for use solely as a treatment for chronic respiratory disease (air-sac infection), sinusitis, nonspecific infectious enteritis, blue comb, mud fever, and hexamitiasis in poultry, and/or infectious swine enteritis; its labeling bears adequate directions and warnings for such use, and it contains, per ton of feed, not less than 100 grams of chlortetracycline or not less than 75 grams of streptomycin and 15 grams of penicillin. When intended for such uses it may also contain oxytetracycline in a quantity not less than 100 grams per ton of feed and, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it is intended for use solely in poultry, it may contain 0.1 percent of para-aminobenzoic acid or the sodium or potassium salt of para-aminobenzoic acid, or if it is intended for continuation of coccidiosis prevention it shall contain, in the amount specified, one of the ingredients prescribed by subparagraph (1) of this paragraph.

(8) It is intended for use solely in the prevention of coccidiosis and hexamitiasis outbreaks in turkey flocks, its labeling bears adequate directions and warnings for such use, and it contains di-*N*-butyl tin dilaurate in a quantity, by weight of feed, of 0.0375 percent.

(9) It is intended for use solely in the prevention of infectious swine enteritis, its labeling bears adequate directions and warnings for such use, and it contains not less than 50 grams of bacitracin activity per ton of feed.

(10) It is intended for use solely as a treatment for infectious swine enteritis, its labeling bears adequate directions and warnings for such use, and it contains not less than 100 grams of bacitracin activity per ton of feed.

(11) It is intended for use solely as a treatment for infectious swine enteritis caused by Salmonella choleraesuis, its labeling bears adequate directions and warnings for such use, and it contains nitrofurazone in a quantity, by weight of feed, of 0.056 percent.

(12) It is intended for use solely in the prevention of coccidiosis, chronic respiratory disease (air-sac infection) and hexamitiasis in poultry; its labeling bears adequate directions and warnings for such use; and it contains, in the amount specified, one of the ingredients prescribed by subparagraph (1) of this paragraph and not less than 50 grams of chlortetracycline per ton of feed. When intended for such uses it may also contain oxytetracycline in a quantity not less than 50 grams per ton of feed.

(13) It is intended for use solely in the prevention or treatment of chronic respiratory disease (air-sac infection) and sinusitis in poultry; its labeling bears adequate directions and warnings for such use; and it contains not less than 0.1 percent para-aminobenzoic acid or the sodium or potassium salt of para-aminobenzoic acid.

(14) It is intended solely as an aid in the prevention and control of losses due to low-grade bacterial enteritis in mink; its labeling bears adequate directions and warnings for such use; and it contains not less than 5.7 grams of chlortetracycline, 1.0 gram of bacitracin, and 0.75 gram of penicillin (with or without oxytetracycline) per ton of feed.

(15) It is intended for use solely in the prevention or treatment of fowl typhoid, pullorum, and the paratyphoids in poultry; its labeling bears adequate directions and warnings for such use; and it contains furazolidone in a quantity, by weight of feed, of 0.0055 percent, if intended for the prevention of the diseases in birds older than 2 weeks, or 0.011 percent, if intended for prevention of the diseases in birds younger than 2 weeks, or for the treatment of the diseases.

(16) It is intended for use solely in the prevention of chronic respiratory disease (air-sac infection), hexamitiasis, fowl typhoid, pullorum, and the paratyphoids in poultry; its labeling bears adequate directions and warnings for such uses; it contains not less than 50 grams of chlortetracycline per ton of feed (except that it may contain not less than 25 grams of chlortetracycline per ton of feed if it also contains not less than 25 grams of oxytetracycline per ton of feed); and it contains furazolidone in a quantity, by weight of feed, of 0.0055 percent, if intended for prevention of the diseases in birds older than 2 weeks, or 0.011 percent, if intended for prevention of the diseases in birds younger than 2 weeks. When intended for such uses it may also contain the equivalent of not less than 50 grams of bacitracin per ton of feed.

(17) It is intended for use solely as a treatment for chronic respiratory disease (air-sac infection), sinusitis, nonspecific infectious enteritis, blue comb, mud fever, hexamitiasis, fowl typhoid, pullorum, and the paratyphoids in poultry; its labeling bears adequate directions and warnings for such uses; it contains not less than 100 grams of chlortetracycline per ton of feed (except that the quantity of chlortetracycline may be 50 grams per ton if it also contains 50 grams per ton of oxytetracycline); and it contains furazolidone in a quantity, by weight of feed, of 0.011 percent. When intended for such uses it may also contain the equivalent of not less than 100 grams of bacitracin per ton of feed.

(18) It is intended for use solely in the prevention of chronic respiratory disease (air-sac infection), nonspecific enteritis, infectious sinusitis, and blue comb in poultry; its labeling bears adequate directions and warnings for such use; and it contains the equivalent of not less than 50 grams of penicillin G master standard per ton of feed.

(19) It is intended for use solely in the treatment of chronic respiratory disease (air-sac infection), nonspecific enteritis, infectious sinusitis, and blue comb in poultry; its labeling bears adequate directions and warnings for such use; and it contains the equivalent of not less than 100 grams of penicillin G master standard per ton of feed.

(20) (i) It is intended for use solely in the prevention of outbreaks of coccidiosis in poultry flocks, and it contains nicarbazin (4,4'-dinitrocarbanilide complex with 2-hydroxy-4-6-dimethylpyrimidine) in a quantity, by weight of feed, of not less than 0.01 percent and not more than 0.02 percent, or arsenosobenzene in a quantity, by weight of feed, of 0.002 percent, or 2,4-diamino-5-(*p*-chlorophenyl)-6-ethylpyrimidine in a quantity, by weight of feed, of 0.00075 percent and sulfaquinoxaline in a quantity, by weight of feed, of 0.0075 percent; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in its manufacturing, processing, or packaging or the facilities and controls used for such manufacturing, processing, or packaging, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner.

(ii) It is also intended for the prevention or treatment of the diseases of poultry specified in subparagraphs (6) and (7) or (16) and (17) of this paragraph, it contains one of the ingredients in the amount and under the conditions set forth in subdivision (i) of this subparagraph, and it contains the ingredients in the amounts specified in subparagraphs (6) and (7) or (16) and (17) of this paragraph, except that the coccidiostat shall be only one of those specified in subdivision (i) of this subparagraph.

(iii) It is intended for use in the diseases specified in subdivisions (i) and (ii) of this subparagraph, it contains ingredients in the amounts and under the conditions specified in those subdivisions, and it contains one, but only one, of the ingredients prescribed by paragraph (a) of this section and in the amounts specified in that paragraph.

(21) It is intended for use solely in the prevention or treatment of chronic respiratory disease (air-sac infection), blue comb, and infectious sinusitis in poultry; its labeling bears adequate directions and warnings for such uses; and it contains, per ton of feed, not less than 50 grams of bacitracin activity, if intended for prevention, and not less than 100 grams of bacitracin activity, if intended for the treatment of these diseases.

(22) It is intended for use solely in the prevention or control of outbreaks of histomoniasis ("blackhead") in turkey flocks, and it contains 2-acetylamino-5-nitrothiazole in a quantity, by weight of feed, of 0.015 percent if intended for the prevention of the disease, or 0.05 percent if intended for the control of the disease, and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition of such drug, or the methods used in, and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

(23) It is intended as an aid in stimulating growth, the prevention of coccidiosis, large roundworms and tapeworms in chickens and turkeys and the prevention of hexamitiasis in turkeys, and it contains in a quantity, by weight of feed, acetyl (*p*-nitrophenyl) sulfanilamide 0.03 percent, dibutyl tin dilaurate 0.02 percent, dinitrodiphenylsulfonylethylenediamine 0.02 percent, and 3-nitro-4-hydroxyphenylarsonic acid 0.0075 percent.

(24) (i) It is intended for promoting distribution of fat in chickens and turkeys, it contains dienestrol diacetate in a quantity, by weight of feed, of 0.007 percent, and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7, to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug, or the methods used in its manufacturing, processing, or packaging, or the facilities and controls used for such manufacturing, processing, or packaging, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner.

(ii) It is also intended for the prevention or treatment of the diseases of poultry specified in subparagraphs (6) and (7) of this paragraph, it contains dienestrol diacetate in the amounts and under the conditions set forth in subdivision (i) of this subparagraph, and it contains the antibiotics in the amounts specified in subparagraphs (6) and (7) of this paragraph.

(iii) It is also intended for continuation of coccidiosis prevention in poultry, it contains dienestrol diacetate in the amounts and under the conditions set forth in subdivision (i) of this subparagraph, and it contains one, but only one, of the ingredients prescribed by subparagraph (1) of this paragraph and in the amounts specified in that subparagraph, or it contains one, but only one, of the coccidiostats prescribed by subparagraph (20) of this paragraph, and in the amounts specified in that subparagraph.

(iv) It is intended for use in the diseases specified in subdivisions (i), (ii), and (iii) of this subparagraph, it contains ingredients in the amounts and under the conditions specified in those subdivisions, and it contains one, but only one, of the ingredients prescribed by paragraph (a) of this section, and in the amounts specified in that paragraph.

(25) (i) It is intended for use solely in the control of outbreaks of coccidiosis in poultry flocks and it contains in a quantity, by weight of feed, not less than 0.003 percent and not more than 0.006 percent of 2,4-diamino-5-(*p*-chlorophenyl)-6-ethylpyrimidine and not less than 0.01 percent and not more than 0.02 percent of sulfaquinoxaline, and there has been submitted to the Commissioner, in triplicate, the information

referred to in § 146.7, as well as any additional information necessary to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in its manufacturing, processing, or repackaging, or the facilities and controls used for such manufacturing, processing, or repackaging, unless the person who obtains the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes and such amendment has been accepted by the Commissioner.

(ii) It is intended for use in the disease specified in subdivision (i) of this subparagraph, it contains the ingredients in the amounts and under the conditions specified in that subdivision, and it contains one, but only one, of the ingredients prescribed by paragraph (a) of this section and in the amounts specified in that paragraph.

§ 146.27 *Antibiotics for fish diseases.* Penicillin, streptomycin, dihydrostreptomycin, chlortetracycline, tetracycline, chloramphenicol, or bacitracin intended for use solely in the treatment or prevention of disease in fish and conspicuously so labeled shall be exempt from the requirements of sections 502 (l) and 507 of the act.

§ 146.28 *Antibiotics for bull semen.* Penicillin, streptomycin, dihydrostreptomycin, chlortetracycline, chloramphenicol, or bacitracin intended for use solely as a preservative for bull semen, and conspicuously so labeled, shall be exempt from the requirements of sections 502 (l) and 507 of the act.

§ 146.29 *Biological drugs that contain antibiotics.* Biological drugs that contain penicillin, streptomycin, dihydrostreptomycin, chlortetracycline, bacitracin, or chloramphenicol, and the purpose of the antibiotic is for use only as a preservative and the biological drug is conspicuously so labeled, shall be exempt from the requirements of sections 502 (l) and 507 of the act, if such drugs are licensed under the Public Health Service Act of July 1, 1944 (58 Stat. 682; 42 U. S. C. 201 et seq.) or under the Virus-Serum-Toxin Act of March 4, 1913 (37 Stat. 832; 21 U. S. C. 151 et seq.).

PART 146a—CERTIFICATION OF PENICILLIN-CONTAINING DRUGS

Sec.
146a.24 Sodium penicillin, calcium penicillin, crystalline penicillin.
146a.25 Penicillin in oil and wax.
146a.26 Penicillin ointment.
146a.27 Penicillin tablets.
146a.28 Crystalline penicillin G oral suspension, crystalline penicillin G sodium oral suspension, potassium penicillin G oral suspension.
146a.29 Penicillin with aluminum hydroxide gel.
146a.30 Penicillin troches.
146a.31 Penicillin dental cones.
146a.32 Penicillin with vasoconstrictor; penicillin with _____.
146a.33 Penicillin for surface application.
146a.34 Tablets aluminum penicillin.
146a.35 Penicillin sulfonamide powder.
146a.36 Penicillin vaginal suppositories.
146a.37 Buffered crystalline penicillin.
146a.38 Capsules buffered penicillin with pectin hydrolysate.
146a.39 Capsules procaine penicillin in oil.
146a.40 Penicillin bougies.
146a.41 Crystalline penicillin and epinephrine in oil.
146a.42 Aluminum penicillin.
146a.43 Aluminum penicillin in oil.
146a.44 Procaine penicillin, procaine penicillin G.
146a.45 Procaine penicillin in oil.
146a.46 Crystalline penicillin for inhalation therapy.
146a.47 Procaine penicillin for aqueous injection.
146a.48 Ephedrine penicillin, ephedrine penicillin G.
146a.49 Ephedrine penicillin tablets.
146a.50 Procaine penicillin and buffered crystalline penicillin for aqueous injection.
146a.51 Buffered penicillin powder, penicillin powder with buffered aqueous diluent.
146a.52 Procaine penicillin and crystalline penicillin in oil.
146a.54 Penicillin - streptomycin ointment; penicillin - dihydrostreptomycin ointment.
146a.55 Penicillin - streptomycin bougies; penicillin - dihydrostreptomycin bougies.
146a.56 Penicillin-bacitracin ointment.
146a.57 Procaine penicillin and streptomycin in oil; procaine penicillin and dihydrostreptomycin in oil.
146a.58 Penicillin and streptomycin; penicillin and dihydrostreptomycin.
146a.59 Penicillin tooth powder.
146a.60 Penicillin-bacitracin troches.
146a.63 Crystalline penicillin and bacitracin.
146a.64 *l*-Ephenamine penicillin G.
146a.65 *l*-Ephenamine penicillin G in oil.
146a.66 *l*-Ephenamine penicillin G for aqueous injection.
146a.67 Procaine penicillin in streptomycin sulfate solution; procaine penicillin in dihydrostreptomycin sulfate solution.
146a.68 Benzathine penicillin G.
146a.69 Benzathine penicillin G oral suspension; benzathine penicillin G for oral suspension.
146a.70 Penicillin - streptomycin - bacitracin ointment; penicillin-dihydrostreptomycin - bacitracin ointment.
146a.71 Penicillin-streptomycin dental cones; penicillin-dihydrostreptomycin dental cones.
146a.74 Diethylaminoethyl ester penicillin G hydriodide.
146a.75 Diethylaminoethyl ester penicillin G hydriodide for aqueous injection.
146a.76 Penicillin-streptomycin implantation pellets; penicillin-dihydrostreptomycin implantation pellets.
146a.77 Benzathine penicillin G for aqueous injection.
146a.78 Benzathine penicillin G and buffered crystalline penicillin for aqueous injection.
146a.79 Chloroprocaine penicillin O.
146a.80 Chloroprocaine penicillin O for aqueous injection.
146a.81 Penicillin-streptomycin vaginal suppositories; penicillin-dihydrostreptomycin vaginal suppositories.
146a.82 Penicillin-streptomycin - bacitracin dental paste; penicillin-dihydrostreptomycin-bacitracin dental paste.
146a.84 Penicillin and dihydrostreptomycin-streptomycin sulfates, procaine penicillin in dihydrostreptomycin-streptomycin sulfates solution.
146a.85 Benzathine procaine-buffered crystalline penicillins for aqueous injection.
146a.86 Benzathine penicillin G and procaine penicillin for aqueous injection.
146a.87 Penicillin - bacitracin - neomycin ointment; penicillin-bacitracin-neomycin in oil.
146a.88 Penicillin - streptomycin tablets; penicillin - dihydrostreptomycin tablets.
146a.89 Procaine penicillin - streptomycin-neomycin in oil; procaine penicillin - dihydrostreptomycin - neomycin in oil; procaine penicillin-streptomycin-neomycin ointment; procaine penicillin-dihydrostreptomycin-neomycin ointment.
146a.90 Procaine penicillin and benzathine penicillin G in streptomycin sulfate solution; procaine penicillin and benzathine penicillin G in dihydrostreptomycin sulfate solution.
146a.91 Benzathine penicillin G and streptomycin; benzathine penicillin G and dihydrostreptomycin.
146a.92 Tablets benzathine penicillin G and crystalline penicillin.
146a.93 Penicillin - streptomycin powder; penicillin - dihydrostreptomycin powder.
146a.94 Dibenzylamine penicillin G.
146a.95 Dibenzylamine penicillin and potassium penicillin powder, buffered.
146a.96 Dibenzylamine penicillin and streptomycin in oil; dibenzylamine penicillin and dihydrostreptomycin in oil.
146a.97 Hydrabamine penicillin G.
146a.98 Hydrabamine penicillin G oral suspension.
146a.99 Capsules crystalline penicillin G.
146a.100 Benzathine penicillin G in oil.
146a.101 Benzathine penicillin G and procaine penicillin G in oil.
146a.102 Benzathine penicillin G-procaine penicillin G-streptomycin in oil; benzathine penicillin G-procaine penicillin G-dihydrostreptomycin in oil.
146a.103 Penicillin V (phenoxymethyl penicillin).
146a.106 Tablets benzathine penicillin G and penicillin V.
146a.107 Capsules penicillin V.
146a.108 Procaine penicillin-streptomycin-polymyxin in oil; procaine penicillin - dihydrostreptomycin-polymyxin in oil.

AUTHORITY: §§ 146a.24 to 146a.108 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357.

§ 146a.24 *Sodium penicillin (penicillin sodium, penicillin sodium salt), calcium penicillin (penicillin calcium, penicillin calcium salt), crystalline penicillin (crystalline penicillin sodium, crystalline penicillin sodium salt, crystalline penicillin potassium, crystalline penicillin potassium salt, crystalline penicillin G sodium, crystalline penicillin G sodium salt, crystalline penicillin G potassium, crystalline penicillin G potassium salt, crystalline penicillin O sodium, crystalline penicillin O sodium salt, crystalline penicillin O potassium, crystalline penicillin O potassium salt)*—(a) *Standards of identity, strength, quality, and purity.* Sodium penicillin is the sodium salt of a kind of penicillin, or a mixture of two or more such salts; calcium penicillin is the calcium salt of a kind of penicillin, or a mixture of two or more such salts; crystalline penicillin is the heat-stable crystalline sodium or potassium salt of one or more kinds of penicillin, but the quantity of any salt of penicillin K therein is not more than 30 percent; crystalline penicillin G is crystalline penicillin which contains not less than 85 percent by weight of the sodium salt or potassium salt of penicillin G; crystalline penicillin O is crystalline penicillin which contains not less than 85 percent by weight of the sodium salt or potassium salt of penicillin O and it contains not more than 0.5 percent by weight of the sodium salt or potassium salt of penicillin G. Each such drug is so purified and dried that:

(1) Its potency is not less than 500 units per milligram, except that if it contains not less than 90 percent of a salt of penicillin X its potency is not less than 350 units per milligram;

(2) It is sterile;

(3) It is nontoxic;

(4) It is nonpyrogenic;

(5) Its moisture content is not more than 2.5 percent unless it is crystalline penicillin in which case its moisture content is not more than 1.5 percent;

(6) Its pH in aqueous solution of 5,000 to 10,000 units per milliliter is not less than 5.0 and not more than 7.5.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing it shall be in immediate containers of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness; each such container shall contain 100,000 units, 200,000 units, 300,000 units, 500,000 units, 1,000,000 units, 2,000,000 units, 3,000,000 units, 4,000,000 units, or 5,000,000 units, except that when packaged and labeled solely for dental use each such container may contain not less than 10,000 units, and each may be packaged in combination with a container of the solvent, water for injection U. S. P., dextrose injection 5 percent U. S. P. (if not packaged for dental use), physiological salt solution U. S. P.; or an aqueous solution of a suitable local anesthetic.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in the immediate container;

(iii) The statement "Expiration date _____," the blank being filled in with the date which is 18 months or if it is crystalline penicillin 36 months, after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) The statement "For Manufacturing Use," "For Repacking," or "For Manufacturing Use or Repacking" when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be.

(2) On the immediate container, the statement "Sterile solution may be kept in refrigerator for _____ days without significant loss of potency," the blank being filled in with the figure "3" if it is crystalline penicillin or with the figure "7" if it is not crystalline penicillin, unless such information is contained in the labeling within the package from which it is dispensed.

(3) On the outside wrapper or container:

(i) If it is not crystalline penicillin, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

(ii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(iii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH, penicillin K content (unless it is crystalline penicillin G or crystalline penicillin O), crystallinity and heat stability if it is crystalline penicillin, the penicillin G content if it is crystalline penicillin G or crystalline penicillin O, and the penicillin O content if it is crystalline penicillin O. If such batch or any part thereof is to be packaged with a solvent such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) If such batch is packaged for dispensing, such person shall submit with his request a sample consisting of 10 immediate containers for sterility testing and, for all tests except sterility, one immediate container for each 5,000 immediate containers in the batch but in no case less than or more than the following quantities (excluding the 10 containers submitted for sterlity):

(i) If it is not crystalline penicillin, not less than 6 or more than 13 immediate containers;

(ii) If it is crystalline penicillin, other than crystalline penicillin G or crystalline penicillin O, not less than 8 or more than 15 immediate containers;

(iii) If it is crystalline penicillin G or crystalline penicillin O, not less than 10 or more than 17 immediate containers; or

(iv) If it is packaged in containers of less than 100,000 units each for dental use, not less than 20 or more than 100 immediate containers if it is not crystalline penicilin, and not less than 40 or more than 100 immediate containers if it is crystalline penicillin.

Such sample shall be collected by taking single immediate containers before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(3) If such batch is packaged for repacking or for use in the manufacture of another drug, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; 6 packages, or in the case of crystalline penicillin 10 packages, containing approximately equal portions of not less than 60 milligrams each.

(ii) For sterility testing; 10 packages, each containing approximately 300 milligrams.

Each such portion shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(4) In connection with contemplated requests for certification of repacked batches or batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (3) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such

manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i), (ii), and (iii), (3) (i), and (4) of this section; $1.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) (iv) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

(f) *Exemption of crystalline penicillin G from certification.* Crystalline penicillin G sodium, crystalline penicillin G sodium salt, crystalline penicillin G potassium, crystalline penicillin G potassium salt, shall be exempt from the requirements of sections 502 (l) and 507 of the act. No provision of any regulation in this part shall apply to such drug except the standards of identity, strength, quality, and purity specified for its use in the manufacture of another drug.

§ 146a.25 *Penicillin in oil and wax (calcium penicillin in oil and wax, crystalline penicillin in oil and wax)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin in oil and wax is a suspension of calcium penicillin or crystalline penicillin in a menstruum of refined peanut oil or sesame oil in which white wax is dispersed. If it is represented to be free-flowing, not less than 50 percent of the total relative weight of the penicillin in the drug consists of penicillin having a particle size of not less than 50 microns in length. Its potency is 100,000 units, 200,000 units, or 300,000 units per milliliter except if it is packaged and labeled solely for udder instillations of cattle its potency is 2,000 units per milliliter. The content of white wax in the menstruum before the addition of the penicillin is not less than 3.0 percent (w/v) if the potency is to be not more than 200,000 units per milliliter, and not less than 4.7 or more than 4.9 percent (w/v) if the potency is to be 300,000 units per milliliter. The moisture content is not more than 1.0 percent. It is sterile. The calcium penicillin or crystalline penicillin used conforms to the requirements of § 146a.24 (a), but its potency is not less than 750 units per milligram if it is used in making a product of not more than 200,000 units per milliliter, and not less than 900 units per milligram if it is used in making a product containing 300,000 units per milliliter. The peanut oil, sesame oil, and the white wax used conform to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* The immediate container of penicillin in oil and wax shall be of colorless transparent glass (if packaged and labeled solely for udder instillations of cattle, it shall be of transparent glass) so closed as to be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that its contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The quantity of penicillin in oil and wax in each such container shall be not less than one milliliter and not more than 20 milliliters, unless it is packaged for repacking or is packaged and labeled solely for udder instillations of cattle. Unless it is packaged for repacking each container shall be filled with a volume of penicillin in oil and wax in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated whether administered in either single or multiple doses.

(c) *Labeling.* Each package of penicillin in oil and wax shall bear, on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container of the package:

(i) The batch mark;

(ii) The number of units per milliliter of the batch;

(iii) The statement "Expiration date ---------," the blank being filled in, if crystalline penicillin is used, with the date which is 18 months, or if crystalline penicillin is not used, with the date which is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) The statement "For intramuscular use only";

(v) If it is represented to be free-flowing, the statements "Do not heat" and "Shake well";

(vi) If it is represented to contain 2,000 units per milliliter, the statement "For udder instillations of cattle only"; and

(vii) The name of each oil used in making the batch.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of penicillin in oil and wax shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that the peanut oil or sesame oil and white wax used in making such batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, moisture, and if it is represented to be free-flowing, the particle size of the penicillin.

(ii) The penicillin used in making the batch; potency, sterility, toxicity, pyrogens, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity and heat stability if it is crystalline penicillin, and the penicillin G content if it is crystalline penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one package for each 500 packages in the batch, but in no case less than 3 packages, except if it is represented to be free flowing, in which case not less than 4 packages or more than 12 packages.

(*b*) For sterility testing; 10 packages. Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The penicillin used in making the batch:

(*a*) For all tests except sterility; 6 packages if it is calcium penicillin or 10 packages if it is crystalline penicillin, each containing approximately equal portions of not less than 60 milligrams.

(*b*) For sterility testing; 10 packages, each containing approximately equal portions of not less than 300 milligrams. Such samples shall be packaged in accordance with the requirements of § 146a.24 (b).

(iii) In case of an initial request for certification, the peanut oil or sesame oil and white wax used in making the batch; one package of each containing, respectively, approximately 250 grams and 25 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin in oil and wax under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), and (ii) (*a*), and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.26 *Penicillin ointment*—(a) *Standards of identity, strength, quality, and purity.* Penicillin ointment is calcium penicillin, crystalline penicillin, procaine penicillin, or *l*-ephenamine penicillin G in a suitable and harmless ointment base, with or without a suitable anesthetic. If it is intended solely for veterinary use and is conspicuously so labeled, it may contain nitrofurazone and a suitable and harmless salt of cobalt. Its moisture content is not more than 1.0 percent. Its potency is not less than 250 units per gram, except if it is packaged and labeled solely for udder instillations of cattle, its potency is not less than 2,000 units per gram. The calcium penicillin or crystalline penicillin used conforms to the requirements of § 146a.24 (a), except the limitation on penicillin K content, and except subparagraphs (1), (2), and (4) of that paragraph, but its potency is not less than 300 units per milligram. The procaine penicillin used conforms to the requirements of § 146a.44 (a), except subparagraphs (2) and (3) of that paragraph. The *l*-ephenamine penicillin G used conforms to the requirements of § 146a.64 (a), except § 146a.64 (a) (2) and (3). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless it is intended solely for veterinary use, penicillin ointment shall be packaged in collapsible tubes, which shall be well-closed containers as defined by the U. S. P., and shall not be larger than the ⅛-ounce size if such ointment is represented for ophthalmic use, and in no case larger than the 2-ounce size. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of penicillin ointment shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units per gram of the batch;

(iii) The statement "Expiration date ---------," the blank being filled in with the date which is not more than 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 or 24 or 36 months after the month during which the batch was certified, if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) If it is labeled solely for udder instillations of cattle and is packaged in glass containers, the statements "Not for injection," "For udder instillations of cattle only," and "Shake well";

(v) If the batch contains in addition to penicillin one or more other active ingredients specified in paragraph (a) of this section, the name and quantity of each such other ingredient per gram of the batch.

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)," unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature, but in no case shall such statement be required if it is labeled with an expiration date which is 9 months after the month during which the batch was certified;

(ii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(iii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of penicillin ointment shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each component of the ointment base used conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and moisture.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, crystallinity if it is a crystalline salt of penicillin, heat stability if it is crystalline penicillin or *l*-ephenamine penicillin G, the penicillin G content if it is penicillin G, and the specific rotation if it is *l*-ephenamine penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 5,000 packages in the batch, but in no case less than 5 packages or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The penicillin used in making the batch; 5 packages, or in the case of crystalline penicillin, 10 packages, each containing approximately equal portions of not less than 60 milligrams if it is not procaine penicillin, and not less than 300 milligrams if it is procaine penicillin, packaged in accordance with the requirements of § 146a.24 (b) or § 146a.44 (b).

(iii) In case of an initial request for certification, the ingredients used in making the batch; one package of each containing approximately 200 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin ointment under the regulations in this part shall be:

(1) $4.00 for each package in the sample submitted in accordance with paragraph (d) (3) (i) of this section, $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii), of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.27 *Penicillin tablets*—(a) *Standards of identity, strength, quality, and purity.* Penicillin tablets are tablets composed of sodium penicillin, calcium penicillin, potassium penicillin, crystalline penicillin O, crystalline penicillin V, benzathine penicillin G, or procaine penicillin, with or without one or more suitable analgesic substances, antihistaminics, and caffeine and with or without one or more suitable and harmless vitamin substances, buffer substances, diluents, binders, lubricants, colorings, and flavorings. They may also contain probenecid or one or more suitable sulfonamides. The potency of each tablet is not less than 50,000 units, and if it is less than 100,000 units it is unscored. Its moisture content is not more than 1.0 percent if it contains sodium penicillin, calcium penicillin, potassium penicillin, or crystalline penicillin O; not more than 2.0 percent if it contains procaine penicillin; not more than 3.0 percent if it contains crystalline penicillin V; and not more than 8.0 percent if it contains benzathine penicillin G. The penicillin used conforms to the standards prescribed for such drug by the regulations in this chapter, except the standards for sterility and pyrogens. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each penicillin tablet is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. If the penicillin tablets are freely soluble, each immediate container may be packaged in combination with one immediate container of a suitable and harmless aqueous vehicle with or without one or more suitable sulfonamides.

(c) *Labeling.* Each package of penicillin tablets shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each tablet of the batch;

(iii) If the batch contains, in addition to penicillin, one or more of the other active ingredients specified in paragraph (a) of this section, the name and quantity of each such other ingredient in each tablet.

(iv) If the batch contains buffer substances, the name of each such substance used in making the batch;

(v) If it is a packaged combination of penicillin tablets and a vehicle with or without sulfonamides, a statement giving the method of dissolving the penicillin; and

(vi) The statement "Expiration date _____," the blank being filled in with one of the following dates after the month during which the batch was certified:

(*a*) If a crystalline penicillin is not used, 12 months.

(*b*) If a crystalline penicillin is used and it contains a vitamin substance, 18 months.

(*c*) If a penicillin V is used, and it does not contain a vitamin substance, 24 months.

(*d*) If a crystalline penicillin other than a penicillin V is used and it does not contain a vitamin substance, 36 months.

(*e*) In lieu of the expiration date prescribed above for a drug, if the person who requests certification has submitted to the Commissioner results of tests and assays that show such drug as prepared by him is stable for 24 months, 36 months, 48 months, or 60 months, such date may be used for such drug:

Provided, however, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, if it contains, in addition to penicillin, one or more of the other active ingredients specified in paragraph (a) of this section, after the name "penicillin tablets," wherever it appears, the words "with ------ (the blank being filled in with the common or usual name of each such other ingredient)" in juxtaposition with such name.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of penicillin tablets shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per tablet and average moisture.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G, crystalline penicillin O, or crystalline penicillin V), crystallinity if it is crystalline penicillin; heat stability if it is crystalline sodium penicillin, potassium penicillin, or crystalline penicillin O; the penicillin G content if it is a penicillin G or crystalline penicillin O; the penicillin V content if it is a penicillin V; and the penicillin O content if it is crystalline penicillin O.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one tablet for each 5,000 tablets in the batch, but in no case less than 20 tablets or more than 100 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

(ii) The penicillin used in making the batch; 6 packages, or in the case of crystalline penicillin 10 packages, each containing approximately equal portions of not less than 60 milligrams, except that if it is procaine penicillin, benzathine penicillin G, or penicillin V each package shall contain not less than 300 milligrams, packaged in accordance with the requirements of § 146a.24 (b), 146a.44 (b), 146a.68 (b), or 146a.103 (b).

(iii) In case of an initial request, each other substance used in making the batch; one package of each, containing approximately 5 gm., and if the batch or any part thereof is to be packaged in combination with an aqueous vehicle, or when any change is made in the composition of such vehicle, five packages of the vehicle included in the combination.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin tablets under the regulations in this part shall be:

(1) $1.00 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such tablets and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

(f) *Exemption of penicillin tablets from certification.* Penicillin tablets, with or without added vitamin substances and residues from streptomyces fermentation, shall be exempt from the requirements of sections 502 (l) and 507 of the act, if they comply with the following conditions:

(1) They contain not more than 1,000 units per tablet.

(2) The outside wrapper or container and the immediate container bear an expiration date that is not more than 36 months after the month during which the batch was last assayed and released by the manufacturer.

(3) They are intended to be administered only in the drinking water of poultry for use solely as a feed supplement and are conspicuously so labeled; they are not represented for the prevention or treatment of disease; and their labeling bears adequate directions for use by laymen.

§ 146a.28 *Crystalline penicillin G oral suspension, crystalline penicillin G sodium oral suspension, potassium penicillin G oral suspension*—(a) *Standards of identity, strength, quality, and purity.* Crystalline penicillin G oral suspension is crystalline penicillin G sodium or potassium penicillin G and one or more suitable and harmless suspending or dispersing agents and preservatives, with or without probenecid or one or more suitable sulfonamides and suitable and harmless buffer substances, colorings, and flavorings, suspended in a suitable and harmless vehicle. Its potency is not less than 20,000 units per milliliter. Its moisture content is not more than 1.0 percent. The crystalline penicillin used conforms to § 146a.24 (a), except § 146a.24 (a) (2) and (4). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate container shall be a tight container as defined by the U. S. P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units in each milliliter of the batch.

(iii) The name of each buffer substance, the quantity of probenecid, and the name and quantity of each sulfonamide and preservative used in making the batch.

(iv) The statement "Shake well."

(v) The statement "Expiration date _____," the blank being filled in with the date which is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, if it contains, in addition to penicillin, one or more of the other active ingredients specified in paragraph (a) of this section, after the name "crystalline penicillin G oral suspension," wherever it appears, the words "with ------ (the blank being filled in with the common or usual name of each such other ingredient)," in juxtaposition with such name.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin G used in making such batch was completed, the potency per milliliter of the batch, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per milliliter and moisture.

(ii) The penicillin G used in making the batch; potency, toxicity, pH, moisture, crystallinity, and the penicillin G content.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; 1 immediate container for each 5,000 immediate containers in

the batch, but in no case less than 5 or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The penicillin G used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146a.24 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; 1 package of each containing approximately 5.0 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations, other than the examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.29 *Penicillin with aluminum hydroxide gel*—(a) *Standards of identity, strength, quality, and purity.* Penicillin with aluminum hydroxide gel is a packaged combination of one immediate container of penicillin and one immediate container of aluminum hydroxide gel. Such penicillin conforms to the standards prescribed therefor by § 146a.24 (a), except subparagraphs (1) and (4) of § 146a.24 (a), but its potency is not less than 300 units per milligram. Such aluminum hydroxide gel conforms to the standards prescribed therefor by the U. S. P., but contains not more than 50 viable microorganisms per milliliter.

(b) *Packaging.* The immediate container of the penicillin shall conform to the packaging requirements set forth in § 146a. 24 (b), except that it shall contain not less than 300,000 units and its closure may be one through which a hypodermic needle cannot be introduced. The immediate container of the aluminum hydroxide gel shall be a tight container as defined by the U. S. P.; the quantity therein shall be 30 milliliters for each 100,000 units in the immediate container of penicillin.

(c) *Labeling.* Each package of penicillin with aluminum hydroxide gel shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and on the immediate container of the penicillin:

(i) The batch mark;

(ii) The number of units in such container; and

(iii) The statement "Expiration date --------", the blank being filled in with the date which is 18 months after the month during which the batch was certified, unless it is crystalline penicillin, in which case the blank is filled in with the date which is 36 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the immediate container of the penicillin, the statement "Warning—Not for injection," unless it conforms to the standards and packaging requirements prescribed therefor by § 146a.24 (a) and (b), except that the immediate container may contain 300,000 units.

(3) On the immediate container of the aluminum hydroxide gel, the conditions under which the mixture should be stored, including a reference to its instability when stored under other conditions, and the statement "The mixture may be kept in refrigerator for 1 week without significant loss of potency," unless such information is contained in the circular or other labeling within or attached to the package.

(4) On the outside wrapper or container and the immediate container of the aluminum hydroxide gel:

(i) A statement giving the method for dissolving the penicillin in the aluminum hydroxide gel.

(ii) The potency per milliliter after the penicillin has been dissolved therein.

(5) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is not crystalline penicillin, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

(iii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(6) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with requirements of § 146.2 of this chapter, a person who requests certification of a batch of penicillin for inclusion in such combination shall submit with his request a statement showing the batch mark of the penicillin, the number of packages thereof in such batch, the number of units in the immediate container thereof, and (unless it was previously submitted) the date on which the latest assay of the penicillin included in such combination was completed, and a statement that the aluminum hydroxide gel conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph such person shall submit in connection with his request results of the tests and assays made by him on an accurately representative sample of the penicillin for potency, sterility, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity and heat stability if it is crystalline penicillin, and the penicillin G content if it is crystalline penicillin G.

(3) If the penicillin has not been certified previously, such person shall submit in connection with his request a sample of the batch consisting of one package for each 5,000 packages in the batch, but in no case less than 6 or more than 13 packages except that in the case of crystalline penicillin other than crystalline penicillin G such sample shall consist of not less than 8 and not more than 15 packages, and in the case of crystalline penicillin G not less than 10 and not more than 17 packages. Such sample shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(4) No result referred to in subparagraph (2) of this paragraph is required if such result has been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch of penicillin for inclusion in combination with aluminum hydroxide gel under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) of this section, or $2.00 if no such sample is submitted, and

(2) If the Commissioner considers that investigations, other than examination of such containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.30 *Penicillin troches* — (a) *Standards of identity, strength, quality, and purity.* Penicillin troches are troches composed of sodium penicillin, calcium penicillin, potassium penicillin, procaine penicillin, *l*-ephenamine penicillin G, or crystalline penicillin O and one or more suitable or harmless diluents, binders, and lubricants, with or without one or more suitable and harmless local anesthetics, chemical antimicrobial agents, masticatory substances, colorings, and flavorings. The potency of each troche is not less than 500 units; the moisture content is not more than 1.0 percent, except that if flavorings are omitted and it contains crystalline penicillin in a base of not less than 50 percent gelatin by weight, its moisture content is not more than 2 percent. The sodium penicillin, calcium penicillin, crystalline penicillin O, or potassium penicillin used conforms to the requirements of § 146a.24 (a) except the limitation on penicillin K content and except subparagraphs (1), (2), and (4) of § 146a.24 (a), but the potency is not less than 300 units per milligram. The procaine penicillin used conforms to the requirements of § 146a.44 (a), except the limitation on penicillin K content and except subparagraphs (2) and (3) of § 146a.44 (a). The *l*-ephenamine penicillin G used conforms to the requirements of § 146a.64 (a), except subparagraphs (2) and (3) of that paragraph. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each penicillin troche is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the troches by a plug of cotton or other like material. The composition of the immediate container, or foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of penicillin troches shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units of penicillin, and if it contains a local anesthetic or a chemical antimocrobial agent the quantity of each in each troche of the batch; and

(iii) The statement "Expiration date ----------," the blank being filled in, if crystalline penicillin, procaine penicillin, *l*-ephenamine penicillin G, or crystalline penicillin O is not used, with the date which is 9 months; or if crystalline penicillin, procaine penicillin, *l*-ephenamine penicillin G, or crystalline penicillin O is used, with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 months or 24 months or 36 months or 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) If crystalline penicillin, procaine penicillin, *l*-ephenamine penicillin G, or crystalline penicillin O is not used, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)";

(ii) The statement "Caution: Federal law prohibits dispensing without prescription";

(iii) If it is packaged for dispensing, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, wherever the name penicillin troches appears:

(i) Immediately preceding such name, if a masticatory substance is present, the word "chewing" or "masticatory"; and

(ii) Immediately following such name, if a local anesthetic and/or a chemical antimicrobial agent is present, the words "with ----------," the blank being filled in with the common or usual name of each such other ingredient present.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of penicillin troches shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each troche, the quantity of each ingredient used in making the batch, the date on which the latest assay of the troches comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per troche, average moisture.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH; crystallinity if it is crystalline penicillin; specific rotation if it is *l*-ephenamine penicillin G; heat stability if it is crystalline sodium penicillin, potassium penicillin, *l*-ephenamine penicillin G, or crystalline penicillin O; the penicillin G content if it is crystalline sodium penicillin G, potassium penicillin G, or crystalline penicillin O; the procaine penicillin G content if it is crystalline procaine penicillin G; the *l*-ephenamine penicillin G content if it is *l*-ephenamine penicillin G, and the penicillin O content if it is crystalline penicillin O.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one troche for each 5,000 troches in the batch, but in no case less than 20 troches or more than 100 troches, collected by taking single troches at such intervals throughout the entire time the troches are being made that the quantities made during the intervals are approximately equal.

(ii) The penicillin used in making the batch; 5 packages, or in the case of crystalline penicillin 10 packages, each containing approximately equal portions of not less than 60 milligrams if it is not procaine penicillin or *l*-ephenamine penicillin G, and not less than 300 milligrams if it is procaine penicillin or *l*-ephenamine penicillin G, packaged in accordance with the requirements of § 146a.24 (b), § 146a.44 (b), or § 146a.64 (b).

(iii) In case of an initial request for certification, each other substance used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the service rendered with respect to each batch of penicillin troches under the regulations in this part shall be:

(1) $1.00 for each troche without masticatory substance in the sample submitted in accordance with paragraph (d) (3) (i) of this section, $2.00 for each troche with masticatory substance in such sample. $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such troches, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

(f) *Exemption of penicillin troches from certification.* Penicillin troches that conform to the requirements of paragraphs (a), (b), and (c) of this section, except paragraph (c) (1) (iii) of this section, shall be exempt (unless they contain crystalline penicillin O or *l*-ephenamine penicillin) from the requirements of sections 502 (l) and 507 of the act, if they comply with the following conditions:

(1) The outside wrapper or container and the immediate container bear an expiration date not more than 48 months after the month during which the batch was last assayed and released by the manufacturer; and

(2) The brochure, printed matter, and circular referred to in paragraph (c) (2) (iii) of this section bear information that the drug is for use only as a local treatment for Vincent's infection (Vincent's angina) and as an adjunct in pericoronitis and other superficial dental infections due to penicillin-sensitive organisms; and further, that such brochure, printed matter, and circular bear directions and warnings adequate for such use by practitioners licensed by law to administer such drug.

§ 146a.31 *Penicillin dental cones (calcium penicillin dental cones, penicillin dental cones calcium salt, crystalline penicillin dental cones)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin dental cones are composed of calcium penicillin or crystalline penicillin and one or more suitable and harmless diluents, binders, and lubricants, with or without a suitable local anesthetic and with or without one or more suitable sulfonamides. The potency of each cone is not less than 500 units. Its moisture content is not more than 1.0 percent. If a sulfonamide is used its quantity is not less than 0.032 gram per cone. The penicillin used conforms to the requirements of § 146a.24 (a) except the limitation on penicillin K content and except subparagraphs (1), (2), and (4) of § 146a.24 (a), but its potency is not less than 300 units per milligram. Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each penicillin dental cone is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the cones by a plug of cotton or other like material. The composition of the immediate container, or foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of penicillin dental cones shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each cone of the batch;

(iii) If the batch contains, in addition to penicillin, one or more other active ingredients specified in paragraph (a) of this section, the name and quantity of each such other ingredient in each cone;

(iv) The statement "Expiration date ----------," the blank being filled in, if crystalline penicillin is used, with the date which is 36 months, or if crystalline penicillin is not used, with the date which is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, if it contains, in addition to penicillin, one or more other active ingredients specified in paragraph (a) of this section, after the name "penicillin dental cones," wherever it appears, the words "with ------" in juxtaposition with such name, the blank being filled in with the common or usual name of each such other ingredient used.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of penicillin dental cones shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each cone, the quantity of each ingredient used in making the batch, the date on which the latest assay of the cones comprising such batch was completed, and that each other ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(i) The batch; average potency per cone and average moisture.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, crystallinity, and heat stability if it is crystalline penicillin and the penicillin G content if it is crystalline penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one cone for each 5,000 cones in the batch, but in no case less than 20 cones or more than 100 cones, collected by taking single cones at such intervals throughout the entire time the cones are being made that the quantities made during the intervals are approximately equal.

(ii) The penicillin used in making the batch; five packages if it is calcium penicillin or 10 packages if it is crystalline penicillin containing approximately equal portions of not less than 60 milligrams each, packaged in accordance with the requirements of § 146a.24 (b).

(iii) In case of an initial request for certification, each other substance used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin dental cones under the regulations in this part shall be:

(1) $1.00 for each cone in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such cones and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.32 *Penicillin with vasoconstrictor; penicillin with ---------- (the blank being filled in with the common or usual name of the vasoconstrictor)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin with vasoconstrictor is a dry mixture of penicillin and a suitable vasoconstrictor with or without suitable buffer substances and preservatives, or it is a packaged combination of one immediate container of penicillin and one immediate container of an aqueous solution of a suitable vasoconstrictor. The penicillin is of such quantity that when dissolved as directed the potency of such solution is not less than 500 units per milliliter after it has been kept for 7 days at a temperature of 15° C. (59° F.). Such solution is isotonic and has a pH of 6, ± 0.2. The moisture content of the dry mixture of penicillin with vasoconstrictor is not more than 1.5 percent. The penicillin used conforms to the requirements of § 146a.24 (a), except the limitation on penicillin K content and except subparagraphs (2) and (4) of that paragraph. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Each immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The immediate container of the dry mixture of penicillin with vasoconstrictor may be packaged in combination with an immediate container of a suitable aqueous diluent.

(c) *Labeling.* Each package of penicillin with vasoconstrictor shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and on the immediate container of the penicillin:

(i) The batch mark;

(ii) The number of units in such container; and

(iii) If it is a packaged combination of one immediate container of penicillin and one immediate container of a vasoconstrictor, the statement "Expiration date ----------," the blank being filled in with the date which is 18 months, or if it is crystalline penicillin 36 months, after the month during which the batch was certified. If it is the dry mixture of penicillin with vasoconstrictor, the statement "Expiration date ------," the blank being filled in with the date which is 24 months after the month during which the batch was certified. Such expiration dates may be omitted from the immediate container if such container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container and on the immediate container of the solution in the packaged combination:

(i) A statement giving the method of dissolving the penicillin, and if it is not a packaged combination, a statement that distilled water U. S. P. should be used;

(ii) The potency per milliliter after the penicillin has been dissolved therein;

(iii) If it is a packaged combination of one immediate container of penicillin and one immediate container of a vasoconstrictor and it is not crystalline penicillin, the statement "Store in refrigerator not above 15° C. (59° F.)";

(iv) The statement "Warning—Not for injection";

(v) The conditions under which the solution should be stored, including a reference to its instability when stored under other conditions, and a statement "The solution may be kept in a refrigerator for one week without significant loss of potency."

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter a person who requests certification of a batch of penicillin with vasoconstrictor shall submit with his request a statement showing the batch mark, the number of packages thereof in such batch, the number of units in each immediate container thereof, and (unless it was previously submitted) the date on which the latest assay of the penicillin included in such batch was completed, the quantity of each ingredient used in making the batch of the dry mixture of penicillin with vasoconstrictor, the quantity of each ingredient used in making the solution included in the packaged combination, and a statement that such solution conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The penicillin included in the packaged combination and the penicillin used in making the batch of the dry mixture of penicillin with vasoconstrictor; potency, toxicity, moisture, pH, crystallinity and heat stability, if it is crystalline penicillin, and the penicillin G content if it is crystalline penicillin G.

(ii) The solution after the penicillin has been dissolved therein; potency.

(iii) The batch of the dry mixture of penicillin with vasoconstrictor; potency, moisture content.

(3) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) If it contains only penicillin and the penicillin used has been previously submitted, or it contains penicillin and other ingredients; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 or more than 12 immediate containers, unless it is in tablet form in which case such sample shall consist of not less than 20 nor more than 100 tablets.

(*b*) If it contains only penicillin and the penicillin used has not been previously submitted; one immediate container or tablet for each 5,000 immediate containers or tablets, but in no case less than 40 immediate containers or tablets and not more than 100 immediate containers or tablets.

Such sample shall be collected by taking single immediate containers or tablets at such intervals throughout the entire time of packaging or tableting the batch that the quantities packaged or tableted during the intervals are approximately equal.

(ii) The penicillin used in making the batch of the dry mixture of penicillin with vasoconstrictor; 5 packages, or in the case of crystalline penicillin 10 packages, each containing approximately equal portions of not less than 60 milligrams each, packaged in accordance with the requirements of § 146a.24 (b).

(iii) In case of an initial request for certification of a batch of a dry mixture of penicillin with vasoconstrictor, each other substance used in making the batch; one package of each containing approximately 5 grams.

(iv) In case of an initial request for certification of the packaged combination of penicillin with vasoconstrictor, or when any change is made in the composition of such solution; five packages of the solution included in the combination.

(4) No result referred to in subparagraph (2) (i) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, are required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin with vasoconstrictor under the regulations in this part shall be:

(1) $1.00 for each tablet submitted in accordance with paragraph (d) (3) (i) (*a*) and (*b*) of this section; $1.00 for each immediate container submitted in accordance with paragraph (d) (3) (i) (*b*) of this section; and $4.00 for each immediate container submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), and (iv) of this section.

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.33 *Penicillin for surface application*—(a) *Standards of identity, strength, quality, and purity.* Penicillin for surface application is calcium penicillin and one or more of the diluents sodium chloride, milk sugar, sodium citrate, and dextrose. Its moisture content is not more than 1.0 percent. The penicillin used conforms to the requirements of § 146a.24 (a), except the limitation of penicillin K content and except subparagraphs (1), (2), and (4) of § 146a.24 (a), but its potency is not less than 300 units per milligram. Each diluent conforms to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* Unless the penicillin for surface application is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each immediate container (except when its content is two or more foil or film enclosures) and each foil or film enclosure shall contain not less than 10,000 units or more than 50,000 units and shall be so sealed that the contents cannot be used without destroying such seal.

(c) *Labeling.* Each package of penicillin for surface application shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in the immediate container or in each foil or film enclosure therein, and the number of such foil or film enclosures;

(iii) The statement "Expiration date ----," the blank being filled in with the date which is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(iv) In case the drug is not sterile, the statement "Not sterile—not for injection—not to be used in deep wounds or body cavities."

(2) On the immediate container, the conditions under which solutions of penicillin for surface application should be stored, including a reference to their instability when stored under other conditions, and the statement "The mixture may be kept in refrigerator for 1 week without significant loss of potency," unless such information is contained in the circular or other labeling within or attached to the package.

(3) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

(ii) If two or more immediate containers or foil or film enclosures are in such packages, the number of such containers or foil or film enclosures therein and the number of units in each.

(iii) The statment "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(iv) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of penicillin for surface application shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each immediate container or foil or film enclosure, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that the sodium chloride, milk sugar, sodium citrate, and dextrose used in making such batch conform to the standards prescribed therefor by the U. S. P.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per immediate container or foil or film enclosure, moisture.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container or, if the drug is packed in foil or film enclosures, one such enclosure for each 5,000 such containers or enclosures in the batch, but in no case less than 20 such containers or enclosures or more than 100, collected by taking single containers or enclosures at such intervals throughout the entire time of packaging the batch, that the quantities packed during the intervals are approximately equal.

(ii) The penicillin used in making the batch; five packages containing approximately equal portions of not less than 60 milligrams each, packaged in accordance with the requirements of § 146a.24 (b).

(iii) In case of an initial request for certification, each other substance used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin for surface application under the regulations in this part shall be:

(1) $1.00 for each immediate container or foil or film enclosure, whichever is the greatest number, in the samples submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such containers or enclosures, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter, for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.34 *Tablets aluminum penicillin*—(a) *Standards of identity, strength, quality, and purity.* Tablets aluminum penicillin are tablets composed of aluminum penicillin and sodium benzoate, with or without one or more suitable and harmless diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is not less than 50,000 units, and if it is less than 100,000 units it is "unscored". Each tablet contains 0.3 gram of sodium benzoate. Its moisture content is not more than 2 percent. The aluminum penicillin used conforms to the requirements of § 146a.42 (a) for aluminum penicillin except subparagraphs (2) and (3) thereof. Each other substance used in the preparation of aluminum penicillin tablets, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each tablet aluminum penicillin is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The number of tablets in the immediate container is such that the total number of units therein is not less than 300,000.

(c) *Labeling.* Each package of tablets aluminum penicillin shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each tablet of the batch;

(iii) The quantity of sodium benzoate in each tablet;

(iv) The statement "Expiration date ----," the blank being filled in with the date which is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

(ii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and is intended solely for veterinary use and is conspicuously so labeled.

(iii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification, samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of tablets aluminum penicillin shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each tablet; the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per tablet, average moisture.

(ii) The aluminum penicillin used in making the batch; potency, moisture, pH, toxicity, and penicillin K content.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one tablet for each 5,000 tablets in the batch, but in no case less than 20 tablets or more than 100 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

(ii) The aluminum penicillin used in making the batch; 6 packages, each containing approximately equal portions of not less than 300 milligrams each, packaged in accordance with the requirements of § 146a.42 (b).

(iii) In case of an initial request for certification, each other substance used in making the batch; one package of each containing approximately five grams

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of tablets aluminum penicillin under this part shall be:

(1) $1.00 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii), of this section; and

(2) If the Commissioner considers that investigations, other than examination of such tablets and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter, for the issuance of a certificate, the costs of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.35 *Penicillin sulfonamide powder (calcium penicillin sulfonamide powder, crystalline penicillin sulfonamide powder)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin sulfonamide powder is composed of calcium penicillin or crystalline penicillin and one or both of the sulfonamides, sulfanilamide and sulfathiazole. It is sterile. Its moisture content is not more than 1.0 percent. The quantity of each sulfonamide used is not more than 0.05 gram for each 100 units of penicillin used. The penicillin used conforms to the requirements of § 146a.24 (a) except limitation on penicillin K content and except subparagraphs (1) and (4) of § 146a.24 (a), but its potency is not less than 300 units per milligram. Each sulfonamide used conforms to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* In all cases, the immediate container of penicillin sulfonamide powder shall be a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, shall be sterile at the time of filling and closing, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. If the penicillin sulfonamide powder is packaged for "dusting" purposes each package shall contain not less than 5,000 units of penicillin. If the penicillin sulfonamide powder is packaged for dental use it shall be packaged in immediate containers of colorless, transparent glass meeting the test for glass containers of type I or type II prescribed by the U. S. P. The glass containers shall be open at both ends, one of which is constricted, both ends shall be capable of closure with rubber stoppers, and each such container shall contain not less than 500 units of penicillin. Each package of penicillin sulfonamide powder for dental use shall contain a suitable device for insufflation purposes.

(c) *Labeling.* Each package of penicillin sulfonamide powder shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and immediate container:

(i) The batch mark.

(ii) The number of units in each immediate container.

(iii) The statement "Expiration date --------," the blank being filled in, if crystalline penicillin is used, with the date which is 24 months, or if crystalline penicillin is not used, with the date which is 9 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(iv) If crystalline penicillin is not used, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and the labeling, after the name penicillin sulfonamide powder, wherever it appears, the words "with ----------" in juxtaposition with such name, the blank being filled in with the name of the sulfonamide used.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of penicillin sulfonamide powder shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each container of penicillin sulfonamide powder, the quantity of each ingredient used in making the batch, the date on which the latest assay of the penicillin sulfonamide powder comprising such batch was completed, and that such sulfonamide used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per container, average moisture, sterility.

(ii) The penicillin used in making the batch; potency, sterility, toxicity, moisture, pH, crystallinity and heat stability if it is crystalline penicillin and the penicillin G content if it is crystalline penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 or more than 12 immediate containers, unless each such container is packaged to contain more than 1 gram, in which case the sample shall consist of 1 gram for each 5,000 immediate containers in the batch, but in no case less than 5 grams or more than 12 grams.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers or 1-gram portions at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The penicillin used in making the batch:

(*a*) For all tests except sterility; 5 packages, or in the case of crystalline penicillin 10 packages, each containing approximately equal portions of not less than 60 milligrams.

(*b*) For sterility testing; 10 packages, each containing approximately equal portions of not less than 300 milligrams. Such samples shall be packaged in accordance with the requirements of § 146a.24 (b).

(iii) In case of an initial request for certification, each sulfonamide used in making the batch; one package of each containing approximately five grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin sulfonamide powder under the regulation in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) (*a*), and (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such penicillin sulfonamide powder and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.36 *Penicillin vaginal suppositories—*(a) *Standards of identity, strength, quality, and purity.* Penicillin vaginal suppositories are suppositories composed of sodium penicillin, calcium penicillin, potassium penicillin, or procaine penicillin in a base of spermaceti and cocoa butter. The potency of each suppository is not less than 100,000 units; its moisture content is not more than 1.0 percent. The sodium penicillin, calcium penicillin, and potassium penicillin used conform to the requirements of § 146a.24 (a), except subparagraphs (1), (2), and (4) of that paragraph, but its potency is not less than 300 units per milligram. The procaine penicillin used conforms to the requirements of § 146a.44 (a), except subparagraphs (2) and (3) of that paragraph. The spermaceti and cocoa butter used conform to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* In all cases, the immediate container of penicillin vaginal suppositories shall be a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of penicillin vaginal suppositories shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each suppository of the batch; and

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)," or "Store below 15° C. (59° F.)";

(ii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled;

(iii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of penicillin vaginal suppositories shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each suppository, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that the spermaceti and cocoa butter used in making such batch conform to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per suppository, and moisture.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline sodium, potassium, or procaine penicillin G), crystallinity if it is crystalline penicillin, heat stability if it is crystalline sodium or potassium penicillin, the penicillin G content if it is crystalline sodium or potassium penicillin G, and the procaine penicillin G content if it is procaine penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph such person shall submit in connection with his request in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one suppository for each 5,000 suppositories in the batch, but in no case less than 20 suppositories or more than 100 suppositories, collected by taking single suppositories at such intervals throughout the entire time the suppositories are being made, that the quantities made during the intervals are approximately equal.

(ii) The penicillin used in making the batch; 6 packages, or in the case of crystalline penicillin 10 packages, each containing approximately equal portions of not less than 60 milligrams if it is not procaine penicillin, and not less than 300 milligrams, if it is procaine penicillin, packaged in accordance with the requirements of § 146a.24 (b) or § 146a.44 (b).

(iii) In case of an initial request for certification, the spermaceti and cocoa butter used in making the batch; one package of each containing, respectively, approximately 10 grams and 100 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin vaginal suppositories under the regulations in this part shall be:

(1) $1.00 for each suppository in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations other than examination of such suppositories and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.37 *Buffered crystalline penicillin.* Buffered crystalline penicillin conforms to all requirements prescribed by § 146a.24 for crystalline penicillin, and is subject to all procedures prescribed by § 146a.24 for crystalline penicillin, except that:

(a) It contains the buffer sodium citrate in a quantity not less than 4.0 percent and not more than 5.0 percent by weight of its total solids; such sodium citrate conforms to the standards prescribed therefor by the U. S. P.;

(b) If it is crystalline penicillin G, the penicillin G content is corrected for the sodium citrate content;

(c) The immediate container, if it is packaged for dispensing, shall bear, in lieu of the statement prescribed for crystalline penicillin by § 146a.24 (c) (2), the statement "Sterile solution may be kept in refrigerator for 1 week without significant loss of potency," unless such information is contained in the circular or other labeling within or attached to the package from which it is dispensed;

(d) A person who requests certification of a batch shall submit with his request a statement showing the quantity of sodium citrate used in making the batch, that such sodium citrate conforms to the requirements prescribed therefor by this section, and in case of an initial request for certification he shall submit an accurately representative sample of such sodium citrate consisting of approximately 5 grams; and

(e) The fee for the services rendered with respect to the sample of sodium citrate submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

(f) Exemption of buffered crystalline penicillin G from certification: Buffered crystalline penicillin G that conforms to the requirements of this section shall be exempt from the requirements of sections 502 (l) and 507 of the act, if it complies with the following conditions:

(1) The outside wrapper or container and the immediate container bear an expiration date not more than 36 months after the month during which the batch was last assayed and released by the manufacturer; and

(2) It is intended for use by man and the brochure, printed matter, and the circular referred to in § 146a.24 (c) (3) (iii) bear information that the drug is for use only in the treatment of the following conditions; and further, that such brochure, printed matter, and circular bear directions and warnings adequate for such uses by practitioners licensed by law to administer such drug:

(i) Staphylococcic infections with and without bacteremia.

(ii) Hemolytic streptococcic infections including bacteremia.

(iii) Anaerobic streptococcic infections.

(iv) Pneumococcic infections.

(v) Gonococcic infections.

(vi) Syphilis.

(vii) Anthrax.

(viii) As an adjunct to specific antitoxin therapy for clostridial infections.

(ix) Bacterial endocarditis due to penicillin-sensitive organisms.

(x) Diphtheria, with antitoxin therapy.

(xi) Pulmonary suppuration due to penicillin-sensitive organisms.

(xii) Vincent's infection.

(xiii) Erysipeloid (swine erysipelas).

(xiv) Meningococcic infections.

(xv) For the prevention of possible secondary infection following tonsillectomy and tooth extraction in patients with a history of rheumatic fever or rheumatic heart disease, in congenital heart disease, and in other conditions in which secondary infection may occur; or

(3) It is intended solely for veterinary use and is conspicuously so labeled, and its labeling bears information that the

drug is for use only in the treatment of one or more of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Bovine mastitis caused by Streptococcus agalactiae.
(ii) Leptospirosis in dogs.
(iii) Osteomyelitis.
(iv) Peritonitis.
(v) Strangles of horses.
(vi) Equine pneumonia.
(vii) Early tetanus, with antitoxin therapy.
(viii) Calf pneumonia.
(ix) Calf diphtheria.
(x) Pyelonephritis in cattle.
(xi) Blackleg.
(xii) Malignant edema.
(xiii) Early anthrax.
(xiv) Metritis.
(xv) Bovine actinomycosis.
(xvi) Swine erysipelas in turkeys.

If such drug is represented for use as a treatment for mastitis, its labeling shall bear the statement, "Important: Milk from treated segments of udders should be discarded or used for purposes other than human consumption for at least 72 hours after the last treatment."

§ 146a.38 *Capsules buffered penicillin with pectin hydrolysate (capsules buffered potassium penicillin with pectin hydrolysate)* — (a) *Standards of identity, strength, quality and purity.* Capsules buffered penicillin with pectin hydrolysate are capsules composed of potassium penicillin with pectin hydrolysate and sodium citrate enclosed in a hard gelatin capsule. The potassium penicillin with pectin hydrolysate is prepared by lyophilizing a solution containing one part potassium penicillin and three parts of pectin hydrolysate by weight. The potency of each capsule is not less than 50,000 units. Its moisture content is not more than 4.0 percent. The penicillin used conforms to the requirements prescribed by § 146a.24 (a) for potassium penicillin except § 146a.24 (a), (2) and (4). The pectin hydrolysate is obtained by mild hydrolysis of pectin with sodium hydroxide and hydrochloric acid. It is a free flowing and opalescent solution light tan to beige in color and is precipitated by the lower alcohols and ketones. Its pH is 6.0 to 7.0. It is substantially free of any turbidity or undissolved material. The pectin used conforms to the standards prescribed by the N. F. The sodium citrate and the sodium hydroxide and hydrochloric acid used in the preparation of the pectin hydrolysate conform to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* Unless each capsule of buffered penicillin with pectin hydrolysate is enclosed in foil or plastic film and such enclosure complies with the definition of a tight container as prescribed by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the capsules by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The number of capsules in the immediate container is such that the total number of units therein is not less than 300,000.

(c) *Labeling.* Each package of capsules buffered penicillin with pectin hydrolysate shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each capsule of the batch;

(iii) The quantity of the sodium citrate in each capsule of the batch; and

(iv) The statement "Expiration date ---------," the blank being filled in with the date which is twelve months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of capsules buffered penicillin with pectin hydrolysate shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each capsule, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per capsule, average moisture.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity, and heat stability, and if it is crystalline penicillin G, penicillin G content.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one capsule for each 5,000 capsules in the batch, but in no case less than 20 capsules or more than 100 capsules collected by taking single capsules at such intervals throughout the entire time of capsuling that the quantities capsuled during the intervals are approximately equal.

(ii) The penicillin used in making the batch; ten packages containing approximately equal portions of not less than 60 milligrams each, packaged in accordance with the requirements of § 146a.24 (b).

(iii) In case of an initial request for certification, one package of approximately 250 cc. of the pectin hydrolysate and one package of approximately five grams of the sodium citrate used in making the batch, one package of approximately 50 cc. of the hydrochloric acid, and one package of approximately five grams of the sodium hydroxide used in preparing the pectin hydrolysate.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or such sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of capsules buffered penicillin with pectin hydrolysate under the regulations in this part shall be:

(1) $1.50 for each capsule in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the sample submitted in accordance with paragraph (d) (3) (ii) and (iii), of this section; and

(2) If the Commissioner considers that investigations, other than examination of such capsules and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.39 *Capsules procaine penicillin in oil*—(a) *Standards of identity, strength, quality, and purity.* Capsules procaine penicillin in oil are capsules composed of procaine penicillin, aluminum monostearate, and sesame oil or peanut oil, enclosed in a suitable and harmless soft gelatin capsule. The potency of each capsule is not less than 200,000 units. Its moisture content is not more than 2.5 percent. The procaine penicillin used conforms to the standards prescribed by § 146a.44 (a) except § 146a.44 (a) (2) and (3). Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units in each capsule of the batch.

(iii) The name of the vegetable oil and the quantity of aluminum monostearate used in making the batch.

(iv) The statement "Expiration date ---------," the blank being filled in with the date which is 36 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each capsule, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per capsule and average moisture.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is procaine penicillin G), crystallinity, and the procaine penicillin G content.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; 1 capsule for each 5,000 capsules in the batch, but in no case less than 20 capsules or more than 100 capsules, collected by taking single capsules at such intervals throughout the entire time of capsuling the batch that the quantities capsuled during the intervals are approximately equal.

(ii) The penicillin used in making the batch; 10 packages each containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 146a.44 (b).

(iii) In case of an initial request for certification, the sesame oil or peanut oil and each other ingredient used in making the batch; 1 package of each containing, respectively, approximately 250 grams and approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each capsule in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section.

(2) If the Commissioner considers that investigations other than examination of such capsules and packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.40 *Penicillin bougies (sodium penicillin bougies, calcium penicillin bougies, potassium penicillin bougies, procaine penicillin bougies, penicillin bougies sodium salt, penicillin bougies calcium salt, penicillin bougies potassium salt, penicillin bougies procaine salt)* — (a) *Standards of identity, strength, quality, and purity.* Penicillin bougies are bougies composed of sodium penicillin, calcium penicillin, potassium penicillin, or procaine penicillin in an excipient of polyethylene glycol or of one or more other suitable and harmless diluents, binders, and lubricants. The potency of each bougie is not less than 25,000 units. Its moisture content is not more than 1.0 percent, except if it contains procaine penicillin, its moisture content is not more than 2.0 percent. The sodium penicillin, calcium penicillin, or potassium penicillin used conforms to the requirements of § 146a.24 (a), except the limitation on penicillin K content and except § 146a.24 (a) (1), (2), and (4), but its potency is not less than 300 units per milligram. The procaine penicillin used conforms to the requirements of § 146a.44 (a), except the limitation on penicillin K content and except § 146a.44 (a) (2) and (3). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each penicillin bougie is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the bougies by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of penicillin bougies shall bear, on its label or

labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each bougie of the batch;

(iii) The statement "Expiration date ----------," the blank being filled in, if crystalline penicillin or procaine penicillin is used without the addition of an excipient of polyethylene glycol, with the date which is 36 months; or if crystalline penicillin or procaine penicillin is used with the addition of an excipient of polyethylene glycol, with the date which is 18 months, or if crystalline penicillin or procaine penicillin is not used, with the date which is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) If the excipient is polyethylene glycol, the statement "Store in refrigerator not above 15° C. (59° F.)", unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that his drug is stable at room temperature;

(v) The statement "For veterinary use only."

(2) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions and warnings for the veterinary use of such drug by the laity.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of penicillin bougies shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each bougie, the quantity of each ingredient used in making the batch, and the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per bougie, and moisture.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, crystallinity, and heat stability if it is crystalline sodium or potassium penicillin, the penicillin G content if it is crystalline sodium or potassium penicillin G, and the procaine penicillin G content if it is crystalline procaine penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one bougie for each 5,000 bougies in the batch, but in no case less than 20 bougies or more than 100 bougies, collected by taking single bougies at such intervals throughout the entire time the bougies are being made, that the quantities made during the intervals are approximately equal.

(ii) The penicillin used in making the batch; 5 packages, or in the case of crystalline penicillin 10 packages, each containing approximately equal portions of not less than 60 milligrams if it is not procaine penicillin and not less than 300 milligrams if it is procaine penicillin, packaged in accordance with the requirements of § 146a.24 (b) or § 146a.44 (b).

(iii) In case of an initial request for certification, each polyethylene glycol and each other ingredient used in making the batch; one package of each containing approximately 25 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin bougies under the regulations in this part shall be:

(1) $1.00 for each bougie in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations other than examination of such bougies and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.41 *Crystalline penicillin and epinephrine in oil*—(a) *Standards of identity, strength, quality, and purity.* Crystalline penicillin and epinephrine in oil is a suspension of crystalline penicillin and epinephrine in a menstruum of refined peanut oil or sesame oil. Each milliliter has a potency of 300,000 units and contains 0.3 milligram of epinephrine. Its moisture content is not more than 0.2 percent. It is sterile. The penicillin used conforms to the requirements of § 146a.24 (a) for crystalline penicillin. The epinephrine, peanut oil, and sesame oil used conform to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* The immediate container of crystalline penicillin and epinephrine in oil shall be of colorless transparent glass so closed as to be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that its contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The quantity of crystalline penicillin and epinephrine in oil in each such container shall be not less than one milliliter and not more than 20 milliliters unless it is packaged for repacking. Unless it is packaged for repacking each container shall be filled with a volume of crystalline penicillin and epinephrine in oil in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated whether administered in either single or multiple doses.

(c) *Labeling.* Each package of crystalline penicillin and epinephrine in oil shall bear, on its label or labeling as hereinafter indicated the following:

(1) On the outside wrapper or container and the immediate container of the package:

(i) The batch mark;

(ii) The number of units per milliliter of the batch;

(iii) The quantity of epinephrine per milliliter of the batch;

(iv) The statement "Expiration date ------," the blank being filled in with the date which is 18 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(v) The statement "For intramuscular use only" and "Shake well"; and

(vi) The name of the oil used in making the batch.

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of crystalline penicillin and epinephrine in oil shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that the epinephrine, peanut oil or sesame oil used in making such batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, moisture and epinephrine content.

(ii) The penicillin used in making the batch; potency, sterility, toxicity, pyrogens, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity, heat stability and the penicillin G content if it is crystalline penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one package for each 500 packages in the batch, but in no case less than 5 packages or more than 15 packages.

(*b*) For sterility testing; 10 packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The penicillin used in making the batch:

(*a*) For all tests except sterility; 10 packages, each containing approximately equal portions of not less than 60 milligrams.

(*b*) For sterility testing; 10 packages, each containing approximately equal portions of not less than 300 milligrams.

Such samples shall be packaged in accordance with the requirements of § 146a.24 (b).

(iii) In case of an initial request for certification, the epinephrine and the peanut oil or sesame oil used in making the batch; one package of each containing approximately 2 grams and 250 grams, respectively.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of crystalline penicillin and epinephrine in oil under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) (*a*), and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examinations of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.42 *Aluminum penicillin (aluminum penicillin salt)*—(a) *Standards of identity, strength, quality, and purity.* Aluminum penicillin is the insoluble aluminum salt of a kind of penicillin or a mixture of two or more such salts, but the quantity of any salt of penicillin K therein is not more than 30 percent. Each such drug is so purified and dried that:

(1) Its potency is not less than 500 units per milligram;

(2) It is sterile;

(3) It is nonpyrogenic;

(4) It is nontoxic;

(5) Its moisture content is not more than 3 percent; and

(6) Its pH in saturated aqueous solution is not less than 3.5 and not more than 4.5.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of aluminum penicillin shall bear on its outside wrapper or container and the immediate container as hereinafter indicated, the following:

(1) The batch mark;

(2) The weight of the drug and the number of units in the immediate container;

(3) The statement "Expiration date --------", the blank being filled in with the date which is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(4) The statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)";

(5) The statement "For manufacturing use only";

(6) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of aluminum penicillin shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed with results of the tests and assays made by him on the batch for potency, sterility, pyrogens, toxicity, moisture, pH, and the penicillin K content.

(2) Such person shall submit in connection with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; 6 packages.

(ii) For sterility testing; 10 packages. Each such package shall contain approximately 300 milligrams taken from different parts of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which aluminum penicillin is to be used, the manufacturer of a batch which is to be so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of each check test and assay as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section; and

(2) If the Commissioner considers that investigations, other than the examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.43 *Aluminum penicillin in oil*—(a) *Standards of identity, strength, quality, and purity.* Aluminum penicillin in oil is a suspension of aluminum penicillin in a menstruum of refined peanut oil or sesame oil. Its potency is 300,000 units per milliliter. Its moisture content is not more than 1.5 percent. It is sterile. The aluminum penicillin used conforms to the requirements of § 146a.42 (a). The peanut oil or sesame oil used conforms to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* The immediate container of aluminum penicillin in oil shall be of colorless, transparent glass, so closed as to be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed

that its contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The quantity of aluminum penicillin in oil in each such container shall be not less than 1 milliliter and not more than 20 milliliters, unless it is packaged for repacking. Unless it is packaged for repacking, each container shall be filled with a volume of aluminum penicillin in oil in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in either single or multiple doses.

(c) *Labeling.* Each package of aluminum penicillin in oil shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside label or container and the immediate container of the package:

(i) The batch mark;

(ii) The number of units per milliliter of the batch;

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) The statements "For intramuscular use only" and "Shake well";

(v) The statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)"; and

(vi) The name of the oil used in making the batch.

(2) On the outside wrapper or container the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of aluminum penicillin in oil shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the aluminum penicillin used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that the peanut oil or sesame oil used in making such batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, moisture.

(ii) The aluminum penicillin used in making the batch; potency, sterility, toxicity, pyrogens, moisture, pH, penicillin K content.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one package for each 500 packages in the batch, but in no case less than 3 packages or more than 12 packages.

(*b*) For sterility testing; 10 packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The aluminum penicillin used in making the batch:

(*a*) For all tests except sterility; 6 packages, each containing approximately equal portions of not less than 300 milligrams.

(*b*) For sterility testing: 10 packages, each containing approximately equal portions of not less than 300 milligrams.

Such samples shall be packaged in accordance with the requirements of § 146a.42 (b).

(iii) In case of an initial request for certification, the peanut oil or sesame oil used in making the batch; one package of each containing approximately 250 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of aluminum penicillin in oil under the regulations in this part shall be:

(1) $8.00 for each package in the sample submitted in accordance with paragraph (d) (3) (i) (*a*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) (*a*) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than the examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.44 *Procaine penicillin (penicillin procaine salt), procaine penicillin G (penicillin G procaine salt).*—(a) *Standards of identity, strength, quality, and purity.* Procaine penicillin is the crystalline procaine salt of a kind of penicillin, or a mixture of two or more such salts prepared from procaine hydrochloride that compiles with all the standards prescribed by the U. S. P., except for the color of the crystals and penicillin, but the quantity of any salt of penicillin K therein is not more than 30 percent; procaine penicillin G is procaine penicillin which contains not less than 85 percent by weight of the procaine salt of penicillin G. Each such drug is so purified and dried that:

(1) Its potency is not less than 900 units per milligram;

(2) It is sterile;

(3) It is nonpyrogenic;

(4) It is nontoxic;

(5) Its moisture content is not more than 4.2 percent; and

(6) Its pH in saturated aqueous solution is not less than 5 and not more than 7.5.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of procaine penicillin shall bear on its outside wrapper or container and the immediate container as hereinafter indicated, the following:

(1) The batch mark;

(2) The weight of the drug and the number of units in the immediate containers;

(3) The statement "Expiration date ----------," the blank being filled in with the date which is 36 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 48 months after the month during which the batch was certified, if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(4) The statement "For manufacturing use only";

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of procaine penicillin shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH, crystallinity, penicillin K content (unless it is procaine penicillin G), and the penicillin G content if it is procaine penicillin G.

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; 10 packages.

(ii) For sterility testing; 10 packages.

Each such package shall contain approximately 300 milligrams taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which procaine penicillin is to be used, the manufacturer of a batch which is to be so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to each manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section; and

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.45 *Procaine penicillin in oil.*—(a) *Standards of identity, strength, quality and purity.* Procaine penicillin in oil is a suspension of procaine penicillin in refined peanut oil or sesame oil, with or without the addition of one or more suitable and harmless dispersing agents and with or without the addition of a hardening agent. If it is intended solely for veterinary use and is conspicuously so labeled, it may contain nitrofurazone or adrenocorticotropic hormone (ACTH). Its potency is 300,000 units per milliliter, except if it is packaged and labeled solely for veterinary use, its potency is not less than 10,000 units per milliliter. Its moisture content is not more than 1.4 percent. It is sterile, unless it is packaged and labeled solely for udder instillations of cattle or subcutaneous injection in fowl. The procaine penicillin used conforms to the requirements of § 146a.44 (a), except if the batch of procaine penicillin in oil is packaged and labeled solely for udder instillation of cattle or subcutaneous injection in fowl, the penicillin used is exempt from the requirements of subparagraphs (2) and (3) of that section. The sesame oil and peanut oil used conform to the standards prescribed therefor by the U. S. P. The hardening agent is a refined hydrogenated and deodorized peanut oil free from rancidity; it has an iodine value of not more than 10; its free fatty acid content as oleic acid is not more than 1/10 of 1 percent, and its melting point is 64° C., ±2° C.

(b) *Packaging.* The immediate container of procaine penicillin in oil shall be of colorless transparent glass (unless it is packaged to contain a single dose), so closed as to be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, and shall be so sealed that its contents cannot be used without destroying such seal, except if it is labeled solely for udder instillations of cattle or subcutaneous injection in fowl it may be packaged in plastic or collapsible tubes which shall be well-closed containers as defined by the U. S. P. The immediate container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limitation therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good marketing, storage, and distribution practice shall be disregarded. The quantity of procaine penicillin in oil in each such container shall be not less than 1 milliliter and not more than 20 milliliters, unless it is packaged for repacking or is packaged and labeled solely for veterinary use. Unless it is packaged for repacking, each such container shall be filled with a volume of procaine penicillin in oil in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in single or multiple doses.

(c) *Labeling.* Each package of procaine penicillin in oil shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container of the package:

(i) The batch mark;

(ii) The number of units per milliliter of the batch;

(iii) The statement "Expiration date ----------," the blank being filled in, if it is packaged in plastic containers, with the date which is 12 months, or if its container is not plastic, with the date which is 36 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 or 24 months, if the container is plastic, or 48 or 60 months if the container is not plastic, after the month during which the batch was certified, if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) Unless it is packaged and labeled solely for udder instillations of cattle or subcutaneous injection in fowl, the statement "For intramuscular use only" and, if it does not contain a hardening agent, "Shake well"; and

(v) The name of each oil used in making the batch and, if aluminum monostearate is used as the dispersing agent or if nitrofurazone or adrenocorticotropic hormone is used, the quantity used.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is intended solely for veterinary use and contains adrenocorticotropic hormone, the statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian."

(iii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled:

(i) If it contains adrenocorticotropic hormone, adequate directions and warnings for its use by veterinarians licensed by law to administer such drug.

(ii) If it does not contain adrenocorticotropic hormone, adequate directions and warnings for the veterinary use of such drug by the laity, including a state-

ment, if it is intended for subcutaneous injection in fowl, that it should be injected in the neck immediately behind the head.

Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of procaine penicillin in oil shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the procaine penicillin used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each ingredient used in making such batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility (unless it is intended solely for udder instillations of cattle or subcutaneous injection in fowl), and moisture.

(ii) The procaine penicillin used in making the batch; potency, toxicity, moisture, pH, crystallinity, penicillin K content (unless it is crystalline penicillin G), procaine penicillin G content if it is procaine penicillin G, and, unless the batch of procaine penicillin in oil is intended solely for udder instillations of cattle or subcutaneous injection in fowl, sterility or pyrogens.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one package for each 500 packages in the batch, but in no case less than 3 packages or more than 12 packages, unless it is intended solely for udder instillations of cattle or subcutaneous injections in fowl, in which case such sample shall consist of 1 package for each 5,000 packages in the batch, but in no case less than 5 packages or more than 12 packages.

(*b*) For sterility testing; 10 packages. Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The procaine penicillin used in making the batch:

(*a*) For all tests except sterility; 10 packages, each containing approximately equal portions of 300 milligrams.

(*b*) For sterility testing; 10 packages, each containing approximately equal portions of 300 milligrams.

Such samples shall be packaged in accordance with the requirements of § 146a.44 (b).

(iii) In case of an initial request for certification, the peanut oil or sesame oil and each dispersing and hardening agent or other ingredient used in making the batch; one package of each containing, respectively, approximately 250 grams and 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch of procaine penicillin in oil under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) (*a*), and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.46 *Crystalline penicillin for inhalation therapy*—(a) *Standards of identity, strength, quality, and purity.* Crystalline penicillin for inhalation therapy is crystalline sodium penicillin, potassium penicillin, or procaine penicillin, with or without one or more suitable and harmless diluents. Its moisture content is not more than 1.5 percent if it is crystalline sodium or potassium penicillin, and not more than 4.2 percent if it is procaine penicillin. The crystalline penicillin used conforms to the requirements of § 146a.24 (a) except subparagraphs (2) and (4) of that paragraph. The procaine penicillin used conforms to the requirements of § 146a.44 (a), except subparagraphs (2) and (3) of that paragraph. Each diluent used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate container of crystalline penicillin for inhalation therapy shall be a tight container as defined by the U. S. P.; its closure shall be one through which a hypodermic needle cannot be introduced; and the container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not less than 50,000 units and each may be packaged in combination with a container of the solvent, distilled water U. S. P., physiological salt solution U. S. P., physiological salt solution with the preservative chlorobutanol, or a solution of propylene glycol in distilled water.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in the immediate container;

(iii) The statement "Expiration date ----------," the blank being filled in, if crystalline sodium penicillin or potassium penicillin is used, without a diluent, with the date which is 36 months, or if procaine penicillin is used, without a diluent, with the date which is 24 months, or if a diluent is used, with the date which is 18 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) If it is packaged in combination with a container of a solvent, the statement "Warning—Not for injection."

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription."

(ii) If it is packaged for dispensing, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of crystalline penicillin for inhalation therapy shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each immediate container, the quantity of each diluent used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each diluent used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and moisture.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity if it is crystalline penicillin, heat stability if it is crystalline sodium or potassium penicillin, the penicillin G content if it is crystalline sodium or potassium penicillin G, and the procaine penicillin G content if it is procaine penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers or more than 12 immediate containers, collected by taking single immediate containers, before or after labeling at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The penicillin used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 milligrams if it is not procaine penicillin, and not less than 300 milligrams if it is procaine penicillin, packaged in accordance with the requirements of § 146a.24 (b) or § 146a.44 (b).

(iii) In case of an initial request for certification, each diluent used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.47 *Procaine penicillin for aqueous injection*—(a) *Standards of identity, strength, quality, and purity.* Procaine penicillin for aqueous injection is a dry mixture of procaine penicillin and one or more suitable and harmless suspending or dispersing agents, with or without one or more suitable and harmless preservatives and buffer substances, or it is an aqueous suspension of procaine penicillin and one or more suitable and harmless suspending or dispersing agents, buffer substances, and preservatives, except that preservatives are not required if the immediate container is packaged to contain a single dose and is conspicuously so labeled. If it is an aqueous suspension of the drug it may contain procaine hydrochloride in a concentration not exceeding 2 percent and one or more suitable and harmless stabilizing agents. It is so purified that:

(1) If it is an aqueous suspension of the drug, each container or each milliliter shall contain not less than 300,000 units;

(2) It is sterile;

(3) If it is the dry mixture of the drug, its moisture content is not more than 4.2 percent;

(4) It is nonpyrogenic;

(5) It is nontoxic; and

(6) Its pH in saturated aqueous solution is not less than 5.0 and not more than 7.5.

The procaine penicillin used conforms to the requirements of § 146a.44 (a). Each other substance, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless, transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness, unless it is the aqueous suspension of the drug and it is packaged to contain a single dose. If it is the dry mixture of the drug, each such container shall contain 300,000 units, 600,000 units, 900,000 units, 1,200,000 units, 1,500,000 units, or 3,000,000 units, unless it is intended solely for veterinary use and it is conspicuously so labeled. Each such container may be packaged in combination with a container of a suitable aqueous diluent. If it is the aqueous suspension of the drug, each such container shall contain not less than 1 milliliter (unless it is packaged to contain a single dose) and not more than 12 milliliters (unless it is intended solely for veterinary use and is conspicuously so labeled), and each shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in either single or multiple doses.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in the immediate container;

(iii) The statement "Expiration date ----------," the blank being filled in, if it is a dry mixture of the drug, with the date which is 36 months, or if it is the aqueous suspension of the drug, with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 48 months, if it is the dry mixture of the drug, and 18 months or 24 months, if it is the aqueous suspension of the drug, after the month during which the batch was certified, if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) The statement "For intramuscular use only"; and

(v) If the drug contains preservatives or added procaine hydrochloride, the name and quantity of each such added ingredient.

(2) On the immediate container, if it is a dry mixture of the drug, the conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week, or in a refrigerator for 3 weeks, without significant loss of potency," unless this information is contained in a circular or other labeling within or attached to the package.

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(iii) If it is the aqueous suspension of the drug, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)," unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a)

of this section after having been stored at room temperature.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of procaine penicillin for aqueous injection shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the procaine penicillin used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, moisture, pyrogens, toxicity, pH.

(ii) The procaine penicillin used in making the batch; potency, crystallinity, penicillin K content (unless it is procaine penicillin G), and the penicillin G content if it is procaine penicillin G.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 or more than 17 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The procaine penicillin used in making the batch; 3 packages containing approximately equal portions of not less than 500 milligrams each, packaged in accordance with the requirements of § 146a.44 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(iv) In case of an initial request for the certification of a batch of procaine penicillin for aqueous injection which is to be packaged in combination with an aqueous diluent which is not recognized by the U. S. P., or when any change is made in the composition of such diluent, five packages of the diluent included in the combination.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility; 10 packages.

(ii) For sterility testing; 10 packages.

Each such package shall contain not less than approximately 300 milligrams taken from different parts of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.48 *Ephedrine penicillin (penicillin ephedrine salt), ephedrine penicillin G (penicillin G ephedrine salt)*—(a) *Standards of identity, strength, quality, and purity.* Ephedrine penicillin is the crystalline ephedrine salt of a kind of penicillin, or a mixture of two or more such salts prepared from ephedrine U. S. P. and penicillin, but the quantity of any salt of penicillin K therein is not more than 30 percent; ephedrine penicillin G is ephedrine penicillin which contains not less than 85 percent by weight of the ephedrine salt of penicillin G. Each such drug is so purified and dried that:

(1) Its potency is not less than 1,000 units per milligram;

(2) It is sterile;

(3) It is nontoxic;

(4) It is nonpyrogenic;

(5) Its moisture content is not more than 1.5 percent;

(6) Its pH in aqueous solution of 5,000 to 10,000 units per milliliter is not less than 5 and not more than 7.5.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of ephedrine penicillin shall bear on its outside wrapper or container and the immediate container as hereinafter indicated, the following:

(1) The batch mark;

(2) The weight of the drug and the number of units in the immediate container;

(3) The statement "Expiration date ----------", the blank being filled in with the date which is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted form the immediate container if such immediate container is packaged in an individual wrapper or container;

(4) The statement "For manufacturing use only;"

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Requests for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of ephedrine penicillin shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH, crystallinity, penicillin K content (unless it is ephedrine penicillin G), and the penicillin G content if it is ephedrine penicillin G.

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; 10 packages.

(ii) For sterility testing; 10 packages.

Each such package shall contain approximately 300 milligrams taken from a different part of such bath, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(3) In connection with the contemplated requests for certification of batches of another drug in the manufacture of which ephedrine penicillin is to be used, the manufacturer of a batch which is to be so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to each manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section; and

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed under subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.49 *Ephedrine penicillin tablets*—(a) *Standards of identity strength, quality, and purity.* Ephedrine penicillin tablets are tablets composed of ephedrine penicillin and one or more buffer substances, with or without one or more suitable and harmless diluents, binders, and lubricants. The potency of each tablet is not less than 30,000 units. Its moisture content is not more than 1.5 percent. When a tablet is dissolved as directed the potency of such solution is not less than 4,000 units per milliliter after it has been kept for one day at a temperature of 15° C. (59° F). Such solution is isotonic, and has a pH of 6.0, ±0.2. The ephedrine penicillin used conforms to the requirements of § 146a.48 (a) for ephedrine penicillin except subparagraphs (2) and (4) of § 146a.48 (a). Each buffer substance and preservative used, if their names are recognized in the U. S. P. or N. F., conform to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each tablet is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of tablets ephedrine penicillin shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each tablet of the batch;

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) A statement giving the method of dissolving the tablets, and a statement that distilled water U. S. P. should be used;

(v) The potency per milliliter after the tablet has been dissolved therein;

(vi) The statement "Warning—Not for injection or oral use"; and

(vii) The conditions under which the solution should be stored including a reference to its instability when stored under other conditions, and a statement "Prepare a fresh solution each 24 hours."

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying to the requirements of § 146.2 of this chapter, a person who requests certification of a batch of ephedrine penicillin tablets shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the ephedrine penicillin used in making such batch was completed, the number of units in each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising the batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per tablet and average moisture.

(ii) The ephedrine penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is ephedrine penicillin G), crystallinity, and the penicillin G content if it is ephedrine penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one tablet for each 5,000 tablets in the batch, but in no case less than 20 tablets or more than 100 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

(ii) The ephedrine penicillin used in making the batch; six packages, each containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 146a.48 (b).

(iii) In case of an initial request for certification, each buffer substance, diluent, binder, and lubricant used in making the batch; one package of each, each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for services rendered with respect to each batch of ephedrine penicillin tablets under the regulations in this part shall be:

(1) $1.00 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) of this section, $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such tablets and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations. The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.50 *Procaine penicillin and buffered crystalline penicillin for aqueous*

injection. Procaine penicillin and buffered crystalline penicillin for aqueous injection conforms to all requirements prescribed by § 146a.47 for the dry mixture of procaine penicillin for aqueous injection, and is subject to all procedures prescribed by § 146a.47 for the dry mixture of procaine penicillin for aqueous injection, except that:

(a) Each immediate container shall contain not less than 50,000 units of buffered crystalline penicillin for each 300,000 units of procaine penicillin. The buffered crystalline penicillin conforms to the requirements prescribed by § 146a.37.

(b) If it is packaged as a single dose and its immediate container has two compartments separated by a tight rubber seal, one compartment shall contain an aqueous suspension of procaine penicillin which conforms to all requirements and procedures prescribed by § 146a.47 and one compartment shall contain the dry buffered crystalline penicillin.

(c) In lieu of the directions prescribed for procaine penicillin for aqueous injection by § 146a.47 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of procaine penicillin and the number of units of buffered crystalline penicillin in the immediate container; the circular or other labeling within or attached to the package, if it is packaged for dispensing, shall bear, in lieu of the statement prescribed by § 146a.47 (c) (2), the statement "Sterile suspension may be kept in refrigerator for ------ week(s) without significant loss of potency," the blank being filled in with the figure "1," or if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him does not lose significant potency after having been stored in a refrigerator for 4 weeks, the blank may be filled in with the figure "4," unless it is packaged to conform with paragraph (b) of this section.

(d) In addition to complying with the requirements of § 146a.47 (d), a person who requests certification of a batch of procaine penicillin and buffered crystalline penicillin for aqueous injection shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the buffered crystalline penicillin used in making the batch for potency, crystallinity, heat stability, penicillin K content (unless it is buffered crystalline penicillin G) and the penicillin G content if it is buffered crystalline penicillin G, the number of units of procaine penicillin and the number of units of buffered crystalline penicillin in each immediate container of the batch. He shall also submit in connection with his request a sample consisting of three packages containing approximately equal portions of not less than 250 milligrams each of the buffered crystalline penicillin used in making the batch. If such batch is packaged for repacking, each portion in the sample required by § 146a.47 (d) (4) shall consist of approximately 400 milligrams in lieu of 300 milligrams.

(e) The fee for the services rendered with respect to each immediate container in the sample of buffered crystalline penicillin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146a.51 *Buffered penicillin powder, penicillin powder with buffered aqueous diluent*—(a) *Standards of identity, strength, quality, and purity.* Buffered penicillin powder is a mixture of crystalline penicillin or procaine penicillin and suitable buffer substances, with or without probenecid, sodium salicylate and a suitable antihistaminic agent, with or without one or more suitable sulfonamides, and with or without the addition of one or more suitable and harmless diluents, colorings, and flavorings. Penicillin powder with buffered aqueous diluent is a packaged combination of one immediate container of crystalline penicillin or procaine penicillin, with or without suitable and harmless diluents, and one immediate container of an aqueous diluent containing suitable buffer substances and suitable and harmless preservatives, colorings, and flavorings. Its moisture content is not more than 1.0 percent, except if it contains procaine penicillin its moisture content is not more than 2.0 percent. The crystalline penicillin used conforms to the requirements of § 146a.24 (a) for crystalline penicillin, except subparagraphs (2) and (4) of that paragraph. The procaine penicillin used conforms to the requirements of § 146a.44 (a), except subparagraphs (2) and (3) of that paragraph. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container of buffered penicillin powder shall be a tight container as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each immediate container may be packaged in combination with a container of a suitable and harmless aqueous vehicle, with or without probenecid, and with or without one or more suitable sulfonamides.

(c) *Labeling.* Each package of buffered penicillin powder or penicillin powder shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in the immediate container;

(iii) If the batch contains, in addition to penicillin, one or more of the other active ingredients specified in paragraph (a) of this section, the name and quantity of each such other ingredient in the immediate container;

(iv) If it is a packaged combination of one immediate container of buffered penicillin powder or penicillin powder and one immediate container of a vehicle, a statement giving the method of dissolving the penicillin;

(v) The name of each buffer substance used in making the batch;

(vi) The statement "Expiration date ---------," the blank being filled in with the date which is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 36 months after the month during which the batch was certified if it is crystalline penicillin with no other ingredients, or if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(vii) The statement "Warning—Not for injection."

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling if it contains, in addition to penicillin, one or more of the other active ingredients specified in paragraph (a) of this section, after the name "buffered penicillin powder," wherever it appears, the words "with ------ (the blank being filled in with the common or usual name of each such other ingredient)," in juxtaposition with such name.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of buffered penicillin powder shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each immediate container, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; if buffered penicillin powder or penicillin powder with diluents: potency and moisture; if penicillin powder with no other ingredients: potency toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity, heat stability if it is crystalline sodium or potassium penicillin, the penicillin G content if it is crystalline sodium or potassium penicillin G, and the procaine penicillin G content if it is procaine penicillin G.

(ii) If buffered penicillin powder or penicillin powder with diluents, the penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity, heat stability if it is crystalline sodium or potassium penicillin, the penicillin G content if it is crystalline sodium or potassium penicillin G, and the procaine penicillin G content if it is procaine penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately represent ative samples of the following:

(i) The batch:

(a) If it contains only penicillin and the penicillin used has been previously submitted, or it contains penicillin and other ingredients; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers or more than 12 immediate containers.

(b) If it contains only penicillin and the penicillin has not been previously submitted; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 10 immediate containers or more than 17 immediate containers.

Such sample shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) If buffered pencillin powder or penicillin powder with diluents, the penicillin used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 milligrams if it is not procaine penicillin, and not less than 500 milligrams if it is procaine penicillin, packaged in accordance with the requirements of § 146a.24 (b) or § 146a.44 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(iv) In case of an initial request for the certification of a batch of buffered penicillin powder which is to be packaged in combination with an aqueous vehicle, or when any change is made in the composition of such aqueous vehicle; 5 packages of the vehicle included in the combination.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of buffered penicillin powder under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i), (ii), (iii), and (iv) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

(f) *Exemption of buffered penicillin powder and penicillin powder with buffered aqueous diluent for veterinary use from certification.* Buffered penicillin powder and penicillin powder with buffered aqueous diluent that conform to the requirements of paragraphs (a) (except that they may contain one or more essential vitamin and mineral substances for nutritive purposes), (b), and (c) of this section shall be exempt from the requirements of sections 502 (l) and 507 of the act, if they comply with all the following conditions:

(1) They are intended solely for veterinary use and are conspicuously so labeled.

(2) If they contain added vitamins or minerals, the labels bear the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The labels bear an expiration date that is not more than 36 months after the month during which the batch was last assayed and released by the manufacturer.

(4) The labels bear a statement that solutions prepared with the drugs are stable for not more than 24 hours.

(5) The circular or other labeling within or attached to the package bears information that only the antibiotics are intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Chronic respiratory disease (airsac infection) in chickens.

(ii) Blue comb (mud fever, nonspecific infectious enteritis) in poultry.

(iii) Infectious sinusitis in poultry.

§ 146a.52 *Procaine penicillin and crystalline penicillin in oil.* (a) Procaine penicillin and crystalline penicillin in oil conforms to all requirements prescribed by § 146a.45 for procaine penicillin in oil, and is subject to all procedures prescribed by § 146a.45 for procaine penicillin in oil, except that:

(1) It contains not less than 50,000 units of crystalline penicillin for each 300,000 units of procaine penicillin, except if it is packaged and labeled solely for veterinary use, it contains not less than 3,000 units of crystalline penicillin for each 10,000 units of procaine penicillin. The crystalline penicillin used conforms to the requirements prescribed therefor by § 146a.24 (a), except if the batch of procaine penicillin and crystalline penicillin in oil is intended solely for udder instillations of cattle, the crystalline penicillin used is exempt from the requirements of subparagraphs (2) and (4) of that paragraph.

(2) In lieu of the directions prescribed for procaine penicillin in oil by § 146a.45 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of procaine penicillin and the number of units of crystalline penicillin in each milliliter of the batch.

(3) In addition to complying with the requirements of § 146a.45 (d), a person who requests certification of a batch of procaine penicillin and crystalline penicillin in oil shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the crystalline penicillin G used in making the batch for potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity, heat stability, the penicillin G content if it is crystalline penicillin G, and, unless the batch of procaine penicillin and crystalline penicillin in oil is intended solely for udder instillations of cattle, sterility and pyrogens; the number of units of procaine penicillin and the number of units of crystalline penicillin in each milliliter of the batch. In addition to the 10 immediate containers required by § 146a.45 (d) (3) (i) (b), he shall also submit in connection with his request a sample consisting of not less than 4 packages, unless it is intended solely for udder instillations of cattle in which case such sample shall consist of not less than 6 packages, of the batch of procaine penicillin and crystalline penicillin in oil and a sample of the crystalline penicillin used in making the batch, consisting of 10 packages, each containing approximately equal portions of not less than 60 milligrams, and 10 packages, each containing approximately equal portions of not less than 300 milligrams.

(b) The fee for the services rendered with respect to each 60-milligram pack-

age of crystalline penicillin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146a.54 *Penicillin-streptomycin ointment (penicillin-streptomycin mineral oil suspension); penicillin-dihydrostreptomycin ointment (penicillin-dihydrostreptomycin mineral oil suspension.)* (a) Penicillin-streptomycin ointment and penicillin-dihydrostreptomycin ointment conform to all requirements prescribed by § 146a.26 for penicillin ointment, except paragraph (c) (2) (i) of that section, and are subject to all procedures prescribed by § 146a.26 for penicillin ointment, except that:

(1) It contains not less than 2,000 units of penicillin per gram.

(2) It contains not less than 10 milligrams of streptomycin or dihydrostreptomycin per gram, unless it is intended solely for veterinary use and is conspicuously so labeled. The streptomycin used conforms to the standards prescribed by § 146b.101 (a) of this chapter, except subparagraphs (2), (4), and (5) of that paragraph. The dihydrostreptomycin used conforms to the standards prescribed by § 146b.103 of this chapter, except the standards for sterility, pyrogens, and histamine.

(3) If it is intended solely for veterinary use and is conspicuously so labeled, it may contain a suitable and harmless salt of cobalt, one or more sulfonamides, and one or more suitable and harmless preservatives; and if it is packaged and labeled solely for udder instillations of cattle it may contain papain.

(b) In lieu of the directions prescribed for penicillin ointment by § 146a.26 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin per gram and the number of milligrams of streptomycin or dihydrostreptomycin per gram, and if it contains cobalt, preservatives, sulfonamides, or papain, the quantity of each.

(c) In addition to complying with the requirements of § 146a.26 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and date of the latest tests and assays of the streptomycin or dihydrostreptomycin used in making the batch for potency, toxicity, moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate. He shall also submit in connection with his request a sample consisting of not less than six packages of such ointment and (unless it was previously submitted) a sample consisting of five packages containing approximately equal portions of not less than 0.5 gm. each of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(d) The fee for the services rendered with respect to each immediate container in the sample of streptomycin or dihydrostreptomycin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146a.55 *Penicillin-streptomycin bougies; penicillin - dihydrostreptomycin bougies.* (a) Penicillin-streptomycin bougies and penicillin-dihydrostreptomycin bougies conform to all requirements prescribed by § 146a.40 for penicillin bougies, except paragraph (c) (1) (iv) of that section, and are subject to all procedures prescribed by § 146a.40 for penicillin bougies, except that:

(1) Each bougie contains not less than 25 milligrams of streptomycin or dihydrostreptomycin.

(2) In lieu of the directions prescribed for penicillin bougies by § 146a.40 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each bougie.

(3) In addition to complying with the requirements of § 146a.40 (d), a person who requests certification of a batch of penicillin-streptomycin bougies or penicillin-dihydrostreptomycin bougies shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the streptomycin or dihydrostreptomycin used in making the batch for potency, toxicity, moisture, pH, and its streptomycin content if it is dihydrostreptomycin; the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each bougie of the batch. He shall also submit in connection with his request a sample consisting of not less than thirty bougies and (unless it was previously submitted) a sample consisting of five packages containing approximately equal portions of not less than 0.5 gram each of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(b) The fee for the services rendered with respect to each immediate container in the sample of bacitracin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146a.56 *Penicillin-bacitracin ointment.* (a) Penicillin-bacitracin ointment conforms to all requirements prescribed by § 146a.26 for penicillin ointment and is subject to all procedures prescribed by § 146a.26 for penicillin ointment, except that:

(1) It contains not less than 2,000 units of penicillin per gram;

(2) It contains not less than 500 units of bacitracin per gram;

(3) In lieu of the directions prescribed for penicillin ointment by § 146a.26 (c) (1) (ii) each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin per gram and the number of units of bacitracin per gram;

(4) In addition to complying with the requirements of § 146a.26 (d) a person who requests certification of a batch of penicillin-bacitracin ointment shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and date of the latest tests and assays of the bacitracin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than six packages of penicillin-bacitracin ointment and (unless it was previously submitted) a sample consisting of six packages containing approximately equal portions of not less than 0.5 gram each of the bacitracin used in making the batch, packaged in accordance with the requirements of § 146e.401 (b) of this chapter.

(b) The fee for the services rendered with respect to each immediate container in the sample of bacitracin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146a.57 *Procaine penicillin and streptomycin in oil; procaine penicillin and dihydrostreptomycin in oil.* (a) Procaine penicillin and streptomycin in oil and procaine penicillin and dihydrostreptomycin in oil conform to all requirements and to all procedures prescribed in § 146a.45 for procaine penicillin in oil for udder instillations of cattle or subcutaneous injection in fowl, except that:

(1) It contains not less than 2.0 milligrams of streptomycin or dihydrostreptomycin per milliliter. The streptomycin used conforms to the standards prescribed by § 146b.101 (a) of this chapter, except subparagraphs (2), (4), and (5) of that paragraph. The dihydrostreptomycin used conforms to the standards prescribed by § 146b.103 of this chapter, except the standards for sterility, pyrogens, and histamine.

(2) It may contain a suitable and harmless salt of cobalt and/or one or more suitable sulfonamides and papain, if it is intended solely for udder instillations of cattle, each of which, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(3) In lieu of the labeling prescribed for procaine penicillin in oil by § 146a.45 (c) (1) (ii) and (iv), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin per milliliter or prescribed dose; if it contains one or more of the active ingredients specified in subparagraph (2) of this paragraph, the name and quantity of each; the statement "For udder instillations of cattle only" or the statement "For subcutaneous injection in fowl only"; and if it is a multiple-dose container, the statement "Shake well." Each package shall also bear on its label and labeling, if it contains one or more of the other active ingredients specified in subparagraph (2) of this paragraph, after the name "Procaine penicillin and streptomycin in oil" or "Procaine penicillin and dihydrostreptomycin in oil," wherever it appears, the words "with ---------- (the blank being filled in with the common or usual name of each such other ingredient)," in juxtaposition with such name.

(4) In addition to complying with the requirements of § 146a.45 (d), a person who requests certification of a batch of procaine penicillin and streptomycin in oil or procaine penicillin and dihydrostreptomycin in oil shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the streptomycin or dihydrostreptomycin used in making the batch for potency, toxicity, moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin; the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each milliliter of the batch or in each prescribed dose. He shall also submit in connection with his request a sample consisting of not less than six immediate containers of the batch and (unless it was previously submitted) a sample consisting of five packages containing approximately equal portions of not less than 0.5 gram each of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(b) The fee for the services rendered with respect to each immediate container in the sample of streptomycin or dihydrostreptomycin submitted in accordance with the requirements prescribed by this section shall be $4.00.

§ 146a.58 *Penicillin and streptomycin; penicillin and dihydrostreptomycin—(a) Standards of identity, strength, quality, and purity.* Penicillin and streptomycin is procaine penicillin or crystalline sodium penicillin or potassium penicillin or *l*-ephenamine penicillin G or a mixture of procaine penicillin and crystalline sodium penicillin or potassium penicillin and streptomycin sulfate. Penicillin and dihydrostreptomycin is procaine penicillin or crystalline sodium penicillin or potassium penicillin or *l*-ephenamine penicillin G or a mixture of procaine penicillin and crystalline sodium penicillin or potassium penicillin and dihydrostreptomycin sulfate. Each such drug may contain suitable and harmless buffer substances, and suspending or dispersing agents. It is so purified and dried that:

(1) It is sterile;

(2) It is nontoxic;

(3) It is nonpyrogenic;

(4) Its moisture content is not more than 3.5 percent, except if it contains procaine penicillin its moisture content is not more than 4.2 percent; and

(5) When prepared for injection as directed in its labeling its pH is not less than 5.0 and not more than 7.5.

The procaine penicillin used conforms to the requirements prescribed by § 146a.44 (a). The crystalline penicillin used conforms to the requirements prescribed for crystalline penicillin by § 146a.24 (a). The *l*-ephenamine penicillin G used conforms to the requirements prescribed for *l*-ephenamine penicillin G by § 146a.64 (a). The streptomycin sulfate used conforms to the requirements prescribed by § 146b.101 (a) of this chapter. The dihydrostreptomycin sulfate used conforms to the requirements prescribed by § 146b.106 (a) of this chapter. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases, the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless (unless it is intended solely for veterinary use), transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Unless it is intended solely for veterinary use and is conspicuously so labeled, each such container shall contain 300,000 units, 600,000 units, 900,000 units, 1,500,000 units or 3,000,000 units of procaine penicillin or crystalline sodium penicillin or potassium penicillin or *l*-ephenamine penicillin G and not less than 0.25 gram of streptomycin or dihydrostreptomycin for each 300,000 units of penicillin, except if it is a mixture of two salts of penicillin it shall contain not less than 100,000 units of crystalline sodium penicillin or potassium penicillin for each 300,000 units of procaine penicillin. Each such container may be packaged in combination with a container of a solvent, water for injection U. S. P., dextrose injection U. S. P., or physiological salt solution U. S. P.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units of each salt of penicillin in the immediate container;

(iii) The number of grams of streptomycin or dihydrostreptomycin in the immediate container;

(iv) The statement "Expiration date ----," the blank being filled in with the date which is 48 months after the month in which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(v) The statement "For intramuscular use only"; and

(vi) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be.

(2) On the outside wrapper or container the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of penicillin and streptomycin or penicillin and dihydrostreptomycin shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the number of units of each salt of penicillin, and the number of grams of streptomycin or dihydrostreptomycin in each package, the batch marks, and (unless they were previously submitted) the dates on which the latest assays of the penicillin and streptomycin or dihydrostreptomycin used in making such batch were completed, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch and a statement that each such ingredient conforms to the requirements prescribed therefor by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, toxicity, pyrogens, moisture, pH.

(ii) The procaine penicillin used in making the batch; potency, crystallinity, penicillin K content (unless it is procaine penicillin G), and the penicillin G content if it is procaine penicillin G.

(iii) The crystalline sodium or potassium penicillin used in making the batch; potency, crystallinity, heat stability, penicillin K content (unless it is crystalline penicillin G), and the penicillin G content if it is crystalline penicillin G.

(iv) The *l*-ephenamine penicillin G used in making the batch; potency, crystallinity, heat stability, penicillin G content, and specific rotation.

(v) The streptomycin or dihydrostreptomycin used in making the batch; potency, histamine content, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if

such batch is packaged for dispensing, such person shall submit in connection with his request in the quantities hereinafter indicated accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 12 or more than 19 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The procaine penicillin used in making the batch; 3 packages containing approximately equal portions of not less than 0.5 gram each packaged in accordance with the requirements of § 146a.44 (b).

(iii) The crystalline penicillin used in making the batch, 3 packages containing approximately equal portions of not less than 250 milligrams each packaged in accordance with the requirements of § 146a.24 (b).

(iv) The *l*-ephenamine penicillin G used in making the batch; 3 packages containing approximately equal portions of not less than 0.5 gram each packaged in accordance with the requirements of § 146a.64 (b).

(v) The streptomycin or dihydrostreptomycin used in making the batch; 3 packages containing approximately equal portions of not less than 0.5 gram each packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(vi) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility; 12 approximately equal portions of at least 2 grams.

(ii) For sterility testing; 10 approximately equal portions of at least 0.5 gram.

Each such portion shall be taken from a different part of such batch, and each shall be packaged in a separate container and in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii), (iii), and (iv) of this paragraph, and no sample referred to in subparagraph (3) (ii), (iii), and (iv) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), (v), (vi) and (4) (i) of this section; and

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.59 *Penicillin tooth powder (tooth powder with penicillin)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin tooth powder is a mixture of crystalline penicillin and one or more suitable cleansing and polishing substances, with or without suitable and harmless diluents, colorings, and flavorings. Its potency is 500 units per gram. Its moisture content is not more than 2.0 percent. The crystalline penicillin used conforms to the requirements of § 146a.24 (a) for crystalline penicillin, except the limitation on penicillin K content and except subparagraphs (2) and (4) of that paragraph. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not more than 3 ounces.

(c) *Labeling.* Each package of penicillin tooth powder shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units per gram of the batch;

(iii) The statement "Expiration date _____," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription."

(ii) A reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of penicillin tooth powder shall submit with his request a statement showing the batch mark, the number of of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and moisture.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, crystallinity, heat stability, and the penicillin G content if it is crystalline sodium or potassium penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The penicillin used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146a.24 (b).

(iii) In case of an initial request for certification, each other substance used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin tooth powder under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.60 *Penicillin-bacitracin troches.* (a) Penicillin-bacitracin troches conform to all the requirements prescribed by § 146a.30 for penicillin troches, and are subject to all procedures prescribed by § 146a.30 for penicillin troches, except paragraph (f) of that section, and except that:

(1) Each troche shall contain not less than 50 units of bacitracin. The bacitracin used conforms to the standards prescribed by § 146e.401 (a) of this chapter, except subparagraphs (1), (2), and (4) of that paragraph, but its potency is not less than 30 units per milligram.

(2) In lieu of the labeling prescribed for penicillin troches by § 146a.30 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin and the number of units of bacitracin in each troche of the batch.

(3) In addition to complying with the requirements of § 146a.30 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the bacitracin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than 30 troches of such batch and (unless it was previously submitted) a sample consisting of 6 packages, each containing approximately equal portions of not less than 500 milligrams of the bacitracin used in making the batch, packaged in accordance with the requirements of § 146e.401 (b) of this chapter.

(b) The fee for the services rendered with respect to each immediate container in the sample of bacitracin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146a.63 *Crystalline penicillin and bacitracin*—(a) *Standards of identity, strength, quality, and purity.* Crystalline penicillin and bacitracin is composed of crystalline sodium penicillin or potassium penicillin and bacitracin with or without suitable and harmless buffer substances and dispersing agents. It is so purified and dried that:

(1) It is sterile;

(2) It is nontoxic;

(3) It is nonpyrogenic;

(4) Its moisture content is not more than 5.0 percent;

(5) The pH of an aqueous solution prepared as directed in its labeling is not less than 5.0 and not more than 7.5.

The crystalline penicillin used conforms to the standard prescribed by § 146a.24 (a). The bacitracin used conforms to the requirements prescribed by § 146e.401 (a) of this chapter. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practices shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness; each such container shall contain 1,500,000 units of crystalline penicillin and 60,000 units of bacitracin and each may be packaged in combination with a container of the solvent, water for injection U. S. P., physiological salt solution U. S. P., or with an aqueous solution of a suitable local anesthetic.

(c) *Labeling.* Each package shall bear on it label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units of crystalline penicillin in the immediate container;

(iii) The number of units of bacitracin in the immediate container;

(iv) The statement "For intramuscular use only";

(v) The statement "Expiration date _____," the blank being filled in with the date which is 18 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(vi) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be.

(2) On the outside wrapper or container the statement "Caution: Federal law prohibits dispensing without prescription."

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) Adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) The conditions under which such solutions should be stored, including a reference to their instability when stored under other conditions, and the statement "Sterile solution may be kept in refrigerator for 3 days without significant loss of potency."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of crystalline penicillin and bacitracin shall submit with his request a statement showing the batch mark, the number of packages in such batch, the number of units of penicillin and the number of units of bacitracin in each package, the batch marks, and (unless they were previously submitted) the dates on which the latest assays of the penicillin and bacitracin used in making such batch were completed, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch and a statement that each such ingredient conforms to the requirements prescribed therefor by this section. If such batch,, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(i) The batch; potency, sterility, toxicity, pyrogens, moisture, pH.

(ii) The crystalline penicillin used in making the batch; potency, crystallinity, heat stability, penicillin K content (unless it is crystalline penicillin G), and the penicillin G content if it is crystalline penicillin G.

(iii) The bacitracin used in making the batch; potency and toxicity.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request in the quantities hereinafter indicated accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 or more than 17 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The crystalline penicillin used in making the batch; 3 packages, each containing approximately equal portions of not less than 250 milligrams, packaged in accordance with the requirements of § 146a.24 (b).

(iii) The bacitracin used in making the batch; 3 packages, each containing approximately 0.5 gram packaged in

accordance with the requirements of § 146e.401 (b) of this chapter.

(iv) In case of an initial request for certification, each other ingredient used in making the batch; 1 package of each containing approximately 5 grams.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility; 10 approximately equal portions of at least 2 grams each.

(ii) For sterility testing; 10 approximately equal portions of at least 0.5 gram each.

Each such portion shall be taken from different parts of such batch, and each shall be packaged in a separate container and in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii) and (iii) of this paragraph, and no sample referred to in subparagraph (3) (ii) and (iii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section; and

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.64 *l-Ephenamine penicillin G (penicillin G l-ephenamine salt)*—(a) *Standards of identity, strength, quality and purity.* *l*-Ephenamine penicillin G is the heat stable crystalline *levo*-N-methyl-1, 2-diphenyl-2-hydroxyethylamine salt of penicillin G, prepared from crystalline penicillin G and crystalline dl - N - methyl-1, 2-diphenyl-2-hydroxyethylamine hydrochloride (98 percent purity and a melting point of 268.5° C. ±2.5° C.). It contains not less than 85 percent by weight of the *levo*-N-methyl-1, 2-diphenyl-2-hydroxyethylamine salt of penicillin G. It is so purified and dried that:

(1) Its potency is not less than 900 units per milligram;

(2) It is sterile;

(3) It is nonpyrogenic;

(4) It is nontoxic;

(5) Its moisture content is not more than 1.5 percent;

(6) Its pH in a saturated aqueous solution is not less than 5 and not more than 7.5; and

(7) Its specific rotation in water-acetone (1+1) at 20° C. is +125° ±5°.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container as hereinafter indicated, the following:

(1) The batch mark;

(2) The weight of the drug and the number of units in the immediate container;

(3) The statement "Expiration date ----------," the blank being filled in with the date which is 36 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(4) The statement "For manufacturing use only";

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him for potency, sterility, toxicity, pyrogens, moisture, pH, crystallinity, heat stability, the penicillin G content, and specific rotation.

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; 10 packages.

(ii) For sterility testing; 10 packages. Each such package shall contain approximately 300 milligrams taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch which is to be so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drugs. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section; and

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.65 *l-Ephenamine penicillin G in oil*—(a) *Standards of identity, strength, quality, and purity.* *l*-Ephenamine penicillin G in oil is a suspension of *l*-ephenamine penicillin G in refined peanut oil or sesame oil with or without the addition of one or more suitable and harmless dispersing agents. Its potency is 300,000 units per milliliter unless it is packaged and labeled solely for veterinary use. It is sterile. Its moisture content is not more than 1 percent. The *l*-ephenamine penicillin G used conforms to the requirements of § 146a.64 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate container shall be of colorless transparent glass (unless it is packaged to contain a single dose), so closed as to be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, and shall be so sealed that the contents cannot be used without destroying such seal. The immediate container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. If it is packaged for dispensing, each such container shall contain not less than 1.0 milliliter and not more than 20 milliliters and each shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in single or multiple doses.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container of the package:

(i) The batch mark;

(ii) The number of units per milliliter of the batch;

(iii) The statement "Expiration date ----------," the blank being filled in

with the date which is 18 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) The statements "For intramuscular use only" and "Shake well"; and

(v) The name of each oil used in making the batch, and, if aluminum monostearate is used as the dispersing agent, the quantity used.

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the *l*-ephenamine penicillin G used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each ingredient used in making such batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph such person shall submit in connection with his request results of tests and assays of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, and moisture.

(ii) The *l*-ephenamine penicillin G used in making the batch; potency, sterility, pyrogens, toxicity, moisture, pH, crystallinity, heat stability, penicillin G content, and specific rotation.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one package for each 500 packages in the batch, but in no case less than 3 packages or more than 12 packages.

(*b*) For sterility testing; 10 packages. Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The *l*-ephenamine penicillin G used in making the batch:

(*a*) For all tests except sterility; 10 packages, each containing approximately equal portions of not less than 300 milligrams.

(*b*) For sterility testing; 10 packages, each containing approximately equal portions of not less than 300 milligrams.

Each such portion shall be packaged in accordance with the requirements of § 146a.64 (b).

(iii) In case of an initial request for certification, one package containing approximately 150 grams of the peanut oil or sesame oil used and one package containing approximately 5 grams of each dispersing agent used.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) (*a*), and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.66 *l-Ephenamine penicillin G for aqueous injection*—(a) *Standards of identity, strength, quality, and purity.* *l*-Ephenamine penicillin G for aqueous injection is a dry mixture of *l*-ephenamine penicillin G and one or more suitable and harmless suspending or dispersing agents, with or without one or more suitable and harmless preservatives and buffer substances, or it is an aqueous suspension of *l*-ephenamine penicillin G and one or more suitable and harmless suspending or dispersing agents, buffer substances, and preservatives, except that preservatives are not required if the immediate container is packaged to contain a single dose and is conspicuously so labeled. It is so purified that:

(1) If it is an aqueous suspension of the drug, each container or each milliliter shall contain not less than 300,000 units, unless it is packaged and labeled solely for veterinary use;

(2) It is sterile;

(3) If it is the dry mixture of the drug, its moisture content is not more than 1.5 percent;

(4) It is nonpyrogenic;

(5) It is nontoxic; and

(6) Its pH in saturated aqueous solution is not less than 5.0 and not more than 7.5.

The *l*-ephenamine penicillin G used conforms to the requirements of §146a.64 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness, unless it is the aqueous suspension of the drug and it is packaged to contain a single dose. If it is the dry mixture of the drug, each such container shall contain 300,000 units, 600,000 units, 900,000 units, 1,200,000 units, 1,500,000 units, or 3,000,000 units (unless it is packaged and labeled solely for veterinary use), and each may be packaged in combination with a container of a suitable aqueous diluent. If it is the aqueous suspension of the drug, each such container shall contain not less than 1 milliliter (unless it is packaged to contain a single dose) and not more than 10 milliliters (unless it is packaged and labeled solely for veterinary use), and each shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in either single or multiple doses.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in the immediate container;

(iii) The statement "Expiration date ----------," the blank being filled in, if it is the dry mixture of the drug, with the date which is 18 months, or if it is the aqueous suspension of the drug, with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 24 months after the month in which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That

such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) The statement "For intramuscular use only"; and

(v) If the drug contains preservatives, the name and quantity of each preservative used.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is the aqueous suspension of the drug, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)," unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iii) If it is the dry mixture of the drug, the conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week, or in refrigerator for 3 weeks, without significant loss of potency."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of *l*-ephenamine penicillin G for aqueous injection shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the *l*-ephenamine penicillin G used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, moisture (unless it is the aqueous suspension of the drug), pyrogens, toxicity, pH.

(ii) The *l*-ephenamine penicillin G used in making the batch; potency, crystallinity, heat stability, penicillin G content, and specific rotation.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 or more than 17 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The *l*-ephenamine penicillin G used in making the batch; 3 packages containing approximately equal portions of not less than 500 milligrams each, packaged in accordance with the requirements of § 146a.64 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch, one package of each containing approximately 5 grams.

(iv) In case of an initial request for the certification of a batch which is to be packaged in combination with an aqueous diluent which is not recognized by the U. S. P., or when any change is made in the composition of such diluent; 5 packages of the diluent included in the combination.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility; 10 packages.

(ii) For sterility testing; 10 packages.

Each such package shall contain approximately 300 milligrams taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.67 *Procaine penicillin in streptomycin sulfate solution; procaine penicillin in dihydrostreptomycin sulfate solution (procaine penicillin in crystalline dihydrostreptomycin sulfate solution).*—(a) *Standards of identity, strength, quality, and purity.* Procaine penicillin in streptomycin sulfate solution is procaine penicillin suspended in an aqueous solution of streptomycin sulfate. Procaine penicillin in dihydrostreptomycin sulfate solution is procaine penicillin suspended in an aqueous solution of dihydrostreptomycin sulfate or crystalline dihydrostreptomycin sulfate. Such solution shall contain one or more suitable and harmless buffer substances, preservatives, and suspending or dispersing agents, and it may contain one or more suitable and harmless stabilizing agents and procaine hydrochloride in a concentration not exceeding 2 percent. It is so purified that:

(1) Each milliliter shall contain not less than 100,000 units of procaine penicillin and not less than 0.25 gram of streptomycin sulfate or dihydrostreptomycin sulfate, but each immediate container shall contain not less than 300,000 units of procaine penicillin and not less than 0.25 gram of streptomycin sulfate or dihydrostreptomycin sulfate;

(2) It is sterile;

(3) It is nonpyrogenic;

(4) It is nontoxic; and

(5) Its pH is not less than 5.0 and not more than 8.0.

The procaine penicillin used conforms to the requirements prescribed by § 146a.44 (a). The streptomycin sulfate used conforms to the requirements prescribed by § 146b.101 (a) of this chapter. The dihydrostreptomycin sulfate used conforms to the requirements prescribed by § 146b.106 (a) of this chapter. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless (unless it is intended solely for veterinary use) transparent glass closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness, unless it is packaged to contain a single dose. Each such container shall contain not less than 1 milliliter (unless it is packaged to contain a single dose) and not more than 30 milliliters (unless it is packaged and intended solely for veterinary use), and each shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and administration of the volume indicated, whether administered in either single or multiple doses.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of procaine penicillin and the number of milligrams or grams of streptomycin sulfate or dihydrostreptomycin sulfate in each milliliter of the batch.

(iii) The name and quantity of each preservative used, and if it contains added procaine hydrochloride, the quantity of such added ingredient.

(iv) The statement "Expiration date ____," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(v) The statement "For intramuscular use only."

(vi) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be.

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

(ii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the number of units of procaine penicillin and the number of milligrams or grams of streptomycin sulfate or dihydrostreptomycin sulfate in each milliliter of the batch, the batch marks and (unless they were previously submitted) the dates on which the latest assays of the procaine penicillin and streptomycin sulfate or dihydrostreptomycin sulfate used in making such batch were completed, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, toxicity, pyrogens, pH.

(ii) The procaine penicillin used in making the batch; potency, crystallinity, penicillin K content (unless it is procaine penicillin G), and the penicillin G content if it is procaine penicillin G.

(iii) The streptomycin sulfate or dihydrostreptomycin sulfate used in making the batch; potency, histamine content, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 12 or more than 19 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The procaine penicillin used in making the batch; three packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 146a.44 (b).

(iii) The streptomycin sulfate or dihydrostreptomycin sulfate used in making the batch; three packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(iv) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of:

(i) For all tests except sterility; 12 approximately equal portions of at least 2 milliliters.

(ii) For sterility testing; 10 approximately equal portions of at least 1 milliliter.

Each such portion shall be taken from different parts of such batch, and each shall be packaged in a separate container and in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii) and (iii) of this paragraph, and no sample referred to in subparagraph (3) (ii) and (iii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter, for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.68 *Benzathine penicillin G (benzathine penicillin G salt).*—(a) *Standards of identity, strength, quality, and purity.* Benzathine penicillin G is the crystalline N,N'dibenzylethylenediamine salt of penicillin G. It contains not less than 85 percent by weight of the N,N'dibenzylethylenediamine salt of penicillin G. Each such drug is so purified and dried that:

(1) Its potency is not less than 1050 units per milligram.

(2) It is sterile.

(3) It is nontoxic.

(4) It is nonpyrogenic.

(5) Its moisture content is not more than 8 percent.

(6) Its pH in a saturated aqueous solution is not less than 5.0 and not more than 7.5.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and clos-

ing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The batch mark.

(2) The weight of the drug and the number of units in the immediate container.

(3) The statement "Expiration date ----------," the blank being filled in with the date which is 36 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(4) The statement "For manufacturing use only."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH crystallinity, and the penicillin G content.

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; 10 packages.

(ii) For sterility testing; 10 packages. Each such package shall contain approximately 300 milligrams taken from different parts of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which benzathine penicillin G is to be used, the manufacturer of a batch which is to be so used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) (i) and (3) of this section.

(2) If the Commissioner considers that investigations, other than the examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter, for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.69 *Benzathine penicillin G oral suspension; benzathine penicillin G for oral suspension*—(a) *Standards of identity, strength, quality, and purity.* Benzathine penicillin G oral suspension is an aqueous suspension of benzathine penicillin G, and benzathine penicillin G for oral suspension is a dry mixture of benzathine penicillin G; each drug may contain one or more suitable and harmless dispersing agents, buffer substances, and preservatives, with or without one or more suitable sulfonamides and suitable and harmless colorings and flavorings. The potency of the oral suspension and of the suspension prepared as directed in its labeling is not less than 20,000 units per milliliter. Its pH is not less than 6.0 and not more than 7.0. If it is a dry mixture of the drug, its moisture content is not more than 6.0 percent. The benzathine penicillin G used conforms to the requirements of § 146a.68 (a), except subparagraphs (2), (4), and, if it is the oral suspension, (5) of that paragraph. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units in each milliliter of the batch, if it is the oral suspension, and the number of units in each immediate container, if it is a dry mixture.

(iii) The name of each buffer substance and the name and quantity of each sulfonamide and preservative used in making the batch.

(iv) The statement "Shake well."

(v) The statement "Expiration date -------- ---," the blank being filled in with the date which is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, if sulfonamides are present, after the name "Benzathine penicillin G oral suspension or benzathine penicillin G for oral suspension," wherever it appears, the words "with sulfonamides" in juxtaposition with such name.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the benzathine penicillin G used in making such batch was completed, the potency per milliliter if it is a suspension of the drug and the number of units in each immediate container if it is a dry mixture, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per milliliter if it is the oral suspension, average potency per immediate container if it is a dry mixture, pH, and moisture if it is a dry mixture of the drug.

(ii) The benzathine penicillin G used in making the batch; potency, toxicity, pH, moisture (if it is used in the preparation of a dry mixture), crystallinity, and the penicillin G content.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The benzathine penicillin G used in making the batch; 10 packages, each containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 146a.68 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations, other than the examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.70 *Penicillin - streptomycin-bacitracin ointment; penicillin-dihydrostreptomycin-bacitracin ointment.* (a) Penicillin-streptomycin-bacitracin ointment and penicillin-dihydrostreptomycin-bacitracin ointment conform to all requirements prescribed by § 146a.54 for penicillin-streptomycin ointment and penicillin-dihydrostreptomycin ointment, except that:

(1) It contains not less than 500 units of bacitracin per gram.

(2) In addition to the labeling prescribed by § 146a.54 (b), each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin per gram of ointment.

(3) In addition to complying with requirements of § 146a.54 (c) a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless previously submitted) the results and the date of the latest tests and assays of the bacitracin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than 7 packages of such ointment and (unless it was previously submitted) a sample consisting of 6 packages containing approximately equal portions of not less than 0.5 gram each of the bacitracin used in making the batch, packaged in accordance with the requirements of § 146e.401 (b) of this chapter.

(b) The fee for the services rendered with respect to each immediate container in the sample of bacitracin submitted in accordance with requirements prescribed therefor by this section shall be $4.00.

§ 146a.71 *Penicillin-streptomycin dental cones; penicillin-dihydrostreptomycin dental cones.* (a) Penicillin-streptomycin dental cones and penicillin-dihydrostreptomycin dental cones conform to all requirements prescribed by § 146a.31 for penicillin dental cones and are subject to all procedures prescribed by that section for penicillin dental cones, except that:

(1) Each cone contains not less than 25 milligrams of streptomycin or dihydrostreptomycin. The streptomycin used conforms to the standards prescribed by § 146b.101 (a) of this chapter, except subparagraphs (2), (4), and (5) of that paragraph. The dihydrostreptomycin used conforms to the standards prescribed by § 146b.103 of this chapter, except the standards for sterility, pyrogens, and histamine.

(2) Its moisture content is not more than 3 percent.

(3) In lieu of the labeling prescribed for penicillin dental cones by § 146a.31 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each cone of the batch.

(4) In addition to complying with the requirements of § 146a.31 (d), the person who requests certification of a batch of penicillin-streptomycin dental cones or penicillin-dihydrostreptomycin dental cones shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the streptomycin or dihydrostreptomycin used in making the batch for potency, toxicity, moisture, pH, streptomycin content if it is dihydrostreptomycin and crystallinity if it is crystalline dihydrostreptomycin, and the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each cone of the batch. He shall also submit in connection with his request a sample consisting of not less than 30 cones and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(b) The fee for the services rendered with respect to each immediate container in the sample of streptomycin or dihydrostreptomycin submitted in accordance with the requirements prescribed by this section shall be $4.00.

§ 146a.74 *Diethylaminoethyl ester penicillin G hydriodide (penicillin G diethylaminoethyl ester hydriodide)*—(a) *Standards of identity, strength, quality, and purity.* Diethylaminoethyl ester penicillin G hydriodide is the crystalline diethylaminoethyl ester hydriodide salt of penicillin G. It contains not less than 85 percent by weight of β-diethylaminoethyl ester hydriodide salt of penicillin G. It is so purified and dried that:

(1) Its potency after hydrolysis is not less than 900 units per milligram.

(2) It is sterile.

(3) It is nonpyrogenic.

(4) It is nontoxic.

(5) Its moisture content is not more than 1 percent.

(6) The pH of a saturated aqueous solution is not less than 4.0 and not more than 6.5.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear, on its outside wrapper or container and the immediate container as hereinafter indicated, the following:

(1) The batch mark.

(2) The weight of the drug and the number of units in the immediate container.

(3) The statement "Expiration date ----------," the blank being filled in with the date which is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(4) The statement "For manufacturing use only."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the

batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him for potency, sterility, toxicity, pyrogens, moisture, pH, crystallinity, and the penicillin G content.

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; 10 packages.

(ii) For sterility testing; 10 packages.

Each such package shall contain approximately 300 milligrams taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch which is to be so used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drugs. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section.

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter, for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.75 *Diethylaminoethyl ester penicillin G hydriodide for aqueous injection (penicillin G diethylaminoethyl ester hydriodide for aqueous injection)*—(a) *Standards of identity, strength, quality, and purity.* Diethylaminoethyl ester penicillin G hydriodide for aqueous injection is diethylaminoethyl ester penicillin G hydriodide and one or more suitable and harmless suspending or dispersing agents, with or without one or more suitable and harmless preservatives and buffer substances. It is so purified and dried that:

(1) It is sterile.

(2) Its moisture content is not more than 1 percent.

(3) It is nonpyrogenic.

(4) It is nontoxic.

(5) The pH of a saturated aqueous solution is not less than 5.0 and not more than 7.5.

The diethylaminoethyl ester penicillin G hydriodide used conforms to the requirements of § 146a.74 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each such container shall contain 500,000 units or multiples thereof up to and including 5,000,000 units, and each may be packaged in combination with a container of a suitable aqueous diluent.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units in the immediate container.

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(iv) The statement "For intramuscular use only."

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iii) The conditions under which suspensions of the drug may be stored, and the statement "Sterile suspension may be kept at room temperature for 7 days, or in refrigerator for 3 weeks, without significant loss of potency."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the diethylaminoethyl ester penicillin G hydriodide used in making such batch was completed, the number of units in each such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, moisture, pyrogens, toxicity, pH.

(ii) The diethylaminoethyl ester penicillin G hydriodide used in making the batch; potency, crystallinity, penicillin G content.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 or more than 17 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The diethylaminoethyl ester penicillin G hydriodide used in making the batch; 3 packages containing approximately equal portions of not less than 500 milligrams each, packaged in accordance with the requirements of § 146a.74 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(iv) In the case of an initial request for the certification of a batch which is to be packaged in combination with an aqueous diluent which is not recognized by the U. S. P., or when any change is made in the composition of such diluent; 5 packages of the diluent included in the combination.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility; 10 packages.

(ii) For sterility testing; 10 packages. Each such package shall contain approximately 300 milligrams, taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter, for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.76 *Penicillin-streptomycin implantation pellets; penicillin-dihydrostreptomycin implantation pellets*—(a) *Standards of identity, strength, quality, and purity.* Penicillin-streptomycin implantation pellets and penicillin-dihydrostreptomycin implantation pellets are pellets composed of crystalline penicillin or procaine penicillin and streptomycin or dihydrostreptomycin, with or without the addition of one or more suitable and harmless diluents, binders, and lubricants. Each pellet contains not less than 5,000 units of penicillin and not less than 6.25 milligrams of streptomycin or dihydrostreptomycin. Its moisture content is not more than 5 percent. The crystalline penicillin conforms to the requirements of § 146a.24 (a), except subparagraphs (2) and (4) of that paragraph. The procaine penicillin conforms to the requirements of § 146a.44 (a), except subparagraphs (2) and (3) of that paragraph. The streptomycin used conforms to the requirements of § 146b.101 (a) of this chapter, except subparagraphs (2) and (4) of that paragraph. The dihydrostreptomycin used conforms to the requirements prescribed therefor by § 146b.103 of this chapter, except the standards for sterility and pyrogens. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the requirements prescribed therefor by such official compendium.

(b) *Packaging.* Unless each pellet is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the pellets by a plug of cotton or other like material. The composition of the immediate container or of the foil or film enclosure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of penicillin in each pellet of the batch.

(iii) The number of milligrams of streptomycin or dihydrostreptomycin in each pellet of the batch.

(iv) The statement "For veterinary use only."

(v) The statement "Expiration date ----------," the blank being filled in with the date which is 18 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch marks and (unless they were previously submitted) the dates on which the latest assays of the penicillin and streptomycin or dihydrostreptomycin used in making the batch were completed, the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each pellet, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, moisture.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, crystallinity, and heat stability (unless it is procaine penicillin), penicillin K content (unless it is crystalline penicillin G or procaine penicillin G), and the penicillin G content if it is crystalline penicillin G or procaine penicillin G.

(iii) The streptomycin or dihydrostreptomycin used in making the batch; potency, toxicity, histamine content, moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one pellet for each 5,000 pellets in the batch, but in no case less than 30 pellets or more than 100 pellets, collected by taking single pellets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal.

(ii) The penicillin used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 milligrams if it is crystalline penicillin and not less than 300 milligrams if it is procaine penicillin, each taken from a different part of such batch and packaged in accordance with the requirements of § 146a.24 (b) or § 146a.44 (b).

(iii) The streptomycin or dihydrostreptomycin used in making the batch; 5 packages, each containing approximately 0.5 gram, taken from a different part of such batch and packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(iv) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) and (iii) of this paragraph, and no sample referred to in subparagraph (3) (ii) and (iii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each pellet in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iv) of this section; $10.00 for each package in the sample submitted in accordance with paragraph (d) (3) (iii) of this section.

(2) If the Commissioner considers that investigations other than examination of such pellets and packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter, for the

issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.77 *Benzathine penicillin G for aqueous injection*—(a) *Standards of identity, strength, quality, and purity.* Benzathine penicillin G for aqueous injection is a dry mixture of benzathine penicillin G and one or more suitable and harmless suspending or dispersing agents and with or without one or more suitable and harmless preservatives, buffer substances, and local anesthetics; or it is an aqueous suspension of benzathine penicillin G and one or more suitable and harmless suspending or dispersing agents, buffer substances, and preservatives and with or without one or more suitable and harmless local anesthetics. It is so purified that:

(1) If it is an aqueous suspension of the drug, each container or each milliliter shall contain not less than 300,000 units.

(2) It is sterile.

(3) If it is the dry mixture of the drug, its moisture content is not more than 8 percent.

(4) It is nonpyrogenic.

(5) It is nontoxic.

(6) Its pH in saturated solution is not less than 5.0 and not more than 7.5.

The benzathine penicillin G used conforms to the requirements of § 146a.68 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless, (unless it is intended solely for veterinary use) transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. If it is the dry mixture of the drug, each such container shall contain 300,000 units, 600,000 units, 900,000 units, 1,200,000 units, 1,500,000 units, 2,400,000 units, or 3,000,000 units, unless it is intended solely for veterinary use and is conspicuously so labeled. Each such container may be packaged in combination with a container of a suitable aqueous diluent. If it is the aqueous suspension of the drug, each such container shall contain not less than 1 milliliter (unless it is packaged to contain a single dose) and not more than 10 milliliters (unless it is intended solely for veterinary use and is conspicuously so labeled), and each shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in either single or multiple doses.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units in the immediate container.

(iii) The statement "Expiration date ----------," the blank being filled in, if it is a dry mixture of the drug, with the date which is 48 months, or if it is the aqueous suspension of the drug, with the date which is 18 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 24 months after the month during which the batch was certified, if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* that such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(iv) The statement "For intramuscular use only."

(v) If the drug contains preservatives or anesthetics, the name and quantity of each such added ingredient.

(2) On the outside wrapper or container:

(i) If it is the aqueous suspension of the drug, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)," unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature.

(ii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iii) If it is the dry mixture of the drug, the conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week, or in refrigerator for 3 weeks, without significant loss of potency."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of benzathine penicillin G for aqueous injection shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the benzathine penicillin G used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, moisture (unless it is an aqueous suspension of the drug), pyrogens, toxicity, pH.

(ii) The benzathine penicillin G used in making the batch; potency, penicillin G content, crystallinity.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(a) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 or more than 17 immediate containers.

(b) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The benzathine penicillin G used in making the batch; three packages containing approximately equal portions of not less than 500 milligrams each, packaged in accordance with the requirements of § 146a.68 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(iv) In case of an initial request for the certification of a batch of benzathine penicillin G for aqueous injection which is to be packaged in combination with an aqueous diluent which is not recognized by the U. S. P., or when any change is made in the composition of such diluent, five packages of the diluent included in the combination.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility; 10 packages.

(ii) For sterility testing; 10 packages. Each such package shall contain not less than approximately 300 milligrams taken from different parts of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter, for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.78 *Benzathine penicillin G and buffered crystalline penicillin for aqueous injection.* (a) Benzathine penicillin G and buffered crystalline penicillin for aqueous injection conforms to all requirements prescribed by § 146a.77 for the dry mixture of penicillin G for aqueous injection, and is subject to all procedures prescribed by § 146a.77 for the dry mixture of benzathine penicillin G for aqueous injection, except that:

(1) Each immediate container shall contain not less than 50,000 units of buffered crystalline penicillin for each 300,000 units of benzathine penicillin G. The buffered crystalline penicillin conforms to the requirements prescribed therefor by § 146a.37.

(2) In lieu of the labeling prescribed for benzathine penicillin G for aqueous injection by § 146a.77 (c) (1) (ii), each package shall bear, on the outside wrapper or container and the immediate container, the number of units of benzathine penicillin G and the number of units of buffered crystalline penicillin in the immediate container. The circular or other labeling within or attached to the package, if it is packaged for dispensing, shall bear, in lieu of the statement prescribed by § 146a.77 (c) (3) (iii), the statement "Sterile suspension may be kept in refrigerator for 1 week without significant loss of potency."

(3) In addition to complying with the requirements of § 146a.77 (d), a person who requests certification of a batch of benzathine penicillin G and buffered crystalline penicillin for aqueous injection shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and date of the latest tests and assays of the buffered crystalline penicillin used in making the batch for potency, crystallinity, heat stability, penicillin K content (unless it is buffered crystalline penicillin G) and the penicillin G content if it is buffered crystalline penicillin G, the number of units of benzathine penicillin G and the number of units of buffered crystalline penicillin in each immediate container of the batch. He shall also submit in connection with his request a sample consisting of three packages containing approximately equal portions of not less than 250 milligrams each of the buffered crystalline penicillin used in making the batch. If such batch is packaged for repacking, each portion in the sample required by § 146a.77 (d) (4) shall consist of approximately 400 milligrams in lieu of 300 milligrams.

(b) The fee for the services rendered with respect to each immediate container in the sample of buffered crystalline penicillin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146a.79 *Chloroprocaine penicillin O (penicillin O chloroprocaine salt)*—(a) *Standards of identity, strength, quality, and purity.* Chloroprocaine penicillin O is the crystalline 2-chloroprocaine salt of penicillin O prepared from 2-chloroprocaine hydrochloride (95 percent purity and a melting point of 171°–176° C.) and crystalline penicillin O. It contains not less than 85 percent of the 2-chloroprocaine salt of penicillin O and not more than 0.5 percent of the 2-chloroprocaine salt of penicillin G. Each such drug is so purified and dried that:

(1) Its potency is not less than 850 units per milligram.

(2) It is sterile.

(3) It is nonpyrogenic.

(4) It is nontoxic.

(5) Its moisture content is not more than 4.2 percent.

(6) Its pH in saturated aqueous solution is not less than 5.0 and not more than 7.5.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of chloroprocaine penicillin O shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The batch mark.

(2) The weight of the drug and the number of units in the immediate container.

(3) The statement "Expiration date ----------," the blank being filled in with the date which is 36 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(4) The statement "For manufacturing use only."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of chloroprocaine penicillin O shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH, crystallinity, chloroprocaine penicillin O content, and chloroprocaine penicillin G content.

(2) Such person shall submit in connection with his request an accurately representative sample of the batch:

(i) For all tests except sterility; 10 packages.

(ii) For sterility testing; 10 packages. Each such package shall contain approximately 300 milligrams taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which chloroprocaine penicillin O is to be used, the manufacturer of a batch which is so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section.

(2) If the Commissioner considers that investigations other than the examination of such immediate containers

are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter, for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.80 *Chloroprocaine penicillin O for aqueous injection*—(a) *Standards of identity, strength, quality, and purity.* Chloroprocaine penicillin O for aqueous injection is a dry mixture of chloroprocaine penicillin O and one or more suitable and harmless suspending or dispersing agents, with or without one or more suitable and harmless buffer substances. It is so purified and dried that:

(1) It is sterile.

(2) Its moisture content is not more than 4.2 percent.

(3) It is nonpyrogenic.

(4) It is nontoxic.

(5) Its pH in saturated aqueous solution is not less than 5.0 and not more than 7.5.

The chloroprocaine penicillin O used conforms to the requirements of § 146a.79 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless, transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each such container shall contain 300,000 units, 600,000 units, 900,000 units, 1,200,000 units, 1,500,000 units, or 3,000,000 units, unless it is intended solely for veterinary use and is conspicuously so labeled. Each such container may be packaged in combination with a container of a suitable aqueous diluent.

(c) *Labeling.* Each package shall bear, on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units in the immediate container.

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 36 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(iv) The statement "For intramuscular use only."

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iii) The conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week, or in refrigerator for 3 weeks, without significant loss of potency."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of chloroprocaine penicillin O for aqueous injection shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chloroprocaine penicillin O used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, moisture, pyrogens, toxicity, pH.

(ii) The chloroprocaine penicillin O used in making the batch; potency crystallinity, penicillin O content, and penicillin G content.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 or more than 17 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chloroprocaine penicillin O used in making the batch: six packages containing approximately equal portions of not less than 300 milligrams each.

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5.0 grams.

(iv) In case of an initial request for the certification of a batch of chloroprocaine penicillin O for aqueous injection which is to be packaged in combination with an aqueous diluent which is not recognized by the U. S. P., or when any change is made in the composition of such diluent, five packages of the diluent included in the combination.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility; 10 packages.

(ii) For sterility testing; 10 packages. Each such package shall contain not less than approximately 300 milligrams taken from different parts of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraphs (d) (3) (i) (*a*), (ii), (iii), and (iv) and (4) (i) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.81 *Penicillin-streptomycin vaginal suppositories; penicillin-dihydrostreptomycin vaginal suppositories.* (a) Penicillin-streptomycin vaginal suppositories and penicillin-dihydrostreptomycin vaginal suppositories conform to all requirements prescribed by § 146a.36 for penicillin vaginal suppositories and are subject to all procedures prescribed by that section for penicillin vaginal suppositories, except that:

(1) Each suppository shall contain not less than 200 milligrams of streptomycin or dihydrostreptomycin. The streptomycin used conforms to the standards prescribed by § 146b.101 (a) of this chapter, except subparagraphs (2), (4), and (5) of that paragraph. The dihydrostreptomycin used conforms to the standards prescribed by § 146b.103 of this chapter except the standards for sterility, pyrogens, and histamine.

(2) In lieu of the labeling prescribed for penicillin vaginal suppositories by § 146a.36 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each suppository of the batch.

(3) In addition to complying with the requirements of § 146a.36 (d), a person who requests certification of a batch of penicillin-streptomycin vaginal suppositories or penicillin-dihydrostreptomycin vaginal suppositories shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the streptomycin or dihydrostreptomycin used in making the batch for potency, toxicity, moisture, pH, streptomycin content if it is dihydrostreptomycin and crystallinity if it is crystalline dihydrostreptomycin, and the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each suppository in the batch. He shall also submit in connection with his request a sample consisting of not less than 30 suppositories and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(b) The fee for the services rendered with respect to each immediate container in the sample of streptomycin or dihydrostreptomycin submitted in accordance with the requirements prescribed by this section shall be $4.00.

§ 146a.82 *Penicillin-streptomycin-bacitracin dental paste; penicillin-dihydrostreptomycin-bacitracin dental paste*—(a) *Standards of identity, strength, quality, and purity.* Penicillin-streptomycin-bacitracin dental paste and penicillin - dihydrostreptomycin - bacitracin dental paste is calcium penicillin, crystalline sodium or potassium penicillin, or procaine penicillin, streptomycin or dihydrostreptomycin, bacitracin, and sodium caprylate in a suitable and harmless base. Its moisture content is not more than 2 percent. It contains not less than 200,000 units of penicillin, not less than 2,000 units of bacitracin, and not less than 0.20 gram of streptomycin or dihydrostreptomycin per milliliter. The calcium penicillin or crystalline penicillin used conforms to the requirements of § 146a.24 (a) except the limitation on penicillin K content, and except subparagraphs (1) and (4) of that paragraph, but its potency is not less than 300 units per milligram. The procaine penicillin used conforms to the requirements of § 146a.44 (a) except subparagraph (3) of that paragraph. The streptomycin used conforms to the standards prescribed by § 146b.101 (a) of this chapter except subparagraphs (4) and (5) of that paragraph. The dihydrostreptomycin used conforms to the standards prescribed by § 146b.103 of this chapter except the standards for pyrogens and histamine. The bacitracin used conforms to the standards prescribed therefor by § 146e.401 (a) of this chapter except subparagraphs (1) and (4) of that paragraph, but its potency is not less than 30 units per milligram.

(b) *Packaging.* The drug shall be packaged in immediate containers of transparent glass which meet the test for tight containers as defined by the U. S. P. Each such glass container shall be so sealed that the contents cannot be used without destroying such seal and shall be closed by a substance through which a hypodermic needle may be introduced and withdrawn without destroying its effectiveness. The immediate container and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of the drug shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of penicillin and bacitracin, the number of milligrams of streptomycin or dihyrdostreptomycin, and the quantity of sodium caprylate in each milliliter of the batch.

(iii) The statement "For endodontic use only."

(iv) The statement "Expiration date ----------," the blank being filled in with the date which is not more than 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription."

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of penicillin-streptomycin-bacitracin dental paste or penicillin-dihydrostreptomycin-bacitracin dental paste shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark, and (unless they were previously submitted) the dates of the latest tests and assays of the penicillin, streptomycin or dihydrostreptomycin, and bacitracin used in making the batch.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, and moisture.

(ii) The penicillin used in making the batch; potency, toxicity, sterility, moisture, pH, crystallinity if it is crystalline penicillin, heat stability if it is crystalline sodium or potassium penicillin, the penicillin G content if it is crystalline sodium or potassium penicillin G, and the procaine penicillin G content if it is procaine penicillin G.

(iii) The streptomycin or dihydrostreptomycin used in making the batch; potency, toxicity, sterility, moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate.

(iv) The bacitracin used in making the batch; potency, toxicity, sterility, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one package for each 500 packages in the batch, but in no case less than 5 packages or more than 12 packages.

(*b*) For sterility testing; 10 packages. Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The penicillin used in making the batch:

(*a*) For all tests except sterility; 5 packages, or in the case of crystalline penicillin, 10 packages, each containing approximately equal portions of not less than 60 milligrams if it is not procaine penicillin, and not less than 300 milligrams if it is procaine penicillin.

(*b*) For sterility testing; 10 packages, each containing approximately equal portions of 300 milligrams.

Such samples shall be packaged in accordance with the requirements of § 146a.24 (b) or § 146a.44 (b).

(iii) The streptomycin or dihydrostreptomycin used in making the batch:

(*a*) For all tests except sterility; 5 packages containing approximately equal portions of not less than 0.5 gram.

(*b*) For sterility testing; 10 packages, each containing approximately equal portions of 0.5 gram.

Such samples shall be packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(iv) The bacitracin used in making the batch:

(*a*) For all tests except sterility; 6 packages, each containing approximately equal portions of not less than 0.5 gram.

(*b*) For sterility testing; 10 packages, each containing approximately equal portions of 0.5 gram.

Such samples shall be packaged in accordance with the requirements of § 146e.401 (b) of this chapter.

(v) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii), (iii), and (iv) of this paragraph, and no sample referred to in subparagraph (3) (ii), (iii), and (iv) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin-streptomycin-bacitracin dental paste or penicillin-dihydrostreptomycin-bacitracin dental paste under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) (*a*), (iii) (*a*), (iv) (*a*), and (v) of this section.

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.84 *Penicillin and dihydrostreptomycin-streptomycin sulfates, procaine penicillin in dihydrostreptomycin-streptomycin sulfates solution*—(a) *Standards of identity, strength, quality, and purity.* Penicillin and dihydrostreptomycin-streptomycin sulfates and procaine penicillin in dihydrostreptomycin-streptomycin sulfates solution conform to the standards prescribed by § 146b.113 (a) of this chapter for dihydrostreptomycin - streptomycin sulfates, except that:

(1) It contains dry procaine penicillin, benzathine penicillin G, crystalline sodium penicillin or potassium penicillin, or a mixture of any combination of such salts, or it contains procaine penicillin suspended in an aqueous solution of dihydrostreptomycin-streptomycin sulfates. The procaine penicillin used conforms to the requirements prescribed by § 146a.44 (a). The crystalline penicillin used conforms to the requirements prescribed for crystalline penicillin by § 146a.24 (a) The benzathine penicillin G used conforms to the requirement prescribed by § 146a.68 (a).

(2) It may contain suitable and harmless buffer substances, preservatives, suspending, dispersing, and stabilizing agents. Each such substance, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(3) The moisture content of the dry mixture is not more than 3.5 percent, except if it contains procaine penicillin its moisture content is not more than 4.2 percent, and if it contains benzathine penicillin G its moisture content is not more than 6 percent.

(4) The pH of a solution or a suspension prepared as directed in its labeling is not less than 5.0 and not more than 7.5.

(b) *Packaging.* It shall be packaged in accordance with the requirements prescribed by § 146b.113 (b) of this chapter, except that each immediate container or each milliliter shall contain not less than 300,000 units of penicillin, 0.15 gram dihydrostreptomycin, and 0.15 gram streptomycin.

(c) *Labeling.* If it is the dry mixture, it shall be labeled in accordance with the requirements prescribed by § 146a.58 (c), except that each package shall bear on the outside wrapper or container and the immediate container the number of units of each salt of penicillin, the number of grams of dihydrostreptomycin, and the number of grams of streptomycin in the immediate container. If it is the suspension of the drug, it shall be labeled in accordance with the requirements prescribed by § 146a.67 (c), except that each package shall bear on the outside wrapper or container and the immediate container the number of units of procaine penicillin, the number of grams of dihydrostreptomycin, and the number of grams of streptomycin in each milliliter in the immediate container.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146b.113 (d) (1) of this chapter, a person who requests certification of a batch shall submit a statement showing the dates on which the latest assays of the penicillin used in making the batch were completed (unless they were previously submitted), the batch marks, and the content of each salt of penicillin in each container.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request, results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(i) The batch; content of each salt of penicillin, content of dihydrostreptomycin and streptomycin, sterility, toxicity, pyrogens, moisture (if it is the dry mixture), and pH.

(ii) The procaine penicillin used in making the batch; potency, crystallinity, penicillin K content (unless it is penicillin G) and the penicillin G content if it is procaine penicillin G.

(iii) The crystalline sodium or potassium penicillin used in making the batch; potency, crystallinity, heat stability, penicillin K content (unless it is crystalline penicillin G), and the penicillin G content if it is crystalline penicillin G.

(iv) The benzathine penicillin G used in making the batch; potency, crystallinity, and penicillin G content.

(v) The dihydrostreptomycin and streptomycin used in making the batch; potency, histamine content, and crystallinity if it is crystalline dihydrostreptomycin.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 13 (14, if it contains benzathine penicillin G) or more than 19 immediate containers.

(*b*) For sterility testing: 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The procaine penicillin used in making the batch; 3 packages containing approximately equal portions of not less than 0.5 gram, each packaged in accordance with the requirements of § 146a.44 (b).

(iii) The crystalline penicillin used in making the batch; 3 packages containing approximately equal portions of not less than 250 milligrams, each packaged in accordance with the requirements of § 146a.24 (b).

(iv) The benzathine penicillin G used in making the batch; 3 packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146a.68 (b).

(v) The dihydrostreptomycin and streptomycin used in making the batch; 3 packages of each salt containing approximately equal portions of not less than 0.5 gram, each packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(vi) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5.0 grams.

(4) If such batch is packaged for repacking such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility; 13 (14, if it contains benzathine penicillin G) approximately equal portions of at least 2.0 grams.

(ii) For sterility testing; 10 approximately equal portions of at least 0.5 gram.

Each such portion shall be taken from a different part of such batch and each shall be packaged in a separate container and in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii), (iii), (iv), and (v) of this paragraph, and no sample referred to in subparagraph (3) (ii), (iii), (iv), and (v) of this paragraph is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), (v), and (vi) and (4) (i) of this section; and

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigation.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.85 *Benzathine procaine-buffered crystalline penicillins for aqueous injection.* Benzathine - procaine - buffered crystalline penicillins for aqueous injection conforms to all requirements prescribed by § 146a.50 for procaine penicillin and buffered crystalline penicillin for aqueous injection, except paragraph (b) of that section and is subject to all procedures prescribed by § 146a.50 for procaine penicillin and buffered crystalline penicillin for aqueous injection, except that:

(a) Each immediate container shall contain not less than 200,000 units of benzathine penicillin G, 200,000 units of procaine penicillin, and 100,000 units of buffered crystalline penicillin. The benzathine penicillin G used conforms to the requirements prescribed therefor by § 146a.68.

(b) Its moisture content is not more than 6 percent.

(c) Each package shall bear on the outside wrapper or container and the immediate container the number of units of benzathine penicillin G in the immediate container, and its expiration date shall be 36 months after the month during which the batch was certified.

(d) In addition to complying with the requirements of § 146a.50 (d), a person who requests certification of a batch of benzathine procaine-buffered crystalline penicillins for aqueous injection shall submit with his request a statement showing the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the benzathine penicillin G used in making the batch for potency, crystallinity, and penicillin G content, and the number of units of benzathine penicillin G in each container of the batch. He shall also submit in connection with his request a sample consisting of three packages containing approximately equal portions of not less than 0.5 gram each of the benzathine penicillin G used in making the batch. If such batch is packaged for repacking, each portion in the sample required by § 146a.50 (d) shall consist of approximately 0.5 gram in lieu of 400 milligrams.

(e) The fee for the services rendered with respect to each immediate container in the sample of benzathine penicillin G submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146a.86 *Benzathine penicillin G and procaine penicillin for aqueous injection.* Benzathine penicillin G and procaine penicillin for aqueous injection conforms to all requirements, and is subject to all procedures, prescribed by § 146a.77 for benzathine penicillin G for aqueous injection, except that:

(a) Each container shall contain not less than 300,000 units of benzathine penicillin G and not less than 300,000 units of procaine penicillin. The procaine penicillin used conforms to the requirements prescribed therefor by § 146a.44 (a).

(b) If it is the dry mixture of the drug, its moisture content is not more than 6.0 percent.

(c) In lieu of the directions for labeling prescribed by § 146a.77 (c) (1) (ii) and (iii), each package shall bear on the outside wrapper or container and the immediate container the number of units of benzathine penicillin G and the number of units of procaine penicillin in each milliliter in the immediate container if it is the aqueous suspension of the drug, or the number of units of benzathine penicillin G and the number of units of procaine penicillin in the immediate container if it is the dry mixture of the drug, and the statement, "Expiration date ----------," the blank being filled in, if it is the aqueous suspension of the drug, with the date which is 18 months or, if it is the dry mixture of the drug with the date which is 36 months after the month during which the batch was certified: *Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(d) In addition to complying with the requirements of § 146a.77 (d), a person who requests certification of a batch of benzathine penicillin G and procaine penicillin for aqueous injection shall submit with his request a statement showing the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the procaine penicillin used in making the batch for potency, crystallinity, penicillin K content (unless it is procaine penicillin G) and the penicillin G content if it is procaine penicillin G, and the number of units of procaine penicillin in each milliliter of the batch, if it is the aqueous suspension of the drug, or the number of units of procaine penicillin in each package of the batch, if it is the dry mixture of the drug. He shall also submit in connection with his request a sample consisting of three packages containing approximately equal portions of not less than 500 milligrams each of the procaine penicillin used in making the batch. If such batch is packaged for repacking, each portion in the sample required by § 146a.77 (d) (4) (i) shall consist of the equivalent of approximately 600 milligrams in lieu of 300 milligrams.

(e) The fee for the services rendered with respect to each immediate container in the sample of procaine penicillin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146a.87 *Penicillin-bacitracin-neomycin ointment; penicillin-bacitracin-neomycin in oil.* Penicillin-bacitracin-neomycin ointment and penicillin-bacitracin-neomycin in oil conform to all requirements prescribed by § 146a.56 for penicillin-bacitracin ointment and are subject to all procedures prescribed by § 146a.56 for penicillin-bacitracin ointment, except that:

(a) It contains not less than 5.0 milligrams of neomycin and not less than 250 units of bacitracin per gram, unless it is packaged and labeled solely for veterinary use. The neomycin used conforms to the standards prescribed by § 146e.410 (a) (2) of this chapter.

(b) In addition to the directions for labeling prescribed for penicillin-bacitracin ointment by § 146a.56 (a) (3), each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of neomycin per gram.

(c) In addition to complying with the requirements of § 146a.56 (a) (4), a person who requests certification of a batch of penicillin-bacitracin-neomycin ointment or penicillin-bacitracin-neomycin in oil shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and dates of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than seven immediate containers of the batch and (unless it was previously submitted) a sample consisting of five packages of the neomycin used in making the batch, containing approximately 0.5 gram each.

(d) The fee for the services rendered with respect to each container in the sample of neomycin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146a.88 *Penicillin-streptomycin tablets; penicillin - dihydrostreptomycin tablets.* (a) Penicillin-streptomycin tablets and penicillin-dihydrostreptomycin tablets conform to all requirements and are subject to all procedures prescribed by § 146a.27 for penicillin tablets, except that:

(1) Each tablet contains not less than 20 milligrams of streptomycin or dihydrostreptomycin. The streptomycin used conforms to the standards prescribed therefor by § 146b.101 (a) of this chapter except subparagraphs (2) and (4) of that paragraph or § 146b.114 (a) of this chapter, if the tablets are intended solely for veterinary use. The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146b.103 of this chapter except the standards for sterility and pyrogens.

(2) In lieu of the labeling prescribed for penicillin tablets by § 146a.27 (c) (1) (ii) and (vi), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each tablet and the statement "Expiration date _____," the blank being filled in with the date which is 18 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(3) In addition to complying with the requirements of § 146a.27 (d), a person who requests certification of a batch of penicillin-streptomycin tablets or penicillin-dihydrostreptomycin tablets shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the streptomycin or dihydrostreptomycin used in making the batch for potency, toxicity, histamine content, moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin, and the number of milligrams of streptomycin or dihydrostreptomycin in each tablet of the batch. He shall also submit in connection with his request a sample consisting of not less than 30 tablets and (unless it was previously submitted) a sample consisting of five packages containing approximately equal portions of not less than 0.5 gram each of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(b) The fee for the services rendered with respect to each immediate container in the sample of streptomycin or dihydrostreptomycin submitted in accordance with the requirements prescribed by this section shall be $10.00.

(c) Exemption of penicillin-streptomycin tablets and penicillin-dihydrostreptomycin tablets for veterinary use from certification: Penicillin-streptomycin tablets and penicillin-dihydrostreptomycin tablets that conform to the requirements of paragraph (a) of this section (except that they may contain one or more essential vitamin and mineral substances for nutritive purposes) shall be exempt from the requirements of sections 502 (l) and 507 of the act, if they comply with all the following conditions:

(1) They are intended solely for veterinary use and are conspicuously so labeled.

(2) If they contain added vitamins or minerals, the labels bear the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The labels bear an expiration date that is not more than 18 months after the month during which the batch was last assayed and released by the manufacturer.

(4) The labels bear a statement that solutions prepared with the drugs are stable for not more than 24 hours.

(5) The circular or other labeling within or attached to the package bears information that only the antibiotics are intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Chronic respiratory disease (air-sac infection) in chickens.

(ii) Blue comb (mud fever, nonspecific infectious enteritis) in poultry.

§ 146a.89 *Procaine penicillin-streptomycin-neomycin in oil; procaine penicillin-dihydrostreptomycin-neomycin in oil; procaine penicillin-streptomycin-neomycin ointment; procaine penicillin-dihydrostreptomycin-neomycin ointment.* Procaine penicillin-streptomycin-neomycin in oil or procaine penicillin-dihydrostreptomycin-neomycin in oil conforms to all requirements and is subject to all procedures prescribed by § 146a.57 for procaine penicillin and streptomycin in oil and procaine penicillin and dihydrostreptomycin in oil. Procaine penicillin-streptomycin-neomycin ointment or procaine penicillin-dihydrostreptomycin-neomycin ointment conforms to all requirements and is subject to all procedures prescribed by § 146a.54 for procaine penicillin-streptomycin ointment and procaine penicillin-dihydrostreptomycin ointment, except that:

(a) It contains not less than 2.0 milligrams of neomycin per milliliter. The neomycin used conforms to the requirements prescribed for neomycin by § 146e.410 (a) (2) of this chapter.

(b) Each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of neomycin in each milliliter of the batch, and its expiration date shall be 12 months after the month during which the batch was certified, except that the expiration date shall be 18 months or 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(c) In addition to complying with the requirements of § 146a.54 (c) or § 146a.57 (a) (4), a person who requests certification of a batch shall submit with his request a statement showing the number of milligrams of neomycin in each milliliter or gram of the batch, the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than 7 immediate containers of the batch and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch.

(d) The fee for the services rendered with respect to each immediate container in the sample of neomycin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146a.90 *Procaine penicillin and benzathine penicillin G in streptomycin sulfate solution; procaine penicillin and benzathine penicillin G in dihydrostreptomycin sulfate solution (procaine penicillin and benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution).* Procaine penicillin and benzathine penicillin G in streptomycin sulfate solution and procaine penicillin and benzathine penicillin G in dihydrostreptomycin sulfate solution conform to all requirements and are subject to all procedures prescribed by § 146a.67 for procaine penicillin in streptomycin sulfate solution and procaine penicillin in dihydrostreptomycin sulfate solution except that:

(a) Each milliliter shall contain not less than 100,000 units of procaine penicillin, not less than 100,000 units of benzathine penicillin G, and not less than 0.25 gram of streptomycin sulfate or dihydrostreptomycin sulfate, but each immediate container shall contain not less than 200,000 units of procaine penicillin, not less than 200,000 units of benzathine penicillin G, and not less than 0.5 gram of streptomycin sulfate or dihydrostreptomycin sulfate. The benzathine penicillin G used conforms to the requirements prescribed by § 146a.68 (a).

(b) In lieu of the directions prescribed by § 146a.67 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of procaine penicillin, the number of units of benzathine penicillin G, and the number of grams of streptomycin sulfate or dihydrostreptomycin sulfate in each milliliter of the batch.

(c) In addition to complying with the requirements of § 146a.67 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the benzathine penicillin G used in making the batch for potency, crystallinity, and penicillin G content, and the number of units of benzathine penicillin G in each milliliter of the batch. He shall also submit in connection with his request a sample consisting of 3 packages containing approximately equal portions of not less than 0.5 gram each of the benzathine penicillin G used in making the batch.

(d) The fee for the services rendered with respect to each immediate container in the sample of benzathine penicillin G submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146a.91 *Benzathine penicillin G and streptomycin; benzathine penicillin G and dihydrostreptomycin.* Benzathine penicillin G and streptomycin and benzathine penicillin G and dihydrostreptomycin conform to all requirements prescribed by § 146a.77 for the dry mixture of benzathine penicillin G for aqueous injection and are subject to all procedures prescribed by that section for benzathine penicillin G for aqueous injection except that:

(a) It contains not less than 0.5 gram of streptomycin or dihydrostreptomycin for each 100,000 units of benzathine penicillin G.

(b) In lieu of the directions for labeling prescribed by § 146a.77 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin and the number of grams of streptomycin or dihydrostreptomycin in the immediate container.

(c) In addition to complying with the requirements of § 146a.77 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the streptomycin or dihydrostreptomycin used in making the batch for potency, histamine content, streptomycin content if it is dihydrostreptomycin and crystallinity if it is crystalline dihydrostreptomycin, the number of units of benzathine penicillin G, and the number of grams of streptomycin or dihydrostreptomycin in each immediate container of the batch. He shall also submit in connection with his request a sample consisting of not less than 12 immediate containers of the batch and a sample of the streptomycin or dihydrostreptomycin used in making the batch consisting of 3 packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(d) The fee for the services rendered with respect to each immediate container in the sample of streptomycin or dihydrostreptomycin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146a.92 *Tablets benzathine penicillin G and crystalline penicillin.* Tablets benzathine penicillin G and crystalline penicillin conform to all requirements prescribed therefor by § 146a.27 for penicillin tablets and are subject to all procedures prescribed by that section for penicillin tablets, except that;

(a) Each tablet contains not less than 100,000 units of benzathine penicillin G and not less than 100,000 units of crystalline penicillin sodium or potassium penicillin.

(b) Their moisture content is not more than 4 percent.

(c) In lieu of the directions for labeling prescribed for penicillin tablets by § 146a.27 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of each salt of penicillin.

(d) A person who requests certification of a batch shall submit in connection with his request an accurately representative sample of the batch, consisting of not less than 30 tablets.

§ 146a.93 *Penicillin-streptomycin powder; penicillin-dihydrostreptomycin powder.* Penicillin-streptomycin powder and penicillin-dihydrostreptomycin powder conform to all the requirements and are subject to all procedures prescribed by § 146a.88 for penicillin-streptomycin tablets and penicillin-dihydrostreptomycin tablets, except that:

(a) Each gram contains not less than 50,000 units of penicillin and not less than 5 milligrams of streptomycin or dihydrostreptomycin.

(b) In lieu of the labeling prescribed by § 146a.88 (a) (2), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each gram and the statement "Expiration date _____," the blank being filled in with the date which is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(c) In lieu of the minimum number of tablets prescribed by § 146a.88 (a) (3), a person who requests certification of a batch shall submit with his request a sample of the batch consisting of 1 immediate container for each 5,000 immediate containers but in no case less than 6 or more than 12 immediate containers. Such sample shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(d) The fee for the services rendered with respect to each immediate container in the sample submitted in accordance with the requirements prescribed by paragraph (c) of this section shall be $4.00.

(e) Exemption of penicillin-streptomycin powder and penicillin-dihydrostreptomycin powder for veterinary use from certification: Penicillin-streptomycin powder and penicillin-dihydrostreptomycin powder that conform to the requirements of this section (except that they may contain one or more essential vitamin and mineral substances for nutritive purposes) shall be exempt from the requirements of section 502 (l) and 507 of the act, if they comply with all the following conditions:

(1) They are intended solely for veterinary use and are conspicuously so labeled.

(2) If they contain added vitamins or minerals, the labels bear the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The labels bear an expiration date that is not more than 12 months after the month during which the batch was last assayed and released by the manufacturer.

(4) The labels bear a statement that solutions prepared with the drugs are stable for not more than 24 hours.

(5) The circular or other labeling within or attached to the package bears information that only the antibiotics are intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Bacterial enteritis in swine.

(ii) Bacterial calf scours.

(iii) Chronic respiratory disease (air-sac infection) in chickens.

(iv) Blue comb (mud fever, nonspecific infectious enteritis) in poultry.

(v) Infectious sinusitis in poultry.

§ 146a.94 *Dibenzylamine penicillin G (dibenzylamine penicillin G salt)*—(a) *Standards of identity, strength, quality, and purity.* Dibenzylamine penicillin G is the crystalline dibenzylamine salt of penicillin G. It contains not less than 85 percent by weight of the dibenzylamine salt of penicillin G. Each such drug is so purified and dried that:

(1) Its potency is not less than 975 units per milligram.

(2) It is sterile.

(3) It is nontoxic.

(4) It is nonpyrogenic.

(5) Its moisture content is not more than 4.0 percent.

(6) Its pH in saturated aqueous solution is not less than 5.0 and not more than 7.5.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The batch mark.

(2) The weight of the drug and the number of units in the immediate container.

(3) The statement "Expiration date _____," the blank being filled in with the date which is 18 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(4) The statement "For manufacturing use only."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed

by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH, crystallinity, and the penicillin G content.

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; 10 packages.

(ii) For sterility test; 10 packages.

Each such package shall contain approximately 300 milligrams taken from different parts of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which dibenzylamine penicillin G is to be used, the manufacturer of a batch that is to be so used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section.

(2) If the Commissioner considers that investigations other than the examination of such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.95 *Dibenzylamine penicillin and potassium penicillin powder, buffered*—(a) *Standards of identity, strength, quality, and purity.* Dibenzylamine penicillin and potassium penicillin powder, buffered, is a dry mixture of dibenzylamine penicillin G and potassium penicillin G, with or without one or more suitable sulfonamides, and with one or more suitable and harmless buffer substances, colorings, and flavorings. It shall contain not less than 100,000 units of potassium penicillin G for each 200,000 units of dibenzylamine penicillin G. Its moisture content is not more than 1 percent. Its pH is not less than 5.5 and not more than 7.5. The dibenzylamine penicillin G used conforms to the requirements of § 146a.94 (a), except subparagraphs (2) and (4) of that paragraph. The potassium penicillin used conforms to the requirements of § 146a.24 (a) for potassium penicillin, except subparagraphs (2) and (4) of that paragraph. Each other ingredient used, if its name is recognized in the U. S. P. or N. F. conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of dibenzylamine penicillin and the number of units of potassium penicillin in the immediate container.

(iii) If it contains sulfonamides, the name and quantity of each in the immediate container.

(iv) The name of each buffer substance used in making the batch.

(v) The statement "Expiration date --------," the blank being filled in with the date which is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(vi) The statement "Warning—Not for injection."

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, if it contains sulfonamides, after the name "dibenzylamine penicillin and potassium penicillin powder, buffered," wherever it appears, the words "with sulfonamides," in juxtaposition with such name.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless they were previously submitted) the dates on which the latest assays of the dibenzylamine penicillin G and the potassium penicillin G used in making the batch were completed, the number of units of dibenzylamine penicillin G and the number of units of potassium penicillin G in each container of the batch, the date on which the latest assay comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and moisture.

(ii) The dibenzylamine penicillin G used in making the batch; potency, toxicity, moisture, pH, crystallinity, and penicillin G content.

(iii) The potassium penicillin G used in making the batch; potency, toxicity, moisture, pH, penicillin G content, crystallinity, and heat stability.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 6 or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The dibenzylamine penicillin G used in making the batch; 3 packages, each containing approximately equal portions of not less than 500 milligrams packaged in accordance with the requirements of § 146a.94 (b).

(iii) The potassium penicillin G used in making the batch; 3 packages, each containing approximately equal portions of not less than 250 milligrams packaged in accordance with the requirements of § 146a.24 (b).

(iv) In case of an initial request for certification, each other ingredient used in making the batch; 1 package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) and (iii) of this paragraph, and no sample referred to in subparagraph (3) (ii) and (iii) of this paragraph, is required if such results or samples have been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), (iii), and (iv) of this section.

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.96 *Dibenzylamine penicillin and streptomycin in oil; dibenzylamine penicillin and dihydrostreptomycin in oil.* Dibenzylamine penicillin and streptomycin in oil and dibenzylamine penicillin and dihydrostreptomycin in oil conform to all the requirements prescribed by § 146a.57 for procaine penicillin and streptomycin in oil and procaine penicillin and dihydrostreptomycin in oil and are subject to all procedures prescribed by § 146a.57 for procaine penicillin and streptomycin in oil and procaine penicillin and dihydrostreptomycin in oil, except that dibenzylamine penicillin is used in lieu of procaine penicillin. The dibenzylamine penicillin used conforms to the requirements of § 146a.94 (a), except subparagraphs (2) and (4) of that paragraph.

§ 146a.97 *Hydrabamine penicillin G (hydrabamine penicillin G salt)*—(a) *Standards of identity, strength, quality, and purity.* Hydrabamine penicillin G is the crystalline salt N,N'-bis-(dehydroabietyl) ethylenediamine dipenicillin G. It contains not less than 85 percent by weight of the hydrabamine salt of penicillin G. It is so purified and dried that:

(1) Its potency is not less than 845 units per milligram.

(2) It is nontoxic.

(3) Its moisture content is not more than 2 percent.

(4) Its pH in a saturated aqueous solution is not less than 4.0 and not more than 7.5.

(5) Its extinction coefficient $E^{1\%}_{1cm.}$ is not less than 8 at 276 millimicrons.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The batch mark.

(2) The number of units per milligram and the number of grams in the immediate container.

(3) The statement "Expiration date ------," the blank being filled in with the date that is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(4) The statement "For use in the manufacture of nonparenteral drugs only."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, crystallinity, the penicillin G content, and extinction coefficient.

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of 10 packages, each containing approximately 300 milligrams taken from a different part of such batch, packaged in accordance with the requirements of paragraph (b) of this section.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.98 *Hydrabamine penicillin G oral suspension*—(a) *Standards of identity, strength, quality, and purity.* Hydrabamine penicillin G oral suspension is hydrabamine penicillin G and one or more suitable and harmless suspending or dispersing agents, buffer substances, and preservatives, with or without one or more suitable and harmless colorings and flavorings. Its potency is not less than 60,000 units per milliliter. Its pH is not less than 5.5 and not more than 7.0. The hydrabamine penicillin G used conforms to the requirements of § 146a.97 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units in each milliliter of the batch.

(iii) The name of each buffer substance and the name and quantity of each preservative used in making the batch.

(iv) The statement "Shake well."

(v) The statement "Expiration date ------," the blank being filled in with the date that is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container.

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such

batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the hydrabamine penicillin G used in making such batch was completed, the potency per milliliter of the batch, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: average potency per milliliter, pH.

(ii) The hydrabamine penicillin G used in making the batch: potency, toxicity, moisture, pH, crystallinity, the penicillin G content, and the extinction coefficient.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The hydrabamine penicillin G used in making the batch: 10 packages, each containing equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 146a.97 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.99 *Capsules crystalline penicillin G (capsules crystalline penicillin G potassium, capsules crystalline penicillin G sodium)*—(a) *Standards of identity, strength, quality, and purity.* Capsules crystalline penicillin are crystalline penicillin G, sodium or potassium, with or without one or more suitable and harmless buffer substances, vitamin substances, and vegetable oils, enclosed in suitable and harmless gelatin capsules. The potency of each capsule is not less than 50,000 units and its moisture content is not more than 1.5 percent. The crystalline penicillin G used conforms to the requirements of § 146a.24 (a), except § 146a.24 (a) (2) and (4). Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging; labeling; request for certification, samples; fees.* Capsules crystalline penicillin G conform to all requirements and procedures prescribed for crystalline penicillin G tablets by § 146a.27 (b), (c), (d), and (e), except that:

(1) If it is for use in the preparation of oral solutions, each package shall bear on its outside wrapper or container and the immediate container a statement that contains adequate directions for preparing such solutions and a statement that such solutions should be used immediately.

(2) If it contains vitamin substances, each package shall bear on the outside wrapper or container and the immediate container the name and quantity of each such ingredient.

(3) It shall be labeled with an expiration date that is 36 months, except that if it contains one or more vitamin substances it shall be labeled with an expiration date that is 12 months, after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months or 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed for the drug.

(4) If it contains one or more vitamin substances, after the name "capsules crystalline penicillin G potassium," or "capsules crystalline penicillin G sodium," wherever either such name appears, the words "with vitamin _____" (the blank being filled in with the name of the vitamin ingredient used) or "with vitamins" (if it contains more than one vitamin ingredient), in juxtaposition with such name.

§ 146a.100 *Benzathine penicillin G in oil.* Benzathine penicillin G in oil conforms to all requirements and is subject to all procedures prescribed by § 146a.45 for sterile procaine penicillin in oil, except that:

(a) Benzathine penicillin G is used in lieu of procaine penicillin. The benzathine penicillin used conforms to the requirements of § 146a.68 (a).

(b) Its moisture content is not more than 4 percent.

§ 146a.101 *Benzathine penicillin G and procaine penicillin G in oil.* (a) Benzathine penicillin G and procaine penicillin G in oil conforms to all requirements and is subject to all procedures prescribed by § 146a.45 for sterile procaine penicillin in oil, except that:

(1) Each milliliter contains not less than 150,000 units each of benzathine penicillin G and procaine penicillin G, unless it is intended solely for veterinary use and is conspicuously so labeled. The benzathine penicillin G used conforms to the requirements of § 146a.68 (a).

(2) Its moisture content is not more than 4.0 percent.

(3) In lieu of the directions for labeling prescribed for procaine penicillin in oil by § 146a.45 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of benzathine penicillin G and the number of units of procaine penicillin G in each milliliter of the batch.

(4) In addition to complying with the requirements of § 146a.45 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the benzathine penicillin G used in making the batch for potency, sterility, pyrogens, toxicity, moisture, pH, crystallinity, and penicillin G content, and the number of units each of benzathine penicillin G and procaine penicillin in each milliliter of the batch. He shall also submit in connection with his request a sample consisting of not less than 4 packages of the batch and (unless it was previously submitted) a sample of the benzathine penicillin G used in making the batch, consisting of 20 packages, each containing approximately equal portions of not less than 300 milligrams.

(b) The fee for the services rendered with respect to each package of benzathine penicillin G submitted in accordance with the requirements prescribed therefor by this section shall be $2.00.

§ 146a.102 *Benzathine penicillin G-procaine penicillin G-streptomycin in oil; benzathine penicillin G-procaine penicillin G-dihydrostreptomycin in oil.* (a) Benzathine penicillin G-procaine penicillin G-streptomycin in oil and benzathine penicillin G-procaine penicillin G-dihydrostreptomycin in oil conform to all requirements and are subject to all procedures prescribed by § 146a.101 for benzathine penicillin G and procaine penicillin G in oil, except that:

(1) Each milliliter shall contain not less than 250 milligrams of streptomycin or dihydrostreptomycin. The streptomycin used conforms to the standards prescribed by § 146b.101 (a) of this chapter. The dihydrostreptomycin used conforms to the standards prescribed by § 146b.103 of this chapter.

(2) In lieu of the directions for labeling prescribed for benzathine penicillin G and procaine penicillin G in oil by § 146a.101 (a) (3), each package shall bear on the outside wrapper or container and the immediate container the number of units of benzathine penicillin G, the number of units of procaine penicillin G, and the number of milligrams of streptomycin or dihydrostreptomycin in each milliliter of the batch.

(3) In addition to complying with the requirements of § 146a.101 (a) (4), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the streptomycin or dihydrostreptomycin used in making the batch for potency, sterility, toxicity, pyrogens, histamine, moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin; and the number of units of benzathine penicillin G and procaine penicillin, and the number of milligrams of streptomycin or dihydrostreptomycin in each milliliter of the batch. He shall also submit in connection with his request a sample consisting of not less than 5 immediate containers of the batch and (unless it was previously submitted) a sample consisting of 5 packages (for all tests except sterility) and 10 packages (for sterility testing), each containing approximately 0.5 gram of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(b) The fee for the services rendered with respect to each immediate container in the sample of streptomycin or dihydrostreptomycin submitted, for all tests except sterility, in accordance with the requirements prescribed by this section, shall be $10.00.

§ 146a.103 *Penicillin V (phenoxymethyl penicillin)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin V is crystalline phenoxymethyl penicillin. It contains not less than 90 percent of penicillin V. It is so purified and dried that:

(1) Its potency is not less than 1,500 units per milligram.

(2) It is nontoxic.

(3) Its moisture content is not more than 2.0 percent.

(4) Its pH in a saturated aqueous solution is not less than 2.5 and not more than 4.0.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The batch mark.

(2) The number of units per milligram and the number of grams in the immediate container.

(3) The statement "Expiration date _____," the blank being filled in with the date that is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(4) The statement "For use in the manufacture of nonparenteral drugs only."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, crystallinity, and penicillin V content.

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of 10 packages, each containing approximately 300 milligrams taken from a different part of such batch, packaged in accordance with the requirements of paragraph (b) of this section.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.106 *Tablets benzathine penicillin G and penicillin V.* (a) Tablets benzathine penicillin G and penicillin V conform to all requirements and are subject to all procedures prescribed by § 146a.27 for tablets benzathine penicillin G, except that each tablet contains not less than 50,000 units of penicillin V.

(b) In lieu of the labeling directions prescribed for tablets benzathine penicillin G by § 146a.27 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of each kind of penicillin.

(c) In addition to complying with the requirements of § 146a.27 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the penicillin V used in making the batch for potency, toxicity, moisture, pH, crystallinity, and penicillin V content. He shall also submit in connection with his request a sample consisting of not less than 30 tablets of the batch and (unless it was previously submitted) a sample consisting of 10 packages containing approximately equal portions of not less than 300 milligrams each of the penicillin V used in making the batch, packaged in accordance with the requirements of § 146a.103 (b).

(d) The fee for the services rendered with respect to each immediate container in the sample of penicillin V submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146a.107 *Capsules penicillin V.* Capsules penicillin V are capsules that conform to all requirements and are subject to all procedures prescribed by § 146a.27 for tablets penicillin V, except that the moisture content of such capsules is not more than 2 percent.

§ 146a.108 *Procaine penicillin-streptomycin-polymyxin in oil; procaine penicillin-dihydrostreptomycin - polymyxin in oil.* Procaine penicillin-streptomycin-polymyxin in oil and procaine penicillin-dihydrostreptomycin - polymyxin in oil conform to all requirements and are subject to all procedures prescribed by § 146a.57 for procaine penicillin and streptomycin in oil and procaine penicillin and dihydrostreptomycin in oil, except that:

(a) They contain not less than 50,000 units of polymyxin B per single-dose container. The polymyxin B used conforms to the requirements prescribed for polymyxin B by § 146b.107 (a) of this chapter.

(b) In lieu of the labeling prescribed by § 146a.57 (a) (3), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin, the number of milligrams of streptomycin or dihydrostreptomycin, and the number of units of polymyxin B per milliliter or per prescribed dose; if it contains one or more of the active ingredients specified in § 146a.57 (a) (2), the name and quantity of each; the statement "For udder instillation of cattle only" and the statement "Expiration date _____," the blank being filled in with the date that is 12 months after the month during which the batch was certified. Each package shall also bear on its label and labeling, if it contains one or more of the active ingredients specified in § 146a.57 (a) (2), after the name "procaine penicillin - streptomycin - polymyxin in oil" or "procaine penicillin-dihydrostreptomycin-polymyxin in oil," wherever it appears, the words "with _____ (the blank being filled in with the common or usual name of each such ingredient)," in juxtaposition with such name.

(c) In addition to complying with the requirements of § 146a.57 (a) (4), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and date of the latest tests and assays of the polymyxin used in making the batch for potency and toxicity. He shall also submit in connection with his request a sample consisting of not less than 6 immediate containers of the batch and

(unless it was previously submitted) a sample consisting of 5 packages containing equal portions of not less than 0.5 gram each of the polymyxin used in making the batch.

(d) The fee for the services rendered with respect to each immediate container in the sample of polymyxin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

Sec.

146b.101 Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride.
146b.102 Streptomycin ointment; dihydrostreptomycin ointment.
146b.103 Dihydrostreptomycin sulfate, crystalline dihydrostreptomycin sulfate, dihydrostreptomycin hydrochloride.
146b.104 Streptomycin tablets; dihydrostreptomycin tablets.
146b.105 Streptomycin for topical use; streptomycin with ---------- for topical use.
146b.106 Streptomycin sulfate solution; dihydrostreptomycin sulfate solution.
146b.107 Streptomycin - polymyxin - bacitracin tablets.
146b.108 Streptomycin syrup, streptomycin and kaolin in gel; dihydrostreptomycin syrup, dihydrostreptomycin and kaolin in gel.
146b.109 Streptomycin - bacitracin - polymyxin gauze pads.
146b.110 Streptomycin otic with antifungal agent, streptomycin otic with -----; dihydrostreptomycin otic with antifungal agent, dihydrostreptomycin otic with ----------.
146b.111 Streptomycin - kaolin - pectin - aluminum hydroxide gel powder veterinary; dihydrostreptomycin-kaolin-pectin-aluminum hydroxide gel powder veterinary.
146b.112 Streptomycin for inhalation therapy; dihydrostreptomycin for inhalation therapy.
146b.113 Dihydrostreptomycin - streptomycin sulfates.
146b.114 Streptomycin sulfate oral veterinary.
146b.115 Streptomycin sulfate powder oral veterinary; streptomycin sulfate granules oral veterinary.
146b.116 Streptomycylidene isonicotinyl hydrazine sulfate.
146b.117 Dihydrostreptomycin - streptomycin sulfates solution.
146b.118 Streptomycin - penicillin - sulfonamide with kaolin and pectin; dihydrostreptomycin - penicillin-sulfonamide with kaolin and pectin.
146b.119 Streptomycin hydrochloride solution oral veterinary; streptomycin sulfate solution oral veterinary.
146b.120 Dihydrostreptomycin - streptomycin sulfates with isonicotinic acid hydrozide.
146b.121 Streptomycin-erythromycin ointment.
146b.122 Streptomycin - chlortetracycline-chloramphenicol-bacitracin dental cement; dihydrostreptomycin - chlortetracycline - chloramphenicol - bacitracin dental cement.
146b.123 Streptomycin - sodium sulfathiazole solution veterinary; dihydrostreptomycin - sodium sulfathiazole solution veterinary.
146b.124 Streptomycin - polymyxin - neomycin ointment; dihydrostreptomycin-polymyxin-neomycin ointment.

AUTHORITY: §§ 146b.101 to 146b.124 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357.

§ 146b.101 *Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride (streptomycin calcium chloride complex)*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin sulfate is the sulfate salt of a kind of streptomycin or a mixture of two or more such salts; streptomycin hydrochloride is the hydrochloride salt of a kind of streptomycin or a mixture of two or more such salts; streptomycin phosphate is the phosphate salt of a kind of streptomycin or a mixture of two or more such salts; streptomycin trihydrochloride calcium chloride is the double salt of a kind of streptomycin or a mixture of two or more such salts. Each such drug is so purified and dried that:

(1) Its potency is not less than 650 micrograms per milligram;

(2) It is sterile;

(3) It is nontoxic;

(4) It is nonpyrogenic;

(5) It contains no histamine or histamine-like substances;

(6) Its moisture content is not more than 5.0 percent;

(7) Its pH in aqueous solution of 0.2 gram per millimeter is not less than 4.5 and not more than 7.0.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless (unless it is intended solely for veterinary use) transparent glass closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Unless it is intended solely for veterinary use and is conspicuously so labeled, each such container shall contain 0.5 gram, 1.0 gram, 2.0 grams, 3.0 grams, 4.0 grams, 5.0 grams, or 10.0 grams, and each may be packaged in combination with a container of the solvent water for injection U. S. P., dextrose injection 5 percent U. S. P. or physiological salt solution U. S. P.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container

(i) The batch mark;

(ii) The number of grams in the immediate container;

(iii) The statement "Expiration date ---------," the blank being filled in with the date which is 48 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) The statement "For Manufacturing Use," "For Repacking," or "For Manufacturing Use or Repacking" when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be.

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iii) The conditions under which such solutions should be stored, including the statement "Sterile solutions may be stored at room temperature for 4 weeks without significant loss of potency.

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of grams in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, histamine content, moisture, and pH. If such batch or any part thereof is to be packaged with a solvent such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) If such batch is packaged for dispensing, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 5 or more than 12 immediate containers.

(ii) For sterility testing; 10 immediate containers.

Such sample shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(3) If such batch is packaged for repacking or for use as an ingredient in the manufacture of another drug, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; 5 packages.

(ii) For sterility testing; 10 packages.

Each such package shall contain approximately 0.5 gram taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(4) In connection with contemplated requests for certification of repackaged batches or batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (3) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i), (3) (i), and (4) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146b.102 *Streptomycin ointment; dihydrostreptomycin ointment*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin ointment and dihydrostreptomycin ointment is streptomycin or dihydrostreptomycin in a suitable and harmless ointment base, with or without suitable and harmless dispersing and suspending agents and preservatives. Its potency is not less than 5,000 micrograms per gram of ointment. The streptomycin used conforms to the requirements of § 146b.101 (a), except subparagraphs (2), (4), (5), and (6) of that paragraph. The dihydrostreptomycin used conforms to the requirements of § 146b.103, except the standards for sterility, pyrogens, histamine, and moisture. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Streptomycin ointment and dihydrostreptomycin ointment shall be packaged in collapsible tubes which shall be well-closed containers as defined by the U. S. P., and each such tube shall not be larger than the 2-ounce size, except if it is labeled solely for hospital use it may be packaged in immediate containers of glass which meet the test for tight containers as defined by the U. S. P. The composition of the immediate container and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of streptomycin ointment shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of micrograms per gram of the batch;

(iii) If the batch contains preservatives, the name and quantity of each such substance used; and

(iv) The statement "Expiration date ----------," the blank being filled in with the date which is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of streptomycin ointment or dihydrostreptomycin ointment shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the streptomycin used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each component of the ointment base used conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency.

(ii) The streptomycin or dihydrostreptomycin used in making the batch; potency, toxicity, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers or more than 12 immediate containers unless each such container is packaged for hospital use and contains more than 2 ounces, in which case the sample shall consist of approximately 1 ounce of ointment for each 5,000 immediate containers in the batch, but in no case less than five 1-ounce portions or more than twelve 1-ounce portions. Such sample shall be collected by taking single immediate containers or 1-ounce portions at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The streptomycin or dihydrostreptomycin used in making the batch; 5 packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146b.101 (b).

(iii) In case of an initial request for certification, the ingredients used in making the ointment base of the batch; one package of each containing approximately 200 grams, except for the suspending and dispersing agents used, in

which case the sample shall consist of approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of streptomycin ointment or dihydrostreptomycin ointment under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146b.103 *Dihydrostreptomycin sulfate, crystalline dihydrostreptomycin sulfate, dihydrostreptomycin hydrochloride.* (a) Dihydrostreptomycin sulfate is the hydrogenated sulfate salt of a kind of streptomycin or a mixture of two or more such salts; crystalline dihydrostreptomycin sulfate is the hydrogenated crystalline sulfate salt of a kind of streptomycin or a mixture of two or more such salts; dihydrostreptomycin hydrochloride is the hydrogenated hydrochloride salt of a kind of streptomycin or a mixture of two or more such salts. Each such drug conforms to all requirements prescribed by § 146b.101 for streptomycin sulfate and streptomycin hydrochloride, and is subject to all procedures prescribed by § 146b.101 for streptomycin sulfate and streptomycin hydrochloride, except that:

(1) Its potency is not less than 650 micrograms per milligram, except that if it is crystalline dihydrostreptomycin sulfate its potency is not less than 725 micrograms per milligram.

(2) Its content of streptomycin sulfate or streptomycin hydrochloride is not more than 3.0 percent when calculated as streptomycin base, except that if it is crystalline dhyidrostreptomycin sulfate its content of streptomycin sulfate is not more than 1.0 percent.

§ 146b.104 *Streptomycin tablets; dihydrostreptomycin tablets*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin tablets and dihydrostreptomycin tablets is streptomycin or dihydrostreptomycin tableted with or without glucuronolactone, kaolin or other suitable and harmless absorbent ingredients, pectin, and dried aluminum hydroxide gel, and with or without the addition of one or more suitable and harmless diluents, binders, lubricants, colorings, and flavorings. If it is intended solely for veterinary use and is conspicuously so labeled, it may contain vitamin A, one or more suitable sulfonamides, or both. The potency of each tablet is not less than 50 milligrams. Its moisture content is not more than 5 percent. The streptomycin used conforms to the standards prescribed therefor by § 146b.101 (a), except subparagraphs (2) and (4) of that paragraph or in the case of tablets for veterinary use, streptomycin sulfate oral veterinary conforming to the standards in § 146b.114 (a) may be used. The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146b.103, except the standards for sterility and pyrogens. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each streptomycin or dihydrostreptomycin tablet is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of streptomycin or dihydrostreptomycin tablets shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The potency of each tablet of the batch;

(iii) The statement "Expiration date _____," the blank being filled in with the date which is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) If the batch contains, in addition to streptomycin or dihydrostreptomycin, one or more of the other active ingredients specified in paragraph (a) of this section, the name and quantity of each such other ingredient in each tablet.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, if it contains, in addition to streptomycin or dihydrostreptomycin, one or more of the other active ingredients specified in paragraph (a) of this section, after the name "Streptomycin Tablets" or "Dihydrostreptomycin Tablets," wherever it appears, the words "with _____ (the blank being filled in with the common or usual name of each such other ingredient)", in juxtaposition with such name.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of streptomycin or dihydrostreptomycin tablets shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the streptomycin or dihydrostreptomycin used in making such batch was completed, the potency of each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per tablet and average moisture.

(ii) The streptomycin or dihydrostreptomycin used in making the batch; potency, toxicity, histamine content, moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one tablet for each 5,000 tablets in the batch, but in no case less than 20 tablets or more than 100 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

(ii) The streptomycin or dihydrostreptomycin used in making the batch; five packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146b.101 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the service rendered with respect to each batch of streptomycin or dihydrostreptomycin tablets under the regulations in this part shall be:

(1) $1.00 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $10.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such tablets and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146b.105 *Streptomycin for topical use; streptomycin with _____ (the blank being filled in with the name of the vehicle if a package combination) for topical use*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin for topical use conforms to all the requirements prescribed by § 146b.101 (a) for streptomycin, and may be packaged in combination with a container of a suitable and harmless vehicle.

(b) *Packaging.* The immediate container of streptomycin for topical use shall be of colorless transparent glass so closed as to be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that its contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not less than 20 milligrams.

(c) *Labeling.* Each package of streptomycin for topical use shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams in the immediate container;

(iii) The statement "Expiration date _____," the blank being filled in with the date which is 48 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) The statement "Caution: Not for intravenous or systemic medication."

(2) If it is a package combination, on the immediate container of the vehicle in the combination:

(i) A statement giving the method of dissolving the streptomycin in the vehicle and the statement "The solution may be stored at room temperature for 1 week without significant loss of potency";

(ii) The potency per milliliter after the streptomycin has been dissolved therein; and

(iii) The statement "Caution: Not for intravenous or systemic medication."

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of streptomycin for topical use shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the number of milligrams in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, histamine content, moisture, and pH. If such batch, or any part thereof, is to be packaged with a vehicle, such request shall be accompanied by a statement that such vehicle conforms to the requirements prescribed therefor by this section.

(2) Such person shall submit in connection with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 50 or more than 100 immediate containers.

(ii) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(3) In case of an initial request for the certification of a batch of streptomycin for topical use which is to be packaged in combination with a container of a vehicle, or when any change is made in the composition of such vehicle, such person shall submit in connection with his request five packages of the vehicle included in the combination.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) (i) of this section; $4.00 for each package submitted with the samples in accordance with paragraph (d) (3) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146b.106 *Streptomycin sulfate solution; dihydrostreptomycin sulfate solution (crystalline dihydrostreptomycin sulfate solution)*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin sulfate solution is an aqueous solution of streptomycin sulfate. Dihydrostreptomycin sulfate solution is an aqueous solution of dihydrostreptomycin sulfate or crystalline dihydrostreptomycin sulfate. Such solution conforms to all standards prescribed by § 146b.101 for streptomycin sulfate or § 146b.103 for dihydrostreptomycin sulfate or crystalline dihydrostreptomycin sulfate, except the limitation on moisture content, and except that:

(1) Its potency is not less than 250 milligrams per milliliter and not more than 500 milligrams per milliliter, unless it is intended solely for veterinary use and is conspicuously so labeled.

(2) It contains one or more suitable and harmless preservatives.

(3) Its pH is not less than 5.0 and not more than 8.0.

(4) It may contain one or more suitable and harmless buffer substances and stabilizing agents.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing it shall be in immediate containers of colorless (unless it is intended solely for veterinary use) transparent glass closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness, unless it is packaged to contain a single dose. Each such container shall contain not less than 1.0 milliliter and not more than 50 milliliters, unless it is intended solely for veterinary use and is conspicuously so labeled.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams in each milliliter in the immediate container;

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 months or 24 months or 36 months or 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such time period such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) The name and quantity of each preservative used; and

(v) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be.

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)," unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature.

(ii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of milligrams or grams dissolved [illegible] in each of such packages, the date on which the latest assay of the drug comprising such batch was completed, and if it is crystalline dihydrostreptomycin sulfate solution, the batch mark and (unless it was previously submitted) the date on which the latest assay of the crystalline dihydrostreptomycin sulfate used in making such batch was completed.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, toxicity, pyrogens, histamine content, pH, and streptomycin content, if it is dihydrostreptomycin sulfate or crystalline dihydrostreptomycin sulfate.

(ii) If crystalline dihydrostreptomycin sulfate is used in making the batch; potency and crystallinity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch, if packaged for dispensing:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 5 or more than 12 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The batch, if packaged for repacking or for use in the manufacture of another drug:

(*a*) For all tests except sterility; 5 packages.

(*b*) For sterility testing; 10 packages.

Each such package shall contain approximately 2 milliliters taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(iii) If crystalline dihydrostreptomycin sulfate is used in making the batch; 2 immediate containers containing approximately 0.5 gram each, packaged in accordance with the requirements of § 146b.101 (b).

(iv) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (iii) of this paragraph, is required if such result or sample has been previously submitted.

(5) In connection with contemplated requests for certification of repackaged batches or batches of another drug in the manufacture of which it is to be used, the manufacturer of the batch which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by subparagraph (3) (ii) of this paragraph. From the information required by subparagraph (2) (i) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with regard to each batch under the regulations in this part shall be:

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) (*a*), and (5) of this section; $4.00 for each package in the sample submitted in accordance with paragraph (d) (3) (iii) and (iv) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146b.107 *Streptomycin-polymyxin-bacitracin tablets*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin-polymyxin-bacitracin tablets are tablets composed of streptomycin, polymyxin B, and bacitracin, with or without the addition of one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is not less than 250 mg. of streptomycin, 200,000 units of polymyxin B, and 5,000 units of bacitracin. Its moisture content is not more than 3%. The streptomycin used conforms to the standards prescribed therefor by § 146b.101 (a), except subparagraphs (2) and (4) of that paragraph. The polymyxin used is produced by the growth of Bacillus polymyxa, has a potency of not less than 3,800 units per milligram, and it is nontoxic. The bacitracin used conforms to the standards prescribed therefor by § 146c.401 (a) of this chapter, except subparagraphs (1), (2), and (4) of that paragraph, but its potency is not less than 30 units per milligram. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each tablet is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear, on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams of streptomycin in each tablet of the batch;

(iii) The number of units of polymyxin B in each tablet of the batch;

(iv) The number of units of bacitracin in each tablet of the batch; and

(v) The statement "Expiration date -------," the blank being filled in with the date which is 18 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of streptomycin-polymyxin-bacitracin tablets shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless they were previously submitted) the dates on which the latest assays of the streptomycin, polymyxin, and bacitracin used in making such batch were completed, the potency of each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency of streptomycin, polymyxin, and bacitracin per tablet, and average moisture.

(ii) The streptomycin used in making the batch; potency, toxicity, histamine, moisture, and pH.

(iii) The polymyxin used in making the batch; potency and toxicity.

(iv) The bacitracin used in making the batch; potency, toxicity, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets or more than 100 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

(ii) The streptomycin used in making the batch; five packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146b.101 (b).

(iii) The polymyxin used in making the batch; five packages, each containing approximately equal portions of not less than 0.5 gram.

(iv) The bacitracin used in making the batch; six packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 146e.401 (b) of this chapter.

(v) In case of an initial request for certification, each other ingredient used in making the batch; one package of each, containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii), (iii), and (iv) of this paragraph, and no sample referred to in subparagraph (3) (ii), (iii), and (iv) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of streptomycin-polymyxin-bacitracin tablets under the regulations in this part shall be:

(1) $1.00 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (iii), (iv), and (v) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such tablets and packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146b.108 *Streptomycin syrup, streptomycin and kaolin in gel; dihydrostreptomycin syrup, dihydrostreptomycin and kaolin in gel*—(a) *Standards of identity, strength, quality and purity.* Streptomycin syrup and dihydrostreptomycin syrup are streptomycin or dihydrostreptomycin dissolved in a suitable and harmless diluent that contains one or more suitable and harmless preservatives. Streptomycin and kaolin in gel and dihydrostreptomycin and kaolin in gel are streptomycin or dihydrostreptomycin dissolved or suspended in a suitable and harmless gel base that contains kaolin and one or more suitable and harmless preservatives, with or without one or more suitable and harmless suspending, dispersing, or flavoring agents and with or without pectin, bismuth glycolylarsanilate, bismuth magma, suitable mineral salts, or procaine hydrochloride. Its potency is not less than 10 milligrams per milliliter. The streptomycin used conforms to the standards prescribed therefor by § 146b.101 (a), except subparagraphs (2), (4), and (6) of that paragraph. The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146b.103, except the standards for sterility, pyrogens, and moisture. Each other substance used, if

its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be glass, so closed as to be a tight container as defined by the U. S. P. and of such composition that will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the cutside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams of streptomycin or dihydrostreptomycin in each milliliter of the batch;

(iii) The statement, "Expiration date ----------," the blank being filled in with the date which is 18 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 36 months after the month during which the batch was certified, if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) The name and quantity of each preservative used; and

(v) If it contains pectin, kaolin, bismuth magma, bismuth glycolylarsanilate, mineral salts, or procaine hydrochloride, the quantity of each such ingredient used and the name of the gel base.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, if it contains bismuth glycolylarsanilate, bismuth magma, or procaine hydrochloride, after the name "streptomycin and kaolin in gel" or "dihydrostreptomycin the kaolin in gel," wherever it appears, the words "with bismuth glycolylarsanilate" or "with bismuth magma" or "with procaine hydrochloride," in juxtaposition with such name.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the streptomycin or dihydrostreptomycin used in making the batch was completed, the potency per milliliter of the batch, the quantity of each ingredient used in making the batch, the date on which the latest assay comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per milliliter.

(ii) The streptomycin or dihydrostreptomycin used in making the batch; potency, toxicity, histamine content, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The streptomycin or dihydrostreptomycin used in making the batch; five packages containing approximately equal portions of not less than 0.5 gram each packaged in accordance with the requirements of § 146b.101 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the sample submitted in accordance with paragraph (d) (3) (i) and (iii) of this section; $10.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) of this section; and

(2) If the Commissioner considers that investigations other than examinations of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146b.109 *Streptomycin-bacitracin-polymyxin gauze pads*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin-bacitracin-polymyxin gauze pads are absorbent gauze that is impregnated with streptomycin, bacitracin, and polymyxin B. Each square inch of such pad shall contain not less than 1 milligram of streptomycin, 50 units of bacitracin, and 1,000 units of polymyxin B. It is sterile. Its moisture content is not more than 5 percent. The streptomycin used conforms to the standards prescribed therefor by § 146b.101 (a), except subparagraphs (2), (4), and (5) of that paragraph. The bacitracin used conforms to the standards prescribed therefor by § 146e.401 (a) of this chapter, except subparagraphs (1), (2), and (4) of that paragraph, but its potency is not less than 30 units per milligram. The polymyxin used conforms to the standards prescribed therefor by § 146b.107 (a). The absorbent gauze used conforms to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* Unless it is intended solely for hospital use, and is conspicuously so labeled, each streptomycin-bacitracin-polymyxin gauze pad shall be packaged individually. In all cases the immediate container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams of streptomycin in each pad of the batch;

(iii) The number of units of bacitracin in each pad of the batch;

(iv) The number of units of polymyxin B in each pad of the batch;

(v) The length, width, and type of gauze contained in the pad; and

(vi) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the immediate container, the statement "Sterility of the pad cannot be guaranteed if the package bears evidence of damage or has been previously opened."

(3) On the circular or other labeling within or attached to the package, directions and precautions adequate for the use of such pads.

(d) *Request for certification; samples.* (1) In addition to complying with requirements of § 146.2 of this chapter, a person who requests certification of a batch of streptomycin-bacitracin-polymyxin gauze pads shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch marks and (unless they were previously submitted) the dates on which the latest assays of the streptomycin, bacitracin, and polymyxin used in making such batch were completed, the potency of each pad in the batch, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that the absorbent gauze used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency of streptomycin, bacitracin, and polymyxin per pad, sterility, and average moisture.

(ii) The streptomycin used in making the batch; potency, toxicity, moisture, and pH.

(iii) The bacitracin used in making the batch; potency, toxicity, moisture, and pH.

(iv) The polymyxin used in making the batch; potency and toxicity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(a) For all tests except sterility; one pad for each 5,000 pads in the batch, but in no case less than 30 or more than 100 pads.

(b) For sterility testing; 10 pads. Such samples shall be collected by taking single pads at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The streptomycin used in making the batch; five packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 146b.101 (b).

(iii) The bacitracin used in making the batch; six packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 146e.401 (b) of this chapter.

(iv) The polymyxin used in making the batch; five packages, each containing approximately equal portions of not less than 0.5 gram.

(v) In case of an initial request for certification, one package consisting of approximately 5 linear yards, or the equivalent, of the absorbent gauze used.

(4) No result referred to in subparagraph (2) (ii), (iii), and (iv) of this paragraph, and no sample referred to in subparagraph (3) (ii), (iii), and (iv) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each pad in the sample submitted in accordance with paragraph (d) (3) (i) (a) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), and (v) of this section.

(2) If the Commissioner considers that investigations, other than examination of such pads and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146b.110 *Streptomycin otic with antifungal agent, streptomycin otic with --------; dihydrostreptomycin otic with antifungal agent, dihydrostreptomycin otic with -------- (the blank being filled in with the common or usual name of the antifungal agent)*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin otic with antifungal agent or dihydrostreptomycin otic with antifungal agent is streptomycin or dihydrostreptomycin and one or more suitable antifungal agents and buffer substances, with or without one or more suitable and harmless preservatives, dissolved or suspended in a suitable and harmless vehicle. Its potency is not less than 2.5 milligrams per milliliter. Its pH is not less than 4.8 and not more than 6.0. The streptomycin used conforms to the standards prescribed therefor by § 146b.101 (a), except subparagraphs (2), (4), (5), and (6) of that paragraph. The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146b.103 (a), except the standards for sterility, pyrogens, histamine, and moisture. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be glass, so closed as to be a tight container as defined by the U. S. P., and of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of streptomycin or dihydrostreptomycin in each milliliter of the batch.

(iii) The name and quantity of each antifungal agent and preservative used.

(iv) The statement "Expiration date ---------," the blank being filled in with the date which is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 36 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is

conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the streptomycin or dihydrostreptomycin used in making the batch was completed, the potency per milliliter of the batch, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per milliliter, pH.

(ii) The streptomycin or dihydrostreptomycin used in making the batch: potency, toxicity, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The streptomycin or dihydrostreptomycin used in making the batch; 5 packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 146b.101 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; 1 package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations. The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146b.111 *Streptomycin-kaolin-pectin-aluminum hydroxide gel powder veterinary; dihydrostreptomycin - kaolin - pectin-aluminum hydroxide gel powder veterinary*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin-kaolin-pectin-aluminum hydroxide gel powder veterinary and dihydrostreptomycin - kaolin-pectin-aluminum hydroxide gel powder veterinary is streptomycin or dihydrostreptomycin, kaolin, pectin, and dried aluminum hydroxide gel with or without the addition of one or more suitable and harmless diluents, colorings, and flavorings. Its content of streptomycin or dihydrostreptomycin is not less than 37.5 milligrams per gram of powder. Its moisture content is not more than 10 percent. The streptomycin used conforms to the standards prescribed therefor by § 146b.101 (a), except subparagraphs (2) and (4) of that paragraph. The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146b.103, except the standards for sterility and pyrogens. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of streptomycin or dihydrostreptomycin per gram in the immediate containers.

(iii) The quantity of kaolin, pectin, and aluminum hydroxide per gram in the immediate container.

(iv) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 24 months after the month in which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(v) The statement "For veterinary use only."

(2) On the circular or other labeling within or attached to the package, directions and precautions adequate for the use of such powder, including:

(i) Clinical indications.

(ii) Dosage and administration.

(iii) Contraindications.

(iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package, the number of circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the streptomycin or dihydrostreptomycin used in making such batch was completed, the potency per gram of powder, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per gram of powder and average moisture.

(ii) The streptomycin or dihydrostreptomycin used in making the batch; potency, toxicity, histamine content, moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 containers in the batch, but in no case less than 20 such containers or more than 100 immediate containers, unless each such container is packaged to contain more than 1.0 gram, in which case the sample shall consist of 1.0 gram for each 5,000 immediate containers in the batch, but in no case less than 20 grams or more than 100 grams. Such samples shall be collected by taking single immediate containers or 1.0-gram portions at such intervals throughout the entire time the containers are being filled that the quantities packaged during the intervals are approximately equal.

(ii) The streptomycin or dihydrostreptomycin used in making the batch; 5 packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146b.101 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5.0 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the service rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $10.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146b.112 *Streptomycin for inhalation therapy; dihydrostreptomycin for inhalation therapy*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin for inhalation therapy and dihydrostreptomycin for inhalation therapy are streptomycin or dihydrostreptomycin, with or without one or more suitable and harmless diluents. The streptomycin used conforms to the requirements of § 146b.101 (a), except § 146b.101 (a) (2) and (4), and except that if it is packaged with inert gases its moisture content is not more than 0.5 percent. The dihydrostreptomycin used conforms to the requirements of § 146b.103 (a), except the standards for sterility and pyrogens, and except that if it is packaged with inert gases its moisture content is not more than 0.5 percent. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate container of streptomycin for inhalation therapy and dihydrostreptomycin for inhalation therapy shall be a tight container as defined by the U. S. P.; its closure shall be one through which a hypodermic needle cannot be introduced; and the container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not less than 50 milligrams, and may contain one or more suitable and harmless inert gases or each may be packaged in combination with a container of a suitable and harmless solvent.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams in the immediate container, or (if it is packaged with one or more inert gases), the number of grams that shall be ejected when used as directed in the labeling.

(iii) The statement "Expiration date ----," the blank being filled in with the date which is 24 months if it is packaged with inert gasses, or 48 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(iv) The statement "Warning—Not for injection."

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing, and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of streptomycin for inhalation therapy or dihydrostreptomycin for inhalation therapy shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of milligrams in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency and moisture if the streptomycin or dihydrostreptomycin has been previously submitted, or for potency, toxicity, moisture, pH, histamine content, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin, if the streptomycin or dihydrostreptomycin has not been previously submitted. If such batch, or any part hereof, is to be packaged in combination with a container of a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Such person shall submit with his request accurately representative samples of the following:

(i) The batch:

(*a*) If the streptomycin or dihydrostreptomycin used has been previously submitted; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers (or if it is packaged with inert gases, not less than 7 immediate containers and not more than 12 immediate containers), or more than 12 immediate containers.

(*b*) If the streptomycin or dihydrostreptomycin used has not been previously submitted; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 12 immediate containers or more than 25 immediate containers.

Such sample shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) If it is packaged with inert gases and the streptomycin or dihydrostreptomycin used has not been previously submitted; 5 packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146b.101 (b).

(iii) In case of an initial request for the certification of a batch which is to be packaged in combination with a solvent which is not recognized by the U. S. P., or when any change is made in the composition of such solvent, five packages of the solvent included in the combination.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (ii) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit main-

tained in accordance with § 146.8 (d) of this chapter.

(f) *Exemption of streptomycin for inhalation therapy and dihydrostreptomycin for inhalation therapy for veterinary use from certification.* Streptomycin for inhalation therapy and dihydrostreptomycin for inhalation therapy that conform to the requirements of paragraphs (a), (b), and (c) of this section shall be exempt from the requirements of section 502 (l) and 507 of the act, if they comply with all the following conditions:

(1) They are intended solely for veterinary use and are conspicuously so labeled.

(2) The labels bear an expiration date that is not more than 48 months after the month during which the batch was last assayed and released by the manufacturer, except that such date is not more than 24 months if it is packaged with inert gases.

(3) The circular or other labeling within or attached to the package bears information that the antibiotics are for use only in the prevention or treatment of chronic respiratory disease (air-sac infection) in chickens and bears directions and warnings adequate for such use.

§ 146b.113 *Dihydrostreptomycin-streptomycin sulfates—(a) Standards of identity, strength, quality, and purity.* Dihydrostreptomycin-streptomycin sulfates is a mixture of equal parts of dihydrostreptomycin sulfate and streptomycin sulfate. It is so purified and dried that:

(1) It is sterile.

(2) It is nontoxic.

(3) It is nonpyrogenic.

(4) It contains no histamine or histamine like substance.

(5) Its moisture content is not more than 5 percent.

(6) Its pH in an aqueous solution containing 0.1 gram of dihydrostreptomycin and 0.1 gram of streptomycin per milliliter is not less than 4.5 and not more than 7.0.

The dihydrostreptomycin sulfate used conforms to the standards prescribed by § 146b.103, except the standards for streptomycin content. The streptomycin sulfate used conforms to the standards prescribed by § 146b.101 (a).

(b) *Packaging.* It shall be packaged in accordance with the requirements prescribed by § 146b.101 (b), except that in case it is packaged for dispensing each immediate container shall contain not less than 0.5 gram of dihydrostreptomycin and 0.5 gram of streptomycin or multiples of each such salt up to and including 5.0 grams of dihydrostreptomycin and 5.0 grams of streptomycin.

(c) *Labeling.* It shall be labeled in accordance with the requirements prescribed by § 146b.101 (c), except that each package shall bear on the outside wrapper or container and the immediate container the number of grams of dihydrostreptomycin, the number of grams of streptomycin and the total number of grams of both salts in the immediate container.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch marks, and (unless they were previously submitted) the dates on which the latest assays of the dihydrostreptomycin and streptomycin used in making the batch were completed, the content of dihydrostreptomycin and streptomycin in each container, and the date on which the latest assay of the drug comprising such batch was completed. If such batch or any part thereof is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements described therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(i) The batch; content of dihydrostreptomycin and streptomycin, sterility, toxicity, pyrogens, histamine content, moisture, and pH.

(ii) The dihydrostreptomycin and streptomycin used in making the batch; potency, and if crystalline dihydrostreptomycin is used, crystallinity.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in the batch but in no case less than 6 or more than 12 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The dihydrostreptomycin used in making the batch; 2 packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 146b.101 (b).

(iii) The streptomycin used in making the batch; one package containing approximately 0.5 gram packaged in accordance with the requirements of § 146b.101 (b).

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility: 6 packages.

(ii) For sterility testing: 10 packages. Each such package shall contain not less than 0.5 gram of dihydrostreptomycin and 0.5 gram of streptomycin taken from different parts of such batch, and each shall be packaged in accordance with the requirements of § 146b.101 (b).

(5) No result referred to in subparagraph (2) of this paragraph, and no sample referred to in subparagraphs (3) (ii) and (iii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*) and (4) (i) of this section; $4.00 for each sample submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for issuance of a certificate, the cost of such investigations. The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146b.114 *Streptomycin sulfate oral veterinary—(a) Standards of identity, strength, quality, and purity.* Streptomycin sulfate oral veterinary is the sulfate salt of a kind of streptomycin or a mixture of two or more such salts. Each such drug is so purified and dried that:

(1) Its potency is not less than 450 micrograms per milligram.

(2) It is nontoxic.

(3) Its moisture content is not more than 14.0 percent.

(4) Its pH in aqueous solution of 0.2 gram per milliliter is not less than 3.0 and not more than 7.0.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of streptomycin sulfate oral veterinary shall bear on its outside wrapper or container and the immediate container:

(1) The batch mark.

(2) The number of milligrams of streptomycin per gram and the number of grams of the drug in the immediate container.

(3) The statement "Expiration date _____," the blank being filled in with the date which is 36 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(4) The statement "For use only in the manufacture of oral veterinary drugs."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of milligrams of streptomycin per gram, and the total number of grams of streptomycin in each package. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, and pH.

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of 5 packages each containing approximately 1.0 gram taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) of this section.

(2) If the Commissioner considers that investigations, other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certicate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146b.115 *Streptomycin sulfate powder oral veterinary; streptomycin sulfate granules oral veterinary—(a) Standards of identity, strength, quality, and purity.* Streptomycin sulfate powder oral veterinary or streptomycin sulfate granules oral veterinary is streptomycin sulfate oral veterinary with one or more suitable and harmless diluents and stabilizing agents. Its potency is not less than 333 micrograms per milligram. Its moisture content is not more than 7.0 percent. The streptomycin sulfate oral veterinary used conforms to the standards prescribed by § 146b.114 (a) Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P. The composition of the immediate containers shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of streptomycin per gram and the number of grams in the immediate container.

(iii) The statement "Expiration date _____," the blank being filled in with the date which is 36 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(iv) The statement "For oral veterinary use only."

(v) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be.

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the streptomycin sulfate oral veterinary used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each other ingredient used conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and moisture.

(ii) The streptomycin sulfate oral veterinary used in making the batch; potency, toxicity, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers or more than 12 immediate containers, unless each such container is packaged to contain more than 15 grams, in which case the sample shall consist of 15 grams for each 5,000 immediate containers in the batch, but in no case less than five 15-gram portions or more than twelve 15-gram portions. Such samples shall be collected by taking single immediate containers or 15-gram portions at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The streptomycin sulfate oral veterinary used in making the batch; 5 packages containing approximately equal portions of not less than 1.0 gram each, packaged in accordance with the requirements of § 146b.114 (b).

(iii) In case of an initial request for certification, the other ingredients used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section; and

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

(f) *Exemption of streptomycin sulfate powder oral veterinary and streptomycin sulfate granules oral veterinary from certification.* Streptomycin sulfate powder oral veterinary and streptomycin sulfate granules oral veterinary that conform to the requirements of paragraphs (a) (except that they may contain one or more essential vitamin and mineral substances for nutritive purposes), (b), and (c) of this section shall be exempt from the requirements of sections 502 (l) and 507 of the act, if they comply with all the following conditions:

(1) The labels bear an expiration date that is not more than 36 months after the month during which the batch was last assayed and released by the manufacturer.

(2) If they contain added vitamins or minerals, the labels bear the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The labels bear a statement that solutions prepared with the drugs are stable for not more than 24 hours.

(4) The circular or other labeling within or attached to the package bears information that only the antibiotics are intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Bacterial enteritis in swine.

(ii) Bacterial calf scours.

(iii) Chronic respiratory disease (air-sac infection) in chickens.

(iv) Blue comb (mud fever, nonspecific infectious enteritis) in poultry.

§ 146b.116 *Streptomycylidene isonicotinyl hydrazine sulfate*—(a) *Standards of identity, strength, quality, and purity.* Streptomycylidene isonicotinyl hydrazine sulfate is the crystalline sulfate compound of streptomycin and isonicotinic acid hydrazide. It is so purified and dried that:

(1) It contains not less than the equivalent of 583 micrograms of streptomycin per milligram and its isonicotinic acid hydrazide equivalent content is not less than 13.75 percent.

(2) It is sterile.

(3) It is nontoxic.

(4) It is nonpyrogenic.

(5) It contains no histamine nor histamine-like substance.

(6) Its moisture content is not more than 5 percent.

(7) Its pH in an aqueous solution containing the equivalent of 0.2 gram of streptomycin per milliliter is not less than 4.5 and not more than 7.5.

(8) Its extinction coefficient $E^{1\%}_{1\ cm.}$ is not less than 150 at 260 millimicrons.

The streptomycin used conforms to the requirements of § 146b.101 (a). The isonicotinic acid hydrazide used has a purity of not less than 98 percent and it has a melting point of not less than 169° C. and not more than 172° C.

(b) *Packaging.* It shall be packaged in accordance with the requirements of § 146b.101 (b), except that each immediate container shall contain the equivalent of not less than 1.0 gram of streptomycin.

(c) *Labeling.* It shall be labeled in accordance with the requirements of § 146b.101 (c), except that in lieu of the labeling prescribed by subparagraph (1) (ii) of paragraph (c) each package shall bear on the outside wrapper or container and the immediate container the number of grams of equivalent streptomycin activity, the equivalent number of grams of isonicotinic acid hydrazide, and the number of grams of streptomycylidene isonicotinyl hydrazine sulfate in the immediate container, and its expiration date shall be 36 months after the month during which the batch was certified.

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of grams of streptomycin, isonicotinic acid hydrazide, and streptomycylidene isonicotinyl hydrazine sulfate in each package and (unless it was previously submitted) the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, histamine content, moisture, pH, crystallinity, and extinction coefficient. If such batch or any part thereof is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) If such batch is packaged for dispensing, such person shall submit in connection with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than six or more than 12 immediate containers.

(ii) For sterility testing; 10 immediate containers.

Such sample shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(3) If such batch is packaged for repacking or for use in the manufacture of another drug, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; six packages, each containing the equivalent of approximately 1 gram of streptomycin activity.

(ii) For sterility testing; 10 packages, each containing the equivalent of approximately 0.5 gram of streptomycin activity.

Each such package shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(4) In connection with contemplated requests for certification of repackaged batches or batches of another drug in the manufacture of which it is to be used, the manufacturer of the batch which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by subparagraph (3) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted tests and results of assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i), (3) (i), and (4) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146b.117 *Dihydrostreptomycin-streptomycin sulfates solution*—(a) *Standards of identity, strength, quality, and purity.* Dihydrostreptomycin-streptomycin sulfates solution is an aqueous solution of dihydrostreptomycin-streptomycin sulfates. Such solution conforms to all standards prescribed by § 146b.113 (a) for dihydrostreptomycin-streptomycin sulfates, except the limitation on moisture content, and except that:

(1) Each milliliter shall contain not less than 200 milligrams each of dihydrostreptomycin and streptomycin and not more than 250 milligrams each of dihydrostreptomycin and streptomycin, unless it is intended solely for veterinary use and is conspicuously so labeled.

(2) It may contain suitable and harmless buffer substances, preservatives, and stabilizing agents. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(3) Its pH is not less than 5.0 and not more than 7.5.

(b) *Packaging.* It shall be packaged in accordance with the requirements of § 146b.106 (b).

(c) *Labeling.* It shall be labeled in accordance with the requirements of § 146b.106 (c) for streptomycin sulfate solution, except in lieu of subparagraph (1) (ii) of that paragraph each package shall bear on the outside wrapper or container and the immediate container the number of grams of dihydrostreptomycin, the number of grams of streptomycin, and the total number of grams of both salts in each milliliter in the immediate container.

(d) *Request for certification; samples.* In addition to complying with the requirements of § 146b.113 (d), a person who requests certification of a batch shall submit in connection with his initial request one package containing approximately 5.0 grams of each other ingredient used in making the batch.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be the same as those prescribed by § 146b.113 (e), except that the fee for each immediate container in the sample of other ingredients required by paragraph (d) of this section shall be $4.00.

§ 146b.118 *Streptomycin-penicillin-sulfonamide with kaolin and pectin; dihydrostreptomycin-penicillin-sulfonamide with kaolin and pectin*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin-penicillin-sulfonamide with kaolin and pectin and dihydrostreptomycin-penicillin-sulfonamide with kaolin and pectin are dry mixtures of streptomycin sulfate or dihydrostreptomycin sulfate, crystalline penicillin G (sodium or potassium), one or more suitable sulfonamides, kaolin, and pectin, with or without bismuth subcarbonate and with or without one or more suitable and harmless preservatives, colorings, and flavorings. Its moisture content is not more than 2 percent. The pH of a suspension prepared as directed in its labeling is not less than 5.5 and not more than 7.5. The streptomycin used conforms to the standards prescribed

therefor by § 146b.101 (a), except subparagraphs (2) and (4) of that paragraph. The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146b.103, except the standards for sterility and pyrogens. The crystalline penicillin G used conforms to the standards prescribed therefor by § 146a.24 (a) of this chapter, except subparagraphs (2) and (4) of that paragraph. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. and shall contain not less than 1.0 gram of streptomycin or dihydrostreptomycin and not less than 1,200,000 units of penicillin. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of grams of streptomycin or dihydrostreptomycin and the number of units of penicillin in the immediate container.

(iii) The name and quantity of each sulfonamide in the immediate container.

(iv) The quantity of kaolin and pectin in the immediate container.

(v) If the batch contains bismuth subcarbonate or preservatives, the name and quantity of each such substance in the immediate container.

(vi) The statement "Expiration date ------," the blank being filled in with the date which is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(vii) The statement "Warning—Not for injection."

(2) On the immediate container, directions for preparing the suspension and the statement "Suspension may be kept in refrigerator for 1 week without significant loss of potency."

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch marks and (unless they were previously submitted) the dates on which the latest assays of the streptomycin or dihydrostreptomycin and penicillin used in making such batch were completed, the number of grams of streptomycin or dihydrostreptomycin and the number of units of penicillin in the immediate container, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; content of streptomycin or dihydrostreptomycin, content of penicillin, moisture, and pH.

(ii) The streptomycin or dihydrostreptomycin used in making the batch; potency, toxicity, histamine content, moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin.

(iii) The penicillin used in making the batch; potency, toxicity, moisture, pH, crystallinity, heat stability, and penicillin G content.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 6 or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time the containers are being filled that the quantities packaged during the intervals are approximately equal.

(ii) The streptomycin or dihydrostreptomycin used in making the batch; 5 packages, containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146b.101 (b).

(iii) The penicillin used in making the batch; 10 packages, containing approximately equal portions of not less than 60 milligrams each, packaged in accordance with the requirements of § 146a.24 (b).

(iv) In case of an initial request for certification, each other ingredient used in making the batch; one package of each, containing approximately 5.0 grams.

(4) No result referred to in subparagraph (2) (ii) and (iii) of this paragraph, and no sample referred to in subparagraph (3) (ii) and (iii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i), (iii), and (iv) of this section; $10.00 for each package in the sample submitted in accordance with paragraph (d) (3) (ii) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146b.119 *Streptomycin hydrochloride solution oral veterinary; streptomycin sulfate solution oral veterinary*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin hydrochloride solution oral veterinary and streptomycin sulfate solution oral veterinary are aqueous solutions of streptomycin hydrochloride or streptomycin sulfate, with one or more suitable and harmless preservatives. The drug may also contain one or more suitable and harmless buffer substances and stabilizing agents. Its potency is not less than 250 milligrams per milliliter. Its pH is not less than 5.0 and not more than 8.0. It is nontoxic. Each preservative, buffer substance, and stabilizing agent used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal

and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on the outside wrapper or container and the immediate container:

(1) The batch mark.

(2) The number of milligrams of streptomycin in each milliliter of the immediate container.

(3) The statement "Expiration date ------," the blank being filled in with the date which is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(4) The name and quantity of each preservative used.

(5) The statement "For oral veterinary use only."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and the number of milligrams of streptomycin per milliliter. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, and pH.

(2) Such person shall also submit with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 or more than 12 immediate containers.

(ii) In case of an initial request for certification, each other ingredient used in making the batch; 1 package of each containing approximately 5 grams.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) of this section.

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

(f) *Exemption of streptomycin hydrochloride solution oral veterinary and streptomycin sulfate solution oral veterinary from certification.* Streptomycin hydrochloride solution oral veterinary and streptomycin sulfate solution oral veterinary that conform to the requirements of paragraphs (a) (except that they may contain one or more essential vitamin and mineral substances for nutritive purposes), (b), and (c) of this section shall be exempt from the requirements of sections 502 (l) and 507 of the act, if they comply with all the following conditions:

(1) The labels bear an expiration date that is not more than 12 months after the month during which the batch was last assayed and released by the manufacturer.

(2) If they contain added vitamins or minerals, the labels bear the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The labels bear a statement that solutions prepared with the drugs are stable for not more than 24 hours.

(4) The circular or other labeling within or attached to the package bears information that only the antibiotics are intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Bacterial enteritis in swine.

(ii) Bacterial calf scours.

(iii) Chronic respiratory disease (air-sac infection) in chickens.

(iv) Blue comb (mud fever, nonspecific infectious enteritis) in poultry.

§ 146b.120 *Dihydrostreptomycin-streptomycin sulfates with isonicotinic acid hydrazide.* Dihydrostreptomycin-streptomycin sulfates with isonicotinic acid hydrazide conforms to all requirements and is subject to all procedures prescribed by § 146b.113 for dihydrostreptomycin-streptomycin sulfates, except that:

(a) It contains not less than 100 milligrams of isonicotinic acid hydrazide for each 0.5 gram of dihydrostreptomycin-streptomycin sulfates. The isonicotinic acid hydrazide used has a purity of not less than 98 percent and has a melting point of not less than 169° C. and not more than 172° C.

(b) In lieu of the directions prescribed by § 146b.113 (c), it shall be labeled in accordance with the requirements prescribed by § 146b.101 (c), except that each package shall bear on the outside wrapper or container and the immediate container the number of grams of dihydrostreptomycin, the number of grams of streptomycin and the number of grams of isonicotinic acid hydrazide, and the expiration date shall be 18 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(c) In addition to complying with the requirements of § 146b.113 (d), a person who requests certification of a batch shall submit with his request a statement showing the number of grams of isonicotinic acid hydrazide in each package, and in case of an initial request for certification, a sample consisting of approximately 5.0 grams of the isonicotinic acid hydrazide used in making the batch.

(d) The fee for the services rendered with respect to the sample of isonicotinic acid hydrazide submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146b.121 *Streptomycin-erythromycin ointment—*(a) *Standards of identity, strength, quality, and purity.* Streptomycin-erythromycin ointment is streptomycin and erythromycin in a suitable and harmless ointment base, with or without one or more suitable sulfonamides and with or without suitable and harmless dispersing and suspending agents. Its moisture content is not more than 1.0 percent. It contains per gram not less than 3 milligrams of streptomycin and not less than 5 milligrams of erythromycin. The streptomycin used conforms to the requirements of § 146b.101 (a), except § 146b.101 (a) (2), (4), and (5). The erythromycin used is produced by the growth of Streptomyces erythreus, has a potency of not less than 850 micrograms per milligram (on the anhydrous basis), is nontoxic, has a moisture content of not more than 10 percent, its pH in a saturated aqueous solution is not less than 8 and not more than 10.5, and it gives a characteristic color test with acetone and hydrochloric acid. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Streptomycin-erythromycin ointment shall be packaged in collapsible tubes which shall be well-closed containers as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of streptomycin and the number of milligrams of erythromycin in each gram or milliliter of the batch.

(iii) If it contains one or more sulfonamides, the name and quantity of each such ingredient in each gram or milliliter of the batch.

(iv) The statement "For veterinary use only."

(v) The statement "Expiration date ------," the blank being filled in with the date that is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the label and labeling, if it contains one or more sulfonamides, after the name "streptomycin-erythromycin ointment," wherever it appears, the words "with sulfonamide(s)," in juxtaposition with such name.

(3) On the circular or other labeling within or attached to the package, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the dates on which the latest assays of the streptomycin and erythromycin used in making such batch were completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Potency and moisture.

(ii) The streptomycin and erythromycin used in making the batch: Potency, toxicity, pH, moisture, and color-identity test, if it is erythromycin.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 6 immediate containers or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The streptomycin used in making the batch: 5 packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146b.101 (b).

(iii) The erythromycin used in making the batch: 5 packages, each containing approximately equal portions of not less than 0.5 gram.

(iv) In case of an initial request for certification, the ingredients used in making the ointment base of the batch: 1 package of each, containing approximately 200 grams, except for the suspending or dispersing agents and sulfonamides used, in which case the sample shall consist of approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no samples referred to in subparagraph (3) (ii) and (iii) of this paragraph, is required if such result or samples have been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), (iii), and (iv) of this section.

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146b.122 *Streptomycin-chlortetracycline-chloramphenicol-bacitracin dental cement; dihydrostreptomycin-chlortetracycline-chloramphenicol-bacitracin dental cement—*(a) *Standards of identity, strength, quality, and purity.* Streptomycin - chlortetracycline - chloramphenicol-bacitracin dental cement and dihydrostreptomycin-chlortetracycline-chloramphenicol-bacitracin dental cement are streptomycin or dihydrostreptomycin, chlortetracycline, chloramphenicol, and bacitracin in a base composed of suitable and harmless inert inorganic salts and oxides. Its moisture content is not more than 1 percent. It contains not less than 1.0 milligram of streptomycin or dihydrostreptomycin, not less than 1.0 milligram of chlortetracycline, not less than 1.0 milligram of chloramphenicol, and not less than 50 units of bacitracin per gram. The streptomycin used conforms to the standards prescribed by § 146b.101 (a), except § 146b.101 (a) (2), (4), and (5). The dihydrostreptomycin used conforms to the standards prescribed by § 146b.103, except the standards for sterility, pyrogens, and histamine. The chlortetracycline used conforms to the standards prescribed by § 146c.201 (a) of this chapter, except § 146c.201 (a) (2), (4), and (5). The chloramphenicol used conforms to the standards prescribed by § 146d.301 (a) of this chapter, except § 146d.301 (a) (2), (4), and (5). The bacitracin used conforms to the standards prescribed by § 146e.401 (a) of this chapter, except § 146e.401 (a) (2) and (4). Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Each batch of dental cement shall be packaged in immediate containers of transparent glass that meet the test for tight containers as defined by the U. S. P., and so sealed that the contents cannot be used without destroying such seal. The immediate container and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of streptomycin or dihydrostreptomycin, chlortetracycline, and chloramphenicol and the number of units of bacitracin in each gram of the batch.

(iii) The statement "Expiration date ---------," the blank being filled in with the date that is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription."

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless they were previously submitted) the dates of the latest tests and assays of the streptomycin or dihydrostreptomycin, chlortetracycline, chloramphenicol, and bacitracin used in making the batch.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Potency and moisture.

(ii) The streptomycin or dihydrostreptomycin used in making the batch: Potency, toxicity, moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate.

(iii) The chlortetracycline used in making the batch: Potency, toxicity, moisture, and pH.

(iv) The chloramphenicol used in making the batch: Potency, toxicity, pH, specific rotation, melting point, and extinction coefficient.

(v) The bacitracin used in making the batch: Potency, toxicity, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: 1 package for each 500 packages in the batch, but in no case less than 6 packages nor more than 12 packages.

(ii) The streptomycin or dihydrostreptomycin used in making the batch: 5 packages containing approximately equal portions of not less than 0.5 gram.

(iii) The chlortetracycline used in making the batch: 10 packages, each

containing approximately equal portions of not less than 60 milligrams.

(iv) The chloramphenicol used in making the batch: 10 packages, each containing approximately equal portions of not less than 300 milligrams.

(v) The bacitracin used in making the batch: 6 packages, each containing approximately equal portions of not less than 0.5 gram.

(vi) In case of an initial request for certification, each other ingredient used in making the batch: 1 package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii), (iii), (iv), and (v) of this paragraph, and no sample referred to in subparagraph (3) (ii), (iii), (iv), and (v) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), (iii), (iv), (v), and (vi) of this section.

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations. The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146b.123 *Streptomycin-sodium sulfathiazole solution veterinary; dihydrostreptomycin-sodium sulfathiazole solution veterinary*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin-sodium sulfathiazole solution veterinary and dihydrostreptomycin-sodium sulfathiazole solution veterinary are streptomycin or dihydrostreptomycin and sodium sulfathiazole dissolved in a suitable and harmless vehicle. Each milliliter contains not less than 35 milligrams of streptomycin or dihydrostreptomycin and not less than 25 milligrams of sodium sulfathiazole. It is sterile. It is nontoxic. It is nonpyrogenic. It contains no histamine nor histamine-like substance. Its pH is not less than 5.0 and not more than 8.0. The streptomycin used conforms to the standards prescribed therefor by § 146b.101 (a), except subparagraph (6). The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146b.103, except the standard for moisture. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging; labeling.* It shall be packaged and labeled in accordance with the requirements of § 146b.106 (b) and (c), except that in addition to the requirements of paragraph (c) each package shall bear on the outside wrapper or container and the immediate container:

(1) The composition of the vehicle.

(2) The number of milligrams of sodium sulfathiazole in each milliliter of the batch.

(3) The statement "For veterinary use only."

(c) *Requests for certification, samples; fees.* The person who requests certification of a batch shall submit in connection with his request the same information and number of samples for the batch as prescribed by § 146b.106 (d), and the fee for the services rendered with respect to each such batch shall be the same as that prescribed by § 146b.106 (e).

§ 146b.124 *Streptomycin-polymyxin-neomycin ointment; dihydrostreptomycin-polymyxin-neomycin ointment*—(a) *Standards of identity, stength, quality, and purity.* Streptomycin-polymyxin-neomycin ointment and dihydrostreptomycin-polymyxin-neomycin ointment are streptomycin or dihydrostreptomycin, polymyxin, and neomycin in a suitable and harmless ointment base, with or without one or more suitable sulfonamides, and with or without suitable and harmless dispersing and suspending agents. Its moisture content is not more than 1 percent. It contains not less than 8 milligrams of neomycin, not less than 8 milligrams of streptomycin or dihydrostreptomycin, and not less than 5,000 units of polymyxin B per gram of ointment. The streptomycin used conforms to the requirements of § 146b.101 (a), except § 146b.101 (a) (2), (4), and (5). The dihydrostreptomycin used conforms to the requirements of § 146b.103, except the standards for sterility, pyrogens, and histamine. The polymyxin B used conforms to the requirements prescribed for polymyxin B by § 146b.107 (a). The neomycin used conforms to the requirements prescribed for neomycin by § 146c.410 (a) (2) of this chapter. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Each batch of ointment shall be packaged in collapsible tubes which shall be well-closed containers as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of streptomycin or dihydrostreptomycin, the number of milligrams of neomycin, and the number of units of polymyxin B in each gram of the batch.

(iii) If the batch contains one or more sulfonamides, the name and quantity of each such ingredient per gram of the batch.

(iv) The statement "For veterinary use only."

(v) The statement "Expiration date ---------," the blank being filled in with the date that is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the dates on which the latest assays of the streptomycin or dihydrostreptomycin, polymyxin B, and neomycin used in making such batch were completed; the quantity of each such ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(i) The batch: Potency and moisture.

(ii) The streptomycin or dihydrostreptomycin used in making the batch: Potency, toxicity, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate.

(iii) The polymyxin B used in making the batch: Potency and toxicity.

(iv) The neomycin used in making the batch: Potency, toxicity, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 7 immediate containers or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The streptomycin or dihydrostreptomycin used in making the batch: 5 packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146b.101 (b).

(iii) The polymyxin B used in making the batch: 5 packages containing approximately equal portions of not less than 0.5 gram each.

(iv) The neomycin used in making the batch: 5 packages containing approximately equal portions of not less than 0.5 gram each.

(v) In case of an initial request for certification, the ingredients used in making the batch: 1 package of each ointment-base ingredient, containing approximately 200 grams; 1 package of each suspending or dispersing agent used, containing approximately 5 grams; 1 package of each sulfonamide used, containing approximately 5 grams.

(4) The results referred to in subparagraph (2) (ii), (iii), and (iv) of this paragraph and the samples referred to in subparagraph (3) (ii), (iii), and (iv) of this paragraph are not required if such results or samples have been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), (iii), (iv), and (v) of this section.

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigation.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Sec.
146c.201 Chlortetracycline hydrochloride.
146c.202 Chlortetracycline ointment (chlortetracycline hydrochloride ointment), chlortetracycline calcium ointment, chlortetracycline calcium cream; tetracycline hydrochloride ointment (tetracycline hydrochloride in oil suspension).
146c.203 Chlortetracycline troches; tetracycline hydrochloride troches.
146c.204 Chlortetracycline capsules; tetracycline hydrochloride capsules; tetracycline capsules.
146c.205 Chlortetracycline powder; tetracycline hydrochloride powder; tetracycline powder.
146c.206 Chlortetracycline ophthalmic; tetracycline hydrochloride ophthalmic.
146c.207 Chlortetracycline tablets; tetracycline tablets.
146c.208 Chlortetracycline otic; tetracycline hydrochloride otic.
146c.209 Chlortetracycline dental cones.
146c.210 Chlortetracycline dental paste.
146c.211 Chlortetracycline surgical powder; tetracycline hydrochloride surgical powder.
146c.212 Chlortetracycline suppositories; tetracycline hydrochloride suppositories.
146c.213 Chlortetracycline gauze packing.
146c.214 Chlortetracycline dressing.
146c.215 Chlortetracycline with vasoconstrictor; chlortetracycline with -----.
146c.217 Chlortetracycline calcium oral drops; chlortetracycline calcium syrup; tetracycline syrup.
146c.218 Tetracycline hydrochloride.
146c.219 Crude chlortetracycline oral veterinary.
146c.220 Tetracycline.
146c.221 Tetracycline hydrochloride for intramuscular use.
146c.222 Tetracycline hydrochloride oral suspension; tetracycline calcium oral suspension.
146c.223 Chlortetracycline - neomycin-streptomycin - penicillin ointment; chlortetracycline-neomycin - dihydrostreptomycin-penicillin ointment; tetracycline hydrochloride - neomycin-streptomycin - penicillin ointment; tetracycline hydrochloride - neomycin - streptomycin-penicillin ointment.
146c.224 Tetracycline hydrochloride-nystatin capsules.
146c.225 Tetracycline hydrochloride-nystatin tablets.
146c.226 Tetracycline and vasoconstrictor suspension; tetracycline and ----- suspension.
146c.227 Chlortetracycline spray dressing.

AUTHORITY: §§ 146c.201 to 146c.227 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357.

§ 146c.201 *Chlortetracycline hydrochloride (chlortetracycline hydrochloride salt)*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline hydrochloride is the yellow hydrochloride salt or crystalline hydrochloride salt of a kind of chlortetracycline or a mixture of two or more such salts with or without one or more suitable and harmless buffer substances if it is intended for intravenous use. It is so purified and dried that:

(1) Its potency, and the potency of the chlortetracycline used in the manufacture of chlortetracycline for intravenous use, is not less than 900 micrograms per milligram, except if it is intended for use solely in the manufacture of a veterinary drug for nonparenteral use its potency is not less than 820 micrograms per milligram;

(2) It is sterile;

(3) It is nontoxic;

(4) It is nonpyrogenic;

(5) It contains no histamine nor histamine-like substances;

(6) Its moisture content is not more than 2.0 percent;

(7) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.3 and not more than 3.3, except if it is intended for intravenous use and it contains buffer substances its pH is not less than 8 and not more than 9.5.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is intended for intravenous use, it shall be packaged in immediate containers of colorless, transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness; each such container shall contain not more than 1.0 gram unless it is intended solely for veterinary use and is conspicuously so labeled, and each shall contain one or more suitable and harmless buffer substances, or each shall be packaged in combination with a container of a suitable and harmless diluent.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams in the immediate container;

(iii) The statement "Expiration date ---------," the blank being filled in with the date which is 12 months, or if it is crystalline chlortetracycline 36 months, after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be; and

(v) If it is packaged for intravenous use and contains buffer substances, the name of each such substance used.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is intended solely for intravenous veterinary use, the statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian."

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended for intravenous veterinary use, adequate directions and warnings for its use by veterinarians licensed by law to administer such drug.

(iii) If it is intended solely for veterinary use other than for intravenous injection and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iv) A statement of the conditions under which such solutions should be stored, including a reference to their instability when stored under other conditions, and a statement "Sterile solutions must be injected immediately after preparation."

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of milligrams in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed; and if it is intended for intravenous use and contains buffer substances, the date and the results of the latest test for potency of the chlortetracycline used in making such batch. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, histamine content, crystallinity (if it is the crystalline salt), moisture, and pH. If such batch or any part thereof is to be packaged with a solvent such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) If such batch is packaged for dispensing, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility: 1 immediate container for each 5,000 immediate containers in such batch, but in no case less than 8 or more than 15 immediate containers.

(ii) For sterility testing: 10 immediate containers.

Such sample shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(3) If such batch is packaged for repacking or for use as an ingredient in the manufacture of another drug, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility: 5 packages, each containing approximately 0.5 gram.

(ii) For sterility testing: 10 packages, each containing approximately 40 milligrams.

Each such package shall be packaged in accordance with the requirements of paragraph (b) of this section.

(4) In connection with contemplated requests for certification of repacked batches or batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by subparagraph (3) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(5) If such batch is intended for intravenous use and it contains buffer substances, such person shall submit in connection with his request (unless it has been previously submitted) one immediate container containing approximately 0.5 gram of the chlortetracycline used in making such batch.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i), (3) (i), and (4) of this section; $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (5) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.202 *Chlortetracycline ointment (chlortetracycline hydrochloride ointment), chlortetracycline calcium ointment, chlortetracycline calcium cream; tetracycline hydrochloride ointment (tetracycline hydrochloride in oil suspension)*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline ointment is crystalline chlortetracycline hydrochloride or chlortetracycline calcium in a suitable and harmless ointment base. Tetracycline hydrochloride ointment is crystalline tetracycline hydrochloride in a suitable and harmless ointment base. It may contain a suitable local anesthetic, cortisone, hydrocortisone, or a suitable ester of cortisone or hydrocortisone, and one or more suitable and harmless preservatives. Its moisture content is not more than 1 percent if it is chlortetracycline hydrochloride or tetracycline hydrochloride ointment. Its potency is not less than 1 milligram per gram. The chlortetracycline hydrochloride used in making the chlortetracycline hydrochloride ointment and in preparing the chlortetracycline calcium used in making the chlortetracycline calcium ointment conforms to the requirements of § 146c.201 (a), except paragraph (a) (1), (2), (4), and (5) of that section, but its potency is not less than 750 micrograms per milligram. The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except paragraph (a) (2), (4), and (5) of that section. Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The ointment shall be packaged in collapsible tubes which are well-closed containers as defined by the U. S. P., or in containers of glass or plastic that are tight containers as defined by the U. S. P. Unless it is labeled solely for hospital use, each such container shall contain not more than 2 ounces, except if it is intended for ophthalmic use each such container shall contain not more than $\frac{1}{8}$-ounce, if it is a collapsible tube, or more than $\frac{1}{2}$-ounce if it is a tight container. Each such container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practices shall be disregarded.

(c) *Labeling.* Each package of ointment shall bear on its label or labeling as hereinafter indicated:

(1) On the outside wrapper or container and the immediate container of the package:

(i) The batch mark;

(ii) The potency per gram, expressed in terms of its equivalency of chlortetracycline hydrochloride or as tetracycline hydrochloride;

(iii) If it contains preservatives, cortisone, hydrocortisone, or an ester of cortisone or hydrocortisone, or a local anesthetic, the name and quantity of each such substance;

(iv) The statement "Expiration date _____," the blank being filled in with the date which is 24 months, if it is chlortetracycline calcium ointment or tetracycline hydrochloride ointment, or 36 months, if it is chlortetracycline hydrochloride ointment, after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container, if it is packaged for ophthalmic use by man or if it contains cortisone, hydrocortisone, or an ester of cortisone or hydrocortisone, the statement "Caution: Federal law prohibits dispensing without prescription," and a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such ointment by practitioners licensed by law to administer such drug; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, if it contains one or more of the active ingredients specified in paragraph (a) of this section, after the name "chlortetracycline ointment," "chlortetracycline calcium ointment," "chlortetracycline calcium cream," or "tetracycline hydrochloride ointment," wherever it appears, the words "with _____," in juxtaposition with such name, the blank being filled in with the common or usual name of each such ingredient used.

(4) If it is not packaged for ophthalmic use by man or it does not contain cortisone, hydrocortisone, or an ester of cortisone or hydrocortisone, a circular or other labeling within or attached to the package bearing adequate directions and warnings for prophylactic use by man, or for the veterinary use of such ointment. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other uses of such ointment by practitioners licensed by law to administer such drug will be sent on request to such a practitioner.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of ointment shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline or tetracycline hydrochloride used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each component of the ointment base used conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and moisture.

(ii) The chlortetracycline or tetracycline hydrochloride used in making the batch; potency, toxicity, moisture, pH, crystallinity, and extinction coefficient, if it is tetracycline hydrochloride.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 5,000 packages in the batch, but in no case less than five packages or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chlortetracycline or tetracycline hydrochloride used in making the batch; ten packages, containing approximately equal portions of not less than 60 milligrams each, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch: 1 package of each component of the ointment base, each containing approximately 200 grams; 1 package of each preservative used, each containing approximately 5 grams; and if cortisone, hydrocortisone, or an ester of cortisone or hydrocortisone is used, 1 package of such ingredient, containing approximately 100 milligrams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of ointment under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations. The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.203 *Chlortetracycline troches (chlortetracycline hydrochloride troches); tetracycline hydrochloride troches*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline troches and tetracycline hydrochloride troches are troches composed of crystalline chlortetracycline or crystalline tetracycline hydrochloride and one or more suitable and harmless diluents, binders, and lubricants, with or without one or more suitable and harmless preservatives, colorings, and flavorings. The potency of each troche is not less than 5 milligrams; the moisture content is not more than 2 percent. The chlortetracycline used conforms to the requirements of §146c.201 (a), except § 146c.201 (a) (1), (2), (4) and (5), but its potency is not less than 750 micrograms per milligram. The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except § 146c.218 (a) (2), (4) and (5). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each troche is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the troches by a plug of cotton or other like material. The composition of the immediate container, or foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of troches shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams in each troche of the batch;

(iii) If it contains a preservative, the name and quantity of each such ingredient; and

(iv) The statement "Expiration date _____," the blank being filled in with the date which is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 36 months or 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after being stored for such period of time such drug as prepared by him complies with the standards prescribed therefor by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription."

(ii) If it is packaged for dispensing, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of troches shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline or tetracycline hydrochloride used in making such batch was completed, the number of milligrams in each troche, the quantity of each ingredient used in making the batch, the date on which the latest assay of the troches comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per troche and average moisture.

(ii) The chlortetracycline or tetracycline hydrochloride used in making the batch; purity, toxicity, moisture, pH, crystallinity, and extinction coefficient if it is tetracycline hydrochloride.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one troche for each 5,000 troches in the batch, but in no case less than 20 troches or more than 100 troches, collected by taking single troches at such intervals throughout the entire time the troches are being made that the quantities made during the intervals are approximately equal.

(ii) The chlortetracycline or tetracycline hydrochloride used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, each other substance used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of troches under the regulations in this part shall be:

(1) $1.00 for each troche in the sample submitted in accordance with paragraph (d) (3) (i) of this section, $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such troches, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.204 *Chlortetracycline capsules (chlortetracycline hydrochloride capsules); tetracycline hydrochloride capsules; tetracycline capsules*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline capsules, tetracycline hydrochloride capsules, and tetracycline capsules are capsules composed of crystalline chlortetracycline, tetracycline hydrochloride, or tetracycline, with or without one or more suitable sulfonamides and with or without one or more suitable and harmless vitamin substances, buffer substances, vegetable oils, preservatives, diluents, binders, lubricants, colorings, and flavorings, enclosed in a gelatin capsule. Each capsule shall contain not less than 50 milligrams of chlortetracycline, tetracycline hydrochloride, or tetracycline, unless it is intended solely for veterinary use and is conspicuously so labeled. Its moisture content is not more than 2 percent if it contains chlortetracycline and not more than 3 percent if it contains tetracycline hydrochloride or tetracycline. The chlortetracycline used conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (2), (4), and (5). The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except § 146c.201 (a) (2), (4), and (5). The tetracycline used conforms to the requirements of § 146c.220 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each capsule is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the capsules by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams in each capsule of the batch;

(iii) If it contains preservatives, sulfonamides, or vitamin substances, the name and quantity of each such ingredient;

(iv) The statement "Expiration date --------," the blank being filled in with the date that is 60 months after the month during which the batch was certified if it is chloretetracycline hydrochloride, or with the date that is 36 months after the month during which the batch was certified if it is tetracycline hydrochloride or tetracycline, or with the date that is 24 months after the month during which the batch was certified if it contains one or more vitamin substances: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement: "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, if it contains one or more sulfonamides or vitamin substances, after the name "chlortetracycline capsules" or "tetracycline hydrochloride capsules" or "tetracycline capsules," wherever either such name appears, the words "with sulfonamide(s)" or "with vitamin __ _" (the blank being filled in with the name of the vitamin ingredient used) or "with vitamins" (if it contains more than one vitamin ingredient), in juxtaposition with such name.

(4) On a circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline, tetracycline hydrochloride, or tetracycline used in making such batch was completed, the number of milligrams in each capsule, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per capsule and average moisture.

(ii) The chlortetracycline, tetracycline hydrochloride, or tetracycline used in making the batch; potency, toxicity, moisture, pH, crystallinity, and extinction coefficient if it is chlortetracycline hydrochloride or tetracycline.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one capsule for each 5,000 capsules in the batch, but in no case less than 20 capsules or more than 100 capsules, collected by taking single capsules at such intervals throughout the entire time of preparation that the quantities encapsulated during the intervals are approximately equal.

(ii) The chlortetracyline, tetracycline hydrochloride, or tetracycline used in making the batch; ten packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each capsule in the sample submitted in accordance with paragraph (d) (3) (i) of this section, $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such capsules and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.205 *Chlortetracycline powder (chlortetracycline hydrochloride powder); tetracycline hydrochloride powder; tetracycline powder*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline powder, tetracycline hydrochloride powder, and tetracycline powder are crystalline chlortetracycline hydrochloride, tetracycline hydrochloride, or tetracycline, with or without one or more suitable and harmless vitamin substances, and with or without suitable and harmless buffer substances, preservatives, diluents, colorings, flavorings, and local anesthetics (if it is intended for use solely as a dusting powder). The content of chlortetracycline or tetracycline hydrochloride or tetracycline is not less than 15 milligrams per gram of powder. The moisture content of chlortetracycline powder or tetracycline hydrochloride powder is not more than 2 percent. The moisture content of tetracycline powder is not more than 7.5 percent. The chlortetracycline used conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (2), (4), and (5). The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except subparagraphs (2), (4), and (5) of that paragraph. The tetracycline used conforms to the requirements of § 146c.220 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams of chlortetracycline or tetracycline hydrochloride or tetracycline (expressed in terms of equivalency of tetracycline hydrochloride) per gram; or, if it is intended for use solely as an ingredient in the drinking water of animals and is conspicuously so labeled, the number of grams of drug per pound in the immediate container;

(iii) The statement "Expiration date --------," the blank being filled in with the date that is 48 months after the month during which the batch was certified if it is chlortetracycline hydrochloride powder, or with the date that is 24 months after the month during which the batch was certified if it is tetracycline hydrochloride powder or tetracycline powder or if it contains one or more vitamin substances: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(iv) If it contains a preservative, a local anesthetic, or vitamin substances, the name and quantity of each such ingredient.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, if it contains one or more vitamin substances, after the name "chlortetracycline powder," "tetracycline hydrochloride powder," or "tetracycline powder," wherever such name appears, the words "with vitamin ----------" (the blank being filled in with the name of the vitamin ingredient used), or "with vitamins" (if it contains more than one vitamin ingredient), in juxtaposition with such name.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline, tetracycline hydrochloride or tetracycline used in making such batch was completed, the number of milligrams of milligrams in each ingredient used in making the batch, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and moisture.

(ii) The chlortetracycline, tetracycline hydrochloride, or tetracycline used in making the batch; potency, toxicity, moisture, pH, crystallinity, and extinction coefficient if it is tetracycline hydrochloride or tetracycline.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 containers in the batch, but in no case less than 5 or more than 12 immediate containers, unless each such container is packaged to contain more than 1.0 gram, in which case the sample shall consist of 1.0 gram for each 5,000 immediate containers in the batch, but in no case less than five 1.0-gram portions or more than twelve 1.0-gram portions, except if it is intended for use as an ingredient in the drinking water of animals, each portion in the sample submitted shall consist of 1 ounce in lieu of 1.0 gram. Such sample shall be collected by taking single immediate containers, 1.0-gram portions, or 1-ounce portions at such intervals throughout the entire time the containers are being filled that the

quantities filled during the intervals are approximately equal.

(ii) The chlortetracycline, tetracycline hydrochloride, or tetracycline used in making the batch: 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch: one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

(f) *Exemption of chlortetracycline powder for veterinary use, tetracycline hydrochloride powder for veterinary use, and tetracycline powder for veterinary use from certification.* Chlortetracycline powder, tetracycline hydrochloride powder, and tetracycline powder that conform to the requirements of paragraphs (a) (except that if they contain one or more added vitamin substances such substances are essential for nutritive purposes, and except that they may contain one or more added mineral substances essential for nutritive purposes), (b), and (c) of this section shall be exempt from the requirements of sections 502 (l) and 507 of the act, if they comply with all the following conditions:

(1) They are intended solely for veterinary use and are conspicuously so labeled.

(2) If they contain added vitamins or minerals, the labels bear the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The labels bear an expiration date that is not more than 48 months, or 24 months if it contains a vitamin substance or it is tetracycline hydrochloride powder or tetracycline powder, after the month during which the batch was last assayed and released by the manufacturer.

(4) The labels bear a statement that solutions prepared with the drugs are stable for not more than 24 hours.

(5) The circular or other labeling within or attached to the package bears information that only the antibiotics are intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Pinkeye and superficial cuts and abrasions.

(ii) Bacterial enteritis in swine.

(iii) Bacterial pneumonia in swine.

(iv) Chronic respiratory disease (air-sac infection), hexamitiasis, blue comb (mud fever, nonspecific infectious enteritis) in poultry.

(v) Infectious sinusitis in poultry.

§ 146c.206 *Chlortetracycline ophthalmic (chlortetracycline hydrochloride ophthalmic); tetracycline hydrochloride ophthalmic*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline ophthalmic and tetracycline hydrochloride ophthalmic is crystalline chlortetracycline or crystalline tetracycline hydrochloride, with or without one or more suitable and harmless preservatives, buffer substances, and diluents. It is sterile. Its moisture content is not more than 5 percent. The chlortetracycline or tetracycline hydrochloride is of such quantity that when dissolved as directed the potency of such solution is not less than 1,000 micrograms per milliliter and maintains its labeled potency after it has been kept for 2 days at a temperature of 15° C. (59° F.). Such solution has a pH of 8.2, ± 0.2. The chlortetracycline used conforms to the requirements of § 146c.201 (a) except subparagraphs (2), (4), and (5) and the tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a) except subparagraphs (2), (4), and (5). Each other buffer and diluent used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate container shall be a tight container as defined by the U. S. P.; its closure shall be one through which a hypodermic needle cannot be introduced; and the container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not less than 5 milligrams, and each may be packaged in combination with a container of the solvent, sterile distilled water U. S. P.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams in the immediate container;

(iii) The statement "Expiration date ---------," the blank being filled in with the date which is 12 months if it is tetracycline hydrochloride opthalmic or 36 months if it is chlortetracycline ophthalmic after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the imediate container if such immediate container is packaged in an individual wrapper or container.

(iv) If it is packaged in combination with a container of a solvent, the statement "Warning—Not for injection;"

(v) If it contains preservatives, the name and quantity of each such substance.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless previously submitted) the date on which the latest assay of the chlortetracycline or tetracycline hydrochloride used in making such batch was completed, the number of milligrams in each immediate container, the quantity of each buffer and diluent used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each buffer and diluent used in making the batch conform to the requirements prescribed therefor, if any, by this section. If such batch or any part thereof is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, moisture, and pH of the solution prepared as directed in its labeling.

(ii) The chlortetracycline or tetracycline hydrochloride used in making the batch; potency, toxicity, moisture, pH, crystallinity, and extinction coefficient, if it is tetracycline hydrochloride.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers or more than 12 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chlortetracycline or tetracycline hydrochloride used in making the batch: ten packages, each containing approximately equal portions of not less than 60 milligrams packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, each buffer and diluent used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (if), and (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.207 *Chlortetracycline tablets (chlortetracycline hydrochloride tablets); tetracycline tablets (tetracycline hydrochloride tablets).* Chlortetracycline tablets and tetracycline tablets are tablets than conform to all requirements and are subject to all procedures prescribed by § 146c.204 for chlortetracycline capsules and tetracycline capsules, except that the average moisture content of the tablets is not more than 3.0 percent and its expiration date is not more than 48 months.

§ 146c.208 *Chlortetracycline otic (chlortetracycline hydrochloride otic, chlortetracycline hydrochloride for ear solution); tetracycline hydrochloride otic (tetracycline hydrochloride for ear solution)*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline otic, tetracycline otic is a packaged combination of one immediate container of crystalline chlortetracycline or crystalline tetracycline hydrochloride and one immediate container of a suitable and harmless solution. The chlortetracycline or tetracycline hydrochloride is of such quantity that when dissolved as directed the potency of such solution is not less than 5 milligrams per milliliter after it has been kept for 7 days at a temparture of 15° C. (59° F.). The chlortetracycline used conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (2), (4), and (5). The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a) except § 146c.218 (a) (2), (4), and (5). Each substance used in the preparation of the solution contained in the packaged combination, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Each immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated the following:

(1) On the outside wrapper or container and on the immediate container of the chlortetracycline or tetracycline hydrochloride:

(i) The batch mark;

(ii) The number of milligrams in the immediate container;

(iii) The statement "Expiration date ---------," the blank being filled in with the date which is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such container is packaged in an individual wrapper or container;

(iv) The statement "Warning—Not for injection."

(2) On the outside wrapper or container and on the immediate container of the solution in the packaged combination:

(i) A statement giving the method of dissolving the chlortetracycline or tetracycline hydrochloride in the solution;

(ii) The potency per milliliter after the chlortetracycline or tetracycline hydrochloride has been dissolved therein; and

(iii) The conditions under which the solution should be stored, including a reference to its instability when stored under other conditions, and the statement "The solution may be kept in a refrigerator for 1 week without significant loss of potency."

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline or tetracycline hydrochloride used in making the solution included in the packaged combination, and a statement that such solution conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and moisture.

(ii) The solution after the chlortetracycline or tetracycline hydrochloride has been disolved therein; potency.

(iii) The chlortetracycline or tetracycline hydrochloride used in making the batch; potency, toxicity, moisture, pH, crystallinity, and extinction coefficient if it is tetracycline hydrochloride.

(3) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 5,000 packages in the batch, but in no case less than 5 packages or more than 12 packages, collected by taking a single package at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chlortetracycline or tetracycline hydrochloride used in making the batch; 10 packages, each containing approximately equal portions of not less

than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, or when any change is made in composition of such solution; 5 packages of the solution included in the combination.

(4) No result referred to in subparagraph (2) (iii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigation. The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.209 *Chlortetracycline dental cones (chlortetracycline hydrochloride dental cones).* Chlortetracycline dental cones conform to all requirements prescribed by § 146c.203 for chlortetracycline troches, and are subject to all procedures prescribed by § 146c.203 for chlortetracycline troches, except that they may contain a suitable local anesthetic.

§ 146c.210 *Chlortetracycline dental paste (chlortetracycline hydrochloride dental paste).* Chlortetracycline dental paste conforms to all requirements prescribed by § 146c.202 for chlortetracycline ointment, and is subject to all procedures prescribed by § 146c.202 for chlortetracycline ointment, except that:

(a) Its potency is not less than 30 milligrams per gram.

(b) Its moisture content is not more than 3 percent.

(c) It contains one or more suitable and harmless binders, and it may contain one or more suitable and harmless colorings and flavorings.

(d) It is packaged in immediate containers of glass which meet the tests for tight containers as defined by the U. S. P.

§ 146c.211 *Chlortetracycline surgical powder (chlortetracycline hydrochloride surgical powder); tetracycline hydrochloride surgical powder*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline surgical powder and tetracycline hydrochloride surgical powder are crystalline chlortetracycline or crystalline tetracycline hydrochloride, with or without suitable and harmless diluents, preservatives, and lubricants. The content of chlortetracycline or tetracycline hydrochloride is not less than 50 milligrams per gram of powder. It is sterile. Its moisture content is not more than 2 percent. The chlortetracycline used conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (4) and (5). The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except § 146c.218 (a) (4) and (5). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity thereof beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of surgical powder shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams of chlortetracycline or tetracycline hydrochloride per gram of powder in the immediate container;

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) If it contains a preservative, the name and quantity of each such ingredient.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline or tetracycline hydrochloride used in making such batch was completed, the number of milligrams of chlortetracycline or tetracycline hydrochloride in each immediate container, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, moisture.

(ii) The chlortetracycline or tetracycline hydrochloride used in making the batch; potency, sterility, toxicity, moisture, pH, crystallinity, and extinction coefficient if it is tetracycline hydrochloride.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chlortetracycline or tetracycline hydrochloride used in making the batch; ten packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, each other substance used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.212 *Chlortetracycline suppositories (chlortetracycline hydrochloride suppositories); tetracycline hydrochloride suppositories*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline suppositories and tetracycline hydrochloride suppositories are suppositories composed of crystalline chlortetracycline or tetracycline hydrochloride in a suitable and harmless base, with or without one or more suitable and harmless preservatives. The potency of each suppository is not less than 100 milligrams, except if it is intended for rectal use its potency is not less than 50 milligrams. Its moisture content is not more than 1 percent. The chlortetracycline used conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (1), (2), (4), and (5), but its potency is not less than 750 micrograms per milligram. The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except § 146c.218 (a) (2), (4), and (5). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of chlortetracycline or tetracycline hydrochloride in each suppository of the batch.

(iii) If it contains a preservative, the name and quantity of each such ingredient.

(iv) The statement "Expiration date --------," the blank being filled in with the date which is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline or tetracycline hydrochloride used in making such batch was completed, the number of milligrams of chlortetracycline or tetracycline hydrochloride in each suppository, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per suppository and moisture.

(ii) The chlortetracycline or tetracycline hydrochloride used in making the batch; potency, toxicity, moisture, pH, crystallinity, and extinction coefficient if it is tetracycline hydrochloride.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one suppository for each 5,000 suppositories in the batch, but in no case less than 20 or more than 100 suppositories, collected by taking single suppositories at such intervals throughout the entire time the suppositories are being made that the quantities made during the intervals are approximately equal.

(ii) The chlortetracycline or tetracycline hydrochloride used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with § 146c.201 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each suppository in the samples submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section.

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.213 *Chlortetracycline gauze packing (chlortetracycline hydrochloride gauze packing)*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline gauze packing is absorbent gauze that is impregnated with crystalline chlortetracycline. Its content of chlortetracycline is not less than 4 milligrams per gram and not less than 1.0 milligram per linear foot of gauze. It is sterile. Its moisture content is not more than 5 percent. The chlortetracycline used conforms to the standards prescribed therefor by § 146c.201 (a), except subparagraphs (2), (4), and (5) of that paragraph. The absorbent gauze used conforms to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P., shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of chlortetracycline per gram and per linear foot of gauze.

(iii) The length, width, and type of gauze contained in the package.

(iv) The statement "Expiration date ----------," the blank being filled in with the date which is 36 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the immediate container, the statement "Sterility cannot be guaranteed if the package bears evidence of damage or has been previously opened."

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of chlortetracycline gauze packing shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline used in making such batch was completed, the potency of each gram and of each linear foot of the gauze packing, the date on which the latest assay of the batch was completed, and a statement that the absorbent gauze used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per gram and per linear foot of the gauze packing, sterility, and average moisture.

(ii) The chlortetracycline used in making the batch; potency, toxicity, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility: one package for each 5,000 packages in the batch, but in no case less than 5 packages or more than 12 packages.

(*b*) For sterility testing: 10 packages. Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chlortetracycline used in making the batch; five packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, one package consisting of approximately 5 linear yards, or the equivalent, of the absorbent gauze used.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations other than examination of such chlortetracycline gauze packing and packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations. The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.214 *Chlortetracycline dressing (chlortetracycline hydrochloride dressing)*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline dressing is absorbent gauze impregnated with chlortetracycline ointment. Each square inch of such dressing shall contain not less than 2 milligrams of chlortetracycline. It is sterile. Its moisture content is not more than 5 percent. The chlortetracycline ointment used conforms to the standards prescribed for chlortetracycline ointment by § 146c.202 (a), except that its potency is not less than 20 milligrams per gram. The absorbent gauze used conforms to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* In all cases the immediate container for each chlortetracycline dressing shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of grams of chlortetracycline ointment contained in each dressing and the number of milligrams of chlortetracycline per gram of ointment.

(iii) The length, width, and type of gauze contained in the dressing.

(iv) The statement "Expiration date ----------," the blank being filled in with the date which is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the immediate container, the statement "Sterility cannot be guaranteed if package bears evidence of damage or has been previously opened."

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of chlortetracycline dressings shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline used in making such batch was completed, the number of grams of chlortetracycline ointment contained in each dressing of the batch and its potency per gram, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency of chlortetracycline per dressing, sterility, and average moisture.

(ii) The chlortetracycline used in making the batch; potency, toxicity, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility: one dressing for each 5,000 dressings in the batch, but in no case less than 5 or more than 12 dressings.

(*b*) For sterility testing; 10 dressings. Such samples shall be collected by taking single dressings at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chlortetracycline used in making the batch; five packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, one package consisting of approximately five linear yards, or the equivalent, of the absorbent gauze used.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations other than examination of such dressings and packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.215 *Chlortetracycline with vasoconstrictor (chlortetracycline hydrochloride with vasoconstrictor); chlortetracycline with ------ (chlortetracycline hydrochloride with ------) (the blank being filled in with the common or usual name of the vasoconstrictor)*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline with vasoconstrictor is a dry mixture of crystalline chlortetracycline and a suitable vasoconstrictor, with or without suitable and harmless diluents, preservatives, colorings, and flavorings, or it is a packaged combination of one immediate container of crystalline chlortetracycline with or without suitable and harmless diluents, preservatives, colorings, and flavorings and one immediate container of a solution of a suitable vasoconstrictor. The chlortetracycline is of such quantity that when dissolved as directed the potency of such solution is not less than 1 milligram per milliliter and maintains its labeled potency after it has been kept for 4 days in a refrigerator. Such solution has a pH of not less than 2.75 and not more than 3.3. The moisture content of the dry mixture is not more than 5.0 percent. The chlortetracycline used conforms to the requirements of § 146c.201 (a), except subparagraphs (2), (4), and (5) of that paragraph. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Each immediate container shall be a tight container as defined by the U. S. P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and on the immediate container of the chlortetracycline:

(i) The batch mark.

(ii) The number of milligrams of chlortetracycline in such container.

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 36 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container and on the immediate container of the solution in the packaged combination, a statement giving the method of dissolving the chlortetracycline.

(3) On the outside wrapper or container and on the immediate container in which the finished drug is prepared for use:

(i) The potency per milliliter after the chlortetracycline has been dissolved therein.

(ii) The statement "Warning—Not for injection."

(iii) The conditions under which the solution should be stored, including a reference to its instability when stored under other conditions, and the statement: "The solution may be kept in a refrigerator for 4 days without significant loss of potency."

(4) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(5) On a circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of chlortetracycline with vasoconstrictor shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the number of milligrams of chlortetracycline in such immediate container, and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline used in making such batch was completed, the quantity of each ingredient used in making the batch, the quantity of each ingredient used in making the solution included in the packaged combination, and a statement that such solution conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and average moisture.

(ii) The chlortetracycline used in making the batch; potency, toxicity, moisture, pH, and crystallinity.

(3) Except as otherwise provided in subparagraph (4) of this paragraph,

such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chlortetracycline used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, each other substance used in making the batch; one package of each containing approximately 5 grams.

(iv) In case of an initial request for certification of the packaged combination of chlortetracycline with vasoconstrictor, or when any change is made in the composition of such solution; five packages of the solution included in the combination.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container or package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), (iii), and (iv) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.217 *Chlortetracycline calcium oral drops; chlortetracycline calcium syrup; tetracycline syrup*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline calcium oral drops, chlortetetracycline calcium syrup, and tetracycline syrup are chlortetracycline calcium prepared from crystalline chlortetracycline hydrochloride or crystalline tetracycline, with or without one or more suitable sulfonamides and one or more suitable and harmless buffer substances, suspending and stabilizing agents, and preservatives, suspended in a suitable and harmless vehicle. Each milliliter shall contain a quantity of chlortetracycline calcium or tetracycline equivalent to not less than 25 milligrams of chlortetracycline hydrochloride or tetracycline hydrochloride. It is nontoxic. The pH is not less than 6.5 nor more than 9.0, except if it is tetracycline syrup the pH is not less than 4.5 nor more than 5.5. The crystalline chlortetracycline hydrochloride used conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (2), (4), and (5). The crystalline tetracycline used conforms to the requirements of § 146c.220. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The potency per milliliter expressed in terms of its equivalency of chlortetracycline hydrochloride or tetracycline hydrochloride.

(iii) The name and quantity of each sulfonamide and preservative used in making the batch.

(iv) The statements "Warning—Not for injection" and "Shake well."

(v) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container, if it is intended for use by humans, the statement "Caution: Federal law prohibits dispensing without prescription" and a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer such drug; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, if it contains one or more sulfonamides, after the name "chlortetracycline calcium oral drops" or "chlortetracycline calcium syrup," or "tetracycline syrup," wherever it appears, the words "with sulfonamide(s)," in juxtaposition with such name.

(4) On a circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline hydrochloride or tetracycline used in making such batch was completed, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per milliliter, toxicity, pH.

(ii) The chlortetracycline hydrochloride or tetracycline used in making the batch; potency, toxicity, moisture, pH, crystallinity, and extinction coefficient if it is tetracycline.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 5,000 packages in the batch, but in no case less than 5 or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chlortetracycline hydrochloride or tetracycline used in making the batch; 10 packages each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.218 *Tetracycline hydrochloride*—(a) *Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride is the crystalline hydrochloride salt of the deschloro derivative of a kind of chlortetracycline or a mixture of two or more such salts, with or without one or more suitable and harmless stabilizing agents. It is so purified and dried that:

(1) Its potency, and the potency of the tetracycline hydrochloride used in the manufacture of tetracycline hydrochloride for intravenous use, is not less than 900 micrograms per milligram.

(2) It is sterile.

(3) It is nontoxic.

(4) It is nonpyrogenic.

(5) It contains no histamine nor histamine-like substance.

(6) Its moisture content is not more than 2 percent.

(7) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 1.8 and not more than 2.8, except if it is intended for use by injection its pH is not less than 2.0 and not more than 3.0.

(8) Its extinction coefficient $E^{1\%}_{1cm.}$, and the extinction coefficient of the tetracycline hydrochloride used in the manufacture of tetracycline for intravenous use, is 372±15 at 380 mμ.

(b) *Packaging; labeling; request for certification, check tests and assays, samples; fees.* Tetracycline hydrochloride conforms to all requirements and procedures prescribed for chlortetracycline hydrochloride by § 146c.201 (b), (c), (d), and (e), except that:

(1) It shall be labeled with an expiration date that is 24 months after the month during which the batch was certified.

(2) The person who requests certification of a batch of tetracycline hydrochloride that contains stabilizing agents and is intended for intravenous use shall submit with his request (unless they were previously submitted) the results of the latest tests and assays made on the batch of the tetracycline hydrochloride used in making such batch for potency and extinction coefficient and a sample consisting of two packages each containing approximately 500 milligrams of the tetracycline hydrochloride used in making such batch for potency and extinction coefficient.

(3) The fee for the services rendered with respect to each immediate container of the tetracycline hydrochloride used in the manufacture of a batch of tetracycline hydrochloride for intravenous use submitted in accordance with the requirements prescribed therefor by subparagraph (2) of this paragraph shall be $4.00.

§ 146c.219 *Crude chlortetracycline oral veterinary*—(a) *Standards of identity, strength, quality, and purity.* Crude chlortetracycline oral veterinary is crude chlortetracycline with suitable and harmless diluents, buffer substances, and suspending or dispersing agents. It contains not less than 10 grams of chlortetracycline activity per pound. Its moisture content is not more than 6 percent.

(b) *Packaging.* In all cases the immediate container shall be a well-closed container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not more than 100 pounds.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of grams of chlortetracycline in each pound of the batch.

(iii) The statement "For oral veterinary use only."

(iv) The statement "Expiration date ------," the blank being filled in with the date which is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the number of grams of chlortetracycline in each pound of the batch, and the quantity of each other ingredient used in making the batch, and the date on which the latest assay of the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for average potency and average moisture.

(2) Such person shall submit in connection with his request a sample of the batch consisting of 1 ounce for each 3,000 pounds in the batch, but in no case less than five 1-ounce portions or more than twelve 1-ounce portions collected by taking single 1-ounce portions at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) of this section.

(2) If the Commissioner considers that investigations other than examination of such drug are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations. The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

(f) *Exemption of crude chlortetracycline oral veterinary from certification.* Crude chlortetracycline oral veterinary that conforms to the requirements of paragraphs (a) (except that it may contain one or more essential vitamin and mineral substances for nutritive purposes), (b), and (c) of this section shall be exempt from the requirements of sections 502 (l) and 507 of the act, if it complies with all the following conditions:

(1) If it contains added vitamins or minerals, its label bears the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(2) The label bears an expiration date that is not more than 12 months after the month during which the batch was last assayed and released by the manufacturer.

(3) The label bears a statement that solutions prepared with the drug are stable for not more than 24 hours.

(4) The circular or other labeling within or attached to the package bears information that only the antibiotic is intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Bacterial enteritis in swine.

(ii) Bacterial pneumonia in swine.

(iii) Chronic respiratory disease (air-sac infection), hexamitiasis, blue comb (mud fever, nonspecific infectious enteritis) in poultry.

(iv) Infectious sinusitis in poultry.

§ 146c.220 *Tetracycline*—(a) *Standards of identity, strength, quality, and purity.* Tetracycline is the hydrated or anhydrous crystalline compound of the deschloro derivative of a kind of chlortetracycline, or a mixture of two or more such compounds. It is so purified that:

(1) Its potency is not less than 975 micrograms per milligram on the anhydrous basis.

(2) It is nontoxic.

(3) Its moisture content is not more than 13 percent.

(4) Its pH in an aqueous suspension prepared by adding 10 milligrams per

milliliter is not less than 3.0 and not more than 7.0.

(5) Its extinction coefficient $E\ \frac{1\%}{1\ cm.}$ is 402±15 at 380 mμ calculated on the anhydrous basis.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of tetracycline shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The batch mark.

(2) The number of micrograms of tetracycline per milligram expressed in terms of its equivalency of tetracycline hydrochloride, and the total number of grams in the immediate container.

(3) The statement "Expiration date ----------," the blank being filled in with the date which is 24 months after the month during which it was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(4) The statement "For use only in the manufacture of nonparenteral drugs."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, crystallinity, and extinction coefficient.

(2) Such person shall submit with his request an accurately representative sample of the batch consisting of 10 packages, each containing approximately 60 milligrams taken from a different part of such batch and each packaged in accordance with the requirements of paragraph (b) of this section.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which tetracycline is to be used, the manufacturer of the batch that is to be so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer the results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) and (3) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.221 *Tetracycline hydrochloride for intramuscular use*—(a) *Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride for intramuscular use is a dry mixture of tetracycline hydrochloride, magnesium chloride, and one or more suitable buffer substances, with or without one or more suitable preservatives and anesthetic agents. It is sterile. It is nonpyrogenic. Its moisture content is not more than 5 percent. Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.0 and not more than 3.0. The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The immediate containers shall be of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each such container shall contain not less than 100 milligrams of tetracycline hydrochloride, and each may be packaged in combination with a container of a suitable and harmless diluent.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of tetracycline hydrochloride in the immediate container.

(iii) The name and quantity of each other ingredient in the immediate container.

(iv) The statement "Expiration date ---------," the blank being filled in with the date that is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(v) The statement "For intramuscular use only."

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iii) A statement of the conditions under which solutions prepared from the drug should be stored and the statement "Sterile solutions may be stored at room temperature for 24 hours without significant loss of potency."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the tetracycline hydrochloride used in making such batch was completed, the number of milligrams of tetracycline hydrochloride in each package, the date on which the latest assay of the drug comprising the batch was completed, the quantity of each other ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section. If such batch or any part thereof is to be packaged with a diluent, such request shall also be accompanied by a statement that such diluent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request the results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Potency, sterility, pyrogens, moisture, pH.

(ii) The tetracycline hydrochloride used in making the batch: Potency, toxicity, histamine, extinction coefficient, and crystallinity.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility: 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 10 or more than 17 immediate containers.

(*b*) For sterility testing: 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The tetracycline hydrochloride used in making the batch: 10 packages containing approximately equal portions of not less than 250 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch: 1 package of each, containing approximately 5 grams.

(iv) In case of an initial request for the certification of a batch which is to be packaged in combination with a diluent that is not recognized by the U. S. P. or when any change is made in the composition of such diluent: 5 packages of the diluent included in the combination.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility: 10 packages, each containing approximately 0.25 gram.

(ii) For sterility testing: 10 packages, each containing approximately 40 milligrams of tetracycline hydrochloride. Each such package shall be packaged in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section.

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.222 *Tetracycline hydrochloride oral suspension; tetracycline hydrochloride oral solution; tetracycline calcium oral suspension*—(a) *Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride oral suspension, tetracycline hydrochloride oral solution, and tetracycline calcium oral suspension are tetracycline hydrochloride or tetracycline calcium prepared from tetracycline hydrochloride, with one or more suitable and harmless suspending and dispersing agents (unless it is tetracycline hydrochloride oral solution); with or without one or more suitable sulfonamides; and with or without one or more suitable and harmless colorings, flavorings, buffer substances, and preservatives, suspended or dissolved in a suitable and harmless vehicle. If it is tetracycline hydrochloride oral suspension it may contain one or more suitable and harmless vitamin substances. Each milliliter shall contain not less than the equivalent of 25 milligrams of tetracycline hydrochloride. Its moisture content is not more than 2 percent if it is tetracyline hydrochloride oral suspension and not more than 7 percent if it is tetracycline hydrochloride oral solution. Its pH is not less than 2.0 and not more than 3.5 if it is tetracycline hydrochloride oral solution and not less than 7.0 and not more than 8.0 if it is tetracycline calcium oral suspension. The tetracycline hydrochloride used conforms to the standards prescribed by § 146c.218 (a), except § 146c.218 (a) (2), (4), and (5). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate container shall be a tight container as defined by the U. S. P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The potency per milliliter expressed in milligrams of tetracycline hydrochloride or its equivalency of tetracycline hydrochloride.

(iii) The statement "Shake well."

(iv) The name and quantity of each sulfonamide, preservative, and vitamin substance used in making the batch.

(v) The statement "Expiration date ----------," the blank being filled in with the date that is 12 months (if it contains one or more vitamin substances or if it is tetracycline hydrochloride oral solution) or 18 months (if it is tetracycline hydrochloride oral suspension or tetracycline calcium oral suspension) after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling:

(i) If it is tetracycline hydrochloride oral suspension and it contains one or more vitamin substances or sulfonamides, after the name "tetracycline hydrochloride oral suspension," wherever it appears, the words "with sulfonamide(s)" or "with vitamin ----------," the blank being filled in with the name of the vitamin ingredient used, or "with vitamins," if it contains more than one vitamin ingredient, in juxtaposition with such name.

(ii) If it is tetracycline hydrochloride oral solution or tetracycline calcium oral suspension and it contains one or more sulfonamides, after the name "tetracycline hydrochloride oral solution" or "tetracycline calcium oral suspension," wherever it appears, the words "with sulfonamide(s)," in juxtaposition with such name.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the tetracycline hydrochloride used in making such batch was completed, the potency per milliliter of the batch, the date on which the

latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, each person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Average potency per milliliter, average moisture if it is tetracycline hydrochloride oral suspension or tetracycline hydrochloride oral solution, and pH if it is tetracycline hydrochloride oral solution or tetracycline calcium oral suspension.

(ii) The tetracycline hydrochloride used in making the batch: Potency, toxicity, moisture, pH, crystallinity, and extinction coefficient.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The tetracycline hydrochloride used in making the batch: 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In the case of an initial request for certification, each other ingredient used in making the batch: 1 package of each containing approximately 5.0 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations other than the examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.223 *Chlortetracycline - neomycin-streptomycin-penicillin ointment; chlortetracycline - neomycin - dihydrostreptomycin - penicillin ointment; tetracycline hydrochloride - neomycin-streptomycin-penicillin ointment; tetracycline hydrochloride - neomycin-dihydrostreptomycin - penicillin ointment.* (a) Chlortetracycline-neomycin-streptomycin-penicillin ointment, chlortetracycline-neomycin-dihydrostreptomycin-penicillin ointment, tetracycline hydrochloride-neomycin-streptomycin-penicillin ointment, and tetracycline hydrochloride - neomycin - dihydrostreptomycin-penicillin ointment conform to all requirements and are subject to all procedures prescribed by § 146c.202 for chlortetraycycline hydrochloride ointment and tetracycline hydrochloride ointment, except that:

(1) They contain not less than 28 milligrams of chlortetracycline hydrochloride or tetracycline hydrochloride per gram.

(2) They contain not less than 14 milligrams of neomycin per gram. The neomycin used conforms to the requirements prescribed by § 146c.410 (a) (2) of this chapter.

(3) They contain not less than 14 milligrams of streptomycin or dihydrostreptomycin per gram. The streptomycin used conforms to the standards prescribed by § 146b.101 (a) of this chapter, except § 146b.101 (a) (2), (4), and (5). The dihydrostreptomycin used conforms to the standards prescribed by § 146b.103 of this chapter, except the standards for sterility, pyrogens, and histamine.

(4) They contain not less than 28,000 units of procaine penicillin G per gram. The procaine penicillin used conforms to the requirements prescribed by § 146a.44 (a) of this chapter, except § 146a.44 (a) (2) and (3).

(b) In lieu of the directions for labeling prescribed for chlortetracycline hydrochloride ointment and tetracycline hydrochloride ointment by § 146c.202 (c) (1) (ii) and (iii), each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of chlortetracycline hydrochloride or tetracycline hydrochloride, neomycin, and streptomycin or dihydrostreptomycin per gram, and the number of units of procaine penicillin per gram. Its expiration date shall be 18 months after the month during which the batch was certified.

(c) In addition to complying with the requirements of § 146c.202 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch marks and (unless they were previously submitted) the results and dates of the latest tests and assays of the neomycin, streptomycin or dihydrostreptomycin, and penicillin used in making the batch for potency, toxicity, moisture, pH, streptomycin content of the dihydrostreptomycin, crystallinity if it is crystalline dihydrostreptomycin, and crystillinity and penicillin G content of the procaine penicillin G. He shall also submit in connection with his request a sample consisting of not less than 8 packages of such ointment and (unless they were previously submitted), accurately representative samples of the following, in the quantities indicated.

(1) The neomycin used in making the batch: 5 packages, each containing approximately equal portions of not less than 0.5 gram.

(2) The streptomycin or dihydrostreptomycin used in making the batch: 5 packages, each containing approximately equal portions of not less than 0.5 gram.

(3) The procaine penicillin G used in making the batch: 10 packages, each containing approximately equal portions of not less than 300 milligrams.

(d) The fee for the services rendered with respect to each immediate container in the samples of neomycin, streptomycin or dihydrostreptomycin, and penicillin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146c.224 *Tetracycline hydrochloride-nystatin capsules.* Tetracycline hydrochloride-nystatin capsules are capsules that conform to all the requirements and procedures prescribed by § 146c.204 for tetracycline hydrochloride capsules, except that:

(a) Each capsule contains not less than 100,000 units of nystatin. The nystatin used is produced by the growth of Streptomyces noursei. It is a white to yellow to light-tan powder. It is very slightly soluble in water, moderately soluble in methanol, butanol, or propanol. Its potency is not less than 2,000 units per milligram. It is nontoxic. Its pH in a 3-percent aqueous suspension is not less than 7.5 and not more than 8.0. Its moisture content is not more than 5 percent. It exhibits absorption maxima at 291, 305, and 319 mμ when dissolved in methanol, and its specific rotation in dimethyl formamide at 20° C. is not more than ±25°.

(b) In addition to the labeling prescribed for tetracycline hydrochloride capsules, each package shall bear on its label or labeling the number of units of nystatin in each capsule of the batch.

(c) In addition to complying with the requirements of § 146c.204 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the nystatin used in making the batch for potency, toxicity, pH, moisture, and specific rotation. He shall also submit in connection with his request a sample consisting of not less than 30 capsules and (unless it was previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the nystatin used in making the batch.

(d) The fee for the services rendered with respect to each container in the sample of nystatin submitted in accordance with the requirements prescribed therefor by paragraph (c) of this section shall be $4.00.

§ 146c.225 *Tetracycline hydrochloride-nystatin tablets.* Tetracycline hydrochloride-nystatin tablets are tablets that conform to all requirements and are subject to all procedures prescribed by § 146c.224 for tetracycline hydrochloride-nystatin capsules except that the expiration date is the date that is 24 months after the month during which the batch was certified.

§ 146c.226 *Tetracycline and vasoconstrictor suspension; tetracycline and _____ (the blank being filled in with the common or usual name of the vasoconstrictor) suspension.*—(a) *Standards of identity, strength, quality, and purity.* Tetracycline and vasoconstrictor suspension is tetracycline and a suitable vasoconstrictor, with or without one or more suitable and harmless suspending or dispersing agents, preservatives, buffer substances, colorings, and flavorings, with or without cortisone or a suitable derivative of cortisone, suspended in a suitable and harmless vehicle. Each milliliter contains a quantity of tetracycline equivalent to not less than 3.75 milligrams of tetracycline hydrochloride. The pH is not less than 3.0 nor more than 5.0. The tetracycline used conforms to the requirements of § 146c.220 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The potency per milliliter expressed in terms of its equivalency of tetracycline hydrochloride.

(iii) If the batch contains, in addition to tetracycline, one or more other active ingredients specified in paragraph (a) of this section, the name and quantity of each such other ingredient in each milliliter of the batch.

(iv) The statement "Expiration date _____," the blank being filled in with the date that is 12 months after the month during which the batch was certified. *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(v) The statements "Warning—Not for injection" and "Shake well."

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label or labeling, if it contains, in addition to tetracycline, one or more other active ingredients specified in paragraph (a) of this section, after the name "Tetracycline and vasoconstrictor suspension," wherever such name appears, the words "with _____," in juxtaposition with such name, the blank being filled in with the common or usual name of each such other ingredient used.

(4) On a circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the tetracycline used in making the batch was completed, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Average potency per milliliter, and pH.

(ii) The tetracycline used in making the batch: Potency, toxicity, moisture, pH, crystallinity, and extinction coefficient.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: One package for each 5,000 packages in the batch, but in no case less than 5 or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The tetracycline used in making the batch: 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.220 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams, except if cortisone, or a derivative of cortisone is used, such package shall contain approximately 100 milligrams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.227 *Chlortetracycline spray dressing (chlortetracycline hydrochloride spray dressing).*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline spray dressing is chlortetracycline hydrochloride ointment and one or more suitable and harmless inert gases. It is sterile. The chlortetracycline hydrochloride ointment used conforms to the standards prescribed for chlortetracycline hydrochloride ointment by § 146c.202 (a), except that its potency is not less than 20 milligrams per gram. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not less than 30 grams of ointment and shall contain one or more suitable and harmless inert gases.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of chlortetracycline per gram of the chlor-

tetracycline ointment and the number of grams of chlortetracyline ointment that shall be ejected when used as directed in the labeling.

(iii) The statement "Expiration date ---------," the blank being filled in with the date that is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline used in making the batch was completed, the quantity of each ingredient used in making such batch, the date on which the latest assay of the drug comprising such batch was completed, and that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Average potency per gram, sterility, and moisture.

(ii) The chlortetracycline used in making the batch: Potency, toxicity, moisture, pH, and crystallinity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility: 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 or more than 12 immediate containers.

(*b*) For sterility testing: 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chlortetracycline used in making the batch: 5 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch: 1 package of each component of the ointment base, each containing approximately 200 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $5.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

Sec.

146d.301 Chloramphenicol.
146d.302 Chloramphenicol capsules.
146d.303 Chloramphenicol ointment.
146d.304 Chloramphenicol ophthalmic.
146d.305 Chloramphenicol palmitate.
146d.306 Chloramphenicol palmitate oral suspension.
146d.307 Chloramphenicol solution; chloramphenicol for aqueous injection.
146d.308 Chloramphenicol otic; chloramphenicol topical.
146d.309 Chloramphenicol - streptomycin capsules; chloramphenicol-dihydrostreptomycin capsules.
146d.310 Chloramphenicol tablets.
146d.311 Chloramphenicol palmitate-streptomycin oral suspension; chloramphenicol palmitate-dihydrostreptomycin oral suspension.

AUTHORITY: §§ 146d.301 to 146d.311 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357.

§ 146d.301 *Chloramphenicol* — (a) *Standards of identity, strength, quality, and purity.* Chloramphenicol is a white to grayish-white or yellowish-white crystalline powder, occurring as needles or elongated plates. It is neutral, slightly soluble in water, but freely soluble in alcohol. It has the chemical formula D-(—)-*threo*-1-*p* - nitrophenyl - 2 - dichloracetamido-1,3-propanediol. It is so purified and dried that:

(1) Its potency is not less than 900 micrograms per milligram;

(2) It is sterile;

(3) It is nontoxic;

(4) It is nonpyrogenic;

(5) It contains no histamine nor histamine-like substances;

(6) Its pH in saturated aqueous solution is not less than 4.5 and not more than 7.5;

(7) Its specific rotation in absolute ethanol at 20° C. is +20°±1.5°, and at 25° C. is +18.5°±1.5°;

(8) Its melting point is 151° C. ±2°;

(9) Its extinction coefficient $E^{1\%}_{1\,cm}$ is 298±9 at 278 mμ when measured in aqueous solution.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness; each such container shall contain not more than 1.0 gm., and each may be packaged in combination with a suitable and harmless diluent.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of grams in the immediate container;

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 60 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be.

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of chloramphenicol shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of grams in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, histamine, pH, specific rotation, melting point, and extinction coefficient. If such batch or any part thereof is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) If such batch is packaged for dispensing, such person shall submit with his request a sample consisting of one immediate container for each 5,000 immediate containers in such batch, but in no case shall such sample consist of less than 8 immediate containers or more than 15 immediate containers.

(3) If such batch is packaged for repacking or for use as an ingredient in the manufacture of another drug, such person shall submit with his request a sample containing ten approximately equal portions of at least 300 milligrams each, taken from different parts of such batch; each such portion shall be packaged in a separate container, and in accordance with the requirements of paragraph (b) of this section.

(4) In connection with contemplated requests for certification of repacked batches of chloramphenicol or batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by subparagraph (3) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $10.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2), (3), and (4) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146d.302 *Chloramphenicol capsules*— (a) *Standards of identity, strength, quality, and purity.* Chloramphenicol capsules are capsules composed of chloramphenicol, with or without the addition of one or more suitable and harmless diluents, lubricants, colorings, and flavorings. The potency of each capsule is not less than 50 milligrams. The chloramphenicol used conforms to the requirements of § 146d.301 (a), except § 146d.301 (a) (2), (4), (5), and (6). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each chloramphenicol capsule is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of chloramphenicol capsules shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams in each capsule of the batch; and

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 60 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of chloramphenicol capsules shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chloramphenicol used in making such batch was completed, the number of milligrams in each capsule, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per capsule.

(ii) The chloramphenicol used in making the batch; potency, toxicity, specific rotation, melting point, and extinction coefficient.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one capsule for each 5,000 capsules in the batch, but in no case less than 20 capsules or more than 100 capsules, collected by taking single capsules at such intervals throughout the entire time of preparation that the quantities encapsulated during the intervals are approximately equal.

(ii) The chloramphenicol used in making the batch; ten packages, each containing approximately equal portions of

not less than 300 milligrams each, packaged in accordance with the requirements of § 146d.301 (b).

(iii) In case of an initial request for certification, each diluent, lubricant, coloring, and flavoring used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of chloramphenicol capsules under the regulations in this part shall be:

(1) $1.00 for each capsule in the sample submitted in accordance with paragraph (d) (3) (i) of this section, $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such capsules and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146d.303 *Chloramphenicol ointment (chloramphenicol cream)*—(a) *Standards of identity, strength, quality, and purity.* Chloramphenicol ointment is chloramphenicol in a suitable and harmless ointment base, with or without suitable and harmless buffer substances, dispersing and suspending agents. It may contain cortisone or a suitable derivative of cortisone. If such base is water-miscible, it shall contain a suitable and harmless preservative. Its potency is not less than 1.0 milligram per gram. The chloramphenicol used conforms to the requirements of § 146d.301 (a), except subparagraphs (2), (4), and (5), of that paragraph. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless it is packaged in a single dose container, chloramphenicol ointment shall be packaged in collapsible tubes, which shall be well-closed containers as defined by the U. S. P., and shall not be larger than the ⅛-ounce size if such ointment is represented for ophthalmic use, and in no case larger than the 2-ounce size, except that if it is labeled solely for hospital use it may be packaged in immediate containers of glass which meet the test for tight containers as defined by the U. S. P. The composition of the immediate container and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of chloramphenicol ointment shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams of chloramphenicol per gram of the batch or in each single-dose container;

(iii) If it contains cortisone or a derivative of cortisone, or preservatives, the name and quantity of each such ingredient; and

(iv) The statement "Expiration date ---------," the blank being filled in with the date that is 60 months, or 24 months if it is packaged in immediate containers other than tin or glass, or 12 months if the ointment base is water-miscible, after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(4) On the label and labeling, if it contains one of the active ingredients specified in paragraph (a) of this section, after the name "chloramphenicol ointment," wherever it appears, the name of the active ingredient, in juxtaposition with such name.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of chloramphenicol ointment shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chloramphenicol used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each component of the ointment base used conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per gram.

(ii) The chloramphenicol used in making the batch; potency, toxicity, pH, specific rotation, melting point, and extinction coefficient.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; 1 package for each 5,000 packages in the batch, but in no case less than 5 packages or more than 12 packages if it is packaged in immediate containers of tin or glass, and not less than 20 immediate containers or more than 100 immediate containers if it is packaged in immediate containers other than tin or glass, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chloramphenicol used in making the batch; 10 packages, each containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 146d.301 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 200 grams, except if cortisone or a derivative of cortisone is used, such package shall contain approximately 100 milligrams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each multiple-dose package or $1.00 for each single-dose container in the sample submitted in accordance with paragraph (d) (3) (i) of this section, and $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146d.304 *Chloramphenicol ophthalmic*—(a) *Standards of identity, strength, quality, and purity.* Chloramphenicol ophthalmic is chloramphenicol, with or without one or more suitable and harmless preservatives, buffer substances, and diluents. It may contain cortisone hydrocortisone, or a suitable ester of cortisone or hydrocortisone. It is sterile. The chloramphenicol is of such quantity that when prepared as directed in its labeling the potency of such solution or suspension is not less than 1.0 milligram per milliliter and maintains its labeled potency after it has been kept for 10 days at room temperature. Such solution or suspension has a pH of 7.3±0.2. The chloramphenicol used conforms to the requirements of § 146d.301 (a), except subparagraphs (2), (4), and (5) of that paragraph. Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate container of chloramphenicol ophthalmic shall be a tight container as defined by the U. S. P. Its closure shall be one through which a hypodermic needle cannot be introduced. The composition of the immediate container and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container may be packaged in combination with a container of the solvent, sterile distilled water U. S. P.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams of chloramphenicol in the immediate container;

(iii) The statement "Expiration date -------," the blank being filled in with the date which is 60 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) If it is packaged in combination with a container of a solvent the statement "Warning—Not for injection;"

(v) If it contains cortisone, hydrocortisone, or an ester of cortisone or hydrocortisone, or preservatives, the name and quantity of each such substance.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(4) On the label and labeling, if it contains one of the active ingredients specified in paragraph (a) of this section, after the name "chloramphenicol ophthalmic," wherever it appears, the name of the ingredient in juxtaposition with such name.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of chloramphenicol ophthalmic shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless previously submitted) the date on which the latest assay of the chloramphenicol used in making such batch was completed, the number of milligrams of chloramphenicol in each immediate container, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each other ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section. If such batch or any part thereof is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, and pH of the solution or suspension prepared as directed in its labeling.

(ii) The chloramphenicol used in making the batch; potency, toxicity, pH, specific rotation, melting point, and extinction coefficient.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers or more than 12 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chloramphenicol used in making the batch; 10 packages, each containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 146d.301 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing aproximately 5.0 grams, except if cortisone acetate is used, such package shall contain approximately 100 milligrams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container or package in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146d.305 *Chloramphenicol palmitate*—(a) *Standards of identity, strength, quality, and purity.* Chloramphenicol palmitate is the white to grayish-white, tasteless, crystalline palmitic acid ester of chloramphenicol. It is so purified and dried that:

(1) It contains not less than 555 micrograms of chloramphenicol per milligram.

(2) It is nontoxic.

(3) Its melting point is 89°±3° C.

(4) Its extinction coefficient $E_{1\,cm}^{1\%}$ is 178±6 at 271 mμ when measured in absolute ethanol.

The chloramphenicol used conforms to the requirements of § 146d.301 (a), except subparagraphs (2), (4), and (5) of that paragraph.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of chloramphenicol palmitate shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The batch mark.

(2) The number of grams in the immediate container and the number of milligrams of chloramphenicol per gram.

(3) The statement "Expiration date ----------," the blank being filled in with the date which is 48 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(4) The statement "For manufacturing use only."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of chloramphenicol palmitate shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch and (unless it was previously submitted) the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by results of tests and assays made by him on the batch for potency, toxicity, melting point, and extinction coefficient.

(2) Such person shall submit with his request a sample containing 10 approximately equal portions of at least 300 milligrams, each taken from different parts of such batch; each such portion shall be packaged in a separate container and in accordance with the requirements of paragraph (b) of this section.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container submitted in accordance with paragraph (d) (2) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146d.306 *Chloramphenicol palmitate oral suspension*—(a) *Standards of identity, strength, quality, and purity.* Chloramphenicol palmitate oral suspension is chloramphenicol palmitate and one or more suitable and harmless buffer substances, suspending agents, preservatives, colorings, and flavorings, with or without one or more suitable and harmless vitamin substances, suspended in a suitable and harmless vehicle. It contains not less than 30 milligrams of chloramphenicol per milliliter. Its pH is not less than 4.5 and not more than 7.0. The chloramphenicol palmitate used conforms to the requirements of § 146d.305 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of chloramphenicol palmitate oral suspension shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of chloramphenicol per milliliter.

(iii) The name and quantity of each preservative, and if it contains vitamin substances, the name and quantity of each such ingredient used in making the batch.

(iv) The statement "Expiration date ---------," the blank being filled in with the date which is 48 months after the month during which the batch was certified, or with the date that is 24 months after the month during which the batch was certified if it contains one or more vitamin substances: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(4) On the label and labeling, if it contains one or more vitamin substances, after the name "chloramphenicol palmitate oral suspension," wherever it appears, the words "with vitamin ------" (the blank being filled in with the name of the vitamin ingredient used) or "with vitamins" (if it contains more than one vitamin ingredient), in juxtaposition with such name.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark, and (unless it was previously submitted) the date on which the latest assay of the chloramphenicol palmitate used in making such batch was completed, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per milliliter, pH.

(ii) The chloramphenicol palmitate used in making the batch; potency, toxicity, melting point, extinction coefficient.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 5,000 packages in the batch, but in no case less than 5 or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chloramphenicol palmitate used in making the batch; 10 packages, each containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 146d.305 (b).

(iii) In the case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146d.307 *Chloramphenicol solution; chloramphenicol for aqueous injection*—(a) *Standards of identity, strength, quality, and purity.* Chloramphenicol solution is chloramphenicol, with or without one or more suitable and harmless buffer substances, dissolved in one or more suitable and harmless solvents. Chloramphenicol for aqueous injection is a dry mixture of chloramphenicol and one or more suitable and harmless suspending or dispersing agents, buffer substances, and preservatives. It is so purified that:

(1) If it is the solution of the drug, its potency is 250 milligrams per milliliter.

(2) It is sterile.

(3) It is nontoxic.

(4) It is nonpyrogenic.

(5) It contains no histamine nor histamine-like substances.

(6) If it is chloramphenicol solution, its pH is not less than 4.7 and not more than 5.0. If it is the dry mixture of the drug, the pH of a suspension prepared as directed in its labeling is not less than 4.5 and not more than 7.5.

The chloramphenicol used conforms to the requirements of § 146d.301 (a). Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing and it is the solution of the drug, it shall be in hermetically sealed, colorless, transparent glass ampuls, each of which shall contain 2.0 milliliters. If it is packaged for dispensing and it is the dry mixture of the drug, it shall be in colorless, transparent glass containers, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness, and each such container shall contain 1.0 gram or 2.0 grams of chloramphenicol.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) If it is the solution of the drug, the number of milligrams of chloramphenicol in each milliliter of the batch; and if it is the dry mixture of the drug, the number of grams of chloramphenicol in each immediate container.

(iii) The statement "Expiration date ---------," the blank being filled in with the date which is 12 months after the month during which the batch was certified if it is the solution of the drug, or 48 months after the month during which the batch was certified if it is the dry mixture of the drug: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(iv) If it is the solution of the drug, the name of each solvent used; and if it is the dry mixture of the drug, the name and quantity of each preservative used.

(v) If it is the dry mixture of the drug, the statement "For intramuscular use only."

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages in the batch, the number of milligrams or grams in each of such packages, the date on which the latest assay of the drug comprising the batch was completed, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chloramphenicol used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, toxicity, pyrogens, histamine content, and pH.

(ii) The chloramphenicol used in making the batch; potency, specific rotation, melting point, and extinction coefficient.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 8 or more than 15 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chloramphenicol used in making the batch; two immediate containers containing approximately 300 milligrams each, packaged in accordance with the requirements of § 146d.301 (b).

(iii) In case of an initial request for certification, each ingredient (unless it is recognized by the U. S. P. or N. F.) used in making the batch; one package of each, containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $10.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) (*a*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146d.308 *Chloramphenicol otic; chloramphenicol topical*—(a) *Standards of identity, strength, quality, and purity.* Chloramphenicol otic and chloramphenicol topical is chloramphenicol, with or without ethyl aminobenzoate, in a suitable and harmless vehicle. The potency of the solution is not less than 5 milligrams per milliliter. Its moisture content is not more than 2 percent. Its *p*H is not less than 4 and not more than 8. The chloramphenicol used conforms to the requirements of § 146d.301 (a), except subparagraphs (2), (4), and (5) of that paragraph. Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Each immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of chloramphenicol, and if it contains ethyl aminobenzoate, the quantity of such ingredient in each milliliter of the batch.

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(iv) The statement "Warning—For external use only."

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch the batch mark, and (unless it was previously submitted) the date on which the latest assay of the chloramphenicol used in making the batch was completed, the number of milligrams of chloramphenicol in each milliliter of the batch, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each other ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, moisture, and pH.

(ii) The chloramphenicol used in making the batch; potency, toxicity, pH, specific rotation, melting point, and extinction co-efficient.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 20 immediate containers or more than 100 immediate containers, collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chloramphenicol used in making the batch; 10 packages, each containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 146d.301 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5.0 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146d.309 *Chloramphenicol-streptomycin capsules; chloramphenicol-dihydrostreptomycin capsules.* (a) Chloramphenicol-streptomycin capsules and chloramphenicol - dihydrostreptomycin capsules conform to all requirements prescribed by § 146d.302 for chloramphenicol capsules, and are subject to all procedures prescribed by § 146d.302 for chloramphenicol capsules, except that:

(1) Each capsule contains not less than 125 milligrams of chloramphenicol.

(2) Each capsule contains not less than 125 milligrams of streptomycin or dihydrostreptomycin. The streptomycin used conforms to the standard prescribed therefor by § 146b.101 (a) of this chapter, except subparagraphs (2) and (4) of that paragraph. The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146b.103 of this chapter, except the standards for sterility and pyrogens.

(3) Its moisture content is not more than 5 percent.

(4) In lieu of the labeling prescribed for chloramphenicol capsules by § 146d.302 (c) (1) (ii) and (iii), each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of chloramphenicol and the number of milligrams of streptomycin or dihydrostreptomycin in each capsule of the batch and the statement "Expiration date ------," the blank being filled in with the date which is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(5) In addition to complying with the requirements of § 146d.302 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the streptomycin or dihydrostreptomycin used in making the batch for potency, toxicity, histamine content, moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate. He shall also submit in connection with his request a sample consisting of not less than 30 capsules of such batch and (unless it was previously submitted) a sample consisting of 5 packages each containing approximately equal portions of not less than 500 milligrams of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(b) The fee for the services rendered with respect to each immediate container in the sample of streptomycin or dihydrostreptomycin submitted in accordance with the requirements prescribed therefor by this section shall be $10.00.

§ 146d.310 *Chloramphenicol tablets.* Chloramphenicol tablets are tablets that conform to all requirements and are subject to all procedures prescribed by § 146d.302 for chloramphenicol capsules, except that the expiration date of such tablets shall be 24 months after the month during which the batch was certified.

§ 146d.311 *Chloramphenicol palmitate-streptomycin oral suspension; chloramphenicol palmitate-dihydrostreptomycin oral suspension.* Chloramphenicol palmitate-streptomycin oral suspension and chloramphenicol palmitate-dihydrostreptomycin oral suspension conform to all requirements and are subject to all procedures prescribed by § 146d.306 for chloramphenicol palmitate oral suspension, except that:

(a) It contains not less than 30 milligrams of streptomycin or dihydrostreptomycin per milliliter. The streptomycin used conforms to the standards prescribed by § 146b.101 (a) of this chapter, except § 146b.101 (a) (2), (4), and (6). The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146b.103 of this chapter, except the standards for sterility, pyrogens, and moisture.

(b) In lieu of the directions for labeling prescribed by § 146d.306 (c) (1) (ii) and (iv), each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of chloramphenicol and the number of milligrams of streptomycin or dihydrostreptomycin per milliliter, and its expiration date shall be 24 months after the month during which the batch was certified.

(c) In addition to complying with the requirements of § 146d.306 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and date of the latest tests and assays of the streptomycin or dihydrostreptomycin used in making the batch for potency, toxicity, histamine content, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin. He shall also submit in connection with his request a sample consisting of not less than 6 packages of the batch and (unless it was previously submitted) a sample consisting of not less than 5 packages containing approximately equal portions of not less than 0.5 gram each of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(d) The fee for the services rendered with respect to each immediate container in the sample of streptomycin or dihydrostreptomycin submitted in accordance with the requirements prescribed therefor by this section shall be $10.00.

PART 146c—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Sec.

146c.401 Bacitracin.
146c.402 Bacitracin ointment; zinc bacitracin ointment.
146c.403 Bacitracin tablets; zinc bacitracin tablets; bacitracin suppositories; zinc bacitracin suppositories; bacitracin implantation pellets; zinc bacitracin implantation pellets.
146c.404 Bacitracin troches; zinc bacitracin troches.
146c.405 Bacitracin with vasoconstrictor; bacitracin with ----.
146c.406 Bacitracin-tyrothricin troches; zinc bacitracin-tyrothricin troches.
146c.407 Bacitracin-tyrothicin ointment.
146c.408 Bacitracin ophthalmic.
146c.409 Bacitracin-polymyxin ointment.
146c.410 Bacitracin-neomycin tablets; zinc bacitracin neomycin tablets.
146c.411 Bacitracin-neomycin ointment; zinc bacitracin-neomycin ointment.
146c.412 Bacitracin-polymyxin tablets.
146c.413 Bacitracin-neomycin troches; zinc bacitracin-neomycin troches.
146c.414 Bacitracin-neomycin with vasoconstrictor; bacitracin-neomycin with ----.
146c.415 Bacitracin-polymyxin troches; zinc bacitracin-polymyxin troches.
146c.416 Bacitracin methylene disalicylate.
146c.417 Powder bacitracin methylene disalicylate and streptomycin sulfate oral veterinary.
146c.418 Zinc bacitracin.
146c.419 Bacitracin - neomycin - polymyxin troches; zinc bacitracin-neomycin polymyxin troches.
146c.420 Bacitracin - tyrothricin - neomycin troches; zinc bacitracin-tyrothricin-neomycin troches.
146c.421 Bacitracin - neomycin - polymyxin tablets.
146c.422 Bacitracin - polymyxin - neomycin ointment.
146c.423 Soluble bacitracin methylene disalicylate.
146c.424 Bacitracin - neomycin - polymyxin with vasoconstrictor; bacitracin-neomycin-polymyxin with ----.
146c.425 Bacitracin powder.
146c.426 Tablets bacitracin methylene disalicylate and streptomycin sulfate oral veterinary.

AUTHORITY: §§ 146c.401 to 146c.426 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357.

§ 146c.401 *Bacitracin*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin is a white to brown, neutral water-soluble polypeptide. It is so purified and dried that:

(1) Its potency is not less than 40 units per milligram, except that if it is packaged for dispensing and it is intended for systemic medication its potency is not less than 50 units per milligram;

(2) It is sterile;

(3) It is nontoxic;

(4) It is nonpyrogenic;

(5) Its moisture content is not more than 5 percent;

(6) Its pH in aqueous solution of 10,000 units per milliliter is not less than 5.5 and not more than 7.5.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness; each such container shall contain not more than 60,000 units (unless it is intended solely for veterinary use and is conspicuously so labeled) and may be packaged in combination with a container of the solvent, water for injection U. S. P., physiological salt solution U. S. P., or with a container of an aqueous solution of a suitable local anesthetic.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in the immediate container;

(iii) If it is intended for systemic medication, the statement "For intramuscular use only";

(iv) The statement "Expiration date ----------," the blank being filled in with the date which is 18 months after the month during which the batch was certified, except if it is packaged for dispensing and it is intended for systemic medication the blank shall be filled in with the date which is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(v) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," as the case may be, when packaged for repacking or for use as an ingredient in the manufacture of another drug.

(2) On the outside wrapper or container:

(i) If it is intended for use by man, the statement "Caution: Federal law prohibits dispensing without prescription."

(ii) If it is intended solely for veterinary use, and is conspicuously so labeled, the statement "Caution: Federal law restricts this drug to sale by

or on the order of a licensed veterinarian."

(iii) If it is packaged for dispensing and it is intended for systematic medication the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions and warnings for its use by practitioners licensed by law to administer such drug; the conditions under which such solutions should be stored, including a reference to their instability when stored under other conditions; and the statement "Sterile solution may be kept in refrigerator for 1 week without significant loss of potency."

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of bacitracin shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, and pH. If such batch or any part thereof is to be packaged with a solvent such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) If such batch is packaged for dispensing, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 6 or more than 13 immediate containers, except if the total potency contained in such immediate containers is less than 100,000 units and a sample of such batch has not been previously submitted under subparagraph (3) or (4) of this paragraph, such person shall submit, in addition to the quantity specified herein, one other container which contains a quantity sufficient to make the total potency of all containers in the sample equal to approximately 100,000 units.

(ii) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(3) If such batch is packaged for repacking or for use as an ingredient in the manufacture of another drug, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; 6 packages.

(ii) For sterility testing; 10 packages. Each such package shall contain approximately 0.5 gram, taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(4) In connection with contemplated requests for certification of repacked batches or batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by subparagraph (3) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i), (3) (i), and (4) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146e.402 *Bacitracin ointment; zinc bacitracin ointment*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin ointment and zinc bacitracin ointment are composed of bacitracin or zinc bacitracin in a suitable and harmless ointment base, or they are a powder composed of bacitracin or zinc bacitracin and one or more suitable and harmless diluents, dispersing agents, and preservatives which, upon the addition of the quantity of water recommended in its labeling, produces an ointment. It may contain a suitable local anesthetic, cortisone, or a suitable derivative of cortisone, one or more suitable sulfonamides, and, if it is intended solely for veterinary use and is conspicuously so labeled, one or more suitable antifungal agents or rotenone. Its potency is not less than 500 units per gram. Its moisture content is not more than 1 percent, except if it is a powder its moisture content is not more than 5 percent. The zinc bacitracin used conforms to the requirements of § 146e.418 (a). The bacitracin used conforms to the requirements of § 146e.401 (a), except § 146e.401 (a) (1), (2) and (4), but its potency is not less than 30 units per milligram. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* If it is bacitracin or zinc bacitracin in an ointment base it shall be packaged in collapsible tubes, which shall be well-closed containers as defined by the U. S. P., and which shall not be larger than the 2-ounce size, except if it is labeled solely for hospital use; but in no case shall such ointment be packaged in containers other than collapsible tubes if it is labeled for ophthalmic use, and such tubes shall not be larger than the ⅛-ounce size. If it is a powder, it shall be packaged in immediate containers of glass which meet the tests for tight containers as defined by the U. S. P. The composition of the immediate container and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units per gram of the batch, or if it is a powder, the number of units per gram after the addition of the quantity of water recommended in its labeling;

(iii) If the batch contains, in addition to bacitracin or zinc bacitracin, one or more other active ingredients specified in paragraph (a) of this section, the name and quantity of each such other ingredient per gram of the batch;

(iv) The statement "Expiration date ---------," the blank being filled in with the date which is not more than 36 months after the month during which the batch was certified, except if it is zinc bacitracin ointment the blank is filled in with the date that is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(v) If it is a powder, the statement "After the addition of water the ointment may be stored in refrigerator for 1 week without significant loss of potency."

(2) On the outside wrapper or container, if it is packaged for ophthalmic use by humans or if it is intended for use by humans and it contains cortisone or a derivative of cortisone or one or more sulfonamides, the statement "Caution: Federal law prohibits dispensing without prescription" and a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such ointment by practitioners licensed by law to administer such drug; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the outside wrapper or container, if it is intended solely for veterinary use and it contains fludrocortisone (9 α-fluorohydrocortisone), the statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian" and a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such ointment by practitioners licensed by law to administer such drug; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the label or labeling, if it contains, in addition to bacitracin or zinc bacitracin, one or more other active ingredients specified in paragraph (a) of this section, after the name "bacitracin ointment" or "zinc bacitracin ointment," wherever such name appears, the words "with ---------," in juxtaposition with such name, the blank being filled in with the common or usual name of each such other ingredient used.

(5) On a circular or other labeling within or attached to the package, unless it is packaged for ophthalmic use in humans or is intended for human use and contains cortisone or a derivative of cortisone or one or more sulfonamides, or if it is intended for veterinary use and it contains fludrocortisone (9 α-fluorohydrocortisone), adequate directions and warnings for prophylactic use in humans or for the veterinary use of such ointment. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other uses of such ointment by practitioners licensed by law to administer such drug will be sent to such practitioners upon request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall sumbit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the bacitracin or zinc bacitracin used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each component of the ointment base used conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and moisture.

(ii) The bacitracin or zinc bacitracin used in making the batch; potency, toxicity, moisture, pH, and zinc content, if it is zinc bacitracin.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 5,000 packages in the batch, but in no case less than 5 packages or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The bacitracin used in making the batch; six packages, each containing approximately equal portions of not less than 500 milligrams, packaged in accordance with the requirements of § 146e.401 (b).

(iii) The zinc bacitracin used in making the batch; 5 packages, each containing approximately equal portions of not less than 1.0 gram, packaged in accordance with the requirements of § 146e.418 (b).

(iv) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 200 grams, except if cortisone or a derivative of cortisone is used, such package shall contain approximately 100 milligrams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) or (iii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), (iii), and (iv) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

(f) *Exemption of bacitracin ointment from certification.* Bacitracin ointment that conforms to the requirements of paragraphs (a), (b), and (c) of this section, except paragraph (c) (1) (iv) of this section, shall be exempt (unless it is the powder preparation described in paragraph (a) or it contains an antifungal agent, rotenone, cortisone or a derivative of cortisone) from the requirements of sections 502 (l) and 507 of the act, if it complies with the following conditions:

(1) The outside wrapper or container and the immediate container bear an expiration date not more than 36 months after the month during which the batch was last assayed and released by the manufacturer; and

(2) It is intended for use by man and is packaged for ophthalmic use, or it contains one or more sulfonamides and the brochure, printed matter, and circular referred to in paragraph (c) (2) of this section bear information for use of the drug only in the local treatment of those superficial infections caused by bacitracin-sensitive organisms; and further, that such brochure, printed matter, and circular bear directions and warnings adequate for such use by practitioners licensed by law to administer such drug; or

(3) It is intended for use by man and it is not packaged for ophthalmic use nor contains one or more sulfonamides, or it is intended solely for veterinary use and is conspicuously so labeled; and its labeling bears information that the drug is for use only in the prevention of infection in minor cuts and abrasions and, further, bears directions adequate for such use by the laity and a statement that use of the drug should be discontinued and a physician (if it is for human use) or a veterinarian (if it is for veterinary use) consulted if signs of infection or irritation appear.

§ 146e.403 *Bacitracin tablets; zinc bacitracin tablets; bacitracin suppositories; zinc bacitracin suppositories (if they are represented for vaginal use); bacitracin implantation pellets; zinc bacitracin implantation pellets (if they are represented for use by implanting under the skin of animals)*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin tablets and zinc bacitracin tablets are tablets composed of bacitracin or zinc bacitracin, with or without the addition of one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is not less than 1,000 units nor more than 10,000 units. Its moisture content is not more than 5 percent. Unless it is represented to be used for inhalation therapy, the bacitracin used conforms to the requirements of § 146e.401 (a), except subparagraphs (1), (2), and (4) of that paragraph, but in no case is its potency less than 30 units per milligram. If it is represented to be used for inhalation therapy, the bacitracin used conforms to the requirements of § 146e.401 (a), except subparagraphs (2) and (4) of that paragraph. The zinc bacitracin used conforms to the requirements of § 146e.418 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each tablet is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the

strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each tablet of the batch;

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 months or 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) If it is implantation pellets, the statement "For veterinary use only."

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure of other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the bacitracin or zinc bacitracin used in making such batch was completed, the number of units in each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per tablet and average moisture.

(ii) The bacitracin or zinc bacitracin used in making the batch; potency, toxicity, moisture, pH, and zinc content, if it is zinc bacitracin.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one tablet for each 5,000 tablets in the batch, but in no case less than 20 tablets or more than 100 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

(ii) The bacitracin used in making the batch; six packages, each containing approximately equal portions of not less than 500 milligrams each, packaged in accordance with the requirements of § 146e.401 (b).

(iii) The zinc bacitracin used in making the batch; 5 packages, each containing approximately equal portions of not less than 1.0 gram, packaged in accordance with the requirements of § 146e.418 (b).

(iv) In case of an initial request for certification, each other substance used in making the batch; 1 package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) or (iii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) of this section, $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii), (iii) and (iv) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such tablets and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146e.404 *Bacitracin troches; zinc bacitracin troches*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin troches and zinc bacitracin troches are troches composed of bacitracin or zinc bacitracin, with or without ethyl aminobenzoate and with or without one or more suitable and harmless diluents, binders, lubricants, colorings, and flavorings. The potency of each troche is not less than 500 units. Its moisture content is not more than 5 percent. The bacitracin used conforms to the requirements of § 146e.401 (a), except § 146e.401 (a) (1), (2), and (4), but its potency is not less than 30 units per milligram. The zinc bacitracin used conforms to the requirements of § 146e.418 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each troche is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the troches by a plug of cotton or other like material. The composition of the immediate container, or foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of troches shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units of bacitracin or zinc bacitracin and if it contains ethyl aminobenzoate, the quantity of such ingredient in each troche of the batch; and

(iii) The statement "Expiration date --------," the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months or 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the use of such troches. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other uses of such troches by practitioners licensed by law to administer such drug will be sent to such practitioner upon request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the bacitracin or zinc bacitracin used in making such batch was completed, the number of units in each troche, the quantity of each ingredient used in making the batch, the date on which the latest assay of the troches comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per troche and average moisture.

(ii) The bacitracin or zinc bacitracin used in making the batch; potency, moisture, toxicity, pH, and zinc content, if it is zinc bacitracin.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one troche for each 5,000 troches in the batch, but in no case less than 20 troches or more than 100 troches, collected by taking single troches at such intervals throughout the entire time the troches are being made, that the quantities made during the intervals are approximately equal.

(ii) The bacitracin used in making the batch; six packages, each containing approximately equal portions of not less than 500 milligrams, packaged in accordance with the requirements of § 146e.401 (b).

(iii) The zinc bacitracin used in making the batch; five packages, each containing approximately equal portions of not less than 1.0 gram, packaged in accordance with the requirements of § 146e.418 (b).

(iv) In case of an initial request for certification, each other substance used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the service rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each troche in the sample submitted in accordance with paragraph (d) (3) (i) of this section, $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such troches, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations. The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146e.405 *Bacitracin with vasoconstrictor; bacitracin with -------- (the blank being filled in with the common or usual name of the vasoconstrictor)*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin with vasoconstrictor is a dry mixture of bacitracin and a suitable vasoconstrictor, with or without suitable and harmless buffer substances, preservatives, colorings, and flavorings, or it is a packaged combination of one immediate container of bacitracin and one immediate container of a solution of a suitable vasoconstrictor, with or without suitable and harmless buffer substances, preservatives, colorings, and flavorings. The bacitracin is of such quantity that when dissolved as directed the potency of such solution is not less than 200 units per milliliter, and maintains its labeled potency after it has been kept for 7 days at room temperature. Such solution is isotonic, and has a pH of 6.0, ±0.5. The moisture content of the dry mixture of bacitracin with vasoconstrictor is not more than 5 percent. The bacitracin used conforms to the requirements of § 146e.401 (a), except subparagraphs (2) and (4) of that paragraph. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Each immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The immediate container of the dry mixture of bacitracin with vasoconstrictor may be packaged in combination with an immediate container of a suitable diluent.

(c) *Labeling.* Each package of bacitracin with vasoconstrictor shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and on the immediate container of the bacitracin:

(i) The batch mark;

(ii) The number of units in such container; and

(iii) If it is a packaged combination of one immediate container of bacitracin and one immediate container of a vasoconstrictor, the statement "Expiration date --------," the blank being filled in with the date which is 18 months after the month during which the batch was certified. If it is the dry mixture of bacitracin with vasoconstrictor, the statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified. Such expiration dates may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container and on the immediate container of the solution in the packaged combination:

(i) A statement giving the method of dissolving the bacitracin and, if it is not a packaged combination, a statement that distilled water U. S. P. should be used;

(ii) The potency per milliliter after the bacitracin has been dissolved therein;

(iii) The statement "Warning—Not for injection"; and

(iv) The conditions under which the solution should be stored, including a reference to its instability when stored under other conditions, and a statement "The solution may be kept at room temperature for 1 week without significant loss of potency."

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of bacitracin with vasoconstrictor shall submit with his

request a statement showing the batch mark, the number of packages in such batch, the number of units in each immediate container, and (unless it was previously submitted) the date on which the latest assay of the bacitracin included in such batch was completed, the quantity of each ingredient used in making the batch of the dry mixture of bacitracin with vasoconstrictor, the quantity of each ingredient used in making the solution included in the packaged combination, and a statement that such solution conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The bacitracin included in the packaged combination and the bacitracin used in making the batch of the dry mixture of bacitracin with vasoconstrictor; potency, toxicity, moisture, and pH.

(ii) The solution after the bacitracin has been dissolved therein; potency.

(iii) The batch of the dry mixture of bacitracin with vasoconstrictor; potency and moisture.

(3) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) If it contains only bacitracin and the bacitracin used has been previously submitted, or it contains bacitracin and other ingredients; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers or more than 12 immediate containers.

(*b*) If it contains only bacitracin and the bacitracin used has not been previously submitted; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 12 or more than 25 immediate containers.

Such sample shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The bacitracin used in making the batch of the dry mixture of bacitracin with vasoconstrictor; six packages, each containing approximately equal portions of not less than 500 milligrams each, packaged in accordance with the requirements of § 146e.401 (b).

(iii) In case of an initial request for certification of a batch of a dry mixture of bacitracin with vasoconstrictor, each other substance used in making the batch; one package of each containing approximately 5 grams.

(iv) In case of an initial request for certification of the packaged combination of bacitracin with vasoconstrictor, or when any change is made in the composition of such solution; five packages of the solution included in the combination.

(4) No result referred to in subparagraph (2) (i) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, are required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of bacitracin with vasoconstrictor under the regulations in this part shall be:

(1) $4.00 for each immediate container submitted in accordance with paragraph (d) (3) (i), (ii), (iii), and (iv) of this section.

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146e.406 *Bacitracin-tyrothricin troches; zinc bacitracin-tyrothricin troches.* (a) Bacitracin-tyrothricin troches and zinc bacitracin-tyrothricin troches conform to all requirements and are subject to all procedures prescribed by § 146e.404 for bacitracin troches and zinc bacitracin troches, except that:

(1) Each troche contains not less than 50 units of bacitracin or zinc bacitracin.

(2) Each troche contains not less than 1 milligram of tyrothricin.

(3) Each troche may be tableted with or without ethyl aminobenzoate.

(b) In lieu of the directions prescribed for bacitracin troches and zinc bacitracin troches by § 146e.404 (c) (1) (ii) each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin or zinc bacitracin and the number of milligrams of tyrothricin and ethyl aminobenzoate in each troche of the batch.

§ 146e.407 *Bacitracin-tyrothricin ointment.* (a) Bacitracin - tyrothricin ointment conforms to all requirements prescribed by § 146e.402 for bacitracin ointment, and is subject to all procedures prescribed by § 146e.402 for bacitracin ointment, except paragraph (f) of that section, and except that:

(1) It contains not less than 0.5 milligram of tyrothricin per gram of ointment.

(2) In lieu of the directions prescribed for bacitracin ointment by § 146e.402 (c) (1) (ii), each package shall bear on the outside wrapper or container and on the immediate container the number of units of bacitracin and the number of milligrams of tyrothricin in each gram of the batch.

§ 146e.408 *Bacitracin ophthalmic—(a) Standards of identity, strength, quality, and purity.* Bacitracin ophthalmic is bacitracin, with or without one or more suitable and harmless preservatives, local anesthetics, buffer substances, and diluents. It is sterile. Its moisture content is not more than 5 percent. The bacitracin is of such quantity that when dissolved as directed in its labeling the potency of such solution is not less than 500 units per milliliter and maintains its labeled potency after it has been kept for 7 days at room temperature. Such solution has a pH of 6.5±0.5. The bacitracin used conforms to the requirements of § 146e.401 (a), except subparagraphs (2) and (4) of that paragraph. Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate container of bacitracin ophthalmic shall be a tight container as defined by the U. S. P.; its closure shall be one through which a hypodermic needle cannot be introduced; and the immediate container and closure shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not less than 5,000 units, and each may be packaged in combination with a container of the solvent, sterile distilled water U. S. P.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in the immediate container;

(iii) If it contains preservatives or local anesthetics, the name and quantity of each such ingredient;

(iv) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(v) The statement "Warning—Not for injection."

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label or labeling, if a local anesthetic is present, after the name "bacitracin ophthalmic," wherever it appears, the words "with ----------" (the blank being filled in with the common or usual name of the local anesthetic), in juxtaposition with such name.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the bacitracin used in making such batch was completed, the number of units in each immediate container, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each other ingredient used in making the batch, and a statement that each such ingredient used conforms to the requirements prescribed therefor by this section. If such batch or any part thereof is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, moisture, and pH of the solution prepared as directed in its labeling.

(ii) The bacitracin used in making the batch; potency, toxicity, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request in the quantities hereinafter indicated accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers or more than 12 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The bacitracin used in making the batch; 6 packages, each containing approximately equal portions of not less than 500 milligrams packaged in accordance with the requirements of § 146e.401 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each, containing approximately 5.0 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container or package in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146e.409 *Bacitracin - polymyxin ointment.* (a) Bacitracin-polymyxin ointment conforms to all requirements prescribed by § 146e.402 for bacitracin ointment, and is subject to all procedures prescribed by § 146e.402 for bacitracin ointment, except paragraph (f) of that section, and except that:

(1) Its content of bacitracin is not less than 200 units per gram.

(2) It contains not less than 4,000 units of polymyxin B per gram. The polymyxin B used conforms to the requirements prescribed for polymyxin B by § 146b.107 (a) of this chapter.

(3) Its moisture content is not more than 0.5 percent.

(4) If it is in liquid form, it shall be packaged in immediate containers of transparent glass which meet the test for tight containers as defined by the U. S. P.

(5) In lieu of the labeling prescribed by § 146e.402 (c) (1) (ii) and (iv), each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin and the number of units of polymyxin B in each gram of the batch and the statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for 18 months or 24 months or 36 months at room temperature such drug as prepared by him complies with the standards of identity, strength, quality, and purity prescribed for the drug, the blank shall be filled in with the date which is 18 months or 24 months or 36 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(6) In addition to complying with the requirements of § 146e.402 (c), if it is in liquid form, each package shall bear on the outside wrapper or container and the immediate container, the statements "Shake well" and "Not for injection."

(7) In addition to complying with the requirements of § 146e.402 (d), a person who requests certification of a batch of bacitracin - polymyxin ointment shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and date of the latest tests and assays of the polymyxin used in making the batch for potency and toxicity. He shall also submit in connection with his request a sample consisting of not less than 6 packages of bacitracin-polymyxin ointment and (unless it was previously submitted) a sample consisting of 5 packages containing equal portions of not less than 0.5 gram each of the polymyxin used in making the batch.

(b) The fee for the services rendered with respect to each immediate container in the sample of polymyxin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146e.410 *Bacitracin-neomycin tablets; zinc bacitracin-neomycin tablets.* (a) Bacitracin-neomycin tablets and zinc bacitracin-neomycin tablets conform to all requirements and are subject to all procedures prescribed by § 146e.403 for bacitracin tablets and zinc bacitracin tablets, except that:

(1) Each tablet contains not less than 2,500 units of bacitracin or zinc bacitracin.

(2) Each tablet contains not less than 25 milligrams of neomycin. The neomycin used is produced by the growth of Streptomyces fradiae, has a potency of not less than 330 micrograms (one Waksman unit is equivalent to 3.3 micrograms of the base) per milligram, is nontoxic, has a moisture content of not more than 8 percent, and its pH in an aqueous solution 33 milligrams per milliliter is not less than 5.0 and not more than 7.5.

(3) In lieu of the labeling prescribed for bacitracin tablets and zinc bacitracin tablets by § 146e.403 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin or zinc bacitracin and the number of milligrams of neomycin in each tablet of the batch.

(4) In addition to complying with the requirements of § 146e.403 (d), a person who requests certification of a batch shall submit with his request a statement showing the number of units of bacitracin or zinc bacitracin and the number of milligrams of neomycin in each tablet of the batch, the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays

of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than 30 tablets and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch.

(b) The fee for the services rendered with respect to each immediate container in the sample of neomycin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146e.411 *Bacitracin-neomycin ointment; zinc bacitracin-neomycin ointment.* (a) Bacitracin-neomycin ointment and zinc bacitracin-neomycin ointment conform to all requirements and are subject to all procedures prescribed by § 146e.402 for bacitracin ointment and zinc bacitracin ointment, except paragraph (f) of that section, and except that:

(1) It contains not less than 3.50 milligrams of neomycin per gram. The neomycin used conforms to the requirements prescribed for neomycin by § 146e.410 (a) (2).

(2) In lieu of the labeling prescribed by § 146e.402 (c) (1) (ii) and (iv), each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin or zinc bacitracin and the number of milligrams of neomycin in each gram of the batch and the statement "Expiration date ____," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 months or 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(3) In addition to complying with the requirements of § 146e.402 (d), a person requesting certification of a batch shall submit with his request a statement showing the number of units of bacitracin or zinc bacitracin and the number of milligrams of neomycin in each gram of ointment, the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than 6 packages of the ointment and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch.

(b) The fee for the services rendered with respect to each immediate container in the sample of neomycin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146e.412 *Bacitracin-polymyxin tablets.* (a) Bacitracin-polymyxin tablets conform to all requirements prescribed by § 146e.403 for bacitracin tablets, and are subject to all procedures prescribed by § 146e.403 for bacitracin tablets except that:

(1) Each tablet contains not less than 400 units of bacitracin.

(2) Each tablet contains not less than 8,000 units of polymyxin B sulfate. The polymyxin B used conforms to the requirements prescribed for polymyxin by § 146b.107 (a) of this chapter.

(3) In lieu of the labeling prescribed for bacitracin tablets by § 146e.403 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin and the number of units of polymyxin B in each tablet of the batch.

(4) In addition to complying with the requirements of § 146e.403 (d) a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the polymyxin B used in making the batch for potency and toxicity. He shall also submit in connection with his request a sample consisting of not less than 30 tablets of such batch, and (unless it was previously submitted) a sample consisting of 5 packages, each containing approximately equal portions of not less than 0.5 gram of the polymyxin B used in making the batch.

(b) The fee for the services rendered with respect to each container in the sample of polymyxin B submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146e.413 *Bacitracin-neomycin troches, zinc bacitracin-neomycin troches.* Bacitracin-neomycin troches and zinc bacitracin-neomycin troches conform to all requirements and are subject to all procedures prescribed by § 146e.410 for bacitracin-neomycin tablets, except that:

(a) Each troche contains not less than 200 units of bacitracin or zinc bacitracin. The zinc bacitracin used conforms to the requirements prescribed by § 146e.418 (a).

(b) Each troche contains not less than 2.5 milligrams of neomycin.

(c) Each troche may be tableted with or without one or more suitable and harmless local anesthetics, preservatives, and chemical antimicrobial agents.

(d) In addition to the labeling prescribed for bacitracin-neomycin tablets, if it contains one or more of the ingredients specified in paragraph (c) of this section, each package shall bear on the outside wrapper or container and the immediate container the name and quantity of each such ingredient in each troche of the batch.

(e) If zinc bacitracin is used in the manufacture of the batch, the person who requests certification of a batch shall submit with his request results and the dates of the latest tests of the zinc bacitracin used in making the batch for potency, toxicity, moisture, pH, and zinc content. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 5 packages, each containing approximately 1.0 gram of the zinc bacitracin used in making the batch.

(f) The fee for the services rendered with respect to each package of the sample submitted in accordance with paragraph (e) of this section shall be $4.00.

§ 146e.414 *Bacitracin-neomycin with vasoconstrictor; bacitracin-neomycin with _____ (the blank being filled in with the common or usual name of the vasoconstrictor).* (a) Bacitracin-neomycin with vasoconstrictor conforms to all requirements prescribed by § 146e.405 for bacitracin with vasoconstrictor and is subject to all procedures prescribed by § 146e.405 for bacitracin with vasoconstrictor, except that:

(1) When prepared as directed in its labeling it contains not less than 3.5 milligrams of neomycin per milliliter. The neomycin used conforms to the requirements prescribed for neomycin by § 146e.410 (a) (2).

(2) In lieu of the labeling prescribed by § 146e.405 (c) (1) (ii) and (iii), each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin and the number of milligrams of neomycin in each container and the statement "Expiration date _____," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 months or 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container. Furthermore, in lieu of the 1-week storage statement for the solution prescribed by § 146e.405 (c) (2) (iv), the labeling may bear a 3-week storage statement if the person who requests certification has submitted to the Commissioner results of tests and assays showing that solutions of the drug as prepared by him are stable for such period of time after storage at room temperature.

(3) In addition to complying with the requirements of § 146e.405 (d), a person who requests certification of a batch of bacitracin-neomycin with vasoconstrictor shall submit with his request a statement showing the number of units of bacitracin and the number of milligrams of neomycin in each immediate container, the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than 6 packages of the bacitracin-neomycin with vasoconstrictor and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch.

(b) The fee for the services rendered with respect to each immediate container in the sample of neomycin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146e.415 *Bacitracin-polymyxin troches; zinc bacitracin-polymyxin troches.* Bacitracin-polymyxin troches and zinc bacitracin-polymyxin troches conform to all requirements and are subject to all procedures prescribed by § 146e.404 for bacitracin troches and zinc bacitracin troches, except that:

(a) Each troche contains not less than 50 units of bacitracin or zinc bacitracin.

(b) Each troche contains not less than 1,000 units of polymyxin B sulfate. The polymyxin B used conforms to the requirements prescribed for polymyxin by § 146b.107 (a) of this chapter.

(c) Each troche may be tableted with or without one or more suitable and harmless local anesthetics.

(d) In addition to the labeling prescribed for bacitracin troches and zinc bacitracin troches, each package shall bear on its label or labeling the number of units of polymyxin B; and if it contains one or more local anesthetics, the name and quantity of each such ingredient in each troche of the batch.

(e) In addition to complying with the requirements of § 146e.404 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the polymyxin B used in making the batch for potency and toxicity. He shall also submit in connection with his request a sample consisting of not less than 30 troches and (unless it was previously submitted) a sample consiting of 5 packages, each containing approximately equal portions of not less than 500 milligrams of the polymyxin used in making the batch.

(f) The fee for the services rendered with respect to each container in the sample of polymyxin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146e.416 *Bacitracin methylene disalicylate*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin methylene disalicylate is the methylene disalicylate salt of a kind of bacitracin. It is so purified and dried that:

(1) Its potency is not less than 14 units per milligram.

(2) It is nontoxic.

(3) Its moisture content is not more than 5 percent.

(4) Its pH in a saturated aqueous solution is not less than 3.5 and not more than 5.0.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P. The composition of the immediate containers shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of bacitracin methylene disalicylate shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of bacitracin per gram, the number of grams of bacitracin activity per pound, and the weight of the drug in the immediate container.

(iii) The statement "Expiration date _____," the blank being filled in with the date which is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(iv) The statement "For veterinary use only."

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the veterinary use of such drug by the laity.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of units of bacitracin activity per gram, and the number of grams of bacitracin activity per pound. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, and pH.

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of 5 packages each containing approximately 5 grams taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) of this section.

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigation.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146e.417 *Powder bacitracin methylene disalicylate and streptomycin sulfate oral veterinary*—(a) *Standards of identity, strength, quality, and purity.* Powder bacitracin methylene disalicylate and streptomycin sulfate oral veterinary is a mixture of bacitracin methylene disalicylate and streptomycin sulfate oral veterinary, with or without one or more suitable and harmless adsorbent ingredients, diluents, colorings, and flavorings. Each gram contains not less than 200 units of bacitracin activity and not less than 20 milligrams of streptomycin activity. Its moisture content is not more than 7.5 percent. The bacitracin methylene disalicylate used conforms to the requirements prescribed by § 146e.416 (a). The streptomycin sulfate oral veterinary used conforms to the standards prescribed by § 146b.114 (a) of this chapter. Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P. and shall be of such composition that they will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of bacitracin activity and the number of milligrams of streptomycin activity per gram and the total number of grams in the immediate container.

(iii) The statement "Expiration date _____," the blank being filled in with the date which is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(iv) The statement "For oral veterinary use only."

(v) If it contains adsorbent ingredients, the name of each.

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch marks and (unless they were previously submitted) the dates on which

the latest assays of the bacitracin methylene disalicylate and streptomycin sulfate oral veterinary used in making such batch were completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each other ingredient used conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; units of bacitracin activity per gram, milligram of streptomycin activity per gram, and moisture.

(ii) The bacitracin methylene disalicylate and the streptomycin sulfate oral veterinary used in making the batch; potency, toxicity, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 6 immediate containers or more than 12 immediate containers, unless each such container is packaged to contain more than 30 grams, in which case the sample shall consist of 30 grams for each 5,000 immediate containers in the batch, but in no case less than 6 30-gram portions or more than 12 30-gram portions. Such samples shall be collected by taking single immediate containers or 30-gram portions at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The bacitracin methylene disalicylate used in making the batch; 5 packages containing approximately equal portions of not less than 5 grams each, packaged in accordance with the requirements of § 146e.416 (b).

(iii) The streptomycin sulfate oral veterinary used in making the batch; 5 packages containing approximately equal portions of not less than 1.0 gram each, packaged in accordance with the requirements of § 146b.114 (b) of this chapter.

(iv) In case of an initial request for certification, the other ingredients used in making the batch; 1 package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) and (iii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i), (ii), (iii), and (iv) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with the requirements of § 146.8 (d) of this chapter.

§ 146e.418 *Zinc bacitracin (bacitracin zinc salt).*—(a) *Standards of identity, strength, quality, and purity.* Zinc bacitracin is the zinc salt of a kind of bacitracin or a mixture of two or more such salts. It is so purified and dried that:

(1) Its potency is not less than 40 units per milligram.

(2) It is nontoxic.

(3) Its moisture content is not more than 5 percent.

(4) Its pH is not less than 6.0 and not more than 7.5.

(5) Its zinc content is not more than 10 percent by weight on a moisture-free basis.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P. The composition of the immediate containers shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of zinc bacitracin shall bear on its outside wrapper or container and the immediate container:

(1) The batch mark.

(2) The number of units of bacitracin activity per milligram of zinc bacitracin and the number of grams of the drug in the immediate container.

(3) The statement "Expiration date ------," the blank being filled in with the date which is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(4) The statement "For use only in the manufacture of nonparenteral drugs."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of units of bacitracin activity per milligram of zinc bacitracin, the zinc content, and the total number of grams of zinc bacitracin in each package. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, and zinc content.

(2) Such person shall also submit with his request an accurately representative sample of the batch, consisting of 5 packages each containing approximately 1.0 gram taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance wih paragraph (d) (2) of this section.

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146e.419 *Bacitracin-neomycin-polymyxin troches; zinc bacitracin-neomycin-polymyxin troches.*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin-neomycin-polymyxin troches and zinc bacitracin-neomycin-polymyxin troches are troches composed of bacitracin or zinc bacitracin, neomycin, and polymyxin B with one or more suitable and harmless diluents, binders, lubricants, colorings, and flavorings. The potency of each troche is not less than 200 units of bacitracin or zinc bacitracin, 5.0 milligram of neomycin, and 2,000 units of polymyxin B. Its moisture content is not more than 5 percent. The bacitracin used conforms to the standards prescribed therefor by § 146e.401 (a) except § 146e.401 (a) (1), (2), and (4), but its potency is not less than 30 units per milligram. The zinc bacitracin used conforms to the standards prescribed therefor by § 146e.418 (a). The neomycin used conforms to the standards prescribed therefor by § 146e.410 (a) (2). The polymyxin B used conforms to the standards prescribed therefor by § 146b.107 (a) of this chapter. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* It shall be packaged in accordance with the requirements prescribed by § 146e.403 (b).

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of bacitracin or zinc bacitracin, the number of milligrams of neomycin, and the number of units of polymyxin B in each troche of the batch.

(iii) The statement "Expiration date ----------," the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months or 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed therefor by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription."

(ii) If it is packaged for dispensing, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless they were previously submitted) the dates on which the latest assays of the bacitracin or zinc bacitracin, neomycin, and polymyxin B used in making such batch were completed, the potency of each troche, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency of bacitracin or zinc bacitracin, neomycin, and polymyxin per troche, and average moisture.

(ii) The bacitracin used in making the batch; potency, toxicity, moisture, and pH.

(iii) The zinc bacitracin used in making the batch; potency, toxicity, moisture, pH, and zinc content.

(iv) The neomycin used in making the batch; potency, toxicity, moisture, and pH.

(v) The polymyxin used in making the batch; potency and toxicity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; 1 troche for each 5,000 troches in the batch, but in no case less than 40 troches or more than 100 troches, collected by taking single troches at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

(ii) The bacitracin used in making the batch; 6 packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 146e.401 (b).

(iii) The zinc bacitracin used in making the batch; 5 packages, each containing approximately equal portions of not less than 1.0 gram, packaged in accordance with the requirements of § 146e.418 (b).

(iv) The neomycin used in making the batch; 5 packages, each containing approximately equal portions of not less than 0.5 gram.

(v) The polymyxin used in making the batch; 5 packages, each containing approximately equal portions of not less than 0.5 gram.

(vi) In case of an initial request for certification, each other ingredient used in making the batch; 1 package of each, containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii), (iii), (iv), and (v) of this paragraph, and no samples referred to in subparagraph (3) (ii), (iii), (iv), and (v) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each troche in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), (v), and (vi) of this section.

(2) If the Commissioner considers that investigations, other than examination of such troches and packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146e.420 *Bacitracin-tyrothricin-neomycin troches; zinc bacitracin-tyrothricin-neomycin troches.* Bacitracin-tyrothricin-neomycin troches and zinc bacitracin-tyrothricin-neomycin troches conform to all requirements and are subject to all procedures prescribed by § 146e.413 for bacitracin-neomycin troches or zinc bacitracin-neomycin troches, except that:

(a) Each troche contains not less than 50 units of bacitracin or zinc bacitracin.

(b) Each troche contains not less than 1 milligram of tyrothricin.

(c) They may contain cortisone or a suitable derivative of cortisone.

(d) In addition to the labeling prescribed for bacitracin-neomycin troches and zinc bacitracin-neomycin troches, each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of tyrothricin in each troche of the batch, and if it contains cortisone or a derivative of cortisone, the name and quantity of each such substance.

§ 146e.421 *Bactracin-neomycin-polymyxin tablets.* (a) Bacitracin-neomycin-polymyxin tablets conform to all requirements and are subject to all procedures prescribed by § 146e.412 for bacitracin-polymyxin tablets, except that:

(1) Each tablet contains not less than 6 milligrams of neomycin. The neomycin used conforms to the requirements prescribed therefor by § 146e.410 (a) (2).

(2) In lieu of the labeling prescribed for bacitracin-polymyxin tablets by § 146e.412 (a) (3), each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin, the number of units of polymyxin B, and the number of milligrams of neomycin in each tablet of the batch.

(3) In addition to complying with the requirements of § 146e.412 (a) (4), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch.

(b) The fee for the services rendered with respect to each immediate container in the sample of neomycin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146e.422 *Bacitracin-polymyxin-neomycin ointment.* (a) Bacitracin-polymyxin-neomycin ointment conforms to all requirements prescribed by § 146e.409 for bacitracin-polymyxin ointment, and is subject to all procedures prescribed by § 146e.409 for bacitracin-polymyxin ointment, except that:

(1) Its content of neomycin is not less than 3.0 milligrams per gram. The neomycin used conforms to the standards prescribed by § 146e.410 (a) (2).

(2) It may contain one or more suitable and harmless chemical antimicrobial agents.

(3) In addition to the labeling prescribed by § 146e.409 (a) (5), each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of neomycin in each gram of the batch.

(4) In addition to complying with the requirements of § 146e.409 (a) (7), a person who requests certification of a batch of bacitracin-polymyxin-neomycin

ointment shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than 7 packages of bacitracin-polymyxin-neomycin ointment and (unless it was previously submitted) a sample consisting of 5 packages of the neomycin used in making the batch, each containing approximately 0.5 gram.

(b) The fee for the services rendered with respect to each immediate container in the sample of neomycin submitted in accordance with the requirements prescribed therefor by paragraph (a) (4) of this section shall be $4.00.

§ 146e.423 *Soluble bacitracin methylene disalicylate*—(a) *Standards of identity, strength, quality, and purity.* Soluble bacitracin methylene disalicylate is a mixture of bacitracin methylene disalicylate, sodium carbonate, and sodium bicarbonate, with or without suitable and harmless diluents. It contains the equivalent of not less than 25 grams of the bacitracin master standard per pound. Its moisture content is not more than 8.5 percent. Its pH in an aqueous solution containing 200 units per milliliter is not less than 8.5 and not more than 9.5. The bacitracin methylene disalicylate used conforms to the requirements of § 146e.416 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging; labeling; request for certification, samples; fees.* Soluble bacitracin methylene disalicylate conforms to all requirements and procedures prescribed for bacitracin methylene disalicylate by § 146e.416 (b), (c), (d), and (e), except that the person who requests certification of a batch shall submit with his request (unless previously submitted) a sample consisting of 5 immediate containers, each containing approximately 5 grams, of the bacitracin methylene disalicylate used in making the batch.

(c) *Exemption of soluble bacitracin methylene disalicylate from certification.* Soluble bacitracin methylene disalicylate that conforms to the requirements of paragraphs (a) (except that it may contain one or more essential vitamin and mineral substances for nutritive purposes) and (b) of this section shall be exempt from the requirements of sections 502 (l) and 507 of the act if it complies with all the following conditions:

(1) Its label bears an expiration date that is not more than 24 months after the month during which the batch was last assayed and released by the manufacturer.

(2) If it contains added vitamins or minerals, its label bears the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The label bears a statement that solutions prepared with the drug are stable for not more than 24 hours.

(4) The circular or other labeling within or attached to the package bears information that only the antibiotic is intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Chronic respiratory disease (airsac infection) in chickens.

(ii) Blue comb (mud fever, nonspecific infectious enteritis) in poultry.

(iii) Infectious sinusitis in poultry.

(iv) Bacterial enteritis in swine.

§ 146e.424 *Bacitracin-neomycin-polymyxin with vasoconstrictor; bacitracin-neomycin-polymyxin with _____ (the blank being filled in with the common or usual name of the vasoconstrictor).* (a) Bacitracin-neomycin-polymyxin with vasoconstrictor conforms to all requirements and is subject to all procedures prescribed by § 146e.414 for bacitracin-neomycin with vasoconstrictor, except that:

(1) When prepared as directed in its labeling, each milliliter shall contain not less than 50 units of bacitracin 3.5 milligrams of neomycin, and 1,000 units of polymyxin B. The polymyxin B used conforms to the requirements prescribed for polymyxin B by § 146b.107 (a) of this chapter.

(2) It may contain the enzyme hyaluronidase.

(3) It may be a packaged combination of one immediate container of dry components of the drug and one immediate container of a solution of components of the drug; but in no case shall bacitracin or hyaluronidase be a component of such solution of the packaged combination.

(4) The moisture content of the dry components of the drug is not more than 2.5 percent.

(5) In addition to the labeling prescribed by § 146e.414 (a) (2), each package shall bear on the outside wrapper or container and the immediate container the number of units of polymyxin B in each container, and if it contains hyaluronidase the quantity of such ingredient in each container.

(6) On the label or labeling, if it contains hyaluronidase, after the name "bacitracin - neomycin - polymyxin with vasoconstrictor," wherever it appears, the words "and hyaluronidase," shall appear in juxtaposition with such name.

(7) In addition to complying with the requirements of § 146e.414 (a) (3), a person who requests certification of a batch shall submit with his request a statement showing the number of units of polymyxin B in each immediate container, the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the polymyxin used in making the batch for potency and toxicity. He shall also submit in connection with his request a sample consisting of not less than 7 packages of the bacitracin- neomycin-polymyxin with vasoconstrictor, and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the polymyxin used in making the batch.

(b) The fee for the services rendered with respect to each immediate container in the sample of polymyxin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146e.425 *Bacitracin powder*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin powder is bacitracin, with or without suitable and harmless buffer substances, preservatives, diluents, colorings, and flavorings. It contains the equivalent of not less than 10 grams of the bacitracin master standard per pound. Its moisture content is not more than 5 percent. The bacitracin used conforms to the requirements of § 146e.401 (a), except § 146e.401 (a) (1), (2), and (4), but its potency is not less than 30 units per milligram. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P. The composition of the immediate containers shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of bacitracin per gram, the number of grams of bacitracin activity per pound, and the weight of the drug in the immediate container.

(iii) The statement "Expiration date _____," the blank being filled in with the date that is 18 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(iv) The statement "For oral veterinary use only."

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the veterinary use of such drug by the laity.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the bacitracin used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each other ingredient used conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Units of bacitracin per gram, and moisture.

(ii) The bacitracin used in making the batch: Potency, toxicity, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 6 immediate containers or more than 12 immediate containers, unless each such container is packaged to contain more than 30 grams, in which case the sample shall consist of 30 grams for each 5,000 immediate containers in the batch, but in no case less than six 30-gram portions or more than twelve 30-gram portions. Such samples shall be collected by taking single immediate containers or 30-gram portions at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The bacitracin used in making the batch: 6 packages, each containing approximately equal portions of not less than 500 milligrams, packaged in accordance with the requirements of § 146e.401 (b).

(iii) In case of an initial request for certification, each other substance used in making the batch: 1 package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with the requirements of § 146.8 (d) of this chapter.

(f) *Exemption of bacitracin powder from certification.* Bacitracin powder that conforms to the requirements of paragraphs (a) (except that it may contain one or more essential vitamin and mineral substances for nutritive purposes), (b), and (c) of this section, except paragraph (c) (1) (iii), shall be exempt from the requirements of sections 502 (l) and 507 of the act if it complies with all the following conditions:

(1) Its label bears an expiration date that is not more than 18 months after the month during which the batch was last assayed and released by the manufacturer.

(2) If it contains added vitamins or minerals, its label bears the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The label bears a statement that solutions prepared with the drug are stable for not more than 24 hours.

(4) The circular or other labeling referred to in paragraph (c) (2) of this section bears information that only the antibiotic is intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Chronic respiratory disease (airsac infection) in chickens.

(ii) Blue comb (mud fever, nonspecific infectious enteritis) in poultry.

(iii) Infectious sinusitis in poultry.

(iv) Bacterial enteritis in swine.

§ 146e.426 *Tablets bacitracin methylene disalicylate and streptomycin sulfate oral veterinary.* Tablets bacitracin methylene disalicylate and streptomycin sulfate oral veterinary are tablets that conform to all requirements and are subject to all procedures prescribed by § 146e.417 for powder bacitracin methylene disalicylate and streptomycin sulfate oral veterinary, except that:

(a) Each tablet shall contain not less than 200 units of bacitracin activity and not less than 20 milligrams of streptomycin activity.

(b) In lieu of the directions for labeling prescribed by § 146e.417 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the quantity of each antibiotic in each tablet.

(c) In lieu of the directions for sampling the batch as prescribed in § 146e.417 (d) (3) (i), the sample shall consist of not less than 30 tablets and not more than 100 tablets.

(d) The fee for the services rendered with respect to each tablet in the sample submitted in accordance with the requirements prescribed therefor by paragraph (c) of this section shall be $1.00.

PART 164—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

Sec.

164.1 Definitions and interpretations of terms.
164.2 Requests for certification; samples; storage; approvals preliminary to certification.
164.3 Certifications.
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164.11 Standards of quality and purity for protamine.
164.12 Standards of quality and purity for globin hydrochloride.
164.13 Standards of identity, strength, quality, and purity for lente insulin.
164.14 Tests and methods of assay.

AUTHORITY: §§ 164.1 to 164.14 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 506, 55 Stat. 851; 21 U. S. C. 356.

§ 164.1 *Definitions and interpretations of terms.* For the purpose of the regulations in this part:

(a) The term "insulin" means the active principle of pancreas which affects the metabolism of carbohydrate in the animal body and which is of value in the treatment of diabetes mellitus.

(b) The term "insulin U. S. P." means the insulin injection recognized in the official United States Pharmacopeia, including supplements thereto.

(c) The term "protamine zinc insulin" means the protamine zinc insulin injection recognized in the official United States Pharmacopeia, including supplements thereto.

(d) The term "globin zinc insulin" means the globin zinc insulin injection recognized in the official United States Pharmacopeia, including supplements thereto.

(e) The term "isophane insulin" means the isophane insulin injection recognized in the official United States Pharmacopeia, including supplements thereto.

(f) The term "lente insulin" means the insulin preparation described in § 164.13.

(g) The term "master lot" means a quantity (which is purified and which has been mixed in one container so as to be homogeneous) of:

(1) A concentrated solution of insulin; or

(2) The insulin-containing solids, in amorphous or crystalline form, derived from one or more such solutions.

(h) The term "batch" means a quantity of a drug, in labeled packages, of uniform composition and intended for administration without further change, in which the sole insulin-containing ingredient is a single dilution (which has been mixed in one container so as to be homogeneous) of:

(1) A single master lot or part thereof; or

(2) A mixture of two or more master lots or parts thereof;

except that such term means a portion of such quantity when certification of such portion is requested.

(i) The term "master lot mark" means an identifying mark or other identifying device assigned to a master lot by the manufacturer thereof.

(j) The term "batch mark" means an identifying mark or other identifying device assigned to a batch by the manufacturer thereof.

(k) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(l) The term "Commissioner" means the Commissioner of Food and Drugs.

(m) The functions and duties of the Commissioner under the regulations in

this part may be exercised by such other responsible officials of the Food and Drug Administration as the Commissioner may designate for that purpose.

(n) The term "act" means the Federal Food, Drug, and Cosmetic Act, as amended.

(o) The definitions and interpretations of terms contained in section 201 of the act shall be applicable to such terms when used in the regulations in this part.

§ 164.2 *Requests for certification; samples; storage; approvals preliminary to certification.* (a) A request for certification of a batch shall be addressed to the Commissioner, Food and Drug Administration, Department of Health, Education, and Welfare, Washington 25, D. C. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

(b) The initial request for certification submitted by any person shall be preceded or accompanied by a full statement of the facilities and controls used to maintain the identity, strength, quality, and purity of each batch, including a description of:

(1) The equipment, methods, and processes used in diluting master lots and parts thereof, and in maintaining the identity, strength, quality, and purity of master lots and dilutions therefrom;

(2) The tests and assays made on master lots and mixtures thereof, on dilutions and batches therefrom, and on ingredients used in such dilutions and batches; and

(3) The laboratory facilities used in such controls.

Such initial request shall also be preceded or accompanied by the keys to the master lot marks and batch marks used by such person. When any change is made in any of such facilities or controls, or in any such key, the next request for certification thereafter shall be accompanied by a full statement of such change.

(c) A person who requests certification of a batch shall submit in connection with his request statements showing:

(1) The master lot mark of each master lot used or to be used wholly or partly as an ingredient or component of an ingredient of the batch;

(2) The quantity of each such master lot so used;

(3) The original quantity of each such master lot (unless such information has been previously submitted);

(4) The quantity of the batch; and

(5) The batch mark.

(d) Except as otherwise provided in paragraphs (g) and (h) of this section, a person who requests certification of a batch shall submit in connection with his request and in the quantities hereinafter indicated, accurately representative samples of the following:

(1) The single master lot or the mixture of two or more master lots or parts thereof, to be used as ingredients of the batch; in a quantity containing approximately 10,000 U. S. P. Units of insulin, except that, if the batch is to be isophane insulin, the quantity shall contain not less than 20,000 U. S. P. Units of insulin.

(2) A trial dilution made from such master lot or mixture, glycerin, phenol or cresol, and hydrochloric acid, which dilution conforms to the standard of identity, strength, quality, and purity for insulin U. S. P., except that it may contain not less than 35 U. S. P. Units nor more than 45 U. S. P. Units of insulin per cubic centimeter; in a quantity containing approximately 2,000 U. S. P. Units of insulin.

(3) If the batch is to be protamine zinc insulin, a trial mixture which is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,000 U. S. P. Units of insulin.

(4) If the batch is to be protamine zinc insulin or isophane insulin, the lot of protamine used as an ingredient of the trial mixture referred to in subparagraph (3) or (7) of this paragraph; in a quantity of approximately 2 grams.

(5) If the batch is to be globin zinc insulin, a trial mixture made from the master lot or mixture referred to in subparagraph (1) of this paragraph, globin, zinc chloride, hydrochloric acid, glycerin, and phenol or cresol, which mixture is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,000 U. S. P. Units of insulin.

(6) If the batch is to be globin zinc insulin, the lot of globin hydrochloride from which the globin is to be prepared for use as an ingredient of the trial mixture referred to in subparagraph (5) of this paragraph; in a quantity of approximately 5 grams.

(7) If the batch is to be isophane insulin, a trial mixture which is intended to be accurately representative of the finished batch; in a quantity of approximately 2,500 U. S. P. Units of insulin.

(8) If the batch is to be lente insulin, a trial mixture which is intended to be accurately representative of the finished batch; in a quantity of approximately 50 milliliters.

(9) The finished batch; in a quantity not less than five packages; except that if the batch is insulin U. S. P. of 500-unit strength; in a quantity of one package.

(e) Except as otherwise provided by paragraphs (g) and (h) of this section, a person who requests certification shall submit in connection with his request results of the tests and assays listed after each of the following materials, made by him on a sample of such material:

(1) The master lot or mixture, referred to in paragraph (d) (1) of this section: Ash, nitrogen, potency, reaction, sterility, and zinc, if such master lot or mixture is a solution; ash, moisture, nitrogen, potency, and zinc, if such master lot or mixture is a solid.

(2) A trial dilution of such master lot or mixture, of the potency of the trial dilution referred to in paragraph (d) (2) of this section: Nitrogen, reaction, and potency.

(3) If the batch is to be protamine zinc insulin, the trial mixture referred to in paragraph (d) (3) of this section: Nitrogen, reaction, zinc, and biological reaction (by the test prescribed in the official United States Pharmacopeia, including supplements thereto).

(4) If the batch is to be protamine zinc insulin or isophane insulin, the protamine referred to in paragraph (d) (4) of this section: Moisture, nitrogen, and sulfate.

(5) If the batch is to be globin zinc insulin, the trial mixture referred to in paragraph (d) (5) of this section: Nitrogen, reaction, zinc, and biological reaction (by the test prescribed in the official United States Pharmacopeia, including supplements thereto).

(6) If the batch is to be globin zinc insulin, the globin hydrochloride referred to in paragraph (d) (6) of this section: Moisture, nitrogen, chloride, and ash.

(7) If the batch is to be isophane insulin, the trial mixture referred to in paragraph (d) (7) of this section: Nitrogen, reaction, zinc, isophane ratio of the protamine to the master lot or mixture (by the test prescribed in § 164.14 (c)), and biological activity of the supernatant liquid (by the test prescribed in the official United States Pharmacopeia, including supplements thereto).

(8) If the batch is to be lente insulin, the trial mixture referred to in paragraph (d) (8) of this section: Nitrogen, reaction, zinc, zinc in the supernatant liquid, and proportion of crystalline component (by the test prescribed in § 164.14 (e)).

(9) The finished batch: Nitrogen, reaction, sterility; and if the batch is protamine zinc insulin, globin zinc insulin, isophane insulin, or lente insulin, zinc.

(f) The results of tests and assays for the following shall be reported in the terms indicated:

(1) Ash (except globin hydrochloride)—milligrams per 1,000 U. S. P. Units of insulin.

(2) Ash in globin hydrochloride—percent by weight.

(3) Chloride—percent by weight as HCl.

(4) Isophane ratio—milligrams of protamine per 100 U. S. P. Units of insulin.

(5) Moisture—percent by weight.

(6) Nitrogen (except in globin hydrochloride and protamine)—milligrams per milliliter in the cases of solutions and suspensions, and percent by weight in the case of solids.

(7) Nitrogen in globin hydrochloride—percent by weight, calculated to a moisture-free, ash-free, chloride-free basis.

(8) Nitrogen in protamine—percent by weight, calculated to a moisture-free basis.

(9) Potency—U. S. P. Units of insulin per milliliter in the case of solutions, and U. S. P. Units of insulin per milligram in the case of solids.

(10) Proportion of crystalline component—percent of total nitrogen of the preparation present in the crystalline component.

(11) Reaction—hydrogen ion concentration (pH).

(12) Sulfate—percent by weight, as SO_4, calculated to a moisture-free basis.

(13) Zinc—milligrams per milliliter in the cases of solutions and suspensions, and percent by weight in the case of solids.

(g) (1) No sample referred to in paragraph (d) (1) to (8), inclusive, of this section, and no result referred to in paragraph (e) (1) to (8), inclusive, of this section, is required if such sample or result has been submitted in connection with a previous request for certification. No sample referred to in paragraph (d) (3) of this section, and no result referred to in paragraph (e) (3) of this section, is required if the batch is to be protamine zinc insulin of 80-unit strength and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (3) of this section of 40-unit strength, prepared from the same materials and in the same manner (except for adjustment of reaction of the buffer solution) as such batch of 80-unit strength is to be made. No sample referred to in paragraph (d) (5) of this section and no result referred to in paragraph (e) (5) of this section, is required if the batch is to be globin zinc insulin of 80-unit strength and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (5) of this section of 40-unit strength, prepared from the same materials and in the same manner as such batch of 80-unit strength is to be made. No sample referred to in paragraph (d) (7) of this section, and no result referred to in paragraph (e) (7) of this section, is required if the batch is to be isophane insulin of 80-unit strength and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (7) of this section of 40-unit strength, prepared from the same materials and in the same manner as such batch of 80-unit strength is to be made.

(2) Each sample submitted pursuant to this section shall be so packaged as to maintain its representative character, and in the case of any solution or suspension, shall be collected and packaged under aseptic conditions. Each package shall be clearly identified as to its contents and shall bear the name and post office address of the person submitting the request.

(3) The packages constituting the samples submitted pursuant to paragraph (d) (9) of this section shall be collected at such intervals that the quantities packaged between collections are approximately equal; in no case shall any such quantity be more than 10,000 packages. The collections shall cover the entire period of packaging.

(4) Each sample submitted pursuant to paragraph (d) (2), (3), (5), (7) and (8) of this section shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient in the material from which the sample was taken.

(5) If the tests and assays, results of which are submitted pursuant to paragraph (e) (2) of this section, were not made on the same trial dilution as that from which the sample submitted pursuant to paragraph (d) (2) of this section was taken, such sample shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient of the trial dilution on which such tests and assays were made.

(6) The value for nitrogen submitted pursuant to paragraph (e) (1) and (2) of this section may be calculated from the result of a test therefor submitted pursuant to either paragraph (e) (1) or (2) of this section. The result on potency required under paragraph (e) (1) of this section may be calculated from an assay therefor submitted pursuant to paragraph (e) (2) of this section. The value of each of the components nitrogen and zinc, to the extent required under paragraph (e) (9) of this section, may be calculated from the result of a test therefor submitted pursuant to paragraph (e) (3), or (5), or (7), or (8) of this section or from the result of a test of the bulk dilution from which the batch was prepared. The value for nitrogen required under paragraph (e) (9) of this section may, if the batch is insulin U. S. P. or lente insulin, be calculated from a test therefor submitted pursuant to either paragraph (e) (1) or (2) of this section. Each calculated value shall be indicated as such.

(7) The information required under paragraph (c) (1), (2), and (3) of this section, and the samples and results of tests and assays required under paragraphs (d) (1) and (2) and (e) (1) and (2) of this section, should be submitted before submission of the samples and results required in paragraph (d) (3) to (8), inclusive, of this section and (e) (3) to (8), inclusive, of this section; and the samples and results required under paragraphs (d) (3) to (8), inclusive, and (e) (3) to (8), inclusive, should be submitted before submission of the information, samples, and results required under paragraphs (c) (4) and (5), (d) (9) and (e) (9) of this section. All information, including results of tests and assays (except results of tests for sterility), required under this section should be submitted at the same time as the samples to which they relate are submitted.

(h) The person who requests certifications shall submit such information additional to that submitted pursuant to paragraphs (b), (c), (e), and (g) of this section, such additional samples of any substance referred to in paragraph (d) of this section, and such samples of any other substance used or to be used as an ingredient or as a component of an ingredient in the batch, as the Commissioner may require for the purpose of investigations to determine whether or not such batch complies with the requirements set forth by § 164.3 for the issuance of a certificate.

(i) After a sample required by paragraph (d) of this section is taken from any master lot or mixture of parts of two or more master lots, such master lot or master lots and all parts thereof, and all dilutions and batches and all parts thereof in which any such master lot is used as an ingredient or as a component of an ingredient, shall be stored at the establishment where manufactured until used up or shipped or otherwise delivered, at a temperature above freezing but not above 15° C. (59° F.), and under such other conditions as prevent, so far as practicable, any change in composition; except that master lots and parts thereof which are solids may be stored at ordinary room temperatures.

(j) As promptly as practicable after the samples submitted pursuant to paragraph (d) (1) and (2) of this section, and any other material or information relative thereto that may be required under this section, are received by the Commissioner, he shall notify the person who submitted such samples of his approval or refusal to approve the use of the master lot or mixture for the making of bulk dilutions. In case of a refusal to approve, the Commissioner shall state his reasons therefor.

(k) In like manner, the Commissioner shall notify the person who submits samples pursuant to paragraph (d) (3) to (8), inclusive, of this section of his approval or refusal to approve the use of the materials represented by such samples in completing the manufacture of the batch. In case of a refusal to approve, the Commissioner shall state his reasons therefor.

(l) If, under the provisions of paragraph (j) or (k) of this section, the Commissioner has refused to approve any material for use in a subsequent operation, he shall examine no other sample required hereunder which includes such material as an ingredient or component of an ingredient, unless and until the person requesting certification makes an adequate showing that the cause for such refusal no longer exists.

§ 164.3 *Certifications.* (a) If it appears to the Commissioner, after such investigation as he considers necessary, that:

(1) The information (including results of tests and assays) and the samples required by or pursuant to § 164.2 have been submitted, and such information contains no untrue statement of a material fact;

(2) The batch complies with these regulations and conforms to the standards of identity, strength, quality, and purity for insulin U. S. P., protamine zinc insulin, globin zinc insulin, isophane insulin, or lente insulin;

the Commissioner shall certify that such batch is safe and efficacious for use, subject to such conditions on the effectiveness of such certifications as are set forth in § 164.4, and shall issue to the person who requested it a certificate to that effect.

(b) If the Commissioner determines, after such investigation as he considers to be necessary, that the information submitted pursuant to § 164.2, or the batch covered by such request, does not comply with the requirements set forth in paragraph (a) of this section for the issuance of a certificate, the Commissioner shall refuse to certify such batch and shall give notice thereof to the person who requested certification, stating his reasons for refusal.

(c) For the purposes of his investigations under the authority of this section, the Commissioner may accept, when he is satisfied as to the completeness and accuracy thereof, the results of any tests or assays made by the control laboratory

of the Insulin Committee of the University of Toronto.

§ 164.4 *Conditions on the effectiveness of certificates.* (a) A certificate shall not become effective:

(1) If it is obtained through fraud, or through misrepresentation or concealment of a material fact;

(2) With respect to any package, unless its immediate container complies with the requirements of § 164.5 and such package or such immediate container has been so sealed that its contents cannot be used without destroying such package or seal; or

(3) With respect to any package, unless its label and labeling bear all words, statements, and other information, and are distinguished by the color or colors, required by §§ 164.6 and 164.7.

(b) A certificate shall cease to be effective:

(1) With respect to any package of insulin U. S. P., protamine zinc insulin, globin zinc insulin, or isophane insulin, on the expiration date specified in the official United States Pharmacopeia, including supplements thereto;

(2) With respect to any package of lente insulin, 18 months after the immediate container therein was filled;

(3) With respect to any package, when such package or the seal thereof or the immediate container therein or the seal of the immediate container is broken, or when its label or labeling ceases to conform to any requirement of § 164.6 or § 164.7; or

(4) With respect to any package, when the drug therein so changes that it fails to meet the standards of identity, strength, quality, and purity upon the basis of which the batch was certified; except that those minor changes in potency (not exceeding 10 percent from the potency stated on the label, in the case of insulin U. S. P.) which occur before the expiration date, and which are normal and unavoidable in good storage and distribution practice, shall be disregarded.

§ 164.5 *Packaging.* Each batch shall be packaged in immediate containers of colorless transparent glass. Such containers shall be closed with a substance through which successive doses may be withdrawn by hypodermic needle without removing the closure or destroying its effectiveness. The containers and closures shall be sterile at the time the containers are filled and closed. The composition of the containers and closures shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor prescribed in applicable standards of strength, quality, and purity. The shape of the containers shall be cylindrical, except that the cross-section of the containers for isophane insulin shall be a rounded square and the shoulder of the containers for lente insulin shall be hexagonal.

§ 164.6 *Labeling.* Each package from a batch that has been certified in accordance with the regulations in this part shall bear, on its label or labeling as hereinafter indicated, the following:

(a) On the outside wrapper or container and the immediate container of the retail package:

(1) The batch mark of such batch;

(2) The strength of the drug in terms of the U. S. P. Units of insulin per milliliter; and

(3) If the seal required by § 164.4 (a) (2) is on the immediate container only, the statement required by paragraph (b) (1) of this section.

(b) On the outside container or wrapper of the retail package:

(1) The statement "Expiration date ------," the blank being filled in with the date on which the certificate applicable to such batch expires with respect to such package, as provided in § 164.4 (b) (1) or (2); and

(2) The statement "Keep in a cold place, avoid freezing."

(c) If the batch contains 40, 80, or 100 U. S. P. Units of insulin per milliliter, on the circular or other labeling of the retail package:

(1) A statement that the treatment of diabetes mellitus is an individual problem and that the use of the drug, the time of its administration, and the number of daily doses and the quantity of each, as well as diet and exercise, are problems which require direct and continuous medical supervision;

(2) A statement explaining that the volume of the dose depends on the number of units of insulin per milliliter stated on the label, and that the patient should understand the meaning of the volume markings on the syringe;

(3) A description of a practicable method for sterilizing the needle and syringe before use;

(4) A description of the technique of withdrawal from the vial and the use of an antiseptic on the stopper, and a caution against the removal of the stopper;

(5) A description of the technique for cleansing, and the use of an antiseptic on, the site of injection;

(6) A statement that failure to comply with the techniques described in subparagraphs (3), (4), and (5) of this paragraph may lead to infection of the patient;

(7) A statement that injection should be subcutaneous, at a different site from that of the preceding injection, and a caution against intravenous or intramuscular use;

(8) An explanation of hypoglycemia and its relation to overdosage, omission of meals, illness, and infection;

(9) A statement of the significance of sugar in the urine and of the necessity of tests therefor; and

(10) A caution against use after the expiration date shown on the outside wrapper or container.

(d) On the circular or other labeling of the retail package, if the batch is insulin U. S. P. (in addition to the information required by paragraphs (a), (b), and (c) or (i) of this section), a caution against use if the drug has become viscous or if its color has become other than water clear.

(e) On the outside wrapper or container and the immediate container of the retail package, if the batch is protamine zinc insulin, isophane insulin, or lente insulin (in addition to the information required by paragraphs (a), (b), and (c) of this section), the statement "Shake carefully," or "Shake well before using," or "Shake well," or "Shake carefully to suspend all particles."

(f) On the circular or other labeling of the retail package, if the batch is protamine zinc insulin, isophane insulin, or lente insulin (in addition to the information required by paragraphs (a), (b), (c), and (e) of this section):

(1) An explanation of the difference, as compared with other insulin-containing drugs, in onset of action, duration, and the time and frequency of administration;

(2) A caution that it is not to be substituted for any other insulin-containing drug except on the advice and direction of a physician;

(3) A statement that a uniform suspension of the preparation is necessary and is brought about by careful shaking before use; and

(4) A caution against use when the precipitate has become lumped or granular in appearance or has formed a deposit of solid particles on the wall of the container.

(g) On the circular or other labeling of the retail package, if the batch is globin zinc insulin (in addition to the information required by paragraphs (a), (b), and (c) of this section):

(1) An explanation of the difference, as compared with other insulin-containing drugs, in onset of action, duration, and the time and frequency of administation;

(2) A caution that it is not to be substituted for any other insulin-containing drug, except on the advice and direction of a physician; and

(3) A caution against use if any turbidity or precipitate has developed in the solution.

(h) If the batch contains 500 U. S. P. Units of insulin per milliliter, on the outside container or wrapper and the immediate container of the retail package:

(1) The statement "Caution: Federal law prohibits dispensing without prescription"; and

(2) The statement "Warning—High potency—Not for ordinary use."

(i) If the batch contains 500 U. S. P. Units of insulin per milliliter, on the circular or other labeling of the retail package:

(1) Information adequate for the safe and effective use of the drug, by practitioners licensed by law to administer it, in insulin shock therapy and for the treatment of diabetic patients with high insulin resistance (daily requirement more than 200 units);

(2) A prominently placed and conspicuous statement: "Warning—This insulin preparation contains 500 units of insulin in each cubic centimeter. Extreme caution must be observed in measurement of dosage because inadvertent overdose may result in irreversible insulin shock. Serious consequences may result if it is used other than under constant medical supervision";

(3) A caution against intravenous use; and

(4) A caution against use after the expiration date shown on the outside wrapper or container.

§ 164.7 *Distinguishing colors on packages.* (a) The outside containers or wrappers of the packages, and the labels on the immediate containers, of each strength of insulin U. S. P. shall be distinguished by the following colors:

Red, if it contains 40 U. S. P. Units of insulin per milliliter.
Green, if it contains 80 U. S. P. Units of insulin per milliliter.
Orange, if it contains 100 U. S. P. Units of insulin per milliliter.
Narrow (at least 5 but not more than 20 to each inch) brown and white diagonal stripes, if it contains 500 U. S. P. Units of insulin per milliliter.

But if the master lot used was in crystalline form, the distinguishing colors, instead of those prescribed above, may be the following:

Red and gray, if it contains 40 U. S. P. Units of insulin per milliliter.
Green and gray, if it contains 80 U. S. P. Units of insulin per milliliter.

(b) The outside containers or wrappers of the packages, and the labels on the immediate containers, of each strength of protamine zinc insulin shall be distinguished by the following colors:

Red and white, if it contains 40 U. S. P. Units of insulin per milliliter.
Green and white, if it contains 80 U. S. P. Units of insulin per milliliter.

(c) The outside containers or wrappers of the packages, and the labels of the immediate containers, of each strength of globin zinc insulin shall be distinguished by the following colors:

Red and brown, if it contains 40 U. S. P. Units of insulin per milliliter.
Green and brown, if it contains 80 U. S. P. Units of insulin per milliliter.

(d) The outside containers or wrappers of the packages, and the labels of the immediate containers, of each strength of isophane insulin shall be distinguished by the following colors:

Red and blue, if it contains 40 U. S. P. Units of insulin per milliliter.
Green and blue, if it contains 80 U. S. P. Units of insulin per milliliter.

(e) The outside containers or wrappers of the packages, and the labels of the immediate containers, of each strength of lente insulin shall be distinguished by the following colors:

Red and lavender, if it contains 40 U. S. P. Units of insulin per milliliter.
Green and lavender, if it contains 80 U. S. P. Units of insulin per milliliter.

§ 164.8 *Records of distribution.* (a) The person to whom a certificate is issued shall keep complete records showing each shipment and other delivery (including exports) of each batch or part thereof, by the person requesting certification, and showing each such shipment and delivery into, or from any place in, any State or Territory, made by any person subject to his control, including records showing the date and quantity of each such shipment and delivery and the name and post office address of the person to whom such shipment or delivery was made.

(b) Upon the request of any officer or employee of the Food and Drug Administration or of any other officer or employee of the United States, acting on behalf of the Secretary, the person to whom a certificate is issued, at all reasonable hours within 3 years after disposal of all the batch covered by such certificate, shall make such records available to any such officer or employee, and shall accord to such officer or employee full opportunity to make inventory of stocks of such batch on hand and otherwise to check the correctness of such records.

§ 164.9 *Authority to refuse certification service.* When the Secretary finds, after giving notice and opportunity for hearing, that a person has:

(a) Obtained or attempted to obtain a certificate through fraud, or through misrepresentation or concealment of a material fact;

(b) Falsified the records required to be kept by § 164.8; or

(c) Failed to keep such records or to make them available, or to accord full opportunity to make an inventory of stocks on hand or otherwise to check the correctness of such records, as required by such section,

the Secretary may immediately suspend service to such person under the regulations in this part, and may continue such suspension unless and until such person shows adequate cause why such suspension should be terminated.

§ 164.10 *Fees.* (a) (1) Fees for the services rendered under the regulations in this part shall be such as are necessary to provide, equip, and maintain an adequate certification service.

(2) Whenever in the judgment of the Commissioner the ratio between fees collected (which are based upon experience and the best estimate of costs and the best estimate of earnings) and the costs of providing the service during an elapsed period of time, in the light of all circumstances and contingencies, warrants a refund from the fund collected during such period, he shall make ratable refunds to those persons to whom the services were rendered and charged, except for those services described under paragraph (b) (2) (ii), (3) (ii), and (5) of this section.

(b) The fees for the services rendered with respect to the samples submitted pursuant to § 164.2 (d) shall be:

(1) For each master lot or mixture of two or more master lots or parts thereof, as follows:

(i) $50 if the master lot or mixture has not been previously approved by the Commissioner;

(ii) $25 if the master lot or mixture has been previously approved by the Commissioner in accordance with § 164.2 (j).

(2) For each trial dilution, as follows:

(i) $50 if the results of an assay for potency of a trial dilution made by the laboratory referred to in § 164.3 (c) are submitted or are to be submitted;

(ii) The cost of the services rendered if the results referred to in subdivision (i) of this subparagraph are not submitted and are not to be submitted.

(3) For each trial mixture of protamine zinc insulin, as follows:

(i) $50 if the results of tests for biological reactions made by the laboratory referred to in § 164.3 (c) are submitted or are to be submitted;

(ii) The cost of the services rendered if the results referred to in subdivision (i) of this subparagraph are not submitted and are not to be submitted.

(4) $50 for each lot of protamine.

(5) The cost of the services rendered for each trial mixture of globin zinc insulin, isophane insulin, or lente insulin.

(6) $50 for each lot of globin hydrochloride.

(7) $10 for each package in the sample of the finished batch.

Except as otherwise provided by paragraph (c) of this section, each request for certification submitted, or the initial sample or samples submitted in connection therewith pursuant to § 164.2 (d), whichever is sent first to the Commissioner, shall be accompanied by such fees as are prescribed in specific amounts for the samples submitted. When the fee is the cost of the services rendered, each sample referred to in subparagraph (2) (ii) of this paragraph shall be accompanied by an advance deposit of $1,200; each sample referred to in subparagraphs (3) (ii) and (5) of this paragraph shall be accompanied by an advance deposit of $500; and thereafter such additional advance deposits shall be made as the Commissioner estimates may be necessary to prevent arrears in the payment of such fee.

(c) A person requiring continuing certification services may maintain an advance deposit of the estimated costs of such services for a period of 2 months or more. Such deposits shall be debited with fees for services rendered, but shall not be debited for any fee the amount of which is not definitely specified in these regulations unless the depositor has previously requested the performance of the services to be covered by such fee. A monthly statement for each such advance deposit shall be rendered.

(d) The unearned portion of any advance deposit made pursuant to paragraph (b) or (c) of this section shall be refunded to the depositor upon his application.

(e) All advance deposits required by the regulations in this part shall be paid by money order, bank draft, or certified check drawn to the order of the Treasurer of the United States, collectible at par at Washington, D. C. All deposits shall be forwarded to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington 25, D. C., whereupon after making appropriate record thereof they will be transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasury Department, for deposit to the special account "Certification and Inspection Services, Food and Drug Administration."

§ 164.11 *Standards of quality and purity for protamine.* When protamine is dried to constant weight at 100° C., its total nitrogen content is not less than 22.5 percent and not more than 25.5 percent, and its sulfate content, calculated as SO_4, is not less than 16 percent and not more than 19 percent.

§ 164.12 *Standards of quality and purity for globin hydrochloride.* The

ash content of globin hydrochloride is not more than 0.3 percent; its nitrogen content, calculated to moisture, ash, and hydrochloric acid free basis, is not less than 16.0 percent and not more than 17.5 percent.

§ 164.13 *Standards of identity, strength, quality, and purity for lente insulin.* Lente insulin is a sterile suspension, in a buffered water medium, of insulin modified by the addition of zinc chloride. Of the insulin contained in the preparation not more than 1 U. S. P. Unit of insulin per milliliter is in solution, approximately 70 percent is crystalline, and the remainder is amorphous. Zinc-insulin crystals are used in such quantity that each milliliter of the preparation, when the precipitate therein is brought into uniform suspension, contains either 40 or 80 U. S. P. Units of insulin. The preparation contains, for each 100 U. S. P. Units of insulin, not less than 0.20 milligram and not more than 0.25 milligram zinc (of which not less than 40 percent nor more than 65 percent is in the supernatant liquid), and not more than 0.65 milligram nitrogen. The preparation also contains not less than 0.15 percent and not more than 0.17 percent (w/v) sodium acetate, not less than 0.65 percent and not more than 0.75 percent (w/v) sodium chloride, and not less than 0.09 percent and not more than 0.11 percent (w/v) methyl-*p*-hydroxybenzoate. The pH of the finished product is not less than 7.1 nor more than 7.5.

§ 164.14 *Tests and methods of assay.* The following tests and methods of assay are prescribed for the purposes of the regulations in this part. (All reagents specified in this section shall be of U. S. P. quality or better.)

(a) *Tests and methods of assay for insulin U. S. P., protamine zinc insulin, globin zinc insulin, and isophane insulin.* The tests and methods of assay for insulin U. S. P., protamine zinc insulin, globin zinc insulin, and isophane insulin shall be those set forth therefor in the official United States Pharmacopeia, including supplements thereto.

(b) *Identification of lente insulin.* Acidify lente insulin to a pH between 2.5 and 3.5. The precipitate dissolves, giving a clear, colorless liquid which conforms to the requirements of the identification test for insulin U. S. P. in the official United States Pharmacopeia, including supplements thereto. Add a few drops of ferric chloride test solution to lente insulin. A reddish-brown color develops that is destroyed by the addition of a mineral acid.

(c) *Isophane ratio.* The isophane ratio shall be expressed as milligrams of protamine per 100 U. S. P. Units of Insulin.

(1) *Reagents*—(i) *The stock buffer solution.* Dissolve in water the quantities of metacresol, phenol, glycerin, and disodium phosphate required to make 10 liters of the batch of isophane insulin and dilute to 1,000 milliliters.

(ii) *The insulin solution.* From a sample of the zinc-insulin crystals to be used in making the batch weigh a quantity which contains 10,000 U. S. P. Units of insulin. Dissolve the crystals in 15 milliliters of 0.1 percent hydrochloric acid. The resulting solution must be clear. Add it to 25 milliliters of the stock buffer solution (subdivision (i) of this subparagraph). Dilute with water to approximately 200 milliliters. Adjust the pH to 7.2 using hydrochloric acid or sodium hydroxide. The solution must be clear at this stage. If sodium chloride is to be used in preparing the batch add 25 milliliters of 4.2 percent (w/v) sodium chloride solution. Dilute to 250 milliliters with water. The pH must be between 7.1 and 7.4.

(iii) *The protamine solution.* Weigh 500 milligrams of the protamine to be used in making the batch and dissolve in 10 milliliters of the stock buffer solution (subdivision (i) of this subparagraph). If sodium chloride is to be used in preparing the batch add 10 milliliters of 4.2 percent (w/v) sodium chloride solution. Dilute with water to approximately 80 milliliters. Adjust the pH to 7.2 using hydrochloric acid or sodium hydroxide. Dilute with water to 100 milliliters. The pH must be between 7.2 and 7.4, and the solution must be clear.

(2) *Conduct of the test.* Measure six 25-milliliter samples of the insulin solution (subparagraph (1) (ii) of this paragraph) into six tubes. To the first tube add 0.60 milliliter of the protamine solution (subparagraph (1) (iii) of this paragraph), to the second add 0.72 milliliter, to the third add 0.84 milliliter, to the fourth add 0.96 milliliter, to the fifth add 1.08 milliliters, and to the sixth add 1.20 milliliters. Mix the contents of each tube and let stand for at least 30 minutes. Centrifuge. (Do not filter.) From each supernatant fluid remove two 10-milliliter samples, thus creating two series of samples. To each of one series add 1 milliliter of the insulin solution (subparagraph (1) (ii) of this paragraph). To each of the other series add 1 milliliter of the protamine solution (subparagraph (1) (iii) of this paragraph). Mix each sample and let stand 10 minutes. Measure the turbidity of each sample by means of a photometer or nephelometer. Plot the readings of the two series of samples, using the amount of protamine originally added in milligrams per 100 U. S. P. Units of insulin as abscissas, and the photometer or nephelometer readings as ordinates. The abscissa of the intersection of the two curves indicates the isophane ratio of the protamine to the zinc-insulin crystals. In order to increase the precision of the test, when the approximate isophane ratio is known, the quantities of protamine solution to be added to the six tubes may be so chosen that the range (0.60 to 1.20 milliliters) is reduced, and the approximate isophane ratio is near the middle of the range.

The isophane ratio found is not more than 100 percent nor less than 90 percent of the ratio of protamine to insulin used in the trial mixture referred to in § 164.2 (d) (7).

(d) *Proportion of crystalline component in lente insulin.* The proportion of crystalline component shall be expressed as percent of the total nitrogen of the preparation which is present in the crystalline component.

(1) *Reagent.* Dissolve in water 8.15 grams of crystalline sodium acetate and 42 grams of sodium chloride. Add 68 milliliters of tenth-normal hydrochloric acid, 150 milliliters of acetone, and sufficient water to make 500 milliliters.

(2) *Conduct of test.* Centrifuge 15 milliliters of lente insulin and carefully pour off the supernatant liquid. Resuspend the solid phase in 5 milliliters of water and 10 milliliters of the wash reagent (subparagraph (1) of this paragraph) and again centrifuge. Discard the supernatant liquid and repeat the washing with the same quantities of water and wash reagent and again discard the supernatant liquid. Dissolve the crystalline residue in sufficient dilute hydrochloric acid to make the volume 15 milliliters. Determine the nitrogen content of this solution by the method specified in paragraph (h) of this section. The nitrogen found must be not less than 55 percent nor more than 67 percent of the total nitrogen of the preparation.

(e) *Sterility of lente insulin.* Use the method described in the official United States Pharmacopeia, including supplements thereto, for insulin U. S. P.

(f) *Chloride in globin hydrochloride*—(1) *Conduct of the test.* Weigh accurately approximately 0.5 gram of globin hydrochloride into a small beaker and dissolve in 10-15 milliliters of distilled water. Add 10 milliliters of tenth-normal silver nitrate, 5 milliliters of nitric acid, and 5 milliliters of a saturated solution of potassium permanganate. Stir and place on a steam bath for approximately 1 hour. If any brown color remains, stir again, rinse the sides of the beaker with distilled water and place on the steam bath until the brown color disappears. Transfer quantitatively to a 50-milliliter volumetric flask and fill the flask to the mark with distilled water. Mix and filter through a dry filter paper into a dry vessel. Transfer exactly 40 milliliters of the filtrate to a flask, add 2 milliliters of ferric ammonium sulfate test solution and titrate with tenth-normal ammonium thiocyanate. To obtain the percent chloride as HCl, subtract 1.25 times the number of milliliters of ammonium thiocyanate used from 10; multiply this difference by 0.365 and divide by the weight of the sample in grams.

(2) *Reagents.* The reagents used are those described in the official United States Pharmacopeia, including supplements thereto.

(g) *Sulfate in protamine*—(1) *Conduct of the test.* Weigh accurately about 250 milligrams of protamine and dissolve it in about 100 milliliters of approximately tenth-normal hydrochloric acid. Heat to boiling and add 5 milliliters of barium chloride test solution. Digest on a steam bath for 1 hour; allow to cool. Filter through an ignited and weighed Gooch crucible; wash free of chlorides. Dry, ignite, and weigh. The weight of barium sulfate thus obtained multiplied by 41.15 and divided by the weight of sample is the percent sulfate (SO_4) in the sample. Calculate the results to a moisture-free basis.

(2) *Reagents.* The reagents used are those described in the official United States Pharmacopeia, including supplements thereto.

(h) *Nitrogen.* Determine total nitrogen by the method described in the official United States Pharmacopeia, including supplements thereto, for insulin U. S. P.

(i) *Zinc in insulin-containing solutions or suspensions.* Use the method described in the official United States Pharmacopeia, including supplements thereto, for insulin U. S. P.

(j) *Zinc in insulin-containing solids.* Dissolve 10 to 20 milligrams, accurately weighed, of insulin-containing solids in 5 to 10 milliliters of distilled water containing 1 drop of five-normal hydrochloric acid, and proceed as directed in the official United States Pharmacopeia, including supplements thereto, under the test for zinc in insulin U. S. P.

PART 165—CERTAIN CHEMICAL DERIVATIVES OF SUBSTANCES NAMED IN SECTION 502 (d) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT DESIGNATED AS HABIT FORMING

§ 165.1 *Habit-forming drugs which are chemical derivatives of substances specified in section 502 (d) of the Federal Food, Drug, and Cosmetic Act.* Each of the following chemical derivatives of a substance named in section 502 (d) of the Federal Food, Drug and Cosmetic Act is hereby designated as habit forming:

Parent substance	Chemical derivative	Chemical description of derivative
Barbituric Acid	Alurate	(5-allyl-5-isopropyl-barbituric acid.)
	Amytal	(5-ethyl-5-isoamyl-barbituric acid.)
	Barbital	(5,5-diethyl-barbituric acid.)
	Butisol	(5-ethyl-5-sec-butyl-barbituric acid.)
	Cyclopal, cyclopen	(5-allyl-5-cyclopentenyl-barbituric acid.)
	Delvinal	(5-ethyl-5-(1-methyl-1-butenyl)-barbituric acid.)
	Dial	(5,5-diallyl-barbituric acid.)
	Ebloral	(5-ethyl-5-(1-piperidyl)-barbituric acid.)
	Eunarcon	(5-(2-bromoallyl)-5-isopropyl-1-methyl-barbituric acid.)
	Evipal	(1,5-dimethyl-5-(1-cyclohexenyl)-barbituric acid.)
	Ipral	(5-ethyl-5-isopropyl-barbituric acid.)
	Mebaral	(5-ethyl-5-phenyl-1-methyl-barbituric acid.)
	Narcosimmal	(5-allyl-5-isopropyl-1-methyl-barbituric acid.)
	Neonal	(5-ethyl-5-butyl-barbituric acid.)
	Nostal	(5-isopropyl-5-(2-bromoallyl)-barbituric acid.)
	Ortal	(5-ethyl-5-hexyl-barbituric acid.)
	Pentenal	(5-ethyl-5-cyclopentenyl-barbituric acid.)
	Pentobarbital	(5-ethyl-5-(1-methylbutyl)-barbituric acid.)
	Pentothal	(5-ethyl-5-(1-methylbutyl)-2-thio-barbituric acid.)
	Pernoston	(5-sec-butyl-5-(2-bromoallyl)-barbituric acid.)
	Phanodorn	(5-ethyl-5-(1-cyclohexenyl)-barbituric acid.)
	Phenobarbital	(5-ethyl-5-phenyl-barbituric acid.)
	Proponal	(5,5-dipropyl-barbituric acid.)
	Rutonal	(5-methyl-5-phenyl-barbituric acid.)
	Sandoptal	(5-allyl-5-isobutyl-barbituric acid.)
	Sigmodal, Rectidon	(5-(2-bromoallyl)-5-(1-methylbutyl)-barbituric acid.)
	All lithium, sodium, potassium, magnesium, calcium, strontium, and ammonium salts of the foregoing chemical derivatives of barbituric acid.	
	Seconal	(sodium-5-allyl-5-(1-methylbutyl)-barbiturate.)
	All salts of the foregoing chemical derivative formed by replacing the sodium with lithium, potassium, magnesium, calcium, strontium, or ammonium radical.	
Bromal	Bromal Hydrate	(tribromoacetaldehyde hydrate.)
	Brometone	(2-(tribromomethyl)-2-propanol.)
	Bromoform	(tribromomethane.)
Cannabis, Marihuana.	Extract of Cannabis.	
	Fluidextract of Cannabis.	
	Tincture of Cannabis.	
Carbromal	Acetylcarbromal	(α-bromo-α-ethylbutyryl-acetyl-urea.)
	Bromural	(α-bromoisovaleryl-urea.)
	Neuronal	(α-bromo-α,α-diethyl-acetamide.)
	Sedormid	(α-allylisovaleryl-urea.)
Chloral	Alpha-Chloralose	(α-(β-trichloro-α-hydroxyethyl)-d-glucoside.)
	Chloralformamide	(N-(β-trichloro-α-hydroxyethyl)-formamide.)
	Chloral Hydrate	(trichloroacetaldehyde hydrate.)
	Chloralimide	(trichloroethylidenimine.)
	Chlorobutanol	(2-(trichloromethyl)-2-propanol.)
Cocaine	All salts of cocaine obtained by combining cocaine with any acid.	
Codeine	Dicodid	(dihydro-codeinone.)
	Eucodal	(dihydrohydroxy-codeinone.)
	All salts of the foregoing chemical derivatives of codeine, and all salts of codeine, obtained by combining any such derivative or codeine with any acid.	
	Eucodin	(codeine methyl bromide.)
Heroin	All salts of heroin obtained by combining heroin with any acid.	
Morphine	Dilaudid	(dihydro-morphinone.)
	Ethylmorphine	
	Paramorphan	(dihydro-morphine.)
	All salts of the foregoing chemical derivatives of morphine, and all salts of morphine, obtained by combining any such derivative or morphine with any acid.	
Opium	Extract of Opium.	
	Fluidextract of Opium.	
	Tincture of Opium.	
Paraldehyde	Metaldehyde.	
Sulphonmethane	Sulfonethylmethane	(2,2-diethylsulfonyl-butane.)
	Sulfondiethylmethane	(3,3-diethylsulfonyl-pentane.)

(Sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a). Interprets or applies sec. 502 (d), 52 Stat. 1050, as amended; 21 U. S. C. 352 (d))

Subchapter D—[Reserved]

Subchapter E—Regulations Under Specific Acts of Congress Other Than the Food, Drug and Cosmetic Act

PART 281—ENFORCEMENT OF THE TEA IMPORTATION ACT

Sec.
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AUTHORITY: §§ 281.1 to 281.43 issued under sec. 10, 29 Stat. 607, as amended; 21 U. S. C. 50. Interpret or apply sec. 1, 29 Stat. 604, as amended; 21 U. S. C. 41.

CROSS REFERENCE: For Bureau of Customs regulations governing importation of tea, see 19 CFR 12.33.

§ 281.1 *Importation of inferior goods prohibited.* The importation of any merchandise as tea which is inferior in purity, quality, and fitness for consumption to the standards fixed and established by the Secretary of Health, Education, and Welfare, in accordance with section 3 of the Tea Importation Act (29 Stat. 605; 21 U. S. C. 43), is prohibited.

§ 281.2 *Importation without appraisement.* Importations of tea may be entered for consumption, for transit to foreign countries, or for immediate transportation without appraisement. All entries must be on the regular forms,

and the regular serial numbers, for both bonds and entries should be used.

§ 281.3 *Bonding of tea for consumption.* Tea entered for consumption must be stored as provided in § 281.5, pending examination, and bond must be taken by the collector of customs, as provided in section 4 of the Tea Importation Act (29 Stat. 605; 21 U. S. C. 44), on Customs Form No. 7551 or 7553. This bond shall be canceled upon the issuance of a permit for release, as the consumption entry bond includes provisions for the redelivery, the exportation, the destruction, and the holding of the merchandise for customs examination.

§ 281.4 *Teas destined for interior ports.* Imported teas entered at an exterior port destined for immediate transportation to an interior port shall be forwarded without detention.

§ 281.5 *Warehouses for storage of tea.* (a) Warehouses for the storage of tea will be designated by the collector of customs and the proprietor thereof will be required to give a bond in the form prescribed (Customs Form No. 3581). Teas not stored in such designated warehouses will be placed in general order store or in public store pending examination and release on proper permit. In the absence of proper storage facilities at customhouses, teas may be retained in locked cars as constructive warehouses, under proper supervision, pending examination.

(b) The importer's premises may be designated as warehouses for the storage of tea on the filing of the bond provided for by the regulations in this part, but whenever, in the discretion of the collector of customs, it shall be considered desirable, a storekeeper shall be assigned to the supervision of such premises at the importer's expense while the teas shall remain under bond therein.

§ 281.6 *Method of storing in warehouse.* (a) When tea under examination is stored in any warehouse it must be so placed as to be separate from other merchandise and so as to allow convenient supervision by customs officers and officers of the Department of Health, Education, and Welfare. At ports where there are no bonded warehouses, class 2 or 3, the chief customs officer of the port will, when necessary, procure suitable premises for the temporary storage of any tea reaching his port. The repacking of tea in warehouse for export purposes is not allowed.

(b) All expenses of storage, cartage, and labor must be paid by the importer.

§ 281.7 *Examination of packages.* Chief officers of customs may order such an examination of packages containing tea as will satisfy them that no dutiable goods are packed therein. For this purpose the customary designation should be made of packages for examination in public store.

§ 281.8 *Tea blended, mixed and repacked for export.* Tea importers desiring to import teas into the United States to be blended, mixed, and repacked for export can do so by bonding a warehouse under the provisions of section 311 of the Tariff Act of 1930 (46 Stat. 691; 19 U. S. C. 1311), upon compliance with §§ 19.13 to 19.15, inclusive, of the Customs Regulation of 1943 (19 CFR 19.13–19.15), giving bond on Customs Form No. 3583. All teas placed in bonded manufacturing warehouses must be exported.

CROSS REFERENCE: For customs regulations governing manufacturing warehouses, see 19 CFR 19.13–19.16.

§ 281.9 *Removal of tea from warehouse.* No tea shall be delivered to the importer or removed from warehouse for any purpose before the examination required by the Tea Importation Act.

§ 281.10 *Exemption of sample packages from examination.* Where tea is put up in packages of not over 2 pounds in weight, imported by mail, express, or otherwise from the country of production, and the fact is established that the packages are samples for distribution, or for use in soliciting orders and not for sale, no examination should be made under the Tea Importation Act (29 Stat. 604; 21 U. S. C. 41–50), and they may be delivered at once to the importer.

§ 281.11 *Tea brought in by passengers.* Packages of tea not exceeding 5 pounds in weight brought by passengers may be delivered without examination under the Tea Importation Act (29 Stat. 604; 21 U. S. C. 41–50).

CROSS REFERENCE: For Bureau of Customs regulations, see 19 CFR 10.17 (d).

§ 281.12 *Unclaimed teas.* Unclaimed teas should be taken possession of by collectors of customs the same as other unclaimed goods and placed in "general order", but not sold at the expiration of the year unless declared fit for consumption by a designated tea examiner.

CROSS REFERENCE: For Bureau of Customs regulations governing disposition of merchandise unclaimed or in warehouse beyond the time fixed by law, see 19 CFR Part 20.

§ 281.13 *Tea packages and contents shall constitute a unit.* Tea packages and contents shall be treated as a unit, and no separation of tea from its covering can be allowed, for either exportation or destruction, except under the two following conditions:

(a) In cases of importations of tea containing an excessive quantity of dust and siftings, the tea may be sifted and admitted to entry if found up to the standard, and the dust and siftings may also be admitted if found up to the standard or, if no standard exists, if found up to the respective leaf standard. If not up to the standard, or respective leaf standard when no standard exists, the dust and siftings must be exported or destroyed under Government supervision.

(b) If, by reason of damage, a tea otherwise equal in quality to the standard has been rejected, the damaged portion may be removed and exported or destroyed under custom's supervision, and the sound remainder resubmitted for examination and admitted to entry if found up to the standard.

§ 281.14 *Taking of samples at ports where tea examiner is stationed.* The examination of teas at ports where a duly qualified tea examiner is stationed shall be made by means of samples drawn by the sampler from packages designated by the tea examiner. The importer, when his teas are ready for sampling, shall submit in duplicate to the tea examiner a chop list and release permit (T. I. S. Cat. No. 1) of the several lines included in the invoice, and the tea examiner shall select for examination packages representing the different lines.

§ 281.15 *Result of examination; form of report.* (a) The examination and report upon such samples shall be made in accordance with the provisions of section 7 of the Tea Importation Act (29 Stat. 606; 21 U. S. C. 46), and the result of this examination shall be noted on the invoice by the tea examiner before he returns the invoice to the collector of customs. The tea examiner at the same time should make his returns on the original copy of the chop list and release permit (T. I. S. Cat. No. 1), which, after being duly signed by him, should be forwarded by him to the importer or consignee.

(b) In case the tea coverings are dutiable and appraised at a value or rate higher than the entered value or rate, the tea examiner shall follow the same procedure as above, except that the chop list and release permit shall be returned to the collector of customs for such action as he sees fit to take.

(c) In case a partial release is desired the importer shall furnish an additional chop list and release permit (T. I. S. Cat. No. 1) of the goods that he desires, the original chop list and release permit being retained by the tea examiner until action on all the teas in the entry has been taken.

§ 281.16 *Taking of samples at ports where there is no tea examiner.* (a) In case an entry of imported tea shall be made at a port or subport where no tea examiner is stationed the importer should prepare the chop list and release permit (T. I. S. Cat. No. 1) in triplicate and forward them to the chief officer of the customs at the port of entry.

(b) Samples shall be obtained by such officers, together with the original and one copy of the chop list and release permit (T. I. S. Cat. No. 1), and shall be forwarded to the nearest qualified tea examiner for his report and return. Samples sent for the purpose of examination from ports of importation to ports where tea examiners are located shall be packed in clean tin cans, free from odor, fitted with tight covers, and of a capacity to hold about 4 ounces avoirdupois of tea. Each can shall be properly labeled (T. I. S. Cat. No. 5).

§ 281.17 *Chop list.* (a) In all cases the importer shall indicate on the chop list and release permit where the goods are to be sampled, whether on the dock or in warehouse. If the consular invoice has not been received the importer may prepare an additional copy of the chop list and release permit as a pro forma invoice, marking across the face thereof "Pro Forma Invoice."

(b) Importers may print their chop list and release permit forms, provided

they conform strictly with the official form (T. I. S. Cat. No. 1). Otherwise, they can be obtained free from the United States tea examiner at ports where tea examiners are stationed, or from the chief officer of customs at ports, or subports, where no tea examiners are stationed.

§ 281.18 *Surplus samples.* (a) Surplus samples drawn from importations for purposes of examination, and which represent pure tea as declared by the examiner, shall be returned to the importer after examination is completed, if so requested by the importer, but if no request is made for the return of samples they shall be disposed of as provided in § 281.22 for unused standard samples.

(b) Surplus samples representing tea which has been finally rejected should be destroyed, or, after being denatured, should be sold for manufacturing purposes under the Tea Importation Act (35 Stat. 163; 21 U. S. C. 41).

§ 281.19 *Tea standards.* (a) Samples for standards of the following teas, prepared, identified, and submitted by the Board of Tea Experts on February 16, 1955, are hereby fixed and established as the standards of purity, quality, and fitness for consumption under the Tea Importation Act for the year beginning May 1, 1955, and ending April 30, 1956:

(1) Formosa Oolong.
(2) Black (for all black teas except as listed below).
(3) Formosa Black (Formosa Black and Congou type).
(4) Japan Black.
(5) Japan Green.
(6) Scented Canton type.
(7) Canton Oolong type.

These standards apply to tea shipped from abroad on or after May 1, 1955. Tea shipped prior to May 1, 1955, will be governed by the standards which became effective May 1, 1954 (19 F. R. 1141).

(b) The Board of Tea Experts shall prepare duplicate samples of the standards for teas.

(Sec. 2, 29 Stat. 605, as amended; 21 U. S. C. 42)

§ 281.20 *Effective date of tea standards.* The standards prepared and submitted to the Secretary of Health, Education, and Welfare by the Board of Tea Experts, appointed by him on or before February 15 of each year, shall be fixed and established as standards under the act and shall be in effect from the 1st day of May of each year until April 30, inclusive, of the following year, except that tea shipped from abroad prior to May 1 of any year shall be governed by the standards in effect at the time of shipment. Such standards for each year will be published in the FEDERAL REGISTER.

§ 281.21 *To whom standards will be furnished.* (a) A quantity of tea of the approved standards will be repacked in half-pound tin containers by competent tea packers under the constant supervision of an officer of the Food and Drug Administration and full sets will be furnished the Board of Tea Appeals, the supervising tea examiner, and the examiners of tea at all the tea examining stations.

(b) Standards will be furnished to actual importers and regular tea brokers on application to the supervising tea examiner, at the actual cost of the same.

§ 281.22 *Disposition of obsolete standards.* After standard samples have served their purpose and new season samples have been submitted, the old samples may be included in quarterly sales of unclaimed goods, and the proceeds paid into the Treasury, after deducting expenses of advertisement and sale, the designation on the packages showing such teas to have been used as Government standards to be obliterated before delivery to purchaser.

§ 281.23 *Instructions to examiners.* (a) Examiners are instructed not to pass upon samples representing importations of tea imported separately from the importation; neither shall they give nonofficial opinions concerning samples.

(b) The examination of tea in comparison with the standards under this act shall be made according to the usages and customs of the tea trade, including the testing of an infusion in boiling water and, if necessary, chemical analysis; and examiners are advised, inasmuch as they must not under the law admit any tea inferior to the standards in purity, quality, and fitness for consumption, to employ the present methods of determining the presence of artificial coloring and other impurities. (See § 281.31.)

§ 281.24 *Testing of teas.* (a) In comparing with standards, examiners are to test all the teas for quality, for impurity consisting of artificial coloring or facing matter, and other impurity, and for quality of infused leaf. Quality shall be ascertained by drawing, according to the custom of the tea trade, with the weight of a silver half dime to the cup. The quality must be equal to standard, but the flavor may be that of a different district, as long as it is equally fit for consumption. As an illustration, a Teenkai may be equal to a Moyune, but a distinctly smoky or rank Fychow or Wenchow of sour character is not considered equal to the first two mentioned.

(b) Tea dust, fannings, siftings, and offgrades, including broken tea (BT), broken mix (BM), and Bohea when so marked and for which there is no specific standard, should be tested for quality, purity, and fitness for consumption in comparison with their respective leaf standards.

§ 281.25 *Testing quality of infused leaf.* In order to test the quality of the infused leaf in comparison with the standard, a second drawing should be made of double weight. Before pouring off the water, examine for an excess of "floaters" (woody stems which remain floating after the leaf is thoroughly infused) to determine whether they are in sufficient quantity to reduce the quality of the infusion below that of the standard. After pouring off the water the infused leaf should be taken out so as to exhibit the lower side which rested against the cup. Should the mass show a larger quantity of exhausted or decayed leaf than the standard it affords sufficient evidence to be judged inferior in quality and consequently to be rejected.

§ 281.26 *Macao or Canton congou and brick tea standards.* Macao or Canton congou and brick tea should be compared with the standard for China congou. The mustiness or damaged flavor exhibited in certain Canton teas would be just cause for rejection.

§ 281.27 *Teas imitating China green teas.* Whenever Japans, Ceylons, Indias, or any other teas are made up to imitate the green teas of China, they are to be examined in comparison with the China green standards.

§ 281.28 *Powchong Formosa oolong teas.* All Powchong (scented) Formosa oolong teas should be examined in comparison with the Formosa standard.

§ 281.29 *Tea dust.* Tea dust or broken leaf mixed with other teas or separate, made to imitate gunpowder or other teas, with the use of paste or gum, or any other substance, would justly be rejected.

§ 281.30 *Test for paraffin and similar substances.* If the examiner suspects the presence of paraffin or any similar substance, he should make the following test in comparison with the standard: Spread the tea between two sheets of unglazed white paper. Place thereon a hot iron. The greasy substance, if any, will appear on the paper, and if not equal to the standard the tea would justly be rejected.

§ 281.31 *Tests for impurities.* (a) To examine for impurities the following tests may be used in comparison with the standard:

(1) Read test, with additions and modifications, and the cup test, double-weight.—Place 2 ounces of tea in a sieve 5 or 6 inches in diameter, having 60 meshes to the inch and provided with a top. Sift a small quantity of the dust onto a semiglazed white paper about 8 by 10 inches. The amount of dust placed on the paper should be approximately 1 grain. To get the requisite amount of dust it is sometimes necessary to rub the leaf gently against the bottom of the sieve, but this must not be done until the sieve has been well shaken over the test paper. Pour the dust thus collected from the paper into the scales, weigh out 1 grain, and return this quantity to the same paper, distributing it well over the surface of the paper. Then place the paper on a plain, firm surface, preferably glass or marble, and crush the dust by pushing over it, with considerable pressure, a flat steel spatula about 5 inches long. Do this repeatedly until the tea dust is ground almost to a powder and the particles of coloring matter or other impurities, if any, are spread or streaked on the paper, so as to become more apparent. Brush off the loose dust and examine the paper by means of a simple lens magnifying 7½ diameters. In distinguishing these particles and streaks bright light is essential.

(2) The crushed leaf in either black or green tea appears in such quantity that there is no chance of mistaking the

leaf for artificial coloring, facing material, or other impurities.

(3) The test is performed in comparison with the standard, and, if the tea is clearly equal to the standard with respect to artificial coloring, facing matter, or other impurities, the operation need not be repeated. If particles of artificial coloring, facing, or other impurities are found in the sample under comparison with the standard repeat this operation a sufficient number of times to be sure whether or not the tea contains impurities in excess of the standard.

(4) Repeat the operation, using semiglazed black paper instead of the white paper. This black-paper test shows the presence of facing and other impurities, such as talc, gypsum, barium sulfate, clay, and kaolin.

(5) If the tea under examination is found, by the foregoing tests, to contain more impurities than the standard, draw samples from packages representing at least 5 percent of the line in question, and subject each sample to the tests to ascertain whether or not the majority contain impurities in excess of the standard.

(6) The foregoing tests may be applied to tea of all varieties.

(b) Should the examination of the sample by the cup test, double-weight, for scum, sediment, etc., or the Read test, or both, disclose the presence of more impurities than the standard, a pound sample should be sent to the nearest district of the Food and Drug Administration and an analysis made in comparison with the standard to determine whether it contains more impurities than the standard. If the tea in question is found to contain more impurities than the standard, it would properly be rejected as not being equal to the standard in purity.

(c) All extraneous substances are impurities, and the presence of any may be detected in any way found efficient.

§ 281.34 *Tolerance for fine tea particles.* Except for teas listed under § 281.24 (b), the amount by weight of fine tea parties that will pass through a wire sieve having 30 openings per linear inch in either direction and made of wire with a diameter of 0.01 inch, must not exceed 4 percent. Before condemning any tea for fine particles in excess of 4 percent, examiners shall sieve at least 4 representative samples, each taken from a different package in a shipment containing four or more packages, or where a lesser number of packages is involved, examiners shall sieve a representative sample from each package.

§ 281.35 *Tea inferior to the standard in any requisite is justly rejected.* Should a tea prove on examination to be inferior to the standard in any one of the requisites—namely, quality, quality of infused leaf, or purity—it would justly be rejected, notwithstanding the fact that it may be superior to the standards in some of the qualifications. No consideration shall be given to the appearance or so-called style of the dry leaf.

§ 281.36 *Action based on result of examination.* (a) If, after examination, the tea is found not to be prohibited under the act, a release permit shall at once be granted to the importer, declaring that the tea is not within the prohibition of the Tea Importation Act; but if, on examination, such tea, or merchandise described as tea, is found in the opinion of the examiner, to come within the prohibitions of the law and of the regulations in this part, the importer shall be immediately notified (T. I. S. Cat. No. 6), and the tea, or merchandise described as tea, so returned, shall not be released by the customhouse authorities, unless on a reexamination called for by the importer the return of the examiner shall be found erroneous. Should a portion only of the invoice be passed by the examiner as correct, a permit of delivery shall be granted for that portion and the remainder held as provided in section 6 of the act (29 Stat. 606; 21 U. S. C. 47).

(b) In all cases of rejections by examiners, the importers should be notified of the reason for rejection; that is, whether it be on the ground of quality, character of infused leaf, dust, or admixture with foreign substance.

§ 281.37 *Procedure for protest against findings.* In case the collector of customs, importer, or consignee shall protest against the finding of the examiner, the matter in dispute shall be referred for decision to the United States Board of Tea Appeals, designated by the Secretary of Health, Education, and Welfare, and if such board shall, after due examination, find the tea in question to be equal in purity, quality, and fitness for consumption, as compared with the proper standards, a permit shall be issued by the collector of customs for its release and delivery to the importer; but if, upon such final re-examination by such board, the tea shall be found to be inferior in purity, quality, and fitness for consumption, as compared with the said standards, the importer or consignee shall give a bond, unless he has previously done so, with security satisfactory to the collector, to export said tea out of the limits of the United States within a period of 6 months after such final re-examination; and if the same shall not have been exported within the time specified, the collector of customs, at the expiration of that time, shall cause the same to be destroyed.

§ 281.38 *Procedure by importer for review.* (a) If the importer desires teas rejected by the examiner to be reviewed by the United States Board of Tea Appeals, as provided in section 6 of the said act, he shall, within 30 days after he has been notified of such return, file a written application with the collector in the form T. I. S. Cat. No. 20. The collector will thereupon forward such application to the United States Board of Tea Appeals, designated by the Secretary of Health, Education, and Welfare for review of the matter in dispute, and the proceedings shall be according to section 8 of the act.

(b) The re-examination of the tea samples must be restricted to the samples put up and sealed by the examiner at ports where qualified tea examiners are stationed, or by the chief officer of the customs, if there is no qualified tea examiner so stationed, in the presence of the importer or consignee, if he so desires. In either case the samples should be transmitted to the United States Board of Tea Appeals by the tea examiner, together with a copy of the finding of the examiner, setting forth the cause of condemnation.

(c) These samples for re-examination should weigh at least 1 pound, and should be put up in tins securely labeled (T. I. S. Cat. No. 21) and well wiped and seasoned. Half of such samples shall be utilized for the examination by the Board of Tea Apppeals and for return to the port of entry with the decision, as heretofore, and the remaining half pound, if the tea be rejected by said board, shall be distributed among the various examiners for their information and guidance.

(d) Teas rejected by tea examiners and rejections affirmed by the United States Board of Tea Appeals cannot be re-examined.

§ 281.39 *Rejected tea.* Rejected tea can only be released or withdrawn for exportation, for transportation and exportation, or for manufacturing purposes under the Tea Importation Act (35 Stat. 163; 21 U. S. C. 41), as the case may be.

§ 281.40 *Exportation of rejected teas.* (a) Teas to be exported for the reason that they are within the prohibition of the statute will be entered for exportation on Customs Form No. 7515, and bond on Customs Form No. 7557 shall be given for their exportation in a penal sum equal to double the value of the tea, provided consumption entry bond (Form No. 7551 or Form No. 7553) was not previously given.

(b) Whenever a bond is given to export any condemned tea in pursuance of the act, it will be canceled upon the filing of an outward bill of lading and a duly authenticated certificate of clearance from the customs officer supervising the lading thereof, as in the case of rejected foods and drugs (T. D. 28241), and all accrued charges must be paid before issuance of permit for exportation.

(c) At interior ports the export entry shall be made for transportation and immediate exportation in bond.

§ 281.41 *Reimportation of exported teas forbidden.* (a) No imported teas which have been rejected by an examiner, or by the United States Board of Tea Appeals, and exported under the provisions of this act, shall be reimported into the United States under the penalty of forfeiture for a violation of this prohibition.

(b) Customs officers will make seizure of any tea so imported.

§ 281.42 *Destruction of condemned tea.* Whenever condemned tea is to be destroyed it must be conveyed to some suitable place, and proper means, to be prescribed by the examiner, must be used for its effectual destruction, which shall be effected in the presence of an officer of customs, detailed by the collector for the purpose. Before the tea is destroyed a particular description or statement of the same must be prepared containing the name of the importer or owner, the date of importation, the name of the vessel, and the place from which imported, with the character and quantity of the tea and the invoice value. The fact of its destruction must be certified on said statement by the officer detailed as aforesaid, which statement must be filed in the customhouse.

§ 281.43 *Duties of supervising tea examiner.* (a) The supervising tea examiner is charged with the immediate supervision of all matters relating to the enforcement of the Tea Importation Act, and particularly the securing of uniformity in the treatment of imported teas at all the points of examination. He is also to perform such duties in connection with tea under the Food, Drug, and Cosmetic Act as may be assigned to him.

(b) For the purpose of securing uniformity in the treatment of teas each tea examiner will send to the supervising tea examiner one-half pound samples of the teas rejected by him, also such other samples of teas as the supervising tea examiner may direct. To each sample a label (T. I. S. Cat. No. 2) shall be affixed.

(c) The examiner of tea at each port where a qualified tea examiner is stationed shall prepare and forward to the supervising tea examiner and to the chairman of the United States Board of Tea Appeals, as soon as practicable after the close of each month, a report (T. I. S. Cat. No. 3), showing details as to every shipment of tea examined by the tea examiner. This information the tea examiner should compile from his report of "Teas Imported and Examined" (T. I. S. Cat. No. 4) which should always be kept up to date.

PART 285—REGULATIONS UNDER THE FEDERAL CAUSTIC POISON ACT

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AUTHORITY: §§ 285.1 to 285.32 issued under sec. 9 (c) (1), 44 Stat. 1409; 15 U. S. C. 409 (c) (1).

CROSS REFERENCES: For regulations relating to enforcement of customs laws, see 19 CFR Part 23. For regulations relating to invoices, entry, and assessment of duties, see 19 CFR Part 8. For regulations regarding the examination, classification, and disposition of foods, drugs, devices, cosmetics, insecticides, fungicides, and caustic or corrosive substances, see 19 CFR 12.1–12.6. For regulations relating to consular invoices, and documentation of merchandise, see 22 CFR Part 114.

§ 285.1 *Definitions.* (a) The word "container" as used in the regulations in this part means a retail parcel, package, or container suitable for household use and employed exclusively to hold any dangerous caustic or corrosive substance defined in the act.

(b) The words "suitable for household use" mean and imply adaptability for ready or convenient handling in places where people dwell.

§ 285.2 *Scope of the act.* The provisions of the act apply to any container which has been shipped or delivered for shipment in interstate or foreign commerce, as defined in section 2 (c) of the act (44 Stat. 1407; 15 U. S. C. 402), or which has been received from shipment in such commerce for sale or exchange, or which is sold or offered for sale or held for sale or exchange in any Territory or possession or in the District of Columbia.

LABELS

§ 285.3 *Placement.* The label or sticker shall be so firmly attached to the container that it will remain thereon while the container is being used, and be so placed as readily to attract attention.

§ 285.4 *Required wording.* (a) The common name of the dangerous caustic or corrosive substance which shall appear on the label or sticker is the name given in section 2 (a) of the act (44 Stat. 1406; 15 U. S. C. 402) or any other name commonly employed to designate and identify such substance.

(b) Preparations within the scope of the act bearing trade or fanciful names shall, in addition, be labeled with the common name of the dangerous caustic or corrosive substance contained therein and comply with all the other requirements of the act and of the regulations in this part.

§ 285.5 *Manufacturer; distributor.* If the name on the label or sticker is other than that of the manufacturer, it shall be qualified by such words as "packed for," "packed by," "sold by," or "distributed by," as the case may be, or by other appropriate expression.

§ 285.6 *Uncondensed Gothic capital letters to be used for labeling "Poison."* The following are styles of uncondensed Gothic capital letters 24-point (type face) size:

POISON

POISON

When letters of not less than 24-point size are required on a label in stating the word "poison" they must not be smaller than those above set forth.

§ 285.7 *Directions for treatment.* Except as provided in § 285.8, the container shall bear in all cases upon the label or sticker thereof, immediately following the word "Poison," directions for treatment in the case of internal personal injury; in addition, if the substance may cause external injury, directions for appropriate treatment shall be given. The directions shall prescribe such treatments for personal injury as are sanctioned by competent medical authority, and the materials called for by such directions shall be, whenever practicable, such as are usually available in the household.

§ 285.8 *Directions for treatment; exemption.* Manufacturers and wholesalers only, at the time of shipment or delivery for shipment, are exempted from placing directions for treatment on the label or sticker of any container for other than household use, but in any event the information required by section 2 (b) (1), (2), and (3) of the act (44 Stat. 1407; 15 U. S. C. 402) and the regulations in this part shall be given.

§ 285.9 *Directions for treatment must be placed on container by person offering such container for general sale or exchange.* A person who receives from a manufacturer or wholesaler any container which under the conditions set forth in section 2 (b) (4) of the act and § 285.8 does not bear at the time of shipment directions for treatment in the case of personal injury must place such directions on the label or sticker if he offers such container for general sale or exchange.

GUARANTY

§ 285.10 *Specific guaranty.* If a guaranty in respect to any specific lot of dangerous caustic or corrosive substances be given, it shall be incorporated in or attached to the bill of sale, invoice, or other schedule bearing the date and the name and quantity of the substance sold, and shall not appear on the label or package. The following are forms of specific guaranties:

(a) Substances for both household use and other than household use:

The undersigned guarantees that the retail parcels, packages, or containers of the dangerous caustic or corrosive substance or substances listed herein (or specifying the substances) are not misbranded within the meaning of the Federal Caustic Poison Act.

(Signature and address of guarantor)

(b) Substances for other than household use (this form may be issued only

by a manufacturer or wholesaler (§§ 285.8, 285.9)):

The dangerous caustic or corrosive substance or substances listed herein (or specifying the substances) in retail parcels, packages, or containers suitable for household use are for other than household use and are guaranteed not to be misbranded within the meaning of the Federal Caustic Poison Act.

(Name and address of manufacturer or wholesaler)

§ 285.11 *General guaranty.* In lieu of a particular guaranty for each lot of dangerous caustic or corrosive substances, a general continuing guaranty may be furnished by the guarantor to actual or prospective purchasers. The following are forms of continuing guaranties:

(a) Substances for both household use and other than household use:

The undersigned guarantees that the retail parcels, packages, or containers of the dangerous caustic or corrosive substance or substances to be sold to _____ are not misbranded within the meaning of the Federal Caustic Poison Act.

(Date) (Signature and address of guarantor)

(b) Substances for other than household use (this form may be issued only by a manufacturer or wholesaler (§§ 285.8, 285.9)):

The dangerous caustic or corrosive substance or substances in retail parcels, packages, or containers suitable for household use to be sold to _____ are for other than household use, and guaranteed not to be misbranded within the meaning of the Federal Caustic Poison Act.

(Date) (Signature and address of manufacturer or wholesaler)

SAMPLES

§ 285.12 *Collection of samples.* Samples for examination by or under the direction and supervision of the Food and Drug Administration shall be collected by:

(a) An authorized agent in the employ of the Department of Health, Education, and Welfare;

(b) Any officer of any State, Territory, or possession, or of the District of Columbia, authorized by the Secretary of Health, Education, and Welfare.

§ 285.13 *Where samples may be collected.* Caustic or corrosive substances within the scope of this act (44 Stat. 1406; 15 U. S. C. 401–411) may be sampled wherever found.

§ 285.14 *Analyzing of samples.* Samples collected by an authorized agent shall be analyzed at the laboratory designated by the Food and Drug Administration. Only such samples as are collected in accordance with §§ 285.12, 285.13 may be analyzed by or under the direction and supervision of the Food and Drug Administration. Upon request one subdivision of the sample, if available, shall be delivered to the party or parties interested.

MISCELLANEOUS

§ 285.15 *Investigations.* Authorized agents in the employ of the Department of Health, Education, and Welfare may make investigations, including the inspection of premises where dangerous caustic and corrosive substances subject to the act are manufactured, packed, stored, or held for sale or distribution, and make examinations of freight and other transportation records.

§ 285.16 *Analysis.* (a) The methods of examination or analysis employed shall be those prescribed by the Association of Official Agricultural Chemists, when applicable, provided, however, that any method of analysis or examination satisfactory to the Food and Drug Administration may be employed.

(b) All percentages stated in the definitions in section 2 (a) of the Caustic Poison Act shall be determined by weight.

§ 285.17 *Hearings.* Whenever it appears from the inspection, analysis, or test of any container that the provisions of section 3 or 6 of the Caustic Poison Act (44 Stat. 1407, 1409; 15 U. S. C. 403, 406) have been violated and criminal proceedings are contemplated, notice shall be given to the party or parties against whom prosecution is under consideration and to other interested parties, and a date shall be fixed at which such party or parties may be heard. The hearing shall be held at the office of the Food and Drug Administration designated in the notice and shall be private and confined to questions of fact. The parties notified may present evidence, either oral or written, in person or by attorney, to show cause why the matter should not be referred for prosecution as a violation of the Federal Caustic Poison Act.

§ 285.18 *Hearings; when not provided for.* No hearing is provided for when the health, medical, or drug officer or agent of any State, Territory, or possession, or of the District of Columbia, acts under the authority contained in section 8 of the Federal Caustic Poison Act (44 Stat. 1409; 15 U. S. C. 408) in reporting a violation direct to the United States attorney.

§ 285.19 *Publication.* (a) After judgment of the court in any proceeding under the Federal Caustic Poison Act, notice shall be given by publication. Such notice shall include the findings of the court and may include the findings of the analyst and such explanatory statements of fact as the Secretary of Health, Education, and Welfare may deem appropriate.

(b) This publication may be made in the form of a circular, notice, or bulletin, as the Secretary of Health, Education, and Welfare may direct.

(c) If an appeal be taken from the judgment of the court before such publication, that fact shall appear.

IMPORTS

§ 285.20 *Required label information.* Containers which are offered for import shall in all cases bear labels or stickers having thereon the information required by section 2 (b) (1), (2), and (3) of the Federal Caustic Poison Act and the directions for treatment in the case of personal injury, except such directions need not appear on the label or sticker at the time of shipment by a wholesaler or manufacturer for other than household use.

§ 285.21 *Enforcement of provisions.* The enforcement of the provisions of the Federal Caustic Poison Act as they relate to imported dangerous caustic or corrosive substances, will, as a general rule, be under the direction of the chief of the local inspection district of the Food and Drug Administration, Department of Health, Education, and Welfare, and collectors of customs acting as administrative officers in carrying out directions relative to the detention, exportation, and sale, or other disposition of such substances and action under the bond in case of noncompliance with the provisions of the Federal Caustic Poison Act.

§ 285.22 *Delivery of containers.* Containers shall not be delivered to the consignee prior to report of examination, unless a bond has been given on the appropriate form for the amount of the full invoice value of such containers, together with the duty thereon, and on refusal of the consignee to return such containers for any cause to the custody of the collector when demanded, for the purpose of excluding them from the country or for any other purpose, the consignee shall pay an amount equal to the sum named in the bond, and such part of the duty, if any, as may be payable, as liquidated damages for failure to return to the collector on demand all containers covered by the bond.

§ 285.23 *Invoices.* As soon as the importer makes entry, the invoices covering containers and the public stores packages shall be made available, with the least possible delay, for inspection by the representative of the district. When no sample is desired the invoice shall be stamped by the district "No sample desired, Food and Drug Administration, Department of Health, Education, and Welfare, per (initials of inspecting officer)."

§ 285.24 *Samples.* On the same day that samples are requested by the district, the collector or appraiser shall notify the importer that samples will be taken, that the containers must be held intact pending a notice of the result of inspection and analysis, and that in case the containers do not comply with the requirements of the Federal Caustic Poison Act, they must be returned to the collector for disposition. This notification may be given by the collector or appraiser through individual notices to the importer or by suitable bulletin notices posted daily in the customhouse.

§ 285.25 *No violation; release.* As soon as examination of the samples is completed, if no violation of the act is detected, the chief of the district shall send a notice of release to the importer and a copy of this notice to the collector of customs for his information.

§ 285.26 *Violation.* (a) If a violation of the Federal Caustic Poison Act is disclosed, the chief of the district shall send to the importer due notice of the nature of the violation and of the time and place where evidence may be presented, showing that the containers should not be refused admission. At the same time similar notice regarding detention of the containers shall be sent to the collector, requesting him to refuse delivery thereof or to require their return to customs custody if by any chance the containers were released without the bond referred to in § 285.22. The time allowed the importer for representations regarding the shipment may be extended at his request for a reasonable period to permit him to secure such evidence.

(b) If the importer does not reply to the notice of hearing in person or by letter within the time allowed on the notice, a second notice, marked "second and last notice," shall be sent at once by the chief of the district, advising him that failure to reply will cause definite recommendation to the collector that the containers be refused admission and that the containers be exported within 3 months under customs supervision.

§ 285.27 *Rejected containers.* (a) In all cases where the containers are to be refused admission, the chief of the district within 1 day after hearing, or, if the importer does not appear or reply within 3 days after second notice, shall notify the collector in duplicate accordingly.

(b) Not later than 1 day after receipt of this notice the collector shall sign and transmit to the importer one of the copies, which shall serve as notification to the importer that the containers must be exported under customs supervision within 3 months from such date, as provided by law; the other notice shall be retained as office record and later returned as a report to the chief of the district. In all cases the importer shall return his notice to the collector, properly certified as to the information required, as the form provides.

§ 285.28 *Relabeling of containers.* (a) If containers are to be released after relabeling, a notice shall be sent by the chief of district direct to the importer, a carbon copy being sent to the collector. This notice must state specifically the conditions to be performed, so as to bring the performance thereof under the provisions of the customs bonds on consumption and warehouse entries, these bonds including provisions requiring compliance with all of the requirements of the Federal Caustic Poison Act and all regulations and instructions issued thereunder. The notice will also state the officer to be notified by the importer when the containers are ready for inspection.

(b) The importer must return the notice to the collector or chief of district, as designated, with the certificate thereon filled out, stating that he has complied with the prescribed conditions and that the containers are ready for inspection at the place named.

(c) This notice will be delivered to the inspection officer, who, after inspection, will endorse the result thereof on the back of the notice and return the same to the collector or to the chief of district, as the case may be.

(d) When the conditions to be complied with are under the supervision of the chief of district, and these conditions have been fully met, he shall release the containers to the importer, sending a copy of the notice of release to the collector for his information. If the containers have not been properly relabeled within the period allowed, the chief of district shall immediately give notice in duplicate to the collector of the results of inspection. The collector shall sign and immediately transmit one copy of the notice to the importer and proceed in the usual manner.

(e) If the containers are detained, subject to relabeling to be performed under the collector's supervision, the collector, as soon as relabeling is accomplished, will notify the importer that the containers are released.

(f) If the containers have not been properly relabeled within the period allowed, their sale after labeling as required by the act or other disposition must be effected by the collector.

(g) When the final action has been taken on containers which have been refused admission, sold, or otherwise disposed of as provided for by the act or which have been relabeled under the collector's supervision, the collector shall send to the chief of district a notice of such final action, giving the date and disposition.

(h) When relabeling is allowed the importer must furnish satisfactory evidence as to the identity of the containers before release is given. The relabeling must be done at a stated place and apart from other containers of a similar nature.

(i) When containers are shipped to another port for relabeling or exportation, they must be shipped under customs carrier's manifest, in the same manner as shipments in bond.

(j) Collectors of customs will perform the inspection service whenever containers are to be exported, sold, or otherwise disposed of, and in other cases when there is no officer of the district available.

(k) Collectors of customs and representatives of the district will confer and arrange the apportionment of the inspection service according to local conditions. Officers of the district will, whenever feasible, perform the inspection service in connection with relabeling.

§ 285.29 *Penalties.* (a) In case of failure to comply with the instructions or recommendations of the chief of district as to conditions under which containers may be disposed of, the collector shall notify the chief of district in all cases coming to his attention within 3 days after inspection or after the expiration of the 3 months allowed by law if no action is taken.

(b) The chief of district, upon receipt of the above-described notice, and in all cases of failure to meet the conditions imposed in order to comply with the provisions of the Federal Caustic Poison Act coming directly under his supervision, shall transmit to the collector of customs such evidence as he may have at hand tending to indicate the importer's liability and make a recommendation accordingly.

(c) The collector, within 3 days of the receipt of this recommendation, whether favorable or otherwise, shall notify the importer that, the legal period of 3 months for exportation or relabeling having expired, action will be taken within 30 days to enforce the terms of the bond.

§ 285.30 *Nonlaboratory ports.* (a) At the ports of entry where there is no district of the Food and Drug Administration, the collector or deputy, on the day when the first notice of expected shipment of containers is received, either by invoice or entry, shall notify the chief of district in whose territory the port is located.

(b) On the day of receipt of such notice the chief of district shall mail to the collector appropriate notice, if no sample is desired. This notice serves as an equivalent to stamping the invoices at district ports with the legend "No sample desired, Food and Drug Administration, Department of Health, Education, and Welfare, per (initials of inspecting officer)."

(c) If samples are desired, the chief of district shall immediately notify the collector.

(d) The collector at once shall forward samples, accompanied by description of shipment.

(e) When samples are desired from each shipment of containers, the chief of district shall furnish to collector and deputies at ports within the district's territory a list of such containers, indicating the size of sample necessary. Samples should then be sent promptly on arrival of containers without awaiting special request.

(f) In all other particulars the procedure shall be the same at nonlaboratory ports as at laboratory ports, except that the time consumed in delivery of notices by mail shall be allowed for.

§ 285.31 *Chief of district as customs officer.* The chief of district shall be deemed a customs officer in enforcing import regulations.

§ 285.32 *Enforcement agency.* The Federal Caustic Poison Act shall be enforced by the Food and Drug Administration, Department of Health, Education, and Welfare.

PART 290—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL IMPORT MILK ACT

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AUTHORITY: §§ 290.1 to 290.52 issued under sec. 3, 44 Stat. 1102; 21 U. S. C. 143. Interpret or apply sec. 2, 44 Stat. 1101; 21 U. S. C. 142.

CROSS REFERENCES: For Agricultural Research Service regulations concerning tubercular cattle, see 9 CFR Parts 51 and 77. For Agricultural Research Service regulations, see 9 CFR Chapter III. For customs regulations concerning importation of milk and cream, see 19 CFR 12.7. For regulations of the Agricultural Marketing Service (Marketing Agreements and Orders) covering marketing areas for milk, see 7 CFR Chapter IX.

§290.1 *Short title of the act.* For the purposes of the regulations in this part the act (44 Stat. 1101; 21 U. S. C. 141–149) "To regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health" shall be known and referred to as "the Federal Import Milk Act."

§ 290.2 *Scope of the act.* The provisions of the act apply to all milk and cream offered for import into the continental United States.

DEFINITIONS

§ 290.3 *Milk.* For the purposes of the act and of the regulations in this part:

Milk is the whole, fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within 15 days before and 5 days after calving, or such longer period as may be necessary to render the milk practically colostrum free.

§ 290.4 *Cream.* Cream is that portion of the milk, rich in milk fat, which rises to the surface of milk on standing or is separated from it by centrifugal force. (See §§ 18.500 to 18.515 of this chapter).

§ 290.5 *Condensed milk.* Condensed milk, as the term is used in section 3, paragraph 2, of the Import Milk Act, includes evaporated milk in the manufacture of which sterilization of the milk and cream is a necessary and usual process; it includes sweetened condensed milk only if it is prepared by a process which insures sterilization of the milk and cream. Condensed milk, as the term is used in section 3, paragraph 3, of the Import Milk Act, means sweetened condensed milk.

§ 290.6 *Evaporated milk.* Evaporated milk conforms to the definition and standard of identity for such food as set out in § 18.520 of this chapter.

§ 290.7 *Sweetened condensed milk.* Sweetened condensed milk conforms to the definition and standard of identity for such food as set out in § 18.530 of this chapter.

§ 290.8 *Pasteurization.* Pasteurization is the process of heating every particle of milk or cream to at least 143° F., and holding it at such temperature continuously for at least 30 minutes, or to at least 161° F., and holding it at such temperature continuously for at least 15 seconds.

§ 290.9 *Shipper.* A shipper is anyone, other than a common carrier, who ships, transports, or causes to be shipped or transported into the United States milk or cream owned by him.

§ 290.10 *Secretary.* Secretary means the Secretary of Health, Education, and Welfare.

§ 290.11 *Commissioner.* Commissioner means the Commissioner of Food and Drugs.

§ 290.12 *Physical examination of cows.* (a) Physical examination of any and all cows in herds producing milk or cream which is to be shipped or transported into the United States shall be made by an authorized veterinarian of the United States or of any State or municipality thereof or of the country in which such milk or cream is produced to determine whether such cow or cows are in a healthy condition. Such examination shall be made as often as the Secretary may deem necessary and, in any event, shall have been made within one year previous to the time of the importation.

(b) The result of the physical examination shall be set forth in the form prescribed by the Secretary.

§ 290.13 *Tuberculin test.* (a) Except as provided in § 290.24, any and all animals in herds producing milk or cream which is to be shipped or transported raw into the United States shall be free from tuberculosis, as determined by a tuberculin test applied by an official veterinarian of the United States or of any State or municipality thereof or of the country in which such milk or cream is produced. Such test shall be made as often as the Secretary may deem necessary and, in any event, shall have been made within 1 year previous to the time of the importation. All animals showing positive or suspicious reactions to the tuberculin test must be permanently removed from the herd.

(b) The results of the tuberculin test and all facts concerning the disposal of reacting or suspected animals shall be set forth in the form prescribed by the Secretary.

§ 290.14 *Sanitary inspection of dairy farms.* The sanitary conditions of any dairy farm producing milk or cream to be shipped or transported into the United States or to a plant from which milk or cream is to be shipped or transported into the United States must score at least 50 points out of 100 points, according to the methods for scoring as provided by the score card for sanitary inspection of dairy farms used by the Dairy Husbandry Branch, Agricultural Research Service of the United States Department of Agriculture at the time of scoring.

§ 290.15 *Sanitary inspection of plants.* The sanitary conditions of any plant handling milk or cream any part of which is to be shipped or transported into the United States shall score at least 50 points out of 100 points according to the methods for scoring as provided by the score card for sanitary inspection of such plants used by the Dairy Husbandry Branch, Agricultural Research Service of the United States Department of Agriculture at the time of scoring.

§ 290.16 *Scoring.* Scoring of sanitary conditions required by §§ 290.14, 290.15 shall be done by an official inspector of the United States or of any State or municipality thereof or of the country in which the dairy farm or plant is located.

§ 290.17 *Pasteurization; equipment and methods.* All dairy farms and plants at which any milk or cream is pasteurized for shipment or transportation into the United States shall employ adequate pasteurizing machinery of a type easily cleaned and of sanitary construction capable of holding every portion of the milk or cream at the required temperature for the required time. Such pasteurizing machinery shall be properly equipped with accurate time and temperature recording devices, which shall be kept at all times in good working order. The temperature at the time of heating and holding must invariably be recorded on thermograph charts, initialed, numbered, and dated by the official having jurisdiction over such farms and plants. All thermograph charts shall be held for a period of 1 year unless within that period they have been examined and released by such authorized agents as are designated by the Secretary.

§ 290.18 *Method of bacterial count.* The bacterial count of milk and cream refers to the number of viable bacteria as determined by the standard plate method of the American Public Health Association in use at the time of the examination.

§ 290.19 *Authority to sample and inspect.* Inspectors engaged in the enforcement of the Import Milk Act are empowered to test for temperature, to take samples of milk or cream, and to use such means as may be necessary for these purposes.

§ 290.20 *Permits for pasteurized milk or cream.* Permits to ship or transport pasteurized milk or cream into the United States will be granted only upon compliance with the requirements of clauses 1 and 3 of section 2 of the Import Milk Act, §§ 290.12, 290.14, 290.15, as applicable.

§ 290.21 *Permits for raw milk or cream.* Except as provided in § 185.24, permits to ship or transport raw milk or cream into the United States will be granted only when the milk or cream comes from dairy farms or plants where pasteurization is not carried on and then only upon compliance with the requirements of clauses 1, 2, and 3 of section 2 of the Import Milk Act, §§ 290.12 to 290.15, as applicable.

§ 290.22 *Permits granted on certificates.* In the discretion of the Secretary, a permit may be granted on a duly certified statement signed by a duly accredited official of an authoried department of any foreign government or of any State of the United States or any municipality thereof. Such statement shall be in the form of a certificate prescribed by the Secretary, and shall have attached thereto, as a part thereof, signed copies of reports prescribed by §§ 290.12, 290.13, and also by §§ 290.14, 290.15, as applicable. The necessary inspections and examinations upon which the reports are based shall be made by persons who are acting under the direct supervision of the certifying official.

§ 290.23 *Permits waiving clause 4, section 2 of the Import Milk Act.* The Secretary, in his discretion, will issue to a shipper who is an operator of a condensery a permit waiving the requirements of clause 4, of section 2 of the Import Milk Act and allowing milk and cream containing not to exceed 1,200,000 bacteria per cubic centimeter to be shipped or transported into the United States if the condensery is located within a radius of 15 miles of the point of production of the milk and cream and such milk and cream are to be sterilized in the manufacture of condensed milk.

§ 290.24 *Permits waiving clauses 2 and 5, section 2 of the Import Milk Act.* A permit to ship or transport raw milk into the United States will contain a waiver of clauses 2 and 5 of section 2 of the Import Milk Act when the shipper is an operator of a creamery or condensery, or is a producer shipping or transporting to a creamery or condensery and the creamery or condensery is located in the United States within a radius of 20 miles of the point of production of such milk, and the milk, prior to its sale, use, or disposal, is pasteurized, condensed, or evaporated.

§ 290.25 *Temporary permits.* A temporary permit will be granted only upon a satisfactory showing that the applicant therefor has been unable to obtain the necessary inspections required by the applicable provisions of section 2 of the Import Milk Act. Temporary permits shall be valid until the Secretary shall provide for inspection to ascertain that clauses 1, 2, and 3 of section 2 of the Import Milk Act have been complied with.

§ 290.26 *Examination and inspection must be allowed.* Dairy farms and plants from which milk or cream is shipped or transported into the United States shall be open at all reasonable times to authorized agents for necessary examinations and inspections. Failure to permit such examinations and inspections may be considered cause for the suspension or revocation of the permit.

§ 290.27 *Application for permit.* Application for a permit to ship or transport milk or cream into the United States shall be made by the actual shipper upon forms prescribed by the Secretary. The request for forms of applications for permits should be addressed to Commissioner of Foods and Drugs, Food and Drug Administration, Department of Health, Education, and Welfare, Washington 25, D. C.

§ 290.28 *Permit number.* Each permit issued under the Import Milk Act, including each temporary permit, shall bear an individual number. The right to the use of such number is restricted solely to the permittee.

§ 290.29 *Form of tag.* Each container of milk or cream shipped or transported into the United States by such permittee shall have firmly attached thereto a tag in the following form, bearing the required information in clear and legible type:

Product_____
(State whether raw milk, pasteurized milk, raw cream, or pasteurized cream.)
Permit number_____
Federal Import Milk Act.
Department of Health, Education, and Welfare.
Shipper_____
Address of shipper_____

Provided, That in case of unit shipments consisting of milk only or cream only under one permit number, in lieu of each container being so marked, the vehicle of transportation, if sealed, may be tagged with the above tag, which should, in addition, show the number of containers and quantity of contents of each.

§ 290.30 *Suspension and revocation of permit.* A permit to ship or transport milk or cream into the United States may be suspended for cause at any time. A permit may be revoked for cause after opportunity to be heard has been accorded the permittee, who may appear in person, by attorney, or by letter and show cause why the permit should not be revoked.

§ 290.31 *Order to show cause why permit should not be revoked and temporary suspension of permit pending hearing.* When the Secretary has reason to believe that the holder of any permit for the shipment of milk or cream into the United States has failed to comply with the provisions of or has violated sections 141–149 of Title 21, United States Code, or any of the regulations in this part, or that the milk or cream shipped by the holder of the permit into the United States is not produced and handled in conformity with, or that the quality thereof does not conform to, all of the provisions of section 142 of Title 21, United States Code, the Secretary shall serve upon the permittee an order to show cause why such permit should not be revoked, and, pending the hearing upon such order, the Secretary may temporarily suspend such permit.

§ 290.32 *Docket or file number.* The order to show cause shall be assigned a docket or file number and the proceedings had thereunder shall thereafter be referred to by such number.

§ 290.33 *Service of order to show cause.* The order to show cause shall be addressed to the permittee, who shall be designated as the respondent, and shall be served upon the permittee by an employee of the Department of Health, Education, and Welfare or by registered mail, return receipt requested. If the respondent is a corporation, service shall be had upon the president, secretary, treasurer or statutory agent of the corporation.

§ 290.34 *Time and place of hearing.* The Secretary shall set a time and place for a hearing upon the order to show cause.

§ 290.35 *Designation of examiner.* The Secretary shall designate an employee of the Department of Health, Education, and Welfare as examiner to conduct the hearing, and such examiner may, in accordance with the rules of evidence applicable to administrative proceedings, admit or exclude any evidence presented and may limit the scope of any evidence admitted.

§ 290.36 *Appearance of respondent.* The respondent may appear in person or by counsel. All persons who appear at the hearing must conform to the standards of ethical conduct required of practitioners before the courts of the United States.

§ 290.37 *Testimony of witnesses.* The testimony of witnesses at the hearing shall be upon oath or affirmation administered by the examiner.

§ 290.38 *Admissibility of records.* Copies of the records of the Department of Health, Education, and Welfare, certified under the seal of the Department, shall be admissible to the same extent that the original records would be admissible.

§ 290.39 *Depositions.* The deposition of any witness, taken after reasonable notice to the opposite party and at a time and place and before a person designated for the purpose by the Secretary, shall be admitted if the evidence is otherwise admissible.

§ 290.40 *Affidavits.* Affidavits, if relevant and material, may, in the discretion of the examiner, be admitted, but the Secretary will consider the lack of opportunity for cross-examination in determining the weight that shall be given to such evidence.

§ 290.41 *Hearsay evidence.* Hearsay evidence may, in the discretion of the examiner, be admitted even though it

does not come within any well-recognized exception to the hearsay rule, but the Secretary will determine what weight shall be given to such evidence.

§ 290.42 *Form of introduction of evidence.* The form of the introduction of evidence shall not be a ground of objecting to such evidence.

§ 290.43 *Copies of exhibits.* When practicable to do so, a copy of each exhibit shall be furnished to the opposing party either before or at the time of its introduction.

§ 290.44 *Judicial notice.* Judicial notice, on request, will be taken of such matters as are noticed by the courts of the United States.

§ 290.45 *Objection to evidence.* If the respondent objects to the admission of any evidence offered against him or the rejection of any evidence offered by him, or to the limitation of the scope of any evidence introduced by him, he shall state the grounds of such objection. If the objection is overruled, he may take an exception.

§ 290.46 *Attorney representing the Department of Health, Education, and Welfare.* At the hearing, the Secretary shall be represented by an attorney designated by the General Counsel of the Department of Health, Education, and Welfare.

§ 290.47 *Filing of briefs.* At the conclusion of the hearing, the examiner shall announce the period of time within which briefs may be filed following the receipt by the respondent of the tentative findings of fact and the tentative order, as set out in § 290.48.

§ 290.48 *Tentative findings of fact.* The examiner, within a reasonable time after the conclusion of the hearing, shall prepare tentative findings of fact and a tentative order, which shall be served upon the respondent or sent to him by registered mail.

§ 290.49 *Exceptions by the respondent.* Within 20 days after the receipt of the tentative findings of fact and the tentative order, the respondent, if he wishes to take exceptions to any matters set out therein, shall transmit such exceptions to the General Counsel of the Department of Health, Education, and Welfare. At the same time, the respondent shall transmit a brief statement concerning each of the exceptions to the actions of the examiner at the hearing, as set out in §§ 290.35–290.45, upon which he wishes to rely. If exception is taken to any proposed finding of fact, reference must be made to the pages or parts of the record relied upon and a corrected finding of fact must be submitted. The respondent, if he files exceptions, shall state in writing whether he desires to make an oral argument on the exceptions before the Secretary.

§ 290.50 *Oral argument before the Secretary.* In the event that an oral argument before the Secretary is requested, a date for such argument shall be fixed by the Secretary or by the Under Secretary, if designated to act in his stead.

§ 290.51 *Issuance of final order.* If oral argument is heard in any proceeding by the Secretary or Under Secretary, the final order in the proceeding shall be issued by the person who heard the argument.

§ 290.52 *Hearing before prosecution.* Before violation of the act is referred to the Department of Justice for prosecution under section 5 of the Federal Import Milk Act, an opportunity to be heard will be given to the party against whom prosecution is under consideration. The hearing will be private and confined to questions of fact. The party notified may present evidence, either oral or written, in person or by attorney, to show cause why he should not be prosecuted. After a hearing is held, if it appears that the law has been violated, the facts will be reported to the Department of Justice.

[F. R. Doc. 55-10190; Filed, Dec. 19, 1955; 8:50 a. m.]

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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 976—MILK IN FORT SMITH, ARKANSAS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISION

Pursuant to the applicable provisions of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended, regulating the handling of milk in the Fort Smith, Arkansas, marketing area, hereinafter referred to as the "order" it is hereby found and determined that the provisions of § 976.61 (b) of the order do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order from the effective date hereof.

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary and contrary to the public interest, in that the (1) information upon which this action is based did not become available in sufficient time for such compliance; (2) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the marketing area; (3) this action will relieve handlers subject to other orders of certain obligations with respect to milk they distribute in the Fort Smith, Arkansas, marketing area, which obligations are not computed uniformly under current marketing conditions in the area; (4) the volume of milk subject to this provision has been substantially increased with the issuance of an order regulating the handling of milk in the Central Arkansas, marketing area; and (5) this suspension order does not require of persons affected any preparation prior to its effective date.

It is therefore ordered, That the following provision of the order be and it is hereby suspended with respect to all milk subject to the provisions of the order from the effective date hereof:

1. Section 976.61 (b) in its entirety.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 16th day of December 1955 to be effective upon and after January 1, 1956.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 55-10227; Filed, Dec. 20, 1955; 8:52 a. m.]

PART 1065—TOMATOES

IMPORT RESTRICTIONS

§ 1065.1 *Tomato Regulation No. 1*—(a) *Findings and determinations.* (1) Findings: Notice of rule making regarding proposed restrictions on the importation of tomatoes into the United States, to be made effective under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906 1047), was published in the FEDERAL REGISTER November 29, 1955 (20 F. R. 8759). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, and the data, views, and arguments submitted by interested parties, it is hereby found that the restrictions on the importation of tomatoes into the United States, as hereinafter provided, are in accordance with said section 8e.

(2) It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of this section beyond that herein specified (5 U. S. C. 1001 et seq.) in that (i) the requirements established by this import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which makes such regulation mandatory; (ii) regulations are now in effect on domestic shipments of tomatoes under Marketing Agreement No. 125 and Order No. 45 (7 CFR 945.301; 20 F. R. 8808); (iii) notice that this action was being considered to become effective January 2, 1956, was published in the FEDERAL REGISTER on November 29,

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1955 (20 F. R. 8759); (iv) compliance with this tomato import regulation should not require any special preparation by importers which cannot be completed by the effective date; (v) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this tomato import regulation; (vi) such notice is hereby determined, under the circumstances, to be reasonable; and (vii) the regulations hereby established for tomatoes that may be imported into the United States are equivalent or comparable to those imposed upon domestic tomatoes under the aforesaid marketing agreement and order.

(b) *Import restrictions.* During the period from January 2, 1956, to May 31, 1956, both dates inclusive, and subject to the general regulations (7 CFR Part 1060; 19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section, no person shall import any tomatoes of any variety unless such tomatoes meet the requirements of the U. S. No. 2 or better grade.

(c) *Minimum quantities.* Any importation which in the aggregate, does not exceed 300 pounds, may be imported without regard to the provisions of paragraph (b) of this section.

(d) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(e) *Inspection and certification.* (1) The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Services, United States Department of Agriculture, is hereby designated, pursuant to § 1060.4 (a) of the general regulations, as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of tomatoes that are imported, or to be imported into the United States under the provisions of section 8e of the act.

(2) Inspection and certification by the Federal or the Federal-State Inspection Service of each lot of imported tomatoes is required pursuant to § 1060.3 *Eligible imports* of the aforesaid general regulations and this section. Each such lot shall be made available and accessible for inspection. Such inspection and certification will be made available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of uninspected and uncertified tomatoes should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice
All Texas points	George B. Crisp, Jeffers Bldg., P. O. Box 111, Harlingen, Tex. (Telephone Garfield 3-1240.)	1 day.
All Arizona points	R. H. Bertelson, Room 202 Trust Bldg., 305 American Ave., P. O. Box 1646, Nogales, Ariz. (Telephone 484.)	1 day.
All California points	Carley D. Williams, 284 Wholesale Terminal Bldg., 784 S. Central Ave., Los Angeles 21, Calif. (Telephone Vandike 8756.)	3 days.
All Florida points	Lloyd W. Boney, Room 4, Dade County Growers Market, 1200 N.W. 21st Terr., Miami 42, Fla. (Telephone 82-6632.)	3 days.
All other points	E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, United States Department of Agriculture, Washington 25, D. C. (Telephone Republic 7-4142 Ext. 5870.)	3 days.

(3) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(4) The inspections performed, and certificates issued by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(5) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall be set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the certificate;

(vi) The principal identifying marks on the containers;

(vii) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement, if the facts warrant: Meets U. S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(6) The shipping point tolerances of the U. S. No. 2 grade, as set forth in § 51.1857 (a) (1) of this title (18 F. R. 7143), which reads as follows:

(1) At shipping point (or in shipments from Mexico when inspected at points of entry into the United States) not more than a total of 10 percent, by count, for tomatoes in any lot, which fail to meet the requirements of this grade: *Provided*, That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay.

shall apply to all inspections performed on tomatoes prior to or upon entry into the United States.

(f) *Definitions.* (1) The term "U. S. No. 2" means the U. S. No. 2 grade, as set forth in the United States Standards for Tomatoes (§§ 51.1855 to 51.1876, inclusive, of this title; 18 F. R. 7142), including the tolerances set forth therein.

(2) All other terms have the same meaning as when used in the general regulations (7 CFR Part 1060; 19 F. R. 7707, 8012) applicable to the importation of listed commodities.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 16, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-10226; Filed, Dec. 20, 1955; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 68]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (20 F. R. 2881, 2973, 3499, 3931, 4397, 4841, 5256, 5709, 6076, 6575, 7134, 7897, 8364, 8630, 8983), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. Subparagraph (1) of paragraph (a), relating to Alameda County in California, is deleted.

2. New subdivisions (xxiv), (xxv), (xxvi), (xxvii), (xxviii), (xxix), (xxx), (xxxi), and (xxxii), are added to subparagraph (8) of paragraph (d), relating to Gloucester County in New Jersey, to read:

(xxiv) Lot No. 48 in Block 233, in Deptford Township, owned by J. A. Ross and operated by Robert Shisler;

(xxv) Lots No. 5A and 6 in Block 2, in Deptford Township, owned and operated by Alex Seder;

(xxvi) Lot No. 2 in Block 4J, in Deptford Township, owned by Andrew Seder and operated by Ed Seder;

(xxvii) Lots No. 26 and 27 in Block 387, in Deptford Township, owned and operated by Daniel Kinsley;

(xxviii) Lot No. 24 in Block 233, in Deptford Township, owned and operated by C. Kolwalus;

(xxix) Lot No. 2 in Block 4, in Deptford Township, owned and operated by Richard Schofield;

(xxx) Lot No. 2 in Block 397, in Deptford Township, owned and operated by Sam Villari;

(xxxi) Plots 7, 8, and 9 in Block 199, in Washington Township, owned and operated by Price Brothers; and

(xxxii) Plots 10 and 11, in Block 199, in Washington Township, owned and operated by James and Charles Price.

3. A new subdivision (vi) is added to subparagraph (2) of paragraph (d), relating to Middlesex County in New Jersey, to read:

(vi) That part of South Brunswick Township lying west of U. S. Route No. 130, north of Dey Road, east of Rowland Road, and south of Broadway Road.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in California and New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1954 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 15th day of December 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-10228; Filed, Dec. 20, 1955; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53983]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

VESSEL SUPPLIES

The decision of the United States Court of Customs and Patent Appeals in the case reported in C. A. D. 569, decided June 24, 1954, involved a vessel which was moved in ballast from New York, New York, to Seattle, Washington, for conversion, refitting, and repairs to make it suitable for the Puget Sound-Alaska trade. The court ruled that the vessel was not engaged in trade within the meaning of section 309 of the Tariff Act of 1930, as amended, on the voyage from New York to Seattle. Accordingly, the fuel oil consumed on the voyage from New York to Seattle was held not entitled to exemption from duty or tax under section 309.

The Customs Regulations governing the conditionally free withdrawal of supplies for vessels under section 309 require amendment to bring them into harmony with the decision of the court in C. A. D. 569, and to provide a procedure to better enable collectors to determine whether vessels which proceed in ballast may properly be considered to be engaged in trade within the meaning of the statute.

It is also believed to be desirable to incorporate in the Customs Regulations a Bureau ruling that a vessel on a trial or test trip is not engaged in trade.

1. Accordingly, § 10.59 is amended as follows:

a. Paragraph (a) (3) is deleted. Paragraph (a) (4) is redesignated (a) (3) and amended to read:

(3) Departing in ballast (without cargo or passengers) from one port for another, domestic or foreign, for the purpose of lading passengers or cargo at the port of destination for carriage in a class of trade specified in section 309 (a), Tariff Act of 1930, as amended, for which class of trade the vessel is suitable and substantially ready for service with necessary fittings, outfit, and equipment already installed on its departure in ballast, and from which it is not diverted prior to carriage of passengers or cargo in such trade. A written declaration of the owner or agent of the vessel may be required in connection with the withdrawal, certifying to the vessel's suitableness and substantial readiness with necessary fittings, outfit, and equipment already installed on its departure in ballast for service in a class of trade specified in section 309 and agreeing to notify the collector if it is laid up or diverted from such class of trade prior to the carriage of cargo or passengers in such trade.

b. Paragraphs (b), (c), and (d) are redesignated paragraphs (c), (d), and (e), respectively, and a new paragraph (b) is added, to read:

(b) A withdrawal of articles may not be made under section 309, Tariff Act of 1930, as amended, for use on a trial or test trip of a vessel preparatory to its actually engaging in trade.

(Sec. 309, 46 Stat. 690, as amended; 19 U. S. C. 1309)

2. Section 10.60 is amended as follows:

a. Paragraph (a) is amended by adding the following sentence: "When a withdrawal of supplies or other articles is made which may be used on a vessel while it is proceeding in ballast to another port as provided for by § 10.59 (a) (3), a notation of this fact shall be made on the withdrawal and the name of the other port given if known."

b. The first sentence of paragraph (d) is amended to read: "When the supplies are to be laden at a port other than the port of withdrawal from warehouse, they shall be withdrawn for transportation in bond to the port of lading."

(Sec. 309, 46 Stat. 690, as amended; 19 U. S. C. 1309)

3. Section 10.64 (a) is amended by changing the period at the end of the second sentence to a comma and adding: "unless it proceeds in ballast from the port where the articles are laden to another port to lade passengers or cargo."; by substituting "§ 25.18" for "§ 25.16" in the third sentence in order to correct a cross reference; and by deleting "----------" at the end of the

(Name and title)

paragraph and adding the following:

[1] I further declare that the vessel proceeded in ballast to the port of ---------- to

Name of port

lade cargo or passengers, that the vessel was suitable for service in the class of trade checked above with fittings, outfit, and equipment for such trade already installed when the vessel so departed in ballast, and that upon arrival it proceeded to engage in the carriage of cargo or passengers in such trade, except as stated below:

(If no exception, note "None")

(Name and title)

[1] This statement to be included if the articles were laden on a vessel which proceeded in ballast from the port of lading to another port.

(Sec. 309, 46 Stat. 690, as amended; 19 U. S. C. 1309)

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 14, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-10215; Filed, Dec. 20, 1955; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 14—CACAO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

PART 27—CANNED FRUITS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

PART 53—TOMATO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

EFFECTIVE DATE OF ORDER AMENDING THE DEFINITIONS AND STANDARDS OF IDENTITY

In the matter of amending the definitions and standards of identity for sweet chocolate; milk chocolate; skim milk chocolate; buttermilk chocolate; mixed dairy product chocolates; sweet chocolate and vegetable fat (other than cacao fat) coating; sweet cocoa and vegetable fat (other than cacao fat) coating; pasteurized process cheese spread; pasteurized cheese spread; pasteurized process cheese spread with fruits, vegetables, or meats; pasteurized cheese spread with fruits, vegetables or meats; pasteurized neufchatel cheese spread with other foods; cold-pack cheese food; cold-pack cheese food with fruits, vegetables, or meats; canned peaches; canned peaches with rum; canned apricots; canned apricots with rum; canned pears; canned pears with rum; canned cherries; canned cherries with rum; canned fruit cocktail; fruit butter, fruit jelly; preserves; catsup;

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (20 F. R. 1996), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER on October 27, 1955 (20 F. R. 8073) amending the definitions and standards of identity for the above-listed foods. The amendments promulgated by that order will become effective December 26, 1955.

These amendments add glucose sirup and dried glucose sirup to the optional ingredients permitted by the definitions and standards of identity for the foods heretofore listed.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046, as amended, 68 Stat. 54; 21 U. S. C. 341)

Dated: December 12, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-10205; Filed, Dec. 20, 1955; 8:47 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF METHOXYCHLOR

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of methoxychlor in or on certain raw agricultural commodities. The request for the establishment of tolerances for one of the commodities was withdrawn without prejudice to a future filing.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g); 20 F. R. 759), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended by adding the following new section:

§ 120.120 *Tolerances for residues of methoxychlor.* Tolerances for residues of methoxychlor (2,2-bis-(*p*-methoxyphenyl)-1,1,1-trichloroethane) are established as follows:

(a) 100 parts per million in or on alfalfa, clover, cowpeas, grass for forage, peanut forage, soybean forage.

(b) 14 parts per million in or on carrots (with or without tops) or carrot tops, currants, gooseberries, peanuts.

(c) 3 parts per million in the fat of meat from cattle, sheep, or hogs.

(d) 2 parts per million in or on the following grains: Barley, corn, oats, rice, rye, sorghum grain, wheat.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: December 5, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-10206; Filed, Dec. 20, 1955; 8:47 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF PARATHION

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of parathion in or on certain raw agricultural commodities.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g); 20 F. R. 759), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended by adding the following new section:

§ 120.121 *Tolerances for residues of parathion.* A tolerance of 1 part per million is established for residues of parathion (O,O-diethyl O-*p*-nitrophenyl thiophosphate) in or on the following raw agricultural commodities: Alfalfa, barley, clover, corn forage, grass for forage, hops, oats, olives, pea forage, vetch, wheat.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 512; 12 U. S. C. 346a)

Dated: December 8, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-10207; Filed, Dec. 20, 1955; 8:48 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF CHLORDANE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of chlordane in or on certain raw agricultural commodities. Subsequently the petitioner withdrew its request for tolerances on certain of these raw agricultural commodities without prejudice to a future filing.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g); 20 F. R. 759), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended by adding the following new section:

§ 120.122 *Tolerance for residues of chlordane.* A tolerance of 0.3 part per million is established for residues of chlordane (1,2,4,5,6,7,8,8-octachloro-2,3,-

3a,4,7,7a - hexahydro - 4,7 - methanoindene) in or on sweetpotatoes.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: December 8, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-10209; Filed, Dec. 20, 1955; 8:48 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF INORGANIC BROMIDES FROM FUMIGATION WITH METHYL BROMIDE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of inorganic bromides which result from the fumigation of certain raw agricultural commodities with methyl bromide. Subsequently, the petitioner withdrew the request for tolerances on pecans and peanuts without prejudice to future filing.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g); 20 F. R. 759), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended by adding the following new section:

§ 120.123 *Tolerances for residues of inorganic bromides resulting from fumigation with methyl bromide.* The tolerances for residues of inorganic bromides (calculated as Br) in or on raw agricultural commodities which have been fumigated with methyl bromide are as follows:

(a) 5 parts per million in or on apples, pears, quinces.

(b) 20 parts per million in or on eggplants, onions, tomatoes.

(c) 30 parts per million in or on beets, rutabagas, turnips.

(d) 50 parts per million in or on alfalfa hay, barley, beans, green beans, lima beans, snap beans, black-eyed peas, cocoa beans, corn, grain sorghum (milo), oats, rice, rye, wheat.

(e) 75 parts per million in or on potatoes, sweet potatoes.

(f) 200 parts per million in or on cottonseed.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, shall specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: December 8, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-10208; Filed, Dec. 20, 1955; 8:48 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF GLYODIN

A petition was filed with the Food and Drug Administration requesting the establishment of a tolerance for residues of glyodin (2-heptadecyl glyoxalidine acetate) in or on peaches.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g); 20 F. R. 759), the regulations for tolerances for residues of inorganic bromides (calculated as Br) in or on raw agricultural commodities which have been fumigated with methyl bromide are as follows:

(a) 5 parts per million in or on apples, pears, quinces.

(b) 20 parts per million in or on eggplants, onions, tomatoes.

(c) 30 parts per million in or on beets, rutabagas, turnips.

(d) 50 parts per million in or on alfalfa hay, barley, beans, green beans, lima beans, snap beans, black-eyed peas, cocoa beans, corn, grain sorghum (milo), oats, rice, rye, wheat.

(e) 75 parts per million in or on potatoes, sweet potatoes.

(f) 200 parts per million in or on cottonseed.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: December 14, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-10201; Filed, Dec. 20, 1955; 8:47 a. m.]

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PENICILLIN V FOR ORAL SUSPENSION

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 701, 59 Stat. 463, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs (21 CFR, Parts 141a, 146a) are amended by adding the following new sections:

1. Part 141a is amended by adding thereto a new section, reading as follows:

§ 141a.82 *Penicillin V for oral suspension (phenoxymethyl penicillin for oral suspension)*—(a) *Potency.* Proceed as directed in § 141a.81 (a). Its potency is satisfactory if the immediate containers contain not less than 85 percent of the number of units that they are represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) or § 141a.26 (e).

2. Part 146a is amended by adding thereto a new section, reading as follows:

§ 146a.104 *Penicillin V for oral suspension (phenoxymethyl penicillin for oral suspension)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin V for oral suspension is a mixture of penicillin V and one or more suitable and harmless suspending agents, colorings, and flavorings. Its moisture content is not more than 1 percent. The penicillin V used conforms to the requirements of § 146a.103 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units in the immediate container.

(iii) The statement "Expiration date ---------," the blank being filled in with the date that is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each immediate container, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Potency and moisture.

(ii) The penicillin V used in making the batch: Potency, toxicity, moisture, pH, crystallinity, penicillin V content.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: One immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The penicillin used in making the batch: 10 packages, each containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 146a.103 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch: One package of each, containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

Notice and public procedure are not necessary prerequisities to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: December 14, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-10200; Filed, Dec. 20, 1955; 8:47 a. m.]

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1954 Supp., Part 141c) and certification of antibiotic and antibiotic-containing drugs (21 CFR, 1954 Supp., Parts 146, 146a, 146c) are amended as indicated below:

1. Part 141c is amended by adding the following new section:

§ 141c.228 *Tetracycline hydrochloride-neomycin tablets*—(a) Potency—(1) *Tetracycline hydrochloride content.* Proceed as directed in § 141c.218 (a) but in lieu of the directions in § 141c.218 (a) (5) prepare the sample as follows: Using a mortar and pestle, grind 5 tablets to a fine powder. Using 200 milliliters of absolute methanol, quantitatively transfer the powder to a blending jar and blend at high speed for 2 minutes. Centrifuge a portion of the liquid at high speed for sufficient time (usually 15 minutes) to obtain a substantially clear solution. Dilute an aliquot of the clear solution in sufficient 0.10 *M* monobasic potassium phosphate buffer, pH 4.5, to give a concentration of 0.24 microgram per milliliter (estimated). Its content of tetracycline hydrochloride is satisfactory if it

contains not less than 85 percent of the number of milligrams per tablet that it is represented to contain.

(ii) *Neomycin content.* Proceed as directed in § 141e.410 (a) (1) (ii) of this chapter, except that: Immediately after the second blending, heat a convenient sized aliquot of the blend in a steam bath for 30 minutes, cool, and dilute to 10 micrograms per milliliter (estimated). Its content of neomycin is satisfactory if it contains 85 percent of the number of milligrams per tablet that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

2. In § 146.26 *Animal feed containing penicillin* * * *, paragraph (b) is amended as follows:

a. Subparagraphs (9) and (10) are changed to read as follows:

(9) It is intended for use solely in the prevention of chronic respiratory disease (air-sac infection), infectious sinusitis, and blue comb (nonspecific infectious enteritis) in poultry and/or bacterial swine enteritis; its labeling bears adequate directions and warnings for such use, and it contains, per ton of feed, not less than 50 grams of bacitracin or 50 grams of penicillin (unless it is intended for bacterial swine enteritis) or 50 grams of a combination of the two drugs, except that if it contains the combination drug and it is intended for the prevention of bacterial swine enteritis it shall contain not less than 25 grams of bacitracin.

(10) It is intended for use solely in the treatment of chronic respiratory disease (air-sac infection), infectious sinusitis, and blue comb (nonspecific infectious enteritis) in poultry and/or bacterial swine enteritis; its labeling bears adequate directions and warnings for such use, and it contains, per ton of feed, not less than 100 grams of bacitracin or 100 grams of penicillin (unless it is intended for bacterial swine enteritis) or 100 grams of a combination of the two drugs, except that if it contains the combination drug and it is intended for the treatment of bacterial swine enteritis it shall contain not less than 50 grams of bacitracin.

b. Subparagraphs (18), (19), and (21) are deleted, and subparagraphs (20), (22), (23), (24), and (25) are renumbered as (18), (19), (20), (21), and (22), respectively.

c. Renumbered subparagraph (21) (iii) is amended by changing the words "subparagraph (20)" to read "subparagraph (18)".

d. Paragraph (b) is further amended by adding the following new subparagraphs:

(23) It is intended for use solely as an aid in the reduction of losses due to enterotoxemia in sheep; its labeling bears adequate directions and warnings for such use; and it contains not less than 20 grams of chlortetracycline per ton of feed.

(24) It is intended for use solely in the maintenance of weight gains of swine in the presence of atrophic rhinitis; its labeling bears adequate directions and warnings for such use; and it contains not less than 50 grams of chlortetracycline per ton of feed.

(25) It is intended for use solely as an aid in the reduction of bacterial diarrhea in beef calves, and it contains a quantity of chlortetracycline adequate to provide 0.1 milligram per pound of body weight per day when fed in accordance with the directions for use that accompany the feed.

3. In § 146a.99 *Capsules crystalline penicillin G* * * *, paragraph (a) *Standards of identity* * * * is amended by inserting immediately after the words "vegetable oils," the following new words: "and with or without one or more suitable antihistaminics and vasoconstrictors,".

4. Part 146c is amended by adding the following new section:

§ 146c.228 *Tetracycline hydrochloride-neomycin tablets.* Tetracycline hydrochloride-neomycin tablets are tablets that conform to all requirements and are subject to all procedures prescribed by § 146c.204 for tetracycline hydrochloride capsules, except that:

(a) Each tablet shall contain not less than 250 milligrams of neomycin. The neomycin used conforms to the requirements prescribed for neomycin by § 146e.410 (a) (2) of this chapter.

(b) In lieu of the labeling prescribed by § 146c.204 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of tetracycline hydrochloride and the number of milligrams of neomycin in each tablet of the batch.

(c) In addition to complying with the requirements of § 146c.204 (d), a person who requests certification of a batch shall submit with his request a statement showing the number of milligrams of tetracycline hydrochloride and neomycin in each tablet of the batch, the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch.

(d) The fee for the services rendered with respect to each immediate container in the sample of neomycin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries, since it conditionally relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that animal feed containing antibiotic drugs need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy, provided they are used in the amounts and for the purposes specified in amendment 2.

This order shall become effective upon issuance, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: December 6, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-10204; Filed, Dec. 20, 1955; 8:47 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter J—Heirs and Wills

PART 81—DETERMINATION OF HEIRS AND APPROVAL OF WILLS, EXCEPT AS TO MEMBERS OF THE FIVE CIVILIZED TRIBES AND OSAGE INDIANS

KAW FUNDS

A new § 81.34 is added to read as follows:

§ 81.34 *Kaw funds.* (a) The regulations in this part, except to the extent stated in paragraphs (b), (c), and (d) of this section, shall apply to the determination of heirs or devisees of deceased Indians to whom funds of the Kaw Tribe of Indians are directed to be distributed by the act approved August 9, 1955 (69 Stat. 559).

(b) For the purpose of making determinations under this section, the examiner of inheritance may recognize or adopt final decrees of distribution entered by courts of competent jurisdiction.

(c) No claim, fee, or charge, other than debts due the United States, shall be recognized or allowed against any part of the Kaw funds to which an Indian beneficiary is entitled.

(d) Sections 81.18 and 81.33 shall have no application in the distribution of the Kaw funds.

(Secs. 1, 2, 36 Stat. 855, 856, as amended, sec. 1, 38 Stat. 856, 42 Stat. 1185, as amended, secs. 1, 2, 56 Stat. 1021, 1022; 25 U. S. C. 372, 373, 377, 373a, 373b)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

DECEMBER 14, 1955.

[F. R. Doc. 55-10213; Filed, Dec. 20, 1955; 8:49 a. m.]

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—ORDER FIXING OPERATION AND MAINTENANCE CHARGES

CROW INDIAN IRRIGATION PROJECT, MONTANA; CHARGES

There was published in the daily issue of the FEDERAL REGISTER pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946, Public Law 404, 79th Congress; the acts of Congress approved August 1, 1914; June 4, 1920; May 26, 1926; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 41 Stat. 751; 44 Stat. 658; 45 Stat. 210; 25 U. S. C. 387) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 11, 1946 (11 F. R. 10279) and by virtue of authority delegated by the Commissioner of Indian Affairs to the Regional Director September 13, 1949, by Order No. 2535, notice of intention to modify § 130.12 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Crow Indian Irrigation Project to read as follows:

Interested persons were thereby given opportunity to participate in preparing the modification by submitting data or written arguments within 30 days from the publication of the notice. No objections were submitted. Accordingly, § 130.12 is amended as follows:

§ 130.12 *Charges.* In compliance with the provisions of the act of August 1, 1914 (38 Stat. 583; 25 U. S. C. 385), the operation and maintenance charges for irrigable lands under the Crow Indian Irrigation Project and under certain private ditches for the calendar year 1956 and subsequent years until further notice are hereby fixed as follows:

For the assessable non-district area under constructed works on all Government-operated units excepting Coburn Ditch, per acre	$2.50
For the assessable area under constructed works on certain tracts of irrigable trust patent Indian land within and benefited by the Two Leggins Unit, per acre	1.74
For the assessable area on certain tracts of irrigable trust patent Indian land within and benefited by the Bozeman Trail Unit, per acre	1.25
For all lands in Indian ownership under the Bozeman Trail Unit on June 28, 1946, and under constructed works on all Government-operated units in the Little Big Horn watershed; for non-Indian, non-irrigation district lands, under private ditches, contracting for the benefits and repayment for the costs of the Willow Creek Storage Works; for operation and maintenance of said Works, per acre	.10
For certain tracts of irrigable trust patent Indian lands within and benefited by the Two Leggins Drainage District (contract dated June 29, 1932), per acre	$0.75

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

The foregoing amendment is to become effective for the irrigation season of 1956 and continue in effect thereafter until further notice.

J. M. COOPER,
Area Director.

[F. R. Doc. 55-10191; Filed, Dec. 20, 1955; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 897, Amdt. 3]

PART 97—ROUTING

REROUTING OF TRAFFIC

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of December 1955.

Upon further consideration of Service Order No. 897 (19 F. R. 3762; 20 F. R. 4, 4688), and good cause appearing therefor: It is ordered, that:

Section 97.897 *Service Order No. 897*, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., June 30, 1956, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., December 31, 1955.

It is further ordered, That copies of this order and direction shall be served upon the Nebraska State Railway Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended, sec. 15, 24 Stat. 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-10210; Filed, Dec. 20, 1955; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

TAX OR SPECIAL ASSESSMENT

Section 36.4352 is revised to read as follows:

§ 36.4352 *Tax or special assessment.* Tax liens, special assessment liens, ground rents, and, with the approval of the Administrator, liens retained by nongovernmental entities to secure assessments or charges for community or municipal type services and facilities shall be disregarded with respect to any requirement that loans shall be secured by a lien of a specified dignity.

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective December 21, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-10216; Filed, Dec. 20, 1955; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 957]

[AO-150 A-2]

POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT NO. 98 AND ORDER NO. 57, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900 et seq.), notice is hereby given of a public hearing to be held in the Bannock County Court House, Pocatello, Idaho, beginning at 9:30 a. m., m. s. t., January 19, 1956, with respect to proposed amendments to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The Idaho-Eastern Oregon Potato Committee, the administrative agency established pursuant to the marketing agreement and order, has proposed the following amendments to said marketing agreement and order and has requested a hearing thereon:

1. Amend §§ 957.1, 957.2, and 957.3, to read, respectively, as follows:

§ 957.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 957.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agri-

cultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 957.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

2. Amend §§ 957.7, 957.8, and 957.9 to read, respectively, as follows:

§ 957.7 *Certified seed potatoes.* "Certified seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State in which the potatoes are grown, or other seed certification agencies which the Secretary may recognize and approve.

§ 957.8 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes or cause potatoes to be handled.

§ 957.9 *Handle.* "Handle" or "ship" means to sell or transport potatoes within the production area, or between the production area and any point outside thereof.

3. Amend § 957.12 *Fiscal year* to read as follows:

§ 957.12 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

4. Renumber and amend § 957.13 *Grade and size* to read as follows:

§ 957.14 *Grade and size.* "Grade" means any one of the officially established grades of potatoes or peeled potatoes, and "size" means any one of the officially established sizes of potatoes or peeled potatoes, as defined and set forth in:

(a) United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(c) United States Standards for Grades of Peeled Potatoes issued by the United States Department of Agriculture (§§ 52.2421 to 52.2433 of this title) or amendments thereto, or modifications thereof, or variations based thereon; and

(d) Standards for potatoes issued by the State of Idaho or Oregon or amendments thereto, or modifications thereof, or variations based thereon.

5. Add a new § 957.13 *Grading* reading as follows:

§ 957.13 *Grading.* "Grading" is synonymous with "preparation for market" and means the sorting or separation of potatoes into grades, sizes, shapes, qualities, and packs for market purposes.

6. Renumber § 957.14 *Export* as § 957.17.

7. Renumber and amend § 957.15 *District* to read as follows:

§ 957.18 *District.* "District" means each one of the geographical divisions of the production area established pursuant to § 957.27 or as reestablished pursuant to § 957.28.

8. Add new §§ 957.15 *Pack* and 957.16 *Container* reading as follows:

§ 957.15 *Pack.* "Pack" means a unit of potatoes in any type of container and which falls within specific weight limits or within specific grade limits, or both, recommended by the committee and approved by the Secretary.

§ 957.16 *Container.* "Container" means a sack, box, bag, crate, hamper, basket, carton, package, barrel, bulk load or any other type of unit used in the packaging, transportation, sale, shipment or handling of potatoes.

9. Add new §§ 957.19 *Marketing season* and 957.20 *Table stock potatoes* reading as follows:

§ 957.19 *Marketing season.* "Marketing season" is synonymous with "season" and means the period July 1 of any year to and including June 30 of the following year.

§ 957.20 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of certified seed potatoes.

10. Renumber §§ 957.20 to 957.32, inclusive, as §§ 957.25 through 957.27, and 957.29 through 957.38, respectively.

11. Amend paragraphs (a) and (b) of the newly renumbered § 957.25 to read as follows:

§ 957.25 *Establishment and membership.* (a) The Idaho-Eastern Oregon Potato Committee consisting of ten members, of whom six shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a committee member or alternate to represent producers shall be an individual who is a producer in the district for which selected or an officer or employee of a producer in such district, and shall be a resident thereof. A producer who handles potatoes other than of his own production shall qualify as a producer under this section, and §§ 957.29, 957.30, 957.32, and 957.34, only if the potatoes of his own production constituted 51 percent or more of the total quantity of potatoes handled by him during the portion of the then current season preceding his nomination.

12. Amend the newly numbered § 957.26 to read as follows:

§ 957.26 *Term of office.* (a) The term of office of committee members and alternates shall be for two years beginning June 1 and ending May 31. The terms of office of such members and alternates shall be so determined that one-half of the total committee membership shall terminate each May 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify and continuing until the end of the term for which selected, and until their successors are selected and have qualified.

13. Add a new § 957.28 reading as follows:

§ 957.28 *Redistricting.* The committee may recommend, and pursuant thereto the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts, set forth in § 957.27, within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in potato acreage within districts and within the production area during recent years; (b) the importance of new potato production in its relation to existing districts; (c) the equitable relationship between the committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective within less than 30 days prior to the beginning of a fiscal period; and no recommendations for such redistricting or reapportionment may be made less than four months prior to such date.

14. Amend the newly renumbered §§ 957.29, 957.30, and 957.31 to read as follows:

§ 957.29 *Selection.* Members and alternates shall be selected on the following basis (unless otherwise apportioned pursuant to § 957.28): (a) Three producer members and two handler members with their respective alternates, from District No. 1; (b) one producer member and one handler member, with their respective alternates, from District No. 2; and (c) two producer members and one handler member, with their respective alternates, from District No. 3.

§ 957.30 *Nominations.* (a) The Secretary may select the members and alternates of the Idaho-Eastern Oregon Potato Committee from nominations which may be made in the following manner, or from other eligible persons: nominations for members and alternates may be submitted by producers or handlers, as the case may be, or groups of either thereof, on an elective basis or otherwise.

(b) In order to provide nominations for committee members and alternates: (1) The committee shall hold or cause to be held prior to April 1 of each year, one or more meetings of producers and of handlers in each of the districts designated in § 957.27, or pursuant to § 957.28, in which the then current terms of office will expire the following May 30; and

(2) In arranging for such meetings, the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies, and may combine its meetings with others.

(c) Nominations shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than 30 days prior to the expiration of the terms of office.

(d) Only producers may participate in designating nominees for producer members and alternates and only handlers may participate in designating nominees for handler members and alternates.

(e) Regardless of the number of districts in which a person produces or handles potatoes, such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided,* That in the event a person is engaged in producing or handling potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further,* That, an eligible voter's privilege of casting only one vote, as aforesaid shall be construed to permit such voter to cast one vote for each position to be filled in the district in which he elects to vote.

§ 957.31 *Failure to nominate.* If nominations are not made within the time and in the manner and form specified by the Secretary pursuant to § 957.30, the Secretary may without regard to nominations, select the committee members and alternates: *Provided,* That such selection shall be on the basis of the representation prescribed in this subpart.

15. Amend the newly numbered §§ 957.34, 957.35, and 957.36 to read as follows:

§ 957.34 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence; an alternate member may perform such other duties as assigned or requested by the committee. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor to such member is selected and has qualified.

§ 957.35 *Procedure.* (a) A majority of the members of the committee shall be necessary to constitute a quorum; and at least six concurring votes shall be required to pass any motion or approve any committee action. At any assembled meeting, all votes shall be cast in person.

(b) The committee may provide for meetings, by telephone, telegraph, or other means of communication and any vote cast at such meeting shall be confirmed promptly in writing.

§ 957.36 *Expenses and compensation.* Committee members and their respective alternates shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart, and shall receive compensation at a rate to be determined by the committee and approved by the Secretary, not to exceed $10.00 for each day, or portion thereof, spent in attending to committee business: *Provided,* that at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

16. Amend paragraph (d) of the newly renumbered § 957.38 *Duties* to read as follows:

(d) to investigate from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes;

17. Amend §§ 957.40 to 957.46, inclusive, to read as follows:

§ 957.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a fiscal period and the total quantity of potatoes handled by all handlers as first handlers thereof during the same period.

§ 957.41 *Budget.* At the beginning of each fiscal period, and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget promptly to the Secretary with an accompanying report showing the basis for its calculations.

§ 957.42 *Assessments.* (a) The funds to cover the committee's expenses pursuant to § 957.40 shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who ships potatoes as the first handler thereof shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of such expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary, but not to exceed $1.00 per carload. Such rates may be established upon the basis of the committee's recommendations or other available information.

(c) At any time during or subsequent to a given fiscal period, the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendation, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

§ 957.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee, he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necesary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations are not in effect and; if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 957.44 *Refunds.* Monies arising from the excess of assessments over expenses shall be accounted for as provided in this section. Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him. However, the Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this order to liquidate the affairs of the committee: *Provided,* That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of committee liquidation shall be returned upon a pro rata basis to all persons from whom such funds were collected.

18. Add a new § 957.47 reading as follows:

§ 957.47 *Research and development.* The committee may investigate from time to time and assemble data on the growing, harvesting, shipping, and marketing conditions with respect to pota-

toes, and, upon approval of the Secretary, may provide for the establishment of research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes.

19. Amend §§ 957.50 to 957.54, inclusive, to read as follows:

§ 957.50 *Marketing policy*—(a) *Preparation.* Prior to or at the same time as recommendations are made pursuant to § 957.51, the committee shall consider, and prepare a proposed policy for the marketing of potatoes. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, and quality in different packs, and in different containers;

(2) Supplies of potatoes by grade, size, and quality in the production area and in other production areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) The committee shall promptly submit a report to the Secretary setting forth the aforesaid marketing policy and shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the committee shall prepare a new or revised marketing policy in the manner set forth in paragraph (a) of this section and this paragraph. The committee shall promptly submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the new or revised marketing policy.

§ 957.51 *Recommendation for Regulations.* Whenever the committee deems it advisable that the handling of potatoes be regulated pursuant to § 957.52 or § 957.53, or both, it shall recommend to the Secretary grade, size, quality, or maturity regulation, or any combination thereof, or amendment thereto, or modification, suspension or termination thereof, whenever it finds that such regulation, as provided in such sections will tend to effectuate the declared policy of the act.

§ 957.52 *Issuance of regulations.* (a) The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the shipment of particular grades, sizes, qualities, or maturities, or any combination thereof, of any or all varieties of potatoes during any period;

(2) Regulate the shipment of particular grades, sizes, qualities, or maturities of potatoes differently, for different varieties, for table stock potatoes, for certified seed potatoes, for different outlets, for different portions of the production area, for different packs, for different containers, for peeled potatoes and unpeeled potatoes, or for any combination of the foregoing, during any period;

(3) Provide a method through rules and regulations, issued pursuant to this part for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both;

(4) Regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(5) Prohibit the handling of potatoes during a specified period or periods. No Regulation issued pursuant to this subparagraph shall be effective for more than 96 consecutive hours: *Provided,* That not less than 72 consecutive hours shall elapse between the termination of any such period of limitation and the beginning of the next such period.

(b) In the event the handling of potatoes is regulated pursuant to § 957.52 (a) (5), no handler shall handle any such potatoes which were prepared for market during the effective period of such regulation.

(c) The Secretary may amend any regulation issued under this part whenever he finds that such amendment would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation or amendment thereof whenever he finds that such regulation or amendment obstructs or no longer tends to effectuate the declared policy of the act.

§ 957.53 *Modification, suspension, or termination.* Whenever the Secretary finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it will tend to effectuate the declared policy of the act, he shall modify, suspend, or terminate regulation under or pursuant to §§ 957.42, 957.52, or 957.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes:

(a) For grading or storage within any or all portions of the production area.

(b) Planting within any or all portions of the production area;

(c) Export;

(d) Relief or charity;

(e) Livestock feed;

(f) Certified seed potatoes;

(g) Manufacture or conversion into specified products; and

(h) Such other purposes which may be specified by the committee, with approval of the Secretary.

20. Renumber §§ 957.55 through 957.57 as §§ 957.54 through 957.56, respectively.

21. Amend the newly renumbered § 957.56 to read as follows:

§ 957.56 *Safegards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 957.53 from entering channels of trade for other than the specific purpose authorized therefor.

(b) Safeguards, as provided by this section, may include requirements that handlers:

(1) Shall obtain the inspection required by § 957.65 or pay the assessment provided by § 957.42, or both, in connection with the potato shipments effected in accordance with § 957.53; and

(2) Shall obtain certificates of privilege from the committee for shipments of potatoes effected or to be effected under provisions of § 957.53.

(c) The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of certificates of privilege.

(d) The committee may rescind or deny to any handler certificates of privilege if proof satisfactory to the commit tee is obtained that potatoes shipped by him for the purposes stated in § 957.53 were handled contrary to the provisions of this part.

(e) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(f) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates and such other information as may be requested by the Secretary.

22. Amend § 957.65 *Inspection and certification* to read as follows:

§ 957.65 *Inspection and certification.* (a) During any period in which regulations are issued pursuant to §§ 957.42, 957.52, 957.53, or any combination thereof, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary may designate, and is covered by a valid inspection certificate, except when relieved from such requirements pursuant to recommendation by the committee and approval by the Secretary.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates covering such potatoes insofar as the requirements of this section are concerned. During any period in which shipments of potatoes are regulated, as aforesaid, no handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected and covered by a valid inspection certificate as required in paragraph (a) of this section.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate shall be valid may be established by the committee with the approval of the Secretary; and such length of time may be different for shipments for different purposes.

(d) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available promptly to the committee by the inspection service.

23. Delete §§ 957.70 to 957.73, inclusive.

24. Amend § 957.83 by inserting "(a)" after the title *Effective time* and by adding paragraph (b) reading as follows:

(b) All rules and regulations issued by the Secretary pursuant to this part (Order No. 57, as amended), which are in effect immediately prior to the date of this amendment shall continue in effect under this subpart as originally issued, or subsequently modified, until such rules and regulations are changed, modified, or suspended in accordance with this subpart.

25. The Fruit and Vegetable Division Agricultural Marketing Service, United States Department of Agriculture, proposes the following amendment:

Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to any amendments thereof which may result from this hearing.

Copies of this notice may be obtained from the Western Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1218 S. W. Washington Street, Portland 5, Oregon, or from the Hearing Clerk, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 16th day of December 1955.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 55-10230; Filed, Dec. 20, 1955; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11546]

RADIO BROADCAST SERVICES; MECHANICAL REPRODUCTIONS

NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of §§ 3.188, 3.288, 3.588 and 3.653 of the Commission's rules and regulations relating to mechanical reproductions.

1. The Commission adopted a Notice of Proposed Rule Making on November 16, 1955 (FCC 55-1136), instituting a rule making proceeding in the above entitled matter. The Notice specified that comments should be filed by December 15, 1955, with replies due 10 days thereafter.

2. On December 13, 1955, the National Broadcasting Company, Inc., filed a Motion for an Extension of Time Within Which to File Comments. NBC states that it favors the objectives of the proposed amendment in this matter, but is not satisfied that the objectives can best be attained by the proposal in its present form. NBC further states that its counsel have been fully engaged in preparation of other matters before the Commission, including, for example, comments in the general television allocation proceeding in Docket No. 11532, and therefore requests that the date for filing comments be extended to January 20, 1956.

3. The Commission believes that a sufficient showing has been made to warrant an extension of time for filing comments in this proceeding and that such an extension would be in the public interest.

4. In view of the foregoing: *It is ordered,* That the time for filing comments in the above entitled proceeding is extended to January 20, 1956; and that the time for filing replies to such comments is extended to 10 days thereafter.

Adopted: December 15, 1955.

Released: December 16, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-10217; Filed, Dec. 20, 1955; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 12, 1955.

An application, serial number C-09807, for the withdrawal from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, of the lands described below, was filed on July 15, 1955, by the Fish and Wildlife Service, U. S. Department of the Interior.

The purposes of the proposed withdrawal: For use in connection with the South Platte River Management Area.

For a period of thirty (30) days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, 357 New Custom House, Box 1018, Denver 1, Colorado. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 8 N., R. 51 W.,
Sec. 9: NE¼SW¼;
Sec. 17: S½NE¼, SE¼NW¼;
Sec. 18: SE¼.
T. 4 N., R. 55 W.,
Sec. 5: SE¼NE¼;
Sec. 7: SE¼NE¼.
T. 6 N., R. 57 W.,
Sec. 31: Lot 2.
T. 4 N., R. 59 W.,
Sec. 21: SE¼SE¼;
Sec. 22: SW¼SW¼;
Sec. 27: NW¼NW¼, E½SW¼, W½SE¼.
T. 4 N., R. 60 W.,
Sec. 30: Lot 4, SE¼SW¼;
Sec. 31: Lots 1, 2, 3, 4, E½W½.
T. 5 N., R. 60 W.,
Sec. 14: S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 15: S½N½, S½;
Sec. 22: All;
Sec. 23: N½NE¼, SW¼NE¼, NW¼, N½SW¼;
Sec. 27: NW¼NE¼, E½NW¼.
T. 3 N., R. 61 W.,
Sec. 1: Lot 3, SE¼NW¼, NE¼SW¼;
Sec. 2: Lot 2.
T. 4 N., R. 61 W.,
Sec. 25: NE¼SW¼, NW¼SE¼, S½S½;
Sec. 26: SE¼SE¼;
Sec. 35: E½, NW¼, E½SW¼, NW¼SW¼.

The area described aggregates 4,104.09 acres.

[SEAL] J. ELLIOTT HALL, *Acting State Supervisor.*

[F. R. Doc. 55-10192; Filed, Dec. 20, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

1956 CROP SUGAR BEET WAGES AND PRICES AND DESIGNATION OF PRESIDING OFFICERS

NOTICE OF HEARINGS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of Section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), notice is hereby given that public hearings will be held as follows:

At Greeley, Colorado, January 4, 1956, at the State Armory, 614 Eighth Avenue, at 10:00 a. m.;

At Salt Lake City, Utah, January 6, 1956, Room 230, Federal Building, at 10:00 a. m.;

At Billings, Montana, January 9, 1956, Assembly Room, Roosevelt School, 23d Street and Fourth Avenue North, at 10:00 a. m.;

At Fargo, North Dakota, January 11, 1956, Students Lounge, North Dakota Agricultural College Library, at 10:00 a. m.;

At Detroit, Michigan, January 13, 1956, Court Room 859, Federal Building, at 10:00 a. m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of Section 301 (c) (1) of the Act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets in regions other than the State of California, southwestern Arizona, southern Oregon and western Nevada, for the 1956 crop on farms with respect to which applications for payments under the Act are made, and (2), pursuant to the provisions of section 301 (c) (2) of the Act, fair and reasonable prices for the 1956 crop of sugar beets in regions other than those noted above to be paid under either purchase or toll agreements by producers who process sugar beets grown by other producers and who apply for payments under the Act.

In order to obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to all points relative to the subject matters of the hearings.

The hearings, after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

Ward S. Stevenson and Charles F. Denny are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 16th day of December 1955.

[SEAL] LAWRENCE MYERS,
Director, Sugar Division.

[F. R. Doc. 55-10229; Filed, Dec. 20, 1955; 8:52 a. m.]

Office of the Secretary

UTAH

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF ADDITIONAL COUNTIES CONTAINED IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress (42 U. S. C. 1855 et seq.), the President determined that a major disaster occasioned by drought existed in the State of Utah in October 1954.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148; 19 F. R. 5364), certain counties in the State of Utah were on October 19, 1954 (19 F. R. 7119 as amended by 19 F. R. 8635 and 20 F. R. 952), determined to be the areas affected by the major disaster occassioned by drought.

Pursuant to the aforesaid delegations, the delineations and certifications of counties in the drought area in the State of Utah are hereby amended by adding Kane County and the entire area of Garfield County.

Done at Washington, D. C., this 16th day of December 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10203; Filed, Dec. 20, 1955; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTE 14; U. S. ATLANTIC AND GULF/WEST COAST AFRICA

ESSENTIALITY AND U. S. FLAG SERVICE REQUIREMENTS; CONCLUSIONS AND DETERMINATIONS

Notice is hereby given that the Maritime Administrator has directed that his conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 14, as published in the FEDERAL REGISTER issue of October 21, 1955 (20 F. R. 7945), shall stand unchanged.

By order of the Maritime Administrator.

Dated: December 15, 1955.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-10214; Filed, Dec. 20, 1955; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11474, 11475; FCC 55M-1041]

NORTHERN INDIANA BROADCASTERS, INC., AND ST. JOSEPH VALLEY BROADCASTING CORP. (WJVA)

ORDER FOR THE CONDUCT OF HEARING

DECEMBER 15, 1955.

In re applications of Northern Indiana Broadcasters, Incorporated, South Bend, Indiana, Docket No. 11474, File No. BP-9602; St. Joseph Valley Broadcasting Corporation (WJVA), Mishawaka, Indiana, Docket No. 11475, File No. BP-9778; for construction permits.

Appearances. John A. Rafter, Washington, D. C., on behalf of Northern Indiana Broadcasters, Incorporated; William S. Green, Washington, D. C., on behalf of St. Joseph Valley Broadcasting Corporation (WJVA); George S. Smith and Edwin S. Nail, Washington, D. C., on behalf of Anderson Broadcasting Company; and Charles J. Frederick, Washington, D. C., on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. A pre-hearing conference in the above-entitled proceeding was held November 18, 1955. The parties attending were as above indicated.

2. Prior to the pre-hearing conference on November 18, 1955, the Commission gave its consent to the transfer of control of St. Joseph Valley Broadcasting Corporation, applicant in Docket 11475. It was stated at the pre-hearing conference that in the event that transfer of control of St. Joseph Valley Broadcasting Corporation is consummated, such party will withdraw from the proceeding. The pre-hearing conference was, thereafter, conducted on the assumption that St. Joseph Valley Broadcasting Corporation would not be an applicant in this proceeding, it being understood, however, that in the event the assignment of the transfer of control is not consummated, St. Joseph Valley Broadcasting Corporation could assert all rights which it had prior to the start of the conference.

3. On the assumption that St. Joseph Valley Broadcasting Corporation will not be an applicant, the issues to be resolved in this proceeding become those pertaining to interference with Station WHBU, Anderson, Indiana, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary services in such areas.

4. As a result of the pre-hearing conference referred to and subject to the limitations indicated in paragraph 2, the following schedule was ordered:

a. All exhibits designed to respond to engineering issues and, in particular, with respect to the matter of interference to Station WHBU, Anderson, Indiana, or to any other existing or proposed station, will be exchanged with the parties on or before December 16, 1955.

b. The evidentiary hearing will begin Tuesday, January 10, 1956. At this evidentiary hearing, all parties will offer in evidence the exhibits which they propose to offer in response to the engineering issues herein.

c. It is the intent of the Hearing Examiner to receive in evidence at the hearing which will start Tuesday, January 10, 1956, all exhibits and stipulations to which no objections are made as well as all exhibits which, after objections, are held to be legally admissible. The exhibits to which this paragraph refers are those which are to be exchanged among the parties on or before December 16, 1955.

d. The exhibits exchanged on December 16, 1955, may be offered in evidence at the January 10, 1956, hearing without the necessity of having an officer or member of the applicant present for such purpose. After the exhibits have been offered, counsel for each applicant will identify the person or persons he wishes to call to explain the exhibits as well as to identify the witness or witnesses of the opposing applicant he desires to call for cross-examination.

It is so ordered, This the 15th day of December 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10218; Filed, Dec. 20, 1955; 8:50 a. m.]

[Docket No. 11528; FCC 55M-1038]

WBUF-TV, INC., AND NATIONAL BROADCASTING CO., INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of WBUF-TV, Inc. (Assignor) and National Broadcasting Company, Inc. (Assignee), Docket No. 11528, File No. BAPCT-150; for assignment of the construction permit for Station WBUF-TV, Buffalo, New York.

The Hearing Examiner having under consideration the above-entitled proceeding; and

It appearing that National Broadcasting Company, Inc., did, on December 8, 1955, file its motion requesting that the above-entitled hearing, scheduled to begin on December 19, 1955, be continued; and

It further appearing that WGR Corporation did, on December 13, 1955, file "Comments of WGR Corporation on Motion For a Continuance" herein, which in substance opposed the motion of continuance heretofore referred to;

It is ordered, This 13th day of December 1955, that all parties or their attorneys are directed to appear for a prehearing conference, including oral arguments on said motion for continuance, pursuant to the provisions of section 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., December 16, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10219; Filed, Dec. 20, 1955; 8:50 a. m.]

[Docket No. 11572]

WARNER & TAMBLE RADIO SERVICE, INC.

ORDER TO SHOW CAUSE WHY LICENSE SHOULD NOT BE REVOKED

In the matter of Warner & Tamble Radio Service, Inc., Memphis, Tennessee, Docket No. 11572; order to show cause why the license for radiotelephone station WP-9369 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WB-9369, licensed to Warner & Tamble Radio Service, Inc., P. O. Box 166, Memphis 1, Tennessee, and located aboard the vessel "Advance";

It appearing that notices of violations of the Commission's rules in the operation of said station were given the licensee as follows:

(a) Notice dated April 29, 1955, specifying, among other things, violation of the following Commission rules as of April 15:

(1) Non-compliance with § 8.353 (b) by conducting communications from ship to ship on a frequency not assigned for that purpose by the Commission.

(2) Non-compliance with § 8.364 by failing to announce the call letters assigned at the beginning and conclusion of communications.

(b) Notice dated June 9, 1955, sent by Registered Mail, Return Receipt Requested, received by the licensee on June 22, 1955, which called attention, among other things, to the above noted violation of § 8.364 and also the further violation of § 8.601 (a) of the Commission's rules for failure to reply thereto. This notice also requested a response within 10 days of receipt;

It further appearing that as of this date the licensee has not answered either of the above-mentioned official violation notices;

It is ordered, This 14th day of December 1955 pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Warner & Tamble Radio Service, Inc., P. O. Box 166, Memphis 1, Tennessee, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held before this Commission at Washington, D. C., on the 13th day of February 1956;

It is further ordered, That the Secretary send a copy of this order to the licensee by Registered Mail—Return Receipt Requested.

Released: December 15, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10221; Filed, Dec. 20, 1955; 8:51 a. m.]

[Docket No. 11577]

WILLIAM PURNELL

ORDER TO SHOW CAUSE WHY LICENSE SHOULD NOT BE REVOKED

In the matter of William Purnell, Berlin, Maryland, Docket No. 11577; order to show cause why the license of Radiotelephone Station WE-8995 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of station WE-8995, licensed to William Purnell, Bayridge Farm, RFD #2, Berlin, Maryland, and located aboard the vessel "Answer";

It appearing that notices of the violations of the Commission's rules in the operation of said station were given the licensee as follows:

(a) Notice dated July 21, 1955, specifying, among other things, that as of July 20, 1955, the licensee was in violation of section 8.368 of the Commission's rules for failure to keep a radio log.

(b) Notice dated August 31, 1955, sent by Registered Mail, Return Receipt Requested, received by Nancy Purnell as agent for the licensee on September 2, 1955, calling attention to the above noted violation and failure to reply thereto in violation of section 8.601 (a) of the Commission's rules. This notice also requested a response within 10 days of receipt;

It further appearing that as of this date the licensee has not answered either of the above-mentioned official violation notices;

It is ordered, This 14th day of December 1955, pursuant to section 312 (c) of the Communications Act of 1934, as amended, that the said William Purnell show cause why the aforesaid license should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held before this Commission at Washington, D. C., on the 17th of February 1956;

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said William Purnell, Bayridge Farm RFD #2, Berlin, Maryland.

Released: December 15, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10222; Filed, Dec. 20, 1955; 8:51 a. m.]

[Docket No. 11530; FCC 55M-1042]

JAMES W. MILLER

ORDER CONTINUING HEARING

In re application of James W. Miller, Milford, Massachusetts, Docket No. 11530, File No. BP-9878; for construction permit.

The Hearing Examiner having under consideration a motion for a continuance of the above-entitled proceeding filed on December 12, 1955, by James W. Miller;

It appearing that the above-named applicant is now engaged in the preparation of an amendment which he believes will resolve all questions of interference and which would render the proposed hearing unnecessary and that the continuance is requested to provide time for completion of the amendment and to permit its processing by the Commission; and

It appearing further that no other participant in the proceeding has objected to grant of the motion;

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in an order to show cause, a licensee shall within thirty (30) days from the date of the receipt of a show cause order submit a written statement informing the Commission whether said licensee will appear at the designated hearing and present evidence upon the matters specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to a show cause order within the above-mentioned thirty (30) day period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that the licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

It is ordered, This 16th day of December 1955, that the motion is granted, and the hearing now scheduled for January 6, 1956, is continued to 10:00 a. m., February 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10220; Filed, Dec. 20, 1955; 8:51 a. m.]

[Docket Nos. 11580, 11581; FCC 55-1229]

SHASTA TELECASTERS AND SACRAMENTO BROADCASTERS, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Laurence W. Carr, George C. Fleharty, William B. Nystrom, C. T. Ross, George H. Voorhies, Carl R. McConnell, Morris K. Cohen and Robert L. Hammett d/b as Shasta Telecasters, a Joint Venture, Redding, California, Docket No. 11580, File No. BPCT-2010; Sacramento Broadcasters, Inc., Redding, California, Docket No. 11581, File No. BPCT-2022; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of December 1955;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 7 assigned to Redding, California; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised of the fact that their applications were mutually exclusive, of the necessity for a hearing thereon, of all objections to their applications, and were given an opportunity to reply; and

It further appearing that upon due consideration of the above applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Laurence W. Carr et al, d/b as Shasta Telecasters, and Sacramento Broadcasters, Inc., are legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast stations;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine on a comparative basis which of the proposed operations would better serve the public interest, convenience and necessity in the light of the record made with respect to significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 16, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10224; Filed, Dec. 20, 1955; 8:51 a. m.]

[Docket No. 11578]

FORD V. THIBODEAUX & H. J. ESTAVE

ORDER TO SHOW CAUSE WHY LICENSE SHOULD NOT BE REVOKED

In the matter of Ford V. Thibodeaux & H. J. Estave, Amelia, Louisiana, Docket No. 11578; order to show cause why the license for Radiotelephone Station WD-2856 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of station WD-2856 licensed to Ford V. Thibodeaux and H. J. Estave, Amelia, Louisiana, and located aboard the vessel "Patricia";

It appearing that notices of the violations of the Commission's rules in the operation of said station were given the licensees as follows:

(a) Notice dated March 31, 1955, for violation on March 30, 1955, of section 8.108 of the Commission's rules for transmitting harmonic emissions outside the authorized frequency.

(b) Notice dated May 26, 1955, for violation of section 8.364 (a) of the Commission's rules by failing to identify the station by the assigned call letters.

(c) Notice dated June 2, 1955, sent by Registered Mail, Return Receipt Requested, which was received by the licensees on June 9, 1955, again calling attention to the violation contained in the Notice of March 31, 1955. This notice also noted the violation of section 8.601 (a) for failure to reply thereto and requested a response within 10 days of receipt.

(d) Notice dated June 20, 1955, sent by Registered Mail, Return Receipt Requested, which was received by the licensees on June 23, 1955, calling attention to the violation contained in the notice of May 26, 1955. This notice also noted the violation of section 8.601 (a) for failure to reply thereto and requested a response within 10 days of receipt;

It further appearing that as of this date the licensee has not answered any of the above-mentioned official violation notices;

It is ordered, This 14th day of December 1955 pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Ford V. Thibodeaux & H. J. Estave, Amelia, Louisiana, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held before this Commission at Washington, D. C., on the 15th day of February 1956;

It is further ordered, That the Secretary send a copy of this Order to the licensee by Registered Mail—Return Receipt Requested.

Released: December 15, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10223; Filed, Dec. 20, 1955; 8:51 a. m.]

[Docket Nos. 11582, 11583; FCC 55-1233]

DALE R. CURTIS AND TOOELE COUNTY RADIO AND TELEVISION BROADCASTING, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Dale R. Curtis, Salt Lake City, Utah, Docket No. 11582, File No. BP-9925; Tooele County Radio and Television Broadcasting, Inc., Tooele, Utah, Docket No. 11583, File No. BP-9966; for construction permits.

At a session of the Federal Communications Commisison held at its offices in Washington, D. C., on the 14th day of December 1955;

The Commission having under consideration the above-entitled applications of Dale R. Curtis and Tooele County Radio and Television Broadcasting, Inc., each for a construction permit for a new standard broadcast station to operate on 990 kilocycles with a power of one kilowatt, daytime only, at Salt Lake City, Utah, and Tooele, Utah, respectively; and

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that operation of both stations as proposed would result in mutually destructive interference; that the geographical coordinates specified in the application of Tooele County Radio and Television Broadcasting, Inc., are in error, and, therefore, a determination has not been made as to whether the antenna tower construction proposed by this applicant would create a hazard to air navigation; and that there is a large discrepancy between the two proposals as to the area and number of persons encompassed within the interference-free (0.5 mv/m) contours that cannot be readily explained by the difference in site locations; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated October 3, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would serve the public interest; and

It further appearing that a timely reply was filed by Dale R. Curtis; and

It further appearing that Tooele County Radio and Television Broadcasting, Inc., in replies dated November 11 and November 14, 1955, submitted additional financial data and information regarding the location of the proposed antenna site, but the exact geographical coordinates of the proposed site were not specified, and, therefore, a determination has still not been made as to whether the proposed tower construction would create a hazard to air navigation; and requested that its application be granted without hearing; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations would better provide a fair, efficient and equitable distribution of radio service.

3. To determine whether the antenna system in the proposed operation of Tooele County Radio and Television Broadcasting, Inc., would constitute a hazard to air navigation.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

Released: December 16, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10225; Filed, Dec. 20, 1955; 8:52 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in an order to show cause, a licensee shall within thirty (30) days from the date of the receipt of a show cause order submit a written statement informing the Commission whether said licensee will appear at the designated hearing and present evidence upon the matters specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to a show cause order within the above-mentioned thirty (30) day period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that the licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

FEDERAL POWER COMMISSION

[Docket No. G-4911 etc.]

SUNRAY MID-CONTINENT OIL CO.[1]

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 14, 1955.

Sunray Mid-Continent Oil Company, Applicant, filed applications as hereinafter specified. Applicant, a Delaware corporation, with its principal place of business at Tulsa, Oklahoma, has applied for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing it to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant produces and sells natural gas for transportation in interstate commerce for resale.

Docket No.; Date Filed; Location of Field; and Buyer

G-4911, G-4913 and G-4920; 11-17-54; Snyder Field, Scurry County, Texas; Lone Star Gas Company.

G-4912 and G-4917; 11-17-54; Mineral Field and South Mineral Fields, Bee County, Texas; Transcontinental Gas Pipe Line Corporation.

G-4914, G-4915 and G-4918; 11-17-54; Panhandle Field, Moore and Hutchinson Counties, Texas; Phillips Petroleum Company.

G-4916; 11-17-54; Bowers Field, Gray County, Texas; Transcontinental Gas Pipe Line Corporation.

G-4919; 11-17-54; Goebel Field, Live Oak County, Texas; Transcontinental Gas Pipe Line Corporation.

G-4944 to G-4954, inclusive; 11-18-54; Mission River, Slick-Wilcox, Burnell, Boyce and Brandt, South Weesatche, Hordes Creek, Mustang Island, Red Fish Bay, and Marshall Fields, Refugio, Goliad, De Witt, Bee, Karnes and Neuces Counties, Texas; United Gas Pipe Line Company.

G-6044 and G-6046; 11-26-54; West Edmond Hunton Lime Field, Logan, Canadian, and Kingfisher Counties, Oklahoma; Cities Service Gas Corporation.

G-6045 and G-6057; 11-26-54; Cotton Valley Field, Webster Parish, Louisiana; United Gas Pipe Line Company.

G-6047; 11-26-54; North McFaddin Field, Victoria County, Texas; United Gas Pipe Line Company.

G-6048; 11-26-54; Eagan Field, Acadia Parish, Louisiana; Transcontinental Gas Pipe Line Corporation.

G-6049 and G-6050; 11-26-54; Driscoll and Bear Creek Fields, Bienville Parish, Louisiana; Arkansas Louisiana Gas Company.

G-6051 and G-6054; 11-26-54; Eagan and Northwest Branch Fields, Acadia Parish, Louisiana; United Gas Pipe Line Company.

G-6053; 11-26-54; Gibson Field, Terrebonne Parish, Louisiana; United Gas Pipe Line Company.

G-6056; 11-26-54; Sentell Field, Bossier Parish, Louisiana; Arkansas Louisiana Gas Company.

G-6059; 11-26-54; Iowa Field, Jefferson Davis Parish Louisiana; United Gas Pipe Line Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 13, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 30, 1955. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-10194; Filed, Dec. 20, 1955; 8:45 a. m.]

[1] Effective May 16, 1955, Mid-Continent Petroleum Corporation merged into Sunray Oil Corporation and Sunray Oil Corporation changed its name to Sunray Mid-Continent Oil Company and adopted the applications of Sunray Oil Corporation in the dockets listed herein.

[Docket No. E-6351]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF SUPPLEMENTAL APPLICATION

DECEMBER 15, 1955.

Take notice that on December 12, 1955, a supplemental application was filed by the California Electric Power Company (Applicant), a corporation organized and existing under the laws of

the State of Delaware, qualified to do business as a foreign corporation in the States of Arizona, California and Nevada, with its principal place of business in Riverside, California, for authorization, pursuant to section 202 (e) of the Federal Power Act, to export electric energy from the United States to Mexico to its wholly owned subsidiary, Industrial Electrica Mexicana, S. A. de C. V., in the amounts and at the rates hereinafter set forth:

Year	In or near Calexico, Calif.		Near Andrade, Calif.		Near Gadsden, Ariz.	
	Kwh.	*Kw.*	*Kwh.*	*Kw.*	*Kwh.*	*Kw.*
1956	130,000,000	30,000	42,000,000	18,000	15,000,000	4,000

The requested authorization would supersede that heretofore granted by order of the Commission issued September 13, 1955, in the above docket, wherein Applicant was authorized to export the following amounts of electric energy:

Year	In or near Calexico, Calif.		Near Andrade, Calif.		Near Gadsden, Ariz.	
	Kwh.	*Kw.*	*Kwh.*	*Kw.*	*Kwh.*	*Kw.*
1955	115,000,000	27,000	10,000,000	4,000	13,000,000	4,000
1956	130,000,000	30,000	30,000,000	10,000	13,000,000	4,000

That authorization was conditioned upon the transmission of those amounts of energy over facilities specified in a Presidential Permit to the Applicant to construct, operate, maintain and connect facilities at the international border between the United States and Mexico which was signed by the President of the United States on November 5, 1949 (Docket No. E-6223). The amounts of energy which Applicant presently seeks to export would be transmitted over those same facilities except that in the case of the exportation made in the vicinity of Andrade, California, Applicant proposes to replace the existing facilities with new facilities to be completed on or about April 1, 1956. By companion supplemental application filed December 12, 1955, in Docket No. E-6223, Applicant seeks authorization, pursuant to Executive Order No. 10485, to construct, maintain, operate and connect the proposed new facilities at the international border and to remove existing facilities which would then be replaced thereby.

Any person desiring to be heard or to make any protest with reference to the aforesaid supplemental application should, on or before January 4, 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's General Rules and Regulations. The application is on file for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-10193; Filed, Dec. 20, 1955; 8:45 a. m.]

[Docket No. G-5122 etc.]

SUNRAY MID-CONTINENT OIL CO.[1]

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 14, 1955.

Sunray Mid-Continent Oil Company (Applicant), filed applications as hereinafter specified. Applicant, a Delaware corporation with its principal place of business at Tulsa, Oklahoma, has applied for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing it to render and terminate services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant produces and sells natural gas for transportation in interstate commerce for resale.

Docket No.; Date Filed; Location of Field; and Buyer

G-5122; 11-19-54; Gladys Powell Field, Goliad County, Texas; Texas Eastern Transmission Corporation.

G-5123; 11-19-54; Placedo, Harper, McFaddin and East Placedo Fields, Victoria and Calhoun Counties, Texas; Tennessee Gas Transmission Company.

G-5124; 11-19-54; Wyrick Field, Refugio County, Texas; Tennessee Gas Transmission Company.

G-5125; 11-19-54; North Lissie Field, Wharton County, Texas; Tennessee Gas Transmission Company.

G-5126 and G-5130; 11-19-54; Karon and North Goebel Fields, Live Oak County, Texas; Texas Eastern Transmission Corporation.

G-5127; 11-19-54; East Meyersville Field, DeWitt County, Texas; Texas Eastern Transmission Corporation.

G-5128; 11-19-54; Holzmark-Wilcox Field, Bee County, Texas; Texas Eastern Transmission Corporation.

G-5129 and G-5132; 11-19-54; Hordes Creek Field, Goliad County, Texas; Texas Eastern Transmission Corporation.

G-5131; 11-19-54; Hostetter and North Hostetter Fields, Live Oak, McMullen and Duval Counties, Texas; Texas Eastern Transmission Corporation.

G-5134; 11-19-54; Cabeza Creek Field Goliad County, Texas; United Gas Pipe Line Company.

G-5135; 11-19-54; La Gloria Field, Jim Wells and Brooks Counties, Texas; Transcontinental Gas Pipe Line Corporation.

G-5172; 11-22-54; Drinkard Field, Lea County, New Mexico; Permian Basin Pipe Line Company.

G-5173; 11-22-54; Guymon-Hugoton Field, Texas County, Oklahoma; Northern Natural Gas Company.

G-5174; 11-22-54; Monument Field, Lea County, New Mexico; El Paso Natural Gas Company.

G-5175; 11-22-54; North McFaddin Field, Victoria County, Texas; United Gas Pipe Line Company.

G-5176; 11-22-54; Hugoton Field, Stevens County, Texas; Panhandle Eastern Pipe Line Company.

G-5177; 11-22-54; Jal Field, Lea County, New Mexico; El Paso Natural Gas Company.

G-5178; 11-22-54; Hugoton Field, Kearney County, Texas; Cities Service Gas Company.

G-5179; 11-22-54; Doyle Field, Stephens County, Oklahoma; Lone Star Gas Company.

Applicant in Docket No. G-5122 filed a supplement on August 9, 1955, requesting authority to abandon service pursuant to section 7 (b) of the Natural Gas Act because production from its single well ceased on September 21, 1954 and the well was plugged and abandoned on February 8, 1955.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 12, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-10195; Filed, Dec. 20, 1955; 8:46 a. m.]

[1] Effective May 16, 1955, Mid Continent Petroleum Corporation merged into Sunray Oil Corporation and Sunray Oil Corporation changed name to Sunray Mid-Continent Oil Company and adopted the applications of Sunray Oil Corporation in the dockets listed herein.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 16, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31436: *Liquefied petroleum gas—Southwest to W. T. L., Illinois and Southwestern Territories.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from origins in the Southwest as described in the application to destinations in the Southwest, also in Illinois and western trunk line territories.

Grounds for relief: Rates constructed on bases prescribed, or related to bases prescribed, in Montana-Dakota Utilities Co. v. Atchison, Topeka & Santa Fe Ry. Co. 268 I. C. C. 769, and circuity.

FSA No. 31437: *Coal—Alabama mines to Alabama points.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on coal, carloads from mines on applicants' lines in Alabama to destinations on Central of Georgia Railway in Alabama over interstate routes.

Grounds for relief: Maintenance of rates over applicants' circuitous routes same as those prescribed by this Commission in Docket 31321.

Tariffs: Supplement 25 to Central of Geeorgia Ry. tariff I. C. C. 3297; Supplement 15 to St. Louis-San Francisco Ry. I. C. C. A-580.

FSA No. 31438: *Cinders—Ohio to Central and Illinois Territories.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cinders, clay or shale, carloads from Cleveland and South Park, Ohio to specified points in Illinois, Iowa, Michigan, Missouri, Ohio, West Virginia and Wisconsin.

Grounds for relief: Short-line distance scales and circuity.

Tariff: H. R. Hinsch, Agent, tariff I. C. C. No. 4622, and six other tariffs.

FSA No. 31439: *Grain and products—Kansas City, Mo.-Kans., to New Orleans, La.* Filed by Kansas City Southern Railway Company, for interested rail carriers. Rates on grain, grain products and related articles, carloads from Kansas City, Mo.-Kans., to New Orleans, La., for export.

Grounds for relief: Circuitous routes.

Tariff: Supplement 24 to Kansas City Southern Railway tariff I. C. C. 5303.

FSA No. 31440: *Substitute service—Pennsylvania Railroad Company.* Filed by Central States Motor Freight Bureau, Inc., Agent, for The Pennsylvania Railroad Company, Eazor Express, Inc., and other interested motor carriers. Rates on various commodities in trailers, loaded on railroad flat cars between Chicago, Ill., and points beyond, on the one hand, and Pittsburgh, Pa., and points beyond, on the other.

Grounds for relief: Motor carrier competition.

Tariff: Central States Motor Freight Bureau, Inc. tariff I. C. C. No. 25, MF-I. C. C. No. 820.

FSA No. 31441: *Woodpulp from the South to W. T. L. Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on woodpulp, carloads from Foley, Fla., and Clyattville, Ga., to points in western trunk line territory.

Grounds for relief: Circuity.

Tariff: Supplement 104 to Agent Spaninger's tariff I. C. C. No. 1260.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-10084; Filed, Dec. 20, 1955; 8:45 a. m.]

[Notice 91]

MOTOR CARRIER APPLICATIONS

DECEMBER 16, 1955.

Protests, consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by and explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publications of this notice in the FEDERAL REGISTER.

Except when the circumstances require immediate action, an application for approval, under Section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under Section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 623 Sub 12, filed December 8, 1955, H. MESSICK, INC., P. O. Box 214, Duquese & Newman Roads, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 209 Joplin National Bank Bldg., Joplin, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Blasting supplies, materials and agents, ammonium nitrate*, and ingredients used in the manufacture of explosives, (1) from points in Jasper County, Mo., to points in Montana; (2) between the plant site of the Hercules Powder Company, located about five miles southwest of Carthage, Mo., and the plant site of the Hercules Powder Company, located about two miles west of Webb City, Mo., on the one hand, and, on the other, Collinsville, Ill., and Hobbs, N. Mex., and points in Arkansas, Kansas, Missouri, Oklahoma, Texas, Iowa, Nebraska, and Louisiana; (3) between points in Jasper County, Mo., and Turck, Kans., on the one hand, and, on the other, points in Illinois, Michigan, Wisconsin, Minnesota, North Dakota and South Dakota; (4) from the plant site of the Hercules Powder Company about five miles southwest of Carthage, Mo., and from the site of a Hercules Powder Company explosives magazine about two miles west of Webb City, Mo., to the site of an explosives magazine about five miles east of Tatum, N. Mex., and *returned shipments* of the above commodities on return. Applicant is authorized to conduct irregular route operations in Missouri, New Mexico, Arkansas, Kansas, Oklahoma, Texas, Iowa, Nebraska, Louisiana, Illinois, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota and Montana.

No. MC 2229 Sub 74, filed October 28, 1955, RED BALL MOTOR FREIGHT, INC., 1210 S. Lamar St., P. O. Box 3148, Dallas, Tex. Applicant's attorney: Scott P. Sayers, Century Life Bldg., Fort Worth, Tex. For authority to operate as a *common carrier*, over a regular route, operating between Texarkana, Tex. and El Dorado, Ark. over U. S. Highway 82, serving no intermediate points, for operating convenience only, as a connecting route in connection with carrier's authorized operations to transport (1) general commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Shreveport, La. and El Dorado, Ark., serving all intermediate points, over U. S. Highways 79 and 80, Louisiana Highway 70, and Arkansas Highway 15; (2) general commodities, except commodities of unusual value, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between Texarkana, Tex. and Mount Pleasant, Tex., over U. S. Highway 67; and (3) dangerous explosives and general commodities, except those of unusual value, and household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, from Bells, (Tex.) to Texarkana over U. S. Highway 82. Applicant is authorized to conduct operations in Texas, Louisiana, and Oklahoma.

No. MC 9789 Sub 4, filed December 8, 1955, THOMAS C. DYER, INC., East 4031 Trent, Spokane, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum, and their products and by-products; and *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operations, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines; and *wooden skids, heavy timbers, wood piling, lumber, wood construction poles, and contractors equipment, materials and supplies*, between points in North Dakota, Montana and Minnesota. Applicant is authorized to conduct irregular route operations in

California, Idaho, Montana, Oregon and Washington.

No. MC 20793 Sub 20, filed December 5, 1955, WAGNER TRUCKING CO., INC., Jobstown, N. J., Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick*, from Richland Township, Bucks, County, Pa., to points in New Jersey, points in Delaware, Orange and Rockland Counties, N. Y., and that part of New York on and east of U. S. Highway 9W and south of U. S. Highway 20, including New York, N. Y., and points on Long Island, N. Y., and points in Connecticut on and west of U. S. Highway 5. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

No. MC 30867 Sub 62, filed November 14, 1955, CENTRAL FREIGHT LINES, INC., 303 S. 12th St., Waco, Tex. For authority to operate as a common carrier, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excepting those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Liberty, Tex., and Anahuac, Tex., over Farm to Market Highway No. 563, serving all intermediate points. Applicant is authorized to conduct operations in Texas.

No. MC 42329 Sub 116, filed December 5, 1955, HAYES FREIGHT LINES, INC., 628 East Adams, Springfield, Ill. For authority to operate as a *common carrier*, irregular routes, transporting: *Class A, B, and C* explosives as defined by the Commission, serving Kingsbury Ordnance Plant at or near Kingsbury, Ind., as an off-route point in connection with applicant's authorized regular-route operations between (1) Chicago, Ill., and Youngstown, Ohio, and (2) South Bend, Ind., and Louisville, Ky. Applicant is authorized to conduct operations in Pennsylvania, Ohio, Kentucky, Tennessee, Indiana, Illinois, West Virginia, Missouri, Iowa, and Michigan.

No. MC 42487 Sub 301, filed December 9, 1955, CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby St., Portland, Oreg. Applicant's attorney: Donald A. Schafer, 803 Public Service Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids, chemicals* and *chemical solutions; Fertilizers*, organic or non-organic; *Fish oil* and *marine animal solubles; Foodstuffs, beverages* or *beverage preparations; Gases*, compressed; *Glue, casein liquid* or *glue stock; Liquors*, such as wine and/or alcoholic; *Paints*, and *paint materials; Paraffin wax; Petro chemicals; Sizing, rosin* or *emulsified petroleum or sizing; Tallow; Wood preservatives; Alcohol*, industrial and medicinal; in bulk, in tank vehicles, between points in Oregon, Washington, California, Idaho, Montana, Utah and Nevada. Applicant is authorized to conduct operations in Oregon, Washington, Idaho, California, Minnesota, Montana, North Dakota, Utah, Illinois, Iowa, Wyoming, South Dakota, Nebraska, and Nevada.

No. MC 44947 Sub 12, filed December 8, 1955, DEIOMA TRUCKING CO., a corporation, Box 11, East Sparta, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay products*, from points in Scioto and Portage Counties, Ohio, to points in Indiana, and *pallets, skids*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Delaware, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

No. MC 45626 Sub 31, filed December 7, 1955, VERMONT TRANSIT CO., INC., 343 North Winooski Avenue, Burlington, Vt. Applicant's attorney: Linwood C. Major, Jr., 2001 Massachusetts Avenue, NW., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Express, mail*, and *newspapers* in the same vehicle with passengers, (a) between Boston, Mass., and Ascutney, Vt., from Boston over U. S. Highway 3 via Billerica, Mass., to junction Massachusetts Highway 3–A, thence over Massachusetts Highway 3–A via Lowell, Mass., to junction U. S. Highway 3 at North Chelmsford, Mass., thence over U. S. Highway 3 to Concord, N. H., thence over U. S. Highway 202 to Hopkinton, N. H., thence over New Hampshire Highway 103 to the Connecticut River, thence across the Connecticut River to Ascutney, and return over the same route, serving all intermediate points, except no local transportation between Boston, Mass., and Concord, N. H., or points intermediate thereto; (b) Following three routes are for operating convenience only; between Concord, N. H., and White River Junction, Vt., over U. S. Highway 4, serving no intermediate points; (c) between Lowell, Mass., and Tyngsboro, Mass., over Massachusetts Highway 113, serving no intermediate points; and (d) between junction U. S. Highway 3 and Massachusetts Highway 3–A near Billerica, Mass., and junction U. S. Highway 3 and Massachusetts Highway 3–A near North Chelmsford, Mass., over U. S. Highway 3, serving no intermediate points. Applicant is authorized to conduct operations in Maine, Massachusetts, New Hampshire, New York, and Vermont.

NOTE: Applicant states that the purpose of this application is to seek authority to transport *express, mail*, and *newspapers* in the same vehicle with passengers, over routes already contained in Certificate No. MC 45626 dated July 28, 1950, in order to provide a consistent over-all service to the travelling and shipping public. Applicant further states that the authority sought herein is an incidental service in connection with passenger operations being performed over each of the routes involved herein, subject to the restriction set forth in (a) above.

No. MC 45829 Sub 26, filed September 12, 1955, CAROLINA MOTOR EXPRESS LINES, INC., EARL R. COX, RECEIVER, 708 South West Street, P. O. Box 1061, Indianapolis, Ind. Applicant's attorney: David G. Macdonald, Commonwealth Building, 1625 K Street, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Richmond, Va., and Charleston, W. Va., from Richmond over U. S. Highway 250 to junction Virginia Highway 12, thence over Virginia Highway 12 to junction U. S. Highway 11, thence over U. S. Highway 11 to junction U. S. Highway 60, thence over U. S. Highway 60 to Charleston, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with carrier's regular route operations through combination of regular routes between (1) Charleston, W. Va., and Princeton, W. Va., which is a portion of regular route operations between Speedway, Ind., and Greensboro, N. C., (2) Princeton, W. Va., and Roanoke, Va., which is a portion of regular route operations between Princeton, W. Va., and Greensboro, N. C., (3) Charleston, W. Va., and Clifton Forge, Va., which is a portion of alternate route operations between Charleston, W. Va., and Roanoke, Va., and (4) regular route operations sought in proceeding No. MC 45829 Sub 25 between Richmond, Va., and Roanoke, Va., wherein as of the time of filing of the present application operating authority has not as yet been issued. Service to Richmond is restricted to traffic moving from or through Indianapolis, Ind.; and service from Richmond is restricted to traffic moving to or through regular route points specified in Certificate issued in No. MC 45829 in West Virginia, Ohio, and Indiana. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, North Carolina, Ohio, Virginia and West Virginia.

No. MC 50069 Sub 165, filed December 2, 1955, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Applicants' attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals, vegetable and animal inedible oils, greases, tallows* and *acids, paint*, and *paint material* in bulk, in tank trucks, from points in Indiana located in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Illinois. Applicant is authorized to conduct operations in Ohio, Michigan, Indiana, Illinois, Pennsylvania, West Virginia, Kentucky, Missouri, Wisconsin, Iowa, Minnesota, New Jersey and New York.

No. MC 50069 Sub 166, filed December 2, 1955, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products* in bulk, in tank vehicles, from Lima, Ohio and points within 10 miles thereof, to points in that part of Michigan on and north of a line commencing at the Michigan-Indiana State Line at or near Michiana, Mich., and extending along the Michigan-Indiana State Line to its junction with U. S. Highway 31, thence along U. S. Highway 31 to Niles, Mich., thence along Michigan Highway 40 to its junction with U. S. Highway 12, thence along U. S. Highway 12 to Detroit, Mich. Applicant is authorized to conduct operations in Ohio, Michigan, Indiana, Illinois, Pennsylvania, West Virginia, Kentucky, Missouri, Wisconsin, Iowa, Minnesota, New Jersey, and New York.

No. MC 52713 Sub 6, filed October 26, 1955 (Amended) published page 8409 issue of November 9, 1955, MAXINE HUTCHENS AND B. F. BABB, doing business as CASSVILLE TRUCK LINE, Cassville, Mo. Applicant's attorney: Joseph R. Nacy, 117 W. High St., Jefferson City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Springfield, Mo., and the Missouri-Arkansas State Line, from Springfield, over U. S. Highway 60 to junction Missouri Highway 37 at Monett, Mo., thence over Missouri Highway 37 to the Missouri-Arkansas State line, and return over the same route. Applicant is authorized to conduct operations in Missouri.

NOTE: Applicant holds authority between Springfield, Mo. and Seligman, Mo., over U. S. Highway 60 to Monett, Mo. and thence over Missouri Highway 37 to Seligman, serving the intermediate points of Cassville, Monett, Purdy, Butterfield, and Washburn, Mo. and the off-route point of Wayne, Mo.

No. MC 52713 Sub 7, filed November 2, 1955, published on November 16, 1955, on page 8509, and amended December 12, 1955, MAXINE HUTCHENS AND B. F. BAGG, doing business as CASSVILLE TRUCK LINE, Cassville, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High St., Jefferson City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, from Springfield, Mo., to Powell, Mo., from Springfield, over U. S. Highway 60 to Granby, Mo., and junction Newton County Road "H", thence over Newton County Road "H" to junction Newton County Road "D", thence over Newton County Road "D" to junction McDonald County Road "D", thence over McDonald County Road "D" to Longview, Mo., and junction Missouri Highway 44, thence over Missouri Highway 44 to junction McDonald County Road "E", thence over McDonald County Road "E" to Powell, and return over the same route, serving the intermediate points of Granby, and Longview, Mo. Applicant is authorized to conduct operations in Missouri.

No. MC 66808 Sub 27, filed December 12, 1955, POWELL BROS. TRUCK LINES, INC., P. O. Box 269, Bolivar Rd. and High Street, Springfield, Mo. Applicant's attorney: J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk*, and *those requiring special equipment*, between Kansas City, Mo.-Kans., and Tulsa, Okla., over U. S. Highway 169, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations (a) between Kansas City, Mo., and Rogers, Ark., and (b) between St. Louis, Mo., and Tulsa, Okla. Applicant is authorized to conduct regular route operations in Arkansas, Kansas, Missouri, and Oklahoma, and irregular route operations in Illinois, Kansas, and Missouri.

No. MC 66808 Sub 28, filed December 12, 1955, POWELL BROS. TRUCK LINES, INC., P. O. Box 269, Bolivar Rd. and High Street, Springfield, Mo. Applicant's attorney: J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Galena, Kans., and Wichita, Kans., from Galena (junction U. S. Highway 66 and Kansas Highway 26) over Kansas Highway 26 to junction Kansas Highway 96, thence over Kansas Highway 96 to junction U. S. Highway 160, thence over U. S. Highway 160 to junction U. S. Highway 75, thence over U. S. Highway 75 to junction Kansas Highway 96, thence over Kansas Highway 96 to junction Kansas Highway 47, thence over Kansas Highway 47 to junction Kansas Highway 96, thence over Kansas Highway 96 to Wichita, and return over the same route, serving no intermediate points. Applicant is authorized to conduct regular route operations in Arkansas, Kansas, Missouri, and Oklahoma, and irregular route operations in Illinois, Kansas, and Missouri.

No. MC 77135 Sub 11, filed December 5, 1955, PACIFIC TRUCK SERVICE, INC., 600 Park Avenue, San Jose, Calif. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chemicals, acids, fertilizers, coal tar products, latex* and *liquified gases* other than liquefied petroleum bases, in bulk, in tank vehicles and trailers, (1) between points in California, and (2) between points in California, on the one hand, and, on the other, points in Oregon, Washington, Nevada, Utah and Idaho.

No. MC 84737 Sub 66, filed December 5, 1955, R. D. NILSON, doing business as NILSON MOTOR EXPRESS, P. O. Box 402, Myers Branch, Charleston, S. C. Applicant's attorney: Frank A. Graham, Jr., 406–7 Palmetto Building, Columbia 1, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Roofing, siding, roofing materials* and *siding materials*, more particularly described in the application, from Charleston and the Charleston Commercial Zone, S. C., as defined by the Commission, to points in Florida on and east of U. S. Highway 41, extending from the Georgia-Florida State line to Dunnellon, and on and south of Florida Highway 40, extending from Dunnellon to Yankeetown, Fla., except Jacksonville and Jacksonville Beach, Fla. Applicant is authorized to conduct operations in Georgia, Louisiana, Maryland, North Carolina, South Carolina, Tennessee, Virginia, and the District of Columbia.

No. MC 88161 SUB 48, filed November 21, 1955, INLAND PETROLEUM TRANSPORTATION COMPANY, INC., 5047 Colorado Avenue, Seattle, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, including but not limited to those defined by the Commission, such as *chemicals in solution, liquid chemical fertilizers*, and *chemical fertilizer solutions, rosin size, liquid glue, hydrogenated tallow* and *hydrogenated animal oils, sodium cresylate solution crude liquid*, and *unrefined liquid crude petroleum tar acid*, in bulk, in tank vehicles, between points in Washington, Oregon, California, Idaho, and Montana; and *compressed hydrogen gas*, in bulk, in multi-cylinder tank vehicles, from San Francisco and Martinez, Calif., to Shell, Wash., located approximately seven (7) miles east of Anacortes, Wash., and *contaminated shipments* of compressed hydrogen gas on return movements. Applicant is authorized to conduct operations in Idaho and Washington.

NOTE: Applicant states it is agreeable to waive any duplicating authority resulting from instant application.

No. MC 89617 Sub 12, filed December 9, 1955, FREEMAN A. LEWIS, doing business as LEWIS TRUCK LINES, P. O. Box 676, Conway, S. C. Applicant's attorney: Frank A. Graham, Jr., 406–7 Palmetto Bldg., Columbia, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in Horry County, S. C., on the one hand, and, on the other, points in that part of North Carolina bounded by a line beginning at a point on U. S. Highway 21 near Pineville on the North Carolina-South Carolina State Line and extending in a northerly direction along U. S. Highway 21 to Charlotte; thence in a northeasterly direction along U. S. Highway 29 to Greensboro; thence in an easterly direction along U. S. Highway 70 to Morehead City; thence in a northerly direction along the Atlantic Ocean to the North Carolina-Virginia State Line; thence in a westerly direction along the North Carolina-Virginia State Line to a point on U. S. Highway

221 near Twin Oaks; thence in a southerly direction along U. S. Highway 221 to intersection U. S. 221 and North Carolina-South Carolina State Line; and thence in an easterly direction along the North Carolina-South Carolina State Line to point of beginning, including all points on said described highways state lines.

No. MC 92983 Sub 143, filed December 12, 1955, ELDON MILLER, INC., 330 East Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Dubuque, Iowa, to Finley and Minot, N. Dak. Applicant is authorized to conduct operations in Wisconsin, Kansas, Iowa, Nebraska, Illinois, Minnesota, and Oklahoma.

No. MC 92983 Sub 144, filed December 12, 1955, ELDON MILLER, INC., 330 East Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from points in Arkansas, Illinois, Indiana, Kansas, Michigan, Missouri, Ohio, Oklahoma, New Jersey, Pennsylvania, New York, and Texas, to points in Iowa. Applicant is authorized to conduct operations in Wisconsin, Kansas, Iowa, Nebraska, Illinois, Minnesota, and Oklahoma.

No. MC 92983 Sub 145, filed December 12, 1955, ELDON MILLER, INC., 330 East Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetdble oils and blends thereof*, and *vegetable oil products*, in bulk, in tank vehicles, from Evadale, Ark., to points in Alabama, Colorado, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, Texas, and Wisconsin. Applicant is authorized to conduct operations in Arkansas, Missouri, Kansas, Nebraska, New York, Pennsylvania, and Tennessee.

No. MC 92983 Sub 146, filed December 12, 1955, ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feed*, in bags, and in bulk, and *soybean oil*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to Davenport, Dubuque and Muscatine, Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Missouri, Nebraska, South Dakota, Kansas, New York, Tennessee, Texas, Ohio, Arkansas, Georgia, and Mississippi.

No. MC 95540 Sub 265, filed October 5, 1955, published on page 8059, issue of October 26, 1955, and amended December 5, 1955, WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, 205 Jackson Bldg., Gainesville, Ga. For authority to operate as a *common contract*, over irregular routes, transporting: *Wine, canned goods*, and *prepared foods*, from points in New York and Pennsylvania on and west of U. S. Highway 11, and from Canajoharie, N. Y., to points in Alabama, Florida, Georgia, and South Carolina. Applicant is authorized to conduct operations in New Jersey, Delaware, Maryland, North Carolina, South Carolina, Georgia, and Virginia.

No. MC 102817 Sub 3, filed December 5, 1955, PERKINS TRUCKING, INC., 419 West Merrill Street, Indianapolis, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 W. Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture, bed springs, mattresses* and *store and office fixtures* (uncrated), and in cartons *when shipped with* new furniture, bed springs, mattresses and store and office fixtures uncrated, between points in Indiana, on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee and West Virginia. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee and West Virginia.

NOTE: Applicant is authorized in Certificate No. MC 102817 Sub 1 to transport *New furniture, bed springs, mattresses* and *store and office fixtures* (uncrated), over irregular routes, between points in the above-specified territory as applied for in this application, and by this application seeks authority to transport the named commodities in cartons when shipped with the same commodities uncrated.

No. MC 103880 Sub 158, filed October 21, 1955, published in the November 2, 1955 issue on Page 8236, amended December 8, 1955, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, from points in Huntington County, Ind., to points in Ohio, Michigan, Illinois, Wisconsin, Missouri and Kentucky, and (2) *petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Huntington County, Ind., to points in Illinois. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, West Virginia and Wisconsin.

No. MC 103880 Sub 162, filed December 6, 1955, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Carl L. Steiner, 139 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Brandenburg, Ky., and points within five miles thereof, to points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, and Tennessee. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin.

No. MC 104004 Sub 136, filed December 7, 1955, ASSOCIATED TRANSPORT, INC., 380 Madison Ave., New York 17, N. Y. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *those of unusual value, Class A and B explosives, household goods* as defined by the Commission, *commodities in bulk*, and *those requiring special equipment*, between Bristol, Tenn., and Pittsburgh, Pa., over U. S. Highway 19 from Bristol to Princeton, W. Va., thence over U. S. Highway 219 to junction West Virginia Turnpike, thence over West Virginia Turnpike to Charleston, W. Va., thence over U. S. Highway 21 to Parkersburg, W. Va., thence over West Virginia Highway 2 to Wheeling, W. Va., thence over U. S. Highway 40 to Washington, Pa., thence over U. S. Highway 19 to Pittsburgh, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC 107107 Sub 76, filed December 5, 1955, (Amended), ALTERMAN TRANSPORT LINES, INC., P. O. Box 65, 2124 N. W. 46th Street, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Food*, and *beverages and ingredients thereof*, from points in Florida to points in Alabama, Arkansas, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, North Dakota, New York, New Jersey, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Tennessee, Virginia, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Wisconsin, and the District of Columbia.

No. MC 108185 Sub 15, filed December 9, 1955, DIXIE HIGHWAY EXPRESS, INC., 1600 "B" Street, P. O. Box 471, Meridian, Miss. For authority to operate as a *common carrier*, transporting: *General commodities*, including *articles of unusual value*, but excluding coal and oil, Class A and B explosives, sand, gravel, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of the proposed U. S. Navy Jet Air Base located on unnumbered highway between Lizelia, Miss., and Lauderdale, Miss., as an off-route point in connection with regular route operations (a) between Meridian, Miss., and New Orleans, La., and (b) between Birmingham, Ala., and Jackson, Miss. Applicant is authorized to conduct operations in Alabama, Georgia, Louisiana, and Mississippi.

No. MC 108435 Sub 8, filed December 6, 1955, OSCAR C. RADKE, doing business as RADKE TRANSIT, 600 Grand Ave., Schofield, Wis. Applicant's attorney: Leonard E. Lindquist, Midland Bank Bldg., Minneapolis 1, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal and poultry feeds*, from Minneapolis-St. Paul Commercial Zone, Minn., to points in the State of Wisconsin, except points within seventy-five miles of Coleman, Wis.

No. MC 110525 Sub 290, filed December 1, 1955, CHEMICAL TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. Applicant's attorney: John R. Sims, Jr., Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Petroleum Solvents*, in bulk, in tank vehicles, from Bayonne, N. J. to Schenectady, N. Y.; (2) *Vegetable Fatty Acids*, in bulk, in tank vehicles, from Boonton and Harrison, N. J. to Schenectady, N. Y.; (3) *Castor Oil*, in bulk, in tank vehicles, from Guttenberg, N. J. to Schenectady, N. Y. and (4) *Cresylic Acid*, in bulk, in tank vehicles, from Lyndhurst, N. J. and Ports of Entry in the New York, N. Y. Commercial Zone, as defined by the Commission, to Schenectady, N. Y. Applicant is authorized to conduct operations in New Jersey, New York, Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, District of Columbia, Georgia, Tennessee, Minnesota, Alabama and New Hampshire.

No. MC 111159 Sub 19, filed December 7, 1955, MILLER PETROLEUM TRANSPORTERS, LTD., a corporation, Post Office Box 1123, Jackson, Miss. Applicant's atorney: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Urea Solution*, in bulk, in tank vehicles, from site of Grace Chemical Company Plant, Woodstock, (Shelby County), Tenn., to site of Spencer Chemical Company Plant, south of Vicksburg, (Warren County), Miss.

No. MC 111472 Sub 34, filed December 5, 1955, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Street, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural machinery, implements and parts*, as defined by the Commission, from West Bend, Wis., to points in Wyoming. Applicant is authorized to conduct operations in all states in the United States except Arizona, California, Florida, Idaho, Mississippi, Montana, Nevada, New Mexico, North Carolina, Oregon, South Carolina, Utah, Washington and Wyoming, and the District of Columbia.

No. MC 112020 Sub 13, filed November 4, 1955, published November 23, 1955 issue, page 8654, and amended December 6, 1955, COMMERCIAL OIL TRANSPORT, a corporation, 1030 Stayton Street, Fort Worth, Texas. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fats, oils and greases, products and blends thereof*, other than petroleum and petroleum products and blends thereof, in bulk, in tank vehicles, between points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Mississippi, Nebraska, Oklahoma, Texas, Illinois and Indiana. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, and Kansas.

No. MC 113168 Sub 2, filed December 6, 1955, PARK TRUCKING AND SUPPLY, INC., 9341 Franklin Avenue, Franklin Park, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Fly ash*, in bulk, in tank vehicles, from Chicago, Ill., to points in Indiana and Wisconsin; and (2) *cement*, in bulk, in tank vehicles, from Buffington, Ind., to Algonquin, Dundee, Lake Zurich, and Woodstock, Ill.

No. MC 113192 Sub 6, filed September 8, 1955, amended September 19, 1955, published on page 7629, issue of October 12, 1955, and further amended December 5, 1955, A. E. SCHUELKE, doing business as SCHUELKE TRUCKING, 213 State St., New London, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Butter, powdered milk, fresh and processed eggs, sugar*, and *containers and supplies* used or useful in the manufacture, processing or shipping of said commodities, for A. Sturn and Sons, from points in Michigan, Indiana, Illinois, Minnesota, and Iowa, to Manawa, Wis.

No. MC 113524 Sub 8, filed December 5, 1955, JAMES F. BLACK, DOING BUSINESS AS PARKVILLE TRUCKING COMPANY, 3618 Pulaski Highway, Baltimore, Md. Applicant's attorney: Dale C. Dillon, Suite 944 Washington Bldg., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank or hopper vehicles, from Delaware City, Del., to Baltimore, Md.

No. MC 113533 Sub 5, filed December 5, 1955 L. B. VINCENT GARDELLA, doing business as, GARDELLA'S REFRIGERATED EXPRESS, 1951 East Ferry, Detroit 11, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in Maine to points in Michigan, Ohio, Indiana, Illinois, Pennsylvania and those in that part of New York on and West of U. S. Highway 9, extending from the New York-New Jersey State Line to its junction with New York Highway 5, thence along New York Highway 5 to Utica, N. Y., thence along New York Highway 69 to its junction with U. S. Highway 104, thence along U. S. Highway 104 to Oswego. Applicant is authorized to conduct operations in Michigan, Rhode Island, Connecticut, Massachusetts, New Jersey, New York and Pennsylvania.

No. MC 114091 Sub 9, filed December 1, 1955, DIRECT TRANSPORT OF KENTUCKY, INC., 3601 Seventh Street Road, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, as defined by the Commission, from Crossville, Ill., and points within ten (10) miles thereof, to points in Kentucky, except Louisville and Munfordville, Ky. Applicant is authorized to conduct operations in Illinois and Kentucky.

NOTE: Applicant has regular route authority in Certificate No. MC 114091, dated November 21, 1955, to transport petroleum and petroleum products, from Crossville and McLeansboro, Ill., and points within ten miles of each, to Louisville, Ky. Applicant has also applied for authority to transport the above-described commodities over the territory described in the FEDERAL REGISTER of December 7, 1955 on Page 9002. MC 114091 Sub 6. Applicants' attorney states that no duplication of authority is sought herein.

No. MC 114475 Sub 2, filed December 5, 1955, GENERAL TRANSPORT, INC., 631 Second Avenue, South, Nashville, Tenn. Applicant's attorney: Lon P. MacFarland, Middle Tennessee Bank Bldg., Columbia, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Buttermilk, condensed whole milk, condensed skim milk* and *ice cream mix*, between Chattanooga, Tenn., and points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin.

No. MC 114795 Sub 5, filed December 2, 1955, EDGAR W. LONG, Cumberland, Ohio. Applicant's attorney: Richard H. Brandon, 810 Hartman Building, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Corrugated paperboard containers and parts therefor*, and *baled paperboard scrap*, from Cambridge, Ohio, to Pekin, Ind., points in West Virginia, and points in Pennsylvania on and west of U. S. Highway 219, and *corrugated paperboard sheets*, from points in West Virginia and points in Pennsylvania on and west of U. S. Highway 219 to Cambridge, Ohio. Applicant does not presently hold any authority to transport the commodities named in this application.

No. MC 115311 Sub 2, filed November 30, 1955, and amended December 7, 1955, J. & M. TRANSPORTATION CO., INC., P. O. Box 894, Americus, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Food containers*, such as tin cans, pulpboard cans, paper boxes, plastic or synthetic bags, glass bottles and jars, wax pulpboard cartons, cellophane bags, wax paper, and aluminum foil, from Auburndale, Jacksonville, Orlando, Plant City, Plymouth and Tampa, Fla., and Dayton, Tenn., to Andersonville and Montezuma, Ga.

NO. MC 115361 Sub 3, filed December 5, 1955, ALBERT DURR, doing business as DURR MILK TRANSIT, Algonquin, Ill. Applicant's attorney: Eugene L. Cohn, One North La Salle St., Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Caskets*, uncrated, from Elgin, Ill., to points in the United States, including the District of Columbia, and (2) *returned shipments of caskets* from points in the United States, including the District of Columbia, to Elgin, Ill. Applicant does not presently hold any

authority to transport the commodity named in this application.

No. MC 115708, filed December 2, 1955, BRAXTON J. KNIGHT, doing business as KNIGHT TRANSFER, 3310 Naval Reserve, P. O. Box 357, Lynchburg, Va. Applicant's attorney: W. G. Burnette, 1104–5 Peoples National Bank Bldg., Lynchburg, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Radioactive material, fuel elements for reactors, instruments* and *external parts of reactors, including heat exchangers and such other material* and *shipping containers* necessary for the fabrication and transportation of nuclear reactors and fuel elements, *commodities* such as used by a manufacturer of radioactive material, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between Lynchburg, Va., and points in Bedford, Amherst, Nelson, Appomattox, Campbell, Buckingham, Prince Edward, Charlotte, Halifax and Pittsylvania Counties, Va., on the one hand, and, on the other, points in Maine, New Hampshire, Connecticut, Vermont, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, North Carolina, South Carolina, Alabama, Georgia, Florida, Mississippi, Tennessee, West Virginia, Louisiana, Ohio, Illinois, Michigan, Indiana, and the District of Columbia.

No. MC 115708 Sub 1, filed December 2, 1955, BRAXTON J. KNIGHT, doing business as KNIGHT TRANSFER, 3310 Naval Reserve, P. O. Box 357, Lynchburg, Va. Applicant's attorney: W. G. Burnette, 1104–5 Peoples National Bank Bldg., Lynchburg, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Iron and steel articles* such as structural steel, reinforced, fabricated, and *other iron and steel articles received or shipped by businesses engaged in fabrication of iron and steel articles, materials used by fabricators*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between Lynchburg, Va., and points in Bedford, Amherst, Nelson, Appomattox, Campbell, Buckingham, Prince Edward, Charlotte, Halifax and Pittsylvania Counties, Va., on the one hand, and, on the other, points in North Carolina, Virginia, West Virginia, Maryland, South Carolina, Tennessee, and the District of Columbia.

No. MC 115710, filed December 6, 1955, LEONARD GELLER AND GEORGE BRAND, 689 Main Street, New Rochelle, N. Y. Applicant's attorney: J. A. Lieberman, 1776 Broadway, New York, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Combination aluminum storm windows and doors*, including screens and glass, uncrated and unpacked, from New York City and points in Nassau County, N. Y., and Newark, N. J., to Bridgeport, Clinton, Danbury, East Hartford, Fairfield, Greenwich, Hartford, New Haven, New London, Norwalk, Norwich, Stratford, Stamford, Waterbury, Westport, and Williamantic, Conn., Central Falls, East Providence, Newport, Pawtucket, Providence, Woonsocket and Saylesville, R. I., and Beverly, Boston, Brookline, Cambridge, Chelsea, Concord, Fall River, Gloucester, Holyoke, Lawrence, Lynn, Medford, Milton, Milford, North Adams, North Attleboro, Pittsfield, Norwood, Springfield, West Springfield and Worcester, Mass., and *returned shipments* of the above-described commodities on return.

No. MC 115711, filed December 6, 1955, JOSEPH MASSARO AND BENJAMIN KARCHMER, doing business as K. & M. AUTO TRANSPORTATION, 145 Charles St., Boston 14, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles*, in secondary movements, via the driveaway method, between September 1 and May 1 both inclusive of each year, from points in Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island, to points in Florida.

No. MC 115713, filed December 6, 1955, CALIFORNIA TRUCKING COMPANY, A CORPORATION, 317 S. Jones (P. O. Box 2166), Fort Worth, Texas. Applicant's attorney: M. Ward Bailey, 317 S. Jones, Forth Worth, Texas. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber, hardwood flooring* and *moulding*, from (1) points in Arkansas and Louisiana to points in Texas, and (2) points in Arkansas, Louisiana and Texas to points in New Mexico, Arizona, California, Colorado, Utah and Nevada.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 2880 Sub 8, filed December 5, 1955, SOMERSET BUS CO., INC., U. S. Highway 22, Mountainside, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage* in the same vehicle with passengers, between Newark, N. J., and Jersey City, N. J., from the junction of the New Jersey Turnpike and the Jersey City Expressway, in Newark, N. J., over the Jersey City Expressway to its junction with U. S. Highway 1 in Jersey City, N. J., and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in New York and New Jersey.

No. MC 2880 Sub 9, filed December 5, 1955, SOMERSET BUS CO., INC., U. S. Highway 22, Mountainside, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage* in the same vehicle with passengers, (1) between Madison, N. J., and Springfield, N. J., from the junction of Park Avenue and New Jersey Highway 24 in Madison, N. J., over New Jersey Highway 24 to the junction of New Jersey Highway 24 and Flemer Avenue in Springfield, N. J., and return over the same route, serving all intermediate points; (2) between Springfield, N. J., and Union, N. J., from the junction of New Jersey Highway 24 and Millburn Avenue in Springfield, N. J., over Millburn Avenue to the junction of Vaux Hall Road, thence over Vaux Hall Road to the junction of Vaux Hall Road and U. S. Highway 22 in Union, N. J., serving all intermediate points, and return from the junction of U. S. Highway 22 and Vaux Hall Road in Union, N. J., over Vaux Hall Road to Millburn, N. J., thence over Vaux Hall Road to the junction of Millburn Avenue, thence over Millburn Avenue to the junction of Essex Street, thence over Essex Street to the junction of Millburn Avenue, thence over Millburn Avenue to the junction of New Jersey Highway 24, serving all intermediate points; (3) between Springfield, N. J., and Millburn, N. J., from the junction of New Jersey Highway 24 and Main Street in Springfield, N. J., over Main Street to its junction with Millburn Avenue in Millburn, N. J., serving all intermediate points, and return from the junction of Essex and Main Streets in Millburn, N. J., over Main Street to its junction with New Jersey Highway 24 in Springfield, N. J., serving all intermediate points; (4) between Summit, N. J., and Springfield, N. J., from the junction of New Jersey Highway 24 and River Road in Summit, N. J., over River Road to its junction with Morris Avenue, thence over Morris Avenue to its junction with Broad Street, thence over Broad Street to Springfield, N. J., thence over Morris Avenue to the junction of New Jersey Highway 24, and return over the same route, serving all intermediate points.

No. MC 43267 Sub 9, filed November 28, 1955, MOHAWK COACH LINES, INC., 149 Liberty St., Little Ferry, N. J. Applicant's attorney: Robert E. Goldstein, 24 W. 40th Street, New York 18, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers*, and *their baggage* in the same vehicle with passengers, in special round-trip operations restricted to the racing seasons, beginning and ending at Sparkill, Orangeburg, West Nyack, Valley Cottage, Congers, Haverstraw, West Haverstraw, Stony Point, Highland Falls, Cornwall, Newburgh, Beacon, Hughsonville, Wappingers Falls, and Poughkeepsie, N. Y., and extending to Monmouth Park Race Track, Oceanport, N. J., Garden State Race Track, Delaware Township, N. J., Freehold Trotting Track, Freehold, N. J., Atlantic City Race Track, Hamilton Township, N. J., Yonkers Raceway, Yonkers, N. Y., Roosevelt Raceway, Westbury, L. I., and Belmont Park Race Track, Elmont, L. I., N. Y., Aqueduct Race Track and Jamaica Race Track, New York, N. Y., Lincoln Downs, Lincoln, R. I., Narragansett Park, Pawtucket, R. I., Delaware Park, Stanton, Del., Pimlico Race Track, Baltimore, Md., Bowie Race Course, Bowie, Md., and Laurel Race Course, Laurel, Md. Applicant is authorized to conduct operations in New York and New Jersey.

No. MC 115445 Sub 1, filed December 7, 1955, G. & W. SCHOOL SERVICE, INC., 1714 East 17th Street, Brooklyn 29, N. Y. Applicant's attorney: William D. Traub, 60 East 42nd Street, New York 17, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers* and *their baggage* in the same vehicle with passengers, in special operations, in non-scheduled

door-to-door service, between New York, N. Y. and points in Monroe County, Pa. The proposed operation will be seasonal between May 15, and October 1 inclusive, from December 20, to January 3, inclusive, from February 10 to February 24 inclusive, and Thanksgiving Day and two days before and following Thanksgiving Day of each year.

No. MC 115704, filed December 2, 1955, TED CHESTER, doing business as NORTHERN OKLAHOMA COACHES, 301 North Sergeant, Joplin, Mo. Applicant's attorney: C. Zimmerman, 308 Schweiter Bldg., Wichita, Kans. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, light express and newpapers*, in the same vehicle with passengers, (1) between Ponca City, Okla., and Pond Creek, Okla., from Ponca City, over U. S. Highway 60 to Pond Creek, and return over the same route, serving all intermediate points; (2) between Enid, Okla., and junction U. S. Highways 81 and 64, from Enid over U. S. Highway 81 to junction U. S. Highways 81 and 64, approximately four miles west of Pond Creek, Okla., and return over the same route, serving all intermediate points; and (3) between South Haven, Kans., and Caldwell, Kans., from South Haven over U. S. Highway 81 to Caldwell, and return over the same route, serving all intermediate points.

NOTE: Applicant states that authority sought hereunder is to be operated in conjunction with the authority to be acquired from Mid-Continent Coaches, Inc., No. MC–FC 58696.

CORRECTIONS

Application of LINCOLN TRANSIT CO., INC., East Paterson, N. J., published page 9004, issue of December 7, 1955. The docket number shown in this publication MC 58915 Sub 1 (one) was in error. The correct docket number assigned thereto is MC 58915 Sub 31 (thirty-one).

APPLICATIONS FILED UNDER SECTION 5 AND 210a (b)

NO. MC–F 6155. Authority sought for purchase by KATHERINE M. LEE and TIM M. BABCOCK, doing business as BABCOCK AND LEE, 1002—3rd Ave. N., Billings, Mont., of the operating rights and property of WALTER NEWTON, doing business as ROUNDUP TRANSIT CO., 1604—2nd St., W., Roundup, Mont. Applicants' attorney: James P. Lucas, Strong Block, Miles City, Mont. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a common carrier over regular routes, between Roundup, Mont., and Billings, Mont., serving all intermediate points. Vendee is authorized to operate in Montana and Wyoming. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6156. Authority sought for purchase by BEARD-LANEY, INCORPORATED, 1009 Church St., Camden, S. C., of a portion of the operating rights of J. C. HAGLER, JR., and T. W. HAGLER, doing business as HAGLER TRUCK COMPANY, 406 Marion Bldg., Augusta, Ga., and for acquisition by J. T. LANEY and LEONA S. LANEY, both of Camden, of control of such operating rights through the purchase. Applicants' attorney: Frang A. Graham, Jr., 707 Security Federal Bldg., Columbia, S. C. Operating rights sought to be transferred: *Petroleum products*, as a *contract carrier*, over irregular routes, from Charleston, S. C., and points within 10 miles thereof, to certain points in North Carolina; *empty containers for petroleum products* and *filling station equipment*, from said destination points to said origin points; *filling station equipment*, from Charleston, S. C., to points in North Carolina; and *petroleum products*, from Wilmington, N. C., to Augusta, Atlanta and Savannah, Ga., and points in South Carolina. Vendee is authorized to operate as a *common carrier* in the States of Georgia, North Carolina, South Carolina, New York, Pennsylvania, New Jersey, Virginia, Florida, Tennessee, Maryland, and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6157. Authority sought for purchase by DEATON TRUCK LINE, INC., 3409 Tenth Ave., North, Birmingham, Ala., of the operating rights of CAPITOL FREIGHT LINES, INC., 633 East St., Memphis, Tenn., and for acquisition by P. Y. WHITMAN, M. E. WHITMAN and H. C. WEBB, all of Birmingham, of control of such operating rights through the purchase. Applicants' attorneys: D. H. Markstein, Jr., and John W. Cooper, both of 818–821 Massey Bldg., Birmingham, Ala. Operating rights souht to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over irregular routes, between Memphis, Tenn., on the one hand, and, on the other, points in Mississippi on and west of U. S. Highway 51 and on and north of U. S. Highway 82. DEATON TRUCK LINE, INC., is authorized to operate in Alabama, Georgia, Florida, South Carolina, North Carolina, Kentucky, Tennessee, Mississippi, and Louisiana. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6158. Authority sought for purchase by THE GREYHOUND CORPORATION, 2600 Board of Trade Bldg., Chicago 4, Ill., of a portion of the operating rights of GULF TRANSPORT COMPANY, 505 S. Conception St., Mobile, Ala. Applicant's attorney: Jack R. Turney, Jr., 2001 Massachusetts Ave., N. W., Washington 6, D. C. Operating rights sought to be transferred: *Passengers and their baggage*, as a *common carrier*, over a regular route, between Tylertown, Miss., and Franklinton, La., serving all intermediate points. Vendee is authorized to operate in Ohio, Indiana, Michigan, Illinois, Missouri, Iowa, Massachusetts, Maine, New Hampshire, California, Nebraska, New York, New Jersey, Wyoming, Pennsylvania, Utah, Kentucky, South Dakota, West Virginia, Kansas, Georgia, Louisiana, Nevada, Alabama, Florida, Mississippi, Tennessee, Arizona, Arkansas, Colorado, Washington, Oregon, Idaho, Minnesota and Montana. Application has not been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–10211; Filed, Dec. 20, 1955; 8:49 a. m.]

[No. MC–C–1900]

PAINTS AND RELATED ARTICLES FROM CALIFORNIA TO IDAHO AND OREGON

TARIFF INVESTIGATION

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 13th day of December A. D. 1955.

There being under consideration the matter of rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce of paints and related articles from points in California to points in Idaho and Oregon, as set forth in Item 2510, 24th Revised Page 264, Rocky Mountain Motor Tariff Bureau, Inc., Agent, MF–I. C. C. No. 52, or as same may be amended or reissued;

It appearing that upon consideration of the tariff schedules and protest thereto there is reason to believe that they result in rates and charges, rules, regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted upon the Commisison's own motion, into and concerning the lawfulness of the rates, charges, rules and regulations and practices contained in said schedules, with a view to making such findings and order in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact who filed the schedules containing the rates under investigation herein; and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–10212; Filed, Dec. 20, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-220]

STANDARD GAS AND ELECTRIC CO. AND PUBLIC UTILITY ENGINEERING AND SERVICE CORP.

NOTICE OF FILING OF PLAN PROVIDING FOR LIQUIDATION OF SUBSIDIARY COMPANY

DECEMBER 15, 1955.

Notice is hereby given that Standard Gas and Electric Company ("Standard Gas"), a registered holding company in the process of liquidation under an order of this Commission, and its inactive service company subsidiary, Public Utility Engineering and Service Corporation ("Service Corp."), a Delaware corporation, have filed an application with this Commission, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), for approval of a plan providing for the liquidation and dissolution of Service Corp. It is stated that the plan is proposed as a step towards compliance by Standard Gas with section 11 of the act.

All interested parties are referred to the application and plan on file in the offices of the Commission for a statement of the transactions therein proposed, which, together with certain other pertinent facts, are summarized as follows:

Standard Gas is the beneficial owner of all of the 100,000 shares of Service Corp's outstanding capital stock, its only outstanding security. Under the plan Service Corp will transfer and distribute in kind to Standard Gas all of its property and assets, subject to all liens and encumbrances, if any, in complete cancellation and retirement of all of its outstanding capital stock. Standard Gas will assume all of Service Corp's debts, obligations and liabilities. Applicants represent that Service Corp has transacted no business and has had no customers nor any employees since 1945; that Service Corp is solvent; and that its realizable assets as of October 31, 1955, consisted entirely of cash in the amount of approximately $126,000.

It is proposed that the business and affairs of Service Corp are to be settled and wound up pursuant to voluntary dissolution proceedings under the Delaware Business Corporation Law; and its corporate existence terminated in January 1956, or as soon thereafter as is feasible.

It is stated that no State commission and no other Federal commission has jurisdiction over the plan or the transactions requisite to its consummation and that the expenses to be incurred in connection with the plan are estimated not to exceed $500.

It is requested that this Commission's order become effective forthwith upon issuance and that the Commission approve the transfers and exchanges involved in the proposed liquidation and make the recitals required by section 1081 (f) and section 4382 (b) (2) of the Internal Revenue Code of 1954.

Notice is further given that any interested person may on or before January 3, 1956, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by such application and plan which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may grant said application and approve said plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10196; Filed, Dec. 20, 1955; 8:46 a. m.]

[File No. 70-3432]

COLUMBIA GAS SYSTEM, INC., ET AL.

NOTICE OF FILING REGARDING SALE OF PROMISSORY NOTE BY SUBSIDIARY TO PARENT AND OF ASSETS BY PUBLIC-UTILITY SUBSIDIARY TO ASSOCIATE COMPANY

DECEMBER 15, 1955.

In the matter of the Columbia Gas System, Inc., United Fuel Gas Company, Atlantic Seaboard Corporation; File No. 70-3432.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and two of its wholly-owned subsidiaries, United Fuel Gas Company ("United Fuel") and Atlantic Seaboard Corporation ("Seaboard"). Applicants-declarants have designated sections 6, 7, 9 and 10 of the act and Rules U-43 and U-44 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

United Fuel, a gas utility company incorporated in West Virginia proposes to sell to Seaboard, a non-utility associate company, incorporated in Delaware, certain gas storage facilities consisting of a storage pool, wells, structures and auxiliary equipment and 5.5 miles of 10¾ inch transmission line located in West Virginia. United Fuel proposes to sell such assets at original cost less accrued depreciation as of the date of transfer. Based on book figures as of October 31, 1955, such purchase price would have been $1,326,026.77 for the facilities plus $350,000 for storage gas subject to current delivery.

Seaboard proposes to finance the purchase of the facilities by the issue and sale to Columbia of a 3⅝ percent unsecured promissory note in the principal amount of $1,300,000 due in 25 equal annual installments on February 15 of the years 1957 to 1981, inclusive. The balance of the purchase price is proposed to be paid in cash from retained earnings. Interest is to be paid semi-annually on February 15 and August 15 on the unpaid principal.

The application-declaration states that by order dated November 30, 1955, the Federal Power Commission approved the abandonment of service by United Fuel and the acquisition and operation of such facilities by Seaboard.

According to the application-declaration expenses in connection with the proposed transactions are estimated at $400 of which United Fuel and Seaboard will pay $150 each and Columbia $100.

Applicants-declarants request that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than December 29, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law, if any, raised by such application-declaration which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as hereafter amended, may be granted and permitted to become effective as provided in Rule U-23 of the General Rules and Regulations promulgated under the Act, or the Commission may exempt such transactions from its Rules as provided in Rules U-20 (a) and U-100 or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10197; Filed, Dec. 20, 1955; 8:46 a. m.]

[File No. 70-3430]

THE COLUMBIA GAS SYSTEM, INC. AND CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF FILING OF DECLARATION REGARDING SALE OF UTILITY ASSETS

DECEMBER 15, 1955.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its public-utility subsidiary, Central Kentucky Natural Gas Company ("Central Kentucky"). Declarants designate section 12 of the act and Rule U-44 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Central Kentucky proposes to sell to The Union Light, Heat and Power Company ("Union") and the Cincinnati Gas & Electric Company ("Cincinnati"), non-affiliated companies, certain gas utility assets consisting of transmission lines, related river crossings and a measuring station, for an aggregate price based on the original cost of such facilities less accrued depreciation per books. As of September 30, 1954 such original cost was $707,802.05 and the accrued depreciation thereon amounted to $186,686.35 resulting in a sales price as of that date of $521,115.70. It is stated that while the facilities proposed to be sold are no longer suitable for transmission purposes at high pressures, they are useful to the purchasers.

The Public Service Commisson of Kentucky, by order dated June 16, 1955, approved the proposed sale by Central Kentucky and the acquisition thereof by Union, and the Federal Power Commission, by order dated November 14, 1955, authorized the proposed sale by Central Kentucky. According to the declaration the total expenses in connecton with the proposed sale will amount to approximately $300 of which Columbia will pay $100 and Central Kentucky $200. Declarants request that the order of this Commission become effective upon issuance.

Notice is further given that any interested person may, not later than December 29, 1955 at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its Rules as provided in Rules U-20 (a) and U-100, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10198; Filed, Dec. 20, 1955; 8:46 a. m.]

[File No. 7-1770]

ALLEN B. DU MONT LABORATORIES, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

DECEMBER 15, 1955.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Allen B. Du Mont Laboratories, Inc., Common Stock, $1 Par Value.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the Amercian Stock Exchange.

Upon receipt of a request, on or before December 29, 1955, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10199; Filed, Dec. 20, 1955; 8:46 a. m.]

UNIVERSITY
OF MICHIGAN

DEC 27 1955

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 20 NUMBER 248

Washington, Thursday, December 22, 1955

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; PUERTO RICO

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

PUERTO RICO County:	*Average value*
Adjuntas	$20,000
Aguadilla	18,000
Arroyo	19,000
Barranquitas	15,000
Bayamon	18,000
Caguas	18,000
Camuy	20,000
Carolina	21,000
Cayey	24,000
Ciales	20,000
Comerio	15,000
Corozal	18,000
Humacao	20,000
Jayuya	18,000
Juana Diaz	15,000
Juncos	20,000
Lares	20,000
Manati	20,000
Orocovis	15,000
Ponce	20,000
Rio Grande	18,000
Rio Piedras	20,000
San Lorenzo	16,000
San Sebastian	20,000
Utuado	18,000
Vega Baja	20,000
Yabucoa	21,000
Yauco	24,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: December 16, 1955.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 55-10267; Filed, Dec. 21, 1955; 8:52 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 476—DISASTER RELIEF PROGRAMS

SUBPART—1955 DISASTER RELIEF FEED GRAIN PROGRAM

Sec.
476.101 General statement.
476.102 Administration.
476.103 Definitions.
476.104 Agreement with Cooperating State Agency.
476.105 General conditions.
476.106 CSS Commodity offices.
476.107 Requests for information.
476.108 Accounting for the feed grains shipped.
476.109 Mis-use of designated feed grains.
476.110 Termination and disqualification.
476.111 Saving clause.

AUTHORITY: §§ 476.101 to 476.111 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055, sec. 301, 68 Stat. 454, 83d Cong.; 7 U. S. C. 1427.

§ 476.101 *General statement.* Section 407 of the Agricultural Act of 1949, as amended, provides that the Commodity Credit Corporation, on such terms and conditions as the Secretary of Agriculture may deem in the public interest, shall make available any farm commodity owned by it for use in relieving distress in connection with any major disaster determined by the President to warrant assistance by the Federal Government under Public Law 875, Eighty-First Congress, as amended. This part announces the policies with respect to making feed grains owned by Commodity Credit Corporation (hereinafter referred to as "CCC") available under such provision of law to State agencies for distribution to established farmers who are in need of such assistance, sets forth general requirements indicating how State agencies can qualify for and obtain such feed grains, and sets forth terms and conditions governing the distribution of such feed grains. The "1955 Disaster Relief Feed Grain Program" provided for in this part is separate and distinct from the "1955 Emergency Feed Program", which is designed to enable farmers to obtain feed grains at

(Continued on p. 9847)

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reduced prices, the regulations pertaining to such program being contained in 19 F. R. 5199 (§§ 288.1 to 288.6 of this title) and 20 F. R. 7562 (§§ 475.15 to 475.24 of this chapter).

§ 476.102 *Administration.* The program provided for in this part will be administered by Commodity Stabilization Service (hereinafter called CSS) under the general direction and supervision of the Executive Vice President, CCC, and in the field will be carried out by the CSS Commodity Offices. Representatives and employees of CSS Commodity Offices do not have authority to modify or waive any of the provisions of this part or any amendments or supplements thereto.

§ 476.103 *Definitions.* Unless the context or subject matter otherwise requires, as used in this part, the following terms should have the following meanings:

(a) "Designated feed grains" means barley, corn, grain sorghums and oats;

(b) "Cooperating State Agency" means a State Agency, designated by the proper State authority, to participate in this program. Only one such agency may be designated for each State.

(c) "Designated disaster area" means an area designated by the President under Public Law 875, 81st Congress, as amended, as an area of major disaster, and also by the Secretary of Agriculture as an area in which assistance of the nature provided for herein is needed.

§ 476.104 *Agreement with Cooperating State Agency*—(a) *Request for approval.* Request by appropriate State officials for approval of the Cooperating State Agency to participate in the program should be made in writing to the Administrator, CSS, U. S. Department of Agriculture, Washington 25, D. C. The request must contain the following:

(1) Name and address of the Cooperating State Agency.

(2) Certification, in duplicate, as specified in § 476.105 (b) (2) (i) stating the Cooperating State Agency's understanding of the program.

(3) Copy of the uniform basic standards that will be used in determining the eligibility of recipients.

§ 476.105 *General conditions.* The quantities of designated feed grains made available by CCC under this program will be determined with regard to other statutory and program operations of CCC and will be such as can be effectively distributed in furtherance of the objectives of this program. Under this program CCC will deliver designated feed grains in bulk only to Cooperating State Agencies via railroad cars at one or more central locations in each State. The designated feed grains will be furnished by CCC free of cost to the Cooperating State Agencies and CCC will pay the transportation and handling costs in making deliveries at central locations in each State. No other costs will be assumed by CCC. Cooperating State Agencies, prior to receiving designated feed grains under this program, will be required to enter into agreements with the Secretary of Agriculture. Such agreements will set forth certain terms and conditions and, as a minimum, such terms and conditions will include the following:

(a) *Terms and conditions; orders; shipments*—(1) *Submission of orders.* Orders must be submitted by the Cooperating State Agency to the CSS Commodity Office serving the State (see § 476.106 for the list of CSS Commodity Offices and the areas served by them).

(2) *Necessary information in orders.* Orders must specify the kind and quantity of designated feed grains desired, and must also specify the destination, delivering railroad carrier, and the consignee. Request for shipment of two or more carload lots for delivery at the same point may be included in the same order. Shipments will be made in carload lots only.

(3) *Acknowledgment of order.* The CSS Commodity Office will acknowledge receipt of any order submitted by the Cooperating State Agency, and, if such order is acceptable to CCC, will notify such Agency of the appropriate date that shipment will be made and of the origin point of shipment.

(4) *Delivery.* Shipment of designated feed grains will be made by the CSS Commodity Office to the point shown in the order, if such point is approved by CCC as a central location. Upon request of the Cooperating State Agency prior to delivery at such point, the CSS Commodity Office may divert such shipment to another central location.

(5) *Weight certificates.* The Cooperating State Agency shall furnish to the CSS Commodity Office, as soon as possible after unloading, official weight certificates, or the best weights obtainable if official weights are not available, with respect to each shipment.

(6) *Charges after arrival.* The Cooperating State Agency shall be responsible for all transportation and accessorial charges accruing after arrival of the shipment at the original billed destination or the point to which the shipment was ordered diverted by the CSS Commodity Office pursuant to request of the Cooperating State Agency. The Cooperating State Agency shall also be responsible for any other charges or costs of any kind accruing after arrival of the designated feed grains. Such costs and charges shall include, but are not limited to, costs and charges for receiving, storing, handling, bagging, and distribution of the designated feed grains.

(b) *Terms and conditions; eligibility of recipients; distribution*—(1) *Eligibility of recipients.* Designated feed grains furnished by CCC to any Cooperating State Agency must be distributed free of any costs by such Agency, or its designated representative, to needy farmers. For the purposes of this program the term "needy farmer" means an established farmer residing on a rural farm in a designated disaster area who is without sufficient cash or credit to purchase sufficient feed for his livestock, including hogs, poultry and workstock, and who has been certified to as such by a State or local organization or agency designated by the proper State authority. Uniform basic standards must be established by the Cooperating State Agency for determining the eligibility of recipients; and, as provided in § 476.104 (a) (2), must be submitted with the Cooperating State Agency's request for approval under this program. Such uniform basic standards shall not be changed or altered in any way without the express written approval of CCC. Such uniform basic standards must provide that no person shall be certified as a "needy farmer" whose application under the "1955 Emergency Feed Program" (19 F. R. 5199, 20 F. R. 7562) has been approved during the sixty day period immediately preceding such person's application for assistance under this program.

(2) *Conditions on use.* (i) Designated feed grains furnished by CCC under this program must be used solely for the preservation of the needy farmer's livestock, including hogs, poultry and workstock, and, except for workstock, such livestock must be used solely for food for the needy farmer and his family, and must not be marketed. The Cooperating State Agency shall take all measures necessary to assure compliance with the foregoing.

(ii) The Cooperating State Agency must submit to CCC, with its request for approval under this program, a certification, signed by an appropriate official, in substantially the following form:

I, ----------, ----------,
(Name) (Title)
do hereby certify on behalf of ----------
---------- that it is
(Agency requesting approval)
clearly understood that CCC will make designated feed grains available under the "1955 Disaster Relief Feed Grain Program" only on the conditions that such designated feed grains be distributed free of any cost to needy farmers and be used by such needy farmers solely for feed for the preservation of their livestock, including hogs, poultry and workstock, and that, except for workstock, such livestock and any products thereof must be used only for food for the needy farmer and his family, and must not be marketed. The Cooperating State Agency will make every effort to assure that such conditions are complied with by needy farmers, and will issue such rules and regulations as are appropriate and necessary to assure compliance therewith.

(iii) Each needy farmer, prior to receiving any designated feed grains, must be required by the Cooperating State Agency to certify that he understands that the designated feed grains are being furnished to him through the United States Department of Agriculture and that he will use such feed grains solely

for feed for the preservation of his livestock, including hogs, poultry and workstock and that, except for workstock, such livestock and any products thereof will be used only for food for him and his family and will not be marketed.

§ 476.106 *CSS Commodity Offices.* The CSS Commodity Offices handling feed grains and the areas served by them are shown below:

Chicago CSS Commodity Office, 623 South Wabash Avenue, Chicago 5, Illinois: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia.

Dallas CSS Commodity Office, 3306 Main Street, Dallas 26, Texas: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

Kansas City CSS Commodity Office, Federal Office Building, 911 Walnut Street, Kansas City 6, Missouri: Colorado, Kansas, Missouri, Nebraska, and Wyoming.

Minneapolis CSS Commodity Office, 1006 West Lake Street, Minneapolis 8, Minnesota: Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Portland CSS Commodity Office, 1218 South West Washington Street, Portland 5, Oregon: Arizona, California, Idaho, Nevada, Oregon, Utah and Washington.

§ 476.107 *Requests for information.* Cooperating State Agencies or other interested persons desiring information concerning the program, including, but not limited to, such information as the kinds of feed grains that are available, location of such grains, and time required to make delivery, should make written request direct to the CSS Commodity Office serving the State.

§ 476.108 *Accounting for the feed grains shipped.* The Cooperating State Agency shall maintain and preserve until at least January 1, 1961, true and accurate records pertaining to the receipt and distribution of the designated feed grains delivered by CCC, and upon request, an examination of such records by a duly authorized representative of the United States shall be permitted at any time during business hours.

§ 476.109 *Mis-use of designated feed grains.* Whenever it is determined by the Executive Vice President, CCC, that any designated feed grains made available by CCC under this program have been improperly distributed by the Cooperating State Agency, or have not been distributed in accordance with the terms and conditions of this program, the Cooperating State Agency shall pay to CCC, promptly upon demand, CCC's statutory minimum sales price for unrestricted use for the same class, grade and quality of the designated feed grain involved, as determined by CCC, in effect on the date that the CSS Commodity Office acknowledged receipt of the Cooperating State Agency's orders for such feed grain.

§ 476.110 *Termination and disqualification*—(a) *Termination.* CCC may terminate this program, either in its entirety or with respect to a specific designated disaster area at any time. In the event of such termination, CCC will specify a reasonable time within which the Cooperating State Agency must complete distribution of any designated feed grain in its possession.

(b) *Disqualification.* A Cooperating State Agency receiving feed grains may be disqualified from future participation in this program if it fails to comply with the provisions of this part or any notices, instructions or announcements issued pursuant to this part. Action taken hereunder shall not preclude CCC or the United States Department of Agriculture from taking other action through other available means when considered necessary. Fraud in the acquisition, handling or distribution of designated feed grains may be subject to prosecution under applicable Federal statutes.

§ 476.111 *Saving clause.* Any or all of the provisions of this part may be waived, withdrawn or amended at any time.

Issued this 16th day of December 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

Approved:

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-10266; Filed, Dec. 21, 1955; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 725—BURLEY AND FLUE-CURED TOBACCO

APPORTIONMENT OF NATIONAL MARKETING QUOTA FOR FLUE-CURED TOBACCO FOR 1956-57 MARKETING YEAR AMONG THE SEVERAL STATES

§ 725.707 *Basis and purpose.* (a) Sections 725.707 to 725.708 are issued to apportion the national marketing quota for flue-cured tobacco for the 1956-57 marketing year among the several States. The findings and determinations contained in §§ 725.707 to 725.708 have been made on the basis of the latest available statistics of the Federal government, and after due consideration of data, views, and recommendations received from tobacco producers and others as provided in a notice (20 F. R. 7918) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since flue-cured tobacco growers are now planning their 1956 farming operations, it is imperative that they be advised at the earliest date possible of the 1956 tobacco acreage allotments for their farms. It is hereby found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impractical and contrary to the public interest. Therefore, the apportionment shall be effective on the date of filing with the Director, Division of the Federal Register.

§ 725.708 *Apportionment of the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1956*—(a) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Alabama	553
Florida	18,822
Georgia	89,982
North Carolina	585,976
South Carolina	103,013
Virginia	88,949
Reserve [1]	2,224

[1] Acreage reserved for establishing allotments for new farms.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply Secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 16th day of December 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-10265; Filed, Dec. 21, 1955; 8:51 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

REQUIREMENTS AND QUOTAS FOR 1956

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the "act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1956 and to establish, pursuant to section 202 of the act, sugar quotas for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1956.

The determination of sugar requirements set forth below is made pursuant to section 201 of the Sugar Act of 1948. The act requires that the Secretary of Agriculture make such determination for the calendar year 1956 during December of 1955. The determination has been based, insofar as required by section 201 of the act, on official statistics of the Department of Agriculture and statistics published by other agencies of the Federal Government.

Prior to the issuance of this regulation, notice was given (20 F. R. 7706) that the Secretary of Agriculture was preparing, among other things, to determine the sugar requirements and to establish quotas for the calendar year 1956 and that any interested person might present any data, views, or arguments with respect thereto at a public hearing to be held in Washington, D. C., on November 2, 1955. In addition, the notice stated that any interested person might present any data, views or arguments with respect thereto in writing not later than November 21, 1955. In making this determination due consideration has been given to the data, views and arguments expressed at the hearing held on November 2, 1955, and to the data, views and arguments submitted in writing on or before November 21, 1955, in accordance with the Administrative Procedure Act (60 Stat. 237).

Since the Sugar Act of 1948 requires that the Secretary of Agriculture determine sugar requirements for the calendar year 1956 during the month of December 1955, and since the sugar quotas for some areas are relatively small, thereby making it possible for such areas to exceed their quotas within a few days after the beginning of the quota year, compliance with the 30-day effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest. Accordingly, this regulation shall be effective on January 1, 1956.

Sec.
811.80 Sugar requirements, 1956.
811.81 Basic quotas for domestic areas.
811.82 Basic quotas for other areas.
811.83 [Reserved.]
811.84 Proration of quota for foreign countries other than Cuba and the Republic of the Philippines.
811.85 Direct-consumption portion of quotas or prorations.
811.86 Liquid sugar quotas.
811.87 Restrictions on marketing and shipment.
811.88 Inapplicability of quota regulations.

AUTHORITY: §§ 811.80 to 811.88 issued under sec. 403, 61 Stat. 932, as amended; 7 U. S. C. Sup. 1153. Interpret or apply secs. 202, 204, 207, 208, 209, 210 and 212; 61 Stat. 924, 925, 927, 928, as amended, 929; 7 U. S. C. Sup. 1112, 1114, 1117, 1118, 1120, 1122.

§ 811.80 *Sugar requirements, 1956.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1956 is hereby determined to be 8,350,000 short tons, raw value.

§ 811.81 *Basic quotas for domestic areas.* There are hereby established, pursuant to subsection (a) of section 202 of the act, for domestic sugar producing areas for the calendar year 1956 the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Domestic beet sugar	1,800,000
Mainland cane sugar	500,000
Hawaii	1,052,000
Puerto Rico	1,080,000
Virgin Islands	12,000

§ 811.82 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1956, the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Republic of the Philippines	980,000
Cuba	2,808,960
Other foreign countries	117,040

§ 811.83 [Reserved.]

§ 811.84 *Proration of quotas for foreign countries other than Cuba and the Republic of the Philippines*—(a) *Entries from unspecified countries.* The portion of any quota or deficit prorated in this section to unspecified countries may be filled by sugar from any country other than those specified in this part but the quantity entered from any unspecified country shall not exceed one per centum of the total quota and deficits for foreign countries other than Cuba and the Republic of the Philippines prorated in this section.

(b) *Basic prorations.* The 1956 quota for foreign countries other than Cuba and the Republic of the Philippines is hereby prorated, pursuant to subsection (c) of section 202 of the act, among such countries as follows:

Country:	*Proration in short tons, raw value*
Dominican Republic	29,064
El Salvador	4,355
Haiti	2,813
Mexico	12,051
Nicaragua	8,237
Peru	54,668
Unspecified countries	5,852
Total	117,040

§ 811.85 *Direct-consumption portion of quotas or prorations*—(a) *Domestic areas.* Pursuant to subsections (a), (b) and (c) of section 207 of the act, the quotas established in § 811.81 for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

Area:	*Direct-consumption sugar, short tons, raw value*
Hawaii	29,616
Puerto Rico	126,033
Virgin Islands	0

(b) *Other areas.* (1) Pursuant to subsections (d), (e) and (h) of section 207 of the act, the quotas established in § 811.82 for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

Area:	*Direct-consumption sugar, short tons, raw value*
Republic of the Philippines	59,920
Cuba	375,000
Other foreign countries	39,794

(2) Notwithstanding the foregoing limitation, the following listed countries may enter within the limits of the prorations established in § 811.84 a minimum quantity of sugar for direct consumption equal to the quantities listed below for each such country:

Country:	*Direct-consumption sugar, pounds, raw value*
Canada	7,552
Colombia	857
Costa Rica	2,168
Dominican Republic	2,400,958
El Salvador	4,041,686
Haiti	376,163
Hong Kong	42,987
Mexico	1,287,589
Nicaragua	9,059,531
Peru	4,377,617
United Kingdom	144,490

§ 811.86 *Liquid sugar quotas.* There are hereby established, pursuant to section 208 of the act, for foreign countries for the calendar year 1956 quotas for liquid sugar as follows:

Country:	*Liquid sugar, wine gallons, 72 percent total sugar content*
Cuba	7,970,558
Dominican Republic	830,894
British West Indies	300,000
Other foreign countries	0

§ 811.87 *Restrictions on marketing and shipment.* Pursuant to section 209 of the act, all persons are hereby prohibited, during the calendar year 1956 from:

(a) Bringing or importing into the continental United States from the Territory of Hawaii, Puerto Rico, the Virgin Islands, or foreign countries, (1) any sugar or liquid sugar after the applicable quota, or the proration of any such quota, has been filled, or (2) any direct-consumption sugar after the direct-consumption portion of any such quota or proration thereof has been filled.

(b) Shipping, transporting, or marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported, or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets or sugarcane grown in either the domestic beet sugar area or the mainland cane sugar area after the quota for such area has been filled.

§ 811.88 *Inapplicability of quota regulations.* Pursuant to section 212 of the act, §§ 811.81 to 811.87 shall not apply to (a) the first ten short tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba and the Republic of the Philippines, in the calendar year 1956; (b) the first ten short tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba and the Republic of the Philippines in the calendar year 1956 for religious, sacramental, educational, or experimental purposes; (c) liquid sugar imported from any foreign country other than Cuba and the Republic of the Philippines, in individual sealed containers not in excess of one and one-tenth gallons each; or (d) any sugar or liquid sugar imported, brought into, or produced or manufactured in the United States for the distillation of alcohol, or for livestock feed or for the production of livestock feed.

STATEMENT OF BASES AND CONSIDERATIONS

Section 201 of the Sugar Act of 1948, as amended, provides that in determining the quantity (total quota) of sugar needed to meet the requirements of consumers in the continental United States consideration must be given to the distribution of sugar in the twelve months ended October 31 prior to the year to which the requirements apply, any surplus or deficiency in inventories of sugar, changes in consumption because of changes in population and demand conditions, and the relationship between wholesale prices for refined sugar and the Consumers' Price Index.

Distribution of sugar by refiners, importers, and processors during the 12-month period ended October 31, 1955, amounted to 8,500,000 tons. It appears that consumption of sugar during this 12-month period was somewhat less than distribution.

Invisible inventories (held by wholesalers, retailers, and consumers) appear to have risen and to have been higher on October 31 than they were a year earlier, since distribution in the four months immediately preceding, during which refined sugar prices were strengthening in many parts of the country, exceeded that for the corresponding period a year earlier by about 270,000 tons.

Inventories held by refiners and importers on October 31, 1955, amounted to 503,000 tons, or substantially the same as a year earlier. However, additional supplies available to refiners and importers under quotas were larger so that total supplies held by, or available to, refiners and importers on October 31, 1955, amounted to 1,306,000 tons or approximately 70,000 tons more than a year ago.

Supplies of beet sugar remaining to be marketed under the quota during the last two months of 1955 were 136,000 tons smaller than for the same period of 1954. After deducting constructive deliveries made to fill quotas in 1954, the total supplies of beet and cane sugar available under quotas for distribution during the last two months of the year are as large in 1955 as they were in 1954. Both visible and invisible inventories fluctuate considerably depending upon price trends and other conditions that temporarily affect demand. Although it is impossible to anticipate the demand for inventories a year in advance, present inventories are believed to be large enough to permit some reduction, if holders so desire, by the end of 1956.

Population growth should result in an increase of approximately 150,000 tons in consumption during calendar year 1956 as compared with the 12-month period ended October 31, 1955. Changes that may occur in other demand conditions in 1956 are not likely to affect the consumption of sugar significantly.

New York wholesale prices of refined sugar were unusually stable during 1955 and are now at the same level as they were a year ago. During the first half of 1955 prices of refined cane and beet sugar in the southern and western areas of the country were low in relation to the New York basis price. By October, however, prices in such other areas had strengthened so as to restore substantially the relationship with the New York price that existed prior to late 1953. The New York wholesale price of refined sugar in 1955 averaged about 1.4 cents per pound below the level that would have been necessary to maintain the relationship between that price and the Consumers' Price Index that existed under price control in 1947.

After consideration of all of the foregoing factors and recognition of the inherent uncertainties involved, it is determined that initial sugar requirements (total quotas) for the continental United States for 1956 of 8,350,000 short tons, raw value, as established herein will provide a supply that is expected to result in prices that are not excessive to consumers and that will maintain and protect the welfare of the domestic sugar industry.

Quotas. The basic quotas established for domestic areas are in amounts specified in the act. Section 202 of the act provides that the quota for the Republic of the Philippines shall be 952,000 short tons "as specified in section 211 of the Philippine Trade Act of 1946." Quotas under the Sugar Act are established in terms of "short tons, raw value". On the basis of the average polarization of Philippine sugar brought into the continental United States during 1955, equal to 94 percent of the 1955 quota, a quota of 980,000 short tons, raw value, is required to permit the entry of the quantity of sugar established as the quota for the Republic of the Philippines by section 202 of the act. The portion of this quota which may be imported as direct-consumption sugar, established as 56,000 short tons in subsection (d) of section 207 of the act, may be filled entirely with refined sugar and is, therefore, determined to be equivalent to 59,920 short tons, raw value.

The basic quotas for other foreign countries have been established by applying the statutory percentages to the difference between the consumption estimate and the sum of the quotas established for domestic areas and the Republic of the Philippines. In accordance with subsection (c) of section 202 of the act, ninety-five percent of the quota for foreign countries other than Cuba and the Republic of the Philippines has been prorated to those countries which entered more than two percent of the average importations within the quotas for the years 1948, 1949, and 1950 on the basis of the average quantity imported from each such country within the quotas for those years. The remaining five percent of the quota has not been prorated to specific countries and may be filled by countries not receiving specific prorations. The amounts of the quotas and prorations which may be filled by direct-consumption sugar are as specified in the act. The liquid sugar quotas equal those specified in the act.

Done at Washington, D. C., 16th day of December 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-10260; Filed, Dec. 21, 1955; 8:50 a. m.]

[Sugar Reg. 812]

PART 812—SUGAR REQUIREMENTS AND QUOTAS; HAWAII AND PUERTO RICO

CALENDAR YEAR, 1956

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922; 65 Stat. 318; 7 U. S. C. 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001), these regulations are hereby made, prescribed, and published to be in force and effect for the calendar year 1956 or until amended or superseded by regulations hereafter made during the calendar year 1956.

Basis and purpose. The determinations and the sugar quotas set forth below have been made and established pursuant to section 203 of the Sugar Act of 1948, as amended (hereinafter called the "act"). The act provides for the Secretary of Agriculture to make such determinations and establish such quotas for the calendar year 1956 during December 1955. The determinations of the sugar requirements have been based insofar as required by section 201 of the act, on official statistics of the Department of Agriculture and statistics published by other agencies of the Federal Government. The purpose of such determinations is to provide the amounts of sugar needed to meet the requirements of consumers in the Territory of Hawaii and in Puerto Rico for the calendar year 1956. The determinations provide the basis for the establishment of sugar quotas for such year for local consumption therein pursuant to section 203 of the act.

Prior to the issuance of these regulations, notice was given (20 F. R. 7707) that the Secretary of Agriculture was preparing, among other things, to determine the requirements and quotas for the calendar year 1956 for local consumption in Hawaii and Puerto Rico and that any interested person might present any data, views or arguments with respect thereto in writing not later than November 21, 1955. Due consideration has been given to the data, views and arguments submitted, in accordance with the Administrative Procedure Act (60 Stat. 237).

Since the act provides that the Secretary of Agriculture determine sugar requirements and establish quotas for local consumption in Hawaii and in Puerto Rico during December 1955, to be applicable for the calendar year 1956, it is impracticable and not in the public interest to comply with the 30-day effective date requirements of the Administrative Procedure Act. Accordingly, these regulations shall be effective January 1, 1956.

§ 812.15 *Sugar requirements and quotas*—(a) *Sugar requirements.* It is hereby determined, pursuant to section 203 of the act, that the amount of sugar needed to meet the requirements of consumers in the territory of Hawaii for the calendar year 1956 is 45,000 short tons of sugar, raw value, and that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1956 is 100,000 short tons, raw value.

(b) *Local consumption quotas.* There are hereby established, pursuant to section 203 of the act, for local consumption in the Territory of Hawaii and in Puerto Rico, for the calendar year 1956 the following quotas.

Area:	*Quotas in terms of short tons, raw value*
Hawaii	45,000
Puerto Rico	100,000

§ 812.16 *Restrictions on marketing.* For the calendar year 1956 all persons are hereby forbidden, pursuant to section 209 of the act, from marketing in the Territory of Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1956 has been filled.

STATEMENT OF BASES AND CONSIDERATIONS

Pursuant to section 203 of the act, it has been determined that those provisions of section 201 of the act which shall apply to the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and in Puerto Rico during the twelve-month period ended October 31, 1955, (2) deficiencies or surpluses in inventories of sugar and (3) changes in consumption because of changes in population and demand conditions.

The quantities of sugar distributed for consumption in Hawaii and Puerto Rico, including that which was lost in refining after charge to the local quotas, during such twelve-month period were approximately 42,000 short tons of sugar, raw value, and 106,000 short tons of sugar, raw value, respectively.

No official estimate of population for either of these areas for 1956 is available. The estimate of the civilian population for 1955 was about 2 percent greater than for 1954 in both areas.

In Hawaii changes in distribution of sugar for local consumption in recent years appears to have been dominated by changes in industrial use of sugar. For the twelve months ended October 31, 1953, distribution amounted to about 42,000 tons, and for the twelve months ended October 31, 1954, about 38,000. The average for the seven years ended October 31, 1955, is a little less than 40,000 tons. In view of these rates of distribution, it appears that new quota supplies of 45,000 short tons, raw value, will be adequate for local consumption in Hawaii in 1956.

In Puerto Rico the 106,000 tons distributed in the twelve-month period ended October 31, 1955, is 6,000 tons more than was distributed in the preceding twelve months. Distribution during seven twelve-month periods preceding October 31, 1954, averaged 100,000 tons, the variations from year to year indicating no clear-cut trend. On October 31 processors and refiners held 28,000 short tons, raw value, of refined and turbinado sugar in inventory. Of this quantity about 21,000 tons was within 1955 allotments compared to about 18,000 tons needed to sustain distribution to the end of the year at the rate for the preceding twelve months. The refiners do not operate in the first few weeks of the calendar year. Refined sugar in processor's inventory on January 1, 1956, in excess of 1955 quotas may be used to fill 1956 allotments of either the local quota or the direct-consumption portion of the mainland quota. Local quota sugar transferred to a refiner in 1955 and carried into 1956 is available for local consumption without charge to 1956 allotments. It is desirable to provide a local quota supply which will permit refiners (or their customers) to carry sufficient quota refined sugar into the new year to maintain an adequate supply for consumers until processing of new-crop sugar is fully under way. It, therefore, appears that inventories charged to the 1955 quota will not be excessive on January 1, 1956, and that a quota of 100,000 short tons, raw value, for local consumption in Puerto Rico in 1956 will provide a supply of sugar that will be consumed at fair prices.

In accordance with the above, the quotas for local consumption in Hawaii and Puerto Rico for 1956 have been established at 45,000 and 100,000 short tons, raw value, respectively.

(Sec. 403, 61 Stat. 932, 7 U. S. C. 1153. Interpret or apply secs. 201, 203, 209, 210; 61 Stat. 923, 925, 928; 7 U. S. C. 1111, 1113, 1119, 1120)

Done at Washington, D. C., this 16th day of December 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-10258; Filed, Dec. 21, 1955; 8:50 a. m.]

[Sugar Reg. 812, Amdt. 1]

PART 812—SUGAR REQUIREMENTS AND QUOTAS, HAWAII AND PUERTO RICO

CALENDAR YEAR, 1955

Basis and purpose. The revised determination of sugar requirements and the revised sugar quotas for Hawaii set forth below have been made and established pursuant to section 203 of the Sugar Act of 1948, as amended (hereinafter called the "act"). The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that the requirements for Hawaii for the calendar year 1955 will exceed the amount provided for in the determination which became effective January 1, 1955. The purpose of this revision is to make the determination and the quota related thereto conform to the requirements presently indicated on the basis of the applicable factors specified in section 203 of the act.

The original quota is approaching exhaustion and additional sugar is needed for distribution during the remainder of 1955. In order to effectively carry out the purposes of the Sugar Act, it is necessary that the revision in the determination and quota be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest, and the revision of the determination made herein shall be effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318; 7 U. S. C. 1100) and the Administrative Procedure Act (60 Stat. 237, U. S. C. 1001), Sugar Regulation 812 (19 F. R. 9167) determining sugar consumption requirements and quotas for the Territory of Hawaii and Puerto Rico for the calendar year 1955 is hereby amended by revising § 812.13 to read as follows:

§ 812.13 *Sugar requirements and quotas*—(a) *Sugar requirements.* It is hereby determined pursuant to section 203 of the act, that the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii for the calendar year 1955 is 45,000 short tons, raw value, and that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1955 is 100,000 short tons, raw value.

(b) *Local consumption quotas.* There are hereby established pursuant to section 203 of the act, for local consumption in the Territory of Hawaii and in Puerto Rico, for the calendar year 1955, the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Hawaii	45,000
Puerto Rico	100,000

STATEMENT OF BASES AND CONSIDERATION

In the original determination, the quantity for local consumption in Hawaii was set at 40,000 short tons, raw value. Local sugar distribution for the first ten months of 1955 amounted to approximately 38,000 tons. A quota for the full year of 45,000 tons will be required to provide this rate of distribution and the necessary year-end stocks of sugar in distribution channels. The consumption requirements and quota for Puerto Rico remain unchanged at the quantity established in Sugar Regulation 812, effective January 1, 1955.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 201, 203, 209, 210; 61 Stat. 923, 925, 928; 7 U. S. C. 1111, 1113, 1119, 1120)

Done at Washington, D. C., this 16th day of December 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-10259; Filed, Dec. 21, 1955; 8:50 a. m.]

[Sugar Reg. 814.23]

PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1956

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act") for the purpose of establishing allotments of the 1956 sugar quota for the Mainland Cane Sugar Area for the period January 1, 1956, to the date allotments of such quota are prescribed for the full calendar year 1956.

Omission of recommended decision and effective date. The record of the

hearing regarding the subject of this order shows that with 1955 marketings for the Mainland Cane Sugar Area equal to the quota of 500,000 tons, probably 474,000 tons of 1955-crop sugar will remain to be marketed after January 1, 1956. This quantity of sugar, along with production of sugar from 1956-crop sugarcane, will result in a supply of sugar available for marketing in 1956 sufficiently in excess of the 500,000 short tons, raw value, quota for the area to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar (R. 8). The inventories of sugar on January 1, 1956, together with production in early 1956, may make it possible for some allottees to market shortly after January 1, 1956, a quantity of sugar larger than the allotments established by this order. Since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective on January 1, 1956.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.) a preliminary finding was made that allotment of the quota is necessary, and a notice was published on October 18, 1955 (20 F. R. 7815), of a public hearing to be held at Washington, D. C., in Room 2W, Administration Building of the Department of Agriculture on November 3, 1955, at 2:00 p. m., e. s. t., for the purpose of receiving evidence to enable the Secretary, (1) to affirm, modify or revoke the preliminary finding of necessity for allotments, and (2) to establish fair, efficient and equitable allotments of a portion of the 1956 quota for the Mainland Cane Sugar Area for the period January 1, 1956, to the date the Secretary prescribes allotments of such quota for the calendar year 1956.

The hearing was held at the place and time specified in the notice.

Basis for findings and conclusions. Section 205 (a) of the act reads in pertinent part as follows:

* * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him * * *

The necessity for allotment of the 1956 sugar quota for the Mainland Cane Sugar Area is indicated by the extent to which the quantity of sugar in prospect for marketing in 1956 exceeds the quota and that in the absence of allotments disorderly marketing would result, and some interested persons would be prevented from having equitable opportunities to market sugar (R. 8, 9).

Testimony indicates that it is desirable to defer allotment proceedings with respect to the allotment of the full quota for 1956 until most allottees have completed processing of 1955-crop sugarcane, but allotments of a portion of the quota should be in effect beginning January 1, 1956, because inventories of sugar on January 1, 1956, together with production of sugar in early 1956 may make it possible for some allottees to market shortly after January 1, 1956, a quantity of sugar larger than eventually may be allotted to them (R. 8, 9).

To meet this situation the Government witness proposed that allotment of 80 percent of the 1956 sugar quota for the Mainland Cane Sugar Area be established to be effective for the period January 1, 1956, to the date allotments of the entire quota for the calendar year are established, by allotting to each allottee 80 percent of his allotment of the 1955 quota established in Sugar Regulation 814.22, Amendment 1, effective September 23, 1955 (20 F. R. 7126, 7987; R. 9; Ex. 4).

Consideration is given to the three factors cited in the act in the same manner as was given in allotting the full quota for 1955, and such basis for allotment of a portion of the 1956 quota to be in effect for the early part of the year cannot be substantially improved (R. 11). No testimony, proposals or arguments other than that outlined above appear in the hearing record.

Findings and conclusions: On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1956 Mainland Cane Sugar processors will have available for marketing from 1954 and 1955-crop sugarcane about 474,000 short tons, raw value, of sugar. This quantity of sugar, together with production of sugar from 1956-crop sugarcane, will result in a supply of sugar available for marketing in 1956 sufficiently in excess of the 500,000 short tons, raw value, quota for the Mainland Cane Sugar Area to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) The allotment of the 1956 Mainland Cane Sugar Area quota is necessary to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugarcane produced in the area.

(3) It is desirable to defer the allotment of the entire 1956 calendar year sugar quota for the Mainland Cane Sugar Area until processings from 1955-crop sugarcane can be known or closely estimated for all allottees, but it is necessary to make allotments of a portion of the 1956 quota effective January 1, 1956, to prevent some allottees from marketing a quantity of sugar larger than eventually may be allotted to them when the entire 1956 quota is allotted.

(4) The findings in (3), above, require that, effective for the period January 1, 1956, until the date allotments of the entire 1956 calendar year Mainland Cane Sugar Area quota are prescribed, allotments of such quota be established for each allottee equal to 80 percent of each allottee's allotment of the 1955 quota for such area as established by Sugar Regulation 814.22, Amendment 1, effective September 23, 1955.

(5) Allotments of the 1956 sugar quota for the Mainland Cane Sugar Area established as found in (4), above, give consideration to the statutory factors "processings * * * from * * * proportionate shares," "past marketings" and "ability to market."

(6) The allotments of the 1955 quota referred to in (4), above, are as set forth in the following table:

Processor	Allotments (short tons, raw value)
Albania Sugar Co	5,014
Alice C. Plantation & Refy, Inc	5,749
Alma Plantation, Ltd	5,619
J. Aron & Co., Inc	10,528
Billeaud Sugar Factory	6,479
Breaux Bridge Sugar Coop., Inc	5,734
J. M. Burguieres Co., Ltd., The	4,859
Burton-Sutton Oil Co., Inc	6,149
Caire & Graugnard	2,799
Caldwell Sugars Coop., Inc	9,463
Catherine Sugar Co., Inc	5,609
Columbia Sugar Co	4,684
Cora-Texas Mfg. Co., Inc	2,459
Dugas & LeBlanc, Ltd	9,853
Duhe & Bourgeois Sugar Co., Inc	7,149
Erath Sugar Co., Ltd	3,964
Evan Hall Sugar Coop., Inc	17,053
Evangeline Pepper & Food Products, Inc	3,609
Fellsmere Sugar Producers Assoc	8,468
Frisco Cane Co., Inc	695
Glenwood Coop., Inc	9,188
Godchaux Sugars, Inc	28,864
Helvetia Sugar Coop., Inc	5,254
Iberia Sugar Coop., Inc	11,058
LaFourche Sugar Co	11,703
Harry L. Laws & Co., Inc	7,444
Levert-St. John, Inc	7,683
Loisel Sugar Co., Inc	4,609
Louisiana State Penitentiary	2,659
Lula Factory, Inc	9,193
Meeker Sugar Coop., Inc	2,689
Milliken & Farwell, Inc	10,893
Okeelanta Sugar Refinery, Inc	11,423
M. A. Patout & Son, Ltd	6,759
Poplar Grove Pltg. & Ref. Co., Inc	5,024
E. G. Robichaux Co., Ltd	4,269
St. James Sugar Coop., Inc	10,008
St. Mary Sugar Coop., Inc	9,078
Slack Bros., Inc	2,429
Smedes Bros., Inc	3,274
South Coast Corp., The	34,703
Southdown Sugars, Inc	33,408
Sterling Sugars, Inc	9,523
J. Supple's Sons Pltg. Co., Ltd	4,049
United States Sugar Corp	101,555
Valentine Sugars, Inc	10,058

Processors	Allotments (short tons, raw value)
Vermilion Sugar Co., Inc	1,640
Vida Sugars, Inc	3,539
A. Wilbert's Sons Lbr. & Sh. Co	7,029
Young's Industries, Inc	4,899
Louisiana State University	100
All other persons	000
Total	500,000

(7) For the period January 1, 1956, until the date allotments of the entire 1956 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed, the allotments established in the foregoing manner and in the quantities set forth in the order provide a fair, efficient and equitable distribution of such quota and meet the requirements of section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered:

§ 815.23 *Allotment of the 1956 sugar quota for the Mainland Cane Sugar Area*—(a) *Allotments.* For the period January 1, 1956, until the date allotments of the entire 1956 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed, the 1956 quota for the Mainland Cane Sugar Area is hereby allotted, to the extent shown in this section, to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co	4,011
Alice C. Plantation & Refy, Inc	4,599
Alma Plantation, Ltd	4,495
J. Aron & Company, Inc	8,423
Billeaud Sugar Factory	5,183
Breaux Bridge Sugar, Coop., Inc	4,587
J. M. Burguieres Co., Ltd., The	3,887
Burton-Sutton Oil Co., Inc	4,919
Caire & Graugnard	2,239
Caldwell Sugars Coop., Inc	7,571
Catherine Sugar Co., Inc	4,487
Columbia Sugar Co	3,747
Cora-Texas Mfg. Co., Inc	1,967
Dugas & LeBlanc, Ltd	7,883
Duhe & Bourgeois Sugar Co., Inc	5,719
Erath Sugar Co., Ltd	3,171
Evan Hall Sugar Coop., Inc	13,643
Evangeline Pepper & Food Products, Inc	2,935
Fellsmere Sugar Producers Assoc	6,774
Frisco Cane Co., Inc	556
Glenwood Coop., Inc	7,350
Godchaux Sugars, Inc	23,091
Helvetia Sugar Coop., Inc	4,203
Iberia Sugar Coop., Inc	8,847
LaFourche Sugar Co	9,363
Harry L. Laws & Co., Inc	5,955
Levert-St. John, Inc	6,146
Loisel Sugar Co., Inc	3,687
Louisiana State Penitentiary	2,127
Lula Factory, Inc	7,354
Meeker Sugar Coop., Inc	2,151
Milliken & Farwell, Inc	8,715
Okeelanta Sugar Refinery, Inc	9,139
M. A. Patout & Son, Ltd	5,407
Poplar Grove Pltg. & Ref. Co., Inc	4,019
E. G. Robichaux Co., Ltd	3,415
St. James Sugar Coop., Inc	8,007
St. Mary Sugar Coop., Inc	7,262
Slack Bros., Inc	1,943
Smedes Bros., Inc	2,619
South Coast Corp., The	27,763
Southdown Sugars, Inc	26,727
Sterling Sugars, Inc	7,619
J. Supple's Sons Pltg. Co., Ltd	3,239
United States Sugar Corp	81,244
Valentine Sugars, Inc	8,047
Vermilion Sugar Co., Inc	1,312
Vida Sugars, Inc	2,831
A. Wilbert's Sons Lbr. & Sh. Co	5,623
Young's Industries, Inc	3,919
Louisiana State University	80
Any other person	00
Subtotal	400,000
Unallotted	100,000
Total	500,000

(b) *Restrictions on shipment and marketing.* For the period January 1, 1956, until the date an allotment order is issued alloting the entire 1956 calendar year sugar quota for the Mainland Cane Sugar Area, each person named in paragraph (a) of this section, and any other person, is hereby prohibited from marketing in interstate commerce or in competition with sugar or liquid sugar shipped, transported or marketed in interstate commerce or foreign commerce, any sugar or liquid sugar produced from sugarcane grown in the Mainland Cane Sugar Area in excess of his allotment established in paragraph (a) of this section.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209, 61 Stat. 926, 928; 7 U. S. C. 1115)

Done at Washington, D. C., this 16th day of December 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-10262; Filed, Dec. 21, 1955; 8:51 a. m.]

[Sugar Reg. 814.32]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DOMESTIC BEET SUGAR AREA, 1956

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of establishing allotments of the 1956 sugar quota for the Domestic Beet Sugar Area for the period January 1, 1956, to the date allotments of such quota are prescribed for the full calendar year 1956.

Omission of recommended decision and effective date. The record of the hearing regarding the subject of this order shows that about 1,630,000 short tons, raw value, of sugar will be held in inventory by the allottees on January 1, 1956, or will be produced by them from the remainder of the 1955-crop sugar beets by July 1956. Some allottees will have in inventory on January 1, 1956, quantities of beet sugar larger than their 1955 allotments and others may have quantities larger than their 1955 allotments available for marketing by the time they complete 1955-crop processings (R. 8). The availability of such sugar may make it possible for some allottees to market shortly after January 1, 1956, a quantity of sugar larger than the allotments established by the order. In view thereof, and to assure that the allotments established herein become effective on January 1, 1956, in order that disorderly marketing of sugar may be prevented, and all interested persons may be afforded an equitable opportunity to market, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective on January 1, 1956.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.) a preliminary finding was made that allotment of the quota is necessary, and a notice was published on October 18, 1955 (20 F. R. 7815), of a public hearing to be held at Washington, D. C., in Room 2W, Administration Building of the Department of Agriculture on November 3, 1955, at 10:00 a. m., e. s. t., for the purpose of receiving evidence to enable the Secretary (1) to affirm, modify or revoke the preliminary finding of necessity for allotments, and (2) to establish fair, efficient and equitable allotments of a portion of the 1956 quota for the Domestic Beet Sugar Area for the period January 1, 1956, to the date the Secretary prescribes allotments of such quota for the calendar year 1956.

The hearing was held at the place and time specified in the notice.

Basis for findings and conclusions. Section 205 (a) of the act reads in pertinent part as follows:

* * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him * * *.

The necessity for allotment of the 1956 sugar quota for the Domestic Beet Sugar Area is indicated by the extent to which the quantity of sugar in prospect for marketing in 1956 exceeds the quota and the large quantity relative to 1955 allotments that some processors will have available January 1, 1956 (R. 8).

Testimony indicates that it is desirable to defer allotment proceedings with respect to the allotment of the full quota for 1956 until most allottees have completed processing of 1955-crop sugar beets, but that allotments of a portion of the quota should be in effect January 1, 1956, because inventories of sugar on January 1, 1956, together with production of sugar in early 1956 may make it possible for some allottees to market shortly after January 1, 1956, a quantity of sugar larger than eventually may be allotted to them (R. 9–10).

To meet this situation it was proposed that allotment of 80 percent of the 1956 sugar quota for the Domestic Beet Sugar Area be established to be effective for the period January 1, 1956, to the date allotments of the entire quota for the calendar year are established, by allotting to each allottee 80 percent of his allotment of the 1955 quota established in Sugar Regulation 814.31, Amendment 1, effective June 9, 1955 (20 F. R. 3999; R. 10, Ex. 4).

Data on processings, past marketings and inventories during the period 1948 through 1954 were made a part of the record of the proceedings on which this order is based (R. 12; Ex. 5). An allotment for each allottee of the 1956 quota for the Domestic Beet Sugar Area equal to 80 percent of the 1955 allotment for such allottee, as established by Sugar Regulation 814.31, Amendment 1, effective June 9, 1955, will bear a general relationship to the level of processings and marketings for each processor in the 1948–54 period as reflected by these data (R. 11).

In accordance with the hearing record (R. 13) it has been found that Northern Ohio Sugar Company is the successor of Great Lakes Sugar Company and Monitor Sugar Division of Robert Gage Coal Company is successor to Lake Shore Sugar Company.

To assure that the marketing of sugar or liquid sugar will be charged against the proper allotment a finding has been made and a provision has been included in the order to cover the marketing of sugar or liquid sugar derived from sugar beets or molasses which are sold by one processor to another but which are retained and processed and the sugar or liquid sugar derived therefrom is delivered to the buyer or for his account. No testimony, proposals or aguments appear in the record other than are outlined above.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1956 Domestic Beet Sugar processors will have available for marketing from 1954 and 1955-crop sugar beets about 1,630,000 short tons, raw value, of sugar. This quantity of sugar, together with production of sugar from 1956-crop beets, will result in a supply of sugar available for marketing in 1956 sufficiently in excess of the 1,800,000 short tons, raw value, quota for the Domestic Beet Sugar Area to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) The allotment of the 1956 Domestic Beet Sugar Area quota is necessary to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugar beets produced in the area.

(3) Allotment of the entire 1956 calendar year sugar quota for the Domestic Beet Sugar Area should be deferred until processings of the 1955-crop sugar beets can be known or closely estimated for all allottees, however it is necessary that an allotment of such quota be in effect on January 1, 1956, in order to avoid disorderly marketing out of sugar on hand on that date or to be produced shortly thereafter, and to afford all interested persons equitable opportunities to market sugar.

(4) The findings in (3), above, require that, effective for the period January 1, 1956, until the date allotments of the 1956 Domestic Beet Sugar Area quota for the full calendar year 1956 are prescribed, allotments of such quota be established for each allottee equal to 80 percent of each allottee's allotment of the 1955 quota for such area as established by Sugar Regulation 814.31, Amendment 1, effective June 9, 1955, and that other provisions of such regulations apply to the allotments made herein.

(5) In establishing allotment of the 1956 sugar quota for the Domestic Beet Sugar Area as found in (4), above, the statutory factors, "processings • • • from • • • proportionate shares," "past marketings" and "ability to market" have been taken into consideration.

(6) The allotments of the 1955 quota referred to in (4), above, are as set forth in the following table:

Processors	Allotments	
	Short tons, raw value	100-pound bags beet sugar
Amalgamated Sugar Co., The	232,397	4,343,860
American Crystal Sugar Co	258,495	4,830,000
Buckeye Sugars, Inc	10,165	190,000
Franklin County Sugar Co	10,165	190,000
Garden City Co., The	7,490	140,000
Great Lakes Sugar Co	21,400	400,000
Great Western Sugar Co., The	406,600	7,600,000
Holly Sugar Corp	275,525	5,150,000
Lake Shore Sugar Co	9,095	170,000
Layton Sugar Co	7,811	146,000
Menominee Sugar Co	5,350	100,000
Michigan Sugar Co	58,850	1,100,000
Monitor Sugar Division of Robert Gage Coal Co	19,795	370,000
National Sugar Manufacturing Co	5,350	100,000
Spreckels Sugar Co	201,962	3,775,000
Superior Sugar Refining Co	6,420	120,000
Union Sugar Division, Consolidated Foods Corp	79,715	1,490,000
Utah-Idaho Sugar Co	183,505	3,420,000
All other persons	000	000
Total	1,800,000	33,644,860

(7) Northern Ohio Sugar Company shall replace Great Lakes Sugar Company, and the Monitor Sugar Division of Robert Gage Coal Company shall succeed to all interests of Lake Shore Sugar Company as allottees of the 1956 sugar quota for the domestic beet sugar area.

(8) To assure that the marketing of sugar or liquid sugar is charged against the proper allotment, it is necessary that the order provide for charges to allotments of processors who sell sugar beets, or molasses derived from sugar beets, but retain and process such sugar beets or molasses into sugar or liquid sugar for delivery to or for the account of the buyer.

(9) For the period January 1, 1956, until the date allotments of the entire 1956 calendar year sugar quota for the Domestic Beet Sugar Area are prescribed, the allotments established in the foregoing manner and in the quantities set forth in the order provide a fair, efficient and equitable distribution of such quota and meet the requirements of section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered:

§ 814.31 *Allotment of the 1956 sugar quota for the Domestic Beet Sugar Area*—(a) *Allotments.* For the period January 1, 1956, until the date allotments of the entire 1956 calendar year sugar quota for the Domestic Beet Sugar Area are prescribed, the 1956 quota for the Domestic Beet Sugar Area is hereby allotted, to the extent shown in this section, to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments	
	Short tons, raw value	100-pound bags beet sugar
Amalgamated Sugar Co., The	185,917	3,475,088
American Crystal Sugar Co	206,724	3,864,000
Buckeye Sugars, Inc	8,132	152,000
Franklin County Sugar Co	8,132	152,000
Garden City Co., The	5,992	112,000
Great Western Sugar Co., The	325,280	6,080,000
Holly Sugar Corp	220,420	4,120,000
Layton Sugar Co	6,249	116,800
Menominee Sugar Co	4,280	80,000
Michigan Sugar Co	47,080	880,000
Monitor Sugar Division of Robert Gage Coal Co	23,112	432,000
National Sugar Manufacturing Co., The	4,280	80,000
Northern Ohio Sugar Co	17,120	320,000
Spreckels Sugar Co	161,570	3,020,000
Superior Sugar Refining Co	5,136	96,000
Union Sugar Division, Consolidated Foods Corp	63,772	1,192,000
Utah-Idaho Sugar Co	146,804	2,744,000
Any other person	000	000
Subtotal	1,440,000	26,915,888
Unallotted	360,000	6,728,972
Total	1,800,000	33,644,860

(b) *Marketing of sugar beets and molasses.* If sugar beets or molasses derived from sugar beets are sold by a processor but retained and processed by such processor and the sugar or liquid sugar processed therefrom is delivered to or for the account of the buyer of the sugar beets or molasses, the marketing of such sugar or liquid sugar shall, at the time such sugar or liquid sugar is so delivered, be charged to the allotment of the processor who sold and processed such sugar beets or molasses.

(c) *Restrictions on shipment and marketing.* For the period January 1, 1956, until the date an allotment order is issued alloting the entire 1956 calendar year sugar quota for the Domestic Beet Sugar Area, each person named in paragraph (a) of this section, and any other person is hereby prohibited from marketing in interstate commerce or in competition with sugar or liquid sugar shipped, transported or marketed in interstate commerce or foreign commerce, any sugar or liquid sugar produced from sugar beets grown in the Domestic Beet Sugar Area in excess of his allotment established in paragraph (a) of this section.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 205, 209, 61 Stat. 926, 928; 7 U. S. C. 1115)

Done at Washington, D. C., this 16th day of December 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–10263; Filed, Dec. 21, 1955; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

MODIFICATION OF MINIMUM GRADE STANDARDS FOR PACKED MUSCAT RAISINS

The order modifying the minimum grade standards for packed Muscat raisins, published in the December 10, 1955 issue of the FEDERAL REGISTER (20 F. R. 9173; Doc. 55–9969), is corrected as follows:

1. Change § 989.69 (a) (1) (i) wherever it appears in the document to § 989.59 (a) (2) (i), and § 989.59 (a) (1) wherever it appears in the document to § 989.59 (a) (2):

2. Change the word "Dante" as it appears in the fourth line of the third paragraph, to "Zante."

Dated: December 19, 1955.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 55–10276; Filed, Dec. 21, 1955; 8:54 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 38—MOTOR VEHICLE OPERATOR REGULATIONS

Correction

In F. R. Doc. 55–10093, appearing at page 9453 of the issue for Friday, December 16, 1955, §§ 38.104 and 38.201 should read as follows:

§ 38.104 *Reports required.* Agencies shall submit to the Commission, upon request, (a) a statement of the steps taken to institute this program, (b) a copy of agency orders and directives issued in compliance with the regulations in this part, and (c) such other reports as the Commission may require for adequate administration and evaluation of this program.

§ 38.201 *Identification Card.* An employee who operates a Government-owned motor vehicle shall have an Identification Card issued in accordance with the regulations in this part: *Provided,* That an agency's credentials issued to motor vehicle drivers prior to the effective date of the regulations in this part may be continued until the date of expiration thereof, but in no event beyond three years after the effective date of the regulations in this part.

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.273]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11, *Designation of differential posts,* is amended as follows, effective as of the beginning of the first pay period following December 31, 1955:

1. Paragraph (c) is amended by the deletion of the following posts:

Ben Guerir, Morocco.
Sidi Slimane, Morocco.

2. Paragraph (d) is amended by the deletion of the following post:

Nouasseur, Morocco.

3. Paragraph (b) is amended by the addition of the following posts:

Ben Guerir, Morocco.
Sidi Slimane, Morocco.

4. Paragraph (c) is amended by the addition of the following posts:

Casablanca, Morocco.
Nouasseur, Morocco.
Rabat, Morocco.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

I. W. CARPENTER, Jr.,
Assistant Secretary-Controller.

DECEMBER 13, 1955.

[F. R. Doc. 55–10244; Filed, Dec. 21, 1955; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter B—Cooperative Control and Eradication of Animal Diseases

PART 55—CATTLE DESTROYED BECAUSE OF ANAPLASMOSIS

Pursuant to the provisions of sections 3 and 11 of the act of May 29, 1884, as amended, and section 2 of the act of February 2, 1903 (21 U. S. C. 111, 114, 114a), the following new Part 55 is hereby promulgated to appear in Subchapter B, Chapter I, Title 9, Code of Federal Regulations:

Sec.
55.1 Cooperation in eradication of anaplasmosis.
55.2 Appraisal of animals.
55.3 Payments of indemnity; claims not allowed.

AUTHORITY: §§ 55.1 to 55.3 issued under sec. 3, 23 Stat. 32, sec. 2, 32 Stat. 792, ch. 30, 45 Stat. 59, sec. 101, 58 Stat. 734, as amended; 21 U. S. C. 111, 114, 114a.

§ 55.1 *Cooperation in eradication of anaplasmosis.* Upon agreement of the authorities of the Territory of Hawaii to enforce quarantine restrictions and orders and directives properly issued in the control and eradication of anaplasmosis of cattle and to pay 50 percent of the expenses of the purchase and disposition of cattle affected by the disease, the Chief of the Animal Disease Eradication Branch of the Agricultural Research Service is hereby authorized to agree on the part of the Department to cooperate with the Territory in the control and eradication of the subject disease and to pay not more than 50 percent of such expenses.

§ 55.2 *Appraisal of animals.* Animals required to be destroyed because of being infected with anaplasmosis shall be appraised by an officially designated representative of the Animal Disease Eradication Branch or the Territory of Hawaii and shall be destroyed within a period of time acceptable to the Chief of the Branch. Such appraisal shall be based on the actual value of the cattle at the time and place of appraisal.

§ 55.3 *Payments of indemnity; claims not allowed.* (a) Owners of affected cattle destroyed in accordance with this part shall be paid an indemnity not to exceed one-half the difference between the appraised value and the salvage value but the payment shall not exceed the amount paid by the Territory of Hawaii.

(b) In the discretion of the Branch Chief claims will not be allowed under the terms of this part if the payee has not complied with all quarantine requirements.

(c) Claims will not be allowed for expenses for the care and feeding of animals held for destruction.

(d) In the discretion of the Branch Chief claims will not be allowed arising out of the destruction of animals unless they shall have been appraised as described in this part and the owner thereof shall execute a written agreement to the appraisal.

Effective date. These regulations become effective December 22, 1955.

The purpose of this part is to permit the Department to cooperate with the Territory of Hawaii and to grant indemnities to owners of cattle destroyed because of anaplasmosis. The amount of indemnities is dependent on laws of the cooperators, budgetary considerations, and other facts peculiarly within the knowledge of the Department of Agriculture. Federal cooperation and support for eradication of this disease shall be confined to the Territory of Hawaii. It is necessary to put these regulations into effect promptly in order to facilitate conduct of the anaplasmosis eradication program and to assure maximum benefit to affected persons. Hence, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to

the promulgation of these regulations are impracticable and contrary to the public interest and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 19th day of December, 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55–10277; Filed, Dec. 21, 1955; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 147]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.14, the Fort Ord, California, area (R–284 formerly D–284), amended on May 10, 1951 in 16 F. R. 4311 is further amended by changing the "Description by geographical coordinates" column to read:

Beginning at latitude 36°41'15", longitude 121°47'40"; thence to latitude 36°39'40", longitude 121°43'20"; thence to latitude 36°37'35", longitude 121°41'17"; thence to latitude 36°34'54", longitude 121°43'01"; thence to latitude 36°34'30", longitude 121°47'40"; thence along the arc of a circle of 3 miles radius centered at latitude 36°35'30", longitude 121°50'30"; to latitude 36°38'00", longitude 121°50'20"; thence to latitude 36°38'15", longitude 121°51'45"; thence to latitude 36°42'00", longitude 121°49'45"; thence to latitude 36°40'59", longitude 121°48'49"; thence to point of beginning.

2. In § 608.51, the Gray AFB, Texas, area (R–343 formerly D–343), amended on November 10, 1954 in 19 F. R. 7285 is further amended by changing the "Description by geographical coordinates" column to read:

Beginning at latitude 31°22'30", longitude 97°44'20"; thence to latitude 31°18'00", longitude 97°50'00"; thence to latitude 31°18'00", longitude 97°52'18"; thence to latitude 31°11'36", longitude 97°48'30"; thence meandering southeastward and remaining 100 yards west of West Range Road to latitude 31°09'30", longitude 97°47'18"; thence to latitude 31°08'00", longitude 97°46'12"; thence to latitude 31°08'00", longitude 97°45'00"; thence to latitude 31°02'00, longitude 97°45'00"; thence to latitude 31°02'00", longitude 97°38'00"; thence to latitude 30°56'00", longitude 97°38'00"; thence to latitude 30°50'00", longitude 97°48'00"; thence to latitude 30°50'00", longitude 98°06'00"; thence to latitude 31°22'00", longitude 98°06'00"; thence to latitude 31°26'00", longitude 97°55'00"; thence to latitude 31°22'30", longitude 97°44'20" the point of beginning.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on January 12, 1956.

[SEAL] C. J. LOWEN, Jr.,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–10233; Filed, Dec. 21, 1955; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6410]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

OKLAHOMA COLLEGE OF AUDIOMETRY AND JOHN W. BRIDGES

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Individual or private business as educational, religious or research institution; qualifications and abilities; § 13.205 *Scientific or other relevant facts.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1450 *Individual or private business as educational, religious or research institution;* § 13.1535 *Qualifications.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1930 *"Degrees" and "diplomas".* Subpart—*Using misleading name*—Vendor: § 13.2410 *Individual or private business being educational, religious or research institution or organization;* § 13.2455 *Qualifications.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Oklahoma College of Audiometry et al., Oklahoma City, Okla., Docket 6410, December 7, 1955]

In the Matter of Oklahoma College of Audiometry, a Corporation, and John W. Bridges, Individually and as President of Said Corporation

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission—which charged an individual and the corporate school controlled and directed by him, engaged in selling and distributing a correspondence course of study in audiometry or the art of fitting hearing aids, with representing in circulars mailed to prospective students and in advertisements in magazines of national circulation that the school was a recognized and accredited college or institution of higher learning in which was taught the science of audiometry; that its president held a number of degrees pertaining to that subject; that the school gave the latest scientific methods of testing, treating, fitting, and rehabilitating those suffering from loss of hearing; that students making a passing grade of 75 would receive a diploma of Doctor of Audiometry, indicated by the letters "D. A."; and that the school was a non-profit educational institution—and an agreement between the parties providing for the entry of a consent order.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which, by the Commission's order of December 7, 1955, became the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That respondent Oklahoma College of Audiometry, a corporation, and its officers, and respondent John W. Bridges, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, do forthwith cease and desist from:

1. Using the word "college," or any word of similar import, as a part of said corporation's corporate or trade name, or otherwise representing, directly or by implication, that respondents' enterprise is a college or institution of higher learning.

2. Representing, directly or by implication, that respondents' school is recognized by any standard or accepted accrediting organization or is an accredited educational institution.

3. Representing, directly or by implication, that respondent John W. Bridges is the holder of any accredited and recognized academic degrees pertaining to the subject of audiometry.

4. Representing, directly or by implication, that respondents' school gives the latest scientific methods of testing, treating, fitting or rehabilitating those suffering hearing loss.

5. Representing, directly or by implication, that the degree of "Doctor of Audiometry" is an accepted and recognized degree.

6. Representing, directly or indirectly, that respondents' school is a non-profit educational institution.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 7, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55–10279; Filed, Dec. 21, 1955; 8:54 a. m.]

[Docket 6352]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CALLAWAY MILLS CO. AND CALLAWAY MILLS, INC.

Subpart—*Dealing on exclusive and tying basis:* § 13.670 *Dealing on exclusive and tying basis.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or applies sec. 3, 38 Stat. 731; 15 U. S. C. 14) [Cease and desist order, Callaway Mills Company (LaGrange, Georgia) et al., Docket 6352, December 8, 1955]

In the Matter of Callaway Mills Company, a Corporation, and Callaway Mills, Inc., a Corporation

This proceeding was heard by Everett F. Haycraft, hearing examiner, upon the complaint of the Commission—which charged the nation's largest manufacturer of industrial wiping cloths and its sales subsidiary, with sales in 1953 approximating $8,000,000, with violating Section 3 of the Clayton Act through selling their products, including the trademarked cloth "Kex", to some 110 large industrial laundries which in turn rented the cloths to industrial concerns for use in wiping grease, dirt, etc., from machinery and tools, on condition that they did not deal in competitive products—and an agreement between the parties providing for the entry of a consent order.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist which, by the Commission's order of December 8, 1955, became the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That the respondents, Callaway Mills Company, a corporation, and Callaway Mills, Inc., a corporation, and their officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of industrial wiping cloths and other similar or related products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

(1) Selling or making any contract or agreement for the sale of any such products on the condition, agreement or understanding that the purchaser thereof shall not use or deal in industrial wiping cloths or other similar or related products supplied by any competitor or competitors of respondents;

(2) Enforcing, or continuing in operation or effect, any condition, agreement or understanding in or in connection with any contract of sale, which condition, agreement, or understanding is to the effect that the purchasers of said products shall not use or deal in industrial wiping cloths or other similar or related products supplied by any competitor or competitors of respondents.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 8, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55–10280; Filed, Dec. 21, 1955; 8:54 a. m.]

[Docket 6415]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WEINSTEIN FUR CO. AND STANLEY W. WEINSTEIN

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.90 *History of product or offering:* § 13.135 *Nature:* Product or Service; § 13.155 *Prices:* Forced or Sacrifice Sales; Savings and Discounts Subsidized; § 13.235 *Source or origin:* History; Maker or Seller, etc.; Place: *Foreign, in general.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition;* § 13.1623 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1650 *History of product;* § 13.1685 *Nature;* § 13.1745 *Source or origin:* Maker or Seller, etc.; Place: *Foreign, in general;* [*Misrepresenting oneself and goods*]—Prices: § 13.1813 *Forced or sacrifice sales.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1854 *History of product:* Fur Products Labeling Act; § 13.1870 *Nature:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Maker or seller, etc.; Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69b) [Cease and desist order, Weinstein Fur Company et al., Union City, N. J., Docket 6415, December 8, 1955]

In the Matter of Weinstein Fur Company, a Corporation, and Stanley W. Weinstein, Individually and as Secretary and Manager of Said Corporation

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission—which charged retail fur dealers with violating the Fur Products Labeling Act in advertisements in newspapers which failed deceptively to disclose the names of animals producing the furs, the country of origin of imported furs, and the fact that fur products were composed of bleached, dyed, or otherwise artificially colored fur; and which misrepresented the geographical origin of furs, prices and value of fur products, and the products as being from the stock of a liquidating business—and an agreement between the parties providing for the entry of a consent order.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which, by the Commission's order of December 8, 1955, became the "Decision of the Commission".

The order to cease and desist is as follows:

It is ordered, That respondents, Weinstein Fur Company, a corporation, and Stanley W. Weinstein, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the sale, advertising, offer for sale, transportation or distribution of fur products which have been made in whole or in part of fur which had been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

(1) Misbranding fur products by failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur when such is a fact;

(e) The name, or other identification issued and registered by the Commission of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

(2) Falsely or deceptively advertising fur products through the use of any advertisements, representation, public announcement or notice, which is intended to aid, promote or assist, directly or indirectly in the sale or offering for sale of fur products, and which:

(a) Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) Fails to disclose that fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur when such is the fact;

(c) Fails to disclose the name of the country of origin of imported furs contained in fur products;

(d) Sets forth required information in abbreviated form;

(e) Uses words or terms connoting a false geographical origin of furs contained in fur products;

(f) Represents, directly or by implication:

(1) That the regular or usual price of any fur product is any amount which is in excess of the price at which such product had been offered for sale in good faith or sold by respondents in the recent regular course of their business.

(2) That a sale price enables purchasers of fur products to effectuate any savings in excess of the difference between the said price and the price at which comparable products were sold during the time specified or, if no time is specified, in excess of the difference be-

tween said price and the current price at which comparable products are sold;

(3) That the aggregate value of fur products offered for sale is greater than is the fact;

(4) That any of such products were from the stock of a business in a state of liquidation, contrary to the fact.

(3) Makes the pricing claims or representations referred to in paragraph (f), (1), (2), and (3), inclusive, above, unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based, as required by Rule 44 (e) of the rules and regulations.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 8, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-10281; Filed, Dec. 21, 1955; 8:55 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

ROCHESTER HARBOR, N. Y.; SAGINAW RIVER, MICH.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.190 governing the operation of drawbridges across navigable waters of the United States in the State of New York, where constant attendance of drawtenders is not required, is hereby amended prescribing paragraph (f) (10), to govern the operation of the New York Central Railroad Company bridge across the Genesee River in Rochester Harbor, New York, as follows:

§ 203.190 *Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.* • • •

(f) The bridges to which this section applies, and the regulations applicable in each case are as follows:

• • • • • •

(10) Genesee River; New York Central Railroad Company bridge at mile 0.9 in Rochester Harbor. From December 16 to March 31, inclusive, at least 12 hours' advance notice required. From April 1 to December 15, inclusive, the draw shall be opened promptly for the passage of any vessel unable to pass under the closed bridge.

[Regs., December 1, 1955, 823.01 (Genesee River, N. Y.)-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.700 governing the operation of drawbridges across the Saginaw River, Michigan, is hereby amended to provide for the operation of certain drawbridges on advance notice during the nonnavigation season as follows:

§ 203.700 *Saginaw River, Mich.; bridges.* (a) The owners of or agencies controlling drawbridges across Saginaw River shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels.

(b) Except as otherwise provided in paragraphs (d), (i), and (j) of this section, the draw of each bridge, upon receiving the prescribed call signal shall be opened (1) promptly for the passage of any vessel or other watercraft of 20 tons and upward not able to pass under the closed bridge: *Provided*, That the opening of the draw of a railroad bridge may be delayed not to exceed five minutes after receipt of signal to permit the passage thereover of a mail or passenger train which is ready to cross at the time the signal is given, and (2) as soon as practicable for the passage of any vessel or other watercraft of less than 20 tons: *Provided*, That no such vessel shall be delayed for a longer period than fifteen minutes.

(c) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signal.* One long blast, two short blasts, and one long blast of a whistle, horn, or siren, repeated at intervals until the acknowledging signal is received from the bridge: *Provided*, That when a vessel is about to leave a point between two drawbridges and within sight or hearing of both to pass through the draw upstream, the call signal shall be followed after a brief interval by an additional short blast.

(ii) *Visual signals.* A white flag by day or a white light at night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals*—(i) *When draw can be opened immediately*—(a) *Sound signals.* Same as call signal.

(b) *Visual signals.* A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel.

(ii) *When draw cannot be opened immediately, or when it is open and must be closed immediately*—(a) *Sound signals.* Four or more short and rapid blasts of a whistle, horn, or siren, or four or more sharp and rapid strokes of a bell, repeated at intervals until acknowledged by the vessel. The vessel shall acknowledge by one long blast followed by one short blast.

(b) *Visual signals.* A red flag by day or a red light at night, swung to and fro horizontally in full sight of the vessel; or in lieu thereof, if considered advisable by the owner of or agency controlling any bridge, two red lights mounted 30 inches between centers, horizontally, in an elevated position above the bridge and showing both upstream and downstream, may be flashed alternately. These signals shall be repeated until acknowledged by the vessel. The vessel shall acknowledge with a red flag by day or a red light at night swung to and fro horizontally.

NOTE: Visual signals are to be used in conjunction with sound signals if weather conditions are such that sound signals may not be heard or at other times if desired. The term "long blast" means a distinct blast of a whistle, horn, or siren of approximately three seconds' duration and the term "short blast" means a distinct blast of a whistle, horn, or siren of approximately one second's duration.

(d) *Closed periods.* (1) Belinda Street, Third Street, Lafayette Street and Cass Avenue bridges shall not be opened for the passage of any vessel under 50 gross tons between 6:30 and 8:30 a. m. and between 3:30 and 5:30 p. m., except on Sundays.

(2) Belinda Street, Third Street, and Lafayette Street bridges shall not be opened for the passage of any downbound vessel over 50 gross tons between 7:30 and 8:30 a. m. and between 4:30 and 5:30 p. m., except on Sundays and legal holidays observed in the locality.

(e) The bridges shall not be required to open for pleasure craft carrying appurtenances unessential for navigation which extend above the normal superstructure. Upon request, the District Engineer, Corps of Engineers, Detroit, Michigan, will cause an inspection to be made of the superstructures and appurtenances of any such craft habitually frequenting the waterway, with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner.

(f) Trains and vehicles shall not be stopped on a bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through a bridge shall be prompt to prevent delay to either land or water traffic.

(g) The owner of or agency controlling each bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations in this section pertaining to the particular bridge.

(h) The general regulations contained in paragraphs (a) to (g), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraphs (i) and (j) of this section. The closed periods in paragraph (d) of this section shall not apply to vessels operated by the United States and municipal vessels. All such vessels shall be passed through the draws of these bridges during any closed period.

(i) *Bridges at Saginaw.* (1) The owners of or agencies controlling drawbridges at Saginaw need not keep draw tenders in constant attendance.

(2) For openings of the draws of the City of Saginaw highway bridge at Sixth Avenue and bridges upstream therefrom below the Court Street fixed bridge, from November 16 to March 31, inclusive, and between 11:00 p. m. and 7:00 a. m. from April 1 to November 15, inclusive, at least three hours' advance notice is required.

(3) For openings of the draws of bridges upstream from the Court Street fixed bridge, at least 24 hours' advance notice is required.

(4) Advance notice as required by this paragraph shall be given to the Bridge Operations Officer, Police Department, City of Saginaw, Michigan, telephone Saginaw 8191. In the case of bridges which are not owned or controlled by the City of Saginaw, the Bridge Operations Officer shall be responsible for relaying the necessary information to the owners or agencies concerned. Advance notice shall include the name of the vessel, its location at the time notice is given, if inbound the exact destination and expected time of arrival, and if outbound the point and time of departure. The actual opening in each case will be accomplished only after exchange of the prescribed signals.

(j) *Bridges at Bay City.* (1) The owners of or agencies controlling drawbridges at Bay City need not keep draw tenders in constant attendance during period from December 16 to March 15, inclusive.

(2) For openings of draws of all bridges from Saginaw Bay upstream to and including Cass Avenue bridge, at least 24 hours' advance notice is required during this period.

(3) Advance notice as required by this paragraph shall be given to the Dispatcher, Police Department, City of Bay City, Michigan, telephone Bay City 5521. In the case of bridges which are not owned or controlled by the City of Bay City, the Dispatcher shall be responsible for relaying the necessary information to owners or agenices concerned. Advance notice shall include the name of the vessel, its location at time notice is given, if inbound, the exact destination and expected time of arrival, and if outbound, the point and time of departure. The actual opening in each case will be accomplished only after exchange of the prescribed signals.

[Regs., November 30, 1955, 823.01 (Saginaw River, Mich.)-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 55-10232; Filed, Dec. 21, 1955; 8:45 a. m.]

PART 203—BRIDGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.235 governing the operation of drawbridges across Christina River, Delaware, is hereby amended prescribing special regulations to govern the operation of the Reading Company bridge at mile 4.5 by revision of paragraph (g) (6) (i), as follows:

§ 203.235 *Christina River, Del.; bridges.* • • •

(g) *Bridges requiring advance notice for prompt openings.* • • •

(6) The bridges to which these special regulations apply, periods when draws need not be operated and advance notice required are, as follows:

(i) *Reading Company bridge at mile 4.5 and Pennsylvania Railroad Company bridge at mile 5.38.* Between 8:00 p. m. and 6:00 a. m., the draws need not be opened for the passage of vessels. Between 6:00 a. m. and 8:00 p. m., at least 24 hours' advance notice required.

[Regs., December 6, 1955, 823.01 (Christina River, Del.)-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 governing the operation of drawbridges where constant attendance of draw tenders is not required over navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, is hereby amended prescribing paragraph (j) (3–a), to govern the operation of the State of Louisiana Department of Highways bridge across Grand Bayou near Paincourtville, Louisiana, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(j) *Waterways discharging into Gulf of Mexico west of Mississippi River.* • • •

(3–a) Grand Bayou, La.; State of Louisiana Department of Highways bridge near Paincourtville. At least 24 hours' advance notice required.

[Regs., December 5, 1955, 823.01 (Grand Bayou, La.)-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

3. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.790 governing the operation of drawbridges across Duwamish Waterway is hereby amended prescribing closed periods for the King County Highway Bridge at Fourteenth Avenue South, Seattle, Washington, revoking subdivision (iii) of paragraph (b) (2), pertaining to the former City Bridge at Eighth Avenue South, Seattle, Washington, revising paragraph (b) (2) (iv) and adding paragraph (b) (2) (v), as follows:

§ 203.790 *Duwamish Waterway at Seattle, Wash.; bridges.* • • • (b) *Special regulations.* • • •

(2) The following signals are prescribed for vessels wishing to have the draws opened:

• • • • • •

(iii) *City Bridge at Eighth Avenue South.* [Revoked.]

(iv) *County bridge at Fourteenth Avenue South.* Clearance 45 feet at mean lower low water.

(*a*) *Opening signal.* The signal for opening this bridge shall be one long blast followed quickly by one short blast and one long blast of the whistle.

(b) *Closed periods.* Between the hours of 7:00 a. m. and 8:00 a. m., and 3:30 p. m. and 5:00 p. m., Monday through Friday of each week, the draw need not be opened for the passage of vessels.

(v) *Additional instructions.* The bridges described in this subparagraph shall also be opened for the passage of vessels or watercraft of any description propelled by other than steam power, upon like signals given by whistle or trumpet, or upon verbal request of the person or persons in charge of same. If the draw of any of the bridges is ready to be opened immediately when the prescribed signal is given from the vessel, the signal shall be answered immediately by the same prescribed signal from a whistle or horn on the bridge; but if the draw is not ready to be opened immediately upon the prescribed signal being given on the vessel, the signal shall be answered immediately from the bridge by four or more short blasts of a whistle, horn, or megaphone, or four or more distinct strokes of a bell.

[Regs., December 5, 1955, 823 (Duwamish River, Wash.)-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

4. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.7 governing the use and navigation of a seaplane restricted area in Salem Harbor, Massachusetts, is hereby amended to provide an increased area to meet the minimum requirements for operational flexibility and flight safety, revising section heading and paragraph (a) as follows:

§ 207.7 *Salem and Beverly Harbors, Mass.; seaplane restricted area*—(a) *The area.* The waters of Salem and Beverly Harbors adjacent to the United States Coast Guard Air Station, Winter Island, Salem, Mass., bounded as follows: Beginning at Fort Pickering Light at the southeastern tip of Winter Island, latitude 42°31'35", longitude 70°52'01"; thence to Abbot Rock day beacon, latitude 42°31'49", longitude 70°51'46"; thence to latitude 42°32'01", longitude 70°51'41"; thence to latitude 42°32'16", longitude 70°52'00"; thence to latitude 42°32'25", longitude 70°51'50"; thence to latitude 42°32'17", longitude 70°51'33"; thence to latitude 42°32'28", longitude 70°50'46"; thence to latitude 42°32'20", longitude 70°50'40"; thence to latitude 42°32'03", longitude 70°51'04"; thence to latitude 42°31'57", longitude 70°50'53"; thence to latitude 42°31'48", longitude 70°51'24"; thence to latitude 42°31'33", longitude 70°51'34"; thence to latitude 42°31'27", longitude 70°51'24"; thence to latitude 42°31'34", longitude 70°50'38"; thence to latitude 42°31'28", longitude 70°50'37"; thence to latitude 42°31'17", longitude 70°51'53"; thence to latitude 42°30'48", longitude 70°52'19"; thence to latitude 42°30'54", longitude 70°52'34"; thence to the northeastern corner of Salem Terminal Company's wharf, latitude 42°31'21", longitude 70°52'30"; thence to a point on the high water line on the southwestern end of Winter Island, latitude 42°31'33", longitude 70°52'18"; thence easterly along the southern shore of Winter Island to the point of beginning.

[Regs., December 2, 1955, 800.211 (Salem Harbor, Mass.)-ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-10231; Filed, Dec. 21, 1955; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 206—FREIGHT COMMODITY STATISTICS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 9th day of December A. D. 1955.

The matter of freight commodity statistics to be compiled and reported by Class I common and contract motor carriers of property being under consideration; and,

It appearing, that notices dated July 31, 1952 (17 F. R. 7550), January 5, 1953 (18 F. R. 261), June 8, 1954 (19 F. R. 3479), and June 18, 1954 (19 F. R. 3814), to the effect that regulations providing for compiling and reporting freight commodity statistics, had been approved, were served on all Class I common and contract motor carriers of property subject to provisions of Part II of the Interstate Commerce Act, and also published in the FEDERAL REGISTER as noted, pursuant to provisions of section 4 of the Administrative Procedure Act; and

It further appearing, that the notices provided for written views or representations to be filed by any interested person on or before September 30, 1952, subsequently extended to July 15, 1954, and after consideration of all written views and representations received on or before July 15, 1954, as provided in such notices as amended:

It is ordered, That the following rules and regulations be, and they are hereby, approved and prescribed, and that all Class I common and contract motor carriers of property subject to Part II of the Interstate Commerce Act observe and comply with these rules and regulations:

Sec.
206.1 Freight commodity statistics.
206.2 Exempt carriers.
206.3 Items to be reported.
206.4 Truckload traffic defined.
206.5 Freight revenue.
206.6 Report form and date of filing.

AUTHORITY: §§ 206.1 to 206.6 issued under 49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply 49 Stat. 563, as amended; 49 U. S. C. 320.

§ 206.1 *Freight commodity statistics.* Beginning January 1, 1956, and continuing thereafter until further order of the Commission, all Class I common and contract motor carriers of property, as defined in § 182.01-1 of this chapter, subject to Part II of the Interstate Commerce Act, and not hereinafter specifically exempted from the requirements of this Part, shall compile and report annually certain freight traffic statistics according to commodity groups and classes named in Appendix I to this part, and in conformity with formal instructions included in the appropriate report forms hereinafter prescribed.

§ 206.2 *Exempt carriers.* Until further order of the Commission those Class I common and contract motor carriers of property which are predominantly engaged in the types of carriage or service indicated below will be exempt from the requirements for compiling and reporting freight commodity statistics:

(a) Dump trucking,
(b) Armored truck service,
(c) Film and associated commodities,
(d) Retail store delivery.

§ 206.3 *Items to be reported.* Information respecting intercity truckload shipments shall be compiled and reported for each commodity class named in Appendix I, as follows:

(a) Revenue freight originated:
Terminating with carrier:
Number of shipments,
Number of tons (2,000 pounds),
Freight revenue.
Delivered to another motor carrier:
Number of shipments,
Number of tons (2,000 pounds),
Freight revenue.
(b) Revenue freight received from another motor carrier:
Terminating with carrier:
Number of shipments,
Number of tons (2,000 pounds),
Freight revenue.
Delivered to another motor carrier:
Number of shipments,
Number of tons (2,000 pounds),
Freight revenue.
(c) Total truckload revenue freight:
Number of shipments,
Number of tons (2,000 pounds),
Freight revenue.

§ 206.4 *Truckload traffic defined.* For purposes of this part a truckload shipment shall mean any shipment of not less than 10,000 pounds of a single commodity represented by one of the classes of the Commission's freight commodity classification or any sub-division of such classes which moves on a single bill of lading. It is recognized that more than one shipment of 10,000 pounds will at times move in the same truck, but, in compiling the information, each such shipment will be treated as a truckload shipment. Truckload shipments received from or delivered to a carrier other than a motor carrier shall be classified as originating and terminating, respectively, with the reporting carrier.

§ 206.5 *Freight revenue* as used in § 206.3 means the reporting carrier's proportion of the revenue shown on each freight bill without subsequent adjustment for errors in rates, extensions, interline divisions, etc.

§ 206.6 *Report form and date of filing.* Reports required by the rules and regulations of this part shall be filed in duplicate with the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before the 60th day succeeding the close of the year for which they are compiled, on Form TCS which will be furnished to the carriers. (The outline of the report Form follows the tenor of the order.)

It is further ordered, That a copy of this order shall be served on each Class I common or contract motor carrier of property subject to Part II of the Act and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

APPENDIX I—LIST OF COMMODITY GROUPS AND CLASSES

GROUP I—PRODUCTS OF AGRICULTURE

Class
1. Wheat.
3. Corn.
5. Sorghum grains.
7. Oats.
9. Barley and rye.
11. Rice.
13. Grain, n. o. s.
15. Flour, wheat.
17. Meal, corn.
19. Flour, edible, n. o. s.
21. Cereal food preparations, n. o. s.
23. Mill Products, n. o. s.
25. Hay.
27. Straw.
29. Tobacco, unmanufactured.
31. Tobacco siftings, sweepings, and waste.
33. Cotton in bales.
35. Cotton linters, nolls, and regins.
37. Cottonseed.
39. Cottonseed oil cake and meal.
41. Cottonseed hulls and bran.
43. Soybeans.
45. Soybean oil cake and meal.
47. Vegetable and nut oil cake and meal, n. o. s.
49. Apples, fresh, not frozen.
51. Bananas, fresh.
53. Berries, fresh, not frozen.
55. Cantaloupes and melons, n. o. s.
57. Grapes, fresh.
59. Lemons, limes, and citrus fruits, n. o. s.
61. Oranges and grapefruit.
63. Peaches, fresh, not frozen.
65. Pears, fresh, not frozen.
67. Watermelons.
69. Fruits, fresh, n. o. s., not frozen.
71. Fruits, dried, dehydrated, and evaporated, n. o. s.
73. Fruits and berries, fresh, frozen.
75. Coffee.
77. Cabbage.
79. Celery.
81. Lettuce.
83. Onions, dry.
85. Potatoes, other than sweet.
87. Tomatoes.
89. Vegetables, fresh, n. o. s., not frozen.
91. Beans and peas, dried.
93. Vegetables, dried, dehydrated, and evaporated, n. o. s.
95. Vegetables, fresh, frozen.
97. Peanuts.
101. Sugar beets.
103. Malt, n. o. s.
105. Flaxseed.
107. Seeds, n. o. s.
199. Products of agriculture, n. o. s.
(900) Total Products of Agriculture.

GROUP II—ANIMALS AND PRODUCTS

201. Horses, mules, ponies and asses.
203. Cattle and calves, single-deck.

GROUP II—ANIMALS AND PRODUCTS—continued

Class
205. Calves, double-deck.
207. Sheep and goats, single-deck.
209. Sheep and goats, double-deck.
211. Swine, single-deck.
213. Swine, double-deck.
215. Meats, fresh, n. o. s.
217. Meats, cooked, cured, dried, and smoked.
219. Packing house products, edible, n. o. s.
221. Margarine, n. o. s.
223. Poultry, live.
225. Poultry, dressed and frozen.
227. Eggs.
229. Butter.
231. Cheese.
233. Dairy products, n. o.s.
235. Wool and mohair in grease.
237. Wool and mohair, n. o. s.
239. Hides, skins, and pelts, n. o. s.
241. Leather, n. o. s.
243. Sea food, n. o. s.
245. Fish and sea animal oil.
299. Animals and products, n. o. s.
(910) Total Animals and Products.

GROUP III—PRODUCTS OF MINES

301. Anthracite coal, n. o. s.
303. Anthracite coal to breakers and washeries.
305. Bituminous coal.
307. Coke.
309. Iron ore.
311. Aluminum ore and concentrates.
313. Copper ore and concentrates.
315. Lead ore and concentrates.
317. Zinc ore and concentrates.
319. Ores and concentrates, n. o. s.
321. Barytes.
323. Clay and bentonite.
325. Sand, industrial.
327. Gravel and sand, n. o. s.
329. Stone and rock: Broken, ground, and crushed.
331. Fluxing stone and raw dolomite.
333. Stone, rough, n. o. s.
335. Stone, finished, n. o. s.
337. Petroleum, crude.
339. Asphalt.
341. Salt.
343. Phosphate rock.
345. Sulphur.
399. Products of mines, n. o. s.
(920) Total Products of Mines.

GROUP IV—PRODUCTS OF FORESTS

401. Logs, butts, and bolts.
403. Posts, poles, and piling, wooden.
405. Wood, fuel.
407. Ties, railroad.
409. Pulpwood.
411. Lumber, shingles, and lath.
413. Box, crate, and cooperage materials.
415. Veneer, plywood, and built-up wood.
417. Rosin and turpentine.
499. Products of Forests, n. o. s.
(930) Total Products of Forests.

GROUP V—MANUFACTURES AND MISCELLANEOUS

501. Gasoline.
503. Fuel, road, and petroleum residual oils, n. o. s.
505. Lubricating oils and greases.
507. Petroleum products, refined, n. o. s.
509. Gases, other than petroleum, n. o. s.
511. Cottonseed oil.
513. Linseed oil.
515. Soybean oil.
517. Vegetable and nut oils, n. o. s.
519. Oils, n. o. s.
521. Oil foots, sediment, and tank bottoms.
523. Rubber, crude, natural, and synthetic.
525. Rubber goods, n. o. s.

GROUP V—MANUFACTURES AND MISCELLANEOUS—continued

Class
527. Chemicals, n. o. s.
529. Sulphuric acid.
531. Acids, n. o. s.
533. Sodium (soda) products.
535. Alcohol, n. o. s.
537. Blacks, n. o. s.
539. Fertilizers, n. o. s.
541. Insecticides and fungicides, n. o. s.
543. Tar, pitch, and creosote.
545. Tanning material, n. o. s.
547. Paint, paint material, putty, and varnish.
549. Plastics.
551. Cellulose articles, n. o. s.
553. Drugs, medicines, and toilet preparations.
555. Aluminum: Bar, ingot, pig, and slab.
557. Aluminum, n. o. s.
559. Copper: Ingot, matte, and pig.
561. Copper, brass, and bronze, n. o. s.
563. Lead and zinc: Bar, ingot, and pig.
565. Lead and zinc, n. o. s.
567. Magnesium metal and alloy.
569. Alloys for steel manufacture.
571. Metals and alloys, n. o. s.
573. Iron, pig.
575. Iron and steel: Billet, bloom, and ingot.
577. Iron and steel: Bar, rod, and slab.
579. Iron and steel, n. o. s.
581. Iron and steel nails and wire (woven and not woven), n. o. s.
583. Manufactured iron and steel.
585. Cast iron pipe and fittings.
587. Iron and steel pipe and fittings, n. o. s.
589. Tanks, n. o. s.
591. Agricultural implements, n. o. s.
593. Agricultural implement parts, n. o. s.
595. Machinery and machines, n. o. s.
597. Machinery parts.
601. Business and office machines, n. o. s.
605. Railway equipment, S. U., not moved on own wheels.
607. Railway equipment parts.
609. Rails and railway track material, iron and steel.
611. Vehicles, other than motor.
613. Automobiles, passenger.
615. Automobiles, freight.
617. Vehicles, motor, n. o. s.
619. Military vehicles, n. o. s.
621. Automobiles and autotrucks, K. D.
623. Vehicle parts, n. o. s.
625. Airplanes, aircraft, and parts.
627. Tires and tubes, rubber.
629. Guns, small arm, and parts, n. o. s.
631. Ammunition and explosives.
633. Cement: Natural and Portland.
635. Cement, n. o. s.
637. Brick, common.
639. Brick, n. o. s., and building tile.
641. Refractories.
643. Artificial stone, n. o. s.
645. Lime, n. o. s.
647. Plaster: Stucco and wall.
649. Sewer pipe and drain tile (not metal).
651. Broken or ground brick, blocks, crockery, and glass.
653. Woodpulp.
655. Scrap paper and rags.
657. Newsprint paper.
659. Printing paper, n. o. s.
661. Wrapping paper.
663. Paper bags.
665. Paper and paper articles, n. o. s.
667. Printed matter, n. o. s.
669. Paperboard, fibreboard, and pulpboard.
671. Wallboard.
673. Building paper and prepared roofing material.
675. Insulating materials, n. o. s.

GROUP V—MANUFACTURES AND MISCELLANEOUS—continued

Class
677. Building woodwork and millwork.
679. Building materials, n. o. s.
681. Buildings and houses, fabricated and portable, n. o. s.
683. Asbestos articles, n. o. s.
685. Electrical equipment and parts, n. o. s.
687. Furnaces, heaters, radiators, and parts.
689. Bathroom and lavatory fixtures and sinks.
691. Hardware, n. o. s.
693. Glass.
695. Glassware, n. o. s.
697. Glass bottles, jars, and packing glasses, n. o. s.
701. Chinaware, crockery, and earthenware.
703. Woodenware.
705. Household utensils, n. o. s.
707. Refrigerators, freezing apparatus and parts.
709. Laundry equipment.
711. Stoves, ranges, and parts.
713. Floor covering.
715. Furniture, n. o. s.
717. Furniture parts.
719. Tools and parts, n. o. s.
721. Abrasives, other than crude.
723. Bagging: Burlap, cotton, gunny, and jute, n. o. s.
725. Bags: Burlap, cotton, gunny, and jute, n. o. s.
727. Cotton cloth and cotton fabrics, n. o. s.
729. Cotton factory products.
731. Synthetic fibre and yarns (rayon or nylon).
733. Cloth and fabrics, n. o. s.
735. Rope, cordage, and binder twine, n. o. s.
737. Boots, shoes, and findings, n. o. s.
739. Luggage and handbags, n. o. s.
741. Athletic, gymnasium, playground, and sporting equipment, n. o. s.
743. Games and toys.
745. Liquors, alcoholic, n. o. s.
747. Wine.
749. Liquors, malt.
751. Beverages, n. o. s.
753. Ice.
755. Sirup and molasses, refined.
757. Molasses, residual.
759. Sugar.
761. Candy and confectionery.
763. Food products, n. o. s., in cans and packages, not frozen.
765. Food products, n. o. s., frozen.
767. Starch.
769. Soap and cleaning and washing compounds.
771. Matches.
773. Feed, animal and poultry, n. o. s.
775. Manufactured tobacco, n. o. s.
777. Cigarettes.
779. Containers, metal.
781. Containers, wooden.
783. Containers, fibreboard and paperboard, K. D.
785. Containers, n. o. s.
787. Containers, returned empty.
789. Scrap iron and scrap steel.
791. Iron and steel borings, turnings, etc.
793. Furnace slag.
795. Waste materials for remelting, n. o. s.
797. Waste materials, n. o. s.
799. Manufactures and miscellaneous, n. o. s.
(940) Total Manufactures and Miscellaneous.

GROUP VI—FORWARDER TRAFFIC

950. Forwarder Traffic.
(960) Grand Total Truckload Traffic.

[F. R. Doc. 55-10269; Filed, Dec. 21, 1955; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[33 CFR Parts 140, 142, 143, 144, 145, 146]

[CGFR 55-53]

ARTIFICIAL ISLANDS AND FIXED STRUCTURES ON THE OUTER CONTINENTAL SHELF

PUBLIC HEARING ON PROPOSED REGULATIONS

1. The Merchant Marine Council will hold a public hearing on Monday, January 23, 1956, commencing at 9:30 a. m., in Room 4120, Coast Guard Headquarters, Thirteenth and E Streets NW., Washington, D. C., for the purpose of receiving comments, views, and data on proposed regulations which provide requirements with respect to safety of life and property on artificial islands and fixed structures used directly or indirectly in connection with the exploration, testing, drilling, production, storage, etc., of natural resources of the subsoil and seabed of the outer continental shelf. The regulations proposed will apply to both mobile and built-up platforms, whether manned or unmanned, and whether or not serviced by attending vessels.

2. Reasonable Coast Guard regulations with respect to lights and other warning devices, safety equipment, and other matters relating to the promotion of safety of life and property on the artificial islands and fixed structures located on the outer continental shelf, or on the waters adjacent thereto, are authorized under section 4 (e) of the Outer Continental Shelf Lands Act, approved August 7, 1953 (43 U. S. C. 1333).

3. The proposed regulations do not apply to (a) the operating equipment used or employed on artificial islands or fixed structures, and (b) the methods and operations used in the drilling, producing, or transporting by pipe lines of natural resources from the subsoil or seabed of the outer continental shelf. The proposed requirements regarding lights and warning devices will be added to the regulations in Subchapter C—Aids to Navigation in 33 CFR Chapter I at a later date.

4. The proposed regulations are based on discussions, comments, views, and data considered at informal conferences and meetings held by the Coast Guard with various persons and organizations interested in safety of life and property on the artificial islands and fixed structures located on the outer continental shelf. These requirements will be subject to change from time to time as it may be deemed necessary. The regulations when prescribed by the Commandant will supersede all interim requirements, instructions, or informal arrangements applying to the same subjects as covered in the regulations.

5. Copies of these proposed regulations will be mailed to persons and organizations who have expressed an active interest in this subject. Copies may also be obtained upon request from the Commandant (CMC), United States Coast Guard, Washington 25, D. C., so long as they are available. After the extra copies for distribution are exhausted, copies will be available for reading purposes only in Room 4104, Coast Guard Headquarters, or at the offices of the various Coast Guard District Commanders.

6. Comments on the proposed regulations are invited. Written comments containing constructive criticisms, suggestions, or views are welcomed; however, acknowledgment of the comments received or reasons why the suggested changes were or were not adopted will not be made. Each oral or written comment is considered and evaluated. If it is believed the comment, view, or suggestion clarifies or improves the proposed regulation, it is changed accordingly. After adoption of regulations by the Commandant they are published in the FEDERAL REGISTER. Each person who desires to submit written comments, data, or views in connection with the proposed regulations should submit them so that they will be received prior to January 20, 1956, by the Commandant (CMC), United States Coast Guard, Washington, D. C. Comments, data, or views may be also presented orally or in writing at the hearing before the Merchant Marine Council on January 23, 1956. In order to insure consideration of comments and to facilitate checking and recording it is essential that each comment regarding a section or paragraph of the proposed regulations be submitted on Form CG-3287, showing the section number, paragraph designation (if any), the proposed change, the reason or basis (if any), and the name, business firm or organization (if any), and the address of the submitter. Copies may be obtained upon request from the Commandant (CMC), or from any Coast Guard District Commander.

7. By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 167-15, dated January 3, 1955, and 167-17, dated June 29, 1955 (20 F. R. 840, 4976), it is proposed to publish regulations with respect to artificial islands and fixed structures located on the outer continental shelf to read as follows:

Subchapter N—Artificial Islands and Fixed Structures on the Outer Continental Shelf

PART 140—GENERAL PROVISIONS

SUBPART 140.01—AUTHORITY AND PURPOSE

Sec.
140.01-1 Purpose of regulations.
140.01-5 Assignment of functions.

SUBPART 140.05—APPLICATION

140.05-1 Artificial islands and fixed structures.
140.05-5 Scope of requirements.
140.05-10 Effective date of regulations.
140.05-15 Amendments or additions to regulations.
140.05-20 Separability of regulations.

SUBPART 140.10—DEFINITIONS OF TERMS USED IN THIS SUBCHAPTER

Sec.
140.10-1 Approved.
140.10-5 Artificial island or fixed structure.
140.10-10 Attending vessel.
140.10-15 Coast Guard District Commander.
140.10-20 Commandant.
140.10-25 Manned platform.
140.10-30 Mobile platform.
140.10-35 Officer in Charge, Marine Inspection.
140.10-40 Party.
140.10-45 Unmanned platform.

SUBPART 140.15—EQUIVALENTS AND APPROVED EQUIPMENT

140.15-1 Conditions under which equivalents may be used.
140.15-5 Equipment of an approved type.

SUBPART 140.20—ENFORCEMENT

140.20-1 Responsibility for enforcement.
140.20-5 Penalty.

SUBPART 140.25—APPEALS AND JUDICIAL REVIEW

140.25-1 Right of appeal.
140.25-5 Judicial review.

AUTHORITY: §§ 140.01-1 to 140.25-5 issued under sec. 1, 63 Stat. 545, 14 U. S. C. 633. Interpret or apply sec. 4, 67 Stat. 462; 43 U. S. C. 1333.

SUBPART 140.01—AUTHORITY AND PURPOSE

§ 140.01-1 *Purpose of regulations.* (a) The regulations in this subchapter are requirements with respect to safety equipment and other matters relating to the promotion of safety of life and property on the artificial islands and fixed structures located on the outer continental shelf.

(b) These provisions are established to implement section 4 (e) (1) of the Outer Continental Shelf Lands Act (sec. 4, 67 Stat. 462; 43 U. S. C. 1333), which reads as follows:

> The head of the Department in which the Coast Guard is operating shall have authority to promulgate and enforce such reasonable regulations with respect to lights and other warning devices, safety equipment, and other matters relating to the promotion of safety of life and property on the islands and structures referred to in subsection (a) or on the waters adjacent thereto, as he may deem necessary.

§ 140.01-5 *Assignment of functions.* (a) The Secretary of the Treasury by Treasury Department Order 167-15, dated January 3, 1955, and Treasury Department Order 167-17, dated June 29, 1955 (20 F. R. 820, 4976), delegated to the Commandant, U. S. Coast Guard, the authority to prescribe regulations and to administer the functions described in section 4 (e) of the Outer Continental Shelf Lands Act (43 U. S. C. 1333).

SUBPART 140.05—APPLICATION

§ 140.05-1 *Artificial islands and fixed structures.* (a) This subchatper shall be applicable to all artificial islands and fixed structures located on the outer continental shelf which are directly or indirectly used in connection with the exploration, production, storage, etc. (including drilling and testing), of natural resources of the subsoil and seabed of the outer continental shelf. The phrase "artificial islands and fixed structures" includes both mobile and built-up platforms, whether manned or unmanned, and whether or not attended or serviced by vessels. The term "natural resources" includes oil, gas, petroleum, minerals, etc., which may be removed from the subsoil and seabed of the outer continental shelf.

§ 140.05-5 *Scope of requirements.* (a) This subchapter pertains to special safety construction features required, emergency equipment, lifesaving appliances, fire-fighting equipment, emergency operation procedures, and special inspections thereof by the Coast Guard. These requirements will be enforced after construction or erection of the artificial islands or fixed structures is completed.

(b) The lights and warning devices required for artificial islands and fixed structures shall be provided and maintained in accordance with requirements now in effect or which may hereafter be established in Parts 60 to 76, inclusive (Subchapter C—Aids to Navigation), of this chapter. The vessels in attendance shall display lights and signals in accordance with the Regulations for Preventing Collisions at Sea, 1948, or the local rules established in accordance with Rule 30 thereof, as appropriate.

(c) The regulations in this subchapter shall not apply to operating equipment used and employed, nor to the methods and operations used in the drilling for and the production of oil, gas, petroleum, or other subsoil minerals, nor to the transportation thereof by pipeline.

§ 140.05-10 *Effective date of regulations.* (a) The regulations in this subchapter shall become effective on and after July 1, 1956. These requirements shall supersede all interim instructions or temporary requirements issued which are in conflict therewith.

§ 140.05-15 *Amendments or additions to regulations* (a) The right is reserved to alter, amend, cancel, or add to the regulations in this subchapter. However, any additions, cancellations, or amendments shall not be retroactive in effect unless specifically provided for at the time and a reasonable period for compliance will be permitted. Except in an emergency, ninety days will be allowed before amendments or new requirements will become effective.

§ 140.05-20 *Separability of regulations.* If any provision of the regulations in this subchapter, or the application of such provision to any person, firm, company, or corporation, or to any artificial island or fixed structure, shall be held invalid, the validity of the remainder of the regulations in this subchapter and the applicability of such provisions shall not be affected thereby.

SUBPART 140.10—DEFINITIONS OF TERMS USED IN THIS SUBCHAPTER

§ 140.10-1 *Approved.* This term means approved by the Commandant unless otherwise stated.

§ 140.10-5 *Artificial island or fixed structure.* This term means a building or platform secured to the seabed by fixed means or submerged onto the seabed so that for all practical purposes it becomes stationary. This includes both mobile and built-up platforms.

§ 140.10-10 *Attending vessel.* This term means a vessel moored close to and readily accessible to an artificial island or fixed structure, which is especially adapted to providing power, fuel, and/or other services pertaining to the operation being conducted on such artificial island or fixed structure.

§ 140.10-15 *Coast Guard District Commander.* This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within a particular Coast Guard district, which includes the inspections, enforcement, and administration of regulations governing artificial islands and fixed structures located on the outer continental shelf.

§ 140.10-20 *Commandant.* This term means the Commandant of the Coast Guard.

§ 140.10-25 *Manned platform.* This term means an artificial island or fixed structure which, after completion of erection, is actually and continuously occupied by persons living and accommodated thereon.

§ 140.10-30 *Mobile platform.* This term means an artificial island or fixed structure, which includes as an integral part of itself features which permit it to be moved as an entity from position to position and to be fixed to or submerged onto the seabed.

§ 140.10-35 *Officer in Charge, Marine Inspection.* This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant, and who, under the superintendence of the Coast Guard District Commander is in charge of a marine inspection zone, shall be immediately responsible for the performance of duties with respect to inspections, enforcement, and administration of regulations governing artificial islands and fixed structures.

§ 140.10-40 *Party.* This term means a person, firm, company, or corporation. This includes the owner of the artificial island or fixed structure, his agent, and the person in charge of an artificial island or fixed structure.

§ 140.10-45 *Unmanned platform.* This term means an artificial island or fixed structure which is not a manned platform. This includes an artificial island or fixed structure which is continuously serviced by an attending vessel.

SUBPART 140.15—EQUIVALENTS AND APPROVED EQUIPMENT

§ 140.15-1 *Conditions under which equivalents may be used.* (a) The use of alternate equipment, apparatus, or arrangements for those specified in this subchapter may be permitted by the Commandant to such extent and upon conditions as will insure a degree of safety comparable to or above the minimum standards set in this subchapter.

§ 140.15-5 *Equipment of an approved type.* (a) Where equipment in this subchapter is required to be of an approved type, such equipment requires the specific approval of the Commandant. Such approvals are published in the Federal Register and in addition are contained in Coast Guard publication CG-190, "Equipment Lists."

(b) Specifications for many of the items required to be of an approved type have been prescribed by the Commandant and are contained in Parts 160 to 164, inclusive, in Subchapter Q—Specifications in 46 CFR Chapter I. In general such specifications are of interest only to the manufacturer of specific items of equipment.

SUBPART 140.20—ENFORCEMENT

§ 140.20-1 *Responsibility for enforcement.* (a) The Coast Guard District Commander has general responsibility for and superintendence over the inspections, enforcement, and administration of the regulations in this subchapter within his assigned district. The authority to perform this work is hereby delegated to the Coast Guard District Commander and he may redelegate this authority as necessary to any person from the civilian or military branch of the Coast Guard.

(b) Except with respect to requirements regarding aids to navigation provided for in paragraph (c) of this section, it is the responsibility of the Officer in Charge, Marine Inspection, within his marine inspection zone, to perform or have performed the inspections, enforcement, and administration of the regulations in this subchapter. The authority to perform this work under the superintendence of the Coast Guard District Commander is hereby delegated to the Officer in Charge, Marine Inspection, and he may redelegate this authority as necessary to any person from the civilian or military branch of the Coast Guard.

(c) With respect to requirements regarding aids to navigation for artificial islands and fixed structures, the Coast Guard District Commander has responsibility of performing or having performed the inspections, enforcement, and administration of such regulations, which are or may be required. The authority to perform this work is hereby delegated to the Coast Guard District Commander and he may redelegate this authority as necessary to any person from the civilian or military branch of the Coast Guard.

§ 140.20-5 *Penalty.* (a) The penalty for any violation of the regulations in this subchapter is in section 4 (e) (2) of the Outer Continental Shelf Lands Act (43 U. S. C. 1333) and reads as follows:

> Any person, firm, company, or corporation who shall fail or refuse to obey any of the lawful rules and regulations issued hereunder shall be guilty of a misdemeanor and shall be fined not more than $100 for each offense. Each day during which such violation shall continue shall be considered a new offense.

(b) The Coast Guard does not have any authority to assess, mitigate, or remit a fine incurred with respect to any violation of the regulations in this subchapter. With respect to deficiencies in equipment required by this subchapter, the owner or his agent or the person in charge will be informed in writing of any violation incurred and will be given a reasonable period of time in which to correct the deficiency. By "reasonable period of time" is meant as soon as practicable.

SUBPART 140.25—APPEALS AND JUDICIAL REVIEW

§ 140.25–1 *Right of appeal.* (a) Any party interested in or aggrieved by any decision or action of the Officer in Charge, Marine Inspection, may appeal therefrom to the Coast Guard District Commander of the district in which the action or decision was made. A further appeal may be made to the Commandant, U. S. Coast Guard, from the decision of the District Commander. Any party interested in or aggrieved by any decision or action of the Coast Guard District Commander may appeal therefrom to the Commandant, U. S. Coast Guard.

(b) Appeals from decisions or actions of the Officer in Charge, Marine Inspection, to the Coast Guard District Commander shall be made in writing within 30 days after the decisions or actions appealed from shall have been rendered or taken. Such an appeal shall set forth the decision or action appealed from and the reasons why the decision or action should be set aside or revised. Appeals from the decisions or actions of the Coast Guard District Commander to the Commandant shall be made in writing within 30 days after the decisions appealed from shall have been rendered.

(c) Pending the determination of the appeal the initial decision or action of the Officer in Charge, Marine Inspection, or the initial decision or action of the Coast Guard District Commander shall remain in effect. The decision of the Commandant is final.

§ 140.25–5 *Judicial review.* Nothing in this subchapter shall be so construed as to prevent any party from seeking a judicial review of the regulations in this subchapter or any decision or action taken pursuant thereto. Section 4 (b) of the Outer Continental Shelf Lands Act (43 U. S. C. 1333) provides that United States district courts shall have original jurisdiction of cases and controversies arising under this act.

PART 142—INSPECTIONS

Sec.
142.01 Application.
142.05 Inspection requirements.
142.10 Scope of inspections.
142.15 Deficiencies.
142.20 Authority to perform inspections.

AUTHORITY: §§ 142.01 to 142.20 issued under sec. 1, 63 Stat. 545, 14 U. S. C. 633. Interpret or apply sec. 4, 67 Stat. 462; 43 U. S. C. 1333.

§ 142.01 *Application.* The provisions of this part shall apply to all artificial islands and fixed structures located on the outer continental shelf.

§ 142.05 *Inspection requirements.* The Officer in Charge, Marine Inspection, will perform, or have performed, the inspections of artificial islands or fixed structures within his area of jurisdiction to determine that the requirements in this subchapter are met. These inspections will be at such time or times as he may deem necessary.

§ 142.10 *Scope of inspections.* In the inspection of an artificial island or a fixed structure, the person assigned will inspect the lifesaving appliances, firefighting equipment, emergency equipment, observe emergency drills (if necessary), and otherwise satisfy himself that all provisions of the regulations in this subchapter have been complied with and that the emergency equipment is in good condition and satisfactory in every respect.

§ 142.15 *Deficiencies.* Any deficiency will be reported to the owner. The owner shall have the deficiency corrected as soon as practical. Any equipment required by the regulations in this subchapter found to be deficient or unsatisfactory by the person performing an inspection will be condemned. Such condemned equipment shall be repaired or replaced as soon as practical. Condemned lifesaving or fire-fighting equipment, which cannot be satisfactorily repaired, shall be so mutilated that it cannot be used for the purpose for which it was originally intended.

§ 142.20 *Authority to perform inspections.* Persons assigned to this work may at any time lawfully inspect an artificial island or fixed structure.

PART 143—CONSTRUCTION AND ARRANGEMENT

SUBPART 143.01—GENERAL

Sec.
143.01–1 Application.
143.01–5 Scope of requirements.

SUBPART 143.05—MEANS OF ESCAPE

143.05–1 Types.
143.05–5 Manned platform.
143.05–10 Unmanned platform.

SUBPART 143.10—PERSONNEL LANDINGS

143.10–1 Manned platforms.
143.10–5 Illumination.

SUBPART 143.15—GUARDS AND RAILS

143.15–1 Floor or deck areas and openings.
143.15–5 Catwalks and stairways.

AUTHORITY: §§ 143.01–1 to 143.15–5 issued under sec. 1, 63 Stat. 545, 14 U. S. C. 633. Interpret or apply sec. 4, 67 Stat. 462; 43 U. S. C. 1333.

SUBPART 143.01—GENERAL

§ 143.01–1 *Application.* The provisions of this part apply to all artificial islands and fixed structures.

§ 143.01–5 *Scope of requirements.* No requirements are established with respect to the construction and arrangement of artificial islands and fixed structures except as necessary to comply with safety requirements contained in this subchapter.

SUBPART 143.05—MEANS OF ESCAPE

§ 143.05–1 *Types.* Means of escape shall be fixed stairways or fixed ladders. They shall be constructed of metal and shall extend from the platform to the surface of the water at the low range tidal mark.

§ 143.05–5 *Manned platform.* At least two means of escape shall be provided for each manned platform.

§ 143.05–10 *Unmanned platform.* At least one means of escape shall be provided for each unmanned platform.

SUBPART 143.10—PERSONNEL LANDINGS

§ 143.10–1 *Manned platforms.* Sufficient personnel landings shall be provided on each manned platform to assure safe access and egress. When due to special construction personnel landings are not feasible, then suitable transfer facilities to provide safe access and egress shall be installed.

§ 143.10–5 *Illumination.* The personnel landings shall be provided with satisfactory illumination. The minimum shall be one-foot candle of artificial illumination as measured at the landing floor and guards and rails.

SUBPART 143.15—GUARDS AND RAILS

§ 143.15–1 *Floor or deck areas and openings.* (a) Except for helicopter landing decks which are provided for in paragraph (b) of this section, and areas not normally occupied, the unprotected perimeter of all floor or deck areas and openings shall be rimmed with guards and rails or wire mesh fence. The guard rail or fence shall be at least 42 inches high. The two intermediate rails shall be so placed that the rails are approximately evenly spaced between the guard rail and the floor or deck area: *Provided,* That if a toe board is installed then one of the intermediate rails may be omitted and the other rail placed approximately half way between the top of the toe board and the top guard rail.

(b) The unprotected perimeter of the helicopter landing deck shall be protected with a device of sufficient strength and size as to prevent any person from falling from such deck.

§ 143.15–5 *Catwalks and stairways.* Each catwalk and each stairway shall be provided with a suitable guard rail or rails, as necessary.

PART 144—LIFESAVING APPLIANCES

SUBPART 144.01—MANNED PLATFORMS

Sec.
144.01–1 Life floats.
144.01–5 Location and launching of life floats.
144.01–10 Equipment for life floats.
144.01–15 Alternates for life floats.
144.01–20 Life preservers.
144.01–25 Ring life buoys.
144.01–30 First-aid kit.
144.01–35 Litter.
144.01–40 Emergency communications equipment.

SUBPART 144.10—UNMANNED PLATFORMS

144.10–1 Life preservers.
144.10–5 Ring life buoys.
144.10–10 Other lifesaving appliances.

AUTHORITY: §§ 144.01–1 to 144.10–10 issued under sec. 1, 63 Stat. 545, 14 U. S. C. 633. Interpret or apply sec. 4, 67 Stat. 462; 43 U. S. C. 1333.

SUBPART 144.01—MANNED PLATFORMS

§ 144.01–1 *Life floats.* Each manned platform shall be provided with at least two approved life floats. The life floats shall have sufficient capacity to accommodate all persons present at any one time.

§ 144.01–5 *Location and launching of life floats.* The life floats shall be distributed in accessible locations and mounted on the outboard sides of the working platform in such a manner as to be readily launched.

§ 144.01–10 *Equipment for life floats.* (a) Each life float shall be provided with a painter. This painter shall be a manila rope, or equivalent, not less than 2¾ inches in circumference, and of a length not less than three times the distance from the low water line to the deck or place where the life float is stowed.

(b) An approved electric water light shall be provided for each life float. The water light shall be attached to the life float by a lanyard not less than one fathom nor more than two fathoms in length. The water light shall be mounted in a bracket so that when the life float is launched the water light will pull free of the bracket.

(c) Two paddles shall be provided for each life float. The paddles shall not be less than five feet nor more than six feet long. The paddles shall be stowed in such a way that they will be readily accessible from either side of the life float when in the water.

§ 144.01–15 *Alternates for life floats.* (a) Approved lifeboats or approved life rafts may be used in lieu of approved life floats, for either all or a part of the capacity required. When either lifeboats or life rafts are used approved means of launching will be required.

(b) The equipment required for a lifeboat is a bailer, boat hook, bucket, hatchet, lantern, life line, two life preservers, matches, full complement of oars and steering oar, painter, plug, and rowlocks, of the same type, kind, and character as required for lifeboats carried on vessels engaged in navigating bays, sounds, and lakes other than the Great Lakes, and rivers.

(c) The equipment required for a life raft is a boat hook, life line (if not a Type A life raft), full complement of oars and steering oar, painter, and rowlocks of the same type, kind, and character as required for life rafts carried on cargo and miscellaneous vessels navigating on bays, sounds, and lakes other than the Great Lakes.

§ 144.01–20 *Life preservers.* An approved adult life preserver shall be provided for each person on a manned platform. The life preservers shall be located in easily accessible places.

§ 144.01–25 *Ring life buoys.* (a) At least four approved ring life buoys shall be placed on each manned platform. One ring life buoy shall be placed in a suitable rack on each side of a manned platform in an accessible place. The ring life buoy shall always be capable of being cast loose, and shall not be permanently secured in any way.

(b) An approved electric water light shall be provided with each ring life buoy. The water light shall be attached to the ring life buoy by a lanyard not less than 3 feet nor more than 6 feet in length. The water light shall be mounted in a bracket near the ring life buoy so that when the ring life buoy is cast loose the water light will pull free of the bracket.

§ 144.01–30 *First-aid kit.* On each manned platform a first-aid kit approved by the Commandant or the U. S. Bureau of Mines shall be provided and kept in the custody of the supervisor.

§ 144.01–35 *Litter.* On each manned platform a Stokes litter shall be provided and kept in an accessible place.

§ 144.01–40 *Emergency communications equipment.* On manned platforms means of communication by radio and/or wire telephone shall be provided for contacting the shore or vessels in the vicinity for aid in the event of an emergency.

SUBPART 144.10—UNMANNED PLATFORMS

§ 144.10–1 *Life preservers.* On an unmanned platform an adult life preserver shall be provided for each person thereon while crews are working continuously on a 24-hour basis. The life preservers shall be located in easily accessible places.

§ 144.10–5 *Ring life buoys.* On an unmanned platform at least four approved ring life buoys shall be provided and kept thereon while crews are working continuously on a 24-hour basis. The requirements for stowage, arrangement, and approved electric water lights with brackets and lanyards in § 144.01–25 shall be met when ring life buoys are placed on unmanned platforms.

§ 144.10–10 *Other lifesaving appliances.* While life preservers and ring life buoys are the only lifesaving appliances required on unmanned platforms and then only when crews are continuously working on a 24-hour basis, if at other times lifesaving appliances are provided, the pertinent requirements in this part shall be met with respect to the type and character thereof.

PART 145—FIRE-FIGHTING EQUIPMENT

Sec.
145.01 Portable and semi-portable fire extinguishers.
145.05 Classification of fire extinguishers.
145.10 Locations and number of fire extinguishers required.

AUTHORITY: §§ 145.01 to 145.10 issued under sec. 1, 63 Stat. 545, 14 U. S. C. 633. Interpret or apply sec. 4, 67 Stat. 462; 43 U. S. C. 1333.

§ 145.01 *Portable and semi-portable fire extinguishers.* On all manned platforms and on all unmanned platforms where crews are continuously working on a 24-hour basis, approved type portable fire extinguishers and/or approved type semi-portable fire extinguishers shall be installed and maintained. On all unmanned platforms where crews are not continuously working on a 24-hour basis, approved type portable fire extinguishers and/or approved type semi-portable fire extinguishers shall be installed and maintained only when crews are working thereon.

§ 145.05 *Classification of fire extinguishers.* (a) Portable and semi-portable extinguishers shall be classified by a combination letter and number symbol. The letter indicating the type of fire which the unit could be expected to extinguish, and the number indicating the relative size of the unit.

(b) The types of fire will be designated as follows:

(1) "A" for fires in ordinary combustible materials where the quenching and cooling effects of quantities of water, or solutions containing large percentages of water, are of first importance.

(2) "B" for fires in flammable liquids, greases, etc., where a blanketing effect is essential.

(3) "C" for fires in electrical equipment where the use of a non-conducting extinguishing agent is of first importance.

(c) The number designations for size will start with "I" for the smallest to "V" for the largest. Sizes I and II are considered portable extinguishers. Sizes III, IV and V are considered semi-portable extinguishers which shall be fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be covered. Examples of size graduations for some of the typical portable and semi-portable extinguishers are set forth in Table 145.05 (c).

TABLE 145.05 (c)—PORTABLE AND SEMIPORTABLE EXTINGUISHERS

Classification type, size	Soda-acid and water, gallons	Foam, gallons	Carbon dioxide, pounds	Dry chemical, pounds
A-II	2½	2½	-------	-------
B-II	-------	2½	15	20
C-II	-------	-------	15	20
B-V	-------	40	50	-------

(d) All portable and semi-portable extinguishers shall have permanently attached thereto a durable name plate giving the name of the item, the rated capacity in gallons or pounds, the name and address of the person or firm for whom approved, and the identifying mark of the actual manufacturer.

§ 145.10 *Locations and number of fire extinguishers required.* (a) Approved portable and semi-portable extinguishers shall be installed in accordance with Table 145.10 (a).

TABLE 145.10 (a)—PORTABLE AND SEMIPORTABLE EXTINGUISHERS

Space	Classification	Quantity and location
SAFETY AREAS		
Communicating corridors	A–II	1 in each main corridor not more than 150 feet apart. (May be located in stairways.)
Radio room	C–II	1 in vicinity of exit.
ACCOMMODATIONS		
Sleeping accommodations	A–II	1 in each sleeping accommodation space. (Where occupied by more than 4 persons.)
SERVICES SPACES		
Galleys	B–II or C–II	1 for each 2,500 square feet or fraction thereof for hazards involved.
Storerooms	A–II	1 for each 2,500 square feet or fraction thereof located in vicinity of exits, either inside or outside of spaces.
MACHINERY SPACES		
Gas-fired boilers	B–II (CO_2 or dry chemical).	2 required.
Gas-fired boilers	B–V	1 required.[1]
Oil-fired boilers	B–II	2 required.
Oil-fired boilers	B–V	1 required.[1]
Internal combustion or gas turbine engines	B–II	1 for each engine.[2]
Electric motors or generators of open type	C–II	1 for each 2 motors or generators.[3]

[1] Not required where a fixed carbon dioxide system is installed.
[2] When installation is on weather deck or open to atmosphere at all times 1 B–II for each three engines is allowable.
[3] Small electrical appliances, such as fans, etc., shall not be counted or used as basis for determining number of extinguishers required.

(b) Semi-portable extinguishers shall be located in the open so as to be readily seen.

PART 146—OPERATIONS

SUBPART 146.01—SPECIAL OPERATING REQUIREMENTS

Sec.
146.01–1 Application.
146.01–5 Identification marks required.
146.01–10 Recording identification marks.
146.01–15 Maintenance of emergency equipment.
146.01–20 Casualty or accident report.
146.01–25 Authority of person in charge.

SUBPART 146.05—MANNED PLATFORMS

146.05–1 Application.
146.05–5 General alarm system.
146.05–10 Emergency signals.
146.05–15 Duties of personnel.
146.05–20 Manning of life floats, etc.
146.05–25 Emergency drills.
146.05–30 Station bill.
146.05–35 Markings for emergency equipment.

AUTHORITY: §§ 146.01–1 to 146.05–35 issued under sec. 1, 63 Stat. 545, 14 U. S. C. 633. Interpret or apply sec. 4, 67 Stat. 462; 43 U. S. C 1333.

SUBPART 146.01—SPECIAL OPERATING REQUIREMENTS

§ 146.01–1 *Application.* The provisions of this subpart apply to all artificial islands or fixed structures.

§ 146.01–5 *Identification marks required.* The owner or operator shall assign a name or number or other suitable designation to each artificial island and each fixed structure located on the outer continental shelf. This name or number or other suitable designation shall be permanently and conspicuously displayed on the artificial island or fixed structure so that it can be readily seen in clear visibility by vessels or aircraft.

§ 146.01–10 *Recording identification marks.* The owner or operator shall record the name or number or other suitable designation assigned each artificial island and each fixed structure with the Coast Guard District Commander having jurisdiction over the area in which it is located. This information is for identification purposes.

§ 146.01–15 *Maintenance of emergency equipment.* The emergency equipment provided, regardless of whether or not required by this subchapter, shall be maintained in good condition at all times. Good operating practices require replacement of expended equipment, as well as periodic renewal of those items which have a limited period of effectiveness, such as replacing charges in fire extinguishers, replacing batteries in electric water lights, etc.

§ 146.01–20 *Casualty or accident report.* (a) The owner, or his agent, or the person in charge, shall report as soon as possible to the Officer in Charge, Marine Inspection, having jurisdiction, whenever his artificial island or fixed structure is involved in a casualty or accident and any one or more of the following occur:

(1) If it is hit by a vessel and damage to property is in excess of $1,500.

(2) Damage to property in excess of $25,000.

(3) Material damage affecting the usefulness of life-saving or fire-fighting equipment.

(4) Loss of life.

(5) Injury causing any person to remain incapacitated for a period in excess of 72 hours, arising out of or being directly connected with the use or employment of any emergency equipment described in this subchapter.

(b) The written report, in narrative form, shall contain the name or number or other suitable designation assigned to the artificial island or fixed structure; the names and addresses of the owner, his agent (if any), operator (if any), and the person in charge; the nature and probable cause of the casualty or accident; the date and time the casualty or accident occurred, if known, otherwise approximately when it occurred; details of damage incurred, especially with respect to lifesaving and fire-fighting equipment; the nature and extent of injury to any person; names and addresses of persons involved; and other comments, especially with respect to use or need for emergency equipment.

§ 146.01–25 *Authority of person in charge.* In case an emergency arises, nothing in the regulations in this subchapter shall be so construed as preventing the person in charge from pursuing the most effective action in his judgment for rectifying the conditions causing the emergency.

SUBPART 146.05—MANNED PLATFORMS

§ 146.05–1 *Application.* The provisions of this subpart apply only to manned platforms.

§ 146.05–5 *General alarm system.* Each manned platform shall be provided with a general alarm system. When operated, this system shall be audible in all parts of the manned platform on which provided.

§ 146.05–10 *Emergency signals.* The owner, or his agent, or the person in charge, shall establish emergency signals to be used for calling the personnel to their emergency stations. The abandon platform signal shall be an intermittent signal on the general alarm system, and a signal on the fog horn for not less than 15 seconds. This signal should be supplemented by word of mouth warning.

§ 146.05–15 *Duties of personnel.* (a) The owner, or his agent, or the person in charge, shall assign to each person on a manned platform special duties and duty stations so that in event an emergency arises confusion will be minimized and no delay will occur with respect to the use or application of equipment required by this subchapter. The duties shall, as far as possible, be comparable with the regular work of the individual.

(b) The duties shall be assigned as necessary for the proper handling of any emergency, and shall include the following:

(1) The closing of airports, watertight doors, scuppers, sanitary and other discharges which lead through the platform's hull below the margin line, etc.

(2) The stopping of fans and ventilation systems.

(3) The donning of life preservers.

(4) The preparation and launching of life floats, lifeboats, or life rafts.

§ 146.05–20 *Manning of life floats, etc.* The owner, or his agent, or the person in charge, shall assign a person to each life float, lifeboat, or life raft, who shall be responsible for launching it in event of an emergency.

§ 146.05–25 *Emergency drills.* (a) Emergency drills shall be conducted at least once each month by the person actually in charge of the manned platform. The drill shall be conducted as if an actual emergency existed. All personnel should report to their respective stations and be prepared to perform the duties assigned to them.

(b) The person actually in charge and conducting the emergency drill shall give such instructions to the personnel as are necessary to insure that all persons are familiar with their duties and stations.

(c) The date and time of such drills shall be reported in writing by the person actually in charge at the time of the drill to the owner who shall maintain this report record for a year and furnish it upon request to the Coast Guard. After one year, such records may be destroyed. When it is impossible to conduct emergency drills as required by this section during a particular calendar month, during the following month a written report by the owner shall be submitted to the Officer in Charge, Marine Inspection, stating why the drills could not be conducted.

§ 146.05–30 *Station bill.* (a) The owner, his agent, and the person in charge, shall be responsible for and have prepared a station bill (muster list). This station bill must be signed by the person in charge. Copies shall be duly posted in conspicuous locations on the manned platform.

(b) The station bill shall set forth the special duties and duty stations of each member of the personnel for any emergency which involves the use or application of equipment required by this subchapter. In addition, it shall contain all other duties assigned and considered as necessary for the proper handling of any emergency.

(c) The station bill shall contain the various signals to be used for calling the personnel to their emergency stations, and to abandon platform.

§ 146.05–35 *Markings for emergency equipment.* (a) Markings shall be provided as considered necessary for the guidance of persons on manned platforms.

(b) The general alarm bell switches shall be identified by red letters at least one inch high with a contrasting background: "GENERAL ALARM."

(c) All general alarm bells shall be identified by a sign at each bell in red letters at least one inch high with a sharp contrasting background: "GENERAL ALARM—WHEN BELL RINGS GO TO YOUR STATION."

(d) All life floats, lifeboats, and life rafts, together with paddles or oars, shall be conspicuously marked with a name or number or identification of the artificial island or fixed structure on which placed. The number of persons allowed on each life float, lifeboat, or life raft shall be conspicuously marked thereon in letters and numbers 1½ inches high. These numbers shall be placed on both sides of the life float, lifeboat, or life raft.

(e) All life preservers and ring life buoys shall be marked with the name and number or identification of the manned platform on which placed.

Dated: December 19, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 55–10257; Filed, Dec. 21, 1955; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 87]

ARIZONA

SMALL TRACT CLASSIFICATION 37

DECEMBER 15, 1955.

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514–15), the following described lands, which were classified by Document No. 51, Arizona, Small Tract Classification No. 37, dated June 15, 1955 (20 F. R. 4423), are hereby opened to lease and sale for residence and/or business sites under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 8 E.,
Sec. 14: SE¼;
Sec. 23: E½.

The lands described comprise 96 small tracts and contain a total of 480 acres.

2. The lands are located approximately 18 miles east of Mesa and 2½ miles east of Apache Junction. The climate is arid with an average annual precipitation of about 9 inches. The elevation is approximately 1,700 feet above sea level. The temperature varies from a high of about 115° F. in summer to a low of about 25° F. in winter. The soil is sandy and supports a fair vegetative cover including paloverde, mesquite, creosote, ocotillo, various species of cacti including saguaro and cholla, and a few annual weeds and grasses. Culinary water is not available from any known source but can be developed probably from wells at a depth of about 300 feet. Electric power is available from transmission lines from a distance of one to two miles.

3. (a) The individual tracts are all approximately five acres in size and rectangular in shape. The longer dimension may be either east and west or north and south, provided the tract is entirely within a rectangular ten acre sixty-fourth subdivision of a section.

(b) The purchase price of all tracts is $200.00 per tract.

(c) The advance three year rental for a residence tract is $30.00. The advance three year rental for a business tract is $60.00. However, if the gross business exceeds $2,000.00 per annum, the rental will be calculated in accordance with the schedule incorporated in the lease.

(d) Rights-of-way 33 feet in width for streets, roads and public utilities will be reserved on all section lines and quarter, sixteenth and sixty-fourth subdivision lines.

4. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with general terms and conditions of their leases will be permitted to purchase their tracts at the appraised price provided that during the period of their leases they either, (a) construct the improvements specified in paragraph 5, or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and non-renewal would work an extreme hardship on the lessee. All mineral rights will be reserved to the United States.

5. To maintain their rights under their leases, lessees will be required to either, (a) construct substantial improvements on their lands, or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation and construction requirements of local ordinances and must, in addition meet the following standards:

A residence must be suitable for year round use, on a permanent foundation with a minimum of 500 square feet of floor space and of substantial construction to withstand the elements. It must be built in a workmanlike manner out of attractive materials and properly finished. Adequate disposal and sanitary facilities must be installed.

6. (a) Applicants must file, in duplicate, with the Manager, Land Office, 251 Main Post Office Building, Phoenix, Arizona, application Form 4–776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

(b) The applications must be accompanied by a filing fee of $10 plus the advance rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

7. (a) All valid applications filed prior to 10:15 a. m. June 15, 1955 will be granted the preference right provided by 43 CFR 257.5 (a).

(b) All valid applications from persons entitled to veterans' preference filed after 10:15 a. m. June 15, 1955 and prior to 10:00 a. m. January 20, 1956 will be considered as simultaneously filed at that time.

(c) All valid applications from persons entitled to veterans' preference filed after 10:00 a. m., January 20, 1956 will be considered in the order of filing.

(d) All valid applications from all other persons filed after 10:15 a. m.

June 15, 1955 and prior to 10:00 a. m. April 20, 1956 will be considered as simultaneously filed at that time.

(e) All valid applications filed after 10:00 a. m. April 20, 1956 will be considered in the order of filing.

8. Inquiries concerning these lands shall be addressed to the Manager, Arizona Land Office, Room 251 Main Post Office Building, Phoenix, Arizona.

E. R. TRAGITT,
State Lands and Minerals, Staff Officer.

[F. R. Doc. 55-10235; Filed, Dec. 21, 1955; 8:46 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Land Management has filed an application, Serial No. Oregon 04135, for the withdrawal of the lands described below, subject to valid existing rights and reservations, from all forms of appropriation under the public land laws, including the general mining laws and mineral leasing laws, except leasing under the Small Tract Act (52 Stat. 609) as amended; and lease and sale of vacant public lands for recreational purposes under the Recreation Act of June 14, 1926 (44 Stat. 741), as amended.

The applicant desires the withdrawal of the lands adjacent to the Rogue River and its tributaries to protect and preserve their scenic and recreational values from despoilation by any entry or application incompatible with those objectives. The proposed withdrawal affecting Oregon and California revested railroad lands will be consistent with the intent of the act of August 28, 1937 (50 Stat. 874), and the timber on such lands will be managed and disposed of in accordance with such act.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior: State Supervisor, P. O. Box 3861, Portland, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

VACANT PUBLIC LANDS

T. 33 S., R. 1 E.,
Sec. 24: NW¼SW¼;
Sec. 32: NW¼NW¼.
T. 34 S., R. 1 W.,
Sec. 2: Lot 3 (SW¼NW¼), N½SW¼;
Sec. 10: Lot 2, E½NE¼, NE¼SE¼.
T. 34 S., R. 7 W.,
Sec. 6: Lots 3, 4, 5, 6, 7, SE¼NW¼;
Sec. 18: Lots 3, 4, E½SW¼;
Sec. 30: Unpatented part of Lot 1, Lots 2, 4, E½NW¼.
T. 35 S., R. 7 W.,
Sec. 4: Lots 5, 6, 7, 8, 9, S½NE¼, N½SE¼;
Sec. 5: S½ Lot 8;
Sec. 6: Lots 1, 2, 3, 4, 5, 6, 7, 12, 13, SE¼NW¼, NE¼SW¼;
Sec. 10: Lots 1, 5, SW¼NW¼, SE¼SE¼, N½NE¼, SE¼NE¼, SW¼SE¼, N½SW¼;
Sec. 24: Lot 1.
T. 35 S., R. 12 W.,
Sec. 10: Lots 1, 16 and 17;
Sec. 11: Lots 2, 4, 5, 16;
Sec. 12: Lot 3;
Sec. 15: Lot 1.
T. 36 S., R. 3 W.,
Sec. 12: Lots 5, 8, 9;
Sec. 14: E½NE¼.
T. 36 S., R. 7 W.,
Sec. 2: Lots 5, 8, 9, 10;
Sec. 3: Lots 1, 8, 9;
Sec. 12: Lot 3, W½SW¼.

REVESTED OREGON AND CALIFORNIA RAILROAD LANDS

T. 33 S., R. 1 E.,
Sec. 23: E½SW¼, S½SE¼.
T. 33 S., R. 2 E.,
Sec. 11: NE¼SW¼, S½SW¼, SE¼;
Sec. 19: NW¼NE¼, S½NE¼, E½NW¼, SE¼SW¼, SW¼SE¼.
T. 33 S., R. 1 W.,
Sec. 35: SE¼SE¼.
T. 33 S., R. 7 W.,
Sec. 31: Lot 4.
T. 34 S., R. 1 W.,
Sec. 3: NE¼SE¼.
T. 34 S., R. 7 W.,
Sec. 19: Lots 2, 4, E½W½;
Sec. 31: Lots 3, 4, E½SW¼, S½SE¼.
T. 35 S., R. 7 W.,
Sec. 3: SW¼;
Sec. 5: Lots 7, N½ 8, 9, S½NE¼, SE¼NW¼, NE¼SW¼;
Sec. 9: Lots 1, 2, NW¼NE¼, S½NE¼.
T. 35 S., R. 8 W.,
Sec. 1, Lots 1, 2, 3, 5, 8, NW¼SW¼, N½SE¼.
T. 36 S., R. 2 W.,
Sec. 13: Lot 7.
T. 36 S., R. 3 W.,
Sec. 11: Lot 3, N½SE¼, SE¼SE¼;
Sec. 13: Lot 7.
T. 36 S., R. 7 W.,
Sec. 3: Lots 2, 7;
Sec. 11: Lot 3.
T. 38 S., R. 3 W.,
Sec. 33: Lot 1.
T. 39 S., R. 1 W.,
Sec. 29: S½SW¼.
T. 39 S., R. 2 W.,
Sec. 19: NE¼SE¼;
Sec. 23: SW¼SW¼, SW¼SE¼.

Total: 5,485.07 acres.

VIRGIL F. HEATH,
State Supervisor.

DECEMBER 12, 1955.

[F. R. Doc. 55-10236; Filed, Dec. 21, 1955; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 14, 1955.

The United States Fish and Wildlife Service has filed an application, Serial No. Idaho 05080, for the withdrawal of the lands described below, from all forms of appropriation under the public-land laws, including the mining laws, but not the mineral leasing laws, and reserved under the jurisdiction of the Department of the Interior for use by the Department of Fish and Game of the State of Idaho in connection with the Bruneau Valley Wildlife Management Area, under such conditions as may be prescribed by the Secretary of the Interior.

The applicant desires the land to assure continued free public access to the backwaters of the C. J. Strike Dam for fishing and hunting.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determinaton of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 6 S., R. 5 E.,
Sec. 5, S½SW¼, SW¼SE¼;
Sec. 6, Lots 5, 6, E½SW¼, S½SE¼;
Sec. 7, W½NE¼, NE¼NW¼, NE¼SE¼;
Sec. 8, SW¼SW¼;
Sec. 9, NW¼NE¼, N½NW¼;
Sec. 10, SW¼NW¼, NE¼SW¼;
Sec. 14, NW¼NW¼;
Sec. 17, NW¼NE¼.

The areas described aggregate 850.47 acres.

The lands should be subject to the following stipulations:

1. That the withdrawing agency will not fence the area.

2. Grazing use and range management is to be administered by the Bureau of Land Management.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 55-10237; Filed, Dec. 21, 1955; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 13, 1955.

The United States Fish and Wildlife Service has filed an application, Serial No. Idaho 06677, for the withdrawal of the lands described below, from all forms of appropriation under the public-land laws, including the mining laws, but not the mineral leasing laws, and reserved under the jurisdiction of the Department of the Interior for use by the Department of Fish and Game of the State of Idaho in connection with the Star Lake Management Area, under such conditions as may be prescribed by the Secretary of the Interior.

The applicant desires the land for use by the State in connection with their acquired lands for development of food and cover for sagegrouse and pheasant.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 7 S., R. 19 E.,
Sec 3, SE¼SW¼, SW¼SE¼.

The area described aggregates 80.00 acres.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 55-10238; Filed, Dec. 21, 1955; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 12, 1955.

The Fish and Wildlife Service has filed an application, Serial No. Idaho 06544, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but not the mineral-leasing laws. The applicant desires the land for spawning grounds for anadromous fish.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 13 N., R. 8 E.,
Sec. 1, SW¼;
Sec. 11, NE¼;
Sec. 12, W½;
Sec. 13, W½NE¼, E½NW¼, SW¼;
Sec. 14, N½SE¼;
Sec. 24, W½;
Sec. 25, NW¼;
Sec. 26, N½, SW¼;
Sec. 34, S½;
Sec. 35, N½, N½S½;
Sec. 36, N½.
T. 13 N., R. 9 E.,
Sec. 25, S½;
Sec. 26, E½SW¼, SE¼;
Sec. 31, Lots 1, 2, E½NW¼, NE¼;
Sec. 32, N½, SE¼;
Sec. 33, S½;
Sec. 34, N½, SW¼;
Sec. 35, NW¼NE¼, NW¼.
T. 13 N., R. 10 E. (unsurveyed),
Sec. 22, SE¼NE¼, S½;
Sec. 23, N½, N½SE¼;
Sec. 24, SW¼;
Sec. 25, NE¼, E½NW¼, E½SE¼;
Sec. 27, NW¼;
Sec. 28, S½NE¼, SW¼, W½SE¼;
Sec. 29, S½;
Sec. 30, S½;
Sec. 31, N½N½.
T. 13 N., R. 11 E. (unsurveyed),
Sec. 25, SE¼;
Sec. 28, W½SW¼;
Sec. 33, W½NE¼, NW¼, E½SW¼, W½SE¼;
Sec. 34, SE¼;
Sec. 35, E½NE¼, SW¼, N½SE¼;
Sec. 36, W½NE¼, NW¼.
T. 13 N., R. 12 E. (unsurveyed),
Sec. 19, SE¼;
Sec. 20, S½N½, N½S½;
Sec. 21, S½;
Sec. 22, SE¼;
Sec. 28, N½NE¼;
Sec. 30, N½NE¼, NW¼.
T. 12 N., R. 6 E.,
Sec. 3, Lots 3, 4, S½NW¼, SW¼;
Sec. 10, W½.
T. 12 N., R. 9 E.,
Sec. 3, Lots 2, 3, 4, SW¼NE¼, W½SE¼, S½NW¼, SW¼;
Sec. 9, NE¼, S½;
Sec. 10, NW¼;
Sec. 16, NW¼;
Sec. 17, SE¼;
Sec. 20, NE¼, E½NW¼, SW¼, W½SE¼.
T. 12 N., R. 10 E.,
Sec. 13, SE¼SE¼;
Sec. 24, NE¼, SW¼, N½SE¼.
T. 12 N., R. 11 E.,
Sec. 3, Lots 1, 2, 3, 4, S½N½, SW¼;
Sec. 4, Lots 1, 2, S½NE¼;
Sec. 9, SE¼;
Sec. 10, N½, W½SW¼, E½SE¼;
Sec. 11, SW¼NW¼, SW¼;
Sec. 13, Lots 4, 5, 6, 7, 8, 9;
Sec. 14, W½NE¼, NW¼, SE¼;
Sec. 16, Lots 2, 3, 4, W½NE¼, SE¼NW¼, E½SW¼, NW¼SE¼;
Sec. 24, Lots 1, 2, E½NW¼, SE¼.
T. 12 N., R. 12 E. (unsurveyed),
Sec. 5, S½NE¼, SW¼, N½SE¼;
Sec. 6, SE¼SE¼;
Sec. 7, NE¼, E½SW¼, W½SE¼;
Sec. 18, NW¼.

Total acreage: 17,161.30 acres.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 55-10239; Filed, Dec. 21, 1955; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 12, 1955.

The Fish and Wildlife Service has filed an application, Serial No. Idaho 06620, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but not the mineral-leasing laws. The applicant desires the land for transportation and spawning grounds for anadromous fish.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 12 N., R. 12 E (unsurveyed),
Sec. 22, W½E½, E½W½;
Sec. 27, NE¼NW¼, S½NW¼, W½SW¼;
Sec 28, SE¼SE¼;
Sec. 33, NE¼, SE¼NW¼, W½SE¼.
T. 11 N., R. 12 E.,
Sec. 3, SW¼;
Sec. 4, NW¼NE¼, S½NE¼, NE¼SE¼;
Sec. 10, W½NE¼, SE¼NE¼, N½NW¼;
Sec. 11, S½NW¼, NE¼SW¼, S½SW¼, NW¼SE¼, S½SE¼;
Sec. 12, SW¼SW¼;
Sec. 13, E½W½, NW¼NW¼;
Sec. 14, N½NW¼;
Sec. 15, N½NE¼;
Sec. 24, E½NW¼, E½SW¼, SW¼SE¼;
Sec. 25, W½E½;
Sec. 36, NE¼.
T. 11 N., R. 13 E.,
Sec. 31, SW¼NW¼, SW¼, SW¼SE¼.
T. 10 N., R. 13 E.,
Sec. 6, N½NE¼;
Sec. 22, W½NE¼, E½NW¼, NE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 23, SW¼, SW¼SE¼;
Sec. 25, S½NW¼, N½SW¼, W½SE¼;
Sec. 26, NE¼, SW¼, W½SE¼;
Sec. 34, S½SE¼;
Sec. 35, W½NE¼, N½NW¼, SE¼NW¼, S½SW¼, W½SE¼;
Sec. 36, E½.
T. 9 N., R. 13 E. (unsurveyed),
Sec. 1, E½;
Sec. 2, NW¼, N½SW¼, SW¼SW¼;
Sec. 3, All except NW¼NW¼;
Sec. 4, SE¼SE¼;
Sec. 9, E½E½;
Sec. 10, All;
Sec. 12, NE¼NE¼;
Sec. 15, All except E½E½;
Sec. 16, All except NW¼;
Sec. 17, SE¼SE¼;
Sec. 20, E½NE¼, NE¼SE¼;
Sec. 21, All except SE¼;
Sec. 22, NW¼NW¼.
T. 8 N., R. 13 E.,
Sec. 36. All except S½S½.
T. 7 N., R. 13 E.,
Sec. 25, E½NE¼, NE¼SE¼.
T. 9 N., R. 14 E.,
Sec. 7, N½NW¼, SE¼NW¼, E½SW¼, SW¼SE¼;
Sec. 18, E½;
Sec. 19, W½E½;
Sec. 30, W½NE¼, E½NW¼, NW¼SE¼, S½SE¼;
Sec. 31, E½NE¼;
Sec. 32, W½NW¼, SE¼NW¼, E½SW¼, SW¼SE¼.
T. 8 N., R. 14 E.,
Sec. 4, SW¼NW¼, W½SW¼;
Sec. 5, NW¼NE¼, S½NE¼, E½SE¼;
Sec. 8, E½E½;
Sec. 9, W½W½;
Sec. 17, NE¼, E½SW¼, W½SE¼;
Sec. 20, NW¼NE¼, S½NE¼, E½SE¼;
Sec. 21, W½SW¼, SE¼SW¼;
Sec. 28, N½, N½SE¼, SE¼SE¼;
Sec. 29, NE¼NE¼, S½NE¼, SE¼SW¼, W½SE¼;
Sec. 31, All except S½S½;
Sec. 32, N½NW¼, SE¼NW¼, E½SW¼.
T. 7 N., R. 14 E.,
Sec. 4, SW¼SW¼;
Sec. 5, E½NE¼, NE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 9, NW¼, W½SW¼;
Sec. 16, W½NW¼, NW¼SW¼;
Sec. 17, SE¼;
Sec. 19, NE¼, S½;
Sec. 20, All except SE¼SE¼;
Sec. 29, NW¼, NW¼SW¼;
Sec. 30, All except S½S½.

Total acreage: 13,723.81 acres.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 55-10240; Filed, Dec. 21, 1955; 8:46 a. m.]

Bureau of Reclamation

MOUNTAIN HOME DIVISION; SNAKE RIVER PROJECT, IDAHO

ORDER OF REVOCATION

DECEMBER 30, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of April 30, 1951, in so far as said order affects the following-described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 1 S., R. 1 W.,
Sec. 5, SW¼NW¼.

The above area aggregates 40 acres.

FLOYD E. DOMINY,
Acting Assistant Commissioner.

[61715]

DECEMBER 16, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The land is located about 1.8 miles easterly from Melba, Idaho. The topography is gently undulating, ranging in elevation from about 2,700 to 2,750 feet. The slopes are mainly southwesterly. The soil is of fine silt loams which as to some portions of the subdivision are beset with lava detritus.

No application for the land may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

Subject to any valid existing rights and the requirements of applicable law, the land is hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or rights. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on January 21, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on April 21, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on April 21, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The land has been open to applications and offers under the mineral-leasing laws. It will be open to locations under the United States mining laws beginning at 10:00 a. m. on April 21, 1956.

Persons claiming veterans preference rights must enclose with their application proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlements, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries regarding the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55–10241; Filed, Dec. 21, 1955; 8:47 a. m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 11]

DISTRICT DIRECTORS OF INTERNAL REVENUE

DELEGATION OF AUTHORITY TO ACCEPT CERTAIN OFFERS IN COMPROMISE

DECEMBER 2, 1955.

Pursuant to authority vested in me by Treasury Department Order No. 150–25, dated June 1, 1953, District Directors of Internal Revenue are hereby delegated authority to accept offers in compromise submitted under the provisions of section 3761 of the Internal Revenue Code of 1939, or section 7122 of the Internal Revenue Code of 1954, in cases in which the unpaid amount of the tax (including any interest, additional amount, addition to the tax, or assessable penalty) is less than $5,000, and in cases involving specific penalties, except that this delegation of authority is subject to the limitations contained in applicable regulations and procedures.

Effective date: December 2, 1955.

[SEAL] O. GORDON DELK,
Acting Commissioner.

[F. R. Doc. 55–10270; Filed, Dec. 21, 1955; 8:52 a. m.]

[Order 12]

ASSISTANT REGIONAL COMMISSIONER

DESIGNATION TO ACT AS REGIONAL COMMISSIONER AND AS DISTRICT DIRECTOR

DECEMBER 2, 1955.

1. The Regional Commissioner shall designate an Assistant Regional Commissioner to serve as Acting Regional Commissioner during any period of absence of the Regional Commissioner. If, however, the position of Regional Commissioner becomes vacant, the Commissioner will designate the employee who will serve as Acting Regional Commissioner.

2. In a District Office having an Assistant District Director, such Assistant will become Acting District Director in case of the absence, separation or death of the District Director, unless or until the Regional Commissioner designates another officer to serve as Acting District Director. In a district where there is no Assistant District Director, (a) the Regional Commissioner will designate the employee who becomes Acting District Director in case of the separation or death of the District Director, and (b) the District Director will designate the employee who will serve as Acting District Director in the absence of the District Director, unless or until the Regional Commissioner designates another officer to serve as Acting District Director.

3. Designations as Acting Regional Commissioner and Acting District Director shall be made a matter of record.

4. This order supersedes Commissioner's Reorganization Order No. 15, Amendment 1 (18 F. R. 7646), dated November 23, 1953.

Effective date: December 2, 1955.

[SEAL] GORDON DELK,
Acting Commissioner.

[F. R. Doc. 55–10271; Filed, Dec. 21, 1955; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

UPLAND COTTON AND EXTRA LONG STAPLE COTTON

NOTICE OF REDELEGATION OF FINAL AUTHORITY OF STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

Section 722.729 (b) of the Regulations Pertaining to Acreage Allotments for the 1956 Crop of Upland Cotton (20 F. R. 8247) and § 722.1328 (b) of the Regulations Pertaining to Acreage Allotments for the 1956 Crop of Extra Long Staple Cotton (20 F. R. 8621) issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1376), provide that any authority delegated to a State Agricultural Stabilization and Conservation Committee by the regulations in §§ 722.717 to 722.729 (a), inclusive, and in §§ 722.1317 to 722.1328 (a), inclusive, may be redelegated by the State Committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by State Agricultural Stabilization and Conservation Committees of authority vested in such committees by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the persons, designated by name or by title, to whom the authority has been redelegated:

ALABAMA

Section 722.717 (g)—B. L. Collins, State Administrative Officer.

Section 722.729 (a)—B. L. Collins, State Administrative Officer; and all ASC Farmer Fieldmen.

ARKANSAS

Section 722.729 (a)—All Program Specialists; and all ASC Farmer Fieldmen.

CALIFORNIA

Sections 722.729 (a) and 722.1328 (a)—J. T. Moody, Stanley L. Hill, and Main S. Wall.

FLORIDA

Sections 722.718 (f) (2) and 722.1318 (b)—State Administrative Officer or Acting State Administrative Officer.

Sections 722.729 (a) and 722.1328 (a)—State Administrative Officer or Acting State Administrative Officer; and all ASC Farmer Fieldmen.

GEORGIA

Section 722.717 (g)—State Administrative Officer.

Sections 722.729 (a) and 722.1328 (a)—State Administrative Officer; Chief, Program Operations Division; Chief, Audit and Statistical Division; Marketing Quota Specialist; and all ASC Farmer Fieldmen.

ILLINOIS

Sections 722.717 (b); 722.717 (e) (3) (ii) (*a*); 722.717 (g); 722.717 (j); 722.729 (a) and Sections 722.1317 (b); 722.1317 (e) (3) (ii) (*a*); 722.1317 (g); 722.1317 (j); 722.1328 (a)—Lloyd S. Martin, Program Assistant; and Winstead R. Davie, ASC Farmer Fieldman.

KENTUCKY

Sections 722.717 to 722.729 (a), inclusive, and Sections 722.1317 to 722.1328 (a), inclusive—The following members of the State Committee: Roy C. Gray, Ernest E. Bullock, Samuel F. Tuggle; W. L. Rouse, State Administrative Officer; the following Program Specialists: Roger H. Karrick, Roger W. Thomas, Homer V. Yonts; and Kenneth A. Grogan, ASC Farmer Fieldman.

LOUISIANA

Sections 722.718 (f) (2) and 722.729 (a)—Clarence E. Slack, State Administrative Officer; Joseph R. Bath, Program Specialist; Camille J. Clayton, ASC Farmer Fieldman; Lloyd A. Mullin, ASC Farmer Fieldman; Lewis L. Sanders, ASC Farmer Fieldman; Don L. Rockett, ASC Farmer Fieldman; Hugh F. Spencer, ASC Farmer Fieldman.

MISSISSIPPI

Sections 722.717 (b) and 722.717 (g)—State Administrative Officer or Acting State Administrative Officer.

Section 722.729 (a)—State Administrative Officer; Acting State Administrative Officer; Marketing Quota Specialist; all ASC Farmer Fieldmen; and all County Officer Auditors.

MISSOURI

Section 722.729 (a)—All ASC Farmer Fieldmen.

NEW MEXICO

Sections 722.717 (b); 722.717 (e) (3) (ii) (*a*); 722.717 (g); 722.717 (j); 722.718 (a); 722.718 (f) (2); 722.1317 (b); 722.1317 (e) (3) (ii) (*a*); 722.1317 (g); 722.1317 (j); and 722.1318 (b)—Dale H. Helsper, State Administrative Officer; and W. C. Hutchins, Jr., Program Specialist.

Sections 722.729 (a) and 722.1328 (a)—Dale H. Helsper, State Administrative Officer; W. C. Hutchins, Jr., Program Specialist; Theodore R. Baker, Assistant Program Specialist; and all ASC Farmer Fieldmen.

NEVADA

Sections 722.717 to 722.729 (a), inclusive—Ervin H. Christensen, Administrative Assistant.

NORTH CAROLINA

Sections 722.717 (b) and 722.717 (g)—H. C. Blaylock, Assistant Chief, Marketing Quota Section.

Section 722.729 (a)—A. P. Hassell, Jr., Chief, Administrative Division, and all ASC Farmer Fieldmen.

OKLAHOMA

Sections 722.717 to 722.729 (a), inclusive—Samuel A. Shelby, Chief, Program Specialist Staff; Marvin E. Taylor, Program Specialist, and all ASC Farmer Fieldmen.

TENNESSEE

Sections 722.717 to 722.729 (a), inclusive—Joe H. Maupin, State Administrative Officer; Joe D. Ramsey, Program Specialist; John E. Hudson, Program Specialist, and the following ASC Farmer Fieldmen: James G. Barrett, Foster E. Bradshaw, Charles L. Cole, John R. Collier, William H. Cross, Levie W. Dickerson, Ray E. Wilkinson, Joel Yeiser, Jr.

PUERTO RICO

Sections 722.1317 to 722.1328 (a), inclusive—G. Laguardia, Director, Caribbean Area Office; J. Capo-Caballero, Assistant Director, Caribbean Area Office; Alcides Zeno, Chief, ACP and District Offices Division.

TEXAS

Sections 722.729 (a) and 722.1328 (a)—H. H. Marshall, Program Specialist; E. F. Rollins, Program Specialist; O. C. Cowsert, Program Specialist; W. M. Hott, Administrative Assistant; Paul Johnson, Administrative Assistant; and C. H. Galloway, Administrative Assistant; and all ASC Farmer Fieldmen.

VIRGINIA

Section 722.729 (a)—W. T. Powers, State Administrative Officer; J. S. Shackleton, Jr., Program Specialist; and J. Parker Lambeth, Jr., Marketing Quota Specialist.

Issued at Washington, D. C., this 16th day of December 1955.

[SEAL] WALTER C. BERGER,
Acting Administrator.

[F. R. Doc. 55–10264; Filed, Dec. 21, 1955; 8:51 a. m.]

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 145; Delegation of Authority 88]

DEPUTY UNDER SECRETARY FOR ECONOMIC AFFAIRS

DELEGATION OF AUTHORITY WITH RESPECT TO DUTIES AND FUNCTIONS

Pursuant to the authority vested in me by section 4 of the Act of May 26, 1949 (63 Stat. 111; 5 U. S. C. 151c), I hereby delegate to the Deputy Under Secretary for Economic Affairs of the Department of State, or in his absence to the officer designated to act for him, the performance of all the functions which the Secretary of State is authorized to perform pursuant to and under the authority of Section 25 (b) of the Federal Reserve Act, as amended (Act of December 23, 1913, ch. 6, section 25 (b), as added June 16, 1933, ch. 89, section 15, 48 Stat. 184, and amended April 7, 1941, ch. 43, section 2, 55 Stat. 131; 12 U. S. C. 632).

Delegation of Authority No. 69 dated August 12, 1953 (18 F. R. 4930, August 19, 1953), is hereby rescinded.

Dated: December 13, 1955.

[SEAL] JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55–10243; Filed, Dec. 21, 1955; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Return Order 268, Amdt.]

HELMUT LEGERLOTZ

In the matter of the claim of Helmut Legerlotz, Claim No. 6158, Vesting Order No. 2044.

Return Order No. 268, relative to Claim No. 6158 of Helmut Legerlotz, executed February 28, 1949, published March 3, 1949 (14 Fed. Reg. 973) is hereby amended as follows:

Under the heading "Property", the first paragraph is amended to read as follows: "$733,293.87 in the Treasury of the United States. Of this sum an amount of $48,317.94 will be retained pursuant to paragraph 6 (c) of the Memorandum of Understanding Between the Government of the United States of America and the Provisional Government of the French Republic Regarding Settlement for Lend-Lease, Reciprocal Aid, Surplus War Property, and Claims, effective May 28, 1946."

Executed at Washington, D. C., on December 15, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 55–10275; Filed, Dec. 21, 1955; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

NOTICE OF DETERMINATION FOR SURVEYS

In conformity with the act of Congress approved August 31, 1954, 68 Stat. 1012, and due notice having been published (20 F. R. 8396, November 9, 1955), pursuant to said act, I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry and are not pub-

licly available from non-governmental or other government sources.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all establishments engaged in the production of the items covered by the following list of surveys with the exception of the Annual Survey of Manufactures which will be conducted on a sample basis and which calls for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, etc., in addition to information on products shipped, and the lumber and household furniture surveys which will also be conducted on a sample basis.

Annual survey of manufactures.
Stocks of wool (as of April 1, 1956).
Cotton and synthetic woven goods finished.
Knit cloth.
Woolen and worsted machinery activity.
Gloves and mittens.
Apparel.
Shoes and slippers.
Softwood plywood.
Softwood veneer.
Red cedar shingles.
Hardwood plywood—Production by consuming company.
Hardwood veneer.
Lumber.
Household furniture and bedding products.
Paper and board—Detailed grade.
Inorganic chemicals and gases.
Refractories.
Pressed and blown glassware.
Steel mill products.
Aluminum foil converted.
Steel boilers.
Heating and cooking equipment.
Internal combustion engines.
Machine tools.
Metalworking machinery.
Tractors.
Farm machines and equipment.
Radios, television and phonographs.
Mechanical stokers.
Refrigeration equipment.
Office, computing, and accounting machines.

The following list of surveys represent annual counterparts of monthly, quarterly, and semi-annual surveys. The content of these annual reports will be identical with that of the monthly, quarterly, and semi-annual reports except for Construction Machinery which will additionally call for data on shipments of power cranes and shovels and off-highway type trucks. However, there will be no duplication inasmuch as establishments that file the monthly, quarterly, and semi-annual reports during the year covered by the annual report will not need to submit annual reports on these products.

Flour milling products.
Confectionery products.
Cotton broad woven goods.
Synthetic broad woven goods.
Wool consumption and stocks.
Woolen and worsted fabrics.
Tire cord and tire fabrics.
Hardwood plywood (for sale).
Pulp, paper, and board.
Consumers of wood pulp.
Superphosphate.
Paint, varnish, and lacquer.
Clay construction products.
Asphalt and tar roofing and siding products.
Glass containers.
Nonferrous castings.
Plumbing fixtures.
Steel shipping barrels, drums, and pails.
Commercial and home canning closures.
Metal cans.
Farm pumps.
Fans, blowers, and unit heaters.
Electric lamps.
Construction machinery (excavating and earthmoving).
Complete aircraft and aircraft engines.
Backlog of orders for aircraft companies.
Aircraft propellers.

Blank copies of the forms to be used are available on request to the Director of the Census, Washington 25, D. C.

I have, therefore, directed that annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: December 15, 1955.

[SEAL] ROBERT W. BURGESS,
Director.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55-10273; Filed, Dec. 21, 1955; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7558]

JAPAN AIR LINES CO., LTD.

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on December 28, 1955, at 10:00 a. m., Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., December 19, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-10278; Filed, Dec. 21, 1955; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-4932, etc.]

MIDSTATES OIL CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS

In the matters of Midstates Oil Corporation, Docket No. G-4932; Seneca Development Company, Docket No. G-8616; Hassie Hunt Trust, Docket No. G-8618; Hunt Oil Company, Docket No. G-8619; H. L. Hunt, Docket No. G-8620; Nebo Oil Company, Docket No. G-8621; G. H. Vaughn, Docket No. G-8902; Sunray Oil Corporation, Docket No. G-8960; Cotton Valley Operators Committee, Docket No. G-9086; Woodley Petroleum Company, Docket No. G-9772.

The foregoing proceedings, except Woodley Petroleum Company (Woodley), Docket No. G-972, are consolidated and presently scheduled for hearing on January 16, 1956.

On December 14, 1955, the Commission, in Docket No. G-9772 suspended Woodley's Supplement No. 4 to its FPC Gas Rate Schedule No. 6, and provided for a hearng.

The proceedings involving Woodley, Docket No. G-9772, appear to involve many issues which are related to issues involved in the foregoing consolidated proceedings.

The Commission finds: the proceedings in all of the above-designated dockets should be consolidated for purposes of the hearing now scheduled to resume on January 16, 1956.

The Commission orders:

(A) Pursuant to the authority conferred by the Natural Gas Act, including particularly sections 4, 14, 15, and 16, the public hearing in the proceedings involving Woodley Petroleum Company, Docket No. G-9772, is hereby designated to commence at 10:00 a. m., e. s. t., on January 16, 1956, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., and such public hearing is hereby consolidated for purposes of hearing with the hearings of the proceedings in the other foregoing designated dockets now scheduled to resume hearing on January 16, 1956.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: December 14, 1955.

Issued: December 15, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-10245; Filed, Dec. 21, 1955; 8:48 a. m.]

[Docket No. G-9772]

WOODLEY PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Woodley Petroleum Company (Applicant), on November 23, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation and Effective Date[1]

Notice of Change, undated; Louisiana Nevada Transit Company; Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 6; December 24, 1955.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant if later.

the appropriateness of any filing of a rate schedule and supplements thereto by Applicant in reference to deliveries of gas to Louisiana Nevada Transit Company since it does not appear that Applicant has signed any contract with Louisiana Nevada Transit Company for the sale of gas, and also enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon the date fixed by order of consolidation issued simultaneously herewith In the Matters of Midstates Oil Corporation, et al., Docket Nos. G-4932 et al., concerning the appropriateness of any filing of a rate schedule and supplements thereto by Applicant in reference to deliveries of gas to Louisiana Nevada Transit Company since it does not appear that Applicant has signed any contract with Louisiana Nevada Transit Company for the sale of gas, and also enter upon a hearing concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the same hereby is suspended and the use thereof deferred until May 24, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: December 14, 1955.

Issued: December 15, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-10246; Filed, Dec. 21, 1955; 8:48 a. m.]

[Docket No. G-9237]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 15, 1955.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at 2223 Dodge Street, Omaha, Nebraska, filed on August 17, 1955, an application for permission and approval pursuant to section 7 (b) of the Natural Gas Act to abandon certain facilities, as hereinafter described.

The facilities which Applicant proposes to abandon consist of the following, located at Sioux City, Iowa; (a) approximately 1,607 feet of 16-inch pipeline beginning at Applicant's Sioux City measuring station and extending to a point of connection with Iowa Public Service Company's (Public Service) 10-inch pipeline, which Applicant proposes to sell to Public Service; (b) metering and regulating equipment, including a meter building and appurtenant pipelines, located at Armour and Company's Sioux City plant, which Applicant proposes to sell to Public Service; (c) metering and regulating equipment, including a meter building and appurtenant pipelines, located at Swift and Company's Sioux City plant, which Applicant proposes to sell to Public Service, and (d) metering and regulating equipment, including a meter building and appurtenant pipelines, located at Cudahy Company's Sioux City plant, which Applicant proposes to remove because said plant has been closed. Applicant further proposes to transfer from its Peoples Natural Gas division to Public Service the 90 Mcf a day of contract demand currently required for the firm portion of the service to the Armour and Swift plants.

The facilities described above are or have been used to transport natural gas to the packing companies under an arrangement with Public Service whereby that company also transported the gas for the Applicant. Under Applicant's proposal herein the Armour and Swift plants will continue to receive natural gas service but from Public Service rather than Applicant. Applicant states that Public Service has agreed to pay $9,900 for the facilities which are proposed to be sold.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 12, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Failure of any party to appear at and participate in the hearing shall be construed as waiver of any concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of January 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-10247; Filed, Dec. 21, 1955; 8:48 a. m.]

[Docket No. G-9415]

LONE STAR GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 15, 1955.

Take notice that Lone Star Gas Company (Applicant), a corporation with a principal office in Dallas, Texas, filed on September 29, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to operate facilities heretofore constructed and hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The application recites that the following described facilities have been owned and operated by the Applicant for a number of years as part of its integrated system extending as various branches from its Line E-10 and Line G-16 systems respectively. Line E-10 and its various branches have been heretofore certificated by the Commission[1] with the exception of the following described pipelines for which Applicant requests a certificate of public convenience and necessity in this application, to-wit:

1. Approximately 22,609 feet of 6-inch and 2,572 feet of 4-inch Line E5-A-A from Station 0+00 the junction of Lines E5-A and E5-A-A in Section 32, Township 5 South, Range 7 East in Marshall County, Oklahoma, to Station 251 +81, the terminus of Line E5-A-A at the Universal Gasoline Company's Aylesworth Gasoline Plant in Section 19, Township 6 South, Range 7 East in the Aylesworth Field, Marshall County, Oklahoma.

2. Approximately 15,088 feet of 10-inch, 26,415 feet of 8-inch and 56 feet of 6-inch Line EB from Station 0+00, the junction of Lines E and EB in the R. H. Bowling Survey, Grayson County, Texas, to Station 415+59 at the block valve for the Sandusky Dehydration Plant in the E. L. Stickney Survey, Sandusky Field, Grayson County, Texas.

3. Approximately 14,471 feet of 8-inch Line EB-A from Station 0+00, the junction of Lines EB and EB-A in the E. L. Stickney Survey, Grayson County, Texas, to approximate Station 144+71 at the block valve for the Big Mineral Dehydration Plant in the E. Tucker Survey, Big Mineral Field, Grayson County, Texas.

Line G-16" and its various branches have been heretofore certified by the Commission[2] with the exception of the following described pipelines for which Applicant requests a certificate of public convenience and necessity in this application, to-wit:

4. Approximately 11,546 feet of 6-inch Line GG from Station 0+00, the junction of Lines G and GG in Section 14, Township 3 South, Range 4 West in

[1] FPC Dockets Nos. G-442, G-761, G-942, G-1356, G-1357 and G-8527.

[2] FPC Dockets Nos. G-442, G-760, G-1043, G-1097, G-1446 and G-2324.

Stephens County, Oklahoma, to Station 115+46, the terminus of Line GG in Section 16, Township 3 South, Range 4 West Asphaltum Field, Stephens County, Oklahoma.

5. Approximately 5,846 feet of 4-inch Line GH from Station 0+00, the junction of Lines G and GH in the M. J. Eason Survey, Cooke County, Texas, to Station 58+64, the terminus of Line GH at the Standard Oil Company's Sivells Bend Plant in the J. McKerley Survey, Sivells Bend Field, Cooke County, Texas.

6. Approximately 53,851 feet of 6-inch and 34 feet of 4-inch Line GJ from Station 0+00, the junction of Lines G and GJ in Section 31, Township 5 South, Range 2 West, Carter County, Oklahoma, to Station 538+8, the terminus of Line GJ at the Apache Gasoline Company's West Brock Gasoline Plant in Section 15, Township 5 South, Range 1 West, West Brock Field, Carter County, Oklahoma.

7. Approximately 8,174 feet of 6-inch and 85 feet of 4-inch Line GK from Station 0+00, the junction of Lines G and GK in Section 36, Township 3 South, Range 4 West, Jefferson County, Oklahoma, to Station 82+59, the terminus of Line GK at the All Star Gas Company's All Star Gasoline Plant in Section 30, Township 3 South, Range 3 West, Healdton-North Deese Field, Carter County, Oklahoma.

8. Approximately 32,590 feet of 6-inch and 28 feet of 3-inch Line GL from Station 0+00, the junction of Lines G and GL in Section 34, Township 4 South, Range 3 West, Carter County, Oklahoma, to Station 326+18, the terminus of Line GL at Shell Oil Company's Dillard Gasoline Plant in Section 22, Township 4 South, Range 2 West Hewitt Field, Carter County, Oklahoma.

The application recites that the certificate is sought by Applicant so that it may continue efficiently to supply the existing consumer markets from gas reserves which have been for many years attached to its pipeline system by utilizing the subject facilities in interstate commerce to supply in part the natural gas requirements of its Line E and Line G Systems.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 23, 1956 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 13, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-10248; Filed, Dec. 21, 1955; 8:48 a. m.]

[Docket No. G-9546]

FELDT & ROBINSON ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 15, 1955.

Take notice that Feldt & Robinson (Applicant), a partnership whose address is Colorado Springs, Colorado, as operator for itself and others filed on October 24, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce to Kansas-Nebraska Natural Gas Company at 12 cents per Mcf for resale, which gas will be produced from the Southwest Potter Field, Kimball County, Nebraska.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 23, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 3, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-10249; Filed, Dec. 21, 1955; 8:48 a. m.]

[Docket No. G-9621]

CLEGG AND HUNT ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 15, 1955.

Take notice that Clegg and Hunt (Applicant), a Texas corporation, whose address is Houston, Texas, as operator for itself and others filed on November 7, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce to Texas Gas Corporation at 13.6 cents per Mcf for gas produced in the Marrs McLean Field and 13.30069 cents per Mcf for gas produced from the Phelan Field, all in Jefferson County, Texas. Texas Gas Corporation will resell such gas to Texas Gas Pipe Line Corporation and Texas Eastern Transmission Corporation for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 23, 1956, at 9:35 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 3, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-10250; Filed, Dec. 21, 1955; 8:48 a. m.]

[Docket Nos. G-9674, G-9675]

KIO OIL & DEVELOPMENT CO. AND TEKOIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 15, 1955.

Take notice that KIO Oil & Development Co. (KIO), a Delaware corporation with its principal place of business at Chicago, Illinois, filed on November 18, 1955, an application pursuant to section 7 of the Natural Gas Act, for permission and approval to abandon certain facilities and service by reason of the sale of said facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Tekoil Corporation (Tekoil), a Delaware corporation with its principal place of business at Robinson, Illinois, filed on November 18, 1955, an application pursuant to section 7 of the Natural Gas Act, authorizing it to acquire and operate the facilities and to render the service proposed to be abandoned by KIO, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Tekoil has entered into Lease Sale Agreement for the acquisition of all oil and gas properties of KIO, by virtue of contract under date of March 31, 1955, consummation of which is contemplated on January 9, 1956.

Tekoil proposes by the acquisition herein to sell natural gas in interstate commerce to Cities Service Gas Company for resale which gas will be produced from wells located in the West Edmond Hunton Line unit situated in Oklahoma, Logan, Canadian and Kingfisher Counties, Oklahoma.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 4, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 3, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-10251; Filed, Dec. 21, 1955; 8:49 a. m.]

[Docket No. G-6576]

BRACKEN OIL CO. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 16, 1955.

Take notice that Bracken Oil Company, a co-partnership, composed of J. Paul Price, et al., Applicant, whose address is Peoples Bank Building, Tyler, Texas, filed on November 29, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Tuttle Unit of Willow Springs Field, Harrison County, Texas, which it sells in interstate commerce to the Texas Eastern Transmission Corporation for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 17, 1956, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 13, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-10252; Filed, Dec. 21, 1955; 8:49 a. m.]

[Docket No. G-9391]

SKELLY OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 16, 1955.

Take notice that Skelly Oil Company (Applicant), a Delaware corporation whose address is Box 1650, Tulsa, Oklahoma, filed on September 23, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the West Pampa Field, Gray County, Texas, to Phillips Petroleum Company for resale in interstate commerce. The rate for initial delivery will be 7¢ per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 25, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 11, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-10253; Filed, Dec. 21, 1955; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DEPUTY URBAN RENEWAL COMMISSIONER ET AL.

DESIGNATION AND ORDER OF PRECEDENCE TO ACT AS URBAN RENEWAL COMMISSIONER

The officers appointed to the following listed positions in the Housing and Home Finance Agency (excluding persons designated to serve in an acting capacity) are hereby designated to act in the place and stead of the Urban Re-

newal Commissioner, with the title of "Acting Urban Renewal Commissioner" and with all the powers, rights, and duties assigned to the said Commissioner, in the event the Commissioner is unable to act by reason of his absence, illness, or other cause, provided that no officer shall serve in such acting capacity unless all other officers whose titles precede his in this designation are unable to act by reason of absence, illness, or other cause:

1. Deputy Urban Renewal Commissioner;

2. Assistant Commissioner for Operations, Urban Renewal Administration;

3. Assistant Commissioner for Technical Services, Urban Renewal Administration;

4. Associate General Counsel, Urban Renewal Branch, Division of Law;

5. Director, Planning and Engineering Branch, Urban Renewal Administration.

This order supersedes the order effective February 4, 1955 (20 F. R. 780) respecting this same subject.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c)

Effective as of the 22d day of December 1955.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 55-10274; Filed, Dec. 21, 1955; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2016]

VADA URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFORE, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 16, 1955.

I. Vada Uranium Corporation, 280 Aultman Street, Ely, Nevada, having filed with the Commission on January 17, 1955, a Notification on Form 1-A and an offering circular, and amendments thereto on February 23, 1955, and March 17, 1955, relating to an offering of 2,000,000 shares of its 1 cent par value common stock at 15 cents per share for the aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) of the act and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in that:

1. The aggregate offering price of the securities to be offered exceeds the limitation of $300,000 as prescribed by Rule 217 (a) of Regulation A;

2. The notification on Form 1-A, Item 1, failed to state therein all the jurisdictions in which the securities were to be offered;

3. The issuer has failed to file on Form 2-A reports of sales as required by Rule 224 of Regulation A; and

4. Certain selling literature used in connection with the sale of the securities was not filed with the Commission as required by Rule 221 of Regulation A.

B. That the offering circular which was used in connection with the offering contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the statement on page 5 of the offering circular that the underwriter holds his stock for investment and has agreed that he will not make any distribution of his stock for a period of at least one year after the commencement of the offering.

C. That the use of said offering circular in connection with the offering of the issuer's securities would and did operate as a fraud and deceit upon the purchasers of the securities.

III. *It is ordered*, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Vada Uranium Corporation, 280 Aultman Street, Ely, Nevada and The Bristol Securities Company, 130 South Main Street, Fall River, Massachusetts, personally or by registered mail or by confirmed telegraphic notice and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-10254; Filed, Dec. 21, 1955; 8:49 a. m.]

[File No. 24D-1836]

U-H URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 16, 1955.

U-H Uranium Corporation, P. O. Box 535, Provo, Utah, having filed with the Commission on July 13, 1955, a notification on Form 1-A and an offering circular, and an amendment thereto on November 16, 1955, relating to a proposed public offering of 6,000,000 shares of its 5 cents par value common stock for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

The Commission having reasonable cause to believe that:

A. The terms and conditions of said Regulation A have not been complied with in that—

(1) An offering of the securities has been made by communications not filed with the Commission pursuant to Rule 221 under Regulation A and not in compliance with Rule 220 thereof;

(2) Either an offering circular has not been and is not being delivered to offerees and purchasers of the said stock as required by Rule 219 (a) or an offering circular not meeting the requirements of Rule 219 (e), as particularized in letters, dated August 18 and 23, 1955, from the Commission's staff has been and is being so delivered;

(3) The offering has been and is being made by false and misleading statements of the issuer's Vice-President, Hansel Chang; and

(4) The offering was commenced and securities sold prior to the time permitted by Rule 219 (e); and

B. The failure to use an offering circular required by Rule 219 (a) and the use of the offering circular not meeting the requirements of Rule 219 (e) and the oral statements of the issuer's Vice-President in connection with the offering would, and did, operate as a fraud or deceit upon the purchasers.

It is ordered, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this Order and Notice shall be served upon U-H Uranium Corporation and Hansel Chang personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-10255; Filed, Dec. 21, 1955; 8:49 a. m.]

[File No. 70-3427]

CENTRAL PUBLIC UTILITY CORP.

ORDER AUTHORIZING GUARANTEE BY PARENT OF SHORT-TERM NOTE OF SUBSIDIARY AND EXTENSION OF CREDIT TO SUCH SUBSIDIARY

DECEMBER 16, 1955.

Central Public Utility Corporation ("Central"), a registered holding company under the Public Utility Holding Company Act of 1935 ("act"), which has disposed of all its public-utility subsidiaries within the United States and which now has an application pending for exemption pursuant to section 3 (a) (5) of the act (File No. 31-626), has filed a declaration pursuant to section 7 of the act and Rule U-45 thereunder with respect to the following proposed transactions:

Central states that, although the consolidated earned surplus of its system exceeds $7,500,000, its own cash and corporate earned surplus have been greatly reduced by prior dividend payments to its stockholders (at the semi-annual rate of 40 cents per share), that it does not have sufficient cash or corporate earned surplus for the payment of its next regular dividend, and that it desires to obtain such cash in the form of dividends to increase its earned surplus to enable it to continue dividends to its own stockholders. The filing indicates that Central's wholly owned subsidiary, The Islands Gas and Electric Company ("Islands"), an intermediate holding company which is exempt from the requirements of the act pursuant to orders heretofore issued by the Commission under sections 3 (a) (5) and 3 (b) thereof, desires to aid Central and is considering the declaration and payment on its common stock of dividends aggregating not more than $5,000,000. It is further indicated that Islands now has about $2,500,000 in cash immediately available for the payment of dividends and it is contemplating a short-term bank loan of $2,500,000. The bank loan in contemplation would be from some New York bank and would be evidenced by Islands' promissory note bearing interest at a rate not to exceed ½ percent more than the prime rate, maturing in less than nine months and secured by Central's guarantee which, in turn, would be secured by the pledge with the lending bank of a time deposit equivalent to the amount of the loan and (if required by the bank) by Central's subordination of the indebtedness owed to it by Islands.

Central further states that the payment of the described dividends to it by Islands would enable Central to continue its regular dividend payments to its own stockholders and that it would invest the bulk of the cash received, thereby carrying on its proper business as a holding company.

Respecting repayment of the proposed loan, Central states that Islands believes it would have no difficulty in making repayment; but that even if Islands were unable to repay the loan, Central would pay the loan by using the pledged cash and would become subrogated to the bank's position as creditor of Islands in the amount of the loan.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the Act are satisfied and that the declaration should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-10256; Filed, Dec. 21, 1955; 8:49 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 46]

WOMEN'S AND CHILDREN'S LEATHER HANDBAGS AND POCKETBOOKS

NOTICE OF PUBLIC HEARING

The United States Tariff Commission announces a public hearing, to begin at 10 a. m., e. d. s. t., on May 15, 1956, in the hearing room of the Tariff Commission, Eighth and E Streets NW., Washington, D. C., in connection with Investigation No. 46 under section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted November 21, 1955, with respect to women's and children's handbags and pocketbooks wholly or in chief value of leather, including reptile leather, described in the public notice of this investigation previously given (20 F. R. 9188).

Request to appear at hearings. Parties interested will be given opportunity to be present, to produce evidence, and to be heard at the above-mentioned hearing. Such parties desiring to appear at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date of hearing.

I certify that the above hearing was ordered by the Tariff Commission on the 16th day of December 1955.

Issued: December 19, 1955.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 55-10272; Filed, Dec. 21, 1955; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 19, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31442: *Various commodities from Chicago and Elgin, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities, carloads from Chicago and Elgin, Ill., to Memphis, Tenn., Mobile, Ala., Baton Rouge and New Orleans, La.

Grounds for relief: Carrier competition and circuity.

FSA No. 31443: *Rock salt—Ojibway, Ont., to Central Territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on rock salt, carloads from Ojibway, Ont., Canada to specified points in Iowa, Kentucky, Missouri, New York, Pennsylvania, West Virginia and southern Wisconsin.

Grounds for relief: Circuitous routes.

Tariff: Supplement 2 to Agent Watson's I. C. C. 191.

FSA No. 31444: *Woodpulp—Clyattville, Ga., to Official Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on woodpulp, carloads from Clyattville Ga., to specified points in official (including Illinois territory).

Grounds for relief: Circuitous routes.

Tariff: Supplement 104 to Agent Spaninger's I. C. C. 1260.

FSA No. 31445: *Scrap iron or steel in Official Territory.* Filed by The Chesapeake and Ohio Railway Company, for itself and interested rail carriers. Rates on scrap iron or steel (not copper clad), and related articles, carloads from specified points in official territory on the Chesapeake and Ohio Railway to specified points in official territory.

Grounds for relief: Circuitous routes and carrier competition.

Tariff: Chesapeake and Ohio Railway tariff I. C. C. 13435.

FSA No. 31446: *Manganese metals—Niagara Falls and Suspension Bridge, N. Y.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on electrolytic manganese metals, carloads from Niagara Falls and Suspension Bridge, N. Y., to specified points in official territory.

Grounds for relief: Carrier competition and circuity.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-10268; Filed, Dec. 21, 1955; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expira-

FEDERAL REGISTER

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DEC 27 1955

MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

PART 9—SEPARATIONS, SUSPENSIONS, AND DEMOTIONS

MISCELLANEOUS AMENDMENTS

Sections 2.101, 9.101 (b), and 9.106 (b) are amended as set out below:

§ 2.101 *Methods of filling vacancies.* In his discretion an appointing officer may fill any position in the competitive service either by competitive appointment from a civil service register or by appointment of a present or former Federal employee through noncompetitive action in accordance with the regulations in this chapter. He shall exercise his discretion in all personnel actions solely on the basis of merit and fitness. (In determining the merit and fitness of any person under this paragraph, there shall be no discrimination on the basis of his religious or political affiliations, or his marital status, physical handicap, race, color, or national origin.)

§ 9.101 *Agency responsibility for separation or demotion of employees.* • • •

(b) The discretion vested in the appointing officer to remove employees under his jurisdiction, or to take other disciplinary action, is subject only to the following restrictions:

(1) Employees in the competitive service who are not serving probationary or trial periods and who are not serving under temporary appointments, and employees having a competitive status who occupy positions in Schedule B, under other than temporary appointments, shall not be removed, suspended, or involuntarily demoted except for such cause as will promote the efficiency of the service and in accordance with the procedure prescribed in § 9.102.

(2) Discrimination shall not be exercised in removals, suspensions, or demotions because of the employee's race, religion, color, national origin, marital status, or physical handicap, or (except as may be required by law) because of his political opinions or affiliations.

(3) Like penalties shall be imposed for like offenses whenever removals, suspensions, or demotions are made, or when other disciplinary actions are taken.

§ 9.106 *Authority of Commission to investigate separations, suspensions, reassignments, or demotions.* • • •

(b) The Commission may investigate the removal, suspension, reassignment, or demotion of an employee who establishes a prima facie case that:

(1) The procedure prescribed by the Commission under § 9.102 (a) (1) has not been followed (regardless of other allegations); or

(2) The removal, suspension, reassignment, or demotion was made for political reasons, except as may be required by law, or resulted from discrimination because of marital status or physical handicap.

NOTE: Allegations of discrimination because of race, religion, color, or national origin will not be investigated under § 9.106, inasmuch as a procedure for review of such cases is provided by Executive Order 10590 and Part 401 of this title.

(3) No case will be investigated under this paragraph unless the request for such investigation is received by the Commission within ten (10) days after the effective date of separation, suspension, reassignment, or demotion. This time limit may be extended in the discretion of the Commission only upon a showing by the employee that circumstances beyond his control prevented him from filing a request for an investigation within the prescribed ten (10) days. The regulations of the Commission under section 14 of the Veterans' Preference Act of 1944 as amended (Part 22 of this chapter), relating to appeals to the Commission of preference eligibles, are applicable whenever a request is received from a preference eligible to investigate a removal, suspension for more than thirty (30) days, or demotion.

(4) The Commission has no authority to investigate a suspension or termination of employment under Public Law 733, 81st Congress, where it is alleged that the agency failed to follow the procedure prescribed in the law.

(R. S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-10287; Filed, Dec. 22, 1955; 8:47 a. m.]

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

The following paragraphs were inadvertently omitted in the revision and republication of Part 6 which appeared in the FEDERAL REGISTER of December 15, 1955:

§ 6.311 *Department of Agriculture.*

* * *

(j) *Commodity Credit Corporation.* (1) The President.

(2) The Executive Vice President.

(3) The Secretary.

(4) One Confidential Assistant to the President.

(k) *Extension Service.* (1) Director of Extension Work.

(2) One Assistant Director.

(3) One Confidential Assistant to the Director.

(4) One Private Secretary to the Director.

(l) *Soil Conservation Service.* (1) Chief.

(2) One Deputy Chief.

(3) One Confidential Assistant to the Chief.

(4) One Private Secretary to the Chief.

(m) *Office of the Director, Agricultural Credit Services.* (1) The Director, Agricultural Credit Services.

(2) One Confidential Assistant to the Director.

(3) One Private Secretary to the Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-10289; Filed, Dec. 22, 1955; 8:47 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

EXPORT-IMPORT BANK OF WASHINGTON

Effective upon publication in the FEDERAL REGISTER, paragraph (h) is added to § 6.340 as set out below.

§ 6.340 *Export-Import Bank of Washington.* * * *

(h) One Special Assistant to the Board of Directors.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-10288; Filed, Dec. 22, 1955; 8:47 a. m.]

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

PART 35—RESTORATION OF FEDERAL EMPLOYEES AFTER ACTIVE MILITARY DUTY

MISCELLANEOUS AMENDMENTS AND REVISION OF PART

1. Sections 20.4, 20.5 and 20.6 are amended in pertinent part as set out below:

§ 20.4 *Order of selection*—(a) *Determination of competitive area.* (1) An agency may establish a general plan of competitive areas by obtaining prior approval from the central office of the Commission. Subsequent clearance with the Commission will not be required concerning competitive areas conforming to the approved general plan unless there has been a material change in the agency's organizational structure or in other factors on which the general plan was approved.

(2) In the absence of an approved general plan the normal competitive area shall be a bureau or equivalent part of an agency in the departmental service, or all of a field installation in a local commuting area, or any combination of these as may be determined by the agency.

(b) *Determination of competitive level.* Within the competitive area, the agency will determine competitive levels of positions to be affected by a reduction in force.

(c) *Determination of tenure groups.* For the purpose of determining relative retention preference in reductions in force, competing employees with performance ratings of "Satisfactory" or better shall be classified according to tenure of employment and veteran preference in groups and subgroups as follows:

(1) *Group I.* (i) In the competitive service, this group consists of career employees who have completed probation and who are not indefinite because they occupy military or defense-transfer vacancies. Career employees serving under temporary or indefinite promotions shall be considered in this group with respect to positions at and below the grade in which they last served on a permanent basis.

(ii) In positions excepted from the competitive service, this group includes all employees serving under appointments with no conditions or restrictions.

(2) *Group II.* (i) In the competitive service, this group includes career employees who are serving probationary periods, all career-conditional employees, and career employees who are "indefinite" because they occupy military or defense-transfer vacancies.

(ii) In positions excepted from the competitive service, it includes employees who are conditional solely because they occupy military or defense-transfer vacancies, or whose tenure is otherwise conditioned without specific time limitation.

(3) *Group III.* In the competitive service, this group includes indefinite employees, employees serving under temporary appointments pending establishment of registers, and employees serving under other nonstatus nontemporary appointments.

(4) *Subgroups.* Within each tenure group, employees entitled to veteran preference are in subgroup "A" and others are in subgroup "B".

(i) Employees in subgroup "A" of tenure Group I or II who are entitled to be retained for one year after exercising their restoration rights under section 9 of the Universal Military Training and Service Act of 1951, as amended, shall be given priority in retention over other employees in subgroup "A" until the expiration of the one-year period.

(ii) Employees in subgroup "B" of tenure Group I or II who are entitled to be retained for six (6) months after exercise of restoration rights under subsection 262 (f) of the Reserve Forces Act of 1955 shall be given priority in retention over other employees in subgroup "B" until the expiration of the six-month period.

(d) *Retention register*—(1) *Compilation.* When two or more competing employees are in a competitive level which is to be affected by a reduction in force, the retention records of such employees shall be brought up to date and a retention register shall be compiled. All employees in positions in the particular competitive level, whether in duty, leave, or furlough status, excluding only those absent on active military duty with reemployment rights, shall be entered on the register in the order of tenure groups and subgroups, and according to retention credits in any subgroup when there are two or more. One (1) retention credit shall be given for each full year of Federal Government service, and four (4) retention credits shall be given for an "outstanding" performance rating. Two (2) retention credits shall be given for a rating representing a level of performance between "Satisfactory" and "Outstanding" where the agency's performance rating plan provides for a fourth performance rating level. If any employees serving under temporary appointments specifically limited to one (1) year or less are assigned to positions in the competitive level, their names and the expiration dates of their appointments shall be entered below the space provided for employees in tenure groups on the register. Likewise, if there are any employees serving in positions in the competitive level under any kind of appointments, with current official performance ratings of "Unsatisfactory," their names shall be entered on the register below the names of temporary employees.

(2) *Separation of registers.* Separate registers shall be compiled to show the distinctions between competitive levels representing positions in the competitive service; excepted from the competitive service; and those filled on a seasonal, when-actually-employed (WAE), or part-time basis.

(3) *Availability for inspection.* Employees notified of proposed adverse action in a reduction in force shall have an opportunity to examine retention registers and other records which have a bearing on the actions in their cases. All registers and records shall be open for inspection by representatives of the Commission.

(e) *Sequence of selection.* With respect to each competitive level, action must be taken to remove all employees with official "Unsatisfactory" performance ratings, and all employees serving under temporary appointments specifically limited to one (1) year or less from positions affected by a reduction in force before any competing employee, in any tenure group, is reached for action. Thereafter, selections for action must be made in order from the bottom to the top of the register. Half years of service will be used in breaking ties in retention standing, but any ties still remaining will be decided administratively.

§ 20.5 *Actions*—(a) *In general.* Employees who cannot be retained in their positions because of a reduction in force will be changed to positions that will last as long as three (3) months, separated, or furloughed.

(b) *Employees in positions in the competitive service.* (1) No employee may be separated, furloughed for more than thirty (30) days, or reduced in pay or grade in a reduction in force while a competing employee with lower retention standing and without a statutory retention right is retained in the same competitive level.

(2) No employee in any subgroup of tenure group I or II who is willing to accept a reasonable change in position may be separated, furloughed for more than thirty (30) days, or subjected to greater reduction in pay than necessary under such reasonable change in position, (i) if he is qualified for a position

which will last as long as three (3) months in another competitive level in his present competitive area in which an employee with lower subgroup standing is retained, or (ii) if he is qualified to go back to a position which will last as long as three (3) months from which he was promoted (or to an essentially identical position) in his present competitive area in which an employee with lower retention standing and without a statutory retention right is retained.

• • • • •

§ 20.6 *Notice to employees.* • • •

(e) *Employee with statutory retention rights.* Notices to employees in positions in which they have statutory retention rights as the result of restoration after military training or service shall show effective dates on or after the expiration of such rights.

• • • • • •

(Secs. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

2. Part 35 is revised and amended as set out below:

PART 35—RESTORATION OF FEDERAL EMPLOYEES AFTER ACTIVE MILITARY DUTY

Subpart A—Statutory Restoration of Nontemporary Employees

Sec.
35.1 Employees covered.
35.2 Agency action at time employee leaves.
35.3 Agency action while employee is absent.
35.4 Requirements for restoration.
35.5 Agency action at time employee returns.
35.6 Appeals to the Commission.
35.7 Commission action on appeal.

Subpart B—Regulatory Restoration of Indefinite Employees

35.51 Employees covered.
35.52 Agency action at time employee leaves.
35.53 Agency action while employee is absent.
35.54 Requirements for restoration.
35.55 Agency action at time employee returns.
35.56 Appeals to the Commission.
35.57 Commission action on appeal.

SUBPART A—STATUTORY RESTORATION OF NONTEMPORARY EMPLOYEES

AUTHORITY: §§ 35.1 to 35.7 issued under sec. 9, 62 Stat. 614, 50 U. S. C. App. 459. Interpret or apply sec. 262, 69 Stat. 602.

§ 35.1 *Employees covered.* (a) The regulations in this subpart shall apply to any employee in the following groups who leaves a position in the Federal Government or the District of Columbia Government to enter on active military duty:

(1) Career and career-conditional employees in the competitive service;

(2) Nontemporary employees in the excepted service of the Executive branch of the Federal Government or in the District of Columbia Government; or

(3) Nontemporary employees of the legislative branch of the Federal Government who cannot be restored in the legislative branch and who are eligible to acquire a competitive status under section 2 (b) of the Act of November 6, 1940 (54 Stat. 1212).

(b) (1) "Active military service," as used in this subpart, means active duty in full pay status in the armed forces of the United States entered upon subsequent to June 24, 1948.

(2) "Active military duty," as used in this subpart, means (i) active military service or (ii) an initial period of active duty for training in the armed forces in accordance with section 262 of the Reserve Forces Act of 1955 (69 Stat. 600).

§ 35.2 *Agency action at time employee leaves*—(a) *Military furlough or separation*—(1) *Recording of action.* Each employee entering on active military duty shall be furloughed or separated at the option of the agency. At the time he returns to civilian duty the employee shall be considered as having been on military furlough and shall be entitled to all the benefits provided by law or the regulations in this subpart.

(2) *Job identity requirements.* The agency concerned shall positively identify the position the employee is leaving.

(b) *Leave of absence*—(1) *For active military duty.* Agencies shall grant leave of absence to an employee for the purpose of entering, or determining physical fitness to enter, on active military duty as defined in § 35.1 (b). Upon application within thirty (30) days after rejection for active duty, the employee shall be returned to his position without reduction in seniority, status, or pay, except as such reduction may be made for all employees similarly situated.

(2) *For other training duty.* Agencies shall also grant leave of absence to an employee for the performance of other training duty in the Armed Forces of the United States. Upon application within thirty (30) days after release from training duty, the employee shall be returned to his position without reduction in seniority, status, or pay, except as such reduction may be made for all employees similarly situated.

§ 35.3 *Agency action while employee is absent*—(a) *Regradings.* If the employee's position is regraded upward during his absence, personnel action shall be taken placing him in the regraded position unless it is clearly shown that he is not qualified for the position. If the position is regraded downward during his absence, no personnel action shall be taken until he returns and is restored. At that time the downgrading of an employee with veteran preference shall be processed under section 14 of the Veterans' Preference Act of 1944, as amended.

(b) *Promotions.* An employee absent on active military duty shall be given the same consideration for promotion as employees who are serving in the agency at that time. He shall be considered for any and all promotions for which he would normally have been considered had he not been absent on military duty. Agencies shall be held responsible for maintaining adequate records to assure such consideration during the time he is absent. Any such promotion shall be effected as of the date it would have been made notwithstanding the absence for military duty.

(c) *Reorganizations.* In the event of any reorganization within an agency which affects the position of any employee absent on military duty, the agency shall be responsible for determining the position of comparable grade to which the employee shall be assigned and for recording the same on official records.

(d) *Abolition of the agency or transfer of functions.* If any functions of any agency are transferred to another agency or a successor agency, the employee absent on military duty may be reassigned to another position of comparable grade in his agency. If this is not done, the head of the agency to to which the functions are transferred shall be responsible for taking official action transferring the employee to its rolls. If an agency is abolished and its functions are not transferred to any other agency, it shall be the responsibility of the agency being abolished to furnish to the Commisison a list of all employees absent on active military duty and to note the official personnel folders accordingly. This list shall include, in addition to the names of the employees, the employee's date of birth, position, grade, and salary, and the organizational unit of the agency in which he was employed.

§ 35.4 *Requirements for restoration*—(a) *After active military service.* Any employee covered by the regulations in this subpart who is inducted, enlists, or is ordered or called into the armed forces of the United States for active service after June 24, 1948, is entitled to restoration if he:

(1) Serves not more than four (4) years (exclusive of any additional service imposed according to law);

(2) Receives a certificate of Satisfactory Completion of Training and Service;

(3) Makes application for restoration within ninety (90) days after discharge or after hospitalization continuing after discharge for not more than one (1) year; and

(4) Is qualified to perform the duties of the position.

(b) *After active duty for training.* Any employee covered by the regulations in this subpart who enters on an initial period of active duty for training in the armed forces of the United States pursuant to clause (1) of subsection 262 (c) of the Reserve Forces Act of 1955 (69 Stat. 600) shall be entitled to restoration if he:

(1) Satisfactorily completes such period of active duty for training;

(2) Applies for restoration within sixty (60) days after his release from such required period of active duty for training or after his discharge from hospitalization incident to such duty continuing for not more than six (6) months after such release; and

(3) Is qualified to perform the duties of the position.

§ 35.5 *Agency action at time employee returns*—(a) *Time limit for restoration.* Restoration shall be made as soon as possible, and in no event later than thirty (30) days after the employee's application is received in the agency.

(b) *Position to which restored.* Employees shall be restored to employment in the following order, unless the position is occupied by an employee with greater retention preference:

(1) To the position to which promoted while in the miltary service;

(2) To a position of like seniority, status, and pay;

(3) To the next best available position for which he is qualified.

(c) *Employees with reemployment rights after transfer.* Any employee who cannot be restored to his latest grade or level in the agency he left to enter active military duty may exercise his reemployment rights in the agency in which he has such rights in accordance with Part 10 of this chapter.

(d) *Physical qualifications.* A returning employee who is not qualified to perform the duties of the position to which he is entitled to be restored, because of disability sustained during active military duty, but who is qualified to perform the duties of any other position in the agency, shall be restored to such other position in such a way as to provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(e) *Conflicting rights.* In case two (2) or more employees are entitled to be restored to the same position, the employee who left such position first shall have the prior right to be restored thereto. The second employee shall be assigned to a position of like seniority, status, and pay for which he is qualified, if there is such a position not occupied by an employee with equal or greater retention preference. If such an assignment is impossible, the second employee shall be offered restoration to the next best available position for which he is qualified.

(f) *Notice of right to appeal.* When an agency refuses to restore or determines that it is not feasible to restore an employee as provided under this subpart, the agency shall notify the employee in writing to this effect and of his right to appeal to the Commission. A copy of the notice shall be forwarded to the Commission.

§ 35.6 *Appeals to the Commission*—(a) *Executive branch and District of Columbia employees.* An employee may appeal to the Commission to establish his rights to restoration as follows:

(1) *Former agency not in existence.* If the agency in which he was employed is no longer in existence and its functions have not been transferred to another agency, appeal may be filed not later than ten (10) days after expiration of the period specified in § 35.4 for apply for restoration.

(2) *Not feasible to restore.* Appeal from the decision of an agency that it is not feasible for him to be restored to employment may be filed not later than ten (10) days after receipt of notice from the agency.

(3) *Failure of restoration.* If the agency fails to restore him within thirty (30) days after receipt of his application, appeal may be filed not later than ten (10) days after expiration of this thirty-day period.

(4) *Refusal of restoration.* If the agency refuses to restore him to employment, appeal may be filed not later than ten (10) days after receipt of notice from the agency.

(5) *Improper restoration.* If the agency has improperly restored him to employment, appeal may be filed not later than ten (10) days after such improper restoration.

(6) *Delayed appeals.* An appeal filed after expiration of the ten-day filing period may be accepted in the discretion of the Commission when the employee shows good cause for not filing within that period.

(b) *Legislative employees.* An employee of the legislative branch of the Government who is eligible to acquire a competitive status under section 2 (b) of the Act of November 26, 1940 (54 Stat. 1212), may file an appeal with the Commission when it is not possible for him to be restored in the legislative branch. The appeal must be filed not later than ten (10) days after expiration of the period specified in § 35.4 for applying for restoration.

§ 35.7 *Commission action on appeal*—(a) *Agency not in existence or not feasible to restore.* When the Commission finds that the employee cannot be restored because the agency is no longer in existence and its functions have not been transferred, or that it is not feasible for the employee to be restored, it shall determine whether there is a position in any other agency in the executive branch of the Government or the government of the District of Columbia for which the employee is qualified and which is vacant or held by a temporary employee. When it is so determined, the employee shall be restored to such position as directed by the Commission.

(b) *Legislative employees.* When the Commission finds that the employee is eligible to acquire a competitive status in accordance with section 2 (b) of the Act of November 26, 1940 (54 Stat. 1212), it shall determine whether there is a position in any agency for which the employee is qualified and which is vacant or held by a temporary employee. When it is so determined, he shall be restored to such position as directed by the Commission.

(c) *Failure or refusal to restore.* When the Commission finds that an employee has not been restored in accordance with the regulations in this subpart, or that an agency has failed or refused to restore an employee in accordance with paragraph (a) or (b) of this section, it shall issue an order specifically requiring such agency of the Government or the government of the District of Columbia to restore the employee and to compensate him for any loss of salary suffered by reason of refusal or failure to comply with the regulations in this subpart. Such compensation shall be less any amount received by him through other employment, unemployment compensation, or readjustment allowances. An affidavit of the employee, subject to verification of any amounts claimed to have been received, shall be required for the employing agency to determine the compensation due.

SUBPART B—REGULATORY RESTORATION OF INDEFINITE EMPLOYEES

AUTHORITY: §§ 35.51 to 35.57 issued under R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633.

§ 35.51 *Employees covered.* (a) The regulations in this subpart shall apply to any employee who leaves a position in the competitive service while serving under indefinite appointment (not limited to one year or less) and enters on active military duty, including any such employee who has been given reemployment rights under Part 10 (or former Part 8) of this chapter.

(b) (1) "Active military service," as used in this subpart, means active duty in full pay status in the armed forces of the United States entered upon subsequent to June 24, 1948.

(2) "Active military duty," as used in this subpart, means (i) active military service or (ii) an initial period of active duty for training in the armed forces in accordance with section 262 of the Reserve Forces Act of 1955 (69 Stat. 600).

§ 35.52 *Agency action at time employee leaves*—(a) *Military furlough or separation*—(1) *Recording of action.* Each employee entering on active military duty shall be furloughed or separated at the option of the agency. At the time he returns to duty the employee shall be considered as having been on military furlough and shall be entitled to all the benefits provided by the regulations in this subpart.

(2) *Job identity requirements.* The agency concerned shall positively identify the position the employee is leaving.

(b) *Leave of absence*—(1) *For active military duty.* Agencies shall grant leave of absence to an employee for the purpose of entering, or determining physical fitness to enter, on active military duty as defined in § 35.1 (b). Upon application within thirty (30) days after rejection for active duty, the employee shall be returned to his position without reduction in seniority, status, or pay, except as such reduction may be made for all employees similarly situated.

(2) *For other training duty.* Agencies shall also grant leave of absence to an employee for the performance of other training duty in the armed forces of the United States. Upon application within thirty (30) days after release from training duty, the employee shall be returned to his position without reduction in seniority, status, or pay, except as such reduction may be made for all employees similarly situated.

§ 35.53 *Agency action while employee is absent*—(a) *Regradings.* If the employee's position is regraded upward during his absence, personnel action shall be taken placing him in the regraded position unless it is clearly shown that he is not qualified for the position. If the position is regraded downward during his absence, no personnel action shall be taken until he returns and is restored. At that time the downgrading of an employee with veteran preference must be processed under section 14 of the Veterans' Preference Act of 1944, as amended.

(b) *Promotions.* An employee absent on active military duty may be given the same consideration for promotion as employees who are serving in the agency at that time. He may be considered for any and all promotions for which he would normally have been considered had he not been absent on military duty.

(c) *Transfer of functions.* If any functions of any agency are transferred to another agency or successor agency, the employee absent on military duty may be reassigned to another position of comparable grade in his agency. If this is not done, the head of the agency to which the functions are transferred shall be responsible for taking official action transferring the employee to its rolls.

§ 35.54 *Requirements for restoration*—(a) *After active military service.* Any employee covered by the regulations in this subpart who is inducted, enlists, or is ordered or called into the armed forces of the United States for active service after June 24, 1948, is entitled to restoration if he:

(1) Serves not more than four (4) years (exclusive of any additional service imposed according to law);

(2) Receives a certificate of Satisfactory Completion of Training and Service;

(3) Makes application for restoration within ninety (90) days after discharge or after hospitalization continuing after discharge for not more than one (1) year; and

(4) Is qualified to perform the duties of the position.

(b) *After active duty for training.* Any employee covered by the regulations in this subpart who enters on an initial period of active duty for training in the armed forces of the United States pursuant to clause (1) of subsection 262 (c) of the Reserve Forces Act of 1955 (69 Stat. 600) shall be entitled to restoration if he:

(1) Satisfactorily completes such period of active duty for training;

(2) Applies for restoration within sixty (60) days after his release from such required period of active duty for training or after his discharge from hospitalization incident to such duty continuing for not more than six (6) months after such release; and

(3) Is qualified to perform the duties of the position.

§ 35.55 *Agency action at time employee returns*—(a) *Time limit for restoration.* Restoration shall be made as soon as possible, and in no event later than thirty (30) days after the employee's application is received in the agency.

(b) *Position to which restored.* The employee shall be restored to the position indicated below or to one of like seniority, status, and pay, unless such position is occupied by an employee with greater retention preference:

(1) To the position to which promoted while in the military service;

(2) To the position in which he was serving at the time he entered military service;

(3) To the next best available position for which he is qualified.

(c) *Employees with reemployment rights after transfer.* If an employee is unable to be restored at an appropriate grade or level in the agency he left to enter active military duty, he may exercise his reemployment rights in the agency in which he has such rights in accordance with Part 10 of this chapter.

(d) *Physical qualifications.* A returning employee who is not qualified to perform the duties of the position to which he is entitled to be restored, because of disability sustained during active military duty, but who is qualified to perform the duties of any other position in the agency, shall be restored to such other position in such a way as to provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(e) *Conflicting rights.* In case two (2) or more employees are entitled to be restored to the same position, the employee who would have greater retention preference shall have the prior right to be restored thereto. The second employee shall be assigned to a position of like seniority, status, and pay for which he is qualified. If such assignment is impossible, the second employee shall be offered restoration to the next best available position. In neither case may an employee be restored to a position occupied by an employee with greater retention preference.

(f) *Geographical area.* The right of restoration of an employee shall be restricted to the geographical area in which the installation in which he was formerly employed is located.

(g) *Effect of restoration.* Restoration of an employee shall not cause his employment to extend beyond the date it would otherwise be terminated.

(h) *Notice of right to appeal.* When an agency refuses to restore or determines that it is not feasible to restore an employee as provided in this subpart, the agency shall notify the employee in writing to this effect and of his right to appeal to the Commission. A copy of the notice shall be forwarded to the Commission.

§ 35.56 *Appeals to the Commission.* An employee may appeal to the Commission to establish his rights to restoration as follows:

(a) *Not feasible to restore.* Appeal from the decision of an agency that it is not feasible for him to be restored to employment may be filed not later than ten (10) days after receipt of notice from the agency.

(b) *Failure of restoration.* If the agency fails to restore him within thirty (30) days after receipt of his application, appeal may be filed not later than ten (10) days after expiration of this thirty-day period.

(c) *Refusal of restoration.* If the agency refuses to restore him to employment, appeal may be filed not later than ten (10) days after receipt of notice from the agency.

(d) *Improper restoration.* If the agency has improperly restored him to employment, appeal may be filed not later than ten (10) days after such improper restoration.

(e) *Delayed appeals.* An appeal filed after expiration of the ten (10) day filing period may be accepted in the discretion of the Commission when the employee shows good cause for not filing within that period.

§ 35.57 *Commission action on appeal.* When the Commission finds that an employee has not been restored in accordance with the regulations in this subpart, it shall notify and require the agency concerned to restore the employee.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-10290; Filed, Dec. 22, 1955; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PESTICIDE CHEMICALS; FURTHER EXTENDED DATES ON WHICH STATUTE SHALL BECOME FULLY EFFECTIVE

Requests have been received for extension of the date on which the pesticide chemicals amendment (68 Stat. 511 et seq.; 21 U. S. C. 342, 346a) shall become fully effective. McLaughlin Gormley King Company has requested extension for MGK 264 (also known as *N*-oxtylbicyclo (2,2,1)-5-heptene-2,3-dicarboximide), for use in fly sprays. S. B. Penick and Company has requested extension for Sulfoxide (also known as *N*-oxtyl sulfoxide of isosafrole) for use in fly sprays.

These uses are considered nonseasonal. The requested extensions are necessary. Therefore the following order is issued pursuant to sections 402 (a) (2) and 408, 68 Stat. 511, 517 (ch. 559, secs. 2, 5); 21 U. S. C. 342 and note 1 under section 342; 346a, and under authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (20 F. R. 1996).

Section 3.44 *Pesticide chemicals; further extended dates on which statute shall become fully effective*, published in the FEDERAL REGISTER of December 20, 1955 (20 F. R. 9553) is amended in paragraph (a) (2) by inserting the following items in proper alphabetical order.

MGK 264: In fly sprays.
Sulfoxide: In fly sprays.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 402, 408, 68 Stat. 511; 21 U. S. C. 342, 346a)

Dated: December 16, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-10297; Filed, Dec. 22, 1955; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 175]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

Note: Where the general classification (I,FR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

I FR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an I,FR instrument approach is conducted at this airport, it shall be in accordance with the following instrument approach procedure unless a different procedure is authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, location, facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (+) side of final course; distance (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Ceiling and visibility minimums			Missed approach
						Condition	Type aircraft		
							75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	8	9	10	11
BETTLES, ALASKA. Bettles Airport (BET). SBRA-LFR-BETT. Procedure No. 1. Amendment No. 4. Effective date: January 21, 1956. Supersedes Amendment M-3, dated March 31, 1954. Major changes: (1) New format; (2) departure procedure deleted; (3) runway headings corrected; (4) air carrier note added.	Shuttle—SE course: 128° outbound. 308° inbound. 4,000' within 25 miles.			W side of SE course: 128° outbound. 308° inbound. 2,000' within 10 miles. Not authorized beyond 10 miles.	1,500	Within 1.4 miles, turn left immediately; climb on NW course (128°) to 2,000' within 25 miles.			Left turn to 2,000' direct to Shuttle.
						*T-dn	2 engines or less: 300-1 700-2 1,000-3	More than 2 engines: 300-1 700-2 1,000-3	*Takeoff runway 1, N, 500-2 day and night. Right turn after takeoff runway 1 not authorized.
						C-dn			
						A-dn			
						CAUTION: Over terrain 2 miles NNE, 2,000' hills 4 miles NW, 2,000' hills 7 miles E, 2,000' hills 9 miles W of airport. AIR CARRIER NOTE: Sliding scale not applicable.			
DAVENPORT, IOWA. Davenport Municipal, 753'. SBRA-DVT-ML1. Procedure No. 1. Amendment No. 2. Effective date: January 21, 1956. Supersedes No. 1, dated June 10, 1954. Major changes: (1) column 5 reflects procedure turn from 25 to 10 miles; (2) columns 7 and 11 distances revised to agree with C&G.	Moline VOR	236—21.5	2,300	S side of NW course: 308° outbound. 128° inbound. 2,000' within 10 miles.	1,300	Within 2.6 miles, climb to 2,300' on E course MIL-1-LFR. CAUTION: Offield weather information indicating conditions at Davenport are at or above minimums specified must be obtained prior to the time a letdown is started.			Climb to 2,300' direct to Moline VOR.
						T-dn	2 engines or less: 300-1 500-1 800-2	More than 2 engines: 200-½ 500-1½ 800-2	
						S-dn			
						C-dn			
						A-dn			

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
MANSFIELD, OHIO. Mansfield, 1,296'. BMH–MFD. Procedure No. 1. Amendment No. 6. Effective date, January 21, 1956. Supersedes Amendment 5, dated May 15, 1954. Major changes: Reduction in circling minimums. Restriction in missed approach.	Intersection NE course Columbus LFR and 310° bearing to Mansfield BMH.	310—3.0	2,500	W side of course: 310° outbound. 130° inbound. 2,500' within 10 miles	1,900	On airport	T-dn C-dn A-dn	300–1 600–1 800–2	200–½ 600–1½ 800–2	Within 0 mile, climb to 2,500' on course of 130° within 10 miles of Mansfield BMH.
	Mansfield VOR	312—6.7	2,500							

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ANDERSON, S. C. Anderson, 783'. BVOR–DME–RYN. Procedure No. 1. Amendment: Original. Effective date: January 21, 1955.	RYN VOR to 10 nautical miles DME Fix on R–067.	067—10 nautical miles	#2,000	S side R–067 within 15 nautical miles of RYN VOR 2,000'.# (Procedure turn is between VOR and airport and is not required with DME.)	After passing 15 nautical mile fix on R–067 1,200'. (#)	From 15 nautical mile fix to runway 5 067° 6 nautical miles.	2 engines or less# T-dn C-dn S-dn 5 A-dn	300–1 500–1 400–1 800–2	300–1 500–1 400–1 800–2	Within 21 nautical miles, turn left and climb on course 247° to 2,000'# before reaching RYN VOR. #Without DME, landing minimums are 1,500' ceiling (do not descend below 2,300' mean sea level).
	From 10 nautical miles DME Fix on R–67 to 15 nautical mile fix on R–67.	067—5 nautical miles	#1,500							
	From 15 nautical miles DME Fix on R–067 to 21 nautical mile fix on R–067 (final).	067—6 nautical miles	#1,200			From VOR to runway 5 067° 21 nautical miles.#	More than 2 engines T-dn C-dn S-dn 5 A-dn	---------- ---------- ---------- ----------	300–1 500–1½ 400–1 800–2	
ASHEVILLE, N. C. Asheville-Hendersonville, 2,060'. VOR–AVL. Procedure No. 1. Amendment No. 2. Effective date: January 21, 1956. Supersedes Amendment 1, dated November 12, 1955. Major change: Add note.	Asheville Radiobeacon	100—11	6,000	N side of course: 100° outbound. 280° inbound. 5,000' within 10 miles.	4,500	280—11.0	2 engines or less T-d C-d A-d	2,000–1 2,000–2 2,000–2	2,000–1 2,000–2 2,000–2	Within 11 miles turn left climb SE to 6,000' on radial 310° of the Spartanburg VOR within 25 miles. Night operation not authorized. AIR CARRIER NOTES: No reduction in landing minima below 1½ miles, and no reduction in takeoff minima authorized.
							More than 2 engines Not authorized.			

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
LOUISVILLE, KY. Standiford Field, 497'. BVOR–LOU Procedure No. 1. Amendment No. 2. Effective date: January 21, 1956. Supersedes Amendment 1, dated January 22, 1955. Major changes: Missed approach revised.	Louisville LFR	160—9	2,000	N side of course: 120° outbound. 300° inbound. 2,000' within 10 miles.	1,500	300—9.7	2 engines or less T-dn C-dn S-dn 29 A-dn	300–1 600–2 600–1½ 800–2	300–1 600–2 600–1½ 800–2	Within 9.7 miles; climb to 2,500' on 300° radial within 10 miles. Alternate missed approach, when requested by AFC, make a right climbing turn, return to VOR at 2,000'.
	Clermont Intersection	347—21	2,000				More than 2 engines T-dn C-dn S-dn 29 A-dn	---------- ---------- ---------- ----------	200–½ 600–2 600–1½ 800–2	
	Bourbon Intersection	008—16	2,000							
MANSFIELD, OHIO. Mansfield, 1,296'. BVOR–VDT–MFD. Procedure No. 1. Amendment No. 2. Effective date: January 21, 1956. Supersedes Amendment 1, dated April 22, 1954. Major changes: Reduction in circling minimums. Revised missed approach procedure.				N side of course: 134° outbound. 314° inbound. 2,500' within 10 miles.	2,000	314–6.6	2 engines or less T-dn C-dn S-dn 32 A-dn	300–1 500–1 500–1 800–2	300–1 500–1 500–1 800–2	Within 6.6 miles, climb to 2,500' within 10 miles on Mansfield VOR on radial 314. NOTE: 1,485' tower SE of airport.
							More than 2 engines T-dn C-dn S-dn 32 A-dn	---------- ---------- ---------- ----------	200–½ 500–1½ 500–1 800–2	
SPRINGFIELD, ILL. Capital, 595'. BVOR–DTV–DME–SPI. Procedure No. 1. Amendment No. 3. Effective date: January 21, 1956. Supersedes No. 2, dated June 10, 1954. Major changes: (1) Column 5, distance revised to 10 miles (criteria); (2) Column 7, distance revised to agree with C&GS; (3) New format on minimums; (4) column 11 revised; (5) adds DME note.	Springfield LFR	030—8.7 nautical miles	2,000	N side of course: 036° outbound. 216° inbound. 1,900' within 10 nautical miles.#	1,400	216—3.2 nautical miles	2 engines or less T-dn C-dn S-dn 22 A-dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	Within 3.2 nautical miles climb to 2,000' on radial 216° within 25 nautical miles. #NOTE: When authorized by ATC, DME may be used within 15 nautical miles at 2,000' orbiting altitude to position aircraft for final approach with the elimination of a procedure turn.
							More than 2 engines T-dn C-dn S-dn 22 A-dn	---------- ---------- ---------- ----------	200–½ 500–1½ 400–1 800–2	
SPRINGFIELD, ILL. Capital, 595'. BVOR–DTV–DME–SPI. Procedure No. 2. Amendment Original. Effective date: January 1956. Major changes: Establishes back course approach.	Springfield LFR	030—8.7 nautical miles	2,000	S side of course: 036° outbound. 216° inbound. 2,000' within 15 nautical miles.#	After passing 15 nautical miles DME Fix 1,300@	216—4.3 nautical miles	2 engines or less T-dn @C-dn @S-dn 4 @A-dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	DME: At 4.3 nautical miles DME Fix, climb to 2,000' and hold at SPI VOR on radial 216°. No DME: At 0 mile climb to 2,000' on course 036° within 10 miles, return to SPI VOR and hold on radial 216°. @Minimums are 900–2 and altitude is 1,500' mean sea level with no DME. #NOTE: When authorized by ATC, DME may be used within 15 nautical miles at 2,000' orbiting altitude to position aircraft for final approach with the elimination of a procedure turn.
	From 15 nautical miles DME Fix to 8 nautical miles DME Fix (final).	036—7 nautical miles	@1,300		After passing 8 nautical miles DME Fix 1,000@		More than 2 engines T-dn @C-dn @S-dn 4 @A-dn	---------- ---------- ---------- ----------	200–½ 500–1½ 400–1 800–2	
	From 8 nautical miles DME Fix to 4.3 nautical miles DME Fix (final to runway 3).	036—3.7 nautical miles	@1,000							
WACO, TEX. Municipal, 515'. BVOR–DME–ACT. Procedure No. 2. Amendment: Original. Effective date: January 21, 1956.	DME orbit from radial 187° E to radial 139° at 12 nautical miles.		2,000	E side of course: 139° outbound. 319° inbound. 2,000' within 10 nautical miles.	1,500 over 7 nautical mile fix* on radial 139 If no DME 1,500 over VOR	139—3.5 nautical miles VOR to airport. 319—3 nautical miles from 7 nautical mile fix* to runway 34.	2 engines or less@ T-dn C-dn #S-dn 32 A-dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	At 4 nautical mile fix*, climb to 2,000' on radial 319° within 20 nautical miles. No DME: Within 0 mile (over VOR) @climb to 2,000' on radial 319° within 20 nautical miles. *DME Fix. #570 feet per minute descent required at 120 miles per hour. @Landing ceiling minimums without DME are 1,000' (1,500' mean sea level).
	From 12 nautical miles fix* on radial 139° to 7 nautical mile fix* on radial 139° (final).	319—5 nautical miles	1,500				More than 2 engines@ T-dn C-dn #S-dn 32 A-dn	---------- ---------- ---------- ----------	200–½ 500–1½ 400–1 800–2	
	From 7 nautical miles fix* on radial 139° to 4 nautical mile fix* on radial 139° (final to runway 32).	319—3 nautical miles	@900							

4. The very high frequency omnirange procedures prescribed in § 609.9 (c) are amended to read in part:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Elevations and altitude are in feet MSL.
If a VOR/DME instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator of Civil Aeronautics for such airport. Initial approaches shall be made over specific routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.
NOTE: Distances are in nautical miles unless otherwise indicated except visibilities, which are in statute miles.

Springfield, Ill.: Capitol Airport; elevation 598'; facility VOR/DME; identification SPI; Amendment No. Original; effective date September 17, 1955.

Transition to facility or transition to DME orbit				Minimum altitude on approach radial			Procedure No.; direct or right or left turn to final approach radial; altitudes; limiting distances			Minimum altitude on final approach orbit			Ceiling and visibility minimums						If visual contact not established at authorized landing minimums at field specified, or if landing not accomplished—
													Condition	Two engines or less			More than two engines		
From—(mi.)	To—(mi.)	Radial	Minimum altitude (ft.)	From—(mi.)	To—(mi.)	Radial	Minimum altitude (ft.)	From radial	To radial	Minimum altitude (ft.)	From radial	To radial		65 knots or less	More than 65 knots		75 m.p.h. or less	More than 75 m.p.h.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16		17	18	

PROCEDURE CANCELED JANUARY 21, 1956—REISSUED ON FORM ACA-511 3A.

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator of Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope at distances to approach end of runway		Ceiling and visibility minimums			If visual contact; not established upon descent to authorized landing minimums or if landing not accomplished
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	Type aircraft		
										75 m.p.h. or less	More than 75 m.p.h.	
1	2	3	4	5	6	7	8	9	10	11	12	13
DALLAS, TEX., Love Field, 487'. ILS-1DAL, Procedure No. 2, Amendment No. 1, Effective January 21, 1956. Supersedes Amendment Original dated April 23, 1955. MOP minimums: Adds VOR fix on final approach. Lowers straight-in minima.	DAL VOR	Ross Avenue Intersection.	216—9.0	2,000	Side-of-SE course: 127° outbound. 307° inbound. 2,000' within 10 miles of Ross Avenue intersection.	Ross Avenue Intersection, 1,500.	No glide slope		2 engines or less: T-dn 300-1 C-dn 400-1 *S-dn 31 400-1	All aircraft 300-1 500-1 400-1		If visual contact; not established upon descent to authorized landing minimums or if landing not accomplished Within 3.7 miles of Ross Avenue Intersection climb to 2,200' on NW course of ILS or turn right, climb to 2,000' on 063° radial DAL VOR within 25 miles. CAUTION: 693 mean sea level mountain 7 miles from approach end of runway 31. Air CARRIER NOTES: On cargo and ferry flights no reduction in landing minima authorized. No takeoff minima below 200-½ authorized on runway 31. Flight is in accordance with radial 229° DAL VOR and SE course ILS. *Descent below 1,000' mean sea level not authorized unless position over Tank Fix determined.
	DAL VOR	Fair Park Intersection.	193—9.0	2,000								
	DAL LFR	Ross Avenue Intersection.	085—8.5	2,000					More than 2 engines: T-dn 300-1½ C-dn 500-1½ *S-dn 31 400-1			
	Trinity Fork Intersection.	Fair Park Intersection.	307—16.0	2,000								
	Fair Park Intersection (final).	Ross Avenue Intersection.	307—8.7	1,500								
	Duncanville Radiobeacon.	Fair Park Intersection.	032—10.0	2,000								
	Radar terminal area transition altitude: 2,000' within 5 to 20 nautical miles. Radar control must provide 3 nautical miles or 1,000' vertical separation or 3 to 5 nautical miles and 500 vertical separation from radio towers—1,108' mean sea level 20 nautical miles N; 2,307' mean sea level 10 nautical miles SSW; 1,236' mean sea level 10 nautical miles WNW of airport.						Tank Fix to runway 31, 1.7 miles.	1,500'				

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-10234; Filed, Dec. 22, 1955; 9:42 a. m.]

[Amdt. 94]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated.)

1. Section 610.12 *Green civil airway 2* is amended to read in part:

From—	To—	Minimum altitude
Buffalo, N. Y., LFR..	Rush INT, N. Y.....	2,100
E. Pembroke, N. Y. FM.	Buffalo, N. Y., LFR westbound only.	1,900
Rush INT, N. Y.....	Rochester, N. Y. LFR.	2,000

2. Section 610.15 *Green civil airway 5* is amended to read in part:

From—	To—	Minimum altitude
Jackson, Tenn., LFR..	Nashville, Tenn., LFR.	3,000
Lebanon INT, Tenn..	Smithville, Tenn., LF/RBN.	3,500
Smithville, Tenn., LF/RBN.	Watts Bar[1] INT, Tenn.	4,500

3. Section 610.101 *Amber civil airway 1* is amended to read in part:

From—	To—	Minimum altitude
San Diego, Calif., LFR.	Oceanside, Calif.: LF/RBN northbound.	3,000
	Southbound.....	2,500
Oceanside, Calif., LF/RBN.	Long Beach, Calif., LFR.	4,000

[1] 4,500'—Minimum crossing altitude at Watts Bar INT, westbound.

4. Section 610.103 *Amber civil airway 3* is amended to read in part:

From—	To—	Minimum altitude
Pueblo, Colo., LFR....	Colorado Springs, Colo., LF/RBN:	
	Southbound.....	7,000
	Northbound.....	8,000

5. Section 610.104 *Amber civil airway 4* is amended to read in part:

From—	To—	Minimum altitude
Tulsa, Okla., LFR.....	Claremore INT, Okla.	2,000
Claremore INT, Okla..	Chanute, Kans., LFR.	2,200
Verdigris River, Okla., FM.	Tulsa, Okla., LFR southwest bound only.	1,900

6. Section 610.106 *Amber civil airway 6* is amended to read in part:

From—	To—	Minimum altitude
Nashville, Tenn., LFR.	Green Brier INT, Tenn.	3,000
Green Brier INT, Tenn.	Bowling Green, Ky., LFR.	2,000

7. Section 610.207 *Red civil airway 7* is amended to read in part:

From—	To—	Minimum altitude
Greenville, S. C., LFR.	Beacon 14 INT, S. C..	3,000
Beacon 14 INT, S. C...	Spartanburg, S. C., LFR.	2,800

8. Section 610.213 *Red civil airway 13* is amended to read in part:

From—	To—	Minimum altitude
Providence, R.I., LFR.	Bedford, Mass., LF/RBN	1,800

9. Section 610.225 *Red civil airway 25* is added to read:

From—	To—	Minimum altitude
U. S. Canadian Border.	Kokadjo INT, Maine.	5,500
Kokadjo INT, Maine..	East Dover INT, Maine.	6,000

10. Section 610.237 *Red civil airway 37* is amended to read in part:

From—	To—	Minimum altitude
Prescott INT, Ark....	Little Rock, Ark.. LFR.	1,800

11. Section 610.287 *Red civil airway 87* is amended to read in part:

From—	To—	Minimum altitude
Honolulu, T. H., LFR.	Maui, T. H.,[1] LFR...	6,000

[1] 8,000' minimum crossing altitude at Maui LFR, eastbound; 6,000, westbound.

12. Section 610.603 *Blue civil airway 3* is amended to read in part:

From—	To—	Minimum altitude
Grand Rapids, Mich., LFR.	Traverse City, Mich., LFR.	2,800

13. Section 610.606 *Blue civil airway 6* is amended to read in part:

From—	To—	Minimum altitude
Wichita Falls, Tex., LFR.	Washington INT, Okla.	2,700

14. Section 610.613 *Blue civil airway 13* is amended to read in part:

From—	To—	Minimum altitude
Texarkana, Ark., LFR.	Hartford INT, Ark[1]	3,800
Hartford INT, Ark.....	Ft. Smith, Ark., LF/RBN.	3,800

[1] 6,000'—Minimum reception altitude.

15. Section 610.622 *Blue civil airway 22* is amended to read in part:

From—	To—	Minimum altitude
Corner Stone INT, Ark.	Little Rock, Ark., LFR.	1,800

16. Section 610.630 *Blue civil airway 30* is amended to read in part:

From—	To—	Minimum altitude
Kingsville INT, Tex....	Driscoll INT, Tex.....	1,300
Driscoll INT, Tex.....	Corpus Christi, Tex., LFR.	1,400
Corpus Christi, Tex., LFR.	Clareville INT, Tex...	1,400
Clareville INT, Tex....	Losoya INT, Tex.....	1,800
Losoya INT, Tex.....	Kelly, Tex., LFR.....	2,000

17. Section 610.674 *Blue civil airway 74* is amended to delete:

From—	To—	Minimum altitude
Willard INT, N. Mex...	Otto, N. Mex. LFR..	12,000

18. Section 610.1001 *Direct routes—U. S.* is amended to delete:

From—	To—	Minimum altitude
Colorado Springs, Colo., LF/RBN.	Pueblo, Colo., LFR: Southbound	7,000
	Northbound	8,000
Jacksonville, Fla., LFR.	Charleston, S. C., LFR.	1,300

19. Section 610.6005 *VOR civil airway 5* is amended to read in part:

From—	To—	Minimum altitude
Louisville, Ky., VOR.	Warsaw INT, Ky.[1]	2,400
Warsaw INT, Ky.[1]	Cincinnati, Ohio, VOR.	2,000

[1] 2,800′—Minimum reception altitude.

20. Section 610.6006 *VOR civil airway 6* is amended to delete:

From—	To—	Minimum altitude
Omaha, Nebr., VOR, via S alter.	Des Moines, Iowa, via S alter.	[1] 3,600

[1] 2,700′—Minimum terrain clearance altitude.

21. Section 610.6006 *VOR civil airway 6* is amended to read in part:

From—	To—	Minimum altitude
Sacramento, Calif., VOR.	Folsom INT, Calif.	3,000
Folsom INT, Calif.	Coloma INT, Calif.: [1] Northeastbound	9,500
	Southwestbound	5,000
Coloma INT, Calif.	Tahoe INT, Calif.: Northeastbound	13,000
	Southwestbound	9,500
Tahoe INT, Calif.	Reno, Nev.] VOR	13,000
Sacramento, Calif.,[3] VOR, via N alter.	Blue Canyon, Calif., FM, via N alter: Northeastbound	11,000
	Southwestbound	7,000
Blue Canyon, Calif., FM, via N alter.	Mt. Lola INT, Calif., via N alter.	11,000
Mt. Lola INT, Calif., via N alter.	Reno, Nev.,[4] VOR, via N alter.	11,000

[1] 9,500′—Minimum crossing altitude at Coloma INT, northeastbound.
[2] 12,800′—Minimum crossing altitude at Reno VOR, southwestbound.
[3] 3,000′—Minimum crossing altitude at Sacramento VOR, northeastbound.
[4] 10,000′—Minimum crossing altitude at Reno VOR, westbound.

22. Section 610.6007 *VOR civil airway 7* is amended to read in part:

From—	To—	Minimum altitude
Graham, Tenn. VOR.	Nashville, Tenn. VOR.	3,000
Nashville, Tenn. VOR	Lewisburg INT, Ky.	3,000

23. Section 610.6008 *VOR civil airway 8* is amended to delete:

From—	To—	Minimum altitude
Omaha, Nebr., VOR, via S alter.	Des Moines, Iowa, VOR via S alter.	[1] 3,600
Des Moines, Iowa, VOR, via N alter.	Monroe [1] INT, Iowa, via N alter.	2,200
Monroe INT, Iowa, via N alter.	Grinnell INT, Iowa, via N alter.	2,200
Grinnell INT, Iowa, via N alter.	Big Rock INT, Iowa, via N alter.	[2] 7,500
Grinnell INT, Iowa, via N alter.	Big Rock INT, Iowa, via N alter.	[4] 2,200
Big Rock INT, Iowa, via N alter.	Moline, Ill., VOR, via N alter.	2,200

[1] 2,700′—Minimum terrain clearance altitude.
[2] 3,500′—Minimum reception altitude.
[3] 2,200′—Minimum terrain clearance altitude.
[4] Utilizing Cedar Rapids LF/RBN.

24. Section 610.6009 *VOR civil airway 9* is amended to read in part:

From—	To—	Minimum altitude
New Orleans, La., VOR.	Hammond [1] INT, La.	1,700
Hammond [1] INT, La.	McComb, Miss., VOR.	1,700
Jackson, Miss., VOR.	Greenwood, Miss., VOR.	[1] 2,000
Via W alter.	Via W alter.	[1] 2,000
Greenwood, Miss., VOR.	Memphis, Tenn., VOR.	[2] 2,000
Via E alter.	Via E alter.	[1] 2,000

[1] 2,000′—Minimum reception altitude.
[2] 1,700′—Minimum terrain clearance altitude.
[3] 1,800′—Minimum terrain clearance altitude.
[4] 1,600′—Minimum terrain clearance altitude.

25. Section 610.6010 *VOR civil airway 10* is amended to read in part:

From—	To—	Minimum altitude
Pueblo, Colo., VOR.	Lamar, Colo., VOR.	6,000
Via N alter	Via N alter.	6,800
Emporia, Kans., VOR.	Pomona [1] INT, Kans.	[2] 2,800
Pomona INT, Kans.	Kansas City, Mo., VOR.	[1] 2,800

[1] 2,800′—Minimum reception altitude.
[2] 2,500′—Minimum terrain clearance altitude.

26. Section 610.6011 *VOR civil airway 11* is amended to delete:

From—	To—	Minimum altitude
Houston, Tex., VOR.	Humble [1] INT, Tex.	1,600
Humble INT, Tex.	Cleveland [1] INT, Tex.	1,600
Cleveland INT, Tex.	Lufkin, Tex., VOR.	1,600
Lufkin, Tex., VOR.	Shreveport, La., VOR.	2,400
Pine Bluff, Ark., VOR.	Memphis, Tenn., VOR.	2,500
Via E alter.	Via E alter.	3,000
Ft. Wayne, Ind., VOR via W alter.	Litchfield, Mich., VOR, via W alter.	2,700
Litchfield, Mich., VOR, via W alter.	Wolf Lake INT, Mich. via W alter.	2,300
Wolf Lake, INT, Mich. via W alter.	Salem, Mich. VOR, via W alter.	2,300

[1] 2,300′—Minimum reception altitude.
[2] 3,000′—Minimum reception altitude.

27. Section 610.6012 *VOR civil airway 12* is amended to delete:

From—	To—	Minimum altitude
St. Louis, Mo., VOR via N alter.	Fidelity [1] INT, Ill., via N alter.	2,000
Fidelity [1] INT, Ill., via N alter.	Gillespie INT, Ill., via N alter.	[2] 3,000
Gillespie INT, Ill., via N alter.	Vandalia, Ill., VOR, via N alter.	2,000
Vandalia, Ill., VOR, via N alter.	Terre Haute, Ind., VOR via N alter.	2,200

[1] 3,000′—Minimum reception altitude.
[2] 2,000′—Minimum terrain clearance altitude

28. Section 610.6012 *VOR civil airway 12* is amended to read in part:

From—	To—	Minimum altitude
Emporia, Kans., VOR.	Pomona [1] INT, Kans.	[2] 2,800
Pomona INT, Kans.	Kansas City, Mo., VOR.	[2] 2,800

[1] 2,800′—Minimum reception altitude.
[2] 2,500′—Minimum terrain clearance altitude.

29. Section 610.6014 *VOR civil airway 14* is amended to read in part:

From—	To—	Minimum altitude
Caprock INT, N. Mex.	Whiteface [1] INT, Tex.	[2] 7,000
Whiteface INT, Tex.	Lubbock, Tex., VOR.	4,800
Pep [3] INT, Tex., via N alter.	Lubbock, Tex., VOR, via N alter.	4,600

[1] 7,000′—Minimum reception altitude.
[2] 5,500′—Minimum terrain clearance altitude.
[3] 11,300′—Minimum reception altitude.

30. Section 610.6016 *VOR civil airway 16* is amended to delete:

From—	To—	Minimum altitude
Memphis, Tenn., VOR, via S alter.	Jackson Tenn., VOR, via S alter.	2,000
Jackson, Tenn., VOR, via S alter.	Graham, Tenn., VOR, via S alter.	2,000

31. Section 610.6016 *VOR civil airway 16* is amended to read in part:

From—	To—	Minimum altitude
Memphis, Tenn., VOR.	Fisherville [1] INT, Tenn.	2,000
Fisherville INT, Tenn.	Williston [1] INT, Tenn.	2,000
Williston INT, Tenn.	Graham, Tenn., VOR.	3,000
Knoxville, Tenn., VOR via N alter.	Yuma INT, Tenn., via N alter.	[2] 4,700
Yuma INT, Tenn., via N alter.	Hilton INT, Tenn., via N alter.	[3] 5,500
Hilton INT, Tenn., via N alter.	Hayters Gap INT, Tenn., via N alter.	6,000
Hayters Gap INT, Tenn., via N alter.	Pulaski, Va., VOR, via N alter.	6,500

[1] 2,500′—Minimum reception altitude.
[2] 4,400′—Minimum terrain clearance altitude.
[3] 5,300′—Minimum terrain clearance altitude.

32. Section 610.6018 *VOR civil airway 18* is amended to read in part:

From—	To—	Minimum altitude
Anniston, Ala., VOR.	Carrollton INT, Ga.	4,000
Carrollton INT, Ga.	Campbellton INT, Ga.	2,700
Campbellton INT, Ga.	Atlanta, Ga. ILS, localizer.	2,200
Atlanta, Ga., ILS, localizer.	Oxford INT, Ga.	2,200
Oxford INT, Ga.	Madison INT, Ga.	[1] 3,500
Madison INT, Ga.	Raytown INT, Ga.	[2] 3,800
Raytown INT, Ga.	Augusta, Ga., VOR.	1,800

[1] 2,100′—Minimum terrain clearance altitude.
[2] 1,800′—Minimum terrain clearance altitude.

33. Section 610.6020 *VOR civil airway 20* is amended to read in part:

From—	To—	Minimum altitude
Houston, Tex., VOR, via S alter.	High Island [1] INT, Tex., via S alter.	1,500
High Island INT, Tex., via S alter.	Lake Charles, La., VOR via S alter.	[2] 3,000
Clemson INT, S. C., via N alter.	Spartanburg, S. C., VOR, via N alter.	[3] 4,500

[1] 3,000′—Minimum reception altitude.
[2] 1,400′—Minimum terrain clearance altitude.
[3] 3,200′—Minimum terrain clearance altitude.

34. Section 610.6023 *VOR civil airway 23* is amended to read in part:

From—	To—	Minimum altitude
San Diego, Calif., VOR.	Oceanside, Calif. VOR: Northbound	3,000
	Southbound	2,500
Oceanside, Calif., VOR.	Long Beach, Calif., VOR.	4,000

35. Section 610.6027 *VOR civil airway 27* is amended to read in part:

From—	To—	Minimum altitude
Salinas, Calif., VOR.	Stinson Beach INT, Calif.	5,000

36. Section 610.6035 *VOR civil airway 35* is amended to read in part:

From—	To—	Minimum altitude
Asheville, N. C., VOR	Roan Mt.[1] INT, N. C.	8,500
Roan Mt.[1] INT, N. C.	Tri-City, Tenn., VOR.	5,600
Charleston, W. Va., VOR.	Sandyville[2] INT, W. Va.	2,500
Sandyville[2] INT, W. Va.	Parkersburg, W. Va., VOR.	2,500

[1] 7,000′—Minimum crossing altitude at Roan Mt. INT, southbound.
[2] 4,000′—Minimum reception altitude.

37. Section 610.6037 *VOR civil airway 37* is amended by adding:

From—	To—	Minimum altitude
Savannah, Ga., VOR.	Columbia, S.C., VOR.	1,400
Columbia, S. C., VOR.	Charlotte, N. C., VOR.	2,000

38. Section 610.6037 *VOR civil airway 37* is amended to read in part:

From—	To—	Minimum altitude
Morgantown, W. Va., VOR.	Millsboro INT, Pa.	4,000
Millsboro INT, Pa.	Pittsburgh, Pa., VOR.	3,000

39. Section 610.6051 *VOR civil airway 51* is amended to read in part:

From—	To—	Minimum altitude
Jacksonville, Fla., VOR, via W alter.	Alma, Ga., VOR, via W alter.	1,600

40. Section 610.6054 *VOR civil airway 54* is amended to read in part:

From—	To—	Minimum altitude
Texarkana, Ark., VOR.	Malvern INT, Ark.	2,500
Malvern INT, Ark.	Little Rock, Ark. VOR.	1,800
Chattanooga, Tenn., VOR.	Crandall INT, Ga.	3,000

41. Section 610.6065 *VOR civil airway 65* is amended by adding:

From—	To—	Minimum altitude
St. Joseph, Mo., VOR.	Lamoni, Iowa, VOR.	2,400

42. Section 610.6066 *VOR civil airway 66* is amended to read in part:

From—	To—	Minimum altitude
San Diego,[1] Calif., VOR	Seeley INT, Calif.	8,000
Seeley INT, Calif.	Yuma, Ariz., VOR.	4,000
San Diego, Calif., VOR.	Jamul, Calif., LF/RBN westbound only.	4,500
Jamul, Calif., LF/RBN.	Barrett Lake, Calif., FM westbound only.	6,000

[1] 4,000′—Minimum crossing altitude at San Diego VOR, eastbound.

43. Section 610.6068 *VOR civil airway 68* is amended to read in part:

From—	To—	Minimum altitude
Hobbs, N. Mex., VOR.	Pipe Line [1] INT, Tex.	5,300
Pipe Line [1] INT, Tex.	Midland, Tex., VOR.	4,000
Lonoke INT, Ark.	Walnut Ridge, Ark., VOR.	[2] 2,500

[1] 5,200′—Minimum reception altitude.
[2] 1,500′—Minimum terrain clearance altitude.

44. Section 610.6070 *VOR civil airway 70* is amended to read in part:

From—	To—	Minimum altitude
Lake Charles, La., VOR.	Lafayette, La., VOR.	1,300
Baton Rouge, La., VOR.	Hammond [1] INT, La.	2,000

[1] 2,000′—Minimum reception altitude.

45. Section 610.6071 *VOR civil airway 71* is amended to read in part:

From—	To—	Minimum altitude
Flippin, Ark., VOR.	Ozark [1] INT, Mo.	3,000
Ozark [1] INT, Mo.	Springfield, Mo., VOR.	3,000

[1] 4,900′—Minimum reception altitude.

46. Section 610.6075 *VOR civil airway 75* is amended to read in part:

From—	To—	Minimum altitude
Flat Rock, Va., VOR.	Gordonsville, Va., VOR	2,000

47. Section 610.6077 *VOR civil airway 77* is amended to read in part:

From—	To—	Minimum altitude
Wichita Falls, Tex., VOR via E alter.	Oklahoma City, Okla., VOR via E alter.	[1] 2,800

[1] 2,700′—Minimum terrain clearance altitude.

48. Section 610.6088 *VOR civil airway 88* is amended to read in part:

From—	To—	Minimum altitude
White Oak INT, Okla.	Waco [1] INT, Mo.	[2] 6,500
Waco INT, Mo.	Avilla INT, Mo.	[2] 6,500
Avilla INT, Mo.	Springfield, Mo., VOR.	2,600
White Oak INT, Okla.	Joplin, Mo., LOM.	[3] 3,900
Joplin, Mo., LOM.	Avilla INT, Mo.	[1] 2,600

[1] 6,500′—Minimum reception altitude.
[2] 2,600′—Minimum terrain clearance altitude.
[3] Utilizing Joplin LOM.

49. Section 610.6097 *VOR civil airway 97* is amended to read in part:

From—	To—	Minimum altitude
Atlanta, Ga., VOR.	Nelson INT, Ga.	3,000
Nelson INT, Ga.	Murphy INT, Ga.	[1] 7,000
Murphy INT, Ga.	Knoxville, Tenn., VOR.	7,000

[1] 5,500′—Minimum terrain clearance altitude.

50. Section 610.6114 *VOR civil airway 114* is amended to read in part:

From—	To—	Minimum altitude
Pueblo, Colo., VOR	Purgatoire INT, Colo.	7,500
Purgatoire INT, Colo.	Clayton INT, Tex.	[1] 10,000

[1] 8,900′—Minimum terrain clearance altitude.

51. Section 610.6128 *VOR civil airway 128* is amended to read in part:

From—	To—	Minimum altitude
Greensboro, N. C., VOR, via S alter.	Moncure INT, N. C., via S alter.	2,100
Moncure INT, N. C., via S alter.	Raleigh, N. C., VOR, via S alter.	1,600

52. Section 610.6131 *VOR civil airway 131* is amended by adding:

From—	To—	Minimum altitude
Emporia, Kans., VOR	Pomona [1] INT, Kans.	[2] 2,800
Pomona INT, Kans.	Topeka, Kans., VOR	2,300

[1] 2,800′—Minimum reception altitude.
[2] 2,500′—Minimum terrain clearance altitude.

53. Section 610.6140 *VOR civil airway 140* is amended to read in part:

From—	To—	Minimum altitude
Corbin, Ky. VAR	Daley INT, Ky.	[1] 6,000
Daley INT, Ky.	Gap Mills INT, W. Va.	[2] 8,000
Gap Mills INT, W. Va.	Montebello, Va., VOR.	6,000

[1] 4,000′—Minimum terrain clearance altitude.
[2] 6,000′—Minimum terrain clearance altitude.

54. Section 610.6154 *VOR civil airway 154* is amended by adding:

From—	To—	Minimum altitude
Macon, Ga. VOR	Savannah, Ga., VOR.	[1] 4,700

[1] 1,800′—Minimum terrain clearance altitude.

55. Section 610.6161 *VOR civil airway 161* is amended to read in part:

From—	To—	Minimum altitude
Blue Springs, Mo., VOR.	Lawson INT, Mo.	2,40

56. Section 610.6172 *VOR civil airway 172* is amended to delete:

From—	To—	Minimum altitude
Iowa City, Iowa, VOR.	Moline, Ill., VOR.	2,000
Moline, Ill., VOR.	Polo, Ill., VOR.	2,200
Iowa City, Iowa, VOR, via N alter.	Big Rock INT, Iowa, via N alter.	2,000
Big Rock INT, Iowa, via N alter.	Thomson INT, Ill., via N alter.	[1] 3,000
Thomson INT, Ill., via N alter.	Polo, Ill. VOR, via N alter.	2,000

[1] 2,000′—Minimum terrain clearance alt.

57. Section 610.6172 *VOR civil airway 172* is amended by adding:

From—	To—	Minimum altitude
Omaha, Nebr., VOR	Des Moines, Iowa, VOR.	[1] 3,600
Des Moines, Iowa, VOR.	Monroe [1] INT, Iowa	2,200
Monroe INT, Iowa	Grinnell INT, Iowa	2,200
Grinnell INT, Iowa	Polo, Ill., VOR	[3] 8,600
Grinnell INT, Iowa	Cedar Rapids, Iowa, LF/RBN.	[4] 2,200
Cedar Rapids, Iowa, LF/RBN.	Polo, Ill., VOR	[4] 3,200

[1] 2,700′—Minimum terrain clearance altitude.
[2] 3,500′—Minimum reception altitude.
[3] 2,200′—Minimum terrain clearance altitude.
[4] Utilizing Cedar Rapids LF/RBN.

58. Section 610.6174 *VOR civil airway 174* is amended to read in part:

From—	To—	Minimum altitude
Sandyville [1] INT, W. Va.	Clara INT, W. Va.	[1] 4,000

[1] 4,000′—Minimum reception altitude.
[2] 3,000—Minimum terrain clearance altitude.

59. Section 610.6185 *VOR civil airway 185* is amended by adding:

From—	To—	Minimum altitude
Savannah, Ga., VOR.	Augusta, Ga. VOR.	1,800

60. Section 610.6190 *VOR civil airway 190* is amended to read in part:

From—	To—	Minimum altitude
Gage, Okla., VOR	Capron INT, Okla.	3,500
Capron INT, Okla.	Ponca City, Okla. VOR	[1] 3,500
Ponca City, Okla. VOR	Waco [2] INT, Mo.	[1] 7,000
Waco INT, Mo.	Avilla INT, Mo.	[3] 6,500
Avilla INT, Mo.	Springfield, Mo., VOR	2,600
Joplin, Mo., LOM.	Avilla INT, Mo.	[4] 2,600

[1] 2,500′—Minimum terrain clearance altitude.
[2] 6,500′—Minimum reception altitude.
[3] 2,600—Minimum terrain clearance altitude.
[4] Utilizing Joplin LOM.

61. Section 610.6193 *VOR civil airway 193* is amended by adding:

From—	To—	Minimum altitude
Pullman, Mich., VOR.	Grand Rapids, Mich., ILS/LOM.	2,200

62. Section 610.6194 *VOR civil airway 194* is amended to read in part:

From—	To—	Minimum altitude
Charlotte, N. C., VOR.	Norwood INT, N. C.	[1] 3,000
Norwood INT, N. C.	Moncure INT, N. C.	[1] 3,500
Moncure INT, N. C.	Raleigh, N. C., VOR.	1,600

[1] 1,800′—Minimum terrain clearance altitude.

63. Section 610.6195 *VOR civil airway 195* is amended to delete:

From—	To—	Minimum altitude
Williams, Calif., VOR, via W alter.	Red Bluff, Calif., VOR, via W alter.	3,000

64. Section 610.6200 *VOR civil airway 200* is amended to delete:

From—	To—	Minimum altitude
Williams, Calif., VOR, via S alter.	Coloma INT, Calif., via S alter: Westbound	6,000
	Eastbound	7,000
Coloma [1] INT, Calif., via S alter.	Reno, Nev.,[2] VOR, via S alter.	13,000

[1] 9,500′—Minimum crossing altitude at Coloma INT, Northeast bound.
[2] 12,000′—Minimum crossing altitude at Reno VOR, Southwest bound.

65. Section 610.6200 *VOR civil airway 200* is amended to read in part:

From—	To—	Minimum altitude
Williams,[1] Calif., VOR.	Mt. Lola INT, Calif.	13,000
Mt. Lola INT, Calif.	Reno, Nev., VOR.	11,000

[1] 10,000′—Minimum crossing altitude at Williams VOR, Northeast bound.

66. Section 610.6205 *VOR civil airway 205* is amended to read in part:

From—	To—	Minimum altitude
Bolivar INT, Mo.	Blue Springs, Mo., VOR.	2,400
Blue Springs, Mo., VOR.	Kansas City, Mo., VOR.	2,400

67. Section 610.6206 *VOR civil airway 206* is amended to read in part:

From—	To—	Minimum altitude
Blue Springs, Mo., VOR.	Lexington INT, Mo.	2,400

68. Section 610.6210 *VOR civil airway 210* is added to read:

From—	To—	Minimum altitude
Los Angeles,[1] Calif., VOR.	Daggett, Calif., VOR.	12,000

[1] 9,000′—Minimum crossing altitude at Los Angeles VOR, Northeast-bound.

69. Section 610.6214 *VOR civil airway 214* is added to read:

From—	To—	Minimum altitude
Muskegon, Mich., VOR.	Saginaw, Mich., LF/RBN.	[1] 4,000

[1] 2,400′—Minimum terrain clearance altitude.

70. Section 610.6215 *VOR civil airway 215* is added to read:

From—	To—	Minimum altitude
Muskegon, Mich., VOR.	White Cloud, Mich., VOR.	2,000

71. Section 610.6221 *VOR civil airway 221* is added to read:

From—	To—	Minimum altitude
Ft. Wayne, Ind., VOR.	Litchfield, Mich., VOR.	2,700
Litchfield, Mich., VOR.	Wolf Lake INT, Mich.	2,300
Wolf Lake INT, Mich.	Salem, Mich., VOR.	2,300

72. Section 610.6223 *VOR civil airway 223* is added to read:

From—	To—	Minimum altitude
Herndon, Va., VOR.	Harrisburg, Pa., VOR.	3,000

73. Section 610.6402 *Hawaii VOR civil airway 2* is amended to read in part:

From—	To—	Minimum altitude
Honolulu, T. H., VOR, via S alter.	Lanai, T. H.,[1] VOR, via S alter.	5,000

[1] 5,000′—Minimum crossing altitude at Lanai VOR, eastbound.

74. Section 610.6405 *Hawaii VOR civil airway 5* is amended to read in part:

From—	To—	Minimum altitude
Rainbow INT, T. H.	Maui, T. H.,[1] VOR.	4,000

[1] 4,000′—Minimum crossing altitude at Maui VOR, southbound.

75. Section 610.6406 *Hawaii VOR civil airway 6* is amended to read:

From—	To—	Minimum altitude
Lanai, T. H. VOR	Maui, [1] T. H., VOR.	6,500

[1] 6,500′—Minimum crossing altitude at Maui VOR, westbound.

76. Section 610.6408 *Hawaii VOR civil airway 8* is amended to read:

From—	To—	Minimum altitude
Pineapple INT, T. H.	Maui,[1] T. H., VOR.	5,000

[1] 4,000′—Minimum crossing altitude at Maui VOR, southwestbound.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective January 12, 1956.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-10138; Filed, Dec. 22, 1955; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

MISCELLANEOUS AMENDMENTS

Notice of a proposed amendment to the regulations governing the grading and inspection of egg products (7 CFR Part 55) was published in the FEDERAL REGISTER on December 3, 1955 (20 F. R. 8932). The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The amendment will implement Public Law 272, 84th Congress, 1st Session, approved August 9, 1955, amending the aforesaid act by designating the certificates, memoranda, marks and other identifications and devices for making such marks or identifications, with respect to inspection, class, grade, quality, size, or condition, that are official for the purposes of said act. The amendment also makes a minor change in the sanitary requirements dealing with the procedures for washing eggs prior to breaking. The language of the amendment set forth herein is the same as was published in the aforesaid notice with the exception of minor clarifying changes.

It is hereby found that it would be impractical, unnecessary and contrary to the public interest to delay the effective date of this amendment until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that (1) the amendment is in the nature of an interpretative rule, (2) the language changes represent a needed improvement in clarifying the meaning and intent of the regulations, and (3) no additional time is required by interested persons to prepare for compliance with this amendment.

The amendment is as follows:

1. Delete paragraph (q) of § 55.2 *Terms defined.*

2. Add a new § 55.2a, to read as follows:

§ 55.2a *Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.* Subsection 203 (h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, used under this part to certify with respect to the sampling, inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U. S. grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part, including but not limited to those set forth in §§ 55.36 through 55.38.

(d) "Official identification" means any United States (U. S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or

affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

3. Change § 55.30 *Denial of service,* to read as follows:

§ 55.30 *Denial of service.* (a) The following acts or practices or the causing thereof may be deemed sufficient cause for the debarment, by the Administrator, of any person, including any agents, officers, subsidiaries or affiliates of such person, from any or all benefits of the act for a specified period, after notice and opportunity for hearing has been accorded him:

(1) *Misrepresentation, deceptive, or fraudulent act or practice.* Any wilful misrepresentation or any deceptive or fraudulent act or practice found to be made or committed by any person in connection with:

(i) The making or filing of an application for any grading service, inspection service, or sampling service, appeal or regrading service;

(ii) The making of the product accessible for sampling, grading or inspection;

(iii) The making, issuing or using or attempting to issue or use any grading certificate, inspection certificate, symbol, stamp, label, seal, or identification authorized pursuant to the regulations in this part;

(iv) The use of the terms "United States" or "U. S." in conjunction with the grade of the product;

(v) The use of any of the aforesaid terms or any official stamp, symbol, label, seal, or identification in the labeling or advertising of any product; or

(vi) The use of the terms "Government Graded", "Federal-State Graded", "U. S. Inspected", "Government Inspected", or terms of similar import in the labeling or advertising of any product.

(2) *Use of facsimile forms.* Using or attempting to use a form which simulates in whole or in part any certificate, symbol, stamp, label, seal or identification authorized to be issued or used under the regulations in this part.

(3) *Willful violation of the regulations.* Any willful violation of the regulations in this part or the act.

(4) *Interfering with a grader or inspector.* Any interference with or obstruction or any attempted interference or obstruction of any grader or inspector in the performance of his duties.

(5) *Misleading labeling.* The use of the terms "Government Graded", "Federal-State Graded", or terms of similar import in the labeling or advertising of any product without stating in the label or advertisement the U. S. grade of the product as determined by an authorized grader.

(6) *Miscellaneous.* The existence of any of the conditions set forth in § 55.24 constituting the basis for the rejection of an application for grading or inspection service.

(b) Whenever the Administrator has reason to believe that any person, or his employee, agent, or representative has flagrantly or repeatedly committed any of the acts or practices specified in paragraph (a) of this section, he may without hearing direct that the benefits of the act be denied such person, including any agents, officers, subsidiaries or affiliates of such person, pending investigation and hearing and shall give notice thereof by registered mail. A written petition for reconsideration of such interim denial may be filed with the Administrator by any person so denied the benefits of the act if postmarked or delivered within 10 days after notice of the interim denial. Such petition shall state specifically the errors alleged to have been made by the Administrator in denying the benefits of the act pending investigation and hearing. Within 20 days following the receipt of such petition for reconsideration, the Administrator shall reinstate the benefits of the act or notify the petitioner by registered mail of the reasons for continued interim denial.

4. Change paragraph (b) of § 55.81 *Egg washing operations,* to read as follows:

(b) Shell eggs with adhering dirt shall be washed, rinsed with a water spray and dried. Such eggs may be immersed in or sprayed with a bactericidal solution immediately following the water rinse and thereafter dried prior to breaking: *Provided,* That, if other than hypochlorites are used for the bactericidal treatment, the eggs shall again be rinsed prior to drying and breaking.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624)

Issued at Washington, D. C. this 20th day of December 1955, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-10302; Filed, Dec. 22, 1955; 8:50 a. m.]

PART 56—GRADING AND INSPECTION OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES AND WEIGHT CLASSES FOR SHELL EGGS

MISCELLANEOUS AMENDMENTS

Notice of a proposed amendment to the regulations governing the grading and inspection of shell eggs and United States standards, grades and weight classes for shell eggs (7 CFR Part 56) was published in the FEDERAL REGISTER on December 3, 1955 (20 F. R. 8933). The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The amendment will implement Public Law 272, 84th Congress, 1st Session, approved August 9, 1955, amending the aforesaid act by designating the certificates, memoranda, marks and other identifications and devices for making such marks or identifications, with respect to inspection, class, grade, quality, size, or condition, that are official for the purposes of said act. The amendment also includes minor changes with respect to the information which is required in the grade mark, and changes the language in the U. S. wholesale grades for shell eggs in the interest of clarity. The language of the amendment set forth herein is the same as was published in the aforesaid notice with the exception of minor clarifying changes.

It is hereby found that it would be impractical, unnecessary and contrary to the public interest to delay the effective date of this amendment until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that (1) the amendment is in the nature of an interpretative rule, (2) the language changes represent a needed improvement in clarifying the meaning and intent of the regulations, and (3) no additional time is required by interested persons to prepare for compliance with this amendment.

The amendment is as follows:

1. Delete paragraph (p) of §56.2 *Terms defined.*

2. Add a new § 56.2a, to read as follows:

§ 56.2a *Designation of official certificates, memoranda, marks, other identifications and devices for purposes of the Agricultural Marketing Act.* Subsection 203 (h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed in this section shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, used under this part to certify with respect to the sampling, inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U. S. grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part, including but not limited to, those set forth in § 56.38.

(d) "Official identification" means any United States (U. S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

3. Change § 56.31 *Denial of service,* to read as follows:

§ 56.31 *Denial of service.* (a) The following acts or practices or the causing thereof may be deemed sufficient cause for the debarment, by the Administrator, of any person, including any agents, officers, subsidiaries or affiliates of such person, from any or all benefits of the act for a specified period, after notice and opportunity for hearing has been accorded him:

(1) *Misrepresentation, deceptive, or fraudulent act or practice.* Any wilful misrepresentation or any deceptive or fraudulent act or practice found to be made or committed by any person in connection with:

(i) The making or filing of an application for any grading service, inspection service, or sampling service, appeal or regrading service;

(ii) The making of the product accessible for sampling, grading or inspection;

(iii) The making, issuing or using or attempting to issue or use any grading certificate, inspection certificate, symbol, stamp, label, seal, or identification authorized pursuant to the regulations in this part;

(iv) The use of the terms "United States" or "U. S." in conjunction with the grade of the product;

(v) The use of any of the aforesaid terms or any official stamp, symbol, label, seal, or identification in the labeling or advertising of any product; or

(vi) The use of the terms "Government Graded", "Federal-State Graded", "U. S. Inspected", "Government Inspected", or terms of similar import in the labeling or advertising of any product.

(2) *Use of facsimile forms.* Using or attempting to use a form which simulates in whole or in part any certificate, symbol, stamp, label, seal or identification authorized to be issued or used under the regulations in this part.

(3) *Willful violation of the regulations.* Any willful violation of the regulations in this part or the act.

(4) *Interfering with a grader or inspector.* Any interference with or obstruction or any attempted interference or obstruction of any grader or inspector in the performance of his duties.

(5) *Misleading labeling.* The use of the terms "Government Graded", "Federal-State Graded", or terms of similar import in the labeling or advertising of any product without stating in the label or advertisement the U. S. grade of the product as determined by an authorized grader.

(6) *Miscellaneous.* The existence of any of the conditions set forth in § 56.24 constituting the basis for the rejection of an application for grading or inspection service.

(b) Whenever the Administrator has reason to believe that any person, or his employee, agent, or representative has flagrantly or repeatedly committed any of the acts or practices specified in paragraph (a) of this section, he may without hearing direct that the benefits of the act be denied such person, including any agents, officers, subsidiaries or affiliates of such person, pending investigation and hearing and shall give notice thereof by registered mail. A written petition for reconsideration of such interim denial may be filed with the Administrator by any person so denied the benefits of the act if postmarked or delivered within 10 days after notice of the interim denial. Such petition shall state specifically the errors alleged to have been made by the Administrator in denying the benefits of the act pending investigation and hearing. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall reinstate the benefits of the act or notify the petitioner by registered mail of the reasons for continued interim denial.

4. Change § 56.38 *Form of grade mark,* with the exception of Figures 1 and 2, to read as follows:

§ 56.38 *Form of grade mark.* The grade mark permitted to be used to officially identify cartons containing one dozen shell eggs, which are graded pursuant to the regulations in this part, shall be contained in a shield of the form and design indicated in examples in Figures 1 and 2 of this section. The information (including the form and arrangement of its wording) which is to be included in such marks shall be: (1) The letters "U. S. D. A."; (2) the U. S. grade, such as, "U. S. A Grade"; (3) one of the following phrases: "Graded Under Federal-State Supervision", "Graded Under U. S. and State Supervision", or a term of similar import, and (4) the size or weight class of the product, such as, "Large": *Provided,* That, the size may be omitted from the grade mark if it appears prominently on the main panel of the carton. The grade mark shall be printed on the carton or on a label used to seal the carton. When the size or weight class is included as a part of the grade mark the form of such mark shall be as indicated in Figure 1 of this section and when the size or weight class designation is not included in the grade mark the form of the grade mark shall be as indicated in Figure 2 of this section. The grade mark shall also include the plant number of the official plant where the product was packed if the appropriate plant number does not appear elsewhere on the packaging material. In addition, the date the eggs were graded shall be stamped either on the grade mark used to seal the carton or applied in a legible manner elsewhere on the carton. Such date of grading shall be expressed as the month and day or as the consecutive day of the year. The grade mark shall be not less than 1⅛ inches in height and should not exceed 1¾ inches in height. The size of the letters designating the grade shall be not less than ¼ inch in height. The size of the print and the arrangement of the other information within the shield shall be in approximately the same proportion as shown in the examples in Figures 1 and 2 of this section.

5. Change § 56.226 *Grades,* to read as follows:

§ 56.226 *Grades.* (a) "U. S. Specials --% AA Quality" shall consist of eggs of which at least 20 percent are AA Quality; and the actual percentage of AA Quality eggs shall be stated in the grade name. Within the maximum of 80 percent which may be below AA Quality, not more than 7.5 percent may be B Quality, C Quality, Dirties or Checks in any combination and not more than 2.0 percent may be Loss.

(b) "U. S. Extras --% A Quality" shall consist of eggs of which at least 20 percent are not less than A Quality; and the actual total percentage of A Quality and better quality eggs shall be stated in the grade name. Within the maximum of 80 percent which may be below A Quality, not more than 11.7 percent may be C Quality, Dirties, or Checks in any combination, and not more than 3.0 percent may be Loss.

(c) "U. S. Standards --% B Quality" shall consist of eggs of which at least 20 percent are not less than B Quality; and the actual total percentage of B Quality and better quality eggs shall be stated in the grade name. Within the maximum of 80 percent which may be below B Quality not more than 11.7 percent may be Dirties or Checks in any combination, and not more than 4 percent may be Loss.

(d) "U. S. Trades --% C Quality" shall consist of eggs of which at least 83.3 percent are not less than C Quality; and the actual total percentage of C Quality and better quality eggs shall be stated in the grade name. Within the maximum of 16.7 percent which may be below C Quality not more than 11.7 percent may be Dirties or Checks in any combination and not more than 5 percent may be Loss.

(e) "U. S. Dirties" shall consist of eggs that are Dirty and shall contain not more than 11.7 percent Checks and not more than 5 percent Loss.

(f) "U. S. Checks" shall consist of eggs that are Checks and shall contain not more than 5 percent Loss.

(g) "No grade" means eggs of possible edible quality that fail to meet the requirements of an official U. S. Grade or that have been contaminated by smoke, chemicals, or other foreign material that has seriously affected the character, appearance, or flavor of the eggs.

6. Change § 56.227 *Summary of grades*, to read as follows:

§ 56.227 *Summary of grades.* A summary of the United States Wholesale Grades for Shell Eggs follows as Table I of this section:

TABLE I—SUMMARY OF UNITED STATES WHOLESALE GRADES FOR SHELL EGGS

Wholesale grade designation	Minimum percentage of eggs of specific qualities required [1]				Maximum tolerance permitted (lot average)				
	AA Quality	A Quality or better	B Quality or better	C Quality or better	B Quality, C Quality, Dirties, and Checks	C Quality, Dirties, and Checks	Dirties and Checks	Checks	Loss
					Percent	*Percent*	*Percent*	*Percent*	*Percent*
U. S. Specials--% AA Quality [2]	20	Balance	None permitted except for tolerances.		7.5				2
U. S. Extras--% A Quality [2]		20	Balance	None permitted except for tolerances.		11.7			3
U. S. Standards--% B Quality [2]			20	Balance			11.7		4
U. S. Trades--% C Quality [2]				83.3			11.7		5
U. S. Dirties--%								11.7	5
U. S. Checks--%									6

[1] Substitution of eggs possessing higher qualities for those possessing lower specified qualities is permitted.
[2] The actual total percentage must be stated in the grade name.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624)

Issued at Washington, D. C. this 20th day of December 1955, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-10304; Filed, Dec. 22, 1955; 8:51 a. m.]

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

MISCELLANEOUS AMENDMENTS

Notice of a proposed amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70) was published in the FEDERAL REGISTER on November 29, 1955 (20 F. R. 8754). The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The amendment will implement Public Law 272, 84th Congress, 1st Session, approved August 9, 1955, amending the aforesaid act by designating the certificates, memoranda, marks and other identifications and devices for making such marks or identifications, with respect to inspection, class, grade, quality, size, or condition, that are official for the purposes of said act. The amendment also makes minor changes in the manner of providing poultry inspection service on a Federal-State basis. The language of the amendment set forth herein is the same as was published in the aforesaid notice with the exception of minor clarifying changes.

It is hereby found that it would be impractical, unnecessary and contrary to the public interest to delay the effective date of this amendment until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that (1) the amendment is in the nature of an interpretative rule, (2) the language changes represent a needed improvement in clarifying the meaning and intent of the regulations, and (3) no additional time is required by interested persons to prepare for compliance with this amendment.

The amendment is as follows:

1. Delete the definition of "Official Identification" in § 70.1.

2. Delete the definition of "State Supervisor" in § 70.1 *Definitions*, and substitute in lieu thereof the following: "State supervisor" or "Federal-State supervisor" means any authorized and designated individual who is in charge of the poultry grading service or the poultry inspection service in a State. A State supervisor or a Federal-State supervisor of poultry inspection service shall be a veterinarian and a Federal employee.

3. Add new § 70.2 to read as follows:

§ 70.2 *Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.* Subsection 203 (h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed in this section shall have the respective meaning specified:

(a) "Official certificate" means any form of certification, either written or printed, used under this part to certify with respect to the sampling, inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U. S. Grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part, including but not limited to, those set forth in §§ 70.381 through 70.384.

(d) "Official identification" means any United States (U. S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

4. Delete the first sentence of § 70.14 *Dressed poultry; eligibility.*

5. Change the number "70.404" in § 70.390 *Basis of providing Federal-State service*, to read "70.401".

6. Change § 70.60 *Denial of service*, to read as follows:

§ 70.60 *Denial of service.* (a) The acts or practices set forth in §§ 70.61 to 70.66 or the causing thereof may be deemed sufficient cause, for the debarment, by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person from any or all benefits of the act for a specified period, after notice and opportunity for hearing has been accorded him.

(b) Whenever the Administrator has reason to believe that any person, or his employee, agent, or representative has flagrantly or repeatedly committed any of the acts or practices specified in

§§ 70.61 to 70.66, he may without hearing, direct that the benefits of the act be denied such person, including any agents, officers, subsidiaries, or affiliates of such person, pending investigation and hearing and shall give notice thereof by registered mail. A written petition for reconsideration of such interim denial may be filed with the Administrator by any person so denied the benefits of the act within 10 days after notice of the interim denial. Such petition shall state specifically the errors alleged to have been made by the Administrator in denying the benefits of the act pending investigation and hearing. Within 20 days following the receipt of such petition for reconsideration, the Administrator shall reinstate the benefits of the act or notify the petitioner of the reasons for continued interim denial.

7. Change paragraph (c) of § 70.61 *Misrepresentation, deceptive, or fraudulent acts or practices*, to read as follows:

(c) The making, issuing, or using, or attempting to issue or use any grading certificate, inspection certificate, symbol, stamp, label, seal or identification, authorized pursuant to the regulations in this part;

8. Change paragraph (e) of § 70.61, to read as follows:

(e) The use of any of the aforesaid terms or any official stamp, symbol, label, seal or identification in the labeling or advertising of any product; or

9. Change § 70.62 *Use of facsimile forms*, to read as follows:

§ 70.62 *Use of facsimile forms.* Using or attempting to use a form which simulates in whole or in part, any certificate, symbol, stamp, label, seal or identification authorized to be issued or used under the regulations in this part.

10. Change § 70.63, to read as follows:

§ 70.63 *Wilful violation of the regulations.* Any wilful violation of the regulations in this part or the act.

11. Change § 70.64, to read as follows:

§ 70.64 *Interfering with a grader or inspector.* Any interference with or obstruction or any attempted interference or obstruction of any grader or inspector in the performance of his duties.

12. Change § 70.65, to read as follows:

§ 70.65 *Misleading labeling.* The use of the terms "Government Graded", "Federal-State Graded", or terms of similar import in the labeling or advertising of any product without stating in the labeling or advertisement, the U. S. grade of the product as determined by an authorized grader.

13. Delete §§ 70.391 through 70.404 and insert in lieu thereof the following renumbered sections:

§ 70.391 *Supervision.* All inspection service which is provided under this part shall be technically and administratively supervised by the Agricultural Marketing Service (hereinafter referred to as AMS) through its national and area supervisory organization. It shall be the responsibility of AMS to determine that the services rendered pursuant to any cooperative agreement under the regulations are conducted in a satisfactory manner, that the actual post-mortem inspection of poultry is adequate, and that uniform procedures and policies are followed in all plants in accordance with the requirements of the regulations. Inspection service furnished on a Federal-State basis shall be carried on either under the direct supervision of a Federally-employed Circuit Supervisor (hereinafter referred to as Alternative I) or under the direct supervision of a Federally-employed State Supervisor (hereinafter referred to as Alternative II). In either case, such supervisor shall be immediately responsible for the activities within the State. However, any supervisory official of AMS of a higher administrative level shall have the authority to observe, independently of or in conjunction with the Federal-State supervisor, any particular station or the official activities of any particular inspector at any time he deems it advisable; and shall have the authority to supervise such activities as may be desirable and necessary.

CONDITIONS

§ 70.395 *Regulations.* The regulations of the Secretary of Agriculture governing the grading and inspection of poultry and edible products thereof and instructions of the Administrator governing the inspection of products shall apply to both Federal-State inspection service and to Federal inspection service. AMS shall assume the responsibility for developing the regulations and any instructions issued pursuant thereto and for the supervision of inspection work carried on under the service.

§ 70.396 *Duties of the Federal-State Supervisor.* The Federal-State supervisor of inspection service shall be responsible for the supervision and proper conduct of inspection service within the State or States to which he is assigned. He may be assigned to supervise inspection service in a single State or in two or more adjoining States providing this is agreed to by AMS and the cooperating agencies in such States. He shall examine each prospective State inspector and recommend acceptable applicants for a license. Such recommendation shall be in writing and accompanied by a statement of the qualifications of the applicant. He shall be responsible for making surveys of plants applying for service within the State. The assignment of State employed inspectors to plants shall be mutually agreeable to the State agency and AMS. Insofar as practicable inspectors will not be assigned to plants where they have been previously employed.

§ 70.397 *Employment and licensing of State inspectors.* (a) The cooperating State agency shall assume responsibility for recruitment and employment of State inspectors for plants under the Federal-State service, and the salaries of such inspectors shall be paid by the State. Such inspectors may be employed only when licensed by AMS, and it shall be understood that AMS shall have the authority to withdraw such license at any time (and thus terminate the services of any such inspector) in accordance with the provisions of this part. The licensed State inspector shall not, while a licensed inspector, accept employment, money or remuneration of any kind from the company to which assigned.

(b) Each State inspector at the time he begins service as an inspector shall complete a period of training under the immediate supervision of a Federally employed training supervisor. The license issued to such inspector shall be a limited license authorizing him to perform inspection work only under the supervision of the inspector-in-charge of the station to which he is assigned. A license authorizing the State inspector to serve as inspector-in-charge of a station may be issued when it has been determined by the officer-in-charge of the poultry inspection service of AMS that the inspector is qualified for such position.

§ 70.398 *Duties of State-employed inspectors.* The duties of the State-employed inspectors shall be the same as the duties of Federally-employed inspectors. Inspectors shall make proper, accurate, and adequate post-mortem examinations of poultry carcasses and shall thoroughly familiarize themselves with and adhere to the inspection procedures and the applicable provisions of the Federal regulations governing inspection service.

§ 70.399 *Replacement of Federal inspectors.* When Federal-State inspection service replaces Federal inspection service in a State the replacement of Federal inspectors by State inspectors shall not be carried out until satisfactory transfers of the Federal inspectors to plants out of the State can be accomplished by AMS.

§ 70.400 *Collection of fees.* Through designated representatives, the State Agency shall collect all fees and charges for services rendered under cooperative agreements, except to branches of the Federal Government, and will establish a special fund into which these fees and charges will be deposited. Any person or firm desiring Federal-State inspection service shall make application therefor to the State Agency. The application shall set forth the conditions under which service is to be performed. Such applications shall be approved or concurred in by AMS.

§ 70.401 *Reimbursement of AMS by State cooperating agency.* The State Agency shall reimburse AMS from fees collected or from State appropriations, or both, for the following:

(a) An amount equal to (1) the salaries of any Federally employed inspectors assigned to plants under the Federal-State inspection service, plus an amount to cover travel costs, annual leave accrued, and sick leave earned and taken while such Federally employed inspectors are assigned to plants in the State; (2) an amount to cover travel costs incurred by AMS with respect to training activities performed by any Federal training supervisors in the State; and (3) an amount calculated upon the amounts specified in subparagraphs (1) and (2) of this paragraph to cover administrative costs incurred by AMS with respect to Federal em-

ployees while they are assigned in the State.

(b) An amount equal to the actual amounts reimbursed to the Agricultural Research Service by AMS, plus fifteen (15) percent of such amounts to cover administrative costs of AMS when inspectors of the Agricultural Research Service are employed in any plant, performing the inspection of canning or other processing of poultry food products.

(c) An amount equal to fifteen (15) percent of the salaries and other expenses of inspectors employed by the State Agency, to cover administrative costs of AMS when such inspectors are employed in any plant, performing the inspection of canning or other processing of poultry food products.

(d) As compensation toward supervisory and administrative costs of AMS as well as toward costs incurred for supplies, equipment, certificates, report forms, and other materials furnished by AMS as follows:

(1) Where Alternative I, referred to in § 70.391 is adopted, an amount equal to thirty-five (35) cents per thousand pounds of eviscerated poultry processed in each official plant operating under Federal-State inspection service, plus one hundred and twenty-five ($125) dollars, for the combined initial and final survey made of each plant in the State by AMS pursuant to § 70.44 of the regulations. (The request for such survey will be made by the State Agency to AMS upon receipt by the State Agency, of an application for inspection service.)

(2) Where Alternative II, referred to in § 70.391 is adopted, an amount equal to (i) the salary of the Federally employed State Supervisor, plus an amount to cover travel costs, annual leave accrued, and sick leave earned and taken while such State Supervisor is employed in the State, and (ii) an amount equal to twenty (20) cents per thousand pounds of eviscerated poultry processed in each official plant operating under Federal-State inspection service to cover administrative and supervisory costs of AMS, above the State level.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624)

Issued at Washington, D. C., this 20th day of December 1955, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-10303; Filed, Dec. 22, 1955; 8:50 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 575, Revised]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEXICAN FRUIT FLY

REVISED ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHODS OF TREATMENT OF CITRUS FRUIT UNDER MEXICAN FRUIT FLY QUARANTINE

Pursuant to the authority conferred by § 301.64-4 (e) of the regulations supplemental to the Mexican Fruit Fly Quarantine (Notice of Quarantine No. 64, 7 CFR and Supp. 301.64-1 et seq.), the Chief of the Plant Pest Control Branch hereby issues revised administrative instructions to appear as § 301.64-4a in Title 7, Code of Federal Regulations, as follows:

§ 301.64-4a *Administrative instructions prescribing methods of treatment of citrus fruit.* (a) Any of the approved methods of fumigation and sterilization specified in paragraph (b) of this section will meet sterilization requirements imposed under § 301.64-4 (e) as a condition of the issuance of permits for the interstate movement of citrus fruits.

(b) *Approved methods of treatment*—(1) *Ethylene dibromide fumigation.* (i) This approved treatment shall consist of fumigation of citrus fruit with vaporized ethylene dibromide at normal atmospheric pressure in specially constructed fumigation chambers at the prescribed dosage under the following fruit and air temperatures:

(*a*) 8 ounces of ethylene dibromide per 1,000 cubic feet of space for 2 hours at temperatures (both fruit and fumigation chamber) of 77° F. or above.

(*b*) 10 ounces of ethylene dibromide per 1,000 cubic feet of space for 2 hours at temperatures (both fruit and fumigation chamber) of 70° F. to 76° F. inclusive.

(ii) No specifications as to the exact methods and equipment used in obtaining the required temperatures, volatilizing and circulating the gas, are prescribed but the conditions under which fumigation takes place must be satisfactory to the supervising inspector. Vapor-heat sterilization rooms and equipment, with certain alterations, may be made into satisfactory fumigation chambers. However, extreme care must be taken to prevent the escape of gas into the packing plant during the fumigation process as ethylene dibromide gas is toxic to human beings.

(2) *Vapor-heat methods.* (i) The following methods of vapor-heat treatment are approved:

(*a*) The temperature of the fruit shall be raised to 110° F., at the approximate center of the fruit, in a period of 8 hours and shall be held at that level during the following 6 hours. This method is adapted to sterilization plants that do not have the capacity to increase the temperature of the fruit steeply at the beginning of the treating period.

(*b*) The temperature of the fruit shall be raised to 110° F., at the approximate center of the fruit, in a period of 6 hours and shall be held at that level during the following 4 hours. The temperature of the fruit must be raised rapidly during the first 2 hours, after which it may be gradually raised to 110° F., in the following 4 hours.

(ii) While no specifications as to the exact methods and equipment for obtaining these conditions are prescribed, the air within the room shall be maintained at the temperature and under the humidity conditions required by the supervising inspector. Available information clearly indicates that by the application of dry heat the required temperatures cannot be reached without injury to the fruit. To prevent such injury it is necessary to maintain a very high humidity throughout the period of treatment. In the tests where successful performance was obtained, live steam as the source of heat was applied in such a way as to secure as nearly as possible a uniform distribution of steam-heated air so directed as not to discharge directly on the fruit. The air temperature ranged from 110° to 112° F., and the air was very moist. The fruit was held in field boxes stacked six boxes high and without special means of separating the boxes in each stack. The experiments indicate that the fruit should be sterilized after coloring, if this is necessary, and before packing for shipment, and then cooled down to a temperature around 45° F. as soon as possible after sterilizing. Wax or paraffin, either dry or in solution, should not be applied to this fruit before sterilization.

(3) *Low-temperature methods.* This approved treatment shall consist of either:

(i) Cooling until the approximate center of the fruit reaches a temperature of 33° F. and holding the fruit at or below that temperature for a period of 18 days; or,

(ii) Cooling until the approximate center of the fruit reaches a temperature of 34° F. and holding the fruit at or below that temperature for a period of 20 days.

(iii) Cooling until the approximate center of the fruit reaches a temperature of 35° F. and holding the fruit at or below that temperature for a period of 22 days.

(c) *Other conditions.* Such treatments as are approved in paragraph (b) of this section may be conducted only in packing or refrigeration plants that are located in the regulated area and are approved by the Plant Pest Control Branch. The Branch will approve only those plants that are adequately equipped to handle and fumigate or sterilize fruit. Such treatment will be done under the supervision of inspectors of the Branch. These inspectors shall at all times be given access to fruit while in the process of treatment.

(d) *Department not responsible for damage.* While the results of the fruit treatment experiments so far conducted have been successful, it should be emphasized that inexactness and carelessness in operation may result in injury to fruit. In approving the methods of treatment specified in paragraph (b) of this section the United States Department of Agriculture does not accept the responsibility for fruit injury.

The foregoing administrative instructions shall be effective December 23, 1955, and at that time shall supersede B. E. P. Q. 575, effective February 1, 1949, (7 CFR, 1954 Supp., 301.64-4a).

The foregoing revised administrative instructions provide a new alternate method of ethylene dibromide fumigation. In this respect, they relieve restrictions now imposed. In addition they restate methods of low-temperature and vapor-heat treatments previously approved in administrative instructions now in effect. In order to be of maximum benefit to shippers of citrus fruit, such new alternate method should be made available as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and public procedure on the foregoing administrative instructions are unnecessary, impracticable, and contrary to the public interest, and since these instructions relieve restrictions they may properly be made effective under said section 4 less than 30 days after their publication in the FEDERAL REGISTER.

(Secs. 1, 3, 33 Stat. 318; 7 U. S. C. 141, 143, 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 20th day of December 1955.

[SEAL] W. L. POPHAM,
Chief,
Plant Pest Control Branch.

[F. R. Doc. 55-10305; Filed, Dec. 22, 1955; 8:51 a. m.]

[P. P. C. 612, Second Revision]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS UNDER REGULATIONS SUPPLEMENTAL TO THE KHAPRA BEETLE QUARANTINE

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2, 20 F. R. 1012) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions are hereby issued as follows, listing warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76-2a *Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.* Infestations of the khapra beetle have been determined to exist in the warehouses, mills, and other premises listed below. Accordingly, such warehouses, mills, and other premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

ARIZONA

Acme Bag & Burlap Co., 3200 South Seventh Street, Phoenix.

Allied Grain Company, 310 South 24th Avenue, Phoenix.

Arizona Flour Mills, South Peart Road at Southern Pacific Railroad, Casa Grande.

Arizona Flour Mills, Tempe.

Arizona Flour Mills, 177 East Toole, Tucson.

Arizona Grain Storage Co., 100 South Nevada, Chandler.

Arizona Stock Farms, Inc., Arlington.

Arizona Wholesale Supply Co., 191 Toole Avenue, Tucson.

Arlington Cattle Co. (warehouse and mill), Highway 80, Arlington.

C. A. Batty Farm, Box 27, Glenbar.

Box O Ranch P. O. Box 424, Coolidge.

Brown's Farm Store, 3555 East Washington, Phoenix.

Capitol Feed & Seed, South Pacific Street and East Dirklay Avenue, Coolidge.

Capitol Feed & Seed Co., 312 South 15th Avenue, Phoenix.

Chandler Feed & Seed Store, 256 South Arizona Avenue, Chandler.

Delinting & Seed Treating Co., 3100 South Seventh Street, Phoenix.

Elloc Farm, Route 4, Box 182, Phoenix.

Erly-Fat Livestock Feed Co., South Peart Road at Southern Pacific Railroad, Casa Grande.

Erly-Fat Livestock Feed Co., 117 East Toole Avenue, Tucson.

C. H. Espy (town property), 1089 B Avenue, Yuma.

John H. Evans Farm Storage, Route 4, Box 330, located ¼ mile east of 75th Avenue on south side of Van Buren Street, Phoenix.

Farm Equipment & Supply, First Street and California Avenue, Parker.

Farmers' Coop. Marketing Association, 401 Eighth Street, Yuma.

Farmers' Coop. Marketing Association, Highway 95, Yuma.

Feeders Supply Co., 751 West Main, Mesa.

G & H Feed Store, 812 Thatcher Boulevard, Safford.

Grubbs Hatchery, P. O. Box 1806, Yuma.

International Market (Jimmy Ng), 106 Main Street, Somerton.

Frank Kornegay Farm (storage bins), 10th Street and Avenue D, Yuma.

Henry Leivas Farm, Route 1, Box 48-B, Parker.

Long's Dairy (barn), Buckeye.

Mrs. Pearl McCreary Ranch, Route 1, Gilbert.

McElhaney Cattle Company, cattle feed lot, 44 North Central Avenue, located 1 mile south and 1½ miles east of Tempe, on east Broadway, Phoenix.

Millett Feed Barn & Millett Feed & Storage Warehouse, 254 South Sirrine Street, Mesa.

Northrup-King Seed Co., 953 Third Avenue, Yuma.

Pablo Franco Ranch, 1764 Avenue B, Yuma.

Peterson's Feed & Supply, 940 North Stone Avenue, Tucson.

Phoenix Hay & Feed Company, 4111 North Seventh Street, Phoenix.

Quick Seed & Feed, 2101 Grand Avenue, Phoenix.

Ranchers Feed & Supply, 264 South Scottsdale Road, Scottsdale.

Red Star Feed & Seed Store, 220 Mill Street, Tempe.

R. F. Richter Feed Store, Box 51, Parker.

South Central Feed & Supply (warehouse), 3710 South Central Avenue, Phoenix.

Southern Feed & Hardware, 25 East Southern Avenue, Phoenix.

Southwest Flour & Feed, 347 East A Street, Glendale.

Tiemann Feed & Supply Co., 2001 North Stone Avenue, Tucson.

Tovrea Land & Cattle Co., 5001 East Washington, Phoenix.

Tucson Hay and Grain Co., 4734 East Speedway, Tucson.

Valley Feed & Seed, 1918 West Van Buren, Phoenix.

Valley Hay Market, 334 West Prince Road, Tucson.

Vita-Gro Feed Store, 155 West Main Street, Mesa.

Norman Welker Farm, Route 1, Safford.

Whitman Grain Co., 11th Street, Yuma.

Whitman Seed Co., 11th Street, Yuma.

Yuma County Feed & Seed Warehouse & Store, 2101 Eighth Street, Yuma.

CALIFORNIA

Paul H. Aspey Farm Storage Bins, 1 mile south of Highway 80 on Highway 111, and 1 mile east of Acacia Canal Gate 67, El Centro. Mail address Box 264, El Centro.

Janice Axtell Farm, Route 4, Box 2250, Oroville.

I. V. Bag Company (Nick Robolino, owner), located East A and Road 46, 304 North Ninth Street, Brawley. Mail address P. O. Box 1313, Brawley.

Bakersfield Cattle Feeding Co. Ranch, Box 3155, Greenfield.

B. S. Baldwin & Son Ranch, Route 2, Box 758, Bakersfield.

Beckwith & Co., 614 High Street, Delano.

E. M. Bevins Ranch, Route 2, Box 22, El Centro.

John Binnell (chicken ranch), 1607 South Cucamonga Avenue, Ontario.

Thomas Blackman Property (Bag fumigation), southwest corner of intersection of Sixth Street and Emerson, Calexico.

L. R. Bonesteel Ranch, located one-sixth mile north of Highway 98 from a point 1.7 miles east of Bonds Corner, Holtville. Mail address Route 1, Holtville.

Joe Bowers Ranch, Road 66, three-fourths mile west of Road B, Route 1, Box 14, Calipatria.

Hershel Brady Ranch, 1531 East A Street, Brawley.

Madeline Britton Property, 219 First Street, Calexico.

C. H. Burns Ranch, located two miles northeast of Shafter at southwest corner of Mettler and Merced Avenue. Mail address Route 1, Box 12, Shafter.

Camp and Mebane Cattle Co. Feed Yard, 3½ miles east of Cawelo on Lerdo Road, Cawelo.

Louis Carano Ranch, east of Southern Pacific Railroad tracks at intersection of County Roads East B and No. 8, 1 mile south of Heber.

Charles C. Causey (small farm used for storage and farm feeding), 653 South Imperial Avenue, northwest corner intersection County Roads East M and 46, Brawley.

Central Valley Feed Yard, Inc., East Eighth Street and RR. tracks, Imperial.

Louis J. Charlebois, Jr., Ranch, Route 2, Box 375, Blythe.

Fred Clendonen Ranch, Route 5, Box 359, Bakersfield.

Coachella Valley Feed Yard, east side of Highway 111, south of Avenue 54. Mail address Box 226, Thermal.

J. E. Conrad Ranch, 18782 Livermore Street, Reedley.

C. E. Cook Ranch, ¼ mile south of intersection of County Roads 39 and West 1, Imperial.

Olaf Dahlquist Ranch, intersection of Road 28 and West N, Route 2, Box K, Imperial.

W. Denewiler Ranch, Route 1, Box 77, Blythe.

Rosie Diffenboeker Ranch, County Road No. 68, one-half mile west of Highway 111, Calipatria.

C. R. Dow Ranch, Long Valley, North fork of Wolf Creek, 4 miles north of Highway 20, P. O. Clearlake Oaks.

El Centro High School, barn on County Farm, El Centro.

The Farmers Cattle Feeding Yard, three-quarter mile west of Highway 111, north of Brawley. Mail address Box 155, Brawley.

Harry Finney Ranch, Somerset Road, SW¼ of sec. 24, T. 10 N., R. 3 W., near Hinkley.

Archie Frick Ranch, SE¼ of sec. 7, T. 32 S., R. 29 E., near Arvin. Mail address 325 Third Avenue, Arvin.

Forrest Frick Ranch, located one mile east of Lamount on west side of Vineland Road, 150 yards south of Di Giorgio Road. Mail address Route 5, Box 437, Bakersfield.

Forrest Frick Ranch, located west side of Vineland Road, four-tenths of a mile south of Di Giorgio Road. Mail address Route 5, Box 437, Bakersfield.

Fred Frick Ranch, the south 100 acres of the NW¼ of sec. 7, T. 32 S., R. 29 E., near Arvin. Mail address 325 Third Avenue, Arvin.

Bud Frye Ranch, 72155 Frankwood (2 miles north of Reedley), Reedley.

Ernest Furrer Ranch, northeast corner of intersection of county roads West J and 18, El Centro.

Pete Gardner Ranch, one-half mile south of Cemetery Road on west side of unnamed road, one-half mile east of Evergreen Cemetery, 2 miles east of courthouse, El Centro.

Joe Grassotti Ranch, 899 West Fairview Road, Bakersfield.

Bud Gunterman Ranch, on East G, one-half mile south of road 8 on west side of Acacia Canal at Gate 4, Calexico.

Gunterman Ranches (Bud Gunterman, owner), intersection of East L and Road 14, Calexico.

L. R. Hamilton Ranch, Route 3, Box 568, Visalia.

Hangover Farms, located northwest corner Road 20 (Highway 80) and West E, Box 418, El Centro.

F. J. Hauseur & Sons Feed Lot, located 2 miles south of Orita, 1½ miles east on Oxallo Canal, Brawley.

Gilbert Hayden Ranch, located at northwest corner of West 26 and F Road. Mail address P. O. Box 195, Imperial.

Hiett Dairy, located one mile west of Delano on Hiett Avenue, 300 yards south of County Line Road, Route 1, Box 1088, Delano.

C. P. Hiles Ranch, Route 5, Box 2309, Oroville.

Oscar Holdenried Farm Storage Bins, Renfro Drive, 1 mile west of Kelseyville. Mail address Box 338, Lakeport.

Holly Sugar Co. Feed Lot, located at intersection of East B and Road 34, Brawley.

Holtville Milk Coop., Holtville.

Ray J. Hovely Ranch, Old Calipatria Highway, 2½ miles north of Brawley, Brawley.

Harold Hunt Ranch, 742 Olive (7 miles east of Heber), El Centro.

Alvin Immel Ranch, located Oasis Canal, Gate 24, intersection of East O and Road 35, Holtville.

J. A. Ivey Ranch, Route 2, Box 167, Blythe.

Burt and Clinton James Store, southeast corner Johnson Dale Highway and Buena Vista Drive, Kernville.

Carl Johns & Son Ranch, located 10 miles northwest of Bakersfield on west side of Calloway Drive, 200 yards south of Snow Road, Route 4, Box 576, Bakersfield.

D. H. Johnson Ranch, Route 2, Box 104, Imperial.

Johnson & Drysdale Cattle Co., Route 1, Box 143, Calexico.

H. Johnson Ranch, Route 1, Box 206, Terra Bella.

Everet Jones Ranch, intersection of East R and Road 56, Route 2, Box 174, Brawley.

A. H. Karpe Greenfield Ranch, Station A, Box 187, Greenfield.

Clarence Keel Ranch, Highway 111, 4 miles north of Calipatria.

J. R. Kennedy Ranch, located in Long Valley, approximately 6 miles north of Highway 20, P. O. Clearlake Oaks.

Kern County Land Company, Gosford Feed Yard, 2920 M Street, Bakersfield.

Kern Valley Farms, on Wheeler Ridge Road, 1 mile south of Herring Road, Box 184, Arvin.

Henry Kirchener Dairy, on west side of County Road East B, one-fourth mile north of County Road 28, El Centro.

C. E. Kline Ranch, Route 2, Box 282, El Centro.

Estle Lain Ranch, located one-eighth mile west of intersection of Road West C and Road 21, north side of Road 21, Route 1, Box 9, El Centro.

R. Langley Ranch, Route 2, Box 39A, Holtville.

N. K. Larsen Ranch, located at intersection West G and Road 33, Route 2, Box 138, Imperial.

Fritz Lehman Ranch, Route 1, Box 99, northeast of El Centro.

Miss Mattie Lund and Irene Lund Parker Ranch, 6 miles east of Oroville, P. O. Drawer 309, Oroville.

Gene Malone Ranch, Route 1, Box 1440M, Indio.

Tom Manning Feed Barns, north end of Sones Drive, east side of Adobe Creek, north of Finley. Mail address Box 54, Lakeport.

F. B. Marlow Ranch, intersection of West A and Road 54, Star Route, Box 27, Westmoreland.

Marshall Seed & Feed Co., 126 South Sixth, El Centro.

Peter L. Marston Ranch, Route 2, Box 261, El Cajon.

John T. Martin Ranch, Route 1, Box 99, Earlimart.

Kelly McCollum Ranch, intersection of Road 28 and West E, Route 1, Box G, Imperial.

M. L. McFarland (small farm), County Road West A, one-fourth mile north of County Road 28, P. O. Box 327, Imperial.

S. C. McGonagle Ranch, two miles east of El Centro from Highway 80 on the Dogwood Canal. Mail address Box 978, El Centro.

Mee Ranches (lessee), 1901 East Brundage Lane, Bakersfield.

Milham Farms, Blue Moon Ranch, Lerdo Road, Buttonwillow.

Henry Munger Feed Lot, 299 Main Street, El Centro.

L. C. Myers Ranch, intersection of East V and County Road 58, Brawley.

Newhall Land & Farming Company, Route 3, Box 77, Saugus.

Niland Food Market (store), west side of 200 block, east side of Highway 111, Niland.

Onyx Store property (Oscar Rudnick, owner), Onyx.

Oro Farm and Cattle Co. (Benjamin Kosdon, owner), located one and one-half miles northeast of Buttonwillow on west side of Wasco Way, one-half mile north of Highway 178, Box 274, Buttonwillow.

Outsen Milling Co., 925 Bryant Street, San Francisco.

Palo Verde School District Farm, Palo Verde Junior College, west side of Lovekin, between Chancelor Way and 10th Avenue, Blythe.

Pauba Ranch Mill & Feed Yard (Vail Co., owner), north side of Highway 71, 3½ miles north of junction with Highway 395, south of Temecula.

I. F. Porter (small farm), Route 2, Box 9A, Brawley.

Raymond A. Powell and Mike Deniz Ranch, Route 1, Box 166, 1 mile north of Glenn.

Paul Pryor Dairy, 5501 Olive Drive, Oildale, located four miles west of U. S. Highway 99, south side of Olive Drive, approximately three miles northwest of Bakersfield.

C. B. Ralph's Ranch, at northeast corner of intersection of County Roads East C and 32, Imperial.

Emil Rebik Ranch, near East P on north side of Road 58, Box 184, Brawley.

Clare Rexroth Ranch, in sec. 8, T. 27 S., R 27 E., Route 1, Box 98, McFarland.

J. W. Roberts Ranch, located at Ash Canal, Gate 160, intersection of East J and Road 18, Route 2, Box 57, Holtville.

F. O. Rosenbaum Ranch, Route 2, Box 29, Imperial.

Harold B. Ross Ranch, Route 1, Box 78, Holtville.

Oscar Rudnick Ranch, on Highway 178, across highway from Onyx Store, Onyx.

Oscar Rudnick Ranch, one-half mile north of Onyx Store, Onyx.

Rudinick Trust Feed Lot, 1½ miles west of Oak Street, on Panama Lane, Bakersfield.

Leroy Schaad Ranch, at northwest corner of intersection of Ware Road and Lone Star Road, Williams.

F. W. Schoneman Ranch, at southwest corner of intersection of County Roads East T and 54, Brawley.

Walter E. Scott Ranch, southwest corner of 14th Avenue and Defrain Boulevard, P. O. Box 283, Blythe.

Roy C. Shank Ranch, Route 2, Box 17A, Brawley.

K. K. Sharp (small farm and storage), Route 1, Box 44, southeast corner intersection County Roads East R and 26, on Pampas Canal, Holtville.

Shaw and Dower (feed lot and bulk storage at residence), three-fourths mile north of Sandia, Holtville.

Frank Sherwood Ranch, 920 Lewelling Avenue, Hayward.

Alice Sinclair Ranch, Vail Canal No. 3, Gate 309, 5½ miles west, thence one-half mile north of Calipatria, on northwest corner of intersection of West I and County Road 66, Calipatria.

Mrs. L. E. Sinclair (residence), Road East A, one-half mile south of intersection with Road 65, P. O. Box 234, Calipatria.

Snyder's Termite Control, 4428 Magnolia Avenue, Riverside.

Starkey Bros. Dairy, Imperial.

Studer Bros. Ranch, County Road 6, two miles east of Mt. Signal School, Wisteria Lot 4, Route 1, Box 74A, Calexico.

K. W. Taylor Feed Lot, located at intersection of West H. and Road 9, Route 2, Box 45A, El Centro.

E. W. Thornton Ranch, Route 2, Box 2, Imperial.

Union Development Co. Warehouse, approximately 100 yards south of intersection of County Roads No. 86 and West A, Niland.

John Waterman Ranches, located one-eighth mile west of El Centro on Ross Avenue, Route 2, Box 95, El Centro.

Albert Whitlock Ranch, southeast corner of intersection of Highway 111 and Road 77, P. O. Box 19, Calipatria.

Wildlife Refuge Unit No. 1, at northeast corner of intersection of West I and County Road 60, Brawley.

Wildlife Refuge Unit No. 2, on east side of West I, one-fourth mile north of County Road 74, Brawley.

Wilkerson Brothers Ranch, on south side of County Road No. 74, one-half mile east of County Road East J, Calipatria.

Ray Willis Ranch, Route 1, Box 106, Brawley.

R. B. Wilson Co. Feed Yard, 300 K Street, Brawley.

T. O. Witt Ranch, on Highway 178, 13 miles northeast of Isabella Lake, Onyx.

D & A Wittenberg Ranch, located south side of Tulare Avenue, one-half mile west of Scaroni Avenue, 3 miles west of Shafter, Route 1, Box 238, Shafter.

Wright Feed Yards, Seeley.

W. E. Young Ranch, intersection of East N and Road 66, P. O. Box 267, Calipatria.

William Youtsler Ranch, intersection of West J and Road 58, Route 1, Brawley.

Miguel D. Yslava Ranch, Route 1, Box 200, El Centro.

NEW MEXICO

Slone Grain Co., 223 North Avenue B, Portales.

This revision combines into a single list the warehouses, mills, and other premises that were designated as khapra beetle regulated areas in revised administrative instructions effective June 22, 1955 (20 F. R. 4361), as amended effective July 13, 1955, July 30, 1955, August 17, 1955, September 17, 1955, October 11, 1955, and November 17, 1955 (20 F. R. 4979, 5447, 5961, 6992, 7565, 8515).

By omitting from the list 7 establishments in Arizona, 15 establishments in California, and 3 establishments in New Mexico, the revision revokes the designation of these establishments as regulated areas and deletes them from the list. The revision also adds to the list 2 establishments in Arizona and 6 establishments in California, thereby designating them as regulated areas.

This revision shall be effective December 23, 1955, and on that date shall supersede revised administrative instructions effective June 22, 1955, and amendments thereof effective July 13, 1955, July 30, 1955, August 17, 1955, September 17, 1955, October 11, 1955, and November 17, 1955 (20 F. R. 4361, 4979, 5447, 5961, 6992, 7565, 8515).

These instructions supplement khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to permit unrestricted movement of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 20th day of December 1955.

[SEAL] W. L. POPHAM,
Chief,
Plant Pest Control Branch.

[F. R. Doc. 55-10306; Filed, Dec. 22, 1955; 8:51 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Regs. 814.15, 814.16]

PART 814—ALLOTMENT OF SUGAR QUOTAS

QUOTAS AND DIRECT CONSUMPTION PORTION, PUERTO RICO, 1956

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of (A) allotting the 1956 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1956 sugar quota for local consumption in Puerto Rico among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico and (B) allotting the portion of the 1956 sugar quota for Puerto Rico which may be filled by direct-consumption sugar among persons who market such sugar for consumption in the continental United States.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota", allotments thereof are referred to as "mainland allotments" and the allotments of the direct-consumption portion thereof as "direct-consumption allotments". The sugar quota for consumption in Puerto Rico and allotments thereof are referred to as "local quota" and "local allotments," respectively.

Omission of recommended decision and effective date. The record of the hearing regarding allotment of the 1956 sugar quotas for Puerto Rico shows that inventories of sugar on January 1, 1956, will approximate 140,000 tons and production of sugar from 1955–56 crop sugarcane will be approximately the sum of the local and mainland quotas established by the Secretary of Agriculture (R. 5, 6). Some of the mainland and local allotments made by this order could be exceeded by the marketing of the 1955 carryover plus a comparatively small quantity of new-crop sugar. Also, the record of the hearing regarding allotment of direct-consumption sugar shows that the capacity of Puerto Rican refineries to produce direct-consumption sugar far exceeds the sum of 126,033 short tons, raw value, of such sugar which may be marketed in the continental United States under the act and the quantity of sugar needed for local consumption in Puerto Rico in 1956 (R. 23). Some of the direct-consumption allotments made by this order are small and delay in the issuance of the order might result in some persons marketing more than their fair share of the direct-consumption portion of the quota. Since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective on January 1, 1956.

Preliminary statement. Under the provisions of section 205 (a) of the act, the Secretary is required to allot a quota or proration thereof whenever he finds that allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et. seq.), a preliminary finding was made that allotment of the quotas is necessary and a notice was published on September 24, 1955 (20 F. R. 7170), of a public hearing to be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area Office, ASC, Segarra Building, on October 5, 1955, at 10:00 a. m., for the purpose of receiving evidence to enable the Secretary to make a fair, efficient and equitable distribution of (A) the 1956 mainland quota (including raw sugar transferred for further processing and the shipment within the direct-consumption portion of the quota) and the 1956 local quota among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico, and of (B) the direct-consumption portion of the 1956 sugar quota for Puerto Rico. The hearing was held at the time and place specified in the notice.

In arriving at the findings, conclusions, and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

Basis for findings and conclusions. Section 205 (a) of the act reads in pertinent part as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him • • •

A. Allotment of mainland and local quotas. The record of the hearing indicates that the prospective Puerto Rican sugar supplies for 1956 sufficiently exceed the quota for Puerto Rico that allotment of the quotas is necessary (R. 5, 6).

All three factors specified in the provision of law quoted above have been considered and each is given a percentile weighting by the formula on which this allotment of the 1956 quotas for Puerto Rico is based. That formula follows a proposal made in the record as to the measures and weightings of factors to be used for determining combined mainland and local allotments (R. 6–7), with provisions for estimates to be used in making initial allotments (R. 8) and sources of data to be used in making final allotments (R. 9).

The formula is made applicable to combined allotments because total marketing opportunities are of greatest significance in determining an equitable distribution among the allottees and because two of the three factors specified in the act for consideration, processings from proportionate shares and ability to market, represent quantities applicable to total marketings. Direct measurement of these factors in relation to local allotments has little relevance because, for the area as a whole, local marketings

amount to only about 10 percent of these factors, and the relative proportion for different allottees varies from zero to about 50 percent (R. 10–11). All processings from a crop are used as a measure of the factor "processing of sugar or liquid sugar from • • • sugarcane to which proportionate shares • • • pertained," even though small quantities of processings from non-proportionate share sugar may be included, since such raw sugar for direct consumption in the formula used for fixing allotments (R. 9).

No other proposals were made and no exception was taken to the proposed procedure which is essentially the same as that which proved satisfactory in allotting the 1955 quota.

A proposal was made in the record for dividing the combined allotment of each allottee into mainland and local allotments on the basis of the percentage that local marketings of each allottee was of its total marketings in 1954 and 1955 (R. 11, 12). Local marketings utilized in the findings and conclusions include all of the marketings to purchasers in Puerto Rico not accounted for by sugar (1) brought into the continental United States by a refiner to whom the allottee transferred sugar for that purpose, or (2) exported at so-called "world prices" (R. 9). A representative of Central Juanita, Inc., proposed using only 1955 instead of a two-year period (R. 21). In finding that local allotments should be based on local marketings in 1955 only, recognition has been given to the testimony at the hearing that marked changes have occurred in the local marketings of individual processors in recent years (R. 11). No other exceptions were taken or proposals made with respect to dividing combined allotments into mainland and local allotments.

As proposed in the hearing record (R. 12) a finding is made to limit initial allotments to 80 percent of the quota, because the use of estimates may result in allotments higher than those resulting from the use of final data. Findings also are made upon uncontroverted evidence in the record that revisions be made in the order, without further notice or hearing, for the purposes of substituting final data for estimates (R. 8) and for revising allotments resulting from the release of allotments by any allottee, or resulting from the proration of any deficit in a quota of another area (R. 13, 14). All allottees stipulated for the record that deficits in quotas or allotments, and final production, marketing and inventory data for each allottee shall become a part of the record.

Findings are made under paragraphs 13 and 14, and paragraphs (b), Producers marketings under allotments; (c), Restrictions on marketings; (d), Exchange of allotments, and (e), Specific charges against allotments, are included in the order since similar provisions operated satisfactorily in 1955, and no objection was made to the proposal in the record that such provision be included (R. 13).

In view of the testimony in the record by a representative of Central San Francisco that his firm, formerly known as the Estate of Arturo Lluberas and Sobrinos had changed its name to Central San Francisco (R. 18), such change in name has been reflected accordingly in the findings and allotment order.

B. *Allotment of the direct-consumption portion of the mainland quota.* The record of the hearing shows that the potential capacity of Puerto Rican refiners to produce direct-consumption sugar sufficiently exceeds the quantity of such sugar which may be marketed within quotas that allotment of direct-consumption sugar is necessary (R. 23).

While all three factors specified in the provisions of section 205 (a) of the act quoted above have been considered, only the "past marketing" and "ability to market" factors have been given percentile weightings in the formula used on which the allotment of the direct-consumption portion of the 1956 mainland quota for Puerto Rico is based. Testimony indicates that allottees accounting for 95 percent of the marketings of direct-consumption sugar to the continental United States do not process sugar from sugarcane and that giving weight to the factor "processing from proportionate shares" would not lead to equitable allotments (R. 24).

The findings and conclusions for measuring and weighting the two factors "past marketing" and "ability to market" follow a proposal made in the record (R. 24, 25). By using marketings of direct-consumption sugar in the continental United States during the years 1951–55, inclusive, as a measure of "past marketings," a period of years has been selected that represent experience under marketing conditions similar to those which may be expected in 1956, and also provide a period of time sufficient to offset short-run factors affecting data for a single year. By using the largest marketings of direct-consumption sugar in the continental United States by each allottee in any year during the period 1935 through 1955 as a measure of "ability to market," a sufficient period of time has been provided to permit the selection of a year for each allottee which will reflect relative abilities. A shorter period as proposed by a representative of the Western Sugar Refining Company (R. 30, 31) would not afford the same opportunity to measure relative abilities on the basis of one year's shipments. A comparison with present plant capacity shows no impairment in the ability of any of the allottees to produce direct-consumption sugar (R. 25).

Two hundred tons of the direct-consumption portion of the quota to be allotted has been set aside for the marketing of raw sugar for direct consumption as proposed in the record (R. 27). It is not practicable to allot such a small quantity to numerous raw sugar mills in advance, hence allotments will be made upon application for specific sales. This procedure continues a trade practice followed in previous years, and contributes to an efficient allocation of the direct-consumption portion of the 1956 sugar quota to be allotted.

The two hundred tons set aside would permit the marketing of Puerto Rican raw sugar for direct consumption in the continental United States at a slightly higher rate than in 1955 prior to the hearing, but at a lower rate than in any other recent year (R. 27).

In accordance with the record of the hearing (R. 27, 28) provision has been made in the findings and the order to reallocate, without further notice or hearing, any quantity of an allotment released by an allottee or any quantity of the unallotted reserve not needed for the marketing of raw sugar for direct consumption. Also, as proposed in the record (R. 28), the findings and order contain provisions relating to restrictions on marketing similar to those contained in the 1955 Puerto Rican allotment order, since such provisions operated successfully in 1955 and no objection was made in the record to their inclusion in 1956.

The name of the allottee formerly known as Estate of Arturo Lluberas y Sobrinos has been changed to Central San Francisco in accordance with testimony in the record (R. 18).

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that in regard to:

A. *Allotment of mainland and local quotas.* (1) For the calendar year 1956 Puerto Rican processors will have available for marketing on the mainland and in Puerto Rico an amount of sugar which exceeds the combined mainland and local quotas by approximately 140,000 short tons.

(2) The allotment of the 1956 mainland quota for Puerto Rico (including raw sugar transferred for further processing to be brought in within the direct-consumption portion of the quota) and the 1956 local quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford all interested persons equitable opportunities to market such sugar in the continental United States and in Puerto Rico.

(3) To assure a fair, efficient and equitable distribution of the mainland and local quotas for Puerto Rico for 1956 the three statutory standards should be weighted as follows: "processings • • • from • • • proportionate shares," 70 percent; "past marketings," 10 percent; and "ability to market," 20 percent.

(4) The percentage which all of each allottee's processings for the 1955–56 crop is of the total of such processings for all allottees constitutes a fair and equitable measure of "processings • • • from • • • proportionate shares" and in the initial order all processings from 1954–55 crop sugarcane should be used as estimates of processings from 1955–56 crop sugarcane.

(5) A fair and equitable measure of the factor past marketings for each allottee is the percentage which its average mainland and local marketings during the years 1951 through 1955 is of the total of such average marketings for all allottees and in the initial order the combined allotments for 1955 as set forth in Exhibit 4, corrected, of the record should be used as estimates of marketings for 1955.

(6) The sum for each allottee of processings of sugar from 1955–56 crop sugar plus the inventory of sugar on January 1, 1956, as a percentage of the total of such sums for all allottees constitutes a fair and equitable measure of the ability of each allottee to market sugar during 1956. In the initial order the estimate of 1955–56 processings indicated in paragraph (4), above, should be used, and the January 1, 1955, inventories plus processings of sugar from 1954–55 crop sugarcane less 1955 combined allotments as indicated in (5), above, should be used as estimates of the January 1, 1956, inventories.

(7) The percentages that local marketings were of combined mainland and local marketings for each processor during 1955 are representative for the purpose of dividing the combined 1956 allotment for each processor into a mainland allotment and a local allotment and in the initial order the local allotments for 1955 adjusted for exchanges of local and mainland allotments between allottees effected prior to September 30, 1955, as set forth in the record (Ex. 4 corrected) should be used as estimates of local marketings for 1955.

(8) The quantities of sugar and the percentages referred to in paragraphs (4), (5), (6), and (7), above, are as set forth in the following table:

Processor	Production of sugar from 1954–55 crop sugarcane		Average annual marketings (estimated) 1951 through 1955		Jan. 1, 1956, estimated stocks plus production from 1954–55 crop sugarcane		Estimated local marketings 1955	
	Short tons raw value	Percent of total	Short tons raw value	Percent of total	Short tons raw value	Percent of total	Short tons raw value	Percent of allottee's total 1955 marketings
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Antonio Roig, Sucesores, S. en C.	47,395	4.065	47,035	4.168	52,344	4.004	21,274	44.620
Asociacion Azucarera Cooperativa	33,766	2.896	33,047	2.929	35,177	2.691	67	.200
Central Aguirre Sugar Co., a trust	109,133	9.356	109,706	9.722	118,298	9.048	1,618	1.465
Central Coloso, Inc	61,938	5.312	56,572	5.040	70,782	5.413	574	.920
Central Eureka, Inc	40,816	3.501	37,053	3.284	46,858	3.584	635	1.551
Central Guanajuani, Inc	12,250	1.051	11,267	.998	13,337	1.020		
Central Igualdad, Inc	44,147	3.786	43,417	3.848	50,749	3.882	17,464	38.919
Central Juanita, Inc	41,631	3.570	38,225	3.388	53,821	4.117	2,165	5.021
Central Mercedita, Inc	86,240	7.396	75,964	6.732	91,873	7.027	23,705	27.844
Central Monserrate, Inc	25,979	2.228	25,491	2.259	28,632	2.190	100	.381
Central San Francisco	9,203	.789	7,096	.629	10,738	.821	1,875	20.667
Central San Vicente, Inc	67,170	5.761	60,419	5.354	80,320	6.143	12	.018
Compania Azucarera del Camuy, Inc	14,622	1.254	14,266	1.264	15,617	1.194		
Compania Azucarera del Toa	32,562	2.793	31,915	2.828	40,990	3.135		
Cooperativa Azucarera Los Canos	37,567	3.222	36,320	3.219	42,109	3.221		
Eastern Sugar Associates, a trust	122,449	10.502	123,029	10.902	136,785	10.462	14,788	11.884
Fajardo Sugar Co	112,894	9.682	111,905	9.917	132,437	10.129	15	.013
Land Authority of Puerto Rico	71,084	6.096	68,289	6.051	74,059	5.665		
Mario Mercado e Illjos	32,864	2.819	32,078	2.843	35,793	2.738	525	1.592
Mayaguez Sugar Co., Inc	9,124	.783	9,009	.881	9,387	.718	130	1.409
Plata Sugar Co	50,653	4.344	48,247	4.276	57,538	4.409	275	.537
Roller Sugar Co	12,686	1.088	12,366	1.096	13,192	1.009		
South Porto Rico Sugar Co. of Puerto Rico	89,853	7.706	94,466	8.372	96,486	7.380	14,778	16.188
Total	1,166,028	100.000	1,128,412	100.000	1,307,422	100.000	100,000	

(9) The combined local and mainland quotas should be allotted by applying the weightings of the factors specified in paragraph (3) above to the percentage measures of those factors listed for each allottee in paragraph (8), and by multiplying the sum of such weighted percentages for each allottee by the sum of such quotas. The combined allotments so established should be divided into local and mainland allotments on the basis of the percentages local marketings are of total marketings in 1955 as listed in paragraph (8), above.

(10) In order to prevent any allottee from marketing a quantity of sugar in excess of the allotments established therefor on the basis of final data relating to 1955–56 crop processings, 1955 marketings and January 1, 1956, inventories, allotments established by this order should not exceed 80 percent of the combined mainland and local quotas.

(11) The order shall be revised without further notice or hearing for the purpose of (a) substituting data on processings of the 1955–56 crop sugarcane, 1955 local and mainland marketings and January 1, 1956, inventories for estimates used in measuring the factors in (4), (5), (6) and (7); (b) allotting any quantity of an allotment which may be released by an allottee, in writing to the Director of the Sugar Division, to other allottees able to utilize additional allotment in proportion to the established allotments of such allottees; and (c) allotting any area deficits to which Puerto Rico may become a beneficiary by allotting such quantities to allottees in the same proportion as the allotments then in effect.

(12) The name of the allottee formerly referred to as Estate of Arturo Lluberas y Sobrinos shall be changed to Central San Francisco.

(13) Any producer who receives sugar in payment for sugarcane (a) should be permitted to market, within the allotment of the processor who processed his sugarcane, a quantity of sugar equal to the same percentage of the producer's 1955–56 crop sugar that the sum of the processor's mainland and local allotments is of the total 1955–56 crop sugar processed from cane by such processor, and (b) such permitted quantity should be within the mainland allotment unless the producer requests local allotment. Further, a person who, as a producer, has sugar received from a processor in settlement for sugarcane of crops prior to that of 1955–56 shall be permitted to market such sugar within that processor's mainland allotment.

(14) An efficient distribution of the quotas requires exchanges between allottees of quantities of mainland allotment for like quantities of local allotment, subject to the approval of an officer of the Department designated in the order.

(15) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of the quotas, as required by section 205 (a) of the act.

B. *Allotment of direct-consumption portion of the mainland quota.* (1) The potential capacity of Puerto Rican refiners to produce direct-consumption sugar during the calendar year 1956 exceeds 280,000 short tons and this quantity is far greater than the total quantity of such sugar which may be marketed within the 1956 sugar quotas for Puerto Rico.

(2) The allotment of the direct-consumption portion of the 1956 sugar quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford each interested person an equitable opportunity to market such sugar in the continental United States.

(3) Assignment of a percentile weight to the "proportionate shares" factor in the final allotment formula would not result in fair, efficient and equitable allotment.

(4) The best measure of the "past marketings" factor for each allottee is its percentage of the average marketings of direct-consumption sugar of all allottees in the continental United States during the years 1951 through 1955.

(5) The best measure of the "ability to market" factor for each allottee is its percentage of the sum of the largest quantities of direct-consumption sugar of all allottees marketed in the continental United States during any calendar year during the period 1935–55, inclusive, and the ability so measured is within the present plant capacity of each refiner.

(6) The allotments of the direct-consumption portion of the 1955 mainland quota for Puerto Rico as established in Sugar Regulation 814.14 (19 F. R. 9322) and set forth in the record (Ex. 6) are adequate measures of 1955 marketings of direct-consumption sugar in the continental United States.

(7) The quantity of sugar marketed referred to in paragraphs (4) and (5), above, are as follows:

[Short tons, raw value]

Allottee	Average 1951–55	Highest year 1935–55
Central Aguirre Sugar Co., a trust	5,946	10,640
Central Roig Refining Co	19,794	28,665
Central San Francisco	776	2,560
Porto Rican American Sugar Rfy., Inc	78,853	116,611
Western Sugar Refining Co	19,696	29,988
Total	125,065	188,494

(8) A small part of the direct-consumption portion of the mainland quota is normally marketed in the continental United States as raw sugar for direct consumption. Two hundred short tons, raw value, should be reserved for this purpose in 1956.

(9) Allotments totaling 125,833 short tons, raw value, should be established by giving fifty percent weight to past marketings, measured as provided in paragraph (4), above, and fifty percent weight to ability to market, measured as provided in paragraph (5), above.

(10) Any quantity that may be released by any allottee who finds that it cannot use its full allotment and so indicates in writing to the Director of the Sugar Division, or any quantity that may not be needed to meet the demands upon the unallocated reserve for raw sugar for direct consumption, may be reallotted to allottees in proportion to their established allotments without further notice or hearing.

(11) The name of the allottee formerly referred to as Estate of Arturo Lluberas y Sobrinos shall be changed to Central San Francisco.

(12) Each allottee in 1956 should be restricted from bringing into the continental United States for consumption therein any direct-consumption sugar in excess of the smaller of its allotment established herein or the quantity transferred to such allottee and charged against an allotment of the 1956 Puerto Rican mainland quota. All other persons should be prohibited from bringing such sugar into the continental United States in 1956 for consumption therein except such sugar acquired from an allottee within its allotment established herein, or brought in as raw sugar within the quantity established therefor.

(13) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of the direct-consumption portion of the mainland quota, as required by section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered:

§ 814.15 *Allotment of 1956 sugar quotas for Puerto Rico*—(a) *Allotments.* The 1956 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota) and the 1956 sugar quota for local consumption in Puerto Rico, are hereby allotted, to the extent shown in this section, to the following processors in amounts which appear in columns (1) and (2) opposite their respective names:

[Short tons, raw value]

Processor	(1) Mainland allotment	(2) Local allotment
Antonio Roig, Sucesores, S. en C	21,283	17,071
Asociacion Azucarera Cooperativa	26,926	54
Central Aguirre Sugar Co., a trust	86,797	1,287
Central Coloso, Inc	49,619	490
Central Eureka, Inc	32,492	510
Central Guamani, Inc	9,818	-------
Central Igualdad, Inc	22,010	13,966
Central Juanita, Inc	32,829	1,731
Central Mercedita, Inc	49,472	19,025
Central Monserrate, Inc	20,914	80
Central San Francisco	5,842	1,511
Central San Vicente, Inc	54,714	10
Compania Azucarera del Camuy, Inc	11,734	-------
Compania Azucarera del Toa	27,046	-------
Cooperativa Azucarera Los Canos	30,416	-------
Eastern Sugar Associates, a trust	87,652	11,789
Fajardo Sugar Co	92,453	12
Land Authority of Puerto Rico	56,687	-------
Mario Mercado e Hijos	26,058	421
Mayaguez Sugar Co., Inc	7,259	104
Plata Sugar Co	40,844	220
Soller Sugar Co	10,129	-------
South Porto Rico Sugar Co. of Puerto Rico	61,006	11,749
All other persons	-------	-------
Subtotal	864,000	80,000
Unallotted	216,000	20,000
Total	1,080,000	100,000

(b) *Producers' marketings under allotments.* Each processor shall reserve a share of its mainland allotment for the marketings of each producer with whom settlement for sugarcane is made in sugar equal to the same percentage of the producer's 1955–56 crop sugar that the sum of the processor's mainland and local allotments is of the processor's total production of 1955–56 crop sugar. Provided, That upon written request to the processor within 30 days of the effective date of this order, the producer's share shall be divided between local and mainland allotments as the sum of the processor's allotments is divided between mainland and local allotments. Further, a person who, as a producer, has sugar received from a processor in settlement for sugarcane of crops prior to that of 1955–56 shall be permitted to market such sugar within that processor's mainland allotment.

(c) *Restrictions on marketings.* (1) During the period January 1, 1956, to the date the allotments established in this section are revised on the basis of final data on processings from 1955–56 crop sugarcane, 1955 marketings and January 1, 1956, inventories, each processor named in paragraph (a) of this section, together with the producers with whom it shares its allotments under paragraph (b) of this section and all other persons are hereby prohibited from bringing into the continental United States for consumption therein, or marketing to a local refiner or any other person for that purpose, and from marketing for local consumption in Puerto Rico, any sugar in excess of the applicable quantities established in columns (1) and (2) of the table in paragraph (a) of this section.

(2) During the calendar year 1956 all persons who acquire raw sugar for further processing and resale as direct-consumption sugar are hereby prohibited from marketing sugar for local consumption in Puerto Rico in excess of the sum of (i) the quantity of sugar acquired for such purpose under the limitations specified in § 814.13, as amended (19 F. R. 9319; 20 F. R. 2686, 5674) and held in inventory on December 31, 1955, and (ii) the quantity of sugar acquired for such purpose within the limits specified in this section.

(d) *Exchange of allotments.* The allotments established in paragraph (a) of this section, or producers' shares thereof established under paragraph (b) of this section, shall not be exchanged without the approval of the Chief of the Quota and Allotment Branch, Sugar Division, Commodity Stabilization Service of the Department.

(e) *Specific charges against allotments.* Sugar produced in Puerto Rico which is brought into the continental United States for consumption therein or marketed for local consumption in Puerto Rico during 1956 shall be charged to the applicable allotment of the processor who processed such sugar.

§ 814.16 *Allotment of the direct-consumption portion of 1956 sugar quota for Puerto Rico*—(a) *Allotments.* The direct-consumption portion of the 1956 sugar quota for Puerto Rico, amounting to 126,033 short tons, raw value, is hereby allotted as follows:

Allottee	Direct-consumption allotment (short tons, raw value)
Central Aguirre Sugar Co., a trust	6,542
Central Roig Refining Co	19,526
Central San Francisco	1,255
Porto Rican American Sugar Refinery, Inc	78,592
Western Sugar Refining Co	19,918
All other persons (raw sugar only)	200
Total	126,033

(b) *Restrictions on marketing.* (1) During the calendar year 1956, each allottee named in paragraph (a) of this section is hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar from Puerto Rico in excess of the smaller of (i) the allotment therefor established in paragraph (a) of this section, or (ii) the quantity transferred to such allottee and charged against a 1956 mainland allotment under § 814.15.

(2) During the calendar year 1956, all persons other than the allottees specified in paragraph (a) of this section are hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar from Puerto Rico except (i) that acquired from an allottee within the quantity established in this section, and (ii) that brought in within the quantity established in this section for "all other persons".

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or apply secs. 205, 209, 61 Stat. 926, 928; 7 U. S. C. 1115)

Done at Washington, D. C., this 16th day of December 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-10261; Filed, Dec. 22, 1955; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-262]

PART 911—MILK IN THE TEXAS PANHANDLE MARKETING AREA

ORDER REGULATING THE HANDLING OF MILK

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AUTHORITY: §§ 911.0 to 911.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 911.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced in such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect the market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to butterfat and skim milk contained in (a) receipts of producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 911.46 and, (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

(b) *Additional findings.* In view of the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the entire order to afford handlers an opportunity to make any necessary changes in their accounting procedure or other adjustments as required to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. The provisions of said order are known to handlers. The decision of the Assistant Secretary of Agriculture containing all provisions of this order was issued on November 22, 1955. In view of the foregoing, it is hereby found and determined that good cause exists for making §§ 911.1 through 911.19; 911.25 through 911.27; 911.30 through 911.33; 911.40 through 911.46; 911.60 and 911.61; 911.88 through 911.90; 911.100 through 911.103; 911.110 and 911.111, effective on January 1, 1956 and the entire order (§§ 911.1 through 911.111) effective February 1, 1956. It would be contrary to the public interest to delay such effective dates of this order for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order) of more than 50 percent of the milk covered by this order which is marketed within the Texas Panhandle marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum thereon and who, during the determined representative period (October 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Texas Panhandle marketing area

shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 911.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 911.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 911.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 911.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 911.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 911.6 *Texas Panhandle marketing area.* "Texas Panhandle marketing area," hereinafter called the "marketing area," means all the territory within the counties of Armstrong, Briscoe, Carson, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchison, Moore, Oldham, Ochiltree, Potter, Randall, Roberts, Sherman and Wheeler, all in the State of Texas.

§ 911.7 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association (1) any day during the months of March through June and (2) on not more than 15 days during any of the months of July through February: *Provided,* That milk diverted pursuant to this section shall be deemed to have been received at the location of the plant from which diverted.

§ 911.8 *Distributing plant.* "Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 911.9 *Supply plant.* "Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 911.10 (a).

§ 911.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area: *Provided,* That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided,* That if such shipments are not less than 75 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year: *And provided further,* That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

§ 911.11 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 911.12 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of one or more distributing or supply plants, or (b) any cooperative association with respect to the milk from producers diverted by the association for the account of such association from a pool plant to a nonpool plant.

§ 911.13 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers.

§ 911.14 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 911.7.

§ 911.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, eggnog, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 911.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 911.17 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

§ 911.18 *Base milk.* "Base milk" means milk received at a pool plant from a producer during any of the months of March through June which is not in excess of such producer's daily base computed pursuant to § 911.95 multiplied by the number of days in such month: *Provided,* That all milk received at a pool plant from a producer or diverted from such a plant during any of the months of March through June 1956 shall be base milk.

§ 911.19 *Excess milk.* "Excess milk" means milk received at a pool plant from a producer during any of the months of March through June which is in excess of base milk received from such producer during such month, and milk received during such month from a producer for whom no base can be computed pursuant to § 911.95.

MARKET ADMINISTRATOR

§ 911.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 911.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 911.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 911.88 (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 911.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 911.30 and 911.31, or payments pursuant to §§ 911.80, 911.84, 911.86, 911.87, and 911.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk, pursuant to § 911.51 (a), and the Class I butterfat differential, pursuant to § 911.52 (a), both for the current month; and the minimum price for Class II milk, pursuant to § 911.51 (b), and the Class II butterfat differential, pursuant to § 911.52 (b), both for the preceding month;

(2) The 10th day after the end of the months of July through February the uniform price pursuant to § 911.72 and the producer butterfat differential pursuant to § 911.81;

(3) The 10th day after the end of each of the months of March through June, the uniform prices for base milk and excess milk pursuant to § 911.73 and the producer butterfat differential pursuant to § 911.81; and

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests, the percentage of the milk caused to be delivered by the cooperative association or by its members to the pool plant(s) of each handler during the month, which was utilized in each class. For the purpose of this report; the milk so delivered shall be allocated to each class for each handler in the same ratio as all producer milk received by such handler during the month.

REPORTS, RECORDS AND FACILITIES

§ 911.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk, and the aggregate quantities of base and excess milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 911.7;

(e) Inventories of fluid milk products on hand at the beginning and end of the month; and

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 911.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, for the months of March through June, the total pounds of base and excess milk, (iii) the number of days, if less than the entire month for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

§ 911.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 911.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 911.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 911.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 911.41 through 911.46.

§ 911.41 *Classes of utilization.* Subject to the conditions set forth in § 911.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2) of this section) and (2) not accounted for as Class II milk:

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) disposed of and

used for livestock feed; (3) contained in inventory of fluid milk products on hand at the end of the month; and (4) in shrinkage allocated to receipts of producer milk and other source milk (except milk diverted to a nonpool plant pursuant to § 911.7) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively.

§ 911.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 911.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 911.44 *Transfers.* Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to the pool plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 911.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 911.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of fluid milk product;

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 300 miles by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area;

(d) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located not more than 300 miles by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 911.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided,* That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products so transferred or diverted and classified as Class I milk: *And provided further,* That if the total skim milk and butterfat in fluid milk products which were transferred by all handlers to such nonpool plant during the month is less than the skim milk and butterfat classified as Class I milk pursuant to the preceding proviso hereof, the assignment to Class I milk shall be prorated over the claimed Class II classification reported by each such handler on transfers to the nonpool plant.

§ 911.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk.

§ 911.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 911.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 911.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source received in the form of fluid milk products which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 911.44 (a);

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(9) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 911.50 *Basic formula price.* The basic formula price shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest cent.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Clarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price obtained by adding together the amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Subtract 3 cents from the Chicago butter price and multiply the remainder by 4.8; and

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.16.

§ 911.51 *Class prices.* Subject to the provisions of §§ 911.52 and 911.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* From the effective date of this part through August, 1957, the Class I milk price shall be the basic formula price for the preceding month, plus $2.15 during the months of July through February and plus $1.85 during all other months.

(b) *Class II milk price.* The Class II milk price shall be:

(1) For the months of March through June, the average of the prices reported to have been paid or to be paid for ungraded milk of 4 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator or the Department:

Present Operator and Location

Plains Creamery, Arnett, Okla.
Price Creamery, Portales, N. Mex.
Quint County Creamery, Mangum, Okla.
Swisher County Creamery, Tulia, Tex.

(2) For the months of July through February, the higher of the prices computed pursuant to subparagraph (1) of this paragraph and paragraph (b) of § 911.50.

§ 911.52 *Butterfat differentials to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 911.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II prices.* Multiply the Chicago butter price for the current month by 0.110.

§ 911.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 100 miles or more from the City Hall, Amarillo, Texas, by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to a distributing plant which is a pool plant in the form of a fluid milk product and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 911.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Amarillo City Hall (miles):	*Rate per hundredweight (cents)*
100 but less than 110	35.0
For each additional 10 miles or fraction thereof an additional	1.6

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 911.46 (a) (5), and the comparable steps in (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 911.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 911.60 *Producer-handlers.* Sections 911.40 through 911.46, 911.50 through 911.53, 911.70 through 911.73, 911.80 through 911.88, and 911.95 through 911.97 shall not apply to a producer-handler.

§ 911.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless: (a) Such plant is qualified as a pool plant pursuant to § 911.10 (a) and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets (excluding pool plants) in the Texas Panhandle marketing area than in the marketing area regulated pursuant to such other order, or (b) such plant is qualified as a pool plant pursuant to § 911.10 (b): *Provided,* That the operator of a distributing plant or a supply plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 911.30) and allow verification of such reports by the market administrator.

§ 911.62 *Handlers operating nonpool plants.* None of the provisions from §§ 911.44 through 911.53, inclusive, or from §§ 911.70 through 911.85, inclusive, shall apply in the case of a handler in his capacity as the operator of a nonpool plant, except that such handler shall, on or before the 13th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month, by the rate determined pursuant to § 911.63.

§ 911.63 *Rate of payment on unpriced milk.* The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount calculated as follows:

(a) During the months of March through June, subtract from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through February subtract from the Class I price f. o. b. such nonpool plant the uniform price to producers adjusted by the Class I butterfat differential.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 911.70 *Computation of value of milk for each handler.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 911.46 (a) (9) and the corresponding step of (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II less shrinkage during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 911.46 (a) (8) and the corresponding step of (b), whichever is less; and

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 911.46 (a) (2) and (3) and the corresponding step of (b), by the rate of payment on unpriced milk determined pursuant to § 911.63 at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided,* That if the source of any such fluid milk product received at a pool plant is not clearly established or if such skim milk and butterfat is received or used in a form other than as a fluid milk product such product shall be considered to have been received from a source at the location of the pool plant where it is classified.

§ 911.71 *Computation of aggregate value used to determine uniform prices.* For each month the market administrator shall compute an aggregate

value from which to determine uniform prices per hundredweight for producer milk, of 4.0 percent butterfat content, f. o. b. plants located within 100 miles of the City Hall of Amarillo, Texas, as follows:

(a) Combine into one total the values computed pursuant to § 911.70 for all handlers who made the reports prescribed in § 911.30 for such month, except those in default of payments required pursuant to § 911.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 4.0 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 911.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 911.72 *Computation of uniform price.* For each of the months of July through February, the market administrator shall compute a uniform price for producer milk of 4.0 percent butterfat content f. o. b. pool plants located within 100 miles of the City Hall of Amarillo, Texas, as follows:

(a) Divide the aggregate value computed pursuant to § 911.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The resulting figure shall be the uniform price for producer milk.

§ 911.73 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, f. o. b. pool plants located within 100 miles of the City Hall of Amarillo, Texas, as follows:

(a) From the reports submitted by handlers pursuant to § 911.30, determine the aggregate classification of producer milk included in the computation of value pursuant to § 911.71 and the total hundredweight of such milk which is base milk and which is excess milk;

(b) Determine the value of such excess milk on a 4 percent butterfat basis by multiplying the total hundredweight of such milk which is not greater than the total Class II milk pursuant to paragraph (a) of this section by the Class II milk price and by adding thereto the value obtained by multiplying the hundredweight of such excess milk which is greater than the quantity of such Class II milk by the Class I milk price;

(c) Divide the value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk, and subtract not less than 4 nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for excess milk;

(d) Subtract the value of excess milk obtained in paragraph (b) of this section from the aggregate value of all milk obtained in § 911.71; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for base milk.

§ 911.80 *Time and method of payment for producer milk.* Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month, for milk received during the first 15 days of the month, at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform prices per hundredweight pursuant to §§ 911.72 and 911.73 subject to the butterfat differential computed pursuant to § 911.81 plus or minus adjustments for errors made in previous payments to such producer; and less (1) payment made pursuant to paragraph (a) of this section, (2) location differential deductions pursuant to § 911.82, (3) marketing service deductions pursuant to § 911.87 and (4) proper deductions authorized by such producer: *Provided*, That if such handler has not received full payment for such month pursuant to § 911.85 he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator. The handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 13th and 26th days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer, including for the months of March through June, the pounds of base milk and excess milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 911.81 *Butterfat differentials to producers.* The applicable uniform prices to be paid each producer pursuant to § 911.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 911.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 911.82 *Location differentials to producers.* In making payment pursuant to § 911.80 the uniform price pursuant to § 911.72 and the uniform price for base milk pursuant to § 911.73 to be paid for milk which is received from producers at a pool plant located 100 miles or more from the City Hall, Amarillo, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Amarillo City Hall (miles):	*Rate per hundredweight (cents)*
100 but less than 110	35.0
For each additional 10 miles or fraction thereof an additional	1.6

§ 911.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 911.62, 911.84, and 911.86, and out of which he shall make all payments pursuant to §§ 911.85 and 911.86: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 911.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the value of milk for such handler, pursuant to § 911.70, for such month exceeds the obligation, pursuant to § 911.80, of such handler to producers for milk received during the month.

§ 911.85 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 911.80, of such handler to producers for milk received during the month exceeds the value of milk for such handler computed pursuant to § 911.70. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the appropriate funds are available.

§ 911.86 *Adjustment of errors in payment.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 911.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 911.85, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 911.80, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

§ 911.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 911.80 (b), shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from such producer (except such handler's own farm production), during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 911.88 *Expense of administration.* As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator, on or before the 15th day after the end of each month, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to butterfat and skim milk contained in (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 911.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

§ 911.89 *Adjustment of overdue accounts.* There shall be added to any balance due the market administrator pursuant to §§ 911.62, 911.84, 911.86, 911.87, and 911.88 an amount equal to one-half of one percent of such balance for each month or any portion thereof that payment of the balance is overdue.

§ 911.90 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 911.95 *Daily base.* The daily base for each producer shall be the amount obtained by dividing the total pounds of producer milk received from such producer by all handlers during the months of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of December inclusive, less the number of days for which no deliveries are made, but not less than 112 days.

§ 911.96 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the months of September through December;

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the first day of any month following receipt by the market administrator of an application for such transfer. Such application shall be on a form approved by the market administrator and shall be signed by the baseholder and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only

upon receipt of such application signed by all joint holders.

§ 911.97 *Announcement of established bases.* On or before February 15 of each year subsequent to 1956, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 911.100 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 911.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 911.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment or which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 911.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under this control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 911.110 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 911.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Sections 911.1 through 911.19; 911.25 through 911.27; 911.30 through 911.33; 911.40 through 911.46; 911.60 and 911.61; 911.88 through 911.90; 911.100 through 911.103; 911.110 and 911.111 shall be effective on and after the 1st day of January 1956 and the entire order (§§ 911.1 through 911.111) shall be effective on and after the 1st day of February 1956.

Issued at Washington, D. C., this 19th day of December 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-10291; Filed, Dec. 22, 1955; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1948]

PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Part 161, The Federal Range Code for Grazing Districts, is revised, effective 30 days from date of publication, to read as follows:

Sec.
161.1 Basic policy and plan of administration.
161.2 Definitions.
161.3 Qualifications of applicants.
161.4 Minimum requirements; classification of base properties.
161.5 Rating and classification of Federal range.
161.6 Issuance of licenses and permits.
161.7 Transfers of base property; base property qualifications; relinquishments.
161.8 Fees; time of payment; refunds.
161.9 Procedure in applications; protests.
161.10 Appeals and hearings.
161.11 General rules of the range.
161.12 Procedure for enforcement of rules and regulations.
161.13 Grazing District advisory boards.
161.14 Local associations of stockmen.
161.15 Construction and maintenance of improvements on Federal range.
161.16 Special rules for grazing districts.
161.17 Contributions for administration, protection, and improvement of public lands.
161.18 Pledge of licenses and permits as security for loans; applications for extension of permit term by borrower-permittee.
161.19 Saving clause.

AUTHORITY: §§ 161.1 to 161.19 issued under sec. 2, 48 Stat. 1270; 43 U. S. C. 315a.

§ 161.1 *Basic policy and plan of administration.* (a) *Purposes; general requirements.* Grazing districts will be administered to conserve and regulate the public grazing lands, to stabilize the livestock industry dependent upon them, and in aid thereof to promote the proper use of the privately controlled lands and waters dependent upon those public grazing lands. In furtherance of these objectives, grazing privileges will be granted with a view to the protection of those livestock operations that are recognized as established and continuing and which normally involve the substantial use of the public range in a regular, continuing manner each year. To promote the highest use of the public lands within grazing districts which have been or hereafter are established, possession or control of sufficient land or water to insure a year-round operation for a certain number of livestock in connection with the use of the Federal range will be required of all users.

(b) *Preference applicants.* Preference in the granting of grazing privileges will be given to those applicants within or near a district who are landowners engaged in a livestock business, bona fide occupants or settlers, or owners of water or water rights, as may be necessary to permit the proper use of lands, water, or water rights owned, occupied, or leased by them. When the demands of all such preference applicants cannot be satisfied, prior consideration will be given applicants in the manner specified in § 161.6. Provision will be made for other applicants so far as Federal range remains available.

(c) *Permits; annual licenses.* Grazing permits may be issued as soon as the necessary data can be obtained or after agreements as to the extent of their individual grazing privileges have been reached by the interested applicants and such agreements have been reduced to writing, a recommendation thereon made by the advisory board, and approval thereof given by the range manager. No such agreement will be approved unless it appears that it is fair and that it represents a substantial compliance with the provisions of the Federal Range Code for Grazing Districts, and no applicant shall be prejudiced by his failure or refusal to enter into such an agreement. The practice of issuing an annual license will be continued until such time as a permit is issued. Upon the issuance of a permit any outstanding license or part thereof which has been granted on the same qualifications on which the permit is based will terminate. Upon expiration of a term permit an annual license may be issued, pending issuance of a new term permit.

§ 161.2 *Definitions.* Wherever used in rules, instructions, or interpretations issued by the Bureau of Land Management in or pursuant to the Federal Range Code for Grazing Districts, unless the context otherwise requires:

(a) The "act" means the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269; 43 U. S. C. 315, 315a–315r), as amended and supplemented.

(b) "The Federal Range Code for Grazing Districts" means all of the rules and regulations pertaining to the administration of grazing districts.

(c) The "Secretary" means the Secretary of the Interior or his authorized agent.

(d) The "Director" means the Director of the Bureau of Land Management or his authorized agent.

(e) "State Supervisor" means the supervising Bureau of Land Management officer for the State in which the particular range lies, or his authorized agent.

(f) "Federal range" means land within established grazing districts administered by the Bureau of Land Management under the Federal Range Code for Grazing Districts, including the vacant, unappropriated, and unreserved public land of the United States chiefly valuable for grazing and forage crops; State, County, and privately-owned land leased for such administration; and lands so administered pursuant to a cooperative agreement with the Federal department or agency having jurisdiction over such land.

(g) "Property" means privately owned or controlled land or water used in range livestock operations.

(h) "Base property" means property used for the support of the livestock for which a grazing privilege is sought and on the basis of which the extent of a license or permit is computed.

(i) "Base property qualifications" means the maximum amount of grazing privileges on Federal range properly allowable to base properties in Class I or Class II.

(j) "Forage land" means land the principal use of which is the production of natural or cultivated feed for livestock.

(k) (1) "Land dependent" by use means forage land other than Federal range of such character that the conduct of an economic livestock operation requires the use of the Federal range in connection with it and which, in the "priority period", was used as a part of an established, permanent, and continuing livestock operation for any two consecutive years or for any three years of such priority period in connection with substantially the same part of the public domain, now part of the Federal range. The priority period shall be the five-year period immediately preceding June 28, 1934, except that if such Federal range was placed within a grazing district after June 28, 1938, or added to an existing grazing district by boundary modification after the latter date, the priority period shall be the five years immediately preceding the date of the order establishing such district or effecting such addition, as the case may be.

(2) No land shall be considered as dependent by use unless offered as base property in an application for a grazing license or permit within one year after the date when the Federal range used in creating the dependency by use first became a part of a grazing district, except that if the Federal range used in creating the dependency by use became a part of a grazing district prior to June 28, 1938, such base property shall not be considered as dependent by use unless offered in an application for a grazing license or permit filed prior to said date. Only the last set of base properties used during the priority period by a livestock operation can be invested with dependency by use by such operation.

(3) The extent to which grazing licenses or permits will be granted on the basis of dependency by use of land, shall be governed by the following:

(i) It shall not exceed the average annual amount of forage customarily and properly utilized by the livestock operation computed on the basis of any two consecutive years or any three years in which use was actually made during the priority period, whichever is more favorable to the applicant, on that part of the public land which, at the time of the issuance of the license or permit, is Federal range.

(ii) It shall not exceed the amount of forage needed for the proper support of the number of livestock creating such dependency by use which is available on the base property during the minimum period established under § 161.4.

The grazing privileges which may be granted hereunder shall not exceed the amounts determined under subdivision (i) or (ii) of this subparagraph, whichever is the lesser. Where the base property provides forage in excess of that necessary for the proper support of the number of livestock used in creating the dependency by use (Class I) the base property, to the extent of such excess forage capacity, may be treated as dependent by location (Class II) if so qualified.

(iii) Whenever the dependency by use of two or more base properties was created by the use of all or part of the same Federal range, during the same or at different seasons of the year, by two or more livestock operations, the relative dependency by use of each of the base properties shall be proportionate to the average annual use actually and properly made of the Federal range during the priority period by each of the livestock operations.

(l) "Land dependent by location" means forage land other than Federal range, which is so situated and of such character that it can properly be used as a base for an economic livestock operation utilizing the forage resources of the Federal range.

(m) "Animal-unit month" means the amount of natural or cultivated feed necessary for the sustenance of one cow or its equivalent, for a period of one month; as applied to Federal range, it means also the grazing privileges represented by the grazing of one cow or its equivalent for a period of one month. For the purposes of this definition, one cow shall be considered the equivalent of one horse or five sheep or five goats; provided, however, that only for the purposes of establishing fees for grazing privileges under § 161.8 (b), the charge for one horse grazing on the Federal range for one month shall be at twice the rate charged for one cow grazing for the same period.

(n) "Grazing capacity" means the total animal-unit months of forage available from a tract or tracts of forage land during a given period.

(o) "Full-time water" means water which is suitable for consumption by livestock and available, accessible, and adequate for a certain number of livestock during those months in the year for which the range is classified as suitable for use. Such water may be from one source or may be the aggregate amount available from several sources.

(p) (1) "Prior water" is water which, during all or not less than two years of the priority period was used to service certain public domain now part of the Federal range for a livestock operation that was established, permanent, and continuing, and which, normally involved the grazing of livestock on the same areas of public land for a certain portion or portions of the years of such use. For the purpose of this definition the priority period shall be the five-year period immediately preceding June 28, 1934, except that in any area placed within a grazing district or added to an existing district by boundary modification after September 23, 1942, the priority period shall be the five-year period immediately preceding the date of the order establishing such district or effecting such addition, as the case may be.

(2) Where a livestock operation used a water or waters during the priority period in such manner as would, in the absence of other factors, have served to invest such water with the attribute of priority, but such livestock operation subsequently ceased using such water or waters and used other water or waters in such manner as to invest them, too, with priority, only the latter water or waters shall be considered as prior, unless the former are also prior because of use by another livestock operation.

(3) No water shall be considered as prior unless offered as base property in an application for a grazing license or permit filed within one year after the public lands which were used in creating the priority first became a part of a grazing district except that when such lands became a part of a grazing district more than one year prior to March 16, 1942, a water shall not be considered as prior unless offered in an application filed prior to that date.

(4) The extent to which grazing privileges will be granted on the basis of the priority of water shall not exceed the average annual amount of forage customarily and properly utilized by the livestock operation computed on the basis of the years in which use was actually made during the priority period, on substantially that part of the public lands within the service area which, at the time of the issuance of the license or permit, is Federal range.

(q) "Service area" means the area that can be properly grazed by livestock watering at a certain water. In determining such area, natural and cultural barriers, recognized habits of livestock, proper livestock practices, and range management factors will be considered.

§ 161.3 *Qualifications of applicants—*(a) *Qualifications.* An applicant for a grazing license or permit is qualified if engaged in the livestock business and:

(1) Is a citizen of the United States, or

(2) Has on file before a court of competent jurisdiction a valid declaration of intention to become a citizen or a valid petition for naturalization, or

(3) Is a group, association, or corporation authorized to conduct business under the laws of the State in which the grazing privileges sought are to be exercised, and the controlling interest in which is vested in persons who would be qualified as individual applicants under subparagraphs (1) or (2) of this paragraph.

(b) *Effect of transfer arising through operation of law.* The acquisition of rights in base property by an unqualified person through operation of law or testamentary disposition will not adversely affect any outstanding license or permit, or preclude the issuance or renewal of a license or permit, based on such property, for a period of two years after such acquisition. Upon the failure of such person to qualify within the two year period the license or permit will be subject to cancellation in accordance with § 161.9 (d).

§ 161.4 *Minimum requirements; classification of base properties.* (a) The range manager, after recommendation by the advisory board, shall establish minimum base property requirements as a condition of qualification for the issuance of a license or permit in each district or unit thereof, taking into consideration the availability of base properties for proper use with and their relative dependence upon Federal range, land and water conditions, and other factors affecting livestock operations in the area according to customary use and best practices for good range management.

(b) The range manager after recommendation by the advisory board will classify base properties as land or water and further in the following manner:

Class 1. Land dependent by use, or full-time prior water.

Class 2. Land dependent by location, or full-time water.

§ 161.5 *Rating and classification of Federal range—(a) Grazing capacity; seasons and maximum annual period of use.* The range manager, after recommendation by the advisory board, will rate the grazing capacity of each unit or area in a grazing district and will classify each for the proper seasons of use and for the maximum period of time for which any licensee or permittee will be allowed to use the Federal range therein during any one year.

(b) *Wildlife; allowance for maintenance.* In each grazing district a sufficient grazing capacity of Federal range suitable for wildlife will be reserved by the range manager after consulting with wildlife interests and the advisory board, for the maintenance of a reasonable number of wild game animals, to use the range in common with livestock grazing in the district.

(c) *Designation of ranges for particular kinds of livestock.* The range manager may designate certain areas for use exclusively by a certain kind or class of livestock when necessary for the proper use or orderly administration of the Federal range.

(d) *Unit-wide or area-wide adjudication.* (1) The range manager, after recommendation by the advisory board, may make a simultaneous classification under § 161.4 of all offered base properties within a single administrative unit or grazing area and may allocate in a single action the available Federal range within the unit or area upon which such base properties are dependent.

(2) The Range Manager, shall give written notice by registered mail[1] of such classification and allocation to the persons offering such base properties, and allow them 30 days from receipt of the written notice to file protest to the Advisory Board, in accordance with § 161.9 (b). Thereafter, and provided there is then pending a valid application for grazing privileges, the range manager will render his final decision thereon and will allow the right of appeal to the Examiner in accordance with § 161.10.

(e) *Diminution of available Federal range.* Federal range lands to be used under a license or permit are subject to classification and disposition under the provisions of sections 7 and 14 of the act, and to withdrawal, appropriation, selection, or other disposal under the public land laws. Reasonable notice of a pending or proposed classification, withdrawal or other disposal which might result in a diminution of the available Federal range will be given to the licensee or permittee of such lands, consistent with § 296.3 of this chapter, and subject to the right of protest or appeal to the Director and to the Secretary of the Interior as may be provided in such notice and the rules of practice, Part 221 of this chapter.

§ 161.6 *Issuance of licenses and permits.* Licenses or permits will be issued in the following order:

(a) *Free-use licenses.* A free-use license will be issued to any free-use applicant for grazing on Federal range in the immediate neighborhood of the applicant's residence for not to exceed the number of livestock owned and kept by him for domestic purposes, that is, livestock whose products are consumed or whose work is directly and exclusively used by the family of the applicant, provided the free-use applicant has adequate facilities for the proper care and maintenance of such domestic livestock on the Federal range.

(b) *Regular licenses and permits; number of livestock.* (1) Regular licenses and permits will be issued to qualified applicants to the extent that Federal range is available in the following preference order and amounts:

(i) To applicants owning or controlling land in class 1, licenses or permits to the extent of the dependency by use of such land; to applicants owning or controlling water in class 1, licenses or permits to the extent of the priority of such water.

[1] Wherever registered mail is required in this part, Certified mail may be used in lieu thereof in accordance with § 101.19 of this chapter.

(ii) To applicants owning or controlling land or water in class 2, licenses or permits for the number of livestock for which range is available and which can be properly grazed in connection with a livestock operation which involves the use of such land or water.

(2) Any licensee or permittee who desires to use the Federal range for a period or periods other than as authorized by his license or permit may, upon written approval of the range manager, be allowed to use the amount of his authorized grazing privileges during any period of time for which the Federal range is classified as proper for use, provided:

(i) The total of such use does not exceed the maximum amount of time for which any licensee or permittee is allowed to use the Federal range during any one grazing year;

(ii) The number of animal-unit months of Federal range to be utilized is not thereby increased;

(iii) Such use will not be detrimental to the Federal range, and

(iv) Such use will not adversely affect other licensees or permittees.

(c) *Exchange of the use licenses.* Exchange of use licenses may be issued to any applicant having ownership or control of non-Federal land interspersed and normally grazed in conjunction with the surrounding Federal range for not to exceed the grazing capacity of such non-Federal land, without payment of grazing fees, provided that during the term of the license the Bureau shall have the management and control of such non-Federal land for grazing purposes.

(d) *Non-renewable licenses.* Non-renewable licenses may be issued to non-preference applicants only for the period specified by the range manager and for the number of livestock for which range is temporarily available and which can be properly grazed without detriment to the operations on the range of applicants owning or controlling base properties in class 1 and class 2.

(e) *Terms and conditions.* The issuance and continued effectiveness of all regular licensees and permits will be subject to the following terms and conditions:

(1) The possession or control by the applicant, licensee, or permittee, of feed and forage supplies adequate, with the authorized Federal range use, to support his licensed or permitted livestock for a full year-round operation.

(2) No license or permit will provide for the grazing livestock on the Federal range during that part or parts of the year for which the Federal range has not been classified as proper for use.

(3) No license or permit will confer grazing privileges in excess of the grazing capacity of the Federal range to be used.

(4) So far as consistent with proper range practices, licenses and permits will confer grazing privileges on the range lands which were used in creating the dependency by use or priority of the base properties involved.

(5) In the event of range depletion resulting from drought or other causes, the grazing privileges that may be exercised under any license or permit may be reduced in whole or in part, and for such period of time as may be necessary.

(6) Upon the diminution of the Federal range to be used under any license or permit due to withdrawal, appropriation, selection, or otherwise, the license or permit may be reduced proportionately to the reduction in available grazing capacity caused by the loss of such Federal range.

(7) If a licensee or permittee ceases to make substantial use of his base property in connection with his year-round livestock operation, the authorized use under such license or permit will be subject to reduction in proportion to the diminished use of the base property.

(8) If a licensee or permittee loses ownership or control of:

(i) All or part of his base property, the license or permit, to the extent it was based upon such lost property, shall terminate immediately without further notice from the range manager; except that, if the licensee or permittee notifies the range manager, in writing, of such loss within thirty days from the date thereof, such license or permit shall terminate to that extent at the end of the grazing season or grazing year as the range manager shall determine; or

(ii) All or part of such other lands or grazing privileges as are necessary to his year round operation, the license or permit will be subject to reduction in proportion to the loss of such necessary lands or grazing privileges unless the licensee or permittee notifies the range manager within 30 days after such loss and thereafter within the time allowed by the range manager after recommendation by the Advisory Board acquires ownership or control of other lands or grazing privileges sufficient to assure a year-round operation.

(9) Class I base property qualifications, in whole or in part, will be lost upon the failure for any two consecutive years:

(i) To offer base property which is not covered by an outstanding current term permit to the full extent of its qualification in an application for a license or permit or renewal thereof, or to apply for non-use thereof in whole or in part or

(ii) To accept a license or permit issued pursuant to such application.

(10) The failure for any two consecutive years to make substantial use as determined by the range manager after reference to the advisory board, of all or part of the grazing privileges authorized under a license or permit may result in the revocation thereof and in the proportionate loss of the base property qualifications.

(11) Non-use, in whole or in part, of grazing privileges under a license or permit may be authorized by the range manager, upon application by the licensee or permittee, after reference to the advisory board, for the following reasons: conservation and protection of the Federal range, annual fluctuations in livestock operations, or financial or other reasons beyond the control of the licensee or permittee.

(12) A revocation of a license or permit in whole or in part may result in a proportionate loss of the class I or class II base property qualifications, as the case may be.

(13) (i) No readjudication of any license or permit, including free use license, will be made on the claim of any applicant or intervener with respect to the qualifications of the base property, or as to the livestock numbers or seasons of use of the Federal range allotment where such qualifications or such allotment has been recognized and license or permit has issued for a period of three consecutive years or more, immediately preceding such claim.

(ii) The Bureau of Land Management may make such readjudication at any time when necessary to comply with the Federal Range Code for Grazing Districts.

(14) Where Federal range is allotted for the exclusive grazing use of one or more users, the range manager, if the proper use or orderly administration of the range makes it necessary:

(i) May require the licensee(s) or permittee(s), as a condition to the granting and continued effectiveness of grazing licenses or permits, to fence or to contribute an equitable share to the cost of fencing the allotted areas, and of maintenance of such fences;

(ii) May require any licensee or permittee who will benefit in some substantial measure from such fence construction, as a condition to the renewal of an existing license or permit, likewise to pay or to reimburse an equitable share of the cost of such fence construction and maintenance. The amount of such share may be established by agreement of the parties, or, upon their failure to agree, by determination of the range manager.

Any necessary enforcement action under this subparagraph will be taken in accordance with § 161.9 (d).

(f) *Reduction.* (1) If necessary to reach the grazing capacity of any area of the Federal range after licenses or permits have been issued, reductions of grazing privileges applicable to such area shall be made in the following order:

(i) Non-renewable licenses.

(ii) Regular licenses or permits to the extent, if any, to which they have been issued in excess of the base property qualification.

(iii) Regular licenses or permits properly issued, on an equal percentage basis.

(2) Such reductions may be made either by reducing the number of livestock or the time on the Federal range involved or by both methods as determined by the range manager after recommendation by the Advisory Board.

(g) *Allotments; agreements; increases.* Allotments of Federal range will be made to licensees or permittees when conditions warrant. Division of the range by private agreement or former practice will be followed where practicable provided such agreement is reduced to writing and approved by the range manager. Increases in grazing capacity will be participated in by existing preference licensees and permittees to the extent of and in proportion to their respective qualifications.

(h) *Administration of lands additionally available; preference right for lands restored from withdrawal.* (1) Any land within the exterior boundaries of a grazing district made available for administration by the Bureau of Land Management, by a lease under the Pierce Act of June 23, 1938 (52 Stat. 1033; 43 U. S. C. 315m–1–315m–4), by the revocation of a withdrawal, or by the cancellation or relinquishment of a homestead entry or claim, or otherwise, after the grazing privileges in the area embracing the land have been adjudicated, will be administered in accordance with customary use so far as such administration may be practicable and consistent with good range management.

(2) Where public lands are restored from withdrawal and the range manager determines that the lands are available for grazing use, the party using such lands or part thereof for grazing purposes under authority of the agency which had jurisdiction over the lands immediately prior to their restoration, shall have a superior preference to the further grazing use of such lands. The preference right must be asserted and an application for license or permit, on Form 4–1283 obtainable from the range manager, must be filed with that officer not more than 90 days after the date of signing of the order of revocation of the withdrawal, or not more than 90 days after the end of the current lease year under which the land is being used, whichever is the later. The application must be accompanied by a copy of the prior lease, license, permit or other authority upon which the preference claim is based. The range manager may issue to such applicant an annual license or a term permit as he shall determine, authorizing such grazing use subject to the applicable regulations in this part. (Sec. 1, act of May 28, 1954 (68 Stat. 151), as interpreted and applied to sec. 3, Taylor Grazing Act, 43 U. S. C., 1952 ed., sec. 315 (h)).

(i) *Suspension of licenses and permits under Soldiers' and Sailors' Civil Relief Act of 1940.* Any licensee or permittee who enters military service, as defined in section 101 (1) of the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1179; 50 U. S. C. War Appendix, 511 (1)), may elect at the beginning of or at any time during the period of such service to suspend his license or permit, in whole or in part, for such period and six months thereafter, subject to the following:

(1) The licensee or permittee shall file with the range manager an application, in duplicate, setting forth the facts and circumstances upon which the application for suspension of the license or permit is based. If the applicant desires the suspension of a license or permit in more than one district, a separate application shall be filed with the range manager for each district.

(2) Upon the approval of the application the suspension shall be effective for the period involved, unless sooner terminated upon further application to the range manager by the licensee or permittee, and no operations under the license or permit to the extent suspended shall be conducted during such period.

(3) No grazing fees will be assessed under a license or permit to the extent and during the period it is suspended and, upon the approval of an application for suspension, any fees that have been paid for the period of suspension will be refunded and any fees that are or may become due for such period will be remitted.

(4) A special temporary license, to the extent of any grazing privileges suspended, may be issued to another applicant for not to exceed the period of such suspension, but upon the termination of the suspension, either by reason of the expiration of the six months' period following the conclusion of the first licensee's or permittee's military service or by reason of an application by the first licensee or permittee for an earlier termination, or otherwise, such temporary license shall terminate as of the beginning of the grazing period next following the termination of the suspension.

(5) No suspension granted hereunder shall entitle a licensee or permittee to any greater privileges subsequently than those to which he would have been entitled in the absence of a suspension.

(6) Any adverse action by the range manager on an application for suspension of a license or permit under this paragraph may be appealed by the licensee or permittee to the Director, and from the Director to the Secretary of the Interior, in accordance with the rules of practice, Part 221 of this chapter.

(j) *Interest of Member of Congress prohibited.* No Member of or Delegate to Congress shall be admitted to any share or part of any license or permit issued under the Act, or to derive any benefit to arise therefrom. (41 U. S. C., sec. 22; 18 U. S. C., secs. 431–433.)

CROSS REFERENCE: For prohibitions against interests of Interior Department employees, see Part 7 of this chapter.

§ 161.7 *Transfers of base property; base property qualifications; relinquishments*—(a) *Transfer of base property; effect.* (1) A transfer of a base property or part thereof, whether by agreement, operation of law, or testamentary disposition will entitle the transferee, if qualified under § 161.3 (a), to so much of the grazing privileges as is based thereon. In any event the original license or permit will be terminated or decreased to the extent of such transfer.

(2) A transferee shall, within 90 days from the date of transfer, file with the range manager documentary evidence of the transfer and an application on Form 4–1283 for a license or permit, active or nonuse, for the grazing privileges based thereon. Failure to comply with these requirements may result in the loss of the qualifications of the base property transferred. Where, however, a transfer, or a different vesting in any manner, of a leasehold interest in land or water may result in interference with the stability of livestock operations or with proper range management, upon a finding to that effect by the range manager, after reference to the advisory board, such land or water will lose its base property qualifications and grazing privileges based thereon will be denied.

(b) *Transfer of base property qualifications; limitations; consent of owner or encumbrancer; effect.* (1) A licensee or permittee may request the transfer of the recognized qualifications of base property then owned or controlled by him to other property owned or controlled by him, or to property owned or controlled by another person or persons qualified in accordance with § 161.3 (a). An application for approval of a transfer shall be filed with the range manager on Form 4–1284 as to land base, or on Form 4–1285 as to water base. Transfer of base property qualifications may be made under the following conditions:

(i) When an applicant owns or controls base land or lands having a forage production in excess of that required to support the licensed or permitted livestock, the qualifications may be concentrated on that part of the property having the forage production required by and which will continue to be used for the support of such livestock.

(ii) When such qualifications are to be transferred from land owned or controlled by the applicant, to land owned or controlled by others, the transfer will be recognized only to the extent such qualifications do not exceed the forage production of the new base property.

(iii) When an applicant owns or controls base water, the qualifications may be transferred to another adequate water source which will service the same range area.

(3) No transfer will be allowed under this paragraph if it interferes with the stability of livestock operations or proper range management, or adversely affects the local economy. No transfer will be allowed without the written consent of the owner or owners and any encumbrancer of the base property from which the transfer is to be made, except that in an application for transfer of Class 1 qualifications where the applicant for such transfer is a lessee of the base property without whose livestock operations the dependency by use or priority thereof would not have been established, such consent will not be required. Upon approval of the application by the range manager after reference to the advisory board, the transfer shall be effective as of the date of filing of the application, and the base property from which the transfer is made will thereupon lose its qualifications to the extent indicated in the transfer.

(c) *Relinquishment of base property qualifications; limitation; effect.* Upon request of a licensee or permittee, the range manager may accept a relinquishment or waiver of grazing privileges on the Federal range and of base property qualifications of the base property owned or controlled by the applicant. Upon acceptance of such relinquishment, the base property will lose its qualifications to the extent specified, provided that no such relinquishment will be accepted without the written consent of the owner or owners, if other than the licensee or permittee, and any encumbrancer of the base property, except that if the licensee or permittee is a lessee of the base property without whose livestock operations the dependency by use or priority thereof would not have been established, such owner's consent will not be required.

§ 161.8 *Fees; time of payment; refunds*—(a) *Free-use licenses.* No fee will be charged for the issuance of a free-use license.

(b) *Licenses and permits.* Each regular licensee or permittee, and holder of a non-renewable license will be charged fees, consisting of a grazing fee for the use of the range and a range improvement fee, as established from time to time, for the animal unit months authorized by the license or permit. All livestock six months of age or over allowed on the Federal range will be considered at any point of time during the grazing period as a part of the total number for which a license or permit has been issued. No fees will be charged for livestock under six months of age. Range improvement fees, upon the recommendation of the advisory board and approval of the Director, may vary in accordance with the character or requirements of the various districts or portions thereof. Grazing fees may differ in any district or unit thereof in which the grazing capacity of the Federal range is increased by reason of the addition of land not owned by the United States, or by reason of a cooperative agreement or memorandum of understanding between the Bureau of Land Management, and any State or Federal agency, or any person, association, or corporation. A minimum annual charge of $1 will be made on all regular licenses or permits, and non-renewable licenses.

NOTE: In accordance with § 161.8 (b) of the Federal Range Code for Grazing Districts (19 F. R. 8958, December 23, 1954) and pursuant to the act of June 28, 1934 (48 Stat. 1275), as amended, notice is hereby given that effective January 1, 1956, fees for grazing privileges (equivalent to 15 cents per animal unit month) will be charged each regular licensee or permittee, and every holder of a non-renewable license, for the period covered by the license or permit, as follows: 15 cents per cow per month; 30 cents per horse per month; 3 cents per sheep or goat per month. Seventy-five percent of the total fee will be a grazing fee and twenty-five percent will be a range improvement fee.

This revised basis for computing the grazing and range improvement fees will become effective with all payments received on and after January 1, 1956.

(c) *Crossing permits.* Upon application filed with the range manager by any person showing the necessity for crossing the Federal range with livestock for proper and lawful purposes, a crossing permit may be issued to him at a charge, payable in advance, of one cent per head per day for cattle, 2 cents per head per day for horses, and one-fifth cent per head per day for sheep and goats; except that no fee will be charged where the trail to be used in so limited and defined that no substantial amount of forage will be consumed in transit, or to the extent the crossing permit involves the use of a stock driveway created under section 10 of the Stockraising Homestead Act of December 29, 1916 (39 Stat. 862; 43 U. S. C. 300).

(d) *Payment of fees; reduction or increase in numbers; extension of periods of use.* No license or permit shall be issued or renewed until payment of all

fees and other amounts due the United States under the Federal Range Code for Grazing Districts has been made. Fees for licenses and permits are due the United States upon issuance of the fee notice pursuant to application and are payable annually at least 15 days in advance of the first grazing period and for the full amount indicated on the fee notice; no license or permit shall be effective to authorize grazing use thereunder until such payment has been made.[2] A permit may be canceled or reduced pursuant to § 161.9 (d) for failure to pay the annual fee in accordance with the fee notice. Any licensee or permittee who desires to make temporary use of the grazing privileges during any authorized grazing period or periods in a manner other than that authorized in his existing license or permit must obtain the permission of the range manager at least 30 days prior to the beginning of any such grazing period, in which case an adjusted fee notice will be issued accordingly.

(e) *Refunds.* No refund of fees properly paid will be made because of an unauthorized failure to use the grazing privileges, either in whole or in part, represented by a license or permit, except that:

(1) During periods of range depletion due to severe drought or other natural causes or in case of a general epidemic of disease during the life of a license or permit, the Director may in his discretion credit, remit, refund, reduce in whole or in part, or postpone the payment of fees for such depletion period so long as the emergency exists.

(2) When fees have been paid which are not required by law, or which are in excess of lawful requirements, an application for refund thereof may be filed with the range manager under the provisions of the act of March 26, 1908, as amended (35 Stat. 48; 43 U. S. C. 95, et seq.), or such excess fees may be credited on subsequent fee notices.

§ 161.9 *Procedure in applications; protests*—(a) *Filing and consideration of applications; inter-district agreements; recommendations; service of notice.* (1) Each year a date will be set by the range manager prior to which all applications[3] for grazing licenses or permits in the district must be filed in his office; applications filed on or after such date may be rejected for that year unless satisfactory justification for the belated filing is shown.

(2) Applications for grazing licenses or permits will be considered first by the advisory board of the district in which the Federal range is located, except that applications of district advisers will be considered first by the range manager, without reference to the advisory board.

[2] Any grazing on the Federal range within grazing districts in the absence of effective license or permit is unlawful and prohibited; such unauthorized grazing shall be deemed in trespass and may be proceeded against as provided in § 161.12, or by other action under the law.

[3] 18 U. S. C. 1001 makes it a crime for any person knowingly and wilfully to submit or cause to be submitted to any agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

(3) Where a grazing area or unit is located in one district, but is administered by the range manager of an adjacent district pursuant to a formal inter-district agreement, applications for grazing licenses or permits on such area or unit shall be filed with the range manager of the adjacent district. The advisory board of the district in which the land is actually located may designate one or more of its members, on its behalf, in cooperation with the advisory board of the adjacent district, to make appropriate recommendations to the range manager of the adjacent district with respect to such applications.

(4) The advisory board will make its recommendation to the range manager and, if such recommendation is to any extent adverse, it shall set forth the reasons therefor. If such recommendation is favorable, the range manager will notify the applicant by ordinary mail. If the recommendation is to any extent adverse, notice will be served on the applicant in person or by registered letter sent to his address of record, setting out the reason or reasons given by the advisory board for the adverse recommendations including a reference to the pertinent sections or provisions of the Federal Range Code for Grazing Districts in which the application is deficient, and naming a place and date, not less than ten days thereafter, when protests against the recommendation will be heard. In any case where consideration of an application involves only issues previously adjudicated involving the same applicant or his predecessors in interest, the same base property and the same area of use, the advisory board may decide that a protest meeting be not held; whereupon, the range manager shall act upon the recommendation of the board as its final recommendation.

(b) *Protests; reconsideration by advisory board; service of notice.* At the time and place fixed for the protest meeting, any licensee, permittee, or applicant may appear, in person or by attorney or other representative, or may file a written protest with the advisory board, which thereupon will reconsider its previous recommendation in the light of the protest and will make a final recommendation to the range manager. If such recommendation is favorable to the applicant, and the range manager approves, he will notify the applicant thereof by ordinary mail. If the recommendation is to any extent adverse, and the range manager approves, a notice giving the reason or reasons therefor will be served on the applicant in person or by registered mail, including a reference to the pertinent sections or provisions of the Federal Range Code for Grazing Districts in which the application is deficient. Such notice will constitute the range manager's final decision for purposes of appeal.

(c) *Allowance or rejection of application; modification; service of notice.* The range manager, in the light of all facts and circumstances and after reference to the advisory board, may issue or refuse to issue a grazing license or permit. If the action taken by the range manager on any application is substantially different from that recommended by the advisory board, a notice including a recital of the specific reasons for the action taken will be served on the applicant and on any other applicant or applicants adversely affected by such action, in person or by registered mail. The notice will advise each applicant of his privilege to appeal to an examiner.

(d) *Cancellation or reduction of licenses or permits; show cause; appeal to examiner.* Licenses or permits are subject to cancellation or reduction to the extent that they have been improperly issued, or to the extent that their continued effectiveness is adversely affected pursuant to any of the provisions of § 161.3 (b), § 161.6 (e), § 161.8 (d), § 161.14 (d) or § 161.15 (f). Except as otherwise specifically provided, in any such case or in any case in which it shall appear that a license or permit confers grazing privileges in excess of those properly allowable under the Federal Range Code for Grazing Districts, the range manager will notify the licensee or permittee that the license or permit is thereby held for cancellation or reduction either in whole or in part, as the case may be, and that the licensee or permittee will be allowed fifteen days from receipt of notice within which to show cause why such action should not be made final. Such notice will set forth fully the reasons for the proposed action, specifically referring to the pertinent provisions of the Federal Range Code for Grazing Districts, and will be served on the licensee or permittee by registered mail or in person. In case of failure of the licensee or permittee to show cause within the time allowed, the license or permit will be canceled or reduced to the extent indicated in the notice. The range manager will consider any cause shown and, if satisfied of its sufficiency, will close the case; if not satisfied as to its sufficiency, or if no cause is shown, he will notify the licensee or permittee in person or by registered mail that the cancellation or reduction will become final unless an appeal to the examiner is filed in accordance with § 161.10 (a).

§ 161.10 *Appeals and hearings*—(a) *Appeal to examiner; motion to dismiss.* (1) Any applicant whose interest is adversely affected by a final decision of the range manager may appeal to an examiner by filing his appeal in the office of the range manager within 30 days after receipt of the decision. The appeal shall state the reasons, clearly and concisely, why the appellant thinks the decision of the range manager is in error. All grounds of error not stated will be considered as waived, and no such waived ground of error may be presented at the hearing unless ordered or permitted by the examiner.

(2) When separate appeals are filed and the issue or issues involved are common to two or more appeals, they may be consolidated for purposes of hearing and decision.

(3) The range manager will promptly forward the appeal to the State Supervisor. Within thirty days after his receipt of the appeal, the State Supervisor may file on behalf of the range manager a written motion, serving a copy thereof upon the appellant, requesting that the appeal be dismissed for the

reason that it is frivolous, the appeal was filed late, the errors are not clearly and concisely stated, the issues are immaterial, or all issues involved therein have been previously adjudicated in an appeal involving the same privileges, the same parties or their predecessors in interest. The appellant may file a written answer within twenty days after service of the motion upon him. The appeal, motion, the proofs of service, and the answers will be transmitted to the examiner, who shall rule on the motion, and, if the motion is sustained, dismiss the appeal by written order.

(b) *Time and place of hearing; notice; intervenors.* At least thirty days before the date set the range manger will notify the appellant of the time and place of the hearing within or near the district. Any other person who in the opinion of the range manager may be directly affected by the decision on appeal will also be notified of the hearing; such person may himself appear at the hearing, or by attorney, and upon a proper showing of interest, may be recognized by the examiner as an intervenor in the appeal.

(c) *Authority of examiner; subpoenas; depositions; continuances; witness fees.* (1) The examiner is vested with the duty and general authority to conduct the hearing in an orderly, impartial and judicial manner, including authority to subpoena witnesses, recognize intervenors, administer oaths and affirmations, call and question witnesses, regulate the course and order of the hearing, rule upon offers of proof and the relevancy of evidence, and to make findings of fact, conclusions of law, and a decision. The examiner shall have authority to take or to cause depositions to be taken. Subpoenas, depositions, the attendance of witnesses, and witness and deposition fees shall be governed by Parts 221 and 223 of this chapter, to the extent such regulations are applicable.

(2) The examiner also may grant or order continuances, and set the times and places of further hearings. Continuances shall be granted in accordance with the rules of practice (Part 221 of this chapter), and when the ends of justice will be served thereby. Continuances will not be granted unless they are clearly justified and timely request has been made. Where it appears prior to the date of hearing that a continuance will be desired, the party desiring the continuance should promptly file a request for continuance with the examiner, along with proof of service of the request on the range manager and on other parties. The range manager and other parties shall have five days from receipt of the request to file objection to the continuance. The examiner will then rule on the request, and, if granted, set a new date for the hearing. The range manager will notify all interested persons of the new date.

(d) *Conduct of hearing before examiner.* (1) The appellant, the state supervisor or his representative, and recognized intervenors will stipulate so far as possible all material facts and the issue or issues involved. The examiner will state any other issues on which he may wish to have evidence presented. Issues which appear to the examiner to be unnecessary to a proper disposition of the case will be excluded; but the party asserting such issue may state briefly for the record the substance of the proof which otherwise would have been offered in support of the issue. Issues not covered by the appellant's specifications of error may not be admitted except with the consent of the state supervisor or his representative, unless the examiner rules that such issue is essential to the controversy and should be admitted. The parties will then be given an opportunity to submit offers of settlement and proposals of adjustment for the consideration of the examiner and of the other parties.

(2) Unless the examiner orders otherwise, the state supervisor or his representative will then make the opening statement, setting forth the facts leading to the appeal (or issuance of the show cause order where that is involved). Upon the conclusion of the opening statement, the appellant shall present his case, consistent with his specifications of error. Following the appellant's presentation, or upon his failure to make such presentation, the examiner, upon his own motion or upon motion of any of the parties, may order summary dismissal of the appeal with prejudice because of the inadequacy or insufficiency of the appellant's case, to be followed by a written order setting forth the reasons for the dismissal and taking such other action under the Federal Range Code for Grazing Districts as may be proper and warranted. An appeal may be had from such order as well as from any other final determination made by the examiner.

(3) In the absence or upon denial of such motion the State Supervisor or his representative and recognized intervenors may present evidence if such a presentation appears to the examiner to be necessary for a proper disposition of the matters in controversy, adhering as closely as possible to the issues raised by the appellant. All oral testimony shall be under oath or affirmation, and witnesses will be subject to cross-examination by any party to the proceeding. The examiner will himself question any witness whenever it appears necessary. Documentary evidence will be received by the examiner and made a part of the record, if pertinent to any issue, or may be entered by stipulation. No exception need be stated or noted and every ruling of the examiner will be subject to review on appeal. The party affected by an adverse ruling sustaining an objection to the admission of evidence, may insert in the record, as a tender of proof, a brief written statement of the substance of the excludcd evidence; and the opposing party may then make an offer of proof in rebuttal. The examiner will summarily stop examination and exclude testimony on any issue which he determines has been adjudicated previously in an appeal involving the same privileges and the same parties or their predecessors in interest, or which is obviously irrelevant and immaterial to the issues in the case. At the conclusion of the testimony the parties at the hearing shall be given a reasonable opportunity, considering the number and complexity of the issues and the amount of testimony, to submit to the examiner proposed findings of fact and conclusions of law, and reasons in support thereof, or to stipulate to a waiver of such findings and conclusions.

(e) *Findings of fact and decision by examiner; notice; submission to Director for decision.* (1) As promptly as possible after the time allowed for presenting proposed findings and conclusions, the examiner will make findings of fact and conclusions of law unless waiver has been stipulated, and will render a decision upon all material issues of fact and law presented on the record. In doing so he may adopt the findings of fact and conclusions of law proposed by one or more of the parties if they are correct. He must rule upon each such proposed finding and conclusion. The reasons for the findings, conclusions and decisions made shall be stated, and along with the findings, conclusions and decision, shall become a part of the record in any further appeal. A copy of the decision shall be sent by registered mail to the appellant and all intervenors, or their attorneys of record.

(2) The Director may require, in any designated case, that the examiner make only a recommended decision and that such decision and the record be submitted to the Dierctor for consideration. In such instances the Director shall make the initial decision which shall constitute the decision of the Bureau, without prejudice to the right of any party affected to be furnished with a copy of the transcript of testimony, as provided in the next paragraph, and to appeal to the Secretary in the manner prescribed by the rules of practice (Part 221 of this chapter).

(f) *Notice of appeal to the Director; furnishing copies of the transcript.* Within ten days after the receipt of the decision of the examiner any party, including state supervisor or his representative, desiring to appeal to the Director shall file a written notice of his intention to appeal and may request a copy of the transcript of testimony. Copies of the transcript will be furnished to the state supervisor without charge, and to other appellants and to the intervenors, at a charge of ten cents per folio, except that upon a sufficient showing to the examiner, supported by an affidavit, that an appellant or intervenor is financially unable to pay such fee, a copy will be furnished him without charge. The examiner shall include in the record proof of delivery of the transcript showing the date of such delivery. Notice of appeal and request for a copy of the transcript shall be filed through the office of the Hearing Examiner.

(g) *Appeals to the Director.* An appeal from any decision of the examiner shall be filed in the office of the Director, Bureau of Land Management, Washington 25, D. C., together with any brief in support thereof, within thirty days after date of receipt of the transcript of testimony, or, if the transcript is not requested, within thirty days after receipt of the examiner's decision. A copy of the appeal and of any brief must be served on each party, including the State supervisor either personally or by registered mail. Any party, including the State supervisor, opposing the appeal, will be allowed twenty days from date of receipt of the copy of the appeal and brief within which to file in the office of the Director a reply brief, a copy of which must be served upon the appellant in the same manner. The appeal in other respects shall be made in accordance with the rules of practice (Part 221 of this chapter).

(h) *Appeals to the Secretary of the Interior.* An appeal from the decision of the Director may be made to the Secretary of the Interior in accordance with the rules of practice (Part 221 of this chapter).

(i) *Effect of decision suspended during appeal.* (1) An appeal shall suspend the effect of the decision from which it is taken pending final action on the appeal. Where the appeal is concerned with the grazing privileges to be granted under the current application, an appellant who was granted grazing privileges in the preceding year may continue to use such privileges pending final action on the appeal, unless the decision appealed from is made immediately effective, as herein next provided.

(2) When the orderly administration of the range or other public interest so requires, (i) the range manager may provide initially in his decision that it shall be in full force and effect pending decision on an appeal therefrom; (ii) the examiner or the Director may provide in the decision on an appeal before such officer, that it shall be in full force and effect pending decision on any further appeal; (iii) the Director or the Secretary may provide by interim order that any decision from which an appeal is taken shall be in full force and effect pending final decision on the appeal. Any action taken by the range manager pursuant to a decision shall be subject to modification or revocation by the Examiner, Director, or the Secretary upon an appeal from the decision. In order to insure the exhaustion of administrative remedies before resort to court action, no decision which at the time of its rendition is subject to appeal to a superior authority in the Department shall be considered final so as to be agency action subject to judicial review under sec. 10 (c) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), unless it has been made effective pending a decision on appeal in the manner provided in this paragraph.

(j) *Record as basis of decision; definition of record.* No decision shall be rendered except on consideration of the whole record or such portions thereof as may be cited by any party or by the state supervisor and as supported by and in accordance with the reliable, probative and substantial evidence. The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding shall constitute the exclusive record for decision.

(k) *Notice and proof of service.* Any notice or other papers required to be served under this section shall be served in person or by registered mail sent to the last address of record, and proof of service furnished. Proof of service shall consist of the affidavit of the person making the personal service, signed acknowledgement of the person served, or the registry return receipt.

(l) *Effect of substantial compliance.* No adjudication of grazing privileges will be set aside on appeal, if it appears that it is reasonable and that it represents a substantial compliance with the provisions of the Federal Range Code for Grazing Districts.

§ 161.11 *General Rules of the range—*(a) *Acts prohibited.* The following acts are prohibited on the Federal range:

(1) Grazing livestock upon, allowing livestock to drift and graze on, or driving livestock across the Federal range, including stock driveways, without an appropriate license or permit, regular or free-use, or a crossing permit.

(2) Grazing livestock upon or driving livestock across the Federal range, including stock driveway, in violation of the terms of a license or a permit, either by exceeding the number of livestock permitted, or by allowing livestock to be on the Federal range in an area or at a time different from that designated, or in any other manner.

(3) Constructing or maintaining any kind of improvements, structures, fences, or enclosures on the Federal range, including stock driveways, without authority of law or a permit.

(4) Destroying, molesting, disturbing, or injuring property used or acquired for use by the United States in the administration of Federal range, including stock driveways, or improvements constructed or maintained under section 4 of the act.

(5) Cutting, burning, or removing vegetative cover, brush, woodland growth, or timber for any purpose, except as authroized by law. Permits to carry on controlled burning of vegetative cover or brush may be issued by the range manager in proper cases, subject to such conditions as he may impose, and to all State laws and regulations concerning such burning.

(6) Molesting or driving from the Federal range without authority livestock lawfully grazing thereon under license or permit.

(7) Interference with licensed hunters or fishermen to enter, and hunt and fish on the Federal range covered by such license or permit; or with the entrance of miners, prospectors and mineral lessees of the United States to prospect, locate, develop, mine or patent the mineral resources on such Federal range; or with other persons entitled to enter such range for lawful purposes.

(b) *Rules of fair range practice.* All licensees and permittees shall comply with the following rules of fair range practice:

(1) The statutory provisions of the State in which the Federal range or stock driveway to be used is located relating to the branding of livestock and sanitary requirements shall be followed.

(2) A crossing permittee shall follow the route prescribed in the crossing permit at an average rate of not less than five miles per day for sheep or goats and ten miles per day for cattle or horses, but an increased or decreased rate of travel may be prescribed in the discretion of the range manager.

(3) All licensees and permittees shall provide adequate salt on the range for their licensed or permitted livestock, and shall bed sheep and goats according to instructions issued by the range manager. Upon request by the majority of the users of any community allotment of Federal range, the range manager may prescribe the time for, breed, grade, and number of bulls to be turned into such allotment; in the absence of such express requirements the provisions of State law on the subject shall be applicable.

§ 161.12 *Procedure for enforcement of rules and regulations.* A grazing license or permit may be suspended, reduced, or revoked, or renewal thereof denied for a clearly established violation of the terms, or conditions of the license or permit, or for a violation of the act or of any of the provisions of the Federal Range Code for Grazing Districts, or of any approved special rule.

(a) *Violations not clearly wilful.* Whenever it appears that a violation exists, not clearly wilful, the range manager shall serve written notice upon the alleged violator and upon any interested lien holder who has registered notice of his lien with the range manager. The notice shall set forth the act or omission constituting such violation, referring to the specific terms or provisions of the license or permit, of the act or of the Federal Range Code for Grazing Districts or of any approved special rule alleged to have been violated; and will allow the licensee or permittee a reasonable specified time from receipt of notice to demonstrate that there has been no violation or that he has since achieved compliance with such terms and conditions. If such showing is satisfactory to the range manager he will close the case; if satisfactory showing is not made within the time allowed, the violations alleged in the notice will be deemed to have been wilful and the range manager will notify the state supervisor thereof for further action under paragraph (e) of this section.

(b) *Violations clearly wilful; special circumstances.* Whenever it appears to the range manager that a violation is clearly wilful or when the public health, safety, or interest requires, the range manager will refer the matter directly to the state supervisor for further action under paragraph (e) of this section.

(c) *Unlawful grazing on Federal range; removal of livestock; impoundment.* (1) Whenever the charge consists of unlawfully grazing livestock on the Federal range, the notice served on the alleged violator and any interested lien holder who has filed notice of his lien with the range manager will order the alleged violator to remove the livestock or to cause them to be removed immediately or within such reasonable time as may be specified. If the alleged violator fails to comply with the notice the range manager may proceed to exercise the proprietary right of the United States in the Federal range, under local impoundment law and procedure, if practicable; otherwise he may refer the matter through the usual channels for appropriate legal action by the United States against the violator.

(2) In any case where the owner of the trespassing livestock, or his representative, is unknown, or where conservation of the Federal range and of the forage thereon requires it, the range manager when so authorized by order of the State Supervisor may take steps to remove the trespassing livestock by such methods and by such means, including the use of airborne or motor-driven vehicles, as may be necessary, and to dispose of them by sale or otherwise within not less than 48 hours after public notice of his intention to make such disposition, subject to the right of any owner or registered lien holder of such trespassing livestock to redeem the livestock within such nondisposal period upon payment of (i) the value of the forage consumed, (ii) damage to the Federal range and other property of the United States, and (iii) the cost of such impoundment and removal, as determined by the range manager.

(3) Where conservation of the Federal range and the forage thereon requires it, the State Supervisor, with the approval of the Area Administrator, may temporarily close a grazing district or any portion thereof, to grazing by any class of livestock to be specified in such order. Notice of the order shall be published in a local newspaper and shall be posted at the County Courthouse of the County in which the closed area lies. The order shall require all owners of livestock affected thereby, to remove such livestock from the area within not less than five days from date of publication of the notice. Thereafter the range manager shall proceed to impound, remove, and dispose of, in the most humane manner in accordance with the provisions of this paragraph any such livestock trespassing or grazing in violation of the closing order.

(d) *Amicable settlement of civil cases involving damage to Federal property.* All offers of settlement for the value of the forage consumed in trespass and for damage to Federal range or to other property of the United States resulting from an alleged violation of any provision of the act or of the Federal Range Code for Grazing Districts will be transmitted to the State Supervisor for consideration. An offer of settlement will not constitute satisfaction of civil liability for the damage involved until finally accepted by the State Supervisor and in no event will it relieve the violator of criminal liability. No license or permit will be issued or renewed until payment of any amount found to be due the United States under this section has been offered and until payment of any amount due as grazing fees has been made.

(e) *Disciplinary action for violations; show cause.* (1) Whenever it appears to the State Supervisor that a wilful violation exists he shall cause a written notice to be served upon the licensee or permittee. The notice shall set forth the act or acts complained of, specifically referring to the terms, conditions, or provisions of the license or permit, or of the Federal Range Code for Grazing Districts alleged to have been violated, and an estimate of the amount of damages resulting therefrom, including the value of any forage consumed. The notice will cite the licensee or permittee to appear before an examiner of the Bureau of Land Management at a designated time and place to show cause why his license or permit should not be reduced or revoked or renewal thereof denied and satisfaction of damages made.

(2) The hearing upon the order to show cause will be conducted so far as practicable in the same manner as other hearings before an examiner. The evidence shall be confined to the commission of the acts charged and the amount of damages, if any, due to the United States. If the alleged violation is established to the satisfaction of the examiner, or upon the failure, without proper excuse satisfactory to the examiner, of the person named in the notice or his representative to appear at the hearing, the examiner will render a written decision assessing the amount of damages and directing the range manager to suspend, reduce, or revoke the license or permit or to deny renewal, if the facts so warrant.

(f) *Bonds for violations.* Whenever an applicant, licensee, or permittee commits a wilful or wanton violation of any provision of the Federal Range Code for Grazing Districts or has repeatedly committed violations thereof, the State Supervisor may require him to furnish a cash or corporate surety bond on an approved form to cover all probable damages that may result from his violations for a period up to ten years. Upon the violator's failure to furnish a bond when so required, the range manager may refuse to issue or renew a license or permit, or the State Supervisor may take action under paragraph (e) of this section, to revoke such license or permit.

(g) *Penal provision.* Under section 2 of the act any wilful violation of the provisions of the act or of the Federal Range Code for Grazing Districts or of approved special rules, after actual notice of the existence of the provisions of such act or of such rules and regulations, is punishable by a fine of not more than $500.

(h) *Appeals.* Appeal from the decision of the examiner to the Director and from the Director to the Secretary on any matter under this section shall be made in accordance with the applicable provisions of § 161.10 and the rules of practice (Part 221 of this chapter).

§ 161.13 *Grazing District Advisory Boards*—(a) *Authorization for establishment; number of members; qualifications.* The State Supervisor shall fix the number of members to be elected for appointment to the advisory board in each district, such number to be not less than five nor more than twelve, exclusive of a wildlife representative who will not be elective but shall be appointed directly by the State Supervisor. The State Supervisor may fix the number of district advisers to be elected as representatives of each class of stockmen, according to the kind of livestock owned, or may fix the number to be elected from each voting precinct, or both, provided that the free-use licensees in each district shall be entitled to one representative who shall be a free-use licensee. All district advisers, except the wildlife representative, shall be electors qualified to vote in the particular election. If a district is divided into precincts an adviser representing a precinct shall qualify in the precinct in the same manner as in the district.

(b) *Election; time and place; the general procedures.* All district advisers, except wildlife representatives, shall be elected in the manner provided in this section, and in the General Procedures for Grazing District Advisory Board Elections as approved by the Director, Bureau of Land Management and published in the FEDERAL REGISTER. An election of district advisers for each grazing district will be held within ninety days after the publication in the FEDERAL REGISTER of the order establishing the grazing district. Persons elected as advisers at the first election of the new district may hold office for a three-year term, or the range manager may divide the group, by lot, as evenly as may be, into three classes to serve for one year, two years, or three years respectively, and until their successors are elected and have qualified. Thereafter in such new district and in existing district, the Range Manager, after recommendation by the advisory board, shall determine whether elections shall be held annually or every three years and whether by actual polling or by mail, in accordance with the options in the General Procedures for Grazing District Advisory Board Elections.

(c) *Appointment; term of office; removal; vacancies.* Upon receipt of the judges' certificate of returns after conclusion of the election procedure the Range Manager shall notify the State Supervisor of the results thereof. A person elected as district adviser shall assume office only after he has been appointed by the State Supervisor and has taken the oath of office. Such person shall serve for the term for which he has been elected and until his successor is elected and has qualified. The State Supervisor may remove any district adviser from office because of failure to discharge his duties, loss of any of his qualifications to hold the office, or in the public interest. Upon a vacancy occurring in the office of a district adviser other than a wildlife representative by reason of resignation, removal, disqualification, or otherwise, the board shall recommend the name of a person to fill the vacancy and such recommendation, together with that of the range manager, shall be transmitted to the State Supervisor for consideration. A person appointed to fill a vacancy shall hold office until the next regular election. The wildlife representative shall hold office for a term of three years and until a successor is appointed by the State Supervisor.

(d) *Meetings; organization.* District advisory boards shall meet at any time and place within or near the district designated by the State Supervisor or his authorized representative. At the first meeting of the board after an election, it shall organize by electing one of its members as chairman and such other officers from its membership as it may deem necessary. Meetings of a district advisory board shall be open to the public except that, with the approval of the Bureau representative present, it may meet in executive session to consider applications for the granting of licences or permits or any other business.

(e) *Functions and duties of district advisers; limitations.* District advisers shall advise or make recommendations on the following matters:

(1) The qualifications, classification, and requirements of base property.

(2) The transfer and relinquishment of base property qualifications.

(3) The grazing capacity of the Federal range in the district.

(4) Applications for all types of grazing licenses or permits, including nonuse, or extension of use, except applications of district advisers.

(5) Cancellation of grazing licenses or permits when related to: failure to use base property, loss of all or part of lands used in year-round operation, range depletion, failure to offer base property or to validate a license or permit, or failure to use grazing privileges.

(6) Agreements as to the extent of individual grazing privileges, when such agreements have been reduced to writing and found to be equitable and in substantial compliance with the provisions of the Federal Range Code for Grazing Districts.

(7) Variance in range improvement fees in accordance with the character and requirements of the district or portions thereof.

(8) Requirements for unit or allotment boundary fences and apportionment of costs between the benefiting licensees or permittees.

(9) Proper rules of fair range practice.

(10) Allotments of range by classes of livestock or for community or individual use.

(11) Seasonal use of the Federal range or any part thereof.

(12) Cooperative agreements or application for the construction or maintenance of improvements on the Federal range under section 4 of the act and assignments thereof.

(13) Work plans under the range improvement, weed control or soil and moisture conservation programs.

(14) Any recommendations made by local associations of stockmen in the district.

(15) Reservations of grazing capacity of Federal range for wild game animals, including any agreements in connection therewith proposed for execution with State or Federal wildlife agencies.

(16) Special rules for the district, within the meaning of § 161.16.

(17) Any other matter which they may desire to bring to the attention of the Director, or on which their advice may be requested.

(f) *State Advisory Boards.* Each grazing district advisory board shall select from its members, at the first meeting of the board after each election, two members and two alternates to serve on a State Advisory Board for the State in which the district is located; where the district advisory board has representation for cattle and horses, and sheep and goats, then only one representative and one alternate representing each class shall be selected. The wildlife members of the advisory boards within each State may select one of their number and one alternate to serve on the State Advisory Board as their representative on wildlife matters.

(g) *National Advisory Board Council.* Each State Advisory Board shall select from its members, at its first meeting of each new term, one representative and one alternate representing cattle and horses, and one representative and one alternate representing sheep and goats, to serve on a National Advisory Board Council. The wildlife members of the several State Advisory Boards in each of the three B. L. M. Areas may select one of their number and one alternate to serve on the National Council as their area representative on wildlife matters.

(h) *Functions and duties of State Advisory Boards and National Advisory Board Council.* In addition to the service rendered on grazing district advisory boards, the State Advisory Board members shall consider and make recommendations on grazing administration policies or problems affecting the State as a whole. The National Advisory Board councilmen, in addition to serving on their respective district and State Advisory Boards, shall consider and make recommendations on grazing administration policies and problems of national scope.

§ 161.14 *Local associations of stockmen*—(a) *Organization.* Qualified applicants for grazing licenses or permits in any grazing district may organize a local association, or several associations, according to classes of livestock, or by community of interest or otherwise.

(b) *Articles of incorporation; constitutions; by-laws.* Such associations shall be organized as corporations "not-for-profit", if permissible under the laws of the State in which the grazing district, or the greater part thereof, is situated; or they may be organized as cooperative unincorporated associations. In either case the articles of incorporation, the charters, or the constitutions of such associations shall be submitted to the State Supervisor for approval before the association may be recognized by the Bureau. The by-laws of such associations need not be submitted but in any instance in which they are in conflict with the provisions of the Federal Range Code for Grazing Districts or the terms of any license, permit, or cooperative agreement issued to or made with an association, the latter shall prevail.

(c) *Powers.* Such local association shall be authorized to exercise one or more of the following powers, to be specifically set forth in the articles of incorporation, charter, or constitution, as the case may be, of such association:

(1) To make contributions in cash, property, material or labor toward the administration, protection, and improvement of the Federal range lying within the district.

(2) To construct and maintain fences, wells, reservoirs, and other improvements necessary to the care and management of the livestock grazed in the district, under permit issued by the Bureau.

(3) To act in an advisory capacity in the administration of the Federal range lying within the district.

(4) To recommend the amount, manner of apportionment, time, and method of collection of assessments for strictly association purposes, as well as for the public purposes contemplated by the act.

(5) To enter into cooperative agreement for any of the foregoing purposes or for any other purposes authorized by the act. In addition, the association's powers may include, among others, the power to lease or otherwise acquire the control of State, county, privately owned, tax default, or other lands within or near a district.

(d) *Cooperative agreements for use of lands; obligation of licensees and permittees to share cost.* Whenever the grazing capacity of Federal range is increased whether by reason of the acquisition of control of any lands by the Bureau or otherwise, through a cooperative agreement with a local association, any licensee or permittee benefiting thereby, whether a member of the association or not, shall pay to the association his proportionate share of the cost of the association lands and of the cost of installation, development, and maintenance of range improvements, including reseeding, plus any authorized association assessments for other expenses. Such share shall be determined by the range manager after consideration of the recommendation of the association. The range manager may refuse to issue a license or permit to any applicant or may cancel or refuse to renew the license or permit of any licensee or permittee to graze on any lands covered by such agreement, whether public or association lands, and whether or not such applicant, licensee, or permittee is a member of the association, if he fails or refuses to pay to the association any of the foregoing charges.

§ 161.15 *Construction and maintenance of improvements on the Federal range*—(a) *Qualification of applicants for permits.* An applicant for a permit to construct or maintain improvements under section 4 of the act, or to use and maintain improvements of such character constructed and owned by a prior occupant, on the Federal range, must be qualified under § 161.3 (a).

(b) *Applications.* Applications for such permits shall be filed in triplicate with the range manager on form 4–1115.

(c) *Appeals.* The range manager will act on the application after reference to the advisory board and such action shall be final unless the applicant or any interested party appeals in accordance with § 161.10.

(d) *Assignments.* Assignments of section 4 permits shall be filed with the range manager in triplicate on the authorized form and shall not be effective until approved by the range manager.

(e) *Applications for use of improvements owned by prior occupant; procedure upon failure to agree.* Where an application shows that the applicant and the prior occupant have not agreed on the value of such improvements owned by the latter, the range manager will promptly, at the applicant's expense, cause the prior occupant to be served either personally or by registered mail with a notice of the filing of the application, and an order to show cause within thirty days why the improvements should not be determined to be of the value

alleged by the applicant. Upon such a showing, or if the prior occupant applies within thirty days from the date of service for an appearance before the range manager, then in the light of such evidence as the applicant and the prior occupant may present in such appearance, the range manager will determine the present reasonable value of the improvements. Such determination shall be final unless an appeal is taken in accordance with § 161.10. Upon the failure of the prior occupant to show cause or to apply within thirty days for an appearance, the reasonable value of the improvements will be determined by the range manager but shall be not less than the amount alleged by the applicant in his application, and the decision of the range manager in such case shall be final. In any case when a decision has become final, payment by the applicant of the amount determined and a showing that the improvements are free of all encumbrances may be required prior to favorable action on the application for use of such improvements, and on any application for grazing privileges involving the use of such improvements.

(f) *Cooperative agreements.* A licensee or permittee may enter into a cooperative agreement with the range manager for the construction and maintenance of range improvements on the Federal range. Failure of the licensee or permittee to comply with the terms of such an agreement within a reasonable time as allowed by the range manager may result in cancellation of the license or permit as provided in § 161.9 (d).

(g) *Applications for lands containing range improvements; compensation; reservation.* Public lands embraced in a license or permit are subject to classification and disposition under the provisions of sections 7 and 14 of the act, or other public land laws, as specified in § 161.5 (e).

(1) When the disposal application covers land upon which range improvements have been placed pursuant to a permit authorized under section 4 of the act, the owner thereof may be required to remove the improvements; or if the improvements are of a permanent nature, the land applicant may be required to agree in writing to compensate the licensee, permittee, or other owner of such improvements located on the lands applied for, in an amount to be mutually agreed upon, or, if the parties are unable to agree, then in the amount and within the time for payment as determined by the range manager in accordance with the applicable procedure under paragraph (e) of this section.

(2) (i) When the disposal application covers public land upon which range improvements have been placed by the United States, or pursuant to a cooperative agreement heretofore or hereafter entered into between the Bureau and the licensee, permittee, and/or other cooperators, the disposal application will be referred by the land office manager to the range manager for determination as to whether it may be allowed, notwithstanding such improvements, and, if so, whether with or without a reservation. If the application is to be allowed without a reservation of the improvements, the applicant may be required to agree in writing to compensate for the loss of such improvements in the amounts to be mutually agreed upon and payable separately to the Bureau and to the cooperators. In the event of disagreement, the range manager shall determine the total amount of compensation due, as provided in paragraph (e) of this section, and the time for payment. Such amount shall then be payable separately to the Bureau and to the cooperators entitled thereto, in proportion to the amount or value of their respective contributions in money, material, or labor, to the total cost of the improvement, as made by them under the original cooperative agreement, as specified by the range manager.

(ii) The refusal or failure of the land applicant to pay the licensee, permittee, or other party entitled thereto, in accordance with the agreement or in the amount fixed by the range manager and within the time allowed, shall be just cause for the rejection of an application or for the cancellation of any rights or interests in the lands acquired by the applicant by reason of the allowance of his application. Such rejection or cancellation shall be subject to the right of appeal directly to the Director and to the Secretary, in accordance with the rules of practice (Part 221 of this chapter).

(3) Under the act of July 9, 1942, as amended (43 U. S. C. sec. 315q), the holder of a grazing license or permit shall be compensated for the losses sustained by reason of cancellation of or prevention of use of authorized grazing privileges resulting from the use of lands embraced in such license or permit for war or national defense purposes, in an amount determined to be fair and reasonable and to be paid by the head of the Federal department or agency making such use. Such payment shall be deemed payment in full for such losses.

§ 161.16 *Special rules for grazing districts.* Whenever it appears to a state supervisor after considering the recommendation of the district advisory board that local conditions in any district make necessary the adoption of a special rule on any of the matters in the Federal Range Code for Grazing Districts in order better to achieve an administration consistent with the purposes of the act, he may, with the concurrence of the Area Administrator, recommend such a rule, supported by a factual showing of its necessity, for the approval of the Director. Such rule, if approved, shall be published in the FEDERAL REGISTER.

§ 161.17 *Contributions, for administration, protection, and improvement of public lands.* The State Supervisor may accept contributions, under section 9 of the act, of labor, materials, equipment, or money, toward any of the Bureau's functions in administering, protecting, and improving public lands under its jurisdiction in the states.

(a) Any individual, association, corporation, grazing district advisory board, state or local body or private group, may enter into an agreement with the State Supervisor with respect to such contribution. Where the contribution is to include money, the contributor should execute form 4–1268 or 4–1269 as requested by the range manager.

(b) Contributions may be conditioned upon their use for specific projects or in specific localities.

(c) Upon written request of the contributor, the State Supervisor may authorize refund of any amounts deposited, in excess of the contributor's proper share of the expense incident to the purpose for which the contribution was made.

§ 161.18 *Pledge of licenses and permits as security for loans; application for extension of permit term by borrower-permittee.* (a) A license or permit may be pledged as security for a loan of $500 or more from a lending agency if the loan is for the purpose of furthering the licensee's or permittee's livestock operations. Before a loan is made the lending agency may ascertain from the range manager the status of the grazing license or permit and other pertinent information relating thereto. A service fee of $10 will be charged non-Federal lending agencies for such information.

(b) A borrower-permittee desiring an extension of the term of his permit may file a request therefor, in writing, with the range manager, setting forth the name of the lending agency, purpose and amount of loan, and the need for the extension of the permit term. When it appears that such extension will be in accordance with applicable law and regulation and not contrary to the public interest, the range manager, in his discretion, may extend the permit for a period not to exceed 10 years from the date of the loan, subject to the rules and regulations then in force and to such additional terms and conditions as the range manager may provide. The provisions of this paragraph shall not be applicable to grazing licenses which are issued annually on a temporary basis prior to the issuance of term permits.

(c) If the base property to which the grazing privileges on the Federal range covered by the pledged license or permit are attached as a grazing unit is acquired by the lending agency through foreclosure or otherwise, such agency, or purchasers, lessees, or occupants of the property authorized by such agency, if qualified, may apply to be recognized as the successor licensee, or permittee. If in selling the property the lending agency takes back a mortgage on the base property, the agency will receive the same consideration as in the case of an original loan.

(d) Where a lending agency files with the range manager notice that it has made a loan and has accepted a grazing license or permit as security therefor in conformity with the provisions of this section, the range manager as a matter of cooperation will keep such agency advised of any adverse action affecting the license or permit, but the failure to give timely notice of such adverse action shall impose no legal liability or obligation on the range manager or the Bureau or any of its employees.

§ 161.19 *Saving clause.* So far as practicable and consistent with the purposes and provisions of the act and the basic policy and plan of administration outlined in § 161.1 (a) of the Federal Range Code for Grazing Districts, the provisions of §§ 161.1 to 161.19 inclusive of the Code will not be applied to the prejudice of the position of anyone who on the date of approval of these regulations was the holder of a grazing license or permit or who on that date had pending an application therefor.

Interested persons may submit in triplicate written comments, suggestions, or objections with respect to the regulations to the Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication in the FEDERAL REGISTER.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

DECEMBER 19, 1955.

[F. R. Doc. 55–10282; Filed, Dec. 22, 1955; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

RECAPITULATION

Because of the number of outstanding amendments to Part 1 since it was last recapitulated in the FEDERAL REGISTER (April 7, 1950, at page 1978), Part 1 is recapitulated as of December 1, 1955, to read as set forth herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Subpart A [Reserved]

Subpart B [Reserved]

Subpart C [Reserved]

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Appendix 1—Applications under the Cable Landing Licenses Act and Executive Order No. 10530.
Appendix 2—A plan of cooperative procedure in matters and cases under the provisions of section 410 of the Communications Act of 1934.

AUTHORITY: §§ 1.301 to 1.896 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Statutory provisions interpreted or applied are cited to text in parentheses.

Table showing forms currently in effect and where they are referred to in Part 1 of this chapter.

Form No.:	Section
301	1.311 (a), 1.319 (b) (1).
301-A	1.309 (a).
302	1.317 (b) (1), 1.318 (b) (1), 1.328.
303	1.320 (c) (1).
308	1.327.
309	1.311 (b), 1.319 (b) (2).
310	1.317 (b) (2).
311	1.320 (c) (2).
313	1.311 (c), 1.317 (b) (3), 1.319 (b) (3), 1.320 (c) (3).
314	1.321 (a).
315	1.321 (a).
316	1.321 (a) and (b), footnote 6 to 1.343 (a) (2).
317	1.325 (b).
318	1.309 (b).
321	1.314 (c).
323	1.343 (a) and (b).
324	1.341.
336	1.347, 1.557 (a).
337	1.347, 1.557 (a).
338-A	1.560.
338-B	1.560.
340	1.311 (d), 1.319 (b) (4).
341	1.317 (b) (4), 1.318 (b) (2).
342	1.320 (c) (4).
400	1.312 (a), 1.317 (b) (5), 1.319 (b) (5), 1.322 (b) (1).
400-A	1.312 (b), 1.314 (b), 1.319 (b) (6).
401	1.312 (c).
401-A	1.312 (d).
403	1.317 (b) (6), 1.319 (b) (7).
404	1.318 (b) (3), 1.319 (b) (8).
405	1.320 (c) (5).
405-A	1.320 (c) (6).
408	1.324 (c) (1).
410	1.310.
453-B	1.324 (d).
480	1.312 (e).
481	1.318 (b) (5).
481-1	1.320 (c) (7).
482	1.335.
501	1.318 (b) (6), 1.319 (b) (9).
501-A	1.318 (b) (7), 1.319 (b) (10).
505	1.318 (b) (8), 1.319 (b) (11).
525	1.318 (b) (9), 1.319 (b) (12).
602	1.318 (b) (10), 1.319 (b) (13).
610	1.318 (b) (11), 1.319 (b) (14).
701	1.314 (b).

Form No.:	Section
702	1.322 (b) (2).
703	1.322 (b) (3).
753-1	1.329 (a).
756	1.329 (a).
759	1.329 (c).
786	1.713 (a).
801	1.330 (a).
808	1.330 (c).
809	1.330 (b).
820	1.331.
820-A	1.331.
901	1.545.
903	1.545.
905	1.545.
H	1.544 (a) (1).
L	1.544 (a) (6).
M	1.544 (a) (2) and (6).
O	1.544 (a) (3).
R	1.544 (a) (4).

SUBPART A [RESERVED]

SUBPART B [RESERVED]

SUBPART C [RESERVED]

SUBPART D—RULES RELATING TO APPLICATIONS AND PROCEEDINGS AFFECTING RADIO LICENSES UNDER TITLE III OF THE COMMUNICATIONS ACT[1]

GENERAL REQUIREMENTS AS TO APPLICATIONS

§ 1.301 *Applications required.*[2] (a) Construction permits, modifications of construction permits, operator and station licenses, renewal of operator and station licenses, modification of station licenses, special temporary authorizations, special service authorizations, assignment of construction permits or licenses and consent to transfer control of a corporation holding a construction permit or license, shall be granted only upon written, subscribed, and verified application upon forms prescribed by the Commission. A separate application shall be filed for each instrument of authorization requested. In cases arising in services other than broadcast, however, where a licensee holds several licenses which are identical in terms, or which are identical with the exception of station locality, and in other cases in the discretion of the Commission, a single application may be filed for renewal or modification of such licenses, provided such single application sets forth in detail an accurate description of the individual licenses sought to be renewed or

[1] Special provisions respecting procedure for consideration of applications for standard broadcast station assignments pending action with respect to ratification and entry into force of the North American Regional Broadcasting Agreement (NARBA), Washington, 1950, and in the light of the existing relationship in the field of standard broadcasting between the United States and other North American countries.

1. The special procedural provisions set out below with respect to the consideration of applications for standard broadcasting station assignments are adopted in order to take into account the policy set out in the note to § 3.28 (b) of this chapter. That note has reference to consideration by the Commission of applications for standard broadcast station assignments in the light of provisions of the North American Regional Broadcasting Agreement, Washington, 1950, referred to herein as NARBA, and the existing relationship in the field of standard broadcasting between the United States and other North American countries. The procedure set forth below is applicable to all applications before the Commission for standard broadcast station assignments except those already being held in a pending status in connection with Dockets Nos. 6741 and 8333.

APPLICATIONS INCONSISTENT WITH NARBA OR WHICH WOULD CAUSE OBJECTIONABLE INTERFERENCE TO STATIONS IN NORTH AMERICAN COUNTRIES NOT SIGNATORY TO THE NARBA

2. *Applications not in hearing status.* (a) Whenever it appears with respect to an application not in hearing status that a grant thereof would be inconsistent with the NARBA or that the operation proposed therein would cause objectionable interference to a station in a North American country not signatory to the NARBA, such application shall, by action of the Secretary upon advice of the Chief of the Broadcast Bureau, be placed in the pending file and, except as provided herein, shall not receive further consideration or action pending modification of the policy set forth in the above-mentioned note to § 3.28 (b) of this chapter. Where it appears that any such application is mutually exclusive with an application or applications, the grant of which would not be inconsistent with the NARBA and would not result in objectionable interference to any station in a North American country not signatory to the NARBA, such application will be designated for hearing in consolidation with the application or applications with which it is in conflict. In such cases, the question of consistency with the NARBA or objectionable interference to stations in North American countries not signatory to the NARBA shall be made a matter of issue in the hearing.

3. *Applications in hearing status.* (a) Whenever it appears with respect to any application which has been designated for hearing by itself or with respect to all of the applications in any consolidated proceeding that a grant of the application or applications involved would be inconsistent with the NARBA or would result in objectionable interference to a station in a North American country, not signatory to the NARBA, and where the hearing involved has not been commenced, such application or applications will be removed from the hearing docket and placed in the pending file. Where the hearing involved has been commenced, such application or applications will be placed in the pending file, but will not be removed from the hearing docket. Such action shall be by order and may be taken by the Commission upon its own motion or by the Motions Commissioner upon motion of any party to the proceeding or of the Chief of the Broadcast Bureau.

(b) Whenever it appears with respect to one or more but not all of the applications in any consolidated proceeding that a grant of such application or applications would be inconsistent with the NARBA or would result in objectionable interference with stations in a North American country not signatory to the NARBA or where consistency with the NARBA or interference to foreign stations is not already a matter at issue in the proceeding, the notice of hearing will be amended to include an appropriate issue and if the record has been closed it will be reopened for the purpose of taking testimony with respect to such issue. Such action will be taken by the Commission upon its own motion or upon motion of any party to the proceeding or the Chief of the Broadcast Bureau.

(c) In any proceeding in which after the hearing has commenced it becomes necessary to place the applications involved in the pending file or to add, with respect to any application or applications, an issue concerning consistency with the NARBA or interference to foreign stations the applicants concerned will, notwithstanding the status of the proceeding and the provisions of § 1.365 (a), be afforded a reasonable opportunity to amend for the purpose of achieving consistency with the NARBA and eliminating interference to foreign stations.

(d) In any proceeding in which there is an issue concerning consistency with the NARBA or interference to foreign stations the presiding officer will include in his decision a finding upon this issue. However, neither the presiding officer nor the Commission will take this factor into account in arriving at a determination whether the grant of any application in the proceeding would serve the public interest. The presiding officer and the Commission will adhere to the policy outlined below in taking final or intermediate action upon the applications involved in such proceedings.

(1) Applications will be granted where such action would not be inconsistent with the NARBA, would not result in interference to a station in a North American country not signatory to the NARBA, and would otherwise be in the public interest.

(ii) Applications will be denied (a) which are mutually exclusive with an application granted in accordance with (i) above; and (b) where a denial is required for reasons independent of the question whether grant of application would be consistent with the NARBA or would result in objectionable interference to a station in a North American country not signatory to the NARBA.

(iii) Applications will be placed in the pending file without removal from the hearing docket (a) where a grant would be inconsistent with the NARBA or would result in interference to a station in a North American country not signatory to the NARBA but would otherwise be in the public interest; and (b) where a denial would be based upon comparative consideration with an application placed in the pending file in accordance with the immediately preceding subdivision (iii) (a).

4. *General provisions with respect to applications placed in the pending file.* (a) whenever any application is placed in the pending file pursuant to paragraphs 2 or 3 above, the applicant concerned will be notified and public notice of the action will be given at the offices of the Commission in Washington, D. C. The Commission will maintain a list of all applications placed in the pending file which list will be available for pubic inspection. Any interested applicant who believes that an application has been erroneously placed in the pending file may petition the Commission for a review of its action or the Secretary's action. Petitions requesting that an application be placed in the pending file will also be entertained. All petitions filed pursuant to this paragraph must be filed in quintuplicate and be accompanied by an affidavit of a qualified radio engineer setting forth the engineering basis for the petition. Upon receipt of a petition filed in accordance with this paragraph, the Commission will review the action to which the petition is directed and provide opportunity for the submission by interested parties of any further data that may be required for full consideration of the matter.

5. *Applications consistent with the NARBA.* As a matter of general practice, except as provided in the procedure set out above, applications consistent with the NARBA which do not propose operations which would cause interference to stations in North American countries not signatory to the NARBA will be considered and acted upon by the Commission in accordance with its established procedure, even though the NARBA may not yet have entered into force. In particular cases involving applications consistent with the NARBA but in which special considerations of an international nature require that a different procedure be followed, the applicant or applicants involved will be formally advised to that effect.

[2] For additional information relative to applications see the respective rules relating to each service.

modified. In cases of emergency, the Commission may issue, for a period not in excess of three months, licenses, renewal of licenses or modification of licenses for stations on vessels or aircraft of the United States, without a formal application. In case of vessels at sea, the Commission may issue, by cable, telegraph, or radio, a permit for the operation of a station until the vessel returns to a port of the continental United States.

(b) Canadian licensees desiring to operate in the United States under the terms of Articles 2 and 3 of the Treaty between United States and Canada, effective May 15, 1952, are required to register and obtain a permit.

§ 1.302 *Place of filing and number of copies.* For places where applications must be filed and number of copies to be filed, see sections 0.409 through 0.414 of the Statement of Organization, Delegations of Authority and Other Information.

§ 1.303 *Subscription and verification of applications.* Each application or amendment thereto shall be personally subscribed and verified or affirmed according to law: (a) By the party filing such application or amendment, or by one of the parties, if there be more than one; (b) by an officer of the party filing the application or amendment if the party be a corporation: *Provided, however,* That subscription and verification may be made by the attorney for the party (1) in case of physical disability of the party, or (2) his absence from the continental United States. If it be made by a person other than the party, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the party. Where more than one copy of an application is required to be filed with the Commission, only the original need be signed and verified; the copies may be conformed.

§ 1.304 *Contents of applications.* Each application (unless otherwise directed) shall be specific with regard to frequency or frequencies, power, hours of operation, equipment, location of the station, and other information required by the application forms.[a] An application for broadcast facilities in the standard, FM, or television bands shall be limited to one frequency and an application for radio station construction permit or license requesting alternate facilities will not be accepted. An application for a television broadcast station must request a specific channel provided for in table of assignments (§ 3.606 of this chapter) for the city in which the applicant proposes to construct a station.

§ 1.305 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial, and other qualifications, and as to all matters and things required to be disclosed by the application forms.

§ 1.306 *Additional statements.* The Commission may require an applicant to submit such documents and written statements of fact, under oath, as in its judgment may be necessary.

§ 1.307 *Form of amendments to applications.* Any amendment to an application shall be subscribed, verified, and submitted in the same manner, and with the same number of copies, as was the original application.

§ 1.308 *Amendments of applications ordered.* The Commission may, upon its own motion or upon motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain.

RULES RELATING TO FILING OF APPLICATIONS AND DESCRIPTION OF APPLICATION FORMS

§ 1.309 *Special forms.* (a) FCC Form 301–A, "Request for Modification of Broadcast Station Authorization (Remote Control)." For use by existing broadcast licensees or permittees applying for permit to operate a standard or FM broadcast station from a remote control point.

(b) FCC Form 318, "Request For Subsidiary Communications Authorizations." For use by existing FM broadcast licensees applying for permit to establish a SCA service, modification of SCA, renewal of SCA, and assignment and transfer of SCA.

§ 1.310 *FCC Form 410, Application of Canadian Radio Station Licensees for Registration and Permit to Operate in the United States.* For use of Canadian licensees applying for a permit for operation in the United States in accordance with the terms of the treaty between the United States and Canada relating to mutual recognition of certain radio station and operator licenses issued by either country.

§ 1.311 *Application forms for authority to construct a new station or make changes in an existing station; broadcast services.* Applications for new facilities or modification of existing facilities in the broadcast services including standard, FM, television, international, experimental (experimental television, experimental facsimile and developmental), and auxiliary (remote pickup broadcast, broadcast STL, FM inter-city relay, television pickup, television STL and television inter-city relay) shall be made on the following forms:

(a) FCC Form 301 "Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station."

(b) FCC Form 309, "Application for Authority to Construct or Make Changes in an Existing International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station."

(c) FCC Form 313, "Application for Authorization in the Auxiliary Broadcast Services."

(d) FCC Form 340, "Application for Authority To Construct or Make Changes in a Noncommercial Educational FM Broadcast Station."

§ 1.312 *Application forms for construction permit or modification thereof; radio services other than broadcast.* Applications for new facilities or modifications thereof in the Fixed Public Radio Services, Experimental Radio Services, Coastal and Marine Relay Services, Aviation Services, Public Safety Radio Services, Industrial Radio Services, Land Transportation Radio Services, and Radio Stations in Alaska shall be made on the following forms except as noted:

(a) FCC Form 400 "Application for Radio Station Authorization in Public Safety, Industrial and Land Transportation Radio Services." This form is used in these services for New Station, Modification, Renewal, Assignment of Authorization, or License to cover Construction Permit.

(b) FCC Form 400–A "Request for Amendment of Radio Station Authorization." This form may be used when requesting certain amendments to an existing radio station authorization, in the Public Safety, Industrial and Land Transportation Radio Services, as enumerated on the form and specified in the rules for the particular Service.

(c) FCC Form 401 "Application for new or modified Radio Station Construction Permit (other than Broadcast, Public Safety, Industrial, or Land Transportation Radio Services)."

(d) FCC Form 401–A, "Description of Proposed Antenna Structure(s) (services other than Broadcast)."

(e) FCC Form 480, "Application for Civil Air Patrol Radio Station Construction Permit and License".

§ 1.313 *Installation or removal of apparatus; broadcast and nonbroadcast.* Application for construction permit or modification thereof involving the installation of new transmitting apparatus shall be filed at least sixty days prior to the contemplated installation.

NOTE: In the Public Safety, Industrial, and Land Transportation Radio Services replacement of transmitting equipment may be made without prior authorization provided the replacement transmitters appear on the Commission's "List of Equipments Acceptable for Licensing" and designated for use in the Public Safety, Industrial and Land Transportation Radio Services and provided the substitute equipment employs the same type of emission and does not exceed the power limitations as set forth in the station authorization.

§ 1.314 *Application for extension of construction permit or for construction permit to replace expired construction permit (broadcast); application for extension of construction permit (nonbroadcast).* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) Application for extension of time within which to construct a station shall be filed on FCC Form 701, except in the Public Safety, Industrial, and Land Transportation Radio Services when FCC Form 400–A shall be used. Such application shall be filed at least 30 days prior to the expiration date of the construction permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

(c) In the broadcast services, when it is desired to replace an expired construction permit, application shall be made on FCC Form 321, "Application for Construction Permit to Replace Expired Permit."

§ 1.315 *Application for equipment tests or for service or program tests; broadcast and nonbroadcast.* Where the rules applicable to the particular service concerned require the filing of an application for authority to conduct equipment tests or service or program tests or notification to any office of the Commission of the commencement of such tests, such application or notification may be informal.

§ 1.317 *Application for license following construction permit.* (a) In all cases where a construction permit is required for the construction of a station, the application for station license (or for station license or modification thereof, if for station other than broadcast) shall be filed by permittee prior to service or program tests.

(b) The following application forms shall be used:

(1) FCC Form 302, "Application for New Broadcast Station License."

(2) FCC Form 310, "Application for an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License."

(3) FCC Form 313, "Application for Authorization in the Auxiliary Broadcast Services."

(4) FCC Form 341, "Application for Noncommercial Educational FM Broadcast Station License."

(5) FCC Form 400 "Application for Radio Station Authorization in the Public Safety, Industrial and Land Transportation Radio Services." Check Item 16 to indicate application is for License to cover Construction Permit.

(6) FCC Form 403, "Application for Radio Station License or Modification Thereof (other than broadcasting, amateur, ship, and aircraft)."

§ 1.318 *Application for station license where no construction permit is required.* (a) Where a construction permit is not required by the Communications Act or the applicable rules and regulations of the Commission, an application for a new station license shall be filed at least 60 days prior to the contemplated operation of the station.[a] In emergency and for good cause shown, the Commission may waive the requirements of this section.

(b) The following application forms should be used:

(1) FCC Form 302, "Application for broadcast station license." To be used for all applications for license to use the former main transmitter as the auxiliary transmitter when no new construction is involved, and for regular authorization covering special experimental authorization.

(2) FCC Form 341, "Application for Noncommercial Educational FM Broadcast Station License." To be used for all applications for license to use the former main transmitter as the auxiliary transmitter when no new construction is involved.

(3) FCC Form 404, "Application for Aircraft Radio Station License."

(4) [Reserved.]

(5) FCC Form 481, "Application for Authority to Operate a Station in the Radio Amateur Civil Emergency Service."

(6) FCC Form 501, "Application for Ship Radio Station Licenses."

(7) FCC Form 501–A, "Application for Ship Radiotelephone Station License."

(8) FCC Form 505, "Application for Citizens Radio Station Construction Permit and License."

(9) FCC Form 525, "Application for Disaster Communications Radio Station Construction Permit and License."

(10) FCC Form 602, "Application for Amateur Station License (under special provisions of Section 12.61 of the Commission's Rules)"—to be used for a station of amateurs in the armed forces when located in approved public quarters but not operated by the United States Government.

(11) FCC Form 610, "Application for Amateur Radio Operator and/or Station License."

§ 1.319 *Application for modification of license; broadcast and nonbroadcast.* (a) An application for modification of license, except amateur, and except as otherwise provided by regulations in this part, may be filed for change in frequency, change in operating power where no construction is necessary, change in hours of operation, and for change in name of licensee where no change in ownership or control is involved. In case of a broadcast station, an application for modification of license may be filed for change in location of main studio. In case of all stations other than broadcast, an application for modification of license may be filed for change in points of communication, change in nature of authorized service, and to cover an outstanding construction permit where the station is already licensed. Except when filed to cover construction permit, each application for modification of license shall be filed at least 60 days prior to the contemplated modification of license: *Provided, however,* That in emergencies and for good cause shown, the requirements hereof may be waived insofar as time for filing is concerned.

(b) The following application forms should be used:

(1) FCC Form 301, "Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station." To be used for all applications for modification of any term of an existing authorization of a broadcast station (except in the International, Facsimile, Experimental, or Auxiliary Broadcast Services).

(2) FCC Form 309, "Application for Authority to Construct or Make Changes in an Existing International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station."

(3) FCC Form 313, "Application for Authorization in the Auxiliary Radio Broadcast Services."

(4) FCC Form 340, "Application for Authority to Construct or make Changes in a Noncommercial Educational FM Broadcast Station." To be used for all applications for modification of any term of an existing authorization for a noncommercial educational FM broadcast station.

(5) FCC Form 400, "Application for Radio Station Authorization in the Public Safety, Industrial, and Land Transportation Radio Services." Check Item 16 to indicate application is for Modification.

(6) FCC Form 400–A, "Request for Amendment of Radio Station Authorization."

(7) FCC Form 403, "Application for Radio Station License or Modification Thereof (other than broadcasting, amateur, ship, or aircraft)."

(8) FCC Form 404, "Application for Aircraft Radio Station License."

(9) FCC Form 501, "Application for Ship Radio Station Licenses."

(10) FCC Form 501–A, "Application for Ship Radiotelephone Station License."

(11) FCC Form 505, "Application for Citizens Radio Station Construction Permit and License."

(12) FCC Form 525, "Application for Disaster Communications Radio Station Construction Permit and License."

(13) FCC Form 602, "Application for Amateur Station License (under special provisions of Section 12.61 of the Commission's Rules)"—To be used for a station of amateurs in the armed forces when located in approved public quarters but not operated by the United States Government.

(14) FCC Form 610, "Application for Amateur Radio Operator and/or Station License."

§ 1.320 *Application for renewal of license; broadcast and nonbroadcast.* (a) Unless otherwise directed by the Commission each application for renewal of license of a standard broadcast, FM broadcast, noncommercial educational FM broadcast, television broadcast station and an auxiliary broadcast station (remote pickup broadcast, broadcast STL, television pickup, television STL and television inter-city relay) shall be filed at least 90 days prior to the ex-

[a] Applications for FM facilities filed before July 1, 1947, need not specify a particular frequency unless the applicants are directed to do so by the Commission.

[a] Applications for amateur station license need not be filed 60 days prior to the contemplated operation of the station.

piration date of the license sought to be renewed; and each application for renewal of license of a non-broadcast station shall be filed at least 60 [4] days prior to the expiration date of the license sought to be renewed. No application for renewal of license of a broadcast station [5a] will be considered unless there is on file with the Commission the information currently required by §§ 1.341 to 1.344 reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

(c) The following application forms should be used:

(1) FCC Form 303, "Application for renewal of broadcast station license."

(2) FCC Form 311, "Application for Renewal of an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License." To be used for all applications for renewal of licenses of International, Experimental Television, Experimental Facsimile, and Developmental Broadcast stations.

(3) FCC Form 313, "Application for Authorization in the Auxiliary Broadcast Services." To be used for all applications for renewal of regular licenses of auxiliary (remote pick-up and ST) radio broadcasting stations.

(4) FCC Form 342, "Application for Renewal of Noncommercial Educational FM Broadcast Station License."

(5) "FCC Form 405, Application for Renewal of Radio Station License." To be used for requesting renewal of license for those stations authorized under Parts 5 and 6 of this chapter.

(6) "FCC Form 405–A, Application for Renewal of Radio License (Short Form)." To be used for requesting renewal of those licenses issued under Parts 7, 8, 9, 10, 11, 12, 14, 16, 19, and 20 of this chapter.

(7) FCC Form 481–1, "Application for Authority to Operate a Station in the Radio Amateur Civil Emergency Service." To be used for all applications for renewal of authorizations of radio amateur civil emergency stations.

§ 1.321 *Application for voluntary assignment or transfer of control; broadcast.* (a) Applications for consent to the assignment of construction permit or license for an AM, FM, television or other broadcast station or for consent to the transfer of control of a corporation holding such a construction permit or license shall be filed with the Commission on FCC Form No. 314 (Assignment of License), FCC Form No. 315 (Transfer of Control), or FCC Form 316 (Short Form). Such applications shall be filed with the Commission at least 60 days prior to contemplated effective date of assignment or transfer of control.

(b) Pro forma assignment or transfer applications shall be filed on FCC Form 316. Such cases are defined as cases in which:

(1) There is an assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

(2) There is an assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) There is an assignment or transfer by which certain partners or stockholders retire but no new ones are brought in, provided that the interest transferred is not a controlling one;

(4) There is a corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) There is an involuntary transfer to an Executor, Administrator or other court appointed officer caused by death or legal disability except that this form does not cover assignments (or transfers) from the Executor, Administrator or other court appointed officers to the ultimate beneficiary;

(6) There is an assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests.

(7) There is an assignment of less than a controlling interest in a partnership.

§ 1.322 *Application for voluntary assignment or transfer of control; nonbroadcast.* (a) Application for consent to voluntary assignment of a construction permit or license or for consent to voluntary transfer of control of a corporation holding a construction permit or license shall be filed with the Commission at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) The following application forms should be used:

(1) FCC Form 400, "Application for Radio Station Authorization in the Public Safety, Industrial, and Land Transportation Radio Services" may be used for application for assignment of station authorization. Attached thereto shall be a notarized letter from proposed assignor stating his desire to assign his current authorization in accordance with the rules governing the particular service involved.

(2) FCC Form 702, "Application for Consent to Assignment of Radio Station Construction Permit or License (for stations in services other than Standard Broadcast)."

(3) FCC Form 703, "Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License (for stations in services other than Standard Broadcast)."

§ 1.323 *Application for involuntary assignment or transfer of control; broadcast and nonbroadcast.* In the event of a death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(a) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(b) Within 30 days after the occurrence of such death or legal disability (except in the case of a ship or amateur station), application shall be filed for consent to involuntary assignment of such permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved. The procedure and forms to be followed are the same as those specified in §§ 1.321 and 1.322. In the case of ship and amateur stations, involuntary assignment of licenses will not be made; such licenses shall be surrendered for cancellation upon the death or legal disability of the licensee.

§ 1.324 *Application for special temporary authorization.* (a) Special temporary authority may be granted for the operation of a station (other than a standard broadcast station) for a limited time, or in a manner and to an extent or for service other or beyond that authorized in an existing license upon proper application therefor. No such request will be considered unless full particulars as to the purpose for which the request is made are stated and unless the request is received by the Commission at least 10 days previous to the date of proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting such request.

(b) No application by a standard broadcast station for special temporary authority will be accepted by the Commission.

(c) The following application forms should be used:

(1) FCC Form No. 408, Application for Experimental or Special Temporary Authorization (fixed public radio services only), shall be used for new application and for extension or modification of existing authorization.

(2) In all other cases, informal application may be used.

(d) The purchasers of a new aircraft with factory-installed radio equipment may operate the radio station on their aircraft for a period of 30 days under Special Temporary Authority evidenced by a copy of a certificate (F. C. C. Form No. 453B) executed by the manufacturer, dealer or distributor, the original of which has been mailed to the Commission with the formal application for station license.

§ 1.325 *Application for special service authorization; broadcast.* (a) Special service authority may be issued to the licensee of a standard broadcast station or, in connection with the furnishing of facilities for service to the United States Government, to the licensee of an international broadcast station, for a service other or beyond that authorized in its existing license for a period not exceeding that of its existing license.

(b) Application for special service authorization must be made by formal application on FCC Form No. 317—"Application for Standard Broadcast Station Special Service Authorization or Extension Thereof"—and a satisfactory showing must be made in regard to the following, among others:

(1) That the requested operation may not be granted on a regular basis under the existing rules governing the operation of standard broadcast stations;

(2) That experimental operation is not involved as provided for by § 3.32 of this chapter;

(3) That public interest, convenience, and necessity will be served by the authorization requested.

§ 1.326 *Application for standard broadcast station experimental operation.* Special experimental authorization may be issued in accordance with § 3.32 of this chapter to the licensee of a standard broadcast station in addition to the regular license. An informal application should be used in applying for such authorization.

§ 1.327 *Application concerning programs to be transmitted to foreign radio stations.* Application under section 325 (b) of the Communications Act for authority to locate, use or maintain a radio broadcast studio in connection with a foreign radio station should be made on FCC Form 308, entitled "Application for permit to locate, maintain, or use studio or apparatus for production of programs to be transmitted or delivered to foreign radio station": *Provided*, That licensees or permittees of broadcast stations need not file applications on FCC Form 308 in those cases where the programs to be transmitted or delivered to a foreign radio station has been, is being, or will be broadcast in the United States by said licensee or permittee, but may make informal application for the authority sought.

§ 1.328 *Application to determine operating power by direct measurement of antenna power.* Application to determine operating power of broadcast stations by direct measurement of antenna power shall be made on FCC Form 302, "Application for New Broadcast Station License."

§ 1.329 *Application for radio operator license.* (a) Application for a new, renewed, replacement or duplicate commercial radio operator license or for an endorsement thereon, or for a verification card, shall be filed on FCC Form No. 756, entitled "Application for Commercial Radio Operator License or Permit": *Provided*, That application for a new restricted radiotelephone operator permit may be filed on FCC Form No. 753–1, entitled "Application for Restricted Radiotelephone Operator Permit by Declaration".

(b) Application for an amateur radio operator license is included with the application for station license. (See § 1.318.)

(c) FCC Form No. 759 should be used for filing statement relative to the posting of operator license.

§ 1.330 *Application for ship radio inspection or periodical survey of ships subject to compulsory radio requirements.* (a) Applications for ship radio inspection and certification of the ship radio license in accordance with the requirements of section 360 (b) of the Communications Act, and/or issuance of a Safety Convention certificate in accordance with the terms of Regulations 11 and 12, Chapter I, of the Safety Convention, should be submitted on FCC Form No. 801, entitled "Application for Ship Radio Inspection". This form should be forwarded to the radio district office nearest the desired port of inspection (see section 0.49 of the Statement of Organization, Delegations of Authority and Other Information).

(b) Applications for periodical survey as required by Article 11 of the Great Lakes Agreement and certification prescribed by Article 12 thereof, should be submitted on FCC Form 809 "Application for Periodical Survey (Great Lakes Agreement)". This form should be forwarded to the radio district office nearest the desired place of survey (see section 0.49 of the Statement of Organization, Delegations of Authority and Other Information).

(c) Applications for inspection of ship radio equipment and apparatus for the purposes of Part II of Title III of the Communications Act of 1934, as amended, on a Sunday or a national holiday or during other than the established working hours on any other day, should be submitted on FCC Form 808, entitled "Application for and Certificate of Overtime Service Involving Inspection of Radio Equipment". This form should be forwarded to the radio district office nearest the desired port of inspection (see section 0.49 of the Statement of Organization, Delegations of Authority and Other Information).

§ 1.331 *Applications for exemption from compulsory ship radio requirements.* Applications for exemption filed under the provisions of section 352 (b) of the Communications Act of 1934, as amended, and Regulations 5 or 6, Chapter IV, of the Safety of Life at Sea Convention, London, 1948, shall be submitted on FCC Form 820, entitled "Application for Exemption". Applications for exemption filed under the provisions of Article 6 of the Great Lakes Agreement shall be submitted on FCC Form 820–A, entitled "Application for Exemption (Great Lakes Agreement)".

§ 1.332 *Informal applications.* (a) Whenever Commission authorization is required by the Communications Act or the Commission's rules and regulations in connection with any matter under title III of the act and no application form is specified in this subpart, informal application may be utilized.

(b) A partial list of some of the matters concerning standard broadcast operation as to which informal request may be made is given below:

(1) To operate additional time.

(2) To discontinue operation or services not covered by § 3.71 of this chapter.

(3) To operate with additional power.

(4) To operate with reduced power not covered by § 3.57 of this chapter.

(5) To operate for test purposes (to determine site, etc.).

(6) To rebroadcast programs of stations of other classes.

(7) Other special temporary operation beyond terms of existing license.

(8) Temporary operation without specified items of equipment or with auxiliary equipment:

(i) Operation without thermometer in automatic temperature control chamber.

(ii) Operation with temporary antenna system.

(iii) Operation with auxiliary transmitter as main transmitter.

(9) Operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application.

(10) Where formal application is not required, application for new or modified equipment or antenna system.

(11) Change of specifications for painting and lighting antenna towers where formal application is not required.

(12) Relocation of transmitter in same building.

(13) Operations with reduced power or time under §§ 3.57 and 3.71 of this chapter.

(14) Approval of types of equipment as to compliance with outstanding rules or standards.

(15) All authorizations for equipment and program tests, or extensions thereof, where it appears that compliance has been had with the terms of the construction permit.

(16) Extensions of time within which to comply with technical requirements specified in authorizations, orders, and rules or releases of the Commission.

(17) Representations of compliance with technical requirements specified in authorizations, orders, rules, or releases (except formal applications).

(18) Operation with licensed, new, or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location.

(c) Requests for type approval of equipment should be made by informal application. Arrangements should be made through the Bureau of Engineering for inspection and examination of the equipment in question.

(d) Requests from broadcast stations for extension of authority to operate without any of the following indicating instruments should be made by informal application to the Engineer in Charge of the radio district in which the station is located. Such requests must contain information as to when and what steps were taken to repair or replace the defective instrument.

(1) Frequency monitor.

(2) Modulation monitor.

(3) Plate ammeter or voltmeter.

(4) Base current meter or common point meter.

[4] The 60-day requirement does not apply to amateurs.

[5a] This requirement does not apply to noncommercial educational FM broadcast stations.

piration date of the license sought to be renewed; and each application for renewal of license of a non-broadcast station shall be filed at least 60 [*] days prior to the expiration date of the license sought to be renewed. No application for renewal of license of a broadcast station [**] will be considered unless there is on file with the Commission the information currently required by §§ 1.341 to 1.344 reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

(c) The following application forms should be used:

(1) FCC Form 303, "Application for renewal of broadcast station license."

(2) FCC Form 311, "Application for Renewal of an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License." To be used for all applications for renewal of licenses of International, Experimental Television, Experimental Facsimile, and Developmental Broadcast stations.

(3) FCC Form 313, "Application for Authorization in the Auxiliary Broadcast Services." To be used for all applications for renewal of regular licenses of auxiliary (remote pick-up and ST) radio broadcasting stations.

(4) FCC Form 342, "Application for Renewal of Noncommercial Educational FM Broadcast Station License."

(5) "FCC Form 405, Application for Renewal of Radio Station License." To be used for requesting renewal of license for those stations authorized under Parts 5 and 6 of this chapter.

(6) "FCC Form 405–A, Application for Renewal of Radio License (Short Form)." To be used for requesting renewal of those licenses issued under Parts 7, 8, 9, 10, 11, 12, 14, 16, 19, and 20 of this chapter.

(7) FCC Form 481–1, "Application for Authority to Operate a Station in the Radio Amateur Civil Emergency Service." To be used for all applications for renewal of authorizations of radio amateur civil emergency stations.

§ 1.321 *Application for voluntary assignment or transfer of control; broadcast.* (a) Applications for consent to the assignment of construction permit or license for an AM, FM, television or other broadcast station or for consent to the transfer of control of a corporation holding such a construction permit or license shall be filed with the Commission on FCC Form No. 314 (Assignment of License), FCC Form No. 315 (Transfer of Control), or FCC Form 316 (Short Form). Such applications shall be filed with the Commission at least 60 days prior to contemplated effective date of assignment or transfer of control.

(b) Pro forma assignment or transfer applications shall be filed on FCC Form 316. Such cases are defined as cases in which:

(1) There is an assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

(2) There is an assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) There is an assignment or transfer by which certain partners or stockholders retire but no new ones are brought in, provided that the interest transferred is not a controlling one;

(4) There is a corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) There is an involuntary transfer to an Executor, Administrator or other court appointed officer caused by death or legal disability except that this form does not cover assignments (or transfers) from the Executor, Administrator or other court appointed officers to the ultimate beneficiary;

(6) There is an assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests.

(7) There is an assignment of less than a controlling interest in a partnership.

§ 1.322 *Application for voluntary assignment or transfer of control; nonbroadcast.* (a) Application for consent to voluntary assignment of a construction permit or license or for consent to voluntary transfer of control of a corporation holding a construction permit or license shall be filed with the Commission at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) The following application forms should be used:

(1) FCC Form 400, "Application for Radio Station Authorization in the Public Safety, Industrial, and Land Transportation Radio Services" may be used for application for assignment of station authorization. Attached thereto shall be a notarized letter from proposed assignor stating his desire to assign his current authorization in accordance with the rules governing the particular service involved.

(2) FCC Form 702, "Application for Consent to Assignment of Radio Station Construction Permit or License (for stations in services other than Standard Broadcast)."

(3) FCC Form 703, "Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License (for stations in services other than Standard Broadcast)."

§ 1.323 *Application for involuntary assignment or transfer of control; broadcast and nonbroadcast.* In the event of a death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(a) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(b) Within 30 days after the occurrence of such death or legal disability (except in the case of a ship or amateur station), application shall be filed for consent to involuntary assignment of such permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved. The procedure and forms to be followed are the same as those specified in §§ 1.321 and 1.322. In the case of ship and amateur stations, involuntary assignment of licenses will not be made; such licenses shall be surrendered for cancellation upon the death or legal disability of the licensee.

§ 1.324 *Application for special temporary authorization.* (a) Special temporary authority may be granted for the operation of a station (other than a standard broadcast station) for a limited time, or in a manner and to an extent or for service other or beyond that authorized in an existing license upon proper application therefor. No such request will be considered unless full particulars as to the purpose for which the request is made are stated and unless the request is received by the Commission at least 10 days previous to the date of proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting such request.

(b) No application by a standard broadcast station for special temporary authority will be accepted by the Commission.

(c) The following application forms should be used:

(1) FCC Form No. 408, Application for Experimental or Special Temporary Authorization (fixed public radio services only), shall be used for new application and for extension or modification of existing authorization.

(2) In all other cases, informal application may be used.

(d) The purchasers of a new aircraft with factory-installed radio equipment may operate the radio station on their aircraft for a period of 30 days under Special Temporary Authority evidenced by a copy of a certificate (F. C. C. Form No. 453B) executed by the manufacturer, dealer or distributor, the original of which has been mailed to the Commission with the formal application for station license.

§ 1.325 *Application for special service authorization; broadcast.* (a) Special service authority may be issued to the licensee of a standard broadcast station or, in connection with the furnishing of facilities for service to the United States Government, to the licensee of an international broadcast station, for a service other or beyond that authorized in its existing license for a period not exceeding that of its existing license.

(b) Application for special service authorization must be made by formal application on FCC Form No. 317—"Application for Standard Broadcast Station Special Service Authorization or Extension Thereof"—and a satisfactory showing must be made in regard to the following, among others:

(1) That the requested operation may not be granted on a regular basis under the existing rules governing the operation of standard broadcast stations;

(2) That experimental operation is not involved as provided for by § 3.32 of this chapter;

(3) That public interest, convenience, and necessity will be served by the authorization requested.

§ 1.326 *Application for standard broadcast station experimental operation.* Special experimental authorization may be issued in accordance with § 3.32 of this chapter to the licensee of a standard broadcast station in addition to the regular license. An informal application should be used in applying for such authorization.

§ 1.327 *Application concerning programs to be transmitted to foreign radio stations.* Application under section 325 (b) of the Communications Act for authority to locate, use or maintain a radio broadcast studio in connection with a foreign radio station should be made on FCC Form 308, entitled "Application for permit to locate, maintain, or use studio or apparatus for production of programs to be transmitted or delivered to foreign radio station": *Provided*, That licensees or permittees of broadcast stations need not file applications on FCC Form 308 in those cases where the programs to be transmitted or delivered to a foreign radio station has been, is being, or will be broadcast in the United States by said licensee or permittee, but may make informal application for the authority sought.

§ 1.328 *Application to determine operating power by direct measurement of antenna power.* Application to determine operating power of broadcast stations by direct measurement of antenna power shall be made on FCC Form 302, "Application for New Broadcast Station License."

§ 1.329 *Application for radio operator license.* (a) Application for a new, renewed, replacement or duplicate commercial radio operator license or for an endorsement thereon, or for a verification card, shall be filed on FCC Form No. 756, entitled "Application for Commercial Radio Operator License or Permit": *Provided*, That application for a new restricted radiotelephone operator permit may be filed on FCC Form No. 753–1, entitled "Application for Restricted Radiotelephone Operator Permit by Declaration".

(b) Application for an amateur radio operator license is included with the application for station license. (See § 1.318.)

(c) FCC Form No. 759 should be used for filing statement relative to the posting of operator license.

§ 1.330 *Application for ship radio inspection or periodical survey of ships subject to compulsory radio requirements.* (a) Applications for ship radio inspection and certification of the ship radio license in accordance with the requirements of section 360 (b) of the Communications Act, and/or issuance of a Safety Convention certificate in accordance with the terms of Regulations 11 and 12, Chapter I, of the Safety Convention, should be submitted on FCC Form No. 801, entitled "Application for Ship Radio Inspection". This form should be forwarded to the radio district office nearest the desired port of inspection (see section 0.49 of the Statement of Organization, Delegations of Authority and Other Information).

(b) Applications for periodical survey as required by Article 11 of the Great Lakes Agreement and certification prescribed by Article 12 thereof, should be submitted on FCC Form 809 "Application for Periodical Survey (Great Lakes Agreement)". This form should be forwarded to the radio district office nearest the desired place of survey (see section 0.49 of the Statement of Organization, Delegations of Authority and Other Information).

(c) Applications for inspection of ship radio equipment and apparatus for the purposes of Part II of Title III of the Communications Act of 1934, as amended, on a Sunday or a national holiday or during other than the established working hours on any other day, should be submitted on FCC Form 808, entitled "Application for and Certificate of Overtime Service Involving Inspection of Radio Equipment". This form should be forwarded to the radio district office nearest the desired port of inspection (see section 0.49 of the Statement of Organization, Delegations of Authority and Other Information).

§ 1.331 *Applications for exemption from compulsory ship radio requirements.* Applications for exemption filed under the provisions of section 352 (b) of the Communications Act of 1934, as amended, and Regulations 5 or 6, Chapter IV, of the Safety of Life at Sea Convention, London, 1948, shall be submitted on FCC Form 820, entitled "Application for Exemption". Applications for exemption filed under the provisions of Article 6 of the Great Lakes Agreement shall be submitted on FCC Form 820–A, entitled "Application for Exemption (Great Lakes Agreement)".

§ 1.332 *Informal applications.* (a) Whenever Commission authorization is required by the Communications Act or the Commission's rules and regulations in connection with any matter under title III of the act and no application form is specified in this subpart, informal application may be utilized.

(b) A partial list of some of the matters concerning standard broadcast operation as to which informal request may be made is given below:

(1) To operate additional time.

(2) To discontinue operation or services not covered by § 3.71 of this chapter.

(3) To operate with additional power.

(4) To operate with reduced power not covered by § 3.57 of this chapter.

(5) To operate for test purposes (to determine site, etc.).

(6) To rebroadcast programs of stations of other classes.

(7) Other special temporary operation beyond terms of existing license.

(8) Temporary operation without specified items of equipment or with auxiliary equipment:

(i) Operation without thermometer in automatic temperature control chamber.

(ii) Operation with temporary antenna system.

(iii) Operation with auxiliary transmitter as main transmitter.

(9) Operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application.

(10) Where formal application is not required, application for new or modified equipment or antenna system.

(11) Change of specifications for painting and lighting antenna towers where formal application is not required.

(12) Relocation of transmitter in same building.

(13) Operations with reduced power or time under §§ 3.57 and 3.71 of this chapter.

(14) Approval of types of equipment as to compliance with outstanding rules or standards.

(15) All authorizations for equipment and program tests, or extensions thereof, where it appears that compliance has been had with the terms of the construction permit.

(16) Extensions of time within which to comply with technical requirements specified in authorizations, orders, and rules or releases of the Commission.

(17) Representations of compliance with technical requirements specified in authorizations, orders, rules, or releases (except formal applications).

(18) Operation with licensed, new, or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location.

(c) Requests for type approval of equipment should be made by informal application. Arrangements should be made through the Bureau of Engineering for inspection and examination of the equipment in question.

(d) Requests from broadcast stations for extension of authority to operate without any of the following indicating instruments should be made by informal application to the Engineer in Charge of the radio district in which the station is located. Such requests must contain information as to when and what steps were taken to repair or replace the defective instrument.

(1) Frequency monitor.

(2) Modulation monitor.

(3) Plate ammeter or voltmeter.

(4) Base current meter or common point meter.

[*] The 60-day requirement does not apply to amateurs.

[**] This requirement does not apply to noncommercial educational FM broadcast stations.

(5) Transmission line meter for FM and television stations.

§ 1.333 *Construction permits.* No construction permit is required for any class of station in the Maritime, Aviation, Public Safety, Industrial, Land Transportation, Citizens Radio, Disaster Communications, and Amateur Services except as follows: A construction permit is required for—

(a) All operational fixed stations;

(b) Land radiopositioning stations in the industrial radiolocation service;

(c) Public coast stations and limited Class I and Class II coast stations;

(d) Shore radiolocation, shore radionavigation, and shore radar stations;

(e) Alaskan public fixed stations; and

(f) Any station involving the erection of a new antenna or changes in an existing antenna if

(1) The antenna structure proposed to be erected will exceed an overall height of 170 feet above ground level, except in the case where the antenna is mounted on top of an existing man-made structure and does not increase the overall height of such man-made structure by more than 20 feet, or

(2) The antenna structure proposed to be erected will exceed an overall height of one foot above the established elevation of any landing area for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except in the case where the antenna structure does not exceed 20 feet above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet as a result of such mounting.

§ 1.334 *Applications for permission to use lesser grade operators at aural broadcast stations than required by Commission rules.* (a) Applications for temporary permission to operate standard and FM broadcast stations with licensed operators of a lesser grade than normally required by the Commission's rules shall be submitted to the Engineer in Charge of the Commission's district headquarters field office in the area where the station is located. Such permission will be granted for periods of not to exceed 120 days if a proper showing is made, as set forth in this section, and may be renewed upon request only upon the making of an adequate similar showing. Within 60 days of receiving an authorization for a longer period, a written report shall be submitted on behalf of the station setting forth what continuing efforts have been made to obtain licensed operators of a grade normally required by the Commission's rules. The Engineer in Charge may terminate this permission in the absence of a satisfactory showing in the written report that adequate efforts have been made to obtain such operators, or for other good reason in the judgment of the Engineer in Charge.

(b) Such applications or reports are not required to be submitted on any numbered or prescribed form. However, the request or report shall be in writing, signed by the licensee, if the licensee is an individual; by a partner, if the licensee is a partnership; or by an officer of the corporation, if the licensee is a corporation.

(c) A specific request for permission to use operators of lesser grade than required by the Commission's rules shall be included and the following information shall be furnished:

(1) Call letters of the station;

(2) Name of licensee;

(3) The number of persons holding radiotelephone first class operator licenses that will be employed as full-time operators at the station, (this does not include part-time employees and persons only available on call in case of emergencies);

(4) A showing that at least one first class operator will be employed full time at the station and will be available on call at all times in the event of equipment failure;

(5) A statement that the additional licensed radiotelephone first class operators required for maintaining the normal schedule of operation could not be obtained for employment at the station or in the event an operator of the required grade will not accept employment at the station or was rejected by the station, a statement showing the reason for the failure to employ such operators.

(6) A showing that all known sources of broadcast operators within a reasonable distance have been exhausted. Names and addresses of sources contacted and the date of such contact shall be stated.

(d) The chief operator holding a radiotelephone first class operator license at a station to which temporary permission has been granted shall mail to the Engineer in Charge of the area from whom permission is received, within three days after employment of a lesser grade operator, a written certification setting forth the name and operator license number of the lesser grade operator employed and stating that the operator has the ability to perform the normal operation of the station.

§ 1.335 *FCC Form 482, "Certification of Civil Defense Radio Officer."* To be used by the local Civil Defense Official when certifying as to the loyalty, integrity, and the technical and administrative qualifications of the Radio Officer.

RULES RELATING TO OTHER FORMS AND INFORMATION TO BE FILED WITH THE COMMISSION

§ 1.341 *Financial report, broadcast licensees and permittees.* Each licensee of a broadcast station (standard, FM, television and international) and each permittee of a broadcast station engaged in interim operation shall file with the Commission on or before April 1 of each year on Form 324 broadcast revenue and expense statements for the preceding calendar year together with a statement as to investment in tangible broadcast property as of December 31 of such calendar year.

§ 1.342 *Filing of contracts, broadcast licensees and permittees.* Each licensee or permittee of a standard, FM, television, or international broadcast station shall file with the Commission within 30 days of execution thereof copies of the following contracts, instruments and documents, together with amendments, supplements and cancellations. The term "contract" as used in this section includes any contract, express or implied, oral or written. The substance of oral contracts shall be reported in writing:

(a) Contracts relating to network service. This provision does not require the filing of transcription agreements or contracts for the supplying of film for television stations which do not specify option time, contracts granting the right to broadcast music such as ASCAP, BMI, or SESAC agreements. Transcription agreements or contracts for the supplying of film for television stations which do specify option time must be filed.

(b) Contracts, instruments or documents relating to the present or future ownership or control of the licensee or permittee, or of the licensee's or permittee's stock, rights or interests therein, or relating to changes in such ownership or control. All contracts, instruments and documents exempted from the requirements of § 1.343 are similarly exempted in this section. The term "stock" includes any interest in legal or beneficial, right or privilege in connection with stock. The terms "officers" and "directors" include the comparable officials of unincorporated associations. This provision is limited to the following:

(1) Articles of partnership, association and incorporation and changes in such instruments.

(2) Bylaws and any instruments affecting changes in such bylaws.

(3) Any agreement, document or instrument affecting, directly or indirectly, the ownership or voting rights of the licensee's or permittee's stock (common or preferred, voting or non-voting stock), such as (i) agreements for transfer of stock, (ii) instruments for the issuance of new stock, (iii) or agreements for the acquisition of licensee's or permittee's stock by the issuing licensee or permittee corporation. Options to purchase stock, pledges, trusts agreements, and other executory agreements are required to be filed.

(4) Proxies with respect to the licensee's or permittee's stock running for a period in excess of one year; and all proxies, whether or not running for a period of one year, given without full and detailed instructions binding the recipient to act in a specified manner. With respect to the latter proxies given without full and detailed instructions, a statement showing the number of such proxies, by whom given and received, and the percentage of outstanding stock represented by each proxy shall be submitted by the licensee or permittee within 30 days after the stockholders' meeting in which the stock covered by such proxies has been voted: *Provided, however,* That when the permittee or licensee is a corporation having more than 50 stockholders, such complete information need be filed only with respect to proxies given by stockholders who are officers or directors or who have one percent or more of the corporation's stock. In cases where the permittee or licensee is a corporation having more than 50 stockholders and the stockholders giving the proxies are neither officers or directors nor hold one percent or more of the corporation's stock, the only information required to be filed[*] is the name of any person voting one percent or more of the stock by proxy, the number of shares voted by proxy by such person, and the total number of shares voted at the particular stockholders' meeting in which the aforesaid shares were voted by proxy.

(5) Mortgage or loan agreements containing provisions restricting the licensee's or permittee's freedom of operation, such as those specifying or limiting the amount of dividends payable, the purchase of new equipment, the maintenance of current assets, etc.

(6) Any agreement reflecting a change in the officers, directors, or stockholders of a corporation other than the licensee or permittee having an interest, direct or indirect, in the licensee or permittee as specified by § 1.343.

(c) Contracts relating to the sale of broadcast time to "time brokers" for resale.

(d) Contracts relating to functional music operations such as "storecasting", "transitcasting", "background music", and similar services. This provision does not require the filing of contracts granting functional music licensees or permittees the right to broadcast copyright music.

(e) Time sales contracts with the same sponsor for 4 or more hours per day, unless the length of the events broadcast pursuant to the contract is not under control of the station, such as athletic contests, musical programs and special events.

(f) Contracts relating to the utilization in a management capacity of any person other than an officer, director, or regular employee of the licensee or permittee station, and management contracts with any persons, whether or not officers, directors, or regular employees which provide for both a percentage of profits and a sharing in losses. With the above exceptions, this provision does not require the filing of agreements with persons regularly employed as general or station managers or salesmen, contracts with program managers or program personnel, contracts with Chief Engineers or other engineering personnel, contracts with consulting radio engineers, attorneys, or accountants, contracts with performers, contracts with station representatives, contracts with labor unions, or any similar agreements. It does require the filing of management consultant agreements with independent contractors.

§ 1.343 *Ownership reports, broadcast licensees and permittees.* (a) The licensee of each broadcast station shall file an Ownership Report (FCC Form 323) at the time the application for renewal of station license is required to be filed: *Provided, however,* That licensees owning more than one Standard, FM or Television broadcast station shall file the Ownership Report together with the first application for renewal of station license filed on or after February 1, 1954, and at three-year intervals thereafter. Ownership Reports shall give the following information as of a date not more than 30 days prior to the filing of the Ownership Report:

(1) In the case of an individual, the name of such individual.

(2) In the case of a partnership, the names of the partners and the interests of each partner.[6]

(3) In the case of a corporation or association: (i) Capitalization, with a description of the classes and voting power of stock authorized and the shares of each class issued and outstanding; (ii) the name, residence, citizenship, and stockholdings of officers and directors, and stockholders; (iii) full information with respect to the interest and identity of any person whether or not a stockholder of record, having any interest direct or indirect, in the licensee or any of its stock;

For example:

(a) Where A is the beneficial owner or votes stock held by B, the same information should be furnished for A as is required for B.

(b) Where X corporation controls the licensee, or holds 25 percent or more of the stock of the licensee, the same information should be furnished with respect to X corporation (its capitalization, officers, directors, and stockholders and the amount of stock in X held by each) as is required in the case of the licensee, together with full information as to the identity and citizenship of the person authorized to vote licensee's stock.

(c) The same information should be furnished as to Y corporation if it controls X corporation or holds 25 percent or more of the stock of X, and as to Z corporation if it controls Y corporation or holds 25 percent or more of the stock of Y and so on back to natural persons.

(iv) Full information as to family relationship or business association between two or more officials and/or stockholders.

(4) In the case of all licensees (i) a list of all contracts still in effect required to be filed with the Commission by § 1.342 showing the date of execution and expiration of each contract; (ii) any interest which the licensee may have in any other broadcast station.

(b) A supplemental Ownership Report (FCC Form 323) shall be filed by each licensee or permittee within 30 days after any change[6,7] occurs in the information required by the Ownership Report (the application or construction permit in the case of a permittee who has not filed an ownership report) from that previously reported. Such report shall include without limitation:

[6] Any change in partners or in their rights will require prior consent of the Commission upon an application for consent to assignment of license or permit. If such change involves less than a controlling interest, the application for Commission consent to such change may be made upon FCC Form No. 316 (Short Form).

[7] Before any change is made in the organization, capitalization, officers, directors, or stockholders of a corporation other than licensee or permittee, which results in a change in the control of the licensee or permittee, prior Commission consent must be received under section 310 (b) of the Communications Act and § 1.321.

(1) Any change in capitalization or organization.

(2) Any change in officers and directors.

(3) Any transaction affecting the ownership, direct or indirect, or voting rights of licensee's or permittee's stock, such as (i) a transfer of stock, (ii) issuance of new stock or disposition of treasury stock, (iii) acquisition of licensee's or permittee's stock by the issuing corporation.

(4) Any change in the officers, directors, or stockholders of a corporation other than the licensee or permittee such as X, Y, or Z corporation described in the example in paragraph (a) (3) of this section: *Provided, however,* That in the case of a change in the officers, directors, or stockholders of a corporation other than the licensee or permittee (such as X, Y, or Z corporation described in the example in paragraph (a) (3) of this section), such change need not be reported in the supplemental report unless that corporation directly or indirectly owns 25 percent or more of the voting stock in the licensee or permittee.[7]

(c) Exceptions: Where information is required under paragraphs (a) or (b) of this section with respect to a corporation having more than 50 stockholders, such information need be filed only with respect to stockholders who are officers or directors of the corporation, or of other stockholders who have 1 percent or more of the stock of the corporation.

§ 1.344 *Definitions of terms used in §§ 1.341–1.343.* As used in §§ 1.341–1.343:

(a) "Stock" shall include any interest, legal or beneficial in, or right or privilege in connection with stock.

(b) "Officer" and "director" shall include the comparable officials in unincorporated associations.

(c) "Contract" shall include any agreement (including, without limitation, an option, trust, or pledge) or any modification thereof, express or implied, oral or written.

§ 1.346 *Reports in connection with certain fixed public radio service operations.* Monthly and quarterly reports must be filed with the Commission in connection with certain fixed public radio service operations. No form is prescribed. A complete description of the contents of these reports is contained in §§ 6.41 and 6.53 of this chapter.

§ 1.347 *Reports to be filed by international and coastal radiotelegraph carriers.* Commission Orders Nos. 85 and 86 require international telegraph carriers to file on FCC Form No. 326 and common carriers engaged in radiotelegraph communication with maritime mobile stations (with certain exceptions) to file on FCC Form No. 337 certain traffic information at periodic intervals. A complete description of these reports is set forth in Orders Nos. 85 and 86.

RULES RELATING TO ACCEPTANCE, AMENDMENT, OR DISMISSAL OF APPLICATION

§ 1.361 *Defective applications.* (a) Applications which are defective with respect to completeness of answers to required questions, execution or other matters of a purely formal character will not

be received for filing by the Commission, unless the Commission shall otherwise direct, and will be returned to the applicant with a brief statement as to the omissions.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) Applications which, because of the nature of the particular rule, regulation, or requirement involved, are patently not in accordance with the Commission's rules, regulations, or other requirements will be considered defective and will be dismissed unless accompanied by a request of the applicant for waiver of, or exception to, any rule, regulation, or requirement with which the application is in conflict. Such requests shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.[8]

(d) Applications found to be complete are accepted for filing and are given a file number. Public notice of broadcast applications accepted for filing is given at regular intervals.

§ 1.362 *Inconsistent or conflicting applications.* When an applicant has an application pending and undecided, no other inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf or for the benefit of said applicant, will be considered by the Commission.

§ 1.363 *Repetitious applications.* (a) Where the Commission has, for any reason, denied an application for a new station, or for any modification of services or facilities, or dismissed such application with prejudice, the Commission will not consider a like application involving service of the same kind to substantially the same area by substantially the same applicant, or by its successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order. The Commission may, for good cause shown, waive the requirements of this section.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 1.364 *Multiple applications; broadcast service.* In the broadcast service, while there is one application for new or additional facilities pending for a standard, international, television, facsimile, FM, or experimental broadcast station, the Commission will not accept another application for new or additional facilities for a station of the same class (as given above) to serve the same community, by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest. Two such applications may not be filed simultaneously.

§ 1.365 *Amendments of applications.* (a) Any application may be amended as a matter of right prior to the designation of such application for hearing merely by filing the appropriate number of copies of the amendments in question duly executed. Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown. Such a petition which requests either a change in frequency or power must be accompanied by the affidavit of a person with knowledge of facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for amendment. If such consideration has been promised or received, the affidavit shall set forth in full detail all the relevant facts. A petition to amend an application will not be accepted (other than an amendment which is merely corrective in nature such as the removal of a named person because of death) if it is filed after public notice has been given of the issuance of a proposed decision with respect to such application, or of a recommended or an initial decision, as the case may be, where no proposed decision is to be issued.

(b) When leave to amend has been granted after an application has been designated for hearing, the application will not be removed from the hearing docket unless the Motions Commissioner shall determine that the proposed amendment substantially affects the issues upon which the application has been designated for hearing and orders that the application shall be removed from the hearing docket. An amended application which has been removed from the hearing docket will be reexamined by the Commission and when necessary will be redesignated for hearing at a subsequent time.

(c) When a broadcast applicant seeks removal from the hearing docket by proposing an amendment as to frequency or other matter substantially affecting the issues in the proceeding in which he is involved, and is unable concurrently to specify and submit the desired amendment, his application shall be dismissed without prejudice, subject to the right of reinstatement within a reasonable time. In any proper case of this kind where dismissal without prejudice has been allowed, the application involved will be reinstated upon the filing of a proper petition, accompanied by the amendment necessary to complete the application.

§ 1.366 *Dismissal of applications.* Any application may be dismissed without prejudice as a matter of right prior to the designation of such application for hearing. Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record. Such petition must be accompanied by the affidavit of a person with knowledge of the facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application. Petitions to dismiss an application without prejudice will be granted only for good cause shown, but will in no event be granted after public notice has been given by the Commission of the issuance of a proposed decision proposing to deny the application in question.

THE MANNER IN WHICH APPLICATIONS ARE PROCESSED[9]

§ 1.371 *Acceptance of applications.*[10a] [10b] All applications, other than amateur, operator and ship radio inspection, which are tendered for filing by mail are dated upon receipt by Mail and Files Branch of the Bureau of the Secretary and are forwarded to Broadcast License Branch if a broadcast application; otherwise, to Commercial License Branch.[11] Applications tendered for filing, in person, in the Bureau of the Secretary are dated and forwarded to the Broadcast or Commercial License Branch. An administrative examination is made of all applications by the Broadcast or Commercial License Branch to ascertain whether the application is complete. If found to be complete it is accepted and is then routed to the other Bureaus of the Commission.

§ 1.372 *Staff consideration of applications which receive action by the Commission.*[11a] (a) Upon acceptance of an application, the complete file is routed to the appropriate Division of the Bureau of Engineering. The application is there reviewed from an engineering standpoint. A draft report containing the recommendations of the Bureau of Engineering is prepared. In cases where no engineering problems are involved, the report contains no recommendations as to disposition.

(b) The complete file is then routed to the appropriate Division of the Bureau of Accounting where it is reviewed from an accounting standpoint. A draft report containing the recommendations of the Bureau of Accounting is prepared. In cases where no accounting problems are involved the report contains no recommendations as to disposition.

(c) The complete file is then routed to the appropriate Division of the Bureau of Law where it is reviewed to determine whether the authorization requested will be in accordance with the Commission's policies, rules and regulations and any other requirements imposed by law. A joint report containing the recommendations of the Bureau of Law and the other Bureaus and any other documents required is prepared and the entire file routed to the Minute Branch of the Bureau of the Secretary which records, mimeographs, and distributes necessary papers to the members of the Commission, heads of Bureaus and other interested staff members, and places the matter on the Commission's agenda.

§ 1.373 *Procedure with respect to processing of standard broadcast applications.* (a) When an application for the construction of a new broadcast station, or for a change in the facilities of an existing station, is received in the Commission it is immediately referred to the Broadcast License Branch which examines the application to determine whether it is sufficiently complete to permit the Commission to process it. If it is found to be sufficiently complete to be processed—even though it is incomplete in certain minor particulars—it is immediately given a file number and a letter is sent to the applicant requesting the correction of any minor defects that may have been disclosed by the examination. If the examination by the Broadcast License Branch discloses that the application is incomplete in major particulars which makes it impossible to process it, the Broadcast License Branch then with the advice and concurrence of the Offices of the General Counsel and the Chief Engineer returns the application to the applicant with a statement that it cannot be accepted. The reasons for its rejection are specified in the letter returning the application.

(b) There shall be only one processing line and all applications, subject to the exceptions noted in succeeding paragraphs of this section, will be processed in the order of filing with the Commission. Once an application has been given a file number it is referred to a member of the Office of the Chief Engineer to determine whether it is one which must obviously go to hearing. For example, if the application seeks to use 1240 kilocycles in a particular town and there is already pending an application for that same frequency in that same town, then the two obviously must be consolidated for hearing and steps are set in motion at this stage looking toward an order designating the two applications for a consolidated hearing. At this stage, however, only those cases which are obvious conflicts are sifted out and put into hearing. If an engineering study is necessary in order to determine whether the case must go to hearing, the application is not set for hearing at this stage but is put in line for processing by the Office of the Chief Engineer and is set for hearing after the engineering study is completed (provided that such a study discloses an engineering conflict requiring a hearing). In view of this, it is to the advantage of an applicant who knows that his case does present a conflict requiring a hearing promptly to point that fact out to the Commission—preferably at the time the application is filed—so that it will be immediately recognized as a hearing case. This will result in getting the application immediately into line awaiting the assignment of a date on the hearing calendar instead of having the case remain in line awaiting processing by the Office of the Chief Engineer with the result that some weeks or months later it will be recognized as a hearing case and then put in the hearing line.

(c) (1) Where the application is for modification of a construction permit filed because of conditions imposed by the Commission at the time of the original grant, such as conditions with respect to the approval of transmitter site and antenna system, it will be referred to the Civil Aeronautics Administration upon its receipt and will be acted on by the Commission as soon as approval by the Civil Aeronautics Administration is received without reference to the processing line.

(2) Where the application is for minor changes in the construction permit, such as specification of new equipment or very slight changes in the directional antenna pattern, effort will be made to handle these cases promptly upon their receipt without placing them in the processing line.

(3) Where an application for modification of a construction permit involves major changes in the original proposal requiring engineering study and such application is required by the terms of the original grant, such applications will be placed at the head of the construction permit processing line. However, wherever major changes in the original proposal are initiated by the applicant, these applications will be placed in the processing line in accordance with the file number of the original application for the construction permit which is sought to be modified.

(d) Applications take their places on the processing line in proper order according to file number. The oldest (lowest file number) is at the front of the line and the newest (highest file number) is at the back of the line. Cases are drawn by engineers in order of file number. Thus, the file number strictly determines the order in which the staff's work is begun on a particular application. There is one exception to this. The Aural Broadcast Division of the Office of the Chief Engineer is authorized to group together for study, cases which involve interference conflicts where it appears that by making a simultaneous study of such conflicting applications rather than individual studies of separate applications, a substantial amount of the staff's time can be saved. Further, such cases would ordinarily require simultaneous consideration by the Commission and preparation of simultaneous reports is, therefore, necessary.

(e) It takes longer to process some applications than it does others. Also it frequently occurs that when the processing of an application is begun it is discovered that additional information is needed and the staff's work cannot be completed until further word is received from the applicant. Thus, there will be cases where the processing of a particular application may be completed and ready for Commission action prior to another application even though the processing of the latter application began at an earlier date. However, every effort is made, once the processing of an application has begun, to carry its processing through to completion at the earliest possible date in the light of the circumstances involved in the particular case. The Offices of the General Counsel and Chief Accountant, by keeping track of the cases which will be reached next in the processing line, are in position to plan their work so that they will be writing reports on the same applications that are being studied by the Office of the Chief Engineer.

(f) If, as a result of the study by the Offices of the General Counsel, Chief Engineer and Chief Accountant and by the Commission it appears that the application is satisfactory in all respects, it can be granted without a hearing. If,

[8] This paragraph shall not apply to applications filed prior to its effective date (November 13, 1953); such applications, which could be accepted for filing even though patently not in accordance with the Commission's rules, regulations, or other requirements if accompanied by an appropriate rule-making petition, will remain on file.

[9] This description is applicable to all applications filed under title III. However, some of the detailed provisions governing processing are applicable only to applications which are tendered for filing in Washington. Operator and ship radio inspection applications are filed in the field. Their processing in general is substantially similar to that accorded applications filed in Washington.

[10a] Pending Commission review of the eligibility requirements of the citizens radio service, applications for citizens radio authorization which are eligible under the rules governing some other service shall not, except for good cause shown, be acted upon by the Commission, but shall be placed in the pending files.

[10b] Pending conclusion of the proceeding in Docket No. 8333 action will be withheld on the following:

(1) Applications proposing daytime or limited time assignments on any of the frequencies specified in § 3.25 (a) and (b) of this chapter;

(2) Applications from existing daytime or limited time stations presently assigned to any of the frequencies specified in § 3.25 (a) and (b), of this chapter, proposing (a) a change in operation resulting in an increase in radiation towards the normally protected contour of a United States Class I station on the channel; or (b) proposing a change in transmitter location resulting in a material reduction in the distance from that station to the normally protected contour of a United States Class I station on the channel;

(3) Applications for new stations, and those for changes in frequency assignment, proposing unlimited time Class II assignments on any of the frequencies specified in § 3.25 (b) of this chapter, which would operate differently during the day than at night;

(4) Applications for changes, other than frequency, of unlimited time Class II stations on any of the frequencies specified in § 3.25 (b), of this chapter, where the resulting daytime and nighttime operations are different; and either

(a) It is proposed to change daytime operation resulting in an increase in radiation towards the normally protected contour of a United States Class I station on the channel; or

(b) It is proposed to change transmitter location resulting in a material reduction in the distance from that station to the normally protected contour of a United States Class I station on the channel.

[11] Applications for Alaskan stations tendered for filing with the engineer in charge of Radio District 14, Seattle, Wash., are forwarded to Washington, D. C., for processing.

[11a] Applications filed by the fixed public and fixed public press international radio carriers for the assignment of additional frequencies not already assigned to a station of the licensee at some other location may be acted on by the Commission upon the recommendation of the Bureau of Engineering only.

on the other hand, the complete study by the staff and the Commission indicates that a hearing is required, then the application will be designated for hearing.

(g) Frequently, when two cases are designated for hearing because they are mutually exclusive, one of the applicants amends and removes the conflict. Where this occurs the appropriate procedure is to petition for leave to amend and remove from the hearing docket. Such motions will be considered promptly and if it appears that the conflict which caused the case originally to be set for hearing has been removed and there is no other obvious conflict, the two cases will be removed from the hearing docket and placed back in their proper position (as determined by the file numbers) in the processing line. Petitions for amendment, removal from the hearing docket, and grant will not be entertained insofar as they request a grant. The Examiner, or Motions Commissioner if an Examiner has not yet been designated, in acting on such petitions, will dismiss the request for a grant. In such a case the matter will simply be put back in its proper place in line.

(h) An application will continue to be carried under the same file number unless major amendment is made which really involves the substitution of a different application. Amendments simply changing the frequency and/or power or changing from full time to daytime only will be accepted without changing the file number.

(i) Sometimes it occurs that when an application is reached for processing it is necessary for the staff or the Commission itself to address a letter to the applicant asking further information. If the application cannot be processed until the information requested is received, then the application is placed in the pending file to await the applicant's response. Also it sometimes occurs that a particular category of cases is placed in the pending file by Commission action. In such cases the Commission makes a public announcement of its policy and notifies the individual applicant as to why his application is being placed in the pending file.

§ 1.374 *Staff consideration of applications which do not require action by the Commission.* Those applications which do not require action by the Commission but which, pursuant to the delegation of authority contained in sections 0.201 to 0.341 of the Statement of Organization, Delegations of Authority and Other Information, may be acted upon by employees designated in that statement, are forwarded to the appropriate heads of Bureaus for necessary action. In those cases where the Secretary may act after securing the approval of the various Bureaus, the applications are forwarded to such appropriate Bureaus. If the application is granted, it is returned to the appropriate License Branch for issuance of the formal authorization. In cases where the Secretary acts by himself the appropriate License Branch reviews the applications before final decision is made and the authorization issued if the application is granted. In any case where it is recommended that it be set down for hearing, where a novel question of policy is presented or where the employee to whom authority is delegated desires instructions from the Commission, the file with necessary recommendations is forwarded to the Minute Branch to be placed on the Commission agenda for action by the Commission.

§ 1.375 *Procedure with respect to amateur and commercial radio operator licenses.* (a) After an application for an amateur radio license is accepted for filing and an examination is conducted in accordance with Part 12 of this chapter, the examination is sent to Washington where it is graded by the Inspection and Operator Examination Branch of the Bureau of Engineering, and if the applicant passes, a license is issued by the Amateur License Section of the Commercial License Branch of the Bureau of the Secretary.

(b) After an application for a commercial radio operator license is accepted for filing, and an examination conducted in accordance with Part 13 of this chapter, the examination papers are graded by the office supervising the examination which also issues a license, if the applicant is successful.

§ 1.376 *Procedure with respect to applications for ship radio inspection or periodical survey.* After the following applications are accepted for filing, the district engineer to whom application is made makes the necessary examination and issues the appropriate certification:

(a) Application for ship radio inspection and certification of the ship radio license, pursuant to the requirements of section 360 (b) of the Communications Act, as amended;

(b) Application for a Safety Convention certificate in accordance with the terms of Regulations 11 and 12, Chapter I, of the Safety Convention;

(c) Application for periodical survey as required by Article 11 of the Great Lakes Agreement and certification prescribed by Article 12 thereof.

§ 1.377 *Procedures for handling applications requiring special aeronautical consideration.* (a) All antenna surveys are conducted by the Antenna Survey Branch of the Office of the Chief Engineer.

(b) Each operating bureau or office which is responsible for processing applications for radio facilities examine those applications for which it is responsible to ascertain whether or not special antenna consideration is required. If such consideration is required the operating bureau or office routes the appropriate antenna data to the antenna survey branch of the Office of the Chief Engineer.

(c) The Antenna Survey Branch then ascertains whether a special aeronautical study is required.

(d) If no special aeronautical study is required the application is returned to the appropriate operating division with the required antenna lighting and painting specifications for such further action as might be necessary.

(e) If a special aeronautical study is required the antenna specifications are forwarded to the appropriate regional airspace subcommittee for consideration and the operating bureau concerned advised of this action.

(f) Upon receipt of a report of the airspace subcommittee the Antenna Survey Branch forwards this information to the appropriate operating bureau where appropriate action may be taken.

§ 1.378 *Procedure for processing applications for television broadcast stations.* The following procedures shall apply with respect to the processing of applications for television broadcast stations and for the designation for hearing of such mutually exclusive applications.

(a) Applications for television stations will be processed in the order in which they are accepted for filing.

(b) Regardless of the number of applications filed for channels in a city or the number of assignments available in that city, those applications which are mutually exclusive, i. e., which request the same channel, will be designated for hearing. All other applications for channels will, if the applicants are duly qualified, receive grants. For example, if Channels 6, 13, 47, and 53 have been assigned to City X and there are pending two applications for Channel 6 and one application for each of the remaining channels, the latter three applications will be considered for grants without hearing and the two mutually exclusive applications requesting Channel 6 will be designated for hearing. If there are two pending applications for Channel 6 and two applications for Channel 13, separate hearings will be held.

(c) Where applications are mutually exclusive because the distance between their respective proposed transmitter sites is contrary to the station separation requirements set forth in § 3.610 of this chapter, said applications will be processed and designated for hearing at the time the application with the lower file number is processed. If the question concerning transmitter sites is resolved before a decision is rendered in the matter, the application with the higher file number will be returned to its appropriate place on the processing line. In order to be considered mutually exclusive with a lower file number application, the higher file number must have been accepted for filing at least one day before the lower file number application has been acted upon by the Commission. If the lower file number application is in hearing status at the time the higher file number application is accepted for filing, the 60-day cut-off date specified in § 1.387 (b) (3) will be applicable.

(d) Where a mutually exclusive application on file becomes unopposed, or where an amended application or a new application is filed in place of the several competing applications and the applicant formed by such a merger is completely or substantially the same parties as the parties to the original application or applications, the remaining application may be available for consideration on its merits by the Commission at a succeeding regular meeting as promptly as processing and review by the Commission can be completed.

ACTION ON APPLICATIONS

§ 1.381 *Failure to prosecute applications.* An applicant not desiring to prosecute his application may request the dismissal of same without prejudice. A request of an applicant for the return of an application which has been accepted for filing will be considered as a request to dismiss the same without prejudice. Where an applicant fails to respond to official correspondence or request for additional material, the application will be dismissed without prejudice.

§ 1.382 *Grants without a hearing.* (a) Where an application for radio facilities is proper upon its face and where it appears from an examination of the application and supporting data that (1) the applicant is legally, technically, and financially qualified; (2) a grant of the application would not involve modification, revocation, or nonrenewal of any existing license or outstanding construction permit; (3) a grant of the application would not cause additional electrical interference to an existing station or station for which a construction permit is outstanding within its normally protected contour as prescribed by the applicable rules and regulations; (4) a grant of the application would not preclude the grant of any mutually exclusive application; and (5) a grant of the application would be in the public interest, the Commission will grant the application without a hearing.

(b) In making its determinations pursuant to the provisions of paragraph (a) of this section, the Commission will not consider any other application as being mutually exclusive with the application under consideration unless such other application was substantially complete and was tendered for filing with the Commission not later than the close of business on the day preceding the day on which the Commission takes action with respect to the application under consideration.

§ 1.383 *Partial grants.* Where the Commission without a hearing grants any application in part, or with any privileges, terms, or conditions other than those requested, or subject to any interference that may result to the station if designated application or applications are subsequently granted, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

§ 1.384 *Operation pending action on renewal application.* (a) When there is pending before the Commission at the time of expiration of license any proper and timely application for renewal of license with respect to any activity of a continuing nature, in accordance with the provisions of section 9 (b) of the Administrative Procedure Act, such license shall continue in effect without further action by the Commission until such time as the Commission shall make a final determination with respect to the renewal application. No operation by any licensee under this section shall be construed as a finding by the Commission that the operation will serve public interest, convenience, or necessity nor shall such operation in any way affect or limit the action of the Commission with respect to any pending application or proceeding. A licensee operating by virtue of this section shall, after the date of expiration specified in the license, post in addition to the original license the acknowledgment received from the Commission that the renewal application has been accepted for filing or a signed copy of the application for renewal of license which has been submitted by the licensee or, in services other than broadcast and common carrier, a statement certifying that the licensee has mailed or filed a renewal application, specifying the date of mailing or filing.

(b) Where there is pending before the Commission at the time of expiration of license any proper and timely application for renewal or extension of the term of a license with respect to any activity not of a continuing nature, the Commission may in its discretion grant a temporary extension of such license, pending determination of such application. No such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, or necessity beyond the express terms of such temporary extension of license nor shall such temporary extension in any way affect or limit the action of the Commission with respect to any pending application or proceeding.

(c) Except where an instrument of authorization clearly states on its face that it relates to an activity not of a continuing nature, or where the authorization is expressly denominated "temporary", or where the non-continuing nature is otherwise clearly apparent upon the face of the authorization, all licenses issued by the Commission shall be deemed to be related to an activity of a continuing nature.

§ 1.385 *Designation for hearing.* Applications will be designated for hearing in the following cases:

(a) Where it does not appear from an examination of the application that the applicant is legally, technically, or financially qualified; or

(b) Where a grant of the application would require the modification, revocation, or nonrenewal of license of an existing station or of any outstanding construction permit; or

(c) Where a grant of the application would cause electrical interference to an existing station or station for which a construction permit is outstanding within its normally protected contour as prescribed by the applicable rules and regulations; or

(d) Where it does not appear from an examination of the application that a grant of the application will be in the public interest.

(e) Where a grant of the application would preclude the grant of an application or applications mutually exclusive with it. However, the Commission may, if public interest will be served thereby, make a conditional grant of one of the applications and designate all of the mutually exclusive applications for hearing. Such conditional grant will be made upon the express condition that such grant is subject to being withdrawn if at the hearing it is shown that public interest will be better served by a grant of one of the other applications. Such conditional grants will be issued only where it appears:

(1) That some or all of the applications were not filed in good faith but were filed for the purpose of delaying or hindering the grant of another application; or

(2) That public interest requires the prompt establishment of radio service in a particular community or area; or

(3) That a grant of one or more applications would be in the public interest and that a delay in making a grant to any applicant until after the conclusion of a hearing on all applications might jeopardize the rights of the United States under the provisions of international agreement to the use of the frequency in question; or

(4) That a grant of one application would be in the public interest and that it appears from an examination of the remaining applications that they cannot be granted because they are in violation of provisions of the Communications Act, or of other statutes, or of the Commission's rules and regulations.

§ 1.386 *Petition for reconsideration and grant without hearing.* Where the Commission has designated an application for hearing, the applicant may file a petition requesting reconsideration and grant of the application without hearing. If the petition shows that a grant of the application without hearing would be consistent with § 1.382, the petition will be granted. Otherwise it will be denied.

§ 1.387 *Procedure when case is designated for hearing.* (a) When an application has been designated for hearing, the Secretary of the Commission will mail a written notice to applicant setting forth the action of the Commission designating the application for hearing, together with such statement of the Commission's reasons therefor as shall be appropriate to the nature of the application. In addition, notice of hearing involving matters under Part I of Title III of the act will be given by publishing the notice of hearing in the FEDERAL REGISTER. The Commission will attempt, when possible, to give at least 30 days advance notice of a hearing in cases other than those involving broadcast applications and at least 60 days advance notice on comparative hearings involving applications for authority to construct broadcast facilities. In order to avail himself of the opportunity to be

heard, the applicant, in person or by his attorney, shall, within 20 days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission, in triplicate, a written appearance stating that he will appear and present evidence on the issues specified in the statement of reasons furnished by the Commission on such date as may be fixed for the hearing. Where an applicant fails to file such a written statement within the time specified, and has not filed prior to the expiration of that time period a petition to dismiss without prejudice pursuant to § 1.366, his application shall be dismissed with prejudice for failure to prosecute. In cases involving applications for facilities other than AM broadcast, FM broadcast, international broadcast, or television, the applicant shall submit with his appearance an additional copy of his application and supporting documents.

(b) The Commission will on its own motion name as parties to the hearing:

(1) Any existing licensee or holder of an outstanding construction permit who, if the application were granted, would suffer electrical interference within his normally protected contour as prescribed by the Commission's rules and regulations.

(2) Any existing licensee or holder of an outstanding construction permit whose license or construction permit would have to be modified or revoked, or whose application for renewal of license would have to be denied, if the application in question were granted.

(3) Any person who, prior to the time the application in question was designated for hearing, had filed with the Commission a mutually exclusive application. Any application that is mutually exclusive with another application or applications aready designated for hearing will be consolidated for hearing with such other application or applications only if the application in question is filed at least 30 days before the date on which the hearing on the prior application or applications is scheduled: *Provided, however,* That in the case of applications for broadcast stations the said period shall be 60 days. If the scheduled date is changed, the date last set shall govern in determining the timeliness of an application for purposes of this paragraph. If the application is filed after the 30-day period, or in the case of broadcast applications after the 60-day period, it will be dismissed without prejudice and will be eligible for refiling only after a decision is rendered by the Commission with respect to the application or applications designated for hearing or after such applications are dismissed or removed from hearing.

(4) In order to avail himself of the opportunity to be heard, any person named as a party pursuant to this subsection shall, within 20 days of the mailing of the notice of his designation as a party, file with the Commission, in person or by attorney, a written appearance in triplicate stating that he will appear and present evidence on the issues specified in the notice of hearing. Any person so named who fails to file this written statement within the time specified, shall, unless good cause for such failure is shown, forfeit his hearing rights.

§ 1.388 *Petitions to intervene.* (a) Where the Commission has failed on its own motion to name as parties to a hearing any person specified in § 1.387 (b), such person will be permitted to participate in the proceeding by filing a petition to intervene showing that he comes within the provisions of § 1.387 (b). Where the petition to intervene is based upon a claim that a grant of the application would cause electrical interference to an existing station or a station for which a construction permit is outstanding within its normally protected contour as prescribed by the applicable rules and regulations, the petition must be accompanied by an affidavit of a qualified radio engineer which shall show either by reference to the standard broadcast Technical Standards of part 3 of this chapter or to actual measurements made in accordance with the methods prescribed therein that electrical interference will be caused to the existing station or station for which a construction permit is outstanding within the normally protected contour of the station.

(b) Any other person desiring to participate in the hearing may file a petition to intervene. The petition must set forth the interest of the petitioner in the proceedings, must show how such person's participation will assist the Commission in the determination of the issues in question, and must be accompanied by the affidavit of a person with knowledge as to the facts set forth in the petition. The Commission in its discretion may grant or deny such petition or may permit intervention by such persons limited to particular issues or to a particular stage of the proceeding.

(c) The granting of any petition to intervene shall not have the effect of changing or enlarging the issues specified in the Commission's notice of hearing unless the Commission shall on motion amend the same.

(d) Petitions to intervene under this section must be filed with the Commission not later than 15 days after the issues in the hearing have first been published in the FEDERAL REGISTER. Any person desiring to file a petition to intervene after the expiration of such 15 days must set forth the reason why it was not possible to file the petition within the prescribed 15 days. Unless good cause is shown for delay in filing, the petition will not be granted.

§1.389 *Motions to enlarge or change the issues.* Motions to enlarge or change the issues may be filed by any party to a hearing. Such motions must be filed with the Commission not later than 15 days after the issues in the hearing have first been published in the FEDERAL REGISTER. Any person desiring to file a motion to enlarge or change the issues after the expiration of such 15 days must set forth the reason why it was not possible to file the petition within the prescribed 15 days. Unless good cause is shown for delay in filing, the motion will not be granted.

§ 1.390 *Petitions for reconsideration or for rehearing.* (a) Where an application has been granted without a hearing, any person aggrieved or whose interests would be adversely affected thereby may file a petition for reconsideration of such action. Such petition must be filed with the Commission within 30 days after public notice is given of the Commission's action in granting the application. Such petition will be granted if the petitioner shows that:

(1) Petitioner is an existing licensee or permittee and a grant of the application would require the modification, revocation, or nonrenewal of his license or construction permit; or

(2) That petitioner is an existing licensee or permittee and a grant of the application would cause interference to his station within the normally protected contour as prescribed by applicable rules and regulations; or

(3) At the time the application was granted, petitioner had a mutually exclusive application pending before the Commission; or

(4) A grant of the application is not in the public interest.

(b) Where an application has been granted or denied after hearing, petitions for rehearing may be filed within 30 days after public notice is given of the Commission's action in granting or denying the application. Petitions for rehearing by persons not parties to the Commission's hearing will not be granted unless good cause is shown as to why it was not possible for such person to participate earlier in the Commission's proceeding.

(c) Where a petition for reconsideration or for rehearing is based upon a claim of electrical interference within the normally protected contour of an existing station or a station for which a construction permit is outstanding, such petition must be accompanied by an affidavit of a qualified radio engineer which shall show either by reference to the standard broadcast Technical Standards of Part 3 of this chapter or to actual measurements made in accordance with the methods prescribed therein that electrical interference will be caused to the station within its normally protected contour. If the claim of interference is not based upon actual measurements made in accordance with the standard broadcast Technical Standards of Part 3 of this chapter, it may be controverted by affidavit containing results of actual measurements made in accordance with the standard broadcast Technical Standards of Part 3 of this chapter.

(d) Any opposition to a petition for reconsideration or rehearing may be filed within 10 days after the filing of such petition.

(e) Petitions for reconsideration or rehearing filed under this section may request (1) reconsideration, either in cases decided after hearing or in cases of applications granted without hearing; (2) reargument; (3) reopening of the proceeding; (4) amendment of any finding; or (5) such other relief as may be appropriate. Such petition shall state specifically the form of relief sought and, subject to this requirement, may contain alternative requests. Each such petition shall state with particularity in

what respect the decision, order or requirement or any matter determined therein is claimed to be unjust, unwarranted, or erroneous, and with respect to any finding of fact must specify the pages of record relied on. Where the petition is based upon a claim of newly discovered evidence, it must be accompanied by a verified statement of the facts relied upon, together with the facts relied on to show that the petitioner, with due diligence, could not have known or discovered such facts at the time of the hearing.

(f) The filing of a petition for reconsideration or rehearing shall not excuse any person from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof. However, upon good cause shown the Commission may stay the effectiveness of its order or requirement pending a decision on the petition for rehearing.

§ 1.391 *Special waiver procedure relative to broadcast applications.* (a) In the case of any broadcast applications designated for hearing, the parties may request the Commission to grant or deny the application upon the basis of the information contained in the applications and other papers specified in paragraph (b) of this section without the presentation of oral testimony. Any party desiring to follow this procedure should execute and file with the Commission a waiver in accordance with paragraph (f) of this section and serve copies on all other parties, or a joint waiver may be filed by all the parties. Upon the receipt of waivers from all parties to a proceeding, the Commission will decide whether the case is an appropriate one for determination without the presentation of oral testimony. If it is determined by the Commission that, notwithstanding the waivers, the presentation of oral testimony is necessary, the parties will be so notified and the case will be retained on the hearing docket. If the Commission concludes that the case can appropriately be decided without the presentation of oral testimony, the case will be removed from the hearing docket and the record will be considered as closed as of the date the waivers of all parties were first on file with the Commission.

(b) In all cases which are removed from the hearing docket in accordance with this procedure, the Commission will decide the case upon the basis of the information contained in the applications and any other papers open to public inspection on file with the Commission (as of the date the record was closed) which pertain to the applicants or applications in question. The Commission reserves the right to call upon any party to furnish any additional information which the Commission deems necessary to a proper decision. Such information shall be served upon all parties. The waiver previously executed by the parties shall be considered in effect unless within 10 days of the service of such information the waiver is withdrawn.

(c) This procedure does not in any way change the Commission's practice with respect to protests. Any party, or any member of the public, may file with the Commission any information concerning the applicant which bears upon his qualifications to operate a station in the public interest. Where such protest raises a question of substance which might affect the granting of the application, the presentation of oral testimony will generally be required. If the protest is not of any substance the Commission may proceed to act upon the application without the presentation of oral testimony.

(d) In all cases where the Commission issues a decision pursuant to this procedure without holding the usual hearing, an opinion will be issued by the Commission stating its reasons for its grant or denial of the individual applications. This decision shall have the same effect as a proposed decision, and the procedure thereafter to be followed shall be the same as in the case of a proposed decision made under the regular hearing procedure.

(e) The Commission does not construe this procedure as involving any waiver by the parties of the right to appeal to the Courts from any adverse final decision of the Commission.

(f) The waiver provided for by this section shall be in the following form:

WAIVER

Name of Applicant_____
Call Letters_____
Docket No._____

The undersigned hereby requests the Commission to consider its application and grant or deny it in accordance with the procedure prescribed in § 1.391 of the Commission's rules and regulations. It is understood that all the terms and provisions of § 1.391 are incorporated in this waiver.

PROCEDURE WITH RESPECT TO REVOCATION AND MODIFICATION OF STATION AUTHORIZATIONS, ISSUANCE OF CEASE AND DESIST ORDERS, AND SUSPENSION OF RADIO OPERATOR'S LICENSE

§ 1.401 *Notice of violations.* Any licensee who appears to have violated any provision of the Communications Act of 1934 or of the rules and regulations of the Federal Communications Commission, shall be served with a notice calling the facts to his attention and requesting a statement concerning the matter. Within 3 days from receipt of such notice, or such other period as may be specified, the licensee shall send a written answer direct to the office of the Commission originating the official notice. If an answer cannot be sent nor an acknowledgment made within such 3-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, have been taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission such identification shall be given as will permit ready identification thereof. If the notice of violation relates to lack of attention or to improper operation of the transmitter, the name and license number of the operator in charge shall be given.

§ 1.402 *Revocation of station licenses and construction permits and issuance of cease and desist orders.* (a) Whenever it appears that a station license or construction permit should be revoked for any of the reasons set forth in section 312 (a) of the Communications Act of 1934, as amended, or a cease and desist order should be issued for any of the reasons specified in section 312 (b) of the act, the Commission will issue an order directing the licensee, permittee or person to show cause why an order of revocation or a cease and desist order, as the case may be, should not be issued.

(b) Any order to show cause issued in accordance with paragraph (a) of this section will contain a statement of the matters with respect to which the Commission is inquiring and will call upon the licensee or permittee or person to appear before the Commission at a time and place stated in the order, but in no event less than thirty (30) days after the receipt of such order, and give evidence upon the matter specified therein; except that where safety of life or property is involved, the Commission may provide in the order for a shorter period.

(c) In order to avail himself of the opportunity to appear before the Commission at the time and place stated in the show cause order to give evidence upon the matter specified therein, the licensee, permittee or person, in person or by his attorney, shall within 30 days of the receipt of the order, or such shorter period as may be specified therein if the safety of life or property is involved, file with the Commission, in triplicate, a written appearance stating that he will appear and present evidence on the matter specified in the order.

(d) Hearings on the matters specified in the order to show cause and the practice and procedure in connection therewith shall accord with the provisions of Subparts F and G of this part, except that in all such hearings the burden of proceeding with the introduction of evidence and burden of proof shall be upon the Commission, and except that the Commission may, where the circumstances of the proceeding require expedition, specify in the show cause order, or authorize the hearing examiner to specify by subsequent order, times within which the initial decision in such proceedings shall become effective, within which exceptions to such initial decision or replies thereto may be filed, and within which parties may file notice of intent to seek and participate in oral argument, less than those specified in §§ 1.853 and 1.854.

(e) If the licensee, permittee or person does not desire to appear before the Commission and give evidence upon the

matter specified in the show cause order, he shall, within 30 days of the receipt of the order or such shorter period as may be specified therein if the safety of life or property is involved, file with the Commission, in triplicate, a written waiver of hearing. Such waiver, which shall include the name of the licensee, permittee or person to whom the show cause order was addressed, the call letters of his station, if any, and the docket number of the proceeding, may be accompanied by a statement of reasons why the licensee, permittee or person believes that an order of revocation or a cease and desist order, as the case may be, should not be issued.

(f) If the licensee, permittee or person fails timely to respond to an order to show cause or fails to appear at a hearing, such failure will be deemed a waiver of hearing.

(g) If the licensee, permittee or person waives a hearing in accordance with the provisions of paragraph (e) of this section and fails to submit a statement therewith showing why he believes an order of revocation or a cease and desist order should not be issued, or if he is deemed to waive a hearing in accordance with the provisions of paragraph (f) of this section, the allegations specified in the order to show cause will be deemed to be admitted and a decision will be issued by the Commission invoking the sanction specified in the order to show cause. If a hearing is waived pursuant to paragraph (e) of this section but a written statement as to why an order of revocation or cease and desist order should not be issued is submitted, the Commission will, on the basis of the facts before it as supplemented by such written statement, issue a decision stating its reasons for invoking the sanction specified in the order to show cause or for dismissing the proceeding, as the case may be: *Provided*, That where the written statement contains factual allegations contrary to those upon which the show cause order was based the Commission may call upon the submitting party to furnish additional information under oath, or, if necessary, designate the proceeding for oral hearing. The decisions of the Commission referred to in this paragraph shall have the same effect as an initial decision and the procedure to be followed thereafter shall be the same as in the case of an initial decision issued in the course of the regular hearing procedure.[12]

(h) Any order of revocation or cease and desist order issued pursuant to this section shall include a statement of the findings and the grounds and reasons therefor and specify the effective date of the order, and shall be served on said licensee, permittee or person.

§ 1.403 *Modification of licenses.* Whenever it appears that public interest, convenience, and necessity would be served, or the provisions of the Communications Act, or of any treaty ratified by the United States will be more fully complied with, by the modification of any radio station construction permit or license, the Bureaus of Law and Engineering prepare a report and other necessary papers which are presented to the Commission for action. If the Commission concludes that proceedings should be instituted, an order will be issued to show cause why such construction permit or license should not be modified. Such order to show cause shall contain a statement of the grounds and reasons for such proposed modification, and shall specify wherein the said construction permit or license is required to be modified. It shall require the licensee against whom it is directed, to appear at a place and time therein named to show cause why the proposed modification should not be made and the order of modification issued. If the licensee against whom the order to show cause is directed does not appear at the time and place provided in said order, a final order of modification shall issue forthwith.

§ 1.404 *Suspension of operator licenses.* Whenever it appears that grounds exist for suspension of an operator license, as provided in section 303 (m) of the act, the Chief of the Safety and Special Radio Services Bureau, with respect to amateur operator licenses, or the Chief of the Field Engineering and Monitoring Bureau, with respect to commercial operator licenses, pursuant to authority delegated by the Commission, issue an order suspending the operator license. No order of suspension of any operator's license shall take effect until 15 days' notice in writing thereof, stating the cause for the proposed suspension, has been given to the operator licensee, who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application before the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be designated for hearing by the Chief, Safety and Special Radio Services Bureau or the Chief, Field Engineering and Monitoring Bureau, as the case may be, pursuant to authority delegated by the Commission, and said order of suspension shall be held in abeyance until the conclusion of the hearing, which shall be conducted under such rules as the Commission shall deem appropriate. Upon the conclusion of said hearing, the Commission may affirm, modify, or revoke said order of suspension. If the license is ordered suspended, the operator shall send his operator license to the office of the Commission in Washington, D. C., on or before the effective date of the order, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

FORFEITURES AGAINST SHIPS AND SHIP MASTERS

§ 1.410 *Forfeitures against ships and ship masters.* (a) Whenever information is received indicating that reasonable grounds exist to support a suit for collection of forfeitures provided by section 362 of the Communications Act of 1934, as amended, the owner of the ship and the master will be notified of apparent liability for forfeitures. The notification will specify dates, places and the nature of the alleged violations or irregularities, and will advise the parties of the Commission's authority under section 504 (b) of the act to remit or mitigate such forfeitures upon application therefor. Applications for mitigation or remission may be filed within thirty (30) days from the date of receipt of the notification letter, or within such extended time as may for good cause be granted. The application must be in duplicate but need not follow any special form. After a review of the case in the light of all the information available, including the information and arguments presented in the application, the applicant will be notified of the determination, which may be either remission of the entire amount, an offer of mitigation of the forfeiture to the extent which appears warranted under the circumstances, or denial of any relief.

(b) Acceptance of an offer of mitigation may be accomplished through payment, within thirty (30) days from the date of receipt of the notification, of the amount specified therein by check or similar means drawn to the order of the Treasurer of the United States and mailed to the Commission.

(c) In lieu of acceptance of an offer of mitigation, or in the event of denial of relief, application may be made within thirty (30) days from the date of receipt of the notification for review by the Commission as provided in section 5 (d) (2) of the act. The application should set forth the reasons for applicant's belief that the original action on his application should be modified. It may include a statement of any material facts that may have been omitted from the original application for relief. If the Commission grants the application for review, it may affirm, modify or set aside the previous action, or direct any further proceedings that appear necessary and in the public interest.

(d) If the applicant fails to take any action in respect to a notification of apparent liability for forfeiture or an offer of mitigation or a notification of denial of relief, the case may be referred by the Commission to the Attorney General of the United States for appropriate civil action to recover the forfeiture in accordance with the provisions of section 504 (a) of the act.

SUBPART E—RULES RELATING TO APPLICATIONS, REPORTS, AND PROCEEDINGS AFFECTING COMMON CARRIERS UNDER TITLE II OF THE COMMUNICATIONS ACT

GENERAL RULES RELATING TO APPLICATIONS

§ 1.501 *Subscription and verification of applications.* Each application or amendment thereto shall be personally subscribed and verified (a) by the party filing such application or amendment, or by one of the parties, if there be more than one; (b) by an officer of the party filing the application or amendment if the party be a corporation: *Provided, however*, That subscription and verification may be made by the attorney for the party (1) in case of physical disability of the party, or (2) his absence from the continental United States. If it be made by a person other than the party, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the party. Where more than one copy of an application is required to be filed with the Commission, only the original need be signed and verified; the copies may be conformed.

§ 1.502 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest and as to all matters and things required to be disclosed by the application forms.

§ 1.503 *Additional statements.* The Commission may require an applicant to submit such documents and written statements of fact, under oath, as in its judgment may be necessary.

§ 1.504 *Form of amendments to applications.* Any amendment to an application shall be subscribed, verified, and submitted in the same manner, and with the same number of copies, as was the original application.

§ 1.505 *Amendments of applications ordered.* The Commission may upon its own motion or upon motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain.

§ 1.506 *Defective applications.* (a) Applications which are defective with respect to completeness of answers to required questions, execution or other matters of a purely formal character will not be received for filing by the Commission, unless the Commission shall otherwise direct, and will be returned to the applicant with a brief statement as to the omissions.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompanied either (1) by a petition to amend any rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or an exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

(d) Applications found to be complete are accepted for filing and are given a file number.

§ 1.507 *Amendments and dismissals of applications.* (a) Any application may be amended or dismissed without prejudice as a matter of right prior to the designation of such application for hearing. Thereafter, requests to amend or dismiss without prejudice will be considered only upon written motion properly served upon all parties of record.

(b) When leave to amend has been granted after an application has been designated for hearing, the application will not be removed from the hearing docket unless the Motions Commissioner shall determine that the proposed amendment substantially affects the issues upon which the application has been designated for hearing and orders that the application shall be removed from the hearing docket. An amended application which has been removed from the hearing docket will be reexamined by the Commission and when necessary will be redesignated for hearing at a subsequent time.

§ 1.508 *Failure to prosecute applications.* An applicant not desiring to prosecute his application may request the dismissal of same without prejudice. A request of an applicant for the return of an application which has been accepted for filing will be considered as a request to dismiss the same without prejudice. Where an applicant fails to respond to official correspondence or request for additional material, the application will be dismissed without prejudice.

§ 1.509 *Partial grants.* Where the Commission without a hearing grants any application in part, or with any privileges, terms or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

§ 1.510 *Inconsistent or conflicting applications.* When an applicant has an application pending or undecided, no other inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf or for the benefit of said applicant, will be considered by the Commission.

FILING AND PROCESSING OF APPLICATIONS

§ 1.521 *Filing and routing of applications.* All applications under Title II of the act are filed with the Secretary and dated by the Mail and Files Branch of his Bureau. All applications other than for special tariff permission are then routed to the Commercial License Branch of the Bureau of the Secretary, where they are given a file number and then routed to the appropriate units of the Bureaus of Law, Accounting and Engineering. Applications for special tariff permission are routed to the Rates Division of the Bureau of Accounting, where they are numbered and referred to the appropriate branches of that Division.

§ 1.522 *Application for extension of time in which to file financial reports.* Applications for extensions of time in which to file annual, monthly, and special reports required by the Commission pursuant to sections 211 and 219 of the act should be made in writing.

§ 1.523 *Application for special tariff permission; procedure and application form.* Applications under section 203 (a) of the act for special tariff permission shall be made in the form and manner and with the number of copies required by §§ 61.151 through 61.153 of this chapter. Final action is taken by the Chief Accountant where Commission policy in the matter has been established, and in other cases the Commission acts upon the recommendation of the Chief Accountant or upon the recommendation of the Bureaus of Law, Accounting and Engineering.

§ 1.524 *Application for holding interlocking offices or directorates; procedure and application form.* Applications under section 212 of the act for authority to hold the position of officer or director of more than one carrier subject to the act shall be made in the form and manner and with the number of copies required by §§ 62.1, 62.2, 62.11 and 62.21 through 62.25 of this chapter. Final action is taken by the Secretary upon securing the approval of the Bureau of Law where Commission policy in the matter has been established, and in other cases the Commission acts upon the recommendations of the General Counsel.

§ 1.525 *Application for lines.* (a) Applications under section 214 of the act for authority to construct a new line, extend any line, acquire or operate any line or extension thereof, or to engage in transmission over or by means of such additional or extended line, to furnish temporary or emergency service or to supplement existing facilities shall be made on the form and manner and with the number of copies required by §§ 63.01 through 63.06 and §§ 63.51 through 63.54 of this chapter. In accordance with the delegation of authority provided for in the Commission's Statement of Organization, Delegations of Authority and Other Information, the Telegraph Committee, the Telephone Committee, and the Secretary, respectively, take final action on these matters. In other cases, final action is taken by the Commission. Recommendations on these applications are made by the Bureau of Engineering, or by the Bureaus of Engineering, Accounting and Law.

(b) In cases requiring a certificate, notice is given to and a copy of the application is filed with the Secretary of the Army, the Secretary of the Navy, and the Governor of each State involved. Hearing is held if any of these parties desires to be heard or if the Commission determines that a hearing should be held. Copies of applications for certificates are also served upon the state regulatory commissions of the states involved.

§ 1.526 *Application for discontinuance, reduction, or impairment of service.* (a) Applications under section 214 of the act for authority to discontinue, reduce or impair service to a community or part of a community or for the temporary, emergency or partial discontinuance, reduction or impairment of service shall be made on the form and manner

[12] See §§ 1.853 to 1.857.

and with the number of copies required by §§ 63.51 to 63.54, §§ 63.60 to 63.68, and §§ 63.500 to 63.507 of this chapter. Posted and published notice shall be given to the public as required by § 63.67, § 63.68 or § 63.90 of this chapter. In accordance with the delegation of authority provided for in the Commission's Statement of Organization, Delegations of Authority and Other Information, the Telegraph Committee, the Telephone Committee, and the Secretary, respectively, take final action on these matters. In other cases, final action is taken by the Commission. Recommendations on these applications are made by the Bureau of Accounting where telegraph service is involved, by the Bureau of Engineering where telephone service is involved, or by the Bureaus of Accounting, Engineering and Law.

(b) In cases requiring a certificate, notice is given to and a copy of the application is filed with the Secretary of the Army, the Secretary of the Navy, and the Governor of each State involved. A hearing is held if any of these parties desire to be heard or if the Commission determines that a hearing should be held. Also, copies of all formal applications under this section requesting authorizations are filed with the Governors of the States involved and the Secretary of the Army and Secretary of the Navy.

§ 1.527 *Application for consolidation of telephone companies.* Applications under section 221 (a) of the act, by one or more telephone companies for authority to consolidate their properties or a part thereof into a single company or to acquire the whole or any part of the property of another telephone company or other telephone companies or the control thereof by the purchase of securities or by lease or in any other like manner when such consolidated company would be subject to the Communications Act shall be submitted as follows:

(a) *Contents of application.* Each application shall contain in narrative form the following information:

(1) The exact name and address of each applicant;

(2) A statement as to whether each applicant is a carrier subject to the act and what change or changes in status will result from the consummation of the proposed transaction;

(3) The name, title, and post-office address of the officer to whom correspondence in regard to the application should be addressed;

(4) The Government, State, or Territory, under the laws of which each corporate applicant was organized;

(5) Detailed description of the property to be acquired, consolidated, or merged, and a brief history of such property;

(6) In a proposed consolidation or merger, the name of the company resulting therefrom, the capitalization proposed therefor, and the amount and class of capital stock and other securities proposed to be issued;

(7) The manner in which the properties, or control, will be acquired and the consideration, in money and otherwise, to be paid by each applicant;

(8) Statement of action of stockholders and directors of each applicant approving the proposed transaction, giving date and place of each meeting;

(9) Facts as to any intercorporate relations through holding companies, ownership of securities or otherwise, between the applicants, or any of them;

(10) Reasons in general why the proposed transaction will be of advantage to the persons to whom service is to be rendered and in the public interest;

(11) With respect to the full-time employees employed in the exchange area or exchange areas served by properties proposed to be acquired, a complete statement as to the treatment proposed to be accorded to such employees by the acquiring company, with due regard to such matters as severance pay, if any, for employees discharged as a consequence of the transaction; accrued pension and benefit rights, if any; wages; locations of employment; job assignments; seniority; and other conditions of employment.

(12) With respect to the full-time employees employed in the exchange area or exchange areas served by properties proposed to be consolidated or merged, a complete statement describing the manner in which the respective labor forces will be integrated or merged, giving due regard to the treatment to be accorded to such matters as severance pay, if any, for employees discharged as a consequence of the transaction; accrued pension and benefit rights, if any; wages; locations of employment; job assignments; seniority and other conditions of employment.

(13) The extent to which the facilities to be acquired or controlled (by purchase, lease, or otherwise) parallel or are competitive with the facilities of the proposed purchaser or others;

(14) A statement as to whether the proposed transaction has been presented to the regulatory authority of each state in which the property is situated, and, if so, with what results.

(b) *Supporting data required with application.* There shall be filed with and made a part of the original of each application under section 221 (a) the following:

(1) One copy of the charter, articles of incorporation and the bylaws of each applicant, duly certified (such copies as are already on file with the Commission may be incorporated in the application by reference);

(2) One copy of resolutions of the stockholders or directors of each of the applicants approving the proposed transaction, such resolutions to be properly attested and accompanied by appropriate excerpts from the minutes, showing the number of votes cast for and against each such resolution;

(3) Map or sketch indicating the facilities of each telephone carrier in the area involved, and the location and ownership of exchange and toll properties before and after consummation of the proposed transaction;

(4) A recent balance sheet and an income statement of each party involved;

(5) A statement showing the book cost and related reserve amounts with respect to the plant items to be acquired unless all of the telephone plant is included in the proposed acquisition, consolidation, or merger;

(6) Copy of any contract or contracts, exclusive of right-of-way and attachment contracts, entered into between the applicants, or any of them, with respect to any of the telephone properties or service included in the proposed transaction;

(7) With respect to the full-time employees employed in the exchange area or exchange areas served by the properties proposed to be acquired, consolidated, or merged, a table showing for each such employee, by name, his job classification, length of service, wage rate and location of employment; except that where twenty-five or more full-time employees are employed in any exchange area served by the properties to be consolidated or merged with another exchange area or exchange areas, such information with respect to those employees may be given on a group basis by job classification.

(8) Copies of any pension or benefit plans which are referred to in the statements supplied pursuant to paragraph (a) (11) and (12) of this section.

(9) Any additional facts or reasons in support of the application.

(c) *Copies required.* Five copies shall be furnished to the Commission for its use. In addition, a copy should be served on any other party to the proceeding.

(d) *Procedure.* These applications are acted upon by the Commission after a public hearing is held thereon. Reasonable notice of the hearing is given by the Commission to the Governor of each State in which the physical property affected, or any part thereof, is situated, and to the State commission having jurisdiction over telephone companies and to such other persons as the Commission may deem advisable.

§ 1.528 *Application for consolidation of domestic telegraph carriers.* (a) Applications under section 222 of the act by two or more domestic telegraph carriers for authority to effect a consolidation or merger or to acquire all or any part of the domestic telegraph properties, domestic telegraph facilities, or domestic telegraph operations of any carrier which is not primarily a telegraph carrier shall contain such information as is necessary for the Commission to act upon such application under the provision of section 222 of the act.

(b) These applications are acted upon by the Commission after public hearing. Reasonable notice in writing of the public hearing and an opportunity to be heard is given by the Commission to the Governor of each of the States in which any of the physical property involved in such proposed consolidation or merger is situated, to the Secretary of State, the Secretary of the Army, the Attorney General of the United States, the Secretary of the Navy, representatives of employees where represented by bargaining representatives known to the Commission, and to such other persons as the Commission may deem advisable.

§ 1.529 *Application with respect to disposition of debit amounts in account 100.4, "Telephone plant acquisition adjustment," for class A and class B telephone companies and in account 1200, "Plant adjustments" for class C telephone companies.* Sections 31.100:4 (c) (1) and 33.1200 (c) (1) of this chapter contain provisions relating to the disposition of such debit amounts in whole or in part, or for amortization over a reasonable period, through charges to appropriate income or surplus accounts. If a different disposition is desired, application therefor shall be made to the Commission. Final action, in accordance with established Commission policy, is taken on such applications by the Chief Accountant; or such applications are presented to the Commission for action upon the recommendation of the Chief Accountant.

TARIFFS, REPORTS, AND OTHER MATERIAL REQUIRED TO BE SUBMITTED BY CARRIERS

§ 1.541 *Tariffs to be filed.* Schedules of charges required under section 203 of the Communications Act shall be constructed, filed and posted in accordance with Part 61 of this chapter.

§ 1.543 *Contracts to be filed.* Copies of carrier contracts, agreements, concessions, licenses, authorizations or other arrangements, shall be filed in the form and manner and with the number of copies required by § 43.51 of this chapter.

§ 1.544 *Annual financial reports.* (a) Annual financial reports shall be filed by carriers and affiliates as required by § 43.21 of this chapter on the following forms:

(1) Form H (holding companies).

(2) Form M (telephone companies, class A and B).

(3) Form O (wire-telegraph and ocean-cable carriers, class A and B).

(4) Form R (radiotelegraph carriers, class A and B).

(5) [Reserved.]

(6) Form L (licensees in the domestic public land mobile radio services who do not report to the Commission on Annual Report Form M).

(b) Verified copies of annual reports filed with the Securities and Exchange Commission on its Form 10–K, Form 1–MD, or such other form as may be prescribed by that Commission for filing of equivalent information, shall be filed annually with this Commission by each person immediately controlling any communication common carrier in accordance with § 43.21 of this chapter.

(c) Reports shall be filed annually by common carriers with respect to operations of separate departments or divisions of a holding company, servicing, or manufacturing nature in accordance with § 43.21 of this chapter.

§ 1.545 *Monthly financial reports.* Monthly reports of revenues, expenses, and other items shall be filed by carriers as required by § 43.31 of this chapter on the following forms:

F. C. C. Form No. 901 Telephone.
F. C. C. Form No. 903 Radiotelegraph and Ocean-cable.
F. C. C. Form No. 905 Wire-telegraph.

§ 1.547 *Reports to be filed under Part 31 of this chapter.* Reports shall be filed, either periodically or upon the happening of specified events, by carriers under Part 31 of this chapter in regard to the following:

(a) 31.01–2 (d) (1), (2), and (3). Subaccounts, clearing, temporary and experimental accounts.

(b) 31.01–2 (e). Effecting entries to transfer the balances from the old to the new system of accounts.

(c) 31.01–5 (b). Particulars of relatively large delayed items.

(d) 31.01–9. Interpretation of prescribed accounting.

(e) 31.02–83, 31.138 (c), 31.609. Unprovided-for loss in service value of plant retired for causes not factors in depreciation.

(f) 31.1–13 (b). Amortization of amounts ordinarily includible in surplus and relating to the refinancing of the carrier's securities.

(g) 31.1–15 (f). Amortization of amounts ordinarily includible in surplus and relating to the refinancing of the carrier's long-term debt.

(h) 31.1–16. Exchange of securities.

(i) 31.1–16A. Issuance or assumption of nonpar capital stock.

(j) 31.1–16A. Transfer of surplus to nonpar capital stock account.

(k) 31.100:4 (b). Opening entry (and basis of computations of amounts included) in account 100.4, "Telephone plant acquisition adjustment."

(l) 31.100:4, 31.100:7, 31.172, 31.614. Disposition of amounts included in account 100:4, "Telephone plant acquisition adjustment," and in account 100:7, "Telephone plant adjustment."

(m) 31.138 (c), 31.6–64. Extensive replacement of station apparatus, inside, drop and block wires.

(n) 31.2–21 (b) (3). Acquisition of duplicate or other telephone plant to be retired.

(o) 31.2–21 (e). Substantial acquisition of telephone plant.

(p) 31.2–22 (b) (10) (ii) (iii). Interest for period longer than 6 months prior to commencement of construction, and interest during the suspension of construction.

(q) 31.2–24. Changes in list of retirement units.

(r) 31.2–26 (a), (b). Continuing property-record plan.

(s) 31 611 (a). Institution of an employment stabilization program.

(t) 31.672 (d), (f). Changes in (a) pension plan; (b) related matters; and (c) accounting for pension costs.

(u) Appendix B—Standard Practices, CPR: Section 1 (b). Continuing property record; (1) list of accounting areas (with descriptions) and (2) descriptions of subsequent proposed changes in the list.

(v) CPR: Section 2 (a). Continuing property record; proposed revisions in list of property-record units.

§ 1.548 *Reports to be filed under Part 33 of this chapter.* Reports shall be filed, either periodically or upon the happening of specified events, by carriers under Part 33 of this chapter in regard to the following:

(a) 33.1 (a). Jurisdictional matters; determination of class.

(b) 33.1 (b). Adoption of accounts prescribed for class A and class B telephone companies.

(c) 33.12 (e). Closing of books on other than a calendar-year basis.

(d) 33.14. Interpretation of prescribed accounting.

(e) 33.14. Spreading of relatively large amounts to prevent distortion of accounts.

(f) 33.14. Disposition of relatively large delayed items.

(g) 33.21 (f). Issuance or assumption of no-par capital stock.

(h) 33.21 (f). Transfer of surplus to no-par capital-stock accounts.

(i) 33.32 (b), 33.1200 (b). Distribution of cost of plant acquired to plant and other accounts.

(j) 33.1200 (c), 33.2700 (a), 33.5200. Disposition of amounts included in account 1200, "Plant adjustments."

(k) 33.34 (c). Replacements of property leased from others.

(l) 33.65 (d), 33.1890 (c), 33.2600 (b). Unprovided-for loss in service value of plant retired for causes not factors in depreciation.

(m) 33.1890 (c). Extensive retirements of station apparatus and inside, drop, and block wires.

(n) 33.2800 (b). Transfer of credit amounts from account 2800, "Contributions of telephone plant."

(o) 33.81. Revision of list of units of property.

§ 1.549 *Reports to be filed under Part 34 of this chapter.* Reports shall be filed, either periodically or upon the happening of specified events, by carriers under Part 34 of this chapter in regard to the following:

(a) 34.03–5 (b) (3). Subaccounts, clearing, temporary and experimental accounts.

(b) 34.03–6. Effecting entries to transfer the balances from the old to the new system of accounts.

(c) 34.03–11. Interpretation of prescribed accounting.

(d) 34.03–13. Particulars of relatively large delayed items.

(e) 34.04–4 (b), 34.1910. Unprovided-for loss in service value of plant retired for causes not factors in depreciation.

(f) 34.10–8. Exchange of securities.

(g) 34.10–9 (c). (a) Issuance of no-par capital stock; (b) transfer of surplus to no-par capital stock account; (c) reduction of capital surplus by use of no-par capital stock account; and (d) reduction of capital stock issued.

(h) 34.10–10 (c). Historical and detailed analysis of capital surplus for prior periods (ended December 31, 1939).

(i) 34.10–14 (f). Amortization of amounts ordinarily includible in income accounts and relating to refinancing of carrier's long-term debt.

(j) 34.1510 (e), 34.1520 (b), 34.4920 (a), 34.5255 (a). Disposition of amounts included in account 1510, "Plant acquisition adjustments."

(k) 34.1515 (b). Relief from mandatory charges to account 6299, "Other extraordinary income charges," to create a credit balance (at January 1, 1940) in account 1515, "Allowance for depreciation—Radiotelegraph plant," equal to sustained depreciation of owned plant.

(l) 34.1520 (c). Relief from mandatory charges to account 6299 to create a credit balance (at January 1, 1940) in account 1520, "Allowance for amortization—Radiotelegraph plant," equal to

the expired service value of certain intangibles.

(m) 34.1599 (d), 34.5089 (d). Changes in optional procedure adopted for recording foreign investments and foreign income.

(n) 34.1935 (a). Relief from mandatory charges to account 6299 of amounts cleared from account 1935, "Preliminary survey and investigation charges," and applicable to abandoned projects.

(o) 34.2220 (a), (c), 34.4198 (a). Institution of a program for equalization of maintenance expenses.

(p) 34.2225 (c). Relief from mandatory charges to account 6299 to create a credit balance (at January 1, 1940) in account 2225, "Provisions for depreciation and replacement of operated plant leased from others," equal to the expired service value of plant leased from others.

(q) 34.2515 (b). Transfer of credit amounts from account 2515, "Contributions of plant."

(r) 34.1–2 (d) (3). Acquisition of duplicate or other plant to be retired.

(s) 34.1–2 (g). Substantial acquisition of plant.

(t) 34.1–2 (g), 34.91 (b). Clearance date for plant acquisition entries.

(u) 34.1–3 (c) (8). Interest during the suspension of construction.

(v) 34.1–5 (g). Disposition of deferred charges and credits relating to plant leases terminated.

(w) 34.1–6 (f). Disposition of balances in account 2225 and account 2230, "Leased operated plant retired," relating to each expired lease of plant from others.

(x) 34.1–8. Continuous property-record plan.

(y) 34.4435 (d), (f). Changes in (a) pension plan, (b) related matters, and (c) in accounting for pension cost.

(z) 34.4950, 34.5260. Revenue-contract payments.

(aa) 34.9010 (Note). Relief from mandatory charges to account 6299 of amounts cleared from account 9010, "Research and development—Undistributed," and applicable to abandoned projects.

(bb) 34.1–6–1 (b). Revision of list of retirement units.

(cc) 34.1–6–1 (b), (d). Changes in list of retirement units (due 45 days after June 30, December 31).

§ 1.550 *Reports to be filed under Part 35 of this chapter.* Reports shall be filed, either periodically or upon the happening of specified events, by carriers under Part 35 of this chapter in regard to the following:

(a) 35.03–5 (b) (3). Subaccounts, clearing, temporary and experimental accounts.

(b) 35.03–6. Effecting entries to transfer the balance from the old to the new system of accounts.

(c) 35.03–11 (b). Interpretation of prescribed accounting.

(d) 35.03–13. Particulars of relatively large delayed items.

(e) 35.04–4, 35.1910. Unprovided-for loss in service value of plant retired for causes not factors in depreciation.

(f) 35.10–8. Exchange of securities.

(g) 35.10–9 (c). (a) Issuance of no-par capital stock; (b) transfer of surplus to no-par capital stock account; (c) reduction of capital surplus by use of no-par capital stock account; and (d) reduction of capital stock issued.

(h) 35.10–10 (c). Historical and detailed analysis of capital surplus for period ended December 31, 1942.

(i) 35.10–14 (f). Amortization of amounts ordinarily includible in income accounts and relating to refinancing of company's long-term debt.

(j) 35.1510 (d), 35.1520 (b), 35.4920 (a), 35.5255 (a). Disposition of amounts included in account 1510, "Plant acquisition adjustments."

(k) 35.1515 (b). Relief from mandatory charges to account 6120 "Extraordinary current income charges," to create a credit balance in account 1515 "Allowance for depreciation-wire-telegraph and ocean-cable plant," equal to the sustained depreciation at January 1, 1943, of owned plant.

(l) 35.1520 (c). Relief from mandatory charges to account 6120 to create a credit balance in account 1520 "Allowance for amortization-wire-telegraph and ocean-cable plant," equal to the sustained depreciation at January 1, 1943, of owned plant.

(m) 35.1545 (b). Disposition of amounts included in account 1545, "Plant adjustments."

(n) 35.1599 (d), 35.5089 (d). Changes in optional procedure adopted for recording foreign investments and foreign income.

(o) 35.1935 (a). Relief from mandatory charges to account 6120 of amounts cleared from account 1935, "Preliminary survey and investigation charges," and applicable to abandoned projects.

(p) 35.2220 (a), (c), 35.4180. Institution of a program for equalization of maintenance expenses.

(q) 35.2225 (c). Relief from mandatory charges to account 6120 to create a credit balance (at January 1, 1943) in account 2225, "Provisions for depreciation and replacement of operated plant leased from others."

(r) 35.2515 (b). Transfer of credit amounts from account 2515, "Contributions of Plant."

(s) 35.1–1 (f). Reclassification of plant; and statement of amounts in accounts before and after reclassification (at January 1, 1943).

(t) 35.1–2 (e). Acquisition of duplicate or other plant to be retired.

(u) 35.1–2 (h). Substantial acquisition of plant.

(v) 35.1–2 (h), 35.91 (b). Clearance date for plant acquisition entries.

(w) 35.1–3 (c) (8). Interest during the suspension of construction.

(x) 35.1–5 (g). Disposition of deferred charges and credits relating to plant leases terminated.

(y) 35.1–6 (k). Disposition of balances in account 2225 and account 2230, "Leased operated plant retired," relating to expired leases of plant from others.

(z) 35.1–8 (b). Continuous property-record plan.

(aa) 35.4327 (d), (f). Changes in (a) pension plan, (b) related matters, and (c) accounting for pension costs.

(bb) 35.9011 (b). Relief from mandatory charges to account 6120 of amounts cleared from account 9011, "Research and development clearing account," and applicable to abandoned projects.

(cc) 35.1–6–1 (b). Revision of list of retirement units.

(dd) 35.1–6–1 (b), (d). Permissive changes in list of retirement units (due 90 days after June 30).

§ 1.551 *Reports of proposed changes in depreciation rates.* Carriers shall file reports regarding proposed changes in depreciation rates as required by § 43.43 of this chapter.

§ 1.552 *Reports regarding premature destruction of records.* Carriers shall file reports relating to the premature destruction of records as required by §§ 45.7 and 46.7 of this chapter.

§ 1.553 *Reports regarding pensions and benefits.* Carriers shall file reports regarding pensions and benefits as required by § 43.42 of this chapter.

§ 1.554 *Reports regarding division of international telegraph communication charges.* Carriers engaging in international telegraph communication shall file reports in regard to the division of communication charges as required by § 43.53 of this chapter.

§ 1.555 *Reports regarding telegraph carrier services.* Telegraph carriers shall file description of their services as required by § 43.54 of this chapter.

§ 1.556 *Reports of negotiations regarding foreign communication matters.* Carriers engaging or participating in foreign communications shall file monthly reports covering negotiations conducted as required by § 43.52 of this chapter.

§ 1.557 *Reports on traffic.* (a) Commission Orders Nos. 85 and 86 require international telegraph carriers to file on FCC Form No. 336 and common carriers engaged in radiotelegraph communication with maritime mobile stations (with certain exceptions) to file on FCC Form No. 337 certain traffic information at periodic intervals. A complete description of these reports is set forth in Orders Nos. 85 and 86.

(b) Monthly and quarterly reports must be filed with the Commission in connection with certain fixed public radio service operations. No form is prescribed. A complete description of the contents of these reports is contained in §§ 6.41 and 6.53 of this chapter.

§ 1.558 *Reports under § 63.04 of this chapter.* Radio carriers receiving authority under § 63.04 of this chapter shall furnish quarterly reports as required therein.

§ 1.559 *Reports to be filed regarding lines.* Carriers shall furnish reports under § 63.54 of this chapter when a line authorized to be constructed, acquired or operated has been put into service.

§ 1.560 *Reports to be furnished regarding domestic telegraph speed of service.* The Western Union Telegraph Company shall furnish monthly reports under §§ 64.201 through 64.283 of this chapter in regard to Message Center speed of service and Origin to Destination speed of service on FCC Forms No. 338–A and No. 338–B respectively, and copies of instructions to field offices in accordance with § 64.226 of this chapter.

RULES RELATING TO COMPLAINTS

§ 1.571 *Formal or informal complaints.* Complaints filed under title II of the act may be either formal or informal.

§ 1.572 *Informal complaints.* No particular form is prescribed for informal complaints but they must be in writing, subscribed, and verified by the complainant. The complaint shall state the name and address of the complainant, the name of the carrier against whom the complaint is made, and shall state as definitely as possible the basis or reason for the complaint.

§ 1.573 *Action on informal complaints.* Upon receipt of an informal complaint properly drawn and executed, the Commission will, if its nature warrants, take the question up by correspondence with the carrier complained of in an endeavor to bring about satisfaction. Such correspondence with the carrier shall call upon it either to satisfy the complainant or advise the Commission of its refusal or inability to do so within such time as may be prescribed. If the carrier satisfies the complainant, it shall immediately notify the Commission and file with it proof of satisfaction; whereupon the complaint will be dismissed. If the carrier refuses or is unable to satisfy the complainant within the time prescribed, it shall so notify the Commission, which decision the Commission will forthwith give notice of to the complainant.

§ 1.574 *Resubmission; 6 months' rule.* When an informal complaint has not been satisfied pursuant to the foregoing rule, the complainant may either file a formal complaint or resubmit his informal complaint within 6 months from the date of the Commission's notice: *Provided, however,* That such resubmitted informal complaint must contain new material matter upon the same cause of action. The procedure prescribed herein for handling of informal complaints will be followed in case of resubmitted informal complaints. If such resubmitted informal complaint or a formal complaint is filed with the Commission within the 6-month period, such resubmission or filing will be deemed to relate back to the date of the filing of the original informal complaint. But reference to the original date of the informal complaint must be made in such resubmission or in the formal complaint filed.

§ 1.575 *Formal complaints; requirements.* (a) Formal complaints shall contain the names of all parties complainant and defendant in full, the address of each complainant, and the name and address of his attorney, if represented by attorney, and shall be subscribed and verified by the complainant.

(b) A form of such complaint is as follows:

(This form may be used in cases to which it is applicable, with such alterations as the circumstances may render necessary.)

COMPLAINT

Before the Federal Communications Commission, Washington, D. C.

COMPLAINANT

Docket No. ------

(To be inserted by the Secretary of the Commission)

Complainant

v.

Defendant

The complainant (here insert full name of each complainant and if a corporation the corporate title of such complainant) respectively shows:

(1) That (here state occupation and post-office address of each complainant).

(2) That (here insert the full name, occupation, and post-office address of each defendant).

(3) That (here insert fully and clearly the specific act or thing complained of, together with such facts as are necessary to give a full understanding of the situation).

Wherefore, complainant asks (here state specifically the relief desired).

Dated at -------- this ---- day of --------, 19-----.

(Name of each complainant)

(Name and address of attorney, if any)

FORM OF VERIFICATION

---------- being first duly sworn, on oath, deposes, and says:

That he is the complainant (or one of the complainants), in the above-entitled matter; that he has read the within and foregoing complaint and knows the contents thereof, and that the matter and things therein stated are true of his own knowledge, save and except those matters therein stated on information and belief, and as to those he believes them to be true.

Subscribed and sworn to before me this ---- day of ---------- 19-----.

(Notary public or other proper officer)

§ 1.576 *Statement of issues; joinder of causes of complaint.* Formal complaints shall be so drawn as to advise the Commission and the defendant fully wherein the provisions of the act, or an order, rule or regulation of the Commission have been violated, the facts claimed to constitute such violation, and the relief sought. Two or more grounds of complaint involving the same principle, subject, or statement of facts may be included in one complaint, but should be separately stated and numbered.

§ 1.577 *Notice of complaints.* Upon receipt of any formal complaint against any common carrier subject to the act, the Commission will forward a copy of the same to such carrier together with a notice of the filing thereof, which notice shall contain an order of the Commission calling upon the carrier to satisfy the complaint or answer the same in writing within the time specified in said notice, which in no event shall be less than 30 days.

§ 1.578 *Charges, etc.; specific references.* The several charges, classifications, regulations, or practices complained of shall be set out by specific references to schedules of charges and classifications, and also the particular regulations or practices whenever that is possible.

§ 1.579 *Separate statement of each provision violated.* When a violation of more than one provision of a section of the act is alleged, such violation shall be separately stated with respect to each provision of the act claimed to be violated.

§ 1.580 *Allegations; certainty.* In case recovery of damage is sought, the complaint should contain appropriate allegations showing such data as will serve to identify, with reasonable certainty, the communications or transmissions, or other services, in respect of which recovery is sought and shall state (a) that the complainant makes claim for reparation; (b) the name and address of each individual claimant asking reparation; (c) the name and address of defendants against which claim is made; (d) the communications, transmissions, or other services rendered, the charge applied thereto, the date when charges were paid, by whom paid, and by whom borne; (e) the period of time within which, or the specific dates when such communications, transmissions or other services were rendered; (f) points of origin and reception of such communications or transmissions, and if the damages sought to be recovered are for services other than communications or transmissions, then the allegations of the complaint shall state the nature and extent of such services, the date or dates when rendered, when paid for, and by whom borne; (g) nature and amount of injury sustained by each claimant; (h) if reparation is sought on behalf of others than the complainant, in what capacity or by what authority complaint is made in their behalf; and (i) that claimant has not filed suit in any court on the basis of the same claim.

§ 1.581 *Challenge of general rate adjustments; reparation.* If a general rate adjustment is challenged in the complaint, or many communications and transmissions or points of origin and reception are involved, the Commission will find and determine in its report the issues as to violation of the act, injury thereby to complainant, and right to reparation. The Commission will afford the parties opportunity to agree or make proof respecting the communications, transmissions, or other services, and amount of reparation due under its findings, before entering its order awarding reparation. In such cases, authenticated schedules of charges, receipts, statements, and other exhibits bearing on details of such communications, transmissions, or other services, for which reparation is claimed, and the amount claimed (separately stated with respect to each communication, transmission, or other service rendered), need not be produced at the hearing unless called for or needed to develop other pertinent facts.

§ 1.582 *Discrimination specified.* In case unjust or unreasonable discrimination is alleged, the charge, practice, classification, regulation, facility, or service complained of must be clearly specified.

§ 1.583 *Preference or prejudice.* In case undue or unreasonable preference, advantage, or prejudice is alleged, the particular person, company, firm, corporation, locality, or description of traffic affected thereby, and the particular preference or prejudice or disadvantage, relied upon as constituting a violation, shall be clearly specified.

§ 1.584 *Reparation; prayer for.* Reparation will not be awarded upon a complaint unless specifically prayed for, except under unusual circumstances and for good cause shown. Reparation may be awarded, however, upon a supplemental complaint based upon the finding of the Commission in the original proceeding.

§ 1.585 *Limitations: damages pendente lite.* The Commission will consider as in substantial avoidance of the statute of limitations, a complaint in which the complainant alleges that the matters complained of, if continued in the future, will constitute violations of the act in the particulars and to the extent indicated, and prays reparation accordingly as to charges which shall be paid and borne by complainant on all communications, transmissions, or other services affected thereby occurring during the pendency of the proceeding.

§ 1.586 *Supplemental complaints—*(a) *General.* Supplemental complaints may be tendered for filing by the parties complainant, against the parties defendant, setting forth any causes of action under the act alleged to have accrued in favor of the complainants and against the defendants since the filing of the original complaint.

(b) *Seeking damages.* If recovery of damages is sought by supplemental complaint, it must be filed with the Commission within the statutory periods stated in section 415 of the act.

§ 1.587 *Cross complaints.* Cross complaints alleging violations of the act by other carriers, parties to the proceeding, or seeking relief against them under the act, may be tendered for filing by defendants with their answers and, upon leave granted, will be filed and served by the Commission in the manner provided for serving complaints.

§ 1.588 *Answers to complaints and petitions.* Any party upon whom a copy of a complaint, petition, or cross complaint is filed under this subpart shall file an answer within 30 days after service of the complaint. Such answer shall be subscribed by the party answering and shall be so drawn as to advise the parties and the Commission fully and completely of the nature of the defense, and shall admit or deny specifically and in detail all material allegations of the complaint. Collateral or immaterial issues shall be avoided in answers and every effort shall be made to narrow the issues. Matters alleged as affirmative defenses shall be separately stated and numbered. Any defendant failing to file and serve answer within the time and in the manner prescribed will be deemed in default, and the Commission will issue an appropriate order. (Counterclaims and set-offs against users of service supplied by carriers are not within the jurisdiction of the Commission.) This section does not apply to protests or applications seeking suspensions of proposed tariff schedules.

§ 1.589 *Answers to petitions or amended complaints.* Answers to petitions for intervention, or to amended complaints filed and served upon leave granted, need not be separately made unless the defendant so elects, and defendant's answer to the complaint will be deemed its answer to the petition in intervention.

§ 1.590 *Requests for suspension of tariff schedules.* Requests for suspensions of tariff schedules under section 204 of the act will not ordinarily be considered unless made in writing or by telegram at least 10 days before the effective date named in the schedule. Requests for suspensions must indicate the schedule affected by its Federal Communications Commission number and give specific reference to the items against which protest is made, together with a statement of the grounds thereof. If such request is made by telegram, the telegram must be followed and confirmed by request in writing and the telegram should succinctly state the substance of the matters to be set forth in the written request. Sixteen copies of each written request must be furnished to the Commission.

RULES CONCERNING SHOW CAUSE ORDERS AND TENTATIVE VALUATIONS

§ 1.591 *Order to show cause.* (a) Whenever the Commission desires to institute a proceeding within its jurisdiction under title II of the act against any common carrier, it will commence such action by serving upon the carrier an order to show cause. Said order shall contain a statement of the particulars and matters concerning which the Commission is inquiring, and the reasons for such action, and shall call upon the carrier to appear before the Commission at a place and time therein stated, and answer and give evidence upon the matters specified in said order. The Commission may require in said order, that the carrier file with the Commission its verified answer to the order to show cause, on or before a day certain, prior to the hearing date therein fixed, in no event less than 30 days after service of the order.

(b) Any carrier, upon whom an order to show cause has been served under this section shall respond to the same by filing its answer within the time specified in said order. Such answer shall be drawn so as specifically to admit or deny the charges or allegations which may be made in said order, and so as to advise the Commission fully and completely upon the matters and things inquired of.

§ 1.592 *Protests of tentative valuations.* Protests in opposition to a tentative valuation shall be subscribed and verified and shall contain a concise statement of the essential elements of the protest with particularity as to the matters concerning which protest is made. Each object of protest shall be set up as a separate item in a separately numbered paragraph and the protest shall also include a statement of the protestant's interest in the matter in controversy.

SUBPART F—GENERAL RULES OF PRACTICE AND PROCEDURE

GENERAL

§ 1.701 *Suspension, amendment or waiver of rules.* The rules and regulations of the Commission may be suspended, revoked, modified, amended, or supplemented, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act. Any provision of the rules may be waived by the Commission, if good cause therefor exists.

§ 1.702 *Petition for amendment or waiver of rules.* Any interested person may petition for issuance, amendment, repeal or waiver of any rule or regulation. Such petition shall show the text of the proposed rule, or its change, and set forth the reason in support of the petition.

§ 1.703 *Computation of time.* In computing any period of time prescribed or allowed by the Commission's rules or by order of the Commission the day of the act, event, or default, after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday or a Saturday on which the Commission's offices are not open, in which event the period runs until the end of the next day which is not a Sunday, holiday, or Saturday on which the Commission's offices are not open. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

PERSONAL APPEARANCES; PRACTITIONERS

§ 1.711 *Appearances.* Any person appearing before the Commission or any of its representatives may be heard in person and may be accompanied, represented and advised by counsel.

§ 1.712 *Authority for representation.* Any person, in a representative capacity, transacting business with the Commission, may be required to show his authority to act in such capacity.

§ 1.713 *Persons who may be admitted to practice.* (a) The Commission will maintain a register of attorneys admitted to practice before the Commission. Any attorney at law in good standing admitted to practice before any court of the United States, the District of Columbia, or the highest court of any State or Territory, may register by filing with the Commission, an affidavit to this effect on FCC Form No. 786. The Commission may, if it so desires, require additional proof of said attorney's qualifications.

(b) Any attorney at law who has not been admitted to practice before the Commission may, in the discretion of the Commission or the official presiding at any hearing, be admitted for a particular case in which he may be employed.

§ 1.714 *Suspension or disbarment of attorneys.* The Commission may censure, suspend, disbar, or revoke the right of any person who has been admitted to practice before it if it finds that such person has in obtaining admission concealed any material facts with reference to his legal qualifications, professional standing, character or integrity, or has failed to conform to recognized standards of professional conduct. Before any member of the bar of the Commission shall be censured, suspended, disbarred, or his right to practice before the Commission revoked, charges shall be preferred by the Commission against such practitioner and he shall be afforded an opportunity to be heard thereon.

§ 1.715 *Former employees.* (a) No member, officer, or employee of the Commission shall, within 2 years after his service with the Commission is terminated, appear as attorney before the Commission in any cause or application which he has handled or passed upon while in the service of the Commission.

(b) No member, officer or employee of the Commission (1) whose active service with the Commission has terminated but who is receiving pay while on annual leave not taken prior to separation from such active service, or (2) who is in any other leave status, shall appear as attorney or participate in the preparation or handling of any matter before, or to be submitted to, the Commission.

§ 1.716 *Appearance blanks.* Each attorney representing a party to any proceeding shall enter his appearance in duplicate on the form prescribed for the purpose by the Commission prior to participating in such proceeding, which appearance shall be made a part of the record.

PETITIONS AND OTHER REQUESTS FOR COMMISSION ACTION

§ 1.721 *General.* Persons desiring to file complaints with the Commission or to request information on file with the Commission or for any other relief under the jurisdiction of the Commission may do so either formally or informally. Formal submissions must be by way of petition which shall set forth clearly and concisely the petitioner's interest and facts supporting the relief sought and must comply with the Commission's rules concerning pleadings. All other submittals will be considered as informal in nature.

§ 1.722 *Petitions to intervene.* (a) Special rules governing petitions to intervene in matters arising under title III of the Communications Act are set forth in § 1.388.

(b) In all other proceedings persons desiring to intervene must file a petition setting forth the grounds of the proposed intervention, the position and interest of the petitioner, in the proceeding, the facts on which the petitioner bases his claim that his intervention will be in the public interest. If a proper showing is made, the Commission will grant the petition and permit participation in the proceedings. If the facts warrant, the Commission may limit participation by such persons to particular issues or to a particular stage of the proceedings. The granting of a petition to intervene shall not have the effect of changing or enlarging the issues which shall be those specified in the Commission's notice of hearing unless on motion the Commission shall amend the same.

§ 1.723 *Request by nonparties to participate in hearings; communications relating to applications.* (a) There will be maintained in the office of the Secretary of the Commission a record of all communications received by the Commission relating to the merits of any application pending before the Commission requesting the granting, renewal, modification, or revocation of any license or construction permit, certificate of convenience and necessity, or rate schedule. Such record shall show the name and address of the person making the statement and the substance of such statement. When the date of hearing has been set, if the matter is designated for hearing, the Secretary shall notify all persons shown by the records to have communicated with the Commission regarding the merits of such matter in order that such persons will have an opportunity to appear and give evidence at such hearing. In the case of communications bearing more than one signature, notice shall be given to the person first signing unless the communication clearly indicates that such notice should be sent to someone other than such person.

(b) No such person shall be precluded from giving any relevant material and competent testimony at such hearing because he lacks a sufficient interest to justify his intervention as a party in the matter.

(c) No such communication will be considered by the Commission in determining the merits of any such matter, nor shall any such communication be considered by any hearing officer unless it has been introduced into evidence at the hearing and appears as a part of the record. The admissibility of any such communication or the Secretary's record of any such communication shall be governed by the applicable rules of evidence, and no such communication shall be admissible on the basis of a stipulation unless Commission's counsel as well as counsel for all of the parties shall join in such stipulation.

(d) Such communications, however, may be considered by the Commission if circumstances warrant in deciding whether or not a matter shall be set down for hearing in cases where in the absence of such communication no hearing would be required by the Commission.

§ 1.724 *Petitions to consolidate.* (a) The Commission, upon motion, or upon its own motion, will, where such action will best conduce to the proper dispatch of business and to the ends of justice, consolidate for hearing (1) any cases which involve the same applicant or arise from the same complaint or cause, or (2) any applications which by reason of the privileges, terms, or conditions requested present conflicting claims of the same nature.

(b) Any application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the application in question is filed at least 30 days before the date on which the hearing on the prior application or applications is scheduled: *Provided, however,* That in the case of applications for broadcast stations the said period shall be 60 days. If the scheduled date is changed, the date last set shall govern in determining the timeliness of an application for purposes of this paragraph.

§ 1.725 *Motions to enlarge or change the issues.* (a) Special rules governing motions to enlarge or change the issues in matters arising under title III of the Communications Act are set forth in § 1.389.

(b) In all other proceedings, motions to enlarge or change the issues may be filed by any party to a hearing.

§ 1.726 *Reconsideration or rehearing.* (a) Special rules relating to petitions for reconsideration or rehearing concerning matters arising under title III of the Communications Act are set forth in §§ 1.386 and 1.390.

(b) Rules governing petitions for rehearing in other cases are set forth in §§ 1.891–1.896.

(c) The Commission may on its own motion set aside any action made or taken by it within 30 days after public notice is given of such action.

§ 1.727 *Complaints.* (a) Special rules governing complaints as to matters arising under title II of the Communications Act are set forth in §§ 1.571–1.590.

(b) In other matters, formal petitions may be filed complaining of anything done, or omitted to be done, in contravention of provisions of law or of the Commission's rules and regulations. Upon the filing of such a petition the Commission will either make an investigation and issue a report or will deny the petition, setting forth the reasons therefor. Persons desiring to submit complaints by informal methods may do so. Such complaints may, in the Commission's discretion be investigated or otherwise acted upon in any manner the Commission may deem expedient; but such informal complaint shall not be deemed to be a formal complaint within the meaning of this part, irrespective of any action taken thereon by the Commission.

§ 1.728 *Declaratory rulings.* The Commission may in its discretion on motion or on its own motion issue a declaratory ruling terminating a controversy or removing uncertainty.

§ 1.729 *Adverse rulings on petitions.* (a) Whenever the Commission denies in whole or in part any petition, prompt notice thereof will be given. This notice will contain or be accompanied by a statement of the reasons for the Commission's action unless it is merely an affirmance of a prior denial where reasons were given or the reasons for the denial are self-evident.

(b) The requirements of this section shall apply only to formal petitions as defined in § 1.721.

§ 1.730 *Oppositions and replies to oppositions.* Except as otherwise provided, oppositions to petitions must be filed within 10 days after such petitions are filed with the Commission. Replies to such oppositions must be filed within 5 days after such oppositions are filed with the Commission. No other pleadings may be filed with the Commission unless (a) specifically requested by the Commission or (b) leave to file such additional pleadings has been granted by the Motions Commissioner upon a showing of good cause.

MOTIONS DOCKET

§ 1.741 *Action by Commission.* In cases designated for formal hearing, all motions, petitions and other pleadings requesting final disposition of any case on its merits, those having the nature of an appeal to the Commission, those changing the issues upon which the hearing was ordered, and those requesting change or modification of a final order made by the Commission, shall be acted upon by the Commission. All other motions, petitions and other pleadings shall be acted upon in accordance with §§ 1.742 to 1.750.

§ 1.742 *Action by Motions Commissioner or Commissioner designated to preside at a hearing.* In cases designated for formal hearing all motions, petitions and other pleadings, except those subject to Commission action under § 1.741, shall be acted upon by the Motions Commissioner or, if a Commissioner has been designated to hear the case, by such Commissioner. When such Commissioner is not available, the Motions Commissioner may act.

§ 1.743 *Action by Hearing Examiner.* (a) After a Hearing Examiner has been designated to preside at a hearing, all motions, petitions and other pleadings, except those described in paragraph (b) of this section, which would be acted upon by the Motions Commissioner in accordance with § 1.742, shall be acted upon by the Hearing Examiner. If the Hearing Examiner is not available, the Motions Commissioner may act.

(b) Petitions to intervene, to dismiss an application or proceeding, or any motion or petition filed after an initial decision is issued will be acted upon in accordance with the provisions of either §§ 1.741 or 1.742.

§ 1.744 *Motions calendar: Time of calling and place; continuances.* (a) There shall be a weekly Motions calendar consisting of two parts:

(1) Motions to be acted upon by the Motions Commissioner; and

(2) Motions to be acted upon by presiding officers.

(b) Each part of the motions calendar shall be called at the offices of the Commission at such times as the Motions Commissioner shall designate.

(c) The Motions Commissioner or Commissioner designated to preside at a hearing or a Hearing Examiner may continue any motion, petition or other pleading, and may upon notice, hear any motion at any time.

§ 1.745 *Time for filing motions.* Unless it is found that irreparable injury would be caused to one of the parties or the public interest so requires, no motion, petition, or other pleading shall be called, considered, or determined in the absence of consent by all parties unless it shall have been on file, accompanied by proof of service upon all parties, for a period of four days.

§ 1.746 *Oppositions.* Any party or the General Counsel of the Commission may file a pleading in opposition within the time specified in § 1.745 and may be heard thereon on the day designated for hearing of the motion, petition, or other pleading.

§ 1.747 *Procedure in Motions calendar.* Upon the request of any party or the General Counsel of the Commission, oral argument with respect to any contested matter on the Motions calendar may be heard before the Motions Commissioner, the Commissioner designated to preside at a hearing, or the Hearing Examiner. Failure of any party to request oral argument shall be deemed a waiver of his rights thereto; except that such request may be made after an opposition is filed by any other party. If oral argument is waived by any party, such motion or opposition shall be considered together with any pleadings or briefs which may be filed in support thereof. The waiving of oral argument by any party shall not preclude oral argument by any other party who makes timely request therefor. A motion duly served on all parties may be granted without oral argument if no opposition thereto has been timely filed, unless, in the discretion of the Motions Commissioner, the Commissioner designated to preside, or the Hearing Examiner, oral argument appears necessary prior to action, in which event, he may order such argument. If oral argument has not been requested by any party, the Motions Commissioner, the Commissioner designated to preside, or the Hearing Examiner may, in his discretion, order oral argument.

§ 1.748 *Number of copies.* Eight copies of each motion, petition, or opposition thereto shall be filed unless the subject matter requires consideration by the Commission en banc or a Board or Committee of Commissioners, in which event 15 copies shall be filed.

§ 1.749 *Rulings.* Each motion or petition shall be disposed of by written order of which public notice shall promptly be given. The order upon contested motions or petitions shall contain a brief statement of the reasons for the ruling therein, unless such order is self-explanatory, or is merely the affirmance of a prior denial in which reasons have been given.

§ 1.750 *Review of adverse ruling.* (a) Any interested party may obtain review by the Commission of an adverse ruling with respect to any petition or motion by (1) filing within two days a petition for review; or (2) by stating his exception on the record in the hearing and requesting that it be carried forward therein.

(b) Failure to make timely request for review or to state an exception on the record, shall be deemed a waiver of any right to review.

§ 1.751 *Limitation on length of pleadings in adjudicatory proceedings.* No pleading filed with the Commission or Motions Commissioner by any party to any adjudicatory proceeding which has been designated for hearing which relates to an appeal from an interlocutory ruling of an examiner, or the Motions Commissioner, or to matters covered by section 0.222 of the rules, or to petitions for reconsideration and grant without hearing of applications previously designated for hearing, will be accepted for filing if the pleadings exceed 15 double spaced typewritten pages: *Provided,* That parties may, in a separate pleading, request permission to file pleadings on matters covered by this section of more than 15 pages, which permission will be granted upon good cause shown. Such requests must be filed in the case of the petition for reconsideration and grant without hearing within ten days of the mailing of the notice of designation for hearing by the Commission, and in all other matters covered by this section, within two days of the ruling in question. The two-day requirement of § 1.750 shall be operative only after disposal of the request for permission to file a pleading exceeding the limit here specified.

SPECIFICATIONS AND SERVICE OF PLEADINGS AND OTHER PAPERS

§ 1.761 *Cross reference.* Rules governing applications and reports under title III of the Communications Act are contained in Subpart D of this part. Rules governing applications, reports and complaints under title II of the Communications Act are contained in Subpart E of this part.

§ 1.762 *Specifications as to pleadings and documents.* All pleadings and documents (except briefs) filed in any proceeding shall, unless otherwise specifically provided herein, be on paper either 8 by 10½ or 8½ by 13 or 14 inches, with left-hand margin not less than 1½ inches wide. This requirement shall not apply to original documents, or admissible copies thereof, offered as exhibits or to specially prepared exhibits. The impression shall be on one side of the paper only and shall be double-spaced, except that long quotations shall be single-spaced and indented. All papers, except charts and maps, shall be typewritten or prepared by mechanical processing methods, other than letterpress or printed. The foregoing shall not apply to official publications. All copies must be clearly legible.

§ 1.763 *Briefs.* Briefs may be printed, typewritten, mimeographed, or multigraphed. Printed briefs shall be in 10- or 12-point type, on good unglazed paper, 5⅞ inches wide by 9 inches long, with inside margin not less than 1½ inches wide, and with double-leaded text and single-leaded citations.

§ 1.764 *Number of copies.* Unless otherwise specifically provided, an original and 14 copies of all petitions, motions, pleadings, briefs and other documents required or permitted to be filed under these rules shall be furnished the Commission, and one extra copy for each party to the proceeding when service is made by the Commission.

§ 1.765 *Subscription and verification.* All petitions, motions, pleadings, briefs, and other documents filed by any party represented by an attorney, shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign and verify the document and state his address. Except when otherwise specifically provided by rule or statute, documents signed by the attorney for a party need not be verified or accompanied by affidavit. The signature of an attorney constitutes a certificate by him that he has read the document; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the matter may proceed as though the document had not been filed. For a willful violation of this rule an attorney may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

§ 1.766 *Amendments to pleadings.* Any pleading may be amended as a matter of right if filed with the Commission not less than 30 days prior to the date set for hearing in the proceeding in which the pleading is filed. Thereafter, requests for leave to amend will be considered only upon written motion. Amendments, amended pleadings, or requests for leave to amend must be served upon all parties of record.

§ 1.767 *Service of documents and proof of service.* All pleadings, petitions, motions, briefs, or other documents filed in any proceeding shall be served by the party filing the same upon all parties of record, at or prior to the date fixed by these rules for the filing thereof, as follows:

(a) Service upon common carriers shall be made as provided in section 413 of the Communications Act of 1934, as amended.

(b) In all other cases whenever under the regulations in this part service is required or permitted to be made upon a party, and such party is represented by an attorney of record in the proceeding, the service shall be made upon the attorney. Service upon the attorney or upon a party shall be made by delivering a copy to him or by mailing it to him at his last-known address. Delivery of a copy within this rule means: handing it to the attorney or to the party; or leaving it at his office with his clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein, or, if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing.

Proof of service as provided in the foregoing shall be made by appropriate certificate describing the service which shall be signed and attached to the original and copies of which shall be attached to all copies filed with the Commission. If service has been made by a delivery of a copy to the attorney, written acknowledgment thereof on the original filed will be considered proof of service; in such case an appropriate notation of such acknowledgment shall be made on all copies filed.

(c) Applications under title II of the Communications Act, which require service, and formal complaints, supplemental complaints, cross complaints, and amended complaints under title II will be served by the Commission. Service by the Commission upon common carriers shall be by leaving a copy of any document requiring service with the designated agent of such carrier at his office or usual place of residence in the District of Columbia, and if no such agent is designated, then service may be made by posting such notice, process, order, decision, or pleading in the office of the Secretary of the Commission.

§ 1.768 *Withdrawal of papers.* The granting of a request to dismiss or withdraw an application or a pleading does not authorize the removal of such application or pleading from the Commission's records. No application or other document once officially filed shall be returned unless the Commission shall, for good cause shown, order such return.

SUBPART G—RULES RELATING TO HEARINGS AND DECISIONS[1]

§ 1.801 *Informal hearings.* The Commission may upon petition by any person or upon its own motion hold such informal hearings as it may deem necessary from time to time in connection with the investigation of any matter which it has power to investigate under the law, or for the purpose of obtaining information necessary or helpful in the determination of its policies, the carrying out of its duties or the formulation or amendment of its rules and regulations. For such purposes it may subpena witnesses and require the production of testimony as in formal hearings but the procedure to be followed shall be such as in the opinion of the Commission will best serve the purposes of such hearing.

FORMAL HEARINGS

§ 1.802 *Official reporter; transcript.* The Commission will designate from time to time an official reporter for the taking down and transcribing of hearing proceedings. No transcript of the testimony taken, or argument had, at any hearing will be furnished by the Commission, but will be open to inspection under section 0.406 of the Statement of Organization, Delegations of Authority and Other Information. Copies of such transcript, if desired, may be obtained from the official reporter upon payment of the charges therefor.

§ 1.803 *Notice of hearing.* Reasonable notice of hearing will be given to all parties to a proceeding. Such notice shall include:

(a) A statement as to the time, place and nature of the hearing. If the time and place are not specified in the initial notice, the notice will indicate that the time and place will be designated by subsequent notice.

(b) A statement as to the legal authority and jurisdiction under which the hearing is to be held.

(c) A statement of the matters of fact and law involved.

CONTINUANCES AND PREHEARING CONFERENCES

§ 1.811 *Continuances and extensions.* Continuances of any proceeding or hearing and extensions of time for making any filing or performing any act required or allowed to be done within a specified time may be granted upon motion for good cause shown, unless the time for performance or filing is limited by statute.

§ 1.812 *Postponement or change of place.* The Commission or the presiding officer may recess or adjourn a hearing for such time as may be deemed necessary, and may change the place thereof.

§ 1.813 *Prehearing conferences.* (a) The Commission or the presiding officer on its or his initiative, or at the request of any party, may direct the parties or their attorneys to appear at a specified time and place for a conference prior to or during the course of a hearing, or to submit suggestions in writing, for the purpose of considering, among other things, the following matters:

(1) The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

(2) The possibility of stipulating with respect to facts;

(3) The procedure at the hearing;

(4) The limitation of the number of witnesses;

(5) The necessity or desirability of prior mutual exchange between or among the parties of prepared testimony and exhibits;

(6) In cases arising under Title II of the act, the necessity or desirability of amending the pleadings and offers of settlement or proposals of adjustment.

(b) An official transcript of the conference shall be made and action taken at or on the basis of the conference, including agreements reached between the parties, shall be incorporated by the Hearing Examiner in an order issued as promptly as may be feasible subsequent to the conclusion of the conference. All agreements will be subject to such ruling as the Examiner may make upon appropriate objection and, to be effective, must be found to be acceptable and approved by the Hearing Examiner.

DEPOSITIONS

§ 1.821 *Depositions on notice—(a) Notice of examination: time and place.* A party to a hearing desiring to take the deposition of any person shall give reasonable notice in writing to every other party. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description suffi-

[1] See footnote to Subpart D.

cient to identify him or the particular class or group to which he belongs, and the matters with which the deposition will be concerned. On motion of any party upon whom the notice is served, the Commission may, for cause shown, enlarge or shorten the time.

(b) *Orders for the protection of parties and deponents.* After notice is served for taking a deposition, upon motion, seasonably made by any party or by the person to be examined, and upon notice and for good cause shown, the Commission may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed the deposition shall be opened only by order of the Commission; or that Commission may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression.

§ 1.822 *Persons before whom depositions may be taken.* (a) *Qualifications.* Depositions shall be taken before any judge of any court of the United States, or any United States commissioner, or any clerk of a district court, or any chancellor, justice or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court, or court of common pleas of any of the United States, or any notary public, not being of counsel or attorney to any party, nor interested in the event of the proceeding.

(b) *Record of examination; oath; objections.* The officer before whom the deposition is to be taken shall administer an oath or affirmation to the witness and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed, unless the parties agree otherwise. Any objection made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to such objection. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.

§ 1.823 *Submission to witness; changes; signing.* When the testimony is fully transcribed the deposition of each witness shall be submitted to him for examination and shall be read to or by him. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless upon a motion to suppress the Commission holds that the reason given for the refusal to sign requires rejection of the deposition in whole or in part.

§ 1.824 *Certification and filing by officer; copies.* The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and that said officer is not of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly send the original and two copies thereof together with the original and two copies of all exhibits by registered mail to the Secretary of the Commission.

§ 1.825 *Inclusion in the record; objections.* (a) No deposition shall constitute a part of the record in any proceeding until received in evidence at a hearing. Except as provided in paragraphs (b) and (c) of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence, if the witness were then present and testifying.

(b) Objections to the competency of a witness, or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(c) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath, or affirmation, or in the conduct of parties and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless seasonable objection thereto is made at the taking of the deposition.

§ 1.826 *Inclusion in record.* The deposition of a person with a substantial interest in or holding a position of responsibility with a party to the proceeding will not be admitted in evidence unless it is shown that the witness is dead or seriously ill, or that such exceptional circumstances exist, or that the testimony proferred is of such character that in the interest of justice and with due regard to the importance of presenting the testimony of the witnesses orally, the deposition should be admitted.

SUBPENAS

§ 1.831 *Who may sign and issue.* Subpenas requiring the attendance and testimony of witnesses, and subpenas requiring the production of any books, papers, schedules of charges, contracts, agreements, and documents relating to any matter under investigation or hearing may be signed and issued as follows:

(a) Hearings before the Commission en banc or before a Committee of Commissioners: By a Commissioner;

(b) Hearings before a presiding officer: By a Commissioner or by the presiding officer.

§ 1.832 *Requests; verification and content.* A subpena, other than one directed by the Commission on its own initiative, will be issued only upon request in writing, unless such request is made on the record while a hearing is in progress, in which case such request on the record may be accepted in lieu of written request. Any request for a subpena shall be supported by a showing of the general relevance and materiality of the evidence sought. A request for a subpena to compel a witness to produce documentary evidence shall be in writing, duly subscribed and verified, and shall specify with particularity the books, papers, and documents desired and the facts expected to be proved thereby. Such requests need not be served upon other parties to the hearing. Prompt notice, including a brief statement of the reasons therefor, will be given of the denial, in whole or in part, of a request for a subpena.

§ 1.833 *Witness fees.* Witnesses who are subpenaed and respond thereto are entitled to the same fees including mileage as are paid for like service in the courts of the United States. The party at whose instance the testimony is taken shall pay such fees at the time the subpena is served.

§ 1.834 *Service of subpenas; return.* (a) A subpena may be served by a United States marshal or his deputy or by any other person who is not a party and is not less than 18 years of age. Service of a subpena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees for one day's attendance and the mileage allowed by law. If the subpena is issued on behalf of the United States or an officer or agency thereof fees and mileage need not be tendered.

(b) If service of the subpena is made by a person other than a United States marshal or his deputy, such person shall make affidavit thereof, stating the date, time, and manner of service; and return such affidavit on, or with, the original subpena in accordance with the form thereon. In case of failure to make service the reasons for the failure shall be stated on the original subpena. In making service, the original subpena shall be exhibited to the person served, shall be read to him if he is unable to read, and a copy thereof shall be left with him. The original subpena, bearing or accompanied by the required return, affidavit, or statement, shall be returned forthwith to the Secretary of the Commission, or, if so directed on the subpena, to the official before whom the person named in the subpena is required to appear,

HEARINGS AND DECISIONS

§ 1.840 *Applicability.* Sections 1.843, 1.851 and 1.858 shall apply only to (a) cases which have been designated for hearing on or after December 11, 1946; (b) cases which were designated for hearing prior to December 11, 1946, and which after the record was closed were designated for further hearing on and after December 11, 1946, before a Commissioner or a Hearing Examiner appointed pursuant to the Administrative Procedure Act; and (c) cases designated for a hearing prior to December 11, 1946, if consolidated with a case designated for hearing on or after said date.

§ 1.841 *Exchange of exhibits and information; commencement of hearing procedure in cases involving broadcast applications for authority to construct broadcast facilities.* (a) Each applicant in a hearing upon broadcast applications for authority to construct broadcast facilities shall provide all parties to the hearing with a full set of exhibits to be offered in the hearing as the direct case of the said applicant. Such exchange of exhibits shall be made in accordance with such agreements and rulings as may result from the pre-hearing conference held pursuant to § 1.813, and unless otherwise directed by the Examiner, shall take place at least twenty days in advance of the date for commencement of the hearing. The exhibits required to be exchanged by this paragraph shall comprise the full direct case of the applicant, i. e., all data desired to be submitted by the applicant in connection with his qualifications and proposals.

(b) Oral testimony by an applicant or his witnesses in connection with his direct case will be limited to (1) such appropriate qualification and explanation as may be necessary of the applicant's exhibits and (2) testimony concerning any portion of the applicant's affirmative case in substitution of exhibits or portions thereof which are rejected by the Examiner on grounds of competency or form rather than for reasons of lack of materiality or relevance. Such substituted oral testimony, however, is to be limited to the scope of the rejected exhibit or portions thereof: *Provided, however,* That the provision of this paragraph shall not be construed to preclude or limit normal cross-examination, rebuttal testimony, or the submission of appropriate exhibits in connection therewith.

(c) Except for good cause found in advance by the presiding officer, in all broadcast hearings involving applications for authority to construct broadcast facilities, there shall be held prior to the exchange of exhibits pursuant to this section a pre-hearing conference,[a] in accordance with § 1.813, and a further conference following such exchange of exhibits. Unless otherwise ordered by the Examiner such further conference shall be held at least ten days prior to the date for the commencement of the hearing looking toward agreement on all matters relating to the conduct of the hearing and not already the subject of agreement. At this conference the Examiner and the parties, including Commission counsel, should be prepared to discuss (1) the possibility of agreements disposing of any evidentiary issues raised with respect to the exhibits previously exchanged between the parties; (2) the limitation on cumulative evidence; (3) number of witnesses and estimated length of testimony; (4) need for the use of depositions; and (5) any other matters which may aid the disposition of the hearing.

(d) The Hearing Examiner shall endeavor to issue an order at least five days prior to the date for commencement of hearing which recites the action taken at the further conference; the date for the hearing on the applicants' affirmative cases which, in the absence of special circumstances warranting greater delay, shall not be later than the date for commencement of the hearing specified by the Commission; agreements reached at the conference and any other matters relating to the subsequent course of the hearing. The orders issued by the Examiner as provided for herein shall control the course of the hearing unless modified by the Hearing Examiner for cause during the course of the hearing or by the Commission upon a review of the Hearing Examiner's ruling.

(e) Unless otherwise provided by agreement pursuant to § 1.813 (b), or by order of the Examiner in the light of the circumstances of a particular case, any party to a proceeding involving application for authority to construct broadcast facilities shall be entitled, upon written request therefor, to receive from any other party to the proceeding such detailed information relevant to the proposals of such other party as may reasonably and timely be requested, including information respecting the cost of station construction and operation, and including any material falling within the categories hereinafter specified:

(1) Background and experience.

(2) Integration of ownership and management.

(3) Past operation of broadcast stations.

(4) Programs.

(5) Studies and surveys.

(6) Studio, transmitter, and auxiliary broadcast equipment.

(7) Studio, office, and transmitter building facilities.

(8) Management and staffing plans.

[a] Such conferences involving applications for broadcast stations in comparative hearings may include matters such as: (1) Narrowing the issues or the areas of inquiry and proof at the hearing; (2) admissions of fact and of documents which will avoid unnecessary proof; (3) reports and letters relating to surveys or contacts; (4) assumptions regarding the availability of equipment; (5) network programming; (6) assumptions regarding the availability of networks proposed; (7) offers of letters in general; (8) the method of handling evidence relating to the past cooperation of existing stations owned and/or operated by the applicants with organizations in the area; (9) proof of contracts, agreements, or understandings reduced to writing; (10) stipulations; (11) need for depositions; (12) the numbering of exhibits; (13) the order of offer of proof with relationship to docket number; and (14) such other matters as will be conducive to an expeditious conduct of the hearing.

§ 1.842 *Order of procedure.* At hearings on a formal complaint or petition, or in a proceeding for any instrument of authorization which the Commission is empowered to issue, the complainant, petitioner, or applicant, as the case may be, shall open and close. At hearings on revocation or modification of a station license under section 312 of the act, on suspension of an operator's license under section 303 of the act, or other like proceedings instituted by the Commission, the Commission shall open and close. At all hearings under Title II of the act, other than hearings on formal complaints, petitions or applications, the respondent shall open and close unless otherwise specified by the Commission. In all other cases, the Commission or presiding officer shall designate the order of presentation. Intervenors shall follow the party in whose behalf intervention is made, and in all cases where the intervention is not in support of an original party, the Commission, or presiding officer, shall designate at what stage such intervenors shall be heard.

§ 1.843 *Designation of presiding officers.* (a) There shall be designated to preside at hearings one or more Commissioners, or a Hearing Examiner appointed pursuant to section 11 of the Administrative Procedure Act.

(b) So far as practicable, Hearing Examiners designated as presiding officers shall be assigned to cases in rotation, due consideration being given to the following factors: (1) The grade classification of the Hearing Examiner, (2) the nature of the case to be heard, (3) the specialized experience of the Hearing Examiner, and (4) the extent of the Hearing Examiner's workload.

(c) Unless the Commission determines that due and timely execution of its functions requires otherwise, presiding officers shall be so designated, and notice thereof made public, at least 10 days prior to the date set for hearing. In the event that a presiding officer deems himself disqualified and desires to withdraw from the case he shall notify the Commission of his withdrawal at least 7 days prior to the date set for hearing. Any party or the General Counsel of the Commission may request the presiding officer to withdraw on the grounds of personal bias or other disqualification. The person seeking disqualification shall file with the presiding officer an affidavit setting forth in detail the facts alleged to constitute grounds for disqualification, and the presiding officer may file a response thereto. Such affidavit shall be filed not later than 5 days before the commencement of the hearing, unless for good cause shown, additional time is necessary; but in no event later than the close of the first day of the hearing. If the presiding officer believes himself not disqualified he shall so rule and proceed with the hearing. If the person seeking disqualification excepts to the ruling, he shall so state at the time the ruling is made, and the presiding officer shall certify the question together with the affidavit and any response filed in connection therewith, to the Commission. The Commission may rule on the question without hearing or it may require testi-

mony or argument on the issues raised. The affidavit, response, testimony and decision thereon shall be part of the record in the case. Unless objection is made and exception is taken as required by this section, the right to request withdrawal of the presiding officer shall be deemed waived.

(d) If a presiding officer becomes unavailable to the Commission before the taking of testimony has been concluded, another presiding officer will be designated by order as provided in paragraph (a) of this section. If a presiding officer becomes unavailable to the Commission after the taking of testimony has been concluded, the record shall be certified by the Secretary to the Commission.

§ 1.844 *Authority of presiding officers.* Presiding officers, with respect to cases assigned to them, from the date of their designations until the submission of their decisions or the transfer of the cases to the Commission, and in addition to and in accordance with the authority elsewhere specified in the rules in this part, shall have authority to:

(a) Administer oaths and affirmations,

(b) Examine witnesses,

(c) Rule upon questions of evidence,

(d) Take or cause depositions to be taken,

(e) Regulate the course of the hearing, maintain discipline and decorum and exclude from the hearing any person found in contemptuous conduct,

(f) Require the filing of memoranda of law, and the presentation of oral argument with respect to any question of law upon which he is required to rule during the course of the hearing,

(g) Issue subpenas authorized by law,

(h) Hold conferences for the settlement or simplification of the issues by consent of the parties,

(i) Dispose of procedural requests or similar matters,

(j) Make decisions or recommended decisions in conformity with the Administrative Procedure Act.

§ 1.845 *Hearing before more than one person.* If more than one person is designated to preside at a hearing, the terms "presiding officer", "Commissioner designated to preside" or "Hearing Examiner" shall apply to all such persons, and authority to act shall be vested in a majority thereof, except as otherwise provided by order of the Commission.

§ 1.846 *Closing of the hearing.* The record of hearing shall be closed by an announcement to that effect, at the hearing, by the presiding officer when the taking of testimony has been concluded. In the discretion of the presiding officer, the record may be closed as of a future specified date in order to permit the admission into the record of exhibits to be prepared: *Provided,* The parties to the proceeding stipulate on the record that they waive the opportunity to cross-examine or present evidence with respect to such exhibits. The record in any hearing which has been adjourned may not be closed by such officer prior to the adjourned date except upon 10 days' notice to all parties to the proceeding and to the General Counsel of the Commission.

§ 1.847 *Certification of transcript.* After the close of the hearing the complete transcript of testimony, together with all exhibits, shall be certified as to identity by the presiding officer and filed in the office of the Secretary of the Commission. Notice of such certification shall be served on all parties to the proceedings.

§ 1.848 *Corrections to transcripts.* Within ten days after the date of notice of certification of the transcript, any party to the proceeding or the General Counsel may file with the presiding officer a motion requesting the correction of the transcript, which motion shall be accompanied by proof of service thereof upon all other parties to the proceedings. Within five days, other parties and the General Counsel may file a pleading in support of or in opposition to such motion. Thereafter, the presiding officer shall, by order, specify the corrections to be made in the transcript, and a copy of the order shall be served upon all parties and made a part of the record. The presiding officer, on his initiative, may specify corrections to be made in the transcript on 5 days' notice.

§ 1.849 *Proposed findings and conclusions.* (a) Each party to the proceeding and the General Counsel of the Commission may file proposed findings of fact and conclusions, briefs or memoranda of law: *Provided, however,* That the presiding officer may direct the filing of proposed findings of fact and conclusions, briefs or memoranda of law. Such proposed findings of fact, conclusions, briefs, and memoranda of law shall be filed within 20 days after the record is closed, unless additional time is allowed.

(b) All pleadings and other papers filed pursuant to this section shall be accompanied by proof of service thereof upon all the other counsel.

(c) In the absence of a showing of good cause therefor, the failure to file proposed findings of fact, conclusions, briefs, or memoranda of law, when directed to do so, may be deemed a waiver of the right to participate further in the proceeding.

§ 1.850 *Contents of findings of fact and conclusions.* Proposed findings of fact shall be set forth in serially numbered paragraphs and shall set out in detail and with particularity all basic evidentiary facts developed on the record (with appropriate citations to the transcript of record or exhibit relied on for each evidentiary fact) supporting the conclusions proposed by the party filing same. Proposed conclusions shall be separately stated. Proposed findings of fact and conclusions submitted by a person other than an applicant may be limited to those issues in connection with the hearing which affect the interests of such person.

§ 1.851 *Initial and recommended decisions.* (a) Except as provided in paragraph (b) of this section, the presiding officer shall prepare an "Initial Decision" which shall be transmitted to the Secretary of the Commission who shall make it public immediately and file it in the docket of the case.

(b) In the order designating the presiding officer, or by subsequent order, the Commission may direct that the record in any case be certified to it for initial decision. If a case is certified to the Commission for initial decision, the presiding officer shall first prepare a recommended decision which shall be transmitted to the Secretary and which shall be made public at the time of the issuance of the Commission's initial decision, except that if the case involves rule making or the determination of an application for an initial license, no recommended decision shall be prepared unless it is otherwise ordered by the Commission. If a presiding officer is not required to prepare an initial or a recommended decision, he shall, upon the completion of the testimony, transmit the record of the case to the Secretary.

(c) Each initial and recommended decision shall contain findings of fact and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record; each initial decision shall also contain the appropriate rule or order, and the sanction, relief or denial thereof; and each recommended decision shall contain recommendations as to what disposition of the case should be made by the Commission. Each initial decision will show the date upon which it will become effective in accordance with the rules in this part in the absence of exceptions, appeal or review.

(d) The authority of the presiding officer over the proceedings shall cease when he has filed his initial or recommended decision, or, if it is a case in which he is to file no decision, when he has certified the case to the Commission for decision.

§ 1.852 *Waiver of initial or recommended decision.* At the conclusion of the hearing or within 20 days thereafter, all the parties to the proceeding and the General Counsel may agree to waive an initial or recommended decision, and may request that the Commission issue a final decision or order in the case. The Commission may, in its discretion, grant the request, in whole or in part, if such action will best conduce to the proper dispatch of business and to the ends of justice.

§ 1.853 *Appeal and review of initial decision.* (a) Within 20 days after the date on which public announcement of an initial decision is made, any of the parties or the General Counsel of the Commission may appeal to the Commission by filing exceptions to the initial decision and such decision shall not become effective and shall then be reviewed by the Commission, whether or not such exceptions may thereafter be withdrawn. The time for filing such exceptions may be extended for good cause shown.

(b) The Commission may on its initiative provide, by order adopted within 20 days after the time for filing exceptions expires, that an initial decision shall not become final, and that it shall be further reviewed or considered by the Commission.

(c) In any case in which an initial decision is subject to further review in accordance with paragraphs (a) or (b) of this section, the Commission may take any one or more of the following actions:

(1) Schedule the proceedings for oral argument;

(2) Require the filing of briefs;

(3) Prior to or after oral argument or the filing of briefs, reopen the record and remand the proceedings to the presiding officer to take further testimony or evidence;

(4) Prior to or after oral argument or the filing of briefs remand the proceedings to the presiding officer to make further findings or conclusions; and

(5) Prior to or after oral argument or the filing of briefs, issue a supplemental initial decision.

(d) No initial decision shall become effective before 40 days after public announcement thereof is made unless otherwise ordered by the Commission. The timely filing of exceptions or the further review or consideration of an initial decision on the Commission's initiative shall stay the effectiveness thereof until the Commission's review thereof has been completed. If the effective date of an initial decision falls within any further time allowed for the filing of exceptions it shall be postponed automatically until 20 days after time for filing exceptions has expired.

(e) If no exceptions are filed, and the Commission has not ordered the review of an initial decision on its initiative, the initial decision shall become effective, an appropriate notation to that effect shall be entered in the docket of the case and public notice thereof shall be given by the Commission. The provisions of § 1.726 (c) shall not be applicable with respect to this paragraph.

(f) When any party fails to file exceptions within the specified time to an initial decision which proposes to deny its application, such party shall be deemed to have no interest in further prosecution of its application, and its application may be dismissed with prejudice for failure to prosecute.

§ 1.854 *Exceptions; oral arguments.* (a) Each exception to an initial decision or to any part of the record or proceeding in any case, including rules upon motions or objections, shall point out with particularity alleged errors in the decision or ruling and shall contain specific references to the page or pages of the transcript of hearing, exhibit or order on which the exception is based. Any objection not saved by exception, filed pursuant to this section, is waived. The exceptions should be concise and they will not be accepted if they contain argumentative matters or discussions of law. Excerpts of testimony, as may be desired, must not be contained in the exceptions but they may be set forth in an appendix to a brief or memorandum of law filed in accordance with paragraph (c) of this section.

(b) Within the period of time allowed herein for the filing of exceptions any party or the General Counsel of the Commission, may file a statement in support of an initial decision in whole or in part, which shall be similar in form to a statement of exceptions.

(c) Exceptions or supporting statements may be accompanied by a separate brief or memorandum of law in support thereof, and may contain a request for oral argument before the Commission. Except by special permission such brief or memorandum of law will not be accepted if they exceed 50 double spaced typewritten pages in length. After the filing of exceptions to a decision, any other party or the Bureau Counsel, or the General Counsel of the Commission, as the case may be, may file a reply brief for which the same limitation in length applies and a request for oral argument, (1) within 10 days after expiration of the time for filing exceptions, or (2) within 10 days after all parties have filed exceptions whichever period expires earliest. A request by an exceptor for oral argument shall be made within the time allowed for filing exceptions except, if such request has not been so made and a reply brief is filed, an exceptor may request such argument within five days after the filing of the reply brief. If no request for oral argument is filed within the time allowed herein, the parties will be deemed to have waived the right to oral argument.

(d) Within 10 days after any party or the Bureau Counsel or the General Counsel, as the case may be, has filed a request for oral argument, notice of intention to appear and participate therein shall be filed by the other parties and the Bureau Counsel or General Counsel. If the Commission on its initiative designates an initial decision for oral argument, all parties who wish to participate, including the Bureau Counsel or the General Counsel shall, within 5 days thereafter, file written notice of intention to appear and participate in oral argument. Failure to file the written notice shall constitute a waiver of the right to participate in oral argument. The notice of hearing will contain the allotment of time for oral argument before the Commission for each party. The Commission will grant, in its discretion, upon good cause shown, an extension of such time upon petition by a party, which petition must be filed within 5 days after issuance of said notice of hearing.

(e) Within ten days after a transcript of oral argument has been filed in the office of the Secretary of the Commission, any party who participated in the oral argument, and the General Counsel, may file with the Commission a motion requesting correction of the transcript, which motion shall be accompanied by proof of service thereof upon all other parties who participated in the oral argument. Within five days other parties, and the General Counsel, may file a pleading in support of or in opposition to such motion. Thereafter, the Commissioner who presided at the oral argument shall, by order, specify the corrections to be made in the transcript, and a copy of the order shall be served upon all parties to the proceeding. The Commissioner who presided at the oral argument, on his own initiative, may specify corrections to be made in the transcript on five days' notice.

§ 1.855 *Limitation of matters to be reviewed.* Upon review of any initial decision, the Commission may, in its discretion, limit the issues to be reviewed to those findings and conclusions to which exceptions have been filed, or to those findings and conclusions specified in the Commission's order of review issued pursuant to § 1.853 (b).

§ 1.856 *Number of copies.* Fifteen copies of proposed findings of fact and conclusions, exceptions, supporting statements or briefs shall be filed.

§ 1.857 *Final decision of the Commission.* After opportunity has been afforded for the filing of proposed findings of fact and conclusions, exceptions, supporting statements, briefs and for the holding of oral argument as provided in the rules in this part, the Commission will issue a final decision in each case in which an initial decision has not otherwise become final. The final decision shall contain findings of fact and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record; shall contain a ruling on each relevant and material exception filed and the appropriate rule or order and the sanction, relief or denial thereof.

§ 1.858 *Separation of functions.* (a) No hearing examiner shall consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate; nor shall such officer be responsible to or subject to the supervision or direction of any officer, employee or agent engaged in the performance of investigative or prosecuting functions for the Commission.

(b) Except as provided by section 5 of the Administrative Procedure Act, no officer, employee or agent engaged in the performance of investigative or prosecuting functions for the Commission in any case shall, in that or a factually related case, participate or advise in the decision, recommended decision or Commission review of any decision, except as a witness or counsel in public proceedings.

§ 1.859 *The record.* The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, shall constitute the exclusive record for decision.

EVIDENCE

§ 1.871 *Rules of evidence.* Except as otherwise provided in this subpart, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal hearings. Such rules may be relaxed if the ends of justice will be better served by so doing.

§ 1.872 *Cumulative evidence.* The introduction of cumulative evidence shall be avoided, and the number of witnesses that may be heard in behalf of a party on any issue may be limited.

§ 1.873 *Further evidence during hearing.* At any stage of a hearing, the presiding officer may call for further evidence upon any issue and may require such evidence to be submitted by any party to the proceeding.

§ 1.874 *Documents containing matter not material.* If material and relevant matter offered in evidence is embraced

in a document containing other matter not material or relevant, and not intended to be put in evidence, such document will not be received, but the party offering the same shall present to other counsel, and to the presiding officer, the original document, together with true copies of such material and relevant matter taken therefrom, as it is desired to introduce. Upon presentation of such matter in proper form, it may be received in evidence, and become a part of the record. Other counsel will be afforded an opportunity to introduce in evidence, in like manner, other portions of such document if found to be material and relevant.

§ 1.875 *Documents in foreign language.* Every document, exhibit, or other paper written in a language other than English, which shall be filed in any proceeding, or in response to any order, shall be filed in the language in which it is written together with an English translation thereof duly verified under oath to be a true translation. Each copy of every such document, exhibit, or other paper filed, shall be accompanied by a separate copy of the translation.

§ 1.876 *Copies of exhibits.* No document or exhibit, or part thereof shall be received as, or admitted in, evidence unless offered in duplicate. In addition, when exhibits of a documentary character are to be offered in evidence, copies shall be furnished to other counsel unless the presiding officer otherwise directs.

§ 1.877 *Mechanical reproductions as evidence.* Unless offered for the sole purpose of attempting to prove or demonstrate sound effect, mechanical or physical reproductions of sound waves shall not be admitted in evidence. Any party desiring to offer any matter alleged to be contained therein or thereupon shall have such matter typewritten on paper of the size prescribed by the rules of the Commission, and the same shall be identified and offered in duplicate in the same manner as other exhibits.

§ 1.878 *Tariffs as evidence.* In case any matter contained in a tariff schedule on file with the Commission is offered in evidence, such tariff schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity (tariff and page number) in such manner as to be readily identified, and may be received in evidence by reference subject to check with the original tariff schedules on file.

§ 1.879 *Proof of official record; authentication of copy.* An official record, or entry therein when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or by his deputy, and accompanied with a certificate that such officer has the custody. If the office in which the record is kept is within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by the judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of his office.

§ 1.880 *Proof of lack of record.* The absence of an official record or entry of a specified tenor in an official record may be evidenced by a written statement signed by an officer, or by his deputy, who would have custody of the official record, if it existed, that after diligent search no record or entry of a specified tenor is found to exist in the records of his office accompanied by a certificate as provided in §1.879. Such statement and certificate are admissible as evidence that the records of his office contain no such record or entry.

§ 1.881 *Other proof of official record.* Sections 1.879 and 1.880 do not prevent the proof of official records or of entry or lack of entry therein by any method authorized by any applicable statute or by the rules of evidence at common law.

REHEARINGS

§ 1.891 *Cross reference.* Special rules relating to petition for reconsideration or rehearing concerning matters arising under Title III of the Communications Act are set forth in §§ 1.386 and 1.390.

§ 1.892 *Who may file.* A petition for rehearing may be filed by any party to the hearing. Any person not a party to the hearing desiring to file a petition for rehearing shall state his interest in the proceeding and show good reason why it was not possible for him to participate in the hearing.

§ 1.893 *Contents; relief requested.* (a) Petitions for rehearing shall state with particularity in what respect the decision, order, or requirement or any matter determined therein is claimed to be unjust, unwarranted, or erroneous, and with respect to any finding of fact shall specify the pages of record relied on. If the existence of newly discovered evidence is claimed, the petition shall be accompanied by a verified statement of the facts, together with the facts relied on to show that the petitioner, with due diligence, could not have known or discovered such facts at the time of the hearing.

(b) The petition for rehearing may request (1) reconsideration, either in cases decided after hearing or in cases of application granted without hearing under Title III of the act; (2) oral argument; (3) reopening of the proceeding; (4) amendment of any findings, or (5) other relief. Such petition shall be specific as to the form of relief sought and, subject to this requirement, may contain alternative requests.

§ 1.894 *Time for filing.* Petitions for rehearing shall be filed within 30 days after public notice is given of the order or action complained of.

§ 1.895 *Opposition.* An opposition to any petition for rehearing may be filed within 10 days after the filing of such petition.

§ 1.896 *Special calendar when granted.* In case any petition for rehearing is granted, whether the taking of additional testimony is ordered or otherwise, the case shall be placed upon a special calendar and consideration of the same shall be expedited.

APPENDIX 1—APPLICATIONS UNDER THE CABLE LANDING LICENSES ACT[1] AND EXECUTIVE ORDER NO. 10530

APPLICATIONS UNDER "AN ACT RELATING TO THE LANDING AND OPERATION OF SUBMARINE CABLES IN THE UNITED STATES"

These applications should be filed in duplicate with the Secretary of the Federal Communications Commission in accordance with the provisions of Executive Order No. 10530, dated May 10, 1954, and should contain the name and address of the applicant, the corporate structure and citizenship of officers if a corporation; description of submarine cable, including type and number of channels and capacity thereof; location of points on shore of United States and points in foreign countries where cable will land (including map); proposed use, need and desirability of the cable; and any other information as may be necessary to enable the Commission to act thereon. Each application or amendment thereto shall be personally subscribed and verified (or affirmed according to law): (1) By the party filing such application or amendment, or by one of the parties, if there be more than one; (2) by an officer of the party filing the application or amendment if the party be a corporation: *Provided, however,* That subscription and verification may be made by the attorney for the party (1) in case of physical disability of the party, or (2) his absence from the continental United States. If it be made by a person other than the party, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the party. Only the original copy need be signed and verified; the copy may be conformed.

These applications are acted upon by the Federal Communications Commission after obtaining the approval of the Secretary of State and such assistance from any executive department or establishment of the Government as it may require. These applications are processed initially by the International Division of the Common Carrier Bureau, which makes a recommendation thereon to the Commission.

Original files relating to submarine cable landing licenses and applications for licenses since June 30, 1934, are kept by the Federal Communications Commission. Such applications for licenses (including all documents and exhibits filed with and made a part thereof, with the exception of any maps showing the exact location of the submarine cable or cables to be licensed) and the licenses issued pursuant thereto, with the exception of such maps, shall, unless otherwise ordered by the Commission, be open to public inspection in the offices of the Commission in Washington, D. C.

Original files relating to licenses and applications for licenses for the landing operation of cables prior to June 30, 1934, were kept by the Department of State and such files prior to 1930 have been transferred to the Executive and Foreign Affairs Branch of the General Records Office of the National Archives. Requests for inspection of these files should, however, be addressed to the Federal Communications Commission, Washington 25, D. C.; and the Commission will obtain such files for a temporary period in order to permit inspection at the offices of the Commission.

[1] May 27, 1921, c. 12, 42 Stat. 8 and 9 (47 U. S. C. 34–39).

APPENDIX 2—A PLAN OF COOPERATIVE PROCEDURE IN MATTERS AND CASES UNDER THE PROVISIONS OF SECTION 410 OF THE COMMUNICATIONS ACT OF 1934

(Approved by the Federal Communications Commission October 25, 1938, and approved by the National Association of Railroad and Utilities Commissioners on November 17, 1938.)

PRELIMINARY STATEMENT CONCERNING THE PURPOSE AND EFFECT OF THE PLAN

Section 410 of the Communications Act of 1934 authorizes cooperation between the Federal Communications Commission, hereinafter called the Federal Commission, and the State commissions of the several States, in the administration of said act. Subsection (a) authorizes the reference of any matter arising in the administration of said act to a board to be composed of a member or members from each of the States in which the wire, or radio communication affected by or involved in the proceeding takes place, or is proposed. Subsection (b) authorizes conferences by the Federal Commission with State commissions regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations of carriers subject to the jurisdiction of such State commissions and of said Federal Commission and joint hearings with State commissions in connection with any matter with respect to which the Federal Commission is authorized to act.

Obviously, it is impossible to determine in advance what matters should be the subject of a conference, what matters should be referred to a board, and what matters should be heard at a joint hearing of State commissions and the Federal Commission. It is understood, therefore, that the Federal Commission or any State commission will freely suggest cooperation with respect to any proceedings or matter affecting any carrier subject to the jurisdiction of said Federal Commission and of a State commission, and concerning which it is believed that cooperation will be in the public interest.

To enable this to be done, whenever a proceeding shall be instituted before any commission, Federal or State, in which another commission is believed to be interested, notice should be promptly given each such interested commission by the commission before which the proceeding has been instituted. Inasmuch, however, as failure to give notice as contemplated by the provisions of this plan will sometimes occur purely through inadvertence, any such failure should not operate to deter any commission from suggesting that any such proceeding be made the subject matter of cooperative action, if cooperation therein is deemed desirable.

It is understood that each commission, whether or not represented in the National Association of Railroad and Utilities Commissioners, must determine its own course of action with respect to any proceeding in the light of the law under which, at any given time, it is called upon to act, and must be guided by its own views of public policy; and that no action taken by such Association can in any respect prejudice such freedom of action. The approval by the Association of this plan of cooperative procedure, which was jointly prepared by the Association's standing Committee on Cooperation between Federal and State commissions and said Federal Commission, is accordingly recommendatory only; but such plan is designed to be, and it is believed that it will be, a helpful step in the promotion of cooperative relations between the State commissions and said Federal Commission.

NOTICE OF INSTITUTION OF PROCEEDING

Whenever there shall be instituted before the Federal Commission any proceeding involving the rates of any telephone or telegraph carrier, the State commissions of the States affected thereby will be notified immediately thereof by the Federal Commission, and each notice given a State commission will advise such commission that, if it deems the proceeding one which should be considered under the cooperative provisions of the act, it should either directly or through the National Association of Railroad and Utilities Commissioners, notify the Federal Commission as to the nature of its interest in said matter and request a conference, the creation of a joint board, or a joint hearing as may be desired, indicating its preference and the reasons therefor. Upon receipt of such request the Federal Commission will consider the same and may confer with the commission, making the request and with other interested commissions, or with representatives of the National Association of Railroad and Utilities Commissioners, in such manner as may be most suitable; and if cooperation shall appear to be practicable and desirable, shall so advise each interested State commission, directly, when such cooperation will be by joint conference or by reference to a joint board appointed under said section 410 (a), and, as hereinafter provided, when such cooperation will be by a joint hearing under said section 410 (b).

Each State commission should in like manner notify the Federal Commission of any proceeding instituted before it involving the toll telephone rates or the telegraph rates of any carrier subject to the jurisdiction of the Federal Commission.

PROCEDURE GOVERNING JOINT CONFERENCES

The Federal Commission, in accordance with the indicated procedure, will confer with any State commission regarding any matter relating to the regulation of public utilities subject to the jurisdiction of either commission. The commission desiring a conference upon any such matter should notify the other without delay, and thereupon the Federal Commission will promptly arrange for a conference in which all interested State commissions will be invited to be present.

PROCEDURE GOVERNING MATTERS REFERRED TO A BOARD

Whenever the Federal Commission, either upon its own motion or upon the suggestion of a State commission, or at the request of any interested party, shall determine that it is desirable to refer a matter arising in the administration of the Communications Act of 1934 to a board to be composed of a member or members from the State or States affected or to be affected by such matter, the procedure shall be as follows:

The Federal Commission will send a request to each interested State commission to nominate a specified number of members to serve on such board.

The representation of each State concerned shall be equal, unless one or more of the States affected chooses to waive such right of equal representation. When the member or members of any board have been nominated and appointed, in accordance with the provisions of the Communications Act of 1934, the Federal Commission will make an order referring the particular matter to such board, and such order shall fix the time and place of hearing, define the force and effect the action of the board shall have, and the manner in which its proceedings shall be conducted. The rules of practice and procedure, as from time to time adopted or prescribed by the Federal Commission, shall govern such board, as far as applicable.

PROCEDURE GOVERNING JOINT HEARINGS

Whenever the Federal Commission, either upon its own motion or upon suggestions made by or on behalf of any interested State commission or commissions, shall determine that a joint hearing under said section 410 (b) is desirable in connection with any matter pending before said Federal Commission, the procedure shall be as follows:

(a) The Federal Commission will notify the general solicitor of the National Association of Railroad and Utilities Commissioners that said Association, or, if not more than eight States are within the territory affected by the proceeding, the State commissions interested, are invited to name Cooperating Commissioners to sit with the Federal Commission for the hearing and consideration of said proceeding.

(b) Upon receipt of any notice from said Federal Commission inviting cooperation, if not more than eight States are involved, the general solicitor shall at once advise the State commissions of said States, they being represented in the membership of the association, of the receipt of such notice, and shall request each such commission to give advice to him in writing, before a date to be indicated by him in his communication requesting such advice (1) whether such commission will cooperate in said proceeding, (2) if it will, by what commissioner it will be represented therein.

(c) Upon the basis of replies received, the general solicitor shall advise the Federal Commission what States, if any, are desirous of making the proceeding cooperative and by what commissioners they will be represented, and he shall give like advice to each State commission interested therein.

(d) If more than eight States are interested in the proceeding, because within territory for which rates will be under consideration therein, the general solicitor shall advise the president of the association that the association is invited to name a cooperating committee of State commissioners representing the States interested in said proceeding.

The president of the association shall thereupon advise the general solicitor in writing (1) whether the invitation is accepted on behalf of the association, and (2) the names of commissioners selected to sit as a cooperating committee. The president of the association shall have authority to accept or to decline said invitation for the association, and to determine the number of commissioners who shall be named on the cooperating committee, provided that his action shall be concurred in by the chairman of the association's executive committee. In the event of any failure of the president of the association and chairman of its executive committee to agree, the second vice president of the association (or the chairman of its committee on cooperation between State and Federal commissions, if there shall be no second vice president) shall be consulted, and the majority opinion of the three shall prevail. Consultations and expressions of opinion may be by mail or telegraph.

(e) If any proceeding, involving more than eight States, is pending before the Federal Commission, in which cooperation has not been invited by that Commission, which the association's president and the first and second vice presidents, or any two of them, consider should be made a cooperating proceeding, they may instruct the general solicitor to suggest to the Federal Commission that the proceeding be made a cooperative proceeding; and any State commission considering that said proceeding should be made cooperative may request the president of the association or the chairman of its executive committee to make such suggestion after consideration with the executive officers above named. If said Federal Commission shall assent to the suggestion, made as aforesaid, the president of the association shall have the same authority to proceed, and shall

proceed in the appointment of a cooperating committee, as is provided in other cases involving more than eight States, wherein the Federal Commission has invited cooperation, and the invitation has been accepted.

(f) Whenever any case is pending before the Federal Commission involving eight States or less, which a commission of any of said States considers should be made cooperative, such commission, either directly or through the general solicitor of the association, may suggest to the Federal Commission that the proceeding be made cooperative. If said Federal Commission accedes to such suggestion, it will notify the general solicitor of the association to that effect and thereupon the general solicitor shall proceed as is provided in such case when the invitation has been made by the Federal Commission without State commission suggestion.

APPOINTMENT OF COOPERATING COMMISSIONERS BY THE PRESIDENT

In the appointment of any cooperating committee, the president of the association shall make appointments only from commissions of the States interested in the particular proceeding in which the committee is to serve. He shall exercise his best judgment to select cooperating commissioners who are especially qualified to serve upon cooperating committees by reason of their ability and fitness; and in no case shall he appoint a commissioner upon a cooperating committee until he shall have been advised by such commissioner that it will be practicable for him to attend the hearings in the proceeding in which the committee is to serve, including the arguments therein, and the cooperative conferences, which may be held following the submission of the proceeding, to an extent that will reasonably enable him to be informed upon the issues in the proceeding and to form a reasonable judgment in the matters to be determined.

TENURE OF COOPERATORS

(a) No State commissioner shall sit in a cooperative proceeding under this plan except a commissioner who has been selected by his commission to represent it in a proceeding involving eight States or less, or has been selected by the president of the association to sit in a case involving more than eight States, in the manner hereinbefore provided.

(b) A commissioner who has been selected, as hereinbefore provided, to serve as a member of a cooperating committee in any proceeding, shall without further appointment, and without regard to the duration of time involved, continue to serve in said proceeding until the final disposition thereof, including hearings and conferences after any order or reopening, provided that he shall continue to be a State commissioner.

(c) No member of a cooperating committee shall have any right or authority to designate another commissioner to serve in his place at any hearing or conference in any proceeding in which he has been appointed to serve.

(d) Should a vacancy occur upon any cooperating committee, in a proceeding involving more than eight States, by reason of the death of any cooperating commissioner, or of his ceasing to be a State commissioner, or of other inability to serve, it shall be the duty of the president of the association to fill the vacancy by appointment, if, after communication with the chairman of the cooperating committee, it be deemed necessary to fill such vacancy.

(e) In the event of any such vacancy occurring upon a cooperating committee involving not more than eight States, the vacancy shall be filled by the commission from which the vacancy occurs.

COOPERATING COMMITTEE TO DETERMINE RESPECTING ANY REPORT OF STATEMENT OF ITS ATTITUDE

(a) Whenever a cooperating committee shall have concluded its work, or shall deem such course advisable, the committee shall consider whether it is necessary and desirable to make a report to the interested State commissions, and, if it shall determine to make a report, it shall cause the same to be distributed through the secretary of the association, or through the general solicitor to all interested commissions.

(b) If a report of the Federal Commission will accompany any order to be made in said proceeding, the Federal Commission will state therein the concurrence or nonconcurrence of said cooperating committee in the decision or order of said Federal Commission.

CONSTRUCTION HEREOF IN CERTAIN RESPECTS EXPRESSLY PROVIDED

It is understood and provided that no State or States shall be deprived of the right of participation and cooperation as hereinbefore provided because of nonmembership in the association. With respect to any such State or States, all negotiations herein specified to be carried on between the Federal Commission and any officer of such association shall be conducted by the Federal Commission directly with the chairman of the commission of such State or States.

[F. R. Doc. 55-10307; Filed, Dec. 22, 1955; 8:52 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

YELLOWSTONE NATIONAL PARK

Section 20.13 *Yellowstone National Park* is amended by the addition of paragraph (f) reading as follows:

(f) *Commercial automobiles and busses.* The prohibition against the admission of commercial automobiles and busses to Yellowstone National Park, contained in § 1.36 of this chapter, shall be subject to the following exceptions: Motor vehicles operated on a general, infrequent, and nonscheduled tour on which the visit to the park is an incident to such tour, carrying only round-trip passengers traveling from the point of origin of the tour, will be accorded admission to the park upon establishing to the satisfaction of the superintendent that the tour originated from such place and in such a manner as not to provide, in effect, a regular and duplicating service conflicting with, or in competition with, the services provided for the public at or outside of the park pursuant to contract authorization with the Secretary. Admission to the park will be accorded such motor vehicles upon payment of a special tour permit fee of $2.00 per passenger-carrying seat in the vehicle.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 6th day of December 1955.

[SEAL] CONRAD L. WIRTH, *Director, National Park Service.*

[F. R. Doc. 55-10284; Filed, Dec. 22, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CHEESES; PROCESS CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF PROPOSALS TO AMEND DEFINITIONS AND STANDARDS OF IDENTITY FOR CERTAIN CHEESES TO PERMIT BLEACHING OF MILK AND TO PERMIT ARTIFICIAL COLORING IN SWISS CHEESE

Notice is hereby given that a petition has been filed by the National Cheese Institute, 110 North Franklin Street, Chicago 6, Illinois, whose members include manufacturers of various cheeses, setting forth proposals to amend the definitions and standards of identity for swiss cheese, provolone cheese, caciocavallo siciliano cheese, parmesan cheese, romano cheese, and asiago fresh cheese to permit bleaching of milk, to require certain label statements as to use of bleached milk, and to permit harmless artificial coloring in swiss cheese.

Notice is also given that the Commissioner of Food and Drugs, pursuant to the authority delegated to him by the Secretary of Health, Education, and Welfare, proposes to amend the definitions and standards of identity for blue cheese and gorgonzola cheese to require label declarations as to use of bleached milk.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341), delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996), the Commissioner of Food and Drugs invites all interested persons to present their views in writing regarding the proposals published in this notice. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, Washington 25, D. C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

A. The proposals of the National Cheese Institute are as follows:

1. It is proposed to amend § 19.540 *Swiss cheese, emmentaler cheese* • • • by adding thereto the following:

"Harmless artificial coloring may be added."

"Such milk may be bleached by the use of benzoyl peroxide or a mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate; but the weight of the benzoyl peroxide is not more than 0.002 percent of the weight of the milk bleached, and the weight of potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six times the weight of the benzoyl peroxide used. If the milk is bleached in this manner, vitamin A is added to the curd in such quantity as to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used."

"If the milk used is bleached, the label shall bear the statement 'Milk bleached with _____,' the blank being filled in with the common or usual name of the bleaching agent used."

2. It is proposed to amend § 19.590 *Provolone cheese, pasta filata cheese* • • • by adding thereto the following:

"Such milk may be bleached by the use of benzoyl peroxide or a mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate; but the weight of the benzoyl peroxide is not more than 0.002 percent of the weight of the milk bleached, and the weight of the potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six times the weight of the benzoyl peroxide used. If the milk is bleached in this manner, vitamin A is added to the curd in such quantity as to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used."

"If the milk used is bleached, the label shall bear the statement 'Milk bleached with _____,' the blank being filled in with the common or usual name of the bleaching agent used."

3. It is proposed to amend § 19.591 *Caciocavallo siciliano cheese* • • •, § 19.595 *Parmesan cheese, reggiano cheese* • • •, § 19.610 *Romano cheese* • • •, § 19.615 *Asiago fresh cheese, asiago soft cheese* • • • by adding thereto the statements quoted under the proposed amendment for provolone cheese, pasta filata cheese, stated in A 2 above.

B. The proposals of the Commissioner of Food and Drugs are as follows:

1. It is proposed to amend § 19.565 *Blue cheese* • • • by adding a new paragraph (d), reading as follows:

(d) (1) If the milk used is bleached, the label shall bear the statement "Milk bleached with benzoyl peroxide."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in subparagraph (1) of this paragraph shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

2. It is proposed to amend § 19.567 *Gorgonzola cheese* • • • by adding thereto a new paragraph (d) reading as above under the proposed amendment B 1.

Dated: December 19, 1955.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 55-10298; Filed, Dec. 22, 1955; 8:48 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF THIRAM

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by E. I. du Pont de Nemours and Company, Wilmington, Delaware, proposing the establishment of a tolerance of 3 parts per million for residues of thiram (tetramethylthiuram disulfide) in or on apples.

The analytical method proposed in the petition for determining residues of thiram is the method described by W. K. Lowen in "Determination of Dithiocarbamate Residues on Food Crops," published in Analytical Chemistry, Volume 23, page 1846 (1951), except that boiling with acid should be continued until no further carbon disulfide is evolved, rather than the 30 to 45 minutes prescribed for metallic dithiocarbamates.

Dated: December 16, 1955.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 55-10300; Filed, Dec. 22, 1955; 8:49 a. m.]

[21 CFR Part 130]

DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

EXEMPTION FOR CERTAIN DRUGS LIMITED BY NEW-DRUG APPLICATIONS TO PRESCRIPTION SALE

Notice is given that the Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 701 (a); 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353 (b) (3), 355 (c), 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 1.108 (c)) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposed amendment set forth below:

It is proposed to amend paragraph (a) of § 130.1 *Exemption for certain drugs limited by new-drug applications to prescription sale* by adding the following new subparagraph (12):

(12) Hexadenol (a mixture of tetracosanes and their oxidation products) preparations meeting all the following conditions:

(i) The hexadenol is prepared and packaged, with or without other drugs solvents, and propellants, in a form suitable for self-medication by external application to the skin as a spray, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The hexadenol and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 percent by weight of hexadenol.

(v) The preparation is labeled with adequate directions for use by external application in the treatment of minor burns and minor skin irritations.

(vi) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Use on serious burns or skin conditions or prolonged use, except as directed by a physician.

(*b*) Spraying the preparation in the vicinity of eyes, mouth, nose, or ears.

The proposed amendment removes the drugs mentioned therein from the prescription-dispensing requirements of the Federal Food, Drug, and Cosmetic Act (sec. 503 (b) (1) (C), 52 Stat. 1052, 65 Stat. 648; 21 U. S. C. 353 (b) (1) (C)). These drugs were previously limited by new-drug application to use under professional supervision, because the scientific data establishing the toxic potential of the drugs and their intended uses showed that they were safe only if used under professional supervision.

Pursuant to the regulations in § 1.108 (c) of this chapter (21 CFR 1.108 (c)), petitions have been submitted to remove the prescription restrictions from these drugs. Evidence now available through investigation and marketing experience shows that the drugs can be safely used by the laity in self-medication if they are used in accordance with the proposed labeling. The restriction to prescription sale is no longer necessary for the protection of the public health.

This action in removing the prior restriction limiting these drugs to prescription sale is taken under the authority of the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c)) which provides for and requires the removal of such restrictions if they are not necessary for the protection of the public health.

Dated: December 19, 1955.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 55-10299; Filed, Dec. 22, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Eastern States Office Order 3]

MANAGER, RUSSELLVILLE, ARK.

DELEGATION OF AUTHORITY TO PERFORM CERTAIN FUNCTIONS

DECEMBER 19, 1955.

Pursuant to the authority contained in section 4.1 of Bureau Order No. 541 as amended and subject to the limitations contained therein, the Manager of the Bureau of Land Management Office at Russellville, Arkansas, is authorized to perform, in his geographical area of jurisdiction and in accordance with existing policies, regulations and procedures of this Bureau and under the direct supervision of the Supervisor, Eastern States Office, the functions of the Director, Bureau of Land Management, listed below unless specifically limited.

(a) *Cancellations or surrenders of contracts, leases and permits.* Make partial or complete cancellations or accept surrenders of contracts, leases, and permits.

(b) *Copies of records.* On matters in which he is authorized to act, the manager may take all actions on requests for copies of records.

(c) *Government contests.* Initiate Government contests against claims asserted to public lands.

(d) *Bonds.* Take all actions on bonds required in connection with matters pertaining to the lands or the resources thereof under his jurisdiction.

(e) *Trespass.* Determine liability and accept damages for trespass on the public lands, and dispose of resources recovered in trespass cases for not less than the appraised value thereof, under 43 CFR Part 288.

(f) *Classification of lands.* Classify public lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U. S. C. sec. 315f), or pursuant to other laws under 43 CFR, Part 296.

(g) *Grazing leases.* Grazing leases of public lands, under section 15 of the act of June 28, 1934, as amended (43 U. S. C. sec. 315m), and the permits or cooperative agreements to construct and maintain improvements on lands so leased, and to determine the value of such improvements.

(h) *Disposition of forest products.* Take all actions relating to the disposal of forest products when authorized by law, under 43 CFR Part 259. This authority shall not include the approval of any sale of timber in excess of 10,000,000 feet, board measure.

(i) *Color-of-title and riparian claims.* Take all actions relating to color-of-title and riparian claims, under 43 CFR Parts 140 and 141.

(j) *Homesteads.* Take all actions on homesteads pursuant to 43 CFR Parts 166 and 170.

(k) *Material other than forest products.* Take all actions relating to any sale or contract for the sale of material other than forest products, or the free use of materials other than forest products, under 43 CFR Part 259.

(l) *Public sales.* Take all actions on public sales pursuant to 43 CFR Part 250, and other sales of land by competitive bidding when authorized by law.

(m) *Small tracts.* Take all actions with respect to small tracts, under the act of June 1, 1938 (52 Stat. 609), as amended by the act of June 8, 1954 (68 Stat. 239; 43 U. S. C. 682a), under 43 CFR Part 257.

(n) *Special land-use permits.* Take all actions in issuing special land-use permits for public lands, pursuant to 43 CFR Part 258.

(o) *Timber and stone.* Take all actions on timber and stone entries pursuant to 43 CFR Part 285.

This order supersedes Eastern States Office Order No. 2, dated June 1, 1955, which is hereby revoked.

LUTHER T. HOFFMAN,
Supervisor,
Eastern States Office.

Approved: December 19, 1955.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55-10283; Filed, Dec. 22, 1955; 8:46 a. m.]

Bureau of Reclamation

AMERICAN RIVER DIVISION, CENTRAL VALLEY PROJECT, CALIFORNIA

ORDER OF REVOCATION

MARCH 16, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of February 19, 1952, insofar as said order affects the following described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 14 N., R. 9 E.,
Sec. 1, Lot 5, SW¼NW¼.

The above area aggregates 86.47 acres.

E. G. NIELSEN,
Assistant Commissioner.

[66480]

DECEMBER 19, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are withdrawn for power purposes and are, therefore, not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting preference rights to Veterans of World War II, the Korean Conflict, and others.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55-10285; Filed, Dec. 22, 1955; 8:46 a. m.]

National Park Service

[Region 2 Order 2, Amdt. 1]

SUPERINTENDENTS, REGION 2

DELELGATION OF AUTHORITY WITH RESPECT TO APPEAL

NOVEMBER 23, 1955.

Section 6 of Order No. 2, issued December 1, 1954 (19 F. R. 8824), is amended to read as follows:

SEC. 6. *Appeal.* Except in matters relating to contracts for construction, supplies, or services, any party aggrieved by any action or decision of the Superintendent shall have a right of appeal to the Regional Director. Any such appeal shall be in writing and shall be submitted to the Regional Director within thirty days after receipt by the aggrieved party of notice of the action taken or decision made by the Superintendent.

(National Park Service Order No. 14; 39 Stat. 535; 16 U. S. C. 1952 ed., sec 2)

[SEAL] HOWARD W. BAKER,
Regional Director, Region Two.

[F. R. Doc. 55-10308; Filed, Dec. 22, 1955; 9:02 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 140, Revison 3]

BUREAU HEADS

DELEGATION OF AUTHORITY TO DESIGNATE CERTIFYING OFFICERS

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, there are delegated to the head of each bureau, to be exercised with respect to his bureau, the functions of the Secretary of the Treasury (1) of authorizing officers and employees to certify vouchers to disbursing officers and fixing the penal sums of their bonds under sections 1 and 2 of the Act of December 29, 1941, as amended (31 U. S. C. 82b and 82c), and (2) of making certifications and giving notices under regulations of the Treasury Department governing the documentation required for certifyng vouchers to the Division of Disbursement.

The head of each bureau may make provision for the performance by subordinates of any of these functions.

Dated: December 19, 1955.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 55-10301; Filed, Dec. 22, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-6191]

ARROW DRILLING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 19, 1955.

Take notice that Arrow Drilling Company (Applicant), a Delaware corporation whose address is Philtower Building, Tulsa 3, Oklahoma, filed on November 29, 1954, an application for itself and as agent for Stewart Petroleum Company for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced from the Rhodessa Gas Field, Marion County, Texas, in interstate commerce to the Texas Eastern Transmission Corporation for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 13, 1956, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 6, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10292; Filed, Dec. 22, 1955; 8:47 a. m.]

[Docket No. G-9370]

JAY KORNFELD

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 19, 1955.

Take notice that Jay Kornfeld (Applicant), a sole proprietorship whose address is 623 Union National Bank Building, Wichita 1, Kansas, filed as operator on September 19, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of the 640 acre Garden City No. 1 Unit, Hugoton Field, Finney County, Kansas, to Colorado Interstate Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, January 24, 1956 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10293; Filed, Dec. 22, 1955; 8:47 a. m.]

[Docket No. G-9437]

NORTH CENTRAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 19, 1955.

Take notice that North Central Gas Company (Applicant), a Wyoming corporation with a principal office in Casper, Wyoming, filed an application on October 31, and supplements thereto on October 14, and November 1, 1955, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to acquire facilities by lease, by purchase, and to construct and operate facilities hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to (1) lease and operate approximately 40.35 miles of 12 and 16-inch pipeline extending from Scottsbluff, Nebraska, to Northport, Nebraska, constructed and operated by Service Pipe Line Company, sold to Fred Goodstein, a stockholder of Applicant, and now proposed to be leased by Applicant from said stockholder for $48,000 annual fee; (2) purchase and operate approximately 4,318 feet of 16-inch, 726 feet of 12-inch and 225 feet of 10-inch pipeline extending from a connection with Applicant's existing system at a point near Northport, Nebraska, northeasterly to the terminus of the 10-inch line; now owned by American Pipe and Supply Company for $15,038; and (3) construct and operate facilities consisting of piping, valves and fittings at Mitchell Regulator Station to connect Applicant's existing facilities with the leased line, 4,000 feet of 6-inch pipeline, meters, valves, new compressor cylinders and station piping to connect the leased line into Applicant's existing Scottsbluff, Nebraska, compressor station, and to increase the capacity of said station, 400 feet of 6-inch pipeline meters, valves and piping to connect the purchased line to Applicant's existing system at Northport, Nebraska, at an estimated cost of $46,450.

The application as supplemented recites that Applicant has the option to purchase the pipeline described in (1) above from Mr. Fred Goodstein for $150,000 within a 15-year period, at the end of which time it must purchase.

The application further recites the described facilities are required to take gas from the Northport-Huntsman area; that additional volumes of gas are necessary to enable it to meet its peak requirements in the Northport-Scottsbluff area during the coming winter; and that its proposal heretofore described is the most economic method available to enable it to meet such requirements.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 24, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January

13, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10294; Filed, Dec. 22, 1955; 8:47 a. m.]

[Docket No. G-8581]

PETROLEUM, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 19, 1955.

Take notice that Petroleum, Inc. (Applicant), a Kansas corporation whose address is 311 East Third Street, Wichita, Kansas, filed as operator on March 14, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of the 640 acre Howell Gas Unit, 640 acre Heskamp Gas Unit, 640 McClure Gas Unit and the 640 acre Brown Gas Unit, Hugoton Field, Haskell County, Kansas, to Colorado Interstate Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, January 24, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10295; Filed, Dec. 22, 1955; 8:48 a. m.]

[Docket No. G-9141]

MAGNA OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 19, 1955.

Take notice that Magna Oil Corporation (Applicant), a Delaware corporation whose address is 1610 Life of America Building, Dallas, Texas, filed as operator on July 18, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicant to render service as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of the Belle Wisdom "A" Lease, Belle Wisdom Lease and Whittenburg Lease, Panhandle Field, Hutchinson County, Texas, to Phillips Petroleum Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, January 24, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10296; Filed, Dec. 22, 1955; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 35]

BARATARIA BAY LIGHT STATION, LOUISIANA

TRANSFER OF PROPERTY

Pursuant to the provisions of Section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U. S. C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated October 26, 1955, that property known as Barataria Bay Light Station, Louisiana, and more particularly described in said deed, has been transferred from the United States to the State of Louisiana.

2. The above described property is transferred to the State of Louisiana for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

EDMUND F. MANSURE,
Administrator of General Services.

DECEMBER 19, 1955.

[F. R. Doc. 55-10348; Filed, Dec. 22, 1955; 9:53 a. m.]

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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 67]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.367 *Navel Orange Regulation 67*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 22, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 25, 1955, and ending at 12:01 a. m., P. s. t., January 1, 1956, is hereby fixed as follows:

(i) District 1: 646,800 cartons;

(ii) District 2: 68,508 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," and "District 4" have the same meaning as when used in said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit, or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 23, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-10396; Filed, Dec. 23, 1955; 11:41 a. m.]

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FEDERAL REGISTER

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(For use during 1955)

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General Index ($1.25)

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[Lemon Reg. 621]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.728 *Lemon Regulation 621*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 21, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 25, 1955, and ending at 12:01 a. m., P. s. t., January 1, 1956, is hereby fixed as follows:

(i) District 1: 32,550 cartons;

(ii) District 2: 158,100 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 22, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-10362; Filed, Dec. 23, 1955; 8:53 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

AMENDMENT OF AMENDED ADMINISTRATIVE RULES AND PROCEDURES

Notice was published in the November 26, 1955, issue of the FEDERAL REGISTER (20 F. R. 8724) that the Secretary of Agriculture was considering a proposed rule to approve further amendments, submitted by the Prune Administrative Committee, of the amended administrative rules and procedures, issued pursuant to the applicable provisions of Marketing Agreement No. 110, as further amended, and Order No. 93, as further amended (19 F. R. 1301), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Said proposed further amendments related to §§ 993.150 (c) (1), 993.161 (a) (3), and 993.161 (b) (1), and the addition of a new § 993.176. In said notice, opportunity was afforded all interested persons to file written data, views, or arguments with respect thereto. No such written data, views, or arguments were filed, and the period provided therefor has now expired.

After consideration of all pertinent available information, it is concluded that the proposed amendments of the amended administrative rules and procedures as set forth in the aforesaid notice would tend to effectuate the declared policy of the act and should be approved.

Therefore, it is hereby ordered, That the aforesaid administrative rules and procedures (19 F. R. 5297, 6908; 20 F. R. 1240) be further amended as set forth below:

1. Amend the provisions of § 993.150 (c) (1) to read as follows:

§ 993.150 *Receiving and disposition of prunes by handlers during any crop year when the estimated seasonal average price is in excess of parity.* • • •

(c) *Reports of accounting*—(1) *Independent handler's reports of accounting.* Within 10 days (exclusive of Saturdays, Sundays and legal holidays) after a handler, other than a nonprofit cooperative agricultural marketing association, makes a size report, accounting, or settlement with a producer or dehydrator for prunes delivered to him, he shall submit to the committee a copy of the size report, and the accounting or settlement record, which shall contain the following information: (i) The names and addresses of the producer or dehydrator and the handler, and the date of size report, accounting, or settlement; (ii) the contract number, if any; (iii) an itemized statement of the total tenders of prunes in the delivery, showing the date, receiving point, weight certificate or door receipt number, inspection certificate number, net weight, variety, the crop year of production, and the total net weight of the delivery. In the event more than one producer or dehydrator has a financial interest in prunes shown on a size report, accounting, or settlement sheet required to be submitted hereunder, the handler shall include thereon the name and address of each person having such financial interest as shown by the handler's records.

2. Amend the provisions of § 993.161 (a) (3) to read as follows:

§ 993.161 *Surplus tonnage*—(a) *Reports.* • • •

(3) *Independent handler's reports of accounting.* Within 10 days (exclusive of Saturdays, Sundays and legal holidays) after a handler, other than a nonprofit cooperative agricultural marketing association, makes a size report, accounting, or settlement with a producer or dehydrator for prunes delivered to him, he shall submit to the committee a copy of the size report and the accounting or settlement record, which shall contain the following information: (i) The names and addresses of the producer or dehydrator and the handler, and the date of the size report, accounting, or settlement; (ii) the contract number, if any; (iii) an itemized statement of the total tenders of prunes in the delivery, showing the date, receiving point, weight certificate or door receipt number, inspection certificate number, net weight, variety, the crop year of production, and type of certification, and, if substandard, the average size count of a representative sample of the off-grade prunes in the tender, and if received on appraisal, the tonnage of prunes equivalent to the quantity of off-grade prunes necessary to be removed therefrom for the remainder to be standard prunes; and (iv) the total net weight of the delivery, itemized as to salable, surplus standard, and surplus substandard prunes, the net weight, by sizes, of the surplus standard prunes, and the net weight by classifications (edible and inedible), of the surplus substandard prunes as determined by inspection certificate data developed for the administration of the provisions of § 993.63 (f). In the event more than one producer or dehydrator has a financial interest in prunes shown on a size report, accounting, or settlement sheet required to be submitted hereunder, the handler shall include thereon the name and address of each person having such financial interest as shown by the handler's records.

3. Amend the provisions of § 993.161 (b) (1) to read as follows:

§ 993.161 *Surplus tonnage.* • • •

(b) *Holding in proper storage and delivery of surplus tonnage*—(1) *Provision in the event of failure to deliver in accordance with obligation.* In the event a handler fails to deliver to the committee the total surplus tonnage of any established grade or size group category in accordance with his obligation to so deliver, after any applicable tolerance allowances for shrinkage in weight, increase in the number of prunes per pound, and normal and natural deterioration and spoilage which may then be in effect have been applied, the handler shall make up any deficiency by delivering to the committee a quantity of prunes of his salable tonnage of the weight, grade, and size necessary to rectify such deficiency: *Provided,* That a handler may deliver prunes for disposition as animal feed, botanicals, or distillation without a requirement as to grade or its certification, if such prunes, on the basis of incoming inspection certificates or certificates of appraisal, as the case may be, were received as standard prunes. To the extent that a handler is unable to rectify such a deficiency with prunes of his salable tonnage he shall compensate the committee in the amount of the reduction of surplus tonnage revenue that is occasioned by his unfulfilled surplus tonnage obligation, such amount to be calculated on the basis of the average price received by the committee during the crop year for surplus tonnage prunes of the applicable grade or size category and of the specific grade and size involved plus costs to the committee caused by the handler's failure to meet his obligation: *Provided,* That the remedies herein provided shall

be in addition to and not exclusive of any of the remedies or penalties prescribed in the act with respect to the failure on the part of the handler to comply with the applicable provisions of the act or any part or subpart thereof.

4. Add a new § 993.176, immediately after existing § 993.175, reading as follows:

§ 993.176 *Records.* Each handler shall maintain such records as are necessary to furnish any report required to be submitted to the committee by him under this subpart, including, but not limited to, all records of prunes received, held and disposed of by him, and he shall retain such records for at least two years after the end of the crop year in which the applicable transaction occurred.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 20th day of December 1955, to be, and become, effective 30 days after the date of publication of this document in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 55-10319; Filed, Dec. 23, 1955; 8:47 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

AMENDMENT OF SCHEDULE OF PAYMENTS TO HANDLERS TO COMPENSATE THEM FOR NECESSARY SERVICES IN CONNECTION WITH SURPLUS TONNAGE PRUNES

Notice was published in the November 26, 1955 issue of the FEDERAL REGISTER (20 F. R. 8724) that the Secretary of Agriculture was considering a rule to approve a further amendment of the amended schedule of payments, as set forth in such notice, to compensate handlers for necessary services rendered by them in connection with surplus tonnage prunes. The aforesaid amendment was submitted by the Prune Administrative Committee pursuant to the applicable provisions of Marketing Agreement No. 110, as further amended, and Order No. 93, as further amended (19 F. R. 1301), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded all interested persons to file written data, views, or arguments with respect thereto. No such written data, views, or arguments were filed, and the period provided therefor has now expired.

After consideration of all pertinent available information, it is concluded that the aforementioned further amendment of the amended schedule of payments should be approved as set forth in the aforesaid notice of proposed rule making.

Therefore, it is hereby ordered, That the introductory portion of § 993.401 (b) (i. e., that portion which precedes subparagraph (1) of that section) is amended to read as follows:

(b) For surplus tonnage received by a handler from producers or dehydrators either as standard prunes or as standard prunes in appraisal lots, the handler so holding such prunes, who performs the necessary services thereon for the committee, shall be reimbursed, except as provided in paragraphs (c) and (e) of this section, at the rate of $18.00 per ton for the following service costs.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 20th day of December 1955, to be, and become, effective 30 days after the date of the publication of this document in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 55-10320; Filed, Dec. 23, 1955; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

CERTIFICATE OF ACTUAL COST

1. Section 232.26 (b) is amended to read as follows:

§ 232.26 *Certificate of actual cost.*
* * *

(b) When the work has been completed under a contract as described in § 232.25 (b), the mortgagor's certification shall be on the form prescribed therefor by the Commissioner and shall indicate all amounts as required in paragraph (a) of this section, plus the allowance for the builder's fee as established by the Commissioner. This form of certification shall be accompanied by a certification by the builder on the form prescribed therefor by the Commissioner, indicating all actual costs paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fee and less any kickbacks, rebates, trade discounts, or other similar payments to the builder or mortgagor corporation or any of its officers, directors, or stockholders. These certificates of actual cost shall be certified to by a Certified Public Accountant or a public accountant satisfactory to the Commissioner. The scope of audit and certification must be in a form satisfactory to the Commissioner and include a statement that the accounts have been examined in accordance with generally accepted auditing standards, to the extent deemed necessary to verify the actual costs as defined in section 227 of the National Housing Act. The mortgagor shall keep records as required in paragraph (a) of this section and shall in turn require the builder to keep available similar records.

2. In Section 232.31a paragraphs (c) and (h) are amended to read as follows:

§ 232.31a *Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.* * * *

(c) A mortgage on a trailer court or park is not subject to the provisions of § 232.4.

* * * * *

(h) At the time a mortgage is insured on a trailer court or park, the mortgagor shall have constructed and completed, or shall have rehabilitated and completed, pursuant to a commitment to insure upon completion, or shall be obligated to construct and complete, or to rehabilitate and complete pursuant to a commitment to insure advances, such court or park, consisting of a single project of not less than fifty spaces on one site, designed principally for rental use for trailers or mobile homes, and conforming to standards, specifications, plans and requirements satisfactory to the Commissioner.

* * * * *

3. Section 241.35 (b) is amended to read as follows:

§ 241.35 *Certificate of actual cost.*
* * *

(b) When the work has been completed under a contract as described in § 241.34 (b), the mortgagor's certification shall be on the form prescribed therefor by the Commissioner and shall indicate all amounts as required in paragraph (a) of this section, plus the allowance for the builder's fee as established by the Commissioner. This form of certification shall be accompanied by a certification by the builder on the form prescribed therefor by the Commissioner, indicating all actual costs paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fee and less any kickbacks, rebates, trade discounts, or other similar payments to the builder or mortgagor corporation or any of its officers, directors, or stockholders. These certificates of actual cost shall be certified to by a Certified Public Accountant or a public accountant satisfactory to the Commissioner. The scope of audit and certification must be in a form satisfactory to the Commissioner and include a statement that the accounts have been examined in accordance with generally accepted auditing standards, to the extent deemed necessary to verify the actual costs, as defined in section 227 of the National Housing Act. The mortgagor shall keep records as required in paragraph (a) of this section and shall in turn require the builder to keep available similar records.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., December 20, 1955.

[SEAL] NORMAN P. MASON, *Federal Housing Commissioner.*

[F. R. Doc. 55-10338; Filed, Dec. 23, 1955; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 779—RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

APPLICATION OF CERTAIN EXEMPTIONS TO ICE MANUFACTURERS AND ICE DEALERS

On October 26, 1955 notice was published in the FEDERAL REGISTER (20 F. R. 8051) that the Administrator of the Wage and Hour Division, United States Department of Labor, proposed to amend Interpretative Bulletin, Part 779 by the addition of a new section applicable to ice manufacturers and ice dealers. Interested persons were given 30 days to submit for consideration, data, views or arguments pertaining to the proposed amendment. No objections have been received.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.) Interpretative Bulletin, Part 779 (29 CFR, Part 779), is amended by the addition of § 779.32 to read as follows:

§ 779.32 *Application of the 13 (a) (2) and 13 (a) (4) exemptions to ice manufacturers and ice dealers.* (a) It is the purpose of this section to show generally how the principles governing the application of the 13 (a) (2) and 13 (a) (4) exemptions apply to establishments engaged in selling ice, including those establishments which make the ice they sell.

(b) In applying the tests of the 13 (a) (2) exemption, all sales of ice will be regarded as retail except:

(1) Sales for resale.

(2) Sales of ice for icing railroad cars and for icing cargo trucks. However, sales of ice for the re-icing of cargo trucks are recognized as retail if such sales do not fall into the nonretail categories described in subparagraph (4) or (5) of this paragraph.

(3) Sales of ice in railroad car lots.

(4) Sales of ice of a ton or more.

(5) Sales of ice at a price comparable to that charged by the establishment to dealers or, if no sales are made to dealers by the establishment, at a price comparable to or lower than the prevailing price to dealers in the area.

(c) If 50 percent or more of the establishment's annual dollar volume of sales of goods or services is made within the state in which the establishment is located and if 75 percent or more of the annual dollar volume of sales of the establishment consists of sales which are not for resale and are recognized as retail, the exemption under section 13 (a) (2) will apply to all employees employed by the establishment except those employees who are engaged in the making or processing of ice or other goods. In order for employees engaged in making or processing of ice to be exempt, the establishment must meet all of the following tests of the exemption under section 13 (a) (4):

(1) The establishment must qualify as an exempt retail establishment under section 13 (a) (2), as explained above.

(2) More than 85 percent of the establishment's annual dollar volume of sales of the ice which it makes or processes must be made within the state in which the establishment is located.

(3) The ice which the establishment makes or processes must be made or processed at the establishment which sells it.

(4) The establishment must be recognized as a retail establishment in the particular industry.

(d) With respect to the application of the requirement in subparagraph (4) of this paragraph, the legislative history indicates that ice plants are among the establishments which may qualify as retail establishments under the 13 (a) (4) exemption. It appears that all ice plants are manufacturing establishments of the same general type, permitting no separate classifications with respect to recognition as retail establishments. Any ice plant which meets the test of section 13 (a) (2) will, therefore, be considered to be recognized as a retail establishment in the industry under this requirement.

(e) There are some ice plants which meet the 13 (a) (2) exemption tests, but do not qualify under section 13 (a) (4) because they are unable to meet the tests listed in subparagraphs (c) (2) or (c) (3) of this section. In such establishments, there may be some employees whose duties relate to both the sales portion of the business and the making or processing of ice. These employees will not qualify for exemption. However, in such establishments, there may be some employees who work primarily for the sales portion of the business and also perform incidental clerical, custodial, or messenger service for the manufacturing operation. For example, office workers may keep records of both the manufacturing activities and of the retail sales department, maintenance workers may clean up in both parts of the establishment, and messengers may perform services for both activities. If these employees spend relatively little time in the work related to the ice manufacturing portion of the business, they will not, as an enforcement policy, be regarded as engaged in the making or processing of ice. Such an auxiliary employee will thus be exempt under section 13 (a) (2) in any workweek in which an insubstantial amount of his time (20 percent or less) is allocable to the clerical, messenger, or custodial work of the ice manufacturing operations.

This amendment shall become effective January 23, 1956.

(52 Stat. 1060, as amended; 29 U. S. C. 201-219)

Signed at Washington, D. C., this 21st day of December 1955.

NEWELL BROWN, *Administrator, Wage and Hour Division, United States Department of Labor.*

[F. R. Doc. 55-10341; Filed, Dec. 23, 1955; 8:51 a. m.]

PART 785—HOURS WORKED

Sec.
785.0 Introductory statement.
785.1 The principles for determining hours worked.
785.2 Statutory exceptions.
785.3 Application of the principles.
785.4 Recording working time.
785.5 Applicable statutory provisions.
Appendix.

AUTHORITY: §§ 785.0 to 785.5 issued under 52 Stat. 1060, as amended; 29 U. S. C. 201-219.

§ 785.0 *Introductory statement.* (a) The Fair Labor Standards Act[1] requires that each employee, not specifically exempted, who is engaged in interstate commerce or in the production of goods for such commerce, receive the statutory minimum wage.[2] It also provides that no such employee may be employed for more than 40 hours a week without receiving at least time and one-half of his regular rate of pay for the overtime hours. The amount of money an employee should receive cannot be determined without knowing the number of hours he has worked. This part discusses the principles involved in determining what constitutes working time. It also seeks to apply these principles to situations that frequently arise. It cannot include every possible situation. No inference should be drawn from the fact that a subject or an illustration is omitted. If doubt arises inquiries should be sent to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D. C., or to any Regional Office of the Divisions. A list of such offices is contained in the appendix to this part.

(b) The ultimate decisions on interpretations of the act are made by the courts. The Administrator must determine in the first instance the positions he will take in the enforcement of the act. This bulletin seeks to inform the public of such positions. It should thus provide a "practical guide for employers and employees as to how the office representing the public interest in its enforcement will seek to apply it."[3]

(c) These interpretations will remain in effect until they are rescinded, modified or withdrawn. This will be done when and if the Administrator concludes upon re-examination, or in the light of judicial decision, that a particular interpretation, ruling or enforcement policy is incorrect or unwarranted. All other rulings, interpretations or enforcement policies inconsistent with any portion of this part are superseded by it. The Portal-to-Portal Bulletin[4] is still in effect except insofar as it may not be consistent with any portion hereof. The applicable statutory provisions are set forth in § 785.5.

(d) The principles set forth in this part are also followed by the Adminis-

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[1] 29 U. S. C. 206-219.

[2] The minimum wage is 75 cents an hour but becomes $1.00 an hour on March 1, 1956.

[3] Skidmore v. Swift, 323 U. S. 134, 138.

[4] General Statement as to the Effect of the Portal-to-Portal Act of 1947 on the Fair Labor Standards Act of 1938, 29 CFR, 790.

trator of the Wage and Hour and Public Contracts Divisions in determining hours worked by employees performing work subject to the provisions of the Walsh-Healey Public Contracts Act.[5]

§ 785.1 *The principles for determining hours worked.* (a) Section 6 requires the payment of the minimum wage by an employer to his employees who are subject to the act. Section 7 prohibits their employment for more than 40 hours without proper overtime compensation.

(b) By statutory definition the term "employ" includes (section 3 (g)) "to suffer or permit to work". The act, however, contains no definition of "work".[6]

(c) The United States Supreme Court originally stated that employees subject to the act must be paid for all time spent in "physical or mental exertion (whether burdensome or not) controlled or required by the employer and pursued necessarily and primarily for the benefit of the employer or his business." [7] Subsequently, the Court ruled that there need be no exertion at all and that all hours are hours worked which the employee is required to give to his employer, that "an employer, if he chooses, may hire a man to do nothing, or to do nothing but wait for something to happen. Refraining from other activity often is a factor of instant readiness to serve, and idleness plays a part in all employments in a stand-by capacity. Readiness to serve may be hired, quite as much as service itself, and time spent lying in wait for threats to the safety of the employer's property may be treated by the parties as a benefit to the employer." [8] The workweek ordinarily includes "all time during which an employee is required to be on duty or on the employer's premises, or at a prescribed work place." [9]

(d) The principles are applicable even though there may be a custom, contract or agreement not to pay for the time so spent, with certain special statutory exceptions discussed in §§ 785.2 and 785.3.[10]

§ 785.2 *Statutory exceptions.* There are certain statutory exceptions to the rules stated in § 785.1. The Portal-to-Portal Act eliminates from working time certain travel and walking time and other similar "preliminary" and "postliminary" activities performed "prior" or "subsequent" to the "workday" that are not made compensable by contract, custom or practice.[11] Section 3 (o) of the Fair Labor Standards Act excludes certain time spent at the beginning or end of the workday in washing up or changing clothes, if these activities are excluded from measured working time by the provisions of, or by custom or practice under, a bona fide collective bargaining agreement applicable to the particular employee.

§ 785.3 *Application of the principles.* This part applies the rules to some of the problems which arise frequently.

(a) *Employees "suffered or permitted" to work.* (1) Work not requested but suffered or permitted is work time.[12] For example, an employee may voluntarily continue to work at the end of the shift. He may be a pieceworker, he may desire to finish an assigned task or he may wish to correct errors, paste work tickets, prepare time reports or other records. The reason is immaterial. The employer knows or has reason to believe that he is continuing to work and the time is working time.

(2) The rule is also applicable to work performed away from the premises or the job site, or even at home. If the employer knows or has reason to believe that the work is being performed he must count the time as hours worked.

(3) In all such cases it is the duty of management to exercise its control and see that the work is not performed, if it does not want it to be performed. It cannot sit back and accept the benefits without compensating for them. The mere promulgation of a rule against such work is not enough. Management has the power to enforce the rule and must make every effort to do so.

(b) *Waiting time.* Whether waiting time is time worked under the act depends upon the particular circumstances. The determination involves "scrutiny and construction of the agreements between particular parties, appraisal of their practical construction of the working agreement by conduct, consideration of the nature of the service, and its relation to the waiting time, and all of the circumstances. Facts may show that the employee was engaged to wait, or they may show that he waited to be engaged." [13] Such questions "must be determined in accordance with common sense and the general concept of work or employment." [14]

(1) *Waiting while on duty.* A stenographer who reads a book while waiting for dictation, a messenger who works a crossword puzzle while awaiting assignments, a fireman who plays checkers while waiting for alarms and a factory worker who talks to his fellow employees while waiting for machinery to be repaired are all working during their periods of inactivity. The rule also applies to employees who work away from the plant. For example, a repair man is working while he waits for his employer's customer to get the premises in readiness. The time is worktime even though the employee is allowed to leave the premises or the job site during such periods of inactivity. The periods during which these occur are unpredictable. They are usually of short duration. In either event the employee is unable to use the time effectively for his own purposes. It belongs to and is controlled by the employer. In all of these cases waiting is an integral part of the job. The employee is engaged to wait.[15]

(2) *Waiting time off duty.* (i) Periods during which an employee is completely relieved from duty and which are long enough to enable him to use the time effectively for his own purposes are not hours worked. He is not completely relieved from duty and cannot use the time effectively for his own purposes unless he is definitely told in advance that he may leave the job and that he will not have to commence work until a definitely specified hour has arrived.

(ii) Whether the time is long enough to enable him to use the time effectively for his own purposes depends upon all of the facts and circumstances of the case.

(iii) A truck driver who has to wait at or near the job site for goods to be loaded is working during the loading period. If the driver reaches his destination and while awaiting the return trip is required to take care of his employer's property he is also working while waiting. In both cases the employee is engaged to wait.[16] Waiting is an integral part of the job. On the other hand, for example, if the truck driver is sent from Washington, D. C. to New York City, leaving at 6:00 a. m. and arriving at 12:00 noon, and is completely and specifically relieved from all duty until 6:00 p. m. when he again goes on duty for the return trip, the idle time is not working time. He is waiting to be engaged.[17]

(3) *On-call time.* An employee who is required to remain on call on the employer's premises or so close thereto that he cannot use the time effectively for his own purposes is working while "on call".[18] An employee who is not required to remain on the employer's premises but is merely required to leave word at his home or with company officials where he may be reached is not working while on call.

(c) *Rest periods.* Rest periods of short duration, running from 5 minutes to about 20 minutes, are common in industry. They promote the efficiency of the employee and are customarily paid for as working time. They must be counted as hours worked.[19]

(d) *Meal periods.* (1) Bona fide meal periods are not work time. Bona fide meal periods do not include coffee breaks or time for snacks. These are rest periods. The employee must be completely relieved from duty for the purposes of eating regular meals. Ordinarily thirty minutes or more is long enough for a bona fide meal period. A shorter period may be long enough under special conditions. The employee is not relieved if he is required to perform any duties, whether active or inactive, while eating.[20] For example, an office employee who is required to eat at his desk or a factory worker who is required to be at his machine is working while eating.

(2) It is not necessary that an employee be permitted to leave the premises if he is otherwise completely freed from duties during his meal period.

(e) *Sleeping time and certain other activities.* Under certain conditions an employee is considered to be working even though some of his time is spent in sleeping or in certain other activities.

(1) *Less than 24-hour duty.* (i) An employee who is required to be on duty for less than 24 hours is working even though he is permitted to sleep or engage in other personal activities when not busy.[21]

(ii) A telephone operator, for example, who is required to be on duty for specified hours is working even though she is permitted to sleep when not busy answering calls. It makes no difference that she is furnished facilities for sleeping. Her time is given to her employer. She is required to be on duty and the time is work time.

(2) *Duty of 24 hours or more.* (i) Where an employee is required to be on duty for 24 hours or more the employer and employee may agree [22] to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than eight hours from hours worked provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted night's sleep.[23] If the sleeping period is interrupted by a call to duty the interruption must be counted as hours worked.

(ii) If the period is interrupted to such an extent that the employee cannot get a reasonable night's sleep, the entire period must be counted.[24] For enforcement purposes, the Divisions have adopted the rule that if the employee cannot get at least five hours' sleep during the scheduled period the entire time is working time.

(3) *Employees residing on employer's premises or working at home.* An employee who resides on his employer's premises on a permanent basis or for extended periods of time is not considered as working all the time he is on the premises. Ordinarily, he may engage in normal private pursuits and thus have enough time for eating, sleeping, entertaining, and other periods of complete freedom from all duties when he may leave the premises for purposes of his own. It is of course difficult to determine the exact hours worked under these circumstances and any reasonable agreement of the parties which takes into consideration all of the pertinent facts will be accepted. This rule would apply, for example, to the pumper of a stripper well who resides on the premises of his employer and also to a telephone operator who has the switchboard in her own home.[25]

(f) *Preparatory and concluding activities.* (1) In November 1947 the Administrator issued the Portal-to-Portal Bulletin. In dealing with this subject the Bulletin 29 CFR 790.8 (b) and (c) said:

> (b) The term "principal activities" includes all activities which are an integral part of a principal activity. Two examples of what is meant by an integral part of a principal activity are found in the Report of the Judiciary Committee of the Senate on the Portal-to-Portal bill. They are the following:
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> (1) In connection with the operation of a lathe an employee will frequently, at the commencement of his workday, oil, grease, or clean his machine, or install a new cutting tool. Such activities are an integral part of the principal activity, and are included within such term.
>
> (2) In the case of a garment worker in a textile mill, who is required to report 30 minutes before other employees report to commence their principal activities, and who during such 30 minutes distributes clothing or parts of clothing at the workbenches of other employees and gets machines in readiness for operation by other employees, such activities are among the principal activities of such employee.
>
> "Such preparatory activities, which the Administrator has always regarded as work and as compensable under the Fair Labor Standards Act, remain so under the Portal Act, regardless of contrary custom or contract.
>
> (c) Among the activities included as an integral part of a principal activity are those closely related activities which are indispensable to its performance. If an employee in a chemical plant, for example, cannot perform his principal activities without putting on certain clothes, changing clothes on the employer's premises at the beginning and end of the workday would be an integral part of the employee's principal activity. On the other hand, if changing clothes is merely a convenience to the employee and not directly related to his principal activities, it would be considered as a "preliminary" or "postliminary" activity rather than a principal part of the activity. However, activities such as checking in and out and waiting in line to do so would not ordinarily be regarded as integral parts of the principal activity or activities.

(2) These principles have guided the Administrator in the enforcement of the act. Their application has been challenged in two cases which are now pending before the Supreme Court of the United States. In one case employees changed their clothes and took showers in a battery plant where the manufacturing process involved the extensive use of caustic and toxic materials which made the changing of clothes and

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[5] See Rulings and Interpretations No. 3, Walsh-Healey Public Contracts Act, section 43.

[6] Section 3 (o) of the Fair Labor Standards Act contains a partial definition of "hours worked" in the form of a limited exception for clothes-changing and wash up time.

[7] Tennessee Coal, Iron & Railroad Co. v. Muscoda Local, 321 U. S. 590.

[8] Armour & Co. v. Wantock, 323 U. S. 126; Skidmore v. Swift, 329 U. S. 134.

[9] Anderson v. Mt. Clemens Pottery Co., 328 U. S. 680. The Portal-to-Portal Act did not change the rule except to provide an exception for preliminary and postliminary activities. See § 785.2.

[10] Cf. Portal-to-Portal Bulletin, 29 CFR 790, for special provisions relating to travel or walking and other similar "preliminary" and "postliminary" activities.

[11] 29 U. S. C. 251–262. It should be noted that "preliminary" and "postliminary" activities do not include "principal" activities. See General Statement as to the Effect of the Portal-to-Portal Act, 29 CFR 790.6–790.8. Section 4 of the Portal Act does not affect the computation of hours worked within the "workday." "Workday," in general, means the period between "the time on any particular workday at which such employee commences [his] principal activity or activities" and "the time on any particular workday at which he ceases such principal activity or activities." The "workday" may thus be longer than the employee's scheduled shift hours, tour of duty, or time on the production line. Also, its duration may vary from day to day depending upon when the employee commences or ceases his "principal" activities.

With respect to time spent in any "preliminary" or "postliminary" activity compensable by contract, custom or practice, the Portal Act requires that such time must also be counted for purposes of the Fair Labor Standards Act. There are, however, limitations on this requirement.

The "preliminary" or "postliminary" activity in question must be engaged in during the portion of the day with respect to which it is made compensable by the contract, custom or practice. Also, only the amount of time allowed by the contract or under the custom or practice is required to be counted. If, for example, the time allowed is 15 minutes but the activity takes 25 minutes, the time to be added to other working time would be limited to 15 minutes. Galvin v. National Biscuit Co., 82 F. Supp. 535 (S. D. N. Y.), appeal dismissed, 177 F. 2d 963 (C. A. 2).

[12] Handler v. Thrasher, 191 F. (2d) 120 (C. A. 10); Kappler v. Republic Pictures Corp., 59 F. Supp. 112 (S. D. Iowa), aff'd 151 F. (2d) 543; 327 U. S. 757; Republican Publishing Co. v. American Newspaper Guild, 172 F. (2d) 943 (C. A. 1); Hogue v. National Automotive Parts Ass'n., 87 F. Supp. 816 (E. D. Mich.); Barker v. Georgia Power and Light Co., 2 WH Cases 486; 5 Labor Cases Para. 61,095 (M. D. Ga.); Steger v. Beard & Stone Electric Co., 1 W. H. C. 593; 4 Labor Cases 60,643 (N. D. Texas).

[13] Skidmore v. Swift & Co., 323 U. S. 134.

[14] Central Mo. Tel. Co. v. Conwell, 170 F. (2d) 641 (C. A. 8).

[15] Skidmore v. Swift, 323 U. S. 134, 137.

[16] Skidmore v. Swift, 323 U. S. 134, 137; Walling v. Dunbar Transfer & Storage, 3 WH Cases 284; 7 Labor Cases Para. 61, 565 (W. D. Tenn.)

[17] Gifford v. Chapman, 6 WH Cases 806; 12 Labor Cases Para. 63,661 (W. D. Okla.); Thompson v. Daugherty, 40 F. Supp. 279 (D. Md.).

[18] Armour & Co. v. Wantock, 323 U. S. 126; Handler v. Thrasher, 191 F. 2d 120 (C. A. 10); Walling v. Bank of Waynesboro, Georgia, 61 F. Supp. 384 (S. D. Ga.)

[19] Compensable time of rest periods may not be offset against other working time such as compensable waiting time or on-call time, Ballard v. Consolidated Steel Corp. Ltd., 61 F. Supp. 926 (S. D. Calif.).

[20] Culkin v. Glenn L. Martin, Nebraska Co. 97 F. Supp. 661 (D. Nebr.) affirmed 197 F. 2d 981 (C. A. 8), certiorari denied 344866, rehearing denied 344 U. S. 888 and Thompson v. Stock & Sons, 93 F. Supp. 213 (E. D. Mich.), affirmed 194 F. 2d 493 (C. A. 6); Biggs v. Joshua Hendy Corp., 183 F. 2d 515, 187 F. 2d 447 (C. A. 9); Walling v. Dunbar Transfer and Storage Co., 3 WH Cases 284; 7 Labor Cases Para. 61,565 (W. D. Tenn.); Lofton v. Seneca Coal and Co., 2 WH Cases 669; 6 Labor Cases Para. 61,271 (N. D. Okla.); affirmed 136 F. 2d 359 (C. A. 10), certiorari denied 320 U. S. 772.

[21] Conwell v. Central Missouri Telephone Co., 170 F. 2d 641 (C. A. 8); Strand v. Garden Valley Telephone Co., 51 F. Supp. 898 (D. Minn.); Whitsitt v. Enid Ice & Fuel Co., 2 WH Cases 584; 6 Labor Cases Para. 61,226 (W. D. Okla.).

[22] Where no expressed or implied agreement to the contrary is present, the 8 hours of sleeping time and lunch periods constitute hours worked, General Electric Co. v. Porter, 208 F. 2d 805 (C. A. 9), certiorari denied 347 U. S. 975.

[23] Armour v. Wantock, 323 U. S. 126; Skidmore v. Swift, 323 U. S. 134; Bowers v. Remington Rand, 64 F. Supp. 620 (S. D. Ill.), affirmed 159 F. 2d 114 (C. A. 7), certiorari denied 330 U. S. 843; Bell v. Porter, 159 F. 2d 117 (C. A. 7) certiorari granted 330 U. S. 817, grant of certiorari, vacated and certiorari denied, 330 U. S. 813, rehearing denied 331 U. S. 864; Rokey v. Day & Zimmerman, 157 F. 2d 736 (C. A. 8); Bridgeman v. Ford, Bacon and Davis, 161 F. 2d 962 (C. A. 8); McLaughlin v. Todd & Brown, Inc., 7 WH Cases 1014; 15 Labor Cases Para. 64,606 (N. D. Ind); See also: Campbell v. Jones & Laughlin, 70 F. Supp. 996 (W. D. Pa.) (If sleeping period is of more than 8 hours, only 8 hours will be credited).

[24] See Eustice v. Federal Cartridge Corp., 66 F. Supp. 55 (D. Minn.).

[25] Skelly Oil Co. v. Jackson, 194 Okla. 183, 148 P. 2d 182 (Okla. Sup. ct. 1944); Thompson v. Loring Oil Co., 50 F. Supp. 213 (W. D. La.); Munn v. Southwestern State Telephone Co., 52 F. Supp. 663 (N. D. Tex.).

showering indispensable. The United States Court of Appeals for the Sixth Circuit upheld the view expressed in the Portal-to-Portal Bulletin that these activities were an integral part of the employee's principal job and that they were not activities which were excluded by the Portal-to-Portal Act.[26]

(3) In another case the Court of Appeals for the Ninth Circuit held that the sharpening of knives by knifemen in a meet packing plant before and after the scheduled work day was a preliminary and postliminary activity and was not to be considered time worked under the statute.[27] If the Supreme Court should decide these cases contrary to these views the Administrator will make and publish whatever revision may be required under the circumstances.

(4) Section 3 (o) of the act provides an exception to the general rule for employees under collective bargaining agreements. This section provides for the exclusion of time spent in changing clothes or washing at the beginning or end of the workday, if the time is excluded by the express terms of or by a custom or practice under a bona fide collective bargaining agreement applicable to the particular employee.

(g) *Adjusting grievances.* Time spent in adjusting grievances between an employer and employees during the time the employees are required to be on the premises is hours worked, but in the event a bona fide union is involved the counting of such time will, as a matter of enforcement policy, be left to the process of collective bargaining or to the custom or practice under the collective bargaining agreement.

(h) *Lectures, meetings and training programs.* (1) Attendance at lectures, meetings, training programs and similar activities need not be counted as working time if the following four criteria are met: (i) Attendance is outside of the employee's regular working hours; (ii) attendance is in fact voluntary; (iii) the course, lecture, or meeting is not directly related to the employee's job, and (iv) the employee does not perform any productive work during such attendance.

(2) Attendance is not voluntary, of course, if it is required by the employer. It is not voluntary in fact if the employee is given to understand or led to believe that his present working conditions or the continuance of his employment would be adversely affected by nonattendance.

(3) The training is directly related to the employee's job if it is designed to make the employee handle his job more effectively as distinguished from training him for another job. For example, a stenographer who is given a course in stenography is engaged in an activity to make her a better stenographer. Time spent in such a course given by the employer or under his auspices is hours worked. However, if the stenographer takes a course in bookkeeping, it may not be directly related to her job. Thus, the time she spends voluntarily in taking such a bookkeeping course, outside of regular working hours, need not be counted as working time.

(4) Of course, if an employee on his own initiative attends an independent school, college or independent trade school after hours, the time is not hours worked for his employer even if the courses are related to his job.

(5) There are some special situations where the time spent in attending lectures, training sessions and courses of instruction is not regarded as hours worked. For example, an employer may establish for the benefit of his employees a program of instruction which corresponds to courses offered by independent bona fide institutions of learning. Voluntary attendance by an employee at such courses outside of working hours would not be hours worked even if they are directly related to his job, or paid for by the employer.

(6) As an enforcement policy, time spent in an organized program of related, supplemental instruction by employees working under bona fide apprenticeship programs may be excluded from working time if the following criteria are met: (i) The apprentice is employed under a written apprenticeship agreement or program which substantially meets the fundamental standards of the Bureau of Apprenticeship, U. S. Department of Labor, (ii) such time does not involve productive work or performance of the apprentice's regular duties. If the above criteria are met the time spent in such related supplemental training shall not be counted as hours worked unless the written agreement specifically provides that it is hours worked. The mere payment or agreement to pay for time spent in related instruction does not constitute an agreement that such time is hours worked.

(i) *Medical attention.* Time spent by an employee in waiting for and receiving medical attention on the premises or at the direction of the employer during the employee's normal working hours on days when he is working constitutes hours worked.

(j) *Civic and charitable work.* Time spent in work for public or charitable purposes at the employer's request, or under his direction or control, or while the employee is required to be on the premises, is working time. However, time spent voluntarily in such activities outside of the employee's normal working hours is not hours worked.

(k) *Suggestion systems.* Generally, time spent by employees outside of their regular working hours in developing suggestions under a general suggestion system is not working time but if employees are permitted to work on suggestions during regular working hours the time spent must be counted as hours worked. Where an employee is assigned to work on the development of a suggestion, the time is considered hours worked.

(l) *Travel time.* (1) The principles which apply in determining whether or not time spent in travel is working time depend upon the kind of travel involved. The subject is discussed under the headings "Travel from home to work," "Travel that is all in the day's work," and "Travel away from home." At the outset a brief reference must be made to the Portal Act as it applies to travel time.

(2) The Portal Act provides in section 4 (a) that except as provided in subsection (b) no employer shall be liable for the failure to pay the minimum wage or overtime compensation for time spent in "walking, riding, or traveling to and from the actual place of performance of the principal activity or activities which such employee is employed to perform either prior to the time on any particular workday at which such employee commences, or subsequent to the time on any particular workday at which he ceases, such principal activity or activities."

(3) Subsection (b) provides that the employer shall not be relieved from liability if the activity is compensable by express contract or by custom or practice not inconsistent with an express contract.

(4) Thus travel time at the commencement or cessation of the workday which was originally considered as working time under the Fair Labor Standards Act (such as underground travel in mines or walking from time clock to work-bench)[28] need not be counted as working time unless it is compensable by contract, custom or practice. If compensable by express contract or by custom or practice not inconsistent with an express contract, such travel time must be counted in computing hours worked. However, ordinary travel from home to work (see subparagraph (5) of this paragraph) need not be counted as hours worked even if the employer agrees to pay for it.

(5) Travel from home to work: (i) An employee who travels from home before his regular workday and returns to his home at the end of the workday is engaged in ordinary home to work travel which is a normal incident of employment. This is true whether he works at a fixed location or at different job sites.

(ii) While normal travel from home to work is not work time, if an employee receives an emergency call outside of his regular working hours and is required to travel to his regular place of business or some other work site, all of the time spent in such travel is working time.

(iii) A problem arises when an employee who regularly works at a fixed location in one city is given a special one-day work assignment in another city. For example, an employee who works in Washington, D. C., with regular working hours from 9 a. m. to 5 p. m., may be given a special assignment in New York City, with instructions to leave Washington at 8 a. m. He arrives in New York at 12 noon, ready for work. The special assignment is completed at 3 p. m., and the employee arrives back in Washington at 7 p. m. Such travel cannot be regarded as ordinary home-to-work travel occasioned merely by the fact of employment. It was performed for the employer's benefit and at his special request to meet the needs of the particular and unusual assignment. It would thus qualify as an integral part of the "principal" activity which the employee was hired to perform on the workday in question; it is like travel involved in an irregular emergency call (described in this section), or like travel that is all in the day's work (see subparagraph (6) of this paragraph). All the time involved, however, need not be counted. Since, except for the special assignment, the employee would have had to report to his regular work site, the travel between his home and the railroad depot may be deducted, it being in the "home-to-work" category. Also, of course, the usual meal time would be deductible.

(6) Travel that is all in the day's work: Time spent by an employee in travel as part of his principal activity, such as travel from job site to job site during the work day, must be counted as hours worked. Where an employee is required to report at a meeting place to receive instructions or to perform other work there, or to pick up and to carry tools, the travel from the designated place to the work place is part of the day's work and must be counted as hours worked regardless of contract, custom, or practice.[29] If an employee normally finishes his work on the premises at 5:00 p. m. and is sent to another job which he finishes at 8:00 p. m. and is required to return to his employer's premises arriving at 9:00 p. m., all of the time is working time. However, if the employee goes home instead of returning to his employer's premises, the travel after 8:00 p. m. is home-to-work travel and is not hours worked.

(7) Travel away from home: (i) Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly worktime when it cuts across the employee's work day. The employee is simply substituting travel for other duties. The time is not only hours worked on regular working days during normal working hours but also during the corresponding hours on non-working days. Thus, if an employee regularly works from 9:00 a. m. to 5:00 p. m. from Monday through Friday the travel time during these hours is worktime on Saturday and Sunday as well as on the other days. Regular meal period time is not counted. As an enforcement policy the Divisions will not consider as worktime that time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile.

(ii) If an employee is offered public transportation but requests permission to drive his car instead, the employer may count as hours worked either the time spent driving the car or the time he would have had to count as hours worked during working hours if the employee had used the public conveyance.

(iii) Any work which an employee is required to perform while traveling must of course be counted as hours worked. An employee who drives a truck, bus, automobile, boat or airplane, or an employee who is required to ride therein as an assistant or helper, is working while riding, except during bona fide meal periods or when he is permitted to sleep in adequate facilities furnished by the employer.

§ 785.4 *Recording working time.* (a) Section 11 (c) of the act authorizes the Secretary to promulgate regulations requiring the keeping of records of hours worked, wages paid and other conditions of employment. These regulations are published in Part 516 of this chapter. Copies of the regulations may be obtained on request.

(b) In recording working time under the act, insubstantial or insignificant periods of time beyond the scheduled working hours, which cannot as a practical administrative matter be precisely recorded for payroll purposes, may be disregarded. The courts have held that such trifles are de minimis.[30] This rule applies only where there are uncertain and indefinite periods of time involved of a few seconds or minutes duration, and where the failure to count such time is due to considerations justified by industrial realities. An employer may not arbitrarily fail to count as hours worked any part, however small, of the employee's fixed or regular working time or practically ascertainable periods of time he is regularly required to spend on duties assigned to him.[31]

(c) Time clocks are not required. In those cases where time clocks are used, employees who voluntarily come in before their regular starting time or remain after their closing time, do not have to be paid for such periods provided, of course, that they do not engage in any work. Their early or late clock punching may be disregarded. Minor differences between the clock records and actual hours worked cannot ordinarily be avoided, but major discrepancies should be discouraged since they raise a doubt as to the accuracy of the records of the hours actually worked.

(d) It has been found that in some industries, particularly where time clocks are used, there has been the practice for many years of recording the employees' starting time and stopping time to the nearest five minutes, or to the nearest one-tenth or quarter of an hour. Presumably, this arrangement averages out so that the employees are fully compensated for all the time they actually work. For enforcement purposes this practice of computing working time will be accepted, provided that it is used in such a manner that it will not result, over a period of time, in failure to compensate the employees properly for all the time they have actually worked.

§ 785.5 *Applicable statutory provisions*—(a) *Fair Labor Standards Act.* (1) Section 6 (a) of this act provides that "Every employer shall pay to each of his employees who is engaged in commerce or in the production of goods for commerce wages at the following rates—(1) not less than 75 cents an hour; * * *".[32]

(2) Section 7 (a) of this act provides that: "Except as otherwise provided in this section no employer shall employ any of his employees who is engaged in commerce or in the production of goods for commerce for a workweek longer than 40 hours, unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and onehalf times the regular rate at which he is employed."

(3) Section 3 (g) of this act provides that: "'Employ' includes to suffer or permit to work".

(4) Section 3 (o) of this act provides that: "Hours worked—in determining for the purposes of sections 6 and 7 the hours for which an employee is employed, there shall be excluded any time spent in changing clothes or washing at the beginning or end of each workday which was excluded from the measured working time during the week involved by the express terms of or by custom or practice under a bona fide collective-bargaining agreement applicable to the particular employees".

(b) *Portal-to-Portal Act.* Section 4 of this act provides that:

(a) Except as provided in subsection (b), no employer shall be subject to any liability or punishment under the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, or the Davis-Bacon Act, on account of the failure of such employer to pay an employee minimum wages, or to pay an employee overtime compensation, for or on account of any of the following activities of such employee engaged in on or after May 14, 1947—

(1) Walking, riding, or traveling to and from the actual place of performance of the principal activity or activities which such employee is employed to perform, and

(2) Activities which are preliminary to or postliminary to said principal activity or activities, which occur either prior to the time on any particular workday at which such employee commences, or subsequent to the time on any particular workday at which he ceases, such principal activity or activities.

(b) Notwithstanding the provisions of subsection (a) of this section which relieve an employer from liability and punishment with respect to an activity the employer shall not be so relieved if such activity is compensable by either—

(1) An express provision of a written or non-written contract in effect, at the time of such activity, between such employee, his agent, or collective-bargaining representative and his employer; or

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[26] Steiner v. Mitchell, 215 F. 2d 171 (C. A. 6).

[27] Cf. Mitchell v. King Packing Co., 216 F. 2d 618 (C. A. 9) contra.

[28] Tennessee Coal, Iron & R. R. Co. v. Muscoda Local, 321 U. S. 590; Anderson v. Mt. Clemens Pottery Co., 328 U. S. 690; Walling v. Anaconda Copper Mining Co., 66 F. Supp. 913 (D. Mont.).

[29] Walling v. Mid-Continent Pipe Line Co., 143 F. 2d 308 (C. A. 10).

[30] Anderson v. Mt. Clemens Pottery Co., 328 U. S. 680.

[31] See Glenn L. Martin Nebraska Co. v. Culkin, 197 F. 2d 981, 987 (C. A. 8), certiorari denied, 344 U. S. 866, rehearing denied, 344 U. S. 888, holding that working time amounting to $1.00 of additional compensation a week is "not a trivial matter to a working man," and was not de minimis; Addison v. Huron Stevedoring Corp., 204 F. 2d 88, 95 (C. A. 2) certiorari denied 346 U. S. 877, holding that "To disregard work weeks for which less than a dollar is due will produce capricious and unfair results." Hawkins v. E. I. Du Pont de Nemours, & Co., 12 WH Cases 448, 27 Labor Cases Para. 69,094 (E. D. Va.), holding that 10 minutes a day is not de minimis.

[32] The minimum rate becomes $1.00 an hour on March 1, 1956.

(2) A custom or practice in effect, at the time of such activity, at the establishment or other place where such employee is employed, covering such activity, not inconsistent with a written or nonwritten contract, in effect at the time of such activity, between such employee, his agent, or collective-bargaining representative and his employer.

(c) For the purposes of subsection (b) of this section, an activity shall be considered as compensable, under such contract provision or such custom or practice only when it is engaged in during the portion of the day with respect to which it is so made compensable.

(d) In the application of the minimum wage and overtime compensation provisions of the Fair Labor Standards Act of 1938, as amended, of the Walsh-Healey Act, or of the Davis-Bacon Act, in determining the time for which an employer employs an employee with respect to walking, riding, traveling, or other preliminary or postliminary activities described in subsection (a) of this section, there shall be counted all that time, but only that time, during which the employee engages in any such activity which is compensable within the meaning of subsections (b) and (c) of this section.

APPENDIX

Regional Offices of the Wage and Hour and Public Contracts Divisions:

Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont). Regional office: Boston, Mass.

Region II (New Jersey, New York). Regional office: New York, N. Y.

Region III (Delaware, Maryland, Pennsylvania). Regional office: Philadelphia, Pa.

Region IV (Alabama, Florida, Georgia, Mississippi, South Carolina). Regional office: Birmingham, Ala.

Region V (Michigan, Ohio). Regional office: Cleveland, Ohio.

Region VI (Illinois, Indiana, Minnesota, Wisconsin). Regional office: Chicago, Ill.

Region VII (Colorado, Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming). Regional office: Kansas City, Mo.

Region VIII (Arkansas, Louisiana, New Mexico, Oklahoma, Texas). Regional office: Dallas, Tex.

Region IX (Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington). Regional office: San Francisco, Calif.

Region X (Kentucky, Tennessee, Virginia, West Virginia). Regional office: Nashville, Tenn.

Cooperating State agency (North Carolina). North Carolina Department of Labor: Raleigh, N. C.

Alaska: Juneau.
Hawaii: Honolulu.
Puerto Rico: Santurce.

Signed at Washington, D. C., this 29th day of November 1955.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 55-10309; Filed, Dec. 23, 1955; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 49—STAR ROUTE SERVICE

PART 94—MAIL-MESSENGER SERVICE

PART 95—TRANSPORTATION OF MAIL BEYOND BORDERS OF UNITED STATES

MISCELLANEOUS AMENDMENTS

The following changes are made in the regulations of the Post Office Department:

PART 49—STAR ROUTE SERVICE

In Part 49—Star Route Service add new § 49.5, to read as follows:

§ 49.5 *Subcontracts.* — (a) *Requirements for subletting.* (1) A contractor must get prior permission from the Post Office Department for subletting. Subletting without proper consent may cause a route to be relet, thereby making contractor and his sureties liable under their bond for damages.

(2) Subcontracts are executed in triplicate, providing a copy for: (i) Post Office Department, Bureau of Transportation; (ii) Contractor; (iii) Subcontractor.

(3) After an order has been issued recognizing a subcontract, payments are made directly to and in name of the subcontractor.

(b) *Requirements of subcontractors.* A subcontractor must:

(1) Meet the legal residence requirements of contractors.

(2) Be in a position to supervise the service properly.

(3) Be financially and morally responsible.

(4) Have fully adequate and suitable equipment.

(c) *Assignment.* Assignment or transfer of a contract for transporting mail is prohibited by law, except as provided in the Assignment of Claims Act. A contract may be sublet as provided by law.

(d) *Term.* The subcontract must be executed for service on the whole route and for a period of not less than 1 year or for the remainder of the contract term when less than 1 year.

(e) *Responsibility of contractor.* The execution and recognition of a subcontract does not release a contractor from his obligation, but it relieves him of the necessity of giving the route his personal supervision.

(f) *Termination*—(1) *By joint request.* A subcontract may be terminated by the Post Office Department on the joint request of both contractor and subcontractor.

(2) *By death of subcontractor.* On the death of a subcontractor, the contractor, legal representative of the estate of a deceased contractor, or sureties in charge should immediately resume charge of the route.

(R. S. 161, 396, 3951, as amended, 3964, as amended, 3965, 3966, 3968, 3969; sec. 2, 20 Stat. 62, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; 39 U. S. C. 434, 445, 481, 483, 484, 486, 487)

PART 94—MAIL-MESSENGER SERVICE

Part 94 *Mail-Messenger Service,* is revised to read as follows:

Sec.
94.1 Mail Messenger Service not to be established without authority.
94.2 Mail Messenger Service not to be extended without authority.
94.3 No payment to be made for Mail Messenger Service unless authorized.
94.4 Irregularities and fines.

AUTHORITY: §§ 94.1 to 94.4 issued under R. S. 161, 396, 3962, as amended; 24 Stat. 492, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C., 443, 578.

§ 94.1 *Mail messenger service not to be established without authority.* The postmaster must apply to his regional transportation manager for authority to employ temporary mail messenger service where necessary before the establishment of regular mail messenger service.

§ 94.2 *Mail messenger service not to be extended without authority.* The postmaster must obtain authorization from the regional transportation manager before extending service of a mail messenger beyond the limits stated in the advertisement and notice of designation.

§ 94.3 *No payment to be made for mail messenger service unless authorized.* No person may be paid for mail messenger service unless the service has been authorized.

§ 94.4 *Irregularities and fines.* Mail messengers may be held financially liable for loss or damage to mail in their custody. They are also accountable and answerable in fines for failure to:

(a) Carry the mail in a safe and secure manner.

(b) Guard the pouches and other mail in their custody from theft or damage by water or any other source.

(c) Return and deliver the mail into the post office, notifying the postmaster, when for any reason he is unable to make proper dispatch of the mail in his custody.

PART 95—TRANSPORTATION OF MAIL BEYOND BORDERS OF UNITED STATES

Part 95—Transportation of Mail Beyond Borders of United States is revised to read as follows:

Sec.
95.1 Transportation and protection of mail between post offices and ships.
95.2 Certificate for ship letters and payment of shipmaster.
95.3 When fees on ship letters not allowed.
95.4 Compensation for transportation of surface mails by vessel.
95.5 Rates for rail service across Isthmus of Panama.
95.6 Fines on steamship companies transporting mail beyond borders of United States.

AUTHORITY: §§ 95.1 to 95.6 issued under R. S. 161, 396, 398, as amended, 3962, as amended, 4009, as amended, 4010, as amended; secs. 304, 309, 42 Stat. 24, 25, sec. 1, 62 Stat. 777; 5 U. S. C. 22, 369, 372, 18 U. S. C. 1698, 39 U. S. C. 443, 654, 655.

§ 95.1 *Transportation and protection of mail between post offices and ships*—(a) *Outgoing mail.* Steamship companies are to provide for the transportation and protection of all outgoing mail, including parcel post and sacks containing empty sacks, from the post office to the transporting vessel.

(b) *Incoming mail.* All incoming mail, including letter mail, parcel post and sacks containing empty sacks, is to be placed on the piers by the steamship companies. At that point delivery of the mail is made into the custody of agents of the postal service for trucking to the post office. The mail shall be placed on the piers and delivered to the agents of the postal service before the transporting vessel makes entry or breaks bulk, such action to be regarded as compliance with the law. Mail, including letter mail, parcel post and sacks containing empty sacks, waybilled for discharge at ports other than the first port of call of the vessel in the United States, shall be discharged at the first port of call if the vessel is scheduled to remain at said first port of call for more than 24 hours.

(c) *Vehicles and attendants.* Each vehicle used to transport mail between post offices and vessels, except the completely closed van type, shall be provided with a man to ride on the rear of the vehicle to protect the mail. The mail compartment of the completely closed van type vehicle must be locked or sealed. When a rack type truck is used the sacks shall be covered by a tarpaulin.

(d) *Registered (red label) sacks.* The registered sacks shall be specially protected during transfer between post offices and the transporting vessels and on board the vessels. The red label sacks shall be separately delivered to the steamship company's representative at the post office in the case of outgoing mails. Incoming red label sacks shall be segregated from the other mails on the piers by the steamship companies.

§ 95.2 *Certificate for ship letters and payment of shipmaster.* (a) Postmasters at offices where ship and steamboat letters are delivered shall obtain a certificate from the master of the ship showing:

(1) Number of letters.
(2) Name of ship or vessel.
(3) Place from which vessel last sailed.

(b) The postmaster shall pay to the master or owner of the ship or steamboat 2 cents for each letter delivered into his office which has not previously been mailed, except as provided in § 95.3. The postmaster shall obtain a receipt for such payment.

§ 95.3 *When fees on ship letters not allowed.* Fees shall not be allowed for ship letters if they are:

(a) Addressed to a foreign country.

(b) Delivered by any of the following:

(1) A passenger or sailor, other than the master.

(2) The master of any vessel or any person on board any vessel which carries mail.

(3) Any carier on any mail route.

(4) The master of a vessel who delivers to a postmaster letters which were carried over a post route.

Fees shall not be allowed for printed matter.

§ 95.4 *Compensation for transportation of surface mail*—(a) *Definite rates.* Unless otherwise provided, payment shall be made for the transportation of United States mail and foreign closed transit mail on steamships of United States registry and foreign registry at the rates given below:

Distance conveyed (nautical miles)	United States mail, including parcel post, on steamships of United States registry (cents per pound—net weight)	All mail, including parcel post, on steamships of foreign registry; and foreign closed transit mail, including parcel post, on steamships of United States registry (cents per pound—net weight)
Up to 300 miles	3.1	1.8
Over 300 up to 600 miles	3.1	2.5
Over 600 up to 1,000 miles	3.1	3.1
Over 1,000 up to 1,500 miles	3.6	3.6
Over 1,500 up to 2,000 miles	4.7	4.0
Over 2,000 up to 2,500 miles	4.7	4.4
Over 2,500 up to 3,000 miles	4.7	4.7
Over 3,000 up to 3,500 miles	5.0	5.0
Over 3,500 up to 4,000 miles	5.3	5.3
Over 4,000 up to 5,000 miles	5.6	5.6
Over 5,000 up to 6,000 miles	6.1	6.1
Over 6,000 up to 7,000 miles	6.5	6.5
Over 7,000 up to 8,000 miles	6.8	6.8
Over 8,000 miles	7.1	7.1

(b) *Exceptions to above rates.* As an exception to the rates in paragraph (a) of this article, payment for the mail which the United States is obligated to convey shall be made at the rates in the schedule below for the following services:

(1) Mail, including parcel post, dispatched onward from the Canal Zone.

(2) Postal Union mail from any country signatory to the Convention of the Postal Union of the Americas and Spain (except continental United States and Canada) to any other country, and Postal Union mail originating in signatory countries conveyed from countries not signatory.

Distance conveyed (nautical miles)	All mail, including parcel post where conveyance is obligated (cents per pound—net weight)
Up to 300 miles	1.3
Over 300 up to 600 miles	2.0
Over 600 up to 1,000 miles	2.6
Over 1,000 up to 1,500 miles	3.1
Over 1,500 up to 2,000 miles	3.5
Over 2,000 up to 2,500 miles	3.9
Over 2,500 up to 3,000 miles	4.2
Over 3,000 up to 3,500 miles	4.5
Over 3,500 up to 4,000 miles	4.8
Over 4,000 up to 5,000 miles	5.1
Over 5,000 up to 6,000 miles	5.6
Over 6,000 up to 7,000 miles	6.0
Over 7,000 up to 8,000 miles	6.3
Over 8,000 miles	6.6

(c) *Other exceptions*—(1) *Free transit provisions.* No compensation will be paid by the United States Post Office Department for the transportation of letters and prints mail originating in the United States or countries signatory to the Convention of the Postal Union of the Americas and Spain when dispatched on vessels of the registry or flag of a signatory country. Such conveyance is an obligation of the country in which the vessel is registered in accordance with the free transit provisions of the Convention of the Postal Union of the Americas and Spain. This does not apply to ships of Panamanian registry (with respect to ships which Panama does not use for its own correspondence) or those of the United States and Canadian registry.

(2) *Mails dispatched from more than one port in the United States.* When mail is dispatched from more than one port in the United States this section shall not prevent a carrier from accepting the lowest rate applicable from the United States to port of destination.

(d) *Membership of Postal Union of the Americas and Spain.* The following countries are signatory to the Convention of the Postal Union of the Americas and Spain:

Argentina.
Bolivia.
Brazil.
Canada.
Colombia.
Costa Rica.
Cuba.
Chile.
Dominican Republic.
Ecuador.
El Salvador.
Guatemala.
Haiti.
Honduras (Republic).
Mexico.
Nicaragua.
Panama.
Paraguay.
Peru.
Spain.
United States.
Uruguay.
Venezuela.

§ 95.5 *Rates for rail service across Isthmus of Panama.* Payment for the transportation by railroad across the Isthmus of Panama, for United States and foreign closed transit mail shall be $0.0525 per pound for letters and post cards and $0.007 per pound for other articles, including parcel post.

§ 95.6 *Fines on steamship companies transporting mail beyond borders of United States.* Steamship companies are responsible to the United States for the safety of the mail intrusted to them, and accountable for any loss or damage resulting to any mail by reason of failure on the part of any of their officers, agents, or employees to exercise due care in the custody, handling, or transportation thereof. In case of delinquencies, fines may be imposed or deductions made from the company's pay.

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55-10342; Filed, Dec. 23, 1955; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

CHILLED ORANGE JUICE [1]

UNITED STATES STANDARDS FOR GRADES; NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States standards for Grades of Chilled Orange Juice pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C. not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

Sec.
52.2761 Product description.
52.2762 Types of chilled orange juice.
52.2763 Styles of processed chilled orange juice.
52.2764 Grades of chilled orange juice.

FILL OF CONTAINER

52.2765 Recommended fill of container.

FACTORS OF QUALITY

52.2766 Ascertaining the grade.
52.2767 Ascertaining the rating for the factors which are scored.
52.2768 Color.
52.2769 Absence of defects.
52.2770 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.2771 Definitions of terms and methods of analyses.

LOT CERTIFICATION TOLERANCES

52.2772 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2773 Score sheet for chilled orange juice.

AUTHORITY: §§ 52.2761 to 52.2773 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

§ 52.2761 *Product description.* Chilled orange juice is the unfermented juice initially obtained from sound, mature fruit of the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines, which fruit was prepared by sorting and by washing prior to extraction of the juice to assure a clean and sanitary product. Chilled orange juice is prepared without chemical preservatives, acids, or similar additives but may be packed with the addition of a non-liquid nutritive sweetening ingredient or sweeting ingredients. The orange juice of the applicable type and style is prepared, chilled quickly, and packaged in accordance with good commercial practice; and the chilled product is maintained at temperatures necessary for the marketing of chilled orange juice.

§ 52.2762 *Types of chilled orange juice.* Chilled orange juice is prepared as the following types and sub-types:

(a) *Type I, Chilled fresh orange juice.* Chilled orange juice of this type is prepared as a fresh, undiluted, unconcentrated, and untreated orange juice, except for chilling and the removal of seeds and undesirable pulp, without added sweetening ingredient(s).

(b) *Type II, Chilled processed orange juice.* Chilled orange juice may be prepared as any of the following sub-types:

(1) Type II (a), natural orange juice that is heat treated or otherwise treated in whole or in part to reduce bacterial or enzymatic action; or chilled orange juice that is prepared from frozen single-strength orange juice, with or without heat-treatment or other treatment in whole or in part to reduce bacterial or enzymatic action; or chilled orange juice that is prepared from any combination thereof.

(2) Type II (b), natural orange juice that is prepared with or without heat-treatment or other treatment in whole or in part to reduce bacterial or enzymatic action; or chilled orange juice that is prepared from frozen single-strength orange juice, with or without heat-treatment or other treatment in whole or in part to reduce bacterial or enzymatic action; or chilled orange juice that is prepared from any combination thereof; and to which a small amount of frozen concentrated orange juice has been admixed to standardize the chilled orange juice;

(3) Type II (c), frozen concentrated orange juice reconstituted with water and natural orange juice or frozen single-strength orange juice; or

(4) Type II (d), frozen concentrated orange juice reconstituted solely with water.

§ 52.2763 *Styles of processed chilled orange juice.* (a) Style I, Unsweetened (or without added sweetening ingredient).

(b) Style II, Sweetened (or with added sweetening ingredient).

§ 52.2764 *Grades of chilled orange juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of chilled orange juice that shows no coagulation or no material separation and possesses the appearance of fresh orange juice; that possesses a very good color; that is practically free from defects; that possesses a very good flavor; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of chilled orange juice that shows no coagulation but may show some separation and possesses the appearance of fresh orange juice; that possesses a good color; that is reasonably free from defects; that possesses a good flavor; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(c) "Substandard" is the quality of chilled orange juice that fails to meet the requirements of U. S. Grade B or U. S. Choice.

FILL OF CONTAINER

§ 52.2765 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be as full of chilled orange juice as practicable.

FACTORS OF QUALITY

§ 52.2766 *Ascertaining the grade.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points.*
(i) Degree of coagulation;
(ii) Separation;
(iii) Appearance of fresh orange juice.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color	40
(ii) Absence of defects	20
(iii) Flavor	40
Total score	100

§ 52.2767 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, and 20 points).

§ 52.2768 *Color*—(a) *(A) classification.* Chilled orange juice that possesses a very good color may be given a score of 34 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of rich-colored fresh orange juice.

(b) *(B) classification.* If the chilled orange juice possesses a good color, a score of 28 to 33 points may be given. Chilled orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is the yellow to yellow-orange color typical of fresh orange juice which may be dull but is not off color for any reason.

(c) *(SStd) classification.* Chilled orange juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2769 *Absence of defects—(a) General.* The factor of absence of defects refers to the degree of freedom from recoverable oil, from seeds and portions thereof, from pulp, and from other defects.

(1) *Pulp.* "Pulp" means particles of membrane, core, and peel.

(b) *(A) classification.* Chilled orange juice that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that there may be present: (1) not more than 0.035 percent by volume of recoverable oil; (2) small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice; (3) pulp that does not materially affect the appearance or drinking quality of the juice; and (4) other defects that are not more than slightly objectionable.

(c) *(B) classification.* If the chilled orange juice is reasonably free from defects, a score of 14 to 16 points may be given. Chilled orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present: (1) not more than 0.050 percent by volume of recoverable oil; (2) small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or drinking quality of the juice; (3) pulp that does not seriously affect the appearance or drinking quality of the juice; and (4) other defects that are not materially objectionable.

(d) *(SStd) classification.* Chilled orange juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2770 *Flavor*—(a) *(A) classification.* Chilled orange juice that possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and substantially typical of orange juice extracted from fresh, mature sweet oranges; is free from off flavors of any kind; and meets the following additional requirements for the applicable style:

(1) *Style I, Unsweetened.* (i) Brix: Not less than 11.8°.

(ii) Brix-acid ratio: Not less than 10 to 1 if the Brix is 12.0° or more; and not less than 12 to 1 if the Brix is less than 12.0°; and not more than 18 to 1.

(2) *Style II, Sweetened.* (i) Brix: Not less than 12.5°.

(ii) Brix-acid ratio: Not less than 12 to 1 nor more than 14 to 1.

(b) *(B) classification.* If the chilled orange juice possesses a good flavor, a score of 28 to 33 points may be given. Chilled orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the flavor is fairly typical of orange juice extracted from fresh, mature sweet oranges; is free from off flavors of any kind; and meets the following additional requirements for the applicable style:

(1) *Style I, Unsweetened.* (i) Brix: Not less than 10.5°, except that if the product is prepared in whole or in part from frozen concentrated orange juice, the Brix shall be not less than 11.8°.

(ii) Brix-acid ratio: Not less than 9 to 1 if the Brix is 12.0° or more; and not less than 11 to 1 if the Brix is less than 12.0°; and not more than 20 to 1.

(2) *Style II, Sweetened.* (i) Brix: Not less than 12.5°.

(ii) Brix-acid ratio: Not less than 10 to 1 nor more than 15 to 1.

(c) *(SStd) classification.* Chilled orange juice that fails to meet the requirements of paragraph (b) of this section, or is off flavor for any reason, may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.2771 *Definitions of terms and methods of analyses—(a) Brix.* "Brix" means the degrees Brix of chilled orange juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in the "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of chilled orange juice may be determined by any other method which gives equivalent results.

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 ml. of chilled orange juice. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(c) *Recoverable oil.* "Recoverable oil" is determined by the following method:

(1) *Equipment.*

Oil separatory trap similar to either of those illustrated in Figure 1 or Figure 2.[1]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
8-liter narrow-neck flask.

(2) *Procedure.* (i) Exactly 2 liters of juice are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute.

(ii) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(iii) The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

LOT CERTIFICATION TOLERANCES

§ 52.2772 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of chilled orange juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drugs, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2773 *Score sheet for chilled orange juice.*

Size and kind of container			
Container mark or identification	Packages		
	Cases		
Label (including ingredient statement, if any)			
Liquid measure (fluid ounces)			
Style			
Brix (degrees)			
Acid (grams/100 ml.; calculated as anhydrous citric acid)			
Brix-acid ratio (:1)			
Recoverable oil (percent by volume)			
Degree of coagulation	( ) None. ( ) Slight ( ) Serious.		
Scoring factors	Score points		
Color	40	(A)	34–40
		(B)	[1] 28–33
		(SStd)	[1] 0–27
Absence of defects	20	(A)	17–20
		(B)	[1] 14–16
		(SStd)	[1] 0–13
Flavor	40	(A)	34–40
		(B)	[1] 28–33
		(SStd)	[1] 0–27
Total score	100		
Grade			

[1] Indicates limiting rule.

Dated: December 20, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-10315; Filed, Dec. 23, 1955; 8:46 a. m.]

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

[1] Filed as part of the original document.

[7 CFR Part 914]

[Docket No. AO–245–A2]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 229 Federal Building, 312 North Spring Street, Los Angeles, California, beginning at 9:00 a. m., P. s. t., January 27, 1956, with respect to proposed amendments to the marketing agreement as amened, and Order No. 14, as amended (7 CFR Part 914), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of navel oranges grown in Arizona and designated part of California. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and to any appropriate modifications thereof.

The following amendments to the marketing agreement and order have been proposed by the Naval Orange Administrative Committee, the administrative agency established pursuant to the marketing agreement and order:

1. Delete the provisions of § 914.15 and substitute in lieu thereof the following:

§ 914.15 *Carton.* "Carton" means the standard carton Number 58 as defined in § 828.83 of the Agricultural Code of California, of a capacity of approximately 38½ pounds of oranges, or such other container and weight as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

2. Delete the provisions of § 914.17 and substitute in lieu thereof the following:

§ 914.17 *Carload.* "Carload" means a quantity of oranges equivalent to 924 cartons of oranges, or such other quantity of oranges as may be established by the committee with the approval of the Secretary.

3. Amend the provisions of § 914.21 by deleting therefrom the word and figure "November 1" and substitute in lieu thereof the word and figure "October 1".

4. Amend the provisions of § 914.31 by adding at the end of the section the following additional sentence: "Whenever specifically authorized and approved by the committee, alternate members shall be reimbursed for reasonable expenses necessarily incurred by them in attending committee meetings and shall receive compensation at the rate provided in this section, notwithstanding that the committee members for whom they serve as alternate also attend such meetings."

5. Amend the provisions of § 914.32 as follows: (a) Delete the first sentence thereof and substitute in lieu thereof the following: "The committee shall, as soon as practicable after the end of the marketing year, prepare and mail an annual report to the Secretary and to each handler and grower of record."

(b) Delete therefrom the words following (d) and substitute in lieu thereof the following: "notice of the time and place of an open meeting, to be held as soon as practicable after the mailing of the annual report, to review the whole record of the operations of this part."

6. Amend the provisions of § 914.53 (e) by adding the following proviso at the end thereof: "*Provided*, That on gains occasioned by the bona fide transfer of real property on which such oranges are produced, any quantity of oranges which is deducted as provided herein shall be added, over a comparable period, to the handler who gains control of such oranges."

7. Amend the provisions of § 914.55 by deleting therefrom the first sentence and substituting in lieu thereof the following: "During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment, and whose total allotment is not required for the repayment of an allotment loan or a prior overshipment, may handle in addition to his allotment an amount of such oranges equivalent to 10 percent of his allotment, or one carload, whichever is the greater."

8. Amend the provisions of § 914.57 by adding a new subparagraph (e) as follows:

(e) No allotment may be loaned from one handler to another when such loan is brought about by the payment of a consideration, monetary or otherwise, to the loaning handler.

9. Amend the provisions of § 914.64 by inserting the following immediately after the first sentence of such section: "Such size regulation may establish the percentage of the allotment which is issued to each handler during each prorate period which may be used by such handler only during such prorate period in the shipment of a stated size whenever volume regulation is in effect. If volume regulation is not in effect the percentage of the stated size which each handler may ship each week may be established in relation to the total quantity of oranges such handler ships during such week."

10. Add a new § 914.68, reading as follows:

§ 914.68 *Volume regulation when season average price is in excess of parity.* In order to effectuate the declared policy of the act, and in order to maintain such orderly marketing conditions for oranges as will provide in the interest of producers and consumers alike an orderly flow of the supply of oranges to market throughout their normal marketing season, and in order to avoid unreasonable fluctuation in the supply and price of oranges, the provisions of this subpart may be made effective notwithstanding that the season average price of oranges is found to be in excess of parity.

11. Amend the provisions of § 914.71 by deleting therefrom the word "box" and substituting in lieu thereof the word "carton".

12. Amend the provisions of § 914.83 (c) (3) by deleting from the last sentence of this subparagraph the word and figure "September 15" and substituting in lieu thereof the word and figure "March 15".

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Done at Washington, D. C., this 20th day of December 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55–10317; Filed, Dec. 23, 1955; 8:46 a. m.]

[7 CFR Part 922]

[Docket No. AO–250–A1]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 810, Federal Building, 312 North Spring Street, Los Angeles, California, beginning at 10:00 a. m., P. s. t., January 25, 1956, with respect to proposed amendments to the tentative marketing agreement, heretofore approved by the Secretary of Agriculture, and Order No. 22 (7 CFR Part 922), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of Valencia oranges grown in Arizona and designated part of California. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and to any appropriate modifications thereof.

The following amendments to the marketing agreement and order have been proposed by the Valencia Orange Administrative Committee, the administrative agency established pursuant to the order:

1. Delete the provisions of § 922.16 and substitute in lieu thereof the following:

§ 922.16 *Carton.* "Carton" means the standard carton number 58 as defined in § 828.83 of the Agricultural Code of California, of a capacity of approximately 38½ pounds of oranges, or such other container and weight as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

2. Delete the provisions of § 922.18 and substitute in lieu thereof the following:

§ 922.18 *Carload.* "Carload" means a quantity of oranges equivalent to 924 cartons of oranges, or such other quantity of oranges as may be established by the committee with the approval of the Secretary.

3. Amend the provisions of § 922.31 by adding at the end of the section the following additional sentence: "Whenever specifically authorized and approved by the committee, alternate members shall be reimbursed for reasonable expenses necessarily incurred by them in attending committee meetings, and shall receive compensation at the rate provided in this section, notwithstanding that the committee members for whom they serve as alternates also attend such meetings."

4. Amend the provisions of § 922.32 as follows: (a) Delete therefrom the first sentence and substitute in lieu thereof the following: "The committee shall, as soon as practicable after the end of the marketing year, prepare and mail an annual report to the Secretary and to each handler and grower of record."

(b) Delete therefrom the words following (d) and substitute in lieu thereof the following: "notice of the time and place of an open meeting, to be held as soon as practicable after the mailing of the annual report, to review the whole record of the operations of this part."

5. Amend the provisions of § 922.53 (e) by adding the following proviso at the end thereof: "*Provided*, That on gains occasioned by the bona fide transfer of real property on which such oranges are produced, any quantity of oranges which is deducted as provided herein shall be added, over a comparable period, to the handler who gains control of such oranges."

6. Amend the provisions of § 922.55 by deleting therefrom the first sentence and substituting in lieu thereof the following: "During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment, and whose total allotment is not required for the repayment of an allotment loan or a prior overshipment, may handle in addition to his allotment an amount of such oranges equivalent to 10 percent of his allotment, or one carload, whichever is the greater."

7. Amend the provisions of § 922.57 by adding a new paragraph (e) as follows:

(e) No allotment may be loaned from one handler to another when such loan is brought about by the payment of a consideration, monetary or otherwise, to the loaning handler.

8. Amend the provisions of § 922.64 by inserting the following immediately after the first sentence of such section: "Such size regulation may establish the percentage of the allotment which is issued to each handler during each prorate period which may be used by such handler only, during such prorate period in the shipment of a stated size whenever volume regulation is in effect. If volume regulation is not in effect, the percentage of a stated size, which each handler may ship during each week, may be established in relation to the total quantity of oranges such handler ships during such week."

9. Add a new § 922.68 reading as follows:

§ 922.68 *Volume regulation when season average price in excess of parity.* In order to effectuate the declared policy of the act, and in order to maintain such orderly marketing conditions for oranges as will provide in the interest of producers and consumers alike an orderly flow of the supply of oranges to market throughout their normal marketing season, and in order to avoid unreasonable fluctuation in the supply and price of oranges, the provisions of this subpart may be made effective notwithstanding that the season average price of oranges is found to be in excess of parity.

10. Amend the provisions of § 922.71 by deleting therefrom the word "box" and substituting in lieu thereof the word "carton."

11. Amend the provisions of § 922.83 (c) (3) by deleting therefrom the word and figure "December 15" wherever it appears and substituting in lieu thereof the word and figure "October 15."

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Done at Washington, D. C., this 20th day of December 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55–10316; Filed, Dec. 23, 1955; 8:46 a. m.]

[7 CFR Part 945]

TOMATOES GROWN IN FLORIDA

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945; 20 F. R. 7357), regulating the handling of tomatoes grown in Florida, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 945.201 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Order No. 45, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending July 31, 1956, will amount to $135,000.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 125 and Order No. 45, shall be one and one-half cents ($0.015) per 60-pound crate of tomatoes, or respective equivalent quantities thereof, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 125 and Order No. 45.

Dated: December 20, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–10321; Filed, Dec. 23, 1955; 8:47 a. m.]

[7 CFR Part 953]

[Docket No. AO 144–A7]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and in accordance

with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR, Part 900), notice is hereby given of a public hearing to be held in Room 810 Federal Building, 312 North Spring Street, Los Angeles, California, beginning at 9:00 a. m., P. s. t., January 25, 1956, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Part 953 20 F. R. 8451), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of lemons grown in California and Arizona. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and to any appropriate modifications thereof.

The following amendments to the marketing agreement and order have been proposed by the Lemon Administrative Committee, the administrative agency established pursuant to the marketing agreement and order:

1. Delete the provisions of § 953.8 and substitute in lieu thereof the following:

§ 953.8 *Carload.* "Carload" means a quantity of lemons equivalent to 930 cartons of lemons, or such other quantity of lemons as may be established by the committee with the approval of the Secretary.

2. Delete the provisions of § 953.9 and substitute in lieu thereof the following:

§ 953.9 *Carton.* "Carton" means standard carton No. 58 as defined in § 828.83 of the Agricultural Code of California, of a capacity of approximately 39½ pounds of lemons, or such other container and weight as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necesary to make the entire marketing agreement and order conform with any amendment thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or from the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Done at Washington, D. C., this 20th day of December 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-10318; Filed, Dec. 23, 1955; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 40]

[Draft Release 55-31]

REDISPATCH OF SCHEDULED AIR CARRIER FLIGHTS UNDER ADVERSE WEATHER CONDITIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the adoption of amendments to Part 40 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by February 24, 1956. Copies of such communications will be available after February 28, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

In the preamble to revised Part 40, adopted April 13, 1953, effective April 1, 1954, the Board stated that considerable comment had been received concerning the provision presently contained in § 40.389 (a), which provides for the designation of a second alternate when the weather conditions forecast for the destination and first alternate are "marginal." This comment indicated that the word "marginal" is not sufficiently definite and that the language contained in this section does not establish an unambiguous standard for air carrier operations. The Board, therefore, indicated that additional consideration would be given this matter and an appropriate alternative proposal would be circulated in the future.

Accordingly, it is proposed herein to delete the requirement in § 40.389 (a) for an additional alternate airport when the weather conditions forecast for the destination and first alternate are marginal, since it appears that this provision does not contribute materially to the sense and intent of the section. In lieu thereof, it is proposed to require redispatch of a flight when forecasts for the destination and alternate no longer indicate that ceilings and visibilities at the destination and alternate will be at or above the appropriate minimums at the estimated time of arrival thereat. It is believed that the intent of § 40.389 (a) will be substantially met by such a requirement.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 40 of the Civil Air Regulations be amended as follows:

1. By amending § 40.389 (a) by deleting the words "and, when the weather conditions forecast for the destination and first alternate are marginal, at least one additional alternate airport".

2. By amending § 40.393 (c) to read as follows:

§ 40.393 *Redispatch and continuance of flight.* * * *

(c) No flight shall be continued to any airport to which it has been dispatched unless:

(1) The weather conditions at an alternate airport specified in the dispatch release or specified in accordance with the redispatch provisions of paragraph (b) of this section, remain at or above the minimums for such airport when used as an alternate, and

(2) The current weather reports and forecasts, or a combination thereof, for the destination and alternate specified in the dispatch release or specified in accordance with the redispatch provisions of paragraph (b) of this section, continue to indicate that weather conditions will be at or above the appropriate airport minimums at the estimated time of arrival thereat.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended, 49 U. S. C. 551-560)

Dated at Washington, D. C., December 16, 1955.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 55-10340; Filed, Dec. 23, 1955; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board and Maritime Administration

[46 CFR Ch. II]

[Docket No. S-59]

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF PROPOSED RULE MAKING

Notice of proposed rule making in connection with petition of American President Lines, Ltd., was published in the FEDERAL REGISTER issue of September 26, 1955 (20 F. R. 8050), as amended by notice published November 10, 1955 (20 F. R. 8425).

Notice is hereby given that the time stipulated therein for submission of written data, views, or arguments relative thereto is hereby extended to March 1, 1956.

By order of the Federal Maritime Board/Maritime Administrator.

Dated: December 22, 1955.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 55-10363; Filed, Dec. 23, 1955; 9:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket Nos. 11532, 11433; FCC 55-1235]

RADIO BROADCAST SERVICES

MEMORANDUM OPINION AND ORDER

In the matter of amendment of Part 3 of the Commission's Rules and Regulations Governing Television Broadcast Stations, Docket No. 11532.

In the matter of amendment of Part 3 of the Commission's Rules and Regulations to increase the maximum effective radiated power for television stations on Channels 14-83, Docket No. 11433.

1. In the Notice of Proposed Rule Making adopted in this proceeding on November 10, 1955, the Commission announced its intention to consider proposals for revision of the national television allocations plan.

2. In paragraph 8 of that Notice the Commission set out a series of factors which it felt should be taken into consideration in evaluating proposals for revision of the existing television allocation plan and television standards.

3. The following petitions, now pending before the Commission, request changes to the present rules which bear directly on the problems which the Commission has under consideration in Docket No. 11532:

Date	Petitioner	Request (in brief)
Apr. 18, 1955	Albert J. Balusek, San Antonio, Tex.	Deintermix UHF and VHF channel assignments in all communities.
June 21, 1955	UHF Industry Coordinating Committee.	Authorize VHF stations on a case-to-case basis at mileage separations lower than the present minima.[1]
Oct. 17, 1955	UHF Industry Coordinating Committee.	Consider the allocations problem under a broad rule making proceeding.[1]
Oct. 7, 1955	American Broadcasting Co.	Partial deintermixture, and reduced VHF separations at reduced powers, and other revisions.
Nov. 9, 1955	Scharfeld and Baron, Washington, D. C.	Make channel assignments on the basis of individual applications, rather than under a fixed Table of Assignments.

[1] These 2 petitions request, in addition, the suspension or deferment of new grants which would increase intermixture. The latter requests are not dealt with in this notice.

4. In addition, the Commission has under consideration in the rule making proceeding inaugurated on September 11, 1955, under Docket No. 11433, a proposal to increase the maximum permissible power for UHF stations to 5 megawatts. Like the foregoing petitions, this proposal relates to one of the basic features of the present television standards.

5. In view of the close interrelationships between the foregoing matters and the questions under consideration in the instant rule making proceeding, the Commission believes that its review of the nationwide television allocations plan, and its quest for lasting solutions, would be facilitated by dealing with the foregoing matters within the framework of the instant proceeding.

6. Accordingly, *It is ordered*, That so much of the petitions listed in paragraph 3 hereof as request action other than the suspension or deferment of authorizations for new television stations will be considered under the rule making proceedings in Docket No. 11532.

7. *It is further ordered*, That the record in Docket No. 11433 is made part of the rule making proceeding under Docket No. 11532; and Docket No. 11433 is hereby terminated.

Adopted: December 14, 1955.

Released: December 15, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10343; Filed, Dec. 23, 1955; 8:51 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

DIXIE STOCK YARD, INC.

DEPOSTING OF STOCKYARD

It has been ascertained that the Dixie Stock Yard, Inc., Meridian, Mississippi, originally posted on September 19, 1955, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under that act for the reason that it no longer meets the area requirements. Accordingly, notice is given to the owner thereof and to the public that such livestock market is no longer subject to the provisions of the act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not deposting promptly a livestock market which no longer meets the area requirements of the act and is, therefore, no longer a stockyard within the definition contained in the act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after its publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER. (42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.).

Done at Washington, D. C., this 20th day of December 1955.

[SEAL] DAVID M. PETTUS,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 55-10322; Filed, Dec. 23, 1955; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 7464, 7465, and 7466]

BRITISH OVERSEAS AIRWAYS CORP.

NOTICE OF HEARING FOR AMENDMENT OF FOREIGN AIR CARRIER PERMIT

In the matter of the application, Docket No. 7464, of British Overseas Airways Corporation under section 402 of the Civil Aeronautics Act of 1938, as amended, for amendment of its foreign air carrier permit so as to include Detroit, Mich., as an additional co-terminal point in the United States; application, Docket No. 7465, requesting a foreign air carrier permit authorizing service between London, England, and the co-terminal points New York, N. Y., and San Francisco, Calif.; application, Docket No. 7466, requesting a foreign air permit authorizing service between the terminal point Nassau, Bahama Islands, and New York, N. Y.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said Act, a hearing in the above-entitled proceeding will be held on January 4, 1956, at 10:00 a. m., e. s. t., in Room 5855 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington 25, D. C., before Curtis C. Henderson, Hearing Examiner.

Without limiting the scope of the issues presented by the applications particular attention will be directed to the following questions:

1. Whether the proposed air transportation will be in the public interest.

2. Whether applicant is fit, willing, and able to perform the air transportation and conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder.

3. Whether authorization of the proposed air transportation will be consistent with the obligations assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and the United Kingdom of Great Britain and Northern Ireland.

For further details as to the service proposed and authorization requested, interested parties are referred to the applications on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before January 4, 1956, a statement setting forth the pertinent issues of fact or law which he desires to controvert.

Dated at Washington, D. C., December 20, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-10339; Filed, Dec. 23, 1955; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11392, 11393; FCC 55M-1040]

BARTLETT AND REED MANAGEMENT AND BLACKHILLS VIDEO CO.

ORDER FOR CONDUCT OF HEARING

DECEMBER 15, 1955.

In re applications of Bartlett and Reed Management, Rapid City, South Dakota, Docket No. 11392, File Nos. 557, 558, 559, 560, 561, 562, 563-C1-P-55; and Blackhills Video Company, Rapid City, South Dakota, Docket No. 11393, File Nos. 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105-C1-P-55; for construction permits for radio relay facilities.

Appearances. Kelley E. Griffith, Washington, D. C., on behalf of Bartlett and Reed Management; Eugene L. Burke, Washington, D. C., on behalf of Blackhills Video Company; Charles F. Martin, New York, N. Y., on behalf of American Telephone and Telegraph Company (Intervener); Charles V. Wayland, Washington, D. C., on behalf of Blackhills Broadcast Company (Intervener); and William M. Lesher and Byron E. Harrison, Washington, D. C., on behalf of the Chief, Common Carrier Bureau, Federal Communications Commission.

1. The first pre-hearing conference in the above-entitled proceeding was held June 16, 1955. The second pre-hearing conference was held before the undersigned Examiner on December 5, 1955. The parties attending were as above indicated.

2. Subsequent to the specification of the issues in the Commission order of May 18, 1955, designating the above-entitled applications for hearing, the Commission by order dated August 31, 1955, has made the American Telephone and Telegraph Company a party in this proceeding.

3. As a result of the pre-hearing conference held December 5, 1955, the hearing will proceed on the following time schedule:

a. On or before Friday, January 13, 1956, the parties will prepare and exchange all of the exhibits they propose to offer in evidence in response to the issues prescribed herein. The exhibits to be exchanged by the American Telephone and Telegraph Company will relate to the services presently available to the communities involved through the Bell System companies and the present timetable of the Bell System companies for serving such communities.

b. The evidentiary hearing will begin on Monday, January 30, 1956. On that date, the parties will offer in evidence the exhibits in support of their affirmative case. It is the intention of the Examiner to receive in evidence the exhibits and stipulations to which there are no objections and other exhibits which, after objections, the Examiner finds to be legally admissible.

4. After the receipt of the exhibits referred to, there will be a further conference to determine what other exhibits, if any, are to be offered either in support of the affirmative case or in rebuttal, the number of witnesses to be called and the date for further hearing.

It is so ordered, This the 15th day of December 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10344; Filed, Dec. 23, 1955; 8:52 a. m.]

[Docket No. 11516; FCC 55M-1043]

ELIZABETH EVANS AND W. COURTNEY EVANS (WSUX)

ORDER CONTINUING HEARING

In re application of Elizabeth Evans and W. Courtney Evans (WSUX), Seaford, Delaware, Docket No. 11516, File No. BMP-6870; for construction permit.

The Hearing Examiner having under consideration a petition filed on December 9, 1955, and a supplement thereto filed on December 12, 1955, by the respondent, Radio Hanover, Inc. (WHVR), requesting continuance of the hearing now scheduled for January 3, 1956;

It appearing that counsel for applicant and the Broadcast Bureau have no objection to a continuance until January 9, 1956, and that such a continuance would under all the circumstances not conflict with the interests of any party;

It is ordered, This 15th day of December 1955, that the petition is granted to the extent that the hearing now scheduled for January 3, 1956 is continued to Monday, January 9, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.; and that the further conference (see Transcript November 23, 1955, Prehearing Conference, p. 8) now scheduled for December 19, 1955 is continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10345; Filed, Dec. 23, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9175]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF DATE OF HEARING

DECEMBER 20, 1955.

Take notice that Tennessee Gas Transmission Company, a Delaware corporation (Applicant), with a principal place of business in Houston, Texas, filed on July 25, 1955, an application for a certificate of public convenience and necessity and a supplement thereto on October 4, 1955, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to increase the daily contract quantity of natural gas being delivered to The Peoples Natural Gas Company (Peoples) from 25,000 Mcf to 40,000 Mcf, and to utilize natural gas facilities made the subject of an application in Docket No. G-8805, wherein the construction and operation of facilities are contemplated which will increase both Applicant's average and peak day capacity. The proposed new facilities will provide 32,196 Mcf (14.73 psia) of unallocated capacity, a portion of which will be used to render the increased service to Peoples.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 30, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Notice of said application has been duly published in the FEDERAL REGISTER on October 4, 1955 (20 F. R. 7386).

Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10323; Filed, Dec. 23, 1955; 8:48 a. m.]

[Docket No. G-9221]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 20, 1955.

Take notice that The Ohio Fuel Gas Company, an Ohio corporation (Applicant), with a principal office in Columbus, Ohio, filed on August 10, 1955, an application for permission to abandon service to The River Gas Company pursuant to section 7 of the Natural Gas Act, authorizing Applicant to terminate service to The River Gas Company as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The application recites: that Applicant purchased the distribution system of The River Gas Company in Athens and Morgan Counties, Ohio, and initiated retail service through the acquired facilities on June 15, 1955, and will supply the same quantities of gas through the acquired facilities that it originally sold to The River Gas Company so no one will be deprived of service by reason of the transfer.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 30, 1956, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10324; Filed, Dec. 23, 1955; 8:48 a. m.]

[Docket No. G-9268]

JOHN B. HAWLEY, JR.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 20, 1955.

Take notice that John B. Hawley, Jr. (Applicant), an individual whose address is Minneapolis, Minnesota, filed on August 29, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Hugoton Field, Haskell County, Kansas, which it proposes to sell to Northern Natural Gas Company for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 23, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 8, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10325; Filed, Dec. 23, 1955; 8:48 a. m.]

[Docket No. G-9430]

LONE STAR GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 20, 1955.

Take notice that Lone Star Gas Company, a Texas corporation (Applicant), with its principal office in Dallas, Texas, filed on October 4, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate 1.67 miles of 2-inch lateral pipe line and appurtenant measuring and regulating facilities in Choctaw County, Oklahoma, to serve the Goodland Indian Orphanage, and adjoining Goodland School; and which will extend in a Westerly direction from its 6-inch natural gas transmission line E-16 to a point near the said school.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 25, 1956, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 13, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10326 Filed, Dec. 23, 1955; 8:48 a. m.]

[Docket No. G-9432]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 20, 1955.

Take notice that Hope Natural Gas Company, a West Virginia corporation (Applicant), with a principal office in Clarksburg, West Virginia, filed on October 4, 1955, an application for permission to abandon and remove facilities pursuant to section 7 of the Natural Gas Act, authorizing Applicant to abandon and remove facilities hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to abandon one 500 horsepower and one 600 horsepower compressor units at its Hunt Station located in Kanawha County, West Virginia, which it proposes to return to the warehouse for future use. The application recites that local gas supplies pumped by the two units are nearly depleted, and the proposed abandonment and removal will eliminate operating and maintenance costs, and will not result in any curtailment of service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 25, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 13, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10327; Filed, Dec. 23, 1955; 8:48 a. m.]

[Docket No. G-4640]

BEAL ASSOCIATES

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 20, 1955.

Take notice that Beal Associates (Applicant), whose address is Midland, Texas, filed on November 1, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all are more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Spraberry Trend Field, Upton County, Texas, which it proposes to sell to Texas Gas Products Corporation for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 23, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 23, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10328; Filed, Dec. 23, 1955; 8:48 a. m.]

[Docket No. G-6195]

BRITISH-AMERICAN OIL PRODUCING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 20, 1955.

Take notice that The British-American Oil Producing Company, Applicant, a Delaware corporation whose address is Dallas, Texas, filed on November 29, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from various gas fields in Logan County, Colorado, and sells it in interstate commerce to Kansas-Nebraska Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 19, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 8, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10329; Filed, Dec. 23, 1955; 8:48 a. m.]

[Docket No. G-9000]

GEORGE G. JOHNSON DRILLING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 20, 1955.

Take notice that George G. Johnson Drilling Company (Applicant), a Texas corporation whose address is Denver, Colorado, filed on June 6, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Big Springs Field, Deuel County, Nebraska, which it proposes to sell to Kansas-Nebraska Natural Gas Company, Inc. for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 23, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 8, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10330; Filed, Dec. 23, 1955; 8:49 a. m.]

[Docket No. G-9081]

LONE STAR PRODUCING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 20, 1955.

Take notice that Lone Star Producing Company, a Texas corporation (Applicant), with a principal office in Dallas, Texas, filed on January 27, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas in the O'Hagen and Oil Creek Fields, Grayson County, Texas, and to sell it in interstate commerce to Lone Star Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 26, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10331; Filed, Dec. 23, 1955; 8:49 a. m.]

[Docket No. G-9082]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 20, 1955.

Take notice that Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation with its principal office in Oklahoma City, Oklahoma, filed on June 27, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to replace a 10.7-mile section of looped 6⅞-inch and 7-inch O. D. gas pipeline with a continuous line of 16-inch, 14-inch and 12¾-inch pipe of approximately the same length in Beckham and Greer Counties, Oklahoma.

The application recites the increased capacity is required for the Altus Air Force Base, requirements of which will be: maximum of 400,000 Mcf annually and 4,000 Mcf daily.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 26, 1956, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10332; Filed, Dec. 23, 1955; 8:49 a. m.]

[Docket No. G-9267]

COLORADO INTERSTATE GAS CO.

NOTICE OF HEARING ON APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE

DECEMBER 19, 1955.

Take notice that Colorado Interstate Gas Company, Applicant, a Delaware corporation whose address is Colorado National Bank Building, Colorado Springs, Colorado, filed on August 29, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to construct and operate certain proposed facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct approximately 1.9 miles of 4-inch pipeline for the purpose of rendering direct industrial service to Pabco Products, Incorporated which is building a new gypsum wallboard plant located between Florence and Portland, Colorado.

Said line will run from a point of interconnection with Applicant's present 8-inch Portland lateral line near Portland, Colorado, in a westerly direction for a distance of approximately 1.9 miles where it will terminate on or adjacent to the premises of Pabco. Applicant also proposes to construct a meter and regulator station to be located on or adjacent to the premises of Pabco.

The total estimated cost of the pipeline and station is stated to be $29,903. However, as a contribution in aid of construction, Pabco has agreed to reimburse Applicant for the actual cost of the 4-inch line which is stated by Applicant for this purpose to be $22,357.

Under contract dated June 6, 1955, Applicant proposes to deliver up to 1500 MCF per day, of which 25 MCF will be on a firm basis and 1475 MCF on an interruptible basis with an option to deliver quantities in excess of 1500 MCF per day on an interruptible basis. The prices to January 1, 1957 (thereafter to be determined annually on a negotiated basis), are stated as 30 cents per MCF for firm gas and 21 cents per MCF for interruptible gas.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, January 10, 1956, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and

procedure. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10333; Filed, Dec. 23, 1955; 8:49 a. m.]

[Docket No. G-4568, etc.]

BERT FIELDS, ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 19, 1955.

Bert Fields, et al., Docket Nos. G-4568—G-4572 inclusive; Rockhill Oil Company, et al., Docket Nos. G-5920, G-5921, G-5922, G-5923 and G-5935; Elm Oil and Gas Corporation, Docket Nos. G-5924 and G-5926; Dorchester Corporation, Docket No. G-5925; Sohio Petroleum Company, Docket No. G-5928; Sunray Oil Corporation, Docket No. G-5932; Simon Anisman, Docket No. G-5936; Fred M. Manning, Docket No. G-5954; Placid Oil Company, Docket Nos. G-5971 and G-5972.

Take notice that there have been filed with the Federal Power Commisison applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the respective Applicants in the above-entitled dockets to render the service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their applications, which are on file with the Commission and open for public inspection.

Each of the above-named Applicants sells natural gas in interstate commerce for transportation and for resale from the following fields to the purchasers as indicated below:

Docket No.; Location of Field; and Purchaser

G-4568; Carthage Field, Panola County, Texas; Arkansas Louisiana Gas Company.

G-4569; North Lansing Field, Harrison County, Texas; Arkansas Louisiana Gas Company.

G-4570; Sentell Field, Bossier and Caddo Parishes, Louisiana; Arkansas Louisiana Gas Company.

G-4571; Carthage Field, Panola County, Texas; Tennessee Gas Transmission Company.

G-4572; Waskom Field, Harrison County, Texas; Arkansas Louisaina Gas Company.

G-5920; North Pettus Field, Bee, Carnes and Goliad Counties, Texas; United Gas Pipe Line Company.

G-5921; Carthage Field, Panola County, Texas; Arkansas Louisiana Gas Company.

G-5922; Brandt Field, Goliad County, Texas; Wilcox Trend Gathering System.

G-5923; Gloria Field, Jim Wells and Brooks Counties, Texas; Transcontinental Gas Pipe Line Corporation and Texas Illinois Natural Gas Pipe Line Company.

G-5924; Hugoton Field, Kearney County, Kansas; Colorado Interstate Gas Company.

G-5925; Panhandle Field, Carson and Gray Counties, Texas; Northern Natural Gas Company.

G-5926; Hugoton Field, Kearney County, Kansas; Colorado Interstate Gas Company.

G-5928; Egan Filed, Acadia Parish, Louisiana; Transcontinental Gas Pipe Line Corporation.

G-5932; Athens Field, Claiborne, Parish, Louisiana; Arkansas Louisiana Gas Company.

G-5935; Hordes Creek Field, Goliad County, Texas; Wilcox Trend Gathering System.

G-5936; West Panhandle, Gray County, Texas; Kerr McGee Oil Industries, Inc.

G-5954; Elk Basin Unit Area, Park County, Wyoming; Montana-Dakota Utilities Company.

G-5971; Sligo Field, Bossier, Parish, Louisiana; Texas Gas Transmission Corporation.

G-5972; Lapeyrouse Field, Terrebonne Parish, Louisiana; United Gas Pipe Line Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 24, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 10, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10334; Filed, Dec. 23, 1955; 8:49 a. m.]

[Docket Nos. G-8467, etc.]

J. C. TRAHAN, ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 19, 1955.

In the matters of J. C. Trahan et al., Docket No. G-8467; Nue-Wells Pipe Line Company, Docket No. G-8528; Mississippi River Fuel Corporation, Docket No. G-8575; Southwest Gas Producing Company, Inc., Docket No. G-8583; Arnold O. Morgan, Docket No. G-8590; Hargrove Oil and Gas Company, Docket No. G-8640; Hunt Oil Company, Docket Nos. G-8648 and G-8720; Sunray Mid-Continent Oil Company, Docket Nos. G-8663,[1] G-8791, G-8825, and G-9530; Shell Oil Company, Docket No. G-8666; Leonard W. Phillips, Docket Nos. G-8685, G-9210; Arkansas Fuel Oil Corporation, Docket No. G-8713; George H. Coates and Hugh Kirkpatrick, Docket No. G-8822; Sun Oil Company, Docket No. G-8841; Monterey Oil Company, Docket No. G-8896; John F. Merrick, Docket No. G-8923; George H. Coates, Docket No. G-8967; H. L. Hunt, Docket No. G-8972; Renwar Oil Corporation, Docket No. G-8974; South Texas Oil and Gas Company, Docket No. G-9076; N. B. Hunt, Docket No. G-9102; Breur, Robison Oil Company et al., Docket No. G-9103; Sherwood and Blohm and Thomas J. Holmes, Docket No. G-9163; G. C. Hudgins, Docket No. G-9188; Hugh J. Fitzgerald, Docket No. G-9198; Arnold H. Bruner & Company, Docket No. G-9199; Progress Petroleum Company, Inc., Docket No. G-9200; Seaboard Oil Company, Docket No. G-9240; Mustang Oil Corporation, Docket No. G-9247; Harrell Drilling Company, Docket No. G-9271; Kirkwood and Morgan, Inc., et al., Docket Nos. G-9303, G-9304, G-9380; Sinclair Oil and Gas Company, Docket No. G-9323; The Atlantic Refining Company, Docket No. G-9366; A. S. Genecov, Trustee for Boyce Elton Genecov; H. S. Genecov, Trustee for Maurine Hannah Genecov; Ronald E. Sater; and Raymond H. Williams, Jr., Docket No. G-9427; Lloyd H. Smith, Inc., et al., Docket No. G-9467; The Chicago Corporation, Docket No. G-9492.

There have been filed with the Federal Power Commission applications as hereinafter specified.

Docket No.; Address; and Location of Field

G-8467; 326 Texas Eastern Building, Shreveport, Louisiana; Bethany (Elysian) Field, Panola County, Texas.

G-8528; Midland, Texas; Bailey Field, Jim Wells County, Texas.

G-8575; 407 North Eighth Street, St. Louis, Missouri; Bella Bower Field, De Soto Parish, Louisiana.

G-8583; P. O. Box 2927, Monroe, Louisiana; Walker No. 1 Well, East Holmwood Field, Calcasieu Parish, Louisiana.

G-8590; 406 South Chaparral Street, Corpus Christi, Texas; Morgan Field, San Patricio County, Texas.

G-8640; 302 Texas Eastern Building, Shreveport, Louisiana; Bethany Field, Panola County, Texas.

G-8648; G-8720; 700 Mercantile Bank Building, Dallas, Texas; Bethany Field, Panola County, Texas.

G-8663, G-8791, G-8825, G-9530; Tulsa, Oklahoma, Beauriine Field, Hidalgo County, Texas; Rincon and Flores Field, Starr and Hidalgo Counties, Texas; El Panal Field, Starr County, Texas; North Hostetter Field, McMullen County, Texas.

G-8666; 50 West 50th Street, New York, New York; Lake Arthur Field, Jefferson Davis Parish, Louisiana.

G-8685, G-9210; P. O. Box 3068, Shreveport, Louisiana; South Hallsville Field, Harrison County, Texas; Bethany-Carthage Area, Panola and Harrison Counties, Texas.

G-8713; Slattery Building, Shreveport, Louisiana; F. F. Martinez Lease, North Rincon Field, Star County, Texas.

G-8822; San Antonio and Mission, Texas; Willow Creek Field, Refugio County, Texas.

G-8841; 1608 Walnut Street, Philadelphia, Pennsylvania; San Salvador Field, Hidalgo County, Texas.

G-8896; Los Angeles, California; El Panal Field, Starr County, Texas.

G-8923; Houston, Texas; Placedo Field, Victoria County, Texas.

[1] Effective May 16, 1955, Mid-Continental Petroleum Corporation merged into Sunray Oil Corporation and Sunray Oil Corporation changed name to Sunray Mid-Continent Oil Company and adopted the application of Sunray Oil Corporation in Docket Nos. G-8663, G-8791, G-8825, and G-9530.

G-8967; San Antonio, Texas; San Salvador Field, Hidalgo County, Texas.

G-8972; 700 Mercantile Bank Building, Dallas, Texas; Allen Parish, Louisiana.

G-8974; 1501 Wilson Tower, Corpus Christi, Texas; Morales Field, Jackson County, Texas.

G-9076; P. O. Box 440; Tom Graham Field, Jim Wells County, Texas.

G-9102; 700 Percentile Bank Building, Dallas, Texas; Morales Field, Jackson County, Texas.

G-9103; 333 North Michigan Avenue, Chicago, Illinois; Zim Field, Starr County, Texas.

G-9163; 1306 McKinney, Houston, Texas; South Lissie Field, Wharton County, Texas.

G-9188; P. O. Box 1159, Wharton, Texas; Magnet-Withers Field Area, Wharton County, Texas.

G-9198; 633 Meadows Building, Dallas, Texas; Placedo Field, Victoria County, Texas.

G-9199; 633 Meadows Building, Dallas, Texas; Placedo Field, Victoria County, Texas.

G-9200; Houston, Texas; Magnet-Withers Field, Wharton County, Texas.

G-9240; Continental Building, Dallas, Texas; McCrosky Field, Matagorda County, Texas.

G-9247; 1207 Wilson Building, Corpus Christi, Texas; North Odem Field, San Patricio County, Texas.

G-9271; 611 Melrose Building, Houston, Texas; Magnet-Withers Field, Wharton County, Texas.

G-9303, G-9304, G-9380; San Antonio, Texas; Chalmers Field, Matagorda County, Texas; McCrosky Field, Matagorda County, Texas; Bailey Field, Nueces County, Texas.

G-9323; Sinclair Oil Building, Tulsa, Oklahoma; Morales Field, Jackson County, Texas.

G-9366; Philadelphia, Pennsylvania; Seven Sisters Field, Duval County, Texas.

G-9427; Tyler, Texas; South Hallsville Field, Panola County, Texas.

G-9467; Houston, Texas; West Rock Island Field, Colorado County, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

Each has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render services as hereinbefore described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

All of the Applicants herein listed produce and propose to sell natural gas to Tennessee Gas Transmission Company for transportation in interstate commerce for resale.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 18, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 3, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10335; Filed, Dec. 23, 1955; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY WITH RESPECT TO PUBLIC FACILITY LOANS

Each Regional Administrator of the Housing and Home Finance Agency is hereby authorized to take the following actions, on behalf of the Housing and Home Finance Administrator, in connection with public facility loans authorized under section 202 of Public Law 345, 84th Congress (69 Stat. 642, 42 U. S. C. 1491):

1. To execute offers to public agencies for loans authorized by the Community Facilities Commissioner;

2. To authorize payments under any contracts resulting from acceptance of offers made pursuant to subparagraph 1 above;

3. To take all other actions requisite or needed in the administration of the program except the power:

(a) To determine the rate of interest on loans;

(b) to issue notes or other obligations for purchase by the Secretary of the Treasury;

(c) to authorize loans;

(d) to increase the amount of an authorized loan or to effect a major change in project scope; and

4. To redelegate to one or more officers or employees under his jurisdiction any of the authority herein delegated.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 State. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C., 1952 ed. 1701c)

Effective as of the 28th day of November 1955.

[SEAL] ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 55-10313; Filed, Dec. 23, 1955; 8:45 a. m.]

COMMUNITY FACILITIES COMMISSIONER

DELEGATION OF AUTHORITY WITH RESPECT TO PUBLIC FACILITY LOANS

The Community Facilities Commissioner is hereby authorized:

1. To execute the powers and functions vested in the Housing and Home Finance Administrator under section 202 of Public Law 345, 84th Congress (69 Stat. 642, 42 U. S. C. 1491), except (a) the power to determine the rate of interest on loans and (b) the power to issue notes or other obligations for purchase by the Secretary of the Treasury; and

2. To redelegate to one or more officers or employees under his jurisdiction any of the authority herein delegated except the power to authorize loans.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C., 1952 ed. 1701c)

Effective as of the 28th day of November 1955.

[SEAL] ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 55-10314; Filed, Dec. 23, 1955; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3434]

CITIES SERVICE CO.

NOTICE OF FILING OF DECLARATION REGARDING STOCK DIVIDEND

DECEMBER 20, 1955.

Notice is hereby given that Cities Service Company ("Cities"), a registered holding company, has filed a declaration with this Commission, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act").

All interested persons are referred to the declaration on file at the offices of this Commisison for a statement of the transactions therein proposed, which are summarized as follows:

Cities proposes to issue 198,242 shares of its $10 par value common stock and to distribute said shares on or about January 23, 1956, to its stockholders of record as of December 7, 1955, as a 2 percent stock dividend, on the basis of one share of said stock for each fifty shares of its outstanding 9,912,105 shares of common stock. In lieu of fractional shares, it is proposed to issue Order Forms, and the fractional interests represented thereby may be combined with other fractional interests to enable the holder to receive certificates for full shares, or may be sold as the owner may elect. The company has made arrangements with Guaranty Trust Company of New York to buy and sell such fractional interests for the account of the holders thereof, without cost to such holders. All shares held to cover fractional interests with respect to which Guaranty Trust Company does not receive completed Order Forms before the close of business on February 24, 1956, will be sold in due course for the account of the holders thereof, and the proceeds distributed pro rata. On February 28, 1962, all unclaimed and all undelivered proceeds of such sales shall become the absolute property of the company.

Cities proposes to assign a value of $54 per share to each of the 198,242 shares of common stock to be issued as a stock

dividend, or an aggregate of $10,705,068. It proposes to debit earned surplus in that amount, to credit its common stock capital account with the par value of such shares, $10 per share, or an aggregate of $1,982,420, and to credit its capital surplus account with the excess of the assigned value over the par value, $44 per share, or an aggregate of $8,722,648. The corporate earned surplus of the company at September 30, 1955 amounted to $206,602,540.

The company states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 4, 1956, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues of fact or law raised by the declaration which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. Any such request should bear the above title and file number, and be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10336; Filed, Dec. 23, 1955; 8:50 a. m.]

[File No. 24B-762]

MAINE MINING AND EXPLORATION CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

I. Maine Mining and Exploration Corporation, a Maine corporation, 193 Middle Street, Portland, Maine, having filed with the Commission on January 28, 1954, a notification on Form 1-A and an offering circular, and having subsequently filed amendments thereto, relating to an offering of 745,000 shares of 10 cents par value common stock at 40 cents per share for an aggregate of $298,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the statement of receipts and disbursements as indicated in letters of the Commission's staff, dated April 18 and May 16, 1955;

2. The issuer failed to file, as required by rule 221,

(a) an undated letter mailed by the underwriter on or about June 1, 1955, to stockholders, which letter contained false and misleading statements with respect to the statements that the offering would soon be closed, orders would not be executed at the offering price of 40 cents per share after June 1, 1955, shares would be offered only in the open market at the prevailing market price and a merger with a financially sound company was being negotiated; and

(b) certain television advertisements relating to the offering on or after October 19, 1954, on station WATV Newark, New Jersey;

3. The offering has been made by the false and misleading statements in the aforesaid letter to stockholders by salesmen of the underwriter;

4. The issuer failed to file a report of sales on Form 2-A as required by rule 224; and

B. The use of said offering circular and the aforesaid written and oral statements did operate as a fraud or deceit upon the purchasers.

It is ordered, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this Order and Notice shall be served upon Maine Mining and Exploration Corporation, 193 Middle Street, Portland, Maine, and Sonnenberg & Co., 120 North Wood Avenue, Linden, New Jersey, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10337; Filed, Dec. 23, 1955; 8:50 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. D-7-11]

APPARATUS FOR ELECTROLYTICALLY TREATING METAL SURFACES

COMPLAINT DISMISSED

DECEMBER 21, 1955.

Complaint as listed below heretofore filed with the Tariff Commission for investigation under the provisions of section 337 of the Tariff Act of 1930 has been dismissed.

Name of article	Purpose of request	Date received	Name and address of complainant
Apparatus for electrolytically treating metal surfaces.	Exclusion from entry.	July 1, 1955	Central Scientific Co., 1700 Irving Park Rd., Chicago 13, Ill., and others.

Notice of the receipt of the above complaint was published in 20 F. R. 5378.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 55-10346; Filed, Dec. 23, 1955; 8:52 a. m.]

TARIFF COMMISSION REPORT TO PRESIDENT OF "ESCAPE-CLAUSE" FINDINGS ON CERIUM ALLOYS

DECEMBER 21, 1955.

The Tariff Commission today submitted a report to the President of its findings and recommendation in "escape-clause" Investigation No. 41 under section 7 of the Trade Agreements Extension Act of 1951, as amended, with respect to ferrocerium and other cerium alloys dutiable under paragraph 302 (q) of the Tariff Act of 1930. The investigation was instituted by the Commission on April 7, 1955, on the basis of an application for an "escape-clause" investigation by domestic producers of lighter flints. The imports under the tariff provision in question consist primarily of lighter flints and rods from which lighter flints are made.

The Commission found unanimously that cerium alloys are being imported into the United States in such increased quantities, both actual and relative to domestic production, as to cause serious injury to the domestic lighter-flint producers and recommends to the President the withdrawal of the tariff concession on these products granted in the General Agreement on Tariffs and Trade. The statute allows the President a period of 60 days within which to act on the Commission's recommendation.

Copies of the Commission's report are available upon request, as long as the limited supply lasts. Requests for copies should be addressed to the United States Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 55-10347; Filed, Dec. 23, 1955; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 12, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31406: *Bituminous coal from Menominee, Mich., to Wisconsin.* Filed by The Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Rates on bituminous coal, carloads from Menominee, Mich., to points in Wisconsin.

Grounds for relief: Market competition.

Tariff: Supplement 19 to C. M. St. P. & P. Ry. Co. I. C. C. No. B-7789.

FSA No. 31407: *Commodities from and to points in Western Trunk Line Territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on barium carbonate, wallboard, zinc dry battery shells and fire fighting equipment, carloads from various origins in western trunk-line territory to various destinations in western trunk-line territory, also in official (including Illinois) and southern territories, and Canada, and between various points in western trunk-line and Illinois territories.

Grounds for relief: Carrier competition and circuity.

FSA No. 31408: *Substituted service—Pennsylvania Railroad.* Filed by Eastern Central Motor Carriers Association for and on behalf of the Pennsylvania Railroad Company, Eazor Express, Inc., and other interested motor carriers. Rates on various commodities, in highway truck trailers loaded on railroad flat cars between Chicago, Ill., and Kearny, N. J.

Grounds for relief: "Trailer-on-flat car" or motortruck competition.

Tariff: Eastern Central Substituted Freight Service Directory No. 34-D, I. C. C. No. 5.

FSA No. 31409: *Cement—Marquette and St. Louis, Mo., to Indiana.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cement, common, hydraulic, masonry, mortar, natural or portland, carloads, from Marquette and St. Louis, Mo., to stations in Indiana within 240 miles from origins named in the application.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 32 to Agent Hinsch's I. C. C. 4225.

FSA No. 31410: *Sand and gravel from and to points in Alabama.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on chert, cinders, gravel, marl, oyster shell dust, sand, slag, slate, stone, broken, crushed, granulated or pulverized and related commodities, carloads from Bessemer, Ensley, Fairfield and Woodward, Ala., to Andalusia, Heath, Gantt, Dunns, and Glenwood, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 37 to Agent C. A. Spaninger's I. C. C. 1469.

FSA No. 31411: *Motor fuel anti-knock compounds—Louisiana to Illinois.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on motor fuel anti-knock compounds, tank-car loads from Baton Rouge and North Baton Rouge, La., to Chicago, Ill., and group, also Lemont and Lockport, Ill.

Grounds for relief: Barge competition and circuity.

Tariff: Supplement 145 to Alternate Agent Marque's I. C. C. 417.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-10286; Filed, Dec. 22, 1955; 8:46 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 21, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31447: *Sand from Vincennes, Ind., to Pana, Ill.* Filed by R. G. Raasch, Agent, for the Baltimore and Ohio Railroad Company. Rates on sand, carloads from Vincennes, Ind., to Pana, Ill.

Grounds for relief: Motor truck competition.

Tariff: Supplement 45 to Baltimore & Ohio Railroad tariff I. C. C. 24048.

FSA No. 31448: *Iron and steel articles in Western Trunk Line Territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from, to, and between points in western trunk line territory.

Grounds for relief: Short-line distance formula, carrier competition, circuity, and to maintain higher rates from and to points in territory outside the scope of the instant adjustment.

Tariff: Supplement 32 to W. J. Prueter's tariff I. C. C. No. A-3821, and others listed in the application.

FSA No. 31449: *Acidulated phosphate from Idaho and Utah.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on phosphate, acidulated or ammoniated, carloads, from Don, Idaho, and Garfield, Utah, to points in Minnesota, North Dakota, and South Dakota.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement No. 5 to Agent Prueter's I. C. C. A-4123; Supplement No. 13 to Union Pacific Railroad tariff I. C. C. No. 5285.

FSA No. 31450: *Sugar from Gulf Ports to points in Georgia.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sugar, carloads from New Orleans, Three Oaks, Gramercy, Reserve, La., Gulfport, Miss., and Mobile, Ala., and points taking the same rates to points in Georgia.

Grounds for relief: Circuity.

Tariffs: Supplement 285 to Alternate Agent J. H. Marque's I. C. C. No. 380.

FSA No. 31451: *Coke from Illinois to Keokuk, Iowa.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on coke, coke breeze, coke dust or coke screenings, carloads from Roxana, Wood River, and Federal, Ill., to Keokuk, Iowa.

Grounds for relief: Barge and market competition.

Tariff: Supplement 39 to Agent Raasch's I. C. C. No. 767.

FSA No. 31452: *Lignin liquor—East to Central Territory.* Filed by C. W. Boin, and O. E. Swenson, Agents, for interested rail carriers. Rates on lignin liquor, in tank cars from Erie, Johnsonburg and York Haven, Pa., and Corinth, N. Y., to points in Illinois, and Davenport, Iowa and Mexico, Mo.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 92 to Agent Boin's I. C. C. A-1015 and others.

FSA No. 31453: *Lithium ore—East to Twin Cities.* Filed by C. W. Boin, and O. E. Swenson, Agents, for interested rail carriers. Rates on lithium ore, carloads from North Atlantic Ports and Exton, Pa., and Camden, N. J., to Minneapolis, Minnesota Transfer, St. Paul and St. Louis Park, Minn.

Grounds for relief: Port equalization, port relations and circuity.

Tariffs: Supplement 27 to C. W. Boin's I. C. C. A-1034; Supplement 66 to O. E. Swenson's I. C. C. 604.

FSA No. 31454: *Lumber—Missouri-Arkansas to Illinois.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on lumber and related articles, carloads from Southeast Missouri and Northeast Arkansas to southern Illinois.

Grounds for relief: Grouping and circuity.

Tariff: Supplement 89 to Agent Kratzmeir's I. C. C. 3954.

FSA No. 31455: *Petroleum coke from East St. Louis, Ill., to Keokuk, Iowa.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on petroleum coke, petroleum coke breeze, petroleum coke dust, and petroleum coke screenings, carloads from East St. Louis, Ill., to Keokuk, Iowa.

Grounds for relief: Circuity and barge competition.

Tariff: Supplement 39 to Agent Raasch's I. C. C. No. 767.

FSA No. 31456: *Roofing and building materials—South to North.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on roofing and building material, and slate roofing, carloads from points in southern territory to points in official territory.

Grounds for relief: Short-line distance formula, grouping and circuity.

Tariff: Supplement 2 to Agent Spaninger's I. C. C. No. 1500.

FSA No. 31457: *Sugar—Minnesota to Gary, Ind.* Filed by E. W. Bergstrom, Alternate Agent, for interested rail carriers. Rates on sugar, carloads, from Bingham, East Grand Forks and Wilds, Minn., to Gary, Ind.

Grounds for relief: Grouping and circuity.

Tariff: Supplement 47 to Agent Brown's I. C. C. No. 2.

FSA No. 31458: *Motor-rail Rates—N. Y. N. H. & H. RR.* Filed by The New York, New Haven and Hartford Railroad Company and Central Motor Trucking,

Inc., and other motor carriers. Rates on various commodities between points in New England and points in the United States.

Grounds for relief: Motor competition, grouping, and circuity.

FSA No. 31459: *Old bags—Cleveland, Ohio to Memphis, Tenn.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on old worn out bags, carloads from Cleveland, Ohio to Memphis, Tenn.

Grounds for relief: Competition and circuity.

FSA No. 31460: *Monel metal from Huntington, W. Va., to New Orleans, La.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on Monel, nickel, and inconel metals, bar or rod, plate, strip, or sheet, pipe or tubing, carloads from Huntington, W. Va., to New Orleans, La.

Grounds for relief: Carrier competition and circuity.

F. S. A. No. 31461: *Window glass from Pennsylvania and West Virginia.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on glass, window (other than plate), carloads from Clarksburg, W. Va., Jeanette and New Kensington, Pa., to points in North Carolina and Virginia.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to Agent Boin's I. C. C. No. A-1079.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-10311; Filed, Dec. 23, 1955; 8:45 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order No. 57, Amdt. 5]

RAILROADS SERVING CERTAIN STATES

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 57 and good cause appearing therefor:

It is ordered, That: Taylor's I. C. C. Order No. 57 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., January 20, 1956, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., December 20, 1955, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., December 19, 1955.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 55-10312; Filed, Dec. 23, 1955; 8:45 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 251

Washington, Wednesday, December 28, 1955

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MAIN READING ROOM

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 47]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended to read as follows:

§ 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products*—(a) [Reserved.]

(b) *Nonferrous metal alloys, including alloy scrap.* Applications for licenses to export the nonferrous metal alloys, or alloy scrap, listed below, shall contain in the commodity description column of Form IT– or FC–419, a complete commodity description, including the percentage of each alloying element present or the recognized standard commercial brand or trade name of the commodity, such as is published in "Engineering Alloys" by the American Society for Metals, or as published in "Standard Specification" by the American Society for Testing Materials:

Commodity	Schedule B No.
Copper-base alloy ingots	644100
Nickel alloy scrap, including nickel-bearing stainless steel scrap	654502
Nickel-bearing cobalt scrap	664526

(c) *Nickel alloy and nickel-bearing cobalt scrap*—(1) *Nickel alloy scrap, including nickel-bearing stainless steel scrap, Schedule B No. 654502.* Evidence of commercial unsalability in the domestic market, as provided in subparagraph (3) of this paragraph, shall be submitted in support of applications to export (i) clean nickel alloy scrap, containing less than 50 percent nickel, (ii) contaminated nickel alloy scrap, (iii) nickel-copper alloy scrap (including monel) containing 75 percent or less nickel, and (iv) contaminated nickel-chromium-iron alloy scrap (nickel-bearing stainless steel scrap) containing up to 36 percent nickel with a minimum chromium content of 10 percent.

(2) *Nickel-bearing cobalt scrap, Schedule B No. 664526.* Applications for licenses to export clean cobalt scrap containing less than 50 percent nickel, and contaminated cobalt scrap shall be supported by evidence of commercial unsalability in the domestic market as provided in subparagraph (3) of this paragraph.

NOTE: For purposes of this section, material is considered to be contaminated when the contaminant can not be readily sorted from the balance of the material.

(3) *Evidence of commercial unsalability.* As required in subparagraphs (1) and (2) of this paragraph, the exporter must submit evidence of commercial unsalability in the domestic market. This evidence may be in the form of a letter or other statement from the applicant, supplier, or persons to whom the scrap was offered for sale. Such evidence must be adequate to demonstrate that the scrap has been offered for sale without success in the normal domestic market at reasonable and competitive prices. It shall include, as a minimum, the names and addresses of the potential users to whom the scrap has been offered, the terms at which it has been offered, and the reason(s) for rejection of offers to sell.

(4) *Commodities not licensed.* Pure nickel scrap, clean nickel alloy scrap containing 50 percent or more nickel, clean nickel-chromium-iron alloy scrap (nickel-bearing stainless steel) containing up to 36 percent nickel with a minimum chromium content of 10 percent, and clean cobalt scrap containing 50 percent or more nickel, will not be considered for licensing.

(d) *Copper ores, and concentrates, unrefined copper, refined copper, copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots*—(1) *General.* License applications to export copper ores, concentrates, matte, and other unrefined copper, Schedule B No. 640100; refined copper in cathodes, billets, ingots, wire bars, and anodes and other crude forms, except copperweld rods, Schedule B No. 641200 (hereinafter referred to as refined copper); copper scrap (new and old), Schedule B No. 641300; copper-base alloy scrap (new and old), Schedule B No. 644000; and copper-base alloy ingots and other crude forms including remelt ingots, Schedule B No. 644100, will be

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplement is now available:

General Index ($1.25)

All of the Cumulative Pocket Supplements and revised books of the Code of Federal Regulations (as of January 1, 1955) are now available with the exception of Titles 1–3

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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considered for approval in accordance with the procedures described below.

(2) *Refined copper, Schedule B No. 641200.* License applications to export refined copper in cathodes, billets, ingots, wire bars and other crude forms (including anodes) made from domestic origin materials, or Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, will generally be denied. License applications covering the exportations of these refined copper materials made from foreign or commingled domestic and foreign origin materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, shall include the following:

(i) *Certification of foreign origin or commingled origin.* (*a*) Applications from non-producers of refined copper—Applications from non-producers covering refined copper made from materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, of foreign or commingled domestic and foreign origin materials shall be accompanied by a letter, addressed to the Bureau of Foreign Commerce, from the producer of the refined copper to the effect that (*1*) the refined copper proposed for export is refined from foreign origin copper other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots; or (*2*) that an equivalent amount of foreign origin materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, has been smelted and refined to replace in the domestic market the amount of domestic copper contained in the commingled copper proposed for export.

(*b*) Applications from producers of refined copper—Applications from producers of refined copper made of foreign or commingled (foreign and domestic origin) materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, shall include the following certification:

I (we) certify that I am (we are) the producer(s) of the refined copper covered by this license application and (1) that this refined copper was produced from foreign origin materials other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, or (2) that an equivalent amount of foreign materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, has been smelted and refined to replace in the domestic market the amount of domestic copper contained in the commingled copper proposed for export.

(ii) *Availability for export.* One of the following certifications shall appear on each license application:

(*a*) Where materials are in possession of applicant the applicant shall execute and submit to the Bureau of Foreign Commerce the following certification:

I (we) certify that the copper materials described in this license application are in my (our) possession and will be available for export not later than December 31, 1955.

or

(*b*) (*1*) Where materials are not in possession of applicant, the applicant shall submit to the Bureau of Foreign Commerce the following certification from the producer of the materials:

I (we) certify that not later than December 31, 1955, I (we) shall supply to _____
_____,
(Name of applicant)
_____ short
(Quantity in short tons)
tons of _____
(Type of copper material)
in accordance with the terms of contract sale number _____ dated
(Contract number)
_____.
(Date of contract)

(2) All documents evidencing commitment of sale must be kept available for inspection, upon demand, by the Bureau of Foreign Commerce for three years from the date of receipt of the application, as shown on the Acknowledgment Card, Form IT– or FC–116.

(3) Applications not accompanied by the evidence of availability required by the provisions of this subparagraph, shall not be approved and should not be submitted.

(iii) *Disclosure of foreign consumer.* The foreign consumer shall be identified on the license application by the use of one of the following applicable statements:

The foreign consumer of the commodities covered by this application is the same as that shown in item 7 on this license application;

or if the foreign consumer is not the same as that shown in item 7:

The name and address of the foreign consumer is _____.

(iv) *Toll or conversion agreements.* Applications covering the exportation of refined copper produced in the United States under toll or conversion agreements from materials received from foreign sources are not subject to any of the above provisions of this paragraph. Where the license application covers refined copper produced from toll or conversion agreements, the applicant shall include the following certification on the license application:

I (we) certify that the refined copper described in this license application was produced in the United States under toll or conversion contracts from materials received from foreign sources.

(3) *Copper ores, concentrates, matte, and other unrefined copper, Schedule B No. 640100.* License applications to export copper ores, concentrates, matte, and other unrefined copper of domestic origin or produced from domestic materials generally will be denied. However, where consideration of such applications is requested, the application shall be supported by documentation or other evidence showing any exceptional hardship as well as by the information set forth in subparagraph (2) (ii) and (iii) of this paragraph. With reference to the copper materials included in this paragraph, a foreign smelter, refiner, or processor may be identified as the consumer. License applications covering the exportation of these copper materials of foreign origin or produced from foreign material shall include in addition to the information set forth in subparagraph (2) (ii) and (iii) of this paragraph, the following:

(i) *Non-producers.* Applications from non-producers covering the exportation of these materials of foreign origin or commingled foreign and domestic origin (or materials produced from materials of foreign origin or commingled foreign and domestic origin) shall be accompanied by a letter addressed to the Bureau of Foreign Commerce from the producer of the copper material to the effect that (*a*) the material proposed for export is of foreign origin or is produced from foreign origin materials; or (*b*) that an equivalent amount of foreign origin material has been imported to replace in the domestic market the amount of domestic copper material contained in the commingled copper materials proposed for export.

(ii) *Producers.* (*a*) Applications from producers of these copper materials of foreign or commingled foreign and domestic origin, (or produced from foreign or commingled foreign and domestic materials) shall include the following certification:

I (we) certify that I am (we are) the producer(s) of the unrefined copper material covered by this license application and that (1) this material was produced from foreign origin material, or (2) that an equivalent amount of foreign material has been imported to replace in the domestic market the amount of domestic copper material contained in the commingled copper material proposed for export.

(*b*) The provisions of this subparagraph do not apply to exportations of materials included under Schedule B No. 640100 made for purposes of processing abroad where the resultant copper is to be returned to the United States. In such cases, details of the transaction shall accompany the application for an export license.

(4) *Copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots.* (i) In order that the Bureau of Foreign Commerce may provide an equitable basis for distributing available export quotas for copper scrap (new and old) containing 40 percent or more copper, Schedule B No. 641300; copper-base alloy scrap (new and old) containing 40 percent or more copper, Schedule B No. 644000; and copper-base alloy ingots and other crude forms including remelt ingots, Schedule B No. 644100, applicants are required to submit to the Bureau of Foreign Commerce a Statement of Past Participation in Exports of these commodities on Form IT– or FC–821 in accordance with the procedure set forth in § 373.4. A separate report on Form IT– or FC–821 shall be filed for each Schedule B number, broken down by countries of destination, and shall cover the quantity in Schedule B units of exports from the United States made during the fourth calendar quarter of 1953 and the calendar year 1954, where the total for such exports to all countries for each Schedule B number was $5,000 or over for the five quarters. In preparing Form IT– or FC–821, the heading above items (c) and (d) shall be changed to read "4th quarter 1953" and the heading above items (e) and (f) shall read "calendar year 1954."

(ii) License applications covering copper scrap (new and old) containing less than 40 percent copper, Schedule B No. 641300, or copper-base alloy scrap (new and old) containing any percentage of copper, Schedule B No. 644000, shall include information as to the copper and nickel content of the material.

(5) *Validity period.* Licenses to export all materials covered by this paragraph will be issued for a validity period ending on the last day of the third month following the month during which the license is validated, e. g., a license issued on November 25, 1955, would expire February 29, 1956.

(6) *Amendments to export licenses.* Except for export licenses issued under toll or conversion agreements, no amendments requesting an extension of the validity period of the license will be granted for export licenses issued under this procedure.

(7) *Time for submission of applications.* Applications for licenses to export copper scrap (new and old) containing 40 percent or more copper Schedule B No. 641300, copper-base alloy scrap (new and old) containing 40 percent or more copper, Schedule B No. 644000, and copper-base alloy ingots and other crude forms including remelt ingots, Schedule B No. 644100, shall be submitted in accordance with the time schedules set forth in § 373.71.

(e) *Aluminum scrap (new and old) and aluminum remelt ingots*—(1) *General.* License applications to export aluminum scrap (new and old), Schedule B No. 630050 and aluminum remelt ingots, Schedule B No. 630070, will be considered by the Bureau of Foreign Commerce for approval in accordance with the procedure described herein.

(2) *Availability for export.* One of the following certifications shall appear on each license application:

(*a*) Where materials are in possession of applicant, the applicant shall execute and submit to the Bureau of Foreign Commerce the following certification:

I (we) certify that the aluminum materials described in this license application are in my (our) possession and will be available for export not later than December 31, 1955.

or

(*b*) (*1*) Where materials are not in possession of applicant, the applicant shall submit to the Bureau of Foreign Commerce the following certification from the supplier of the materials:

I (we) certify that not later than December 31, 1955, I (we) shall supply to _____
_____,
(Name of applicant)
_____
(Quantity in short tons)
short tons of _____
(Type of aluminum material)
in accordance with the terms of contract sale number _____
(Contract number)
dated _____
(Date of contract)

(2) All documents evidencing commitment of sale must be kept available for inspection, upon demand, by the Bureau of Foreign Commerce for three years from the date of receipt of the application, as shown on the Acknowledgment Card (Form IT– or FC–116).

(3) *Statement of past participation in exports, Form IT– or FC–821.* Applicants are required to submit to the Bureau of Foreign Commerce for the commodities set forth above a Statement of Past Participation in Exports on Form IT– or FC–821 in accordance with the procedure set forth in § 373.4. A separate report on Form IT– or FC–821 shall be filed for each Schedule B number, broken down by countries of destination, and shall cover the quantity in Schedule B units of exports from the United States made during the second, third and fourth calendar quarters of 1954 and the first calendar quarter of 1955, where the total for such exports to all countries

for each Schedule B number was $2,000 or over for the four quarters. In preparing Form IT– or FC–821, the heading above items (c) and (d) shall be changed to read "2d, 3d, 4th quarters, 1954", and the heading above items (e) and (f) shall read "1st quarter 1955."

(4) *Unsalable leaded aluminum foil.* Applications for licenses to export leaded aluminum foil scrap for which there is no market in the United States are not subject to subparagraphs (2) and (3) of this paragraph, but shall be supported by evidence of commercial unsalability in the domestic market. This evidence may be in the form of a letter or other statement from the applicant, supplier, or persons to whom the scrap was offered for sale. The evidence must be adequate to demonstrate that the scrap has been offered for sale without success in the normal domestic market at reasonable and competitive prices. It shall include, as a minimum, the names and addresses of the potential users to whom the scrap has been offered, the terms at which it has been offered, and the reason(s) for rejection of offers to sell.

(5) *Aluminum scrap containing 70 percent or less aluminum* (including drosses, skimmings, slags, ashes, insulated wire and cable, paper-backed and cloth-backed aluminum foil). Applications for licenses to export aluminum scrap containing 70 percent or less aluminum shall specify the weight of the aluminum alloy metal content of the scrap material to be exported.

(6) *Validity period.* Licenses to export the aluminum materials covered by this paragraph will be issued for a validity period ending on the last day of the third month following the month during which the license is validated, e. g., a license issued on October 25, 1955, would expire January 31, 1956. However, no licenses will be approved for a validity period extending beyond January 31, 1956.

(7) *Amendments to export licenses.* No amendments requesting an extension of the validity period of the license will be granted for export licenses issued under this procedure. Where an amendment request involves an action other than an extension of the validity period, it shall be submitted directly to the Bureau of Foreign Commerce.

(8) *Time for submission of applications.* Applications for licenses to export aluminum scrap (new and old), Schedule B No. 630050, and aluminum remelt ingots, Schedule B No. 630070, shall be submitted in accordance with the time schedules set forth in § 373.71.

(9) *Utilization of export quota.* (i) A licensee who determines that the full amount of the quantity of the aluminum materials shown on the export license will not be used during the validity period for which it was issued should promptly submit a request for amendment on Form IT– or FC–763 to reduce the quantity of the aluminum materials licensed to the amount actually intended for export. The amendment procedure set forth in § 380.2 (g) of this subchapter shall be followed in requesting quantity reductions on outstanding licenses.

(11) Any quantities recovered as a result of this procedure will be considered for licensing in the same quarter in which they were recovered. The return of any unused quantities by an exporter will in no way affect the exporter's entitlement under the historical licensing procedure in future quarters.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

JOHN C. BORTON,
Acting Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55–10357; Filed, Dec. 27, 1955; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

MODIFICATION OF MINIMUM GRADE STANDARDS FOR PACKED MUSCAT RAISINS

Correction

In F. R. Document 55–10276, appearing in the issue for Thursday, December 22, 1955, at page 9855, in the first line of paragraph 1, the reference to "§ 989.69 (a) (1) (i)" should read "§ 989.59 (a) (1) (i)".

[Docket No. AO–268]

PART 1009—MILK IN CLARKSVILLE, W. VA., MARKETING AREA

ORDER REGULATING HANDLING

Correction

In Federal Register Document 55–8101, appearing at page 7433 of the issue for Thursday, October 6, 1955, § 1009.5 (f) should read as follows:

§ 1009.5 *Clarksville marketing area.* • • • (f) the City of Westen in Lewis County • • •.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1262]

ALASKA

EXCLUDING CERTAIN TRACTS FROM CHUGACH NATIONAL FOREST AND RESTORING THEM FOR PURCHASE AS HOMESITES AND AS TRADE AND MANUFACTURING SITES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites or as trade and manufacturing sites, and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, are hereby excluded from the Chugach National Forest, Alaska, as hereinafter indicated, and restored, subject to valid existing rights, for purchase as homesites or as trade and manufacturing sites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461):

[69011]

An area to be identified as U. S. Survey No. 3392, 5.56 acres; latitude 60°29' N., longitude 149°56' W.

An area to be identified as U. S. Survey No. 3393, 4.8 acres; latitude 60°29' N., longitude 149°59' W.

An area to be identified as U. S. Survey No. 3405, 1.3 acres; latitude 60°30' N., longitude 149°47' W.

U. S. Survey No. 3306, Tract 10–A, 1.56 acres; latitude 60°30'10" N., longitude 149°48' W. (Homesite No. 159, Slaughter Creek Group).

[69120]

U. S. Survey No. 2519, Tract 1, 3.28 acres; latitude 60°25'30" N., longitude 149°22' W. (Homesite No. 134, Fall Creek Group).

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

DECEMBER 21, 1955.

[F. R. Doc. 55–10350; Filed, Dec. 27, 1955; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 50—AIRMAN AGENCY CERTIFICATES

REVISION OF PART

Because of the number of outstanding amendments to Part 50 there follows a revision of Part 50 incorporating all amendments thereto which were in effect on December 22, 1955.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

CERTIFICATE

Sec.
50.1 Issuance.
50.2 School ratings.

REQUIREMENTS

50.10 Ground school requirements.
50.11 Ground school curriculum.
50.12 Flying school requirements.
50.13 Flying school curriculum.

GENERAL

50.20 Application.
50.21 Display.
50.22 Duration.
50.23 Renewal.
50.24 Transfer.
50.25 Surrender.
50.26 Quality of instruction.
50.27 Student examinations.
50.28 Records.
50.29 Graduation certificates.
50.30 Inspection.
50.31 Curriculum changes.
50.32 Maintenance of facilities, equipment, and material.
50.33 Advertising.
50.34 Change of location.

AUTHORITY: §§ 50.1 to 50.34 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 607, 52 Stat. 1007, 1011, as amended; 49 U. S. C. 551, 557.

CERTIFICATE

§ 50.1 , *Issuance.* An airman agency certificate will be issued to an applicant who complies with the minimum requirements for one or more school ratings.

§ 50.2 *School ratings.* (a) Basic ground school.
(b) Advanced ground school.
(c) Primary flying school. (1) Airplanes.
(2) Helicopters.
(3) Gliders.
(d) Commercial flying school. (1) Airplanes.
(2) Helicopters.
(3) Gliders.
(e) Instrument flying school.
(f) Flight instructor school.

REQUIREMENTS

§ 50.10 *Ground school requirements.* (a) Classrooms adequately heated and lighted, of sufficient size to accommodate the greatest number of students scheduled for attendance at any one time.

(b) Sufficient classroom equipment to insure adequate instruction in all required subjects.

(c) At least one regularly available principal instructor possessed of a ground instructor certificate with ratings for each of the required subjects of the curriculum.

§ 50.11 *Ground school curriculum.* A ground school curriculum approved by the Administrator for at least one of the following:

(a) *Basic ground school.* 50 hours of classroom instruction in the subjects of Civil Air Regulations (the regulations in this subchapter), including air traffic control practices and procedures, navigation, meteorology, and general servicing of aircraft.

(b) *Advanced ground school.* 150 hours of instruction in the subjects of Civil Air Regulations, including air traffic control practices and procedures, navigation, meteorology, aircraft and engines, including the general servicing and maintenance of aircraft and engines.

§ 50.12 *Flying school requirements.* (a) An airport adequate for the aircraft to be used and safe for the flight instruction to be given.

(b) Adequate hangar facilities housing all aircraft used for flight instruction.

(c) Adequate office, rest room, and ready room facilities.

(d) A sufficient number of certificated aircraft appropriate for the flight instruction to be given.

(e) Adequate shop, or readily available facilities suitable to insure proper maintenance of the aircraft to be used.

(f) A sufficient number of certificated mechanics readily available to provide for the inspection, maintenance, and repair of all aircraft used for flight instruction, unless other arrangements are approved by the Administrator.

(g) A sufficient number of regularly available and appropriately rated flight instructors.

§ 50.13 *Flying school curriculum.* A curriculum approved by the Administrator for at least one of the following:

(a) *Primary flying school.* (1) Airplanes—35 hours of flight time, or 30 hours of flight time and such additional specialized instruction as is acceptable to the Administrator.
(2) Helicopters—35 hours of flight time.
(3) Gliders—8 hours of flight time.
(b) *Commercial flying school.* (1) Airplanes—160 hours of flight time.
(2) Helicopters—160 hours of flight time.
(3) Gliders—20 hours of flight time.
(c) *Instrument flying school.* 30 hours of instrument flying instruction of which at least 20 hours shall be in actual flight; and 30 hours of ground instruction in the subjects of Civil Air Regulations (the regulations in this subchapter), navigation, meteorology, and radio orientation and procedure, as applied to instrument flying.
(d) *Flight instructor school.* 25 hours of flying devoted exclusively to the science of flight instruction, and 40 hours of theoretical instruction in subjects covering the fundamentals of giving flight instruction and the analysis and performance of flight technique.

GENERAL

§ 50.20 *Application.* Application for an airman agency certificate and rating shall be made upon the form prescribed and furnished by the Administrator, and shall be accompanied by two copies of any proposed curriculum.

§ 50.21 *Display.* Display of an airman agency certificate shall be made upon the reasonable request of any person.

§ 50.22 *Duration.* An airman agency certificate shall expire 24 calendar months after the month of issuance.

§ 50.23 *Renewal.* Application for renewal of an airman agency certificate shall be made on a form furnished by the Administrator and may be mailed or presented to any inspector within 60 days prior to the month of expiration.

§ 50.24 *Transfer.* An airman agency certificate is not transferable.

§ 50.25 *Surrender.* Upon the suspension, revocation, termination, or cancellation of an airman agency certificate the holder thereof shall surrender such certificate to an authorized representative of the Administrator.

§ 50.26 *Quality of instruction.* The quality of instruction shall be such that at least 80 percent of the students who apply within 60 days after graduation will be able to qualify for pilot ratings appropriate to the curriculum from which they were graduated.

§ 50.27 *Student examinations.* Upon the completion of each subject included in an approved curriculum, each student taking the subject shall be given an appropriate examination. The student's written examination, or, in the case of a practical examination, a report thereof, shall be kept by the school for not less than 1 year from the date of the termination of the student's enrollment.

§ 50.28 *Records.* The school shall keep an accurate individual record of each student, which shall include a chronological log of all instruction, attendance, subjects covered, examination, and examination grades. The entire record shall be certified by an authorized official of the school.

§ 50.29 *Graduation certificates.* A graduation certificate on the form prescribed by the Administrator shall be given each student graduated from a certificated airman agency school.

§ 50.30 *Inspection.* Upon reasonable request, an applicant for an airman agency certificate, or the holder of such a certificate, shall permit any authorized representative of the Administrator or the Board to inspect its personnel, facilities, equipment, and records.

§ 50.31 *Curriculum changes.* Changes in an approved curriculum shall not be made without filing immediate notification of such changes with the Administrator. Unless the school is notified to the contrary within 45 days after filing the proposed changes with the Administrator, they will be considered approved.

§ 50.32 *Maintenance of facilities, equipment, and material.* A certificated airman agency shall maintain personnel, facilities, and equipment at least equal in quality and quantity to those required for the issuance of such a certificate.

§ 50.33 *Advertising.* No certificated airman agency shall make any statement pertaining to the school which is false, or which is designed to mislead any person contemplating enrollment in the school. Any advertising which indicates that the school is approved by the Administrator shall clearly differentiate between those courses which have been approved by the Administrator and those which have not.

§ 50.34 *Change of location.* No change in a location of an approved airman agency shall be made without the prior written approval of the Administrator.

[F. R. Doc. 55–10358; Filed, Dec. 27, 1955; 8:47 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 174]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest. and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
AMARILLO, TEX. Air Terminal, 3,604'. SBRAZ-DTV-AMA. Procedure No. 2. Amendment 8. Effective date: January 14, 1956. Supersedes Amendment 7, dated July 30, 1955. Major changes: Added VOR radial to identify Amarillo Intersection.	Amarillo VOR	222—7.0	4,700	S side of E course: 077° outbound. 257° inbound. 4,700' within 10 miles. Beyond 10 miles not authorized.	Amarillo Intersection #4,200	257—4.8	2 engines or less T-dn C-dn A-dn	300–1 400–1 800–2	300–1 500–1 800–2	Within 4.8 miles, climb to 5,000' on W course or when directed by ATC turn right and climb to 4,800' on N course within 25 miles. #Amarillo Intersection is E course, Amarillo LFR and 340° bearing to Saint Francis MHW or Intersection E course Amarillo LFR and radial 147° AMA-VOR.
	Saint Francis MHW	220—8.0	4,700							
	Conway Intersection (final)	257—11.0	4,200				More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	200–½ 500–1½ 800–2	NOTE: Procedure authorized only for aircraft equipped to receive Amarillo LFR and Saint Francis MHW, or Amarillo LFR and Amarillo VOR, bearings simultaneously.
NORTHWAY, ALASKA. Northway, 1,716'. SBRAZ-VPDT-ORT. Procedure No. 1. Amendment No. 6. Effective date: January 14, 1956. Supersedes Amendment M-5, dated June 24, 1954. Major changes: New format.	Shuttle to 4,200' on S side of NW course: 276° outbound. 096° inbound. Within 25 miles.	----------	----------	S side of NW course: 276° outbound. 096° inbound. 2,700' within 10 miles. Not authorized beyond 10 miles.	2,300	096—0.9	2 engines or less T-dn C-dn A-dn	300–1 600–1 800–2	300–1 600–1 800–2	Within 0 mile, climb to 6,400' on SE course Northway LFR (096°) within 25 miles. CAUTION: Radio towers 2,010' mean sea level between range station and airport.
							More than 2 engines T-dn C-dn A-dn	200–½ 600–1½ 800–2	200–½ 600–1½ 800–2	
ST. LOUIS, MO. Lambert Field, 558'. SBRAZ-DTXV. Procedure No. 1. Amendment No. 8. Effective date: January 14, 1956. Supersedes No. 7, dated December 15, 1953. Major changes: (1) column 3, line 2 course revised; (2) column 5 revised to within 10 miles; (3) new format on minimums; (4) column 11 revised.	STL VOR	123—11.0	1,800	N side of E course: 069° outbound. 249° inbound. 1,800' within 10 miles.	1,300	255—2.0	2 engines or less T-dn C-dn S-dn 24 A-dn	300–1 500–1 400–1 800–2	300–1 500–1½ 400–1 800–2	Within 2 miles, make right turn climb to 2,000' on W course STL-LFR within 25 miles.
	Lake "H" FAC	063—7.6	1,800				More than 2 engines T-dn C-dn S-dn 24 A-dn	---------- ---------- ---------- ----------	200–½ 500–1½ 400–1 800–2	
SPRINGFIELD, ILL. Capitol, 595'. SBMRAZ-VDT-SPI. Procedure No. 1. Amendment No. 6. Effective date: January 14, 1956. Supersedes No. 5, dated June 10, 1954. Major changes: (1) Column 5 distance revised to 10 miles (criteria); (2) column 7 revised to agree with C &G; (3) New format on minimums.	Springfield VOR	210—10.0	2,000	S side of SW course: 210° outbound. 030° inbound. 2,000' within 10 miles.	1,300	027—5.1	2 engines or less T-dn C-dn S-dn 4 A-dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	Within 5.1 miles, climb to 2,000' on NE course SPI-LFR within 25 miles.
							More than 2 engines T-dn C-dn S-dn 4 A-dn	---------- ---------- ---------- ----------	200–½ 500–1½ 400–1 800–2	

2. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
COLUMBIA, S. C. Columbia, 244' BVOR-CAE. Procedure No. 1. Amendment 1. Effective date: January 14, 1956. Supersedes Amendment, Original, dated June 22, 1955. Major changes: Add straight-in night minima for more than 2-engine aircraft.	Columbia LFR	216—8.0	1,500	E side of course: 147° outbound. 327° inbound. 1,400' within 10 miles.	900	327—6.4	2 engines or less T-dn C-dn A-dn	300–1 500–1 800–2	300–1 500–1 800–2	Within 6.4 miles, climb to 1,600' on radial 327° within 25 miles.
							More than 2 engines T-dn C-dn S-dn 34 A-dn	---------- ---------- ---------- ----------	200–½ 500–1½ 500–1 800–2	
JANESVILLE, WIS. Rock County, 807'. BVORW-JVL. Procedure No. 1. Amendment No. Original. Effective date: January 14, 1956. Supersedes none. Major changes: None.	Rockford LFR	351—16.0	2,000	S side of course: 212° outbound. 032° inbound. 2,000' within 10 miles.	1,500	032—5.0	2 engines or less T-dn C-d C-n S-d 32 S-n 32 A-dn	300–1 400–1 400–2 400–1 400–2 800–2	300–1 500–1 500–2 400–1 400–2 800–2	Within 5 miles, climb to 2,100' on 032° radial within 20 miles. CAUTION: Radio tower 1,100' mean sea level 2.7 miles N of Airport. NOTE: No control zone established. VHF communications with Rockford radio not available below 1,400' MSL.
							More than 2 engines T-dn C-dn S-d 32 S-n 32 A-dn	---------- ---------- ---------- ---------- ----------	200–½ 500–1½ 400–1 400–2 800–2	
St. LOUIS, MO. Lambert Field, 558'. BVOR-STL. Procedure No. 1. Amendment No. 4. Effective date: January 14, 1956. Supersedes No. 3, dated June 10, 1954. Major changes: (1) Altitudes in columns 4, 5, 6 raised 100'; (2) column 5 procedure turn distance decreased from 25 to 10 miles; (3) new format on minimums columns 8, 9, 10.	St. Louis LFR	303—11.0	1,900	W. side of course: 317° outbound. 137° inbound. 1,900 within 10 miles.	1,400	137—9.2	2 engines or less T-dn C-dn A-dn	300–1 700–2 800–2	300–1 700–2 800–2	Within 9.2 miles, climb to 2,200' on course 137 from the STL VOR within 20 miles.
							More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	200–½ 700–2 800–2	
SAN DIEGO, CALIF. Lindbergh Field, 15'. BVOR-DTV-SAN. Procedure No. 1. Original. Effective date: January 14, 1956. Major changes: New procedure on relocated VOR.	Jamul Radiobeacon	263—21.0	3,600	W side of course: 326° outbound. 146° inbound. 2,500' within 10 miles.*	*1,200	130—2.5	Two engines or less T-dn C-dn A-dn	300–1 800–2 800–2	300–1 800–2 800–2	Within 2.5 miles, climb to 3,000' on radial 139° within 15 miles of SAN VOR (Mexican border). *After procedure turn maintain 2,500' until La Jolla, inbound. If La Jolla not received request special clearance to start descent at completion of procedure turn and cross VOR inbound at a minimum of 1,500'. #300–1 required for takeoff on all runways except No. 27.
	Coronado FM/RBN	319—11.0	1,500							
	La Jolla FM (final)	146—6.0	1,200				More than 2 engines #T-dn C-dn A-dn	---------- ---------- ----------	200–½ 800–2 800–2	

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound; altitude miles); limiting distances	Minimum altitude at glide slope intercept-tion inbound (ft.)
	From—	To—	Course and distance	Minimum altitudes (ft.)		
1	2	3	4	5	6	7
FLINT, MICH. Bishop Field, 781'. ILS-IFNT. LOM-FN. Procedure No. 1, Amendment No. 3. Combination ILS/ADF. Effective date: January 14, 1956. Supersedes No. 2, dated July 15, 1954. Major changes: (1) Transitions deleted, columns 2, 3, 4, 5, airway reinstated over LOM, (2) circling procedure turn altitude deleted beyond 10 miles criteria; (3) GP altitude columns 8, 9 revised, latest data; (4) minimums in new format, altitudes, rate minima lowered on ILS and note added column 13. (New policy.)						
MOBILE, ALA. Bates, 217'. ILS-IMOB. LOM-MO. Combination ILS and ADF. Procedure No. 1, Amendment No. 5. Effective date: Jan. 14, 1956. Supersedes Amendment 4, dated June 26, 1954. Major changes: Revise transitions, increase missed approach altitude. Add alternate minima note.	Mobile VOR	LOM	057—4.5	1,360	S side of course: 271° outbound, 091° inbound. 2,000 within 10 miles.	ILS 1,460 ADF 1,500
	Bay Minette HW	LOM	214—27.0	1,540	W side of NW course: 326° outbound 146° inbound. 1,460 within 10 miles.	
	Brookley HW	LOM	303—17.0	1,640		
	Intersection 210° bearing from Bay Minette HW and SE course ILS.	LOM	329—11.0	1,600		

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9972; Filed, Dec. 27, 1955; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53985]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

POWERS OF ATTORNEY

A study of the Customs Regulations relating to powers of attorneys indicates that certain requirements of the regulations have in many instances made the use of powers of attorney impracticable. As a result, a large number of customs transactions are made in the name of a nominal consignee, rather than in the name of the actual consignee. In order to relieve restrictions on the use of powers of attorney to the extent that the revenue will not thereby be endangered, § 8.19 of the Customs Regulations is amended as follows:

1. Paragraph (a) is amended to read as follows:

(a) A power of attorney may be executed for the transaction of a specified part or for all the customs business of the principal, except that a separate power of attorney on customs Form 5295 or 5295–A shall be required for filing protests.[26a] Customs Form 5291 may be used by individuals and customs Form 5293 by corporations for giving powers of attorney to transact customs business. If a customs power of attorney is not on a prescribed customs form, it shall be either a general power of attorney with unlimited authority [26a] or a limited power of attorney as explicit in its terms as is the prescribed customs form and executed in the same manner as the prescribed form. If for the execution of sealed instruments, it shall be under seal. A customs power of attorney to a minor shall not be accepted. A customs power of attorney executed under authority of another power of attorney shall be accepted if the grantor of the original power of attorney is a nonresident and if such original power contains express authority from the principal for the appointment of a subagent or subagents. Customs powers of attorney of residents shall be without power of substitution except for the purpose of executing shippers' export declarations. A subagent so appointed cannot delegate his authority. A customs power of attorney executed in favor of a licensed corporate customhouse broker may specify that the power of attorney is granted to the corporation to act through any of its licensed officers or any employees specifically authorized to act for such corporation by power of attorney filed by the corporation with the collector of customs.

2. There is appended to paragraph (a) the following new footnote:

[26a] The following is an example of an acceptable general power of attorney with unlimited authority:

Know all men by these presents, that

(Name of principal)

(State legal designation, such as corporation, individual, etc.)

residing at ---
and doing business under the laws of the State of ---
hereby appoints ---

(Name, legal designation, and address)

as a true and lawful agent and attorney of the principal named above with full power and authority to do and perform every lawful act and thing the said agent and attorney may deem requisite and necessary to be done for and on behalf of the said principal without limitation of any kind as fully as said principal could do if present and acting, and hereby ratify and confirm all that said agent and attorney shall lawfully do or cause to be done by virtue of these presents until and including ---, or until notice
(Date)
of revocation in writing is duly given before that date.

(Principal's name)

3. Paragraph (e) is amended to read as follows:

(e) A power of attorney shall not be required when the person signing customs documents on behalf of a resident corporation is known to the collector to be the president, vice president, treasurer, or secretary of the corporation. When a power of attorney is required for a resident corporation, it shall be executed by an officer of the corporation, and a certificate of the secretary, assistant secretary, or other corporate officer, but not the officer executing the power, showing the authority of such officer to execute the power of attorney shall be executed under seal as follows:

CERTIFICATE

I, ---, certify that I am the --- of ---, organized under the laws of the State of ---; that ---, who signed this power of attorney on behalf of the donor, is the --- of the said corporation; and that said power of attorney was duly signed, sealed, and attested for and in behalf of said corporation by authority of its governing body as the same appears in a resolution of the Board of Directors passed at a regular meeting held on the --- day of ---, now in my possession or custody. I further certify that the resolution is in accordance with the articles of incorporation and by-laws of said corporation.

In witness whereof, I have hereunto set my hand and affixed the seal of said corporation, at the City of --- this --- day of ---, 19---.

A power of attorney executed by a nonresident corporation shall be supported by the following documents which, except the certificate of incorporation, shall be certified as correct by the secretary of the corporation under its corporate seal: (1) a certificate from the proper public officer of the country showing the legal existence of the corporation, (2) a copy of that portion of the charter or articles of incorporation which shows the scope of the business of the corporation and the governing body thereof, (3) if the authority of the grantor is derived from the charter or articles of incorporation, there shall be filed also a copy of that portion thereof which contains such authority or, if the authority of the grantor is derived from the governing body, there shall be filed a copy of the by-laws or other document which authorizes the governing body to designate others to appoint agents or attorneys, together with a copy of the resolution, minutes, or other document by which the governing body conferred the authority on the grantor.

4. A new paragraph (j) is added reading as follows:

(j) An individual (but not a partnership, association, or corporation) who is not a regular importer may appoint a relative as his agent for customs purposes by executing a power of attorney applicable to a single non-commercial shipment by writing, printing, or stamping and subscribing on the invoice, or a separate paper attached thereto, the following statement:

--- of ---
Name Address

is hereby authorized to execute, as an agent who has knowledge of the facts, pursuant to the provisions of section 485 (f), Tariff Act of 1930, as amended, the consignee's and owner's declarations provided for in section 485 (a) and (d), Tariff Act of 1930, and to enter on my behalf or for my account the goods described in the attached invoice which contains a true and complete statement of the facts concerning this shipment.

Date ---, 19---.
Signature of importer ---
Address ---

5. A new paragraph (k) is added reading as follows:

(k) For the purposes of this section "resident" shall mean an individual who resides within, or a partnership, one or more of whose partners reside within, the customs territory of the United States or the Virgin Islands, or a corporation incorporated in any State, Territory, or possession within the customs territory of the United States or in the Virgin Islands.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

Notice of the proposed amendment of § 8.19 was published in the FEDERAL REGISTER on August 10, 1955 (20 F. R. 5779). After consideration of the data, views, and arguments received relating to the proposed amendment, the amendments set forth above are adopted and shall become effective 60 days after publication in the FEDERAL REGISTER.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 20, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-10355; Filed, Dec. 27, 1955; 8:46 a. m.]

[T. D. 53984]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

ARTICLES FOR PERSONAL OR HOUSEHOLD USE, ENTRY

As the result of suggestions received under the Incentive Awards Program, the Bureau has decided that articles accompanying and for the personal or household use of persons arriving in the United States and entitled to free entry under section 321 (a) (2) (B) of the Tariff Act of 1930, as amended, may be cleared under an oral declaration and that declarations of owners with supporting inventories described in § 10.26

(b) and (c) of the Customs Regulations covering the personal and household effects of members of the armed forces of the United States or of civilian employees of the Panama Canal which are examined by customs officers outside the United States and passed free upon arrival in this country may be accepted as entries for the effects.

Accordingly, the Customs Regulations are amended as follows:

Section 10.19 (b) is amended by inserting "or are being admitted free of duty under section 321 (a) (2) (B)" after "1798 (b)".

(Sec. 498, 46 Stat. 728, as amended; 19 U. S. C. 1498)

Section 10.26 (b) is amended by deleting "and upon an entry being filed to cover the importation" in the first sentence and by adding the following sentence at the end of the paragraph: "The declaration of the owner may be accepted as an entry for any effects passed free under this paragraph when supported by evidence of the right to make entry."

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 19, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 20, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-10354; Filed, Dec. 27, 1955; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

MISCELLANEOUS AMENDMENTS TO CHAPTER

1. Part 720 is amended to read as follows:

PART 720—PROCEEDINGS IN CIVIL COURTS

Sec.

720.1 Delivery when personnel beyond territorial limits of the requesting State.
720.2 Delivery when personnel within territorial limits of the requesting State.
720.3 Agreement required prior to delivery to State authorities.
720.4 Delivery of personnel to Federal authorities.
720.5 Personnel released by civil authorities on bail or on their own recognizance.
720.6 Service of process upon personnel of the Naval Establishment.
720.7 Personnel of the Naval Establishment subpoenaed as witnesses in State or Local courts.
720.8 Personnel of the Naval Establishment subpoenaed as witnesses in Federal courts.
720.9 Naval prisoners as witnesses or parties in civil courts.

AUTHORITY: §§ 720.1 to 720.9 issued under R. S. 161, sec. 1 64 Stat. 112; 5 U. S. C. 22, 50 U. S. C. 568.

NOTE: §§ 720.1 to 720.9 are contained in Chapter VII of 1955 Naval Supplement to the Manual for Courts-Martial, United States, 1951.

§ 720.1 *Delivery when personnel beyond territorial limits of the requesting State.* In all cases in which the delivery of any person in the Navy or Marine Corps is wanted by State or Local Civil authorities for trial, and such person is not attached to or serving at a Naval or Marine activity within the requesting State, or aboard a ship within the territorial waters of said requesting State, a requisition for the delivery of the person must be made by the Governor or Chief Executive of such State, addressed to the Secretary of the Navy, showing that the person desired is charged with a crime in that State for which he could be extradited under the constitution of the United States, the enactments of Congress, or the Laws of the State desiring his delivery. Such requisition should be forwarded to the Secretary of the Navy (Judge Advocate General) for examination, together with the appointment of the agent of the State to whom the delivery is to be made. If the papers allege that the person is a fugitive from the justice of that State and that he is charged with an extraditable crime, as aforesaid, and the papers are otherwise found to be in due form, the Secretary of the Navy will send the necessary authorization to the designated agent permitting him to take the person into custody upon compliance with § 720.3.

§ 720.2 *Delivery when personnel within territorial limits of the requesting State*—(a) *General.* In cases in which the delivery of any person in the Navy or Marine Corps is requested by Civil authorities within the Continental United States, Alaska, Hawaii, the Canal Zone or Puerto Rico, and such person is attached to or serving at a Naval or Marine Station or other Naval or Marine place within the requesting State, Territory or possession, or aboard a ship within the territorial waters of such State, Territory or possession, commanding officers are authorized to deliver such person when a proper warrant is presented. Warrants reciting that the individual is a fugitive from another State or jurisdiction (commonly known as fugitive warrants) are considered an attempt to come within the provisions of §720.1 and are not "proper warrants" within the meaning of this section; delivery will be refused upon presentation thereof.

(b) *Disciplinary proceedings pending.* When disciplinary proceedings involving military offenses are pending or the person is undergoing a sentence of a court-martial, commanding officers must obtain specific authority from the Secretary of the Navy (Judge Advocate General) to deliver personnel to State, Territorial or Local Authorities.

§ 720.3 *Agreement required prior to delivery to State authorities*—(a) *General.* In every case in which the delivery of any person in the Navy or Marine Corps to the civil authorities of a State, for trial, is authorized, such person's commanding officer will, before making such delivery, obtain from the Governor or other duly authorized officer of such State a written agreement that the commanding officer of the naval or marine activity to which the person is to be returned will be immediately informed of the outcome of the trial and that the person delivered will be returned to the naval or marine activity designated in the agreement without expense to the United States or to the person delivered immediately upon completion of his trial for the alleged misconduct which occasioned his delivery to the civil authorities, in the event the charges against him are dismissed, or in the event he is acquitted, or immediately upon his satisfying the sentence of the court in the event he is convicted and a sentence imposed, or upon other disposition of his case, provided the naval or marine authorities shall then desire his return. When indicating in the agreement the naval or marine activity to which the person delivered is to be returned by the State, care should be taken to designate the closest appropriate activity which possesses special court-martial jurisdiction. The Department considers this agreement substantially complied with when the man is furnished transportation back to a naval or marine activity as set forth herein and necessary cash to cover his incidental expenses en route thereto, and the Navy Department so informed. Any substantial departure from these requirements must have prior approval from the Secretary of the Navy (Judge Advocate General).

(b) *Form of agreement.* The following is suggested as a form of agreement acceptable to the Department in cases referred to in paragraph (a) of this section.

In consideration of the delivery of _____
_____
(Name of person delivered)
United States Navy (United States Marine Corps), to _____, at _____, I hereby agree, pursuant to the authority vested in me as _____, that the Commanding Officer of the _____
_____
(Insert here the name of the command to which the man is to be returned)
will be immediately informed of the outcome of the trial and that said _____
(Name of person delivered)
will be returned to the _____
_____,
(Insert here the name of the command to which the man is to be returned)
or issued transportation thereto, without expense to the United States or to the person delivered immediately upon dismissal of the charges or completion of the trial in the event he is acquitted, or immediately upon satisfying the sentence of the court in the event he is convicted and a sentence imposed, or upon other disposition of his case, provided that the naval authorities shall then desire his return.

§ 720.4 *Delivery of personnel to Federal authorities*—(a) *Authority to deliver.* Commanding officers are authorized to deliver personnel to Federal authorities on presentation of a proper warrant in all cases except those in which disciplinary proceedings are pending or the person is undergoing a sentence of a court-martial or when in the opinion of the commanding officer unusual circumstances exist which warrant reference of the matter to the Secretary of the Navy (Judge Advocate General).

(b) *Agreement not required of Federal authorities.* An agreement as to expenses will not be exacted as a condition to the delivery of personnel to Federal authorities for trial. Men desired by Federal authorities for trial will be called

for and taken into custody by a United States marshal or deputy marshal. In the event that the person delivered is acquitted upon said trial, or immediately upon satisfying the sentence of the court in the event he is convicted and a sentence imposed, or upon other disposition of his case, provided that the naval authorities shall then desire his return, the man will be returned to the naval service and the necessary expenses paid from an appropriation under the control of the Department of Justice.

§ 720.5 *Personnel released by civil authorities on bail or on their own recognizance.* A person in the Navy or Marine Corps arrested by Federal or State civil authorities and released on bail or his own recognizance has a duty to return to his parent organization. Accordingly, where a person in the Navy or Marine Corps is arrested by Federal or State authorities and returns to his ship or station on bail, or upon his own recognizance, the commanding officer shall normally grant him leave of absence to appear for trial on the date set, upon verification of the attending facts, date of trial, and approximate length of time that should be covered by the leave of absence: *Provided*, Such absence will not prejudice the best interests of the naval service. Nothing in this section is to be construed as permitting the person arrested and so released to avoid the obligations of his bond or his recognizance solely by reason of his being in the service.

§ 720.6 *Service of process upon personnel of the Naval Establishment*—(a) *Within the jurisdiction.* Commanding officers afloat and ashore are authorized to permit service of process of Federal, State, Territorial, or Local courts upon naval personnel or civilians named therein and located within the jurisdiction of the court out of which the process issues, but such service should not be allowed without the permission of the commanding officer first being obtained. (Personnel serving aboard vessels located within the territorial waters of the State out of which the process issues are considered within the jurisdiction of the court for the purpose of service of process.) In cases where the exigencies of the service would jeopardize or limit personnel from defending themselves in litigation, service of process will not be permitted until conditions permit. The commanding officer shall permit the service of process except in unusual cases where compliance with the mandate of the process would seriously prejudice the public interest. Where practicable, commanding officers will require that the process be served in their presence, or that of an officer designated by them. Where service of process by mail is sufficient, the process may be mailed to the person named therein. In all cases commanding officers will insure that the nature of the process is explained to the person concerned.

(b) *Where service is not allowed.* Where service of process is not permitted, a report of such refusal to permit service and the reasons therefor shall be forwarded by letter to the Secretary of the Navy (Judge Advocate General).

(c) *Personnel beyond the jurisdiction of the court.* Where a person in the naval service, or a civilian, is beyond the jurisdiction of the court issuing the process, the commanding officer will permit service or delivery of the process under the same conditions as noted in paragraph (a) of this section above for whatever legal effect it may have. At the same time the commanding officer or his designee will advise the person being served that he is not required to indicate acceptance of service in writing, or otherwise, although he may do so voluntarily, and further advise him to consult legal counsel. Where process is forwarded to a commanding officer with the request that it be delivered to a person within his command, he may deliver it to the person named therein, provided he voluntarily accepts it. In such cases the commanding officer will insure that the serviceman or civilian concerned is informed that he is not required to accept service of the process but may do so voluntarily. The commanding officer is not required to act as a process server, and when the person named in the process does not voluntarily accept the process it should be returned to the forwarder with the advice that the person named therein refuses to accept it.

(d) *Leave of absence to be granted persons served with process.* In those cases where the personnel under his command are served with process as noted in paragraph (a) of this section above or accept service of process as noted in paragraph (c) of this section above, the commanding officer is authorized and will normally grant leave of absence to the person upon whom the process is served in order to permit him to obey the same, unless the public interest would be seriously prejudiced by his absence. In such cases, a full report of the matter should be made to the Secretary of the Navy (Judge Advocate General) prior to the date set for appearance of the person served, where possible.

(e) *Suits against the United States.* Where it appears that a subpoena or other process relates to a suit against the United States dispatch advice will be requested of the Judge Advocate General. Where it appears that the subpoena or other process related to a suit against the United States is brought under the provisions of the Public Vessels Act, dispatch advice will be requested of the Judge Advocate General (Admiralty Division) in view of the requirements of 46 U. S. C. 784.

§ 720.7 *Personnel of the Naval Establishment subpoenaed as witnesses in State or Local courts.* Where personnel of the naval establishment, service personnel or civilian employees, are subpoenaed to appear as a witness in State or Local courts, and are served in the manner described under either of the conditions set forth in § 720.6 the provisions of § 720.6 (d) apply.

§ 720.8 *Personnel of the Naval Establishment subpoenaed as witnesses in Federal courts*—(a) *Witnesses on behalf of Federal government.* Where naval personnel are required to appear as witnesses in a Federal court to testify on behalf of the Federal government, the Bureau of Naval Personnel or the Commandant of the Marine Corps, as the case may be, will direct the activity to which the person is attached to issue Temporary Additional Duty Travel Orders to the person concerned. The charges for such orders will be borne by the activity to which the required witness is attached. Payment to witnesses will be as provided by the Joint Travel Regulations and U. S. Navy Travel Instructions. If the required witness is to appear in a case where the Department of the Navy is not a party in interest, the Navy will be reimbursed in accordance with the procedures outlined in the Navy Comptroller Manual, paragraph 046278.

(b) *Witnesses on behalf of nongovernmental parties*—(1) *Criminal actions.* Where naval personnel are served with a subpoena to appear as a witness for the defendant in a criminal action and the fees and mileage required by Rule 17 (d) of the Federal Rules of Criminal Procedure are tendered, the commanding officer is authorized to issue the person subpoenaed premissive orders authorizing attendance at the trial at no expense to the government, unless the public interest would be seriously prejudiced by his absence, in which case a full report of the circumstances will be made to the Judge Advocate General. In those cases where fees and mileage are not tendered as required by Rule 17 (d) of the Federal Rules of Criminal Procedure; but the person subpoenaed still desires to attend, the commanding officer is authorized to issue permissive orders at no cost to the government, as above, however, such persons should be advised that an agreement as to reimbursement for any expenses incident to travel, lodging, and subsistence should be effected with the party desiring their attendance and that no reimbursement should be expected from the government.

(2) *Civil actions.* Where naval personnel are served with a subpoena to appear as a witness on the behalf of a nongovernmental party in a civil action brought in a Federal court, the provisions of § 720.6 apply.

§ 720.9 *Naval prisoners as witnesses or parties in civil courts.* (a) *Criminal actions.* In those instances where the Federal or State authorities desire the attendance of a naval prisoner as a witness in a criminal case, a request for such person's attendance should be submitted to the Secretary of the Navy (Judge Advocate General). Upon receipt of such a request, authority will be given, in a proper case, for the production of the requested naval prisoner in court without resort being had to a writ of habeas corpus ad testificandum.

(b) *Civil actions.* The Navy Department will not authorize the attendance of a naval prisoner in a Federal or State court, either as a party or as a witness, in private litigation pending before such court, as in such cases the court may grant a postponement or a continuance of the trial; but the Navy Department will allow the deposition of such naval prisoner to be taken in the case.

2. Part 725 is amended to read as follows:

PART 725—DISPOSITION OF CASES INVOLVING PHYSICAL DISABILITY

Sec.
725.1 Source of authority.

PHYSICAL EVALUATION BOARDS

725.2 Function.
725.3 Convening authorities.
725.4 Appointment of boards.
725.5 Jurisdiction of boards.

CASES INVOLVING MEMBERS OF THE NAVAL SERVICE ON EXTENDED ACTIVE DUTY

725.6 Composition.
725.7 Orders for appearance.
725.8 General instructions.

CASES INVOLVING MEMBERS OF THE NAVAL SERVICE NOT ON ACTIVE DUTY

725.9 Composition.
725.10 Orders for appearance.
725.11 General instructions.

THE PHYSICAL REVIEW COUNCIL

725.12 Convening authority.
725.13 Composition.
725.14 Jurisdiction.
725.15 Function.
725.16 General instructions.

THE PHYSICAL DISABILITY APPEAL BOARD

725.17 Convening authority.
725.18 Composition.
725.19 Jurisdiction.
725.20 Function.
725.21 General instructions.

PERIODIC PHYSICAL EXAMINATIONS

725.22 Requirements.
725.23 Procedure.

FINAL ACTION

725.24 Action by the Secretary of the Navy.
725.25 Relief from final action.

APPENDIX

725.26 Excerpts from "Misconduct and Line of Duty" provisions of Chapter IV of the 1955 Naval Supplement to the Manual for Courts-Martial, United States, 1951, referred to in § 725.8.

AUTHORITY: §§ 725.1 to 725.26 issued under sec. 413, 63 Stat. 824; 37 U. S. C. 283. Interpret or apply R. S. 161, sec. 206, 52 Stat. 1179, as amended, sec. 302, 58 Stat. 287, as amended, secs. 401–412, 414, 63 Stat. 816–824, as amended, 825, as amended, secs. 226, 249, 66 Stat. 488, 495; 5 U. S. C. 22, 34 U. S. C. 854e, 37 U. S. C. 271–282, 284, 285, 38 U. S. C. 6931, 50 U. S. C. 950, 992.

NOTE: §§ 725.1 to 725.25 are contained in Chapter IX of 1955 Naval Supplement to the Manual for Courts-Martial, United States, 1951.

§ 725.1 *Source of authority.* Title IV of the Career Compensation Act of 1949 (37 U. S. C. 271–285) provides that, subject to certain other requirements, when it is determined that a member of the uniformed services is unfit to perform the duties of his office, rank, grade or rating by reason of physical disability, he may be retired or separated from the service concerned. Section 413 of the Act (37 U. S. C. 283) provides that the Secretary of the Navy shall prescribe regulations for the administration of the Title. Section 302 of the Servicemen's Readjustment Act of 1944, as amended (38 U. S. C. 693i), directs the Secretary of the Navy to establish a board to review, at the request of any officer retired or released from active service, without pay, for physical disability pursuant to the decision of a retiring board or board of medical survey, the findings and decision of such board. Section 226 of the Armed Forces Reserve Act of 1952 (50 U. S. C. 950) provides that the Secretary of the Navy may provide for the honorable discharge or transfer to a retired status of members of reserve components who are found not physically qualified, subject to certain considerations, for active duty. Section 249 of that act (50 U. S. C. 992) provides that an officer of the reserve components who has completed three years of commissioned service shall not be involuntarily discharged or separated except pursuant to the approved recommendation of a board of officers convened by competent authority or the approved sentence of a court-martial. Section 206 of the Naval Reserve Act of 1938, as amended (34 U. S. C. 854e), provides that enlisted men transferred to the Fleet Reserve after sixteen or more years of service who are found not physically qualified upon a physical examination, required by the statute, shall be transferred to the retired list of the Regular Navy. The following regulations are prescribed pursuant to and in implementation of the foregoing provisions of law. They are designed to afford an individual whose physical fitness is being evaluated a full and fair hearing, when required, and to provide the Secretary of the Navy, in whom reposes the responsibility for final determination of each case, a sound basis for such determination. To accomplish these ends, various agencies shall function as prescribed in this part.

NOTE: No reference is made herein to medical boards or medical dispositions prior to or independent of evaluations made pursuant to this chapter inasmuch as this subject is covered by the Manual of the Medical Department, U. S. Navy.

PHYSICAL EVALUATION BOARDS

§ 725.2 *Function.* Physical evaluation boards are constituted to afford full and fair hearings incident to evaluation of the physical fitness of certain members and former members of the naval service to perform the duties of their rank, grade or rating; to investigate the nature, cause, degree and probable permanency of disabilities presented by such parties; and to make recommended findings appropriate thereto. No member of the naval service shall be separated or retired by reason of physical disability from an active duty status without a hearing before a physical evaluation board unless such hearing is waived by the member concerned. No member of the naval service shall be separated or retired by reason of physical disability from an inactive duty status without a hearing before a physical evaluation board if such member shall demand it. As used in this part, a "member of the naval service" shall include any commissioned officer, chief warrant officer, warrant officer, naval aviation cadet, or enlisted person, including a retired person, of the Navy and Marine Corps, the Reserve components thereof, the Fleet Reserve and Fleet Marine Corps Reserve.

§ 725.3 *Convening authorities.* (a) The Secretary of the Navy and such officers as he may designate may convene physical evaluation boards. The following officers are hereby designated as empowered to convene such boards:

Chief of Naval Personnel.
Commandant of the Marine Corps.
Commandants of the First, Third, Fourth, Fifth, Sixth, Eighth, Ninth, Eleventh, Twelfth and Thirteenth Naval Districts.
Commandant, Potomac River Naval Command.
Commandant, Marine Corps Schools, Quantico, Virginia.
Commanding Generals of Marine Base, Camp Lejeune, North Carolina, and Camp Pendleton, Oceanside, California.
Commanding General, Marine Corps Recruit Depot, Parris Island, South Carolina.
Commanding General, Department of the Pacific.
Such other officers as the Secretary of the Navy may from time to time designate.

(b) No such officer may appear as the individual whose case is to be evaluated before a physical evaluation board which has been convened by him or his successor or by anyone under him in the chain of command.

§ 725.4 *Appointment of boards.* Orders appointing physical evaluation boards shall designate the time and place of meeting and shall list by name the membership and counsel of the board, provided that the medical members of the board shall be selected from medical officers specified for such duty, either permanent or alternate, by the Surgeon General of the Navy. More than the required number of members may be listed in the orders, provided that the orders contain provisions insuring that only the correct number of officers shall act in any one case. Unless the board is appointed by the Secretary of the Navy, or an officer designated in § 725.3, the appointing orders must show that authority to appoint has been duly granted. Certified copies of such orders and amendatory orders shall be forwarded to the Judge Advocate General by the convening authority. The original orders appointing physical evaluation boards and the originals of all amendatory orders shall be retained by the boards until cancelled, when they shall be forwarded to the Judge Advocate General via the convening authority.

§ 725.5 *Jurisdiction of boards.* A physical evaluation board shall have jurisdiction to act in any proper case referred to it by the Secretary of the Navy, the Chief of Naval Personnel, the Commandant of the Marine Corps, the Surgeon General of the Navy, the Physical Disability Appeal Board, the Physical Review Council, or any officer authorized to convene a medical board.

CASES INVOLVING MEMBERS OF THE NAVAL SERVICE ON EXTENDED ACTIVE DUTY

§ 725.6 *Composition*—(a) *In general.* A physical evaluation board will be composed of competent and mature officers of sound judgment who are familiar with board procedures and, in particular, with the regulations and instructions pertaining to physical evaluation boards and physical standards. A physical evaluation board considering the case of a party who is a member of the naval service on extended active duty shall consist of three commissioned officers as members, two of whom shall be non-medical officers and one of whom shall be a medical officer. There shall also be appointed a counsel for the board, and, unless waived by the party, a counsel for the party. There shall not be such disparity in rank and experience among the members of the board as might tend to operate to inhibit and influence junior members in expressing their opinions. When the party whose physical fitness is under consideration is a member of the regular Navy or the regular Marine Corps, two members shall, whenever practicable, be senior in rank to such party. In the absence of objection by the party, the seniority of the members of the board shall be considered as waived. Whenever the board acts on the case of a member of a Reserve component, all members of the board shall be senior to the party, and, where possible, two of the members shall be Reserve officers.

(b) *Limitation on medical members.* No medical officer shall act as a medical member of a physical evaluation board who has had direct charge of the case of the party concerned immediately preceding appearance before the board or who was a member of a board of medical officers which reported on the party concerned.

(c) *Limitation on non-medical members.* Dental officers, officers of the Medical Service Corps and officers of the Nurse Corps are considered as non-medical officers as used in this chapter, but none shall act as non-medical members of a physical evaluation board unless the party concerned is a member of the same corps. When the party concerned is a member of the Navy, the non-medical members shall, if practicable, be officers of the Navy. When the party concerned is a member of the Marine Corps, the non-medical members shall, if practicable, be officers of the Marine Corps.

(d) *Counsel for the board.* The counsel for the physical evaluation board will be a competent, mature officer of sound judgment, who is familiar with board procedures and, in particular, with the regulations and instructions pertaining to physical evaluation boards.

(e) *Counsel for the party.* Designated counsel for the party concerned will be a competent, mature commisioned officer or chief warrant officer of sound judgment, who is familiar with board procedures and, in particular, with the regulations and instructions pertaining to physical evaluation boards and physical standards. Counsel for the party may be waived by the party concerned unless representation by counsel is mandatory pursuant to § 725.8 (b) (5). A mentally competent party, the next of kin, person to be notified in case of emergency, or legal guardian of a mentally incompetent party may obtain the services of civilian or naval counsel, other than the designated counsel, to act for the party, provided that the employment of such counsel does not result in expense to the Government or in unreasonable delay of board proceedings. In every case in which counsel is mandatory pursuant to § 725.8 (b) (5), counsel shall be a member of the bar of a Federal court or the highest court of a State.

§ 725.7 *Orders for appearance.* Orders directing or authorizing a member of the naval service who is on extended active duty to report to a physical evaluation board shall be issued as prescribed in the appropriate regulatory publications for the Naval Establishment, including, when such orders involve entitlement to travel allowance, current instructions relating thereto.

§ 725.8 *General instructions*—(a) *Duties and responsibilities of the Physical Evaluation Board.* (1) *Senior member.* The officer senior in precedence among the members of a physical evaluation board considering any one case shall act as the presiding officer of the board. He shall take appropriate action to preserve order in open sessions of the board and to insure that the proceedings are conducted in a dignified and judicial manner. He will rule upon all interlocutory questions except challenges. His rulings on interlocutory questions may be objected to by any other member of the board, in which case the matter will be decided by a majority vote of the board members in closed session. For good reason he may recess or adjourn the board or grant a continuance in the case. He shall preside over closed sessions of the board and speak for the board in announcing its recommended findings and the result of any vote upon challenge or other interlocutory question. He shall authenticate the record of the board proceedings except that in his absence the record may be authenticated by any other member of the board who acted in the case.

(2) *Members in general.* It is the responsibility of each member of the board to weigh and impartially to examine the evidence presented in a case and to make recommended findings, each according to his conscience, and in conformity with applicable laws, regulations, and established policies. Each member has an equal voice and vote with other members in deliberating upon and deciding all questions submitted to vote. Each member may question witnesses in an order prescribed by the senior member. Members of the board may discuss the case freely in closed session, but except as authorized to be set forth in the record of proceedings pursuant to this part, the opinions expressed by any member in closed session shall not be disclosed.

(3) *Counsel for the board.* The officer designated as counsel for the physical evaluation board shall, in every case before the board, assemble, prepare, and present all available evidence which is relevant to the issues to be decided by the board. This shall include, but not be limited to, the medical records, reports of medical boards, statements of service, reports and proceedings pursuant to chapters III and IV, 1955 Naval Supplement to the Manual for Courts-Martial, United States, 1951, and the current disciplinary status of the party concerned. He shall examine witnesses who appear before the board. In accordance with procedures prescribed by competent authority, he shall secure or request witnesses to appear before the board and shall obtain depositions, affidavits, or statements which may aid the board in its decision of the issues before it. He shall notify the board members, witnesses, counsel for the party, and reporter of the time and place fixed for the hearing and make necessary arrangements to permit a proper hearing to be held. He shall insure that the records of the party concerned are furnished to the medical witnesses for examination prior to the hearing and shall perform such other duties as may be required by the senior member of the board. It is his specific responsibility to insure that the board has before it sufficient information to ascertain as accurately as practicable the circumstances in which the party concerned incurred his disability, the extent of the disability, and where it appears that the disability existed prior to the party's entrance into active duty, its extent at the time of entrance into active service, and all other pertinent circumstances relating to the party's disability. He shall, under the direction of the board, be responsible for preparation of the record of proceedings and shall, prior to the senior member, sign the record of proceedings as an authentication of its correctness. The standards of conduct for the counsel for the board shall be the same as prescribed for counsel before naval courts-martial (see § 719.3 of this chapter).

(4) *Counsel for the party.* The designated counsel for the party shall represent the party concerned before the physical evaluation board. The status of counsel for the party shall not lapse with the termination of the board's proceedings but shall continue until final determinations and dispositions prescribed by law have been effected in the case of the party concerned. Counsel will confer with the party as soon as practicable in order to advise him of his rights and to prepare a case in accordance with the legitimate desires and the best interests of the party. He will request the counsel for the board to arrange for the attendance of necessary witnesses or other specifically desired evidence and will assist in the procurement and presentation of any available evidence which will support the position of the party concerned. He shall perform such other duties as usually devolve upon counsel for an interested party before a formal fact-finding body and will guard the interests of the party by all honorable and legitimate means. In cases in which representation by counsel is not mandatory pursuant to paragraph (b) (5) of this section and the party concerned has waived his right to counsel, such party may act as his own counsel. Where counsel other than the designated counsel has been obtained to represent the party, the designated counsel may act as associate counsel if desired as such by individual counsel. The standards of conduct for counsel for the party shall be the same as prescribed for counsel before naval courts-martial (see § 719.3 of this chapter).

(5) *Board reporter, interpreter and orderly.* The convening authority shall provide qualified reporters, and where necessary or requested by counsel for

the board, an interpreter or an orderly or both in the same manner as provided for courts of inquiry (see section 0302*a* (3) and (4), 1955 Naval Supplement to the Manual for Courts-Martial, United States, 1951). Such individuals shall act in the same capacity as in the proceedings of a court of inquiry.

(b) *Procedure*—(1) *In general.* The proceedings of physical evaluation boards shall be conducted in accordance with instructions set out in this chapter and in accordance with chapter III, 1955 Naval Supplement to the Manual for Courts-Martial, United States, 1951, insofar as practicable except that an oath or affirmation need not be administered to the members of the board or the counsel.

(2) *Personal appearance.* The party concerned shall appear personally before the board unless there is a recommendation by a medical board or a determination by the physical evaluation board that to do so would be detrimental to his health. In addition to the fact that it may contsitute a military offense, failure to appear when so directed or authorized shall be considered as a waiver of the right of the party concerned to appear before the board unless it is reasonably shown that such failure was through no fault of the party. The board may at its discretion, however, waive the appearance of the party if so requested in writing by the party concerned. Such request shall be appended to the record of proceedings by the board.

(3) *Challenges.* Members of a physical evaluation board may be challenged through the same procedure and for the same reasons as prescribed for members of a court of inquiry (see section 0302c (3), 1955 Naval Supplement to the Manual for Courts-Martial, United States, 1951).

(4) *Full and fair hearing.* Every party whose case is being considered by a physical evaluation board shall be deemed to have demanded a full and fair hearing and shall be granted such unless he has waived in writing his right thereto. When a party who has been directed to appear before a board, through his own fault fails to do so and his absence has not been authorized by the board, the absence will not be excused and he will be deemed to have relinquished his demand for a full and fair hearing. The requirements for a full and fair hearing shall include, but shall not be limited to, the right of the party concerned: To be present in person unless to do so would be detrimental to his health; to be represented by qualified counsel during all stages of the proceedings until final action on the case is effected; to challenge members for cause; to present evidence in his own behalf; to secure witnesses, depositions, affidavits and statements on relevant issues insofar as practicable; to cross-examine witnesses; to present or have presented arguments in his behalf; to have the issues in his case decided only on evidence adduced and presented in the hearing; to file a rebuttal to the recommended findings of the physical evaluation board, and in certain circumstances to file a rebuttal to the recommended substitute findings of the Physical Review Council or a petition for appeal to the Physical Disability Appeal Board. The party may testify in his own behalf or may be called as a witness by the board. Not less than three days prior to the date set for the hearing, all relevant rules and regulations, including the standard schedule of rating disabilities in current use by the Veterans Administration, and all records and papers pertaining to the case shall be made available to the party concerned or his counsel, as appropriate, who shall have the right to inspect such rules, records and papers and to make notes therefrom as may be necessary in the preparation of the case. The party concerned or his counsel may, in writing, waive the right to the three-day inspection period and, upon the filing of such waiver, the board may proceed to hear the case. Failure of the party concerned to utilize one or more of the aspects of a full and fair hearing shall not be considered as a waiver of other such aspects.

(5) *Counsel for the party mandatory.* The physical evaluation board shall not consider the case of any party who is not represented by qualified counsel where a medical board has recommended that personal appearance before the board or the disclosure to the party of information relative to his physical disability would be deleterious to his health. If, during the course of the proceedings, the board shall determine that further attendance of the party may be deleterious to his health or that the party is not mentally competent to represent himself, the board shall, if the party is not represented by qualified counsel, immediately adjourn and shall request competent authority to designate qualified counsel to represent the party. In subsequent proceedings in such case the physical evaluation board may be composed of the same or different members.

(6) *Mentally incompetent party.* Upon receipt of a case in which previously it has been found that the party concerned is mentally incompetent, in that he is mentally incapable of managing his own affairs, or in which the physical evaluation board is of the opinion that the party is so mentally incompetent, further proceedings will be held in abeyance until the next-of-kin, the person to be notified in case of emergency, or the guardian (where appointed) has been notified that he or she may appear and provide counsel in behalf of the party. Such person shall be notified, by registered mail or by registered air mail, if it will facilitate delivery, with return receipt requested, of: the place, date, and hour scheduled for the hearing and that request may be submitted for an extension of time or for a more convenient date; the name, rank, and official address of the officer designated to represent the party; the right of the addressee, at no expense to the Government, to be present at the hearing and to be represented by civilian or naval counsel of his or her own selection; and the right of the addressee to procure and introduce witnesses, to obtain documentary evidence, and to take such other action as may be deemed necessary in the interests of the party. The hearing will be held at the time scheduled when no reply is received from the person so notified provided that the registered mail receipt indicates that the addressee has received notification. The date for the hearing generally will be two weeks from the date of mailing the notification but may be extended by the senior member upon written request. All correspondence, including the notification, the reply, if any, and the registered mail receipts will be appended as exhibits to the record of proceedings.

(c) *Evidence.* (1) A physical evaluation board shall consider all documentary evidence transmitted to it by proper authority. The board may, in addition, require and examine such records as may be in the files of the Navy Department that relate to the issues before the board. All evidence having a probative value as to the determination of issues before the board may be considered. All testimony shall be taken under oath or affirmation. The oath or affirmation shall be administered by the counsel for the board in a form as follows: "You swear (or affirm) that the evidence you shall give in the matter now before this board shall be the truth, the whole truth and nothing but the truth. So help you God."

(2) In the administration of an affirmation, the closing sentence of adjuration will be omitted. The board may take official notice of any generally accepted medical fact or principle and of any fact which may be judicially noticed by courts-martial. In consideration of the weight or probative value to be accorded evidence, the members of the board are expected to utilize their background and experience, their common sense and their knowledge of human nature and behavior. The fact that a witnes is the party whose case is before the board does not condemn him as unworthy of belief, but does create in him an interest greater than that in any other witness, and to that extent affects the question of credibility. It is a general rule that the relations of a witness to the matter to be decided are legitimate subjects of consideration in respect to the weight to be given to his testimony. In every case the testimony of the party concerned should be considered in connection with all the evidence adduced and given such weight as the board may believe it merits. When the testimony presented at the hearing indicates that the party claims to have disabilities not disclosed by the official medical records or presents evidence sharply in conflict with official medical records, and the issue thus drawn is not one that can be readily resolved by the observation of the board, there should be further development of the case by requesting further physical examination, special studies, or further investigation by appropriate agencies; and the hearings should be continued until such development has been accomplished. Findings and recommendations of the board should be based upon evidence consistent with a reasonable probability of truth.

(d) *Definitions and presumptions*—(1) *Fitness for duty.* In the absence of convincing evidence to the contrary, a party before a physical evaluation board is presumed fit and physically qualified to perform the duties of his rank, grade or rating. The presence of physical disability or the fact that the party concerned is currently on the sick list or hospitalized does not necessarily require a finding of unfitness for duty. If the board is of the opinion that the party concerned will be fit for duty after a reasonable period of time, such party should be considered as fit for duty. On the other hand, a finding of unfitness for duty is to be made when the evidence discloses that the member is not physically capable of performing all the duties of his rank, grade or rating to a degree that would reasonably fulfill the purposes of his employment.

(2) *Physical disability.* "Physical disability", as used in this chapter, is any manifest or latent impairment of function due to disease or injury regardless of the degree of impairment. The term "physical disability" includes mental diseases other than inherent defects such as behavior disorders, personality disorders, and primary mental deficiency. "Impairment of function" is any lessening or weakening of the capacity of the body, or any of its parts to perform that which is considered by accepted medical principles to be normal activity of the bodily economy. "Manifest impairment" is that which is accompanied by signs or symptoms, or both. "Latent impairment" is that which is not accompanied by signs or symptoms but which is of such a nature that there is a reasonable and moral certainty, according to accepted medical principles, that signs or symptoms, or both, will appear within a reasonable time.

(3) *Accepted medical principles.* "Accepted medical principles" shall be considered to be fundamental deductions consistent with medical facts and based upon the observation of a large number of cases. To constitute accepted medical principles, the deductions must be so reasonable and logical as to create a moral certainty that they are correct.

(4) *Incurred while entitled to receive basic pay.* Physical disability due to the natural progress of disease or injury is "incurred" when the disease or injury causing the disability is contracted. Physical disability in excess of that due to natural progress of the disease or injury is considered due to aggravation and as such is "incurred" when the disease or injury is aggravated. "While entitled to receive basic pay" encompasses all types of duty which entitle the party concerned to receive active duty pay, and any duty without pay which, by law, may be counted the same as like duty with pay (see section 240, Armed Forces Reserve Act of 1952; 50 U. S. C. 971). Nothing contained in this subsection shall be construed to entitle any party not on extended active duty, who at the time of his separation from active duty was considered physically fit for duty, to benefits under Title IV of the Career Compensation Act of 1949 (37 U. S. C. 271–285) by reason of an increase in disability occurring while the party is not entitled to receive basic pay.

(5) *Intentional misconduct or willful neglect.* "Intentional misconduct" and "willful neglect" are terms which are descriptive of "misconduct" as defined in chapter IV, 1955 Naval Supplement to the Manual for Courts-Martial, United States, 1951. See § 725.26.

(6) *Unauthorized absence.* "Unauthorized absence" as used in this chapter is absence from duty without authority such as that contemplated under the disciplinary laws applicable to the uniformed service concerned at the time of its commission.

(7) *Proximate result of the performance of active duty.* Any disability incurred in line of duty which reasonably may be assumed to have been the result of the performance of military duties is considered to be the proximate result of the performance of active duty. A determination to such effect is not precluded simply because the party concerned was in a leave or liberty status or temporarily absent with authority from his immediate job when the disability was incurred. Any physical disability resulting from disease incurred in line of duty shall be presumed to be the proximate result of the performance of active duty unless it is shown by clear and convincing evidence, including generally accepted medical principles, that to assume that it was the result of military duties is unreasonable. However, for a party who is on extended active duty, any disability shown to have been incurred in line of duty during a period of active service in time of war or national emergency shall be considered to be the proximate result of the performance of active duty.

(8) *Permanent nature of disability.* Disability "may be of a permanent nature" when, based on medical experience in like cases, it is considered likely that the party concerned will recover to an extent which will permit him to perform duty commensurate with his rank, grade or rating within a five year period from the date of retirement or separation for physical disability; or that within the five-year period the disability, if currently ratable at less than seventy-five percent in accordance with the standard schedule of rating disabilities in current use by the Veterans Administration, will change in degree; or that within the five-year period the disability, if currently ratable at seventy-five percent or more in accordance with such schedule, may fall below such percentage. Where none of the above contingencies is likely to occur, the disability is considered as disability which "is of a permanent nature".

(9) *Line of duty.* Presumptions and definitions set forth in chapter IV, 1955 Naval Supplement to the Manual for Courts-Martial, United States, 1951, relating to the incurrence of disease or injury in line of duty (see § 725.26) are applicable to this part. In addition thereto, there exists a presumption rebuttable by clear and convincing evidence, including generally accepted medical principles, that any increase occurring while in active service in the extent of a disability is due to aggravation as opposed to the natural progress of the disease or injury.

(10) *Recommended findings.* As used in this chapter the term "recommended findings" means recommended determinations of fact which are advisory only. No findings, recommendations, decisions, or modifications thereof, made by any body established under this chapter, shall in any case be considered as conclusive or final or not subject to modification by competent authority until final disposition of the case pursuant to findings and recommendations approved by the Secretary of the Navy has been effected.

(11) *Extended active duty.* The term "on extended active duty," when used in this chapter shall have its traditional meaning when applied to members of reserve components and when applied to members of the regular Navy and regular Marine Corps shall mean a status of being entitled to receive basic pay.

(e) *Recommended findings.* A physical evaluation board, after having considered and deliberated on all the evidence before it, shall announce, through the senior member, that in the opinion of the board the following findings are supported by the evidence and that it is the recommendation of the board that such findings be approved:

(1) That the party, who is entitled to receive basic pay, is unfit (fit) to perform the duties of his rank, grade or rating, and, if unfit, that such unfitness is by reason of physical disability (a condition not a physical disability). (If the party is found fit, or if the unfitness is solely by reason of a condition not a physical disability, no further findings are required.)

(2) Where the party is found unfit by reason of physical disability, that his disability was (was not) incurred while he was entitled to receive basic pay.

(3) List the diagnosis of each condition causing disability in the terminology set forth in Joint Armed Forces Classification and Basic Diagnostic Nomenclature together with the following information: The Veterans' Administration Diagnostic Code Number; that each disability is (is not) due to the party's intentional misconduct or willful neglect; that each disability was (was not) incurred during a period of unauthorized absence; that for a party with less than eight years' active duty, each disability was (was not) the proximate result of the performance of active duty; the percentage of each disability at the time of evaluation less the percentage of disability which existed upon entry into active service or which was incurred in a period of unauthorized absence or which otherwise was incurred not in line of duty, if any, and the net resulting disability rating, if any, existing at the time of evaluation.

(4) In the case of any party serving on active duty in a retired status, in addition to the foregoing, the board shall make a finding as to the percentage of disability incurred while the party was so serving on active duty in a retired status.

(5) Set forth, on the basis of the resulting disability rating listed under (3)

above, the final percentage of such of the party's disability as may be ratable, if any, computed in accordance with the standard schedule of rating disabilities in current use by the Veterans' Administration, and whether accepted medical principles indicate that such disability "may be of a permanent nature" or that it "is of a permanent nature."

(f) *Minority report.* Each recommended finding made pursuant to this section concurred in by a majority of the board shall constitute the action of the board. Any dissenting member of the board will make a minority report concerning those particulars in which he does not agree with the action of the board. In case the board is unable to arrive at a conclusion, it shall adjourn and notify the convening authority of such circumstances. In such event, the convening authority may refer the case for consideration to a board composed of different members or he may return it to the original board for further consideration.

(g) *Basis for recommended findings.* (1) It is essential that the record clearly reflect facts sufficient to form the basis for the recommended findings. It is not intended that the board should state in the record that it believed one witness and disbelieved another or why it reached a certain conclusion based on evidence of record which is not sharply in conflict. On the other hand, it is essential that there be no hiatus as to the basis for conclusions. Hence, should the board resort to the taking of official notice of a generally accepted medical fact or principle or of any other fact of which a court-martial might take judicial notice, such fact or principle shall be set forth in the record.

(2) Further, where any doubt may exist as to which of several different ratings should be assigned on the basis of the relative severity of the disability, the reasons for the assignment of the particular percentage should be set out. The board may upon its own motion at any time prior to final adjournment in a case, set aside its previous recommended findings, consider further evidence, and make new recommended findings, but in such event the basis for the action of the board shall be set forth in the record of proceedings.

(h) *Rebuttal.* (1) A physical evaluation board shall, when it arrives at its recommended findings, advise counsel for the party and the party concerned thereof, that such recommended findings do not indicate what the final determination of the Secretary of the Navy will be, and that they are communicated to him only for the purpose of filing a rebuttal if he so desires. The party or his counsel shall be afforded five days exclusive of Sundays and holidays, after receipt of a copy of the record of proceedings of the board, in which to file a rebuttal. A rebuttal will set forth specifically the recommended findings of the board with which the party or his counsel does not concur together with proposed alternate recommended findings which are acceptable to the party.

(2) It is not mandatory, but desirable, that a brief, setting forth the legal and factual basis for such non-concurrence or any other request for relief, be included in the rebuttal. In any case where a physical evaluation board is directed to conduct a new hearing or proceedings in revision as prescribed in paragraph (j) of this section and the party or his counsel files a rebuttal to the recommended findings arrived at in such proceedings, the rebuttal shall operate to afford the party an automatic appeal to the Physical Disability Appeal Board: *Provided*, (i) The recommended findings of such Physical Evaluation Board differ in a material respect, detrimental to the party, from any prior recommended findings made in the case by a physical evaluation board, and (ii) the subsequent recommendations of the Physical Review Council differ in a material respect, detrimental to the party, from the relief sought in his rebuttal.

(i) *Preparation, authentication and forwarding of record.* The record of proceedings of a physical evaluation board shall be prepared in accordance with chapter III, 1955 Naval Supplement to the Manual for Courts-Martial, United States, 1951, insofar as applicable. After authentication, such record, together with all documents which were before the board, including a rebuttal, if filed, shall be transmitted to the Physical Review Council. A copy of the record of proceedings shall be furnished the party or his counsel. The recipient of such copy of the record of proceedings shall give a dated receipt therefor.

(j) *Revision proceedings and new hearings.* In the event that a physical evaluation board is directed to conduct a new hearing, such hearing shall be conducted and the record prepared in the same manner as if the board were meeting in the first instance. The record of proceedings in such case shall be prefixed to the original record. A board in revision shall, where practicable, consist of the same members who previously acted upon the case and shall proceed as instructed by the referring authority. A board conducting a new hearing shall consist of different members than those who previously acted upon the case.

(k) *Action subsequent to forwarding the record.* In the event any cognizant authority shall receive information, subsequent to the forwarding of a record of proceedings of a physical evaluation board and prior to final action thereon, that the party concerned has, following his hearing before such board, committed an offense or offenses such as are believed by the cognizant authority to have a possible bearing on the case and should therefore be brought to the attention of the Physical Review Council, incurred additional disability from that presented at the time of his hearing, or suffered an increase in the disability that was evaluated, or that his status has changed in any respect which might affect the action of the Secretary of the Navy on the record of proceedings, such authority shall immediately forward such information to the Physical Review Council by dispatch, with information copies to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, and to the Judge Advocate General. Such dispatch shall be followed as soon as practicable by a complete report of the matter, together with recommendations concerning the action to be taken. Upon a change in his status occurring subsequent to his hearing before a physical evaluation board and prior to final action thereon, which, in his opinion, might affect the action of the Secretary of the Navy, the party concerned may forward information of such change in the manner provided above.

CASES INVOLVING MEMBERS OF THE NAVAL SERVICE NOT ON EXTENDED ACTIVE DUTY

§ 725.9 *Composition.* A physical evaluation board considering the case of a member or former member of the naval service not on extended active duty shall have the same composition as provided in § 725.6 except that in cases arising under section 302 of the Servicemen's Readjustment Act of 1944, as amended (38 U. S. C. 693i), the physical evaluation board, which acts in the capacity of the former Naval Retiring Board, shall have five commissioned officers as members, three of whom shall be non-medical officers and two of whom shall be medical officers.

§ 725.10 *Orders for appearance.* Orders directing or authorizing a member of the naval service who is not on extended active duty to report to a physical evaluation board shall be issued in conformity with regulatory publications for the Naval Establishment or as prescribed by the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate. Orders directing or authorizing an officer or former officer of the naval service, consideration of whose case arises under section 302 of the Servicemen's Readjustment Act of 1944, as amended, to report to a physical evaluation board shall be issued by direction of the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate. Concurrently with the issuance of orders under this section, the issuing authority shall forward a letter to the appropriate physical evaluation board setting forth the law under which the individual concerned is eligible to have his case considered and, in cases arising under section 302, *supra*, and cases not specifically covered by the categories set forth in this chapter, the issues to be determined by the board and the phraseology to be employed in making findings concerning such issues.

§ 725.11 *General instructions*—(a) *In general.* Physical evaluation boards acting in cases of members or former members of the naval service who are not on extended active duty shall be governed by the procedural provisions of § 725.8 and shall be conducted and the record prepared and forwarded in the same manner as if the party concerned were on extended active duty except that recommended findings or findings on the issues, as the case may be, shall be made in conformity with this section.

(b) *Servicemen's Readjustment Act cases.* (1) Members of a physical evaluation board convened to act in cases arising under section 302 of the Servicemen's Readjustment Act of 1944, as amended (38 U. S. C. 693i) shall be sworn as follows:

You, and each of you, do solemnly swear (or affirm) that you will honestly and impartially examine and report upon the case of ---------- about to be examined by the board.

(2) The oath shall be administered to the members by the counsel for the board. Findings on the issues shall be made in the form prescribed by the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, in the orders which authorize the party concerned to appear before the board.

(c) *Cases arising under Section 402 (c) of the Career Compensation Act.* Physical evaluation boards acting in cases arising under section 402 (c) of the Career Compensation Act of 1949 (37 U. S. C. 272 (c)) shall make recommended findings as follows:

(1) That the party concerned is unfit (fit) to perform the duties of his rank, grade, or rating, and, if unfit, that such unfitness is by reason of physical disability resulting from an injury (physical disability not resulting from an injury) (a condition not a physical disability). (If the party is found fit or if the unfitness is solely by reason of physical disability not resulting from an injury or a condition not a physical disability, no further findings are required.)

(2) List the diagnosis of each condition causing disability resulting from an injury in the terminology set forth in Joint Armed Forces Statistical Classification and Basic Diagnostic Nomenclature together with the following information: the Veterans Administration Diagnostic Code Number; that each disability was (was not) the result of intentional misconduct or willful neglect of the party; that each disability was (was not) the result of the performance of full-time training duty, other full-time duty, inactive duty training, or active duty other than extended active duty, as the case may be; the percentage of each disability at the time of evaluation less the percentage of disability which existed upon entry into such status or which was otherwise not incurred as the proximate result of the performance of such duty, if any, and the resulting disability rating, if any, existing at the time of evaluation.

(3) In the case of any party serving on active duty other than extended active duty in a retired status, in addition to the foregoing, the board shall make a finding as to the percentage of disability incurred while the party was so serving in a retired status; and

(4) Set forth, on the basis of the resulting disability ratings listed under subparagraph (2) of this paragraph, the final percentage of such of the party's disability as may be ratable, if any, computed in accordance with the standard schedule of rating disabilities in current use by the Veterans' Administration, and whether accepted medical principles indicate that such disability "may be of a permanent nature" or that it "is of a permanent nature."

(d) *Re-evaluation Career Compensation Act cases.* Physical evaluation boards acting in cases of members of the naval service on the temporary disability retired list who are not on extended active duty shall make findings and recommendations as follows:

(1) That the party concerned is physically unfit (fit) to perform the duties of his rank, grade or rating and, if unfit, that such unfitness is by reason of physical disability (a condition not a physical disability). (If the party is found physically fit or if the unfitness is solely by reason of a condition not a physical disability, no further findings are required.)

(2) Where the party is found unfit by reason of physical disability, recommended findings will be made as prescribed under paragraph (c) of this section or §§ 725.8 (e) as appropriate, except that for conditions and the natural sequelae of conditions which were previously evaluated by a physical evaluation board approved by the Secretary of the Navy, and which continue to exist, recommended findings need be made only as to the percentage and permanency of the disability caused thereby.

(e) *Armed Forces Reserve Act cases.* Physical evaluation boards acting in cases arising under sections 225, 226 and 249 of the Armed Forces Reserve Act of 1952 (50 U. S. C. 949, 950 and 992) shall make a recommended finding only as to whether the party concerned is (is not) considered physically qualified for active duty in the Naval Reserve or the Marine Corps Reserve, as the case may be, together with the diagnosis of the disqualifying disability or defect set forth in Joint Armed Forces Statistical Classification and Basic Diagnostic Nomenclature; and, if the party be considered not so qualified, a recommendation as to whether such party be involuntarily discharged or separated from his reserve component in the event that he is not first transferred into the Retired Reserve of such component. In determining physical qualification for active duty, due consideration shall be given to the character of duty to which the party may be assigned in the event he should be ordered to active duty pursuant to law.

(f) *Naval Reserve Act cases.* Physical evaluation boards acting in cases arising under section 206 of the Naval Reserve Act of 1938, as amended (34 U. S. C. 854e), shall make a recommended finding only as to whether the party concerned is (is not) considered physically qualified for active duty in the Fleet Reserve or Fleet Marine Corps Reserve, as the case may be, together with the diagnosis of the disability or defect which disqualifies the party in the terminology set forth in Joint Armed Forces Statistical Classification and Basic Diagnostic Nomenclature, and if not so qualified, a recommendation that the party be transferred to the retired list of the Regular Navy or Marine Corps, as the case may be.

(g) *Miscellaneous cases.* Physical evaluation boards considering cases not covered in the above categories shall make recommended findings only with respect to issues designated by competent authority.

THE PHYSICAL REVIEW COUNCIL

§ 725.12 *Convening authority.* The Secretary of the Navy shall convene the Physical Review Council and additional panels thereof, if required.

§ 725.13 *Composition.* The Physical Review Council and additional panels of such Council, if appointed, shall consist of the Chief of Naval Personnel or his designated representative acting for him, or, when acting in cases involving personnel of the Marine Corps, the Commandant of the Marine Corps or his designated representative acting for him, the Chief of the Bureau of Medicine and Surgery or his designated representative acting for him, and the Judge Advocate General, or his designated representative acting for him, as members, and a recorder.

§ 725.14 *Jurisdiction.* The Physical Review Council shall have jurisdiction to act in any particular relating to or implementing its function.

§ 725.15 *Function.* The Physical Review Council is constituted to review records of proceedings of physical evaluation boards in the light of established medical and legal principles and personnel policies and to express its views thereon for the information of the Secretary of the Navy; to act upon reports of medical boards referred to it; and to perform such other duties as the Secretary of the Navy may from time to time direct. It is not the function of the Council to act as a board or to conduct hearings, and applications for personal appearance by parties concerned will not be entertained.

§ 725.16 *General instructions*—(a) *Procedure.* After consideration of all the evidence concerning a case before it, and in the light of established medical and legal principles and personnel policies, the members of the Physical Review Council shall advise the Secretary of the Navy that they concur in the recommended findings of the physical evaluation board or that they do not concur, in whole or in part, in such recommended findings. In the latter case they shall, in lieu of the recommended findings in which they do not concur, present substitute or additional recommended findings for the consideration of the Secretary of the Navy, together with the basis for their action as prescribed for physical evaluation boards in § 725.8 (g) where the basis is not otherwise adequately set forth in the record of proceedings. In the event of disagreement between the individual members of the Council with respect to any aspect of a case, each member shall set forth in the report of the Council his views with respect to those aspects in which there is disagreement. The Council may, on its own initiative, take no action on the recommended findings of the physical evaluation board and return the case to a medical board for further study, to the physical evaluation board for a hearing in revision for correction of errors, for further development of the case, for reconsideration of its recommended findings, or to a different physical evalu-

ation board for another hearing, or to a physical evaluation board in a different area for another hearing.

(b) *Authentication and forwarding of records.* Action by the Physical Review Council on a record of proceedings of a physical evaluation board shall be prepared in appropriate form and shall be signed by all members and by the recorder. Cases not returned to a medical board or a physical evaluation board shall be forwarded to the Secretary of the Navy or referred to the Physical Disability Appeal Board, as appropriate.

(c) *Referral to the Physical Disability Appeal Board*—(1) *Discretionary referral.* The Physical Review Council or any member thereof, may, in its or his discretion, forward to the Physical Disability Appeal Board any case for further consideration. The Council shall give the party or his counsel notice of such referral with a brief statement of the reasons therefor.

(2) *Referral on basis of Physical Review Council recommendation.* The Council shall forward a case to the Physical Disability Appeal Board for further consideration where final approval of the recommendations of the Council in lieu of the recommended findings of the Physical Evaluation Board would change final disposition of the case in a manner substantially detrimental to the party unless the party concerned or his counsel concurs in such recommendation of the Council or fails to file a rebuttal thereto within the time allowed. In the event that the Council proposes to make such recommendations, it shall notify the party or his counsel, as appropriate, of the substitute or additional findings which it proposes to submit to the Secretary of the Navy together with a brief statement of the reasons therefor, which shall include reference to any matter officially noticed by the Council if such substitute or additional findings are based thereon. Upon recepit of such notification the party or his counsel may file a rebuttal thereto, if he so desires. The rebuttal shall be submitted directly and expeditiously to the Council within five days, exclusive of Sundays and holidays, after the party or his counsel receives such notification. In exceptional cases, and upon request, the time of filing a rebuttal may be extended in the discretion of the Council.

(3) *Referral on the basis of revision proceedings or a new hearing.* In any case where, as a result of proceedings in revision or a new hearing by a physical evaluation board, recommended findings are made, final approval of which in lieu of prior recommended findings made in the case would change final disposition in a manner substantially detrimental to the party, and a rebuttal, as prescribed in § 725.8 (h), has been filed to the last physical evaluation board action, the Council shall refer the case to the Physical Disability Appeal Board for further consideration unless the Council shall recommend action by the Secretary of the Navy which does not differ in a material respect, detrimental to the party, from the relief sought in the rebuttal.

(4) *Recommendations not considered substantially detrimental to the party.* As used in this section and § 725.8 (h), recommendations, final approval of which would defer action on a case for a stated or an indefinite period, or retire the party temporarily for physical disability in lieu of permanent retirement for physical disability or separation, or retire the party permanently for physical disability in lieu of separation, or separate him for physical disability with severance pay in lieu of separation without severance pay, shall not be considered as substantially or materially detrimental to the interests of the party.

(d) *Procedure in Servicemen's Readjustment Act cases.* The Physical Review Council shall act in cases arising under section 302 of the Servicemen's Readjustment Act of 1944, as amended, (38 U. S. C. 693i), in advisory capacity only and shall, in such capacity, recommend to the Secretary of the Navy that the findings of such board be approved or disapproved, or that orders be issued in the case. In the event that other than approval is recommended, the reasons therefor shall be stated. The action of the Council shall otherwise be prepared in appropriate form and shall be signed by all members and by the recorder. It shall be transmitted to the Judge Advocate General.

(e) *Action on medical reports of periodic physical examinations of parties on the Temporary Disability Retired List.* Upon receipt of a report of a periodic physical examination of a party on the temporary disability retired list, forwarded pursuant to § 725.23, the Physical Review Council shall evaluate such report. If less than five years have elapsed since the date of the placement of the name of the party on the temporary disability retired list and the Council considers that no change in the status of the party is indicated, no action shall be taken on such report. If the Council considers that a change in the status is indicated, or if the period of five years from the date of the placement of the name of the party on the temporary disability retired list will soon terminate, the Council shall refer the case to a physical evaluation board for re-evaluation. In the event, however, the Council determines from the report that the party concerned is physically fit to perform the duties of his rank, grade, or rating and the party concerned has indicated a desire to be found physically fit for the performance of his duties, the case may be referred directly to the Secretary of the Navy for his action thereon without consideration by a physical evaluation board.

(f) *Action where party failed to report for final scheduled periodic physical examination.* If five years will soon elapse since the date of the placement of the name of the party on the temporary disability retired list and the party has failed to report for his last periodic physical examination scheduled pursuant to § 725.23, the Physical Review Council shall consider available records pertaining to the physical condition of the party concerned and advise the Secretary of the Navy, on the basis thereof, whether in accordance with accepted medical principles it may be found beyond any reasonable doubt that the party concerned was, and would remain, unfit to perform the duties of his rank, grade, or rating by reason of permanent physical disability when he was temporarily retired for physical disability or when he was given a subsequent periodic physical examination, as the case may be; and if so, the percentage which may be assigned for the disability for which the party was temporarily retired in accordance with the standard schedule of rating disabilities in current use by the Veterans Administration, assuming such physical disability to have improved to the greatest extent consonant with accepted medical principles. In lieu of the foregoing action, however, the Council may in any case arising under this subsection where it is reasonable to conclude from the available records that the party concerned has willfully abandoned benefits under Title IV of the Career Compensation Act of 1949, as amended (37 U. S. C. 271–285), by repeated failures to report for his periodic physical examinations after receipt of proper notification or by other conduct which clearly manifests an intent to abandon such benefits, recommend that the Secretary of the Navy, on the basis of such evidence, determine that the party concerned has abandoned his rights to disability benefits pursuant to Title IV of the Career Compensation Act of 1949, as amended, and that the name of such party therefore be removed from the temporary disability retired list without further disability benefits pursuant to Title IV of the Career Compensation Act of 1949, as amended. Action under this subsection shall be prepared by the Council in such form as it may desire and shall be signed by all members and by the recorder. It shall be transmitted to the Secretary of the Navy prior to the end of the five-year period during which the name of the party concerned may be carried on the temporary disability retired list.

THE PHYSICAL DISABILITY APPEAL BOARD

§ 725.17 *Convening authority.* The Secretary of the Navy shall convene the Physical Disability Appeal Board.

§ 725.18 *Composition.* The Physical Disability Appeal Board shall consist of five commissioned officers, three of whom shall be non-medical officers and two of whom shall be medical officers, designated by the Secretary of the Navy, and a recorder. The appointing order convening the Physical Disability Appeal Board may list more than five members, in which case the following provision may be included in the order: "Only five members of this Board, three of whom shall be non-medical members and two of whom shall be medical members, are empowered to act in any one case." The senior officer designated as a member shall be the President of the Board. The recorder may be either a commissioned officer or a civilian in the employ of the Government. Whenever the Board acts upon the case of a member of a Reserve component, all members of the Board shall be senior to the party, and, where possible, a majority of the members present and acting shall be Reserve officers.

§ 725.19 *Jurisdiction.* The Physical Disability Appeal Board shall have jurisdiction to act in any proper case referred to it pursuant to these regulations.

§ 725.20 *Function.* The Physical Disability Appeal Board is constituted to review certain records of proceedings of physical evaluation boards in the light of the action by the Physical Review Council and such contentions as may be raised in opposition to such action, applying established medical and legal principles and personnel policies as appropriate, and to express its views thereon for the information of the Secretary of the Navy, and to perform such other duties as the Secretary of the Navy may from time to time direct.

§ 725.21 *General instructions*—(a) *Procedure.* The Physical Disability Appeal Board, upon concurrence of a majority of the membership, may cause a record to be returned to a medical board or a physical evaluation board for the same reasons that it may be returned by the Physical Review Council, but such record shall be returned via the Physical Review Council. Where the Appeal Board takes action other than to so return the record, such action will be based on that evidence which was adduced before the physical evaluation board unless the party or his counsel has been given opportunity to appear and present evidence before the Appeal Board, or has consented to the consideration of other evidence by the Appeal Board, or has waived his right for final disposition based only on the evidence before the physical evaluation board. Proceedings before the Appeal Board may be solely on the record or may be adversary in nature. In the former, the Appeal Board shall take action upon such evidence as it legally may consider, which shall be presented to the Appeal Board by the recorder. In an adversary proceeding the Appeal Board shall take action on the evidence in the same manner as in the former case except that it will also consider further arguments presented to the Appeal Board by appellate counsel for the party and, if desired by the President of the Appeal Board, by the recorder. Such arguments shall be submitted as prescribed by the President of the Appeal Board and may be either written or oral as he may direct. The President of the Appeal Board may, in his discretion, in any adversary proceeding, if requested, allow the party concerned or his legal representative to appear and present evidence before the Appeal Board, and such evidence, together with other evidence of probative value then presented by him or on behalf of the Government, may be considered by the Appeal Board in arriving at its decision. The nature of the proceedings before the Appeal Board in any particular case shall be as determined by the President of the Appeal Board unless it is directed by the Secretary of the Navy that they be adversary in nature. The party concerned has no right to demand that proceedings before the Appeal Board be adversary in nature.

(b) *Disposition.* After consideration of the evidence before it, the Physical Disability Appeal Board shall render an advisory opinion for the Secretary of the Navy as to the appropriate recommended findings upon which it considers that final disposition of the case should rest. The Appeal Board may, in its discretion, set forth the basis for its opinion and shall do so in the same manner as prescribed for physical evaluation boards in § 725.8 (g) where the basis is not otherwise adequately set forth in the record. Any dissenting member of the Appeal Board shall make a minority report on those particulars in which he dissents. Such report shall be included in the record of the Appeal Board.

(c) *Appellate counsel.* Appellate counsel for the party shall be designated by the Judge Advocate General and shall consist of one or more officers. In an adversary proceedings before the Appeal Board the party concerned may be represented by civilian counsel when it does not cause undue delay in the appeal proceeding and if provided by him or his representative at no expense to the Government. In such case the designated appellate counsel for the party, unless his assistance is requested by the civilian counsel, shall not act in the case. Within five days excluding Sundays and holidays after notification of the advisory opinion and any dissent rendered by the Appeal Board, appellate counsel may file an argument in rebuttal to the advisory opinion or dissent of the Appeal Board. In exceptional cases and upon request the time for filing such argument may be extended in the discretion of the President of the Appeal Board.

(d) *Authentication and forwarding of records.* The record of proceedings of the Physical Disability Appeal Board shall be prepared in such form as the President of the Appeal Board may direct and shall be signed by all members and by the recorder. Arguments submitted in rebuttal to the actions of the Appeal Board shall be affixed to the record. The entire record shall be forwarded to the Secretary of the Navy. In cases where the recommendations of the Appeal Board differ in a significant respect from those of the Physical Review Council, the record will be resubmitted to the Council for comment.

PERIODIC PHYSICAL EXAMINATIONS

§ 725.22 *Requirements.* An individual whose name has been placed on the temporary disability retired list shall be given periodic physical examinations, not less frequently than every eighteen months during the period that his name is carried on such list, to determine whether the disability for which he was placed on such list has changed.

§ 725.23 *Procedure.* Orders shall be issued by the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, directing an individual on the temporary disability retired list to report to an appropriate command for a periodic physical examination. In the event the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, considers that it is not practicable for an individual to report for a periodic physical examination, the examination may be otherwise conducted or information as to the present physical condition of the individual may be otherwise obtained in such manner as the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, may prescribe. If an individual on the temporary disability retired list considers that there has been a change in his disability which would warrant consideration prior to his next scheduled periodic physical examination he may request the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, to issue orders for earlier consideration. Reports of such examination are primarily for the purpose of furnishing information upon which determinations can be made as prescribed in § 725.11 (d) and shall be made as prescribed by the Surgeon General of the Navy or as prescribed in the Manual of the Medical Department, as appropriate. When considered necessary, the examiner or examiners may request that the Bureau of Medicine and Surgery furnish the complete medical records of the individual under examination. The report of the examination shall be headed "Report of Periodic Physical Examination" and be submitted to the Physical Review Council via routine channels.

FINAL ACTION

§ 725.24 *Action by the Secretary of the Navy.* After considering the entire record of a physical evaluation board case, the Secretary of the Navy will make determinations in conformity with the applicable law and will direct the disposition of the party whose case has been considered. Except in cases under section 302 of the Servicemen's Readjustment Act of 1944, as amended (38 U. S. C. 693i), and except as the Secretary of the Navy may otherwise direct, the Judge Advocate General and the Assistant Judge Advocate General are authorized to take action herein prescribed for the Secretary of the Navy. The Secretary of the Navy, after considering the record of proceedings and findings of a physical evaluation board convened in cases arising under section 302 of the Servicemen's Readjustment Act of 1944, as amended, will approve or disapprove, or issue orders in such case.

§ 725.25 *Relief from final action*—(a) *Generally.* Upon execution of the direction of the Secretary of the Navy as to disposition of a case which has been considered pursuant to this chapter, such action becomes final and may not be changed, modified, set aside or reopened except upon one or more of the grounds, and in the manner, hereinafter set forth.

(1) *Clerical mistakes.* Clerical mistakes or mathematical miscalculations in the orders affecting disposition or other parts of the record of proceedings may be corrected by the Secretary of the Navy at any time on his own initiative or upon the petition of the individual whose case has been considered or any cognizant authority of the Naval Establishment after such notice, if any, as the Secretary of the Navy may direct.

(2) *Other grounds for relief.* Upon notice to the individual concerned and opportunity for hearing thereon or upon petition of the individual concerned, the Secretary of the Navy may, in his discretion, change or modify or may set aside his action directing the disposition of the individual and direct new proceedings in his case for the following reasons:

(i) *Newly discovered evidence.* Upon the presentation of newly discovered evidence which by due diligence could not have been presented prior to the effective date of disposition of the individual concerned, which relates to a fact in existence at the time of such disposition, which is not merely cumulative or corroborative and not such as merely to affect the weight of the evidence or the credibility of the witnesses, and which would have warranted a different action had it been presented;

(ii) *Fraud, misrepresentation, or other misconduct.* Upon a showing that the directed disposition of an individual was based upon the fraud, misrepresentation of material fact, or other misconduct of a party of such nature that in the absence thereof a different action would have been taken; and

(iii) *Mistake of law.* When it appears that the directed disposition of an individual was based upon a mistake of law which resulted in either an assumption of jurisdiction beyond the authority granted by law or a refusal to assume jurisdiction within the authority granted by law.

(b) *Procedure for obtaining relief.* (1) *Clerical mistakes.* A clerical mistake or mathematical miscalculation which does not affect the disposition of the individual or change the computation of his disability retirement pay on the basis of percentage of disability may be corrected by the Secretary of the Navy without notice. If the correction of the error would affect the disposition or so change the computation of disability retirement pay, the individual shall be given reasonable notice and afforded an opportunity to be heard, if he shall request it, before such correction is made. Relief sought by an individual under this subparagraph shall be by petition addressed to the Secretary of the Navy setting forth the error complained of and the relief desired.

(2) *Relief on other grounds.* When relief is sought on the grounds set forth in § 725.25 (a) (2), the individual concerned, his legal representative or the cognizant authority of the Naval Establishment shall address a petition to the Physical Review Council. The petition must be filed within five years from the effective date of the individual's disposition and shall set forth the relief desired and the grounds for such relief. When the petition is based upon evidence not of record in the Navy Department, such evidence shall be filed with the petion. The Physical Review Council, upon consideration of such petition, shall make recommendations to the Secretary of the Navy relative to granting such relief.

(3) *Hearing upon petition for relief.* If the Physical Review Council, upon the consideration of a petition for relief, shall deem it necessary that hearings be held upon any such petition, it may direct any physical evaluation board to hold such hearings, the record of which, without recommendations, shall be forwarded to the Physical Review Council.

(4) *Effect of filing petition for relief and action thereon.* The filing of any petition for relief shall not affect the directed disposition of an individual or suspend its operation until and unless the Secretary of the Navy shall so direct. Neither the action of the Secretary of the Navy upon a petition for relief nor any action taken by him pursuant to the proceedings on the reopening of a case shall operate to extend the time for application for review of the original disposition by a statutory board.

APPENDIX

§ 725.26 *Excerpts from "Misconduct and Line of Duty" provisions of Chapter IV of the 1955 Naval Supplement to the Manual for Courts-Martial, United States, 1951, referred to in* § 725.8—(a) *General.* An adverse finding as to misconduct and line of duty will not be applied in case of death, injury or disease as a punitive measure. Disciplinary action, if warranted, should be taken independently of any determination of misconduct or line of duty. A favorable finding of not misconduct and line of duty does not preclude separate disciplinary action.

(b) *Nature of misconduct.* Misconduct is wrongful conduct. Simple or ordinary negligence or carelessness standing alone does not constitute misconduct. As a general rule, the fact that an act violates a law, regulation or order does not, of itself, constitute a basis for a determination of misconduct. In order to support an opinion of misconduct, it must be found that the death, injury or disease: (1) was intentionally incurred, or resulted from such gross negligence as to demonstrate a reckless disregard of the consequences; and (2) was either immediately caused by the act under consideration, or set other events in motion, all constituting a natural and continuous chain of events, which caused the death, injury or disease; and (3) was the reasonably foreseeable or the likely result of such act. As indicated above, the wrongful conduct must be found to have been a proximate cause of the death, injury or disease, and to be a proximate cause the wrongful conduct must have been such that it could have been reasonably foreseen that death, injury or disease would likely result therefrom. If an intervening cause directly precipitated the death or disability but was not reasonably foreseeable at the time of the act of misconduct in question, the misconduct cannot be considered to have been a proximate cause of the resulting death or disability.

(c) *Exception.* Notwithstanding any of the foregoing provisions of this section, a finding of misconduct will normally be required in cases in which injury or death occurs while the individual is engaged in the theft or wrongful appropriation of any vehicle, or while he is voluntarily participating in the use of any vehicle, knowing it to have been stolen or otherwise wrongfully appropriated.

(d) *Presumption of not misconduct.* In the absence of sufficient evidence to the contrary, it is presumed that death, injury or disease suffered by a person in the naval service was not the result of his misconduct. In order to overcome this presumption, there must be clear and convincing evidence that the death, injury or disease was either the proximate result of the person's misconduct or that it was incurred in the circumstances noted in paragraph (c) of this section. Mere conjecture is not sufficient. Any reasonable doubt as to the misconduct status shall be resolved in favor of the deceased or disabled person.

(e) *Line of duty.* Injury or disease suffered while in active service, or disability or death proximately resulting therefrom, shall be considered to have been in line of duty unless the injury or disease is found to have been incurred: (1) As the result of the person's misconduct, or (2) While avoiding duty by deserting the service, or (3) While absent without leave materially interfering with the performance of military duties, or (4) While confined under sentence of court-martial which involved an unremitted dishonorable discharge, or (5) While confined under sentence of civil court following conviction of a felony as defined by the laws of the jurisdiction where convicted. The applicability of any of the foregoing enumerated conditions to the injury or disease precludes an opinion that the injury or disease, or death resulting therefrom, was incurred in line of duty. For the purposes of the foregoing definition, active service shall be construed to include extended active duty, active duty for training and any authorized leave or liberty therefrom, and inactive-duty training. The misconduct status is an integral part of the line of duty determination. An opinion that the death, injury or disease was incurred in line of duty must be preceded by the opinion that the death, injury or disease was not the result of the person's misconduct. An opinion of "misconduct" precludes an opinion that the death, disease or injury was incurred in line of duty. An opinion of "not in line of duty" is not, however, inconsistent with a conclusion of "not misconduct." A finding of "not in line of duty" will be made where injury or disease or death resulting therefrom, is incurred while the person is in an unauthorized absence status which materially interferes with the performance of his military duties. Whether absence without leave materially interferes with the performance of military duties necessarily depends upon the facts of each situation to which must be applied a standard of reality and common sense. No definite rule can be formulated as to what constitutes material interference. Generally speaking, however, an absence in excess of 24 hours will be considered to be a material interference in the absence of evidence establishing the contrary. Similarly an absence of shorter duration will not be considered to be a material interference unless there is evidence to establish the contrary.

(f) *Presumption of line of duty.* It is presumed, in the absence of clear and convincing evidence to the contrary, that an injury or disease was incurred in line of duty. This presumption applies when the person was examined upon entry into active service and such defect was not noted, and when there is no evidence in the medical record that the injury or disease existed prior to commencement of, or return to, active service. Where disease or injury was incurred prior to entry upon, or return to, active service and became a disability or resulted in death when aggravated due to service, the aggravation is a proper basis for finding line of duty.

(g) *Determinations as to misconduct and line of duty.* Any one of the following determinations may be made as to misconduct and line of duty status:

(1) In line of duty, not due to own misconduct

(2) Not in line of duty, not due to own misconduct

(3) Not in line of duty, due to own misconduct.

(h) *Mental irresponsibility*—(1) *General.* In the absence of evidence to the contrary, there is a presumption that all persons are mentally competent. A person mentally incompetent with respect to a given act is not held to be responsible for that act, and injury or death incurred as a result of such act is not considered to be the result of misconduct, unless the incompetency is shown to have resulted from his prior misconduct and was the proximate cause of the injury or death. Death, injury or disease incurred during a period of unauthorized absence will be held "in the line of duty" when it is determined that the person was not mentally competent at the time such absence commenced.

(2) *Suicide.* In view of the strong human instinct of self-preservation, suicide or a bona fide suicide attempt is considered to be evidence of mental irresponsibility. Before the rules pertaining to suicide are applied, however, it must be established that the death or injury was the result of a suicidal act with suicidal intent, and in cases of doubt, any other reasonable explanation of the death or injury should be adopted. When it is determined that the death or injury was a suicide or the result of a bona fide suicide attempt, and when no reasonable and adequate motive therefor is supplied by the evidence, the suicidal act itself rebuts the presumption of sanity and a conclusion of mental irresponsibility is in order. When the evidence indicates that the suicidal act was motivated by a reason that might prompt a rational person to take his own life, the question of sanity will depend upon all of the evidence pertaining to the mental competence of the person at the time of the suicidal act. Intentional self-inflicted injury, unaccompanied by a bona fide suicidal intent, is a suicidal gesture and such injury, in the absence of a showing of mental irresponsibility, is deemed to be the result of the victim's own misconduct.

(i) *Miscellaneous cases*—(1) *Venereal disease.* Venereal disease of itself is not to be deemed due to misconduct if the person has complied with pertinent regulations requiring him to report and receive treatment for such disease.

(2) *Surgical and medical treatment.* Disability or death shall be held to have been incurred as the result of misconduct if it resulted from an unreasonable refusal to submit to surgical or medical treatment.

(3) *Intoxication.* Death or injury incurred as the proximate result of intoxication is considered to have occurred as the result of misconduct. In order for intoxication alone to be considered the basis for a determination of misconduct, there must be a clear showing that the person was intoxicated at the time of the injury or death and that the intoxication was a proximate cause thereof.

(4) *Alcoholism and drugs.* Disability either sickness or disease, or death which is directly attributable to intemperate use of alcoholic liquor or habit-forming drugs, is the result of misconduct.

3. Section 750.1 is revised to read as follows:

§ 750.1 *Definition.* The term "employee of the Government", as used in §§ 750.1 to 750.16, includes members of the naval forces of the United States, officers or employees of the Navy, and persons acting on behalf of the Navy in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation.

4. Section 750.2 is revised to read as follows:

§ 750.2 *Statutory authority.* Pursuant to, and subject to the limitations of, Part 2 of the Federal Tort Claims Act, Title IV of the Legislative Reorganization Act of 1946, approved August 2, 1946 (60 Stat. 843), repealed, revised, codified and re-enacted as a part of Title 28, United States Code, by Public Law 773, 80th Congress, approved June 25, 1948 (62 Stat. 982; 28 U. S. C. 2671–2680), as amended, the Secretary of the Navy, or his designee for the purpose, acting on behalf of the United States, is authorized to consider, ascertain, adjust, determine, and settle any claim for money damages of $1,000 or less against the United States, accruing on or after January 1, 1945, for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant, in accordance with the law of the place where the act or omission occurred.

5. Section 750.8 (a) is revised to read as follows:

§ 750.8 *Statutory authority for action.* (a) Pursuant to, and subject to the limitations of, Part 3 of the Federal Tort Claims Act, Title IV of the Legislative Reorganization Act of 1946, approved August 2, 1946 (60 Stat. 843; 28 U. S. C. 931–934), as amended by the act of August 1, 1947 (Pub. Law 324, 80th Cong.; 61 Stat. 722), repealed, revised, codified and re-enacted as a part of Title 28, United States Code, by Public Law 773, 80th Congress, approved June 25, 1948 (62 Stat. 928, 933, 937, 971, 973, 983; 28 U. S. C. 1254, 1255, 1346, 1402, 2402, 2411, 2412, 2674), as amended, the United States district court for the district where the plaintiff resides or wherein the act of omission complained of occurred, including the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands, sitting without a jury, has exclusive jurisdiction of civil actions on claims against the United States, for money damages, accruing on or after January 1, 1945, for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred.

(62 Stat. 982; 28 U. S. C. 2671–2680)

6. Section 750.17, preceding paragraph (a), is revised to read as follows:

§ 750.17 *Definitions.* As used in §§ 750.17 to 750.27: • • •

7. Section 750.18 is revised to read as follows:

§ 750.18 *Statutory authority.* The first section of the act of December 28, 1945 (59 Stat. 662; 31 U. S. C. 223d), makes applicable to the Navy the act of July 3, 1943 (57 Stat. 372; 31 U. S. C. 223b), as amended by the act of May 29, 1945 (59 Stat. 225; 31 U. S. C. 223b), and the act of June 28, 1946 (60 Stat. 332; 31 U. S. C. 223b). Pursuant to, and subject to the limitations of, this authority, as amended, the Secretary of the Navy and, subject to appeal to the Secretary of the Navy, such other officer or officers as he may designate for such purposes and under such regulations as he may prescribe, are authorized to consider, ascertain, adjust, determine, settle, and pay in an amount not in excess of $1,000, where accepted by the claimant in full satisfaction and final settlement, any claim against the United States arising on or after May 27, 1941, when such claim is substantiated in such manner as the Secretary of the Navy may by regulation prescribe, for damage to or loss or destruction of property, real or personal, or for reasonable medical, hospital, and burial expenses actually incurred on account of personal injury or death, caused by military personnel or civilian employees of the Navy while acting within the scope of their employment, or otherwise incident to noncombat activities of the Navy, including claims for damage to or loss or destruction, by criminal acts, of registered or insured mail while in the possession of the military authorities, claims for damage to or loss or destruction of personal property bailed to the Government and claims for damages to real property incident to the use and occupancy thereof, whether under a lease, express or implied, or otherwise.

8. Section 750.19 (b) (7) is revised to read as follows:

(7) Any claim arising on or after January 1, 1945, the cause of which has been determined to be the negligent or wrongful act or omission of an employee of the Government (as defined in § 750.1) while acting within the scope of his office or employment, and which is in all other respects within the cognizance of the provisions governing administrative settlement of Federal tort claims under Title 28, United States Code, and §§ 750.1–750.7.

9. Section 750.19 (b) (8) is revised to read as follows:

(8) Any claim arising in a foreign country or possession thereof which is cognizable under the provisions of the act of January 2, 1942 (55 Stat. 880; 31 U. S. C. 224d), as amended, and regulations issued pursuant thereto.

10. Section 750.26 (a) is revised to read as follows:

§ 750.26 *Claims arising in foreign countries.* (a) There are no geographical limitations upon the scope of application of the act of December 28, 1945, and §§ 750.17–750.27. The Foreign Claims Act of January 2, 1942 (55 Stat. 880; 31 U. S. C. 224d), as amended, and regulations issued pursuant thereto, however, have preemptive application to claims for damage to or loss or destruction of real or personal property, and for personal injury or death, caused by military forces or individual members thereof, whether military personnel or civilian employees, or otherwise incident to noncombat activities of such forces, in a foreign country, to public property located therein, or to the privately owned property or to the persons or inhabitants of such country. Any claim which arises in a foreign country, therefore, and which is within the scope of the Foreign Claims Act, as amended, is precluded from consideration under the act of December 28, 1945, and §§ 750.17–750.27. Any claim which arises in a foreign country and is for any reason not cognizable under the Foreign Claims Act and the regulations issued thereunder, however, may be considered and paid under the act of December 28, 1945, and §§ 750.17–750.27 provided it is in all respects within the scope thereof.

11. Section 750.27 is revised to read as follows:

§ 750.27 *Statute of limitations.* No claim may be settled under the act of December 28, 1945, and §§ 750.17–750.27 unless it is presented in writing within one year after the occurrence of the accident or incident out of which it arises, except that

(a) If such accident or incident occurs in time of war, or if war intervenes within one year after its occurrence, any claim may, on good cause shown, be presented wtihin one year after peace is established; or

(b) If such accident or incident occurred after June 23, 1950, and before the termination of the national emergency proclaimed December 16, 1950, any claim may, on good cause shown, be presented within one year after the termination of that national emergency or August 1, 1953, whichever is earlier.

(Sec. 1, 59 Stat. 662; 31 U. S. C. 223d)

12. Section 750.35 (d) is revised to read as follows:

(d) The regulations in this part in no way modify the requirements of Navy Regulations; the Manual for Courts-Martial, United States, 1951; and the 1955 Naval Supplement to the Manual for Courts-Martial, United States, 1951 and the making of an investigation and report hereunder does not constitute or excuse compliance with any provision of Navy Regulations; the Manual for Courts-Martial, United States, 1951; and the 1955 Naval Supplement to the Manual for Courts-Martial, United States, 1951.

13. Section 750.38 is revised to read as follows:

§ 750.38 *Duties of the investigating officer.* (a) It shall be the duty of the investigating officer, in making an investigation pursuant to the regulations in this part:

(1) To consider all information and evidence obtained as a result of any previous investigation or inquiry into any aspect of the incident.

(2) To conduct further investigation of the matter in a fair and impartial manner, covering all phases of the incident and giving consideration to its bearing on possible claims against or in favor of the Government and on other interests of the service, to the end that a comprehensive, accurate, and unbiased factual report of the incident may be made available to higher authority for such action as is required by the circumstances of the case.

(3) To secure and consider signed statements from all competent witnesses on facts pertinent to the incident. Witnesses should be interviewed by the investigating officer at the earliest opportunity and he should obtain from them full statements. Statements from principal witnesses should be reduced to writing and their signatures obtained thereon if at all possible. The interests of the United States may be seriously prejudiced if the investigating officer fails to obtain such statements before witnesses lose their clear recollection or can be confused by questioning by persons with adverse interests.

(4) To inspect the property damage and to interview injured persons or their representatives personally, and if such personal inspection and interview is not conducted, to state the reason therefor.

(5) To ascertain the nature, extent, and amount of damage and to obtain all pertinent repair bills and estimates, or medical, hospital, and associated bills, as are necessary to the proper adjudication of any claim against or in favor of the Government which may arise from the incident for proper method of computing the amount of damages (see § 750.30). Claims for items of damages such as loss of earnings, pain and suffering, and temporary or permanent disability, arising under the Federal Tort Claims Act, require submission by the claimant of a statement by his employer executed before a notary public, or where the claimant is in business for himself, a certified copy of the company records or where this is not available a sworn statement by the claimant.

(6) In all cases in which a suit against the United States is likely or is pending, and in all other cases in which it appears pertinent to determine liability, to obtain from the proper maintenance office the latest report of material inspection of the Navy aircraft or motor vehicle that was conducted prior to the accident.

(7) To secure from qualified persons of the activity concerned, or of another appropriate activity, statements concerning the extent of damage or injury and the reasonableness of the damages claimed. The investigating officer, if the injured person does not object, should have a physical examination made of the injured person at a military installation, to the extent of the adequacy of the personnel and facilities of such installation, when such examination is considered necessary in connection with a claim incident to such injuries, provided that no expense for services or supplies from other federal agencies or civilian agencies is incurred with such examination. A copy of the report of such examination obtained from the medical installation will be included in the report of investigation or, if made subsequent to the forwarding of the latter report, will be forwarded to the same command as the report of investigation.

(8) To reduce to writing and incorporate into a unified investigative report, prepared in triplicate, all pertinent testimony, exhibits, and any other evidence taken or considered. (See, however, the exception contained in § 750.39 (b).)

(9) To furnish the proper claim forms to any person who inquires concerning the procedure for making claim against the Government as a result of a service-connected incident, and to advise such person where the claim should be filed and what substantiating evidence should accompany the claim.

(10) To submit the complete investigative report to his commanding officer as promptly as the circumstances permit; and in the case of an incident involving any personal injury or property damage estimated to be in excess of $1,000, to submit immediately a preliminary report, containing such information as is at that time available, to his commanding officer for forwarding to reach the Judge Advocate General within twenty days of the occurrence of the incident under investigation. In a case where not all of the required information is immediately available, as in an accident resulting in personal injuries requiring extended periods of hospitalization or medical care, the investigative report shall be submitted promptly, containing all available information at the time of submission and shall be completed by means of a supplementary report or reports submitted as soon as the previously omitted information becomes available.

14. Section 750.39 is revised to read as follows:

§ 750.39 *Contents of the investigative report.* A written report of investigation will be made in each case, using standard forms whenever appropriate forms are available.

(a) Except in cases falling within the provisions of paragraph (b) of this section, the report shall be complete in every significant detail and will include particularly such of the following information as is pertinent:

(1) Date, time, and exact place the accident or incident occurred, specifying the highway, street, road, or intersection, including the streets between which or the number of the block where the accident or incident occurred, or the number of miles and the direction from the nearest town.

(2) A concise but complete statement of the circumstances of the accident or incident. Reference should be made to pertinent physical facts observed and to any material statements, admissions, or declarations against interest by any person involved.

(3) A statement whether a claim has been or, if known, will be filed and, if so, the name and address of the claimant.

(4) A statement whether the claimant is the sole owner of the damaged property and, if not, the name and address of the owner, or part owners, and the basis of the claimant's alleged right to file the claim.

(5) Names, service numbers, grades, organizations and addresses of military personnel and civilian employees involved as participants or witnesses.

(6) Names and addresses of witnesses.

(7) A statement whether military personnel and civilian employees were acting within the scope of their employment and the basis for such determination.

(8) Accurate description of Government property involved, and nature and amount of damage, if any. If Government property was not damaged, that fact should be stated.

(9) Accurate description of all privately owned property involved, nature and amount of damage, if any, and the names and addresses of the owners thereof.

(10) Names, addresses, and ages of all civilians or military personnel injured or killed. Information as to the nature and extent of injuries, degree of permanent disability, prognosis, period of hospitalization, name and address of attending physician and hospital, and amount of medical, hospital, and burial expenses actually incurred, occupation, and wage or salary of civilians injured or killed. Names, addresses, ages, relationship, and extent of dependency of survivors of any such person killed or fatally injured should be stated.

(11) If straying animals are involved, a statement whether the jurisdiction has "open range law" and, if so, reference to such statute.

(12) A statement whether any person involved violated any State or Federal statute, local ordinance, or installation regulations and, if so, in what respect. The statute, ordinance, or regulation should be set out in full.

(13) A statement whether a police investigation was made. A copy of the police report of investigation will be included if available.

(14) A statement whether any arrests were made or charges preferred, and the result of any trial in civil or military courts.

(15) The comments and recommendations of the investigating officer as to the existence of liability and as to the amount of the damage, loss or destruction, or the amount payable on account of personal injury or death.

(16) As many exhibits or enclosures as are pertinent, and as may appear necessary or useful in the circumstances of each case, shall be obtained during the course of the investigation and shall be attached to the investigative report, forming a part thereof. The enclosures shall be numbered consecutively and shall be listed numerically in the investigative report in accordance with standard Navy correspondence procedure.

(b) In lieu of the formal investigation contemplated by § 750.38 and the detailed report described in paragraph (a) of this section, a more limited investigation and report may be made when the following circumstances exist:

(1) A claim has been presented for an amount of $100.00 or less.

(2) The claim is cognizable under the Federal Tort Claims Act (§§ 750.1–750.7) or the Act of December 28, 1945 (§§ 750.17–750.27).

(3) The amount payable on the claim has been agreed upon. This limited report will take the form of a certification and should provide substantially as follows:

CERTIFICATE

---------- 195----

I certify that I have investigated the accident (incident), that the facts fully substantiate the claim, and that I have taken the following action:

I further find that the amount claimed represents the claimant's loss and recommend payment under the provisions of §§ 750.1–750.7 NGCR (§§ 750.17–750.27).

(Investigating officer)

(Commanding officer)

(Authorized adjudicating officer)

Incls X Std Form 91.*
---------- Police Report
---------- Paid bill or estimate
---------- Other
Approved for payment.

*Must be included in all cases involving motor vehicle accidents.

In the space provided for noting the action taken by the investigating officer, he should describe very briefly the limited investigation upon which his recommendation is based, for example, information (estimates, etc.) received by telephone from ----------; interviewed Government driver (other driver, witnesses, etc.); inspected damaged property; violation of local law; etc.

15. Section 750.40 is revised to read as follows:

§ 750.40 *Action by the commanding officer.* The investigative report will be reviewed and, if necessary, returned to the investigating officer for the correction of any omissions noted. If there is a legal officer available, the commanding officer should ordinarily use his services in reviewing and, if desirable, endorsing the report. If the report is in order, it shall be forwarded by endorsement, with any pertinent comments and recommendations. In cases in which the certificate report authorized by § 750.39 (b) is used, the commanding officer may indicate his approval of the certificate report by signing this report in the space provided thereon. One copy of the report shall be retained in the file of the local activity and shall be made available to safety officers for use in accident prevention and to superior commands upon request. The original and one copy of the report, together with all three copies of any claim filed, shall be forwarded by means of the aforementioned endorsement, without regard to chain of command, to the Commandant of the naval district in which the incident occurs, attention District Legal Officer. In cases where the incidents occur outside the geographical limits of any naval district, the commanding officer shall promptly forward such reports to the Judge Advocate General.

16. Section 750.41 is revised to read as follows:

§ 750.41 *Action by the district legal officer.* (a) The district legal officer may, in his discretion, return the investigative report for such additional investigation and information as may be considered necessary. When satisfied with the report, the district legal officer shall endorse the investigative report with his recommendations as to whether any claim or claims should be paid, and in what amount, stating the legal basis for his recommendations.

(b) The commandant of the naval district or the district legal officer shall approve or disapprove the claims within his adjudicating authority (see § 750.42) as the law and the facts may warrant. In exceptional and unusual cases, even though the claim or claims may appear to fall within the adjudicating authority of the commandant and the district legal officer, the entire record, together with pertinent comments and recommendations, may be referred to the Judge Advocate General for appropriate action.

(c) In all cases not coming within the adjudicating authority of the commandant and the district legal officer, one copy of the investigative report shall be retained for the files and the original of the report, together with all related papers and all three copies of any claims filed shall be forwarded, with pertinent comments and recommendations, to the Judge Advocate General.

17. Section 750.42 is revised to read as follows:

§ 750.42 *Approval of claims.* (a) Claims cognizable under the provisions governing administrative settlement of federal tort claims under Title 28, United States Code, and §§ 750.1 to 750.7 shall be approved or disapproved, in whole or in part, by any of the following, all of whom are designated to administer those provisions of law for the Navy:

(1) The Judge Advocate General.
(2) The Assistant Judge Advocate General.
(3) The Director, Civil Law Division of the Office of the Judge Advocate General.
(4) The head, General Claims Branch, Civil Law Division of the Office of the Judge Advocate General.
(5) The Commandant or the District Legal Officer of the naval district within which the claims arose, if the combined liquidated and known potential claims of all possible claimants for the property damage arising from the accident or incident do not exceed a total amount of $1,000 and there are no known possible claims in any amount for either personal injury or death as a result of the accident or incident.
(6) The Legal Officer, U. S. Naval Base, Newport, Rhode Island, and the Legal Officer, U. S. Naval Submarine Base, New London, Connecticut, for claims accruing to operators of fishing vessels for damage to nets, booms, lines, and other trawler impediment as a result of contact with naval ordnance (mines and torpedoes), if the combined liquidated and known potential claims of all possible claimants for property damage arising from the accident or incident do not exceed a total amount of $1,000 and there are no known possible claims in any amount for either personal injury or death as a result of the accident or incident.

(b) Claims cognizable under the act of December 28, 1945, and §§ 750.17–750.27 shall be approved or disapproved, in whole or in part by any of the following, all of whom are designated to administer those provisions of law for the Navy:

(1) The Judge Advocate General.
(2) The Assistant Judge Advocate General.
(3) The Director, Civil Law Division of the Office of the Judge Advocate General.
(4) The Head, General Claims Branch, Civil Law Divison of the Office of the Judge Advocate General.
(5) The Commandant or the District Legal Officer of the naval district within which the claims arose, if the combined liquidated and known potential claims of all possible claimants for property damage arising from the accident or incident do not exceed a total amount of $1,000 and there are no known possible claims in any amount for either personal injury or death as a result of the accident or incident.
(6) Foreign Claims Commissions to the extent authorized by Department of Defense Notices of January 28, 1955 (20 F. R. 775) and December 11, 1953 (18 F. R. 8513). (See § 753.33 of the Foreign Claims Regulations.)

(c) Claims cognizable under the act of July 11, 1919, as amended, and §§ 750.28–750.29 shall be approved or disapproved by the Secretary of the Navy.

(d) Subject to the provisions of Title 28, United States Code, § 1346 (b), and §§ 750.8–750.16 respecting civil action against the United States, and subject to the provisions of § 750.43, with regard to appeal, any award or determination of the Secretary of the Navy or his designees, under the provisions governing administrative settlement of federal tort claims under Title 28, United States Code, is final and conclusive upon all officers of the Government, except when procured by means of fraud. Notwithstanding any other provision of law to the contrary, any settlement made by the Secretary of the Navy under the authority of the act of December 28, 1945, and §§ 750.17–750.27, or, subject to the provisions of § 750.43 with regard to appeal to the Secretary of the Navy, by his designees for the purpose, is final and conclusive for all purposes.

18. Section 750.43 is revised to read as follows:

§ 750.43 *Notice and appeal.* (a) The claimant shall, in every case, be notified by the approving or disapproving authority, in writing, of the action taken on his claim.

(b) When a claim has been disapproved, either in whole or in part, the claimant may, within thirty days after receipt of the aforementioned notification, appeal to the Secretary of the Navy (Judge Advocate General), stating the grounds relied upon for such appeal. Such appeals, in cases of claims considered under the act of December 28, 1945, shall be decided by the Secretary of the Navy. In cases of claims considered under Title 28, United States Code, the appeal, except in cases originally processed and disapproved by The Judge Advocate General, may be decided either by the Secretary of the Navy or The Judge Advocate General. In cases originally processed and disapproved by The Judge Advocate General, the appeal shall be decided by the Secretary of the Navy.

19. Section 750.44 is revised to read as follows:

§ 750.44 *Settlement agreement.* (a) In cases in which the claim is approved in the full amount claimed, no settlement agreement, other than the agreement incorporated in the claim for damage or injury, Standard Form #95, is necessary. In cases in which the claim is being approved for a lesser amount than that claimed, no payment will be made until the claimant has indicated in writing his willingness to accept such amount in full satisfaction and final settlement of the claim.

(b) The acceptance by the claimant of any award or settlement made by the Secretary of the Navy, or his designees for the purpose, in pursuance of the authority granted by statute and the regulations in this part, or of any award, compromise, or settlement made by the Attorney General, is final and conclusive upon the claimant and constitutes a complete release by the claimant of any claim against the United States by reason of the same subject matter. The acceptance by the claimant of any award, compromise, or settlement made under the provisions governing the administrative settlement of federal tort claims under Title 28, United States Code, or the civil action provisions of Title 28, United States Code, section 1346 (b), and §§ 750.1–750.16 also constitutes a complete release by the claimant of any claim against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

20. Section 750.45 is revised to read as follows:

§ 750.45 *Payment of claims.* Claims approved by the Secretary of the Navy, the Judge Advocate General, the Assistant Judge Advocate General, the Director of the Civil Law Division of the Office of the Judge Advocate General, or the Head, General Claims Branch, Civil Law Division of the Office of the Judge Advocate General as provided in § 750.42 shall be forwarded to the U. S. Navy Regional Accounts Office, Washington 25, D. C., for payment from appropriations designated for that purpose. Claims approved by the Legal Officer, U. S. Naval Base, Newport, Rhode Island, the Legal Officer, U. S. Naval Submarine Base, New London, Connecticut, or a Commandant or District Legal Officer as provided in § 750.42 shall be forwarded to such disbursing officer as may be designated by the Bureau of Supplies and Accounts for payment from appropriations designated for that purpose.

(41 Stat. 132, sec. 1, 59 Stat. 662, 62 Stat. 982; 34 U. S. C. 600, 31 U. S. C. 223d, 28 U. S. C. 2671–2680)

21. Section 751.20 is revised to read as follows:

§ 751.20 *Form of claim.* Claim will be submitted by presenting a detailed statement in triplicate, signed by or on behalf of the claimant, on form NAVEXOS 2662B, except when such forms are not available through normal distribution channels, in which case a claim may be accepted on a form containing the information necessary to substantiate the claim. Attention is directed to the provisions of § 751.21 outlining specific types of evidence required in particular classes of claims; careful compliance with such requirements is essential to avoid delays resulting from the necessity of returning the claim for amplification.

22. Section 751.24 is revised to read as follows:

§ 751.24 *Form of investigating officer's report.* Report by the investigating officer (see § 751.23 (b)), will be submitted on form NAVEXOS 2662B, except when such form is not available through normal distribution channels, in which case the report should set forth substantially the information indicated by the form.

23. Section 751.27 (a) is revised to read as follows:

§ 751.27 *Civilian personnel adjudicating authority*—(a) *Claims.* The Judge Advocate General of the Navy, the Assistant Judge Advocate General of the Navy, the Director, Civil Law Division, Office of the Judge Advocate General and the Head, General Claims Branch, Civil Law Division, Office of the Judge Advocate General, are hereby designated and authorized to consider, ascertain, adjust, and determine claims filed under the provisions of §§ 751.1 and 751.32 by civilian personnel of the Navy and Marine Corps.

(Sec. 2, 59 Stat. 662; 31 U. S. C. 222e)

24. The authority preceding § 753.1, is revised to read as follows:

AUTHORITY: §§ 753.1 to 753.33 issued under sec. 1, 55 Stat. 880, as amended; 31 U. S. C. 224d. Interpret or apply 57 Stat. 372, as amended, 61 Stat. 500, as amended, 68 Stat. 1006; 31 U. S. C. 223b to 223e, 5 U. S. C. 171a, 31 U. S. C. 224l–2 to 224l–5.

25. The note, preceding § 753.1, is revised to read as follows:

NOTE: §§ 753.1 to 753.33 are also contained in the 1955 Naval Supplement to the Manual for Courts-Martial, United States, 1951.

26. Section 753.18 is revised to read as follows:

§ 753.18 *Claims for damage occasioned by naval vessels.* Unless specifically authorized by the Judge Advocate General in each case, the Foreign Claims Commission shall not assume jurisdiction or proceed to hear any claim for damage occasioned by a naval vessel. This provision applies to claims for damage caused to land structures as well as claims of an admiralty nature. The occurrence of any such damage, if brought to the attention of a claims commission, shall be reported immediately to the Judge Advocate General, attention of the Admiralty Division.

27. Section 753.21 is revised to read as follows:

§ 753.21 *No formal procedure prescribed.* No formal procedure for the conduct of an investigation of a claim is prescribed. However, the instructions governing the procedure of courts of inquiry and boards of investigation by the 1955 Naval Supplement to the Manual for Courts Martial, United States, 1951, should be followed in principle as a guide. A transcript of the testimony of witnesses is not required and only the substance of statements of witnesses need be recorded. However, it is desirable that signed statements of material witnesses be made a part of the record. The formal rules of evidence need not be adhered to and any evidence, regardless of its form, which the commission deems material may be received and evaluated.

28. Section 753.24 is revised to read as follows:

§ 753.24 *Payments.* Claims authorized to be paid hereunder will be forwarded after approval to the nearest Navy or Marine Corps disbursing officer in the country concerned for preparation and payment of the public voucher.

29. Section 753.30 is added to read as follows:

§ 753.30 *Claims arising in specified foreign countries.* The United States has ratified the NATO Status of Forces Agreement and has entered into, and contemplates entering into, other similar agreements with foreign countries. Article VIII of the NATO Status of Forces Agreement and certain provisions of other agreements are inconsistent with the continued unrestricted use of the Foreign Claims Act and its implementing regulations in certain countries. It is, therefore, directed that the directives of the cognizant area commander be consulted and that claims not be referred to foreign claims commissions until it has been determined that such action is not inconsistent with the provisions of the aforementioned agreements and their implementing directives. Department of Defense Notice of January 28, 1955 (20 F. R. 775) directs that, where a single service has been or may be assigned responsibility for claims in a particular country or area, all reimbursements, settlements or payments that may be made in such country or area under the Foreign Claims Act of January 2, 1942, as amended, and the Military Claims Act of July 3, 1943, as amended, shall be made solely by that service. In countries in which the NATO Status of Forces Agreement or a similar agreement is in force, accidents which may give rise to a tort claim against the United States arising from acts or omissions of naval personnel, or members of the civilian component of the naval service, including claims for death or personal injury resulting from the navigation or operation of a ship, or in the loading, carriage or discharge of its cargo, will be investigated and reports will be made in accordance with the instructions promulgated by the cognizant naval commander.

30. Section 753.31 is added to read as follows:

§ 753.31 *Crossservicing.* Department of Defense Notice of January 28, 1955 (20 F. R. 775) provides that any claim, which may be settled under the provisions of the Foreign Claims Act of January 2, 1942, as amended, and the Military Claims Act of July 3, 1943, as amended, may be settled retroactively to August 1, 1953 by any commission or commissions appointed by the Army, Air Force, Navy or Marine Corps under the provisions thereof, without regard to the service of the military tortfeasor. See § 753.30 in regard to areas in which cross-servicing is mandatory.

31. Section 753.32 is added to read as follows:

§ 753.32 *Settlement of claims arising from the activities of Military Assistance Advisory Groups.* Department of Defense Notice of December 11, 1953 (18 F. R. 8513) directs that claims against the United States, except claims cognizable by foreign governments under the provisions of existing treaties and agreements, which have arisen since January 30, 1953, or may hereafter arise from the activities of Military Assistance Advisory Groups, or of the military personnel or civilian employees thereof which are otherwise cognizable under such acts, shall be settled in accordance with the provisions of the Foreign Claims Act (Act of January 2, 1942, 55 Stat. 880) as amended, or of the Act of July 3, 1943, (57 Stat. 372), as amended, and the regulations of the responsible Department implementing such acts. In accordance with this directive, foreign claims commissions of the Navy shall be responsible for the processing and settlement of such claims arising in foreign countries in which the Navy has been made responsible for the processing of claims under the NATO Status of Forces Agreement or other pertinent treaties or agreements in areas in which the Navy has the predominant interest.

32. Section 753.33 is added to read as follows:

§ 753.33 *Settlement authority under the act of December 28, 1945.* Department of Defense Notice of January 28, 1955 (20 F. R. 775) provides that any claims, whether Army, Air Force, Navy or Marine Corps, which may be settled under the provisions of the Foreign Claims Act of January 2, 1942, as amended, or of the act of July 3, 1943, as amended, may be settled retroactively to August 1, 1953 by any commission or commissions appointed under the regulations of any of the above-listed services, without regard to the service of the military tortfeasor. Department of Defense Notice of December 11, 1953 (18 F. R. 8513) directs settlement of claims in certain instances arising from the activities of Military Assistance Advisory Groups, or of the military personnel or civilian employees thereof which are otherwise cognizable under the act of July 3, 1943, as amended. The Act of July 3, 1943 was made applicable to the Navy by the first section of the act of December 28, 1945 (59 Stat. 662; 31 U. S. C. 223d). See § 753.30 in regard to areas in which cross-servicing is mandatory. The regulations implementing this statutory settlement authority are contained in the Navy General Claims Regulations (Part 750 of this chapter) and will be followed, as far as applicable, in the settlement of claims under this act by foreign claims commissions.

By direction of the Secretary of the Navy.

Dated: December 19, 1950.

IRA H. NUNN,
Rear Admiral, U. S. Navy,
Judge Advocate General of the Navy.

[F. R. Doc. 55–10310; Filed, Dec. 27, 1955; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 55–52]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The editorial changes and corrections in this document are to bring the regulations and the authority therefor up to date, as well as to correct a Coast Guard Document CGFR 55–1 published in the FEDERAL REGISTER March 25, 1955. The major change affects the authority for certain regulations governing inspection of foreign vessels which may be acquired by purchase or requisition by the Secretary of Commerce. In this respect section 5 of the act of June 6, 1941, as amended (sec. 5, 55 Stat. 244, 245; 50 U. S. C. App. 1275), has expired. This authority was replaced by section 3 of the act of August 9, 1954 (sec. 3, 68 Stat. 675, 50 U. S. C. 198). The other changes

correct the title "Merchant Marine Investigating Unit" to "Investigating Section" in 46 CFR 1.01; revise Table 75.20–15 (s), regarding lifeboat sails for passenger vessels, in 46 CFR 75.20–15, to be the same as for cargo and miscellaneous vessels; and in 46 CFR 75.05–1 and 94.05–1 correct the title of the pamphlet CG–190 from "Equipment Lists for Merchant Vessels" to "Equipment Lists".

Because the amendments in this document are editorial in nature it is hereby found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof, is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), Treasury Department Order 167–9, dated August 3, 1954 (19 F. R. 5915), and Treasury Department Order No. 167–14, dated November 26, 1954 (19 F. R. 8026), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments in this document are prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

Subchapter A—Procedures Applicable to the Public

PART 1—GENERAL COURSE AND METHODS

Section 1.01 (c), regarding general flow of functions, is amended by changing the title "Merchant Marine Investigating Unit" to "Investigating Section."

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4403, as amended, sec. 2, 23 Stat. 118, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 372, 2, 367, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 2—VESSEL INSPECTIONS

The regulations in this part also interpret or apply sec. 3, 68 Stat. 675, 50 U. S. C. 198.

PART 3—MERCHANT MARINE PERSONNEL

The regulations in this part also interpret or apply sec. 3, 68 Stat. 675, 50 U. S. C. 198.

Section 3.01–1, regarding applications for licenses or documents, is amended by changing the phrase "50 U. S. C. App. 1275, and Public Law 525, 80th Congress, 2d Session" to "50 U. S. C. 198".

PART 4—INVESTIGATIONS AND HEARINGS

The authority for the regulations in this part is amended by changing a reference therein from "54 Stat. 244" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

Subchapter B—Merchant Marine Officers and Seamen

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

The authority for the regulations in this part is revised to read as follows:

AUTHORITY: The regulations are issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438–4442, as amended, 4445, as amended, 4447, as amended, sec. 2, 29 Stat. 188, as amended, sec. 1, 34 Stat. 1411, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 7, 53 Stat. 1147, as amended, secs. 7, 17, 54 Stat. 165, 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 68 Stat. 484, and sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 405, 224, 224a, 226, 228, 229, 214, 231, 233, 225, 237, 367, 247, 526f, 526p, 1133, 710c, and 50 U. S. C. 198.

Section 10.01–5 (b), regarding authority for regulations, is amended by changing certain references from "sec. 5, 55 Stat. 244, 245" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

PART 12—CERTIFICATION OF SEAMAN

The authority for the regulations in this part is revised to read as follows:

AUTHORITY: The regulations are issued under R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4488, as amended, 4551, as amended, sec. 13, 38 Stat. 1169, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 7, 49 Stat. 1936, as amended, sec. 3, 54 Stat. 346, sec. 2, 68 Stat. 484, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 481, 643, 672, 367, 689, 1133, 710c, 50 U. S. C. 198. Other statutory provisions interpreted or applied are cited to the text in parenthesis.

Section 12.01–5, regarding authority for regulations, is amended by changing references in paragraphs (b), (c), and (d) from "sec. 5, 55 Stat. 244, 245, as amended" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

Subchapter D—Tank Vessels

PART 30—GENERAL PROVISIONS

The authority for the regulations in this part is revised to read as follows:

AUTHORITY: The regulations are issued under R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

Section 30.01–1, regarding basis and purpose of regulations—TB/ALL, is amended by changing references from "sec. 5 (e) of the Act of June 6, 1941" to "sec. 3 (c) of the Act of August 9, 1954" and from "50 U. S. C. 1275" to "50 U. S. C. 198".

PART 31—INSPECTION AND CERTIFICATION

The authority for the regulations in this part is revised by changing statute references from "sec. 5, 55 Stat. 244, 245, as amended" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

The authority for the regulations issued in this part is amended by revising references from "sec. 5, 55 Stat. 244, 245, as amended" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

PART 33—LIFESAVING APPLIANCES

The authority for the regulations issued in this part is revised by changing references from "sec. 5, 55 Stat. 244, 245, as amended" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

PART 34—FIRE-FIGHTING EQUIPMENT

The authority for the regulations issued in this part is revised by changing references from "sec. 5, 55 Stat. 244, 245, as amended" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

PART 35—OPERATIONS

The authority for the regulations in this part is revised by changing references from "sec. 5, 55 Stat. 244, 245, as amended" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

Subchapter E—Load Lines

PART 46—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS

The authority for the regulations in this part is revised to read as follows:

AUTHORITY: The regulations in this part are issued under sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 85a, 88a. Interpret or apply R. S. 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 482, 483, 363, 369, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

Section 46.01–5, regarding authority, is amended by changing references from "sec. 5, 55 Stat. 244, 245, as amended" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

Subchapter F—Marine Engineering

The authority for the regulations in Parts 50 to 61, inclusive, is revised by changing references from "sec. 5, 55 Stat. 244, 245, as amended" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

Subchapter G—Marine Engineering Installations Contracted for Prior to July 1, 1935

The authority for the regulations in Parts 66 to 69, inclusive, is revised by changing references from "sec. 5, 55 Stat. 244, 245, as amended" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. 1275" to "50 U. S. C. 198".

PART 66—GENERAL

Section 66.01–1 (b), regarding authority for regulations, is amended by changing references from "sec. 5, 55 Stat. 244, 245" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 198" to "50 U. S. C. 198".

Subchapter H—Passenger Vessels

PART 70—GENERAL PROVISIONS

The authority for the regulations in this part is revised to read as follows:

AUTHORITY: The regulations in this part are issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, and sec. 3, 68 Stat. 675; 46 U. S. C. 404, 369, 367, 526p, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

Section 70.01–10, regarding authority for regulations, as amended by changing references in paragraphs (b) to (l), inclusive, from "sec. 5, 55 Stat. 244, 245" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

Section 70.30–1, regarding vessels acquired or documented under the act of June 6, 1941, is amended by changing the references to the law in the heading from "act of June 6, 1941" to "act of August 9, 1954" and in paragraph (a) from "act of June 6, 1941, as amended (sec. 5, 55 Stat. 244, 245; 50 U. S. C. App. 1275)" to "act of August 9, 1954 (sec. 3, 68 Stat. 675; 50 U. S. C. 198)".

PART 71—INSPECTION AND CERTIFICATION

The authority for the regulations in this part is revised by changing references from "sec. 5, 55 Stat. 244, 245" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

PART 72—CONSTRUCTION AND ARRANGEMENT

The authority for the regulations in this part is revised by changing references from "sec. 5, 55 Stat. 244, 245" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

PART 73—WATERTIGHT SUBDIVISION

The authority for the regulations in this part is revised by changing references from "sec. 5, 55 Stat. 244, 245" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

PART 74—STABILITY

The authority for the regulations in this part is revised by changing references from "sec. 5, 55 Stat. 244, 245" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

PART 75—LIFESAVING EQUIPMENT

The authority for the regulations in this part is revised to read as follows:

AUTHORITY: The regulations in this part are issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4481, as amended, 4482, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 474, 475, 481, 489, 367, 526p, 1332, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

Section 75.05–1 (a), regarding equipment of an approved type, is amended by revising the title of the pamphlet CG–190 from "Equipment Lists for Merchant Vessels" to "Equipment Lists".

The Table 75.20–15 (s) in section 75.20–15 (s) is amended by changing the fifth number in the eleventh column for the diameter of masts 16 feet and 6 inches long for lifeboats over 23 feet and not over 25 feet in length from "3¾" to "4" inches and by inserting a reference to footnote "(2)" in the last line of the second column opposite "31", length of lifeboat in feet.

PART 76—FIRE PROTECTION EQUIPMENT

The authority for the regulations in this part is revised by changing references from "sec. 5, 55 Stat. 244, 245" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

The authority for the regulations in this part is revised by changing references from "sec. 5, 55 Stat. 244, 245" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

PART 78—OPERATIONS

The authority for the regulations in this part is revised by changing references from "sec. 5, 55 Stat. 244, 245" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

Subchapter I—Cargo and Miscellaneous Vessels

PART 90—GENERAL PROVISIONS

The authority for the regulations in this part is revised to read as follows:

AUTHORITY: The regulations in this part are issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4426, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 404, 367, 526p, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

Section 90.01–10, regarding authority for regulations, is amended by revising in paragraphs (b) to (h), inclusive, references from "sec. 5, 55 Stat. 244, 245" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

Section 90.30–1, regarding vessels acquired or documented under the Act of June 6, 1941, is amended by changing the references to the law in the heading from "Act of June 6, 1941" to "Act of August 9, 1954" and in paragraph (a) from "Act of June 6, 1941, as amended (sec. 5, 55 Stat. 244, 245; 50 U. S. C. App. 1275)" to "Act of August 9, 1954 (sec. 3, 68 Stat. 675; 50 U. S. C. 198)".

PART 91—INSPECTION AND CERTIFICATION

The authority for the regulations in this part is revised by changing references from "sec. 5, 55 Stat. 244, 245" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

PART 92—CONSTRUCTION AND ARRANGEMENT

The authority for the regulations in this part is revised by changing references from "sec. 5, 55 Stat. 244, 245" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

PART 93—STABILITY

The authority for the regulations in this part is revised by changing references from "sec. 5, 55 Stat. 244, 245" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

PART 94—LIFESAVING EQUIPMENT

The authority for the regulations in this part is revised to read as follows:

AUTHORITY: The regulations are issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4481, as amended, 4482, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 474, 475, 481, 489, 367, 526p, 1332, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

Section 94.05–1 (a), regarding equipment of an approved type, is amended by changing the title of the pamphlet CG–190 from "Equipment Lists for Merchant Vessels" to "Equipment Lists."

PART 95—FIRE PROTECTION EQUIPMENT

The authority for the regulations in this part is revised by changing references from "sec. 5, 55 Stat. 244, 245" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

The authority for the regulations in this part is revised by changing references from "sec. 5, 55 Stat. 244, 245" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

PART 97—OPERATIONS

The authority for the regulations in this part is revised by changing references from "sec. 5, 55 Stat. 244, 245" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

Subchapter J—Electrical Engineering

PART 110—GENERAL PROVISIONS

The authority for the regulations in this part is revised to read as follows:

AUTHORITY: The regulations are issued under R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

Section 110.25–1, regarding vessels acquired or documented under the Act of June 6, 1941, is amended by changing the

references to the law in the heading from "Act of June 6, 1941" to "Act of August 9, 1954" and in paragraph (a) by changing the reference from "Act of June 6, 1941" to "Act of August 9, 1954 (sec. 3, 68 Stat. 675, 50 U. S. C. 198)".

PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

The authority for the regulations in this part is revised to read as follows:

AUTHORITY: The regulations are issued under R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

PART 112—EMERGENCY LIGHTING AND POWER SYSTEM

The authority for the regulations in this part is revised to read as follows:

AUTHORITY: The regulations are issued under R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

The authority for the regulations in this part is revised to read as follows:

AUTHORITY: The regulations are issued under R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

Subchapter K—Marine Investigations and Suspension and Revocation Proceedings

PART 136—MARINE INVESTIGATION REGULATIONS

The authority for the regulations in this part is revised to read as follows:

AUTHORITY: The regulations are issued under R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4450, as amended, secs. 1, 2, 49 Stat. 1544, sec. 3, 68 Stat. 198; 46 U. S. C. 239, 367, 50 U. S. C. 198.

Section 136.01-1 (b), regarding authority and scope of regulations, is amended by changing the reference from "50 U. S. C. 1275" to "50 U. S. C. 198".

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

The authority for the regulations in this part is revised to read as follows:

AUTHORITY: The regulations are issued under R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4450, as amended, secs. 1, 2, 49 Stat. 1544, as amended, secs. 1–12, 60 Stat. 237–244, secs. 1, 2, 68 Stat. 484, sec. 3, 68 Stat. 675; 46 U. S. C. 239, 367, 710c, 5 U. S. C. 1001–1011, 50 U. S. C. 198.

Subchapter M—Bulk Grain Cargoes

PART 144—LOADING AND STOWAGE OF GRAIN CARGOES

The authority for the regulations in this part is revised by changing references from "sec. 5, 55 Stat. 244, 245" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

Subchapter P—Manning of Vessels

PART 157—MANNING REQUIREMENTS

Section 157.01-10 (b), regarding authority for regulations, is amended by revising references to the law from "sec. 5, 55 Stat. 244, 245" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Subchapter Q—Specifications

The authority notes for Subparts 160.001–160.003, 160.005, 160.006, 160.009–160.013, 160.015–160.018, 160.021–160.024, 160.026–160.028, 160.031–160.038, and 160.040–160.044 in Part 160, Part 161, Subparts 162.001, 162.012–162.014, 162.016–162.018, 162.026, and 162.027 in Part 162, Part 163, and Subparts 164.001–164.003, 164.006, 164.008, and 164.009 in Part 164 are amended by changing references from "sec. 5, 55 Stat. 244, 245, as amended" to sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

Subchapter R—Nautical Schools

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

The authority for the regulations in this part is amended by changing references from "sec. 5, 55 Stat. 244" to "sec. 3, 68 Stat. 675" and from "50 U. S. C. App. 1275" to "50 U. S. C. 198".

CORRECTION OF PRIOR DOCUMENT

The Coast Guard Document CGFR 55–1 and FEDERAL REGISTER Document 55–2412 published in the FEDERAL REGISTER of March 25, 1955, is corrected by changing the section number "110.15–45" to "110.15–145" in paragraph 1 under Subpart 110.15 on page 1816.

Dated: December 16, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 55–10353; Filed, Dec. 27, 1955; 8:45 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Projects Nos. 2148 and 2149]

PUGET SOUND POWER & LIGHT COMPANY AND PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON

NOTICE OF HEARING

DECEMBER 21, 1955.

On October 15, 1954, Puget Sound Power & Light Company, of Seattle, Washington (the Company), filed applications for rehearing of two Commission orders issued September 22, 1954: (1) Issuing a preliminary permit to Public Utility District No. 1 of Douglas County, Washington (District) for proposed Project No. 2149; and (2) denying the application for preliminary permit filed by the Company for conflicting proposed Project No. 2148 and denying the Company's petition to intervene in the proceeding on the application for Project No. 2149.

No hearing having been held upon either the Company's or the District's application for preliminary permit for the conflicting projects, the Commission, by order issued November 10, 1954: (1) Rescinded its order issued November 10, 1954, insofar as it denied the Company's petition to intervene in the proceeding on Project No. 2149; (2) granted the Company's petition to intervene in the proceeding on Project No. 2149; and (3) granted the Company's above-mentioned applications for rehearing—the time and place for the rehearing to be fixed by further order of the Commission.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 308 (a) of the Federal Power Act and the Commission's rules of practice and procedure, a hearing will be held on February 6, 1956, at 10:00 a. m., e. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by Puget Sound Power & Light Company's applications for rehearing of the Commission's orders issued September 22, 1954 in the proceedings on Projects Nos. 2148 and 2149.

Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–10351; Filed, Dec. 27, 1955; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Anadarko Area Office Redelegation Order 1, Amdt. 1]

OSAGE INDIAN FUNDS; HEADRIGHTS

REDELEGATION OF AUTHORITY

Order No. 1 (20 F. R. 2091) is amended by adding a new heading and two new sections to Part 2 to read as follows:

FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

SEC. 2.265 *Osage Indian funds.* The approval of applications by Osage Indians under section 5 of the act of April 18, 1912 (37 Stat. 87), for the withdrawal of individual trust funds in the Treasury of the United States and quarterly pro rata share payments of Osage tribal funds and interest on individual funds in the United States Treasury pursuant to the provisions of the act of June 28, 1906 (34 Stat. 544), as amended, or supplemented by the acts of February 27, 1925 (43 Stat. 1008), and June 24, 1938 (52 Stat. 1034).

SEC. 2.266 *Osage headrights.* The approval of transfers of Osage headrights belonging to any persons not an Indian by blood, pursuant to the provisions of the act of April 12, 1924 (43 Stat. 94).

WILL J. PITNER,
Area Director.

Approved: December 21, 1955.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 55–10349; Filed, Dec. 27, 1955; 8:45 a. m.]

Bureau of Land Management

[Document 82]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

Correction

The land description in Federal Register Document 55–9832, appearing on page 9026, issue of Thursday, December 8, 1955, should read "Sec. 29: SE¼NE¼ SW¼, SW¼NW¼SE¼."

CIVIL AERONAUTICS BOARD

[Docket No. 6630]

PACIFIC SERVICE MAIL RATE CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 12, 1956, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., December 22, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–10361; Filed, Dec. 27, 1955; 8:47 a. m.]

[Docket No. 7517]

QUEEN CHARLOTTE AIRLINES LTD.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Queen Charlotte Airlines Ltd. for an extension of foreign air carrier permit dated November 20, 1952 issued pursuant to section 402 of the Civil Aeronautics Act to perform operations of a regular nature between the terminal point Ketchikan, Alaska and the terminal Prince Rupert, British Columbia.

Notice is hereby given that the hearing in the above-entitled proceeding assigned for December 27, 1955, is postponed to January 16, 1956, at 2:00 p. m., in Room E–206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., December 21, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–10359; Filed, Dec. 27, 1955; 8:47 a. m.]

[Docket No. 7518]

AIR AMBULANCE SERVICE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Air Ambulance Service, Department of Public Health, Government of Saskatchewan, for renewal of the foreign air carrier permit issued pursuant to section 402 of the Civil Aeronautics Act, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given that the hearing in the above-entitled proceeding assigned for December 27, 1955, is postponed to January 16, 1956, at 3:00 p. m., in Room E–206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., December 21, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–10360; Filed, Dec. 27, 1955; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 79]

WASHINGTON

DECLARATION OF DISASTER AREA

Whereas it has been reported that beginning on or about November 3, 1955, because of the disastrous effects of flood, damage resulted to residences and business property located in certain areas in the State of Washington; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in Clallam County (including any areas adjacent to Clallam County) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, 905 Second Avenue, Burke Building, Seattle, Washington.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1956.

Dated: December 12, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55–10356; Filed, Dec. 27, 1955; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 22, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31462: *Trailer-on-flat-car service. Erie Railroad Company.* Filed

by Erie Railroad Company for interested rail carriers. Rates on various commodities in trailers loaded on railroad flat cars from New York, N. Y. to points in Wisconsin.

Grounds for relief: Motor truck competition.

Tariff: Erie Railroad Company's tariff I. C. C. No. 21037.

FSA No. 31463: *Vegetable oil shortening from Columbus, Ohio to East.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on shortening, vegetable oil, carloads from Columbus, Ohio to points in Connecticut, Massachusetts, New York, Pennsylvania, and Rhode Island.

Grounds for relief: Carrier competition and circuity.

FSA No. 31464: *Fence posts from the Southwest to Sioux Falls, S. Dak.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fence posts, carloads from points in the Southwest to Sioux Falls, S. Dak.

Grounds for relief: Short-line distance formula, circuity and truck competition.

Tariff: Supplement 90 to Agent Kratzmeir's I. C. C. 3954.

FSA No. 31465: *Commodity rates from and to Scraggs, W. Va.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on all commodities (other than coal and coke), carload and less-than-carload between Scraggs, W. Va., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Carrier competition, circuity, grouping, and establishment of a new station.

FSA No. 31466: *Commodity rates from and to Looneys Creek, Va.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on all commodities (other than coal and coke), carload and less-than-carload between Looneys Creek, Va., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Carrier competition, circuity, grouping, and establishment of a new station.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-10352; Filed, Dec. 27, 1955; 8:45 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 252

Washington, Thursday, December 29, 1955

THE NATIONAL ARCHIVES
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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

VETERANS' ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (7) is added to § 6.322 as set out below.

§ 6.322 *Veterans' Administration.*

(a) *Office of the Administrator* • • •

(7) One Assistant Administrator for Appraisal and Security.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-10429; Filed, Dec. 28, 1955; 8:59 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 56—GRADING AND INSPECTION OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

MISCELLANEOUS AMENDMENTS

The regulations governing the grading and inspection of shell eggs and United States standards, grades and weight classes for shell eggs (7 CFR Part 56) were revised and published in the FEDERAL REGISTER on February 1 and 4, 1955 (20 F. R. 667, 757). Most of the provisions of the revised regulations became effective on March 1, 1955. However, changes were made in the weight classes for shell eggs to become effective January 1, 1956 (§§ 56.218 (c), 56.223 (b), and 56.228 (b)). On June 15, 1955, a notice of suspension of the effective date of these paragraphs was published in the FEDERAL REGISTER (20 F. R. 4176) in order to permit further study and consideration of additional views and arguments submitted by members of the trade and other interested parties with respect to the adverse effect such changes in the weight classes for shell eggs might have on the industry. The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

After consideration of the additional information submitted it is determined that §§ 56.218 (c), 56.223 (b), and 56.228 (b) should be, and such paragraphs are hereby rescinded, effective upon publication in the FEDERAL REGISTER.

It is hereby found that it would be impractical, unnecessary, and contrary to the public interest to engage in further public rule making procedures with respect to this rescission or to postpone the effective date thereof until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that (1) the changes in the weight classes are not now in effect and will not require any preparation on the part of industry; (2) the additional information received indicates that it would be in the public interest to rescind said paragraphs; and (3) the industry should be advised of this rescission as soon as possible in order that it may plan for future contractual obligations. Therefore, good cause exists for making this rescission effective upon its publication in the FEDERAL REGISTER.

(60 Stat. 1087; 7 U. S. C. 1621-1627)

Issued this 23d day of December 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-10422; Filed Dec. 28, 1955; 8:57 a. m.]

Chapter IV—Federal Crop Insurance Corporation

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1957 AND SUCCEEDING CROP YEARS

By virtue of the authority contained in the Federal Crop Insurance Act, as

(Continued on p. 10017)

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplement is now available:

General Index ($1.25)

All of the Cumulative Pocket Supplements and revised books of the Code of Federal Regulations (as of January 1, 1955) are now available with the exception of Titles 1–3

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amended, the "Regulations for 1953 and Succeeding Crop Years", as amended (16 F. R. 9628, 11565; 17 F. R. 189, 10537; 18 F. R. 439, 3632, 6990, 7222; 19 F. R. 469, 3017, 5603, 8233; 20 F. R. 5054, 8071), which shall continue in full force and effect for the 1956 crop year, are hereby amended for the 1957 and succeeding crop years to read as set forth below. The provisions of this subpart shall apply, until amended or superseded, to all continuous wheat contracts as they relate to the 1957 and succeeding crop years.

Sec.
418.1 Availability of wheat crop insurance.
418.2 Coverages, premium rates, and fixed price.
418.3 Application for insurance.
418.4 Public notice of indemnities paid.
418.5 Creditors.
418.6 The policy.

AUTHORITY: §§ 418.1 through 418.6 issued under secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509.

§ 418.1 *Availability of wheat crop insurance.* (a) Wheat crop insurance may be provided in counties designated annually by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation. A list of the designated counties shall be published annually by appendix to this section.

(b) Insurance will not be provided in a county for any crop year unless the minimum participation requirement established by the Federal Crop Insurance Act, as amended, is met. For the purpose of determining whether the minimum participation requirement is met, an insurance unit shall be counted as one farm.

§ 418.2 *Coverages, premium rates, and fixed price.* The Corporation shall establish coverage(s) and premium rate(s) per acre and the fixed price, used to evaluate production, which shall be shown on the county actuarial table on file in the county office and may be revised from year to year.

§ 418.3 *Application for insurance.* (a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover his interest as landlord, owner-operator, or tenant in a wheat crop. For any crop year applications shall be submitted to the county office on or before the following applicable closing date preceding such crop year, except that in counties in Montana and South Dakota with an August 31 closing date, an application for insurance may be filed until the March 31 following the closing date provided that in such cases winter wheat will not be insured for the first crop year of the contract.

State and county	*Date*
California	August 31
Colorado	Do.
Idaho	October 31
Illinois	September 15
Indiana	Do.
Kansas	August 31
Maryland	September 15
Michigan	Do.
Minnesota	March 31
Missouri	September 15
Montana:	
Blaine	August 31
Cascade	Do.
Chouteau	Do.
Fergus	Do.
Hill	Do.
Judith Basin	Do.
Liberty	Do.
Petroleum	Do.
Pondera	Do.
Teton	Do.
All other counties	March 31
Nebraska	August 31
New Mexico	Do.
New York	September 15
North Dakota	March 31
Ohio	September 15
Oklahoma	August 31
Oregon	October 31
Pennsylvania	September 15
South Dakota:	
Bennett	August 31
Jones	Do.
Lyman	Do.
Meade	Do.
Mellette	Do.
Tripp	Do.
All other counties	March 31
Texas	August 31
Utah	September 15
Washington	October 31
Wyoming	August 31

§ 418.4 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of the indemnities paid in the county.

§ 418.5 *Creditors.* An interest in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract.

§ 418.6 *The policy.* The provisions of the policy for 1957 and succeeding crop years are as follows:

Pursuant to the provisions of the application upon which this policy is issued, which application together with this policy shall constitute the contract, and subject to the terms and conditions set forth herein, the Federal Crop Insurance Corporation (herein called the "Corporation") does insure the applicant (herein called the "insured"), subject to the acceptance of his application, against unavoidable loss of production on his wheat crop due to drought, flood, hail, wind, frost, winter-kill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation and plant disease. The contract shall not cover any loss due to the neglect or malfeasance of the insured, any member of his household, his tenants or employees, or failure to follow recognized good farming practices, or to any cause other than those specified above. No term or condition of the contract shall be waived or changed on behalf of the Corporation except in writing by a duly authorized representative of the Corporation.

TERMS AND CONDITIONS

1. *Insured acreage and interest.* The insured acreage and interest for each crop year shall be that acreage in the county seeded to wheat for harvest as grain in which the insured had an interest at the time of seeding and his interest therein at such time as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided*, That insurance shall not attach or be considered to have attached on acreage for which a coverage is not shown on the county actuarial table for the crop year or, in counties where a coverage(s) is established by farming practice(s), on acreage on which the farming practice followed is one for which a coverage is not established except that the Corporation may elect to consider that insurance attached to such acreage on the basis of the farming practice reported by the insured: *Provided further*, That insurance shall not attach or be considered to have attached on acreage on which it is determined by the Corporation that wheat is (a) destroyed and it is practical to reseed to wheat and such acreage is not reseeded to wheat, (b) initially seeded too late to expect a normal crop to be produced, (c) volunteer wheat, (d) seeded with flax or other small grains, vetch, Austrian winter peas, or dry edible peas, (e) of a type or class not adapted to the area or shown as non-insurable on the county actuarial table, (f) seeded on new ground acreage in counties where the cancellation date is April 30 or June 30. The Corporation reserves the right to limit the insured acreage to the wheat allotment or permitted acreage established under any act of Congress including the Agricultural Adjustment Act of 1938, as amended. For the purpose of determining the amount of loss, the insured interest shall not exceed the insured's interest at the time of loss or the beginning of harvest, whichever occurs first.

2. *Responsibility of the insured to report acreage and interest.* (a) Promptly after seeding the wheat crop (winter or spring)

each year the insured shall submit to the county office, on a form prescribed by the Corporation, a report showing all acreage of wheat in the county (including a designation of any wheat seeded for purposes other than harvest as grain and all other acreage of wheat to which insurance did not attach) in which he has an interest and his interest therein at the time of seeding. If the insured does not have an interest in any wheat acreage in the county for any year he shall nevertheless submit a report so indicating. Any acreage report submitted by the insured shall be binding upon the insured and shall not be subject to change by him.

(b) If the insured fails to submit the above-mentioned acreage report within 30 days after seeding of wheat (winter or spring) is generally completed in the county, the Corporation may elect to determine the insured acreage and interest or to declare the insured acreage to be "zero".

3. *Coverage(s), premium rate(s), and fixed price.* For each crop year of the contract the coverage(s) and premium rate(s) per acre established for the area in which the insured acreage is located, and the fixed price, used to evaluate production, shall be those established by the Corporation for such crop year and shown on the county actuarial table on file in the county office. The coverage per acre is progressive depending upon whether the acreage is (a) First Stage—released and seeded to a substitute crop, (b) Second Stage—not harvested and not seeded to a substitute crop, or (c) Third Stage—harvested, except that in those counties where so shown on the county actuarial table the coverage per acre shall be progressive depending upon whether the acreage is (a) First Stage—not harvested or (b) Second Stage—harvested.

4. *Changes in contract.* The Corporation reserves the right to change the premium rate(s), coverage(s), fixed price, and other terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file in the county office at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Failure of the insured to cancel the contract as provided in section 13 shall constitute his acceptance of any such changes.

5. *Amount of annual premium.* (a) The annual premium will be based upon (1) the insured acreage of wheat, (2) the applicable premium rate(s), and (3) the insured interest(s) in the crop at the time of seeding, and with respect to any insured acreage shall be earned and payable when the wheat on such acreage is seeded. There will be a reduction in the annual premium for each insurance unit of 4 percent for the first full 200 acres of insured acreage on the unit and an additional 2 percent reduction for each additional full 100 acres: *Provided, however,* That the total reduction shall not exceed 20 percent.

(b) Any amount of the premium which is unpaid on the day following the discount date (the discount date shall be the November 30 following the time the wheat crop is normally harvested) shall be increased by ten percent, which increased amount shall be the premium balance, and thereafter, at the end of each 12 months' period six percent simple interest shall attach to any amount of the premium balance which is unpaid.

(c) The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutively insured wheat crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. Whether or not the insured is eligible for the above premium reduction, his annual premium may be reduced in lieu of the above in any year by not to exceed 50 percent if it is determined by the Corporation that the accumulated balance (expressed in bushels) of premiums over indemnities on consecutively insured wheat crops preceding the current crop year exceeds his total coverage (computed on a harvested acreage basis). Nothing in this paragraph shall create in the insured any right to a reduced premium.

(d) If in any year a premium is earned and totals less than $10.00 the amount shall be increased to $10.00.

(e) Any unpaid amount due the Corporation by the insured may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any act of Congress, or program, administered by the United States Department of Agriculture.

6. *Insurance period.* Insurance on any insured acreage shall attach at the time the wheat is seeded and shall cease upon threshing (in California 120 hours thereafter when combined and in sacks in the field) or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the wheat is normally harvested.

7. *Notice of loss or substantial damage.* (a) If, during the growing season, the insured wheat crop on any insurance unit is substantially damaged the insured shall promptly give written notice of such damage to the Corporation at the county office.

(b) If an insured loss occurs on any insurance unit the insured shall give prompt written notice to the Corporation at the county office but in no event shall such notice be given later than 15 days after threshing is completed on the insurance unit or October 31 of the calendar year in which the wheat is normally harvested, whichever is earlier.

(c) Any insured acreage which is not to harvested shall be left intact until the Corporation makes an inspection.

(d) The Corporation may reject any claim for loss if any of the requirements of this section are not met.

8. *Released or damaged acreage.* (a) Any acreage of the insured wheat crop may be released by the Corporation after it is too late to reseed to wheat if (1) the Corporation determines that the crop in such acreage is destroyed, or (2) the insured requests a release of acreage which the Corporation determines is not destroyed and agrees to the appraisal by the Corporation of the potential production from such acreage. No insured acreage may be put to another use or planted to a substitute crop until the Corporation releases such acreage. If the wheat crop on insured acreage is damaged but the acreage has not been released by the Corporation, proper measures shall be taken to care for the crop and protect it from further damage.

(b) Where released acreage is not put to another use, or is reseeded to wheat, the release may be disregarded by the Corporation.

(c) There shall be no abandonment of any crop or portion thereof to the Corporation.

9. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period unless the entire crop on the insurance unit was destroyed earlier in which event the loss shall be deemed to have occurred on the date of such damage as determined by the Corporation.

10. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of wheat on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the seeded acreage (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, (2) subtracting therefrom the value (determined in accordance with (d) below) of the total production to be counted for the seeded acreage, and (3) multiplying the remainder by the insured interest. However, if for the insurance unit, the premium computed for the seeded acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production from acreage initially seeded for purposes other than for harvest as grain) and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, failure to carry out the farming practice reported by the insured, or acreage abandoned or put to another use without being released by the Corporation. In determining total production volunteer small grains, volunteer Austrian winter peas, volunteer dry edible peas, and volunteer vetch growing with the seeded wheat crop, and small grains seeded in the growing wheat crop on acreage not released by the Corporation shall be counted as wheat on a weight basis. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with (d) below) of any wheat harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) In determining any loss under the contract, production shall be valued at the fixed price. However, any threshed wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price; *Provided,* when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such threshed wheat, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

(e) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

11. *Payment of indemnity.* (a) Any indemnity will be payable within thirty days after a claim for loss is approved by the Corporation, but if payment is delayed for any reason, the Corporation shall not be liable for interest or damage on account of such delay.

(b) If the insured dies, is judicially declared incompetent or disappears after the seeding of the wheat crop in any year, any

indemnity which is, or becomes, part of his estate shall be paid to the legal representative of the estate. Should no such representative be qualified, the Corporation may pay the indemnity to the person(s) it determines to be beneficially entitled thereto or to any one or more of such persons on behalf of all such persons, or may withhold payment until a legal representative of the estate is qualified. In such cases, and in any other case where an indemnity is claimed by a person(s) other than the original insured or diverse interests appear with respect to any insurance unit, the determination of the Corporation as to the existence or non-existence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment shall be made shall be final and conclusive. Payment of an indemnity shall constitute a complete discharge of the Corporation's obligations with respect to the loss for which such indemnity is paid.

12. *Avoidance of contract.* The Corporation may void the contract without affecting the insured's liability for premium(s) or waiving any right or remedy including the right to collect any unpaid premium(s) if (a) at any time, either before or after loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, or (b) the insured fails to give any notice or otherwise fails to comply with the terms of the contract at the time and in the manner prescribed. The Corporation may make such avoidance effective as of the beginning of any crop year with respect to which any act or omission referred to in (a) or (b) above occurred.

13. *Life of contract, cancellation or termination thereof.* (a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before the applicable cancellation date shown in section 22 preceding the crop year for which the cancellation is to become effective: *Provided, however,* That (1) if by the March 31 following such cancellation date for all counties with a December 31 cancellation date, any amount due the Corporation under this contract remains unpaid, or (2) if by such cancellation date for all other counties, any amount due the Corporation under this contract, except the premium due on the crop harvested or to be harvested in the calendar year in which the cancellation date occurs, remains unpaid, the contract shall terminate as if canceled by the Corporation prior to such cancellation date. Any notice of cancellation by the insured shall be in writing and shall be filed with the county office. The Corporation shall mail any notice of cancellation to the insured's last known address and mailing shall constitute notice to the insured.

(b) If the insured cancels the contract, he shall not be eligible for wheat crop insurance in the county in the next succeeding crop year unless he subsequently applies for insurance on or before the cancellation date preceding such year.

(c) If the Corporation determines that the county minimum participation requirement established by the Federal Crop Insurance Act, as amended, is not met for any crop year, insurance shall not be in effect for that crop year and the contract shall terminate.

(d) The contract shall terminate upon death or judicial declaration of incompetence of the insured, except that if such death or judicial declaration of incompetence occurs after the beginning of seeding of the wheat crop in any crop year but before the end of the insurance period for such year, the contract shall (1) not terminate until the end of such insurance period, and (2) cover any additional wheat seeded for the insured or his estate for that crop year.

14. *Transfer of interest.* If the insured transfers all or a part of his insured interest in a wheat crop before the beginning of harvest and the time of loss, the transferee may obtain the benefits of the contract for the current crop year on the interest transferred if within 15 days after the date of transfer he (1) submits to the county office such information concerning the transfer as may be required by the Corporation, and (2) makes arrangements satisfactory to the Corporation for the payment of any unpaid premium on the interest transferred. Upon approval of a transfer of interest by the Corporation, the transferee and transferor shall be jointly and severally liable for any unpaid premium on the interest transferred. Any transfer shall be subject to the conditions of the contract including any collateral assignment made by the transferor, and the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than if the transfer had not taken place.

15. *Collateral assignment.* The original insured may assign his right to an indemnity for any year under the contract by executing a form prescribed by the Corporation and upon approval thereof by the Corporation the interest of the assignee will be recognized and the assignee shall have the right to submit the loss notices and forms as required by the contract if the insured neglects or refuses to take such action.

16. *Subrogation.* The insured assigns to the Corporation all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and shall execute all papers required and take such other action as may be necessary to secure such rights.

17. *Other insurance.* If the insured has other insurance, whether valid or not, against (a) more than two of the risks insured against under this contract, or (b) damage by fire during the insurance period, and there is damage from a risk(s) so insured against, the Corporation shall not be liable, unless it otherwise elects, for a greater proportion of any loss under this contract than the coverage under this contract for the insurance unit(s) involved bears to the total of all coverages.

18. *Records and access to farms.* The insured shall keep or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all wheat produced on each insurance unit covered by the contract and separate records showing the same information for production on any uninsured acreage in the county in which he has an interest. Any persons designated by the Corporation shall have access to such records and the farm(s) for purposes related to the contract.

19. *Forms.* Copies of forms referred to in the contract are available at the county office.

20. *Meaning of terms.* For purposes of the wheat insurance program:

(a) "County" means the area shown on the county actuarial table which may include farms located in a local producing area(s) bordering on the county.

(b) "County actuarial table" means the form(s) and related materials (including the crop insurance maps) which are approved annually by the Corporation and show the fixed price, the coverages per acre and the premium rates per acre applicable in the county.

(c) "County office" means the Corporation's office for the county shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

(d) "Crop year" means the period within which the wheat crop is seeded and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

(e) "Harvest" means the mechanical severance from the land of matured wheat for threshing where the wheat crop has not been destroyed.

(f) "Insurance unit" means (1) all the insurable acreage of wheat in the county in which the insured has 100 percent interest at the time of seeding, or (2) all the insurable acreage of wheat in the county which is owned by one person and is operated by the insured as a tenant at the time of seeding; or (3) all the insurable acreage of wheat in the county which is owned by the insured and is rented to one tenant at the time of seeding. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

(g) "New ground acreage" means any acreage which has not been planted to a crop in any one of the previous three crop years, except (1) acreage in tame hay or rotation pasture during the previous crop year, and (2) (applicable only in Montana) any acreage which has been properly summer fallowed the previous crop year in accordance with good farming practices in the area shall not be considered new ground acreage.

(h) "Person" means an individual, partnership, association, corporation, estate, or trust or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(i) "Substitute crop" means any crop except lespedeza, annual legumes used for a green manure crop or for a cover crop and not harvested, biennial and perennial legumes and perennial grasses, planted on released acreage before harvest of wheat becomes general in the county (in California, before wheat generally in the area is mature) as determined by the Corporation. Biennial and perennial legumes and perennial grasses seeded with the wheat or in the growing wheat crop shall not be considered a substitute crop. If other small grains are seeded in a growing wheat crop on released acreage, the crop of mixed wheat and other grains shall be considered a substitute crop.

(j) "Tenant" means a person who rents land from another person for a share of the wheat crop, or proceeds therefrom, produced on such land.

21. *Irrigated acreage.* (a) The acreage of wheat which shall be insured on the basis of irrigated coverage in any year shall not exceed the smaller of (i) that acreage which could be irrigated adequately with the facilities available, taking into consideration the amount of water required to irrigate the acreage of all irrigated crops on the farm, or (ii) that acreage on which one irrigation is carried out in accordance with good farming practices as determined by the Corporation, either before the crop is seeded or during the growing season. Insurance shall not attach with respect to acreage seeded to wheat the first year after being leveled.

(b) In addition to the causes of loss insured against shown on the first page of this policy the contract shall cover loss in production, due to failure of the water supply from natural causes, that could not be foreseen and prevented by the insured, including (1) lowering of the water level in pump wells adequate at the beginning of the growing season to the extent that either deepening the well or drilling a new well would be necessary to obtain an adequate supply of water, (2) failure of public power used for pumping or failure of an irrigation district or water company to deliver water where such failure is not within the control of the

insured, and (3) the collapse of casing in wells.

(c) The contract shall not cover loss in production caused by (1) failure properly to apply adequate irrigation water to wheat when needed and in accordance with recognized good farming practice for the area, (2) failure to provide adequate casing or properly to adjust the pumping equipment in the event of a lowering of the water level in pump wells when such adjustment can be made without deepening the well, (3) failure properly to apply irrigation water to wheat in proportion to the need of the crop and the amount of water available for all irrigated crops, and (4) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which could be reasonably expected.

22. *Date table.* For each year of the contract the cancellation date is as follows:

State and county:	Cancellation date
California	April 30
Colorado	Do.
Idaho	June 30
Illinois	Do.
Indiana	Do.
Kansas	April 30
Maryland	June 30
Michigan	Do.
Minnesota	December 31
Missouri	June 30
Montana:	
Blaine	Do.
Cascade	Do.
Chouteau	Do.
Fergus	Do.
Hill	Do.
Judith Basin	Do.
Liberty	Do.
Petroleum	Do.
Pondera	Do.
Teton	Do.
All others	December 31
Nebraska	April 30
New Mexico	Do.
New York	June 30
North Dakota	December 31
Ohio	June 30
Oklahoma	April 30
Oregon	June 30
Pennsylvania	Do.
South Dakota:	
Bennett	April 30
Jones	Do.
Lyman	Do.
Meade	Do.
Mellette	Do.
Tripp	Do.
All others	December 31
Texas	April 30
Utah	June 30
Washington	Do.
Wyoming	April 30

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on December 16, 1955.

[SEAL] C. S. LAIDLAW,
Secretary,
Federal Crop Insurance Corporation.

Approved on December 22, 1955.

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10406; Filed, Dec. 28, 1955; 8:54 a. m.]

[Amdt. 1]

PART 419—COTTON CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

The above identified regulations (20 F. R. 7984), are hereby amended for Saint Landry Parish, Louisiana, effective beginning with the 1956 crop year as follows:

The paragraph preceding section 1 of the policy shown in § 419.7 is amended by striking the period appearing at the end of the first sentence thereof, substituting a semicolon therefor, and adding the following language: "*Provided*, That in Saint Landry Parish, Louisiana, flood as a cause of loss insured against shall not include damage caused by the use or overflow of the Atchafalaya River Spillway."

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on December 16, 1955.

[SEAL] C. S. LAIDLAW,
Secretary,
Federal Crop Insurance Corporation.

Approved on December 22, 1955.

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10408; Filed, Dec. 28, 1955; 8:54 a. m.]

PART 421—DRY EDIBLE BEAN CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

By virtue of the authority contained in the Federal Crop Insurance Act, as amended, the "Regulations for the 1950 and Succeeding Crop Years," as amended (14 F. R. 7684; 15 F. R. 2485, 9034; 16 F. R. 3973, 7695, 9302; 17 F. R. 5980, 10537; 18 F. R. 3634, 6992; 19 F. R. 5604, 9365; 20 F. R. 1583, 5626), which shall continue in full force and effect for the 1955 crop year, are hereby amended for the 1956 and succeeding crop years to read as set forth below. The provisions of this subpart shall apply, until amended or superseded, to all continuous bean crop contracts as they relate to the 1956 and succeeding crop years.

Sec.
421.1 Availability of bean crop insurance.
421.2 Coverages, premium rates, and fixed prices.
421.3 Application for insurance.
421.4 Public notice of indemnities paid.
421.5 Creditors.
421.6 The policy.

AUTHORITY: §§ 421.1 to 421.6 issued under secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509.

§ 421.1 *Availability of bean crop insurance.* (a) Bean crop insurance may be provided in counties designated annually by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation. A list of the designated counties and the class(es) of beans to be insured shall be published annually by appendix to this section.

(b) Insurance will not be provided in a county for any crop year unless the minimum participation requirement established by the Federal Crop Insurance Act, as amended, is met. For the purpose of determining whether the minimum participation requirement is met, an insurance unit shall be counted as one farm.

§ 421.2 *Coverages, premium rates and fixed prices.* The Corporation shall establish coverage(s) and premium rate(s) per acre and the fixed price(s), used to evaluate production, which shall be shown on the county actuarial table on file in the county office and may be revised from year to year.

§ 421.3 *Application for insurance.* Application for insurance on a form prescribed by the Corporation may be made by any person to cover his interest as landlord, owner-operator, or tenant, in a bean crop. For any crop year applications shall be submitted to the county office on or before the May 15 preceding such crop year.

§ 421.4 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of the indemnities paid in the county.

§ 421.5 *Creditors.* An interest in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract.

§ 421.6 *The policy.* The provisions of the policy for the 1956 and succeeding crop years are as follows:

Pursuant to the provisions of the application upon which this policy is issued, which application together with this policy shall constitute the contract, and subject to the terms and conditions set forth herein, the Federal Crop Insurance Corporation (herein called the "Corporation") does insure the applicant (herein called the "insured"), subject to the acceptance of his application, against unavoidable loss of production on his dry edible bean crop due to drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation and plant disease. The contract shall not cover any loss due to the neglect or malfeasance of the insured, any member of his household, his tenants or employees, or failure to follow recognized good farming practices, or to any cause other than those specified above. No term or condition of the contract shall be waived or changed on behalf of the Corporation except in writing by a duly authorized representative of the Corporation.

TERMS AND CONDITIONS

1. *Insured acreage and interest.* The insured acreage and interest for each crop year shall be that acreage in the county planted to dry edible beans of the class(es) shown on the county actuarial table in which the insured had an interest at the time of planting and his interest therein at such time as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided*, That insurance shall not attach or be considered to have attached on acreage for which a coverage is not shown on the county actuarial table for the crop year or, in counties where a coverage(s) is established by farming practice(s), on acreage on which the farming practice followed is one for which a coverage is not established except that the Corporation may elect to consider that insurance attached to such acreage on the basis of the farming practice reported by the insured. *Provided further*, That insurance shall not attach or be considered to have attached on acreage on which it is determined by the Corporation that beans are (a) destroyed and it is practical to replant to beans and such acreage is not replanted to beans, (b) initially planted too late to expect a normal crop to be produced, or (c) planted on new ground acreage. The Corporation reserves the right to limit the insured acreage to the bean allotment or permitted acreage established under any act of Congress including the Agricultural Adjustment Act of 1938, as amended. For the purpose of determining the amount of loss, the insured interest shall not exceed the insured's interest at the time of loss or the beginning of harvest, whichever occurs first.

2. *Responsibility of the insured to report acreage and interest.* (a) Promptly after planting the bean crop each year the insured shall submit to the county office, on a form prescribed by the Corporation, a report showing all acreage in the county planted to beans in which he has an interest and his interest therein at the time of planting. If the insured does not have an interest in any bean acreage in the county for any year he shall nevertheless submit a report so indicating. Any acreage report submitted by the insured shall be binding upon the insured and shall not be subject to change by him.

(b) If the insured fails to submit the above-mentioned acreage report within 30 days after planting of beans is generally completed in the county, the Corporation may elect to determine the insured acreage and interest or to declare the insured acreage to be "zero".

3. *Coverage(s), premium rate(s) and fixed price(s).* For each crop year of the contract the coverage(s) and premium rate(s) per acre established for the area in which the insured acreage is located, the fixed price(s) used to evaluate production, and the class(es) of beans to be insured shall be those established by the Corporation for such crop year and shown on the county actuarial table on file in the county office. The coverage per acre is progressive by stages of production which are: (a) First Stage—not pulled or cut, (b) Second Stage—pulled or cut but not threshed, or (c) Third Stage—threshed.

4. *Changes in contract.* The Corporation reserves the right to change the premium rate(s), coverage(s), fixed price(s), class(es) of beans to be insured, and other terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file in the county office at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Failure of the insured to cancel the contract as provided in section 13 shall constitute his acceptance of any such changes.

5. *Amount of annual premium.* (a) The annual premium will be based upon (1) the insured acreage of beans, (2) the applicable premium rate(s), and (3) the insured interest(s) in the crop at the time of planting, and with respect to any insured acreage shall be earned and payable when the beans on such acreage are planted.

(b) Any amount of the premium which is unpaid on the day following the discount date (the discount date shall be the November 30 following planting) shall be increased by ten percent, which increased amount shall be the premium balance, and thereafter, at the end of each 12 months' period, six percent simple interest shall attach to any amount of the premium balance which is unpaid.

(c) The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutively insured bean crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. If the insured is not eligible for the above premium reduction, his annual premium may be reduced 25 percent if it is determined by the Corporation that his accumulated balance, expressed in dollars, of premiums over indemnities on consecutively insured bean crops preceding the current crop year exceeds his total coverage (computed on the basis of the coverage applicable to threshed acreage). Nothing in this paragraph shall create in the insured any right to a reduced premium.

(d) If in any year a premium is earned and totals less than $10.00 the amount shall be increased to $10.00.

(e) Any unpaid amount due the Corporation by the insured may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any act of Congress, or program, administered by the United States Department of Agriculture.

6. *Insurance period.* Insurance on any insured acreage shall attach at the time the beans are planted and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than December 15 of the calendar year in which beans are normally harvested.

7. *Notice of loss or substantial damage.* (a) If, during the growing season, the insured bean crop on any insurance unit is substantially damaged the insured shall promptly give written notice of such damage to the Corporation at the county office.

(b) If an insured loss occurs on any insurance unit the insured shall give prompt written notice to the Corporation at the county office but in no event shall such notice be given later than 15 days after threshing is completed on the insurance unit or December 15 of the calendar year in which the beans are normally harvested, whichever is earlier.

(c) Any insured acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

(d) The Corporation may reject any claim for loss if any of the requirements of this section are not met.

8. *Released or damaged acreage.* (a) Any acreage of the insured bean crop may be released by the Corporation after it is too late to replant to beans if (1) the Corporation determines that the crop on such acreage is destroyed, or (2) the insured requests a release of acreage which the Corporation determines is not destroyed and agrees to the appraisal by the Corporation of the potential production from such acreage. No insured acreage may be put to another use until the Corporation releases such acreage. If the bean crop on insured acreage is damaged but the acreage has not been released by the Corporation, proper measures shall be taken to care for the crop and protect it from further damage.

(b) Where released acreage is not put to another use, or is replanted to beans, the release may be disregarded by the Corporation.

(c) There shall be no abandonment of any crop or portion thereof to the Corporation.

9. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period unless the entire crop on the insurance unit was destroyed earlier in which event the loss shall be deemed to have occurred on the date of such damage as determined by the Corporation.

10. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of beans on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, (2) subtracting therefrom the value (determined in accordance with (d) below) of the total production to be counted for the planted acreage, and (3) multiplying the remainder by the insured interest. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all threshed production and in addition any appraisals which the Corporation determines should be made for potential or unthreshed production, poor farming practices, uninsured causes of loss, failure to carry out the farming practice reported by the insured, or acreage abandoned or put to another use without being released by the Corporation. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with (d) below) of any beans threshed, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) In determining any loss under the contract, threshed production shall be valued at the fixed price for the applicable grade or pick, except that any threshed production of beans which will not meet any U. S. Grade or pick shown on the county actuarial table because of poor quality due to insured causes occurring within the insurance period and would not meet these requirements if properly handled, shall be valued at the lesser of the lowest price shown on the county actuarial table for that class of beans or the market value of such beans as determined by the Corporation. Any potential or unthreshed production to be counted shall be valued at the fixed price shown on the county actuarial table for this purpose.

(e) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

11. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation, but if payment is delayed for any reason, the Corporation shall not be liable for interest or damage on account of such delay.

(b) If the insured dies, is judicially declared incompetent or disappears after the planting of the bean crop in any year, any indemnity which is, or becomes, part of his estate shall be paid to the legal representative of the estate. Should no such repre-

sentative be qualified, the Corporation may pay the indemnity to the person(s) it determines to be beneficially entitled thereto or to any one or more of such persons on behalf of all such persons, or may withhold payment until a legal representative of the estate is qualified. In such cases, and in any other case where an indemnity is claimed by a person(s) other than the original insured or diverse interests appear with respect to any insurance unit, the determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment shall be made shall be final and conclusive. Payment of an indemnity shall constitute a complete discharge of the Corporation's obligations with respect to the loss for which such indemnity is paid.

12. *Avoidance of contract.* The Corporation may void the contract without affecting the insured's liability for premium(s) or waiving any right or remedy including the right to collect any unpaid premium(s) if (a) at any time, either before or after loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, or (b) the insured fails to give any notice or otherwise fails to comply with the terms of the contract at the time and in the manner prescribed. The Corporation may make such avoidance effective as of the beginning of any crop year with respect to which any act or omission referred to in (a) or (b) above occurred.

13. *Life of contract, cancellation or termination thereof.* (a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before the cancellation date which shall be the March 15 preceding the crop year for which the cancellation is to become effective: *Provided, however,* That if by the May 15 following such cancellation date any amount due the Corporation under this contract remains unpaid, the contract shall terminate as if canceled by the Corporation prior to such cancellation date. Any notice of cancellation by the insured shall be in writing and shall be filed with the county office. The Corporation shall mail any notice of cancellation to the insured's last known address and mailing shall constitute notice to the insured.

(b) If the insured cancels the contract, he shall not be eligible for bean crop insurance in the county in the next succeeding crop year unless he subsequently applies for insurance on or before the cancellation date preceding such year.

(c) If the Corporation determines that the county minimum participation requirement established by the Federal Crop Insurance Act, as amended, is not met for any crop year, insurance shall not be in effect for that crop year and the contract shall terminate.

(d) The contract shall terminate upon death or judicial declaration of incompetence of the insured, except that if such death or judical declaration of incompetence occurs after the beginning of planting of the bean crop in any crop year but before the end of the insurance period for such year, the contract shall (1) not terminate until the end of such insurance period, and (2) cover any additional beans planted for the insured or his estate for that crop year.

14. *Transfer of interest.* If the insured transfers all or a part of his insured interest in a bean crop before the beginning of harvest and the time of loss, the transferee may obtain the benefits of the contract for the current crop year on the interest transferred if within 15 days after the date of transfer he (1) submits to the county office such information concerning the transfer as may be required by the Corporation, and (2) makes arrangements satisfactory to the Corporation for the payment of any unpaid premium on the interest transferred. Upon approval of a transfer of interest by the Corporation, the transferee and transferor shall be jointly and severally liable for any unpaid premium on the interest transferred. Any transfer shall be subject to the conditions of the contract including any collateral assignment made by the transferor, and the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than if the transfer had not taken place.

15. *Collateral assignment.* The original insured may assign his right to an indemnity for any year under the contract by executing a form prescribed by the Corporation and upon approval thereof by the Corporation the interest of the assignee will be recognized and the assignee shall have the right to submit the loss notices and forms as required by the contract if the insured neglects or refuses to take such action.

16. *Subrogation.* The insured assigns to the Corporation all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and shall execute all papers required and take such other action as may be necessary to secure such rights.

17. *Other insurance.* If the insured has other insurance, whether valid or not, against (a) more than two of the risks insured against under this contract, or (b) damage by fire during the insurance period, and there is damage from a risk(s) so insured against, the Corporation shall not be liable, unless it otherwise elects, for a greater proportion of any loss under this contract than the coverage under this contract for the insurance unit(s) involved bears to the total of all coverages.

18. *Records and access to farm.* The insured shall keep or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all beans produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage in the county in which he has an interest. Any person designated by the Corporation shall have access to such records and the farm(s) for purposes related to the contract.

19. *Forms.* Copies of forms referred to in the contract are available at the county office.

20. *Meaning of terms.* For the purpose of the bean insurance program:

(a) "County" means the area shown on the county actuarial table which may include farms located in a local producing area(s) bordering on the county.

(b) "County actuarial table" means the form(s) and related materials (including the crop insurance maps) which are approved annually by the Corporation and show the fixed price(s), the coverages per acre and the premium rates per acre applicable in the county.

(c) "County office" means the Corporation's office for the county shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

(d) "Crop year" means the period within which the bean crop is planted and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

(e) "Harvest" means pulling or cutting matured beans for threshing where the bean crop has not been destroyed.

(f) "Insurance unit" means (1) all the insurable acreage of beans in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of beans in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (3) all the insurable acreage of beans in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

(g) "New ground acreage" means any acreage which has not been planted to a crop in any one of the previous three crop years, except that acreage in tame hay or rotation pasture during the previous crop year shall not be considered new ground acreage.

(h) "Person" means an individual, partnership, association, corporation, estate, or trust or other business enterprise or other legal entity, and wherever applicable a State, a political subdivision of a State, or any agency thereof.

(i) "Pick" means the defects consisting of splits, damaged beans, contrasting classes and foreign material included in net weight beans, and where used shall be expressed in terms of percent of net weight beans.

(j) "Tenant" means a person who rents land from another person for a share of the bean crop, or proceeds therefrom, produced on such land.

21. *Irrigated acreage.* (a) The acreage of beans which shall be insured on the basis of irrigated coverage in any year shall not exceed the smaller of (1) that acreage which could be irrigated adequately with the facilities available, taking into consideration the amount of water required to irrigate the acreage of all irrigated crops on the farm, or (2) that acreage on which one irrigation is carried out in accordance with good farming practices as determined by the Corporation, either before the crop is planted or during the growing season. Insurance shall not attach with respect to acreage planted to beans the first year after being leveled.

(b) In addition to the causes of loss insured against shown on the first page of this policy the contract shall cover loss in production, due to failure of the water supply from natural causes, that could not be foreseen and prevented by the insured, including (1) lowering of the water level in pump wells adequate at the beginning of the growing season to the extent that either deepening the well or drilling a new well would be necessary to obtain an adequate supply of water, (2) failure of public power used for pumping or failure of an irrigation district or water company to deliver water where such failure is not within the control of the insured, and (3) the collapse of casing in wells.

(c) The contract shall not cover loss in production caused by (1) failure properly to apply adequate irrigation water to beans when needed and in accordance with recognized good farming practices for the area, (2) failure to provide adequate casing or properly to adjust the pumping equipment in the event of a lowering of the water level in pump wells when such adjustment can be made without deepening the well, (3) failure properly to apply irrigation water to beans in proportion to the need of the crop and the amount of water available for all irrigated crops, and (4) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which could be reasonably expected.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on December 16, 1955.

[SEAL] C. S. LAIDLAW,
Secretary,
Federal Crop Insurance Corporation.

Approved on December 22, 1955.

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10407; Filed, Dec. 28, 1955; 8:54 a. m.]

[Amdt. 2]

PART 424—BARLEY CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

The above identified regulations (19 F. R. 9315; 20 F. R. 7637) are hereby amended, effective beginning with the 1956 crop year as follows:

1. Subsection (d) of section 10 of the policy shown in § 424.6 is amended to read as follows:

(d) In determining any loss under the contract, production shall be valued at the fixed price, except that any threshed production of barley which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insured causes occurring within the insurance period and would not meet these requirements if properly handled, shall be valued by the Corporation at a price not in excess of the fixed price.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on December 16, 1955.

[SEAL] C. S. LAIDLAW,
Secretary,
Federal Crop Insurance Corporation.

Approved on December 22, 1955.

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10405; Filed, Dec. 28, 1955; 8:54 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—1956-57 MARKETING YEAR

DETERMINATION OF COUNTY NORMAL YIELDS FOR 1956 CROP

The regulations contained in § 728.608 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the determination of county normal yields of wheat for 1956, including the appraisal of yields for years in the ten-year period used in determining county normal yields for which the data are not available or in which there were no actual yields.

Prior to preparing the regulations in § 728.608, public notice (20 F. R. 655) was given in accordance with the Administrative Procedure Act. The data, views, and recommendations pertaining to the regulations in § 728.608, which were submitted, have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 728.608 *Determination of county normal yields for 1956 crop of wheat.* (a) A normal yield shall be determined for each wheat-producing county, except counties in States designated as outside the commercial wheat-producing area. A county normal yield for 1956 shall be determined on the basis of the average yield per acre of wheat for the county during the ten calendar years, 1945 through 1954, adjusted for abnormal weather conditions and trends in yields. In adjusting for abnormal weather conditions: (1) If the yield in any year of the nine-year period 1945 through 1953 was adjusted for abnormal weather conditions in determining the county normal yield for 1955 (§ 728.509, 19 F. R. 8128), such adjustment shall be applicable in determining the county normal yield for 1956; (2) if the yield for the crop of 1954 is less than 75 per centum of the average of the ten-year period 1945 through 1954 (computed without regard to such year) on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, such year shall be eliminated in calculating the normal yield per acre; and (3) if the yield for the crop of 1954 is more than 125 per centum of the average of the ten-year period 1945 through 1954 (computed without regard to such year) on account of abnormal weather conditions, there shall be substituted for such year a yield equivalent to 125 per centum of the average of the ten-year period 1945 through 1954 (computed without regard to such year).

(b) The adjustment for trends in yields shall be made by (1) multiplying the county normal yield of wheat determined for 1955 by ten; (2) deducting therefrom the yield for the crop of 1944, adjusted for abnormal weather conditions as indicated above; (3) adding to the remainder twice the yield for the crop of 1954 adjusted for abnormal weather conditions as indicated above; and (4) dividing the sum by eleven.

(c) If for any year of the ten-year period 1945 through 1954 the data are not available or there was no actual yield, the yield for such year shall be appraised by taking into consideration the yields in years for which data are available, and the yields for such year in nearby or adjacent counties, or crop reporting districts recognized by the Agricultural Marketing Service, in which the type of soil, topography, and farming practices associated with the production of wheat are similar.

(d) County normal yields for the 1956 crop of wheat, determined as indicated by paragraphs (a) to (c) of this section are as follows:

1956 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE

ARKANSAS

County	Normal yield	County	Normal yield
Arkansas	13.9	Lawrence	14.1
Ashley	11.3	Lee	15.8
Baxter	9.9	Lincoln	11.2
Benton	13.3	Little River	10.4
Boone	12.0	Logan	12.5
Carroll	13.5	Lonoke	17.0
Chicot	13.3	Madison	11.5
Clay	14.6	Marion	10.3
Cleburne	9.0	Miller	11.9
Cleveland	13.4	Mississippi	20.0
Columbia	10.3	Monroe	10.6
Conway	12.2	Montgomery	10.9
Craighead	13.3	Newton	11.6
Crawford	14.8	Perry	11.0
Crittenden	17.0	Phillips	15.5
Cross	16.2	Poinsett	15.5
Dallas	12.5	Polk	11.7
Desha	14.9	Pope	11.6
Drew	9.6	Prairie	16.2
Faulkner	12.3	Pulaski	20.6
Franklin	15.5	Randolph	15.0
Fulton	11.0	St. Francis	14.3
Garland	11.0	Saline	13.1
Grant	15.1	Scott	11.2
Greene	12.9	Searcy	10.1
Hempstead	16.1	Sebastian	12.1
Hot Spring	12.4	Sevier	9.2
Howard	10.8	Sharp	11.7
Independence	12.8	Stone	10.4
Izard	7.5	Van Buren	9.9
Jackson	14.3	Washington	13.1
Jefferson	12.0	White	13.3
Johnson	9.8	Woodruff	14.7
Lafayette	14.7	Yell	13.0

CALIFORNIA

Alameda	24.8	Plumas	13.6
Alpine	29.8	Riverside	16.0
Amador	20.9	Sacramento	20.8
Butte	20.1	San Benito	18.9
Calaveras	20.0	San Bernardino	28.3
Colusa	26.9	San Diego	16.7
Contra Costa	21.5	San Joaquin	16.9
El Dorado	17.7	San Luis Obispo	15.8
Fresno	32.0	San Mateo	24.0
Glenn	22.9	Santa Barbara	16.7
Humboldt	22.1	Santa Clara	20.9
Imperial	39.2	Santa Cruz	25.0
Inyo	26.2	Shasta	11.3
Kern	12.2	Sierra	14.9
Kings	28.2	Siskiyou	16.3
Lake	19.9	Solano	26.8
Lassen	14.1	Sonoma	18.9
Los Angeles	8.6	Stanislaus	22.3
Madera	14.8	Sutter	30.4
Marin	23.6	Tehama	18.0
Mariposa	17.6	Trinity	22.3
Mendocino	22.3	Tulare	15.9
Merced	21.0	Tuolumne	17.5
Modoc	16.7	Ventura	18.7
Mono	19.6	Yolo	32.9
Monterey	19.0	Yuba	14.0
Napa	23.4		
Nevada	17.1		
Orange	20.0		
Placer	14.8		

COLORADO

Adams	18.2	Denver	13.6
Alamosa	20.8	Dolores	14.2
Arapahoe	16.6	Douglas	18.4
Archuleta	18.8	Eagle	32.1
Baca	11.9	Elbert	14.4
Bent	17.9	El Paso	9.6
Boulder	19.8	Fremont	18.0
Chaffee	22.9	Garfield	22.8
Cheyenne	13.1	Gilpin	10.0
Clear Creek	11.7	Grand	17.0
Conejos	23.5	Gunnison	27.9
Costilla	22.6	Hinsdale	22.1
Crowley	13.5	Huerfano	10.7
Custer	14.7	Jackson	20.2
Delta	26.4	Jefferson	22.2

1956 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

COLORADO—Continued

County	Normal yield	County	Normal yield
Kiowa	9.8	Phillips	20.1
Kit Carson	16.0	Pitkin	27.9
Lake	8.7	Prowers	15.5
La Plata	22.4	Pueblo	13.8
Larimer	18.3	Rio Blanco	18.1
Las Animas	9.8	Rio Grande	23.9
Lincoln	12.7	Routt	19.7
Logan	18.6	Saguache	20.1
Mesa	20.1	San Juan	14.2
Mineral	17.2	San Miguel	14.2
Moffat	16.9	Sedgwick	22.7
Montezuma	16.3	Summit	15.3
Montrose	25.9	Teller	15.5
Morgan	14.4	Washington	15.4
Otero	18.3	Weld	15.8
Ouray	18.3	Yuma	17.4
Park	15.9		

DELAWARE

Kent	18.0	Sussex	17.5
New Castle	20.4		

GEORGIA

Appling	14.4	Habersham	15.3
Atkinson	12.3	Hall	15.5
Baker	12.9	Hancock	13.1
Baldwin	15.2	Haralson	15.7
Banks	15.7	Harris	12.3
Barrow	14.2	Hart	16.9
Bartow	16.6	Heard	16.5
Ben Hill	11.7	Henry	15.5
Berrien	15.1	Houston	19.5
Bibb	16.0	Irwin	14.5
Bleckley	12.7	Jackson	17.7
Brantley	13.2	Jasper	15.6
Brooks	13.1	Jefferson	15.0
Bryan	14.2	Jenkins	10.9
Bulloch	16.2	Johnson	13.6
Burke	13.6	Jones	16.0
Butts	15.7	Lamar	15.9
Calhoun	12.4	Laurens	15.3
Candler	17.0	Lee	21.3
Carroll	17.9	Lincoln	12.8
Catoosa	15.1	Long	10.8
Chattooga	11.9	Lowndes	10.4
Cherokee	17.3	Lumpkin	13.0
Clarke	15.2	McDuffie	12.1
Clay	11.6	Macon	16.8
Clayton	16.4	Madison	14.6
Clinch	15.4	Marion	14.2
Cobb	15.7	Meriwether	17.4
Coffee	13.7	Miller	14.6
Colquitt	14.4	Mitchell	18.3
Columbia	11.2	Monroe	16.0
Cook	13.7	Montgomery	16.4
Coweta	15.0	Morgan	15.2
Crawford	15.9	Murray	15.9
Crisp	16.7	Muscogee	11.2
Dade	14.1	Newton	15.7
Dawson	14.8	Oconee	14.7
Decatur	14.8	Oglethorpe	15.0
De Kalb	16.3	Paulding	14.7
Dodge	12.0	Peach	18.0
Dooly	17.7	Pickens	13.2
Dougherty	22.2	Pierce	15.4
Douglas	14.6	Pike	17.5
Early	23.5	Polk	16.0
Echols	14.5	Pulaski	16.4
Effingham	14.6	Putnam	17.4
Elbert	14.6	Quitman	9.5
Emanuel	14.6	Rabun	16.5
Evans	15.9	Randolph	13.9
Fannin	13.5	Richmond	13.0
Fayette	16.6	Rockdale	12.6
Floyd	15.4	Schley	14.4
Forsyth	17.3	Screven	16.1
Franklin	16.5	Seminole	12.9
Fulton	19.1	Spalding	16.4
Gilmer	12.8	Stephens	15.1
Glascock	13.4	Stewart	13.6
Gordon	14.2	Sumter	16.9
Grady	17.3	Talbot	16.5
Greene	11.6	Taliaferro	11.1
Gwinnett	14.1	Tattnall	11.5

1956 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

GEORGIA—Continued

County	Normal yield	County	Normal yield
Taylor	15.5	Walker	16.2
Telfair	16.4	Walton	17.3
Terrell	16.0	Ware	14.4
Thomas	17.0	Warren	14.0
Tift	16.1	Washington	13.1
Toombs	13.2	Webster	15.4
Towns	14.6	Wheeler	12.5
Treutlen	14.2	White	15.8
Troup	16.4	Whitfield	14.8
Turner	13.6	Wilcox	13.6
Twiggs	13.3	Wilkes	13.1
Union	16.0	Wilkinson	15.5
Upson	15.6	Worth	15.8

IDAHO

Ada	39.0	Gem	32.4
Adams	20.8	Gooding	40.1
Bannock	21.5	Idaho	29.2
Bear Lake	16.6	Jefferson	31.1
Benewah	30.1	Jerome	45.1
Bingham	32.5	Kootenai	20.9
Blaine	24.5	Latah	30.3
Boise	24.9	Lemhi	36.6
Bonner	17.9	Lewis	32.2
Bonneville	24.3	Lincoln	38.3
Boundary	29.5	Madison	24.3
Butte	28.1	Minidoka	38.7
Camas	17.0	Nez Perce	34.2
Canyon	44.7	Oneida	19.7
Caribou	22.8	Owyhee	47.1
Cassia	25.7	Payette	37.0
Clark	20.7	Power	18.0
Clearwater	25.2	Shoshone	19.4
Custer	35.0	Teton	20.7
Elmore	24.6	Twin Falls	48.9
Franklin	24.1	Valley	19.2
Fremont	24.7	Washington	23.5

ILLINOIS

Adams	23.6	Kankakee	25.7
Alexander	17.3	Kendall	27.9
Bond	21.5	Knox	26.5
Boone	27.4	Lake	26.2
Brown	23.0	La Salle	27.2
Bureau	26.4	Lawrence	17.3
Calhoun	22.9	Lee	27.7
Carroll	26.0	Livingston	27.4
Cass	25.8	Logan	28.3
Champaign	26.8	McDonough	26.9
Christian	28.2	McHenry	26.8
Clark	18.6	McLean	28.7
Clay	14.9	Macon	28.1
Clinton	17.7	Macoupin	23.2
Coles	24.4	Madison	20.9
Cook	25.1	Marion	17.5
Crawford	18.0	Marshall	27.8
Cumberland	20.0	Mason	24.0
De Kalb	29.7	Massac	16.5
De Witt	27.8	Menard	26.5
Douglas	27.5	Mercer	22.9
Du Page	26.5	Monroe	21.0
Edgar	24.9	Montgomery	24.4
Edwards	17.2	Morgan	26.5
Effingham	20.1	Moultrie	26.7
Fayette	18.8	Ogle	26.9
Ford	29.4	Peoria	27.6
Franklin	16.6	Perry	16.5
Fulton	24.6	Piatt	29.0
Gallatin	17.0	Pike	21.1
Greene	22.6	Pope	15.7
Grundy	26.1	Pulaski	17.4
Hamilton	16.0	Putnam	24.9
Hancock	24.4	Randolph	19.1
Hardin	16.5	Richland	16.1
Henderson	24.6	Rock Island	23.2
Henry	24.7	St. Clair	21.0
Iroquois	30.0	Saline	16.2
Jackson	17.3	Sangamon	26.6
Jasper	18.9	Schuyler	24.1
Jefferson	16.0	Scott	22.1
Jersey	22.5	Shelby	22.7
Jo Daviess	23.1	Stark	27.7
Johnson	16.3	Stephenson	24.8
Kane	27.6	Tazewell	27.2

1956 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

ILLINOIS—Continued

County	Normal yield	County	Normal yield
Union	17.1	White	15.1
Vermilion	27.2	Whiteside	24.7
Wabash	19.1	Will	27.0
Warren	27.1	Williamson	16.1
Washington	18.5	Winnebago	25.9
Wayne	15.5	Woodford	26.7

INDIANA

Adams	26.7	Lawrence	19.2
Allen	28.6	Madison	28.3
Bartholomew	19.4	Marion	25.9
Benton	31.2	Marshall	27.9
Blackford	22.9	Martin	16.5
Boone	25.3	Miami	25.7
Brown	18.1	Monroe	21.0
Carroll	24.7	Montgomery	26.5
Cass	26.0	Morgan	22.5
Clark	19.9	Newton	29.4
Clay	19.9	Noble	25.9
Clinton	26.9	Ohio	21.5
Crawford	15.8	Orange	20.0
Daviess	18.1	Owen	17.8
Dearborn	21.6	Parke	26.4
Decatur	20.5	Perry	16.7
De Kalb	24.9	Pike	17.4
Delaware	25.8	Porter	29.4
Dubois	20.3	Posey	19.6
Elkhart	25.3	Pulaski	27.0
Fayette	20.8	Putnam	23.7
Floyd	22.2	Randolph	25.5
Fountain	26.8	Ripley	20.6
Franklin	20.9	Rush	21.3
Fulton	23.9	St. Joseph	25.0
Gibson	18.8	Scott	19.0
Grant	27.7	Shelby	19.5
Greene	19.9	Spencer	16.4
Hamilton	26.5	Starke	24.5
Hancock	25.1	Steuben	25.5
Harrison	19.4	Sullivan	19.5
Hendricks	24.6	Switzerland	20.3
Henry	25.8	Tippecanoe	27.2
Howard	27.1	Tipton	28.1
Huntington	25.6	Union	22.5
Jackson	18.1	Vanderburgh	17.6
Jasper	26.9	Vermillion	23.7
Jay	23.4	Vigo	22.0
Jefferson	20.3	Wabash	24.9
Jennings	17.9	Warren	25.1
Johnson	22.8	Warrick	16.6
Knox	20.9	Washington	21.7
Kosciusko	27.0	Wayne	23.4
Lagrange	27.2	Wells	27.7
Lake	26.8	White	26.7
La Porte	26.9	Whitley	24.4

IOWA

Adair	17.5	Des Moines	23.8
Adams	19.2	Dickinson	17.7
Allamakee	21.8	Dubuque	22.1
Appanoose	16.0	Emmet	15.4
Audubon	16.4	Fayette	17.6
Benton	23.2	Floyd	18.7
Black Hawk	17.4	Franklin	19.9
Boone	22.2	Fremont	16.8
Bremer	18.3	Greene	20.6
Buchanan	18.0	Grundy	22.6
Buena Vista	20.7	Guthrie	16.6
Butler	16.5	Hamilton	22.4
Calhoun	20.7	Hancock	21.9
Carroll	17.6	Hardin	20.0
Cass	19.7	Harrison	16.4
Cedar	26.7	Henry	21.1
Cerro Gordo	20.2	Howard	17.6
Cherokee	19.7	Humboldt	18.2
Chickasaw	17.7	Ida	21.4
Clarke	15.7	Iowa	21.4
Clay	19.4	Jackson	18.3
Clayton	20.4	Jasper	22.3
Clinton	23.4	Jefferson	19.3
Crawford	20.2	Johnson	19.1
Dallas	21.8	Jones	23.5
Davis	19.2	Keokuk	19.9
Decatur	17.5	Kossuth	24.3
Delaware	22.8	Lee	20.7

1956 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

IOWA—Continued

County	Normal yield	County	Normal yield
Linn	22.3	Poweshiek	17.8
Louisa	21.9	Ringgold	18.1
Lucas	18.0	Sac	18.0
Lyon	18.7	Scott	25.3
Madison	21.8	Shelby	20.7
Mahaska	20.2	Sioux	20.4
Marion	16.9	Story	22.9
Marshall	21.5	Tama	20.4
Mills	20.9	Taylor	17.8
Mitchell	18.2	Union	17.3
Monona	14.6	Van Buren	19.1
Monroe	18.4	Wapello	19.9
Montgomery	21.0	Warren	19.3
Muscatine	20.6	Washington	19.9
O'Brien	18.4	Wayne	16.2
Osceola	16.9	Webster	20.5
Page	22.2	Winnebago	21.8
Palo Alto	15.9	Winneshiek	19.8
Plymouth	19.8	Woodbury	16.0
Pocahontas	20.2	Worth	17.0
Polk	23.0	Wright	20.9
Pottawattamie	17.8		

KANSAS

Allen	19.8	Linn	19.3
Anderson	21.3	Logan	14.2
Atchison	18.6	Lyon	19.1
Barber	16.4	McPherson	18.3
Barton	14.6	Marion	17.3
Bourbon	18.7	Marshall	17.2
Brown	22.1	Meade	15.7
Butler	18.8	Miami	19.6
Chase	22.0	Mitchell	13.2
Chautauqua	18.0	Montgomery	18.3
Cherokee	16.5	Morris	18.8
Cheyenne	20.7	Morton	10.2
Clark	15.2	Nemaha	19.8
Clay	16.4	Neosho	19.9
Cloud	15.8	Ness	12.8
Coffey	19.5	Norton	17.4
Comanche	15.6	Osage	20.7
Cowley	20.2	Osborne	12.6
Crawford	16.7	Ottawa	17.0
Decatur	20.1	Pawnee	15.3
Dickinson	16.3	Phillips	11.7
Doniphan	21.7	Pottawatomie	20.3
Douglas	21.2	Pratt	15.7
Edwards	14.5	Rawlins	22.2
Elk	18.8	Reno	17.1
Ellis	12.0	Republic	17.5
Ellsworth	16.4	Rice	17.1
Finney	15.4	Riley	19.5
Ford	15.4	Rooks	11.6
Franklin	20.1	Rush	13.8
Geary	20.9	Russell	12.8
Gove	14.0	Saline	16.5
Graham	12.6	Scott	16.6
Grant	16.0	Sedgwick	18.4
Gray	13.6	Seward	12.5
Greeley	14.7	Shawnee	22.4
Greenwood	20.3	Sheridan	15.0
Hamilton	16.6	Sherman	18.6
Harper	16.7	Smith	13.1
Harvey	18.1	Stafford	13.9
Haskell	13.7	Stanton	17.5
Hodgeman	11.7	Stevens	14.2
Jackson	19.5	Sumner	17.0
Jefferson	20.6	Thomas	17.4
Jewell	14.5	Trego	13.3
Johnson	20.9	Wabaunsee	19.1
Kearny	16.8	Wallace	18.1
Kingman	14.2	Washington	17.3
Kiowa	13.9	Wichita	16.6
Labette	18.4	Wilson	20.1
Lane	14.8	Woodson	17.7
Leavenworth	18.7	Wyandotte	19.2
Lincoln	17.0		

KENTUCKY

Adair	15.2	Bath	18.5
Allen	15.7	Bell	9.7
Anderson	14.0	Boone	12.9
Ballard	13.7	Bourbon	19.0
Barren	16.6	Boyd	12.3

1956 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

KENTUCKY—Continued

County	Normal yield	County	Normal yield
Boyle	14.9	Lee	8.2
Bracken	15.4	Lewis	13.4
Breckinridge	16.5	Lincoln	14.4
Bullitt	15.4	Livingston	12.1
Butler	11.5	Logan	18.1
Caldwell	16.3	Lyon	13.0
Calloway	15.0	McCracken	13.8
Campbell	17.8	McLean	16.3
Carlisle	16.2	Madison	16.8
Carroll	13.1	Magoffin	8.9
Carter	13.0	Marion	14.5
Casey	14.4	Marshall	12.2
Christian	16.7	Mason	18.4
Clark	16.7	Meade	14.9
Clay	8.6	Mercer	14.4
Clinton	13.2	Metcalfe	15.8
Crittenden	12.4	Monroe	14.8
Cumberland	12.8	Montgomery	16.0
Daviess	18.0	Morgan	11.2
Edmonson	10.8	Muhlenberg	16.6
Elliott	14.2	Nelson	16.4
Estill	10.1	Nicholas	17.0
Fayette	19.4	Ohio	13.7
Fleming	15.9	Oldham	19.2
Franklin	16.7	Owen	15.9
Fulton	15.8	Pendleton	14.2
Gallatin	16.6	Powell	9.3
Garrard	13.8	Pulaski	10.5
Grant	14.9	Robertson	15.5
Graves	17.2	Rockcastle	13.8
Grayson	11.9	Rowan	9.8
Green	11.2	Russell	13.1
Greenup	13.8	Scott	17.8
Hancock	16.1	Shelby	15.6
Hardin	14.0	Simpson	17.9
Harrison	17.2	Spencer	9.2
Hart	15.9	Taylor	15.5
Henderson	17.8	Todd	17.8
Henry	14.7	Trigg	16.7
Hickman	15.3	Trimble	16.3
Hopkins	13.7	Union	16.3
Jackson	12.1	Warren	15.6
Jefferson	20.5	Washington	11.3
Jessamine	16.8	Wayne	13.5
Kenton	14.6	Webster	15.3
Knox	12.5	Whitley	10.8
Larue	17.0	Wolfe	8.7
Laurel	9.9	Woodford	18.9
Lawrence	9.1		

MARYLAND

Allegany	18.2	Howard	21.2
Anne Arundel	15.6	Kent	20.5
Baltimore	20.1	Montgomery	20.4
Calvert	16.5	Prince Georges	15.6
Caroline	17.1	Queen Annes	17.6
Carroll	20.3	St. Marys	16.9
Cecil	22.2	Somerset	21.0
Charles	16.7	Talbot	19.2
Dorchester	19.5	Washington	19.6
Frederick	19.8	Wicomico	18.8
Garrett	21.8	Worcester	16.1
Harford	23.2		

MICHIGAN

Alcona	24.7	Crawford	17.8
Alger	11.0	Delta	25.2
Allegan	23.7	Dickinson	24.6
Alpena	27.5	Eaton	28.8
Antrim	23.4	Emmet	21.1
Arenac	27.2	Genesee	25.5
Baraga	22.2	Gladwin	25.6
Barry	24.7	Gogebic	17.9
Bay	29.4	Grand Traverse	23.1
Benzie	14.0	Gratiot	27.8
Berrien	25.4	Hillsdale	26.2
Branch	25.0	Houghton	18.1
Calhoun	25.4	Huron	29.8
Cass	23.5	Ingham	30.6
Charlevoix	25.2	Ionia	27.9
Cheboygan	23.0	Iosco	26.2
Chippewa	16.0	Iron	19.5
Clare	24.9	Isabella	28.7
Clinton	28.8	Jackson	26.1

1956 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

MICHIGAN—Continued

County	Normal yield	County	Normal yield
Kalamazoo	26.1	Newaygo	24.5
Kalkaska	12.8	Oakland	25.4
Kent	24.8	Oceana	24.8
Keweenaw	17.9	Ogemaw	23.0
Lake	23.9	Ontonagon	11.0
Lapeer	26.3	Osceola	24.2
Leelanau	21.5	Oscoda	18.7
Lenawee	27.6	Otsego	16.8
Livingston	25.8	Ottawa	24.3
Luce	17.5	Presque Isle	26.7
Mackinac	18.1	Roscommon	17.4
Macomb	25.5	Saginaw	28.6
Manistee	18.7	St. Clair	25.9
Marquette	24.3	St. Joseph	24.2
Mason	25.3	Sanilac	25.4
Mecosta	24.6	Schoolcraft	18.4
Menominee	23.8	Shiawassee	26.7
Midland	28.4	Tuscola	30.6
Missaukee	16.9	Van Buren	22.5
Monroe	26.3	Washtenaw	27.2
Montcalm	26.8	Wayne	25.5
Montmorency	24.7	Wexford	18.8
Muskegon	25.6		

MINNESOTA

Aitkin	14.1	Martin	19.4
Anoka	14.8	Meeker	19.0
Becker	16.4	Mille Lacs	16.2
Beltrami	17.3	Morrison	15.3
Benton	14.9	Mower	16.7
Big Stone	12.8	Murray	16.5
Blue Earth	20.6	Nicollet	19.6
Brown	16.9	Nobles	16.7
Carlton	14.0	Norman	16.9
Carver	24.2	Olmsted	17.2
Cass	14.6	Otter Tail	15.1
Chippewa	15.0	Pennington	17.0
Chisago	14.8	Pine	15.3
Clay	17.3	Polk	16.2
Clearwater	17.5	Pope	14.3
Cottonwood	19.6	Ramsey	19.1
Crow Wing	13.8	Red Lake	17.3
Dakota	16.7	Redwood	17.2
Dodge	19.0	Renville	16.0
Douglas	15.4	Rice	20.2
Faribault	18.2	Rock	16.9
Fillmore	17.3	Roseau	16.4
Freeborn	18.0	St. Louis	16.8
Goodhue	17.7	Scott	20.3
Grant	13.8	Sherburne	12.4
Hennepin	19.8	Sibley	19.5
Houston	18.9	Stearns	16.7
Hubbard	16.8	Steele	19.6
Isanti	14.2	Stevens	15.3
Itasca	17.0	Swift	13.6
Jackson	18.9	Todd	15.7
Kanabec	16.2	Traverse	13.6
Kandiyohi	15.7	Wabasha	17.4
Kittson	16.6	Wadena	14.2
Koochiching	15.7	Waseca	18.9
Lac qui Parle	14.4	Washington	16.4
Lake of the Woods	17.4	Watonwan	17.5
Le Sueur	19.1	Wilkin	15.1
Lincoln	17.7	Winona	18.1
Lyon	19.1	Wright	21.9
McLeod	22.0	Yellow Medicine	14.8
Mahnomen	18.2		
Marshall	16.7		

MISSOURI

Adair	18.9	Callaway	19.5
Andrew	21.1	Camden	14.1
Atchison	16.5	Cape Girardeau	19.1
Audrain	19.3	Carroll	17.2
Barry	19.0	Carter	14.6
Barton	17.3	Cass	17.3
Bates	17.0	Cedar	16.4
Benton	14.7	Chariton	17.4
Bollinger	13.9	Christian	19.8
Boone	15.5	Clark	21.1
Buchanan	19.3	Clay	19.3
Butler	17.1	Clinton	18.5
Caldwell	18.3		

1956 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

MISSOURI—Continued

County	Normal yield
Cole	16.5
Cooper	16.0
Crawford	16.6
Dade	20.5
Dallas	16.2
Daviess	20.4
De Kalb	20.0
Dent	16.1
Douglas	14.9
Dunklin	16.6
Franklin	20.5
Gasconade	19.0
Gentry	19.6
Greene	19.8
Grundy	17.6
Harrison	19.3
Henry	16.3
Hickory	15.1
Holt	18.5
Howard	17.1
Howell	14.0
Iron	17.3
Jackson	21.6
Jasper	19.1
Jefferson	16.5
Johnson	15.8
Knox	17.8
Laclede	16.7
Lafayette	19.9
Lawrence	18.6
Lewis	19.4
Lincoln	19.3
Linn	18.7
Livingston	20.2
McDonald	14.9
Macon	19.4
Madison	17.4
Maries	16.3
Marion	20.2
Mercer	20.8
Miller	18.3
Mississippi	18.0
Moniteau	17.3
Monroe	20.0
Montgomery	19.6
Morgan	16.3
New Madrid	20.2
Newton	17.7
Nodaway	20.0
Oregon	16.7
Osage	18.0
Ozark	12.3
Pemiscot	18.4
Perry	19.6
Pettis	16.5
Phelps	18.3
Pike	20.3
Platte	18.9
Polk	17.9
Pulaski	15.4
Putnam	18.3
Ralls	20.0
Randolph	18.8
Ray	18.3
Reynolds	17.8
Ripley	12.2
St. Charles	21.8
St. Clair	15.8
St. Francois	18.9
St. Louis	20.7
Ste. Genevieve	19.7
Saline	17.4
Schuyler	17.1
Scotland	19.3
Scott	15.4
Shannon	16.1
Shelby	19.8
Stoddard	14.7
Stone	20.9
Sullivan	16.6
Taney	15.0
Texas	16.5
Vernon	17.0
Warren	19.2
Washington	20.2
Wayne	17.1
Webster	18.1
Worth	18.1
Wright	16.0

MONTANA

County	Normal yield
Beaverhead	25.9
Big Horn	20.8
Blaine	13.4
Broadwater	19.8
Carbon	21.0
Carter	9.0
Cascade	21.8
Chouteau	19.5
Custer	10.7
Daniels	12.1
Dawson	11.3
Deer Lodge	29.2
Fallon	10.4
Fergus	17.4
Flathead	25.4
Gallatin	25.1
Garfield	8.6
Glacier	16.5
Golden Valley	15.1
Granite	20.5
Hill	13.6
Jefferson	20.1
Judith Basin	15.6
Lake	21.5
Lewis and Clark	19.5
Liberty	12.6
Lincoln	17.7
McCone	11.7
Madison	21.8
Meagher	16.1
Mineral	19.5
Missoula	23.7
Musselshell	14.7
Park	21.4
Petroleum	12.2
Phillips	12.3
Pondera	23.8
Powder River	13.1
Powell	21.6
Prairie	11.5
Ravalli	30.3
Richland	13.1
Roosevelt	14.7
Rosebud	14.0
Sanders	21.1
Sheridan	15.0
Silver Bow	21.5
Stillwater	18.2
Sweet Grass	17.4
Teton	22.8
Toole	15.5
Treasure	16.5
Valley	13.1
Wheatland	15.0
Wibaux	14.4
Yellowstone	21.0

NEBRASKA

County	Normal yield
Adams	16.6
Antelope	16.0
Arthur	11.4
Banner	21.7
Blaine	12.2
Boone	19.0
Box Butte	19.6
Boyd	11.8
Brown	12.0
Buffalo	16.5
Burt	24.3
Butler	22.2
Cass	22.8
Cedar	16.7
Chase	20.4
Cherry	9.7
Cheyenne	24.3
Clay	18.3
Colfax	22.4
Cuming	24.8
Custer	16.0
Dakota	19.0
Dawes	18.8
Dawson	17.4
Deuel	22.9
Dixon	17.8
Dodge	22.6
Douglas	22.5
Dundy	20.7
Fillmore	18.3
Franklin	15.4
Frontier	18.1
Furnas	17.8
Gage	19.5
Garden	21.3
Garfield	13.8
Gosper	19.4
Greeley	16.0
Hall	17.2
Hamilton	18.8
Harlan	19.6
Hayes	19.4
Hitchcock	19.6
Holt	11.6
Hooker	9.7
Howard	16.9
Jefferson	18.4
Johnson	19.2
Kearney	16.9
Keith	20.6
Keya Paha	11.8
Kimball	17.7
Knox	18.0
Lancaster	19.9
Lincoln	17.5
Logan	13.3
Loup	13.6
McPherson	10.9
Madison	20.2
Merrick	18.3
Morrill	17.7
Nance	20.1
Nemaha	20.4
Nuckolls	17.0
Otoe	21.8
Pawnee	17.4
Perkins	22.9
Phelps	18.0
Pierce	18.0
Platte	22.3
Polk	21.2
Redwillow	18.4
Richardson	20.5
Rock	11.8
Saline	19.8
Sarpy	23.0
Saunders	22.5
Scotts Bluff	21.8
Seward	21.1
Sheridan	16.9
Sherman	13.9
Sioux	15.3
Stanton	22.3
Thayer	19.5
Thomas	10.8
Thurston	21.5
Valley	16.5
Washington	24.3
Wayne	20.2
Webster	17.7
Wheeler	14.9
York	20.4

NEW JERSEY

County	Normal yield
Atlantic	19.1
Bergen	20.4
Burlington	24.2
Camden	22.8
Cape May	17.9
Cumberland	22.4
Essex	21.1
Gloucester	20.7
Hunterdon	24.3
Mercer	24.1
Middlesex	22.5
Monmouth	24.5
Morris	23.1
Ocean	18.5
Passaic	19.6
Salem	23.9
Somerset	22.3
Sussex	23.6
Union	23.5
Warren	23.1

NEW MEXICO

County	Normal yield
Bernalillo	11.2
Catron	9.7
Chaves	14.4
Colfax	7.4
Curry	5.7
De Baca	13.6
Dona Ana	26.4
Eddy	24.4
Grant	19.2
Guadalupe	11.8
Harding	4.6
Hidalgo	21.6
Lea	10.3
Lincoln	16.8
Luna	17.9
McKinley	12.0
Mora	9.5
Otero	19.2
Quay	5.2
Rio Arriba	8.1
Roosevelt	6.3
Sandoval	11.5
San Juan	21.8
San Miguel	7.9
Santa Fe	7.1
Sierra	21.8
Socorro	10.1
Taos	12.9
Torrance	3.0
Union	5.2
Valencia	13.6

NEW YORK

County	Normal yield
Albany	26.7
Allegany	27.2
Broome	25.8
Cattaraugus	26.7
Cayuga	27.9
Chautauqua	24.3
Chemung	28.5
Chenango	28.7
Clinton	24.1
Columbia	29.4
Cortland	27.6
Delaware	29.7
Dutchess	30.4
Erie	26.6
Essex	25.6
Franklin	21.5
Fulton	25.5
Genesee	29.3
Greene	29.4
Herkimer	31.6
Jefferson	19.8
Lewis	19.3
Livingston	28.0
Madison	29.9
Monroe	28.6
Montgomery	26.3
Nassau	25.1
Niagara	26.4
Oneida	31.6
Onondaga	28.4
Ontario	29.8
Orange	27.4
Orleans	25.9
Oswego	23.7
Otsego	29.2
Putnam	28.9
Rensselaer	27.6
Rockland	26.3
St. Lawrence	18.9
Saratoga	29.6
Schenectady	27.0
Schoharie	30.7
Schuyler	26.1
Seneca	25.8
Steuben	24.8
Suffolk	25.9
Sullivan	26.8
Tioga	29.2
Tompkins	26.9
Ulster	23.9
Warren	27.8
Washington	30.3
Wayne	27.1
Westchester	30.3
Wyoming	30.1
Yates	29.0

NORTH CAROLINA

County	Normal yield
Alamance	19.6
Alexander	16.5
Alleghany	22.0
Anson	18.0
Ashe	17.3
Avery	17.0
Beaufort	17.7
Bertie	20.2
Bladen	21.8
Brunswick	20.8
Buncombe	17.9
Burke	16.9
Cabarrus	16.8
Caldwell	18.2
Camden	15.1
Carteret	17.7
Caswell	19.1
Catawba	16.9
Chatham	16.8
Cherokee	15.2
Chowan	19.2
Clay	15.5
Cleveland	19.3
Columbus	23.6
Craven	22.1
Cumberland	17.9
Currituck	19.7
Davidson	18.7
Davie	16.6
Duplin	22.1
Durham	17.3
Edgecombe	22.6
Forsyth	20.9
Franklin	18.9
Gaston	18.9
Gates	14.5
Graham	16.4
Granville	19.8
Greene	20.3
Guilford	20.9
Halifax	18.7
Harnett	17.4
Haywood	19.8
Henderson	18.5
Hertford	18.5
Hoke	18.6
Hyde	14.5
Iredell	18.9
Jackson	18.3
Johnston	19.9
Jones	17.3
Lee	20.0
Lenoir	20.0
Lincoln	18.7
McDowell	16.4
Macon	17.7
Madison	18.1
Martin	16.3
Mecklenburg	16.9
Mitchell	16.0
Montgomery	16.6
Moore	16.9
Nash	24.1
New Hanover	19.1
Northampton	16.7
Onslow	20.2
Orange	17.1
Pamlico	19.2
Pasquotank	20.9
Pender	19.7
Perquimans	19.7
Person	17.3
Pitt	21.4
Polk	19.4
Randolph	17.3
Richmond	16.5
Robeson	19.6
Rockingham	21.0
Rowan	19.2
Rutherford	18.5
Sampson	21.9
Scotland	17.1
Stanly	16.0
Stokes	20.5
Surry	20.9
Swain	15.9
Transylvania	16.9
Tyrrell	16.8
Union	19.3
Vance	19.3
Wake	20.5
Warren	17.9
Washington	18.0
Watauga	18.1
Wayne	21.5
Wilkes	18.4
Wilson	23.1
Yadkin	21.4
Yancey	17.3

NORTH DAKOTA

County	Normal yield
Adams	13.4
Barnes	14.0
Benson	13.2
Billings	10.4
Bottineau	14.8
Bowman	12.4
Burke	12.3
Burleigh	10.2
Cass	17.2
Cavalier	15.7
Dickey	12.6
Divide	11.8
Dunn	11.5
Eddy	10.9
Emmons	9.8
Foster	13.6
Golden Valley	14.1
Grand Forks	15.8
Grant	10.5
Griggs	12.7
Hettinger	12.4
Kidder	9.1
La Moure	12.3
Logan	11.4
McHenry	12.1
McIntosh	10.0
McKenzie	12.0
McLean	11.2
Mercer	11.9
Morton	10.8
Nowata	14.5
Okfuskee	12.7
Oklahoma	13.2
Okmulgee	11.9
Osage	16.2
Ottawa	17.3
Pawnee	15.1
Payne	12.9
Pittsburg	13.9
Pontotoc	13.2
Pottawatomie	15.3
Roger Mills	9.3
Rogers	13.6
Seminole	11.3
Sequoyah	13.1
Stephens	10.9
Texas	10.5
Tillman	17.3
Tulsa	14.6
Wagoner	13.3
Washington	15.1
Washita	12.8
Woods	14.6
Woodward	10.6

OHIO

County	Normal yield
Adams	18.4
Allen	28.0
Ashland	24.5
Ashtabula	24.5
Athens	21.1
Auglaize	28.0
Belmont	23.1
Brown	19.1
Butler	23.4
Carroll	24.7
Champaign	26.4
Clark	26.3
Clermont	21.2
Clinton	24.0
Columbiana	27.1
Coshocton	22.8
Crawford	23.7
Cuyahoga	23.8
Darke	25.8
Defiance	24.2
Delaware	24.3
Erie	26.4
Fairfield	23.9
Fayette	24.3
Franklin	26.1
Fulton	28.4
Gallia	19.4
Geauga	25.3
Greene	24.2
Guernsey	21.2
Hamilton	24.7
Hancock	28.0
Hardin	27.3
Harrison	24.2
Henry	27.3
Highland	20.6
Hocking	19.9
Holmes	24.7
Huron	24.2
Jackson	19.5
Jefferson	25.7
Knox	23.0
Lake	25.3
Lawrence	19.8
Licking	24.2
Logan	25.8
Lorain	24.6
Lucas	28.5
Madison	26.1
Mahoning	26.1
Marion	25.6
Medina	25.6
Meigs	21.8
Mercer	27.4
Miami	25.9
Monroe	22.0
Montgomery	25.4
Morgan	22.7
Morrow	22.5
Muskingum	24.1
Noble	21.1
Ottawa	25.5
Paulding	25.1
Perry	23.9
Pickaway	23.1
Pike	19.6
Portage	25.6
Preble	24.4
Putnam	28.9
Richland	23.7
Ross	22.1
Sandusky	26.9
Scioto	20.8
Seneca	24.9
Shelby	26.7
Stark	26.6
Summit	26.1
Trumbull	26.1
Tuscarawas	24.5
Union	24.7
Van Wert	29.4
Vinton	19.7
Warren	23.4
Washington	23.0
Wayne	26.1
Williams	25.6
Wood	28.3
Wyandot	24.3

OKLAHOMA

County	Normal yield
Adair	12.3
Alfalfa	17.6
Atoka	12.5
Beaver	10.8
Beckham	10.4
Blaine	14.6
Bryan	12.2
Caddo	13.2
Canadian	13.5
Carter	9.5
Cherokee	12.0
Choctaw	11.2
Cimarron	6.7
Cleveland	12.6
Coal	13.1
Comanche	12.6
Cotton	12.8
Craig	14.3
Creek	11.0
Custer	13.2
Delaware	14.7
Dewey	11.6
Ellis	11.4
Garfield	15.8
Garvin	13.4
Grady	13.2
Grant	17.3
Greer	10.1
Harmon	9.9
Harper	13.2
Haskell	12.4
Hughes	14.5
Jackson	12.7
Jefferson	10.4
Johnston	9.5
Kay	18.1
Kingfisher	14.2
Kiowa	11.6
Le Flore	13.9
Lincoln	11.3
Logan	13.7
Love	11.2
McClain	13.0
McIntosh	11.8
Major	15.0
Marshall	10.3
Mayes	12.7
Murray	13.5
Muskogee	12.1
Noble	14.1
Oklahoma	24.1
Okmulgee	13.1
Osage	10.9
Ottawa	17.3
Pawnee	14.6
Payne	13.3
Pittsburg	15.1
Pontotoc	12.8
Pottawatomie	14.6
Roger Mills	10.6
Rogers	13.6
Seminole	11.3
Sequoyah	13.1
Stephens	10.9
Texas	10.5
Tillman	17.3
Tulsa	14.6
Wagoner	13.3
Washington	15.1
Washita	12.8
Woods	14.6
Woodward	10.6

OREGON

County	Normal yield
Baker	27.9
Benton	23.0
Clackamas	25.6
Clatsop	26.9
Columbia	21.2
Coos	17.8
Crook	30.6
Deschutes	27.5
Douglas	17.5
Gilliam	24.2
Grant	21.9
Harney	19.7
Hood River	34.0
Jackson	23.9
Jefferson	23.4
Josephine	21.4
Klamath	19.2
Lake	17.4
Lane	21.2
Lincoln	24.1
Linn	22.4
Malheur	37.1
Marion	27.3
Morrow	22.2
Multnomah	23.8
Polk	25.8
Sherman	28.3
Tillamook	35.4
Umatilla	28.6
Union	31.2
Wallowa	22.4
Wasco	24.6
Washington	29.0
Wheeler	19.6
Yamhill	26.9

PENNSYLVANIA

County	Normal yield
Adams	20.4
Allegheny	22.9
Armstrong	21.8
Beaver	25.6
Bedford	20.9
Berks	22.2
Blair	22.4
Bradford	22.7
Bucks	24.3
Butler	23.7
Cambria	21.7
Cameron	20.4
Carbon	20.5
Centre	23.7
Chester	25.7
Clarion	22.7
Clearfield	21.5
Clinton	22.7
Columbia	21.0
Crawford	23.0
Cumberland	22.2
Dauphin	21.8
Delaware	25.1
Elk	21.1
Erie	23.9
Fayette	22.0
Forest	21.4
Franklin	19.9
Fulton	17.8
Greene	21.6
Huntingdon	19.9
Indiana	20.9
Jefferson	23.5
Juniata	21.1
Lackawanna	21.7
Lancaster	26.1
Lawrence	24.1
Lebanon	24.5
Lehigh	22.8
Luzerne	20.4
Lycoming	20.9
McKean	21.6
Mercer	23.2
Mifflin	23.1
Monroe	21.6
Montgomery	23.0
Montour	20.2
Northampton	23.7
Northumberland	22.0
Perry	21.4
Philadelphia	24.2
Pike	20.7
Potter	23.0
Schuylkill	20.7
Snyder	21.3
Somerset	21.7
Sullivan	22.9
Susquehanna	21.6
Tioga	21.5
Union	22.2
Venango	22.1
Warren	21.7
Washington	23.9
Wayne	21.8
Westmoreland	23.4
Wyoming	22.6
York	23.4

SOUTH CAROLINA

County	Normal yield
Abbeville	14.3
Aiken	13.4
Allendale	16.2
Anderson	16.7
Bamberg	15.4
Barnwell	15.5
Beaufort	15.1
Berkeley	18.6
Calhoun	17.9
Charleston	18.1
Cherokee	17.2
Chester	16.5
Chesterfield	16.7
Clarendon	19.2
Colleton	17.4
Darlington	19.6
Dillon	19.9
Dorchester	17.7
Edgefield	16.7
Fairfield	14.6
Florence	20.6
Georgetown	20.4
Greenville	15.9
Greenwood	17.0
Hampton	19.0
Horry	22.7
Jasper	16.0
Kershaw	15.3
Lancaster	17.6
Laurens	17.0
Lee	18.0
Lexington	15.4
McCormick	14.7
Marion	22.3
Marlboro	21.6
Newberry	16.6
Oconee	18.5
Orangeburg	18.2
Pickens	15.4
Richland	17.7
Saluda	16.8
Spartanburg	16.8
Sumter	21.4
Union	16.4
Williamsburg	19.8
York	17.0

SOUTH DAKOTA

County	Normal yield
Aurora	10.4
Beadle	11.1
Bennett	15.3
Bon Homme	10.9
Brookings	13.2
Brown	11.6
Brule	10.8
Buffalo	10.6
Butte	14.1
Campbell	11.2
Charles Mix	11.4
Clark	12.2
Clay	12.8
Codington	11.5
Corson	10.3
Custer	11.8
Davison	11.5
Day	12.5
Deuel	11.3
Dewey	10.7
Douglas	10.7
Edmunds	10.2
Fall River	13.0
Faulk	10.3
Grant	12.9
Gregory	11.4
Haakon	10.5
Hamlin	12.7
Hand	11.0
Hanson	11.7
Harding	10.8
Hughes	9.9
Hutchinson	10.7
Hyde	10.3
Jackson	10.2
Jerauld	11.2
Jones	10.1
Kingsbury	11.8
Lake	12.1
Lawrence	12.8
Lincoln	12.3
Lyman	11.0
McCook	12.2
McPherson	9.4
Marshall	11.8
Meade	11.0
Mellette	10.7
Miner	10.1
Minnehaha	12.4
Moody	12.4
Pennington	10.9
Perkins	10.1
Potter	10.5
Roberts	12.4
Sanborn	10.5
Shannon	15.4
Spink	10.5
Stanley	10.2
Sully	12.6
Todd	11.1
Tripp	10.9
Turner	12.4
Union	12.9
Walworth	10.6
Washabaugh	12.3
Yankton	12.6
Ziebach	11.3

TENNESSEE

County	Normal yield
Anderson	13.9
Bedford	12.5
Benton	12.2
Bledsoe	16.6
Blount	13.5
Bradley	15.8
Campbell	12.5
Cannon	12.9
Carroll	16.7
Carter	18.1
Cheatham	16.4
Chester	15.1
Claiborne	12.4
Clay	14.0
Cocke	14.2
Coffee	15.5
Crockett	11.8
Cumberland	17.4
Davidson	11.2
Decatur	12.5
De Kalb	13.2
Dickson	15.2
Dyer	15.0
Fayette	15.4
Fentress	15.8
Franklin	12.4
Gibson	12.6
Giles	14.8
Grainger	13.7
Greene	16.3
Grundy	16.9
Hamblen	14.2
Hamilton	13.2
Hancock	15.8
Hardeman	11.7
Hardin	15.2
Hawkins	14.0
Haywood	11.6
Henderson	16.0
Henry	11.1
Hickman	14.4
Houston	12.7
Humphreys	11.2
Jackson	17.9
Jefferson	15.8
Johnson	16.0
Knox	16.4
Lauderdale	19.3
Lawrence	12.7
Lewis	11.2
Lincoln	13.3
Loudon	14.9
McMinn	13.1
McNairy	13.9
Macon	11.4
Madison	14.1
Marion	13.5
Marshall	13.7
Maury	16.2
Meigs	12.4
Monroe	13.1
Montgomery	17.3
Moore	13.2
Morgan	14.9
Obion	16.2
Overton	13.6
Perry	9.8
Pickett	14.7
Polk	14.1
Putnam	12.3
Rhea	14.5
Roane	13.9
Robertson	17.4

1956 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

TENNESSEE—Continued

County	Normal yield	County	Normal yield
Rutherford	13.8	Unicoi	16.2
Scott	15.2	Union	14.6
Sequatchie	13.8	Van Buren	13.5
Sevier	14.3	Warren	14.0
Shelby	16.9	Washington	16.4
Smith	11.3	Wayne	10.7
Stewart	14.0	Weakley	14.9
Sullivan	16.1	White	14.4
Sumner	13.7	Williamson	15.4
Tipton	18.6	Wilson	13.4
Trousdale	11.1		

TEXAS

County	Normal yield	County	Normal yield
Andrews	4.9	Hall	9.7
Archer	9.1	Hamilton	8.3
Armstrong	10.1	Hansford	11.1
Atascosa	7.7	Hardeman	9.3
Austin	7.9	Harris	7.6
Bailey	7.6	Hartley	9.0
Bandera	9.9	Haskell	9.0
Bastrop	10.3	Hays	8.4
Baylor	10.7	Hemphill	9.9
Bee	9.3	Henderson	9.6
Bell	9.4	Hill	9.5
Bexar	9.2	Hockley	7.2
Blanco	8.1	Hood	9.4
Borden	4.9	Howard	5.2
Bosque	9.8	Hudspeth	12.5
Bowie	12.4	Hunt	12.0
Brazos	9.3	Hutchinson	10.4
Briscoe	7.5	Irion	7.1
Brown	7.6	Jack	7.7
Burleson	9.2	Jackson	9.0
Burnet	8.2	Jeff Davis	12.9
Caldwell	8.8	Johnson	10.5
Callahan	8.3	Jones	7.7
Carson	9.7	Karnes	10.1
Castro	8.9	Kaufman	9.5
Chambers	7.5	Kendall	8.0
Childress	8.8	Kent	6.0
Clay	9.4	Kerr	9.9
Cochran	7.6	Kimble	7.6
Coke	5.8	King	7.1
Coleman	8.5	Knox	11.4
Collin	13.0	Lamar	11.7
Collingsworth	8.5	Lamb	8.9
Comal	7.7	Lampasas	11.0
Comanche	7.4	Limestone	9.3
Concho	7.4	Lipscomb	9.4
Cooke	12.1	Live Oak	8.9
Coryell	8.3	Llano	10.5
Cottle	7.6	Lubbock	8.7
Crosby	7.7	Lynn	6.5
Culberson	9.4	McCulloch	9.2
Dallam	7.9	McLennan	9.4
Dallas	12.8	Martin	6.5
Dawson	7.1	Mason	9.0
Deaf Smith	6.8	Maverick	10.2
Delta	10.7	Medina	8.4
Denton	13.2	Menard	7.0
De Witt	9.3	Midland	5.7
Dickens	7.6	Milam	9.8
Dimmit	10.8	Mills	8.1
Donley	7.2	Mitchell	6.8
Eastland	8.9	Montague	10.4
Edwards	7.8	Moore	9.9
Ellis	11.3	Motley	8.0
Erath	9.1	Navarro	10.5
Falls	10.1	Nolan	6.5
Fannin	11.3	Ochiltree	11.6
Fisher	6.7	Oldham	7.1
Floyd	9.8	Palo Pinto	6.9
Foard	10.1	Parker	7.9
Fort Bend	9.5	Parmer	8.6
Gaines	5.1	Pecos	12.2
Garza	6.6	Potter	9.4
Gillespie	9.6	Presidio	12.4
Glasscock	4.6	Rains	8.8
Goliad	9.4	Randall	9.0
Gonzales	9.5	Real	9.4
Gray	9.7	Red River	8.3
Grayson	12.2	Reeves	12.4
Guadalupe	7.9	Roberts	8.8
Hale	10.2		

1956 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

TEXAS—Continued

County	Normal yield	County	Normal yield
Rockwall	12.2	Tom Green	6.1
Runnels	6.8	Travis	10.1
San Saba	11.8	Uvalde	7.8
Schleicher	6.5	Van Zandt	9.6
Scurry	6.4	Victoria	8.7
Shackelford	7.9	Waller	9.1
Sherman	10.7	Ward	11.6
Somervell	9.0	Wharton	9.0
Stephens	7.7	Wheeler	8.8
Sterling	6.1	Wichita	10.6
Stonewall	6.6	Wilbarger	12.0
Sutton	9.0	Williamson	9.3
Swisher	10.0	Wilson	8.5
Tarrant	10.8	Wise	11.3
Taylor	7.2	Yoakum	5.8
Terry	6.2	Young	8.7
Throckmorton	10.7	Zavala	9.8
Titus	8.9		

UTAH

County	Normal yield	County	Normal yield
Beaver	22.4	Piute	28.9
Box Elder	20.3	Rich	21.6
Cache	21.9	Salt Lake	22.2
Carbon	25.6	San Juan	15.3
Daggett	30.7	Sanpete	19.5
Davis	33.2	Sevier	29.5
Duchesne	25.0	Summit	28.3
Emery	26.2	Tooele	14.8
Garfield	20.4	Uintah	25.7
Grand	20.8	Utah	23.0
Iron	18.7	Wasatch	35.9
Juab	15.1	Washington	12.8
Kane	15.1	Wayne	33.7
Millard	15.2	Weber	32.5
Morgan	27.6		

VIRGINIA

County	Normal yield	County	Normal yield
Accomac	20.2	Isle of Wight	22.9
Albemarle	19.3	James City	17.6
Alleghany	18.6	King and Queen	19.5
Amelia	19.7	King George	20.7
Amherst	16.8	King William	18.3
Appomattox	19.0	Lancaster	20.7
Arlington	18.4	Lee	17.0
Augusta	20.9	Loudoun	20.9
Bath	20.3	Louisa	18.9
Bedford	19.0	Lunenburg	20.2
Bland	19.0	Madison	18.1
Botetourt	20.0	Mathews	17.5
Brunswick	19.6	Mecklenburg	18.3
Buchanan	11.1	Middlesex	18.7
Buckingham	18.3	Montgomery	19.2
Campbell	18.8	Nansemond	19.9
Caroline	21.0	Nelson	17.4
Carroll	17.8	New Kent	17.1
Charles City	21.5	Norfolk	23.0
Charlotte	21.9	Northampton	19.9
Chesterfield	19.7	Northumberland	22.0
Clarke	21.7	Nottoway	20.9
Craig	19.4	Orange	20.5
Culpeper	19.5	Page	20.5
Cumberland	19.0	Patrick	17.8
Dickenson	11.9	Pittsylvania	19.0
Dinwiddie	21.8	Powhatan	20.0
Essex	19.7	Prince Edward	19.7
Fairfax	21.4	Prince George	18.8
Fauquier	19.3	Prince William	20.0
Floyd	18.5	Princess Anne	20.4
Fluvanna	20.0	Pulaski	19.4
Franklin	20.5	Rappahannock	17.3
Frederick	19.0	Richmond	21.5
Giles	18.0	Roanoke	22.3
Gloucester	17.5	Rockbridge	19.0
Goochland	19.7	Rockingham	21.3
Grayson	17.1	Russell	15.7
Greene	15.0	Scott	17.8
Greensville	17.7	Shenandoah	20.0
Halifax	19.0	Smyth	17.8
Hampton	20.0	Southampton	22.1
Hanover	19.8	Spotsylvania	19.9
Henrico	21.8		
Henry	19.2		
Highland	19.8		

1956 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

VIRGINIA—Continued

County	Normal yield	County	Normal yield
Stafford	18.2	Washington	19.6
Surry	20.6	Westmoreland	22.7
Sussex	19.2	Wise	14.7
Tazewell	20.3	Wythe	19.3
Warren	18.8	York	15.2
Warwick	23.5		

WASHINGTON

County	Normal yield	County	Normal yield
Adams	22.8	Lewis	21.5
Asotin	25.8	Lincoln	30.1
Benton	21.3	Mason	20.1
Chelan	18.7	Okanogan	20.6
Clallam	31.7	Pacific	25.1
Clark	20.7	Pend Oreille	16.6
Columbia	32.2	Pierce	25.2
Cowlitz	14.6	San Juan	22.0
Douglas	21.5	Skagit	38.3
Ferry	16.3	Skamania	19.6
Franklin	24.2	Snohomish	32.7
Garfield	33.8	Spokane	25.9
Grant	22.3	Stevens	21.9
Grays Harbor	25.6	Thurston	22.3
Island	36.1	Wahkiakum	26.5
Jefferson	25.4	Walla Walla	29.8
King	29.3	Whatcom	31.0
Kitsap	20.4	Whitman	33.8
Kittitas	35.9	Yakima	32.8
Klickitat	21.1		

WEST VIRGINIA

County	Normal yield	County	Normal yield
Barbour	17.9	Mineral	18.0
Berkeley	17.6	Mingo	11.6
Boone	14.7	Monongalia	21.6
Braxton	14.9	Monroe	19.5
Brooke	19.3	Morgan	14.5
Cabell	16.3	Nicholas	18.8
Calhoun	15.1	Ohio	18.5
Clay	11.9	Pendleton	17.9
Doddridge	16.7	Pleasants	18.8
Fayette	13.1	Pocahontas	20.6
Gilmer	15.7	Preston	19.8
Grant	20.2	Putnam	17.3
Greenbrier	20.0	Raleigh	19.2
Hampshire	20.5	Randolph	20.5
Hancock	20.6	Ritchie	18.2
Hardy	18.9	Roane	17.2
Harrison	18.4	Summers	17.5
Jackson	17.8	Taylor	13.9
Jefferson	19.1	Tucker	16.5
Kanawha	15.6	Tyler	17.5
Lewis	17.7	Upshur	14.8
Lincoln	15.4	Wayne	15.3
Logan	16.0	Webster	15.1
McDowell	12.7	Wetzel	19.3
Marion	21.0	Wirt	17.8
Marshall	18.9	Wood	20.2
Mason	17.9	Wyoming	16.1
Mercer	17.2		

WISCONSIN

County	Normal yield	County	Normal yield
Adams	17.2	Iowa	23.6
Ashland	15.6	Iron	17.8
Barron	17.7	Jackson	20.7
Bayfield	17.1	Jefferson	26.9
Brown	23.9	Juneau	19.9
Buffalo	21.0	Kenosha	26.6
Burnett	15.5	Kewaunee	24.7
Calumet	25.2	La Crosse	22.7
Chippewa	18.8	Lafayette	25.1
Clark	22.3	Langlade	21.7
Columbia	25.7	Lincoln	21.0
Crawford	23.4	Manitowoc	25.2
Dane	28.1	Marathon	22.4
Dodge	27.7	Marinette	20.7
Door	23.6	Marquette	18.5
Douglas	16.2	Milwaukee	25.0
Dunn	18.6	Monroe	23.0
Eau Claire	18.7	Oconto	21.2
Florence	16.7	Oneida	19.0
Fond du Lac	27.6	Outagamie	25.5
Forest	15.3	Ozaukee	27.2
Grant	25.1	Pepin	22.8
Green	27.1	Pierce	22.2
Green Lake	21.7	Polk	17.4

1956 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

WISCONSIN—Continued

County	Normal yield	County	Normal yield
Portage	16.6	Trempealeau	20.8
Price	18.4	Vernon	24.3
Racine	27.2	Vilas	18.1
Richland	22.6	Walworth	26.0
Rock	26.0	Washburn	15.3
Rusk	16.9	Washington	27.1
St. Croix	21.0	Waukesha	25.6
Sauk	23.1	Waupaca	20.0
Sawyer	15.1	Waushara	17.4
Shawano	22.8	Winnebago	26.3
Sheboygan	26.7	Wood	20.9
Taylor	20.2		

WYOMING

County	Normal yield	County	Normal yield
Albany	14.4	Natrona	16.9
Big Horn	28.3	Niobrara	12.0
Campbell	14.8	Park	27.6
Carbon	13.1	Platte	17.9
Converse	13.8	Sheridan	19.7
Crook	15.8	Sublette	18.7
Fremont	27.6	Sweetwater	22.8
Goshen	16.8	Teton	21.8
Hot Springs	27.2	Uinta	23.0
Johnson	18.3	Washakie	25.8
Laramie	15.7	Weston	15.1
Lincoln	15.3		

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C., this 22d day of December 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10400; Filed, Dec. 28, 1955; 8:52 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Determination 878.8]

PART 878—SUGARCANE; VIRGIN ISLANDS

1956 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 11, 1955, the following determination is hereby issued:

§ 878.8 *Fair and reasonable prices for the 1956 crop of Virgin Islands sugarcane.* A producer of sugarcane in the Virgin Islands who is also a processor of sugarcane (hereinafter referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1956 crop grown by other producers and processed by him, prices determined in accordance with the following requirements:

(a) *Definitions.* For the purpose of this section, the term:

(1) "Raw sugar" means 96° raw sugar.

(2) "Settlement period" means the two-week period in which sugarcane is delivered by the producer to the processor. The first such period shall start on Monday of the week grinding commences and successive periods shall start at two-week intervals thereafter.

(3) "Average price of raw sugar" means the simple average of the daily spot quotations of raw sugar of the New York Coffee and Sugar Exchange (domestic contract), adjusted to a duty-paid basis by adding to each daily quotation the United States duty prevailing on Cuban raw sugar on that day, for the period on which settlement is based, except that, if the Director of the Sugar Division determines that for any such period such average price does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the average price to be effective under this determination, which he determines will reflect the true market value of raw sugar.

(4) "F. o. b. mill price" means the average price of raw sugar minus selling and delivery expenses (converted to a pound unit) actually incurred by the processor in the marketing of 1956 crop raw sugar (other than bags or storage in company warehouses).

(5) "Yield of raw sugar" means the yield of raw sugar per 100 pounds of sugarcane determined for each settlement period in accordance with the following procedure:

A representative sample of not less than six stalks of sugarcane shall be taken from each producer's truckload or partial load and the juice shall be extracted by a laboratory power mill. Correlating factors shall be established between the laboratory power mill juice and the factory crusher juice brix and sucrose not less than once weekly during a continuous 8-hour period. While establishing these correlating factors, the "cush-cush" or juice screenings shall be returned to the milling process at a point after the first crusher, that is, before the second or third or any subsequent mill. The correlating factors then shall be applied to the laboratory mill analysis of brix and sucrose to bring the laboratory mill analysis to the equivalent of factory crusher juice analysis.

Application shall then be made of the formula, $R=(S-0.3B)F$, in which:

R = Recoverable sugar yield, 96° polarization.
S = Polarization of the crusher juice obtained from the sugarcane of each producer.
B = Brix of the crusher juice obtained from the sugarcane of each producer.
F = Factor obtained from the fraction whose numerator is the average yield of sugar, 96° polarization, obtained from the aggregate grinding during each settlement period in which the sugarcane of the producer has been ground and whose denominator is the average polarization of the crusher juice minus three-tenths of the brix of the crusher juice, both components of the denominator being obtained from the aggregate grinding during the settlement period in which the sugarcane of the producer has been ground.

(b) *Basic payment.* The processor shall pay, or contract to pay, the producer for sugarcane delivered during a settlement period the f. o. b. mill price of that portion of the raw sugar determined by applying the following applicable percentage to the yield of raw sugar from the producer's sugarcane:

Yield of raw sugar per 100 pounds of sugarcane (pounds):	Percentage
6.0	59.0
7.0	60.0
8.0	61.0
9.0	62.0
10.0	63.0
11.0	64.0
12.0	65.0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(c) *Molasses payment.* The processor shall pay the producer for each 100 pounds of sugarcane delivered an amount computed by applying the following applicable percentage to the net proceeds derived from the sale of blackstrap molasses produced per 100 pounds of sugarcane for the 1956 crop:

Yield of raw sugar per 100 pounds of sugarcane (pounds):	Percentage
6.0	86.0
7.0	80.0
8.0	74.0
9.0	68.0
10.0	62.0
11.0	56.0
12.0	50.0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(d) *Transportation allowances to producers.* The processor shall make an allowance to the producer equal to 50 percent of the rate, as agreed upon between the parties, for loading sugarcane at the farm and for its transportation to the mill.

(e) *Reporting requirement.* The processor shall submit in duplicate to the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico, for approval a certified statement of the actual deductions made in determining the f. o. b. mill price of raw sugar and the net proceeds from blackstrap molasses.

(f) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes fair and reasonable prices to be paid for sugarcane of the 1956 crop by a producer who processes sugarcane grown by other producers. It establishes the minimum requirements with respect to prices for sugarcane which must be met by such producer as one of the conditions for payment under the act.

(b) *Requirements of the act.* Section 301 (c) (2) of the act provides that the producer on the farm who is also, directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due

notice and opportunity for public hearing.

(c) *1956 price determination.* The 1956 price determination continues the provisions of the 1955 determination except for a change in the method of calculating the quality of sugarcane delivered by producers. The change permits the establishing of the correlating factors between the laboratory power mill juice and the factory mill crusher juice, once weekly instead of twice weekly as in prior years.

At the public hearing held in Christiansted, St. Croix, Virgin Islands, interested persons presented testimony on fair and reasonable prices for the 1956 crop of Virgin Islands sugarcane. The representative of the Virgin Islands Corporation recommended that the determination be modified to permit the mill to change the frequency of computing the correlating factors between the juices extracted by the laboratory mill and the factory mill crusher. The witness stated that this change was necessary because it was proposed to introduce the cush-cush (cane juice screenings) at a point prior to the first mill or crusher, in order to achieve more efficient factory operations. To obtain the most effective results, the proposed system should be used as continuously as possible and, accordingly, the correlating factors should be established less frequently. The witness recommended no other changes in the 1956 determination as compared with the 1955 determination. Two representatives of producers stated that they were in favor of the change recommended by the corporation since it was designed to improve milling efficiency and thereby increase sugar recoveries and producers' returns from sugarcane. These witnesses recommended no other changes in the determination.

Consideration has been given to the recommendations made at the public hearing, to the results of investigations, to the financial position of producers and the processor, and to other pertinent factors. Financial reports of the Virgin Islands Corporation, which is the largest grower and only processor of sugarcane in the Islands, shows that losses on sugar operations for the year 1955, although not as large as in recent years, continue to be substantial. Because of these continuing annual losses on sugar operations, the standards customarily considered in price determinations in other cane-producing areas cannot be applied in the usual manner. However, the sharing relationship specified in this determination provides returns to producers which compare favorably with those obtained by sugarcane producers in other offshore areas.

The recommendation of the Virgin Islands Corporation for a change in the frequency of establishing correlating factors between the laboratory mill and the factory crusher mill has been adopted. In prior years samples of sugarcane delivered by producers were ground in a laboratory mill and the cane juice analyzed for sucrose and brix. Cane juice samples were then taken from the mill crusher and correlating factors were established between the two test samples every third day during a 12-hour period. In the former process the cane juice screenings were introduced at the second or subsequent mill and did not affect the crusher juice analysis.

Under the proposed system the cush-cush, or cane juice screenings, is to be returned to the milling process at a point prior to the crusher mill and, accordingly, the crusher juice analysis will be affected. To achieve the most efficient results, it is desirable to have the cush-cush returned to the mill carrier for extended periods of time. The establishment of correlating factors once weekly for a continuous 8-hour period, during which time the cush-cush would be returned to the second or subsequent mill, would provide approximately optimum conditions. The proposed change is expected to result in higher recoveries of sugar from the same quality of sugarcane.

Accordingly, I hereby find and conclude that the foregoing price determination is fair and reasonable and will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 22d day of December 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-10403; Filed, Dec. 28, 1955; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-83-A19]

PART 934—MILK IN MERRIMACK VALLEY, MASS., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Sec.
934.0 Findings and determinations.

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934.2 Definitions of persons.
934.3 Definitions of plants.
934.4 Definitions of milk and milk products.

MARKET ADMINISTRATOR

934.10 Designation of market administrator.
934.11 Powers of market administrator.
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CLASSIFICATION

934.15 Classes of utilization.
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934.17 Classification of interplant movements of cream, and of milk products other than fluid milk products.
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OBLIGATIONS

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AUTHORITY: §§ 934.0 to 934.84 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 934.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Merrimack Valley, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than January 1, 1956. Any delay beyond that date will seriously threaten the orderly marketing of milk in the Merrimack Valley, Massachusetts, marketing area.

The provisions of the said order are well known to handlers, the public hearing having been held on April 18 to May 5, 1955, the recommended decision having been issued on July 29, 1955, and the final decision having been issued on September 13, 1955. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective January 1, 1956, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (See sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Merrimack Valley, Massachusetts, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Merrimack Valley, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended to read as follows:

DEFINITIONS

§ 934.1 *General definitions.* (a) "Act means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Merrimack Valley, Massachusetts, marketing area," also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns:

Andover.	Merrimac.
Billerica.	Methuen.
Chelmsford.	North Andover.
Dracut.	Tewksbury.
Groveland.	Tyngsboro.
Haverhill.	Westford.
Lawrence.	West Newbury.
Lowell.	

(c) "Order", used with the name of a marketing area other than the Merrimack Valley, Massachusetts, marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) "Month" means a calendar month.

§ 934.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk during any of the preceding months of October through February, except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February, nor any dairy farmer from whom the handler received nonpool milk during such months of October through February only at a plant which met all the applicable requirements for pool plant status under this order in those months except that it was a pool plant under the Boston order.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk delivered. The term shall also include a dairy farmer with respect to his operation of a farm from which milk is ordinarily delivered to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 934.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not apply to a dairy farmer who is a producer under the Boston, Worcester, or Springfield orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act", and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who, in a given month, operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer, and who receives no milk other than exempt milk from other dairy farmers except producer-handlers.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products, other than cream, are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who operates a plant at which he engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any

fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 934.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "City plant" means any plant which is located within 10 miles of the marketing area.

(c) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

(d) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmer's deliveries.

(e) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in §§ 934.20, 934.21, and 934.22 for being considered a pool plant in that month.

(f) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area; any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

§ 934.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity, by weight, of "half and half."

(b) "Cream" means that portion of milk, containing not less than 16 per cent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The terms also include sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half."

(c) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(e) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(f) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(g) "Outside milk" means:

(1) All milk received from dairy farmers for other markets;

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except exempt milk, receipts from New York order pool plants which are assigned to Class I milk pursuant to § 934.27, and receipts from regulated plants under the Boston, Worcester, or Springfield orders;

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Boston or Worcester orders, without its intermediate movement to another plant.

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

(i) "Exempt milk" means milk which is received at a regulated plant:

(1) In bulk from an unregulated plant, or from the dairy farmer who produced it, for processing and bottling, and for which an equivalent quantity of packaged milk is returned to the dairy farmer or to the operator of the unregulated plant during the same month; or

(2) In packaged form from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and bottling during the same month.

MARKET ADMINISTRATOR

§ 934.10 *Designation of market administrator.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 934.11 *Powers of market administrator.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 934.12 *Duties of market administrator.* The market administrator, in addition to the duties described in other sections of this part, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by § 934.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this part;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 934.15 *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 934.16, 934.17, and 934.18, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk;

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 934.16 *Classification of interplant movements of fluid products other than cream.* Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to §§ 934.25 and 934.26.

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established.

(c) If moved to a producer-handler's plant, or to any unregulated plant except a plant subject to the Boston, Worcester, or Springfield orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved to a plant subject to the Boston, Worcester, or Springfield orders, they shall be classified in the same class to which the receipt is assigned under such order.

(e) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any unregulated plant except a plant subject to the Boston, Worcester, or Springfield orders, and thence to another plant, they shall be classified by applying the provisions of paragraphs (a) through (d) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, they shall be classified as Class I milk.

§ 934.17 *Classification of interplant movements of cream, and of milk products other than fluid milk products.* Cream and milk products other than fluid milk products moved from the regulated plant of a pool handler to another plant shall be classified as Class II milk.

§ 934.18 *Responsibility of handlers in establishing the classification of milk.* (a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification of any pool milk received in the form of cream or milk products other than fluid milk products, or any nonpool milk or milk products received by a handler, the burden rests upon the receiving handler to account for such milk and milk products and to prove that such milk and milk products should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 934.20 *Basic requirements for pool plant status.* Each receiving plant shall be a pool plant during each month in which it meets the applicable requirements contained in § 934.21 or § 934.22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, Sections 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, Section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

(c) The plant is operated neither as the plant of a producer-handler nor as a pool plant pursuant to the provisions of the Boston, New York, Worcester, or Springfield orders.

(d) Each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through February was in the handler's capacity as a producer-handler. This paragraph shall not apply to any plant which met all the applicable requirements for pool plant status under this part during each of such months of October through February, except that it was operated as a pool plant pursuant to the provisions of the Boston order. Also, any plant which otherwise met all of the requirements for pool plant status during each of the months of October 1955 through February 1956 shall not be a nonpool plant during the months of March through September 1956, solely because of the previously effective language of the dealer definition which did not make the operation of a plant a qualifying condition under such definition.

§ 934.21 *Additional requirements for city pool plants.* Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers. In determining whether a city plant has disposed of the required 10 percent of its receipts as Class I milk in the marketing area, the total quantity of fluid milk products, other than cream, moved from that plant to another city plant which is a regulated plant shall be considered as a disposition of Class I milk in the marketing area up to the quantity of Class I milk disposed of in the marketing area from the other plant.

§ 934.22 *Additional requirements for country pool plants.* (a) Each country receiving plant shall be a pool plant in any month in which more than 30 percent of its total receipts of fluid milk products, other than cream, after deducting Class I sales direct to consumers outside the marketing area, is disposed of directly to consumers in the marketing area as Class I milk or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk: *Provided*, That the quantity of fluid milk products, other than cream, disposed of in the marketing area as Class I milk, is at least 10 percent of its total receipts of fluid milk products other than cream.

(b) Any country plant which is a pool plant continuously in each of the months from October through February shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven-months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

ASSIGNMENT OF RECEIPTS TO CLASSES

§ 934.25 *Assignment of pool handlers' receipts to Class I milk.* For the purpose of computing the net quantity of each pool handler's Class I milk for which a value is to be computed pursuant to § 934.50, his receipts of milk and milk products shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk.

(b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to § 934.27.

(c) Receipts of fluid milk products, other than cream and bulk skim milk, from the regulated city plants of other handlers.

(d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.

(e) Receipts of milk directly from producers at the handler's city plant.

(f) Receipts of outside milk at the handler's city plant.

(g) Receipts of fluid milk products, other than cream and bulk skim milk, from the country pool plants of other handlers, in the order of the nearness of the plants to the City Hall in Lawrence.

(h) Receipts of milk from producers at the handler's country plants not previously assigned pursuant to paragraph (d) of this section in the order of the nearness of the plants to the City Hall in Lawrence.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to the City Hall in Lawrence.

(j) Receipts of bulk skim milk from regulated city plants and then from regulated country plants.

(k) All other receipts or available quantities of fluid milk products, from whatever source derived.

§ 934.26 *Assignment of Pool Handlers' Receipts to Class II Milk.* Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to § 934.25 shall be assigned to Class II milk.

§ 934.27 *Receipts from Other Federal Order Plants.* Receipts of fluid milk products from plants regulated by other Federal orders shall be assigned as follows:

(a) Receipts of fluid milk products from regulated plants under the Boston order shall be assigned to the class in which they are classified under that order.

(b) Receipts of fluid milk products, other than cream, from regulated plants under the Worcester or Springfield

orders shall be assigned to Class I milk, unless the operators of the shipping plant and of the receiving plant file a joint written request to the market administrator for assignment to Class II milk of the fluid milk products so received. In such event, the fluid milk products shall be assigned to Class II milk up to the total Class II uses of fluid milk products, other than cream, at the receiving plant.

(c) Receipts from New York order pool plants shall be assigned to Class I milk if classified and priced in Classes I–A or I–B under the New York order.

REPORTS OF HANDLERS

§ 934.30 *Pool handlers' reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 934.25, 934.26, and 934.27;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 934.15, 934.16, and 934.17.

§ 934.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 934.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 934.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 934.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 934.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this part;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 934.36 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 934.37 *Notices to producers.* Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

CLASS PRICES

§ 934.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 934.48 plus 52 cents.

§ 934.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of the Boston order plus 5.8 cents.

§ 934.42 *Country plant price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 934.40 and 934.41 shall be subject to differentials based upon the zone location of the plant at which the Class I milk or Class II milk was received. The zone location of each plant shall be based on the distance ascertained by the market administrator as the shortest distance from the plant to the City Hall in Lawrence, Massachusetts, over highways on which the highway departments of the governing States permit milk tank trucks to move, or on the railway mileage distance to Lawrence from the nearest railway shipping point for such plant, whichever is shorter. The applicable zone differentials shall be those set forth in the following table, as adjusted pursuant to § 934.43.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A	B	C
Zone (miles)	Class I price differentials (cents per hundredweight)	Class II price differentials (cents per hundredweight)
Less than 40½	−17.0	−2.0
41 to 50	−41.5	−2.0
51 to 60	−42.5	−3.0
61 to 70	−43.0	−3.0
71 to 80	−44.5	−3.0
81 to 90	−45.0	−3.0
91 to 100	−45.5	−3.0
101 to 110	−45.5	−4.5
111 to 120	−47.0	−4.5
121 to 130	−47.0	−4.5
131 to 140	−48.0	−4.5
141 to 150	−50.5	−4.5
151 to 160	−52.0	−6.0
161 to 170	−52.0	−6.0
171 to 180	−54.5	−6.0
181 to 190	−54.5	−6.0
191 to 200	−56.0	−6.0
201 to 210	−56.0	−7.0
211 to 220	−60.0	−7.0
221 to 230	−60.5	−7.0
231 to 240	−61.5	−7.0
241 to 250	−61.5	−7.0
251 to 260	−62.5	−8.0
261 to 270	−63.0	−8.0
271 to 280	−63.5	−8.0
281 to 290	−64.5	−8.0
291 and over	−65.5	−8.0

§ 934.43 *Automatic changes in zone price differentials and other price factors.* In case the rail tariff for the transportation of milk or cream, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in the table in § 934.42 and the price factors specified in §§ 934.40 and 934.41 shall be correspondingly increased or decreased. Such adjustments shall become effective in the first complete month in which the changes in rail tariffs apply. Adjustments pursuant to paragraphs (a), (b), and (c) of this section shall be made to the nearest one-half cent per hundredweight, and adjustments pursuant to paragraph (d) of this section shall be made to the nearest one-tenth cent per hundredweight.

(a) If the rail tariff for transporting milk in 40-quart cans in carlots of 200 or more cans is changed, the differentials set forth in column B of the table shall be adjusted to the extent of the change.

(b) If the rail tariff for transporting milk in carlots in tank cars for mileage distances of 201–210 miles is changed, the price factor of 52 cents specified in § 934.40 shall be adjusted to the extent of the change.

(c) If the rail tariff for transporting cream in 40-quart cans in carlots of 100–199 cans is changed, the differentials set forth in column C of the table shall be adjusted by the result obtained by dividing the tariff change by 9.05.

(d) If the rail tariff for transporting cream in 40-quart cans in carlots of 100–199 cans for mileage distances of 201–210 miles is changed, the price factor of 5.8 cents specified in § 943.41 shall be adjusted by the result obtained by multiplying the tariff change by 1.03 and then dividing by 9.05.

§ 934.44 *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate specified by this part for use in computing class prices and for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 934.45 *Announcement of class prices.* The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

NEW ENGLAND BASIC PRICE FORMULA

§ 934.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by 0.884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England, and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Merrimack Valley, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

Month:	Normal Class I percentage
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval.

Percentage of normal supply:	Supply-demand adjustment factor
91.5 and under	1.12
92 to 92.5	1.10
93 to 93.5	1.08
94 to 94.5	1.06
95 to 96	1.04
97 to 98	1.02
99 to 101	1.00
102 to 103	.98
104 to 105	.96
106 to 107	.94
108 to 109	.92
110 to 111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index times $0.0561: At least	But less than	Class I price
$4.88	$5.10	$4.99
$5.10	$5.32	5.21
$5.32	$5.54	5.43
$5.54	$5.76	5.65
$5.76	$5.98	5.87
$5.98	$6.20	6.09
$6.20	$6.42	6.31

If the New England basic Class I price index times $0.0561 is less than $4.88 or more than $6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of paragraphs (a) through (e) of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

BLENDED PRICES TO PRODUCERS

§ 934.50 *Computation of net value of milk used by each pool handler.* For each month, the market administrator shall compute in the following manner the net value of milk which is sold, distributed, or used by each pool handler:

(a) From the handler's total Class I milk, subtract all receipts which have been assigned to Class I milk pursuant to § 934.25 (a), (b), (c), (g), and (j);

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant to § 934.26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to §§ 934.40, 934.41, and 934.42;

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to § 934.66; and

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to § 934.25 (f), (i), and (k) by the price applicable pursuant to §§ 934.41 and 934.42.

(g) Subtract any amount which the handler is required to pay on such milk pursuant to § 904.65 (b) of the Boston order.

§ 934.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk computed pursuant to § 934.50 and the payments required pursuant to §§ 934.65 and 934.66 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 934.61 (b), 934.65, and 934.66 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 934.61, 934.62, 934.65, 934.66, and 934.67;

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 934.64;

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 934.61 and 934.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants, shall be known as the basic blended price.

§ 934.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 934.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this part.

PAYMENTS FOR MILK

§ 934.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this section shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 934.61 (a).

§ 934.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 934.50, as follows:

(a) On or before the 25th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 934.63 and 934.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 934.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 934.50, as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 934.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 934.61 (b), 934.65, and 934.66, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23d day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 934.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 934.63 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, the amount per hundredweight determined for the corresponding month pursuant to § 934.63 of the Boston order.

§ 934.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 934.61 (a) shall be subject to the Class I price differentials applicable pursuant to § 934.42, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located more than 40 miles from the City Hall in Lawrence, but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 934.40 and 934.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(b) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the City Hall in Lawrence, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 934.40 and 934.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 934.65 *Payments on outside milk.* Within 23 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each buyer-handler or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity at the difference between the Class I and Class II prices pursuant to §§ 934.40, 934.41, and 934.42, effective for the location or zone of the plant at which the handler received the outside milk.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the Class I and Class II prices pursuant to §§ 934.40, 934.41, and 934.42, effective for the location or zone of the handler's plant.

§ 934.66 *Payments on Class I receipts from other Federal order plants.* Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk from a New York, Boston, Worcester, or Springfield order regulated plant during the month shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the price pursuant to §§ 934.40 and 934.42, effective for the location or zone of the plant from which the Class I milk was received, by the butterfat differential calculated pursuant to § 934.63.

(b) Adjust the zone Class I price applicable under the other Federal order (Class I–A or I–B in the case of a New York order plant) by the butterfat differential applicable under that order.

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the other Federal order plant by the difference in price.

§ 934.67 *Adjustment of overdue accounts.* Any balance due, pursuant to §§ 934.61, 934.62, 934.65, and 934.66, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 11th day of such month.

§ 934.68 *Statements to producers.* In making the payments to producers prescribed by § 934.61 (a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 934.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 934.70 and 934.71, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MARKETING SERVICES

§ 934.70 *Marketing service deduction; nonmembers of an association of producers.* In making payments to producers pursuant to § 934.61 (a), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 934.71, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 23d day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 934.71 *Marketing service deduction; members of an association of producers.* In the case of producers who are members of an association of producers which is actually performing the services set forth in § 934.70 each handler shall, in lieu of the deductions specified in § 934.70, make such deductions from payments made pursuant to § 934.61 (a) as may be authorized by such producers and pay, on or before the 25th day after the end of each month, such deductions to such associations, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

ADMINISTRATION EXPENSE

§ 934.72 *Payment of administration expense.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this part, based on the handler's receipts of fluid milk products, other than cream, during the month. The payment shall be at the rate of 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, and his receipts of outside milk, except receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

OBLIGATIONS

§ 934.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 934.80 *Effective time.* The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 934.81.

§ 934.81 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 934.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there

are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 934.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 934.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 22d day of December 1955, to be effective on and after January 1, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-10398; Filed, Dec. 28, 1955; 8:51 a. m.]

[Docket No. AO-203-A5]

PART 996—MILK IN SPRINGFIELD, MASS., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Sec.

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AUTHORITY: §§ 996.0 to 996.84 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 996.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than January 1, 1956. Any delay beyond that date will seriously threaten the orderly marketing of milk in the Springfield, Massachusetts, marketing area.

The provisions of the said order are well know to handlers, the public hearing having been held on April 18 to May 5, 1955, the recommended decision having been issued on July 29, 1955 and the final decision having been issued on September 13, 1955. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective January 1, 1956, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (See section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Springfield, Massachusetts, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended to read as follows:

DEFINITIONS

§ 996.1 *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Springfield, Massachusetts, marketing area," also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns:

Agawam.	Northampton.
Chicopee.	South Hadley.
Easthampton.	Springfield.
East Longmeadow.	Westfield.
Holyoke.	West Springfield.
Longmeadow.	Wilbraham.
Ludlow.	

(c) "Order", used with the name of a marketing area other than the Springfield, Massachusetts, marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) "Month" means a calendar month.

§ 996.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk during any of the preceding months of October through February, except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February, nor any dairy farmer from whom the handler received nonpool milk during such months of October through February only at a plant which met all the applicable requirements for pool plant status under this part in those months except that it was a pool plant under the Boston order.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk delivered. The term shall also include a dairy farmer with respect to his operation of a farm from which milk is ordinarily delivered to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 996.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not apply to a dairy farmer who is a producer under the Boston, Merrimack Valley, or Worcester orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act", and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who, in a given month, operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer, and who receives no milk other than exempt milk from other dairy farmers except producer-handlers.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products, other than cream, are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who operates a plant at which he engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 996.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "City plant" means any plant which is located within 10 miles of the marketing area.

(c) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

(d) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

(e) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in §§ 996.20, 996.21, and 996.22 for being considered a pool plant in that month.

(f) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area; any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

§ 996.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity, by weight, of "half and half."

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half."

(c) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(e) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(f) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(g) "Outside milk" means:

(1) All milk received from dairy farmers for other markets;

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except exempt milk, receipts from New York order pool plants which are assigned to Class I milk pursuant to § 996.27, and receipts from regulated plants under the Boston, Merrimack Valley, or Worcester orders;

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Worcester order, without its intermediate movement to another plant.

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

(i) "Exempt milk" means milk which is received at a regulated plant:

(1) In bulk from an unregulated plant, or from the dairy farmer who produced it, for processing and bottling, and for which an equivalent quantity of packaged milk is returned to the dairy farmer or to the operator of the unregulated plant during the same month; or

(2) In packaged form from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and bottling during the same month.

MARKET ADMINISTRATOR

§ 996.10 *Designation of market administrator.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 996.11 *Powers of market administrator.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 996.12 *Duties of market administrator.* The market administrator, in addition to the duties described in other sections of this part, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by § 996.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this part;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 996.15 *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 996.16, 996.17, and 996.18, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk;

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, or the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 996.16 *Classification of interplant movements of fluid milk products other than cream.* Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to §§ 996.25 and 996.26.

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established.

(c) If moved to a producer-handler's plant, or to any unregulated plant except a plant subject to the New York, Boston, Merrimack Valley, or Worcester orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved to a plant subject to the New York, Boston, Merrimack Valley, or Worcester orders, they shall be classified in the same class to which the receipt is assigned under such order, except that if moved to a plant subject to the New York order they shall be classified as Class I milk if classified in Classes I–A, I–B, or I–C under the New York order, and shall be classified as Class II milk if classified in any class other than I–A, I–B, or I–C under the New York order.

(e) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any unregulated plant except a plant subject to the New York, Boston, Merrimack Valley, or Worcester orders, and thence to another plant, they shall be classified by applying the provisions of paragraphs (a) through (d) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, they shall be classified as Class I milk.

§ 996.17 *Classification of interplant movements of cream, and of milk products other than fluid milk products.* Cream and milk products other than fluid milk products moved from the regulated plant of a pool handler to another plant shall be classified as Class II milk.

§ 996.18 *Responsibility of handlers in establishing the classification of milk.* (a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification of any pool milk received in the form of cream or milk products other than fluid milk products, or any nonpool milk or milk products received by a handler, the burden rests upon the receiving handler to account for such milk and milk products and to prove that such milk and milk products should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 996.20 *Basic requirements for pool plant status.* Each receiving plant shall be a pool plant during each month in which it meets the applicable requirements contained in § 996.21 or § 996.22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, sections 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

(c) The plant is operated neither as the plant of a producer-handler nor as a pool plant pursuant to the provisions of the Boston, Merrimack Valley, New York, or Worcester orders.

(d) Each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through February was in the handler's capacity as a producer-handler. This paragraph shall not apply to any plant which met all the applicable requirements for pool plant status under this order during each of such months of October through February, except that it was operated as a pool plant pursuant to the provisions of the Boston order.

§ 996.21 *Additional requirements for city pool plants.* Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers. In determining whether a city plant has disposed of the required 10 percent of its receipts as Class I milk in the marketing area, the total quantity of fluid milk products, other than cream, moved from that plant to another city plant which is a regulated plant shall be considered as a disposition of Class I milk in the marketing area up to the quantity of Class I milk disposed of in the marketing area from the other plant.

§ 996.22 *Additional requirements for country pool plants.* (a) Each country receiving plant shall be a pool plant in any month in which more than 30 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk.

(b) Any country plant which is a pool plant continuously in each of the months from October through February shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven-months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

ASSIGNMENT OF RECEIPTS TO CLASSES

§ 996.25 *Assignment of pool handlers' receipts to Class I milk.* For the purpose of computing the net quantity of each pool handler's Class I milk for which a value is to be computed pursuant to § 996.50, his receipts of milk and milk products shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk.

(b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to § 996.27.

(c) Receipts of fluid milk products, other than cream and bulk skim milk, from the regulated city plants of other handlers.

(d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.

(e) Receipts of milk directly from producers at the handler's city plant.

(f) Receipts of outside milk at the handler's city plant.

(g) Receipts of fluid milk products, other than cream and bulk skim milk, from the country pool plants of other handlers, in the order of the nearness of the plants to Springfield.

(h) Receipts of milk from producers at the handler's country plants not previously assigned pursuant to paragraph (d) of this section in the order of the nearness of the plants to Springfield.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to Springfield.

(j) Receipts of bulk skim milk from regulated city plants and then from regulated country plants.

(k) All other receipts or available quantities of fluid milk products, from whatever source derived.

§ 996.26 *Assignment of pool handlers' receipts to Class II milk.* Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to § 996.25 shall be assigned to Class II milk.

§ 996.27 *Receipts from other Federal order plants.* Receipts of fluid milk products from plants regulated by other Federal orders shall be assigned as follows:

(a) Receipts of fluid milk products from regulated plants under the Boston order shall be assigned to the class in which they are classified under that order.

(b) Receipts of fluid milk products, other than cream, from regulated plants under the Merrimack Valley, or Worcester orders shall be assigned to Class I milk, unless the operators of the shipping plant and of the receiving plant file a joint written request to the market administrator for assignment to Class II milk of the fluid milk products so received. In such event, the fluid milk products shall be assigned to Class II milk up to the total Class II uses of fluid milk products, other than cream, at the receiving plant.

(c) Receipts from New York order pool plants shall be assigned to Class I milk if classified and priced in Classes I–A or I–B under the New York order.

REPORTS OF HANDLERS

§ 996.30 *Pool handlers' reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 996.25 through 996.27;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 996.15 through 996.18.

§ 996.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 996.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 996.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month,

his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 996.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 996.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this part;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 996.36 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 996.37 *Notices to producers.* Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

MINIMUM CLASS PRICES

§ 996.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 996.48 plus 52 cents.

§ 996.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to Sec. 904.41 of the Boston order plus 5.8 cents.

§ 996.42 *Country plant price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 996.40 and 996.41 shall be subject to differentials based upon the zone location of the plant at which the Class I milk or Class II milk was received. The zone location of each plant shall be based on the distance ascertained by the market administrator as the shortest distance from the plant to the City Hall in Springfield, Massachusetts, over highways on which the highway departments of the governing States permit milk tank trucks to move, or on the railway mileage distance to Springfield from the nearest railway shipping point for such plant, whichever is shorter. The applicable zone differentials shall be those set forth in the following table, as adjusted pursuant to § 996.43.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A	B	C
Zone (miles)	Class I Price differentials (cents per hundredweight)	Class II Price differentials (cents per hundredweight)
Less than 40	None	None
41 to 50	−41.5	−2.0
51 to 60	−42.5	−3.0
61 to 70	−43.0	−3.0
71 to 80	−44.5	−3.0
81 to 90	−45.0	−3.0
91 to 100	−45.5	−3.0
101 to 110	−45.5	−4.5
111 to 120	−47.0	−4.5
121 to 130	−47.0	−4.5
131 to 140	−48.0	−4.5
141 to 150	−50.5	−4.5
151 to 160	−52.0	−6.0
161 to 170	−52.0	−6.0
171 to 180	−54.5	−6.0
181 to 190	−54.5	−6.0
191 to 200	−56.0	−6.0
201 to 210	−56.0	−7.0
211 to 220	−60.0	−7.0
221 to 230	−60.5	−7.0
231 to 240	−61.5	−7.0
241 to 250	−61.5	−7.0
251 to 260	−62.5	−8.0
261 to 270	−63.0	−8.0
271 to 280	−63.5	−8.0
281 to 290	−64.5	−8.0
291 and over	−65.5	−8.0

§ 996.43 *Automatic changes in zone price differentials and other price factors.* In case the rail tariff for the transportation of milk or cream, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in the table in § 996.42 and the price factors specified in §§ 996.40 and 996.41 shall be correspondingly increased or decreased. Such adjustments shall become effective in the first complete month in which the changes in rail tariffs apply. Adjustments pursuant to paragraphs (a), (b), and (c) of this section shall be made to the nearest one-half cent per hundredweight, and adjustments pursuant to paragraph (d) of this section shall be made to the nearest one-tenth cent per hundredweight.

(a) If the rail tariff for transporting milk in 40-quart cans in carlots of 200 or more cans is changed, the differentials set forth in column B of the table shall be adjusted to the extent of the change.

(b) If the rail tariff for transporting milk in carlots in tank cars for mileage distances of 201–210 miles is changed, the price factor of 52 cents specified in § 996.40 shall be adjusted to the extent of the change.

(c) If the rail tariff for transporting cream in 40-quart cans in carlots of 100–199 cans is changed, the differentials set forth in column C of the table shall be adjusted by the result obtained by dividing the tariff change by 9.05.

(d) If the rail tariff for transporting cream in 40-quart cans in carlots of 100–199 cans for mileage distances of 201–210 miles is changed, the price factor of 5.8 cents specified in § 996.41 shall be adjusted by the result obtained by multiplying the tariff change by 1.03 and then dividing by 9.05.

§ 996.44 *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 996.45 *Announcement of class prices.* The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

NEW ENGLAND BASIC PRICE FORMULA

§ 996.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by 0.884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England, and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Merrimack Valley, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

Month:	Normal Class I percentage
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6

Month—Continued	Normal Class I percentage
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval.

Percentage of normal supply:	Supply-demand adjustment factor
91.5 and under	1.12
92 to 92.5	1.10
93 to 93.5	1.08
94 to 94.5	1.06
95 to 96	1.04
97 to 98	1.02
99 to 101	1.00
102 to 103	.98
104 to 105	.96
106 to 107	.94
108 to 109	.92
110 to 111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November and December	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index times $0.0561: At least	But less than	Class I price
$4.88	$5.10	$4.99
$5.10	$5.32	5.21
$5.32	$5.54	5.43
$5.54	$5.76	5.65
$5.76	$5.98	5.87
$5.98	$6.20	6.09
$6.20	$6.42	6.31

If the New England basic Class I price index times $0.0561 is less than $4.88 or more than $6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of paragraphs (a) through (e) of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

BLENDED PRICES TO PRODUCERS

§ 996.50 *Computation of net value of milk used by each pool handler.* For each month, the market administrator shall compute in the following manner the net value of milk which is sold, distributed, or used by each pool handler:

(a) From the handler's total Class I milk, subtract all receipts which have been assigned to Class I milk pursuant to § 996.25 (a), (b), (c), (g), and (j);

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant to § 996.26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to §§ 996.40, 996.41, and 996.42;

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to § 996.66; and

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to § 996.25 (f), (i), and (k) by the price applicable pursuant to §§ 996.41 and 996.42.

§ 996.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk computed pursuant to § 996.50 and the payments required pursuant to §§ 996.65 and 996.66 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 996.61 (b), 996.65, and 996.66 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 996.61, 996.62, 996.65, 996.66, and 996.67;

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 996.64;

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 996.61 and 996.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants, shall be known as the basic blended price.

§ 996.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 996.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this part.

PAYMENTS FOR MILK

§ 996.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this section shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 996.61 (a).

§ 996.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 996.50, as follows:

(a) On or before the 25th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 996.63 and 996.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 996.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 996.50, as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 996.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 996.61 (b), 996.65, and 996.66, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23d day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 996.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 996.63 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, the amount per hundredweight determined for the corresponding month pursuant to § 904.63 of the Boston order.

§ 996.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 996.61 (a) shall be subject to the Class I price differentials applicable pursuant to § 996.42, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located in any of the following cities or towns, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 996.40 and 996.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price:

MASSACHUSETTS

Becket.	Sandisfield.
Florida.	Savoy.
Hinsdale.	Washington.
Otis.	Windsor.
Peru.	

NEW HAMPSHIRE

Chesterfield.	Westmoreland.

VERMONT

Brattleboro.	Newfane
Dover.	Putney.
Dummerston.	Wilmington.
Marlboro.	

(b) With respect to milk delivered by a producer whose farm is located in Franklin, Hampshire, Hampden, or Worcester Counties in Massachusetts, or in any of the following cities or towns, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 996.40 and 996.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price:

CONNECTICUT

Ellington.	Somers.
Enfield.	Stafford.
Granby.	Suffield.

NEW HAMPSHIRE

Hinsdale.	Winchester.

VERMONT

Guilford.	Vernon.
Halifax.	Whitingham.
Readsboro.	

§ 996.65 *Payments on outside milk.* Within 23 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each buyer-handler or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity at the difference between the Class I and Class II prices pursuant to §§ 996.40, 996.41, and 996.42, effective for the location or zone of the plant at which the handler received the outside milk.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the Class I and Class II prices pursuant to §§ 996.40, 996.41, and 996.42, effective for the location or zone of the handler's plant.

§ 996.66 *Payments on Class I receipts from other Federal order plants.* Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk from a New York, Boston, Merrimack Valley, or Worcester order regulated plant during the month shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the price pursuant to §§ 996.40 and 996.42, effective for the location or zone of the plant from which the Class I milk was received, by the butterfat differential calculated pursuant to § 996.63.

(b) Adjust the zone Class I price applicable under the other Federal order (Class I–A or I–B in the case of a New York order plant) by the butterfat differential applicable under that order.

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the other Federal order plant by the difference in price.

§ 996.67 *Adjustment of overdue accounts.* Any balance due, pursuant to §§ 996.61, 996.62, 996.65, and 996.66, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 11th day of such month.

§ 996.68 *Statements to producers.* In making the payments to producers prescribed by § 996.61 (a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 996.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 996.70 and 996.71, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MARKETING SERVICES

§ 996.70 *Marketing service deduction; nonmembers of an association of producers.* In making payments to producers pursuant to § 996.61 (a), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 996.71, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 23d day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 996.71 *Marketing service deduction; members of an association of producers.* In the case of producers who are members of an association of producers which is actually performing the services set forth in § 996.70, each handler shall, in lieu of the deductions specified in § 996.70, make such deductions from payments made pursuant to § 996.61 (a) as may be authorized by such producers and pay, on or before the 25th day after the end of each month, such deductions to such associations, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

ADMINISTRATION EXPENSE

§ 996.72 *Payment of administration expense.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this part, based on the handler's receipts of fluid milk products, other than cream, during the month. The payment shall be at the rate of 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, receipts of exempt milk processed at a regulated plant, and his receipts of outside milk, except receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

OBLIGATIONS

§ 996.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed; unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 996.80 *Effective time.* The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 996.81.

§ 996.81 *Suspension or termination.* The Secretary may suspend or terminate this order or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 996.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 996.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected, pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 996.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 22d day of December 1955, to be effective on and after January 1, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-10397; Filed, Dec. 28, 1955; 8:51 a. m.]

[Docket No. AO-204-A5]

PART 999—MILK IN WORCESTER, MASS., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Sec.

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AUTHORITY: §§ 999.0 to 999.84 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 999.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than January 1, 1956. Any delay beyond that date will seriously threaten the orderly marketing of milk in the Worcester, Massachusetts, marketing area.

The provisions of the said order are well known to handlers, the public hearing having been held on April 18 to May 5, 1955, the recommended decision having been issued on July 29, 1955 and the final decision having been issued on September 13, 1955. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective January 1, 1956, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (See sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Worcester, Massachusetts, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Worcester, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended to read as follows:

DEFINITIONS

§ 999.1 *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Worcester, Massachusetts, marketing area," also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns:

Auburn.
Boylston.
Clinton.
Grafton.
Holden.
Leicester.
Millbury.
Paxton.
Rutland.
Shrewsbury.
Spencer.
West Boylston.
Worcester.

(c) "Order", used with the name of a marketing area other than the Worcester, Massachusetts, marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) "Month" means a calendar month.

§ 999.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "*Secretary*" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk during any of the preceding months of October through February, except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February, nor any dairy farmer from whom the handler received nonpool milk during such months of October through February only at a plant which met all the applicable requirements for pool plant status under this part in those months except that it was a pool plant under the Boston order.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk delivered. The term shall also include a dairy farmer with respect to his operation of a farm from which milk is ordinarily delivered to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 999.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not apply to a dairy farmer who is a producer under the Boston, Merrimack Valley, or Springfield orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who, in a given month, operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer, and who receives no milk other than exempt milk from other dairy farmers except producer-handlers.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products, other than cream, are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who operates a plant at which he engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, live stock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 999.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "City plant" means any plant which is located within 10 miles of the marketing area.

(c) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

(d) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

(e) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in §§ 999.20, 999.21, and 999.22 for being considered a pool plant in that month.

(f) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area; any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

§ 999.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity, by weight, of "half and half".

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half".

(c) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(e) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(f) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(g) "Outside milk" means:

(1) All milk received from dairy farmers for other markets;

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except exempt milk, receipts from New York order pool plants which are assigned to Class I milk pursuant to § 999.27, and receipts from regulated plants under the Boston, Merrimack Valley, or Springfield orders;

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Boston, Merrimack Valley, or Springfield orders, without its intermediate movement to another plant.

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

(i) "Exempt milk" means milk which is received at a regulated plant: (1) In bulk from an unregulated plant, or from the dairy farmer who produced it, for processing and bottling, and for which an equivalent quantity of packaged milk is returned to the dairy farmer or to the operator of the unregulated plant during the same month; or

(2) In packaged form from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and bottling during the same month.

MARKET ADMINISTRATOR

§ 999.10 *Designation of market administrator.* The agency for the administration of this part shall be a market administrator who shall be a person se-

lected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 999.11 *Powers of market administrator.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 999.12 *Duties of market administrator.* The market administrator, in addition to the duties described in other sections of this part, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by § 999.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this part;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant as reported by the handler prompt written notice of his actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 999.15 *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 999.16, 999.17, and 999.18, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk;

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 999.16 *Classification of interplant movements of fluid milk products other than cream.* Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to §§ 999.25 and 999.26.

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established.

(c) If moved to a producer-handler's plant, or to any unregulated plant except a plant subject to the New York, Boston, Merrimack Valley, or Springfield orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved to a plant subject to the New York, Boston, Merrimack Valley, or Springfield orders, they shall be classified in the same class to which the receipt is assigned under such order, except that if moved to a plant subject to the New York order they shall be classified as Class I milk if classified in Classes I–A, I–B, or I–C under the New York order, and shall be classified as Class II milk if classified in any class other than I–A, I–B, or I–C under the New York order.

(e) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any unregulated plant except a plant subject to the New York, Boston, Merrimack Valley, or Springfield orders, and thence to another plant, they shall be classified by applying the provisions of paragraphs (a) through (d) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, they shall be classified as Class I milk.

§ 999.17 *Classification of interplant movements of cream, and of milk products other than fluid milk products.* Cream and milk products other than fluid milk products moved from the regulated plant of a pool handler to another plant shall be classified as Class II milk.

§ 999.18 *Responsibility of handlers in establishing the classification of milk.* (a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification of any pool milk received in the form of cream or milk products other than fluid milk products, or any nonpool milk or milk products received by a handler, the burden rests upon the receiving handler to account for such milk and milk products and to prove that such milk and milk products should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 999.20 *Basic requirements for pool plant status.* Each receiving plant shall be a pool plant during each month in which it meets the applicable requirements contained in §§ 999.21 or 999.22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, Sections 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

(c) The plant is operated neither as the plant of a producer-handler nor as a pool plant pursuant to the provisions of the Boston, Merrimack Valley, New York, or Springfield orders.

(d) Each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through February was in the handler's capacity as a producer-handler. This paragraph shall not apply to any plant which met all the applicable requirements for pool plant status under this order during each of such months of October through February, except that it was operated as a pool plant pursuant to the provisions of the Boston order.

§ 999.21 *Additional requirements for city pool plants.* Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers. In determining whether a city plant has disposed of the required 10 percent of its receipts as Class I milk in the marketing area, the total quantity of fluid milk products, other than cream, moved from that plant to another city plant which is a regulated plant shall be considered as a disposition of Class I milk in the marketing area up to the quantity of Class I milk disposed of in the marketing area from the other plant.

§ 999.22 *Additional requirements for country pool plants.* (a) Each country receiving plant shall be a pool plant in any month in which more than 50 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk.

(b) Any country plant which is a pool plant continuously in each of the months from October through February shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven-months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

ASSIGNMENT OF RECEIPTS TO CLASSES

§ 999.25 *Assignment of pool handlers' receipts to Class I milk.* For the purpose of computing the net quantity of each pool handler's Class I milk for which a value is to be computed pursuant to § 999.50, his receipts of milk and milk products shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk.

(b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to § 999.27.

(c) Receipts of fluid milk products, other than cream and bulk skim milk, from the regulated city plants of other handlers.

(d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.

(e) Receipts of milk directly from producers at the handler's city plant.

(f) Receipts of outside milk at the handler's city plant.

(g) Receipts of fluid milk products, other than cream and bulk skim milk, from the country pool plants of other handlers, in the order of the nearness of the plants to Worcester.

(h) Receipts of milk from producers at the handler's country plants not previously assigned pursuant to paragraph (d) of this section in the order of the nearness of the plants to Worcester.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to Worcester.

(j) Receipts of bulk skim milk from regulated city plants and then from regulated country plants.

(k) All other receipts or available quantities of fluid milk products, from whatever source derived.

§ 999.26 *Assignment of pool handlers' receipts to Class II milk.* Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to § 999.25 shall be assigned to Class II milk.

§ 999.27 *Receipts from other Federal order plants.* Receipts of fluid milk products from plants regulated by other Federal orders shall be assigned as follows:

(a) Receipts of fluid milk products from regulated plants under the Boston order shall be assigned to the class in which they are classified under that order.

(b) Receipts of fluid milk products, other than cream, from regulated plants under the Merrimack Valley, or Springfield orders shall be assigned to Class I milk, unless the operators of the shipping plant and of the receiving plant file a joint written request to the market administrator for assignment to Class II milk of the fluid milk products so received. In such event, the fluid milk products shall be assigned to Class II milk up to the total Class II uses of fluid milk products, other than cream, at the receiving plant.

(c) Receipts from New York order pool plants shall be assigned to Class I milk if classified and priced in Classes I–A or I–B under the New York order.

REPORTS OF HANDLERS

§ 999.30 *Pool handlers' reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 999.25 through 999.27;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 999.15 through 999.18.

§ 999.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 999.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 999.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 999.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 999.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this order;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 999.36 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 999.37 *Notices to producers.* Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and

composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 3 days after each day on sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

MINIMUM CLASS PRICES

§ 999.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 999.48 plus 52 cents.

§ 999.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of the Boston order plus 5.8 cents.

§ 999.42 *Country plant price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 999.40 and 999.41 shall be subject to differentials based upon the zone location of the plant at which the Class I milk or Class II milk was received. The zone location of each plant shall be based on the distance ascertained by the market administrator as the shortest distance from the plant to the City Hall in Worcester, Massachusetts, over highways on which the highway departments of the governing States permit milk tank trucks to move, or on the railway mileage distance to Worcester from the nearest railway shipping point for such plant, whichever is shorter. The applicable zone differentials shall be those set forth in the following table, as adjusted pursuant to § 999.43.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A Zone (miles)	B Class I price differentials (cents per hundredweight)	C Class II price differentials (cents per hundredweight)
Less than 40½	None	None
41 to 50	−41.5	−2.0
51 to 60	−42.5	−3.0
61 to 70	−43.0	−3.0
71 to 80	−44.5	−3.0
81 to 90	−45.0	−3.0
91 to 100	−45.5	−3.0
101 to 110	−45.5	−4.5
111 to 120	−47.0	−4.5
121 to 130	−47.0	−4.5
131 to 140	−48.0	−4.5
141 to 150	−50.5	−4.5
151 to 160	−52.0	−6.0
161 to 170	−52.0	−6.0
171 to 180	−54.5	−6.0
181 to 190	−54.5	−6.0
191 to 200	−56.0	−6.0
201 to 210	−56.0	−7.0
211 to 220	−60.0	−7.0
221 to 230	−60.5	−7.0
231 to 240	−61.5	−7.0
241 to 250	−61.5	−7.0
251 to 260	−62.5	−8.0
261 to 270	−63.0	−8.0
271 to 280	−63.5	−8.0
281 to 290	−64.5	−8.0
291 and over	−65.5	−8.0

§ 999.43 *Automatic changes in zone price differentials and other price factors.* In case the rail tariff for the transportation of milk or cream, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in the table in § 999.42 and the price factors specified in §§ 999.40 and 999.41 shall be correspondingly increased or decreased. Such adjustments shall become effective in the first complete month in which the changes in rail tariffs apply. Adjustments pursuant to paragraphs (a), (b), and (c) of this section shall be made to the nearest one-half cent per hundredweight, and adjustments pursuant to paragraph (d) of this section shall be made to the nearest one-tenth cent per hundredweight.

(a) If the rail tariff for transporting milk in 40-quart cans in carlots of 200 or more cans is changed, the differentials set forth in column B of the table shall be adjusted to the extent of the change.

(b) If the rail tariff for transporting milk in carlots in tank cars for mileage distances of 201–210 miles is changed, the price factor of 52 cents specified in § 999.40 shall be adjusted to the extent of the change.

(c) If the rail tariff for transporting cream in 40-quart cans in carlots of 100–199 cans is changed, the differentials set forth in column C of the table shall be adjusted by the result obtained by dividing the tariff change by 9.05.

(d) If the rail tariff for transporting cream in 40-quart cans in carlots of 100–199 cans for mileage distances of 201–210 miles is changed, the price factor of 5.8 cents specified in § 999.41 shall be adjusted by the result obtained by multiplying the tariff change by 1.03 and then dividing by 9.05.

§ 999.44 *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 999.45 *Announcement of class prices.* The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

NEW ENGLAND BASIC PRICE FORMULA

§ 999.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by 0.884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England, and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Merrimack Valley, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

Month:	Normal Class I percentage
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval.

Percentage of normal supply:	Supply-demand adjustment factor
91.5 and under	1.12
92 to 92.5	1.10
93 to 93.5	1.08
94 to 94.5	1.06
95 to 96	1.04
97 to 98	1.02
99 to 101	1.00
102 to 103	.98
104 to 105	.96
106 to 107	.94
108 to 109	.92
110 to 111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price Index times $0.0561: At least	But less than	Class I price
$4.88	$5.10	$4.99
$5.10	$5.32	5.21
$5.32	$5.54	5.43
$5.54	$5.76	5.65
$5.76	$5.98	5.87
$5.98	$6.20	6.09
$6.20	$6.42	6.31

If the New England basic Class I price index times $0.0561 is less than $4.88 or more than $6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of paragraphs (a) through (e) of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

BLENDED PRICES TO PRODUCERS

§ 999.50 *Computation of net value of milk used by each pool handler.* For each month, the market administrator shall compute in the following manner the net value of milk which is sold, distributed, or used by each pool handler:

(a) From the handler's total Class I milk, subtract all receipts which have been assigned to Class I milk pursuant to § 999.25 (a), (b), (c), (g), and (j);

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant to § 999.26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to §§ 999.40, 999.41, and 999.42;

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to § 999.66; and

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to § 999.25 (f), (i), and (k) by the price applicable pursuant to §§ 999.41 and 999.42.

§ 999.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk computed pursuant to § 999.50 and the payments required pursuant to §§ 999.65 and 999.66 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 999.61 (b), 999.65, and 999.66 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 999.61, 999.62, 999.65, 999.66, and 999.67;

(c) Deduct the amount of the plus differentials, and add the amount to the minus differentials, which are applicable pursuant to § 999.64;

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 999.61 and 999.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants, shall be known as the basic blended price.

§ 999.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 999.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this part.

PAYMENTS FOR MILK

§ 999.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this section shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 999.61 (a).

§ 999.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 999.50, as follows:

(a) On or before the 25th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 999.63 and 999.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 999.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 999.50, as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 999.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 999.61 (b), 999.65, and 999.66, the

market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23d day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 999.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 999.63 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, the amount per hundredweight determined for the corresponding month pursuant to § 904.63 of the Boston order.

§ 999.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 999.61 (a) shall be subject to the Class I price differentials applicable pursuant to § 999.42, and to further differentials as follows: (a) With respect to milk delivered by a producer whose farm is located in Franklin, Hampshire, Hampden, Worcester, Middlesex, or Norfolk Counties in Massachusetts, or in the towns of Hinsdale, New Hampshire, or Vernon, Vermont, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 999.40 and 999.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 999.65 *Payments on outside milk.* Within 23 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each buyer-handler or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity at the difference between the Class I and Class II prices pursuant to §§ 999.40, 999.41, and 999.42, effective for the location or zone of the plant at which the handler received the outside milk.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the Class I and Class II prices pursuant to §§ 999.40, 999.41, and 999.42, effective for the location or zone of the handler's plant.

§ 999.66 *Payments on Class I receipts from other Federal order plants.* Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk from a New York, Boston, Merrimack Valley, or Springfield order regulated plant during the month shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the price pursuant to §§ 999.40 and 999.42, effective for the location or zone of the plant from which the Class I milk was received, by the butterfat differential calculated pursuant to § 999.63.

(b) Adjust the zone Class I price applicable under the other Federal order (Class I–A or I–B in the case of a New York order plant) by the butterfat differential applicable under that order.

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the other Federal order plant by the difference in price.

§ 999.67 *Adjustment of overdue accounts.* Any balance due, pursuant to §§ 999.61, 999.62, 999.65, and 999.66, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 11th day of such month.

§ 999.68 *Statements to producers.* In making the payments to producers prescribed by § 999.61 (a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 999.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 999.70 and 999.71, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MARKETING SERVICES

§ 999.70 *Marketing service deduction; nonmembers of an association of producers.* In making payments to producers pursuant to § 999.61 (a), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 999.71, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 23d day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 999.71 *Marketing service deduction; members of an association of producers.* In the case of producers who are members of an association of producers which is actually performing the services set forth in § 999.70, each handler shall, in lieu of the deductions specified in § 999.70, make such deductions from payments made pursuant to § 999.61 (a) as may be authorized by such producers and pay, on or before the 25th day after the end of each month, such deductions to such associations, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

ADMINISTRATION EXPENSE

§ 999.72 *Payment of administration expense.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this part, based on the handler's receipts of fluid milk products, other than cream, during the month. The payment shall be at the rate of 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, receipts of exempt milk processed at a regulated plant, and his receipts of outside milk, except receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

OBLIGATIONS

§ 999.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 999.80 *Effective time.* The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 999.81.

§ 999.81 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 999.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 999.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 999.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 22d day of December 1955, to be effective on and after January 1, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-10309; Filed, Dec. 28, 1955; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs. 5, Amdt. 18-5]

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWER PLANTS, PROPELLERS, AND APPLIANCES

MAINTENANCE, REPAIR, AND ALTERATION PRIVILEGES AND LIMITATIONS FOR COMMERCIAL OPERATORS UTILIZING AIRCRAFT OF MORE THAN 12,500 POUNDS MAXIMUM CERTIFICATED TAKE-OFF WEIGHT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of December 1955.

One of the provisions of currently effective Part 18 of the Civil Air Regulations permits an appropriately certificated air carrier to perform maintenance in accordance with a continuous maintenance and inspection program. Part 45 of the Civil Air Regulations requires certificated commercial operators in the conduct of their operations to comply with the provisions of Part 40 or Part 42, as appropriate, with certain minor exceptions. These parts contain the certification and operation rules applicable to scheduled and irregular air carriers, respectively. However, a certificated commercial operator is not an air carrier. Consequently, the provisions of Part 18 do not permit a certificated commercial operator to exercise any of the privileges of an appropriately certificated air carrier in the maintenance of its aircraft, notwithstanding the fact that it is subject to the same certification and operation rules.

This amendment will permit a certificated commercial operator to accomplish maintenance, repairs, and alterations on its own aircraft as provided for in its continuous airworthiness maintenance and inspection program and its maintenance manual.

Interested persons have been afforded an opportunity to participate in the making of this amendment (20 F. R. 5976), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 18 of the Civil Air Regulations (14 CFR Part 18, as amended) effective January 27, 1956.

1. By amending § 18.1 by adding new subparagraph (8a) to paragraph (a) to read as follows:

§ 18.1 *Definitions.* (a) • • •

(8a) *Certificated commercial operator.* A certificated commercial operator means any person holding a commercial operator certificate as required by the provisions of Part 45 of this subchapter.

2. By amending § 18.10 by adding a new paragraph (f) to read as follows:

§ 18.10 *Persons authorized to perform maintenance, preventive maintenance, repairs, and alterations.*[3] • • •

(f) A certificated commercial operator may perform maintenance, repairs, and alterations on its own aircraft or aircraft components, including propellers and appliances, as provided for in its continuous airworthiness maintenance and inspection program and its maintenance manual.

3. By amending § 18.11 by adding a new subparagraph (5) to paragraph (a) and a new subparagraph (6) to paragraph (b) to read as follows:

§ 18.11 *Persons authorized to approve maintenance, repair, and alterations.*[4]

(a) *Maintenance, minor repairs, and minor alterations.* • • •

(5) A certificated commercial operator.

(b) *Major repairs and major alterations.* • • •

(6) A certificated commercial operator, if the work has been performed on aircraft listed in the operating certificate of that operator and has been performed in accordance with a manual, specification, or other technical data approved by the Administrator.[5]

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 52 Stat. 1007, as amended, 49 U. S. C. 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-10420; Filed, Dec. 28, 1955; 8:57 a. m.]

[Reg. SR-414]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

SPECIAL CIVIL AIR REGULATION; REQUIREMENTS FOR PILOT ROUTE QUALIFICATIONS IN SCHEDULED INTERSTATE AIR CARRIER OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of December 1955.

The Board has received a petition from American Airlines, Inc. (American), dated December 2, 1955, requesting permission to qualify its pilots into airports at Pittsburgh, Pennsylvania, and Houston, Texas, by means other than those presently required by § 40.303 (c) of Part 40 of the Civil Air Regulations. This section requires in part that each pilot in command make an entry into each regular, provisional, and refueling airport into which he is to be scheduled to fly.

On January 20, 1955, the Bureau of Safety Regulation published Civil Air Regulations Draft Release No. 55–3, "Scheduled Air Carrier Pilot Airport Qualification Without Prior Take-Off and Landing." This proposal was concerned with the over-all problems of pilot airport and route qualification. Considerable emphasis was placed on recent developments of motion picture panoramic views of airports and their environs which showed excellent promise of providing an effective means for insuring pilot airport qualification.

The objective of this draft release was described in the preamble in part as follows: "The Bureau is of the opinion that, with necessary safeguards, the regulations should be amended in a manner that will encourage further research and development of the visual training aids program by various commercial sources and at the same time provide more acceptable airport qualification rules for use in the meantime. Accordingly, it would seem appropriate to permit methods of airport qualification other than physical entry, provided that such alternative methods have the approval of the Administrator." Response to the draft release was generally favorable.

Following publication of the draft release, Pan American World Airways, Inc., (PAA) petitioned the Board to permit qualification of pilots in command on the Manila-Saigon-Singapore route by means other than those presently required by Part 41 of the Civil Air Regulations which applies to air carrier operations outside the continental limits of the United States. The PAA request was based, among other things, upon the consideration that PAA had developed a comprehensive training program utilizing color motion pictures showing clear daylight views of the complete physical layout of the airports, surrounding terrain, obstructions, approaches to all runways, restricted areas, and conspicuous reference points that would be of value to the pilot. The Board was also advised that certain procedural safeguards had been agreed upon by the Civil Aeronautics Administration, PAA, and the pilots concerned. The Board considered that PAA's program would provide a timely opportunity for evaluation of a means of airport and route qualification by industry and government alike and was of the opinion that a Special Civil Air Regulation was the appropriate vehicle for permitting the controlled introduction of the new techniques. Accordingly, the Board adopted Special Civil Air Regulation No. SR–413, effective September 23, 1955, to permit PAA, with the Administrator's approval, to proceed with its plans and also to permit other Part 41 carriers to request of the Administrator similar approval should they be in a position to do so. Special Civil Air Regulation No. SR–413 terminates on September 23, 1956.

American bases its request upon considerations which are substantially the same as those which the Board found justified the issuance of SR–413. In lieu of actual entry, American proposes to familiarize its pilots with the layout, obstructions, approaches, and the relationship of approaches to obstructions at the Pittsburgh and Houston airports through the use of color slides taken from such positions in the air as will best display these features and their relationship to each other. Also, American advises that any pilot qualified by this method will be accompanied by a flying supervisor on his first scheduled flight. In addition, American states that the pilots concerned concur in this request. The Civil Aeronautics Administration has cooperated with American in the development of its proposed qualification program and is actively interested in exploring fully the possibilities offered by this medium of airport qualification.

The Board is of the opinion that American's program will provide an excellent opportunity for further evaluation of a pictorial means of airport and route qualification, and that it is appropriate to promulgate a Special Civil Air Regulation to permit the controlled introduction of the new techniques in air carrier operations conducted pursuant to Part 40 of the Civil Air Regulations. This will permit American, with the Administrator's approval, to proceed with its program and will also permit other carriers to request of the Administrator similar approval should they be in a position to do so. It should be clearly understood that this temporary regulation will not relieve any air carrier of the responsibility of showing that each pilot in command is thoroughly qualified for the routes and airports which he is scheduled to serve. Furthermore, nothing in this regulation should be construed to prejudice final action by the Board on the proposals presented in Draft Release No. 55–3.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since it imposes no additional burden on any person, this regulation may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective December 23, 1955:

Contrary provisions of Part 40 of the Civil Air Regulations notwithstanding, an air carrier conducting scheduled interstate operations may, subject to the approval of the Administrator, comply with the following provisions in lieu of the provisions of § 40.303:

(a) The air carrier shall be responsible that each pilot in command is thoroughly qualified for the route over which he is to fly aircraft in scheduled air transportation as a pilot in command. An air carrier shall not utilize a pilot as pilot in command until he has been qualified for the route on which he is to serve at least in accordance with paragraphs (b), (c), and (d) of this regulation and the appropriate instructor or check pilot has so certified.

(b) Each such pilot shall demonstrate adequate knowledge concerning the subjects listed below with respect to the route to be flown. Those portions of the demonstration pertaining to holding procedures and instrument approach procedures may be accomplished in a synthetic trainer which contains the radio equipment and instruments necessary to simulate the navigational and letdown procedures approved for use by the air carrier:

(1) Weather characteristics,
(2) Navigational facilities,
(3) Communication procedures,
(4) Type of en route terrain and obstruction hazards,
(5) Minimum safe flight levels,
(6) Position reporting points,
(7) Holding procedures,
(8) Pertinent traffic control procedures, and
(9) Congested areas, obstructions, physical layout, and all instrument approach procedures for each regular, provisional, and refueling airport approved for the route.

(c) Each such pilot shall make an entry as a member of the flight crew at each regular, provisional, and refueling airport into which he is scheduled to fly. Such entry shall include a landing and take-off. Unless impracticable, such entry shall be made under day VFR to permit the qualifying pilot to observe the airport and surrounding terrain, including any obstructions to landing and take-off. The qualifying pilot shall occupy a seat in the pilot compartment and shall be accompanied by a pilot who is qualified at the airport: *Provided*, That such entry shall not be required if the air carrier shows that pilot airport qualification can be accomplished by other means approved by the Administrator.

(d) On routes on which navigation must be accomplished by pilotage and on which flight is to be conducted at or below the level of the adjacent terrain which is within a horizontal distance of 25 miles on either side of the center line of the route to be flown, the pilot shall be familiarized with such route by not less than two one-way trips as pilot or additional member of the crew over the route under VFR weather conditions to permit the qualifying pilot to observe terrain along the route.

This regulation shall terminate September 23, 1956, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended, 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55–10419; Filed, Dec. 28, 1955; 8:57 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

SABINE RIVER, TEXAS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.184 is hereby prescribed to govern the use and navigation of waters in the vicinity of the berthing area of the Texas Group, Atlantic Reserve Fleet, at Orange, Texas, as follows:

§ 207.184 *Sabine River at Orange, Texas; restricted area in vicinity of the Texas Group, Atlantic Reserve Fleet*—(a) *The area.* The berthing area of the Texas Group, Atlantic Reserve Fleet and the waters adjacent thereto from the mean high tide shore line to a line drawn parallel to, and 100 feet channelward from lines connecting the pier heads of Piers 1 through 12; and from a line drawn parallel to, and 200 feet upstream from, Pier 1 to a line drawn parallel to, and 100 feet downstream from, Pier 12.

(b) *The regulations.* (1) No vessel or other craft, except vessels of the United States Government or vessels duly authorized by the Commander, Texas Group, Atlantic Reserve Fleet, shall navigate, anchor, or moor in the restricted area.

(2) The regulations of this section shall be enforced by the Commander, Texas Group, Atlantic Reserve Fleet, and such agencies as he may designate.

[Regs., December 12, 1955, 800.211 (Sabine River, Tex.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–10364; Filed, Dec. 28, 1955; 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter V—Library of Congress

PART 501—PROCEDURES

MISCELLANEOUS AMENDMENTS

1. The following sections are revised to read as set forth below:

§ 501.6 *Loans of library materials for the blind*—(a) *Definition of blind.* In connection with the Library's program of service under the act of March 3, 1931, as amended, entitled "An Act to Provide Books for the Blind," the blind readers entitled to service under this act shall be defined as "Residents of the United States, including the several States, Territories, Insular Possessions, and the District of Columbia, whose visual acuity is 20/200 or less in the better eye with correcting glasses, or whose widest diameter of visual field subtends an angular distance no greater than twenty degrees." The degree of such blindness shall be certified by a duly licensed physician, optometrist, or ophthalmologist. The reading materials for the blind provided under the authority of the act cited above, including sound reproducers, may be loaned not only to readers who qualify under the above definition but also to hospitals, institutions, and schools for the use of such readers.

(b) *Loans to residents.* The Division for the Blind lends books in embossed characters and talking-book records to the blind under regulations and conditions of use established by the Librarian. The area to which this service is extended is limited generally to the District of Columbia, Maryland, Virginia, North Carolina, and South Carolina. Inquiries by mail concerning this service should be addressed to: Chief, Division for the Blind, Library of Congress, Washington 25, D. C.

(c) *Loans to residents temporarily domiciled abroad.* In accordance with the definition given in paragraph (a) of this section, and the intent and purpose of the Act to Provide Books for the Blind Residents of the United States, its Territories, Insular Possessions, and the District of Columbia (2 U. S. C. 135a), the distributing libraries which have been designated by the Librarian of Congress to serve as local or regional centers for the circulation of such books (2 U. S. C. 135b) shall lend such books to blind residents of the United States, its Territories, etc., who may be temporarily domiciled outside the jurisdictions enumerated by the act. Inquiries for information relative to the prescribed procedures and regulations governing such loans should be to: Chief, Division for the Blind, Library of Congress, Washington 25, D. C.

(1) When requests for loans of the character authorized in this section are made of the Library of Congress, they shall be addressed to the Loan Division, Library of Congress, Washington 25, D. C., U. S. A.

(2) Talking book machine lending agencies are authorized to permit blind readers, residents of the United States, temporarily domiciled abroad, to take the talking book machines loaned to them when they go abroad under the same conditions as book loans.

§ 501.7 *Service of scientific materials.* Readers requesting reference and bibliographic assistance in science and technology, including aeronautics, may consult the staff on duty in the general reading rooms. Inquiries are referred when necessary to specialists in the Science Division. A current science reference collection is available to readers in the Science Room.

§ 501.8 *Reference and bibliographic assistance.* Reference and bibliographic services provided in response to requests from readers and requests received by telephone and by mail are governed by policies and regulations established by the Librarian of Congress. Readers requiring reference and bibliographic assistance in the general collections and aid in the use of the card catalogs may request help from the staff on duty in the general reading rooms. Requests for such assistance in special collections are referred to the appropriate specialized divisions.

§ 501.9 *Service of Hispanic materials.* Readers requesting reference and bibliographic assistance on Hispanic materials may consult the staff on duty in the general reading rooms. Inquiries are referred when necessary to specialists in the Hispanic Foundation.

§ 501.11 *Service of maps.* Services to readers in the Map Reading Room are provided in accordance with prescribed conditions of use of the materials in the custody of the Map Division. Special facilities are provided for use of maps. Investigators requiring materials in other collections of the Library for use with materials in the custody of the Map Division may requisition and use such materials in the Map Reading Room insofar and on such conditions as they are available for use therein.

§ 501.19 *Card distribution.* Printed catalog cards are supplied under the procedures specified in the latest edition of the Handbook of Card Distribution, supplemented by emendations in the bulletin, Cataloging Service, published by the Library of Congress, Processing Department. Cards may be ordered by author and title or by serial number. Card order slips required for this purpose are furnished to subscribers upon request. Printed catalog cards in book form are available by purchase of the publication, Library of Congress Catalog (A Cumulative List of Works Represented by Library of Congress Printed Cards)—Books: Authors and Books: Subjects.

2. The following sections are added to read as set forth below:

§ 501.20 *Exhibit of Library materials.* Certain materials in the Library's collections are available for loan to other institutions for purposes of display at free public exhibits, subject to special conditions fixed by the Library. This service is subject to limitations in terms of the character of the materials and the availability of staff to prepare materials for shipment.

§ 501.21 *Service of materials in Slavic and East European languages.* Readers requesting reference and bibliographic assistance on materials in Slavic and other East European languages may consult the staff on duty in the Slavic Room. Inquiries are referred when necessary to specialists in the Slavic and East European Division.

§ 501.22 *Service of local history and genealogy materials.* Readers requesting reference and bibliographic assistance on materials in local history and genealogy may consult the staff in the Local History and Genealogy Room.

(Sec. 1, 29 Stat. 544, 546; 2 U. S. C. 136)

L. QUINCY MUMFORD,
Librarian of Congress.

[F. R. Doc. 55–10430; Filed, Dec. 28, 1955; 8:59 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

REVISION OF REGULATIONS

In the matter of revision of Part 3, Radio Broadcast Services and The Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

The Commission's Report and Order (FCC 55–1097) in the above-entitled matter, adopted 11–3–55, as published in the FEDERAL REGISTER of December 9,

1955 (20 F. R. 9041), is corrected in the following respects:

1. Section 3.111 (b) (4) (iv), previously deleted, was inadvertently included in this revision and is hereby deleted.

2. To correct a typographical error in the last sentence of § 3.79, the phrase "actual sunrise and sunrise and sunset tables" is corrected to read "actual sunrise and sunset tables".

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-10414; Filed, Dec. 28, 1955; 8:56 a. m.]

[Docket No. 9288; FCC 55-1260]

PART 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES

INTRODUCTION

In the matter of amendment of Part 15 of the Commission's rules governing Restricted Radiation Devices.

1. On April 13, 1949, the Commission issued a Notice of Proposed Rule Making setting forth general principles on the basis of which it proposed to revise its regulations relating to restricted radiation devices (Part 15 of its rules). All persons concerned were requested to comment on these principles. To facilitate the submission of comments, the proposal was divided into four separate parts by order dated July 29, 1949.

2. The Commission issued a Further Notice of Proposed Rule Making on April 15, 1954, which contained specific regulations based on the comments received in response to the earlier proposal, on discussions with various industry groups and on developments in the radio and electronic industries during that period. Comments on this Further Notice of Proposed Rule Making were received until January 3, 1955.

3. Basically, Part 15 is intended to regulate the use of equipment that radiates radio frequency energy and which is not presently regulated either by Part 18 dealing with Industrial Scientific and Medical (ISM) devices or by the rules dealing with licensed radio stations. The devices that are now or which will be, subject to Part 15 are many and range in diversity from various electric motors and appliances to carrier current systems. They include very short range transmitters, radio receivers and a wide array of electronic equipment that have become an integral part of our daily life.

4. With the exception of the very short range transmitters, Part 15 will regulate the unwanted radiations from electrical and electronic equipment. Unwanted radiation may be described as electromagnetic energy that is radiated within the radio spectrum but which is not useful for the purpose of the radiating device. It is well established that radio communications can produce satisfactory results and be effective only so long as the desired signal is strong enough to override the interference that may be present at the receiver. Since any radiation, whether intended or unwanted, is capable of interfering with radio communication, the need for regulation of radiation, both intended and unwanted, is thus apparent. This area of regulation is becoming ever more important as the use of the radio spectrum for communications expands, through an increase in the number of stations as well as through the use of more sensitive receiving equipment, and as the number of non-radio devices producing radiation keeps growing.

5. Part 15 is based upon the rationale that if radiation can be kept within certain fixed limitations, a general assumption can be made that such operations will normally not cause interference to interstate communications or otherwise have interstate effects bringing such operations within the purview of those which must be licensed under section 301 of the Communications Act. Accordingly, it is the Commission's position that these operations, as long as they do not exceed certain radiation limitations and do not in particular situations cause actual interference, may lawfuly be carried on without a license.

6. Examination of the comments filed in the instant proceeding, as well as detailed consideration of the technical developments in the field, have convinced the Commission that the several types of devices covered by these rules require separate treatment on account of the practical problems relating to the suppression of radiation from these several types of devices in different parts of the spectrum, as well as the varying needs for interference-free reception by the licensed operations in the several bands. We have been constrained, therefore, to expand further the particularization of methods of treating different devices which was previously anticipated in Subpart B of the rules as proposed in the April 15, 1954 Further Notice of Proposed Rule Making.

7. In view of the necessity of putting these rules into effect at as early a date as possible, we have determined that finalization of rules for those devices upon which agreement can now be reached should not be made to await completion of other sections of the rules dealing with devices with respect to which substantial problems still remain unresolved. Thus, while it is presently contemplated that the rules covering Part 15 will be broken down into some eight substantive Sub-parts,[1] this Report will confine itself to Incidental Radiation Devices and Radio Receivers. In addition to the Sub-parts relating to those devices, however, the rules as presently promulgated, will contain a general introductory Sub-part A, to which will be attached, as a temporary expedient, the substance of the present Part 15 which will, of course, continue to govern those devices for which special rules have not yet been adopted.

[1] These will cover:
1. Incidental radiation devices.
2. Radio receivers.
3. Carrier current communication systems.
4. Aural broadcast distribution systems.
5. Community Antenna television systems.
6. Low power communication devices.
7. Test equipment.
8. Detecting equipment.

GENERAL RULES

8. Subpart A of Part 15 contains rules applicable generally to the operation of all incidental and restricted radiation devices. Included are definitions of terms used, and provisions with respect to the operation of incidental and restricted radiation devices which do not conform to the radiation limits specified in Part 15. The latter category of devices may not be operated except in accordance with a license issued pursuant to section 301 of the Communications Act. With the exception of unique cases, a person seeking a license for a device which cannot operate in accordance with Part 15 will first be required to secure the establishment of a licensed service through appropriate amendment of the Commission's Rules.

INCIDENTAL RADIATION DEVICES

9. Concerning Incidental Radiation Devices, we are faced with the fact that there are an almost infinite variety of devices, as well as a lack of any detailed knowledge of what limitations would be necessary to eliminate the probability of harmful interference from these devices to interstate communications or what limitations are practical of achievement. This consideration renders any establishment of fixed standards at this time unfeasible. However, in view of the infrequent and intermittent nature of most of the interference actually observed as emanating from this source, we believe that the matter can and should now be handled through the adoption of a simple rule to the effect that the operation of incidental radiation devices must not cause harmful interference, and that, where they do cause harmful interference, the operators of the particular devices must promptly take steps to eliminate the interference.

RADIO RECEIVERS

10. Subpart A of the proposed rules contained general provisions for the operation of restricted radiation devices, including radio receivers. The limitations to be imposed on these devices were expressed in terms of the maximum radiated power or the maximum field strength. The proposal contained two tables of field strength limitations; table one was to become effective at the time the rules were finalized and table two containing more stringent limitations was to become effective June 30, 1956. As proposed the power or field strength limitations would be applicable only to TV and frequency modulation broadcast receivers and land mobile receivers operating above 25 Mc until July 1, 1956, after which date, the limitations would be applicable to all receivers. Subpart B of the proposal would have required the certification of receivers operating above 25 Mc based on the determination that such receivers meet the proposed limitations.

11. In general, the rules which the Commission is now finalizing with respect to radio receivers are applicable only to receivers which operate (tune) between 30 and 890 Mc. Radio receivers operating below 30 Mc have been exempted from most of the requirements on the basis of the finding that the record in this proceeding does not support the need for specific radiation limits for these receivers. Similarly, receivers operating above 1000 Mc are exempt from most of the requirements since the record shows a lack of satisfactory standard measurement techniques and insufficient knowledge on which specific radiation limits could be based. However, it should be emphasized that all radio receivers, no matter on what frequency they may operate, are subject to the general requirement that they shall not cause harmful interference.

12. The attached rules retain the same field strength limitations as were contained in the proposal for radiation on frequencies between 25–1000 Mc. However, the rules we are now adopting do not contain specific field strength limitations for radiation on frequencies below 25 Mc and above 1000 Mc. Specific limitations for those frequency ranges have been deleted because the record indicates that there are presently no adequate standard methods for measuring receiver radiation in those bands. For the frequencies below 25 Mc the Commission has substituted a line voltage limitation for the field strength limitation since it has determined that there are practical standard methods for measuring line voltage limitations on frequencies below 25 Mc, and that this measurement will give an adequate indication of the capability of the receiver for causing interference on those frequencies. The rules do not establish any radiation limitations on frequencies above 1000 Mc, and receivers in that range will be subject only to the non-interference requirement.

13. The Commission has determined that the second more restrictive set of limitations which would have gone into effect at some specified later date should not be adopted at this time. On the basis of the present record, the Commission is unable to decide the precise radiation limitations which should or could be made applicable to radio receivers at some later date. Therefore, the Commission is adopting only one set of limitations at this time, and will continue to study the problem with a view to adopting more stringent limitations as the need arises.

14. The attached rules contain provisions designed to clarify the requirements for certification of radio receivers. In addition they provide that all receivers operating in the range 30–890 Mc manufactured after May 1, 1956, shall comply with all of the requirements applicable to receivers with certain exceptions. Compliance by television receivers with the radiation limits is deferred for a specified period. Compliance is also deferred for the pocket type of superregenerative receiver used in one-way signalling systems. However, the rules contain specific dates on which these requirements must be met by television receivers and by the pocket receivers.

CONCLUSION

15. The Commission has determined that the public interest will be served by adopting the attached rules, which include general rules applicable to all restricted and incidental radiation devices as well as rules specifically governing incidental radiation devices and radio receivers. As indicated above, the Commission has found that the rules with respect to the other types of restricted radiation devices require further study. Further orders with respect to the other categories of devices will be issued by the Commission at such times as the problems involved are resolved.

16. Authority for the adoption of the attached rules is contained in sections 4 (i), 301 and 403 (f) of the Communications Act of 1934, as amended.

17. *It is ordered*, That effective February 1, 1956, Part 15 of the Commission's rules and regulations is amended to read as set forth below.

Adopted: December 21, 1955.

Released: December 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

Subpart A—General

Sec.
15.1 Basis of this part.
15.2 Scope of this part.
15.3 General condition of operation.
15.4 General definitions.
15.5 Equipment available for inspection.
15.6 Information required by the Commission.
15.7 General requirement for restricted radiation devices.

Subpart B—Incidental Radiation Devices

15.31 Operating requirements.

Subpart C—Radio Receiver

15.61 Scope of this subpart.
15.62 Radiation interference limits.
15.63 Measurement procedure.
15.64 Certification of radio receivers.
15.65 Information to be filed with Commission.
15.66 Identification of certificated receivers.
15.67 Operation of radio receivers aboard a ship.
15.68 Effective date of this subpart.
15.69 Interference from a radio receiver.

AUTHORITY: §§ 15.1 to 15.69 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 403; 48 Stat. 1081, 66 Stat. 719; 47 U. S. C. 301, 403.

SUBPART A—GENERAL

§ 15.1 *Basis of this part.* Section 301 of the Communications Act of 1934, as amended, provides for the control by the Federal Government over all the channels of interstate and foreign radio communication and further provides, in part, that no person shall use or operate apparatus for the transmission of energy, communications or signals by radio when the effects of such operation extend beyond state lines or cause interference with the transmission or reception of energy, communications, or signals, of any interstate or foreign character by radio, except under and in accordance with the Communications Act and a license granted under the provisions of that act. Restricted and incidental radiation devices emit radio frequency energy on frequencies within the radio spectrum and constitute a source of harmful interference to authorized radio communication services operating upon the channels of interstate and foreign communication unless precautions are taken which will prevent the creation of any substantial amount of such interference.

§ 15.2 *Scope of this part.* (a) This part contains rules that set forth the conditions under which the operation of incidental and restricted radiation devices is considered to fall outside the purview of section 301 of the Communications Act which specifies when a station license is required as a condition for lawful operation.

(b) No incidental or restricted radiation device which fails to conform to the provisions of this part, or which causes harmful interference, may be operated without a station license. Unless such devices may be operated in accordance with the provisions of some other part of this chapter (see particularly Part 19, Citizens Radio Service), persons wishing to operate such devices in a manner inconsistent with this part will be required to first secure an amendment of the Commission's rules to establish a licensed service providing for such operation and setting forth the technical and other limitations thereof; provided that in appropriate circumstances, when such a petition for rule making has been filed, the Commission may consider, prior to final action thereon, applications for Special Temporary Authorizations to operate stations on a developmental basis where it can be shown that such temporary operation would be in aid of a final determination as to whether the proposed rule should be adopted, and that such temporary operation would otherwise be in the public interest; and provided further that the Commission will, in exceptional situations, consider individual applications for licenses to operate incidental or restricted radiation devices, not conforming to the provisions of this part, where it can be shown that the proposed operation would be in the public interest, that it is for a unique type of station or for a type of operation which is incapable of establishment as a regular service, and that the proposed operation cannot feasibly be conducted under these rules.

§ 15.3 *General condition of operation.* Persons operating restricted or incidental radiation devices shall not be deemed to have any vested or recognizable right to the continued use of any given frequency, by virtue of prior registration or certification of equipment. Operation of these devices is subject to the conditions that no harmful interference is caused and that interference must be accepted that may be caused by other incidental or restricted radiation devices, industrial, scientific or medical equipment, or from any authorized radio service.

§ 15.4 *General definitions*—(a) *Radio frequency energy.* Electromagnetic en-

ergy at any frequency in the radio spectrum between 10 kc and 3,000,000 Mc.

(b) *Harmful interference.* Any radiation or induction which endangers the functioning of a radio navigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the regulations in Part 2 of this chapter.

(c) *Incidental radiation device.* A device that radiates radio frequency energy during the course of its operation although the device is not intentionally designed to generate radio frequency energy.

(d) *Restricted radiation device.* A device in which the generation of radio frequency energy is intentionally incorporated into the design and in which the radio frequency energy is conducted along wires or is radiated, exclusive of transmitters which require licensing under other parts of this chapter and exclusive of devices in which the radio frequency energy is used to produce physical, chemical or biological effects in materials and which are regulated under the provisions of Part 18 of this chapter.

§ 15.5 *Equipment available for inspection.* Any equipment or device subject to the provisions of this part together with any license, certificate, notice of registration or any technical data required to be kept on file by the operator of the device shall be made available for inspection by Commission representatives upon reasonable request.

§ 15.6 *Information required by the Commission.* The owner or operator of any device subject to this part shall promptly furnish to the Commission or its representative such information as may be requested concerning the operation of the device including a copy of any field strength measurements made by or for the operator of the device.

§ 15.7 *General requirement for restricted radiation devices.* Unless regulated under some other subpart of this part, any apparatus which generates a radio frequency electromagnetic field functionally utilizing a small part of such field in the operation of associated apparatus not physically connected thereto and at a distance not greater than $\frac{157{,}000}{F(kc.)}$ feet $\left(\text{equivalent to } \frac{\lambda}{2\pi}\right)$ need not be licensed provided:

(a) That such apparatus shall be operated with the minimum power possible to accomplish the desired purpose.

(b) That the best engineering principles shall be utilized in the generation of radio frequency currents so as to guard against interference to established radio services, particularly on the fundamental and harmonic frequencies.

(c) That in any event the total electromagnetic field produced at any point a distance of $\frac{157{,}000}{F(kc.)}$ feet $\left(\text{equivalent to } \frac{\lambda}{2\pi}\right)$ from the apparatus shall not exceed 15 microvolts per meter.

(d) That the apparatus shall conform to such engineering standards as may from time to time be promulgated by the Commission.

(c) That in the event harmful interference is caused, the operator of the apparatus shall promptly take steps to eliminate the harmful interference.

SUBPART B—INCIDENTAL RADIATION DEVICES

§ 15.31 *Operating requirements.* An incidental radiation device shall be operated so that the radio frequency energy that is radiated does not cause harmful interference. In the event that harmful interference is caused, the operator of the device shall promptly take steps to eliminate the harmful interference.

SUBPART C—RADIO RECEIVERS

§ 15.61 *Scope of this subpart.* Radio receivers come within the scope of this subpart insofar as they are restricted radiation devices and generate and radiate radio frequency energy. Typically, these rules apply to superheterodyne receivers in which the oscillator may produce harmful interference. As another example, these rules also regulate television broadcast receivers with respect to the radio frequency energy which is generated by the horizontal sweep circuits and which may cause interference.

§ 15.62 *Radiation interference limits.* The radiation from all radio receivers that operate (tune) in the range 30 to 890 Mc, including frequency modulation broadcast receivers and television broadcast receivers, manufactured after the effective date of this subpart shall not exceed the following field strength limits at a distance of 100 feet or more from the receiver:

Frequency of radiation (Mc)	Field strength (uv/m)
0.45 up to and including 25	See Note 1.
Over 25 up to and including 70	32.
Over 70 up to and including 130	50.
130–174	50–150 (linear interpolation).
174–260	150.
260–470	150–500 (linear interpolation.
470–1000	500.

NOTE 1: Pending the development of suitable measurement techniques for measuring the actual radiation in this band the interference capabilities of a receiver in this band will be determined by the measurement of radio frequency voltage between each power line and ground at the power terminals of the receiver. The voltage so measured shall not exceed 100 uv at any frequency between 450 kc and 25 Mc inclusive.

NOTE 2: The Commission will review this table from time to time with a view to reducing the radiation limits as the radio art develops.

NOTE 3: See also § 15.69.

§ 15.63 *Measurement procedure.* (a) Any measurement procedure acceptable to the Commission may be used to show compliance with the requirements of this subpart. A detailed description of the proposed measurement procedure, including a list of the test equipment to be used, shall be submitted to the Commission when requesting a determination regarding the acceptability of the proposed measurement procedure.

(b) The following methods of measurement are considered acceptable procedures for certification of receivers pursuant to § 15.64:

(1) Institute of Radio Engineers Standard 51 IRE 17S1 for radiation measurements.

(2) Institute of Radio Engineers Standard 54 IRE 17.S1 for powerline interference measurements for television broadcast receivers, when the standard is modified by substituting a line stabilization network having the electrical constants described in MIL–I–16910A, "Military Specification For Interference Measurement" available from the Commanding Officer, Naval Supply Depot, Scotia 2, New York.

(c) In the case of measurements in the field, radiation in excess of 15 uv/m at any frequency between 450 kc and 25 Mc at the border of the property and more than 15 feet from any power line crossing this border under the control and exclusive use of the person operating or authorizing the operation of the receiver will be considered an indication of noncompliance with the radiation requirements of this subpart.

§ 15.64 *Certification of radio receivers.* (a) No radio receiver manufactured after the effective dates of this subpart that operates in the range 30 to 890 Mc, including frequency modulation broadcast receivers and television broadcast receivers, shall be operated without a station license unless it has been certificated to demonstrate compliance with the radiation interference limits in this subpart.

(b) The owner or operator need not certificate his own receiver, if it has been certificated by the manufacturer or the distributor.

(c) Certification made by a manufacturer or the distributor shall be based on tests made on receivers actually produced for sale. Tests shall be performed on a sufficient number of production units to assure that all production units comply with the radiation limitations of this subpart.

(d) The certificate may be executed by an engineer skilled in making and interpreting field strength measurements.

(e) The certificate shall contain the following information:

(1) Name of manufacturer or distributor of receiver,

(2) Model number,

(3) Brief description of receiver, including tuning range, type of circuit, purpose for which used (as broadcast, aircraft, etc.),

(4) Brief statement of the measurement procedure used,

(5) Date the measurements were made,

(6) A summary of the data obtained,

(7) A statement certifying that on the basis of measurements made, the radio receiver is capable of complying with the requirements of this part under normal operation with the usual maintenance,

(8) The name and address of the certifying engineer, and name and address of his employer, if any, and

(9) Date of the certificate.

(f) The certificate shall be retained by the owner, manufacturer or the distributor for a period of five years, and shall be made available upon reasonable request to an authorized Commission representative, or photostat furnished by mail. (See § 15.65 for filing requirement with FCC).

§ 15.65 *Information to be filed with Commission.* (a) Each manufacturer, distributor or other certifying agency that issues certifications pursuant to this subpart shall file with the Commission a description of its measurement facilities used for certification.

(b) A copy of each certificate prepared by a manufacturer, distributor or certifying agency shall be filed with the Commission at the time the certificate is prepared.

§ 15.66 *Identification of certificated receivers.* Each certificated receiver shall be identified by a distinctive seal or label, which may be a part of the name plate and which shall state that the receiver has been certificated for compliance with the requirements of this subpart. The seal or label shall be permanently attached to the receiver and shall be readily visible for inspection by prospective purchasers.

§ 15.67 *Operation of radio receivers aboard a ship.* In addition to meeting the requirements of this part, a radio receiver operated aboard a ship shall also meet the requirements of Part 8 of this chapter.

§ 15.68 *Effective date of this subpart.* (a) Except as provided in paragraphs (b), (c) and (d) of this section, all radio receivers that operate (tune) in the range 30 to 890 Mc, including frequency modulation broadcast receivers and television broadcast receivers, manufactured after May 1, 1956, shall comply with the requirements of this subpart.

(b) The radiation interference limits above 260 Mc and the certification requirements with respect thereto shall be met by all new models of UHF television broadcast receiver chassis placed in production after December 31, 1956, and by all UHF television broadcast receivers manufactured after June 30, 1957.

(c) The power line interference limit and the certification requirement with respect thereto shall be met by all new models of television broadcast receiver chassis placed in production after June 30, 1956, and by all television broadcast receivers manufactured after December 31, 1956.

(d) The radiation interference limits and the certification requirement with respect thereto shall be met by all pocket type superregenerative receivers used in the one-way signalling services as defined in Part 6 of this chapter which are manufactured after December 31, 1956.

§ 15.69 *Interference from a radio receiver.* The operator of a radio receiver, regardless of tuning range, date of manufacture, or of certification, which causes harmful interference shall promptly take steps to eliminate the harmful interference.

[F. R. Doc. 55-10415; Filed, Dec. 28, 1955; 8:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

[192-31.1]

EAGLE AND HYDER, ALASKA

NOTICE OF PROPOSED REVOCATIONS OF DESIGNATIONS AS CUSTOMS PORTS OF ENTRY

DECEMBER 22, 1955.

Notice is hereby given that, pursuant to the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), and delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, of September 17, 1951 (3 CFR, 1951 Supp., Ch. II), it is proposed to revoke the designations of Eagle and Hyder, Alaska, as customs ports of entry in Customs Collection District No. 31 (Alaska); and it is further proposed to amend section 1.1 of the Customs Regulations (19 CFR 1.1) by deleting the names "Eagle" and "Hyder" from the list of ports of entry in said district.

This action will be in the interest of efficient administration, as delays in depositing and accounting for collections, and various monthly reports, etc., required to be prepared by customs officers at ports of entry, will be eliminated. Although the volume of business at these ports has decreased materially, the Commissioner of Customs will designate such places as customs stations, and the customs officers will be retained to handle such business as may arise.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Data, views, or arguments with respect to the proposed action may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-10409; Filed, Dec. 28, 1955; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 27, 28]

COTTON

OFFICIAL STANDARDS OF THE UNITED STATES

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that the Agricultural Marketing Service is considering the amendment of §§ 27.202, 27.203, 27.204, and 28.115 of the official cotton standards for length of staple and the regulations relating to the official cotton standards for grade and length of staple (7 CFR 27.202, 27.203, 27.204, and 28.115) pursuant to authority contained in section 6 of the United States Cotton Standards Act (42 Stat. 1518; 7 U. S. C. 56) and section 4854 of the Internal Revenue Code of 1954 (68A Stat. 580; 26 U. S. C., Supp. II, 4854).

The primary purposes of the proposed amendments are to (1) eliminate the staple designations "¾" and "Below ¾" and establish the designation "Below $^{13}/_{16}$," (2) eliminate the official standard for ¾ inch staple length, and (3) eliminate the practical forms for the staple lengths $1^{9}/_{32}$, $1^{11}/_{32}$, and 1½ inches for upland cotton.

The proposed amendments are as follows:

1. Delete from § 27.202 the designations "Below ¾; ¾;" and substitute therefor the designation "Below $^{13}/_{16}$;"

2. Delete from the first clause of § 27.203 the designations "¾," "$1^{9}/_{32}$," "$1^{11}/_{32}$," and "1½."

3. Amend § 27.204 to read as follows:

§ 27.204 *Over $^{13}/_{16}$ inch staple.* Cotton which is more than thirteen-sixteenths of an inch in length of staple, but is not exactly one of the measurements specified in § 27.202, shall be designated by that one of such measurements which comes nearest under its true measurement.

4. Amend the second and third undesignated paragraphs of § 28.115 (a) by inserting the words "Good Middling" immediately under the headings "White Grades."

5. Delete from § 28.115 (a) the terms "¾ inch," "$1^{9}/_{32}$ inches," "$1^{11}/_{32}$ inches," and "1½ inches" listed under the heading "American Upland Cotton" with reference to standards for length of staple.

Any interested person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 23d day of December 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-10421; Filed, Dec. 28, 1955; 8:57 a. m.]

[7 CFR Part 51]

INSPECTION AND CERTIFICATION OF FRUITS, VEGETABLES AND OTHER PRODUCTS[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of existing regulations (7 CFR, Part 51) governing the inspection and certification of fruits, vegetables, and other products, issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C., 1621 et seq.). The proposed revision will implement Public Law 272, 84th Congress, 1st Session, approved August 9, 1955, amending the aforesaid act, by designating the certificates, memoranda, marks and other identifications and devices for making such marks or identifications, with respect to inspection, class, grade, quality, size, or condition, that are official for the purpose of said act. The proposed revision also changes the definition of the statutory authority under which inspection and certification are conducted.

All persons who desire to submit written data, views, or arguments in connection with the proposed revision should file the same in duplicate with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days after publication hereof in the FEDERAL REGISTER.

1. Delete paragraph (a) under § 51.3 *Terms defined*, and insert in lieu thereof the following:

(a) "Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) or any other Act of Congress conferring like authority.

2. Insert new § 51.3a as follows:

§ 51.3a. *Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.* Subsection 203(h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, including those defined in § 51.3, used under this part to certify with respect to the inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspection, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U. S. grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part.

(d) "Official identification" means any United States (U. S.) standard designation of class, grade, quality, size, quantity, or condition specified in this Part of any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

Done at Washington, D. C., this 23d day of December 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator for Marketing Services.

[F. R. Doc. 55-10423; Filed, Dec. 28, 1955; 8:57 a. m.]

[1] Among such other products are the following: raw nuts; Christmas trees and greens; flowers and flower bulbs; and onion sets.

[7 CFR Part 941]

[Docket No. AO-101-A20]

MILK IN CHICAGO, ILL., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Chicago, Illinois, on July 5-8, 1955, pursuant to notice thereof which was issued on June 14, 1955 (20 F. R. 4256) and June 28, 1955 (20 F. R. 4690).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on November 29, 1955 (20 F. R. 8854), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, and notice of opportunity to file written exception thereto.

The material issues on the record of the hearing were:

1. Whether Kankakee, Will County, and Lake County, all in Illinois, or portions thereof, should be added to the marketing area;

2. Class I price differentials;

3. General changes in accounting for milk, including use of a skim milk and butterfat system of accounting;

4. Special classification and price for milk used in the manufacture of American Cheese;

5. Revision of differential to producers with respect to milk received in the marketing area;

6. Revision of the base-excess method of paying producers, including changes in the calculation of bases, changes in base rules, and calculation of base and excess prices;

7. Allocation of class utilization to own farm production;

8. Application of the 70-cent differential added in the case of bulk Class I and Class II milk moved outside the surplus milk manufacturing area;

9. Pool plant approval on the basis of shipments to plants distributing in the marketing area; and

10. Establishment of order prices at locations where milk is transferred from the tank truck in which it was picked up at the producer's farm to another tank truck.

This decision deals only with the bases assigned for the months of March, April, May and June 1956 to producers who relinquish earned bases, or have not earned a base, and base rules. All other issues on the record are reserved for a further decision.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing:

Calculation of bases. The amount of base milk for producers who have not earned a base, or who relinquish an earned base, should be 65 percent of deliveries in March 1956, 60 percent of deliveries in April 1956, 55 percent in May and June 1956. Producers should be allowed until January 15 to elect the option of relinquishing an earned base.

Order provisions allow a producer until December 31 of any year to decide whether he wishes to retain his earned base or take a base calculated the same as for a new producer. For the 1955 season, a new producer's base was calculated for the several months as follows: for March, 65 percent of his average daily deliveries in the month, for April, 60 percent, and for May and June, 55 percent. Beginning with 1956, new producer bases would be calculated as 10 percent less than the average percentage of base milk calculated for the same month of the previous year with respect to producers with earned bases.

Testimony generally favored continuation of use of optional bases through

the 1956 base-payment period. In this connection, since producers have had a year of experience in adjusting their production to the base-excess plan, it is possible there will be less cause for relinquishing earned bases than last season. However, the manner in which optional bases would be computed for the March-June 1956 period would appear to be more liberal than used in the prior season. Since this condition would tend to lessen the effectiveness of the base plan, it is preferable to retain the fixed percentages of deliveries for the 1956 base-paying period to serve as the method for computing an optional base.

It was proposed that the period for allowing a producer to relinquish an earned base be extended from December 31, this year, as now provided, to January 15, 1956. Such an extension would give producers additional time to submit a notice of adopting new producer status, without interfering with the operation of administration of the base-excess plan. It is concluded that this change should be adopted.

Base rules. The following changes should be made in base rules:

Producers with more than one farm should be allowed to establish a base for each farm and relinquish a base for one farm without doing so for other farms. If more than one producer ships from a farm, one base should be computed for the farm, and be allocated to each producer according to his share in the sale of milk from the farm, unless one of the producers has a base earned while he was on another farm and requests he be allowed to retain such base. Provision should be made for division of a jointly held base. Provision should be made also to allow a producer to transfer credit towards establishment of a base in the same manner as he may transfer a base. The base rules should not be amended to allow a base to be earned on milk delivered to nonpool plants.

Testimony indicated that a number of producers with multiple farms found themselves at a disadvantage in that they could not relinquish a base and take the option of new producer status under the same circumstances as producers with a single farm. Present rules require that a producer with more than one farm must relinquish bases earned on all his farms if he relinquishes the base on one farm. It was testified there would be little danger of manipulation if a producer were allowed to elect the optional base on each farm separately. The proposed change is adopted in the proposed amendment attached hereto.

An additional base rule was proposed by the Dairy Division with respect to farms where there are two or more producers. Under the proposal, each producer would share in the base, during March, April, May, and June, in the same proportion each month as he shares in the milk deliveries. In exceptions, request was made to allow producers who have earned bases on separate farms to retain their individual bases if they join in a combined operation. Such a provision would give desirable flexibility when two producers with substantially variant earned bases wish to combine their operations. These provisions will serve to facilitate operation of the base plan and should be adopted. Another provision proposed by the Dairy Division would allow producers who have an interest in a jointly held base and cease producing milk from the same farm, to divide the base upon notice to the market administrator within the month in which the division is effective. It would be provided, however, that if the producers holding such a joint base do not notify the market administrator of the terms of division, it shall be divided in the same proportion as they shared in milk deliveries during the base-making period, except that in the case of a partnership, the base shall be divided equally among the producers. This provision appears to be in accord with the experience in administration of the base plan, and will provide a specific method of division of bases.

An additional provision should be included to allow transfers of credit towards an earned base by a producer who discontinues shipping milk during the base-earning period.

It was proposed that a producer who has not earned a base on this market be allowed a base computed on his record of deliveries to another market.

Testimony in opposition to this proposal stressed the danger that dairy farmers, who in the short season sell in secondary markets where no base plans exist, might take advantage of such a provision to exploit the producer pool in this market during the base-payment months. There does not appear to be a real need for such a provision, inasmuch as a base allowance is provided for new producers.

Rulings on exceptions. In arriving at the findings and conclusions included in this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

Determination of representative period. The month of September 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Chicago, Illinois, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

Issued at Washington, D. C., this 22d day of December 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area

§ 941.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 941.69 (a) (1) delete the words "December 31" and insert instead the words "January 15 preceding the months in which the base applies,".

2. In § 941.69 (a) (2) delete subdivision (ii) and substitute the following:

(ii) Determine the percentage that base milk was of the remaining pounds, and subtract ten, except that for the months of March, April, May and June 1956 the percentages computed pursuant to this subdivision shall be as follows:

Month:	Percentage
March 1956	65
April 1956	60
May 1956	55
June 1956	55

3. Delete § 941.69 (b) (3) and substitute the following:

(3) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March, April, May and June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided*, That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

4. Renumber § 941.69 (b) (4) as § 941.69 (b) (5) and insert a new subparagraph (4) as follows:

(4) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signatures of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

5. In § 941.69 (b) insert subparagraph (6) as follows:

(6) Subject to the provisions set forth in subparagraphs (1) and (2) of this paragraph, a producer who discontinues shipping milk to a pool plant during September, October or November may transfer to another producer credit for milk deliveries for base making purposes.

[F. R. Doc 55-10404; Filed, Dec. 28, 1955; 8:53 a. m.]

Commodity Stabilization Service

[7 CFR Part 728]

WHEAT

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO MARKETING QUOTAS, NATIONAL, STATE, AND COUNTY ACREAGE ALLOTMENTS, AND FORMULATION OF REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS AND COUNTY NORMAL YIELDS FOR THE 1957 CROP

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1332, 1333, 1334, 1335), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1957 crop of wheat, to determine and proclaim the national acreage allotment for the 1957 crop of wheat, to apportion among States and counties the national acreage allotment for the 1957 crop of wheat, and to formulate regulations for establishing farm acreage allotments and county normal yields for the 1957 crop of wheat.

Section 335 of the act provides that whenever in the calendar year 1956 the Secretary determines (1) that the total supply of wheat for the 1956–57 marketing year will exceed the normal supply for such marketing year by more than 20 per centum, or (2) that the total supply of wheat for the 1955–56 marketing year is not less than the normal supply for such marketing year and that the average farm price for wheat for three consecutive months of such marketing year does not exceed 66 per centum of parity, the Secretary shall, not later than May 15, 1956, proclaim such fact and a national marketing quota shall be in effect on the marketing of wheat during the 1957–58 marketing year.

Section 333 of the act provides that the national acreage allotment shall be that acreage which the Secretary determines will, on the basis of the national average yield for wheat, produce an amount thereof adequate, together with the estimated carry-over at the beginning of the marketing year for such crop and imports, to make available a supply for such marketing year equal to a normal year's domestic consumption and exports plus 30 per centum thereof; but such allotment for any year shall not be less than 55 million acres. Section 332 of the act requires that the Secretary, not later than May 15, 1956, shall ascertain and proclaim national acreage allotment for the 1957 crop of wheat.

As defined in section 301 of the act, for the purpose of these determinations, "total supply" for any marketing year is the carryover of wheat for such marketing year, plus the estimated production of wheat in the United States during the calendar year in which such marketing year begins and the estimated imports of wheat into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of wheat for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of wheat for the marketing year for which normal supply is being determined, plus 20 per centum of such consumption and exports, with such adjustments for current trends in consumption and for unusual conditions as deemed necessary; "normal year's domestic consumption" of wheat is the yearly average quantity of wheat that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption; "normal year's exports" of wheat is the yearly average quantity of wheat produced in the United States that was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports; "marketing year" for wheat is the period July 1 to June 30; and "national average yield" of wheat is the national average yield of wheat for the ten calendar years preceding the year in which such national average yield is used, adjusted for abnormal weather conditions and for trends in yields.

Section 334 (a) of the act requires that the national acreage allotment of wheat for the 1957 crop, less a reserve of not to exceed one per centum thereof, be apportioned among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years 1946–1955 (plus, in applicable years, the acreage diverted under agricultural adjustment and conservation programs), with adujstments for abnormal weather conditions and trends in acreage during such period. Section 334 (b) of the act requires that the State acreage allotment of wheat for the 1957 crop, less a reserve of not to exceed 3 per centum thereof, be apportioned among the counties in the State on the basis of the acreage seeded for the production of wheat during the ten calendar years 1946–1955 (plus, in applicable years, the acreage diverted under agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such period and for the promotion of soil-conservation practices.

Section 335 (e) of the act provides that if for any marketing year, the acreage allotment for wheat for any State is twenty-five thousand acres or less the Secretary in order to promote efficient administration of the act and the Agricultural Act of 1949 may designate such State as outside the commercial wheat-producing area for such marketing year. The acreage allotment for any other State shall not be increased by reason of such designation.

Section 334 (c) of the act requires that the allotment to the county be apportioned among the farms within the county on the basis of past acreage of wheat, tillable acres, crop-rotation practices, type of soil, and topography, and provides that not more than 3 per centum of the State allotment be apportioned to farms on which wheat has not been planted for harvest during any of the three marketing years immediately preceding the marketing year in which the allotment is made.

Section 301 (b) (13) of the act provides for the determination of county normal yields of wheat by taking the average yields per acre of wheat for the county during the ten calendar years immediately preceding the year in which such normal yield is determined, adjusted for abnormal weather conditions and trends in yields. Provision is also made that if for any year during such 10-year period the data are not available, or there is no actual yield, an appraised yield for such year shall be determined in accordance with regulations issued by the Secretary of Agriculture, and that such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the 10 years upon which the existing normal yield per acre for the county was based.

It is proposed that in connection with apportionment of the national wheat acreage allotment among States a reserve of from one tenth of one per centum to five tenths of one per centum of the national acreage allotment be first deducted therefrom for making additional acreage allotments to counties on the basis of their relative needs for additional allotment because of reclamation or other new areas coming into the production of wheat during the preceding ten calendar years as authorized by section 334 (a) of the act.

It is proposed that in connection with the apportionment of the State acreage allotments among counties the State Agricultural Stabilization and Conservation Committee for each State shall determine the percentage of the State acreage allotment, not in excess of three per centum, which shall be reserved for apportionment to farms in the State on which wheat will be produced for 1957 for the first time since 1953.

It is proposed that the regulations for establishing farm acreage allotments for the 1957 crop of wheat shall be substantially the same as those for the 1956 crop of wheat (20 F. R. 1632) with the following exceptions:

1. The historical acreage for any farm shall be determined on the basis of the average wheat acreage on the farm for the four years 1952 through 1955, including acreage diverted under the 1954 program and 1955 program.

2. Where the base acreage for the farm determined under the regulations for the 1956 crop of wheat would be substantially the same as that under the proposed regulations, the 1956 base acreage may be used for 1957; and in cases where the base acreage for the farm determined under the regulations for 1955 (19 F. R. 3250, 6157, 6391) rather than the 1956 base acreage is representative for 1957 because of the established crop rotation system for the farm and such 1955 base acreage would be substantially the same as that under the proposed regulations, the 1955 base acreage may be used for 1957.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments for the 1957 crop of wheat and the formulation of regulations for the establishment of farm acreage allotments and county normal yields for the 1957 crop of wheat consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than fifteen days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 22d day of December 1955.

[SEAL] EARL M. HUGHES,
Administrator.

[F. R. Doc. 55-10401; Filed, Dec. 28, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-149]

FPC FORMS NO. 12, 12-A AND 12-D POWER SYSTEMS STATEMENTS

NOTICE OF PROPOSED RULE MAKING

DECEMBER 20, 1955.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Pursuant to the authority vested in it by the Federal Power Act (49 Stat. 838, 16 U. S. C. 791a–825r) and particularly sections 4 (a), 301 (a), 304 (a), 309 and 311 (49 Stat. 839, 854, 855, 858 and 859) thereof, the Commission proposes to amend §§ 141.51, 141.52 and 141.55 of the Commission's rules (18 CFR § 141.51, § 141.52 and § 141.55) so as to prescribe revised FPC Forms 12, 12-A and 12-D.[1]

3. FPC Forms No. 12, 12-A and 12-D solicit from each corporation, person, agency, authority, or other legal entity or instrumentality, whether public or private, which operates facilities for the generation, transmission or distribution of electric energy, information concerning electric generating and transmission facilities electric loads, classified uses of electric energy, and power and energy transactions with other electric utility systems. In general, the proposed changes would defer the filing date from April 15 to May 1, simplify the reporting requirements for smaller systems, and provide that for the year 1955 and every fifth year thereafter full reports be made of certain system data rather than only the changes occurring during the year. Such full reporting every fifth year and reporting for other years only of changes would be in accordance with the practice heretofore followed.

4. The detailed proposed changes in Form FPC 12 are as follows:

Cover and Page 1—The date the report should be filed has been changed to May 1 instead of April 15.

General Instructions—A new Class V has been added for utility systems which generate no energy but purchase their entire system energy requirements from other systems. This change will allow such utility systems to report on the smaller F. P. C. Form No. 12–A rather than the larger FPC Form No. 12, except that particular systems may be requested to use the latter.

Schedule 3—The instructions are revised to require reporting for steam-electric plants of under 10,000, instead of 5,000, kw installed capacity, and internal-combustion plants of under 2,500, instead of 1,000, kw installed capacity.

Schedule 5—The instructions are revised to require reporting on steam-electric plants of 10,000, instead of 5,000, kw installed capacity or greater.

Schedule 7—The instructions are revised to require reporting for internal-combustion engine plants of 2,500, instead of 1,000, kw installed capacity or greater.

Schedule 8, Instruction 1 of Part A; Schedule 13, Instruction 1 (b); and Schedule 15, Instructions, will be editorially revised due to the change in system classification.

Schedule 18—Minor editorial changes are included in Instructions 2 and 4 to avoid the use of the term "transmission line"; also, Instruction 6 is deleted.

Schedules 2, 3, 4, 5 and 7 are revised so as to require full reporting of data for 1955 and every fifth year thereafter, instead merely of changes occurring during the year.

5. The proposed changes in Form FPC 12–A are as follows:

Title Page—The date the report should be filed has been changed to May 1 instead of April 15.

General Instructions—Changed to provide for the new Class V filing, as described above for Form FPC 12.

General Instruction 15 is revised to require reporting of plant data for steam-electric plants of 10,000, instead of 5,000, kw installed capacity or greater, and internal-combustion engine plants of 2,500, instead of 1,000, kw installed capacity or greater. This instruction is also revised to require that all plants be reported for 1955 and every fifth year thereafter, rather than merely changes occurring during the year.

Schedule 6—Minor editorial changes are included in the instructions to avoid the use of the term "transmission line."

6. In Form FPC 12–D it is merely proposed to change the date the report should be filed from April 15 to May 1.

[1] Forms filed with original document.

7. Although the proposed revision of FPC Forms 12, 12–A and 12–D is deemed to be purely a matter of procedure or practice not requiring notice under section 4 (a) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003 (a) (1946)), this notice will be published in the FEDERAL REGISTER and will be served on all public utilities and licensees subject to the Federal Power Act. The Commission desires to have and will consider any data, views or comments which any interested person may submit not later than January 13, 1956.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–10368; Filed, Dec. 28, 1955; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72, 73, 74, 77, 78]

[Docket 3666; Notice 21]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

NOVEMBER 29, 1955.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth below and the reasons therefor are listed in the appendix hereto.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached. In view thereof no oral hearing is contemplated at this time.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before January 4, 1956. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 Commodity List (19 F. R. 8524, Dec. 14, 1954) (17 F. R. 7279, Aug. 9, 1952) (20 F. R. 949, Feb. 15, 1955) (15 F. R. 8265, 8267, 8272, 8273, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
*Ammonium nitrate-phosphate	Oxy. M.	73.153, 73.182	Yellow	100 pounds.
*Chlorate and magnesium chloride mixture.	Oxy. M.	73.153, 73.229	Yellow	100 pounds.
*Chlorine	Nonf. G.	73.302, 73.308, 73.314, 73.315	Green	150 pounds.
Radioactive materials, n. o. s.	Pois. D.	73.392, 73.393, 73.394	Poison Radioactive materials (Blue or Red).	See § 73.391 (b) and (c).
Add				
Chromyl chloride	Cor. L.	No exemption, 73.244, 73.247	White	1 gallon.
Cigarette loads	Expl. C.	No exemption, 73.111		150 pounds.
Heaters for refrigerator cars, liquid fuel type.	F. L.	73.146		
Sodium potassium alloys	F. S.	No exemption, 73.206	Yellow	25 pounds.
Trick matches	Expl. C.	No exemption, 73.111		150 pounds.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

Amend § 73.33 paragraph (k) (11) (19 F. R. 3259, June 3, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.33) to read as follows:

§ 73.33 *Qualification, maintenance, and use of cargo tanks.* • • •

(k) • • •

(11) Every cargo tank authorized for the transportation of flammable liquids and/or corrosive liquids under specifications MC 300 to MC 304 inclusive, MC 310, or MC 311 (§§ 78.321 to 78.324, 78.330, or 78.331 of this chapter) must be retested as provided in the applicable specification, except that retests not required on tanks equipped with rubber lining but retests must be made before such tanks are relined.

• • • • •

SUBPART B—EXPLOSIVES; DEFINITION AND PREPARATION

1. In § 73.65 amend the introductory text of paragraph (b) (19 F. R. 8525, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.65) to read as follows:

§ 73.65 *High explosives with no liquid explosive ingredient nor any chlorate.* • • •

(b) Amatol consisting of 80 percent ammonium nitrate and 20 percent trinitrotoluene, ammonium picrate, nitroguanidine, nitrourea, urea nitrate, picric acid, tetryl, trinitroresorcinol, trinitrotoluene, pentolite, cyclotrimethylenetrinitramine (desensitized), and soda amatol, in dry condition, in addition to containers prescribed in paragraphs (a) (1) to (5) of this section, may be shipped in containers complying with the following specifications:

• • • • •

2. Add paragraph (a) (4) to § 73.92 (18 F. R. 6777, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.92) to read as follows:

§ 73.92 *Jet thrust units (jato), class B, or igniters, jet thrust.* (a) • • •

(4) Jet thrust units (jato), class B, may be packed in the same outside shipping container with separately packaged igniters, jet thrust, when the containers are approved by the Bureau of Explosives.

• • • • •

3. Amend § 73.100 paragraph (r) (11); add paragraph (x) (18 F. R. 3134, June 2, 1953) (15 F. R. 8296, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.100) to read as follows:

§ 73.100 *Definitions of class C explosives.* • • •

(r) • • •

(11) Novelties consisting of two or more devices enumerated in this paragraph when approved by the Bureau of Explosives.

• • • • •

(x) Cigarette loads and trick matches must be of a type approved by the Bureau of Explosives and are described as follows:

(1) Cigarette loads consist of wooden pegs to which are affixed a small amount of explosive composition.

(2) Trick matches consist of book matches, strike anywhere matches, or strike-on-box matches which have small amounts of explosive or pyrotechnic composition affixed to the match stem just below the match head.

4. In § 73.111 amend the heading, and introductory text of paragraph (a) (20 F. R. 950, Feb. 15, 1955) (49 CFR 73.111, 1950 Rev.) to read as follows:

§ 73.111 *Cigarette loads, explosive auto alarms, toy propellant devices, toy smoke devices, and trick matches.* (a) Cigarette loads, explosive auto alarms, toy propellant devices, toy smoke devices, and trick matches must be packed in containers complying with the following specifications:

• • • • •

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.115 paragraph (a) (15 F. R. 8297, Dec. 2, 1950) (49 CFR 73.115, 1950 Rev.) to read as follows:

§ 73.115 *Flammable liquids; definition.* (a) A flammable liquid for the purpose of Parts 71–78 of this chapter is any liquid other than a pressurized flammable liquid which gives off flammable vapors (as determined by flash point from Tagliabue's open-cup tester, as

used for test of burning oils) at or below a temperature of 80° F.

• • • • •

2. Amend § 73.119 paragraphs (a) (17), (b) (6), (e) (3), (f) (5), and (k) (2) (15 F. R. 8298 to 8300, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for.* (a) • • •

(17) Spec. MC 300, MC 301, MC 302, MC 303, or MC 304 (§§ 78.321, 78.322, 78.323, 78.324, or 78.325 of this chapter). Tank motor vehicles.

[Note 1 remains unchanged.]

• • • • •

(b) *Flammable liquids with flash point above 20° F. to 80° F.* • • •

(6) Spec. 6K (§ 78.101 of this chapter). Metal barrels or drums which must be constructed of Type 304 stainless steel, having heads with minimum convexity of 5/8 inch welded to the body, and be equipped at both heads with 12 gauge chime reinforcements. Body seams shall be welded. Drums shall be equipped with I-bar rolling hoops.

• • • • •

(e) *When the vapor pressure exceeds 16 pounds per square inch, absolute, at 100° F.* • • •

(3) Spec. MC 300, MC 301, MC 302, MC 303, or MC 304 (§§ 78.321, 78.322, 78.323, 78.324, or 78.325 of this chapter). Tank motor vehicles.

(f) *When the vapor pressure exceeds 27 pounds per square inch, absolute, at 100° F.* • • •

(5) Spec. MC 304 (§ 78.325 of this chapter). Tank motor vehicle.

• • • • •

(k) *Viscous flammable liquids having a vapor pressure which does not exceed 16 pounds per square inch, absolute, at 100° F.* • • •

(2) Spec. 6A, 6B, 6C, or 42F (§§ 78.97, 78.98, 78.99, or 78.110 of this chapter). Metal barrels or drums.

• • • • •

3. Add paragraph (a) (5) to § 73.125 (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.125, 1950 Rev.) to read as follows:

§ 73.125 *Alcohol.* (a) • • •

(5) Spec. 6J (§ 78.100 of this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drum. Gross weight restriction indicated by the gross weight embossment in the steel barrel or drum shall be waived.

4. Add paragraph (a) (8) to § 73.141 (16 F. R. 11777, Nov. 21, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.141) to read as follows:

§ 73.141 *Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.* (a) • • •

(8) Spec. MC 330 (§ 78.336 of this chapter), tank motor vehicles.

5. Add paragraphs (a) (4) and (5) to § 73.145 (20 F. R. 8101, Oct. 28, 1955) (49 CFR 73.145, 1950 Rev.) to read as follows:

§ 73.145 *Methylhydrazine and unsymmetrical dimethylhydrazine.* (a) • • •

(4) Spec. 17H (§ 78.118 of this chapter). Metal barrels or drums (single-trip). Authorized only for unsymmetrical dimethylhydrazine.

(5) Spec. 42B (§ 78.107 of this chapter). Aluminum drums. Authorized only for unsymmetrical dimethylhydrazine.

6. Add § 73.146 (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.146, 1950 Rev.) to read as follows:

§ 73.146 *Heaters for refrigerator cars, liquid fuel type.* (a) Heaters of the liquid fuel type for refrigerator cars, containing flammable liquid fuel, may be shipped in carload or truckload lots provided each heater shall have been inspected to see that flame has been extinguished, that there is no leakage of fuel, and that controls are in the "off" position. Heaters shall be loaded and braced so as to prevent falling, tipping, or mechanical damage under normal conditions incident to transportation.

(b) Heaters of the liquid fuel type for refrigerator cars must have their fuel tanks completely drained if offered for transportation or transported in less-than-carload or less-than-truckload lots.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Add paragraph (c) (64) to § 73.153 (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* • • •

(c) • • •

(64) Sodium potassium alloys.

2. In § 73.182 amend the introductory text of paragraphs (a) and (b) by inserting footnote 1 after the commodity "Ammonium nitrate—phosphate" (19 F. R. 8526, Dec. 14, 1954) (20 F. R. 4415, June 23, 1955) (49 CFR 1950 Rev., 1954 Supp., 73.182) to read as follows:

§ 73.182 *Nitrates.* (a) • • •

Ammonium nitrate—phosphate.[1]			

• • • • •

(b) • • •

Ammonium nitrate—phosphate.[1]			

• • • • •

3. Amend § 73.190 paragraph (b) (3) (16 F. R. 11778, Nov. 21, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.190) to read as follows:

§ 73.190 *Phosphorus, white or yellow.* • • •

(b) • • •

(3) Spec. 103 or 103–W (§ 78.265 or § 78.280 of this chapter). Tank cars without bottom outlet for discharge of lading and with approved dome fittings, external heater systems, and with insulation at least 4 inches in thickness, except that thickness of insulation may be reduced to 2 inches over external heater coils. Bottom washout nozzle of approved design may be applied. The material must be immersed in water and must be loaded at a temperature not exceeding 140° F. and then cooled until the water has a temperature not exceeding 105° F. before car is offered to carrier. The water must be loaded in the dome to not more than 50 percent of the capacity of the dome. After unloading, the tank must be filled to its entire capacity and the dome to not more than 50 percent of its capacity with water having a temperature not less than 105° F. and not over 140° F. and placarded with the caution placard prescribed in § 74.555, before the car is offered for return movement.

[Note 1 remains unchanged.]

• • • • •

4. Amend § 73.202 paragraphs (a) (1) and (2) (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.202, 1950 Rev.) to read as follows:

§ 73.202 *Sodium and potassium, metallic liquid alloy.* (a) • • •

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with inside metal containers of a type approved by the Bureau of Explosives cushioned with incombustible cushioning material. Each container must have been tested hydrostatically to a pressure of not less than 60 pounds per square inch. Closing devices must be protected from injury. Not more than 250 pounds of sodium or potassium liquid alloy may be shipped in one outside container.

(2) Spec. 5A (§ 78.81 of this chapter). Metal barrels or drums not exceeding 400 pounds capacity each, having protruding valves protected by a 12-gauge steel dome securely attached to the head of the drum. Shipments are authorized by rail freight in carload lots only and by motor vehicle in truckload lots only. Shipper shall arrange for return of empty drums, which shall be charged with non-reactive gas to a pressure not exceeding 7 pounds per square inch gauge, and shipments may be made in less-than-carload or less-than-truckload lots.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Add paragraph (c) (49) to § 73.244 (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.244, 1950 Rev.) to read as follows:

§ 73.244 *Exemptions for acids and other corrosive liquids.* • • •

(c) • • •

(49) Chromyl chloride.

2. Add paragraphs (a) (15) and (16) to § 73.245 (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.245, 1950 Rev.) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) • • •

(15) Spec. 17H (§ 78.118 of this chapter). Metal drums (singletrip). Authorized for viscous cleaning compounds, liquid, only.

(16) Spec. 6J (§ 78.100 of this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drum. Gross weight restriction indicated by the gross weight embossment in the steel barrel or drum shall be waived.

3. In § 73.247 amend the introductory text of paragraph (a); add paragraphs (a) (14), (15), and (16) (18 F. R. 803, Feb. 7, 1953) (15 F. R. 8314, Dec. 2, 1950)

[1] Applies only to materials classed as dangerous under definition in § 73.150.

(49 CFR 1950 Rev., 1954 Supp., 73.247) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.* (a) Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride, must, except as indicated, be packed in specification containers as follows:

• • • • • •

(14) Spec. 5C (§ 78.83 of this chapter). Barrels or drums of type 304 stainless steel not over 30 gallons capacity each. Authorized for chromyl chloride only.

(15) Spec. 42D (§ 78.109 of this chapter). Aluminum drums not over 30 gallons capacity each. Authorized for chromyl chloride only.

(16) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with aluminum bottles of 99 percent pure aluminum not over 1 gallon capacity each, having aluminum screw caps with gasket resistant to the contents. Authorized for chromyl chloride only.

4. Add paragraphs (a) (9) and (10) to § 73.257 (15 F R. 8315, Dec. 2, 1950) (49 CFR 73.257, 1950 Rev.) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) • • •

(9) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers as authorized by § 78.205–32 of this chapter.

(10) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes having not more than 1 inside glass bottle, with acid-proof closure, not over 1 gallon capacity. Box shall be constructed of at least 350-pound test (Mullen or Cady) double-faced corrugated fiberboard of full depth telescope type. Cushioning and closure of box (pressure sensitive tape may be used) must be such that a representative box, with inside glass bottle filled with water, shall be capable of withstanding two drops from a height of 4 feet onto solid concrete without breakage of inner bottle or failure of the closure.

• • • • • •

5. Amend § 37.260 paragraph (c) (1) (17 F. R 4294, May 10, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.260) to read as follows:

§ 73.260 *Electric storage batteries, wet.* • • •

(c) • • •

(1) Slip cover or fiberboard box must fit snugly and provide inside top clearance of at least ½ inch above battery terminals and filler caps with reinforcement in place. Assembled for shipment, the bottom edges of the slip cover must not extend to the base of the battery but must not expose more than 1 inch thereof.

• • • • • •

6. Amend § 73.262 paragraph (a) (1) (17 F R. 7281, Aug. 9, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.262) to read as follows:

§ 73.262 *Hybromic acid.* (a) • • •

(1) Spec. 1A, 1C, 1D, 1E, or 1F (§§ 78.1, 78.3, 78.4, 78.7, or 78.10 of this chapter). Carboys in boxes, kegs, or plywood drums.

• • • • • •

7. In § 73.263 amend paragraph (a) (13); add paragraphs (a) (16) and (17) (18 F. R. 3135, June 2, 1953) (15 F. R. 8317, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.263) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, and sodium chlorite solution.* (a) • • •

(13) Spec. 1F, 1G, or 1H (§§ 78.10, 78.11, or 78.13 of this chapter). Polyethylene carboys in wooden boxes, plywood drums or boxes, or metal crates.

• • • • • •

(16) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes as authorized by § 78.205–32 of this chapter.

(17) Spec. 6J (§ 78.100 of this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drum. Gross weight restriction indicated by the gross weight embossment in the steel barrel or drum shall be waived.

• • • • • •

8. Amend § 73.264 paragraphs (a) (1) and (2); add paragraph (a) (17) (17 F. R. 1562, Feb. 20, 1952) (15 F. R. 8317, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.264) to read as follows:

§ 73.264 *Hydrofluoric acid.* (a) • • •

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers of natural rubber, ceresine, lead, or other hydrofluoric acid resistant material. These containers are authorized only for strengths of acid for which they are adequate, but in no case may the strength of acid exceed 70 percent.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of natural rubber, lead, polyethylene, or other hydrofluoric acid resistant plastic not over one-pound capacity each. These containers are authorized only for strengths of acid for which they are adequate, but in no case shall the strength of acid exceed 70 percent.

• • • • • •

(17) Spec. 6J (§ 78.100 of this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drum. Authorized for acid not over 60 percent strength. Gross weight restriction indicated by the gross weight embossment in the steel barrel or drum shall be waived.

• • • • • •

9. Add paragraph (d) (3) to § 73.265 (18 F. R. 3135, June 2, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.265) to read as follows:

§ 73.265 *Hydrofluosilicic acid.* • • •

(d) • • •

(3) Spec. 6J (§ 78.100 of this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drum. Gross weight restriction indicated by the gross weight embossment in the steel barrel or drum shall be waived.

10. Add paragraph (c) (5) to § 73.266 (15 F. R. 8318, Dec. 2, 1950) (49 CFR 73.266, 1950 Rev.) to read as follows:

§ 73.266 *Hydrogen peroxide solution in water.* • • •

(c) • • •

(5) Spec. 1F, 1G, or 1H (§§ 78.10, 78.11, or 78.13 of this chapter). Polyethylene carboys in wooden boxes, plywood drums, or metal crates.

• • • • • •

11. Add paragraphs (i) (5) and (6) to § 73.272 (15 F. R. 8321, Dec. 2, 1950) (49 CFR 73.272, 1950 Rev.) to read as follows:

§ 73.272 *Sulfuric acid.* • • •

(i) • • •

(5) Spec. 1F, 1G, or 1H (§§ 78.10, 78.11, or 78.13 of this chapter). Polyethylene carboys in wooden boxes, plywood drums or boxes, or metal crates.

(6) Spec. 6J (§ 78.100 of this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drum. Gross weight restriction indicated by the gross weight embossment in the steel barrel or drum shall be waived.

• • • • • •

12. Add paragraphs (a) (3) and (4) to § 73.277 (15 F. R. 8322, Dec. 2, 1950) (49 CFR 73.277, 1950 Rev.) to read as follows:

§ 73.277 *Hypochlorite solutions.* (a) • • •

(3) Spec. 1F, 1G, or 1H (§§ 78.10, 78.11, or 78.13 of this chapter). Polyethylene carboysin wooden boxes, plywood drums or boxes, or metal crates. Authorized for sodium hypochlorite solution not over 16 percent strength only.

(4) Spec. 6J (§ 78.100 of this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drum. Gross weight restriction indicated by the gross weight embossment in the steel barrel or drum shall be waived. Authorized for not over 16 percent sodium hypochlorite solution only.

• • • • • •

13. Add paragraph (a) (2) to § 73.285 (15 F. R. 8323, Dec. 2, 1950) (49 CFR 73.285, 1950 Rev.) to read as follows:

§ 73.285 *Chlorine trifluoride.* (a) • • •

(2) Not more than 5 pounds of chlorine trifluoride may, in addition to provisions of subparagraph (1) of this paragraph, be packed in cylinders equal to or of greater efficiency than those prescribed in subparagraph (1) of this paragraph when approved by the Bureau of Explosives.

14. Add paragraphs (a) (10) and (11) to § 73.289 (16 F. R. 11779, Nov. 21, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.289) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) • • •

(10) Spec. 1F, 1G, or 1H (§§ 78.10, 78.11, or 78.13 of this chapter). Polyethylene carboys in wooden boxes, plywood drums, or metal crates.

(11) Spec. 6J (§ 78.100 of this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drum. Gross weight restriction indicated by the gross weight embossment in the steel barrel or drum shall be waived.

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. In § 73.302 amend the introductory text of paragraph (a); add paragraphs (a) (7) and (8) (18 F. R. 3136, June 2, 1953) (15 F. R. 8325, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.302) to read as follows:

§ 73.302 *Exemptions for compressed gases.* (a) Compressed gases, except poisonous gases as defined by § 73.326 (a), when in accordance with either subparagraphs (1), (2), (3), (4), (5), (6), (7), or (8) of this paragraph, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, highway, and carriers, by water, except that shipments by water carrier shall be subject to the marking requirements to the extent of showing the name of the contents on the packages.

• • • • • •

(7) Inside nonrefillable metal containers charged with a solution containing biological products and compressed gas or gases, which is nonpoisonous and and nonflammable, and of capacity not to exceed 31.83 cubic inches (17.6 fluid ounces). Pressure in the container not to exceed 55 pounds per square inch absolute at 70° F., and the liquid content of the product and gas must not completely fill the container at 130° F. One completed container out of each lot of 500 or less, filled for shipment, must have been heated until content reached a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect.

(8) Electronic tubes of not more than 30 cubic-inch volume charged with gas to a pressure of not more than 35 pounds per square inch gauge.

2. In § 73.314 paragraph (a) table, amend the entry "Dispersant gas, n. o. s."; add the entry "Refrigerant gas, n. o. s.", and add Note 19 (20 F. R. 8103, Oct. 28, 1955) (19 F. R. 8528, Dec. 14, 1954) (15 F. R. 8329, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.314) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
Dispersant gas, n. o. s.	Note 16...	ICC–106A500, 106A500X, Notes 12 and 19. ICC–105A300, 105A300–W, Notes 12 and 19.
Refrigerant gas, n. o. s.	Note 16...	ICC–106A500, 106A500X, Notes 12 and 19. ICC–105A300, 105A300–W, Notes 12 and 19.

NOTE 19: Only dichlorodifluoromethane, dichlorodifluoromethane-difluoroethane mixture (constant boiling mixture), dichlorodifluoromethane - monofluorotrichloromethane mixture, difluoroethane, difluoromonochloroethane, monochlorodifluoromethane, and monochlorotetrafluoroethane may be shipped as dispersant gas, n. o. s. or refrigerant gas, n. o. s. in accordance with provisions of table (a).

• • • • • •

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. Amend § 73.354 paragraph (a) (5) (20 F. R. 8103, Oct. 28, 1955) (49 CFR 73.354, 1950 Rev.) to read as follows:

§ 73.354 *Motor fuel antiknock compound or tetraethyl lead.* (a) • • •

(5) MC 330 (§ 78.336 of this chapter) (see Note 1). Tank motor vehicles.

NOTE 1: MC 300, MC 301, MC 302, or MC 303 (§§ 78.321, 78.322, 78.323, or 78.324 of this chapter) tank motor vehicles in motor fuel antiknock compound service prior to October 1, 1955 may be continued in service.

• • • • • •

2. Amend § 73.359 paragraph (a) (4) (17 F. R. 4295, May 10, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.359) to read as follows:

§ 73.359 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithic pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.* (a) • • •

(4) Spec. 15A, 15B, 15C, or 15E (§§ 78.168, 78.169, 78.170, or 78.172 of this chapter). Wooden boxes, with metal inside containers not over 10 gallons capacity each.

• • • • • •

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

3. Amend § 73.407 paragraphs (b) (1), (2), and (3) (20 F. R. 8104, Oct. 28, 1955) (49 CFR 73.407, 1950 Rev.) to read as follows:

§ 73.407 *Acids, corrosive liquids, and alkaline caustic liquids labels.* • • •

(b) • • •

(1) White label for acids for shipment by air.

(White and black with black printing on white)



(2) White label for corrosive liquids for shipment by air.

(White and black with black printing on white)



(3) White label for alkaline caustic liquids for shipment by air.

(White and black with black printing on white)



4. Amend § 73.410 paragraph (b) (20 F. R. 8104, Oct. 28, 1955) (49 CFR 73.410, 1950 Rev.) to read as follows:

§ 73.410 *Special fireworks label.* • • •

(b) Explosives label for shipment of special fireworks by air.

(Black printing on red)



5. Amend § 73.411 paragraph (b) (20 F. R. 8104, Oct. 28, 1955) (49 CFR 73.411, 1950 Rev.) to read as follows:

§ 73.411 *Explosives samples for laboratory examination label.* • • •

(b) Explosives label for shipment of samples of explosives by air.

(Black printing on red)



6. Amend § 73.412 paragraph (b) (20 F. R. 8104, Oct. 28, 1955) (49 CFR 73.412, 1950 Rev.) to read as follows:

§ 73.412 *Propellant explosives label for express shipment.* • • •

(b) Explosives label for shipment of propellant explosives by air.

(Black printing on red)



7. In § 73.414 paragraph (a), the entire 8th line within the label now reading, "Radiation units from package No. __", is amended to read "Number of radiation units from package _____" (15 F. R. 8343, Dec. 2, 1950) (49 CFR 73.414, 1950 Rev.)

SUBPART I—SHIPPING INSTRUCTIONS

Amend § 73.427 paragraph (a) (15 F. R. 8343, Dec. 2, 1950) (49 CFR 73.427, 1950 Rev.) to read as follows:

§ 73.427 *Shipping order and bill of lading description.* (a) The shipper when offering for transportation by carriers by rail freight, rail expenses, highway, or water any class A, class B, or class C explosive, flammable liquid, flammable solid, oxidizing material, corrosive liquid, compressed gas, or poison, as defined by this part, must describe such article in the shipping order, bill of lading or other shipping paper by the shipping name used in § 72.5 of this chapter (see commodity list) and may add a further description not inconsistent therewith. Abbreviations must not be used. For shipments of blasting caps or electric blasting caps the shipper must, in addition, show the number of caps in the shipment.

[Note 1 remains unchanged.]

• • • • •

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

1. In § 74.538 paragraph (a) Chart, the second paragraph of the introductory text in the upper left-hand corner now reading, "The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes, boosters (explosive) g horizontal column must not be loaded or stored with high explosives b vertical column" is amended to read as follows: "The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes class A, with or without radioactive components g horizontal column must not be loaded or stored with high explosives b vertical column"; amend item (d) and item (11) vertical and horizontal columns by inserting the footnote "e" at the respective intersections, to read "• • X"; amend footnote "e" to paragraph (a) Chart (15 F. R. 8349, Dec. 2, 1950) (19 F. R. 1281, Mar. 6, 1954) (49 CFR 1950 Rev., 1954 Supp., 74.538) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

[e] Does not include nitro carbo nitrate which may be loaded, transported or stored with high explosives or with blasting caps and detonating primers.

• • • • •

2. Amend § 74.546 paragraph (b) (15 F. R. 8351, Dec. 2, 1950) (49 CFR 74.546, 1950 Rev.) to read as follows:

§ 74.546 *Placards must be standard.* • • •

(b) Tagboard placards must be printed on strong tagboard of quality and strength not less than that designated commercially as 100 percent sulphate, weighing 125 pounds per ream, of sheets 24 x 36 inches, and having a resistance of not less than 60 pounds per square inch Mullen test.

• • • • •

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART B—LOADING AND UNLOADING

Amend § 77.835 paragraph (f) (17 F. R. 7283, Aug. 9, 1952) (49 CFR 1950 Rev., 1954 Supp., 77.835) to read as follows:

§ 77.835 *Explosives.* • • •

(f) *Explosives vehicles, floors tight and lined.* Motor vehicles transporting class A or class B explosives shall have tight floors; shall have that portion of the interior in contact with the load lined with either non-metallic material or non-ferrous metals, except that the lining is not required for truck load shipments loaded by the Departments of the Army, Navy or Air Force of the United States Government provided the explosives are of such nature that they are not liable to leakage of dust, powder, or vapor which might become the cause of an explosion. The interior of the cargo space must be in good condition so that there will not be any likelihood of containers being damaged by exposed bolts, nuts, broken side panels or floor boards, or any similar projections.

• • • • •

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

In § 77.848 paragraph (a) Chart, the second paragraph of the introductory text in the upper left-hand corner now reading, "The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes, boosters (explosive) g horizontal column must not be loaded or stored with high explosives b vertical column" is amended to read as follows: "The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes class A, with or without radioactive components g horizontal column must not be loaded or stored with high explosives b vertical column"; amend item (d) and item (11) vertical and horizontal columns by inserting the footnote "e" at the respective intersections, to read "• • X"; amend footnote "e" to paragraph (a) Chart (15 F. R. 8369, Dec. 2, 1950) (19 F. R. 1281, Mar. 6, 1954) (49 CFR 1950 Rev., 1954 Supp., 77.848) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

[e] Does not include nitrocarbonitrate which may be loaded, transported or stored with high explosives or with blasting caps and detonating primers.

• • • • •

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART A—SPECIFICATIONS FOR CARBOYS, JUGS IN TUBS, AND RUBBER DRUMS

Add § 78.13 (15 F. R. 8379, Dec. 2, 1950) (49 CFR 78.13, 1950 Rev.) to read as follows:

§ 78.13 *Specification 1H; polyethylene carboys in low carbon steel or other equally efficient metal crates.*

§ 78.13–1 *Compliance.* (a) Required in all details.

§ 78.13–2 *Capacity and marking of carboy.* (a) Containers 5 to 13 gallons capacity are classed as carboys. Actual capacity must be the marked capacity plus 5 percent minimum. Must be permanently marked to indicate capacity, maker, month and year of manufacture; mark of maker to be registered with the Bureau of Explosives.

§ 78.13–3 *Polyethylene carboys.* (a) Carboys shall be made of polyethylene with no plasticisers or additives and have a maximum melt index value of 2.5 grams per 10 minutes as determined in accordance with method acceptable to the Bureau of Explosives. Carboys must have a minimum weight and wall thickness in accordance with the following table:

Marked capacity	Minimum wall thickness	Minimum weight of bottles
Gallons	*Inch*	*Pounds*
5	3/16	3
6½	3/16	4
13	3/16	8

(b) Closing device shall be of material resistant to the lading and adequate to prevent leakage.

(c) Polyethylene carboys, as manufactured and filled to marked capacity with a material which remains in a liquid form, shall be capable of withstanding a 4-foot drop without leakage, after prior conditioning for 24 hours to at least −10° F. or lower, onto solid concrete so as to strike diagonally on the bottom corner.

§ 78.13–4 *Outside containers.* (a) Metal crates:

(1) Specifications for each size outside container must be filed by each plant prior to start of production and be approved by the Bureau of Explosives.

§ 78.13–5 *Marking of outside container.* (a) Each outside container must be plainly marked by attachment of a metal plate, or permanent marking in contrasting color directly on the polyethylene carboy in a visible area. Marking must be in letters and figures at least ¾ inch high and must be by embossing or stamping when applied on metal plates. Marking must be as follows:

(1) ICC–1H. This mark shall be understood to certify that the complete package complies with all specification requirements.

(2) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with the specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark specified in paragraph (a) (1) of this section.

§ 78.13–6 *Tests.* (a) One sample, taken at random and with inner container filled to marked capacity with water and closed as for use, shall be capable of withstanding prescribed tests without leakage or serious rupture of outer container. Tests shall be made of each size by each company starting production. The type tests are as follows:

(1) Complete package must be capable of withstanding 2 drops from a height of 4 feet onto solid concrete, the first drop to be made diagonally so top corner will strike the concrete; the second drop onto a 2-inch by 6-inch timber resting on the concrete with the 6-inch leg vertical, the drop being made with the package in a horizontal position and at right angles to the timber so that impact is near the center of the crate side-wall members.

SUBPART B—SPECIFICATIONS FOR INSIDE CONTAINERS, AND LININGS

Add § 78.35 (15 F. R. 8381, Dec. 2, 1950) (49 CFR 78.35, 1950 Rev.) to read as follows:

§ 78.35 *Specification 2S; polyethylene drums.* Removable head containers not authorized.

§ 78.35–1 *Compliance.* (a) Required in all details.

§ 78.35–2 *Material.* (a) Drums shall be made of polyethylene with no plasticisers or additives and have a maximum malt index value of 2.6 grams per 10 minutes, as determined in accordance with method acceptable to the Bureau of Explosives. Other materials of adequate chemical resistance and strength are authorized.

§ 78.35–3 *Construction and capacity.* (a) Drums must be constructed in accordance with the following table:

Capacity not over (gallons) [1]	Minimum thickness	
	Side wall and bottom head (inch)	Top head [2] (inch)
5	1/16	1/16
15	1/16	1/8
30	3/32	1/8
55	1/8	1/8

[1] Actual capacity plus 5 percent permitted.
[2] Head containing openings.

(b) Polyethylene drum must fit snugly in outside container.

§ 78.35–4 *Closures.* (a) Closing devices must be of screw thread type or fastened by positive means and be of material resistant to the lading and adequate to prevent leakage.

(b) Openings over 2.3 inches in diameter not permitted.

§ 78.35–5 *Test.* (a) Samples taken at random, filled to 98 percent of capacity with water, and closed as for use, must be capable of withstanding the following test without leakage:

(1) Test by dropping from a height of 4 feet onto solid concrete so as to strike diagonally on top chime or on any part considered to be weaker.

Marked capacity not over (gallons)	Authorized gross weight (pounds)	Type of container	Minimum thickness in the black (gauge, United States standard)		Rolling hoops		
			Body sheet	Head sheet	Type	Minimum	
						Size (gauge or inch)	Weight (pounds per foot)
55	480	Straight side	18	18	1-bar [1]	¾ x 1¼	1.25

[1] Rolled or swedged in hoops.

SUBPART C—SPECIFICATIONS FOR CYLINDERS

Amend § 78.38–10 paragraph (a) (15 F. R. 8387, Dec. 2, 1950) (49 CFR 78.38–10, 1950 Rev.) to read as follows:

§ 78.38 *Specification 3B; seamless steel cylinders.*

§ 78.38–10 *Wall thickness.* (a) The wall stress shall not exceed 24,000 pounds per square inch. Minimum wall 0.090" for any cylinder over 6" outside diameter.

• • • • •

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. In § 78.100–5 paragraph (a) table, amend the second column heading by inserting footnote 2 after the last parenthetical mark; add footnote 2 to paragraph (a) table; amend § 78.100–7 paragraph (b) (15 F. R. 8445, Dec. 2, 1950) (49 CFR 78.100–5, 78.100–7, 1950 Rev.) to read as follows:

§ 78.100 *Specification 6J; steel barrels and drums.*

§ 78.100–5 *Parts and dimensions.* (a) • • •

Authorized gross weight (pounds) [2]
• • • • •

[2] Drums must be manufactured in accordance with gauge requirements for capacity of drum as prescribed in § 78.100–5 except that weight restriction indicated by the gross weight embossment shall be waived when container is used in conjunction with a composite package having an inside spec. 2S (§ 78.35 of this chapter) polyethylene drum.

§ 78.100–7 *Closures.* • • •

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container (see Note 2); this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter. If unthreaded cap is used, it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

[No change in Note 1.]

• • • • •

NOTE 2: Drums may have not more than two holes in a removable head to accommodate protruding flanges and closures when used in conjunction with spec. 2S (§ 78.35 of this chapter) polyethylene drum.

2. Amend § 78.101–5 paragraph (a) table (15 F. R. 8445, Dec. 2, 1950) (49 CFR 78.101–5, 1950 Rev.) to read as follows:

§ 78.101 *Specification 6K; steel barrels or drums.*

§ 78.101–5 *Parts and dimensions.* (a) • • •

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. In § 78.205–9 amend the introductory text of paragraph (a); add paragraph (c) (3) to § 78.205–17; add § 78.205–32 paragraph (a) (20 F. R. 8109, Oct. 28, 1955) (18 F. R. 5277, Sept. 1, 1958) (15 F. R. 8476, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.205–9, 78.205–17, and 78.205–32) to read as follows:

§ 78.205 *Specification 12B; fiberboard boxes.*

§ 78.205–9 *Types authorized.* (a) To be of solid or corrugated fiberboard of the following types, or as specifically provided for in § 78.205–19 to § 78.205–32:

* * * * *

§ 78.205–17 *Closing for shipment.*

* * *

(c) * * *

(3) Telescope boxes having equal depth sections may be closed by application of reinforced water activated tape or pressure sensitive tape under conditions and for commodities as prescribed in Part 73 of this chapter.

* * * * *

§ 78.205–32 *Special box; authorized only for electrolyte (acid), corrosive battery fluid, or hydrochloric acid mixtures of not over 28 percent strength.* (a) Box shall have not more than 12 inside glass bottles, with acid-proof closures, of not over 32 ounces capacity each. Box shall comply with this specification and be constructed of at least 275-pound test (Mullen or Cady) double-wall corrugated fiberboard and be equipped with at least 125-pound test (Mullen or Cady) double-faced corrugated fiberboard scored sheets so designed as to provide two thicknesses of corrugated fiberboard between each bottle and one thickness between bottles and sides and ends of box. Top and bottom pads of the same size as the top and bottom area of the box and of at least 125-pound test (Mullen or Cady) double-faced corrugated board are required or box shall comply with this specification and be constructed of at least 325-pound test (Mullen or Cady) double-faced corrugated board and be equipped with at least 200-pound test (Mullen or Cady) corrugated fiberboard ½ inch extended cell slotted partitions so designed as to provide a void space between the ends and sides of outside box and the inside cell partition and shall be provided with top and bottom pads, of the same area as the box, of at least 200-pound test (Mullen or Cady) double-faced corrugated fiberboard.

2. Amend § 78.218–3 paragraph (a) (15 F. R. 8480, Dec. 2, 1950) (49 CFR 78.218–3, 1950 Rev.) to read as follows:

§ 78.218 *Specification 23G; special cylindrical fiberboard box for high explosives.*

§ 78.218–3 *Side walls, ends, and interior.* (a) Side walls. To be not less than four-ply of continuous fiber sheets convolutely or spirally wound; combined strength to be not less than 300 pounds, dry; combined thickness to be not less than 0.050" for containers not exceeding 10 pounds gross weight and not less than 0.060" for containers over 10 pounds gross weight.

* * * * *

SUBPART H—SPECIFICATIONS FOR PORTABLE TANKS

Amend the heading of § 78.250; amend § 78.250–2 paragraphs (a) and (b); amend § 78.250–4 paragraph (b) (20 F. R. 955, Feb. 15, 1955) (49 CFR 78.250, 78.250–2, 78.250–4, 1950 Rev.) to read as follows:

§ 78.250 *Specification 55; metal-encased, lead or uranium metal-shielded, radioactive materials container.*

§ 78.250–2 *Requirements for design and construction.* (a) Lead or uranium metal shield to be encased in mild steel or equally fire resistant metal of minimum wall thicknesses as follows:

(1) One-eighth (⅛") thick for not more than 6 inches of lead or uranium metal (see Note 1).

(2) One-fourth inch (¼") thick for more than 6 inches of lead or uranium metal (see Note 1).

NOTE 1: Thickness of lead to be measured from outer edge of source cavity to nearest point on outer container wall.

(b) Lead or uranium metal shield to be completely encased so that molten lead or uranium metal will not flow away or lose its shielding efficiency if involved in a fire. The shield must be supported in the outer container in such manner that it cannot change position under any ordinary conditions. Parts of the shield must be so designed that radiation cannot be "beamed" at point where sections join (offset design required).

* * * * *

§ 78.250–4 *Closures.* * * *

(b) Lead or uranium metal shielding forming part of closing device must be completely encased in mild steel or equally fire-resistant metal.

* * * * *

SUBPART I—SPECIFICATIONS FOR TANK CARS

Amend § 78.336–1 paragraph (c); add paragraph (c) to § 78.336–2 (20 F. R. 8115, 8116, Oct. 28, 1955) (15 F. R. 8556, Dec. 2, 1950) (49 CFR 78.336–1, 2, 1950 Rev.) to read as follows:

§ 78.336 *Specification MC 330; steel cargo tanks.*

§ 78.336–1 *Requirements for design and construction.* * * *

(c) On and after August 31, 1953, every uninsulated cargo tank permanently attached to a tank motor vehicle shall, unless it be constructed of aluminum, stainless steel, or other bright nontarnishing metal, be painted all over a white, alumium, or similar reflecting color.

§ 78.336–2 *Material.* * * *

(c) All plates for tank, manway nozzle and anchorage of tanks used in the transportation of chlorine must be made of steel complying with requirements of A. S. T. M. Specification A–300–52T titled "Steel Plates for Pressure Vessels for Service at Low Temperatures", Class 1, Grade "A", flange or fire box quality. Impact test specimens made by the plate manufacturer shall be of the Charpy Keyhole notch type and must meet impact requirements (in both longitudinal and transverse directions of rolling) of this specification at a temperature of minus 50° F.

APPENDIX

Section	Reason for Amendment
72.5, Commodity List	Provides additions and amendments to keep commodity list on a current basis.
73.33 (k) (11)	To provide retest for recently adopted MC–304 tank motor vehicle.
73.65 (b)	To provide specification containers for amatol of a specific mixture.
73.92 (a) (4)	To provide additional packing for jet thrust units, Class B, with igniters.
73.100 (r) (11)	To shift trick matches and cigarette loads to another classification.
73.100 (x)	To redefine cigarette loads and trick matches as Class C explosives.
73.111 (a)	To provide specification packaging for cigarette loads and trick matches.
73.115 (a)	To clarify the definition of flammable liquids.
73.119 (a) (17)	To allow MC 304 tank motor vehicle for the transportation of flammable liquids.
73.119 (b) (6)	To provide Spec. 6K metal barrel or drum for flammable liquids with flash point above 20° F. to 80° F.
73.119 (e) (3), (f) (5)	To allow MC 304 tank motor vehicle for the transportation of flammable liquids exceeding certain vapor pressures.
73.119 (k) (2)	To provide Spec. 42F metal barrel or drum for viscous flammable liquids.
73.125 (a) (5)	To provide for the use of additional Spec. 6J steel barrel or drum for alcohol.
73.141 (a) (8)	To provide for the use of MC 330 tank motor vehicle for certain mercaptans.
73.145 (a) (4) and (5)	To provide for the use of Spec. 17H and 42B, metal barrels or drums, and aluminum drums, respectively, for unsymmetrical dimethylhydrazine.
73.146 (a)	To provide for the transportation of car heaters containing flammable fuel.
73.153 (c) (64)	To permit no exemption for sodium potassium alloys.
73.182 (a) and (b)	To clarify that some ammonium nitrate-phosphates are not dangerous articles.

Section	Reason for Amendment
73.190 (b) (3)	To provide for the application of bottom washout nozzle on Spec. 103 or 103–W tank cars in phosphorus service.
73.202 (a) (1) and (2)	To provide for the use of Spec. 5A metal barrel or drum for sodium and potassium, metallic liquid alloy.
73.244 (c) (49)	To permit no exemption for chromyl chloride.
73.245 (a) (15) and (16)	To provide for the use of Spec. 17H and 6J metal drums, and steel barrels or drums, for acids or other corrosive liquids not specifically provided for.
73.247 (a)	To provide for the transportation of chromyl chloride.
73.247 (a) (14), (15), (16)	To provide certain specification containers specifically for chromyl chloride.
73.257 (a) (9), (10)	To provide for the use of Spec. 12B fiberboard box for electrolyte (acid) or corrosive battery fluid.
73.260 (c) (1)	To provide a standardization to be made for batteries of various heights.
73.262 (a) (1)	To provide for the use of Spec. 1F, carboy, for hydrobromic acid.
73.263 (a) (13), (16), (17)	To provide additional specification containers for the shipment of certain acids.
73.264 (a) (1), (2)	To provide a means for shipping high strength hydrofluoric acid.
73.264 (a) (17)	To provide for the use of Spec. 6J steel barrels or drums for hydrofluoric acid.
73.265 (d) (3)	To provide for the use of Spec. 6J steel barrels or drums for hydrofluosilicic acid.
73.266 (c) (5)	To provide additional containers for hydrogen peroxide solution in water.
73.272 (i) (5), (6)	To provide additional container for sulfuric acid.
73.277 (a) (3), (4)	To provide additional containers for hypochlorite solutions.
73.285 (a) (2)	To authorize the shipment of chlorine trifluoride in nonspecification cylinders equal to or of greater efficiency than those already prescribed.
73.289 (a) (10), (11)	To provide additional containers for formic acid and formic acid solutions.
73.302 (a)	To make reference to paragraphs (a) (7), (8) which are added to section.
73.302 (a) (7)	To eliminate the 100% heat bath test requirement, which destroys the properties of certain biological products.
73.302 (a) (8)	To exempt shipments of certain electronic tubes.
73.314 (a) Table	To provide for commodity stenciling of genetron and freon, or mixtures thereof, without the use of the trade names.
73.354 (a) (5)	To prevent use of tanks having insufficient shell thickness.
73.359 (a) (4)	To provide for the use of Spec. 15E, wooden box for various poisonous liquids.
73.407 (b) (1), (2), (3), 73.410 (b), 73.411 (b), 73.412 (b).	To revise loading instructions on labels, requested by air officials, to conform with international regulations.
73.414 (a)	Clarification.
73.427 (a)	To clarify requirement that total number of electric blasting caps must be shown on shipping papers.
74.538 (a) Chart	To be consistent with other provisions of chart, and for clarification.
74.546 (b)	To properly describe commercial tagboard in keeping with present day practices.
77.835 (f)	To exempt truck lining requirement for certain shipments of class A or class B explosives loaded by the Departments of the Army, Navy or Air Force.
77.848 (a) Chart	To be consistent with other provisions of the chart and for clarification.
78.13	To provide for the construction of Spec. 1H polyethylene carboys in low carbon steel or other equally efficient metal crates.
78.35	To provide for the construction of Spec. 2S polyethylene drums.
78.38–10 (a)	To provide a minimum wall thickness of .090" for any 3B cylinder over 6" outside diameter.
78.110–5 (a) Table, Footnote 2.	To waive weight restriction of container under certain conditions.
78.100–7 (b)	To permit holes in drum head when drum is used in conjunction with Spec. 2S.
78.101–5 (a) Table	To provide for alternate construction of rolling hoops.
78.205–9 (a)	To provide for an additional special box.
78.205–17 (c) (3)	To provide for additional method of closure.
78.205–32	To provide for the construction of a special box authorized for certain corrosive liquids.
78.218–3 (a)	To provide a thinner material for small size explosive containers.
78.250 Heading; 78.250–2 (a), (b), 78.250–4 (b).	To provide for the use of uranium metal as an additional shielding material for radioactive shipments.
78.336–1 (c), 78.336–2 (c)	To reinstate a requirement erroneously amended in Order 20, and editorial changes.

[F. R. Doc. 55–10157; Filed, Dec. 28, 1955; 8:45 a. m.]

[49 CFR Part 170]

PHILADELPHIA, PA.; COMMERCIAL ZONE DEFINITION OF BOUNDARY

DECEMBER 20, 1955.

Revision of definition of boundary of Philadelphia, Pa., Commercial Zone heretofore defined in Ex Parte No. MC–6; Philadelphia, Pa., Commercial Zone; 17 M. C. C. 533.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given that, for the purpose of including additional points and areas, which by reason of industrial and other developments and growth have become a part thereof, within the defined limits of the zone which is adjacent to and commercially a part of Philadelphia, Pa., within the meaning of section 203 (b) (8) of the Interstate Commerce Act, the Interstate Commerce Commission, informed by experience and by an informal investigation, proposes to modify and redefine, as hereinafter indicated, the limits of the zone adjacent to and commercially a part of Philadelphia, Pa., as determined in Philadelphia, Pa., Commercial Zone, 17 M. C. C. 533, 49 CFR 170.6 and to revise the description of such zone limits to read as follows:

(a) The area in Pennsylvania included within the corporate limits of Philadelphia and Bensalem, Lower Southampton, Upper Southampton,[1] Bristol,[1] Middletown,[1] Northampton,[1] and Warminster[1] Townships (including all boroughs within the geographical limits of such townships) in Bucks County; Conshohocken and West Conshohocken, Pa., and Lower Moreland, Abington, Cheltenham, Springfield, Whitemarsh, Lower Merion, Upper Moreland,[1] Upper Dublin,[1] Lower Gwynedd,[1] Whitpain,[1] Plymouth,[1] and Upper Merion[1] Townships (including all boroughs within the geographical limits of such townships) in Montgomery County; Haverford, Radnor,[1] Marple,[1] and Springfield[1] Townships (including all boroughs within the geographical limits of such townships), in Delaware County; and an area in Delaware County south and east of a line extending southward from the intersection of the boundary lines of Marple, Springfield, Upper Providence, and Nether Providence Townships along the eastern boundary of Nether Providence Township to its junction with Pennsylvania Highway 320, thence south along Pennsylvania Highway 320 to the corporate limits of Chester, Pa., thence along the northern limit of Chester in a westerly direction to the eastern boundary of Upper Chichester Township, thence south to the southern boundary of said township, along the eastern boundary thereof, and thence west along the southern boundary of said township to the Delaware State line, and

[1] Added by this notice to the zone as originally defined, thereby giving effect to the mileage-population formula which applies generally at most other municipalities.

thence south along the Delaware State line to the Delaware River, and (b) the area in New Jersey included in West Deptford,[1] Deptford,[1] Greenwich,[1] and East Greenwich[1] Townships (including all boroughs within the geographical limits of such townships) in Gloucester County; Camden, Gloucester City, Woodlynne, Merchantville, and Palmyra Boroughs and Gloucester,[1] Delaware,[1] Haddon,[1] and Pennsauken Townships (including all boroughs within the geographical limits of such townships) in Camden County; and Cinnaminson,[1] Delran,[1] Moorestown,[1] Willingboro,[1] Edgewater Park,[1] Burlington,[1] Riverside,[1] and Delanco[1] Townships (including all boroughs and cities within the geographical limits of such townships) in Burlington County.

No oral hearing is contemplated, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the Philadelphia, Pa., commercial zone, may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments shall be filed with the Commission on or before February 1, 1956.

Notice to the general public of the action herein taken shall be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-10388; Filed, Dec. 28, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND FOR DEPARTMENT OF THE AIR FORCE; CORRECTION

DECEMBER 16, 1955.

Notice of the proposed withdrawal and reservation of land for the Department of the Air Force near Lake Louise in accordance with the application serialized Anchorage 023173 was published in the FEDERAL REGISTER on April 15, 1955 (20 F. R. 2467).

The description of the lands involved is hereby amended to read as follows:

LAKE LOUISE RECREATIONAL SITE

(Unsurveyed)

Commencing at USED Station "LOUISE", Latitude 62°17'59" N., Longitude 146°36'02" W., thence N. 71°30'00" E. for a distance of approximately 2340 feet to a point on the southwest shore of Lake Louise near the outlet of Lake Dinty; thence in a Northerly direction along the shore line of Lake Louise for a distance of approximately 615 feet; thence West 800 feet; thence South 336 feet; thence West 160 feet; thence South 370 feet to a point on the southerly edge of an existing road; thence in a Southeasterly direction along said road for a distance of approximately 896 feet to a point on the shoreline of Lake Louise; thence along said shoreline for a distance of approximately 350 feet to the Point of Beginning and containing 15.56 acres, more or less.

ROGER R. ROBINSON, *Operations Supervisor.*

[F. R. Doc. 55-10365; Filed, Dec. 28, 1955; 8:45 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

DECEMBER 20, 1955.

Notice of proposed withdrawal and reservation of lands, dated December 2, 1955, identified as F. R. Doc. 55-9856, filed December 7, 1955, 8:49 a. m., and appearing in the FEDERAL REGISTER of December 8, 1955, page 9028, is corrected as follows:

Under Colorado Highway No. 14, Roadside Zone, Poudre Canyon Highway:

T. 9 N., R. 74 W.,
Sec. 31: N½NE¼ is corrected to read NW¼NE¼.

MAX CAPLAN, *State Supervisor.*

[F. R. Doc. 55-10366; Filed, Dec. 28, 1955; 8:45 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 21, 1955.

The Department of the Navy has filed an application, Serial No. Los Angeles 0107128, for the withdrawal of the lands described below from all forms of appropriation.

The applicant desires the land for the purpose of providing essential aerial gunnery range facilities for the Naval Ordnance Test Station, Inyokern, China Lake, California.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, at Room 801, California Fruit Building, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate copy will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 25 S., R. 44 E., partly unsurveyed,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 26 S., R. 44 E., partly unsurveyed,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 27 S., R. 44 E., unsurveyed,
Secs. 1 to 4, inclusive;
Secs. 9 to 12, inclusive.
T. 29 S., R. 44 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 30 S., R. 44 E., unsurveyed,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 31 S., R. 44 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 32 S., R. 44 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 25 S., R. 45 E., unsurveyed,
Secs. 5 to 8, inclusive;
Secs. 16 to 21, inclusive;
Secs. 27 to 36, inclusive.
T. 26 S., R. 45 E., unsurveyed.
T. 27 S., R. 45 E., unsurveyed,
Secs. 1 to 6, inclusive.
T. 28 S., R. 45 E., unsurveyed,
Secs. 31 to 36, inclusive.
T. 29 S., R. 45 E., partly unsurveyed.
T. 30 S., R. 45 E.
T. 31 S., R. 45 E., partly unsurveyed.
T. 32 S., R. 45 E.,
Secs. 1 to 35, inclusive.
T. 25 S., R. 46 E., unsurveyed,
Secs. 31 to 34, inclusive.
T. 26 S., R. 46 E., unsurveyed.
T. 27 S., 46 E., unsurveyed,
Secs. 1 to 6, inclusive.
T. 28 S., R. 46 E., unsurveyed,
Secs. 25 to 36, inclusive.
T. 29 S., R. 46 E., unsurveyed.
T. 30 S., R. 46 E., unsurveyed.
T. 31 S., R. 46 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 32 S., R. 46 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 30, inclusive.
T. 26 S., R. 47 E., Fractional, partly unsurveyed.
T. 27 S., R. 47 E.,
Sec. 16, all, Fractional.
T. 28 S., R. 47 E., partly unsurveyed,
Sec. 16, all Fractional;
Secs. 19 and 20;
Secs. 21, Fractional;
Secs. 28 to 30, Fractional;
Secs. 31 and 32;
Sec. 33, Fractional.
T. 29 S., R. 47 E., Fractional, unsurveyed.
T. 30 S., R. 47 E., Fractional, unsurveyed.

All in San Bernardino County, California, containing 374,409.68 acres of land, more or less.

R. R. BEST, *State Supervisor.*

[F. R. Doc. 55-10367; Filed, Dec. 28, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

GRAINS AND RELATED COMMODITIES

NOTICE OF FINAL DATE FOR REDEMPTION UNDER WAREHOUSE-STORAGE LOANS MADE UNDER 1955 PRICE SUPPORT PROGRAMS

Unless earlier demand is made by CCC, warehouse-storage loans under 1955 Price Support Programs on the agricultural commodities designated in the table below mature and are due and payable on the dates indicated. Unless such loans are repaid on or before the final date for repayment specified below, or the producer notifies in writing either the ASC county committee or the CSS commodity office serving the area that the funds have been placed in the mail, CCC will purchase the commodities pursuant to the provisions of the note and loan agreement at the higher of (1) the amount of the loan plus interest and charges or (2) the market value as determined by the appropriate CSS commodity office as of the close of the market on the final date for repayment. In the event such market value is in excess of the loan value plus interest and charges, the excess amount will be paid to the producer by the appropriate CSS commodity office.

Notwithstanding the foregoing provisions, if there has been fraudulent representation by the producer in obtaining the loan, the purchase price applicable to such purchase by CCC shall be the market value only.

Commodity	Maturity date	Final date for repayment
Barley in Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia	Feb. 29, 1956	Feb. 29, 1956
In all other states	Apr. 30, 1956	Apr. 30, 1956
Corn	July 31, 1956	July 31, 1956
Dry edible beans in Michigan and Pennsylvania	Feb. 29, 1956	Feb. 29, 1956
In all other States except New York	Apr. 30, 1956	Apr. 30, 1956
Flaxseed in Arizona and California	Jan. 31, 1956	Jan. 31, 1956
In all other States	Apr. 30, 1956	Apr. 30, 1956
Grain Sorghums	Mar. 31, 1956	Apr. 2, 1956
Oats in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia	Feb. 29, 1956	Feb. 29, 1956
In all other States	Apr. 30, 1956	Apr. 30, 1956
Rice in Arizona and California	do	Do.
In all other States	Mar. 16, 1956	Mar. 16, 1956
Rye in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia	Feb. 29, 1956	Feb. 29, 1956
In all other States	Apr. 30, 1956	Apr. 30, 1956
Soybeans	May 31, 1956	May 31, 1956
Wheat in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia	Feb. 29, 1956	Feb. 29, 1956
In all other States	Mar. 31, 1956	Apr. 2, 1956

The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Illinois, 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Texas, 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Missouri, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 1218 Southwest Washington Street: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1031; 15 U. S. C. 714c, 7 U. S. C. 1441, 1447, 1421)

Done at Washington, D. C., this 22d day of December 1955.

[SEAL] EARL M. HUGHES, *President, Commodity Credit Corporation.*

[F. R. Doc. 55-10402; Filed, Dec. 28, 1955; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MATSON NAVIGATION CO. ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8059, between Matson Navigation Company and Westfal-Larsen & Co., A/S, covers the transportation of canned pineapple and juice on through bills of lading from Hawaii to Europe, with transhipment at ports on the Pacific Coast of the United States.

(2) Agreement No. 8061, between American President Lines, Ltd., Barber-Fern-Ville Lines joint service, Blue Funnel Line joint service, Hoegh Line joint service, Isthmian Steamship Company, Lykes Bros. Steamship Company, Inc., A. P. Moller-Maersk Line joint service, Mitsui Steamship Company, Ltd., Prince Line, Ltd., N. V. Stoomvaart Maatschappij "Nederland", Koninklyke Rotterdamsche Lloyd, N. V., and N. V. Nederlandsch - Amerikaansche Stoomvaart Maatschappij "Holland-Amerika Lijn", is an arrangement for the apportionment of the carriage of all rubber originating in Siam (excluding Bangkok local rubber) destined to the United States Atlantic and Gulf ports, whether loaded direct at Siam ports or transhipped by road, rail or otherwise, to vessels of the Carriers at ports in Malaya, Kohsichang or Bangkok.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 22, 1955.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 55-10413; Filed, Dec. 28, 1955; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11520; FCC 55M-1057]

WESTERN OHIO BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re application of Western Ohio Broadcasting Co., Inc., Greenville, Ohio, Docket No. 11520, File No. BP-9888; for construction permit.

The Hearing Examiner having under consideration a petition for continuance of hearing filed by Western Ohio Broadcasting Co., Inc., on December 21, 1955;

It appearing that the hearing in the above-entitled proceeding is now scheduled to commence on January 3, 1956, but that because of other hearing commitments it will be impossible to commence on that date; and

It further appearing that all the parties now remaining in this proceeding have consented to a grant of this petition and to a waiver of the 4-day rule;

It is ordered, This 22d day of December 1955, that the petition is granted and that the hearing now scheduled for January 3, 1956, is continued to February 1, 1956, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 55-10416; Filed, Dec. 28, 1955; 8:56 a. m.]

[Docket Nos. 11536, etc.; FCC 55M-1056]

RADIO HERKIMER ET AL.

NOTICE OF PRE-HEARING CONFERENCE

In re applications of Louis Adelman, Norman E. Jorgensen and Seymour Krieger, d/b as Radio Herkimer, Herkimer, New York, Docket No. 11536, File No. BP-9619; Bay State Broadcasting Company (WBSM) New Bedford, Massachusetts, Docket No. 11537, File No.

[1] See footnote on p. 10071.

BP-9649; Western Massachusetts Broadcasting Company (WBEC), Pittsfield, Massachusetts, Docket No. 11538, File No. BP-9653; for construction permits.

A pre-hearing conference in the above-entitled proceeding will be held on Tuesday, January 3, 1956, beginning at 9:30 a. m., in the offices of the Commission in Washington, D. C.

This conference is called pursuant to the provisions of § 1.813 of the Commission's rules, and the matters to be considered are those specified in that section of the rules;

It is so ordered, This the 21st day of December 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-10417; Filed, Dec. 28, 1955; 8:56 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6247 et al.]

SERVICE TO PHOENIX CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference is assigned in connection with proposals pending on the Board's docket for the establishment of new or additional air service to Phoenix, Arizona before Examiner James S. Keith on January 16, 1956, at 10:00 a. m., e. s. t., in Room 5855, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C.

At this conference consideration will be given to the consolidation for hearing and decision of part or all of the following applications now pending on the docket of the Board:

Docket No.	Carrier	Description
6247 (severed from 1841)	Trans World Airlines	Denver-Phoenix-Los Angeles.
2223	Frontier Airlines	Salt Lake City-Phoenix via intermediate points.
3023	do	Do.
5951	Western Air Lines	Denver-Phoenix-San Diego; Salt Lake City-Phoenix-San Diego.
6250 (severed from 3268)	Continental Air Lines	Phoenix-San Diego.
7391	City of Phoenix	North-South service.

Attention is directed to the § 302.12 (b) of the Board's rules of practice which specifies: "A motion to consolidate or contemporaneously consider an application with any other application shall be filed not later than the prehearing conference in the proceeding with which consolidation or contemporaneous consideration is requested, and shall relate only to a then pending application."

In order to facilitate conduct of the conference and in accord with the above rule it is requested that any party desiring to prosecute an application in this proceeding file on or before January 9, 1956 a motion for consolidation with Examiner Keith and/or any new applications for which consolidation may be sought. Copies of such motions should be served on all applicants listed above.

In addition, it is requested that any "request for evidence" be transmitted to the examiner and to the party from whom the evidence is sought on or before January 9, 1956.

Counsel will be expected to state the views of their client with respect to issues discussed during the course of this conference.

Dated at Washington, D. C., December 23, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-10418; Filed, Dec. 28, 1955; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3476, G-3477, G-3478, G-8893]

PHILLIPS PETROLEUM CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 23, 1955.

Take notice that Phillips Petroleum Company (Phillips), an independent producer with its principal place of business in Bartlesville, Oklahoma, filed on September 27, 1954, applications in Docket Nos. G-3476, G-3477, and G-3478 for certificates of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the acts or operations hereinafter described.

Phillips delivers and sells casinghead gas produced from three leases located in the Benedum Field, Upton County, Texas, to Pecos Company under the terms of a contract dated July 31, 1953 (Docket No. G-3476; Phillips' Rate Schedule No. 192), a contract dated July 31, 1953 (Docket No. G-3477; Phillips' Rate Schedule No. 193), and a contract dated February 19, 1951 (Docket No. G-3478; Phillips' Rate Schedule No. 194). Daily deliveries total approximately 500 Mcf.

Take notice that Phillips filed on May 11, 1955, an application in Docket No. G-8893 for permission and approval pursuant to section 7 (b) of the Natural Gas Act to abandon the above-described service rendered Pecos Company, or, alternatively, a declaratory order that such authorization is not required. Phillips proposes to deliver and sell such natural gas to Permian Basin Pipe Line Company under the terms of a contract dated February 8, 1952, as amended (Phillips' Rate Schedule No. 193; see Docket No. G-8324). Phillips states that the contracts, set forth above, with Pecos Company, all made on a short-term basis, have been terminated according to their respective provisions, and that it is obligated by contract to deliver to Permian Basin Pipe Line Company all of its casinghead gas in the area which it can economically process.

By order issued March 16, 1955, in Docket Nos. G-3476, G-3477 and G-3478, Phillips' notices of cancellation of rate schedules and requests for withdrawal of certificate applications covering the above-described sales to Pecos Company were rejected for lack of prior Commission approval pursuant to the provisions of section 7 (b) of the act.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 19, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of January 1956. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10410; Filed, Dec. 28, 1955; 8:55 a. m.]

[Docket No. G-7926]

HEYSER & HEARD ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 21, 1955.

Take notice that Heyser & Heard, et al., a partnership (Applicant), whose address is 1408 Life of America Building, Dallas, Texas, filed on December 3, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces gas from the Greta Field, Refugio County, Texas, which they propose to sell to Transcontinental Gas Pipe Line Corporation for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 26, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 11, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10369; Filed, Dec. 28, 1955; 8:46 a. m.]

[Docket No. G-8480]

G. R. WHITTINGTON ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 22, 1955.

Take notice that G. R. Whittington, Fred W. Hagaman and Howard F. Saunders, Joint Owners, styling themselves, G. R. Whittington et al. (Applicants), individuals, hereinafter referred to as Applicant, whose address is 604 Amarillo Building, Amarillo, Texas, filed, as operator,[1] on February 14, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of certain acreage, Sanford (West Panhandle) Field, Moore and Hutchinson Counties, Texas, to Frank C. Henderson Trust No. 2 and Elizabeth P. Henderson Trust No. 2 for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, January 30, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 9, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10370; Filed, Dec. 28, 1955; 8:46 a. m.]

[Docket No. G-8897]

P. G. LAKE, INC., ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 21, 1955.

Take notice that P. G. Lake, Inc., et al. (Applicants), whose address is Tyler, Texas, filed on May 13, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants produce gas from the Waskom Field, Harrison County, Texas, which they propose to sell to Mississippi River Fuel Corporation for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, January 30, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 11, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10371; Filed, Dec. 28, 1955; 8:46 a. m.]

[Docket No. G-9063]

PLAINS EXPLORATION CO. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 22, 1955.

Take notice that Plains Exploration Company, a Colorado corporation whose address is 525 University Building, Denver, Colorado, filed, as operator, on June 21, 1955, for itself and on behalf of the following working interest owners: Phil A. Cornell and Glenna J. Cornell; Joe Johnson; Highlander Oil Company Inc.; The Kimbark Company, Ltd.; Frank M. Ashley and Ben B. Brown; Executors; Phil A. Cornell, Trustee; H. A. Mayor; E. Warren Willard; and Southwest Grease & Oil Co., Inc. (Applicants), an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants propose to sell natural gas in interstate commerce from production of certain acreage, Luft Field, Logan County, Colorado, to Kansas-Nebraska Natural Gas Company, Inc., for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, January 30, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[1] The non-operator is J. G. Catlett Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 9, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10372; Filed, Dec. 28, 1955; 8:47 a. m.]

[Docket Nos. G-9106, G-9107]

ROCK ISLAND OIL & REFINING CO., INC. AND CLYDE BEYMER, JR.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 22, 1955.

Take notice that Rock Island Oil & Refining Co., Inc., by and through its operator and agent, Clyde Beymer, Jr., and Clyde Beymer, Jr., for himself, Applicants, whose addresses are 321 West Douglas, Wichita 2, Kansas, filed on July 5, 1955, separate applications for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicants propose to sell natural gas in interstate commerce from production of certain acreage, Hugoton Field, Kearny County, Kansas, to Colorado Interstate Gas Company for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, January 30, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 9, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10373; Filed, Dec. 28, 1955; 8:47 a. m.]

[Docket No. G-9115]

KANSAS NATURAL GAS, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 22, 1955.

Take notice that Kansas Natural Gas, Inc. (Applicant), a Kansas corporation whose address is 105 West 13th Street, Box 270, Hays, Kansas, filed, as operator[1] on July 7, 1955, and as supplemented on July 15, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of certain acreage, Hugoton Field, Kearny County, Kansas, to Colorado Interstate Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, January 30, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 9, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10374; Filed, Dec. 28, 1955; 8:47 a. m.]

[Docket No. G-9253 etc.]

MONTANA-DAKOTA UTILITIES CO. ET AL.

NOTICE OF CONTINUANCE OF HEARING

DECEMBER 20, 1955.

In the matters of Montana-Dakota Utilities Co., Docket No. G-9253; Signal Oil and Gas Company, Docket No. G-9228; Amerada Petroleum Corporation, Docket No. G-9190.

Upon consideration of the motion, filed December 19, 1955, by Montana-Dakota Utilities Co. for a continuance of the hearing in the above-designated matters now scheduled for January 10, 1956;

The hearing now scheduled for January 10, 1956, is hereby postponed to February 7, 1956, at 10:00 a. m. in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10375; Filed, Dec. 28, 1955; 8:47 a. m.]

[Docket No. G-9313]

ACCO OIL & GAS CO., ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 22, 1955.

Take notice that Acco Oil & Gas Company, a Texas Corporation whose address is 500 San Jacinto Building, Houston, Texas, filed, as operator, on September 9, 1955, for itself and on behalf of the following non-operators: Colorado Oil and Gas Corporation and Amurex Oil Development Company (Applicants), an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants propose to sell natural gas in interstate commerce from production of certain acreage, Bonus Field, Wharton County, Texas, to Tennessee Gas Transmission Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, January 30, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 9, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10376; Filed, Dec. 28, 1955; 8:47 a. m.]

[Docket No. G-9315]

COLORADO-WYOMING GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 21, 1955.

Take notice that Colorado-Wyoming Gas Company, Applicant, filed an application on September 12, 1955, for a certificate of public convenience and necessity authorizing the construction and operation of two farm taps along its existing natural gas pipeline system to sell gas for resale to Applicant's existing resale customer, Public Service Company of Colorado (Public Service) subject to the jurisdiction of the Commission all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to install one of the farm taps on its existing 6-inch Greeley-Loveland lateral in Larimer County, Colorado, at an approximate cost of $75 to deliver an estimated 310 Mcf annually and 3 Mcf on a peak day to supply the requirements of Public Service's customer Henry Weber and Byron Goodwin.

Applicant proposes to install the other taps in Jefferson County, Colorado, on its Arvada-Cheyenne main line at an approximate cost of $75 to deliver an estimated 1,290 Mcf annually and 13 Mcf on a peak day to supply the requirements of Public Service's customer, Broomfield Heights Water Treatment Plant.

The cost of the above proposed facilities will be paid out of Applicant's funds on hand.

The gas involved will be sold to Public Service under Applicant's FPC Gas Tariff (Schedule G-1).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 25, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 10, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10377; Filed, Dec. 28, 1955; 8:47 a. m.]

[Docket Nos. G-9564, G-9565]

CITIES SERVICE GAS CO. AND DAVIDOR AND DAVIDOR

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 21, 1955.

Take notice that (1) Cities Service Gas Company, a Delaware corporation with a principal office in Oklahoma City, Oklahoma, filed on October 27, 1955, an application for a certificate of public convenience and necessity authorizing the construction and operation of 3.3 miles of 6⅝-inch pipeline and 0.5 mile of 4½-inch pipeline, together with a meter setting and appropriate appurtenances thereto; the larger line to extend in a Southerly direction from Applicant's existing 26-inch pipe line in the NW/4 of Section 6-27N-16W to a point in the NW/4 of Section 19-27N-16W, at which point it will connect with the 4½-inch pipeline and extend Eastward to the NE/4 of Section 19-27N-16W, all in Woods County, Oklahoma, subject to the jurisdiction of the Commission, and more fully described in the application on file with the Commission in Docket No. G-9564, and open for public inspection; and (2) Davidor and Davidor, a partnership, with a principal office in Oklahoma City, Oklahoma, filed on October 27, 1955, an application for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce to Cities Service Gas Company for resale, subject to the jurisdiction of the Commission, and as more fully described in the application filed at Docket No. G-9565, and open to public inspection.

Applicant at Docket No. G-9564 proposes to construct and operate facilities for the taking of natural gas from the Applicant in Docket No. G-9565; and Applicant in Docket No. G-9565 proposes to produce natural gas in the Teagarden Field, Woods County, Oklahoma, and sell it in interstate commerce to Cities Service Gas Company for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 24, 1956, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 13, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10378; Filed, Dec. 28, 1955; 8:47 a. m.]

[Project No. 2009]

VIRGINIA ELECTRIC AND POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

DECEMBER 20, 1955.

Public notice is hereby given that Virginia Electric and Power Company on November 15, 1955, filed an application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license for water-power Project No. 2009 located on the Roanoke River in Halifax and Northampton Counties, North Carolina, near the town of Roanoke Rapids, requesting the deletion of the condition contained in paragraph (D) (4) of its license, which reads as follows:

The entire project area, except for such portions as may be reserved for reasons of

[1] The operator has no percentage interest in the unit involved. The nonoperators are Mrs. Ross Beach, Jr., and Mrs. Paul Ward.

safety and efficient operation, shall be open to free use by the public for the purposes of fishing, hunting, and other recreational pursuits.

The application states that the generality of paragraph (D) (4) is in conflict with specific provisions in paragraph (D) (5) and Article 7 in the license relating to the same subject and prevents their effectuation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is February 15, 1956. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-10379; Filed, Dec. 28, 1955; 8:47 a. m.]

[Project No. 2195]

PORTLAND GENERAL ELECTRIC CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

DECEMBER 21, 1955.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Portland General Electric Company, of Portland, Oregon, for license for proposed water-power Project No. 2195, to be known as North Fork Hydroelectric Project and located on Clackamas River in Clackamas County, Oregon, affecting Oregon and California Revested Lands and lands of the United States within Mount Hood National Forest. The proposed project would consist of a concrete arch dam in Section 11, T. 4 S., R. 4 E., W. M., to be constructed to elevation 670 feet with two chute spillways having fixed crests at elevation 640 feet and control gates in the spillway sections to raise the reservoir to normal pool elevation 665 feet; a reservoir about 4 miles long containing 7,700 acre-feet usable storage capacity; three steel penstocks through the base of the dam leading to a powerhouse immediately downstream from the dam having initial installation of two units, each consisting of a 34,500 horsepower turbine connected to a 21,750 kilowatt generator and structural provision for ultimate installation of a third unit; a substation and switchyard; transmission facilities; a fish ladder, and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is February 8, 1956. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-10380 Filed, Dec. 28, 1955; 8:48 a. m.]

[Docket No. G-6101 etc.]

E. DUNLAP, JR., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 20, 1955.

In the matters of E. Dunlap, Jr. (a partnership) and The State Oil Company, Docket No. G-6101; Mule Creek Oil Company, Docket Nos. G-6102 and G-6104; E. S. Pester, Docket No. G-6103; Piper Petroleum Company, Docket No. G-6105; C. M. Becket, Docket No. G-6106; International Trust Company, Executor of E. E. Brown, Docket No. G-6108; D. W. Skelton, Docket No. G-6109; Harper-Turner Oil Company and F. E. Harper and Roy J. Turner, Docket No. G-6124; Old Colony Trust Company and James L. Kaufman, Trustee, Docket No. G-6189; H. J. Mosse, Docket No. G-6192; Gulf Oil Corporation, Docket No. G-7146.

Take notice that the above-named Applicants, hereinafter referred to singly and collectively as Applicant, filed applications in the above-designated dockets in November 1954, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to continue to make sales of natural gas and to render service as described, subject to the jurisdiction of the Commission, all as more fully represented in the applications, which are on file with the Commission and open for public inspection.

Applicants produce natural gas from certain gas fields, as shown in the following tabulation, and sell the gas to certain purchasers in interstate commerce for resale.

Docket No.; Name of Purchaser; Gas Field; County and State
G-6101; Lone Star Gas Company; Fox; Stevens; Oklahoma.
G-6102; Montana-Dakota Utilities Co.; Garland; Park; Wyoming.
G-6104; Montana-Dakota Utilities Co.; Polecat; Park; Wyoming.
G-6103; Cities Service Gas Company; Hugoton; Kearny; Kansas.
G-6105; Lone Star Gas Company (through Lindsay Gasoline Plant); E. Lindsay; Garvin McLain; Oklahoma.
G-6106; Arkansas-Louisiana Gas Co.; E. Haynesville; Claiborne; Louisiana.
G-6108; Montana-Dakota Utilities Co.; Elk Basin; Park; Wyoming.
G-6109; United Gas Pipe Line Company; Baxterville; Lamar; Mississippi.
G-6124, G-6189; Cities Service Gas Company; E. Edmond North; Oklahoma; Oklahoma.
G-6192; Altex Corporation for resale to Texas Gas Transmission Company; Alice and West Alice; Jim Wells; Texas.
G-7146; United Gas Pipe Line Company; Keeran and East Placedo; Victoria; Texas.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 19, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear to be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 13, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-10381; Filed, Dec. 28, 1955; 8:48 a. m.]

[Docket No. G-6110, etc.]

ALBERT GACKLE AND BRITISH-AMERICAN OIL PRODUCING CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 20, 1955.

In the matters of Albert Gackle, Operator, Docket Nos. G-6110 to G-6115, incl., and G-6117 to G-6121, incl.; British-American Oil Producing Company, Docket Nos. G-6196 to G-6207, incl.

Take notice that the above-named Applicants, hereinafter referred to singly and collectively as Applicant, with their respective places of business located at Fort Worth and Dallas, Texas, filed on November 26 and 29, 1954, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to continue to render service as described in each respective docketed application, subject to the jurisdiction of the Commission, as more fully represented in the applications on file with the Commission and open to public inspection.

Applicant, Albert Gackle, produces natural gas from the Jalmat Field, Lea County, New Mexico, and sells it in interstate commerce to the El Paso Natural Gas Company and to the Southern Union Gas Company for resale.

Applicant, British-American Oil Producing Company, a Delaware corporation, produces natural gas from various fields in Logan County, Colorado, and sells it in interstate commerce to the Kansas-Nebraska Natural Gas Company for resale. Said Applicant also produces natural gas from the various other gas fields in the counties and states listed below and sells it to the several purchasers named in the list as follows:

Docket No.; Name of Purchaser; Gas Field; County and State
G-6196; Texas Northern Gas Corporation; S. Bayou Mallet; Acadia; Louisiana.
G-6197; Magnolia Petroleum Company for resale to United Gas Pipe Line Company; Cameron; Cameron; Louisiana.
G-6198; Southern Natural Gas Company; Gwinville; Jefferson; Mississippi.
G-6199; Lone Star Gas Company; NEX Elmore; Garvin; Oklahoma.
G-6200; Cities Service Gas Company; W. Edmond; Oklahoma; Oklahoma.
G-6201; Cities Service Gas Company; W. Edmond; Oklahoma; Oklahoma.
G-6202; United Gas Pipe Line Company; Carthage; Panola; Texas.
G-6203; Tennessee Gas Transmission Corporation; Sheridan; Colorado; Texas.
G-6204; El Paso Natural Gas Company; Fullerton; Andrews; Texas.
G-6205; El Paso Natural Gas Company; Spraberry; Glasscock; Texas.
G-6206; El Paso Natural Gas Company; Payton; Pecos and Ward; Texas.
G-6207; Mississippi River Fuel Corporation; Waskom; Harrison; Texas.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 18, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear to be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 13, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-10382; Filed, Dec. 28, 1955; 8:48 a. m.]

[Docket Nos. 6840, 6841, 6843-6847]

GULF OIL CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 20, 1955.

Take notice that Gulf Oil Corporation (Applicant), a Pennsylvania corporation whose address is P. O. Box 1166, Pittsburgh 30, Pennsylvania, filed on November 30, 1954, applications for certificates of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant sells natural gas in interstate commerce in each of the above captioned dockets from certain leases and units located as hereinafter indicated, to the respective purchaser as hereinafter indicated for resale:

Docket No.; Sources of Gas; and Purchasers
G-6840; 30 acre Mattie L. Morris Lease, Fox Field, Carter County, Oklahoma; Lone Star Gas Company.
G-6841; Varying interest in 8 units, Hugoton Field, Kearny County, Kansas; Kansas-Nebraska Natural Gas Company.
G-6843; 80 acre M. P. Slaughter "A", 80 acre M. P. Slaughter, and 80 acre T. M. Williams, Southeast Aylesworth Field, Bryan County, Oklahoma; Lone Star Gas Company.
G-6844; 160 acres of a gas unit, Hugoton Field, Kearny County, Kansas; Colorado Interstate Gas Company.
G-6845; 287.53 acres of a gas unit, Hugoton Field, Kearny County, Kansas; Colorado Interstate Gas Company.
G-6846; 160 acres of a gas unit, Hugoton Field, Kearny County, Kansas; Colorado Interstate Gas Company.
G-6847; 160 acres of a gas unit, Hugoton Field, Kearny County, Kansas; Colorado Interstate Gas Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, January 24, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-10383; Filed, Dec. 28, 1955; 8:48 a. m.]

[Docket No. G-3597 etc.]

ELGE RASBERRY ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 20, 1955.

In the matters of Elge Rasberry, et al., Docket No. G-3597; K. D. Owen, Docket No. G-6850; William Herbert Hunt Trust Estate d/b/a Park Pipe Line, Docket No. G-9030; Southwest Gas Producing Company, Docket No. G-9054; Producers Corporation of Nevada, Docket No. G-9098; H. L. Hunt, Docket No. G-9269; Lenoir M. Josey, Inc., et al., Docket No. G-9321; Transcontinental Gas Pipe Line Corporation (Transco), Docket Nos. G-9362, G-9276; Houston Oil Company of Texas and P. R. Rutherford, Docket No. G-9364; Sinclair Oil & Gas Company, Docket No. G-9424; F. H. Carpenter, et al., Docket No. G-9463.

There have been filed with the Federal Power Commission applications as hereinafter specified:

Docket No.; Address and Location of Field
G-3597; Iota, Louisiana; Iota Field, Acadia Parish, Louisiana.
G-6850; Esperson Building, Houston, Texas; Greta Field, Refugio County, Texas.
G-9030, G-9269; 700 Mercantile Bank Building, Dallas, Texas; Oberlin Field, Allen Parish, Louisiana.
G-9054; 1309 Louisville Avenue, Monroe, Louisiana; Maxie Field, Acadia Parish, Louisiana.
G-9098; San Antonio, Texas; Tynan Field, Bee County, Texas.
G-9321; 1706 C & I Life Building, Houston, Texas; Greta Field, Refugio County, Texas.
G-9364; Houston, Texas; Estherwood Field, Acadia Parish, Louisiana.
G-9424; Sinclair Oil Building, Tulsa, Oklahoma; Live Oak Field, Vermillion Parish, Louisiana.
G-9463; Sourlake, Texas; Sour Lake Field, Hardin County, Texas.

All of the Applicants herein listed, with the exception of Transco and H. L. Hunt in Docket No. G-9269 produce and propose to sell natural gas to Transcontinental Gas Pipe Line Corporation for transportation in interstate commerce for resale.

H. L. Hunt in Docket No. G-9269 proposes to sell natural gas to William Herbert Hunt Trust Estate d/b/a Park Pipe Line for transportation in interstate commerce for resale.

Transco, a Delaware corporation, with its principal place of business at Houston, Texas, filed on September 19, 1955 for a certificate of public convenience and necessity in Docket No. G-9362, authorizing it to construct and operate 2.38 miles of 4-inch pipeline, together with a meter station and appurtenant equipment, extending from the Estherwood Field, Acadia Parish, Louisiana, to Transco's 18-inch Main Line Lateral.

The estimated total cost of the proposed facilities by Transco in Docket No. G-9362 is $54,500, of which $38,534 is for the 4-inch line, which cost is to be financed from corporate funds.

Transco in Docket No. G-9276 filed on August 30, 1955, for a certificate of public convenience and necessity authorizing it to construct and operate a 4-inch tap on its existing 20-inch Louisiana Lateral, approximately 15.7 miles south

of its 30-inch line, to receive approximately 2,000 Mcf of natural gas per day from Elge Rasberry, et al., in the Iota Field, Acadia Parish, Louisiana.

No new or additional service is proposed by Transco in Docket No. G-9276 and the estimated cost for the tap is $1,300, which is to be financed from corporate funds.

Each has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render services as hereinbefore described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 19, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10384; Filed, Dec. 28, 1955; 8:48 a. m.]

[Docket No. G-8459 etc.]

ROBERT MOSBACHER ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 20, 1955.

In the matters of Robert Mosbacher et al., Docket Nos. G-8459 and G-8707; J. R. Meeker, Docket No. G-8578; Gulf Coast Leaseholds, Inc., Docket No. G-8660; Kirkwood and Company, Docket No. G-8797; Mrs. Ola Mae Smith, Docket No. G-8799; Skelly Oil Company, Docket No. G-8842; Paul R. Davis & Lestor B. Wood, Docket No. G-9036; Carter Jones Drilling Company et al., Docket No. G-9058; W. Earl Rowe et al., Docket No. G-9079; Harry Bass Drilling Company, Docket No. G-9125; Northern Pump Company, Operator, Docket No. G-9144; R. E. Hibbert et al., Docket No. G-9149; Egypt Gas and Gasoline Corporation, Docket No. G-9184; Arkansas Fuel Oil Corporation, Docket No. G-9272; Stanolind Oil and Gas Company, Docket No. G-9308; Texas Eastern Transmission Corporation, Docket No. G-9363; Gilster and Kemp et al., Docket No. G-9418; Hunt Oil Company, Docket No. G-9431; R. O. Mangum, Docket No. G-9465; Tide Water Associated Oil Company, Docket No. G-9486; Seaboard Oil Company, Docket No. G-9487; Russell Maguire, Docket No. G-9489; Sohio Petroleum Company, Docket No. G-9491; Amerada Petroleum Corporation, Docket No. G-9516; Johnnye Jones Peet, d/b/a Peet Oil Company, Docket No. G-9517; J. R. Meeker, Docket No. G-9524; Henrietta Yerger Jones, d/b/a Edwin M. Jones Oil Company, Docket No. G-9533.

Each has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render services as hereinafter specified, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

Docket No.; Address; and Location of Field

G-8459, G-8707; 1640 Bank of Commerce Building, Houston, Texas; Coquat Field, Live Oak County, Texas; West Weesatche Area, Goliad County, Texas.

G-8578; Fort Worth, Texas; Henzie Field, De Witt County, Texas.

G-8660; 639 Gulf Building, Houston, Texas; Clayton Field, Live Oak County, Texas.

G-8797; Alice, Texas; Barre and Koenig Fields, De Witt County, Texas.

G-8799; Norman, Oklahoma; Delhi Field, Richland Parish, Louisiana.

G-8842; Box 1650, Tulsa, Oklahoma; Englehart Field, Colorado County, Texas.

G-9036; P. O. Box 4128, Centenary Station, Shreveport, Louisiana; Woodlawn Field, Harrison County, Texas.

G-9058; P. O. Box 1251, Kilgore, Texas; Carthage Field, Gregg, Rusk, and Panola Counties, Texas.

G-9079; 1409 Milam Building, San Antonio, Texas; Henze Field, De Witt County, Texas.

G-9144; Fridley, Minnesota; West Cosden Field, Bee County, Texas.

G-9149; 703-704 Bank of Commerce Building, Houston, Texas; Big Hill Field, Jefferson County, Texas.

G-9184; 2100 Esperson Building, Houston, Texas; Eldorado Field, Saline County, Illinois.

G-9272; Slattery Building, Shreveport, Louisiana; Greenwood Field, Caddo Parish, Louisiana.

G-9418; 304 Texas Eastern Building, Shreveport, Louisiana; Bethany-Longstreet Field, East Caddo and De Sota Parishes, Louisiana.

G-9431; 700 Mercantile Bank Building, Dallas, Texas; Greenwood-Waskom Field, Caddo Parish, Louisiana.

G-9465; 834 Esperson Building, Houston, Texas; West George West Field, Live Oak County, Texas.

G-9486; San Francisco, California; Nordheim Field, De Witt and Karnes Counties, Texas.

G-9487; Continental Building; Nordheim Field, De Witt and Karnes Counties, Texas.

G-9489; 500 Fifth Avenue, New York, New York; Alco-Mag Field, Harris County, Texas.

G-9491; Skirvin Tower, Cleveland, Ohio; Nordheim Field, De Witt and Karnes Counties, Texas.

G-9516; P. O. Box 2040, Tulsa, Oklahoma; Melrose Field, Goliad County, Texas.

G-9517; 814 Frost National Bank Building, San Antonio, Texas; West George West Field, Live Oak County, Texas.

G-9524; Fort Worth, Texas; Sunset Field, Live Oak County, Texas.

G-9533; 404 Milam Building, San Antonio, Texas; West George West Field, Live Oak County, Texas.

All of the Applicants hereinbefore listed with the exceptions of Texas Eastern Transmission Corporation (Texas Eastern) in Docket No. G-9363, Harry Bass Drilling Company in Docket No. G-9125, and Stanolind Oil and Gas Company in Docket No. G-9308 produce and propose to sell natural gas to Texas Eastern Transmission Corporation for transportation in interstate commerce for resale.

Harry Bass Drilling Company in Docket No. G-9125, whose principal place of business is 1403 Magnolia Building, Dallas, Texas, produces natural gas from the Melrose Field, Goliad County, Texas, which it proposes to sell to Wilcox Trend Gathering System, Inc., for transportation in interstate commerce for resale.

Applicant, Stanolind Oil and Gas Company, in Docket No. G-9308, whose principal place of business is 511 South Booton Avenue, Tulsa, Oklahoma, produces natural gas from the Northeast Lisbon Field, Claiborne Parish, Louisiana, which it proposes to sell to Hassie Hunt Trust for transportation in interstate commerce for resale.

Texas Eastern Transmission Corporation, a Delaware corporation, with its principal place of business at Shreveport, Louisiana, filed an application on September 19, 1955, in Docket No. G-9363, for a certificate of public convenience and necessity authorizing the construction and operation of 11 miles of 8⅝-inch pipeline and 8 miles of 10¾-inch pipeline in Caddo and De Soto Parishes, Louisiana, to enable it to receive approximately 19,600 Mcf of natural gas per day.

The estimated total cost of Texas Eastern's proposed facilities is $498,000 which will be financed from corporate funds.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 24, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 9, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10385; Filed, Dec. 28, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-196, etc.]

MISSION OIL CO. ET AL.

APPLICATION FOR FURTHER EXTENSION OF TIME FOR DISPOSITION BY SINCLAIR OIL CORPORATION OF COMMON STOCK OF SUBSIDIARY

DECEMBER 22, 1955.

In the matter of the Mission Oil Company, Southwestern Development Company, and Subsidiaries and Sinclair Oil Corporation; File Nos. 54-196 and 59-97. In the matter of Albert R. Jones et al.; File No. 70-2681.

Notice is hereby given that Sinclair Oil Corporation ("Sinclair"), a registered holding company which is exempt from the provisions of the Public Utility Holding Company Act of 1935 ("act"), except sections 9 (a) (2) and 11 (b), (c), and (e) thereof, has filed with this Commission, pursuant to the act, an application requesting a further extension, for a period of six months from December 21, 1955, of the time within which to effect a disposition of its holdings of 384,860.86 shares (52.88 percent) of the common stock of Westpan Hydrocarbon Company ("Westpan"), which disposition was provided for in a plan approved by the Commission, pursuant to Section 11 (e) of the act, by order dated December 21, 1951 (Holding Company Act Release No. 10969), as modified and supplemented by order dated December 24, 1953 (Holding Company Act Release No. 12277).

The plan provided, among other things, for the disposition by Sinclair within one year from December 21, 1951, "or such longer time as the Commission may by further order grant," of the common stock of Westpan, a then non-utility subsidiary of Southwestern Development Company, a registered holding Company, received by Sinclair under the provisions of the plan.

The Commission by previous orders has extended until December 21, 1955, the time within which Sinclair might dispose of the common stock of Westpan, the last order being dated June 29, 1955 (Holding Company Act Release No. 12935).

Prior to the entry of the order of June 29, 1955, Sinclair filed with the Commission, pursuant to Rule U-44 (c) promulgated under the act, a notice of intention to sell its holdings of Westpan stock to Jalco, Inc. ("Jalco"), a non-affiliate, under the terms of a contract between Sinclair and Jalco dated March 31, 1955.

Jalco's obligation to purchase the Westpan stock was conditioned upon, among other things, the consummation of the liquidation of Westpan through the sale of its assets pursuant to a plan to be approved by the holders of not less than 75 percent of the total number of outstanding shares of Westpan, for an aggregate price which would net to all stockholders a cash distribution of not less than $12 per share, together with an additional contingent distribution of not to exceed $2.50 per share, to be determined at a later date and payable under certain contingencies set forth in the contract. The contract provided for a closing date not later than December 15, 1955, subject to extension under certain conditions.

On November 10, 1955, Sinclair filed with this Commission a new notice, pursuant to Rule U-44 (c), of its intention to sell its holdings a Westpan common stock to Jalco in accordance with a new contract dated October 24, 1955; and on November 22, 1955 and December 6, 1955, Sinclair amended and supplemented such notice of intention. Under the new contract Sinclair proposes to sell its holdings of the common stock of Westpan to Jalco for the same consideration of $4,618,330.32 in cash ($12 per share), plus the same additional contingent amount of not to exceed $2.50 per share in cash to be determined and payable under the same terms and conditions as were provided in the March 31, 1955, contract. Jalco will offer to purchase, and will purchase, at the same price as is being paid Sinclair and upon the same terms and conditions, any shares of Westpan held by the public.

Jalco's obligation to purchase any Westpan stock, either from Sinclair or the public holders, is conditioned upon, among other things, the acceptance by Westpan, pursuant to action of its board of directors and stockholders, of an offer by Jalco to surrender all Westpan stock acquired by it in exchange for (i) a proportionate interest in the liquid hydrocarbon constituents contained in natural gas in place in certain natural gas reserves in the West Panhandle gas field in Texas, and the operating contract rights relating thereto, and (ii) all of Westpan's interest in certain undeveloped gas leaseholds, including related lease hold equipment, in Rio Arriba County, New Mexico. If the holders of 75 percent of the total number of shares of Westpan outstanding do not vote in favor of acceptance of the offer, Sinclair and Jalco have the option to terminate the contract and all obligations thereunder.

In support of the application for a further extension of time, Sinclair states that the liquidation and dissolution of Westpan, as originally proposed pursuant to the contract dated March 31, 1955, could not be effected because of the apparent unwillingness of Westpan to accept the offer for the sale of its assets and the liquidation and dissolution of the company; that the respective obligations of Sinclair to sell, and Jalco to purchase, Sinclair's holdings of stock of Westpan are subject to the condition, among others, that favorable tax rulings shall have been obtained from the Internal Revenue Service with respect to certain aspects of the proposed transactions, which rulings, according to Sinclair, in all probability will not be obtained until some time after December 21, 1955; that there are pending before the Commission certain unresolved questions under the Securities Act of 1933 with respect to the proposed transactions; that until such matters have been resolved, Westpan will not be in a position to hold a special stockholders meeting to vote on whether or not to accept the Jalco offer; and that accordingly the transactions cannot be consummated prior to December 21, 1955.

Notice is further given that any interested person may, not later than January 9, 1956, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held in respect of the application for extension of time within which Sinclair may dispose of its holdings of Westpan stock, stating the nature of his interest, the reason for such request, and the issues of fact or law which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. Any such request should bear the above title and file numbers of this notice, and should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may grant said application as filed, or as it may be amended, pursuant to Rule U-23 of the Rules and Regulations under the Act, or the Commission may take such other action in respect thereof as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-10389; Filed, Dec. 28, 1955; 8:49 a. m.]

[File No. 811-399]

CONSOLIDATED EQUITIES, INC.

APPLICATION FOR ORDER DECLARING COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

DECEMBER 22, 1955.

Notice is hereby given that Consolidated Equities, Inc. ("Consolidated"), has filed an application under section 8 (f) of the Investment Company Act of 1940 for an order declaring that Consolidated, registered under the act as a closed-end, non-diversified, management investment company, has ceased to be an investment company.

The following representations are made:

Consolidated, a Massachusetts corporation, registered under the Act on November 22, 1940. At a special meeting held on April 6, 1955, the stockholders of Consolidated authorized the liquidation

and dissolution of the corporation. Pursuant to this authorization, all of Consolidated's assets have been liquidated and all of its taxes and other liabilities have been paid. The net assets amounting to $31,714.91 were deposited with the Second Bank—State Street Trust Co. of Boston, Massachusetts, to be held irrevocably in trust for the purpose of liquidation. Of this sum $29,703.53 was to be distributed pro-rata among the holders of Consolidated's outstanding 16,393 shares on the basis of $1.81 per share and the balance of $2,011.38 was to be held in reserve for liquidation expenses.

Section 8 (f) of the act provides, in pertinent part, that whenever the Commission on application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 9, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10390; Filed, Dec. 28, 1955; 8:50 a. m.]

[File No. 31-631]

BALTIMORE GAS AND ELECTRIC CO.

APPLICATION FOR EXEMPTION

DECEMBER 22, 1955.

Notice is hereby given that Baltimore Gas and Electric Company ("Baltimore Company"), a public utility company, has filed with this Commission an application pursuant to section 3 (a) (2) of the Public Utility Holding Company Act of 1935 ("act") for an exemption for it and its direct subsidiary, Safe Harbor Water Power Corporation ("Safe Harbor"), from the provisions of the act on the basis that it is predominantly a public utility company whose operations as such do not extend beyond the State of Maryland, the State in which it is organized.

The application which is on file in the offices of the Commission may be summarized as follows:

Applicant was organized under the laws of the State of Maryland, its principal office being located in Baltimore, Maryland. It is qualified to do business only in the State of Maryland, and all its properties are located in that State.

Applicant's principal business is the sale in Maryland of electricity and natural gas for residential, commercial, and industrial uses; additionally, it sells electric energy to the Pennsylvania Railroad for the electrification of its New York-Washington Line, between Perryville, Maryland, and the District of Columbia, and of its Columbia and Port Deposit Branch, between Perryville and the Maryland-Pennsylvania State line, and sells firm peak energy to the Potomac Electric Power Company of Washington, D. C., a non-affiliate. Applicant also purchases and distributes natural gas and produces high Btu oil gas at times of peak loads and emergencies, sells steam for heating in the central business district of the City of Baltimore, and sells gas and electric appliances and allied merchandise.

As at December 31, 1954, Baltimore Company's capitalization and surplus aggregated $292,879,434 and consisted of long-term debt representing 49.7 percent; preferred stock, 10.0 percent; and common stock and surplus, 40.3 percent. All these securities are held by the public.

Safe Harbor was organized under the laws of the Commonwealth of Pennsylvania on January 6, 1930, and all of its properties are located in that State. Safe Harbor's business is the generation, and sale of its entire output, of electricity at wholesale to Baltimore Company, which purchases two-thirds of said output, and to Pennsylvania Power & Light Company ("Pennsylvania Power"), an exempt holding company pursuant to Rule U-2 and a public utility company, which purchases one-third of said output. Baltimore Company and Pennsylvania Power each own 50 percent of the voting Class B common stock of Safe Harbor; Baltimore Company also owns all of the non-voting Class A stock of Safe Harbor, which latter class of stock constitutes one-third of the entire capital stock of Safe Harbor. Thus, Baltimore Company owns two-thirds of all the capital stock of Safe Harbor, with the remaining one-third being owned by Pennsylvania Power which relative investments correspond with the respective proportions of electric energy purchased by these two companies from Safe Harbor.

As at December 31, 1954, Safe Harbor's capitalization and surplus aggregated $26,604,218, consisting of long-term debt representing 54.5 percent thereof (first mortgage bonds, due 1981, held by the public, 52.6 percent; and ten year notes, 1.9 percent); and common stock and surplus, 45.5 percent thereof.

The following table sets forth certain statistics for 1954 concerning the size and business of Baltimore Company's public utility activities and the public utility activities of Safe Harbor.

TABLE I

	Baltimore Company	Safe Harbor	Percent—Safe Harbor to Baltimore Company
Gross utility operating revenues (after intercompany eliminations)	$105,033,385	$1,266,970	1.21
Net utility operating revenues (before income taxes)	$20,069,211	$2,274,846	7.83
Sales of electricity—Mkwh (after intercompany eliminations)	3,680,125	264,884	7.20
Sales of gas—Mcf	20,915,362		
Gross utility plant (including acquisition adjustments)	$343,537,889	$31,265,119	9.10
Gross utility plant (at original cost)	$302,296,839	$31,265,119	9.41
Net utility plant (including acquisition adjustments)	$275,583,408	$25,201,577	9.14
Net utility plant (at original cost)	$268,651,080	$25,201,577	9.38
Number of electric customers at end of year	470,215	2	
Number of gas customers at end of year	339,982		
Number of utility customers at end of year	810,197	2	

In its pending application Baltimore Company states that its public utility operations do not extend beyond the State of Maryland, the State in which it is organized, and alleges that it is "predominantly" a public utility company whose operations and those of its subsidiary do not extend beyond the State of Maryland and States contiguous thereto. The filing represents that Baltimore Company is subject to the jurisdiction of the Public Service Commission of Maryland and that as a consequence thereof Baltimore Company is regulated in respect of rates, services, exercise of franchises, accounting, records and reports, and security issuances. Additionally, Baltimore Company is subject to the jurisdiction of the Federal Power Commission in respect of the transmission of electric energy in interstate commerce and the sale of electric energy at wholesale in interstate commerce.

It is represented that Safe Harbor is subject to the jurisdiction of the Federal Power Commission both as a licensee of that Commission and as a public-utility company operating in interstate commerce. Additionally, it is represented that the Pennsylvania Public Utility Commission has sole jurisdiction over the issuance of securities by Safe Harbor and concurrent jurisdiction with the Federal Power Commission over its accounting and the requiring of reports from Safe Harbor.

Notice is further given that any interested person may, not later than January 9, 1956, at 5:30 p. m., request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application may be granted or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10391; Filed, Dec. 28, 1955; 8:50 a. m.]

[File No. 22-1785]

RHEINISCH-WESTFÄLISCHES ELEKTRIZITÄTSWERK AKTIENGESELLSCHAFT

ORDER GRANTING APPLICATION FOR EXEMPTION

DECEMBER 22, 1955.

Rheinisch-Westfälisches Elektrizitätswerk Aktiengesellschaft ("RWE"), a corporation organized and existing under the laws of Germany, having filed an application pursuant to section 304 (d) of the Trust Indenture Act of 1939 for an order exempting from the provisions of section 310 (a) (3) and 310 (b) (4) of the act, 5¼ percent Debt Adjustment Bonds, Series A due January 1, 1978, 4½ percent Debt Adjustment Bonds, Series B, due January 1, 1978, and 4½ percent Debt Adjustment Bonds, Series C, due January 1, 1978, to be issued by RWE under an Indenture to be dated as of January 1, 1953, between RWE and The First National City Bank of New York as Trustee and Treuhand-Vereinigung Aktiengesellschaft, as Co-Trustee, in connection with RWE's offer of settlement to be made pursuant to Annex II of the London Agreement on German External Debts of February 27, 1953, between the Government of the Federal Republic of Germany, the United States of America and other countries; and

It appearing to the Commission with respect to the request for exemption from section 310 (a) (3) to permit certain acts to be performed by the Co-Trustee, as follows:

(1) RWE has outstanding bonds which have been in default for many years. The London Agreement provides, among other things, for the consensual settlement of foreign currency obligations of German corporate debtors by the refunding and extension of such obligations. RWE is, however, liable only for the repayment of bonds which may be validated pursuant to the Validation Law for German Foreign Currency Bonds of August 25, 1952. The terms of the offer negotiated by RWE for its outstanding obligations provide for the issuance by RWE of the above described three series of its Debt Adjustment Bonds, due January 1, 1978, in exchange for its outstanding validated bonds.

(2) The rights in the security of both the holders of the old and the new bonds are rights in German property, created under German mortgage law and to a large extent dependent upon the interpretation of the German Implementation Law; and such rights in the security should be adjudicated only by German courts.

(3) Vesting of title to the security in the Co-Trustee necessarily results in certain acts being performable by the Co-Trustee. The acts which are performable only by the Co-Trustee relate to the release of property, the reduction of the registered amount of liens and the disposition of release moneys and such action is, in each case, subject to ultimate control by the Trustee if such control is exercised within 30 days after notice is received of the proposed action.

It further appearing to the Commission with respect to the request for exemption from section 310 (b) (4), to permit the Co-Trustee to serve notwithstanding an affiliation with an underwriter for the issuer, as follows:

(1) Dr. Hermann Richter, chairman of the Aufsichtsrat of the Co-Trustee, is also chairman of the Aufsichtsrat of Rheim-Main Bank Aktiengesellschaft which within the last three years has acted as an underwriter for the issuer.

(2) Although the relationship between the Co-Trustee and Rhein-Main Bank Aktiengesellschaft may fall within the provisions of section 310 (b) (4) of the act, it is neither necessary nor desirable in the public interest or for the protection of investors to hold that the Co-Trustee should be disqualified by reason of such relationship.

(3) The Aufsichtsrat of a German corporation has substantially different functions from that of the Board of Directors of a United States corporation. Under section 95 of the German Stock Corporation Law (Aktiengesetz), the duties and rights of members of the Aufsichtsrat of German corporations are extremely limited and the delegation of management powers to the Aufsichtsrat are specifically prohibited.

(4) Disqualification of the proposed Co-Trusee will make it difficult to obtain as Co-Trustee any organization satisfactory to the company which has adequate experience in dealing with foreign loans, since most of the available institutions which would come under consideration for such appointment have relationships with underwriters of the issuer involving ownership or control which are at least as serious as that relating to the proposed Co-Trustee.

Notice of the filing of said application having been duly given, applicant having waived hearing thereon, the Commission not having received a request for a hearing within the period specified in said notice and a hearing not appearing necessary or appropriate in the public interest or for the protection of investors;

It is ordered, That, insofar as the indenture permits the above described acts to be performed by the Co-Trustee, and permits the Co-Trustee to serve notwithstanding, an affiliation with underwriters for the issuer, the said three series of Debt Adjustment Bonds be, and the same hereby are, exempted from the provisions of section 310 (a) (3) and 310 (b) (4) of the Trust Indenture Act of 1939.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10392; Filed, Dec. 28, 1955; 8:50 a. m.]

[File No. 70-3433]

ROBERT R. YOUNG AND ARTHUR S. KLEEMAN

INDIRECT ACQUISITION OF SECURITIES OF PUBLIC-UTILITY COMPANY

DECEMBER 22, 1955.

Robert R. Young on behalf of himself and related persons and Arthur S. Kleeman on behalf of himself and related persons have filed an application and amendments thereto with this Commission pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 ("act") requesting approval of the indirect acquisition of securities of The Portsmouth Gas Company ("Portsmouth"), a public-utility company organized and doing business in Ohio.

Chesapeake Industries Inc. ("Chesapeake"), also an Ohio corporation, has purchased all of the issued and outstanding common stock (40,000 shares) of Portsmouth under a purchase agreement dated November 1, 1955, and intends to purchase from the John Hancock Life Insurance Company all of the other outstanding securities of Portsmouth consisting of $372,000 principal amount of first mortgage 4 percent bonds. Under the purchase agreement Chesapeake agreed to pay $2,500,000 for the common stock; such amount to be paid in installments of $700,000 on December 23, 1955, and $600,000 on November 1, 1956, 1957, and 1958 with interest at 4½ percent per annum from November 1, 1955. Chesapeake has outstanding 3,125,672 shares of voting stock consisting of 3,058,264 shares of common stock and 67,408 shares of preferred stock.

It is stated that applicants and related persons own the following shares of voting stock of Chesapeake:

Name	Common stock	Preferred stock
Robert R. Young	405,439	9,692
Anita O'K. Young (wife)	194,354	5,000
Kenneth N. Young (brother)	8,280	75
Arthur S. Kleeman	5	1
Elizabeth M. Kleeman (daughter)	44	-------
Frances A. Kleeman (daughter)	44	-------
Richard P. Kleeman (son)	22	-------
Pentson Corporation (Applicant Kleeman and wife are officers and sole stockholders)	213,178	3,970

It is further stated that none of the above-named persons is an affiliate of any public-utility holding company or public-utility company other than Chesapeake and Portsmouth, respectively. It is requested that the Commission's order herein become effective forthwith upon issuance.

The Commission having given due notice of the filing of said application, and no one having requested a hearing and the Commission not having ordered a hearing thereon; and the Commission having considered said application, as amended, and finding that the applicable provisions of the Act are satisfied; that no adverse findings are necessary; that the application, as amended, should be granted; and that this order should become effective forthwith:

It is ordered That said application, as amended, be, and the same hereby is, granted, effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10393; Filed, Dec. 28, 1955; 8:50 a. m.]

[File No. 31-632]

CHESAPEAKE INDUSTRIES, INC.

ORDER GRANTING APPLICATION FOR EXEMPTION

DECEMBER 22, 1955.

Chesapeake Industries, Inc. ("Chesapeake"), a holding company, has filed with this Commission an application pursuant to section 3 (a) (1) of the Public Utility Holding Company Act of 1935 ("act") requesting an exemption for itself and for every subsidiary company thereof, as such, from the provisions of said act. Chesapeake, an Ohio corporation, has a number of subsidiary companies only one of which, The Portsmouth Gas Company ("Portsmouth"), is a public-utility company and which is also organized in Ohio. It is stated that Portsmouth is engaged solely in the distribution of natural gas at retail to approximately 11,600 consumers in the City of Portsmouth and adjacent territory and that the company is not now and never has been engaged in the purchase, transportation or sale of manufactured or natural gas outside the State of Ohio or the delivery of manufactured or natural gas at State lines. It is further stated that Portsmouth is subject to the jurisdiction of the Ohio Public Utilities Commission. Other than common stock, all of which is owned by Chesapeake, the only outstanding securities of Portsmouth are $372,000 principal amount of first mortgage 4 percent bonds. All of such bonds are held by John Hancock Life Insurance Company and, according to the application, will be purchased by Chesapeake in the event the requested exemption is granted.

Due notice of the filing of said application having been given and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that the applicable standards of section 3 (a) (1) of the act are satisfied, that said application should be granted, and that this order should become effective upon issuance.

It is ordered, That Chesapeake and its subsidiary companies be, and the same hereby are, exempted from the provisions of the act applicable to them as a holding company and subsidiary companies thereof.

It is further ordered, That this order shall become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10394; Filed, Dec. 28, 1955; 8:50 a. m.]

[File No. 812-971]

VALUE LINE FUND, INC. AND VALUE LINE INCOME FUND, INC.

APPLICATION FOR ORDER EXEMPTING TRANSACTION BETWEEN AFFILIATES

DECEMBER 22, 1955.

Notice is hereby given that The Value Line Fund, Inc. ("Value Line"), and The Value Line Income Fund, Inc. ("Income Fund"), registered open-end investment companies, have filed an application pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the prohibitions of section 17 (a) the proposed sale by Income Fund to Value Line, and correspondingly the proposed purchase by Value Line from Income Fund, of not more than 18,000 shares of the common stock of Circle Wire & Cable Corp. ("Circle"). This sale and purchase is to take place as soon as practicable after receipt of the requested order at a price per share equal to the price at which these shares are then traded on the American Stock Exchange, without the payment of any commission, provided that the then market price is not higher than 25½ and not lower than 24¾.

Value Line and Income Fund have the same officers and directors and the same investment adviser, manager and principal underwriter. Accordingly, it appears that the two companies are under common control and are therefore affiliates of each other as defined in the Act. In addition, the investment adviser and manager, Arnold Bernhard & Co., Inc. ("Bernhard"), owns approximately 8.8 percent of the outstanding capital shares of Value Line, and Value Line is therefore an affiliated person of Bernhard which is, in turn, an affiliated person of Income Fund as described in the act.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company or any affiliated person of such a person, from selling to or purchasing from such registered investment company any securities or property, subject to certain exceptions not pertinent here. The Commission upon application pursuant to section 17 (b) may grant an exemption from the provisions of section 17 (a) if it finds that the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

The investment objectives of Income Fund are stated to be as follows:

1. Income—as high and as dependable as possible in keeping with sound investment principles and the investment outlook.

2. Capital growth—as large as possible consistent with the primary "income" objective.

The application states that between November 12, 1954, and July 14, 1955, Income Fund acquired 18,200 shares of Circle common stock at an average cost of $22.42 a share. On October 27, 1955, it was announced that Cerro de Pasco Corp. had agreed to buy the assets and business of Circle. A meeting of shareholders of Circle was called for November 28, 1955, to approve the sale and the liquidation for cash of the outstanding Circle common stock. It is anticipated that Circle's liquidation will result in cash distributions to its stockholders of slightly more than $26 per share, and that most of this will be paid within six months. The present market price of Circle stock is about 25¼. It is the belief of the management of Income Fund that it would be in keeping with its investment objectives to dispose of the Circle stock at approximately its present market price since no further dividend income will be received on this stock and the further capital gain which would be realized if the stock were held until final liquidation is very limited.

Value Line's investment objectives are stated to be as follows:

1. Capital growth—to increase the number of its shareholders' dollars.

2. Income—as regular and as high as possible consistent with the "growth" objective.

3. Conservation of capital—by prompt adjustment from aggressive to defensive investments when circumstances require.

The application states that Value Line presently has more than 50 percent of its funds invested in bonds and high-grade preferred stocks because of the opinion of its management that such a conservative investment policy is called for by the present position of the stock market. In the opinion of Value Line's management, the acquisition of the Circle stock at approximately the present market price would be in keeping with its investment policy since that stock would qualify as a defensive investment which would not be affected by any general decline in stock prices. The management also believes the acquisition would be advantageous since the appreciation expected to be realized on the stock within approximately six months would compare favorably with most other defensive investments presently available.

The application further states that it is believed that the proposed transaction is in the interests of both investment companies, because Income Fund would probably not be able to dispose of, and Value Line would not be able to acquire, a large block of Circle stock at the prevailing market price, and without the payment of any commission, if the sale or purchase were on the open market.

Notice is further given that any interested person may, not later than January 6, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10395; Filed, Dec. 28, 1955; 8:51 a. m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 108-53]

VETERANS OF THE ABRAHAM LINCOLN BRIGADE

REGISTRATION AS COMMUNIST-FRONT ORGANIZATION

Herbert Brownell, Jr., Attorney General of the United States, Petitioner, v. Veterans of the Abraham Lincoln Brigade, Respondent.

Upon hearings duly held by the Board on a petition filed by the Attorney General of the United States, acting pursuant to section 13 (g) of the Subversive Activities Control Act of 1950 (Title I of the Internal Act of 1950, 64 Stat. 987, et seq.) the Board on December 21, 1955, issued and caused to be served on the parties of record, an order reading as follows:

Having this day issued its Report in which, after a hearing upon a petition filed under subsection (a) of section 13 of the Subversive Activities Control Act of 1950, as amended, the Board finds that the Veterans of the Abraham Lincoln Brigade, respondent herein, is a Communist-front organization under the provisions of the said act, it is ordered that the Veterans of the Abraham Lincoln Brigade shall, pursuant to the said act, register as a Communist-front organization with the Attorney General of the United States.

By the Board.

(Signed) Thomas J. Herbert, Chairman, (Signed) Harry P. Cain, Member, (Signed) Francis A. Cherry, Member, (Signed) David J. Coddaire, Member, (Signed) Kathryn McHale, Member.

Washington, D. C.

DECEMBER 21, 1955.

[SEAL] THOMAS J. HERBERT, *Chairman.*

DECEMBER 22, 1955.

[F. R. Doc. 55-10431; Filed, Dec. 28, 1955; 8:59 a. m.]

INTERSTATE COMMERCE COMMISSION

J. ALEX. CROTHERS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Pursuant to subsection 302 (a) and section 304, Part III, Executive Order No. 10647 (20 F. R. 8769), "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as amended," the following information is furnished for publication in the FEDERAL REGISTER:

Report of Appointment

1. Name of appointee: J. Alex. Crothers.

2. Name of employing agency: Interstate Commerce Commission.

3. Date of appointment: July 1, 1955.

4. Title of appointee's position: Consultant.

5. Name of appointee's private employer or employers: Delaware River Port Authority.

Dated at Washington, D. C., this 22d day of December 1955.

J. M. JOHNSON, *Acting Chairman.*

Statement of Financial Interests

Pursuant to subsection 302 (b) and section 304, Part III, Executive Order No. 10647 (20 F. R. 8769), "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as Amended", and as a person heretofore appointed as a consultant by the Chairman of the Interstate Commerce Commission under subsection 101 (a) of Executive Order No. 10182, as amended by Executive Order No. 10205, still employed by the Interstate Commerce Commission on November 28, 1955, I hereby furnish the following information for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER:

(1) The names of each corporation of which I was, or within sixty days preceding my said appointment had been, an officer or director, are as follows: None.

(2) The names of each corporation in which I owned, or within sixty days preceding my said appointment had owned, stocks, bonds, or other financial interests, are as follows:

First Camden National Bank and Trust Co.
The Camden Fire Insurance Association.
E. I. DuPont Company.
J. C. Penney Company.

(3) The names of each partnership of which I was, or within sixty days preceding my said appointment had been, a partner, are as follows: None.

(4) The names of other businesses in which I own, or within sixty days preceding my said appointment had owned, any similar interest are as follows: None.

Dated at Camden, N. J., this 13th day of December 1955.

J. ALEX CROTHERS.

[F. R. Doc. 55-10424; Filed, Dec. 28, 1955; 8:58 a. m.]

AUGUST W. FREY

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Pursuant to subsection 302 (a) and section 304, Part III, Executive Order No. 10647 (20 F. R. 8769), "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as Amended," the following information is furnished for publication in the FEDERAL REGISTER:

Report of Appointment

1. Name of appointee: August W. Frey.

2. Name of employing agency: Interstate Commerce Commission.

3. Date of appointment: July 1, 1955.

4. Title of appointee's position: Consultant.

5. Name of appointee's private employer or employers: National Oil Transport Corporation.

Dated at Washington, D. C., this 22d day of December 1955.

J. M. JOHNSON, *Acting Chairman.*

Statement of Financial Interests

Pursuant to subsection 302 (b) and section 304, Part III, Executive Order No. 10647 (20 F. R. 8769), "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended", and as a person heretofore appointed as a consultant by the Chairman of the Interstate Commerce Commission under subsection 101 (a) of Executive Order No. 10182, as amended by Executive Order No. 10205, still employed by the Interstate Commerce Commission on November 28, 1955, I hereby furnish the following information for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER:

(1) The names of each corporation of which I was, or within sixty days preceding my said appointment had been, an officer or director, are as follows:

National Oil Transport Corporation, 21 West Street, New York 6, New York.
Vice President and General Traffic Manager.

(2) The names of each corporation in which I owned, or within sixty days preceding my said appointment had owned, stocks, bonds, or other financial interests, are as follows: None.

(3) The names of each partnership of which I was, or within sixty days preceding my said appointment had been, a partner, are as follows: None.

(4) The names of other businesses in which I own, or within sixty days preceding my said appointment had owned, any similar interest are as follows: None.

Dated at New York, N. Y., this 12th day of December 1955.

AUGUST W. FREY.

[F. R. Doc. 55-10425; Filed, Dec. 28, 1955; 8:58 a. m.]

KEITH H. LYRLA

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Pursuant to subsection 302 (a) and section 304, Part III, Executive Order No. 10647 (20 F. R. 8769), "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as Amended," the following information is furnished for publication in the FEDERAL REGISTER:

Report of Appointment

1. Name of appointee: Keith H. Lyrla.
2. Name of employing agency: Interstate Commerce Commission.
3. Date of appointment: July 1, 1955.
4. Title of appointee's position: Consultant.
5. Name of appointee's private employer or employers: Illinois Central Railroad.

Dated at Washington, D. C., this 22d day of December 1955.

J. M. JOHNSON,
Acting Chairman.

Statement of Financial Interests

Pursuant to subsection 302 (b) and section 304, Part III, Executive Order No. 10647 (20 F. R. 8769), "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as Amended", and as a person heretofore appointed as a consultant by the Chairman of the Interstate Commerce Commission under subsection 101 (a) of Executive Order No. 10182, as amended by Executive Order No. 10205, still employed by the Interstate Commerce Commission on November 28, 1955, I hereby furnish the following information for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER:

(1) The names of each corporation of which I was, or within sixty days preceding my said appointment had been, an officer or director, are as follows:

Illinois Central Railroad Company.

(2) The names of each corporation in which I owned, or within sixty days preceding my said appointment had owned, stocks, bonds, or other financial interests, are as follows: None.

(3) The names of each partnership of which I was, or within sixty days preceding my said appointment had been, a partner, are as follows: None.

(4) The names of other businesses in which I own, or within sixty days preceding my said appointment had owned, any similar interest are as follows: None.

Dated at Chicago, Illinois this 13th day of December 1955.

K. H. LYRLA.

[F. R. Doc. 55-10426; Filed, Dec. 28, 1955; 8:59 a. m.]

EUGENE S. ROOT

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Pursuant to subsection 302 (a) and section 304, Part III, Executive Order No. 10647 (20 F. R. 8769), "providing for the appointment of certain persons under the Defense Production Act of 1950, as amended," the following information is furnished for publication in the FEDERAL REGISTER:

Report of Appointment

1. Name of appointee: Eugene S. Root.
2. Name of employing agency: Interstate Commerce Commission.
3. Date of appointment: July 1, 1955.
4. Title of appointee's position: Consultant.
5. Name of appointee's private employer or employers: Erie Railroad Company.

Dated at Washington, D. C., this 22d day of December 1955.

J. M. JOHNSON,
Acting Chairman.

Statement of Financial Interests

Pursuant to subsection 302 (b) and section 304, Part III, Executive Order No. 10647 (20 F. R. 8769), "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as amended", and as a person heretofore appointed as a consultant by the Chairman of the Interstate Commerce Commission under subsection 101 (a) of Executive Order No. 10182, as amended by Executive Order No. 10205, still employed by the Interstate Commerce Commission on November 28, 1955, I hereby furnish the following information for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER.

(1) The names of each corporation of which I was, or within sixty days preceding my said appointment had been, an officer or director, are as follows: None.

(2) The names of each corporation in which I owned, or within sixty days preceding my said appointment had owned, stocks, bonds, or other financial interests, are as follows:

Erie Railroad Company.

(3) The names of each partnership of which I was, or within sixty days preceding my said appointment had been, a partner, are as follows: None.

(4) The names of other businesses in which I own, or within sixty days preceding my said appointment had owned, any similar interest are as follows: None.

Dated at Cleveland, Ohio this 9th day of December 1955.

EUGENE S. ROOT.

[F. R. Doc. 55-10427; Filed, Dec. 28, 1955; 8:59 a. m.]

FRED R. WHITE, JR.

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Pursuant to subsection 302 (a) and section 304, Part III, Executive Order No. 10647 (20 F. R. 8769), "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as Amended," the following information is furnished for publication in the FEDERAL REGISTER:

1. Name of appointee: Fred R. White, Jr.
2. Name of employing agency: Interstate Commerce Commission.
3. Date of appointment: July 1, 1955.
4. Title of appointee's position: Consultant.
5. Name of appointee's private employer or employers: Oglebay, Norton & Company, The Columbia Transportation Company.

Dated at Washington, D. C., this 22d day of December 1955.

J. M. JOHNSON,
Acting Chairman.

Statement of Financial Interests

Pursuant to subsection 302 (b) and section 304, Part III, Executive Order No. 10647 (20 F. R. 8769), "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as Amended", and as a person heretofore appointed as a consultant by the Chairman of the Interstate Commerce Commission under subsection 101 (a) of Executive Order No. 10182, as amended by Executive Order No. 10205, still employed by the Interstate Commerce Commission on November 28, 1955, I hereby furnish the following information for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER:

(1) The names of each corporation of which I was, or within sixty days preceding my said appointment had been, an officer or director, are as follows:

The Columbia Transportation Company, Fairport Machine Shop, Inc., The Fortune Lake Mining Company, The Home for Aged Women of Cleveland, Ohio, The Kirtland Country Club Company, Lake Carriers' Association, The Lake View Cemetery Association, North Shore Land Company, The David Z. Norton Company, Oglebay, Norton and Company, The Pringle Barge Line Company, The Toledo Lakefront Dock Company.

(2) The names of each corporation in which I owned, or within sixty days preceding my said appointment had owned, stocks, bonds, or other financial interests, are as follows:

American Airlines, Inc., American Natural Gas Co., Municipality of Antwerp, Ohio, Appalachian Electric Power Co., Armco Steel Corp., Aztec Oil and Gas Co., Bethlehem Steel Corp., Canadian Industries (1954) Ltd., Cleveland Quarries Co., Cleveland Skating Club, Columbia Broadcasting System, Columbia Transportation Co., E. I. duPont de Nemours & Co., Du Pont of Canada Securities, Ltd., General Abrasive Co., Inc., General Motors Corp., The B. F. Goodrich Co., Gulf Oil Corp., Houston Oil Co. of Texas, Kirtland Country Club, Maine Turnpike Authority, Monsanto Chemical Co., The David Z. Norton Company, Ohio Turnpike Project, Oklahoma Turnpike, Otis Elevator Company, Pennsylvania Turnpike, Phillips Petroleum Co., Pittsburgh Steel Corp., Proctor & Gamble Co., Republic Steel Corp., Skelly Oil Co., Sunnyhill Aggregates Corp., Union Bank of Commerce, Union Carbide & Carbon Co., The Union Club Co., Union Oil Co. of California, U. S. Steel Corp., Winous Point Shooting Club.

(3) The names of each partnership of which I was, or within sixty days preceding my said appointment had been, a partner, are as follows: None.

(4) The names of other businesses in which I own, or within sixty days preceding my said appointment had owned, any similar interest are as follows: None.

Dated at Cleveland, Ohio this 19th day of December 1955.

FRED R. WHITE, JR.

[F. R. Doc. 55-10428; Filed, Dec. 28, 1955; 8:59 a. m.]

[Notice 92]

MOTOR CARRIER APPLICATIONS

DECEMBER 23, 1955.

Protests, consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by and explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publications of this notice in the FEDERAL REGISTER.

Except when the circumstances require immediate action, an application for approval, under Section 210a (b) of the Act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under Section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 353 Sub 3, filed December 19, 1955. O. F. LANE, doing business as LANE'S MOTOR FREIGHT LINES, 816 Santa Fe St., Woodward, Okla. Applicant's attorney: Tom Hieronymus, 1014½ 9th St., Woodward, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Used household goods and office furniture and fixtures*, as defined by the Commission, between points in Woodward, Woods, Major Dewey, Ellis, Harper, Beaver Counties, Texas, and Cimarron Counties, Okla., and points in Colorado, New Mexico, Kansas, and Texas, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations in Oklahoma, Colorado, and New Mexico.

No. MC 603 Sub 8, filed December 13, 1955. T. R. SHUMPERT, doing business as SHUMPERT TRUCK LINE, Highway 278 W., Amory, Miss. Applicant's attorney: Edward G. Grogan, Commerce Title Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) over a regular route between Amory, Miss., and Cochrane, Ala., over U. S. Highway 278 from Amory to Sulligent, Ala., thence over Alabama Highway 17 to Cochrane, and return over the same route, serving the intermediate points of Sulligent, Vernon, Millport, Reform, Carrollton, and Aliceville, Ala., and (2) over alternate routes (a) between Amory, Miss., and Aliceville, Ala., over Mississippi Highway 25 from Amory to junction U. S. Highway 45 near Aberdeen, Miss., thence over U. S. Highway 45 to Columbus, Miss., thence over Mississippi Highway 69 to the Mississippi-Alabama State line, thence over Alabama Highway 40 to Aliceville, and return over the same route, and (b) between Amory, Miss., and Reform, Ala., over route described under (2) (a) above from Amory to Columbus, Miss., thence over U. S. Highway 82 to Reform, and return over the same route; serving no intermediate points on said alternate routes, for operating convenience only, in connection with regular route operations over route described under (1) above. Applicant is authorized to conduct operations in Mississippi and Tennessee.

No. MC 1422 Sub 22, filed November 10, 1955, VOSS TRUCK LINES, INC., 900 W. Washington, Box 917, Oklahoma City, Okla. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 6, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Tulsa, Okla., and Omaha, Nebr., from Tulsa over U. S. Highway 75 to Omaha, and return over the same route, serving Topeka, Kans., as an intermediate point. Applicant is authorized to conduct operations in Oklahoma, Missouri, Nebraska, Kansas, Iowa, and Illinois.

No. MC 2130 Sub 48, filed December 16, 1955, COUCH MOTOR LINES, INC., 1401 Abbie Street, Shreveport, La. Applicant's attorney: Robert L. Garrett, Commercial Building, Shreveport, La. For authority to operate as a *common carrier*, over a regular route, transporting: *Class A and B explosives*, moving on government bills of lading, between Mobile, Ala., and Pensacola, Fla., over U. S. Highway 90. Applicant is authorized to conduct operations in Alabama, Arkansas, Louisiana, Mississippi and Tennessee.

No. MC 2202 Sub 137, filed December 1, 1955, ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Ave., N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Birmingham, Ala., and Dallas, Tex., from Birmingham over U. S. Highway 11 to Meridian, Miss., thence over U. S. Highway 80 to Dallas, Tex., and return over the same route; (2) between Birmingham, Ala., and Houston, Tex., from Birmingham over U. S. Highway 11 to junction with Mississippi Highway 26 near Poplarville, thence over Mississippi Highway 26 to the Mississippi-Louisiana State line, thence over Louisiana Highway 35 to its junction with Louisiana Highway 7, thence over Louisiana Highway 7 to the Texas-Louisiana State line, thence over Texas Highway 235 to junction with U. S. Highway 90 near Vidor, Tex., and thence over U. S. Highway 90 to Houston, Tex., and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Ohio, Oklahoma, Texas, Michigan, Missouri, Indiana, Pennsylvania, Illinois, Kansas, Tennessee, Kentucky, Georgia, Alabama, North Carolina, South Carolina, New Jersey, New York, Virginia, Delaware, Maryland, West Virginia, Connecticut, and the District of Columbia.

No. MC 14297 Sub 8, filed December 16, 1955, GIACOMAZZI BROS. TRANSPORTATION CO., a Corporation, P. O. Box 729, San Jose 5, Calif. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beet sugar, final molasses residuum*, in bulk, in tank vehicles, from San Jose, Calif., to Gardnerville, Nev. Applicant is authorized to conduct operations in California and Nevada.

No. MC 18240 Sub 8, filed December 9, 1955, FORREST BRIGHAM, 42 Church Street, Evansville, Wis. Applicant's attorney: Edward A. Solie, 715 First National Bank Bldg., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Windmills* and *farm pumping equipment and parts*, including *compression tanks* and *electric motors* when forming complementary parts thereof and shipped with farm pumping equipment, from Evansville, Wis., to Albert Lea, Minn., Fargo, N. Dak., and Mitchell and Aberdeen, S. Dak. Applicant is authorized to conduct operations in Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Texas and Wisconsin.

No. MC 23986 Sub 9, filed December 14, 1955, BLAIR TRANSIT COMPANY, a Corporation, 142 Davenport Street, Saginaw, Mich. Applicant's attorney: Carl H. Smith Sr., 210–214 Phoenix Building, Bay City, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving the Sterling Plant of the Ford Motor Company at 17-mile and Mound Roads in Macomb County, Michigan, located approximately one mile outside the Detroit Commercial

Zone, as an off-route point in connection with carrier's authorized regular route operations. Applicant is authorized to conduct operations in Michigan and Ohio.

No. MC 31600 Sub 396, filed December 12, 1955, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Bayway and Bayonne and Jersey City, N. J. to Loring Air Force Base, Limestone, Maine. Applicant is authorized to conduct operations in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maine, New Hampshire, Vermont, Delaware, South Carolina, North Carolina, and Maryland.

No. MC 52978 Sub 13, filed December 12, 1955, MICHIGAN TRANSPORTATION COMPANY, 1650 Waterman, Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Bldg., Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cement*, in bags and in bulk, from points in the Detroit, Michigan Commercial Zone to points in Indiana. Applicant is authorized to conduct irregular route operations in Michigan and Ohio.

No. MC 54435 Sub 23, filed December 19, 1955, MICHIGAN MOTOR FREIGHT LINES, INC., 4800 Oakman Blvd., Dearborn, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant of the Ford Motor Company at the intersection of Huron River Drive and McKean Road in Washtenaw County, Michigan near the Village of Rawsonville as an off-route point in connection with applicant's presently authorized regular route operations between Ypsilanti, Michigan and various points in Michigan, Illinois, Indiana, and Ohio. Applicant is authorized to conduct regular route operations in Michigan, Illinois, Indiana, Kentucky and Ohio.

No. MC 62056 Sub 3, filed December 12, 1955, PAUL E. SCOTT, doing business as SCOTT TRUCK LINE, 321 E. 13th Street, Hutchinson, Kans. Applicant's attorney: J. Wm. Townsend, 204–206 Central Bldg., Topeka, Kans. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Salt*, from Hutchinson, Kanopolis and Lyons, Kans., to points in Colorado and Nebraska. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations in Kansas, Colorado, and Nebraska.

No. MC 66562 Sub 1259, filed December 19, 1955, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17 N. Y. Applicant's attorney: William H. Marx 219 East 42nd Street, New York 17, N. Y. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, between Wooster, Ohio, and junction of Ohio Highway 5 with Ohio Highway 94, over Ohio Highway 5, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular route operations between Akron, Ohio and Columbus, Ohio, in No. MC 66562 Sub 669. Applicant is authorized to conduct operations throughout the United States.

No. MC 69752 Sub 13, filed November 23, 1955, ZUZICH TRUCK LINES, INC., 120 Kansas Ave., Kansas City, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 6, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products, dairy products*, and *articles distributed by meat-packing houses*, as defined by the Commission, *such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, and *empty containers or other such incidental facilities* (not specified) used in transporting the aforesaid commodities, between Arkansas City, and Wichita, Kans., St. Louis, Mo., East St. Louis, Ill., Des Moines, Marshalltown, Dubuque, Davenport, Ottumwa, Sioux City, Storm Lake, and Waterloo, Iowa, and Omaha, and Fremont, Nebr. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Kansas, Missouri, and Oklahoma, and irregular route operations in Illinois, Indiana, Iowa, Kansas, and Missouri.

No. MC 69833 Sub 46, filed December 12, 1955, ASSOCIATED TRUCK LINES, INC., 15 Andre Street, S. E., Grand Rapids 7, Mich. Applicant's attorney: R. E. DesRoches, 572 Hollister Bldg., Lansing 8, Mich. For authority to operate as a *common carrier*, transporting: *Scrap metals*, in bulk, and *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (not including scrap metals, in bulk), commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the Ford Motor Company (Parts and Equipment Division) located near the unincorporated village of Rawsonville, Mich., at the southeast intersection of Huron River Drive (Textile Road) and McKean Road in Washtenaw County, Mich. (approximately four miles southeast of Ypsilanti, Mich.), as an off-route point in connection with carrrier's presently authorized regular route operations between Toledo, Ohio and Niles, Mich. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan and Ohio.

No. MC 70267 Sub 7, filed December 14, 1955, ELI E. WAGNER, JR., 724 East Boundary Ave., York, Pa. Applicant's attorney: Norman T. Petow, 25 South Duke St., York, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick and clay products*, from points in Spring Garden Township, York County, Pa., to points in Connecticut, Massachusetts, Rhode Island, Virginia and West Virginia, and *empty containers or other such incidental facilities* used in transporting the commodities specified on return. Applicant is authorized to conduct irregular route operations in Delaware, Maryland, New York, Pennsylvania and the District of Columbia.

No. MC 75320 Sub 72, filed December 9, 1955, CAMPBELL SIXTY SIX EXPRESS, INC., P. O. Box 390, 2333 E. Mill St., Springfield, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction of Arkansas Highways 7 and 10 at Ola, Ark., and Hollister, Mo., over Arkansas Highway 7 from junction Arkansas Highway 10 at Ola to junction U. S. Highway 65, thence over U. S. Highway 65 to Hollister, and return over the same route, serving the intermediate points of Centerville, Dover, Freeman Springs, Raspberry, Lurton, Cowell, Jasper, Pruitt, and Marble Falls, Ark. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Indiana, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

No. MC 78028 Sub 6, filed December 16, 1955, BEAVER TRANSPORT CO., A CORPORATION, 212–216 Corner 1st & West South Sts., (P. O. Box 427), Beaver Dam, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages* and *empty malt beverage containers*, between Chicago, Ill., and points in Wisconsin south and east of a line beginning at Marinette and extending along the west shore of Green Bay to Green Bay, including points in Door and Kewaunee Counties, thence along U. S. Highway 41 to Oshkosh, thence along Wisconsin Highway 26 to junction U. S. Highway 151, thence along U. S. Highway 151 to Madison, and thence along Wisconsin Highway 13 to the Wisconsin-Illinois State Line, including points on the indicated portions of the highways specified. Applicant is authorized to conduct operations in Illinois and Wisconsin.

No. MC 82336 Sub 17, filed November 22, 1955, UNITED PARCEL DELIVERY, INC., 663 Bryson St., Youngstown, Ohio. Applicant's attorney: Harold G. Hernly, 1624 Eye St., N. W., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New furniture*, uncrated, (1) from Columbiana, Ohio, to points in Illinois, Virginia, and Michigan; (2) from Salem, Ohio, to points in Illinois, Michigan, Indiana, Kentucky, Maryland, New York, Virginia, New Jersey, the District of Columbia, those in that part of West Virginia south of U. S. Highway 50, and those in that part of Pennsylvania east of a line beginning at the New York-Pennsylvania State line near Tuna, Pa. and extending along U. S. Highway 219 to junction U. S. Highway 322, thence along U. S. Highway 322 to junction U. S. Highway 220, and thence along

U. S. Highway 220 to the Maryland-Pennsylvania State line. Applicant is authorized to conduct operations from Columbiana, Ohio, to points in Indiana, Kentucky, Maryland, New Jersey, New York, Pennsylvania, West Virginia, the District of Columbia, and a certain portion of Michigan; and from Salem, Ohio, to the remaining portions of West Virginia and Pennsylvania.

No. MC 95084 Sub 30, filed December 12, 1955, HOVE TRUCK LINE, Stanhope, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building material*, from Chicago Heights, Ill., to points in Nebraska, Minnesota, South Dakota, Missouri, and Kansas.

No. MC 98915 Sub 1, filed October 24, 1955, LILLIAN E. BENNETT, doing business as BUCKEYE FREIGHT LINES, 717 North 21st Avenue, Phoenix, Ariz. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: (1) Over a regular route, *General commodities*, including *articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk*, and *those requiring special equipment*, between Phoenix, Ariz., and Buckeye, Ariz., over U. S. Highway 80, serving all intermediate points and points within five (5) miles of U. S. Highway 80 as off-route points; and (2) over irregular routes, *household goods as defined by the Commission*, points between Phoenix, Ariz., and Buckeye, Ariz., on U. S. Highway 80, and points within five (5) miles of said highway, on the one hand, and, on the other, points in Arizona.

NOTE: Applicant conducts operations under Section 206 (a) (1) of the Interstate Commerce Act pursuant to filing in Docket No. MC 98915, and states that the registration is to be cancelled if certificate is granted.

No. MC 103370 Sub 41, filed December 8, 1955, BEST MOTOR FREIGHT, INC., 2511 Swiss Avenue, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *U. S. Government-owned compressed gas trailers*, loaded with *compressed gas*, other than liquefied petroleum gas, and *empty U. S. Government-owned compressed gas trailers*, from, to, and between points presently authorized to be served in the performance of regular and alternate route operations in that through Illinois, Indiana, Missouri, Ohio, Oklahoma, and Texas. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, Ohio, Oklahoma, and Texas.

No. MC 103378 Sub 51, filed December 19, 1955, PETROLEUM CARRIER CORPORATION, 369 Margaret St., Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid sulphate of alumina*, in bulk, in tank trucks, from Mobile, Ala., to Port St. Joe, Fla.

No. MC 104819 Sub 93, filed December 15, 1955, C. E. McBRIDE, doing business as COLONIAL FAST FREIGHT LINES, P. O. Box 2169, 1201—1st Ave. N., Birmingham, Ala. Applicant's attorney: Bennett T. Waites, 531–34 Frank Nelson Building, Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, from Tupelo, and Jackson, Miss., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Michigan, Wisconsin, Illinois, Indiana, Kentucky, West Virginia, Virginia, Maryland, Delaware, North Carolina, South Carolina, Tennessee, Alabama, Georgia, Florida and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC 104960 Sub 22, filed December 15, 1955, MOTOR FUEL CARRIERS, INC., 404 Elm Ave., (P. O. Box 976), Panama City, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fuel oil*, as defined by the Commission, in bulk, in tank vehicles, from Port St. Joe, Fla., and points within ten miles thereof, to points in Alabama within 300 miles of Port St. Joe, Fla. Applicant is authorized to conduct irregular route operations in Florida, Georgia, Alabama, North Carolina, South Carolina and Mississippi.

No. MC 107107 Sub 71, filed September 15, 1955, published in the September 28, 1955 issue, page 7241, amended and republished in the October 12, 1955, issue, page 7628, amended, ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th St., Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products, meat by-products; dairy products; frozen foods; fresh and processed fruits, vegetables, fish, seafood, and nuts; condiments; spices; bakery supplies, materials, and products; candy; confectionery; salad dressings; cocoa; coffee; pie filler; mince meat; cereals; olives; flavoring compounds, syrups, and extracts; edible and cooking oils; macaroni; spaghetti;* and *rice*, from the New York, N. Y. Commercial Zone, as defined by the Commission, and points in Nassau, Suffolk, Rockland, and Westchester Counties, N .Y., those in Bergen, Passaic, Union, Essex, Middlesex, Somerset, and Morris Counties, N. J., and points in the Philadelphia, Pa. Commercial Zone, as defined by the Commission, to Atlanta, Ga., Sanvannah, Ga., and points in Florida; *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant will surrender any duplicating authority now held.

No. MC 107496 Sub 69, filed December 16, 1955, RUAN TRANSPORT CORPORATION, 408 S. E. 30th St., Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, in bulk, in hopper vehicles, from Omaha, Nebr., to points in Iowa. Applicant is authorized to conduct operations in Iowa, Minnesota, South Dakota, Nebraska, North Dakota, and Wisconsin.

No. MC 107515 Sub 202, filed December 16, 1955, REFRIGERATED TRANSPORT CO., INC., 290 University Ave., S. W. Atlanta, Ga. Applicant's attorney: Allan Watkins, Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Knoxville, Tenn., to points in Texas, Arkansas, Missouri, Kansas, Nebraska, Iowa, Wisconsin, Minnesota, Oklahoma, Alabama, Louisiana (except New Orleans and Chalmatte), Mississippi, North Carolina, South Carolina and Florida. Applicant is authorized to conduct operations in Georgia, Tennessee, Louisiana, Alabama, Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Wisconsin, Arkansas, Minnesota, Oklahoma, Texas, North Carolina, South Carolina, Florida, Mississippi, Iowa and Nebraska.

No. MC 109448 Sub 5, filed December 15, 1955, LOR-AM TRUCKING COMPANY, INC., Milan Ave., P. O. Box 101, Amherst, Ohio. Applicant's attorney: Herbert Baker, 50 W. Broad St., Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sandstone* and *sandstone products*, in dump trucks, from Amherst, Ohio and points within five miles of Amherst to points in Pennsylvania on Pennsylvania Highway 88 between Beaver Falls and Pittsburgh, inclusive of Beaver Falls and Pittsburgh, those on Pennsylvania Highway 51 between Monaca, Pa. and Pittsburgh, Pa., inclusive of Monaca, those in Pennsylvania and New York on Pennsylvania Highway 5 and New York Highway 5 between Erie, Pa. and Buffalo, N. Y., inclusive of Erie and Buffalo, and those in Pennsylvania and New York on U. S. Highway 20 between Erie and Buffalo: *damaged, defective, or returned shipments* of the abovenamed commodities on return. Applicant is authorized to conduct operations in Ohio, Indiana, Michigan, Illinois, Kentucky, West Virginia, and New York.

No. MC 110012 Sub 5, filed November 14, 1955, G. B. C. INCORPORATED, 311 Mohawk Street, Morristown, Tenn. Applicant's attorney: W. J. Barron, 21–22 Hamilton National Bank Building, Morristown, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, crated, uncrated and wrapped, from points in Carter, Greene, Hamblen and Knox Counties, Tenn., to points in Connecticut, Massachusetts and Rhode Island. Applicant is authorized to conduct

operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin and the District of Columbia.

No. MC 111138 Sub 6, filed December 12, 1955, COLONIAL & PACIFIC FRIGIDWAYS, INC., 275 C North Center Street, (P. O. Box 2169), Birmingham, Ala. Applicant's attorney: Bennett T. Waites, Jr., 531-34 Frank Nelson Building, Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Foods* and *food products*, requiring refrigeration in transit, between points in Alabama and Tennessee, on the one hand, and, on the other, points in Washington, California and Oregon. Applicant is authorized to conduct operations in Illinois, Iowa, Wisconsin, California, and Washington.

No. MC 113528 Sub 4, filed December 5, 1955, MERCURY FREIGHT LINES, INC., 715 N. Joachim Street, Mobile, Ala. Applicant's attorney: Drew L. Carraway, Suite 618, Perpetual Building, 1111 "E" Street, N. W., Washington 4, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except articles of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, (1) between Birmingham, Ala., and Fort Worth, Tex., from Birmingham over U. S. Highway 11 to junction U. S. Highway 80, thence over U. S. Highway 80 to Fort Worth, and return over the same route, serving Dallas, Tex., as an intermediate point; (2) between Birmingham, Ala., and Houston, Tex., from Birmingham over U. S. Highway 11 to Poplarville, Miss., thence over Mississippi Highway 26 to the Mississippi-Louisiana State line, thence over Louisiana Highway 21 to Hammond, La., thence over U. S. Highway 190 to Kinder, La., thence over U. S. Highway 165 to junction U. S. Highway 90, thence over U. S. Highway 90 to Houston, and return over the same route, serving Beaumont, Tex., as an intermediate point; (3) between Selma, Ala., and junction U. S. Highways 11 and 80, over U. S. Highway 80, serving no intermediate points; and (4) *empty equipment*, between Dallas, Tex., and Houston, Tex., over U. S. Highway 75, serving no intermediate points. Applicant is authorized to conduct operations in Alabama and Florida.

NOTE: (a) Applicant seeks authority to perform through service and tack, join, or combine the routes described in (1), (2), and (3) above at all junction points, and including junction U. S. Highways 80 and 11 at or near Meridian, Miss., and junction U. S. Highways 80 and 11 at or near York, Ala.; and (b) applicant also seeks to perform through service and tack, join, or combine the routes described above in (1), (2), and (3) at all points of junction with authorized regular route operations irrespective of whether said junction points are service points; and including junction U. S. Highway 80 and Alabama Highway 5 at or near Browns, Ala.; junction U. S. Highway 11 and Alabama Highway 5 southwest of Bucksville, Ala.; at Selma, Ala.; and at Birmingham, Ala. Applicant further states that the purpose of this application is to be in a position to move empty equipment between the above two termini points as needed if necessary.

No. MC 113681 Sub 10, filed December 14, 1955, BAKERY PRODUCTS DELIVERY, INC., 404 West Putnam Ave., Greenwich, Conn. Applicant's attorney: Reubin Kaminsky, 410 Asylum St., Hartford, Conn. For authority to operate as *contract carrier*, over irregular routes, transporting: (1) *bakery products*, except frozen bakery products, from Saylesville, R. I., to New York, N. Y., and (2) *stale, damaged, and non-salable, rejected or returned shipments of bakery products*, and *empty containers or other such incidental facilities* (not specified) used in transporting bakery products, from New York, N. Y., to Saylesville, R. I. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island and the District of Columbia.

No. MC 113975 Sub 5, filed December 8, 1955, MOVE-WAY VANS, INC., 1021 Washington Ave., S. E., Minneapolis, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, in special flatbed equipment, from points in Minnesota to points in Illinois, Kansas, Michigan, Iowa, Nebraska, Colorado, Wisconsin, Wyoming, Montana and Missouri.

No. MC 114004 Sub 7, filed December 12, 1955, ARKANSAS TRUCKING CO., INC., 862 Baseline Road (Box 1715), Little Rock, Ark. Applicant's attorney: Ed E. Ashbaugh, 902 Wallace Bldg., Little Rock, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in secondary movements, in truckaway service, between all points in the United States including the District of Columbia, except from Jacksonville and Newport, Ark., and points within 9 miles of Newport. Applicant is authorized to conduct operations from Jacksonville and Newport, Ark. and points within 9 miles of Newport, to all points in the United States.

No. MC 114091 Sub 6, (corrected) filed September 15, 1955, clarifying amendment, filed November 28, 1955, publish page 9002, issue December 7, 1955, DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 4204 Norbourne Blvd., Louisville, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from (1) Points in Bollinger, Cape Girardeau, Scott and Stoddard Counties, Mo., to points in Arkansas, Illinois, Kentucky, Missouri, and Tennessee. (2) Points in Gallatin, Hamilton, Jackson, Johnson, Saline, Union, White and Williamson Counties, Ill., to points in Illinois, Kentucky, Missouri, and Tennessee. (3) Points in Gibson, Pike and Warrick Counties, Ind., to points in Illinois, Indiana and Kentucky. (4) Points in Crawford, Jackson, Jennings, Orange, Scott and Washington Counties, Ind., to points in Indiana and Kentucky. (5) Points in Dearborn, Decatur, Franklin and Ripley Counties, Ind., to points in Indiana, Kentucky and Ohio. (6) Points in Butler, Clinton and Warren Counties, Ohio, to points in Indiana, Kentucky and Ohio.

No. MC 114967 Sub 1, filed December 12, 1955, E. F. BOCK, doing business as BOCK TRANSPORT CO., 413 West Third Street, Garner, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid fertilizer*, in tank vehicles, from Belmond, Iowa, to points in Minnesota on and south of U. S. Highway 12.

No. MC 115213 Sub 3, filed December 16, 1955, KENNETH OLIVER and JOHN McCRAW, doing business as O & M LUMBER TRANSPORT, Waldron, Ark. Applicant's attorney: Thomas Harper, Kelley Building, Fort Smith, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Lumber*, from points in Scott County, Ark., to Memphis, Tenn., and (2) *posts*, and *poles*, creosoted and uncreosoted, from points in LeFlore County, Okla., to points in Arkansas, Kansas, Missouri, Oklahoma, and Tennessee. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, Oklahoma, and Texas.

No. MC 115523 Sub 3, filed November 14, 1955, as amended, published in the December 14, 1955 issue, page 9354, amended, CLARK TANK LINES COMPANY, 1450 Beck St., P. O. Box 1895, Salt Lake City, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, (1) from Salt Lake City, Utah and Woods Cross, Utah, Worland, Wyo., and Rangely, Colo. and points within twenty-five (25) miles of each, and Durango, Colo. and points in Colorado within twenty-five (25) miles of Durango, to points in Utah; those in Moffat, Routt, Rio Blanco, Garfield, Eagle, Mesa, Pitkin, Delta, Lake, Montrose, Gunnison, Chaffee, San Miguel, Ouray, Dolores, San Juan, Hinsdale, Montezuma, and La Plata Counties, Colo.; those in Madison, Beaverhead, Silver Bow, Deer Lodge, Granite, Ravalli, Missoula, and Mineral Counties, Mont.; Yellowstone National Park, Wyo. and points in Uinta, Sweetwater, Carbon, Lincoln, Sublette, Teto, Park, Big Horn, Hot Springs, Washakie, and Fremont Counties, Wyo.; those in Malheur, Harney, Baker, Wallowa, Union, and Umatilla Counties, Oreg.; those in Adams, Valley, Lemhi, Washington, Custer, Clark, Fremont, Teton, Madison, Jefferson, Butte, Blaine, Camas, Elmore, Boise, Gem, Payette, Ada, Canyon, Gooding, Lincoln, Owyhee, Twin Falls, Jerome, Minidoka, Cassia, Oneida, Power, Bingham, Franklin, Bear Lake, Caribou, Bonneville, and Bannock Counties, Idaho; (2) from Worland, Wyo. and Rangely, Colo. and points within twenty-five (25) miles of each, and Durango, Colo. and points in Colorado within twenty-five (25) miles of Durango, to

White Pine, Eureka, Lander, and Elko Counties, Nev.

No. MC 115601 Sub 2, filed December 12, 1955, BROOKS ARMORED CAR SERVICE, M 217 Delaware Trust Building, Wilmington, Del. Applicant's attorney: H. James Conaway, Jr., Delaware Trust Bldg., Wilmington 1, Del. For authority to operate as a *contract carrier* over irregular routes, transporting: *Money* (coin, currency, cash) *bullion, stamps, cash letters, checks* (letter, remittance, for collection), *stocks* and *bonds*, and *all other forms of negotiable and non-negotiable instruments* and *securities, documents* (valuable and rare), and *other precious or valuable articles, precious metals and stones*, and *jewelry*, between New York City, N. Y., and points in Delaware, including all points therein where commercial banks and/or trust companies are located, but not exclusive of other points in such State.

No. MC 115601 Sub 3, filed December 12, 1955, BROOKS ARMORED CAR SERVICE, INC., M 217 Delaware Trust Bldg., Wilmington, Del. Applicant's attorney: H. James Conaway, Jr., Delaware Trust Bldg., Wilmington 1, Del. For authority to operate as a contract carrier, over irregular routes, transporting: *Money* (coin, currency, cash), *bullion, stamps, cash letters, checks* (letter, remittance, for collection), *stocks* and *bonds*, and *all other forms of negotiable and non-negotiable instruments* and *securities, documents* (valuable and rare), and *other precious or valuable articles, precious metals and stones*, and *jewelry*, between Philadelphia, Pa., and points in Sussex and Kent Counties, Del., including all points therein where commercial banks and/or trust companies are located, but not exclusive of other points in such counties.

No. MC 115601 Sub-4, filed December 12, 1955, BROOKS ARMORED CAR SERVICE, INC., M 217 Delaware Trust Bldg., Wilmington, Del. Applicant's attorney: H. James Conaway, Jr., Delaware Trust Bldg., Wilmington 1, Del. For authority to operate as a *contract carrier* over irregular routes, transporting: *Precious metals and stones, jewelry, stamps, cash letters, checks* (letter, remittance, for collection), *stocks* and *bonds*, and *all other forms of negotiable and non-negotiable instruments* and *securities, documents* (valuable and rare), and *other precious or valuable articles*, between Philadelphia, Pa., and points in New Castle County, Del., including all points therein where commercial banks and/or trust companies are located, but not exclusive of other points in such county.

No. MC 115620 Sub 1, filed December 16, 1955, LYNN PORTER, 30 West Third North St., Preston, Idaho. Applicant's attorney: M. C. Harris, Cache Valley Bank Building, Logan, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Houses, and buildings, and empty containers or other such incidental facilities* (not specified) used in transporting the aforesaid commodities, between points in Idaho, Utah, Wyoming, Colorado, Nevada, and Arizona.

No. MC 115694 Sub 1, filed December 13, 1955, A. B. HEPTINSTALL, 1503 Williamson Rd., Roanoke, Va. Applicant's attorney: Henry E. Ketner, State Planters Bank Bldg., Richmond 19, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Blackstrap molasses*, in bulk, in tank vehicles, from Portsmouth, Va., to points in North Carolina and points in Monroe, Greenbrier, Summers, Nichols, Fayette, Clay, Kanawha, Putnam, Cabell, Lincoln, Wayne, Boone, and Raleigh Counties, W. Va., and Sullivan, Johnson, Carter, Greene, Hawkins, Jefferson, Grainger, Hamblen, Cocke, and Unicoi Counties, Tenn.

No. MC 115720, filed December 12, 1955, FRANK D. BROWN doing business as BROWN TRUCK LINE, Keota, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, from Streator, Ill., to points in that part of Iowa bounded on the north by U. S. Highway 6 and on the west by U. S. Highway 69, serving all points on the portions of the highways specified.

No. MC 115721, filed December 12, 1955, WILLIAM LEO GAINES, 200 Elizaville Ave., Flemingsburg, Ky. Applicant's attorney: J. M. McIntire, Jr., Flemingsburg, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer* and *feed*, from Cincinnati, Ohio and New Albany, Ind. to points in Fleming, Mason, and Lewis Counties, Ky.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1501 Sub 116, filed December 15, 1955, THE GREYHOUND CORPORATION, a corporation, 2600 Board of Trade Building, Chicago 4, Ill. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Ave., N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between junction of the Northeast segment of the Pennsylvania Turnpike System and the Pennsylvania Turnpike at Interchange No. 1 (North and East junction Interchange) and the eastern extension of the Pennsylvania Turnpike near Plymouth Meeting, Pa.; and junction connecting segment of the New Jersey Turnpike System and the New Jersey Turnpike at Interchange No. 6 near Roebling, N. J., over the eastern extension of the Pennsylvania Turnpike from Interchange No. 1 thereof to junction connecting segment of the New Jersey Turnpike System at the bridge over the Delaware River near Edgeley, Pa. and Florence, N. J., thence over said connecting segment of the New Jersey Turnpike System to junction the New Jersey Turnpike at Interchange No. 6 thereof, and return over the same route, serving all intermediate points, and with right of access thereto at all points where there is an interchange with presently authorized routes. Applicant is authorized to conduct operations throughout the United States including the District of Columbia.

No. MC 1511 Sub 108, filed December 19, 1955, PACIFIC GREYHOUND LINES, a corporation, 371 Market Street, San Francisco 5, Calif. Applicant's attorney: Earl A. Bagby, Greyhound Bldg., Market and Fremont Sts., San Francisco 5, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage* in special operations, between Williams, Ariz., and Grand Canyon, Ariz., from Williams, over Arizona Highway 64 to Grand Canyon, and return, serving no intermediate points. Applicant is authorized to conduct regular route operations in Texas, Oregon, New Mexico, California, Arizona and Nevada.

No. MC 67226 Sub 4, filed November 21, 1955, THE BALTIMORE MOTOR COACH COMPANY, a corporation, 609-619 West Biddle Street, Baltimore 1, Md. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage* in the same vehicle with passengers, in seasonal operations, in special operations, beginning and ending at Baltimore, Md., and extending to Garden State Race Track near Camden, N. J., from Baltimore, over U. S. Highway 40 to junction New Jersey Turnpike, thence over New Jersey Turnpike to Exit No. 4, thence over New Jersey Highway 73 to junction New Jersey Highway 38, thence over New Jersey Highway 38 to Garden State Race Track, and return over the same route, serving the intermediate point of Aberdeen, Md., and the offroute point of Havre de Grace, Md. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, West Virginia and the District of Columbia.

No. MC 84112 Sub 1, filed November 25, 1955, S. & S. BUS SERVICE, INC., R. D. No. 1, Rensselaer, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State St., Albany 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers, and their baggage* in the same vehicle with passengers, in round-trip, special service all-expense tours, including hotels, sightseeing, meals and entertainment, beginning and ending at Rensselaer, N. Y. and points within 30 miles of Rensselaer, and extending to points in Connecticut, Delaware, Florida, Illinois, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

NOTE: Applicant holds authority to transport passengers and their baggage, restricted to traffic originating at the point and in the territory indicated, in charter operations, from Albany, N. Y. and points within 30 miles of Albany, to points in Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Delaware, Maryland, Ohio, Michigan, and the District of Columbia, and return.

APPLICATIONS FILED UNDER SECTION 5 AND 210A (b)

No. MC–F 5919, published in the February 24, 1955 issue of the FEDERAL REGISTER on page 1167. Amendment filed December 16, 1955, to show application as one for control and merger of operating rights and property of BOS TRUCK LINES, INCORPORATED, into BOS FREIGHT LINES, INCORPORATED. The proceeding, as amended to embrace the proposed merger, has been assigned for hearing on January 19, 1956, at Des Moines, Iowa. Application for temporary authority under Section 210a (b) filed December 19, 1955.

No. MC–F 6159. Authority sought for control by AAA STORAGE COMPANY, INC., M. D. HOLSTON, doing business as A & B TRANSFER & STORAGE CO., 3514 McKinney Ave., Dallas, Texas, AJAX VAN LINES, INC., 2335 Gilbert Ave., Cincinnati 6, Ohio, ALL STATE MOVING & STORAGE CO., 1017 Corinth St., Dallas, Texas, AMERICAN MOVERS, INC., 19 Coker St., Watertown, Mass., N. I. CRENSHAW, doing business as AMERICAN MOVERS, 140 Fredricksburg Rd., P. O. Box 5006, Beacon Hill Station, San Antonio, Texas, AMERICAN MOVING CO., INC., 715 St. James St., P. O. Box 964, New Orleans, La., AMERICAN VANLINES, INC., 20th Ave. & 57th St., Brooklyn 4, N. Y., PAUL ARPIN VAN LINES, INC., 150 Manton Ave., Providence, R. I., STANLEY L. BEST and R. W. BEST, doing business as BEST MOVING & STORAGE CO., 543 Grant St., Akron, Ohio, BLACK & WHITE TRANSFER COMPANY, 814 N. "A" St., Ft. Smith, Ark., BLUFF CITY TRANSFER & STORAGE CO., INC., 36 E. Carolina, Memphis, Tenn., C. R. BOWLBY & SON, INC., Buena Vista Road, West Somerville, Mass., R. L. DANIEL FURNITURE & MATTRESS FACTORY, INC., 315 N. Santa Fe St., El Paso, Texas, R. E. EIDSVOLD and R. H. EIDSVOLD, doing business as DAWN MOVING & STORAGE COMPANY, 6009 Wayzata Blvd., Minneapolis, Minn., DENAGEL BROS., INC., 154 W. Union St., Newark, N. Y., CHARLES J. DICKMAN, JR., doing business as C. J. DICKMAN TRANSFER, 1715 Jacob St., Wheeling, W. Va., THOMAS GUTTILLA, CHARLES J. GUTTILLA and VINCENT M. GUTTILLA, doing business as PLYMOUTH VAN LINES, 4437 Howley St., Pittsburgh, Pa., GEORGE EDLER MOVING AND STORAGE CO., 8109 N. Cicero Ave., Skokie, Ill., ROBERT M. JOHNSON and NANNIE LEE JOHNSON, doing business as ELLIS MOVING COMPANY, 301 Shelby Ave., Nashville, Tenn., EMBASSY MOVING & STORAGE CO., INC., 9103 Brookville Road, Silver Spring, Md., EMPIRE MOVING AND STORAGE, INC., 15 W. 18th St., Bayonne, N. J., W. B. FOKES, doing business as FIDELITY STORAGE COMPANY, 10 Piedmont Ave., N. E., Atlanta, Ga., J. FISHMAN & SON, INC., 571 Madison Ave., Paterson, N. J., SAM R. FORDHAM, doing business as FORDHAM TRANSFER & STORAGE CO., 804 Hoke St., East Gadsden, Ala., CARL L. LINE, doing business as GLOBE MOVING & STORAGE, 3654 Marion St., Denver, Colo., HAMMEL MOVING & STORAGE, INC., 5415 Conner Ave., Detroit, Mich., PAUL A. HARRINGTON and ALLEN F. BIEBERSTEIN, doing business as HARRINGTON AND COMPANY, 830 Broadway, McKees Rock, Pa., HASTY TRANSFER & STORAGE, INC., 210 N. Waco, Wichita, Kans., CHARLES W. IMLACH, doing business as IMLACH MOVERS, 1155 Fort St., Lincoln Park, Mich., EDGAR D. PATRICK, doing business as LIVERNOIS MOVING & STORAGE COMPANY, 9125 Livernois Ave., Detroit, Mich., EARL E. LOFLAND, INC., 611 W. Front St., Wilmington, Del., McCORMACK-PAYTON STORAGE & MOVING COMPANY, 1919 Truman Road, Kansas City, Mo., MAJESTIC WAREHOUSES, INC., 54 W. Randolph St., Chicago, Ill., MAJOR VAN LINES, INC., 601 Ocean Ave., Jersey City, N. J., CARVER MALLORY, doing business as MALLORY TRANSFER & STORAGE CO., 110701 Winner Rd., Independence, Mo., NATIONAL MOVING & WAREHOUSE CORPORATION, 516 W. 181st St., New York, N. Y., NATIONWIDE VAN LINES, INC., 47 Lincoln Place, Brooklyn, N. Y., NEEDLES MOVING & STORAGE COMPANY, 3001 Locust, St. Louis, Mo., HENRY F. OWENS, INC., 129 Sherman St., Cambridge, Mass., OWINGS OF NORFOLK, INC., 857 W. 44th St., Norfolk, Pa., PAXTON TRANSFER AND STORAGE, INC., 327 N. Fairfax St., Alexandria, Va., LOUIS J. PELUSO, 214-17th St., New Brighton, Pa., PITTSBURGH WAREHOUSE & VAN COMPANY, INC., 135 S. St. Clair St., Pittsburgh, Pa., ROTHERY STORAGE & VAN CO., 1300 Jefferson St., Des Plaines, Ill., SALT CITY MOVERS & STORAGE CO., INC., 410 S. Franklin St., Syracuse, N. J., J. C. SHELBURNE TRANSFER & STORAGE CORPORATION, 4920 W. Broad St., Richmond, Va., SHELTON BROS. TRUCKING CO., INC., 6323 Blair Road, N. W., Washington, D. C., JOSEPH B. SHETLER, doing business as SHETLER MOVING & STORAGE CO., 1311 First Ave., Evansville, Ind., ALEXIS E. SINES, doing business as SINES TRANSFER COMPANY, Uniontown Road, Westminster, Md., STARCK VAN LINES, INC., 110 Avenue B., Weirton, W. Va., STUART'S HOUSEHOLD AND FURNITURE MOVING AND STORAGE, INC., 701 N. Senate Ave., Indianapolis, Ind., SUDDATH MOVING & STORAGE CO., INC., 315–19 E. Bay St., Jacksonville, Fla., MEYER LEVINSON, doing business as VICTORY STORAGE COMPANY, 6012 W. Girard Ave., Philadelphia, Pa., BENNETT B. WATSON, doing business as WATSON TRANSFER & STORAGE, 3300 Chartres, Houston, Texas, WEBER MOVING & STORAGE, INC., 9219 Harford Road, Baltimore, Md., and WHITEHEAD TRANSFER & STORAGE CO., 625 E. Tampa St., Springfield, Mo., of the operating rights and property of ATLAS VAN LINES, INC., 7530 S. Western Ave., Chicago 20, Ill. Applicants' attorney: Zelby & Burstein, 135 Broadway, New York 6, N. Y. Operating rights sought to be controlled: *Household goods*, as a *common carrier*, over irregular routes, between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Applicants are authorized to operate in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6160. Authority sought for purchase by RUTHERFORD FREIGHT LINES, INCORPORATED, 200–236 Pierce St., Bristol, Tenn., of the operating rights of CAROLINA TRANSFER & STORAGE COMPANY, INC., 1230 Morehead St., Charlotte, N. C., and for acquisition by WALTER F. MULLADY, JOHN B. O'CONNOR, JOHN B. O'CONNOR, JR., and DECATUR CARTAGE CO., all of Chicago, Ill., of control of said operating rights through the purchase. Applicants' attorneys: Blaine Buchanan, 1024 James Bldg., Chattanooga 2, Tenn., and Paul R. Erwin, Law Bldg., Charlotte, N. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over irregular routes, between Charlotte, N. C., and points within one mile of Charlotte, on the one hand, and, on the other, points in that part of North Carolina, South Carolina, Georgia, and Tennessee within 150 miles of Charlotte, N. C. Vendee is authorized to operate in Tennessee, Virginia, West Virginia, North Carolina, Georgia and South Carolina. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6161. Authority sought for control by ROADWAY EXPRESS, INC., 147 Park St., Akron, Ohio, of the operating rights and property of M. & R. TRANSPORTATION CO., INC., JUSTIN COHEN, RECEIVER, 11 Columbia Terrace, Springfield, Mass., and for acquisition by GALEN J. ROUSH and CARROLL J. ROUSH, both of Akron, of control of said operating rights and property through the transaction. Applicant's attorneys: John R. Turney and William O. Turney, both of 2001 Massachusetts Ave., N. W., Washington 6, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between New York, N. Y., and Boston, Mass., serving all intermediate and certain off-route points: *general commodities*, with exceptions as specified above, over irregular routes, from and to certain points in Massachusetts, Pennsylvania, Connecticut, New Jersey, and Rhode Island; *thread, games, envelopes, and paper*, from Springfield, Mass., and points within 25 miles of Springfield, to points in New Jersey on and south of U. S. Highway 1; and alcoholic liquors, from Philadelphia, Pa., to Springfield, Mass. ROADWAY EXPRESS, INC., is authorized to operate in Ohio, Texas, Oklahoma, Indiana, Missouri, Michigan, Kansas, Pennsylvania, Illinois, Tennessee, Kentucky, Alabama, Georgia, North Carolina, South Carolina, West Virginia, Virginia, New Jersey, New York, Delaware, Maryland, Connecticut, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under Section 210a(b).

No. MC–F 6162. Authority sought for purchase by FURNITURE EXPRESS, INC., Fluvanna Road, R. D. #1, Jamestown, N. Y., of the operating rights and property of C. M. DeKay, doing business as D. AND H. MOTOR FREIGHT CO., 72 River St., Jamestown, N. Y., and for acquisition by GEORGE E. RINDOSH, also of Jamestown, of control of such operating rights and property through the purchase. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Bldg., Jamestown, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between Jamestown, N. Y., and New York, N. Y., serving no intermediate points; *new furniture, new household equipment, millwork, hardware mechanic's hand tools, veneer and plywood, voting machines*, and *voting machine accessories*, over irregular routes, from, to and between points in New York, Pennsylvania, Illinois, Maryland, New Jersey, Ohio, Virginia, West Virginia, Indiana, Michigan, Wisconsin, Delaware, Tennessee, Maine, New Hampshire, Vermont, North Carolina, South Carolina and the District of Columbia. Vendee is authorized to operate in New York, Ohio, Pennsylvania, New Jersey, Maryland, Delaware, Illinois, Indiana, Michigan, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–10387; Filed, Dec. 28, 1955; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 23, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31467: *Trailer on flat car service—Erie Railroad Company.* Filed by The Chicago and North Western Railway Company for interested rail carriers. Rates on various commodities in motor truck trailers on railroad flat cars from points in Illinois, Minnesota and Wisconsin to specified points in New Jersey and New York taking New York, N. Y. basis of rates.

Grounds for relief: Circuitous routes embracing the Erie Railroad as participating carrier.

Tariff: Supplement 3 to Chicago and North Western Railway Company tariff I. C. C. 11319.

FSA No. 31468: *Substituted service—Pennsylvania Railroad Company.* Filed by Transamerican Freight Lines, Inc., Agent, on behalf of the Pennsylvania Railroad Company and interested motor carriers. Rates on various commodities in highway truck semi-trailers loaded on railroad flat cars between (1) Chicago or East St. Louis, Ill., on one hand, and Kearny, N. J., and Philadelphia and Pittsburgh, Pa., on the other, and (2) Pittsburgh, Pa., on one hand, and Kearny, N. J., on the other.

Grounds for relief: Competition with motor carriers.

Tariff: Transamerican Freight Lines, Inc., I. C. C. No. 1.

FSA No. 31469: *Woodpulp—Foley, Fla., to Menominee, Mich.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on woodpulp, carloads from Foley, Fla., to Menominee, Mich.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 106 to Agent Spaninger's I. C. C. 1260.

FSA No. 31470: *Building paper—Battle Creek, Mich., to Eastern Points.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on paper, building, damaged, carloads from Battle Creek, Mich., to Brooklyn, N. Y., and Philadelphia, Pa.

Grounds for relief: Carrier competition and circuity.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–10386; Filed. Dec. 28, 1955; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 1103, Amdt.]

JACOB CHRISTIAN

In re: Estate of Jacob Christian, deceased; File No. D–28–2016; E. T. sec. 2092.

Vesting Order No. 1103, dated March 23, 1943, is hereby amended by deleting subparagraph (1) thereof and substituting in lieu thereof the following:

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary, by Charles N. Aicher and Andrew W. Zirkel, Executors of the Estate of Jacob Christian, deceased, and by Andrew W. Zirkel, Trustee for the benefit of Elizabeth Christian, or his successor, acting under the judicial supervision of the Surrogate's Court, Kings County, State of New York.

All other provisions of said Vesting Order No. 1103 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong., 60 Stat. 50; Public 671, 79th Cong.; 60 Stat. 925; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR 1945, Supp.; E. O. 9788, October 14, 1946 11 F. R. 11981)

Executed at Washington, D. C., on December 22, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 55–10411; Filed, Dec. 28, 1955; 8:55 a. m.]

[Dissolution Order 114]

STEEL UNION-SHEET PILING, INC.

Whereas by Vesting Order No. 202, dated October 2, 1942 (7 F. R. 8668, October 27, 1942) and Executive Order 9788, dated October 14, 1946 (11 F. R. 11981, October 15, 1946), there is vested in the Attorney General of the United States (hereinafter referred to as the "Attorney General"), all of the issued and outstanding stock (consisting of 250 shares of $100 par value common) of Steel Union-Sheet Piling, Inc. (hereinafter referred to as the "Company"), a New York corporation; and

Whereas a Certificate of Dissolution of said Company was filed with the Secretary of State of the State of New York on June 23, 1942, and a Certificate of Termination was filed in New York County pursuant to Article 10 of the New York Stock Corporation Law; and

Whereas the Company has been substantially liquidated.

Now, therefore, under the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the known assets reflected on the current balance sheet of the Company consist of (a) funds in the amount of $12,790.81 on deposit with Chemical Bank and Trust Company, New York; (b) eight foreign accounts receivable, aggregating $9,118.67, and (c) a contingent claim against Vereinigte Stahlwerke, of Dusseldorf, Germany in the amount of $20,902.92;

2. Finding that the liabilities reflected on the Company's current balance sheet consists of (a) an indebtedness in the amount of $3,712.86 due to the Attorney General of the United States for funds advanced or services rendered to or on behalf of the Company subsequent to its dissolution; (b) six foreign accounts payable aggregating $27,766.13, each of which accounts payable is vested in the Attorney General, three of said accounts having been vested by Vesting Order 3339 (9 F. R. 5353), two by Vesting Order 14411 (15 F. R. 1619), and one by Vesting Order 15104 (15 F. R. 6526); and (c) a claim in the amount of $2,456.25 by Eugene R. Pickrell.

3. Having determined that it is in the national interest of the United States that the Company be dissolved, and that its assets should be distributed;

Hereby orders, that the officers and directors of the Company (and their successors, or any of them) wind up the affairs of the Company and distribute the assets of the Company coming into their possession, as follows:

1. They shall first pay current expenses and necessary charges in effecting the dissolution of the Company and the winding up of its affairs;

2. They shall then pay all federal, state, and local taxes, if any, owed by or accruing against the Company;

3. They shall then pay on a pro rata basis to the extent of available cash the liabilities hereinabove referred to in Finding 2 (b) and 2 (c).

4. They shall then pay over, transfer, assign and deliver to the Attorney General all funds and property of whatsoever kind and nature (including after discovered assets) and any and all claims of whatsoever kind and nature, the same (or the net proceeds thereof, if any), to be applied by the Attorney General as follows: First, in payment on a pro rata basis of the liabilities referred to in Finding 2 (b) and 2 (c); secondly, as a liquidating distribution of assets to the Attorney General as holder of all of the issued and outstanding stock of the Company; and

Further orders, that nothing herein set forth shall be construed as prejudicing the rights under the Trading with the Enemy Act, as amended, of any person who may have a claim against the Company to file such claim with the Attorney General against any funds or property received by the Attorney General: *Provided however*, That nothing herein contained shall be construed as creating additional rights in such person: *Provided further*, That any such claim against said Company shall be filed with or presented to the Attorney General within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the officers and directors of the Company pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to section 5 (b) (2) of the Trading with the Enemy Act, as amended (50 U. S. C. App. 5), and the acquittance and exculpation provided therein.

Executed in Washington, D. C., on December 22, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-10412; Filed, Dec. 28, 1955; 8:55 a. m.]

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10649

AMENDMENT OF EXECUTIVE ORDER NO. 10153[1] PRESCRIBING REGULATIONS RELATING TO CERTAIN TRAVEL TIME OF MEMBERS OF THE UNIFORMED SERVICES CALLED TO ACTIVE DUTY IN EXCESS OF THIRTY DAYS

By virtue of and pursuant to the authority vested in me by the first proviso of subsection 201 (e), Career Compensation Act of 1949 (63 Stat. 807; 37 U. S. C. 232 (e)), as amended (subsection 2 (2), Career Incentive Act of 1955 (Public Law 20, 84th Cong.; 69 Stat. 19); Act of July 12, 1955 (Public Law 144, 84th Cong.; 69 Stat. 294)), and as President of the United States and Commander in Chief of the Armed Forces of the United States, it is ordered that Executive Order No. 10153 of August 17, 1950, 15 Federal Register 5492, be, and it is hereby, amended as follows:

1. Sections 1 and 2 are amended to read:

SECTION 1. For travel from home to first duty station, in case travel by public transportation is authorized, the travel time included as active duty shall be based upon actual and necessary schedules which most nearly coincide with the possible time of departure and arrival by the mode of transportation actually used, or by public surface transportation if the travel is actually performed by private conveyance without having been specifically authorized. In case travel by private conveyance is specifically authorized and the travel is so performed, the travel time included as active duty shall be computed on the basis of one day for each three hundred miles traveled, and one day of travel time shall also be allowed for each fraction of three hundred miles in excess of one hundred and fifty miles. The distance traveled shall be computed on the basis of distances established by the official mileage tables in use by the uniformed services. Travel by private conveyance shall not be specifically authorized in any case in which the call to active duty is for a period of less than ninety consecutive days.

SEC. 2. For travel from last duty station to home, in case travel by public transportation is authorized, the travel time included as active duty shall be based upon actual and necessary schedules which most nearly coincide with the possible time of departure and arrival by public surface transportation, without regard to the actual performance of such travel. In case travel by private conveyance is specifically authorized, the travel time included as active duty shall be computed on the basis of one day for each three hundred miles traveled, and one day of travel time shall also be allowed for each fraction of three hundred miles in excess of one hundred and fifty miles, without regard to the actual performance of such travel. The distance from last duty station to home shall be computed on the basis of distances established by the official mileage tables in use by the uniformed services. Travel by private conveyance shall not be specifically authorized in any case in which the call to active duty is for a period of less than ninety consecutive days.

2. This order shall become effective on January 1, 1956.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
December 28, 1955.

[F. R. Doc. 55-10555; Filed, Dec. 28, 1955; 4:26 p. m.]

[1] 3 CFR, 1950 Supp., p. 114; 15 F. R. 5492.

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 964—DRIED FIGS PRODUCED IN CALIFORNIA

ADMINISTRATIVE RULES AND PROCEDURES

Pursuant to Marketing Agreement No. 123 and Order No. 64 (20 F. R. 1685) regulating the handling of dried figs produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Dried Fig Administrative Committee, the administrative agency for program operations, has submitted, for the approval of the Secretary of Agriculture, an amendment of § 964.151 (c) (3) of the administrative rules and pro-

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cedures governing its operations, as set forth hereinafter. After consideration of all pertinent available information, it is concluded that the aforesaid amendment should be approved.

Therefore, it is hereby ordered, That, effective as of the date of the publication of this document in the FEDERAL REGISTER, the provisions of § 964.151 (c) (3) of the administrative rules and procedures (20 F. R. 7186) be amended to read as follows:

§ 964.151 *Disposition of dried figs by handlers.* • • •

(c) *Inspection.* • • •

(3) The inspection of any dried figs of the Adriatic or the Calimyrna variety or any blend containing the Adriatic or the Calimyrna variety, being prepared as fig paste or sliced dried figs, shall include head count tests for insects.

• • • • • •

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment for thirty days, or any lesser period, after publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) Shipments into trade channels of sliced dried figs and fig paste currently are being made, to which the provisions of the amendment should apply; (2) until the amendment becomes effective, reliance must be placed on voluntary use of head count tests for insects in the case of dried figs of the Calimyrna variety being prepared as sliced dried figs or fig paste; (3) dried fig handlers, who are represented on the committee, and the Dried Fruit Association of California, the inspection agency for the program, know that the amendment has been unanimously approved by the committee and may be issued; and (4) the circumstances are such that handlers do not need any further advance notice to prepare for compliance with the provisions of the amendment. It is imperative that this action be made effective on the date on which this order is published in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 27, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 55–10466; Filed, Dec. 29, 1955; 8:51 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter R—Leases and Sale of Minerals, Restricted Indian Lands

PART 180—LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

MISCELLANEOUS AMENDMENTS

The regulations in this part are amended as follows:

§ 180.5 *Use of surface lands; settlement of damages to lands and crops.* (a) Lessee shall have the right to use so much of the surface of the land as may be necessary for operations, including the right to lay and maintain pipe lines, telephone and telegraph lines, pull rods and other appliances necessary for the operation of the wells; also the right of ingress and egress and the right of way to any point of operations under condition of least injury and inconvenience to the owner and occupant of the surface. Lessee may use water from streams and natural water courses for lease operations as set out in § 180.57. Before commencing operations for the drilling of any well the lessee shall pay to the surface owner the sum of $200 for each well located on cultivated land (tilled or cultivated within the immediately preceding three years, and including haymeadow land), $150 for open pasture land, and $100 for such location on brush or wooded lands, and other lands not suitable for cultivation. Upon payment of such location site money, lessee shall be entitled to possession. Location sites shall be held to the minimum area essential for operations, and in no event shall exceed one and one-half acres in area. Lessee shall also pay tank site fees at the rate of $20 per tank of not exceeding 1,000 barrels capacity: *Provided, however*, That no tank site fee shall be paid for a tank temporarily set on a well location site for testing purposes during the completion of the well. Tank sites shall be held to the minimum area essential to efficient operations, and in no event shall exceed an area of 50 feet square per tank. The sum to be paid for an oil tank site of larger capacity and occupying a greater area shall be as agreed upon between the surface owner and the lessee, and on failure to agree, the same shall be fixed by arbitration.

• • • • •

§ 180.30 *Measurement of gas.* Gas of all kinds (except gas used for purposes of production on the leasehold or unavoidably lost) is subject to royalty, and all gas shall be measured by meter (preferably of the orifice-meter type) unless otherwise agreed to by the Superintendent. All gas meters must be approved by the Superintendent and installed at the expense of the lessee at such places as may be agreed to by the Superintendent. For computing the volume of all gas produced, sold, or subject to royalty, the standard of pressure shall be 10 ounces above an atmospheric pressure of 14.4 pounds to the square inch, regardless of the atmospheric pressure at the point of measurement, and the standard of temperature shall be 60° F. All measurements of gas shall be adjusted by computation to these standards, regardless of the pressure and temperature at which the gas was actually measured, unless otherwise authorized in writing by the Superintendent.

§ 180.46 *Approval of lease instruments.* • • •

(b) *Unitization of oil leases.* As a consideration for their further development by the water flood process, two or more oil leases may be unitized and merged in a single blanket lease with the approval of the Superintendent. The instrument of unitization (blanket lease) shall include all the requirements and provisions of sections numbered 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19 and 20 of Osage oil lease Form B: *Provided*, That the preamble of Form B and the provisions of section numbered 2 in respect to royalty rates; section numbered 3 in respect to payment of rental; section numbered 4 in respect to payment of well site and tank location fees; and section numbered 14 in respect to the surrender of the lease, may be modified and/or supplemented by the parties, with the approval of the Superintendent, to the extent deemed appropriate for the equitable and efficient conduct of unitized operations, and not otherwise in conflict with the regulations in this part. Lessee(s) shall, before commencing water flood operations, and on or before December 31st of each year thereafter, submit to the Superintendent an acceptable plan of development and operation for the unit area for the ensuing year. Upon a finding by him that such action would be in the best interest of the Osage Tribe, the Superintendent may also approve an agreement between the lessor and the lessee(s) rescinding a unit (blanket lease) and restoring to their original status the Form B leases theretofore merged in the unit lease: *Provided*, That if oil is being produced in paying quantities on a particular quarter section tract on the date of approval of such agreement, the lessee shall be entitled to hold such tract under the terms of the original Form B lease so long as oil is produced on said tract in paying quantities.

§ 180.51 *Well location fees.* • • •

(b) Where the surface owner is a restricted Indian, adult or minor, well location fee shall be paid to the Superintendent of the Osage Agency for such Indian. All other surface owners, whether Indians or whites, shall be paid or tendered such fees direct, and where such surface owners are not residents of Osage County nor have a representative located therein, such payments shall be made or tendered by check, postage prepaid, to last known address of said surface owner at least 5 days before commencing drilling operations on any well: *Provided*, That should the lessee be unable to reach the owner of the surface of the land for the purpose of tendering the location fee, or if owner of the surface of the land upon being tendered the location fee by the lessee, shall refuse to accept the same, the lessee may tender the location fee to the Superintendent of the Osage Agency, and if the lessee and the Superintendent shall agree upon the amount of the location fee, the lessee shall deposit such amount with the Superintendent for payment to the owner of the surface of the land upon demand, and the Superintendent shall thereupon advise the owner of the surface of the land by mail at his last known address, that the location fee is being held for payment to him upon his request.

(Sec. 3, 34 Stat. 543)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

DECEMBER 22, 1955.

[F. R. Doc. 55–10434; Filed, Dec. 29, 1955; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Employment Taxes

[T. D. 6155]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

On October 12, 1955, a notice of proposed rule making regarding the regulations under sections 3401 (a), 6001, and 6051 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (20 F. R. 7610) in order to provide rules with respect to payments made after December 31, 1955, of amounts subject to section 105 (d) of the 1954 Code. After consideration of the relevant suggestions presented by interested parties

regarding the proposed rules, the following regulations are hereby adopted:

§ 31.3401 (a) *Statutory provisions; definitions; wages.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration (other than fees paid to a public official) for services performed by an employee for his employer, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include remuneration paid—• • •

§ 31.3401 (a)–1 *Wages.* • • •

(b) *Certain specific items.* • • •

(8) *Amounts paid under wage continuation plans.* • • •

(ii) *Amounts paid after December 31, 1955*—(a) *In general.* The term "wage continuation payment", as used in this subdivision, means any payment to an employee which is made after December 31, 1955, under a wage continuation plan (as defined in § 1.105–4 (a) of the Income Tax Regulations (26 CFR Part 1)) for a period of absence from work on account of personal injuries or sickness, to the extent such payment is attributable to contributions made by the employer which were not includible in the employee's gross income or is paid by the employer. Any such payment, whether or not excluded from the gross income of the employee under section 105 (d), constitutes "wages" (unless specifically excepted under any of the numbered paragraphs of section 3401 (a) or under section 3402 (e)) and withholding thereon is required except as provided in (*b*) and (c) of this subdivision.

(*b*) *Amounts paid by employer for whom services are performed.* Withholding is not required with respect to any or all employees upon the amount of any wage continuation payment made to an employee directly by the employer for whom he performs services to the extent that such payment is excludable from the gross income of the employee under section 105 (d), provided the records maintained by the employer—

(*1*) Separately show the amount of each such payment and the excludable portion thereof, and

(2) Contain data substantiating the employee's entitlement to the exclusion provided in section 105 (d) with respect to such amount, either by a written statement from the employee specifying whether his absence from work during the period for which the payment was made was due to a personal injury or whether such absence was due to sickness, and, if the latter, whether he was hospitalized for at least one day during this period; or by any other information which the employer reasonably believes establishes the employee's entitlement to the exclusion under section 105 (d).

Employers shall not be required to ascertain the accuracy of the information contained in any written statement submitted by an employee in accordance with (2) above. For purposes of this subdivision, computation of the amount excludable from the gross income of the employee under section 105 (d) may be made either on the basis of the wage continuation payments which are made directly by the employer for whom the employee performs services, or on the basis of such payments in conjunction with any wage continuation payments made on behalf of the employer by a person who is regarded as an employer under section 3401 (d) (1).

(c) *Amounts paid by person other than the employer for whom services are performed.* No tax shall be withheld upon any wage continuation payment made to an employee by or on behalf of a person who is not the employer for whom the employee performs services but who is regarded as an employer under section 3401 (d) (1). For example, no tax shall be withheld with respect to wage continuation payments made on behalf of an employer by an insurance company under an accident or health policy, by a separate trust under an accident or health plan, or by a State agency from a sickness and disability fund maintained under State law.

(*d*) *Cross references.* See sections 6001 and 6051 and the provisions thereunder in Subpart G of the regulations in this part for rules with respect to the records which must be maintained in connection with wage continuation payments and for rules with respect to the statements which must be furnished an employee in connection with wage continuation payments, respectively. See also section 105 and the provisions thereunder in the Income Tax Regulations (26 CFR Part 1).

§ 31.6001 *Statutory provisions; notice or regulations requiring records, statements, and special returns.*

SEC. 6001. *Notice or regulations requiring records, statements, and special returns.* Every person liable for any tax imposed by this title, or for the collection thereof, shall keep such records, render such statements, make such returns, and comply with such rules and regulations as the Secretary or his delegate may from time to time prescribe. Whenever in the judgment of the Secretary or his delegate it is necessary, he may require any person, by notice served upon such person or by regulations, to make such returns, render such statements, or keep such records, as the Secretary or his delegate deems sufficient to show whether or not such person is liable for tax under this title.

§ 31.6001–5 *Additional records in connection with collection of income tax at source on wages.* (a) Every employer required under section 3402 to deduct and withhold income tax upon the wages of employees shall keep records of all remuneration paid to such employees. Such records shall show with respect to each employee—

• • • • •

(12) In the case of the employer for whom services are performed, with respect to payments made directly by him after December 31, 1955, under a wage continuation plan (as defined in § 1.105–4 (a) of the Income Tax Regulations (26 CFR Part 1))—

(i) The beginning and ending dates of each period of absence from work for which any such payment was made; and

(ii) Sufficient information to establish the amount and weekly rate of each such payment.

§ 31.6051 *Statutory provisions; receipts for employees.*

SEC. 6051. *Receipts for employees*—(a) *Requirement.* Every person required to deduct and withhold from an employee a tax under section 3101 or 3402, or who would have been required to deduct and withhold a tax under section 3402 if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect of the remuneration paid by such person to such employee during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of remuneration is made, a written statement showing the following:

(1) The name of such person,

(2) The name of the employee (and his social security account number if wages as defined in section 3121 (a) have been paid),

(3) The total amount of wages as defined in section 3401 (a),

(4) The total amount deducted and withheld as tax under section 3402,

(5) The total amount of wages as defined in section 3121 (a), and

(6) The total amount deducted and withheld as tax under section 3101.

(b) *Special rule as to compensation of members of Armed Forces.* In the case of compensation paid for service as a member of the Armed Forces, the statement shall show, as wages paid during the calendar year, the amount of such compensation paid during the calendar year which is not excluded from gross income under chapter 1 (whether or not such compensation constituted wages as defined in section 3401 (a)); such statement to be furnished if any tax was withheld during the calendar year or if any of the compensation paid is includible under chapter 1 in gross income.

(c) *Additional requirements.* The statements required to be furnished pursuant to this section in respect of any remuneration shall be furnished at such other times, shall contain such other information, and shall be in such form as the Secretary or his delegate may by regulations prescribe.

(d) *Statements to constitute information returns.* A duplicate of any statement made pursuant to this section and in accordance with regulations prescribed by the Secretary or his delegate shall, when required by such regulations, be filed with the Secretary or his delegate.

§ 31.6051–1 *Statements for employees*—(a) *Requirement if wages are subject to withholding of income tax*—(1) *General rule.* • • •

(iii) In the case of statements furnished by the employer for whom services are performed, with respect to wages paid after December 31, 1955, "the total amount of wages as defined in section 3401 (a)", as used in section 6051 (a) (3), shall include all payments made directly by such employer under a wage continuation plan which constitute wages in accordance with § 31.3401 (a)–1 (b) (8) (ii) (*a*), without regard to whether tax has been withheld on such amounts.

(Secs. 6051, 7805, 68A Stat. 747, 917; 26 U. S. C. 6051, 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: December 27, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55–10455; Filed, Dec. 29, 1955; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 92—TRANSPORTATION OF MAIL BY RAILROADS

PART 93—TRANSPORTATION OF MAIL BY URBAN AND INTERURBAN ELECTRIC RAILWAY COMMON CARRIERS

PART 96—AIR CARRIERS

Parts 92, 93, and 96 are revised to read as follows:

PART 92—TRANSPORTATION OF MAIL BY RAILROADS

COMPREHENSIVE PLAN OF THE POSTMASTER GENERAL FOR THE TRANSPORTATION OF UNITED STATES MAIL BY RAILROAD

Sec.
92.1 Transportation of the mail.
92.2 Classes and nature of service.
92.3 Authorizations.

REGULATIONS

92.4 Definitions.
92.5 Authorizations.
92.6 Space requirements and determinations.
92.7 Construction and maintenance of RPO cars.
92.8 Services provided by railroad.
92.9 Handling of mail.

AUTHORITY: §§ 92.1 to 92.9 issued under R. S. 161, 396, secs. 1, 5, 39 Stat. 419, 425–431, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 523–541, 542–568.

COMPREHENSIVE PLAN OF THE POSTMASTER GENERAL FOR THE TRANSPORTATION OF UNITED STATES MAIL BY RAILROAD

§ 92.1 *Transportation of the mail.* (a) All railway common carriers engaged in the transportation of United States mail shall transport such mail in the manner, under the conditions, and with the service prescribed by the Post Office Department, and otherwise in accordance with the provisions of the Railway Mail Pay Act of 1916.

(b) Any railway common carrier desiring to be relieved of the transportation of the mail may make application to the Post Office Department accordingly, and consideration will be given to the granting of its request in whole or in part as the needs of the Postal Service will permit.

(c) Mail shall be carried upon such trains as the Post Office Department shall designate from time to time in the interest of the Postal Service, and the character of trains carrying the mails shall be that of the pasenger train operating between passenger or mail handling facilities. When required by the interests of the Postal Service, the Department may provide for the movement of mail between passenger or special mail handling facilities in other than passenger trains.

(d) The transit time of trains upon which mail is transported shall be that which is maintained by the carriers for their general transportation business in connection with their published schedules.

(e) Each railway common carrier engaged in the transportation of mail is required to furnish such cars as are necessary for the service authorized by the Post Office Department.

§ 92.2 *Classes and nature of service.* (a) *Classes of service.* The service shall be of the following classes:

(1) *Full railway post office car service.* Service of this class shall be authorized in standard cars, 60 feet in length, inside measurement, constructed and fitted in accordance with the plans and specifications approved by the Post Office Department for the handling, distribution, storage, and delivery of mail by postal transportation clerks. The requirements for service in such cars shall include the sanitation, cleaning, heating, lighting, and the furnishing of ice and drinking water, both in terminals and en route. When required, such cars shall be suitably placed and made available for advance distribution before train departure.

(2) *Railway post office apartment car service.* Service of this class shall be authorized in standard apartments, 30 and 15 feet in length, inside measurement. The apartment shall be separated from the remainder of the car by a partition. The requirements for service are essentially the same as in full railway post office cars with respect to construction and furnishings, sanitation, cleaning, heating, lighting, furnishing of ice and drinking water, and the placing of apartment cars for advance distribution.

(3) *Storage car service.* Service of this class shall be authorized in standard cars, 60 feet in length, inside measurement, except as hereinafter provided, used exclusively for mails. This service is the transportation and handling of made-up mails in bulk and the requirements for this service shall include the maintenance and cleaning of the cars. The handling of mail into and from all storage cars shall be performed by employees of the railroad companies under instructions of postal employees with respect to proper routing and separation of mails.

(4) *Lesser storage unit service.* Service of this class shall be authorized in less than full-car units of space in mixed traffic, combination, or other cars. This service shall be the transportation and handling of mails of the same type as those handled in storage cars. The requirements for lesser storage unit service are the same as for service in storage cars.

(b) *Nature of services.* The services which the railroads are to render in connection with mail transportation shall be as follows:

(1) Railroad companies are required to perform all necessary switching of cars; to load all mail into cars so as to obtain maximum utilization of the space authorized, including the proper separation, piling, and storing of such mail; and to unload mail from all cars. Handling of all mail within railway post office cars and apartments shall be performed by postal transportation clerks.

(2) Railroad companies are required to transfer all mails between cars in the same train were such transfers are necessary and required by the Post Office Department.

(3) Railroad companies are required to take mails in transit from and deliver them to Government employees and contractors at an accessible point at railroad stations for transfer to and from post offices or railroad stations, and to transfer mails between trains operating into and out of the same railroad station, as required by the Post Office Department.

(4) Railroad companies are required to furnish all necessary facilities for caring for and handling mails, including suitable and adequate space and rooms in their stations for storing and transfer of mails in transit. They shall also furnish suitable and adequate office space for transfer clerks of the Postal Transportation Service when required by the Post Office Department.

(5) Railroad companies are required to transport without extra charge the persons in charge of the mails and the agents and officers of the Post Office Department and Postal Transportation Service, under the conditions prescribed by law and regulations pursuant thereto.

(6) Railroad companies are required to construct, light, and maintain mail cranes and other adequate facilities for the exchange of mails at points or stations on the run where the train does not stop and exchange of mails is necessary.

(7) Railroad companies are required to take the mails from their railroad terminals and stations and deliver them into post offices, postal stations, and Postal Transportation Service terminals; take the mails from post offices, postal stations, and Postal Transportation Service terminals, and deliver them into their railroad terminals and stations; and take the mails from their stations and deliver them into other railroad stations where the distance does not exceed 80 rods, unless other provision for this service is made by the Post Office Department.

§ 92.3 *Authorizations*—(a) *General.* (1) The anticipated space needs of the Department shall be reflected by regular authorizations which shall be restricted to the needs of the service between established railway passenger or freight division points or junctions. Regular authorizations shall be determined in accordance with such instructions as may be issued by the Postmaster General. Regular authorizations for railway post office cars and railway post office apartments shall remain in effect unless and until modified as provided in this section. Regular authorization for other classes of service shall be effective for a period of one calendar month, subject to modification or cancellation of service as provided in this section.

(2) Excess service may be requested of railroad companies in trains in which no unit of space is regularly authorized or in trains in which the regularly authorized space is inadequate to accommodate the mails available for dispatch. Requests for excess service shall be restricted to the needs of the Service and shall be made in accordance with the instructions issued by the Postmaster General.

(3) Railroad companies are required to anticipate the needs for service only to the extent of the regular space authorizations. Where there are excess mails and baggage or express or both to

be loaded, and the available space is not sufficient to accommodate all, the mails must be given preference. Railroad companies will not, however, be required to unload baggage or express in order to provide space for the excess mail.

(4) The class, frequency, and distance of service to be authorized shall be determined in accordance with the needs of the Postal Service and under such rules and regulations or instructions as shall be prescribed by the Postmaster General.

(b) *Equipment.* (1) Authorization for railway post office cars shall be for cars of the standard length of 60 feet. Authorizations for railway post office apartments shall be for the standard lengths of 30 or 15 feet, as the needs of the Postal Service require. If a railroad company is unable to furnish standard railway post office cars and apartment cars, the Department may accept nonstandard railway post office equipment as a convenience to the carriers provided compensation not exceeding pro rata pay is accepted for the facilities furnished. Any deficiency may be provided in another car in the train when necessary and in such case full pay will be made for the standard car authorized.

(2) The Department does not require and will not authorize railway post office equipment longer than the standard lengths specified herein. However, as a convenience to the carriers, and to enable them to obtain revenue from the operation of space which otherwise might be unused, the Department will accept the excess space beyond the standard lengths authorized for the accommodation of lesser storage unit service when needed.

(3) Cars in excess of 60 feet in which a railway post office unit of 60 feet is partitioned from the remainder of the car may be accepted to fulfill an authorization for a railway post office car of 60 feet.

(4) When a railroad company is unable to furnish cars of the standard length authorized for storage car service, the Department may accept cars less than 60 feet in length, inside measurement, provided compensation not exceeding pro rata pay is accepted for the length of the car furnished. The Department may accept storage cars of greater length than the standard, provided compensation not exceeding pro-rata pay is accepted in accordance with rules and regulations of the Postmaster General.

(c) *Modification of authorizations.* (1) Authorizations for full railway post office car service and railway post office apartment service shall be subject to modification at any time to provide for new and additional service, discontinuance of service, or reduction in service.

(2) Regular authorizations for storage car service and lesser storage unit service shall not be discontinued or reduced during the calendar month unless discontinuance or reduction in the service is necessitated by service changes. Regular authorization for storage car service and lesser storage unit service shall be subject to modification at any time to provide for new and additional service.

(3) Requests for excess service may be made at any time during the calendar month.

(d) *Cancellations.* (1) Whenever there is insufficient mail on any day to warrant the operation of a full storage car, the regular authorization may be cancelled by a representative of the Post Office Department at the initial point of the run of the car. Reasonable advance notice of such cancellation shall be given to the railroad company at the initial point of the run of the car to permit the car to be removed from the train.

(2) Authorizations for classes of service other than full storage car service shall not be cancelled during the calendar month.

REGULATIONS

§ 92.4 *Definitions.* (a) "Railroad" refers to railway common carriers and does not refer to urban and interurban electric railway common carriers.

(b) "RPO" means a railway post office.

(c) "Regularly authorized service, regular authorization," and "regular service" are synonymous terms and refer to service authorized by formal orders issued by the Post Office Department.

(d) "Excess service, excess space, additional service," and "emergency service" are synonymous terms and refer to service which temporarily becomes necessary in a train.

(e) "Train date:" When a train arrives at its destination on the day following departure from the initial point, the date the train is due to leave the initial point of the RPO designation shall be used as the date for all service performed in the train. Each RPO division shall be considered separately in cases where the RPO line is divided into east, middle and west, or north and south divisions.

§ 92.5 *Authorizations*—(a) *Establishment or extension of service.* Regional Transportation Managers shall make recommendations and furnish supporting facts to the Post Office Department concerning the necessity of establishing service on a new railroad, extending service on an existing route, and increasing or decreasing space on a route to conform properly to the mail carried.

(b) *Regular service*—(1) *Formal orders.* Regular service is authorized through formal orders issued by the Post Office Department. Mail must not be carried on any railroad on which mail service has not been authorized.

(2) *Authorized monthly.* (i) The regular unit of an original authorization shall be the smallest unit that will accommodate the mail on 50 percent or more of the trips in any calendar month on the days of the week on which mail is regularly carried.

(ii) Whenever a regular authorization of less than 30 feet of storage space is exceeded on more than 50 percent of the trips in any calendar month:

(*a*) But not beyond the capacity of a 30-foot unit, the appropriate higher unit of 30 feet or less which would have accommodated the mail on 50 percent or more of the trips shall be authorized.

(*b*) Beyond the capacity of a 30-foot unit, a full storage car of appropriate length of 60 or 70 feet shall be authorized on the days of the week on which the lesser storage unit is exceeded on more than 50 percent of the trips on such days.

(iii) Whenever a regular authorization of 30 feet of storage space is exceeded on more than 50 percent of the trips on a particular day of the week in any calendar month, a full storage car of the appropriate length of 60 or 70 feet shall be authorized on such day.

(iv) A regular authorization of 30 feet or less shall be reduced to the appropriate smaller unit which would have accommodated the mail on more than 50 percent of the trips in any calendar month.

(v) A regular authorization of a full storage car shall be reduced:

(*a*) From a 60-foot car to the appropriate lesser storage unit on any day of the week on which a lesser storage unit would have accommodated the mail on more than 50 percent of the trips on such days of the week in any calendar month.

(*b*) From a 70-foot car to a 60-foot car or the appropriate lesser storage unit on any day of the week on which a 60-foot storage car or a lesser storage unit would have accommodated the mail on more than 50 percent of the trips on such days of the week in any calendar month.

(vi) Where 70-foot cars are regularly operated and more than 60 feet of storage space is regularly needed for the accommodation of mail in a 70-foot exclusive car, a 70-foot car shall be authorized on the days of the week on which such car was needed.

(vii) Where mail is carried from the initial terminal in several cars in a train and the cars are diverged to different lines or set out at some point on the run, a unit of space of sufficient size to accommodate all mail transported in the several cars shall be authorized from the initial point to the point of divergence or set out. Where the volume of mail exceeds the capacity of a storage car, a storage car and an appropriate lesser unit shall be authorized.

(viii) An authorization shall be restated to include or omit a particular day of the week when during the previous calendar month:

(*a*) No service was authorized and mail was carried on more than 50 percent of the trips on such a day.

(*b*) Service was regularly authorized and no mail was carried on 50 percent or more of the trips on such a day.

Regular authorizations of all classes of service shall be omitted on holidays and days after holidays when service is not needed on such days. When a holiday falls on a Sunday and is observed on the following Monday, the holiday will be considered as applying to the Monday date.

(ix) Only mail considered as regularly due a train shall be taken into account in setting up regular authorizations under the application of the 50 percent rule.

(x) Changes in regular authorizations, based upon the operation of the 50 percent rule, in any month, except December, shall become effective on the first day of the succeeding month.

(c) *Excess service*—(1) *Requests.* Excess service is authorized by special request of a representative of the Postal Transportation Service or by action of a railroad representative at points where there is no representative of the Postal Transportation Service as provided in subdivision (vi) of this subparagraph. Observe the following when requesting additional space:

(i) At points where a designated postal representative is available and the regularly authorized space in a train is inadequate to accommodate all mail offered for dispatch on a particular trip, the designated postal representative must notify the railroad that additional space is needed at the point where the excess mail is to be loaded.

(ii) When an additional or excess full storage car is needed, the postal representative must:

(*a*) Request the railroad (at the point where the car is needed) to provide an additional 60- or 70-foot car, as appropriate.

(*b*) Name the established railway passenger or freight division point or junction to which the car is to be run.

(*c*) Inform the car supervisor (in the case of an RPO train) of the point to which the additional car is requested, so that its use may be discontinued at that point.

(iii) An additional or excess car must not be terminated at a point intermediate to the point designated in the original request.

(iv) When excess mail is carried in two or more cars in a train, a single request must be made for a unit of sufficient size to cover the entire excess carried. This does not affect the provisions governing requests for a 60-foot storage car in lieu of a lesser unit, or for a 70-foot storage car in lieu of a 60-foot storage car or a lesser unit.

(v) Requests by postal representatives for excess space and cars shall be made to a responsible representative of the railroad at the point where excess mail develops. The space used must be shown on Form 5121, Daily Report of Destination and Destination-Relay Cars, and Form 5122, Daily Report of Working Storage Cars and Lesser Storage Units. Form 5365, Record of Excess Space, must be issued to cover excess space required.

(vi) At points where there is no representative of the Postal Transportation Service, the baggageman on a train on which space is regularly authorized must accept and count all mail. The railroad must issue Form 5369, Report of Mail Carrier in Excess of Space Authorized, to show the number of pieces of excess mail and the points between which they were carried and, if from a missed connection, whether from a train of the same railroad.

(2) *Date on excess space request.* A request for excess space in a train must bear the date of issuance at the top and the train date in the body of the form. See § 92.4 (e).

(3) *Mail to be carried only on authorized trains.* A railroad must not carry mail on a train on which there is no regularly authorized space, unless emergency space is authorized by proper representative of the Postal Transportation Service. Where conditions warrant, a postmaster may be authorized by a regional or district transportation manager to request excess space in a train with no regularly authorized space. The railroad must be informed of the issuance of such authority.

(d) *Storage car service*—(1) *Mail carried in mixed traffic cars under storage car authorizations.* Where mail is carried in mixed traffic cars under a storage car authorization, either regular or excess, and an exclusive car is not furnished, pro rata payment will be based on the mail carried except when:

(i) More than 30 feet, line haul payment will not be less than the rate for a 30-foot lesser storage unit.

(ii) 30 feet or less, line haul payment will be made for the appropriate lesser storage unit.

(2) *Storage car cut out at intermediate point.* Where it is necessary to cut out a storage car at an intermediate point on its run on account of accident or other operating reason and the car is subsequently operated through to destination in service on a following train, full payment will be allowed. However, no payment will be allowed for a unit of excess space which becomes necessary on the regular train because of the withdrawal of the regular storage car, unless the quantity of mail carried in the excess unit is more than that which could have been accommodated in the regularly authorized storage car.

(e) *Diversion of mail from one train to another.* Where, because of the diversion of mail from one train to another, the size of the authorized unit of storage space is increased or decreased on a date other than the first day of any month (except December), changes in space authorizations under the 50 percent rule shall:

(1) Be made on the basis of the mail carried from the date the size of the unit was changed to the last day of the month provided that the number of days in such period is not less than 14; and

(2) Become effective on the first day of the succeeding month.

(f) *Allowances for missed connections.* When a delayed connection between trains of the same railroad causes mail due on one train to be dispatched on a following train, transportation of the mail is considered as in lieu of part of the service required on the first train. Additional pay will not be allowed for either train unless the quantity of mail carried in both trains exceeds that which could have been accommodated in the space regularly authorized.

(g) *Service by other than regular train.* The transportation of mail by a railroad on a different train than that on which the same railroad is regularly authorized to carry it will be considered as in lieu of the regularly authorized service when for operating reasons it is dispatched:

(1) On an earlier train;

(2) On another train but over a different line;

(3) On a special or extra train, made up to depart either at the time of the regular train or after arrival of the delayed connection, when the mail carried is that which would have been carried on the regular train if its schedule had been maintained; or

(4) On a subsequent train in which space is not regularly authorized, upon annulment of the regular train.

Additional pay will not be allowed unless the quantity of mail carried exceeds that which could have been accommodated in the space regularly authorized.

(h) *Service by fast train for forwarding or returning to a local point.* When mail is delivered by fast train at a certain point from which it is forwarded or returned on a local train to a local point, a unit of space will be authorized in the local train to carry such mail. When mail is dispatched on a local train from a local station and delivered to a fast train at a certain point, an appropriate unit of space will be authorized in the local train. However, when a railroad desires to forward mail on a train not due to receive it from one station to another station for dispatch from the latter station, permission may be granted with the understanding that the movement shall be without additional compensation and that no delay will result to the mail.

(i) *Combined service by railroad and vessel.* Where service is operated by a railroad partly by rail and partly by vessel and a postal transportation clerk accompanies the mail over the entire run, the line haul rate allowable on the rail mileage shall apply to the vessel mileage. If the clerk does not accompany mail over the water part of the route, that part of the route shall be authorized as storage service.

§ 92.6 *Space requirements and determinations*—(a) *Space requirements*—(1) *Standard full and apartment RPO cars.* Storage space requirements in full and apartment RPO cars, based on standard plans dated April 1, 1949, are as follows:

Car size:	Linear feet of storage space
60'	11' 10''
30' Apt	4' 9''
15' Apt	3' 2''

(2) *Nonstandard and oversize RPO cars.* (i) Where a RPO car of lesser length than the unit authorized is furnished and such car provides sufficient distributing facilities for the particular run of the car, pro rata pay will be allowed on the basis of the length of the car furnished as compared with the authorized unit. Where distributing facilities are deficient, a railroad must install such additional facilities as are necessary on the particular run of the car involved.

(ii) Where an RPO car of greater length than the unit authorized is operated and the available storage space in the car in addition to that provided under the authorization is used to capacity, the

additional space provided shall be considered to be as follows:

Size of car operated	In lieu of authorization for—	Additional space provided (measurement basis)
70′	60′	10′
60′	30′	18′
30′	15′	8′ 3″

(iii) Where the authorization provides for a 30- or 15-foot apartment car, all racks not due under such authorizations must be placed in nonuse position to provide storage space.

(iv) Full payment will be allowed for a passageway or part-width apartment car operated in lieu of a standard apartment car if the number of square feet of floor space provided is equal to or greater than that in a standard car of the size authorized. Pro rata pay will be allowed, on the basis of the square feet of floor space provided, where the floor space is less than that in a standard car. Where there is a deficiency in storage space and the entire deficiency is needed and is made up in another part of the train, full payment will be allowed on the basis of the number of square feet of floor space furnished in the train.

(v) Where a railroad is unable to furnish a standard full or apartment RPO car and operates a nonstandard car in lieu of that authorized, pro rata pay is allowed on the basis of the storage space furnished as compared with that due. When necessary, the entire deficiency may be made up in another part of the train and full payment allowed. Any deficiency in storage space in the nonstandard full or apartment RPO car must be taken into account in determining the size of an additional unit of storage space needed.

(b) *Space determinations*—(1) *In oversize RPO cars.* Space in an oversize car shall be determined as follows:

(i) Lesser storage units accommodated in the excess space in an oversize RPO full or apartment car must be determined by count. Payment shall not be allowed in any case for more than the actual inside length of the car.

(ii) When an oversize full or apartment RPO car is furnished to fill an authorized unit of RPO car space of 30 feet or 15 feet, respectively, the clear storage space under the authorization must be determined by count. The pieces due must be based on the storage space requirements in standard RPO cars under the specifications dated April 1, 1949, and the results of the biennial tests.

(iii) In addition to the clear storage space due under the authorization, the space in front of the doors and the aisles in the car is considered available for the accommodation of storage mail to the extent that such space would be available in a standard car of the unit authorized.

(iv) New or remodeled full or apartment RPO cars shall not be considered deficient in storage space where the clear storage space has been decreased by the installation of new or larger interior equipment.

(2) *In lesser storage units.* The number of linear feet needed on both sides of baggage, storage, or oversize RPO or apartment cars for carrying the mail in lesser storage units of 3, 6, 9, 12, 15, 18, 21, 24, 27, and 30 feet shall be determined on the basis of the number of pieces (sacks and outside parcels combined) that will fill 3 linear feet of space on both sides of the car as determined in the last biennial test. Where the space unit is determined by count, each box of baby chicks shall be considered equivalent to one piece. Payment shall not be allowed in any case for more space than the actual inside length of the car.

(3) *Where mail is carried in several cars.* Where mail is carried in two or more cars in the same train under a storage car authorization, either regular or excess, the volume of mail in a car must be determined by:

(i) Count, when the linear feet of space occupied by the mail is 30 feet or less.

(ii) Measurement, when the linear feet of space occupied by mail is more than 30 feet.

(iii) Measurement, in exceptional cases where the linear feet or space occupied by the mail is 15 feet or more, when mutually agreed to by the Department and the railroad.

(4) *Where mail is carried in baggage cars.* Where a postal transportation clerk is not on duty in an authorized RPO car until an intermediate point is reached, and mail is carried in a baggage car for the railroad's convenience from the point of authorization to the intermediate point, the space in the baggage car is considered in lieu of space in the RPO car. No additional authorization is made.

(5) *Measurement of cars.* Under the specifications for the construction of RPO cars dated April 1, 1949, the following deductions will be made for space occupied by letter cases, racks, boxes and other interior fittings which are not removed when the RPO cars are used as storage cars.

Car size	Car plan	Deductions in linear feet
60′	R	12′
	T	20′
	T–1	22′
	T–2	24′
30′ Apt.	S	7′
	W	11′
15′ Apt.	X	4′

§ 92.7 *Construction and maintenance of RPO cars*—(a) *Construction*—(1) *Standards.* (i) New full and apartment railway post office cars shall be constructed of steel or an equally indestructible material, and conform to the Departmental specification approved April 1, 1949, and any subsequent modification thereof, in construction and arrangement.

(ii) Full and apartment railway post office cars previously accepted for service shall be brought up to standards of the current specification mentioned, in all material respects, wherever operating conditions render strengthening, standardization, or improvements necessary. Approval must be obtained from the Director, Division of Railway Transportation, before any changes are made in construction or fixtures.

(iii) Cars originally built for other traffic are not acceptable for conversion to full and apartment railway post office cars unless they are constructed or reconstructed to fully meet Departmental specifications. All conversions of this type must be approved by the Director, Division of Railway Transportation, before work is started.

(iv) Post Office Department Form 5292, Certificate of Construction, shall be furnished to the Director, Division of Railway Transportation, for each new and rebuilt steel or steel underframe mail car, by the principal mechanical officer of the railroad.

(v) The ends and underframe of steel underframe apartment railway post office cars shall conform to the Departmental specification for all-steel cars. The section moduli of the metal vertical and members shall not be less than 65, distributed as required by the specification.

(vi) Superstructure of steel underframe cars shall conform to former Plan No. 1, or the specification of August 25, 1914, when reinforced by metal vertical end members. Steel shapes may be used as framing members of the superstructure. Steel sheathing applied to the superstructure on the outside of the car shall not be rated as an additional strength factor.

(vii) Cars that do not meet the above underframe and superstructure requirements shall not be rated as "steel underframe."

(2) *Use of steel and steel underframe cars.* (i) Cars operated in full railway post office authorizations shall be of all-steel construction.

(ii) Only apartment railway post office cars of steel construction shall be operated in trains where a majority of the cars are of steel construction.

(iii) Steel underframe railway post office apartment cars shall not be operated between steel cars, nor between the locomotive and a steel car adjoining, nor in any train where a majority of the cars in the train are of steel construction. Except as provided in subdivisions (iv) and (v) of this subparagraph, all railway post office apartment cars shall be at least equal in construction strength to a majority of the other cars in the train.

(iv) Steel underframe railway post office apartment cars shall be substantially equal in construction to former plan No. 1 or the specification of August 25, 1914, for mainline operation in heavy trains (more than four cars) or on fast schedules (averaging more than 27 miles per hour between termini). Steel underframe railway post office apartment cars having suitable reinforcement on both ends, but only limited reinforcement on the longitudinal sills, may be operated in branch line trains or in light trains (not exceeding four cars) on main lines where the average speed is not more than 27 miles per hour.

(v) Steel underframe railway post office apartment cars operated in

"mixed" trains or as trailers to self-propelled cars shall be substantially equal in construction to former plan No. 1 or the specification of August 25, 1914. In "mixed trains" the railway post office car shall be operated in the rear-end consist, followed only by a passenger coach or caboose. Full-length metal draft gear shall be applied to these cars when deemed necessary.

(vi) One or more cars shall be operated between the locomotive and the railway post office car when practicable.

(3) *Inspection by departmental representatives.* (i) New, rebuilt and repaired railway post office cars shall be inspected by representatives of the Department in accordance with instructions issued by the Director, Division of Railway Transportation.

(ii) Railroad and car-building companies shall advise the Director, Division of Railway Transportation, concerning proposed new construction or rebuilding of railway post office cars and the dates when such cars will be ready for inspection.

(iii) Railroad companies shall notify the proper Regional Transportation Manager when cars are received at any of their shops for repairs, so that a representative from the Regional Transportation Manager's office may inspect such cars and call attention of needed repairs and improvements. Notice shall also be given as to the date cars are to be "outshopped", so that an inspection may be made by the Regional Transportation Manager's representative if considered necessary.

(iv) Railroad companies shall not "outshop" or return to service any full or apartment railway post office car unless requested changes, improvements and repairs have been made in a manner that is acceptable to the Postal service.

(b) *Maintenance*—(1) *Water and sanitation.* (i) Drinking water containers installed in full and apartment railway post office cars shall be of a type which conforms to the standard fixtures specification and has been approved by the Director, Division of Railway Transportation and the United States Public Health Service.

(ii) Drinking water shall be furnished in accordance with the requirements and standards of the United States Public Health Service.

(iii) Fresh water and ice shall be supplied at all times in railway post office cars being used for the distribution of mail.

(iv) Flushing hoppers shall be installed in new and rebuilt full and apartment railway post office cars in accordance with the standard fixtures specification. Flushing hoppers shall be installed in old cars in a manner considered satisfactory by the Director, Division of Railway Transportation.

(v) Toilet paper shall be provided in all cars.

(vi) The water coolers, hoppers and fixtures in railway post office cars shall be thoroughly cleaned after each trip and en route, as often as may be necessary, when in continuous service for more than 24 hours.

(2) *Lighting and heating.* (i) All cars and parts of cars used in mail service shall be equipped with light fixtures, and adequately lighted in accordance with the standard specification, including auxiliary lights for use when there is a primary lighting system failure.

(ii) Railway post office cars or apartments shall be lighted by electricity as the primary system when any of the passenger, baggage, or express cars regularly operated in a train are lighted by electricity.

(iii) When the primary lighting system fails to provide sufficient illumination to complete distribution for a period of more than 30 minutes, it shall be regarded as a total light failure. When insufficient light retards or renders distribution difficult for a period of 30 minutes or less, it shall be regarded as a partial light failure.

(iv) A storage battery of the required capacity shall be provided on each electrically lighted full or apartment railway post office car whether the car is equipped with an axle-generator or supplied from a head-end system.

(v) Electric fans shall be installed in all electrically lighted full and apartment railway post office cars.

(vi) Heating shall be provided in all full and apartment railway post office cars in accordance with the standard construction specification.

(vii) Guards shall be constructed and installed over heat pipes and radiators as required by the specification, in order to prevent damage to the mail.

(viii) Stoves shall not be installed in full and apartment railway post office cars without the approval of the Director, Division of Railway Transportation. Stoves which are not of a safety type approved by the Department, shall not be accepted as auxiliary heating systems. Such stoves shall be equipped with safety features which include automatic door fastener for the stove doors (double doors preferred), baffle plate to prevent fire or live coals from escaping through the smoke-flue opening, and metal casing to prevent overheating objects which may closely surround the stove.

(3) *Legend to be placed on all RPO cars.* (i) Full and apartment railway post office cars shall be lettered on the outside in accordance with the specification for railway post office cars. Cars, or parts of cars, bearing the legend "United States Mail," or "U. S. Mail," shall be reserved exclusively for carrying the mail and shall not be used for other classes of traffic.

(ii) Two properly framed "No admission" notices shall be placed in each full railway post office car, and one notice in each apartment post office car. These notices shall be located where they may be readily observed on entering the cars at the side doors.

§ 92.8 *Services provided by railroads*—(a) *Railroad employees*—(1) *To load and unload mail.* A railroad must furnish the necessary employees to handle mail, to load and pile mail into and unload mail from storage and baggage cars except as provided in § 92.9 (c) (3) and (d), and to load mail into and receive mail from doorways of RPO cars. Mail intended for delivery to a postal transportation clerk must not be placed in an RPO car unless a postal transportation clerk or an authorized postal representative is on duty.

(2) *As agents of railroads.* Persons employed to handle mail where a railroad is required to receive and deliver mail from post offices or postal stations or to transfer mail to connecting railroads must be regarded as agents of the railroad and not employees of the Postal Service. They need not be sworn but must be of suitable character and intelligence and more than 16 years of age. Postmasters must promptly report any violation of this requirement to the Department.

(3) *Restriction on railroad employees.* Train crews must not be permitted to ride in RPO cars while in use, even though an oversize car is furnished.

(b) *Special trains*—(1) *Designation of trains for local service.* A railroad carrying mail must designate one scheduled train in each direction in every 24-hour period to stop for the dispatch and receipt of mail at any station or point serving a post office, unless relieved of this requirement by the Department. The stop may be regularly scheduled or made on appropriate signal by a postmaster or mail messenger or on notice to the conductor by a postal transportation clerk or baggageman. A railroad may be permitted, under conditions approved by the Department, to transport mail by motor vehicle instead of local rail service.

(2) *For those detoured.* (i) When, for any reason, a mail-carrying train is operated between usual termini over a line other than that on which it is regularly operated, payment will be made on the basis of the regular mileage if it is the shorter. If the mileage via the detour is shorter, payment will be made on the basis of the actual mileage traveled.

(ii) When a detour occurs and a special train is operated over part of the regularly authorized run, a railroad will be required to carry in the special train any mail that can be advanced in delivery without additional compensation, if the volume of mail in both trains does not exceed that which could have been accommodated in the regularly authorized space.

(c) *Transfer office facilities.* Railroads shall furnish suitable office space for transfer clerks to perform their duties at points designated by the Department. Such offices must be kept in order by the railroad, lighted, heated, furnished, supplied with ice water, and provided with toilet facilities where such facilities are not otherwise easily accessible.

(d) *Timetables and distance circulars*—(1) *Timetables.* Railroads must forward timetables, not less than 72 hours before taking effect, to the regional and district transportation managers of the Post Office Department having supervision over service on their lines. They must also notify these officials by telegraph if it becomes necessary to annul, curtail, or suspend

service temporarily. Where a representative of the railroad is on duty, he must notify the postmaster as soon as possible after receipt of notice of any change in the schedule of a mail train.

(2) *Distance circulars.* (i) A railroad shall keep the Post Office Department informed at all times of correct mileage distances between all stations, junctions, or points where mail is put on and off trains. The Department shall be notified immediately of any change in trackage or other facility resulting in changes in mileage distances between such points. Such notification shall be made by submission to the Department, in quadruplicate, of a railroad distance circular, Form No. 2504–B, covering that segment of the route affected. The report shall state the correct distances and furnish the effective date of any change. Claims for pay covering the month following that in which changes in mileage distances occurred shall properly reflect the revised mileage distances, retroactive to the date of change.

(ii) In addition to the notification prescribed above a railroad on or before January 1 of each year shall submit to the Department, in quadruplicate, a certificate prepared by the Chief Engineer stating that the mileage distances previously submitted to the Department, including any corrections filed during the previous calendar year, are correct in every respect.

(iii) For purposes of reporting mileage distances to the Department, a railroad shall measure the mileage between stations, junctions, or points where mail is put on and off trains to the nearest hundredth of a mile. The measurement shall be in such a manner that the aggregate of the distances between the individual stations, junctions, or other points where mail is put on or off trains shall not exceed the distance between the origin and destination of the train on which mail is authorized.

(e) *Letter boxes.* Where the public convenience is better served, the Department may authorize a railroad to place letter boxes in its stations for the receipt of first-class mail other than that for local delivery.

(f) *Protection of mail by railroads—*(1) *Facilities for protection.* A railroad is required to furnish all necessary facilities for the proper protection and handling of mail in its custody.

(2) *Handling mail on platforms.* Mail must not be stored on trucks and allowed to stand on platforms at local stations or transfer points unprotected from depredation. When it is necessary to place close-connection mail on trucks to be left standing on platforms, the mail must be in full view of employees of the railroad at all times. The portion of a platform used for loading, unloading, and transfer of mail must be well lighted. Mail being trucked through subways and tunnels must be carefully guarded.

(3) *Holding mail in storage rooms.* Rooms in which mail is stored must be locked except when a railroad employee is on duty. A strong light must be provided above the door, and unauthorized employees or unknown persons shall not be allowed in the vicinity. When necessary at small stations to provide proper protection, mail must be stored in a locked room or in a room where railroad employees are present.

(4) *Exposing mail to weather.* Mail must not be left exposed to weather. Tarpaulins may not be used for protection from weather except in unusual cases or to cover close connection mail being held on station platform trucks.

(5) *While exchanging nonstop station mail.* A railroad employee or other authorized person shall be assigned to guard mail being exchanged at nonstop stations. At nonstop points where a railroad station representative is scheduled to be on duty at the time mail is received or dispatched, he must observe the exchange of mail and, if the pouch is not caught, must retrieve it for proper disposition.

(6) *No smoking in storage cars.* Railroad employees must not smoke or carry lighted cigars, cigarettes, or pipes in storage cars. District transportation managers will take appropriate action with railroad officials in all cases where violations are reported in order to enforce this regulation.

(7) *Reports of failure to comply.* Postal employees must report to the district transportation manager any failures on the part of a railroad to comply with the instructions in this paragraph.

(g) *Withdrawal of car at intermediate point.* (1) Where a RPO car is withdrawn at an intermediate point of its run because of an emergency and mail and clerks are transferred to other cars in the train, payment of the full rate will be allowed to the point of withdrawal. Additional pay will not be allowed for later deadhead operation over the remainder of the run.

(2) From the point of withdrawal to destination, payment will be allowed for the car used:

(i) At a prorate of the RPO car rate based upon the amount of space occupied as compared with the amount superseded when accompanied by PTS clerks.

(ii) At lesser storage unit rates based on the volume of mail carried when in the care of railroad representatives.

(3) A railroad will not be required to cut out an apartment car at an intermediate point on the authorized run of the car to substitute another car used for advance distribution.

(h) *Irregularities.* (1) The Post Office Department may fine a railroad an amount not in excess of the compensation due for the service authorized for failure to furnish an RPO car with sanitary drinking water, adequate toilet facilities, or adequate heat and light; or failure to regularly and thoroughly clean the car, provided the railroad has been given the opportunity to correct the conditions.

(2) The Department may impose fines on railroads for other delinquencies, including:

(i) Allowing the mail, or any part of it, to become wet, lost, injured, or destroyed, or conveying or keeping the mail in a place or manner that exposes it to depredation, loss, or injury.

(ii) Refusing, after demand, to transport mail by any car, boat, or other conveyance which the railroad operates or is concerned in operating on a mail route.

(iii) Leaving or putting aside the mail, or any part of it, for the accommodation of passengers, baggage, express, or other matter.

(iv) Habitual failure to observe schedules.

(v) Leaving mail which arrives at a station within a reasonable time before the departure of the train for which it is intended.

(vi) Failure to use the first practicable means of forwarding delayed mail.

(vii) Failure to sound proper signal when approaching a mail crane.

(viii) Failure to furnish proper accommodations for the handling, storage, and, if necessary, the distribution of mail in a railroad station.

(ix) Failure to place an RPO car in a station at the time specified by the Department for the advance distribution of mail.

(x) Permitting storage cars to accumulate at any point for operation in mail, or mail express, sections when suitable trains are available for dispatch to destinations.

(xi) Failure to operate regularly authorized storage cars in designated trains.

(xii) Failure to unload a storage car at the point of destination within the time specified by the Department when the mail is actually delayed.

(3) The fine in each case shall be such sum as the Postmaster General may impose, in view of the gravity of the delinquency, and shall be deducted from the railroad's pay for service on the route on which the delinquency occurred.

§ 92.9 *Handling of mail—*(a) *Receipt—*(1) *Advance deliveries to trains.* Where a railroad is responsible for the transfer of mail from a postal unit to a train, the railroad must make advance delivery to a train when the Department requires such delivery earlier than the regular closing time of the mail.

(2) *Holding trains for loading.* (i) A train shall not depart from a station and leave mail which is:

(*a*) Being loaded.

(*b*) Being trucked from vehicles or some part of the station to the train.

(*c*) Aboard a connecting train that has come to a stop.

(ii) When holding an important train for mail from a delayed connection would cause serious delay and subsequent train service is available within a reasonable period of time, the Department may authorize a time limit beyond which the important train may not be held except to load first-class mail and daily newspapers, and to load foreign mail if necessary to assure steamer connection, as follows:

(*a*) A railroad must request such authorization, if desired, from the regional transportation manager having jurisdiction of the train involved, specifying reasons and a time limit beyond which it is impracticable to hold the train.

(*b*) Where requests are approved by the regional transportation manager, any delayed mail involved must be carried without compensation on a later train to the extent of the unused space authorized on the first train. Additional pay is allowed only when the mail carried exceeds the volume which could have been accommodated in the regularly authorized space.

(iii) A mail train must not be held beyond its scheduled departure for mail originating in local postal units or offices of publication. The Postal Transportation Service must fix and enforce an ample time limit in which mail must be delivered to a railroad for dispatch.

(iv) At joint stations where mail is due for transfer from the train of one railroad to that of another, unloaded mail must be held to be in the custody of the outbound railroad which is responsible for the transfer.

(v) When it is necessary to transfer passengers, baggage, or express from one train to another, all mail must also be transferred unless the transfer is a regular connection coming within the provisions of subdivision (ii) of this subparagraph.

(3) *Withholding mail from train.* Regional transportation managers may withhold from dispatch catalog, circular, parcel post, and ordinary paper mail, in the order named, if necessary and advisable to prevent delay to important trains or to effect economies in transportation. Such mail must be forwarded in regular or excess space in other trains.

(4) *Loading by other than railroad employees.* Loading as used in this subparagraph, is defined as loading, separating and piling in the car.

(i) At plants:

(*a*) Destination and destination relay cars. The terminal charge (loading) will not apply to destination and destination-relay cars when loaded by plant employees.

(*b*) Working storage cars and lesser storage units. When mail is loaded by plant employees, the terminal charge will not apply for loading. The proper unloading charge shall be credited to the originating railroad on mail loaded in working storage cars and lesser storage units. The originating railroad shall make proper interline settlement for these charges.

(ii) Loading by star route and mail messenger contractors:

(*a*) When all mail at a point is loaded by a contractor, terminal charges shall be credited in the same manner as for plant loaded storage cars and lesser storage units.

(*b*) When only a portion of the mail is loaded by a contractor and the remainder by railroad employees, the terminal charge will apply to all mail loaded.

(5) *Loading storage cars.* (i) Storage cars shall be loaded solidly at initial point of the run as far as practicable, observing all safety regulations and leaving only such doorways or aisles as are needed en route to handle mail.

(ii) Where for any reason a railroad fails to load a storage car to its space capacity, and mail is available for loading, pro rata pay will be allowed on the basis of the space capacity load. However, where the weight of the mail is exceptionally heavy and a car satisfactory to the Department is furnished, full payment may be allowed for less than space capacity load.

(iii) Where a storage space unit is carried in an oversize RPO car, the mail shall be handled within the car by postal transportation employees.

(6) *Pouch list changes.* Regional or District Transportation Managers of the Post Office Department shall promptly notify the proper official of a railroad of any changes in the list of pouches to be handled by the railroad.

(b) *Nonstop station service.* (1) Railroads are required to construct, light, and maintain mail cranes and other adequate facilities for the exchange of mail at points or stations on the run where the train does not stop and exchange of mail is necessary. Until such facilities are erected, the train's speed must be reduced to permit safe exchange.

(2) When mail is caught or delivered at night, a railroad must furnish the lantern or light to be attached to the crane and keep it in proper condition, regularly placed, and lighted.

(3) The engineer of an RPO train shall give timely notice, by whistle or other signal, of its approach to the nonstop point where mail is delivered or taken from a crane, or both.

(4) Where the Department deems it necessary to the safe exchange of the mail, the railroad is required to reduce the speed or stop the train.

(c) *Transfers—*(1) *At connecting points.* (i) Unless relieved of the requirement by the Department, a railroad carrying mail on its train for a connecting train is required to deliver the connection mail to a departing train of another railroad where the railroad stations are directly contiguous when:

(*a*) Both railroads employ representatives.

(*b*) Passengers or baggage are transferred.

(ii) When the train connection is not immediate, the mail may be delivered to the representative of the railroad operating the departing train.

(iii) A railroad is responsible for separating mail when the mail:

(*a*) Received a previous rail haul and is due for dispatch to a star, mail messenger, or highway post office route at a connecting point.

(*b*) Is received from a star, mail messenger, or highway post office route at a connecting point and is due to receive a subsequent rail haul.

(iv) A railroad must provide necessary tailboard space for exchange of mail with star, mail messenger, or highway post office routes or make delivery at a point accessible to the vehicles involved, unless other arrangements are made between the Department and the railroad.

(v) Railroads must transfer mail between connecting trains of steam railroads and cars of electric railroads when:

(*a*) The steam railroad employs a representative.

(*b*) The steam railroad station is directly contiguous to the electric car tracks.

(c) Connection is immediate.

(2) *At night.* (i) Where mail is due receipt or dispatch at night and a railroad employee is on duty, the railroads must retain custody and safeguard the mail until:

(*a*) Dispatch can be made to the proper train.

(*b*) Delivery can be made to a highway post office clerk, mail messenger, star route, or other contractor.

(*c*) Delivery can be made to a post office when the building is directly contiguous to the railroad property.

The Department reserves the right to require such service of a railroad at times when the regular employee of the railroad is not on duty.

(ii) At railroad stations where no railroad employee is on duty, the railroad must, if deemed necessary by the Postal Transportation Service, provide for the exchange of mail by means of a safe room or suitable locked box at the station.

(iii) Where a railroad has no representative at a station, it must furnish the light which shall be cared for and hung by the Department's carrier.

(3) *Between cars on same train—*(i) *Mail transferred between storage and RPO cars.* When a storage car or baggage car containing mail is operated next to an RPO car and postal transportation clerks have access to such a car through end doors, they may handle the mail at intermediate points when considered advisable by the Department and the volume is small.

(ii) *Mail transferred from excess units to authorized distributing space.* At points where practicable, a railroad is required to transfer all or a part of the excess mail from a baggage car to available space in an authorized distributing unit upon the issuance of Form 5050, Request to Transfer Excess-Storage Mail. However, the railroad may elect to carry such mail through to destination with the understanding that the space occupied in the baggage car will be offset by that available in the distributing unit. The request form must show the number of pieces and the point at which they are to be transferred, and must be delivered to the designated railroad representative immediately upon arrival at the station where the transfer is ordered. Postal transportation clerks are not required to accept the transfer of such mail through end doors while the train is in motion. They may do so during the station stop if the storage end of the RPO car is next to the baggage car.

(4) *Combining mail where train is overtaken.* When one mail-carrying train is overtaken by another and mail is combined and forwarded from that point in a single train, payment will not be allowed for the non-mail-carrying train beyond the merger point.

(5) *In emergencies—*(i) *Wreck or washout.* If it becomes necessary to transfer at the place of a wreck or washout, officials and employees of a railroad must see that:

(a) The mail and any postal transportation clerks are promptly transferred.

(b) Every possible convenience is furnished the clerks for working the mail.

(ii) *Other operating conditions.* Whenever operating conditions require that a car with mail be set out, the railroad must arrange to transfer all mail in the car to any available space in the train except:

(a) Where an important passenger train is involved and the transfer of all mail would result in serious delay, such transfer may be limited to first-class, airmail, registered mail, daily newspapers, special delivery and special handling. Other classes will be transferred if time permits.

(b) Mail may be held for a following train if it makes substantially the same connections and delivery as the first train.

Where an RPO car is set out, postal transportation clerks must give all possible assistance in transferring mail.

(d) *Exchange of mail with other carriers.* Railroad agents and other carriers must exchange mail as follows:

(1) If a mail messenger is employed by the Department, a railroad may be relieved of the requirement of receiving or dispatching mail at cars, or from placing it on a crane, when:

(i) A railroad representative is on duty and the volume of mail is small enough so the mail messenger can readily carry it by hand on one trip.

(ii) A railroad representative is not on duty and the railroad makes sufficient trucks available to the mail messenger.

(2) The Department reserves the right to require the performance of such service by railroad representatives at any time during the 24-hour period.

(3) A mail messenger shall call for incoming mail and deliver it to the post office as soon as practicable. If the train's arrival is at night and the post office is closed, the mail may be handled as provided in paragraph (c) (2) of this section.

(4) A mail messenger will wait for a train's arrival when a representative of the railroad is not on duty. At the end of 2 hours, he may return the outgoing mail to the post office for inclusion in the next regular dispatch.

(5) A mail messenger need not wait for a delayed train when:

(i) Other mail would be delayed.

(ii) The railroad representative cannot give advance information as to time of arrival of the train.

(iii) The train is reported as more than 2 hours late.

In such cases the mail messenger may deliver the mail to the railroad's representative. The railroad is responsible for the safe dispatch of outgoing mail to the proper train and the safe delivery of incoming mail to the messenger or other authorized representative of the Department.

(6) Where mail cars are not accessible to vehicles of mail messengers or other carriers, a railroad shall receive and deliver mail at points accessible to such vehicles, except as provided in paragraph (d) (1) of this section.

(e) *Side, terminal, and transfer service.* Requirements for side, terminal, and transfer service are as follows:

(1) Every railroad must, where it has an agent, take mail from and deliver it to all postal units located 80 rods or less from the station, when so required by the Department.

(2) The Department will provide for the transportation of mail to and from postal units located:

(i) More than 80 rods from the nearest railroad station or terminal.

(ii) 80 rods or less from the nearest railroad station or terminal where a representative of the railroad is not on duty.

(3) The Department may relieve a railroad of the performance of service required at any postal unit, and provide for such service, whenever it deems advisable.

(4) In all cases the distance between the railroad station or terminal and postal unit must be measured by the shortest route open to public travel, avoiding angles, from the nearest door of the baggage room to the nearest door of the postal unit involved. Where there is no baggage room or station, the measurement must be made from the middle of the station platform. The route need not be a regularly used public way, and, if over private property, no prohibition against the Government shall hold that has not also been made and enforced against the public.

(5) A railroad shall give 30 days' notice to the Department of the discontinuance of any agency handling mail or the removal of a station beyond the 80-rod limit. A railroad must not be relieved of the duty of handling mail unless this advance notice is given.

(f) *Terminal piece charges in RPO cars.* (1) The per piece charge will not apply to mail loaded into a RPO car while postal transportation clerks are on duty.

(2) The per piece charge will apply to one-half the number of pieces loaded into a RPO car while postal transportation clerks are not on duty when:

(i) Loaded by railroad employees at points prior to origin of clerks' run; or

(ii) Unloaded by railroad employees at points beyond end of clerks' run.

(g) *No terminal charges for additional handling.* Terminal charges will not be allowed for the additional handling of mail when:

(1) A railroad orders a car out of service after mail has been loaded for onward dispatch to destination; or

(2) The receiving railroad at an interchange point refuses to operate a car because of size, type or bad order and transfer of the mail to another car is required.

PART 93—TRANSPORTATION OF MAIL BY URBAN AND INTERURBAN ELECTRIC RAILWAY COMMON CARRIERS

Sec.

93.1 Service authorized only by Department.
93.2 Railroad employees handling mail regarded as agents of carrier.
93.3 Compensation for transportation of mail covers transportation of postal employees and agents.
93.4 Construction, equipment, and maintenance of RPO cars.
93.5 Use of and admission to RPO cars and RPO apartments.
93.6 Regularly authorized RPO service.
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93.15 Evidence of performance to be submitted by transportation companies.
93.16 Deductions and fines.

AUTHORITY: §§ 93.1 to 93.16 issued under R. S. 161, 396, secs. 1, 5, 39 Stat. 419, 425–431, sec. 1, 40 Stat. 748, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 523–541, 542–568, 570.

§ 93.1 *Service authorized only by Department.* Mail transportation service on an electric railroad shall be established only by direct order of the Post Office Department. No increase, decrease, or change in the service ordered shall be made without first securing authority therefor from the Assistant Postmaster General, Bureau of Transportation.

§ 93.2 *Railroad employees handling mail regarded as agents of carrier.* Any person employed by an electric railroad and designated to handle the mail shall be considered an agent of the carrier. Such employees need not be sworn as Postal Transportation Service employees.

§ 93.3 *Compensation for transportation of mail covers transportation of postal employees and agents.* The compensation for the transportation of mail by an electric railroad shall include the transportation of Postal Transportation Service employees who accompany and distribute the mail and postal inspectors and other duly accredited agents of the Department who are performing their duties. Such transportation shall be in cars carrying the mail or on trips designated by the Post Office Department.

§ 93.4 *Construction, equipment, and maintenance of RPO cars.* All railway post office cars or apartments used for the transportation of mail on an electric railroad route shall conform to the requirements stipulated by the Assistant Postmaster General, Bureau of Transportation. All such cars shall be constructed, painted, lettered, equipped, furnished, heated, lighted, and maintained by the companies performing the service, without expense to the Post Office Department.

§ 93.5 *Use of and admission to RPO cars and RPO apartments.* No part of the space authorized in a railway post office car or apartment shall be used for other than mail purposes. Only authorized clerks, carriers, messengers, postal inspectors, and officers and agents of the Post Office Department shall be admitted to such cars and apartments. These persons shall be admitted only upon exhibition of their credentials.

§ 93.6 *Regularly authorized RPO service.* Space in railway post office cars and railway post office apartments will be authorized in both directions of the authorized car run. In railway post office cars the space to be authorized will be the actual linear-foot inside measurement needed to accommodate the mail.

§ 93.7 *Closed pouch service authorized monthly.* (a) The units of space to be authorized for closed pouch service shall be determined on the basis of count of pouches, sacks, and parcels.

(b) Whenever a regular authorization of closed pouch service is exceeded on more than 50 percent of the trips on any day of the week in any calendar month, the appropriate higher unit which was needed on more than 50 percent of trips on such day of the week shall be authorized on that day of the week. A regular authorization shall be reduced to the appropriate smaller unit on any day of the week on which a smaller unit would have accommodated the mail on more than 50 percent of the trips on such day of the week in any calendar month. This rule will not apply to the month of December. Changes in authorizations based upon the operation of this rule in any month (except December) shall become effective on the first day of the succeeding month.

(c) Effective January 1, 1943, 14 pieces of mail (pouches, sacks, outside pieces, or a combination of these classes) will be considered as equivalent to 30 cubic feet of space in authorizing service. This determination is based on the result of the test during the period October 12–18, 1952.

(d) Where not more than 10 pouches, sacks, and parcels are regularly carried on a car constructed and operated primarily for passenger service with no separate compartment for mail, baggage, or express, one "ten-bag" unit will be authorized. Where more than 10 and not more than 28 pieces are regularly carried, a 60-cubic-foot unit will be authorized. Where more than 28 pieces are regularly carried, the appropriate cubic-foot unit (in multiples of 30 cubic feet, based on 30 cubic feet for each 14 pieces of mail or fraction of that number) will be authorized. The space unit required to accommodate the mails at any point on a mail route will be the space authorized for the "authorized car run" in this class of service. For example: Where a 60-cubic-foot unit is necessary over part of the route, and a "10-bag" unit is sufficient over the remainder of the route on the same trip, the authorization will be issued for a 60-cubic-foot unit over the authorized car run of a given trip.

(e) In baggage or express cars or in baggage and express compartments in passenger cars, units of service may be increased or decreased at any point on the car run according to the requirements of the service. For example: A 60-cubic-foot unit (or other large unit) may be authorized over part of the car run, and a smaller unit over another part of the same run.

(f) Closed pouch space in passenger cars, in baggage and express cars, and in baggage and express compartments in passenger cars, will be authorized only between the points the mail is actually carried in either direction of the car run. Such authorization will be considered as the mileage of the "authorized car run."

(g) Space in independent cars will be authorized in both directions and paid for accordingly, unless the car or any part thereof is used by the electric railroad in the return movement. In independent car service, linear-foot space will be authorized in cars 36 feet or less in length to the extent of the full length of the car (inside measurement less any obstructions). In cars more than 36 feet in length, space will be authorized to the extent of 36 linear feet or such additional linear feet of space in the car as may be necessary to accommodate the mail.

§ 93.8 *Excess service.* (a) When greater amounts of mail are carried than are provided for in the regular authorizations, transportation of the excess mail will be paid for as excess service. Upon approval of the Regional Transportation Manager, the District Transportation Manager may authorize a postmaster to employ excess service on additional trips and in independent cars. Additional service needed on an electric railroad during the Christmas holiday period each year should be employed as excess service.

(b) When a closed pouch unit is regularly authorized, the electric railroad's claim for excess mail should be based on 30 cubic feet of space (or multiple thereof) at the prevailing rate for additional mail.

(c) Where an independent car or railway post office service is regularly authorized, the excess service should be requested for a separate unit of closed pouch service. If service becomes necessary on additional trips or in additional independent cars, the postmaster or other Department representative should make requisition on the electric railroad before the service is to be performed. Railroad employees shall accept all mail offered on trips on which regular service is authorized. The railroad shall be entitled to compensation for carrying any excess mail, without further authorization.

(d) Electric railroads are not permitted to carry mail on trips on which space is not regularly authorized, unless requested to do so by a postmaster or by an authorized official of the Post Office Department.

§ 93.9 *Side, terminal, and transfer service*—(a) *When performed by an electric railroad over whose line the transportation of mail is authorized.* The railroad shall accept the mail from and deliver it into each post office, mail station, or other point of exchange, when required to do so by the Post Office Department. The railroad will receive separate compensation for such service unless it is performed directly contiguous to the line.

(b) *When performed by the Department.* At any point where service is not required to be performed by the electric railroad, the postmaster (if of the fourth class) may be required to transfer mail over slight distances between the cars and the post office without expense to the Department. Where the post office or mail station is located a considerable distance from the point of exchange with the cars, the Department will make provision for the carriage of the mail. Where the train service and agency conditions are similar to those found in the railroad service, the applicable provisions of § 92.9 (c) (1) and (e) of this chapter relative to the exchange of mail shall be observed.

§ 93.10 *Responsibility for safety of the mail.* (a) An electric railroad authorized to perform mail transportation service shall be held responsible for the safety and security of the mail while in the custody of its employees. Where service and conditions are similar to those found in the railroad service, the applicable provisions of § 92.8 (f) of this chapter, relating to responsibility for protection of mail, shall be observed.

(b) In the transportation of mail, the Department is not restricted to the use of the vestibule platform of passenger cars. The mail should be carried in any available space where it can be safeguarded.

§ 93.11 *Designation of stopping points for safe exchange of mail.* Where necessary to effect the safe exchange of mail, an electric railroad shall be required to stop its cars at the points designated by the Post Office Department.

§ 93.12 *Use of signs "U. S. Mail" or "United States Mail."* Such signs shall be displayed on cars actually carrying the mail. The signs shall be painted on cars used exclusively for transportation of mail. Removable signs shall be displayed on cars only when mail is actually being transported therein.

§ 93.13 *Power for canceling machines in cars.* The electric railroad furnishing the railway post office cars or apartments shall provide power to operate any canceling machines used therein. The power shall be provided without additional expense to the Post Office Department.

§ 93.14 *Failure of service.* In the event of an electric railroad's failure to provide for the transportation of mail in accordance with the Department's requirements, temporary mail service by some other mode of conveyance shall be authorized by the Assistant Postmaster General, Bureau of Transportation.

§ 93.15 *Evidence of performance to be submitted by transportation companies.* An electric railroad shall submit monthly evidence of the performance of service. This evidence shall be submitted through the Postal Transportation Service on the form prescribed by the Post Office Department.

§ 93.16 *Deductions and fines.* The provisions of § 92.8 (h) of this chapter, pertaining to deductions and fines which may be imposed on railroads for service failures and delinquencies, shall also apply to electric railroads.

PART 96—AIR CARRIERS

Sec.
96.1 Carriers' responsibilities.
96.2 Flight operations.
96.3 Handling of mail.
96.4 Reports.
96.5 Submission of claims.
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96.8 Applicability of part.

AUTHORITY: §§ 96.1 to 96.8 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 405, 52 Stat. 994, as amended; 5 U. S. C. 22, 369, 49 U. S. C. 485.

§ 96.1 *Carriers' responsibilities*—(a) *For mail priority.* From each point served, the normal mail load for each trip must be given priority of transportation over all other traffic on each trip designated for the transportation of mail. The normal mail load for each trip is determined for each day of the week on the basis of the mail dispatched to such trip on the same day of the week for the 5 previous weeks (excluding mail dispatched under unusual conditions). If additional fuel is necessary for a particular trip, the carrier must allow for its weight when booking other traffic for that trip. No part of the normal mail load must be displaced by such additional fuel. Mail in excess of normal must be given priority over all other traffic except revenue passengers with space confirmed prior to knowledge that additional mail would be available. Mail aboard a plane must not be reduced below normal to accommodate local boarding passengers. Carriers in the Alaskan Service must provide adequate weight space on all flights to accommodate the normal or expected volume of mail. In loading, unloading, transferring mail to connecting planes, and delivering mail to the designated postal representative, mail must be given preference over all other cargo (including baggage).

(b) *For protecting mail.* Carriers are held strictly responsible and accountable for mail in their custody. Mail must not be left exposed on trucks or otherwise subjected to depredation or weather. Every precaution must be taken to protect the mail from fire. Mail handlers must be identified by a distinguishing cap, badge, or clothing.

(c) *For cooperating with postal inspectors.* Postal inspectors are special representatives of the Postmaster General. All employees of air carriers engaged in the transportation of mail are required to cooperate with and assist inspectors in the performance of their duties which may include the opening of pouches and sacks and the examination of mail therein.

(d) *For providing quarters*—(1) *At air stops.* Carriers must furnish adequate and suitable quarters at air stops where necessary for the receipt, dispatch, distribution, and transfer of mail, unless and until otherwise provided by the Post Office Department.

(2) *Location of quarters.* Quarters must be located so as to provide expeditious handling of mail to and from planes. They must also be conveniently accessible to all mail-carrying vehicles.

(3) *Requests for changes in quarters.* Requests by air carriers or by officials of the Postal Service for changes in existing quarters or for the establishment of new quarters must be made through the Regional Transportation Manager, Post Office Department, in the area concerned. Plans and specifications are subject to the approval of the Assistant Postmaster General, Bureau of Transportation.

(e) *For preparing schedules.* Schedules must be prepared north to south and east to west, with flights arranged in chronological order left to right. A brief explanatory letter or cover sheet must accompany proposed new schedules. Copies of changes to existing schedules must be filed with the Post Office Department not less than 10 days prior to the effective date. Three copies must be filed with the Assistant Postmaster General, Bureau of Transportation, Post Office Department, Washington 25, D. C. Three copies must be filed with the Assistant Controller, Bureau of Finance, Post Office Department, Washington 25, D. C. One copy must be filed with the Regional Transportation Manager, Post Office Department, in each region concerned. The date of filing will be the date of receipt in the office of the Assistant Postmaster General, Bureau of Transportation, Washington, D. C. A copy of the schedule of all Alaskan routes must also be furnished the District Transportation Manager, Post Office Department, Anchorage, Alaska. The Assistant Postmaster General, Bureau of Transportation, will determine which trips are to be designated for the transportation of mail, and notify the carrier accordingly.

(f) *For answering correspondence.* Air carriers must answer promptly all correspondence from officials of the Post Office Department. Correspondence concerning the operations of the airmail service (except that which is initiated by and directed to the Department at Washington, D. C., and postal inspectors) must be channeled through the Regional Transportation Manager, Post Office Department, having jurisdiction of the region or route involved. Correspondence concerning the operation of the Alaskan airmail service must be channeled through the District Transportation Manager, Post Office Department, Anchorage.

§ 96.2 *Flight operations*—(a) *Notification of plane movement.* Carriers must operate designated trips as nearly as practicable at times shown in filed schedules. In the event of irregular operation, as much advance notice as possible must be given to the airmail field or post office at the initial terminal. When a plane is operating 30 minutes or more late, dispatching offices en route should be notified as to the approximate arrival and departure.

(b) *Originating sections, resumed flights, and delayed operations.* Delayed scheduled trips may operate with available mail from the initial terminal or intermediate points. When a scheduled trip has been canceled at the initial terminal or at some intermediate point, a section may be originated at any intermediate point on the route.

(c) *Omissions of service.* If a scheduled stop will not be made by a trip, the carrier must immediately notify the local postal representative. If service is to be suspended for one week or more, the carrier must immediately notify the Assistant Postmaster General, Bureau of Transportation, Washington 25, D. C., also the Regional Transportation Manager, Post Office Department, in the regions concerned, and the postal units concerned. The same offices must be notified when service is to be resumed.

(d) *Emergency trips and extra sections.* Emergency trips and extra sections operated by the carrier may be used for the transportation of mail. It may be placed on the plane at an unscheduled stop when offered for dispatch by the local postal representative, except that mail will not be accepted if the carrier is not authorized to serve that city. In Alaska, carriers must obtain postal authority for the transportation of mail on emergency trips and extra sections.

§ 96.3 *Handling of mail*—(a) *Delivery to carriers*—(1) *Authorized location.* Mail for outgoing trips must be delivered to the carrier at the time and place authorized by the Regional Transportation Manager in the region concerned.

(2) *Dispatch lists required.* (i) The postal unit delivering mail to carriers for transportation must prepare POD Form 2729, Airmail Dispatch Record, showing weights of mail for each destination and listing mail for off-line points to indicate the point of transfer.

(ii) On receipt of the mail from the local postal unit, the carrier must check the entries and weights as shown on the pouch labels against such entries on the dispatch list.

(iii) If mail received at non-airmail fields from the mail messenger or motor vehicle service driver does not agree with that listed on POD Form 2729, the carrier must make corrections. If pouches are listed but not received, line through the individual listing, the destination subtotal, station total, and grand total. Insert the correct totals adjacent thereto. If mail is received but not listed, insert the weight of each pouch in the proper destination column and amend the totals as instructed above. In either event, note the facts prominently on POD Form 2729 in any blank space. Advise the messenger of any discrepancy.

(iv) In the Alaskan Service, POD Form 2713–A, Alaskan Airmail Dispatch Record, is used in lieu of POD Form 2729. At non-post office points on Alaskan routes where it has not been possible to arrange for the preparation of POD Form 2713–A, Alaskan Airmail Dispatch Record, the carrier's on-and-off record on POD Form 2702 is acceptable as evidence of service performed to these points.

(v) Carriers must obtain a receipt on POD Form 2753, Receipt to Airline, for all mail delivered to an airmail field. Where no airmail field is located, the receipt must be prepared by the carrier for signature of either the mail messenger or motor vehicle service driver.

(b) *Direct transfer between planes.* At stop points where mail is due to be transferred between routes or trips of the same route, the carrier must make the transfer to trips of the same route in accordance with the routing outlined on the original dispatch forms and to trips of other routes in accordance with transfer forms prepared by the dispatching office. Air carriers must transport POD Forms 2733, Inter-Line Dispatch Record, from the point of dispatch to the point of transfer, delivering the forms to the receiving carrier with the mail. The receiving carrier must accept and receipt for all mail transferred from incoming planes regularly due to connect his route. If the mail does not agree with the forms, the delivering carrier must prepare POD Form 2734, Airmail Exception Record. Actual mail transferred must be listed by on-line destination. In any case of failure to connect the trip prescribed in the original routing, the carrier must contact the local postal unit for routing instructions.

(c) *Delivery to postal representative.* Upon arrival of the plane at the stop point, carrier representatives must immediately unload the mail and deliver it to the authorized postal representative at such point as may be designated. Maximum unloading time may be specified by the Regional Transportation Manager, Post Office Department, in the region concerned. Mail for outgoing trips must be delivered to the carrier at the time and place authorized by the Regional Transportation Manager, Post Office Department, in the region concerned.

(d) *Disposition of mail; canceled flights.* (1) When a trip is to be canceled at the initial terminal or any point en route, the carrier must promptly notify the local postal officials concerned.

(2) In event of cancellation, available regular scheduled trips of the mail messenger or motor vehicle service may be used to transport the mail to the post office or train. If neither service is available, the carrier must promptly arrange for necessary transportation to the post office or train, without expense to the Department. The mail will be disposed of in accordance with instructions from the local postal unit. If unable to obtain instructions the carrier will reroute the mail in accordance with the best available information. He will prepare forms necessary to accomplish any rerouting and the accounting necessary to adjust the claims in accordance with current procedures.

(3) Mail from canceled trips arriving by train to connect a resumed trip must be transported to the airport by the carrier whose service was canceled, unless otherwise instructed by the Postal Transportation Service.

(4) Mail from canceled trips must be reported on prescribed forms. Dispatch forms covering mail not enplaned must be voided if no mail is dispatched.

(e) *Refusals and removals of mail.* Refusals and removals of mail by a carrier (except as provided in § 96.1 (a)) may result in diversion of the mail to another carrier and in the imposition of fines.

§ 96.4 *Reports*—(a) *Refusal or removal report.* When an air carrier cannot accommodate all mail offered for a trip or mail already on board is removed, the carrier concerned must submit POD Form 2760, Refusal or Removal Report, in duplicate to the Regional Transportation Manager, Post Office Department, in whose area the refusal or removal occurs. The report must give the reason for the refusal or removal. It must contain detailed information on the mail refused, removed, and transported, also information relative to the number of passengers and other cargo aboard the plane on departure.

(b) *One-way trip report.* POD Form 2702, Report of One-Way Trip, is an operating form used by the Post Office Department in determining performance by the carrier. The form in duplicate (triplicate in Alaska) is required for each trip designated by the Post Office Department for the transportation of mail over helicopter airmail routes 84, 96, and 111, and over all routes operating within Alaska.

(1) The carrier must prepare the form, listing all stops made in proper station sequence.

(2) In the column headed "Remarks" the carrier must explain all failures, irregularities, and delays in handling the mail.

(3) Where transfers are made by carriers, mail and weights transferred must be entered by both the delivering and receiving carrier on their respective POD Form 2702's in the space immediately below that listing the station at which the transfer is made.

(4) POD Form 2729 must be used to correct entries of weight of on-and-off mail on POD Form 2702. The weight of mail placed on the plane (as listed on POD Form 2729) is the weight due off. When corrections on POD Form 2702 are necessary, the original figures should be lined out but not erased or obliterated. In Alaska POD Form 2713–A, Alaskan Airmail Dispatch Record, is used in lieu of POD Form 2729.

(5) When a flight is canceled at an intermediate or off-line point, POD Form 2702 must be completed with a brief explanation under "Remarks" as to the reason for cancellation and the disposition of the mail.

(6) The carrier must submit POD Form 2702 promptly to the designated Regional Transportation Manager, Post Office Department. In any event the form must be submitted within 14 days after the completion of a trip. The original and triplicate copy of POD Form 2702 for Alaskan routes must be forwarded to the District Transportation Manager, Post Office Department, Anchorage, Alaska, except that forms for routes operating from Seattle and for service performed in Southeastern Alaska must be forwarded to the Regional Transportation Manager, Post Office Department, Seattle, Washington.

(c) *Irregularly handled mail report.* POD Form 2734, Airmail Exception Record, properly completed and endorsed by the carrier, must be used to record any mail not handled by the carriers concerned in accordance with the routing as originally planned. An irregular handling is termed as an off-loading short of or beyond the scheduled destination and the mail is forwarded via another carrier or turned into the post office for redispatch, removals en route, refusals after mail is accepted by the carrier and transfers to a carrier other than as ordered in dispatch forms.

(d) *Accident report.* Carriers must make an immediate telegraph or telephone report of any accident resulting in possible damage to or loss of mail. The report must be made to the Regional Transportation Manager, Post Office Department, in the area concerned. Mail should not be disturbed, except to prevent further damage. It must be guarded until the arrival of a postal official.

§ 96.5 *Submission of claims*—(a) *Domestic*—(1) *Forms required.* All carriers operating within the continental United States and between the United States and terminal points in Canada must submit claims for the transportation of airmail on POD Form 2703, Carrier's Claim for Airmail Transportation. Separate claims must be prepared for each calendar month and include all airmail transported that month. Claims must be prepared from POD Form 2729, Airmail Dispatch Record, POD Form 2733, Interline Airmail Record, and POD Form 2734, Airmail Exception Record. POD Forms 2729 and 2733 are prepared by postal personnel. POD Form 2734 is prepared by either carrier or postal representative when an error in handling is discovered that affects airmail compensation. Carriers should requisition POD Forms 2734 from the Regional Transportation Manager of the region in which the headquarters or supply center of the carrier is located. POD Form 2703, Carriers' Claim for Airmail Transportation, shall be supported by either POD Form 2732, Monthly Summary of Airmail Carried, or by POD Form 2730, U. S. Airmail Billing Card—Domestic. Carriers must provide their own supply of POD Forms 2703, 2732, and 2730, printed in the specified style and size.

(2) *Claims prepared manually.* Separate POD Forms 2732 must be prepared for the normal transportation of mail on regular, and equalized and interchange flights, and for each origin within each type of flight. Prepare the forms in triplicate as follows:

(i) *For regular flights.* (*a*) Enter the route and trip number, the origin code, and the month and year of service in the appropriate boxes across the top of the form.

(*b*) Enter the final airmail stops on the billing carrier's system in the "Dest" boxes. Make these entries in ascending order of the Airline Clearing House numerical codes.

(*c*) Enter the weights shown on POD Forms 2729, 2733, and 2734 in the appropriate "Dest" column and on line with the flight date. Weights shown on each form for a particular destination and date maybe added together.

(*d*) After all entries have been made to POD Form 2732, add, cross-add, and cross-foot the pound columns.

(*e*) Enter either the short-line mileage between the origin and each destination or the pound rate in the appropriate "Rate or Miles" boxes. (Helicopter carriers should use scheduled miles flown in airmail service.)

mail transported that month. They must be prepared from POD Form 2942. Delivery of Airmail Dispatches AV–7. Carriers must provide their own supplies of POD Forms 2703 and 2732.

(c) *States-Alaska and Intra-Alaska.* Carriers operating over States-Alaska and intra-Alaska routes (except NWA) must prepare POD Form 2703 supported by POD Forms 2720 and 2702 when required. POD Form 2720 must be prepared from POD Form 2713–A. Claims must be prepared for each calendar month computed in accordance with the applicable CAB order.

(d) *Designated regional controllers.* Claims must be submitted to the appropriate Regional Controller as follows:

Regional Controller	Air Lines
Regional Controller, Post Office Department, Main Post Office Building, Philadelphia 4, Pa.	Colonial Airlines. Mohawk Airlines. New York Airways. Northeast Airlines. Lake Central Airlines. Helicopter Air Service.
Regional Controller, Post Office Department, Parcel Post Building, Richmond 19, Va.	Allegheny Airlines. Piedmont Aviation. National Aviation. Caribbean Atlantic Airlines. Eastern Air Lines. Riddle Airlines, Inc. Capital Airlines.
Regional Controller, Post Office Department, Main Post Office Building, P. O. Box 1557, Dallas 1, Tex.	Delta Airlines. Southern Airways. Braniff Airways. Central Airlines. Trans Texas Airways. American Airlines.
Regional Controller, Post Office Department, First and Hennepin Streets, Minneapolis 1, Minn.	Northwest Airlines. Ozark Air Lines. North Central Airlines.
Regional Controller, Post Office Department, Building 56, Federal Center, Denver 2, Colo.	United Airlines. Trans World Airlines. Frontier Airlines. Continental Air Lines.
Regional Controller, Post Office Department, Main Post Office Building, P. O. Box 3728, Portland 8, Oreg.	West Coast Airlines. Alaska Airlines. Alaska Coastal Airlines. Byers Airways. Cordova Airlines. Ellis Air Lines. Northern Consolidated Airlines. Pacific Northern Airlines. Pan American (Alaska) Airways. Reeve Aleutian Airways. Wien Alaska Airlines.
Regional Controller, Post Office Department, 1011 Bryant Street, San Francisco 19, Calif.	Bonanza Air Lines. Southwest Airways. Los Angeles Airways. Trans Pacific Airlines. Western Airlines. Hawaiian Airlines. Silck Airways. Flying Tiger Line.

NOTE: Each carrier must file with the appropriate Regional Controller the name of the person or persons authorized to sign the POD Form 2703.

(f) Multiply the total pounds by the appropriate mileage or rate, and enter the product in the appropriate box on the line labeled "Total Pound Miles or Charge."

(g) Add the products on the line labeled "Total Pound Miles or Charge" to determine the grand total pound miles or charge for each POD Form 2732.

(h) Add the grand total pound miles or charge on each POD Form 2732, and enter the total to POD Form 2703.

(i) If the carrier calculates pound miles instead of charge, enter the city classification letter code in the box labeled "City Class." Add the pounds of mail enplaned at each class of city, and enter the sums to POD Form 2703.

(ii) *For equalized and interchange flights.* Prepare POD Form 2732 in the same manner as specified above. The following instructions also apply:

(a) Enter the applicable equalization or interchange agreement number in the space provided.

(b) Enter the total claim for equalized and interchange flights on POD Form 2703.

(c) List excepted shipments on a worksheet which contains the following columns:

Serial number of 2734	Flight number	Flight date	Air stop points		Rate per pound between A and B	Amount
			A Actually off-loaded	B Billed by POD		

[1] Line haul and terminal charge as contained in the mileage and rate manual. (Helicopters use scheduled miles flown in airmail service and extend pound miles.)

(d) List POD Forms 2734 on the worksheet in ascending trip number order. List origin and final airmail stops on the billing carrier's system in ascending order of the Airline Clearing House numerical codes within each trip of initial dispatch.

(e) Enter the sum of the deduction for excepted flights on POD Form 2703.

(f) Submit POD Form 2703 to the Regional Controller designated to pay the claim of each carrier supported by the original and duplicate of both POD Form 2732 and the worksheet of exceptions.

(3) *Claims prepared on IBM.* Carriers must prepare and submit claims as follows:

(i) Use POD Form 2730, U. S. Airmail Billing Card—Domestic. Sort the cards into 4 groups:

(a) Regular shipments (keypunched from POD Forms 2729 and 2733, coded 1 and 2 in column 4 of POD Form 2730).

(b) Equalized or interchange shipments (keypunched from POD Forms 2729 and 2733, coded 1 and 2 in column 4).

(c) Adjustments to regular shipments (keypunched from POD Form 2734, coded 3 and 4 in column 4 of POD Form 2730).

(d) Adjustments to equalized or interchange shipments (keypunched from POD Form 2734, coded 3 and 4 in column 4 of POD Form 2730).

(ii) Sort Groups 1 and 2 into serial number, origin, and destination (Airline Clearing House numerical code) order for submission with POD Form 2703. Sort Groups 3 and 4 by ascending trip number and in ascending numerical order of the Airline Clearing House codes for origin and final airmail stop on the billing carrier's system.

(iii) POD Form 2703 must contain an entry for each group of IBM cards. It must be submitted to the Regional Controller designated to pay each carrier's claim, together with one deck of IBM cards in support of the claim.

(b) *Hawaiian Islands, Puerto Rico, and Virgin Islands.* All U. S. carriers operating within the above-named possessions must submit claims for the transportation of airmail on POD Form 2703, Carrier's Claim for Airmail Transportation, supported by POD Form 2732. Separate claims must be prepared for each calendar month, including all air-

§ 96.6 *Deductions and fines.* Carriers transporting mail will observe all applicable postal laws, and regulations issued by the Post Office Department. Carriers may be subject to fines and deductions for failure to comply therewith.

§ 96.7 *International airmail regulations*—(a) *Carriers' responsibilities*—(1) *For mail priority.* The normal mail load for each trip, from each point served in the United States, must be given priority over all other traffic on each trip designated for the transportation of mail. The normal mail load for each trip is determined from weight allocations issued by the Post Office Department, based on consultations with the carriers concerned. Mail in excess of normal must be given priority over all other traffic except revenue passengers with space confirmed prior to knowledge that additional mail would be available.

(2) *For retaining and protecting mail.* In a foreign country, carriers may retain custody of United States civilian mail aboard a trip when the departure is delayed up to 24 hours. On delays over 24 hours, or upon cancellation, civilian mail must be transferred to another carrier either direct or through the local post office. The original mail documents, properly endorsed, must accompany the mail. Military (Army Post Office, Air Post Office, and Fleet Post Office) mail must be held in the custody of the carrier and the Post Office Department, Washington, D. C., promptly requested by wire to furnish instructions for its disposal. Under no circumstances must military mail be turned over to a foreign post office or to a foreign air carrier. For additional instructions see § 96.1 (b).

(3) *For cooperating with postal inspectors.* See § 96.1 (c).

(4) *For preparing schedules.* See § 96.1 (e).

(5) *For answering correspondence.* See § 96.1 (f).

(b) *Flight operations.* Carriers must operate designated trips as nearly as practicable at times shown in filed schedules. As much advance notice as possible of any irregular operation must be given to the United States exchange offices involved.

(c) *Handling of mail*—(1) *Delivery to carrier.* (i) The postal unit delivering the mail must prepare POD Form 2942 (AV–7) Delivery List, listing the origin, destination and weight of each dispatch. One set of Form AV–7 must be prepared for each stop point of the trip.

(ii) On receipt of the mail from the postal unit, the carrier must check the entries on Form AV–7 with the tags and verify the condition of each dispatch.

(iii) When delays occur after mail has been delivered, additional mail may be accepted. Cargo already on board need not be removed nor the flight further delayed for this purpose.

(2) *Labels lost in transit.* When a dispatch is discovered to have lost its label in transit, the carrier may transport the dispatch to its off-loading point if it can be identified from the mail documents. Otherwise it must be delivered to the first local postal unit.

(3) *Transfers between flights.* International carriers must transfer mail between flights of the same company in accordance with routings shown on Form AV–7. They must transfer mail at points in the United States, territories and possessions with domestic carriers as instructd by the Post Office Department.

(4) *Delivery to postal representative.* Upon arrival of the plane at stations, the carrier's representative must immediately unload the mail and deliver it to the authorized postal representative at such point as may be designated. One copy of each set of Form AV–7 must be delivered with the mail, also any additional copies which are required for receipt to the carrier. Any irregularity must be noted on all copies.

(d) *Accident reports.* Accidents occurring outside the United States must be reported to the postal administration of the country to which the carrier belongs and to the postal administration of the country in which the accident occurs.

(e) *Submission of claims.* Claims must be submitted to the Bureau of Finance, Post Office Department, Washington 25, D. C. Claims must be made on POD Form 2703, supported by POD Forms 2720 and AV–7. Each carrier must file with the Bureau of Finance, Post Office Department, Washington 25, D. C., the names of persons authorized to sign POD Form 2703.

(f) *Deductions and fines.* See § 96.6.

§ 96.8 *Applicability of part.* The regulations in this part are applicable to airmail and air parcel post.

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55–10459; Filed, Dec. 29, 1955; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 148]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.36, the Fallon, Nevada, area (R–267 formerly D–267), amended on November 10, 1953, in 18 F. R. 7056, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at latitude 39°48'00", longitude 118°12'00"; thence to latitude 39°58'00", longitude 118°11'-30"; thence to latitude 39°53'30", longitude 118°26'30"; thence to latitude 39°48'00", longitude 118°26'30"; thence to point of beginning".

2. In § 608.36, the Fallon, Nevada, area (R–268 formerly D–268), amended on November 10, 1953, in 18 F. R. 7056, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at latitude 39°24'00", longitude 119°00'00"; thence to latitude 39°24'00", longitude 118°55'-30"; thence to latitude 39°16'30", longitude 118°37'00"; thence to latitude 39°11'30", longitude 118°32'00"; thence to latitude 39°02'00", longitude 118°32'-00"; thence to latitude 39°02'00", longitude 118°51'20"; thence to latitude 39°10'30", longitude 119°06'00"; thence to latitude 39°15'00", longitude 119°-06'00"; thence to point of beginning".

3. In § 608.36, the Fallon, Nevada, East Gate area (R–270 formerly D–270), amended on November 10, 1953, in 18 F. R. 7056, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at latitude 39°09'00", longitude 118°13'-45"; thence to latitude 39°19'00", longitude 118°24'30"; thence to latitude 39°-19'00", longitude 118°07'00"; thence to latitude 39°09'00", longitude 118°07'00"; thence to point of beginning".

4. In § 608.36, the Fallon, Nevada, Schurz area (R–269 formerly D–269), amended on November 10, 1953 in 18 F. R. 7056, is rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective January 20, 1956.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–10432; Filed, Dec. 29, 1955; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53989]

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

RECEIPT OF BONDED MERCHANDISE CARRIER

In order to prevent any loss of customs control over imported merchandise which is to be forwarded to another port under an entry or withdrawal for transportation in bond, it is essential that the bonded carrier to whom such merchandise is initially delivered give an immediate receipt to customs on the in-bond manifest covering the merchandise. Although this is the intent of the present regulations, it is considered necessary to make the requirement definite and specific. Section 18.2 (a) of the Customs Regulations is therefore amended to read as follows:

(a) When merchandise is delivered to a bonded carrier for transportation in bond, the carrier's receipt shall be given immediately to the lading inspector on the customs in-bond manifest covering the merchandise. The merchandise shall be laden on the convey-

ance under the supervision of a customs officer, unless the transporting conveyance is not to be sealed with customs seals or the lading inspector accepts the check of the carrier as to the merchandise laden thereon.

(Secs. 551, 624, 46 Stat. 742, as amended, 759; 19 U. S. C. 1551, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 23, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-10454; Filed, Dec. 29, 1955; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In Part 3, paragraph (f) of § 3.55 is amended to read as follows:

§ 3.55 *Proof of death.* Where a claim is filed on account of the death of a person, the proof of death shall be established as follows:

• • • • • •

(f) In cases wherein proof of death, as defined in paragraphs (a) to (e), inclusive, of this section cannot be furnished, the director, claims service, in district office cases, the adjudication officer, in regional office cases, or the chief, dependents claims division, in cases under the jurisdiction of Veterans Benefits Office, District of Columbia, may make a finding of fact of death where death is otherwise shown by competent evidence. Where it is indicated that the veteran died under circumstances which precluded recovery or identification of the body, the fact of death should be established by the best evidence, which from the nature of the case must be supposed to exist.

2. In § 3.57, paragraph (b) (3) is amended to read as follows:

§ 3.57 *Conditions which determine dependency.* • • •

(b) *Sources of income.* • • •

(3) In determining dependency, amounts received from the following named sources, by the father or mother or other member of the family, will be disregarded, viz., (i) as designated beneficiary or otherwise of any insurance under the War Risk Insurance Act, the World War Veterans' Act, 1924, as amended, or the National Service Life Insurance Act, or any amendments to either; (ii) any pension or compensation under laws administered by the Veterans Administration; (iii) benefits under the World War Adjusted Compensation Act or the Adjusted Compensation Payment Act, or any amendments to either; (iv) the 6-month pay made to the designated beneficiary thereof pursuant to 10 U. S. C. 903, 903 (a), and 456; 34 U. S. C. 943 and 944; 50 U. S. C. 975; (v) payments pursuant to Mustering-Out Payment Act of 1944 (Public Law 225, 78th Cong.); (vi) donations or assistance from charitable sources; (vii) payments of servicemen's indemnity under Public Law 23, 82d Congress; (viii) annuities received under the Uniformed Services Contingency Option Act of 1953 (Public Law 239, 83d Cong.).

• • • • • •

3. In Part 4, paragraph (b) of § 4.18 is amended to read as follows:

§ 4.18 *Unexplained absence for seven years.* • • •

(b) A determination of whether the evidence furnished is satisfactory will be made by the director, claims service, in district office cases, the adjudication officer, in regional office cases, or the chief, dependents claims division, in cases under the jurisdiction of Veterans Benefits Office, D. C.

4. In § 4.91, paragraph (d) is amended to read as follows:

§ 4.91 *Apportionment.* • • •

(d) *Special apportionments.* In any case wherein it is clearly shown by competent evidence that the application of the foregoing provisions of this section will result in undue hardship upon the widow or children, and relief can be afforded without undue hardship to other persons at interest, the director of claims activities in district office and Veterans Benefits Office cases and the adjudication officer in regional office cases shall determine, without regard to the foregoing provisions of this section, the exact amount to be apportioned to each individual in interest. The chief of the division responsible for death claims will make appropriate recommendation to the official authorized to make determinations in such cases.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective December 30, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-10453; Filed, Dec. 29, 1955; 8:48 a. m.]

PART 8—NATIONAL SERVICE LIFE INSURANCE

CLAIMS ALLEGING INSURANCE CONTRACT WHERE THERE IS NO APPLICATION FOR INSURANCE ON FILE

Section 8.70 is revised to read as follows:

§ 8.70 *Claims alleging insurance contract where there is no application for insurance on file.* In those cases where claim is made alleging that a person made valid application for National Service life insurance, and that the insurance is subject to reinstatement or a waiver of payment of premiums is in order, or that the insurance matured by reason of the death of the insured at a time when the insurance was in force, and that there was a valid designation of beneficiary, and where there is no application for insurance on file, the claimant will be required to submit all available evidence concerning the alleged application for insurance in such manner and on such forms as may be deemed necessary. The evidence submitted by the claimant and the evidence as disclosed by records in possession of the Government relative to the question as to whether the person made a valid application for insurance will be considered and, if found sufficient to establish as a fact that the said person did apply for insurance and if the other allegations of said claim are sustained, a record of insurance will be established in accordance with such finding. However, if it be determined that the evidence is not sufficient to establish as a fact that the said person applied for insurance as alleged, or determined that any insurance applied for as alleged would not be valid or not subject to reinstatement, or determined that the said person did not die at a time when the insurance would have been in force if insurance had been applied for, or, in case of death, if it be determined that there was no valid designation of beneficiary, the claimant will be so informed and will be notified that unless he desires to appeal to the Administrator, a disagreement exists as to the matters in controversy as contemplated by the provisions of section 617 of the National Service Life Insurance Act of 1940, as amended, as far as the Veterans Administration is concerned. Further, the claimant will be informed that an appeal may be taken from the decision to the Administrator of Veterans Affairs by giving notice in writing in accordance with § 19.2 of this chapter. The Director, Underwriting Service will make all original determinations as to whether a person made valid application for insurance as alleged. The determination as to the validity of beneficiary designations, in death cases, will be made by the claims activity in the office having jurisdiction over the insurance death claim.

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective December 30, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-10452; Filed, Dec. 29, 1955; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1263]

[Colorado 011417]

COLORADO

RESERVING PUBLIC LANDS WITHIN SAN ISABEL NATIONAL FOREST FOR USE OF FOREST SERVICE AS COOPER HILL WINTER SPORTS AREA

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the San Isabel National Forest in Colorado are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as the Cooper Hill Winter Sports Area:

SIXTH PRINCIPAL MERIDIAN

T. 8 S., R. 80 W.,
Sec. 11, S½S½;
Sec. 12, S½SW¼, SW¼SE¼;
Sec. 13, W½, SE¼;
Sec. 14, E½, NE¼SW¼, SE¼NW¼, N½NW¼.

The areas described aggregate 1,240 acres.

This order shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

DECEMBER 22, 1955.

[F. R. Doc. 55-10435; Filed, Dec. 29, 1955; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare

PART 350—CREDIT UNIONS CHARTERED BY THE DISTRICT OF COLUMBIA

Notice having been published in the FEDERAL REGISTER on November 29, 1955 (20 F. R. 8760), that the Director of the Bureau of Federal Credit Unions, with the approval of the Commissioner of Social Security and the Secretary of Health, Education, and Welfare, proposed to prescribe certain regulations concerning the reserves to be established and maintained by credit unions chartered by the District of Columbia, and that prior to the official adoption of the proposed regulations consideration would be given to any data, views, or arguments pertaining thereto submitted to the Director of the Bureau of Federal Credit Unions, Department of Health, Education, and Welfare, Washington 25, D. C., within a period of 30 days from the date of publication of the notice in the FEDERAL REGISTER, and the regulations proposed to be adopted having been set forth in the FEDERAL REGISTER on page 8760 (20 F. R. 8760), and the 30-day period having elapsed and no data, views, or arguments pertaining to the proposed regulations having been submitted, the proposed regulations as published in the FEDERAL REGISTER (20 F. R. 8760) are hereby adopted and promulgated as set forth below effective December 31, 1955.

Dated: December 27, 1955.

[SEAL] J. DEANE GANNON,
Director,
Bureau of Federal Credit Unions.

Approved: December 28, 1955.

CHARLES I. SCHOTTLAND,
Commissioner of Social Security.

Approved: December 29, 1955.

HEROLD C. HUNT,
Acting Secretary of Health, Education, and Welfare.

Sec.
350.1 Reserves in general.
350.2 Special reserve for delinquent loans.

AUTHORITY: §§ 350.1 and 350.2 issued under 47 Stat. 330, as amended; 68 Stat. 682; 26 D. C. Code 512.

§ 350.1 *Reserves in general.* Credit unions organized under the provisions of the District of Columbia Credit Unions Act (D. C. Code 26-501 to 26-518), shall establish and maintain such reserves as may be required by the regulations in this part, or in special cases by the Director of the Bureau of Federal Credit Unions on his finding that the reserves of a credit union chartered by the District of Columbia are insufficient.

§ 350.2 *Special reserves for delinquent loans.* (a) Each credit union chartered by the District of Columbia shall establish a special reserve to be known as the Special Reserve for Delinquent Loans.

(b) For purposes of this section, the provisions of § 302.3 of this chapter with respect to Federal credit unions shall be deemed to be applicable to credit unions chartered by the District of Columbia, except that wherever reference is made in said § 302.3 to the term "the Regular Reserve", such term shall be deemed to refer to the regular reserve provided for by section 26-512 of the District of Columbia Code.

[F. R. Doc. 55-10604; Filed, Dec. 29, 1955; 11:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

FORT BELKNAP INDIAN IRRIGATION PROJECT, MONTANA

ORDER FIXING OPERATION AND MAINTENANCE CHARGES

DECEMBER 23, 1955.

Pursuant to Section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Public Law 404, 79th Congress, 60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 1942; and 45 Stat. 210, 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F. R. 258), and by virtue of authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F. R. 5454-7), notice is hereby given of intention to modify § 130.30 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Fort Belknap Indian Irrigation Project to read as follows:

§ 130.30 *Charges.* Pursuant to the provisions of the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), the basic annual charge for operation and maintenance against the irrigable lands to which water can be delivered and beneficially applied under the constructed works of the Fort Belknap Indian irrigation project in Montana, including the lands operated as a tribal farming and livestock enterprise, is hereby fixed at $2.00 per acre for the year 1956 and thereafter until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to the Area Director, Bureau of Indian Affairs, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

M. A. JOHNSON,
Acting Area Director.

[F. R. Doc. 55-10456; Filed, Dec. 29, 1955; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

SHOE MANUFACTURING INDUSTRY

EMPLOYMENT OF LEARNERS

Pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U. S. C. 214), notice is hereby given that the Administrator of the Wage and Hour Division, United States Department of Labor, proposes to amend paragraph (a) of § 522.55 (29 CFR, Part 522) to read as follows:

(a) The subminimum rates which may be authorized in special certificates issued in the shoe manufacturing industry shall be not less than 80 cents per hour for the first 240 hours and not less than 90 cents per hour for the second 240 hours.

It is proposed that these amendments shall be made effective March 1, 1956, the effective date of the Fair Labor

Standards Amendments of 1955. However, applications under the amended regulations for learners certificates to become effective March 1, 1956, would be entertained by the Administrator prior to such date.

Prior to final adoption of the proposed amendment, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., on or before January 19, 1956.

Signed at Washington, D. C., this 23d day of December 1955.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 55-10451; Filed, Dec. 29, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

DECEMBER 20, 1955.

In Federal Register Document 55-4589 (20 F. R. 4039) dated June 8, 1955, description of the lands proposed to be withdrawn by the United States Department of Agriculture, Idaho 05279, Sharon Administrative Site Section 13 should read Section 12, correcting the document as follows:

SHARON ADMINISTRATIVE SITE

T. 12 S., R. 42 E.,
Sec. 12, E½W½SW¼, E½SW¼, SW¼NW¼ SE¼, NW¼SW¼SE¼.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 55-10460; Filed, Dec. 29, 1955; 8:50 a. m.]

[Document 88]

ARIZONA

SMALL TRACT CLASSIFICATION 47

DECEMBER 22, 1955.

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514-15), the following described lands totaling 1,051.17 acres located in Pima County are hereby classified for lease and sale for residence and/or business purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 14 S., R. 12 E.,
Sec. 34: Lots 5 to 69 inclusive (S½);
Sec. 35: Lots 5 to 70 inclusive (E½).
T. 15 S., R. 12 E.,
Sec. 3: Lots 5 to 28 inclusive (N½NW¼, SE¼NW¼).
T. 14 S., R. 13 E.,
Sec. 30: Lots 5 to 31 inclusive (N½SE¼ SE¼, S½S½S½);
Sec. 31: Lots 5 to 48 inclusive (N½N½, SE¼SE¼).

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to lease under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, until it is so provided by an order to be issued by an authorized officer opening the lands to lease, with a preference right to veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

E. R. TRAGITT,
State Lands and Minerals,
Staff Officer.

[F. R. Doc. 55-10458; Filed, Dec. 29, 1955; 8:49 a. m.]

[Order 541, Amdt. 8]

AREA ADMINISTRATORS

REDELEGATION OF AUTHORITY CONCERNED WITH LANDS AND RESOURCES

DECEMBER 21, 1955.

Bureau Order No. 541 is further amended as follows:

1. Section 1.6 (k) is amended to read:

(k) *Mining claims.* Take all action on claims pursuant to the General Mining Laws supplemental thereto, and 43 CFR Parts 69, 185, and 186.

2. Section 1.7 (a) (2) (a) is amended to read:

(a) Section 2 of the Act 43 U. S. C. sec. 315 (a).

3. Section 1.8 (d) is amended to read:

(d) *Roads.* Act on matters involving the acquisition of rights-of-way and roads under the Act of July 26, 1955 (69 Stat. 374), including purchases after clearance with the Department of Justice but not including recommendations to the Attorney General for condemnation proceedings: also the approval of projects for the construction of roads to provide access to the timber on public lands subject to that act.

4. Section 1.9 (n) (1) is amended to read:

(n) *Rights-of-way.* (1) Grant right-of-way permits and easements over public and acquired lands, including revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon, and over reservations other than Indian reservations, when authorized by law, and rights-of-way over the Outer Continental Shelf pursuant to 43 CFR Part 202. However, only the Secretary of the Interior may issue an order, pursuant to 43 CFR 244.9 (m), requiring the discontinuance, without liability or expense to the United States, of the use of a right-of-way for the purpose granted.

5. Section 4.11 (b) is amended to read:

(b) *Mineral leases of submerged lands of Outer Continental Shelf.* (1) Make determinations respecting the compliance or noncompliance of mineral leases issued by a State with the requirements of section 6 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U. S. C. 1331 et seq.), provided that such determinations shall be submitted to the Solicitor for concurrence.

(2) Act on all matters involving mineral leases pursuant to the act of August 7, 1953 (67 Stat. 462; 43 U. S. C. 1331 et seq.) and the regulations under 43 CFR, Part 201.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55-10457; Filed, Dec. 29, 1955; 8:49 a. m.]

Bureau of Reclamation

BOISE PROJECT, IDAHO

ORDER OF REVOCATION

NOVEMBER 9, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Orders of December 5, 1905, February 28, 1903, and December 4, 1909, in so far as said orders affect the following-described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 1 N., R. 7 E.,
Sec. 22, SE¼NE¼;
Sec. 23, Lots 3 and 7.

The above area aggregates 105.40 acres.

E. G. NIELSEN,
Assistant Commissioner.

[69650]

DECEMBER 23, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands released from withdrawal by this order are all within the Boise National Forest. Subject to any valid existing rights and the requirements of applicable law, these lands are hereby opened to such applications, selections, and locations as are permitted on national forest lands, effective at 10:00 a. m. on January 28, 1956.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55-10436; Filed, Dec. 29, 1955; 8:45 a. m.]

UMATILLA PROJECT, OREGON

ORDER OF REVOCATION

OCTOBER 13, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of August 16, 1905, in so far as said orders affect the following-described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described:

WILLAMETTE MERIDIAN, OREGON

T. 4 N., R. 28 E.,
Sec. 3, SE¼SW¼.
T. 5 N., R. 29 E.,
Sec. 28, S½NW¼.

The above areas aggregate approximately 120 acres.

E. V. LINDSETH,
Acting Commissioner.

[67978]

DECEMBER 23, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are included in allowed homestead entries, The Dalles 023684 and 023690, and are, therefore, not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55-10437; Filed, Dec. 29, 1955; 8:45 a. m.]

ORLAND PROJECT, CALIFORNIA

ORDER OF REVOCATION

NOVEMBER 8, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of December 28, 1908; August 9, 1909; September 3, 1909; July 21, 1913; November 16, 1917; April 27, 1926, and December 23, 1926, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 16 N., R. 5 W.,
Sec. 20, Lots 11, 15, 16.
T. 17 N., R. 6 W.
Sec. 17, SW¼NE¼, S½NW¼, N½SW¼, NW¼SE¼;
Sec. 18, Lots 2, 3, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 23, NE¼NW¼;
Sec. 29, S½N½, N½S½;
Sec. 30, Lots 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, W½SE¼, NE¼SE¼;
Sec. 31, Lots 1, 2, NE¼NW¼.
T. 18 N., R. 6 W.,
Sec. 10, all;
Sec. 15, Lots 1, 2, 3, 4, 5, 6, 7, 8, 12, 13;
Sec. 17, all;
Sec. 22, Lots 4, 5, 11, 12, 13, 14;
Sec. 27, Lots 3, 4, 5, 6, 11, 12, 13, 14;
T. 19 N., R. 6 W.,
Sec. 5, Lots 3, 4, 5;
Sec. 6, Lots 1 to 14, inclusive, W½SE¼, NE¼SE¼;
Sec. 7, Lots 2, 3, 4.
T. 20 N., R. 6 W.,
Sec. 3, all;
Sec. 7, Lot 3;
Sec. 9, all;
Sec. 15, E½NE¼, NE¼SE¼;
Sec. 22, all;
Sec. 27, all;
Sec. 29, all;
Sec. 30, all;
Sec. 31, all.
T. 16 N., R. 7 W.,
Sec. 1, Lots 2, 3, S½NW¼, NW¼SW¼;
Sec. 2, NE¼SE¼, S½SE¼;
Sec. 4, NE¼SW¼, N½NW¼SW¼, SE¼NW¼SW¼, SE¼SW¼, SW¼SE¼;
Sec. 5, NE¼SW¼, S½NW¼SW¼, NW¼SE¼, N½NE¼SE¼;
Sec. 9, NW¼NE¼, S½NE¼, NE¼NW¼, N½NW¼SE¼, NE¼SE¼;
Sec. 10, SW¼NW¼, S½;
Sec. 11, NE¼, S½.
T. 17 N., R. 7 W.,
Sec. 5, Lot 1/SW¼NE¼;
Sec. 6, Lots 6, 7, NE¼SW¼;
Sec. 7, Lots 1, 2;
Sec. 8, SE¼NW¼, S½SE¼;
Sec. 13, NW¼NE¼, S½NE¼, NW¼, N½SE¼;
Sec. 16, NW¼NW¼, S½NW¼, E½SW¼, W½SE¼;
Sec. 17, NE¼NE¼;
Sec. 20, SW¼SW¼, E½SW¼, SE¼;
Sec. 21, NW¼NE¼, E½NW¼, SW¼NW¼, N½SW¼;
Sec. 29, NW¼, N½SW¼, SW¼SW¼;
Sec. 36, S½NE¼, SE¼SW¼, SW¼SE¼, NE¼SE¼.
T. 18 N., R. 7 W.,
Sec. 2, Lot 3, SE¼NE¼, S½NW¼, N½S½, SE¼SE¼;
Sec. 4, Lots 2, 3, SW¼NE¼, SE¼NW¼, NE¼SW¼, W½SE¼;
Sec. 9, NE¼, E½SE¼;
Sec. 11, E½NE¼;
Sec. 12, NW¼NW¼, S½NW¼, N½SW¼, SE¼SW¼;
Sec. 13, N½NE¼NW¼, N½SE¼;
Sec. 15, SW¼;
Sec. 19, Lots 3, 4, SE¼SW¼;
Sec. 21, E½NE¼, SE¼;
Sec. 22, NE¼NW¼;
Sec. 28, W½NE¼, E½NW¼, W½SW¼, NE¼SW¼;
Sec. 29, SW¼NW¼, N½SW¼, SE¼SE¼;
Sec. 30, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, NW¼NE¼, S½NE¼, NW¼, NW¼SW¼;
Sec. 34, all;
Sec. 35, W½, SW¼SE¼.
T. 19 N., R. 7 W.,
Sec. 9, S½N½, N½SW¼;
Sec. 10, S½N½;
Sec. 11, NW¼NE¼, NW¼, SE¼SW¼, SE¼;
Sec. 12, S½NW¼, NW¼SW¼;
Sec. 14, NW¼NE¼, NW¼, NW¼SW¼;
Sec. 15, SE¼NE¼, SE¼;
Sec. 19, NE¼, NE¼SE¼;
Sec. 20, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 22, W½NE¼, E½W½, SW¼SW¼, NW¼SE¼;
Sec. 27, NW¼NW¼;
Sec. 28, NE¼, S½NW¼;
Sec. 29, NE¼, NE¼NW¼;
Sec. 30, NE¼SW¼, S½SW¼ (including Lot 4), N½SE¼, SW¼SE¼;
Sec. 31, NE¼NE¼;
Sec. 32, W½NE¼, NW¼, NE¼SE¼;
Sec. 33, SW¼.
T. 20 N., R. 7 W.,
Sec. 2, SW¼NE¼, SW¼NW¼, N½SW¼, NW¼SE¼;
Sec. 3, S½N½, NE¼SE¼;
Sec. 4, Lots 1, 2, 3, 4, S½NE¼, SW¼NW¼;
Sec. 5, Lots 1, 2, 4, S½N½, W½SW¼;
Sec. 6, Lots 1, 2, 3, 4, SE¼NE¼;
Sec. 21, N½S½, SW¼SW¼;
Sec. 22, S½NE¼, N½S½;
Sec. 23, W½NW¼;
Sec. 32, W½, N½SE¼;
Sec. 33, S½NE¼, N½SW¼, NW¼SE¼;
Sec. 34, NE¼, N½NW¼;
Sec. 35, S½NW¼.
T. 21 N., R. 7 W.,
Sec. 5, SW¼SW¼;
Sec. 6, Lots 4, 5, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 8, NW¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, N½SE¼;
Sec. 9, NW¼SW¼, S½SW¼;
Sec. 13, SW¼NW¼, N½SW¼, NW¼SE¼;
Sec. 14, S½N½, N½S½;
Sec. 15, NE¼, N½NW¼, SE¼NW¼;
Sec. 26, SW¼, SW¼SE¼;
Sec. 27, N½S½;
Sec. 28, SW¼NW¼, N½S½;
Sec. 29, S½N½;
Sec. 30, SW¼NE¼, SE¼NW¼, NE¼SW¼;
Sec. 35, N½NE¼.
T. 17 N., R. 8 W.,
Sec. 11, E½SE¼;
Sec. 12, S½NE¼, SE¼NW¼, SW¼, N½SE¼;
Sec. 14, NW¼NE¼, NE¼NW¼, S½NW¼, NW¼SW¼;
Sec. 15, SW¼, N½SE¼, SW¼SE¼;
Sec. 16, SE¼SE¼;
Sec. 21, E½E½;
Sec. 22, SW¼SW¼;
Sec. 27, W½NW¼, N½SW¼, SE¼SW¼, S½SE¼.
T. 18 N., R. 8 W.,
Sec. 13, all;
Sec. 14, N½S½;
Sec. 15, SW¼NE¼, S½NW¼, N½S½;
Sec. 16, S½N½;
Sec. 17, S½NE¼, SE¼NW¼, N½SW¼, NW¼SE¼;
Sec. 24, W½NE¼, NE¼NW¼, N½SE¼, SE¼SE¼.
T. 21 N., R. 8 W.,
Sec. 1, Lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, NW¼SW¼, S½SW¼, NW¼SE¼;
Sec. 11, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 12, N½NW¼, SW¼NW¼;
Sec. 14, W½NE¼, E½NW¼, SW¼SW¼, N½SW¼.
T. 22 N., R. 8 W.,
Sec. 6, Lots 4 to 11, inclusive, 13, 14, SW¼SE¼;
Sec. 7, Lots 1, 2, 3, 4;
Sec. 8, NW¼, NE¼SW¼, SE¼;
Sec. 9, SW¼SW¼;
Sec. 16, E½NW¼;
Sec. 17, NE¼NE¼;
Sec. 22, S½NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 23, W½SW¼;
Sec. 26, W½NW¼, NW¼SW¼;
Sec. 27, SE¼NE¼, E½SE¼;
Sec. 34, E½NE¼;
Sec. 35, S½NE¼, NW¼, N½SE¼;
Sec. 36, SW¼NW¼, NW¼SW¼, S½SW¼.
T. 22 N., R. 9 W.,
Sec. 1, NE¼NE¼ (Lot 1).
T. 23 N., R. 9 W.,
Sec. 18, Lot 4, SE¼SE¼;
Sec. 19, Lots 1, 2, E½NE¼;
Sec. 20, W½NW¼, N½SW¼, SE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 21, SW¼SW¼;
Sec. 28, SW¼NE¼, NW¼NW¼, E½W½, W½SE¼;
Sec. 29, NE¼NE¼;
Sec. 31, Lot 2, SE¼NE¼;
Sec. 32, S½N½, N½SE¼;
Sec. 33, NW¼NE¼, S½N½, NE¼NW¼, N½S½;
Sec. 34, SE¼NE¼, SW¼NW¼, N½S½;
Sec. 35, S½N½, NW¼SW¼, NE¼SE¼.

T. 23 N., R. 10 W.,
Sec. 13, SW¼NE¼, N½NW¼, SE¼NW¼, S½SW¼, SE¼.

The above areas aggregate 34,466.59 acres.

E. V. LINDSETH,
Acting Commissioner.

[1243675]

DECEMBER 23, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

Most of the lands released from withdrawal by this order are withdrawn for the Mendocina National Forest. Subject to any valid existing rights and the requirements of applicable law, these lands are hereby opened to such applications, selections, and locations as are permitted on national forest lands, effective at 10:00 a. m. on January 28, 1956.

Portions of the released lands have been patented. The following-described lands are vacant public domain:

MOUNT DIABLO MERIDIAN

T. 16 N., R. 5 W.,
Sec. 20, lots 11, 15, and 16.
T. 17 N., R. 6 W.,
Sec 23, NE¼NW¼.
T. 18 N., R. 6 W.,
Sec. 10, lots 2, 3, 7, 11, 12, and 16;
Sec. 15, lots 3 and 6;
Sec. 17, NW¼SW¼, SE¼SW¼;
Sec. 22, lots 11 and 14;
Sec. 27, lots 5, 12, and 13.
T. 19 N., R. 6 W.,
Sec. 5, lots 3, 4, and 5;
Sec. 6, lots 1 to 14, inclusive, W½SE¼, NE¼SE¼;
Sec. 7, lots 2, 3, and 4.
T. 20 N., R. 6 W.,
Sec. 7, lot 3;
Sec. 15, E½NE¼, NE¼SE¼;
Sec. 29, E½W½, SW¼SW¼;
Sec. 31, SW¼NE¼, SE¼SW¼.
T. 19 N., R. 7 W.,
Sec. 12, S½NW¼, NW¼SW¼.
T. 20 N., R. 7 W.,
Sec. 2, NW¼SE¼.

The areas described aggregate 2,234.88 acres.

The restored lands lie mostly in extreme western Glenn County, California, on the drainage of Stoney Creek. In general, the topography is rough and mountainous, becoming somewhat more gentle on the eastern side near Stoney Gorge Reservoir, and steeper and higher on the western side as the divide between the Pacific Ocean and Central Valley drainages is neared. The vegetation consists mostly of such scrub and brush species as chamise, scrub oak, toyon, and manzanita. On the higher portions of the land a small amount of timber is to be found, although most of this is short and scrubby and of low value. The land is, in general, too rough and mountainous for cultivation. Much of the land has some value for grazing.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on January 28, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on April 28, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on April 28, 1956, will be considered as simultaneously filed at that hour. Rights, under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on April 28, 1956.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55-10438; Filed, Dec. 29, 1955; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

BLOOMFIELD STEAMSHIP CO.

APPLICATION FOR PERMISSION TO OPERATE "SS ALICE BROWN" BY CHARTER

Notice is hereby given of the application of Bloomfield Steamship Company for written permission of the Maritime Administrator under section 805 (a) of the Merchant Marine Act, 1936, 46 U. S. C. 1223, to permit operation of its owned vessel "SS Alice Brown" by the charterer of said vessel, States Marine Corporation, on a voyage (commencing January 17/30, 1956) carrying lumber and lumber products only from United States North Pacific ports to Poughkeepsie, N. Y. and New Haven, Connecticut.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 805 (a) should notify the Secretary, Maritime Administration within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: December 27, 1955.

By order of the Maritime Administrator.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-10461; Filed, Dec. 29, 1955; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH CAROLINA

DESIGNATION OF AREAS FOR ECONOMIC EMERGENCY LOANS

For the purpose of making Economic Emergency loans pursuant to section 2 (b) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (b)), as amended, it has heretofore been determined that an economic emergency exists that has caused a need for agricultural credit that cannot be met for a temporary period from commercial banks, cooperative lending agencies, or by the Farmers Home Administration under its regular programs, or other responsible sources, in those counties listed below in the State of North Carolina which were in the area affected by a major disaster determined by the President pursuant to Public Law 875, 81st Congress (42 U. S. C. 1855; 19 F. R. 6557, 6974, and 8758).

NORTH CAROLINA

Alamance.	Lee.
Alexander.	Montgomery.
Anson.	Moore.
Ashe.	Northampton.
Caldwell.	Orange.
Caswell.	Randolph.
Chatham.	Rockingham.
Davidson.	Richmond.
Durham.	Stokes.
Forsyth.	Surry.
Guilford.	Union.
Harnett.	Wake.
Henderson.	Watauga.
Hoke.	Wilkes.
Iredell.	Yadkin.
Johnston.	

The period for making such loans in such counties is hereby extended or further extended until December 31, 1956. Thereafter, no such loans will be made in those counties except to persons who previously received such assistance.

Done at Washington, D. C., this 23d day of December 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10449; Filed, Dec. 29, 1955; 8:47 a. m.]

WASHINGTON AND OREGON

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making Production Emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following named additional counties in the States of Washington and Oregon a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

OREGON

Columbia.	Multnomah.	Polk.

WASHINGTON

Clark.	Pierce.
Cowlitz.	San Juan.
Island.	Skagit.
King.	Snohomish.
Kitsap.	Thurston.
Lewis.	Whatcom.

Pursuant to the authority set forth above, such loans will not be made in such counties after December 31, 1956, except to persons who previously received such assistance.

For the purpose of making Production Emergency loans pursuant to section 2 (a) of said Public Law 38, it was heretofore determined that a production disaster has caused the need for agricultural credit not readily available from commercial banks, cooperative lending agencies, and other responsible sources in the following counties in the State of Oregon (20 F. R. 8393).

OREGON

Clackamas.	Yamhill.
Marion.	Washington.

Pursuant to the authority set forth above, such loans will not be made in the counties listed immediately above after December 31, 1956, except to persons who previously received such assistance.

Done at Washington, D. C., this 23d day of December, 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10450; Filed, Dec. 29, 1955; 8:47 a. m.]

MISSISSIPPI

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), certain counties in the State of Mississippi have heretofore been found to have suffered from a production disaster causing a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources (19 F. R. 6557).

The period for making Initial Production Emergency loans in Issaquena and Sharkey Counties, Mississippi, is hereby extended to December 31, 1956. Thereafter, in said counties such loans will not be made except to persons who previously received such assistance.

Done at Washington, D. C., this 23d day of December 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10467; Filed, Dec. 29, 1955; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Parts 522 and 527 of the regulations issued thereunder (29 CFR Parts 522 and 527), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Parts 522 and 527. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

American Modes, Inc., White Hall, Ill., effective 12–28–55 to 12–27–56; 10 learners for normal labor turnover purposes (women's and junior dresses).

American Modes, Inc., Roodhouse, Ill., effective 12–28–55 to 12–27–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (misses', women's junior dresses).

Blue Bell, Inc., Nappanee, Ind., effective 12–19–55 to 12–18–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (girls' and ladies' dungarees).

Devil Dog Manufacturing Co., Inc., Wendell, N. C., effective 12–29–55 to 12–28–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's and ladies' dungarees).

J. Freezer & Son, Inc., Rural Retreat, Va., effective 12–23–55 to 12–22–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shirts).

Griffin Garment Co., 123 Experiment Street, Griffin, Ga., effective 12–18–55 to 12–17–56; 10 percent of total number of factory production workers for normal labor turnover purposes (brassieres).

Honea Path Shirt Co., Honea Path, S. C., effective 12–13–55 to 12–12–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's sport shirts and pajamas).

F. Jacobson & Sons, Inc., Kingston, N. Y., effective 12–31–55 to 12–30–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's shirts).

Lark Dress Co., Fifth and Walnut Streets, Shamokin, Pa., effective 12–28–55 to 12–27–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's and misses' dresses).

Morgan Shirt Co., Inc., Morgantown, W. Va., effective 12–28–55 to 12–27–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's and girls' blouses).

P. & M. Dress Co., Main Street, Turkey Run, Shenandoah, Pa., effective 12–14–55 to 6–20–56; 10 learners for normal labor turnover purposes (ladies' dresses) (replacement).

Reidbord Bros. Co., Blairton, Washington Township, Westmoreland County, Pa., effective 12–21–55 to 12–20–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work trousers and work shirts).

Sanford Manufacturers, Inc., 400 Sanford Avenue, Sanford, Fla., effective 12–19–55 to 12–18–56; 10 learners for normal labor turnover purposes (men's and boys' pajamas and shirts).

Southern Garment Manufacturing Co., Inc., Culpeper, Va., effective 12–28–55 to 12–27–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work trousers, work jackets).

Stahl-Urban Co., Brookhaven, Miss., effective 12–19–55 to 12–18–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' work trousers, outerwear jackets, etc.).

W. E. Stephens Manufacturing Co., Inc., Pulaski, Tenn., effective 1–2–56 to 1–1–57; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton work pants).

Waverly Garment Co., Waverly, Tenn., effective 12–27–55 to 12–26–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

Wildwood Clothing Co., Inc., 112 East Schellenger Avenue, Wildwood, N. J., effective 12–12–55 to 12–11–56; 3 learners for normal labor turnover purposes (ladies' Bermuda shorts).

Wildwood Clothing Co., Inc., 112 East Schellenger Avenue, Wildwood, N. J., effective 12–12–55 to 12–11–56; 7 learners for normal labor turnover purposes (men's pants).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended April 19, 1955, 20 F. R. 2304).

General Cigar Co., Inc., 715–25 North Fourth Street, Allentown, Pa., effective 12–27–55 to 12–26–56; 10 percent of the total number of factory production workers engaged in each occupation listed hereinafter. Cigar machine operating, cigar packing (cigars retailing for more than 6 cents) 320 hours each at 65 cents an hour; machine stripping, hand stripping 160 hours each at 65 percent an hour.

General Cigar Co., Inc., 154 West Church Street, Manticoke, Pa., effective 12–17–55 to 12–16–56; 10 percent of the total number of factory production workers engaged in each occupation listed below. Cigar machine operating, cigar packing (cigars retailing for over 6 cents) 320 hours at 65 cents an hour;

machine stripping 160 hours at 65 cents an hour.

General Cigar Co., Inc., Robert Burns Drive, Philipsburg, Pa., effective 12–17–55 to 12–16–56; 10 percent of the total number of factory production workers in each occupation listed hereinafter. Cigar machine operating 320 hours at 65 cents an hour; cigar packing (cigars retailing for 6 cents or less) 160 hours at 65 cents an hour; machine stripping 160 hours at 65 cents an hour.

General Cigar Co., Inc., 1301 Eleventh Seventh Avenue, Huntington, W. Va., effective 12–17–55 to 12–16–56; 10 percent of the total number of factory production workers in each occupation listed hereinafter. Cigar machine operating; packing (cigars retailing for more than 6 cents each) 320 hours each at 65 cents an hour; handstripping, machine stripping 160 hours each at 65 cents an hour.

General Cigar Co., Inc., Fifth and Hickory Streets., Mt. Carmel, Pa., effective 12–17–55 to 12–16–56; 10 percent of the total number of factory production workers in each occupation listed hereinafter. Cigar machine operating, cigar packing (cigars retailing for over 6 cents); 320 hours each at 65 cents an hour; machine stripping; 160 hours at 65 cents an hour.

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304).

The Boss Manufacturing Co., 105 Elm Street, Chillicothe, Mo., effective 12–15–55 to 12–14–56; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Knoxville Glove Co., 819 McGhee Street, Knoxville, Tenn., effective 12–31–55 to 12–30–56; 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton, jersey and leather palm work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304).

Lady Jane Manufacturing Co., Inc., 125 South Spruce Street, Mt. Carmel, Pa., effective 12–27–55 to 12–26–56; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Palm Beach Co., Talladega, Ala., effective 12–19–55 to 10–30–56; 7 percent of the total number of factory production workers for normal labor turnover purposes. Machine operators (except cutting), handsewers, pressers each at 480 hours. Learners shall be paid not less than 70 cents an hour for the first 240 hours and not less than 72½ cents an hour for the remaining 240 hours (men's summer wash pants).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Weller Electric Corp., Km. 38.7, Road No. 3, Luquillo, P. R., effective 11–29–55 to 5–28–56; 6 persons as learners to be employed in the occupations listed hereinafter; Assembling cord, grinding, and clearing up ventilation windows and ends of plastic housing, etc., each 240 hours at 52 cents an hour and 240 hours at 62 cents an hour (electric sanders).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Enterprise Academy, Enterprise, Kans., effective 12–14–55 to 8–31–56; print shop; pressman, compositor, linotype operator, bindery worker, and related skilled and semi-skilled occupations; 12 learners to be employed in the above occupations; 500 hours each at 65 cents an hour and 500 hours each at 70 cents an hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Parts 522 and 527.

Signed at Washington, D. C., this 20th day of December 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55–10439; Filed, Dec. 29, 1955; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–9800]

ARKANSAS FUEL OIL CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Arkansas Fuel Oil Corporation (Applicant), on November 23, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Ratification dated March 18, 1955; United Fuel Gas Company, Applicant's FPC Gas Rate Schedule No. 49; December 24, 1955.

Contract dated October 31, 1952; United Fuel Gas Company; Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 49; December 24, 1955.

Letter dated October 31, 1952; United Fuel Gas Company; Supplement No. 2 to Applicant's FPC Gas Rate Schedule; December 24, 1955.

Applicant's share of the natural gas from the "P" Sand Unit in the Bourg Field, Terre Bonne Parish, Louisiana, is presently being sold to United Fuel Gas Company under Cities Service Production Company's (Cities Service) FPC Gas Rate Schedule No. 1. By order of the Commission issued October 24, 1955, in Docket No. G–9510, the increase proposed by Cities Service in its base price for gas sold under its FPC Gas Rate Schedule No. 1 was suspended and the use thereof deferred until April 1, 1956. The increase proposed by Applicant herein is identical to the increase suspended in Docket No. G–9510.

The increased rates and charges proposed by Applicant's filing of November 23, 1955, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated rate schedule and supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated rate schedule and supplements be and the same hereby are suspended and the use thereof deferred until April 1, 1956, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: December 20, 1955.

Issued: December 23, 1955.

By the Commission.[2]

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–10440; Filed, Dec. 29, 1955; 8:46 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant if later.

[Docket No. G–9801]

HUMBLE OIL & REFINING CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Humble Oil & Refining Company (Applicant) on November 23, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change (undated), Tennessee Gas Transmission Company, Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 6, 12–24–55.

[2] Commissioner Digby dissenting.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as herinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 24, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: December 20, 1955.

Issued: December 23, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–10441; Filed, Dec. 29, 1955; 8:46 a. m.]

[Docket No. E–6653]

ARIZONA PUBLIC SERVICE CO.

NOTICE OF APPLICATION

DECEMBER 23, 1955.

Take notice that on December 16, 1955, an application was filed by the Arizona Public Service Company (Applicant), for an order, pursuant to section 203 of the Federal Power Act authorizing the sale by it of certain electric facilities to the Salt River Project Agricultural Improvement and Power District (District), or in the alternative, for an order disclaiming jurisdiction in regard thereto.

Applicant, a corporation, organized and existing under the laws of the State of Arizona, with its principal place of business in Phoenix, Arizona, proposes to transfer electric facilities located, in part, near Phoenix, Arizona, and in part, near Tempe, Arizona, to District at a price of $67,063.15, subject to closing adjustments. The proposed disposition would be made under an agreement between Applicant and District dated August 31, 1955, whereby Applicant will also acquire certain electric facilities from District principally located in Maricopa County, Arizona, at a price of $1,304,926.27, subject to closing adjustments.

According to the application District is a political subdivision of the State of Arizona whose principal business is the operation of the Salt River Project. It maintains an electric system and renders electric service in Maricopa, Pinal and Gila Counties of Arizona, in which areas Applicant likewise renders electrical service.

The application states that the Applicant and District have also entered into a power coordination agreement designed to coordinate the effective upon the taking effect of the aforementioned agreement relating to the transfer of electric facilities; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to the application should on or before the 13th day of January 1956 file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's General Rules and Regulations.

The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–10442; Filed, Dec. 29, 1955; 8:47 a. m.]

[1] Commissioner Digby dissenting.

[Docket No. G–7468]

DR. P. E. SMITH ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 23, 1955.

Take notice that Dr. P. E. Smith, Katie A. Smith, Katherine Smith and P. E. Smith, Jr., hereinafter referred to as Applicant, individuals whose addresses are 2000 Hardy Street, Hattiesburg, Mississippi, filed on December 1, 1954, a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of approximately 3½ acres in Unit SW 31,[1] Maxie Field and approximately 1½ acres in Creosote No. 2 Unit,[2] Pistol Ridge Field, Forrest County, Mississippi, to United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, January 31, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 10, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–10443; Filed, Dec. 29, 1955; 8:47 a. m.]

[1] The operator of SW 31 Unit is Ohio Oil Company in accordance with a Joint Operating Agreement. Applicant has not individually made any contract of sale with regard to this interest.

[2] The operator of the Creosote No. 2 Unit is Morgan and Norton. See Docket No. G–5930. The sales contract involved was signed by predecessor in title to Applicant.

[Docket No. G–8483, etc.]

CABOT CARBON CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 23, 1955.

In the matters of Cabot Carbon Company, Docket No. G–8483; White Eagle Oil Company and/or Helmerich & Payne, Inc., Docket No. G–8662; Appell Drilling Company, Docket No. G–9372; Chas. A. Daubert, Docket No. G–9373; J. P. Petkas, Docket No. G–9374; Texita Oil Company, Docket No. G–9375; Gas Gathering Company, Docket No. G–9376.

There have been filed with the Federal Power Commission applications as hereinafter specified:

Docket No.; Address; Location of Field; and Buyer

G–8483; 77 Franklin Street, Boston 10, Massachusetts, Hugoton Field, Seward County, Kansas; Panhandle Eastern Pipe Line Company.

G–8662; Tulsa, Oklahoma, Hugoton Field, Morton County, Kansas; Panhandle Eastern Pipe Line Company.

G–9372; Drawer 330, Alice, Texas; East Mathis Field, San Patricio County, Texas; Gas Gathering Company.

G–9373; Milam Building, San Antonio, Texas; North William Field, San Patricio County, Texas; Gas Gathering Company.

G–9374; 922 San Jacinto Building, Houston 2, Texas; Willman Field, San Patricio County, Texas; Gas Gathering Company.

G–9375; 1712 Milam Building, San Antonio, Texas; Het Field, San Patricio County, Texas; Gas Gathering Company.

G–9376; Driscoll Building, Corpus Christi, Texas; East Mathis, Het, Willman, and North

Willman Fields, San Patricio County, Texas; Trunkline Gas Company.

Each has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render services as hereinbefore described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale, as indicated above.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 30, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-10444; Filed, Dec. 29, 1955; 8:47 a. m.]

[Docket No. G-8821, etc.]

FRANCIS A. CALLERY ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 23, 1955.

In the matters of Francis A. Callery, Docket No. G-8821; United Gas Pipe Line Company, Docket No. G-8824; N. C. Ginther, et al., Docket No. G-8853.

Take notice that Francis A. Callery and N. C. Ginther, et al. (Applicants), individuals whose address is Houston, Texas, filed on April 28, 1955, and May 4, 1955, respectively, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant, Francis A. Callery, produces gas from the Scott Field, Lafayette Parish, Louisiana and Applicant, N. C. Ginther, et al., produces gas from the Fromme Field, Goliad County, Texas, which they propose to sell to United Gas Pipe Line Company for transportation in interstate commerce for resale.

Applicant, United Gas Pipe Line Company (United), a Delaware corporation with its principal place of business at Shreveport, Louisiana, filed its application on April 28, 1955, as supplemented on May 31, 1955, for a certificate of public convenience and necessity authorizing it to construct and operate two purchase meter stations and appurtenant facilities, together with other facilities required from time to time to connect or take additional deliveries from wells in the Scott Field, Lafayette Parish, Louisiana and the Fromme Field, Goliad County, Texas to United's existing pipe line system, subject to the jurisdiction of the Commission all as more fully represented in its application and supplement which is on file with the Commission and open for public inspection.

The estimated cost of the above proposed facilities is $9,586, which will be financed from current working funds.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 31, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-10445; Filed, Dec. 29, 1955; 8:47 a. m.]

[Docket No. G-9395]

SINCLAIR OIL & GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 23, 1955.

Take notice that Sinclair Oil & Gas Company (Applicant), a Maine corporation whose address is Sinclair Building, Tenth and Boston, Tulsa, Oklahoma, filed, on September 26, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of certain acreage, Pistol Ridge Field, Forrest County, Mississippi, to United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, January 31, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 10, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-10447; Filed, Dec. 29, 1955; 8:47 a. m.]

[Docket No. G-8878]

DRAPER MOTORS CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 23, 1955.

Take notice that Draper Motors Corporation (Applicant), a Michigan corporation whose address is 2344 Woodward Avenue, Royal Oak, Michigan, filed as operator,[1] on May 9, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of certain units, Hugoton Field, Finney County, Kansas, to Colorado Interstate Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, January 31, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 10, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-10446; Filed, Dec. 29, 1955; 8:47 a. m.]

[1] The remaining owners of working interests in certain of the units listed are: Kansas-Nebraska Natural Gas Company, Inc., William Graham Oil Company, Robert W. Lange, Minnie M. Duncan and Flo D. Duncan. Exhibit "A" states Kansas-Nebraska Natural Gas Company, Inc., will file separate application.

CIVIL AERONAUTICS BOARD

[Docket No. 5773 et al.]

REOPENED BONANZA RENEWAL CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled case is assigned to be held on January 6, 1956, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C. This case was reopened by Order No. E-9825. Examiner Ferdinand D. Moran has been assigned to this proceeding.

Dated at Washington, D. C., December 23, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-10462; Filed, Dec. 29, 1955; 8:50 a. m.]

[Docket Nos. 7158, 7204]

PAN AMERICAN WORLD AIRWAYS, INC., AND TRANS WORLD AIRLINES, INC.

POLAR ROUTES; NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled applications is assigned to be held on January 23, 1956, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

Dated at Washington, D. C., December 27, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-10463; Filed, Dec. 29, 1955; 8:51 a. m.]

[Docket No. 7454 et al.]

SEVEN STATES AREA INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on January 24, 1956, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Attention is directed to the Rule 302.12 (b) of the Board's Rules of Practice which specifies:

A motion to consolidate or contemporaneously consider an application with any other application shall be filed not later than the prehearing conference in the proceeding with which consolidation or contemporaneous consideration is requested, and shall relate only to a then pending application.

In order to facilitate conduct of the conference and in accord with the above rule it is requested that any party desiring to prosecute an application in this proceeding file on or before January 16, 1956, a motion for consolidation with Examiner Henderson and/or any new applications for which consolidation may be sought. Copies of such motions should be served on all applicants.

In addition, it is requested that any "request for evidence" be transmitted to the examiner and to the party from whom the evidence is sought on or before January 16, 1956.

Counsel will be expected to state the views of their client with respect to issues discussed during the course of this conference.

Dated at Washington, D. C., December 27, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-10464; Filed, Dec. 29, 1955; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1353]

HOME DAIRY CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

DECEMBER 23, 1955.

In the matter of Home Dairy Company, 80¢ Cumulative Preferred Stock, No Par Value.

The above named issuer, pursuant to Section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Detroit Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The holders of record number only 211. Transactions on the Detroit Stock Exchange are negligible, being reported at 3 shares in 1952, none in 1953 and 1954, and 25 shares March 1955. The Detroit Stock Exchange has no objection to the making of this application to remove the shares from listing and registration thereon.

Upon receipt of a request, on or before January 12, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10448; Filed, Dec. 29, 1955; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 254

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR AND SMALL BUSINESS ADMINISTRATION

1. Effective upon publication in the FEDERAL REGISTER § 6.110 (e) (1) is amended to read as follows:

§ 6.110 *Department of the Interior.*

* * *

(e) *Office of Territories.* (1) Until December 31, 1957, all positions in Alaska in the Alaska Railroad.

2. Effective upon publication in the FEDERAL REGISTER paragraph (b) of § 6.128 is revoked and the other paragraphs of the section are amended to read as set out below.

§ 6.128 *Small Business Administration.* (a) Not to exceed June 30, 1957, fourteen Regional Directors.

(b) [Revoked.]

(c) Not to exceed June 30, 1957, one Confidential Assistant to the Special Assistant to the Administrator; and one Special Assistant to the Director, Office of Information.

(d) Not to exceed June 30, 1957, Chiefs of the following Divisions: Managerial Assistance, Financial Service, Procurement Assistance, Production Assistance, and Products Assistance.

(e) Not to exceed June 30, 1957, one Assistant Chief, Managerial Assistance Division.

(f) Not to exceed June 30, 1957, Chairman and three Members, Loan Review Committee.

(g) Not to exceed June 30, 1957, two Investigators, Office of the General Counsel.

(h) Not to exceed June 30, 1957, a maximum of thirty-three Branch Office Managers.

(i) Not to exceed June 30, 1957, the position of the top-ranking Financial Specialist in each Regional Office.

(j) Not to exceed June 30, 1957, one Deputy Director, Office of Information.

(k) Not to exceed June 30, 1957, the position of the top-ranking Production Specialist or Industrial Specialist in each Regional Office.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-10547; Filed, Dec. 30, 1955; 8:47 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF DEFENSE; POST OFFICE DEPARTMENT

1. Effective upon publication in the FEDERAL REGISTER subparagraphs (13) and (14) are added to § 6.304 (a) as set out below.

§ 6.304 *Department of Defense*—(a) *Office of the Secretary.* * * *

(13) The Defense Advisor and Deputy Defense Advisor to USRO in Paris, France.

(14) Two private secretaries to the Defense Advisor to USRO in Paris, France.

2. Effective upon publication in the FEDERAL REGISTER subparagraphs (3) and (4) are added to § 6.309 (e) and subparagraph (1) of paragraph (f) is amended as set out below.

§ 6.309 *Post Office Department.* * * *

(e) *Office of the Solicitor.* * * *

(3) One Deputy Solicitor.

(4) One Private Secretary to the Deputy Solicitor.

(f) *Bureau of Post Office Operations.* (1) Two Confidential Assistants to the Assistant Postmaster General.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-10552; Filed, Dec. 30, 1955; 8:48 a. m.]

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CFR SUPPLEMENTS
(For use during 1955)

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AVERAGE VALUES OF FARMS; IDAHO

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

IDAHO	*Average value*
County:	
Ada	$26,000
Adams	28,000
Bannock	30,000
Bear Lake	30,000
Benewah	25,000
Bingham	30,000
Blaine	28,000
Boise	28,000
Bonner	25,000
Bonneville	30,000
Boundary	25,000
Butte	28,000
Camas	28,000
Canyon	26,000
Caribou	30,000
Cassia	26,000
Clark	30,000
Clearwater	25,000
Custer	28,000
Elmore	28,000
Franklin	30,000
Fremont	30,000
Gem	26,000
Gooding	28,000
Idaho	25,000
Jefferson	30,000
Jerome	26,000
Kootenai	25,000
Latah	30,000
Lemhi	28,000
Lewis	25,000
Lincoln	26,000
Madison	30,000

IDAHO—Continued County:	Average value
Minidoka	$26,000
Nez Perce	25,000
Oneida	30,000
Owyhee	26,000
Payette	26,000
Power	30,000
Shoshone	25,000
Teton	30,000
Twin Falls	26,000
Valley	28,000
Washington	26,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: December 27, 1955.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 55-10585; Filed, Dec. 30, 1955; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter V—Commodity Stabilization Service (Surplus Property), Department of Agriculture

PART 500—STATEMENT OF POLICIES ON DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES AND SURPLUS FOODS PROCESSED THEREFROM

PART 502—IMPORTATION OF AGRICULTURAL FOREIGN EXCESS PROPERTY

Parts 500 and 502 of Title 7, Chapter V, of the Code of Federal Regulations are hereby revoked.

Issued this 28th day of December 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10553; Filed, Dec. 30, 1955; 8:48 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 868.8]

PART 868—WAGE RATES; SUGARCANE; VIRGIN ISLANDS

CALENDAR YEAR 1956

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended, (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 11, 1955, the following determination is hereby issued.

§ 868.8 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1956*—(a) *Requirements.* A producer of sugarcane in the Virgin Islands shall be deemed to have complied with the wage provisions of the act during the calendar year 1956 if all persons employed on the farm in the production, cultivation, or harvesting of sugarcane shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but after the date of publication of this section in the FEDERAL REGISTER or January 1, 1956, whichever is later, not less than the following:

(i) *Basic time rates.* The basic rates per hour for the first 8 hours of work performed in any 24-hour period shall be as follows:

Class of worker:	Basic rate per hour
A—Operators of mechanical loaders	$0.65
B—Operators of tractors and trucks	.50
C—Chemical sprayers	.43
D—All others	.40

(ii) *Apprentice operators of mechanical loaders and tractors.* For a learner or apprentice the hourly wage rate for Class A work in subdivision (i) of this subparagraph may be reduced by not more than 15 cents per hour and the hourly rate for Class B tractor driver work in subdivision (i) of this subparagraph may be reduced by not more than 10 cents per hour: *Provided,* That the training period for such workers shall not exceed six work-weeks and: *Provided further,* That the employer shall have available for examination by the local supervisor of the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico (hereinafter referred to as "Area Office"), a copy of the certificate of learner or apprentice status issued by the St. Croix Municipal Wage Commissioner in accordance with the provisions of section 6 (a) of St. Croix Municipal Council Bill No. 43, passed July 3, 1952.

(iii) *Handicapped workers.* For an individual whose productive capacity is impaired by age or physical or mental deficiency the hourly wage rates provided under subdivision (i) of this subparagraph may be decreased by not more than one-third: *Provided,* That the employer shall have available for examination by the local supervisor of the Area Office, a copy of the certificate of individual worker impairment issued by the St. Croix Municipal Council Wage Commissioner in accordance with the provisions of section 6 (a) of St. Croix Municipal Council Bill No. 43, passed July 3, 1952.

(iv) *Overtime.* Persons employed in excess of 8 hours in any 24-hour period or in excess of 44 hours in any one week shall be paid for the overtime work at a rate not less than one and one-half times the applicable hourly rate provided in subdivisions (i), (ii), and (iii) of this subparagraph: *Provided,* That this provision shall be inapplicable to workers who are employed under extraordinary emergencies as defined in Section 4 (c) of St. Croix Municipal Council Bill No. 2 passed January 5, 1950.

(v) *Piecework rates.* If work is performed on a piecework basis, the rate shall be as agreed upon between the producer and the worker: *Provided,* That the hourly rate of earnings for each worker for the time involved on each separate unit of work for which a piecework rate is agreed upon shall be not less than the applicable hourly rate provided under subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, time spent in transit to and from the field is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined herein through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico, against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at that office. Upon receipt of a wage claim the Area Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The Area Office shall make such investigation as it deems necessary and shall notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the Area Office is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the Area Office; otherwise, such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payment under the act is concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane during the calendar year 1956, as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301 (c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly estabilshed by him under the Agricultural Adjustment Act, as amended (i. e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various producing areas.

(c) *1956 wage determination.* The 1956 determination continues the provisions of the 1955 wage determination. Minor language changes have been made which do not affect the requirements.

At the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 11, 1955, interested persons presented testimony with respect to fair and reasonable wage rates for the calendar year 1956. A representative of the Federally-owned Virgin Islands Corporation recommended that there be no change in the 1956 determination from that effective in 1955. He submitted a financial statement of the Corporation for the fiscal year ending June 30, 1955 which indicated that the losses of the Corporation continue to be substantial. He also stated that the scarcity of labor is still the most serious problem confronting the Corporation. The witness stated that the provisions for apprentice operators of mechanical loaders and tractors and for the employment of handicapped workers had not been utilized but recommended that both be retained in the determination.

A representative of the St. Croix Labor Union recommended that the provision for perquisites be restored to the 1956 determination and that the other provisions of the 1955 determination to continued unchanged for 1956. He stated that while the resident workers were charged rent for housing owned by the Virgin Islands Corporation the imported workers received free housing and lights. The witness testified that food prices during the past year have remained essentially the same but increases in clothing prices have raised the cost of living slightly, and that small farmers generally pay higher wage rates than the minimum rates set forth in the determination.

A representative of the St. Croix Sugar Industries, Inc., recommended that the wage determination in effect in 1955 be continued for 1956. The witness testified that while sugar prices have been declining, field labor wage rates have remained the same and the scarcity of labor has necessitated importing workers which has increased costs. The witness endorsed retention of the handicapped worker's rate as well as the provision for apprentice workers.

A representative of the Farmers' Production and Marketing Service recommended that the provisions of the wage determination remain unchanged. He commented on the inequity of the Virgin Islands Corporation furnishing free housing to imported workers while charging resident workers rent. He further stated that workers demand 10 cents per hour above the minimum wage when working for the small farmer.

A representative of a large independent grower testified that he had to import workers for harvest because he was unable to find enough workers locally. The witness also testified that he had been unable to find any increases in food and clothing prices during the past year.

Consideration has been given to the recommendations made, to the economic position of producers and workers, to information resulting from investigations, to the required standards of the act, and other pertinent factors. Analysis of available data indicates that while the losses of the Virgin Islands Corporation for the 1955 crop were not as great as in 1954, it does not appear likely under prospective conditions that the Corporation's financial position with respect to sugarcane-growing operations will improve substantially for the 1956 crop.

Recent wage determinations have conformed to minimum wage legislation prescribed by the Municipal Council of St. Croix even though the wage rates are higher than those indicated by application of the standards customarily considered in wage determinations under the Sugar Act.

The recommendation that the perquisite provision be restored in the determination has not been adopted. The perquisite provision was eliminated from the wage determination in 1954 because the Virgin Islands Corporation, the largest employer of labor, is required by federal statutes and regulations to make a charge for housing furnished to workers. A witness for the Corporation stated at the hearing that the Corporation was required by contract with foreign governments to furnish free sleeping quaraters and lights to imported workers.

After consideration of all factors, the wage rates and other provisions in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provision of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131).

Issued this 28th day of December 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10584; Filed, Dec. 30, 1955; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 68]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.368 *Navel Orange Regulation 68*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 29, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at

12:01 a. m., P. s. t., January 1, 1956, and ending at 12:01 a. m., P. s. t., January 8, 1956, is hereby fixed as follows:

(i) District 1: 739,200 cartons;

(ii) District 2: 107,240 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," and "District 4" have the same meaning as when used in said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit, or lemon box set forth as standard container number 58 in section [redacted] amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 30, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-10613; Filed, Dec. 30, 1955; 11:25 a. m.]

PART 934—MILK IN MERRIMACK VALLEY, MASS., MARKETING AREA

STANDARD WEIGHTS

Findings and determinations. In accordance with the provisions of the Administrative Procedure Act (60 Stat. 237), there was published in the FEDERAL REGISTER of December 17, 1955 (20 F. R. 9495), notice that the market administrator under Order No. 34, regulating the handling of milk in the Merrimack Valley, Massachusetts, marketing area (7 CFR Part 934), was considering the issuance of a proposed amendment to the rules and regulations (7 CFR 934.101 et seq.) issued by him to effectuate the terms and provisions of that order.

The aforesaid notice specified that all persons who desired to submit data, views, or arguments in connection with the proposed amendment to the rules and regulations should submit them in writing to the market administrator in time to be received not later than 5:15 p. m., December 22, 1955. No such data, views, or arguments were received within the time specified in the notice.

It is hereby found and determined that the amendment to the rules and regulations herein set forth is necessary to effectuate the terms and provisions of Order No. 34, as amended, and as further amended effective January 1, 1956. Since it does not require substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the effective date of this amendment to the rules and regulations. Therefore, pursuant to authority contained in said Order No. 34, the following amendment to the rules and regulations is hereby issued, to be effective on and after the 1st day of January 1956.

Amend the table of standard weights in § 934.141 to provide the following standard weights for half and half, to be used in the absence of specific weights:

Product	Butterfat test	Weight (pounds)	
		Per quart container	Per 40-quart container
Half and Half	Any test	2.14	84.5

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Boston, Massachusetts, this 23d day of December 1955.

[SEAL] ROBERT W. CHERRY,
Acting Market Administrator.

[F. R. Doc. 55-10579; Filed, Dec. 30, 1955; 8:53 a. m.]

[Docket No. AO-101-A20]

PART 941—MILK IN CHICAGO, ILL., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 941.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Chicago, Illinois, on July 5-8, 1955, upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective as soon as possible and not later than January 1, 1956, this order amending the order, as amended. This action is necessary in the public interest to reflect current marketing conditions. Accordingly, any delay in the effective date of this order beyond the aforesaid date, will seriously impair orderly marketing of milk in the Chicago, Illinois, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held on July 5-8, 1955, a recommended decision having been issued on November 29, 1955, and a final decision having been issued on December 22, 1955. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (See section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended, which is marketed within the Chicago, Illinois, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (September 1955) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 941.69 (a) (1) delete the words "December 31" and insert instead the words "January 15 preceding the months in which the base applies,".

2. In § 941.69 (a) (2) delete subdivision (ii) and substitute the following:

(ii) Determine the percentage that base milk was of the remaining pounds and subtract ten, except that for the months of March, April, May and June 1956 the percentages computed pursuant to this subdivision shall be as follows:

Month:	Percentage
March 1956	65
April 1956	60
May 1956	55
June 1956	55

3. Delete § 941.69 (b) (3) and substitute the following:

(3) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March, April, May and June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided*, That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

4. Renumber § 941.69 (b) (4) as § 941.69 (b) (5) and insert a new subparagraph (4) as follows:

(4) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signatures of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

5. In § 941.69 (b) insert subparagraph (6) as follows:

(6) Subject to the provisions set forth in subparagraphs (1) and (2) of this paragraph, a producer who discontinues shipping milk to a pool plant during September, October, or November may transfer to another producer credit for milk deliveries for base making purposes.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 28th day of December 1955, to be effective on and after the 1st day of January 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10578; Filed, Dec. 30, 1955; 8:49 a. m.]

[945.301 Amdt. 1]

PART 945—TOMATOES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945; 20 F. R. 7357), regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of tomatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (vi) this amendment relieves restrictions on the handling of tomatoes grown in the production area.

Order, as amended. The provisions of § 945.301 (b) (3) (FEDERAL REGISTER, December 1, 1955; 20 F. R. 8808) are hereby amended as follows:

(3) The requirements of subparagraph (1) of this paragraph shall not be applicable to shipments of tomatoes (i) within the production area, (ii) to canning plants, or (iii) for relief or charity.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 28th day of December 1955, to become effective January 2, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 55-10581; Filed, Dec. 30, 1955; 8:50 a. m.]

[Lemon Reg. 622]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.729 *Lemon Regulation 622*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 28, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to ef-

fectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 1, 1956, and ending at 12:01 a. m., P. s. t., January 8, 1956, is hereby fixed as follows:

(i) District 1: 37,200 cartons;

(ii) District 2: 176,700 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c).

Dated: December 29, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-10609; Filed, Dec. 30, 1955; 8:55 a. m.]

PART 996—MILK IN SPRINGFIELD, MASS., MARKETING AREA

STANDARD WEIGHTS

Findings and determinations. In accordance with the provisions of the Administrative Procedure Act (60 Stat. 237), there was published in the FEDERAL REGISTER of December 17, 1955 (20 F. R. 9495), notice that the market administrator under Order No. 96, regulating the handling of milk in the Springfield, Massachusetts, marketing area (7 CFR Part 996), was considering the issuance of a proposed amendment to the rules and regulations (7 CFR 996.101 et seq.) issued by him to effectuate the terms and provisions of that order.

The aforesaid notice specified that all persons who desired to submit data, views, or arguments in connection with the proposed amendment to the rules and regulations should submit them in writing to the market administrator in time to be received not later than 5:15 p. m., December 22, 1955. No such data, views, or arguments were received within the time specified in the notice.

It is hereby found and determined that the amendment to the rules and regulations herein set forth is necessary to effectuate the terms and provisions of Order No. 96, as amended, and as further amended effective January 1, 1956. Since it does not require substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the effective date of this amendment to the rules and regulations. Therefore, pursuant to authority contained in said Order No. 96, the following amendment to the rules and regulations is hereby issued, to be effective on and after the 1st day of January 1956.

Amend the table of standard weights in § 996.141 to provide the following standard weights for half and half, to be used in the absence of specific weights:

Product	Butterfat test	Weight (pounds)	
		Per quart container	Per 40-quart container
Half and Half....	Any test.....	2.14	84.5

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Boston, Massachusetts, this 23d day of December 1955.

[SEAL] ROBERT W. CHERRY,
Acting Market Administrator.

[F. R. Doc. 55-10600; Filed, Dec. 30, 1955; 8:49 a. m.]

PART 999—MILK IN WORCESTER, MASS., MARKETING AREA

STANDARD WEIGHTS

Findings and determinations. In accordance with the provisions of the Administrative Procedure Act (60 Stat. 237), there was published in the FEDERAL REGISTER of December 17, 1955 (20 F. R. 9495), notice that the market administrator under Order No. 99, regulating the handling of milk in the Worcester, Massachusetts, marketing area (7 CFR Part 999), was considering the issuance of a proposed amendment to the rules and regulations (7 CFR 999.101 et seq.) issued by him to effectuate the terms and provisions of that order.

The aforesaid notice specified that all persons who desired to submit data, views, or arguments in connection with the proposed amendment to the rules and regulations should submit them in writing to the market administrator in time to be received not later than 5:15 p. m., December 22, 1955. No such data, views, or arguments were received within the time specified in the notice.

It is hereby found and determined that the amendment to the rules and regulations herein set forth is necessary to effectuate the terms and provisions of Order No. 99, as amended, and as further amended effective January 1, 1956. Since it does not require substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the effective date of this amendment to the rules and regulations. Therefore, pursuant to authority contained in said Order No. 99, the following amendment to the rules and regulations is hereby issued, to be effective on and after the 1st day of January 1956.

Amend the table of standard weights in § 999.141 to provide the following standard weights for half and half, to be used in the absence of specific weights:

Product	Butterfat test	Weight (pounds)	
		Per quart container	Per 40-quart container
Half and Half....	Any test.....	2.14	84.5

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Boston, Massachusetts, this 23d day of December 1955.

[SEAL] ROBERT W. CHERRY,
Acting Market Administrator.

[F. R. Doc. 55-10599; Filed, Dec. 30, 1955; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53990]

PART 3—DOCUMENTATION OF VESSELS

CHANGE OF NAME OF VESSEL

Section 3.51 (i) of the Customs Regulations requires an accurate index of each change of name of a documented vessel to be maintained at the vessel's home port. Since the index of marine documents (customs Form 1241) and the title records at the home port, the annual publication "Merchant Vessels of the United States," and the monthly supplements to that publication afford sufficient information on name changes, the requirement for a special index is being eliminated.

In addition, to afford a greater measure of protection to vessel creditors, as contemplated by the change of name statute, it is desirable to limit to 6 months the period during which an order for change of name may be made effective.

For these reasons, § 3.51 (i) of the Customs Regulations is amended to read as follows:

(i) The order for change of name shall be effective only if the vessel is documented in the new name within a period of 6 months from the date of the order.

(Sec. 2, 23 Stat. 118, as amended; 46 U. S. C. 2. Interprets or applies R. S. 4179, secs. 1–3, 41 Stat. 436, as amended, 437, as amended; 46 U. S. C. 50–53)

Pending revision of customs Form 1323, any order on the present form approving a change of name shall be limited in accordance with § 3.51 (i) as amended above.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 23, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-10601; Filed, Dec. 30, 1955; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

REVISION OF PART

Because of the great number of amendments to Part 40, it has been decided to issue a revision of this part incorporating all amendments thereto in effect on December 31, 1955. Attention is also called to the following changes which have been made:

(1) Minor editorial changes have been made in a few of the definitions in § 40.5. These changes are for the purpose of obtaining uniformity in language or clarification of intent.

(2) Minor editorial changes have been made in §§ 40.18, 40.33, 40.35, 40.61 (a) (2), 40.63 (a), 40.117, 40.171 (g), 40.175 (b), 40.176, 40.284 (a), 40.304 (b), 40.340 (a) and (b), 40.363 (c), 40.406 (c), and 40.508 (b).

(3) Obsolete compliance dates have been deleted from §§ 40.90, 40.172 (k), 40.173 (b) (3), and 40.175 (d).

(4) An obsolete footnote in § 40.110 has been deleted.

(5) A proviso containing an obsolete compliance date in § 40.175 (c) has been deleted.

(6) All footnotes have been changed to notes and follow the sections to which they apply.

Since the changes effected by this revision are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the revised part may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) as attached hereto, effective on December 31, 1955.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

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AUTHORITY: §§ 40.1 to 40.511 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555.

APPLICABILITY AND DEFINITIONS

§ 40.1 *Applicability of this part.* The provisions of this part are applicable to air carriers holding certificates of public convenience and necessity issued in accordance with Title IV of the Civil Aeronautics Act of 1938, as amended, when they engage in scheduled interstate air transportation within the continental limits of the United States: *Provided,* That the provisions of this part shall not apply to operations conducted pursuant to economic exemption authority issued by the Board for a period of 90 days or less: *And provided further,* That the Administrator may authorize any air carrier holding authority to engage in scheduled cargo operations pursuant to Title IV of the Civil Aeronautics Act of 1938, as amended, to conduct such operations in accordance with the air carrier certification and operations rules prescribed in Part 42 of this subchapter: *And provided further,* That in the case of segments of routes extending beyond the continental limits of the United States the Administrator may authorize an air carrier to conduct operations over such route segments pursuant to provisions of this part.

§ 40.2 *Applicability of Parts 43 and 60 of this subchapter.* The provisions of Parts 43 and 60 of this subchapter shall be applicable to all air carrier operations conducted under the provisions of this part unless otherwise specified in this part.

§ 40.5 *Definitions.* As used in this part terms shall be defined as follows:

Accelerate-stop distance. Accelerate-stop distance is the distance required to accelerate an airplane to a specified speed and, assuming failure of the critical engine at the instant that speed is attained, to bring the airplane to a stop. (See the pertinent airworthiness requirements for the manner in which such distance is determined.)

Administrator. The Administrator is the Administrator of Civil Aeronautics.

Air carrier. An air carrier is any citizen of the United States who undertakes directly, or by lease or by other arrangement, the carriage by airplane of persons or property as a common carrier for compensation or hire, or the carriage of mail by airplane.

Air traffic clearance. An air traffic clearance is an authorization issued by air traffic control for an airplane to proceed under specified conditions.

Air traffic control. Air traffic control is a service provided for the purpose of: (1) Preventing collisions between airplanes, and, on the airport ground maneuvering area, between airplanes and obstructions; and (2) expediting and maintaining an orderly flow of air traffic.

Aircraft dispatcher. An aircraft dispatcher is an individual holding a valid aircraft dispatcher certificate issued by the Administrator who exercises responsibility with the pilot in command in the operational control of each flight.

Airframe. Airframe means any and all kinds of fuselages, booms, nacelles, cowlings, fairings, empennages, airfoil surfaces, and landing gear, and all parts, accessories, or controls, of whatever description, appertaining thereto, but not including engines and propellers.

Airplane. An airplane is a power-driven fixed-wing aircraft, heavier than air, which is supported by the dynamic reaction of the air against its wings.

Airport. An airport is an area of land or water which is used, or intended for use, for the landing and take-off of airplanes.

Alternate airport. An alternate airport is an approved airport to which a flight may proceed if a landing at the airport to which the flight was dispatched becomes inadvisable.

Appliances. Appliances are instruments, equipment, apparatus, parts, appurtenances, or accessories of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of airplanes in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to airplanes during flight, but excluding parachutes), and which are not a part or parts of airframes, engines, or propellers.

Approved. Approved, when used alone or as modifying terms such as means, method, action, equipment, etc., means approved by the Administrator.

Authorized representative of the Administrator. An authorized representative of the Administrator is any employee of the Civil Aeronautics Administrator or any private person, authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

Ceiling. Ceiling is the height above the ground or water of the lowest layer of clouds or obscuring phenomena that is reported as "broken," "overcast," or "obscuration" and not classified as "thin" or "partial."

Check airman. A check airman is an airman designated by the air carrier and approved by the Administrator to examine other airmen to determine their proficiency with respect to procedures and technique and their competence to perform their respective airman duties.

Control area. Control area is airspace having defined dimensions, designated by the Administrator, which extends upward from an altitude of 700 feet above the surface, within which air traffic control is exercised. In the case of operations conducted in the airspace of a foreign country, control area shall mean the airspace designated by the appropriate authority of such country.

Control zone. A control zone is airspace having defined dimensions, designated by the Administrator, which extends upward from the surface, which includes one or more airports, and within which rules additional to those governing control areas apply for the protection of air traffic. In the case of control zones located in foreign countries, the control zone shall be designated by the appropriate authority of such country.

Crew member. A crew member is any individual assigned by an air carrier for the performance of duty on an airplane in flight.

Critical engine. The critical engine is that engine the failure of which gives the most adverse effect on the airplane flight characteristics relative to the case under consideration.

Critical-engine-failure speed, V_1 (transport category airplanes). The critical-engine-failure speed is the airplane speed used in the determination of the take-off distance required at which the critical engine is assumed to fail. (See the pertinent airworthiness requirements for the manner in which such speed is determined.)

Dispatch release. A dispatch release is an authorization issued by an air carrier specifying the conditions for the origination or continuance of a particular flight.

Duty aloft. Duty aloft includes the entire period during which an individual is assigned as a member of an airplane crew during flight time.

Effective length of runway—(1) *Take-off.* The effective length of runway for take-off as used in the take-off operating limitations for nontransport category airplanes is the distance from the end of the runway at which the take-off is started to the point at which the obstruction clearance plane associated with the other end of the runway intersects the center line of the runway.

(2) *Landing.* The effective length of runway for landing as used in the landing operating limitations for both transport and nontransport category airplanes is the distance from the point at which the obstruction clearance plane associated with the approach end of the runway intersects the center line of the runway to the far end thereof.

En route. En route means the entire flight from the point of origination to the point of termination, including intermediate stops.

Extended overwater operation. An extended overwater operation is an operation over water conducted at a distance in excess of 50 miles from the nearest shore line.

Fireproof. Fireproof material means a material which will withstand heat equally well or better than steel in dimensions appropriate for the purpose for which it is to be used. When applied to material and parts used to confine fires in designated fire zones, fireproof means that the material or part will perform this function under the most severe conditions of fire and duration likely to occur in such zones.

Fire-resistant. When applied to sheet or structural members, fire-resistant material means a material which will withstand heat equally well or better than aluminum alloy in dimensions appropriate for the purpose for which it is to be used. When applied to fluid-carrying lines, this term refers to a line and fitting assembly which will perform its intended protective functions under the heat and other conditions likely to occur at the particular location.

Flame-resistant. Flame-resistant material means a material which will not support combustion to the point of propagating beyond safe limits, a flame after the removal of the ignition source.

Flammable. Flammable fluids or gases mean those which will ignite readily or explode.

Flash-resistant. Flash-resistant material means material which will not burn violently when ignited.

Flight crew member. A flight crew member is a crew member assigned to duty on an airplane as a pilot or flight engineer.

Flight engineer. A flight engineer is an individual holding a valid flight engineer certificate issued by the Administrator and whose primary assigned duty during flight is to assist the pilots in the mechanical operation of an airplane.

Flight time. Flight time is the time from the moment the airplane first moves under its own power for the purpose of flight until it comes to rest at the next point of landing (block-to-block time).

High-altitude operation. High-altitude operation is flight conducted at or above 12,500 feet above sea level east of longitude 100° W. and at or above 14,500 feet above sea level west of longitude 100° W.

IFR. IFR is the symbol used to designate instrument flight rules.

Interstate air transportation. Interstate air transportation is the carriage by airplane of persons or property as a common carrier for compensation or hire or the carriage of mail by airplane, in commerce between a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States, or the District of Columbia; whether such commerce moves wholly by airplane or partly by airplane and partly by other forms of transportation.

Maximum certificated take-off weight. Maximum certificated take-off weight is the maximum take-off weight authorized by the terms of the airplane airworthiness certificate.

NOTE: The airplane airworthiness certificate incorporates as a part thereof the airplane operating record or that portion of an Airplane Flight Manual which contains the pertinent limitation.

Minimum control speed. The minimum control speed is the minimum speed at which an airplane can be safely controlled in flight after an engine suddenly becomes inoperative. (See pertinent airworthiness requirements for the manner in which such speed is determined.)

Month. A month is that period of time extending from the first day of any month as delineated by the calendar through the last day thereof.

Night. Night is the time between the ending of evening civil twilight and the beginning of morning civil twilight as published in the American Air Almanac converted to local time for the locality concerned.

NOTE: The American Air Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Information is also available concerning such tables in the Offices of the Civil Aeronautics Administration or the United States Weather Bureau.

Obstruction clearance area—(1) *Take-off.* A take-off obstruction clearance area as used in the take-off operating limitations for nontransport category airplanes is an area on the earth's surface defined as follows: The center line of the obstruction clearance area in plan view shall coincide with and prolong the center line of the runway, beginning at the point where the obstruction clearance plane intersects the center line of the runway and proceeding to a point not less than 1,500 feet from the beginning point. Thereafter the center line shall proceed in a path consistent with the take-off procedure for the runway or, where such a procedure has not been established, consistent with turns of at least 4,000-foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions. The obstruction clearance area shall extend laterally for a distance of 200 feet on each side of the center line at the point where the obstruction clearance plane intersects the runway and shall continue at this width until the end of the runway; thence it shall increase uniformly to 500 feet on each side of the center line at a point 1,500 feet from the intersection of the obstruction clearance plane with the runway; thereafter it shall extend laterally for a distance of 500 feet on each side of the center line.

(2) *Landing.* A landing obstruction clearance area as used in the landing operating limitations for both transport and nontransport category airplanes is an area on the earth's surface defined as follows: The center line of the obstruction clearance area in plan view shall coincide with and prolong the center line of the runway, beginning at the point where the obstruction clearance plane intersects the center line of the runway and proceeding to a point not less than 1,500 feet from the beginning point. Thereafter the center line shall proceed in a path consistent with the instrument approach procedure for the runway or, where such a procedure has not been established, consistent with turns of at least 4,000-foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions. The obstruction clearance area shall extend laterally for a distance of 200 feet on each side of the center line at the point where the obstruction clearance plane intersects the runway and shall continue at this width until the end of the runway; thence it shall increase uniformly to 500 feet on each side of the center line at a point 1,500 feet from the intersection of the obstruction clearance plane with the runway; thereafter it shall extend laterally for a distance of 500 feet on each side of the center line.

Obstruction clearance plane. An obstruction clearance plane is a plane which is tangent to or clears all obstructions within the obstruction clearance area and which slopes upward from the runway at a slope of 1:20 to the horizontal as shown in a profile view of the obstruction clearance area.

Operational control. Operational control is the exercise of authority over initiation, continuation, diversion, or termination of a flight.

Operations Specifications. Operations Specifications are rules of particular applicability issued by the Administrator under delegated authority from the Board and are not part of the air carrier operating certificate.

Over-the-top. Over-the-top means the operation of an airplane above a layer of clouds or obscuring phenomena that is reported as "broken," "overcast," or "obscuration" and not classified as "thin" or "partial."

Pilot in command. The pilot in command is the pilot designated by the aircarrier as the pilot responsible for the operation and safety of the airplane during the time defined as flight time.

Pilotage. Pilotage is navigation by means of visual reference to landmarks.

Propeller. A propeller is a device for propelling an airplane through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust approximately parallel to the longitudinal axis of the airplane.

Provisional airport. A provisional airport is an airport approved for use by an air carrier for the purpose of providing service to a community when the regular airport serving that community is not available.

Rating. A rating is an authorization issued with a certificate, and forming a part thereof, delineating special conditions, privileges, or limitations pertaining to such certificate.

Refueling airport. A refueling airport is an airport approved as an airport to which flights may be dispatched only for refueling.

Regular airport. A regular airport is an airport approved as a regular terminal or intermediate stop on an authorized route.

Route. A route is the airspace on either side of a course joining those points on the surface of the earth between which an air carrier provides air transportation in accordance with the terms of its certificate of public convenience and necessity issued by the Board.

Route segment. A route segment is a portion of a route each terminus of which is identified by: (1) A continental or insular geographic location, or (2) a point at which a definite radio fix can be established.

Runway. A runway is a clearly defined area of an airport suitable for the safe landing or take-off of airplanes.

Scheduled for duty aloft. Scheduled for duty aloft means the assignment of a flight crew member on the basis of the flight time established in the operations schedules rather than the actual flight time.

Show. Show means to demonstrate or prove to the satisfaction of the Administrator prior to the issuance of the air carrier operating certificate and at any time thereafter required by the Administrator.

Synthetic trainer. A synthetic trainer is a device the use of which is approved to simulate certain operating conditions.

Take-off safety speed, V_2. The take-off safety speed is the airplane speed used in the determination of the take-off flight path at which the climb-out following take-off can be safely executed with one engine inoperative and with the airplane in the take-off configuration. (See the pertinent airworthiness requirements for the manner in which such speed is determined.)

Time in service. Time in service, as used in computing maintenance time records, is the time from the moment an airplane leaves the ground until it touches the ground at the end of a flight.

Transport category airplane. A transport category airplane is an airplane which has been type certificated in accordance with the requirements of Part 4b of this subchapter or the transport category requirements of Part 4a of this subchapter.

Type. With regard to airman qualifications, type means all airplanes of the same basic design, including all modifications thereto except those modifications which the Administrator has found result in a substantial change in characteristics pertinent to the airman concerned.

VFR. VFR is the symbol used to designate visual flight rules.

V_{s_0}. V_{s_0} is the symbol used to designate the true indicated stalling speed or the minimum steady flight speed in the landing configuration.

Visibility. Visibility is the greatest distance at which conspicuous objects can be seen and identified.

(1) *Flight visibility.* Flight visibility is the average range of visibility forward from the cockpit of an airplane in flight to see and identify prominent unlighted objects by day and prominent lighted objects by night.

(2) *Ground visibility.* Ground visibility is the visibility at the earth's surface as reported by the United States Weather Bureau or by a source approved by the Weather Bureau.

Week. A week is that period of time extending from the first day of any week as delineated by the calendar through the last day thereof.

Year. A year is that period of time extending from the first day of any year as delineated by the calendar through the last day thereof.

CERTIFICATION RULES AND OPERATIONS SPECIFICATIONS REQUIREMENTS

§ 40.10 *Certificate required.* No person subject to the provisions of this part shall operate an airplane in scheduled interstate air transportation without, or in violation of the terms of, an air carrier operating certificate issued by the Administrator.

§ 40.11 *Contents of certificate.* An air carrier operating certificate shall specify the points to and from which, and the routes over which, an air carrier is authorized to operate.

§ 40.12 *Application for certificate.* An application for an air carrier operating certificate shall be made in the form and manner and contain information prescribed by the Administrator.

§ 40.13 *Issuance of certificate.* (a) An air carrier operating certificate shall be issued by the Administrator to an applicant having a certificate of public convenience and necessity issued by the Civil Aeronautics Board when the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this part and with the operations specifications authorized in this part.

(b) Whenever, upon investigation, the Administrator finds that the general standards of safety required for air carrier operations in airplanes of 12,500 pounds or less maximum certificated take-off weight, or for air carrier operations conducted pursuant to a temporary authorization issued under Title IV of the Civil Aeronautics Act of 1938, as amended, require or permit a deviation from any specific requirement for a particular operation or class of operations for which an application for an air carrier operating certificate has been made, he may issue operations specifications prescribing requirements which deviate from the requirements of this part. The Administrator shall promptly notify the Board of such deviations in the operations specifications and the reasons therefor.

§ 40.14 *Amendment of certificate.* (a) The Administrator shall, after notice and opportunity for hearing to the carrier concerned, amend an air carrier operating certificate when he finds that such amendment is reasonably required in the interest of safety.

(b) Upon application by an air carrier the Administrator shall amend an air carrier operating certificate when he finds that the general standards of safety permit such an amendment.

§ 40.15 *Display of certificate.* The air carrier operating certificate shall be available at the principal operations office of an air carrier for inspection by any authorized representative of the Board or the Administrator.

§ 40.16 *Duration of certificate.* (a) An air carrier operating certificate shall remain in effect until termination of the certificate of public convenience and necessity or other economic authorization issued by the Board held by the air carrier, or until surrendered, suspended, revoked, or otherwise terminated by order of the Board. After suspension or revocation it shall be returned to the Administrator.

(b) Nothing in this section shall be construed to deny or to defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the Civil Aeronautics Act of 1938, as amended, regulations in this subchapter, or the air carrier operating certificate occurring during the effective period of such certificate.

§ 40.17 *Transferability of certificate.* An air carrier operating certificate is not transferable, except with the written consent of the Administrator.

§ 40.18 *Operations specifications required.* (a) No person subject to the provisions of this part shall operate as an air carrier without, or in violation of, operations specifications issued by the Administrator.

(b) New or amended specifications shall be issued by the Administrator for operations subject to this part in a form and manner prescribed by him and in accordance with the provisions of this part.

§ 40.19 *Contents of specifications.* The operations specifications shall contain the following:

(a) Types of operations authorized;

(b) Types of airplanes authorized for use;

(c) En route authorizations and limitations;

(d) Airport authorizations and limitations;

(e) Time limitation for overhauls, inspections, and checks of airframes, engines, propellers, and appliances, or standards by which such time limitations shall be determined;

(f) Procedures used to maintain control of weight and balance of airplanes;

(g) Interline equipment interchange requirements, if pertinent; and

(h) Such additional items as the Administrator determines, under the enabling provisions of this part, are necessary to cover a particular situation.

§ 40.20 *Utilization of operations specifications.* The air carrier shall keep its personnel informed with respect to the contents of the operations specifications and all amendments thereto applicable to the individual's duties and responsibilities. A set of specifications shall be maintained by the air carrier as a separate and complete document. Pertinent excerpts from the specifications or references thereto shall be inserted in the manual issued by the air carrier.

§ 40.21 *Amendment of operations specifications.* Any operations specification may be amended by the Administrator if he finds that safety in air transportation so requires or permits. Except in the case of an emergency requiring immediate action in respect to safety in air transportation or upon consent of the air carrier concerned, no amendment shall become effective prior to thirty days after the date the air carrier has been notified of such amendment. Within thirty days after either the receipt of such notice or the refusal of the Administrator to approve an air carrier's application for amendment, the air carrier may petition the Board to review the action of the Administrator. Except with regard to emergency amendments by the Administrator, the effectiveness of any amendment concerning which the carrier has petitioned for review shall be stayed pending the Board's decision.

§ 40.22 *Inspection authority.* An authorized representative of the Board or the Administrator shall be permitted at any time and place to make inspections or examinations to determine an air carrier's compliance with the requirements of the Civil Aeronautics Act of 1938, as amended, the regulations in this subchapter, the provisions of the air carrier's operating certificate, and the operations specifications.

§ 40.23 *Operations and maintenance base and office.* Each air carrier shall give written notice to the Administrator of his principal business office, his principal operations base, and his principal maintenance base. Thereafter, prior to any change in any such office or base, he shall give written notice to the Administrator.

REQUIREMENTS FOR SERVICES AND FACILITIES

§ 40.30 *Route requirements; demonstration of competence.* The air carrier shall show that it is competent to conduct scheduled operations over any route or route segment between any regular, provisional, or refueling airport and that the facilities and services available are adequate for the type of operation proposed. The Administrator shall not require actual flight over a route or route segment, if the air carrier shows that such flight is not essential to safety. The air carrier may thereafter conduct operations between regular, provisional, or refueling airports on any approved route or routes on which the operational facilities and procedures are substantially similar: *Provided*, That high-altitude operations may be conducted over any route.

§ 40.31 *Width of routes.* A route or route segment shall include the navigable airspace on each side of an approved course or courses, and it shall have a width designated by the Administrator consistent with terrain, available navigational aids, traffic density, and air traffic control procedures: *Provided*, That for high-altitude operations, courses need not be approved, and the width of navigable airspace on each side thereof need not be designated by the Administrator.

§ 40.32 *IFR routes outside of control areas.* IFR routes outside of control areas shall be approved if the air carrier shows that the navigational and communications facilities are adequate for the operations proposed, unless the Administrator finds that because of traffic density an adequate level of safety cannot be insured in a particular area: *Provided*, That for high-altitude operations IFR routes need not be approved.

§ 40.33 *Airports.* The air carrier shall show that each route has sufficient airports found by the Administrator to be properly equipped and adequate for the type of operations to be conducted. Consideration shall be given to items such as size, surface, obstructions, facilities, public protection, lighting, navigational and communications aids, and traffic control.

§ 40.34 *Communications facilities.* The air carrier shall show that a two-way air/ground radio communication system is available at such points as will insure reliable and rapid communications under normal operating conditions over the entire route, either direct or via approved point-to-point circuits for the following purposes:

(a) Communications between airplanes and the appropriate dispatch office, in which case such systems shall be independent of systems operated by the Federal Government, and

(b) Communications between airplanes and the appropriate air traffic control unit, in which case the Administrator may permit the use of communications systems operated by the Federal Government.

§ 40.35 *Weather reporting facilities.* The air carrier shall show that sufficient weather reporting services are available along the route to insure weather reports and forecasts necessary for the operation. Weather reports used to control flight movements shall be those prepared and released by the U. S. Weather Bureau, or by a source approved by the Weather Bureau. Forecasts used to control flight movements shall be prepared from such weather reports.

§ 40.36 *En route navigational facilities.* The air carrier shall show that nonvisual ground aids to air navigation are available along each route, that they are so located as to permit navigation to any regular, provisional, refueling, or alternate airport within the degree of accuracy necessary for the operation involved, and that they are available for the navigation of airplanes within the degree of accuracy required for air traffic control: *Provided*, That no nonvisual ground aids to navigation are required for day VFR operations where the characteristics of the terrain are such that navigation can be conducted by pilotage, or for night VFR operations along lighted airways or on routes where the Administrator has determined that reliably lighted landmarks are adequate for safe operations.

§ 40.37 *Servicing and maintenance facilities.* The air carrier shall show that competent personnel and adequate facilities and equipment, including spare parts, supplies, and materials, are available at such points along the air carrier's routes as are necessary for the proper servicing, maintenance, repair, and inspection of airplanes and auxiliary equipment.

§ 40.38 *Location of dispatch centers.* The air carrier shall show that it has a sufficient number of dispatch centers adequate for the operations to be conducted and located at such points as are necessary to insure the proper operational control of each flight.

MANUAL REQUIREMENTS

§ 40.50 *Preparation of manual.* The air carrier shall prepare and keep current a manual for the use and guidance of flight and ground operations personnel in the conduct of its operations.

§ 40.51 *Contents of manual.* (a) The manual shall contain instructions, information, and data necessary for the per-

sonnel concerned to carry out their duties and responsibilities with a high degree of safety. It shall be in a form to facilitate easy revision, and each page shall bear the date of the last revision thereof. The contents of such manual shall not be contrary to the provisions of any Federal regulations, operations specifications, or the operating certificate. The manual may be in two or more separate parts (e. g., flight operations, ground operations, maintenance, communications, etc.) to facilitate use by the personnel concerned, but each part shall contain so much of the information listed below as is appropriate for each group of personnel:

(1) General policies;

(2) Duties and responsibilities of each crew member and appropriate members of the ground organization;

(3) Reference to appropriate regulations in this subchapter and Civil Aeronautics Manuals;

(4) Flight dispatching and control;

(5) En route flight, navigation, and communication procedures, including procedures for the dispatch or continuance of flight, if any item of equipment required for the particular type of operation becomes inoperative or unserviceable en route;

(6) Appropriate information from the en route operations specifications, including for each approved route the types of airplanes authorized, their crew complement, the type of operation (i. e., VFR, IFR, day, night) and other pertinent information;

(7) Appropriate information from the airport operations specifications, including for each airport its location, its designation (i. e., regular, alternate, provisional, etc.), types of airplanes authorized, instrument approach procedures, landing and take-off minimums, and other pertinent information;

(8) Take-off, en route, and landing weight limitations;

(9) Procedures for familiarizing passengers with the use of emergency equipment during flight;

(10) Emergency procedures and equipment;

(11) The method of designating succession of command of flight crew members;

(12) Procedures for determining the usability of landing and take-off areas and for dissemination of pertinent information to operations personnel;

(13) Procedures for operation during periods of icing, hail, thunderstorms, turbulence, or any potentially hazardous meteorological conditions;

(14) Airman training programs, including appropriate ground, flight, and emergency phases;

(15) Instructions and procedures for maintenance, repair, overhaul, and servicing;

(16) Time limitations for overhaul, inspection, and checks, of airframes, engines, propellers, and appliances, or standards by which such time limitations shall be determined;

(17) Procedures for refueling airplanes, elimination of fuel contamination, protection from fire including electrostatic protection, and the supervision and protection of passengers during refueling;

(18) Inspections for airworthiness, including instructions covering procedures, standards, responsibilities, and authority of the inspection personnel;

(19) Methods and procedures for maintaining the airplane weight and center of gravity within approved limits;

(20) Pilot and dispatcher route and airport qualification procedures;

(21) Accident notification procedures; and

(22) Other data or instructions related to safety.

(b) At least one complete master copy of the manual containing all parts thereof shall be retained at the appropriate operations base of the air carrier.

§ 40.52 *Distribution of manual.* (a) Copies of the entire manual, or appropriate portions thereof, together with revisions thereto shall be furnished to the following:

(1) Appropriate ground operations and maintenance personnel of the air carrier;

(2) Flight crew members; and

(3) Authorized representatives of the Administrator assigned to the air carrier to act as aviation safety agents.

(b) All copies of the manual shall be kept up to date.

§ 40.53 *Airplane Flight Manual.* (a) The air carrier shall keep current an approved Airplane Flight Manual for each type of transport category airplane which it operates.

(b) An approved Airplane Flight Manual or a manual complying with § 40.50 and containing information required for the Airplane Flight Manual shall be carried in each transport category airplane.

AIRPLANE REQUIREMENTS

§ 40.60 *General.* Airplanes shall be identified, certificated, and equipped in accordance with the applicable airworthiness requirements of the regulations in this subchapter. No air carrier shall operate any airplane in scheduled operation unless such airplane meets the requirements of this part and is in an airworthy condition.

§ 40.61 *Airplane certification requirements*—(a) *Airplanes certificated on or before June 30, 1942.* Airplanes certificated as a basic type on or before June 30, 1942, shall either:

(1) Retain their present airworthiness certification status and meet the requirements of § 40.90, or

(2) Comply with either the performance requirements of §§ 4a.737–T through 4a.750–T of this subchapter or the performance requirements of §§ 4b.110 through 4b.125 of this subchapter and in addition shall meet the requirements of § 40.70: *Provided,* That should any type be so qualified, all airplanes of any one operator of the same or related types shall be similarly qualified and operated.

(b) *Airplanes certificated after June 30, 1942.* Airplanes certificated as a basic type after June 30, 1942, and used in passenger operation shall be certificated as transport category airplanes and shall meet the requirements of § 40.70.

§ 40.62 *Airplane limitation for type of route.* All airplanes used in passenger air transportation shall be multi-engine airplanes and shall comply with the following requirements:

(a) *Two- or three-engine airplanes.* Two- or three-engine airplanes shall not be used in passenger-carrying operations unless adequate airports are so located along the route that the airplanes will at no time be at a greater distance therefrom than one hour of flying time in still air at normal cruising speed with one engine inoperative: *Provided,* That the Administrator may specify distances greater or less than those set forth herein when he determines that the character of the terrain, the type of operation, or the performance of the airplanes to be used so permit or require.

(b) *Land airplanes on extended overwater routes.* Land airplanes operated on flights involving extended overwater operations shall be certificated as adequate for ditching in accordance with the ditching provisions of Part 4b of this subchapter.

§ 40.63 *Proving tests.* (a) A type of airplane not previously proved for use in scheduled operation shall have at least 100 hours of proving tests, in addition to the airplane certification tests, accomplished under the supervision of an authorized representative of the Administrator. As part of the 100-hour total at least 50 hours shall be flown over authorized routes and at least 10 hours shall be flown at night.

(b) A type of airplane which has been previously proved shall be tested for at least 50 hours, of which at least 25 hours shall be flown over authorized routes, unless deviations are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements of this paragraph unnecessary for safety, when the airplane:

(1) Is materially altered in design, or

(2) Is to be used by an air carrier who has not previously proved such a type.

(c) During proving tests only those persons required to make the tests and those designated by the Board or the Administrator shall be carried. Mail, express, and other cargo may be carried when approved by the Administrator.

AIRPLANE PERFORMANCE OPERATING LIMITATIONS; TRANSPORT CATEGORY

§ 40.70 *Transport category airplane operating limitations.* (a) In operating any passenger-carrying transport category airplane the provisions of §§ 40.71 through 40.78 shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

(b) For transport category airplanes the performance data contained in the Airplane Flight Manual shall be applied in determining compliance with these provisions. Where conditions differ from those for which specific tests were made, compliance shall be determined by interpolation or by computation of the effects of changes in the specific variables where such interpolations or computations will give results substantially equaling in accuracy the results of a direct test.

(c) No airplane shall be taken off at a weight which exceeds the allowable weight for the runway being used as determined in accordance with the take-off runway limitations of the transport category operating rules of this part, after taking into account the temperature operating correction factors required by §§ 4a.749a–T or 4b.117 of this subchapter, and set forth in the Airplane Flight Manual for the airplane.

§ 40.71 *Weight limitations.* (a) No airplane shall be taken off from any airport located at an elevation outside of the altitude range for which maximum take-off weights have been determined, and no airplane shall depart for an airport of intended destination or have any airport specified as an alternate which is located at an elevation outside of the altitude range for which maximum landing weights have been determined.

(b) The weight of the airplane at take-off shall not exceed the authorized maximum take-off weight for the elevation of the airport from which the take-off is to be made.

(c) The weight at take-off shall be such that, allowing for normal consumption of fuel and oil in flight to the airport of intended destination, the weight on arrival will not exceed the authorized maximum landing weight for the elevation of such airport.

§ 40.72 *Take-off limitations to provide for engine failure.* No take-off shall be made except under conditions which will permit compliance with the following requirements:

(a) It shall be possible, from any point in the take-off up to the time of attaining the critical-engine-failure speed, to bring the airplane to a safe stop on the runway as shown by the accelerate-stop distance data.

(b) It shall be possible, if the critical engine should fail at any instant after the airplane attains the critical-engine-failure speed, to proceed with the take-off and attain a height of 50 feet, as indicated by the take-off path data, before passing over the end of the runway. Thereafter it shall be possible to clear all obstacles, either by at least 50 feet vertically, as shown by the take-off path data, or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing beyond such boundaries. In determining the allowable deviation of the flight path in order to avoid obstacles by at least the distances above set forth, it shall be assumed that the airplane is not banked before reaching a height of 50 feet, as shown by the take-off path data, and that a maximum bank thereafter does not exceed 15°.

(c) In applying the requirements of paragraphs (a) and (b) of this section, corrections shall be made for any gradient of the take-off surface. To allow for wind effect, take-off data based on still air may be corrected by not more than 50 percent of the reported wind component along the take-off path if opposite to the direction of take-off, and shall be corrected by not less than 150 percent of the reported wind component if in the direction of take-off.

§ 40.73 *En route limitations; all engines operating.* No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with all engines operating, of at least $6\ V_{s_0}$ (when V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track. Transport category airplanes certificated under Part 4a of this subchapter are not required to comply with this section. For the purpose of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

§ 40.74 *En route limitations; one engine inoperative.* (a) No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with one engine inoperative, of at least

$$\left(0.06-\frac{0.08}{N}\right)V_{s_0}{}^2$$

(when N is the number of engines installed and V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track, except that for transport category airplanes certificated under Part 4a of this subchapter, the rate of climb shall be $0.02\ V_{s_0}{}^2$.

(b) As an alternative to the provisions of paragraph (a) of this section, an air carrier may utilize an approved procedure whereby its airplanes are operated at an all-engine-operating altitude such that in the event of an engine failure the airplane can continue flight to an alternate airport where a landing can be made in accordance with the provisions of § 40.78, the flight path clearing all terrain and obstructions along the route within 5 miles on either side of the intended track by at least 2,000 feet. In addition, if such a procedure is utilized, subparagraphs (1) through (6) of this paragraph shall be complied with:

(1) The rate of climb (as presented in the Airplane Flight Manual for the appropriate weight and altitude) used in calculating the airplane's flight path shall be diminished by an amount, in feet per minute, equal to

$$\left(0.06-\frac{0.08}{N}\right)V_{s_0}{}^2$$

(when N is the number of engines installed and V_{s_0} is expressed in miles per hour) for airplanes certificated under Part 4b of this subchapter and by $0.02\ V_{s_0}{}^2$ for airplanes certificated under Part 4a of this subchapter.

(2) The all-engine-operating altitude shall be such that, in the event the critical engine becomes inoperative at any point along the route, the flight will be capable of proceeding to a predetermined alternate airport by use of this procedure. For the purpose of determining the take-off weight, the airplane shall be assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix: *Provided,* That the Administrator may authorize a procedure established on a different basis where adequate operational safeguards are found to exist.

(3) The airplane shall meet the provisions of paragraph (a) of this section at 1,000 feet above the airport used as an alternate in this procedure.

(4) The procedure shall include an approved method of accounting for winds and temperatures which would otherwise adversely affect the flight path.

(5) In complying with this procedure fuel jettisoning shall be permitted if the Administrator finds that the air carrier has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to insure a safe procedure.

(6) The alternate airport shall be specified in the dispatch release and shall meet the provisions of § 40.390.

(c) For the purposes of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

§ 40.75 *En route limitations; two engines inoperative.* The provisions of this section shall apply only to airplanes certificated in accordance with the performance requirements of Part 4b of this subchapter. No airplane having four or more engines shall be flown along an intended track except under the conditions of either paragraph (a) or paragraph (b) of this section.

(a) No place along the intended track shall be more than 90 minutes away from an available landing area at which a landing can be made in accordance with the requirements of § 40.78, assuming all engines to be operating at cruising power.

(b) The take-off weight shall not be greater than that which would permit the airplane, with the two critical engines inoperative, to have a rate of climb in feet per minute equal to 0.01 $V_{s_0}{}^2$ (V_{s_0} being expressed in miles per hour) along all points of the route, from the point where the two engines are assumed to fail simultaneously to the landing area, either at an altitude of 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher. The point where the two engines are assumed to fail shall be that point along the route which is most critical with respect to the take-off weight. In showing compliance with this prescribed rate of climb, the following shall apply:

(1) It shall be permissible to consider that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil with all engines operating up to the point where the two

engines are assumed to fail and with two engines operating beyond that point.

(2) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb at the prescribed minimum altitude need not be shown during the descent from the cruising altitude to an altitude at which the rate of descent becomes zero, if the latter is sufficiently above the prescribed minimum altitude to assure compliance with the prescribed rate of climb at the prescribed minimum altitudes during the subsequent portion of the flight.

(3) If fuel jettisoning is provided, the airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to an available landing area at which a landing can be made in accordance with the requirements of § 40.78 and to arrive there at an altitude of at least 1,000 feet directly over the landing area.

§ 40.76 *Special en route limitations.* The 10-mile lateral distance specified in §§ 40.73 through 40.75 may, for a distance of no more than 20 miles, be reduced to 5 miles, if operating VFR, or if air navigational facilities are so located as to provide a reliable and accurate identification of any high ground or obstruction located outside of such 5-mile lateral distance but within the 10-mile distance.

§ 40.77 *Landing distance limitations; airport of destination.* No airplane shall be taken off at a weight in excess of that which, under the conditions stated in this part would permit the airplane to be brought to rest at the field of intended destination within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance plane and the runway. For the purpose of this section it shall be assumed that the take-off weight of the airplane is reduced by the weight of the fuel and oil expected to be consumed in flight to the field of intended destination.

(a) It shall be assumed that the airplane is landed on the most favorable runway and direction in still air.

(b) It shall be assumed, considering the probable wind velocity and direction, that the airplane is landed on the most suitable runway, taking due account of the ground handling characteristics of the airplane type involved and other conditions (e. g., landing aids, terrain, etc.) and allowing for the effect on the landing path and roll of not more than 50 percent of the wind component along the landing path if opposite to the direction of landing, or not less than 150 percent of the wind component if in the direction of landing.

(c) If the airport of intended destination will not permit full compliance with paragraph (b) of this section, the airplane may be taken off if an alternate airport is designated which permits compliance with § 40.78.

§ 40.78 *Landing distance limitations; alternate airports.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 40.77: *Provided,* That the airplane can be brought to rest within 70 percent of the effective length of the runway.

AIRPLANE PERFORMANCE OPERATING LIMITATIONS; NONTRANSPORT CATEGORY

§ 40.90 *Nontransport category airplane operating limitations.* In operating any large, nontransport category airplane in passenger service, the provisions of §§ 40.91 through 40.94 shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety. Performance data published or approved by the Administrator for each such nontransport category airplane shall be used in determining compliance with the provisions of §§ 40.91 through 40.94.

§ 40.91 *Take-off limitations.* No take-off shall be made at a weight in excess of that which will permit the airplane to be brought to a safe stop within the effective length of the runway from any point during the take-off up to the time of attaining 105 percent of minimum control speed or 115 percent of the power-off stalling speed in the take-off configuration, whichever is the greater. In applying the requirements of this section:

(a) It may be assumed that take-off power is used on all engines during the acceleration;

(b) Account may be taken of not more than 50 percent of the reported wind component along the take-off path if opposite to the direction of take-off, and account shall be taken of not less than 150 percent of the reported wind component if in the direction of the take-off;

(c) Account shall be taken of the average runway gradient when the average gradient is greater than ½ percent. The average runway gradient is the difference between the elevations of the end points of the runway divided by the total length;

(d) It shall be assumed that the airplane is operating in the standard atmosphere.

§ 40.92 *En route limitations; one engine inoperative.* (a) No take-off shall be made at a weight in excess of that which will permit the airplane to climb at a rate of at least 50 feet per minute with the critical engine inoperative at an altitude of at least 1,000 feet above the elevation of the highest obstacle within 5 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is the higher: *Provided,* That in the alternative an air carrier may utilize a procedure whereby the airplane is operated at an altitude such that, in event of an engine failure, the airplane can clear the obstacles within 5 miles on either side of the intended track by 1,000 feet, if the air carrier can demonstrate to the satisfaction of the Administrator that such a procedure can be used without impairing the safety of operation. If such a procedure is utilized, the rate of descent for the appropriate weight and altitude shall be assumed to be 50 feet per minute greater than indicated by the performance information published or approved by the Administrator. Before approving such a procedure, the Administrator shall take into account, for the particular route, route segment, or areas concerned, the reliability of wind and weather forecasting, the location and types of aids to navigation, the prevailing weather conditions, particularly the frequency and amount of turbulence normally encountered, terrain features, air traffic control problems, and all other operational factors which affect the safety of an operation utilizing such a procedure.

(b) In applying the requirements of paragraph (a) of this section, it shall be assumed that:

(1) The critical engine is inoperative;

(2) The propeller of the inoperative engine is in the minimum drag position;

(3) The wing flaps and landing gear are in the most favorable positions;

(4) The operative engine or engines are operating at the maximum continuous power available;

(5) The airplane is operating in the standard atmosphere; and

(6) The weight of the airplane is progressively reduced by the weight of the anticipated consumption of fuel and oil.

§ 40.93 *Landing distance limitations; airport of intended destination.* No take-off shall be made at a weight in excess of that which, allowing for the anticipated weight reduction due to consumption of fuel and oil, will permit the airplane to be brought to a stop within 60 percent of the effective length of the most suitable runway at the airport of intended destination.

(a) This weight shall in no instance be greater than that permissible if the landing were to be made:

(1) On the runway with the greatest effective length in still air, and

(2) On the runway required by the probable wind, taking into account not more than 50 percent of the probable headwind component and not less than 150 percent of the probable tail-wind component.

(b) In applying the requirements of this section it shall be assumed that:

(1) The airplane passes directly over the intersection of the obstruction clearance plane and the runway at a height of 50 feet in a steady gliding approach at a true indicated air speed of at least 1.3 V_{s_0};

(2) The landing is made in such a manner that it does not require any exceptional degree of skill on the part of the pilot; and

(3) The airplane is operating in the standard atmosphere.

§ 40.94 *Landing distance limitations; alternate airports.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 40.93: *Provided,* That the airplane can be brought to rest within 70 percent of the effective length of the runway.

SPECIAL AIRWORTHINESS REQUIREMENTS

§ 40.110 *Fire prevention.* All airplanes used in passenger service, powered by engines rated at more than 600 horsepower each for maximum continuous operation and which have not been certificated in accordance with the provisions of Part 4b of this subchapter in effect on or after November 1, 1946, shall comply with the requirements contained in §§ 40.111 through 40.143: *Provided,* That if the Administrator finds that in particular models of existing airplanes literal compliance with specific items of these requirements might be extremely difficult of accomplishment and that such compliance would not contribute materially to the objective sought, he may accept such measures of compliance as he finds will effectively accomplish the basic objectives of these regulations.

§ 40.111 *Susceptibility of materials to fire.* The Administrator shall prescribe the heat conditions and testing procedures which any specific material or individual part must meet where necessary for the purpose of applying the following defined terms: fireproof, fire-resistant, flame-resistant, flash-resistant, and flammable.

§ 40.112 *Cabin interiors.* All compartments occupied or used by the crew or passengers shall comply with the following provisions:

(a) Materials shall in no case be less than flash-resistant.

(b) The wall and ceiling linings, the covering of all upholstering, floors, and furnishings shall be flame-resistant.

(c) Compartments where smoking is to be permitted shall be equipped with ash trays of the self-contained type which are completely removable. All other compartments shall be placarded against smoking.

(d) All receptacles for used towels, papers, and wastes shall be of fire-resistant material and shall incorporate covers or other provisions for containing possible fires started in the receptacles.

§ 40.113 *Internal doors.* Where internal doors are equipped with louvres or other ventilating means, provision convenient to the crew shall be made for closing the flow of air through the door when such action is found necessary.

§ 40.114 *Ventilation.* All passenger and crew compartments shall be suitably ventilated. Carbon monoxide concentration shall not exceed one part in 20,000 parts of air, and fuel fumes shall not be present. Where partitions between compartments are equipped with louvres or other means allowing air to flow between such compartments, provision convenient to the crew shall be made for closing the flow of air through the louvres or other means when such action is found necessary.

§ 40.115 *Fire precautions.* Each compartment shall be designed so that, when used for the purpose of storing cargo or baggage, it shall comply with all of the requirements prescribed for cargo or baggage compartments. It shall include no controls, wiring, lines, equipment, or accessories the damage or failure of which would affect the safe operation of the airplane, unless such item is adequately shielded, isolated, or otherwise protected so that it cannot be damaged by movement of cargo in the compartment, and so that any breakage or failure of such item would not create a fire hazard in the compartment. Provision shall be made to prevent cargo or baggage from interfering with the functioning of the fire-protective features of the compartment. All materials used in the construction of cargo or baggage compartments, including tie-down equipment, shall be flame-resistant or better. In addition, all cargo and baggage compartments shall include provisions for safeguarding against fires according to the following classifications:

(a) Cargo and baggage compartments shall be classified in the "A" category, if presence of a possible fire therein can be readily discernible to a member of the crew while at his station, and if all parts of the compartment are easily accessible in flight. A hand fire extinguisher shall be available for such compartment.

(b) Cargo and baggage compartments shall be classified in the "B" category, if sufficient access is provided while in flight to enable a member of the crew to move by hand all contents and to reach effectively all parts of the compartment with a hand fire extinguisher. Furthermore, the design of the compartment shall be such that, when the access provisions are being used, no hazardous quantity of smoke, flames, or extinguishing agent will enter any compartment occupied by the crew or passengers. Each compartment in this category shall be equipped with a separate system of an approved type smoke detector or fire detector to give warning at the pilot or flight engineer station. Hand fire extinguishers shall be readily available for use in all compartments of this category. Compartments in this category shall be completely lined with fire-resistant material, except that additional service lining of flame-resistant material may be employed.

(c) Cargo and baggage compartments shall be classified in the "C" category, if they do not conform with the requirements for the "A" or "B" categories. Each compartment of the "C" category shall be equipped with: (1) A separate system of an approved type smoke detector or fire detector to give warning at the pilot or flight engineer station, and (2) an approved built-in fire-extinguishing system controlled from the pilot or flight engineer station. Means shall be provided to exclude hazardous quantities of smoke, flames, or extinguishing agent from entering into any compartment occupied by the crew or passengers. Ventilation and drafts shall be further controlled within each such cargo or baggage compartment to the extent that the extinguishing agent provided can control any fire which may start within the compartment. All cargo and baggage compartments of this category shall be completely lined with fire-resistant material, except that additional service lining of flame-resistant material may be employed.

§ 40.116 *Proof of compliance.* Compliance with those provisions of § 40.115 which refer to compartment accessibility, the entry of hazardous quantities of smoke or extinguishing agent into compartments occupied by the crew or passengers, and the dissipation of the extinguishing agent in category "C" compartments shall be demonstrated by tests in flight. It shall also be demonstrated during these tests that no inadvertent operation of smoke or fire detectors in adjacent or other compartments within the airplane would occur as a result of fire contained in any one compartment, either during or after extinguishment, unless the extinguishing system floods such compartments simultaneously.

§ 40.117 *Propeller de-icing fluid.* If combustible fluid is used for propeller de-icing, the provisions of § 40.131 shall be complied with.

§ 40.118 *Pressure cross-feed arrangements.* Pressure cross-feed lines shall not pass through portions of the airplane devoted to carrying personnel or cargo unless means are provided to permit the flight personnel to shut off the supply of fuel to these lines, or unless the lines are enclosed in a fuel and fume-proof enclosure that is ventilated and drained to the exterior of the airplane. Such enclosures need not be used if these lines incorporate no fittings on or within the personnel or cargo areas and are suitably routed or protected to safeguard against accidental damage. Lines which can be isolated from the remainder of the fuel system by means of valves at each end shall incorporate provisions for the relief of excessive pressures that may result from exposure of the isolated line to high ambient temperatures.

§ 40.119 *Location of fuel tanks.* Location of fuel tanks shall comply with the provisions of § 40.132. In addition, no portion of engine nacelle skin which lies immediately behind a major air egress opening from the engine compartment shall act as the wall of an integral tank. Fuel tanks shall be isolated from personnel compartments by means of fume- and fuel-proof enclosures.

§ 40.120 *Fuel system lines and fittings.* Fuel lines shall be installed and supported in a manner that will prevent excessive vibration and will be adequate to withstand loads due to fuel pressure and accelerated flight conditions. Lines which are connected to components of the airplane between which relative motion may exist shall incorporate provisions for flexibility. Flexible connections in lines which may be under pressure and subjected to axial loading shall employ flexible hose assemblies rather than hose clamp connections. Flexible hose shall be of an acceptable type or proven suitable for the particular application.

§ 40.121 *Fuel lines and fittings in designated fire zones.* Fuel lines and fittings in all designated fire zones (see § 40.131) shall comply with the provisions of § 40.134.

§ 40.122 *Fuel valves.* In addition to the requirements contained in § 40.133

for shutoff means, all fuel valves shall be provided with positive stops or suitable index provisions in the "on" and "off" positions and shall be supported in such a manner that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines connected to the valve.

§ 40.123 *Oil lines and fittings in designated fire zones.* Oil lines and fittings in all designated fire zones (see § 40.131) shall comply with the provisions of § 40.134.

§ 40.124 *Oil valves.* Requirements of § 40.133 for shutoff means shall be complied with. Closing of oil shutoff means shall not prevent feathering the propeller, unless equivalent safety provisions are incorporated. All oil valves shall be provided with positive stops or suitable index provisions in the "on" and "off" positions, and shall be supported in such a manner that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines attached to the valve.

§ 40.125 *Oil system drains.* Accessible drains shall be provided to permit safe drainage of the entire oil system and shall incorporate means for positive or automatic locking in the closed position. (See also § 40.135.)

§ 40.126 *Engine breather line.* Engine breather lines shall be so arranged that condensed water vapor which may freeze and obstruct the line cannot accumulate at any point. Breathers shall discharge in a location which will not constitute a fire hazard in case foaming occurs and so that oil emitted from the line will not impinge upon the pilots' windshield. The breather shall not discharge into the engine air induction system. (See also § 40.135.)

§ 40.127 *Fire walls.* All engines, auxiliary power units, fuel-burning heaters, and other combustion equipment which are intended for operation in flight shall be isolated from the remainder of the airplane by means of fire walls or shrouds, or other equivalent means.

§ 40.128 *Fire-wall construction.* Fire walls and shrouds shall be constructed in such a manner that no hazardous quantity of air, fluids, or flame can pass from the engine compartment to other portions of the airplane. All openings in the fire wall or shroud shall be sealed with close-fitting fireproof grommets, bushings, or fire-wall fittings. Fire walls and shrouds shall be constructed of fireproof material and shall be protected against corrosion. The following materials have been found to comply with this requirement:

(a) Heat and corrosion resistant steel 0.015 inch thick;

(b) Low carbon steel, suitably protected against corrosion, 0.018 inch thick.

§ 40.129 *Cowling.* Cowling shall be constructed and supported in such a manner as to be capable of resisting all vibration, inertia, and air loads to which it may normally be subjected. Provision shall be made to permit rapid and complete drainage of all portions of the cowling in all normal ground and flight attitudes. Drains shall not discharge in locations constituting a fire hazard. Cowling, unless otherwise specified by these regulations, shall be constructed of fire-resistant material. Those portions of the cowling which are subjected to high temperatures due to their proximity to exhaust system parts or exhaust gas impingement shall be constructed of fireproof material.

§ 40.130 *Engine accessory section diaphragm.* Unless equivalent protection can be demonstrated by other means, a diaphragm shall be provided on air-cooled engines to isolate the engine power section and all portions of the exhaust system from the engine accessory compartment. This diaphragm shall comply with the provisions of § 40.128.

§ 40.131 *Powerplant fire protection.* Engine accessory sections, installations where no isolation is provided between the engine and accessory compartment, also regions wherein lie auxiliary power units, fuel-burning heaters, and other combustion equipment shall be referred to as designated fire zones. Such zones shall be protected from fire by compliance with §§ 40.132 through 40.135.

§ 40.132 *Flammable fluids.* No tanks or reservoirs which are a part of a system containing flammable fluids or gases shall be located in designated fire zones, except where the fluid contained, the design of the system, the materials used in the tank, the shutoff means, and all connections, lines, and controls are such as to provide equivalent safety. Not less than ½ inch of clear air space shall be provided between any tank or reservoir and a fire wall or shroud isolating a designated fire zone.

§ 40.133 *Shutoff means.* Means for each individual engine shall be provided for shutting off or otherwise preventing hazardous quantities of fuel, oil, de-icer, and other flammable fluids from flowing into, within, or through any designated fire zone, except that means need not be provided to shut off flow in lines forming an integral part of an engine. In order to facilitate rapid and effective control of fires, such shutoff means shall permit an emergency operating sequence which is compatible with the emergency operation of other equipment, such as feathering the propeller. Shutoff means shall be located outside of designated fire zones, unless equivalent safety is provided (see § 40.132), and it shall be shown that no hazardous quantity of such flammable fluid will drain into any designated fire zone after shutting off has been accomplished. Adequate provisions shall be made to guard against inadvertent operation of the shutoff means and to make it possible for the crew to reopen the shutoff means after it has once been closed.

§ 40.134 *Lines and fittings.* All lines and fittings for same located in designated fire zones which carry flammable fluids or gases and which are under pressure, or which attach directly to the engine, or are subject to relative motion between components, exclusive of those lines and fittings forming an integral part of the engine, shall be flexible, fire-resistant lines with fire-resistant, factory-fixed, detachable, or other approved fire-resistant ends. Lines and fittings which are not subject to pressure or to relative motion between components shall be of fire-resistant materials.

§ 40.135 *Vent and drain lines.* All vent and drain lines and fittings for same located in designated fire zones and which carry flammable fluids or gases shall comply with the provisions of § 40.134, if the Administrator finds that rupture or breakage of a particular drain or vent line may result in a fire hazard.

§ 40.136 *Fire-extinguishing systems.* (a) Unless it can be demonstrated that equivalent protection against destruction of the airplane in case of fire is provided by the use of firepoof materials in the nacelle and other components which would be subjected to flame, fire-extinguishing systems shall be provided to serve all designated fire zones.

(b) Materials in the fire-extinguishing system shall not react chemically with the extinguishing agent so as to constitute a hazard.

§ 40.137 *Fire-extinguishing agents.* Extinguishing agents employed shall be methyl bromide, carbon dioxide, or any other agent which has been demonstrated to provide equivalent extinguishing action. If methyl bromide or any other toxic extinguishing agent is employed, provisions shall be made to prevent the entrance of harmful concentrations of fluid or fluid vapors into any personnel compartment either due to leakage during normal operation of the airplane or as a result of discharging the fire extinguisher on the ground or in flight when a defect exists in the extinguishing system. If a methyl bromide system is provided, the containers shall be charged with dry agent and shall be sealed by the fire-extinguisher manufacturer or any other party employing satisfactory recharging equipment. If carbon dioxide is used, it shall not be possible to discharge sufficient gas into personnel compartments to constitute a hazard from the standpoint of suffocation of the occupants.

§ 40.138 *Extinguishing agent container pressure relief.* Extinguishing agent containers shall be provided with a pressure relief to prevent bursting of the container due to excessive internal pressures. The discharge line from the relief connection shall terminate outside the airplane in a location convenient for inspection on the ground. An indicator shall be provided at the discharge end of the line to provide a visual indication when the container has discharged.

§ 40.139 *Extinguishing agent container compartment temperature.* Precautions shall be taken to assure that the extinguishing agent containers are installed in locations where reasonable temperatures can be maintained for effective use of the extinguishing system.

§ 40.140 *Fire-extinguishing system materials.* All components of fire-extinguishing systems located in designated fire zones shall be constructed of

fireproof materials, except for connections which are subject to relative motion between components of the airplane, in which case they shall be of flexible fire-resistant construction so located as to minimize the possibility of failure.

§ 40.141 *Fire-detector systems.* Quick-acting fire detectors shall be provided in all designated fire zones and shall be sufficient in number and location to assure the detection of fire which may occur in such zones.

§ 40.142 *Fire detectors.* Fire detectors shall be constructed and installed in such a manner as to assure their ability to resist without failure, all vibration, inertia, and other loads to which they may normally be subjected. Detectors shall be unaffected by exposure to oil, water, or other fluids or fumes which may be present.

§ 40.143 *Protection of other airplane components against fire.* All airplane surfaces aft of the nacelles in the region of one nacelle diameter on both sides of the nacelle center line shall be constructed of fire-resistant material. This provision need not be applied to tail surfaces lying behind nacelles unless the dimensional configuration of the airplane is such that the tail surfaces could be affected readily by heat, flames, or sparks emanating from a designated fire zone or engine compartment of any nacelle.

§ 40.150 *Control of engine rotation.* All airplanes shall be provided with means for individually stopping and restarting the rotation of any engine in flight, except that for turbine engine installations means for completely stopping the rotation need be provided only if the Administrator finds that rotation could jeopardize the safety of the airplane.

§ 40.151 *Fuel system independence.* Airplane fuel systems shall be arranged in such manner that the failure of any one component will not result in the irrecoverable loss of power of more than one engine. A separate fuel tank need not be provided for each engine if the Administrator finds that the fuel system incorporates features which provide equivalent safety.

§ 40.152 *Induction system ice prevention.* Means for preventing the malfunctioning of each engine due to ice accumulation in the engine air induction system shall be provided for all airplanes.

§ 40.153 *Carriage of cargo in passenger compartments.* When operating conditions require the carriage of cargo which cannot be loaded in approved cargo racks, bins, or compartments which are separate from passenger compartments, such cargo may be carried in a passenger compartment if the following requirements are complied with: *Provided*, That the Administrator, under a particular set of circumstances, may authorize deviations from these requirements when he finds that safety will not be adversely affected and that it is in the public interest to carry such cargo:

(a) It shall be packaged or covered in a manner to avoid possible injury to passengers.

(b) It shall be properly secured in the airplane by means of safety belts or other tie-downs possessing sufficient strength to eliminate possibility of shifting under all normally anticipated flight and ground conditions.

(c) It shall not be carried aft of or directly above seated passengers.

(d) It shall not impose any loads on seats or on the floor structure which exceed the designed loads for those components.

(e) It shall not be placed in any position which restricts the access to or use of any required emergency or regular exit or the use of the aisle between the crew and the passenger compartments.

INSTRUMENTS AND EQUIPMENT FOR ALL OPERATIONS

§ 40.170 *Aircraft instruments and equipment for all operations.* (a) Instruments and equipment required by §§ 40.171 through 40.232 shall be approved and shall be installed in accordance with the provisions of the airworthiness requirements applicable to the instruments or equipment concerned.

(b) The following provisions apply to air-speed limitations, air-speed indicators, and related information:

(1) Air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in the same units as used on the air-speed indicator.

(2) When more than one air-speed indicator is required, all such indicators shall be calibrated to read in the same units.

(3) When an air-speed indicator is calibrated in statute miles per hour, a readily usable means shall be provided for the flight crew to convert statute miles per hour to knots.

(4) On and after April 1, 1956, all air-speed indicators shall be calibrated in knots, and all air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in knots.

(c) The following instruments and equipment shall be in operable condition prior to take-off, except as provided in § 40.391 (b) for continuance of flight with equipment inoperative:

(1) Instruments and equipment required to comply with airworthiness requirements under which the airplane is type certificated and as required by the provisions of § 40.110 and §§ 40.150 through 40.153,

(2) Instruments and equipment specified in §§ 40.171 through 40.178 for all operations, and the instruments and equipment specified in §§ 40.200 through 40.232 for the type of operation indicated, wherever these items are not already provided in accordance with subparagraph (1) of this paragraph.

§ 40.171 *Flight and navigational equipment for all operations.* The following flight and navigational instruments and equipment are required for all operations:

(a) An air-speed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing:

(b) Sensitive altimeter;

(c) Clock (sweep-second);

(d) Free-air temperature indicator;

(e) Gyroscopic bank and pitch indicator (artificial horizon);

(f) Gyroscopic rate-of-turn indicator combined with a slip-skid indicator (turn and bank indicator);

(g) Gyroscopic direction indicator (directional gyro or equivalent);

(h) Magnetic compass; and

(i) Vertical speed indicator (rate-of-climb indicator).

§ 40.172 *Engine instruments for all operations.* The following engine instruments are required for all operations, except that the Administrator may permit or require different instrumentation for turbine-powered airplanes to provide equivalent safety:

(a) Carburetor air temperature indicator for each engine;

(b) Cylinder head temperature indicator for each air-cooled engine;

(c) Fuel pressure indicator for each engine;

(d) Fuel flowmeter or fuel mixture indicator for each engine not equipped with an automatic altitude mixture control;

(e) Means for indicating fuel quantity in each fuel tank;

(f) Manifold pressure indicator for each engine;

(g) Oil pressure indicator for each engine;

(h) Oil quantity indicator for each oil tank when a transfer or separate oil reserve supply is used;

(i) Oil-in temperature indicator for each engine;

(j) Tachometer for each engine;

(k) An independent fuel pressure warning device for each engine or a master warning device for all engines with means for isolating the individual warning circuits from the master warning device; and

(l) Effective July 1, 1956, a means shall be provided for each reversible propeller on airplanes equipped with reversible propellers, which will indicate to the pilots when the propeller is in reverse pitch. Such means may be actuated at any point in the reversing cycle between the normal low pitch stop position and full reverse pitch. No indication shall be given at or above the normal low pitch stop position. The source of indication shall be actuated by the propeller blade angle or be directly responsive to the propeller blade angle.

§ 40.173 *Emergency equipment for all operations*—(a) *General.* The emergency equipment specified in paragraphs (b), (c), and (d) of this section is required for all operations. Such equipment shall be readily accessible to the crew, and the method of operation shall be plainly indicated. When such equipment is carried in compartments or containers, the compartments or containers shall be so marked as to be readily identifiable.

(b) *Hand fire extinguishers for crew, passenger, and cargo compartments.* Hand fire extinguishers of an approved type shall be provided for use in crew, passenger, and cargo compartments in

accordance with the following requirements:

(1) The type and quantity of extinguishing agent shall be suitable for the type of fires likely to occur in the compartment where the extinguisher is intended to be used.

(2) At least one hand fire extinguisher shall be provided and conveniently located on the flight deck for use by the flight crew.

(3) At least one hand fire extinguisher shall be conveniently located in the passenger compartment of airplanes accommodating more than six but less than 31 passengers. On airplanes accommodating more than 30 passengers, at least two fire extinguishers shall be provided. None need be provided in passenger compartments of airplanes accommodating six or less persons.

(c) *First-aid equipment.* First-aid equipment suitable for treatment of injuries likely to occur in flight or in minor accidents shall be provided in a quantity appropriate to the number of passengers and crew accommodated in the airplane.

(d) *Crash ax.* All airplanes shall be equipped with at least one crash ax.

(e) *Means for emergency evacuation.* After May 31, 1957, on all passenger-carrying airplanes, at all emergency exits which are more than 6 feet from the ground with the airplane on the ground and with the landing gear extended, means shall be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means shall be a chute or equivalent device suitable for the rapid evacuation of passengers. During flight time this means shall be in a position for ready use: *Provided*, That the requirements of this paragraph do not apply to emergency exits over the wing where the greatest distance from the lower sill of the exit to the wing surface does not exceed 36 inches.

(f) *Interior emergency exit marking.* (1) After May 31, 1957, all emergency exits, their means of access, and their means of opening shall be marked conspicuously. The identity and location of emergency exits shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches by a person with normal eyesight.

(2) After May 31, 1957, for night operations, a source or sources of light, with an energy supply independent of the main lighting system, shall be installed to illuminate all emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter and shall also be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. When such lights require manual operation to function, they shall be turned on prior to each night take-off and landing.

§ 40.174 *Seats and safety belts for all occupants.* A seat and an individual safety belt are required for each passenger and crew member, excluding infants, who are in other than a recumbent position during take-off and landing. One safety belt only is required in a berth for one or two persons in a recumbent position during take-off and landing. During flight between take-off and landing, one safety belt is sufficient for two persons occupying a multiple lounge or divan seat.

§ 40.175 *Miscellaneous equipment for all operations.* All airplanes shall have installed the following equipment:

(a) If protective fuses are used, spare fuses of a number approved for the particular airplane and appropriately described in the air carrier manual.

(b) Windshield wiper or equivalent for each pilot station.

(c) A power supply and distribution system capable of producing and distributing the load for all required instruments and equipment using an external power supply in the event of failure of any one power source or component of the power distribution system: *Provided*, That the Administrator may authorize the use of common elements in the power distribution system when he finds that such elements are so designed as to be reasonably protected against mulfunction. Engine-driven sources of energy, when used, shall be on separate engines.

(d) Means for indicating the adequacy of the power being supplied to required flight instruments.

(e) Two independent static pressure systems, so vented to the outside atmospheric pressure that they will be least affected by air flow variation, moisture, or other foreign matter, and so installed as to be airtight except for the vent. When a means is provided for transferring an instrument from its primary operating system to an alternate system, such means shall include a positive positioning control and shall be marked to indicate clearly which system is being used.

(f) Means for locking all companionway doors which separate passenger compartments from flight crew compartments. Keys for all doors which separate passenger compartments from other compartments having emergency exit provisions shall be readily available to all crew members. Any door which is the means of access to a required passenger emergency exit shall be placarded to indicate that it must be open during take-off and landing. All doors which lead to compartments normally accessible to passengers and which are capable of being locked by passengers shall be provided with means for unlocking by the crew in the event of an emergency.

(g) For seaplanes only, anchor light or lights, a warning bell for signaling when not under way during fog conditions, and an anchor adequate for the size of the seaplane.

§ 40.176 *Cockpit check procedure.* The air carrier shall provide for each type of airplane a cockpit check procedure. This procedure shall include all items necessary for flight crew members to check for safety prior to starting engines, prior to taking off, prior to landing, and in engine emergencies. It shall be so designed as to obviate the necessity for a flight crew member to rely upon his memory for items to be checked and shall be readily usable in the cockpit of each airplane.

§ 40.177 *Passenger information for all operations.* All airplanes shall be equipped with signs visible to passengers and cabin attendants to notify such persons when smoking is prohibited and when safety belts should be fastened. These signs shall be capable of on-off operation by the crew.

§ 40.178 *Exterior exit and evacuation markings for all operations.* Effective January 1, 1956, exterior surfaces of the airplane shall be marked to identify clearly all required emergency exits. When such exits are operable from the outside, markings shall consist of or include information indicating the method of opening.

INSTRUMENTS AND EQUIPMENT FOR SPECIAL OPERATIONS

§ 40.200 *Instruments and equipment for operations at night.* Each airplane operated at night shall be equipped with the following instruments and equipment in addition to those required by §§ 40.171 through 40.178:

(a) Flashing position lights;

(b) After May 31, 1956, an anti-collision light for airplanes having a maximum certificated weight of more than 12,500 pounds;

(c) Two landing lights;

(d) Two class 1 or class 1A landing flares;

(e) Instrument lights providing sufficient illumination to make all instruments, switches, etc., easily readable, so installed that their direct rays are shielded from the flight crew members' eyes and that no objectionable reflections are visible to them. A means of controlling the intensity of illumination shall be provided unless it is shown that nondimming instrument lights are satisfactory;

(f) An air-speed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing; and

(g) A sensitive altimeter.

§ 40.201 *Instruments and equipment for operations under IFR or over-the-top.* Each airplane operated under IFR or over-the-top shall be equipped with the following instruments and equipment in addition to those required by §§ 40.171 through 40.178:

(a) An air-speed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing;

(b) A sensitive altimeter; and

(c) Instrument lights providing sufficient illumination to make all instruments, switches, etc., easily readable, so installed that their direct rays are shielded from the flight crew members' eyes and that no objectionable reflections are visible to them. A means of controlling the intensity of illumination shall be provided unless it is shown that nondimming instrument lights are satisfactory.

§ 40.202 *Supplemental oxygen*—(a) *General.* Except where supplemental oxygen is provided in accordance with the requirements of § 40.203, supplemental oxygen shall be furnished and used as set forth in paragraphs (b) and (c) of this section. The amount of supplemental oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of flight altitudes and flight duration consistent with the operating procedures established for each such operation and route. As used in the oxygen requirements hereinafter set forth, "altitude" shall mean the pressure altitude corresponding with the pressure in the cabin of the airplane, and "flight altitude" shall mean the altitude above sea level at which the airplane is operated.

(b) *Crew members.* (1) At altitudes above 10,000 feet, to and including 12,000 feet oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crew members during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At altitudes above 12,000 feet, oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crew members during the entire flight time at such altitudes.

(c) *Passengers.* Each air carrier shall provide a supply of oxygen for passenger safety as approved by the Administrator in accordance with the following standards:

(1) For flights of over 30-minute duration at altitudes above 8,000 feet to and including 14,000 feet, a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be required.

(2) For flights at altitudes above 14,000 feet to and including 15,000 feet, a supply of oxygen sufficient to provide oxygen for the duration of the flight at such altitudes for 30 percent of the number of passengers carried shall generally be considered adequate.

(3) For flights at altitudes above 15,000 feet, a supply of oxygen sufficient to provide oxygen for each passenger carried during the entire flight at such altitudes shall be required.

§ 40.203 *Supplemental oxygen requirements for pressurized cabin airplanes.* When operating pressurized cabin airplanes, the air carrier shall so equip such airplanes as to permit compliance with the following requirements in the event of cabin pressurization failure:

(a) *For crew members.* When operating such airplanes at flight altitudes above 10,000 feet, the air carrier shall provide sufficient oxygen for all crew members for the duration of the flight at such altitudes: *Provided*, That not less than a 2-hour supply of oxygen shall be provided for the flight crew members on flight deck duty. The oxygen supply required by § 40.205 may be considered in determining the supplemental breathing supply required for flight crew members on flight deck duty in the event of cabin pressurization failure.

(b) *For passengers.* When operating such airplanes at flight altitudes above 8,000 feet, the air carrier shall provide the following amounts of oxygen:

(1) When an airplane is not flown at a flight altitude of over 25,000 feet, a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be considered adequate, if at any point along the route to be flown the airplane can safely descend to a flight altitude of 14,000 feet or less within 4 minutes.

(2) In the event that such airplane cannot descend to a flight altitude of 14,000 feet or less within 4 minutes, the following supply of oxygen shall be provided:

(i) For the duration of the flight in excess of 4 minutes at flight altitudes above 15,000 feet, a supply sufficient to comply with § 40.202 (c) (3);

(ii) For the duration of the flight at flight altitudes above 14,000 feet to and including 15,000 feet, a supply sufficient to comply with § 40.202 (c) (2); and

(iii) For flight at flight altitudes above 8,000 feet to and including 14,000 feet, a supply sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried.

(3) When an airplane is flown at a flight altitude above 25,000 feet, sufficient oxygen shall be furnished in accordance with the following requirements to permit the airplane to descend to an appropriate flight altitude at which the flight can be safely conducted. Sufficient oxygen shall be furnished to provide oxygen for 30 minutes to 10 percent of the number of passengers carried for the duration of the flight above 8,000 feet to and including 14,000 feet and to permit compliance with § 40.202 (c) (2) and (c) (3) for flight above 14,000 feet.

(c) For purposes of this section it shall be assumed that the cabin pressurization failure will occur at a time during flight which is critical from the standpoint of oxygen need and that after such failure the airplane will descend, without exceeding its normal operating limitations, to flight altitudes permitting safe flight with respect to terrain clearance.

§ 40.204 *Equipment standards.* The oxygen apparatus, the minimum rates of oxygen flow, and the supply of oxygen necessary to comply with the requirements of § 40.202 shall meet the standards established in § 4b.651 of this subchapter, effective July 20, 1950: *Provided*, That where full compliance with such standards is found by the Administrator to be impractical, he may authorize such changes in these standards as he finds will provide an equivalent level of safety.

§ 40.205 *Protective breathing equipment for the flight crew*—(a) *Pressurized cabin airplanes.* Each required flight crew member on flight deck duty shall have easily available at his station protective breathing equipment covering the eyes, nose, and mouth, or the nose and mouth where accessory equipment is provided to protect the eyes, to protect him from the effects of smoke, carbon dioxide, and other harmful gases. Not less than a 300-liter STPD supply of oxygen for each required flight crew member on flight deck duty shall be provided for this purpose.

(b) *Nonpressurized cabin airplanes.* The requirement stated in paragraph (a) of this section shall apply to nonpressurized cabin airplanes, if the Administrator finds that it is possible to obtain a dangerous concentration of smoke, carbon dioxide, or other harmful gases in the flight crew compartments in any attitude of flight which might occur when the airplane is flown in accordance with either the normal or emergency procedures approved by the Administrator.

§ 40.206 *Equipment for overwater operations.* (a) The following equipment shall be required for all extended overwater operations:

(1) Life vest or other adequate individual flotation device for each occupant of the airplane;

(2) Life rafts sufficient in number and of such rated capacity and buoyancy as to accommodate all occupants of the airplane;

(3) Suitable pyrotechnic signaling devices; and

(4) One portable emergency radio signaling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the airplane power supply and which is self-buoyant and water-resistant.

(b) All required life rafts, life vests, and signaling devices shall be easily accessible in the event of a ditching without appreciable time for preparatory procedures. After May 31, 1957, this equipment shall be installed in conspicuously marked approved locations.

(c) After May 31, 1957, a survival kit, appropriately equipped for the route to be flown, shall be attached to each required life raft.

§ 40.207 *Equipment for operations in icing conditions.* (a) For all operations in icing conditions each airplane shall be equipped with means for the prevention or removal of ice on windshields, wings, empennage, propellers, and other parts of the airplane where ice formation will adversely affect the safety of the airplane.

(b) For operations in icing conditions at night means shall be provided for illuminating or otherwise determining the formation of ice on the portions of the wings which are critical from the standpoint of ice accumulation. When illuminating means are used, such means shall be of a type which will not cause glare or reflection which would handicap crew members in the performance of their normal functions.

RADIO EQUIPMENT

§ 40.230 *Radio equipment.* Each airplane used in scheduled air transportation shall be equipped with radio equipment specified for the type of operation in which it is engaged. Where two independent radio systems are required by §§ 40.231 and 40.232, each system shall have an independent antenna

installation: *Provided*, That where rigidly supported nonwire antennas or other antenna installations of equivalent reliability are used, only one such antenna need be provided.

§ 40.231 *Radio equipment for operations under VFR over routes navigated by pilotage.* (a) For operations conducted under VFR over routes on which navigation can be accomplished by pilotage, each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the following functions:

(1) Communicate with at least one appropriate ground station (as specified in § 40.34) from any point on the route and other airplanes operated by the air carrier;

(2) Communicate with airport traffic control towers from any point in the control zone within which flights are intended; and

(3) Receive meteorological information from any point en route by either of two independent systems.

(b) For all operations at night conducted under VFR over routes on which navigation can be accomplished by pilotage, each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the functions specified in paragraph (a) of this section and to receive radio navigational signals applicable to the route flown except that no marker beacon receiver or ILS receiver need be provided.

§ 40.232 *Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR or over-the-top.* (a) For operations conducted under VFR over routes on which navigation cannot be accomplished by pilotage or for operations conducted under IFR or over-the-top each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the functions specified in § 40.231 (a) and to receive satisfactorily by either of two independent systems, radio navigational signals from all primary en route and approach navigational facilities intended to be used, except that only one marker beacon receiver which provides visual and aural signals and one ILS receiver need be provided. Equipment provided to receive signals en route may be used to receive signals on approach, if it is capable of receiving both signals.

(b) In the case of operation on routes using procedures based on automatic direction finding, only one automatic direction finding system need be installed: *Provided*, That ground facilities are so located and the airplane is so fueled that, in case of failure of the automatic direction finding equipment, the flight may proceed safely to a suitable airport which has ground radio navigational facilities whose signals may be received by the use of the remaining airplane radio systems.

(c) During the period of transition from low frequency to very high frequency radio navigational systems, one means of satisfactorily receiving signals over each of these systems shall be considered as complying with the requirement that two independent systems be provided to receive en route or approach navigational facility signals: *Provided*, That ground facilities are so located and the airplane is so fueled that in case of failure of either system the flight may proceed safely to a suitable airport which has ground radio navigational facilities whose signals may be received by use of the remaining airplane radio system.

MAINTENANCE AND INSPECTION REQUIREMENTS

§ 40.240 *Responsibility for maintenance.* Irrespective of whether the air carrier has made arrangements with any other person for the performance of maintenance and inspection functions, each air carrier shall have the primary responsibility for the airworthiness of its airplanes and required equipment.

§ 40.241 *Maintenance and inspection requirements.* (a) The air carrier, or the person with whom arrangements have been made for the performance of maintenance and inspection functions, shall establish an adequate inspection organization responsible for determining that workmanship, methods employed, and material used are in conformity with the requirements of the regulations of this subchapter, with accepted standards and good practices, and that any airframe, engine, propeller, or appliance released for flight is airworthy.

(b) Any individual who is directly in charge of inspection, maintenance, overhaul, or repair of any airframe, engine, propeller, or appliance shall hold an appropriate license or airman certificate.

§ 40.242 *Maintenance and inspection training program.* The air carrier, or the person with whom arrangements have been made for the performance of maintenance and inspection functions, shall establish and maintain a training program to insure that all maintenance and inspection personnel charged with determining the adequacy of work performed are fully informed with respect to all procedures and techniques and with new equipment introduced into service, and are competent to perform their duties.

§ 40.243 *Maintenance and inspection personnel duty time limitations.* All maintenance and inspection personnel shall be relieved of all duty for a period of at least 24 consecutive hours during any 7 consecutive days or equivalent thereof within any one month.

AIRMAN AND CREW MEMBER REQUIREMENTS

§ 40.260 *Utilization of airman.* No air carrier shall utilize an individual as an airman unless he holds a valid appropriate airman certificate issued by the Administrator and is otherwise qualified for the particular operation in which he is to be utilized.

§ 40.261 *Composition of flight crew.* (a) No air carrier shall operate an airplane with less than the minimum flight crew specified in the airworthiness certificate for the type of airplane and required in this part for the type of operation.

(b) Where the provisions of this part require the performance of two or more functions for which an airman certificate is necessary, such requirements shall not be satisfied by the performance of multiple functions at the same time by any airman.

(c) Where the air carrier is authorized to operate under instrument conditions or operates airplanes of more than 12,500 pounds maximum certificated weight, the minimum pilot crew shall be 2 pilots.

(d) On flights requiring a flight engineer, at least one other flight crew member shall be sufficiently qualified, so that in the event of illness or other incapacity, emergency coverage can be provided for that function for the safe completion of the flight. A pilot need not hold a flight engineer certificate to function in the capacity of a flight engineer for such emergency coverage.

§ 40.263 *Flight engineer.* An airman holding a valid flight engineer certificate shall be required on all airplanes certificated for more than 80,000 pounds maximum certificated take-off weight. Such airman shall also be required on all four-engine airplanes certificated for more than 30,000 pounds maximum certificated take-off weight where the Administrator finds that the design of the airplane used or the type of operation is such as to require engineer personnel for the safe operation of the airplane.

§ 40.265 *Flight attendant.* At least one flight attendant shall be provided by the air carrier on all flights carrying passengers in airplanes of 10-passenger capacity or more.

§ 40.266 *Aircraft dispatcher.* Each air carrier shall provide an adequate number of qualified dispatchers at each dispatch center to insure the proper operational control of each flight.

§ 40.267 *Assignment of emergency evacuation functions for each crew member.* After May 31, 1956, each air carrier shall assign all necessary emergency functions for each crew member to perform in the event of circumstances requiring emergency evacuation. The air carrier shall show that functions so assigned are practicable of accomplishment. These functions shall be described in the air carrier manual.

TRAINING PROGRAM

§ 40.280 *Training requirements.* (a) Each air carrier shall establish a training program sufficient to insure that each crew member and dispatcher used by the air carrier is adequately trained to perform the duties to which he is to be assigned. The initial training phases shall be satisfactorily completed prior to serving in scheduled operations.

(b) Each air carrier shall be responsible for providing adequate ground and flight training facilities and properly qualified instructors. There also shall be provided a sufficient number of check airmen to conduct the flight checks required by this part. Such check airmen shall hold the same airman certificates and ratings as are required for the airman being checked.

(c) The training program for each flight crew member shall consist of appropriate ground and flight training including proper flight crew coordination. Procedures for each flight crew function shall be standardized to the extent that each flight crew member will know the functions for which he is responsible and the relation of those functions to those of other flight crew members. The initial program shall include at least the appropriate requirements specified in §§ 40.281 through 40.286.

(d) The crew member emergency procedures training program shall include at least the requirements specified in § 40.286.

(e) The appropriate instructor, supervisor, or check airman responsible for the particular training or flight check shall certify to the proficiency of each crew member and dispatcher upon completion of his training, and such certification shall become a part of the individual's record.

§ 40.281 *Initial pilot ground training.* Ground training for all pilots shall include instruction in at least the following:

(a) The appropriate provisions of the air carrier operations specifications and appropriate provisions of the regulations of this subchapter with particular emphasis on the operation and dispatching rules and airplane operating limitations;

(b) Dispatch procedures and appropriate contents of the manuals;

(c) The duties and responsibilities of crew members;

(d) The type of airplane to be flown, including a study of the airplane, engines, all major components and systems, performance limitations, standard and emergency operating procedures, and appropriate contents of the approved Airplane Flight Manual;

(e) The principles and methods of determining weight and balance limitations for take-off and landing;

(f) Navigation and use of appropriate aids to navigation, including the instrument approach facilities and procedures which the air carrier is authorized to use;

(g) Airport and airways traffic control systems and procedures, and ground control letdown procedures if pertinent to the operation;

(h) Meteorology sufficient to insure a practical knowledge of the principles of icing, fog, thunderstorms, and frontal systems; and

(i) Procedures for operation in turbulent air and during periods of ice, hail, thunderstorms, and other potentially hazardous meteorological conditions.

§ 40.282 *Initial pilot flight training.* (a) Flight training for each pilot shall include at least take-offs and landings, during day and night, and normal and emergency flight maneuvers in each type of airplane to be flown by him in scheduled operations, and flight under simulated instrument flight conditions.

(b) Flight training for a pilot qualifying to serve as pilot in command shall include flight instruction and practice in at least the following maneuvers and procedures:

(1) In each type of airplane to be flown by him in scheduled operations:

(i) At the authorized maximum take-off weight, take-off using maximum take-off power with simulated failure of the critical engine. For transport category airplanes the simulated engine failure shall be accomplished as closely as possible to the critical engine failure speed (V_1), and climb-out shall be accomplished at a speed as close as possible to the take-off safety speed (V_2). Each pilot shall ascertain the proper values for speeds V_1 and V_2;

(ii) At the authorized maximum landing weight, flight in a four-engine airplane, where appropriate, with the most critical combinations of two engines inoperative, or operating at zero thrust, utilizing appropriate climb speeds as set forth in the Airplane Flight Manual;

(iii) At the authorized maximum landing weight, simulated pull-out from the landing and approach configurations accomplished at a safe altitude with the critical engine inoperative or operating at zero thrust;

(iv) Suitable combinations of airplane weight and power less than those specified in subdivisions (i), (ii), and (iii) of this subparagraph may be employed if the performance capabilities of the airplane under the above conditions are simulated.

(2) Conduct of flight under simulated instrument conditions, utilizing all types of navigational facilities and the let-down procedures used in normal operations. If a particular type of facility is not available in the training area, such training may be accomplished in a synthetic trainer.

§ 40.284 *Initial flight engineer training.* (a) The training for flight engineers shall include at least the instruction specified in § 40.281 (a) through (e).

(b) Flight engineers shall be given sufficient training in flight to become proficient in those duties assigned them by the air carrier. Except for emergency procedures, this training may be accomplished during scheduled flight under the supervision of a qualified flight engineer.

§ 40.286 *Initial crew member emergency training.* (a) The training in emergency procedures shall be designed to give each crew member appropriate individual instruction in all emergency procedures, including assignments in the event of an emergency, and proper coordination between crew members. At least the following subjects as appropriate to the individual crew member shall be taught: The procedures to be followed in the event of the failure of an engine, or engines, or other airplane components or systems, emergency decompression, fire in the air or on the ground, ditching, evacuation, the location and operation of all emergency equipment, and power setting for maximum endurance and maximum range.

(b) Synthetic trainers may be used for training of crew members in emergency procedures where the trainers sufficiently simulate flight operating emergency conditions for the equipment to be used.

§ 40.288 *Initial aircraft dispatcher training.* (a) The training program for aircraft dispatchers shall provide for training in their duties and responsibilities and shall include a study of the flight operation procedures, air traffic control procedures, the performance of the airplanes used by the air carrier, navigational aids and facilities, and meteorology. Particular emphasis shall be placed upon the procedures to be followed in the event of emergencies, including the alerting of proper Governmental, company, and private agencies to render maximum assistance to an airplane in distress.

(b) Each aircraft dispatcher shall, prior to initially performing the duty of an aircraft dispatcher, satisfactorily demonstrate to the supervisor or ground instructor authorized to certify to his proficiency, his knowledge of the following subjects:

(1) Contents of the air carrier operating certificate;

(2) Appropriate provisions of the air carrier operations specifications, manual, and regulations of this subchapter;

(3) Characteristics of the airplanes operated by the air carrier;

(4) Cruise control data and cruising speeds for such airplanes;

(5) Maximum authorized loads for the airplanes for the routes and airports to be used;

(6) Air carrier radio facilities;

(7) Characteristics and limitations of each type of radio and navigational facility to be used;

(8) Effect of weather conditions on airplane radio reception;

(9) Airports to be used and the general terrain over which the airplanes are to be flown;

(10) Prevailing weather phenomena;

(11) Sources of weather information available;

(12) Pertinent air traffic control procedures; and

(13) Emergency procedures.

§ 40.289 *Recurrent training.* (a) Each air carrier shall provide such training as is necessary to insure the continued competence of each crew member and dispatcher and to insure that each possesses adequate knowledge of and familiarity with all new equipment and procedures to be used by him.

(b) Each air carrier shall, at intervals established as part of the training program, but not to exceed 12 months, check the competence of each crew member and dispatcher with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. Where the check of the pilot in command requires actual flight, such check shall be considered to have been met by the checks accomplished in accordance with § 40.302.

(c) The appropriate instructor, supervisor, or check airman shall certify as to the proficiency demonstrated, and such certification shall become a part of the individual's record. In the case of pilots other than pilots in command,

a pilot in command may make such certification.

FLIGHT CREW MEMBER AND DISPATCHER QUALIFICATION

§ 40.300 *Qualification requirements.* (a) No air carrier shall utilize any flight crew member or dispatcher, nor shall any such airman perform the duties authorized by his airman certificate, unless he satisfactorily meets the appropriate requirements of § 40.280 or § 40.289, and §§ 40.301 through 40.310. All pilots serving as pilot in command shall hold appropriate airline transport pilot certificates and ratings. All other pilots shall hold at least commercial pilot certificates and instrument ratings.

(b) Check airmen shall certify as to the proficiency of the pilot in command being examined, as required by §§ 40.302 and 40.303, and such certification shall become a part of the airman's records.

§ 40.301 *Pilot recent experience.* No air carrier shall schedule a pilot to serve as such in scheduled air transportation unless within the preceding 90 days he has made at least 3 take-offs and 3 landings in the airplane of the particular type on which he is to serve.

§ 40.302 *Pilot checks*—(a) *Line check.* Prior to serving as pilot in command, and at least once each 12 months thereafter, a pilot shall satisfactorily accomplish a line check in one of the types of airplanes normally to be flown by him. This check shall be given by a check pilot who is qualified for the route. It shall consist of at least a scheduled flight between terminals over a route to which the pilot is normally assigned during which the check pilot shall determine whether the individual being checked satisfactorily exercises the duties and responsibilities of pilot in command.

(b) *Proficiency check.* (1) An air carrier shall not utilize a pilot as pilot in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate airplanes to be flown by him. Thereafter, at least twice each 12 months at intervals of not less than 4 months or more than 8 months, a similar pilot proficiency check shall be given each such pilot. Where such pilots serve in more than one airplane type, the pilot proficiency check shall be given in the larger airplane type at least once each 12 months.

(2) The pilot proficiency check shall include at least the following:

(i) The flight maneuvers specified in § 40.282 (b) (1), except that the simulated engine failure during take-off need not be accomplished at speed V_1,

(ii) Flight maneuvers approved by the Administrator accomplished under simulated instrument conditions utilizing the navigational facilities and letdown procedures normally used by the pilot: *Provided*, That maneuvers other than those associated with approach procedures for which the lowest minimums are approved may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the air carrier.

(c) Prior to serving as pilot in command in a particular type of airplane, a pilot shall have accomplished during the preceding 12 months either a proficiency check or a line check in that type of airplane.

§ 40.303 *Pilot route and airport qualification requirements.* (a) An air carrier shall not utilize a pilot as pilot in command until he has been qualified for the route on which he is to serve in accordance with paragraphs (b), (c), and (d) of this section and the appropriate instructor or check pilot has so certified.

(b) Each such pilot shall demonstrate adequate knowledge concerning the subjects listed below with respect to each route to be flown. Those portions of the demonstration pertaining to holding procedures and instrument approach procedures may be acomplished in a synthetic trainer which contains the radio equipment and instruments necessary to simulate the navigational and letdown procedures approved for use by the air carrier.

(1) Weather characteristics,
(2) Navigational facilities,
(3) Communication procedures,
(4) Type of en route terrain and obstruction hazards,
(5) Minimum safe flight levels,
(6) Position reporting points,
(7) Holding procedures,
(8) Pertinent traffic control procedures, and
(9) Congested areas, obstructions, physical layout, and all instrument approach procedures for each regular, provisional, and refueling airport approved for the route.

(c) Each pilot shall make an entry as a member of the flight crew at each regular, provisional, and refueling airport into which he is scheduled to fly. Unless impracticable, such entry shall include a landing and take-off under day VFR to permit the qualifying pilot to observe the airport and surrounding terrain, including any obstructions to landing and take-off. The qualifying pilot shall occupy a seat in the pilot compartment and shall be accompanied by a pilot who is qualified at the airport.

(d) On routes on which navigation must be accomplished by pilotage and on which flight is to be conducted at or below the level of the adjacent terrain which is within a horizontal distance of 25 miles on either side of the center line of the route to be flown, the pilot shall be familiarized with such route by not less than two one-way trips as pilot or additional member of the crew over the route under VFR to permit the qualifying pilot to observe terrain along the route.

§ 40.304 *Maintenance and reestablishment of pilot route and airport qualifications for particular trips.* (a) To maintain pilot route and airport qualifications, each pilot being utilized as pilot in command, within the preceding 12-month period, shall have made at least one trip as pilot or other member of the flight crew between terminals into which he is scheduled to fly and shall have complied with the provisions of § 40.303 (d), if applicable.

(b) In order to reestablish pilot route and airport qualifications after absence from a route for a period in excess of 12 months, a pilot shall comply with the appropriate provisions of § 40.303.

§ 40.305 *Competence check; other pilots.* Prior to serving as pilot, and at least twice each 12 months thereafter at intervals of not less than 4 months nor more than 8 months, each pilot not being utilized as pilot in command shall demonstrate that he is capable of flying by instruments. This demonstration may be made to a pilot serving as pilot in command or a check pilot of the air carrier during scheduled flight.

§ 40.307 *Flight engineer qualification for duty.* A flight engineer shall not be assigned to nor perform duties for which he is required to be certificated as a flight engineer unless, within the preceding 6-month period, he has had at least 50 hours of experience as a flight engineer on the type airplane on which he is to serve, or until the air carrier or an authorized representative of the Administrator has checked such flight engineer and determined that he is familiar with all essential current information and operating procedures relating to the type of airplane to which he is to be assigned and is competent with respect to such airplane. This check shall include a check in flight: *Provided*, That in the case of a flight engineer who has been previously qualified in the type airplane, the check may be accomplished in a synthetic trainer in lieu of a check in flight.

§ 40.310 *Aircraft dispatcher qualification for duty.* (a) Prior to dispatching airplanes over any route or route segment, an aircraft dispatcher shall be familiar, and the air carrier shall determine that he is familiar, with all essential operating procedures for the entire route and with the airplanes to be used: *Provided*, That where he is qualified only on a portion of such route, he may dispatch airplanes, but only after coordinating with dispatchers who are qualified for the other portions of the route between the points to be served.

(b) An aircraft dispatcher shall not dispatch airplanes in the area over which he is authorized to exercise dispatch jurisdiction unless within the preceding 12 months he has made at least one round trip over the particular area on the flight deck of an airplane. The trip selected for qualification purposes shall be one which includes entry into as many points as practicable, but it shall not be necessary for the aircraft dispatcher to make a flight over each route in the area.

FLIGHT TIME LIMITATIONS

§ 40.320 *Flight time limitations.* (a) An air carrier shall not schedule any flight crew member for duty aloft in scheduled air transportation or in other commercial flying if his total flight time in all commercial flying will exceed the following flight time limitations:

(1) 1,000 hours in any year,
(2) 100 hours in any month,
(3) 30 hours in any seven consecutive days.

(b) An air carrier shall not schedule any flight crew member for duty aloft for more than 8 hours during any 24 consecutive hours, unless he is given an intervening rest period at or before the termination of 8 scheduled hours of duty aloft. Such rest period shall equal twice the number of hours of duty aloft since the last preceding rest period, and in no case shall the rest period be less than 8 hours.

(c) When a flight crew member has been on duty aloft in excess of 8 hours in any 24 consecutive hours he shall, upon completion of his assigned flight or series of flights, be given at least 16 hours for rest before being assigned any further duty with the air carrier.

(d) Time involved in transportation, not local in character, required of a flight crew member by an air carrier and provided by the air carrier for the purpose of transporting the flight crew member to an airport at which he is required to serve on a flight as a crew member, or from the airport at which he was relieved from duty as a crew member to return to his home station, shall not be considered as part of any required rest period.

(e) Each flight crew member engaged in scheduled air transportation shall be relieved from all duty with the air carrier for at least 24 consecutive hours during any seven consecutive days.

(f) No flight crew member shall be assigned any duty with an air carrier during any rest period prescribed by this part.

(g) A flight crew member shall not be considered to be scheduled for duty in excess of prescribed limitations, if the flights to which he is assigned are scheduled and normally terminate within such limitations, but due to exigencies beyond the air carrier's control, such as adverse weather conditions, are not at the time of departure expected to reach their destination within the scheduled time.

DUTY TIME LIMITATIONS; AIRCRAFT DISPATCHER

§ 40.340 *Aircraft dispatcher daily duty time limitations.* (a) The daily duty period for an aircraft dispatcher shall commence at such time as will permit him to become thoroughly familiar with existing and anticipated weather conditions along the route prior to the dispatch of any airplane. He shall remain on duty until all airplanes dispatched by him have completed their flights, or have proceeded beyond his jurisdiction, or until he is relieved by another qualified aircraft dispatcher.

(b) The following rules will govern the hours of duty for an aircraft dispatcher, except when circumstances or emergency conditions beyond the control of the air carrier require otherwise:

(1) *Maximum consecutive hours of duty.* No dispatcher shall be scheduled for duty as such for a period of more than 10 consecutive hours.

(2) *Maximum scheduled hours of duty in 24 consecutive hours.* If a dispatcher is scheduled for duty as such for more than 10 hours in a period of 24 hours, he shall be given a rest period of not less than 8 hours at or before the termination of 10 hours of dispatcher duty.

(3) *Dispatcher's time off.* Each aircraft dispatcher shall be relieved from all duty with the air carrier for a period of at least 24 consecutive hours during any 7 consecutive days or the equivalent thereof within any one month.

FLIGHT OPERATIONS

§ 40.351 *Operational control.* The air carrier shall be responsible for operational control.

(a) *Joint responsibility of aircraft dispatcher and pilot in command.* The aircraft dispatcher and the pilot in command shall be jointly responsible for the preflight planning, delay, and dispatch release of the flight in compliance with the applicable regulations of this subchapter and operations specifications.

(b) *Responsibility of dispatcher.* The aircraft dispatcher shall be responsible:

(1) For monitoring the progress of each flight and the issuance of instructions and information necessary for the continued safety of the flight.

(2) For the cancellation or redispatch of a flight if, in his opinion or in the opinion of the pilot in command, the flight cannot operate or continue to operate safely as planned or released.

(c) *Responsibility of pilot in command.* The pilot in command shall during flight time be in command of the airplane and crew and shall be responsible for the safety of the passengers, crew members, cargo, and airplane.

NOTE: Interpretation No. 1, 19 F. R. 1758, Mar. 31, 1954, provides as follows:

The Board interprets and construes § 40.351 (c) as conferring on the pilot in command, with respect to matters concerning the operation of the airplane, full control and authority without limitation over all other crew members and their duties during flight time, whether or not he holds a valid certificate authorizing him to perform the duties and functions of such other crew member.

§ 40.352 *Operations notices.* Each air carrier shall notify the appropriate operations personnel promptly of all changes in equipment and operating procedures, including known changes in the use of navigational aids, airports, air traffic control procedures and regulations, local airport traffic control rules, and of all known hazards to flight, including icing and other potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.

§ 40.353 *Operations schedules.* In establishing flight operations schedules, each air carrier shall allow sufficient time for the proper servicing of airplanes with fuel and oil at intermediate stops, and it shall consider the prevailing winds along the particular route and the cruising speed of the type of airplane to be flown which shall not exceed the specified cruising output of the airplane engines.

§ 40.354 *Flight crew members at controls.* All required flight crew members shall remain at their respective stations when the airplane is taking off or landing, and while en route except when the absence of one such flight crew member is necessary in connection with his regular duties. All flight crew members shall keep their seat belts fastened when at their respective stations.

§ 40.355 *Manipulation of controls.* No person other than a qualified pilot of the air carrier shall manipulate the flight controls during flight, except that any one of the following persons may, with the permission of the pilot in command, manipulate such controls:

(a) Authorized pilot safety representatives of the Administrator or the Board who are qualified on the airplane and are engaged in checking flight operations, or

(b) Pilot personnel of another air carrier properly qualified on the airplane and authorized by the operating carrier.

§ 40.356 *Admission to flight deck.* For purposes of this section the Administrator shall determine what constitutes the flight deck of an airplane.

(a) In addition to the crew members assigned to a particular airplane, CAA Aviation Safety agents and authorized representatives of the Board while in the performance of official duties shall be admitted to the flight deck of an airplane.

NOTE: Nothing contained in this paragraph shall be construed as limiting the emergency authority of the pilot in command to exclude any person from the flight deck in the interest of safety.

(b) The persons listed below may be admitted to the flight deck when authorized by the pilot in command:

(1) An employee of the Federal Government or of an air carrier or other aeronautical enterprise whose duties are such that his presence on the flight deck is necessary or advantageous to the conduct of safe air carrier operations, or

NOTE: Federal employees who deal responsibly with matters relating to air carrier safety and such air carrier employees as pilots, dispatchers, meteorologists, communication operators, and mechanics whose efficiency would be increased by familiarity with flight conditions may be considered eligible under this requirement. Employees of traffic, sales, and other air carrier departments not directly related to flight operations cannot be considered eligible unless authorized under subparagraph (2) of this paragraph.

(2) Any other person specifically authorized by the air carrier management and the Administrator.

(c) All persons admitted to the flight deck shall have seats available for their use in the passenger compartment except:

(1) CAA Aviation Safety agents or other authorized representatives of the Civil Aeronautics Administration or the Civil Aeronautics Board engaged in checking flight operations;

(2) Air traffic controllers who have been authorized by the Administrator to observe ATC procedures;

(3) Certificated airmen of the air carrier; and

(4) Certificated airmen of another air carrier who have been authorized by the air carrier concerned to make specific trips over the route.

§ 40.357 *Use of cockpit check procedure.* The cockpit check procedure shall be used by the flight crew for each procedure as set forth in § 40.176.

§ 40.358 *Personal flying equipment.* The pilot in command shall insure that the following equipment is aboard the airplane for each flight:

(a) Appropriate aeronautical charts containing adequate information concerning navigational aids and instrument approach procedures, and

(b) A flashlight in good working order in the possession of each crew member.

§ 40.359 *Restriction or suspension of operation.* When conditions exist which constitute a hazard to the conduct of safe air carrier operations, including airport and runway conditions, the air carrier shall restrict or suspend operations until such hazardous conditions are corrected.

§ 40.360 *Emergency decisions; pilot in command and aircraft dispatcher.* (a) In emergency situations which require immediate decision and action, the pilot in command may follow any course of action which he considers necessary under the circumstances. In such instances the pilot in command, to the extent required in the interest of safety, may deviate from prescribed operations procedures and methods, weather minimums, and the regulations of this subchapter.

(b) If an emergency situation arises during the course of a flight which requires immediate decision and action on the part of the aircraft dispatcher, and which is known to him, he shall advise the pilot in command of such situation. The aircraft dispatcher shall ascertain the decision of the pilot in command and shall cause the same to be made a matter of record. If unable to communicate with the pilot, the dispatcher shall declare an emergency and follow any course of action which he considers necessary under the circumstances.

(c) When emergency authority is exercised by the pilot in command or by the dispatcher, the appropriate dispatch center shall be kept fully informed regarding the progress of the flight, and within 10 days after the completion of the particular flight a written report of any deviation shall be submitted by the individual declaring the emergency to the Administrator through the air carrier operations manager.

§ 40.361 *Reporting potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.* When any meteorological condition or irregularity of ground or navigational facilities is encountered in flight, the knowledge of which the pilot in command considers essential to the safety of other flights, he shall notify an appropriate ground radio station as soon as practicable. Such information shall thereupon be relayed by that station to the appropriate governmental agency.

§ 40.362 *Reporting mechanical irregularities.* The pilot in command shall enter or cause to be entered in the maintenance log of the airplane all mechanical irregularities encountered during flight. He shall, prior to each flight, inspect the log to ascertain the status of any irregularities entered in the log at the end of the last preceding flight.

§ 40.363 *Engine failure or precautionary stoppage.* (a) Except as provided in paragraph (b) of this section, when one engine of an airplane fails or where the rotation of an engine of an airplane is stopped in flight as a precautionary measure to prevent possible damage, a landing shall be made at the nearest suitable airport in point of time where a safe landing can be effected.

(b) The pilot in command of an airplane having 4 or more engines may, if not more than one engine fails or the rotation thereof is stopped, proceed to an airport of his selection if, upon consideration of the following factors, he determines such action to be as safe a course of action as landing at the nearest suitable airport:

(1) The nature of the malfunctioning and the possible mechanical difficulties which may be encountered if flight is continued;

(2) The availability of the inoperative engine for use;

(3) The altitude, airplane weight, and usable fuel at the time of engine stoppage;

(4) The weather conditions en route and at possible landing points;

(5) The air traffic congestion;

(6) The type of terrain; and

(7) The familiarity of the pilot with the airport to be used.

(c) When engine rotation is stopped in flight, the pilot in command shall immediately notify the proper ground radio station and shall keep such station fully informed regarding the progress of the flight.

(d) In cases where the pilot in command selects an airport other than the nearest suitable airport in point of time, he shall, upon completion of the trip, submit a written report, in duplicate, to his operations manager setting forth his reasons for determining that the selection of an airport other than the nearest was as safe a course of action as landing at the nearest suitable airport. The operations manager shall, within 7 days after completion of the trip, furnish a copy of this report with his own comments thereon to the Administrator.

§ 40.364 *Instrument approach procedures.* When an instrument approach is necessary, the instrument approach procedures and weather minimums authorized in the operations specifications shall be adhered to.

§ 40.365 *Requirements for air carrier equipment interchange.* (a) Prior to conducting any operations pursuant to an interchange agreement authorized by the Civil Aeronautics Board, the air carrier shall show that:

(1) The procedures proposed for the conduct of such operations by the carriers involved conform with the provisions of this subchapter and with safe operating practices;

(2) All operations personnel involved are familiar with the airplanes and equipment of the air carrier with whom interchange is to be effected, and with the communications and dispatching procedures to be used;

(3) All maintenance personnel involved are familiar with the airplanes and equipment, and the maintenance procedures of the air carrier with whom interchange is to be effected;

(4) The flight crew and the dispatchers involved meet the appropriate route and airport qualifications; and

(5) All airplanes operated are essentially similar to those airplanes of the carrier with whom interchange is to be effected with respect to flight instruments and their arrangement and with respect to the arrangement and motion of controls critical to safety, unless the Administrator determines that adequate training programs have been established to insure that any dissimilarities which might be a potential hazard will be safely overcome by flight crew familiarization.

(b) The pertinent provisions and procedures affecting the carriers involved shall be included in their manuals.

§ 40.370 *Briefing of passengers.* After May 31, 1956, each air carrier engaged in extended overwater operations shall assure that all passengers are briefed orally concerning the location and method of operation of life vests and and emergency exits and the location of life rafts. The procedure to be followed in presenting this briefing shall be described in the air carrier manual. Such a briefing shall include a demonstration of the method of donning and inflating a life vest. Where the airplane proceeds directly over water after take-off, the briefing on location of the life vests and emergency exists shall be accomplished prior to take-off, and the remainder of the briefing shall be accomplished as soon thereafter as practicable. Where the airplane does not proceed directly over water after take-off, no part of the briefing need be accomplished prior to take-off but the entire briefing shall be accomplished prior to reaching the overwater portion of the flight.

DISPATCHING RULES

§ 40.381 *Necessity for dispatching authority.* No flight shall be started without specific authority from an aircraft dispatcher, except when an airplane has landed at an intermediate airport specified in the original dispatch release and has remained there for one hour or less.

§ 40.382 *Familiarity with weather conditions.* No aircraft dispatcher shall release a flight unless he is thoroughly familiar with existing and anticipated weather conditions along the route to be flown.

§ 40.383 *Facilities and services.* The dispatcher shall furnish to the pilot in command all available current reports or information pertaining to irregularities of navigational facilities and airport conditions which may affect the safety of the flight. He shall also furnish the pilot, while en route, any additional available information concerning meteorological conditions and irregularities of facilities and services which may affect the safety of the flight.

§ 40.384 *Airplane equipment required for dispatch.* All airplanes dispatched shall be airworthy and shall be equipped in accordance with the provisions of § 40.170.

§ 40.385 *Communications and navigational facilities required for dispatch.* No airplane shall be dispatched over any route or route segment unless the communications and navigational facilities required by §§ 40.34 and 40.36 are in satisfactory operating condition.

§ 40.386 *Dispatching under VFR.* Airplanes shall be dispatched for operation under VFR only if the appropriate weather reports and forecasts, or a combination thereof, indicate that the ceilings and visibilities along the route to be flown are, and will remain, at or above the minimums required for flight under VFR until the flight arrives at the airport or airports of intended landing specified in the dispatch release.

§ 40.387 *Dispatching under IFR or over-the-top.* Airplanes shall be dispatched for operation under IFR or over-the-top only if the appropriate weather reports and forecasts, or a combination thereof, pertaining to the airport or airports to which dispatched indicate that the ceilings and visibilities will be at or above the minimums approved by the Administrator at the estimated time of arrival thereat.

§ 40.388 *Alternate airport for departure.* (a) If the weather conditions at the airport of take-off are below the approved landing minimums for that airport, no airplane shall be dispatched from that airport unless an alternate airport located with respect to the airport of take-off as follows is specified in the dispatch release: *Provided,* That such alternate need not be selected if the ceiling and visibility respectively at the take-off airport are at least 300 feet and one mile, 400 feet and three-quarters mile, or 500 feet and one-half mile:

(1) *Airplanes having 2 or 3 engines.* Alternate airport located at a distance no greater than one hour of flying time in still air at normal cruising speed with one engine inoperative.

(2) *Airplanes having 4 or more engines.* Alternate airport located at a distance no greater than 2 hours of flying time in still air at normal cruising speed with one engine inoperative.

(b) The alternate airport weather requirements shall be those specified in § 40.390.

(c) All required alternate airports shall be listed in the dispatch release.

§ 40.389 *Alternate airport for destination; IFR or over-the-top.* (a) For all IFR or over-the-top operations there shall be at least one alternate airport designated for each airport of destination and, when the weather conditions forecast for the destination and first alternate are marginal, at least one additional alternate airport: *Provided,* That no alternate need be designated when, for the period two hours before to two hours after the estimated time of arrival, the ceiling at the airport to which the flight is dispatched is forecast to be at least 1,000 feet above the minimum initial approach altitude applicable to such airport and the visibility at such airport is forecast to be at least three miles.

(b) The alternate airport weather requirements shall be those specified in § 40.390.

(c) All required alternate airports shall be listed in the dispatch release.

§ 40.390 *Alternate airport weather minimums.* An airport shall not be specified in the dispatch release as an alternate airport unless the weather conditions existing there at the time of dispatch are equal to or above the ceiling and visibility minimums approved for such airport when using it as an alternate, and the appropriate weather reports and forecasts, or a combination thereof, indicate that the weather conditions will be at or above such minimums until the flight shall arrive thereat. The weather minimums at such alternate airport shall not be less than one of the following and in no event less than the corresponding minimums specified for the airport when used as a regular airport: *Provided,* That the Administrator may approve higher or lower minimums at particular airports where the safe conduct of flight requires or permits, considering the character of the terrain being traversed, the meteorological service and navigational facilities available, and other conditions affecting flight.

(a) An airport served by an approved radio navigational facility and either an instrument landing system or a ground control approach system which the carrier has been authorized to use: Ceiling 800 feet and visibility of one mile; or ceiling 700 feet and visibility of 1½ miles; or ceiling 600 feet and visibility of two miles;

(b) An airport served by an approved radio navigational facility: Ceiling 1,000 feet and visibility of one mile; or ceiling 900 feet and visibility of 1½ miles; or ceiling 800 feet and visibility of two miles;

(c) An airport not served by an approved radio navigational facility: If overcast, ceiling 1,000 feet above the minimum en route instrument altitude applicable to the route to such alternate airport and visibility of two miles; if broken clouds, ceiling 1,000 feet above the elevation of the airport and visibility of two miles.

§ 40.391 *Continuance of flight; flight hazards.* (a) No airplane shall be continued in flight toward any airport to which it has been dispatched when, in the opinion of the pilot in command or the aircraft dispatcher, the flight cannot be completed with safety, unless in the opinion of the pilot in command there is no safer procedure. In the latter event, continuation shall constitute an emergency situation as set forth in § 40.360.

(b) If any item of equipment required pursuant to the regulations of this subchapter for the particular operation being conducted becomes unserviceable en route, the pilot in command shall comply with the procedures specified in the manual for such occurrence: *Provided,* That the Administrator may authorize the incorporation in the air carrier manual of procedures for the continued operation of an airplane beyond a scheduled terminal where he finds that, in the particular circumstances of the case, literal compliance with this requirement is not necessary in the interest of safety.

§ 40.392 *Operation in icing conditions.* (a) An airplane shall not be dispatched, en route operations continued, or landing made when, in the opinion of the pilot in command or aircraft dispatcher, icing conditions are expected or encountered which might adversely affect the safety of the flight.

(b) No airplane shall take off when frost, snow, or ice is adhering to the wings, control surfaces, or propellers of the airplane.

§ 40.393 *Redispatch and continuance of flight.* (a) Any regular, provisional, or refueling airport the use of which is authorized for the type of airplane to be operated may be specified as a destination for the purpose of original dispatch.

(b) An airport specified as a destination or alternate for the purpose of original dispatch may be changed en route to another airport which is authorized for the type of airplane to be operated, provided that the appropriate requirements of §§ 40.381 through 40.409 and § 40.70 or § 40.90 are met at the time of redispatch.

(c) No flight shall be continued to any airport to which it has been dispatched unless the weather conditions at an alternate airport specified in the dispatch release remain at or above the minimums specified for such airport when used as an alternate: *Provided,* That the dispatch release may be amended en route to include any approved alternate airport lying within the fuel range of the airplane as specified in §§ 40.396 and 40.397.

(d) When the dispatch release is amended while the airplane is en route, such amendments shall be made a matter of record.

§ 40.394 *Dispatch to and from provisional airport.* (a) No aircraft dispatcher shall dispatch an airplane to a provisional airport unless such airport complies with all of the requirements of this part pertinent to regular airports.

(b) Dispatch from a provisional airport shall be accomplished in accordance with the same regulations governing dispatch from a regular airport.

§ 40.395 *Take-offs from alternate airports or from airports not listed in the operations specifications.* No airplane shall take off from an alternate airport or from an airport which is not listed in the air carrier operations specifications unless:

(a) Such airport and related facilities are adequate for the operation of the airplane;

(b) In taking off it is possible to comply with the applicable airplane operating limitations;

(c) The weather conditions at that airport are equal to or better than those prescribed for such airport; and

(d) The airplane is dispatched in accordance with all dispatching rules applicable to operation from an approved airport.

§ 40.396 *Fuel supply for all operations.* No airplane shall be dispatched unless it carries sufficient fuel:

(a) To fly to the airport to which dispatched, and thereafter;

(b) To fly to and land at the most distant alternate for the airport to which dispatched where such alternate is required, and thereafter;

(c) To fly for a period of at least 45 minutes at normal cruising consumption.

§ 40.397 *Factors involved in computing fuel required.* In computing the fuel required, consideration shall be given to the wind and other weather conditions forecast, traffic delays anticipated, and any other conditions which might delay the landing of the airplane. Required fuel shall be additional to unusable fuel.

§ 40.405 *Take-off and landing weather minimums; VFR.* Irrespective of any clearance which may be obtained from air traffic control, no airplane shall take off or land under VFR when the reported ceiling or ground visibility is less than specified below: *Provided*, That where a local surface restriction to visibility exists, such as smoke, dust, or blowing snow or sand, the visibility for both day and night operations may be reduced to one-half mile, if all turns after take-off and prior to landing and all flight beyond a mile from the airport boundary can be accomplished above or outside, the area so restricted.

(a) For day operations: 1,000-foot ceiling and one-mile visibility;

(b) For night operations: 1,000-foot ceiling and two-mile visibility.

§ 40.406 *Take-off and landing weather minimums; IFR.* (a) Except as provided in paragraphs (c) and (d) of this section, irrespective of any clearance which may be obtained from air traffic control, no airplane shall take off or land under IFR when the reported ceiling or ground visibility is less than that approved for the airport when used as a regular airport.

(b) Except as provided in paragraphs (c) and (d) of this section, no instrument approach procedure shall be executed when the latest weather report furnished by a source authorized in accordance with the provisions of § 40.35 indicates the ceiling or visibility is less than the landing minimum approved for the airport when used as a regular airport.

(c) An instrument approach procedure may be executed when the weather report indicates that the ceiling or visibility is less than approved minimum for landing, if the airport is served by ILS and PAR in operative condition and both are used by the pilot, and thereafter a landing may be made, if weather conditions equal to or better than the prescribed minimums are found to exist by the pilot in command upon reaching the authorized landing minimum altitude.

(d) If an instrument approach procedure is initiated when the current U. S. Weather Bureau report indicates that the prescribed ceiling and visibility minimums exist and a later weather report indicating below minimum conditions is received after the airplane (1) is on an ILS final approach and has passed the outer marker, or (2) is on a final approach using a radio range station or comparable facility and has passed the appropriate facility and has reached the authorized landing minimum altitude, or (3) is on GCA final approach and has been turned over to the final approach controller, such ILS, Range, or GCA approach may be continued and a landing may be made in the event weather conditions equal to or better than the prescribed minimums for the airport are found to exist by the pilot in command of the flight upon reaching the authorized landing minimum altitude.

§ 40.408 *Flight altitude rules.* Except when necessary for take-off and landing, the flight altitude rules prescribed in paragraphs (a) and (b) of this section, in addition to the applicable provisions of § 60.17 of this subchapter, shall govern air carrier operations: *Provided*, That other altitudes may be established by the Administrator for any route or portion thereof where he finds, after considering the character of the terrain being traversed, the quality and quantity of meteorological service, the navigational facilities available, and other flight conditions, that the safe conduct of flight permits or requires such other altitudes.

(a) *Day VFR passenger operations.* No airplane engaged in passenger operations shall be flown at an altitude less than 1,000 feet above the surface or less than 1,000 feet from any mountain, hill, or other obstruction to flight.

(b) *Night VFR or IFR operations including over-the-top.* No airplane shall be flown at an altitude less than 1,000 feet above the highest obstacle located within a horizontal distance of five miles from the center of the course intended to be flown or, in mountainous terrain designated by the Administrator, 2,000 feet above the highest obstacle located within a horizontal distance of five miles from the center of the course intended to be flown: *Provided*, That in VFR operations at night in such mountainous areas airplanes may be flown over a lighted civil airway at a minimum altitude of 1,000 feet above such obstacle: *And provided further*, That in the case of high-altitude operations, the minimum altitude shall be not less than 2,000 feet above the elevation of the highest ground within 25 miles of the intended track: *And provided further*, That adherence to a minimum flight altitude will not be required during the time a flight is proceeding in accordance with paragraph (c) of this section.

(c) *Daytime over-the-top operations below minimum en route altitudes.* Over-the-top operations may be conducted at flight altitudes lower than the minimum en route IFR altitudes by day only and in accordance with the following provisions:

(1) Such operations shall be conducted at least 1,000 feet above the top of lower broken or overcast cloud cover;

(2) The top of the lower cloud cover shall be generally uniform and level;

(3) Flight visibility shall be at least five miles;

(4) The base of any higher broken or overcast cloud cover shall be generally uniform and level and shall be at least 1,000 feet above the minimum en route IFR altitude for the route segment.

§ 40.409 *Altitude maintenance on initial approach.* (a) When making an initial approach to a radio navigational facility under IFR (excluding over-the-top conducted in accordance with the provisions of § 40.408 (c)), an airplane shall not descend below the pertinent minimum altitude for initial approach specified by the Administrator for such facility until arrival over the radio facility has been definitely established;

(b) When making an initial approach on a flight being conducted in accordance with the provisions of § 40.408 (c), a pilot shall not commence an instrument approach until arrival over the radio facility has definitely been established. In executing an instrument approach procedure under such circumstances, the airplane shall not be flown at an altitude lower than 1,000 feet above the top of the lower cloud or the minimum altitude specified by the Administrator for that portion of the instrument approach procedure being flown, whichever is the lower.

§ 40.411 *Preparation of dispatch release.* A dispatch release shall be prepared for each flight between specified points from information furnished by the authorized aircraft dispatcher. This release shall be signed by the pilot in command and by the authorized aircraft dispatcher only when both believe the flight can be made with safety. The aircraft dispatcher may delegate authority to sign such release for a particular flight, but he shall not delegate the authority to dispatch.

§ 40.412 *Preparation of load manifest.* The air carrier shall be responsible for the preparation and accuracy of a load manifest form prior to each take-off. This form shall be prepared by personnel of the air carrier charged with the duty of supervising the loading of airplanes and the preparation of load manifest forms or by other qualified persons authorized by the air carrier.

REQUIRED RECORDS AND REPORTS

§ 40.500 *Records.* Each scheduled air carrier shall maintain records and submit reports in accordance with the requirements of §§ 40.501 through 40.511. All records shall be retained for the period specified in Part 249 of Subchapter B of this chapter (Economic Regulations), unless otherwise specified in §§ 40.501 through 40.511.

§ 40.501 *Crew member and dispatcher records.* Each air carrier shall maintain current records of every crew member and aircraft dispatcher. These records shall contain such information concerning the qualifications of each such crew member and dispatcher as is necessary to show compliance with the appropriate requirements of the regulations of this subchapter, e. g., proficiency and route checks, airplane qualifications, training, physical examinations, and flight time records. The disposition of any flight crew member or aircraft dispatcher released from the employ of the air carrier, or who becomes physically or professionally disqualified, shall be indicated in these records which shall be retained by the air carrier for at least three months.

§ 40.502 *List of airplanes.* Each air carrier shall maintain a current list of all airplanes being operated by it in scheduled air transportation: *Provided*, That airplanes of another air carrier being operated in accordance with an interchange agreement may be incorporated by reference.

§ 40.503 *Dispatch release form.* (a) The dispatch release may be in any form but shall contain at least the following information with respect to each flight:

(1) Identification number of the airplane to be used, and the trip number;

(2) Airport of departure, intermediate stops, destination, and alternates therefor;

(3) Minimum fuel supply;

(4) Type of operation, e. g., IFR, VFR.

(b) The dispatch release shall contain, or have attached thereto, weather reports, available weather forecasts, or a combination thereof, for the destination, intermediate stops, and alternates specified therein which shall be the latest available at the time the dispatch release is signed by the pilot in command and dispatcher. It shall include such additional weather reports and forecasts, as available, considered necessary or desirable by the pilot in command and aircraft dispatcher.

§ 40.504 *Load manifest.* (a) The load manifest shall contain at least the following information with respect to the loading of an airplane at the time of take-off:

(1) The weight of:

(i) Airplane,

(ii) Fuel and oil,

(iii) Cargo, including mail and baggage, and

(iv) Passengers;

(2) The maximum allowable weight applicable for the particular flight;

(3) The total weight computed in accordance with approved procedures;

(4) Evidence that the airplane is loaded in accordance with an approved schedule which insures that the center of gravity is within approved limits.

(b) The load manifest shall be prepared and signed for each flight by qualified personnel of the air carrier charged with the duty of supervising the loading of the airplane and the preparation of load manifest forms, or by other qualified personnel authorized by the air carrier.

§ 40.505 *Disposition of load manifest, dispatch release form, and flight plans.* Copies of the completed load manifest, or information therefrom except with respect to cargo and passenger distribution, the dispatch release form, and the flight plan shall be in the possession of the pilot in command and shall be carried in the airplane to its destination. Copies also shall be kept for at least 60 days.

§ 40.506 *Maintenance records.* (a) Each air carrier shall keep at its principal maintenance base current records of the total time in service, the time since last overhaul, and the time since last inspection of all major components of the airframe, engines, propellers, and, where practicable, appliances.

(b) Records of total time in service may be discontinued when it has been shown that the service life of component parts is safely controlled by other means, such as inspection, overhaul, or parts retirement procedures. The Administrator may require the keeping of total time records for specific parts when it is found that other procedures will not safely limit the service life of such parts.

(c) An airplane component, engine, propeller, or appliance for which complete records are not available may be placed in service, provided that:

(1) It is of a type for which total time-in-service records are not required under the provisions of paragraph (b) of this section,

(2) Parts which are limited by the Administrator or manufacturer to a specific service time are retired and replaced by new parts, and

(3) It has been properly overhauled or rebuilt, and a record of such overhaul or rebuilding is included in the maintenance records.

§ 40.507 *Maintenance log.* A legible record shall be made in the airplane's maintenance log of the action taken in each case of reported or observed failures or malfunctions of airframes, engines, propellers, and appliances critical to the safety of the flight. The air carrier shall establish an approved procedure for retaining an adequate number of such records in the airplane in a place readily accessible to the flight crew and shall incorporate such procedure in the air carrier manual. The maintenance log shall contain information from which the flight crew may readily determine the time since last overhaul of the airframe and engines.

§ 40.508 *Daily mechanical reports.* (a) Whenever a failure, malfunctioning, or other defect is detected in flight or on the ground in an airplane or airplane component which may reasonably be expected by the air carrier to cause a serious hazard in the operation of any airplane, a report shall be made of such failure, malfunctioning, or other defect to the Administrator. This report shall cover a 24-hour period beginning and ending at midnight, shall be submitted by 12 o'clock midnight of the following working day, or sooner if the seriousness of the malfunction or difficulty so warrants, and shall include as much of the following information as is available on the first daily report following such incidents:

(1) Type and CAA identification number of the airplane, name of air carrier, and date;

(2) Emergency procedure effected: unscheduled landing, dumping fuel, etc.;

(3) Nature of condition: fire, structural failure, etc.;

(4) Identification of part and system involved, including the type designation of the major component;

(5) Apparent cause of trouble: wear, cracks, design deficiency, personnel error, etc.;

(6) Disposition: repaired, replaced, airplane grounded, etc.;

(7) Brief narrative summary to supply any other pertinent data required for more complete identification, determination of seriousness, corrective action, etc.

(b) These reports shall not be withheld pending accumulation of all of the information specified in paragraph (a) of this section. When additional information is obtained relative to the incident, it shall be expeditiously submitted as a supplement to the original report, reference being made to the date and place of submission of the first report.

§ 40.509 *Mechanical interruption summary report.* Each air carrier shall submit regularly and promptly to the Administrator a summary report containing information on the following occurrences:

(a) All interruptions to a scheduled flight, unscheduled changes of airplanes en route, and unscheduled stops and diversions from route which result from known or suspected mechanical difficulties or malfunctions.

(b) The number of engines removed prematurely because of mechanical trouble, listed by make and model of engine and the airplane type in which the engine was installed.

(c) The number of propeller featherings in flight, listed by type of propeller and type of engine and the airplane on which the propeller is installed. Propeller featherings accomplished for training, demonstration, or flight check purposes need not be reported.

§ 40.510 *Alteration and repair reports.* Reports of major alterations or repairs of airframes, engines, propellers, and appliances shall be made available to the Administrator promptly upon completion of such alterations or repairs.

§ 40.511 *Maintenance release.* When an airplane is released by the maintenance organization to flight operations, a maintenance release or appropriate entry into the maintenance log certifying that the airplane is in an airworthy condition shall be prepared and signed by a maintenance inspector or a person authorized by the inspection organization prior to release of such airplane. If a maintenance release form is prepared, a copy shall be given to the pilot in command. An appropriate record shall be kept for at least 60 days.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F. R. Doc. 55-10612; Filed, Dec. 30, 1955; 10:35 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs.; Amdt. 48[1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 371.13 *General licenses Ship Stores, Plane Stores, Crew, and Registered Carrier Stores* is amended in the following particulars:

a. Subparagraph (2) *Restrictions on the exportation of petroleum and petroleum products* of paragraph (a) *General license Ship Stores* is amended to read as follows:

(2) *Restrictions on the exportation of petroleum and petroleum products.* No exportation of petroleum and other petroleum products (including those used as bunker fuel) listed in paragraph (a) (3) below may be made under this general license on a foreign vessel of 500 gross registered tons or more departing from the United States for use on board such vessel if the vessel (i) has called at Macao or a Far Eastern Communist port during the 180 days immediately preceding the date on which such commodities are to be laden aboard the vessel; (ii) will call at Macao or a Far Eastern Communist port within 120 days after the date on which such commodities are laden aboard the vessel; (iii) will carry within the next 120 days commodities, of any origin, known by the owner, master, or agent to be destined directly or indirectly to these ports, unless the commodities so carried are covered by an export license issued by the Bureau of Foreign Commerce or any other agency of the United States Government; or (iv) is registered in any Subgroup A country, or is controlled by, or under charter to, any Subgroup A country or a national of any Subgroup A country.

b. The note at the end thereof is deleted.

c. Subparagraph (2) *Restrictions on the exportation of petroleum and petroleum products for use on aircraft* of paragraph (b) *General license PLANE STORES* is amended to read as follows:

(2) *Restrictions on the exportation of petroleum and petroleum products for use on aircraft.* No exportation of petroleum or petroleum products (including those used as fuel) listed in paragraph (a) (3) above may be made under this general license on a foreign aircraft of 12,000 pounds or more gross load departing from the United States, for use on board such aircraft if the aircraft (i) has called at Macao or any point under Far Eastern Communist control during the 180 days immediately preceding the date on which such commodities are to be laden aboard the aircraft, (ii) will call at Macao or any point under Far Eastern Communist control within 30 days after the date such commodities are laden aboard the plane, (iii) will carry within this 30-day period commodities, of any origin, known by the owner, aircraft commander, or agent to be destined directly or indirectly to Macao or any point under Far Eastern Communist control, unless the commodities so carried are covered by an export license issued by the Bureau of Foreign Commerce or any other agency of the United States Government; or (iv) is registered or documented in any Subgroup A country or is controlled by, or under charter to, any Subgroup A country or a national of any Subgroup A country.

d. The note at the end thereof is deleted.

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES

FOURTH QUARTER OF 1955 AND FIRST QUARTER OF 1956

Dept. of Commerce Schedule B No.	Commodity	Submission dates: Fourth quarter, 1955	Submission dates: First quarter, 1956
630050	Aluminum scrap (new and old)	Before Dec. 16, 1955.	
630070	Aluminum remelt ingots		
641300	Copper scrap (new and old) containing 40 percent or more copper		
644000	Copper-base alloy scrap (new and old) containing 40 percent or more copper.		
644100	Copper-base alloy ingots and other crude forms	Before Dec. 1, 1955.	
619159	Selenium powder		
622068	Ferroselenium		
664998	Selenium metal, except selenium-bearing scrap materials		
829810	Selenium-containing rubber compounding agents not of coal tar origin: accelerators.	Sept. 1-15, 1955	Dec. 1-15, 1955
839750	Selenium salts of organic compounds		
839900	Selenium salts and compounds, including selenium dioxide		
842000	Selenium-containing pigments		
619159	Nickel powder, pure		
654502	Nickel anodes, cast and rolled, and nickel and nickel alloy shot		Jan. 3-24, 1956

NOTES

1. Return of unused quotas: As soon as a licensee determines that he will not export the entire licensed amount of a commodity subject to a quantitive quota he shall promptly submit to the Bureau of Foreign Commerce a request for an amendment reducing the quantity covered by the license to the amount he actually intends to export (see § 373.6). If none of the commodities covered by the license is to be exported, the license shall be returned to the Bureau of Foreign Commerce.

2. Where no filing dates are announced: Applications for licenses to export commodities for which no specified filing dates are anounced may be submitted at any time (see § 372.5 (c)).

3. Intransit shipment: Export applications for commodities requiring a validated license when moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see Note following § 372.6 (d)).

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Abbaddie, Adolfo A., Jr., T/a Ace Export Co., 2991 SW 14th St., Miami, Fla.	(10–28–54)	(10–28–55)*	General and validated licenses, all commodities, any destination, also exports to Canada. (On probation for entire period 10–28–54—10–28–55).	19 F.R. 7302, 11–10–54.
Ace Export Co., 2991 SW 14th St., Miami, Fla.	(10–28–54)	(10–28–55)*	do	19 F.R. 7302, 11–10–54.
Alvarez, Gabino, Alvarez, Manuel, officers of Laminadoras Unidas, S. A., Av. Ferrocarril No. 9, Col., Moctezuma, Mexico, D. F., Mexico.	10–7–54	4–7–55 (10–7–55).*	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F.R. 6533, 10–9–54.
Chang, William C., 3611 Sacramento St., San Francisco, Calif.	8–2–54	10–12–54 (7–20–55).*	do	19 F.R. 4972, 8–6–54.
Dixie Auto Parts, Dixie Export Co., 1630 NW. 20th St., Miami, Fla.	10–25–54	11–14–54 (10–24–55).*	General and validated licenses, all commodities, any destination, also exports to Canada, including acting as freight forwarder for others.	19 F.R. 6663, 10–15–54. 19 F.R. 6813, 10–22–54.

[1] This amendment was published in Current Export Bulletin No. 759, dated December 22, 1955.

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Reyes Zamudio, Federico, 128 Poniente No. 665, Atzcapotzalco, D. F., Mexico.	10–22–54	4–22–55 (10–22–55).*	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 6954, 10–28–54.
Siderurgica y Laminacion, S. A., Poniente 128, Atzcapotzalco, Federico, Santa Clara, Mexico, Mexico.	10– 2–54	4–22–55 (10–22–55).*	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Reyes Zamudio, Federico and Verduzco Valdes, Manuel which see.)	19 F. R. 6954, 10–28–54.
Verduzco Valdes, Manuel, 128 Poniente No. 665, Atzcapotzalco, D. F., Mexico.	10–22–54	(10–22–55)*	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 6954, 10–28–54.
White, Luis Navarro, officer of Laminadora Atzcapotzalco, S. A., 128 Poniente No. 665, Atzcapotzalco, D. F., Mexico.	10–22–54	4–22–55 (10–22–55).*	do	19 F. R. 6954, 10–28–54.
Willys-Overland Export Corp., Toledo, Ohio.	6– 9–55	(12–8–55)*	General and validated licenses, all commodities, any destination, also exports to Canada. (On probation for entire period 6–9–55—12–8–55).	20 F. R. 4191, 6–15–55.
Wolfers, Roger, Toledo, Ohio	6– 9–55	12–8–55	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F. R. 4191, 6–15–55.

This amendment shall become effective as of December 22, 1955.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55–10472; Filed, Dec. 30, 1955; 8:49 a. m.]

[7th Gen. Rev. of Export Regs., Amdt. P. L. 25[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	G.L.V. dollars value limits	Validated license required
	Metal powders:				
619159	Boron	Lb.	MINL	100	RO
	Nonferrous metals and alloys in crude form, scrap, and semifabricated forms, n. e. c. (specify by name):				
664998	Boron metal (elemental boron) and other metals containing 10 percent or more boron.	Lb.	MINL	100	RO
	Pumping Equipment, n. e. c. (specify type of pump by generic name according to following classifications):				
770980	Ion Vacuum Pumps[1]	No.	GIEQ 1	None	RO
820387	Weed killers consisting primarily of boron compounds (e. g., borates, borax).[1]	Lb.	SALT	100	RO

See footnotes at end of table.

[1] This amendment was published in Current Export Bulletin No. 759, dated December 22, 1955.

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Dixie Auto Parts, Dixie Export Co., 1630 NW. 20th St., Miami Fla.	11–15–54	2–6–55 (10–24–55).*	General and validated licenses, commodities, any destination, also exports to Canada, except acting as freight forwarder for others which privilege is restored automatically on 11–15–54.	19 F. R. 6813, 10–22–54.
Eastern Distributors & Forwarders Corp., 745 5th Ave., New York, N. Y.	(6–9–55)	(12–8–55)*	General and validated licenses, all commodities, any destination, also exports to Canada. (On probation for entire period 6–9–55—12–8–55).	20 F. R. 4191, 6–15–55.
Echeverria, Pedro, officer of Hierros Laminados, S. A., Av. Bondojito, Villa G. A. Madero, Mexico, D. F. Mexico.	10– 7–54	4–7–55 (10–7–55).*	Ground and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 6533, 10–9–54.
Eckstein, Samuel, officer of Laminadora Atzcapotzalco, S. A., 128 Poniente No. 665, Atzcapotzalco, D. F., Mexico.	10–22–54	4–22–55 (10–22–55).*	do	19 F. R. 6954, 10–28–54.
Friedman, Samuel L., officers of Orchard Refining & Smelting Works, Inc., 9–37 Victoria St., Newark, N. J.	4–19–55	10–19–55	do	20 F. R. 2741, 4–23–55.
Hierros Laminados, S. A., Av. Ferrocarril No. 3309, Col. Bondojito, Villa G. A. Madero, Mexico, D. F., Mexico.	10– 7–54	4–7–55 (10–7–55).*	do	19 F. R. 6533, 10–9–54.
Jagielski, Otto, officer of Laminadora Atzcapotzalco, S. A., 128 Poniente No. 665, Atzcapotzalco, D. F., Mexico.	10–22–54	4–22–55 (10–22–55).*	do	19 F. R. 6954, 10–28–54.
Kanner, Abraham, officer of Laminadora Atzcapotzalco, S. A., 128 Poniente No. 665, Atzcapotzalco, D. F., Mexico.	10–22–54	4–22–55 (10–22–55).*	do	19 F. R. 6954, 10–28–54.
Laminadora Atzcapotzalco, S. A., 128 Poniente No. 665, Atzcapotzalco, D. F., Mexico.	10–22–54	4–22–55 (10–22–55).*	do	19 F. R. 6954, 10–28–54.
Laminadoras Unidas, S. A., Av. Ferrocarril No. 9, Col. Moctezuma, Mexico, D. F., Mexico.	10– 7–54	4–7–55 (10–7–55).*	do	19 F. R. 6533, 10–9–54.
Llamas, Jesus, officer of Hierros Laminados, S. A., Av. Henry Ford No. 3309, Col. Bondojito, Villa G. A. Madero, Mexico, D. F., Mexico.	10– 7–54	4–7–55 (10–7–55).*	do	19 F. R. 6533, 10–9–54.
Marcus, Joseph B., Khan Villa, Aleppo, Syria.	6–9–55	12–8–55	do	20 F. R. 4190, 6–15–55.
McGuire, Frances E., 745 5th Ave., New York, N. Y.	6–9–55	10–8–55	do	20 F. R. 4191, 6–15–55.
Miller, Irving H. and t/a Dixie Auto Parts, Dixie Export Co., 1630 NW. 20th St., Miami, Fla.	10–25–54	11–14–54 (10–24–55).*	General and validated licenses, all commodities, any destination, also exports to Canada; Including acting as freight forwarder for others.	19 F. R. 6813, 10–22–54.
	11–15–54	2–6–55 (10–24–55).*	General and validated licenses, all commodities, any destination, also exports to Canada; except acting as freight forwarder for others which privilege is restored automatically on 11–15–54.	19 F. R. 6813, 10–22–54.
Orchard Refining & Smelting Works, Inc., 9–37 Victoria St., Newark, N. J.	4–19–55	10–19–55	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F. R. 2741, 4–23–55.
Parts Sales Co., 1630 NW. 20th St., Miami, Fla.	10–25–54	11–14–54 (10–24–55).*	General and validated licenses, all commodities, any destination, also exports to Canada; including acting as freight forwarder for others.	19 F. R. 6813, 10–22–54.
	11–15–54	2–6–55 (10–24–55).*	General and validated licenses, all commodities, any destination, also exports to Canada; except acting as freight forwarder for other which privilege is restored automatically on 11–15–54.	19 F. R. 6813, 10–22–54.

3. The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
541140	Abrasives (report abrasive refuse in 596098): Boron carbide [9]	Lb.	MINL 1	100	RO
541400	Abrasive products (report abrasive refuse in 596098; and diamond compounds in 540910): Honing abrasive stones for use on power-driven metal working machines, and made of, or incorporating as the principal abrasive material, silicon carbide, boron carbide or fused aluminum oxide	Lb.	TOOL 2	500	R
541820	Abrasive paper, cloth, or combinations thereof, coated with silicon carbide or aluminum oxide, and the largest dimension exceeds 12 inches. (Reduce dimensions of sheets, pads, rolls, disks, or belts to reams of standard sheets, 9 x 11 inches.) [1]	Ream	TOOL	500	R
596405	Diamonds suitable only for industrial use, n. e. c. [1]	Carat	CDGS	None	RO
596410	Diamonds, rough or uncut, suitable for cutting into gem stones [3]	Carat	CDGS	None	RO
596098	Diamond bearings. (1) [10]	Carat	CDGS	None	RO
708410	Electronic detection and navigational apparatus, and specially fabricated parts, n. e. c. (report spare and component tubes in 707803-707830): Electronic detection and navigational apparatus, n. e. c., designed for use at frequencies of 600 megacycles and over. (2) [11]		RARA 62	100	RO
766603	Size measuring machines and instruments, n. e. c., and specially fabricated parts, n. e. c.: Instruments or devices capable of controlling the dimensions of metal parts during its production; and specially fabricated parts, n. e. c. (report spare and component tubes in 707803-707830): Chemical and pharmaceutical processing and manufacturing machines, n. e. c., and specially fabricated parts, n. e. c. (report spinning pumps in 775055; according to uses under appropriate Schedule B No. and refining furnaces for the production of chemicals, 707415):		TOOL	250	RO
775055	Dehydration presses, double opposed hydraulic ram type. (12) [12]		GIEQ 2	250	RO
775055	Extrusion presses, hydraulic ram and closure type. (12) [12]		GIEQ 2	250	RO
775055	Powder cutting machines, with feed rolls geared to rotating cutter blades. (12) [12]		GIEQ 2	250	RO
775055	Swedle barrels, revolving type, 5 feet or more in maximum diameter. (12) [12]		GIEQ 2	250	RO
824060	Watch cases or purifiers, chief component lim exchange units [13]	Lb.	RESN 95	100	RO
829020	Plastics and resin materials: Synthetic resins, n. e. c., in all unfinished forms, including scrap, except laminated and except film and sheeting: Polytetrafluoroethylene (e. g., Teflon). (1) [1]	Lb.	RESN	25	RO
829020	Polytrifluorochloroethylene. (2) [1]	Lb.	RESN	25	RO

See footnotes at end of table.

[1] This commodity is subject to the IC/DV procedure (see § 373.2), effective Feb. 6, 1956, is subject to DL restrictions (see § 374.2), is excepted from the Time Limit licensing procedure (see Part 377) until Jan. 21, 1956, may be exported under the provisions of General License GLV (see § 371.10 (c)), effective Jan. 21, 1956, and may not be exported under General License GLV (see § 371.10 (c)).

[2] This commodity may be exported under the Periodic Requirements licensing procedure (see Part 376) or the Foreign Distribution licensing procedure (see Part 378). effective Feb. 6, 1956, and may be exported under General License GLV to R and O destinations only within the dollar-value limit specified on the Positive List (see § 371.10 (c)).

This part of the amendment shall become effective as of 12:01 a. m., December 29, 1955.

2. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
986800	Self-contained diving and under-water swimming apparatus, and specially fabricated accessories and parts, n. e. c. (report self-contained diving and underwater swimming apparatus manufactured to military specifications, and specially fabricated parts therefor, in 986660). [1]	----------	SATE	50	RO
986660	Self-contained diving and underwater swimming apparatus manufactured to military specifications, and specially fabricated parts therefor (report other self-contained diving and underwater swimming apparatus and specially fabricated parts in 986800). [1]	----------	SATE	50	RO

[1] This commodity is subject to the IC/DV procedure (see § 373.2), effective Feb. 6, 1956, is subject to DL restrictions (see § 374.2), is excepted from the Time Limit licensing procedure (see Part 377) until Jan. 21, 1956, may be exported under the provisions of General License GLV (see § 371.10 (c)), effective Jan. 21, 1956, and may not be exported under General License GLV (see § 371.10 (c)).

This part of the amendment shall become effective as of 12:01 a. m., December 22, 1955.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
704830	Motors and controls, n. e. c., and parts (report autosyns, selsyns, and other synchronous transmission systems in 706000): Electric propulsion motors, generators and controls for turbine locomotives, general service (line) locomotive or switching and industrial, of a power greater than 4 feet 8 inches (1.42 m.) or with an individual axle load greater than 12 metric tons.				
708410	Electronic detection and navigational apparatus, and specially fabricated parts, n. e. c., (report spare and replacement tubes in 707803-707830): Doppler navigation and specially fabricated parts, n. e. c.				
43500	Power-driven metalworking machine tools (nonportable), and parts: Tank turret bearing grinding machines				
775330	Processing vessels, non-mixing, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name): Processing vessels, suitable for the production of military explosives, and specially fabricated parts, n. e. c.				
812100	Biological products (all forms): Gamma-globulin, human (immune serum globulin, poliomyelitis immune globulin, etc.).				

This part of the amendment shall become effective as of 12:01 a. m., December 22, 1955.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
829080	Plastic film and sheeting, including printed, embossed, pianished or otherwise treated surface: Polytetrafluoroethylene (e. g., Teflon). (1) [1]	Lb.	RESN	25	RO
829080	Polytrifluorochloroethylene. (2) [1]	Lb.	RESN	25	RO
829090	Laminated and molded laminated plastics made with synthetic resins and varnishes as a binder, including all shapes solely made therefrom: Polytetrafluoroethylene (e. g., Teflon). (1) [1]	Lb.	RESN	25	RO
829090	Polytrifluorochloroethylene. (2) [1]	Lb.	RESN	25	RO
832985	Organo-fluorine compounds (specify by name): Trifluoromonochloroethylene. (1) [1]	Lb.	SALT 1	25	RO
832990	Organic chemicals not of coal-tar origin, n. e. c. (specify by name): Tetrafluoroethylene. (6) [1]	Lb.	SALT 1	25	RO
836220	Boric acid and borates, crude, refined, and compounds, except sodium perborate (including but not limited to boron trifluoride, boron oxide, boron hydrides, and fluoroborates.) (1) and 2) [7] [14]	Lb.	SALT	100	RO
843800	Polytetrafluoroethylene (e. g., Teflon) finishes and enamels. (1) [1]	Gal.	PLAT	25	RO
843800	Polytrifluorochloroethylene dispersion. (2) [1]	Gal.	PLAT	25	RO
981590	Manufactured plastic products, n. e. c., not specially fabricated for particular machines or equipment (report plastics and resin materials in unfinished forms in 825100-829020): Manufactures of polytrifluorochloroethylene. (2) [1]	----------	COTA	25	RO
981590	Manufactures of polytetrafluoroethylene (e. g., Teflon) (1) [1]	----------	COTA	25	RO

[1] The GLV dollar-value limit is increased.

[2] The processing code is changed or related commodity group number is changed (see § 372.5 (f)).

[7] The letter "B" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to DL restrictions (see § 374.2), and is no longer excepted from the Time Limit licensing procedure (see Part 377).

[10] The destination control is changed from R to RO, effective Dec. 29, 1955.

[12] The commodity description is revised without change in coverage.

[13] The unit of quantity is changed.

[11] The commodity coverage is increased, effective Dec. 29, 1955.

[12] Four entries are substituted for the twelfth entry presently on the Positive List under Schedule B No. 775055, with a decrease in coverage.

[14] Sodium perborate is deleted: boron trifluoride, formerly separately listed, may now be exported under the Periodic Requirements licensing procedure (see Part 374), and may be exported to Group O destinations under General License GLV within the $500 dollar-value limit (see § 371.10 (c)).

This part of the amendment shall become effective as of December 22, 1955, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in parts 1 or 3 of this amendment, which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., December 29, 1955 may be exported under the previous general license provisions up to and including January 21, 1956. Any such shipment not laden aboard the exporting carrier on or before January 21, 1956 requires a validated license for export.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55-10473; Filed, Dec. 30, 1955; 8:50 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.275]

PART 1—CERTIFICATES OF AUTHENTICATION

Pursuant to the authority contained in R. S. 161, 5 U. S. C. 22; R. S. 203, 5 U. S. C. 158; section 1 of the act of June 25, 1948, 62 Stat. 946, 28 U. S. C. 1733; section 4 of the act of May 26, 1949, 63 Stat. 111, 5 U. S. C. 151c; and sections 104 and 332 of the act of June 27, 1952, 66 Stat. 174 and 253, 8 U. S. C. 1104 and 1443; the following sections are authorized for publication:

Sec.
1.1 Certification of documents.
1.2 Refusal of certification for unlawful purpose.

AUTHORITY: §§ 1.1 and 1.2 issued under R. S. 161, 203, 62 Stat. 946, sec. 4, 63 Stat. 111, secs. 104, 332, 66 Stat. 174, 253; 5 U. S. C. 22, 158, 28 U. S. C. 1733, 5 U. S. C. 151c, 8 U. S. C. 1104, 1443.

§ 1.1 *Certification of documents.* The Authentication Officer or the Acting Authentication Officer may, and is hereby authorized to, sign and issue certificates of authentication under the seal of the Department of State for and in the name of the Secretary of State or the Acting Secretary of State. The form of authentication shall be as follows:

In testimony whereof, I, ----------, Secretary of State have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at ----------, in ----------, this ---------- day of ----------, 19-----.

(Secretary of State)

By ----------
(Authentication Officer, Department of State)

§ 1.2 *Refusal of certification for unlawful purpose.* The Department will not certify to a document when it has good reason to believe that the certification is desired for an unlawful or improper purpose. It is therefore the duty of the Authentication Officer to examine not only the document which the Department is asked to authenticate, but also the fundamental document to which previous seals or other certifications may have been affixed by other authorities. The Authentication Officer shall request such additional information as may be necessary to establish that the requested authentication will serve the interests of justice and is not contrary to public policy.

For the Secretary of State.

I. W. CARPENTER, Jr.,
Assistant Secretary-Controller.

DECEMBER 28, 1955.

[F. R. Doc. 55-10605; Filed, Dec. 30, 1955; 8:54 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6156]

PART 270—CIGARS AND CIGARETTES: MANUFACTURERS, IMPORTERS, AND DEALERS

ELIMINATION OF THE REQUIREMENT FOR REPORTING TOBACCO MATERIALS USED BY MANUFACTURERS OF CIGARS AND CIGARETTES

In order to eliminate the requirement in 26 CFR (1954) Part 270, for the monthly reporting by manufacturers of cigars and cigarettes of tobacco materials used in the manufacture of their products, such regulations are hereby amended as follows:

PARAGRAPH 1. Section 270.143, relating to monthly reports, is amended by striking from the first sentence thereof, where it appears the first time, the word "used,".

Because the amendment made by this Treasury decision relieves restrictions presently in the regulations, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective on the date of its publication in the FEDERAL REGISTER.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: December 28, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-10544; Filed, Dec. 30, 1955; 8:47 a. m.]

[T. D. 6157]

PART 275—MANUFACTURED TOBACCO: MANUFACTURERS, IMPORTERS, AND DEALERS

ELIMINATION OF THE REQUIREMENT FOR REPORTING TOBACCO MATERIALS USED BY MANUFACTURERS OF TOBACCO

In order to eliminate the requirement in 26 CFR (1954) Part 275, for the

monthly reporting by manufacturers of tobacco, of tobacco materials used in the manufacture of their product, such regulations are hereby amended as follows:

PARAGRAPH 1. Section 275.133, relating to monthly reports, is amended by striking from the first sentence thereof, where it appears the first time, the word "used,".

Because the amendment made by this Treasury decision relieves restrictions presently in the regulations, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective on the date of its publication in the FEDERAL REGISTER.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: December 28, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-10545; Filed, Dec. 30, 1955; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments are made to Title 39, Chapter I:

PART 108—COMBINATION PACKAGES AND ARTICLES GROUPED TOGETHER

In Part 108 Combination Packages; Articles Grouped Together, make the following changes:

a. Amend the part caption to read as set forth above.

b. In § 108.1 *Combination packages*, amend the list of countries in paragraph (c) by inserting, in proper order, the following:

Panama (Rep. of).

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 109—AIRMAIL

In § 109.7 *Air letter sheets*, amend the first sentence to read as follows: "Air letters (aerogrammes) of approved size and weight, which can be folded into the form of an envelope and sealed, may be sent by air to all countries."

(R. S. 161, 396, 398; sec. 32, 20 Stat. 362, as amended, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372, 39 U. S. C. 358)

PART 110—RATES AND SHIPPING REQUIREMENTS

In § 110.1 *Rates and shipping requirements*, amend the country items Estonia, Latvia, and Lithuania by changing the surface parcel post rate applicable thereto from 90 cents for the first pound and 23 cents for each additional pound to 92 cents for the first pound and 25 cents for each additional pound

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 112—PREPARATION, ADDRESSING, AND MAILING

In § 112.5 *Addressing and mailing*, make the following changes: 1. Amend paragraph (c) to read as follows:

(c) *Postage rates.* Parcel post rates to the various countries of destination are shown in § 110.1 of this chapter. The rates for surface parcels are for each pound, a fraction of a pound being charged as a full pound. Air parcel rates are on the basis of each 4 ounces, a fraction of 4 ounces being charged as a full 4 ounces. The weight of the customs declaration and other postal forms will not be included with that of the parcel (surface or air) in determining the amount of postage required.

2. Add new paragraph (d) to read as follows:

(d) *Shortpaid parcels.* Shortpaid parcels, unless intercepted at the mailing office and returned for payment of the deficient postage, are dispatched to destination and the postmaster at the mailing office notified of the shortage. You will be requested to supply the deficient postage.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 113—PROHIBITIONS AND RESTRICTIONS

Part 113—*Prohibitions and Restrictions*, is amended to read as follows:

Sec.
113.1 General list of prohibited articles.
113.2 Restricted articles.
113.3 Individual country prohibitions and restrictions.

AUTHORITY: §§ 113.1 to 113.3 issued under R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.

§ 113.1 *General list of prohibited articles.* The following are prohibited by parcel post to all countries:

(a) Articles which are excluded from the domestic mails of the United States. (See Part 14 of this chapter.) Although safety matches are admitted in the domestic mail they are prohibited in the international mail.

(b) Written communications of the nature of personal correspondence. (See § 112.4 of this subchapter for permissible inclosures.)

(c) Enclosures which bear an address different from that appearing on the parcel itself.

(d) Pistols, revolvers, and other firearms capable of being concealed on the person, with certain exceptions. (See § 15.5 and § 173.1 of this chapter.)

(e) Live or dead creatures, except live bees, leeches, and silkworms and dead insects or reptiles when thoroughly dried.

(f) Fruits and vegetables which easily decompose and any substances which exhale a bad odor.

(g) Gold coin, gold bullion, or gold dust exceeding $100 in value. (See § 174.4 of this chapter.)

(h) Explosives and inflammable articles and articles which, in any way, may damage or destroy the mails or injure the persons handling them. This includes inflammable liquids having a flash point by the Tagliabue open tester at 80° F. or lower; inflammable solids which are likely, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, or through spontaneous chemical changes.

(i) Oxidizing materials such as chlorates, permanganates, peroxides or nitrates, which yield oxygen readily to stimulate the combustion of organic matter.

§ 113.2 *Restricted articles*—(a) *Combustible liquids.* Combustible liquids having a flash point of 150° F. or lower but above 80° F. (Tab. open tester) may be sent to foreign countries generally in quantities not exceeding 1 quart in any one parcel, except that paints, varnishes, turpentine and similar substances may be sent in quantities of less than 1 gallon in any one parcel. Each parcel containing a combustible liquid must be marked by the sender to indicate that the flash point is above 80° F.

(b) *Gold and gold certificates.* See § 174.1 of this chapter.

(c) *Jewelry.* Some countries prohibit the importation of jewelry or other precious articles by parcel post, and others admit them only in registered or insured parcels. (See § 113.3). The term jewelry is generally understood to denote articles of more than nominal value. Low priced jewelry, such as tie clasps, costume jewelry, and other items containing little or no precious metal, is not considered to be jewelry within the meaning of this paragraph, and is accepted under the same conditions as other mailable merchandise to any country. However, its acceptance to countries to which jewelry is prohibited is at the risk of the sender.

(d) *Diamonds.* See § 172.5 of this chapter.

(e) *Tobacco seed and plants.* See § 175.2 of this chapter.

(f) *Plant material generally.* Plants, seeds, and plant material are subject to the quarantine regulations of the country of destination. You can obtain information from the Plant Quarantine Branch, Department of Agriculture, Washington 25, D. C., or from one of the offices of that branch located at principal ports of entry.

§ 113.3 *Individual country prohibitions and restrictions.* You may inquire at your post office for information as to articles prohibited or restricted to individual countries; or you may purchase the Directory of International Mail from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at an initial cost of $5.00, including a year's subscription to revision sheets.

PART 115—INCOMING PARCEL POST

a. In § 115.1 Retention and disposal [20 F. R. 7837], add the following sentence to the text: "Senders in Great Britain have the additional option of having their parcels returned, if undeliverable, without being held for the 30-day peroid."

b. The caption of § 115.4 (now reading *"Addressed to banks or other organizations"*), is amended to read as follows:

§ 115.4 *Addressed through banks or other organizations.*

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 121—INTERNATIONAL REGISTERED MAIL

a. Section 121.4 *Registry receipt*, is amended to read as follows:

§ 121.4 *Registry receipt.* You are issued a receipt for mail matter accepted for registration to other countries.

b. In § 121.5 *Registry return receipts*, make the following changes:

1. Amend paragraph (b) to read as follows:

(b) *Requested after mailing.* (1) Within a period of 1 year from the day following that on which you mailed a registered article or parcel, you may request a return receipt at the office of mailing. You must show the registry receipt.

(2) Fee: 13 cents.

(3) If you wish the request for return receipt sent by air you must pay, in addition to the 13-cent fee, the postage for a one-rate airmail letter to the country of destination. If you wish the request sent by surface and the receipt returned to you by air you must pay the same postage. If you wish the request sent and the return receipt returned both by air you must pay double that postage.

2. Amend paragraph (c) to read as follows:

(c) *Completion.* Return receipts for registered articles delivered in other countries are completed in accordance with requirements of the country making delivery, which vary according to the country involved. The signature of the addressee is not furnished by some countries, or may be furnished only under specified conditions.

c. In § 121.6 *Restricted delivery by senders*, make the following changes:

1. Amend that part of paragraph (a) preceding the endorsement table to read as follows:

(a) Articles mailed in United States. You may restrict the delivery of registered Postal Union articles addressed to the following countries on condition that the articles are accompanied with a return receipt and you endorse the article in the manner indicated.

• • • • •

2. Redesignate paragraph (b) as paragraph (a) (1); and amend same to read as follows:

(1) Place endorsements shown in the second column above and near the address and underline in red. The country of destination will make two attempts to effect delivery, and, if unsuccessful, the article will be returned as undeliverable.

3. Redesignate paragraphs (c) and (d) as subparagraphs (2) and (3) of paragraph (a), respectively.

4. Add new paragraph (b) to read as follows:

(b) *Articles mailed in other countries.* Registered Postal Union articles which are accompanied with a return receipt and bear the notation "Deliver to addressee only," underlined in red, are delivered only to the addressee. Two attempts are made to deliver such articles. If delivery is not effected by the second attempt, the articles are returned to the sender.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 122—INTERNATIONAL INSURED MAIL

a. In § 122.1 *Availability of service*, change the reference "Part 110 of this chapter" to "§ 122.3 (b) (1)".

b. In § 122.3 *Fees and limit of insurance*, amend paragraph (b) (1) by changing the limit of insurance applicable to the Cape Verde Islands from $50.00 to $16.33.

c. Section 122.5 *Insurance receipts*, is amended to read as follows:

§ 122.5 *Insurance receipts.* You are issued a receipt for mail accepted for insurance. Each receipt will bear the insurance number. You should enter the name and address of the addressee on the receipt and keep it. The receipt must be submitted if you file a claim or an inquiry concerning the parcel.

d. In § 122.7 *Return receipts*, change the reference from § 121.6 to § 121.5.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 132—PROHIBITED AND RESTRICTED ARTICLES

a. In § 132.1 *General list of prohibited articles*, make the following changes:

1. Delete present paragraph (f).

2. Redesignate present paragraph (g) as paragraph (f); and amend same to read as follows:

(f) Coins, bank notes, paper money or any values payable to bearer; manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry stones, jewelry or other previous articles are prohibited transmission in the Postal Union mails unless sent by registered letter mail. These articles are absolutely prohibited even in registered letter mail to some countries. The term jewelry is generally understood to denote articles of more than nominal value. Low priced jewelry, such as tie clasps, costume jewelry, and other items containing little or no precious metal, is not considered to be jewelry within the meaning of this paragraph, and is accepted under the same conditions as other mailable merchandise to any country. However it is accepted only at the sender's risk to countries which prohibit jewelry.

3. Add new paragraph (g) to read as follows:

(g) Gold coin, gold bullion, or gold dust exceeding $100 in value. (See § 174.4 of this chapter.)

4. Add new paragraph (h) to read as follows:

(h) For articles prohibited from international parcel post, see Part 113 of this chapter.

b. In § 132.2 Restricted articles [20 F. R. 7837], delete paragraph (f).

c. Section 132.3 *Individual country prohibitions*, is amended to read as follows:

§ 132.3 *Individual country prohibitions and restrictions.* You may inquire at your post office for information as to articles prohibited or restricted to individual countries, or you may purchase the Directory of International Mail from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at an initial cost of $5.00, including a year's subscription to revision sheets.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

PART 152—INDEMNITY LIMITS

a. In § 152.1 *Registered Postal Union articles*, make the following changes:

1. Amend paragraph (a) to read as follows:

(a) *Canada.* You may be paid not to exceed $8.17 on the basis of actual value for damage or rifling of contents when of United States origin and when responsibility rests with the United States, and up to $25 based on actual value for loss (contents and wrapper) in either Canada or the United States.

2. Amend paragraph (b) to read as follows:

(b) *PUAS countries (see § 131.3 (d) (1)), except Canada.* You may be paid any amount claimed not exceeding $3.27 for loss (contents and wrapper) regardless of value; and, when responsibility rests with the United States only, not exceeding $3.27 on the basis of actual value for damage or rifling of contents (including instances where money in cash, bank notes, or values payable to bearer are prohibited by international agreements).

3. Amend paragraph (c) to read as follows:

(c) *Great Britain and Northern Ireland and Switzerland.* You may be paid any amount claimed not exceeding $8.17 for loss, (contents and wrapper), regardless of value; and, on the basis of actual value, irrespective of country of origin or country responsible, for damage of an article in a registered packet, but not exceeding $8.17. If United States responsibility, such payment may be made for partial damage, or for rifling of contents, but not exceeding $8.17.

4. Amend paragraph (d) to read as follows:

(d) *All other countries.* You may be paid any amount claimed not exceeding $8.17 for loss (contents and wrapper) regardless of value; and, when of United States origin and when responsibility rests with the United States only, not exceeding $8.17 on the basis of actual value for damage or rifling of contents (including instances where money in

cash, bank notes, or values payable to bearer are prohibited by international agreements).

b. In § 152.2 *Registered or ordinary parcel post to countries of the Postal Union of the Americas and Spain,* make the following changes:

1. Amend the section caption to read as follows:

§ 152.2 *Registered or ordinary parcel post to PUAS countries (see § 131.3 (d) (1)) except Canada and Cuba.*

2. Insert the following note under the table:

NOTE: See § 152.3 (c) concerning indemnity paid for registered parcel post to Ecuador.

c. *Section 152.3 Other registered parcel post,* is amended to read as follows:

§ 152.3 *Other registered parcel post*—(a) *Cape Verde Islands and Portuguese West Africa.* You may be paid up to $16.33, based on actual value, for loss, rifling, or damage.

(b) *Cuba.* You may be paid up to $10 for loss (contents and wrapper) based on actual value.

(c) *Ecuador and Portugal (including Madeira and the Azores).* You may be paid, based on actual value, for loss, rifling, or damage (in case of Portugal only for loss of both contents and wrapper) in accordance with the scale of fees and limits of indemnity in § 121.3 (b) of this chapter.

d. In § 152.4 *Insured parcel post,* make the following changes:

1. Delete the word "total" from paragraph (a) and paragraph (b).

2. Amend paragraph (c) to read as follows:

(c) Canada. You may be specially paid as provided in paragraph (a) for the loss, rifling, or damage of insured parcels addressed to Canada containing articles prohibited insurance such as jewelry, precious stones, articles of gold or other precious metals for personal use, gold scrap, jeweler's filings, and money packets.

e. In § 152.5 *Principal exceptions,* make the following changes:

1. Add the following to paragraph (e): ", such as failure to endorse the parcel conspicuously to show the nature of the contents, or, to provide adequate packing for the length of the journey and for the protection of the contents."

2. Amend paragraph (j) to read as follows:

(j) In the case of parcels which contain matter of no intrinsic value or matter which did not conform to the stipulations of the conventions applicable, or which were not posted in the manner prescribed. However, in the event of loss, rifling, or damage in this country of mail matter erroneously accepted for insurance, etc., to other countries, limited indemnity may specially be paid, under the conditions stated in §§ 152.1 to 152.3. If postage was erroneously collected at other than parcel post rates, but the parcel was otherwise properly accepted for insurance, indemnity may specially be paid under § 152.4.

3. Amend paragraph (n) to read as follows:

(n) Indemnity greater than that corresponding to the actual amount of loss, rifling, or damage referred to in §§ 152.1 to 152.4 except in the case of loss of registered Postal Union mail.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55-10603; Filed, Dec. 30, 1955; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1264]

ALASKA

REVOKING PLO 644 OF MAY 9, 1950, WHICH WITHDREW LANDS FOR ALASKA ROAD COMMISSION; PARTIALLY REVOKING EO OF MAY 4, 1907, WHICH WITHDREW LANDS FOR EDUCATIONAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

[52391]

1. Public Land Order No. 644 of May 9, 1950, withdrawing the following-described public lands in Alaska for use of the Alaska Road Commission as an administrative site, is hereby revoked:

SEWARD MERIDIAN

T. 12 N., R. 3 W.,
Sec. 33, lots 181 and 202.

The tracts described contain 6.70 acres and are withdrawn for Power Site Classification No. 107 of June 12, 1925.

[67915]

2. The Executive order of May 4, 1907, reserving not to exceed 40 acres at each of several places in Alaska for educational purposes, is hereby revoked so far as it affects the following-described lands at Nulato:

ON THE YUKON RIVER

Near latitude 64°45', longitude 158°, identified as U. S. Survey No. 2247.

The tract described contains 0.29 acre.

3. Subject to any existing valid rights, and the requirements of applicable law, the lands described in paragraph 2 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws and applications and offers under the mineral-leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Home Site, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on February 1, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on May 2, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral-leasing laws, presented prior to 10:00 a. m. on May 2, 1956 will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m. on May 2, 1956.

4. Persons claiming veteran's preference rights under paragraph 3a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

DECEMBER 27, 1955.

[F. R. Doc. 55-10465; Filed, Dec. 30, 1955; 8:48 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter VI—National Science Foundation

NSF FELLOWSHIP PROGRAM

Parts 601 and 602 are revised as set forth below. A new Part 603 is added to Title 45 and § 620.10 (e) is amended as set forth below.

PART 601—PREDOCTORAL GRADUATE FELLOWSHIPS

Sec.
601.1 General.
601.2 Qualifications.
601.3 Fellowship activities.
601.4 Conditions of appointment.
601.5 Location of work.
601.6 Stipends and allowances.
601.7 Applications.

AUTHORITY: §§ 601.1 to 601.7 issued under sec. 11, 64 Stat. 153; 42 U. S. C. 1870. Interpret or apply sec. 10, 64 Stat. 152; 42 U. S. C. 1869.

§ 601.1 *General.* As one means of promoting the progress of science the National Science Foundation is authorized by the National Science Foundation Act of 1950 to award graduate fellowships for scientific study. Selection of persons for fellowships will be made from among citizens of the United States solely on the basis of ability. Fellowships will be awarded in the mathematical, physical, medical, biological, engineering and other sciences, including anthropology, psychology (other than clinical), geography, certain interdisciplinary fields, and fields of convergence between the natural and social sciences. Awards are not made to individuals to pursue a course of study designed to prepare them for careers in medical practice and comparable fields; however, applications will be accepted from students who intend to obtain advanced training in one of the medical sciences directed toward a career in research.

§ 601.2 *Qualifications.* National Science Foundation predoctoral graduate fellowships are available to any citizen of the United States who has demonstrated ability and special aptitude for advanced training in the sciences and who will be eligible to begin or continue graduate study. Selection of fellows will be based on scores made on tests of scientific aptitude and achievement, academic records, and recommendations regarding each candidate's abilities. Evaluation of each candidate's qualifications is to be made by panels of scientists chosen by the National Research Council; final selection of Fellows is to be made by the National Science Foundation.

§ 601.3 *Fellowship activities.* National Science Foundation fellows will be required to devote full time to advanced scientific study or scientific research for the period of the fellowship award. The tenure may be selected to include either one regular academic year of two semesters (or three quarters) or a full year consisting of a regular academic year plus a full summer session; fellows electing the longer tenure and studying at institutions where the summer session is divided into two terms will be expected to attend each of the terms during the tenure of their award. A fellow may not receive remuneration from another fellowship, scholarship, or similar award or Federal grant or contract during the tenure of the fellowship. The institution or the department in which a fellow chooses to study may assign the fellow definite responsibilities or duties other than normal course work or individual research if the National Science Foundation, the fellow's scientific adviser, and the fellow agree in advance that those responsibilities and duties promote the scientific training of the fellow. Since some teaching experience (and/or related activity) is considered desirable for many graduate students because it contributes to the graduate training process, the Foundation encourages its fellows to undertake a reasonable amount of teaching responsibility when satisfactory arrangements can be worked out between the fellow, his advisers, his graduate institution, and the Foundation. Except in special cases (where adequate justification is submitted to show that exceptional circumstances exist), fellows are not allowed to accept remuneration for teaching or other duties carried out during the fellowship tenure. Results of research carried out by a fellow may be made available to the public by ordinary means without restriction except as is required in the interest of national security.

§ 601.4 *Conditions of appointment.* (a) In order to be considered for a given academic year, applications must be received in the Fellowship Office of the National Research Council early in January. Applications must normally be accompanied by complete copies of college transcripts of credit and a plan of study for advanced training. The affidavit and loyalty oath required by section 15 (d) of the National Science Foundation Act (42 U. S. C. Sup. 1874 (d)) will constitute part of the application form and must be completed and returned with the other application materials. Applicants having graduate status must also submit an outline of any research contemplated.

(b) All applicants for graduate awards will be required to take an examination designed to test scientific aptitude and achievement; this examination is administered at a large number of centers throughout the United States and overseas each January. Applicants will be informed as to the time and place where they can take this examination. Awards are made on March 15, and fellows may enter on the tenure of their awards any time after the following June 1, but must begin their fellowship activities no later than the beginning of the ensuing academic year at the institution of the fellow's choice. After an appointment is made a major change in the course of study and any change in the tenure or institution to be attended by a fellow requires prior approval of the National Science Foundation. The granting of a fellowship implies no commitment about its renewal. Fellows applying for reappointment will be judged along with all other applicants in the same field and at the same level of study.

§ 601.5 *Location of work.* A fellow may pursue his fellowship at any accredited non-profit institution of higher education in the United States, or any similar institution abroad approved by the National Science Foundation. A fellow must present evidence that he is accepted by the institution in which he plans to pursue his fellowship before he will be permitted to enter upon the tenure of the fellowship.

§ 601.6 *Stipends and allowances.* (a) Stipends for these fellowships will vary with the academic status of the applicant:

(1) First year fellows—those who expect to enter upon graduate study for the first time or those whose graduate training is insufficient to qualify them as an intermediate year fellow—will receive a stipend of $1,400.

(2) Intermediate fellows—those who will have completed (by September of the year the award is made) an amount of graduate training considered by the institution at which they are in attendance to be a normal year of graduate training—will receive a stipend of $1,600.

(3) Terminal fellows—those who expect to complete the requirements for a doctoral degree within one calendar year from the date on which they enter on the tenure of their fellowships—will receive a stipend of $1,800.

(b) The annual stipend will be made available to fellows who elect a full year (twelve months) option. Fellows electing an academic year (nine months) award will receive nine-twelfths of the annual stipend. Married fellows normally will be provided a dependency allowance of an additional $350 plus $350 for each dependent child. As in the case of the stipend, these allowances will be reduced to nine-twelfths of the annual figures for fellows electing academic year awards. A limited allowance to aid in defraying the fellow's cost of travel will be paid. Tuition and laboratory fees assessed and collected by the university of individuals of similar academic standing will be paid by the National Science Foundation. These fellowships are awarded solely for the education, training and development of the recipients.

§ 601.7 *Applications.* Requests for application forms should be addressed to the Fellowship Office, National Research Council, 2101 Constitution Avenue NW., Washington 25, D. C.

PART 602—POSTDOCTORAL FELLOWSHIPS

Sec.
602.1 General.
602.2 Qualifications.
602.3 Fellowship Activities.
602.4 Conditions of appointment.
602.5 Location of work.
602.6 Stipends.
602.7 Applications.

AUTHORITY: §§ 602.1 to 602.7 issued under sec. 11, 64 Stat. 153; 42 U. S. C. 1870. Interpret or apply sec. 10, 64 Stat. 152; 42 U. S. C. 1869.

§ 602.1 *General.* As one means of promoting the progress of science the National Science Foundation is authorized by the National Science Foundation Act of 1950 to award graduate fellowships in the mathematical, physical, medical, biological, engineering, and other sciences, including anthropology, psychology (other than clinical), geography, certain interdisciplinary fields, and fields of convergence between the natural and social sciences. Selection of persons for

fellowships will be made from among citizens of the United States solely on the basis of ability. Awards are not made to individuals to pursue a course of study designed to prepare them for careers in medical practice and comparable fields; however, applications will be accepted from students who intend to obtain advanced training in one of the medical sciences directed toward a career in research.

§ 602.2 *Qualifications.* National Science Foundation postdoctoral fellowships are available to citizens of the United States who have demonstrated ability and special aptitude for advanced training in the sciences and who, as of the beginning of their fellowships, have earned a doctoral degree in one of the fields of science covered or who have had research training and experience equivalent to that represented by such a degree. Evaluation of each candidate's qualifications is made by a panel of scientists selected by the National Research Council. Final selection of fellows is made by the National Science Foundation.

§ 602.3 *Fellowship activities.* National Science Foundation fellows will be expected to devote full time to advanced scientific study and scientific research during the period of the fellowship award. A fellow may not receive remuneration from another fellowship, scholarship, or similar award, or Federal grant or contract during the tenure of fellowship. The institution or department which a fellow chooses to study may assign the fellow definite responsibilities or duties other than the normal course or individual research if the National Science Foundation, the fellow's scientific adviser, and the fellow agree in advance that those responsibilities and duties promote the scientific training of the fellow. Since some teaching experience (and/or related activity) is considered desirable for many graduate students because it contributes to the graduate training process, the Foundation encourages its fellows to undertake a reasonable amount of teaching responsibilities when satisfactory arrangements can be worked out between the fellow, his adviser, his graduate institution, and the Foundation. Except in special cases (where adequate justification is submitted to show that exceptional circumstances exist), fellows are not allowed to accept remuneration for teaching or other duties carried out during fellowship tenure. The results of research carried out by a fellow may be made available to the public by ordinary means without restriction except as required in the interest of national security.

§ 602.4 *Conditions of appointment.* (a) In order to be considered for a given academic year, applications must be received in the Fellowship Office of the National Research Council by late December (e. g., December 19 was the deadline for receipt of applications for the 1956–1957 academic year). An additional award period occurs in the Autumn. Applications for this award period must be received by early September (e. g., September 12 for the Autumn 1955 award period). Applications must normally be accompanied by complete copies of college transcripts and other supplementary information as required in the application materials. The affidavit and loyalty oath required by section 15 (d) of the National Science Foundation Act (42 U. S. C. Sup. 1874 (d)) will constitute part of the application form and must be completed and returned with the other application materials.

(b) A fellow may choose to pursue his fellowship at any accredited non-profit institution of higher education in the United States, or any similar institution abroad approved by the National Science Foundation. Postdoctoral fellowships normally have the same tenure options as graduate fellowships but may be awarded longer or shorter periods—from six months to two years—upon submission by the applicants of adequate justification. This justification must be included as a part of the proposed plan of research and submitted as a part of the application materials. Postdoctoral fellows may begin their fellowship activities at any time within twelve months after the announcement of the awards, but it is expected that fellowship tenure will begin within six months. After an appointment is made, a major change in the course of study and any change in tenure or institution to be attended by a fellow requires prior approval of the National Science Foundation. The granting of a fellowship implies no commitment about its renewal. Fellows applying for reappointment will be judged along with all other applicants in the same field and at the same level of study.

§ 602.5 *Location of work.* A fellow may pursue his fellowship an any accredited non-profit institution of higher education in the United States, or at any similar institution abroad approved by the National Science Foundation. A fellow must present evidence that he is accepted by the institution in which he plans to pursue his fellowship before he will be permitted to enter upon the tenure of his fellowship.

§ 602.6 *Stipends.* The basic stipend for National Science Foundation postdoctoral fellows will be $3,400 per year. Married fellows normally will be provided a dependency allowance of an additional $350 plus $350 for each dependent child. A limited allowance to aid in defraying the fellow's costs of travel will be paid. Postdoctoral fellows who receive awards of longer or shorter duration will receive stipends and allowances in proportion to the tenure of their fellowships. Tuition and certain fees assessed and collected from individuals of similar academic standing will be paid by the National Science Foundation. These fellowships are awarded solely for the education, training and development of the recipients.

§ 602.7 *Applications.* Requests for application forms should be addressed to the Fellowship Office, National Research Council, 2101 Constitution Avenue, N. W., Washington 25, D. C.

PART 603—SENIOR POSTDOCTORAL FELLOWSHIPS

Sec.
603.1 General.
603.2 Qualifications.
603.3 Fellowship activities.
603.4 Conditions of appointment.
603.5 Location of work.
603.6 Stipends.
603.7 Applications.

AUTHORITY: §§ 603.1 to 603.7 issued under sec. 11, 64 Stat. 153; 42 U. S. C. 1870. Interpret or apply sec. 10, 64 Stat. 152; 42 U. S. C. 1869.

§ 603.1 *General.* As one means of promoting the progress of science and the national welfare, the National Science Foundation is authorized by the National Science Foundation Act of 1950 to award senior postdoctoral fellowships to individuals planning additional study and/or research with a view to (a) increasing their competence in their specialized fields of science or (b) broadening their experience in related fields of science. Selection of persons for fellowships will be made from among citizens of the United States solely on the basis of ability. Fellowships will be awarded in the mathematical, physical, medical, biological, engineering, and other sciences, including anthropology, psychology (other than clinical), geography, certain interdisciplinary fields, and fields of convergence between the natural and social sciences. Awards are not made to individuals to pursue a course of study designed to prepare them for a career in medical practice and comparable fields; however, applications will be accepted from persons holding doctoral degrees who wish further training in one of the medical sciences with a view toward a career in research.

§ 603.2 *Qualifications.* National Science Foundation senior postdoctoral fellowships are available to any citizen of the United States who has demonstrated ability and special aptitude for advanced training and productive scholarship in the sciences and who, at the time of his application, has held a doctoral degree in one of the fields of basic science for a minimum of five years, or who has had the equivalent in research experience and training. An individual who has held a degree such as M. D., D. D. S., or D. V. M. for at least five years prior to the time application is made and who desires to obtain further training for a career in research will be eligible to apply for a senior postdoctoral fellowship provided he can present an acceptable plan of study and research. Evaluation of each candidate's qualifications is to be made by a panel of scientists selected by the National Research Council. Final selection of fellows is to be made by the National Science Foundation.

§ 603.3 *Fellowship activities.* A National Science Foundation senior postdoctoral fellow is required to devote full time to scientific study and/or scientific research during the tenure of his fellowship. In general, a senior postdoctoral fellow may not receive compensation for services performed during his tenure. He may, however, hold other bona fide fellowships concurrently and may receive sabbatical leave pay during his tenure. A fellow may undertake definite responsibilities or duties other than normal course work or research if the fellow and the National Science Foundation agree in advance that those responsibilities and duties will tend to further the training in science of the fellow. The results of research carried out by the fellow may be made available to the public by ordinary means without restriction except as is required in the interest of national security.

§ 603.4 *Conditions of appointment.* (a) In order to be considered for a particular academic year, applications must be received in the Division of Scientific Personnel and Education of the National Science Foundation by the second or third Monday of January. Applications must normally be accompanied by complete copies of college transcripts and other supplementary information as required in the application form. The affidavit and loyalty oath required by section 15 (d) of the National Science Foundation Act (42 U. S. C. Sup. 1874 (d)) will constitute part of the application form and must be completed and returned with the other application materials.

(b) Each applicant must specify the institution or institutions in which he proposes to continue his training. The tenure of a senior postdoctoral fellowship will normally be either an academic year of 9 months or a calendar year of 12 months. Tenures of shorter or longer duration—from three months to two years—are available upon submission of adequate justification. Justification must be part of the proposed plan of study and research. It is not mandatory that the entire tenure of the fellowship be undertaken in a single, uninterrupted period, but no one period of tenure may be shorter than three months and the total span of tenure from beginning to termination of the fellowship may not exceed thirty-six months. Requests for unusual arrangement of tenure should be justified in the application materials. After an appointment is made, a major change in the course of study and research, or any change in tenure or in the institution(s) to be attended by the fellow requires prior approval of the National Science Foundation.

§ 603.5 *Location of work.* A fellow may pursue his fellowship at any accredited non-profit institution(s) of higher education in the United States, or at any similar institution abroad approved by the National Science Foundation. A fellow must present evidence that he is accepted by the institution at which he plans to study during his fellowship before he will be permitted to enter upon the tenure of the fellowship.

§ 603.6 *Stipends.* Awards for the senior postdoctoral fellows are of the salary-matching type. The stipend will be individually determined and will be based on the fellow's normal salary as of the time he makes application for an award and on other support expected (for example, other fellowship awards or sabbatical leave pay to which he is entitled) during the tenure of his National Science Foundation fellowship. In the event that a fellow has supplemental support during all or part of his fellowship tenure, the amount of his award will be adjusted accordingly. No award, however, will be less than $4,000 per annum before adjustment and no award will exceed $10,000 per annum. Awards for periods longer or shorter than one year will be prorated. Allowances to aid in defraying the costs of travel undertaken in the fulfillment of the fellowship study will be paid. An additional allowance may be made to defray costs of tuition, fees, unusual research expenses, special equipment and special travel in an amount not to exceed $600 for each full year of tenure. These fellowships are awarded solely for the education, training and development of the recipient.

§ 603.7 *Applications.* Requests for application forms should be addressed to the Division of Scientific Personnel and Education, National Science Foundation, Washington 25, D. C.

PART 620—GRANTS FOR SCIENTIFIC RESEARCH; GUIDE FOR THE SUBMISSION OF RESEARCH PROPOSALS

The date "December, 1951" appearing in § 620.10 (e) relating to Foundation grants, should be changed to "April, 1955".

C. E. SUNDERLIN,
Deputy Director.

[F. R. Doc. 55–10606; Filed, Dec. 30, 1955; 8:54 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 55–1264]

[Rules Amdt. 1–1]

PART 1—PRACTICE AND PROCEDURE

MISCELLANEOUS AMENDMENTS

In the matter of amendment to §§ 1.387 (b) (3) and 1.724 (b) and adoption of a new § 1.370.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of December 1955;

The Commission having under consideration amendment of §§ 1.387 and 1.724 (b) of its rules and regulations, which concern the consolidation of mutually exclusive applications for hearing; and the enactment of a new rule on the processing of certain broadcast applications;

It appearing that the amendments herein ordered would promote greater efficiency in Commission operations; and

It further appearing that the amendments herein ordered are procedural in nature, and, therefore, compliance with the requirements of sections 4 (a) (b) and (c) of the Administrative Procedure Act is not required;

It is ordered, That pursuant to sections 4 (i) and 5 (e) of the Communications Act of 1934, as amended, §§ 1.387 (b) (3) and 1.724 (b) of the Commission's rules and regulations are amended, as shown below, effective January 1, 1956, and that these amendments shall apply only to applications designated for hearing on or after the effective date.

It is further ordered, That a new § 1.370, as set forth below, is enacted, effective immediately.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154)

Released: December 28, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

A new § 1.370 is enacted to immediately follow the subtitle "The Manner In Which Applications Are Processed" and which reads as follows:

§ 1.370 *Thirty-day waiting period for action on certain applications.* The Commission will not act on applications for construction permit for new broadcast stations, or for renewal thereof, or modification of broadcast construction permits requesting changes of transmitter site, antenna height or operating power, until 30 days have elapsed since the date on which public notice has been given by the Commission of the acceptance of such application or applications for filing.

Section 1.387 (b) (3) of the Commission's rules and regulations is amended to read as follows:

(3) Any person who has filed a mutually exclusive application, which, under § 1.724 (b) will be consolidated with a prior application, or applications.

Section 1.724 (b) of the Commission's rules and regulations is amended to read as follows:

(b) Any application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the application in question is filed at least 30 days before the date on which the hearing on the prior application or applications is scheduled provided, however, that in broadcast matters a mutually exclusive application will be consolidated for hearing with such other application or applications only if the later application has been filed not later than ten days after public notice has been given by the Commission of its order designating a prior application or applications for hearing. If the later application is filed after said ten days it will be dismissed without prejudice and will be eligible for refiling only after a final decision is rendered by the Commission with respect to the prior application or applications or after such application or applications are dismissed or removed from the hearing docket. If, in non-broadcast matters the scheduled date is changed, the date last set shall govern in determining the timeliness of an application.

[F. R. Doc. 55–10586; Filed, Dec. 30, 1955; 8:51 a. m.]

[FCC 55-1273]

[Rules Amdt. 3-4]

PART 3—RADIO BROADCAST SERVICES

TIME OF OPERATION

In the matter of amendment of § 3.261 of Part 3 Radio Broadcast Services.

1. On March 22, 1955, the Commission released a Report and Order (FCC 55-340) in Docket No. 10832, amending its rules to permit FM broadcast stations to engage in functional music operations on a simplex and/or multiplex basis. In this Report and Order the Commission amended § 3.261 of the rules relating to time of operation of FM broadcast stations to read, in part, as follows: "A minimum of 36 hours per week during the hours of 6:00 a. m. to midnight, consisting of not less than 5 hours in any one day, must be devoted to the FM broadcast operation; time devoted to operations conducted pursuant to a Subsidiary Communications Authorization (see §§ 3.293 to 3.296) shall not be included in meeting this 36-hour broadcast requirement."

2. On October 7, 1955, Progress Broadcasting Corporation, licensee of Station WHOM-FM, New York, N. Y., filed a petition requesting the Commission to amend Section 3.261 to permit FM stations to be silent on Sundays. In support of its petition, Progress Broadcasting Corporation urges that the language of § 3.261 appears to require FM stations to operate on Sunday. Petitioner states that the authorization of functional music operations was a recognition by the Commission that FM stations were, for the most part, in very poor financial circumstances and required additional sources of revenue if they were to continue to exist, and notes that in authorizing functional music operations, the Commission characterized such operations essentially of non-broadcast nature. In order to keep the functional music operation subservient to the broadcast function, the Commission required in § 3.261 a minimum of 36 broadcast hours per week; and in order to preclude concentration of the minimum hours in any one period of time, required a minimum of 5 broadcast hours per day. Petitioner urges, however, that the Commission cannot have intended to require FM stations to operate on Sundays, noting that § 3.71 of the Commission's AM rules specifically excludes Sundays from the minimum operating schedule of standard broadcast stations. Because Sunday operation involves overtime payments to station staffs and provides little opportunity for deriving compensatory revenues, it is substantially more expensive than comparable weekday operations. Petitioner urges, therefore, that its proposed revision of § 3.261 would be consistent with the Commission's policy of improving the financial circumstances of FM stations, and further, would equalize treatment of standard broadcast and FM stations in this particular. Such a revision would not affect the obligation of FM licensees to meet the minimum weekly requirement, and would not permit fulfilling this requirement in any given short period of time.

3. The Commission believes that the public interest does not require Sunday broadcast operation by FM stations. Standard broadcast stations are expressly exempt from such a requirement. The Commission believes that the public interest would be served by removing the financial burden of obligatory Sunday broadcast operation from FM stations. Accordingly, the Commission is amending § 3.261 of its rules to permit FM stations to remain silent on Sundays.

4. Prior notice of proposed rule making is unnecessary under the provisions of section 4 of the Administrative Procedure Act, and the amendment may become effective January 3, 1956, since the amendment will relieve restrictions upon licensees of FM stations.

5. The amendment adopted herein is issued pursuant to authority contained in sections 4 (i), 303 (c) and (r) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, That, effective January 3, 1956 § 3.261 of the Commission's Rules is amended to read as follows:

§ 3.261 *Time of operation.* All FM broadcast stations will be licensed for unlimited time operation. A minimum of 36 hours per week during the hours of 6:00 a. m. to midnight, consisting of not less than 5 hours in any one day, except Sunday, must be devoted to the FM broadcast operation; time devoted to operations conducted pursuant to a Subsidiary Communications Authorization (see §§ 3.293–3.295) shall not be included in meeting this 36-hour broadcast requirement. In an emergency when, due to causes beyond the control of a licensee, it becomes impossible to continue operation, the station may cease operation for a period not to exceed 10 days provided that the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: December 21, 1955.

Released: December 26, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-10587; Filed, Dec. 30, 1955; 8:51 a. m.]

[Rules Amdt. 16-2]

PART 16—LAND TRANSPORTATION RADIO SERVICES

FREQUENCIES AVAILABLE FOR BASE AND MOBILE STATIONS; CORRECTION

In the matter of correction to the recapitulation of Part 16, Rules Governing the Land Transportation Radio Services.

The Commission's recapitulation of Part 16 of the rules governing the Land Transportation Radio Services as of September 1, 1955 (FEDERAL REGISTER, October 13, 1955, 20 F. R. 7646) is corrected as follows: Change § 16.352 (a) by inserting the footnote designator "1" before the frequency 161.85 listed therein.

Released: December 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-10607; Filed, Dec. 30, 1955; 8:55 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket 3666; Order 22]

PARTS 71-78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of December 1955.

It appearing that pursuant to the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444), sections 831–835 of Title 18 of the United States Code approved June 25, 1948, and Part II of the Interstate Commerce Act, as amended, the Commission has heretofore formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing that due to shortage of water at some points during the summer months; impossibility of making tests of loaded cars in storage during summer months; and the existing shortage of tank cars coupled with a heavy demand for gases and other commodities, that an extension of time be allowed in which to accomplish the retesting of tank cars, safety valves, and heater systems on a schedule that will not seriously interfere in the supply of materials transported in tank cars particularly gases used for heating purposes, it is deemed necessary to amend the aforesaid regulations:

It is ordered, That the aforesaid regulations for the transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

Amend § 73.31 paragraph (g) Note 1 (20 F. R. 8098, Oct. 28, 1955) (49 CFR 1950 Rev., 1954 Supp., 73.31) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* • • •

(g) • • •

NOTE 1: Periodic retests of metal tanks, safety valves, and heater systems, except those in chlorine service and except tanks made to specifications ICC-106A500, 106A500X, 106A800, 106A800X, 106A800NCI, 107A, or 110A500-W may be made at any time during the calendar year the retest falls due, except that where such retests are due on or before December 31, 1955 the tests must be made on or before June 30, 1956.

• • • • •

It is further ordered, That the foregoing amendment to the aforesaid regulations shall have full force and effect on December 31, 1955, and that such regulations as herein amended shall thereafter be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations as herein amended is hereby authorized on and after the date of service of this order.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-10469; Filed, Dec. 30, 1955; 8:49 a. m.]

[Ex Parte No. 179]

PART 91—LOCOMOTIVE INSPECTION

INSPECTION AND TESTING OF MULTIPLE UNIT EQUIPMENT

Present. Owen Clarke, Commissioner, to whom the above-entitled matter has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and petition of certain carriers filed December 19, 1955, for reconsideration of the report and order on further hearing decided October 25, 1955, and for good cause appearing:

It is ordered, That the order of May 18, 1954, as amended, be, and it is hereby modified by further postponing the effective date of the rules and instructions for the inspection and testing of electrically operated units designed to carry freight and/or passengers, operated by a single set of controls from January 1, 1956, to April 1, 1956, and by substituting April 1, 1956, for January 1, 1956, wherever it appears in the said order of May 18, 1954, as amended, without change otherwise; and

It is further ordered, That notice of this order shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Sec. 5, 36 Stat. 914, as amended; 45 U. S. C. 28)

Dated at Washington, D. C., this 21st day of December A. D. 1955.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-10471; Filed, Dec. 30, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 11586; FCC 55-1261]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

FREQUENCY ALLOCATIONS

In the matter of amendment of Part 2 of the Commission's rules to provide for the use of the band 25.6–26.1 Mc in the international broadcasting service by both Government and non-Government stations.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. At the present time the Commission's table of frequency allocations, contained in § 2.104 (a) (5) of the rules, indicates that while the band 25.6–26.1 Mc is allocated to broadcasting on a world-wide basis, the band is sub-divided within the United States to provide a Government allocation of 25.6–25.85 Mc and a non-Government allocation of 25.85–26.1 Mc.

3. On October 19, 1955, the Commission adopted a Report and Order in Docket No. 10962 wherein it amended Part 3, Subpart F of its rules governing International Broadcast Stations. For reasons set forth in that proceeding, to provide a greater frequency flexibility for Government and non-Government International Broadcast Stations, it would appear in the public interest to make the Government band 25.6–25.85 Mc and the non-Government band 25.85–26.1 Mc available to both Government and non-Government International Broadcast Stations.

4. Accordingly, it is proposed to amend Part 2 of the rules to reflect this availability. The proposed amendments are set forth below and are issued pursuant to the authority contained in section 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before February 10, 1956, written data, views of arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: December 21, 1955.

Released: December 28, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

It is proposed to amend Part 2 of the Commission's rules in the following particulars:

1. Amend § 2.104 (a) (5) by inserting footnote indicator

US • in column 5 for the band 25.33–25.85 Mc and by inserting footnote indicator US •• in column 5 for the band 25.85–26.48 Mc.

Amend § 2.104 (a) (5) by inserting the text of the above footnotes in the list of footnotes following the table, as follows:

US • Frequencies in the band 25.6–25.85 Mc may be authorized for use by non-Government international broadcasting stations.

US •• Frequencies in the band 25.85–26.1 Mc may be authorized for use by Government international broadcasting stations.

•, ••—Footnote numbers to be furnished upon finalization of this proposal.

[F. R. Doc. 55-10588; Filed, Dec. 30, 1955; 8:51 a. m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 270]

CIGARS AND CIGARETTES: MANUFACTURERS, IMPORTERS, AND DEALERS

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

In order to prescribe that packages of imported cigars and cigarettes bear a warning similar to that required on packages of domestic cigars and cigaretts; to prescribe provisions relating to cigars removed from customs bonded

manufacturing warehouses, class 6, for consumption in the United States; and to clarify the provisions relating to the amount of bonds; regulations are hereby amended as follows:

PARAGRAPH 1. Regulations in 26 CFR (1954) Part 270 are amended as follows:

(A) Section 270.122 is amended by striking out, in the first sentence thereof, the words "equal to" and inserting, in lieu thereof, the words "not less than".

(B) Section 270.190 is amended by adding after the word "stamps" at each of the three places that such word appears therein, the expression ", mark,".

(C) Sections 270.192 through 270.195 are renumbered as §§ 270.193 through 270.196, respectively.

(D) Sections 270,196 through 270.198 are renumbered as §§ 270.198 through 270.200, respectively.

(E) A new § 270.192 to read as follows is inserted:

§ 270.192 *Mark.* Every package of cigars and cigarettes subject to tax shall, before removal, have legibly imprinted thereon, or on a label securely affixed thereto, a warning reading "Law forbids the reuse of the Federal stamps hereon and requires the person who empties this package to destroy such stamps when the package is emptied."

(F) A new § 270.197 to read as follows is inserted:

§ 270.197 *Cigars manufactured in customs bonded manufacturing warehouses*—(a) *Regulations applicable.* The manufacture and removal of cigars manufactured in customs bonded manufacturing warehouses, class 6, is governed by customs regulations.

(b) *Tarpayment.* Cigars manufactured in customs bonded manufacturing warehouses, class 6, when removed for consumption in the United States, shall be treated similarly to cigars imported from a foreign country. Proprietors of such warehouses shall use Form 923 in ordering internal revenue stamps to denote payment of tax on such cigars.

[F. R. Doc. 55-10546; Filed, Dec. 30, 1955; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 68]

BEANS

UNITED STATES STANDARDS

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that pursuant to the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 and 1624), as amended, the United States Department of Agriculture is considering the revision of § 68.103 (d) of the United States Standards for beans (7 CFR 68.103 (d)), as recommended by the Lima Bean Advisory Board of the State of California, and essentially as herein proposed.

It is proposed to revise paragraph (d) of § 68.103 to read as follows:

§ 68.103 *Grades, grade requirements, and grade designations.* • • •

(d) *Grades and grade requirements for the class Large Lima Beans and the classes of Miscellaneous Lima Beans (see also paragraph (g) of this section).*

Grade	Maximum limits of—Blistered beans, wrinkled beans, splits, damaged beans, contrasting classes, and foreign material							Classes that blend
	Total	Splits	Damaged beans		Contrasting classes	Foreign material		
			Total	Badly damaged		Total	Stones	
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U. S. Extra No. 1 [1] [2]	4.0	2.0	1.0	0.2	0.2	0.2	Trace	2.0
U. S. No. 1 [1] [4]	6.0	3.0	2.0	.5	.5	.5	0.2	5.0
U. S. No. 2 [1] [5]	9.0	5.0	3.0	1.0	1.0	1.0	.3	10.0
U. S. Substandard	U. S. Substandard shall include beans of any one of these classes which are not well screened or which otherwise do not come within the requirements of the specifications for the grades U. S. Extra No. 1, U. S. No. 1, U. S. No. 2, or for the grade U. S. Sample grade.							
U. S. Sample Grade	U. S. Sample grade shall include beans of any one of these classes which are musty, or sour, or heating, or materially weathered, or which are weevily, or which have any commercially objectionable odor, or which are otherwise of distinctly low quality.							

[1] The beans in the grades U. S. Extra No. 1, U. S. No. 1, and U. S. No. 2, of any one of these classes shall be well screened.

[2] The beans in the grade U. S. Extra No. 1 of any one of these classes shall be of good natural color, and may contain not more than 17 percent moisture.

[3] The beans in the grade U. S. Extra No. 1 of the class Large Lima beans may contain not more than 20 percent of beans that will pass through a 30/64 sieve, which 20 percent may include not more than 5 percent of beans that will pass through a 28/64 sieve.

[4] The beans in the grade U. S. No. 1 of the class Large Lima beans may contain not more than 25 percent of beans that will pass through a 28/64 sieve, which 25 percent may include not more than 5 percent of beans that will pass through a 24/64 sieve.

[5] The beans in the grades U. S. No. 2 of the class Large Lima beans may contain not more than 40 percent of beans that will pass through a 28/64 sieve, which 40 percent may include not more than 5 percent of beans that will pass through a 24/64 sieve.

Alternatively consideration will be given to: (a) Including in the foregoing the factor "broken beans" in total defects without special limitations on this factor in the separate grades; (b) adding the grade designated U. S. No. 3, with appropriate references to footnotes 1 and 5, and with limits on factors as listed in the respective column headings as follows: Total 15.0; Splits 8.0; Damaged beans—Total 5.0; Badly damaged 2.0; Contrasting classes 2.0; Foreign material—Total 1.5; Stones 0.6; and Classes that blend 15.0; and (c) including the class Baby Lima beans in this proposal, with the same grade specifications except for sizes. If the class Baby Lima beans is not included in the foregoing proposed revised paragraph (d) the grade requirements for this class will not be changed and will be set up in a new subsection designated (e), following which the present paragraphs (e), (f), and (g), will be redesignated (f), (g), and (h), respectively.

An informal hearing will be held in Los Angeles, California, at which interested persons may submit their views and opinions orally or in writing with respect to the proposed revision, and related matters. The time and place of such hearing will be as follows: January 30, 1956 at 10:00 a. m., in Room 229 Federal Building, Los Angeles, California.

Interested persons may also submit written data, views, or arguments to the Director, Grain Division, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than March 1, 1956. Consideration will be given to all information obtained at the hearing, to written data thus presented to the Director, and to all other information available in the United States Department of Agriculture in arriving at a decision with respect to the proposed revision.

Jason E. Barr, Grain Division, Agricultural Marketing Service, is hereby designated to conduct the hearing held pursuant to this notice. In case this designee is unable to conduct this hearing any other officer of the Department designated by the Director, Grain Division, Agricultural Marketing Service, is authorized to conduct such hearing.

Done at Washington, D. C., this 28th day of December 1955.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 55-10576; Filed, Dec. 30, 1955; 8:48 a. m.]

[7 CFR Part 927]

[Docket No. AO-71-A-30]

HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT, AND TO PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), and in accordance with the notice of hearing issued on August 24, 1955 (20 F. R. 6303), a public hearing was conducted at Albany, New York on September 13, 1955 upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area (7 CFR Part 927).

The material issues of record are concerned with:

1. The classification of milk received at plants in the marketing area directly from farms on bulk tank pickup routes; and

2. The application of location differentials to milk on bulk tank pickup routes.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on October 31, 1955 filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on November 3, 1955 (20 F. R. 8266).

Rulings. Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Acting Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. Certain of the findings and conclusions and the proposed effectuating amendment as set forth in the recommended decision have been revised after consideration of such exceptions.

To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions filed to the recommended decision, such exceptions are overruled. Rulings contained in the recommended decision upon proposed findings and conclusions submitted by interested persons are affirmed except as modified by the findings and conclusions set forth herein.

To the extent that findings and conclusions proposed by interested persons and not ruled upon in the recommended decision are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

Findings and conclusions. The findings and conclusions hereinafter set forth are based upon the evidence in the record of the hearing.

Functions, such as the weighing, sampling and testing of producers' milk which take place at a plant when milk is received from producers in cans, are performed by the trucker at the farm when milk is transferred in bulk directly from a farm tank to a tank truck. The proposals considered at this hearing are concerned with specific and immediate problems relative to the classification and pricing of milk received from producers on such bulk tank pickup routes pending the consideration of more comprehensive proposals for classifying and pricing such milk. The amendments set forth herein, therefore, are not expected to provide long run solutions to the problems involved.

Issue No. 1. It is concluded that the order should be amended to provide that milk received at a plant in the marketing area directly from producers by tank truck shall be assigned to Class I-A prior to the assignment to Class I-A of milk from other plants.

Under existing provisions of the order milk received at a plant in the marketing area directly from producers whether in cans or by tank truck is classified at the plant where received in the marketing area. Accordingly, all or a portion of the milk thus received directly from producers at a plant in the marketing area may be classified in classes other than I-A depending upon the quantity of milk classified in such other classes at the plants in the marketing area. On the other hand, if milk is received from producers at a plant outside the marketing area and then shipped as fluid milk to a plant in the marketing area, all of such milk received at the marketing area plant is classified in Class I-A. An advantage thus accrues to an operator of a plant in the marketing area who receives milk by tank truck directly from producers in comparison with another handler whose entire supply of fluid milk is shipped from a plant outside the marketing area. The existence of this advantage constitutes an incentive for the substitution of milk directly from producers by tank truck for milk now received from country plants and constitutes a means of reducing the quantity of milk classified in Class I-A and a consequent reduction in over-all returns to producers.

Only a relatively small volume of milk is at present being received at plants in the marketing area by tank truck directly from producers. During the month of June 1955 milk was received from only 115 producers directly by tank truck at plants in the marketing area. The volume of milk thus received was approximately 4.8 million pounds. During the same month the total quantity of pool milk was 854.6 million pounds and was received from a total of 50,175 producers. The number of producers from which milk was received directly by tank truck at plants in the marketing area increased each month during the first half of 1955, the increase being from 57 in January to 118 in July. Approximately 50 additional producers deliver by tank truck directly to plants located other than in the marketing area or in the location differential area.

Representatives of handlers and producers who testified at the hearing expressed the view that a much more rapid expansion in the volume of milk received by tank truck directly from producers would probably occur under existing provisions of the order. It was proposed at the hearing that all milk received at marketing area plants by tank truck directly from producers be classified as Class I-A on the basis that the proposal contained in the hearing notice, providing for the prior assignment of such milk in Class I-A, did not go far enough in that an opportunity would remain under certain circumstances for the classification of such milk in lower priced classes. It was not demonstrated, however, that such circumstances currently prevailed or that they are in prospect to an extent sufficient to detract materially from the effectiveness of the prior assignment amendment.

Issue No. 2. It is concluded that the order should be amended to provide for the payment of the 20- or 30-cent location differentials on milk shipped directly from the farm to a plant by tank truck only under the following circumstances:

(1) If such milk is delivered from a farm from which milk was delivered to a pool plant in any of the months of August through November 1955, the rate of the location differential should be no higher than the highest rate applicable to milk delivered from the same farm during any of such months; and

(2) If such milk is delivered by a producer from a farm from which no milk was delivered to a pool plant during any of the months of August through November 1955, the location differential payable on such milk should be at the rate of 20 cents if the farm (milk house) from which delivery is made is located in one of the counties in the location differential area and at the rate of 30 cents if delivery is made from a farm located in the marketing area.

This amendment is designed to prevent any significant increase in the number of producers qualifying for the 20- or 30-cent location differentials on milk shipped directly from the farm to a plant by tank truck. Under present order provisions a location differential of 20 cents per hundredweight is payable to producers for milk delivered to plants located at certain specified locations or within the boundaries of specified counties, and a location differential of 30 cents is payable to producers delivering milk directly to plants located within the marketing area. Such differential payments to producers are deducted out of the pool, and handlers are required to pay an additional 5 cents per hundredweight for such location differential milk.

Historically, these location differentials have applied to milk received from producers whose farms are located in or closely surrounding the marketing area or the defined nearby location differential territory. Virtually all of the producers now delivering milk by tank truck directly to plants in the marketing area either formerly delivered in cans to location differential plants or operate farms located in the location differential area. Under existing provisions of the order the bulk tank method of delivery makes it possible for producers now receiving the 20-cent location differential to become eligible for the 30-cent differential and for other producers, irrespective of their farm locations, to become eligible for location differentials at either the 20- or 30-cent rate. Such a development would not only appear to be contrary to the intent and purpose of the location differential provision but would have the effect of reducing the uniform price to all other producers.

Representatives of producers and handlers testified at the hearing that the present location differential provisions as they apply to bulk tank milk constitute an unwarranted and unjustified incentive for the expansion of bulk tank pickup routes, and that the incentive should be eliminated before significant investments are made by producers and handlers in bulk tank operations in anticipation of location

differentials out of the pool. Various proposals were made at the hearing for restricting the payment of location differentials on bulk tank milk. The proposed amendment herein set forth is designed to accomplish the primary purpose of all such proposals, and at the same time avoid the administrative problems involved in ascertaining the delivery practice of individual producers over extended periods.

The recommended decision proposed that producers who during August 1955 qualified for location differentials on milk delivered by tank truck be eligible to receive the highest location differential applicable to milk delivered from the farm of such producer during that month. It was contended that using August 1955 and that month alone as a basing period for such action would be inequitable in that some producers may have, for suitable reasons beyond their control, been off the market during August. Using the months of August through November 1955 as the period when tank truck deliveries from his farm to a pool plant would qualify such a producer for location differentials at the highest rate received during any such month will insure equitable treatment to all producers concerned.

With respect to producers whose farms are located outside the location differential areas the recommended decision provided that such producers not be eligible to qualify for location differentials on milk delivered by tank truck to location differential plants after August 1955. Exception was taken to providing for a cut-off date so far removed from the effective date of the amendment since some producers may have made commitments to changeover to a bulk tank operation prior to the hearing without having such changeover completed by August. In view of this, it is concluded that the period August through November 1955 constitutes a reasonable and practicable time after which producers located outside the location differential area may not qualify for location differentials on milk delivered directly by tank truck to location differential plants.

General findings. (a) The tentative marketing agreement and the order as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of October 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the New York metropolitan milk marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period were engaged in the production of milk for sale in the marketing area specified in such marketing area.

Marketing agreement and order as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended and proposed to be hereby further amended.

This decision filed at Washington, D. C., this 28th day of December 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Amend § 927.35 (a) by adding the following proviso: "*Provided*, That at a plant in the marketing area milk received directly from producers by tank truck shall be assigned to Class I-A prior to the assignment of milk from other plants to Class I-A."

2. Amend § 927.60 (f) by adding the following: "*Provided*, That with respect to milk received by tank truck directly from a farm from which milk was delivered to a pool plant during any of the months of August through November 1955, such deduction shall be at a rate no higher than the highest rate applicable to milk delivered from the same farm in any of such months: *Provided further*, That with respect to milk received by tank truck directly from a farm from which no milk was delivered to a pool plant during any of the months of August through November 1955, such deduction shall be at the rate of 20 cents per hundredweight if the milk house of such farm is located in one of the counties listed in this paragraph, such deduction shall be at the rate of 30 cents per hundredweight if the milk house of such farm is located in the marketing area, and no deduction shall be made pursuant to this paragraph if the milk house of such farm is not located either in the marketing area or in one of the counties listed in this paragraph: *And provided further*, That for purposes of this paragraph the producer operating a farm shall be considered to have been the producer during any of the months of August through November 1955 if the market administrator determines that milk from such farm was delivered to a pool plant during any of such months regardless of any change in farm operator subsequent to such months."

[F. R. Doc. 55–10580; Filed, Dec. 30, 1955; 8:49 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders, have been met.

[7 CFR Ch. IX]

HANDLING OF MILK IN NEW YORK-NEW JERSEY AREA

NOTICE OF OPPORTUNITY TO SUBMIT PROPOSALS

A statement issued by the Secretary of Agriculture on December 15, 1955, contemplated the scheduling of a public hearing in connection with proposed regulation of the handling of milk in the New York-New Jersey area and invited interested parties to submit proposals for consideration at such hearing.

The full text of the Secretary's statement is as follows:

In contemplation of the scheduling of any public hearing relative to proposed new or revised Federal or joint Federal-State regulation of the handling of milk in the New York-New Jersey area, three public meetings have been held by the Department. Such meetings were in session for a total of 17 days (July 18–22, October 4–7, and November 14–23).

A determination was made on October 21, 1955, that the maximum additional territory (outside the New York marketing area) for which new or revised regulation would be considered at a public hearing is the territory within the New Jersey counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren; and the New York counties of Dutchess, Orange, Putnam, Rockland, Sullivan, and Ulster.

The question considered at the last public meeting (concluded on November 23) was whether, for purposes of a subsequent notice or notices of hearing, the handling of milk in the additional territory should be regulated (a) in combination with the present New York milk marketing area under a single order, or (b) by means of one or more separate new orders. The information presented at these meetings has been reviewed and analyzed.

I have given very careful consideration to this complicated problem and have concluded that recognition must be given to the following principles in establishing any new or revised regulation for the territory under consideration:

1. The proximity of Northern New Jersey to metropolitan New York and the fact that there is to a considerable degree a common source of supply, make the marketing and pricing of all milk in this region closely interdependent.

2. The apparent desire and determination of certain groups of producers and handlers for one or more separate marketing orders, and the apparent desire and determination of other groups of producers and handlers for a single marketing order for the entire marketing area constitute differences only as to means of accomplishing an objective rather than disagreement regarding the basic objective of providing orderly marketing in the entire area.

3. The legitimate interests and obligations of various producer groups must be recognized and provided for regardless of whether regulation is by one order or more than one order.

4. Among the interests of New Jersey producers is the recognition of any natural economic advantages accruing from nearness to market and any better adjustments they may have made in fitting their pattern of production to market needs. Associated with these interests is the need to assume a responsibility for carrying the surplus connected with the fluid milk supply for Northern New Jersey.

5. Among the interests of producers now under the New York order is the recognition that they should not be required to carry the surplus for Northern New Jersey without the benefits that accrue from sales of fluid milk there, and that they should not be subjected to chaotic marketing conditions which might result from ill-conceived Federal regulation. On the other hand, they have the obligation of supporting the type of additional Federal regulation which would protect the legitimate interests of the additional producers to whom such regulation would apply.

6. Either a comprehensive order or a separate order for New Jersey must be devised so as: (a) To insure that producers under either type of order carry the surplus associated with their fluid outlets, and (b) to achieve the required stability throughout the entire metropolitan milkshed without forcing disorderly and abnormal maneuvering of supplies and outlets.

After establishing the above set of principles, I have decided to invite interested parties to submit proposals containing terms and provisions which are in accordance with such principles and which are in one of the following forms:

(1) A single order covering all of the milk supply for the present Order No. 27 marketing area plus all or a portion of the additional territory under consideration, with adequate provisions (a) for protecting the interests of New Jersey producers because of their location and the degree of adjustments of their production to market outlets, and (b) for solving marketing problems not now adequately handled under Order No. 27.

(2) A separate order for New Jersey, with or without all or a portion of the six nearby New York counties, and which will include terms and provisions under which such order will (a) carry the surplus associated with its fluid outlets, (b) provide for such minimum uniform prices to producers that there will be no incentive for uneconomic and disorderly shifting of producers or plants from one market outlet to another, and (c) provide for close alignment of minimum class prices. Any such proposed order should be accompanied by proposed amendments to Order No. 27 for purposes of making the two orders complementary.

The purpose of the decision today setting forth the principles which should be followed in developing new or revised regulation for the area, rather than to outline the precise form of regulation, should shorten the time required to get the necessary new or revised regulation into effect.

Proposals should be forwarded in quadruplicate to the Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., to be received there on or before January 16, 1956.

Issued at Washington, D. C., this 27th day of December 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55–10577; Filed, Dec. 30, 1955; 8:48 a. m.]

Agricultural Research Service

[9 CFR Part 27]

IMPORTED MEAT, MEAT FOOD PRODUCTS, AND MEAT BYPRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Department of Agriculture is considering amending Section 27.2 of the Federal Meat Inspection Regulations (9 CFR 27.2 as amended) issued under section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) by adding the Republic of Costa Rica to the list of countries specified therein from which certain product (meat, meat food product, and meat byproduct) may be imported into the United States as provided in said regulations.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Chief of the Meat Inspection Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., within thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 28th day of December 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55–10582; Filed, Dec. 30, 1955; 8:50 a. m.]

Commodity Stabilization Service

[7 CFR Part 814]

SUGAR QUOTA FOR THE MAINLAND CANE SUGAR AREA, 1956

HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. 1100), and in accordance with the applicable rules of practice and procedure (7 CFR 801, et. seq.), the Secretary of Agriculture has, after due notice (20 F. R. 7815) and hearing, found that allotment of the 1956 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar and has established allotments of such quota equal to 80 percent of the 1955 allotments to be in effect until allotments of the 1956 sugar quota for the Mainland Cane Sugar Area are prescribed (20 F. R. 9851).

Notice is hereby given that a public hearing will be held at New Orleans, Louisiana, in the auditorium of the International House, on January 19, 1956, beginning at 10:00 a. m., c. s. t., for the purpose of receiving evidence to enable the Secretary of Agriculture to make a fair, efficient and equitable distribution of the above-mentioned quota for the calendar year 1956 among persons who market sugar processed from sugarcane produced in the Mainland Cane Sugar

Area. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or change the finding which has been made with respect to necessity for allotment, and make or withhold allotment of any such quota in accordance therewith.

In addition, the subjects and issues of this hearing also include (1) the manner in which the statutory factors of "processings from proportionate shares," "past marketings," and "Ability to market," as provided in section 205 (a) of the said act, should be measured; and (2) the relative weightings which should be given to those factors.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the quota or proration thereof for the purposes of (1) allotting any additional quota resulting from proration of area deficits, or allotting any deficit in the allotment for any allottee, and (2) substituting final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of a quota.

Issued this 28th day of December 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-10583; Filed, Dec. 30, 1955; 8:50 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 146]

[Delegation of Authority 89]

EXECUTIVE DIRECTOR, BONN, AND DIRECTOR OF ADMINISTRATION, VIENNA

DELEGATION OF AUTHORITY

By virtue of the authority vested in the Secretary of State by the act of May 26, 1949 (63 Stat. III; 5 U. S. C. 151c and 22 U. S. C. 811a),

And by virtue of the authority vested in me by Delegation of Authority No. 78–B, dated October 29, 1955, there is hereby delegated to the Executive Director of the American Embassy, Bonn, Germany, and to the Director of Administration for the American Embassy, Vienna, Austria, the authority contained in the annual appropriation "Government in Occupied Areas, Department of State", to approve and settle tort claims in Germany and Austria in the manner authorized in the first paragraph of section 2672, as amended, of Title 28 of United States Code.

Dated: December 23, 1955.

I. W. CARPENTER, Jr.,
Assistant Secretary-Controller.

[F. R. Doc. 55-10468; Filed, Dec. 30, 1955; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

LYNN S. MADSEN

STATEMENTS AS TO APPOINTMENT AND FINANCIAL INTERESTS

On December 7, 1954, the Secretary of the Interior appointed Mr. Lynn S. Madsen, under subsection (a) of section 101 of Executive Order 10182, as amended, as a Foreign Petroleum Analyst, Oil and Gas Division, Office of the Secretary of the Interior. Mr. Madsen's private employer was and is the Arabian American Oil Company with its principal place of business in New York, N. Y.

Mr. Madsen is continuing to work in the same capacity, pending the near completion of the project for which he was employed, but the Oil and Gas Division has been redenominated the Office of Oil and Gas.

This statement is made for publication in the FEDERAL REGISTER pursuant to the requirements of section 304 of Executive Order 10647, "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as amended."

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

DECEMBER 27, 1955.

Statement as to Financial Interests

In accordance with the requirements of section 302 (b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporation of which I am, or had been within 60 days preceding my appointment, on December 3, 1954, as Foreign Petroleum Analyst, Oil and Gas Division (now Office of Oil and Gas), an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Mueller Brass.
Union Electric of Missouri.
Heyden Chemical.
Dow Chemical.
Technicolor.
Sperry Rand.
United States Government Bonds.
Bank deposits: Chase Manhattan of New York; Riggs National of Washington, D. C.

I am on leave of absence with pay from Arabian American Oil Company and, as such, entitled to continue participation in the Company's employee benefit plans including provisions for health insurance, retirement, etc.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: December 7, 1955.

LYNN S. MADSEN.

[F. R. Doc. 55-10534; Filed, Dec. 28, 1955; 1:20 p. m.]

POSITION SCHEDULE BOND

A position schedule bond, effective January 1, 1956, has been obtained by the Department of the Interior under 6 U. S. C., sec. 14, as amended covering the following positions:

1. Certifying Officers.
2. Imprest Fund Cashiers.
3. Agent Cashiers.
4. Assistant Disbursing Officers.
5. Collection Officers.
6. Property Accountability Officers.
7. Disbursing Agents (Bureau of Indian Affairs).
8. Field Administrators (Bureau of Indian Affairs).
9. Auditors (The Alaska Railroad).
10. Land Title Officers (Bonneville Power Administration).

6 U. S. C., sec. 14, as amended provides in part, "Wherever any civilian officers or employees or military personnel are covered by a bond under this section, the surety or sureties on any existing bond of any such civilian officers or employees or military personnel shall not be liable for any defaults accruing subsequent to the date of the new coverage."

D. OTIS BEASLEY,
Administrative Assistant Secretary.

DECEMBER 29, 1955.

[F. R. Doc. 55-10610; Filed, Dec. 30, 1955; 8:55 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

GEORGE H. COMPTER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: George H. Compter.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: November 27, 1955, Special Assistant to the Director.
4. Title of position: November 10, 1955, Consultant.
5. Name of private employer: Ford Instrument Company, Division of Sperry Rand Corporation.

JOHN F. LUKENS,
Acting Director of Personnel.

Statement of Financial Interests

6. Names of—

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

6. a. City Service Corporation (5) shares. Judicial Account less than $500 and bank deposit.
Judicial Account represents equity in Atlas Corporation.
Ford Instrument Company as employee.

Dated: December 27, 1955.

GEORGE H. COMPTER.

[F. R. Doc. 55-10575; Filed, Dec. 28, 1955; 5:09 p. m.]

HAROLD L. GRAHAM, JR.

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Harold L. Graham, Jr.
2. Employing agency: Department of Commerce.[1]
3. Date of appointment: June 28, 1955.
4. Title of position: Consultant (Air Transportation).
5. Name of private employer: Resort Airlines, Inc.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of—

Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

President and Director, Resort Airlines, N. C.
Resort Airlines, N. C. (Common).
Resort Airlines, Delaware (Preferred) (Common).
Bank deposits.

Dated: December 20, 1955.

HAROLD L. GRAHAM, JR.

[F. R. Doc. 55-10602; Filed, Dec. 29, 1955; 11:11 a. m.]

[1] Office of the Under Secretary for Transportation, Defense Air Transportation Administration.

FEDERAL COMMUNICATIONS COMMISSION

[FCC 55-1267]

[Docket Nos. 11124, etc.]

HAROLD M. GADE ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Harold M. Gade, Eatontown, New Jersey, Docket No. 11124, File No. BP–9096; Monmouth County Broadcasters, Long Branch, New Jersey, Docket No. 11125, File No. BP–9231, Herbert Scott and Ralph E. P. Mellon d/b as Long Branch Broadcasting Company, Long Branch, New Jersey, Docket No. 11587, File No. BP–9771; for Construction Permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of December 1955;

The Commission having under consideration the above-entitled application of Herbert Scott and Ralph E. P. Mellon d/b as Long Branch Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1410 kilocycles with a power of 500 watts, daytime only, at Long Branch, New Jersey;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed station, but that the proposed operation is mutually exclusive with the above-entitled applications of Harold M. Gade and Monmouth County Broadcasters; that the proposed Long Branch Broadcasting Company operation may involve interference with Station WGTH, Hartford, Connecticut (1410 kc, 5 kw, DA–2, U); and that measurements would be required to prove the 2 mv/m contour of Station WNJR, Newark, New Jersey (1430 kc, 5 kw, DA–N, U) would not overlap with the 25 mv/m contour of the proposed Long Branch Broadcasting Company operation; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, Long Branch Broadcasting Company was advised by letters dated June 3 and October 13, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of its application would be in the public interest; and

It further appearing that in a reply letter dated November 10, 1955, Long Branch Broadcasting Company requested that its application be designated for hearing with the other competing applications; and

It further appearing that in a reply letter dated June 7, 1955, Station WNJR requested that the subject application be designated for hearing and that it would appear and participate; and

It further appearing that in a reply filed October 31, 1955, WGTH opposed a grant of the proposed Long Branch Broadcasting Company operation on the basis of interference to WGTH; and

It further appearing that the applications of Harold M. Gade and Monmouth County Broadcasters were first scheduled for hearing to begin on February 8, 1955; that the Hearing Examiner has successively postponed the hearing date; and that the hearing is now continued without date; and

It further appearing that the Commission, after consideration of the above replies is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application of Long Branch Broadcasting Company is designated for hearing in a consolidated proceeding with the applications of Harold M. Gade (Docket No. 11124, File No. BP–9096) and Monmouth County Broadcasters (Docket No. 11125, File No. BP–9231) at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the station proposed by the Long Branch Broadcasting Company, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of Long Branch Broadcasting Company would involve objectionable interference with Station WGTH, Hartford, Connecticut, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the 2 mv/m contour of Station WNJR, Newark, New Jersey, would overlap the 25 mv/m contour of the proposed operation of Long Branch Broadcasting Company in violation of the Commission's Engineering Standards.

4. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which, if any, of the above-entitled applications of Harold M. Gade; Monmouth County Broadcasters; and Long Branch Broadcasting Company would provide the most fair, efficient and equitable distribution of radio service.

5. To determine, on a comparative basis, which of the stations proposed in the above-entitled applications of Harold M. Gade; Monmouth County Broadcasters; and Long Branch Broadcasting Company would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

It is further ordered, That the above-described issues Nos. 4 and 5 are made issues in the proceeding in Docket Nos. 11124 and 11125; and

It is further ordered, That the General-Times Television Corporation, licensee of Station WGTH, Hartford, Connecticut, and Rollins Broadcasting,

Inc., licensee of Station WNJR, Newark, New Jersey, are made parties to the proceeding;

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

Released: December 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-10589; Filed, Dec. 30, 1955; 8:51 a. m.]

[FCC 55-1272]

[Dockets Nos. 11544, 11545]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

ORDER AMENDING PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of December 1955;

The Commission having under consideration proposals to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing that Notices of Proposed Rule Making (FCC 55-1118 and 55-1119) setting forth the above amendments were issued by the Commission on November 10, 1955, and were duly published in the FEDERAL REGISTER (20 F. R. 8527 and 20 F. R. 8504), which notices provided that interested parties might file statements or briefs with respect to the said amendments on or before December 9, 1955; and

It further appearing that in neither case were any comments filed opposing the proposed amendments; and that only two comments were received favoring the proposed amendments, both in connection with the allocation of a channel to Greeneville, Tennessee;

It further appearing that the adoption of the proposed amendments would facilitate consideration of a pending application from Station WLOE-FM, Leaksville, North Carolina, to change its channel assignment from Channel No. 247 to 233 to eliminate television interference caused by its present operations on Channel No. 247, and would facilitate consideration of a pending application filed by Radio Greeneville, Inc., for a new FM broadcast station in Greeneville, Tennessee;

It further appearing that authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended,

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the following cities:

General area	Channel No.	
	Delete	Add
Leaksville, N. C.	247	233
Greeneville, Tenn.		235
Greenville, S. C.	235	246
Clemson, S. C.	246	271

Released: December 28, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-10590; Filed, Dec. 30, 1955; 8:52 a. m.]

[FCC 55-1249]

[Docket Nos. 11584, 11585]

VIDEO INDEPENDENT THEATRES, INC., AND KICA, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Video Independent Theatres, Inc., Clovis, New Mexico, Docket No. 11584, File No. BPCT-2013; KICA, Inc., Clovis, New Mexico, Docket No. 11585, File No. BPCT-2038; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of December 1955;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 12 at Clovis, New Mexico; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications are mutually exclusive, of the necessity for a hearing thereon, of all objections to their applications, and were given an opportunity to reply; and

It further appearing that upon due consideration of the above applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act a hearing is mandatory; that KICA, Inc., and Video Independent Theatres, Inc., are legally, technically, financially and otherwise qualified to construct, own and operate the proposed television broadcast stations;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated in a subsequent order, to determine on a comparative basis which of the proposed operations would better serve the public interest, convenience and necessity in the light of the record made with respect to significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-10591; Filed, Dec. 30, 1955; 8:52 a. m.]

[FCC 55M-1063]

[Docket Nos. 11580, 11581]

SHASTA TELECASTERS AND SACRAMENTO BROADCASTERS, INC.

ORDER SCHEDULING HEARING

In re applications of Laurence W. Carr, George C. Fleharty, William B. Nystrom, C. T. Ross, George H. Voorhies, Carl R. McConnell, Morris K. Cohen and Robert L. Hammett d/b as Shasta Telecasters, a joint venture, Redding, California, Docket No. 11580, File No. BPCT-2010; Sacramento Broadcasters, Inc., Redding, California, Docket No. 11581, File No. BPCT-2022; for construction permits for new television broadcast stations.

It is ordered, This 22d day of December 1955, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 24, 1956, in Washington, D. C.

Released: December 27, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-10592; Filed, Dec. 30, 1955; 8:52 a. m.]

[FCC 55M-1064]

[Docket Nos. 11582, 11583]

DALE R. CURTIS AND TOOELE COUNTY RADIO AND TELEVISION BROADCASTING, INC.

ORDER SCHEDULING HEARING

In re applications of Dale R. Curtis, Salt Lake City, Utah, Docket No. 11582, File No. BP-9925; Tooele County Radio and Television Broadcasting, Inc., Tooele, Utah, Docket No. 11583, File No. BP-9966; for construction permits.

It is ordered, This 22d day of December 1955, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 24, 1956, in Washington, D. C.

Released: December 27, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-10593; Filed, Dec. 30, 1955; 8:52 a. m.]

[FCC 55M-1068]

[Docket Nos. 11287 etc.]

EL MUNDO, INC.

ORDER CONTINUING HEARING

In re Applications of El Mundo, Inc., Mayaguez, Puerto Rico, Docket No. 11287, File No. BPCT-1892; Ponce de Leon Broadcasting Company, Inc. of P. R., Mayaguez, Puerto Rico, Docket No. 11288, File No. BPCT-1906; Supreme Broadcasting Company, Inc., Mayaguez, Puerto Rico, Docket No. 11289, File No. BPCT-1911; For Construction Permits for new television broadcast stations.

The Hearing Examiner having under consideration a motion filed on December 20, 1955, on behalf of Ponce de Leon Broadcasting Company, Inc., of P. R., requesting that the hearing now scheduled to be held on December 29, 1955, be continued until Friday, February 17, 1956; and

It appearing that sufficient "good cause" has been set forth in the said motion to warrant the postponement requested therein and that all of the parties to the proceeding have consented to a grant thereof;

It is ordered, this 23d day of December 1955, that the above motion be, and it is hereby granted; and that the hearing in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m., on Friday, February 17, 1956, in the offices of this Commission, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-10594; Filed, Dec. 30, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-6554 etc.]

CLAUDE E. HEARD ET AL.

NOTICE OF FINDINGS AND ORDER

DECEMBER 27, 1955.

In the matters of Claude E. Heard and Estill S. Heyser, Jr., Docket No. G-6554; Beal Associates, Docket No. G-6558; Dacresa Corporation, Docket No. G-6561; John W. Watson, Docket No. G-6562.

Notice is hereby given that on December 27, 1955, the Federal Power Commission issued its findings and order adopted December 20, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10531; Filed, Dec. 30, 1955; 8:45 a. m.]

[Docket No. G-9812]

GULF INTERSTATE GAS CO.

ORDER INSTITUTING INVESTIGATION

Gulf Interstate Gas Company (Gulf Interstate), a Delaware corporation having its principal place of business in Houston, Texas, is engaged in the transportation of natural gas in interstate commerce and, therefore, is a natural-gas company within the meaning of the Natural Gas Act as heretofore found by the Commission by order issued May 20, 1953, in Docket No. G-2058.

Gulf Interstate is a gas transmission company which transports natural gas from Louisiana to Kentucky solely for the United Fuel Gas Company (United Fuel) under a cost of service formula rate. The cost of service and rates based thereon for natural gas sold for resale by United Fuel, subject to the Commission's jurisdiction, are involved in Dockets Nos. G-2451 and G-5475. A substantial element of cost to United Fuel is the amount paid to Gulf Interstate for transportation of gas.

During investigation of United Fuel's costs, questions have arisen regarding certain items of cost included in Gulf Interstate's rates and charges to United Fuel and the classification of such items of cost by accounts. These items of cost involve, among others, the actual legitimate cost of the property of the company, other rate base elements, the return thereon, rates of depreciation, taxes, and operating and maintenance costs.

The rates, charges and classifications for the transportation of natural gas by Gulf Interstate, subject to the jurisdiction of the Commission, and the rules, regulations, practices and contracts relating thereto may be unjust, unreasonable, unduly discriminatory or preferential as a result, among others, of improper classification of cost by accounts, use of improper amounts as the actual legitimate cost of the property of the Company, use of improper or inadequate rates of depreciation, rate of return claimed, or improper charges for taxes or operating and maintenance expenses:

The Commission finds: (1) It is necessary and proper, in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, particularly sections 5, 6, 8, 9, 15 and 16, that an investigation be instituted by the Commission on its own motion into and concerning the actual legitimate cost of the property of the Company, the rate or rates of depreciation of such property, the fair rate of return, the classification of costs by accounts, and the integral components of the rates and charges demanded and collected by Gulf Interstate Gas Company for the transportation of natural gas, subject to the jurisdiction of the Commission, and any practices or contracts affecting or relating to such rates or charges.

The Commission orders:

(A) An investigation of Gulf Interstate Gas Company be and it hereby is instituted for the purpose of enabling the Commission (1) to determine the actual legitimate cost of the property of Gulf Interstate Gas Company; (2) to determine the proper and adequate rate or rates of depreciation for such property; (3) to determine the fair rate of return for the Company; (4) to determine the proper account classification of the costs of said Company; (5) to determine with respect to said Company whether in connection with the transportation of natural gas, subject to the jurisdiction of the Commission, any rates or charges demanded or collected or any practices or contracts affecting or relating to such rates or charges are unjust, unreasonable, unduly discriminatory or preferential; and (6) if the Commission shall determine that any or all of the foregoing items have been improperly determined or utilized by Gulf Interstate, to prescribe (a) the actual legitimate cost of the property, (b) the rate or rates of depreciation to be used, (c) the fair rate of return, (d) the account classification for Gulf Interstate's costs, and (e) the basis of the rates or charges to United Fuel Gas Company and any rules, regulations, practices or contracts affecting or relating to such rates or charges to be observed and in force.

(B) Pursuant to the authority contained in sections 5, 6, 8, 9, 15 and 16 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the matters specified in paragraph (A) above.

(C) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: December 7, 1955.

Issued: December 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10532; Filed, Dec. 30, 1955; 8:45 a. m.]

[Docket No. G-8514]

PULLMAN OIL & GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 27, 1955.

Take notice that Pullman Oil & Gas Company (Applicant), a West Virginia corporation whose address is Harrisville, West Virginia, filed on February 24, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces gas from certain lands in Ritchie County, West Virginia, which it proposes to sell to Carnegie Natural Gas Company for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 1, 1956 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 17, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-10533; Filed, Dec. 30, 1955; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 59]

JAMESTOWN AREA FURNITURE HAULERS ASSN., INC.

APPLICATION FOR APPROVAL OF AGREEMENT

DECEMBER 28, 1955.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed December 20, 1955 by: Kenneth T. Johnson, Attorney, Bank of Jamestown Building, Jamestown, N. Y.

Agreement involved: An agreement between and among motor common carriers members of the Jamestown Area Furniture Haulers Association, Inc., relating to rates, exceptions to classifications, ratings, rules, regulations or practices applicable to the transportation in interstate or foreign commerce of new furniture between points in Chautauqua and Cattaraugus Counties, N. Y., and Warren County, Pa. on the one hand and, on the other, points in the United States, and procedures for the joint initiation, consideration, and establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-10470; Filed, Dec. 30, 1955; 8:49 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of the Air Force

INFORMATION AS TO APPOINTMENTS AND FINANCIAL INTERESTS OF EMPLOYEES

DECEMBER 26, 1955.

The information required by section 302 (a) and 302 (b) of Executive Order 10647 is attached for each of the four employees of the Department of the Air Force who were appointed under Executive Order 10182.

DONALD A. QUARLES,
Secretary of the Air Force.

JOHN W. MCEACHREN

INFORMATION REQUIRED BY SECTION 302 (a)

(1) John W. McEachren.
(2) Office, Secretary of the Air Force.
(3) Consultant: WOC.
(4) Partner: Touche, Niven, Bailey & Smart.

A. Y. KENT,
Chief, Staff Civilian Personnel Division, Office, Secretary of the Air Force.

The following information is supplied for the purpose of compliance under the President's Executive Order 10647:

(1) None.
(2) Thomas Industries, Inc.; Scudder, Stevens & Clark Stock Fund.
(3) Touche, Niven, Bailey & Smart.
(4) None.

Dated: December 22, 1955.

JOHN W. MCEACHREN.

HERMAN W. BEVIS

INFORMATION REQUIRED BY SECTION 302 (a)

(1) Herman W. Bevis.
(2) Office, Secretary of the Air Force.
(3) Consultant: WOC.
(4) Partner: Price Waterhouse & Co.

A. Y. KENT,
Chief, Staff Civilian Personnel Division, Office, Secretary of the Air Force.

With respect to Executive Order 10647, I wish to advise you as follows:

The only organization of the type described in the Executive Order in which I now, on September 30, 1955, or within the sixty days preceding that date held a financial interest of any kind was in the accounting firm (partnership) of Price Waterhouse & Co.

Dated: December 21, 1955.

HERMAN W. BEVIS.

ROBERT M. TRUEBLOOD

INFORMATION REQUIRED BY SECTION 302 (a)

(1) Robert M. Trueblood.
(2) Office, Secretary of the Air Force.
(3) Consultant: WOC.
(4) Partner: Touche, Niven, Bailey & Smart.

A. Y. KENT,
Chief, Staff Civilian Personnel Division, Office, Secretary of the Air Staff.

The following information is supplied for the purpose of compliance under the President's Executive Order 10647:

(1) None.
(2) Thomas Industries, Inc.
(3) Touche, Niven, Bailey & Smart.
(4) None.

Dated: December 20, 1955.

ROBERT M. TRUEBLOOD.

JOHN B. INGLIS

INFORMATION REQUIRED BY SECTION 302 (a)

(1) John B. Inglis.
(2) Office, Secretary of the Air Force.
(3) Consultant; WOC.
(4) Partner: Price Waterhouse & Co.; Stagg, Mather & Hough.

A. Y. KENT,
Chief, Staff Civilian Personnel Division, Office, Secretary of the Air Staff.

With respect to Executive Order 10647, I wish to advise you as follows:

On September 30, 1955, or within 60 days preceding that date, I owned common stocks in the following corporations: Continental Oil Company, Fibre Products Company, Hercules Motor Company, Kennecott Copper Company, Missouri Public Service, Ohio Oil Company, Philco Corporation, Phillips Petroleum Company, Southern Pacific Company, Texas Company, Weyerhauser Company.

On September 30, 1955, or within 60 days preceding that date, I was, and still am, a partner in the following partnerships: Price Waterhouse Co.; Stagg, Mather & Hough.

Dated: December 22, 1955.

JOHN B. INGLIS.

[F. R. Doc. 55-10608; Filed, Dec. 29, 1955; 4:34 p. m.]

Office of the Secretary of the Army

REPORT OF APPOINTMENTS OF CONSULTANTS IN ORDNANCE CORPS

Report of appointment, as required by section 302 (a) of Executive Order 10647, for those consultants (WOC) who have submitted statements of financial interest with the Federal Register.

Name	Agency	Title	Private employer
Ralph M. Besse	Cleveland Ordnance District	District Chief	Cleveland Electric Illuminating Co., Cleveland, Ohio.
Kenneth B. Coates	Detroit Ordnance District	do	B/W Controller Corp., Birmingham, Mich.; Thurston Lumber Co., Howell, Mich.
Albert W. Gilmer	Philadelphia Ordnance District.	do	Partner with Barnes, Dechert, Price, Myers & Rhoads, Law Firm, Philadelphia, Pa.
Byron Claude Heacock	San Francisco Ordnance District.	do	Retired.
Edward F. McCrossin	New York Ordnance District.	do	Self-employed, McCrossin & Co., New York, N. Y.
Charles F. Mosher	Rochester Ordnance District.	do	Henderson-Mosher, Inc., Rochester, N. Y.
William J. Rushton	Birmingham Ordnance District.	Consultant	Protective Life Insurance Co., Birmingham, Ala.
Vivian O. Figge	Rock Island Arsenal	do	Davenport Bank & Trust Co. Davenport, Iowa.
Maurice A. Fraher	do	do	Deere & Co., Moline, Ill.
Harry William Getz	do	do	Williams, White & Co., Moline, Ill.; Moline Force, Inc., Moline, Ill.
James M. Hutchinson	do	do	Davenport Bank & Trust Co., Davenport, Iowa.
John S. Pfeil	Boston Ordnance District	District Chief	Stone & Webster, Inc., Boston, Mass.
Harry S. Robinson	Cincinnati Ordnance District.	do	Retired.
C. L. Rugg	Detroit Ordnance District	Consultant	The Manufacturers National Bank of Detroit, Detroit, Mich.
Arthur J. Fushman	do	do	Do.
Milton Drake	do	do	The Detroit Bank, Detroit, Mich., Drake & Wallace Realty Co., St. Joseph, Mich.; Silver Beach Amusement Co., St. Joseph, Mich.; Silver Beach Coaster Co., St. Joseph, Mich.
J. A. Zinn	do	do	National Bank of Detroit, Detroit, Mich.
Claude S. Lawson	Birmingham Ordnance District.	District Chief	U. S. Pipe & Foundry Co.

JOHN W. MARTYN,
Administrative Assistant.

[F. R. Doc. 55-10556; Filed, Dec. 28, 1955; 4:59 p. m.]

RALPH M. BESSE

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955:

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) The Cleveland Electric Illuminating Co.; Officer, Director and Stockholder.

The Cleveland Trust Co.; Director and Stockholder.

Bank of America; Stockholder.

Canada General Fund Ltd., 1954; Stockholder.

Del Monte Properties Co.; Stockholder.

The Dow Chemical Co.; Stockholder.

Gerber Products Co.; Stockholder.

Harris-Seybold Co.; Stockholder.

Massachusetts Investment Trust Co.; Stockholder.

The Naples Co.; Stockholder and holder of Debentures.

National Screw & Mfg. Co.; Stockholder.

Ohio Oil Co.; Stockholder.

Producing Properties, Inc.; Stockholder and holder of Debentures.

Royal Dutch Petroleum; Stockholder.

Socony Vacuum Oil Co.; Stockholder.

Southern Production Co.; Stockholder.

Standard Oil of New Jersey; Stockholder.

Television Electronics Fund; Stockholder.

Tennessee Gas & Transmission Co.; Stockholder.

Texas Eastern Transmission Co.; Stockholder.

U. S. Gypsum Co.; Stockholder.

(2) None.

(3) None.

Dated: December 19, 1955.

RALPH M. BESSE.

[F. R. Doc. 55-10557; Filed, Dec. 28, 1955; 4:59 p. m.]

KENNETH B. COATES

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955:

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) Michigan Plating & Stamping Company, Grand Rapids, Michigan; Director.

Watson Industries, Inc., 7405 Lyndon Avenue, Detroit 38, Michigan; Secretary and Director.

B/W Controller Corporation, East Maple Road, Birmingham, Michigan; Director.

Michigan Plating & Stamping Company, above; Stockholder.

Watson Industries, Inc., above; Stockholder.

B/W Controller Corporation, above; Stockholder.

National Steel Corporation, Grant Building, Pittsburgh, Pa.; Stockholder.

(2) None.

(3) Real Estate, Livingston County, Brighton, Michigan. Insurance, Northwestern Mutual, Equitable, Travelers.

Dated: December 20, 1955.

KENNETH B. COATES.

[F. R. Doc. 55-10558; Filed, Dec. 28, 1955; 5:00 p. m.]

ALBERT W. GILMER

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955:

1. The names of any corporations of which I am an officer or director or within sixty days preceding appointment have been an officer or director, or in which I own or within sixty days preceding appointment have owned any stocks, bonds or other financial interests;

2. The names of any partnerships in which I am or within sixty days preceding appointment have been a partner; and

3. The names of any other businesses in which I own or within sixty days preceding appointment have owned any financial interest.

Answers to Foregoing Questions

1. (a) Commercial Banking Corporation, Philadelphia, Pennsylvania; Director.

(b) Honor Foods, Inc., Philadelphia Pennsylvania; Director, Secretary and Treasurer.

(c) Wilmington Realty Company, Wilmington, Delaware; Assistant Secretary.

(d) Chicago & Northwestern Railway, Chicago, Illinois; Stockholder.

(e) East Sugar Loaf Coal Company, Philadelphia, Pennsylvania; Stockholder.

(f) Petroleum Conversion Corporation, Wilmington, Delaware; Stockholder.

(g) Lehigh Coal & Navigation Company, Bethlehem, Pennsylvania; Stockholder.

2. (a) Barnes, Dechert, Price, Myers & Rhoads (Law Firm), Philadelphia, Pennsylvania; Partner.

3. (a) Insurance. The Penn Mutual Life Insurance Company, Fidelity Mutual Life Insurance Company, Prudential Insurance Company of America.

Dated: December 15, 1955.

ALBERT W. GILMER.

[F. R. Doc. 55-10559; Filed, Dec. 28, 1955; 5:00 p. m.]

BYRON C. HEACOCK

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 Dated 28 November 1955:

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests:

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) F. E. Booth Co., San Francisco; Stockholder, note holder, director.

Caterpillar Tractor Co., Peoria, Ill.; Stockholder, director.

Oakland Bank of Commerce, Oakland, California; Stockholder.

South Pacific Airlines, Inc., San Francisco, Calif.; director.

Scott Paper Co., Chester, Pa.; Stockholder.

(2) None.

(3) Ordinary Life Insurance, Metropolitan Life Insurance Co., New York City, N. Y.

Dated: December 18, 1955.

BYRON C. HEACOCK.

[F. R. Doc. 55-10560; Filed, Dec. 28, 1955; 5:01 p. m.]

EDWARD F. MCCROSSIN

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955:

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds or other financial interests:

(a) Seaboard Fire & Marine Insurance Company of New York. Director and Stockholder.

(b) Yorkshire Insurance Company of New York. Director.

(c) Yuba Consolidated Goldfields, Inc. of Maine. Director and Stockholder.

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner: None.

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest: McCrossin & Company, sole owner.

Dated: December 14, 1955.

EDWARD F. MCCROSSIN.

[F. R. Doc. 55-10561; Filed, Dec. 28, 1955; 5:01 p. m.]

CHARLES F. MOSHER

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955:

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) (a) Henderson-Mosher, Inc., Rochester, N. Y.; Chairman of Board of Directors.

(b) Eastman Kodak Co., Rochester, N. Y.; Stockholder.

(c) Rochester Gas & Electric Corp., Rochester, N. Y.; Stockholder.

(2) None.

(3) None.

Dated: December 15, 1955.

CHARLES F. MOSHER.

[F. R. Doc. 55-10562; Filed, Dec. 28, 1955; 5:01 p. m.]

WILLIAM J. RUSHTON

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955:

(1) The following is a list of all the corporations of which I am now or have been within sixty days an officer or director:

Protective Life Insurance Company; President.

First National Bank of Birmingham; Director.

Gulf, Mobile and Ohio Railroad Co.; Director.

Alabama Power Company; Director.

Moore-Handley Hardware Co.; Director.

Birmingham Ice & Cold Storage Co.; Secretary and Director.

I own stock in each of the foregoing corporations and, in addition thereto, I own stock in the Coca-Cola Bottling Company, The Chattanooga Coca-Cola Bottling Company, Darlington-Hartsville Coca-Cola Bottling Company, and Coca-Cola Bottling Company of Lake Charles, Louisiana.

(2) I am not now and have not been within sixty days past a member of any partnership.

(3) I do not own, in its entirety, any business nor have I owned any business within the past sixty days.

The foregoing statement is true and accurate to the best of my knowledge and belief. If there be any omission or oversights, they are too minor in character for me to recall at the moment.

Dated: December 16, 1955.

WILLIAM J. RUSHTON.

[F. R. Doc. 55-10563; Filed, Dec. 28, 1955; 5:02 p. m.]

V. O. FIGGE

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955.

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) List or indicate None:

Davenport Bank and Trust Co., Davenport, Iowa; President, Director, and Stockholder.

Ossian State Bank, Ossian, Iowa; Director and Stockholder.

Iowa State Bank, Calmar, Iowa; Director and Stockholder.

Kahl Investment Corporation, Davenport, Iowa; Director.

Blackhawk Hotels Corporation, Davenport, Iowa; Director.

St. Paul Hotel Corporation, St. Paul, Minnesota; Director.

Union Building Corporation, Davenport, Iowa; Director.

(2) List or indicate None: None.

(3) List or indicate None: None.

Dated: December 21, 1955.

V. O. FIGGE.

[F. R. Doc. 55-10564; Filed, Dec. 28, 1955; 5:02 p. m.]

MAURICE A. FRAHER

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955.

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) List or indicate None:

1. Deere & Company, Moline, Illinois; Vice-President, Director and Stockholder.

2. Interstate Power Co., Dubuque, Iowa; Stockholder.

3. International Harvester Co., Chicago, Illinois; Stockholder.

4. Pepin Pickling Company, Winona, Minnesota; Stockholder.

(2) List or indicate None: None.

(3) List or indicate None: None.

Dated: December 21, 1955.

MAURICE A. FRAHER.

[F. R. Doc. 55-10565; Filed, Dec. 28, 1955; 5:02 p. m.]

HARRY W. GETZ

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955.

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) List or indicate none:

a. Williams, White & Company, Moline, Illinois; Chairman of the Board; Member of the Board of Directors; Stockholder.

b. Moline Forge, Inc., Moline, Illinois; Chairman of the Board; Member of the Board of Directors; Stockholder.

(2) List or indicate None: None.

(3) List or indicate None: None.

Dated: December 22, 1955.

HARRY W. GETZ.

[F. R. Doc. 55-10566; Filed, Dec. 28, 1955; 5:03 p. m.]

J. M. HUTCHINSON

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955.

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) List or indicate None:

Davenport Bank and Trust Company, Davenport, Iowa; Executive Vice President and stockholder.

Iowa State Bank, Calmar, Iowa; Director and Stockholder.

(2) List or indicate None: None.

(3) List or indicate None: None.

Dated: December 21, 1955.

J. M. HUTCHINSON.

[F. R. Doc. 55-10567; Filed, Dec. 28, 1955; 5:03 p. m.]

JOHN S. PFEIL

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955:

(1) The names of any corporations of which I am an officer or director, or within 60 days preceding appointment have been an officer or director, or in which I own, or within 60 days preceding appointment have owned, any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am, or within 60 days preceding appointment, have been, a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) Vice President, Stone & Webster, Incorporated.

Director, Stone & Webster Realty Corporation.

Treasurer, Associated Industries of Massachusetts.

Trustee, Benjamin Franklin Foundation.

Incorporated Investors.

Tennessee Gas Transmission Company.

Continental Baking Company.

Hertz Corporation.

Eastern Utilities Associates.

Eaton & Howard.

General Motors Corporation.

Texas Gas Transmission Company.

Massachusetts Investors Trust.

Boston Herald Traveler Corporation.

Long Bell Lumber Company.

American Hardware Corporation.

Guaranty Trust Company.

Porta Company.

Bank of America.

New York City Omnibus Company.

Craftsman Insurance Company.

(2) None.

(3) None.

Dated: December 23, 1955.

JOHN S. PFEIL.

[F. R. Doc. 55-10568; Filed, Dec. 28, 1955; 5:03 p. m.]

H. S. ROBINSON

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955:

(1) Stockholder in companies listed on New York Stock Exchange.

Borg-Warner Corp.

Food Machinery and Chemical Co.

General Electric Co.

General Portland Cement Co.

Halliburton Oil Well Cementing Co.

McGraw Hill Publishing Co.

Monarch Machine Tool Co.

Republic Steel Co.

Southern Co.

Std. Oil of Califqrnia.

Std. Oil of Indiana.

Std. Oil of New Jersey.

West Penn. Elec. Co.

Unlisted stocks: Central Trust Co., Cincinnati; Fifth-Third Union Trust, Cincinnati; U. S. Shoe Corp., Cincinnati.

Stockholder and director in: Hamilton-Ferro Com., Cincinnati (Realty); Technical Equipment Co., Cincinnati.

(2) No partnerships.

(3) No other business.

Dated: December 23, 1955.

H. S. ROBINSON.

[F. R. Doc. 55-10569; Filed, Dec. 28, 1955; 5:04 p. m.]

C. L. RUGG

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated November 28, 1955.

1. The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

2. The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner; and

3. The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

1. (a) Since November 21, 1955, Vice President, The Manufacturers National Bank of Detroit.

Previously Senior Vice President and Director, Industrial National Bank-Detroit which by consolidation, November 21, 1955, became The Manufacturers National Bank of Detroit.

(b) Manufacturers National Bank; Stockholder.

(c) Burroughs Corp.; Stockholder.

(d) Fruehauf Trailer Co.; Stockholder.

(e) Detroit Edison Co.; Stockholder.

2. (a) Homograf Co. Nominal interest, less than 2 percent.

3. None.

Dated: December 21, 1955.

C. L. RUGG.

[F. R. Doc. 55-10570; Filed, Dec. 28, 1955; 5:04 p. m.]

ARTHUR J. FUSHMAN

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647, dated 28 November, 1955.

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds or other financial interests:

Director, Michigan Chemical Co., St. Louis, Mich.

Director, Davidson Bros. Inc., Detroit, Mich.

Director, International Breweries, Inc., Detroit, Mich.

Director, Michigan Chrome & Chemical Co., Detroit, Mich.

Director, F. Jos. Lamb Co., Detroit, Mich.

Director, Booth Newspapers, Detroit, Mich.

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner: None.

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest: None.

Dated: December 21, 1955.

ARTHUR J. FUSHMAN.

[F. R. Doc. 55-10571; Filed, Dec. 28, 1955; 5:04 p. m.]

MILTON DRAKE

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated November 28, 1955.

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) The Detroit Bank, Detroit, Michigan; Vice President, Stockholder.

Drake and Wallace Realty Company, St. Joseph, Michigan; President, Director, Stockholder.

Silver Beach Amusement Company, St. Joseph, Michigan; President, Director, Stockholder.

Silver Beach Coaster Company, St. Joseph, Michigan; President, Director, Stockholder.

(2) None.

(3) None.

The foregoing answers exclude civic and charitable corporations.

Dated: December 21, 1955.

MILTON DRAKE.

[F. R. Doc. 55-10572; Filed, Dec. 28, 1955; 5:05 p. m.]

J. A. ZINN

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interest is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955.

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointments, have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) A. National Bank of Detroit, Detroit, Michigan; Vice President, Stockholder.

B. City Coach Lines, Inc., Detroit, Michigan; Director, Stockholder.

(2) None.

(3) None.

Dated: December 21, 1955.

J. A. ZINN.

[F. R. Doc. 55-10573; Filed, Dec. 28, 1955; 5:05 p. m.]

C. S. LAWSON

STATEMENT OF FINANCIAL INTERESTS

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955:

(1) The names of any corporation of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner; and

(3) The names of any other business in which I own, or within 60 days preceding appointment have owned, any similar interest.

Answers to Foregoing Questions

(1) United States Pipe and Foundry Company; Chairman of the Board of Directors, President, Director and Stockholder.

Louisville & Nashville Railroad Company; Director and Stockholder.

Birmingham Trust National Bank; Director and Stockholder.

Birmingham Fire Insurance Company; Director and Stockholder.

Jefferson Federal Savings & Loan Association; Director.

Nashville, Chattanooga and St. Louis Railway; Stockholder.

Vulcan Life Insurance Company; Stockholder.

Independence Life Insurance Company; Stockholder.

Servo Mechanisms; Stockholder.

(2) None.

(3) None.

Dated: December 23, 1955.

C. S. LAWSON.

[F. R. Doc. 55-10574; Filed, Dec. 28, 1955; 5:05 p. m.]

BENJAMIN B. MATHIS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

DECEMBER 28, 1955.

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Benjamin B. Mathis.

2. Employing agency: Springfield Ordnance District, Springfield, Massachusetts.

3. Title of position: District Chief.

4. Name of private employer: A. J. Stonina, Inc., Chicopee, Massachusetts.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Financial Interests

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated 28 November 1955:

(1) The names of any corporations of which I am an officer or director or within 60 days preceding appointment have been an officer or director, or in which I own or within 60 days preceding appointment have owned any stocks, bonds, or other financial interests;

(2) The names of any partnerships in which I am or within 60 days preceding appointment, have been a partner; and

(3) The names of any other businesses in which I own, or within 60 days preceding appointment have owned, any similar interest.

(1) A. J. Stonina, Inc., President, Assistant Treasurer and Director.

Stockholder: Black Sivalls & B., Four Corner Uranium, Kennametal, Inc., Ludlow Mfg. & Sales, Moore Drop Forge, New England Gas & Electric, Package Machinery Co., Loft Candy Co., Irving Trust Co., National Gypsum.

(2) None.

(3) None.

Dated: December 23, 1955.

BENJAMIN B. MATHIS.

[F. R. Doc. 55-10611; Filed, Dec. 30, 1955; 9:17 a. m.]

OFFICE OF DEFENSE MOBILIZATION

JERROLD R. ZACHARIAS

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Jerrold R. Zacharias, Professor of Physics, Massachusetts Institute of Technology, Cambridge, Massachusetts, as a Consultant, with the Science Advisory Committee, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on October 1, 1952.

Mr. Zacharias' statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Member of Board of Directors and stockholder of National Company, Inc., Malden, Massachusetts, and Hycon Eastern Inc., Cambridge, Massachusetts.

Dated: December 12, 1955.

Signed: JERROLD R. ZACHARIAS.

[F. R. Doc. 55-10474; Filed, Dec. 28, 1955; 1:42 p. m.]

JAMES E. NOE

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. James E. Noe, International Representative, International Brotherhood of Electrical Workers, American Federation of Labor, Washington, D. C., as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on May 17, 1955.

Mr. Noe's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

As of December 1, 1955, I owned stocks in the following named corporations: Baska Uranium Mines, Canada Southern Petroleum, Cenco Corp., Mullins Mfg. Corp., Opemiska Copper, Quebec Metalurgical, Rio Palmer Oils Ltd., Stone and Webster Inc.

I own a one-half interest in a tract of real estate, located in Jefferson County, Kentucky in partnership with Edward G. Hack of Louisville, Ky.

I have a financial interest, secured by personal notes from Richard McCormick of Vienna, Va., in a cacao bean development in the Republic of Haiti.

Outside of some first and second trust real estate notes the above represents, to the best of my knowledge, all of my business interests.

Dated: December 10, 1955.

Signed: JAMES E. NOE.

[F. R. Doc. 55-10475; Filed, Dec. 28, 1955; 1:42 p. m.]

CHARLES E. WAMPLER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Charles E. Wampler, President, Wisconsin Telephone Company, Milwaukee, Wisconsin, as a Consultant to the Assistant Director for Plans and Readiness, Office of Defense Mobilization. This appointment was made under section 710 (b) of Defense Production Act 1950 and section 101 (a) of Executive Order 10182, on February 4, 1953.

Mr. Wampler's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Officer and Director: Wisconsin Telephone Company:

Director and Stockholder: Cutler-Hammer, Inc.

Stockholder: American Tel. and Tel. Company.

Stockholder (sold September 22, 1955): Bell & Gossett Co.

Stockholder (sold June 20, 1955): Mountain States Tel. & Teleg. Co.

Stockholder: National Distillers Products, Socony Mobil Oil Co., Southern Pacific Co., Standard Oil Co. of New Jersey.

Dated: December 9, 1955.

Signed: C. E. WAMPLER.

[F. R. Doc. 55-10476; Filed, Dec. 28, 1955; 1:42 p. m.]

PETER HENLE

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Peter Henle, Assistant Director of Research, American Federation of Labor, Washington, D. C., as a Consultant (Executive Reservist), with the Assistant Director for Manpower, Office of Defense Mobilization. This appointment was made under section 101 (a) under Executive Order 10182, on May 23, 1955.

Mr. Henle's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Studebaker-Packard Corporation.

Dated: December 22, 1955.

Signed: PETER HENLE.

[F. R. Doc. 55-10477; Filed, Dec. 28, 1955; 1:42 p. m.]

THOMAS R. REID

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Thomas R. Reid, Director of Civic Affairs, Ford Motor Company, Dearborn, Michigan, as a Consultant, with the Assistant Director for Manpower, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on May 20, 1954.

Mr. Reid's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

I am an employee of Ford Motor Company, 3000 Schaefer Road, Dearborn, Michigan.

Within the past year I have sold all my stock holdings in any other company and at the present time have no business or financial interest other than Ford Motor Company.

Dated: December 14, 1955.

Signed: THOMAS R. REID.

[F. R. Doc. 55-10478; Filed, Dec. 28, 1955; 1:43 p. m.]

PHILIP N. POWERS

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Philip N. Powers, Executive Administrator (Atomic Electric Project), Monsanto Chemical Company, St. Louis, Missouri, as a Consultant to Director (Manpower) of the Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on June 18, 1951.

Mr. Power's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Internuclear Company, Monsanto Chemical Company.

Dated: December 21, 1955.

Signed: PHILIP N. POWERS.

[F. R. Doc. 55-10479; Filed, Dec. 28, 1955; 1:43 p. m.]

HAROLD S. BLACKMAN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Harold S. Blackman, Member, Merchandise Department, J. C. Penney Company, New York, N. Y., as a Consultant with the Assistant Director for Stabilization, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on December 11, 1953.

Mr. Blackman's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

I am not now, nor have I been within the last 60 days (either before my original appointment, nor as of the present) an officer or director of any corporation.

I own no stock, nor have I owned stock within the last 60 days (either before my original appointment, nor as of the present) in any corporation.

I have no financial interest, nor have I had within the last 60 days (either before my original appointment, nor as of the present) in any business except as below stated. I am a salaried employee of the J. C. Penney Company, Inc., and am covered within its retirement plan, group and other special insurances, yearly bonus.

Bank deposits.

I own no bonds, nor have I owned bonds within the last 60 days (either before my original appointment, nor as of the present) except for bonds of the United States Government.

Dated: December 20, 1955.

HAROLD S. BLACKMAN.

[F. R. Doc. 55-10480; Filed, Dec. 28, 1955; 1:43 p. m.]

EDWARD D. REEVES

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Edward D. Reeves, Executive Vice President of Standard Oil Development Company, New York, New York, as a Consultant to the Assistant to the Director (Manpower), Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on November 20, 1951.

Mr. Reeves' statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Business affiliations of E. D. Reeves:

Executive Vice President and Director: Esso Research and Engineering Company, 15 W. 51st Street, New York 19, N. Y.

Director: Jasco, Incorporated, 15 W. 51st Street; Standard Catalytic Company, 15 W. 51st Street.

Stock owned in Standard Oil Company (New Jersey).

Dated: December 21, 1955.

Signed: E. D. REEVES.

[F. R. Doc. 55-10481; Filed, Dec. 28, 1955; 1:43 p. m.]

MAURICE C. WALSH

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Maurice C. Walsh, Field Assistant to the President, Champion Paper and Fibre Company, Hamilton, Ohio, as a Consultant, with the Assistant Director for Stabilization, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on November 3, 1954.

Mr. Walsh's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

The Champion Paper and Fibre Company.

Dated: December 16, 1955.

Signed: MAURICE C. WALSH.

[F. R. Doc. 55-10482; Filed, Dec. 28, 1955; 1:43 p. m.]

CARYL P. HASKINS

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Caryl P. Haskins, President, Haskins Laboratories, Inc., New York, New York, until June 1955 and unemployed at present as an Advisor, Science Advisory Committee, Office of Defense Mobilization. This appointment was made under the Defense Production Act of 1950 as amended, section 710 (b), on October 12, 1955.

Mr. Haskins' statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Aetna Insurance Co.
Allegheny Ludlum Steel Corp.
Aluminum Co. of America.
Amer. Broadcasting—Paramount Theatres, Inc.
American Tel. & Tel.
Bankers Trust Co.
Brooklyn Union Gas Co.
Carnegie Corp. of N. Y.
Carnegie Institution of Washington.
Continental Can Co.
Corn Products Refining Co.
E. I. du Pont de Nemours.
Eastman Kodak Co.
Ex-cell-o Corp.
First National City Bank, N. Y.
Franklin Publications, Inc.
General Electric Co.
Great Northern Railway.
Harvey Picker Foundation.
Haskins Laboratories, Inc.
Humphrey Gas Pump Co.
Infra Roast Inc.
Inland Steel.
International Paper Co.
Kaman Aircraft Corp.
La Rose Mines, Ltd.
Long Island Biological Assoc.
Millipore Filter Corp.
National Photocolor Corp.
New Enterprises, Inc.
Phillips Petroleum Co.
Rand Corp.
Schenectady Trust Co.
Scudder Fund of Canada, Ltd.
Sears Roebuck & Co.
Shell Oil Co.
Sherwin Williams Co.
Standard Oil of Indiana.
Standard Oil of N. J.
Texas Eastern Transmission.
Union Oil of California.
United Gas Corp.
Youngstown Sheet & Tube.

Dated: October 11, 1955.

Signed: CARYL P. HASKINS.

[F. R. Doc. 55-10484; Filed, Dec. 28, 1955; 1:44 p. m.]

R. CARTER WELLFORD

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. R. Carter Wellford, Personnel Manager, Film Department, E. I. du Pont de Nemours, Inc., Wilmington, Delaware, as a Consultant, with the Assistant Director for Manpower, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on November 3, 1954.

Mr. Wellford's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

E. I. du Pont de Nemours & Co., Inc., General Motors Corp.

Dated: December 13, 1955.

Signed: R. CARTER WELLFORD.

[F. R. Doc. 55-10483; Filed, Dec. 28, 1955; 1:44 p. m.]

RUSSELL C. MCCARTHY

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Russell C. McCarthy, Manager, Industrial Management Council, Rochester, New York, as a Member of the National Labor-Management Manpower Policy Committee, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on November 3, 1952.

Mr. McCarthy's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Have no connection whatsoever with any corporation, financial or otherwise, and have not had for several years.

Dated: December 14, 1955.

Signed: RUSSELL MCCARTHY.

[F. R. Doc. 55-10485; Filed, Dec. 28, 1955; 1:44 p. m.]

JAMES H. TAYLOR

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to Section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. James H. Taylor, Director of Industrial Relations, The Procter & Gamble Company, Ivorydale, Ohio, as an Advisor, with the Assistant Director for Manpower, Office of Defense Mobilization. This appointment was made under the Defense Production Act of 1950 as amended, section 710 (b) on October 25, 1955.

Mr. Taylor's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

I am not an officer or director of any corporation, nor have I been within the past 60 days.

I own stock in the following corporations and have owned this stock for more than 60 days: The Procter & Gamble Company, Chrysler Corporation, The Ohio Hotel Company.

I am a member of no partnership, nor have I been a member of a partnership within the past 60 days.

Dated: October 1, 1955.

Signed: JAMES H. TAYLOR.

[F. R. Doc. 55-10486; Filed, Dec. 28, 1955; 1:44 p. m.]

HAROLD M. BOTKIN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Harold M. Botkin, Assistant to Vice President, American Telephone and Telegraph Company, New York, New York, as an Adviser (Telecommunications), with the Assistant Director for Telecommunications, in the Office of Defense Mobilization. This appointment was made under the Defense Production Act of 1950 as amended, section 710 (b), on October 24, 1955.

Mr. Botkin's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

American Telephone and Telegraph Company, General Electric Company.

Dated: September 16, 1955.

Signed: HAROLD M. BOTKIN.

[F. R. Doc. 55-10487; Filed, Dec. 28, 1955; 1:44 p. m.]

DAVID C. HOLUB

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. David C. Holub, President, The Holub Iron and Steel Company, Akron, Ohio, as a Consultant (Scrap Iron and Metals), with the Assistant Director for Stabilization, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on May 18, 1954.

Mr. Holub's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Have substantial stock interest in The Holub Iron and Steel Company, Akron, Ohio.

No other business interests aside from personal property and cash.

Date: December 22, 1955.

Signed: DAVID C. HOLUB.

[F. R. Doc. 55-10488; Filed, Dec. 28, 1955; 1:45 p. m.]

ALBERT J. PHILLIPS

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Albert J. Phillips, Vice President and Director of Research, American Smelting and Refining Company, New York, New York, as a Consultant, with the Assistant Director for Materials, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on April 8, 1954.

Mr. Phillips' statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

American Smelting and Refining Company; Vice President.
Continuous Casting Corporation; Director.
Armo Steel Company; own stock.
General Cable Company; own stock.
Vulcan Silver and Lead Company; own stock.
Great Northern Iron Ore Company; own stock.

Dated: December 12, 1955.

Signed: ALBERT J. PHILLIPS.

[F. R. Doc. 55-10489; Filed, Dec. 28, 1955; 1:45 p. m.]

DR. WILLIAM WEBSTER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Dr. William Webster, Executive Vice-President, New England Electric Systems, Boston, Massachusetts, as a Consultant to the Manpower Office, Office of Defense Mobilization. This appointment was made effective under section 101 (a) of Executive Order 10182, on August 13, 1951.

Dr. Webster's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

New England Electric System; Executive Vice President and Director.
The Narragansett Electric Company; President and Director.
Yankee Atomic Electric Company; President and Director.
New England Power Company; Director.
The Rand Corporation; Trustee.
Second Bank-State Street Trust Company; Director.
Arthur D. Little, Inc.; Director.
Atomic Power Development Associates, Inc.; Director.
Edison Electric Institute; Director.
Cool Branch Farm; owned in partnership.
Stock or Bond Investment: Baldwin Securities, British Columbia Forest Products, Ltd., Coastal Carribean Oil, Inc., Consolidated Industries, Fireside Permanent Building Association, New England Electric System, New Products Research Corporation, Second Bank-State Street Trust Company, Steep Rock Iron Mines, Wolverine Power Company, York Corporation.

Dated: December 19, 1955.

Signed: WILLIAM WEBSTER.

[F. R. Doc. 55-10490; Filed, Dec. 28, 1955; 1:45 p. m.]

DR. BRUCE S. OLD

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Dr. Bruce S. Old, Vice President, A. D. Little, Inc., Cambridge, Massachusetts, as a Consultant, Science Advisory Committee, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on September 17, 1951.

Dr. Old's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Vice President; owner 0.2 percent stock: Arthur D. Little, Inc.
President: Nuclear Metals, Inc.
Director: Wentworth Institute, Concord Community Chest, Inc.
Trustee: Deaconess Hospital.

Dated: December 7, 1955.

Signed: BRUCE S. OLD.

[F. R. Doc. 55-10491; Filed, Dec. 28, 1955; 1:46 p. m.]

R. C. PARSONS

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended notice is hereby given of the appointment of Mr. R. C. Parsons, Vice President, Operation, Louisville and Nashville Railroad Company, Louisville, Kentucky, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on July 29, 1954.

Mr. Parsons' statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Louisville and Nashville Railroad Company (Vice President and General Manager).
The Carrollton Railroad.
Central Transfer Railway & Storage Company.
Cincinnati Union Terminal Company.
Elkton & Guthrie Railroad Company.
Henderson Belt Railroad Company.
Kentucky Central Railway Company.
Lexington & Eastern Railway Company.
Lexington Union Station Company.
Long Branch Coal Railroad Company.
Louisville, Henderson & St. Louis Railway Company.
Louisville and Nashville Terminal Company.
Memphis Union Station Company.
Nashville & Decatur Railroad Company.
South & North Alabama Railroad Company.
Terminal Railroad Association of St. Louis.
Woodstock & Blocton Railway Company.
Financial interests; stock ownerships: Louisville Gas & Electric Company; Louisville and Nashville Railroad Company; Nashville, Chattanooga & St. Louis Railway; Kentucky Utilities Company.

Dated: November 1, 1955.

Signed: R. C. PARSONS.

[F. R. Doc. 55-10492; Filed, Dec. 28, 1955; 1:46 p. m.]

JAMES A. WILLIAMS

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. James A. Williams, Division Manager of the New England Telephone & Telegraph Company, Boston, Massachusetts, as a Consultant to the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under Section 101 (a), Executive Order 10182, on May 16, 1955.

Mr. Williams' statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Employed by the New England Telephone & Telegraph Company on a salary basis. Own no stock in this Company.

Own 46 shares of American Telephone & Telegraph Company stock, which Company owns controlling interest in New England Telephone & Telegraph Company.

Dated: August 1, 1955.

Signed: JAMES A. WILLIAMS.

[F. R. Doc. 55-10493; Filed, Dec. 28, 1955; 1:46 p. m.]

GEOFFREY BAKER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Geoffrey Baker, Vice President, Ralston-Purina Company, St. Louis, Missouri, as a Consultant with the Assistant Director for Stabilization, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on February 10, 1955.

Mr. Baker's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Vice President: Ralston Purina Company.
Owns: Ralston Purina Company Common Stock, Wellington Fund Stock (Investment trust).

Dated: December 16, 1955.

Signed: GEOFFREY BAKER.

[F. R. Doc. 55-10494; Filed, Dec. 28, 1955; 1:46 p. m.]

L. GORDON WALKER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. L. Gordon Walker, Manager, Ore and Coal Company, Cleveland, Ohio, as a Consultant to the Assistant Director for Production, Office of Defense Mobilization. This appointment was made effective under section 101 (a), Executive Order 10182, on June 14, 1955.

Mr. L. Gordon Walker's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Common stock in following companies: Chrysler Corporation, Sinclair Oil Corporation, Pennroad Corp., Continental Motors, Pennsylvania Railroad Co., Transcontinental & Western Airlines.
Annual salary from Ore & Coal Exchange, Cleveland, Ohio.

Dated: December 13, 1955.

Signed: L. GORDON WALKER.

[F. R. Doc. 55-10495; Filed, Dec. 28, 1955; 1:47 p. m.]

JOHN E. MCLEOD

EMMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. John E. McLeod, Chief Mechanical Officer, The Chesapeake and Ohio Railway Company, Richmond, Virginia, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on July 29, 1954.

Mr. McLeod's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

The Chesapeake and Ohio Railway Company.

Dated: December 9, 1955.

Signed: J. E. MCLEOD.

[F. R. Doc. 55-10496; Filed, Dec. 28, 1955; 1:47 p. m.]

DR. CHARLES C. LAURITSEN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Dr. Charles C. Lauritsen, Professor of Physics, California Institute of Technology, Pasadena, California, as a Consultant, Science Advisory Committee, Office of the Director, Office of Defense Mobilization. This appointment was made under section 101 (a), Executive Order 10182, on July 16, 1952.

Dr. Lauritsen's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

U. S. A. Bonds.
Stock: Am. T. and T., Dow Chem., Du Pont, Monsan. Ch., So. Calif. Edison, Std. Oil, N. J., Std. Oil, Ind., U. S. Steel, Mass. Inves. Tr.

Dated: December 16, 1955.

Signed: CHARLES C. LAURITSEN.

[F. R. Doc. 55-10497; Filed, Dec. 28, 1955; 1:47 p. m.]

HERBERT EMMERICH

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Herbert Emmerich, Director, Public Administration Clearing House, Chicago, Illinois, as a Consultant, with the Assistant Director for Plans and Readiness, Office of Defense Mobilization. This appointment was made effective on July 8, 1955, Executive Order, 10182, section 101 (a).

Mr. Emmerich's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Director: Public Administration Clearing House, 1313 E. 60th St., Chicago 37, Illinois.
Chairman of the Board: Public Administration Service, 1313 E. 60th St., Chicago 37, Illinois.
Member, Board of Directors: American Council to Improve our Neighborhoods, (Action) Box 462, Radio City Station, New York 20, N. Y.
Member of Council: National Municipal League, 47 E. 68th St., New York 21, N. Y.
Own shares of stock: Stein Roe & Farnham Fund, Inc., 135 So. La Salle Street, Chicago 37, Ill.; The Lehman Corporation, 1 South William Street, New York 4, N. Y.

Dated: December 16, 1955.

Signed: HERBERT EMMERICH.

[F. R. Doc. 55-10498; Filed, Dec. 28, 1955; 1:47 p. m.]

DR. ISIDOR I. RABI

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Dr. Isidor I. Rabi, Professor of Physics, Columbia University, New York, New York, as a Consultant to the Science Advisory Committee, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on January 1, 1954.

Dr. Rabi's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

American Telegraph and Telephone Co.
International Nickel.
Hycon Manufacturing Co.
Hycon Eastern, Inc.
Atlas Corp.
Robert Gair.
Missouri Pacific Railroad.
Outboard Motor and Manufacturing Co.
Pacific Western Oil.
Puget Sound Power & Light.
Thompson Products.
Transamerica.

Dated: December 11, 1955.

Signed: I. I. RABI.

[F. R. Doc. 55-10499; Filed, Dec. 28, 1955; 1:48 p. m.]

ANDREW H. BROWN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Andrew H. Brown, Commerce Counsel, The Cleveland Chamber of Commerce, Cleveland, Ohio, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on December 6, 1954.

Mr. Brown's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

The National Industrial Traffic League, President until November 19, 1954. Director since that date.
The Cleveland Chamber of Commerce, Commerce Counsel.

Dated: October 28, 1955.

Signed: ANDREW H. BROWN.

[F. R. Doc. 55-10500; Filed, Dec. 28, 1955; 1:48 p. m.]

ALEXANDER W. CAMPBELL

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Alexander W. Campbell, General Superintendent, Transportation, Great Northern Railway, St. Paul, Minnesota, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under Section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Campbell's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Great Northern Railway Company. Employed as General Superintendent Transportation and have been in continuous service with the Great Northern Railway since June 16, 1911, except time spent in the Army in World War I and II and am now a retired Army Officer.

I do not have any financial interest in any corporation, partnership, or other business interest except the Great Northern Railway.

Dated: November 1, 1955.

Signed: A. W. CAMPBELL.

[F. R. Doc. 55-10501; Filed, Dec. 28, 1955; 1:48 p. m.]

JAMES B. FISK

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. James B. Fisk, Director of Physical Research and Assistant Director of Research, Bell Telephone Laboratories, Inc., Murray Hill, New Jersey, as a Consultant, with the Science Advisory Committee, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on September 19, 1951.

Mr. Fisk's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Executive Vice President and Director: Bell Telephone Laboratories, Inc.
Share owner: American Telephone and Telegraph Company.

Dated: December 8, 1955.

Signed: J. B. FISK.

[F. R. Doc. 55-10502; Filed, Dec. 28, 1955; 1:48 p. m.]

JOHN C. RILL

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. John C. Rill, President, Fruit Growers Express Company, Washington, D. C., as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on December 6, 1954.

Mr. Rill's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

President and Director: Fruit Growers Express Co., Western Fruit Express Co., Burlington Refrigerator Express Co., National Car Co., Railway Refrigerator Realty Co.
Director and Stock Ownership: American Security & Trust Co.
Stock Ownership: Pennsylvania Railroad Co.
Future retirement benefits: Pennsylvania Railroad System Plan for Supplemental Pensions.

Dated: December 8, 1955.

Signed: JOHN C. RILL.

[F. R. Doc. 55-10503; Filed, Dec. 28, 1955; 1:49 p. m.]

F. J. ORNER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. F. J. Orner, General Manager, New York, New Haven and Hartford Railroad Company, New Haven, Connecticut, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Orner's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Officer and Stockholder: New York, New Haven & Hartford Railroad Company.

Chairman Board of Directors, Director, Member Advisory Committee: Railroad Perishable Inspection Agency.
Own financial interest: United Income Fund; New Haven Savings & Loan Association.

Dated: December 9, 1955.

Signed: F. J. ORNER.

[F. R. Doc. 55-10505; Filed, Dec. 28, 1955; 1:49 p. m.]

DR. EMANUEL R. PIORE

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Dr. Emanuel R. Piore, Vice President, Avco Manufacturing Corporation, New York 17, New York, as an Advisor to the Science Advisory Committee, Office of Defense Mobilization. This appointment was made effective on October 12, 1955.

Dr. Piore's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

I am Vice President of the Avco Manufacturing Corporation, and own directly common stock of that Corporation.

Dated: December 16, 1955.

Signed: E. R. PIORE.

[F. R. Doc. 55-10504; Filed, Dec. 28, 1955; 1:49 p. m.]

J. J. MAHONEY

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. J. J. Mahoney, General Superintendent of Transportation, The Atchison Topeka and Santa Fe Railway System, Chicago, Illinois, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on July 29, 1954.

Mr. Mahoney's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Supplementing Form ODM-163 of August 1955 with respect to business interests:
Have no outside affiliations with any company; however, I have been an officer of the Santa Fe since May 1920. My only investment is in Government bonds.

Dated: December 13, 1955.

Signed: J. J. MAHONEY.

[F. R. Doc. 55-10506; Filed, Dec. 28, 1955; 1:50 p. m.]

GEORGE A. STEINER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. George A. Steiner, Professor of Economics, University of Illinois, Urbana, Illinois, as an Advisor (Program Planning) with the Assistant Director for Plans and Readiness, Office of Defense Mobilization. This appointment was made under Defense Production Act of 1950 as amended, section 710 (b), on September 30, 1955.

Mr. Steiner's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

None.

Dated: December 14, 1955.

Signed: G. A. STEINER.

[F. R. Doc. 55-10507; Filed, Dec. 28, 1955; 1:50 p. m.]

JAMES L. COOKE

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. James L. Cooke, General Superintendent, Transportation, Seaboard Air Line Railroad Company, Norfolk, Virginia, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on July 29, 1954.

Mr. Cooke's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Executive Order 10647, Section 302b.
1. Officer: Seaboard Air Line Railroad Company.
2. Stockholder: Seaboard Air Line Railroad Company.

Dated: December 8, 1955.

Signed: J. L. COOKE.

[F. R. Doc. 55-10508; Filed, Dec. 28, 1955; 1:50 p. m.]

CALEB R. MEGEE

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Caleb R. Megee, Vice Chairman, Car Service Division, Association of American Railroads, Washington, D. C., as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on July 29, 1954.

Mr. Megee's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Gulf Oil Corp.
Radio Corp. of America.
Monsanto Chemical Co.
Tri-Continental Investment Co.
Investment Company of America.
Washington Mutual Fund.

Dated: October 28, 1955.

Signed: CALEB R. MEGEE.

[F. R. Doc. 55-10509; Filed, Dec. 28, 1955; 1:50 p. m.]

CHARLES W. POTTER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended notice is hereby given of the appointment of Mr. Charles W. Potter, Assistant Vice President, Personnel Relations, American Telephone and Telegraph Company, New York, New York, and Asbury Park, New Jersey, as a Consultant (Executive Reservist), with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on May 24, 1955.

Mr. Potter's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Sixty days prior to August 1, 1955:
The undersigned was not an officer or director of any corporation, partnership or other business.
He owned common stock of the American Telephone and Telegraph Company.

Dated: December 12, 1955.

Signed: C. W. POTTER.

[F. R. Doc. 55-10510; Filed, Dec. 28, 1955; 1:51 p. m.]

GEORGE H. SHAFER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. George H. Shafer, General Traffic Manager, Weyerhaeuser Sales Company, St. Paul, Minnesota, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on July 29, 1954.

Mr. Shafer's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Stock Ownership: Textron American, Bethlehem Steel, United States Steel, International Harvester, Northern Pacific Railroad, Weyerhaeuser Timber Company, General Motors, Dividend Shares, Inc. (Investment Trust), A. T. & S. F. Railway, Abitibi Paper Company, Group Securities (Investment Trust), Kennecott Copper, Cities Service Corporation, Pure Oil Company, Great Northern Railway, Stone & Webster, Radio Corporation of America, Canadian General Fund (Investment Trust), Fibre Products, Inc.

Am not a director or officer of any corporation and do not have a financial interest in corporations other than indicated above.

Dated: November 9, 1955.

Signed: G. H. SHAFER.

[F. R. Doc. 55-10511; Filed, Dec. 28, 1955; 1:51 p. m.]

JOHN F. REILLY

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. John F. Reilly, Assistant to Vice Chairman, Car Service Division, Association of American Railroads, Washington, D. C., as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Reilly's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Nil.

Dated: November 1, 1955.

Signed: J. F. REILLY.

[F. R. Doc. 55-10512; Filed, Dec. 28, 1955; 1:51 p. m.]

RALPH S. TRIGG

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Ralph S. Trigg, Self Employed, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on June 13, 1955.

Mr. Trigg's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

I am not a director, officer, owner or part-owner in any corporations, partnerships or other businesses.

I own a few shares of stock in the following corporations: Graham Paige Motors, National City Lines, Studebaker Packard, Delhi Taylor Oil Company, Col-U-Mex Uranium Company, Tasha Oil and Uranium Company.

Dated: December 15, 1955.

Signed: RALPH S. TRIGG.

[F. R. Doc. 55-10513; Filed, Dec. 28, 1955; 1:51 p. m.]

STANLEY H. RUTTENBERG

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Stanley H. Ruttenberg, Director, Department of Education and Research, Congress of Industrial Organizations, Washington, D. C., as a Consultant (Executive Reservist), with the Assistant Director for Manpower, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on June 6, 1955.

Mr. Ruttenberg's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

None. I have no business interests.

Dated: December 12, 1955.

Signed: STANLEY H. RUTTENBERG.

[F. R. Doc. 55-10515; Filed, Dec. 28, 1955; 1:52 p. m.]

WILLIAM C. BAKER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. William C. Baker, Vice President, Operations and Maintenance, Baltimore and Ohio Railroad Company, Baltimore, Maryland, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Baker's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Stockholder: Balto. & Ohio R. R. Co.
Director: Addison & Susquehanna R. R. Co., Kentucky & Indiana Terminal R. R. Co.; Raritan River Rail Road Company; Washington Terminal Company; Wellsville, Coudersport and Pine Creek Railroad Company.
Director and President: Baltimore and Ohio Stores, Inc.
Director and Vice President: Akron & Barberton Belt R. R. Co.; Baltimore Belt Railroad Co.; Balto. & Ohio & Chicago R. R. Co.; Balto. & Ohio Chicago Terml. R. R. Co.; Balto. & Ohio Southwestern R. R. Co.; Buffalo, Rochester & Pittsburgh R. R. Co.; Buffalo & Susquehanna R. R. Corp.; Centralia & Webster Springs, R. R. Co.; Cheat Haven & Bruceton R. R. Co.; Cinti. Indpls. & Western R. R. Co.; Cleveland Terml. & Valley R. R. Co.; Curtis Bay R. R. Co.; Dayton and Union R. R. Co.; Lakefront Dock & R. R. Terml. Co.; Lancaster, Cecil & Sou. R. R. Co.; Mahoning Valley Railroad Co.; Metropolitan Southern R. R. Co.; Monongahela Railway Company; The New Gauley Coal Company; Ohio & Little Kanawha R. R. Co.; Staten Island Rapid Transit Railway Company; Washington County Railroad Co.; West Virginia and Pittsburgh Railroad Company; Winchester & Strasburg R. R. Co.
Vice President: The Adrian Realty Company; Allegheny & Western R. R. Co.; Balto. & Ohio Connecting Railroad Co.; Balto. & Ohio R. R. Co. in Pennsylvania; Balto. & Philadelphia R. R. Co.; The Cheat Haven Railroad Co.; Clearfield & Mahoning R. R. Co.; Fairmont, Morgantown and Pittsburgh R. R. Co.; Georgetown Barge, Dock, Elevator and Railway Co.; Indian Creek Valley Railway Co.; Pittsburgh & Western R. R. Co.; Quemahoning Branch R. R. Co.; Schuylkill River East Side R. R. Co.; Tylerdate Connecting R. R. Co.; Washington & Western Maryland R. R. Co.; Wheeling, Pittsburgh and Baltimore R. R. Co.; Winchester and Potomac R. R. Co.

Dated: October 28, 1955.

Signed: WILLIAN C. BAKER.

[F. R. Doc. 55-10514; Filed, Dec. 28, 1955; 1:51 p. m.]

GRANVILLE CONWAY

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mrs. Granville Conway, President, Cosmopolitan Shipping Company, Inc., New York, New York, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Conway's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Executive Order 10647, Section 320b.
1. Officer or Director: Cosmopolitan Shipping Company, Inc.; American Agencies, Inc.; Commercial Stevedoring Co., Inc.; Consortium Maritime Franco-Americain (French Corporation); Home Lines Agency, Inc.; Panama Transoceanic Co. S. A. (Panama Corp.); Southwood Exploration Co., Inc.; Transoceanic Tankers, Inc. (Panama Co.); Travel & Chartering S. A. (Panama Co.); Crestmont Corporation; Cosmopolitan Shipping Co. S. A. (Panama Corporation).
2. Stockholder: Cosmopolitan Shipping Company, Inc.; Consortium Maritime Franco-Americain (French Corporation); Penn Salt; Southwood Exploration Co., Inc.; Stone Webster; Transit Investment Corp. (Philadelphia); Transoceanic Tankers Inc. (Panama Co.); Travel & Chartering S. A. (Panama Co.); Crestmont Corporation; Western Chartering Inc.

Dated: December 8, 1955.

Signed: GRANVILLE CONWAY.

[F. R. Doc. 55-10516; Filed, Dec. 28, 1955; 1:52 p. m.]

BENJAMIN CAPLAN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Benjamin Caplan, Assistant Chief Economist, Schenley Industries, Inc., New York, New York, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on August 9, 1954.

Mr. Caplan's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Schenley Industries, Inc.
Dubonnet Wine Corporation.
Aeroquip Corporation.
Boston & Maine Railroad.

Dated: December 15, 1955.

Signed: BENJAMIN CAPLAN.

[F. R. Doc. 55-10517; Filed, Dec. 28, 1955; 1:52 p. m.]

JOSEPH D. KEENAN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended notice is hereby given of the appointment of Mr. Joseph D. Keenan, Secretary-Treasurer, Building and Construction Trades Department, American Federation of Labor, Washington, D. C., as an Expert, Assistant to Director for Labor, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on August 1, 1954.

Mr. Keenan's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Armour & Company.
Brown & Bigelow.
Burroghs & Company.
Commonwealth Edison.
Northern Gas.
Daystrom.
Eaton Manufacturing.
Lisbon Uranium.
White Canyon Uranium.
Blue Lizard Uranium.
National Tea.
St. Regis Paper, Schering.
T. X. A. Oil.
U. S. Smelting.
Hussmon & Company.
Coastal Oil.
Gulf Coast Oil.
Consolidated Gas.
Consolidated Petroleum.

Dated: December 19, 1955.

Signed: JOSEPH D. KEENAN.

[F. R. Doc. 55-10518; Filed, Dec. 28, 1955; 1:53 p. m.]

JAMES M. HOOD

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. James M. Hood, President, American Short Line Railroad Association, Washington, D. C., as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under Section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Hood's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Executive Order 10647, Section 302b.
1. Officer or Director: The American Short Line Railroad Association.
2. Stockholder: The F. W. Woolworth Company.

Dated: December 8, 1955.

Signed: J. M. HOOD.

[F. R. Doc. 55-10519; Filed, Dec. 28, 1955; 1:53 p. m.]

HOWARD W. HALE

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment

of Mr. Howard W. Hale, General Superintendent, Transportation, St. Louis-San Francisco Railway Company, Springfield, Missouri, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Hale's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

General Superintendent Transportation, St. Louis-San Francisco Railway Company, Springfield, Missouri.

Have been an officer on the above railway since 1920.

Have no connection with any other company.

Did not own any stocks or bonds of the above railway or other corporation within 60 days preceding my appointment on Railway Equipment Committee of Office of Defense Mobilization.

Dated: October 27, 1955.

Signed: HOWARD W. HALE.

[F. R. Doc. 55-10520; Filed, Dec. 28, 1955; 1:53 p. m.]

JAMES F. HALEY

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. James F. Haley, Manager, Traffic and Transportation Department, Koppers Company, Inc., Pittsburgh, Pennsylvania, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Haley's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Manager, Traffic and Transportation Department: Koppers Company, Inc., Koppers Building, Pittsburgh 19, Pa.

President (one-third owner): Foreign Car Service, Inc., 850 Koppers Building, Pittsburgh 19, Pa.

Dated: October 28, 1955.

Signed: JAMES F. HALEY.

[F. R. Doc. 55-10521; Filed, Dec. 28, 1955; 1:53 p. m.]

RALPH H. ANDERSEN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Ralph H. Andersen, Executive Vice President, General Manager, United Engineering Corporation, Miami, Florida, as a Consultant (Executive Reservist), with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on June 14, 1955.

Mr. Andersen's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

United Engineering Corp.

National Credit Card of New York, A Partnership.

Carrier Corporation.

Dated: December 19, 1955.

Signed: RALPH H. ANDERSEN.

[F. R. Doc. 55-10522; Filed, Dec. 28, 1955; 1:53 p. m.]

RICHARD H. LAMBERTON

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Richard H. Lamberton, Midwest Sales Manager, General American Transportation Corporation, Chicago, Illinois, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Lamberton's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Special Representative: Union Tank Car Company, Chicago, Ill.

Own stock in: United Air Lines, Ohio Oil Company.

Dated: November 15, 1955.

Signed: RICHARD H. LAMBERTON.

[F. R. Doc. 55-10525; Filed, Dec. 28, 1955; 1:54 p. m.]

PERRY J. LYNCH

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Perry J. Lynch, Vice President, Union Pacific Railroad, Omaha, Nebraska, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on July 29, 1954.

Mr. Lynch's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Union Pacific Railroad Company.

The St. Joseph & Grand Island Railway Company.

Oregon Short Line Railroad Company.

Oregon-Washington Railroad & Navigation Company.

Los Angeles & Salt Lake Railroad Company.

Union Pacific Motor Freight Company.

Las Vegas Land & Water Company.

Railway Express Agency, Inc.

Dated: October 27, 1955.

Signed: P. J. LYNCH.

[F. R. Doc. 55-10523; Filed, Dec. 28, 1955; 1:54 p. m.]

JOHN N. LIND

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. John N. Lind, General Traffic Manager, The National Supply Company, Pittsburgh, Pennsylvania, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Lind's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

General Traffic Manager: The National Supply Co., Pittsburgh, Pa.

President: Eight Mile Camp, Inc., Brookville, Pa.

Have shares of stock in: The National Supply Company, United Corporation, Glenn L. Martin, Oliver Corporation, Olympic Radio & Television Corporation.

Dated: October 28, 1955.

Signed: JOHN N. LIND.

[F. R. Doc. 55-10524; Filed, Dec. 28, 1955; 1:34 p. m.]

GEORGE N. LILYGREN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. George N. Lilygren, Vice President and General Manager, Machinery and Systems Division, Carrier Corporation, Syracuse, New York, as a Consultant (Executive Reservist), with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on May 16, 1955.

Mr. Lilygren's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Director: Aerofin Corporation.

Stockholder: Air Reduction Co., American Viscose.

Bondholder: Canadian Pacific.

Stockholder and Officer: Carrier Corporation.

Director: Carrier-Centrax, Inc.

Stockholder: Cluett Peabody, Continental Can, El Paso Natural Gas.

Bondholder: Gen. Motors Accept. Corp.

Stockholder: Hooker Electrochemical, Int. Business Machines, May Department Stores, Merck & Co.

Bondholder: Missouri Pacific, New York Power Authority.

Stockholder: Northern Natural Gas, Pioneer Natural Gas, Public Service El. & Gas, Pure Oil Co., Socony Vacuum, Southwestern Public Service, Standard Accident Insurance, Standard Oil of New Jersey.

Bondholder: Union Oil of California.

Dated: June 1, 1955.

Signed: GEORGE N. LILYGREN.

[F. R. Doc. 55-10526; Filed, Dec. 28, 1955; 1:54 p. m.]

ERNEST A. TUPPER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Ernest A. Tupper, Manager, American Can Company, Washington, D. C., as a Consultant, with the Assistant Director for Plans and Readiness, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on February 15, 1955.

Mr. Tupper's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

American Can Company. Headquarters: 100 Park Avenue, New York 17, New York.

Dated: December 19, 1955.

Signed: ERNEST A. TUPPER.

[F. R. Doc. 55-10527; Filed, Dec. 28, 1955; 1:55 p. m.]

HERBERT SCHREIBER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Herbert Schreiber, Statistician, Association of American Railroads, Washington, D. C., as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on July 29, 1954.

Mr. Schreiber's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Stock owned: Indianapolis Power & Light Co., Jones & Laughlin Steel Corp.

Dated: October 28, 1955.

Signed: HERBERT SCHREIBER.

[F. R. Doc. 55-10528; Filed, Dec. 28, 1955; 1:55 p. m.]

ARTHUR E. BAYLIS.

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Arthur E. Baylis, Vice President, Freight Traffic, New York Central Railroad, New York, New York, as a Consultant, with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182 on July 29, 1954.

Mr. Baylis' statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

DIRECTOR

(1) Hudson River Connecting R. R. Corp.
(1) St. Lawrence & Adirondack Ry. Co.
(3) (1) Niagara River Bridge Co.
(3) (1) Canada Southern Ry. Co.; Niagara Junction Ry. Co.
(1) Indiana Harbor Belt R. R. Co.
(3) (1) Detroit River Tunnel Co.
(1) Detroit, Toledo & Milwaukee R. R. Co.
(1) Lansing Transit Ry. Co.
(1) Hudson River Bridge Co.; Canadian Pacific Car & Passenger Transfer Co., Ltd.; Ottawa & New York Ry. Co.; Michigan Air Line R. R. Co.
(1) Joliet & Northern Indiana R. R. Co.; Battle Creek & Sturgis Ry. Co.
(1) Lansing Manufacturers R. R.
(1) Mahoning Coal R. R. Co.
(1) Mahoning & Shenango Valley Ry. Co.
(1) Shenango Valley R. R. Co.; Cherry Tree & Dixonville R. R. Co.; Nicholas, Fayette & Greenbrier R. R. Co.
(1) Mahoning State Line R. R. Co.; Cleveland Union Terminals Co.
(1) The Troy Union R. R. Co.
(2) Merchants Despatch Transportation Co.
(2) Northern Refrigerator Line, Inc.; New York Board of Trade; West Side Association of Commerce, Inc. of N. Y. City.

NOTE: (1) Also a Vice President. (2) Also Chairman, Executive Committee. (3) Also Member, Executive Committee.

VICE PRESIDENT

New York Central Railroad Co.
Pittsburgh & Lake Erie R. R. Co.
Chicago River & Indiana R. R. Co.
Lake Erie & Eastern R. R. Co.
Pittsburgh, McKeesport & Youghiogheny R. R. Co.
Stewart R. R. Co.
New York & Harlem R. R. Co.
Cleveland, Cincinnati, Chicago & St. Louis Ry. Co.
Michigan Central R. R. Co.
Peoria & Eastern Ry. Co.
The Owasco River Ry.

Dated: December 20, 1955.

Signed: A. E. BAYLIS.

[F. R. Doc. 55-10529; Filed, Dec. 28, 1955; 1:55 p. m.]

CARLTON S. DARGUSCH

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to Section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Carlton S. Dargusch, Managing Partner, Dargusch, Caren, Greek and King, Columbus, Ohio, as As-

sistant Director for Manpower in the Office of Defense Mobilization.

Mr. Dargusch's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

The following are the corporations in which I was an officer or director within sixty days preceding my appointment:

The Sunday Creek Coal Co., The Clark Grave Vault Co., The Ohio Tuberculosis & Health Assn., Columbus Town Meeting, The Ohio State University, The Ohio State University Research Foundation, The Ohio State University Development Fund, The Ohio Land & Railway Co., The Buckeye Coal & Railway Co., The Ohio National Bank. All of Columbus, Ohio.

The Granville Inn & Golf Course, Inc., Granville, Ohio.

Henrite Products Corporation, Ironton, Ohio.

Ohio Agricultural Experiment Station, Wooster, Ohio.

Gem Coal Co., Drydock Coal Co., The Carbondale Coal Co. All of Nelsonville, Ohio.

I own stocks in the following companies: The Ohio National Bank, the Clark Grave Vault Company, Henrite Products Corporation, The Sunday Creek Coal Company, The Granville Inn & Golf Course, Inc.

I am a member of the law partnership, d/b/a Carlton S. Dargusch, which represents a substantial number of clients largely on an annual retainer basis, and am trustee or executor of several estates holding various securities.

Dated: October 5, 1955.

Signed: CARLTON S. DARGUSCH.

[F. R. Doc. 55-10530; Filed, Dec. 28, 1955; 1:55 p. m.]

LT. GEN. LEROY LUTES

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Lt. Gen. LeRoy Lutes, (Retired), President, Pacific Tire and Rubber Company, Oakland, California, as a Consultant, with the Office of the Assistant Director for Plans and Readiness, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on April 1, 1955.

Mr. Lutes' statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

President; Pacific Tire and Rubber Company, Oakland 1, California.

Vice-President; Mansfield Tire and Rubber Company, Western Division, Oakland Plant Offices.

Stock owned in: Mansfield Tire and Rubber Co., Texas Gulf Producing Co., Atlas Corporation.

Dated: October 14, 1955.

Signed: LEROY LUTES,
Lt. General USA, Ret.

[F. R. Doc. 55-10548; Filed, Dec. 28, 1955; 3:04 p.m.]

EDWIN H. LAND

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Edwin H. Land, Chairman of Board, President, and Director of Research, Polaroid Corporation, Cambridge, Massachusetts, as an Advisor (Member, Science Advisory Committee), with the Science Advisory Committee, Office of Defense Mobilization. This appointment was made under Defense Production Act of 1950 as amended, section 710 (b), October 12, 1955.

Mr. Land's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

Polaroid Corporation, California Edison Company.

Dated: October 12, 1955.

Signed: EDWIN H. LAND.

[F. R. Doc. 55-10549; Filed, Dec. 28, 1955; 3:04 p.m.]

GEORGE R. LESAUVAGE

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. George R. LeSauvage, Assistant to President, Frank J. Shattuck Company, New York, New York, as a Consultant, with the Assistant Director for Stabilization, Office of Defense Mobilization. This appointment was made under section 101 (a) of Executive Order 10182, on October 27, 1954.

Mr. LeSauvage's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

I am employed by the Frank G. Shattuck Company, 58 West 23d Street, New York City.

I own stock in the Frank G. Shattuck Company (common).

I own stock in International Nickel Company (common); International Telephone and Telegraph Company (common).

Dated: December 14, 1955.

Signed: GEORGE R. LESAUVAGE.

[F. R. Doc. 55-10550; Filed, Dec. 28, 1955; 3:04 p. m.]

JAMES F. BROWNLEE

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. James F. Brownlee, Partner, J. H. Whitney & Co., New York, New York, to the position of Consultant to the Director, Office of Defense Mobilization. This appointment was made under E. O. 10182, section 101 (a) on February 10, 1953.

Mr. Brownlee's statement of his business interests is set forth below.

Dated: December 28, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

James F. Brownlee, Partner, J. H. Whitney & Co.

Director of: The American Sugar Refining Co., Chase Manhattan Bank, The Gillette Co., R. H. Macy & Co., Minute Maid Corp.

Trustee of: The Ford Foundation.

Salary received from Minute Maid Corp. (Chairman); Consultant's fee from Calvert Distillers.

Minority stockholdings: American Express Co., American Sugar Refining Co., Atlantic City Electric Co., Amerada Petroleum Corp., American Chicle Co., American Turf Assn., Blue Ridge Mutual Fund, Chase Manhattan Bank, Columbia Baking Co.; Citizens Fidelity Bank & Trust, Churchill Downs Inc., duPont de Nemours, Emery Air Freight, General Electric Co., General Foods Corp., Gillette Co., Green Giant Co., Jefferson Island Salt Co., Liberty National Bank & Trust, Liggett & Myers Tobacco Co., Montgomery Ward, R. H. Macy & Co., National Cash Register Co., J. C. Penney & Co., Phillips Petroleum Co., Pillsbury Mills, Inc., Plymouth Oil Co., Standard Oil Co. of New Jersey, F. W. Woolworth & Co., Westinghouse Electric Co., Ward Baking (Common and Preferred), San Jacinto Petroleum Corp.

Dated: December 23, 1955.

Signed: JAMES F. BROWNLEE.

[F. R. Doc. 55-10551; Filed, Dec. 28, 1955; 3:04 p. m.]

ALBERT J. CAREY

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Albert J. Carey, Assistant Vice President, New York Telephone Company, New York, New York, as a Consultant (Executive Reservist), with the Assistant Director for Production, Office of Defense Mobilization. This appointment was made under Executive Order 10182, section 101 (a) on June 14, 1955.

Mr. Carey's statement of his business interests is set forth below.

Dated: December 27, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

A Director of Fitzpatrick-Pontiac, Inc., located at 62 Westchester Avenue, White Plains, New York.

An Assistant Vice President of the New York Telephone Company.

Owner of 27 shares of A. T. & T. Co. stock.

Owner of 6 A. T. & T. Company convertible debentures valued at $100 each.

Dated: December 21, 1955.

Signed: ALBERT J. CAREY.

[F. R. Doc. 55-10554; Filed, Dec. 28, 1955; 4:07 p. m.]

RUFUS J. WYSOR

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Rufus J. Wysor, Special Consultant, U. S. Steel Corporation, Pittsburgh, Pennsylvania, to the position of Consultant in the Materials area. This appointment was made on March 2, 1954 under Executive Order 10182, section 101 (a).

Mr. Wysor's statement of his business interests is set forth below.

Dated: December 28, 1955.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Bonds: U. S. Government, Ind. Toll Road, S. C. Public Service, Pa. Turnpike, Puerto Rico Water, Orange Village School, Maine Turnpike.

Equities: Jefferson Std. Life, Life & Casualty, National Life, Gulf Life, Life of Virginia.

Investment Trusts: Bullock Fund, Canadian Fund, Chemical Fund, Century Shares Trust.

Stocks: Celanese, Gamble-Skogmo, Dominion Steel & Coal, Dupont, Gulf Oil, J. B. Ivey, Republic Steel, U. S. Steel, Western Auto Supply.

Director: Dominion Steel & Coal Corpn. Ltd.

Pension: Republic Steel.

Consultant: U. S. Steel (expires December 31, 1955).

Dated: December 24, 1955.

Signed: RUFUS J. WYSOR.

[F. R. Doc. 55-10598; Filed, Dec. 29, 1955; 9:20 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 59-72]

COLUMBIA GAS SYSTEM, INC., AND SUBSIDIARIES

NOTICE OF MOTION AND NOTICE OF AND ORDER RECONVENING HEARING TO DETERMINE RETAINABILITY OF CERTAIN SUBSIDIARY COMPANIES

DECEMBER 27, 1955.

The above-entitled proceedings were instituted by the Commission on May 2, 1944 with respect to The Columbia Gas System, Inc. ("Columbia"), a registered holding company formerly known as Columbia Gas & Electric Corporation, and its subsidiary companies, pursuant to section 11 (b) of the Public Utility Holding Company Act of 1935 ("act"). Following the holding of a public hearing the Commission, on November 30, 1944, entered an order which, among other things, directed Columbia to sever its relationship with certain named companies and which reserved jurisdiction with respect to the retainability by Columbia of other named subsidiaries.

Notice is hereby given that Columbia has filed with the Commission a motion requesting that the Commission:

(a) Release the jurisdiction reserved in the order dated November 30, 1944, with respect to the retainability of Columbia's subsidiaries which were not held retainable in 1944; and

(b) Find and determine that the properties and operations of such subsidiary companies, as they exist today, together with the properties and operations of the subsidiary companies which the Commission determined in 1944 were retainable constitute one or more integrated systems of gas utility companies, together with businesses reasonably incidental, or economically necessary or appropriate to the operation of such system or systems, and are retainable by Columbia under section 11 (b) (1) of the act.

I. *Background.* On May 2, 1944 (Holding Company Act Release No. 5024), the Commission instituted the above-entitled proceedings, pursuant to sections 11 (b) (1) and 11 (b) (2) of the act, stating that it tentatively appeared Columbia's holding company system was not confined in its operations to those of a single integrated public-utility system together with additional systems and other businesses retainable under section 11 (b) (1) of the act, that the corporate structure of the system was unduly complicated, and that the voting power of the system was unfairly distributed. Columbia was ordered to file an answer and a hearing was called for the purpose of affording respondents and other interested persons an opportunity to present evidence with respect to the issues raised which are summarized below:

(a) Whether the electric utility assets of Columbia's subsidiaries named as having electric utility assets constituted more than a single integrated public-utility system;

(b) Whether the non-utility operations of those named companies as specified in (a) above were reasonably incidental to the operations of any single integrated public-utility system which the electric utility assets may have constituted;

(c) Whether the gas utility assets used for distribution at retail of Columbia's subsidiaries named as having such assets constituted more than a single integrated public-utility system and additional systems which might be retained by Columbia;

(d) Whether the non-utility businesses of those named subsidiaries as specified in (c) above were reasonably incidental to the operations of any single integrated public-utility system or additional systems;

(e) Whether under sections 11 (b) (1) (A), (B) and (C) of the act Columbia could retain any single integrated public-utility system, additional systems or incidental businesses referred to in (a) and (b) above together with any single integrated public-utility system, additional systems and incidental businesses referred to in (c) and (d) above;

(f) Generally what action was necessary to limit the operations of Columbia's holding company system to a single integrated public-utility system and such additional systems or other businesses as were retainable under section 11 (b) (1) of the act;

(g) What steps were necessary to insure that the corporate structure of Columbia's system would not be unnecessarily complicated or voting power unfairly distributed.

On August 3, 1944, during the course of the hearing, the President of Columbia sent a letter to the Commission outlining a proposed procedure which had as its purpose the shortening of the time which would be involved in the hearing. The letter stated that under the proposed procedure the Commission would be requested to make tentative findings in substance as follows:

A. That section 11 (b) (1) of the act required Columbia to sever its relationship with certain specified companies including the combined gas and electric companies serving the cities of Cincinnati and Dayton, Ohio;

B. That the gas production, transmission, and distribution properties and operations of, and the other businesses conducted by, certain specified companies constituted properties and operations of one or more integrated public-utility systems and businesses reasonably incidental or economically necessary or appropriate to the operation of such system or systems, control of which could be retained by Columbia.

The letter further proposed that the tentative findings would not deal with questions presented by Columbia's retention of ten other subsidiary companies ("the reserved companies") but that the Commission would expressly reserve jurisdiction to determine at a later date whether such companies could be retained by Columbia.

On August 10, 1944, the Commission issued its Memorandum Opinion and Statement of Tentative Conclusions, in substantial conformity with the request of Columbia. (See 16 S. E. C. 401.) Thereafter, the hearing was reconvened after due notice to all interested persons. No one appeared in opposition to the tentative findings of the Commission and the record was closed.

On November 30, 1944, the Commission issued its Findings and Opinion and Order in which the Commission ordered Columbia to sever its relationship with certain companies of which divestiture was required. (See 17 S. E. C. 494 and Holding Company Act Release No. 5455.) Jurisdiction was reserved with respect to the retainability by Columbia of its interest in the reserved companies. The Commission also held that 20 other companies and all their properties and operations were retainable by Columbia. Of these 20 companies, 3 were engaged in oil production, having contractual oil rights in most of the gas acreage drilled by companies in the Columbia system. One was the system service company. The remaining 16 companies, constituting the so-called Columbus, Charleston and Pittsburgh groups, were engaged in the production, transmission, storage, and wholesale and retail distribution of natural gas, some companies combining all these activities, some less than all. Their properties and operations, which were fully interconnected, covered an area extending into the States of Ohio, Pennsylvania, West Virginia, Maryland and Kentucky. The Pennsylvania properties, although chiefly in the western part of the State, included transmission lines running eastward across southern Pennsylvania to points near Philadelphia.

In its November 30, 1944 Opinion, the Commission stated, among other things:

"• • • that the distribution operations of the Charleston, Pittsburgh and Columbus groups are retainable by Columbia Gas under the standards of section 11 (b) (1) (A), (B) and (C) of the act, and that the production and transmission properties owned and operated by the companies within each group bear such a relationship to the distribution facilities as to permit their retention as businesses reasonably incidental, or economically necessary or appropriate to the conduct of the distribution operations."[9]

• • • • •

[9] In view of these findings, we have not deemed it necessary to consider whether the several distribution properties could be found to constitute a single "integrated public-utility system" within the meaning of section 2 (a) (29) (B) of the act, or whether the production and transmission properties could be found to constitute a part of such a system.

Columbia has fully complied with the Commission's 1944 order, having disposed of its interests in all of the companies of which divestiture was required. Of the ten reserved companies, three no longer exist; a fourth, Big Marsh Oil Company, a gas producing company whose wells are now connected with the properties of one of the companies heretofore found retainable, is operated as a part of such company. The remaining six are Atlantic Seaboard Corporation and Home Gas Company, both non-utility transmission companies, and Amere Gas Utilities Company, Virginia Gas Distribution Corporation, The Keystone Gas Company, Inc., and Binghamton Gas Works, all public-utility gas distribution companies.

II. *The Present Columbia System.* The files of the Commission indicate that the present Columbia system is an interconnected natural gas system composed of the parent corporation, Columbia, 14 operating subsidiaries and a subsidiary service company. The operating subsidiaries are engaged in the production, purchase, storage, transmission and distribution of natural gas. Certain subsidiaries produce and sell gasoline and other hydro-carbons and one subsidiary produces and sells oil. Retail natural gas operations are conducted in the States of Ohio, Pennsylvania, West Virginia, Kentucky, New York, Maryland and Virginia. In addition, the system has extensive wholesale operations and sells natural gas to associated and non-associated public-utility companies and municipalities for resale to their customers. The principal communities served at retail are Columbus, Lorain, Toledo and Springfield, Ohio; Pittsburgh (part only) and New Castle, Pennsylvania; Charleston, Huntington and Wheeling, West Virginia; Binghamton, New York; Cumberland, Maryland; and Lexington and Frankfort, Kentucky. Among the principal communities served at wholesale are Cincinnati, Dayton, Lima and Portsmouth, Ohio; Baltimore, Maryland; Richmond, Norfolk, Portsmouth and Roanoke, Virginia; Allentown, Bethlehem, Reading and Harrisburg, Pennsylvania; Nyack and Poughkeepsie, New York; and Washington, D. C. In the aggregate, the utility companies and municipalities which purchase gas at wholesale from the Columbia system serve approximately 1,530,000 customers. The system served at retail approximately 1,253,000 customers as at December 31, 1954.

The operating subsidiaries are segregated into four groups for administrative purposes. Their activities are described below:

1. *Columbus Group.* The Ohio Fuel Gas Company produces, purchases, stores, transports and distributes natural gas at retail in Ohio and sells natural gas at wholesale to non-associated companies.

2. *Pittsburgh Group.* The Manufacturers Light and Heat Company ("Manufacturers") produces, purchases, stores, transports and distributes natural gas at retail in Pennsylvania, West Virginia and Ohio and sells natural gas at wholesale to non-associated and associated companies.

Natural Gas Company of West Virginia produces, purchases, stores, transports and distributes natural gas at retail in Ohio.

Cumberland and Allegheny Gas Company ("Cumberland and Allegheny") produces, purchases, transports and distributes natural gas at retail in Maryland and West Virginia.

Home Gas Company ("Home") operates a transmission system extending across the southern part of New York State, through which is transported natural gas purchased from an associated company and which is sold at wholesale to associated and non-associated companies operating in New York. It also operates storage facilities in New York.

Binghamton Gas Works ("Binghamton") and The Keystone Gas Company Inc. ("Keystone"), purchase natural gas from Home which they distribute at retail in New York.

3. *Charleston Group.* United Fuel Gas Company ("United Fuel") produces, purchases, stores, transports and distributes natural gas at retail in West Virginia and Kentucky and operates minor distribution facilities in Ohio. It also sells natural gas at wholesale to associated and non-associated companies. United Fuel is the principal gas producing company of the system.

Amere Gas Utilities Company ("Amere") distributes natural gas at retail in West Virginia and sells a relatively small volume of gas at wholesale to one non-associated company.

Virginia Gas Distribution Corporation ("Virginia Distribution") distributes natural gas at retail in Virginia.

Central Kentucky Natural Gas Company purchases, stores, transports and distributes natural gas at retail in Kentucky and sells at wholesale to non-associated companies.

Big Marsh Oil Company ("Big Marsh") produces natural gas in West Virginia and sells it to United Fuel.

Atlantic Seaboard Corporation ("Seaboard") operates a transmission system through which natural gas is transported across Kentucky, West Virginia, Virginia and Maryland. Gas is sold at wholesale to non-associated companies for distribution in Washington, D. C.; Baltimore, Maryland; Richmond, Virginia, and other eastern communities. Gas is also sold to Manufacturers and to Cumberland and Allegheny in the Pittsburgh Group and to Amere and Virginia Distribution in the Charleston Group.

4. *Oil Group.* The Preston Oil Company produces oil which it sells to non-associated companies.

Except in the cases of Cumberland and Allegheny and Big Marsh, Columbia owns all of the outstanding securities of its subsidiaries. Cumberland and Allegheny has outstanding with the public certain non-interest bearing purchase money obligations in the principal amount of $833,000, and 27.5 percent of the capital stock of Big Marsh is publicly held.

Set forth as Appendix "A" [1] is a corporate chart of the Columbia system showing the parent, the service company, the four operating groups with the individual companies making up each group, and the type of business of each company in the system.

[1] Filed as part of original document.

Set forth as Appendix "B" is a map which shows the approximate retail service areas of the Columbia system companies, the major transmission lines of the system, and the lines of non-associated pipe line companies in the area. The transmission lines of Seaboard and Home are identified on the map by appropriate legend.

Seaboard, Amere, and Virginia Distribution will hereinafter be referred to collectively as the "Seaboard Companies" and Home, Keystone, and Binghamton as the "New York Companies". Jurisdiction as to retention of all these companies was reserved in 1944. In 1954 the Seaboard and New York Companies accounted for approximately 39.6 percent of the system's wholesale gas sales, 6.2 percent of its retail sales, and approximately 20 percent of its total gas sales.

Columbia asserts that the companies found retainable in 1944 are today engaged in rendering substantially the same kind of service in the same general areas in which such service was rendered in 1944. It further asserts that in 1948 Manufacturers constructed a north-south transmission line in eastern Pennsylvania between Coatesville, Pennsylvania, and Port Jervis, New York, thus connecting the easternmost point of Manufacturers' transmission line in southern Pennsylvania, found retainable in 1944, with the Home transmission line in New York State as to which jurisdiction was reserved. The north-south line renders wholesale service to, among others, nonassociated companies serving Bethlehem, Allentown and Easton, Pennsylvania.

The following table compares the extent of the Columbia system's wholesale and retail sales and revenues at two-year intervals from 1944 through 1954.

TABLE I

	1944	1946	1948	1950	1952	1954
Mcf sales:	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Wholesale sales	24.4	26.6	28.9	32.4	37.5	41.5
Retail sales	75.6	73.4	71.1	67.6	62.5	58.5
Total sales	100.0	100.0	100.0	100.0	100.0	100.0
Revenues:						
Wholesale revenues	18.0	19.3	19.9	22.7	29.2	32.3
Retail revenues	82.0	80.7	80.1	77.3	70.8	67.7
Total revenues	100.0	100.0	100.0	100.0	100.0	100.0

The following table compares the 1944 and 1954 sales and revenues, showing the total increases during the ten-year period.

TABLE II

	1944	1954	Increase	
				Percent
MMcf sales:				
Wholesale sales	41,480	201,857	160,377	386.6
Retail sales	128,520	284,975	156,455	121.7
Total sales	170,000	486,832	316,832	186.4
Revenues:				
Wholesale revenues	$14,580,000	$83,200,000	$68,620,000	470.6
Retail revenues	66,420,000	170,259,000	103,839,000	156.3
Total revenues	81,000,000	253,459,000	172,459,000	212.9

The New York Companies. The retail distribution properties of Binghamton and Keystone are located along the gas transmission line of Home. Home receives its supplies of natural gas, both at its west end and near its east end, from Manufacturers, and through Manufacturers draws on the resources of Columbia's pooled gas supply. The properties of Keystone in and around Olean, New York, are approximately 10 miles from distribution properties of Manufacturers located in northern Pennsylvania. The properties of Keystone and Binghamton in Binghamton, Johnson City, Endicott and Delaware County, New York, are farther east, but are closely clustered along the east-west Home transmission line running through the "southern tier" counties of New York State.

Home owns and operates a gas transmission line located in New York State which extends approximately 250 miles eastward from Olean, New York through the "southern tier" counties to Nyack, New York, paralleling the Pennsylvania State line. The line connects at its west end, near Olean, with a transmsision line of Manufacturers and also connects at Port Jervis, New York, in the east, with the Coatesville-Port Jervis line of Manufacturers.

Home has gas storage fields at points along or closely adjacent to its line. It supplies all of the gas requirements of Binghamton and Keystone and sells gas to non-associated public utility companies. During the year 1954, Home sold to Binghamton and Keystone a total of 8,672,652 Mcf, or approximately 60 percent of its total sales. It sold 5,664,940 Mcf, or approximately 40 percent of its total sales to non-associated public utility companies. Its net plant at December 31, 1954, was stated at $12,690,000. For the calendar year 1954 Home reported earnings approximating 6½ percent of its total average invested capital during that year.

Columbia alleges that the New York companies are related to the gas utility companies found retainable in 1944 in view of the functional and operating relationships which exist between such companies; that the gas supply of the New York distribution companies is obtained from Home at a cost which reflects the benefits to be derived from coordinated operations, including Columbia's pooled gas supply and its storage facilities; that the system gas supply is adequate to supply the needs of the New York companies; that construction by the New York companies is financed by Columbia at a cost which is more reasonable than would be the case if these companies were required to finance themselves; that retention of the New York gas utility companies would not materially increase the size of Columbia's retainable utility system or systems, since the combined net utility plant of Keystone and Binghamton, aggregating approximately $7,267,000 at December 31, 1954, represented only about 1.5 percent of the system net utility plant heretofore found retainable and which aggregated $480,055,000 at the same date; that the New York distribution companies are subject to regulation by the New York Public Service Commission and that all of the Columbia subsidiaries which are engaged in the interstate transportation or sale of natural gas, including Home, are regulated by the Federal Power Commission.

The Seaboard Companies. The retail distribution properties of Amere and Virginia Distribution are located along the Seaboard 20-inch transmission line which extends east and northeast from Boldman, Kentucky to the Pennsylvania-Maryland border. The principal retail distribution operations of Amere are located in and around Beckley, West Virginia, which is approximately 30 miles from the retainable retail distribution operations of United Fuel. All of Amere's retail distribution operations are in West Virginia, and none is more than 75 miles from the retainable distribution facilities of United Fuel.

Virginia Distribution sells natural gas at retail in a number of small communities located along the Seaboard 20-inch transmission line in Virginia, the closest of which is approximately 20 miles east of the nearest properties of Amere. All of the towns served are within 20 miles of the Seaboard properties. The properties of Virginia Distribution roughly parallel the retainable retail distribution properties of Cumberland and Allegheny in Maryland and West Virginia and none of Virginia Distribution's properties is more than 80 miles from retail distribution properties of other companies held retainable in 1944.

Seaboard owns and operates two high pressure gas transmission lines. One of these is a 20-inch line constructed in 1931 extending 420 miles from Boldman, Kentucky, eastward across West Virginia, Virginia, and Maryland to the Pennsylvania boundary where it connects with the southern Pennsylvania transmission line of Manufacturers held retainable in 1944. The other Seaboard line is a 26-inch line constructed in 1949 extending 260 miles from United Fuel's Cobb compressor station near Charleston, West Virginia, eastward across West Virginia and Virginia to a connection with the 20-inch Seaboard line near Washington, D. C. Seaboard makes wholesale sales to Amere and Virginia

Distribution and to nonassociated companies serving Washington, Baltimore, the Virginia tide-water area, and other cities and communities.

The following table shows the quantities of gas sold by Seaboard in 1953 and 1954 to nonassociated companies and to associated companies for system use. The sales to associated companies are divided as between those made to companies found to be retainable in 1944 and those over which jurisdiction as to retainability was reserved.

TABLE III

Sales to—	1953		1954	
	MMcf	*Percent*	*MMcf*	*Percent*
Nonassociated companies	61,453	81.90	73,961	84.06
Associates found retainable	6,430	8.57	6,264	7.12
Associates—reserved	7,150	9.53	7,764	8.82
	75,033	100.00	87,989	100.00

Columbia contends that, apart from the actual sales of gas in the ordinary course of business by Seaboard to associated gas utility companies, Seaboard has in the past and stands ready in the future to provide additional gas to the system in the event of an emergency.

Seaboard purchases all of its gas from United Fuel, one of the companies found retainable in 1944. Net plant of Seaboard at December 31, 1954, was stated at $52,993,000. For the calendar year 1954 Seaboard reported earnings, including net contingent earnings, approximating 5.4 percent of its total average invested capital during that year, and approximating 5 percent, excluding net contingent earnings. Contingent earnings are defined as those which result from the collection of higher rates under bond pending determination of the rate to be allowed by the regulatory body having jurisdiction.

Columbia alleges that the Seaboard companies are related to the gas utility companies found retainable in 1944 in view of the functional and operating relationships which exist between such companies; that there is physical interconnection of the properties by means of which Seaboard is able to purchase all of its gas requirements from United Fuel and supply all of the gas requirements of Virginia Distribution and most of the gas requirements of Amere; that in 1954 Seaboard furnished approximately 4 percent of the gas supply of Manufacturers and about 5 percent of the requirements of Cumberland and Allegheny; that Amere and Virginia Distribution participate in the system's pooled gas supply and benefit from system storage facilities and other coordinated operations; that the Seaboard companies' construction requirements are financed by Columbia at a cost which is more reasonable than the cost would be if these companies were required to finance themselves; that retention of Amere and Virginia Distribution would not substantially increase the size of the public utility system or systems found retainable by Columbia, since the combined net utility plant of Amere and Virginia Distribution, aggregating approximately $6,963,000 at December 31, 1954, represented only 1.4 percent of the system net utility plant heretofore found retainable; that Amere is subject to regulation by the West Virginia Public Service Commission and Virginia Distribution is subject to regulation by the Virginia State Corporation Commission; and that United Fuel, Seaboard and Amere are regulated by the Federal Power Commission.

Big Marsh Oil Company. In 1944, the four natural gas wells of Big Marsh, because of their location, were shut in and not interconnected with any Columbia system properties. Columbia alleges that since 1944 other producing gas wells have been discovered in the same area; that it has become economically feasible to install gathering lines to the Big Marsh wells and the other wells in that area; and that the production properties of Big Marsh are now operated in the same manner as are all other Columbia system producing gas wells.

III. *Columbia's contentions as to retainability of the reserved companies.* In support of its motion Columbia contends that the Seaboard and New York companies have had and now have a close operating and functional relationship with the companies which the Commission in 1944 determined were retainable by Columbia and are largely dependent on them for their gas supply; that in the context of the natural gas industry as it existed in 1944, in which local production of gas close to market was predominant and long-distance transmission the exception, the Seaboard and New York companies possibly presented some unusual questions under section 11 of the act thus accounting for the suggestion by Columbia that the Commission reserve jurisdiction in its November 30, 1944, order over the retainability by Columbia of the Seaboard and New York companies; that the section 11 questions related to the Seaboard and New York companies which may have seemed unusual in the context of the natural gas industry in 1944 have been basically altered by the tremendous increase in size and scope and the basic changes in character of operations of the industry; that the necessity for the Columbia system to meet increased winter peaks coupled with the system's necessity of obtaining large volumes of gas from distant southwest areas has greatly increased the necessity for underground storage reservoirs located close to Columbia's service areas in which gas can be stored during the summer months (using the long-distance southwest pipelines at a high annual load factor) and from which reservoirs the gas can be withdrawn as required to meet winter peaks; that since 1944 the properties and operations of the Seaboard and New York companies and of the remainder of the Columbia system have been altered in such manner as to make them continually more interrelated and coordinated in operation; that the net plant, property and equipment of the system has increased during the ten-year period from approximately $192,000,000 in 1944 to approximately $561,000,000 in 1954; that the net plant, property and equipment of the Seaboard and New York companies has increased from approximately $14,768,000 in 1944 to approximately $79,913,000 in 1954; that Columbia's construction program has been planned to meet the coordinated requirements of the system as a whole in which the requirements of the Seaboard and New York companies have been an integral part; and that under existing conditions the properties of the Seaboard and New York companies are clearly retainable by Columbia under the standards of section 11 (b) (1) of the act.

IV. *Procedure.* In view of the aforesaid motion filed by Columbia and to assist the Commission in resolving the issues which remain unresolved as a result of the reservation of jurisdiction in the order of November 30, 1944, the Commission deems it appropriate that the hearing in this matter be reconvened for the purpose of adducing evidence to enable the Commission to determine whether the holding company system of Columbia as presently constituted is confined in its operations to those of a single integrated public-utility system, within the meaning of the act, or to those of a single integrated public-utility system together with such additional integrated public-utility systems as meet the requirements of section 11 (b) (1) (A) (B) (C) and such other businesses as can be retained under the standards of section 11 (b) (1).

It is ordered, That the hearing in the above-entitled matter be reconvened on the 30th day of January 1956 at 10 a. m. at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On said date the Hearing Room Clerk in Room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the reconvened hearing should file with the Secretary of the Commission on or before January 23, 1956, a request relative thereto as provided in Rule XVII of the Commission's Rules of Practice.

It is further ordered, That James G. Ewell or any other officer of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the motion filed by Columbia and its brief in support thereof and that it has made a further examination of the relationships among the companies in the Columbia holding company system and the properties owned or controlled by Columbia and its subsidiaries and on the basis thereof the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the New York and Seaboard subsidiaries which distribute natural gas at retail constitute, together with the gas utility companies found retainable in 1944, a single integrated public-utility system and, specifically, what

economies, if any, are effectuated by the coordinated operation as a single system of all the subsidiaries of Columbia which distribute natural gas at retail;

(2) If all of the subsidiaries of Columbia which distribute natural gas at retail do not constitute a single integrated public-utility system, whether the New York and Seaboard subsidiaries which distribute natural gas at retail are a part of any single integrated public-utility system controlled by Columbia or constitute systems additional to any single integrated public-utility system controlled by Columbia and whether as additional systems they may be retained by Columbia under section 11 (b) (1) of the act;

(3) If the New York and Seaboard subsidiaries which distribute natural gas at retail constitute part or parts of any additional integrated public-utility system or systems held retainable by Columbia in 1944, what economies, if any, are effectuated by the coordinated operation of such additional single system or systems;

(4) If the New York and Seaboard subsidiaries which distribute natural gas at retail constitute additional integrated public-utility systems, what economies, if any, would be lost if control of such additional systems were not retained by Columbia;

(5) If all of the subsidiaries of Columbia which distribute natural gas at retail constitute a single integrated public-utility system, whether the nonutility businesses and operations of the New York and Seaboard companies and Big Marsh are reasonably incidental or economically necessary or appropriate to the operation of such system and whether their retention would not be detrimental to the proper functioning of such system;

(6) If all of the subsidiaries of Columbia which distribute natural gas at retail constitute more than a single integrated public-utility system, whether the non-utility businesses and operations of the New York and Seaboard companies and Big Marsh are reasonably incidental and economically necessary or appropriate to the operation of any single integrated public-utility system or retainable additional systems and whether their retention would not be detrimental to the proper functioning of any such system or systems;

(7) Whether it would be appropriate in the public interest and in the interest of investors and consumers to grant, in whole or in part, the aforesaid motion filed by Columbia;

(8) Generally, what properties and companies now controlled by Columbia with respect to the retainability of which the Commission reserved jurisdiction in the aforesaid order of November 30, 1944, may be retained by Columbia under the applicable standards of section 11 (b) (1) of the act.

It is further ordered, That at such reconvened hearing particular attention be directed to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the reconvened hearing by mailing a copy of this Notice and Order by registered mail to Columbia, the Federal Power Commission, the Ohio Public Utilities Commission, the West Virginia Public Service Commission, the Virginia State Corporation Commission, the Maryland Public Service Commission, the District of Columbia Public Utilities Commission, the Pennsylvania Public Utility Commission, the New York Public Service Commission, the Kentucky Public Service Commission, the Washington Gas Light Company, the Baltimore Gas and Electric Company, the Commonwealth Natural Gas Corporation, the Central Hudson Gas & Electric Corporation, the Rockland Light and Power Company, and the mayors of the following cities: Columbus, Lorain, Toledo, Springfield, Cincinnati, Lima and Dayton, Ohio; Pittsburgh and New Castle, Pennsylvania; Charleston, Huntington and Wheeling, West Virginia; Frankfort, Covington, Lexington and Ashland, Kentucky; Binghamton, Olean, Poughkeepsie and Nyack, New York; Staunton, Richmond, Portsmouth, Norfolk and Roanoke, Virginia; and Cumberland, Hagerstown and Baltimore, Maryland; that notice is hereby given of said reconvened hearing to all companies hereinabove mentioned by name and to all other persons including the security holders of Columbia, all state municipalities and political subdivisions of states within which are located any of the physical assets of the Columbia system, all State Securities Commissions and all agencies, authorities or instrumentalities of one or more states, municipalities or other political subdivisions having jurisdiction over Columbia or its subsidiaries or any of the businesses, affairs or operations of any of them; that notice of such reconvened hearing shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list of the Commission for releases issued under the Act; and that further notice be given to all persons by publication of this Notice and Order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-10595; Filed, Dec. 30, 1955; 8:53 a. m.]

[File No. 70-3429]

WHEELING ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING ISSUANCE AND SALE OF NOT IN EXCESS OF $7,000,000 OF BANK LOAN NOTES

DECEMBER 27, 1955.

Wheeling Electric Company ("Wheeling"), a public utility subsidiary of American Gas and Electric Company, a registered holding company, has filed a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), regarding the following proposed transactions:

Wheeling proposes, pursuant to a bank loan agreement dated as of December 1, 1955, to borrow, from time to time prior to December 31, 1956, from the following banks, not in excess of the amounts set forth below:

Mellon National Bank & Trust Co., Pittsburgh, Pa.	$3,000,000
Bankers Trust Co., New York, N. Y.	1,000,000
The First National City Bank of New York	1,000,000
Guaranty Trust Co. of New York	1,000,000
Manufacturers Trust Co., New York, N. Y.	1,000,000
Total	7,000,000

Each borrowing will be evidenced by a promissory note maturing December 1, 1965, and bearing interest at the prime commercial loan rate of the particular bank in effect from time to time, plus ¼ of 1 percent, but the interest rate shall at no time exceed 3¾ percent or be less than 2¾ percent per annum. In addition, Wheeling will pay substitute interest at the rate of ¼ of 1 percent per annum on the daily average unused amount of the commitment of each bank from December 1, 1955, through December 31, 1956.

The notes may be prepaid at any time without penalty unless prepayment is made from the proceeds of, or in anticipation of, bank borrowings at a rate of interest equal to or less than the applicable rate on the notes to be prepaid. In such latter event, with certain exceptions, a prepayment premium shall be payable computed at the rate of ¼ of 1 percent per annum of the amount prepaid, from the date of prepayment to and including December 1, 1965.

The proceeds from the borrowings are to be used to prepay all bank loan notes outstanding at the date of the proposed initial borrowings, and to pay in part for the construction of additional facilities, the cost of which is estimated at $2,900,000 for the last half of 1955 and for the year 1956.

The bank loan agreement provides, among other things, that Wheeling will not create or permit any mortgage on its property or incur any indebtedness for borrowed money if the total principal amount of all indebtedness to be outstanding shall exceed the lesser of (a) 62½ percent of the company's capitalization, or (b) $12,000,000. The agreement also provides that the company upon specified notice may terminate, or from time to time reduce, the commitments of the banks.

The issuance and sale of the proposed bank loan notes in the aggregate amount of $7,000,000 have been authorized by the Public Utilities Commission of Ohio, in which State a portion of Wheeling's operations is conducted.

Notice of the filing of the declaration having been duly given in the manner prescribed by Rule U-23 under the act, and no hearing having been requested of, or ordered by, the Commission; and

The Commission observing no basis for adverse findings, and finding that the applicable provisions of the Act and the Rules thereunder are satisfied, and it appearing that the fees and expenses to be incurred, consisting of legal fees of not to exceed $1,200, payable $1,000 to Simpson, Thacher & Bartlett and $200 to Pomerene, Burns & Milligan, and of miscellaneous expenses of $100, are not

unreasonable, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration be permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that the declaration be, and it hereby is, permitted to become effective forthwith, subject to the conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-10596; Filed, Dec. 30, 1955; 8:53 a. m.]

[File No. 812-979]

DAVENPORT INVESTMENT FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF CLOSED-END INVESTMENT COMPANY

DECEMBER 27, 1955.

Notice is hereby given that Davenport Investment Fund, Inc. ("Davenport"), a corporation organized under the laws of the State of Rhode Island, has filed an application pursuant to section 6 (d) of the Investment Company Act of 1940 ("act"), and Rule N-6D-1 thereunder, for an order of the Commission exempting it from the provisions of the act. Davenport has agreed that it will accept and be subject to any specified provisions of the act if the Commission deems it necessary or appropriate in the public interest or for the protection of investors that it should be so subject.

Davenport is a closed-end non-diversified management investment company as defined in the act and was organized on November 29, 1955. Its authorized capital consists of 100,000 shares of $1 par value common stock. The company proposes to offer such shares to residents of the State of Rhode Island at an aggregate public offering price not to exceed $100,000.

Davenport proposes to invest the larger percentage of its capital in common stocks of various corporations, while a smaller percentage will be invested in preferred stocks and corporate bonds. It will not issue senior securities, nor underwrite the securities of other issuers, nor purchase and sell real estate, commodities or commodity contracts, nor make loans to other persons.

Section 6 (d) of the act provides in substance that the Commission by order upon application shall exempt a closed-end investment company from any or all provisions of the act, but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if the aggregate sums received from the sale of all its securities, outstanding and proposed to be offered, do not exceed $100,000 and if the sale of its securities is restricted to the residents of the state of its organization.

Section 6 (e) of the act provides that if, in connection with any provisions of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the act pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

The Division of Corporate Regulation has recommended that exemption be granted from the following provisions of the act and the respective Rules and Regulations promulgated under each of such provisions:

Section 7; section 8 (b), except the requirement to file the information required by Items 3, 4, and 5 of Form N-8B-1 and to report to the Commission any changes thereafter in respect thereof; section 10 (b) (1), but only for a period of 60 days following issuance of the Commission's order herein; section 14; section 20 (a); section 23 (c); section 24 (d) insofar as such section makes inapplicable the provisions of section 3 (a) (11) of the Securities Act of 1933 to any securities of a registered investment company; section 30 (a); section 30 (b), except that Davenport shall, pursuant to section 30 (b) (2), file with the Commission copies of all reports sent to stockholders pursuant to section 30 (d) which reports to stockholders shall be accompanied by a certificate of independent public accountants pursuant to section 30 (e); section 30 (f), to the extent that the subject persons shall not be required to file reports more than once each six months; and section 32 (a): *Provided*, That the applicant shall continue to comply with the provisions of sections 6 (d) (1) and 6 (d) (2) of the act and shall at all times maintain its classification as a closed-end company as defined in section 5 (a) (2) of the act.

Notice is further given that any interested person may, not later than January 10, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing hereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-10597; Filed, Dec. 30, 1955; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARIE SCHUEBEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marie Schuebel, nee Keiner, Bavaria, Germany, Claim No. 43047, Vesting Order No. 3130; $226.25 in the Treasury of the United States.

Executed at Washington, D. C., on December 21, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-10535; Filed, Dec. 30, 1955; 8:45 a. m.]

OSCAR THEODORE AND FREDERICK DE SOLA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Oscar Theodore de Sola, Caracas, Venezuela, Claims Nos. 41547, and 41548; Frederick de Sola, Orselina sopra Locarno, Canton Tessin, Switzerland, Claims Nos. 41549, and 41550, Voluntary Turnovers; $2,238.67 in the Treasury of the United States; one-half (½) thereof to each claimant.

Executed at Washington, D. C., on December 21, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-10536; Filed, Dec. 30, 1955; 8:45 a. m.]

ANDREAS REICHMANN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

$5,434.81 in the Treasury of the United States, to the claimants in the following proportions:

1. Andreas Reichmann, Graben No. 5, Lina/Donau, Austria: 23/264 thereof.
2. Anna Reichmann, Trabenig 26, Austria: 23/264 thereof.

3. Anton Reichmann, Wernberg, Austria: 23/264 thereof.
4. Cecilia Pachleitner, Rischofstrasse No. 9, Lina/Donau, Austria: 23/264 thereof.
5. Ernst Reichmann, Trabenig No. 17, Austria: 23/264 thereof.
6. Heinrich Reichmann, Trabenig No. 26, Austria: 23/264 thereof.
7. Joseph Reichmann, Ossiacherzelle, Villach, Austria: 23/264 thereof.
8. Juliane Schaller, Trabenig 26, Gen. Wernberg, Austria: 23/264 thereof.
9. Maria Nebohl, Moedling bei Wien, Austria: 23/264 thereof.
10. Robert Reichmann, Lichtersberg No. 4, Alt-Aussee, Austria: 23/264 thereof.
11. Lydia Reichmann as Guardian of, Franz Erwin Reichmann, Trabenig No. 17, Post Foderlach, Austria: 35/528 thereof.
12. Lydia Reichmann, Trabenig No. 17, Post Foderlach, Austria: 1/48 thereof.
13. Joseph Reichmann, Sr., Trabenig No. 17, Post Foderlach, Austria: 1/24 thereof.

Claim No. 44997.

Executed at Washington, D. C., on December 21, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-10537; Filed, Dec. 30, 1955; 8:45 a. m.]

LINA FRANK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Lina Frank, Hotel Majestic, Turin, Italy, Claim No. 57691; Vesting Order No. 740; $303.80 in the Treasury of the United States.

Executed at Washington, D. C., on December 21, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-10538; Filed, Dec. 30, 1955; 8:46 a. m.]

JOSEF ZELENY ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Property and Location

Josef Zeleny, Vienna, Austria, Claim No. 41971, Vesting Order No. 4040; in the Treasury of the United States, $221.34.

Leopoldine Zeleny Kneifel, Vienna, Austria, Claim No. 41971, Vesting Order No. 4040; in the Treasury of the United States, $221.34.

Rosa Juran Spiegel, Vienna, Austria, Claim No. 41972, Vesting Order No. 4040; in the Treasury of the United States, $442.68.

Executed at Washington, D. C., on December 21, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-10539; Filed, Dec. 30, 1955; 8:46 a. m.]

ERNESTO JORGE HASTEDT MINCK AND ELENA HASTEDT DEBLAND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ernesto Jorge Hastedt Minck and Elena Hastedt DeBland, Both of Guatemala City, Guatemala, Claim No. 4386; $3,635 in the Treasury of the United States. One-half thereof to each claimant.

Executed at Washington, D. C., on December 21, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-10542; Filed, Dec. 30, 1955; 8:46 a. m.]

MARIE KERNBICHLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Property, and Location

Marie Kernbichler, Pfaffstatten, Austria, Claim No. 59160; $367.65 in the Treasury of the United States.

Marie Kernbichler, Pfaffstatten, Austria; Therese Woeber, Vienna, Austria; Franziska Dandl, Vienna, Austria; Anton Dandl, Vienna, Austria; Rosa Dandl, Vienna, Austria, Claim No. 59161; $367.65 in the Treasury of the United States, one-half (½) thereof to Marie Kernbichler and the remainder, in equal shares, to Therese Woeber, Franziska Dandl, Anton Dandl and Rosa Dandl.

Therese Woeber, Vienna, Austria, Claim No. 59162; $91.91 in the Treasury of the United States.

Franziska Dandl, Vienna, Austria, Claim No. 59163; $91.91 in the Treasury of the United States.

Anton Dandl, Vienna, Austria, Claim No. 59164; $91.91 in the Treasury of the United States.

Rosa Dandl, Vienna, Austria, Claim No. 59165; $91.91 in the Treasury of the United States.

Executed at Washington, D. C., on December 21, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-10541; Filed, Dec. 30, 1955; 8:46 a. m.]

SCHOTT FRERES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Otto Junne d/b/a Schott Freres, 30, rue St. Jean, Bruxelles, Belgium, Claim No. 43973; $65.94 in the Treasury of the United States.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the works entitled: In Venice, Rope Dance, at Fountain, Waltz Lullaby, Minuet, Le Bouton D'Or, Le Camelia, Hear Me and L'Azalee, by Henri Van Gael; Valse Seranade, by Rene Demaret; Impromptu Seranade, and La Gracieuse, by Theodore Lack; Petite Romance Expressive, by M. P. Marsick and Menuet Des Roses, Chanson Venitienne and Impromptu Pompadour, by Albert Landry, as listed in Exhibit A of Vesting Orders Nos. 4031 (9 F. R. 13780, November 17, 1944) and 4034 (9 F. R. 13781, November 17, 1944), to the extent owned by Otto Junne d/b/a Schott Freres immediately prior to the vesting thereof by Vesting Orders Nos. 4031 and 4034.

Executed at Washington, D. C., on December 21, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-10540; Filed, Dec. 30, 1955; 8:46 a. m.]

CORNELIS GERHARD CAREL SCHÜTTE AND ANNA SCHÜTTE DIEPENHORST

AMENDED NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Whereas, a Notice of Intention to Return Vested Property was published in the FEDERAL REGISTER on July 8, 1955 (20 F. R. 4884) with respect to the return to D. C. Schütte the sum of $4,236.67 in the Treasury of the United States;

Whereas, information was subsequently received to the effect that D. C. Schütte died in The Netherlands on April 29, 1950, leaving as his heirs Cornelis Gerhard Carel Schütte and Anna Schütte Diepenhorst;

Whereas, the aforesaid heirs have been substituted as claimants in this matter;

Now, therefore, pursuant to section 32 of the Trading with the Enemy Act, as amended, said Notice of Intention to Return Vested Property is hereby amended by deleting under "Claimant" the name D. C. Schütte and under "Property and Location" $4,236.67 in the Treasury of the United States and substituting therefor the following:

Claimant, Property and Location

Cornelis Gerhard Carel Schütte, Zeist, The Netherlands; Anna Schütte Diepenhorst, Epe, The Netherlands, Claim No. 41848; Vesting Order No. 248; $4,236.67 in the Treasury of the United States to the claimants in equal shares.

Executed at Washington, D. C., on December 21, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-10543; Filed, Dec. 30, 1955; 8:46 a. m.]